



United States
of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 111th CONGRESS, SECOND SESSION

SENATE—Monday, March 22, 2010

(Legislative day of Friday, March 19, 2010)

The Senate met at 2:01 p.m., on the expiration of the recess, and was called to order by the Honorable MARK WARNER, a Senator from the Commonwealth of Virginia.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Almighty God, Father of mercies, we praise You for Your goodness and kindness to us and humanity. Give strength to the Members of this body as they toil in these fields of time. Cleanse and correct their vision so that they can see the transient in the light of the everlasting. Lord, infuse them with a serenity to meet a sometimes agitated environment with unruffled kindness, thereby reflecting Your image and character. May they be more interested to know the truth about themselves than about others. Keep them ever near to You.

We pray in Your great Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable MARK WARNER led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Mr. President, following leader remarks, the Senate will be in a period for the transaction of morning business until 3 p.m., with Senators permitted to speak for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees.

At 3 p.m., the Senate will resume consideration of H.R. 1586, the Federal

Aviation Administration legislation. At 5:30 p.m., the Senate will proceed to a series of up to three rollcall votes in relation to the FAA bill. Senators will be notified when we know exactly how many rollcall votes will be necessary before we complete action on the bill tonight.

TRIBUTE TO STEWART UDALL

Mr. REID. Mr. President, our country has lost a friend, a patriot, and an environmental pioneer, Stewart Udall. Stewart Udall did more to preserve and protect the American landscape than probably anyone else. He died this weekend. Our thoughts are with his family and many friends.

On my last trip to New Mexico, I had the good fortune of being able to sit and talk with Stewart Udall for about an hour. It was a wonderful experience for me. I had never met him. I had served with his brother in the House of Representatives, but this was the first conversation I ever had with him. It was wonderful. He was physically a little impaired, but his mind was sharp as a tack. We talked about things that had happened or things that were happening. He was in great spirits and good humor. That is how I will always remember him.

The last surviving member of President Kennedy's original Cabinet, Stewart Udall served as Secretary of the Interior for nearly the entire 1960s. In that position for both Presidents Kennedy and Johnson, the man who asked us to not spoil our natural surroundings left an indelible imprint on our land.

His legacy as Secretary of the Interior includes four national parks, six national monuments, eight national seashores, nine national recreational areas, 20 historic sites, and 50 wildlife refuges. That is hard to comprehend.

He was a versatile, talented, and very accomplished man. He served our Nation in the Army Air Corps, later to become the Air Force. He served in Europe during World War II. He was a sig-

nificantly good basketball player at the University of Arizona. He was an All-Conference guard. He taught students at Yale and wrote books that have been read by millions.

He reached the summits of Mount Kilimanjaro and Japan's Mount Fuji. At 84, he was still rafting the Colorado River and hiking in the Grand Canyon.

Before he was Secretary Udall, he was Arizona's Congressman Udall. Decades later, as I indicated, I served with his famous brother, Mo Udall. Now we are all privileged, we Senators, to serve with Secretary Udall's son and his nephew, TOM and MARK. What a great legacy—two cousins now serving in the Senate. A lot of people do not know their first cousin is Gordon Smith, a former Senator from Oregon. It is an accomplished family.

As a dedicated steward of our environment, Stewart Udall's guiding principle was that our resources are not limitless. They are scarce, he reminded us, and they should be sincerely treasured, always protected, and never taken for granted. The same can be said of Stewart Udall.

HEALTH CARE

Mr. REID. Mr. President, the House of Representatives deserves the appreciation of the entire Nation for what it did last night. A clear majority of Congressmen and Congresswomen voted in favor of the bill that a supermajority of Senators passed on Christmas Eve a few months ago. Tomorrow the Senate will begin to put the final touches on this enormous effort.

Last night's vote took both courage and common sense. Their votes were momentous. They were historic. They were right.

After a century of working and waiting, going back to the days of Theodore Roosevelt, real reform will become the law of the land, not in a matter of years or months or weeks but in a matter of hours. In the very near future, various parts of this bill will take effect and improve the life of millions.

Soon insurance companies will no longer be able to refuse to cover children with preexisting conditions. They will no longer be able to drop your coverage just because you get sick.

Small businesses that today cannot afford to cover their employees will soon get tax credits to help them right that wrong. Tens of thousands of small businesses will benefit in Nevada alone—24,000 to be exact.

Reform means that if you have a preexisting condition and no health insurance, you soon will be able to finally afford the care you need to get and stay healthy.

If you are stuck in the prescription drug doughnut hole, you will soon get a check to help pay for your medicine. That will help seniors stay healthy while we completely close that loop-hole, once and for all, for nearly 60,000 Nevada seniors and millions more across the country.

Also, starting this year, no insurance company will be able to impose a lifetime limit on your benefits.

Those changes are just a tip of the iceberg. They are only some of the benefits that will kick in almost immediately—some in 3 months, some in 6 months but none longer than what I am going to talk about today—just a fraction of what this bill will do over the long term for the health of our Nation, our economy, and, most importantly, our citizens.

When all is said and done, more than 600,000 Nevadans will be able to access affordable coverage. More than 300,000 Nevadans will get tax credits to help them buy health coverage from the private market. Another 300,000 seniors in the State of Nevada will get free preventive annual services, such as physicals and checkups.

Nevadans who buy insurance on their own will also save money. Because of this bill, their premiums will go down as much as 20 percent, which means Nevada families can save more than \$2,000 a year.

This bill will also save our country money and lots of it. Over the next 10 years, it will slash our deficit by \$143 billion; in the next 10 years, a \$1.3 trillion deficit reduction.

Many Senators deserve credit for getting us this far, and many will help us cross the finish line this week.

I thank especially Chairman BAUCUS, who oversaw the financial aspect of this bill that will bring down health care costs and vastly reduce our deficit; Chairman DODD, who oversaw the parts of reform that will ensure more healthy Americans, and they did that in the HELP Committee. Not only will it allow people to stay healthy, it will allow them to stop being sick in the first place. Our friend, Ted Kennedy, must surely be proud of this work. Chairman HARKIN, who has led the HELP Committee down the home stretch, deserves our thanks for the

work he has done to make college more affordable. Chairman CONRAD, who is head of the Budget Committee, will continue to guide us through the budget reconciliation process—a fiscally responsible final piece that will further reduce the deficit, ensure more Americans can afford more health insurance, and fully close the doughnut hole.

I know the other side watched the House vote last night, as we did. As they did, I hope they finally learned that a strategy of delay, myths, and fear might slow progress, but it cannot stop it. I hope this week, when we take up the final revisions of what will soon be the long overdue law, our Republican friends will finally act in the interests of their constituents and not just in the interests of the insurance industry or their political party.

The other side has made it clear they will try to stop progress based on a technicality. But without substance, they are powerless. What this budget process is all about is simply making a good law that we passed on Christmas Eve even better.

The other side is still talking about the number of pages in the bill, but we will not stop talking about the number of lives it will save.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

HEALTH CARE

Mr. MCCONNELL. Mr. President, last night marked a turning point in our politics and in our Nation.

On a Sunday night in March, with the Nation howling in opposition, a bare majority of Democrats in the people's House ignored the people to claim a win for their party, and then they celebrated. The American people watched all this in utter disbelief.

Here is what the Democrats voted for last night: a vast expansion of the entitlement state that we cannot afford, massive cuts to Medicare, higher taxes, higher health care costs, worse care, taxpayer-funded abortions. Do not believe the spin that this was not a party-line vote. Yes, not a single Republican voted for the bill, but a whole lot of Democrats voted against it as well.

The fact is, the so-called Senate version of the health care bill that passed the House last night could not even pass the Senate today. Why is that? Because this bill is so deeply unpopular that the voters in the most liberal State in the country just elected a Republican to the Senate for the first time in nearly four decades in order to stop it.

Democrats want to pretend this did not happen. They want to pretend New

Jersey and Virginia and Massachusetts simply did not happen. They want to pretend the views of the people who sent us here do not matter. They want to pretend we can afford a \$2.5 trillion entitlement in the middle of a recession, when we cannot even meet the obligations we already have. They want to pretend future generations will not have to bear the burden of their actions. They want to pretend our actions today will not affect the American dream tomorrow.

They are living in a fantasy, and today that fantasy becomes even more absurd. As if the bill they voted on yesterday was not bad enough, now they want to make it even worse. That is what is going to happen in the Senate. That is what is going to happen in the Senate this week.

Democratic leaders now want us to take the bill that passed the Senate back in December and that the House voted on last night and make the tax hikes even higher and the Medicare cuts even deeper. They want us to endorse a raft of new sweetheart deals that were struck behind closed doors just last week so this thing could limp over the finish line last night.

Americans said they did not want this bill. Democrats passed it anyway. They said they did not like the deals and they did not like the giveaways. Democrats struck them anyway. Now they want to make this bill even worse. They want to add more deals on top of the other ones. Well, I have a message for our Democratic friends: Enough is enough. No more tax hikes, no more Medicare cuts, no more dealmaking, no more backroom deals.

Democrats may have won their vote last night, but they lost the argument and they have lost the trust of the American people. Americans know you don't drive down the cost of health care by spending another \$2.5 trillion on health care. They know we can help people with preexisting conditions without slashing Medicare to do it. They know we can do all these things without crippling the economy or forcing taxpayers to pay for abortions. Americans see through the false choices they have been handed by the Democrats here in Washington.

Democratic leaders may have gotten their votes, they may have gotten their win, but today is a new day. Already we are seeing Democrats in the Senate distancing themselves from this effort to make a bad bill worse. So we already know that reconciliation is guaranteed to have bipartisan opposition. Democrats were hoping they could silence the voices of the American people last night, but starting today those voices are going to be heard. Senate Republicans are going to make sure those voices are heard.

Mr. President, I yield the floor.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. The Senate will be in a period of morning business until 3 p.m., with Senators permitted to speak therein for up to 10 minutes each, with the time equally controlled and divided between the two leaders or their designees.

The ACTING PRESIDENT pro tempore. The Senator from Alaska is recognized.

Mr. BEGICH. I thank the Chair.

(The remarks of Senator BEGICH pertaining to the introduction of S. 3150 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

The ACTING PRESIDENT pro tempore. The Senator from Tennessee.

REMEMBERING STEWART UDALL

Mr. ALEXANDER. Mr. President, I was talking with the Senator from New Mexico and the Senator from Wyoming about Stewart Udall, whom the majority leader also talked about a little earlier. He is the father of Senator TOM UDALL and the uncle of MARK, and a great, distinguished American. He lived 90 long, good years, and did so much in our country to focus on conservation and the outdoors. So we remember and celebrate his life and send from our family, and I am sure from the entire Senate, our best wishes to our colleagues TOM and MARK and to their families.

HEALTH CARE

Mr. ALEXANDER. Mr. President, I have been in and out of public life a long time, and I have never had anything affect me in a personal way like the health care debate. I got up this morning in West Millers Cove in Blount County and drove to the Knoxville airport, and almost every single person with whom I talked on the way into the airplane had something to say to me about the health care debate. When I get on the plane, here comes another fellow right down the aisle, hands me a note, and says: Thanks for all your hard work. None of them are for the health care bill passed last night. They are all deeply concerned and deeply worried about it, and they see it as I see it. They see it as a historic mistake.

Unlike the Social Security bill, the Medicare bill, the Medicaid bill, the civil rights bills of 1957 and 1964 and 1968 and later, all those bills passed with significant bipartisan support. But the bill last night was a com-

pletely partisan act. The only thing bipartisan about it is the opposition to it. I think it is important that we continue to say why that is true.

The fundamental mistake is that the bill basically expands a health care delivery system that we all know is too expensive at a time of enormous concern about the national debt. In the middle of a great recession, we are expanding a health care delivery system that we know is too expensive; instead of focusing our attention and working together to set as a goal of reducing the cost of the health care delivery system so more Americans can afford to buy insurance. That is the basic difference of opinion.

The Democrats believe we should expand the system we have now. Of course, they make some changes, but basically it is an expansion of a system that is too expensive, and they make it more expensive. We believe what we should do, instead, is to reduce the cost of the American health care delivery system, and by doing so make it possible for more Americans to be able to afford health insurance.

Here is what the bill does now, as we see it. It imposes even larger taxes on job creators in the middle of a recession. It will mean Medicare cuts and premium increases for millions of Americans. The Medicare cuts, it is said, are alright because there is some fraud and abuse in Medicare. We agree with that. But what we are saying is that Medicare, according to its trustees, is going broke by 2010, and every penny of savings in Medicare ought to go to Medicare to help make it stronger. This bill spends almost all the money on a new entitlement, and the bill last night cuts Medicare even more deeply.

Some say: Well, it only hurts providers and hospitals. Well, those hospitals are the ones that may announce, as some are announcing, that we are not going to accept Medicare patients anymore because we are already being reimbursed so little. But it also cuts Medicare beneficiaries' benefits. The Congressional Budget Office says that fully half of those who have Medicare Advantage—and that is one out four Medicare beneficiaries in the country—will see their benefits cut. That is what this bill does.

As far as premium increases go, the President and I had a little friendly discussion about that at the health care summit. I said: For millions of Americans, individual premiums would go up. He said: No, they won't. I said: With respect, Mr. President, the Congressional Budget Office says yes, they will, by 10 to 13 percent, on the average. He said: Oh, no, oh, no, they will be getting a better policy. But that is like saying: If the government requires you to buy a better car and it is more expensive, it may be better but it is still more expensive. For a variety of

reasons individual premiums are going to go up, and one is the government requirement that you buy a better policy.

Senator COLLINS, who was the insurance commissioner in Maine, has surveyed her State, and her conclusion is that 87 percent of the individual policies there will be more expensive under this bill. It is true that maybe half of those persons would get subsidies—paid for by taxpayers—but that still leaves maybe 40 percent of the individual policies in Maine where individual premiums will go up. They will go up because we are dumping more people into Medicaid—the State program for low-income Americans—and we don't reimburse physicians and hospitals adequately for those patients.

Today, one-half of doctors won't see new Medicaid patients. So what do hospitals and the doctors do when they do see a Medicaid patient? They transfer part of the cost of seeing that patient—that Medicaid patient—on to someone who has private insurance. So that forces premiums to go up.

When you have a provision in the bill, as this bill does, which says that my policy can't go up much when compared with my son's policy, well, that might keep my policy from going up so much, but my son is going to be paying a lot more. So younger Americans are going to be very surprised as the cost of their policies goes up. Then the provision in the bill with the requirement to buy policies was weakened, and because it is weak, a lot of young people especially may not join the policy. When they do not, that will leave sicker and older people within the system, and that will help drive premium costs up as well. So for all those reasons, for millions of Americans, it is accurate to say that premiums will go up.

I was at the University of Tennessee this morning—a tremendous university. Dr. Chu, the President's Energy Secretary, is visiting there today and tomorrow. I wish I could be with him to talk about the work they are doing, between the Oak Ridge National Laboratory and the university and its science program. Senator BINGAMAN has visited there before. But one of the undercurrent stories in America today is the condition of America's public higher education. State funding for public higher education has been flat for the last 10 years.

Why is that? Because Medicaid costs continue to rise. Governors can't control those budgets or control those costs, and the reason they can't is because we write the program up here and then send them about a third to 40 percent of the bill. They cannot afford it, so what do they do? They cut the amount of money that goes to the University of Virginia or the University of Tennessee or the University of New Mexico or the University of Wyoming and then what happens? Either quality

goes down, fewer students are served, fewer faculty are attracted or tuition goes up, which is why the students are protesting in California about the 34-percent increase in tuition at the University of California. They probably didn't even imagine the reason for that is the Federal Government is causing Medicaid costs to continue to rise and Governors, therefore, make cuts and tuition goes up. This bill will make that worse.

Then, on top of that, you have the last-minute takeover of the Federal student loan program. Suddenly, 19 million students—well, 15 million of those 19 million will go to the Federal Government to get their loan, beginning in July, instead of to 2,000 lenders across the country. The Government is saying we are going to save money. That may be true. But guess what the Government is going to do with its money. They are not going to say: Because the Government can borrow the money at 2.8 percent it is going to cost us less to operate the program, therefore, we are going to give students the savings. They are going to spend the savings. So they are going to borrow it at 2.8 percent and loan it to the students at 6.8 percent. That is overcharging America's students to help pay for the health care program.

These students are not Wall Street financiers. They are working people, some of them pretty grown up, in their thirties and forties, going back to Walter State Community College. They often have a job. They are not going to be very happy when they find out they are paying higher interest. The estimate that we have made in our office is it might be \$1,500–\$1,700 dollars over 10 years in more interest. That is the amount the Governor is going to be overcharging them to pay for other government programs, including health care.

The action that is being taken may be historic. But we believe that it is a historic mistake and that throughout the rest of this year the debate will not end about health care; but it will change. It will be larger than just health care.

As the President himself said last year, the health care debate is a proxy for a larger debate about the role of government in America's life. We believe that is a debate our country should have, and we believe the country will soundly reject a policy of more taxes, more spending, more debt, and more Washington takeover.

I yield the floor.

Mr. BINGAMAN. Mr. President, I heard my colleague's comments about health care. I will plan to return to the Senate floor to discuss health care in some detail in the next couple days.

The ACTING PRESIDENT pro tempore. The Senator from New Mexico.

REMEMBERING STEWART UDALL

Mr. BINGAMAN. Mr. President, I rise to speak about a great American who has inspired me and countless others with his leadership and commitment to public service. That great American is Stewart Udall.

At the outset, I extend my condolences to my friend and colleague, Stewart's son, TOM UDALL, and his wife Jill; his nephew, my friend and colleague, MARK UDALL, and his wife Maggie; and all the Udall family for this enormous loss. In several conversations I had with Stewart in recent years, it was clear that TOM's own exemplary public service and I'm sure MARK's as well, were a source of great pride for him.

Stewart Udall is best known for his lifetime of service in preservation of our public lands. His accomplishments as Secretary of the Interior under Presidents Kennedy and Johnson are legendary. Those accomplishments were recounted yesterday in the New York Times. It said:

... he presided over the acquisition of 3.85 million acres of new holdings, including four national parks Canyonlands in Utah, Redwood in California, North Cascades in Washington, and Guadalupe Mountains in Texas—six national monuments, nine national recreation areas, twenty historic sites, fifty wildlife refuges and eight national seashores.

I ask unanimous consent that the obituary from the Times be printed in the RECORD, after my comments.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

[See exhibit 1.]

Mr. BINGAMAN. His commitment to and achievements in conservation and preservation are unequalled in our country. He was a moving force behind all of the landmark environmental legislation of the 1960s, including the Clean Air Act of 1963, the Federal Water Pollution Control Act of 1965, the Wilderness Act of 1964, the Land and Water Conservation Act of 1965, the Endangered Species Act of 1966, the National Trails System Act of 1968, and the Wild and Scenic Rivers Act of 1968. Long after leaving public office, he was instrumental in securing the enactment of the Radiation Exposure Compensation Act of 1990 which I was proud to support.

But his commitment to our public lands was part of a larger lifetime commitment, a commitment to public service.

With all the rancor and heated rhetoric that surround us in Washington today, it is easy to lose sight of what is good about our system of government. And one of the very best things about our great country, and our system of government, is that it has attracted to public service many of the best among us to devote their lives to work for us all.

Stewart Udall was one of those people. He devoted his life to pursuing the

common good the greater good and left this Nation a better place because of it.

Stewart cared deeply about the people of this great country and that caring was evident in each encounter that he had. My wife Anne has fond memories of heartfelt conversations she had with Stewart where he spoke forcefully about the challenges we face. I myself was fortunate to always hear from him words of encouragement and constructive advice whenever we would visit.

Stewart Udall set the highest standards for public service and for decency as a human being. As Ben Jonson said of Shakespeare, "he was not of an age, but for all time." Stewart Udall had, as he urged his grandchildren to have, "a love affair with the wonder and beauty of the earth." We are all the richer for it.

EXHIBIT 1

[From the New York Times, Mar. 20, 2010]
STEWART L. UDALL, 90, CONSERVATIONIST IN
KENNEDY AND JOHNSON CABINETS, DIES
(By Keith Schneider)

Stewart L. Udall, an ardent conservationist and a son of the West, who as interior secretary in the 1960s presided over vast increases in national park holdings and the public domain, died Saturday at his home in Santa Fe, N.M. The last surviving member of the original Kennedy cabinet, he was 90.

Mr. Udall had been in failing health after a fall last week, according to a son, Senator Tom Udall of New Mexico.

Though he was a liberal Democrat from the increasingly conservative and Republican West, Stewart Udall said in a 2003 public television interview that he found in Washington "a big tent on the environment."

The result was the addition of vast tracts to the nation's land holdings and—through his strong ties with lawmakers, conservationists, writers and others—work that led to landmark statutes on air, water and land conservation.

President Obama said in a statement Saturday night that Mr. Udall "left an indelible mark on this nation and inspired countless Americans who will continue his fight for clean air, clean water and to maintain our many natural treasures."

Few corners of the nation escaped Mr. Udall's touch. As interior secretary in the Kennedy and Johnson administrations, he presided over the acquisition of 3.85 million acres of new holdings, including 4 national parks—Canyonlands in Utah, Redwood in California, North Cascades in Washington State and Guadalupe Mountains in Texas—6 national monuments, 9 national recreation areas, 20 historic sites, 50 wildlife refuges and 8 national seashores. He also had an interest in preserving historic sites, and helped save Carnegie Hall from destruction.

"Republicans and Democrats, we all worked together," Mr. Udall said in a television interview with Bill Moyers. But by the time of that interview, Mr. Udall added that Washington had been overtaken by money and that people seeking public office fought for contributions from business interests that viewed environmental protection as a detriment to profit at best.

In his years in Washington, he won high regard from many quarters for his efforts to preserve the American landscape and to educate his fellow Americans on the value of natural beauty, points he made in his 1963

book "The Quiet Crisis." The book, whose aim, he wrote at the time, was to "outline the land and people story of our continent," sold widely.

It was Mr. Udall who suggested that John F. Kennedy invite Robert Frost to recite a poem at Mr. Kennedy's inauguration. Mr. Udall accompanied Mr. Frost to the Soviet Union in 1962, a trip meant to foster better ties with Premier Nikita S. Khrushchev.

Mr. Udall also held evenings at the Interior Department with the poet Carl Sandburg and the actor Hal Holbrook. In addition, he invited the Pulitzer Prize-winning author Wallace Stegner to be the department's writer in residence. It was Mr. Stegner's presence that prompted Mr. Udall to write "The Quiet Crisis."

Mr. Udall was also an early supporter of Rachel Carson, the biologist whose book "Silent Spring" brought attention to the environmental hazards of pesticide use.

Mr. Udall stepped onto the national stage in 1954, when he was elected to Congress from Arizona. In the hotly fought Democratic presidential primary of 1960, he urged his fellow Arizona Democrats to support Kennedy. When Kennedy won the White House, he nominated Mr. Udall as interior secretary.

After Kennedy was assassinated in 1963, Mr. Udall was kept on by Lyndon B. Johnson.

"I think probably part of that was Lady Bird," Mr. Udall said, referring to Mr. Johnson's wife, with whom he collaborated on beautifying the nation's capital and similar projects. "She treasured me, and we were wonderful friends," he added.

Roger G. Kennedy, who was director of the National Park Service in the 1990s, said Mr. Udall "escaped the notion that all public land was essentially a cropping opportunity—the idea that if you cannot raise timber on it or take a deer off it, it wasn't valuable." On the other hand, Mr. Kennedy said, Mr. Udall understood that public lands like parks enhanced the economic value of privately held land nearby.

This lesson was sometimes communicated with difficulty. For example, in the 1960s, when the Kennedy administration, with Mr. Udall in the lead, began efforts to establish the nation's first national seashores, people in regions including Cape Cod in Massachusetts, Cape Hatteras in North Carolina, and Point Reyes in California objected that taking coastal land out of private hands would ruinously inhibit economic development.

Instead, the parks have been beacons for lucrative tourism.

On this and other fronts Mr. Udall pushed with a formidable combination of political acumen and political allies—including his younger brother Morris K. Udall, who succeeded him in Congress and in 1976 ran for president in a campaign that his older brother managed. Many of the significant environmental and land-protection statutes that became law in the 1970s and '80s, including the Endangered Species Act, bore their stamp and influence.

"That was a wonderful time, and it carried through into the Nixon administration, into the Ford administration, into the Carter administration," Stewart Udall said. "It lasted for 20 years. I don't remember a big fight between the Republicans and Democrats in the Nixon administration or President Gerald Ford and so on. There was a consensus that the country needed more conservation projects of the kind that we were proposing."

Stewart Lee Udall was born on Jan. 31, 1920, in St. Johns, Ariz., a small community

in Apache County in the northeast, into a family with strong ties to the Mormon Church. His mother, Louise Lee Udall, was a granddaughter of John Doyle Lee, who was executed in 1877 for his involvement in the Mountain Meadows Massacre in Utah, in which a wagon train of California-bound migrants were killed in 1857.

Mr. Udall served as a Mormon missionary in Pennsylvania and New York. During World War II, he was a gunner in the 15th Army Air Forces, serving in Europe.

He received bachelor's and law degrees from the University of Arizona. After graduating from law school in 1948, he started his own law practice in Tucson, where he and Morris later became partners.

After leaving Washington, he taught at Yale, practiced law and wrote several books, including "The Myths of August," an account of the effects of uranium mining and nuclear weapons work in the Western desert.

That grew out of his representation of thousands of uranium miners, nuclear weapons industry workers and citizens exposed to radiation from atomic weapons manufacturing and testing in the West.

Though he won the first case in 1984 in Federal District Court, an appeals court overturned the ruling and the United States Supreme Court declined in 1988 to hear arguments. Mr. Udall then turned to Congress, working with lawmakers of both parties, particularly Senator Orrin Hatch, Republican of Utah, and Senator Edward M. Kennedy, Democrat of Massachusetts, who died in August.

In 1990, President George Bush signed the Radiation Exposure Compensation Act. The law, administered by the Justice Department, provided up to \$100,000 for those sickened by radiation exposure, and issued a formal apology for harm done to those who were "subjected to increased risk of injury and disease to serve the national security interests of the United States."

Throughout his life he relished physical challenges. He was an all-conference guard on the University of Arizona basketball team and he climbed Mount Kilimanjaro, in East Africa, and Mount Fuji, in Japan, while heading American delegations to both regions. When he was 84, at the end of his last rafting trip on the Colorado River, Mr. Udall hiked up the steep Bright Angel Trail from the bottom of the Grand Canyon to the south rim, a 10-hour walk that he celebrated at the end with a martini.

Mr. Udall's wife, the former Irmalee Webb, died in 2001. Besides his son Tom, he is survived by his other sons, Scott, Denis and Jay, and his daughters, Lynn and Lori, as well as eight grandchildren.

At his death, Mr. Udall was a senior member of one of the nation's last and largest political dynasties—in the West it was often said there were "oodles of Udalls" in politics. His grandfather David King Udall served in the Arizona Territorial legislature; his father, Levi Udall, was for decades an elected judge in the Arizona Superior Court and later a justice and chief justice of the Arizona Supreme Court; Morris Udall was followed to Washington by his son Mark Udall, elected in 2008 as a senator from Colorado, the same year that Tom Udall was elected.

But Tom Udall said that in recent years his father had become greatly concerned over the state of politics in the country, worrying "we were losing the bipartisanship in the environmental area."

He added that Mr. Udall had recently written a letter to his grandchildren, urging

them to focus on "trying to transform our society to a clean energy and clean job society."

RECONCILIATION

Mr. ENZI. Mr. President, I rise in opposition to the reconciliation legislation the Senate will be considering later this week. Similar to many of my colleagues, I first read this legislation when it was hot filed in the House last week. One of my first thoughts was, what a difference 15 months makes. This week the Senate will debate legislation that will increase health care costs for working Americans and wipe out a successful bipartisan 45-year-old student loan program without a single committee hearing or even a markup.

This bill is an attempt to fix what is perceived to be the problem with health reform legislation that the Senate passed on Christmas Eve of last year. These fixes are being considered because the American people overwhelmingly opposed that legislation. Unfortunately, this bill, the reconciliation bill, does nothing to fix the problem that prompted this opposition. Nothing in the bill we are going to be considering will prevent \$½ trillion from being cut from the Medicare Program to create a brandnew entitlement program for the uninsured. If this bill is passed, millions of Medicare beneficiaries will lose the extra benefits they currently receive. In fact, this bill will actually make matters worse, cutting even more money than the provisions in the Senate bill. One out of every four Medicare beneficiaries is already enrolled in a Medicare Advantage plan, and every one of them will see their benefits reduced.

If this bill is passed, the care of Medicare beneficiaries across the country will still be put at risk because of the unsustainable payment cuts to hospitals and nursing homes. The President's own Chief Medicare Actuary said these costs could jeopardize Medicare's beneficiaries' access to care. He said, as a result of these cuts, roughly 20 percent of all hospitals and nursing homes in the country would become unprofitable which, of course, could lead them to end their participation in the Medicare Program. It is either end it or go broke.

If you can't go to a hospital or get a doctor to treat you, you do not have health care. But this bill does nothing to fix the Medicare payment cuts in the Senate health reform bill passed on Christmas Eve. This bill will still cause health insurance premiums to increase. The Congressional Budget Office said the Senate bill would increase premiums by 10 percent to 13 percent for individuals. They said that 10 percent to 13 percent increase is above what would happen if we do absolutely nothing. Yes, escalating health care costs are a problem, but this bill passed by

the House last night, with these supposed fixes that are in here, will increase premiums 10 percent to 13 percent for individuals over what would have been done if nothing would have happened. It does not sound like a solution to me. There are solutions out there.

The bill also contains provisions that will increase premiums for 85 percent of Americans who already have health insurance. This bill does nothing to stop health care costs from increasing our national debt. The CBO estimates of the bill are required to ignore the issue of Medicare payments to physicians. Let's see, how many times have we ignored the Medicare payments to physicians? That is right, never. How do we fix it? We just need to come up with 300 billion more dollars. We had a chance to do that through the bill, keeping Medicare money for Medicare. But no, we took the Medicare money, and we decided to put that into new programs, new programs for the uninsured.

There are solutions out there for making sure the uninsured are covered, too, and it did not have to come out of Medicare.

The CBO estimates of the bill are required to ignore the issue of Medicare payments to physicians. The bill also does nothing to fix the scheduled Medicare payments to the other health providers. Does the majority believe the Medicare payments to doctors will be cut 21 percent later this year? Not if history keeps itself up. But let me tell you, that \$132 billion that it is supposed to reduce the deficit in the first 10 years in the Senate-passed bill is ignoring the need for \$300 billion to fix the doctors. If we fix the doctors, we are \$170 billion in the hole. The President did not visit China and Secretary Geithner, on a separate trip, didn't visit China to go see the Great Wall. They were told to come over there by China so they could explain how we were ever going to pay for our bonds. Last month, they dropped about \$38 billion in our bonds, and I noticed today we have this clamor that we want them to adjust their yuan, the value of their money compared to our money, and they said: You have to be kidding me, we own you. They didn't say it in quite those words, but that is what they meant.

In addition to assuming massive reductions in Medicare payments to doctors, the health care reform bill also relies on budget gimmicks and other unsustainable payment cuts to allow its sponsors to argue it will not increase the deficit. As Ruth Marcus wrote recently in the Washington Post, claims that the bill will reduce the deficit are "premature at best and delusional at worst."

Rather than creating this new entitlement, we should be using the savings from Medicare to pay to fix Medi-

care's problems. These payments issues are not going away, and this, or a future Congress, is going to have to pay for them or increase the debt.

We have maxed out our credit cards already. People coming in—this is the season for it—they come in and ask for increases in the programs they already have or they ask for new programs and the funding to go with that program because, of course, the Federal Government is known as the great piggy bank in Washington, and they know we just print money. They didn't know there could be a limit to how much money we print. I suggest those people kind of save their travel money and use it in their program because we are going to have to tell people that not only is the money not there to expand programs and to add new programs, we are going to actually have to cut programs. We are going to have to cut programs to stay solvent.

They are looking at changing our bond rating. That means it would be less favorable for people to buy U.S. bonds.

The reconciliation bill that will be before us this week, also raises taxes by \$569 billion. If you can believe it, that is \$50 billion more in new taxes than the original Senate-passed bill. So the "fix-it" bill we will have in front of us, will put even more pressure on small business owners and entrepreneurs who could help lead our Nation's economic recovery.

This bill also does nothing to stop the billions of dollars in new job-killing taxes created by the Senate health reform bill. Unfortunately, the policies in this bill will only make this situation worse for workers and for businesses across America. This bill increases to \$52 billion the new taxes imposed on employers, which will eliminate millions of American jobs and reduce wages for millions of other American workers.

The Nation's unemployment rate is 9.7 percent. Millions of Americans have lost their job and millions more go to work every day worried about keeping the job they have. Businesses of all sizes are struggling to keep their doors open and are finding it harder and harder to make ends meet.

We have shed more than 3.5 million jobs since January of last year and the average work week is now down to 33 hours for the American worker. Yet the bill we will have before us will actually make that situation worse. The Congressional Budget Office has told us that new job-killing taxes in the Senate bill will lower wages across this country.

Rather than addressing the issue and enacting reforms that would lower health insurance costs, the majority's health care bill instead increases the taxes these businesses will have to pay, taking money away from hiring new workers.

When I am home in Wyoming, which is almost every weekend, my constituents are asking me: What does health care reform mean for me?

Unfortunately, I have to tell them when the Senate bill becomes law, their jobs and their paychecks will be in danger. I also found it ironic that on the day the President signed a so-called jobs bill, Speaker PELOSI released a reconciliation bill that contained \$52 billion in job-killing taxes.

These problems are the real reasons the American people oppose the Senate health reform bill. Unfortunately, the bill that will be before us fails to address any of the fundamental problems with that bill. If the legislation we are about to debate is enacted, taxes will still be raised by \$569 billion, \$525 billion will still be cut from the Medicaid Program, wages will still be reduced, and jobs eliminated for millions of Americans. Health insurance premiums will still be driven up—driven up more than if we did nothing at all—and 23 million people will still be left without insurance coverage. We need to do better than that. I believe we can.

While most of the discussion this week will focus on health care, we must not forget that the reconciliation bill drastically alters decades of education and labor policy.

Specifically, I am speaking about eliminating the 45-year-old family friendly bank loans for education program, called FFEL. I put initials on when it has something to do with government. This is one that works through the banks, which has successfully helped millions of Americans realize the dream of a college education, and the shift to a Washington-run direct loan program. This radical change is happening without a single Senate hearing, or a single markup in the HELP Committee, where I serve as ranking member, or any other committee.

The administration and the majority have been promising students since the beginning of this Congress that their Pell grants would be increased dramatically so that college would be affordable. Even with this bill, this promise rings hollow. What does the transfer of \$36 billion to the Pell grant program get for students? Yes, \$36 billion.

First, it kicks the can down the road by only partially filling the unmet Pell obligation for this year which was promised in the so-called stimulus bill. The remainder only modestly increases the maximum Pell grant awarded by \$50 a year. How much do you think tuition is going up?

The Senator from Tennessee explained that every time we add people to Medicaid, that costs the States, and the only place the States have to cut is tuition, college tuition. If college tuition is cut, the board of the college has to raise the tuition. I will have a chart

out here one of these times that will show what the difference is between how fast college tuition is rising compared to health care costs, compared to the cost of living.

So we are going to kick the can down the road and only increase the maximum Pell grant by \$50 a year. In exchange, students are forced into the one-size-fits all, government-run direct loan program while Congress continues to do nothing about the real problem, which is the runaway cost of college education.

Schools have had the choice of switching to the direct loan program for nearly 20 years, but most, just over 4,000 as of March 1, have chosen to remain in the family friendly bank loan program for education. Why? Because the family friendly program provides services that meet individual student needs far better than the cookie-cutter approach of a government-run direct loan program.

We have enough things the government is running, more this last year. This rushed and dramatic shift puts at risk the availability of guaranteed loans for thousands of students this fall. Under the terms of this bill, all 4,000-plus institutions of higher education, the family friendly program will be required to participate in the bureaucratic direct loan program as of July 1, 2010, a few months away, less than 4 months from today.

I do not believe these schools or the Department of Education have the time or capacity to successfully meet that deadline, and the experts at the Department seem to agree. According to a February 20, 2010, Department of Education procurement document, schools need between 4 and 6 months to successfully switch to the direct loan program.

As a result, many schools will not have in place what it takes to get needed aid to students this fall. Yes, it is true that reconciliation has been used to affect student loans in the past. However, in those instances, it was used to level the playing field between the two loan programs and provide greater access by students to loans.

This bill is nothing more than a government takeover that will turn the Department of Education into one of the largest banks in the Nation—probably not under the financial reform requirements either—and transfer billions of dollars from middle-class students and taxpayers to pay for only a modest expansion of the Pell grant program which does nothing to lower the cost of a college education.

I will propose amendments that address out-of-control education costs, that give schools time to thoughtfully switch to the direct loan program, that make transparent the actual costs of the direct loan program, that fund an authorized and proven access and completion program, and put real money toward debt reduction.

The majority will tell you what they are doing is being done at no cost to the taxpayer. Do you think America believes that? I, as the accountant in the Senate, disagree with this assertion. In the family friendly program, private lenders provide the capital necessary to fund billions of dollars to student loans each year. With the direct loan program, the Treasury will provide all the capital for these loans, which amounts to nearly \$100 billion a year. Where does the money come from? It comes from increasing the public debt of the American taxpayers, many of whom do not have a college education. Shifting the financial burden from those who directly benefit from a college education raises concerns about equity, and again does nothing to address the larger problem of rapidly increasing costs for college education.

This bill also removes safeguards against fraud and abuse from the Black Lung Benefits program. The Black Lung Benefits Act provides monthly payments and the cost of medical treatment to coal miners disabled from pneumoconiosis, black lung, arising from their employment in or around the Nation's coal mines, and provides monthly payments to surviving spouses and other dependents. This bill will establish a retroactive presumption of causation and entitle individuals to lifelong benefits which will be paid for by the employers, insurers and, in cases where the employer is already out of business, by the taxpayers directly.

Taxpayers have already paid more for this program than they expected. The estimated benefits costs when it was enacted in 1975 were \$3 billion. However, by 2004 the Federal Government had paid out over \$42 billion. Last year, the taxpayers kicked in another \$6.5 billion to refinance the program. The changes in this bill will send the program back into a debt spiral by eliminating any need to prove causation. I ask unanimous consent to have printed in the RECORD a letter from three prominent West Virginia doctors who also oppose the provision because it "does not take into account the current state of diagnosis and treatment of Black Lung."

There being no objection, the material was ordered to be printed in the RECORD, as follows:

OFFICES OF THE INSURANCE COMMISSIONER, STATE OF WEST VIRGINIA,
Charleston, WV, November 6, 2009.

JANE L. CLINE,
Commissioner, WV Offices of the Insurance
Commissioner, Charleston WV.

COMMISSIONER CLINE: We are writing this letter to comment on the changes proposed in the health care reform bill regarding the Federal Black Lung benefits program. We are concerned that the proposed changes to the benefits program do not have sound medical basis and are inconsistent with the stated purpose of the bill. The bill is intended to

improve access to health care for all Americans, to improve quality of care and to reduce cost by emphasizing preventive care, management of chronic diseases and utilization of the principles of evidence-based medicine.

The proposed Federal Black Lung changes would reinstate a rebuttable presumption regarding the diagnosis of Black Lung based on tenure in the mines and X-ray criteria. The proposed changes would also restore the rebuttable presumption related to death attributable to Black Lung as it affects surviving spouse benefits.

We have concerns about the proposed amendments because they do not take into consideration the current state of diagnosis and treatment of Black Lung and other diseases. It is very clear that our medical knowledge and expertise in diagnosis and treatment have expanded dramatically in the past 25 years. Our understanding of dust-related disease and other pulmonary conditions has evolved significantly. Today chronic diseases like diabetes, coronary artery disease, chronic obstructive pulmonary disease and renal failure have become a major focus of medical attention because they claim so many lives. One in three individuals develops some type of cancer. While the rebuttable presumption could have been appropriate many years ago, our many advancements in diagnosis and treatment render it unnecessary today and into the future.

The West Virginia rules governing the medical care of workers with occupational pneumoconiosis have increasingly relied on functional parameters (like forced vital capacity, expiratory volumes and diffusion capacity) in determining the need for medical services. We still consider the exposure data and ILO B-reading a critical piece of the picture; but we view function as the issue that matters most to the affected worker. We strive to apply sound medical evidence to assure that all miners who have contracted Black Lung receive prescribed benefits and that the funds are preserved for those claimants. The inclusion of a rebuttable presumption will hinder the achievement of that goal.

In our opinion, changes in the Federal Black Lung benefits program should take into account advances in our understanding of the science and medicine of the disease, Black Lung. We are most interested in seeing strong programs to prevent disease through safety controls and education. Access to medical services is critical for those already affected. Though the diagnosis of Black Lung is statutorily defined, there is an indisputable logic to basing the diagnosis on the medical facts as we currently understand them.

We recommend consideration of significant changes in the wording of this section of the bill to make this document more than just a change in benefits programs. Ideally, it can be a medically sound and forward looking document, consistent with the issues of health care reform in general.

Thank you for considering our comments.

JAMES BECKER, MD,
Medical Director, West
Virginia Offices of
the Insurance Commission.

DOMINIC J. GAZIANO, MD,
Board Certified
Pulmonologist,
Chairman of the
Permanent Total
Disability Board,
State of West Virginia.

JACK L. KINDER, MD,
*Chairman of the Occu-
 pational Pneumo-
 coniosis Board, West
 Virginia.*

While everyone supports providing these benefits to qualified miners and their families, we should not strip out safeguards against fraud, waste and abuse in this program that were specifically added to the program by Congress with overwhelming bipartisan support.

I have said numerous times during my tenure in public service that the first role of the government is to do no harm. While I know many people are well versed on the intricacies of how these programs operate, I have studied these issues in depth for years, and have a track record of legislative success on both the health and education front, because I first listen to my colleagues and regularly work across party lines. This legislation falls short on many fronts, has not been the subject of Senate hearings, is being jammed through this institution too quickly, and should be rejected by the Senate.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Arizona.

Mr. McCAIN. I ask unanimous consent to address the Senate as in morning business for approximately 10 minutes, not more than 10 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. McCAIN. I come to the floor to obviously comment on the events of the last couple of days in the other body. The Nation watched as the process went forward and the votes were cast. My understanding is, according to the media reports, champagne was poured and the celebration went on inside the beltway.

Outside the beltway, in the homes and offices and all of the residences and places where people gather across the country, there is a sense of outrage, and a sense of betrayal because, for the first time in history, we have enacted a major reform on a strictly partisan basis about which the process has angered the American people as much as the product.

The deals that were made behind closed doors for individuals, the names of which we have all become familiar with—the “Cornhusker kickback,” the “Louisiana purchase,” the “Gator aid,” and also the purchases made of the various entities in the health care industry in America—most egregious probably is that of Pharma, but the list goes on, the AMA, the Hospital Association, it goes on and on.

Americans are disillusioned and are angry and Americans are not going to forget it. There seems to be an inside-the-beltway liberal media view that, well, it is done, the American people

will forget about it; they will appreciate it; and what a magnificent victory this is. It may be in the view of some a victory for the President of the United States. What it is is a defeat of the American people, because the overwhelming majority of American people, by 2-to-1 margins, said stop and start over. They said they did not want this and they did not like this process. They do not like the behind-the-closed doors foolishness that went on, that, in many peoples’ minds represented an unsavory sausage-making process.

This morning’s Wall Street Journal opinion is entitled: “Inside the Pelosi Sausage Factory” and “Michigan Rep. Bart Stupak Sold His Anti-abortion Soul For a Toothless Executive Order.”

Never before has the average American been treated to such a live-action view of the sordid politics necessary to push a deeply flawed bill to completion. It was dirty deals, open threats, broken promises and disregard for democracy that pulled ObamaCare to this point, and yesterday the same machinations pushed it across the finish line.

Then this same article goes on to describe how.

For those who needed more persuasion: California Rep. Jim Costa bragged publicly that during his meeting in the Oval Office, he’d demanded the administration increase water to his Central Valley district.

By the way, a move that I strongly favored.

On Tuesday, Interior pushed up its announcement giving the Central Valley farmers 25 percent of water supplies, rather than the expected 5 percent allocation. Mr. Costa, who denies there was a quid pro quo, on Saturday said he’d flip to a yes.

Florida Rep. Suzanne Kosmas (whose district is home to the Kennedy Space Center) admitted that in her own Thursday meeting with the president, she’d brought up the need for more NASA funding. On Friday she flipped to a yes. So watch the NASA budget.

Democrats inserted a new provision providing \$100 million in extra Medicaid money for Tennessee. Retiring Tennessee Rep. BART GORDON flipped to a yes vote on Thursday.

The list goes on and on. And those are the ones we know about. Those are the ones that have been publicized. We know about Pharma. We know about the deal they got and about \$100 million or so that they have spent on advertisements and paid ads touting this legislation, which will get them billions of dollars in profits, the same Pharma that changed the administration position on reimportation of drugs from Canada that is in direct contradiction of the position that then-Senator Obama had, that we should be able to reimport drugs from Canada, the same administration that supported competition amongst pharmaceutical companies for Medicare enrollees and now changed that position as well. There will be months, even years, where we will find out what went on behind closed doors, either in the majority leader’s office, the Speaker’s office, or the White House.

There are those who believe the attention span of the American people is rather short. I disagree. I was back in my home State of Arizona on Saturday, two townhall meetings, hundreds of people packed into the townhall meetings.

Every one of them is angry about what this will do, what this will do to companies and corporations such as Caterpillar that announced it would cost them, in only 1 year, \$100 million in additional taxes.

People have figured out the gimmickry of imposing taxes and cutting benefits for 4 years before a single beneficiary receives any help, the myth that we will actually cut 21 percent from doctors’ payments for treating Medicare enrollees that will take place this fall. Is there anyone who believes we are going to cut doctors’ payments by 21 percent? If so, I would like to meet them and hear from them. We are not. The word is out: Don’t worry. We will fix it. And they will fix it because we can’t do that to physicians. But yet they use that \$271 billion reduction in physicians’ payments for treatment of Medicare enrollees as a way to disguise the true deficit. In fact, that alone would show that this legislation would have resulted in an increase in cost rather than a decrease.

I haven’t got that much time except to say that I want to make clear that the people I represent in Arizona are not going to sit still for this. They are going to want this repealed. We will challenge this in the courts. We will challenge this in the towns. We will challenge this in the cities. We will challenge this on the farms. We will challenge this all over America. The will of the people will be heard. They do not like this process, and they do not like this product. We will prevail over time. I am confident of that.

I yield the floor.

(Disturbance in the Visitors’ Galleries)

The ACTING PRESIDENT pro tempore. Expressions of approval or disapproval of statements on the floor are not permitted.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is closed.

TAX ON BONUSES RECEIVED FROM CERTAIN TARP RECIPIENTS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of H.R. 1586, which the clerk will report.

The legislative clerk read as follows:

A bill (H.R. 1586) to impose an additional tax on bonuses received from certain TARP recipients.

Pending:

Rockefeller amendment No. 3452, in the nature of a substitute.

McCain amendment No. 3527 (to amendment No. 3452), to require the Administrator of the Federal Aviation Administration to develop a financing proposal for fully funding the development and implementation of technology for the Next Generation Air Transportation System.

McCain amendment No. 3528 (to amendment No. 3452), to provide standards for determining whether the substantial restoration of the natural quiet and experience of the Grand Canyon National Park has been achieved and to clarify regulatory authority with respect to commercial air tours operating over the park.

The ACTING PRESIDENT pro tempore. Under the previous order, the time until 4:30 p.m. will be for debate only, with the time equally divided and controlled between the Senator from West Virginia and the Senator from Texas.

The Senator from West Virginia.

Mr. ROCKEFELLER. I suggest the absence of a quorum and ask unanimous consent that the time be divided equally.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. KYL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. KYL. Mr. President, this evening, there is a vote scheduled on the Ensign amendment, which would amend an archaic regulation, called the DCA perimeter rule, that has limited competition and travel options for those who fly in and out of Ronald Reagan Washington National Airport or DCA, as it is called.

More specifically, the DCA perimeter rule restricts the departure or arrival of nonstop flights to or from airports that are beyond 1,250 miles from DCA. This restriction effectively forces passengers who are coming from the Western States or going to the Western States to use Dulles International Airport or to connect in some other city and then come on in. Obviously, this is inconvenient and discriminatory.

The rule was first codified as a Federal statute in 1985. But actually it goes back to 1962. It first had existed as a Federal rule in its various iterations since the 1960s when Dulles was first built. The original purpose of the DCA perimeter rule was to establish Dulles as the long-haul airport serving the Washington area, and that has worked.

In 1962, Dulles only served about 52,000 passengers. But today Dulles is thriving. In 2009, the airport served approximately 23 million passengers. According to the Metropolitan Washington Airports Authority:

Dulles has emerged as one of the fastest growing airports in the world and a major East Coast gateway for domestic and international travelers as well as cargo activities.

Given the success of Dulles and the improvement in technology, including quieter jet engines, over the years, Congress has granted a limited number of exemptions to the DCA perimeter rule because the traveling public is eager for air travel options. Yet, today, there are only a dozen nonstop flights between Ronald Reagan National Airport and the entire Western United States. There are four to Denver, three to Phoenix, two to Seattle, one to Las Vegas, one to Los Angeles, and one to Salt Lake City. That is it.

To put that number in perspective, that is 12 flights beyond the perimeter at DCA out of approximately 400 flights daily. The beyond-the-perimeter flights represent 3 percent of all daily domestic operations at DCA. Just 3 percent of all flights out of DCA serve our Nation's largest cities such as Phoenix, Los Angeles, Las Vegas, and San Antonio.

A 1999 study by the Transportation Research Board found that perimeter rules "no longer serve their original purpose and have produced too many adverse side effects, including barriers to competition." The study found, further, that such rules "arbitrarily prevent some airlines from extending their networks to these airports" and that "they discourage competition among the airports in the region and among the airlines that use these airports."

There is also recent legislative precedent that supports the argument that the DCA perimeter rule should be repealed. The Wright Amendment of 1979 was a Federal law restricting flights at Dallas's Love Field Airport. It originally limited most nonstop flights from Love Field to destinations within Texas and neighboring States. In 2006, Congress passed the Wright Amendment Reform Act, which issued a full repeal of the Love Field perimeter rule with certain conditions. Lifting the restrictions at Love Field gave the traveling public more flight options. It also cut prices and made traveling more efficient.

The Ensign amendment would amend the DCA perimeter rule by allowing any carrier which currently holds slots at DCA to convert those flights—flights now serving large hub airports inside the perimeter—to flights serving any airport outside the perimeter. This is referred to as "the slot conversion provision;" in other words, no more flights simply converting a flight that exists to go to a different city. The Ensign amendment would cap the number of flights that could be converted to 15 roundtrip flights per carrier.

The slot conversion provision ensures that service to small and medium hub airports within the perimeter would not be affected. There is no restriction, however, on converting a flight that currently serves a large hub airport within the perimeter to a small or me-

dium hub airport beyond the perimeter. So presumably the Ensign amendment could expand service to small and medium hub airports beyond the perimeter. Indeed, I know some of the airlines do intend to use some of these conversion slots to go to their hubs outside the perimeter.

It is also important to note that the amendment would not alter the slot regulations at DCA or increase the number of allowable flight operations at the airport. The number of flights currently serving DCA would remain the same. Residents around the airport would not hear an increase in noise from takeoffs or landings and would not see larger planes operating at DCA. The only change is that a few of the planes would have a different destination.

Let me speak to how this amendment would or would not affect Dulles. As I mentioned, the conversion provision is capped at 15 roundtrip flights per carrier. It is expected that only 5 carriers could take advantage of this provision, making the total maximum number of new flights that could go beyond the perimeter to 75. But not all of the 5 airlines will make full use of all 15 slots. It is estimated that the 5 eligible airlines would only convert to perhaps 30 flights.

So how could flights, say, 30, at DCA that go beyond the perimeter affect Dulles? Well, according to the latest figures from the Metropolitan Washington Airports Authority, Dulles has 401 daily flights. So 30 additional beyond the perimeter would have a negligible effect on the operations at or demand for service at Dulles.

According to a recent GAO study:

GAO did not find evidence in passengers or fare data that would indicate that the new service between Reagan National and the six beyond perimeter cities—

The current 12 exemptions that exist—

had substantially affected service from Dulles or Baltimore-Washington International airports to these cities.

There is no reason to believe that 30 additional beyond the perimeter flights would be any more consequential to Dulles Airport.

The bottom line is, the Ensign amendment is not about changing the character of Dulles International Airport as to the long-haul airport for the region or increasing the amount of flights at DCA. It simply would allow a limited number of direct flights out of DCA to reach the Western States so that passengers have more choice. It would also allow more tourists and business travelers from around the country another option for visiting the Nation's capital and its surrounding States, such as the State of Virginia.

My colleagues realize a lot has changed in 50 years, and they realize the need that has previously existed to protect Dulles Airport has lessened due

to its own success. Thanks to a recognition of this fact, and some assurances that have been made by Senators DORGAN and the Acting President pro tempore, the Senator from Virginia, a vote on the Ensign amendment may not be needed tonight. Instead, it is my understanding that Senator DORGAN and other conferees will make a good-faith effort to modify the DCA perimeter rule when the FAA reauthorization bill is conferred with the House. I know my friend from North Dakota intends to pursue this matter in conference, and I appreciate what he has said on this matter.

I also very much appreciate the spirit by which the Acting President pro tempore has approached this issue. As his predecessors have done, he has very much acted out of concern both for the traveling public and also the airports in his State of Virginia, and I would expect him to do nothing less. But I appreciate the open mind he has in trying to deal with an issue that we out West have that, hopefully, could be worked out in such a way that it would be a win-win and recognize the fact that times have changed since the early 1960s.

Mr. President, unless the Senator from West Virginia has anything, I will suggest the absence of a quorum, and I do.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. KAUFMAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. KAUFMAN. Mr. President, I ask unanimous consent to speak as in morning business for up to 5 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

IN PRAISE OF MARY KLUTTS, DONNA SCHEEDER,
AND RONALD O'ROURKE

Mr. KAUFMAN. Mr. President, I rise to share the stories, once again, of some of our Nation's great Federal employees.

All throughout March, libraries across America have been celebrating National Reading Month. Children from coast to coast have been learning about the importance of books, and schools have been promoting literacy as a tool for academic advancement.

This month-long celebration of reading—from Dr. Seuss's classic "The Cat in the Hat" to Joyce's "Ulysses"—reminds us not only of the joy found in the written word but also of the critical role libraries play in all our communities.

Libraries have long been a staple of American life, dating back even to our early colonial days. In the decades before the Revolution, America's first li-

braries enabled the dissemination of the very ideas that inspired our founding patriots. In the eighteenth century, the athenaeums of New England and the shareholder libraries of Benjamin Franklin served as precursors to our robust, modern network of free public libraries.

In 1800, our predecessors in the Sixth Congress established a research library to help those in government carry out their work with access to scholarly volumes on every subject. Today, the Library of Congress is the largest library in the world, and its ornate reading room remains an awe-inspiring cathedral of learning.

I have chosen today to honor three public servants who work at the Library of Congress.

Mary Klutts began her Federal career as a U.S. Marine. In 1990, she came to the Library of Congress as a budget analyst, and in her 20 years there she has become an expert in every aspect of the Library's operating budget.

Since 2007, when Mary was named budget officer, she has set out to transform the way the Library's budget proposals and funding justifications are formulated. Her work has helped make the Library's budget and operations more transparent, and its funding proposals are more concise. Now Library of Congress budget proposals are often cited as the model for the legislative branch. As a result of Mary's efforts, the Library received strong support from Congress in appropriations for the last two fiscal years.

During this time of economic challenges, Mary has helped demonstrate where every dollar of taxpayer money for the Library goes and why.

Another outstanding Library of Congress employee is Donna Scheeder, who has worked there for over 40 years. Having worked in a number of roles throughout her career at the Library, Donna was an early champion of integrating computers into libraries, and she introduced the idea of electronic briefing books for Congress.

She is recognized as a leader in the information management field, and she has guest-lectured around the world on the topic of legislative library management. Donna is also a former president of the Special Libraries Association.

Until recently, Donna was serving as the Acting Law Librarian of Congress, and she was awarded the Federal Librarians Achievement Award in 2009.

An active member of the Washington, DC, community, she serves as Chair of the Eastern Market Community Advisory Committee and on the Board of the Old Naval Hospital Foundation. When not spearheading innovative initiatives at the Library, Donna spends time relaxing at her home on the Delaware shore.

One of the branches of the Library of Congress most familiar to those of us who serve in this chamber is the Con-

gressional Research Service, or CRS. This nonpartisan office houses scholars who prepare reports on every policy issue and the effects of proposed and enacted legislation. They are our "go-to guys" for information on every topic, and they are truly great at their jobs.

The third person I am honoring today has been an analyst with the CRS since 1984.

When Ronald O'Rourke joined the CRS as a naval analyst, he arrived with an impressive background as a Phi Beta Kappa graduate of the Johns Hopkins University. He was also valedictorian of his class at the Nitze School of Advanced International Studies, where he obtained his master's degree.

At CRS, Ronald quickly distinguished himself as a leading expert on naval strategic and budgetary issues, and he frequently briefs members of Congress and their staffs on defense programs and appropriations. He has even been called to testify as an expert at congressional hearings.

Though he already had a busy schedule as a specialist in naval affairs, he stepped in when the CRS's expert in military aviation passed away suddenly last year. Ronald took responsibility for that portfolio in addition to his own, and his reports on high-profile aviation programs proved invaluable during the congressional debates on defense spending in the 2010 budget.

Mary Klutts, Donna Scheeder, and Ronald O'Rourke continue their work in public service at the Library of Congress to this day. They are just three of the many talented and dedicated men and women whose work benefits not only those of us in Congress but also the tens of millions who access resources from community libraries throughout our Nation.

I hope my colleagues will join me in recognizing the important contribution made by the employees of the Library of Congress.

They are all truly Great Federal Employees.

I yield the floor and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

AMENDMENT NO. 3528

Mr. BINGAMAN. Mr. President, I rise in opposition to the McCain amendment No. 3528. I understand we are scheduled to consider that amendment in a series of votes beginning at 5:30 p.m. The amendment deals with commercial air tours over Grand Canyon National Park. I wish to take a few minutes to explain the reasons for my opposition.

The Grand Canyon, of course, is one of the crown jewels of the National Park System. It is one of the earliest areas that was set aside for conservation purposes—originally in 1893 as a forest reserve; later designated as a national monument by President Theodore Roosevelt in 1908; and in 1919, it was designated by Congress as a national park. The Colorado River winds its way over 275 miles through the park, forming one of the most spectacular series of canyons anywhere in the world.

The park is one of the most heavily visited sites in our country, with just under 4.4 million visitors last year. Visitors come not only to see the awe-inspiring views or to float down the Colorado River but also to experience the quiet and the solitude that much of the park offers.

In recent years, however, experiencing the natural quiet has become more difficult as noise associated with aircraft flights over the park has resulted in increased noise on the ground in the park.

Recognizing this fact, in 1987 Congress enacted the National Parks Overflight Act. This law included a finding that “noise associated with aircraft overflights at Grand Canyon National Park is causing a significant adverse effect on the natural quiet and experience of the park . . .” The 1987 Park Overflight Act directed the Secretary of the Interior to submit to the Federal Aviation Administration “recommendations regarding actions necessary for the protection of resources in the Grand Canyon from adverse impacts associated with aircraft overflights.”

It also went on to say:

. . . and shall provide for substantial restoration of the natural quiet and experience of the park and protection of the public health and safety from adverse effects associated with aircraft overflight.

Importantly, the act also directed the FAA to implement the Secretary’s recommendations unless the FAA Administrator determined doing so would adversely affect aviation safety.

In response to the 1987 law, the National Park Service developed recommendations which were implemented by the FAA and which remained in place for several years. However, by 1996, both the Park Service and the FAA concluded that the policies in place were not achieving the goal of restoring the natural quiet in the Grand Canyon. In addition, the projected increase in commercial air tours over the park would result in even more noise at the park.

Since then, the agencies attempted to finalize new rules to improve noise conditions in the park, but those rules were challenged in court, both by air tour operators who thought the rules were too restrictive and by environmental groups who thought the rules

did not go far enough to limit aircraft noise. The challenges went to the court of appeals on two separate occasions. This is in the D.C. Circuit Court of Appeals.

Following clarification of the law from the court in its most recent decision in 2002, the agencies refined key definitions and have worked with affected stakeholders to be able to finally implement a rule that will achieve the congressional directive to restore the natural quiet in the Grand Canyon. I am told that currently the National Park Service and the FAA expect to have the draft environmental impact statement for the proposed rule ready this summer and the final environmental impact statement completed and a record of decision implemented sometime next year.

That is a lot of history. It has been 23 years since the National Parks Overflight Act was enacted. I appreciate the frustration all parties have with the fact that a final rule is still not in place that meets the goals and requirements of the 1987 law. However, as evidenced by the history of the process I have described, the delays are not the result of inaction or of inattention to the law; rather, they are the result of the difficulty establishing accurate models for acceptable noise standards, as well as the multiple legal challenges that have occurred.

I have several concerns with the amendment Senator McCain has proposed. My principal objection is, however, that I do not believe it makes sense to legislatively enact new standards when the National Park Service is close to putting out its new recommendations, especially since it has taken so long to get to this point. I believe the better action would be for us to wait and see what the agencies actually propose. Then, if there is disagreement with the new proposed rule, we can enact legislation to correct it.

Besides the fact that I believe the timing of the amendment is premature, I also have concerns about many of the specific provisions the amendment would legislate. Some of these get somewhat detailed.

Let me indicate that there is a concern I have with the definition in this legislation for “substantial restoration of the natural quiet.” What does that mean? The legislation would establish a certain definition of that which is significantly different from what has been assumed and worked with for a long time by a great many people.

The amendment also prohibits the National Park Service from considering aircraft sound from sources other than commercial tour operators, which will significantly limit the ability to control aircraft noise over the park.

The amendment prohibits the allocation for commercial air tours over the Grand Canyon from being reduced, notwithstanding any other provision of

law, regardless of the noise effects over the park. It goes even further and directs that the FAA begin a rulemaking to increase the flight allocations over the park.

Because the proposal has not been through a standard committee process—as, to my knowledge, there have not been hearings on this proposal—and input from affected agencies and stakeholders have not been solicited, the potential impact of several other provisions in the amendment remain unclear, at least to this Senator. For all these reasons, I believe we should not proceed with this amendment, and I would urge my colleagues to oppose it.

Let me mention also a very good editorial on this issue that appeared in the Arizona Republic yesterday. It is entitled “Congress Should Not Foil Process,” and its first couple of sentences say:

The plan to reduce aircraft noise at the Grand Canyon is finally wrapping up. Suddenly, there’s an attempt in Congress to make a last-minute end-run around the process. This makes no sense. The draft environmental document is weeks away from being released. Multiple stakeholders have weighed in. After years of work, we are on the verge of a plan to restore natural quiet to one of the most majestic places on Earth.

Then it goes on to discuss, in very substantial detail, what the amendment of Senator McCain would try to do. It ends by saying:

Congress should hold off. A plan to restore quiet at the Grand Canyon is so close to completion. Let the process go forward.

That sums up my sentiments exactly. I hope we will heed the good advice contained in the editorial, and I ask unanimous consent to have printed in the RECORD the article from the Arizona Republic.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Arizona Republic, Mar. 21, 2010]

CONGRESS SHOULD NOT FOIL PROCESS

The plan to reduce aircraft noise at the Grand Canyon is finally wrapping up. Suddenly, there’s an attempt in Congress to make a last-minute endrun around the process. This makes no sense. The draft environmental document is weeks away from being released. Multiple stakeholders have weighed in. After years of work, we’re on the verge of a plan to restore natural quiet to one of the most majestic places on Earth.

But last week, Sen. John McCain, R-Ariz., introduced legislation that would unilaterally set out rules for air-tour operations at the Grand Canyon.

The measure, an amendment to another bill, was co-sponsored by his fellow Arizona Republican, Jon Kyl, and Nevada’s senators, Democrat Harry Reid and Republican John Ensign.

McCain has been a longtime champion of park tranquillity. He helped pass the National Park Overflights Act in 1987, which directed the Federal Aviation Administration and the National Park Service to reduce noise from low-flying aircraft at the Grand Canyon.

Since then, the process of adopting a noise-management plan often seemed to move at the same geological pace as the forces shaping the Canyon. As 23 years rolled by, McCain repeatedly expressed impatience. And we agreed.

But now is not the time for Congress to step in. The draft environmental-impact statement, which will identify a preferred noise-reduction strategy, is expected to be out by the beginning of May. It will address such issues as the number of flights, requirements for quieter aircraft and hours of operation.

The public will have a chance to comment before a final choice is made. The Federal Aviation Administration will then adopt rules, which should be in place by early 2011.

We must achieve a delicate balancing act at the Grand Canyon: giving visitors access, including by air, while preserving as much of its wild solitude as possible.

Many groups and individuals from all sides have contributed countless hours to the process, hunting for the best balance.

The amendment would ignore their efforts and set into law such issues as operating hours, air-corridor routes and flight allocations.

It would prohibit reducing the number of flights currently allowed. It would exclude any consideration of noise from regular commercial air traffic. It would decree that natural quiet is restored if for at least 75 percent of the day, 50 percent of the park is free of sound from authorized air tours.

Years of work on the environmental review may indicate that different rules or more flexibility are in order. But if the amendment passes, anything that doesn't conform to it will go into the waste basket.

In his floor statement in the Senate, McCain said the amendment reduces excessive aircraft noise "without waiting another 23 years for progress."

But we don't have years to wait anymore. We'll see a noise-management proposal within weeks.

Why the rush? Are air-tour operators—with a heavy presence in Las Vegas—pushing to get rules to their liking in place, trumping whatever is in the environmental-impact statement?

Congress should hold off. A plan to restore quiet at the Grand Canyon is so close to completion. Let the process go forward.

Mr. BINGAMAN. Mr. President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. KAUFMAN). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROCKEFELLER. Mr. President, as we approach a final vote on the FAA reauthorization, which we are doing slowly—that will take place at about 5:30—I wish to talk briefly about why I think this is so important. I see my distinguished colleague from Texas is here, whom I am going to praise so much in my final comments, but she will have to wait for that. I wish to discuss why we have spent so much precious time in the middle of a national debate on health care and jobs and the

economy to work on this bill, which we have been doing now for several years. As I have often pointed out, it was sort of pushed forward 11 times without a final resolve. We want a final resolve this evening, and we believe we are going to get one.

We are here today because FAA reauthorization is about so much more than aviation. It has everything to do with safety for our people, it is about jobs, it is about our economy, it is about, frankly, our self-esteem as a nation in the world of aviation. Fifty percent of all the flights that take place in the world are American planes, but we are behind, in some ways, and we shouldn't be. The Congress has allowed us to be behind because we haven't been able to put attention on this because time is hard to get on the floor. So I appreciate Leader REID's willingness to give us this time, even as these momentous matters are going on.

To me, this is all about improving commercial aviation air service to small and rural counties, communities. You would expect that from me. I represent my State. But as chairman of the committee, I represent the country, too, as does my distinguished ranking member. It is also very much about establishing better consumer rights protections for the people who fly, whom we call passengers and whom we also call consumers. But ultimately it is about improving safety and about modernizing our system, which I have taken very seriously for years and about which we have done precious little. In other words, it is about people's lives every day.

I can remember years ago I could say a relatively few percentage of the folks from my State flew. They just didn't fly. I mean a lot did but most didn't. That has changed now. You can't do business in West Virginia, and West Virginians can't do anything without getting on an airplane, if you can find one to get on and if you cram yourself into one—which would be a problem for the Presiding Officer as well as the present speaker. In other words, our utmost priority always has to be safety in the skies and for the passengers and their families. They have to trust us to get this right.

There is a lot that goes wrong. There is a lot that isn't noticed that goes wrong, but we do notice and we haven't corrected it and we have a moral obligation to correct it. So let me say a word about safety.

Statistically, as everybody says, we have the safest air transportation system in the world. I always bridle a little bit when I hear that. It is true. Our airlines talk about it, politicians talk about it. But it is so much less safe than it could easily be if we were to be a bit more farsighted and energetic. We have done that in the Commerce Committee, and we have put forward a bill which does that and creates a much

more wholesome story and I will get into that.

It has been a little more than a year since the tragic crash in Buffalo, NY, of flight 3407 that took the lives of 50 people. It is clear we need to take serious steps to improve pilot training, to address flight crew fatigue, which seems to be an esoteric subject until you look at it. Senator BYRON DORGAN, who is the chairman of our subcommittee, had some charts which brilliantly showed what pilots in some of these commuter airlines have to go through to get to work and sometimes then go two nights with no sleep before they fly. Well, it doesn't take a rocket scientist to figure out that is dangerous. And then you have chatter in the cockpits. We have even had one instance of an 8- or 11-year-old kid helping to land a plane. I mean it is ridiculous. It is pathetic. It exists. We are trying to get rid of all that.

Our bill does a lot to address these problems. We need to have resources for all our airports, both large and small. This legislation is about equality among airports and economic stability among airports. We have to provide adequate resources to airports, both large and small, both urban and rural. When people think of California, they think of San Francisco and Los Angeles, but they don't think of the dozens of places in between and above and below that are rural or the inner part of California, where people need air transportation but have a hard time.

The continuing economic crisis has hit the U.S. airline industry very hard. That is easy to say, but it has been devastating for our legacy airlines. They have been in and out of bankruptcy, mergers have taken place, and they are always on the edge. I remember at one point they were showing how they were going to move the seats about an inch closer to each other and there was an uproar. So the pillows disappeared and the pretzels and the potato chips disappeared and we have come to understand that. They are not doing that because they want to treat us badly. They are doing that because every penny is desperate for them, and they have overwhelming problems with the recession. Even before the recession, they were having overwhelming problems.

That is the whole question with the deregulation of airlines. A lot of things happened, not all of them good. I can remember—and I hope my ranking member will indulge me—when I went to West Virginia in 1964, and I drove there, actually, but there were Eastern Airlines jets, there were United Airlines jets, there were American Airlines jets, and all the big jets at that time. Within 3 weeks of deregulation, they were all gone. Now I take my 6 feet 6½ inches and pray I get an exit row. I am a master at working the exit

system, should that ever be necessary, but I have to have that exit row, which is always No. 7, or else I am in big trouble.

The continuing economic crisis has hit the U.S. airline industry extremely hard and this affects the future of hundreds of our communities and particularly rural communities because the rural communities are always at the end of the food chain. When you are at the end of the food chain, it is akin to being at the end of the line. You are the one who is cut out. No more seats in the house, you are cut out, cut off. I have witnessed that a lot in West Virginia and it hurts. It hurts. I have seen, time and time again, how important a lifeline it is for local communities, and therefore it continues to hurt.

The Federal Government needs to provide additional resources and tools for small communities to attract adequate airline service. That is possible. It is not just a matter of the Federal Government supplying a certain amount of money or the essential air service, it is a matter of the local airports taking themselves very seriously as a product. We discovered that in West Virginia. Others have discovered it, perhaps before us or after us, but it makes no difference, you have to market yourself. An airport is not just a place where planes land, it is a consumer product and it has to be marketed.

It used to be that lots of our people drove to Cincinnati and took Southwest, and there was nothing we could do about it. Of course, there was something we could do about it, and that was to market our airport in Charleston, WV, and we did that. They marketed on the air, in the newspapers, and they marketed it in every way possible. Gradually, the people who had been going to Cincinnati stopped going to Cincinnati because they discovered they didn't have to spend the money on gasoline and the overnight motel rooms. They could simply go to Charleston, to Yeager Airport, and get to Huntington or Parkersburg or wherever it was.

So it is a tough fight for local communities. It is easy if you are in a big city. It is hard if you are in a small State, and the Presiding Officer is familiar with that. So our legislation accomplishes this business of new resources by building on the existing programs and strengthening them.

There are some very good programs. I will not go into all of them now, but there are some very good programs. The Airport Improvement Program was started a number of years ago. It is absolutely superb at what it does. It allows airports to expand, to build parking garages, to expand runways, and build those sort of off-ramp safety places, as they do for trucks, so that when they are speeding too much and suddenly there is something which

shoots up the hill. Airports have something called EMASS, which is the same thing. At the end of a runway, if the plane lands on a short runway—because most of our airports are on the tops of hills—and they overshoot a little bit, they can end up in an EMASS and they are safe. It is soft concrete blocks. We had 34 lives saved in the last month and a half because of that EMASS system which happened to be there, and that has to be utilized all over the country.

Consumer rights. This bill also strengthens passenger protections by incorporating elements of the Passenger Bill of Rights to deal with the most egregious flight delays and cancellations. We are rather specific about that. You never know exactly how things work out, but we have set some rules. We have said nobody can wait more than 3 hours without food, without medical attention, without bathroom facilities. They have to take the passengers back, get them to unload so you don't have these 9-hour, 8-hour, 7-hour waits that always become national stories whenever they happen. That is not a question of being practical, it is a question of being humane. It makes sense. It takes away people's anger, and it makes them more likely to want to fly.

Passengers, frankly, have really had it with endless delays—they really have had it. They do not like the way they are being treated, especially when they are stuck on a tarmac in the summertime. People feel bad sometimes when they are just in an airplane—the white-knuckle syndrome even if they are not flying, just being in an airplane. The air is not always so good. People can come close to a point of panic. You don't want that. We deal with that in this legislation. We do have a responsibility to bring their rights back into the equation and take them seriously.

Modernization. Our system is outdated. It is strained beyond its capacity. I feel very passionate about this one and I have for years. America's air traffic control system is literally using a World War II technology. We are the only ones in the industrialized world who do that. It is embarrassing beyond belief, it is costly beyond belief, it is climate-unfriendly beyond belief, and it is dangerous beyond belief because everything is based on radar. It is ancient, World War II. We have not changed. Everybody else has. Mongolia has done it. We have not.

On the committee, we decided we were going to get into it in a very big way. The Next Generation Air Transportation System, called NextGen—that is what we call it—will save our economy billions by creating additional capacity and more direct routes, allowing aircraft to move more efficiently. Why? Because it will be GPS, it will be digitalized, and it will be

real-time streaming of where airplanes are. It will help the ground controllers. They will have to put equipment in the airlines themselves so the pilots and the ground-control people will know exactly where they are at all times. That means maybe they will be able to bring planes closer together and can land more often or fly a little closer together—things that cause the whole system to purge itself of inefficiencies, but not unsafely but safely because you are using a digitalized system which the rest of the world is already using.

It has the further advantage, which I have indicated, of reducing carbon emissions and noise emissions. Noise emissions are very important. The noise emissions can be overestimated by some; nevertheless, if people feel strongly about it, they feel strongly about it, and people do feel strongly about it. You see that in our local area here. So we want to be helpful on that.

A modern air traffic control system will provide pilots and their air traffic controllers with a better situational awareness—I have said that, but it is so important—giving them the tools to see other aircraft, both at the same time, both streaming information real time. Also, the weather maps, so they have precise knowledge—not just visual knowledge of where there might be a thunderstorm but precise knowledge.

This kind of modernization requires sustained focus and substantial resources. We have worked that out in our bill, and we will have a nationwide system by, I believe it is, 2025. It seems like a long way off, but considering where we are starting—we only have one in place, in the gulf, which is working. We have to do the whole system. It costs money, both by the Federal Government and by airlines—which are not going to love that, but it is part of the deal. This authorization takes steps to make sure we begin all of this now.

In closing, we have to move boldly. This is a huge subject. It is a huge part of our economy. I guess 700 million people fly today, each year. In the next 10 years, it will go over 1 billion, maybe 1.2 billion people in the air over the course of a year. At any given moment, there are 36,000 planes in the skies. How do you keep track of them all? How can you be sure that they are safe, that they are not going? How do you shut off the chatter business where pilots are just talking to each other about things. How far do you go on that without invading privacy rights? On the other hand, if you don't go far enough, you are invading consumer and passenger safety, and I lean in that direction.

Last week, I spoke a little on the floor about the main four goals we set out to achieve with this bill. No. 1 is to address critical safety concerns. No. 2 is to establish a roadmap to implement NextGen, that is, the modern system, so we can catch up with Mongolia and

accelerate the FAA's key modernization programs. No. 3 is to invest in airport infrastructure. It is so important. If you look at what is happening at Dulles Airport—that is sort of an extreme example because that is preparing for the 23rd century, not for the 21st or 22nd. But they have it right, they have all the land out there, they have bonding authority, and they can do what they want. They have a good board. It works very well for them. It needs to work for other airports, also, in small communities as well. No. 4 is to continue improving small communities' access to the nation's aviation system. You know I will never deviate from that, coming from the State of West Virginia.

Frankly, I am proud of how far we have come and prouder still that we got here in a truly bipartisan fashion. It is refreshing. It was quite wonderful, working with Senators—obviously Senator HUTCHISON being the key; Senator DORGAN, a terrific chairman of the aviation subcommittee, absolutely terrific; also, Senator DEMINT—toward a vibrant, strong aviation system so fundamental to our country.

I urge my colleagues to give the FAA the tools, the resources, the direction, and the deadlines to make sure the agency can provide effective oversight of the aviation industry. This is a big-ticket item that appears not so dramatic as events of the recent days, but over the course of our country, it is extraordinarily dramatic.

I will at the proper time urge my colleagues to support reauthorization. As I say, we have put this off now 11 different times. This will last for 2 years after conference—it may be 3 years. I would take more than that, myself. But we cannot afford to wait any longer.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 3528, WITHDRAWN

Mrs. HUTCHISON. Mr. President, on behalf of the Senator from Arizona, Mr. MCCAIN, I ask unanimous consent that amendment No. 3528 be withdrawn.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. HUTCHISON. Mr. President, let me say that I know Senator ROCKEFELLER and I will have a little time toward the vote to do a summation of the bill. But while we are at this stage, I do wish to say that I think we have taken a major step forward in FAA reauthorization. As many who have worked on this project know, we have had 11 extensions of FAA reauthorization since

2007—short-term extensions because we have not been able to get the agreements that are necessary to propel this bill from the floor.

There are some very important provisions of this bill that I hope we will eventually have final passage and that we can all support. However, we are not there yet. We are at the stage of getting it from the Senate floor, but there are still some issues that will have to be resolved even before we go to conference.

I think before we appoint conferees there will have to be some agreements that have not yet been clearly reached. One of those is the perimeter rule. I am going to talk a little bit more about that when my colleague, Senator ENSIGN, comes because his amendment is the pending amendment on that on the bill. But besides the perimeter rule, there are issues that are addressed in this bill that are so important, that will take us a major step forward for the traveling public in our country.

There are safety provisions in this bill addressing issues throughout all sectors of the aviation community. I think they are major improvements in our airline safety, although we know we have the safest system we have ever had. There are very few accidents. But I do think the accidents we have had are still teaching us what can be done in the area of fatigue of pilots and human factors, which has always been the hardest part of the aviation system to address. We do have some standards and a way forward that I think will improve aviation safety because none of us wants to have anything less than 100 percent aviation safety. That is what we are striving for.

The bill will also modernize our air traffic control system. Our air traffic control system is using technology that is probably based back in the 1960s. It is time for us to have a satellite-based system. This is going to be expensive. Having the startup of this NextGen system is essential for our country to stay in the forefront of efficient use of our air traffic control system, and also eventually, hopefully, when it is all in place, we will also be able to open more airspace so we can better utilize our air traffic control system.

The bill will provide infrastructure funds for our airports. That is one of the reasons we need to get this bill from the floor and assure our airports that the airport trust fund money is available, it is stable, and they can count on the funds flowing from the airport trust fund in an orderly way so that the improvements to our airports can be done.

The bill will improve rural access to aviation through the Essential Air Service Program. This is a very important part of our whole system. Not only do we have a great general aviation community, which does so much

for capabilities for volunteers and recreational pilots to use our airspace, but also the business aviation—the smaller aviation facilities that are private but also very important. And then, of course, our regional airlines are a very important part of our overall air service, and we will have improvements in those sectors.

The bill will improve passenger and consumer protections. There is no doubt that the Passenger Bill of Rights is long overdue, and I think we have come to a good place to protect passengers from sitting on the tarmac for 5 hours without the ability to get off an airplane. Issues such as that that have cropped up are being addressed in our new Passenger Bill of Rights. It will strengthen aeronautics and aviation research as well.

There is a lot that is good in this bill, and we still have a long way to go to finish it, but I do look forward to working through tonight, getting the bill passed from the Senate, and then working on these issues that are not yet completely agreed to before we go to conference. Then, from there, I hope we can take the next step, which is not going to be an easy one, and that is resolving the differences between the House and Senate bills. The differences are pretty big, so I think we are going to have our jobs cut out for us. It means we are not anywhere close to being finished yet, but we are certainly in a better place than we have ever been since 2007 when FAA reauthorization, the previous bill, lapsed, and we have been doing short-term extensions since then.

I look forward to more after wrap-up and more of a discussion of the perimeter rule as soon as Senator ENSIGN arrives.

I yield the floor.

BOISE TERMINAL RADAR APPROACH CONTROL

Mr. CRAPO. Mr. President, I appreciate the fact that the chairman and ranking member of the Senate Commerce Committee have created an Air Traffic Control Modernization Board and tasked it with reviewing and evaluating the Federal Aviation Administration facility and service realignment proposals.

The Idaho delegation has been raising serious concerns with the FAA's proposed transfer of the Boise Terminal Radar Approach Control, TRACON, for several years. Despite the years of requests for transparency and detailed cost and safety data, the agency has failed to clearly demonstrate that the radar transfer would result in improved air traffic control services for Boise air traffic users. In fact, the evidence that the Idaho delegation has seen continues to indicate that services would be diminished and efficiency and operational costs could also be impacted.

The Idaho delegation requested the Department of Transportation's Office

of the Inspector General to initiate a study of the costs associated with this radar transfer. In addition we have asked the Air Traffic Safety Oversight Service, AOV, to determine whether FAA safety risk management procedures have been followed in the proposed move.

The Idaho delegation remains unconvinced that physically relocating the radar would be cost effective and question the assumptions that have driven the FAA's proposal. Because these concerns have not been adequately addressed, we believe the consolidation should be halted until the new Air Traffic Control Modernization Oversight Board completes its recommendations for realignment.

As I read the new section 308 language, the bill will halt the consolidation of the Boise TRACON into the Salt Lake City TRACON until after the board completes its recommendations for realignment even though the FAA has sent an article 46 notification to move the Boise TRACON to Salt Lake City. At this point, I ask to have printed in the RECORD a letter from the National Air Traffic Controllers Association, NATCA, that agrees with this position.

The letter follows.

NATIONAL AIR TRAFFIC
CONTROLLERS ASSOCIATION, AFL-CIO,
Washington, DC, March 18, 2010.

DEAR SENATORS CRAPO AND RISCH: We write today to thank you for your continued leadership in the U.S. Senate on behalf of the air traffic controllers in Idaho.

As you know, the National Air Traffic Controllers Association has a strong track record of support of consolidations that do not compromise safety. Unfortunately, the FAA has failed to collaborate with the controller workforce during its most recent round of facility and service realignments, including the agency's intentions to remove local radar services from Boise. Your support for the controllers in Idaho during this dispute has been critical and has not gone unnoticed.

The language in Section 308 of the substitute amendment to H.R. 1586, legislation to reauthorize the Federal Aviation Administration, will protect the Boise TRACON and the city's air traffic control facilities from the FAA's current plans to transfer these services to Salt Lake City despite the FAA's Article 46 notification of its intent to move forward with the proposed transfer.

This language will ensure the local radar services will remain at Boise until the Air Traffic Control Modernization Oversight Board's recommendations are complete, or with the full participation of and collaboration with the air traffic controllers at Boise. Similarly, we at NATCA will not move forward with negotiations with the FAA on the Boise TRACON transfer without full cooperation with the Idaho Congressional Delegation and other key stakeholders. Full collaboration will ensure that this and all future ATC facility and service realignments will only be considered if the proposals serve the public good by improving safety, efficiency and service.

The inclusion of this provision in the substitute amendment is a direct product of your tireless efforts to compel the FAA to

work collaboratively with the air traffic controllers and other vital aviation stakeholders in Boise. On behalf of the air traffic controllers in Boise and throughout the country, we want to thank you for your continued leadership on this issue.

Sincerely,

PATRICIA GILBERT,
National Executive
Vice President.

MARK GRIFFIN,
President, Boise
NATCA Local.

Mr. RISCH. Mr. President, I completely agree with the distinguished senior Senator from Idaho, and I associate myself with his statements fully. Senator Crapo and I want to confirm with the chairman and ranking member of the Senate Commerce Committee that section 308 prohibits the FAA from proceeding with the consolidation of the Boise TRACON into the Salt Lake City TRACON until after the board completes its recommendations concerning all air traffic control facility realignments and consolidations nationwide. From where we stand, it is necessary to have a thorough review of the Boise consolidation and an independent determination of the cost effectiveness of transferring the Boise TRACON to Salt Lake City.

Mr. ROCKEFELLER. Yes, that is correct. The FAA article 46 notification of its intent to move forward with the proposed transfer would be stopped if section 308 is enacted into law, unless the affected employees execute a written agreement regarding the proposed realignment.

Mrs. HUTCHISON. I concur with the Senator from West Virginia. No realignments will be allowed to continue before the completion of the board's recommendations, unless the affected employees and the FAA agree in writing to do so.

Mr. CRAPO. Per this colloquy, Senator Risch and I will follow up with the FAA that it is the clear intent of the Senate for the FAA to halt its consolidation of the Boise TRACON until after the new board completes its recommendations for realignment.

Mr. DURBIN. Mr. President, FAA authorization expired in October of 2007.

For more than 2 years, we have been operating on short-term extensions.

I thank Chairman ROCKEFELLER and Senators HUTCHISON, DORGAN and DEMINT for working together to bring this bill to the floor.

The bill before us will improve the safety of air travel, modernize our air traffic control system, boost the economy and create thousands of jobs.

Senator DORGAN and Senator ROCKEFELLER have had many hearings over the last few years on aviation but each hearing had one theme: safety.

This bill will improve safety by creating an Aviation Safety Whistleblower Investigation Office that can catch problems before they result in serious accidents.

The bill also requires the FAA Administrator to re-evaluate flight crew training and certification.

We also require FAA to establish safety standards for training programs for flight crew members and aircraft dispatchers.

Another key component of this bill is NextGen.

NextGen is the term we use to describe our transition to a more modern, satellite-based air traffic control system.

NextGen will give pilots and air traffic controllers the ability to accurately pinpoint aircraft in the sky—to avoid problems, to monitor traffic, to move things more smoothly, safely and efficiently.

The FAA released its aviation forecast study last Tuesday.

Last year, we saw 704 million passengers carried on U.S. airlines. Soon, those numbers will increase significantly. The FAA reports we will see more than 1 billion air passengers by 2023 and more than 1.2 billion passengers by 2030. We just do not have the capacity with our current air traffic control system to handle this increase in traffic. But with NextGen, we hope to triple the capacity of our national aviation system.

This technology will allow planes to fly the straightest, quickest route from point A to point B. And with more precise information and better communication between the ground and the cockpit, we can fit more planes safely in our airspace. Doing so will save airlines at least 3.3 billion gallons of fuel a year or more than \$10 billion annually by 2025. NextGen should also reduce airport delays significantly.

Chicago's Midway Airport was ranked dead last in January for on-time departures among the nation's 29 busiest airports. Chicago's O'Hare airport has won that dubious distinction more than once. One of the main reasons for these delays is the lack of capacity in airspace. Fully implementing NextGen should reduce delays by half.

This is a great investment. This bill will help airports and air travelers in Illinois and nationwide save time and money.

In Illinois, we are in the middle of the largest airport expansion project in U.S. history at O'Hare airport.

This \$6.6 billion project will completely reconfigure the runways at O'Hare to make sure we can move more traffic in and out of Chicago more efficiently. Moving this project along means a lot to the people of Chicago and Illinois. O'Hare already generates 450,000 jobs and \$38 billion in economic activity for the Chicago region and the State of Illinois. The O'Hare modernization project will create 195,000 more jobs, and another \$18 billion in annual economic activity. This bill will allow O'Hare to keep moving forward by streamlining the passenger facility charge application process.

And it isn't just O'Hare. Airports in Illinois will benefit from more than \$4 billion per year for the airport improvement program, AIP.

Last year, airports in the Quad Cities, Rockford, Decatur and Springfield all used AIP funds to make critical improvements to their airfields.

Keeping this funding flowing will allow these airports to handle the traffic of today and the future increases of tomorrow.

The bill helps rural areas keep the commercial air service they have now and attract new service in the future. For a long time, the Essential Air Service, EAS, program was relegated to the back bench at the Department of Transportation.

In Illinois, two air carriers provided subpar service for too long.

In 2007, the EAS carrier providing service from Quincy, Decatur and Marion, IL, to St. Louis was shut down by the FAA. The next carrier promised each community four round-trips each day and codeshare agreement with a major airline. That carrier broke those promises and left town as soon as they could. This administration is taking a different approach and so is this Congress.

This bill fully funds the EAS program and puts in place important reforms so the Department of Transportation works with businesses, local communities and the airline industry to start and retain quality air service to rural communities.

Without a robust EAS program, many rural communities would have no commercial air service at all, and residents of smaller cities would have to travel significant distances for flights. But with reliable and safe commercial air service, communities can retain and attract businesses.

The bill also helps smaller airports gain new commercial air service by increasing funding for the Small Community Air Service Grant program.

This program has helped airports in Illinois, including Rockford and Springfield, bring new routes to their cities.

I want to thank Senator ROCKEFELLER for including the Essential Air Service and Small Community provisions in this bill and for creating an Office of Rural Aviation within DOT to make sure rural areas are not forgotten.

Safety, efficiency, capacity and even the connectivity in smaller communities—all of these aspects of the FAA reauthorization also generate jobs.

The FAA estimates commercial aviation is responsible for 5.2 percent of gross domestic product and generates \$1.142 trillion in economic activity.

The aviation industry provides \$346 billion in earnings and 10.2 million jobs.

And this bill will help grow those numbers. In 2010, DOT estimates this

legislation will support 150,000 jobs. The economist Mark Zandi said, "Aviation is the glue that keeps the global economy together."

This bill will boost our economy now and lay the foundation to keep the United States competitive in the global marketplace moving forward.

Mr. WYDEN. Mr. President, I rise in support of this legislation to modernize our Nation's aviation system and I am especially pleased that it includes Senate Amendment No. 3534 to protect the pristine beauty and quiet of Crater Lake National Park.

This amendment offered by Senator MERKLEY and I would bring an end to the bureaucratic stalemate that exists between the Federal Aviation Administration and the National Park Service over implementation of the National Parks Air Tour Management Act of 2000.

That act required the FAA and the Park Service to work together in regulating air tours over national parks. Unfortunately, that is not happening. After nearly a decade, these two agencies have yet to complete a single required air tour management plan for those parks with air tours.

Meanwhile, parks where air tours applications are pending are in limbo over whether tours will operate and where. Efforts to provide adequate safeguards to protect the parks' resources have stalled, leaving places such as Oregon's Crater Lake National Park—the 6th oldest national park in the Nation—lingering in needless uncertainty. In short, the law is not working as it was intended and providing no benefit to anyone.

When an air tour company applied last year for permission to fly tours over Crater Lake National Park, the public outcry in my state and elsewhere was swift and dramatic—and for good reason. Anyone familiar with Crater Lake knows that it is one of the crown jewels of the Nation's system of national parks. It is a place that my constituents care deeply about. It is visited by countless Oregonians and tourists alike every year who come to see its deep-blue lake, dramatic lava flows, towering trees and, perhaps most of all, to experience its quiet.

While we cannot agree on what to do about air tours over every single national park, we can agree that if we are going to ban them anywhere it should be Crater Lake. Such a ban will guarantee future generations the same pristine solitude that exists today.

Since Crater Lake represents one of the few places to escape the din of everyday life, I and many others have serious concerns over what the proposed helicopter over flights would do to that tranquility.

Yet that concern isn't able to be considered by the FAA and the Park Service under the requirements found in the current National Park Air Tour

Management Act of 2000. Parks such as Crater Lake must go through the costly and time-consuming process of attempting to craft an air tour management plan before being able to deny an application for air tours. As no such plans have been completed for any park in 10 years, there is little prospect of getting any certainty any time in the near future. This is uncertainty for air tour operators and for parks visitors alike. Will there be over flights or won't there? The way things work now, we'll never know and our treasured parks don't get the certain protection they need.

My amendment would provide needed clarity regarding the responsibilities of the FAA and the National Park Service so that air tour management plans can finally be completed. It will speed implementation of the act by ensuring that air tour management plans are not required at Crater Lake, where it is clear that having them would be unacceptable to park resources or visitor experiences.

I am pleased that Senator ROCKEFELLER has worked with me to include this amendment in the managers' package. I thank my colleagues Senator MERKLEY who cosponsored this amendment and Senator ALEXANDER who also lent his support. This amendment will help ensure that our parks' resources are protected.

Mr. LEVIN. Mr. President, I am pleased the Senate will vote on final passage of the FAA Air Transportation Modernization and Safety Improvement Act. This 2-year reauthorization of FAA's programs provides important funding increases and program improvements that will enhance the safety and efficiency of our Nation's aviation system. In so doing, it makes key investments in our Nation's aviation infrastructure and creates jobs with these investments.

Our global economy depends on the smooth and efficient movement of goods, services, and people from city to city and across international borders. A safe and efficient aviation system goes hand in hand with a strong economy. We are fortunate to have the best aviation system in the world, and we must continue to make the necessary investments and upgrades to keep it as such. The FAA reauthorization bill helps us to do this by addressing problems of capacity, congestion, and delays that have emerged to ensure our aviation system can adequately handle the projected growth in airlines passengers.

The FAA reauthorization bill will create much needed jobs by providing the funding and directives for safety improvements at our airports and in the aviation industry. For instance, the FAA is building two new air traffic control towers in Michigan: at Kalamazoo and Traverse City. The FAA is also repaving two runways and various

taxiways at Detroit Metropolitan Wayne County Airport. The FAA is also constructing a new terminal building at Kalamazoo/Battle Creek International Airport, and it is designing a new building for aircraft rescue and firefighting and snow removal equipment at Pellston Regional Airport in Emmet County. These are much needed upgrades and will make flying into and around Michigan safer and easier.

A key component of this bill is to modernize our air traffic control system by building the Next Generation Air Transportation System, NextGen, of satellite-based navigation. The NextGen system will be more accurate and more efficient than the current radar based air traffic control system. It will also result in significant fuel efficiencies and time savings by allowing aircraft to fly more direct routes. This is good for the environment, good for air carrier's bottom line, and good for the flying public. This bill accelerates the process and moves the NextGen modernization process forward. The bill also provides flexibility to airports regarding how Airport Improvement Program funds can be utilized as well as studying ways to raise revenue for airport projects through a pilot program.

I will vote in support of the FAA reauthorization bill, and I urge its quick adoption and enactment.

The PRESIDING OFFICER. The Senator from Louisiana.

HEALTH CARE

Mr. VITTER. I stand to talk about health care on this significant day, the day after the House passed the ObamaCare bill and the day before the reconciliation bill comes here to the Senate.

Needless to say, I am deeply disappointed by the House's action for all of the reasons I and so many others have raised, the concerns we have raised previously on the Senate floor.

Mrs. HUTCHISON. Mr. President, could I ask the Senator to yield for a parliamentary inquiry?

Mr. VITTER. Yes, I will yield.

Mrs. HUTCHISON. I wanted to ask my colleague from Virginia, because he has been on the floor, I think seeking recognition, and I wanted to make sure that we ask him—that we protect his place following Senator VITTER—how much time does the Senator from Virginia want to use?

Mr. WEBB. I thank the Senator for inquiring. I wish to speak for up to 10 minutes about the Ensign amendment.

Mrs. HUTCHISON. I ask unanimous consent that following the remarks by the Senator from Louisiana, the Senator from Virginia be recognized for up to 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WEBB. Mr. President, it was my understanding that the Ensign amendment was going to be called up at 4:30.

The PRESIDING OFFICER. The Senator is correct.

Mr. WEBB. Would that not be the proper topic of discussion on the floor? I have been waiting since 4:15 when I was slated to speak.

Mrs. HUTCHISON. Mr. President, I would be happy to call up the Ensign amendment, after which Senator VITTER had had the floor, and did give me the right to protect you. So, if possible, I wish to call up the amendment, ask that Senator VITTER be allowed to speak up to 10 minutes, and then, following that, I wish to protect the Senator from Virginia's time.

Mr. WEBB. May I ask for a courtesy from the Senator from Texas and the Senator from Louisiana? I have a commitment I cannot break back in my office that was supposed to begin at this moment. Would you feel it appropriate if I were to ask that my statement be printed in the RECORD at this point with respect to the Ensign amendment, once you called it up?

Mr. VITTER. I have no objection.

Mrs. HUTCHISON. Let me ask the Senator from Louisiana, would he be able to allow the Senator from Virginia to go forward?

Mr. VITTER. I am afraid I cannot for exactly the same reason. I am late for a meeting in my office. But I certainly would have no objection to placing his comments in the RECORD and regaining the floor at a future time.

Mr. WEBB. I appreciate that courtesy. If there is opportunity for me to come back later, I will try.

Mrs. HUTCHISON. Mr. President, if the Senator does come back, I will do everything I can to give him a chance to speak, because I know this is very important to his State, and I wish for him to have his views known.

Senator ENSIGN is on his way, and I will do everything possible to give him some time.

Mr. WEBB. I also wish to thank the Senator from Louisiana for yielding for this exchange.

AMENDMENT NO. 3476, AS MODIFIED

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Texas [Mrs. HUTCHISON], for Mr. ENSIGN, proposes amendment numbered 3476, as modified, to amendment No. 3452.

The amendment, as modified, is as follows:

On page 279, after line 24, add the following:

SEC. 723. PRESERVATION AND EXPANSION OF ACCESS TO THE NATIONAL CAPITAL FOR SMALL COMMUNITIES.

Section 41718 is amended by adding at the end the following:

“(g) SLOT USAGE.—Notwithstanding section 49109 or any other provision of law, any air carrier that holds or operates air carrier slots at Ronald Reagan Washington National Airport (DCA) as of January 1, 2010, pursuant to subparts K and S of part 93 of title 14, Code of Federal Regulations, which are being

used as of that date for scheduled service between DCA and a large hub airport may use such slots for up to 15 round trip flights between DCA and any airport located outside of the perimeter restriction described in section 49109.”

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. VITTER. Mr. President, again like so many Americans, I was deeply disappointed by last night's House vote. At its core, that health care reform legislation will put the government between us and our doctors. It will raise health care costs significantly. That is not me saying that, that is nonpartisan sources such as the Congressional Budget Office.

It will try to be “paid for” through a $\frac{1}{2}$ trillion raid on Medicare, another $\frac{1}{2}$ trillion set of tax increases. And, of course, that is the cause of pushing up health care costs. Then, to add insult to injury for so many Americans, including so many Louisianans, it will provide taxpayer funding of abortion.

It was truly a sad day for our country, in my opinion. But I take the floor today not so much to focus on that but to focus on the continuing fight and to focus on the future. My message is very simple. Speaking for one Senator, for myself, this fight is not over by a long shot. I will be on the floor regularly all this week fighting the separate reconciliation bill. Certainly, if any House Democrats thought all aspects of that bill would pass into law, to “fix” certain portions of the underlying Senate ObamaCare bill, I think this week they will be sadly disappointed.

There are many aspects of that bill that are subject to serious challenges that will require 60 votes, and will not get them here on the Senate floor. We will have a number of important debates and amendments.

I will also continue the fight to try to repeal this very counterproductive legislation. Today at 2 o'clock, as soon, as absolutely soon, as it was in order, I filed a bill to repeal ObamaCare, to repeal what has passed already through the process. I am joined with so many other Members, so many other Americans across the country to fight to that end, however long it takes. It may not be this Congress, but I believe that day will come, because the great majority of Americans, certainly including the great majority of Louisianans, want that to happen. They want us to act instead in a focused, positive way, attacking real problems with real solutions, not a 3,000-plus-page bill.

I yield the floor.

The PRESIDING OFFICER. If neither side yields time, the time will be equally charged to both sides.

Mr. ROCKEFELLER. Mr. President, I suggest the absence of a quorum, and I ask unanimous consent the time be charged equally to both sides.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DURBIN. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DURBIN. Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

STEWART L. UDALL

Mr. DURBIN. Mr. President, when we reflect on the great families in American politics—we have had our fair share—we certainly think of John Adams and John Quincy Adams and what they gave to America. In our time one thinks of the Kennedy family and how much those brothers gave to this Nation. Some of us were honored to serve with Ted Kennedy and the sons and daughters of those great Senators of the past. But there is another family from the West who has given so much to us. That would be the Udall family.

I was blessed to serve in the House of Representatives with Morris Udall. He was a joy, not only a great man of principle but a great sense of humor. It was fun to be around Mo Udall. He had an ill-fated run for the Presidency which probably generated more one-liners than any race in American political history. But he was one of two brothers, Stewart Udall being his brother before him who had served as well in the House of Representatives from the State of Arizona and backed a man for President named John Kennedy in 1960. Because of his early support of John Kennedy, when President Kennedy was elected, he called on Stewart Udall to serve as his Secretary of the Interior.

Last Saturday, Stewart Udall passed away. I came to the floor this afternoon to say a few words about this great man and the great contributions he made to America. He was one of the first real activists as Secretary of the Interior. I want to read, if I may, some of the things he managed to achieve in the time he served as Secretary of the Interior under Presidents Kennedy and Johnson: the acquisition of 3.85 million acres of new holdings, four national parks—Canyonlands in Utah, Redwood in California, North Cascades in Washington State, Guadalupe Mountains in Texas—six national monuments, nine national recreation areas, 20 historic sites, 50 wildlife refuges, and eight national seashores. He had an interest in preserving historic sites and helped to save Carnegie Hall from destruction. What an amazing legacy Stewart Udall left as the leader of America's efforts toward conservation.

He was an extraordinary man too, a real Renaissance man in his interests. He held evening meetings at the Interior Department and invited the likes of Carl Sandburg and the actor Hal Holbrook, as well as Wallace Stegner,

the Pulitzer Prize-winning author, who he invited to become the Department's writer in residence.

It was Stewart Udall who suggested that John Kennedy invite Robert Frost to recite a poem at Mr. Kennedy's inauguration, which is one of the most celebrated moments in history in the last century when Robert Frost stood before that frozen crowd on Inauguration Day for John Kennedy.

I think back too of his work when it came to the environment. In the early days Rachel Carson was the inspiration for many. Her book "The Silent Spring" inspired Stewart Udall to look beyond conservation to protecting the world we live in.

He did so many things that were ahead of their time. Under the Kennedy administration, he began efforts to establish the Nation's first national seashores, and it wasn't welcomed by a lot of the people affected. People living in Cape Cod, MA, Cape Hatteras in North Carolina, and Point Reyes in California objected to taking coastal lands out of private hands, saying it would ruin the local economy. Exactly the opposite occurred. When these became protected areas, they drew more tourism and more economic development than any one had ever before realized.

Stewart Lee Udall was born on January 31, 1920, in St. Johns, AZ, a small community in Apache country. His family had strong ties to the Mormon Church. They used to say that you could find Udalls all over the political history of the West. His brother Morris, of course, represented the State of Arizona for so many years. I remember one story I read recently in *Sports Illustrated*. I mentioned it to TOM UDALL, his son, who now represents the State of New Mexico. It is a story that isn't well known, and it goes back to the early 1960s, when Stewart Udall, as Secretary of the Interior, decided to challenge the Washington Redskins football team. It turned out in the early 1960s it was an all-white team, and the man who owned the team, Mr. Marshall, took great pride in the fact there were no black players on the Washington Redskins football team. Stewart Udall contacted the President and said: Mr. President, it turns out the Federal Government has the lease on the stadium that Mr. Marshall is using for his football games, and we want to make it clear to him that he better integrate that team.

Well, Mr. Marshall wouldn't hear anything about that. He was going to fight him all the way. There were pickets and protests and demonstrations and harsh words back and forth. But in the end, Stewart Udall and President Kennedy prevailed. The Washington Redskins were integrated. In fact, some of their first Black players ended up in the Hall of Fame. Interior Secretary Udall did the Washington Redskins and their fans quite a favor. That was in

the early 1960s. Those who know the fight song for the Washington Redskins may be surprised to learn that the refrain that talks about "fight for old DC" before this battle used to say "fight for old Dixie." Things have changed in the capital city, and Stewart Udall was part of that change.

In his life too he was a man who relished physical challenges, as his son still does, my colleague Senator TOM UDALL and his cousin MARK UDALL of Colorado. He was an all-conference guard on the University of Arizona basketball team, climbed Mount Kilimanjaro and Mount Fuji, headed up American delegations to many regions. At the age of 84, Stewart Udall, at the end of his last rafting trip on the Colorado River, hiked up the steep Bright Angel trail from the bottom of the Grand Canyon to the south rim, a 10-hour walk at age 84. And it says in the *New York Times*:

... he celebrated at the end with a martini.

What an amazing man, an amazing life, a great contribution to America. His passing is a reminder of some of the greats who have served in so many different ways and have left a mark, an indelible legacy, and a heritage.

Stewart L. Udall was one of those men, and among his legacy items would include not only a great family but a great colleague in the Senate, his son, Senator TOM UDALL of New Mexico. We should honor his service, note his passing, and remember his inspiration. His leadership made America a better place. His legacy in conservation will serve generations to come. We need more like Stewart Udall.

Thank you, Mr. President.

Mr. WEBB. Mr. President, I want to thank Senate leadership for bringing this bill to the floor. Our Nation's air traffic control systems are in serious need of modernization, and this bill is the right step forward in addressing those challenges. Improved safety, a reduction in flight delays and more efficient routes resulting in less fuel burned are all possible with a modern, 21st century air traffic control system. I commend Chairman ROCKEFELLER, Ranking Member HUTCHISON and the Senate Commerce Committee for their commitment in addressing these issues.

I want to take a few moments today to talk about an issue that is important to me, the communities near Washington Reagan National Airport and those communities throughout America who currently have reliable service to the Nation's Capital. I am deeply concerned with any attempts to modify the current agreement on the perimeter and slot rules that currently apply to Reagan National Airport.

In 1987, Congress created the Metropolitan Washington Airports Authority to run Reagan National and Washington Dulles International Airports.

The creation of the Airports Authority established a professional organization to operate the airports efficiently and represented a commitment to the surrounding communities regarding aircraft noise and traffic. I think that bears repeating. Congress made a commitment to the residents of Alexandria, Arlington and Fairfax County on the operation of Reagan National Airport when it transferred authority to the Airports Authority. Those commitments were codified by Congress in the so-called perimeter and slot rules. Changes to these rules threaten to seriously degrade service to Reagan National, Dulles International, and Baltimore-Washington International airports. And they break the commitment made to our surrounding communities.

The amendment that the Senator from Nevada has offered seeks essentially to do away with the existing 1,250 mile perimeter rule that governs flights into and out of Reagan National Airport. The Senator from Arizona, Mr. KYL, has argued that this will have a limited impact on existing flights at DCA. On the contrary, if this amendment passes, up to 75 existing flights that currently fly from DCA to other large cities within the perimeter could be lost. Shifting these flights would not only have a direct impact on the cities that stand to lose the routes they currently have, but it would also have follow-on effects to flights in smaller markets, as well as flights that now service Dulles and BWI.

Furthermore, the flights that would be added at Reagan National would be long-haul flights, which means bigger planes and more passengers. That in turn means more congestion around and inside the airport: worse traffic, longer lines at security, more difficulty parking large planes at already crowded gates.

There are basic physical constraints at Reagan National Airport that cannot be ignored, and the original slots and perimeter rules were carefully crafted to take that into consideration. If you have ever tried to fly out of Reagan National Airport during peak hours, you know that parking can be impossible, ticket counters can be incredibly congested and the number of gates for jets to park is limited.

More than 10 years ago, the Airports Authority rebuilt much of Reagan National Airport, transforming it into one of the most efficient airports in the Nation as the facilities constructed were matched to the number of flights established by law. It did so with the slot and perimeter restrictions in mind. Any significant change in those rules will overburden critical airport facilities and infrastructure, causing serious disruptions. New flights will create more demand for parking where none is available. At the same time, gate access at Reagan National Airport is limited, as airlines are currently

sharing gates in some areas. Flights coming and going would be delayed, an important issue we happen to be addressing in this bill. We have laid out policies to reduce the inconvenience of delays and sitting in grounded aircraft because of air traffic congestion in this very bill.

These are significant issues that the Senate must consider before making any changes to the perimeter rule. When members consider this issue in the context of additional flights for them to get back to their constituents, keep in mind there is a significant risk of greater delays and, for many Senators here, a possible reduction in services to their communities. With a change in the current structure at Reagan National Airport, there will be potential impact for communities inside the perimeter who could see their access reduced or eliminated. Flights to cities like Miami, FL; Chicago, IL; New York City; and Boston, MA could lose many of the flights they now have. Communities like Charleston, WV; Des Moines, IA; Jackson, MI; Lexington, KY; Madison, WI; Manchester, NH; or Omaha, NE; could eventually lose their access as well, as airlines backfill their flights to more profitable routes.

It strikes me that the desire to change the slot and perimeter rules at Reagan National Airport is not being driven by market demand, but rather by a few airlines seeking a competitive advantage over others. Allowing airlines to swap flights from hub airports inside the perimeter to hub airports outside of the perimeter could be seen as a special interest earmark for a select group of carriers, as the pool of beneficiaries is identifiable and limited. By allowing existing rules to be altered for a select class, Congress will be allocating this scarce resource for the convenience of a few rather than the larger community need. This is fundamentally anticompetitive behavior and we need to end this periodic and detrimental practice.

Congress added 24 new slots in 2000 and another 22 slots in 2003. If we get rid of the perimeter rule, or modify it in such a way that causes loss of service or diminished service to communities inside the perimeter, the affected communities will be back before Congress seeking more slots to make up for lost service. The communities of Northern Virginia should not have to continually suffer for the convenience of a relative few. We have seen examples of service in other congested airspaces where reasonable slots restrictions have controlled or reduced growing delays in flight times.

The convenience of Reagan National comes at a heavy price for many airport neighbors in the form of aircraft noise and airport related traffic in Arlington, Alexandria and southern Fairfax County. Changing current law only further breaks the bond that was cre-

ated with the neighbors of the airports and unfairly burdens them for the sake of the convenience of others. With some foresight in this body, we can avoid any greater congestion whether in the air, on the tarmac or on our roads. The position that the Senators from Maryland, Mr. WARNER, and I hold is consistent with local communities groups of Northern Virginia and that of many previous Governors of the Commonwealth.

With regard to the perimeter rule, its value is evident in the development taking place at Dulles Airport today. Because Dulles is better situated to handle the demands of long-haul flying, Congress wisely established the perimeter rule to move long-haul traffic to Dulles where the space exists to handle the necessary parking and infrastructure expansion. The multibillion-dollar Dulles Development program, and the investments in rail service to Dulles, are all predicated upon Congress keeping its word on the perimeter rule. Eliminating or changing the perimeter rule will not only overburden capacity at Reagan National Airport by overwhelming the facilities but would significantly change the infrastructure improvements needed at Dulles International Airport, many of which are already under construction. Sizable business interests have located their operations in Fairfax and Loudoun Counties based on their proximity to Dulles and on assumptions about the stability of the slot and perimeter rules.

Service will suffer, infrastructure will be strained and the communities surrounding the airport will face more noise and more traffic. That is the last thing we need for Northern Virginia, or the Nation's Capital.

I have laid out only the most significant arguments against changes to the slot and perimeter rules. But here is one more: it is not appropriate for Congress to meddle and manipulate the airports in my home State. Congress no longer maintains this kind of silent hand in the operations at any airports in my colleagues' home states. Let us let the Airports Authority run Washington's airports as Congress agreed to. I urge my colleagues to vote against the Ensign amendment and reject changes to the perimeter rules at Reagan National Airport.

I ask unanimous consent to have printed in the RECORD a March 17, 2010, letter to me from the Metropolitan Washington Airports Authority.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

METROPOLITAN WASHINGTON

AIRPORTS AUTHORITY,

Washington, DC, March 17, 2010.

Hon. JAMES H. WEBB,
U.S. Senate,
Washington, DC.

DEAR SENATOR WEBB: The Metropolitan Washington Airports Authority (Airports Authority) is aware of several proposed

amendments to H.R. 1586, the legislative vehicle for the Federal Aviation Administration Air Transportation Modernization and Safety Improvement Act, which address flight rules at Ronald Reagan Washington National Airport (Reagan National). The Airports Authority would like to reiterate our commitment to maintaining the current High Density Rule (or "Slot" Rule) and "Perimeter Rule", which direct the allocation of a very scarce resource—take offs and landings—at Reagan National.

Congress initially mandated the Slot and Perimeter rules in 1987, balancing the physical limitations of Reagan National with the growth potential of Washington Dulles International Airport (Dulles International) and Baltimore/Washington Thurgood Marshall International Airport (Baltimore/Washington). Over the years, Congress has made modest changes to these rules, and Reagan National has been able to operate with a high degree of arrival and departure reliability. Over the past two decades, tremendous capital investments have been made at Dulles International, as annual air traffic has grown substantially.

Reagan National's facilities were rebuilt in the 1990s, at a cost of \$1 billion, to match the capacity established by Congress in the Slot and Perimeter rules. Drastic changes to the Slot and Perimeter rules that are currently under discussion will add significant flight activity with the potential to result in surface traffic congestion, passenger delays, and security screening back-ups. Further, increases in flights and passenger volumes could stress the air traffic control system during poor weather, ground facilities, baggage, gate and other terminal services. The Airports Authority is also concerned about the possible, or perceived, noise-related impact on the region resulting from additional flights at Reagan National.

The Airports Authority urges the Congress to reject the temptation to add flights to Reagan National without regard to the ability of Reagan National to absorb this increase, or to the impact on the neighboring community, and Dulles International and Baltimore/Washington Airports.

Sincerely,

JAMES E. BENNETT,
President and Chief Executive Officer.

Mr. ROCKEFELLER. Mr. President, as we conclude this debate on this reauthorization of the Federal Aviation Administration, I wish to thank my colleagues for their hard work, and I wish to do so with some specificity.

First, I thank Senator KAY BAILEY HUTCHISON, the ranking member of the Commerce Committee. Senator HUTCHISON and I, in a sense, kind of grew up together on the Commerce Committee. We have worked together, in my judgment, entirely successfully on aviation issues. For much of the last decade, Senator HUTCHISON and I have served as either chair or ranking member of the Aviation Subcommittee. In 2009, I assumed the chairmanship of the Commerce Committee, and she assumed the ranking member position on the committee.

But, more importantly, we have a long history of producing strong, bipartisan aviation legislation and working well, generally, starting with the landmark AIR 21 bill in 2000—which greatly increased funding for our aviation sys-

tem—through the chaotic days after September 11, 9/11—which culminated in the Aviation and Transportation Security Act—to this important reauthorization we are considering today.

I am profoundly proud of our work together over the years. I respect her professionally. I respect her personally. I think our work is a legacy we both can be very proud of. I know I am. She is an extraordinary Senator who is deeply committed to making sure the United States has the finest aviation system in the world. She has many other interests, but that is one of them. Our Nation's aviation system is demonstrably safer and more secure because of her efforts.

I also thank my good friend, Senator BYRON DORGAN. In 2009, Senator DORGAN became the chair of the Aviation Subcommittee—just a year ago—but he has attacked it with such ferocity and intensity, typical of him, that it seems like much longer than that. He has been a magnificent chairman of that subcommittee. His laserlike focus on making our aviation system safer has become a cornerstone of this bill. He held, for example, eight hearings on aviation safety over the last 15 months. Eight hearings in 15 months does not seem like a lot, but given our schedule around here, it is. He was totally focused, such as on what happened in Buffalo and all other aspects.

As with every issue in which he is engaged—and there are many of them—he has made a lasting contribution. I personally regret he has chosen to retire at the end of this year. Not only will I miss him as a friend, but the people of North Dakota and this country will lose one of their most passionate and effective advocates. He should be enormously proud of his work on this bill. I know I am.

I also recognize the work of Senator DEMINT, who has championed a number of important safety provisions and has been a strong advocate of moving this bill forward. It is important to say, very important to say.

Senator BAUCUS worked hard to develop a revenue title for this bill. Through his efforts, the aviation system will have resources it needs to build the modern digital air traffic control system our Nation demands. We will be spending about \$500 billion a year.

As with every bill that moves through this body, much, much, much of the work is done by our staff who put in extraordinary hours.

First and foremost, I would like to recognize, among other people, Gael Sullivan of my staff. Gael has served as a professional staff member for the Aviation Subcommittee for almost a decade. For 3 years, Gael has worked tirelessly on this bill. It would not be a reality without his efforts.

I would also like to recognize Rich Swayze and Adam Duffy of my staff, in

addition to Jim Conneely, a detailee from the FAA, as it turns out, to the Commerce Committee. He has been of invaluable assistance.

I would like to thank Jarrod Thompson and Ann Begeman of Senator HUTCHISON's staff. They are true and total professionals, without whose work the bill would not be possible.

I would also like to thank Margaret McCarthy of Senator DORGAN's staff, who worked seamlessly with the committee staff.

As always, Senator BAUCUS's staff was critical to getting the revenue title in place.

Finally, I would be kind of remiss if I did not mention the hard and constant work of Ellen Doneski, the staff director of the Commerce Committee, who was my legislative director in a former life; Mr. James Reid, who sits beside me, my deputy staff director; and the Commerce Committee press team, Jamie Smith and Jena Longo.

The staff never gets enough credit. We talk about it. We say it. I think they know we mean it. I wonder if they can guess how much we do mean it—the hours they put in; their selflessness; their willingness to work together; their willingness to work across party lines, where sometimes their Members cannot as easily. So I am fortunate to have so many talented people working with me and with Senator HUTCHISON.

But most of all, I thank Senator HUTCHISON.

Mr. President, I want to say just a few words about two very important programs at the Federal Aviation Administration, FAA—the Disadvantaged Business Enterprise and the Airport Concessions Disadvantaged Business Enterprise Airport Improvement Programs.

These programs have been critically important in helping to level the playing field for minority and women owned businesses in the airport industry and continue to be instrumental in addressing ongoing discrimination. While it is true that our nation has made tremendous progress against discrimination in the past five decades, there continues to be a good deal more work to do.

Discrimination in the lending, bonding, and bid process, as well as disparities in the treatment of DBE subcontractors once a contract is awarded are real life problems faced by these businesses. For this reason, I strongly support the provisions in this bill to improve the DBE program, including provisions to adjust the personal net worth cap for inflation and to require certification training for those who review DBE applications.

We must not forget the true impact of DBE firms on the economy. Minority and women owned businesses not only improve the vitality of the airport industry, but they are important economic contributors to their communities.

The statistical and qualitative evidence of discrimination is clear and has been compiled in disparity studies that are conducted by state and local governments around the country. These studies are well constructed third party examinations that shed light on whether qualified DBE firms in the area are being utilized, examine the contracting and business activities of the state or local government, review the corresponding private markets in the same geographic area, and analyze anecdotal reports about discrimination from actual stakeholders.

These studies, many examples of which were received during the Commerce Committee's May 2009 hearing, and during a hearing in the House of Representatives in March 2009, demonstrate that progress has been made and that our efforts here in Congress are still necessary.

For example, studies have showed that airports operated by Denver, CO, Phoenix, AZ, and the State of Maryland all have made progress, but that significant hurdles remain. These studies demonstrate that discrimination continues to exist in both the public contracting process and in the private sector, such as in access to credit markets.

The inclusion of the DBE provisions in the bill will provide an important on-the-ground benefit to businesses by helping to level the playing field and enabling fairer competition. I am pleased that Congress has recognized the continued need for these programs and these new provisions as integral to the reauthorization of the FAA.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Mr. President, let me say how much I appreciate the remarks of the chairman. It has been truly delightful working with the chairman on this bill. He and I used to be the chairman and ranking member of the Aviation Subcommittee. Now we are the chairman and ranking member of the full committee. So I think our views on aviation—its importance, the importance of the NextGen air traffic control system, the importance of safety, the Passenger Bill of Rights—are one and the same, and I appreciate working with him.

I do have some closing remarks, but I wish to let Senator ENSIGN talk about his amendment. It is the pending business. So I think I am going to put my remarks to the side for now and let Senator ENSIGN speak on his amendment. I do have comments, following his comments, on his perimeter amendment. Then, if we have time, I would like to make my closing statement. But if not, in order for us to stay on time, I will stay and do it after the vote.

With that, I yield to the Senator from Utah—I am sorry, the Senator from Nevada.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. ENSIGN. Mr. President, tourism is the backbone of the economy of my State of Nevada. It has taken a nose-dive over the last year with the crash of the Nation's economy. More than ever, the industry has needed a lifeline that was recently given to my State when the legislation I authored with Senator DORGAN, the Travel Promotion Act, was signed into law by the President. Our legislation will revitalize the tourism industry across our country and in my State of Nevada by reintroducing our rural class destinations to people all over the world.

On the piece of legislation before us, I have offered two important amendments to the FAA bill that will also help tourism in my State and will create jobs in this important industry.

Last week, Senator REID and I sponsored an amendment that will encourage more construction on land around McCarran International Airport in Las Vegas, which will ultimately create more jobs for the area. Our legislation lifts an outdated deed restriction for land surrounding McCarran International Airport which previously prevented development on this land because of an agreement with the Bureau of Land Management that enforced noise mitigation for airlines flying overhead.

However, because of technology, aircrafts are not as noisy as they were 10 years ago, when this restriction was put in place. While our amendment does not alter the noise threshold in the area, it does broaden the types of buildings that can be constructed on the land because airline noise no longer threatens to violate the threshold.

Clark County can now sell the lands to be used for hotels, arenas, auditoriums, and concert halls. Not only are we making this land more attractive and more valuable, we are creating jobs by increasing construction in the area and increasing the use of the land. I was happy this amendment was accepted by both the majority and the minority.

The second amendment Senator MCCAIN has been working on for a long time, as well as myself, Senator REID, and others was unfortunately pulled, but it deals with the issue of flights—helicopter flights, especially, and fixed-wing flights—over the Grand Canyon, which is something I have been working on since I was in the House of Representatives. I thought we were close to getting this amendment finalized because it is very important not only for tourism, but it is also important for those who cannot necessarily hike the Grand Canyon, who cannot experience the wonderful aspects of it—those in wheelchairs, the elderly—and this amendment would have made sure they would have continued to have access.

I hope we can work on that and get that amendment either in conference

or in some other way. It is not only good for the economy, but it is also good for those who are disabled or those who for other reasons cannot go and enjoy the Grand Canyon such as hikers and others can.

AMENDMENT NO. 3476, AS MODIFIED

The last piece I wish to talk about is the amendment we have before us today. It is called the DC perimeter amendment. Once again, this is something I have been working on for many years. The initial rule was put into place in 1966, to put a limit on how far flights could fly out of Reagan, then known as Washington National Airport. It was to divert air traffic over to the new Dulles Airport, basically making National a short-haul and Dulles a long-haul airport.

To carry out this purpose, there was a restriction of 1,250 miles put from National Airport. While Congress has granted certain limited exceptions to the perimeter rule over the years, the rule continues to place arbitrary limits that restrict air traffic between the airport and the Western United States. Today, there are only a dozen nonstop flights between Reagan National and the entire Western United States. I encourage my colleagues to work on this amendment in conference. In a little while, we are probably going to be withdrawing the amendment, but we want to work on it in conference so that more areas, more places in the United States will have direct access to Reagan National Airport, which is much more convenient to use than Washington Dulles or the Baltimore airport.

I will say this: It really is a matter of fairness. Should only the east coast or the Midwest have access to Reagan National or should the rest of the country have the convenience of flying into Reagan National?

My amendment actually would not have increased the number of landing slots available. My amendment would have allowed airlines to take the slots. They fly from certain airports, the large hub airports, and transfer those to other slots that work better for their business plan as well as gives other people in America the right to fly into Reagan National Airport, which is, as I mentioned, so much more convenient.

So after 40 years of implementation of the perimeter rule, it is outdated. The last time I checked—and I fly Dulles all the time—Dulles is thriving. As a matter of fact, it is packed. I circled for over an hour today because of the number of flights coming into Dulles. It is an extremely busy airport. I don't think we have to make sure Dulles stays busy any longer. It has more than it can actually handle. But it is time to scale back the perimeter restrictions at Reagan National.

So I really hope in conference we can get together and work on reasonable

changes to the DC perimeter rule that will give other Americans, other than those living within the perimeter rule today, access to the closest airport to our Nation's Capital.

With that, I thank the chairman and the ranking member for their willingness to work with us on this amendment as well as generally. This is important legislation they have worked on. We have a lot of outdated technology in our current FAA system, and this is a very important piece of legislation. I applaud the efforts they have made in bringing the legislation to this point.

I yield the floor.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. ROCKEFELLER. Mr. President, expanding air service to metropolitan airports is always a very contentious issue. I believe it is important that we give due consideration to local interests when considering the addition of slots, particularly at National Airport. Senators WARNER and WEBB have significant reservations about moving forward on any changes to existing policy at this time, and I have worked to address these concerns.

I believe the agreement reached between Senators DORGAN, WARNER, HUTCHISON, KYL, ENSIGN, and DEMINT is a reasonable way forward. It will allow us to balance the desire for additional slots against the opposition from local residents.

Pursuing a more abrupt policy change such as eliminating the perimeter rule altogether has significant implications for competition, small community air service, congestion, and delay. Going forward, we need to make sure there are not unintended consequences from such changes and that service to small communities is preserved. Obviously, service to small communities is very important to me.

I also wish to make clear that the Federal Government's role in this process is specific. Air carriers sometimes treat airport slots as though they are their own property. It is not. It is their privilege. The air transportation system is operated for the benefit of the public interest, not for the private interests. Too often, the air carriers abuse the rights they have been granted. They schedule too many flights at congested airports, and the result is gridlock. This is part of the reason there is a cap on slots at National.

The air transportation network requires that capacity be managed carefully so the entire system functions rationally. It is the responsibility of the Federal Government to make sure it operates well, and I take this role very seriously. If the air carriers cannot manage their slots in an effective manner, the Federal Government will have to step in and do it for them.

Crafting a bipartisan bill to reauthorize the FAA has been my long and

difficult journey, together with the ranking member, Senator HUTCHISON. I recognize that many of my colleagues have a strong interest in expanding service at National. I appreciate the work they have done. But I do believe that what has been discussed here and will be discussed later in conference is a balanced approach. I look forward to working with my colleagues in a conference with the House that will achieve an appropriate agreement that is acceptable to everybody.

Thank you, Mr. President. I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Mr. President, I wish to thank my colleagues for their work on the Reagan National perimeter rule issue.

Last week, I sat down with several interested colleagues in an effort to try to find a path forward on this issue, and the result is the modified Ensign amendment before us. I wish to say a few words about the intent of the amendment.

I sympathize with the concerns of my friend from Virginia, Senator WARNER, who is also a member of the Senate Commerce Committee, and our colleague, Senator WEBB. While in a somewhat different position in the past, I have had similar issues raised concerning my home State of Texas with Love Field and DFW Airport, and I recognize the impact of dealing with the decision to change the status quo. It is difficult.

I also recognize the views of western State Senators concerned about the few opportunities for their constituents to have direct access to Reagan National Airport. There are now only 12 flights a day. That really should be expanded, but it needs to be expanded in a way that does not have the harmful effects on National and the Virginia residents who live in and around the airport.

With that in mind, I think we have come up with a compromise proposal that meets the concerns of the western State colleagues and others, as well as addressing the concerns of the Virginia Senators. The modified Ensign amendment is a simple solution that allows air carriers with existing inside-the-perimeter large hub airport slots into Reagan National the ability to convert those slots to any community outside the perimeter, with each air carrier being kept at 15 roundtrip operations eligible for conversion. By utilizing the conversions, we don't add any new flights at all to the airport, but we do give the air carriers the opportunity to better utilize their networks. I am hopeful we can take that concept and message to the House in the next round of the legislative process on this bill.

I thank Senators ENSIGN and KYL, Senators DEMINT, BOXER, MCCAIN, ROCKEFELLER, DORGAN, and WARNER for

their work on this very important issue. I remain hopeful that the final version of this FAA reauthorization bill will include a consensus agreement on this issue that allows the opportunity for direct service to our Nation's Capital for a number of our communities that are eager for that service. It is time for some expansion, but I think we can do it in a way that will not impact the quality of life in and around Washington National Airport.

I also wish to take a moment to commend my colleagues who have worked so hard on this bill. We are coming to the point when we will pass this bill out of the Senate. We have been able to accommodate the amendments that have been offered, both relevant to the bill as well as those that are outside the purview of the bill. It has been an open process. It has been a whole week, but we have been able to make slow progress and accommodate the amendments that have been offered, and I think we are at a very good place now with everyone's cooperation.

I mentioned that it has really been a very good experience working this bill because we have been able to work out some of the problems that are on both sides of the aisle, and I think in a constructive way.

With the passage of this bill, we will now go to work with the House. We are very different from the House in many respects, but in FAA reauthorization we are in many more respects very different from the House in that they have passed a bill and we are getting ready to pass a bill that is very different. So we still have a long way to go on this legislation. But I think we can do it. With the same cooperation we have seen in the Senate, I hope we can get a bill agreed to that the Senate will approve as well as the House.

I thank Senator ROCKEFELLER and his staff. They have been very diligent in this process. As I said, we have worked since 2007 to get this bill done. I think we are in a very good position now. Ellen Doneski has been great, his chief of staff of the committee; James Reid, Gael Sullivan, Rich Swayze, Jim Conneely, and Adam Duffey on Senator ROCKEFELLER's staff are to be commended.

Senator DORGAN, the chairman of the aviation subcommittee, has been great. I appreciate all he has done on this bill to keep it moving, to work with both Senator ROCKEFELLER and myself and Senator DEMINT. I appreciate Senator DORGAN's work and his commitment to this. When he leaves the Senate at the end of the year, I hope he will have this significant FAA reauthorization as one of his achievements he can claim. His staffer, Margaret McCarthy, has been also very helpful.

Senator DEMINT is the ranking member of the aviation subcommittee, and he, too, has been very constructive in this effort, moving the bill forward

along with his staff and Tom Jones, who has really helped move the ball forward on this bill that is right out of their subcommittee.

On my staff, Jarrod Thompson has been wonderful. He knows this issue backward and forward and has worked on many of these aviation reauthorizations through the years on the Commerce Committee. I look to him for the knowledge he has gained over the years in all facets of FAA, including safety, NextGen, and all of the relevant issues that come under this subcommittee and this bill. My chief of staff for the committee, Ann Begeman, has been solid as a rock, helping to move the ball forward, going through the different issues and settling many of them. She has been great, as well as Dan Neumann; Patrick Mullane, also in my office, who does all of my transportation work; Brian Hendricks, the general counsel of the Commerce Committee on our side, the ranking general counsel; and Matt Acock, my legislative director, who also is going to be leaving in a few weeks. This is something he has worked on and he knows about as much as any of us, and he has done a great job as well.

Having said all of that, I thank the distinguished chairman and look forward to having a vote in just a few minutes, as soon as we dispose of the Ensign amendment and move forward to final passage.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. Mr. President, may I ask the Senator what does the amendment do?

Mr. ENSIGN. The amendment allows any carrier which currently has slots at DCA to convert flights now serving large hub airports inside the perimeter into flights serving any airport outside the perimeter.

This would mean that more passengers travelling from the West could fly into and out of National, avoiding the inconvenience and additional expense associated with getting into the city from Dulles.

Mr. KYL. Does the amendment add any flights to DCA?

Mr. ENSIGN. The amendment does not reduce the number of flights between DCA and small cities within the 1,250-mile perimeter; it does not affect the slot regulations at DCA; it does not increase the number of allowable flight operations at the airport; and it does not impact the small and medium size airports inside the perimeter.

Rather, the amendment is a reasonable pro-competition solution that gives tourists and business travelers from around the nation another option for visiting the nation's Capital.

Mr. KYL. How many flights at DCA are currently exempted from the perimeter rule?

Mr. ENSIGN. There are only a dozen nonstop flights between Ronald Reagan

National Airport and the entire western United States. To put that number in perspective, that is 12 beyond the perimeter flights at DCA out of approximately 400 flights daily. The beyond the perimeter flights represent just 3 percent of all daily, domestic operations at DCA.

Mr. KYL. Does Dulles need to be protected by the perimeter rule?

Mr. ENSIGN. No. In 1962, Dulles only served approximately 52,000 passengers. Today, however, Dulles is thriving. In 2009, the airport served approximately 23 million passengers. According to the Metropolitan Washington Airports Authority, "Dulles has emerged as one of the fastest growing airports in the world and a major East Coast gateway for domestic and international travelers as well as cargo activities."

Mr. KYL. Is there any legislative language to support amending the DCA perimeter rule?

Mr. ENSIGN. Yes, the Wright amendment of 1979 was a Federal law restricting flights at Dallas' Love Field Airport. It originally limited most non-stop flights from Love Field to destinations within Texas and neighboring States. In 2006, Congress passed the Wright Amendment Reform Act, which issued a full repeal of the Love Field perimeter rule with conditions. Lifting the restrictions at Love Field gave the traveling public more flight options, cut prices, and made traveling more efficient.

Mr. KYL. How does the Ensign amendment affect service to small and medium hub airports inside the perimeter?

Mr. ENSIGN. The slot conversion provision ensures that service to small and medium hub airports within the perimeter would not be affected. There is no restriction, however, on converting a flight that currently serves a large hub airport within the perimeter to a small or medium hub airport beyond the perimeter. So, presumably the Ensign amendment could expand service to small and medium hub airports beyond the perimeter.

Mr. KYL. Does the Ensign amendment increase slot allocations at DCA?

Mr. ENSIGN. No. The number of flights currently serving DCA remains the same. Residents around the airport will not hear an increase in noise from takeoffs and landings and will not see larger planes operating at DCA. The only change is that a few of the planes would have a different destination.

Mr. KYL. Do you intend to withdraw your amendment?

Mr. ENSIGN. Yes, because Senator DORGAN and our other colleagues have agreed to address the DCA perimeter rule as the FAA reauthorization process moves forward.

Mr. WARNER. Mr. President, I rise today to express my strong concerns over efforts to expand service at Washington-Reagan National Airport—Na-

tional. I would first like to remind my colleagues that this Congress passed legislation in 1986 to create the Metropolitan Washington Airports Authority so that a professional group of aviation experts would manage both National and Dulles airports. The Airports Authority has done its job well: Dulles has blossomed as an international gateway to the region and National remains an efficiently run airport.

I recognize the value of National Airport and the critical role it plays in serving our Nation's Capital. It is a key component of the transportation system in this region and it provides excellent access to the rest of the country for my colleagues.

At the same time, the citizens of my State are the ones who are most directly affected by National's operations, and we must take a balanced approach in considering any changes at the airport. My constituents are the ones who have to deal with the consequences of any decision—additional aircraft noise, growing traffic congestion, and airport emissions that will affect them on a daily basis.

I appreciate that some of my colleagues want direct service from National to destinations in their State, but we must be even-handed in moving forward on this issue. We must avoid making wholesale changes that would have an impact on the important economic balance between National, Dulles and BWI. The airport authorities that manage these airports, and the airlines that fly to them, have made long-term investment decisions based on the current rules. Dramatic changes to the rules would have a negative financial and economic impact on those airports and the communities that depend on them for economic growth.

In addition, any new capacity must be allowed through a fair process that does not favor any one airline or class of airlines. The limited new capacity needs to be allocated in an open and transparent process that benefits the most potential passengers, promotes competition and does not tip the scales for any airline or class of airlines.

I believe strongly that the rules currently in place at National Airport serve my state and our region well. I also recognize and respect the interests of the sponsors of the Ensign amendment and will work with Chairman ROCKEFELLER and Ranking Member HUTCHISON to try to address them in conference.

Mr. ROCKEFELLER. Expanding air service to metropolitan airports is always a contentious issue and I believe it is important that we give due consideration to local interests when considering the addition of slots at National Airport. Senators WARNER and WEBB have significant reservations about moving forward on any changes to existing policy at this time, and I have worked to address these concerns.

I believe the agreement reached between Senators DORGAN, WARNER, HUTCHISON, KYL, ENSIGN and DEMINT is a reasonable way forward. It will allow us to balance the desire for additional slots against the opposition from local residents.

Pursuing a more abrupt policy—change such as eliminating the perimeter rule altogether—has significant implications for competition, small community air service, and congestion and delay.

Going forward we need to make sure that there are not unintended consequences from such changes, and that service to small communities is preserved. Service to small communities is critical to me, and I cannot support any proposal that will adversely affect such service.

I also want to make the Federal Government's role in this process clear. Air carriers treat airport slots like it is their own property—it is not—it is a privilege. The air transportation system is operated for the benefit of the public interest—not the private interest. Too often the air carriers abuse the rights they have been granted—they schedule too many flights at congested airports and the result is gridlock. This is part of the reason why there is a cap on slots at National.

The air transportation network requires that capacity be managed carefully so the entire system functions efficiently. It is the responsibility of the Federal Government to make sure it operates well, and I take this role seriously. If the air carriers cannot manage their slots in an effective manner the Federal Government will have to step in and do it for them.

Crafting a bipartisan bill to reauthorize the FAA has been a long and difficult journey. I recognize many of my colleagues have a strong interest in expanding service at National. I appreciate the work they have done to reach a compromise on this issue.

It is a balanced approach and I look forward to working with my colleagues in conference with the House that will achieve an appropriate agreement that is acceptable to everyone.

Mr. DORGAN. The issue of slots and the perimeter rule at Reagan National Airport has a long and very complicated history. Many of my colleagues have interests on both sides of this debate. I have been pleased to work closely with Senator WARNER, a member of the Aviation Subcommittee that I chair, on this matter, which has the most immediate impact on his constituents in Virginia. I can also sympathize with my colleagues from Western States who would like the opportunity for their constituents to be able to access National Airport.

The FAA reauthorization bill that was approved by the Senate Commerce Committee and is before the Senate today does not make any changes at

National Airport. However, the House FAA reauthorization bill does increase the number of slots at National Airport. So we know that this is an issue that will need to be addressed in conference with the House and that the end result will be some change to the status quo.

But after spending more than 5 days on this FAA reauthorization bill in the Senate, I fear that a protracted debate on this contentious issue will derail the good bipartisan bill we are so close to passing. A number of my colleagues have filed amendments on slots and the perimeter rule. We understand that the Senate position needs to address access for citizens outside the current perimeter.

We cannot forget that this bill is about the safety and modernization of our nation's aviation system. This legislation takes important strides to bring our air traffic control system into the 21st century with the Next Generation Air Transportation System, NextGen. It includes provisions to ensure one high level of safety across the entire industry. After 11 extensions instead of a reauthorization bill that addresses these issues, it is time for the Senate to pass this legislation.

Mr. DEMINT. The current perimeter rule at Ronald Reagan Washington National Airport stands as an artificial and antiquated barrier to competition and an impediment to choice. I am strongly supportive of this amendment and others that provide travelers with more choices in air travel.

The Ensign amendment provides a needed improvement by allowing carriers traveling out of DCA to respond to market demands and provide their customers with the air travel choices they demand most, instead of being confined by an antiquated statutory restriction. I am optimistic that as this bill moves forward that we can keep customer choice at the forefront and continue to open the skies to competition.

Mrs. HUTCHISON. Mr. President, I would like to thank my colleagues for their work on the Reagan National perimeter rule issue.

Last week, I sat down with several interested colleagues in an effort to try and find a path forward on this issue. As a result, we have the modified Ensign amendment before us.

I would like to say a few words about the intent of that amendment. I am one who is sympathetic to the concerns of from my friend from Virginia, Senator WARNER, who also serves as a member of the Senate Commerce Committee. While in a somewhat different position, in the past, I have had similar issues raised concerning my home State of Texas, and I recognize well that the impacts of dealing with a decision to change the status quo are enormously difficult.

With that in mind, I believe we have come up with a compromise proposal

that meets the concerns of my Western State colleagues and others and tries to address, to the extent possible, my friend from Virginia's concerns.

The modified Ensign amendment is a simple solution to a complex problem. The amendment would allow any air carrier with existing "inside" the perimeter large hub airport slots into Reagan National the ability to "convert" those slots to any community "outside" the perimeter, with each air carrier being capped at 15 round trip operations eligible for conversion.

By utilizing the idea of "conversions," we don't add any new flights to the airport, but we do give the air carriers the opportunity to better utilize their networks. I am hopeful we can take that concept and message to the House in the next round of the legislative process on this bill.

I thank Senators ENSIGN and KYL, as well as Senators DEMINT, BOXER, MCCAIN, ROCKEFELLER, DORGAN, and WARNER for their work on this very important issue. I remain hopeful that the final version of this FAA reauthorization bill will include a consensus agreement on this issue, and allow the opportunity for direct service to our Nation's Capitol for a number of communities that are eager for such service.

AMENDMENT NO. 3476, AS MODIFIED WITHDRAWN

Mr. ENSIGN. Mr. President, I ask unanimous consent that my amendment No. 3476, as modified, be withdrawn.

The PRESIDING OFFICER. Without objection, the amendment is withdrawn.

The Senator from North Dakota.

Mr. DORGAN. Mr. President, I ask unanimous consent to be recognized following the vote on the legislation to speak briefly about the FAA reauthorization.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from West Virginia.

AMENDMENT NO. 3527

Mr. ROCKEFELLER. Mr. President, notwithstanding the order of March 19, I ask unanimous consent that amendment No. 3527 not be withdrawn; that it be considered when the managers' package is presented.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENTS NOS. 3469, 3488, 3492, 3494, 3511, 3479, AS MODIFIED; 3483, AS MODIFIED; 3506, AS MODIFIED; 3514, AS MODIFIED; 3520, AS MODIFIED; 3538, AS MODIFIED; 3543, 3527, AS MODIFIED; 3541, AS MODIFIED; 3539, AS MODIFIED; 3532, 3525, AS MODIFIED; AND 3534, AS MODIFIED

Mr. ROCKEFELLER. Mr. President, pursuant to the order of March 19 regarding a managers' package of amendments, I send to the desk the managers' package, with the other provisions of the order with respect to the amendments remaining in effect.

The PRESIDING OFFICER. Without objection, it is so ordered.

The managers' amendment at the desk is agreed to, and the motion to reconsider is considered made and laid upon the table.

The amendments are as follows:

AMENDMENT NO. 3469

(Purpose: To require the Secretary of the Interior to convey to Clark County, Nevada, certain public land for the development of flood mitigation infrastructure for the Southern Nevada Supplemental Airport in the State of Nevada)

At the end of title VII, add the following:

SEC. 7. LAND CONVEYANCE FOR SOUTHERN NEVADA SUPPLEMENTAL AIRPORT.

(a) DEFINITIONS.—In this section:

(1) COUNTY.—The term "County" means Clark County, Nevada.

(2) PUBLIC LAND.—The term "public land" means the land located at—

(A) sec. 23 and sec. 26, T. 26 S., R. 59 E., Mount Diablo Meridian;

(B) the NE $\frac{1}{4}$ and the N $\frac{1}{2}$ of the SE $\frac{1}{4}$ of sec. 6, T. 25 S., R. 59 E., Mount Diablo Meridian, together with the SE $\frac{1}{4}$ of sec. 31, T. 24 S., R. 59 E., Mount Diablo Meridian; and

(C) sec. 8, T. 26 S., R. 60 E., Mount Diablo Meridian.

(3) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(b) LAND CONVEYANCE.—

(1) IN GENERAL.—As soon as practicable after the date described in paragraph (2), subject to valid existing rights, and notwithstanding the land use planning requirements of sections 202 and 203 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712, 1713), the Secretary shall convey to the County, without consideration, all right, title, and interest of the United States in and to the public land.

(2) DATE ON WHICH CONVEYANCE MAY BE MADE.—The Secretary shall not make the conveyance described in paragraph (1) until the later of the date on which the Administrator of the Federal Aviation Administration has—

(A) approved an airport layout plan for an airport to be located in the Ivanpah Valley; and

(B) with respect to the construction and operation of an airport on the site conveyed to the County pursuant to section 2(a) of the Ivanpah Valley Airport Public Lands Transfer Act (Public Law 106-362; 114 Stat. 1404), issued a record of decision after the preparation of an environmental impact statement or similar analysis required under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(3) WITHDRAWAL.—Subject to valid existing rights, the public land to be conveyed under paragraph (1) is withdrawn from—

(A) location, entry, and patent under the mining laws; and

(B) operation of the mineral leasing and geothermal leasing laws.

(4) USE.—The public land conveyed under paragraph (1) shall be used for the development of flood mitigation infrastructure for the Southern Nevada Supplemental Airport.

AMENDMENT NO. 3488

(Purpose: To allow aircraft owners and operators to accept reimbursement for voluntary medical transportation)

SEC. —. CLARIFICATION OF REQUIREMENTS FOR VOLUNTEER PILOTS OPERATING CHARITABLE MEDICAL FLIGHTS.

In administering part 61.113(c) of title 14, Code of Federal Regulations, the Administrator of the Federal Aviation Administra-

tion shall allow an aircraft owner or aircraft operator who has volunteered to provide transportation for an individual or individuals for medical purposes to accept reimbursement to cover all or part of the fuel costs associated with the operation from a volunteer pilot organization.

AMENDMENT NO. 3492

(Purpose: To provide a limited exemption from compliance with FAA and PHMSA standards for the air transportation within Alaska of cylinders of compressed oxygen, nitrous oxide, or other oxidizing gases without regard to the end use of the cylinders)

At the appropriate place, insert the following:

SEC. —. CYLINDERS OF COMPRESSED OXYGEN, NITROUS OXIDE, OR OTHER OXIDIZING GASES.

(a) IN GENERAL.—The transportation within Alaska of cylinders of compressed oxygen, nitrous oxide, or other oxidizing gases aboard aircraft shall be exempt from compliance with the requirements, under sections 173.302(f)(3) and (f)(4) and 173.304(f)(3) and (f)(4) of the Pipeline and Hazardous Material Safety Administration's regulations (49 CFR 173.302(f)(3) and (f)(4) and 173.304(f)(3) and (f)(4)), that oxidizing gases transported aboard aircraft be enclosed in outer packaging capable of passing the flame penetration and resistance test and the thermal resistance test, without regard to the end use of the cylinders, if—

(1) there is no other practical means of transportation for transporting the cylinders to their destination and transportation by ground or vessel is unavailable; and

(2) the transportation meets the requirements of subsection (b).

(b) EXEMPTION REQUIREMENTS.—Subsection (a) shall not apply to the transportation of cylinders of compressed oxygen, nitrous oxide, or other oxidizing gases aboard aircraft unless the following requirements are met:

(1) PACKAGING.—

(A) SMALLER CYLINDERS.—Each cylinder with a capacity of not more than 116 cubic feet shall be—

(i) fully covered with a fire or flame resistant blanket that is secured in place; and

(ii) placed in a rigid outer packaging or an ATA 300 Category 1 shipping container.

(B) LARGER CYLINDERS.—Each cylinder with a capacity of more than 116 cubic feet but not more than 281 cubic feet shall be—

(i) secured within a frame;

(ii) fully covered with a fire or flame resistant blanket that is secured in place; and

(iii) fitted with a securely attached metal cap of sufficient strength to protect the valve from damage during transportation.

(2) OPERATIONAL CONTROLS.—

(A) STORAGE; ACCESS TO FIRE EXTINGUISHERS.—Unless the cylinders are stored in a Class C cargo compartment or its equivalent on the aircraft, crew members shall have access to the cylinders and at least 2 fire extinguishers shall be readily available for use by the crew members.

(B) SHIPMENT WITH OTHER HAZARDOUS MATERIALS.—The cylinders may not be transported in the same aircraft with other hazardous materials other than Division 2.2 materials with no subsidiary risk, Class 9 materials, and ORM-D materials.

(3) AIRCRAFT REQUIREMENTS.—

(A) AIRCRAFT TYPE.—The transportation shall be provided only aboard a passenger-carrying aircraft or a cargo aircraft.

(B) PASSENGER-CARRYING AIRCRAFT.—

(i) SMALLER CYLINDERS ONLY.—A cylinder with a capacity of more than 116 cubic feet

may not be transported aboard a passenger-carrying aircraft.

(ii) MAXIMUM NUMBER.—Unless transported in a Class C cargo compartment or its equivalent, no more than 6 cylinders in each cargo compartment may be transported aboard a passenger-carrying aircraft.

(C) CARGO AIRCRAFT.—A cylinder may not be transported aboard a cargo aircraft unless it is transported in a Class B cargo compartment or a Class C cargo compartment or its equivalent.

(c) DEFINITIONS.—Terms used in this section shall have the meaning given those terms in parts 106, 107, and 171 through 180 of the Pipeline and Hazardous Material Safety Administration's regulations (49 CFR parts 106, 107, and 171–180).

AMENDMENT NO. 3494

(Purpose: To correct an error related to Amtrak security in the enrollment of the Consolidated Appropriations Act, 2010)

At the end of title VII, add the following:

SEC. 723. TECHNICAL CORRECTION.

Section 159(b)(2)(C) of title I of division A of the Consolidated Appropriations Act, 2010, is amended by striking clauses (i) and (ii) and inserting the following:

"(i) requiring inspections of any container containing a firearm or ammunition; and

"(ii) the temporary suspension of firearm carriage service if credible intelligence information indicates a threat related to the national rail system or specific routes or trains."

AMENDMENT NO. 3511

(Purpose: To require a semiannual report on the status of the Greener Skies project)

On page 98, between lines 20 and 21, insert the following:

SEC. 325. SEMIANNUAL REPORT ON STATUS OF GREENER SKIES PROJECT.

(a) INITIAL REPORT.—Not later than 180 days after the date of the enactment of this Act, the Administrator shall submit to Congress a report on the strategy of the Administrator for implementing, on an accelerated basis, the NextGen operational capabilities produced by the Greener Skies project, as recommended in the final report of the RTCA NextGen Mid-Term Implementation Task Force that was issued on September 9, 2009.

(b) SUBSEQUENT REPORTS.—

(1) IN GENERAL.—Not later than 180 days after the Administrator submits to Congress the report required by subsection (a) and not less frequently than once every 180 days thereafter until September 30, 2011, the Administrator shall submit to the Committee on Commerce, Science, and Transportation of the Senate and to the Committee on Transportation and Infrastructure of the House of Representatives a report on the progress of the Administrator in carrying out the strategy described in the report submitted under subsection (a).

(2) CONTENTS.—Each report submitted under paragraph (1) shall include the following:

(A) A timeline for full implementation of the strategy described in the report submitted under subsection (a).

(B) A description of the progress made in carrying out such strategy.

(C) A description of the challenges, if any, encountered by the Administrator in carrying out such strategy.

AMENDMENT NO. 3479, AS MODIFIED

(Purpose: To allow for the simultaneous inclusion of more than one General Aviation airport in the Military Airport Program)

On page 282, between lines 3 and 4, insert the following:

SEC. 219. DESIGNATION OF FORMER MILITARY AIRPORTS.

Section 47118(g) is amended by striking "one" and inserting "three" in its place.

AMENDMENT NO. 3483, AS MODIFIED

At the end of title II, add the following:

SEC. 2 AIRPORT SUSTAINABILITY PLANNING WORKING GROUP.

(a) IN GENERAL.—The Administrator shall establish an airport sustainability working group to assist the Administrator with issues pertaining to airport sustainability practices.

(b) MEMBERSHIP.—The Working Group shall be comprised of not more than 15 members including—

(1) the Administrator

(2) 5 member organizations representing aviation interests including: (A) an organization representing airport operators; (B) an organization representing airport employees; (C) an organization representing air carriers; (D) an organization representing airport development and operations experts; (E) a labor organization representing aviation employees.

(3) 9 airport chief executive officers which shall include: (A) at least one from each of the FAA Regions; (B) at least 1 large hub; (C) at least 1 medium hub; (D) at least 1 small hub; (E) at least 1 non hub; (E) at least 1 general aviation airport.

(c) FUNCTIONS.—

(1) develop consensus-based best practices and metrics for the sustainable design, construction, planning, maintenance, and operation of an airport that comply with the guidelines prescribed by the Administrator;

(2) develop standards for a consensus-based rating system based on the aforementioned best practices, metrics, and ratings; and

(3) develop standards for a voluntary ratings process, based on the aforementioned best practices, metrics, and ratings

(4) examine and submit recommendations for the industry's next steps with regard to sustainability

(d) DETERMINATION.—The Administrator shall provide assurance that the best practices developed by the working group under paragraph (a) are not in conflict with any federal aviation or federal, state or local environmental regulation.

(e) UNPAID POSITION.—Working Group members shall serve at their own expense and receive no salary, reimbursement of travel expenses, or other compensation from the Federal Government.

(f) NONAPPLICABILITY OF FACA.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Working Group under this section.

(g) REPORT.—Not later than one year after the date of enactment the Working Group shall submit a report to the Administrator containing the best practices and standards contained in paragraph (c). After receiving the report, the Administrator may publish such best practices in order to disseminate the information to support the sustainable design, construction, planning, maintenance, and operation of airports.

(h) No funds may be authorized to carry out this provision.

AMENDMENT NO. 3506, AS MODIFIED

(Purpose: To ensure that all consumers are able to easily and fairly compare airfares and other costs applicable to tickets for air transportation, including all taxes and fees)

At the end of subtitle A of title IV, add the following:

SEC. 407. NOTIFICATION REQUIREMENTS WITH RESPECT TO THE SALE OF AIRLINE TICKETS.

(a) IN GENERAL.—The Office of Aviation Consumer Protection and Enforcement of the Department of Transportation shall establish rules to ensure that all consumers are able to easily and fairly compare airfares and charges paid when purchasing tickets for air transportation, including all taxes and fees.

(b) NOTICE OF TAXES AND FEES APPLICABLE TO TICKETS FOR AIR TRANSPORTATION.—Section 41712, as amended by this Act, is further amended by adding at the end the following:

“(d) NOTICE OF TAXES AND FEES APPLICABLE TO TICKETS FOR AIR TRANSPORTATION.—

“(1) IN GENERAL.—It shall be an unfair or deceptive practice under subsection (a) for an air carrier, foreign air carrier, or ticket agent to sell a ticket for air transportation on the Internet unless the air carrier, foreign air carrier, or ticket agent, as the case may be—

“(A) displays information with respect to the taxes and fees described in paragraph (2), including the amount and a description of each such tax or fee, in reasonable proximity to the price listed for the ticket; and

“(B) provides to the purchaser of the ticket information with respect to the taxes and fees described in paragraph (2), including the amount and a description of each such tax or fee, before requiring the purchaser to provide any personal information, including the name, address, phone number, e-mail address, or credit card information of the purchaser.

“(2) TAXES AND FEES DESCRIBED.—The taxes and fees described in this paragraph are all taxes, fees, and charges applicable to a ticket for air transportation, consisting of—

“(A) all taxes, fees, charges, and surcharges included in the price paid by a purchaser for the ticket, including fuel surcharges and surcharges relating to peak or holiday travel; and

“(B) any fees for baggage, seating assignments; and

“(C) operational services that are charged when the ticket is purchased.”

(c) REGULATIONS.—The Secretary of Transportation, in consultation with the Administrator of the Federal Aviation Administration, shall prescribe such regulations as may be necessary to carry out subsection (d) of section 41712 of title 49, United States Code, as added by subsection (b) of this section.

AMENDMENT NO. 3514, AS MODIFIED

(Purpose: To include the modernization, renovation, and repairs of buildings to meet the criteria for being high-performance green buildings as airport development)

At the end of title II, add the following:

SEC. 219. INCLUSION OF MEASURES TO IMPROVE THE EFFICIENCY OF AIRPORT BUILDINGS IN AIRPORT IMPROVEMENT PROJECTS.

Section 47101(a) is amended—

(1) in paragraph (12), by striking “; and” and inserting a semicolon;

(2) in paragraph (13), by striking the period and inserting “; and”; and

(3) by adding at the end the following:

“(14) that the airport improvement program should be administered to allow meas-

ures to improve the efficiency of airport buildings to be included in airport improvement projects, such as measures designed to meet one or more of the criteria for being a high-performance green building set forth in section 401(13) of the Energy Independence and Security Act of 2007 (42 U.S.C. 17061(13)), if any significant increase in upfront project costs from any such measure is justified by expected savings over the lifecycle of the project.”

AMENDMENT NO. 3520, AS MODIFIED

(Purpose: To develop a monitoring system for flight service specialist staffing and training under service contracts for flight service stations)

On page 246, between lines 2 and 3, insert the following:

(d) ALASKA FLIGHT SERVICE STATIONS.—Not later than 180 days after the date of the enactment of this Act, the Administrator, in conjunction with flight service station personnel, shall submit a report to Congress on the future of flight service stations in Alaska, which includes—

(1) an analysis of the number of flight service specialists needed, the training needed by such personnel, and the need for a formal training and hiring program for such personnel;

(2) a schedule for necessary inspection, upgrades, and modernization of stations and equipment; and

(3) a description of the interaction between flight service stations operated by the Administration and flight service stations operated by contractors.

AMENDMENT NO. 3538, AS MODIFIED

(Purpose: To conduct audits of certain small airports to analyze the accrual of annual passenger enplanements and to modify the method for apportioning amounts to airports for airport improvements)

On page 10, after the matter following line 5, insert the following:

(c) PASSENGER ENPLANEMENT REPORT.—

(1) IN GENERAL.—The Administrator of the Federal Aviation Administration shall prepare a report on every airport in the United States that reported between 10,000 and 15,000 passenger enplanements during each of the 2 most recent years for which such data is available.

(2) REPORT OBJECTIVES.—In carrying out the report under paragraph (1), the Administrator shall document the methods used by each subject airport to reach the 10,000 passenger enplanement threshold, including whether airports subsidize commercial flights to reach such threshold.

(3) REVIEW.—The Inspector General of the Department of Transportation shall review the process of the Administrator in developing the report under paragraph (1).

(4) REPORT.—The Administrator shall submit the report prepared under paragraph (1) to Congress and the Secretary of Transportation.

AMENDMENT NO. 3543

(Purpose: To authorize the FAA to provide financial assistance for NextGen equipage of aircraft)

At the appropriate place in title III, insert the following:

SEC. —. FINANCIAL INCENTIVES FOR NEXTGEN EQUIPAGE.

(a) IN GENERAL.—The Administrator of the Federal Aviation Administration may enter into agreements to fund the costs of equipping aircraft with communications, surveillance, navigation, and other avionics to enable NextGen air traffic control capabilities.

(b) **FUNDING INSTRUMENT.**—The Administrator may make grants or other instruments authorized under section 106(l)(6) of title 49, United States Code, to carry out subsection (a).

AMENDMENT NO. 3527, AS MODIFIED

On page 84, between lines 21 and 22, insert the following:

SEC. 319. REPORT ON FUNDING FOR NEXTGEN TECHNOLOGY.

Not later than 120 days after the date of the enactment of this Act, the Administrator of the Federal Aviation Administration shall submit to Congress a report that contains—

- (1) a financing proposal that—
- (A) uses innovative methods to fully fund the development and implementation of technology for the Next Generation Air Transportation System in a manner that does not increase the Federal deficit; and
- (B) takes into consideration opportunities for involvement by public-private partnerships; and
- (C) recommends creative financing proposals other than user fees or higher taxes and
- (2) recommendations with respect to how the Administrator and Congress can provide operational benefits, such as benefits relating to preferred airspace, routings, or runway access, for all aircraft, including air carriers and general aviation, that equip their aircraft with technology necessary for the operation of the Next Generation Air Transportation System before the date by which the Administrator requires the use of such technology.

AMENDMENT NO. 3541, AS MODIFIED

At the end of title V, insert the following:

SEC. 564. STUDY OF AIR QUALITY IN AIRCRAFT CABINS.

(a) **IN GENERAL.**—Not later than 1 year after the date of the enactment of this Act, the Administrator of the Federal Aviation Administration shall initiate a study of air quality in aircraft cabins to—

- (1) assess bleed air quality on the full range of commercial aircraft operating in the United States;
- (2) identify oil-based contaminants, hydraulic fluid toxins, and other air toxins that appear in cabin air and measure the quantity and prevalence, or absence of those toxins through a comprehensive sampling program;
- (3) determine the specific amount and duration of toxic fumes present in aircraft cabins that constitutes a health risk to passengers;
- (4) develop a systematic reporting standard for smoke and fume events in aircraft cabins;
- (5) identify the potential health risks to individuals exposed to toxic fumes during flight;
- (6) determine the extent to which the installation of sensors and air filters on commercial aircraft would provide a public health benefit; and

(b) **AUTHORITY TO MONITOR AIR IN AIRCRAFT CABINS.**—For purposes of conducting the study required by subsection (a), the Administrator of the Federal Aviation Administration shall require domestic air carriers to allow air quality monitoring on their aircraft in a manner that imposes no significant costs on the carrier and does not interfere with the normal operation of the aircraft.

AMENDMENT NO. 3539, AS MODIFIED

(Purpose: To apportion amounts to airports for airport improvements in proportion to the amounts of air traffic at the airports and to limit aggregate apportionments to the aggregate amount apportioned for fiscal year 2009)

At the end of Title II, add the following:

SEC. ____ STUDY ON APPORTIONING AMOUNTS FOR AIRPORT IMPROVEMENT IN PROPORTION TO AMOUNTS OF AIR TRAFFIC.

(a) **STUDY AND REPORT REQUIRED.**—Not later than 180 days after the date of the enactment of this Act, the Administrator of the Federal Aviation Administration shall—

- (1) complete a study on the feasibility and advisability of apportioning amounts under section 47114(c)(1) of title 49, United States Code, to the sponsor of each primary airport for each fiscal year an amount that bears the same ratio to the amount subject to the apportionment for fiscal year 2009 as the number of passenger boardings at the airport during the prior calendar year bears to the aggregate of all passenger boardings at all primary airports during that calendar year; and
- (2) submit to Congress a report on the study completed under paragraph (1).

(b) **REPORT CONTENTS.**—The report required by subsection (a)(2) shall include the following:

- (1) A description of the study carried out under subsection (a)(1).
- (2) The findings of the Administrator with respect to such study.
- (3) A list of each sponsor of a primary airport that received an amount under section 47114(c)(1) of title 49, United States Code, in 2009.
- (4) For each sponsor listed in accordance with paragraph (3), the following:
 - (A) The amount such sponsor received, if any, in 2005, 2006, 2007, 2008, and 2009 under such section 47114(c)(1).
 - (B) An explanation of how the amount awarded to such sponsor was determined.
 - (C) The average number of air passenger flights serviced each month at the airport of such sponsor in 2009.
 - (D) The number of enplanements for air passenger transportation at such airport in 2005, 2006, 2007, 2008, and 2009.

AMENDMENT NO. 3532

(Purpose: To set the fee to be paid by commercial air tour operators that conduct commercial air tour operations over a national park at an amount sufficient to offset all of the costs incurred by the Federal Government to develop air tour management plans for national parks)

On page 250, strike line 12 and all that follows through page 251, line 18, and insert the following:

(e) COLLECTION OF FEES FROM AIR TOUR OPERATIONS.—

(1) **IN GENERAL.**—The Secretary of the Interior shall assess a fee in an amount determined by the Secretary under paragraph (2) on a commercial air tour operator conducting commercial air tour operations over a national park.

(2) **AMOUNT OF FEE.**—In determining the amount of the fee assessed under paragraph (1), the Secretary shall collect sufficient revenue, in the aggregate, to pay for the expenses incurred by the Federal Government to develop air tour management plans for national parks.

(3) **EFFECT OF FAILURE TO PAY FEE.**—The Administrator of the Federal Aviation Administration shall revoke the operating au-

thority of a commercial air tour operator conducting commercial air tour operations over any national park, including the Grand Canyon National Park, that has not paid the fee assessed by the Secretary under paragraph (1) by the date that is 180 days after the date on which the Secretary determines the fee shall be paid.

(f) **FUNDING FOR AIR TOUR MANAGEMENT PLANS.**—The Secretary of the Interior shall use the amounts collected under subsection (e) to develop air tour management plans under section 40128(b) of title 49, United States Code, for the national parks the Secretary determines would most benefit from such a plan.

AMENDMENT NO. 3525, AS MODIFIED

At the end of title VII, add the following:

SEC. 723. PLAN FOR FLYING SCIENTIFIC INSTRUMENTS ON COMMERCIAL FLIGHTS.

(a) **PLAN DEVELOPMENT.**—Not later than 270 days after the date of the enactment of this Act, the Secretary of Transportation and the Secretary of Commerce, in consultation with interested representatives of the aviation industry and other relevant agencies, shall develop a plan and process to allow Federal agencies to fly scientific instruments on commercial flights with airlines who volunteer, for the purpose of taking measurements to improve weather forecasting.

AMENDMENT NO. 3534, AS MODIFIED

(Purpose: To amend section 40128 of title 49, United States Code, relating to air tour management plans at national parks)

On page 246, strike lines 16 through 18 and insert the following:

- (D) in subsection (b)—
- (i) in paragraph (1)—
- (I) in subparagraph (A)—
- (aa) by striking “, in cooperation with” and inserting “and”; and
- (bb) by striking “The air tour” and all that follows; and
- (II) by redesignating subparagraph (B) as subparagraph (C);
- (III) by inserting after subparagraph (A) the following:

“(B) **PROCESS AND APPROVAL.**—The Federal Aviation Administration has sole authority to control airspace over the United States. The National Park Service has the sole responsibility for conserving the scenery and natural resources in National Parks and providing for the enjoyment of the National Parks unimpaired for future generations. Each air tour management plan shall be—

- “(i) developed through a public process that complies with paragraph (4); and
- “(ii) approved by the Administrator and the Director.”; and

(IV) by adding at the end the following:

“(D) **EXCEPTION.**—An application to begin commercial air tour operations at Crater Lake National Park may be denied without the establishment of an air tour management plan by the Director of the National Park Service if the Director determines that such operations would unacceptably impact park resources or visitor experiences.”; and

- (ii) in paragraph (4)(C), by striking “National Park Service” and inserting “Department of the Interior”.

THE PRESIDING OFFICER. The amendment in the nature of a substitute, as amended, is agreed to, and the motion to reconsider is considered made and laid upon the table.

The clerk will read the bill for the third time.

The bill was ordered to be engrossed for a third reading and was read the third time.

The bill having been read the third time, the question is on passage of the bill, as amended.

Mr. ROCKEFELLER. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. BYRD), the Senator from Vermont (Mr. SANDERS), and the Senator from New Mexico, (Mr. UDALL) are necessarily absent.

I further announce that, if present and voting, the Senator from New Mexico, (Mr. UDALL) would vote "yea."

Mr. KYL. The following Senators are necessarily absent: the Senator from Utah (Mr. BENNETT), the Senator from South Carolina (Mr. DEMINT), the Senator from Mississippi (Mr. WICKER), and the Senator from Georgia (Mr. ISAKSON).

The PRESIDING OFFICER (Mrs. SHAHEEN). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 93, nays 0, as follows:

[Rollcall Vote No. 61 Leg.]

YEAS—93

Akaka	Ensign	McCaskill
Alexander	Enzi	McConnell
Barrasso	Feingold	Menendez
Baucus	Feinstein	Merkley
Bayh	Franken	Mikulski
Begich	Gillibrand	Murkowski
Bennet	Graham	Murray
Bingaman	Grassley	Nelson (NE)
Bond	Gregg	Nelson (FL)
Boxer	Hagan	Pryor
Brown (MA)	Harkin	Reed
Brown (OH)	Hatch	Reid
Brownback	Hutchison	Risch
Bunning	Inhofe	Roberts
Burr	Inouye	Rockefeller
Burriss	Johanns	Schumer
Cantwell	Johnson	Sessions
Cardin	Kaufman	Shaheen
Carper	Kerry	Shelby
Casey	Klobuchar	Snowe
Chambliss	Kohl	Specter
Coburn	Kyl	Stabenow
Cochran	Landrieu	Tester
Collins	Lautenberg	Thune
Conrad	Leahy	Udall (CO)
Corker	LeMieux	Vitter
Cornyn	Levin	Voinovich
Crapo	Lieberman	Warner
Dodd	Lincoln	Webb
Dorgan	Lugar	Whitehouse
Durbin	McCain	Wyden

NOT VOTING—7

Bennett	Isakson	Wicker
Byrd	Sanders	
DeMint	Udall (NM)	

The bill (H.R. 1586), as amended, was passed, as follows:

(The bill will be printed in a future edition of the RECORD).

The PRESIDING OFFICER. The title amendment at the desk is agreed to.

The amendment (No. 3555) was agreed to, as follows:

Amend the title so as to read: "An Act to modernize the air traffic control system, improve the safety, reliability, and availability of transportation by air in the United

States, provide for modernization of the air traffic control system, reauthorize the Federal Aviation Administration, and for other purposes."

The Senator from West Virginia.

CORRECTED AMENDMENT NO. 3479, AS MODIFIED

Mr. ROCKEFELLER. Madam President, I ask unanimous consent that notwithstanding the adoption of amendment No. 3479, as modified, it be corrected to reflect that the instruction line was modified.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 3479), as modified, is as follows:

(Purpose: To allow for the simultaneous inclusion of more than one General Aviation airport in the Military Airport Program)

At the end of title II, insert the following:

SEC. 219. DESIGNATION OF FORMER MILITARY AIRPORTS.

Section 47118(g) is amended by striking "one" and inserting "three" in its place.

Mr. DORGAN. Madam President, the vote just taken was unanimous, which is interesting. We were able to work on this for 5 days here on the floor of the Senate. But I also want to say we always talk about good staff work. We do have an exceptionally fine staff at the Commerce Committee and I want to say that Senator ROCKEFELLER's work and Senator HUTCHISON's work was so important in order to move us in this direction to get this completed.

I think they would agree as well that the staff director Ellen Doneski, deputy staff director James Reid, Gael Sullivan, Rich Swayze on the Aviation Subcommittee staff, and I know Senator HUTCHISON's staff, Ann Begeman, staff director, Jarrod Thompson, and Tom Jones for Senator DEMINT, is a fine staff.

The reason I wanted to say a word about this piece of legislation—I just got off an airplane myself, just came back from North Dakota. But I wanted to say that this piece of legislation, while not getting the attention that some other pieces of legislation are getting these days, notably health care, among others, is a very important piece of legislation, and it has some very important critical changes that I think will be beneficial and will save lives. I wanted to mention a couple of them.

No. 1, for the irritants that exist in air travel these days, and there are a lot of them, this includes the Passenger Bill of Rights—a lot of people probably do not know that, but just common sense, sound thinking about what are the rights of passengers here.

We worked with the airlines and the passenger groups and so on. This includes the Passenger Bill of Rights, the 3-hour limit. If you are on an airline some place and they want to have you sit on the end of a runway or on the tarmac for 5 or 6 hours, it is not going to happen, not when this legislation passes. We have a 3-hour limitation.

That is just the start of it. But the Passenger Bill of Rights is important.

Most important to me are the safety issues. I held a number of hearings on safety in our subcommittee, and I appreciate very much the work of Senator ROCKEFELLER. He was very interested in making sure that we pursue these safety issues in order that they can become a part of the FAA reauthorization bill.

A significant part of this bill is modernization of the air traffic control system. But this bill also is about aviation safety, and so I want to mention the safety provisions. We held a number of hearings to try to understand what could we learn from the tragedy that occurred at the Colgan crash in Buffalo, NY. We learned a lot, and a lot of things that were frankly, to me, very troubling. We have addressed a number of those provisions in this legislation.

Pilot training and experience. Frankly, were it not for the families of the victims of the Colgan crash who have witnessed here at every opportunity, in every circumstance, where there has been a hearing or something in which aviation safety was discussed, they were here pushing and prodding and asking the right questions.

We do advance the interests of aviation training and experience in this legislation. The FAA must revisit flight and duty-time limitations to address pilot fatigue in this legislation.

We do not yet and have not addressed the commuting issue which I think is an issue, but we have not yet addressed that, and could not in this bill, but that will continue to be an issue we will work on. We have an FAA-required report to the Congress now, annually every year, of all of the safety recommendations from the NTSB, and which have been followed and which have not.

This issue of the most-wanted list of safety recommendations, which in some cases has been on the list for 10 and 15 years, it is unforgivable that that has happened. We are not going to let that happen again.

Obviously, we prohibit the use of wireless communications devices and laptop computers in the cockpit that are not used for the purpose of the operation of the airplane. When I say obviously, an airplane that overflies its destination with a couple of pilots working on laptops, overflying the destination by 150 miles or so, does not make much sense to me that we do not have a prohibition in the FAA manuals to prohibit in every circumstance the use of these kinds of personal wireless communications devices for personal use in the cockpit during flight.

We enhance safety oversight of foreign repair stations, which is very important. It mandates two inspections per year by the FAA. A lot of people do not understand that a lot of the maintenance now is being done in some

cases overseas, and in other cases, they are being done, farmed out and contracted out, to someone outside of the airline itself.

We require the disclosure of the airline operating flights. When a consumer buys a ticket on an airline, we want them to understand who is the company that is carrying them, not what is the brand on the airline, but what company is this, so they have some sense of who is in charge of that flight.

Access to all pilots records. You know regarding the captain in the Colgan flight, the CEO of Colgan Air said: Had I known the failures of that captain in certain exams and tests along the way, in certifying these various licenses, we would not have hired that captain. And yet the company did not know. That will not be the case in the future.

Those are just some, not all, of the safety issues. They are very important. I am convinced that lives will be saved. I do not suggest this is the entire set of issues that has to be resolved. More remains to be done and we will remain on the case to do that. We will continue even now with additional hearings.

Finally, I want to say on the issue of modernization, this too is so important. It relates to safety, but it relates to other things. It relates to the reduced use of fuel, more direct routing, better timelines for trips for passengers, because they will get to their destination more quickly; less spacing between airplanes in the sky. That is because, rather than fly to the old ground-based radar system, where you know about where an airline is, you only know about where it is when the transponder flashes a dot on that screen in front of the air traffic controller, and the next 7 or so seconds that airplane is somewhere else.

Well, using the GPS system which all of us, or at least some of us—I do not have, but many people use it in their car, use it on their cell phone. The common use of the GPS is all over the world these days, except we do not use it, by and large, for commercial airlines, and we should.

Air traffic control modernization means ground-based systems that need to be built, it means protocols that have to be developed, it means equipment in the cockpit. But we must get there not in 15 or 20 years, we must get there soon. So this piece of legislation dramatically advances those timelines.

Some talk about waiting and finishing this job in 15 years. We substantially truncated the time to say: No, let's get this done. So those are the significant issues.

Again, I want to thank Margaret McCarthy on my staff, along with the other staff I have previously mentioned.

I especially again want to say, I have served on the Commerce Committee for

a good many years, and we have worked on a lot of issues. It has such a wide jurisdiction, a wide range of interests and issues. Senator ROCKEFELLER assumed control of the Commerce Committee just this Congress, and I think has done an extraordinary job. I appreciate his leadership. I appreciate the fact that he gave us not only directions but the reins to work in the subcommittee, and then he and the ranking member worked very hard at the full committee to put this piece of legislation together.

It is rare indeed in this day and age to find a piece of legislation that passes the Senate in a record vote, that is a piece of legislation of great consequence, that deals with many issues, some of them controversial, to be passed by the Senate with no negative votes at all. Think of that. No negative votes cast on this bill today.

Would not it be nice if we could see more of that kind of togetherness, coming together on public policy that all of us think is good for this country and its future.

I wanted to again say how proud I am of this legislation and how important it is to this country. I am pleased that this is the next step, an important step, and then we would conference with the House and bring a conference report back, and it will be signed by the President. We will have all done something to advance safety and modernization in aviation in this country; not just for commercial aviation, but for general aviation, which is an increasingly important part of our aviation system.

Madam President, I also want to take this opportunity to say a few words about the Disadvantaged Business Enterprise—DBE—Program and the Airport Concessions Disadvantaged Business Enterprise—ACDBE—Program, or the DBE Programs. As the Senate is well aware, this program was originally enacted by Congress to level the playing field for minority and women contractors working in airport related businesses.

While we have made considerable progress toward that goal over the years, unfortunately a good deal more work remains. The Commerce Committee examined disparity studies documenting the existence of discrimination in public contracting while considering and drafting FAA reauthorization legislation. We concluded that the DBE Program remains necessary to thwart ongoing discrimination and determined that several improvements to the DBE Programs were necessary. I am pleased that the FAA Reauthorization bill includes provisions to adjust the personal net worth calculation for inflation, to require certification training of officials involved in the review of DBE applications, to prohibit excess bonding requirements, and to ensure that retirement savings are not in-

cluded in the personal net worth calculation.

The evidence of discrimination included in disparities studies makes clear that discrimination against minority and women owned businesses is still a serious problem in airport-related businesses and beyond. This is unacceptable. The DBE and ACDBE Programs are the only current safeguard against the problems of business discrimination in the airport context. I am encouraged that this bill includes provisions to ensure the continued health of the program and to promote a level playing field within the industry.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ROCKEFELLER. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. ROCKEFELLER. Madam President, I ask unanimous consent that the Senate proceed to a period of morning business, with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

HONORING OUR ARMED FORCES

SERGEANT JONATHAN J. RICHARDSON

Mr. PRYOR. Madam President, it is with a heavy heart that today I honor U.S. Army Sgt. Jonathan J. Richardson from Bald Knob, AR, and pay tribute to his life and service to our country.

Sergeant Richardson was a fire support specialist who lost his life from wounds suffered when his unit came under fire in Khost Province, Afghanistan. He was a member of the C Company, 1st Battalion, 187th Infantry Regiment, 3rd Brigade Combat Team, 101st Airborne Division, and had previously served in Iraq with the same unit. He was never afraid to go where the action was, knowing that the line of fire was where he was needed most.

Sergeant Richardson served both tours with courage and distinction, receiving awards including the Army Commendation Medal, Iraq Campaign Medal, Global War on Terrorism Service Medal, Army Good Conduct Medal, and National Defense Service Medal.

Sergeant Richardson graduated from Bald Knob High School in 2004, where he was a talented student and excelled on the football team. His family and friends described him as an honorable man, devoted to his wife and family. These qualities were readily apparent on the battlefield, where his comrades

called him “the kind of leader soldiers strive to emulate.” He was committed to serving others, and while he could have done a great many things with his young life, he chose to serve our Nation in the military. This commitment to serve is, to me, what makes Sergeant Richardson a true hero.

My thoughts and prayers are with Sergeant Richardson’s wife Rachel, parents, Sharon and Jeffery, and all those who loved him during this heart-breaking time.

As John 15:13 states: “Greater love has no one than this, that one lay down his life for his friends.” Sergeant Richardson had the greatest love for his country, and his country will always remember his selfless service.

HEALTH CARE

Mr. COBURN. Madam President, I rise to bring attention to the crucial role of health care professionals in providing quality health care across our Nation. Other than being a father, grandfather, and husband nothing has been more personally satisfying for me than meeting and caring for patients. As a practicing physician I have seen firsthand the importance of each and every health care practitioner—not just doctors and nurses—in meeting this country’s diverse health care needs. I am thankful for the contribution that dedicated health professionals have made to not just my medical practice, but all of our communities.

These professionals are found not only in hospitals and doctor’s offices, but everywhere from local schools to athletic training clinics, long-term care facilities to rehabilitation centers, and providing loving care in hospices and private homes. There are more than 100 distinct allied health professions including respiratory therapists, music therapists, athletic trainers, clinical laboratory scientists, radiologic technologists, medical assistants and many others. They provide expert care in a number of therapeutic, diagnostic and preventive services in a multitude of settings. These professionals practice expertise in disease prevention and control, dietary and nutritional services, mental and physical health promotion, rehabilitation, and health systems management. Approximately 6 million individuals are currently serving in allied health professions, representing about 60 percent of the healthcare workforce. According to the Bureau of Labor Statistics, 10 of the 20 fastest growing occupations for 2008–2018 are in the health professions.

As Congress continues to engage in a national debate on health care, I have consistently been offering patient-centered solutions that would allow individuals to access care tailored to their individual needs. Consumer choice, not government coercion, has made goods

and services that were once scarce affordable and accessible. For instance, in the past 18 months the number of unique iPhone applications available to consumers has gone from 500 to more than 140,000—with 3 billion applications downloaded. If patients were empowered to take control of their health care spending, it would enable health care professionals to more freely exercise their immense talents—no doubt putting Apple and the iPhone to shame.

Regardless of the outcome of the health care debate, these health care professionals will continue to make a difference in their patients’ lives. I want to personally thank, and express my support for, these vital health care professionals. Our system could not function without their tireless efforts. I urge my colleagues to join me in recognizing this important group of individuals.

LEAGUE OF WOMEN VOTERS

Mrs. BOXER. Madam President, I am honored today to recognize the League of Women Voters for their 90 years of voter education and activism, and specifically want to congratulate the League of Women Voters of Northwest Riverside County.

In 1920, when passage of the 19th amendment appeared to be imminent, members of the National American Woman Suffrage Association met to form the League of Women Voters. Carrie Chapman Catt first proposed the creation of a League to “finish the fight” and work to end all discrimination against women. While initially concerned with the status and rights of women, the League of Women Voters gradually expanded its interests to include issues affecting the whole community. I am sure suffragettes would be pleased that every issue became a women’s issue.

Today, the League works at all levels of government to address a wide variety of concerns including health care, education, climate change, land use, ethics and election and campaign finance reform. Whether through voter guides or public forums, the League gives voters the information they need to play a critical role in our community and country.

For nearly 57 years, the League of Women Voters of Northwest Riverside County has made a difference—championing countless public policy challenges, hosting candidate forums and public information meetings, and distributing thousands of voter information guides.

The suffragettes who started the movement to give women the right to vote did not know if they would succeed. But, they persevered. Today, with over 850 local Leagues, 50 State Leagues and the National League, the League of Women Voters remains just

as committed to improving our democracy and the quality of life for all our citizens.

Please join me in honoring the League of Women Voters for its dedication to the ideals of our great Nation.

ADDITIONAL STATEMENTS

TRIBUTE TO WILLIAM H. SATTERFIELD

• Mr. SESSIONS. Madam President, today I pay tribute to William (Bill) Satterfield, counsel for Balch & Bingham LLP in Birmingham, AL.

Prior to his position at Balch and Bingham, Bill served as the general counsel of the Federal Energy Regulatory Commission and as the Associate and Deputy Solicitor of the U.S. Department of Interior in Washington, DC.

Bill has extensive experience with environmental, natural resources, energy, and public utility law on both the Federal and State levels and has been fighting the good fight for the State of Alabama on a myriad of environmental issues for over three decades. He has used his knowledge of the laws, regulations, and political climate to provide direction on environmental and natural resource issues to individuals, small businesses, and large corporations in Alabama.

In a big part of this work, he has been a great advocate for port and waterways issues in Alabama, serving as counsel to Alabama-Tombigbee Rivers Coalition. This organization is made up of 34 members and composed of business, trade associations, and state agencies in Alabama and Mississippi, and it led the charge to challenge the Fish and Wildlife’s proposed listing of the Alabama sturgeon as an endangered species.

He is also the secretary and counsel of the National Waterways Conference, which focuses on commonsense water resources policies that maximize the economic and environmental value of our inland, coastal and Great Lakes waterways.

During his tenure as legal counsel for the National Waterways Conference, a volunteer position, he invested countless hours to ensure that the constitution and bylaws of the organization were preserved to ensure the ongoing integrity of the National Waterways Conference as the only water resources association representing the full spectrum of water resources stakeholders, and thanks to his tireless efforts, the National Waterways Conference continues to prevail as our Nation’s leading multifaceted water resource organization.

The National Waterways Conference, which was founded in 1960, celebrates its 50th anniversary this year and bestowed on Bill Satterfield the title of

Counsel Emeritus of the National Waterways Conference on March 9, 2010.

Through his work with the National Waterways Conference, he embodied the spirit of our nation's frontiersmen on many occasions. In the ceremony naming him counsel emeritus, he was presented a bronze statue with the following quote:

This bronze statue of "The Trooper on the Plains" by Frederic Remington is symbolic of the attributes Satterfield exhibited in every situation he encountered throughout his career: Bravery, quick action, strength, courage, and endurance. With a yank of the reins, the rider in this statue is galloping full speed ahead through dangerous territory with a pistol pointed across his torso. The feet of his horse, in this scene, never touch the ground, as he is always moving. He charges towards the enemy camp, fearless and undaunted, with great courage and resolution. His one goal: Achieve the aims set forth by his commanding officer, and win ultimate victory for his army. Colonel Bill Satterfield is a true "Trooper of the Plains."

Bill is a great lawyer, a proven professional, a superb public servant, a man of high principle who understands and loves this great Republic which we serve and a good friend. I extend my heartiest congratulations upon his receipt of this special and most deserved honor.●

MESSAGES FROM THE HOUSE

At 2:06 p.m., a message from the House, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 2788. An act to designate a Distinguished Flying Cross National Memorial at the March Field Air Museum in Riverside, California.

H.R. 3644. An act to direct the National Oceanic and Atmospheric Administration to establish education and watershed programs which advance environmental literacy, including preparedness and adaptability for the likely impacts of climate change in coastal watershed regions.

H.R. 3671. An act to promote Department of the Interior efforts to provide a scientific basis for the management of sediment and nutrient loss in the Upper Mississippi River Basin, and for other purposes.

H.R. 4003. An act to direct the Secretary of the Interior to conduct a special resource study to evaluate resources in the Hudson River Valley in the State of New York to determine the suitability and feasibility of establishing the site as a unit of the National Park System, and for other purposes.

H.R. 4395. An act to revise the boundaries of the Gettysburg National Military Park to include the Gettysburg Train Station, and for other purposes.

H.R. 4840. An act to designate the facility of the United States Postal Service located at 1979 Cleveland Avenue in Columbus, Ohio, as the "Clarence D. Lumpkin Post Office".

H.R. 4887. An act to amend the Internal Revenue Code of 1986 to ensure that health coverage provided by the Department of Defense is treated as minimal essential coverage.

The message also announced that the House agreed to the following concur-

rent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 244. Concurrent resolution expressing support for designation of a National Day of Recognition for Long-Term Care Physicians.

At 3:21 p.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

H.R. 3590. An act entitled The Patient Protection and Affordable Care Act.

The enrolled bill was subsequently signed by the Vice President.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 2788. An act to designate a Distinguished Flying Cross National Memorial at the March Field Air Museum in Riverside, California; to the Committee on Energy and Natural Resources.

H.R. 3644. An act to direct programs the National Oceanic and Atmospheric Administration to establish education and watershed programs which advance environmental literacy, including preparedness and adaptability for the likely impacts of climate change in coastal watershed regions; to the Committee on Commerce, Science, and Transportation.

H.R. 3671. An act to promote Department of the Interior efforts to provide a scientific basis for the management of sediment and nutrient loss in the Upper Mississippi River Basin, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 4003. An act to direct the Secretary of the Interior to conduct a special resource study to evaluate resources in the Hudson River Valley in the State of New York to determine the suitability and feasibility of establishing the site as a unit of the National Park System, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 4395. An act to revise the boundaries of the Gettysburg National Military Park to include the Gettysburg Train Station, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 4840. An act to designate the facility of the United States Postal Service located at 1979 Cleveland Avenue in Columbus, Ohio, as the "Clarence D. Lumpkin Post Office"; to the Committee on Homeland Security and Governmental Affairs.

H.R. 4887. An act to amend the Internal Revenue Code of 1986 to ensure that health coverage provided by the Department of Defense is treated as minimal essential coverage; to the Committee on Finance.

The following concurrent resolution was read, and referred as indicated:

H. Con. Res. 244. Concurrent resolution expressing support for designation of a National Day of Recognition for Long-Term Care Physicians; to the Committee on the Judiciary.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mrs. BOXER, from the Committee on Environment and Public Works, without amendment:

S. 479. A bill to amend the Chesapeake Bay Initiative Act of 1998 to provide for the continuing authorization of the Chesapeake Bay Gateways and Watertrails Network (Rept. No. 111-164).

S. 690. A bill to amend the Neotropical Migratory Bird Conservation Act to reauthorize the Act (Rept. No. 111-165).

By Mr. LEAHY, from the Committee on the Judiciary, with an amendment in the nature of a substitute:

H.R. 1741. To require the Attorney General to make competitive grants to eligible State, tribal, and local governments to establish and maintain certain protection and witness assistance programs.

S. 1376. A bill to restore immunization and sibling age exemptions for children adopted by United States citizens under the Hague Convention on Intercountry Adoption to allow their admission into the United States.

S. 2772. A bill to establish a criminal justice reinvestment grant program to help States and local jurisdictions reduce spending on corrections, control growth in the prison and jail populations, and increase public safety.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. CRAPO (for himself, Mrs. LINCOLN, Mr. BURR, Mr. BROWNBACK, Ms. COLLINS, Ms. SNOWE, Mr. COCHRAN, Mr. CORNYN, Mr. TESTER, and Mr. RISCH):

S. 3146. A bill to amend the Internal Revenue Code to provide a tax credit to individuals who enter into agreements to protect the habitats of endangered and threatened species, and for other purposes; to the Committee on Finance.

By Mr. VITTER:

S. 3147. A bill to repeal the Patient Protection and Affordable Care Act; to the Committee on Finance.

By Mr. WEBB:

S. 3148. A bill to amend the Internal Revenue Code of 1986 to provide for the treatment of Department of Defense health coverage as minimal essential coverage; to the Committee on Finance.

By Mr. NELSON of Florida:

S. 3149. A bill to amend the Internal Revenue Code of 1986 to limit certain executive compensation paid by systemically significant financial institutions; to the Committee on Finance.

By Mr. BEGICH (for himself and Mrs. MURRAY):

S. 3150. A bill to increase the mileage reimbursement rate for members of the armed services during permanent change of station and to authorize the transportation of additional motor vehicles of members on change of permanent station to or from nonforeign areas outside the continental United States; to the Committee on Armed Services.

By Mr. KERRY (for himself and Mr. LUGAR):

S. 3151. A bill to establish the Office for Global Women's Issues and the Women's Development Advisor to facilitate interagency coordination and the integration of gender considerations into the strategies, programming, and associated outcomes of the Department of State and the United States Agency for International Development, and for other purposes; to the Committee on Foreign Relations.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. MENENDEZ (for himself, Mr. CORNYN, Mr. WEBB, Mr. LIEBERMAN, Mr. BYRD, Mr. BURRIS, Mr. LAUTENBERG, Mr. HATCH, Mr. KAUFMAN, Mr. MCCAIN, Mr. MERKLEY, Mr. FEINGOLD, Mrs. BOXER, Mr. BROWN of Ohio, Ms. KLOBUCHAR, Mr. LEVIN, Mr. CASEY, and Mr. CARDIN):

S. Res. 463. A resolution recognizing the cultural and historical significance of Nowruz, expressing appreciation to Iranian-Americans for their contributions to society, and wishing Iranian-Americans and the people of Iran a prosperous new year; considered and agreed to.

By Mr. SPECTER (for himself, Ms. SNOWE, Mr. DURBIN, Mr. BENNETT, Mr. CASEY, Mr. LIEBERMAN, Mr. CARPER, Mr. MENENDEZ, Mrs. SHAHEEN, Mr. WHITEHOUSE, Mr. KERRY, Mr. COCHRAN, Mrs. FEINSTEIN, Mr. LEMIEUX, Mr. RISCH, Mr. INOUE, Mr. FEINGOLD, Mr. LEVIN, Mr. DODD, Ms. MIKULSKI, Mr. BINGAMAN, Mr. LUGAR, Mr. CARDIN, Mr. LAUTENBERG, Mr. NELSON of Florida, Mr. REED, Mr. BAYH, Mr. KOHL, Mr. CHAMBLISS, Mr. ISAKSON, and Mr. REID):

S. Res. 464. A resolution recognizing the 189th anniversary of the independence of Greece and celebrating Greek and American democracy; considered and agreed to.

ADDITIONAL COSPONSORS

S. 448

At the request of Mr. SPECTER, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 448, a bill to maintain the free flow of information to the public by providing conditions for the federally compelled disclosure of information by certain persons connected with the news media.

S. 504

At the request of Mr. ROBERTS, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 504, a bill to redesignate the Department of the Navy as the Department of the Navy and Marine Corps.

S. 653

At the request of Mr. CARDIN, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 653, a bill to require the Secretary of the Treasury to mint coins in commemoration of the bicentennial of the writing of the Star-Spangled Banner, and for other purposes.

S. 729

At the request of Mr. DURBIN, the name of the Senator from Hawaii (Mr. AKAKA) was added as a cosponsor of S. 729, a bill to amend the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 to permit States to determine State residency for higher education purposes and to authorize the cancellation of removal and adjustment of status of certain alien students

who are long-term United States residents and who entered the United States as children, and for other purposes.

S. 990

At the request of Ms. STABENOW, the name of the Senator from New Mexico (Mr. UDALL) was added as a cosponsor of S. 990, a bill to amend the Richard B. Russell National School Lunch Act to expand access to healthy afterschool meals for school children in working families.

S. 1343

At the request of Mr. BROWN of Ohio, the name of the Senator from Illinois (Mr. BURRIS) was added as a cosponsor of S. 1343, a bill to amend the Richard B. Russell National School Lunch Act to improve and expand direct certification procedures for the national school lunch and school breakfast programs, and for other purposes.

S. 1606

At the request of Mr. WHITEHOUSE, the name of the Senator from Missouri (Mrs. MCCASKILL) was added as a cosponsor of S. 1606, a bill to require foreign manufacturers of products imported into the United States to establish registered agents in the United States who are authorized to accept service of process against such manufacturers, and for other purposes.

S. 1611

At the request of Mr. DODD, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 1611, a bill to provide collective bargaining rights for public safety officers employed by States or their political subdivisions.

S. 1683

At the request of Mr. BENNET, the name of the Senator from Florida (Mr. LEMIEUX) was added as a cosponsor of S. 1683, a bill to apply recaptured taxpayer investments toward reducing the national debt.

S. 1741

At the request of Mrs. GILLIBRAND, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 1741, a bill to authorize States or political subdivisions thereof to regulate fuel economy and emissions standards for taxicabs.

S. 1791

At the request of Mr. BROWN of Ohio, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 1791, a bill to establish the Honorable Stephanie Tubbs Jones Fire Suppression Demonstration Incentive Program within the Department of Education to promote installation of fire sprinkler systems, or other fire suppression or prevention technologies, in qualified student housing and dormitories, and for other purposes.

S. 1820

At the request of Mr. DURBIN, the name of the Senator from California

(Mrs. FEINSTEIN) was added as a cosponsor of S. 1820, a bill to amend the Federal Water Pollution Control Act to establish national standards for discharges from cruise vessels.

S. 1966

At the request of Mr. DODD, the name of the Senator from Missouri (Mrs. MCCASKILL) was added as a cosponsor of S. 1966, a bill to provide assistance to improve the health of newborns, children, and mothers in developing countries, and for other purposes.

S. 2758

At the request of Ms. STABENOW, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 2758, a bill to amend the Agricultural Research, Extension, and Education Reform Act of 1998 to establish a national food safety training, education, extension, outreach, and technical assistance program for agricultural producers, and for other purposes.

S. 2870

At the request of Mr. INOUE, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 2870, a bill to establish uniform administrative and enforcement procedures and penalties for the enforcement of the High Seas Driftnet Fishing Moratorium Protection Act and similar statutes, and for other purposes.

S. 2876

At the request of Ms. LANDRIEU, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S. 2876, a bill to amend the Internal Revenue Code of 1986 to clarify the capital gain or loss treatment of the sale or exchange of mitigation credits earned by restoring wetlands, and for other purposes.

S. 2975

At the request of Mr. SCHUMER, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 2975, a bill to prohibit the manufacture, sale, or distribution in commerce of children's jewelry containing cadmium, barium, or antimony, and for other purposes.

S. 3104

At the request of Mr. LUGAR, the name of the Senator from Virginia (Mr. WEBB) was added as a cosponsor of S. 3104, a bill to permanently authorize Radio Free Asia, and for other purposes.

S. 3123

At the request of Mr. LEAHY, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of S. 3123, a bill to amend the Richard B. Russell National School Lunch Act to require the Secretary of Agriculture to carry out a program to assist eligible schools and nonprofit entities through grants and technical assistance to implement farm to school programs that improve access to local foods in eligible schools.

S. 3143

At the request of Mr. COBURN, the names of the Senator from Arizona (Mr. MCCAIN) and the Senator from South Carolina (Mr. DEMINT) were added as cosponsors of S. 3143, a bill to provide that Members of Congress shall not receive a pay increase until the annual Federal budget deficit is eliminated.

S. RES. 409

At the request of Mr. FEINGOLD, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. Res. 409, a resolution calling on members of the Parliament in Uganda to reject the proposed "Anti-Homosexuality Bill", and for other purposes.

S. RES. 453

At the request of Mr. UDALL of New Mexico, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. Res. 453, a resolution supporting the goals and ideals of "National Public Health Week".

AMENDMENT NO. 3486

At the request of Mr. SCHUMER, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of amendment No. 3486 proposed to H.R. 1586, an act to modernize the air traffic control system, improve the safety, reliability, and availability of transportation by air in the United States, provide for modernization of the air traffic control system, reauthorize the Federal Aviation Administration, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. WEBB:

S. 3148. A bill to amend the Internal Revenue Code of 1986 to provide for the treatment of Department of Defense health coverage as minimal essential coverage; to the Committee on Finance.

Mr. WEBB. Mr. President, today I introduced a bill that speaks directly to the welfare of our military service members and their families. TRICARE, TRICARE for Life, and the non-appropriated fund health plans are the programs that provide health care for our men and women in uniform, their families, retirees, and other eligible individuals. These programs, as well as today's military veterans health care system, exceed the minimum essential coverage for individual health insurance required by the health care reform bill passed yesterday by the House of Representatives.

I am pleased to offer a companion bill to one introduced last week by my good friend, House Armed Services Committee Chairman IKE SKELTON, that explicitly protects TRICARE and NAF health plans. Representative SKELTON's bill, which passed Saturday by a vote of 403 to 0, makes it perfectly

clear that no TRICARE or NAF health plan beneficiary will be required to purchase additional coverage beyond what they already have.

My companion legislation to Chairman SKELTON's provides a similar reinsurance to our servicemembers and their families. It will amend the Internal Revenue Code of 1986 in a way that stipulates that Department of Defense TRICARE health-care coverage will be treated as minimal essential coverage under the health care reform bill when it is signed into law by the President.

There has been a great deal of confusion over the past year surrounding the future of TRICARE and other military health care programs. False allegations have been raised, for example, that the administration planned changes to TRICARE for Life that would jeopardize its future or substantially raise its cost for beneficiaries. It is important to set the record straight.

In my capacity as the chairman of the Personnel Subcommittee of the Senate Committee on Armed Services, I am committed to protecting the health care coverage programs in place for the military today.

Supporting this bill will reassure our service members that the coverage provided by TRICARE and nonappropriated health plans is properly protected in law as meeting the requirements for individual health insurance mandated by the new health care reform bill. I urge my colleagues to join me in supporting this legislation.

By Mr. BEGICH (for himself and Mrs. MURRAY):

S. 3150. A bill to increase the mileage reimbursement rate for members of the armed services during permanent change of station and to authorize the transportation of additional motor vehicles of members on change of permanent station to or from nonforeign areas outside the continental United States; to the Committee on Armed Services.

Mr. BEGICH. Mr. President, I rise to introduce a bill entitled the Service Members Permanent Change of Station Relief Act—or PCS Relief Act. I am proud to introduce this legislation and thank my cosponsor Senator PATTY MURRAY. This bill will provide our servicemembers and their families much-needed financial relief during these hard economic times.

Like most families, our servicemembers are pinching their pennies too. Unfortunately, often they incur many unnecessary financial burdens related to their service and their sacrifice. For instance, right now, our servicemembers with spouses and children are only reimbursed for shipping one vehicle to or from Alaska, Hawaii, and Guam during a permanent change of station. This means if they get directed to move to a military base in Alaska from Texas, or to Texas from Alaska, they

must pay to transport a second car themselves, or they must sell their vehicle and purchase a new car at the next location. This can be a costly option.

However, many military families cannot afford to ship a second vehicle or purchase another car. Without a second vehicle, spouses and children who accompany a servicemember on a permanent change of station may be unable to hold a job, run daily errands, or otherwise participate in their new communities. Many States have large military bases, such as Joint Base Elmendorf and Fort Richardson in Alaska. With housing on one end and base services on another, some families cannot even get to the grocery store or take their children to a doctor in an emergency.

Colleagues, it is unacceptable that we put our military families in a position where they have to make a choice between the inability to meet daily needs and take care of their family in an emergency, or pay more than \$1,500 to ship a second vehicle. Under the PCS Relief Act, our military families will be able to ship a second car to and from Hawaii, Alaska, and Guam to ease the hardships and alleviate needless costs.

To further alleviate needless costs, the legislation will increase the gas mileage reimbursement rate during a permanent change in station. Currently, when our personnel drive from one military base to the next on their government-directed move, they are reimbursed less than half the amount they get under temporary duty assignments. The temporary duty reimbursement rate reflects the true cost of operating a vehicle. The current PCS reimbursement rate of 16 cents per mile does not, creating yet another financial burden for servicemembers.

It doesn't make any sense that gas mileage reimbursement rates are different amounts for PCS and TDY. Our servicemembers get official orders to move. It is not optional.

They are both official business expenditures. We already ask so much of our servicemembers and their families. They are fighting two wars. They move at the military services' direction, relocating themselves and their families to new military bases every few years. It is unfair we are asking them to pay out of pocket on these government-directed moves, or experience unwarranted and pointless hardships due to financial constraints.

In these tough economic times, it is more important than ever that we show our support for our servicemembers and their families. Relieving stress and strain during a permanent change in station is the least we can do. I ask my colleagues to support the Service Members PCS Relief Act.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 463—RECOGNIZING THE CULTURAL AND HISTORICAL SIGNIFICANCE OF NOWRUZ, EXPRESSING APPRECIATION TO IRANIAN-AMERICANS FOR THEIR CONTRIBUTIONS TO SOCIETY, AND WISHING IRANIAN-AMERICANS AND THE PEOPLE OF IRAN A PROSPEROUS NEW YEAR

Mr. MENENDEZ (for himself, Mr. CORNYN, Mr. WEBB, Mr. LIEBERMAN, Mr. BYRD, Mr. BURRIS, Mr. LAUTENBERG, Mr. HATCH, Mr. KAUFMAN, Mr. MCCAIN, Mr. MERKLEY, Mr. FEINGOLD, Mrs. BOXER, Mr. BROWN of Ohio, Ms. KLOBUCHAR, Mr. LEVIN, Mr. CASEY, and Mr. CARDIN) submitted the following resolution; which was considered and agreed to:

Whereas Nowruz marks the traditional Iranian New Year, which originated in ancient Persia, and dates back more than 3,000 years;

Whereas Nowruz, meaning a "New Day", occurs on the vernal equinox and celebrates the arrival of spring;

Whereas Nowruz symbolizes a time of renewal and community, harkens the departure from the trials and tribulations of the previous year, and brings hope for the New Year;

Whereas Nowruz is celebrated by nearly 300,000,000 Iranians and other peoples all over the world, including in the United States, Iran, and other countries in Central Asia, South Asia, Caucasus, Crimea, and the Balkan regions;

Whereas Nowruz is celebrated by more than 1,000,000 Iranian-Americans of all backgrounds, including those with Baha'i, Christian, Jewish, Muslim, Zoroastrian, and non-religious backgrounds;

Whereas the people of Iran have a long history of celebrating Nowruz and are congratulated for their bringing in of the New Year;

Whereas Nowruz embodies the tradition that each individual's thinking, speaking, and conduct should always be virtuous and the ideal of compassion for our fellow human beings regardless of ethnicity or religion, and symbolizes a time of renewal and community;

Whereas the United States is a melting pot of ethnicities and religion and Nowruz contributes to the richness of American culture and is consistent with our founding principles of peace and prosperity for all;

Whereas in 539 B.C., Cyrus the Great established one of the earliest charters on human rights, which abolished slavery and allowed for freedom of religion, and this marker in Iranian history has had significant impact on the respect for human rights that Iranian-Americans carry today;

Whereas Nowruz serves to remind the people of the United States of the many noteworthy and lasting contributions of Iranian-Americans to the social and economic fabric of society in the United States;

Whereas Iranian-Americans continue to make contributions in all sectors of public life in the United States, including as government, military, and law enforcement officials working to uphold the Constitution of the United States and to protect all people in the United States;

Whereas Iranian-Americans are vibrant, peaceful, and law-abiding citizens, many of

whom are of the Baha'i, Christian, Jewish, Muslim, and Zoroastrian faiths; and

Whereas the Iranian-American community continues to enrich the tapestry of the diversity in the United States: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the cultural and historical significance of Nowruz;

(2) encourages the peaceful observance of the Nowruz holiday in Iran, and strongly supports the right of all Iranians to exercise freedom of assembly, freedom of expression, and freedom of speech;

(3) expresses its appreciation for the contributions of Iranian-Americans to society in the United States in observance of Nowruz; and

(4) wishes Iranian-Americans and the people of Iran and all those who observe this holiday a prosperous new year.

SENATE RESOLUTION 464—RECOGNIZING THE 189TH ANNIVERSARY OF THE INDEPENDENCE OF GREECE AND CELEBRATING GREEK AND AMERICAN DEMOCRACY

Mr. SPECTER (for himself, Ms. SNOWE, Mr. DURBIN, Mr. BENNETT, Mr. CASEY, Mr. LIEBERMAN, Mr. CARPER, Mr. MENENDEZ, Mrs. SHAHEEN, Mr. WHITEHOUSE, Mr. KERRY, Mr. COCHRAN, Mrs. FEINSTEIN, Mr. LEMIEUX, Mr. RISCH, Mr. INOUE, Mr. FEINGOLD, Mr. LEVIN, Mr. DODD, Ms. MIKULSKI, Mr. BINGAMAN, Mr. LUGAR, Mr. CARDIN, Mr. LAUTENBERG, Mr. NELSON of Florida, Mr. REED, Mr. BAYH, Mr. KOHL, Mr. CHAMBLISS, Mr. ISAKSON, and Mr. REID) submitted the following resolution; which was considered and agreed to:

S. RES. 464

Whereas the ancient Greeks developed the concept of democracy, in which the supreme power to govern was vested in the people;

Whereas the Founding Fathers of the United States, many of whom read Greek political philosophy in the original Greek, drew heavily on the political experience and philosophy of ancient Greece in forming our representative democracy;

Whereas Greek Commander in Chief Petros Mavromichalis, a founder of the modern Greek state, said to the citizens of the United States in 1821 that "it is in your land that liberty has fixed her abode and . . . in imitating you, we shall imitate our ancestors and be thought worthy of them if we succeed in resembling you";

Whereas the Greek national anthem, the "Hymn to Liberty", includes the words, "Most heartily was gladdened George Washington's brave land";

Whereas the people of the United States generously offered humanitarian assistance to the Greek people during their struggle for independence;

Whereas Greece played a major role in the World War II struggle to protect freedom and democracy through such bravery as was shown in the historic Battle of Crete, which provided the Axis land war with its first major setback, setting off a chain of events that significantly affected the outcome of World War II;

Whereas hundreds of thousands of Greek civilians were killed in Greece during World War II in defense of the values of the Allies;

Whereas, throughout the 20th century, Greece was one of a few countries that allied

with the United States in every major international conflict;

Whereas Greece is a strategic partner and ally of the United States in bringing political stability and economic development to the volatile Balkan region, having invested more than \$20,000,000,000 in the countries of the region, thereby helping to create more than 200,000 new jobs, and having contributed more than \$750,000,000 in development aid for the region;

Whereas Greece actively participates in peacekeeping and peace-building operations conducted by international organizations including the United Nations, the North Atlantic Treaty Organization, the European Union, and the Organization for Security and Co-operation in Europe;

Whereas Greece received worldwide praise for its extraordinary handling during the 2004 Olympic Games of more than 14,000 athletes and more than 2,000,000 spectators and journalists, a feat Greece handled efficiently, securely, and with hospitality;

Whereas Greece, located in a region where Christianity meets Islam and Judaism, maintains excellent relations with Muslim nations and Israel;

Whereas the Government of Greece has taken important steps in recent years in furthering cross-cultural understanding and rapprochement with Turkey, as seen with the October 2009 visit to Turkey by the Prime Minister of Greece, George Papandreu, as his first trip abroad just days after being elected;

Whereas Greece and the United States are at the forefront of the effort for freedom, democracy, peace, stability, and human rights;

Whereas those and similar ideals have forged a close bond between Greece and the United States; and

Whereas it is proper and desirable for the United States to celebrate March 25, 2010, Greek Independence Day, with the Greek people and to reaffirm the democratic principles from which these two great nations were born: Now, therefore, be it

Resolved, That the Senate—

(1) extends warm congratulations and best wishes to the people of Greece as they celebrate the 189th anniversary of the independence of Greece;

(2) expresses support for the principles of democratic governance to which the people of Greece are committed; and

(3) notes the important role that Greece has played in the wider European region and in the community of nations since gaining its independence 189 years ago.

AMENDMENTS SUBMITTED AND PROPOSED

SA 3553. Mr. VITTER submitted an amendment which was ordered to lie on the table.

SA 3554. Mr. VITTER submitted an amendment which was ordered to lie on the table.

SA 3555. Mr. ROCKEFELLER (for himself and Mrs. HUTCHISON) proposed an amendment to the bill H.R. 1586, to modernize the air traffic control system, improve the safety, reliability, and availability of transportation by air in the United States, provide for modernization of the air traffic control system, reauthorize the Federal Aviation Administration, and for other purposes.

TEXT OF AMENDMENTS

SA 3553. Mr. VITTER submitted an amendment which was ordered to lie on the table; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “Patient Choice Restoration Act”.

SEC. 2. REPEAL.

The Patient Protection and Affordable Care Act, and the amendments made by that Act, are repealed.

SA 3554. Mr. VITTER submitted an amendment which was ordered to lie on the table; as follows:

At the end of subtitle F of title I, add the following:

SEC. 15. PROHIBITION ON FUNDING FOR ACORN.

No Federal funds made available under this Act or the Patient Protection and Affordable Care Act may be distributed to the Association of Community Organizations for Reform Now (ACORN) or its subsidiaries.

SA 3555. Mr. ROCKEFELLER (for himself and Mrs. HUTCHISON) proposed an amendment to the bill H.R. 1586, to modernize the air traffic control system, improve the safety, reliability, and availability of transportation by air in the United States, provide for modernization of the air traffic control system, reauthorize the Federal Aviation Administration, and for other purposes; as follows:

Amend the title so as to read: “An Act to modernize the air traffic control system, improve the safety, reliability, and availability of transportation by air in the United States, provide for modernization of the air traffic control system, reauthorize the Federal Aviation Administration, and for other purposes.”

NOTICES OF HEARINGS

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the Public that the business meeting previously announced for Tuesday, March 23, at 10 a.m., is postponed until a later date.

The purpose of this business meeting was to consider the nomination of Jeffrey Lane to be an Assistant Secretary of Energy (Congressional and Intergovernmental Affairs) and cleared legislative agenda items.

For further information, please contact Sam Fowler at (202) 224-7571 or Amanda Kelly at (202) 224-6836.

COMMITTEE ON INDIAN AFFAIRS

Mr. DORGAN. Mr. President, I would like to announce that the Committee on Indian Affairs will meet on Thursday, March 25, 2010, at 9:30 a.m. in room 628 of the Dirksen Senate Office Building to conduct an oversight hearing entitled “The Preventable Epidemic: Youth Suicides and the Urgent Need for Mental Health Care Resources in Indian Country.”

Those wishing additional information may contact the Indian Affairs Committee at 202-224-2251.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent that the committee on banking, housing, and urban affairs be authorized to meet during the session of the Senate on March 22, 2010, at 5 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. BINGAMAN. Mr. President, I ask unanimous consent that Kirsten Talken-Spaulding, a National Park Service fellow working on the staff of the Committee on Energy and Natural Resources this year, be granted the privilege of the floor for today and for the remainder of the Senate’s consideration of H.R. 1586.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

RECOGNIZING NOWRUZ AND EXPRESSING APPRECIATION TO IRANIAN-AMERICANS

Mr. ROCKEFELLER. I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 463 submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 463) recognizing the cultural and historical significance of Nowruz, expressing appreciation to Iranian-Americans for their contributions to society, and wishing Iranian-Americans and the people of Iran a prosperous new year.

There being no objection, the Senate proceeded to consider the resolution.

Mr. ROCKEFELLER. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, en bloc; the motions to reconsider be laid upon the table en bloc; that any statements relating to the resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 463) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 463

Whereas Nowruz marks the traditional Iranian New Year, which originated in ancient Persia, and dates back more than 3,000 years;

Whereas Nowruz, meaning a “New Day”, occurs on the vernal equinox and celebrates the arrival of spring;

Whereas Nowruz symbolizes a time of renewal and community, harkens the departure from the trials and tribulations of the previous year, and brings hope for the New Year;

Whereas Nowruz is celebrated by nearly 300,000,000 Iranians and other peoples all over the world, including in the United States, Iran, and other countries in Central Asia, South Asia, Caucasus, Crimea, and the Balkan regions;

Whereas Nowruz is celebrated by more than 1,000,000 Iranian-Americans of all backgrounds, including those with Baha’i, Christian, Jewish, Muslim, Zoroastrian, and non-religious backgrounds;

Whereas the people of Iran have a long history of celebrating Nowruz and are congratulated for their bringing in of the New Year;

Whereas Nowruz embodies the tradition that each individual’s thinking, speaking, and conduct should always be virtuous and the ideal of compassion for our fellow human beings regardless of ethnicity or religion, and symbolizes a time of renewal and community;

Whereas the United States is a melting pot of ethnicities and religion and Nowruz contributes to the richness of American culture and is consistent with our founding principles of peace and prosperity for all;

Whereas in 539 B.C., Cyrus the Great established one of the earliest charters on human rights, which abolished slavery and allowed for freedom of religion, and this marker in Iranian history has had significant impact on the respect for human rights that Iranian-Americans carry today;

Whereas Nowruz serves to remind the people of the United States of the many noteworthy and lasting contributions of Iranian-Americans to the social and economic fabric of society in the United States;

Whereas Iranian-Americans continue to make contributions in all sectors of public life in the United States, including as government, military, and law enforcement officials working to uphold the Constitution of the United States and to protect all people in the United States;

Whereas Iranian-Americans are vibrant, peaceful, and law-abiding citizens, many of whom are of the Baha’i, Christian, Jewish, Muslim, and Zoroastrian faiths; and

Whereas the Iranian-American community continues to enrich the tapestry of the diversity in the United States: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the cultural and historical significance of Nowruz;

(2) encourages the peaceful observance of the Nowruz holiday in Iran, and strongly supports the right of all Iranians to exercise freedom of assembly, freedom of expression, and freedom of speech;

(3) expresses its appreciation for the contributions of Iranian-Americans to society in the United States in observance of Nowruz; and

(4) wishes Iranian-Americans and the people of Iran and all those who observe this holiday a prosperous new year.

RECOGNIZING THE 189TH ANNIVERSARY OF GREEK DEMOCRACY

Mr. ROCKEFELLER. I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 464, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 464) recognizing the 189th anniversary of the independence of

Greece and celebrating Greek and American democracy.

There being no objection, the Senate proceeded to consider the resolution.

Mr. ROCKEFELLER. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, with no intervening action or debate, and any statements relating to the resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 464) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 464

Whereas the ancient Greeks developed the concept of democracy, in which the supreme power to govern was vested in the people;

Whereas the Founding Fathers of the United States, many of whom read Greek political philosophy in the original Greek, drew heavily on the political experience and philosophy of ancient Greece in forming our representative democracy;

Whereas Greek Commander in Chief Petros Mavromichalis, a founder of the modern Greek state, said to the citizens of the United States in 1821 that "it is in your land that liberty has fixed her abode and . . . in imitating you, we shall imitate our ancestors and be thought worthy of them if we succeed in resembling you";

Whereas the Greek national anthem, the "Hymn to Liberty", includes the words, "Most heartily was gladdened George Washington's brave land";

Whereas the people of the United States generously offered humanitarian assistance to the Greek people during their struggle for independence;

Whereas Greece played a major role in the World War II struggle to protect freedom and democracy through such bravery as was shown in the historic Battle of Crete, which provided the Axis land war with its first major setback, setting off a chain of events

that significantly affected the outcome of World War II;

Whereas hundreds of thousands of Greek civilians were killed in Greece during World War II in defense of the values of the Allies;

Whereas, throughout the 20th century, Greece was one of a few countries that allied with the United States in every major international conflict;

Whereas Greece is a strategic partner and ally of the United States in bringing political stability and economic development to the volatile Balkan region, having invested more than \$20,000,000,000 in the countries of the region, thereby helping to create more than 200,000 new jobs, and having contributed more than \$750,000,000 in development aid for the region;

Whereas Greece actively participates in peacekeeping and peace-building operations conducted by international organizations including the United Nations, the North Atlantic Treaty Organization, the European Union, and the Organization for Security and Co-operation in Europe;

Whereas Greece received worldwide praise for its extraordinary handling during the 2004 Olympic Games of more than 14,000 athletes and more than 2,000,000 spectators and journalists, a feat Greece handled efficiently, securely, and with hospitality;

Whereas Greece, located in a region where Christianity meets Islam and Judaism, maintains excellent relations with Muslim nations and Israel;

Whereas the Government of Greece has taken important steps in recent years in furthering cross-cultural understanding and rapprochement with Turkey, as seen with the October 2009 visit to Turkey by the Prime Minister of Greece, George Papandreou, as his first trip abroad just days after being elected;

Whereas Greece and the United States are at the forefront of the effort for freedom, democracy, peace, stability, and human rights;

Whereas those and similar ideals have forged a close bond between Greece and the United States; and

Whereas it is proper and desirable for the United States to celebrate March 25, 2010, Greek Independence Day, with the Greek people and to reaffirm the democratic principles from which these two great nations were born: Now, therefore, be it

Resolved, That the Senate—

(1) extends warm congratulations and best wishes to the people of Greece as they celebrate the 189th anniversary of the independence of Greece;

(2) expresses support for the principles of democratic governance to which the people of Greece are committed; and

(3) notes the important role that Greece has played in the wider European region and in the community of nations since gaining its independence 189 years ago.

ORDERS FOR TUESDAY, MARCH 23, 2010

Mr. ROCKEFELLER. Madam President, I ask unanimous consent that when the Senate completes its business today, it recess until 2:15 p.m. on Tuesday, March 23; that following the prayer and pledge, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. ROCKEFELLER. Madam President, tomorrow we will begin consideration of the Health Care and Education Reconciliation Act. There will be up to 20 hours for debate under the rules. Senators should expect a busy week, with rollcall votes throughout.

RECESS UNTIL 2:15 P.M. TOMORROW

Mr. ROCKEFELLER. Madam President, if there is no further business to come before the Senate, I ask unanimous consent that it recess under the previous order.

There being no objection, the Senate, at 6:33 p.m., recessed until Tuesday, March 23, 2010, at 2:15 p.m.

HOUSE OF REPRESENTATIVES—Monday, March 22, 2010

The House met at 12:30 p.m. and was called to order by the Speaker pro tempore (Mrs. KIRKPATRICK of Arizona).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC.
March 22, 2010.

I hereby appoint the Honorable ANN KIRKPATRICK to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

MORNING-HOUR DEBATE

The SPEAKER pro tempore. Pursuant to the order of the House of January 6, 2009, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning-hour debate.

The Chair will alternate recognition between the parties, with each party limited to 30 minutes and each Member, other than the majority and minority leaders and the minority whip, limited to 5 minutes.

DARK DAY FOR AMERICA

The SPEAKER pro tempore. The Chair recognizes the gentleman from Georgia (Mr. PRICE) for 5 minutes.

Mr. PRICE of Georgia. Yesterday was an historic day in this Nation. The problem for our citizens is that it was historically dark. Madam Speaker, it's raining in Washington today. It's raining because our Founders are weeping. Our Founders are weeping over the incredible vote taken yesterday that was an affront to federalism, an affront to individual liberty, and an affront to freedom. And it's distressing—so very distressing—to so many citizens across this land because they know there were positive solutions—there are positive solutions—to put in place as it relates to the challenges that we face in health care.

As a physician, I know that when you put government in between patients and families and doctors, it is destructive—destructive to the trust that we hold dear in order to bring about the greatest amount of quality health care in our land. It was distressing on another avenue as well, and that is it was so hyper partisan—the hyper-partisan way in which this vote passed. Madam Speaker, the bipartisan vote on this

bill was a “no” vote. The vote was 219–212—all Republicans, joined by 34 Democrats, opposing the bill.

In much of the debate yesterday, we heard about how it was being compared to Social Security in 1935 and Medicare in 1965 and the momentous aspects of those votes. Madam Speaker, it's curious to note that on those votes, the House approved the Medicare bill in 1965 by a vote of 313–115, with nearly half of the House Republicans voting for it at that time. In the Senate, it was approved 68–21, with half of the Republicans supporting it. A major difference between that vote and this vote. Social Security passed the House in 1935 by a vote of 372–77, with four-to-one, or 80 percent of the Republicans supporting it in the House, and 75 percent of the Republicans in the Senate supporting it.

So, Madam Speaker, it is so distressing that this bill had to be so divisive—not just for this Chamber, but for our land. The American people are angry. And they're angry because they don't believe that the bill that was passed yesterday includes any of the fundamental American principles that we hold dear for health care—affordability, accessibility, quality, responsiveness, innovation, choices. All of those are things that we believe ought to be in place for health care in our Nation. All of them are violated by the bill that was passed yesterday and reportedly will be signed into law tomorrow by the President.

Madam Speaker, the American people are angry. They want Washington to listen. They deserve Washington to listen. We are about to be a government that no longer has the consent of the governed. Madam Speaker, that's a very dangerous place to be. So I call on Speaker PELOSI and I call on the Democrats—the Democrats in charge in this House—to end the arrogance of one-party rule; end the tyranny of one-party rule; end what Alexis de Tocqueville over 150 years ago said was the only threat to our Nation, and that is the tyranny of the majority. End the tyranny of the majority in this town right now.

The challenges that we have in this Nation are immense, and they can be solved most beneficially, respecting our Founders and respecting our citizens, by working together positively in a truly bipartisan way and by listening and representing our constituents. I call on the Speaker for positive action for freedom and for liberty and for democracy.

HONORING THE LIVES OF DOUG SHRIVER AND RAY WRIGHT

The SPEAKER pro tempore. The Chair recognizes the gentleman from Colorado (Mr. SALAZAR) for 5 minutes.

Mr. SALAZAR. Madam Speaker, I rise today to honor the life of Doug Shriver, who was tragically killed with his friend Ray Wright on Friday, March 19, while clearing snow from the roof of Mr. Wright's cabin above Creede, Colorado. Mr. Shriver was my friend and a tremendously respected member of the San Luis Valley and Colorado water community. He was only 54 years old.

Combined, both of these men held nearly 60 years of water knowledge related to the Upper Rio Grande basin and State of Colorado. Shriver was on the Colorado Ground Water Commission and served as president of the Rio Grande Water Users Association, an umbrella organization for ditch companies along the Rio Grande. All of these board positions were on a volunteer basis.

Doug's service on these boards put him in the middle of the San Luis Valley's successful fight to keep its groundwater, sought by the American Water Development, Inc., and later the Stockmen's Water Company, both who hoped to sell it to the big cities. At the time of his death, he championed the establishment of subdistricts to further protect the San Luis Valley's groundwater, a concept where groundwater users pay a combination of fees and assessments to retire farm ground and reduce groundwater pumping to protect the aquifer. Shriver was a visionary in the San Luis Valley and Colorado water community. He strongly believed that both wildlife and agriculture could live together, and was a vocal advocate for the rural way of life at the Statewide level. A native of eastern Rio Grande County, he farmed potatoes and small grains. He was also an avid outdoorsman, who loved to ride snowmobiles and four-wheelers in the high country. My heart goes out to his family and his wife Carla.

Madam Speaker, today, I also rise to pay tribute and honor the life of Ray Wright, who was tragically killed with his friend Doug Shriver in the same accident while clearing snow from the roof of his cabin in Creede, Colorado. Mr. Wright was my friend and a tremendously respected member of the San Luis Valley and Colorado's water community. He was 56 years old.

Wright served on the Rio Grande Water Conservation District for nearly

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

two decades, with the last 10 years as president. He was also a member of Colorado's Interbasin Compact Committee, a Statewide board tasked with balancing the State's water needs, and had served two terms on the Colorado Water Conservation Board. All of these board positions were on a volunteer basis.

I served with Mr. Wright on the Rio Grande Water Conservation District board. His service on that board put him in the middle of San Luis Valley's successful fight to keep its groundwater, sought by AWDI and Stockmen's Water, who both hoped to sell it to big cities. At the time of his death, he championed the establishment also of the subdistricts to further protect the San Luis Valley's groundwater.

Ray was also a visionary in the San Luis Valley and the Colorado water community. He strongly believed that both wildlife and agriculture could live together, and was a vocal advocate for the rural way of life. A native of Rio Grande County, he farmed potatoes and small grains. He was also an avid outdoorsman and angler, who built his own bamboo fly rods.

He leaves three daughters—Suzanne, Sarah, and Lauren—as well as his longtime partner, Mona.

HEALTH CARE DEBATE ISN'T OVER

The SPEAKER pro tempore. The Chair recognizes the gentleman from Texas (Mr. OLSON) for 5 minutes.

Mr. OLSON. Madam Speaker, we had a significant event happen in this hall last night. And I don't have a lot to say about it. I'll let the numbers speak for themselves. Over \$500 billion in Medicare cuts for seniors. Over \$500 billion in new taxes for small businesses. In my home State of Texas, over \$24 billion in unfunded Medicaid mandates. This is not the health care reform that the American people want. They want us to work together and come together in a bipartisan manner to have real solutions for their problems. We want every American to have access to quality, affordable health care. Unfortunately, the majority didn't want to deal with us. But this isn't over. They've got to get it passed through the Senate. There are going to be multiple lawsuits across the country and they're going to have to answer to the American people in November of this year.

I found it very telling at the end of the Speaker's speech last night that she had shifted her conversations from health care reform to health insurance reform. This debate isn't about health insurance reform. It's about giving every American access to quality, affordable health care. And I look forward to working with my colleagues on both sides of the aisle to achieve that when this bill comes back to the House of Representatives.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until 2 p.m. today.

Accordingly (at 12 o'clock and 41 minutes p.m.), the House stood in recess until 2 p.m.

□ 1400

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Ms. ROYBAL-ALLARD) at 2 p.m.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

Father of love, source of all blessings, help us pass from our old life of brokenness and sin to the new life of healing and grace.

May Your word today bring good news to those most in need of Your mercy.

In our service to others and this Nation may we find You in our midst as our saving Lord with redeeming power.

Prepare us for the glory of Your kingdom now and forever. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House her approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentlewoman from Illinois (Mrs. HALVORSON) come forward and lead the House in the Pledge of Allegiance.

Mrs. HALVORSON led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

CONCERNED CITIZENS MADE A DIFFERENCE

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON. Madam Speaker, the health care takeover vote last night was a battle in the ongoing war between supporters of limited government and the forces of big government. The fight will continue as we promote limited government and expanded freedom.

I was very encouraged in the last year by the activation of concerned

citizens who fought hard to protect the doctor-patient relationship and prevent a Federal Government takeover of health care. Yesterday's outcome is sad for America, but don't think for one second citizens didn't make a difference.

After making voices heard loud and clear at town halls and tea party rallies across the country, voters moved on to the ballot boxes in Virginia, New Jersey, and Massachusetts. Washington liberals may have chosen to ignore the message, but citizens can remind them again soon that they are a force which has awakened to support change in the future.

Please know that while these efforts to protect the doctor-patient relationship and prevent a Federal Government takeover of health care were overlooked by a majority of lawmakers, they are certainly appreciated by the majority of freedom-loving Americans across the country.

In conclusion, God bless our troops, and we will never forget September 11th in the global war on terrorism.

HEALTH CARE REFORM

(Mrs. HALVORSON asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. HALVORSON. Madam Speaker, I want to just say that now that the health care bill has passed and the rhetoric and the politics and the noise can be set aside, now we will have an opportunity to let the American people know about what is in it.

This is going to be about accountability, about choice, and about lowering costs. And now, as we are able to let everybody know what this is about, the American people are going to finally be able to see through all this noise.

HEALTH CARE REFORM

(Mrs. BACHMANN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BACHMANN. Madam Speaker, yesterday was a historic day. We saw the passage of the job-killing government takeover of health care, 18 percent of our economy. But we want the American people to know that today many of us are introducing the identical legislation.

I have introduced already the repeal of yesterday's law, as has my colleague STEVE KING, as will many other of my colleagues today. We will not stand for the Federal Government taking over 18 percent of the health care sector.

From the inception of Bailout Nation in September of 2008 until last night, the Federal Government has taken over an astounding 48 percent of the private economy in the last 18 months.

This is unprecedented. We will not allow this to stand. That is why we have introduced this important legislation.

This fall we will take back a constitutional conservative majority, and after the next Presidential election we will repeal this bill.

IT'S TIME TO CHILL OUT

(Mr. FILNER asked and was given permission to address the House for 1 minute.)

Mr. FILNER. My colleagues, it's time to chill out. It's time to chill out. Government takeover of the health care system? Let it go.

The private insurance companies are still in charge. Your private doctor is still in charge. You have the choice of where you want to go, what hospital you want to go to. All we are saying—and I am going to say it to my district. I have got 150,000 constituents who don't have health insurance, and 135,000 of them are going to have health insurance after this bill passes. They don't care what your rhetoric is and your fear is. They're going to have health insurance for the first time maybe in their lives.

Kids who are in college will be able to stay on their parents' health insurance. We're going to put some brakes on the health companies' ability to cut you off for preexisting conditions or just cut you off if it costs too much.

It's time to chill out, Republicans. Let this bill work. Let our constituents finally get health care.

ACORN IS BACK!

(Mr. POE of Texas asked and was given permission to address the House for 1 minute.)

Mr. POE of Texas. Madam Speaker, they're back.

We've all heard about ACORN, and it seems to me that ACORN is nothing more than a criminal enterprise. Here's why. They've been caught helping undercover journalists open a prostitution ring with underage girls. They've been caught in voter registration fraud scams. At least 14 States are investigating ACORN for voter fraud. Even Mickey Mouse can now vote. Imagine that. And ACORN signs up the poor into their membership rolls. The poor give their bank account information, and ACORN deducts membership dues without the express consent of these individuals.

In a bipartisan vote last year, Congress voted to strip Federal funding from this rogue fraudulent organization. Not one dime of taxpayer money should be spent on this group. However, White House Budget Director Peter Orszag has directed all Federal agencies to open the Federal funding floodgates for ACORN again.

Why did the administration trump the will of Congress and the American

people? American tax dollars should not fund this apparent band of thieves.

And that's just the way it is.

HONORING ALEJANDRO AGUIRRE

(Ms. ROS-LEHTINEN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. ROS-LEHTINEN. Madam Speaker, I would like to recognize an outstanding individual from my South Florida community, Alejandro Aguirre. Alejandro is the editor of *Diario Las Americas*, South Florida's first Spanish language daily newspaper.

Diario Las Americas was founded on July 4, 1953 by Alejandro's father, Dr. Horacio Aguirre. *Diario* helps inform scores of my constituents on current events and matters that impact our local, State and Federal Governments. Alejandro's dedication and professionalism are evidenced by the quality of each publication of *Diario*.

Since 2009, Alejandro has also been president of the Inter-American Press Association. This organization champions freedom of the press and freedom of expression throughout the Western Hemisphere.

The IAPA has spoken out and shined the light of truth on the dark corners of repression throughout our hemisphere. The group has spoken out against the imprisonment of independent journalists in Cuba. The members have also spoken out against the growing decay of freedom in Venezuela.

I want to thank Alejandro for his courage, for his service, and, most of all, for his friendship. The Aguirre family is a shining example for us all.

"IF YOU LIKE THE PLAN YOU ARE IN, YOU CAN KEEP IT"

(Mr. BURGESS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BURGESS. Madam Speaker, we heard just a few minutes ago from the other side that it is time to show the American people what is in this bill. I couldn't agree more. It is high time. So with an acknowledgement to Dr. John Goodman at the National Center for Policy Analysis, let me just run through a few of the numbers.

Nineteen million people are predicted to lose their employer-sponsored insurance. Thirty-three million people, the number of people in traditional Medicare, at risk because of cuts in Medicare spending, according to the Medicare chief actuary.

There will be no tax increases for anyone who earns less than \$200,000, except the 73 million people who earn less than \$200,000 who will see their tax bill rise, according to the Joint Committee on Taxation. A 2.3 percent hidden tax on medical supplies, class II medical

supplies, sutures, syringes, needles, some pregnancy tests, a 10 percent tax on tanning salons, according to the reconciliation summary, and a \$60 billion hidden tax on health insurance.

To quote, "The average family will save \$2,500 in health care costs by the time I complete my first term as President of the United States." However, according to the Congressional Budget Office, a \$2,100 premium increase for the average family.

There is a lot more like this, and I will be exposing this over the coming days.

ANNOUNCING THE PASSING OF ARTHUR "JIBBY" JIBILIAN

(Mr. LATTA asked and was given permission to address the House for 1 minute.)

Mr. LATTA. Madam Speaker, it is with great sadness that I come to the well to announce the passing of Arthur "Jibby" Jibilian, a World War II hero.

During World War II, Jibby was a Navy Radio Operator who volunteered with the OSS and participated in the largest successful rescue mission of 513 downed airmen behind enemy lines in Yugoslavia. Jibby stayed behind until the very last airman was rescued on December 27, 1944.

The heroic efforts of Jibby and his fellow OSS officers and the Yugoslav people are told in "The Forgotten 500"; however, they have yet to receive any military or government recognition for their actions.

I introduced H.R. 3496, which honors Jibby with the Medal of Honor. He said, "I am well aware that the Medal of Honor is not bestowed lightly. However, let me say that just being nominated is an honor in itself. Therefore, I am in a win-win situation."

I will continue working on this legislation to honor this exceptional American with the recognition he deserves.

A TALE OF TWO RALLIES

(Mr. SMITH of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Texas. Madam Speaker, the national media gave a sharply contrasting tale of two weekend rallies.

A gathering of thousands opposing the administration's health care scheme drew overwhelmingly negative coverage. The Washington Post front page described it as a "hideous display." CBS said the health care debate "turned even nastier at the rallies." ABC called the protesters "angry" and "ugly." A Newsweek correspondent described the protesters as "an angry mob." To anyone there, all these descriptions were obviously untrue.

In contrast, an immigration-amnesty rally over the weekend received positive coverage. The Washington Post

said “the festive crowd beat drums and waved American flags.” CNN said protesters came out to “support the Obama administration in its next big battle.” The New York Times said protesters were there to “vent” and that “most flew American flags overhead.”

The national media should give Americans unslanted news, not favor rallies that support their liberal agendas.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote incurs objection under clause 6 of rule XX.

Record votes on postponed questions will be taken after 6:30 p.m. today.

END VETERAN HOMELESSNESS ACT OF 2010

Mr. FILNER. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 4810) to amend title 38, United States Code, to make certain improvements in the services provided for homeless veterans under the laws administered by the Secretary of Veterans Affairs.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 4810

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “End Veteran Homelessness Act of 2010”.

SEC. 2. INCREASE IN AMOUNT AUTHORIZED TO BE APPROPRIATED FOR COMPREHENSIVE SERVICE PROGRAMS FOR HOMELESS VETERANS.

Section 2013 of title 38, United States Code, is amended—

(1) by striking “fiscal year 2007” and inserting “fiscal year 2010”; and

(2) by striking “\$150,000,000” and inserting “\$200,000,000”.

SEC. 3. IMPROVEMENT OF PAYMENTS FOR PROVIDING SERVICES TO HOMELESS VETERANS.

(a) IMPROVEMENT OF PAYMENTS.—Section 2012 of title 38, United States Code, is amended—

(1) by striking “per diem” wherever it appears;

(2) in subsection (a)(2)—

(A) in subparagraph (A)—

(i) by striking “daily cost of care” and inserting “annual cost of furnishing services”; and

(ii) by striking the second sentence;

(B) by striking subparagraph (B) and inserting the following new subparagraph (B):

“(B) The Secretary shall annually adjust the rate of payment under subparagraph (A) to reflect anticipated changes in the cost of furnishing services and to take into account the cost of providing services in a particular geographic area. The Secretary may set a

maximum amount payable to a grant recipient under this section.”;

(C) in subparagraph (C), by striking “other sources of income” and all that follows through the period at the end and inserting “the cost of services provided by the grant recipient as the Secretary may require to assist the Secretary in making the determination under subparagraph (A)”;

(D) by striking subparagraph (D) and inserting the following new subparagraph (D):

“(D) In making the determination under subparagraph (A), the Secretary may consider the availability of other sources of income, including payments to the grant recipient or eligible entity for furnishing services to homeless veterans under programs other than under this subchapter, payments or grants from other departments or agencies of the United States, from departments or agencies of State or local governments, or from private entities or organizations.”; and

(E) by adding at the end the following new subparagraph:

“(E) The Secretary shall authorize payments under this subsection to each grant recipient on an annual basis but shall make a payment to each grant recipient for each calendar quarter in an amount equal to a portion of the annual amount authorized for such recipient. Upon the expiration of a calendar quarter, each grant recipient shall provide to the Secretary a statement of the amount spent by the recipient during that calendar quarter, and if the amount spent is less than the amount provided for that calendar quarter, repay to the Secretary the balance. If the amount spent by a grant recipient for such purpose for a calendar quarter exceeds the amount provided to the recipient for that quarter, the Secretary shall make an additional payment to the recipient in an amount equal to the amount by which the amount so spent exceeded the amount so provided, as long as the total amount provided to such recipient in a calendar year does not exceed the amount of the annual payment for that recipient.”;

(3) in subsection (a), by striking paragraph (3) and inserting the following new paragraph (3):

“(3) Payments under this subsection to a grant recipient or eligible entity may be used to match, or in combination with, other payments or grants for which the recipient or entity is eligible.”; and

(4) in subsection (c)—

(A) by striking paragraph (2); and

(B) by redesignating paragraph (3) as paragraph (2).

(b) CLERICAL AMENDMENTS.—

(1) SECTION HEADING.—The section heading for such section is amended to read as follows:

“§2012. Payments for furnishing services to homeless veterans”.

(2) SUBSECTION HEADING.—The heading for subsection (a) of such section is amended by striking “PER DIEM”.

(3) TABLE OF SECTIONS.—The table of sections at the beginning of chapter 20 of such title is amended by striking the item relating to section 2012 and inserting the following new item:

“2012. Payments for furnishing services to homeless veterans.”.

SEC. 4. SUPPORTED HOUSING PROGRAM OUTREACH.

(a) IN GENERAL.—Chapter 20 of title 38, United States Code, is further amended by adding at the end of subchapter III the following new section:

“§2024. Supported housing program outreach

“(a) LANDLORD OUTREACH.—(1) The Secretary shall ensure that each medical center

of the Department that provides treatment and services under the supported housing program under section 8(o)(19) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)(19)) employs or provides (through coordination with a public housing agency, homeless service provider, or other appropriate organization) one or more specialists, which may include peer specialists who were formerly homeless veterans, for handling housing issues in conjunction with the program under this subsection.

“(2) Such specialists shall conduct outreach to landlords to encourage and facilitate participation in the supportive housing program, mediate disputes between veterans receiving assistance under such program and landlords, establish and maintain a list of dwelling units available for rental with assistance under such program, and carry out other appropriate activities.

“(b) HOMELESSNESS PREVENTION AND RAPID RE-HOUSING ASSISTANCE.—The Secretary shall coordinate with the Secretary of Housing and Urban Development to provide assistance to homeless veterans in accessing the Homelessness Prevention and Rapid Re-Housing Program administered by the Secretary of Housing and Urban Development for assistance for basic essentials, security deposits for rental dwelling units, and advance payments of the first month’s rent for such units.”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end of the items relating to subchapter III the following new item:

“2024. Supported housing program outreach.”.

SEC. 5. AUTHORIZATION OF APPROPRIATIONS FOR DEPARTMENT OF VETERANS AFFAIRS PROGRAM TO PROVIDE FINANCIAL ASSISTANCE FOR SUPPORTIVE SERVICES FOR VERY LOW-INCOME VETERAN FAMILIES IN PERMANENT HOUSING.

Section 2044(e) of title 38, United States Code, is amended—

(1) in paragraph (1), by adding at the end the following new subparagraphs:

“(D) \$50,000,000 for fiscal year 2012.

“(E) \$75,000,000 for fiscal year 2013.

“(F) \$100,000,000 for each subsequent fiscal year.”; and

(2) in paragraph (3), by striking “each of the fiscal year 2009 through 2011” and inserting “each fiscal year”.

SEC. 6. PROMOTION OF AWARENESS OF DEPARTMENT OF VETERANS AFFAIRS PROGRAMS TO ASSIST HOMELESS VETERANS AMONG HOMELESS WOMEN VETERANS AND HOMELESS VETERANS WITH CHILDREN.

Section 532 of title 38, United States Code, is amended by inserting after “homeless veterans” the following: “(with a special emphasis on promoting awareness of such assistance among homeless women veterans and homeless veterans with children)”.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. FILNER) and the gentleman from Florida (Mr. STEARNS) each will control 20 minutes.

The Chair recognizes the gentleman from California.

□ 1415

Mr. FILNER. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, this is the first of a series of six pieces of legislation that

will benefit our Nation's veterans. This Congress, and certainly this committee, has been concerned with these veterans in our daily work, and we are proud to present these items which will help prevent veterans' homelessness, protect National Guard employment, help veterans keep their home, give veterans a cost-of-living adjustment.

Before I begin on this package, Madam Speaker, I just would like to briefly comment on a little item that came up yesterday during the debate on health care.

One of our veterans service organizations and the ranking member of our committee claimed that the bill that we would pass would hurt veterans' health care. I just want to point out on behalf of all the Chairs on this side of the aisle, all the legal opinions that have been made, veterans' health care is not affected by the health care bill that we passed. All the benefits will be retained. Nobody will be penalized for being part of the veterans health care system or any other part of veterans health benefits.

Congress actually received a letter yesterday from the Vietnam Veterans of America which said: "It is unfortunate that some continue to raise what is now even more clearly a false alarm that is apparently meant to frighten veterans and their families in order to prompt them to oppose the pending legislation. While there is a legitimate debate as to whether or not the pending health care measure should become law, Vietnam Veterans of America does not appreciate spreading rumors that are not accurate by any political partisan from any point of the political spectrum."

I just want to allay any fears that veterans have about this health care legislation. And certainly our committee, should anything arise that was unintended, we will move quickly to make sure that veterans health care is kept at a high quality and no one is penalized for having veterans health care in this country. So I want to point that out, Madam Speaker.

Now, to get back to the bill we have, H.R. 4810, under consideration. Almost half the homeless on the street tonight, Madam Speaker, are veterans—anywhere from 150,000 to 200,000. This is a national disgrace. It is our national disgrace. It's been an issue that I have been working on since I came to Congress when I joined the Committee on Veterans' Affairs almost 18 years ago. Now that the Democrats have the majority, we want to put forward a plan, as our Secretary of Veterans' Affairs has announced, a plan to end veterans' homelessness within 5 years. Zero tolerance. That's going to be our policy.

Today we have the opportunity to take bold action to combat homelessness, but, as I said, we have a willing and eager administration to make sure that we achieve this goal. President

Obama and his Secretary of Veterans' Affairs have, as I said, pledged to end homelessness over the next 5 years. Our Secretary has committed to expanding proven programs and launching innovative services to prevent veterans from falling into homelessness.

This bill before us, H.R. 4810, does three important things to provide the administration with the necessary tools to combat homelessness:

First, the bill would provide additional funding for the Grant and Per Diem Program, which provides grants to community agencies so they can, in turn, provide transitional housing, health services, and other supportive services to homeless veterans. Providing needed resources to the local agencies that care for our homeless veterans is just one way our grateful Nation can support the vital and compassionate work performed in communities all across the country.

Second, this bill helps low-income veteran families who are occupying permanent housing from becoming homeless by extending powerful and effective support services. Examples of these services include outreach, case management, and assistance in obtaining benefits from the VA, as well as public benefits from State and local agencies.

Finally, H.R. 4810 helps the increasing number of female veterans who end up being homeless. This is especially magnified for our women veterans coming home from Iraq and Afghanistan, who are four times more likely to become homeless than their male counterparts. My bill would direct the Department of Veterans Affairs to focus outreach efforts on homeless women veterans and homeless veterans with children.

This powerful bill is the result of significant work by the entire committee. I would like to thank the chairman of our Subcommittee on Health, MIKE MICHAUD from Maine, and Ranking Member HENRY BROWN from South Carolina for the bipartisan leadership they demonstrated on this bill. I'd also like to recognize the important contributions of our colleagues HARRY TEAGUE of New Mexico, CIRO RODRIGUEZ of Texas, and PHIL HARE of Illinois. Each of these Members are true advocates for homeless veterans and introduced legislation helping homeless veterans that are now key provisions of this bill. I'd also like to thank our staff from the Health Committee, especially our staff director, Cathy Wiblemo, who has worked so hard on this legislation for such a long time.

There are hundreds of thousands of servicemembers returning from Iraq and Afghanistan. It is our duty as a Nation, when we put our men and women in harm's way, to care for them when they return. We must also live up to the promise to honor the service and sacrifices of our veterans from previous

conflicts. This is an opportunity today, Madam Speaker, to make a difference in the lives of veterans who are sleeping in cars, looking for public housing, searching for relief, and feeling helpless.

I urge all of our colleagues to pass H.R. 4810 to provide the help and support that our homeless veterans need and deserve.

I would reserve the balance of my time.

Mr. STEARNS. I would say to the chairman of the Veterans' Affairs Committee, Mr. FILNER, he just did a 1-minute where he said, Let it go, let it go. So I'm a little surprised he's bringing up the health care bill and talking about it prior to these six wonderful bills we're going to pass on Veterans' Affairs. But since he brought it up, I think it's probably appropriate that I return with our side of this issue, because, as he pointed out, last night the House of Representatives passed the Senate bill, which was the government setting up exchanges—which these exchanges include taxes, they include mandates and regulation, and it's phased in over a number of years to 2014. But there are some problems, frankly, with that bill. If there were no problems, then IKE SKELTON, who's chairman of the Armed Services Committee, would not have brought it up 2 days ago, sort of furiously to try to get it in, because he voted against the health care bill.

So the chairman of the Armed Services Committee voted against the Senate health care bill last night. The day before that, he brought up the idea that we have to protect DoD veterans who are on TRICARE. That's probably one of the flaws in the bill that's being sent to the President. It has some serious ramifications for our military and dependents under TRICARE, Madam Speaker, for veterans' widows, orphans, and for children suffering from spina bifida as a result of a parent's exposure to Agent Orange during the wars in Korea and Vietnam. As deputy ranking member of the Committee on Veterans' Affairs, I joined with Ranking Member STEVE BUYER, of our committee, and Armed Services Committee Ranking Member BUCK MCKEON to introduce H.R. 4894 to protect the Department of Defense and the VA beneficiaries.

So I'm a little surprised that the Democrat leadership didn't take up our bill. Instead, they passed a more limited bill introduced by, as I mentioned, the chairman of the Armed Services Committee, IKE SKELTON, which, after reading it, provides limited protection for TRICARE beneficiaries but not the DOD and VA health care systems and the VA health care benefits. Moreover, I was also surprised to learn from the Congressional Budget Office there could be a cost associated with our bill, the \$4.4 billion, so-called, for the cost of our bill. I'm an original cosponsor.

So what are the implications for these beneficiaries? Simply, it means that the government takeover of health care could result in a savings of \$4.4 billion made on the backs of servicemembers, widows, and orphans, and children suffering from spina bifida as a result of a parent's exposure to Agent Orange. I don't think the public realizes that. So I think it's important to get this information out, and I'm hopeful that we can solve this problem.

Over the weekend, there were a lot of claims made that there is no problem for TRICARE and VA health care beneficiaries under the Senate health care bill that was passed by the Democrats yesterday. Well, frankly, there is, and it's a big problem. As I mentioned earlier, Madam Speaker, if it wasn't a problem, then IKE SKELTON, the Armed Services Committee chairman, would not have been here 2 days ago trying to offer a scaled-down bill to correct the problem. He would not have taken his own bill, H.R. 4887, to the floor in a quick effort to solve this issue.

So it's important to reiterate that this bill does not protect the DOD and VA health care systems. It doesn't fully address TRICARE either, as a result of the CBO score of H.R. 4887. The Ike Skelton bill does not stop \$4.5 billion from being cut from TRICARE, but we think ours will. The veterans service organizations know what is happening. The American Legion, the VFW, DAV, and the National Association of Uniformed Services have all supported our bill, H.R. 4894, which they believe will protect veterans.

So, Madam Speaker, I hope that the House Democrat leadership will see fit to act as soon as possible to allay the fears of all these veteran service organizations as soon as possible to correct the measure with H.R. 4894, to stop these cuts and to protect the individuals and their families who have served and sacrificed on behalf of our Nation and, I might add, to allay the fears of men at war who think when they come back they will retire or possibly be under Champus/VA.

With those comments, let me then move to the bill that we're considering. I rise in support of H.R. 4810, End Veteran Homeless Act of 2010.

Now, my colleagues, this bill would amend Title 38 of the United States Code to make certain improvements in the services provided for homeless veterans. This important legislation represents a combination of a number of bills that moved through the Veterans' Affairs Committee, and I believe truly exemplifies the manner in which our committee can and does work together in a bipartisan fashion to bring forth legislation that improves the lives of our veterans.

It is with a deep and personal commitment that I and everybody else on the Veterans' Affairs Committee embrace and aggressively want to tackle

the challenge of homelessness and veterans and forward our mutual goals of ending this chronic problem among our veterans.

Since the enactment of the Homeless Veterans Comprehensive Assistance Act back in 2001, which significantly expanded the VA's homeless program, we've seen a significant number of previously homeless veterans returning to leading productive and sober lives. H.R. 4810 continues that proactive approach by permanently extending a VA program that provides grants to entities that help low-income families that are homeless, transitioning to permanent housing, or already in permanent housing; increasing the annual amounts authorized for VA's Homeless Grant and Per Diem Program from \$150 million to \$200 million; and encouraging the VA to expand its promotion for homeless veterans to include programs for homeless veterans that are female or that have children.

VA's latest estimate indicates that about 107,000 veterans were homeless on any one given night last year. With the unemployment rate for veterans from Operation Enduring Freedom and Operation Iraqi Freedom aged 18 to 24 standing at a staggering 21.1 percent, more simply must be done to ensure that our veterans come home not to joblessness and homelessness, but to supportive communities and meaningful employment.

□ 1430

I recently had the pleasure of participating in the grand opening of the new HONOR—Hope, Opportunities, Networking, Outreach, and Recovery—Center in my congressional district in Gainesville, Florida. This newly renovated comprehensive VA homeless center includes a 45-bed domiciliary to care for disabled and homeless veterans with special medical needs. The HONOR Center will also have program offices for outreach, grant and per diem, and other essential services, including a special area that's designated just for women. The HONOR Center will provide a full continuum of care and a homelike environment and will provide homeless veterans with family-style dining and special recreation areas including a nice library with a meditation room and a full-time recreational therapist.

The HONOR Center has been in development for nearly 3 years, and I was very pleased and proud to see such a wonderful resource for homeless veterans open in my congressional district in Gainesville, Florida.

So, Madam Speaker, H.R. 4810, the End Veteran Homeless Act, is one important step in achieving our goal of eliminating homelessness among veterans. But still, my colleagues, it is only one step. While I support its passage, I look forward to continuing to work hard in the future to make sure

America's veterans are welcomed back from service with open arms, good jobs, and happy and healthy homes.

Madam Speaker, I have no further requests for time. I would like to thank Chairman FILNER and Ranking Member BUYER, who unfortunately couldn't be here this morning, of the Veterans' Affairs Committee as well as Chairman MICHAUD and Ranking Member BROWN of the Subcommittee on Health for bringing this bill forward. I urge my colleagues to support H.R. 4810 and do their part to ensure that not a single one of the brave men and women who fight in uniform to defend our rights come home to a life without a job and a home.

Madam Speaker, I yield back the balance of my time.

Mr. FILNER. Madam Speaker, a famous President once said: "We have nothing to fear but fear itself." The deputy ranking member—I didn't know we had such a title—is spreading fear, and I would just like to make it clear to every veteran, every family of veterans, and all Americans, there will be no reduction of any benefits of any veteran in the veterans health care system. There will be no taxes. There will be no diminution of services. Let's just make that clear.

GENERAL LEAVE

Mr. FILNER. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 4810.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. HARE. Madam Speaker, I rise today in strong support of H.R. 4810, the End Veteran Homelessness Act. I want to thank Chairman FILNER for his leadership on this issue.

Madam Speaker, on any given night this year, over 100,000 veterans are sleeping on the streets. And this year alone, 300,000 veterans will experience homelessness.

Additionally, there has been an alarming increase in the number of female homeless veterans over the last decade.

Madam Speaker, addressing the National Coalition for Homeless Veterans National Conference, Secretary Shinseki said, "We have a moral duty to prevent and eliminate homelessness among Veterans." I could not agree more and I applaud the Secretary for his commitment to end veterans homelessness in the next 5 years.

Madam Speaker, we have seen how using the media to educate veterans about available services has been extremely effective, and in order to meet this goal, the Veterans Affairs Department should immediately begin conducting media outreach to connect homeless veterans to available programs, services and benefits.

That is why I introduced the Help our Homeless Veterans Act. My bill would direct the Secretary of the Department of Veterans Affairs to carry out a national media campaign to raise awareness about programs and services

available to homeless veterans and those at risk of becoming homeless.

Madam Speaker, I want to thank Chairman FILNER for including my bill into H.R. 4810 and acknowledge the special attention the committee has made to promote awareness of such assistance available to homeless women veterans and homeless veterans with children.

Madam Speaker, with increased awareness about programs to assist homeless veterans, we can end veterans homelessness by 2014.

No veteran should experience homelessness, and this bill ensures our nation's heroes know where to turn to for help. I urge all my colleagues to support H.R. 4810.

Ms. JACKSON LEE of Texas. Madam Speaker, I rise in support of H. Res. 4810, "End Veterans Homelessness Act of 2010" introduced by my distinguished colleague from California, Representative FILNER.

H. Res. 4810 will amend Title 38 of the United States Code, in order to make certain improvements in the services rendered to homeless veterans under the laws that are administered by the Secretary of Veterans Affairs. Improvements in services rendered to homeless veterans will include increases in the amount authorized to be appropriated for comprehensive programs, adjusted payments for providing various services such as furnishing services to homeless veterans, supported housing program outreach, financial assistance for low-income families, and the promotion of awareness of available Department of Veterans Affairs programs.

Throughout our country's history, our brave men and women in uniform have made the ultimate sacrifice to protect our freedom around the world, and I am proud to support legislation that will aid our nation's veterans. I have worked tirelessly to pass legislation that will give our veterans the benefits that they need and deserve. I have supported legislation, such as H. Res. 6081, "The Heroes Earnings Assistance and Relief Tax of 2008", H. Res. 1054, "Honoring the service and achievements of women in the Armed Forces and female veterans", H. Res. 2790, "To establish the position of Director of Physician Assistant Services within the office of the Under Secretary of Veterans Affairs for Health as amended", and H. Res. 3480, "Let Our Veterans Rest in Peace Act of 2008" to support our veterans. My fellow Americans, we must remember that it is because of them that we are able to continue to be a democratic nation. All Americans must realize that we owe our liberty to those veterans who have served their nation 110% without fear. They definitely deserve our assistance and support in every way possible. I have always and will continue to fight for legislation that protects our veterans.

I really find it unacceptable that an estimated 131,000 veterans are homeless on any given night after honorably serving their country. We are doing our veterans a great disservice. We owe our veterans the utmost respect, appreciation, and definitely a home to come home to after serving as a member of our armed forces. In these challenging economic times, we must do more to provide for our veterans' basic needs. H. Res. 4810 shows that all Americans take pride in our veterans' service to this nation, and just as the

military doesn't believe in leaving a soldier behind on the battlefield, I believe that I speak for all Americans that we don't believe in leaving our veterans behind . . . we must help them push forward!

Strengthening comprehensive programs by investing in our veterans, requiring housing counselors to grant more housing opportunities at each Veteran Affairs center, and paying attention to homeless women veterans and veterans with children is the right thing to do. I would like to urge my colleagues to support this powerful piece of legislation for our veterans that proudly support our freedoms and defend our U.S. Constitution. Again, I would like to commend all of our soldiers for their unselfish service and devotion to the welfare of others.

Mr. FILNER. I urge my colleagues to unanimously support the bill. I have no further requests for time and yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. FILNER) that the House suspend the rules and pass the bill, H.R. 4810.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. FILNER. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

NATIONAL GUARD EMPLOYMENT PROTECTION ACT OF 2010

Mr. FILNER. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 1879) to amend title 38, United States Code, to provide for employment and reemployment rights for certain individuals ordered to full-time National Guard duty, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1879

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Guard Employment Protection Act of 2010".

SEC. 2. REEMPLOYMENT RIGHTS FOLLOWING CERTAIN NATIONAL GUARD DUTY.

(a) REEMPLOYMENT RIGHTS.—Section 4312(c)(4) of title 38, United States Code, is amended—

(1) by striking "or" at the end of subparagraph (D);

(2) by striking the period at the end of subparagraph (E) and inserting "; or"; and

(3) by adding at the end the following new subparagraph:

"(F) ordered to full-time National Guard duty under the provisions of section 502(f) of title 32 when the period of duty is expressly designated in writing by the Secretary of Defense as covered by this subparagraph."

(b) EFFECTIVE DATE.—Subparagraph (F) of section 4312(c)(4) of title 38, United States

Code, as added by subsection (a), shall apply with respect to an individual ordered to full-time National Guard duty under section 502(f) of title 32, United States Code, on or after September 11, 2001, and shall entitle such individual to rights and benefits under chapter 43 of title 38 of such Code on or after that date.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. FILNER) and the gentleman from Florida (Mr. STEARNS) each will control 20 minutes.

The Chair recognizes the gentleman from California.

Mr. FILNER. Madam Speaker, I yield myself such time as I may consume.

I would like to thank Congressman MIKE COFFMAN of Colorado who is here with us for introducing the National Guard Employment Protection Act of 2010. One of the protections provided by the Uniformed Services Employment and Reemployment Rights Act, or USERRA, is to require employers to support a servicemember's absence for up to 5 years if called to active military duty. At the time when USERRA was enacted into law back in 1994, Congress intended to minimize the disruption to the lives of servicemembers as well as to their employers and prohibit discrimination against persons because of their service in the military.

Unfortunately, current statute does not provide National Guard members who are ordered to full-time active duty with the same protections. This is especially disheartening at a time when our Guard is called up to active duty in support of missions to secure the homeland or provide relief abroad. And of course since 9/11, the Guard has been doing almost half of the fighting in Iraq and Afghanistan. Many of them are bumping against the 5-year USERRA protection for their civilian jobs, and H.R. 1879 seeks to address this inequity and extend reemployment rights for those ordered to full-time National Guard duty.

Congressman HARRY TEAGUE of New Mexico worked with Congressman COFFMAN to add a provision to allow the Secretary of Defense to designate which duties qualify. So I would like to thank the gentleman from Colorado and the gentleman from New Mexico for their bipartisan efforts on this important bill. It is time, Madam Speaker, that Congress ensures that members of the National Guard are afforded the employment protections they deserve. I urge all my colleagues to join me in support of this legislation.

I reserve the balance of my time.

Mr. STEARNS. Madam Speaker, I rise in support of H.R. 1879, as amended.

This bill amends title 38 United States Code to provide for employment and reemployment rights for certain individuals ordered to full-time National Guard duty. Madam Speaker, it's well known that the National Guard and Reserve units have carried a

significant load in the wars in Iraq and Afghanistan. Many of these units have served multiple combat tours, and others have provided homeland security services, such as maintaining an airborne alert here in the D.C. area. Additionally, Guard units have performed heroically at times when natural disasters like Hurricane Katrina devastated New Orleans.

As a result of these demands, many of the members of the Guard have accumulated significant active duty time and are now in danger of exceeding the 5-year limit on active duty that is protected under the Uniform Services Employment and Reemployment Rights Act, or USERRA. So I'm pleased that our colleague MIKE COFFMAN from Colorado has taken the action to recognize that active duty performed under title 32 should be added to the types of duties exempted from the 5-year limit. I also thank Chairman HERSETH SANDLIN and Ranking Member BOOZMAN of the Subcommittee on Economic Opportunity for their bipartisan work, as well as Chairman FILNER for bringing this bill to the floor.

With that, Madam Speaker, I yield such time as he may consume to Mr. COFFMAN, a fellow veteran who served in the Army and the Marines in the first gulf war and second gulf war in Iraq.

Mr. COFFMAN of Colorado. I thank the gentleman from Florida.

Madam Speaker, I am proud to stand before you today in strong support of H.R. 1879, the National Guard Employment Protection Act. I created this legislation in order to extend the same reemployment rights for all of our National Guard personnel regardless of whether they are assigned to a homeland security mission or deployed overseas to Iraq or Afghanistan. Under current law, the members of the National Guard who are called up for active duty in support of homeland security missions inside the United States are not provided the same reemployment rights to their civilian occupations that other members of the National Guard and Reserve have when they are called to active duty for overseas military assignments.

There is no doubt that the soldiers and the airmen serving in the National Guard must have the same reemployment rights irrespective of where they are ordered to serve. The bill recognizes that those who are called up for homeland security missions can face the same hardships and challenges in trying to return to their civilian employment as someone who has been away from their civilian occupation due to an overseas military assignment.

With the passage of H.R. 1879, National Guard members will no longer have to worry about being put into a position where they are forced to choose between retaining their civilian

employment or serving our Nation in a critical homeland security mission.

Mr. STEARNS. Madam Speaker, I urge my colleagues to support H.R. 1879, as amended, the National Guard Employment Protection Act of 2010.

I have no further requests for time, so I yield back the balance of my time.

GENERAL LEAVE

Mr. FILNER. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 1879, as amended.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Ms. JACKSON LEE of Texas. Madam Speaker, I rise in support of H.R. 1879, "National Guard Employment Protection Act," a bill that amends title 38, United States Code, to provide for employment and reemployment rights for certain individuals ordered to full-time National Guard duty.

In these challenging economic times, with returning veterans experiencing unemployment rates in the double digits, we must do more to provide for our veterans' basic needs. This legislation shows that the U.S. is grateful for our veterans' service. Just as the military pledges to leave no soldier behind on the battlefield, this nation will leave no veteran behind when they come home.

National Guard is America's oldest armed force—dating back to 1636—and the only branch that serves both the Federal and State governments. The Guard answers to both the president of the United States and the governors of their respective states and territories. This means that the National Guard can be mobilized any time natural disasters or other emergencies occur within America's borders, and also serve alongside U.S. combat forces in other parts of the world.

The Guard's roots go back to North America's earliest colonial militias: farmers, shopkeepers and everyday citizens willing to put their lives on hold and pick up their weapons to defend their communities and their country. Today, Citizen-Soldiers live, work and go to school in cities and towns all across America and its territories. And just as they have for over 370 years, the men and women of the National Guard are trained, willing and proud to assist their neighbors during emergencies, and to protect their nation whenever they are called.

This bill allows us to show our appreciation and honor the service of veterans who have served in the National Guard. These veterans have given great contributions and made incredible personal sacrifices so that all of us in this country might live in a safe and secure nation and world.

Madam Speaker, whether it is the ultimate sacrifice of life or the loss of limb or the loss of time with family and friends, we owe our veterans an enormous outstanding debt of gratitude. The debt of gratitude we owe to the soldiers, sailors, marines, and airmen who answered their nation's call and made supreme sacrifices can never be repaid. But the nation can follow President Lincoln's admonition to

'care for him who has borne the battle, and for his [family].' Indeed, it is the least we can do.

It is out of my profound respect and gratitude for all who wear and have worn the uniform of the United States that I continue to work so to support legislation that will ensure that veterans receive the health care, job opportunities, housing assistance, and educational benefits they deserve. As their slogan says, "Always ready, always there. That is the National Guard." Now, it is time for us to be there for them.

Madam Speaker, I am honored to express my strong support for this bill and I urge my colleagues to join me in doing what is only right—taking care of and honoring our heroes who serve to protect us.

Mr. FILNER. I want to urge everybody to support this important legislation.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. FILNER) that the House suspend the rules and pass the bill, H.R. 1879, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. FILNER. Madam Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

RECOGNIZING THE 65TH ANNIVERSARY OF THE BLINDED VETERANS ASSOCIATION

Mr. FILNER. Madam Speaker, I move to suspend the rules and pass the joint resolution (H.J. Res. 80) recognizing and honoring the Blinded Veterans Association on its 65th anniversary of representing blinded veterans and their families.

The Clerk read the title of the joint resolution.

The text of the joint resolution is as follows:

H.J. RES. 80

Whereas, at 8:45 a.m. on March 28, 1945, 100 blinded members of the Armed Forces who served in World War II formed the Blinded Veterans Association at Avon "Old Farms" Army Convalescent Hospital in Connecticut;

Whereas the founders of the Blinded Veterans Association were a cross-section of heroes and pioneers who not only shaped the rich history, philosophy, and knowledge of education and rehabilitation of the blind, but also provided insight into current and future challenges facing the blind and engaged in continual advocacy efforts to ensure that services for all blinded persons would be unique and specialized;

Whereas, on March 28, 2010, the Blinded Veterans Association will mark its 65th anniversary of dedication to blinded members

of the Armed Forces, veterans, and their families;

Whereas in 1946, General Omar Bradley, of the Veterans Administration, appointed the Blinded Veterans Association as the first official representative for blinded veterans for the filing of claims and appeals to the Veterans Administration, making the Blinded Veterans Association only the eighth veterans service organization to receive such authorization;

Whereas the Blinded Veterans Association was originally incorporated in New York State as a nonprofit association, and then moved to Washington, DC, in 1947;

Whereas in 1958, the 58th Congress approved the Congressional Charter for the Blinded Veterans Association;

Whereas from its early beginnings, the Blinded Veterans Association encouraged the blinded veterans it served "to take their rightful place in the community with their fellow men and work with them toward the creation of a peaceful world", and it has continued to advocate for the war-blinded to regain independence, confidence, and self-esteem through rehabilitation and training; and

Whereas many people of the United States recognize March 28 of each year as Blinded Veterans Day; Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That Congress—

(1) expresses appreciation for the efforts of the Blinded Veterans Association in improving the rehabilitation services, education, and benefits for blinded veterans of the United States;

(2) supports the goals and ideals of Blinded Veterans Day; and

(3) calls upon the people of the United States to observe Blinded Veterans Day with appropriate programs and activities.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. FILNER) and the gentleman from Florida (Mr. STEARNS) each will control 20 minutes.

The Chair recognizes the gentleman from California.

Mr. FILNER. Madam Speaker, I yield myself as much time as I may consume.

I rise in support of House Joint Resolution 80, recognizing and honoring the Blinded Veterans Association on its 65th anniversary of representing blinded veterans and their families, sponsored by Mrs. HALVORSON of Illinois. Mrs. HALVORSON, as a first-term Member, has been incredibly active and committed to veterans on our committee.

I yield to the gentlewoman from Illinois to further explain the bill.

Mrs. HALVORSON. I thank Chairman FILNER for yielding.

Madam Speaker, it was truly a privilege to introduce H.J. Res. 80, which recognizes and honors the Blinded Veterans Association on its 65th anniversary. Madam Speaker, this simple resolution helps to honor the service and sacrifice of the more than 165,000 blind or visually impaired veterans.

The resolution helps us to remember that on March 28, 1945, 100 blinded members of the Armed Forces who served in World War II formed the

Blinded Veterans Association in order to help veterans and their families meet and overcome the challenges of blindness. The following year, in 1946, General Omar Bradley of the Veterans Administration, appointed the BVA as the first official representative for blinded veterans for the filing of claims and appeals to the Veterans Administration. This made the Blinded Veterans Association only the eighth Veterans Service Organization to receive such distinction and responsibility.

In 1958, Congress followed General Bradley's lead and echoed his recognition of the BVA by officially approving the BVA congressional charter. Since that time, the BVA has encouraged and assisted blinded veterans to take their rightful place in the community with their fellow men and work with them towards the creation of a peaceful world.

□ 1445

Their leadership continues to advocate for the war-blinded to regain independence, confidence and self-esteem through rehabilitation and training. Almost 13 percent of the evacuated wounded servicemembers in Iraq and Afghanistan have suffered a serious eye injury of one type or another. This means that the Blinded Veterans Association's services are just as crucial today as they were 65 years ago.

H.J. Res. 80 recognizes the extraordinary members and work of the BVA, and the good that they do for America's visually impaired veterans. I thank the members of the BVA for their service and strongly encourage my colleagues to do the same by voting in favor of this resolution.

Mr. FILNER. I reserve the balance of my time.

Mr. STEARNS. Madam Speaker, not only does the BVA provide support for our Nation's blind veterans, the organization also provides inspiration and support for their family members via the Kathern F. Gruber Scholarship Awards. This worthy scholarship enables spouses and dependent children of blinded veterans to achieve their goals in higher education.

Our blinded veterans have made tremendous sacrifices on behalf of our Nation to ensure our safety and our freedom. It is altogether appropriate that we honor them this day and join the Blinded Veterans Association in celebrating its 65th anniversary.

Obviously I am a strong supporter of H.J. Res. 80, a resolution to recognize and honor the Blinded Veterans Association on its 65th anniversary of representing blinded veterans and their families. As all of us know, recovering from the tragic loss of sight is a traumatic and life-changing event. Veterans who are burdened with this loss are forced to relearn almost every task associated with normal daily activities. Such rehabilitation is a difficult

but necessary challenge blinded veterans must overcome to integrate back into civilian life. The Blinded Veterans Association was established specifically to help these severely injured veterans and their families during this most difficult period.

On March 28, 1945, 100 blinded members of the Armed Forces who served in World War II formed the Blinded Veterans Association. Just a year later, in 1946, General Bradley of the Veterans Administration appointed the BVA as the first official representative for blinded veterans who were filing claims and appeals to the Veterans Administration. This made the Blinded Veterans Association the eighth veterans service organization to receive such authorization.

Chartered by Congress in 1958, the BVA has worked throughout the years assisting blind veterans in acquiring Department of Veterans Affairs disability compensation and health care benefits, as well as other Federal and local benefits. Thanks in large part to the efforts of the BVA, there are now ten blindness rehabilitation centers located at various VA medical centers across this country.

Madam Speaker, along with this legislation, which obviously you can see how important it is, we wanted to honor today these blinded veterans on their 65th anniversary. But, Madam Speaker, our committee also had requested consideration of H.R. 4360, a bill to designate the blind rehabilitation center in Long Beach, California, as the Major Charles R. Soltes, Jr., O.D. Department of Veterans Affairs Blind Rehabilitation Center. This legislation has the support of the entire California delegation and the major veterans service organizations in California and would further honor blind veterans to whom Major Soltes provided so much service and so much sacrifice.

I would like to inquire, if it is appropriate to the Speaker, or perhaps Chairman FILNER, if they could explain why this very important bill was not permitted consideration on the floor today?

Mr. FILNER. Would the gentleman yield?

Mr. STEARNS. I yield.

Mr. FILNER. As the gentleman knows, we included that bill on a list of seven bills that we asked to be taken up on the floor, and we were scheduled for six of them. That is as far as I know.

Mr. STEARNS. I understand he is saying that it wasn't put in the loop at the moment, it wasn't put on the schedule, but I think you are also saying that this is the type of bill that you support and you believe should be part of a vote on the floor. Can I assume you support this bill?

Mr. FILNER. If the gentleman would continue to yield, I was one of the Californians who signed the original petition, and I support the bill. We are as mystified as you are.

Mr. STEARNS. Well, Madam Speaker, I think it is unfortunate that this bill to honor an individual who did so much for our blind veterans community and paid the ultimate sacrifice in service to his country, this particular bill is not being considered this afternoon. Many of us are disappointed, and we will work with Ranking Member BUYER and Chairman FILNER, since he is a signee on the unanimous delegation letter, to have it brought to the floor at the earliest opportunity.

Madam Speaker, I yield back the balance of my time.

GENERAL LEAVE

Mr. FILNER. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Ms. JACKSON LEE of Texas. Madam Speaker, I rise in strong support of H.J. Res. 80, "Recognizing and Honoring the blinded veterans association on its 65th anniversary of representing blinded veterans and their families," a bill sponsored by my colleague from Illinois, Congresswoman HALVORSON.

H.J. Res. 80 will honor those who have sacrificed greatly for this nation and have lost their eyesight in the process. These veterans have given great contributions and made incredible personal sacrifices so that all of us in this country might live in a safe and secure nation and world. When we pay tribute to the service of our brave veterans, we acknowledge the great debt that this Nation owes them.

Because I realize that our veterans deserve our very best, I introduced H.R. 1240, the Vision Impairment Specialist Training Act (VISTA), passed into law as part of larger bill. The provisions of VISTA help our nation's blind and low-vision veterans by establishing a scholarship program for students seeking training in blind rehabilitation. There are more than 160,000 legally blind veterans in the United States, but approximately 35,000 are currently enrolled in Veterans Health Administration. Members of the armed forces are important to our nation and we show them our appreciation by taking care of them when they no longer can serve.

Caring for our veterans also means giving them our time. I have had the honor of visiting with some of our wounded soldiers at Walter Reed Army Hospital in Washington, D.C. Many of these soldiers were recovering from some of the most horrific wounds imaginable. But what made the most indelible impression on me was that to a man and woman, there was no self-pity or anger at their fate. Instead of anger or sorrow there was only concern for their fellow soldiers and pride in the certain knowledge that they had fought valiantly on

behalf of a country they loved. There is no reason that any of our veterans should not receive the highest care from all of us in this country. I hope all Americans take the time to visit their local VA hospital and thank the wounded for their service to our country." We must do everything possible to let our veterans know how much we value their service.

We all know that no one has paid a higher price than the brave men and women through the years who gave the last full measure of devotion to their country. Whether it is the ultimate sacrifice of life or the loss of limb or the loss of time with family and friends, we owe our veterans an enormous outstanding debt of gratitude. So, let us celebrate and recognize our blinded veterans during the 65th anniversary of the Blinded Veterans Association.

It is out of my profound respect and gratitude for all who wear and have worn the uniform of the United States that I continue to work so hard to pass legislation that will ensure that veterans receive the health care, job opportunities, housing assistance, and educational benefits they deserve. Caring for our veterans also means giving them our support when they need it.

Madam Speaker, I strongly urge my colleagues to support H.J. Res. 80.

Mr. COURTNEY. Madam Speaker, I rise to recognize and honor the Blinded Veterans Association on its 65th anniversary of representing blinded veterans and their families.

On March 28, 1945, 100 blinded members of the Armed Forces who served in World War II formed the Blinded Veterans Association at Avon "Old Farms" Army Convalescent Hospital in Connecticut. The founders of the Blinded Veterans Association were a cross-section of heroes and pioneers who not only shaped the rich history, philosophy, and knowledge of education and rehabilitation of the blind, but also provided insight into current and future challenges facing the blind and engaged in continual advocacy efforts to ensure that services for all blinded persons would be unique and specialized. In 1946, General Omar Bradley, of the Veterans Administration, appointed the Blinded Veterans Association as the first official representative for blinded veterans for the filing of claims and appeals to the Veterans Administration, making the Blinded Veterans Association only the eighth veterans service organization to receive such authorization.

The Blinded Veterans Association was originally incorporated in New York State as a nonprofit association, and then moved to Washington, DC, in 1947. In 1958, the 58th Congress approved the Congressional Charter for the Blinded Veterans Association. From its early beginnings, the Blinded Veterans Association encouraged the blinded veterans it served "to take their rightful place in the community with their fellow men and work with them toward the creation of a peaceful world," and it has continued to advocate for the war-blinded to regain independence, confidence, and self-esteem through rehabilitation and training; and many people of the United States recognize March 28 of each year as Blinded Veterans Day.

On March 28, 2010, the Blinded Veterans Association will mark its 65th anniversary of dedication to blinded members of the Armed

Forces, veterans, and their families. I urge all members of the House of Representatives, and Americans around the country, to join me in honoring these American heroes.

Mr. FILNER. Madam Speaker, I urge my colleagues' unanimous support, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. FILNER) that the House suspend the rules and pass the joint resolution, H.J. Res. 80.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. FILNER. Madam Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

HELPING HEROES KEEP THEIR HOMES ACT OF 2010

Mr. FILNER. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 3976) to extend certain expiring provisions providing enhanced protections for servicemembers relating to mortgages and mortgage foreclosure, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3976

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Helping Heroes Keep Their Homes Act of 2010".

SEC. 2. EXTENSION OF ENHANCED PROTECTIONS FOR SERVICEMEMBERS RELATING TO MORTGAGES AND MORTGAGE FORECLOSURE UNDER SERVICEMEMBERS CIVIL RELIEF ACT.

(a) EXTENSION.—Paragraph (2) of section 2203(c) of the Housing and Economic Recovery Act of 2008 (Public Law 110-289) is amended—

(1) by striking "December 31, 2010" and inserting "December 31, 2015"; and

(2) by striking "January 1, 2011" and inserting "January 1, 2016".

(b) PROTECTION FOR SURVIVING SPOUSE.—

(1) IN GENERAL.—Section 303 of the Servicemembers Civil Relief Act (50 U.S.C. App. 533) is amended by adding at the end the following new subsection:

"(e) PROTECTION FOR SURVIVING SPOUSE.—With respect to a servicemember who dies while in military service and whose death is service-connected, this section shall apply to the surviving spouse of the servicemember if such spouse is the successor in interest to property covered under subsection (a)."

(2) EFFECTIVE DATE.—Subsection (e) of section 303 of such Act, as added by paragraph (1), shall apply to a surviving spouse of a servicemember whose death is on or after the date of the enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. FILNER) and the gentleman from Florida (Mr. STEARNS) each will control 20 minutes.

The Chair recognizes the gentleman from California.

Mr. FILNER. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I want to thank Congressman TOM PERRIELLO of Virginia for introducing H.R. 3976, the Helping Heroes Keep Their Homes Act of 2010. Mr. PERRIELLO is one of the first-term members we have on our committee. They are incredibly active and committed. Mr. PERRIELLO hit the ground running in his first year and is here today with a bill that will make an immediate difference in the lives of our Nation's military veterans.

I yield to Mr. PERRIELLO to explain the bill.

Mr. PERRIELLO. Madam Speaker, I am proud to stand in support of H.R. 3976, the Helping Heroes Keep Their Homes Act, a bill that I introduced to help ensure that our veterans have the resources they need to confront the myriad of challenges in today's economic environment.

Homeownership is the touchstone of the American dream. H.R. 3976, the Helping Heroes Keep Their Homes Act, will reauthorize home foreclosure protections to prevent lenders from foreclosing on veterans' homes within 9 months after the end of military service. Unfortunately, some of the protections established in Public Law 110-289 are scheduled to expire at the end of this year. This bill will ensure that these critical protections remain available to our veterans.

H.R. 3976 is a commonsense bill that has been supported by the Iraq and Afghanistan Veterans of America, the Veterans of Foreign Wars, the American Legion, and the U.S. Department of Veterans Affairs. I appreciate the bipartisan support on this bill, the chairman's leadership and others', and I urge all members of this body to join me in supporting our military families by voting in favor of this bill.

Mr. STEARNS. Madam Speaker, if I might digress, I just wanted to thank Mrs. HALVORSON on H.J. Res. 80 for introducing the resolution, and the chairman and Mr. BUYER for bringing that joint resolution to the floor. I think that is important to remind all of my colleagues.

Madam Speaker, I also rise in support of H.R. 3976, as amended, a bill to extend certain expiring provisions providing enhanced protections for servicemembers relating to mortgages and mortgage foreclosure.

Madam Speaker, Public Law 110-289, the Housing and Economic Recovery Act of 2008, extended the protections against foreclosure and related actions on servicemembers' homes contained in the Servicemembers Civil Relief Act

from 90 days to 9 months following lengthy deployments. Extensions of these protections will sunset December 31, 2010.

To address the continuing lengthy deployments by our servicemembers, the Veterans Home Preservation Act of 2010 would simply extend the mortgage-related sunset days contained in Public Law 110-289 through December 31, 2015. The bill also adds a new clause that would apply these same mortgage protections to a surviving spouse of a servicemember who dies while in military service and whose death is service connected.

Madam Speaker, these are good provisions that are appropriate given the current economic climate. I thank the authors of the bill, Mr. PERRIELLO, as well as Chairman HERSETH SANDLIN and Ranking Member BOOZMAN for their fine work, and the Veterans' Affairs Committee chairman, Mr. FILNER, and Mr. BUYER, the ranking member, for bringing this legislation to the floor.

I reserve the balance of my time.

Mr. FILNER. I have no further speakers, and I am prepared to close.

Mr. STEARNS. Madam Speaker, I urge my colleagues to support H.R. 3976, as amended, a bill to extend certain expiring provisions providing enhanced protections to servicemembers relating to mortgages and mortgage foreclosure.

I yield back the balance of my time.

Mr. FILNER. Madam Speaker, it is unfortunate that these protections are still needed. Two years ago or so we went through this major foreclosure crisis. We unfortunately, have not solved it and expect a recurrence, and we must protect and serve these brave men and women in uniform with the same commitment and dedication with which they protected and served us.

GENERAL LEAVE

Mr. FILNER. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 3976, as amended.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Ms. JACKSON LEE of Texas. Madam Speaker, I rise in support of H.R. 3976, "Helping Heroes Keep their Homes Act of 2009," a bill that will prevent mortgage lenders from foreclosing on a veteran's home after their service.

Strengthening comprehensive programs by investing in our veterans, requiring housing counselors to grant more housing opportunities at each Veteran Affairs centers is the right thing to do. It is my distinct honor to stand here today to support a bill that will allow us to show our appreciation to our veterans who are in danger of losing their homes and possibly becoming homeless.

I really find it unacceptable that an estimated 131,000 veterans are homeless on any

given night after honorably serving their country. We are doing our veterans a great disservice. We owe our veterans the utmost respect, appreciation, and definitely a home to come home to after serving as a member of our Armed Forces. In these challenging economic times, we must do more to provide for our veterans basic needs. H.R. 3976 shows that all Americans take pride in our veterans service to this Nation, and just as the military doesn't believe in leaving a soldier behind on the battlefield, I believe that I speak for all Americans that we don't believe in leaving our veterans behind . . . we must help them push forward.

In these challenging economic times, with returning veterans experiencing unemployment rates in the double digits, we must do more to provide for our veterans' basic needs. This legislation shows that the U.S. is grateful for our veterans' service. Just as the military pledges to leave no soldier behind on the battlefield, this Nation will leave no veteran behind when they come home. This bill will allow us to show our appreciation and honor the service of veterans who have served this country and who now look to us to serve their needs.

Madam Speaker, these veterans have given great contributions and made incredible personal sacrifices so that all of us in this country might live in a safe and secure nation and world. Ensuring that our veterans are safeguarded from losing their homes is a small step towards repaying the insurmountable debt that all of us owe to all veterans. We must do everything possible to let our veterans know how much we value their service. We would be irresponsible and ungrateful if we acted otherwise.

Madam Speaker, I strongly urge my colleagues to support H.R. 3976.

Mr. FILNER. I urge my colleagues to support H.R. 3976, as amended. I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. FILNER) that the House suspend the rules and pass the bill, H.R. 3976, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. FILNER. Madam Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

VETERANS' COMPENSATION COST-OF-LIVING ADJUSTMENT ACT OF 2010

Mr. FILNER. Madam Speaker, I move to suspend the rules and pass the

bill (H.R. 4667) to increase, effective as of December 1, 2010, the rates of compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for the survivors of certain disabled veterans, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 4667

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as “Veterans’ Compensation Cost-of-Living Adjustment Act of 2010”.

SEC. 2. INCREASE IN RATES OF DISABILITY COMPENSATION AND DEPENDENCY AND INDEMNITY COMPENSATION.

(a) **RATE ADJUSTMENT.**—Effective on December 1, 2010, the Secretary of Veterans Affairs shall increase, in accordance with subsection (c), the dollar amounts in effect on November 30, 2010, for the payment of disability compensation and dependency and indemnity compensation under the provisions specified in subsection (b).

(b) **AMOUNTS TO BE INCREASED.**—The dollar amounts to be increased pursuant to subsection (a) are the following:

(1) **WARTIME DISABILITY COMPENSATION.**—Each of the dollar amounts under section 1114 of title 38, United States Code.

(2) **ADDITIONAL COMPENSATION FOR DEPENDENTS.**—Each of the dollar amounts under section 1115(1) of such title.

(3) **CLOTHING ALLOWANCE.**—The dollar amount under section 1162 of such title.

(4) **DEPENDENCY AND INDEMNITY COMPENSATION TO SURVIVING SPOUSE.**—Each of the dollar amounts under subsections (a) through (d) of section 1311 of such title.

(5) **DEPENDENCY AND INDEMNITY COMPENSATION TO CHILDREN.**—Each of the dollar amounts under sections 1313(a) and 1314 of such title.

(c) **DETERMINATION OF INCREASE.**—

(1) **PERCENTAGE.**—Except as provided in paragraph (2), each dollar amount described in subsection (b) shall be increased by the same percentage as the percentage by which benefit amounts payable under title II of the Social Security Act (42 U.S.C. 401 et seq.) are increased effective December 1, 2010, as a result of a determination under section 215(i) of such Act (42 U.S.C. 415(i)).

(2) **ROUNDING.**—Each dollar amount increased under paragraph (1), if not a whole dollar amount, shall be rounded to the next lower whole dollar amount.

(d) **SPECIAL RULE.**—The Secretary of Veterans Affairs may adjust administratively, consistent with the increases made under subsection (a), the rates of disability compensation payable to persons under section 10 of Public Law 85-857 (72 Stat. 1263) who have not received compensation under chapter 11 of title 38, United States Code.

SEC. 3. PUBLICATION OF ADJUSTED RATES.

The Secretary of Veterans Affairs shall publish in the Federal Register the amounts specified in section 2(b), as increased under that section, not later than the date on which the matters specified in section 215(i)(2)(D) of the Social Security Act (42 U.S.C. 415(i)(2)(D)) are required to be published by reason of a determination made under section 215(i) of such Act during fiscal year 2011.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from

California (Mr. FILNER) and the gentleman from Florida (Mr. STEARNS) each will control 20 minutes.

The Chair recognizes the gentleman from California.

Mr. FILNER. Madam Speaker, I yield myself such time as I may consume.

I rise in support of this bill which ensures that hard-earned benefits for disabled veterans and their surviving family members keep pace with their living expenses. This bill, like the last, was introduced by Mr. PERRIELLO of Virginia. It will benefit each disabled veteran or survivor from the World War I era through the conflicts in Iraq and Afghanistan.

I yield to the hardworking, active, and committed Mr. PERRIELLO for an explanation of the bill.

Mr. PERRIELLO. Thank you, Mr. Chairman, and Madam Speaker. Today I rise in support of H.R. 4667, the Veterans’ Compensation Cost-of-Living Adjustment Act of 2010, a bill that I was proud to introduce in support of America’s veterans.

Over 140 years ago, President Lincoln called upon our Nation “to care for him, who shall have borne the battle, and for his widow and his orphan.” This charge is as compelling today as it was in 1865. It underscores the important role that our veterans play in defending our freedoms and the obligation we all have as a Nation to provide our brave veterans the care they need once returning home.

□ 1500

H.R. 4667, the Veterans Compensation Cost-of-Living Adjustment Act of 2010, will provide an increase to the rates of basic compensation for disabled veterans and the rates of dependency and indemnity compensation to their survivors and dependents, along with other benefits, in order to keep pace with the rising cost of living. The disability COLA would become effective December 1, 2010, and will be equal to that provided on an annual basis to Social Security recipients.

In these challenging economic times, our disabled veterans depend upon these tax-free payments not only to provide for their own basic needs, but for those of their spouses, children, and parents as well. Without an annual COLA increase, these veterans and their families would see the value of their hard-earned benefits slowly erode. We would be derelict in our duty if we failed to guarantee that those who sacrificed so much for this country receive benefits and services that fail to keep pace with their needs.

Doing right by veterans must always be a top priority for Congress. I believe that passage of this bill will send a clear message of support to those who wear the uniform of the United States military, a message that says we will never forget your service and sacrifice and that a grateful Nation will take

care of you when you return from the front lines of freedom.

I urge my colleagues to support this bill on behalf of this Nation’s veterans and continue the bipartisan support that we showed in the committee.

Mr. FILNER. Thank you, Mr. PERRIELLO, and again I want to thank you for your service to our Nation’s veterans.

I reserve the balance of our time.

Mr. STEARNS. Madam Speaker, I rise in support of H.R. 4667, the Veterans’ Compensation Cost-of-Living Adjustment Act of 2010. This legislation would increase, effective December 1, 2010, the rates of compensation for veterans with service-connected disabilities and the rate of dependency and indemnity compensation for the survivors of certain disabled veterans, and for other purposes.

Now, this COLA adjustment includes veterans disability compensation, additional compensation for dependents, clothing allowance, dependency and indemnity compensation to surviving spouses and their children. This is an important annual authorization which provides much needed assistance to our Nation’s veterans, and, obviously, I encourage all my colleagues to support the bill.

I reserve the balance of my time.

Mr. FILNER. Madam Speaker, I have no further speakers and am prepared to close.

Mr. STEARNS. Madam Speaker, I’d like to thank my House colleagues, Mr. HALL of New York, chairman of the Disability Assistance and Memorial Affairs Subcommittee, and Mr. LAMBORN of Colorado, the ranking member of the subcommittee, as well as the House bill sponsor, Mr. PERRIELLO of Virginia, for their leadership on H.R. 4667. I also thank Chairman FILNER and the ranking member, Mr. BUYER, for advancing this bill. I urge my colleagues to support it.

I yield back the balance of my time.

Mr. FILNER. Madam Speaker, just like our military men and women did not hesitate to offer to lay down their lives to defend our freedom and the way of life that we cherish, we will not hesitate to defend the funds necessary to support themselves and their families.

GENERAL LEAVE

Mr. FILNER. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 4667.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Ms. JACKSON LEE of Texas. Madam Speaker, I rise in support of H. Res. 4667, “Veterans’ Compensation Cost-of-Living Adjustment Act of 2010” introduced by my distinguished colleague from Virginia, Representative PERRIELLO.

H. Res. 4667 will increase the rates of compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for survivors of certain disabled veterans, and for other purposes. Increases will include wartime disability compensation, additional compensation for dependents, clothing allowances, and compensation for the surviving spouse, and for children. The Secretary of Veteran Affairs shall be responsible for publishing in the Federal Register the amounts, as increased, as specified under the Social Security Act. The Secretary of Veteran Affairs shall increase the dollar amounts in effect on November 30, 2010, for the payment of disability compensation for the rate adjustment that will take effect on December 1, 2010.

It is my distinct honor to stand here today to support a bill that will allow us to show our appreciation to our veterans and honor the service of veterans who have become disabled while serving in the armed forces. These veterans have given great contributions and made incredible personal sacrifices so that all of us in this country might live in a safe and secure nation and world. Providing a cost-of-living increase is only a small step towards repaying the insurmountable debt that all of us owe to all veterans. For, what is the price of freedom?

As President Kennedy once said, "The price of freedom is high, but Americans have always paid it." And no one has paid a higher price than the brave men and women through the years who gave the last full measure of devotion to their country. Whether it is the ultimate sacrifice of life or the loss of limb or the loss of time with family and friends, we owe our veterans an enormous outstanding debt of gratitude.

From Bunker Hill to Yorktown, from Washington, DC to the Battle of New Orleans, from Bull Run to Gettysburg and Antietam to Appomattox, brave Americans gave their lives so that the nation might live. And from Alsace Lorain to Verdun, and Normandy to Berlin and Pearl Harbor to Okinawa, from Inchon and Corregidor to Vietnam, Lebanon, Grenada, Kuwait, Afghanistan, and Iraq, Americans have nobly sacrificed their lives so that the world may live in freedom.

The debt of gratitude we owe to the soldiers, sailors, marines, and airmen who answered their nation's call and made supreme sacrifices can never be repaid. But the nation can follow President Lincoln's admonition to "care for him who has borne the battle, and for his [family]." Indeed, it is the least we can do.

It is out of my profound respect and gratitude for all who wear and have worn the uniform of the United States that I continue to work so hard to pass legislation that will ensure that veterans receive the health care, job opportunities, housing assistance, and educational benefits they deserve.

Mr. FILNER. I urge my colleagues to support the COLA bill, H.R. 4667.

I yield back the balance of my time. The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. FILNER) that the House suspend the rules and pass the bill, H.R. 4667.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. FILNER. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

ENERGY JOBS FOR VETERANS ACT

Mr. FILNER. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 4592) to provide for the establishment of a pilot program to encourage the employment of veterans in energy-related positions, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 4592

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be referred to as the "Energy Jobs for Veterans Act".

SEC. 2. VETERANS ENERGY-RELATED EMPLOYMENT PROGRAM.

(a) ESTABLISHMENT OF PILOT PROGRAM.—To encourage the employment of eligible veterans in the energy industry, the Secretary of Labor, as part of the Veteran's Workforce Investment Program, shall carry out a pilot program to be known as the "Veterans Energy-Related Employment Program". Under the pilot program, the Secretary shall award competitive grants to three States for the establishment and administration of a State program to make grants to energy employers and labor-management organizations that provide covered training, on-job training, apprenticeships, and certification classes to eligible veterans. Such a program shall be known as a "State Energy-Related Employment Program".

(b) ELIGIBILITY FOR GRANTS.—To be eligible to receive a grant under the pilot program, a State shall submit to the Secretary an application that includes each of the following:

(1) A proposal for the expenditure of grant funds to establish and administer a public-private partnership program designed to provide covered training, on-job training, apprenticeships, and certification classes to a significant number of eligible veterans and ensure lasting and sustainable employment in well-paying jobs in the energy industry.

(2) Evidence that the State has—

(A) a population of eligible veterans of an appropriate size to carry out the State program;

(B) a robust and diverse energy industry; and

(C) the ability to carry out the State program described in the proposal under paragraph (1).

(3) Such other information and assurances as the Secretary may require.

(c) USE OF FUNDS.—A State that is the recipient of a grant under this section shall use the grant for the following purposes:

(1) Making grants to energy employers and labor-management organizations to reimburse such employers and organizations for the cost of providing covered training, on-job training, apprenticeships, and certification classes to eligible veterans.

(2) Conducting outreach to inform energy employers, labor-management organizations, and veterans, including veterans in rural areas, of their eligibility or potential eligibility for participation in the State program.

(d) CONDITIONS.—Under the pilot program, each grant to a State shall be subject to the following conditions:

(1) The State shall repay to the Secretary, on such date as shall be determined by the Secretary, any amount received under the pilot program that is not used for the purposes described in subsection (c).

(2) The State shall submit to the Secretary, at such times and containing such information as the Secretary shall require, reports on the use of grant funds.

(e) EMPLOYER REQUIREMENTS.—In order to receive a grant made by a State under the pilot program, an energy employer shall—

(1) submit to the administrator of the State Energy-Related Employment Program an application that includes—

(A) the rate of pay for each eligible veteran proposed to be trained using grant funds;

(B) the average rate of pay for an individual employed by the energy employer in a similar position who is not an eligible veteran; and

(C) such other information and assurances as the administrator may require; and

(2) agree to submit to the administrator, for each quarter, a report containing such information as the Secretary may specify.

(f) LIMITATION.—None of the funds made available to an energy employer through a grant under the pilot program may be used to provide training of any kind to a person who is not an eligible veteran.

(g) REPORT TO CONGRESS.—Together with the report required to be submitted annually under section 4107(c) of title 38, United States Code, the Secretary shall submit to Congress a report on the pilot program for the year covered by such report. The report on the pilot program shall include a detailed description of activities carried out under this section and an evaluation of the program.

(h) ADMINISTRATIVE AND REPORTING COSTS.—Of the amounts appropriated pursuant to the authorization of appropriations under subsection (j), two percent shall be made available to the Secretary for administrative costs associated with implementing and evaluating the pilot program under this section and for preparing and submitting the report required under subsection (f). The Secretary shall determine the appropriate maximum amount of each grant awarded under this section that may be used by the recipient for administrative and reporting costs.

(i) DEFINITIONS.—For purposes of this section:

(1) The term "covered training, on-job training, apprenticeships, and certification classes" means training, on-job training, apprenticeships, and certification classes that are—

(A) designed to provide the veteran with skills that are particular to an energy industry and not directly transferable to employment in another industry; and

(B) approved as provided in paragraph (1) or (2), as appropriate, of subsection (a) of section 3687 of title 38, United States Code.

(2) The term "eligible veteran" means a veteran, as that term is defined in section 101(3) of title 38, United States Code, who is employed by an energy employer and enrolled or participating in a covered training, on-job training, apprenticeship, or certification class.

(3) The term "energy employer" means an entity that employs individuals in a trade or business in an energy industry.

(4) The term "energy industry" means any of the following industries:

(A) The energy-efficient building, construction, or retrofits industry.

(B) The renewable electric power industry, including the wind and solar energy industries.

(C) The biofuels industry.

(D) The energy efficiency assessment industry that serves the residential, commercial, or industrial sectors.

(E) The oil and natural gas industry.

(F) The nuclear industry.

(j) APPROPRIATIONS.—There is authorized to be appropriated to the Secretary \$10,000,000 for each of fiscal years 2011 through 2015, for the purpose of carrying out the pilot program.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. FILNER) and the gentleman from Florida (Mr. STEARNS) each will control 20 minutes.

The Chair recognizes the gentleman from California.

Mr. FILNER. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, the U.S. Bureau of Labor Statistics recently released survey data showing unsettling numbers on the employment rates of newly returning veterans. Last year, the unemployment rate for our Iraqi and Afghanistan veterans was over 10 percent. Even more disturbing were figures showing that the jobless rate of young veterans exceeded 20 percent.

Congressman HARRY TEAGUE, a first-term member of our committee from New Mexico, proposed an innovative way to provide training for veterans in the energy industry. He introduced this act, H.R. 4592, the Energy Jobs for Veterans Act.

I would yield to Mr. TEAGUE for further explanation of the bill.

Mr. TEAGUE. Madam Speaker, I rise today in support of my bill, H.R. 4592, the Energy Jobs for Veterans Act. I would like to thank Chairman FILNER for bringing this legislation to the floor and Chairwoman HERSETH SANDLIN and Ranking Member BOOZMAN for their assistance in crafting this legislation. Finally, I would like to thank the Democratic and Republican professional staff of the Economic Opportunity Subcommittee, namely, Juan Lara, Javier Martinez, and Mike Brink, for their work and expertise.

Madam Speaker, our dependence on foreign oil threatens our national security and the lives and safety of our men and women in uniform serving their country overseas. When the fierce global competition for petroleum drives up the price of crude, millions upon millions of dollars flow into the coffers of nations that don't like us too much. In too many cases, that money has financed weapons and operations that have resulted in the deaths of American soldiers.

What can we do about it? It's simple. Produce our energy in America, in-

stead of importing it from Iran, Saudi Arabia, Nigeria, and Venezuela.

How do we do it? Also straightforward. We invest in the production of energy right here in America. We produce American oil. We produce clean-burning American natural gas. We extract liquid fuels from algae. We construct wind and solar farms. We make our homes more efficient, and we invest in nuclear power.

What's the result? We keep our money at home. We create energy jobs all over America, and we bolster our national security.

My bill means that those who fought for their country abroad would be able to continue their work for the security of our country when they return home by getting a job and a career producing our energy right here in America.

My bill says, if you risked your life for your country fighting enemies funded by foreign oil purchased with American dollars, then you can come home and continue your work for our national security, this time with a career in the energy industry.

The Energy Jobs for Veterans Act will incentivize employers to hire veterans for jobs being created by American energy. The bill instructs the Department of Labor to award competitive grants to three States to establish programs to reimburse employers and other organizations for providing on-the-job training and apprenticeship programs for veterans that are employed by energy companies. The bill will allow States to reimburse employers for training and apprenticeship provided to veteran employees.

Unlike other employment programs for veterans that fund training but don't guarantee employment, the Energy Jobs for Veterans Act incentivizes companies to hire veterans in the first place, and ensures that veterans are learning on the job and collecting valuable work experience from the beginning.

Eligible energy employers are those involved in the energy efficient building, construction, and retrofits industry, the renewable electric power industry, the biofuels industry, the energy efficiency assessment industry, the oil and gas industry, and the nuclear industry.

This is a pilot program and it's 100 percent competitive. The Secretary of Labor must make the awards to the most competitive applications for funds. If this works, we can expand to more States and different industries.

Madam Speaker, now let's get down to why it is really important.

On March 12th, the Labor Department announced that the unemployment rate last year for young Iraq and Afghanistan veterans hit 21.1 percent. The number was well above the 16.6 percent jobless rate for nonveterans of that same age group, 18-24. As of last year, 1.9 million had deployed for the

wars since 9/11. Many have struggled with mental health problems, addiction, and homelessness as they return home. Difficulty in finding work can make the adjustments much harder.

Our veterans were on the front lines defending our freedom. We can't leave them behind now. I urge my colleagues to join me in passing this bill.

I will enter into the RECORD these seven letters of support for my bill from my congressional district.

MARINE CORPS LEAGUE OF NEW MEXICO,
March 22, 2010.

Representative HARRY TEAGUE.

SIR: I have just received a copy of Bill H.R. 4592.

I am Marine Corps League Department Commandant for the state of New Mexico. You have the support of the League as well as my personal vote of approval of H.R. 4592. The returning service personnel need all the assistance we as Americans can give them.

Sincerely,
VERNON MOLLAN,
Commandant of Marine Corps League,
State of New Mexico.

SAPPHIRE ENERGY,
San Diego, CA, March 8th, 2010.
Hon. HARRY TEAGUE,
U.S. House of Representatives, Longworth
House Office Building, Washington, DC.

DEAR REPRESENTATIVE TEAGUE: Sapphire Energy commends you for taking bold measures to both expedite the development of our green economy and provide on-the-job training to America's veterans, through H.R. 4592, the "Energy Jobs for Veterans Act." This bill addresses three of our nation's most pressing concerns—energy independence, climate change, and job creation—by helping veterans integrate seamlessly into the domestic energy industry. As the leading company in the algae-based fuels industry, Sapphire Energy applauds you for your consistent leadership on these issues at large, and specifically as it relates to this bill.

Our war heroes fought to secure America's freedom abroad, and should be given an opportunity to continue their work here at home. H.R. 4592 enables them to do so, by preparing them for a life-long career in the thriving domestic energy industry, which will ultimately help America achieve its foremost security imperative: energy independence. No one has put more on the line to help secure America's security—and no one is better suited to continue doing so on the home front—than our Nation's veterans. As such, Sapphire Energy lends its full support to this initiative, and your concerted efforts to enact the "Energy Jobs for Veterans Act."

Sincerely,
TIM ZENK,
Vice President of Corporate Affairs,
Sapphire Energy, Inc.

LAS CRUCES GREEN CHAMBER
OF COMMERCE.

DEAR CONGRESSMAN TEAGUE: On behalf of the Las Cruces Green Chamber of Commerce, which represents over 300 businesses in Dona Ana County, I'd like to express our support for H.R. 4592. The Energy Jobs for Veterans Act will not only provide much needed incentives to make sure that our veterans can find well-paying jobs but also make sure that our growing energy sector has a pool of well-

trained workers. This would be an excellent boon to our community.

Sincerely,

NICK VOGES,
Las Cruces Green Chamber of Commerce.

CENTER OF EXCELLENCE FOR
HAZARDOUS MATERIALS MANAGEMENT,
Carlsbad, NM, March 10, 2010.

TO WHOM IT MAY CONCERN: The Center of Excellence for Hazardous Materials Management (CEHMM) is a non-profit organization in Carlsbad, NM with a research and development program to convert algae to biofuel. The Center of Excellence is committed to the hire of individuals who can think on their feet, follow direction and wish to contribute to a green energy venture with tremendous potential.

I believe that many veterans meet all of these criteria, and we welcome applications from this esteemed group. CEHMM currently employs several veterans who have been excellent employees.

CEHMM fully supports the "Energy Jobs for Veterans Act" and would welcome the chance to participate as a member of the biofuels industry.

Sincerely,

DOUGLAS C. LYNN,
Executive Director.

STATE OF NEW MEXICO
DEPARTMENT OF VETERANS' SERVICES,
Sante Fe, NM, February 24, 2010.

HARRY TEAGUE,
*Longworth House Office Building,
Washington, DC.*

HONORABLE CONGRESSMAN TEAGUE: New Mexico is striving to provide services to our veterans that will enable them to transition into society by providing avenues for employment and business training.

The proposed Energy Jobs for Veterans Act will allow New Mexico to increase the outreach to recently discharged veterans to provide training in the emerging energy-related fields such as wind, solar, biofuels, geothermal, nuclear, as well as oil and gas.

New Mexico is a mostly rural state and this very important piece of legislation will go a long way to provide training and outreach to those veterans who live in rural areas of our state where we currently see a high unemployment rate. The men and women who proudly and bravely served our country deserve all of the opportunities possible when it comes to job creation. They were first in line to raise their hand to defend this country and we believe they should be first in line for jobs when they are discharged.

We appreciate all the support and hard work that you have provided to New Mexico veterans and we fully support this legislation.

Respectfully,

JOHN M. GARCIA,
Cabinet Secretary.

VFW VETERANS OF FOREIGN WARS
OF THE UNITED STATES, DEPARTMENT OF NEW MEXICO,
Glencoe, NM, March 22, 2010.

Hon. HARRY TEAGUE,
*Longworth House Office Building,
Washington, DC.*

CONGRESSMAN TEAGUE: The Department of New Mexico, Veterans of Foreign Wars, strongly supports H.R. 4592 Energy Jobs for Veterans Bill. We share the same vision "Those who fought for their country abroad would be able to continue their work for the security of our country when they return

home—by getting a job, and a career, producing our energy right here in America."

Sincerely,

RAUL SANCHEZ,
*Commander,
Department of New Mexico, VFW.*

PNM RESOURCES,
Albuquerque, NM, March 11, 2010.

Hon. HARRY TEAGUE,
*U.S. House of Representatives,
Washington, DC.*

DEAR REPRESENTATIVE TEAGUE: PNM Resources commends your thoughtful leadership in the development of our green economy and your support of on-the-job training to America's veterans through HR 4592, the "Energy Jobs for Veterans Act." This bill addresses three of our nation's most pressing concerns—energy independence, climate change, and job creation—by helping veterans integrate seamlessly into domestic energy industry. As the largest utility in New Mexico and one of the first utilities to support climate legislation, PNM Resources applauds you for your commitment to diligently address these issues and your leadership on this bill.

America's veterans should have every opportunity to utilize and develop their skills domestically. HR 4592 prepares our veterans for a life-long career in domestic energy industry, which will ultimately help America achieve its foremost security imperative: energy independence. No one has put more on the line to help secure America's security our Nation's veterans. As such, PNM Resources lends its full support to this initiative, and your concerted efforts to enact the "Energy Jobs for Veterans Act."

Sincerely,

JIM FERLAND,
Senior Vice President, Utility Operations.

Mr. FILNER. Thank you, Congressman TEAGUE, for your strong advocacy on behalf of our veterans. This innovative and competitive idea will ensure that our returning veterans have the employment opportunities they require to make the difficult transition into the civilian workforce, while also addressing America's need for energy independence.

Madam Speaker, Congress must act to ensure our returning veterans have employment opportunities as they strive to reintegrate into the civilian workforce. This bill would help do just that.

I reserve the balance of my time.

Mr. STEARNS. Madam Speaker, I also rise in support of H.R. 4592, as amended, a bill to provide for the establishment of a pilot program to encourage the employment of veterans in energy-related positions.

Madam Speaker, I think the final bill is better. I applaud the manner in which the bill was developed. As originally introduced by Mr. TEAGUE, the bill would have established a Department of Labor grant program to subsidize employers for salaries paid to newly hired veterans working in the energy sector.

The ranking member of the Subcommittee on Economic Opportunity, Mr. BOOZMAN, Dr. BOOZMAN, expressed some reservations, some concerns about the approach, and he offered to

work with Mr. TEAGUE to craft a bill that would pay for skilled development, providing on-the-job training for veterans in the energy sector. And to the credit of Mr. TEAGUE, he's worked with our side in a bipartisan manner.

I believe we have a better bill that will promote greater veterans employment results in the long run. I liken it to helping a veteran, in a way, instead of perhaps giving him something for a day, we're also giving him the opportunity to learn so that it will be for a lifetime.

Madam Speaker, I reserve the balance of my time.

Mr. FILNER. Madam Speaker, I have no further speakers and am prepared to close.

Mr. STEARNS. Madam Speaker, once again, I thank Chairwoman HERSETH SANDLIN for her leadership and Ranking Member Dr. BOOZMAN and Mr. TEAGUE for their work to bring us a bipartisan bill. I urge my colleagues to support it, as amended, to provide for the establishment of a pilot program to encourage the employment of veterans in energy-related positions.

I yield back the balance of my time.

Mr. FILNER. Madam Speaker, as we conclude this package of six bills that I think do so much for our Nation's veterans, this committee has been proud to work in a bipartisan way to get these bills to the floor.

I would like to remind my colleagues that this committee, in the last 4 years, has, in fact, done a tremendous amount for our Nation's veterans. We have increased the health care budget by more than \$20 billion, 60 percent increase in health care for our Nation's veterans. We've updated the GI bill and have a GI bill for the 21st century that about 200,000 students are taking advantage of in this first year of the bill.

We are helping to improve access for our rural veterans, for our women veterans, and, as we show today, to make sure we bring an end to our homeless veterans. So we are very proud of the work that we are doing for the veterans that we are so proud of.

GENERAL LEAVE

Mr. FILNER. And as I close, Madam Speaker, I would ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material, both on the previous bill, H.R. 4667, and the current bill, H.R. 4592, as amended.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Ms. JACKSON LEE of Texas. Madam Speaker, I rise in strong support of H.R. 4592, "To provide for the establishment of a pilot program to encourage the employment of veterans in energy-related positions," a bill sponsored by my colleague Congressman TEAGUE from New Mexico.

H.R. 4592 increases job opportunities increase job opportunities for veterans by reimbursing employers for the cost of providing on-

the job training for veterans in the energy sector through a new "Veterans Energy Related Employment Program" of competitive grants.

We have an obligation to ensure that our veterans can continue to use their expertise and talents that they have so ably used in serving this great nation. We can do this by showing our appreciation of the service of veterans and actively provide opportunities for them to work. These veterans have given great contributions and made incredible personal sacrifices so that all of us in this country might live in a safe and secure nation and world. It is time that we pay up and stand up for our heroes. For, what is the price of freedom?

As President Kennedy once said, 'The price of freedom is high, but Americans have always paid it.' And no one has paid a higher price than the brave men and women through the years who gave the last full measure of devotion to their country. Whether it is the ultimate sacrifice of life or the loss of limb or the loss of time with family and friends, we owe our veterans an enormous outstanding debt of gratitude.

From Bunker Hill to Yorktown, from Washington, D.C. to the Battle of New Orleans, from Bull Run to Gettysburg and Antietam to Appamattox, brave Americans gave their lives so that the nation might live. And from Alsace Lorain to Verdun, and Normandy to Berlin and Pearl Harbor to Okinawa, from Inchon and Corregidor to Vietnam, Lebanon, Grenada, Kuwait, Afghanistan, and Iraq, Americans have nobly sacrificed their lives so that the world may live in freedom.

The debt of gratitude we owe to the soldiers, sailors, marines, and airmen who answered their nation's call and made supreme sacrifices can never be repaid. But the nation can follow President Lincoln's admonition to 'care for him who has borne the battle, and for his [family].' Indeed, it is the least we can do.

It is out of my profound respect and gratitude for all who wear and have worn the uniform of the United States that I continue to work so hard to pass legislation that will ensure that veterans receive the health care, job opportunities, housing assistance, and educational benefits they deserve. Caring for our veterans also means giving them our support when they need it.

Madam Speaker, I strongly urge my colleagues to support H.R. 4592.

Mr. RANGEL. Madam Speaker, I rise today in support of our brave men and women in the Armed Forces who are returning to our nation in increased numbers to find that their prospects are limited because they have chosen to fight for our security and safety. I would also like to commend the Honorable BOB FILNER in the House Veterans' Affairs Committee for his commitment to recognizing the importance of our veterans' military sacrifices and patriotism.

It is our duty as a nation and government to protect those who have so valiantly fought for our freedoms. Our objectives should be to ensure that they are included in the process of growing our economy in the most vital way possible: procuring employment. Not only should we fight for their inclusion but also provide them tools they need to compete in the job market, whether it be psychological counseling for the traumas they experience while in

combat or job training to bolster the unique skill sets they have acquired during their time in the service.

The House Veterans' Affairs Committee has embarked on the process of increasing the employment prospects for our veterans through the National Guard Employment Protection Act of 2009 and H.R. 4592, which funds the establishment of a pilot program encouraging veteran employment in energy-related positions. Not only do these pieces of legislation affect veterans but also their families and those that depend on them. The cost of living in this country is on the rise, and important pieces of legislation like the Veterans' Compensation Cost of Living Adjustment Act of 2010 would make sure veterans' compensation keeps apace. Our veterans are men and women who have chosen to give up their lives, jobs and seeing their families for the sake of serving and defending our nation. It is unseemly that when they return they face unemployment.

The fact that unemployment is currently at an all-time high has not been lost to our veterans returning home. Instead of being welcomed with open arms by this country, they are faced with the double fear of not finding employment while worrying about how to keep their homes and pay their mortgages. The Veterans' Affairs Committee has sought to remedy this situation by introducing the Helping Heroes Keep their Homes Act of 2009, which aims to stem the tide of veterans losing their homes, and worse, ending up homeless.

At any given time, our nation is faced with 107,000 homeless veterans. While this number is considerably lower than it was a few years ago, any one homeless veteran is one too many. It is a disservice to our veterans for us not to assist them in acquiring permanent homes. The End Veteran Homelessness Act of 2010 seeks to rectify this important issue by increasing the funding available for helping our homeless veterans. I believe that the passage of this legislation would substantially improve the plight of our homeless veterans and potentially place them on the track to having a place to call home. Our veterans deserve the most from us and I am committed to working with Congress to get the job done.

Mr. FILNER. I would urge my colleagues to support this bill. I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. FILNER) that the House suspend the rules and pass the bill, H.R. 4592, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. FILNER. Madam Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until approximately 6:30 p.m. today.

Accordingly (at 3 o'clock and 15 minutes p.m.), the House stood in recess until approximately 6:30 p.m.

□ 1833

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. TEAGUE) at 6 o'clock and 33 minutes p.m.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 4899, DISASTER RELIEF AND SUMMER JOBS ACT OF 2010

Mr. HASTINGS of Florida, from the Committee on Rules, submitted a privileged report (Rept. No. 111-454) on the resolution (H. Res. 1204) providing for consideration of the bill (H.R. 4899) making emergency supplemental appropriations for disaster relief and summer jobs for the fiscal year ending September 30, 2010, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 4849, SMALL BUSINESS AND INFRASTRUCTURE JOBS TAX ACT OF 2010

Mr. HASTINGS of Florida, from the Committee on Rules, submitted a privileged report (Rept. No. 111-455) on the resolution (H. Res. 1205) providing for consideration of the bill (H.R. 4849) to amend the Internal Revenue Code of 1986 to provide tax incentives for small business job creation, extend the Build America Bonds program, provide other infrastructure job creation tax incentives, and for other purposes, which was referred to the House Calendar and ordered to be printed.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on motions to suspend the rules previously postponed.

Votes will be taken in the following order:

H.R. 4810, by the yeas and nays;

H.R. 4667, by the yeas and nays.

The first electronic vote will be conducted as a 15-minute vote. The second electronic vote will be conducted as a 5-minute vote.

END VETERAN HOMELESSNESS ACT OF 2010

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill, H.R. 4810, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. FILNER) that the House suspend the rules and pass the bill, H.R. 4810.

The vote was taken by electronic device, and there were—yeas 413, nays 0, not voting 16, as follows:

[Roll No. 170]

YEAS—413

Ackerman	Childers	Gordon (TN)
Aderholt	Chu	Granger
Adler (NJ)	Clarke	Graves
Akin	Clay	Grayson
Alexander	Cleaver	Green, Al
Altmire	Clyburn	Green, Gene
Andrews	Coble	Griffith
Arcuri	Coffman (CO)	Grijalva
Austria	Cohen	Guthrie
Baca	Cole	Gutierrez
Bachmann	Conaway	Hall (NY)
Bachus	Connolly (VA)	Hall (TX)
Baird	Conyers	Halvorson
Baldwin	Cooper	Hare
Barrow	Costa	Harman
Bartlett	Costello	Harper
Barton (TX)	Crenshaw	Hastings (FL)
Bean	Crowley	Hastings (WA)
Becerra	Cuellar	Heinrich
Berkley	Culberson	Heller
Berman	Cummings	Hensarling
Berry	Dahlkemper	Herger
Biggert	Davis (CA)	Herseth Sandlin
Bilbray	Davis (IL)	Higgins
Bilirakis	Davis (KY)	Hill
Bishop (GA)	DeFazio	Himes
Bishop (NY)	DeGette	Hinchee
Bishop (UT)	Delahunt	Hinojosa
Blackburn	DeLauro	Hirono
Blumenauer	Dent	Hodes
Boccheri	Diaz-Balart, L.	Holden
Boehner	Diaz-Balart, M.	Holt
Bonner	Dingell	Honda
Bono Mack	Doggett	Hoyer
Boozman	Donnelly (IN)	Hunter
Boren	Doyle	Inglis
Boswell	Dreier	Inslee
Boucher	Driehaus	Israel
Boustany	Duncan	Issa
Boyd	Edwards (MD)	Jackson (IL)
Brady (PA)	Edwards (TX)	Jackson Lee
Brady (TX)	Ehlers	(TX)
Braley (IA)	Ellison	Jenkins
Bright	Ellsworth	Johnson (GA)
Broun (GA)	Emerson	Johnson (IL)
Brown (SC)	Engel	Johnson, E. B.
Brown, Corrine	Eshoo	Johnson, Sam
Brown-Waite,	Etheridge	Jones
Ginny	Fallin	Jordan (OH)
Buchanan	Farr	Kagen
Burgess	Fattah	Kanjorski
Burton (IN)	Filner	Kaptur
Butterfield	Flake	Kennedy
Calvert	Fleming	Kildee
Camp	Forbes	Kilroy
Campbell	Fortenberry	Kind
Cantor	Foster	King (IA)
Cao	Fox	King (NY)
Capito	Frank (MA)	Kingston
Capps	Franks (AZ)	Kirk
Capuano	Frelinghuysen	Kirkpatrick (AZ)
Cardoza	Fudge	Kissell
Carnahan	Gallely	Klein (FL)
Carney	Garamendi	Kline (MN)
Carson (IN)	Garrett (NJ)	Kosmas
Carter	Gerlach	Kratovil
Cassidy	Giffords	Kucinich
Castle	Gingrey (GA)	Lamborn
Castor (FL)	Gohmert	Lance
Chaffetz	Gonzalez	Langevin
Chandler	Goodlatte	Larsen (WA)

Larson (CT)	Nunes	Sensenbrenner
Latham	Nye	Serrano
LaTourette	Oberstar	Sessions
Latta	Obey	Sestak
Lee (CA)	Olson	Shea-Porter
Lee (NY)	Oliver	Sherman
Levin	Ortiz	Shimkus
Lewis (CA)	Owens	Shuler
Lewis (GA)	Pallone	Shuster
Linder	Pascrell	Simpson
Lipinski	Pastor (AZ)	Sires
LoBiondo	Paul	Skelton
Loeb	Paulsen	Slaughter
Lofgren, Zoe	Pence	Smith (NE)
Lowey	Perlmutter	Smith (NJ)
Lucas	Perriello	Smith (TX)
Luetkemeyer	Peters	Smith (WA)
Lujan	Peterson	Snyder
Lummis	Petri	Souder
Lungren, Daniel	Pingree (ME)	Space
E.	Pitts	Speier
Mack	Platts	Spratt
Maffei	Poe (TX)	Stark
Maloney	Polis (CO)	Stearns
Manzullo	Pomeroy	Stupak
Marchant	Posey	Sullivan
Markey (CO)	Price (GA)	Sutton
Markey (MA)	Price (NC)	Tanner
Marshall	Putnam	Taylor
Matheson	Quigley	Teague
Matsui	Radanovich	Terry
McCarthy (CA)	Rahall	Thompson (CA)
McCaul	Rangel	Thompson (MS)
McClintock	Rehberg	Thompson (PA)
McCollum	Reichert	Thornberry
McCotter	Reyes	Tiahrt
McDermott	Richardson	Tiberi
McGovern	Rodriguez	Tierney
McHenry	Roe (TN)	Titus
McIntyre	Rogers (AL)	Tonko
McKeon	Rogers (KY)	Towns
McMahon	Rogers (MI)	Tsongas
McMorris	Rohrabacher	Turner
Rodgers	Rooney	Upton
McNerney	Ros-Lehtinen	Van Hollen
Meek (FL)	Roskam	Velázquez
Meeks (NY)	Ross	Visclosky
Melancon	Rothman (NJ)	Walden
Mica	Roybal-Allard	Walz
Michaud	Royce	Wasserman
Miller (FL)	Ruppersberger	Schultz
Miller (MI)	Rush	Waters
Miller (NC)	Ryan (OH)	Watson
Miller, Gary	Ryan (WI)	Watt
Miller, George	Salazar	Waxman
Minnick	Sánchez, Linda	Weiner
Mitchell	T.	Welch
Mollohan	Sanchez, Loretta	Westmoreland
Moore (KS)	Sarbanes	Whitfield
Moore (WI)	Scalise	Wilson (OH)
Moran (KS)	Schakowsky	Wilson (SC)
Murphy (CT)	Schauer	Wittman
Murphy (NY)	Schiff	Wolf
Murphy, Patrick	Schmidt	Woolsey
Murphy, Tim	Schock	Wu
Myrick	Schrader	Yarmuth
Nadler (NY)	Schwartz	Young (AK)
Napolitano	Scott (GA)	Young (FL)
Neugebauer	Scott (VA)	

NOT VOTING—16

Barrett (SC)	Dicks	Neal (MA)
Blunt	Hoekstra	Payne
Buyer	Kilpatrick (MI)	Shadegg
Courtney	Lynch	Wamp
Davis (AL)	McCarthy (NY)	
Davis (TN)	Moran (VA)	

□ 1904

So (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

MOMENT OF SILENCE IN MEMORY OF THE LATE HONORABLE FRED HEINEMAN, FORMER MEMBER OF CONGRESS

(Mr. PRICE of North Carolina asked and was given permission to address the House for 1 minute.)

Mr. PRICE of North Carolina. Mr. Speaker, I rise to ask our colleagues to observe a moment of silence in memory of our former colleague, Representative Fred Heineman, who represented North Carolina's Fourth District in the 104th Congress. Fred passed away Saturday, March 20, at the age of 80.

Fred Heineman was first and foremost a man who sought to serve his country. He was a marine, a law enforcement professional, and a Member of Congress.

He started out as a beat cop in Harlem. During his 25-year career with the New York Police Department, he shut down organized crime, he rooted out police corruption, and he tried to keep young people away from drugs and crime by giving them positive alternatives to the streets.

In 1979, he came to Raleigh, North Carolina, to serve as the capital city's chief of police. Fred played a role in making that city what it is today, one of the best places to live and raise a family in our country. I worked with him while he served in that role and admired his commitment to the State that became his home.

In 1995, Fred came to this body, serving in the 104th Congress from 1995 to 1996. In the Halls of Congress, he eschewed the title of Congressman or Representative, preferring instead to be called, simply, "The Chief."

Over the last few days, I have heard his former colleagues on the police force and in this institution recount the ways he affected their lives. Fred's colleagues respected his expertise on issues of public safety and his strength of conviction. The nature of this institution, I firmly believe, is such that those who remain true to their convictions, who fight for what they believe in, leave it with pride in the service they have rendered.

Fred is survived by his wife, Linda, and six children. I wish to offer condolences to her and the rest of the family on behalf of my wife, Lisa, and me, and on behalf of colleagues in this body.

I would now like to yield to my colleague from North Carolina (Mr. COBLE), the dean of our delegation, for his thoughts.

Mr. COBLE. I thank the gentleman for yielding.

When Fred Heineman—and you've pretty well touched on it, DAVID, most of it—when Fred Heineman came to this people's House as a result of the 1994 election, I went to him one day and I said, what are your committees of choice? He said, well, I'm not sure. I said, why don't you select House Judiciary? He said, well, my legal background is not that formidable. I said,

your law enforcement background is formidable indeed. He said, well, I'm not sure I could be assigned to Judiciary.

I then went to leadership and told them about Fred Heineman. They perhaps knew him but didn't know the great details that David has just shared with us, and I said I think he would like to be on the Judiciary Committee. He was, in fact, assigned to the Judiciary Committee. Then my chairman of the Judiciary Committee asked me if I would introduce Fred to the Judiciary Committee during his first meeting as a member.

I went to Fred, and I said, Fred, I would like to introduce you as the former chief of police of the Raleigh, North Carolina, police department, but I would also like to introduce you as a cop. I said, would you be offended by that? He looked into my face, and he said very proudly, "That's who I am. I am a New York cop." And with those words, he told me that he valued his time on the Raleigh police force as chief very significantly, but he valued equally significantly his time as a New York cop.

I thank you, DAVID, for taking time to honor the memory of Fred Heineman and, as you said, we wish our best to Mrs. Heineman and the family.

Mr. PRICE of North Carolina. I thank my colleague and now, Mr. Speaker, I would like to request that our colleagues rise and honor Fred Heineman with a moment of silence.

The SPEAKER pro tempore. If Members will please rise, the House will observe a moment of silence.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Without objection, 5-minute voting will continue.

There was no objection.

VETERANS' COMPENSATION COST- OF-LIVING ADJUSTMENT ACT OF 2010

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill, H.R. 4667, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. FILNER) that the House suspend the rules and pass the bill, H.R. 4667.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 407, nays 0, not voting 22, as follows:

[Roll No. 171]

YEAS—407

Ackerman	Adler (NJ)	Alexander
Aderholt	Akin	Altmore

Andrews	Donnelly (IN)	Kissell	Petri	Sarbanes	Teague
Arcuri	Doyle	Klein (FL)	Pingree (ME)	Scalise	Terry
Austria	Dreier	Kline (MN)	Pitts	Schakowsky	Thompson (CA)
Baca	Drielehaus	Kosmas	Platts	Schauer	Thompson (MS)
Bachus	Duncan	Kratovil	Poe (TX)	Schiff	Thompson (PA)
Baird	Edwards (MD)	Kucinich	Polis (CO)	Schmidt	Thornberry
Baldwin	Edwards (TX)	Lamborn	Pomeroy	Schock	Tiahrt
Barrow	Ehlers	Lance	Posey	Schrader	Tiberi
Bartlett	Ellison	Langevin	Price (GA)	Schwartz	Tierney
Barton (TX)	Ellsworth	Larsen (WA)	Price (NC)	Scott (GA)	Titus
Bean	Emerson	Larson (CT)	Putnam	Scott (VA)	Tonko
Becerra	Engel	Latham	Quigley	Sensenbrenner	Towns
Berkley	Eshoo	LaTourette	Radanovich	Serrano	Tsongas
Berman	Etheridge	Latta	Rahall	Sessions	Turner
Berry	Farr	Lee (CA)	Rangel	Sestak	Upton
Biggert	Fattah	Lee (NY)	Rehberg	Shea-Porter	Van Hollen
Bilbray	Filner	Levin	Reichert	Sherman	Velázquez
Bilirakis	Flake	Lewis (CA)	Reyes	Shimkus	Visclosky
Bishop (UT)	Fleming	Lewis (GA)	Richardson	Shuler	Walden
Blackburn	Forbes	Linder	Rodriguez	Shuster	Walz
Blumenauer	Fortenberry	Lipinski	Roe (TN)	Simpson	Wasserman
Boccieri	Foster	LoBiondo	Rogers (AL)	Sires	Schultz
Boehner	Fox	Loeb	Rogers (KY)	Skelton	Waters
Bonner	Frank (MA)	Loeb	Rogers (MI)	Slaughter	Watson
Bono Mack	Franks (AZ)	Lofgren, Zoe	Rohrabacher	Smith (NE)	Watt
Boozman	Frelinghuysen	Lowey	Rooney	Smith (NJ)	Waxman
Boren	Fudge	Lucas	Ros-Lehtinen	Smith (TX)	Weiner
Boswell	Gallegly	Lujan	Roskam	Smith (WA)	Welch
Boucher	Garamendi	Lummis	Ross	Snyder	Westmoreland
Boustany	Garrett (NJ)	Lungren, Daniel	Rothman (NJ)	Souder	Whitfield
Boyd	Gerlach	E.	Roybal-Allard	Space	Wilson (OH)
Brady (PA)	Giffords	Mack	Royce	Speier	Wilson (SC)
Brady (TX)	Gingrey (GA)	Maffei	Ruppersberger	Spratt	Wittman
Braley (IA)	Gohmert	Maloney	Rush	Stark	Wolf
Bright	Gonzalez	Manzullo	Ryan (OH)	Stearns	Woolsey
Broun (GA)	Goodlatte	Marchant	Ryan (WI)	Stupak	Wu
Brown (SC)	Gordon (TN)	Markey (CO)	Salazar	Sullivan	Yarmuth
Brown, Corrine	Granger	Markey (MA)	Sánchez, Linda	Sutton	Young (AK)
Brown-Waite,	Graves	Marshall	T.	Tanner	Young (FL)
Ginny	Grayson	Matheson	Sanchez, Loretta	Taylor	
Buchanan	Green, Al	Matsui			
Burgess	Green, Gene	McCarthy (CA)			
Burton (IN)	Griffith	McCauley			
Butterfield	Grijalva	McClintock			
Calvert	Guthrie	McCollum			
Camp	Gutierrez	McCotter			
Campbell	Hall (NY)	McDermott			
Cantor	Hall (TX)	McGovern			
Cao	Halvorson	McHenry			
Capito	Hare	McIntyre			
Capps	Harman	McKeon			
Capuano	Harper	McMahon			
Cardoza	Hastings (FL)	McMorris			
Carnahan	Hastings (WA)	Rodgers			
Carney	Heinrich	McNerney			
Carson (IN)	Heller	Meek (FL)			
Carter	Hensarling	Meeks (NY)			
Cassidy	Herger	Melancon			
Castle	Hereth Sandlin	Mica			
Castor (FL)	Higgins	Michaud			
Chaffetz	Hill	Miller (FL)			
Childers	Himes	Miller (MI)			
Chu	Hinche	Miller (NC)			
Clarke	Hinojosa	Miller, Gary			
Clay	Hirono	Miller, George			
Cleaver	Hodes	Minnick			
Clyburn	Holden	Mitchell			
Coble	Holt	Mollohan			
Coffman (CO)	Honda	Moore (KS)			
Cohen	Hoyer	Moore (WI)			
Cole	Hunter	Moran (KS)			
Conaway	Inglis	Murphy (CT)			
Connolly (VA)	Inslee	Murphy (NY)			
Conyers	Israel	Murphy, Patrick			
Cooper	Issa	Murphy, Tim			
Costa	Jackson (IL)	Myrick			
Costello	Jackson Lee	Nadler (NY)			
Courtney	(TX)	Napolitano			
Crenshaw	Jenkins	Neugebauer			
Crowley	Johnson (GA)	Nunes			
Cuellar	Johnson (IL)	Nye			
Culberson	Johnson, E. B.	Oberstar			
Cummings	Jones	Obey			
Dahlkemper	Jordan (OH)	Olver			
Davis (CA)	Kagen	Ortiz			
Davis (IL)	Kanjorski	Owens			
Davis (KY)	Kaptur	Pallone			
DeFazio	Kennedy	Pascarella			
DeGette	Kildee	Pastor (AZ)			
DeLauro	Kilroy	Paul			
Dent	Kind	Paulsen			
Diaz-Balart, L.	King (IA)	Pence			
Diaz-Balart, M.	King (NY)	Perlmutter			
Dingell	Kingston	Perriello			
Doggett	Kirk	Peters			
	Kirkpatrick (AZ)	Peterson			

Petri	Sarbanes	Teague
Pingree (ME)	Scalise	Terry
Pitts	Schakowsky	Thompson (CA)
Platts	Schauer	Thompson (MS)
Poe (TX)	Schiff	Thompson (PA)
Polis (CO)	Schmidt	Thornberry
Pomeroy	Schock	Tiahrt
Posey	Schrader	Tiberi
Price (GA)	Schwartz	Tierney
Price (NC)	Scott (GA)	Titus
Putnam	Scott (VA)	Tonko
Quigley	Sensenbrenner	Towns
Radanovich	Serrano	Tsongas
Rahall	Sessions	Turner
Rangel	Sestak	Upton
Rehberg	Shea-Porter	Van Hollen
Reichert	Sherman	Velázquez
Reyes	Shimkus	Visclosky
Richardson	Shuler	Walden
Rodriguez	Shuster	Walz
Roe (TN)	Simpson	Wasserman
Rogers (AL)	Sires	Schultz
Rogers (KY)	Skelton	Waters
Rogers (MI)	Slaughter	Watson
Rohrabacher	Smith (NE)	Watt
Rooney	Smith (NJ)	Waxman
Ros-Lehtinen	Smith (TX)	Weiner
Roskam	Smith (WA)	Welch
Ross	Snyder	Westmoreland
Rothman (NJ)	Souder	Whitfield
Roybal-Allard	Space	Wilson (OH)
Royce	Speier	Wilson (SC)
Ruppersberger	Spratt	Wittman
Rush	Stark	Wolf
Ryan (OH)	Stearns	Woolsey
Ryan (WI)	Stupak	Wu
Salazar	Sullivan	Yarmuth
Sánchez, Linda	Sutton	Young (AK)
T.	Tanner	Young (FL)
Sanchez, Loretta	Taylor	

NOT VOTING—22

Bachmann	Davis (TN)	Moran (VA)
Barrett (SC)	Dicks	Neal (MA)
Bishop (GA)	Fallin	Olson
Bishop (NY)	Hoekstra	Payne
Blunt	Johnson, Sam	Shadegg
Buyer	Kilpatrick (MI)	Wamp
Chandler	Lynch	
Davis (AL)	McCarthy (NY)	

□ 1919

So (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Ms. FALLIN. Mr. Speaker, on rollcall No. 171, I was unexpectedly detained. Had I been present, I would have voted "yea."

PERSONAL EXPLANATION

Ms. KILPATRICK of Michigan. Mr. Speaker, I was unable to attend several votes today. Had I been present, I would have voted "aye" on final passage of H.R. 4810 and "aye" on final passage of H.R. 4667.

COMMEMORATING RETIREMENT OF DETROIT RADIO PERSON- ALITY DICK PURTAN

(Mr. McCOTTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. McCOTTER. Mr. Speaker, I rise today to commemorate the retirement of WOMC-FM radio host, Mr. Dick Purtan, after 45 years on the air in Detroit.

During his career, Mr. Purtan has become a beloved Detroit institution and

recognized radio personality nationwide. For his work at WOMC-FM, Mr. Dick Purtan has been inducted into the Michigan Broadcasters Hall of Fame, the National Radio Hall of Fame, and won the Marconi award for being the Nation's top radio personality.

Mr. Speaker, Mr. Dick Purtan will be remembered for his award winning personality and as a philanthropist and friend to Metro Detroit. As we celebrate his retirement, I ask my colleagues to join me in recognizing his many achievements and honoring the contributions he made to our community and country.

CONGRATULATING UNIVERSITY OF ARKANSAS AT PINE BLUFF

(Mr. DAVIS of Illinois asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DAVIS of Illinois. Mr. Speaker, I rise to express congratulations to the small liberal arts college that I attended that started with seven students when it began, a historically black college, in Pine Bluff, Arkansas.

Of course on Friday evening, they played Duke University. It was a major accomplishment for their athletic department. They didn't win, they didn't place, but they did show; and I congratulate them for a tremendous effort.

CONGRATULATING THE 2010 EDINA BOYS HOCKEY TEAM

(Mr. PAULSEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PAULSEN. Mr. Speaker, I rise tonight to congratulate the Edina High School boys' hockey team on their recent Minnesota Class 2-A State championship title. In a highly anticipated championship game, Edina beat a very strong Minnetonka team to clinch their seventh State hockey title.

After jumping out to a 4-0 lead after the first two periods, the Hornets had to hold off a strong third-period charge from Minnetonka before finishing with an impressive 4-2 victory. The win was a total team effort, with four different players scoring goals and the Hornet defense and goaltending protecting the lead until the final horn sounded.

Edina was led by a great coaching staff and, more importantly, was supported by a large contingent of students, faculty, parents, friends and family throughout the tournament. To each of them, as well as every member of the championship team, I want to offer my congratulations.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of Jan-

uary 6, 2009, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

CONGRATULATING THE SAIPAN SOUTHERN HIGH SCHOOL MANTA RAY CONCERT BAND

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from the Northern Mariana Islands (Mr. SABLAN) is recognized for 5 minutes.

Mr. SABLAN. Mr. Speaker, when we open our hearts to our young people—give generously our support and encouragement—those young people consistently exceed our expectation.

Let me tell you of the story of a dedicated group of students from a tiny island in the western Pacific Ocean, and the teachers who supported and encouraged them. Because on April 20, those students, the Saipan Southern High School Manta Ray Concert Band, exceeding any reasonable expectation, will be performing at one of America's premier musical venues: Carnegie Hall in New York City.

Saipan Southern High School opened just a few years ago, in 2002. Southern was a beautiful new facility, but it needed to be filled with life and with heart. The new students and new teachers quickly adopted the motto "un eskuela, un korason"—one school, one heart—and began to bring their school to life.

One of the new teachers was William DeWitt. Mr. DeWitt is a wonderful musician himself and his new Saipan Southern music and band students were enthusiastic to learn. But few had any musical training. Yet within a few months of opening, Saipan Southern enjoyed the first performance of its very own band, the Manta Ray Concert Band, and quickly "un eskuela, un korason" became more than just a motto because the musical rhythms of the Manta Rays became the heartbeat of Saipan Southern.

The band performed at pep rallies, sports competitions, for the PTA, at graduation. It seemed whenever Saipan Southern had an event, the beat of the Manta Rays provided the musical backdrop. By 2005, the Manta Ray Concert Band had reached a level of proficiency that allowed them to take on the complex Latin rhythms and jazzy dissonances of West Side Story for a production at Saipan Southern.

And their reach extended beyond their school, as they began performing—and entertaining—for the annual Taste of the Marianas festival, Northern Marianas College Charter Day, the Western Pacific Judicial Council Conference, and many other community events. How that heartbeat grew stronger.

In 2008 and again in 2009, the Manta Ray Concert Band captured First Place Gold awards at the Tumon Bay Inter-

national Music Festival in Guam. Student members of the Manta Ray Concert Band joined the Official Youth Orchestra at the 2008 Summer Olympics and performed in Beijing, China.

Today, the Saipan Southern High School band program has grown to more than 150 aspiring student musicians. The Manta Ray Concert Band has studied under guest conductors from Guam and Japan. They have played for dramatic productions of *My Fair Lady*, *A Winter's Tale*, and *It's a Wonderful Life*. They host their own concerts and perform at others as well. The Manta Ray Concert Band typically presents more than 20 performances annually.

Throughout their exemplary rise, these young musicians and their teachers have struggled with lack of finances, with lack of instruments, with the difficulties of travel for a band of students of various ethnicities and citizenship. But they have not lost heart. Nor have they forgotten that music can fill the hearts of others. When a security guard was brutally murdered at a sister school, the Manta Rays played to raise funds for the grieving family. After a shooting rampage left four dead on the island of Saipan, the Manta Rays raised spirits and funds for those in mourning.

The Manta Ray Concert Band certainly deserves recognition. But they won their most recent distinction solely by virtue of the quality of their music. Still under the dedicated direction of William DeWitt, they auditioned for the right to play at this year's New York International Music Festival at Carnegie Hall. And on April 20, with some of the most accomplished high school and college bands, the Manta Rays will fill the storied venue with their heartbeat.

As usual, they will not be playing for themselves but for others. The band is dedicating its Carnegie performance to Peter Le'au, the first principal of Saipan Southern High School, who, as the Manta Rays' program notes, "is courageously fighting to recover from a recent illness."

Mr. Speaker, I hereby submit this tribute to the Saipan Southern High School Manta Ray Concert Band, along with individual names of each band member performing at Carnegie Hall as well as of their esteemed band director and school principal, for publication in the CONGRESSIONAL RECORD. They are:

Eun Joung Ahn, tenor saxophone
Ken Alvarado, trumpet
Naomi Cabrera, percussion
Scott Cabrera, trumpet
James Camacho, clarinet
Crista Ching, trombone
Joe Ray Dela Cruz, tuba
Anna Rose Deleon Guerrero, percussion/lo-gistician
Mereylen Denora, trumpet
Pedro Duenias, alto saxophone
Kevin Fejeran, baritone
Rodolfo Guiao, Jr., baritone saxophone
Jun Yeop Han, tenor saxophone

Hyun Rock Jang, horn
 Joseph Jang, percussion
 Chan Young Kang, percussion
 Haneul Kim, flute
 Il Ho (Ted) Kim, trombone
 Shin Hye Kwon, flute
 John Craig Lamberto, clarinet
 Bo Mi Lee, flute
 Ji Won (Rebekah) Lee, flute
 Trini Macduff, flute
 Leagine Mendiola, clarinet
 Genevieve Ngiraibuuuch, clarinet
 Fumi Nimura, clarinet
 Momoko Nishikido, trumpet
 Maria-Thesaray Omar, flute
 David Paek, trombone
 Albert Palacios, alto saxophone
 Jaynine Parico, percussion
 John Park, clarinet
 Joshua Roberto, trumpet
 Joshua Sablan, horn
 Roseanna Sablan, percussion
 Elejohn Solomon, clarinet
 Min Jung Song, clarinet
 So Jung Song, alto saxophone
 Jonellie Torres, percussion
 Donovan Tudela, bass clarinet
 Krysthian Villanueva, alto saxophone
 William DeWitt, Teacher
 Craig Garrison, School Principal

□ 1930

BORDER SECURITY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. POE) is recognized for 5 minutes.

Mr. POE of Texas. Thank you, Mr. Speaker.

Once again, there's a new push for an amnesty bill to pass this Congress. Yesterday, tens of thousands of people marched in Washington, D.C., wanting amnesty. And it was interesting. As I looked over this very peaceful crowd and all those people marching, I wondered why there were no American flags.

In any event, amnesty is not the answer. Even the talk of amnesty causes a flood of people to come across our southern border. Amnesty is no answer to the problem because the problem is the lack of border security. The violence is already out of control in the border region. Thousands more people illegally crossing the border will make an already dangerous situation a much worse disaster, so we have to start with the basics.

First, we must secure the border. We must start with securing the border from the criminal enterprises, including the drug cartels. Just over a week ago, an American consulate employee and his wife were murdered in Juarez, Mexico. Lesley Enriquez, 35, and her husband, Arthur Redelfs, 34, were murdered in a drive-by shooting near the Santa Fe Bridge. The husband of another U.S. consulate employee was also gunned down on the Mexican side of the border.

Murders and kidnappings have caused the closing of the U.S. Embassy in Reynosa until further notice. The U.S. State Department is now rushing to re-

locate consulate employees in Juarez, Tijuana, Nogales, Nuevo Laredo, Monterrey, and Matamoros, all because of the violence on the border and the kidnappings. Shoot-outs in the streets have killed thousands of people, mostly Mexican nationals.

The drug cartels are fighting each other and fighting law enforcement for control over the lucrative drug routes into the United States. Good people from both sides of the border are being placed in harm's way by these murderous thugs. Even an armed Mexican military helicopter intruded into the United States airspace in Zapata County, Texas. The intentions of this incursion are still unknown.

Over a year ago, Texas Governor Rick Perry asked Homeland Security Secretary Janet Napolitano for a thousand troops at the border to help with the increasing violence and to prevent the drug cartels from entering the United States. The Governor has asked for more Predator drones for increased surveillance. He was trying to head off this escalation of violence that has occurred recently. The help he requested has never come, and the Governor's request for more troops and drones at the border has been ignored for over a year.

In response to the murders of these Americans, Governor Perry again eventually asked for help. He asked for surveillance planes and a thousand fresh troops at the Texas border with Mexico to help stem the violence. Secretary Napolitano said she would "look at" the request, but she thinks there's already enough troops on the border. So Governor Perry has decided he can't wait around on the Federal Government, even though it's the Federal Government's responsibility to secure our borders. He's ordered Texas National Guard helicopters to the border to support law enforcement that is on the border already. They're trying to fight the border violence spillover into the United States.

Texas military forces have requested and obtained OH-58 Kiowa and UH-72 Lakota helicopters to be used to fly up and down the Texas-Mexico border along the Rio Grande River from Brownsville to El Paso, Texas. Of course, their number and exact location will not be disclosed for security purposes.

I've had the opportunity to be on the Texas-Mexico border with our Texas Air National Guard and fly up and down that region to see firsthand the problem of the incursions into the United States, all because the border is not secure. I would hope our Federal Government would support the Governor's actions.

The Federal Government should actually do something to stop the violence and secure the border. It is the first responsibility of government to protect the people, and that includes the people who live along other inter-

national borders. We should send more troops. The violence is getting worse every day. Our border sheriffs and law enforcement are outmanned, outfinanced, and they're outgunned, but they're doing everything they can to protect the citizens along the Texas-Mexico border from the violent drug cartels that have come into the United States.

Every single county and city and town along the border needs help in the border war. It is irresponsible to leave these people defenseless. Once again, it affects good people on both sides of the border, Mexicans and Americans as well.

Cartels are waging war on our border. People are not only sneaking across into the United States, they're shooting their way into our country. The violence is exploding into America's border communities. So it's time to put an end to this madness, send sufficient troops to the border, and uphold the national responsibility to protect the citizens of this United States.

And that's just the way it is.

WATERLOO

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Washington (Mr. McDERMOTT) is recognized for 5 minutes.

Mr. McDERMOTT. As the dust settles, Mr. Speaker, on the Capitol today, I read an article called "Waterloo," by President George W. Bush's speech writer, David Frum. I think it sums up nicely what we've just witnessed, and I wanted to share some excerpts with you.

He began, Conservatives and Republicans today suffered their most crushing legislative defeat since the 1960s. It's hard to exaggerate the magnitude of the disaster. Conservatives may cheer themselves that they'll compensate for today's expected vote with a big win in the November 2010 elections, but, first, it's a good bet that conservatives are overly optimistic about November—by then, the economy will have improved and immediate goodies in the health care bill will be reaching key voting blocs. Second, so what? Legislative majorities come and go. The health care bill is forever.

Now comes the hard lesson: A huge part of the blame for today's disaster attaches to conservatives and Republicans themselves.

At the beginning of this process, he says, we made a strategic decision. Unlike, say, Democrats in 2001, when President Bush proposed his first tax cut, we would make no deal with the administration. No negotiations, no compromise, nothing. We were going for all the marbles. This would be Obama's Waterloo, just like it was for Clinton in 1994.

The hard-liners overlooked a few key facts: Obama was elected by 53 percent

of the vote, not Clinton's 42 percent; the liberal bloc within the Democratic congressional caucus is bigger and stronger than it was in 1993–1994; and, of course, the Democrats also remember their history and also remember the consequences of the failure of 1994.

This time, when we went for all the marbles, we ended up with none.

No illusions, please. This bill will not be repealed. Even if Republicans scored a 1994-style landslide in November, how many votes could they muster to reopen the doughnut hole and charge seniors more for prescription drugs? How many votes to re-allow insurers to rescind policies when they discover a pre-existing condition? How many votes to banish 25-year-olds from their parents' insurance coverage? And even if the votes were there, would President Obama sign such a repeal?

We followed the most radical voices in the party and the movement, he says, and they led us to abject and irreversible defeat. They were leaders who knew better, would have liked to deal, but they were trapped. Conservative talkers on Fox and talk radio whipped the Republican voting base into such a frenzy that dealmaking was rendered impossible. How do you negotiate with somebody who wants to murder your grandmother or, to be more exact, with someone whom your voters have been persuaded to believe wants to murder your grandmother?

I've been on a soapbox for months, he says, now about the harm that our overheated talk is doing to us. Yes, it mobilizes supporters, but by mobilizing them with hysterical accusations and pseudo-information, overheated talk has made it impossible for Representatives to represent and elected leaders to lead. The real leaders are on TV and radio. They have very different imperatives from people in government.

Talk radio thrives on confrontation and recrimination. When Rush Limbaugh said he wanted President Obama to fail, he was intelligently explaining his own interests. What he omitted to say, but what is equally true, is that he also wanted Republicans to fail. If Republicans were to succeed—if they governed successfully in office and negotiated attractive compromises out of office—Rush's listeners would get less angry. If they're less angry, they listen to the radio less and hear fewer adds about Sleep Number beds.

So today's defeat for free-market economics and Republican values is a huge win for the conservative entertainment industry. Their listeners and viewers will now be even more enraged, even more frustrated, even more disappointed in everybody except the responsibility-free talkers on radio and television. For them, it's a mission accomplished. For the cause they purport to represent, it's Waterloo—ours.

This is a very good self-reflective view of what happened yesterday.

SITUATION IN AFGHANISTAN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. JONES) is recognized for 5 minutes.

Mr. JONES. Today, I was going through some of the newspapers on the Internet and I found a very interesting article that I wanted to bring to the floor. This was Newsweek, March 19, 2010, and the title is, "The Gang That Could Not Shoot Straight."

Six billion dollars later, the Afghan national police cannot begin to do their jobs right, never mind relieve American forces. I'm going to repeat that. Six billion dollars later, the Afghan national police cannot begin to do their jobs right, never mind relieve American forces.

Mr. Speaker, this is a rather long article, but I just want to read part tonight and I will read some tomorrow night, because I think about the men and women in uniform—God bless them all—over in Afghanistan and Iraq. I think about the situation they're in. I'm not an expert on history, but I know enough about history to know that any nation that ever tried to conquer Afghanistan never did. They basically failed.

From this article: America has spent more than \$6 billion since 2002 in an effort to create an effective Afghan police force—buying weapons, building police academies, and hiring defense contractors to train the recruits—but the program has been a disaster. More than \$332 million worth of invoices for police training were approved, even though the funds were poorly accounted for according to a government audit, and fewer than 12 percent of the country's police units are capable of operating on their own.

Let me repeat that. More than \$332 million worth of invoices for police training were approved, even though the funds were poorly accounted for according to a government audit, and fewer than 12 percent of the country's police units are capable of operating on their own.

Ambassador Richard Holbrooke, the State Department's top representative in the region, has publicly called the Afghan police an inadequate organization riddled with corruption. I'm going to also repeat that, Mr. Speaker. Ambassador Richard Holbrooke, the State Department's top representative in the region, has called the Afghan police an inadequate organization riddled with corruption.

During the Obama administration's review of Afghan policy last year, this issue received more attention than any other except for the question of U.S. troop levels, Holbrooke told Newsweek. We drilled down deep into this. The worst of it is that the police are central to Washington's plans for getting out of Afghanistan.

□ 1945

Mr. Speaker, I will again tomorrow night read another portion of this article. What it is saying—and what we in Congress need to keep in mind, we can't even fix the streets in my home town in eastern North Carolina, yet we're spending billions and billions and billions and billion of dollars in a country that at best is living in the 16th century.

We've debated health care this week-end. We have other issues we'll be debating. And even though these issues are very important to the American people, how in the world can we keep wearing out our troops overseas, spending billions and billions of dollars that we can't even spend here in America?

So, Mr. Speaker, as I do every night because my heart aches for the military and those who have lost their lives, the families, I will ask God to please bless our men and women in uniform. I will ask God to please bless the families of our men and women in uniform. I will ask God in His loving arms to hold the families who have given a child dying for freedom in Afghanistan and Iraq, and I will ask God to please bless the House and Senate that we will do what is right in the eyes of God.

I will ask God to give strength, wisdom and courage to President Obama that he will do what is right in the eyes of God. And three times I will say, God, please, God, please, God, please, continue to bless America.

HONORING CAPTAIN TEJDEEP SINGH RATTAN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mrs. MALONEY) is recognized for 5 minutes.

Mrs. MALONEY. Mr. Speaker, I rise to recognize and honor one of my constituents, Captain Tejdeep Singh Rattan, for graduation today from the U.S. Army's Officer Basic Leader Course. Captain Rattan was recruited and commissioned by the U.S. Army in 2006 as part of the health professionals scholarship program. After completing his final year of dental work, he joined the U.S. Army Officer Basic Leader Course.

Before joining the Officer Basic Leader Course, Captain Rattan contacted me to indicate his strong desire to continue serving the Nation he loves as a U.S. Army dentist while abiding by his Sikh articles of faith. These articles of faith include wearing a Sikh turban and maintaining uncut hair, including a beard. At the time of his recruitment, he was assured by Army recruiters that his articles of faith would be accommodated, only to later be informed that he must abandon his Sikh articles of faith in order to continue his duties as a United States Army officer.

After learning of his case, I led a number of my House and Senate colleagues in sending letters to Secretary

Gates, requesting that the accommodations be made for Captain Rattan and all other Sikh Americans who wish to serve. Thanks in part to our efforts, Captain Rattan's accommodation request was granted. I am grateful to Secretary Gates and then-Secretary of the Army Pete Geren for reviewing and ultimately granting the accommodation. They have both shown tremendous foresight in recognizing that our Nation's 21st-century fighting force should incorporate all aspects of American society.

Sikhs fought bravely in defense of our Nation in both World Wars, the Korean War and the Vietnam War. At present, Sikhs serve in the militaries of Great Britain, Canada and India, among others, and as United States peacekeepers, often working closely with American troops in troubled regions.

Throughout our Nation's history, the military has succeeded in training individuals from diverse backgrounds and communities to achieve one unifying goal, to protect and defend the United States. By denying Sikh officers the ability to appropriately practice their religion while serving, the Army denies itself access to the important talents and abilities of these individuals who are willing to fight and die for our Nation.

No American should have to choose between his religion and service to our country. At a time when this country is fighting two wars overseas, we can ill afford to turn away skilled, accomplished and patriotic young Americans like Captain Rattan who wish to serve. Captain Rattan's achievement today underscores the importance of preserving diversity in our Armed Forces. It is a testament to one of the most fundamental values, freedom of religion upon which our Nation was founded and which makes the United States a beacon of hope and liberty throughout the world. I wholeheartedly congratulate him on this very important occasion.

STATES' RIGHTS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. GOHMERT) is recognized for 5 minutes.

Mr. GOHMERT. Mr. Speaker, you know, we have seen for some time the Federal Government, since 1913, usurping States' rights. This Federal Government, this Congress, the House and Senate with the complicity of both Republican and Democratic Presidents, sending to the States unfunded mandates demanding that they come up with millions and billions of dollars that they didn't have, just out of the blue. We've now come up with one that many States believe will bankrupt them.

How did we get here? Well, in 1913 the constitutionally sanctioned process of

electing Senators was changed by the 17th Amendment. That was put in the Constitution after great debate, and what it required was that the State legislatures, the States select—not the overall population of the State—but the State legislatures would select the U.S. Senators. That was a check and balance on the Federal Government's usurpation of States' rights because if any U.S. Senator came up here and voted such an unfunded mandate upon the State, he was going to quickly be recalled, as has happened before.

But the appeal—and I don't know how I would have voted on the 17th Amendment because it sounds so good. You know what, we ought to let all the people in the State elect our U.S. Senator. And once that was done, once that amendment was passed, there was no further check on States' rights and the protections afforded in the 9th and 10th Amendments that reserved all power not specifically enumerated, as it says here, in the 10th Amendment: "The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people."

Both Republicans and Democrats have violated that concept. And what could the States do about it? After 1913, they had no power to do anything about it. They didn't have an Army as big as the United States, and we didn't want secession again. We didn't want another civil war. It should be done legislatively and diplomatically and within legislative bodies, however they were called, and within the framework of the U.S. Constitution.

Well, the Constitution, when it was drafted, addressed that point, and it's very clear. And perhaps it took a government to run away, as one State representative or Governor said, The mother of all unfunded mandates. The States—there are 39 of them that have so far said, We're not going to take this anymore. We're going to do something, whether it's going to be legislative, litigation, whatever. We're going to stop this. But the truth is, it may take years to get through the courts to the Supreme Court. It may take years.

So here's the solution: it was in the Constitution all along. It's called article V of the United States Constitution. Now we know that article V has been used many times by this first line, "The Congress, whenever two-thirds of both Houses shall deem it necessary"—we know that's been used many times. The House and Senate agree we need an amendment, and so they call for the amendment to be produced. But something—I haven't been able to find it. It's been done before, but it can be. It's there. But here it is: "Or, on the Application of the Legislatures of two-thirds of the several States shall"—it means Congress shall, Congress shall, that it's not any choice that Congress has.

If two-thirds of the States apply and say, We want a convention—not a Constitutional Convention because this can be restricted by the Congress—but an amendment—one amendment would be all that was necessary to return a check and balance on the Federal Government, give the States what the 9th and 10th Amendments reserved to them. Two-thirds of the States make application, Congress shall call in a convention for proposing amendments—not rewriting the Constitution. And this is a procedural issue that the Supreme Court has always said, with regard to procedural issues, That's political. It's procedural. Congress, you do it however you want to. We're not touching that. We're not going to issue a decision. That's what this should be. This is how we return control and some sense of order to the States.

HEALTH CARE: THE CRISIS OF CONSENT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. McCOTTER) is recognized for 5 minutes.

Mr. McCOTTER. So this is what change looks like. If he were here, Mr. Speaker, in this time of momentous national distress, I would remind the President of the United States that he is not the leader of a party or an ideology. He is the leader of our country, one founded not to emulate others but to inspire the world.

As families lose their jobs, their homes and their dreams for their children, as our troops fight and sacrifice in foreign fields for our liberty and security, President Obama's obsessive-compulsive pursuit of an abominable government takeover of health care has defied the public's objections, despoiled this, the people's House, and further alienated Americans from their representative government.

As President Obama's campaign mantra of "hope and change" has degenerated into tax and hate, reputable surveys prior to this vote report: the public overwhelmingly thinks that the U.S. Government is broken; only 21 percent of the public thinks it is being governed with its consent; only 26 percent of the public trusts the Federal Government most of the time or always; 56 percent of Americans think the Federal Government has become so large and powerful that it poses an immediate threat to the rights and freedom of ordinary citizens; 70 percent believe the government and big business typically work together in ways that hurt consumers and investors; and 71 percent of Americans think the Federal Government is a special interest.

In the wake of this health care debate's despicable dysfunctional process and product, it is clear the most dangerous special interest is Big Government and President Obama is its lobbyist. In contrast to Americans' faith

in themselves, every major piece of legislation proffered by the President and his Democratic Congress expands and empowers Big Government at the expense of the people. Possessed of a smug, cynical, patronizing view of Americans as dependents desiring State benefits, this arrogant administration and its enablers have defied the American people and bipartisan opposition in Congress to unilaterally jam through a trillion-dollar government takeover of health care.

Why? For so many Americans, the answer is that this President and his Democratic Congress think they are smarter than you, want to run your life, and want to make government your ruler, not your servant. Such hubris threatens not only our health care system, it tears the social fabric and political contract of our Nation. Instead of working for a more perfect Union, the President's ideological obstinacy exacerbated the disorder and divisions within our Nation and wrought a crisis of consent—one that puts America's exceptional experiment in human freedom and self-government on the precipice of implosion.

To do so, the President has the power, but not the right. Thus he has merely scored a Pyrrhic victory over the American people. Ultimately, his government-run medicine scheme will be repealed and replaced with free-market, patient-centered wellness, because America's strength and salvation remains her free people, not a person.

And this November, America's sovereign citizens will remind the President and his Democratic Congress that We the People do not work for government; the government works for us. No, the President and his Democratic Congress will not break us beneath Big Government. Devoted to our freedom and a more perfect Union, we will keep the faith, trust the public, calm the times, and heal our country.

□ 2000

HEALTH CARE REFORM

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) is recognized for 60 minutes as the designee of the majority leader.

Mrs. CHRISTENSEN. Mr. Speaker, it is my honor this evening to anchor an hour for the Congressional Black Caucus on health care reform. I have several of my colleagues here to join me. Interestingly enough, three are from three of the relevant committees that put the bill together in the House.

When I left my private practice of 21 years, I promised my patients that I would continue to do everything I could to ensure that they got the health care they needed, even though I was leaving the practice. Too many

were uninsured. Too many had several chronic diseases. Too many could not afford even 1 month's supply of medicine. And our low-capped Medicaid funding was of very little help.

Last night our Democratic leadership and my Democratic colleagues helped me make good on that promise. Because of the landmark legislation that we passed last night, the most momentous piece of legislation since Social Security, Medicare and the civil rights bills, not only my constituents but all Americans will have access to affordable, quality, and comprehensive health care. And African Americans and other minorities will benefit because of the provisions that are included to reduce the disparities that Surgeon General Heckler called an affront to American ideals and to the genius of American medicine.

So tonight some of my colleagues will help to explain the many benefits of the bill we passed last evening and the way that our communities will be able to be helped by the legislation.

I would like to first call on the gentleman from North Carolina (Mr. BUTTERFIELD) a member of the Energy and Commerce Committee and the Health Subcommittee who played a very important role in developing the bill as it went through Energy and Commerce.

Mr. BUTTERFIELD. Let me thank the gentlewoman for yielding me this time, and thank her for all of her good work on the legislation. For the past 12 to 14 months, I have watched you as you have worked tirelessly to get a finished product that we can all be proud of. And so I want to thank you on behalf of the 600,000 people that I represent in the First Congressional District of North Carolina.

Mr. Speaker, every President in this country for the past 50 years or more has tried to reform health care. Unfortunately, all of them have failed, both Democrat and Republican. We have a health care system in this country that is in serious need of reforming. And President Barack Obama, during the Presidential campaign of 2008, campaigned on the platform that if elected, he would bring health care reform to the American people and for the American people. It was a hotly contested campaign, as we can all remember, but he was victorious because the American people had confidence that President Obama had the ability and the vision to bring people together to enact this worthwhile legislation and to do other great things for our country.

Well, we started the 111th Congress, and President Obama told us from day one that he was ready to deliver on the promise that he made to the American people. And so we in the Energy and Commerce Committee and Congresswoman CHRISTENSEN and many of us worked very hard to put together a good, strong piece of legislation. But I

can tell you that we would not have enacted this bill last night without the courageous, visionary leadership of President Barack Obama.

In the Energy and Commerce Committee, we worked very hard to craft legislation that we were very proud of. At the same time as we were doing our work, the United States Senate was also crafting a piece of legislation and they completed their work on Christmas Eve, as we all remember. Well, what the American people may not fully understand is that in this body, before we can have a piece of legislation delivered to the President's desk, both the House and the Senate must agree. And so during the Christmas holidays, the Democratic leadership from both Chambers worked very hard to try to reconcile the differences between these two bills.

The unfortunate thing, Mr. Speaker, and Mrs. CHRISTENSEN, is we had no participation, no help whatsoever from our Republican friends on the other side of the aisle. When I say we had no help at all, we actually had none. The fact of the matter is that out of the 178 Republicans who serve in the House of Representatives, not a single one worked with us on this legislation. We tried unsuccessfully on many occasions to try to include Republicans in our deliberations, but there was apparently a strategic decision, a political decision on their part to not participate.

Over on the other side of the Capitol, the same thing happened in the United States Senate. Out of the 40 Republicans who serve in the Senate, not a single one worked with us. And so it was Democrats who had to try to get this legislation shaped and to get it ready for passage. And so during the Christmas holidays, the Democratic leadership worked very hard. They worked through Christmas Eve and New Year's Eve and all through the holidays to try to reconcile their differences. And finally toward the end of the holiday season, there was a compromise between the Chambers and we reached a decision on this legislation.

The problem was that we lost a seat in the United States Senate. Due to the unfortunate passing of our hero, Senator Edward Kennedy from the Commonwealth of Massachusetts, we lost a Democratic seat in the United States Senate. Senator Kennedy's replacement was not from the Democratic Party. We found ourselves with less than the supermajority that is required in the United States Senate.

So President Obama called the leadership together many times, and we decided that we would go forward, notwithstanding the fact that we had a setback, that we would go forward and that this House of Representatives would take up and pass the Senate-passed bill, and that is important. That is a point that I want to make tonight. The bill that we passed last night was

parliamentarily correct. It conformed with all of the rules of the House and the Senate. The bill that we passed last night was the identical bill that the United States Senate passed on Christmas Eve with 60 votes. We passed that bill last night in the House with 219 votes in favor of passage. We only needed 216 votes to get it done. Today the bill is on the President's desk, and we will go down to the White House tomorrow morning for the signing of the Senate bill that was passed by the House of Representatives.

Now here is the problem that we have. The Senate bill that we passed has some shortcomings. It has some areas that need improving, and so the President has worked with the leadership here in the Congress and we have come up with some fixes, if you will, with some amendments, with some changes to the Senate bill that will make it better. We all know about the provision in the Senate bill that was put in by a single Senator, that is going to be removed, and there are going to be other provisions of the Senate bill that will be removed.

Last night, not only did we pass the Senate bill but we also passed the fixes that the President asked us to pass, and those fixes are now pending in the Senate for consideration this week.

Senator REID, the majority leader in the United States Senate, has told us that the Senate will begin working on the fixes tomorrow after the President signs the bill. But, Mrs. CHRISTENSEN and Mr. Speaker, we have made monumental progress. No President has ever been able to do this, but because of the vision and the masterful leadership of the President and the Speaker of this House and the majority leader and the majority whip all working together, we have been able to finally pass this legislation.

This legislation does not go into effect immediately. There will be a phase-in. As you can imagine, we cannot reform the health care system in America and the health insurance system in America overnight. It is going to take time. But I can tell you, and I can tell the American people, that by the year 2019, 95 percent of the American people will have health insurance and access to quality health care. That is what we promised the American people. That is what we are going to deliver. There will be a phase-in starting within the first 6 months of this year.

We are going to help our seniors with their prescription drugs. Those who fall into the doughnut hole, they will be given a stipend to help them purchase. We will allow families to maintain their children on their insurance policy up to age 26. So there will be a gradual phase-in.

Finally, let me conclude by saying that I represent a low-income district. The First Congressional District of North Carolina that I represent is the

fourth-poorest district in the United States of America. We have a lot of low-income people, and I am happy to report to my constituents and to people all across America that for the first time in our history, individuals will be able to qualify for Medicaid. Low-income individuals will be able to get Medicaid. Right now families can qualify for Medicaid, but not individuals. An individual who makes less than \$14,400 a year will get Medicaid. A family of four that makes less than \$29,000 a year will be able to qualify for Medicaid, which is free. For an individual who is between the incomes of \$14,400 a year and \$43,000 a year, you will be able to get assistance. You will be able to get a subsidy in purchasing insurance. If you are at the low end of \$14,400 a year, you will pay \$36 a month in order to get a quality insurance policy. If you are at the high end of \$43,000 a year, you will pay \$342 in order to get a high quality insurance policy.

Now for a family of four, it is a little bit more but it is very affordable. For a family of four that makes \$29,300 a year, your premiums will be \$73 to insure four people in your family. At the high end, if you make \$55,000 a year, you will pay \$369 a month. We have made tremendous progress with the passage of this bill. We are very proud of the progress that we have made, and I just want to publicly thank the Speaker of the House of Representatives, NANCY PELOSI, the majority leader, STENY HOYER, and the majority whip, Mr. CLYBURN. I want to thank all of the leadership and the chairmen of each one of the relevant committees who participated in this bill: the Energy and Commerce Committee under the leadership of HENRY WAXMAN and formerly JOHN DINGELL; the Ways and Means Committee under the leadership of Mr. LEVIN from Michigan, formerly under the leadership of Mr. RANGEL; and the Education and Labor Committee under the leadership of GEORGE MILLER from California. All of these committees, working together with the Budget Committee led by JOHN SPRATT of South Carolina and LOUISE SLAUGHTER from New York leading the Rules Committee, all of these individuals working together to get us to the point where we were last night.

The passage of this bill is monumental. It is historic. Yesterday was not an ordinary day in the House of Representatives. I thank my colleagues who voted for this legislation. I look forward to the results that it will yield.

Mrs. CHRISTENSEN. I thank Congressman BUTTERFIELD, and thank you for going through the process that we have gone through over the past year because it has been a little difficult, I think, for the American people to understand, and I think you helped to clarify how we got to where we were last night, and also you were able to

clarify what some of those exchange subsidies and Medicaid would mean to the average family.

I just wanted to say before I recognize Congressman SCOTT, when you look at the uninsured that are going to be helped in this country—10.8 percent of non-Hispanic whites are uninsured. The uninsured rate for African Americans is 19.1 percent; for Asian Americans, 17.6 percent; and for Hispanics, the Latino Americans, the uninsured rate is 30.7 percent. So just providing coverage for the 32 million Americans that will be covered for the first time by this legislation will make a big difference in the lives of people of color and their families. But insurance is not enough, and there are other provisions that we will talk about a little later.

□ 2015

But at this time, I'd like to yield such time as he might consume to the gentleman from Virginia, Congressman BOBBY SCOTT, who not only is on the Education and Labor Committee, which played a major role in crafting the original House bill, but also on the Budget Committee, a senior member of the Budget Committee, which had a major role in preparing and reporting out the reconciliation bill that we voted on last night.

Mr. SCOTT of Virginia. Thank you very much. And I want to thank you, Dr. CHRISTENSEN, for your hard work and dedication. The Congressional Black Caucus is fortunate to have a leader in health care who is a physician and knows health care and, particularly, a physician with an expertise in public health. So we're very fortunate, and I want to thank you for bringing us together. You've worked long and hard on health issues, and particularly those issues in which there are health disparities, where African Americans suffer disproportionately in some diseases and knowing what we can do about it.

Mr. Speaker, America has been debating health care for 100 years, and we've come to some agreements. We know, for example, and I think there's general agreement within this House, that the status quo is unsustainable; 14,000 Americans losing their health insurance every day. The costs are going up. Twenty years ago, the average American family spent about 7 percent of the family income on health care and now it's 17 percent, and it's going and continuing in that direction.

Millions have no insurance at all, particularly those with preexisting conditions who are unable to get any insurance. So we know that one thing that, if we're going to deal with the problem, one thing that we have recognized is that any solution that's going to be meaningful has to be comprehensive. You cannot solve the problem of preexisting conditions, those with preexisting conditions not getting insurance unless everybody has insurance.

If people can wait until they get sick before they buy insurance, many people will wait until they get sick before they buy insurance. And those in the insurance pool, on average, will be sicker and sicker; the cost, average costs will be higher; more people, healthy people will drop out; and the costs will spiral out of control. We know that. So we know if we're going to deal with preexisting conditions, it has to be in the context of a system where virtually everyone is buying insurance.

We know that we have to make some comprehensive changes. We know we need to debate the issues. But, unfortunately, during the recent debate, we've heard complaints. We've heard some blames. We've heard a lot of misrepresentation. We've heard some slogans and even name calling. And yesterday, we finally took a huge step in guaranteeing quality and affordable health care for all Americans, and we have a bill that we can discuss. You can talk about what might be in the bill, what isn't. We have a bill. And let's talk about what's in the legislation.

First, the bill will provide affordable health care insurance for over 30 million Americans who are uninsured today, including those with preexisting conditions. The gentleman from North Carolina has outlined how affordable it is. Those at the very low end of the spectrum will pay very little. Those much higher up in the spectrum will pay more, but it's still easily affordable, particularly when you compare it to what people are having to pay today.

These bills will provide security for those who have insurance because 14,000 Americans will no longer lose their insurance every day. And those who have insurance will not have to watch the cost of their insurance skyrocket every year.

And insurance companies would be no longer able to cancel policies right when you get sick by looking back and finding a little comma out of place or something so they can cancel your policies when you most need them.

They also can't stop making payments in the middle of your illness, because we remove lifetime caps on benefits. Just because you have a very expensive and chronic disease, with the insurance that we're providing, you will get the medical care that you need.

No longer will those with health insurance have to pay copays for preventive services. And those with insurance won't have to go bankrupt, because the bills provide affordable limits on copays and deductibles.

Most of the people in bankruptcy court are there because of health expenses. And most of those there because of health expenses have insurance, but their copays and deductibles are such that they still have to lose everything in bankruptcy court.

And because the legislation will provide affordable health insurance to virtually all Americans, families with insurance will no longer have to pay an extra \$1,000 a year to offset the health care costs for those that show up in the hospitals without any insurance.

Seniors will no longer have to fall into the doughnut hole where they're paying premiums and getting no benefits.

Our youth will be able to stay on family policies until they're 26 years old.

Small businesses will see significant savings in health insurance because they can purchase insurance with the same price advantages as big businesses do now with the large cost advantages of volume. And many small businesses will also receive tax credits, temporary tax credits to help them provide insurance for their employees.

This plan is more than paid for. CBO projects significant savings during the first 10 years and huge savings in the next 10 years. The major funding for it is treatment of unearned income for those making more than \$250,000, just like earned income.

Whatever your earned income, you pay a Medicare tax on that income, if it's earned income. If it's unearned income, stocks and bonds and trading and dividends and interest, you don't pay a Medicare tax on that.

The major funding in this provides that whatever your income, you will be paying a Medicare tax. So those making more than \$250,000 will pay on their unearned income just like everybody else is paying on their earned income.

The gentleman from North Carolina has indicated some of the provisions that go in fairly soon. Most won't go into effect until 2014 because it takes time to put all of the provisions together and get them active, but there are a lot of things that go into effect right away.

Small business tax credits, for those small businesses to make employee coverage more affordable, tax credits up to 35 percent of the premiums will go into effect immediately.

We will also begin to close the doughnut hole. For those seniors in the doughnut hole, we'll provide a \$250 rebate to help them, and gradually we will eliminate the doughnut hole.

Pre-preventive care under Medicare. Right after the bill becomes effective, we'll eliminate copayments for preventive services and exempt preventive services from deductibles under the Medicare program. So those who are getting preventive services won't have to pay copays and deductibles.

There's help for early retirees. We'll create a system to help offset the costs for those businesses that are providing health care for early retirees, those 55 to 64. Before they get on Medicare, there will be a program to help those. Those are very expensive to cover, and

many companies want to cover them but can't afford it. We will provide an affordable way for them to cover them.

We will end rescissions. There will be a ban against insurance companies from dropping people when they get sick.

There will be no discrimination against children with preexisting conditions. We will prohibit health insurance from denying coverage to children with preexisting conditions.

There will be a ban on lifetime limits and coverage. We will prohibit health insurance companies from placing lifetime caps on coverage. So if your chronic illness is very expensive, they can't cut you off right in the middle of treatment. There will be a ban on annual limits on coverage. And there won't be a complete ban early on, but we will tightly restrict any new plan's use of annual limits to ensure that you can get all of the health coverage that you need. Eventually, there will be a total ban on lifetime benefits.

Free preventive care under all new private plans. We will require all new private plans to cover preventive services with no copays and with preventive services being exempt from deductibles.

We will provide a new independent appeals process to ensure that consumers in new plans have access to an effective internal and external appeals process so that, if you're not treated properly by your insurance company, you have an effective means to appeal.

There'll be immediate help for those with preexisting conditions. Eventually, those with preexisting conditions will get insurance just like everybody else, won't be able to discriminate against those with preexisting conditions. But until the plan is fully implemented, those with preexisting conditions will be able to buy from a high-risk pool that will be subsidized because, obviously, the cost of that insurance will not be, should not be affordable, but we'll make it affordable with subsidies. So those with preexisting conditions can get relief right away.

It extends coverage for young people up to their 26th birthday on the family policy. If young children aren't getting health insurance on their job or while they're in school, they can stay on their parents' policy up until their 26th birthday.

We significantly increase funding for community health centers, and that starts right away. So within the next 5 years, we will absolutely double the number of patients being seen at community health centers. And we'll start making investments in training programs to increase the number of primary care physicians, nurses, and other public health professionals. All of that goes into effect right away.

Now, some are criticizing the plan, and it's interesting to listen carefully to the criticism. With all of what this

bill does, one of the criticism is, Well, the bill has too many pages. Another is, We don't like the order in which we're casting the votes. Look at all of this comprehensive health care, and all they can talk about is the order we're voting in and the number of pages.

Now, some believe that the program is unconstitutional, and, when pressed, they'll also say that, Well, Medicare is unconstitutional, too, and they want to repeal Medicare. And when we talk about repealing Medicare, I'd like to refer everyone to the budget introduced by the lead Republican on the Budget Committee. The long-term budget on that committee offered by the Republican side does not include a Medicare program. It includes a little voucher program where the cost increases will not keep up with medical inflation, so gradually, year by year, the value of that voucher erodes to the point where, 50 years from now, it'll be worth about 25 percent of the costs of medical care for senior citizens. They will allow it to wither on the vine. So when you talk about Medicare being unconstitutional, be careful, because they actually want to repeal Medicare as we know it.

Others complain that it takes away their freedom to be uninsured. I was first elected to the Virginia House of Delegates in 1977. This is the first year I've heard anyone talk about their urgency of the need to enjoy the freedom to be uninsured.

Now, I'd like to—they say, well, they're going to debate it during the campaign for reelection, and I can't wait, because what will the campaign be?

Seniors, get back in that doughnut hole where you belong. We're going to repeal the law.

Young adults, get off that family policy and get out there on your own.

Small businesses, give those tax cuts back and start buying insurance at the retail rate rather than the wholesale rate. Pay 18 percent more like you're doing today.

Those with preexisting conditions, give me that policy back. You weren't supposed to get the policy. That was in the legislation that we want to repeal.

I can't wait for that debate because, as I said last night before we took that important vote, I said that future generations will look back at the votes we cast last night just as today we look back at the votes on Social Security and Medicare. And when they passed Social Security and Medicare, the votes were not unanimous. There were those that voted "no." But future generations will look back and see that many of us proudly voted in favor of health care for all. And I hope they look back with the same pride on those votes we cast last night as we do to the votes cast in favor of Social Security and Medicare.

Mrs. CHRISTENSEN. Thank you, Congressman SCOTT. And thank you for

going over the provisions and those that come into play this year, when the President signs the bill, when the reconciliation bill is signed, and which provisions start perhaps in a year or so, because it's very important to understand that as this bill is passed, within 6 months, many of the provisions that provide, that stop the exclusion for children with preexisting disease, for example, is already in place, that the doughnut hole will start to be closed, that we'll start to build our primary care workforce to meet the needs of the 32 million newly insured, and that the small business tax credits will begin, all within 2010.

□ 2030

I would like to now yield such time as he might consume to my co-chair of the Congressional Black Caucus Health Task Force and also a valued member of the Ways and Means Committee—again, one of the committees that had a major responsibility for crafting the bill and the pay-fors in the bill that we passed in the House and the bills that we worked on and passed last night.

Thank you, DANNY, for joining us.

Mr. DAVIS of Illinois. Thank you very much, DONNA, and I want to thank you for the tremendous leadership that you have shown the whole time that we have been together in Congress. As a matter of fact, we came in at the same time, and you've been engaged in health activity before getting here and you have been a leader ever since.

As I listened to Representative BUTTERFIELD, I was reminded of the fact that the Bible says that where there is no vision, the people perish. And I think we have been very fortunate to have a bold, courageous, and visionary President as the leader of this country. As a matter of fact, he was bold enough, brave enough, and visionary enough to say that we are going to reform health care delivery. And many people thought that that was a far stretch, that it was a far reach because people had been trying to do it, had been talking about it, but had not been able to accomplish it. And I guess as the boys on the street would say, And then along came Barack. Along came President Obama.

I know that there are thousands and thousands of people who have been engaged in the struggle to push health care forward. And, DONNA, I can imagine that you have been in thousands of hours of discussions over the years with the National Medical Association, with the American Public Health Association, with the Black Nurses Association, with the National Dental Association, with the National Association of Social Workers, all of these groups.

I was thinking of my own experiences in terms of having worked in health care prior to running for public office having sat on the boards of hospitals, having worked in neighborhood clinics,

having been president, as a matter of fact, of the National Association of Community Health Centers; and so that goes back at least 30 years. Individuals have been opened.

And although the 1-hour that we're doing tonight was taken out under the auspices of the Congressional Black Caucus and your leadership, the last person who called my office just before I came over was not black. It was not an African American. As a matter of fact, he was a non-African American gentleman who called the office, and I happened to answer the phone. And he says, Is this the office of Congressman DANNY DAVIS? And I said, Well, yes, it is. He says, Well, I just want to leave a message for the Congressman. And I want you to tell him that I actually cried when this bill was passed, when that vote was taken. And I just want him to know that people in my community and my family and my neighborhood have been waiting for this day. And I said, Well, I want to thank you for calling. He said are you the Congressman. I said, Well, yes, I am.

And I represent a district—I call it the most interesting piece of geography in North America. There is nothing quite like it. It includes the Gold Coast in Chicago, all of downtown Chicago, the Magnificent Mile, downtown Chinatown, Greektown, Old Town, New Town, Brushfield. But it also includes pockets of poverty. It includes suburban districts. It has 21 hospitals in it, four medical schools, 92 community health center sites, of course, research institutes. So you can imagine what a bill like this means to the people of my district.

For example, it will improve coverage for 334,000 of my residents. Not 3,000. Not 4,000. But 334,000. It will provide tax credits for up to 158,000 families, 14,000 small businesses.

The doughnut hole, it will remove the doughnut hole ultimately for 76,000 beneficiaries who right now have those experiences. It's going to extend coverage to 52,500 uninsured individuals who currently go to the county hospital when they have to get the health care who experience episodic care and living in a county where the taxpayers are always crying, of course, about the heavy burden of having to pay for health care for these individuals. And so the coverage is so impactful.

My congressional district also trains an awful lot of medical personnel. As a matter of fact, at the University of Illinois of Chicago, we train more African American physicians than anybody else in the country other than Meharry and Howard. We train nurses, we train inhalation therapists, we train medical personnel that go all over the world because we have the largest medical center district in the country.

And so health care is a big piece, a big part not only of the service but a big part of the economy. And people

who have never, ever before in their lifetimes had any health insurance at all now can feel safe, comfortable, and secure in having the coverage that they need.

This legislation, in my mind, is the most impactful health legislation that we have seen since Medicare and Medicaid. And someone was asking me the other day, they said, Well, you know, the Medicare, the money that we spend—I said, Well, you know, there is no point in talking to me about Medicare. I am confident that both my mother and my father would have died sooner had there not been Medicare. As a matter of fact, my mother went 150 miles sometimes to get to the hospital so that she could receive dialysis for an ailment that she had.

There are people that live all over rural America who've had no access to health care at all. There are people in inner-city America who live close to the medical center district where we have all of these resources; we have resources but they have no money. Therefore, they cannot access the resources, and they have to pass by all of these hospitals. They have to pass by all of these resources and know that they cannot access them.

I agree with my colleagues who have suggested that that has been a magical piece of work. African Americans often wonder where are people placed. Well, it just happens that there were African Americans on all of the committees of Judicial—all of the committees. Three members of Energy and Commerce—of course you, DONNA, Representative BUTTERFIELD, Congressman BOBBY RUSH, all on Emergency and Commerce; five members of the Congressional Black Caucus on Ways and Means. Much of the time that we were discussing and debating this bill, CHARLES RANGEL was in fact the chairman and had a great deal to do.

I will just mention that in addition to the health components of this legislation are the tremendous increases in education for minority-serving institutions like Historically Black Colleges and Universities, Hispanic serving institutions, Native American institutions, institutions for Pacific Islanders. So comprehensively it does education, it does health, and it is just great. And I'm so delighted.

Mrs. CHRISTENSEN. I am pleased to yield to Mr. BUTTERFIELD.

Mr. BUTTERFIELD. Mr. DAVIS, I want to thank you so much for the presentation you've made. And I just really enjoy the stories that you tell and the way you represent the people of your congressional district.

You know, all of us have unique congressional districts. We say that all of the time. No two Members of this House are identical. You have your district and I have my district, and each one is unique.

As I travel throughout my district in North Carolina, many people tell me

that they have health insurance but it's not worth the paper that it's written on. They are counted as insured; but in reality, they are uninsured.

For example, a gentleman in my district told me that he has had insurance for more than 10 years on the job and he pays \$200 a month out of his paycheck, but he's never used it. And when I asked him why he hadn't used it, he said because the deductible is \$5,000 per year and as far as he was concerned, he is uninsured.

I went into another part of my district and went to a dialysis center, and a young man there told me that he had been insured by a very reputable insurance company and that he needed a kidney transplant and his sister donated a kidney to him. And it was a successful transplant and it worked very well. But after 2 years, his insurance company stopped paying for the anti-rejection medication that he needs for his kidney. And he lost the kidney, and now he is back on dialysis and the government is paying hundreds of thousands of dollars a year to sustain him.

Those are the types of stories that I hear in my district, and they are so sad.

There's a minister in my district who was—he is a married man, and he and his wife had a family policy and they were paying \$400 a month for insurance. And the minister was diagnosed with prostate cancer, and his wife was diagnosed with a neurological condition; and because of those two conditions, the insurance company raised the premiums for \$400 a month to \$3,500 a month, which was more than his income. Those are the types of stories that I am hearing in my district.

And I want to find out if the same thing exists in urban America. I'm in rural America. Do you hear those types of stories in urban Chicago?

Mrs. CHRISTENSEN. I yield to Mr. DAVIS.

Mr. DAVIS of Illinois. You know, you wouldn't think it but, yes, as a matter of fact. Gee, I would hate to be in a situation especially at my age and not have health insurance and preexisting conditions be a factor in whether or not I could get a policy. I mean, it would probably be sky high, off the roof. You could never get it.

And this is just such a great development. It's enough for us to be talking about for the next 5 years again.

I want to just thank you, DONNA. I really do. Because much of what we do is process. I mean, consent is certainly a part, but it takes hours and hours. It takes negotiations, interaction. You've been there all the way. You've been our leader on health care, and it's such a pleasure to serve with you and know of your tremendous dedication to this cause.

□ 2045

Mrs. CHRISTENSEN. I thank you for those kind words, but I can say without

any hesitation that each one of us here this evening, in our own capacities, and in the committees that we serve, and in the subcommittees that we serve, have really put in a lot of hours and have really helped to shape the final product that we are so proud of having voted on last night. And the Congressional Black Caucus played a major role in shaping that.

Congressman BUTTERFIELD mentioned Medicaid and the expansion of Medicaid, and we talk a lot about food desserts, but in many of the poor communities around this country we have provider desserts. The low reimbursement rates that have traditionally been paid and for Medicaid providers has caused hospitals and many health care providers not to be able to sustain practices or keep their doors open in poor communities.

This bill will change that. We will be increasing the reimbursement to Medicaid providers at the same level as Medicare and hopefully that that will encourage more physicians and providers to come into the poor neighborhoods where many of the patients are Medicaid beneficiaries and provide the care that they need.

You know, the turn of the 19th century one of our great intellectuals, W.E.B. Du Bois, spoke about the peculiar indifference to the poor health of African Americans in this country. And I am so grateful to be a part of a group of 42 individuals in the Congressional Black Caucus who have worked over the years, over the 40 years of our existence, but particularly in this last year as we have shaped this bill, to begin to end that peculiar indifference to the state of our health.

Some of the other areas besides the Medicaid expansion and the improved reimbursement to providers to encourage them to come back into poor communities is the expansion of the workforce. We know that as the 32 million people begin to come into the health care system that we are going to need so many more providers. But we are also an increasingly diverse society here in the United States, and so there is great emphasis on diversifying that workforce. I am talking here about some of the disparity provisions, the provisions in the health care reform bill that are targeted at reducing those health disparities that African Americans and other people of color have suffered from for so long. And part of reducing those disparities is making sure that we have a diverse workforce to work within those communities.

So in addition to encouraging, through programs like the health care opportunities program and increasing funding for that, increasing funding for the National Health Service Corps program, which pays individuals 4 years of their medical tuition, in addition to increasing loan repayments, especially for individuals who practice in poor

and rural areas, we also have included provisions that provide additional support to institutions, minority-serving institutions, as Congressman DAVIS spoke of, the HBCUs, the Hispanic-serving institutions and the tribal colleges, but also any institution that has a history of training underrepresented minorities.

Those professions would be for physicians, for nurses, for nurse educators, and there is a specific section that deals with increasing the public health workforce, a very important part of the workforce when we talk about the emphasis that we are now going to be putting on prevention. In addition to that, there are mental health workers for our communities.

We also have grants to community-based organizations to train community health workers who, I think, will be the backbone of the new health infrastructure, especially in communities that are poor, that have not had good health over the years, where people from within those same communities will be trained to be able to do outreach and support to people in their communities.

There is a provision that expands and strengthens the Office of Minority Health in the Department of Health and Human Services and adds two new offices, one in the Food and Drug Administration and the other one in the Substance Abuse and Mental Health Services Administration, two important agencies that do not have a specific office focus on minority health.

And at the National Institutes of Health, where we have had a Center For Minority Health and Disparity Research, we now will elevate that, with the signing of the Senate bill tomorrow, to an institute where that institute will have more, more funding, to begin with, but also more influence over the research that's done at NIH in every area to ensure that the concerns and the interest and the impact on minority populations or any population that is experiencing health disparities will be considered.

Data collection is another area that we have been able to insert provisions on, and not only to collect data on disease but to also talk about and collect data on racial ethnic minorities, gender, and to follow the disparities in Medicare and Medicaid, to monitor those disparities and to report on those disparities so that they can be corrected.

I want to speak lastly about the issue of the territories. This was something that, of course, the delegates from all over the offshore areas of the United States worked very hard on, and we were very lucky, blessed, to have the full support of the Congressional Black Caucus, Hispanic Caucus and Asian Caucus, and of our leadership. We would not have had the inclusion in this monumental landmark legislation

were it not for the support of our colleagues in those caucuses and the support of our leadership.

So I want to especially thank our Speaker again, she has been thanked many times here this evening, but for her strong support and for her strong leadership; our Majority Leader, STENY HOYER; our Majority Whip; the chairs of the committees, the relevant committees here in the House, Chairman RANGEL and also Chairman LEVIN, Chairman WAXMAN, Chairman Emeritus DINGELL, Chairman MILLER, and all of the entire leadership team for giving us the support, and really the entire Democratic Caucus, for encouraging us and supporting us and ensuring that, no, we don't have full State-like treatment, as the 50 States, but we do have a significant increase in Medicaid and the ability to be included into the exchange, and I want to thank our leadership for that.

We are coming close to the end of our time, and if there is no other issue that my colleagues want to raise, I want to thank them for joining me here this evening and helping to explain to the American people what is actually in the bill, clearing up some of the misconceptions and some of the misunderstandings that are out in the public.

Again, we are very proud to have been a part of this process and to have passed the bill that we did last evening, and we look forward to the President signing it tomorrow.

GENERAL LEAVE

Mrs. CHRISTENSEN. Mr. Speaker, I would like to ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material under the Congressional Black Caucus Special Order on health care reform this evening.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from the Virgin Islands?

There was no objection.

Mrs. CHRISTENSEN. Mr. Speaker, I yield back the balance of my time.

Ms. LEE of California. Mr. Speaker, I first would like to thank my dear friend and colleague, Doctor DONNA CHRISTENSEN of the Virgin Islands for anchoring this special order hour. I cannot think of a more fitting person to lead us in a discussion of health care tonight than Dr. CHRISTENSEN, who is not only a medical doctor, but also the co-chair of the CBC's Health and Wellness Taskforce along with Congressman DANNY DAVIS of Illinois.

Dr. CHRISTENSEN has been at the forefront of our fight to ensure that health care reform makes significant strides toward eliminating racial and ethnic disparities, and achieving disparities for residents of the U.S. territories. Thank you, Dr. CHRISTENSEN for your leadership and your hard work.

I'm Congresswoman BARBARA LEE of the Ninth Congressional District of California and chairwoman of the 42 member strong Congressional Black Caucus. I stand here brimming with pride and joy because of what we

did here last night after such a long journey that began many decades ago.

Yesterday morning members of the Congressional Black Caucus attended church services together, where we were reminded of the moral imperative to reform health care.

Strengthened by the power of prayer we forged ahead with clarity of purpose, courage and determination, undeterred by the losing hateful rhetoric and threatening tactics of anti-health care protesters.

Last night, my colleagues and I cast a historic and monumental vote to improve the health and wellness of millions of Americans who suffer because they are uninsured and under-insured and because of massive gaps in our nation's health care system.

I spend a lot of time in emergency rooms with my 85 year old mother and my sister who has Multiple Sclerosis. I see these people—the uninsured. They are desperate. Many are hard working people who may have lost their jobs, or simply fallen on hard times, or have never even had the opportunity to make their way in society. Some of them can't hold a job because they are chronically ill. This is simply unacceptable.

So, the members of the Congressional Black Caucus cast our votes for all those people who deserve health care but simply can't afford it. We cast our votes for our senior citizens who will see their prescription drug costs go down. We cast our votes for our children and grandchildren, so that they can live longer, fuller and healthier lives. We cast our votes in the memory of those people who didn't have preventive care and died prematurely.

Throughout the long and arduous process culminating in the historic vote last night, many members of the CBC worked tirelessly to make sure that this bill holds insurance companies accountable and included a number of cost-saving provisions. We were vocal advocates for provisions in the bill to combat health disparities, illnesses and diseases that disproportionately affect our community.

The statistics are startling, but they are clear:

Nearly one in five African Americans (19%) is without health care insurance.

African Americans in general spend a higher percentage of their income on health care costs compared to their white counterparts (16.5% vs. 12.2%). However despite spending a larger share of their income on medical care, African Americans face continuing health care disparities.

African Americans also tend to reside in areas without hospitals or hospitals that have limited resources and may affect the quality care they offer. This is particularly a problem for hospitals in predominately African American communities where Medicaid reimbursements are low, charity cares is higher, and there is a shortage of health care providers who find it more difficult to maintain a practice.

African Americans suffer from higher percentages of chronic diseases such as heart disease, kidney disease and diabetes which are perpetuated by a lack of access to quality care. Currently, 48% of African American adults suffer from a chronic disease compared to 39% of the general population.

To those who suffer from those health disparities, our vote last night carried significance

similar to the passage of the Civil Rights Act in that it fulfills a dream that has been elusive for far too long and for far too many Americans.

Among the key provisions in the legislation that CBC members fought to have included are:

Expanded support for community health centers, which play a vital role in expanding access to preventive and other care in our nation's most vulnerable communities.

Key health equity provisions: greater support for programs that will increase the racial and ethnic diversity in the nation's health workforce, as well as improved data collection so that we can better measure health inequities and develop solutions to end all health disparities.

Strengthening the existing Office of Minority Health at HHS, creating new Offices of Minority Health across HHS agencies, and establishing the National Center on Minority Health and Health Disparities at NIH as an Institute.

Inclusion of coverage for residents of the U.S. territories, including a significant infusion of new Medicaid dollars, as well as access to the Exchange so that Americans in the territories will have access to affordable, high-quality health insurance plans.

The bill guarantees transparency on rates and enables state insurance commissioners to recommend to the National Insurance Commissioner whether a particular insurer should participate in the Health Insurance Exchange, taking into account excessive or unjustified premium increases in making that determination. This will hold private insurers accountable, ensure affordability and help provide quality coverage for American families:

Expansion of community health centers.

This bill makes several immediate reforms that will directly improve the health and wellness of millions of Americans. Some of those provisions are:

Offers tax credits to small businesses to purchase coverage;

Provides relief for seniors who reach the Medicare prescription drug donut hole;

Provides immediate access to insurance for Americans who are uninsured because of a pre-existing condition through a temporary high-risk pool;

Requires new plans to cover preventive services and immunizations without cost-sharing;

Requires new plans to cover an enrollee's dependent children until age 26;

Prohibits pre-existing condition exclusions for children in all new plans;

Prohibits individual plans from dropping people from coverage when they get sick.

I could go on because the list of all the good things in this bill are many.

So to put it simply, this bill is a victory not only for our constituents, but for all Americans because it will make us a stronger and healthier nation.

HEALTH CARE

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentleman from Texas (Mr. BURGESS) is recognized for 60 minutes as the designee of the minority leader.

Mr. BURGESS. Mr. Speaker, I, too, am coming to the floor of the House tonight to try to clarify for the American people some of the things that have happened here over the weekend. As you know, we passed a very big bill last night, hasn't been quite 24 hours, it was about 11 p.m. Eastern time when everyone else in the country was watching basketball tournaments and otherwise engaged with weekend activities, this House was in full session, the place was packed, Democrats and Republicans, and we passed a bill that had been passed by the Senate on Christmas Eve.

Now, I remember when I first got here, Republicans were in the majority, and when we would pass major pieces of legislation, if there was an all-day fight, we would be accused of waiting until the dark of night to try to sneak this legislation through. Now, I have never been one who would pass on the chance to attribute to coincidence that that can be adequately explained by conspiracy, but how is it that we passed, in the Senate, this very difficult legislation the day before Christmas when America was engaged in other activities, and then here on the floor of the House last night at 11 o'clock on a Sunday when most every other honest American was doing something other than watching their Congress.

I do have to address some of the things that I just heard mentioned from the other side. Remember that there were two pieces of legislation passed here last night. One was the previously passed Senate bill which the House passed. That one is on its way down to the White House. That's going to be signed by the President. That's going to be the law.

And then we also passed a sham bill, a bill that might be called a fig leaf because no one really likes the Senate bill. The Speaker of the House said that herself. No one wants to vote for the Senate bill, and I agree with the Speaker. No one wanted to vote for the Senate bill. So how did they get their side to vote for the Senate bill? Well, they said don't worry, we are going to fix the problems that you don't like in the Senate bill, and we will do that under reconciliation so it's only going to require 51 votes over in the other body, don't worry, we will get that taken care of.

The only problem is, the Senate bill that we passed here last night had already passed the House before last summer—you might not recognize it because it was a housing bill then, but it passed the House last summer—went to the Senate, got changed into a health care bill and then got brought back to the House. And the question before the House, will the House now accept the amendment, the Senate amendment to H.R. 3590, the answer was affirmative, and the bill is on its

way down to the White House for a big signing ceremony, probably tomorrow.

Now, what's going to happen to the reconciliation bill? It also passed, and it passed, and went back to the Senate. And is there anything that compels the Senate to take up that bill and work on it? Why, no, there is not.

In fact, the Senate might rationally argue, I am sorry, Mr. Speaker, the other body might rationally argue that, hey, we already passed our health care bill, we passed it on Christmas Eve, you guys apparently liked it because you ratified the amendments we had to it, and last we saw, it was on its way down to Pennsylvania Avenue to the White House. So why would we pick up this contentious package of fixes in the bill?

You know, quite honestly, the oxygen may have all gone out of the room for health care legislation in this Congress. Fourteen months is a long time to have fought this thing, and the Senators may just not have the stomach to pick this thing up and fight through it again.

So some of the things that we need to be careful about when people are talking about the bill—and I will do this too, many of us here in the House are not that familiar with the Senate bill that we just passed because it was the Senate bill. We had a health care bill that was marked up in my committee and passed out of committee over my objection July 31. I didn't like the bill, but I knew it. I submitted amendments and some of those were even accepted. So I had a lot of familiarity with that bill.

Now, that bill went to the Speaker's office, sat there for a couple of months, got changed all around. All of my amendments got pulled out, every other Republican's amendments were pulled out of that bill. It became a 2,000-page bill, even with the loss of those amendments, and was brought back to this House in early November, and this House passed the House bill.

□ 2100

We knew the House bill. Many of us were—although we didn't like the House bill, we were fairly comfortable with what it contained and what it didn't contain. The Senate bill is completely different. Most of us did not ever see the Senate bill before the Senate brought it up on Thanksgiving and then passed it right before Christmas.

Mr. Speaker, quite honestly, many of us felt like we'd already read a lot of health care bills this year; do we really need to read that Senate bill? Maybe not. Because the Senate will pass it and then the normal procedure is we call a conference committee. We go to conference committee and we debate both sides, get to debate the House bill, the Senate bill, Republicans and Democrats, a true bicameral process. We're finally going to have that open and

transparent process that was promised to us and we'll read the conference report. We won't have to worry about the Senate bill because it's all going to be changed anyway.

Except that didn't happen because, for whatever reason, the Democrats did not want to do a conference report. They say it's because Republicans were going to block the appointment of conferees. But, Mr. Speaker, I would just point out to you that in December and early January there were 60 Democratic votes in the Senate, 256 Democratic votes here in the House. There wasn't much we could block, even if we wanted to. So how we would have blocked the appointment of conferees is anyone's guess, but I did hear that mentioned several times during the debate. So let me just set that point straight.

They thought they could just put things together on their own outside of a conference, and they were doing a darn good job of it. The last week in December, the first week in January on into the second weekend in January, people were meeting in this Capitol, meeting in this building, in the new Capitol Visitors Center, and putting together the pieces, cutting secret deals with unions, cutting secret deals with this group and that group, and we were going to have a bill that would just be blessed by both sides. No conference report. Not necessary because we'll just bring a new bill to the floor that will be the amalgamated bill. The Senate will vote for it. They've got 60 votes. The House will vote for it. They've got 256. And if they don't lose too many, then they can pass pretty much whatever they want. Then we'll have a health care bill.

What happened in that scenario was that the second Tuesday in January they had an election in the State of Massachusetts. As a consequence of that election, suddenly the Democrats' 60-vote supermajority in the Senate was no more. Now, the new Senator was not seated for several weeks after that election and there was still time to come together with a hasty conference committee and get that thing done or even push through that amalgamated bill, but, for whatever reason, they didn't do that. It really looked for a while like things might just languish indefinitely.

Now we all know the story. In those last 10 days, the President really engaged, the White House engaged, and the Speaker's office engaged. They were just going to get this bill through the House because that was the quickest way—they always say a line is the shortest distance between two points. The shortest distance to getting health care legislation passed in this Congress, in this President's first half of his first term, was to pass the Senate bill through the House. It was something no one wanted to do. No one

wanted to vote for that bill. It had awful things. Most of us don't know all of the awful things in that bill because it was the Senate bill. We passed House bills. We knew the House bill, but we heard the minority leader say it last night from this floor. Most of you on the Democratic side do not know what's in that bill.

Now, I dare say, today you've learned a lot of what's in that bill because you've got the phone calls from the press the same as I have. Suddenly, the press got real curious about what was in the Senate bill and they're asking all kinds of questions. So tonight perhaps we can deal with some of those. But one of the things I wanted to point out at the very beginning, be careful what you talk about when you hear us talk about what's in the bills, because both sides of the aisle, both Democrats and Republicans, may not be quite sure what's in the bill.

We heard testimony, or we heard the speeches on the other side here just a moment ago about how Medicaid rates now were going to be plussed-up for primary care doctors. Medicaid rates will become Medicare rates. Well, that actually, in fact, is only for primary care doctors and it is only for 2 years, but it is also only in the reconciliation bill. Did we pass the reconciliation bill? We did in the House. They haven't in the Senate. What did we pass that has passed the Senate? The Senate bill. And that does not have that plus-up in Medicaid rates. In fact, the expansions of Medicaid that we have now put forward that were in the Senate bill, the expansion of Medicaid, will be reimbursed at standard Medicaid rates, which vary from State to State. But I will tell you, as a medical provider, those put a lot of providers back on their heels, because those rates do not pay the cost of delivering the care, and there is only so much of that kind of business you can do in an average day and still keep your doors open.

So there is a problem with expanding Medicaid to larger and larger populations. The provider community is going to find it difficult to be able to absorb that many more Medicaid patients into their practices because the reimbursement rates are going to remain low. In fairness, it was fixed in the reconciliation bill, but if the Senate doesn't take that up, it never happens. It was the skinniest of fig leaves because it's not there when you need it. What is there is the Senate bill, which is on its way down to the White House, and that will be the law of the land, which will expand Medicaid, to be sure, but does it have the enhanced Federal matching in there for Medicaid? In one State it does. In one State it does. The reconciliation bill was going to fix that so all States would have what that one State now has in the Senate bill, but it is the Senate bill, and only one State has that en-

hanced Federal match for Medicaid: the State of Nebraska. The famous Cornhusker kickback.

So what happened here last night, what transpired on the floor of the House last night was really dramatic and, in many ways, a fitting end to the 14 months of chaotic process that had brought us to this point. We've heard over and over and over again—and I don't want to belabor the point, and this may well be the last time that I discuss the process that brought us here. But it is worth mentioning, because over and over and over again last night during the debate we heard, You Republicans obstructed at every step of the way. Remember, there's 177 of us; there's 256 of you. We can't obstruct anything, particularly the House of Representatives, where majority rules on almost everything.

And, oh, by the way, the Rules Committee really rules. And the Rules Committee has a nine-to-four advantage for the Speaker. There's not much you can do with 177 Republicans in the House of Representatives if you want to obstruct. Well, you can all hang together and make a principled vote that we're all against this. And that's indeed what has happened.

But the real debate was an internal debate within the Democratic caucus, because had they had the votes, they could have done this in February. Had they had the votes, they could have done this in January. They could have done it in December, the day after Christmas, as opposed to the day before Christmas when the Senate bill was passed. If they'd known this was what they were going to end up with, maybe they should have just done that and saved everybody 3 months of additional anxiety.

The fact of the matter remains, Republicans did not obstruct this bill. Democrats obstructed this bill. Democrats and, oh, yeah, one other thing. They never had the popular support of the American people. Now think about that for a minute. We passed a bill that's going to affect in a very profound and personal way the next three generations of Americans. That's a pretty big bill. One-sixth or one-seventh of the Nation's economy. That's a pretty big bill.

Now, we've heard over and over again, if you're going to do something like that, it needs to be bipartisan. So Republicans should have signed onto the bill. Republicans should have backed the bill. Republicans should have been there. But, wait a minute. The people did not want this bill. Poll after poll after poll has shown—fill in the blanks—52 percent, 55 percent, 60 percent of the people did not want this House-passed bill, did not want the Senate-passed bill, did not want what the United States Congress was going to do to health care.

Now, if you don't have popular support, then even if you've got 256 Democrats and, now, 59 Senators and the White House, it's very difficult to get your Members to—it's a very technical term we use here in the House of Representatives. It's called, "walking the plank for your leadership." It's very difficult to get your Members to walk the plank for leadership when everybody back at home is howling mad because of what you're doing. And I'm sure many people felt—the old saying that Everett Dirksen used to have, "When I feel the heat, I see the light."

A lot of people saw the light when they went back home. Now they came back to Washington and got their arms twisted and things promised and things promised to be withheld and goodness knows what and they lined up and walked the plank last night. That's what we saw.

□ 2110

People are voting in favor of things they said they would never do. They misled their constituents back home. People turning at 90-degree intersections to principles that they've held for a long time. It was painful to watch. I felt some sorrow for people I saw on the Democratic side having to make these very tough gut-wrenching decisions.

These are good people that are well intentioned, but they got pushed into a corner from which there was no escape. And that corner was the Speaker of the House and the President of the United States. And as a consequence, this bill passed, a pretty slim majority. Not a single Republican. In fact, the only thing that was bipartisan about this bill last night was the opposition because you had 30 Democrats standing with 177, or 178 now, Republicans. That was the bipartisan block on this bill, but they were in opposition.

This bill presents a real problem for the American people. The American people don't like it. The American people don't want it, but now the American people have it. Now ideally—and people have asked me all day long, Well, what are you, as a Republican, going to do about this now? And the answer is, You fix what you can, and you work toward repeal of the bill.

Now working toward repeal of the bill, you've got to ask yourself. There likely will be bills introduced today and bills introduced tomorrow that will call for the repeal of the bill. I may very well sign on to one or more of those bills. But with the same vote total that we had last night, do you think any of those bills are even going to be brought up for debate? Is the Speaker of the House, is the majority leader going to bring up one of those repealed bills and say, Let's go through this argument and see if any of our Members now feel differently? Well, they could. And there is history there. There is precedent there.

In the late 1980s, this House passed a seriously flawed catastrophic coverage bill for Medicare. They charged Medicare recipients the premium for that catastrophic insurance; and all across the country, people said, Wait a minute, we didn't want that. We didn't ask for that. You're charging us for something we didn't ask for or want. And the seniors in this country rose up, and the very famous pictures of then-chairman of the Ways and Means Committee, Dan Rostenkowski, being chased out of his own town hall by senior citizens who objected to what they had done. And Congress did come back in short order and repeal that bill. Will that happen now? I don't know. That's a pretty painful thing for people to have to go through. We'll see.

We've got an Easter recess coming up. If people do town halls and they get that kind of reaction, maybe we'll be back here talking about one of those repealed bills. But honestly, Mr. Speaker, I think that's a pretty heavy lift to repeal this bill that we passed last night, this bill that's now on its way to the White House to become public law. It's pretty difficult to do that in this Congress because it's not likely that there will be the votes. And then, of course, on the Senate side, it's really not likely that there would be the votes. And if it happened, the President likely would feel differently about it and would exercise his authority to veto that repealed bill, and it is unlikely to get to the threshold of a veto override, two-thirds of the House and two-thirds of the Senate to override a Presidential veto.

In fact, if America has the reaction to this bill that I think they're going to have, there may be many more Republicans and many fewer Democrats here in the House of Representatives next year. I don't know if that number will be enough to change the majority control of the House. It sure could be. It certainly looks increasingly likely from the degree of anger and how upset people are that talk about this bill out in the middle part of America. But I don't know if there is the political will to change the majority makeup of the House. Again, even if there is, sure, we'll bring that repealed bill up. We'll bring it up pretty quickly and send it down to the White House, and the White House will veto it. I doubt that there will be a new Congress that's seated that will also have the ability to override a President's veto. Again, that's a tall order, two-thirds of the House, two-thirds of the Senate. So I don't know within the time frame between now and January of 2013, if the numbers work out, for this Congress to have the ability to repeal the bill. It's worth trying. It's worth testing. But I don't know if that's a realistic trajectory.

Well, then, what can we do? I think it is extremely important to at least

begin to work on some of the more egregious portions of this bill. And I will just tell you, one of the things that really bothers me about this bill that we did is the instituting of an individual mandate to purchase health insurance. Now surely it is the responsible thing for every American, every family to have health insurance against the unlikely but frightening occurrence of some of the diseases that can happen to us as human beings. It's the responsible thing to do. But just because it's the responsible thing to do does not mean that your Federal Government has the responsibility to require you to buy it. We've never done that in this country. Simply as a consequence of being born or living in this country, your Federal Government now says that you're going to buy this product.

In fact, when the bill was passed, people said, Well, under the commerce clause, we have the authority to do that. But that kind of turns the commerce clause on its head. The commerce clause is there to protect commerce, but coercing someone to buy a good or service or product and then invoking the commerce clause to protect that transaction really seems to be going at things the wrong way. Now, if an individual State wants to say as a condition of living in our State, there is a mandate that you will buy health insurance—and there are States that have done that, and if their State legislature passes that legislation, and their Governor signs it, and the citizens of that State are okay with that, then good on 'em. That's fine. That is their prerogative. That's one of the things that a State government is there for. If they pass an individual mandate, and the people turn out the State legislature, well, then they learned their lesson. But that's a different set of circumstances than having the Federal Government make that decision that we're going to require everyone to purchase insurance. In my opinion, mandates have no place in a free society; and in my opinion, mandates are not going to get us the kind of coverage numbers that people expect it to.

You stop and think for just a minute, for a mandate to work, there has to be general knowledge that this mandate is there; there has to be general knowledge of the penalties that one would possibly incur for not complying with the mandate; and there must be general knowledge that those penalties will be swiftly and surely administered.

Now, we do have a model for that in this country, and that is called the Internal Revenue Service. The Internal Revenue Service says that everyone who earns income has to pay a percentage of that income in income tax. In fact, it's withheld from most of us from our paychecks every month. But that income tax must be paid, and we all know that, and we all know that if we

don't pay our taxes, we may not know exactly what's around the corner, but most of us know it's something we really don't want to find out about.

Now, with such a draconian mandate for Federal income taxes administered by the Internal Revenue Service with such a mandate, you would expect the compliance rate to be pretty high. Well, it is. But it might be lower than what you might think. The compliance rate is around the order of 85, 86 percent. That's with a pretty severe mandate.

What about health insurance? Right now it's voluntary. As I said, it's the responsible thing to do. People should have coverage. People want to have coverage. In this country, most people are covered by employer-sponsored insurance. There is another 8 to 15 percent covered in the individual market. But insurance is a responsible thing to do. And in the voluntary program of insurance that we have in this country, what is the problem that we hear about over and over again? We've got 15 percent of our population without health insurance. Well, that does mean conversely you have 85 percent with insurance. And what is the compliance rate with the IRS? It's pretty close to the same number.

□ 2120

So are you going to get more of that 15 percent to sign up for health insurance if you put this very draconian, liberty-stealing mandate from the Federal Government out there? I don't think so. I think mandates have no place in a free society; and as a consequence, I don't think they belonged in this bill.

Further, what did the stock market do today? It jumped up a bunch, didn't it. You might say, well, see that proves the point, Americans so wanted this health care bill to pass the House of Representatives that they rejoiced by going out and running up the stock market. Or perhaps because insurance companies and pharmaceutical companies are going to profit so much by the fact that you now have to buy health insurance, that their prices went up. Their stock went up because people looked at futures and forecasting and said, wait a minute, insurance might be a good stock to buy because in just a short period of time, everybody in the country is going to have to buy insurance.

Wouldn't it be a better approach, instead of mandating people to buy insurance, and again, I don't believe you are going to get a reduction in insurance rates by demanding that everyone buy health insurance, because what incentive is there for the insurance company to hold the price down? There isn't any. If anything, there is an incentive to raise rates because you have to buy it, otherwise the IRS is coming to visit grief upon your household. So

the insurance companies may be feeling pretty good about this bill that we just passed last night because they are going to sell a ton of product. You are going to have to buy it, or you get into all kinds of trouble. The IRS is going to come and raise billycane on your head if you don't buy this insurance. So the insurance companies are feeling okay with this.

And the pharmaceutical companies, yes, they came to the table with a big bunch of money, and they gave up something to get this health care bill passed. But at the end of the day, the closure of the doughnut hole, yes, but it is for brand name products you get that discount, so they will sell more of that branded product which is the most expensive product, and people are going to blow through that area where they have to match some of the expenses and the catastrophic coverage will kick in pretty darn quick. Pharmaceutical companies may stand to gain a great deal from the passage of this bill. So it is really no surprise that the stock market went up today. Drug companies and insurance companies, they may look to be doing okay in this brave new world order that we gave to the American people last night.

A very famous quote from the Speaker earlier in the debate on all of this was: We need to go ahead and pass this bill so people can find out what is in it, and then they will really like it after the fog of the discussion is removed.

In fact, I have heard essentially that same statement on the floor here today. One of my friends on the Democrat side said, You know, finally, all of the rhetoric can be put aside and people will see what is in this bill, and they will really like it.

So let's talk about what is really in this bill, and I will leave it up to the American people how much they like it. We have already talked about the individual mandate. Absolutely unprecedented. The government has never required people to buy a good or service as a condition of lawful residence in the United States. That is a quote from the Congressional Budget Office.

It will be invoked under the commerce clause. The power to regulate commerce among the States is not unlimited. And here is a thought: What if the courts allowed this to stand? What if that power was in fact unlimited? Your imagination almost cannot handle what some of the things that your Federal Government might decide to do if we removed that power, or we removed that condition on exercising that power.

Some of the other things that are going to be found in this bill are tax increases. I know I heard it over and over again during the debate that the Republicans shouldn't mislead people about tax increases in the bill, but they are there for all to see. Go to the Web site Thomas, the Library of Con-

gress Web site, and download the CBO letter on S. 3590, the Senate-passed bill, and look at some of the tax increases that are there.

Medicare cuts, are they there? Yesterday the Democrats kept saying, There are no cuts to Medicare in this bill. Well, there darn sure are. Again, looking at the tables at the back of the CBO report, some of them look to be pretty darn significant. Reductions in annual updates to Medicare fee-for-service payment rates over the period 2010 to 2019, that is a 10-year budget cycle, that is a cut of \$86 billion. Medicare Advantage rates based on plan bids, that is cut \$118 billion. Medicare and Medicaid disproportionate share hospital payments, that is cut \$43 billion over that 10 years. Community living assistance services and supports, that is cut \$70 billion over 10 years.

One of the things that is really disingenuous about these cuts, and they have it laid out year over year in the Congressional Budget Office report, and the next 4 or 5 years those cuts are actually pretty modest, and then they really kick in the last 5 or 6 years. And we all know there is a big Presidential election coming up again in 2012, and so perhaps it is no accident that those cuts are diminished in the early years and then expanded in the out-years.

Payment adjustments for home health care, that is almost \$40 billion in reduction. Again, Medicare disproportionate share hospital payments down significantly. That is one of the significant things. It is hard for people to understand what is a disproportionate share hospital payment. Some hospitals see—and remember I told you that Medicaid doesn't really reimburse providers the cost of providing their care. Now no one cares so much about the doctor because who needs doctors in the health care system anyway, but we do care about hospitals. And hospitals historically have been protected. If they see what is called a disproportionate share of uninsured patients or underinsured patients, Medicaid where the reimbursement rate is low, they get a plus-up from the Federal Government, and it is called a disproportionate share payment.

One of the things that they did in the State of Massachusetts, they said we are giving all of this money to hospitals for disproportionate share payments, what if we just took that money and helped people buy insurance? Everybody is insured, and then you don't need to provide the disproportionate share payments any longer.

But you take a State like mine, a State like Texas, where a great number of the uninsured happen to be in the country without a valid Social Security number, for whatever reason. Now we heard the President of the United States stand here in this House in September and say very clearly that no

one who is in this country illegally will be able to participate in any of these benefits. If that is correct, and Texas has a problem with people who are in the country without the benefit of a Social Security number who also happen to be uninsured, they won't be eligible for any of these benefits. They won't be eligible for any of the subsidies in the exchanges. They won't be able to access the insurance that Congress is passing. That is not necessarily a bad thing. You don't want to provide an incentive for someone to come into the country without going through the proper channels. So what are we going to do in a State like Texas where we have vast numbers of uninsured who are there without benefit of a Social Security number? They are still going to access care through the emergency rooms of our safety net hospitals, but we are also at the same time cutting those disproportionate share payments to those hospitals. So the hospitals are actually catching the grief from both sides. Their uninsured and underinsured populations are going to go up, and their reimbursement rates are likely to stay low, and disproportionate share payments are going to go down. That is a business plan that may make sense to the Federal Government, but I bet it doesn't make sense to most hospital administrators who run our safety net hospitals around the country.

So anyway, when people tell you that the Republicans are misleading, we are trying to scare you on the Medicare cuts, they are outlined in the Congressional Budget Office report, and they are as plain as day for everybody to see. The subtotal for Medicare cuts: A negative \$430 billion over 10 years. Add the other community-living reductions of \$70 billion, and that is \$500 billion. That is what you have heard Republicans saying for the last several months. You are going to cut Medicare by \$500 billion. At the same time, you have more people coming into the Medicare system, and you are really doing nothing to hold down the cost of delivering medical care.

□ 2130

You're creating a situation where you're actually going to increase the stress on the system, not decrease the stress on the system; additionally, \$500 billion in new taxes coupled with that \$500 billion of Medicare cuts. The President stands in front of us and says, And this bill will be paid for; in fact, this bill will reduce the deficit.

Well, you're leaving out a big part of one of the things that didn't get fixed in the Senate bill. You've heard me talk before about what's called the sustainable growth rate formula. This is the formula under which doctors are reimbursed in Medicare.

Back in 1988, the institution of the, what's called, relative value payment

scale, RBRVS, whatever that acronym stands for, every year we tended to try to ratchet down reimbursements to physicians because we felt, if we didn't, they'd just spend too much money.

Well, what has happened over time, of course, as doctors' reimbursement rates have gone down, they've tried to see more and more patients so that their bottom line didn't suffer. And, as a consequence, the spending has gone up and the SGR has had exactly the opposite effect of what was intended.

We are in a real problem with this formula right now. This year, there were projected to be cuts of almost 21 percent to doctors who provide services to our Medicare patients. The payment rates for part B in Medicare were going to go down by one-fifth. For some specialties, it was going to go down even more than that. But just in general, it was going to go down about 21 percent.

We put a stay on that just about a week ago with a bill that passed by voice vote in this Congress, so it wasn't a recorded vote, and this put a stay on that cut until November. What happens then is anyone's guess because we didn't fix the problem in the House-passed bill. I mean, we didn't fix the problem in the Senate-passed bill. That bill's going down to the President for his signature.

What's going to happen to the doctors in Medicare? Well, Congress needs to fix that. Why hasn't Congress fixed that, by the way? It's been going on for years. Started with the Democrats, then it got worse under Republicans, and it's getting a whole lot worse now that the Democrats have retaken the majority.

Well, why didn't anybody fix that? The reason they don't fix it is because it scores, by the Congressional Budget Office, as a cost, a cost that is, no one really agrees upon the price, but it's somewhere between \$250 billion to \$350 billion. It could even be more than that if you tried to protect some part B premium payers from the rapid expansion of Medicare costs, Medicare part B costs caused by the rapid increase in repealing the SGR.

Remember that part B premiums are based on a formula: 25 percent of the actual cost of administering the part B program. We add another big cost to the part B program in the repeal of the sustainable growth rate formula, and Medicare recipients, Medicare participants in the part B program may see their premiums go up even faster than they've seen them go up the past several years.

So that's a problem. If we are honest about addressing the problem, it is likely to be \$350 billion to \$400 billion. But it could be scored as low as \$250 billion if you use some smoke and mirrors, which we try to do when we do budget things.

Nevertheless, it's still a big amount of money that will have to be added to

this bill, and we didn't do it. We just simply didn't do it. The congressional Democrats told the Congressional Budget Office, don't score the SGR repeal in this bill.

Now, the House will tell you that, Hey, we passed an SGR repeal last November, didn't get any Republican support. Oh, wait, they got one. Okay. It was me. But that bill was going nowhere and everybody in this House knew that was going nowhere. In fact, the Senate had previously rejected the same bill 10 days before. So that was another fig leaf.

Oh, we're going to take care of the doctors. Let's pass this SGR repeal. And, Oh, the rascals in the Senate or the rascals on the Republican side wouldn't let this thing stand.

But the fact of the matter is it hasn't been fixed. The fact of the matter is the Democrats are in charge. The fact of the matter is they need to tell us how they propose to deal with that. This kicking the can down the road—and we did it, too, when we were in power. But this kicking the can down the road is making the problem a lot worse, and it is really putting our seniors at risk of not being able to access physicians. Just look at the statistics out there.

A company called Medicus that is a doctor search firm did a survey in December. And kind of depending upon how you ask the question, they said, If the Democrats' health care bill passes, will that affect your decision to retire or continue practicing medicine? If the public option was contained within the bill, almost 45 percent of physicians said they would consider retirement. That doesn't mean 45 percent of doctors will retire, but it meant nearly half of the doctors in this country would seriously look at it. Doctors who were near retirement age, about a quarter of them, about a quarter said, Seriously consider retiring early. Doctors who were nowhere near retirement age, about a fifth of those said, Yeah, I could see myself having to get out of this.

Now, if you remove the public option from the equation, if you remove the public option, the number goes down, and it's about 30, 31, 32 percent of doctors who would consider retiring early. A significant number of those who are already near retirement age, about 20 percent of doctors who were near retirement age would consider retiring early, even with the public option out of the Democrats' health care plan. And about 7 percent, 7 or 8 percent would if they were nowhere near retirement age. But still, that's a lot of doctors who are considering retiring if we pass one or two of these bills.

Let's leave the public option question alone for just a minute. We need to come back to that later because that is a significant part of this, but amongst

the things that are in the bill that people may want to know about are these tax increases, are the Medicare cuts.

Of course, one of the big fights here last night was would the bill contain what's called the Hyde amendment language that would prevent Federal funding for abortion. A lot of controversy ensued. The bottom line is the Senate-passed bill did not contain the Hyde amendment language. The Stupak language that passed in the House bill in November did, but that wasn't the bill we were debating. That wasn't the bill we were passing.

Again, another fig leaf was trotted out in the form of an Executive order. But how many Executive orders did President Obama repeal on his first day of office, Executive orders that President Bush had had in place? It was a ton of them.

Now, the President, to his credit, did say that he would not tear up the Executive order the first day after the bill is passed, but I don't recall if he made a promise about the second day or the third day or the fourth day.

The fact of the matter remains that protection against using Federal funds for abortion, for paying for abortion is pretty tenuous right now, and that thread could be snapped at any time. And the fact is the American people just don't know at this point. And it's a shame, because we could have had that argument. We could have had a more solid amendment. But the fact of the matter is we didn't do that.

Other things in the Senate-passed bill:

The special deal for Nebraska, the Cornhusker kickback, it is in the Senate bill. It did pass. It's on its way down to the President for signature. Does that violate any constitutional principle like equal protection under the law? It might. It might. If the good, long-suffering, taxpaying citizens of Texas now have to subsidize Medicaid in Nebraska, that might get some suspicion from the Supreme Court of violating the 14th Amendment, but we'll have to see.

A special deal for Florida where their Medicare Advantage would not be cut in certain counties in southern Florida. Medicare Advantage cuts, as I pointed out to you, are going to be steep and significant in this bill, but the three counties in Florida will not sustain those cuts. Again, equal protection under the law. That may be a violation of the equal protection clause of the Constitution.

In fact, my attorney general back home in Texas said the Federal health care legislation passed tonight violates the United States Constitution and unconstitutionally infringes upon Texans' individual liberties.

□ 2140

To protect all Texans' constitutional rights, preserve the constitutional

framework intended by our Nation's Founders, defend our State from further infringement by the Federal Government, the State of Texas and other States will legally challenge the Federal health care legislation.

So what looked like a Federal health care bill may in fact have represented a bill for full employment for lawyers in this country.

There are some other bad provisions. There is a tax on the so-called Cadillac health insurance plans. Remember that was supposed to be fixed in the reconciliation bill, but the reconciliation bill is not the law of the land. The Senate bill is the law of the land and that Cadillac tax is in there. So for individuals with incomes under \$250,000, they're going to get a significant tax if they have one of the high-end insurance policies. Clearly, that is a broken promise by the administration.

Boy, construction firms. I mean, who did they irritate in the Senate? Construction firms were singled out for higher taxes. In the Senate language, the employer mandate only exists or a fine if you don't provide—if your employees have to access care under the exchanges with subsidies. The fines don't kick in until you have more than 50 employees, but construction firms, there is a much smaller number. Single digits. If they're employed by a construction firm, they will have to pay an employer mandate or an employer fine.

Now, here's one of the provisions that is really—I don't think people know about it. I'm not sure if they do know about it and they understand it, but this new board that has been created in the Senate bill. One of the ways that they attempted to deal with Medicare spending was to assemble this board, this board of commissars and commissioners who are going to set Medicare spending targets, and they will do that and they will set those targets. Yes, they have to come back and be voted on by Congress, but we just have to vote them up-or-down. We can't amend them. We can't say, well, we're just going to plus them up a little bit and reduce this one down a bit. We've got to take the whole board of recommendation as a slate. It's an up-or-down vote here on the floor of the House.

I will just tell you when Congress has to be the enforcers on these things, look what we've done with doctor payments over the years. We're supposed to reduce them, but we really didn't because we didn't want to face the wrath from doctors for seniors so we took the easy way out and gave them a 1-year stay on that. And the consequence on that is the tab continued to run on those doctor payments. So now it's as high as \$20 billion that—I am sorry, a 20-percent cut that will have to come out of doctor payments.

We might do the same thing with this independent board, or we would

lack the courage to vote on the cuts anyway if we didn't like the way they came down to us. Congress does have a history of doing that.

Some other provisions of the bill double-counts some Social Security payroll tax revenues, double-counts the premiums collected for what was called the CLASS Act. That was one of the great bait-and-switch things that was included in this bill. We're going to provide long-term care insurance. You pay for that \$50 a month and then you can get a benefit of \$50 a day if you need to access long-term care insurance. Well, this actually scores as a savings because for the first several years it is in play, more premiums are collected than money is paid out. But guess what happens in the second half of, or the second 10 years of, these expenditures? Those payouts are going to exceed the premiums paid. And that is going to be an unmitigated disaster.

And the real pernicious part of the CLASS Act—look, people my age, if they can afford it, they should buy long-term care insurance. Don't wait on the Federal Government to give it to you. Don't believe you're going to get it from Medicare for you. It's only for a short period of time. Yes, you can get long-term care under Medicaid, but you've got to spend yourself to near bankruptcy before you get any of that benefit.

The sensible thing to do if you can afford the premium is to buy a long-term care policy.

The CLASS Act is going to tell people, Hey, you don't have to worry about that. Pay your \$50 a month for long-term care. You're covered. That's nonsense. The coverage is thin. It will not be there after a period of time because that program is going to pay way too much money after a few years. And the problem with long-term care insurance is the longer you wait to buy it, the higher the premiums are going to be. For people who are in their early fifties, it's something worthwhile to look into.

But we're going to send a message to the next 10 years of Americans who are turning—Don't worry about it; We've got you covered with the CLASS Act. There is no coverage at all there. In fact, it is going to be an unmitigated disaster when people start trying to access that. Besides that, anyone who's paid for long-term care, anyone who's had a family member in a long-term care facility, does 50 bucks a day really take care of what you need in a long-term care facility? It's nowhere even close.

The bill double-counts some of the Medicare cuts. So we get to count them once, and we get to count them a second time.

Texas is really going to suffer under a reduction in disproportionate share funding. Drug makers will face an annual fee of \$2.5 billion. But you know

what? That \$2.5 billion is not doing to come out of the CEO salaries. It's going to come out of product sales. So that will be passed on to the consumer. So although they look like they're being all great and helping out the President and putting out \$2.5 billion, this goes back to the Americans who buy their product.

In 2011, this bill will limit flexible spending accounts to \$2,500 per year. Yeah, you'll still be able to have your FSA, but you will be limited on the amount you can put into it.

Here's one that really most people are not aware of. There is a medical device manufacturers' fee which is again going to be passed on to the end user, the consumer, the patient, which is you. Continuing on the time line in 2011, there is a health insurance provider fee—\$2 billion in 2011, \$4 billion in 2012, and then it goes up from there rather dramatically. Again, a tax on health insurance providers.

Who do you think is going to pay that, the CEO of the big insurance company? Probably not. The guy that's buying the insurance? Probably. Again, I talked about this before. In 2013, the excise tax of 40 percent will be imposed on the Cadillac plans. In 2013, new Medicare taxes on individuals earning more than \$200,000 a year and couples making more than \$250,000 a year, the Medicare tax on your withholding is going to rise to 2.35 percent. There is going to be a new 3.8 percent tax. Starting in 2013, a new 3.8 percent tax on unearned income. Dividends, interest, capital gains. 2013, an excise tax of 2.9 percent imposed on the sale of immediate medical devices.

Now, not all medical devices—and we all heard the stories about the Band-Aids when the Senate was talking about this. There will not be a Band-Aid tax. This will be for so-called class 2 and 3 medical devices. Class 2 devices would be syringes, sutures, some testing that a doctor might do in their office. Some of those testing kits will be taxed at that 2.9 percent rate.

Let me tell you something here. As a doctor, you don't get to pass that tax on to your patient because most of your patients that come in that are insured, you actually see them at a contractual rate. So whatever the code is, there is a contractual rate for that code and it doesn't include that 2.9 percent tax. And employers with more than 50 employees must pay a fine of up to \$3,000 if employees receive tax credits to purchase insurance.

So billions of dollars are going to be spent to hire thousands of new IRS employees needed to collect the taxes. Yet three out of 10 doctors says if Congress goes against their will and the will of the American people and passes this bill, they may retire from practicing medicine. So that's what the people are going to get—more IRS agents, less doctors.

Simple equation. How does that equal health care reform?

Ideally, we would repeal the entire bill and start over with real reforms. It seems unlikely that's going to be able to happen. Really, Members on both sides of the aisle that were concerned about this bill last night need to work together to repeal the more egregious portions of this bill and ultimately work toward the repeal of the entire bill when the make-up of the Congress and the White House has sufficiently changed to allow that to happen.

Let me talk a little bit again about the Senate-passed bill. We're not talking about the reconciliation bill. We're not talking about the House-passed bill. Remember the Senate-passed bill in December? There was a Senator from Connecticut who said, I cannot vote for a bill if it's got a public option in it.

□ 2150

Maybe it's because there are a lot of insurance companies in Connecticut, I don't know what the reasoning was, but that Senator was very firm that they would not have his vote, and they needed every vote they could to get to 60, so the public option was very reluctantly stripped out of the Senate bill. But is it really going? And the answer is it might not be.

Now, you have heard that several States around the country are looking at, I believe it's up to 37, was the last count, are looking at either filing a constitutional challenge or somehow exempting their State from participating in this new Federal legislation, and that also means that they may not set up the State-based exchange that the bill, the Senate bill, calls for.

Well, what happens in a State that doesn't set up an exchange? Is there not going to be any exchange, so there won't be any insurance in the exchange available to citizens of those States? You would think so, because States should ultimately have sovereignty, except that there is a little known Federal agency called the Office of Personnel Management that is going to be charged with setting up a State-based exchange or a national exchange that every State that doesn't have a State-based exchange, that their citizens can buy through this national exchange. And the Office of Personnel Management, in the language of the bill, is required to set up one insurance company, one for-profit insurance company, and one not-for-profit.

Does this federally administered, national exchange, not-for-profit, insurance company begin to look a lot like the public option that was discussed in the Democrat's bill in the House? The answer is, of course it does.

The Office of Personnel Management currently administers the Federal employee health benefits plan here for all Federal employees, not just in Con-

gress, but all employees. So they are a relatively small agency. That's a big insurance plan, but still, as Federal agencies go, that's a relatively small agency.

It is going to have to rapidly ramp up with a great number of new employees. Perhaps that's one of the ways we are going to deal with unemployment is to hire more people in the Federal Government. But the Office of Personnel Management will have to get considerably larger, and this Office of Personnel Management will now be the de facto public option as it administers the not-for-profit that's in the national exchange that is available to people who are in States that don't set up a State-based exchange.

It is a public option by another name. Unfortunately, the Senator that sought to prevent that from happening did not see the way this was going to work out in their own Senate bill. So when I say the doctors who look at retiring from practice, if there is a public option in the bill, perhaps the more they get to understand that this public option is really in the bill, maybe they will rethink their willingness to continue to work within the system.

Are there other ways to change this bill that we passed last night? Certainly, everyone ought to be treated equally under this bill, and they haven't been. Maybe that's one of the technical fixes we could work on so that there is no geographic disparity, there is no racial disparity. People, equals, ought to be treated equally, and that is one of the things that really we should work on.

I think we should work on getting rid of the individual mandates and the employer mandates. Certainly we could encourage comprehensive coverage for seniors. Right now, look what we are doing to Medicare Advantage. Look what we are doing to putting the tax on the supplemental insurance.

We really should, rather than discouraging seniors from having a Medicare Advantage plan or a supplemental plan, maybe we ought to encourage that. After all, the Medicare Advantage plans are doing what we asked them to do. We asked them for care, coordination, disease management, expanded health IT, expanded use of physician assistants, nurse practitioners, para-professionals.

Medicare Advantage plans are performing those functions. They are just now getting to the point where they are really starting to see the cost savings that we all said would be there if they would do those things, and now we are going to take them away. Okay, never mind, we shouldn't have done it anyway, so sorry about that.

Allow health insurance to be sold across State lines. We have talked about this a lot. If you want competition, don't have the Office of Personnel Management create a nonprofit that

everyone is going to compete with. That's only one other bit of competition. Let the 1,300 insurance companies that exist in this country, let them compete. Let them compete up on the Internet, let them compete across State lines.

The portability of insurance, Congress attempted to address that back in 1996, arguably made kind of a mess of things. But if we would do things that would establish and create an enhanced portability of insurance, we would go a long way towards establishing a longitudinal relationship, a patient with their insurance company.

If you go from job to job, you don't change insurance companies. You have your insurance company, and you can take it with you. Allow private insurance and alternatives to Medicaid and SCHIP, special health savings account for the chronically ill, health insurance plans to specialize in solving problems for the chronically ill.

All of these things are out there and within our purview. These are all things we should undertake to fix the egregious problems that are in the Senate bill.

\$13 BILLION A YEAR FOR HEALTH CARE

The SPEAKER pro tempore (Ms. PIN-GRÉE of Maine). Under the Speaker's announced policy of January 6, 2009, the gentleman from Iowa (Mr. KING) is recognized for 60 minutes.

Mr. KING of Iowa. Madam Speaker, I very much appreciate being able to address you here on the floor of the United States House of Representatives and what has been referred to in the past as the world's greatest deliberative body—and what has to struggle to reach that standard these days, I would say, Madam Speaker.

You know, we are not done yet. This legislation passed the House sometime this morning. I will just say, first of all, I am grateful that this usurpation of American liberty technically in its final phase didn't take place on the Sabbath during Lent, although most of the machinations, debates, and battles, and some of the votes, actually did take place on the Sabbath during lent.

Our Founding Fathers would have considered it a serious violation of the standards of decency to assault liberty on the Sabbath, especially during Lent, and I consider it the same. Sacrilegious may have been something that would have come to mind.

But what we have seen is the Senate version of the bill, which has come over here to the House and was voted on and debated on first, and voted on. And the identical form is the Senate—was the legislation that most of us heard President Obama refer to, and I believe it was in the conference February 25 at the Blair House, as ObamaCare.

Thirty-some million more people put on the rolls, and many of them on Med-

icaid rolls, many of them don't quite fit the standards that seem to be the highest ideals of the initiation of this legislation. The argument is, if there is \$130 billion, it will be reducing the deficit over a 10-year period of time, \$130 billion over 10 years. The American people can move a decimal point one place to the left and figure out what that is annually, \$13 billion a year by their calculations.

Madam Speaker, I could take you down through the list of the spending that has been out of control by this Congress. It all has to be initiated here, promoted by the President of the United States, trillions, trillions of dollars added up, \$700 billion in TARP, \$787 billion, which rolled into over \$800 billion and the economic stimulus plan, of which only 94 percent of Americans believe did any good, and that trillions that have been added, that have been advanced by the U.S. Treasury and the debt and the deficit that's created by the Obama budget, and we're being told that we should give up 100 percent of our personal control of our own health insurance and health care in America and completely transform the entire health insurance industry, the entire health care delivery system, when we have 85 percent of the people in America that today are insured and 85 percent of them are happy about it.

And we would transform the entire health care delivery system and the health insurance system in America for what? And the argument is, we will reduce the deficit by \$13 billion a year.

Madam Speaker, I would point out that if we were interested in reducing the debt by \$13 billion a year, it would be a piece of cake to take \$13 billion out of the abusive lawsuits that are being driven by the trial lawyers in America. These numbers come to us in stark relief.

The health insurance underwriters give us a number that 8.5 percent of the overall health care costs in America are driven by the abusive lawsuits. That 8.5 percent, when you do the calculation, comes out to be \$207 billion a year. That's the cost of defensive medicine, the litigation, the unnecessary settlements that come, not the part that makes people whole, and the part that goes directly into the pockets of the trial lawyers in America, who are bringing lawsuits and driving physicians to do defensive medicine to the point where it's been going on so long that it's taught in our med schools how you protect yourself from litigation.

□ 2200

You spend the money on unnecessary tests instead. That's my low number, \$207 billion a year, which is the Health Insurance Underwriters. That's 8½ percent. These numbers and estimates go from \$207 billion up to \$210 billion a year, which is the number that's pro-

duced by a Government Reform Committee analysis, on up to \$650 billion a year.

So if we were really serious about trying to reduce the deficit, we can do this to \$13 billion a year for the entire massive ObamaCare legislation that was rammed and force-fed through this Congress, at a tremendous amount of bone twisting. \$13 billion a year and \$130 billion over 10 years. Think, if we could abolish the abusive lawsuits and finally end the unnecessary tests, those that are defensive medicine, and take that waste out of our health care system. If we could save \$200 billion a year up to \$650 billion, you've got to be a piker to brag about \$13 billion when you're the President of the United States. And the money that they spent to twist the arms here to get down to that. And then, to add the reality to this that the \$13 billion a year—I'll say the round number of \$130 billion in deficit reduction by the CBO, which was under a tremendous amount of pressure. We'll find out if they're legitimate or not over time, but their credibility may fall into question. I don't question it here tonight, Madam Speaker.

But here are the things to calculate that aren't part of this calculation when people hear that number of \$130 billion deficit reduction. That is a half a trillion dollars in Medicare reimbursement rates that are cut out of the reimbursement process today; \$500 billion cut out of Medicare. Nobody believes this Congress will vote to cut that spending. Nobody believes that. The people that voted for this bill don't believe that, and the people that voted for this bill will not vote to cut Medicare for half a trillion dollars. That's an accounting gimmick that's designed, like a red herring, to throw the hound off the trail.

Another one of those components of this calculation is \$569.2 billion in tax increases. Tax increases on medical equipment, for example. Tax increases across the whole plethora of things that add up to \$569.2 billion. And another calculation—and we will get the precise number in a moment—\$200-plus billion for the doctors fix.

So when we add this up, Madam Speaker, \$500 billion for Medicare to cut the slash of the underreimbursed Medicare as it is today. According to the CMS, the Centers Medicare & Medicaid Services, the Federal Government, by their calculation of cost, not by the actual cost of providers, only reimburse 80 percent of the Medicare costs to deliver their services. And still, they would cut half a trillion dollars out of them?

Add the half trillion to the \$569 billion in tax increases, and now you have 1 trillion, 69 billion, 200 million in cuts with the tax increase on one side, the cut in Medicare on the other side. Those two things change the revenue of

this. You add to that the \$200 billion that is the doctor fix, and now you're up to that area of about \$1.25 trillion dollars of funding that are distorted in the calculations of the Congressional Budget Office, because they do what? They do the calculation on what's presented to them.

And we're supposed to be elated over a CBO score of a deficit reduction of \$130 billion that I guarantee you, Madam Speaker, and I would guarantee to the American people as well, we will never realize such a thing. We will see a complete transformation of our health care system, except that we have launched an effort to repeal this abysmal piece of legislation.

I would be very happy to yield so much time as he may consume to the relentless doctor and Congressman from Texas, who lives this and has made a pledge of his life's effort to come here and get this health care policy right in America. And he can't have slept very well last night.

Dr. BURGESS.

Mr. BURGESS. I thank the gentleman for yielding.

There's lots of things I could say. Let me say this on the physician fix in Medicare, because that has been something that has been left out of the equation. The Democrats do say that they passed a bill last fall that the Republicans tried to block and the Senate won't take up, but the fact of the matter is they haven't got it done.

What does it really cost to repeal the sustainable growth rate formula? I have some familiarity because this is something I have worked on ever since I first got here. Three years ago, the Congressional Budget Office score to repeal the sustainable growth rate formula was in the neighborhood of \$290 billion over 10 years.

But what happens, as we all know, every year that we don't fix the SGR, that dollar figure that should have been saved gets added on to the cost of the fix. There is no way that the cost of fixing the sustainable growth rate formula is 1 dollar less than \$300 billion. It is likely \$350 billion or more.

What many of us conveniently choose to ignore is that there will have to be something done to protect seniors who are part B participants, because the premium paid by the seniors in part B is, by law, fixed at 25 percent of the cost of the part B program the previous year. Well, if you add that much money to the cost of the part B program, guess what's going to happen to that senior's 25 percent of their premium? It's going to go up significantly.

Well, in Congress, sometimes we don't like to do that because it makes people mad at us and they get grouchy around election time and they won't vote for us, so we are likely to do something to hold seniors harmless from that rate increase. And, as a consequence, that makes the cost of repealing the SGR even higher.

When you hear people talk about perhaps it can cost as much as \$400 billion to repeal the SGR, they are talking about, yes, the true cost of repealing the SGR and a protection for seniors—at least low-income seniors—in the part B program. All of that is going to cost money. That's the reason that that number gets inflated so high.

Yes, there were some tricks and gimmicks that were used when the Democrats had their bill here in the fall to hold that cost down to, I think it was, \$240 billion or \$250 billion. The fact of the matter remains that it is a huge expenditure completely left off the CBO, Congressional Budget Office, tally sheet. As a consequence, you're not being honest with the American people if you said, Well, this is going to be the greatest revenue saver of all time. Nonsense. Start that story with, "Once upon a time," and finish it with, "And they lived happily ever after," because it is truly a fairy tale or a bedtime story, except it's kind of scary when you think of what your children are going to have to face with the amount of debt we are laying at their feet.

Again, this has been through both the Republican and Democratic-controlled House of Representatives that we have let this happen. It's not to put all the culpability at the feet of the Democrats on the SGR formula, but they are culpable in this regard: They are not attesting to it. They are not accounting for it in this formula or in this score sheet, this tally sheet they have. And then they're going blithely around the country talking about how this is going to save the greatest amount of revenue that anyone has ever seen in peacetime.

The President is going to have a signing ceremony tomorrow for the bill that we passed. He is then embarking upon a tour to sell the American people on the concept of what we passed. That's getting a little backwards, isn't it? Shouldn't we have engaged the American people and gathered the popular support from around the country for this bill before we passed it through the House and the Senate and signed it down at the White House?

This has been their problem all along. I have said it before, but it bears repeating. If you do not have popular support for a measure this large, then it's no great surprise that the people push back. And because the people pushed back, yeah, the Republicans didn't want this and they didn't vote for it, but it was the Democrats within their own conference, within their own caucus. This was a fight in the Democratic caucus. Because how can you go home and face your constituents when they have told you over and over and over again in town halls, telephone town halls, emails, cards, faxes, letters, they have told you over and over and over again, We don't want you to do this. We don't trust you.

The congressional approval rating right now is 17 percent and dropping. We don't trust you to do this. You won't read the bill. You won't take the insurance yourself. Why should we believe you that you can do something this large?

□ 2210

Now had we taken an alternative approach, which was rejected by the President, rejected by the Speaker of the House, but had we taken an alternative approach and said, Let's take three things that are really bugging people and try to fix them, and maybe if they see we can do that, maybe they'll give us the permission to work on a few more things.

So instead of a 1,000-page bill that became a 2,000-page bill that became a 3,000-page bill that became a 4,000-page bill—and this was a 4,000-page bill, by the way. There was 2,700 pages in the Senate legislation, and then another 1,300 pages in reconciliation. That's a lot of pages for the American people to have to sort through on a weekend. And many brave souls, I'm sure, tried. Rather than doing a 4,000-page bill, let's do three or five 50-page bills and try to take care of some of the problems.

You know, here's the sad part. Because a lot of the benefits are shifted out so far because it's just going to take a long time to build the infrastructure and the bureaucracy to administer these things, they're ironically going to do some of the things that JOHN MCCAIN suggested during the campaign. They're going to create risk pools for people with preexisting conditions, and subsidize these risk pools, and get people some help right away. That's a good thing. I would support that. I would have supported that a year ago, had we said, Look, we know we want to work on a big health care bill, but let's get some help for the people that are really needing it right now.

And that poor group of people with preexisting conditions, there is a way we can help them. The Congressional Budget Office scored that at about a \$20 billion cost over 10 years' time. I personally think it's going to be a little bit higher. But that's a far sight less than a trillion-dollar bill. So why didn't we do that a year ago? Why didn't we have a hearing on it in my committee? Why didn't we call in some experts and say, How do you get this done? We are still going to pass a big bill at some point, but we just really want to help these poor folks who have preexisting conditions today.

Why didn't we have a hearing on, What do we need to do to help people who are perhaps facing early retirement, a way to buy into Medicare? Or is there some other type of insurance product that might be out there? Might we do something in the marketplace

that would allow a product to be developed and sold for them? We didn't even try. We didn't have a hearing. We didn't talk about it. We just said, No, we're going to do mandates. We're going to do a public option. We'd love to do a single-payer if we thought we could pull the wool over the American people's eyes for just a few more days, and this is what we want to do.

The reality is that people would look back at it and say, No, you can't do that to us. Mandates are unconstitutional. What about equal protection under the law? This deem and pass thing that they flirted with for a few days really got people in a snit until they finally backed off on that. But why be so duplicitous? Why be so fancy about passing these things? Make it a straightforward bill. Make it the number of pages that someone could reasonably read in one sitting, and tell people what you're going to do, tell people what you're going to propose.

Even better yet, go out amongst the people and find out what they want. This is what I did with my nine principles that I have developed for health care reform that were up on my Web site—or perhaps are still up on my Web site. I listened to the people in my town halls. I listened to the people who were on my telephone town halls. They said, Help us with preexisting conditions. Sell across State lines, fairness in the Tax Code, liability reform, blah, blah, blah. That's what we want.

Why didn't we do it that way? Instead we have this gargantuan bill that we shoved down the throats of the American people. And I don't know, we're stuck up here in Washington. We're insulated inside the cocoon. Our phones have been shut down all weekend. Our faxes have been overloaded. So we don't really know what people are thinking out there. But I've got a hunch they're not happy about what we did last night. I'm sorry to have consumed so much time. I will yield back to the gentleman from Iowa.

Mr. KING of Iowa. I thank the gentleman from Texas. And I know that since he had a little trouble sleeping last night, if he has a little longer period of time to vent himself tonight, he may be able to get caught up with this and rest a little. But I do not believe that we're going to be forgetting this, nor will we be backing off.

The first order of business this morning issued a bill draft request to repeal this legislation that passed the House last night, the Senate version of the bill. It's not curious at all that it's happened more than one of us has stepped forward to do that. I'll continue to work on that cause and work to have legislation that can repeal the Senate version of the bill and can be converted into a discharge petition that can then bring a repeal to the floor of the House. There are 212 House Members who voted against it. That

means if they will all stick to their convictions—and there was one resignation last night, so that means we have seven more on top of that—that if all of those would sign on the courage of their convictions and seven would have a conversion, we would be able to bring a repeal to the floor of the House. That's one of my efforts, Madam Speaker. And I intend to remain committed to that.

Going back on Dr. BURGESS's comments with regard to cost, he said the doctors' fix has to be in the area of \$360 billion. I spoke of the \$500 billion cut in Medicare reimbursement rates as part of that bill and tax increases in there, aggregate, that are \$569.2 billion. The things that aren't in this bill that change the overall cost of the bill totals \$1.4292 trillion that, if they were presented in a fashion that was designed to inform the American people, would have shifted the balance of that scoring from, I'd say, a deficit reduction of \$130 billion to a deficit increase of \$1.429 trillion, minus \$130 billion. So we would be in the area of \$1.3 trillion is what the additional cost of all this is that is masked by the cuts in Medicare, the tax increases that people don't seem to be focused on or animated by, and by the necessity to pass a doctors' fix. All of that. And the net, that would be the net deficit that was created by this bill, when you subtract those numbers, works out to be \$1.3 trillion, a net deficit created by this bill.

All of this to solve a problem that the President has identified as us spending too much money on health care. So we spend too much money on health care, and the economy's in a downward spiral—this is all the President—and we can't fix the economy unless we first fix health care. The problem with health care is we spend too much money, and the President's solution is spend a lot more. Speaker PELOSI's solution is spend a lot more.

So that's what got done last night, Madam Speaker. The American people end up with a huge liability that goes on to our children, our grandchildren; and babies yet born will be paying interest on a debt that shows no sign to be reduced anytime within the calculations of the people that are in control of this country today, that being the White House, the gavel here, in the White House, and the gavel in the United States Senate.

So when Dr. BURGESS talks about a story that begins with "Once upon a time" and ended with "happily ever after," I don't know if there is a happily ever after for America. But we're living in a once-upon-a-time time, Madam Speaker.

Now, I wanted to take up this issue and roll us back to the Stupak amendment and what happened here in the House last night. The Stupak amendment was brought forward in the weeks before the November 7 first passage of

the House version of the bill. It was driven, I think, by the best merits of seeking to prohibit American taxpayers from having to fund abortions. I would like to prohibit abortions; but if we can continue to prohibit American taxpayers from having to fund abortions, at least we're maintaining the current status quo.

That changed last night, Madam Speaker. But the Stupak amendment was motivated and designed to prevent Americans from having to pay for the elimination of innocent unborn human life. That was properly motivated, and it was very hard work here in this Congress. Every Republican supported the Stupak amendment. There were 64 Democrats who voted for the Stupak amendment. Everyone got at least some cover to be able to say, I am pro-life.

That went on from November 7, this cover of being pro-life Democrats, until last night, Madam Speaker. And now it's a legitimate question to ask, Is there such a thing as a pro-life Democrat? Or was it always a political position that was contrived to posture to pacify constituents rather than a deeply held internal conviction that one is willing to stand and sacrifice for? I'm having trouble at this point finding a real pro-life Democrat. I'm sure some of them in their most private world do care a lot about ending the destruction of innocent unborn human life.

But after the Stupak amendment, after the long negotiations that took place, after the events that took place yesterday of Congressman STUPAK in one room, the pro-choice people in another room, shuttle diplomacy going back and forth, and finally about 4 o'clock yesterday, Congressman STUPAK held a press conference and revealed that the Stupak 12, the dozen that had pledged that they would hold out to defend innocent unborn human lives and oppose Federal funding of abortion, decided that they had found a solution that would take them off of the pressure hook and out of the pressure cooker that was being put there by the Speaker.

□ 2220

We have to believe if the Stupak 12 would have stuck together, this anti-liberty, anti-life bill would have failed last night. But it did not.

Now what was the rationale that came before that Stupak press conference yesterday? And in the Stupak dozen, I would point out that we still don't know who they all are. We probably know who some are, but we don't know who they all are. And you can't count votes in this United States Congress or any legislative body unless the people that are on the list are public.

If they say I will be a "no" on the Senate version of the bill unless there is a fix that will put real pro-life language in it, if they will step up at a

press conference and take their position and make that pledge before God and man, you can generally count on them. But a lot of them were pledged by Congressman STUPAK, but they were anonymous, Madam Speaker.

I never believe an anonymous oath stuck for anything because they can always flip and vote the other way. And when pinned down later on, they can say, I was never one of the Stupak dozen. So they had the option. Those who were not public, those whose names didn't leak out into the press, they all had the option to vote yes or no. If they voted no on the bill because it didn't have pro-life protections in it, then after the final vote, they could always say, Well, I stood up for innocent, unborn human life. I was one of the Stupak dozen.

But if they voted yes, Madam Speaker, and when they were accused later on of flipping their position and not sticking with their publicly announced convictions on pro-life, they could always say, Well, I was never part of the Stupak dozen. I really didn't make that pledge or that oath. I was not part of that deal. So don't write me into this presuming I flipped positions and didn't stick to my convictions because I never announced my convictions. That is what goes on when people who are supposedly part of a coalition remain anonymous and their names do not become public. Their public statements are not part of the record. And so therefore they can vote any way they want to vote and always hide from the accountability. They don't have to give or keep their word. And for months, the Stupak dozen remained anonymous.

And now we have to wonder, was there a single Member of Congress, was it all Democrats on that dozen, was there a single one that had the courage of their convictions that put up a vote to defend innocent, unborn human life? Or did they all find a way to slip into the excuse of, the President of the United States is going to sign an Executive order that will take the Stupak language and make it the law of the land. That is the summary of the Stupak conference yesterday, as I heard it.

The President's Executive order makes protection of innocent unborn human life from the assault of American taxpayers' dollars, pro-life American taxpayers' dollars protected by an Executive order of the President of the United States.

Now, I have to believe that a duping has taken place here. We are the people who have to take an oath, and we are glad to do it. An oath to uphold the Constitution of the United States. We take that oath right down here on the floor together, and I carry the family Bible in to take my oath, to uphold this Constitution of the United States. And we are upholding a Constitution—what we understand the text of the

Constitution to mean. And what it was understood to mean at the time of its ratification.

It cannot be anything else. It cannot be a living, breathing, growing, moving, changing, morphing organism. The Constitution has to mean what it says. If it doesn't mean what it says, it is no guarantee whatsoever. It is simply a document that allows a judge or a manipulating attorney to manipulate society however they choose to do so. Or the Constitution could just become instead a shield that an activist judge can hold up and say, that is the Constitution. It was my job to interpret it as a growing, moving, changing, morphing document; and because society has changed, the Constitution has to adapt to it. That is nuts.

It is nuts to think that the Constitution has any value if we are going to put it in the hands of an activist judge and have it turn into something that is malleable, that they can shape in their hands however they want to. There wouldn't be any reason for a Constitution if it was growing, moving, changing, and morphing. The text of it has to mean what it was understood to mean at the time of the ratification of the basic document, the Bill of Rights, or each of the amendments in their time as they came through.

And the Founding Fathers put provisions in place so if we weren't satisfied with this Constitution, its text in its original understanding, then we could amend it. A fair amount of wisdom. It is a high bar. But still, it needs to be a high bar to amend the Constitution because this is our guarantee.

And to think that we would have Members of this United States Congress at this very high and presumably well-educated, well-informed, and sophisticated level, that would take an oath to uphold this Constitution, each 2 years as they are seated in this Congress, and believe somehow this Constitution doesn't mean what it says, that there really isn't what you would call a separation of powers, that the executive, the legislative and the judicial branches of government somehow are not defined specifically in here with our individual duties. All legislative powers are vested in the Congress; they are not vested in the President of the United States.

You don't have to read very far into the Constitution, Article I, section 1, "All legislative powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and a House of Representatives." All legislative powers, Madam Speaker.

And yet, Congressman STUPAK and the other 11 of the Stupak dozen found it convenient to believe that this doesn't mean what it says, that a President of the United States can amend the legislation of the land, the law of the land, by Executive order?

Who could dream of such a thing? What kind of country could we have if the President can amend the legislation, the Federal code, by Executive order? Any President could come in on a whim and amend the very reasoned deliberations of the House and the Senate that we have come together and concurred in, and sent the document to the President of the United States to be signed into law, and the President could then just simply sign an Executive order to change it?

If the President can do that, why didn't he just write the entire socialized medicine ObamaCare package? If he can run this country by Executive order, we don't need a legislative branch, unless we come together to appropriate money. And why can't you do that by Executive order, too?

This is the kind of thinking that subverts our Constitution. And this initiated and promised from the President of the United States, who used to teach constitutional law at the University of Chicago as an adjunct professor. I will just read this again, just in case we forget what Article I, section 1 says. "All legislative powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives."

The gentleman from Michigan and the 11 other gentlemen and gentleladies who are either publicly part of the Stupak 12 found something that was the best deal that they could find to let them do what they were probably willing to do for a long time before they finally capitulated, and that is vote for this socialized medicine bill, because that is where the political power has gone. So they will migrate where political power is instead of standing on their convictions to defend innocent, unborn life.

How can it be that the President of the United States will sign an Executive order that alters the legislative language of the United States Congress? What utter arrogance on the part of the White House. What utter naivete, at best, on the part of the Members of this Congress that buy into such a thing.

□ 2230

Madam Speaker, I'm not without experience in this category. I didn't just open up the Constitution and read Article I, section 1. I have a deep and long history with defending the Constitution and the separation of powers.

And, in fact, as a State senator, I exercised that at some expense to myself and my family. As a State senator, I took an oath to uphold the Constitution of the United States and the Constitution of the State of Iowa. And some time in 1999, I received a fax that came from an anonymous source, and I never found out where, but it was a photocopy of an article that was written in the Washington Blade here in

Washington, D.C., and it said, at that time State of Iowa Governor Vilsack, now Secretary of Agriculture, had signed an executive order, an executive order that granted special protected status for sexual orientation and gender identity. And it was—I want to say it took great credit for that executive order advancing the special rights of people who often read the Washington Blade newspaper.

It seemed to me that somebody had a little bit of extra exuberance that somehow that information would be sent out here to Washington and it would be posted in the paper and nobody in Iowa would have probably picked up on it, but I think somebody out here found it, cut it out, and faxed it to me. That was on a Wednesday evening. I read that article, checked the Iowa Administrative Bulletin, and there on page 632 of the Iowa Administrative Bulletin I found the executive order.

Now, the Governor had had a press conference that day. He'd talked about several other actions on his part, but he didn't talk about the executive order, executive order number 7, granting special protected status for sexual orientation and gender identity.

And I went to our attorneys and I said, I believe this is a violation of separation of powers. I believe he is legislating by executive order, and I believe it's a constitutional violation. And even our attorneys on our side of this analyzed it and said, No, you're wrong. This is very carefully written and artfully drafted and nuanced in such a way that it isn't a violation of the Constitution, and this executive order will stand.

And it didn't make sense to me, and they couldn't explain it to me. And often I find out, if they can't, it isn't just because I can't understand it; it might be they don't either.

So I sat down at the word processor and I put all the language in section 19B.2 of the Iowa Code. I typed it in so I had the words to work with. Then I took the executive order number 7 on page 632 of the Iowa Administrative Bulletin and I patched that in to the code of the civil rights section of the Code of Iowa, Iowa law, just like our Federal Code here, Federal law. And where it struck out words in the Iowa Code, I put strike-throughs in them; and where it introduced words, I put underlines in them, and pretty soon I had a document that showed me what the Code of Iowa would read like if that executive order were allowed to stand.

And it was clear to me that the Governor had legislated by executive order. He'd added two more categories to the special protected status of the Civil Rights Act which was patterned off of title VII of the Civil Rights Act in the Federal Code. So it was clear to me that the Governor, the chief executive officer of my State, had legislated by

executive order. I didn't have anybody that agreed with me, but I believed it.

So I sat down and I wrote up an analysis of it. And I set that up and I sent it out to about a dozen of the people out there whose judgment I trust, and I asked them to give me an opinion. And that was on a Thursday night.

And before I got an opinion back from anyone, I was driving down the road that Friday morning about 10:15 or so, maybe 10:30, listening to one of our radio talk show hosts, our top radio talk show host in Iowa, who happens to be one of the people that's talking on WHO radio. And that is the original station where Ronald Reagan had a microphone when he learned the broadcasting business, so anyone that has access to that microphone has a legacy to uphold.

And as our talk show host was talking, he brought up this executive order, which I didn't think anybody knew about but me, and he began going down through a list of items that he objected to and an analysis of it. And as I listened, as I drove down the road, it occurred to me that this sounds a lot like the points that I had sent out the night before to my friends for their opinions. And I pulled my pickup truck—where I come from, they're just a pickup—off on the gravel road at an intersection and I dialed on my cell phone into that radio program.

And he asked me what I thought and I told him. I said, I believe the Governor is legislating by executive order. I believe it's a constitutional violation of the separation of powers.

And he said, What are you going to do—at the time—State Senator? He said, What are you going to do, Senator? And I said, I'm going to sue the Governor.

And he asked me, Do you have the support of the legislature? I said, There are 150 of us between the house and the senate, and if 149 of them think it's a bad idea, I am suing him anyway, because he's violated the Constitution of the State of Iowa by legislating by executive order.

Now, to move this longer story into a shorter version, Madam Speaker, it comes down to this. I followed through on that. There were a number of people that joined me as plaintiffs. I'm very glad that they did. They were stalwart, and we stood together. But the case of *King v. Vilsack* went before the courts, and the courts found in my favor and in the favor of the Constitution and in the favor of the people that stood up to defend the Constitution, and they vacated the executive order because it was unconstitutional. It was an attempt by an executive officer to legislate by executive order rather than allow the constitutional authority of the legislative branch to make those decisions. And so that executive order number 7 was vacated by the courts.

And I believe it was a help to the administration, the Vilsack administra-

tion, so that they didn't follow down that path and continue to try to run the State of Iowa without regard to respect for the legitimate authority of the legislative branch.

Well, now Governor Vilsack is the Secretary of Agriculture. We've had our times together, but I'm appreciative of that time, because that gave me the background and that gave me the responsibility to analyze these issues and come to a fundamental conclusion.

If a Governor can't legislate by executive order, neither can a President. It's the height of arrogance to think that you can do so by executive order, especially when the President has so much on the record that would say otherwise.

And I would point out that President Obama was very, very critical of President Bush for his signing statements, not executive orders, that—essentially not an executive order that it would amend a statute that hasn't even gotten to the President's desk yet, but a signing statement that points out reservations about constitutionality of certain segments of a bill.

And here is what President Obama said of signing statements. This is March 9, 2009. He's been inaugurated for a couple of months, a month and a half now. And the title of this memo is, from the White House, "Memorandum for the Heads of Executive Departments and Agencies; Subject: Presidential Signing Statements."

Now, remember, this is the President who, as a candidate, was critical of President Bush for his signing statements. And he says this: "In recent years, there has been considerable public discussion and criticism of the use of signing statements to raise constitutional objections to statutory provisions."

This is the President who has objections to the utilization of signing statements, which I have some of those same reservations to be objective in this.

And he goes on and says: "There is no doubt that the practice of issuing such statements can be abused," an implication President Bush abused those.

Continuing, "Constitutional signing statements should not be used to suggest that the President will disregard statutory requirements on the basis of policy disagreements."

I'd better read that again. "Constitutional signing statements should not be used to suggest that the President will disregard statutory requirements on the basis of policy disagreements."

That's President Obama as recently as March 9, 2009. And here he is, March 21st, now the 22nd, 2010. So let's just call this a year and a couple of weeks later, the President of the United States apparently believes that he can go beyond the signing statement, even though he's critical of signing statements and the "constitutional signing

statement should not be used to suggest that the President will disregard statutory requirements on the basis of policy disagreements.”

Well, there apparently is a policy disagreement between Bart Stupak and the other 11, however anonymous they might be, and those who are willing to vote for this bill, regardless. But we know the President of the United States doesn't disagree with the policy in the bill that he's about to sign tomorrow.

□ 2240

He and BART STUPAK disagree, as do the 11, as does every Republican that voted for the Stupak amendment and presumably some of those that are part of the 64 Democrats that did the first time around.

But the President's taken a position that signing statements are to be used carefully and with great restraint even though he said as a candidate he didn't support signing statements at all. And now the same President is telling us that he can amend a piece of legislation that's been fought over since last July by everybody in America, finally passes the House of Representatives, goes to the President's desk, and he's going to amend it by executive order to keep our STUPAK happy. And I went to court to sue a Governor who is now the Secretary of Agriculture successfully to make the point that the chief executive officer of the State or the United States has no authority to amend legislation by executive order. *King v. Vilsack's* in the books. This executive order doesn't have any weight or substance. It will either be thrown out in court or will be disregarded. Mr. STUPAK has to know that.

That is another thing that the President went on and said with signing statements, With these considerations in mind and based upon advice of the Department of Justice, the President, speaking through this memo, I will issue signing statements to address constitutional concerns only when it is appropriate to do so as a means of discharging my constitutional responsibilities. In issuing signing statements I shall adhere to the following principles: Ya-da-da.

Only when it is appropriate to do so as a means of discharging my constitutional responsibilities. The President doesn't have a constitutional responsibility to sign an executive order. It would alter the language in the legislation. That is the responsibility of this Congress. And to think that there would be a piece of legislation that was passed here that could not have passed if the convictions of the people that were required to vote for it would have been reflected in their vote. But no. The false promise of an executive order brings about the flip of a dozen votes and a bill that couldn't pass—in fact, a bill that couldn't pass the United

States Senate today passed the floor of the House last night, and it's on its way to the President because the President promised an executive order that would, in effect, amend the legislation that will soon be signed into law. It is a constitutional violation. I have been to court to prove it.

And I would go further and say why would anybody believe that it is the intent of the President to follow through on such a thing if, in the ultra-hypothetical situation, he really had an authority to sign an executive order that would bring about this effect? Why would anybody believe this?

I went back today and a looked through the transcripts of the Illinois State Senate. And here's what I found. State of Illinois, 92d General Assembly, regular session, Senate transcript 20th legislative day, March 30, 2001. Not so old in our time.

Where's the President on the issue of protecting unborn human lives? Well, before the Illinois legislature, several times the Illinois Born-Alive Infants Protection Act was introduced, it was introduced to provide legal protection to all born babies wanted or not, including the right—and it gave them the right to medical care. Then-Senator Barack Obama voted multiple times against such legislation. The President has not stood up to defend innocent unborn human life. When he was asked at the Saddleback Church in August of 2008 when his life began or when life begins, his answer was, That is above my pay scale.

Well, he seemed to think it was not above his pay scale when he spoke on the floor of the Senate that day. And the sum total of the dialogue of the President would tell any careful reader with a somewhat critical eye that the President of the United States must believe that a woman who was seeking an abortion, even though the baby survived the attempted abortion, has a right to a dead baby anyway.

Here's what I read from that transcript on that day, which is March 30, 2001. The floor of the Illinois Senate. And the question came from Senator Obama: “Thank you, Madam President. Will the sponsor yield for questions?” Presiding answer responded: “He indicates he will.”

In which case State Senator Obama followed with this. He said: “This bill was fairly extensively debated in the Judiciary Committee, and so I won't belabor the issue. I do want to just make sure that everybody in the Senate knows what this bill is about, as I understand it.

“Senator O'Malley, the testimony during the committee indicated that one of the key concerns was—is that there was a method of abortion, an induced abortion, where the—the fetus or child, as—as some might describe it, is still temporarily alive outside the womb. And one of the concerns that

came out of the testimony was the fact that they were not being properly cared for during that brief period of time that they were still living. Is that correct? Is that an accurate sort of description of one of the key concerns in the bill?”

Senator O'Malley, presiding officer, apparently responded and then from, yes, Senator O'Malley, the sponsor of the bill, said, “Senator Obama, it is certainly a key concern that the—the way children are treated following their birth under the circumstances has been reported to be, without question, in my opinion, less than humane, and so this bill suggests that appropriate steps be taken to treat that baby as a—a citizen of the United States and afforded all the rights and protections it deserves under the Constitution of the United States.”

That is Senator O'Malley.

Senator Obama responded: “Well, it turned out—that during the testimony a number of members who are typically in favor of a woman's right to choose an abortion were actually sympathetic to some of the concerns that your—you raised and that were raised by witnesses in the testimony. And there was some suggestion that we might be able to craft something that might meet constitutional muster with respect to caring for fetuses or children who were delivered in this fashion.”

Senator Obama continued: “Unfortunately, this bill goes a little bit further, and so I just want to suggest, not that I think that it'll make too much difference with respect to how we vote, that this is probably not going to survive constitutional scrutiny. Number one, whenever we define a pre-viable fetus as a person that is protected by the equal protection clause or the other elements in the Constitution, what we're really saying is, in fact, that they are persons that are entitled to the kinds of protections.”

In any case, watching the clock tick down, Madam Speaker, I'm going to follow with this—let's see, “that they are persons that are entitled to the kinds of protections that would be provided to a—a child, a 9-month-old—child that was delivered to term.” In other words, he draws a distinction between the unborn child that is struggling for life after an attempt of abortion and the child that is 9-months-old.

And he goes on and says: “That determination then, essentially, if it was accepted by a court, would forbid abortions to take place. I mean, it—it would essentially bar abortions, because the equal protection clause does not allow somebody to kill a child and if this is a”—so he admits that. He admits then abortion is killing a child if you allow that child to be named as a citizen of the United States by law.

Now continuing: “And if this is a child, then this would be an anti-abortion statute. For that purpose, I think

it would probably be found unconstitutional. The second reason that it would be found unconstitutional.

"This essentially says that a doctor is required to provide treatment to a pre-viable child, or fetus, however way you may want to describe it. Viability is the line that has been drawn by the Supreme Court to determine whether or not an abortion can or cannot take place."

Not true, actually, Madam Speaker. They didn't draw that line. They made exceptions for life or health of the mother and that includes now, according to *Dole v. Bolton* as to economic or the familial health of the perspective mother, who I consider as a mother that day.

It goes on, and I will just bring this to a conclusion, as the President of the United States continues all of this dialogue on the floor of the Illinois Senate, standing up in opposition to the Born-Alive Infants Protection Act which protects the life of a child that has survived an abortion from being pushed off into a cold room and starved to death so no one can hear that child scream itself to death, the President argues in the substance of this that this woman has a right to a dead baby.

□ 2250

It concludes this way: "As a consequence, I think that we will probably end up in court once again, as we often do on this issue, and, as a consequence, I will be voting 'present.'"

This President said he would vote "present" on the issue of the Born Alive Act, which is the most outrageous position, and it finds itself in direct contradiction to the Born Alive Act, which is almost identical to the Illinois act that was passed unanimously in this United States Congress, in the House, and by a voice vote in the Senate, or vice versa; I actually don't remember which way, without opposition in each Chamber, but opposition in the Chamber of the Illinois Senate, by the President of the United States, who now we are going to trust to write an Executive order that's not going to be constitutionally upheld, that doesn't have the convictions of the President, but it gives just the smallest of fig leaves for the Stupak dozen. That's what the American people have seen, Madam Speaker. That's what brings some of their outrage.

But shifting subjects and bringing this into the CONGRESSIONAL RECORD and towards the conclusion, I will point out a press release that does give me some hope. This is a press release that also comes from Chicago, AP. The headline is this: "ACORN disbanding because of money woes, scandal." It's an article by Michael Tarm, and it was filed at 8:57, fairly fresh news for us.

It says, "The once mighty community activist group ACORN announced Monday it is folding amid falling reve-

nues—6 months after video footage emerged showing some of its workers giving tax tips to conservative activists posing as a pimp and a prostitute.

Hannah and James, in 6 months, according to this article, have brought about the destruction of ACORN, ACORN the criminal enterprise, ACORN that has been involved in advocating for a Community Reinvestment Act and then deciding they are the brokers of who is writing the most bad loans in bad neighborhoods. ACORN, the organization that admitted to over 400,000 false or fraudulent voter registration forms, ACORN that has been under multiple prosecutions in multiple States, at least 14, I believe it is 16 States in the country for voter fraud, voter registration fraud and a number of other activities.

ACORN, the organization that was raided in New Orleans, Louisiana, at their national headquarters, and the Attorney General of the State of Louisiana brought out a massive amount of records, copied those records for ACORN, and they are being sorted through to this day. ACORN, the organization that seemed to want to change the shingle but it couldn't change the faces of the people that were running the organization, and the pressure that's come in this Congress to shut off funding to go to ACORN; the United States Senate shut off funding to ACORN. Thanks to Senator MIKE JOHANNIS, who offered the amendments to get that done.

And then there was a judge, Nina Gershon, in the Eastern District of New York, who decided that Congress didn't have a constitutional authority to end funding to a multiple criminal enterprise entity because we failed, our government failed, our Solicitor General apparently failed to make the argument before the Eastern District of New York that Congress had some motive other than punitive. And so there was an unprecedented decision made by Judge Nina Gershon, and she ruled that it was a bill of attainder and we should not have punished ACORN, and that ACORN has access to, and should, to Federal funding for grants and contracts, not only what's going on in the past, what's going on now, but in the future, because they have been successful in the past, and Congress failed to prove.

Well, there isn't going to be that center of ACORN to appropriate funds to as long as we keep the pressure up, Madam Speaker. America is a better place because of this good news tonight.

I am not convinced that this is the end of ACORN. I think people like that re-form again and shape new organizations and come back in an insidious way, but we have got to follow and track all the money all the way down. We have got to stand up for the principle of life, we have got to stand up for

the Constitution. We have got to respect article 1, section 1, where all legislative authority is vested in the Constitution of the United States.

Follow through on ACORN. The sun did come up this morning, even though it was behind the cloud, and there is still some free air left in America.

Madam Speaker, I yield back the balance of my time.

OMISSION FROM THE CONGRESSIONAL RECORD OF SATURDAY, MARCH 20, 2010 AT PAGE 4088

DISCHARGE PETITIONS

Under clause 2 of rule XV, the following discharge petition was filed:

[Omitted from the Record of March 20, 2010]

Petition 10. March 15, 2010, by Mr. WALTER B. JONES on the bill H.R. 775, was signed by the following Members: Walter B. Jones, Joe Wilson, and Adam H. Putnam.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Ms. KILPATRICK of Michigan (at the request of Mr. HOYER) for today and the balance of the week on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. SABLAN) to revise and extend their remarks and include extraneous material:)

Mr. AL GREEN of Texas, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Mr. SABLAN, for 5 minutes, today.

Mrs. MALONEY, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Mr. MCDERMOTT, for 5 minutes, today.

(The following Members (at the request of Mr. POE of Texas) to revise and extend their remarks and include extraneous material:)

Mr. MCCOTTER, for 5 minutes, today and March 23 and 24.

Mr. LATTA, for 5 minutes, today.

Mr. GOHMERT, for 5 minutes, today.

ENROLLED BILL SIGNED

Lorraine C. Miller, Clerk of the House, reported and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 3590. An act entitled The Patient Protection and Affordable Care Act.

ADJOURNMENT

Mr. KING of Iowa. Madam Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 10 o'clock and 55 minutes p.m.), under its previous order, the House adjourned until tomorrow, Tuesday, March 23, 2010, at 10:30 a.m., for morning-hour debate.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

6723. A letter from the Under Secretary, Department of Defense, transmitting authorization of 4 officers to wear the authorized insignia of the grade of brigadier general, pursuant to 10 U.S.C. 777; to the Committee on Armed Services.

6724. A letter from the Assistant to the Board, Board of Governors of the Federal Reserve System, transmitting the System's "Major" final rule — Truth in Lending [Regulation Z; Docket No. R-1370] received March 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

6725. A letter from the Assistant Secretary, Employee Benefits Security Administration, Department of Labor, transmitting the Department's final rule — Multiemployer Pension Plan Information Made Available on Request (RIN: 1210-AB21) received March 4, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and Labor.

6726. A letter from the NIH Associate Director for AIDS Research and Director, Office of AIDS Research, Department of Health and Human Services, transmitting Fiscal Year 2011 Trans-NIH AIDS Research By-Pass Budget Estimate and Trans-NIH Plan for HIV-Related Research; to the Committee on Energy and Commerce.

6727. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Insurer Reporting Requirements; List of Insurers Required To File Reports [Docket No.: NHTSA-2009-0050] (RIN: 2127-AK46) received March 4, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6728. A letter from the District of Columbia Auditor, Office of the District of Columbia Auditor, transmitting a copy of the report entitled, "District's Earmark Process Needs Improvement", pursuant to D.C. Code section 47-117(d); to the Committee on Oversight and Government Reform.

6729. A letter from the District of Columbia Auditor, Office of the District of Columbia Auditor, transmitting a copy of the report entitled, "District's Earmark Process Needs Improvement", pursuant to D.C. Code section 47-117(d); to the Committee on Oversight and Government Reform.

6730. A letter from the Associate Deputy Director, Central Intelligence Agency, transmitting the Agency's annual report prepared in accordance with Section 203 of the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002, Pub. L. 107-174, for Fiscal Year 2009; to the Committee on Oversight and Government Reform.

6731. A letter from the Secretary, Department of the Treasury, transmitting the Financial Report of the United States Government for Fiscal Year 2009; to the Committee on Oversight and Government Reform.

6732. A letter from the Acting Director, Office of Human Resources, Environmental Protection Agency, transmitting a report

pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

6733. A letter from the Acting Director, Office of Human Resources, Environmental Protection Agency, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

6734. A letter from the Acting Director, Office of Human Resources, Environmental Protection Agency, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

6735. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives: PIAGGIO AERO INDUSTRIES S.p.A. Model PIAGGIO P-180 Airplanes [Docket No.: FAA-2009-1116; Directorate Identifier 2009-CE-061-AD; Amendment 39-16193; AD 2010-03-09] (RIN: 2120-AA64) received March 4, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6736. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives: Sikorsky Aircraft Corporation Model S-92A Helicopters [Docket No.: FAA-2010-0066; Directorate Identifier 2009-SW-52-AD; Amendment 39-16190; AD 2009-23-51] (RIN: 2120-AA64) received March 4, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6737. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives: The Boeing Company Model 767-200, -300, and -300F Series Airplanes [Docket No.: FAA-2010-0031; Directorate Identifier 2009-NM-266-AD; Amendment 39-16192; AD 2010-03-08] (RIN: 2120-AA64) received March 4, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6738. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives: Empresa Brasileira de Aeronautica S.A. (EMBRAER) Model EMB-135BJ, -135ER, -135KE, -135KL, and -135LR Airplanes; and EMB-145, -145ER, -145MR, -145LR, -145XR, -145MP, and -145EP Airplanes [Docket No.: FAA-2009-0659; Directorate Identifier 2009-NM-060-AD; Amendment 39-16191; AD 2010-03-07] (RIN: 2120-AA64) received March 4, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6739. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Revision of Area Navigation (RNAV) Route Q-108; Florida [Docket No.: FAA-2009-0885; Airspace Docket No. 09-ASO-17] received March 4, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6740. A letter from the Ambassador, Executive Office of the President, transmitting the 2010 Trade Policy Agenda and 2009 Annual Report on the Trade Agreements Program, pursuant to 19 U.S.C. 2213(a); to the Committee on Ways and Means.

6741. A letter from the Secretary, Department of Health and Human Services, transmitting the Department's FY 2007 annual report on the Child Support Enforcement Program, pursuant to Section 452(a) of the Social Security Act; to the Committee on Ways and Means.

6742. A letter from the Assistant Attorney General, Department of Justice, transmitting First Quarterly Report of FY 2010 under The Veterans' Benefits Improvement Act of 2008, pursuant to Public Law 110-389; jointly to the Committees on the Judiciary and Veterans' Affairs.

6743. A letter from the Director, Office of Legislative Affairs, Railroad Retirement Board, transmitting a copy of the Railroad Retirement Handbook; jointly to the Committees on Transportation and Infrastructure and Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. FILNER: Committee on Veterans' Affairs. H.R. 4810. A bill to amend title 38, United States Code, to make certain improvements in the services provided for homeless veterans under the laws administered by the Secretary of Veterans Affairs (Rept. 111-449). Referred to the Committee of the Whole House on the State of the Union.

Mr. FILNER: Committee on Veterans' Affairs. H.R. 1879. A bill to amend title 38, United States Code, to provide for employment and reemployment rights for certain individuals ordered to full-time National Guard duty; with an amendment (Rept. 111-450). Referred to the Committee of the Whole House on the State of the Union.

Mr. FILNER: Committee on Veterans' Affairs. H.R. 3976. A bill to extend certain expiring provisions providing enhanced protections for servicemembers relating to mortgages and mortgage foreclosure; with amendments (Rept. 111-451). Referred to the Committee of the Whole House on the State of the Union.

Mr. FILNER: Committee on Veterans' Affairs. H.R. 4667. A bill to increase, effective as of December 1, 2010, the rates of compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for the survivors of certain disabled veterans, and for other purposes (Rept. 111-452). Referred to the Committee of the Whole House on the State of the Union.

Mr. FILNER: Committee on Veterans' Affairs. H.R. 4592. A bill to provide for the establishment of a pilot program to encourage the employment of veterans in energy-related positions; with an amendment (Rept. 111-453). Referred to the Committee of the Whole House on the State of the Union.

Mr. PERLMUTTER: Committee on Rules. House Resolution 1204. Resolution providing for consideration of the bill (H.R. 4899) making emergency supplemental appropriations for disaster relief and summer jobs for the fiscal year ending September 30, 2010, and for other purposes (Rept. 111-454). Referred to the House Calendar.

Mr. CARDOZA: Committee on Rules. House Resolution 1205. Resolution providing for consideration of the bill (H.R. 4849) to amend the Internal Revenue Code of 1986 to provide tax incentives for small business job creation, extend the Build America Bonds program, provide other infrastructure job creation tax incentives, and for other purposes (Rept. 111-455). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following

titles were introduced and severally referred, as follows:

By Ms. WATSON:

H.R. 4900. A bill to amend chapter 35 of title 44, United States Code, to create the National Office for Cyberspace, to revise requirements relating to Federal information security, and for other purposes; to the Committee on Oversight and Government Reform.

By Mr. MORAN of Kansas:

H.R. 4901. A bill to repeal the Patient Protection and Affordable Care Act; to the Committee on Energy and Commerce, and in addition to the Committees on Appropriations, Ways and Means, Education and Labor, the Judiciary, Natural Resources, House Administration, and Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. McKEON:

H.R. 4902. A bill to establish additional research, study, and reporting requirements for the Department of Defense working group reviewing the possible repeal of current United States policy concerning homosexuality in the Armed Forces, referred to as Don't Ask, Don't Tell and codified as section 654 of title 10, United States Code; to the Committee on Armed Services.

By Mrs. BACHMANN (for herself, Mr. BURTON of Indiana, Mr. SOUDER, Mr. HALL of Texas, Mr. ISSA, Mr. KINGSTON, Mr. JOHNSON of Illinois, Mr. INGLIS, Mr. DUNCAN, Mr. TIAHRT, Mr. LATTA, and Mr. KING of Iowa):

H.R. 4903. A bill to repeal the Patient Protection and Affordable Care Act; to the Committee on Energy and Commerce, and in addition to the Committees on Ways and Means, Education and Labor, the Judiciary, Natural Resources, House Administration, Appropriations, and Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. POE of Texas:

H.R. 4904. A bill to prohibit the use of funds for implementation or enforcement of any Federal mandate to purchase health insurance; to the Committee on Energy and Commerce.

By Mr. BAIRD (for himself and Mrs. BIGGERT):

H.R. 4905. A bill to guide and provide for research activities at the Department of Energy Office of Science, and for other purposes; to the Committee on Science and Technology.

By Mr. GORDON of Tennessee:

H.R. 4906. A bill to reauthorize the Advanced Research Projects Agency-Energy, and for other purposes; to the Committee on Science and Technology.

By Mr. CARNAHAN (for himself, Mr. TONKO, and Ms. GIFFORDS):

H.R. 4907. A bill to establish Energy Innovation Hubs, and for other purposes; to the Committee on Science and Technology.

By Mr. PASCRELL (for himself and Mr. KING of New York):

H.R. 4908. A bill to authorize the Secretary of Education to make grants to support fire safety education programs on college campuses; to the Committee on Education and Labor.

By Mrs. BACHMANN:

H.R. 4909. A bill to designate the facility of the United States Postal Service located at 2168 7th Avenue in Anoka, Minnesota, as the "Richard K. Sorenson Post Office Building";

to the Committee on Oversight and Government Reform.

By Mr. BURTON of Indiana:

H.R. 4910. A bill to repeal the Patient Protection and Affordable Care Act and enact the Empowering Patients First Act in order to provide incentives to encourage health insurance coverage; to the Committee on Energy and Commerce, and in addition to the Committees on Natural Resources, Education and Labor, Ways and Means, the Judiciary, Rules, the Budget, Appropriations, House Administration, and Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. COOPER:

H.R. 4911. A bill to repeal specific provisions in the Patient Protection and Affordable Care Act; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. HALVORSON (for herself, Ms. JACKSON LEE of Texas, Mr. BRADY of Pennsylvania, and Ms. GIFFORDS):

H.R. 4912. A bill to amend title 10, United States Code, to eliminate the required reduction in the amount of combat-related special compensation paid to disabled combat-related uniformed services retirees retired under chapter 61 of such title whose disability is attributable to an injury for which the members were awarded the Purple Heart; to the Committee on Armed Services.

By Mr. HIMES (for himself and Mr. KLEIN of Florida):

H. Con. Res. 256. Concurrent resolution expressing the sense of Congress that any official within the Government of Iran at the level of deputy minister or higher or officer within the Iranian Revolutionary Guard is presumptively ineligible for a travel visa to the United States; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 40: Mr. NADLER of New York.

H.R. 211: Ms. JENKINS, Mr. HARE, Mr. CLAY, Mr. RYAN of Ohio, Mr. DAVIS of Illinois, and Mr. MARCHANT.

H.R. 413: Mr. COOPER, Ms. ESHOO, Mr. ARCURI, and Mr. SMITH of Washington.

H.R. 450: Mr. BURTON of Indiana.

H.R. 836: Mr. MCNERNEY.

H.R. 952: Mr. BOREN.

H.R. 1020: Ms. ZOE LOFGREN of California.

H.R. 1074: Mr. THOMPSON of Pennsylvania.

H.R. 1132: Mr. BILBRAY and Mr. ELLISON.

H.R. 1210: Mr. CONYERS.

H.R. 1250: Mr. ELLISON.

H.R. 1351: Mrs. LUMMIS, Mr. ROE of Tennessee, and Mr. SMITH of Nebraska.

H.R. 1352: Mr. SMITH of Nebraska, Mr. PETRI, Mr. TONKO, and Mr. ADLER of New Jersey.

H.R. 1362: Mr. CASTLE.

H.R. 1398: Mr. DENT.

H.R. 1430: Mr. PRICE of Georgia.

H.R. 1796: Ms. CASTOR of Florida.

H.R. 1829: Mr. GRIFFITH.

H.R. 1835: Ms. LINDA T. SANCHEZ of California.

H.R. 1879: Ms. GRANGER and Ms. GIFFORDS.

H.R. 1956: Mr. HARPER.

H.R. 2156: Mr. HASTINGS of Florida.

H.R. 2308: Mr. ROTHMAN of New Jersey.

H.R. 2485: Mr. MOORE of Kansas.

H.R. 3070: Mr. BISHOP of Utah.

H.R. 3156: Ms. RICHARDSON and Mr. RANGEL.

H.R. 3407: Mr. GERLACH.

H.R. 3764: Mr. GONZALEZ.

H.R. 3936: Mr. TIM MURPHY of Pennsylvania, Mr. DONNELLY of Indiana, Mr. SCHOCK, Mrs. DAHLKEMPER, Ms. SUTTON, and Mrs. NAPOLITANO.

H.R. 4021: Mr. SIRE.

H.R. 4090: Mr. JOHNSON of Georgia.

H.R. 4122: Mr. GENE GREEN of Texas and Mr. POLIS of Colorado.

H.R. 4241: Mr. BOREN and Ms. KAPTUR.

H.R. 4392: Ms. RICHARDSON.

H.R. 4396: Mr. SKELTON.

H.R. 4402: Mr. POLIS of Colorado.

H.R. 4415: Mrs. McMORRIS RODGERS.

H.R. 4430: Mr. AKIN.

H.R. 4538: Ms. BORDALLO.

H.R. 4543: Mr. HONDA, Mr. THOMPSON of California, Mr. HERGER, Mr. DANIEL E. LUNGREN of California, Mr. MCCLINTOCK, Ms. MATSUI, Ms. WOOLSEY, Mr. GEORGE MILLER of California, Ms. LEE of California, Mr. GARAMENDI, Mr. MCNERNEY, Ms. SPEIER, Mr. STARK, Ms. ESHOO, Mr. FARR, Mr. CARDOZA, Mr. RADANOVICH, Mr. COSTA, Mr. NUNES, Mr. MCCARTHY of California, Mrs. CAPPS, Mr. GALLEGLY, Mr. DREIER, Mr. SHERMAN, Mr. BERMAN, Mr. SCHIFF, Mr. WAXMAN, Mr. BECERRA, Ms. CHU, Ms. WATSON, Ms. ROYBAL-ALLARD, Ms. WATERS, Ms. HARMAN, Ms. RICHARDSON, Mrs. NAPOLITANO, Ms. LINDA T. SANCHEZ of California, Mr. LEWIS of California, Mr. GARY G. MILLER of California, Mr. BACA, Mr. CALVERT, Mrs. BONO MACK, Mr. ROHRABACHER, Ms. LORETTA SANCHEZ of California, Mr. CAMPBELL, Mr. ISSA, Mr. FILNER, Mr. HUNTER, and Mrs. DAVIS of California.

H.R. 4603: Mrs. BACHMANN.

H.R. 4615: Mr. MARKEY of Massachusetts.

H.R. 4684: Mr. MARKEY of Massachusetts.

H.R. 4709: Mr. ROTHMAN of New Jersey.

H.R. 4755: Mr. VISCLOSKEY.

H.R. 4800: Mr. MCGOVERN.

H.R. 4806: Ms. WOOLSEY.

H.R. 4812: Mr. HINOJOSA and Ms. EDDIE BERNICE JOHNSON of Texas.

H.R. 4815: Mr. CONAWAY.

H.R. 4856: Mr. MCINTYRE, Mr. CUELLAR, Mr. PETERSON, and Mr. MARSHALL.

H.R. 4864: Mr. GEORGE MILLER of California.

H.R. 4865: Mr. CONNOLLY of Virginia and Mr. SARBANES.

H.R. 4894: Mr. REICHERT.

H.R. 4896: Mr. HUNTER and Mr. LATTA.

H.J. Res. 79: Mr. GOODLATTE.

H.J. Res. 80: Mr. LARSON of Connecticut.

H. Con. Res. 98: Mr. CLAY.

H. Con. Res. 252: Mr. BACA and Mr. LAMBORN.

H. Res. 173: Mr. LATOURETTE and Mr. HILL.

H. Res. 252: Mr. MAFFEI.

H. Res. 763: Mr. PENCE and Mr. SMITH of Texas.

H. Res. 859: Mr. RUSH.

H. Res. 913: Ms. CASTOR of Florida and Mr. RUSH.

H. Res. 992: Mr. SHIMKUS.

H. Res. 1016: Mr. OLVER and Mr. FATTAH.

H. Res. 1033: Mr. MURPHY of Connecticut, Mr. FRANK of Massachusetts, Mr. KING of New York, and Mr. MCCARTHY of California.

H. Res. 1060: Mr. RAHALL, Mr. BARTON of Texas, and Mr. MACK.

H. Res. 1116: Mrs. CHRISTENSEN and Mr. MCCARTHY of California.

H. Res. 1121: Mrs. MILLER of Michigan, Mr. DAVIS of Kentucky, Mr. KING of New York,

Mr. ROGERS of Michigan, Mr. BISHOP of Utah, Mr. LAMBORN, Mr. REICHERT, Mr. WILSON of South Carolina, Mr. MILLER of Florida, Mr. ISSA, Ms. ROS-LEHTINEN, Mrs. CAPITO, Mrs. BIGGERT, Mr. SMITH of Nebraska, Mr. BROUN of Georgia, Mr. GINGREY of Georgia, Mr. WESTMORELAND, Mr. LINDER, Mr. GOODLATTE, Mr. HUNTER, Mr. WITTMAN, Mr. LUETKEMEYER, Mr. YOUNG of Florida, and Mr. FRELINGHUYSEN.

H. Res. 1181: Mr. LAMBORN.

H. Res. 1191: Mr. SOUDER.

CONGRESSIONAL EARMARKS, LIMITED TAX BENEFITS, OR LIMITED TARIFF BENEFITS

Under clause 9 of rule XXI, lists or statements on congressional earmarks, limited tax benefits, or limited tariff benefits were submitted as follows:

OFFERED BY MR. OBEY

The provisions that warranted a referral to the Committee on Appropriations in H.R. 4899, the Disaster Relief and Summer Jobs

Act of 2010, do not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9 of rule XXI.

OFFERED BY MR. SPRATT

The provisions that warranted a referral to the Committee on the Budget in H.R. 4899, the Disaster Relief and Summer Jobs Act of 2010, do not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(d), 9(e), or 9(f) of Rule XXI.

EXTENSIONS OF REMARKS

A TRIBUTE TO YVETTE HERRERA

HON. ADAM B. SCHIFF

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 22, 2010

Mr. SCHIFF. Madam Speaker, I rise today to honor Yvette Herrera of Burbank, California. Each year in March, in recognition of Women's History Month, we pay special tribute to the accomplishments made by our nation's most distinguished women.

From 1987 to 1995, Yvette worked in the non-profit sector for United Way of Greater Los Angeles. During her tenure at United Way, she developed outreach to the growing Asian Pacific Islander communities in both the San Fernando and San Gabriel Valleys and raised funds coordinating United Way workplace campaigns.

Yvette has served as board president of the Burbank Community YMCA since 2008. During her term, the YMCA built and opened a much needed parking lot and conducted its most successful annual campaign, meeting the challenge of raising \$100,000 in donations during difficult economic times. In 2009 she co-chaired a first-time event for the Asian Pacific Women's Center, which exceeded its fundraising goal, netting over \$25,000 for victims of domestic violence.

In 1993, Yvette was honored at the White House as National Big Sister of the Year for her volunteer efforts to help develop multicultural programming as well as fundraising for Big Sisters of Los Angeles and modeling the agency's first Asian Big-Little Sister match. Yvette mentored Jessica over the course of 16 years, beginning when her Little Sister was in kindergarten and continuing through Jessica's graduation from Cal State Northridge in 2005. No longer officially matched, they remain good friends today.

Yvette actively supports her alma mater and was recognized as the Scripps College Outstanding Recent Alumna in 2000. She is a graduate of the statewide leadership development program for women, Leadership California, and currently serves on their board of directors. Her previous community service includes serving as president of the Asian Pacific Women's Network and co-chairing the City of Los Angeles Asian Pacific Heritage Month Celebration.

I ask all Members of Congress to join me today in honoring a remarkable woman of California's 29th Congressional District, Yvette Herrera. The entire community joins me in thanking Yvette for the meaningful impact she has had on the 29th Congressional District.

A TRIBUTE TO SOMSRI SUWANNAPREECHA

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, March 22, 2010

Mr. TOWNS. Madam Speaker, I rise today in recognition of Somsri Suwannapreecha for her contributions to the care of the Brooklyn community.

Somsri Suwannapreecha was born in Chiangmai in northern Thailand. She graduated high school valedictorian at a very young age and beat out her school peers with a top score for admittance to medical school.

After earning a medical degree from Chiangmai Medical University (CMU) in 1969 at the age of 22, Somsri went on to train in a pediatric residency program at CMU. While there, Somsri did research for the Illinois Project of Malnutrition and Vitamin A deficiency, collecting blood and delivering medical care and immunizations in rural Chiangmai.

After moving to Bangkok, Somsri became the first senior resident of Institute of Dermatology. She helped found the dermatology clinic and pediatric ward at Paolo Memorial Hospital, the first and best private hospital in Bangkok. Here Somsri met Dr. Siew Ratanaprasatporn, the director of the otolaryngology department and they were married.

In 1978, fearful of communism, the Ratanaprasatporns immigrated to the United States and settled in Staten Island, New York. At Staten Island University, Somsri repeated residency training in pediatrics to meet the requirement for United States medical licensure.

After owning and operating several clinics which broadened her clinical experience caring for patients of any age and sickness, Dr. Ratanaprasatporn opened a walk-in clinic, operating six days a week, for the past 30 years at 2108 Linden Boulevard. Her late husband worked beside her as an otolaryngologist as did many doctors of different specialties, including dentistry. In spite of the loss of her husband and the Federal economic recession in 2007, Dr. Ratanaprasatporn still aspires to keep the clinic up and running to continue serving generations ahead.

Dr. Ratanaprasatporn has been involved in Thai associations and served on a committee of CMU alumni association to fundraise scholarships for exchange of CMU and Columbia University. Some of the fundraising has gone toward building a Thai temple on Long Island.

Dr. Ratanaprasatporn enjoys shopping, dining and cooking and is known for her charm, calm manner and friendly smile. She is also blessed with four children, two sons and identical twin daughters. Eldest son Richard, 29, is an attending physician at Downstate Medical Center of Brooklyn and John, 25 holds a doctorate degree in Mathematics at Temple University, Philadelphia. Twin daughters, Linda

and Lisa, 21, are top students in Program in Liberal Medical Education at Brown University, Rhode Island. Dr. Ratanaprasatporn's hope is that her children will continue her legacy of service to the East New York community in years to come.

Madam Speaker, I urge my colleagues to join me in recognizing the service of Dr. Somsri Suwannapreecha.

A TRIBUTE TO SHIRLEY HWONG

HON. ADAM B. SCHIFF

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 22, 2010

Mr. SCHIFF. Madam Speaker, I rise today to honor Shirley Hwong of Monterey Park, California. Each year in March, in recognition of Women's History Month, we pay special tribute to the accomplishments made by our Nation's most distinguished women.

Shirley has lived in Monterey Park with her husband Leo for over 35 years. Shirley served on the Monterey Highlands School Parent-Teacher Association, PTA, for more than 10 years. She held the roles of PTA president and treasurer and did significant fundraising to help teachers and students. She was also involved in the Mark Keppel Alliance at Mark Keppel High School for 4 years and successfully fundraised for the Mark Keppel Band.

Shirley has proven to be invaluable in her ability to raise money for charitable causes. In 2005, she was a chairperson of "City with a Heart" fundraising for Hurricane Katrina relief. They raised more than \$55,000 to help the victims in New Orleans. She has also been quite active in raising money for the Monterey Park Bruggemeyer Library.

She was on the Monterey Park Community Relations Commission for 8 years. For all 8 years on the commission, she was the chair of the Harmony Festival Ball.

Shirley is currently a commissioner of the Sister Cities Commission and has been a chairperson for the past 2 years. She helped raise money at last year's Sister Cities International Mardi Gras Ball, of which over \$7,000 was donated to the Monterey Park Fire Department for emergency laptops that were much needed. In 2008, she went to the South Korean sister city Yeongdeungpo-gu, Seoul, Korea with 4 other people from Monterey Park.

Shirley has served 3 terms as vice president of the Chinese American Citizens Alliance of Greater San Gabriel Valley and is currently serving as a board member. Shirley was also active with the Monterey Park Rotary Club for 5 years.

I ask all Members of Congress to join me today in honoring a remarkable woman of California's 29th Congressional District, Shirley Hwong. The entire community joins me in

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

thanking Shirley for the meaningful impact she has had on the 29th Congressional District.

A TRIBUTE TO SHIRLEY MCINTOSH

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, March 22, 2010

Mr. TOWNS. Madam Speaker, I rise today in recognition of Shirley McIntosh for her years of service in education and to her community.

Shirley McIntosh retired from Catholic Charities in 2008 and looks forward to retiring from the New York City Department of Education in 2010. Shirley was born and raised in New York City in the Sugar Hill area of Manhattan. She is the mother of two daughters, Omoyele and Dara. Shirley's educational preparation includes B.A. in Psychology from Hunter College, and Masters in Reading Instruction from Brooklyn College.

Shirley worked in different capacities in the Builders for Family and Youth Division of Catholic Charities. She received recognition for her service to the developmentally disabled adults that lived in the group homes where she worked for twenty-two years. It was very rewarding to her to be instrumental in providing individuals with opportunities that improved the quality of their lives.

Shirley will retire in June 2010 after 21 years of service with the New York City Department of Education. It has been important to her to not only prepare her students academically, but also encourage them to embrace their culture. A constant in her teaching career has been to make children aware of the contributions of their ancestors and recognize the fortitude demonstrated by them to overcome the many obstacles they encountered. She believes strongly in the importance of children knowing about how their world came to be. During her career she worked in the "Parent Involvement Program" at P.S. 181 and has conducted parent orientations and workshops that provided parents with ideas of activities to engage their child.

Shirley has been an active participant and supporter of school-wide events. She enjoys the creative thought and excitement that is generated through themes. It is an opportunity to express her creativity, strengths and talents. She has voluntarily involved herself in the School Leadership team and Curriculum Committee at P.S. 181.

After retirement, Shirley will continue in the business she and her daughter, Omoyele, have established—a company that provides educational and career workshops for high school students.

Madam Speaker, I urge my colleagues to join me in recognizing Shirley McIntosh.

ON THE OCCASION OF CELEBRATING HELEN PARKER GAY'S 90TH BIRTHDAY

HON. G. K. BUTTERFIELD

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 22, 2010

Mr. BUTTERFIELD. Madam Speaker, on Saturday, March 20, 2010, friends and family will gather to honor Helen Parker Gay, a retired public servant who has had a tremendous impact on North Carolina's First Congressional District. I have great respect and admiration for Helen Gay, and I wish I could be there to pay tribute to this extraordinary woman.

A lifetime resident of Rocky Mount, North Carolina, Helen Gay will be celebrating her 90th birthday. She has tirelessly dedicated herself to the community. She worked at the North Carolina Employment Security Commission for 37 years, and served as mayor pro term three times during her 20 years as a member of Rocky Mount's City Council.

In 1962, she was among the people who gathered at Rocky Mount's Booker T. Washington High School to hear Dr. Martin Luther King, Jr., speak. That day Dr. King delivered his famous "I Have a Dream" speech for the first time. As many people know, she not only met Dr. King that day but also cooked his dinner.

She was a board member of the Carolinas Gateway Partnership, a member of the N.C. Energy Policy Council, past president of the N.C. Black Elected Municipal Officials and a former board member of the N.C. League of Municipalities.

She also has served as elder of Mt. Pisgah Presbyterian Church, and has received numerous awards for her efforts, including the State's highest honor, the Order of the Long Leaf Pine.

As one of the most respected elected officials this region has ever known, she was well known for her honest nature and a strong desire to provide a voice for the people she represented so well.

While the pending historic vote to ensure that all Americans have access to affordable health insurance will keep me from attending the birthday celebration, my thoughts and prayers will be with Helen Parker Gay.

Madam Speaker, I ask that my colleagues join me in recognizing Helen Parker Gay. She is truly a remarkable person deserving of our deepest well wishes for the enormous contributions that she made in the lives of so many people living in eastern North Carolina.

HONORING THE BO-DYN BOBSLED PROJECT

HON. JOE COURTNEY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Monday, March 22, 2010

Mr. COURTNEY. Madam Speaker, I rise today to recognize The Bo-Dyn Bobsled Project of Oxford, Connecticut for the performance of its sleds in the 2010 Olympic Winter

Games. The Bo-Dyn Bobsled Project designed and built the Night Train sled that led the United States Four-Man Bobsled Team to win the Gold Medal for the first time in 62 years.

Even more incredible than helping the U.S. team claim victory is the mission of this remarkable company. The Bo-Dyn Bobsled Project is one of the great Made in America stories of our time. NASCAR veteran Geoff Bodine had a vision of providing the highest quality, American-made bobsleds to our athletes. He wanted to make sure that they were using not only a domestic product, but one that was able to compete internationally and win.

At the time Bo-Dyn was founded, the United States bobsled team purchased and raced used European-made sleds. The members of the team would famously spend much of their time raising money for the sleds and get into physical condition when they weren't doing that. Bo-Dyn changed this by creating an enterprise that funds the research, development, and manufacturing of the sleds. Generous companies like Whelen Manufacturing of Chester make donations that allow the athletes to use the sleds at no charge. Phil Kurze, vice president at Whelen Engineering and president of the Bo-Dyn Bobsled Project, fondly recalls a time when the company turned down offers from generous foreign buyers so that our athletes could have access to a superb and uniquely American sled.

I admire the good people of Bo-Dyn for putting their values into practice as they proudly carry their founder's vision. The hard work and creativity of the American people is something that we should all recognize and work hard to perpetuate. For this reason I ask my colleagues to join me in honoring The Bo-Dyn Bobsled Project.

A TRIBUTE TO KAY ROSSER, 29TH CONGRESSIONAL DISTRICT WOMAN OF THE YEAR—2010

HON. ADAM B. SCHIFF

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 22, 2010

Mr. SCHIFF. Madam Speaker, I rise today to honor Kay Rosser of South Pasadena, California. Each year in March, in recognition of Women's History Month, we pay special tribute to the accomplishments made by our nation's most distinguished women.

Kay began her volunteer work in South Pasadena when her two daughters were in elementary school during the early seventies. Kay helped in the classroom and with Parent-Teacher Association, PTA, special projects dealing with teen suicide and teen alcoholism. She was instrumental in creating the Theatre Arts Angels, a parent support group for the South Pasadena High School drama program.

She has been a volunteer in the South Pasadena Public Library since the early nineties and was a member of the Board of Trustees for 7 years. Today, she is still intimately involved with the library and co-chairs the Library's Restoration Concerts, a classical and jazz concert series that benefits the restoration of the library's community room. Embarrassed

to have major artists perform on the library's aging piano, Kay plunged herself into researching and leading the effort to raise \$35,000 to purchase a refurbished Steinway. When the funding for the piano was complete, Kay led the effort to raise more donations to fund a Quartet in Residence, the highly acclaimed New Hollywood String Quartet, now performing in its third season.

In addition to her work in South Pasadena, Kay has been a volunteer coordinator for 13 years with Plaza de la Raza, a school of performing arts with afternoon classes in music, theater, dance, and the visual arts offered to children in East Los Angeles and beyond.

In 1990, Kay worked as an assistant to the Chairman of Volunteers for the Los Angeles Festival, and in 1993, she became Chairman of Volunteers and recruited over 1,000 volunteers for the Festival.

I ask all Members of Congress to join me today in honoring a remarkable woman of California's 29th Congressional District, Kay Rosser. The entire community joins me in thanking Kay for the meaningful impact she has had on the 29th Congressional District.

A TRIBUTE TO WENDY RICH

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, March 22, 2010

Mr. TOWNS. Madam Speaker, I rise today in recognition of Wendy Rich for her years of contribution to education in New York City.

Wendy Rich was born in Brooklyn, New York, during the time of the Baby Boomer years. She grew up in Cambria Heights, Queens, where she attended P.S. 176, J.H.S. 59, and Andrew Jackson High School. Her father, Joseph Trachtenberg, worked as a salesman in the garment center. Her mother Hilda, a stay at home mom, worked as a school secretary for after school and summer programs in District 29 in Queens, New York. Wendy is the mother of two sons; Jared, an attorney in Brooklyn, New York, and Greg, a teacher who is on a mission to expose his students to great works of literature.

Wendy's educational preparation includes a bachelor's degree in education with a minor in behavioral science from Queens College. In the summer of 1970, she went on an archeological dig in Northern California which helped spark a lifelong interest in other cultures and natural things.

In 1972, after college graduation, she married Harris Rich, who was an English teacher. This was during the Vietnam War and many men were getting deferments by working in urban schools. Wendy worked as a substitute teacher since teaching jobs were difficult to find. She got her first teaching position in 1973 at P.S. 92 because of federal Comprehensive Employment and Training Act funds. In 1974, a year later, she was laid off with the other 10,000 teachers most recently hired, to balance the city's budget.

In 1977 she resumed teaching at P.S. 181 as a fourth grade teacher. After a few years at P.S. 181, she was given an opportunity to teach science. She was able to teach students

amazing content with lots of freedom for 17 years. This opportunity opened other doors; she volunteered to be on the teacher's advisory group for the Prospect Park Audubon Center. Since the fall of 2003, she has been teaching graduate students at Brooklyn College the course Teaching Science in the Elementary Schools.

After years of hard work and dedication, in June of 2009, Wendy and her husband Harris retired from New York City Department of Education.

Madam Speaker, I urge my colleagues to join me in recognizing the contributions of Wendy Rich.

IN RECOGNITION OF TALLADEGA COLLEGE WOMEN'S BASKETBALL TEAM FOR WINNING THE 2010 USCAA NATIONAL CHAMPIONSHIP

HON. MIKE ROGERS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 22, 2010

Mr. ROGERS of Alabama. Madam Speaker, I would like to request the House's attention today to pay recognition to the Talladega College women's basketball team, who recently won the 2010 USCAA National Championship.

On March 7th, the No. 2 Lady Tornados defeated the No. 7 Rochester Lady Warriors 48-36 in Uniontown, Pennsylvania. The Lady Tornados finished the season with a record of 22-12. The Talladega Lady Tornados are lead by Head Coach Romeo Lagmay Jr. and Assistant Coach Kevin Herod.

All of us across Talladega County and East Alabama are deeply proud of these talented young Alabamians. I'd like to congratulate the team, coaches and Talladega College on this outstanding achievement.

A TRIBUTE TO MAMIE WILLIAMS

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, March 22, 2010

Mr. TOWNS. Madam Speaker, I rise today in commending Mamie Williams for her many years of service to her community.

Mamie Williams is blessed to turn 83 years old on January 11, 2010 and commits her life to cheerfully helping others. First and foremost is her mother, Irene Kibler, who turned 101 years of age September 9, 2009. Mother Mamie brought her mother to New York from Savannah, Georgia to take care of her in 2005 because the trips back and forth from New York to Savannah became extremely difficult for her, but she never ceased to do all she could. However, when her mother was diagnosed with breast cancer in 2006, it became inevitable that she continue to live in New York.

Dr. Rev. Sean P. Gardner, Sr., awarded 3 plaques to her in 2001—"Mother Wisdom", "Mother Love", and "Mother Charming"—her pastor of Eastward Missionary Baptist Church

located on First Avenue in Manhattan. She is Chaplain of the Senior Usher Board and a member of the Mothers' Board. In 2008 she also received an award from the Filial Piety Society.

In 2009 she received an award for "Mother of the Year" in recognition of the care she always extends unselfishly with love and compassion. That same year she was presented an award by Major Bill Greene of the U.S. Marine Corp Reserve, from Toys for Tots Christmas Club in "Grateful Acknowledgement for the Special Relationship Shared with Children." She received a Certificate of Appreciation from Volunteers of America and a Certificate of Acknowledgement from Boys Town Christmas Appeal.

Mother Mamie is a member of the Joint Public Affairs Committee (JPAC), and attended the Institute for Senior Action (IFSA), where she graduated in the spring of 2003. IFSA is a leadership advocacy training course requiring graduates to commit to pursuing action within their communities, something she's been doing for many years. She also sings with the Unique Musical Society of New York, orchestrated by Professor Robert Newton, for 25 years.

Mother Mamie has been taking care packages to hospitals and nursing homes for many years no matter how bad the weather is and gives care packages to her neighbors to take home when they stop by to visit with her. Her thought is: "store up treasures in Heaven by giving them away on earth."

Madam Speaker, I urge my colleagues to join me in recognizing the contributions of Mamie Williams.

IN MEMORY OF DR. LEW ALLEN, JR.

HON. ADAM B. SCHIFF

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 22, 2010

Mr. SCHIFF. Madam Speaker, I rise today to honor the late Dr. Lew Allen, Jr., who passed away on January 4, 2010 at the age of 84.

From the mid-1950s through the late 1960s, Dr. Allen worked as a physicist in the Los Alamos Scientific Laboratory, as a project officer for the Air Force Special Weapons Center, as a special staff officer for the Space Technology Office of the Secretary of Defense, and Director of the Secretary of the United States Air Force. By the 1970s, he was Director of Special Projects and Deputy Commander of Satellite Programs for the Space and Missile Systems Organization, chief of staff Headquarters Air Force Systems Command, director of the National Security Agency, and chief of staff of the U.S. Air Force.

In 1982, because of Dr. Allen's expertise in the military space program, he was recruited to serve as director of the Jet Propulsion Laboratory, JPL. During the years he led JPL, the laboratory launched Galileo to Jupiter, Magellan to Venus, The Infrared Astronomical Satellite Mission—the first-ever space-based observatory to perform a survey of the entire sky at infrared wavelengths—and sent the Voyager 2 spacecraft on its flybys of Uranus and

Neptune. A champion of technology, Dr. Allen invested funds into research and development projects that paved the way for new capabilities in space observations.

Dr. Allen was the recipient of numerous military awards and decorations including the Department of Defense Joint Service Commendation Medal, the Legion of Merit with two oak leaf clusters, the Air Force Distinguished Service Medal, and the National Intelligence Distinguished Service Medal. Additionally, he received the George W. Goddard Award from the Society of Photo-Optical Engineering, the Goddard Memorial Trophy, and the Rotary National Space Trophy.

Two awards were named in his honor: the General Lew Allen, Jr. Award presented by the U.S. Air Force, and the Lew Allen Award for Excellence presented by JPL. The Air Force award recognizes sustained job performance, proven leadership, job knowledge and military qualities. The JPL award is given in the early years of an individual's professional career and recognizes significant accomplishments and leadership in scientific research or technological innovation.

Without Dr. Lew Allen, Jr.'s extraordinary contributions, the field of science and technology would not be the same today. I extend my sincere condolences to his family and friends.

MILITARY LEADERS' LETTER TO CONGRESS

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 22, 2010

Mr. BERMAN. Madam Speaker, I rise today to submit this letter signed by 48 retired four- and three-star generals/flag officers urging Congress to support the President's FY11 International Affairs Budget request—given its importance to U.S. national security. These military leaders state that “balancing our military power with the range of International Affairs programs funded by the International Affairs Budget is critical to stabilizing fragile states, combating terrorism, and deterring threats before they reach America's shores.” I couldn't agree more, and appreciate the hard work that these signatories and the U.S. Global Leadership Coalition have done to support our international affairs budget.

MARCH 10, 2010.

DEAR MEMBER OF CONGRESS: As retired officers of the U.S. military across all branches of the armed services, we are writing to express our support for the President's FY 2011 International Affairs Budget request, a fundamental pillar of U.S. national security and foreign policy. The critical programs in the International Affairs Budget invest in the non-military tools of development and diplomacy, foster economic and political stability on a global scale, strengthen our allies, and fight the spread of poverty, disease, terrorism and weapons of mass destruction.

Continuing the bipartisan precedent set by the Bush Administration, the Obama Administration views the International Affairs Budget as part of the national security funding alongside Defense, Homeland Security,

Intelligence, and Veterans programs. However, the International Affairs Budget remains underfunded, representing 1.4 percent of the entire federal budget and less than 7 percent of our total national security funding.

Our view is shared by Defense Secretary Robert Gates, who has stated that “America's civilian institutions of diplomacy and development have been chronically undermanned and underfunded for far too long—relative to what we traditionally spend on the military, and more important, relative to the responsibilities and challenges our nation has around the world.” Secretary Gates and other military leaders believe, as we do, that our national security is dependent not only on a strong military force but also on increased investments in the full range of diplomatic, development and humanitarian tools funded through the International Affairs Budget.

The United States must combine its strong military with robust, effective civilian tools of international development and diplomacy to secure its national interests in an era when many of the challenges of the 21st century recognize no borders. While our military power can provide the logistics and organizational support to help those in need in times of humanitarian crisis, as demonstrated by our current efforts in Haiti, it can only help create the conditions necessary to allow the other tools of statecraft—our diplomatic, development and humanitarian programs—to effectively address these issues.

Balancing our military power with the range of International Affairs programs funded by the International Affairs Budget is critical to stabilizing fragile states, combating terrorism, and deterring threats before they reach America's shores. Therefore, we urge you to support no less than the Administration's request of \$58.5 billion for the International Affairs Budget.

Sincerely,

General Michael W. Hagee, USMC (Ret.), Co-Chair, National Security Advisory Council; Admiral James M. Loy, USCG (Ret.), Co-Chair, National Security Advisory Council; Charles S. Abbot, USN (Ret.), Deputy Commander in Chief, U.S. European Command ('98-'00); General John P. Abizaid, USA (Ret.), Commander, U.S. Central Command ('03-'07); Admiral Frank L. Bowman, USN (Ret.), Director, Naval Nuclear Propulsion ('96-'04); General Charles G. Boyd, USAF (Ret.), Deputy Commander in Chief, U.S. European Command ('92-'95); Admiral Archie R. Clemins, USN (Ret.), Commander in Chief, U.S. Pacific Fleet ('96-'99); General Richard A. “Dick” Cody, USA (Ret.), Vice Chief of Staff, United States Army ('04-'08); Lieutenant General John B. Conaway, USAF (Ret.), Chief, National Guard Bureau ('90-'93); General Richard D. Hearney, USMC (Ret.), Assistant Commandant, U.S. Marine Corps ('94-'96); General James T. Hill, USA (Ret.), Commander, U.S. Southern Command ('02-'04); Admiral James R. Hogg, USN (Ret.), U.S. Military Representative, NATO Military Committee ('88-'91); General James L. Jamerson, USAF (Ret.), Deputy Commander in Chief, U.S. European Command ('95-'98); Admiral Gregory G. Johnson, USN (Ret.), Commander, U.S. Naval Forces Europe/Commander in Chief, Allied Forces Southern Europe ('01-'04); Admiral Jerome L. Johnson, USN (Ret.), Vice

Chief of Naval Operations ('90-'92); General John P. Jumper, USAF (Ret.), Chief of Staff, U.S. Air Force ('01-'05); Lieutenant General Jeffrey W. Oster, USMC (Ret.), Deputy Administrator and Chief Operating Officer, Coalition Provisional Authority, Iraq (2004); Deputy Commandant for Programs and Resources, Headquarters Marine Corps (ended in '98); Lieutenant General Charles P. Otstott, USA (Ret.), Deputy Chairman, NATO Military Committee ('90-'92); Admiral William A. Owens, USN (Ret.), Vice Chairman, Joint Chiefs of Staff ('94-'96); Admiral Joseph W. Prueher, USN (Ret.), Commander in Chief, U.S. Pacific Command ('96-'99); Lieutenant General Harry D. Raduege, Jr., USAF (Ret.), Director, Defense Information Systems Agency ('00-'05); Manager, National Communications System ('00-'03); Commander, Joint Task Force for Global Network Operations ('04-'05); Vice Admiral Norman W. Ray, USN (Ret.), Deputy Chairman, NATO Military Committee ('92-'95); General Robert W. RisCassi, USA (Ret.), Commander in Chief, United Nations Command/Commander in Chief, Republic of Korea/U.S. Combined Forces Command ('92-'93); Lieutenant General John Costello, USA (Ret.), Commanding General, U.S. Army Space and Missile Defense Command/U.S. Army Space Command ('98-'01); Admiral James O. Ellis, Jr., USN (Ret.), Commander, U.S. Strategic Command ('02-'04); Admiral Thomas B. Fargo, USN (Ret.), Commander, U.S. Pacific Command ('02-'05); Admiral S. Robert Foley, USN (Ret.), Commander-in-Chief, U.S. Pacific Fleet ('82-'85); Lieutenant General Robert G. Gard, Jr., USA (Ret.), President, National Defense University ('77-'81); Admiral Edmund P. Giambastiani, Jr., USN (Ret.), Vice Chairman of the Joint Chiefs of Staff ('05-'07); Vice Admiral Lee F. Gunn, USN (Ret.), Inspector General, U.S. Navy ('97-'00); General Michael W. Hagee, USMC (Ret.), Commandant, U.S. Marine Corps ('03-'06); General Richard E. Hawley, USAF (Ret.), Commander, Air Combat Command ('96-'99).

General Paul J. Kern, USA (Ret.), Commanding General, U.S. Army Materiel Command ('01-'04); General William F. Kernan, USA (Ret.), Supreme Allied Commander, Atlantic/Commander in Chief, U.S. Joint Forces Command ('00-'02); Admiral Charles R. Larson, USN (Ret.), Commander, U.S. Pacific Command ('91-'94); Vice Admiral Stephen F. Loftus, USN (Ret.), Deputy Chief of Naval Operations for Logistics ('90-'94); General John Michael Loh, USAF (Ret.), Commander, Air Combat Command ('92-'95); Admiral James M. Loy, USCG (Ret.), Commandant, U.S. Coast Guard ('98-'02); General Dan McNeill, USA (Ret.), Commander, International Security Assistance Force in Afghanistan ('07-'08); Lieutenant General Paul T. Mikolashek, USA (Ret.), The Inspector General, U.S. Army/Commanding General of the Third U.S. Army Forces Central Command ('00-'02); Commanding General, Southern European Task Force ('98-'00); Admiral Robert J. Natter, USN (Ret.), Commander in Chief, U.S. Atlantic Fleet/Commander, Fleet Forces Command ('00-'03); General Peter J. Schoomaker, USA (Ret.),

Chief of Staff, U.S. Army ('03-'07); General Henry H. Shelton, USA (Ret.), Chairman, Joint Chiefs of Staff ('97-'01); Admiral Leighton W. Smith, Jr., USN (Ret.), Commander in Chief, U.S. Naval Forces Europe/Commander in Chief, Allied Forces Southern Europe ('94-'96); Admiral William D. Smith, USN (Ret.), U.S. Military Representative, NATO Military Committee ('91-'93); General Carl W. Stiner, USA (Ret.), Commander in Chief, U.S. Special Operations Command ('90-'93); Admiral Carlisle A. H. Trost, USN (Ret.), Chief of Naval Operations ('86-'90); General Charles F. Wald, USAF (Ret.), Deputy Commander, U.S. European Command ('02-'06); General Charles E. Wilhelm, USMC (Ret.), Commander, U.S. Southern Command ('97-'00); General Michael J. Williams, USMC (Ret.), Assistant Commandant, U.S. Marine Corps ('00-'02).

HONORING JAMES HARDEN "PAT" DAUGHERTY AND THE BUFFALO SOLDIERS

HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, March 22, 2010

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, I rise today to recognize and honor Mr. James Harden "Pat" Daugherty who was a member of the 92nd Infantry Division of the United States Army in World War II.

Veterans are some of our country's greatest treasures, and I commend Mr. Daugherty on his service. It is important for us to remember the sacrifices that members of our armed services make and have made to ensure our freedom and our prosperity. It is with heartfelt thanks that I recognize Mr. Daugherty today, and I encourage my fellow colleagues to join me in doing so.

Additionally, I would be remiss if I did not recognize the collective efforts of Mr. Daugherty's division, the 92nd Infantry. This group was more commonly known as the Buffalo Soldiers and was the only African American infantry division to see combat in Europe during World War II. Their efforts helped to desegregate the military, and they proved that African-Americans were valorous and dedicated members of the United States military.

Madam Speaker, America is a stronger and nobler country because of veterans like Pat Daugherty and his compatriots in the 92nd Infantry Division. I ask my fellow colleagues to join me in recognizing the service and accomplishments of Mr. Daugherty and the Buffalo Soldiers with which he served.

A TRIBUTE TO GLORIA WILLIAMS

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, March 22, 2010

Mr. TOWNS. Madam Speaker, I rise today in recognition of Gloria Williams, who has made important contributions to education

throughout her career in Brooklyn and internationally.

Born and raised in the small rural village of Bartica, Guyana, South America, Gloria Williams hails from a large family of ten and is blessed with one son, Robert. She is the beneficiary of an amazing journey that focuses on being allowed to play a deciding role in the future of children's lives. Ms. Williams is currently an Assistant Principal of Intermediate School 292, located in East New York, Brooklyn.

Gloria spent her formative years in Guyana and completed her secondary education in Zambia. She earned her Bachelor's Degree in Secondary education from the University of Guyana and began her teaching career in 1984. She later migrated to the United States of America was awarded two masters Degrees: one in Literacy Education and the other in Supervision and Administration from Touro College in New York.

Gloria is fortunate to have found her niche in the field of education and has been charting courses in that arena for the last twenty-six years. She has held the positions of teacher, staff-developer, assistant-principal and principal and has made it her mission to lead young people in the right direction. Her passion is curriculum development and instruction and she works assiduously to ensure all students in her charge have opportunities to engage in a rounded productive education. Ms. Williams has been credited as being a member of the dynamic team that transformed Intermediate School 292 in East New York, Brooklyn from a struggling, failing school to one that is now the pride of East New York.

Being cognizant of the struggles and sacrifices her parents endured to ensure her success, Ms. Williams has founded the Educating All Guyanese through Literacy and Education (EAGLE) foundation where she seeks to empower children in need. Through her foundation, Gloria donates school supplies to students in Guyana and conducts professional development sessions for teachers and other educators in the hope of enhancing the teaching and learning process so that ultimately, all benefit.

Madam Speaker, I urge my colleagues to join me in recognizing the contributions of Gloria Williams.

A TRIBUTE TO LEANNE DICKSON

HON. ADAM B. SCHIFF

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 22, 2010

Mr. SCHIFF. Madam Speaker, I rise today to honor Leanne Dickson of San Gabriel, California. Each year in March, in recognition of Women's History Month, we pay special tribute to the accomplishments made by our Nation's most distinguished women.

Leanne Dickson has been a resident of San Gabriel for over thirty-five years. She is the widow of James Dickson, owner of Dickson Motor Service, Towing Service, & Auto Repair. Leanne has two adult children, Wendy Dickson Holten and Greg Dickson.

Leanne's involvement in San Gabriel has been varied. She has been the Vice President

and Box Office manager for the San Gabriel Valley Music Theatre since 2005. At the same time, she has served as treasurer of the San Gabriel Rotary for the last three years. For the San Gabriel Chamber of Commerce, she volunteers her time two days a week and has served as board member and treasurer for three years. In 2008, the chamber honored her as Women's Division Woman of the Year.

Leanne is continually doing for others in the community. It seems as though she attends every city function and every community activity, helping out where needed. She has volunteered on the Parent-Teacher Association for twelve years, has been a Neighborhood Watch Block Captain for four years, and was a Girl Scout leader for seven years. In 2008, she donated her time volunteering for the Church of Our Savior's AIDS luncheon. Leanne has actively supported La Casa Community Center and the San Gabriel Valley YMCA with their events.

Leanne was the Vice President at Pasadena Federal Credit Union twenty-three years, and she is currently employed part time at the Gazebo boutique in San Gabriel.

I ask all Members of Congress to join me today in honoring a remarkable woman of California's 29th Congressional District, Leanne Dickson. The entire community joins me in thanking Leanne for the meaningful impact she has had on the 29th Congressional District.

OUR UNCONSCIONABLE NATIONAL DEBT

HON. MIKE COFFMAN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Monday, March 22, 2010

Mr. COFFMAN of Colorado. Madam Speaker, today our national debt is \$12,661,039,727,506.65.

On January 6th, 2009, the start of the 111th Congress, the national debt was \$10,638,425,746,293.80.

This means the national debt has increased by \$2,022,613,981,212.80 so far this Congress.

This debt and its interest payments we are passing to our children and all future Americans.

A TRIBUTE TO CAROL WILSON-SMITH

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, March 22, 2010

Mr. TOWNS. Madam Speaker, I rise today in recognition of Carol Wilson-Smith for her continued service and commitment to the health care field.

Carol Wilson-Smith is currently the Director of Rehabilitation Medicine at Kings County Hospital Center (KCHC). She is responsible for overseeing all operations of the department, managing the budget, and for ensuring that all patients receive the most effective rehabilitation that allows them to maximize their

function to be re-integrated into their community. One of the many challenges of her position is adapting to the changing healthcare/managed care requirements as resources dwindle and patients' demands increase.

Carol began her career as a public school teacher specializing in Physical Education. After fourteen years in this role, she changed careers and attained a Physical Therapy degree. She has since practiced as a Physical Therapist at Harlem Hospital and Kings County Hospital, in the New York City Department of Education and in Home Care and moved on to become the Director of Physical Therapy and subsequently of Rehabilitation Medicine, EMG/EEG and Early Intervention at KCHC. Her ultimate goal is to have a positive impact on policy and decision making in the health and wellness field on a larger scale.

She received her secondary education at St. Joseph's Convent in Port-of-Spain, followed by a Teacher's Diploma from the Trinidad and Tobago Government Teachers College. She enrolled in the Physical Therapy program at Mona Campus, University of the West Indies before migrating to the United States of America where she earned her Bachelor of Science in Physical Therapy at Howard University. Ms. Wilson-Smith received a Master of Arts in Motor Learning from Columbia University, and a Master of Public Administration from New York University. Currently she is enrolled in a Doctoral Program at Boston University.

Recently appointed to the New York State Board for Physical Therapy by the Regents of New York City Department of Education, Carol has worked with the Foreign Credentialing Commission for Physical Therapy for the U.S. Citizenship and Immigration Services (USCIS).

She is a member of the Trinidad & Tobago Alliance USA, Inc., and is a member of the Board of the University of the West Indies Alumni Association New York Chapter, providing educational scholarships to deserving candidates from both organizations.

As a devoted mother of three children: Naila, Kayode, and Karim she lives by the maxim: To whom much is given, much is expected (Luke 12:48).

Madam Speaker, I urge my colleagues to join me in recognizing Carol Wilson-Smith.

**A TRIBUTE TO NOVA HINDOYAN,
29TH CONGRESSIONAL DISTRICT
WOMAN OF THE YEAR—2010**

HON. ADAM B. SCHIFF

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 22, 2010

Mr. SCHIFF. Madam Speaker, I rise today to honor Nova Hindoyan of Pasadena, California. Each year in March, in recognition of Women's History Month, we pay special tribute to the accomplishments made by our nation's most distinguished women.

Nova came to the United States in 1975 from Damascus, Syria to attend her brother's wedding. While here, she met Garabet Hindoyan, then a student and now the co-owner of Burger Continental Restaurant in Pasadena. They fell in love and married within the same year. They were blessed with a son and two daughters.

Nova has been a long-time dedicated member of the Armenian Relief Society of Western USA, Inc., (ARS-WR) and has held executive positions as Chair of the Armenian Relief Society of Pasadena Chapter "SOSSE", as well as been on the Executive Board of Directors of the ARS-WR as vice chair and chair. She has worked on the ARS Public Relations Committee's special events, Red Cross blood drives, and City of Hope Bone Marrow Registry. Nova has always been an active parent and was on the Parent-Teacher Association while all three of her children were in school.

With her leadership, she was able to raise funds for special projects for ARS, most recently for the Society's Centennial Fund. She was also on the Board of Directors of the Old Town Conservatory School of Music in Pasadena, as well as on the Board of Directors and an active participant of the Lark Musical Society. Nova has sponsored foreign students who have come to enjoy her hospitality while they were in school. Today, Nova is on the Board of the Directors of the ARS Central Executive, while staying active in her chapter in Pasadena.

I ask all Members of Congress to join me today in honoring a remarkable woman of California's 29th Congressional District, Nova Hindoyan. The entire community joins me in thanking Nova for the meaningful impact she has had on the 29th Congressional District.

**REGARDING AMERICA'S STRONG
BONDS WITH ISRAEL**

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, March 22, 2010

Mrs. MALONEY. Madam Speaker, I rise to reaffirm the strong bonds between Israel and the United States. Israel is the only democracy in the Middle East. We share the same values, the same commitment to education, the same commitment to development, the same commitment to helping others.

Israel is situated in a dangerous neighborhood, with many of its neighbors overtly calling for its destruction. I was pleased to hear both President Obama and Secretary of State Clinton reaffirm America's close ties to Israel and our commitment to Israel's security in recent days. And I hope that this signals a desire to reduce the appearance of a rift.

During Vice President BIDEN's recent trip to the Middle East, Palestinian leaders participated in naming a public square for Dalal Mughrabi, the terrorist who led the most devastating attack in Israel's history. In 1978, Mughrabi and her cohorts hijacked a bus and murdered 37 innocent civilians, including 13 children and an American citizen.

Further, during Vice President BIDEN's visit, senior Fatah leaders, including Mahmud Dahlan, called on Muslims to protect the Temple Mount from the Jews, during the dedication of the reconstructed historic Hurva Synagogue located in the Jewish quarter 500 yards from the Western Wall and not on Temple Mount. President Obama has condemned the rioting that resulted, as was appropriate. I hope America will also take a strong stance

against Palestinian leaders who foment violence.

As long as Israelis fear a third intifada and worry about the safety of their families, they will be far less likely to participate in peace talks in which they know they will be asked to take risks for peace. Israelis have already taken risks for peace—they withdrew from Lebanon, they withdrew from the Gaza Strip, they signed peace treaties with Jordan and Egypt, they abandoned the city Yamit in the Sinai desert, and they have released hundreds of terrorists, many of whom have had blood on their hands and many of whom have returned to their terrorist activities.

I believe very strongly that both the Palestinians and the Israelis would benefit from a real, lasting peace agreement and I hope talks will soon resume. But they will not resume if the Palestinians believe they will gain more by not talking. And they cannot resume if Israel feels that its existence or its people are being threatened. In previous administrations, there were direct talks. Today, the best we can hope for are proximity talks. I urge the administration to take every possible action to quell the tensions between the U.S. and our great friend, Israel, and to create an atmosphere in which both the Palestinians and the Israelis feel comfortable about resolving their differences.

Madam Speaker, I ask my distinguished colleagues to join me in recognizing the importance of maintaining a warm relationship with Israel, our strong ally and good friend.

A TRIBUTE TO AMOTE SIAS

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, March 22, 2010

Mr. TOWNS. Madam Speaker, I rise today in recognition of Amote Sias, for her commitment and contributions to education and the New York City community.

Amote Sias is the founding principal of Brooklyn Collegiate, a College Board School, located in the Ocean-Hill section of Brownsville, Brooklyn and services 575 students in grades 6 through 12. She is a visionary leader who is passionate about her students and staff having and being the best.

Principal Sias started her career in education as a teacher in 1982 in Nassau County Board of Cooperative Education Services (BOCES) as a Math and Social Studies teacher and department chairwoman. She transferred to New York City Board of Education to be able to give back to her community. From 1985 to 1999, she taught grades kindergarten through twelfth in various subjects including, English, Social Studies, Mathematics, and Computer Science. From 1999 to 2001, she was the Leadership Development Coordinator for Brooklyn and Staten Island High Schools (BASIS). As the Leadership Development Coordinator, she was responsible for training principals, teachers, students, and parents in the areas of leadership, conflict resolution, cultural competence and team building. Because of her dedication and effective leadership, she advanced on to become the Director of Community Engagement for the new small schools

of Brooklyn High Schools Superintendent and New Visions for New Schools Organization.

After the reorganization of the Department of Education in 2003, Principal Sias was asked to take on the position of Project Manager of Region 5 for the creation of new small schools within boroughs of Brooklyn and Queens. This responsibility included recruiting and organizing the prospective school teams, training the teams, engaging the community in the process and serving on the committee which recommended the schools to be selected. In the midst of her work, Dr. Kathleen Cashin, Regional Superintendent of Region 5 afforded her the opportunity to become a principal at EBC of Public Service High School in East New York. While working as principal of EBC, Principal Sias wrote a proposal which was approved for the creation of Brooklyn Collegiate, which opened in September 2004. In June of 2008, Brooklyn Collegiate celebrated its first graduating class with seventy four percent of all seniors graduating and eighty-five percent of those students attending college.

Simultaneously working for the Department of Education, Principal Sias has served as an adjunct professor of English at Long Island University Brooklyn Campus for four years and rose the rank of Associate Professor. As an ordained minister since 1999, she pastors The Church without Borders and Assistant Pastor of Provision of Promise Miracle Family Worship Center located at 347 Rockaway Avenue in Brownsville, Brooklyn. She has received numerous awards and honors including "Principal of the Year," 2008-2009. She was the host of "Words of Wisdom for Daily Living" a daily radio program on WLIR, 1190AM. As a well rounded individual, Principal Sias has a passion for the things of God and enjoys traveling, reading and playing sports.

She firmly believes "we can and we will succeed!"

Madam Speaker, I urge my colleagues to join me in recognizing Amote Sias.

A TRIBUTE TO CAROLE
RODENBUCHER, 29TH CONGRES-
SIONAL DISTRICT WOMAN OF
THE YEAR—2010

HON. ADAM B. SCHIFF

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 22, 2010

Mr. SCHIFF. Madam Speaker, I rise today to honor Carole Rodenbucher of Temple City, California. Each year in March, to recognize Women's History Month, we pay special tribute to the accomplishments made by our nation's most distinguished women.

In 1985, when her son Ryan was at Young People's Village Preschool, Carole started volunteering by attending all off-site outings and working on the first ever Camellia Parade float entry. Since 1988, Carole has served as the Parent-Teacher Association, PTA president at Emperor Elementary School and at Temple City High School, TCHS. She also held several PTA executive board positions and chairmanships. She served on the Emperor School Site Council for two terms (two years each) as chairman and secretary.

Carole volunteered as Den Leader for Cub Scout Pack 169; Webelos Leader; Den Leader Coach; and Tiger Cub coach, secretary, treasurer, and committee chairman (seven years). She was also on the Lucky Baldwin Round Table Staff and Scout Expo, Pow Wow, Cub Scout, and Webelos Day Camps both at Trask and Cherry Valley. The most fun she had was teaching "Cooking with Carole" for three years at Camp Trask. She also served as the assistant to the Webelos Day Camp Director at Camp Trask for five years.

In 1999, Carole was a chaperone for the TCHS trip to Germany, and in 2003, 2004, and 2005, Bob and Carole were chaperones on the TCHS Washington DC trips. In 2003, Brett was part of the State Department exchange program with Russia, and the family had a Russian exchange student live with them. In 2005, Carole joined Friends of Foster Children, San Gabriel Valley. She has served as a director; secretary; Ways and Means; chaired the 2009 luncheon; and for Sugar Plum acted as secretary and Outside Groups Coordinator as well as volunteered on several committees.

Carole, her husband Bob, and her two sons Ryan and Brett have coordinated the Camellia Festival Grandstand Seating for the last twelve years. Carole is the General Chairman for 2010 and was Assistant General Chairman in 2009. Carole was in charge of the TCHS Grad Night Ram Discount Card in 2000 and 2004, helped on the game booths for Grad Night 2004, and continues to volunteer at Grad Night celebrations.

I ask all Members of Congress to join me today in honoring a remarkable woman of California's 29th Congressional District, Carole Rodenbucher. The entire community joins me in thanking Carole for the meaningful impact she has had on the 29th Congressional District.

HONORING FLORIDA PARENT TEACHER ASSOCIATION (PTA)

HON. KENDRICK B. MEEK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 22, 2010

Mr. MEEK of Florida. Madam Speaker, today I rise to recognize and congratulate Florida Parent Teacher Association, PTA on receiving the 2010 Outstanding Advocacy Awards. Their advocacy efforts at state, local and individual levels were recognized because of their dedication, leadership and sustained efforts to positively affect child related policy, regulation and legislation. This association serves a critical role in helping to provide the best possible educational environment for our students throughout Florida.

As the largest volunteer child advocacy association in the nation, the PTA reminds our country of its obligations to children and provides parents and families with a powerful voice to speak on behalf of every child while providing the best tools for parents to help their children be successful students.

It is important to recognize that Florida PTA is being honored for their efforts while facing proposed education budget cuts. The state

PTA formed a coalition with major education groups during these efforts. Unfortunately, Florida ranks near the bottom in the country in school funding. But, Florida PTA's initiatives created sustained advocacy and generated new-found enthusiasm for parents and local PTAs to work together for education funding for Florida children. Advocates sent more than 3,000 letters of protest to the Florida Governor and state legislators, held regular conference calls with regional and local PTAs, developed an advocacy toolkit, and held one of the largest rallies at the state Capitol steps. As a result of Florida's PTA efforts, Florida legislators did not reduce education funding as proposed.

Madam Speaker, please join me in congratulating Florida Parent Teacher Association for their outstanding achievement. The dedicated involvement from parents throughout Florida reflects a strong commitment to public education and community service. I offer my strong support for Florida PTA and their dedicated volunteers.

IN RECOGNITION OF TALLADEGA COLLEGE'S MEN'S BASKETBALL TEAM WINNING THE 2010 USCAA NATIONAL CHAMPIONSHIP

HON. MIKE ROGERS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 22, 2010

Mr. ROGERS of Alabama. Madam Speaker, I would like to request the House's attention today to pay recognition to the Talladega College Men's Basketball team who recently won the 2010 USCAA National Championship.

On March 7th, the Tornados defeated Southern Virginia 65-56 in Uniontown, Pennsylvania. This is their second consecutive National Championship win. The Tornados finished the season with a record of 18-15. The Talladega College Tornados are led by Head Coach William Brown and Assistant Coach Randy Pulley.

All of us across Talladega County and East Alabama are deeply proud of these talented young Alabamians. I'd like to congratulate the team, coaches and Talladega College on this outstanding achievement for the second straight year.

A TRIBUTE TO KATYA RATTRAY

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, March 22, 2010

Mr. TOWNS. Madam Speaker, I rise today in recognition of Katya Rattray for her commitment to social service and her years of service in the Brooklyn community.

Katya Rattray's story is that of the quintessential American immigrant experience. Katya Rattray was born in Georgetown Guyana of mixed race parentage and spent her early years in Guyana and Nassau, Bahamas before immigrating to the U.S. almost three decades ago.

Tragedy struck with the passing of her father Patrick Thorne, a sworn land surveyor,

while she was still a teenager. She and her family, mother Eslyn Thorne and brother Maxim Thorne, immigrated to the United States in search of a better future.

Katya deferred her studies and worked in retail and administrative services in the legal and banking industries in New York to help support her mother and younger brother. Throughout this period however, she kept her eyes on the goals of resuming her education and giving back to her community as best she could.

Upon resuming her studies, she excelled at Rutgers University where she double majored in sociology and women's studies. She became a Mabel Smith Douglass Honors student focusing on racial justice in the U.S. and the plight and struggles of young women of African descent in the period leading up to and through the Civil Rights movement.

She later went on to achieve a masters in business administration with a dual specialization in marketing and logistics from the University of Miami and embarked on her career in the private sector as an international management consultant focusing on issues facing minority communities.

Katya also served a brief stint as a political campaign manager, before joining the executive management of Brooklyn Child and Family Services, Inc. (BCAFS), a 501(c)(3) non-profit, community-based organization that receives millions in public and private grants. She has served as both the Interim Executive Director and the Head Start and Early Head Start Program Director. She oversees a full range of early educational and comprehensive social services to over 800 families in a predominantly low-income population where many are African American, Latino and immigrant. BCAF has been a provider of community-based education, social and other supportive services in the Bedford Stuyvesant, Fort Greene, Flatbush, Bushwick, Brooklyn Heights, Williamsburg and surrounding Brooklyn neighborhoods since 1963.

Under her leadership, Ms. Rattray has engineered a significant transformation to the operations of the program and drastically increased its operating efficiency, program outreach and education outcomes; no small feat in these trying times.

She has achieved an almost one hundred percent enrollment in the program that is unprecedented in this history of the organization, community partnerships have dramatically increased, and once again a Policy Council from the community is vibrant and engaged in helping the agency, all hallmarks of the Head Start ethos.

Under Ms. Rattray's stewardship, Brooklyn Children and Family Services is once again poised to become a beacon in the 10th Congressional District of New York.

Katya is married to her soul mate, Ken Rattray, an international management and technology consultant, and together they have three wonder children, Kyra, Kenneth Patrick (KP), and Kalyn.

Madam Speaker, I urge my colleagues to join me in recognizing Katya Rattray.

HONORING MS. SALLIE HICKS

HON. KENDRICK B. MEEK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 22, 2010

Mr. MEEK of Florida. Madam Speaker. Today I rise to pay tribute to the life and legacy of the late Ms. Sallie Hicks, a constituent in the Congressional district I represent who was known for her contagious, spiritual and endearing personality. It is with both profound sadness, but also an enduring sense of gratitude that I recognize her for the tremendous inspiration she provided to the South Florida community.

Ms. Hicks was born on April 6, 1913 in Chipley, Florida to the late Mr. and Mrs. Charlie Hicks. She was the second child of 14 siblings. Her early years were spent in Chipley until her family moved to Live Oak, Florida where she attended Suwannee County Public Schools.

Affectionately known as "Dr. Sally", Ms. Hicks was employed by the Mary Elizabeth Hotel. Upon retiring, she began a second career as a caregiver at Betty's Sunshine and Sunset Daycare. Soon thereafter, she established her own daycare in her home. She created a loving home, gave guidance, potty trained, and provided health information. Most importantly, all of her children were loved. She was the surrogate grandmother to more than 15 children.

Moreover, Ms. Hicks was a faithful member at Greater Bethel African Methodist Episcopal Church since the early 1950s.

Ms. Hicks was blessed with a loving family who took pleasure in every aspect of her life and her interests. I offer my heartfelt condolences to her two daughters, Eveline and Cathia; granddaughter, Kimberly; and great-granddaughter, Evelyn.

Madam Speaker, I ask you and all the members of this esteemed legislative body to join me in recognizing the extraordinary life and accomplishments of Ms. Sallie Hicks. She will be missed by all who knew her, and I appreciate this opportunity to pay tribute to her before the United States House of Representatives. While she will indeed be missed, her legacy, as well as the outstanding contributions she made to Greater Bethel A.M.E Church and the South Florida community will live on.

A TRIBUTE TO CATHERINE KEEN, 29TH CONGRESSIONAL DISTRICT WOMAN OF THE YEAR—2010

HON. ADAM B. SCHIFF

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 22, 2010

Mr. SCHIFF. Madam Speaker, I rise today to honor Catherine "Cathy" Keen of Glendale, California. Each year in March, in recognition of Women's History Month, we pay special tribute to the accomplishments made by our Nation's most distinguished women.

Cathy has served the Glendale community primarily in the area of child advocacy, spend-

ing many years as an officer in the Parent-Teacher Association, PTA, at the elementary, middle school, high school, and council levels, including president of the Glenoaks PTA for two years. She was awarded the California Golden Oak Service Award by the State PTA, the highest level of award bestowed by the PTA. She also served as president of the Glenoaks Elementary School Foundation in 1994.

Cathy is active in Las Candelas, a philanthropic group which works to improve the lives of emotionally disturbed children. Cathy served as president of Las Candelas for two years and has chaired their biennial benefit twice, raising \$140,000 for programs for emotionally disturbed children. In 1993, she was a finalist for the Glendale News Press Woman of Achievement, nominated for her help with the family of a dying child.

She chaired the Glendale Healthy Kids, GHK's popular "Guess Who's Coming to Dinner?" for nine years and also served on the Board of Directors of GHK for six years. She served as president of the Board of GHK and filled in as executive director when they were without one. Cathy personally published the GHK newsletter for five years and received the GHK Volunteer of the Year Award.

Cathy is currently serving as president of the Kiwanis Club of Glendale, the second woman in eighty-nine years to hold this position. In Kiwanis, she has served as Chairman of Youth Services for two years, overseeing nineteen Kiwanis projects to help our community youth, and has served on the Board of Directors. Cathy also publishes the weekly KiwaniNews and is a regular reporter for the news when not serving as president.

I ask all Members of Congress to join me today in honoring a remarkable woman of California's 29th Congressional District, Catherine Keen. The entire community joins me in thanking Cathy for the meaningful impact she has had on the 29th Congressional District.

A TRIBUTE TO TYNE L. NEWMAN

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, March 22, 2010

Mr. TOWNS. Madam Speaker, I rise today in recognition of Tyne L. Newman for her achievements in television, the arts, and her community.

Tyne L. Newman was born in Queens, New York and is the middle of three children. Growing up, she had aspirations of becoming an actress/director and wanted to work in television. As an adolescent, she attended Salvation Bedford Day Camp where she met actor Emmanuel Lewis. Enthused and inspired she knew exactly what path in life she wanted to take and began writing her first screenplay. Hard work in the South Ozone Park community as a youngster earned her Salute to Youth award in tribute to the late Congressman Joseph Addabbo.

Tyne attended John Bowne High School and received her bachelor's and master's degrees in communications/business. After college, she began working at Brooklyn Community Access Television (BCAT), known today

as BCAT TV Network. She began as a production assistant and worked her way up to her current position as Production Manager.

At the BCAT TV Network, Tyne has worked on two State of the Borough addresses and three candidate debates—most recently with former council member District 39 and now Public Advocate Bill deBlasio, and former council member District 20 and now New York City Comptroller John Liu. In addition, Tyne has produced over 160 episodes of "Brooklyn Elected Officials."

During an internship at Public Broadcasting Service (PBS), Tyne was privileged to work with actor Ben Vereen on "Broadway: The American Musical."

Tyne has been a faithful member of Fellowship Missionary Baptist Church since her early childhood and currently works on the Pulpit Community, Combined Choir, Youth Ministry and the Arts/Culture Ministry. Tyne also directs, produces and writes plays for the children in her Brooklyn church community. She has a special love for children and choreographs dance moves for gospel music for their enjoyment.

In 2006, Tyne met Everton Griffith and in 2008 they were married. They currently reside in Westchester, New York.

Tyne enjoys being an active participant in her community and spearheaded a campaign to "Rock the Vote" by organizing local community members in the Van Siclen/Dumont area block, registering a noteworthy amount of individuals to participate in the presidential election of 2008.

Tyne currently owns/operates her own videography business entitled Tru Vision Entertainment. Ms. Newman has been the recipient of numerous honors and enjoys acting, singing, writing, skiing and shopping.

Madam Speaker, I urge my colleagues to join me in recognizing Tyne L. Newman.

TRIBUTE TO RUSS WIESLEY

HON. TOM LATHAM

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 22, 2010

Mr. LATHAM. Madam Speaker, I rise today to honor Russ Wiesley for his commitment to improving the educational system in Iowa and for recently being elected as president to the Iowa Association of School Boards' board of directors. The IASB, encompassing 361 school districts, 10 area education agencies and 15 community colleges, is a private, non-profit organization that serves as a major advocate for Iowa's school system.

Born and raised in Cedar Falls, Mr. Wiesley attended the University of Northern Iowa as well as Drake University, earning a degree in pharmacy. Upon graduation, he went on to work in various pharmacies, eventually opening his own.

With 13 years of experience on the Waukee school board and six for the IASB, Mr. Wiesley has risen to be a key figure for supporting the development and training of Iowa's students and school administrators. A former Marine and Vietnam War veteran, the leadership role is nothing new to Mr. Wiesley, who

has held prominent positions during his time as a member of the Iowa Pharmacists Association, the Dallas County Empowerment Board of Directors, the Urbandale Jaycees, the YMCA, the American Legion, the Waukee Veterans of Foreign Wars, the First Marine Corps Division and 2/1 Associations, the Military Order of the Purple Heart and Waukee United Methodist Church.

Madam Speaker, individuals such as Russ Wiesley should be recognized for their sincere dedication to educating our nation and for their devotion to creating a better community. I sincerely appreciate the work that Mr. Wiesley has done and wish him further success in his educational endeavors.

A TRIBUTE TO DR. GAY TOLTL KINMAN, 29TH CONGRESSIONAL DISTRICT WOMAN OF THE YEAR—2010

HON. ADAM B. SCHIFF

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 22, 2010

Mr. SCHIFF. Madam Speaker, I rise today to honor Dr. Gay Toltl Kinman of Alhambra, California. Each year in March, in recognition of Women's History Month, we pay special tribute to the accomplishments made by our Nation's most distinguished women.

Gay has been active with both the City of Alhambra and the Alhambra Chamber of Commerce. As vice president of the Housing and Urban Development Committee for the City of Alhambra, Gay assisted the Alhambra Historical Society in obtaining a grant for the Alhambra Historical Society Museum. Gay also served as president of the Civil Service Commission for the City of Alhambra. While a member of the Alhambra Chamber of Commerce, Gay formed the committee to plan for a Chinese New Year Festival Parade, which still takes place today, and then was chair of the parade. Gay also served as Chair of Transportation on the Government Affairs Committee for the Alhambra Chamber of Commerce.

Gay has been involved with Soroptimist International of Alhambra, San Gabriel, and San Marino. As president of the chapter, Gay helped bring in a record of nine new members, established the Friendship Link exchange where members of SI Burnley, England visited, helped establish the link between Alhambra Curves and La Casa de San Gabriel Community Center, and was the chair of various committees. She also founded the Soroptimist Camino Real Region's Friendship Grant Committee, which provides hospitality and professional education every two years for a Soroptimist from another part of the world. Currently, she is the Alhambra, San Gabriel, and San Marino chapter's co-vice president of programs, chair of the Woman of Distinction Award Committee, and co-chair of Reading is Fundamental, which buys books for third graders in the Alhambra and San Gabriel School Districts.

In addition to Soroptimists, Gay has given her time to various organizations throughout Alhambra. For the Alhambra Historical Soci-

ety, she has served as president and publicity chair. As a board member for the Alhambra Educational Foundation, she started the Authors Festival, which brings over eighty children's authors, storytellers, and illustrators to the Alhambra Unified School District. As chair of the Alhambra Red Cross Council, she helped restore the presence of the Red Cross in Alhambra and taught volunteer training classes. She has been secretary for the Alhambra Toastmasters, a volunteer for Meals on Wheels, and is currently head usher at Alhambra's All Souls Church. In addition, she helped design Alhambra's float for the Tournament of Roses Parade.

On top of all this, Gay has been active outside of Alhambra with the YMCA West San Gabriel Valley, the Special Libraries Association of Southern California, the Los Angeles County Deputy Commissioner of Civil Marriages, the League of Women Voters Greater Pasadena Area, and the Huntington Library, Art Collections, and Botanical Gardens.

I ask all Members of Congress to join me today in honoring a remarkable woman of California's 29th Congressional District, Dr. Gay Toltl Kinman. The entire community joins me in thanking Gay for the meaningful impact she has had on the 29th Congressional District.

IN RECOGNITION OF THE 175TH ANNIVERSARY OF THE CITY OF TALLADEGA

HON. MIKE ROGERS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 22, 2010

Mr. ROGERS of Alabama. Madam Speaker, I would like to request the House's attention today to pay recognition to the people of the city of Talladega, who are celebrating their city's 175th anniversary this year.

Talladega, Alabama, was incorporated on January 9, 1835. Talladega is home to the Talladega Superspeedway, Talladega College, and many other historic sites, to name a few, and is also known for its fascinating history and deep traditions.

On March 25th, a four-day celebration of the founding of Talladega will begin. Included in the festivities are a historic play—presented by Talladega High School; USA Powerlifting, Alabama State Championship; a 5K run benefiting Hope Academy; a national championship celebration parade for Talladega College; a BBQ cook-off; a burial of the time capsule; and concerts by American Idol contestants Bo Bice and Ruben Studdard, to list a few.

All of us across east Alabama are proud of this important occasion for the citizens of Talladega. We look forward to seeing the city continue to thrive and grow, and congratulate local citizens and Mayor Brian York on their 175th anniversary.

TRIBUTE TO THE BOONE COUNTY
FAIR

HON. TOM LATHAM

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 22, 2010

Mr. LATHAM. Madam Speaker, I rise today to congratulate the Boone County Fair for receiving the 2009 "Blue Ribbon Fair" Award.

This award, presented by the Association of Iowa Fairs' (AIF) Board of Directors at their 2009 Conference and Annual Meeting in Des Moines, recognizes the Boone County Fair for displaying sincere commitment to educational programs, such as 4-H and FFA, in their community, as well as exhibiting genuine dedication to providing services in both fair and non fair locations.

Representing the Association of Iowa Fairs' North Central District, the Boone County Fair is one of six fairs in Iowa to receive this award in 2009. The AIF, a key advocate for Iowa's fair industry, is a non-profit corporation composed of 106 county and district fairs, the Iowa State Fair, and over 130 associate members, including carnivals, entertainment agencies, festivals, chambers, concessionaires, special attractions and suppliers of the industry.

Madam Speaker, the Boone County Fair truly captures the American spirit and demonstrates unwavering devotion to enhancing the lives of their community members. I commend the Boone County Fair for being recognized as a "Blue Ribbon Fair" and I am honored to represent the people of this county in the United States Congress.

A TRIBUTE TO JUANITA WEST
TILLMAN, 29TH CONGRESSIONAL
DISTRICT WOMAN OF THE
YEAR—2010

HON. ADAM B. SCHIFF

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 22, 2010

Mr. SCHIFF. Madam Speaker, I rise today to honor Juanita West Tillman of Altadena, California. Each year in March, in recognition of Women's History Month, we pay special tribute to the accomplishments made by our nation's most distinguished women.

Juanita has been a resident of Pasadena and Altadena for 55 years. She taught for 26 years in the Los Angeles Archdiocese and Pasadena Unified School District, PUSD.

During her career at PUSD, Juanita served on school leadership teams, school site councils, school library grant writing committees, Pasadena Historical Society Curriculum Committee, Language Arts Textbook Adoption Committee, LAAMP Family Leadership Team, and in a professional development academy and literacy academy. While teaching, Juanita acquired a real estate license and, upon retiring, she joined her daughter, Lynnette West-Cater, as co-owner of Westlyn Realtors.

Juanita has volunteered as a mentor and advisor for children and youth, served on boards of service and community organiza-

tions, and has been effective in getting citizens registered to vote and out to the polls. She is a founding member and past president of Pasadena Delta Foundation, which is the first African American organization in the Pasadena area to establish a six-figure scholarship endowment fund; past president of the National Sorority of Phi Delta Kappa, Gamma Lambda Chapter and Delta Sigma Theta Sorority, Pasadena Alumnae Chapter, respectively; chairperson of the Education Committee of the Pasadena NAACP Branch; current treasurer of the Pasadena Council of Women's Clubs; member of the Friends of the Pasadena Playhouse where she volunteers as an usher; and member of First AME Church where she serves as a Class Leader providing encouragement and service to her class members.

Juanita served on the John Muir High School principal selection committee in 2003 and the teacher selection committee in 2007 and continues to be an advisor and active supporter of Mentoring & Partnership for Youth Development (MPYD), a male-mentoring program at John Muir High School. She also assisted in planning the Entering the College Zone, a National Black Child Development program.

I ask all Members of Congress to join me today in honoring a remarkable woman of California's 29th Congressional District, Juanita West Tillman. The entire community joins me in thanking Juanita for the meaningful impact she has had on the 29th Congressional District.

TRIBUTE TO BRANDON PETTIT

HON. TOM LATHAM

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 22, 2010

Mr. LATHAM. Madam Speaker, I rise today to honor and congratulate Brandon Pettit, of Prole, Iowa, who has achieved national recognition for exemplary volunteer service in his community. The 2010 Prudential Spirit of Community Awards program recently named Brandon as one of the top youth volunteers in Iowa for his part in the 2009 Warren County Fair's recycling effort.

Brandon, upon noticing significant potential to cut down on waste at public events, created and successfully implemented a plastic bottle and aluminum can recycling initiative for the 2009 Warren County Fair. His plan recruited fellow 4-H members to monitor and empty 10 recycling bins strategically placed throughout the fairgrounds. Brandon would then, with the help of his family, proceed to sort, bag, and deliver the used bottles and cans to redemption and recycling centers.

Created in 1995, by Prudential Financial in partnership with the National Association of Secondary School Principals (NASSP), The Prudential Spirit of Community Awards annually honors the most impressive student volunteers in each state and the District of Columbia. This organization strives to impress upon all youth volunteers that their contributions are critically important and highly valued, while inspiring other young individuals to follow their

example. Over the past 15 years, the program has become the nation's largest youth recognition effort based solely on community service, and has honored nearly 100,000 young volunteers at the local, state and national level.

Madam Speaker, individuals such as Brandon Pettit must be recognized and applauded for their sincere dedication to maintaining a healthy community and for their positive impact on the lives of others. Brandon's actions show that young Americans can—and do—play important roles in our nation, and I am proud to represent him, his family and his fellow volunteers in the United States Congress.

IN HONOR OF MS. JEANETTE
ECKMAN

HON. MICHAEL N. CASTLE

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Monday, March 22, 2010

Mr. CASTLE. Madam Speaker, it is with great pleasure that I rise today to pay tribute to Jeanette Eckman, a remarkable woman who is to be posthumously inducted into the Hall of Fame of Delaware Women. Jeanette is truly deserving of this high distinction for her contributions to our State and the valuable legacies she left for historians.

Ms. Eckman was an educator, political activist, historian, and author. Her works, endorsed by our State, are considered official historical documents which have preserved vital aspects of Delaware's past. She served as director and historian for the 300th anniversary of the settlement of New Castle by the Dutch colonials in 1950–55, and received an honorary award from the Queen of the Netherlands for her devotion to Dutch colonial history in the Delaware Valley.

In 1915, Ms. Eckman became the first woman in the First State to be appointed to an executive position with the Republican State Committee, organizing women voters in the State soon after the women's suffrage amendment was ratified. She served as secretary for women's affairs for U.S. Senator T. Coleman du Pont in the 1920s.

As a champion of women's rights and preserving American history in the State of Delaware, Jeanette is the epitome of what this Hall of Fame represents. Her contributions to the State of Delaware are remarkable, irrespective of her gender. She was an amazing woman, and her legacy continues with this accolade.

SHOW OF SUPPORT MILITARY
HUNT

HON. TED POE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, March 22, 2010

Mr. POE of Texas. Madam Speaker, today I want to show appreciation to an organization that is doing something unique for our wounded warriors. Show of Support Military Hunt honors men and women from different branches of service with a Texas way of saying "Thank Ya'll." We Texans love to hunt. It's

a way of life in the South and Terry Johnson founded an idea to thank these brave men and women who sacrificed so much with all expenses paid guided hunts.

Terry wrote letters and made calls to get people on board. He sought to bring awareness to outdoor sports while showing his gratitude to our warriors. The first hunt began in 2002 with only two soldiers. Now, due to overwhelming support, over 50 wounded soldiers released from duty have been on one of these memorable hunts. Everything is donated; the land to hunt on, rifles and ammunition, hunting gear, airfare if they are flying in from another state, and anything else that may be required. Not to be left out, they also pay tribute to the families of the soldiers.

While the men are hunting, the wives are treated to a day on the town. The Show of Support Military Hunt, "Hunt for Heroes" has brought about a new way for the public to offer its thanks and I cannot imagine a more noble cause.

IN HONOR OF MS. BEVERLY
LOUISE STEWART

HON. MICHAEL N. CASTLE

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Monday, March 22, 2010

Mr. CASTLE. Madam Speaker, it is with great pleasure that I rise today to recognize Beverly Louise Stewart, who is to be inducted into the Hall of Fame of Delaware Women for her contributions to education in Delaware. Beverly pioneered an innovative method of tutoring, and created a thriving educational center out of her own home.

Beverly started Back to Basics, a one-on-one private tutoring service, in 1985 after teaching at Sanford School. What started as a small tutoring service in her kitchen, and with her as the only instructor, is now a vibrant firm that employs approximately 80 degreed tutors, and a multitude of services in addition to basic subject help. The center offers corporate education, adult education, English as a Second Language, and a unique state-approved private school. The motto of Back to Basics is "Aim High!"—which is certainly the axiom of Beverly's story, as well.

The accolades Beverly has collected over the years speaks to the ingenuity of Back to Basics. She was given the "Delaware Entrepreneurial Woman of the Year Award" by the New Castle County Chamber of Commerce's The Capitol Review in 1998, and the Delaware Small Business Administration's "2004 Small Businessperson of the Year." In 2007, Delaware Today named her one of the "Top 35 Women in Business."

As a Member of the House Committee on Education and Labor, it makes me proud to see all that Beverly has accomplished as a citizen of Delaware, both to advance education, and as small business leader. I am grateful for her contributions to the State of Delaware, and wish her all the best as she accepts the well-earned honor of being inducted into the Hall of Fame of Delaware Women.

MANIFEST OF HOPE

HON. JARED POLIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Monday, March 22, 2010

Mr. POLIS. Madam Speaker, I rise to share with my colleague and all Americans interested in the cause of immigration reform; words that were shared with me by one my constituents.

To the People and Government of the United States of America:

We, the not authorized migrants that are looking for the American Dream, We wrote (this) in Spanish and (it) has been translated to the English Language:

MANIFEST OF THE HOPE

We manifest that every man and woman that demonstrates the loyalty through work, education, art and culture; furthermore, honor the American virtues, and to the fact of comply with the responsibilities acquired because of residing in this country, deserves the opportunity to be a part of it. Desire born from the most beautiful precept that God granted to America:

"That all Men are created equal, that they are

Endowed by their creator with certain Unalienable rights, that among these are life,

Liberty and the pursuit of happiness"

—From the Declaration of Independence,
July 4, 1776.

This Nation has the historic responsibility of preserving those natural rights to their future generations.

The world is actually agitated by violence, and the security of America depends on all their inhabitants, those of us who breath the winds of freedom, those of us who enjoy the colors of diversity and those of us who love the fruit of America's land.

Keep into your heart and conscience our hope and goodwill. God bless America and its freedom, generation after generation.

So be it.

HONORING SISTER ASCENSION
BANEGAS

HON. MICHAEL N. CASTLE

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Monday, March 22, 2010

Mr. CASTLE. Madam Speaker, it is with great pleasure that I rise today to pay tribute to Sister Ascension Banegas, an extraordinary woman who is to be inducted into the Hall of Fame of Delaware Women. Sister Banegas is truly deserving of this high distinction for the profound impact she has made not only upon Delaware, but around the world.

Sister Ascension Banegas, Spanish Carmelite Sister of Charity, has lived in Delaware since 1994. She has worked on behalf of the less fortunate in Japan, England, and New York City, before moving to rural Delaware to be the very first trained nonprofit immigration provider in the southern part of the State. In 1996, she helped co-found "La Esperanza" ("Hope") Community Center, which is a multi-service, bilingual center in Georgetown, Delaware. Because of Sister Ascension's influence,

La Esperanza and nearby Delaware Technical and Community College have great numbers of immigrant English language learners, which aids in the integration and empowerment of immigrants in Southern Delaware. In October of 2009, she received the Bank of America Local Hero Award, and is profoundly respected by her clients and colleagues for her ceaseless advocacy, spirit, strength and humor on behalf of the Spanish-speaking community.

Sister Ascension has dedicated 55 years to helping people in need around the globe, having a life-changing impact in communities in Spain, Japan, London, Brooklyn, NY and Delaware. Her tireless advocacy on behalf of those suffering from poverty and discrimination is unrivaled, and she remains committed to fight for justice for hardworking immigrants and foreign nationals living in Delaware.

Her ceaseless efforts to improve the situation of the immigrant population, as well as that of the broader community, are testaments to her tremendous quality of character. I commend her for her outstanding service to the State of Delaware, and wish her all the best as she accepts the well-deserved honor of being inducted into the Hall of Fame of Delaware Women.

IN HONOR OF MS. KATHRYN
YOUNG HAZEUR

HON. MICHAEL N. CASTLE

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Monday, March 22, 2010

Mr. CASTLE. Madam Speaker, it is with great pleasure that I rise today to pay tribute to Kathryn Young Hazeur, who is to be inducted into the Hall of Fame of Delaware Women for her notable lifelong involvement with education. Her outstanding work ethic, superb organizational skills, intelligence, and perseverance have enabled her to break through the many barriers that stood in her way.

Kathryn is an educational pioneer in the State of Delaware, as she was the first African-American to earn a graduate degree in the First State, and was also the first director of Head Start for the State. Throughout her outstanding career in education that spanned over four and a half decades, as both a teacher and as a principal, Kathryn impacted the lives of thousands of young people fortunate enough to be under her tutelage.

Over the years, Kathryn has utilized her strong leadership skills to enact positive change in the community. She served as the Chair of the Desegregation Commission for the Wilmington Public Schools during the desegregation era in the Wilmington school system, and has been active on numerous committees for Saint Joseph's Catholic Church. In 2003, she was the recipient of the Phi Delta Kappa (Teachers) Sorority "Lifetime Achievement Award."

Kathryn has built a legacy of legendary teaching and nurturing of Delaware's young people, as well as community service. I am grateful for her marvelous service to the State of Delaware, and wish her all the best as she

accepts the well-earned honor of being inducted into the Hall of Fame of Delaware Women.

IN HONOR OF MS. JACQUELIN
PITTS

HON. MICHAEL N. CASTLE

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Monday, March 22, 2010

Mr. CASTLE. Madam Speaker, it is with great pleasure that I rise today to pay tribute to Jacquelin Pitts, an exemplary woman who is to be inducted into the Hall of Fame of Delaware Women. Jackie is truly deserving of this high distinction for the profound impact she has made not only here in Delaware, but around the world, as well.

Jacquelin Pitts is a gifted athlete, devoted educator, and invaluable leader in the Delaware community. She has advanced the sport of women's lacrosse around the world, providing advocacy and coaching in North America, Europe, Asia, and Australia, developing it in Japan and the former Czechoslovakia, as well as introducing the sport to Cuba. Here in the First State, she helped co-found the Delaware Women's Lacrosse Association, the Delaware High School Girls All-Star Game, and lacrosse and field hockey camps for high school students, serving 13,000 girls over 25 years.

Jackie's positive influence on young people extends beyond the field and into the classrooms and hearts of those she has coached, taught and worked with over the years. Now in her 51st year as a math teacher at Sanford School, she was also chairwoman of the Math Department for 25 years. She was selected for a U.S. Presidential Scholar's Teacher Recognition Award in 2000, and was once chosen to serve on an advisory committee to the U.S. Department of Education.

Jackie has made an indelible impact on the sport of lacrosse for girls and women locally and worldwide as a player, coach and ambassador with lacrosse associations in Delaware, around the United States and internationally. She continues to contribute to our State as a teacher, community leader and role model. I commend her for her outstanding service to the State of Delaware, and wish her all the best as she accepts the well-merited honor of being inducted into the Hall of Fame of Delaware Women.

IN HONOR OF DR. JUDITH GEDNEY
TOBIN

HON. MICHAEL N. CASTLE

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Monday, March 22, 2010

Mr. CASTLE. Madam Speaker, it is with great pleasure that I rise today to recognize Dr. Judith Gedney Tobin, who is to be inducted into the Hall of Fame of Delaware Women for her remarkable accomplishments in the field of forensic pathology.

Dr. Tobin demonstrated expertise and longevity as a pathologist, working as the Assist-

ant Delaware State Medical Examiner from 1964 to 2009. She became the only woman to serve as President of the Nanticoke Hospital Medical Staff and the first woman to be inducted into the Nanticoke Hospital's Physician Hall of Fame. In 2006, Dr. Tobin was recognized for her leadership and contributions to the discipline of pathology when the Delaware Division of Health and Human Services named the Southern Office of the Chief Medical Examiner building in her honor. She was appointed by the Governor of Delaware to the Board of Medical Practice, served on the Board of the Delaware Institute of Medical Education and Research, and in 1985 was awarded the Distinguished Service Award for her professional contributions.

Dr. Tobin has been the recipient of many awards for her role as a leader, role model and advocate for her profession and in her community. Her impact as a forensic pathologist will forever be remembered by the countless number of people who were affected by her work. In addition, she helped found the Western Sussex Boys and Girls Club, and served on the boards of the Blood Bank, American Cancer Society, as well as Children and Family First.

Dr. Tobin succeeded and thrived in an extremely challenging medical field, and contributed so much as a volunteer and citizen. I am grateful for her service to the State of Delaware, and wish her all the best as she accepts the well-earned honor of being inducted into the Hall of Fame of Delaware Women.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, March 23, 2010 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

MARCH 24

9:30 a.m.

Agriculture, Nutrition, and Forestry
Business meeting to consider an original bill entitled, "Healthy, Hunger-Free Kids Act of 2010".

SR-328A

Veterans' Affairs

To hold an oversight hearing to examine Veterans' Affairs plan for ending homelessness among veterans.

SR-418

10 a.m.

Commerce, Science, and Transportation

Business meeting to consider S. 773, to ensure the continued free flow of commerce within the United States and with its global trading partners through secure cyber communications, to provide for the continued development and exploitation of the Internet and intranet communications for such purposes, to provide for the development of a cadre of information technology specialists to improve and maintain effective cybersecurity defenses against disruption, S. 2881, to provide greater technical resources to FCC Commissioners, S. 1252, to promote ocean and human health and for other purposes, S. 2870, to establish uniform administrative and enforcement procedures and penalties for the enforcement of the High Seas Driftnet Fishing Moratorium Protection Act and similar statutes, S. 2871, to make technical corrections to the Western and Central Pacific Fisheries Convention Implementation Act, and the nominations of Robert J. Papp Jr., to be Commandant of the U.S. Coast Guard, Department of Homeland Security, Larry Robinson, of Florida, to be Assistant Secretary of Commerce for Oceans and Atmosphere, Earl F. Weener, of Oregon, to be a Member of the National Transportation Safety Board, Michael F. Tillman, of California, and Daryl J. Boness, of Maine, both to be a Member of the Marine Mammal Commission, and Jeffrey R. Moreland, of Texas, to be a Director of the Amtrak Board of Directors, and a promotion list in the National Oceanic and Atmospheric Administration Commissioned Corps and the U.S. Coast Guard.

SR-253

Appropriations

Defense Subcommittee

To hold hearings to examine proposed budget estimates for fiscal year 2011 for the the Guard and Reserve.

SD-192

Environment and Public Works

To hold hearings to examine opportunities to improve energy security and the environment through transportation policy.

SD-406

Homeland Security and Governmental Affairs

To hold hearings to examine the nomination of Major General Robert A. Harding, United States Army (Retired), of Virginia, to be Assistant Secretary of Homeland Security.

SD-342

Armed Services

Personnel Subcommittee

To hold hearings to examine Military Health System programs, policies, and initiatives in review of the Defense Authorization request for fiscal year 2011 and the Future Years Defense Program.

SR-232A

1:30 p.m.

Small Business and Entrepreneurship

To hold a hearing examine the President's proposed budget request for fiscal year 2011 for the Small Business Administration.

SR-485

2 p.m.

Aging

To hold hearings to examine medicine and prescription drugs, focusing on nursing home patients.

SD-106

2:30 p.m.

Homeland Security and Governmental Affairs

Contracting Oversight Subcommittee

To hold hearings to examine contracts for Afghan National Police training.

SD-342

Armed Services

To hold hearings to examine U.S. Pacific Command, U.S. Strategic Command, and U.S. Forces Korea in review of the Defense Authorization request for fiscal year 2011 and the Future Years Defense Program; with the possibility of a closed session in SVC-217 following the open session.

SH-216

Appropriations

Financial Services and General Government Subcommittee

To hold hearings to examine proposed budget estimates for fiscal year 2011 for the Office of Personnel Management.

SD-192

Judiciary

To hold hearings to examine the nominations of Goodwin Liu, of California, to be United States Circuit Judge for the Ninth Circuit, and Kimberly J. Mueller, to be United States District Judge for the Eastern District of California.

SD-226

MARCH 25

9:30 a.m.

Indian Affairs

To hold an oversight hearing to examine youth suicides and the need for mental health care resources in Indian country.

SD-628

Homeland Security and Governmental Affairs

Investigations Subcommittee

To hold hearings to examine Wall Street and the financial crisis, focusing on high risk home loans.

SH-216

Appropriations

Transportation, Housing and Urban Development, and Related Agencies Subcommittee

To hold hearings to examine the review and oversight of the Federal Housing Administration and its role in the housing crisis.

SD-138

9:45 a.m.

Rules and Administration

To hold hearings to examine the filibuster, focusing on the history of the filibuster 1789-2008.

SR-301

10 a.m.

Appropriations

Commerce, Justice, Science, and Related Agencies Subcommittee

To hold hearings to examine proposed budget estimates for fiscal year 2011 for the National Aeronautics and Space Administration.

SD-192

Environment and Public Works

Business meeting to consider H.R. 2062, to amend the Migratory Bird Treaty Act to provide for penalties and enforcement for intentionally taking protected avian species, S. 2724, to provide for environmental restoration activities and forest management activities in the Lake Tahoe Basin, H.R. 3305, to designate the Federal building and United States courthouse located at 224 South Boulder Avenue in Tulsa, Oklahoma, as the "H. Dale Cook Federal Building and United States Courthouse", and S. 2129 and H.R. 1700, bills to authorize the Administrator of General Services to convey a parcel of real property in the District of Columbia to provide for the establishment of a National Women's History Museum, and a proposed resolution relating to the General Services Administration.

SD-406

Judiciary

Business meeting to consider S. 2960, to exempt aliens who are admitted as refugees or granted asylum and are employed overseas by the Federal Government from the 1-year physical presence requirement for adjustment of status to that of aliens lawfully admitted for permanent residence, S. 2974, to establish the Return of Talent Program to allow aliens who are legally present in the United States to return temporarily to the country of citizenship of the alien if that country is engaged in post-conflict or natural disaster reconstruction, S. 1624, to amend title 11 of the United States Code, to provide protection for medical debt homeowners, to restore bankruptcy protections for individuals experiencing economic distress as caregivers to ill, injured, or disabled family members, and to exempt from means testing debtors whose financial problems were caused by serious medical problems, S. 3111, to establish the Commission on Freedom

of Information Act Processing Delays, S. 3031, to authorize Drug Free Communities enhancement grants to address major emerging drug issues or local drug crises, and the nominations of Sharon Johnson Coleman, and Gary Scott Feinerman, both to be United States District Judge for the Northern District of Illinois, William Joseph Martinez, to be United States District Judge for the District of Colorado, and David A. Capp, to be United States Attorney for the Northern District of Indiana, Anne M. Thompkins, to be United States Attorney for the Western District of North Carolina, Peter Christopher Munoz, to be United States Marshal for the Western District of Michigan, and Kelly McDade Nesbit, to be United States Marshal for the Western District of North Carolina, all of the Department of Justice.

SD-226

1 p.m.

Finance

International Trade, Customs, and Global Competitiveness Subcommittee

To hold hearings to examine doubling United States exports, focusing on United States seaports.

SD-215

2 p.m.

Appropriations

To hold hearings to examine the President's fiscal year 2010 War Supplemental Request.

SD-G50

APRIL 14

9:30 a.m.

Judiciary

To hold an oversight hearing to examine the Department of Justice.

SD-226

Armed Services

SeaPower Subcommittee

To hold hearings to examine Navy shipbuilding programs in review of the Defense Authorization request for fiscal year 2011 and the Future Years Defense Program.

SD-562

APRIL 28

2 p.m.

Health, Education, Labor, and Pensions

To hold hearings to examine the Elementary and Secondary Education Act (ESEA) reauthorization, focusing on standards and assessments.

SD-430

HOUSE OF REPRESENTATIVES—Tuesday, March 23, 2010

The House met at 10:30 and was called to order by the Speaker pro tempore (Ms. MARKEY of Colorado).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
March 23, 2010.

I hereby appoint the Honorable BETSY MARKEY to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

MORNING-HOUR DEBATE

The SPEAKER pro tempore. Pursuant to the order of the House of January 6, 2009, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning-hour debate.

The Chair will alternate recognition between the parties, with each party limited to 30 minutes and each Member, other than the majority and minority leaders and the minority whip, limited to 5 minutes.

DISINGENUOUS SAVINGS IN HEALTH CARE BILL

The SPEAKER pro tempore. The Chair recognizes the gentleman from Florida (Mr. STEARNS) for 5 minutes.

Mr. STEARNS. Good morning. Madam Speaker, my colleagues, I've come here this morning to talk about the health care bill. The Senate health care bill that we passed which honestly continues to spend far more than we can afford and at a rate faster than anyone could have imagined. The bill itself is chock-full of budget gimmicks to game the system to show that it's revenue-neutral. I am briefly going to outline this morning why it's not revenue-neutral. In fact, future Congresses will repeal some of these cuts in Medicare and some of those taxes, like the tax on certain Cadillac health care plans. The President indicated that he would veto any health care bill that created a dime, a penny of deficit. Well, Mr. President, I hope you are listening because I have gone through the scoring on the Senate health care bill, and it's chock-full of gimmicks, and in fact, this bill creates a deficit. Let's take a look at them.

These savings that the CBO scored will not be achieved, and let me first of

all start by saying there's 10 years of taxes to pay for 6 years of benefits. That's one of the gimmicks we should understand. Many of the taxes will start immediately, yet the health exchange does not begin until 2014. The two large cost drivers are Medicaid expansion and the health care exchange, but there are only 6 years of the exchange costs in the budget window. So if we're going to have taxes for 10 years, and we're going to institute the program four years later, much later, then these will be cost savings obviously.

But once this thing gets going, after 10 years of taxes and 6 years of benefits, what happens after that? No one knows. Obviously there is going to be a deficit. That's the first thing I want to start out with. There are cuts throughout this healthcare bill to Medicare. But they are fiction. Let me give you an example. They have a 21 percent cut in what's called the SGR which is the sustained growth rate, or the funding rate for physicians. So they're going to cut physicians on their SGR by 21 percent, and they're going to do a 2 percent cut every year for the rest of the decade. So this would require a \$208 billion fix. Now is this going to occur? Remember now, we have just passed H.R. 3961, a doc fix. So they're already agreeing that we have to fix Medicare for doctors, yet they are going back into this health care bill and cutting them even more to get cost savings realizing they will have to stop these cuts or devastate the Medicare program.

There are \$156 billion in cuts to the hospital market basket. Now this is the reimbursement formula used to calculate payment rates. Can we realistically expect to provide a negative cost increase to hospitals? Or are we creating another so-called SGR-type situation for hospitals in this bill? There is \$70 billion in what's called Community Living Assistance Services and Supports program. This is a new entitlement. It's an insurance program for assisted living programs. However, it does not collect enough revenues and pays out too little. It's estimated this program will become insolvent in 2020. Senator KENT CONRAD has called this a Ponzi scheme of the first order that would make Bernie Madoff proud. Another fictitious cost savings. There will be \$15 billion cut by the Independent Payment Advisory Board. This is an unelected body who will be able to force Medicare cuts and reforms throughout the system. But where are

they going to cut? Congress can only vote to stop it if three-fifths of the Senate votes to stop the cuts. They have continually talked about a tax on Cadillac health care plans. They use this as a saving of \$32 billion. You know whose Cadillac health care plans we're talking about? We're talking about unions plans. They are the ones who will be affected. Do you think the Democrats are going to tax unions' Cadillac health care plans? That's not going to happen.

So I will tell you that once this gets passed, they're going to repeal this tax at future points. There are 10 years of taxes to pay for 6 years of benefits, as I mentioned earlier. The two large cost drivers are Medicaid expansion and the health care exchange, but there are only 6 years of the exchange costs in the budget window. So again, that's a gimmick. Also there are costs which are not included by the CBO because they would not be subject to future appropriations. They are not mandatory spending. So that's why the CBO didn't include the following:

There is \$10 billion to hire about 16,000 new IRS agents to enforce the individual mandate on every American. So CBO did not include this in the scoring because it would be subject to future appropriations and not mandatory spending. So CBO didn't even include that. And what about the number of employees who are going to be hired by Health and Human Services to operate this bill? That's not in here. There is \$55 billion for new bureaucrats to run this government expansion into health care, none of that is included by CBO. So Mr. President, you should realize that if you sign this bill, you're signing a bill that is going to create deficits. The savings we will see are not there. We are continuing to put this country in hock to China and deficits for the foreseeable future.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Members are reminded to address their remarks to the Chair.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until noon today.

Accordingly (at 10 o'clock and 36 minutes p.m.), the House stood in recess until noon.

□ 1200

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Ms. MARKEY of Colorado) at noon.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

Lord God, who orders the heavens and guides the affairs of humanity on Earth, be with the Members of this, the 111th Congress of the United States of America. Make known Your will for the common good of the Nation and reveal Your presence in the midst of our activity. By Your spirit, renew in all those who have sworn to uphold and defend the Constitution the original enthusiasm, high ideals, positive attitudes, and desire to make a difference that brought them to serve here.

Banish all indifference and quicken every response in them to the needs of Your people and to the challenges of the time. Proud to serve, raise them with renewed hope and deepened faith to manifest the strength of character, the integrity, and nobility this institution deserves.

May Your Divine Providence lead them to represent and reflect the genuine good and greatness of the American people by their prayer, honest search for truth, unified action, and great deeds. So may the people of this Nation grow in patriotism and give You the glory—now and forever.

Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House her approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Pennsylvania (Mr. PITTS) come forward and lead the House in the Pledge of Allegiance.

Mr. PITTS led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

REPEAL HEALTH CARE BILL WITH REAL REFORM

(Mr. PITTS asked and was given permission to address the House for 1 minute.)

Mr. PITTS. Madam Speaker, today, the liberal editors of the Washington Post state in their lead editorial that the current trajectory of entitlement

spending will bankrupt the country. On the facing page, conservative commentator George Will calls America's entitlement programs a Ponzi scheme and "a teetering tower of unkeepable promises." Indeed, this is the true crisis in American health care.

We have already made over \$100 trillion in entitlement promises we can't keep. But what Congress has just done is not reform. It does not bend the cost curve. It does not reform entitlements. It just makes more promises that can't be kept. ObamaCare pours gasoline on the fire of our entitlement crisis.

This Congress has squandered an opportunity to save and strengthen America's safety net. When they should have put on the brakes, they put their foot on the accelerator. We need to repeal this terrible bill and replace it in a bipartisan way with real reform.

THE RUSSIANS ARE COMING, THE RUSSIANS ARE COMING

(Mr. POE of Texas asked and was given permission to address the House for 1 minute.)

Mr. POE of Texas. Madam Speaker, there's a new push to drill for oil in the Gulf of Mexico. The "Drill Here, Drill Now" slogan is finally sinking in. But the new rigs won't be flying American flags. They'll be Russian rigs drilling for oil in the Gulf of Mexico—right there off our own shores.

The Russians and the Cubans are now in cahoots to drill for oil we should be obtaining. Then they'll probably sell it back to us at an increased price. We don't drill off our own coast, so we have to import more crude oil. And it gets worse every year. It's costing Americans millions. Plus, Americans won't be getting those high-dollar rig jobs.

We have our own natural resources, but refuse to explore them because of the elitists. We're a decade or more away from green technology—when we all will be driving those itty-bitty toy cars that you can buy by the six-pack. But the anti-American energy elites dominate Congress and the White House. Unfortunately, they'll let us freeze in the dark before they will allow offshore drilling.

And that's just the way it is.

AMERICA STANDS WITH ISRAEL

(Mr. PENCE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PENCE. Today, I had the privilege of welcoming the Prime Minister of Israel, Benjamin Netanyahu, for his second visit to the United States Capitol. The American people consider Israel our most cherished ally and we her closest friend and guardian. As we met, Israel lives under the shadow of a

threatening neighbor seeking nuclear weapons but, remarkably, this administration seems intent on focusing on a controversy over construction in undisputed areas of Jerusalem instead of the threat of a nuclear Iran. As I just told the Prime Minister, I never thought I'd live to see the day that an American administration would denounce the State of Israel for rebuilding Jerusalem. If the world knows nothing else, let it know this: America stands with Israel.

As the President meets with Prime Minister Netanyahu today, I urge the President to stop all this talk about settlements in Jerusalem and start focusing on isolating a threatening and menacing and rising nuclear Iran. The American people and the American Congress in both parties support the State of Israel.

LET'S GET BALANCE BACK IN THE COUNTRY

(Mr. GOHMERT asked and was given permission to address the House for 1 minute.)

Mr. GOHMERT. Madam Speaker, dramatic times require dramatic actions. There's a part of the Constitution that hasn't been used since its inception: Article V, the part that says that "on the application of the legislatures of two-thirds of the several States, Congress shall call a convention for proposing amendments." Since the 17th Amendment took out the last check and balance on usurpation of States' rights, it's time to get the balance back in place.

We have 39 States upset, wanting to do something, and not have another unfunded mandate coming down their throats. This will do it. Let's get an amendment that gets the balance back into the country and the Constitution before this Congress destroys what's left.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 12 o'clock and 10 minutes p.m.), the House stood in recess subject to the call of the Chair.

□ 1301

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Ms. TITUS) at 1 o'clock and 1 minute p.m.

PROVIDING FOR CONSIDERATION OF H.R. 4849, SMALL BUSINESS AND INFRASTRUCTURE JOBS TAX ACT OF 2010

Mr. CARDOZA. Madam Speaker, by direction of the Committee on Rules, I

call up House Resolution 1205 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 1205

Resolved, That upon the adoption of this resolution it shall be in order to consider in the House the bill (H.R. 4849) to amend the Internal Revenue Code of 1986 to provide tax incentives for small business job creation, extend the Build America Bonds program, provide other infrastructure job creation tax incentives, and for other purposes. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. The amendment in the nature of a substitute recommended by the Committee on Ways and Means now printed in the bill, modified by the amendment printed in the report of the Committee on Rules accompanying this resolution, shall be considered as adopted. The bill, as amended, shall be considered as read. All points of order against provisions in the bill, as amended, are waived. The previous question shall be considered as ordered on the bill, as amended, to final passage without intervening motion except: (1) one hour of debate equally divided and controlled by the chair and ranking minority member of the Committee on Ways and Means; and (2) one motion to recommit with or without instructions.

The SPEAKER pro tempore. The gentleman from California is recognized for 1 hour.

Mr. CARDOZA. Madam Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Florida (Mr. LINCOLN DIAZ-BALART). All time yielded during consideration of the rule is for debate only.

GENERAL LEAVE

Mr. CARDOZA. Madam Speaker, I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks on House Resolution 1205.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. CARDOZA. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, House Resolution 1205 provides for the consideration of the Small Business and Infrastructure Jobs Tax Act of 2010. The rule provides for 1 hour of general debate controlled by the Committee on Ways and Means. The rule waives all points of order against consideration of the bill except for clause 9 and 10 of rule XXI. The rule also provides that the amendment in the nature of a substitute reported by the Committee on Ways and Means, modified by the amendment printed in the Rules Committee report, shall be considered as adopted. Finally, the rule provides one motion to recommit with or without instructions.

Madam Speaker, despite what you may hear, the fact is that the Recovery Act has saved or created over 2 million jobs, and we have seen signs that our economy is starting to grow once

again. In 2009, we saw a 2.8 percent GDP growth in the third quarter, which represented the biggest 6-month turnaround in our economy since 1980. And the fourth quarter's 5.9 percent growth is a dramatic change in direction from when President Obama took office and the economy was then shrinking by minus 6.4 percent.

Before President Obama took office and we passed the Recovery Act, we were losing an average of 600,000 jobs per month. Since passing the Recovery Act, job loss has slowed to an average of 90,000 per month. After suffering through the worst economic crisis since the Great Depression, job loss has nearly leveled off in the past 2 months. We're almost back to par.

It is clear that the economy is growing again and employers are not only not shedding from their payrolls but they are starting to hire once again. Those are the economic facts and a clear sign that the actions taken by the Obama administration and this Democratic Congress are in fact working to turn the economy around.

However, having said that, this does not mean that we are out of the woods by any stretch of the imagination.

In too many parts of the country, including my district in California, the recovery has been slow. Unemployment is still high, and we continue to lose jobs by the thousands. Few regions of the Nation are suffering more from the recession than my San Joaquin Valley of California. The three biggest cities in my district—Merced, Stockton, and Modesto—have some of the highest foreclosure and unemployment rates in the country.

As I've said before, my district has been economically ravaged at a level equal to the devastation that we have seen oftentimes in the aftermath of hurricanes.

Now is not the time to sit back and relax but to continue to give this economy a shot in the arm that it needs in so many areas like mine. And we will get the extra stimulus we need to overcome this recession once and for all by passing this and other measures that will be coming before us.

This is why Congress just passed, and President Obama just signed, the HIRE Act to help create jobs and strengthen our economy, and to bring help to our communities, like the one I represent. It funds infrastructure projects and provides tax incentives and credits for businesses to hire unemployed workers to help small businesses invest and expand.

That is also why we are bringing this bill, H.R. 4849, the Small Business and Infrastructure Jobs Tax Act of 2010, on the floor today with an additional provision, a proven measure to further stimulate the economy.

The small businesses of America form the backbone of economic growth in our country. In fact, they are re-

sponsible for creating three out of every four jobs in the United States. That is why with this bill we are continuing to foster their growth and entrepreneurial spirit by completely eliminating the capital gains taxation on stock investments made in small businesses through 2011. This provision will help encourage investments immediately and will help small businesses put more people on their payrolls, continuing to drive our economic recovery.

H.R. 4849 also increases the deduction for start-up expenditures for small businesses from \$5,000 to \$20,000, giving our budding entrepreneurs a better opportunity to succeed.

The bill provides substantial relief to small businesses who run afoul of certain tax rules. Current law was intended to punish large corporate tax cheats but has had the unintended consequences and effects of threatening small businesses with bankruptcy. This bill removes the stiff penalties for small businesses to ensure that they will keep their doors open and continue creating jobs.

H.R. 4849 makes an additional allocation of Recovery Zone Bonds to ensure that each locality receives a minimum allocation, and hardest-hit areas of the country, such as my district, are not overlooked like they were in the initial allocation in previous legislation.

I'm especially thankful to the Ways and Means Committee for addressing the concerns I raised regarding this issue.

Finally, this bill extends the Recovery Act's Build America Bonds program. To date, State and local governments have financed well over \$78 billion in infrastructure projects using this tool to create jobs and help improve water utilities, sewers, schools, hospitals, transit buses, and other public projects.

Financial experts such as Stephen Gandel have called Build America Bonds one of the economic recovery effort's biggest successes.

Madam Speaker, speaking for my own district, nowhere are this and other jobs bills more necessary than the San Joaquin Valley. We needed help last week, we needed it a year ago. Economic relief for my constituents remains long overdue.

It is time to stop blaming. It's time to stop playing political games. It's time to start providing the relief people so desperately need. It's important we keep our foot on the gas pedal and continue to give our economy the jolt it needs while it is starting to awake.

Madam Speaker, I reserve the balance of my time.

Mr. LINCOLN DIAZ-BALART of Florida. I would like to thank my friend, the gentleman from California (Mr. CARDOZA), for the time, and I yield myself such time as I may consume.

Over a year ago, Madam Speaker, the President promised that if Congress

passed the so-called stimulus bill, unemployment would not reach 8 percent. Well, here we are today with unemployment just under 10 percent. It turns out that the stimulus bill was anything but a job creator. Instead, it was a monumental waste of money that created tons of debt for the Nation.

Since then, the people have demanded that the majority stop their unbridled spending spree. They want Congress to focus our work on commonsense job creation legislation that does not spend away the Nation's future.

Yet 2 days ago the majority ignored the American people and passed the so-called health care bill. It costs over a trillion dollars. A bill that, just like the so-called stimulus, does nothing to create jobs except for new IRS agents in the case of the new legislation. It has over \$500 billion in new taxes and mandates on businesses that will inevitably lead them to lay off workers or forgo hiring new workers.

Knowing that the people have rejected their signature issues, that the majority has ignored the number one issue in this country—the lack of new jobs—the majority now puts forth H.R. 4849, which it calls the Small Business and Infrastructure Jobs Tax Act. They desperately want to be seen by the people as doing something on jobs—anything on jobs. But just calling a bill a stimulus does not mean it will stimulate job creation.

This bill does not create jobs just because the majority has slapped “jobs” on the title of the bill. This bill is nothing more than a hodgepodge of narrow, targeted tax provisions that will not create new jobs. Although it's sold as a jobs bill, it actually amounts to a net tax increase at a time when Congress should be lowering taxes in order to encourage job growth.

In this legislation, the largest tax is a \$7.7 billion one on foreign companies located in the United States employing American workers. Yes, a tax on companies employing American workers. Already the U.S. is the only country in the world that taxes the overseas income of its businesses. Every other country taxes the income obviously only that is earned within its borders. So we tax income anywhere in the world.

Now, higher taxes, as called for in this legislation, will further encourage those businesses to keep their income earned abroad in foreign countries and invest it there and create jobs there rather than in the United States.

□ 1315

Jobs will be moved. Jobs that they would have created in the U.S. will be moved to other countries, reducing employment opportunities in the United States, depressing wages for current American workers. This is not a way to

get Americans back to work, Madam Speaker. It's an example of the dogma of the absurd at work.

According to the Joint Committee on Taxation, “the effects of the bill are so small relative to the size of the economy and the degree of uncertainty associated with the estimate as to be incalculable within the context of a model of the aggregate economy.” So, at the very least, this jobs bill won't create jobs.

Now, it sounds like the stimulus that didn't stimulate. It's more of the same from this congressional majority.

What is ironic is that, if the stimulus had worked as sold, we wouldn't be here today. We told the majority, Madam Speaker, we told them that their stimulus would do little, if anything, to spur job growth. What is so unfortunate is the American people are having to pay the price for the majority's incompetence.

One of the central tenets of the Democrats' campaign in 2006 was that they would run Congress in a more open and bipartisan manner. On December 6, 2006, the Speaker reiterated her campaign promise. She said, “We promised the American people that we would have the most honest and open government, and we will.”

The Speaker even laid out how she would carry out her promise in a document called, “A New Direction for America.” In it she wrote, “Bills should be developed following full hearings and open subcommittee and committee markups, with appropriate referrals to other committees. Bills should generally come to the floor under a procedure that allows open, full, and fair debate consisting of a full amendment process that grants the minority the right to offer its alternatives, including a substitute.”

This bill, Madam Speaker, like so many before it, fails to meet that standard. Contrary to the promise, the majority brings forth today a rule that forbids Ways and Means Ranking Member CAMP from offering the minority's substitute amendment. It also blocks every other Member from both sides of the aisle from offering amendments.

What makes this violation of the Speaker's promise so unfortunate is that, on Ways and Means bills, Madam Speaker, the House has a long history of allowing the ranking member to offer a minority substitute. We should defeat this rule and allow the House to proceed through regular order and allow Members to participate in the legislative process.

I reserve the balance of my time.

Mr. CARDOZA. Madam Speaker, in response to my friend and colleague from Florida, I would just remind him that, in this particular legislation, we are paying for our tax cuts. We are not going to, like they did when they were in charge, by cutting taxes and leaving it for their children to pay for, this bill

pays for this tax cut by closing foreign tax loopholes that were given to special interests. I think that that's a trade the American people will accept every single day.

Madam Speaker, I now would like to yield 2 minutes to the gentlewoman from California (Ms. CHU).

Ms. CHU. Madam Speaker, first I want to thank Chairman LEVIN and Chairman McDERMOTT for including in the manager's amendment the extension of the Jobs NOW program. I would also like to thank Chairman LARSON and the co-Chairs of the Congressional Jobs Working Group, BETTY SUTTON and ALCEE HASTINGS, for their support of this bill and program.

I rise today to support the manager's amendment to H.R. 4849, the Small Business and Infrastructure Jobs Tax Act, which extends an extremely successful employment program I call Jobs NOW. It has created over 156,000 jobs in 29 States across the country. It is extraordinary for the fact that it has been able to create jobs so quickly.

The model is Los Angeles County, where Supervisor Don Knabe created over 11,000 subsidized jobs in 1 year, jobs like park rangers, receptionists, teacher's assistants, and childcare workers. Workers got paid \$10 an hour for up to 40 hours a week. The employer provided 20 percent of the wage cost and the Federal Government provided the rest.

The reason it succeeded is that it was a win/win for both small business and workers. Main Street businesses like Armstrong Pies in Linden, Tennessee, used this program to add 10 employees, buy new equipment, increase production, and expand their distribution. That's a big step forward with a little bakery. Workers in this program can sleep better at night knowing they can put food on the table.

Madam Speaker, I submit for the RECORD an email from one of the participants in Los Angeles, Ms. Avila.

From: Alyssa Avila

Sent: Thursday, March 11, 2010 3:14 PM

To: john@l-chamber.com

Subject: S.T.E.P. program

HELLO JOHN—I am so happy that I have been given the opportunity to receive this incredible work experience through the program. It has been a little over 3 months since I began this job, and I have to say it has changed my life so much in this little time. For one it has given my husband and I a chance to experience the feeling of having a steady income that we can actually live off of. With him only working it wasn't enough for our family to survive on. I have been able to get off of cash aid and have also been able to realize the importance of keeping a job for the financial security. Not only the financial aspect but the learning factor and the chance to prove myself to an employer without them being judgmental. Any other employer wouldn't give me a chance just for my lack of experience. Even though I know that I can definitely do the job it really takes a toll on your self-esteem when you're turned down. I also think it's very important for my children to see me actively working. Now

since I've been employed they are constantly reminded how important it is for people to work all their lives. The importance of responsibility starts as a child and it is very important to me to be a good role model and show my children that having a good work ethic is key in life. I just can't be thankful enough for this opportunity and hope that we can get it extended for one more year.

Sincerely,

ALYSSA AVILA.

She says, "It has been a little over 3 months since I began this job, and I have to say it has changed my life so much in this little time." She also states, "I have been able to get off of cash aid and have also been able to realize the importance of keeping a job for the financial security. Not only the financial aspect but the learning factor and the chance to prove myself to an employer without them being judgmental." In addition, she says, "I also think it's very important for my children to see me actively working." Further, "show my children that having a good work ethic is key in life. I just can't be thankful enough for this opportunity and hope that we can get it extended for 1 more year."

The manager's amendment and bill will, indeed, extend this program. I strongly support the manager's amendment.

Mr. LINCOLN DIAZ-BALART of Florida. Madam Speaker, it's my privilege to yield 3 minutes to my friend from Washington (Mr. REICHERT).

Mr. REICHERT. I thank the gentleman for yielding.

Madam Speaker, well, at least today we are talking about incentives for small businesses. That's a start. People are still asking: Where are the jobs? We are still at close to 10 percent unemployment.

Small business, I think as everyone knows, is responsible for over 80 percent of our jobs in this country, and I am standing here today because yesterday I submitted two amendments. In fact, this is the second time I have submitted these amendments. The first time was in the Ways and Means Committee, asking for the current tax laws governing small businesses, the capital gains tax and other taxes on small businesses, to stay the same, to not go up. But come January capital gains tax will increase by 20 percent.

We are going to ask businesses to try and hire new employees under a heavy burden of taxes. We are talking about a bill today that's \$15 billion of incentives, limited incentives, hours after we have slapped them with hundreds of billions of dollars of tax increases under the health overhaul bill.

There is a 3.8 percent investment tax; other penalties if you don't provide mandated health care. This doesn't include the \$588 billion in other tax hikes coming in December when the current tax rates expire. Because of that, one-third of all businesses and their activity would be taxed more. Raising taxes

is the last thing we should be doing to small businesses.

Where are the jobs? People keep asking.

I have to say, I am disappointed that my amendments weren't accepted in the Ways and Means Committee. They were voted down, and I have to say, again, I am disappointed that they were once again voted down last night in the Rules Committee.

The last thing we should be doing to small businesses is raising taxes. The last thing that Congress should be doing is raising taxes. Small businesses today need certainty about what's going to be happening to them in the future. Small businesses today want to hire employees, but they can't hire employees because they are being taxed too much.

I think we have one question in this Congress to ask, and that is: Do we want to raise taxes on small businesses or do we want to help small businesses by keeping their tax burdens low? I am one of those that stand up and say, I want to keep the tax burdens on small businesses low so they can hire employees, so we can generate jobs, so we can generate this economy and get this country moving forward.

Mr. CARDOZA. Madam Speaker, I listened carefully to the comments of Mr. REICHERT, the gentleman from Washington. Typical of the other side of the aisle and his political party, my colleague, the amendment that he offered violated PAYGO.

Now, as I look back on the recent history of our country, as we have lowered taxes and we didn't pay for them, the deficit ballooned out of control. That's exactly what people are upset about, the deficit ballooning out of control, and it was their economic policies that got us into this mess.

Madam Speaker, at this point I would like to yield 3 minutes to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. I appreciate the gentleman's courtesy in permitting me to speak on this and his leadership guiding the rule for us. This is important legislation for us to consider. It's ironic that our Republican friends are saying that the solution they want is more tax cuts.

If you look at the jobs trajectory, in the Clinton administration where the tax levels were what they are going to be reverting to under the law, written by the Republicans, by the way, compared to what happened in the Bush administration where spending went up, taxes were cut, the economy collapsed, then we had the lowest rate of job creation during Bush years even though we took their prescription and cut taxes for all sorts of special interests. It is important that we are moving forward from this point by paying for the things that we do.

It's a hard lesson, but it worked in the 8 years of the Clinton administra-

tion where we had deficits reduced every single year until, at the end, we were actually in surplus compared to what happened later and had more robust job creation, lower deficits, more jobs by having a balanced economy and focusing on what's important. It is important being able to rebuild and renew this country.

I am pleased that we have in here the Build America Bonds, that we will be able to extend a favored treatment to local governments, to be able to build infrastructure, to be able to fight congestion, fight pollution, be able to revitalize communities. These bonds have been very successful in the last program we had. This extends it for 3 more years.

I would hope, Madam Speaker, that at some point we will be able to return to the era where at least one area was not partisan, and that is infrastructure and rebuilding and renewing America. Even Ronald Reagan supported user fees for things like transportation.

I hope we get to the point where the commitment to infrastructure, to roads, to transit, clean water, clean air, cleaning up Superfund sites, again enjoys the bipartisan support that it has at home here on Capitol Hill.

We have a wide range of groups, from the Chamber of Commerce to AGC to truckers who are willing to work with us to be able to provide this vital program going forward. I hope we reach that point, but, in the meantime, approving this legislation, jump-starting infrastructure for the next 3 years and not adding to the deficit, but being deficit neutral, and dealing with areas, in fact, in some cases, recognized by the Bush Treasury, that there was abuse of the tax system and needed to be changed.

I hope we approve this rule, I hope we approve this legislation and we are able to get on to the business of continuing improving the economy.

Mr. LINCOLN DIAZ-BALART of Florida. Madam Speaker, I remember before the era of President Obama and trillion to trillion-and-a-half dollar deficits, \$200 billion, I remember, used to be a lot of money. President Clinton, I remember his budgets, since the era of the 1990s was just mentioned, called for at least \$200 billion budgets ad infinitum. And I remember the great struggles between the Republican congressional majority in the 1990s and the Clinton White House that finally led to a balanced budget, despite President Clinton's submittal of budgets with at least \$200 billion of deficits indefinitely into the future. So that's setting the record straight.

□ 1330

What is important to note at this point, I think, is that increasing taxes in a recession is the worst thing that we could do, and the Democratic majority continues to do it time and time again.

I yield such time as he may consume to the distinguished ranking member of the Rules Committee, Mr. DREIER.

Mr. DREIER. Madam Speaker, let me first thank my friend from Miami, my Rules Committee seatmate, for his very thoughtful remarks. It was listening to him that led me to come to the floor.

He opened his remarks, Madam Speaker, by referring to the commitment that President Obama made, that if we were to pass the \$1 trillion stimulus bill, that the unemployment rate would not exceed 8 percent. He very thoughtfully reminded us, Mr. DIAZ-BALART that is, in his statement that, unfortunately, we have an unemployment rate that is hovering around 10 percent. And as my friend from California regularly shares with us in the Rules Committee and here on the House floor, the unemployment in his congressional district in some areas exceeds 20 percent.

It is a very sad and tragic thing that we deal with, in our State of California, a statewide unemployment rate of 12.2 percent; the unemployment rate in some of the areas that I represent, 14.4 percent. And then, as I said, Mr. CARDOZA has very tragically an unemployment rate that is in excess of 20 percent.

Of course, anecdotally, we continue to hear horror stories of people losing their homes, people losing their businesses. And we know how tough this is. We know how horrible the situation is for families when young children are forced to move from their homes. And that is the reason that I believe that it is absolutely imperative that we focus our attention on the best possible prescription for job creation and economic growth.

I think one of the things we have found, Madam Speaker, is the \$1 trillion stimulus bill was not only not the answer, but when we were promised that the unemployment rate would not exceed 8 percent and it is hovering about 2 points above that, we know that it not only has not been the answer to the problem, but I think every shred of empirical evidence that we have is that that has exacerbated the problem. Why? Well, it gets back to the remarks that Mr. DIAZ-BALART just shared with us about the level of Federal spending.

As we look at the problems that are out there, job creation and economic growth is critical; but I continue to hear overwhelmingly from my constituents and from people with whom I speak across this country that the fact that we have seen now in the first 14 months of this administration an increase in the Federal debt that is larger than the increase in the debt that everyone on both sides of the aisle decry during the entire 8 years of the Bush administration is a sad commentary.

Let me repeat that, Madam Speaker. We have seen in the first 14 months of this administration an increase in the national debt that is larger than the entire increase in the debt during the 8 years of the Bush administration.

Now, the byproduct of that is an article that just appeared on March 22 in Bloomberg, and it points to the fact that there is less confidence in the bond market for the Federal Government than there is for private sector companies like Berkshire Hathaway, the Lowes Company, Johnson & Johnson, and others. Meaning, that as we look at what has always been seen not only in the United States, but around the world, as the most stable and confident investment that people can look to, the most stable investment is now developing yields that are below those of private sector companies.

There is less confidence in the future of the Federal Government. And there is a very simple reason for that, and it is that we have seen this constant increase, an exacerbation of our deficit and our debt. And that is why doing everything we can, Madam Speaker, to rein that in needs to continue to be our priority.

What is it that has happened? Well, 1 hour ago the President of the United States signed what will be ultimately a \$1.2 trillion bill to deal with the issue of health care.

We all know that having every American have access to quality health insurance is an extraordinarily high priority for people on both sides of the aisle. But as we look at some of the details of what this legislation that will end up because of the doc fix, which everyone says will be included in that, totaling \$1.2 trillion, we have gotten to a point where we will see the hiring of reportedly 18,000 new Internal Revenue Service agents who are going to be, through what will look like a new 1099 form, the provider of that insurance policy; and the American citizen will have to ensure that there is compliance with this new mandate, a dictate from the Federal Government that is going to be imposed on every American.

And so as we look at dealing with this problem, and everyone decries government spending, we just 1 hour ago saw a humongous new cost burden imposed on the American taxpayer.

Now, my friend from California, Madam Speaker, has just said, and he did in the Rules Committee yesterday, he talked about the fact that he liked the notion of cutting the capital gains rate and that he was supportive of the general thrust of what Mr. REICHERT was trying to do. And Mr. SESSIONS offered that amendment up in the Rules Committee, but he did mention the fact that it was not paid for. I just listened to the remarks: it is not paid for. And, Madam Speaker, I think it is really important for us to look at this issue of "paid for."

Now, I have stood in this well for a long period of time, frankly, since I first got here, because I came here with Ronald Reagan, to talk about the bipartisan approach that needs to be taken towards getting our economy back on track. Steve Forbes in his great new book entitled, "How Capitalism Will Save Us," refers to real-world economics. We have to look at reality here.

Now, it is a pipe dream for people to believe that somehow, if you reduce the top rate on capital gains, that it is going to be a huge burden to the Federal Government when every shred of evidence that we have is that not only will that kind of tax incentive be paid for, it will dramatically increase the revenues to the Federal Government. And the best example—I don't think I need to appeal to our other side of the aisle by pointing to Ronald Reagan. But as I look to the other side of the aisle, I would appeal by making the argument that this is exactly what President John F. Kennedy, one of our Nation's greatest Presidents, a Democrat, did in 1961.

Madam Speaker, what he did was he brought about broad, across-the-board marginal tax rate reduction, including a large reduction of the capital gains tax rate.

Now, my friend says this needs to be paid for. Madam Speaker, not only was the Kennedy capital gains rate reduction paid for; it led to a doubling of the flow of revenues to the Federal Treasury. Similarly—and that is why I like to talk about this as a bipartisan proposal—in 1981, Ronald Reagan did the exact same thing. We saw across-the-board marginal rate reduction and at the same time we saw a reduction of the capital gains rate. And what happened, Madam Speaker? Not only did that marginal rate reduction and capital gains reduction pay for itself, it actually doubled the flow of revenues to the Federal Treasury during the decade of the 1980s.

Now, we know that there are those who say that the tax reductions that we saw in the early part of this decade, the decade that we have just gone through, are responsible for the increase in the deficits that we had, completely forgetting the fact that we have had to see huge increases in spending on national defense, on veterans benefits, on homeland security, things that came about because of the tragedy of September 11 of 2001. We also have seen other increases in spending.

Madam Speaker, we could have done better when the Republicans were in the majority. I am the first to admit that. But if you look at the fact, again, as I said just a few moments ago, the \$2 trillion increase in the national debt that has taken place over the last 14 months is larger than the entire increase in the debt that took place during the 8 years of the Bush Presidency.

So that is why I think that what we need to do is take this bipartisan approach; and since my friend from California, the manager of this rule here on the House floor, has argued that we should bring about capital gains reduction but he says he wants it to be paid for, we need to look at the fact that that kind of reduction not only pays for itself but will help us deal with the tremendous debt burden that we face today. And, again, the cost of that increased debt burden is hurting the United States of America in this country and in international markets around the world.

That is what we need to do, not looking at a hodgepodge of ideas, trying to pick out what incentive here for one part of the economy or another. We need to let real-world economics actually be applied here; and, unfortunately, we haven't been, and this bill does not do that at all.

I thank my friend for yielding.

Mr. CARDOZA. Madam Speaker, it never ceases to amaze me how the Republicans use selective memory when they talk about American economic policy.

On the very day that President Obama was inaugurated into office, he came in with a \$1.3 trillion Bush hangover in debt for that year.

Mr. DREIER. Will the gentleman yield?

Mr. CARDOZA. I will not yield, Mr. DREIER.

The prescription that we are offering today reduces the national debt by closing foreign tax loopholes. There is plenty of things that we can do to start closing the tax cuts and loopholes that shouldn't be in the tax law to pay for tax cuts for honorable Americans.

I do support reducing capital gains fees. I think we can do that, but they need to be paid for. We put those PAYGO rules in place in the mid-1990s, and we left the last time we had the White House with a \$5.4 trillion projected surplus. In 8 short years, we saw that turned around to what we have been left with, the mess that we have been left with now. That is not Mr. Obama's fault. That is not the Democratic Party's fault.

This bill will reduce the deficit by \$2.6 billion. We are paying for our tax cuts. We are going to stimulate the economy, we are going to rebuild America with investment bonds, and we are going to reduce the national debt. That is the way you do American economic policy that works, Madam Speaker.

I now yield 2 minutes to the gentleman from Indiana, a tireless supporter of Americans and small business, a leading advocate for fixing the flawed IRS penalties on listed transactions, Mr. DONNELLY from Indiana.

Mr. DONNELLY of Indiana. Madam Speaker, today I rise in support of the rule for H.R. 4849, the Small Business

and Infrastructure Jobs Tax Act, because it provides crucial tax breaks to America's small businesses and will fix an esoteric IRS penalty that is unintentionally threatening to bankrupt small business owners at a time when we badly need their contributions to economic recovery.

Madam Speaker, a lot of my colleagues in the House may be unaware of the unintended consequences of section 6707A of the Internal Revenue Code. Designed to crack down on large corporate tax cheats, this law has too frequently had the unintended effect of levying huge mandatory penalties on small business owners who make simple mistakes.

Two years ago, I learned that a small business owner who employs four people in my district was assessed \$600,000 in mandatory penalties for unintentionally failing to notify the IRS that he had purchased a type of insurance policy that resulted in a total tax savings of only \$38,000 over 2 years. This Hoosier business owner was not trying to avoid paying taxes, and he has repaid his back taxes; however, the flawed law requires the IRS to enforce these massive penalties, even if the result would mean instant bankruptcy for a simple filing error.

So, Madam Speaker, we support the rule for H.R. 4849, and I urge my colleagues to vote "yes" on the rule and "yes" on the passage of the bill.

Mr. LINCOLN DIAZ-BALART of Florida. Madam Speaker, I yield 1 additional minute to Mr. DREIER.

Mr. DREIER. Madam Speaker, I would like to engage in a discussion, if I might, with my friend from California. He did not want to yield to me, but I am happy to yield to him and I look forward to that, to say that the \$1.3 trillion deficit that was inherited by President Obama on the day he came into office has actually been dramatically eclipsed by, as I said, the \$2 trillion increase that we have seen in the debt take place.

And I want to also argue that I am not pointing the finger of blame at the Democratic Party. When President Bush came into office, we had just seen the bubble burst, and he inherited an economy that was actually on a downward slope at that juncture. So there is plenty of finger-pointing that can go around. I mean, it is. My friend's from California. Did the bubble not burst? I would say he is shaking his head, and I am happy to yield to my friend.

□ 1345

Mr. CARDOZA. The bubble burst when Mr. Bush got to office and started an economic policy that—

Mr. DREIER. Madam Speaker, if I may reclaim my time, I will remind my friend that the election was held in 2000. The election was November of 2000. That bubble burst in 1999. 1999. Fully a year before that.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. LINCOLN DIAZ-BALART of Florida. Madam Speaker, I yield the gentleman 1 additional minute.

Mr. DREIER. I am happy to yield to my friend, if he would like to respond. I am always happy to engage in a discussion with my friend.

Mr. CARDOZA. I am happy to respond on my own time, since I got cut off when I tried to answer the question the last time.

Mr. DREIER. I would be happy to further yield to my friend. I control the time, and I am happy to yield to my friend.

Mr. CARDOZA. I will answer the gentleman on my own time when I control the time and I won't be cut off.

Mr. DREIER. So, Madam Speaker, the gentleman does not want to engage in a discussion on this issue, simply putting forth platitudes about finger-pointing and all, when I'm trying to, in a bipartisan way, take the vision that was put forth by John F. Kennedy and Ronald Reagan, recognizing that we have challenges that we should address together.

I am happy to further yield to my friend.

Mr. CARDOZA. Madam Speaker, I will respond to my friend by saying this: Every time I've tried to answer him, he's cut me off. I will answer on my own time.

Mr. DREIER. I am happy to further yield to my friend.

Mr. CARDOZA. The gentleman can yield till hell freezes over. I'll answer on my own time.

The SPEAKER pro tempore. The time of the gentleman has again expired.

Mr. DREIER. Thank you very much, Madam Speaker.

Mr. CARDOZA. Madam Speaker, I yield myself such time as I may consume.

When Mr. Clinton left office, he left the next administration a budget surplus for the year that Mr. Bush took office and a projection for \$5.6 trillion in surpluses. That bounty was squandered by Mr. Bush and the Republicans in Congress at that time and we got left with an aftermath where we had to bail out the banks, where we had to bail out the economy.

Mr. Obama was left with a \$1.6 trillion deficit on the day he took office. Those are undisputable facts. And I am proud to stand on the Democratic record on economic policy, and I am proud to stand on this bill, where we're going to reduce the deficit while rebuilding America and cutting taxes for taxpayers that live in the United States and not for foreign corporations. I will take that record to the bank every single day, Madam Speaker.

Madam Speaker, at this point I would like to yield 2 minutes to the

gentlewoman from Texas (Ms. JACKSON LEE).

Ms. JACKSON LEE of Texas. Let me thank the distinguished gentleman from California, and I thank his good friend from Florida for managing this bill and their leadership on these issues, as well as the Ways and Means Committee.

Just a few minutes ago, the President of the United States signed a health care bill that many thought would not pass that will save us \$1.3 trillion over the next decade. Today, we come to the floor and address the concerns of many Americans, representing to America that this majority is both sensitive and able to address issues that are hurting the American people and the American economy. This bill does just that. And I am very pleased to rise to support legislation that addresses the question of providing incentives for small businesses to hire people and to give them an incentive to do so.

I'm very pleased that we will have the opportunity in our local jurisdictions to be able to rebuild and to issue bonds dealing with water and sewers. The fact that I was a former Houston City Council member, I understand sometimes where the rubber hits the road: to rebuild those entities; to allow State and local governments to be able to save money through the alternative minimum tax; to be able to allow low-income housing to take money over low-income tax credits, hopefully to use it effectively. And I want to join with the chairwoman of the Congressional Black Caucus as I thank this legislation for having the extension of the emergency fund on TANF. That means my State of Texas can actually have provisions that will allow people to be hired for 1 year. Even a conservative policy person, Kevin Hassett, said, "Given the state of the labor market, it is hard to imagine how any sensible person could oppose extending the emergency fund."

Let's see how this Congress votes on this rule. I am supporting this rule because not only have we extended and provided health care for 32 million Americans, we're now addressing the question of jobs, jobs, jobs for America. This bill will help our small businesses, our local municipalities, and the people who have been chronically unemployed. It's time to pass this rule and to pass this bill.

Madam Speaker I rise today in strong support of H. Res. 1205, a rule providing for 4849, "The Small Business and Infrastructure Jobs Tax Act of 2010" a bill that will help to create jobs for Americans.

Last year, through the American Recovery Act of 2009 (stimulus package), Congress threw out a massive lifeline to save Americans who were on the verge of losing their jobs and to create jobs for those who were unemployed. We are constantly getting updates from our leaders in Congress and the Admin-

istration, of the positive impact the stimulus funding is having on our economy. Yet, we know there is still more work to do. This bill will allow us to continue making strides in the right direction towards putting jobs in the hands of Americans.

H.R. 4849 will provide a 100 percent exclusion of small business capital gains. Under current law, Section 1202 provides 50 percent exclusion for gain from the sale of certain small business stock that is held for more than 5 years. The bill would temporarily increase the amount of the exclusion to 100 percent for qualifying stock acquired after March 15, 2010 and before January 1, 2012. The amount of gain eligible for the Section 1202 exclusion is limited to the greater of 10 times the taxpayer's basis in the stock, or \$10 million gain from stock in that small business corporation.

This provision is limited to individual investments and not the investments of a corporation. This provision is estimated to cost \$1.962 billion over the next 10 years. The American Reinvestment and Recovery Act (the "Recovery Act") temporarily increased the Section 1202 exclusion to 75 percent for qualifying stock acquired in 2009 and 2010. Again, this bill would temporarily increase the amount of the exclusion to 100 percent. H. Res. 4849 is a great piece of legislation because it will increase job opportunities for all Americans and allow our citizens to go back to work.

Madam Speaker, through a manager's amendment introduced yesterday at the Rules Committee, TANF Emergency Contingency Fund will be extended for one year. This was a key CBC provision throughout our jobs advocacy. The provision provides \$2.5 billion in TANF-ECF, which the my CBC colleagues and I advocated to Ways & Means, House, and Senate leadership.

This amendment would also help those who are most vulnerable and who need our hope the most by extending the TANF Emergency Contingency Fund for one year. This Fund was established by the Recovery Act and is expiring on September 30th and currently assists States in providing assistance to needy families and in establishing or expanding subsidized jobs programs.

We need to put jobs in the hands of Americans. As a Representative of Houston, I am particularly concerned that the unemployment rates have been increasing instead of decreasing; unemployment in the Houston-Sugar Land-Baytown region climbed to 5.4 percent in October of 2009, according to a recent report from the Texas Workforce Commission (TWC). There were 152,300 people without jobs during the month out of a total civilian labor force of about 2.8 million, compared with 144,200 people, or 5.1 percent, unemployed out of a civilian labor force of 2.8 million in September of 2009, according to the TWC. The unemployment rate in October was up from 4 percent a year ago. I know that the people of the 18th Congressional District of Texas will be greatly affected by this bill and begin to receive more employment opportunities.

Madam Speaker, getting all Americans back to work is, and should be our number one priority. It is essential that the Congress continue to create avenues that will provide employers with incentives to hire and retain new employees.

Madam Speaker, I ask my colleagues to join me in supporting H. Res. 1205.

Mr. LINCOLN DIAZ-BALART of Florida. Madam Speaker, I reserve the balance of my time.

Mr. CARDOZA. At this time I would like to yield 2 minutes to the distinguished gentleman from New York (Mr. RANGEL).

Mr. RANGEL. I thank the gentleman from California.

I rise in support of this rule because it will give the American people an opportunity to ease some of the pain that's been caused to millions of people because of this recession. Having a job means more than just the income and coverage of health insurance. It means the dignity and the pride in knowing that you're taking care of your family, being able to pay your mortgage, your rent, the kids' tuition for school. And this type of legislation that the Ways and Means Committee was able to put together provides incentives for people to invest in small businesses, where 80 percent, of course, of our jobs are created. It allows for recovery bonds and TANF, Build American Bonds, to be able to allow mayors and Governors to invest in infrastructure and to determine just where the work is needed. This is a dignity that really is a quality that caused America to be as great as she is.

Putting America back to work is what the majority is all about. I cannot perceive that we cannot have bipartisan support on those issues that really build a better America—a healthy America, an educated America, and a working America. That is how we will maintain our competitive edge throughout the world. And we have to do this not just as Democrats, but we have to do this in a bipartisan way. The Governors want this, the mayors want this, and our communities demand it.

Mr. LINCOLN DIAZ-BALART of Florida. I reserve the balance of my time.

Mr. CARDOZA. Madam Speaker, I would like to inquire how much time is remaining on both sides.

The SPEAKER pro tempore. The gentleman from California has 9½ minutes. The gentleman from Florida has 6½ minutes.

Mr. CARDOZA. Thank you, Madam Speaker.

At this time I would like to yield 2 minutes to the gentleman from Texas (Mr. DOGGETT), a member of the Committee on Ways and Means.

Mr. DOGGETT. For 8 years, our Republican colleagues told us that we could borrow our way to greatness. They told us that their tax cuts would pay for themselves. And then, after they drove our country into an economic ditch, some of their own economic experts indicated that, in fact, none of those tax cuts had paid for themselves. They had only driven us

deeper into debt. And then as the gentleman from California (Mr. CARDOZA) has ably explained, we came forward with a number of proposals that were designed to try to get our economy moving again. And they have worked.

But we also came forward with a commitment to fiscal responsibility that we would pay as we go. And that is precisely what we have just done this past Sunday with the approval of the health care legislation. Not only paid for it, but adopted a proposal that would actually result in many billions of dollars—over a trillion dollars in the second decade—of deficit reduction as a result of our plan.

That brings us to today. Recognizing that small business is the economic engine of our country, we come forward with some specific proposals designed to encourage more economic growth. But we don't do it the old-fashioned Republican way of borrowing all the money. We pay for every dime in this bill. And therein lies their complaint. They always like the benefits that go out; they just don't want to pay for any of them. And so they've come forward today and their principal complaint is a provision in this bill that I authored that deals with tax treaty shopping. Who does that affect? It doesn't affect any company that has its principal headquarters in the United States of America, an American company. It doesn't affect any foreign corporation that has a subsidiary here if they are in one of the many jurisdictions around the world that have a tax treaty—a tax treaty designed to protect American companies from being double-taxed. It doesn't affect them. Even China has a tax treaty. In fact, over 90 percent of the foreign investment in this country comes from companies headquartered in tax treaty countries.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. CARDOZA. I yield the gentleman an additional 30 seconds.

Mr. DOGGETT. The only people that it affects are those who have chosen to go to non-tax-treaty countries, mainly tax havens—people that have avoided paying their fair share and are foreign-owned corporations. And those foreign-owned corporations and tax havens now have a voice, in addition to their lobbyists in this Congress, and it's the Republican Party. They are defending those foreign companies that have not paid their fair share and will not approve using resources drawn from them that they have not paid fairly in order to support our small American businesses.

I urge approval of the rule and rejection of the argument that these foreign businesses ought not to have to play by the same rules as American companies.

Mr. LINCOLN DIAZ-BALART of Florida. Madam Speaker, what I attempted to point out is that we dis-

agree. When foreign companies hire workers in the United States, we disagree with raising their taxes. We think it's a good idea for foreign companies to be encouraged to hire workers in the United States, and what this bill is doing is exactly the opposite.

I would reserve the balance of my time.

Mr. CARDOZA. Madam Speaker, I would say in response to the gentleman from Florida, we welcome investment in this country. We welcome it with a treaty. We welcome it when they pay our taxes and don't try and cheat American workers.

Madam Speaker, I would like to at this time yield 3 minutes to the gentleman from California (Ms. LEE).

Ms. LEE of California. I want to thank my colleague, the gentleman from California, for yielding and for his tremendous leadership on this bill.

I rise in support of the rule and, of course, the bill, H.R. 4849, the Small Business and Infrastructure Jobs Tax Act of 2010. I want to especially thank Speaker PELOSI, Chairman LEVIN, Chairman RANGEL, Chairman McDERMOTT, and the staff of the Ways and Means Committee, and our staff, for working with my colleagues in the Congressional Black Caucus to ensure that this legislation targets those hardest hit by the recession.

The members of the Congressional Black Caucus have been laser-focused on stimulating our economy and creating jobs, especially for the chronically unemployed. As my colleagues know, we are in the midst of a 5-week campaign launched at the beginning of this month to seek policy solutions for the chronically unemployed. We are working together with President Obama, Speaker PELOSI, Senate Majority Leader REID, and all of our leadership and Members of Congress and our coalition partners on a strategy to put America back to work.

One of the key components of our proposed jobs package was to seek an extension of TANF emergency contingency funds for 1 year with an appropriation of \$2.5 billion. This valuable program was originally authorized in the American Recovery and Relief Act for a total of \$5 billion to help fund certain targeted categories of TANF-related expenditures, including basic assistance, nonrecurrent short-term benefits, and subsidized employment. Put simply, the TANF emergency contingency fund allows States to leverage Federal dollars to subsidize private company wages by providing States with an 80 percent reimbursement rate for their increased TANF expenditures in these categories.

Back in December, we communicated with President Obama and our Speaker and raised the importance of extending the TANF emergency contingency fund, among other priorities. Earlier this month, Chairman McDERMOTT also

held a hearing on TANF within his subcommittee and highlighted the importance of extending the emergency contingency fund. This was another important moment that reinforced the Congressional Black Caucus' call for an extension and helped generate the momentum we needed to move this important provision forward.

I was also pleased to have had the opportunity to be before the Rules Committee yesterday and testify with Chairman LEVIN in support of the manager's amendment and the TANF extension. In addition to the extension, the manager's amendment also allows TANF money to be used for subsidized jobs for people who have run out of unemployment insurance benefits. Ultimately, the TANF emergency contingency fund will create jobs by helping businesses hire, manage, and train new employees by paying part of wages and costs.

□ 1400

As the Chair of the Congressional Black Caucus, I am pleased that we could move this critical bill forward. Taken together, this provision and the bill overall is another important step towards spurring economic growth and creating jobs, particularly for the chronically unemployed. Business tax cuts alone won't work.

The SPEAKER pro tempore. The time of the gentlewoman has expired.

Mr. CARDOZA. I yield the gentlewoman an additional 15 seconds.

Ms. LEE of California. Thank you very much. The Congressional Black Caucus has a very sustained and focused effort to create jobs and economic opportunities, and this is but one step forward in our efforts.

Mr. LINCOLN DIAZ-BALART of Florida. Madam Speaker, I think it's important to keep in mind the seriousness of the fiscal situation the Nation is facing. For the current fiscal year, President Obama submitted a \$3.6 trillion budget. Remember, a trillion is a million millions. That's a lot of money, a \$3.6 trillion budget. But our revenues, the revenues of the Federal Government, total \$2.4 trillion. For the following fiscal year, the President submitted a \$3.8 trillion budget, but our revenues, the Federal Government's revenues, are \$2.6 trillion. That situation is not sustainable. That's why we are facing a situation that was alluded to earlier by Mr. DREIER, that our AAA bond rating is at risk already.

Obviously there are few issues that are more serious than the ones we are discussing today. Madam Speaker, I will be asking for a "no" vote on the previous question so that we can amend this rule and allow a vote on Ranking Member CAMP's substitute amendment to the bill. The Camp substitute would provide a meaningful tax benefit for small businesses that would, unlike the majority's bill, create new

jobs. Small businesses employ about half of all private sector jobs, and they have created nearly 80 percent of the new jobs in the Nation in recent years. They are the engine of economic growth and job creation in the Nation, and they must be the key to our economic recovery.

It's unfortunate that the majority of the Rules Committee blocked Mr. CAMP, despite the tradition of allowing on Ways and Means bills a substitute amendment. The Rules Committee blocked Mr. CAMP from offering his amendment. Obviously there are always exceptions to tradition, to precedence. In this case, the exception is this majority, a majority that continually blocks Members from both parties from offering amendments to all legislation.

I urge my colleagues to return to regular order and allow Mr. CAMP to offer his substitute amendment, and to vote "no" on the previous question now so that we can have a full and open debate on the minority's substitute.

Madam Speaker, I ask unanimous consent to insert the text of the amendment and extraneous materials immediately prior to the vote on the previous question.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. LINCOLN DIAZ-BALART of Florida. I yield back the balance of my time.

Mr. CARDOZA. Madam Speaker, I am proud today to stand here advocating for a stimulative tax cut to small business that is not only going to be good for the economy but is paid for and reduces the national debt. Madam Speaker, the bottom line is that this commonsense legislation will invest in infrastructure. It will invest in our budding entrepreneurs. It will help get countless unemployed Americans back on the job, back on company payrolls, and continue to give a much-needed jolt to the American economy. I urge my colleagues on both sides of the aisle to support this American jobs bill on the floor today. I urge a "yes" vote on the rule and on the previous question.

The material previously referred to by Mr. LINCOLN DIAZ-BALART of Florida is as follows:

AMENDMENT TO H. RES. 1205 OFFERED BY MR. LINCOLN DIAZ-BALART OF FLORIDA

Strike all after the resolved clause and insert:

That upon the adoption of this resolution it shall be in order to consider in the House the bill (H.R. 4849) to amend the Internal Revenue Code of 1986 to provide tax incentives for small business job creation, extend the Build America Bonds program, provide other infrastructure job creation tax incentives, and for other purposes. All points of order against the bill and against its consideration are waived except those arising under clauses 9 or 10 of rule XXI. The amendment in the nature of a substitute recom-

mended by the Committee on Ways and Means now printed in the bill, modified by the amendment printed in the report of the Committee on Rules accompanying this resolution, shall be considered as adopted. The bill, as amended, shall be considered as read. All points of order against provisions in the bill, as amended, are waived. The previous question shall be considered as ordered on the bill, as amended, to final passage without intervening motion except: (1) one hour of debate equally divided and controlled by the chair and ranking minority member of the Committee on Ways and Means; (2) the amendment in section 2 of this resolution if offered by Representative Camp of Michigan or his designee, which shall be in order without intervention of any point of order, shall be considered as read, and shall be separately debatable for one hour equally divided and controlled by the proponent and an opponent; and (3) one motion to recommit with or without instructions.

SEC. 2. The amendment referred to in section 1 is as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. DEDUCTION FOR QUALIFIED SMALL BUSINESS INCOME.

(a) IN GENERAL.—Paragraph (1) of section 199(a) of the Internal Revenue Code of 1986 is amended to read as follows:

"(1) IN GENERAL.—There shall be allowed as a deduction an amount equal to the sum of—
 "(A) 9 percent of the lesser of—

"(i) the qualified production activities income of the taxpayer for the taxable year, or
 "(ii) taxable income (determined without regard to this section) for the taxable year, and

"(B) in the case of a qualified small business for a taxable year beginning in 2010 or 2011, ___ percent of the lesser of—

"(i) the qualified small business income of the taxpayer for the taxable year, or

"(ii) taxable income (determined without regard to this section) for the taxable year."

(b) QUALIFIED SMALL BUSINESS; QUALIFIED SMALL BUSINESS INCOME.—Section 199 of such Code is amended by adding at the end the following new subsection:

"(e) QUALIFIED SMALL BUSINESS; QUALIFIED SMALL BUSINESS INCOME.—

"(1) QUALIFIED SMALL BUSINESS.—

"(A) IN GENERAL.—For purposes of this section, the term 'qualified small business' means any taxpayer for any taxable year if the annual average number of employees employed by such taxpayer during such taxable year was 500 or fewer.

"(B) AGGREGATION RULE.—For purposes of subparagraph (A), any person treated as a single employer under subsection (a) or (b) of section 52 (applied without regard to section 1563(b)) or subsection (m) or (o) of section 414 shall be treated as 1 taxpayer for purposes of this subsection.

"(C) SPECIAL RULE.—If a taxpayer is treated as a qualified small business for any taxable year, the taxpayer shall not fail to be treated as a qualified small business for any subsequent taxable year solely because the number of employees employed by such taxpayer during such subsequent taxable year exceeds 500. The preceding sentence shall cease to apply to such taxpayer in the first taxable year in which there is an ownership change (as defined by section 382(g) in respect of a corporation, or by applying principles analogous to such ownership change in the case of a taxpayer that is a partnership) with respect to the stock (or partnership interests) of the taxpayer.

"(2) QUALIFIED SMALL BUSINESS INCOME.—

"(A) IN GENERAL.—For purposes of this section, the term 'qualified small business income' means the excess of—

"(i) the income of the qualified small business which—

"(I) is attributable to the actual conduct of a trade or business,

"(II) is income from sources within the United States (within the meaning of section 861), and

"(III) is not passive income (as defined in section 904(d)(2)(B)), over

"(ii) the sum of—

"(I) the cost of goods sold that are allocable to such income, and

"(II) other expenses, losses, or deductions (other than the deduction allowed under this section), which are properly allocable to such income.

"(B) EXCEPTIONS.—The following shall not be treated as income of a qualified small business for purposes of subparagraph (A):

"(i) Any income which is attributable to any property described in section 1400N(p)(3).

"(ii) Any income which is attributable to the ownership or management of any professional sports team.

"(iii) Any income which is attributable to a trade or business described in subparagraph (B) of section 1202(e)(3).

"(iv) Any income which is attributable to any property with respect to which records are required to be maintained under section 2257 of title 18, United States Code.

"(C) ALLOCATION RULES, ETC.—Rules similar to the rules of paragraphs (2), (3), (4)(D), and (7) of subsection (c) shall apply for purposes of this paragraph.

"(3) SPECIAL RULES.—Except as otherwise provided by the Secretary, rules similar to the rules of subsection (d) shall apply for purposes of this subsection."

(c) CONFORMING AMENDMENT.—Section 199(a)(2) of such Code is amended by striking "paragraph (1)" and inserting "paragraph (1)(A)".

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2009.

SEC. 2. EXCLUSION OF UNPROCESSED FUELS FROM THE CELLULOSIC BIOFUEL PRODUCER CREDIT.

(a) IN GENERAL.—Subparagraph (E) of section 40(b)(6) of the Internal Revenue Code of 1986 is amended by adding at the end the following new clause:

"(iii) EXCLUSION OF UNPROCESSED FUELS.—The term 'cellulosic biofuel' shall not include any fuel if—

"(I) more than 4 percent of such fuel (determined by weight) is any combination of water and sediment, or

"(II) the ash content of such fuel is more than 1 percent (determined by weight)."

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to fuels sold or used on or after January 1, 2010.

(The information contained herein was provided by Democratic Minority on multiple occasions throughout the 109th Congress.)

THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

This vote, the vote on whether to order the previous question on a special rule, is not merely a procedural vote. A vote against ordering the previous question is a vote against the Democratic majority agenda and a vote to allow the opposition, at least for the moment, to offer an alternative plan. It is a vote about what the House should be debating.

Mr. Clarence Cannon's Precedents of the House of Representatives, (VI, 308-311) describes the vote on the previous question on the rule as "a motion to direct or control the consideration of the subject before the House being made by the Member in charge." To defeat the previous question is to give the opposition a chance to decide the subject before the House. Cannon cites the Speaker's ruling of January 13, 1920, to the effect that "the refusal of the House to sustain the demand for the previous question passes the control of the resolution to the opposition" in order to offer an amendment. On March 15, 1909, a member of the majority party offered a rule resolution. The House defeated the previous question and a member of the opposition rose to a parliamentary inquiry, asking who was entitled to recognition. Speaker Joseph G. Cannon (R-Illinois) said: "The previous question having been refused, the gentleman from New York, Mr. Fitzgerald, who had asked the gentleman to yield to him for an amendment, is entitled to the first recognition."

Because the vote today may look bad for the Democratic majority they will say "the vote on the previous question is simply a vote on whether to proceed to an immediate vote on adopting the resolution . . . [and] has no substantive legislative or policy implications whatsoever." But that is not what they have always said. Listen to the definition of the previous question used in the Floor Procedures Manual published by the Rules Committee in the 109th Congress, (page 56). Here's how the Rules Committee described the rule using information from Congressional Quarterly's "American Congressional Dictionary": "If the previous question is defeated, control of debate shifts to the leading opposition member (usually the minority Floor Manager) who then manages an hour of debate and may offer a germane amendment to the pending business."

Deschler's Procedure in the U.S. House of Representatives, the subchapter titled "Amending Special Rules" states: "a refusal to order the previous question on such a rule [a special rule reported from the Committee on Rules] opens the resolution to amendment and further debate." (Chapter 21, section 21.2) Section 21.3 continues: "Upon rejection of the motion for the previous question on a resolution reported from the Committee on Rules, control shifts to the Member leading the opposition to the previous question, who may offer a proper amendment or motion and who controls the time for debate thereon."

Clearly, the vote on the previous question on a rule does have substantive policy implications. It is one of the only available tools for those who oppose the Democratic majority's agenda and allows those with alternative views the opportunity to offer an alternative plan.

Mr. CARDOZA. I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. LINCOLN DIAZ-BALART of Florida. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 and clause 9 of rule XX,

this 15-minute vote on ordering the previous question on House Resolution 1205 will be followed by 5-minute votes on adoption of House Resolution 1205 and on suspending the rules and passing House Joint Resolution 80, if ordered.

The vote was taken by electronic device, and there were—yeas 240, nays 179, not voting 10, as follows:

[Roll No. 172]

YEAS—240

Ackerman	Grayson	Nadler (NY)
Adler (NJ)	Green, Al	Napolitano
Altmire	Green, Gene	Neal (MA)
Andrews	Grijalva	Oberstar
Arcuri	Gutierrez	Obey
Baca	Hall (NY)	Oliver
Baird	Halvorson	Ortiz
Baldwin	Hare	Owens
Barrow	Harman	Pallone
Bean	Hastings (FL)	Pascarell
Becerra	Heinrich	Pastor (AZ)
Berkley	Herseth Sandlin	Payne
Berman	Higgins	Perlmutter
Berry	Himes	Perriello
Bishop (GA)	Hinchey	Peters
Bishop (NY)	Hinojosa	Peterson
Blumenauer	Hirono	Pingree (ME)
Boren	Hodes	Polis (CO)
Boswell	Holden	Pomeroy
Boucher	Holt	Price (NC)
Boyd	Honda	Quigley
Brady (PA)	Hoyer	Rahall
Braley (IA)	Inslee	Rangel
Bright	Israel	Reyes
Brown, Corrine	Jackson (IL)	Richardson
Butterfield	Jackson Lee	Rodriguez
Capps	(TX)	Ross
Capuano	Johnson (GA)	Rothman (NJ)
Cardoza	Johnson, E. B.	Roybal-Allard
Carnahan	Kagen	Ruppersberger
Carney	Kanjorski	Rush
Carson (IN)	Kaptur	Ryan (OH)
Castor (FL)	Kildee	Salazar
Chandler	Kilroy	Sánchez, Linda
Childers	Kind	T.
Chu	Kirkpatrick (AZ)	Sanchez, Loretta
Clarke	Kissell	Sarbanes
Clay	Klein (FL)	Schakowsky
Cleaver	Kosmas	Schauer
Clyburn	Kratovil	Schiff
Cohen	Kucinich	Schrader
Connolly (VA)	Langevin	Schwartz
Conyers	Larsen (WA)	Scott (GA)
Cooper	Larson (CT)	Scott (VA)
Costa	Lee (CA)	Serrano
Costello	Levin	Sestak
Courtney	Lewis (GA)	Shea-Porter
Crowley	Lipinski	Sherman
Cuellar	Loeb sack	Shuler
Cummings	Lofgren, Zoe	Sires
Dahlkemper	Lowe	Skelton
Davis (CA)	Luján	Slaughter
Davis (IL)	Lynch	Smith (WA)
DeFazio	Maffei	Snyder
DeGette	Maloney	Space
Delahunt	Markey (CO)	Speier
DeLauro	Markey (MA)	Spratt
Dingell	Marshall	Stark
Doggett	Matheson	Stupak
Donnelly (IN)	Matsui	Sutton
Doyle	McCarthy (NY)	Tanner
Driehaus	McCollum	Teague
Edwards (MD)	McDermott	Thompson (CA)
Edwards (TX)	McGovern	Thompson (MS)
Ellison	McIntyre	Tierney
Ellsworth	McMahon	Titus
Engel	McNerney	Tonko
Eshoo	Meek (FL)	Towns
Etheridge	Meeks (NY)	Tsongas
Farr	Melancon	Van Hollen
Fattah	Michaud	Velázquez
Filner	Miller (NC)	Visclosky
Foster	Miller, George	Walz
Frank (MA)	Mollohan	Wasserman
Fudge	Moore (WI)	Schultz
Garamendi	Moran (VA)	Waters
Giffords	Murphy (CT)	Watson
Gonzalez	Murphy (NY)	Watt
Gordon (TN)	Murphy, Patrick	Waxman

Weiner	Wilson (OH)	Wu
Welch	Woolsey	Yarmuth

NAYS—179

Aderholt	Gallegly	Moran (KS)
Akin	Garrett (NJ)	Murphy, Tim
Alexander	Gerlach	Myrick
Austria	Gingrey (GA)	Neugebauer
Bachmann	Gohmert	Nunes
Bachus	Goodlatte	Nye
Barrett (SC)	Granger	Olson
Bartlett	Graves	Paul
Barton (TX)	Griffith	Paulsen
Biggert	Guthrie	Pence
Blibray	Hall (TX)	Petri
Bilirakis	Harper	Pitts
Bishop (UT)	Hastings (WA)	Platts
Blackburn	Heller	Poe (TX)
Blunt	Hensarling	Posey
Boehner	Herger	Price (GA)
Bonner	Hill	Putnam
Bono Mack	Hunter	Radanovich
Boozman	Inglis	Rehberg
Boustany	Issa	Reichert
Brady (TX)	Jenkins	Roe (TN)
Brown (GA)	Johnson (IL)	Rogers (AL)
Brown (SC)	Johnson, Sam	Rogers (KY)
Brown-Waite,	Jones	Rogers (MI)
Ginny	Jordan (OH)	Rohrabacher
Buchanan	King (IA)	Rooney
Burgess	King (NY)	Ros-Lehtinen
Burton (IN)	Kingston	Roskam
Buyer	Kirk	Royce
Calvert	Kline (MN)	Ryan (WI)
Camp	Lamborn	Scalise
Campbell	Lance	Schmidt
Cantor	Latham	Schock
Cao	LaTourette	Sensenbrenner
Capito	Latta	Sessions
Carter	Lee (NY)	Shadegg
Cassidy	Lewis (CA)	Shimkus
Castle	Linder	Shuster
Chaffetz	LoBiondo	Simpson
Coble	Lucas	Smith (NE)
Coffman (CO)	Luetkemeyer	Smith (NJ)
Cole	Lummis	Smith (TX)
Conaway	Lungren, Daniel	Souder
Crenshaw	E.	Stearns
Culberson	Mack	Sullivan
Davis (KY)	Manzullo	Taylor
Dent	Marchant	Terry
Diaz-Balart, L.	McCarthy (CA)	Thompson (PA)
Diaz-Balart, M.	McCaul	Thornberry
Dreier	McClintock	Tiberi
Duncan	McCotter	Turner
Ehlers	McHenry	Upton
Emerson	McKeon	Walden
Fallin	McMorris	Westmoreland
Flake	Rodgers	Whitfield
Fleming	Mica	Wilson (SC)
Forbes	Miller (FL)	Wittman
Fortenberry	Miller (MI)	Wolf
Fox	Miller, Gary	Young (AK)
Franks (AZ)	Minnick	Young (FL)
Frelinghuysen	Mitchell	

NOT VOTING—10

Bocchieri	Hoekstra	Tiahrt
Davis (AL)	Kennedy	Wamp
Davis (TN)	Kilpatrick (MI)	
Dicks	Moore (KS)	

□ 1435

Messrs. WITTMAN, PLATTS and SIMPSON changed their vote from "yea" to "nay."

Mr. NADLER of New York changed his vote from "nay" to "yea."

So the previous question was ordered. The result of the vote was announced as above recorded.

Stated for:

Mr. BOCCIERI. Mr. Speaker, on rollcall No. 172, I was unavoidably detained. Had I been present, I would've voted "aye."

The SPEAKER pro tempore (Mr. CUMMINGS). The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 233, nays 187, not voting 9, as follows:

[Roll No. 173]

YEAS—233

Ackerman	Green, Al	Oliver
Altmire	Green, Gene	Ortiz
Andrews	Grijalva	Owens
Arcuri	Gutierrez	Pallone
Baca	Hall (NY)	Pascarell
Baird	Hare	Pastor (AZ)
Baldwin	Harman	Payne
Barrow	Hastings (FL)	Perlmutter
Bean	Heinrich	Perriello
Becerra	Higgins	Peters
Berkley	Himes	Peterson
Berman	Hinche	Pingree (ME)
Berry	Hinojosa	Polis (CO)
Bishop (GA)	Hirono	Pomeroy
Bishop (NY)	Hodes	Price (NC)
Blumenauer	Holden	Rahall
Bocieri	Holt	Rangel
Boren	Honda	Reyes
Boswell	Hoyer	Richardson
Boucher	Inslee	Rodriguez
Boyd	Israel	Ross
Brady (PA)	Jackson (IL)	Rothman (NJ)
Braley (IA)	Jackson Lee	Roybal-Allard
Brown, Corrine	(TX)	Ruppersberger
Butterfield	Johnson (GA)	Rush
Capps	Johnson, E. B.	Ryan (OH)
Capuano	Kagen	Salazar
Cardoza	Kanjorski	Sánchez, Linda
Carnahan	Kaptur	T.
Carney	Kildee	Sanchez, Loretta
Carson (IN)	Kilroy	Sarbanes
Castor (FL)	Kind	Schakowsky
Chandler	Kissell	Schauer
Childers	Klein (FL)	Schiff
Chu	Kosmas	Schrader
Clarke	Kratovil	Schwartz
Clay	Kucinich	Scott (GA)
Cleaver	Langevin	Scott (VA)
Clyburn	Larsen (WA)	Serrano
Cohen	Larson (CT)	Sestak
Connolly (VA)	Lee (CA)	Shea-Porter
Conyers	Levin	Sherman
Cooper	Lewis (GA)	Sires
Costa	Lipinski	Skelton
Costello	Loeb sack	Slaughter
Courtney	Lofgren, Zoe	Smith (WA)
Crowley	Lujan	Snyder
Cuellar	Lynch	Space
Cummings	Maffei	Speier
Dahlkemper	Maloney	Spratt
Davis (CA)	Markey (CO)	Stark
Davis (IL)	Markey (MA)	Stupak
DeFazio	Marshall	Sutton
DeGette	Matheson	Tanner
Delahunt	Matsui	Teague
DeLauro	McCarthy (NY)	Thompson (CA)
Dicks	McCollum	Thompson (MS)
Dingell	McDermott	Tierney
Doggett	McGovern	Titus
Donnelly (IN)	McIntyre	Tonko
Doyle	McMahon	Towns
Driehaus	McNerney	Tsongas
Edwards (MD)	Meek (FL)	Van Hollen
Edwards (TX)	Meeks (NY)	Velázquez
Ellison	Melancon	Visclosky
Engel	Michaud	Walz
Eshoo	Miller (NC)	Wasserman
Etheridge	Miller, George	Schultz
Farr	Mollohan	Waters
Fattah	Moore (KS)	Watson
Filner	Moore (WI)	Watt
Foster	Moran (VA)	Waxman
Frank (MA)	Murphy (CT)	Weiner
Fudge	Murphy, Patrick	Welch
Garamendi	Nadler (NY)	Wilson (OH)
Giffords	Napolitano	Woolsey
Gonzalez	Neal (MA)	Wu
Gordon (TN)	Oberstar	Yarmuth
Grayson	Obey	

NAYS—187

Garrett (NJ)	Murphy (NY)
Gerlach	Murphy, Tim
Gingrey (GA)	Myrick
Gohmert	Neugebauer
Goodlatte	Nunes
Granger	Nye
Graves	Olson
Griffith	Paul
Guthrie	Paulsen
Hall (TX)	Pence
Halvorson	Petri
Harper	Pitts
Hastings (WA)	Platts
Heller	Poe (TX)
Hensarling	Posey
Herger	Price (GA)
Hereth Sandlin	Putnam
Hill	Quigley
Hunter	Radanovich
Inglis	Rehberg
Issa	Reichert
Jenkins	Roe (TN)
Johnson (IL)	Rogers (AL)
Johnson, Sam	Rogers (KY)
Jones	Rogers (MI)
Jordan (OH)	Rohrabacher
King (IA)	Rooney
King (NY)	Ros-Lehtinen
Kingston	Roskam
Kirk	Royce
Kirkpatrick (AZ)	Ryan (WI)
Kline (MN)	Scalise
Lamborn	Schmidt
Lance	Schock
Latham	Sensenbrenner
LaTourette	Sessions
Latta	Shadegg
Lee (NY)	Shimkus
Lewis (CA)	Shuler
Linder	Shuster
LoBiondo	Simpson
Lucas	Smith (NE)
Luetkemeyer	Smith (NJ)
Lummis	Smith (TX)
Lungren, Daniel	Souder
E.	Stearns
Mack	Sullivan
Manzullo	Taylor
Marchant	Terry
McCarthy (CA)	Thompson (PA)
McCaul	Thornberry
McClintock	Tiberi
McCotter	Turner
McHenry	Upton
McKeon	Walden
McMorris	Westmoreland
Rodgers	Whitfield
Mica	Wilson (SC)
Miller (FL)	Wittman
Miller (MI)	Wolf
Miller, Gary	Young (AK)
Minnick	Young (FL)
Mitchell	
Moran (KS)	

NOT VOTING—9

Bilirakis	Hoekstra	Lowey
Davis (AL)	Kennedy	Tiahrt
Davis (TN)	Kilpatrick (MI)	Wamp

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE
The SPEAKER pro tempore (during the vote). Two minutes remain in this vote.

□ 1443

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

RECOGNIZING THE 65TH ANNIVERSARY OF THE BLINDED VETERANS ASSOCIATION

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and passing the joint resolution, H.J. Res. 80.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. FILNER) that the House suspend the rules and pass the joint resolution, H.J. Res. 80.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

RECORDED VOTE

Mrs. HALVORSON. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 416, noes 0, not voting 13, as follows:

[Roll No. 174]

AYES—416

Ackerman	Carnahan	Foxx
Aderholt	Carney	Franks (AZ)
Adler (NJ)	Carson (IN)	Frelinghuysen
Akin	Carter	Fudge
Alexander	Cassidy	Gallely
Altmire	Castle	Garamendi
Andrews	Castor (FL)	Garrett (NJ)
Arcuri	Chaffetz	Gerlach
Austria	Chandler	Giffords
Baca	Childers	Gingrey (GA)
Bachmann	Chu	Gohmert
Bachus	Clarke	Gonzalez
Baird	Clay	Goodlatte
Baldwin	Cleaver	Gordon (TN)
Barrett (SC)	Clyburn	Granger
Barrow	Coble	Graves
Bartlett	Coffman (CO)	Grayson
Barton (TX)	Cohen	Green, Al
Bean	Cole	Green, Gene
Becerra	Conaway	Griffith
Berkley	Connolly (VA)	Grijalva
Berman	Conyers	Guthrie
Berry	Cooper	Gutierrez
Biggett	Costa	Hall (NY)
Bilbray	Costello	Hall (TX)
Billakis	Courtney	Halvorson
Bishop (GA)	Crenshaw	Hare
Bishop (NY)	Crowley	Harman
Bishop (UT)	Cuellar	Harper
Blackburn	Culberson	Hastings (FL)
Blumenauer	Cummings	Hastings (WA)
Blunt	Dahlkemper	Heinrich
Bocieri	Davis (CA)	Heller
Boehner	Davis (IL)	Hensarling
Bonner	Davis (KY)	Herger
Bono Mack	DeFazio	Hereth Sandlin
Boozman	DeGette	Higgins
Boren	Delahunt	Hill
Boswell	DeLauro	Himes
Boucher	Dent	Hinche
Boustany	Diaz-Balart, L.	Hinojosa
Boyd	Diaz-Balart, M.	Hirono
Brady (PA)	Dicks	Hodes
Brady (TX)	Dingell	Holden
Braley (IA)	Doggett	Holt
Bright	Donnelly (IN)	Honda
Brown (GA)	Doyle	Hoyer
Brown (SC)	Dreier	Hunter
Brown, Corrine	Driehaus	Inglis
Brown-Waite,	Duncan	Inslee
Ginny	Edwards (MD)	Israel
Buchanan	Edwards (TX)	Issa
Burgess	Ehlers	Jackson (IL)
Burton (IN)	Ellsworth	Jackson Lee
Butterfield	Emerson	(TX)
Buyer	Engel	Jenkins
Calvert	Eshoo	Johnson (GA)
Camp	Etheridge	Johnson (IL)
Campbell	Fallin	Johnson, E. B.
Cantor	Farr	Johnson, Sam
Cao	Filner	Jones
Capito	Flake	Jordan (OH)
Capps	Fleming	Kagen
Capuano	Forbes	Kanjorski
Cardoza	Foster	Kaptur

Kildee	Mollohan	Schauer
Kilroy	Moore (KS)	Schiff
Kind	Moore (WI)	Schmidt
King (IA)	Moran (KS)	Schock
King (NY)	Moran (VA)	Schrader
Kingston	Murphy (CT)	Schwartz
Kirk	Murphy (NY)	Scott (GA)
Kirkpatrick (AZ)	Murphy, Patrick	Scott (VA)
Kissell	Murphy, Tim	Sensenbrenner
Klein (FL)	Myrick	Serrano
Kline (MN)	Nadler (NY)	Sessions
Kosmas	Napolitano	Sestak
Kratovil	Neal (MA)	Shadegg
Kucinich	Neugebauer	Shea-Porter
Lamborn	Nunes	Sherman
Lance	Nye	Shimkus
Langevin	Oberstar	Shuler
Larsen (WA)	Obey	Shuster
Larson (CT)	Olson	Simpson
Latham	Oliver	Sires
LaTourette	Ortiz	Skelton
Latta	Owens	Smith (NE)
Lee (CA)	Pallone	Smith (NJ)
Lee (NY)	Pascarell	Smith (TX)
Levin	Pastor (AZ)	Smith (WA)
Lewis (CA)	Paul	Snyder
Lewis (GA)	Paulsen	Souder
Linder	Payne	Space
Lipinski	Pence	Speier
LoBiondo	Perlmutter	Spratt
Loebsock	Perriello	Stark
Lofgren, Zoe	Peters	Stearns
Lowey	Peterson	Stupak
Lucas	Petri	Sullivan
Luetkemeyer	Pingree (ME)	Sutton
Lujan	Pitts	Tanner
Lummis	Platts	Taylor
Lungren, Daniel	Poe (TX)	Teague
E.	Polis (CO)	Terry
Lynch	Pomeroy	Thompson (CA)
Mack	Posey	Thompson (MS)
Maffei	Price (GA)	Thompson (PA)
Maloney	Price (NC)	Thornberry
Manzullo	Putnam	Tiberi
Marchant	Quigley	Tierney
Markey (CO)	Radanovich	Titus
Markey (MA)	Rahall	Tonko
Marshall	Rangel	Towns
Matheson	Rehberg	Tsongas
Matsui	Reichert	Turner
McCarthy (CA)	Reyes	Upton
McCarthy (NY)	Richardson	Van Hollen
McCaull	Rodriguez	Velázquez
McClintock	Roe (TN)	Visclosky
McCollum	Rogers (AL)	Walden
McCotter	Rogers (KY)	Walz
McDermott	Rogers (MI)	Wasserman
McGovern	Rohrabacher	Schultz
McHenry	Rooney	Waters
McIntyre	Ros-Lehtinen	Watson
McKeon	Roskam	Watt
McMahon	Ross	Waxman
McMorris	Rothman (NJ)	Weiner
Rodgers	Roybal-Allard	Welch
McNerney	Royce	Westmoreland
Meek (FL)	Ruppersberger	Whitfield
Meeks (NY)	Rush	Wilson (OH)
Melancon	Ryan (OH)	Wilson (SC)
Mica	Ryan (WI)	Wittman
Michaud	Salazar	Wolf
Miller (MI)	Sánchez, Linda	Woolsey
Miller (NC)	T.	Wu
Miller, Gary	Sanchez, Loretta	Yarmuth
Miller, George	Sarbanes	Young (AK)
Minnick	Scalise	Young (FL)
Mitchell	Schakowsky	

NOT VOTING—13

Davis (AL)	Frank (MA)	Slaughter
Davis (TN)	Hoekstra	Tiahrt
Ellison	Kennedy	Wamp
Fattah	Kilpatrick (MI)	
Fortenberry	Miller (FL)	

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Two minutes remaining in the vote.

□ 1450

So (two-thirds being in the affirmative) the rules were suspended and the joint resolution was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote incurs objection under clause 6 of rule XX.

Record votes on postponed questions will be taken later.

NATIONAL DISTRACTED DRIVING AWARENESS MONTH

Ms. MARKEY of Colorado. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1186) expressing support for designation of April as National Distracted Driving Awareness Month.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1186

Whereas 9-year-old Erica Forney of Fort Collins, Colorado, was struck and killed by a distracted driver in 2008;

Whereas there were more than 276,000,000 wireless cell phone subscribers in the United States as of June 2009, an increase of 42 percent from 194,000,000 in June 2005, and nearly 3 times more than the 97,000,000 wireless subscribers in June 2000;

Whereas over 600,000,000 text messages were sent in 2008, nearly 4 times the number sent in 2006;

Whereas according to the recent National Motor Vehicle Crash Causation Survey, 80 percent of all traffic incidents and 65 percent of all near-crashes involve some type of distraction;

Whereas according to data from the Fatality Analysis Reporting System (FARS), driver distraction was reported to have been involved in 16 percent of all fatal crashes in 2008, which is an increase from 12 percent in 2004;

Whereas the Secretary of Transportation held a Distracted Driving Summit in September 2009; and

Whereas April would be an appropriate month to designate as National Distracted Driving Awareness Month: Now, therefore, be it

Resolved, That the House of Representatives—

(1) supports the designation of Distracted Driving Awareness Month;

(2) encourages all people in the United States to consider the lives of others on the road and avoid distracted driving; and

(3) respectfully requests the Clerk of the House to transmit a copy of this resolution to FocusDriven, an advocacy group for victims of motor vehicle crashes involving drivers using cell phones.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Colorado (Ms. MARKEY) and the gentleman from Tennessee (Mr. DUNCAN) each will control 20 minutes.

The Chair recognizes the gentlewoman from Colorado.

GENERAL LEAVE

Ms. MARKEY of Colorado. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to include extraneous material on House Resolution 1186.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Colorado?

There was no objection.

Ms. MARKEY of Colorado. Mr. Speaker, I yield myself such time as I consume.

Mr. Speaker, I rise today to raise awareness about a deadly trend in our Nation, distracted driving. Eighty percent of all crashes involve some sort of distraction, and in 2008, nearly 6,000 people lost their lives in accidents involving a distracted behavior.

One of those 6,000 was Erica Forney of Fort Collins, Colorado. Nine-year-old Erica was riding her bike home from school when she was struck and killed by a large SUV whose driver was on a cell phone. The driver said she never even saw Erica who was a mere 15 pedals away from her home.

The tragic story of Erica's death is all too common, and worse, her story was preventable.

I introduce House Resolution 1186 to raise awareness about the dangers of distracted driving. This resolution will designate April as Distracted Driving Awareness Month. Studies have shown that distracted driving is just as dangerous as driving drunk, and while everyone knows driving drunk is dangerous, far fewer people are aware of the risks of distracted driving. A driver increases the risk of a crash by 2,300 percent if he or she is texting while driving.

Currently, 20 States have enacted texting while driving bans, and I'm proud to say Colorado is one of them.

The Federal Government has also taken a stand against distracted driving. The Department of Transportation introduced federal guidance to prohibit texting by drivers of commercial vehicles. President Obama issued an Executive Order banning texting while driving on official business for federal employees. Last September, Secretary LaHood held a distracted driving summit and celebrated the establishment of Focus Driven, a national nonprofit dedicated to ending this epidemic and for providing support for families who have lost loved ones. After hearing stories of those involved with Focus Driven, even Oprah has urged the public to make their cars a "no phone zone."

I urge all of my colleagues to take the "no phone zone" pledge. The risk that you present to yourself and to others by driving distractedly are not worth it. Please pull over and take a call or send a text message.

I urge a "yes" vote on House Resolution 1186 and ask for the help of my colleagues in ending this epidemic of distracted driving.

I reserve the balance of my time.

Mr. DUNCAN. Mr. Speaker, I yield myself such time as I may consume.

I rise in support of House Resolution 1186, a resolution expressing support for designating April as National Distracted Driving Awareness Month, and I would like to commend the gentlewoman from Colorado for introducing this resolution.

This is a growing problem, as she has pointed out. The Transportation Committee held a hearing on distracted driving in October, and the testimony at the hearing proved that there are no shortage of ways a driver can be distracted. And I would like to commend Transportation Secretary LaHood, who has started a nationwide campaign against distracted driving and has made this one of the top priorities of his Department.

During the hearing we held, testimony was presented showing a threefold, or tripling, of the instance of accidents if the driver is holding a handheld cell phone, and a 23-fold increase in the odds of getting in an accident if a driver is texting. According to the National Highway Traffic Safety Administration, as the gentlewoman from Colorado mentioned, 6,000 people die each year in crashes involving a distracted or inattentive driver.

I had a personal experience a few months ago of this. I changed several stations on an XM radio as I was driving on an interstate connector in Knoxville, and when I looked up, the truck in front of me had come almost to a stop. I had to slam on my brakes. I slid across three lanes of traffic, spun around back across the three lanes, slammed into the median, and then back again going in a 360-degree circle. Fortunately, with traffic whizzing by me all the time, I didn't hit another vehicle and no one was injured. But it sure caught my attention and gave me a new awareness of the danger of distracted driving.

During the month of April, I hope this resolution reminds all drivers of the harmful consequences of distracted driving, and I urge my colleagues to support this resolution.

I reserve the balance of my time.

Ms. MARKEY of Colorado. I would like to yield to the gentleman from New York (Mr. ENGEL) as much time as he may consume.

□ 1500

Mr. ENGEL. I thank the gentlewoman for yielding to me and I rise today in strong support of her resolution, H. Res. 1186, to designate April as Distracted Driving Awareness Month.

As Secretary of Transportation Ray LaHood recently said, distracted driving is a deadly epidemic. In its 2009 re-

port on distracted driving, the National Highway Traffic Safety Administration estimated that fully one-quarter of traffic accidents involved distracted driving. These crashes resulted in nearly 6,000 fatalities and over half a million injuries. This is why I so strongly support the gentlewoman, Ms. MARKEY's resolution and why I introduced my own legislation, the Distracted Driving Prevention Act.

Electronic devices have become a ubiquitous part of our daily lives. Many of us use BlackBerries, cell phones, and pagers daily, but it's obvious to anybody who has used those devices that a person becomes very distracted while using them. The growing practice of individuals texting or reading emails while driving puts everyone on the road at risk.

My legislation would provide money for driver education and highway signage, both of which have helped reduce the incidence of driving under the influence or driving without a seat belt, according to the U.S. Department of Transportation, so it will work with distracted driving as well. In addition, it would create a national advertising campaign, administered by the National Highway Traffic Safety Administration, to educate the public on the dangers of distracted driving.

Mr. Speaker, we all know how important it is to end the deadly practice of distracted driving, and I urge my colleagues to support this resolution and work towards an end to this epidemic. If we are really going to be true to ourselves, it's really logical to understand—anybody who drives understands this—that if they are distracted using a cell phone or if they are distracted texting, they cannot be at 100 percent in terms of safety. And so that's why Ms. MARKEY's resolution is so important, and that's why I hope that my legislation, as well, gets passed and signed into law.

Mr. DUNCAN. Mr. Speaker, the half million figure that the gentleman from New York just mentioned is accurate as far as people know, but it's probably a conservative figure, because that's just what the police know about. There are probably a great many other accidents and injuries that are caused by distracted drivers that the police don't recognize, but that is the accepted figure. It's an astounding figure.

I have no other speakers and I urge all my colleagues to support this resolution.

I yield back the balance of my time.

Ms. MARKEY of Colorado. I yield to the gentleman from Minnesota for as much time as he may consume.

Mr. OBERSTAR. I thank the gentlewoman for yielding, and I appreciate very much her personal story. It was a very, very compelling story of a child in not only her district, her hometown.

It was very touching for me, Mr. Speaker, because my youngest daugh-

ter lives in Fort Collins with her husband and 3-year-old, Cali Jo. Monica bikes in the neighborhoods where she lives at Fort Collins with a child carrier, and I thought of that tragic accident and I thought of Monica, and I thought of her little Cali and how it could well have been them, could well have been this 3-year-old child.

The distinguished gentleman from Tennessee, former chairman of the Aviation Committee and Chair of the Surface Transportation Subcommittee, and the gentleman has been very candid, very touching in the story that he related of his own shocking and deeply troubling experience, that's not to say, scary. Your life just sort of spins out of control at a certain moment when a tragic event of this kind occurs.

These are all reminders, very graphic reminders that we are not talking about an abstraction, not talking about some possibility that might happen to someone else but I don't have to worry. Yes, we do. We all have to worry.

We all can remember a time—when I started up here as a clerk of the Subcommittee on Rivers and Harbors, we had dial telephones. The idea of a cell phone was something written up in Dick Tracy, in the cartoon strip, and Diet Smith. But Diet Smith is with us today.

There are 276 million of these devices in our midst, 276 million cell phones, BlackBerries, smartphones, wireless call phone subscribers; 600 billion text messages sent last year in the United States, just in the United States alone. It's hard to walk down a street and not count one out of every three people or maybe even more with a cell phone on their ear, looking at a BlackBerry in their hand. I have seen people run into telephone poles looking at these things. Then what happens when they are driving?

There are lots of reasons for distracted driving: eating, drinking, talking to passengers, singing songs, looking at a map. I have seen people with a newspaper on their steering wheel driving down, to be sure, in congested traffic, but they ought to be paying attention to the traffic and not to the newspaper. Worst is the cell phone; it's an extraordinary distraction.

And what we know is that 80 percent of traffic incidents, two-thirds of all the near misses on the roadways, are due to distracted driving; 6,000 fatalities a year. It's not just in the United States.

Two years ago, I met with the 27 Ministers of the European Transportation Ministry. We talked about a wide range of issues. I discussed with them what we were planning on surface transportation, in our committee, and water resources needs, but the one thing they all wanted to talk about was distracted driving.

It's a serious problem in the 520 million population of the 27 members of

the European Union such that the Transport Ministry and the European Parliament Committee on Transportation have enacted legislation prohibiting the use of cell phones and BlackBerries while driving.

In Portugal, the Minister of Transportation told me it is a crime. They have made it a crime to use a cell phone while driving; it is that serious an issue, that serious a threat to life and limb.

As we discuss this legislation today, let us remember 9-year-old Erica Forney. Let us remember Mr. DUNCAN and his lifesaving experience. Let us remember the other thousands who are killed annually by people who just aren't paying attention, who are seriously distracted and whose lives we can save as we pass this bill.

Let us also thank our Secretary of Transportation, Ray LaHood, for taking the initiative, having the courage to stand up, call a national conference on distracted driving, and then issue a directive to the Department and use the authority that he has to limit within or prohibit within the Department and set an example for all of our fellow citizens on distracted driving.

But as we do this, let us remember that the lives we save will, unlike other things we do, never be able to say thank you. They don't know that we, this day, passed legislation that will move America in the direction of a much safer roadway, a much safer driving experience for all of our fellow citizens. Let us keep the Erica Forneys in our minds and in our hearts as we pass this legislation.

Ms. MARKEY of Colorado. I would like to thank the gentleman from Minnesota and the chairman of the Transportation and Infrastructure Committee for his very eloquent statement on behalf of this resolution. I also want to thank my colleague from Tennessee (Mr. DUNCAN) for sharing your very personal story of the impact of distracted driving.

If we just save one life or prevent one accident with this resolution to raise awareness for distracted driving, we will have been successful. So, again, this is to remember those who have lost their lives because of a distracted driver on their cell phone or texting and, again, to raise awareness so that we can prevent future accidents like Erica Forney from Fort Collins, Colorado.

Mr. OBERSTAR. Mr. Speaker, I rise today in strong support of H. Res. 1186, offered by the gentlewoman from Colorado (Ms. MARKEY), expressing support for the designation of April as National Distracted Driving Awareness Month. I thank the gentlewoman for her leadership on this important highway safety issue.

Last October, the Committee on Transportation and Infrastructure held a hearing to examine the issue of distracted driving, and the risks it poses to the traveling public. Research has highlighted the dangers of distracted driv-

ing. According to the Department of Transportation (DOT), 80 percent of traffic incidents and 65 percent of near-misses are as a result of distracted driving. More troubling still are the nearly 6,000 fatalities annually that occur as a result of distracted driving, according to DOT estimates.

Distracted driving can occur in three different forms—visual, manual, or cognitive. Distraction stems from a variety of activities, such as eating or drinking, talking to other passengers, looking at a map, or changing the radio station. Although all distractions are dangerous, in recent years, the problem of electronic devices has become particularly troubling, as it can encompass all three types of distraction—visual, manual, and cognitive.

Cell phones, Blackberrys, and smart phones have become ubiquitous, with 276 million wireless cell phone subscribers in America as of June 2009, and 600 billion text messages sent in 2008 alone. Although these devices have improved communications and the flow of information, their use while driving poses a threat to all users of the surface transportation system.

The gentlewoman from Colorado has seen firsthand the tragic impacts of this in her Congressional district. In November 2008, nine-year old Erica Forney was riding her bike home from school when a driver, distracted by a conversation on her cell phone, struck Erica. On Thanksgiving Day, after two days of hospitalization, Erica passed away. Sadly, stories like Erica's are played out across America every day, and are completely preventable.

To substantially reduce the annual number of highway fatalities, we must take a hard look at distracted driving, especially distractions that come from electronic devices. Last September, Secretary of Transportation Ray LaHood hosted a summit on distracted driving, and acted swiftly to ban texting while driving for commercial vehicle operators. I applaud the Secretary's efforts, and look forward to working with him to improve safety on the nation's transportation network.

Addressing this problem will require commitment from all Americans to focus on the road while they are driving. Just as the efforts of the safety community have helped to stigmatize drunk driving, we need to make it clear that texting and using a cell phone while driving are unsafe and socially unacceptable. Too often, the need to be in constant communication leads us to forget that, without our full attention, driving is a high-risk activity.

By designating April as National Distracted Driving Awareness Month, we can raise awareness of this growing problem, and encourage Americans to think twice before picking up a cell phone or texting while driving.

I urge my colleagues to join me in supporting H. Res. 1186.

Ms. MCCOLLUM. Mr. Speaker, I rise today in support of H. Res. 1186 to support designation of April as National Distracted Driving Awareness Month.

Distracted driving is a growing danger on the nation's roads. According to the recent National Motor Vehicle Crash Causation Survey, 80 percent of all traffic incidents and 65 percent of all near-crashes involve some type of distraction. Cell phone usage is a growing culprit, causing an estimated 2,600 deaths and nearly 330,000 injuries every year.

Strong federal action is needed to address this serious public safety issue. Last year, Transportation Secretary LaHood convened the first-ever Distracted Driving Summit. This led to the formation of FocusDriven, the nation's first nonprofit devoted to combating distracted driving, and the creation of www.distracted.gov, the federal government's official Web site to educate the public about the dangers of distracted driving. The designation of Distracted Driving Awareness Month is an important part of this public awareness campaign.

Mr. Speaker, I was unavoidably detained at the time of the vote on H. Res. 1186. I had intended to vote for this important resolution. I applaud Secretary LaHood's efforts to ensure driver safety and support the designation of Distracted Driving Awareness Month.

Ms. MARKEY of Colorado. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. LUJÁN). The question is on the motion offered by the gentlewoman from Colorado (Ms. MARKEY) that the House suspend the rules and agree to the resolution, H. Res. 1186.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Ms. MARKEY of Colorado. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

NATIONAL PUBLIC WORKS WEEK

Mr. PERRIELLO. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1125) supporting the goals and ideals of National Public Works Week, and for other purposes, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1125

Whereas public works infrastructure, facilities, and services have far-reaching effects on the United States economy and the competitiveness of the United States in the world marketplace;

Whereas public works infrastructure, facilities, and services play a pivotal role in the health, safety, and quality of life of communities throughout the United States;

Whereas public works infrastructure, facilities, and services could not be provided without the skill and dedication of public works professionals, including engineers and administrators, representing State and local governments throughout the United States;

Whereas public works professionals design, build, operate, maintain, and protect the transportation systems, water supply infrastructure, sewage and refuse disposal systems, public buildings, and other structures and facilities that are vital to the citizens, communities, and commerce of the United States;

Whereas the Corps of Engineers, in partnership with public port authorities, provides navigational improvements that link United States producers and customers with national and international markets;

Whereas the public waterways, including locks and dams constructed, operated, and maintained by the Corps of Engineers, provide a safe, energy-efficient, and cost-effective means of transporting goods and services;

Whereas the Corps of Engineers, in partnership with local public entities, provides levees, reservoirs, and other structural and nonstructural flood damage reduction measures that protect millions of families, homes, and businesses;

Whereas a recent analysis of the state of the infrastructure of the United States garnered an overall grade of "D";

Whereas every \$1 invested in public transportation generates as much as \$6 in economic returns to the economy of the United States;

Whereas the public transportation systems of the United States experienced record ridership levels in 2008, the last full year for which data are available, with 10,680,000,000 passenger trips taken;

Whereas, in the "2008 Conditions & Performance" report of the Department of Transportation, the Department confirms that investment in United States highway, bridge, and transit infrastructure has not kept up with growing demands;

Whereas, in the "2008 Conditions & Performance" report of the Department of Transportation, the Department found that an additional \$27,000,000,000 per year in capital investments is needed to sustain highway conditions and performance and an additional \$96,000,000,000 per year in capital investments is needed to make cost-effective highway improvements and eliminate the existing bridge maintenance backlog;

Whereas capital expenditures in highways, bridges, and public transportation from all levels of government and the private sector are over \$91,450,000,000 annually;

Whereas the capital asset program of the General Services Administration is authorized annually to provide Federal employees with necessary office space, courts of law, and other special purpose facilities;

Whereas, since 1972, the United States has invested more than \$300,000,000,000 in wastewater infrastructure facilities to establish a system that includes 16,000 publicly owned wastewater treatment plants, 100,000 major pumping stations, 600,000 miles of sanitary sewers, and 200,000 miles of storm sewers;

Whereas the Pipelines and Hazardous Materials Safety Administration is charged with the safe and secure movement of almost 1,200,000 daily shipments of hazardous materials by all modes of transportation and oversees the safety and security of 2,300,000 miles of gas and hazardous liquid pipelines, which account for 64 percent of the energy commodities consumed in the United States;

Whereas the National Railroad Passenger Corporation annually provides more than 27,100,000 people with intercity rail service;

Whereas the National Surface Transportation Policy and Revenue Study Commission estimates that the total capital cost of reestablishing the national intercity passenger rail network by 2050 is approximately \$357,200,000,000 (or \$8,100,000,000 annually for the next 40 years);

Whereas 21 airfield projects have opened at 18 of the 35 busiest airports in the United States since fiscal year 2000, including 15 runways, 3 taxiways, one runway extension,

one completed airfield reconfiguration, and one airfield reconfiguration that is two-thirds completed, and these airfield projects have provided the airports with the potential to accommodate 1,900,000 additional airfield operations each year and decrease average delay per operation by approximately 5 minutes;

Whereas 3 airports have airfield projects under construction, and an additional airport will begin construction this fiscal year, and these 4 airfield projects will provide the airports with the potential to accommodate an additional 110,900 airfield operations each year and decrease average delay per operation by approximately 1.5 minutes;

Whereas transparency and accountability information relating to the American Recovery and Reinvestment Act of 2009 (Public Law 111-5) submitted monthly to the Committee on Transportation and Infrastructure demonstrates successful implementation of highway, transit, and wastewater investments under the Act;

Whereas \$31,600,000,000, or 83 percent of the \$38,100,000,000 provided for highway, transit, and wastewater infrastructure formula programs under the American Recovery and Reinvestment Act of 2009 (Public Law 111-5), has been put out to bid on 15,377 projects as of January 31, 2010;

Whereas, across the United States, as a result of the American Recovery and Reinvestment Act of 2009 (Public Law 111-5) work has begun on 11,583 projects totaling \$25,000,000,000, or 66 percent of the total available for highway, transit, and wastewater infrastructure formula programs under the Act;

Whereas the 11,583 highway, transit, and wastewater infrastructure projects on which work has begun have created or sustained approximately 330,000 direct jobs as of January 31, 2010;

Whereas total employment from the 11,583 highway, transit, and wastewater infrastructure projects on which work has begun, which includes direct, indirect, and induced jobs, totals more than one million jobs;

Whereas direct job creation from highway, transit, and wastewater infrastructure projects under the American Recovery and Reinvestment Act of 2009 (Public Law 111-5) has resulted in payroll expenditures of \$1,700,000,000; and

Whereas public works professionals are observing National Public Works Week from May 16 through 22, 2010; Now, therefore, be it

Resolved, That the House of Representatives—

(1) supports the goals and ideals of National Public Works Week;

(2) recognizes and celebrates the 50th anniversary of National Public Works Week; and

(3) urges citizens and communities throughout the United States to join with representatives of the Federal Government in activities and ceremonies that are designed to pay tribute to the public works professionals of the United States and to recognize the substantial contributions that public works professionals make to the United States.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Virginia (Mr. PERRIELLO) and the gentleman from Tennessee (Mr. DUNCAN) each will control 20 minutes.

The Chair recognizes the gentleman from Virginia.

GENERAL LEAVE

Mr. PERRIELLO. Mr. Speaker, I ask unanimous consent that all Members

may have 5 legislative days within which to revise and extend their remarks and to include extraneous material on H. Res. 1125.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. PERRIELLO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of H. Res. 1125, supporting the goals and ideals of National Public Works Week.

This year, we will celebrate the 50th anniversary of National Public Works Week. During the Great Depression, public works rose to prominence as a means to help stabilize our Nation by putting people to work to create a national infrastructure that benefited all Americans.

Once again, our country faces similar challenges and our public works will help our Nation regain its footing. Every \$1 we invest in public transportation produces nearly \$6 in return for our economy. These investments include every realm of our infrastructure.

In 2008, over 10 billion trips were taken on our public transportation systems. Commitments to airfield projects have expanded capacity while decreasing delays, and expenditures in wastewater projects have led to the construction of 16,000 treatment plants and 800,000 miles of sanitary and storm sewers.

We must not grow complacent. Our present infrastructure does not meet the needs of our country to move forward.

In addition to recognizing the accomplishments of our public works professionals, this resolution highlights the need to continue moving our country in the right direction. We must commit to increasing the investment in our roads and highways that are badly underfunded while creating jobs that our communities so desperately need.

These projects put Americans to work. They provide citizens with a stable job and a decent wage. Robert Kennedy once stated, "We need jobs; dignified employment at decent pay; the kind of employment that lets a man say to his community, to his family, to his country, and most important, to himself: 'I helped to build this country. I am a participant in its great public ventures.'"

Public works projects help our Nation achieve this vision, and, through this resolution, we celebrate those who have worked to strengthen our country. I urge my colleagues to join me in supporting H. Res. 1125.

Mr. Speaker, I reserve the balance of my time.

Mr. DUNCAN. Mr. Speaker, I recognize myself for such time as I may consume.

Mr. Speaker, I rise in support of this resolution, and I want to commend the gentleman from Virginia for introducing this resolution.

Whether it is for aviation, navigation, flood protection, highways, clean water, rail, our public buildings, transportation and infrastructure, projects play a critical part in our daily lives. The benefits of public works projects and those responsible for their design, construction, and maintenance are not often noticed and appreciated, so it is very fitting that we do so today with this resolution.

Much of our public works infrastructure is old and in need of modernization if our Nation is going to be able to compete globally in an environmentally sustainable manner.

The Transportation and Infrastructure Committee, on which I have had the privilege of serving since I came to this Congress in 1988, was formerly called the Public Works and Transportation Committee. The Federal Government, over the last many years, has gotten involved in many things that it really probably shouldn't be involved in and really does not have the authority to be involved in under our constitution.

I have always enjoyed my work on the Transportation and Infrastructure Committee because I believe there is a very legitimate and very important national interest in the work of that committee. People in California sometimes use the airports in Texas. People in Ohio sometimes use the roads in Tennessee. People in New York sometimes use the water systems in Florida, and on and on and on.

The Transportation and Infrastructure Committee has jurisdiction over our water transportation system.

Chairman OBERSTAR mentioned that I have been chairman of the Aviation Subcommittee for several years. I also chaired the Water Resources and Environment Subcommittee and enjoyed chairing both of those subcommittees.

□ 1515

Today I have the privilege of serving on the Highways and Transit Subcommittee, and I was at one point the ranking member many years ago of the Public Buildings and Grounds Subcommittee, so I have seen the full scope of work of this committee. But this resolution came out of the Water Resources and Environment Subcommittee and does emphasize that important part of the work.

Our water transportation system consists of 926 coastal and inland harbors maintained by the Corps of Engineers and 25,000 miles of inland and coastal commercial waterways. If we do not keep our harbors and waterways operating efficiently, this certainly is a great threat to our economic prosperity.

In addition, we can't continue to take our modern wastewater treatment

facilities for granted. Not only are they critical to protecting our health and the environment, they are critical to protecting our economy and way of life. Public infrastructure plays a critical role in enhancing our quality of life, improving our environment, and certainly contributes to our economic prosperity.

We too often take these systems and the engineers and other professionals and administrators for granted, so it is very important for Congress to recognize the contribution they make to ensuring that America remains the world's premier economic power and that we continue to have the standard of living that we are so fortunate to have in this country. I urge all Members to support H. Res. 1125.

I reserve the balance of my time.

Mr. PERRIELLO. Mr. Speaker, I yield such time as she may consume to the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON).

Ms. EDDIE BERNICE JOHNSON of Texas. The National Public Works Week is celebrated each year during the month of May, and it has been designated by a number of organizations to celebrate our public works professionals and the critical work they do to keep our infrastructure and transportation systems working efficiently and economically. House Resolution 1125 pays tribute to these professionals, recognizing their work the week of May 16–22, 2010.

Public works are loosely defined as projects that are carried out for the public good, aptly named because they enable the public to complete its work. Hazardous materials, pipelines, and municipal infrastructures such as water supply infrastructure and sewage and refuse disposal systems, and transportation systems such as rail, highways, airports, and public transit, all fall under the public works umbrella.

Public works are vital to our Nation. Our commerce depends on the shipment of goods through rail, on our roads, and through air.

Public transportation provides many with a cost-effective way to travel while also reducing harmful effects on our environment.

Our public health depends on our water supply infrastructure as well as our sewage and disposal systems.

For the importance that they play in our daily lives, our transportation and infrastructure systems and facilities often do not receive the recognition they deserve. Although public works are depended upon daily, they receive no glory or praise when accomplishing the job. Rather, many only pay attention to these public works when they fail, such as levee failures that result in flooded communities.

I recognize the importance of public works for our communities and our country, and I am grateful to the administrators, engineers, and service-

men who continue to utilize their skills and provide hours of service and dedication to ensure these necessary facilities and systems work for our Nation. I support this resolution strongly and I urge my colleagues to support it as well.

Mr. OBERSTAR. Mr. Speaker, I rise today in support of H. Res. 1125, as amended, supporting the goals and ideals of National Public Works Week, offered by the gentleman from Virginia (Mr. PERRIELLO).

Our Nation's public works, consisting of transportation systems, water supply infrastructure, sewage and refuse disposal systems, public buildings, and other structures and facilities, help our country function in an efficient and effective manner. Just as public works support our economy, our public health, and our communities' livelihood, we must support the many public works professionals who design, build, operate, maintain, and protect these systems and structures.

H. Res. 1125 pays tribute to these public works professionals, celebrating their work the week of May 16 through 22, 2010.

Without our vast network of rail, highways, airports, and public transit, our industries would not have the reach that they currently utilize each day. Without our water supply systems, or our sewage and waste disposal facilities, our communities would not be able to exist and thrive.

Without public works, quite simply, our nation would suffer.

Simple conveniences that we may take for granted—running water in our homes and even the Washington D.C. Metro system that many of our constituents utilize every year when visiting our Nation's Capitol—could not function properly without the dedicated work of the public works professionals who keep these systems operating on a daily basis.

Indeed, it is often only when our systems and facilities fail to work consistently that we notice their importance in our daily routines.

It is no secret that this body has long recognized the importance of our Nation's infrastructure. In fact, in the 111th Congress, we have placed an emphasis on reinvigorating our infrastructure systems and revitalizing our economy by investing in our Nation's public works sector.

I am pleased to note the significant investments in our infrastructure that have been made by the American Reinvestment and Recovery Act (Recovery Act) (P.L. 111–5). Of the \$64.1 billion invested by the Recovery Act in critical transportation and infrastructure programs under the Committee's jurisdiction, Federal, State and local agencies administering programs within the Committee's jurisdiction have announced 16,692 transportation and other infrastructure projects totaling \$56 billion.

These investments have proven to be critical to job creation in the past year and our public works systems have greatly benefited from them.

I urge my colleagues to join with me in supporting H. Res. 1125.

Mr. DUNCAN. Mr. Speaker, I urge my colleagues to support this resolution, and I yield back the balance of my time.

Mr. PERRIELLO. Mr. Speaker, I urge all my colleagues to support this resolution, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Virginia (Mr. PERRIELLO) that the House suspend the rules and agree to the resolution, H. Res. 1125, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. DUNCAN. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

RECOGNIZING THE FLORIDA KEYS SCENIC HIGHWAY

Mr. PERRIELLO. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 917) recognizing the Florida Keys Scenic Highway on the occasion of its designation as an All-American Road by the U.S. Department of Transportation, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 917

Whereas established by Congress in 1991, the National Scenic Byways program is a collaborative effort to help recognize, preserve, and enhance selected roads throughout the United States;

Whereas the U.S. Department of Transportation recognizes certain roads as All-American Roads or National Scenic Byways based on one or more archeological, cultural, historic, natural, recreational, and scenic qualities;

Whereas, on October 16, 2009, the U.S. Department of Transportation announced 42 new designations to the America's Byways collection, including five All-American Roads and 37 National Scenic Byways, thus increasing the total number of designations to 151;

Whereas the Florida Keys Scenic Highway was listed by the U.S. Department of Transportation as one of five All-American Roads for 2009;

Whereas the Florida Keys Scenic Highway is the first All-American Road in the State of Florida and only one of 30 in the United States, joining an elite list which includes the Blue Ridge Parkway, Alaska's Seward Highway, and Historic Route 66;

Whereas the Florida Keys Scenic Highway follows the railroad trail blazed in the 1900s by Henry Flagler;

Whereas the Florida Keys Scenic Highway comprises of an 110-mile stretch of US 1 from Key Largo to Key West;

Whereas the Florida Keys Scenic Highway incorporates 42 bridges over the waters of the Atlantic Ocean, Florida Bay, and the Gulf of Mexico;

Whereas the road's corridor is a leading tourist destination, featuring world-renowned coral reefs, exotic fish species, and historic shipwrecks; and

Whereas the end of the Florida Keys Scenic Highway, Mile Marker 0, is the southernmost city in the Continental United States: Now, therefore, be it

Resolved, That the House of Representatives—
(1) *recognizes the Florida Keys Scenic Highway on the occasion of its designation as an All-American Road by the U.S. Department of Transportation; and*

(2) *congratulates those residents of the Florida Keys who participated in the effort to support this designation.*

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from the Virginia (Mr. PERRIELLO) and the gentleman from Tennessee (Mr. DUNCAN) each will control 20 minutes.

The Chair recognizes the gentleman from Virginia.

GENERAL LEAVE

Mr. PERRIELLO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to include extraneous material on H. Res. 917.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. PERRIELLO. Mr. Speaker, I yield myself such time as I may consume.

I rise today in support of H. Res. 917, offered by the gentlewoman from Florida (Ms. ROS-LEHTINEN), recognizing the Florida Keys Scenic Highway on the occasion of its designation as an All-American Road.

Since its establishment in 1991, the Scenic Byways program has recognized a collection of roadways that are notable for their scenic, cultural, and historic characteristics. Last October, the Department of Transportation announced the newest additions to the Federal Scenic Byway program, including the Florida Keys Scenic Highway which was awarded the designation of All-American Road.

I would also like to note another corridor that was designated by the National Scenic Byway at that time, the historical Journey Through Hallowed Ground Byway, which runs from Gettysburg, Pennsylvania, to Charlottesville, Virginia.

The Florida Keys Scenic Highway runs for over 100 miles along U.S. 1, from Key Largo to Key West, following the East Coast Railway line originally established by Henry Flagler in the 1900s. The highway serves as a key transportation link and tourist destination for southern Florida, crossing 42 bridges over the Atlantic Ocean, the Florida Bay, and the Gulf of Mexico.

The designation of All-American Road brings the Florida Keys Scenic Highway into a select group that includes Virginia's Blue Ridge Parkway, Alaska's Seward Highway, and the historic Route 66. In order to be designated as an All-American Road, a highway, must possess two outstanding intrinsic qualities on a national scale

and must serve as a destination unto itself. The Florida Keys Scenic Highway is the first All-American Road in the State of Florida and one of just five to receive such a designation from the Department of Transportation in the most recent round of awards.

A scenic byways designation comes as the result of much work from area residents as well as local and State governments. This effort began with the designation of the highway as a Florida State Scenic Byway in 2001, the first step towards gaining recognition under the Federal program. This designation is a testament to the hard work of the residents of the Florida Keys who sought to recognize and enhance this vital corridor.

Being designated as a scenic byway is a significant distinction, as today there are only 151 nationally designated scenic byways around the country. These byways give Americans access to the best our country has to offer and provide a window into our history and our culture.

I thank the gentlewoman from Florida for bringing forth this resolution to honor the designation of the Florida Keys Scenic Highway as an All-American Road and to congratulate the residents of the Florida Keys who worked to support this designation. I urge my colleagues to join me in supporting H. Res. 917.

I reserve the balance of my time.

Mr. DUNCAN. I yield myself such time as I may consume.

Mr. Speaker, House Resolution 917, as amended, recognizes the Florida Keys Scenic Highway on the occasion of its designation as an All-American Road by the U.S. Department of Transportation.

Few roads in America offer such natural beauty and rich history as the Florida Keys Scenic Highway. The 106-mile journey takes the traveler through miles of ocean vistas, State and national parks, and areas rich in cultural heritage. It truly is a road to paradise.

On October 16, 2009, the Florida Keys Scenic Highway was designated an All-American Road through the Federal Highway Administration's National Scenic Byways program.

I have about one of the first scenic highways, the Cherokeela Skyway, through a mountainous area of my district, and I had the privilege of serving as the first Republican cochair of the Scenic Byways Caucus. This designation goes a little further. An All-American Road designation will help recognize and preserve this remarkable road through the collaborative efforts of the Florida Department of Transportation and local grassroots organizations.

This bipartisan resolution has more than 20 cosponsors; but I especially want to commend the gentlewoman from Florida (Ms. ROS-LEHTINEN), who has been such a leader in this Congress

on many different issues, for introducing this resolution. I join her and all of the cosponsors in supporting passage of this resolution, and I urge my colleagues to do the same.

I yield such time as she may consume to the gentlelady from Florida (Ms. ROS-LEHTINEN).

Ms. ROS-LEHTINEN. I thank the Speaker and I thank my good friend for the time. Thank you very much to my colleagues on the other side.

I obviously rise in strong support of my resolution. I introduced it to recognize the Florida Keys Scenic Highway and its designation as an All-American Road by the U.S. Department of Transportation.

I have the wonderful pleasure of representing this historic highway, long known as the Overseas Highway, which is part of U.S. 1 and runs along 100 miles through a series of tropical islands from Key Largo to Key West. It is paradise.

This resolution also recognizes the many dedicated grassroots activists who have long worked hard on this major endeavor, actually since 1996. They formed the Florida Keys Scenic Corridor in 2007 and finally made this dream a reality.

The Florida Keys Scenic Highway is one of only five All-American Roads named on October 16, 2009, by the U.S. Department of Transportation under the National Scenic Byways program.

Since 1991, the National Scenic Byways program has recognized, preserved, and enhanced a collection of All-American Roads based on their scenic, historic, recreational, cultural, archeological, and natural intrinsic qualities.

The Florida Keys Scenic Highway was chosen in particular on its recreational and scenic qualities, and it is the first All-American Road in my wonderful State of Florida, the Sunshine State.

Since its completion in 1944, the highway has long been a leading tourist destination known for its recreational opportunities, for its State and national parks, its historic sites, its museums and cultural heritage. Along the highway are many historical sites, such as the Florida Keys History of Diving Museum on Islamorada which focuses on the 500-year-old history of salvaging wrecks beginning with the Spanish galleons.

Another milestone in the highway's history is Pigeon Key, which served as the base camp for those who built the old Florida Keys extension of the Florida East Coast Railroad which was destroyed by the 1935 hurricane.

And, finally, at the end of this beautiful road, at the end of the highway is the city of Key West, which includes among its many attractions the Key West Lighthouse, the Civil War-era Fort Zachary Taylor, and the Ernest Hemingway home.

This resolution is a fitting tribute to the many men and women who contributed to the fabled history of this fabulous highway which stretches back hundreds of years. I thank the committee for allowing me to present and hopefully pass this resolution. I thank my good friend from Tennessee for the time.

□ 1530

Mr. DUNCAN. Mr. Speaker, I have no additional speakers. I will simply say that I have had the privilege of having two different visits of several days each to the Florida Keys. It's a beautiful area. I've read much of the history of the area. I've been on this highway on several occasions, and I think it's very fitting and appropriate that it be given this All-American Road designation.

So I urge support of this resolution, and I yield back the balance of my time.

Mr. PERRIELLO. Mr. Speaker, I just want to thank my colleague from Florida for her tremendous work on this effort, congratulate the people of Florida, and urge colleagues on both sides of the aisle to support this resolution.

Mr. OBERSTAR. Mr. Speaker, I rise today in support of H. Res. 917, offered by the gentlewoman from Florida (Ms. ROS-LEHTINEN), recognizing the Florida Keys Scenic Highway on the occasion of its designation as an All-American Road. The Florida Keys Scenic Highway is one of the newest additions to the Federal Scenic Byways program, which recognizes, preserves, and enhances scenic routes across the country.

The Florida Keys Scenic Highway runs for more than 100 miles from Key West to Key Largo, bounded by the Atlantic Ocean and the Gulf of Mexico. The highway conveys travelers across 42 bridges and is noted for its unique scenic and recreational qualities.

This designation brings the Florida Keys Scenic Highway into an elite group of All-American Roads, which must possess several outstanding intrinsic qualities and must serve as a destination unto itself. This byway is the first All-American Road in the State of Florida, and one of only five to receive such a designation from the Department of Transportation in the most recent round of awards.

The Scenic Byways program is the cornerstone of our efforts to provide transportation options that celebrate our nation's scenic, cultural, and historic heritage, and has been an integral part of our Federal-aid highway program since its inception in 1991.

Being designated as a scenic byway is a notable distinction, one given only after thorough consideration. Today, there are 151 byways across the country, which represent the best America has to offer in recreation, history, and scenic travel. These byways are the soul of our national infrastructure, taking people where they want to go—not just where the road takes them. The program recognizes the richness that America has to offer—the scenic vistas, diverse cultures, and historic places that define the American landscape.

These byways are a national treasure, providing cultural, scenic, and recreational oppor-

tunities for all Americans. From California's scenic Route 1, winding along the Pacific coastline; to the historic National Road, the first federally-funded interstate highway running from Illinois to West Virginia; to the Selma to Montgomery Byway in Alabama, honoring the leaders of the civil rights movement, our byways preserve our history and allow us to appreciate the beauty of the American landscape.

The Surface Transportation Authorization Act, marked up by the Subcommittee on Highways and Transit last summer, will continue our commitment to this important program and preserve these treasures for generations to come.

I thank the gentlewoman from Florida for bringing forth this resolution to honor the designation of the Florida Keys Scenic Highway as an All-American Road, and congratulate the residents of the Florida Keys who worked to bring this designation to fruition.

I urge my colleagues to join me in supporting H. Res. 917.

Mr. PERRIELLO. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Virginia (Mr. PERRIELLO) that the House suspend the rules and agree to the resolution, H. Res. 917, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. PERRIELLO. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

JAMES CHANEY, ANDREW GOODMAN, AND MICHAEL SCHWERNER
FEDERAL BUILDING

Mr. PERRIELLO. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3562) to designate the Federal building under construction at 1220 Echelon Parkway in Jackson, Mississippi, as the "Chaney, Goodman, Schwerner Federal Building," as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3562

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. BUILDING DESIGNATION.

The Administrator of General Services shall ensure that the federally occupied building located at 1220 Echelon Parkway in Jackson, Mississippi, is known and designated as the "James Chaney, Andrew Goodman, and Michael Schwerner Federal Building".

SEC. 2. REFERENCES.

With respect to the period in which the building referred to in section 1 is federally occupied, any reference in a law, map, regulation, document, paper, or other record of the United States

to that building shall be deemed to be a reference to the "James Chaney, Andrew Goodman, and Michael Schwerner Federal Building".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Virginia (Mr. PERRIELLO) and the gentleman from Florida (Mr. MARIO DIAZ-BALART) each will control 20 minutes.

The Chair recognizes the gentleman from Virginia.

GENERAL LEAVE

Mr. PERRIELLO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to include extraneous material on H.R. 3562.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. PERRIELLO. I yield myself such time as I may consume.

Mr. Speaker, I rise today in strong support of H.R. 3562, as amended, which designates the federally occupied building located at 1220 Echelon Parkway in Jackson, Mississippi, as the "James Chaney, Andrew Goodman, and Michael Schwerner Federal Building."

The events surrounding these three young men have a special place in the history of the civil rights movement. James Chaney, Andrew Goodman, and Michael Schwerner were civil rights activists who were training in Ohio to organize African Americans in Mississippi during the Freedom Summer of 1964. These three young men represented a wave of young Americans that took time off from other parts of their lives to wade into certain adversity in the fight for equal rights for all Americans.

During this fateful summer, these three young men were arrested by the local police as they were leaving the site of the burned church and held by the police for several hours. Later, they were released, only to be re-arrested shortly thereafter. After the second arrest, the local police official turned the three civil rights activists over to members of the Ku Klux Klan. All three activists were later murdered and their bodies were buried in an earthen dam outside of Philadelphia, Mississippi.

Many Members of this Chamber came of age during the civil rights movement, and it was a defining time in American history. This bill offers an opportunity to recognize the sacrifice of these young men, which galvanized the Nation's conscience on the brutality that everyday Americans were facing. The public's reaction to these events ultimately provided the momentum necessary for passage of the Civil Rights Act of 1964. The bill is all the more significant since the named building will house the Jackson, Mississippi FBI field office, which was created at the behest of President Lyndon

B. Johnson as a result of this horrific crime. It is fitting that we honor the memory of these young men in designating the federally occupied building located at 1220 Echelon Parkway in Jackson, Mississippi, as the "James Chaney, Andrew Goodman, and Michael Schwerner Federal Building." I urge my colleagues to join me in supporting H.R. 3562.

Mr. Speaker, I reserve the balance of my time.

Mr. MARIO DIAZ-BALART of Florida. Mr. Speaker, I yield myself such time as I may consume.

I want to thank the gentleman for his explanation of a moment in history that left a mark on this country and changed this country forever. These three individuals, James Chaney, Andrew Goodman, and Michael Schwerner, whose blood was spilled in 1964 in their quest for freedom for civil rights, that blood was spilled and it became part of a wave of change that swept our country towards civil rights. Others also sacrificed a lot for those efforts. It's fitting that this building will be named for them. It will be a memorial not only for them, for their sacrifice, and for those others who sacrificed as well, but also a reminder as to how far we have come from those sad days in 1964. These three gentlemen gave their lives, but it was not in vain. We've seen the changes ever since. So, again, I think this is a fitting memorial and a fitting reminder for all of us as to the sacrifices that many have made and to how far we have come.

With that, Mr. Speaker, I would reserve the balance of my time.

Mr. PERRIELLO. Mr. Speaker, I yield such time as he may consume to the gentleman from Mississippi (Mr. THOMPSON), the author of this bill.

Mr. THOMPSON of Mississippi. I appreciate the time from the gentleman from Virginia.

Mr. Speaker, I rise in support of H.R. 3562, a bill to designate the FBI building under construction in Jackson, Mississippi, as the Chaney, Goodman, and Schwerner Federal Building.

Mr. Speaker, 45 years ago, three young men lost their lives while attempting to organize and register voters during what became known as Freedom Summer. These men were James Chaney, a 21-year-old Meridian, Mississippi, native; Andrew Goodman, a 20-year-old college student from New York; and Michael Schwerner, a 24-year-old CORE organizer and social worker, also from New York.

Mr. Speaker, on July 21, 1964, the three men were driving from Meridian, Mississippi, to Longdale, Mississippi, to investigate the burning of Mount Zion United Methodist Church, which had been the meeting place for numerous civil rights groups. Along their journey, the trio was stopped by a Neshoba County deputy, who was also known as a member of the Ku Klux

Klan. Subsequently, the three young men were arrested for speeding and held at the Neshoba County jail, without the use of a telephone. Hours later, they were fined and released. Shortly after the trio continued their journey, they were again pulled over by the sheriff's deputy, who was, unbeknown to them, followed by a mob of Klansmen who had assembled to abduct and kill the men. The three individuals were taken to a remote area of the county and were beaten and killed. Their car was burned and their bodies were buried in an earthen dam.

Mr. Speaker, the murders of James Chaney, who was black, and Andrew Goodman and Michael Schwerner, both Jewish, attracted national attention to the voracity of the State's racial problems. As a result of their deaths, there was more pressure on the Federal Government to pass the Voting Rights Act. After significant investigation by the FBI, the individuals' bodies were found on August 4, 1964. Due to Mississippi officials' refusal to prosecute the individuals for murder, the Justice Department brought charges against 17 individuals for conspiracy to deprive the three workers of their civil rights. Seven of the 17 individuals were found guilty, but none of them served terms longer than 6 years in jail. Mr. Speaker, finally, on June 21, 2005, a Neshoba County jury convicted Edgar Ray Killen on three counts of manslaughter and sentenced him to three consecutive terms of 20 years in prison in connection with the deaths of the young men.

Mr. Speaker, these young men paid the ultimate price attempting to bring justice and equality to my home State of Mississippi. While the naming of this building pales in comparison to the loss of a son or brother, we hope that the families of these three young men will find solace in our acknowledgment of their contribution by naming the latest symbol of justice in Mississippi after their loved ones. May the naming of this building serve as a notice to domestic terrorists—in this instance, they were law enforcement officials, Ku Klux Klansmen, and trucking company owners—that their actions will never be tolerated again.

Mr. Speaker, I would like to insert in the RECORD from the City of Jackson, Mississippi and the Hinds County Board of Supervisors resolutions passed supporting the naming of this building in honor of Chaney, Goodman, and Schwerner.

Mr. Speaker, while there may be many individuals who are worthy of having their names grace Mississippi's new FBI building, I cannot think of any more fitting for this honor than James Chaney, Andrew Goodman, and Michael Schwerner.

RESOLUTION OF THE BOARD OF SUPERVISORS OF HINDS COUNTY, MISSISSIPPI IN SUPPORT OF NAMING THE FEDERAL BUREAU OF INVESTIGATION (FBI) BUILDING IN HONOR OF JAMES CHANEY, ANDREW GOODMAN AND MICHAEL SCHWERNER

Whereas, it is the intent of the Hinds County Board of Supervisors, to rise strong in support and recognize the contributions of Chaney, Goodman, and Schwerner, remarkable gentlemen who dedicated their lives to the service of others, in the effort to name the Federal Bureau Investigation (FBI) Building located on 1220 Echelon Parkway, Jackson, Mississippi, in their honor; and,

Whereas, in June 1964, three young civil rights workers disappeared outside Philadelphia, Mississippi, where they were involved in the registering of African-Americans who had a desire to vote. The Department of Justice requested the Federal Bureau Investigation (FBI) to intervene and lead the case. During this time, an intensive search for the young men was launched. At the request of President Lyndon Johnson, a new Federal Bureau Investigation (FBI) field office opened in Jackson, Mississippi; and,

Whereas, as a result of the opening of the Jackson Division and the subsequent investigations, the bodies of the three civil workers were found in August 1964, in an earthen dam near Philadelphia, Mississippi. Seven men were convicted of federal conspiracy charges and sentenced to prison terms ranging from three to ten years. MIBURN, "Mississippi Burning" as the case was called, became one of the largest investigations ever conducted in Mississippi; and,

Whereas, today, the Jackson Division has Special Agents assigned at the headquarters office in Jackson and in the nine (9) Resident Agencies, located in Columbus, Greenville, Gulfport, Hattiesburg, Meridian, Oxford, Pascagoula, Southaven, and Tupelo, Mississippi; and,

Whereas, time may blur the enormous personal risk that they took in America in 1964; today these civil rights activists are recognized and remembered by people of all races for not only the effect they had on the civil rights movement but also for their selfless acts of heroicism: Now, therefore, be it

Resolved, that the Hinds County Board of Supervisors, does hereby express its unconditional support and commend the life and legacy of Chaney, Goodman, and Schwerner, and supports the effort to name the Federal Bureau Investigation (FBI) Building in their honor.

RESOLUTION OF THE CITY OF JACKSON, MISSISSIPPI, IN SUPPORT OF NAMING THE FEDERAL BUREAU OF INVESTIGATION (FBI) BUILDING IN HONOR OF JAMES CHANEY, ANDREW GOODMAN, AND MICHAEL SCHWERNER

Whereas, it is the intent of the governing authorities of the City of Jackson, Mississippi ("City of Jackson"), to recognize the contributions of James Chaney, Andrew Goodman, and Michael Schwerner, three (3) remarkable gentlemen who dedicated their lives to the service of others; and

Whereas, in June 1964, these three young civil rights workers disappeared outside Philadelphia, Mississippi, where they were involved in the registering of African-Americans who had a desire to vote; and

Whereas, the Department of Justice requested the Federal Bureau of Investigation (FBI) to intervene and lead the case; whereby, the FBI lead an intensive search for the young men; and

Whereas, during the investigation, and at the request of President Lyndon B. Johnson,

a new Federal Bureau Investigation (FBI) field office was opened in Jackson, Mississippi; and

Whereas, as a result of the opening of the Jackson Division and the subsequent investigations, the bodies of the three civil workers were found in August 1964, in an earthen dam near Philadelphia, Mississippi; and

Whereas, seven (7) men were convicted of federal conspiracy charges and sentenced to prison terms ranging from three (3) to ten (10) years; and

Whereas, MIBURN ("Mississippi Burning"), as the case was called, became one of the largest investigations ever conducted in Mississippi; and

Whereas, today, the Jackson Division employs Special Agents, which are assigned to the headquarters office in the City of Jackson, as well as in the nine (9) Resident Agencies located in the following Mississippi municipalities: Columbus, Greenville, Gulfport, Hattiesburg, Meridian, Oxford, Pascagoula, Southaven, and Tupelo; and

Whereas, these civil rights activists will always be recognized and remembered by people of all races, for not only the effect they had on the civil rights movement, but also for their selfless acts of heroicism: Now, therefore, be it

Resolved, that the governing authorities of the City of Jackson, Mississippi, do hereby strongly urge and join in the effort to name the Federal Bureau of Investigation (FBI) Building, located on 1220 Echelon Parkway, Jackson, Mississippi, 39201, in honor of the life and legacy of James Chaney, Andrew Goodman, and Michael Schwerner.

Mr. MARIO DIAZ-BALART of Florida. Mr. Speaker, I would like now to yield such time as he may consume to the ranking member of the Transportation and Infrastructure Committee, the gentleman from Florida (Mr. MICA).

Mr. MICA. First, I want to thank my ranking member of our subcommittee for yielding me the time, and then I want to turn my attention to thanking the gentleman from Mississippi (Mr. THOMPSON) for his authorship of this legislation. Also, Ms. NORTON from the District for her cosponsorship and sponsorship of this legislation.

On behalf of all of the Republicans, I am fortunate to be the Republican leader of the Transportation and Infrastructure Committee, the biggest committee in Congress, and proud of the work of this subcommittee in bringing forth this legislation to honor three young heroes, three brave students who, in the summer of 1964, instead of playing games and doing whatever young people did that summer, they chose to become engaged in the civil rights movement and signing up people who previously hadn't had the ability to vote to exercise their constitutional right.

Most young people today wouldn't know the names of James Chaney, Andrew Goodman, and Michael Schwerner. This is 46 years ago. But 46 years later, we're making a small memorial in naming this FBI building now in Mississippi, the headquarters, after these three individuals who made such a difference in the civil rights movement. And through their tragic

and horrific death came so much good that other people could have rights that they were fighting for in that summer of 1964.

On behalf of the Republicans on the committee, I know I join in thanking, again, Mr. THOMPSON, Ms. NORTON, and our ranking member, Mr. DIAZ-BALART, for bringing this bill forward and for honoring those who haven't been honored before in this manner. What a great day for this Congress. What a great day for their memory. What a great day for the United States of America.

Mr. PERRIELLO. Mr. Speaker, I yield such time as he may consume to the gentleman from New York (Mr. TOWNS).

Mr. TOWNS. I'd like to thank the gentleman for yielding. Of course, I also would like to join those who have indicated, in terms of Mr. THOMPSON from Mississippi, in recognizing Schwerner, Goodman, and Chaney. I know that this is not bringing them back, but I think it says to the families of those that are left behind that the good that they did changed America, and to move America in the right direction. When you stop and you think about it, they gave of their lives in order to help to change America.

I want to say to the gentleman from Mississippi, I think it's very honorable for him to come to the floor of the House and to offer this naming and this resolution of this Federal building, because when we look back and we see in terms of the things that they went through—not to do anything for themselves; they were trying to help others. And that's the reason why I think that this is so honorable, because they gave of their lives to be able to make America better. They made it possible for people like me to be able to come and be a part of the United States Congress. If it were not for their actions, we probably wouldn't even be here.

□ 1545

Mr. MARIO DIAZ-BALART of Florida. Mr. Speaker, in closing, I want to thank the gentleman from Mississippi. He mentioned a little while ago that there are some individuals that we name buildings after who are very meritorious. But this is a little bit different. These are three individuals who, frankly, changed our country for the better, and they gave it all. They gave their lives to change our country, to make our country a better place. So this is one of those that, frankly, is of great historic significance. I know it's important to the family members, but it is also equally important for our Nation for all to see, for all to remember, for all to know the sacrifices that so many, including these three individuals, made. This is the country that it is because people have been willing over the years to sacrifice, to even give their lives. And this was a tragic moment. Again, what a fitting tribute and

reminder it is to name this building. So I want to thank the gentleman from Mississippi. I also need to thank Chairwoman NORTON. She is now at this moment actually chairing her subcommittee, and I want to thank her also for her involvement, for her leadership, for moving this forward so quickly.

With that, Mr. Speaker, I yield back the balance of my time.

Mr. PERRIELLO. Mr. Speaker, let me just thank, again, the gentleman from Mississippi for his comments and his work in this effort. I may be one of the few Members of this body that was born after the events that we discussed here today. I had the great joy of growing up in a generation that knew the freedoms that these men fought and died for.

But their legacy continues, and their lives continue through the inspiration they have spread. I remember working with kids in New Haven when I was in college, and we told the story of these three gentlemen. We told of their bravery and their courage to make sure that those who grow up today in a more free and equal society understand the blood and the tears that went into making that effort possible. Many in this body were part of that struggle to call this Nation to its greatest self and its truest ideals. In making them immortal in the naming of this office, I think we do a great honor to history and a great honor to this country at its best. We thank not only the people involved in bringing this resolution today but the families of these three gentlemen who sacrificed, that they may know that this Nation continues to honor their tremendous courage and their gift to this country.

Mr. OBERSTAR. Mr. Speaker, I rise in strong support of H.R. 3562, introduced by the gentleman from Mississippi (Mr. THOMPSON). H.R. 3562, as amended, designates the federally occupied building located at 1220 Echelon Parkway in Jackson, Mississippi, as the "James Chaney, Andrew Goodman, and Michael Schwerner Federal Building".

James Chaney, Andrew Goodman, and Michael Schwerner were civil rights activists who were lynched in the summer of 1964 while attempting to organize African Americans to vote and pursue other civil rights in Mississippi. On June 21, 1964, the three men drove to Longdale, Mississippi, to investigate the site of a burned church in Neshoba County. They were arrested by the Neshoba County police as they were leaving the site and held by the police for several hours. They were later released only to be rearrested shortly thereafter. After the second arrest, the Neshoba County police officer turned the three civil rights activists over to local Klansmen. On August 4, 1964, 44 days later, their bodies were found buried in an earthen dam near Philadelphia, Mississippi.

I was a young staffer working on Capitol Hill during this time period and can easily remember how the tragic plight of these three young men gripped this nation during that summer.

Their deaths remain fixed in my mind and I am deeply moved as I remember how this incident helped strengthen the momentum for the Civil Rights Act of 1964.

The great public uproar also led President Lyndon B. Johnson to direct Federal Bureau of Investigation (FBI) Director J. Edgar Hoover to open the Jackson Division of the FBI. The FBI flooded the State with agents in an attempt to solve the crime and eventually arrested 18 suspects on Federal conspiracy charges in the murder of these civil rights activists.

These young men were courageous in the face of blistering adversity during the sustained march for civil rights in Mississippi during the summer of 1964. It is fitting we offer this permanent honor of their sacrifices with the designation of the Jackson, Mississippi FBI field office as the "James Chaney, Andrew Goodman, and Michael Schwerner Federal Building".

I urge my colleagues to join me in supporting H.R. 3562.

Mr. PERRIELLO. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Virginia (Mr. PERRIELLO) that the House suspend the rules and pass the bill, H.R. 3562, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. PERRIELLO. Mr. Speaker, I object to the vote on the grounds that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

SECURE FEDERAL FILE SHARING ACT

Mr. TOWNS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4098) to require the Director of the Office of Management and Budget to issue guidance on the use of peer-to-peer file sharing software to prohibit the personal use of such software by government employees, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 4098

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Secure Federal File Sharing Act".

SEC. 2. REQUIREMENTS.

(a) UPDATED GUIDANCE ON USE OF CERTAIN SOFTWARE PROGRAMS.—Not later than 90 days after the date of the enactment of this Act, the Director of the Office of Manage-

ment and Budget, after consultation with the Federal Chief Information Officers Council, shall issue guidance on the use of peer-to-peer file sharing software—

(1) to prohibit the download, installation, or use by Government employees and contractors of open-network peer-to-peer file sharing software on all Federal computers, computer systems, and networks, including those operated by contractors on the Government's behalf, unless such software is approved in accordance with procedures under subsection (b); and

(2) to address the download, installation, or use by Government employees and contractors of such software on home or personal computers as it relates to telework and remotely accessing Federal computers, computer systems, and networks, including those operated by contractors on the Government's behalf.

(b) APPROVAL PROCESS FOR CERTAIN SOFTWARE PROGRAMS.—Not later than 90 days after the date of the enactment of this Act, the Director of the Office of Management and Budget shall develop a procedure by which the Director, in consultation with the Chief Information Officer, may receive requests from heads of agencies or chief information officers of agencies for approval for use by Government employees and contractors of specific open-network peer-to-peer file sharing software programs that are—

(1) necessary for the day-to-day business operations of the agency;

(2) instrumental in completing a particular task or project that directly supports the agency's overall mission;

(3) necessary for use between, among, or within Federal, State, or local government agencies in order to perform official agency business; or

(4) necessary for use during the course of a law enforcement investigation.

(c) AGENCY RESPONSIBILITIES.—Not later than 180 days after the date of enactment of this Act, the Director of the Office of Management and Budget shall—

(1) direct agencies to establish or update personal use policies of the agency to be consistent with the guidance issued pursuant to subsection (a);

(2) direct agencies to require any contract awarded by the agency to include a requirement that the contractor comply with the guidance issued pursuant to subsection (a) in the performance of the contract;

(3) direct agencies to update their information technology security or ethics training policies to ensure that all employees, including those working for contractors on the Government's behalf, are aware of the requirements of the guidance required by subsection (a) and the consequences of engaging in prohibited conduct; and

(4) direct agencies to ensure that proper security controls are in place to prevent, detect, and remove file sharing software that is prohibited by the guidance issued pursuant to subsection (a) from all Federal computers, computer systems, and networks, including those operated by contractors on the Government's behalf.

SEC. 3. ANNUAL REPORT.

Not later than one year after the date of the enactment of this Act, and annually thereafter, the Director of the Office of Management and Budget shall submit to the Committee on Oversight and Government Reform of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate a report on the implementation of this Act, including—

(1) a justification for each open-network peer-to-peer file sharing software program that is approved pursuant to subsection (b); and

(2) an inventory of the agencies where such programs are being used.

SEC. 4. DEFINITIONS.

In this Act:

(1) AGENCY.—The term “agency” has the meaning provided the term “Executive agency” by section 105 of title 5, United States Code.

(2) OPEN-NETWORK.—The term “open-network”, with respect to software, means a network in which—

(A) access is granted freely, without limitation or restriction; or

(B) there are little or no security measures in place.

(3) PEER-TO-PEER FILE SHARING SOFTWARE.—The term “peer-to-peer file sharing software”—

(A) means a program, application, or software that is commercially marketed or distributed to the public and that enables—

(i) a file or files on the computer on which such program is installed to be designated as available for searching and copying to one or more other computers;

(ii) the searching of files on the computer on which such program is installed and the copying of any such file to another computer—

(I) at the initiative of such other computer and without requiring any action by an owner or authorized user of the computer on which such program is installed; and

(II) without requiring an owner or authorized user of the computer on which such program is installed to have selected or designated another computer as the recipient of any such file; and

(iii) an owner or authorized user of the computer on which such program is installed to search files on one or more other computers using the same or a compatible program, application, or software, and copy such files to such owner or user's computer; and

(B) does not include a program, application, or software designed primarily—

(i) to operate as a server that is accessible over the Internet using the Internet Domain Name system;

(ii) to transmit or receive email messages, instant messaging, real-time audio or video communications, or real-time voice communications; or

(iii) to provide network or computer security (including the detection or prevention of fraudulent activities), network management, maintenance, diagnostics, or technical support or repair.

(4) CONTRACTOR.—The term “contractor” means a prime contractor or a subcontractor, as defined by the Federal Acquisition Regulation.

SEC. 5. BUDGETARY EFFECTS OF PAYGO LEGISLATION FOR THIS ACT.

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go-Act of 2010, shall be determined by reference to the latest statement titled “Budgetary Effects of PAYGO Legislation” for this Act, submitted for printing in the Congressional Record by the Chairman of the House Budget Committee, provided that such statement has been submitted prior to the vote on passage.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. TOWNS) and the gentleman from California (Mr. ISSA) each will control 20 minutes.

The Chair recognizes the gentleman from New York.

GENERAL LEAVE

Mr. TOWNS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and to extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. TOWNS. Mr. Speaker, I yield myself as much time as I may consume.

The bill we are now considering, H.R. 4098, the Secure Federal File Sharing Act, is intended to improve the cybersecurity of Federal systems in response to a series of troubling breaches of confidential information. It requires the director of the Office of Management and Budget to issue new guidance prohibiting the use of open network peer-to-peer file sharing software on all Federal computers and networks, including those of contractors working on the government's behalf.

Peer-to-peer file sharing software allows users to instantly connect with each other to search and copy electronic files, most commonly music and movies. The committee has been investigating the dangers of peer-to-peer file sharing software for 9 years. During that time, we discovered a frightening amount of child pornography, thousands of personal tax filings, medical records, and highly sensitive government information, including the location of a Secret Service safe house for the first family and an electronic schematic for Marine One, all available on open peer-to-peer networks to millions of users around the world.

What's clear is that as the popularity of file sharing has grown, so have the privacy and security risks. For the Federal Government, those risks are simply too great to ignore. H.R. 4098 would codify an existing OMB memorandum prohibiting Federal employees from using certain peer-to-peer file sharing programs and strengthen that policy by extending it to include Federal contractors working on the government's behalf. This is a good bill, and I strongly encourage my colleagues to join me in supporting this good bill.

Mr. Speaker, I reserve the balance of my time.

Mr. ISSA. Mr. Speaker, I yield myself such time as I may consume.

I join with the chairman on a bipartisan basis to support this important legislation. As the chairman said—who, quite frankly, has done an inordinate amount of work on this, including multiple hearings over a period of time—although we have succeeded in some limited way in addressing this problem, when we revisited it after more than a year, we discovered some of the examples the chairman gave us, including the First Family's safe house being made vulnerable.

Mr. Speaker, as you can imagine, everything we do in government, every-

thing we order in government has a cost. The CBO has scored this one at \$10 million over its life, about \$2 million to \$3 million a year. What is the cost of the loss of the President? What is the cost of a soldier's orders to deploy being made public? What is the cost of your tax returns being made public? What is the cost to sensitive national defense information or, in fact, the leaking of people who are in the clandestine service? All of that has been shown to be at risk as long as peer-to-peer continues to operate on the Federal system.

Mr. Speaker, directing the Office of Management and Budget to create the guidance for prohibiting download or installation by government employees of these pieces of software, which are essentially spy software, spy software on behalf of those who sell this information and sell access to this information is, in fact, essential. File sharing within the Federal workforce and within Congress is closely monitored. We do have the ability to do file transfer protocol in a secure way. Clearly, though, as our hearings have shown, those who market this software to the public, usually for free, do so with backdoors deliberately there that make it enticing to those who want access, and that's how their revenue comes.

Our hearings have shown that the very players who will provide you peer-to-peer for free so that you can get thousands of videos, plenty of music, and exchange pictures often do so specifically so that you unwittingly open up all of your information.

Mr. Speaker, the American people deserve to have the information entrusted to us, their private information, kept private. Without this important legislation, that private information is consistently being made public through backdoor software installed by well-meaning individuals who only intended to share their summer pictures and not release the information on soldiers in harm's way. I urge strongly support for this legislation.

I reserve the balance of my time.

Mr. TOWNS. Mr. Speaker, I want to commend the staff of the committee. I want to commend the ranking member of the full committee, Congressman ISSA, who has worked very closely with us to get us to this point. I also want to point out how important it is when you work together that you can pull things together and get them to the floor. I want to salute him for his work on this as well, and again, to all the staff members who have participated in helping us to get here today.

I reserve the balance of my time.

Mr. ISSA. I yield myself such time as I may consume.

Mr. Chairman, it is you that we owe a great debt of thanks to. You've championed this. You've made sure both at the subcommittee and the full committee that we've had a thorough

evaluation. We've given the companies who claim that they are well-meaning opportunity repeatedly to show that they could fix or would fix their software, only to discover they did not fix their software. So I join with you in commending our staff on both sides of the aisle for the hard work they did, for the individual research, and for some of the other organizations who were concerned about the safety of the American people's vital information for helping us shed light on this. I know this is a good piece of legislation. I know we're going to have to work to get it through the Senate. I look forward to doing that with you, Mr. Chairman.

I yield back the balance of my time. Mr. TOWNS. I thank the gentleman from California, the ranking member, for his kind words.

Ms. CLARKE. Mr. Speaker, I rise today in support of House Resolution 4098, the Secure Federal File Sharing Act. As Chairwoman of the Committee on Homeland Security Subcommittee on Emerging Threats, Cybersecurity, and Science and Technology, I regularly deal with cybersecurity issues related to Federal civilian agencies and am happy to see this effort moving forward.

The Secure Federal File sharing Act directs the Office of Management and Budget to issue guidance that would prohibit the use of peer-to-peer software on Federal computer systems, on home computers of government employees who telecommute, and by Federal contractors. This bill will help improve our government's cyber-security in a number of ways.

First, and most importantly, this bill reduces the risk to our government computer systems of downloading malicious software that could infect other systems within the government. It is well documented that peer-to-peer applications are regularly used by hackers to incorporate spyware, viruses, Trojan horses, or worms onto the downloader's computer. Not only does this expose a person's personal information to exploitation, but could put sensitive information about our government resources into unfriendly hands.

Secondly, peer-to-peer software is frequently used to illegally download software or documents that are otherwise protected by intellectual property laws. Allowing Federal employees to use this software to download pirated materials not only puts them at risk of prosecution, but puts the Federal government in a precarious position of having passively supported illegal acts.

Finally, peer-to-peer software is costly to the U.S. taxpayer. Because of the high risk nature of the software, its use only increases the amount we must spend to secure our computer systems from the cyber attacks it inevitably leads to.

This legislation helps close a security hole among Federal civilian agencies, and I urge my colleagues to join me in passing House Resolution 4098.

Mr. WELCH. Mr. Speaker and Chairman TOWNS, thank you for bringing this important legislation before the House today.

Less than a year ago, Chairman TOWNS and his staff worked to convene an Oversight and

Government Reform hearing that I requested about the dangers posed by inadvertent file-sharing over open-network peer-to-peer file sharing software. I think it's safe to say we were all shocked by what we heard and saw at that hearing: information on the United States Secret Service safe house for first lady Michelle Obama; the names, addresses, and, in some cases, private information like Social Security numbers for men and women deploying to Afghanistan; as well as tax information for countless individuals. All of this information was on display for the world to see and all of it had been leaked as a result of inadvertent file sharing or theft over open-network peer-to-peer file sharing software.

Passing this bill is an important step in enacting common sense information security protections. This legislation will prohibit the software that has facilitated inadvertent file sharing and information theft from computers that have access to sensitive government information.

Not only important, this legislation is also timely. Last month, the Federal Trade Commission released findings from their investigation into inadvertent file sharing. Their conclusion supports this legislation and reaffirms what many of us have learned as a result of the committee's work: peer-to-peer file sharing software subjects millions of users to identity theft and other serious hazards.

The FTC is fulfilling its important role of protecting consumers by alerting consumers about stolen information, but I am concerned that their report does not pursue the one thing that all of the victims of inadvertent peer-to-peer file sharing have in common: the software itself. I urge the FTC to continue its work in this area and to look specifically at the providers of peer-to-peer software. The FTC has gone after those who use the software for harm, but they haven't spent enough time addressing those who develop this software—replete with security risks—for material gain. I look forward to future FTC investigation and possible action to address this ongoing problem.

Chairman TOWNS, thank you for working so hard to address this issue.

Mr. TOWNS. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. TOWNS) that the House suspend the rules and agree to the resolution, H.R. 4098, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. BROUN of Georgia. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings

will resume on motions to suspend the rules previously postponed.

Votes will be taken in the following order:

House Resolution 1186, by the yeas and nays;

H.R. 3976, de novo;

H.R. 4592, de novo.

The first electronic vote will be conducted as a 15-minute vote. Remaining electronic votes will be conducted as 5-minute votes.

NATIONAL DISTRACTED DRIVING AWARENESS MONTH

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution, H. Res. 1186, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Colorado (Ms. MARKEY) that the House suspend the rules and agree to the resolution, H. Res. 1186.

The vote was taken by electronic device, and there were—yeas 410, nays 2, not voting 17, as follows:

[Roll No. 175]

YEAS—410

Ackerman	Burgess	Dent
Aderholt	Burton (IN)	Diaz-Balart, L.
Adler (NJ)	Butterfield	Diaz-Balart, M.
Akin	Buyer	Dicks
Alexander	Calvert	Dingell
Altmire	Camp	Doggett
Andrews	Campbell	Donnelly (IN)
Arcuri	Cantor	Doyle
Austria	Cao	Dreier
Baca	Capito	Driehaus
Bachmann	Capps	Duncan
Bachus	Capuano	Edwards (MD)
Baird	Cardoza	Edwards (TX)
Baldwin	Carnahan	Ehlers
Barrett (SC)	Carney	Ellison
Barrow	Carson (IN)	Ellsworth
Bartlett	Carter	Emerson
Barton (TX)	Cassidy	Engel
Bean	Castle	Eshoo
Becerra	Castor (FL)	Etheridge
Berkley	Chaffetz	Fallin
Berman	Chandler	Farr
Berry	Childers	Fattah
Biggart	Chu	Filner
Blibray	Clarke	Flake
Bilirakis	Clay	Fleming
Bishop (GA)	Cleaver	Forbes
Bishop (NY)	Clyburn	Fortenberry
Blackburn	Coble	Foster
Blumenauer	Coffman (CO)	Fox
Blunt	Cohen	Frank (MA)
Bocciari	Cole	Franks (AZ)
Boehner	Conaway	Frelinghuysen
Bonner	Connolly (VA)	Fudge
Bono Mack	Conyers	Gallegly
Boozman	Cooper	Garrett (NJ)
Boren	Costello	Gerlach
Boswell	Courtney	Gingrey (GA)
Boucher	Crenshaw	Gonzalez
Boustany	Crowley	Goodlatte
Boyd	Cuellar	Gordon (TN)
Brady (PA)	Culberson	Granger
Brady (TX)	Cummings	Graves
Braley (IA)	Dahlkemper	Grayson
Bright	Davis (CA)	Green, Al
Broun (GA)	Davis (IL)	Green, Gene
Brown (SC)	Davis (KY)	Griffith
Brown, Corrine	DeFazio	Grijalva
Brown-Waite,	DeGette	Guthrie
Ginny	Delahunt	Gutierrez
Buchanan	DeLauro	Hall (NY)

Hall (TX) Matheson
Halvorson Matsui
Hare McCarthy (CA)
Harman McCarthy (NY)
Harper McCaul
Hastings (FL) McClintock
Hastings (WA) McCotter
Heinrich McDermott
Heller McGovern
Hensarling McHenry
Herger McIntyre
Herseth Sandlin McKeon
Higgins McMahon
Hill McMorris
Himes Rodgers
Hinchey McNeerney
Hinojosa Meek (FL)
Hirono Meeks (NY)
Hodes Melancon
Holden Mica
Holt Michaud
Honda Miller (FL)
Hoyer Miller (MI)
Hunter Miller (NC)
Inglis Miller, Gary
Inslee Miller, George
Israel Minnick
Issa Mitchell
Jackson (IL) Mollohan
Jackson Lee Moore (KS)
(TX) Moore (WI)
Jenkins Moran (KS)
Johnson (GA) Moran (VA)
Johnson, E. B. Murphy (CT)
Johnson, Sam Murphy (NY)
Jones Murphy, Patrick
Jordan (OH) Murphy, Tim
Kagen Myrick
Kanjorski Nadler (NY)
Kaptur Napolitano
Kildee Neal (MA)
Kilroy Neugebauer
Kind Nunes
King (IA) Nye
King (NY) Oberstar
Kingston Obey
Kirk Oliver
Kirkpatrick (AZ) Ortiz
Kissell Owens
Klein (FL) Pallone
Kline (MN) Pascarell
Kosmas Pastor (AZ)
Kratovil Paulsen
Kucinich Pence
Lamborn Perlmutter
Lance Perriello
Langevin Peters
Larsen (WA) Peterson
Larson (CT) Petri
Latham Pingree (ME)
LaTourette Pitts
Latta Platts
Lee (CA) Polis (CO)
Lee (NY) Pomeroy
Levin Posey
Lewis (CA) Price (GA)
Lewis (GA) Price (NC)
Linder Putnam
Lipinski Quigley
LoBiondo Radanovich
Loeb sack Rahall
Lofgren, Zoe Rangel
Lowey Rehberg
Lucas Reichert
Luetkemeyer Reyes
Luján Richardson
Lummis Rodriguez
Lungren, Daniel E. Rogers (AL)
Lynch Rogers (KY)
Mack Rogers (MI)
Maffei Rohrabacher
Maloney Rooney
Manzullo Ros-Lehtinen
Marchant Roskam
Markey (CO) Ross
Markey (MA) Rothman (NJ)
Marshall Roybal-Allard

NAYS—2

Johnson (IL)

Paul

NOT VOTING—17

Bishop (UT)
CostaDavis (AL)
Davis (TN)

Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda
T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sestak
Shadegg
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tanner
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wasserman
Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Westmoreland
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

Gohmert
Hoekstra
Kennedy
Kilpatrick (MI)
McCollum
Olson
Payne
Poe (TX)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining in this vote.

□ 1624

So (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

HELPING HEROES KEEP THEIR HOMES ACT OF 2010

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and passing the bill, H.R. 3976, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. FILNER) that the House suspend the rules and pass the bill, H.R. 3976, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

RECORDED VOTE

Mr. PRICE of North Carolina. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 416, noes 4, not voting 9, as follows:

[Roll No. 176]

AYES—416

Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Blibray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Brown (SC)
Brown, Corrine
Brown-Waite,
Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Chu
Clarke
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (CA)
Davis (IL)
Davis (KY)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.

Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Fallin
Farr
Fattah
Filner
Fleming
Forbes
Fortenberry
Foster
Fox
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garamendi
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gordon (TN)
Granger
Graves
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Hunter
Inglis
Inslee
Israel
Issa
Jackson (IL)
Jackson Lee
(TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones
Kagen
Kanjorski
Kaptur
Kildee
Kilroy
Kind
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Loeb sack
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel
E.
Lynch
Mack
Maffei
Maloney
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
Pastor (AZ)
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (NC)
Putnam
Quigley
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Pastor (AZ)
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (NC)
Putnam
Quigley
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Pastor (AZ)
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (NC)
Putnam
Quigley
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Pastor (AZ)
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (NC)
Putnam
Quigley
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Pastor (AZ)
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (NC)
Putnam
Quigley
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Pastor (AZ)
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (NC)
Putnam
Quigley
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Pastor (AZ)
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (NC)
Putnam
Quigley
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Pastor (AZ)
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (NC)
Putnam
Quigley
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Pastor (AZ)
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (NC)
Putnam
Quigley
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Pastor (AZ)
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (NC)
Putnam
Quigley
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Pastor (AZ)
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (NC)
Putnam
Quigley
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Pastor (AZ)
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (NC)
Putnam
Quigley
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Pastor (AZ)
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (NC)
Putnam
Quigley
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Pastor (AZ)
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (NC)
Putnam
Quigley
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Pastor (AZ)
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (NC)
Putnam
Quigley
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Pastor (AZ)
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (NC)
Putnam
Quigley
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Pastor (AZ)
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (NC)
Putnam
Quigley
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Pastor (AZ)
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (NC)
Putnam
Quigley
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Pastor (AZ)
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (NC)
Putnam
Quigley
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Pastor (AZ)
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (NC)
Putnam
Quigley
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Pastor (AZ)
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (NC)
Putnam
Quigley
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Pastor (AZ)
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (NC)
Putnam
Quigley
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Pastor (AZ)
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (NC)
Putnam
Quigley
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Pastor (AZ)
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (NC)
Putnam
Quigley
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Pastor (AZ)
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (NC)
Putnam
Quigley
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Pastor (AZ)
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (NC)
Putnam
Quigley
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Pastor (AZ)
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (NC)
Putnam
Quigley
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Pastor (AZ)
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (NC)
Putnam
Quigley
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Pastor (AZ)
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (NC)
Putnam
Quigley
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Pastor (AZ)
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (NC)
Putnam
Quigley
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Pastor (AZ)
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (NC)
Putnam
Quigley
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Pastor (AZ)
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (NC)
Putnam
Quigley
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Pastor (AZ)
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (NC)
Putnam
Quigley
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Pastor (AZ)
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (NC)
Putnam
Quigley
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Pastor (AZ)
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (NC)
Putnam
Quigley
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Pastor (AZ)
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (NC)
Putnam
Quigley
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Pastor (AZ)
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (NC)
Putnam
Quigley
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Pastor (AZ)
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (NC)
Putnam
Quigley
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Pastor (AZ)
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (NC)
Putnam
Quigley
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Pastor (AZ)
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (NC)
Putnam
Quigley
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Pastor (AZ)
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (NC)
Putnam
Quigley
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Pastor (AZ)
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (NC)
Putnam
Quigley
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Pastor (AZ)
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (NC)
Putnam
Quigley
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Pastor (AZ)
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (NC)
Putnam
Quigley
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Pastor (AZ)
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (NC)<

Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz

Wasserman
Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Westmoreland
Whitfield

Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NOES—4

Broun (GA)
Flake

McClintock
Paul

NOT VOTING—9

Davis (AL)
Davis (TN)
Hoekstra

Kennedy
Kilpatrick (MI)
Price (GA)

Sessions
Tiahrt
Wamp

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining in this vote.

□ 1633

So (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. PRICE of Georgia. Mr. Speaker, on roll-call No. 176. I was unavoidably detained. Had I been present, I would have voted "aye."

ENERGY JOBS FOR VETERANS ACT

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and passing the bill, H.R. 4592, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. FILNER) that the House suspend the rules and pass the bill, H.R. 4592, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

RECORDED VOTE

Mr. TONKO. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 397, noes 19, not voting 13, as follows:

[Roll No. 177]

AYES—397

Ackerman
Aderholt
Adler (NJ)
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Bachus
Baird
Baldwin
Barrow
Bartlett

Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bishop (GA)
Bishop (NY)
Blackburn
Blackburn
Blumenauer
Blunt
Boccheri
Boehner

Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Brown (SC)
Brown, Corrine

Brown-Waite,
Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Cantor
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castle
Castor (FL)
Chandler
Childers
Chu
Clarke
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (CA)
Davis (IL)
Davis (KY)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Fallin
Farr
Fattah
Filner
Fleming
Forbes
Fortenberry
Foster
Foxy
Frank (MA)
Frelinghuysen
Fudge
Gallegly
Garamendi
Gerlach
Giffords
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gordon (TN)
Granger
Graves
Grayson

Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Hereth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Hunter
Inglis
Inslee
Israel
Issa
Jackson (IL)
Jackson Lee
(TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones
Kagen
Kanjorski
Kaptur
Kildee
Kilroy
Kind
King (IA)
King (NY)
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Loebbeck
Lofgren, Zoe
Lowe
Lucas
Luetkemeyer
Lujan
Lungren, Daniel
E.
Lynch
Mack
Maffei
Maloney
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCauley
McCollum
McCotter

McDermott
McGovern
McHenry
McIntyre
McKeon
McMahon
McMorris
Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Nunes
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Owens
Pallone
Pascarella
Pastor (AZ)
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Putnam
Quigley
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sanchez, Linda
T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky

Schauer
Schiff
Schmidt
Schock
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder

Space
Speier
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tanner
Taylor
Teague
Terry
Thompson (CA)
Thompson (PA)
Thornberry
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen

Velázquez
Visclosky
Walden
Walz
Wasserman
Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Westmoreland
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NOES—19

Barrett (SC)
Bishop (UT)
Broun (GA)
Campbell
Chaffetz
Conaway
Flake

Franks (AZ)
Garrett (NJ)
Hensarling
Herger
Jordan (OH)
Kingston
Lamborn

Lummis
McClintock
Paul
Sensenbrenner
Shadegg

NOT VOTING—13

Akin
Billirakis
Davis (AL)
Davis (TN)
Gutierrez

Hoekstra
Kennedy
Kilpatrick (MI)
Schrader
Sessions

Thompson (MS)
Tiahrt
Wamp

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes left in this vote.

□ 1640

So (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Ms. KILPATRICK of Michigan. Mr. Speaker, I was unable to attend to several votes today. Had I been present, I would have voted "aye" on Final Passage of H. Res. 1186, "aye" on Final Passage of H.R. 3976 and "aye" on Final Passage of H.R. 4592 as amended.

HEALTH CARE REFORM

(Mr. CRENSHAW asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CRENSHAW. Mr. Speaker, I think we all know that Sunday night the health care bill passed the House, and today it's Tuesday, and there is an awful lot of celebrating going on. But I can tell you firsthand that a lot of people are not celebrating. In fact, a lot of people are very unhappy this bill passed. And I heard from them last night because I had one of my regularly scheduled live telephone town hall meetings, and at the peak of that town hall meeting, we had almost 8,000 people on the call.

And I asked the question, Do you feel that your concerns were heard by the Democratic leadership before that bill was brought to the House? Well, 86 percent of the people said no. And later in that town hall call I said, Do you favor or oppose this health care bill? Ninety percent of the people on that call said we do not favor that bill.

And I happen to listen to my constituents. That is why I spoke out against this bill, this government takeover. That's why I'm going to continue to speak out, and I'm going to work to make a better way.

CONGRATULATING THE UNIVERSITY OF WISCONSIN-GREEN BAY WOMEN'S BASKETBALL TEAM

(Mr. KAGEN asked and was given permission to address the House for 1 minute.)

Mr. KAGEN. Mr. Speaker, I would like to take a moment here to honor the University of Wisconsin-Green Bay women's basketball team for their historic at-large bid to the NCAA tournament.

Now, this may not seem like a big deal to folks from the big cities or from the east or west coast, but in northeast Wisconsin, we could not be prouder of our Phoenix being the first team from the Horizon League to earn an NCAA at-large bid.

I want to commend Head Coach Matt Boland and his team for their remarkable achievement this year. They entered the tournament with 27 wins and launch into the second round today after upsetting the Virginia Cavaliers over the weekend. I also want to point out most of Coach Boland's team is homegrown in Wisconsin. For the lady Phoenix players, most of them spent their lifetime growing up in northeast Wisconsin.

I want to thank the entire UWGB team for making Wisconsin proud, and I wish them good luck tonight in their road to the Final Four.

UNIVERSITY OF WYOMING'S NORDIC SKIING CLUB

(Mrs. LUMMIS asked and was given permission to address the House for 1 minute.)

Mrs. LUMMIS. Mr. Speaker, I rise today to recognize my alma mater, the University of Wyoming, and their Nordic Skiing Club.

For the second year in a row, both the men's and women's teams have brought home the gold, sweeping the Division II United States Collegiate Ski and Snowboard Association Nationals.

UW's Cowboys dominated the competition—the men's team earning 59 points, giving them a 29-point lead on St. Olaf College. The UW women's team was a closer call. The Cowgirls were in third place heading into the final 15km

team relay. Not only did they take the relay, but their performance gave them a one-point lead on Whitman College, earning them the national title.

Individual recognition should go to Evgeniy Panzhinskiy, who tied for first in the overall individual points standings; Eliah Pedersen, fifth; Daniel Lewis, seventh; and John Kirlin, ninth. For the Cowgirls, Gracey Lewis tied for second, Gwynn Barrows sixth, and Marie Cartwright placed seventh overall.

I would like to congratulate Christi Boggs and Rachel Watson, who coached both teams to championship titles 2 years in a row.

Again, I congratulate the University of Wyoming ski teams on all their success. The Cowboy State should be proud of these young men and women.

□ 1645

MEETING DANIEL WEBSTER'S CHARGE

(Mr. COHEN asked and was given permission to address the House for 1 minute.)

Mr. COHEN. Madam Speaker, Sunday, this was an historic sight when the health care bill passed this House, and today in the East Room of the White House President Obama signed it into law. The signing of that bill, hopefully changed by the reconciliation bill, will stand with Medicare, Social Security, and civil rights as some of the great laws to ever pass in this Nation's history. I am so proud to have been a part of it.

To reflect on Daniel Webster, whose words are engraved above the Speaker's rostrum in the wall of this building, "Let us develop the resources of our land, call forth its powers, build up its institutions, promote all its great interests and see whether we also in our day and generation may not perform something worthy to be remembered."

This Democratic 111th Congress has met Daniel Webster's charge and done something for this generation and others worthy to be remembered.

HEALTH CARE OVERHAUL: WHAT'S NEXT?

(Ms. FOXX asked and was given permission to address the House for 1 minute.)

Ms. FOXX. Madam Speaker, people are asking: Now that the health care overhaul has been passed, what's next? Well, my colleagues and I are saying we need to repeal the most egregious parts of this legislation and replace them with real, effective reforms.

We must do more than simply repeal this bill. We have to replace it with reforms that will actually bring down the cost of health care. We have solutions that focus first on lowering cost and

preserving jobs. We have to repeal the over \$500 billion in job-killing taxes on the bill, repeal taxpayer funding of abortion and start over with laws that respect life.

I am a strong supporter of legislation that allows everyone to purchase health insurance across State lines. We should be expanding tax-free health savings accounts for all Americans, giving patients control over their health care and giving small businesses the power to pool together.

Madam Speaker, the health care overhaul is a travesty of justice, and we can do better.

CHRISTIAN WORSHIP SERVICE IN NATIONAL STATUARY HALL

(Mr. AKIN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. AKIN. Madam Speaker, last Sunday, March 21, Republican and Democrat Members and their families gathered for a Christian worship service in Statuary Hall. This actually has been a longstanding tradition. Years ago, services were held in the Rotunda. They were held weekly, and various Presidents would go to those services.

The service Sunday was organized by Congressman FORBES and Congressman MCINTYRE. I led the singing of three hymns. All available seats were taken and Statuary Hall was about half full. The service was dignified and reverent, it was led by Members of both parties, and, finally, Father Frank Pavone gave a short sermon.

As the bright sunlight shone from the windows overhead, the sense of God's grace was abundant. It was a particularly special moment for Members of the House. I thought it would be appropriate to enter that in the journal as a memory of that Sunday service.

SPECIAL ORDERS

The SPEAKER pro tempore (Mrs. KIRKPATRICK of Arizona). Under the Speaker's announced policy of January 6, 2009, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

POWER GRAB AND USURPATION OF STATES' RIGHTS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. GOHMERT) is recognized for 5 minutes.

Mr. GOHMERT. Madam Speaker, I continue to sound the battle cry on this, because since 1913, the States have had no way to prevent usurpation of States' rights; they have had no way to do anything about unfunded mandates that were crammed down their throats.

The Constitution itself provided for that in that it said the State legislatures would select the U.S. Senators. As long as that was the case, every U.S. Senator knew if they created an unfunded mandate, if they took away States' rights or did anything to harm the States' power that was granted to them under the United States Constitution, they would yank that Senator back, and he would never come back to the U.S. Senate and would probably never get elected to the House of Representatives. But that was the check and balance that the brilliance of the Constitution provided.

Since 1913, when that was repealed through the 17th Amendment, there has not been any check or balance on our power grab and usurpation of States' rights. It's time to do something about it, and we saw that by the unfunded mandate requiring billions of dollars that could bankrupt our States being shoved down their throats by a bill that was signed into law today.

The way that can be handled is under article V. It's the part of article V that has never been used before, and that is the part that says that if two-thirds of the States—that's 34—make an application to the Congress for a convention to make amendments to the Constitution, it has to be provided, and then you have a convention and you create an amendment, one or two, whatever is necessary, to finally put back in place, after 97 years, a check and balance on this body usurping powers granted to the States and reserved to the people.

It's high time that's done. It doesn't need the President's authorization, so there's no need for an override of a veto if he doesn't let it happen. We will probably need people who would be open to that idea in charge here in this House, but it needs to happen so that we don't keep this train running so fast down the track the wrong way that it derails and takes the Nation with it.

We cannot continue this kind of unfunded mandate. It's time for an amendment to the Constitution to put a check back on our unbridled usurpation of States' rights, and I look forward to that happening. We've got 39 States that want to do something about this unholy bill that was passed. Well, this is what they can do, and we can change things and get back on track.

IN RECOGNITION OF KEN BROWN

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Nevada (Ms. BERKLEY) is recognized for 5 minutes.

Ms. BERKLEY. Madam Speaker, I am absolutely delighted to be here with my colleague DINA TITUS from Nevada, and I rise today to honor the dedication and service of a true veterans' advocate, Kenneth Brown.

From 1943 to 1945, Mr. Brown served in the United States Navy during

World War II as a United States Navy Armed Guard gunner's mate. After receiving an honorable discharge, Mr. Brown dedicated his life to improving the quality of life for Nevada military veterans and their families.

In 1987—and this is just an extraordinary act that he performed—Mr. Brown purchased 83½ acres of land in Boulder City, Nevada. He donated this parcel to the State of Nevada, encouraging the State to use this land to build a veterans cemetery.

On April 6, 1990, Mr. Brown's dream was realized and the Southern Nevada Veterans Memorial Cemetery was officially dedicated. His generous donation and tireless efforts helped Nevada provide its veterans a final resting place in dignity, respect, and honor.

In recognition of his contribution, the Governor declared April 6, 1990, as "Ken Brown Day." Mr. Brown has received countless honors paying tribute to his 50 years of service to Nevada veterans and their families, including the key to the city of Las Vegas for heroism and vision in supporting veterans in Nevada, and the God and Country Award from the United States Navy Armed Guard.

It is truly an honor for me to stand here today and recognize my friend, and he truly is my friend, Mr. Ken Brown, for all of his work that he has done for the veterans community and for helping to bring a veterans cemetery to southern Nevada, where all veterans and their spouses can be buried with dignity.

I cannot tell you how many times I have seen Mr. Brown at our VA cemetery in Boulder City honoring our war dead and being there as an inspiration to those veterans who came home, served their country admirably, and will one day be at that cemetery. He has done a wonderful thing for not only the State of Nevada, not only its veterans, but for mankind.

Mr. Ken Brown, I salute you and I thank you. My respect and admiration are yours today.

DEPARTMENT OF DEFENSE AND FEDERAL PRISON INDUSTRIES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. JONES) is recognized for 5 minutes.

Mr. JONES. Madam Speaker, I rise today to express my concern with a Department of Defense policy that has taken jobs away from hardworking Americans in the textile, apparel, and footwear industry at a time when they need these jobs most.

DOD is allowed to purchase textile, apparel, and footwear products from an organization called Federal Prison Industries, an entity that uses prisoners in U.S. jails as labor.

In the 2008 Defense authorization bill, Congress required the Department of

Defense to implement strict rules to govern its use of Federal Prison Industries. Congress took that action so DOD would not unfairly exploit its access to virtually free prison labor and put law-abiding U.S. textile, apparel, and footwear workers out of work in the process.

Unfortunately, DOD has not followed congressional intent and has written those rules to include loopholes that give Federal Prison Industries an unfair advantage.

I am going to repeat that, Madam Speaker, because I think it's important.

Unfortunately, Department of Defense has not followed congressional intent and has written those rules to include loopholes that give Federal Prison Industries an unfair advantage.

It is very troubling that a Federal agency would not follow the will of the Congress and, instead, establish policy that destroys American jobs and the industrial base on which it depends.

Madam Speaker, over the past 17 years, the United States has lost over 29 percent of its manufacturing base. That's over 5 million jobs. When do we say enough is enough?

Madam Speaker, it is unacceptable for a Federal agency to adopt policies that cause even more manufacturing job losses. For the good of American workers in the textile, apparel, and footwear industries, I encourage the Department of Defense to reconsider its approach to this issue.

Madam Speaker, at a time that this country owes China over \$800 billion, we borrow money from the UAE, we borrow money from Japan, and here we are trying to put our textile workers out of work by having a Federal industry known as the Prison Industries to be competitors to the American worker is just wrong.

Madam Speaker, before I close, I will ask God to continue to bless our men and women in uniform. I will ask God to please bless the families of our men and women in uniform. I would ask God in his loving arms to hold the families who have given a child dying for freedom in Afghanistan and Iraq. I will ask God to please bless the House and Senate that we will do what is right for this country. And I will ask God to give wisdom, strength, and courage to President Obama that he will do what is right for the American people.

I will then say, three times, God please, God please, God please continue to bless America.

□ 1700

HONORING KEN BROWN—"MR. VETERAN"

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Nevada (Ms. TITUS) is recognized for 5 minutes.

Ms. TITUS. Madam Speaker, I rise today to honor Ken Finis Brown, affectionately known throughout Nevada as "Mr. Veteran."

As my colleague SHELLEY BERKLEY pointed out just a few moments ago, Mr. Brown was instrumental in providing a final sacred resting place for Nevada's veterans in 1987 when he donated the necessary funding for the Southern Nevada Veterans Memorial Cemetery. Mr. Brown personally donated the funding to purchase 83.5 acres of land in Boulder City in District Three that now serves as a cemetery for Nevada's fallen heroes. Our Mr. Veteran worked tirelessly so that military veterans in southern Nevada would have a dignified final resting place in our home State, close to their loved ones.

This unyielding effort was formally recognized by the State of Nevada when it declared April 6, 1990, "Ken Brown Day." On that same day, the Southern Nevada Veterans Memorial Cemetery was officially dedicated. Everyone in southern Nevada knows that this project would never have been completed without the hard work and dedication of Ken Brown.

This was just one of many awards and commendations that our Mr. Veteran has received, including a proclamation of heroism from Clark County, a God and Country award from the U.S. Navy Armed Guard, a formal proclamation from the Las Vegas City Council and keys to the city, and a Certificate of Recognition and Appreciation from the Veterans of Foreign Wars Political Action Committee. His efforts have been recognized, both formally and informally, by countless organizations and individuals, too many to list here.

Mr. Brown served our country admirably in the United States Navy during World War II while our Nation was fighting to rid the world of tyranny and hatred. At a time when our Nation needed heroes, Ken Brown stepped up. He answered the call.

Since his service in our Nation's armed services, Ken has dedicated his life to improving the lives of other veterans in southern Nevada through his advocacy and his own example.

Mr. Brown has also written a poem which was dedicated to our Afghan and Iraq veterans, U.S. Navy Armed Guard, and the U.S. Merchant Marines. The words of his work ring true today as our brave men and women serve valiantly throughout the world to protect our Nation.

LIFE

Dedicated to Afghan and Iraq Veterans and United States Navy Armed Guard
United States Merchant Marines, 36,000 died in WWII

For love and money, our lives we pay, Bables we earn with a whole soul's tasking; This heaven alone that is given away, Tis only God may be had for the asking; No price set on the lavish summer, And June may be had by the poorest comer.

Whether we look, or whether we listen, We hear life murmur, or see it glisten; Every clod feels a stir of might, An instinct within it that reaches and towers, And, grasping blindly above it for light, Climbs to a soul in grass and flowers.

Now the heart is so full that a drop overfills, We are happy now because God so wills it; We may shut our eyes, but we cannot help knowing That the sky is clear and the grass is growing.

Joy comes, grief goes, we know not how; Every thing is happy now, Every thing is upward striving Tis as easy now for the heart to be true As for grass to be green or skies to be blue,—Tis the Natural way of living.

We must always remember that life is precious and the veterans of the great national paid with their lives for your freedom.

Madam Speaker, today we flew a flag over the Capitol in honor of Ken Brown. I want to thank Mr. Brown again for his lifetime of dedication to the United States of America and to our heroes, our men and women in the armed services.

OPPOSITION TO H.R. 4849

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from South Carolina (Mr. BARRETT) is recognized for 5 minutes.

Mr. BARRETT of South Carolina. Madam Speaker, I rise tonight in opposition to H.R. 4849, the Small Business and Infrastructure Jobs Act.

This bill will raise taxes by as much as \$16 billion and will limit business' ability to expand and create new jobs. This massive tax increase will deal a devastating blow to the Nation's and South Carolina's already struggling economy.

Democrats say they are trying to introduce legislation that will help foster job creation; but if that is truly the case, then why does H.R. 4849 place new taxes on companies doing business in the U.S. during an economic downturn?

Eighty percent of the bill's funding goes to growing State and local governments, which we all know will not solve our Nation's abysmal unemployment rate. Our Nation's economy is already on life support, Madam Speaker. We cannot afford to enact any legislation that further jeopardizes job creation.

It is time to put an end to excessive taxing and runaway spending. Instead, we should focus on the time-tested principles, such as extending the 2001 and 2003 tax relief provisions which will, just by chance, expire at the end of this year.

Madam Speaker, I came down to the floor this evening because someone has got to stand up for America and small businesses. In fact, there are other places I am really supposed to be right now, but this is exactly where I need to be right now: defending American jobs.

The truth is, this bill will not strengthen our economy or create more jobs. Instead, it will create unneces-

sary financial hardships for businesses that are already struggling to survive.

For months, Democrats have been pushing job-killing legislation, everything from stimulus to a government takeover of health care. It is time for Congress to stop spending and taxing excessively.

We should start working together on creating viable solutions that create more private sector jobs that our country and especially South Carolina so desperately need.

LEARNING THE SMART LESSON FROM THE IRAQ ELECTIONS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Ms. WOOLSEY) is recognized for 5 minutes.

Ms. WOOLSEY. Madam Speaker, as the drama was building towards this body's passage of health care reform this week, many of us may have forgotten that Friday was the seventh anniversary of the invasion of Iraq. It has been 7 years since we were assured that Americans would be greeted as liberators from the moment they touched down in Baghdad; 7 years since we were told democracy in Iraq would blossom naturally, like spring flowers; and 7 years later, with more than 4,300 Americans having been killed and hundreds of billions of taxpayer dollars wasted. The truth remains: the simple act of self-governance is still a life-threatening proposition in Iraq.

To be sure, in the recent parliamentary elections many Iraqis once again showed enormous courage by going to the polls amidst violence and unrest. The problem is that it is hard to call a democratic election a success when citizens are taking their lives into their hands just to exercise their most basic democratic right.

Despite the resolve of so many Iraqi citizens, the fact is that voter turnout declined from the last national election in the year 2005.

The New York Times described the atmosphere as one of a country under siege, noting that, and I quote, "Iraqis prepared for the election the way that Americans do when battenning down for a hurricane." Not exactly the festival of civic pride we normally associate with an election day.

As it is, even before Iraqis voted, this election was marred by chaos, disputed candidacies, corruption, arrests, even assassinations. Jon Stewart on the "Comedy Channel" joked that to call this election a success with just a "few" candidates assassinated is setting the bar pretty low.

What is really unsettling, Madam Speaker, is that there was a pretty aggressive propaganda campaign to convince us here in the United States that election-related violence wasn't really all that bad. In public, top military brass told us not to worry our "pretty

little heads," that there were hardly any incidents at all. They dismissed journalists who had witnessed the carnage.

But then someone leaked to the news media the real story, the military's internal numbers: 37 people killed as part of 136 attacks in conjunction with the elections.

And the disputed outcome of the elections could mean that the worst is yet to come. With no clear winner, and with accusations of fraud and vote-rigging being thrown around, we could see an aggravation of ethnic rifts in Iraq, some of the worst sectarian violence in Iraq to come since the inconclusive 2005 elections.

Complicating matters is the electoral strength shown by the followers of the radical cleric Moqtada al-Sadr, because the Sadrists despise the American occupation, have a history of violent nationalism, and enjoy ties to Iran.

I can't help but wonder if we had implemented the principles of what I call "SMART security" a long time ago, maybe it wouldn't be so dangerous just to cast a ballot in Iraq. If we had deployed fewer soldiers and more democracy-building experts; if we had fired fewer guns and had emphasized greater diplomacy and reconciliation, then maybe Iraq could have a genuinely peaceful and successful election.

We cannot learn the wrong lesson from the violence surrounding the Iraqi election. We cannot delay the planned redeployment of our combat troops out of Iraq.

HELP CUBA BE FREE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Ms. ROS-LEHTINEN) is recognized for 5 minutes.

Ms. ROS-LEHTINEN. Madam Speaker, last week the Cuban tyranny sunk to an all new low as the communist thugs brutally attacked a procession of mothers, daughters, and wives of Cuban political prisoners collectively known as the Ladies in White, Las Damas de Blanco.

Their crime? Walking. Walking to commemorate the seventh anniversary of the dictatorship's March 2003 crackdown against human rights and pro-democracy activists, a grim event known as the Black Spring.

Many of those imprisoned at the time continue to languish in squalid jail cells and endure unspeakable suffering at the hands of their oppressors.

The processions of the Ladies in White was led by Reyna Luisa Tamayo, whose son, Orlando Zapata Tamayo, died only a few weeks ago at the hands of the Castro regime. Carrying flowers and wearing their white clothing as symbols of peace, they were suddenly and viciously confronted, beaten, and some temporarily detained by agents of the dictatorial regime.

Reyna described the confrontation, explaining, and I quote, "They dragged me. I am all bruised. They beat me. They cannot be forgiven."

Further reports indicate that nearly one-third of the Ladies in White marching that day had to seek hospital treatment for the attack. The cowardice of the regime's agents could not be more obvious in the wake of this attack.

Confronting the nonviolent actions of these women in such a vicious and hateful manner makes it clear: the dictatorship fears these women because the regime officials fear the truth.

The repression by the regime knows no boundaries. Now they are even attempting to deny the people of Cuba the right to mourn the loss of their loved ones.

For anyone who had doubt, these attacks make it clear: the regime has no conscience. There is no limit to its abuse and its indecency.

I was pleased, however, to see the European and the Chilean parliaments deliver strong statements of condemnation and reproach following the regime's actions last week. However, responsible nations must do more.

The newly inaugurated president of Chile understands this moral obligation. He recognized the suffering of the Cuban people, that it must come to an end, and that free nations must lead the charge. President Sebastian Pinera said, and I quote, "The government of Chile will do everything it can so that in Cuba there is a process of peaceful recovery of democracy and a full restoration of respect for human rights and individual freedoms."

But where is the rest of the world? Why are regional leaders silent on the regime's gross human rights violations in Cuba and the abuses of power? Where is the Organization of American States? On the wrong side of history.

It was almost 1 year ago when the OAS voted to reincorporate the Cuban tyranny into the Inter-American system. What a mistake. The United States made a mistake then by shepherding such an effort.

But it is not too late to do the right thing by the Cuban people and take up the cause of freedom for the island nation. The U.S. Ambassador to the OAS should immediately call for consideration of a resolution condemning the tyranny in Cuba for its attack on the Ladies in White and demanding that all political prisoners be immediately released.

The U.S. should call on the Inter-American Commission on Human Rights to immediately convene a meeting to hear testimony on the systematic violations of human rights and the universal freedoms by the Castro dictatorship.

The U.S. must request an investigation by the Special Rapporteur for Freedom of Expression in our Western

Hemisphere on the assaults of independent journalists.

It is time for the world to admit the full brutality of the butchers in Havana and to provide the people of Cuba the solidarity and the support that they deserve. It is time for the people of Cuba to have the rights and liberties they deserve and for which they fight every day.

Let this Congress pave the way, Madam Speaker. I ask my colleagues to support H. Con. Res. 252, a resolution I introduced to recognize the life of Orlando Zapata Tamayo, and calling for a renewed focus on the promotion of human rights and democracy in my native homeland of Cuba.

□ 1715

MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed with amendments a bill of the House of the following title:

H.R. 1586. An act to impose an additional tax on bonuses received from certain TARP recipients.

IN RECOGNITION AND SUPPORT OF COLORADO GEAR UP

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Colorado (Mr. POLIS) is recognized for 5 minutes.

Mr. POLIS. Madam Speaker, I rise today in recognition and support of Colorado GEAR UP because college access and success is more critical than ever for making our economy strong and competitive and to give every child the access to the gateway of opportunity that an education provides.

Each and every day, Colorado GEAR UP helps us meet the President's goal to lead the world in college graduates by 2020. It prepares our State's low-income students for college. It's funded by the U.S. Department of Education and managed by the Colorado Department of Higher Education. Unfortunately, way too many students are left behind across the country, both in secondary and postsecondary education. Designed to increase the number of low-income students who are prepared to enter into and succeed in postsecondary education, GEAR UP provides 6-year grants to States and partnerships to provide services at high-poverty middle and high schools, and funds are used to provide college scholarships.

Colorado GEAR UP's vision is to engage, encourage, and enable Colorado's low-income students, including first-generation college-goers and new immigrants to get on a pathway to college so they can reach their potential and pursue their dreams. With its current grant, Colorado GEAR UP has

served over 2,500 students in 8 middle schools and 12 high schools across Colorado.

Colorado GEAR UP is an effective tool for helping students to close Colorado's Achievement Gap by preparing students to meet rigorous expectations and to level the playing field for Colorado's low-income students. Beginning in the seventh grade, Colorado GEAR UP selects cohorts of students in 10 middle schools and 8 school districts Statewide. Pre-collegiate advisors follow their students through high school, where they empower students and families with the information, resources, academic, and cultural support that they need to finish high school and enroll in college.

A vital element of the program is the connection between students and their advisors. Advisors have a lower student-counselor ratio, and meet with their students at least twice a month. If a student is struggling academically, culturally, or socially, the counselors meet with the student even more often than twice a month. Data drives the programmatic decisions. They enter all data about meetings in a data base and they provide monthly reports to the principals of the school. Colorado GEAR UP also measures success through an annual online student survey that takes place each spring.

The Colorado GEAR UP model focuses on college and career exploration, exposure, and experience. Students participate in monthly college knowledge workshops. They visit college campuses. They learn about different kinds of degrees and different kinds of financial aid that might be available to them. Juniors and seniors use the GEAR UP online college portfolio as a navigation tool to help them with their college selection process, the admissions process, and financial aid. In 2008 and 2009, more than 80 percent of Colorado GEAR UP students understood the financial aid options, compared to 30 percent of their peers.

Colorado GEAR UP has partnered with community colleges and 4-year institutions to offer concurrent enrollment courses as early as the second semester of their sophomore year in high school. This allows students to take courses for actual college credit while they're still in high school. Not only are Colorado GEAR UP students taking advantage of college coursework, they're succeeding. This past fall, 80 percent in the GEAR UP junior cohort completed at least one college course, and 77 percent received at least a C or better in a college course while they were in high school.

As a result of their participation, Colorado GEAR UP students will enter college with a significant amount of college credit, and some may even earn an associate's degree. As students go onto college campuses, GEAR UP partners with the institutions to continue

to track progress and make sure that the students have the support services they need to succeed at college.

I want to share with you what some students say about Colorado GEAR UP. "GEAR UP is an opportunity to achieve an education. It just makes a person realize about the real world. GEAR UP is there to make it a little easier," said a tenth-grader from Pueblo East High School. A tenth-grader from North Ridge High School said, "GEAR UP means opportunity to me. It means a chance to go to college and succeed in my life."

Moving forward, Colorado GEAR UP plans to expand to serve even more students across Colorado. This program's performance clearly demonstrates that students can be successful in early college initiatives, can succeed at a 4-year university, given the proper guidance and support and opportunities. Early college experience can even save money by preventing students from dropping out of high school. That's why I applaud Colorado GEAR UP as a national model for innovation and effectiveness in expanding college access for low-income students and first-generation college goers, and I strongly support its continued expansion and success.

CONGRATULATING EVAN LYSACEK

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Illinois (Mrs. BIGGERT) is recognized for 5 minutes.

Mrs. BIGGERT. Madam Speaker, I rise today to congratulate Evan Lysacek, the 2009 Men's World Figure Skating Champion and the 2010 Olympic gold medalist. What a feat. Evan started figure skating as a young boy in Naperville, Illinois, a town located in my district. He attended Neuqua Valley High School, where he was on the honor roll and earned many other academic achievement awards while still maintaining a very intense training schedule for figure skating. His discipline and focus certainly paid off. Evan won several titles and championships at the junior level before making his senior international debut at the age of 19. Evan has competed and medaled in several United States Figure Skating Championships, World Figure Skating Championships, and the 2006 Winter Olympics before his thrilling gold medal win at the 2010 Winter Olympics in Vancouver. But he is more than an accomplished figure skater. Word has it that Evan finds time in his grueling schedule to support a variety of charities, including the Ronald McDonald House Charities, the Make-a-Wish Foundation, and the Special Olympics.

I am proud to say that Evan Lysacek and his family call the 13th District of Illinois their home, and I would like to extend to him my congratulations and

wish him the best as he takes on his next challenge—"Dancing with the Stars"—which premiered this week.

RESPECT THE INSTITUTION

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Texas (Ms. JACKSON LEE) is recognized for 5 minutes.

Ms. JACKSON LEE from Texas. It's always a historic pleasure to be able to sign legislation that can change millions of lives. It is a rare opportunity for Members of Congress, no matter how long they may serve, to be able to serve the people and then to be able to grant the people privileges that they would not have had but for the acts of this Congress. So I stand here today very proud of the fact that just a few hours ago, the President of the United States, the Vice President of the United States, the Democratic leadership and Members, signed legislation that would provide opportunities for 32 million Americans. Polling over the last 24 hours have characterized Americans as enthusiastic, uplifted, and happy. Quite contrary to some of the unfortunate drama that played out over the last 3 or 4 days as we were debating on the floor of the House.

Today, in Roll Call, a local Hill paper, the headline reads, "House decorum is fraying." It cites a comment about House Democratic leaders may have lost control of this body. I beg to differ with them. They are wrong. This institution is sacred and the House Democratic leadership maintains that sacredness. But, tragically, those who differed with us took to tactics that I believe calls for an apology by the Republican leadership—the actions of Members on the balcony that were beyond the pale; holding up posters that denigrated House leadership on the balcony of the United States House of Representatives; signs that were inappropriate.

Certainly, I have no control, and welcome the First Amendment rights of anybody, including the protestors. Interestingly enough, more than a hundred thousand had gathered on Sunday for immigration reform. Polite, orderly, respectful, and getting their point across. But lo and behold, there were some who decided to disrespect this institution. And I'm offended. Yes, there can be cheers. There can be boos. We do that. It is the order of the day. But to call out words that are offensive to our fellow Members is unacceptable.

I rise today calling on our leadership to ask for an apology from the minority and to have a review and an investigation—that's a too harsh word—but a review of the actions of those who decided to hold signs and I believe disrespect the institution.

So we're not losing control of this body. Individuals may have acted inappropriately. But I will assure you that

the debate that was carried on by Democrats were on the issues, albeit you may have agreed or disagreed. It was respectful. And we won the vote. Thank God, we won it on behalf of the American people. But they are my friends on both sides of the aisle. I claim them. But the point is that this kind of behavior is unacceptable and offensive. We must learn that there are some things more important than our individual opportunity to express ourselves as Members of Congress outside of this body. It is the institution and the respect that it's held over the years for the institution that is known as the most powerful lawmaking body in the world. We are owed, then, the duty and responsibility of acting like we have the respect for this body. If no one else does, we need to have it.

Madam Speaker, the behavior was unacceptable. The behavior was without description and without comparison. And I'm offended by the insults to the Democratic leadership. They've got tough skins. But it's not Democratic leadership. It is the Speaker, the Majority Leader. It is the majority whip, the majority chairperson of the Democratic Caucus. It is the vice chairperson and a variety of leaders. Not one did I see on a balcony holding up any untoward message that would have offended the minority.

The time comes now when we'll take back this House in a way that all of us can respect this institution. I'm grateful that we had the courage to do what was right for the American people.

DEMOCRAT SPENDING SINCE TARP

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. BURTON) is recognized for 5 minutes.

Mr. BURTON of Indiana. Well, you know, Madam Speaker, I was watching television today and I saw that the President was down at the White House signing the new health bill, and he was getting all kind of applause and everybody was just having a big time. Something like 61 or 62 percent of the American people are wondering why, because what they passed was something that the vast majority of Americans don't want.

So, tonight, I thought I'd come down here. I don't want to rain on the President's parade but I would like to talk just a little bit about what they're doing to America, because I think it's really important.

□ 1730

I know, Madam Speaker, I can't talk directly to the American people. But if they were listening, I would like to just tell them a few things about what's been going on since this guy took office—oh, excuse me—since the President took office.

In January of '09, they spent \$73.3 billion on the State Children's Health In-

surance Reauthorization. A lot of people said that was necessary, but it was still \$73 billion. February 9, a month later, they passed the stimulus bill that was going to create jobs and keep unemployment below 8 percent. That was \$1.16 trillion with interest, and that was not successful in keeping the unemployment down. In fact, it went way above 8 percent, over 10 percent. It's now down a little below 10 percent, but nevertheless, it's still up there much higher. But we spent \$1.16 trillion on that. Now I can't tell you how many zeros are involved in that, but you'll figure it out, America—if America were allowed to listen to me, Madam Speaker. They'll figure it out when they start seeing all this extra cash flowing around that's going to depreciate the value of their money. Then on February 9 also, they passed the omnibus bill, the same day that they passed the stimulus bill. But that wasn't much. It was only \$625 billion, a little over half a trillion. And then in June, they passed the defense supplemental, which was necessary. That was \$106 billion, but they had scads of pork barrel projects in there that the President said he would not tolerate. Then in December the President passed the omnibus bill, the consolidated appropriations omnibus bill, and it was only \$3.554 trillion.

We don't have this money. We just don't have it. We're digging a hole that you just won't believe how hard it's going to be to get out of it. Nevertheless, the spending goes on, and on, and on, and on, and I'm hoping that America wakes up and realizes what's going on before it gets so bad that we have hyperinflation and interest rates that go out of sight because they'll try to control inflation that way, like they did in the early 1980s, and we see taxes going through the roof. And in addition to that, the things I just mentioned, they passed cap-and-trade through this body, which was \$846 billion—almost another trillion—but it's still languishing in the Senate. But after the President's victory and the signing of the health care bill today, I'm sure he's going to try to ram that dude through too.

And the health care program that they passed today that they said was going to end up saving us money—I mean, listen to this: They say we're going to have 32 million more people that are going to be insured, and it's going to cost less. I want everybody to figure that one out. How can you insure 32 million more people and spend less money? If you can figure that out, I'm going to get you a job as Houdini's assistant. It just isn't going to happen.

As a matter of fact, the cost of the health care bill is going to run at least—at least \$1.5 trillion to \$3 trillion. The gimmick they're using to try to make it look good is they're going to start taxing us for right now for 10

years, but the health coverage—most of it doesn't start until 2014. So you're paying 10 years of taxes for 6 years of coverage, and that makes it look like they're staying below \$1 trillion. But when you put the pencil to 10 years of taxes and 10 years expenditures, you're looking at something like close to \$2 trillion. And I believe it's going to end up costing a lot more than that. All these government programs they talk about that are going to cost so little always end up costing more, always create more bureaucracy and always ends up hurting this country and the future generations.

So I would just like to say, Madam Speaker, if I were talking to America tonight, remember what happened today, remember what our colleagues on the other side cheered about 2 days ago, remember what it's going to do to you and your kids and your grandkids because there's an election coming up in 2010 in November. And the people need to be aware of what's happened and what's happening. We are moving toward a socialistic approach in government—not free enterprise that made this country great—but socialism. And America needs to be aware of it.

To: Congressman Dan Burton

From: Legislative Staff

Date: January 12, 2010

Subject: Democrat Spending Since TARP

Enacted into Law:

Oct 08—Emergency Economic Stabilization Act (TARP Bailout)—\$700 billion

\$296.4 billion—Federal spending from the financial crisis bailout fund before Jan. 20, 2009.

\$173 billion—Federal spending from the financial crisis bailout fund after Jan. 20, 2009.

\$165 billion—Amount of bailout funds repaid by banks and automakers.

Jan 09—State Children's Health Insurance Reauthorization—\$73.3 billion

Feb 09—American Recovery and Reinvestment Act (Stimulus)—\$820 billion + \$348 billion (interest) = \$1.16 trillion

Feb 09—Consolidated Appropriations for FY 09 (Omnibus)—\$410 billion + \$215 billion (interest) = \$625 billion

June 2009—FY 2009 Defense Supplemental—\$105.9 billion (Exceeded the President's original request by \$20.9 billion or 24.6%)

Dec. 09—Consolidated Appropriations for FY 10 (mini-Omnibus) = \$3.554 trillion

Passed by the House but not enacted:

June 2009—Cap and Trade—\$846 billion in new taxes

Nov. 2009—Proposed Government-run health care program—estimates range from \$1 trillion to \$3 trillion

FISCAL RESPONSIBILITY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. LANCE) is recognized for 5 minutes.

Mr. LANCE. Madam Speaker, I rise to discuss the health care legislation that has just been signed into law and to discuss the state of the American economy and, in particular, the state of Federal spending and Federal debt.

Regarding the health care legislation that the President signed into law today, it was unanimously opposed on our side of the aisle; and in my case, it was opposed principally as a result of what I believe is a fiscally irresponsible approach. Certainly we need to reform health care in this country, and I was supportive of a proposal that permitted the purchase of policies across State lines, major medical malpractice insurance reform, making sure that young people have the opportunity to stay on their parents' policies until their mid-twenties, and the pooling of small businesses together. I think that this would have been an approach that would have received wide bipartisan support.

However, the bill that became law today is not balanced over the next 10 years. The Congressional Budget Office reported over the next 10 years that this does not include spending for the so-called doctors' fix that is roughly \$200 billion, and there is no one on either side of the aisle who believes that we will not engage in that appropriate expenditure. In other words, if that were included in the cost over the next 10 years, the bill is not revenue-neutral. It is in the red.

There was an interesting op-ed piece in *The New York Times* on March 21 by Douglas Holtz-Eakin, formerly the director of the Congressional Budget Office. Mr. HOLTZ-EAKIN is widely respected on both sides of the aisle. The Congressional Budget Office, obviously, is nonpartisan in nature. And what he states is that unless there is a realistic assumption of what is going to occur, then there cannot be a realistic assumption of the total cost involved. He states, "Fantasy in, fantasy out." And the first gimmick he sites is the fact that "the bill front-loads revenues and we back-load spending." In other words, revenues increase over the next 10 years, but the spending does not increase until 4 years from now—10 years of revenue increases as opposed to 6 years of spending. This can only occur once, and moving forward into the second decade, of course that will not be possible. This is an excellent example of why over the first decade, the health care bill is not deficit-neutral. It, in fact, is in the red, something that should be of concern to all Americans.

This is an example of a larger problem in this country. The larger problem in this country is that we have a \$12 trillion debt, and that debt is rising rapidly. Last year, our annual deficit was \$1.42 trillion. This year it is expected to be \$1.6 trillion, the highest annual deficit as a percentage of gross domestic product since 1945, at the end of World War II. Over the course of the next 4 years, debt will increase dramatically, and I urge the Obama administration to begin to address this fundamental issue that really confronts us as a Nation and certainly confronts the next generation.

Moody's, the rating house, has indicated that it is not clear that we will be able to retain our AAA bond rating. And this, of course, would be tragic for the American people, tragic for our taxpayers, and indeed, tragic moving forward, making sure that America remains in its position of preeminence in the world. Moody's cites three different criteria as to whether it will reduce the AAA bond rating of this country. First, the amount of debt we are taking on, and of course that includes not only debt here at the Federal level but also debt at State and local levels as well. We are taking on enormous debt, as I have indicated. So that's not a good sign. Then of course whether or not Federal deficits will increase over the next decade and as a percentage of gross domestic product. This is the highest it has been since the end of World War II.

Moody's is also watching another factor to see whether we borrow less in the future and whether or not we raise taxes, which I oppose, or cut spending or both. Moody's is looking at that. Certainly we should engage in fiscal responsibility in a way moving forward to get our fiscal House in order.

FEDERAL GOVERNMENT TAKEOVER

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Minnesota (Mrs. BACHMANN) is recognized for 5 minutes.

Mrs. BACHMANN. Madam Speaker, I would like to congratulate the President today. Mr. President, you are halfway there. With the President's signature on the health care bill today, the Federal Government has now taken outright ownership or control of 50 percent of the American economy. The President can rightly say that he has transformed America. Since the inception of bailout nation in September of 2008 with the passage of the \$700 billion TARP bailout, the Federal Government lollapalooza takeover began and was under way.

Madam Speaker, President Obama fully embraced the \$700 billion bailout plan during the first of his Presidential debates with Senator JOHN MCCAIN. During December of 2008, President-Elect Obama insisted that outgoing President George Bush release billions of dollars to create the automobile task force for the purpose of preventing General Motors and Chrysler Motors from filing for bankruptcy. But like most government interventions, the billions spent on the auto companies did not prevent bankruptcy, but it did provide a gentler landing for the unions who worked so hard to elect President Obama.

Banks were bailed out, and the great Wall Street investment houses, including Goldman et al., turned themselves into banks to be eligible for govern-

ment-subsidized TARP funds. Soon the Federal Government turned its dividend-paying shares into equity shares, and government became the outright owner—the shareholder of America's largest banks. Next came the unholy bailout of AIG, the largest insurance company in America. A sponge for taxpayer money, AIG held toxic derivatives, and they've yet to right their ship.

The Federal Reserve bought massive, copious reams of toxic commercial paper from private corporations, and the Federal Government's balance sheet forever changed, subsidized by the American taxpayer. Freddie and Fannie, the secondary mortgage purchasers, were the center of the universe for the financial meltdown. Foolishly they pursued a policy of purchasing substandard loans, then repackaging those loans into mortgage-backed securities. Freddie and Fannie greedily spread their economic cancer throughout the financial world, exposing America's taxpayers to potentially trillions of dollars of losses. Freddie and Fannie should have been shuttered. They should have been placed into receivership. But Uncle Sam, ever the chump, couldn't resist, and now Uncle Sam owns 50 percent of America's home mortgages.

Eager for more, the Obama administration consumed the student loan industry, and they completed that transaction today with a signature of a pen. A breathtaking 33 percent of the private economy was either outright purchased or controlled by the Federal Government in a span of 10 months' time. But the brass ring of government-controlled health care still taunted this administration. Eighteen percent of the private economy, the finest health care the world has ever known, was the long-sought-after prize of the political left.

Today they realized their dream. At the 11th hour this morning, President Obama, with the signing of his name, completed the Federal Government takeover of health care. Madam Speaker, 33 percent plus 18 percent equals 51 percent of the private economy today controlled or owned by the Federal Government. It is fitting on this momentous day that we pause for a moment of silence and lament the passage of half of America's economic freedom. In a stunning 18 months' time, for the first time in America's history, the Federal Government now owns or controls over 50 percent of the private economy. Madam Speaker, I say congratulations, Mr. President. You are halfway there.

□ 1745

THE THIRD FRONT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. POE) is recognized for 5 minutes.

Mr. POE of Texas. Madam Speaker, I bring you news from the third front. We have the front that America is engaged in war in Iraq, we have the front in Afghanistan, and I bring you news from the silent third front in that nobody talks about it, and that is the southern border of the United States with Mexico.

The inconvenient truth is there is a border war brewing on our southern border, and America needs to be aware of what is taking place and not ignore the obvious. The Texas border sheriffs and the sheriffs' coalition from Brownsville all the way to San Diego talk about the problems that are increasing on the border, and it is violence. It is the organized crime cartels, the drug cartels that are bringing violence to the border area on both sides of the border, on the Mexican side and on the American side, and it is only going to get worse.

I want to talk about a specific incident that is taking place between two drug cartels, the Zetas and the Gulf drug cartel. They are operating in Mexico in several places, but one of those places is Guerrero, Mexico, right on the border between the United States and Texas—or, rather, between Mexico and Texas. It is near a place called Falcon Lake.

Falcon Lake is a man-made dam, and the lake is as a result of that dam. On the southern side of Falcon Lake is Guerrero, Mexico. Six thousand people live there. On the northern side in the United States is Falcon Heights, and Zapata County and Starr County are located there.

Yesterday in Guerrero, Mexico, eight buildings were burned to the ground by the drug cartels, the reason being the owner of those eight buildings was a Zeta, and he switched sides to the Gulf drug cartel and, in retaliation, the Zetas burned down eight of his buildings that he owns or controls. The problem in Guerrero, Mexico is so bad that law enforcement in that Mexican town have told people, Do not leave your homes today, because they expect violence to erupt today, tomorrow, or this weekend between the two cartels fighting over, as we say in the United States, turf, but what they say in Mexico is "la plaza," fighting over control of that area.

Good folks on both sides of the border live in fear because of the violence, because of the crime, because of the drug cartels. And while we talk about health care, we need to talk about the health of Americans who live on the U.S. side of the Mexican-American border and the health of people who live on the southern side as well.

The Texas sheriffs are very worried about what is taking place because the drug cartels have more money. They outgun Americans, they out finance us, and of course they have better equipment than the U.S. sheriffs do.

The Secretary of State today is down in Mexico City talking about how we can spend more money under the Merida Initiative, the billion dollars we gave Mexico to secure the border on that side. We ought to be talking about, as the sheriffs in Texas say, spending money on our side of the border to protect and reinforce the border on our side because, sooner or later, violence will erupt into the United States.

In Guerrero, Mexico, they are expecting a violent fight between these two drug cartels any moment, any day, fighting over this turf. You see, the Zetas are running out of money and they need more money, and so the way that the Zetas are going to finance their operation is to kidnap people; the plan apparently being, from what I understand, to kidnap teenagers who have wealthy parents and hold them for ransom until that money is paid. Hopefully, that does not occur, but we will see.

This is just one area along the vast border between Mexico and the United States where violence continues to erupt and where we need to be in control of our own borders. The Texas Governor has asked for troops on the border, and he has been denied that. It is the first duty of government to protect the dignity of the United States and secure the border and not just talk about the fact that the border needs to be secure.

People have a right, who live on the border, to live free from criminal cartels coming in and committing violence against Americans, and our government better uphold the first duty of government, to protect American citizens. This is today's news from the third front on the Texas-Mexico border.

And that's just the way it is.

FREEDOM FOR THE CUBAN PEOPLE

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentleman from Florida (Mr. MARIO DIAZ-BALART) is recognized for 60 minutes as the designee of the minority leader.

Mr. MARIO DIAZ-BALART of Florida. Madam Speaker, we have had a number of interesting debates in the last year, last few weeks in particular. One of the things that we should never forget is how precious freedom is and how frail freedom is. Just 90 miles away from our shores at this very moment, at this very instant, there are people who have been enslaved for over half a century under the boot of the same oppressive regime, the dictatorship of the Castro brothers. Half a century of brutality.

Just last week marked the seventh anniversary of the beginning of what was known as the Black Spring in Cuba. The Cuban Black Spring in 2003

was where 75 human rights activists, independent journalists, librarians, economists and other peaceful, pro-democracy activists and leaders were jailed for expressing their desire for democracy and democratic change in Cuba. All of them were sentenced to up to 25 years in prison in the worst possible conditions, in the worst possible prisons. Now, that is just some of the thousands of heroes who are standing up for freedom in the enslaved island of Cuba.

The majority of this Congress for many, many years has always stood with the Cuban people, has stood in solidarity with the Cuban people and their struggle for that freedom which is inevitable but has cost so dearly for so long. I have a lot to talk about on this issue, Madam Speaker, but before I proceed, I, frankly, am deeply honored to be able to yield time to an individual who has been a leader in this Congress for issues of freedom, a leader in this Congress who has always been speaking out for the oppressed wherever they may be, but who is so well known by the dissidents, by the opposition leaders, by the pro-democracy leaders in Cuba because his name rings as freedom for the Cuban people who have been enslaved. So I yield to the gentleman from Indiana, because it is a privilege to be able to share tonight with a person who everyone in Cuba—and there are those Cubans who live in freedom, whether it is in the United States or other parts of the world—recognizes this gentleman, DAN BURTON from Indiana, as a fighter for freedom.

Mr. BURTON of Indiana. Wow, I really appreciate you saying that, because when I think of people who are really fighting for freedom in Congress regarding Cuba, I think immediately of LINCOLN and MARIO DIAZ-BALART. You two have been real stalwarts and are very eloquent. We are certainly going to miss LINCOLN when he retires after this year, but I know that he will continue to fight for freedom and democracy in Cuba. And ILEANA ROS-LEHTINEN has been a real fighter, too. I appreciate all three of you and what you have been able to do. You worked so hard to help us get the Helms-Burton bill passed several years ago which dealt with the Cuban issue.

The thing that bothers me the most is, as you said, Castro has been in power down there for over 50 years. When he first came into power when the revolution took place, I remember there were a lot of people in America who thought he was going to be the savior of Cuba because Batista, who was the dictator down there, was supposed to be so bad; but they didn't realize while Batista might have been a problem, Castro was an absolute disaster. He came in and started killing a whole bunch of people and started imposing his communist philosophy and putting people in prison for huge periods of time.

There is a book that I read, "Against All Hope" by Armando Valladares. I know you both know him. When I read that book, I was on a plane. And he was in jail for, I think, 25 years only because he took issue with the communist approach to government in Cuba. I was on the plane, and when I got to a part of it I started to cry and the guy next to me thought something was wrong with me, and I assured him there wasn't and I told him about the book, and he said, I am going to have to read that myself. But I would say to anybody in their offices tonight that might be watching, I hope that you get a chance to read "Against All Hope" by Armando Valladares because it will tell you how bad it really is. I think last week or the week before, we had a person who had a hunger strike. I can't remember his name right now.

Mr. MARIO DIAZ-BALART of Florida. Yes, Orlando Zapata Tamayo, who died in prison as a political prisoner on a hunger strike.

Mr. BURTON of Indiana. He went on a hunger strike and he ended up dying because he was protesting the terrible treatment and the people who are incarcerated for nothing other than opposing communism, and he died in his fight for freedom. That is just unbelievable. Castro continues to keep people incarcerated for huge periods of time without any real charge against them except they don't agree with communism.

So, tonight, I am adding my support to LINCOLN DIAZ-BALART and MARIO DIAZ-BALART in their Special Order because Cuba should be free. It is only 90 miles from our border. Most of the people down there yearn to have their freedom and the democracy we have here in the United States. Instead, they live in abject poverty and drive cars that are 50 years old because of the economy down there. If they work and the company they are working for is paid in dollars, that money has to go to the government and they are paid in pesos, which are worth almost nothing, and so people are kept in abject poverty with no hope except to continue to live that way.

So I hope and I pray that there will be freedom and democracy in Cuba. I hope it will be before too long. I hope that people like President Chavez in Venezuela will stop giving support to the Cuban communist government. And if there is anything that the United States can do to stop Mr. Chavez from buoying up that government, I certainly want to see us do that, because he is absolutely committed to not only keeping Cuba a communist country, but spreading communism throughout Central and South America.

But as long as the Diaz-Balart brothers are willing to fight and as long as ILEANA ROS-LEHTINEN is willing to fight, I will be glad to carry their bags,

because Cuba should and must be free. And one day Cuba will be free. And when it is free, we are all going to go down there and I am going to let the Diaz-Balart brothers buy me a margarita and we will all celebrate together.

Viva Cuba libre.

Mr. MARIO DIAZ-BALART of Florida. I thank the gentleman for his steadfast support for freedom.

I am going to approach the well because I want to show some pictures on some boards of some individuals that I want to briefly talk about.

Madam Speaker, the gentleman from Indiana just mentioned Orlando Zapata Tamayo. This is his picture here. He is a 42-year-old plumber and bricklayer in Cuba. He was arrested and thrown in prison, a peaceful pro-democracy advocate. While he was there, he was constantly being beaten and beaten and beaten, which is not unusual treatment for how that regime treats its political prisoners. It has hundreds upon hundreds upon hundreds of political prisoners.

So in order to protest the beatings against him and the inhumane treatment of all of the other political prisoners and to highlight the cause of freedom, the cause of freedom that so many are struggling for and are suffering so thoroughly for, he stopped eating and went on a hunger strike on December 3. Again, he continued to suffer from that brutality.

He had been arrested in 2003 during the Black Spring that I mentioned. Again, he was a person who had been declared a prisoner of conscience by international organizations like Amnesty International. So he went on this hunger strike, and after 80 days, 80 days, he passed away. He passed away because he refused to give up on the cause of freedom, and he refused to accept, as a normal everyday occurrence that should be accepted, the fact that the political prisoners should be beaten, mistreated, or incarcerated at all.

□ 1800

Let me also put up this poster now. This poster is of Orlando Zapata Tamayo's mother. What she is holding up here is the bloodied T-shirt of her son. That's the kind of beatings that he was receiving in prison as a political prisoner, as a prisoner of conscience, as a peaceful man who was just asking for freedom. And because of that, this is the kind of treatment that he was getting: constant beatings, constant, constant beatings in prison.

And after he died, after Orlando Zapata Tamayo, that hero for freedom that, hopefully, all of us will always remember, because history must remember him for his incredible sacrifice, after that, one would ask, well, is that it? Is the cause dead?

No, because there are other heroes that have come after him like the

many heroes that came before. And they will continue to come until Cuba is free. And right after he died, another well-known political prisoner, very well-known activist, a very well-known pro-democracy activist also then stopped eating and went on a hunger strike. He's been on this hunger strike since the 24th of February.

I want everybody to see him. This is a man who's a psychologist; he's a freelance writer. He's on a hunger strike, and he knows what the consequences of that hunger strike may be because he saw what happened to Zapata Tamayo; and he's on a hunger strike, knowing that his fate may very well be the same, that he may give his life so that others will finally wake up and speak out about the horrible atrocities that have taken place just 90 miles away from our shore.

And, again, he says, he has stated that he will remain on this hunger strike until a number of other political prisoners who are—26 of them that are seriously ill, seriously ill—are set free. As you can see by this image, his condition is, well, very fragile. It doesn't take a medical doctor, because I'm not one, to understand that his condition is very, very fragile.

Felix Bonet Carcases, I don't have a picture of him here, unfortunately. But he's an engineer and a former university professor. He has already publicly vowed that he will also go on a hunger strike if Guillermo Farinas were to die on his hunger strike; that he will replace him in the hunger strike until, as he said, the final consequences, to highlight the condition of the political prisoners, to highlight the lack of freedom of the Cuban people, to highlight the fact that that freedom is something that's desired by all, and yet receives so little attention, so little international attention, because where are the international communities? Where are the international groups? Where are they speaking out for the freedom of the Cuban political prisoners? Where are they asking and demanding elections for the Cuban people? Very few are anywhere to be heard, which is why, now, Felix has also said that he will go on a hunger strike as well, again, I repeat, as he said, until the final consequences.

And the story goes on and on and on. I want to now put up a picture of Jorge Luis Garcia Perez and his wife, Iris Perez Aguilera. He is known as Antunez, by one word; everybody knows him as one word. He was arrested while talking to some friends in a public square. In 1990 he was talking about the lack of freedom in 1990 and he was arrested, and he spent 17 years as a political prisoner, and he was consistently and constantly beaten in prison and yet he never gave up. He never lost faith. And he was finally released in 2007.

And what has he done since his release in 2007? Madam Speaker, he's continued to speak out. Madam Speaker, he's continued to speak out. He's continued to complain and denounce the treatment of the political prisoners and the lack of freedom and demanding democracy for Cuba. And just like he was beaten in prison, he and his wife, another hero, are now constantly arrested and rearrested; and they're beaten and beaten and beaten, time and time again. He's 45 years old, another hero that the American people need to know about.

These are heroes 90 miles away from the United States. Both of these individuals are heroes.

Another hero, Madam Speaker, Oscar Elias Biscet. He's a physician. He's a doctor. He was incarcerated. It started because he refused to perform forced abortions. They actually have forced abortions in the island of Cuba. He has dedicated his life to advancing human rights and democracy in Cuba. He's a medical doctor, as I said, and a total pacifist, a believer in Martin Luther King and in Gandhi, a person, who, again, continues to speak out, even from prison, even after the repeated beatings that he has received time and time and time again. He has been placed in solitary confinement. He has lost many of his teeth. And yet he continues to speak out.

And, unfortunately, where are the international organizations demanding his release?

And I can continue to go on and on and on, and we need to talk about some of these heroes that can never be forgotten, that we need to stand with them, next to them, behind them in solidarity.

But to also speak on this issue and tell us a little bit about it—and I know that he actually even, I believe he spoke, I think the gentleman spoke to Dr. Biscet.

Mr. LINCOLN DIAZ-BALART of Florida. To Farinas.

Mr. MARIO DIAZ-BALART of Florida. To Farinas. I'm sorry. To Farinas who is on a hunger strike recently. To talk a little bit about that is a person who has dedicated his life to the cause of freedom, who has spent many years in public service, who will, even though he will be leaving Congress soon, will not stop fighting for the cause of freedom everywhere, not only in Cuba, but obviously, also in particular fighting for the political prisoners, for democracy, for the just causes, for the suffering of the Cuban people, and that is the gentleman from Florida (Mr. LINCOLN DIAZ-BALART).

Mr. LINCOLN DIAZ-BALART of Florida. Thank you. I want to thank Congressman MARIO DIAZ-BALART for convening us here this evening. And, MARIO, if you may, leave Biscet because I'm going to read first a statement he sent out, along with five other

heroes on March 3. And I'd like to start by, as I was saying, thanking you for convening us, and by pointing out who the heroes and genuine representatives of Cuba are.

There have not been free elections for many decades, and so the people cannot express themselves. When they are able to express themselves, these heroes and others like them, who, today enjoy the moral authority arising from their conduct, will have political authority. They will be elected at the municipal level, at the provincial level, at the national level as the leaders of Cuba. They are the representatives of the Cuban people.

Dr. Biscet, whose photograph is on top there, and five other heroes, managed to send a statement from their prison. They are in one of the gulags of the Castro brothers, and they sent out a statement on March 3; and I'd like to read it:

We continue to suffer cruel treatment, inhuman, degrading treatment and even torture in the Communist regime's prisons. We ask all who support Cuba's freedom to, between March 12 and March 31, unite in short periods of fasting and study of the Bible, demanding the liberation of all political prisoners and liberty and democracy in Cuba. Please engage in short fasts and prayer sessions in your homes, churches or other public gathering places. And speak out in articles, in conferences, to reflect upon and implement and help implement, through peaceful, just and patriotic means, the long-sought objectives of the Cuban people.

Oscar Elias Biscet, whose photograph is there, Julio Cesar Galvez, Ricardo Gonzales, Normando Hernandez, Tres Iglesias and Angel Moya. Those six heroes sent out the statement that I read.

A few days ago I was able to be in Lithuania, where I was invited to help form the Parliamentary Forum of the Community of Democracies. Over 100 nations belong to the Community of Democracies; and Lithuania, a small country with extraordinary moral authority, is chairing the Community of Democracies, and had the initiative and the idea of the formation of a parliamentary forum. And I was honored to be elected one of the seven vice presidents. The new president of that now-established parliamentary forum, Chairman Zingeris, of the Foreign Affairs Committee of the Lithuanian Parliament, made a motion in the first meeting of the parliamentary forum in Lithuania a few days ago, and drafted a resolution in furtherance of the request of Dr. Biscet and the other heroes. And I'd like to read it:

Resolution, in the convening meeting of the Parliamentary Forum of the Community of Democracies calling for support of Cuba's pro-democracy movement.

Whereas, the pro-democracy movement in Cuba has grown at a rapid pace over the last 3 years, and specific expressions of the movement are evident today in the explosion of bloggers on

the island, independent journalists, musicians, artists, writers and others who are using their talents to denounce the atrocities of the dictatorship, all while putting forth new ideas for the transition to democracy;

Whereas there are still extraordinary obstacles to overcome such as the continued repression by the totalitarian dictatorship, extremely limited access to the Internet and texting capabilities and a lack of a coherent message of solidarity from the international community;

Whereas the dictatorship is fearful of the growth of the pro-democracy movement;

Whereas the message of the movement is coherent and clear in demanding freedom for all Cuban political prisoners, beginning with those who are gravely ill inside the prisons, freedom of expression and free, fair multi-party elections with international supervision;

Whereas this common position of the Cuban pro-democracy movement requires greater recognition, dissemination and solidarity on the part of the Community of Democracies;

Whereas now more than ever the Cuban pro-democracy movement requires that the democratic community take concrete steps to demonstrate its solidarity;

Now, therefore, be it resolved that the Community of Democracies Parliamentary Forum condemns the brutality of the Cuban regime against Cuban political prisoners, expresses its full support for the Cuban pro-democracy movement, honors Cuban pro-democracy fighters, such as the martyr, Orlando Zapata Tamayo, and expresses its admiration for the efforts of other heroes such as Guillermo Farinas, calls for the immediate release of all Cuban political prisoners and for free multi-party elections in Cuba, and calls on the democratic community to take concrete steps in demonstrating their solidarity with the Cuban pro-democracy movement by providing humanitarian and technological assistance to the pro-democracy movement, urging foreign diplomatic posts in Havana to strengthen contacts with pro-democracy activists on the island, and encouraging foreign dignitaries to visit Cuba for the sole purpose of meeting with pro-democratic activists, and looking for opportunities to reiterate and support the common position of the Cuban pro-democracy movement in the international community.

That resolution passed at the convening meeting of the Parliamentary Forum of the Community of Democracies in Vilnius, Lithuania on 12 March 2010.

□ 1815

I see a distinguished colleague of ours. There is no one who I admire more than CHRISTOPHER SMITH, who has joined us.

And before yielding back to you Congressman, MARIO DIAZ-BALART, the floor, I would like to make reference to two items. First, I will put in the CONGRESSIONAL RECORD a list of 25 gravely ill political prisoners in Cuba who are the reason for the hunger strike of Guillermo Farinas, who is in the photograph below Dr. Biscet. Guillermo Farinas is on a hunger strike and has been on a hunger strike for weeks now, as we speak, for the reason that these 25 political prisoners are near death because of grave illnesses. And they are still being held and have received sentences at the order obviously of the tyrant Fidel Castro of up to 26 years of length per sentence simply for calling for freedom, supporting freedom, and democracy.

So after CHRIS SMITH speaks, I will, if it is all right, read the names of these 25 heroes. And then I would like to simply make reference, if I may, to—I received a call—I wasn't able to answer it before coming to the floor—from a reporter from the National Journal, Tom Risen, who, according to my staff, is asking my opinion with regard to the initiative now with the subterfuge, under the subterfuge, of an agricultural bill where they tell the American farmer, This is to help you make sales.

Legislation has been filed to open up what the Castro brothers consider their number one priority, to grant them their number one priority: The billions of dollars in mass U.S. tourism to their system, to their island, where they would then be able to receive the tourists, make sure that the tourists see the Potemkin village.

Mr. MARIO DIAZ-BALART of Florida. If the gentleman will yield on that point.

I think it's interesting to note this legislation that you're mentioning, it was filed on the same day that Orlando Zapata Tamayo died in prison in a hunger strike, the same day where you would expect solidarity, where you would expect somebody to say, What can we do to help those that are struggling, suffering in prison. That same day, some in this Congress filed a bill to unilaterally lift sanctions, asking nothing in return for that day.

Mr. LINCOLN DIAZ-BALART of Florida. And granting the Cuban tyranny its number one priority.

When some colleagues have come to me and said, What is your opinion on the agricultural bill that's been filed? I said, Do you realize it has very little to do with agriculture? And it is the number one priority of the Cuban tyranny? To receive the countless billions in U.S. tourism unilaterally, thus in exchange for nothing.

The prisoners would continue being tortured, the Cuban people would continue being bound and gagged, being denied their ability to speak, much less have free and fair multiparty elections. For over 50 years that would continue.

And the regime would have unilaterally its billions, countless billions of U.S. dollars. That is what that bill is about. It's not about agriculture.

The regime is allowed to purchase American agriculture by U.S. law, agricultural products. Castro has to pay so that the American taxpayer is not then given the bill afterward for billions, countless billions of dollars that he won't pay after he gets the ability to get financing. And if he gets mass U.S. tourism, then imagine the ability to further repress, to further torture, to further denigrate, discriminate, because the essence of that regime is not only totalitarian regime; it is a racist regime against the Cuban people.

I wish to read the list of the heroes, but I think it's important that we recognize CHRIS SMITH.

Mr. MARIO DIAZ-BALART of Florida. I'm also going to ask you to relay a little bit of the conversation that you had with one of the heroes. We were speaking about how the majority of Congress has always had great solidarity with the people of Cuba.

One of the gentlemen that you most admire—and I knew of him before I got elected to Congress by having conversations with you, and then seeing his record. I also remember seeing a publication. I don't remember exactly what the quote was, but they called him one of the heroes of the oppressed. Not in Congress, just in our country.

And so it's a privilege to have the gentleman from New Jersey (Mr. SMITH). Again, a hero of those who are oppressed, a hero if anyone is struggling in a political prison, in a gulag, for his or her belief. It's a privilege to have you here.

We're talking about heroes and the gulags. We have it easy here because we live in freedom. But we can't forget the struggles of those around the world, including just 90 miles away. I want to thank you for never forgetting, never forgetting those that are struggling like Dr. Biscet who is in there for, frankly, just because he is pro-life. So thank you for being here.

Mr. SMITH of New Jersey. I thank my good friend for yielding.

And I just say to the DIAZ-BALART brothers, MARIO and LINCOLN DIAZ-BALART, you have spoken so bravely and for so long and with such clarity about human rights issues all over the world, including and especially in Cuba. The people of Cuba have no greater friends than you brothers, the DIAZ-BALART brothers. There isn't a single argument, fight, debate, amendment, bill that you, the two of you, are not out in front taking all of the flak, all of the disinformation that is dished by those enablers of tyranny who believe that somehow if you coddle dictatorship, you will see an amelioration of their egregious acts. It doesn't happen. It didn't happen with the Nazis. It has not happened with the Chinese Com-

munist regime. It has not happened in North Korea. And over this last half century, it has not happened in Cuba.

The more you enable a dictatorship, the more of an appetite it has for political prisoners, for repression, because there is no check, there is no tour-niquet on their horrific abuse.

So let me say it again. No one has done more on behalf of human rights, especially for the beleaguered Cuban people, than LINCOLN DIAZ-BALART and MARIO. And I've been in Congress for 30 years, so I, along with FRANK WOLF and others, have worked very hard along with you on human rights laws and policies. It is a privilege to be called your friend for your steadfast advocacy. It is incredible.

When you spoke about the travel ban and other associated concessions to the dictatorship in Havana, it seems to me—and I say this to both sides of the aisle—but especially to my Democratic friends, especially to the Congressional Black Caucus that traveled down to Cuba, met with Raul and Fidel Castro, and as far as we can tell, never mentioned Dr. Biscet, never mentioned any of these courageous political prisoners who have been tortured, have been put in solitary confinement simply because of their steadfast belief in human rights and that every man, woman, and child in Cuba ought to live in liberty and freedom.

There is an empathy deficit, a lack of empathy, a lack of compassion. We talk a lot about compassion in Congress. Very often it's just a simple word, a throwaway word that has all kinds of meaning. We need to have empathy to get in their shoes, realize what it must be like to spend hours without a light in darkness, eating worm-infested food, being sick, having diarrhea that seems to never go away, losing your teeth, as Dr. Oscar Biscet is in the process of doing, if he hasn't lost them all already.

This brave man, an OB-GYN, a doctor who stood up for human rights, not one member of the Congressional Black Caucus, to the best of my knowledge, and other members who are always patronizing Fidel Castro, stood up and said, What about him? Why can't we go and see him and visit him in his prison cell? Congressman FRANK WOLF and I have tried for 20 years to visit Cuba to go to the prisons. Every time we're turned down by the Castro regime. We have a pending request right now. We were turned down last February.

Those who go in and sing the praises of these modern day Adolf Hitlers. And let's not forget you take Fidel Castro and Raul Castro and what they have done: Torture, humiliation, execution, slow and long, sometimes a bullet, sometimes a very slow death. These people, if they were in a free society, not only would be prosecuted, they probably would be in an insane asylum for the kinds of terrible dark deeds that they commit on other people.

I read Armando Valladares' book years ago, and I recommend it to everyone who wants to enable this dictatorship. It's known as "Against All Hope." It's a chronicle of this brave man, years in the Castro gulags. He talks about one instance where in order to further humiliate the political prisoners, they lined them up and marched them into a vat of human excrement, submerged them; and these men, their noses, their eyes, their ears were filled with human excrement. Many of them lost their hearing. Many had eye problems, nose problems and all kinds of infections from it. They smelt horrible.

That very act caused a kind of PTSD in Armando Valladares. Later on when his wife, after he was exiled, upon his release gave birth to children, he couldn't even change his children's diapers because it brought him back in a flash to that terrible, degrading torture that was inflicted upon him by Fidel Castro.

Fidel Castro, ladies and gentlemen, ought to be at the Hague standing trial for crimes against humanity. He is in the same league as Pol Pot, Idi Amin, Slobodan Milosevic, and all of the passing parade of petty tyrants who maim, humiliate, and kill because they have a secret police that enables them to do it.

We call on this administration, the Obama administration, to cease, stop its coddling of Fidel Castro. It is unconscionable, all of the smiles and happy words. This man needs to be dealt with for the tyrant that he truly is. And I'm not talking about just Fidel but his brother as well. These political prisoners need friends in the White House so that some day they can live in freedom.

Mr. MARIO DIAZ-BALART of Florida. Before you leave, though, again, the atrocities are such. I would like, if it is possible, there is a poster there right next to you. It's the last one, I believe. And it shows the women in white. The ladies in white. They're the wives and mothers of, daughters of, spouses of political prisoners. And they demonstrate in Havana. And all they do is very quietly they just march. And it's a demonstration basically asking for a release of their loved ones.

This picture is from last week. That demonstration, that march—it's a march, it's a peaceful, quiet, march—was led by Reina Tamayo, whose son had just died in an 80-day hunger strike in a prison as a political prisoner.

And there you see what happens to those women, peaceful women who just walk quietly, peacefully.

A little while ago I showed the T-shirt held up by Reina Tamayo of her son who died in prison, a political prisoner who died in prison after a hunger strike. Imagine the beatings. Imagine the beatings that that human being had to endure. Just look at that T-

shirt. And look at that mother. Look at that mother and how anybody can then say, You know something? We're going to unilaterally give that regime what they want, asking nothing in return. Why is that happening?

□ 1830

Mr. LINCOLN DIAZ-BALART of Florida. If I may, CHRIS SMITH's point of the fact if there were justice, if there were justice in the world, the Cuban tyrant, Fidel Castro, and his brother, who now has the titles and carries out, continues to carry out the orders of Fidel Castro but has the titles now, some of the titles of power because Fidel Castro, the tyrant, is immobile and finds it difficult to receive people but still gives the orders and is the instigator and the source of terror in that island prison, if there were justice, the Cuban tyrant and his brother would be facing it in the International Criminal Court in The Hague.

What is most appalling is that instead of that, what we see is, number one, deafening silence. We hear deafening silence.

Where is the outrage? Imagine if these were hunger strikers protesting the lack of freedom in another dictatorship. Imagine. But the Cuban people now have had to, for 50 years, live as nonpersons. Where is the media? Where? These are men who are dying. Zapata Tamayo already died. Guillermo Farinas is in the process of dying. Felix Bonne Carcasses has said he will be next. Those are people who we know are on hunger strikes to protest specifically, to request the release of these 25 heroes.

I would like to, if I may, read their names, and then I will submit their names for the RECORD.

Our friend, DAN BURTON and now CHRIS SMITH talked about MARIO and LINCOLN, the brothers. It has been and it is a great honor for me to serve with my brother first in Tallahassee in the legislature in Florida and now in the Congress of the United States. It has been an honor and a privilege, for the rest of my days I will cherish, to represent the wonderful people of south Florida for 18 years in this Congress and 6 years before that in the State legislature.

But there are two brothers who are genuine heroes. Among these 25 gravely ill political prisoners, two are brothers. At one point, four were political prisoners, four brothers. There are still two, and they are gravely ill, both of them, Ariel Sigler Amaya and Guido Sigler Amaya.

The other names of 25 gravely ill political prisoners who we are aware of, and Guillermo Farinas is on a hunger strike demanding their release, their immediate release, the other names are: Antonio Villareal Acosta, Omar Moises Ruiz Hernandez, Arnaldo Ramos Lauzurique, Alfredo Manuel Pulido

Lopez, Arturo Perez de Alejo Rodriguez, Jesus Mustafa Felipe, Angel Moya Acosta, Luis Milan Fernandez, Librado Ricardo Linares Garcia, Juan Carlos Herrera Acosta, Normando Hernandez Gonzalez, Jorge Luis Gonzalez Tanquero, Lester Gonzalez Penton, Ricardo Gonzalez Alfonso, Jose Luis Garcia Paneque, Julio Cesar Galvez Rodriguez, Miguel Galvan Gutierrez, Luis Enrique Ferrer Garcia, also from another family and brothers who are heroes, two of them are political prisoners. Unfortunately, Luis Enrique Ferrer Garcia, one of the two brothers, is gravely ill. Juan Adolfo Fernandez Sainz, Alfredo Felipe Fuentes, Eduardo Diaz Fleitas, Victor Rolando Arroyo Carmona, and Pedro Arguelles Moran.

Those 25 heroes we know of, and the hero Farinas, that psychologist and independent journalist who I had the privilege of speaking with the other day, the day I was leaving for Lithuania, I managed after many attempts to get through to him. Obviously, it's not easy, the dictatorship call. Now he is no condition to speak on the phone. He was very weak, even when I spoke to him. This was about a week ago. And I said, I am very worried about you. You are going to be very needed. And he said, No, don't worry about me. He said, There are many, many more qualified people who will be ready to help give a reconstruct. This has to be done.

He told me all peoples need martyrs, all nations need martyrs, and the time now has arrived for a different—a different attitude by the opposition in Cuba. I was extremely moved during my conversation with the hero, Farinas, and my thoughts and prayers are with him as they are with all of those who at this moment are suffering in the gulag of the tyranny.

Mr. MARIO DIAZ-BALART of Florida. Thank you for relaying that conversation.

The gentleman from New Jersey.

Mr. SMITH of New Jersey. You know, the long-suffering people of Cuba are really in a double unfortunate position. They are subjected to one of the cruelest dictatorships on the face of the Earth. Freedom House recently ranked Cuba as one of the least free countries in the world. The only country that ranked lower on the freedom scale than Cuba was the nightmare gulag of North Korea; yet, in an insane paradox, the Cuban tyrants remain romantic heroes. People have pictures of these tyrants on T-shirts, wear them on college campuses, and for many in the United States, including some Members of Congress, especially those who visited Cuba last year, they gush with admiration for these dictators who have so repressed people.

You know, last year, the U.N. Human Rights Council did what they call the universal periodic review, at which time they looked at the record of

human rights abuse in Cuba. It was scathing. Many members of that council raised serious questions at the council meeting and also said, Here are a number of recommendations. Virtually every recommendation was rejected out of hand, and that was the end of the story.

I would call upon the Obama administration to call, as a member of the Human Rights Council, for a specific meeting of the Human Rights Council, the U.N. Human Rights Council—it only takes a third of the membership to do so—to refocus on Cuba and its horrific human rights abuses and the fact that they have taken every recommendation—I mean, even the International Committee of the Red Cross has been denied since Armando Valladares' day, access to those prisons. The ICRC, a sterling record of investigations and interventions on behalf of political prisoners around the world, they can't even get into the Cuban prisons. So I would call on the Obama administration to ask for a specific meeting just on Cuba and the rejected recommendations.

Let me also point out that chronicling the abuse isn't all that hard. The State Department, in its human rights report released just 2 weeks ago, couldn't be more clear in laying out the catalog of abuses routinely visited upon the people, especially the almost 200 known, and there are others, political prisoners in Cuba's gulags.

Let me finally say, during the 1980s, many of us were very active fighting against the abuses of the Soviet Union. In the mid 1980s, Congressman FRANK WOLF and I actually got into Perm Camp 35, the infamous gulag where great heroes like Sharansky and many others and all these other great leaders spent time in solitary confinement and suffering at the hands of the KGB. We actually got in, visited with videotape and agitated for the release of almost two dozen political prisoners, and one by one they got out.

I visited Xanana Gusmao when he was a political prisoner in Indonesia, in a prison in Indonesia. He went on to become the President of East Timor.

FRANK WOLF and I got into Beijing Prison Number 1, where at least 40 Tiananmen Square activists, 40 Tiananmen Square activists with shaved heads were thrown into that gulag, known as the Laogai in China, and suffered horrifically, but at least the Chinese Government allowed us in.

A lot of people want to get out of Cuba. A lot of people—all people want to get out of their political prisons. Mr. WOLF and I are asking to let us in, and I renew that request of the Cuban Government as well as, again, to ask that this administration help to make that happen.

Finally, my friends will know, because I worked so closely with Mr. DIAZ-BALART—MARIO wasn't here yet—

on the issue of linking a series of human rights with the lifting of a travel ban, most important of which was the full release of the political prisoners. That legislation passed here. It didn't pass in the Senate, unfortunately, and I will offer that again if given the opportunity, although the rules will probably forbid it.

But that's what we need to do. You need linkage. You need to say to a dictator, If you want a benefit, you have to cease persecuting your own people. And, you know, there is a great group, we all know it, Brothers to the Rescue. The DIAZ-BALART brothers are the brothers to the rescue.

Mr. LINCOLN DIAZ-BALART of Florida. You are very kind.

Mr. MARIO DIAZ-BALART of Florida. You mentioned Brothers to the Rescue. I think it is important to note that this is a regime that obviously incarcerates, and oppresses its own people, but it also has a history of murdering Americans.

You mentioned Brothers to the Rescue. Two airplanes, American airplanes, civilian American airplanes in international airspace that were shot down by Cuban MiGs one fine day just because, because they could, because they wanted to, killing four individuals, four innocent individuals that, I guess, their sin was trying to save people in the ocean, looking for people that were in the ocean seeking freedom.

And the same regime that killed those individuals is the same regime that harbors multiple terrorists and criminals and fugitives of American law, including cop killers who are living in Cuba; the same regime that right now as we speak, as some will file bills to unilaterally give concessions and asking nothing in return, has another American hostage. That's the regime that we are dealing with.

Mr. LINCOLN DIAZ-BALART of Florida. I thank CHRISTOPHER SMITH for, first of all, his leadership, commitment, clarity. History will thank him, as it must. I reiterate my admiration.

I want to make a comment with regard to political prisoners. We know of these 25 gravely ill political prisoners.

The reason we know is because Guillermo Farinas, the hero on hunger strike, said that's why I am on hunger strike. Release them now before they die. We know of, yes, the names of 200 prisoners of conscience, but we also know that there are thousands of political prisoners for crimes that are only crimes in the fiefdom of a demented totalitarian tyrant, crimes like dangerousness. What is that? Crimes like trying to leave the country without permission.

But imagine being in prison and charged with dangerousness. Thousands, countless thousands of Cubans are in the gulag because of so-called crimes like that. They are political

prisoners, and they have to be released unconditionally, immediately, as all political parties must be legalized—the press, labor unions—and free and fair multiparty elections must be scheduled.

Mr. SMITH of New Jersey. The State Department report, the human rights report, released 2 weeks ago again, they can catalog or chronicle 5,000 prisoners who are in there because of "dangerousness."

Mr. LINCOLN DIAZ-BALART of Florida. That are known, that are known.

Mr. SMITH of New Jersey. Yes.

□ 1845

Mr. LINCOLN DIAZ-BALART of Florida. So it is thousands of political prisoners, because we know the names of 200 prisoners of conscience; let's not forget the countless thousands of political prisoners.

And you, CHRIS SMITH, and FRANK WOLF, who have not sought to go to Cuba to laugh at the jokes of the tyrants, but rather to meet with Biscet and meet with Farinas and meet with Antunez and meet with the other heroes and the leaders of the future, you were called specifically by name by the Cuban tyrant Fidel Castro "provocateurs who will never enter Cuba."

But what he must, he should, know is his days are limited. And the Cuban people, CHRISTOPHER SMITH, are going to thank you and they are going to thank FRANK WOLF, and they are going to thank all those men and women of the world who stood with them. Obviously, we wish there were many more CHRIS SMITHS and FRANK WOLFS, like there are more, now, people. Look at this example in Central Europe and Eastern Europe of solidarity. And more is coming, but much more is needed.

Mr. MARIO DIAZ-BALART of Florida. I thank the gentleman from New Jersey for spending this time and really explaining what is at stake here.

It is interesting how those who do get it—and again it is important to note that the majority of Congress has stood next and by the Cuban people and continues to stand by the Cuban people, but there are others as well that do. You mentioned the Lithuanians, the Poles, the Czechs, the Romanians. Those who have suffered from lack of freedom understand the frailty of freedom, also particularly understand the horrors of that Marxist regime 90 miles away from the United States, because they suffered under very similar types of totalitarian regimes.

But it is interesting to note, I mention this again, that this Congress in a bipartisan fashion stands by the Cuban people, stands by the political prisoners, stands by those relatives who have lost loved ones in the gulags and in the ocean, will continue to stand by the Cuban people, will not be swayed by propaganda.

This Congress does not forget the suffering of the Cuban people and does not forget that the most important thing that any human being has is freedom.

So I am so grateful to the solidarity of the American people, and I am so grateful because of that strong solidarity of the majority of this Congress. The Cuban people will be free. This Congress will do everything it can to make sure that they know that we are with them. They will be free. They are giving it all. They are sacrificing even their lives. And it is important that tonight they know that they are not alone, they are not forgotten. We know they are there. We admire you, we respect you, and we stand 100 percent behind you.

I yield back the balance of my time.

HEALTH CARE REFORM

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentleman from California (Mr. GARAMENDI) is recognized for 60 minutes as the designee of the majority leader.

Mr. GARAMENDI. Madam Speaker, if I might spend a few minutes talking about an extraordinary and historic day today, the day in which America finally, after more than a century, has managed to achieve a program that will in the years ahead create universal access to health care. A country that has universal insurance coverage is not so far away.

A few days ago, one of my colleagues used this quote by Martin Luther King to point out why this is such a historic and important day. Martin Luther King said, "Of all forms of inequality, injustice in health care is the most shocking and the most inhumane." Those days are over. Unfortunately, Martin Luther King is not here today to see this historic passage.

Earlier, 6 hours ago, President Obama signed the health care legislation, and in the week or days ahead the Senate will follow up with corrections to that legislation, and we will be on our road to universal health coverage in America.

Along that road in the days ahead some very important things are going to happen. I received a phone call earlier today, and on radio yesterday was asked by a business person in the San Francisco Bay Area: How does this affect me? My wife and I have a small business. How does this affect me? And I answered this way: Are you purchasing health insurance now? And he said: Yes, and we can no longer afford it. We are going to have to drop it. We are one of those people that have been faced with the 40 percent increase from Blue Cross of California.

I said, well, two things: In the years ahead, companies such as Blue Cross of California will have their rates reviewed as to the appropriateness of the

increase. But that is not today. But beginning today, actually January 1, 2010, 35 percent of what you spend on health insurance will become a tax credit and subtracted directly from your tax obligations.

I also received a call in the last couple of days from a rancher in my district. He asked: How does this affect me? I have three employees, part-time, but I try to buy health insurance for them. I asked him: Do you have health insurance for yourself and your wife? He said: Yes, also on the ranch policy.

I said: It will help the same way. You will receive immediately, and every small business in America, 100 people or less, 100 employees or less will receive that tax credit of 35 percent. And in the year ahead, in 2011, that will increase to 50 percent.

So the burden of purchasing insurance for small businesses, which, after all, are the entrepreneurial part of our economy, where most jobs are actually created and where most health insurance policies have been lost, they will receive a significant reduction in the cost of their insurance immediately and more in the days ahead.

I was also asked about seniors. But before I go to that, let me just pick up this issue of why this is such an important day for America.

In America of yesterday, 45,000 Americans died every year prematurely because they did not have health care. Our health care statistics rank us 19th among the industrialized nations of the world and even behind the nation of Colombia. This is the number of our children that die prematurely early in their life. Our general health, we do not live as long as other nations, our people die earlier, our children die more often.

We have also seen an extraordinary rate increase for those of us in California that obtain our insurance from Blue Cross, 94 percent over what amounts to just a little more than a 1-year period of time.

There was talk last summer about the death panel. Well, the death panel actually occurs from the insurance companies. In California, the average number of claims that were rejected, denied—and these are efforts that doctors have made to provide insurance—21 percent, one-fifth of all claims, all requests for services were denied by the health insurance companies. One company actually denied 39 percent of them. The number of Californians without insurance is about 24 percent.

Now let's go to the issue of seniors and think back on those words of Martin Luther King. The Medicare program in America was made stronger as a result of the legislation that was signed today. The Medicare program in America, its financial solvency has been extended somewhere between 7 years and 9 years out ahead. So all of this talk about the Medicare program

becoming insolvent simply isn't the case any longer as a result of today's action by President Barack Obama—I should use my left hand—when he signed that legislation.

It's an incredibly important day.

I am also delighted to notice that I have now been joined by my colleague from the great State of Illinois, JAN SCHAKOWSKY, who is here to join me in this. And with the permission of the Chair, I would like to engage in a dialogue with her.

Welcome. I know that you represent a very special part of this Nation. We are talking about seniors here and about the effects of this legislation on seniors. A couple of days ago you spoke to this issue.

How does it affect Illinois?

Ms. SCHAKOWSKY. Well, one of the things that I think is really refreshing about what is going on today, and ever since the legislation was finally passed, is that there is real focus on how this bill is going to help real people. No more the myths of if we do this, this is going to happen, all these mythical things I heard you talking about, the death panels, et cetera. But now we are having a real conversation. And Americans, including our seniors, are looking at, what does this bill really mean to me?

Let me give you an example of the Ninth Congressional District in Illinois. We know that 101,000 beneficiaries of Medicare are going to be helped by this; that Medicare will be made stronger, including beginning the closing of the doughnut hole. That gap in coverage that can be \$36,000 out of pocket, that is going to go away in this bill over time, and it is going to start right away.

So what we are going to find out now, and I actually saw a poll today that the majority of Americans now—it's changing really quickly—say that they are either enthusiastic or pleased that this legislation passed, beating out those who say that they didn't want it or that they are afraid of it. And so I am so glad that we are now at this phase of the discussion.

This day is really one I have dreamed about my whole adult life and what I have been working for as a while as executive director of the Illinois State Council of Senior Citizens for 5 year. So we have been talking about this for a long time.

Mr. GARAMENDI. It's a happy day for America. It is a really happy day for America. We are on our way to solving one of this Nation's great problems.

Earlier today I was in the East Room of the White House with both of you. Sitting next to me is an extraordinary Representative from really an important part of this Nation, a part of the Nation that has been really harmed by the economy. And we were talking about the way in which this legislation

as the President was signing it would affect her district. So let me call upon the gentlewoman from western Pennsylvania, KATHLEEN DAHLKEMPER.

Mrs. DAHLKEMPER. Thank you so much for yielding to me.

Pennsylvania has the second largest population of seniors in the country, and this legislation will go a long way to securing our seniors' future in terms of the benefits that they get from Medicare.

I am so proud to be here tonight talking about this, proud to be one of those who voted "yes" and helped to make this historic legislation move forward. It was certainly a great day on Sunday, and it was even a greater day today when the President signed it into law.

I think about the fact that as I campaigned just 1½ years ago, so many seniors told me about the financial problems they were having with this doughnut hole issue, and they would cut their pill in half or they would only take it every other day.

I was with my father-in-law one day driving somewhere and I asked him how his diabetes was. He has got adult onset diabetes. He said, Well, you know I got into that doughnut hole. So one of those pills, I am only taking it every other day. And he was basically self-medicating. He was determining what he could afford, not what the doctor ordered. And I know that this is a problem for so many seniors.

So we are going to close that doughnut hole, which I think is one of the great benefits, and we are also going to allow our seniors to get more preventative care without the copays, and going and getting taken care of themselves so they can get a better quality of life and enjoy those years that we hope to enjoy in our lives.

Mr. GARAMENDI. Actually, in 2011, just 10 months from now, the Medicare program will provide wellness and preventative care, and it will not cost the seniors anything. It will be part of the program, 100 percent paid for by the Medicare program.

□ 1900

Your father-in-law, is it, that was cutting his diabetic medicine in half so that he could make it through?

Mrs. DAHLKEMPER. He was doing that. He was trying to spread it out so he could extend his prescription, his filled prescription longer, and reduce the out-of-pocket cost that he was experiencing.

Mr. GARAMENDI. One thing that would really help him, beginning January 1, we backdate this to January 1, 2010, there will be a \$250 rebate, a check written to him. If he shows he spent \$250 on that medication, he'll get a check from the Federal Government to reimburse him for that \$250 that he spent once he got to the doughnut hole. That's an immediate benefit.

You've got to be sure to give him a phone call as soon as you leave.

Mrs. DAHLKEMPER. I will. He's just coming back from a trip, something all seniors should be able to do, go enjoy themselves and not have to spend everything that they have on making sure that they have their prescriptions.

I want to thank the gentleman for hosting tonight. I'm just pleased to be here and pleased to see this legislation come forward.

Mr. GARAMENDI. I know that you have another responsibility that you will soon take, and that is to preside over the House. Thank you so very much for joining us for these few minutes before you take the chair and make sure that we keep our time.

Mrs. DAHLKEMPER. I thank the gentleman.

Mr. GARAMENDI. Thank you.

I notice that a woman that I have had the pleasure of working with now for—well, neither of us will say the total number of years, but she became the chair of the Senate Health and Welfare Committee in California when I moved out of that job to become majority leader in the California senate.

I would like to now introduce and yield to Congresswoman DIANE WATSON, and then if the gentlewoman from Illinois could follow.

Ms. WATSON. Thank you so much, Congressman JOHN GARAMENDI, one of our newer Members; however, old in leadership, ability, ability to conceptualize and he saw a spot for himself in this debate.

And I want to say, we are glowing in the aura of being in the White House and seeing the President, Barack Obama, sign with 19 different pens what is going to change the quality of health care through insurance for this whole country, for Americans.

You're only as strong as your weakest link. I told them earlier today that the people at home who have doubts about what we did and what we're doing and don't really understand; the opposition always showed all of these hundreds and thousands of pages and people became confused and they really were misled. But think of somebody on a high wire and he's got a pole in his hands, or she has a pole in her hands, and she slips, or he slips, and underneath there is a safety net. If that safety net has a hole in it, what's going to happen? People are going to fall through and the end will be there. We in government are the safety net. We have to look larger. They say all politics is local, but we have to look at what we had signed into law by the President, what it will really do.

And I just want to say, that mother who has a son 9 years old and has chronic asthma and had no way of getting him covered can now see that he is covered and get the kind of care that he needs.

This is a true story. It happened in Sacramento. There was a young moth-

er, a beautician. She worked, paid her rent in her little booth where she did hair. She had to quit and go on welfare so her son could be covered because he was in the hospital at least three times a week.

Mr. GARAMENDI. He had a pre-existing condition.

Ms. WATSON. He had a preexisting condition and she could not get insurance coverage. That will be taken care of.

Mr. GARAMENDI. I yield to the gentlelady from Illinois.

Ms. SCHAKOWSKY. Unfortunately, Representative GARAMENDI, I am going to have to leave, too. But before I did, I wanted to focus on what happens this year for people. The physical rollout of the bill takes a number of years to happen. But if people are wondering what's going to happen this year, I wanted to just give some examples.

Starting as soon as the bill is passed, tax credits to small businesses to make employee coverage more affordable. Those tax cuts of up to 35 percent of premiums will be immediately available to companies, to small businesses that choose to offer coverage to their employees. Of course, in 2014 the tax credits will cover 50 percent of the premiums. Right away. We talked about the \$250 rebate to Medicare recipients. And also there's going to be a 50 percent discount on brand name drugs for people who are in that doughnut hole, in that gap in coverage; and the doughnut hole being closed completely by 2020.

Ninety days later, immediate access to insurance for Americans who are uninsured because of a preexisting condition through a temporary high-risk pool. We put billions of dollars into a high-risk pool for people. Six months after enactment, that's when health plans are prohibited from denying coverage to children with preexisting conditions.

Mr. GARAMENDI. That's what Congresswoman WATSON was talking about, that young child, the mother. That child has immediate access—6 months from now. Let's count it up. That would be September. She would be able to get health care coverage for her child.

Ms. SCHAKOWSKY. Also in 6 months, and this is going to affect 52,000 young adults in my district alone, to require health plans to allow young people up to their 26th birthday to remain on their parents' insurance policies. At their parents' choice, of course. So that's pretty good for our young people.

Mr. GARAMENDI. That's downright exciting.

Now I've got a 24-year-old daughter. About 11 months ago, she went off our policy. She couldn't get insurance, even though she had been with the same insurance company for 23 years, and suddenly she was uninsurable because she was a woman in a child-bearing age. Those days are over. She

can come back on my policy. We've got 52,000 people in my district, the same young population, that will be able to stay with their parents. Please continue.

Ms. SCHAKOWSKY. That's a story in itself, why your daughter after having been insured with the same company for 23 years, and now couldn't pay for her own insurance and they would raise her rates.

Mr. GARAMENDI. It wasn't a matter of paying. She couldn't get insurance.

Ms. SCHAKOWSKY. Oh, they excluded her. Unbelievable.

Mr. GARAMENDI. Because she had that preexisting condition called "female."

Ms. SCHAKOWSKY. Now in 6 months from the enactment of this bill, from today, health plans won't be able to drop people when they get sick. And Illinois happens to be number one in what is called rescission, and that's just canceling people because they go back digging through their records and say, uh-uh, we're going to drop your policy.

Six months from today, health plans will not be able to have lifetime caps on coverage. And people who have chronic illness, they can reach those caps in a very few months if they get sick. And in 6 months tightly restrict new plans' use of annual limits to ensure access to needed care. These tight restrictions will be defined by Health and Human Services. So that's a good thing. We're going to begin to regulate what they do.

And finally, beginning in January of next year, that's when the seniors don't have to pay any copayments for preventive services; exempts preventive services from any deductibles under Medicare. What a great thing that is to keep older adults healthy in this country.

And also in January, what we call a medical loss ratio, that's kind of a fancy term for saying that insurance plans will have to spend 80 percent of premium dollars on medical services for a small group market, or individual market, and 85 percent in a large group market. Eighty-five cents on every dollar is going to have to go to health care, not to bonuses or stock options for executives, but for health care. This is a great bill.

Mr. GARAMENDI. What year does that kick in?

Ms. SCHAKOWSKY. January 1, 2011.

Mr. GARAMENDI. So it's not going to be about profit? It's going to be about actually providing benefits to people?

Ms. SCHAKOWSKY. Exactly. They're going to have to pay, for individual market, 80 cents on the dollar has to go to health care for a small group, and then 85 percent for large groups.

Mr. GARAMENDI. So those companies in Illinois and California that are denying claims to fatten their bottom

line are going to have to actually provide medical services and pay for it. Oh, my goodness. What a shock.

Ms. SCHAKOWSKY. That's right. But they'll be prohibited 6 months from now from dropping people off their policies. Those days are over.

In some ways, we're saying to the American people now who have been staying up at night like those parents worrying about their children, Sleep well. We're actually going to solve those problems and lift this tremendous weight off the shoulders of Americans.

Thank you so much for doing this. Thank you, Congresswoman WATSON. I appreciate it.

Mr. GARAMENDI. Thank you so very much for joining us and sharing that specific information.

As you were talking about the rescission issue, 4 years ago as Insurance Commissioner in California, we came upon several insurance companies that were just doing this really to fatten their bottom line. It happened to be the biggest company in California, Anthem Blue Cross. There were some complaints brought to us, brought to others, and we began to investigate them when we found that there was a pattern of practice within that company, that when an expensive claim, when one of their customers became sick with something that was expensive, perhaps diabetes or acute heart or cancer, they would go back and comb through the application looking for an error that may have been made.

For example, and this was one that was a very real example, as a young child, one of the people that had had their policy canceled had an asthma attack as a young child, probably 3 or 4 years of age, had an asthma attack. That was sufficient in the minds of Blue Cross Anthem to rescind the policy and to not pay for the very expensive care that the mother had incurred. Those kind of days are over. The message to the insurance industry is, You can no longer harm your customers. You're going to have to abide by your contract. You're going to have to provide coverage. And no longer are you going to be able to discriminate based upon a preexisting condition, upon sex; females, for example. You can no longer do those kinds of practices. Immediately, this year, those insurance reforms go into place and that will help every American that has a private insurance policy, whether you're in a group or you're in an individual policy, an extraordinarily important reform. I would have loved to have had a law like that in California during my days as Insurance Commissioner. We had to use other ways, contractual ways. We didn't have the law, we didn't have the power that is now given to the American people to force the insurance companies to behave.

Ms. WATSON. What we failed to do, Congressman, was emphasize, this really is a health insurance reform.

Mr. GARAMENDI. Yes.

Ms. WATSON. Too many people think that we're going to change the way health is delivered. And I say to people when I have town halls, How many of you have insurance? And the hands go up. How many of you like your insurance? And hands come down. I say, Well, keep your hand up if you like your insurance. If you like it, keep it.

□ 1915

Mr. GARAMENDI. Exactly.

Ms. WATSON. If you don't like it, and it's not meeting the needs of yourself and your loved ones, then you can go and shop around and find an insurance that is affordable. But you know what makes me just delighted tonight? That is that we have prevention written into this law. Wouldn't it be wonderful if you could go and check to be sure that you don't have breast cancer? That's one of the penalties, I guess, for being a woman. But you know, men can get breast cancer. You were in the legislature in California when we discovered in 1980 that breast cancer research was done on men. And a group of us women got together and said, We're not going to vote for the budget unless you have \$28 million in there to do research on breast cancer.

Mr. GARAMENDI. I remember those days too. And I also remember what you were talking about a moment ago, and that is the way in which the insurance industry has in the past really harmed us. It's as though we were thrown to the sharks. We had no option. We will have a better option in the purchase of insurance in the days ahead. In fact, for those people in the 50 to 65 age group who have preexisting conditions, there is an insurance exchange that is immediately available to them. They will be part of a group, a high-risk group. They will be able to get insurance immediately. I think it's within 90 days they'll be able to apply for that insurance. Right now there's no way they can get coverage. They're not old enough for Medicare. They're probably virtually unemployable because they have a preexisting condition, and employers don't want to hire them because they know the insurance companies are going to raise the rates on everybody if they would be hired. So they are really in a dark hole. But this legislation provides a mechanism for those people in that category to get insurance in a high-risk pool that is actually paid for by the Federal Government. And that will be available this year right away.

Ms. WATSON. If I can just describe some of the other preventive services that will help to keep people's stress levels down. Because they feel that if they have a condition, but they don't

have insurance, that when they go to get help, they're going to say, What's your insurance? I don't have one. Well, you know, I don't know if we can help you here. Go to the county hospital. And what people have to understand, when you have an organized society, everyone has to pay. We are only as strong, as I said, as our weakest link, and if we have communities where everyone is ill in that community, can we be a strong Nation?

We're going around the globe. We're fighting three wars at the current time—or two and a half—and we're saying, Do it our way. Well, I tell you, Congressman GARAMENDI, I have actually felt shame in the last 3 or 4 days. The people that were out on the streets taunting, showing hatred, calling people despicable terms right here on the floor, when another Member destroyed our decorum by saying "baby killer," and then somebody's apologizing for him.

We're trying to show that we're this strong Nation globally, and we have values, and we care about people. But yeah, we spit on them. We call them names. We make fun of them in some way or the other. And sometimes it's a mental condition that has not been treated.

Mr. GARAMENDI. Well, mental health and addiction health is included in the coverage in the years ahead. No longer will there be this division between physical health and mental health. Mental health will be treated the same as what is the classic physical health insurance. An incredibly important part of this legislation requires that mental health be included in the insurance program. And what family in America hasn't been affected with either an addiction issue in their family or with a mental health issue in the family? It is common to all of us. So the coverage will be there. We're not making any aspersions to anybody in our company in this building or out on the street.

Ms. WATSON. No, no.

Mr. GARAMENDI. But the facts are the facts that mental health is desperately needed, and it will be treated the same as what we call the physical or the normal health programs of the past. And that was brought to us by PATRICK KENNEDY, who fought vigorously over this last year making sure that that issue, addiction and mental health, are included. And if that is, go to any police station around the Nation. Follow the policemen in their work during the day or the night. Many of the calls—and I know from my own experience in California from ride-alongs as the Lieutenant Governor, as the insurance commissioner, ride-alongs with the police. Many of the calls—I don't know, maybe 50 percent or more. On the day I was there, it was every call, and that was about five—was a mental health issue. Oh, it's

Gladys. She's off her meds, and she causing trouble again. Or the addiction issues which are common. We know the prisons are filled with addicts. We need to get at that.

There's also in this legislation—and you've talked about prevention. Some of this happens immediately, but it will take time. The research, the mind research—what is addiction? How do we treat it? Is there a way that we can treat addiction? And the mental health issues are so much a part of our lives. So there is an enormous amount of money that will go into research of all kinds that will benefit us in the years ahead, also including medical information technology.

We know that mistakes in hospitals and in the doctor's office are often a result of scribbles on a pad of paper, trying to be interpreted by the nurse or the doctor who follows up in the next shift. But medical information technology that is readily available, where your information can be on a flash drive. You and I are from California. We get hit walking across the street here. We could have a flash drive in our wallets. They can plug it in at the emergency room, and they know everything there is to know about us without having to start at the beginning.

Ms. WATSON. I'm glad you mentioned California and walking across the street. You must have automobile insurance if you have a license and you drive a car in California. Because I don't care how good a driver you are, there will be a time when you're going to need insurance. So we mandate it. Are you aware that it has been said since the bill has been signed that 12 States are going to come together to sue us because we're mandating that you have to have health insurance? Well, I can tell you this: if we don't require it, then you're going to pay one way or the other. Because you see, when that person gets hit, and they don't have any insurance, and they're laying out in the street, the ambulance is going to come. Because we are a humane society, we're going to pick them up, and we're going to take them to the county hospital or the DSH hospital because we're not going to let anyone in this country lie on the ground because they don't have insurance and die because they can't get health care. That's not the kind of people we are.

But I tell you, listening to these ranters rather than reasoners, you know, I'm thinking, what are we turning into as a Nation? Why are people ranting about providing health insurance? And I want to tag insurance on because that's what this bill is all about.

Mr. GARAMENDI. It certainly is. And for that unfortunate person that was out on the street, got hit by a car, was off to the hospital, the emergency room, there's a cost there. If that person doesn't have insurance, who's

going to pay? Well, I'll tell you who's going to pay. It's going to be the taxpayers who pick it up, either the local county, or city, or the State, and the Nation will pick up that cost, or it will be passed on to the insurance policies and the premiums that everybody else pays. So those people who are not insured are getting a free ride, and the rest of the people that are insured and the taxpayers get to pick it up.

So those days where we spread the risk—and this is insurance. I know insurance. I was the insurance commissioner. You spread the risk throughout the entire society, and the entire society shares in the cost of the system. That's the only fair way to do it. If you wait until you don't have insurance, you wait until there's an accident, you may go bankrupt. But the chances are that you don't have enough money to pay for it, and the cost is going to be shifted. So this is a fairness thing also.

You spoke earlier about the attorneys general who want to seek Federal court repeal of this legislation. There's also Members of Congress who have already introduced legislation to repeal it. I'm going, Well, that will be interesting. What are they going to tell the 52,000 young men and women in my district?

Ms. WATSON. In their own districts.

Mr. GARAMENDI. They're going to be able to stay on their parents' insurance for another 3 years. What are you going to do? They're going to get thrown off. You're going to repeal it so they get thrown off? And what about those seniors who are going to get \$250 and a closing of the prescription drug doughnut hole? You're going to tell those seniors that, Oh, sorry. We've decided to repeal that, and you're going to have to continue to pay for that out of your pocket. And by the way, the discount on the generic drugs, that's gone away. After all, the drug companies don't have enough profit yet so they deserve to have more profit. Is that what you want? I don't think so. I don't think the public wants that. And I don't think that that rancher who contacted me about providing insurance for himself, his wife, and for his three part-time people is going to be happy to learn that the 35 percent credit on the money he spends for insurance, and in a couple of years, the 50 percent reduction in the cost of health insurance for him, I don't think he's going to be too happy. Or those 50- to 65-year-old people who are sick with a preexisting condition who are uninsurable and under this legislation will be able to enter a pool to get insurance, a high-risk pool that will pay for their insurance, they're not going to be happy.

So for those who want to repeal this, let's keep in mind what this legislation actually does. This law provides access to insurance, high-quality insurance for men, and women, and children. But

I forgot to talk about all those children who have preexisting conditions that will in 60 days be able to get insurance. This program is a fundamental change and takes America to a new higher plateau of justice.

Talk about repeal. When the American public comes to understand what is in this—with all of the fearmongering aside, with all of the rhetoric about “kill the bill” aside—when they come to understand what’s in this bill, it will not be repealed.

Ms. WATSON. Why would we in this House allow the repeal of something that we did with so much pride?

Mr. GARAMENDI. Well, we won’t.

Ms. WATSON. And if it got out of this House and got to the other House, why would they—when they had people sign on to a letter that they would pass it—and what would influence the President of the United States to sign that bill? So I think what’s happening is that it’s just an opportunity for opposition to be heard again and continue with the devastating misstatements that they’re giving to people. You know, it really troubles me that people—well, I guess it’s the mob mentality—can buy that. And that’s why it’s so important that we do what we’re doing tonight to try to set some reality.

We talked about mental health. Do you remember, we were walking into the Rayburn Building early this morning after we came back, and there was a gentleman there with fatigues on, and he got up and saluted? And I said, That’s an intelligent man. But like in California and under the Reagan administration, they closed many of the DD centers, mental health hospitals, and there were some who wanted to sell off that property with the promise of sending the mentally ill out to be treated in their own communities and that the money would follow. Well, the money never followed. In my city on any given night, there are 80,000 to 90,000 homeless people. And if you were to go through on the streets, if you were to go through that group, you will find that out of 10, 6 of them are in need of mental health treatment.

Well, we did something a few months ago; we increased the budget for veterans and their mental health—thank goodness. Now this will follow. And that gentleman that saluted us as we went in, he can get the kind of help he needs and get off the streets. It’s obvious that there’s a great deal of intelligence there. He just got a bad deal.

Mr. GARAMENDI. If I might, your discussion reminded me of the community clinics in your district of Los Angeles, in my own district, and throughout the State of California and other States that provide the safety net service for those people that are homeless, those people that are in need, those people that are low income or unemployed. In this legislation, there is an

extremely important increase in the safety net services in three different ways.

□ 1930

First of all for the community clinics spread throughout the Nation, there is \$11 billion over the next 3 years that will go to those community clinics so they can expand the services for those people that are low income, unable to have insurance right now; but in 3 more years, they will have that insurance. It will bring up the community clinics so they can meet the needs that exist today. That money will begin to flow out to the community clinics, and in my district, in Contra Costa County, Alameda, Solano and Sacramento counties, it will result in enough money to build 10 new clinics in areas that are desperate for medical services.

Ms. WATSON. You know that, in California, 85 percent of our land is agricultural, and sometimes people are great distances away from the delivery of quality health care. Now we are going to have a whole system of clinics where they can go. I am just so thrilled because we emphasize prevention. We are even going to increase Pell Grants so students can get larger amounts of money to stay in school and become a general practitioner to take care of these people and see them on a regular basis to keep them from going into the hospital.

You know, one of the areas that we really haven’t dealt with is long-term care. We haven’t solved that problem yet, but we hope we can keep people healthy and keep them from having the need to have long-term care. We want to keep our seniors—and in California we receive a lot of them because they are bypassing the overindustrialized States, even Florida and Texas, and they are coming to us. Many years ago we increased the benefits under Medi-Cal. We have our own system, and while I was there, it was many years ago, we increased the benefits up to maybe 32 to 34 that were not required in law. Now we are saying let’s emphasize the front end and keep people out of acute care facilities by keeping them healthy.

Mr. GARAMENDI. There are specific provisions in the legislation that expand the programs for long-term care. We have gone on for some time now, and I would like to do two more things, if you will join me. I would like to review what we have done. But before we get to that, I will review what is in the legislation. But before we get to that, somebody is going to ask, How are we going to pay for it?

Well, this piece of legislation is fully paid for. It is paid for in a variety of ways. Part of that pay-for comes from a significant reduction in the unnecessary bonus that the insurance companies get for providing Medicare Advantage programs. This has been the great

scare tactic, that Medicare benefits would somehow be cut. Absolutely not. There is a specific line in the bill that says Medicare benefits will not be cut. What is cut is the unnecessary bonus that the previous administration gave to the insurance companies to do what they should have done without having that bonus. It is a 16 percent additional bonus over and above the cost. We get that money back. We plow that money back into Medicare, and we will be certain that the Medicare programs will not see a reduction in benefits. That’s one way.

Also in this program, for those people that for years and years have been able to get a free ride, there are tax increases in the outyears for income earned on those people who have \$200,000 or more of income, and have income from stocks, bonds, dividends, and capital gains. They have been getting a free ride since Medicare came in some 43 years ago, so that will be the other way. And then there are savings in the legislation. The bottom line is that the program is totally paid for.

And let’s talk about the deficit.

Ms. WATSON. It reduces the deficit. I wanted to say that. This will be the largest deficit reduction measure in 17 years and will cut the deficit, get this, by \$148 billion; \$148 billion over the first 10 years and \$1.2 trillion over the next 10 years.

And small businesses—and that is what killed the Clinton proposal, universal health care. They said it would kill small business. This is what we do: Small businesses will receive \$40 billion in tax credits to make it easier for them to provide coverage for their workers.

Mr. GARAMENDI. That is the 35 percent credit that we talked about. In my district, I have 14,500 small businesses that will qualify for that if they are purchasing health insurance for their employees. It is an encouragement to purchase health insurance by reducing the cost by a third, and in 3 years out, it will be a 50 percent reduction in the cost of insurance for those small businesses.

Ms. WATSON. Now that the bill is signed into law, we probably should have town hall meetings like this so people will actually know. You have these very fine charts, and I am going to let you take the rest of the time to let folks know what we did when that bill was signed.

Mr. GARAMENDI. Let’s run through it very, very quickly.

Small businesses’ tax credits, we talked about that; 35 percent right now beginning January 1, carrying on, and eventually in 2014, going to 50 percent.

Ms. WATSON. Do you think you might be able to hire some people to work? It is jobs, jobs, jobs.

Mr. GARAMENDI. Exactly, and small businesses are where the job creation is.

[illegible]

EXECUTIVE COMMUNICATIONS,
ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

6744. A letter from the Acting Director, NRCS Legislative Affairs Division, Department of Agriculture, transmitting the Department's final rule — Healthy Forests Reserve Program (RIN: 0578-AA53) received March 8, 2010 to the Committee on Agriculture.

6745. A letter from the Acting Director, NRCS Legislative Affairs Division, Department of Agriculture, transmitting the Department's final rule — Agricultural Management Assistance Program (RIN: 0578-AA50) received March 8, 2010 to the Committee on Agriculture.

6746. A letter from the Acting Director, NRCS Legislative Affairs Division, Department of Agriculture, transmitting the Department's final rule — Technical Service Provider Assistance (RIN: 0578-AA48) received March 5, 2010 to the Committee on Agriculture.

6747. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Hexythiazox; Pesticide Tolerances [EPA-HQ-OPP-2009-0325; FRL-8813-7] received March 11, 2010 to the Committee on Agriculture.

6748. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — S-Abscisic Acid, (S)-5-(1-hydroxy-2,6,6-trimethyl-4-oxo-1-cyclohex-2-enyl)-3-methyl-penta-(2Z,4E)-dienoic Acid; Amendment to an Exemption from the Requirement of a Tolerance [EPA-HQ-OPP-2009-0127; FRL-8814-5] received March 11, 2010 to the Committee on Agriculture.

6749. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Tetraethoxysilane, Polymer with Hexamethyldisiloxane; Tolerance Exemption [EPA-HQ-OPP-2009-0845; FRL-8814-3] received March 11, 2010 to the Committee on Agriculture.

6750. A letter from the Under Secretary, Department of Defense, transmitting a letter regarding the Air Force's Small Diameter Bomb Increment I acquisition report to the Committee on Armed Services.

6751. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Delaware; Amendment to Electric Generating Unit Multi-Pollutant Regulation [EPA-R03-OAR-2009-0804; FRL-9127-2] received March 11, 2010 to the Committee on Energy and Commerce.

6752. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Hazardous Waste Technical Corrections and Clarifications Rule [EPA-RCRA-2008-0678; FRL-9127-9] (RIN: 2050-AG52) received March 11, 2010 to the Committee on Energy and Commerce.

6753. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Mandatory Reporting of Greenhouse Gases: Minor Harmonizing Changes of the General Provisions [EPA-HQ-OAR-2008-0508; FRL-9127-6] (RIN: 2060-AQ15) received March 11, 2010 to the Committee on Energy and Commerce.

6754. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Transportation Conformity Rule PM2.5 and PM10 Amendments [EPA-HQ-OAR-2008-0540; FRL-9127-7] (RIN: 2060-AP29) received March 11, 2010 to the Committee on Energy and Commerce.

6755. A letter from the Director, Defense Security Cooperation Agency, transmitting Transmittal No. 10-07, pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended to the Committee on Foreign Affairs.

6756. A letter from the Director, Defense Security Cooperation Agency, transmitting Transmittal No. 09-67, pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended to the Committee on Foreign Affairs.

6757. A letter from the Assistant Secretary of the Army, Civil Works, Department of the Army, transmitting recommending the authorization of the proposed Topeka, Kansas, Flood Risk Management project to the Committee on Transportation and Infrastructure and ordered to be printed.

6758. A letter from the Chairman, Medicare Payment Advisory Commission, transmitting the March 2010 Report to the Congress: Medicare Payment Policy jointly to the Committees on Ways and Means and Energy and Commerce.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. CHAFFETZ (for himself and Mr. POLIS of Colorado):

H.R. 4913. A bill to amend the Federal Food, Drug, and Cosmetic Act concerning the distribution of information on legitimate scientific research in connection with foods and dietary supplements, and for other purposes; to the Committee on Energy and Commerce.

By Mr. PALLONE (for himself, Ms. SHEA-PORTER, and Ms. PINGREE of Maine):

H.R. 4914. A bill to promote coastal jobs creation, promote sustainable fisheries and fishing communities, revitalize waterfronts, and for other purposes; to the Committee on Natural Resources, and in addition to the Committee on Science and Technology, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. OBERSTAR (for himself, Mr. MICA, Mr. LEVIN, Mr. CAMP, Mr. COSTELLO, and Mr. PETRI):

H.R. 4915. A bill to amend the Internal Revenue Code of 1986 to extend the funding and expenditure authority of the Airport and Airway Trust Fund, to amend title 49, United States Code, to extend authorizations for the airport improvement program, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DEFazio (for himself and Mr. SCHRADER):

H.R. 4916. A bill to amend the Act of August 9, 1955, to authorize the Coquille Indian Tribe, the Confederated Tribes of Siletz Indi-

ans, the Confederated Tribes of the Coos, Lower Umpqua, and Siuslaw, the Klamath Tribes, and the Burns Paiute Tribe to obtain 99-year lease authority for trust land; to the Committee on Natural Resources.

By Mr. SCHAUER:

H.R. 4917. A bill to amend part D of title XVIII of the Social Security Act to prohibit mid-year changes in the formularies of Medicare Part D plans; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. TANNER (for himself and Mr. CASTLE):

H.R. 4918. A bill to require States to carry out Congressional redistricting in accordance with a process under which members of the public are informed of redistricting proposals and have the opportunity to participate in the development of such proposals prior to their adoption, and for other purposes; to the Committee on the Judiciary.

By Ms. FALLIN (for herself, Mr. COLE, Mr. SULLIVAN, Mr. BOREN, and Mr. LUCAS):

H. Res. 1206. A resolution remembering the victims of the attack on the Alfred P. Murrah Federal Building in Oklahoma City, Oklahoma, and supporting the goals and ideals of the National Week of Hope; to the Committee on Oversight and Government Reform.

By Mr. LAMBORN (for himself, Ms. BORDALLO, Mr. McCaul, Mr. COURTNEY, Ms. MARKEY of Colorado, Mr. KINGSTON, and Mr. BOREN):

H. Res. 1207. A resolution recognizing the National Museum of World War II Aviation in Colorado Springs, Colorado, as America's National World War II Aviation Museum; to the Committee on Armed Services.

By Mr. SMITH of Washington (for himself, Mrs. BONO MACK, and Mr. COBLE):

H. Res. 1208. A resolution supporting the goals of World Intellectual Property Day; to the Committee on the Judiciary.

By Mr. INSLEE (for himself, Mr. CLYBURN, Mr. HASTINGS of Washington, Mr. DICKS, Mr. SPRATT, Mr. UPTON, and Mr. BARRETT of South Carolina):

H. Res. 1209. A resolution expressing disapproval of the House of Representatives with respect to the Department of Energy's motion with the Nuclear Regulatory Commission to withdraw the license application for a high-level nuclear waste repository at Yucca Mountain with prejudice; to the Committee on Energy and Commerce.

By Mr. KENNEDY (for himself and Mr. LANGEVIN):

H. Res. 1210. A resolution honoring the Blackstone Valley Tourism Council on the celebration of its 25th anniversary; to the Committee on Energy and Commerce.

By Ms. WATSON:

H. Res. 1211. A resolution expressing the appreciation of Congress for the service and sacrifice of the 2nd Ranger Infantry Company (Airborne), United States Army, which was the first and only all-African American Ranger Company in the Army; to the Committee on Armed Services.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

245. The SPEAKER presented a memorial of the Senate of the State of Michigan, relative to Senate Resolution No. 117 memorializing the Congress to change Medicaid Laws, rules, and policies to reward states for results, staying healthy, and spending less, pursuant to; to the Committee on Energy and Commerce.

246. Also, a memorial of the Senate of the State of Tennessee, relative to Senate Resolution No. 176 urging the Congress to stimulate markets for recycled materials, recycling, and source reduction and development of comprehensive solid waste management plans; to the Committee on Energy and Commerce.

247. Also, a memorial of the Legislature of the State of Wyoming, relative to Joint Resolution recognizing the Greater Sage Grouse Core Area as Wyoming's primary regulatory mechanism for conservation to preclude the need for listing the bird on the threatened and endangered species list; to the Committee on Natural Resources.

248. Also, a memorial of the House of Representatives of the State of Maine, relative to House Joint Resolution No. 1287 urging the Congress of the United States to pass legislation in order to send a one time \$250 payment to every Social Security Recipient; jointly to the Committees on Ways and Means, Transportation and Infrastructure, and Veterans' Affairs.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 24: Mrs. KIRKPATRICK of Arizona, Ms. SPEIER, Mr. GEORGE MILLER of California, Mr. FARR, Mrs. NAPOLITANO, Mr. SABLON, Mr. SALAZAR, Mr. RODRIGUEZ, and Mr. PAYNE.

H.R. 113: Mr. MARCHANT, Mr. ISSA, Mr. PENCE, Mr. HENSARLING, Mr. MANZULLO, Mr. KING of Iowa, Mr. BISHOP of Utah, Mr. GINGREY of Georgia, Mr. CONAWAY, Mr. SHAD-EGG, Mr. FRANKS of Arizona, Mr. GRIFFITH, and Mr. BARTLETT.

H.R. 177: Mr. OWENS.

H.R. 211: Mr. ISSA.

H.R. 219: Mr. JOHNSON of Illinois.

H.R. 235: Mr. ETHERIDGE, Mr. OWENS, Mr. LUCAS, and Ms. KOSMAS.

H.R. 442: Mr. THOMPSON of Pennsylvania.

H.R. 456: Mr. ROONEY.

H.R. 537: Ms. EDDIE BERNICE JOHNSON of Texas and Mr. GUTHRIE.

H.R. 690: Mr. HUNTER and Mr. LUCAS.

H.R. 1177: Mr. CLYBURN, Mr. DINGELL, Mr. ENGEL, Mr. FRANK of Massachusetts, Mr. GENE GREEN of Texas, Ms. MCCOLLUM, Mr. BISHOP of Georgia, Mr. BLUMENAUER, Mr. BUTTERFIELD, Mr. GRIJALVA, Mr. PASCRELL, Mr. BERMAN, Mr. KIND, Mr. DAVIS of Illinois, Mr. DOGGETT, Mr. FILNER, Mr. HOLT, Mr. KAGEN, Mr. LARSEN of Washington, Mr. STUPAK, Ms. SUTTON, Ms. WOOLSEY, Mr. WU, Ms. BALDWIN, and Mr. YARMUTH.

H.R. 1203: Mr. GINGREY of Georgia, Mr. ETHERIDGE, Mrs. DAHLKEMPER, and Ms. SHEA-PORTER.

H.R. 1324: Mr. SCOTT of Georgia.

H.R. 1467: Mr. GERLACH.

H.R. 1806: Mr. HALL of New York.

H.R. 1822: Mr. DUNCAN and Mr. WESTMORELAND.

H.R. 1895: Mr. MCMAHON.

H.R. 2000: Ms. TITUS.

H.R. 2067: Mr. TOWNS and Mr. GARAMENDI.

H.R. 2138: Mr. TIM MURPHY of Pennsylvania.

H.R. 2139: Mr. WEINER.

H.R. 2296: Mr. ORTIZ.

H.R. 2378: Ms. KILROY.

H.R. 2531: Mr. TONKO and Mr. HINCHEY.

H.R. 2713: Mr. WALZ.

H.R. 2799: Mr. MINNICK.

H.R. 3024: Mr. CONNOLLY of Virginia.

H.R. 3047: Mr. COHEN.

H.R. 3147: Ms. EDDIE BERNICE JOHNSON of Texas.

H.R. 3407: Mr. SCOTT of Virginia.

H.R. 3464: Mr. PETRI, Mr. ALEXANDER, Mr. WOLF, Mr. MORAN of Kansas, Mr. BISHOP of Utah, and Mrs. LUMMIS.

H.R. 3577: Mr. MICHAUD.

H.R. 3729: Mrs. HALVORSON.

H.R. 3787: Mr. BRALEY of Iowa.

H.R. 3947: Ms. RICHARDSON.

H.R. 3948: Mr. TIM MURPHY of Pennsylvania.

H.R. 3986: Mr. WATT.

H.R. 4271: Mr. SCHOCK and Mr. BARTLETT.

H.R. 4278: Mr. CLEAVER.

H.R. 4296: Mr. CARSON of Indiana.

H.R. 4306: Mr. NEUGEBAUER and Mr. POE of Texas.

H.R. 4360: Mr. SKELTON, Mr. KAGEN, and Mr. BOOZMAN.

H.R. 4430: Mr. CANTOR.

H.R. 4480: Ms. HERSETH SANDLIN.

H.R. 4486: Mrs. NAPOLITANO.

H.R. 4505: Mr. WELCH, Mr. BOREN, and Mr. ARCURI.

H.R. 4553: Mr. JONES.

H.R. 4635: Mr. FILNER.

H.R. 4674: Mrs. HALVORSON.

H.R. 4677: Ms. ZOE LOFGREN of California, Mr. VISCLOSKEY, Mr. ARCURI, and Mr. WILSON of Ohio.

H.R. 4701: Mr. KAGEN.

H.R. 4753: Mr. ELLSWORTH.

H.R. 4767: Mr. LEE of New York.

H.R. 4788: Mr. KAGEN, Mr. STARK, Mr. TIM MURPHY of Pennsylvania, and Mr. FILNER.

H.R. 4812: Mr. BLUMENAUER, Mr. LEWIS of Georgia, Mr. AL GREEN of Texas, Mr. TOWNS, Ms. SLAUGHTER, Mr. NEAL of Massachusetts, Mr. FRANK of Massachusetts, Mr. GUTIERREZ, Ms. PINGREE of Maine, Mr. THOMPSON of Mississippi, Mr. SIREN, Ms. DELAURO, Mr. BRADY of Pennsylvania, Ms. ROYBAL-ALLARD, and Mr. DAVIS of Illinois.

H.R. 4862: Mr. ACKERMAN and Ms. NORTON.

H.R. 4865: Mr. MORAN of Virginia and Ms. NORTON.

H.R. 4879: Ms. DELAURO, Mr. SHERMAN, Mr. ROTHMAN of New Jersey, Mrs. DAVIS of California, and Mrs. MALONEY.

H.R. 4894: Mr. HASTINGS of Washington and Mr. MICA.

H.R. 4903: Mr. BOOZMAN, Mr. SMITH of Texas, Mr. ROGERS of Alabama, Mr. JONES, Mr. GOHMERT, Mr. CARTER, Mr. GOODLATTE, and Mr. GARY G. MILLER of California.

H.R. 4904: Mr. ROHRBACHER, Mr. HALL of Texas, Mr. KING of Iowa, Mr. JONES, Mr. HASTINGS of Washington, and Mr. GOHMERT.

H.J. Res. 80: Mr. BUYER.

H. Con. Res. 241: Mrs. MCMORRIS RODGERS.

H. Res. 213: Mr. HINOJOSA, Mr. REYES, Mrs. DAVIS of California, and Mr. FATTAH.

H. Res. 577: Mr. HARE.

H. Res. 989: Mrs. NAPOLITANO.

H. Res. 996: Mr. CLEAVER, Mr. RUSH, Mr. MARKEY of Massachusetts, and Mr. MAFFEI.

H. Res. 1041: Mr. MEEKS of New York, Mr. BILBRAY, Mr. BOCCIERI, Mr. TANNER, and Mr. BOOZMAN.

H. Res. 1042: Mr. MEEKS of New York, Mr. BILBRAY, Mr. BOCCIERI, Mr. TANNER, and Mr. BOOZMAN.

H. Res. 1052: Ms. SHEA-PORTER, Mr. WILSON of South Carolina, and Mr. ORTIZ.

H. Res. 1094: Ms. EDDIE BERNICE JOHNSON of Texas, Ms. CORRINE BROWN of Florida, Ms. EDWARDS of Maryland, Mr. SCOTT of Georgia, Ms. RICHARDSON, Mrs. FUDGE, Mr. CARSON of Indiana, Mrs. SCHMIDT, Mrs. MYRICK, Mr. DINGELL, Ms. CLARKE, Mr. JACKSON of Illinois, Mrs. MALONEY, Ms. SUTTON, Ms. BERKLEY, Mr. CLYBURN, Mr. BISHOP of Georgia, Mr. LEWIS of Georgia, Mrs. HALVORSON, Ms. SPEIER, Ms. KAPTUR, Ms. KILROY, Ms. LEE of California, Ms. SCHAKOWSKY, Ms. WOOLSEY, Ms. HIRONO, Mr. GARAMENDI, Mr. DOGGETT, Mr. FATTAH, Mr. BRADY of Pennsylvania, Mr. ROTHMAN of New Jersey, Mr. KANJORSKI, Mr. HOLDEN, Mr. BUTTERFIELD, Mr. SCOTT of Virginia, Mr. HASTINGS of Florida, Mr. BECERRA, Ms. SLAUGHTER, and Mr. HOYER.

H. Res. 1132: Mr. NYE, Mr. BOREN, Mr. TAYLOR, Mr. MARSHALL, Mr. LOEBSACK, Ms. TSONGAS, Ms. PINGREE of Maine, Mr. KISSELL, Mr. LARSEN of Washington, Mr. MINNICK, Mr. REYES, Mr. BRIGHT, and Mr. BOOZMAN.

H. Res. 1158: Ms. NORTON.

H. Res. 1189: Mr. CAO, Mr. UPTON, Mr. GUTHRIE, Mr. EDWARDS of Texas, Mr. COBLE, Mr. SENSENBRENNER, Mr. GALLEGLY, Mrs. LUMMIS, Mr. ADERHOLT, Mr. PENCE, Mr. HENSARLING, Mr. FLAKE, Mr. CARTER, Mr. SMITH of Nebraska, Mr. BURTON of Indiana, Mr. ROGERS of Kentucky, Mr. BROWN of South Carolina, Mrs. SCHMIDT, Ms. ROS-LEHTINEN, Mrs. CAPITO, Mrs. BIGGERT, Mr. WESTMORELAND, Mr. FORBES, Mr. BOOZMAN, Mr. WITTMAN, Mr. MILLER of Florida, Mr. WILSON of South Carolina, Mr. REICHERT, Mr. WALDEN, Mr. BUCHANAN, Mr. CRENSHAW, Mr. YOUNG of Florida, Mr. BILIRAKIS, Mr. FRELINGHUYSEN, Mr. MCKEON, Mr. HELLER, Mr. MCDERMOTT, Mr. FOSTER, Mr. BOUSTANY, Mr. BOYD, Mr. HOYER, Mr. MINNICK, Mr. SCHRAMMER, Mr. CASIDY, Mr. MCINTYRE, Mr. BOREN, Mr. MELANCON, Mr. CHILDERS, Mr. ELLSWORTH, Mr. GORDON of Tennessee, Mr. SHULER, Mr. ALEXANDER, Mr. GRIFFITH, Mr. ROGERS of Alabama, Mr. TAYLOR, Mr. REHBERG, Mr. SULIVAN, Mr. DAVIS of Tennessee, Mr. BOSWELL, Mr. SHERMAN, Mr. GEORGE MILLER of California, Ms. ESHOO, Mr. THOMPSON of California, Ms. WOOLSEY, Ms. MATSUI, Mr. BERRY, Mr. GRAYSON, Ms. HIRONO, Mr. SKELTON, Mr. KILDEE, Mr. PITTS, Mr. DUNCAN, Mr. TANNER, Mr. SABLON, Mr. GARRETT of New Jersey, Mr. ETHERIDGE, Mr. BAIRD, and Mr. BISHOP of New York.

H. Res. 1199: Mr. MORAN of Kansas.

PETITIONS, ETC.

Under clause 1 of rule XXII,

111. The SPEAKER presented a petition of Wilton Manors Island City, Florida, relative to Resolution No. 3521 supporting H.R. 4530: Student Non-Discrimination Act of 2010; which was referred to the Committee on Education and Labor.

SENATE—Tuesday, March 23, 2010*(Legislative day of Friday, March 19, 2010)*

The Senate met at 2:16 p.m., on the expiration of the recess, and was called to order by the Honorable MARK BEGICH, a Senator from the State of Alaska.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Eternal Lord God, the giver of every good and perfect gift, as we continue to labor for liberty, guide our Senators with Your wisdom and might. We don't ask for easy tasks but for a spirit that makes difficult tasks easy.

Provide inspiration and wisdom to the many workers who assist our lawmakers in accomplishing their important work. May these laborers, whose work is often unrecognized, know that You see their diligence and will reward their faithfulness.

We pray in Your strong Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable MARK BEGICH led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, March 23, 2010.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable MARK BEGICH, a Senator from the State of Alaska, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. BEGICH thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

MEASURES READ THE FIRST TIME—H.R. 4872, S. 3152, AND S. 3153

Mr. REID. Mr. President, there is a bill at the desk. I ask for its first reading.

The ACTING PRESIDENT pro tempore. The clerk will report the bill by title for the first time.

The legislative clerk read as follows:

A bill (H.R. 4872) to provide for reconciliation pursuant to Title II of the concurrent resolution on the budget for fiscal year 2010 (S. Con. Res. 13).

Mr. REID. Mr. President, it is my understanding the Republican leader wishes to be recognized at this time.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The Republican leader is recognized.

Mr. MCCONNELL. Mr. President, I understand there are two bills at the desk, and I ask for their first reading en bloc.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The clerk will report the bills by title for the first time.

The legislative clerk read as follows:

A bill (S. 3152) to repeal the Patient Protection and Affordable Care Act.

A bill (S. 3153) to provide a fully offset temporary extension of certain programs so as not to increase the deficit, and for other purposes.

Mr. MCCONNELL. Mr. President, I now ask for their second reading, and in order to place the bills on the calendar under provisions of rule XIV, I object to my own request en bloc.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The three bills that have been read for the first time will receive their second reading on the next legislative day.

HEALTH CARE

Mr. MCCONNELL. Mr. President, a little earlier today, the President signed the Democratic health spending bill into law, and he used the occasion to point out a number of things he wants people to know about it. Now he will travel around the country, talking up the bill to a skeptical public. Clear-

ly, Democrats in Washington still do not get it. Americans already know what is in this bill. That is precisely why they do not like it.

Most Americans out there are not celebrating today. They are dumbfounded by the fact that Congress just passed this 2,685-page monstrosity against their wishes, on the backs of their children and grandchildren who they know will have to pick up the tab.

With all due respect, you do not pass a bill the American people did not want and then try to sell them on it. You win their support first, then pass it on a bipartisan basis, just as we have done on every other piece of major social legislation we have passed over the past 45 years.

People oppose this bill not because they do not know what is in it but because they know exactly what is in it. But for some reason, Democrats in Washington still think they can continue to spin the public on this bill. They are still trying to sell it as the one and only solution to problems that we all recognize exist in our health care system.

They will say this is the only solution to controlling costs. They will say this is the only solution to covering preexisting conditions. They will say this is the only way to keep people from getting kicked off their insurance plans.

The American people are not stupid. They know these are false choices.

They know you do not have to slash Medicare a \$½ trillion to lower premiums.

You do not have to impose job-killing taxes to keep people from being kicked off their plan.

People know you will not save money on health care by spending another \$2.6 trillion on health care.

They know you can do these things without forcing taxpayers to cover the cost of abortions.

They know you do not reduce the deficit by creating a massive new government program that even Democrats have described as a Ponzi scheme.

They know you can go a long way toward doing all of these things without creating a brandnew entitlement at a time when we cannot even cover the cost of the entitlements we already have.

They know Democrats can claim to know the verdict of history all they want, but that history will remember this past week not for giving Americans a boost but from diverting us from the real task of enacting commonsense

health care reforms that actually lower the cost of care without undermining the health care system we already have.

Americans wanted us to get at the root of this problem, which is cost. Instead, Democrats are spending trillions more on a system that already costs too much and forcing seniors, small business owners, and middle-class families to pay for it.

You can call that a lot of things. You might even call it historic. But you cannot call it reform.

The fact is, this bill spends \$2.6 trillion at a time of near double-digit inflation, while putting the real problem off for another day. It kicks the can down the road.

Democrats in Washington can celebrate all they want, but the celebration is going to be short lived. The American people are not fooled.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The majority leader.

HEALTH CARE

Mr. REID. Mr. President, I agree with my distinguished counterpart, the Senator from Kentucky. The American people are not stupid. What we are now going to be on shortly is something we do nearly every year. Since 1980, we have done it 20-some odd times; 80 percent of the time it has been done by Republicans. We are going to move forward and make a good law we just passed and signed by the President today even better.

This legislation will reduce the deficit during the first 10 years by about \$140 billion, over the next 10 years by about \$1.3 trillion. In Nevada, 600,000 people will be able to have insurance who do not have it today; 24,000 small businesses in Nevada will be able to have insurance for their employees. Why didn't they have it before? Was it because they were cheap or mean? No, they could not afford it. The insurance companies had a lock on the system. They could not afford it.

There are so many good things, and I am not going to talk about all of them,

in this law the President signed today, but let me talk about one thing because it is very personal. This legislation now will allow someone who turns 24 to still be on their parents' insurance when they are in college. They don't even have to be in college—whatever they do. The reason this is important is, Searchlight, NV, is a place where a hard-working couple had a child somewhat late in life. They love that boy. He is going to school almost full time, working part time. He turned 23 and went off his parents' insurance.

Within weeks of his being 23 years old, he got sick and was diagnosed as having testicular cancer. He was real sick. He has had two surgeries. He has had chemotherapy twice. This has been paid for by his parents, who did not have the money to do this. They exhausted their savings. In America, that is not the way it should be. This law we now have takes care of a lot of people just like Jeff Hill from Searchlight, NV.

For all senior citizens in Nevada who are on Medicare, we can close the doughnut hole; that is, people will not have to be concerned about arriving at a point with their health care delivery system where they no longer have coverage for prescription drugs. We take care of that in this new law. There are bipartisan ideas to attack waste, fraud, and abuse. We expand Medicaid Programs. Doing nothing means double-digit premium increases as high as 60 to 70 percent.

This is a good law, and we are going to make it better.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. REID. Mr. President, I move that the Senate adjourn until 3:05 p.m. today, and I ask for the yeas and nays.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the motion.

Is there a sufficient second? There appears to be.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. BYRD) and the Senator from New Mexico (Mr. UDALL) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Utah (Mr. BENNETT) and the Senator from Georgia (Mr. ISAKSON).

The ACTING PRESIDENT pro tempore. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 57, nays 39, as follows:

[Rollcall Vote No. 62 Leg.]

YEAS—57

Akaka	Franken	Mikulski
Baucus	Gillibrand	Murray
Bayh	Hagan	Nelson (NE)
Begich	Harkin	Nelson (FL)
Bennet	Inouye	Pryor
Bingaman	Johnson	Reed
Boxer	Kaufman	Reid
Brown (OH)	Kerry	Rockefeller
Burris	Klobuchar	Sanders
Cantwell	Kohl	Schumer
Cardin	Landrieu	Shaheen
Carper	Lautenberg	Specter
Casey	Leahy	Stabenow
Conrad	Levin	Tester
Dodd	Lieberman	Udall (CO)
Dorgan	Lincoln	Warner
Durbin	McCaskill	Webb
Feingold	Menendez	Whitehouse
Feinstein	Merkley	Wyden

NAYS—39

Alexander	Crapo	Lugar
Barrasso	DeMint	McCain
Bond	Ensign	McConnell
Brown (MA)	Enzi	Murkowski
Brownback	Graham	Risch
Bunning	Grassley	Roberts
Burr	Gregg	Sessions
Chambliss	Hatch	Shelby
Coburn	Hutchison	Snowe
Cochran	Inhofe	Thune
Collins	Johanns	Vitter
Corker	Kyl	Voinovich
Cornyn	LeMieux	Wicker

NOT VOTING—4

Bennett	Isakson
Byrd	Udall (NM)

The motion was agreed to, and the Senate, at 3:12 p.m., adjourned until Tuesday, March 23, 2010, at 3:13 p.m.

SENATE—Tuesday, March 23, 2010

The Senate met at 3:13 p.m. and was called to order by the Honorable MARK BEGICH, a Senator from the State of Alaska.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, March 23, 2010.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable MARK BEGICH, a Senator from the State of Alaska, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. BEGICH thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

APPROVAL OF THE JOURNAL OF PROCEEDINGS AND EXPIRATION OF THE MORNING HOUR

Mr. REID. Mr. President, I ask unanimous consent the Journal of proceedings be approved to date, and the morning hour be deemed expired.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

MEASURES PLACED ON THE CALENDAR—H.R. 4872, S. 3152, S. 3153

Mr. REID. I understand there are three bills now at the desk due for a second reading.

The ACTING PRESIDENT pro tempore. The clerk will read the bills for the second time.

The legislative clerk read as follows:

A bill (H.R. 4872) to provide for reconciliation pursuant to Title II of the concurrent resolution on the budget for fiscal year 2010 (S. Con. Res. 13).

A bill (S. 3152) to repeal the Patient Protection and Affordable Care Act.

A bill (S. 3153) to provide a fully offset temporary extension of certain programs so as not to increase the deficit, and for other purposes.

Mr. REID. Mr. President, I object to any further proceedings, en bloc, to these three bills.

The ACTING PRESIDENT pro tempore. Objection having been heard, the bills will be placed on the calendar.

HEALTH CARE AND EDUCATION RECONCILIATION ACT OF 2010

Mr. REID. Mr. President, I now move to proceed to H.R. 4872 and ask for the yeas and nays.

The ACTING PRESIDENT pro tempore. Is there a sufficient second?

The Republican leader is recognized.

Mr. MCCONNELL. Mr. President, if the Chair would indulge me a couple of parliamentary inquiries, which won't delay the process very long.

As I understand it, the budget resolution instructed two Senate committees to report changes in law to reduce the deficit by \$1 billion each over the next 5 years. The reconciliation instruction states that they were to report those changes by October 15, 2009, and that those measures are then sent to the Budget Committee to report the final measure. It is my understanding that nothing has been reported to date. Therefore, my inquiry is: Has the Budget Committee reported any reconciliation legislation to the Senate pursuant to the current budget resolution, S. Con. Res. 13?

The ACTING PRESIDENT pro tempore. It has not.

Mr. MCCONNELL. Mr. President, the answer is: No, it has not?

The ACTING PRESIDENT pro tempore. Correct.

Mr. MCCONNELL. Mr. President, one other parliamentary inquiry: My understanding is, each time the Senate has taken up a reconciliation bill on the floor, a Senate committee has reported a bill to the Senate, either through the Budget Committee or directly from the committee instructed. Therefore, my question to the Chair is: Is this the first time in history the Senate will consider a reconciliation even though no Senate committee has reported a bill to the Senate?

The ACTING PRESIDENT pro tempore. It is the first time that the Chair is aware of it.

Mr. MCCONNELL. I thank the Chair.

Mr. REID. I ask for the yeas and nays.

The ACTING PRESIDENT pro tempore. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. BYRD)

and the Senator from New Mexico (Mr. UDALL) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Utah (Mr. BENNETT) and the Senator from Georgia (Mr. ISAKSON).

The PRESIDING OFFICER (Mrs. GILLIBRAND). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 56, nays 40, as follows:

[Rollcall Vote No. 63 Leg.]

YEAS—56

Akaka	Franken	Mikulski
Baucus	Gillibrand	Murray
Bayh	Hagan	Nelson (FL)
Begich	Harkin	Pryor
Bennet	Inouye	Reed
Bingaman	Johnson	Reid
Boxer	Kaufman	Rockefeller
Brown (OH)	Kerry	Sanders
Burris	Klobuchar	Schumer
Cantwell	Kohl	Shaheen
Cardin	Landrieu	Specter
Carper	Lautenberg	Stabenow
Casey	Leahy	Tester
Conrad	Levin	Udall (CO)
Dodd	Lieberman	Warner
Dorgan	Lincoln	Webb
Durbin	McCaskill	Whitehouse
Feingold	Menendez	Wyden
Feinstein	Merkley	

NAYS—40

Alexander	DeMint	McConnell
Barrasso	Ensign	Murkowski
Bond	Enzi	Nelson (NE)
Brown (MA)	Graham	Risch
Brownback	Grassley	Roberts
Bunning	Gregg	Sessions
Burr	Hatch	Shelby
Chambliss	Hutchinson	Snowe
Coburn	Inhofe	Thune
Cochran	Johanns	Vitter
Collins	Kyl	Voinovich
Corker	LeMieux	Wicker
Cornyn	Lugar	
Crapo	McCain	

NOT VOTING—4

Bennett	Isakson
Byrd	Udall (NM)

The motion was agreed to.

Mrs. MURRAY. Madam President, I move to reconsider the vote.

Mr. BAUCUS. Madam President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 4872) to provide for reconciliation pursuant to Title II of the concurrent resolution on the budget for fiscal year 2010, S. Con. Res. 13.

Mr. BAUCUS. Madam President, for the information of all Senators—and I might ask the Senator from New Hampshire if he agrees—it is probably best to alternate the time back and forth on each side with roughly one-half hour blocks of time, if that meets the approval of the minority.

Mr. GREGG. I would suggest we do that for the first 2 hours, at least until

we see how this is evolving. So the first half hour will go to the majority and the second half hour will go to the Republican side.

Mr. BAUCUS. That would be my intention.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAUCUS. Madam President, this morning President Obama signed a law that will guarantee meaningful insurance reform, such as coverage for people with preexisting conditions. He signed comprehensive health care reform into law. Many of us have dreamed of that day for years. Now it is a fact. Now it is law. Now it is history. Indeed, it is historic. He signed a law that will ensure that average people without insurance will get health insurance choices just as Members of Congress do. This morning, President Obama signed a law that will control the growth of health care costs in years to come.

Today, we have before us a bill to improve the new law. We do not have before us the whole health care reform bill. We do not have to reopen every argument we had over the last 2 years. We do not have to say everything we said about health care one more time. Rather, we have a bill before us that will do a few good things.

We have before us a bill that will improve affordability by increasing tax credits to help pay for insurance premiums—*increase those tax credits*. We have before us a bill that will help with out-of-pocket costs for lower and middle-income families; that is, to raise the assistance. We have before us a bill that will increase aid to States to help them shoulder the costs of covering Americans under Medicaid. We have before us a bill that will give additional help to States that took extra steps to cover the uninsured before reform took place. Together, these improvements will level the playing field among States under health care reform.

We have before us a bill that will make sure no State is singled out for special treatment. We have before us a bill that will completely close the doughnut hole; that is, the coverage gap for Medicare prescription drug coverage. It is closed by the end of the budget window. We have before us a bill that will start with a \$250 increase in Federal assistance toward coverage of the doughnut hole right away, this year, 2010. We have before us a bill that will fight fraud and fight waste and abuse in Medicare and Medicaid.

That is the bill we have before us today. This is not the whole health care reform bill; this is a set of commonsense improvements to that new law signed by the President earlier today. I do not expect opponents of the bill to talk about these commonsense improvements. Frankly, it is pretty difficult to understand why Senators

would want to oppose these commonsense improvements. Rather, if this debate is anything like the debate so far, opponents of this bill will try to change the subject. When people look at what health reform really does, they are more likely to support it, when they separate truth from fiction, separate the wheat from the chaff. So I expect that opponents of this bill will try to distract observers from what is really going on.

Rather than talk about commonsense improvements to this bill, opponents will talk about the process. Over the 2 years we have been working on health care reform, there have been many on the other side who have sought to make the debate about process—not about what is in the bill, what improves people's lives, but about the process, the legislative process. They have sought to emphasize how messy the legislative process is—and sometimes it is a bit messy—and, of course, criticizing how Congress works is a heck of a lot easier than improving health care for the American people. Many opponents of health care reform are obsessed with process and procedure.

I am much more focused on the people whom health care reform will help. I am focused on people such as Pat and her late husband Dan from Lincoln County in the northwestern corner of Montana.

Pat and Dan used to have a ranch in southwestern Lincoln County. Dan was the fourth generation of his family to run the ranch. He grew up on the ranch, and he worked very hard every day of his life.

In 2000, the doctors told Dan he had Hodgkin's lymphoma, but Pat and Dan did not have health insurance. Dan never took a handout, and Pat and Dan thought they could handle their bills on their own. That is the way they had always lived. That is the way a lot of people—I daresay most people—live. Then the medical bills started piling up. Swallowing his pride, Dan made what he called the hardest decision of his life: he filed for Medicaid. The State told him the only way they could be eligible for Medicaid was to put a lien on their ranch. As Dan's medical bills piled out of control, Pat and Dan were forced to sell their land. Pat said the cancer ravaged her husband's body. But selling their ranch to pay for medical costs broke his spirit. That is why we need to enact health care reform.

Most bankruptcies in America these days are related to medical costs. Just think of that: Most bankruptcies in America today are related to medical costs. No one in America should have to sell everything they have, no one should have to go bankrupt just to pay medical bills.

But I am not going to let the opponents' charges about the process go unanswered either. The idea that health

care reform has been some sort of rush job is a total myth. It is a myth that deserves busting.

The facts are, the Finance Committee and the HELP Committee—committees with jurisdiction on health care reform—each went through a full and transparent process to consider health care reform legislation. By that I mean fully open, totally open to the public at all points. This has been the fullest and most transparent process for any major piece of legislation in memory.

I might say, a journalist once approached me about a year ago and said: Senator, are you starting a new trend with such openness and such transparency, putting all the amendments on the Web, 8 days' notice; is that a whole new approach the Senate is going to pursue from now on?

I said: I don't know, but I think it is the right thing to do today. From the start, I wanted us to develop a bipartisan consensus package. I wanted to work together. When someone gets ill or gets cancer, he or she is not a member of one party or the other. It is personal. We have to work together. That is what the American public wants. That is what I tried so hard to do. I wanted a bill that would have broad political support across the political spectrum.

There has been a long tradition in the Republican Party in favor of comprehensive health care reform. That tradition stretches back to Theodore Roosevelt, to Richard Nixon, to Bob Dole, and to John Chafee. I believe what we set out to do and what we have done fits comfortably within the tradition of what those Republican leaders sought to do.

We began almost 2 years ago. On May 6, 2008, we held our first hearings in a series on health care reform. In fact, the Finance Committee held 11 hearings in a series in 2008 alone. We held those hearings to help Senators come to a commonsense understanding of the health care crisis; to help explain why we are in such a crisis, what needs to be done, how the various parts of our health care system work, and what parts do not work. I held these hearings purely from an educational point of view, not an ideological point of view. I held them to educate all of us on the committee to get us ready for 2009. It was clear to me this Congress was going to work very hard and pass health care reform. We sought in the last Congress to lay the groundwork for passing the bill in this Congress.

On June 16, 2008, nearly 2 years ago, Senator GRASSLEY, my good friend and ranking member of the committee, and I convened a bipartisan health reform summit at the Library of Congress. We called it "Prepare for Launch, Health Care Reform Summit of 2008." Chairman Ben Bernanke was there. Other notables were there. It was a full-day

conference with members of the Finance Committee from both sides of the aisle to help us better understand how to solve our health care reform crisis. I was very impressed that all day long most Senators stayed. Late in the afternoon, I counted a majority of Senators on both sides still there asking questions of experts.

Senator GRASSLEY and I have brought some of the best minds in the country together to discuss health care reform. Senators from both sides of the aisle have engaged in open and constructive discussion.

Then right after the 2008 election, on November 12, 2008, this Senator released an 89-page blueprint on health care reform. I have it right here. We named it "Call to Action: Health Reform 2009." It was a comprehensive framework for health care reform. We posted that blueprint on the Internet for all to read.

The ideas in that white paper reflected the broad consensus of thinking among health care efforts. We searched far and wide. What is the best thinking; what do other countries do. While looking at what other countries do, we clearly wanted to come up with a uniquely American solution. We are America. We are not Canada. We are not Great Britain. We are not Ireland. We are America. We spent about \$2.5 trillion on health care in America with public Medicaid, Medicare, and the Children's Health Insurance Program and private, commercial health insurance. I wanted to maintain that same balance with a uniquely American solution. They are reflected in this white paper.

The ideas in that white paper remain the foundations of health care reform that became law this morning. That is a strong statement to make, but it is true—almost all the ideas all committees on both sides of the Congress have enacted and what are in the bill the President signed today.

Of course, there are changes here and there. But the basic foundation in that white paper—this white paper right here that was put together in November 2008—remains the foundation of the health care bill that became law this morning.

The ideas behind our health care reform legislation have been available for all Senators and the public to consider for more than 16 months.

The Washington Post called our white paper "striking in both its timing and scope." The Washington Post said:

Rarely, if ever, has a lawmaker with his clout moved so early—eight days after the election of a new president—to press for such an enormous undertaking.

Then in April and May of last year, Senator GRASSLEY and I released three bipartisan health care reform policy papers on the three major areas of reform. What are they? First, delivery

system reform; second, insurance coverage; and third, options for financing. Once again, we made these papers public and posted them on the Finance Committee's Web site.

Senator GRASSLEY and I convened three open, televised bipartisan roundtable discussions with experts on those subjects. We held several day-long meetings of Finance Committee Senators to discuss the topics of those policy papers.

On April 20, 2009, the New York Times reported:

In setting forth detailed "policy options" and inviting public comment, Mr. BAUCUS and Mr. GRASSLEY set a precedent for openness.

On May 18, 2009, the newspaper Politico reported on our efforts to build consensus. Politico said that my "frequent progress reports to reporters always include some discussion of keeping peace in the delicate alliance of Republicans, Democrats, industry, labor, physicians and consumer advocates."

That is so true. From the outset, I worked hard to keep all the groups talking to each other. That was a shortcoming back in the early nineties when health care reform fell apart, when the groups proposed the bills. By "the groups," I mean consumer groups, hospitals, labor, medical device manufacturers, nursing homes—all the groups. I called up their CEOs and kept talking with them constantly: What do you think? A problem here? Let's make an adjustment. Stay at the table. Don't walk away from the table. Suspend judgment for 5 minutes. Let's find a way to put this together that is in everybody's best interest, America's best interest, if this passed.

I had more than 142 meetings, both one on one and in groups, to discuss health care reform with Senators on both sides of the aisle. In all, those meetings added up to more than 150 hours of discussions.

I tried to work out a bipartisan package with the Finance Committee. I started, as I always do, with the ranking Republican member of the Finance Committee, my good friend, CHUCK GRASSLEY. Since the Finance Committee and the HELP Committee share jurisdiction over health care, Senator GRASSLEY and I agreed we wanted to include the ranking Republican member of the HELP Committee, MIKE ENZI, and our colleague, JEFF BINGAMAN, who is also a member of both those two committees. As well, we reached out to the chairman of the Budget Committee, KENT CONRAD, and the ranking Republican member of the Small Business Committee, Senator OLYMPIA SNOWE, both of whom are also members of the Finance Committee. Both Senators CONRAD and SNOWE have a long history of working across the aisle to reach a consensus. We also reached out to Senator Kennedy, then-chairman of the HELP Committee. We

had meetings with him, all the relevant chairmen and ranking members together, meeting over in the other part of the Capitol with Senator Kennedy. How gracious he was and how he wanted to work together. He was not trying to do it for Ted Kennedy but for people who needed health care. It was very touching.

It ended up we had a group of six Senators—three Democrats and three Republicans. We worked hard. We rolled up sleeves and plowed through the issues. We met 31 times for 63 hours over the course of 4 months.

Many have said we met too long. Many said I should have broken up my discussions with my colleagues. But I wanted to go the extra mile. I wanted to try. I wanted to bend over backwards. I wanted to do everything I could to reach a bipartisan consensus. Why? Because that is the right thing to do.

That group of six Senators came very close to an agreement. We did not end up reaching an agreement among all six of us, but I took the product of those bipartisan discussions, areas of tentative agreement, and made them the starting point for our committee markup; that is, the group of six helped forge through immense hours of discussing major improvements on our thinking.

We converted that product into a committee mark. I made that mark public and posted it online on the Finance Committee's Web site on September 16, 2009. That was a full 6 days before the markup and 4 days longer than committee rules require.

For the first time in history, on September 19, the Finance Committee posted online every amendment submitted to the clerk. We posted the full text of all 564 amendments. Members of the committee and the public had 3 days to review the amendments and prepare for the markup.

Our Finance Committee markup stretched over 8 days. They were fully public. We worked well past 10 p.m. on most of the those days. The markup was the longest that the Finance Committee has conducted on any bill in 22 years.

Prior to the markup, I accepted 122 amendments as part of a modified chairman's mark; 26 of those amendments incorporated into the mark came from Republican colleagues.

During the markup, the committee considered 135 amendments. The committee accepted 41 amendments and rejected 55.

On October 2, 2009, a full 11 days prior to a committee vote on the bill, I posted online the mark, as amended.

On October 13, 2009, the Finance Committee ordered the bill reported by a bipartisan vote of 14 to 9.

The majority leader then melded the Finance Committee and HELP Committee work products into a single bill.

The majority leader moved to proceed to the bill on November 19 of last year. We had a full and open debate on the bill on the Senate floor, and on December 24 of last year, Christmas Eve, more than a month later, the Senate finally passed health care reform.

I have taken some time to detail the long legislative history of this effort, and I did so because I believe that any fair observer of this legislative history will draw three conclusions: One, we tried mightily to work with our Republican colleagues to reach a broad consensus bill. We went the extra mile. We bent over backwards, and for a variety of reasons, our Republican colleagues simply did not want to be part, in the end, of this effort.

Two, nobody rushed this bill. This has been a full and deliberative process—about 2 years. There is no way that health care reform was “rammed” through the Congress. No way. Not true.

Three, we have conducted a process more open than for any other major piece of legislation in the modern Senate. But opponents of the bill have tried to raise as many charges as they can. They have tried to throw as much mud at this effort as they can, hoping that something sticks.

Their latest attack has been to criticize the use of the budget reconciliation process for the bill before us today. Some have charged that using reconciliation is somehow unusual. They argue that using budget reconciliation for health care is somehow unheard of. And they argue that we never use reconciliation for major bills. Nothing could be further from the truth.

Is reconciliation unusual? The answer is clearly no. Budget reconciliation is a pretty common process in Congress. Since Congress began using the budget reconciliation process in 1980, some 30 years ago, Congress has passed some 23 reconciliation bills—23 in the last 30 years. Thus, most years have seen reconciliation bills. It is an exceptional year that Congress does not pass a reconciliation bill.

What about health care? Is health care something unusual for reconciliation? Once again, the answer is no.

The nonpartisan Congressional Research Service took a survey of the 22 reconciliation bills that made it through Congress to the President's desk. Of those 22 reconciliation bills, CRS, the Congressional Research Service, identified 12 of them with titles or other major legislative components pertaining to Medicare or Medicaid Programs. In other words, most reconciliation bills have addressed health care. Once again, it is the exceptional case where a reconciliation bill does not contain health care matters.

What about major health care legislation? Is major health care legislation in reconciliation unusual? No. Once

again the answer is no. CRS counted the number of pages in the law books on health care that the reconciliation process has put there. It was not a small number. CRS found that bills enacted using the reconciliation process contributed some 1,366 pages on health care to the Statutes at Large. CRS found that the average reconciliation bill with health care in it contributed some 124 pages to the Statutes at Large.

Pages in Statutes at Large have more words than bills do, so these pages reflect far more pages than in bill text.

Let's consider some of the major changes through health care that Congress has enacted in the last 30 years. There is COBRA, a health insurance program for people who lose their jobs. Congress enacted the COBRA health insurance program as part of a reconciliation bill. COBRA stands for the Consolidated Omnibus Budget Reconciliation Act—reconciliation. A Republican-controlled Senate passed the COBRA health insurance program as part of reconciliation in 1986. Since then, three later reconciliation bills have amended the COBRA continuation coverage rules. Congress changed COBRA in reconciliation bills in years 1989, 1990, and again in 1993.

Another one of the largest health care expansions that Congress enacted in the last 30 years was the Children's Health Insurance Program, otherwise known as CHIP. Once again, we enacted it—you got it right—in reconciliation. Congress enacted CHIP as part of the Balanced Budget Act of 1997. Once again, it was a Republican-controlled Senate that passed the Children's Health Insurance Program as part of reconciliation in 1997.

Then there is the Medicare Advantage Program. Medicare Advantage, or Medicare+Choice they called it then, was a major change in Medicare, introducing private insurance companies into the system. Once again, a Republican-controlled Senate passed that in reconciliation in 1997.

It is hard to think of a major health insurance expansion that has not involved reconciliation. Sure, there were some. But it is an exceptional case where Congress enacts major changes to health care outside of reconciliation. When you think about it, that makes more sense. Congress created the budget reconciliation process to affect the budget, and any competent budget economist will tell you that health care cost growth is the biggest financial challenge facing our Nation. The President and other commentators on our fiscal plight make that statement repeatedly.

If you want to address the budget in a significant way you need to address health care. Health care is exactly what the budget process was designed to address.

Why did Congress create the budget process this way? Simple: Congress created the budget process so that Congress could make fiscal policy with a simple majority vote. The Congress that created reconciliation wanted to ensure that future Congresses could vote budget matters up or down, yes or no. Is it unusual for anything this large to have been passed in reconciliation? Once again, the answer is no. In terms of dollars and cents, the biggest reconciliation bill by far was the 2001 Bush tax cuts. The 2001 reconciliation bill worsened the deficit by more than \$550 billion over the first 5 years. That was a reconciliation bill.

Not far behind was the 2003 Bush tax cut. That reconciliation bill worsened the deficit by more than \$430 billion over the first 5 years.

In terms of policy changes, it is hard to match the two Bush tax cuts. But another measure that came close was the 1996 welfare reform bill. Once again, that was a reconciliation bill. The 1996 welfare reform bill was the most sweeping revision of poverty programs since the Great Society. Once again, that reconciliation bill was passed by a Republican-controlled Senate.

It is hard to say that we have not done big things in reconciliation. In sum, it is not as though we sneaked health care reform through the Senate. We passed it with an exhaustive open process and the Senate passed health care reform with a supermajority. We passed it with 60 votes.

Now all that remains to be done to complete health care reform is an up-or-down vote on this final bill. This last step in the health care reform deserves to get a simple majority vote. That is all that needs to be done to finish the job of reforming health care.

Let me return to what this bill would do. This bill would help to make health care more affordable for people who do not have it and improve upon the Senate bill which the President signed this morning. We do it for people such as Carmen and her daughter Merilee, from Paulson, MT. Carmen had insurance, but she still had problems with coverage and costs. Before March 2008, Carmen had insurance with a \$5,000 deductible. She found herself avoiding care because of the high deductible. She and her daughter Merilee waited until they knew they needed help before they went to a doctor—certainly, with a deductible that high, \$5,000. At one point Carmen's daughter contracted a urinary tract infection. Wanting to avoid the high deductible, Carmen and her daughter decided to wait a day and see how it goes, but her daughter did not get better. She needed to get care. Since it was Saturday and there was no urgent care open for 50 miles, the only option was to go to the emergency room. The hospital bill to Carmen was for \$500, but her insurance

company refused to pay it. Carmen appealed, asking them to pay the \$70 insurance would normally pay for urgent care and Carmen would pay the remaining balance, but her insurance company still denied her claim.

When Carmen broke her fingers, her insurance company refused to pay for treatment. The insurance company paid only for x rays, even though Carmen was entitled to \$650 of first-dollar coverage for accidents. Carmen paid for her own treatment, but she gave up on the therapy because it cost too much. Carmen's fingers will never fully heal.

In March 2008, Carmen switched to another insurance company and lowered the deductible to \$2,500. Remember, the last policy was a deductible of \$5,000. Last month, Carmen received notice that her premiums would go up by about 32 percent. Carmen will have to keep her premiums down by decreasing her coverage. It is a strategy she has been using for years.

We fight for health care for people such as Carmen and Merilee. We fight for health care for people such as William and Erinn, from Red Lodge. Erinn lost her father William when he was only 59 years old because their insurance company denied and delayed his bone marrow transplant until it was too late. William taught school for more than 30 years. He thought he had good insurance through his retirement package. The doctors told William he had leukemia, but the doctors were able to treat it with oral chemotherapy for a long time.

In 2002, the doctors determined that William would need more advanced chemotherapy. He underwent chemotherapy as long as he could and then the doctors determined he would need a bone marrow transplant. The insurance company paid for all the preparations, testing, and treatment leading up to the transplant, but the insurance company denied the procedure itself.

Mr. President, I note I am running out of my half hour here. Let me say I will conclude here by noting that this is why we fight for people. This is why this health care bill is before us, for people such as Carmen and Merilee, Pat, and many people across this country who deserve much better. We are at the very end here, about to pass this legislation. The President signed the bill this morning. This is just to make it even a little bit better. It is a normal process, an open process. I urge all my colleagues to quickly pass this and help a lot of people and get on to other matters.

I thank the Chair.

The PRESIDING OFFICER (Mr. KAUFMAN). The Senator from New Hampshire.

Mr. GREGG. I wish I could stand here and agree with the Senator from Montana. I wish as I looked at these bills that passed the House, and now we are getting the trailer bill, the buy-it bill,

the bill that was used to purchase the votes in the House to pass the big bill, so I could say: America's children are going to be better off; that the people who have health care issues in this country are going to be better off. But that is impossible to say.

Why is it impossible to say? Because this bill as it passed the House was an atrocity. It was an explosion of government the likes of which we have never seen in this country. It grows the Government by \$2.6 trillion and in the process it will interfere with almost every American who has private health insurance and how they get their insurance. It will take Americans who have health insurance today and it will push them out of that health insurance as the small employers across this country decide they can no longer afford it. It will say to Medicare recipients: We are going to cut your Medicare by \$1 trillion when this is fully implemented—\$1 trillion. We are going to take that money and we are going to use it to fund a brandnew entitlement over here for people who are not on Medicare, who are not seniors, and we are going to use it to expand other entitlements for people who are not on Medicare and who are not seniors.

Then the Medicare recipients who have seen their program reduced by \$1 trillion are going to be left with a program that remains on a path to insolvency, a path which will inevitably lead to lesser quality of care for people who get Medicare because providers will find themselves forced out of the system. People who are on Medicare Advantage will virtually find that insurance plan is eliminated.

This bill has a lot of major problems, the big bill that passed the House. Now we get this trailer bill, this buy-it bill, which was used for purposes of getting votes in the House. This bill aggravates the fundamental problems of the bigger bill the President signed today. This bill adds more costs, creates more taxes, and will reduce Medicare's viability in a more significant way. Yet it is called good policy. It is very hard to understand that.

When you look at these bills as a combination, especially when you put them in the context—thrown on this train was the nationalization of the student loan program, where 19 million students today are going to be forced into the process of getting their loans through the Federal Government instead of through their local banks, their community banks. When you look at this in that context, what this bill is about—and the President has been very forthright about this—it is a massive explosion in the size of the government, growing the government for one fundamental purpose: because this administration believes a bigger government creates prosperity.

We do not believe that on our side of the aisle. We believe there are a lot of

good things that could have been done to make health care better. I have offered a proposal to do that. Other Senators—Senator BARRASSO has a proposal to do that. They would have all addressed the health insurance issues of making sure that everybody could get coverage if they have a preexisting condition. All these strawmen that are being thrown up as the reasons why this bill had to be passed would have been taken care of if a more reasonable bill had been passed. But what would not have happened would be this massive explosion in the size of the Federal Government which we will inevitably pass on to our children, a government they cannot afford.

Under this bill, the cost to the Federal Government, which has traditionally been about 20 percent of our gross national product, will jump up to about 25, 26, or 27 percent of our gross national product. It will be unaffordable as a result of this.

But they claim they pay for it. The way they claim they pay for it primarily is to cut Medicare by \$1 trillion when fully implemented. This seems fundamentally unfair to the people on our side of the aisle. We all recognize that Medicare has serious problems. It has a \$36 trillion unfunded liability.

We all recognize that Medicare recipients depend on that program. So if we are going to adjust Medicare payments, cut them as they do in this bill, eliminate programs such as Medicare Advantage for all intents and purposes, then those savings, as a matter of fairness, should stay with the Medicare system. I mean, that is what should happen. Those savings, which are huge in this bill—and I respect the fact that my colleagues on the other side of the aisle stepped up and made this massive attempt to cut Medicare. That was quite a decision on their part. But what they did was they took these savings, which should have gone to giving senior citizens a stronger and more vibrant program, they took them and they started a brandnew program and brandnew entitlements and expansions of other existing entitlements, none of which have anything to do with Medicare or senior citizens. So essentially they are funding this program, in large part, on the backs of the seniors of this country without doing anything substantive which will, in the long run, have made Medicare more solvent. In fact, they basically doubled down on the problem because we know Medicare is headed into insolvency, and then they created these new entitlements.

We know the record of the government around here on the issue of entitlements. We always underfund them. The promises are made, but they are never kept. So this will all end up rolling into a giant ball, like a huge, massive asteroid headed to Earth which is basically going to land on our children's head as debt. That is what we have headed toward us here.

We already know we have a government we cannot afford. The debt of this country is going to double in the next 5 years under the President's budget, and it is going to triple in the next 10 years. The President's budget is going to get to a level of unsustainability within 5 to 7 years. We are already seeing the warning signs. The Chinese are telling us they might not want to buy our debt, and they are the ones who are financing us. Moody's says we may have to have our ratings looked at. Even Warren Buffett's debt today, this week, for the first time, sold at a better premium than U.S. debt. What does that mean? People have more confidence that Warren Buffet will pay them back than the United States. It is a pretty serious sign when the United States is supposed to be the best creditor in the world.

What this bill does at its core on fiscal policy is to radically expand the size of government. And we all know it will not be paid for, so we all know it will significantly—probably radically—expand the debt our children are going to bear. Inevitably, we are not going to pass on to our children a healthier country fiscally; we are going to pass on to our children a sicker country fiscally. Are we going to get better health care for it? I seriously doubt it.

I think we will hear from Dr. BAR-RASSO about how he sees this affecting health care, and other Members of our side of the aisle who have some expertise in this area. Inevitably, when you start these major government programs, which essentially amount to quasi-nationalizations of different areas of the American economy, you end up with less quality. It is inherent in having the government run things.

So the first amendment we are going to offer here today is to try to straighten out this incredible inequity we would be paying for these new entitlements for uninsured Americans and for people on Medicaid with senior citizens' dollars by cutting the Medicare Program by over \$1 trillion when fully implemented. So we have an amendment which essentially says this: You cannot reduce the Medicare spending if CBO cannot tell us that the other expenditures in this bill are paid for with something other than Medicare. It is a hard-and-fast commitment that Medicare savings will go to benefit Medicare, and that should be our purpose.

AMENDMENT NO. 3567

I know some of my other colleagues wish to talk on this issue. First, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from New Hampshire [Mr. GREGG], for himself and Mr. COBURN, proposes an amendment numbered 3567.

Mr. GREGG. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To prevent Medicare from being raided for new entitlements and to use Medicare savings to save Medicare)

At the end of subtitle B of title I, add the following:

SEC. ____ . PREVENTING THE IMPLEMENTATION OF NEW ENTITLEMENTS THAT WOULD RAID MEDICARE.

(a) BAN ON NEW SPENDING TAKING EFFECT.—

(1) IN GENERAL.—Notwithstanding any other provision of law, the Secretary of the Treasury and the Secretary of Health and Human Services are prohibited from implementing any spending increase or revenue reduction provision in either the Patient Protection and Affordable Care Act or this Act (referred to in this section as the "Health Care Acts") unless both the Director of the Office of Management and Budget (referred to in this section as "OMB") and the Chief Actuary of the Centers for Medicare and Medicaid Services Office of the Actuary (referred to in this section as "CMS OACT") certify that they project that all of the projected Federal spending increases and revenue reductions resulting from the Health Care Acts will be offset by projected gross savings from the Health Care Acts.

(2) CALCULATIONS.—For purposes of this section, projected gross savings shall—

(A) include gross reductions in Federal spending and gross increases in revenues made by the Health Care Acts; and

(B) exclude any projected gross savings or other offsets directly resulting from changes to Medicare made by the Health Care Acts.

(b) LIMIT ON FUTURE SPENDING.—For the purpose of carrying out this section and upon the enactment of this Act, CMS OACT and the OMB shall—

(1) certify whether all of the projected Federal spending increases and revenue reductions resulting from the Health Care Acts, starting with fiscal year 2014 and for the following 9 fiscal years, are fully offset by projected gross savings resulting from the Health Care Acts (as calculated under subsection (a)(2)); and

(2) provide detailed estimates of such spending increases, revenue reductions, and gross savings, year by year, program by program and provision by provision.

Mr. GREGG. I have defined what the amendment's purpose is: to make sure that Medicare reductions in this bill, things that directly impact seniors, such as reducing their provider payments, so probably fewer doctors will see them, or eliminating things or dramatically reducing Medicare Advantage—if we are going to do that as a Congress, those savings have to go to benefit Medicare, not to create new programs no matter how worthy they may be.

I see many of my colleagues rising wishing to talk about this. I ask unanimous consent to be able to proceed as if in a colloquy.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Tennessee.

Mr. ALEXANDER. If I might ask a question of the Senator from New Hampshire, the President's budget said it would cost \$371 billion over 10 years

to properly pay for doctors who see Medicare patients. I believe the Congressional Budget Office says the number was over \$250 billion. Can you imagine a comprehensive health care bill that improves Medicare without paying doctors to serve Medicare patients? Can you then explain to me how you can possibly say the bill does not add to the Federal deficit if it does not include paying doctors to serve Medicare patients?

Mr. GREGG. Well, the Senator from Tennessee has asked an excellent question, which is, How can you pass a health care reform bill and leave off the reform that is necessary to pay the doctors to see their patients and claim you are actually covering the cost of health care? And CBO has scored that at about \$250 billion, maybe as high as \$350 billion. It is simply ignored. It is as if paying doctors is not part of health care reform, and therefore it has been ignored by the majority. But if you wanted to properly score the cost of this bill, you have to add back in that \$250 to \$350 billion. Obviously, that puts them in a very tight debt situation, deficit situation, even under the gamesmanship which was used to get to the score in the first place, which, as we all remember, was you score it 10 years of income, 10 years of taxes, 10 years of spending cuts, against 6 years of actual programs. That is how they got the score they claim. The real score on this bill is \$2.6 trillion of new spending, and it is a massive expansion of the deficit, much of which will be caused by the failure to fix the doctor issue.

Mrs. HUTCHISON. Mr. President, I would ask the Senator from New Hampshire how it is that we can cut back on Medicare for our seniors, and I would like for him to talk about the impact especially on rural hospitals because rural hospitals serve a larger number, percentage-wise, of Medicare patients. In my home State of Texas, 29 percent of all of our hospitals are located in rural areas.

I received a letter from the Texas Organization of Rural and Community Hospitals, which represents 150 rural hospitals in the State, saying: We fear the Medicare cuts, as proposed, could disproportionately hurt rural hospitals, which are the health care safety net for more than 2 million rural Texans.

I would ask the Senator from New Hampshire if, in his State and from what he is hearing from other States, they are likewise concerned about the impact on our rural residents who are Medicare patients and the cuts to hospitals that are going to be really disproportionate when you look at the big picture, and for what purpose? Fewer people served, and that is supposed to be health care reform?

Mr. GREGG. Well, the Senator is absolutely right. This is going to have a

huge impact, especially on rural hospitals that have heavy Medicare populations because those populations will find their providers are no longer able to make enough money to exist.

We actually have one of the leading Members of the Senate here, who is a doctor, who provided health care in a rural setting and is just recently out of the field, so to say, who might be able to comment, to add even more expertise on that.

Mr. BARRASSO. I would absolutely like to do that because Wyoming clearly is a rural State, long distances between patients and the hospitals.

This Sunday, just 2 days ago, I was visiting the Elk Horn Valley Rehab Hospital in Casper, WY, down the road from the Wyoming Medical Center, to see a friend of mine, Ted Lee. Ted is now in his eighties. Ted is a veteran of World War II. Ted actually drove a Jeep for Eisenhower, who was a general at the time, and Ted has been back to Washington as part of the Honor Flights, as we honor our World War II veterans.

Ted had fallen at home on the Wyoming ice and snow and had broken his hip. His wife Jackie called my wife Bobbi and me at home over the weekend to say: Ted is in the hospital. Would you stop by?

Ted is a terrific guy. I repaired his shoulder. I operated on his leg, when, at the age of 70, he jumped from an airplane to show he could still jump out of a plane with a parachute. And I replaced both of Jackie's knees. I know these people like family.

I went to the hospital to see Ted, and he said: What are those people in Washington thinking? What are they thinking?

Ted is very sharp. He said: I paid in. I fought for my country. I put my money into Medicare. Why are they taking my Medicare money, not to save Medicare but to start a whole new government program—a whole new government program for people who did not pay into the system, did not fight for their country, on and on. What is wrong with the people in Washington? What are they thinking? Don't they realize that it is our money, we paid in, we are expecting care, and now all of a sudden they are going to take Medicare money and start a new government program.

Ted said—and he knows; this is a guy who follows us—they are going to take it from the hospitals, and he had just been in the hospital; they are going to take it from Medicare Advantage, \$120 billion, because there are a lot of people in Wyoming who see the advantages of signing up for Medicare Advantage; they are taking it from the home health care agency, and Ted is likely to need home health care help when he gets home. It is a lifeline to allow him to stay out of the hospital and at home. He also knows it is going to cut

a lot of money from nursing homes. We are trying to keep Ted out of a nursing home. But he understands clearly that these Medicare cuts are going to affect doctors, hospitals, nursing homes, home health agencies, even hospice providers, and all of that money is going to be taken away not to save Medicare, which he knows is going to be broke in 2017, but to start a whole new government program.

When we get to the specifics of rural hospitals and rural health—and I see my colleague from Nebraska, who is a former Governor of Nebraska.

There was a front-page story in the New York Times a few months back: "For Elderly in Rural Areas, Times Are Distinctly Harder." Times are distinctly harder. And they quote a woman from Oshkosh, NE, who says: "One foot in the grave, the other sliding." One foot in the grave, the other sliding.

So I ask my colleague and friend from Nebraska, who has served as Governor—lots of rural areas in Nebraska—in Nebraska does the Senator see these same concerns where folks here in Washington are taking money away from our seniors on Medicare, money they depend on for their health care, to start a whole new government program? And it is fundamentally not right, and that is why we are bringing this amendment.

Mr. JOHANNIS. I so appreciate the opportunity to speak to this issue because this is enormously important for our rural States.

We took a look at this bill. We tried to give it a good, fair look in terms of its impact on Nebraska. If I might, let me cite some statistics, and you can repeat these statistics whether you are in Texas or Tennessee or Wyoming or wherever. Two-thirds of our home health agencies, if this bill—well, this bill became law today—two-thirds will be operating in the red by 2016, home health agencies. So what does that mean? Here is what it means: Back home in Nebraska, if you are in a major city such as Omaha, Lincoln, Kearney, whatever, it appears to me that you are probably going to get through this pretty reasonably. However, if you are in a rural area, you are going to lose service. They are going to pull in on the services to these rural areas. Why? Because they can't afford to send a home health person out 50 or 75 or 100 miles.

We asked ourselves, What would be the impact of this bill on nursing homes? Again, we have rural nursing homes all over our State. This is exactly what has happened in other States. People want to spend their elderly years in their community or near their community. These nursing homes are fighting to stay open today; they will take a \$93 million hit. We are going to have nursing homes close in Nebraska.

Hospitals and hospice will also experience major reductions.

To those Nebraskans who are on Medicare Advantage, 35,000 Nebraskans are going to see a cut in the amount of money they receive only exacerbated by what we are talking about today.

If I might, let me anticipate an argument. I know, because you have been watching this, somebody from the other side is going to say: Come on, MIKE. This is the way it works. We extend the life of Medicare.

The Actuary in CBO has looked at that, in a rather amazing analysis, and said: Yes; right. What you are doing is double counting the same dollar. This comes from CBO, but I can take the same from CMS. CBO said: The key point is, the savings to the HI trust fund, under the Patient Protection and Affordable Care Act, would be received by the government only once, so they cannot be set aside to pay for future Medicare spending and at the same time pay for current spending.

That is exactly what they have tried to do here.

Mr. GREGG. If the Senator will yield on that point, CBO also says: In effect, the majority of the HI trust fund savings, under the big bill which was signed today and the reconciliation proposal which we are dealing with today, would be used to pay for other spending and, therefore, would not enhance the ability of the government to pay for the future of Medicare benefits.

The amendment we have at the desk does the opposite. It will allow us to use any savings to pay for Medicare benefits and enhance the strength of the trust fund.

Mr. JOHANNIS. That is exactly why I stand here today—to bring honesty to the accounting. If you bring honesty to the accounting, you can see what we are doing to the American people.

A former CBO Director recently said: Fantasy in, fantasy out. They will only score what is laid in front of them. They had this gimmick laid in front of them which is what they had to score. I applaud what this amendment does because what it is saying is: Let's cut through all this. Let's score this honestly. If we have savings in Medicare, let's keep that money in Medicare. Believe me, that is the right way to go about this. This idea of double counting the same dollar makes no sense whatsoever.

Mr. GREGG. The Senator is right. It is important to note that one program under Medicare will be absolutely devastated. I understand Texas has a lot of people in that program. Maybe the Senator from Texas could speak to that.

Mrs. HUTCHISON. The Senator from New Hampshire is correct. That is why I strongly support the amendment at the desk. The bill will wipe out Medicare Advantage, make no mistake about it. Texas has 500,000 people who

pay into Medicare Advantage because it gives them extra things that they don't get under Medicare, such as eye care and eye glasses and things that are so important. In fact, what is so interesting about the bill before us, the reconciliation bill, is it actually increases the cuts in Medicare Advantage over and above what was in the Senate bill.

Mr. GREGG. It takes that money out of Medicare and uses it to fund a new entitlement for people who are not on Medicare and have never paid into Medicare.

Mrs. HUTCHISON. Exactly; taking away way from seniors who tried to do something a little bit better for themselves, mostly in rural areas. It cuts them even more than the Senate bill the President signed today: \$200 billion in cuts to Medicare Advantage. It will obliterate the Medicare Advantage Program for so many of our seniors, in the millions across the country. In fact, here is a statistic: Between 2003 and 2007, more than 600,000 beneficiaries in rural areas joined the Medicare Advantage Program, a 420-percent increase in Medicare Advantage, because seniors saw it was a better deal for them and they decided to take it.

Mr. ALEXANDER. I wonder if I might ask the Senator from New Hampshire, I hear it often said by supporters of the bill, which became law today, that we on the Republican side are overstating it when we say there are Medicare cuts. Don't I remember that the Director of the CBO testified that fully half of those on Medicare Advantage would see their benefits cut by a bill such as the one that became law today? Don't one out of four recipients of Medicare subscribe to Medicare Advantage? Can we not expect for at least one out of those four Medicare Advantage beneficiaries to have their benefits affected by this law?

Mr. GREGG. The Senator is absolutely right. The original number under the original bill was 11 million seniors would lose their Medicare Advantage. That number has to go up now because, if this bill passes, it increases the cut to Medicare Advantage. Again, it takes that money and funds bringing people onto the system who don't have insurance coverage today but who are definitely not seniors and who have never paid into the Medicare trust fund.

I see the Senator from Idaho rising. Does he wish to speak?

Mr. RISCH. Mr. President, I came to the floor to join in this. I can't understand this. It amazes me that the other side thinks the American people are so stupid that they are going to believe you can take \$500 billion out of Medicare and that it is going to be good for the American people and that it is going to be good for the system. In addition, what has been discussed about this phony smoke-and-mirrors account-

ing, the American people understand this. Most importantly, we have heard from the American people over and over: Don't touch our Medicare. When they say "our Medicare," they mean our Medicare. This isn't a gift from the Federal Government. There was a bipartisan coalition of Republicans and Democrats who brought the Medicare system online in America. They made a contract with the American people. If you work, you are going to contribute into the Medicare trust fund, and your employer is going to contribute into the Medicare trust fund. It is going to be there for you to be used when it is necessary for Medicare purposes.

My office is flooded with phone calls saying: You politicians, leave your hands off our Medicare.

I have watched this process over the years and have seen people try to raid Medicare for substantially less than what we are talking about here. We are talking about \$½ trillion that is being stolen from Medicare. Where is the media on this? They tout this bill, that it will do this and it will do that. Nobody ever talks about the downside of a \$½ trillion theft from Medicare. The American people are smart. They understand what is being done.

Anyone who supports this is going to pay the price for this in November. I guarantee you, your seniors at home, even young people and people who are middle-aged who are looking forward to Medicare are going to ask: Did you vote to steal money from my Medicare?

You better be ready to answer that question. Don't give them an answer with the smoke and mirrors, that by double accounting somehow taking \$½ trillion out is going to make Medicare better. The American people are smarter than this. You are going to find that out this fall.

Mr. GREGG. Remember, the only way that can be avoided, the only way this bill and the bill that was just passed today, signed today by the President, can be kept from taking Medicare funds to fund new initiatives that have nothing to do with Medicare, such as insurance fraud and the expansion of Medicaid, is to pass this amendment. This is it. If you don't vote for this amendment, then you are voting to raid Medicare for the purpose of using that money for some other purpose which has nothing to do with Medicare. Basically, you are funding this bill on the backs of seniors.

How much time do we have remaining?

The PRESIDING OFFICER. The Senator has 1 minute remaining.

Mr. GREGG. I know the Senator from Tennessee wanted to conclude.

Mr. ALEXANDER. Mr. President, I conclude by congratulating the Senator from New Hampshire for a very straightforward amendment. As I understand it, it says: If you are going to take any money out of Medicare, it has to be spent on Medicare.

Mr. GREGG. That is correct.

Mr. ALEXANDER. It can't be spent on some new government program.

Mr. GREGG. You can't create a new program until you can prove it is paid for with something other than Medicare money.

Mr. ALEXANDER. You have reemphasized that \$½ trillion is coming out of Medicare and that it will affect the benefits of one-fourth of those who have Medicare Advantage. What you are trying to do is simply say: If there are savings in Medicare, spend it on Medicare because Medicare is going broke. This will help keep it solvent.

Mr. GREGG. That is the only fair thing to do for the seniors of America who are facing a system which has a very significant unfunded liability and which they paid into for all their lives and have a right to assume will be solvent and not have it used as a piggy bank for other programs which the other side of the aisle thinks are important but which have nothing to do with Medicare.

As I understand, the Democratic side now has a half hour and then we have a half hour.

The PRESIDING OFFICER. The Senator is correct.

The Senator from Montana.

Mr. BAUCUS. Senator HARKIN wishes to speak, but allow me to make a few points clear. The amendment offered by the Senator from New Hampshire is a killer amendment. It kills the bill. It is that simple. It basically is an amendment that kills the health care bill that just became law that the President signed this morning. This is a debate we had when we were on the bill. The Senate has already considered the arguments made by the Senator from New Hampshire and others. The Senate decided against those arguments. The Senate has decided to pass health care reform, as has the House of Representatives, and the President signed it. So this, in a certain sense, is a stale argument. This is an argument after the bill has already been passed. It makes more sense to make these arguments beforehand, not after.

Second, what is the effect? Let me read from the amendment. It says: The Secretary of the Treasury and the Secretary of Health and Human Services are prohibited from implementing any spending increase/revenue reduction provisions in the bill just signed by the President unless certain conditions occur. That means no spending to fill the doughnut hole. That means seniors will still have to spend more on drugs. That means no spending to help States cover Medicaid expenses for the expanded population. That means States will be left high and dry. That means no primary care payments to primary care physicians, whether it is Medicaid or Medicare. That means no tax credits for Americans who are struggling to buy health insurance. That means no

payments to help struggling Americans make the out-of-pocket costs. It makes no sense. This is an example of why this is a killer amendment.

I strongly urge my colleagues to recognize we have had this debate already. This is not new. They have not said anything new. This debate occurred while we were considering health care reform. The Senate has considered those arguments, has listened to those arguments. We debated this amendment already back and forth. The Senate decided by a vote not to accept those arguments. So we are talking about something that is history. It has already passed. In a certain sense it is irrelevant.

On the other hand, this amendment is relevant on reconciliation. This amendment is an attempt to kill the bill. I strongly urge my colleagues to reject this amendment.

Don't forget, our bill includes financial incentives for doctors and hospitals to collaborate and coordinate care for seniors. I thought that is something we wanted. This amendment says: No, you can't do that. We can't come up with financial incentives for doctors and hospitals to collaborate. This does not happen often enough in Medicare today. We need to have more collaboration. We need doctors and hospitals to work better together. We need some demonstration systems. We need pilot projects to help us find ways to better pay doctors and hospitals based on quality of care and less on quantity of care. There is nobody who disagrees with that statement, at least nobody who has given a lot of thought to health care reform. This amendment would stop that. It would prevent us from trying to find a way to reduce health care costs which are eating us alive, eating up family budgets, eating up company budgets and also public budgets, in terms of Medicaid and Medicare, unless we get health care costs under control. The way to do that is to change the delivery system. I think that is the game changer in the bill; frankly, one of the most important parts of the bill. But—no, no, no—this amendment says you cannot do that. You cannot begin to take the steps necessary in the long term to start reducing health care costs.

Our bill also—the underlying bill, which this amendment would kill—reduces Medicare spending by reducing hospital readmissions. I thought we wanted to do that. I thought we wanted to reduce the hospital readmissions. This amendment would, in effect, say: No, you cannot do that.

Better coordination of care again means patients do not have to come back to the hospital because of complications, because of allergies and problems post surgery. What else does the underlying bill do? It keeps more money in the Medicare accounts by making smart reforms to the program.

Fewer funds will be spent simply by paying doctors for quality of care and not quantity of care—by cutting out wasteful overpayments to providers and private insurance companies that do not add value to patients, and by creating an innovation center within the Medicare Program so that groundbreaking ways to deliver health care better are discovered more often and put in place without delay.

That is a very important point. We need to have, by creating an innovation center within the Medicare Program, groundbreaking ways to deliver better health care. We have to spend some money on these new demonstration and pilot projects so we can have a much better health care system.

Mr. President, I now yield the remainder of the time in this half hour to the chairman of the HELP Committee. I yield time under control on the bill.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Mr. President, thank you very much. I thank Chairman BAUCUS for yielding me this time.

I listened with great interest to the distinguished senior Senator from Montana as he recounted the extraordinary lengths to which Democrats went on his committee in soliciting bipartisan Republican support in the drafting of the health reform bill in the Finance Committee.

On both the Finance Committee, which Senator BAUCUS chairs, and on the Committee on Health, Education, Labor, and Pensions, which I chair, the majority party insisted on a process that was consistently open, transparent, and inclusive.

At every step, the Democratic majority acted in good faith. Republican Senators were fully involved during public committee hearings and markups, as well as in private discussions and negotiations. The ideas and amendments of Republican Senators helped to shape the substance of the bill in a multitude of ways.

In the HELP Committee, in 2008 and 2009, we held 47 bipartisan meetings on health reform, including 14 bipartisan roundtables, 13 bipartisan committee hearings, and 20 bipartisan walk-throughs on the bill.

Then the HELP Committee spent nearly 3 weeks during June and July marking up the bill—June and July of last year. To be exact, our markup spanned 13 days and a total of 54 hours. We went out of our way to accommodate our Republican colleagues who offered over 200 amendments. We accepted 161 Republican amendments on our bill. By any standard, this was an extraordinarily open and inclusive process.

I must point out that Democrats in good faith and in the best spirit of bipartisanship insisted on this inclusive process, despite numerous public statements by some Republican Senators to

the effect that their game plan was to delay and obstruct and filibuster and kill the bill. Indeed, the junior Senator from South Carolina famously said:

If we're able to stop Obama on this, it will be his Waterloo. It will break him.

Even in the face of that, we said, nonetheless, that is just one person. We are going to have an open and inclusive process.

Many critics have said that Democrats pursued inclusion and bipartisanship to a fault. They have criticized us for consuming many months negotiating with Republicans, accepting their amendments, accommodating their ideas and objections, even in the teeth of their public declarations that they intended to kill the bill.

For the record, I am proud of the fact that we went the extra mile to include Republican Senators and to incorporate their ideas and input. It was the right thing to do, even if the hand of cooperation and bipartisanship we extended was rejected.

With passage of the Patient Protection and Affordable Care Act, the 111th Congress has made history, just as previous Congresses did in 1935 by passing Social Security and in 1965 by passing the law creating Medicare. Each of those bills marked a giant step forward for the American people, and each was stridently opposed by defenders of the status quo. But in the end, a critical mass of Senators and Representatives rose to the historic occasion. They voted their hopes and not their fears. And—as we now know in retrospect—they passed laws that transformed America in profoundly positive ways.

The health reform law President Obama signed earlier today will also transform America in profound and positive ways. Indeed, it already has. Despite all the talk recently about how our Nation has become divided and ungovernable, we have proved not only that we are governable, but also that we still have the capacity to take charge of our destiny and to act with boldness and vision.

One prominent commentator said passage of the health reform bill is “a victory for America's soul.” I could not agree more. Yet this new law is fully paid for. Indeed, it helps to reduce the deficit by \$143 billion in the first decade, and by a whopping \$1.2 trillion in the second decade. That is deficit reduction.

Yes, this new law includes important and long overdue measures to crack down on abuses by health insurance companies—abuses that leave all Americans, including those with insurance, just one illness away from financial catastrophe. No longer will health insurance companies be able to cancel your insurance when you get a serious illness. No longer will they be able to impose lifetime caps or annual caps on their payoffs. No longer will they be able to systematically discriminate

against women by charging higher premiums just because—just because—you are a woman. No longer—once this bill becomes fully operational—will they be able to deny coverage based on pre-existing conditions.

In addition, the new law includes a whole array of provisions promoting wellness, prevention, and public health—something I have personally championed for many years. This will finally begin to change the paradigm from our current sick care system to a true health care system—one that keeps people healthy and out of the hospital in the first place. This bill will begin to recreate America as a wellness society, focused on healthful lifestyles, good nutrition, physical activity, and preventing the chronic diseases that take such a toll on our bodies and on our budgets.

There has been a lot of talk about bending the cost curve in health care, and there have been a lot of different ways people have suggested on how we bend the cost curve. Quite frankly, I think the one biggest way we are going to be able to bend the cost curve is by focusing more on prevention. We know how to do it. We know it works. We know it saves money. We have good data on this. If you do not believe me, ask Pitney Bowes and what they did to their bottom line. Ask Safeway corporation what happened to their bottom line in terms of health care costs when they put in place widespread prevention and wellness policies. So we have private companies out there that are doing wonderful things we could be doing nationwide, and we can have the same kind of savings nationally for America as these private companies have for their bottom line.

There is one more critical reform in this new law. It includes the Community First Choice Option, which represents a major advance in allowing people with disabilities and older Americans with chronic conditions to remain in their homes and with their family and community. It will increase access to medical examination and diagnostic equipment designed to accommodate people with disabilities.

Here I want to speak to all of my friends in the disability community in America. After the passage of the Americans with Disabilities Act in 1990, the next big hurdle was to break down the discrimination that exists in Federal law that pertains to people who are eligible for institutional care but who would rather live in their own homes and in their communities. Right now, under Federal law, if you qualify for institutional care, Medicaid must pay for that—must pay for that. If, however, you do not want to live in an institution, and you want to live on your own, near your friends or your family in the community, Medicaid does not have to pay for that. Yet we know that for every one person in a

nursing home, we can support three people with disabilities living in the community.

So we have tried ever since 1990 to change this. We had the first bill in the mid-1990s. It was called MiCASSA, the Medicaid Community-Based Attendant Services and Supports Act. We tried for a long time to get that. We could never get it done. Then in the last few years, we changed the name of it to the Community Choice Act, and we still could not get that done.

Last year, at about this time, I paid my first visit to President Obama in the White House. I wanted to have a personal meeting with him to talk about this one issue; that if we are going to do health care reform, we cannot leave people with disabilities behind, and the one thing that matters most is to ensure that people with disabilities have their own choice about where they want to live. If they want to live in an institution, fine. But if they would rather live by themselves in the community, with their family and their friends, they ought to have that choice. President Obama agreed with that, and so began the long process.

There is one part of the bill that not too many people know about. I say to my friends in the disability community, we have finally overcome the obstacle. In this bill is the Community First Choice Option, which will allow the Federal Government—beginning in October of 2011—to begin to pay to States an increased part of their Medicaid payment so people with disabilities can choose where they want to live—not where the government tells them they have to live.

To me, this is a profound change in how we are going to treat people with disabilities in our society. This is one of the landmark disability rights parts of this bill, and not too many people know about it. But I think after the signing of the bill today, people in the disability community all over America will know it is in there.

So these are important landmark reforms that benefit all Americans. But, as a commentator put it, the new health care reform law is also a victory for America's soul. At long last, we are realizing Senator Kennedy's dream of extending access to quality affordable health insurance to every American. We are ending the last shameful bastion of legal discrimination and exclusion in our country.

I have stated this before when people said: What are you talking about, discrimination, well, over the decades, we have outlawed discrimination in our country on the basis of race, color, national origin, based on gender. We have outlawed discrimination also based on disability with the Americans with Disabilities Act in 1990. But until now—think about it—it has been perfectly legal to discriminate against our

fellow Americans because of illness, because of sickness—to exclude tens of millions of our citizens from decent health care simply because they cannot afford it. Think about that.

I hear some people talking about setting up pools: They are going to have a pool here and a pool here—a pool for the elderly, a pool for high risk—a pool here and a pool there; different people get in these different pools. My friends, that is nothing more or less than blatant discrimination. Are we not all one American family? That is what we said when we passed the Americans with Disabilities Act. This is our family. It should not be shunted aside, separated out. We said the same thing on the basis of race years ago with the Civil Rights Act, on the basis of gender, national origin.

With the signing of the bill today, we have said no longer are we going to discriminate against people because they are sick. Think about that. No longer are we going to discriminate against people simply because they are sick. This is a profound change in the way we are going to deal with each other as a society.

So when President Obama signed that bill this morning, he set in motion a series of changes that will tear down these last barriers of discrimination and exclusion. That truly is a great moral victory. And it is a victory for America's soul. It is a victory that every American can be proud of.

On that score, I certainly include our Republican friends. In the end, not a single Republican in either the House or the Senate voted for health care reform. I say that is unfortunate. But, make no mistake, Republican ideas are much a part of this new law. In our committee, the HELP Committee, which I chair, Republicans were full-fledged participants, as I said. They offered 210 amendments. We accepted 161—many of them making substantive contributions to the bill.

As others have pointed out, our national health reforms are similar in many respects to the very successful reforms undertaken by Republican Governor Mitt Romney in the Commonwealth of Massachusetts.

I fully predict that, as with Social Security and Medicare, the changes in the new health reform law, as they become better known and take effect, will win overwhelming bipartisan support among the American people.

In the near term, however, it is disappointing that some Republican legislators—I think maybe taking their cue from the more extreme voices on talk radio or Fox TV—are pledging to repeal this new law. In fact, the distinguished minority leader, the Republican leader, a couple of weeks ago in a press conference said if we pass this bill, their motto was going to be "Elect Republicans and We'll Repeal It." This strikes me as bad public policy and, quite frankly, bad politics.

Do Republicans really want to repeal the ban on denying insurance coverage due to preexisting conditions? Do they really want to repeal the ban on insurance companies cancelling your policy if you get sick? Do they really want to repeal the ban on annual and lifetime benefit payments? Do they really want to repeal the dramatic shrinking of the doughnut hole? Do Republicans really want to take away from the American people the fact that now in law your child can remain on your policy until the age of 26? Do they want to take that away from you? Do they want to take away from you the right you have now—the right under law—that no matter how sick your child gets—maybe born with a disability, maybe born with an illness—the insurance company cannot discriminate against your child based on a preexisting condition? That is the law of the land. Do Republicans really want to take that away from you?

I would strongly advise against these scorching tactics. This health reform bill has been passed and signed into law. It is now time for the bitter partisan rancor to stop. It is time to move forward united as an American people, just as we did on Social Security and Medicare. It is time to put politics aside and put our country first.

Today we have before us this reconciliation bill that includes a number of modifications to strengthen the reform bill President Obama signed earlier today. The bill he signed earlier today was the exact same bill we passed on Christmas Eve of last year. But there is something else. This reform bill also includes reforms in the student lending program that in their own way are also profound and historic.

Let me mention a few of these provisions that will build on the new health reform law. This reconciliation bill will make health insurance—as Senator BAUCUS said earlier, all families between 133 percent and 400 percent of poverty will see lower health care costs. The bill will shrink and notably do away with the doughnut hole in the Medicare prescription drug program. We have new provisions cutting back on waste and fraud in Medicare and Medicaid. In fact, these are some ideas proposed by Republicans at the White House summit, and we put it in the bill. It increases funding for community health centers by \$2.5 billion, new consumer protections for employer-provided health plans that are grandfathered in by the health reform law.

In addition, the bill includes a provision that is critically important to ensuring that our health care providers and hospitals are fairly reimbursed. Many folks know Medicare varies reimbursement based on geography. That means many rural States such as Iowa, Oregon, Arkansas, Minnesota, and many others are reimbursed at much

lower rates than urban areas regardless of the quality of the services they provide. This bill helps to right that, to address the geographic disparities, both for doctors and hospitals. In addition, we have received a written guarantee from Health and Human Services Secretary Kathleen Sebelius for further action to reform Medicare reimbursement rates.

This will finally move us to a fairer, more effective reimbursement model that emphasizes quality over quantity. I said this reconciliation bill includes both health care and education provisions. The education title of the bill includes landmark provisions to make college more affordable and accessible. It does so by eliminating tens of billions of dollars in wasteful subsidies to banks, redirecting most of that money to low-income college students in the form of increased Pell grants. The status quo in student lending is just incredibly wasteful. It is like a bizarre Rube Goldberg process that makes no sense.

Think about the present system. The Federal Government pays fees to private banks to make entirely risk-free loans using taxpayer money. The loans, which are already guaranteed by the Federal Government, are then sold back to the Federal Government. The banks pocket tens of billions of dollars—taxpayers' dollars—in fees and totally risk-free profits. This is a brazen case of corporate welfare—a huge government giveaway to bankers and to Sallie Mae. It is time to end it. This bill does. Simply put, this bill cuts out the middleman, saves \$61 billion over the next 10 years, and gives it to students. The remainder we have invested, as I said, in more generous Pell grants.

We reduce the deficit by \$10 billion. We have deficit reduction in here. We increase the Pell grants from now, from 2010 to 2017, from \$5,550 to \$5,975, and then we put in a cost-of-living increase on Pell grants based on the Consumer Price Index. This \$36 billion includes an investment of \$13.5 billion right now for the Pell grants—right now—to fill a hole in the Pell grant. That would increase student aid this year for students going to college, low-income students who need that help. It also invests \$2.5 billion in Historically Black Colleges and Universities. It also provides money to student services so they can support students and give them the support they need to stay in school and to graduate—money to help nonprofits do that.

So, again, this reconciliation bill builds on and strengthens the health reforms signed into law by President Obama today. As I have said many times in the past, I look upon the health care bill we passed in December as a starter home, something on which we can build now and in the future. We make modifications now, and we will make them in the future. We can al-

ways make modifications. It is a bill, a law. We can make changes as we go along. So we are making some of those fixes today to bridge some of the differences between the House and the Senate, to make some needed changes.

The Congressional Budget Office, again, says deficit reduction will be \$143 billion in the first decade, an additional \$1.2 trillion in the second decade—big deficit reductions.

I am sorry the Republicans seem to take pride in their reputation as the party of no. We all remember William F. Buckley's conservative motto; William F. Buckley, the father of the conservative movement. He said: The role of conservatives is "to stand athwart history yelling stop." Well, that is exactly what our Republican colleagues did by filibustering and trying to kill health care reform. That is exactly what they are trying to do now—to obstruct and kill this reconciliation bill. But it will not succeed. We are going to get the reconciliation bill done. We are going to get it passed, and we are going to move beyond. We are going to move beyond the rancor and the bitterness and bring our American family together. We will bring them together so everyone is guaranteed the right to health care and that we stop the abusive practices of the health insurance industry we have seen in the past.

So, by any measure, this bill is good for the American people. It is good for students. It is good for our colleges, our community colleges, our private colleges in getting rid of the guaranteed loan program and going to a direct loan program. It is also good for the health of the American people.

As I said at the beginning, this bill is good for the soul of America. It is good to remind us that we are, once again, an American family; that no one should be discriminated against simply because they are sick or have an illness or because fate has dealt them a blow by becoming disabled. That is what this bill is about more than anything else. It is time to get on with it, get it passed, and move on.

I yield the floor.

The PRESIDING OFFICER (Mrs. HAGAN). The Senator from Montana.

Mr. BAUCUS. Madam President, how much time is remaining on this half-hour block?

The PRESIDING OFFICER. No time remains for the Democrats.

Mr. BAUCUS. I thank the Senator.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Madam President, we are about to hear from Senator MCCAIN who has an amendment dealing with a number of these special deals that are in this bill. First off, this bill is an outrage on the body politic to begin with, the way it was handled. It was drafted in a secret room, behind a secret room, behind a hidden door somewhere over on the majority side. It was brought

out on Saturday night, put on our desks. We were told we had to vote on it on Christmas Eve. Then it was sent to the House. The House didn't get to amend it. They sent it to the President. But in order to get it passed in the House, they had to do this trailer bill which we are dealing with tonight, and which I call the buy-it bill, where they went around and bought votes. A lot of votes were bought around here using the buy-it bill method.

Senator MCCAIN has sort of been the conscience of the Senate on this type of issue, where there are targeted benefits for special States which aren't appropriate and have nothing to do substantively with the bill. Therefore, we should address those openly. We haven't had a chance to do that because our side has never been allowed to amend anything around here on this bill of any substance.

So it is Senator MCCAIN's intention, when he gets here, to offer an amendment dealing with one of these, or maybe a series of these situations where there were special deals cut which have been given certain names, such as the "Cornhusker kickback" and the "Louisiana purchase" and the Florida "Gator aid." So I believe that is what Senator MCCAIN is here for, and we are looking forward to it because it is appropriate that we bring out into the light these deals which no American had a chance to participate in other than that small cadre in that small room—as I said, the hidden room behind the hidden room behind the hidden door.

Certainly, they didn't go through any committee, these deals. They didn't come across the floor of the Senate, these deals, and they didn't go through the floor of the House, and they should be voted on as to whether they are appropriate.

Mr. ALEXANDER addressed the Chair.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. GREGG. Madam President, I ask unanimous consent to proceed as in a colloquy.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ALEXANDER. Madam President, could Senator MCCAIN be allowed to lead the colloquy? I ask unanimous consent that Senator MCCAIN be allowed to lead the colloquy.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. ALEXANDER. Madam President, I am glad to see the Senator from Arizona who has been a consistent proponent of openness in government. I heard the Senator from New Hampshire say that a lot of these sweetheart deals hadn't been voted on. I wonder if we may have a chance to vote on them soon, I ask the Senator from Arizona.

Mr. MCCAIN. Madam President, I thank my friend from Tennessee. May I

say I am going to offer an amendment that would remove some of the remaining sweetheart deals. To be honest with my colleagues, I don't think we are going to find out all of what was in this 2,733-page legislation for a long time.

As you know, it is that size, and it takes an expert, even though I read the bill, to go from one point to another. For example, it took us a long time to figure out that the State of Connecticut has a \$100 million deal to build a hospital in Connecticut.

Now, you wouldn't know that at first glance, but after going through it, you figure out it is there. There are a lot of provisions in this 2,733-page piece of legislation that we will find, but we are going to try to get rid of some of them in this amendment, which is, by the way, a commitment I thought had been made but obviously was not.

The most egregious have been removed. The "Cornhusker kickback" has been removed, and I believe the "Gator aid" provision has been removed as well. But we certainly have a number of others that remain in the bill, and we will be finding them in the future.

I ask my colleague from New Hampshire, is it in order for me to propose the amendment? What is the parliamentary situation?

Mr. GREGG. As I understand it, the majority would like to see the amendment, which is certainly reasonable. We will give them a copy of the amendment, and then hopefully at the end of our debate time we will be able to set my amendment aside. We will get a copy.

Mr. MCCAIN. I say to my friend from New Hampshire, while we are on the subject, it is not only the sweetheart deals that are carved out for individual Members, the latest being additional Medicaid funding for Tennessee hospitals, which was just added, I understand, within the last 48 hours or so, but there is also the part that is really hard for us to amend, as I am sure the Senator from New Hampshire knows—for example, the PhRMA deal, the deal that was cut for the pharmaceutical manufacturers.

The Senator from New Hampshire may remember that back in August, there was a story in the New York Times:

Drug industry lobbyists reacted with alarm this week to a House health care overhaul measure that would allow the government to negotiate drug prices and demand additional rebates from drug manufacturers.

In response, the industry successfully demanded that the White House explicitly acknowledge for the first time that it had committed to protect drug makers from bearing further costs in the overhaul. The Obama administration had never spelled out the details of the agreement.

"We were assured: 'We need somebody to come in first. If you come in first, you will have a rock-solid deal.'" Billy Tauzin—

By the way, I understand he has a salary of over \$2 million a year—

the former Republican House member from Louisiana who now leads the pharmaceutical trade group, said Wednesday: "Who is ever going to go into a deal with the White House again if they don't keep their word? You are just going to duke it out instead."

A deputy White House chief of staff, Jim Messina, confirmed Mr. Tauzin's account of the deal in an e-mail message on Wednesday night.

"The president encouraged this approach," Mr. Messina wrote. "He wanted to bring all the parties to the table to discuss health insurance reform."

I say to my friend from New Hampshire, while we are awaiting approval of this amendment from the other side, how many deals were cut with PhRMA? What were the deals cut for the AMA? What were the deals cut with the hospital association? What were the deals cut with all these other organizations that have caused Americans to be so unhappy with this process we have gone through?

There really is not any way, I say to my colleague from New Hampshire, that I can amend the PhRMA deal. We tried to have drug reimportation from Canada. We tried to have pharmaceutical companies compete for Medicare recipients. As Mr. Tauzin said:

"We were assured: 'We need somebody to come in first. If you come in first, you will have a rock-solid deal'". . . .

I don't know whether it was the President found himself on the road to Damascus or what caused the conversion from then-Senator Obama who strongly supported drug reimportation from Canada for prescription drugs to the administration now opposing it.

AMENDMENT NO. 3570

Anyway, I understand my amendment has been agreed to.

I call up the McCain-Burr-Coburn amendment.

Mr. GREGG. I believe the Senator has to set my amendment aside.

Mr. BAUCUS. The Gregg amendment is already pending. I understand Senator MCCAIN would like to ask unanimous consent that the pending amendment be set aside so that his amendment could then be in order. If so, I have no objection.

The PRESIDING OFFICER. Is there an objection to setting aside the pending amendment? Without objection, it is so ordered.

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Arizona [Mr. MCCAIN] proposes an amendment numbered 3570.

Mr. MCCAIN. Madam President, I ask unanimous consent that the reading of the amendment dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To eliminate the sweetheart deals for Tennessee, Hawaii, Louisiana, Montana, Connecticut, and frontier States)

At the end of subtitle F of title I, add the following:

SEC. 1502. ELIMINATION OF SWEETHEART DEALS.

(a) **REPEALS.**—Effective as if included in the enactment of the Patient Protection and Affordable Care Act, the following provisions are repealed:

(1) **SWEETHEART DEAL TO PROVIDE TENNESSEE WITH MEDICAID DSH FUNDS.**—Clause (v) of section 1923(f)(6)(A) of the Social Security Act (42 U.S.C. 1396r-4(f)(6)(A)), as added by section 1203(b) of this Act.

(2) **SWEETHEART DEAL TO PROVIDE HAWAII WITH MEDICAID DSH FUNDS.**—Clause (iii) of section 1923(f)(6)(B) of the Social Security Act (42 U.S.C. 1396r-4(f)(6)(B)), as added by section 10201(e)(1)(A) of the Patient Protection and Affordable Care Act.

(3) **SWEETHEART DEAL TO PROVIDE LOUISIANA WITH A SPECIAL INCREASED MEDICAID FMFAP.**—Subsection (aa) of section 1905 of the Social Security Act, as added by section 2006 of the Patient Protection and Affordable Care Act.

(4) **SWEETHEART DEAL THAT INCREASES MEDICARE REIMBURSEMENT JUST FOR FRONTIER STATES.**—Section 10324 of the Patient Protection and Affordable Care Act (and the amendments made by such section).

(5) **SWEETHEART DEAL GRANTING MEDICARE COVERAGE FOR INDIVIDUALS EXPOSED TO ENVIRONMENTAL HAZARDS IN LIBBY, MONTANA.**—Section 10323 of the Patient Protection and Affordable Care Act (and the amendments made by such section).

(6) **SWEETHEART DEAL FOR A HOSPITAL IN CONNECTICUT.**—Section 10502 of the Patient Protection and Affordable Care Act.

(b) **ELIMINATION OF SWEETHEART DEAL THAT RECLASSIFIES HOSPITALS IN MICHIGAN AND CONNECTICUT TO INCREASE THEIR MEDICARE REIMBURSEMENT.**—Section 3137(a) of the Patient Protection and Affordable Care Act, as amended by section 10317 of such Act, is amended—

(1) in paragraph (2)—

(A) by striking “FISCAL YEAR 2010” and all that follows through “for purposes of implementation of the amendment” and inserting “FISCAL YEAR 2010.—For purposes of implementation of the amendment”; and

(B) by striking subparagraph (B); and

(2) by striking paragraph (3).

Mr. MCCAIN. Madam President, I thank my colleague, the Senator from Montana, for his courtesy.

This amendment removes some of the remaining egregious sweetheart deals contained in the health reform legislation. It removes the following items from the health reform legislation: additional Medicaid funding for Hawaii hospitals; additional Medicaid funding for Tennessee hospitals; the “Louisiana purchase” provided special Medicaid funding for Louisiana; special Medicare funding primarily for reclassified hospitals in Michigan and Connecticut; the UConn proposal that provides \$100 million for a Connecticut hospital; the frontier funding provision providing new Medicare money for Montana, South Dakota, North Dakota, and Wyoming; the provision allowing for certain residents in Libby, MT, to participate in a new Medicare Program.

Let me say that I believe many of these proposals, including the Libby, MT, proposal, may be worthwhile, but what are they doing in a health care reform bill? What is the purpose except to put in a special deal for a favored group? They may need this help. They

may possibly very badly and urgently need it. It seems to me, if that were the case, we could make that argument and provide the people in Libby, MT, the ability to participate in a Medicare Program as it stands. It is something that is not in keeping with health care reform.

The funding for Hawaii hospitals is there.

I want to say a word about the “Louisiana purchase.” The Senator from Louisiana comes down and forcefully and very convincingly argues that this is very needed for the State of Louisiana, and Louisiana was hit by Hurricane Katrina. I point out that the State of Mississippi was also hit and devastated by Hurricane Katrina, but we do not have anything in here for the State of Mississippi. I know the Governor of Mississippi would argue that the devastation on the Mississippi coast was equally as terrible as that for Louisiana. Instead, we have \$300 million providing special Medicaid funding for Louisiana.

There are also States, including my own, that have suffered devastating acts of God, acts of nature also from time to time.

Here we are at the eleventh hour with a situation where there are still these backroom deals done that possibly we could address with an amendment. The other deals we cannot because they were side agreements, such as the pharmaceutical companies I just read from, such as the deal with the American Medical Association, the ones with the hospitals, the others that were cut in order to get Members to come on board and support this legislation. This provides for an opportunity to remove these provisions from the bill.

Comments made by Senator REID’s office:

You will find a number of States are treated different from other States. That’s what legislation is all about. It’s compromise. We worked on a number of things to get different people’s votes. There are many things you will look at in this legislation and say: I wonder why that happened? A lot of times you think something was done and, oh, that’s how you got their vote. Most of the time, that’s really not true. Some of the time it is.

If I could quote to my colleagues again the recent article from March 21 called “Inside the Pelosi Sausage Factory,” I quote from the Wall Street Journal article:

Never before has the average American been treated to such a live-action view of the sordid politics necessary to push a deeply flawed bill to completion. It was dirty deals, open threats, broken promises and disregard for democracy that pulled ObamaCare to this point, and yesterday the same machinations pushed it across the finish line . . .

As for those who needed more persuasion: California Rep. Jim Costa bragged publicly that during his meeting in the Oval Office, he’d demanded the administration increase water to his Central Valley district. On

Tuesday, Interior pushed up its announcement, giving the Central Valley farmers 25 percent of water supplies, rather than the expected 5 percent allocation. Mr. COSTA, who denies there was a quid pro quo, on Saturday said he’d flip to a yes.

Florida Rep. Susan Kosmas (whose district is home to the Kennedy Space Center) admitted that in her own Thursday meeting with the president, she’d brought up the need for more NASA funding. On Friday she flipped to a yes. So watch the NASA budget.

Democrats inserted a new provision providing \$100 million in extra Medicaid money for Tennessee. Retiring Tennessee Rep. Bart Gordon flipped to a yes vote on Thursday.

Outside heavies were enlisted to warn potential no votes that unions and other Democrats would run them out of Congress.

The list goes on and on.

Again, eight times the President of the United States said in the campaign that all negotiations on health care reform would be conducted with C-SPAN cameras in the room. He said: We will find out who is on the side of pharmaceutical companies, who is on the side of the voters. Unfortunately, these deals were made out of the view of the C-SPAN cameras—in fact, behind closed doors.

This is a pretty simple amendment. I repeat, it removes the additional Medicaid funding for Hawaii hospitals; additional Medicaid funding for Tennessee hospitals; the “Louisiana purchase”; special Medicare funding primarily for reclassified hospitals in Michigan and Connecticut; \$100 million for a Connecticut hospital; the frontier funding provision providing new Medicare money for Montana, South Dakota, North Dakota, and Wyoming; and the special provision for Libby, MT.

I know, again, that people will stand and defend each one of these provisions. They are provisions that were not allowed or provided to every other State in America. That is what makes them a special deal. That is what makes Americans think that the way we do business around here is not in their interest. It makes Americans believe we are cutting these deals in order to secure votes. Whenever these deals are cut, then the residents of other States are the ones who foot the bill.

I hope my colleagues will consider this amendment and remove all of these remaining provisions. I cannot assure my colleagues or my constituents that we have found them all, but at least it is a step in the right direction.

Mr. GREGG. Will the Senator yield for a question?

Mr. MCCAIN. I will be glad to.

Mr. GREGG. It seems to me that what the Senator is trying to do is get back to what the other side claimed they were doing, which is health care reform. What the Senator is trying to do is take out of this health care bill a lot of special walking-around money events that did not have anything to do with health care reform; they just had

to do with getting a vote—getting a vote here, getting a vote there. If they were going to do real health care reform, then it should rise and fall of its own weight. It should not require that these special deals be put in there to get a vote, should it?

Mr. MCCAIN. I believe all of my colleagues are of the highest integrity, honorable people. I respect and admire their service to their States and the Nation. But there is no doubt, I say to my friend from New Hampshire, there is no doubt that these kinds of provisions in a 2,700-page piece of legislation create the appearance that some States are favored over others because of either the influence of their elected representatives or in order to secure those votes. That is the appearance the American people have when we find these earmarks in legislation which are somehow inserted without votes, without debate, without discussion, and there they are.

Mr. GREGG. I guess my point is, independent of these amendments, Members should be able to vote on this bill up or down without these amendments in it. These amendments are extraneous to health care reform. The core of health care reform has nothing to do with any of these amendments. As the Senator from Arizona says, they may be worthwhile in some instances, but they are not tied to the purpose of this bill, which was allegedly health care reform; isn't that correct?

Mr. MCCAIN. I totally agree. Again, I pointed out a short time ago—as in the day before yesterday—what was the rationale for adding \$100 million in extra Medicaid money for Tennessee? Why, after a year of debate and discussion on this, all of a sudden \$100 million extra for Medicaid is deemed necessary for the State of Tennessee? This is what arouses the suspicion of the American people, I say to my colleague.

There will be a stout defense of every one of these. But the point is that if they are done in the regular authorization and appropriations bills, and certainly not in the name of health care reform, they are extra money. Where is the reform in \$100 million for a hospital in Connecticut? What does that have to do with reform? Nothing.

I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time to the Senator from Wyoming?

Mr. MCCAIN. I yield to the Senator from Wyoming such time as he may consume.

The PRESIDING OFFICER. The Senator from Wyoming has the floor.

Mr. BARRASSO. Madam President, it is a privilege to be here on the floor with my colleague from Arizona because he talks so well on this topic and he knows it so very well. He knows how to read this legislation and look through the nooks and the crannies.

I will tell all of you and my colleagues that I spent some time Sunday

visiting my friend, a veteran from World War II, in the hospital. He broke his hip and he is recovering and he is bothered by a lot of things. He said what are the people in Washington thinking? He is recovering from his surgery and he said why are they taking my Medicare money to start a new government program and how in the heck did they get all of those votes that they needed to get this bill passed? He said has it been vote buying, sweetheart deals, a culture of corruption in Washington?

Those are the questions being asked by people all around this country which is why this bill, when it was brought to the floor in the House, what we have seen is that half of the people of America are vehemently opposed, strongly opposed to the bill and fewer than one in four supports it.

The thing that touched the nerve of the American people before Christmas was the "Cornhusker kickback." That actually has not been taken out of the bill. What they have done is said let's spend more money and give that same special sweetheart deal to other States around the rest of the country. So that actually is still in there. Yet the President said we are not going to have any special deals. It happened when Senator MCCAIN and I were at the White House for this summit and Senator MCCAIN asked the specific question of the President, he said, What about all these deals.

He said they should come out.

Yet we see today that not only have many of those deals not come out, there is a whole list of additional sweetheart deals put in to get this bill through the House of Representatives. The people of Wyoming are asking why.

Mr. GREGG. Will the Senator from Wyoming on that point yield because I think he has made a very important point. I was not at the summit but I would like the Senator from Arizona to relate to us what the exchange was with the President on the issue of those sweetheart deals because I think if the President's position is they should be out and they don't have anything to do with the fundamental reform exercise, shouldn't they be out?

Mr. MCCAIN. I would say to my friend, I had the exchange with the President specifically over the so-called "Gator Aid" amendment because 330,000 citizens of my State were enrolled in Medicare Advantage who are going to be placed at a great disadvantage because we had carved out a special provision for 800,000 citizens of Florida who were under the Medicare Advantage Program.

By the way, I remind my colleagues that I proposed an amendment to remove that on this floor from that bill. Does anybody really believe that if it had not been for the publicity surrounding these special deals that they

would have voluntarily taken out the 800,000-person carve-out for the State of Florida? I do not think so because I proposed an amendment to take it out and it was defeated. It was kept in on a party-line vote.

Fortunately I brought it up at the White House with the President and the President agreed it was not a good idea. So, after voting to keep it in, after defeating an amendment that—I tried to remove it—fortunately there was enough publicity, there was enough focus on it that it forced them to take it out.

Unfortunately, there is not enough focus on the hospital in Connecticut and these other provisions which are special deals.

Mr. BARRASSO. So here we are. We are looking at a bill, in my opinion, having practiced medicine for 25 years, taking care of families all across the State of Wyoming, that is fundamentally going to be bad for patients, bad for providers, our nurses and our doctors, and bad for payers, the people who are going to pay the bill, the American taxpayers. That is why Warren Buffett, when he looked at this whole piece of legislation, said it is time to eliminate about 2,500 pages of the nonsense and focus on cutting costs.

In my opinion, having looked at this and visiting with other physicians and hospital administrators, it looks to me that with the bill the President signed into law today, which cuts Medicare by \$500 billion, not to save Medicare but to start a whole new government program, which raises taxes by another \$500 billion on American families, I believe this bill, still loaded with sweetheart deals, is going to cause people to see that their own insurance premiums are going to go up, their taxes are going to go up, and they are going to find out that the quality of their medical care is going to go down.

We saw it in Massachusetts where, with the result of this program, a program very similar, it is now the most expensive State in the country for health insurance. It is breaking the budget of the State and people have to wait 42 days to get a physician. Yet the President says we are going to cover more people and he is going to do it by cramming 16 million more Americans onto Medicaid, a program in which many doctors will not even see those patients because the reimbursement is so low.

I see my colleague from New Hampshire and I said that is what I am hearing in Wyoming. Is that what we are hearing in New Hampshire? And then maybe our friend from Arizona has different thoughts.

Mr. GREGG. It absolutely is, and the doctor has described it personally, from his own personal experience and that is a lot of doctors are not going to see patients, especially on Medicaid or

Medicare, because the reimbursement rates are so low.

There is a philosophical issue here of whether a bill should be filled with these sweetheart deals, but there is a practical issue too. I can't imagine why anybody on the other side of the aisle would be against eliminating these sweetheart deals other than the people who come from these States that benefit from them. This is not going to be extraordinarily disruptive to this bill. If this amendment were to pass, which took out these various deals which should not be in the bill to begin with, the bill goes back to the House. The House doesn't like these deals. Heck, they are for Senators. I suspect the House would be happy to have these deals come out so they will repass the bill without these deals.

Why not vote this amendment? Why not positively vote this amendment? There is no logical reason not to do it other than, I guess, nobody wants to let any amendments pass that deal with this bill in any way, even if they are extraordinarily reasonable amendments such as this, on which there should be unanimity, except for the folks who benefit from the specific deals.

Mr. MCCAIN. Madam President, I wish to summarize by saying I hope we will take out these deals. I hope every time we find another one in this 2,733-page legislation, we will take it out too. But I hope also that my friends on the other side of the aisle and the President of the United States will learn a lesson. Next time you want to sit down and enact a major piece of legislation, bring us in in the beginning. Bring us in so we can have true bipartisan negotiations, and any allegation to the contrary is patently false. I know because I have been involved in bipartisan negotiations and this is what happens when you have to go around shopping for votes to finally put you over the top. The American people, with the election of a new Senator from Massachusetts, have rejected this process. They have rejected this process.

Let's listen to the people of this country who say they want these things out. That is not how they want the Congress of the United States to do business. Let's take them out. Let's stop this legislation and let's start from the beginning and let's fix health care in America. And, certainly, let's all pledge to stop doing these kinds of backroom behaviors that the American people have grown sick and tired of.

Mr. GREGG. Madam President, I congratulate the Senator from Arizona, again, for being the voice of conscience for this body relative to making sure we are playing straight with the American people and their tax dollars by not allowing these types of special deals to be put into bills. He has a long and very strong record in this area. This

amendment—I cannot imagine why it would be opposed.

I understand that the 2 hours which we had time agreements under has basically been completed. I suggest for the next 2 hours we continue with this same course of action, if it is agreeable to the Democratic manager. We have a half hour on the Democratic side, a half hour on our side; a half hour on the Democratic side, a half hour on our side. Is that acceptable?

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. At this point let's keep it to 1 hour; a half hour to each side and we can go back and revisit it.

Mr. GREGG. So the next hour will be divided 30 minutes with the majority and 30 minutes with the minority.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. BAUCUS. I am sorry, was there consent?

The PRESIDING OFFICER. There will be 1 hour equally divided, with the majority having the first half hour.

The Senator from Arizona has 1 minute remaining.

Mr. MCCAIN. I will summarize again. These deals were cut for special situations. We have had disasters all over America. We had a disaster in the State of Mississippi. There was nothing in this for the State of Mississippi, which was struck by Katrina as well. The fact is it was also done in a managers' package. There was no debate, there was no discussion. I certainly, and the rest of this side, was not told about it and I was not the only one.

It was a deal that was cut. These deals have all got to be removed. I certainly will support doing anything necessary to help any State in America that is struck by a disaster, not just Louisiana, but Arizona and California and every other State that has been. But I will not do it by inserting a special provision in what is supposed to be a health care reform bill.

I urge my colleagues to remove all of these sweetheart deals.

I yield the remainder of my time.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Madam President, I yield the chairman of the Budget Committee, Senator CONRAD, 20 minutes from our time in opposition to the McCain amendment.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Madam President, I thank Chairman BAUCUS for his extraordinary leadership in legislation that became the law of the land today with the signature by the President. That is the bill that came out of the Senate. It came out of the Finance Committee, it came out of the HELP Committee. This bill went to the House, was passed and was signed into law by the President today.

This was the headline from the New York Times yesterday: "Congress Sends White House Landmark Health Overhaul." Landmark health overhaul indeed it is.

The Senate is now turning to a separate reconciliation bill passed by the House. That bill includes modifications to the comprehensive reform measure President Obama signed today.

These are changes that have been negotiated with the House. This health care fixer bill represents a limited and appropriate use of the reconciliation process. And the reconciliation bill also includes certain education provisions to make college more affordable, and to support higher education.

I want to begin by highlighting the impact of the comprehensive bill passed by the Senate on Christmas Eve, passed by the House over the weekend, signed into law by the President today. That bill meets key reform benchmarks. It is fully paid for and in fact reduces both the short- and long-term deficits. It expands coverage to 94 percent of Americans. It promotes choice and competition. It contains critical insurance market reforms and bans the denial of coverage based on preexisting conditions. It contains delivery system reforms that will bring us better quality at lower cost.

Here is what this health care reform bill will mean for my State of North Dakota. It ends insurance abuses. Insurers will no longer be able to deny coverage for you or your children because of preexisting conditions or raise premiums when you get sick.

It provides tax breaks for small businesses. Small businesses will get tax credits to help buy coverage for their workers.

I had a Republican businessman tell a friend of mine over the weekend that he has had to stop coverage of his employees, although he would like to extend it to them, but believes that this bill now will allow him to once again provide insurance coverage to his employees.

It insures young people. Young North Dakotans will be able to stay on their parents' health insurance until they are 26 years old. It expands coverage. North Dakotans will get more choice and tax credits to make health coverage more affordable. It helps workers. Workers will be able to change jobs without fear of losing health care coverage. It improves Medicare. Seniors will get preventive services without copayments, and the gap in prescription drug coverage will be eliminated. It lowers costs. Premiums for the same level of coverage will be lower after health care reform than they would have been without it.

Despite claims from some of my Republican colleagues that this health care reform adds to the deficit, it does not. The Congressional Budget Office, which is the official scorer, has said

that the comprehensive bill signed by the President today reduces the deficit by \$118 billion over the first 10 years. As I will show later, when you add in the impact of the reconciliation bill before us now, the total deficit reduction in the first 10-year period is \$143 billion. It is not my estimate, not the Democratic Party's estimate, not the Democratic leadership's estimate; that is the estimate by the nonpartisan Congressional Budget Office that officially scores legislation before this Congress.

This reform continues to reduce the deficit in the second 10 years. Here is what CBO said in its analysis of the reform signed into law by the President today:

CBO expects that the legislation would reduce Federal budget deficits over the decade after 2019 relative to those projected and under current law, with a total effect during that decade that is in a broad range between one-quarter and one-half percent of GDP.

To translate that into dollar terms, that would be a reduction in the deficit in the second 10 years of \$650 billion to \$1.3 trillion. And now we have the happy ability to inform our colleagues that with the reconciliation bill added in, the total deficit reduction will be one-half of 1 percent of GDP in the second 10 years or \$1.3 trillion.

This health care reform package also expands coverage. Again, I am referring now to the bill signed into law by the President today because that bill alone expands coverage to 94 percent of the American people by building off the existing employer-based system. It creates State-based health exchanges for individuals and small businesses. It provides tax credits to help individuals and small businesses buy insurance. It expands Medicaid eligibility while providing additional assistance to the States to pay for it.

This health care reform also includes dramatic reforms in the health insurance market—measures that will positively impact millions of Americans. It prohibits insurers from denying coverage for preexisting conditions. It prohibits insurers from rescinding coverage when people get sick. It bans insurers from imposing lifetime caps and unreasonable annual limits on health care benefits. It prevents insurers from charging more based on health status.

This reform package signed by the President today takes a number of important steps to improve the quality of care. It covers preventive services. It provides incentives for healthy lifestyles. It promotes the adoption of best practices and the use of comparative effectiveness research to find out, on a scientific basis, what actually works. Who is against using something that actually works?

It includes delivery system reforms that encourage quality over quantity of care—something health care economists have told us is the single most

important part of this package. These delivery system reforms do not get a lot of attention, but they have the potential to dramatically improve our long-term health outcomes. These reforms include accountable care organizations, primary care payment bonuses, readmissions, hospital value-based purchasing, comparative effectiveness research, a CMS innovation center, an independent payment advisory board and payment bundling—all of them recommended by Democratic and Republican health care economists who told us these are the things that can fundamentally change our system to lower costs over time and improve quality.

You would not know it from listening to some of the coverage, but this health care reform has widespread support among health care experts and health care organizations in my State of North Dakota. This legislation has been endorsed by the North Dakota Hospital Association; the North Dakota Medical Association, representing our State's doctors; the North Dakota Nurses Association, representing our State's nurses; the North Dakota AARP, representing our State's seniors; the Community Health Care Association, and on and on.

There has been a lot of misinformation spread about this health care reform package, so I want to take a moment to say what is not in this plan. It does not include government-run health care. There is no government takeover. This is private insurance, not government insurance. It includes no cut in guaranteed benefits for seniors. The Medicare savings overwhelmingly are savings from providers negotiated with providers. Why would they agree to hundreds of billions of dollars in lower payments than they were expecting—in other words, less of an increase than they were anticipating? Because they know, with 30 million more people insured, that their costs will be reduced and they can afford less of an increase. It includes no death panels. It includes no coverage for illegal immigrants. It includes no expansion of Federal funding for abortion services.

I would like to briefly address the reconciliation bill that is before us now. Remember, we have already passed comprehensive reform. That was done on Christmas Eve. That was passed by the House this weekend. That was signed into law by the President today. What is before us now is a reconciliation package. It includes limited modifications or fixes to the comprehensive health care bill which passed earlier. It is fully paid for and includes additional deficit reductions over and above the comprehensive bill that became law today. This reconciliation bill follows the requirements of reconciliation by including budget-related provisions only, no proposed changes on strictly policy matters.

Here are key health care fixes in this bill: It improves the affordability of health care. It eliminates the gap in Medicare drug coverage, also known as the doughnut hole. It adjusts the amount of Federal aid going to States for Medicare, and also States are treated the same. Despite the rhetoric on the other side, let's be clear on Medicaid. All States are treated the same. It further reduces overpayments to Medicare Advantage, and it takes additional steps to reduce waste, fraud, and abuse.

Here are key education provisions in the reconciliation bill as well: It expands Pell grants to make college more affordable. It eliminates bank-based student lending, which saves, according to CBO, \$61 billion of taxpayer money that can then be redirected to actually support students. I thought that is what student aid was about, to support students. It supports historically Black colleges and extends funding for higher education.

Some of my colleagues of the party opposite have described reconciliation as an obscure and rarely used procedure. The fact is, it has been used 22 times, 16 times when they were in control of the Senate. And we are using reconciliation to appropriately reduce the deficit, unlike our friends on the other side, who used the process to pass unpaid-for tax cuts that resulted in much higher deficits.

Here is how Senator GREGG justified the use of reconciliation by the then Republican majority in 2005 in its effort to open the Arctic National Wildlife Refuge to drilling. He stated:

Reconciliation is a rule of the Senate set up under the Budget Act . . . The fact is, all this rule of the Senate does is allow a majority of the Senate to take a position and pass a piece of legislation [and it does it with a simple majority vote.] Is there something wrong with majority rules? I do not think so. The reason the Budget Act was written in this way was to allow certain unique issues to be passed with a majority vote. That is what is being asked for here.

That is the quote of Senator GREGG, who was then chairman of the Budget Committee. He said: It allows a simple majority vote. He asked: What is wrong with that? It is interesting now to hear the other side say that somehow that is wrong.

As I noted, this reconciliation bill will add further deficit reduction to the health care reform estimate. Here is CBO's estimate of the combined effect of the bill signed into law by the President today and the bill that is before us now. It shows that the deficits will be reduced by a total of \$143 billion over the first 10 years—\$143 billion. That is according to the Congressional Budget Office. The two measures taken together will continue to reduce deficits in the second 10 years and beyond.

Here is what CBO said in its cost estimate:

. . . [T]he combined effect of enacting [the Senate bill] and the reconciliation proposal

would . . . be to reduce federal budget deficits over the ensuing decade [beyond 2019] relative to those projected under current law—with a total effect during that decade in a broad range around one-half percent of GDP.

That translates into dollars of \$1.38 trillion. One-half percent of GDP in the second decade is \$1.3 trillion of deficit reduction—not million, not billion; trillion—\$1.3 trillion dollars of deficit reduction, according to the Congressional Budget Office.

Anybody who does not want additional deficit reduction ought to vote no. Those who want to reduce the burgeoning deficit and debt ought to vote aye.

This health care reform bill does not represent the end of the story. It is a beginning. But it is an important beginning, one that reduces the deficit and reduces the debt—not according to Democrats, not according to Republicans, but according to the non-partisan Congressional Budget Office, which has the responsibility of giving us objective analysis. That is their job. They do it well.

This bill, combined with the bill signed earlier today by the President, reduces the deficit by \$1.3 trillion. In addition, it has these critically important insurance and delivery system reforms that every health care economist who came before us said would, over time, make a meaningful difference in reducing health care costs for American consumers.

How much time do I have remaining?

The PRESIDING OFFICER. The Senator has 3 minutes remaining.

Mr. CONRAD. I would like to end by talking about a matter that has been brought up by some on the other side, the so-called frontier amendment. The frontier amendment was offered openly here on the floor of the Senate by my colleague, Senator DORGAN. Everybody had a chance to review that amendment. It does not affect one State; it affects five States. Some of the States are represented by just Republican Senators. In fact, two of the States are represented just by Republican Senators. One of the States is represented by one Democrat and one Republican, the other two by two Democrats. This is certainly not a partisan amendment.

Why was it offered by my colleague, Senator DORGAN? It was offered because these five States are at the bottom in Medicare reimbursement and have been for many years. They are the most rural States in the Nation. The way the formula works, those States have been penalized.

Let me just say that in my State, to treat the exact same illness, the hospitals in my State get one-third to one-half as much as the more populous States in the country to treat the exact same illness.

When we go to get technology, we don't get a rural discount. In fact, we pay more because we are buying in

smaller order quantities. When we go to attract a doctor or nurse, they don't say to us: Because you get one-third or one-half as much in Medicare reimbursement, we will only charge you one-third to one-half as much to come to your State or to stay in your State. That isn't what happens.

I have had the major hospital administrators in my State say: Unless health care reform fixes this, we are going to begin to have to lay off people and to begin to reduce services, and reduce them dramatically, because we can no longer survive getting reimbursement for the majority of our patients because, remember, the majority of the patients in these rural hospitals are Medicare-eligible patients. They are getting one-third to one-half as much as the more populous States, the hospitals in the more populous States, to treat the exact same illnesses.

That is not fair. That is fundamentally an issue for health care reform. That is why this amendment is included, and that is why it deserves to be retained.

I thank the chairman of the Finance Committee for his extraordinary effort. I am in my 24th year here. I have never seen a Member put in the kind of concentrated and focused effort as the chairman of the Finance Committee did on this bill—hundreds of hours of his personal time over a year and a half to get a good package, a responsible package.

I also thank CHRIS DODD, chairman of the HELP Committee, for his exceptional efforts; and certainly our leader, HARRY REID, for bringing the two together in a way that enjoyed the unanimous support of the Members on our side of the aisle. That is a remarkable accomplishment.

I yield the floor.

The PRESIDING OFFICER (Mr. UDALL of Colorado). The Senator from Montana.

Mr. BAUCUS. Mr. President, speaking on the bill, I thank my friend from North Dakota for his kind statement. Knowing all the hours and days and weeks, months that we spent on this bill, I thank him because my good friend has been there for most of those hours and weeks and months spent on this bill. I thank him very much for that observation, as well as Senators HARKIN and DODD and the ranking members, too, in many respects.

I yield 5 minutes to the Senator from Louisiana from the time under our control on the bill.

The PRESIDING OFFICER. The Senator from Louisiana.

Ms. LANDRIEU. I thank the chairman and add my compliments to him for his extraordinary leadership over the last several months in managing this very important piece of legislation through the process, a major piece of legislation that garnered 60 votes on the floor of the Senate.

The Chair knows because he has worked on many pieces of legislation, even in his short time in the Senate, but his longer time in the House, how difficult that is, particularly on an issue such as this that has eluded our country time and time again. Even though great attempts were made by extraordinary Presidents and wonderful Congresses in the past, this victory has eluded them. But we are close to capturing it now.

I thank the chairman of the Finance Committee. He probably spent more time, except maybe for HARRY REID himself, on ushering us to this point. I was in many of those meetings, and his patience was inspirational, as was his steady hand when things got tough. I thank him, and I also thank the chairman of the Budget Committee. No one has a better command of this budget in this entire body than KENT CONRAD. He has spoken in some detail and depth about the significant cost reductions and deficit reductions that will occur because of our work.

I came down to speak specifically about the amendment just offered by the Senator from Arizona. I actually went to the desk to get a copy of it because I wanted to read it for myself. This amendment is a stunt. It doesn't deserve the time I am going to give to explain the portion of it that refers to Louisiana. The reason I say it is a stunt is because it is actually written for television or the Internet. It is not written for any serious debate. In my view, it is beneath the Senator from Arizona who at one time was a candidate for President. The reason I say it is a stunt is because the word "sweetheart" is actually written in this amendment.

Normally, the only time I see that word is when my husband sends me a dozen roses on Valentine's Day, which he does most years. But to actually draft an amendment like this that actually uses the words "sweetheart deal" is an insult to the people of our country, and I would expect more from him.

I have tried to explain this to him privately on any number of occasions. I have provided him and his staff with every document they have ever requested. I am here to say one more time, the people of Louisiana do not deserve the derision from him or from any member of the Republican team, my Republican allies, because of asking for a correction in a formula that would have been devastating to the State of Louisiana or to any State that experienced the kind of catastrophic disaster we did.

This amendment that I got on might have been unknown to Senator MCCAIN, but it was not a secret. How would I know that? Because actually I called a press conference with the Governor of Louisiana, Republican Governor, and announced it. That is why I

know it wasn't a secret. We didn't have one press conference together; we had three.

As I have explained to the Senator from Arizona, just because he didn't know about it doesn't mean it was a secret. There are lots of things that happen in Washington—it is a big place; it is a big country—that he doesn't know about. This is one of them.

There were three press conferences called, and our entire delegation wrote a letter, a public letter, which I have given to every reporter who has asked for it, asking for consideration for this.

No. 3, how would I know it is not a secret? Because my legislature, which is represented by 50 percent Republican and 50 percent Democrat, unanimously passed it in a public forum. So the people of Louisiana, whom I represent, believe me, are sick and tired of hearing their name dragged through the mud. You want to drag a name through the mud, drag mine. But leave the people I represent out of it.

When the health care debate came forward and we recognized, at the Governor's request—I ask for a minute more.

Mr. BAUCUS. Off the bill.

Ms. LANDRIEU. When the health care debate started, our Governor recognized that without this change, the State of Louisiana would lose somewhere about \$450 million because, under the formula that was calculated, which is done publicly, the Federal Government declared that the Louisiana per capita income had increased 40 percent. It has never happened in the history of the United States. No State in no year in no decade—even with the gold rush, even with discovering oil, even with the greatest inventions of the world—no State's income has ever gone up 40 percent. And ours did not. The people I represent are not richer because of Katrina; we are poorer.

I will not back up a minute to ask for help for them. All I have asked in this bill, and we have gotten, despite the effort on the other side to undo it, and we will not undo it—all we are asking for is to let us pay the same Medicaid match that we have paid for the last 10 years, as long as I know. Louisiana pays 30 cents; the Federal Government pays 70. Our people are covered.

I ask for 30 more seconds, and I promise I will end here. We are not asking for special treatment. We are asking just to pay the same amount of Medicaid as we have paid for the last 10 years. It was not done secretly. It was not done behind closed doors. It was not done to buy my vote. My vote was given to this bill because this bill deserves it, because it is a very good piece of legislation.

I told the leader I would vote for it whether this was in it or not. I am tired, but I am not going to sit down and not defend the people of my State.

The other Members can speak about what they wanted. This is not a sweet-

heart deal. It is a stunt from a Senator I would expect more from.

I yield the floor.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, I have very little time left, perhaps maybe a minute or two. I will use it. But I want to speak more on this subject at a later time. I might also inform my colleagues that the next half hour, which is allocated to the Republican side, will expire at around roughly 6:40. At that time, we will try to work out an agreement where we trade, both sides, half hour per side.

I alert colleagues, if they wish to speak on this reconciliation bill, in about 30 minutes we will try to set up an arrangement for colleagues to speak.

How much time do I have remaining?

The PRESIDING OFFICER. The Senator has 55 seconds.

Mr. BAUCUS. I think it more prudent not to use those 55 seconds but to keep it. I will let the Senator from New Hampshire allocate time.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAPO. Mr. President, I would like to respond to a couple comments just made and then at the first available option, I will file a motion to recommit the bill. Before I get into a discussion of this motion, I would like to respond to the argument that is consistently made that the health care legislation that was signed by the President today and is supplemented by this reconciliation bill is going to actually result in deficit reduction.

What we need to understand is that among the many other pieces of this bill, ultimately it will result in growing the Federal Government by about \$2.6 trillion over the next 10 years. This chart shows graphically or pictorially what will happen.

You will notice I have had to mark out the numbers there and change the 2.5 to 2.6. That is because under the original bill it was 2.5. Now with the bill before us today it is going up, not down, to \$2.6 trillion of new spending.

There are only a few ways you can claim that is going to result in a reduction of our deficit. Nobody denies it is going to result in a massive increase in the size of the Federal Government, regardless of the other portions of this bill.

How does a \$2.6 trillion increase in spending result in deficit reduction? First, because there are massive new taxes in this bill that go along with this increase in spending that are offset against it. Secondly, because there are massive cuts in Medicare, over \$500 billion, \$610 billion of new taxes, \$529 billion of new Medicare cuts, which results in about a \$1 trillion offset, about \$1.1 trillion of offset. How do you get to the rest of the offset to claim that this bill is deficit neutral or reduces the deficit?

That is what I call the gimmicks. For example, \$29 billion of Social Security revenue is raided from the Social Security trust fund and allocated to this bill. The CLASS Act, which has been called a Ponzi scheme by Members of the other side of the aisle, is adding another \$70 billion of revenue. The Medicare cuts are actually counted twice because they are not used to sustain the Medicare system. They are used to finance a brandnew entitlement system in this bill.

When you sort through it all, if you stop the gimmicks, and if you do the math with the gimmicks taken out, we don't have deficit reduction. We actually have a deficit increase, about \$619 billion of increased deficit under this bill.

I think we need to get the facts all out in front of us and discuss them. But I want to talk specifically for just a moment now about the motion I am going to make. The motion I am going to make is the same motion I made when we debated the main health care bill last December. It is a motion that simply helps us make sure this bill complies with the President's promise.

What did the President promise? The President has said multiple times—and here is one of his quotes:

I can make a firm pledge . . . no family making less than \$250,000 will see their taxes increase—not your income taxes, not your payroll taxes, not your capital gains taxes, not any of your taxes . . . you will not see any of your taxes increase one single dime.

That was the President's pledge.

When I brought this motion—when we debated the original health care bill that was signed into law by the President today—it was attacked and actually defeated on the floor on the grounds that to do so, to adopt my motion, would result in killing the bill. It would destroy the bill. All my motion did was say, let's temporarily send this bill back to the committee, have them strip out all of the taxes that hit the middle class—families making less than \$250,000—and bring the bill right back to the floor. I was told that would kill the bill, that would gut the bill.

Well, first of all, if that was going to gut the bill, then that is a concession that the bill is full of taxes on families who make less than 250,000. As a matter of fact, that is true. Again, the bill before this reconciliation bill was analyzed by the Joint Committee on Taxation, and their conclusion—not mine—was that by 2019 at least 73 million American households earning below \$200,000 will be paying more taxes because of the taxes imposed by this bill—that \$610 billion of taxes that is used to help claim that this bill does not increase the deficit.

Well, what happened last time when we debated it? It was attacked because it would gut the bill if we took these taxes out of it, and my motion was defeated.

There was another argument made against the motion at that time; that is, the bill we were debating was not actually a tax increase, it was a tax cut. The way that argument went was: We have more tax cuts in the bill than we have tax increases. The only way that argument could be made is by saying the subsidies that are provided to low-income individuals in our country are tax cuts, even though they do not pay any taxes. Yet, all of the subsidies in the new entitlement program were counted as tax cuts, and they were offset against the true tax increases that are going to be paid by the middle class in America; and the argument was made it was a tax cut.

Well, first of all, it is not a valid argument. There are \$610 billion of new taxes in this bill. Secondly, I do not think that is what President Obama was talking about. He did not say: I will not raise your taxes more for some people than I will cut them for someone else. He was saying he would not raise taxes, and that this bill would not be allowed to be used as a vehicle to do so.

Let's get back to the main argument that was made against my motion before; that is, it would gut the bill. Well, that cannot be true anymore. The bill was signed into law by the President today, so it is law today. And now I think it is time for this Congress to simply fix the problem. All we have to do with my motion—when I am allowed to have an opportunity to propose it—is to commit this bill to the committee and have the committee take out all the taxes that apply to individuals who make less than \$200,000 and families who make less than \$250,000.

It is very straightforward. You can argue that there are not such taxes in the bill, and if there are not, then my motion will not do a thing to the bill. But the reality is, the vast majority of the taxes in this bill are going to be paid by the middle class. By the Joint Tax Committee's analysis, 73 million households in America are going to be paying these taxes, and all this motion does is say let's get back to the President's pledge and do what the President said. Let's take out of the bill the taxes that are going to be slamming the middle class in America as this bill becomes law.

With that, Mr. President, I would be glad to yield to any of my colleagues here on the floor who would like to make comments on this issue. Senator RISCH, my colleague from Idaho.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. RISCH. Thank you, Mr. President.

I rise in support of my distinguished colleague from Idaho. He has brought to the floor the language that the President of the United States gave to the American people in order to convince them to vote for him for Presi-

dent of the United States. It was a serious promise. It was a serious commitment. He said: I will not increase the taxes on individuals making less than \$200,000 a year or families making less than \$250,000 a year. My good friend from Idaho points out there are numerous provisions in this bill that break that promise.

I am disappointed the President has done this. I am disappointed he will not take responsibility for it. I am disappointed he did not point it out when he signed the bill. He talked only about the good things it did. The President should—he really should—keep the commitment he made to the American people. If we are going to have a country where people have faith in their government, particularly in its Chief Executive, they have to believe what he said.

My good friend from Idaho has indicated he is going to bring a motion to commit the bill to get all of these out of there. I want to talk about one that is very focused. I am only going to talk about one of these taxes the President of the United States is raising on people who make less than \$200,000 a year. The reason I bring this one to the floor is this is a direct assault on some of the most vulnerable people in this country.

This particular increase in taxes is on 14.7 million people who earn less than \$200,000 a year and who have had substantial medical bills during the year. How this bill does it, it simply changes the percentage which you can deduct on your income tax return if you incur medical expenses. It is not a slight amount. It is \$15 billion that this tax takes from some of the most vulnerable people in America.

The President of the United States promised he would not raise taxes on people who made less than \$200,000 a year. He made that promise, and this provision in the bill—in the bill that has been signed into law by the President—breaks that promise, and it breaks the promise not just on people who make \$200,000 or less a year, but it breaks the promise as to the most vulnerable people in America.

The provision in this bill the President signed into law this morning affects 14.7 million people. Today, 14.8 million people take this deduction. They are people who have been injured, people who have been sick, people who suffer from diseases, and they take this deduction because the Congress of the United States has deemed it appropriate that when you expend this kind of money, and you are in this vulnerable a position, you should be entitled to deduct it from your taxes. This bill changes that.

When the President of the United States put the pen to that bill this morning, it was in direct violation of his pledge not to increase taxes on people who make less than \$200,000 a year.

So what do we have here? We have a bill that is reaching into the pockets of 14.7 million Americans and taking directly out of their pocket \$15 billion, in direct contravention of the promise the President of the United States made to the American people when he stood up and asked them to elect him. Not only does it do that, it hurts the most vulnerable people in America.

My fellow Senators, I urge that you vote for this motion when it comes up for a vote. And it will come up for a vote. It will help constituents in every single State in America. It will put that \$15 billion back in the pockets of some of the most vulnerable people in America. It will restore the promise the President of the United States made to these 14.7 million people—many of whom voted for the President, and voted for the President believing he would take care of them and see that their taxes did not increase. We can help the President keep his promise that he broke this morning when he signed that bill.

I yield to my good friend, Senator BROWNBACK.

Mr. BROWNBACK. I thank the Senator.

I rise to support my colleague from Idaho on this motion. I think this makes sense. The Senator from Idaho is helping the President fulfill a campaign promise. It made sense to everybody across the country. I have looked at it, and I do not think we should raise taxes, period. I think it is taking money out of the economy. But he said: I want to raise some taxes on people making over \$200,000. Everybody heard it and thought: OK, that is not me, so I will vote for that. I like that idea.

I want to take a particularly narrow piece of this that is in the bill that we have wrestled with in this body for some period of time, and that is the issue of the alternative minimum tax. That was passed years ago. It was supposed to be a tax on wealthy people who were avoiding paying income tax. So we put it in place and said: Well, people who are wealthy should not be able to plan their way out of paying income tax, so we are going to put this alternative minimum tax in, and it is going to be on a set amount of money.

It was not indexed for inflation over time. So now, 10 years later, all of a sudden, there are a number of people—because of inflation happening over a period of time—who get brought in under the alternative minimum tax, to where we then fight about it in this body as to how we are going to do the AMT fix. That is an annual debate we have here.

Well, this tax on Medicare plans, or on the health care reform plans, where, OK, it is not supposed to tax people who make below \$200,000—which I agree with, even though there are pieces in here that do—with inflation, over a period of time, you are going to see a

large number of people, in 2009 dollars, making \$200,000 or below who get taxed because of inflation and its value. We are looking at a situation in the country now, with the monetary policy—lots of money out in the money supply, with the Federal Government's excessive spending, huge amounts: \$1.5 trillion in deficit spending—that the likelihood of inflation coming along is pretty high. Maybe it does not come this year, but it does next year.

We normally run somewhere around a 3-percent inflation rate anyway. You get that stoking up. Here is a chart the Joint Economic Committee staff has done about what happens over a period of time when you do not index for inflation, and this bill is not indexed for inflation.

So all of a sudden you end up having the middle class, and even people currently determined as poor, actually paying the wealthy tax, and it is because of the lack of indexing for inflation over time. So you end up over a period of time having people currently classified as poor paying a wealthy tax—unless you adopt something such as the Crapo motion that says if you are making below this figure, you do not get taxed, you are not going to get taxed.

This actually ends up being pretty substantial and hitting a large number of people over time, to the point where you are going to have a large group—again, this is from the Joint Economic Committee: For every low to middle-income family with a tax cut, three low to middle-income families have a tax increase.

The President said: That is not what I am going to do. I am not going to raise taxes on people who are low or middle income. Unless you adopt the Crapo motion, you are going to have this taking place. So I think this makes sense overall to fix the bill. It certainly does not kill the bill. The bill is signed into law, as Senator CRAPO pointed out. You cannot kill the bill now. I think it should be repealed, but I certainly think we should not be having people taxed who are making below \$200,000. We should not be having them taxed now. We should not be having them taxed into the future, even though that is actually now built into the bill and part of its pay-for provision.

But let's be sincere with the American public. Let's fulfill this piece. Unless you adopt the Crapo motion, we are not going to be able to guarantee that to the American public.

I think this is a very commonsense amendment. I think this is one that helps deal with the problems in the underlying bill. I think it is one that is honest with the American public, and it is certainly one I hope we can pass.

I would ask my good friend from Idaho to address this issue from, as you put this forward, has the administra-

tion said: Yes, we agree with you because this is what we said on the campaign trail and this only fulfills the promise. Maybe they have offered you an Executive order, that you could get this by Executive order.

Mr. CRAPO. Well, I would say to my colleague from Kansas that I have not had any direct response from the White House, although when I made these speeches and when I made the motion when we debated the original bill, there were some responses on the Web that indicated that, in fact, I was not correct in my facts. The argument was made at that time that, in fact, the bill we were debating did not have—was not a tax increase bill, it was a tax cut bill. You probably heard my response to that argument earlier.

The way the defenders of this bill claim it is a tax cut is, they take all the subsidies that are being provided for this new entitlement that is created in the bill, administer those through the IRS, and then claim that those are tax cuts and that they outweigh the tax increases that are included in the bill and that, therefore, the bill is a net tax cut. As I said earlier, first of all, the President was not talking in net terms. He didn't say: We will raise taxes for this group more than we will cut taxes for this group.

Leaving that aside, the fact is, I don't think most Americans fall for that. Most Americans don't think that the subsidy which is scored as spending is a tax cut.

Mr. BAUCUS addressed the Chair.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Might I ask my friend if he wishes to have the pending amendment set aside so his motion can be made in order?

MOTION TO COMMIT

Mr. CRAPO. Mr. President, if that would be allowed, I ask unanimous consent to set aside the pending amendment to offer a motion to commit with instructions that I have here and which I submit to the desk.

The PRESIDING OFFICER. Is there objection?

Mr. BAUCUS. Mr. President, I have no objection. I ask unanimous consent that if the time is consumed, the motion be set aside at that point.

Mr. GREGG. Reserving the right to object, I do not believe any time has been consumed on this motion.

Mr. BAUCUS. I think that is correct. When the time is consumed.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The clerk will report the motion.

The legislative clerk read as follows:

The Senator from Idaho [Mr. CRAPO] moves to commit the bill H.R. 4872, to the Committee on Finance with instructions to report the same back to the Senate within 3 days with changes that provide that the combined effect of this Act, and the Patient

Protection and Affordable Care Act, shall not result in an increase in Federal tax liability for any individual with adjusted gross income of less than \$200,000 or any married couple with adjusted gross income of less than \$250,000.

Mr. CRAPO. Mr. President, could I ask how much time remains on our side?

The PRESIDING OFFICER. There is 1 hour, equally divided, on the motion.

Mr. GREGG. Mr. President, I believe we were functioning under an agreement where the Republican side had one-half hour and the Democratic side had one-half hour. How much time is available under that agreement to our side?

The PRESIDING OFFICER. There is 9 minutes remaining.

Mr. GREGG. I thank the Chair.

Mr. CRAPO. Mr. President, I would ask, at this time, if my colleague from Tennessee or any of our other colleagues have anything further to say at this point on the motion.

Mr. BROWNBACK. Mr. President, I do. If we are going to grow the economy of the United States, we need to provide some sort of tax certainty. We have learned over our history that when we deal with taxes, people don't react if they think things are up in the air—if they look at it and they say: I don't know, my taxes may go up or down, I will sit on the sideline.

One of the things the Crapo amendment does that provides some certainty to it is to say: OK, if you are in this category, this is what your taxes are going to be. It isn't going to go up on you. When people can provide a level of certainty on tax policy, typically, then people are more willing to act. Because they say: Yes, maybe I will go out and I can invest and I will do this as a small business. This will help investment. We have a climate right now where people are not willing to invest because they don't know what the rules are. They don't know what their tax rates are going to be, so they are sitting back. This will help provide that level of certainty. So I hope we will do this as a way to help the economy, as a way to fulfill the President's promise, as a way to help fix the bill and do what the President said he wanted to see done and to help grow the economy and give some certainty on our tax policy.

With that, I yield back to my colleague from Idaho.

Mr. CRAPO. Mr. President, I thank the Senator from Kansas. I wish to go back and summarize now as we conclude, unless the Senator from New Hampshire has any comments to make at this point.

Mr. GREGG. I wish to congratulate the Senator from Idaho for bringing this forward because there has been a lot of representation as to what this bill does, and much of it has been, regrettably, inaccurate. Certainly, one of the most inaccurate representations is

that people over \$250,000 are the only people who are going to pay for this.

The Senator from Idaho is absolutely right. This is going to be paid for by people who have incomes well under \$200,000. There is going to be a significant tax increase for a lot of Americans. Equally important, premiums are going to go up for a lot of Americans, which is the equivalent of a tax increase.

I can't understand how anybody could vote against his motion, which essentially says: Let's hold the administration to its language, which says if you have income under \$200,000 for an individual and \$250,000 as a couple, you will not be required to pay taxes under this bill.

They have represented that is their position. They should have no problem at all with supporting the Senator's motion, and it makes it legally binding. I congratulate the Senator for his motion.

Mr. President, how much time is remaining on our side?

The PRESIDING OFFICER. There is 7 minutes remaining.

Mr. GREGG. Mr. President, I believe the way we are proceeding is we proceed on our side.

Mr. BAUCUS. Yes.

Mr. CRAPO. Mr. President, I would conclude in the last 7 minutes. If any of my colleagues wish to jump in, please let me know.

I wish to go back to where we started. As I indicated, when I brought this very same motion to commit during the debate on the health care legislation in December in the Senate, the response was not that these taxes aren't in the bill but that to take these taxes out of the bill would kill the bill. Why would those taxes being taken out of the bill kill the bill? Because it would expose the cost of the bill, because the argument that the bill is not a deficit—that it actually reduces the deficit—would evaporate if you take out the massive taxes that are included in the bill. That is why it was considered to be such a dangerous amendment then.

I personally believe that for us to adopt legislation the President has signed into law that grows the Federal Government by \$2.6 trillion, dramatically increases the role and control of the Federal Government over our health care economy, cuts Medicare by \$500-plus billion, and then engages in gimmicks of trying to adjust the numbers in the budget in order to make it appear that there is no deficit increase is the wrong way to approach this legislation, regardless of one's opinion of the merits otherwise of the substance of the bill.

The bottom line is, this is a massive growth of the Federal Government, massive increase in control by the Federal Government, financed by hundreds and hundreds of billions of dollars of taxes that are going to be paid by the

middle class in America as defined by the President: those who make less than \$250,000 as a family or \$200,000 as an individual. Again, all this motion would do is to say: Let's take out those taxes. If they don't exist, then it would not do anything to the bill. If they do exist—and, as I said, they do—then they would be taken out of the bill and we would not be putting the massive cost of this phenomenally large growth of the Federal Government on the backs of the middle class in America. Again, the argument that was made in December cannot fly today because today the bill is law. It cannot be argued that to support this motion would kill the bill.

The bill has passed the Senate, passed the House, and has been signed into law by the President. What we need to do now is to make sure the bill does not violate the President's pledge that nobody in America will see their taxes go up.

I wish to again read that pledge: The President's own words were:

I can make a firm pledge . . . No family making less than \$50,000 will see their taxes increase . . . Not your income taxes, not your payroll taxes, not your capital gains taxes, not any of your taxes . . . You will not see any of your taxes increase one single dime.

Well, that is simply not the case, and it is not the case to the tune of hundreds and hundreds and hundreds of billions of dollars that this class of people—the middle class as defined by the President—are going to be called upon to pay.

That is only during the first 10 years of this bill. If you start looking further out, as we get into the second 10 years of this bill, the amount of taxes the American people will pay rises exponentially into the trillions and trillions of dollars as you get further out. Yet we are expecting them to carry the burden of this bill, when they were promised—and I am sure many voted in the last election on the basis of this—they would not see their taxes go up.

Again, it is a very simple motion. The motion simply says: Let's take the bill back to committee and take out any of the taxes that apply to individuals making less than \$200,000 and families making less than \$250,000. I urge all my colleagues to support this motion.

If there is any time left for any of my other colleagues who wish to make a statement—

Mr. RISCH. Mr. President, how much time does the minority have?

The PRESIDING OFFICER. There is 1 minute remaining.

Mr. RISCH. Very briefly, I wish to speak about one of these tax increases for 73 million people. This morning when the President signed the bill, he bragged about how they were going to give subsidies to 13 million people so they can buy insurance. He is abso-

lutely right. But as frequently happens, we didn't get the whole story. The whole story is there are 163 million Americans who are not going to get that subsidy and whose taxes are going to go up. How many of those make under \$200,000 a year? There are 73 million Americans who make under \$200,000, from that little sleight of hand, who will see a tax increase.

Thank you.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, in the spirit of back and forth, I ask unanimous consent that the next hour be equally divided, one-half hour on each side, and the first half hour to be allocated to the majority side and the next half hour to the Republican side.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. BAUCUS. Mr. President, I yield myself 3 minutes to speak on the motion.

I wish to make clear that this bill reduces taxes in the amount of about \$460 billion for Americans who will get tax credits for buying health insurance. That is a huge, big tax reduction: about \$460 billion in tax credits to people buying insurance. I don't think I have heard much about that from the other side of the aisle, but it is a fact.

In addition, small business gets very large tax credits for offering health insurance—large, very large incentives. It is up to 35 percent, if I recall correctly, the first couple years, and then it moves up to a 50-percent tax credit for the employers' half of the health insurance that the employer will be providing. Those are huge, big tax cuts.

One other point that I think is very important to make. It is true, in certain cases, taxes will go up for some Americans who may be making less than \$200,000. But why? Because they have more money in their pocket. When you earn more money, your taxes go up, and you can earn more money because health insurance is going to be less expensive. Companies are going to compensate you with health insurance that is less expensive and reward you with more wages. That is what CBO says. Don't take my word for it. That is what the Congressional Budget Office says. So when wages go up, guess what. Sometimes taxes go up when wages go up. On a net basis, Americans are going to be better off. They are going to be wealthier. Their health insurance is going to be less expensive. For those, we are finding that because health insurance is less expensive, their employers want to compensate the employees, so they compensate them with higher wages, and higher wages will mean some increase in income taxes. So I wish to be very clear, that is what is happening.

Also, I wish to make a third point, basically that gets lost esoterically,

but the reconciliation bill lowers the high-premium excise tax in the underlying bill. By doing so, that means those wages will not increase as much as they otherwise might but, rather, it is offset with an increase under an income but only for Americans earning above \$200,000 individually and families above \$250,000. I wish to make it clear this is a big tax cut for Americans.

CBO has also said—not directly on point—but CBO also said there will be a big reduction in deficits and debts this decade and the next decade.

The other side likes to make it sound as if it is a big tax increase. It is not. It is a tax cut. It is a tax increase for some Americans, but those Americans in the main earn more than \$200,000.

I yield 15 minutes to the Senator from Vermont from the time on the bill.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, this is the dawn of a new day of hope for tens of millions of Americans who have fallen through the cracks—or who worry with good reason that they may fall through the cracks—of our broken health insurance system.

The signing into law of comprehensive health insurance reform by President Barack Obama is a defining moment in our history, ranking with the creation of Social Security and Medicare.

Reforming the health insurance system has been talked about for decades. This has been an arduous process, but it has proven that change is possible, even with the pitched opposition of entrenched and powerful special interests. America again has risen to meet one of its foremost challenges and to renew its promises.

America has some of the best health care in the world, if you can afford it. Millions of families in Vermont and across the Nation worry that they are just one paycheck away from medical and financial disaster. This is a new dawn for them.

Wherever I travel in Vermont, I am often stopped in the grocery store, at church, on the street or at the gas station to listen to personal, wrenching stories, like the woman from Winhall who needs to spend \$500 a month on prescriptions but who would be uninsured if not for her husband's job. She is working two jobs just to make ends meet and to afford their health care costs. Or the small business owner who works 6 and 7 days a week but still can't afford the blood tests her doctor recommended. If she becomes sick she will lose her business and her home. Or the man from central Vermont who told me of his sister-in-law who lost parts of both her feet because she did not have health insurance. When she needed medical attention, she waited, hoping things would get better. By the time her family was able to step in, she

had to be rushed to the emergency room for amputations. This is a new dawn for them.

I grew up in my family's small business in Montpelier. I know that business owners want to attract and keep good workers and many want to be able to offer health insurance options. Spiraling insurance costs are rapidly taking that option away. Some of the most immediate and far-reaching reforms in this new law are the tax credits that will help small businesses continue to offer insurance to their employees. This is a new dawn for small business owners and for those who are self-employed.

This week the Senate is already working on improvements to this legislation. These include closing the Medicare donut hole in the next several years, making coverage more affordable, and creating a more equitable distribution of Medicaid reimbursements to States like Vermont that have acted early on reform.

Health insurance reform has prevailed through the grueling gauntlet of obstructionism erected by defenders of the status quo. One remaining gauntlet remains in the Senate, where partisan opposition has prompted an effort to derail these further improvements to this law—improvements that many of these opponents say they support. Opponents of reform already have wasted much of the public's time over the last year by provoking arguments over their distortions about what health reform really means. Last summer the American people endured myths about "death panels" and other falsehoods about what reform would mean for families across the country.

It is no wonder that while Americans vastly support the individual components of these bills they remain skeptical when asked about the hazy concept of "comprehensive reform."

The building blocks of health reform are more popular than the sum of the plan's parts. Polls show public unease about the hazy concept of "comprehensive health reform" but solid support for what is in the plan.

This paradox recently was put to a real life test, with a vote on a reform I proposed to repeal health insurance companies' antiquated exemption from the antitrust laws. These are the pro-competition rules that apply to virtually all other businesses, to help promote vibrant markets and consumer choice. Competition and choice help lower costs, expand access and improve quality.

I launched this effort last fall, built a hearing record to examine its merits and worked to build bipartisan support. House leaders late last year added it to their plan. And last month it became the first stand-alone part of the health reform package to pass on its own, in a strong bipartisan vote of 406 to 19. To me this is the latest proof that, appear-

ances aside, there is much common ground in the health reform plan—more than partisan opponents or the insurance industry would have the public believe.

Insurance companies, of course, will continue to lobby like crazy to keep from being covered by the antitrust laws. No surprise there. The rules they have operated under have been stacked in their favor.

Some have argued that doing nothing is the "safe," option, but it is anything but safe. Health policy experts and economists across the political spectrum agree that the rapidly increases in health costs will hurt everyone—costing us more, driving up Medicare's budget, cutting back coverage, and preventing businesses from being able to afford offering insurance to their workers. Without reform, in the next decade half of all nonelderly adults at some point will find themselves without coverage. If we do nothing, the same insurance coverage a family had in 2008 will nearly double to \$24,291 by 2016, soaking up a whopping 45 percent of median family incomes.

We have seen all too well what would have happened if we had not acted to pass comprehensive reform. Just last month, insurance companies planned a series of premium hikes as large as 39 percent in one State. Last year the five largest for-profit insurance companies booked \$12.2 billion in profits, and they raised the average family premium three times faster than wages. One company alone, WellPoint, is hiking rates by double digits in 11 States, while their profits are up 91 percent. Meanwhile, even with soaring profits, insurers continue to drop sick people from their rolls, spend less on care, and avoid competition.

Vermont, a State that has led the way on many health insurance reforms, is not immune from the rising costs of health insurance. On Town Meeting Day a few weeks ago in Vermont, town officials in Hartford reported that the community's health insurance rates last year jumped by a third, forcing them to lay off town workers.

Despite dire warnings of "government takeovers" and other charged rhetoric, this bill in reality is a solidly American solution to our health insurance crisis. The new law largely builds upon our current system and reforms parts that are not working well, while maintaining much of what Americans like.

Now that this bill is law, annual caps on coverage are eliminated. Insurance companies are now barred from dropping people from their plans, even if they have paid their premiums, simply because they have gotten sick. Denying children health insurance coverage because of preexisting conditions is now illegal, and parents are now allowed to keep their children on their health insurance policy until a child's 26th

birthday. And now that comprehensive reform has become law, a down payment has been made toward completely closing the so-called donut hole for seniors on Medicare, by providing a \$250 rebate for those in the Medicare Part D coverage gap.

In addition to the immediate improvements to our health insurance system, over time this bill will make further improvements and also will eventually insure 95 percent of our population, while making a substantial investment in our economic vitality in the years ahead. In addition to ending the discriminatory insurance company practices of denying coverage because of preexisting conditions and canceling coverage when beneficiaries get sick, the new law will lower costs for small businesses and will help prevent medical bankruptcies by removing any arbitrary limit on annual or lifetime “caps” on medical expenses. This bill also is the largest deficit reduction measure many in Congress have ever cast votes on. The Congressional Budget Office estimates that comprehensive reform will reduce the federal deficit by \$143 billion through 2019, and by more than \$1 trillion in the decades to come.

These comprehensive reforms also will test ways to reduce health care costs while improving quality. The bill contains pilot initiatives for efforts like Vermont’s Blueprint for Health, under which patient care is coordinated to reduce unnecessary hospital visits and to keep patients healthy. Other programs will test various ways to pay doctors and hospitals that could be more efficient than the current fee-for-service structure. A greater emphasis on prevention—long championed by the late Senator Edward Kennedy and Senator TOM HARKIN on the Health, Education, Labor, and Pensions Committee—will reduce preventable deaths and hospitalizations.

I am also proud that the bill explicitly prohibits discrimination on the basis of race, color, national origin, sex, disability or age in any health program or activity receiving Federal funds. These protections were necessary to remedy the shameful history of invidious discrimination and the stark disparities in outcomes in our health care system based on traditionally protected factors such as race and gender. The nondiscrimination provision makes clear that the enforcement mechanisms from other statutes prohibiting discrimination in federally funded programs, such as title VI of the Civil Rights Act of 1964 and title IX of the Education Amendments of 1972, apply with equal force to federally funded health programs and activities. I worked closely with Majority Leader REID to include these protections in the Senate bill to ensure that all Americans are able to reap the benefits of health insurance reform equally, without discrimination.

The bill the President signed into law and that I supported is not without its problems. But it succeeds in adhering to the core principles I sought at the beginning of this debate. It gives Americans affordable access to health care coverage, it reduces costs for families, businesses and government, and it protects consumers’ ability to choose doctors, hospitals and insurance plans. Many other substantial social policy reforms such as Medicare and Social Security were improved through actual experience after they were first enacted. For instance, Social Security as passed did not contain disability insurance—a significant oversight, which was rightly remedied later. While this plan might not make every reform we think necessary, we have the ability to modify and improve it in the months and years ahead.

In fact, the reconciliation bill now before the Senate includes a series of improvements to comprehensive reform that I strongly support. The bill will fully close the prescription donut hole that forces thousands of seniors across the country and in Vermont to pay out of pocket for necessary prescriptions until their expenditures reach a catastrophic level. Immediately, Medicare beneficiaries who fall within the hole will receive a \$250 rebate in 2010. By 2020 the donut hole will be closed completely, and beneficiaries will receive 75 percent discounts on brandname and generic drugs. The reconciliation package eases the cost-sharing for individuals purchasing insurance on the exchange, and it offers more generous tax credits for those with the lowest incomes who still have trouble affording health insurance. The largest employers will be fined more heavily for the failure to offer insurance to their workers.

The reconciliation package furthers the strong antifraud provisions Senator KAUFMAN and I worked to incorporate into the Senate-passed bill. Among other steps, it increases our investment in fighting health care fraud by providing \$250 million over the next decade to investigate and prosecute the people who drain our health care system of billions of dollars each year, driving up costs and risking patient lives. It also streamlines procedures to review Medicare payments before they are made to ensure that we identify and stop fraud as quickly as possible. These antifraud initiatives build on the impressive steps the Obama administration has already taken to improve health care fraud prevention and enforcement, and on the real progress represented by the antifraud provisions adopted by the Finance and HELP Committees. I was pleased to be able to contribute to all of these efforts.

Like many sweeping reforms of our history, this legislation will likely be improved in the coming years as these reforms are implemented. For example,

I will continue to push for a public option and for repeal of the health insurance industry’s antitrust exemption, in order to promote competition, choice and lower prices.

The people of Vermont have given me the honor of representing them in the Senate for 35 years. I have joined in many debates that were contentious, yet ultimately productive. As we leaf through the pages of history, we can read of the many times when Congress has shown its remarkable ability to rise up to reflect the conscience of the Nation.

As many here have noted, our dear friend Senator Ted Kennedy would have been remarkably proud of the President and this Congress for passing reform that was unachievable for so many before us. Ted reminded all of us in a letter written to President Obama what the stakes are in this debate. He wrote, “What we face is above all a moral issue; that at stake are not just the details of policy, but fundamental principles of social justice and the character of our country.”

When the dust settles and emotions are calmed, I believe this effort will be viewed as a credit to this good and great Nation and its people. This President and this Congress have responded to a pressing national issue and have proven once again our ability rise above partisanship and act with the purpose of advancing a pressing national interest.

I am proud of this latest proof that change is possible in this great country when a pressing national interest is at stake. And I am proud to have had the honor that Vermonters have given me to represent and advance their interests in this effort.

This really is a new day of hope for tens of millions of Americans who have fallen through the cracks or who worry they may fall through the cracks of our broken health insurance system.

When President Barack Obama signed the comprehensive health insurance reform bill this morning, I could not help but think as I sat there that this ranks with the creation of Social Security and Medicare. We have talked about reforming health insurance for decades, but it has not been done. Of course, it has been an arduous process, but it has proven that change is possible even when you have had the pitched opposition of entrenched and powerful and, I might say, very wealthy special interests. America rose to meet one of its foremost challenges and to renew its promises.

America has some of the best health care in the world if you can afford it. Millions of families in America and in Vermont worry that they are just one paycheck away from medical and financial disaster. This is a new day for them.

I ask all those Members of Congress who fought so hard against this health

care and voted against it, are they willing to give up the great health care system they have as Members of Congress, that they can buy as Members of Congress, and trade places with the millions of Americans who cannot buy the great health care system Members of Congress have? I have not heard a single one of them who voted against giving help to these millions of Americans say they would give up their own.

Whenever I travel in Vermont, whether it is at the grocery store, church, on the street, or at a gas station, I often stop to listen to personal and wrenching stories, such as the woman from Winhall, VT, who needs to spend \$500 a month on prescriptions but who would be uninsured if not for her husband's job. She is working two jobs to make ends meet and to afford the health care costs, or the small business owner who works 6 and 7 days a week but she still cannot afford the blood tests her doctor recommended—if she becomes sick, she will lose her business and her home—or the man from central Vermont who told me of his sister-in-law who lost parts of both of her feet because she could not afford the simple care that would have saved her feet because she did not have health insurance. When she needed medical attention, she waited, hoping things would get better, knowing she could not afford to go to the doctor. By the time her family was able to step in, she had to be rushed to the emergency room, not for a cure but for amputations. This is America. I do not hear a single Member of Congress saying they are ready to give up their insurance they are able to buy through the Senate or the House of Representatives and trade places with this woman.

I grew up in my family's small business in Montpelier, a printing business. I know small businesses want to try to keep good workers, and many want to offer health insurance options, as my parents did, but spiraling insurance costs are taking that option away. Some of the most immediate and far-reaching reforms in this new law are tax credits that will help small businesses continue to offer insurance to their employees.

Health insurance has prevailed through the grueling gauntlet of obstructionism erected by the defenders of the status quo—worse than anything I have seen in my years in the Senate. One gauntlet remains in the Senate, where partisan opposition has prompted efforts to derail these further improvements to this law. It is no wonder that while Americans vastly support the individual components of these bills, they have been skeptical when asked about the hazy concept of comprehensive reform.

Some have argued that doing nothing is a safe option. Last month, insurance companies planned a series of premium hikes, as large as 39 percent in one

State. Last year, the five largest for-profit insurance companies booked \$12.2 billion in profits and they raised the average family premium three times faster than wages. One company alone, WellPoint, is hiking rates by double digits in 11 States, while their profits are up 91 percent. Meanwhile, even with soaring profits, insurers continue to drop sick people from their rolls, spend less on care, and because they have an exemption in antitrust laws they avoid competition.

Now that this bill is law, annual caps on coverage are eliminated. Insurance companies are now barred from dropping people from their plans, even if they paid their premiums, simply because, gosh, they got sick—the reason for which they bought health insurance. Denying children health insurance coverage because of preexisting conditions is illegal. Parents can keep their children on their health insurance policies until they are 26 years old.

I think of the people who worked so hard on this legislation. I see Chairman BAUCUS and Chairman DODD on the floor. We would not be here without the two of them. I think we must continue and we must be able to make this final step.

The people of Vermont have given me the honor of representing them in the Senate for 35 years. I have joined in many debates that were contentious yet ultimately productive. As we leaf through the pages of history, we can read the many times when Congress has shown its remarkable ability to rise up and reflect the conscience of the Nation. This body especially should reflect the conscience of our Nation.

As many here have noted, our dear friend Senator Ted Kennedy would have been remarkably proud of the President and this Congress for passing reform that was unachievable for so many years before. He reminded all of us in a letter written to President Obama what the stakes are in this debate. He wrote:

What we face is above all a moral issue; that at stake are not just the details of policy, but fundamental principles of social justice and the character of our country.

When emotions are calmed, I believe this effort will be viewed as a credit to this good and great Nation and its good people. The President and the Congress have responded to a pressing national issue. They have shown we can rise to the challenge before them.

I am proud to have had the honor Vermonters have given me to represent and advance their interests in this effort. I am glad to say to my fellow Vermonters: Now the day comes when you have the opportunity to have the kind of insurance we Members of Congress have. I am sorry some have voted to deny that to you. This Senator votes to give it to you.

I yield the floor.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, I yield 15 minutes to the chairman of the Banking Committee, also the de facto chairman of the HELP Committee, the great Senator from Connecticut, who has devoted countless time and creativity in helping shape the HELP Committee version of health care reform. Along with the Finance Committee, we have the HELP Committee. Chairman DODD has been terrific.

Mr. LEAHY. Mr. President, I ask unanimous consent that what time I did not use be yielded back to the chairman.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DODD. Mr. President, let me first of all thank my great friend from Montana, Senator BAUCUS. We arrived in the Congress of the United States together on the same day, back about 35 years ago. We have been friends for 35 years. We arrived in the Senate at different times. He got here a little before me. We have been in this institution for 30 years. I cannot describe in the limited time I have what a difference he has made—the fact we are here debating, finally, the last piece of this legislative effort to give the Americans what they have sought for more than a century, and that is the basic right to health care.

I always found it somewhat ironic in a way that we in this country provide for those accused of criminal offenses the right to a lawyer, the right to an attorney. I believe in that. I think it is correct. But isn't it somewhat ironic that the same country that would provide you with a right to a lawyer if you are charged with a criminal defense cannot provide you with a doctor if your child is sick? There is something fundamentally wrong with that, in my view.

For the first time, we are on a track that will correct that error. Henceforth, in the years to come, they can mark the calendar date of March 23, 2010, when for the first time in American history an American President signed into law a bill that will provide Americans the opportunity to live free from the fear that they or their loved ones will be faced with a health care crisis and they will not have the capacity, without bankrupting themselves or watching a loved one lose their life or become chronically or permanently ill or sick because they could not afford it, to see a doctor.

I rise today on this very historic day to thank my friend from Montana, to thank the terrific staff of the Finance Committee, to thank the members of the Health, Education, Labor, and Pensions Committee, chaired by my great pal and friend Ted Kennedy for so many years. I was asked to take over last summer and to work through the efforts of that committee to participate and contribute to our part of this

bill. On July 16 last summer, we completed our work.

I see my friend MIKE ENZI here. We worked together on issues over the years. LAMAR ALEXANDER, my friend from Tennessee, as well is part of that committee. While we did not come together on final passage of that bill, I wish to express my gratitude to them and their staffs as well for the contributions they made to this product. Even though they might not be anxious to acknowledge the contributions, they made contributions. I am grateful to them and, of course, my staff as well—Tamar Magarik Haro and Jeremy Sharp, as well, who is with me on the floor today, along with many others who did a fabulous job in providing us with support and assistance.

We heard the word “historic” with regard to this legislation. Sometimes those words are thrown around a little too lightly, in a little too cavalier fashion to describe other events. Today truly is historic. I have been here 30 years, and I cannot think of another day quite like it in the annals of our Nation to provide, at long last, the ability to have a national health care plan. For tens of millions of ordinary citizens, the passage of this bill means more than just a page in history, of course. It means real security for older Americans who rely on Medicare and still need help paying for prescriptions. It means relief for small business owners who are forced to choose between cutting off benefits and laying off the workers they need so much in their operations. It means an end, more than anything else, to the sleepless nights when fathers and mothers worry about how to pay for a cancer treatment or a child’s checkup.

My colleagues know I am a late bloomer in the father business. I have a 5-year-old and an 8-year-old. I started a little late in this business of parenthood.

Two weeks ago, my little 5-year-old was pretty sick. She got a stomach virus. She was throwing up quite a bit, about every 20 minutes or so. We called our family doctor. He said I should get her up to Children’s Hospital emergency room, about 7 o’clock on a Saturday night. She was terribly dehydrated—not uncommon when this happens. She spent the next 18 hours in the hospital getting hydrated.

I wanted to share with my colleagues what that emergency room was like that evening. Again, I have a health plan. All of us do—8 million Federal workers. We have pretty good coverage. I am grateful for that. I walked in, put that card on the table, and things began to move. My daughter was going to get the kind of treatment she needed.

But that room was filled with a lot of people that night, people with no health care, people showing up well beyond a point you would want to see a

physician because they did not have the resources to do it. That goes on every single night and day all across our country. If anybody has doubts about it, I urge you, in the break coming up, the 2 weeks, if you have a chance, to go by late in the evening to an emergency room in a hospital in your area. You will encounter what I did a few Saturday nights ago when I took my young daughter to receive the kind of help she needed.

I kept on thinking that night that my daughter was not unique in getting a stomach virus and getting dehydrated. How many other children in this city or across America that night had parents sitting around, sleepless, wondering whether that child was going to get better, knowing they were getting more dehydrated and putting them at great risk of spiraling down, putting them at greater and greater risks, not knowing what to do, not having the resources to do it, not having that kind of health care, not having the money and insurance to pay for it, and wondering when they were going to show up in the emergency room to take care of that child. That goes on every single day in America, in the United States of America, in the 21st century.

This bill does not solve all of those problems, but the idea that we can lift the burden of fear from those families, those people who work hard—remember, a majority of all the bankruptcies last year occurred because of a health care crisis in that family, and a majority of those people who went bankrupt because of a health care crisis had health insurance. These were not people without insurance; it is just the copays were so high, the deductible so high that they were going to get in financial trouble before the insurance would even kick in. We are not just talking about the uninsured. Even people with some insurance find themselves in that situation. So my daughter is fine today and doing well because I didn’t have to worry about the cost of her care. I have a good health care plan. But for other families across this country who don’t have that security, that sense of confidence that if their loved ones end up ill or need attention or care, that unless they have the kind of coverage and the ability to pay for it, their child might not have had the same outcome that mine did. That shouldn’t happen in this country.

So for us in Congress, the passing of this legislation represents more than just the culmination of a century-long movement for reform. It began with Teddy Roosevelt. I regret today that President Obama didn’t mention Richard Nixon. He mentioned Roosevelt and Truman and Bill Clinton, but Richard Nixon tried as well to get national health care. He is not recognized often for it. People only talk about him in a negative sense. But Richard Nixon tried this. It was Democrats and Republicans who tried to get this done.

What this effort represents is proof that while progress is not easy, neither is it impossible, and that, maybe more than anything else, is important about what we saw today.

As President Obama said, we didn’t come here to the Senate, to the Congress of the United States to fear the future; we came here to try to shape it. And despite the complexity of the problems, the political power of those stubbornly defending the status quo, and even the refusal of many in this community to acknowledge the urgency of reform, that is exactly what we have done.

A broken health care system is not the last challenge we are going to face now as a nation or as a Congress. Far from it. Today, our Union became a little more perfect, but is still far from it. There is still much to do to help American families build better lives for themselves. But, Mr. President, I hope when we again find ourselves at moments of great national import—and we will and we are—we can look back not at the polls or the petty partisan fights that too often contaminate our debates and that always seem to stand in the way of progress, but rather at the fact we rose above them and we acted—and we acted, Mr. President.

We have a chance again to act this evening or tomorrow, as soon as this process comes to an end, by voting up or down on the legislation designed to make this good law even a better one. If you strip away the overheated rhetoric, the false claims that have become commonplace during this debate, this bill is nothing more than a set of commonsense fixes. Let me quickly remind my colleagues and others what they are.

The commonsense fixes will extend the solvency of Medicare. The bill will fill the so-called prescription drug doughnut hole and lower premiums for seniors. Another commonsense fix will extend to all insurance plans the consumer protections in the newly passed health care reform law. It will end the lifetime caps on benefits to people. It will also provide the guarantees that your coverage would not be taken away if you get sick and includes a prohibition on excessive waiting periods, and the extension of coverage to adult children up to the age of 26. It will ban discrimination against people with pre-existing conditions. These commonsense fixes will increase the tax credits that help low- and middle-income families pay for insurance, boost funding for community health centers, strengthen provisions for cracking down on waste and fraud in the Medicare and Medicaid systems.

Mr. President, these commonsense fixes will improve the shared responsibility of policies, ensuring that employers and individuals do their part to keep the country healthy, both physically and economically. It includes

valuable protections as well for hospitals and physicians, and more fairly distributes Federal funding among the States so that State governments aren't overburdened at a time when it is already rather difficult to balance those budgets. It revises revenue provisions in the law to take some of the burden off middle-class families and put it on the pharmaceutical industry, which can afford to bear those burdens.

On top of all these commonsense fixes, it includes a badly needed, fully-paid-for investment in Pell grants enabling more Americans to go to college and get the education they need to compete in the 21st-century world in which these children will face. The bill increases Pell grants, I know my colleagues know, up to \$6,000 by 2017. Hardly enough, in many cases, to pay for the ever-growing cost of education, but it can make a difference. It links scholarship amounts to the cost of living so they never again have to fall behind, and all of us know how valuable that can be. Because the legislation switches to the far less expensive direct loan program, it will also reduce our deficit by more than \$10 billion over 10 years.

Now, that is what is in this bill. Those are the commonsense fixes. If you don't like the health care bill, fine; but don't tell me what we are doing is a bad idea. I think it takes a good law and makes it a better law, and I hope we can get broad-based support for these provisions.

I know some of our friends have made plans to spend the rest of the week delaying passage of this bill. I would hope they not engage in that. I don't think it serves our interests. Vote against it, if you want, and let us get on with the other business we have before us. To go through some marathon voting for the sake of delaying the process I don't think does a great service to this great institution. That is not what we are sent here to do.

That is all you are going to witness, unfortunately, Mr. President, if this goes on for a protracted basis over the next couple of days—one cute little amendment after the other to see if it can embarrass colleagues to vote on something that may cause people to worry about their sense of sanity in all of this. Yet all it is designed to do, and nothing else, is but one thing: to delay voting for the provisions included in this commonsense fix.

Mr. President, I hope, again, that we can move on to other business; that the large issues in front of us require us all to work together. As the chairman of the Banking Committee, I have the responsibility of trying to bring to this floor some reforms in financial services. I am blessed with wonderful members on my committee—Democrats and Republicans. There is a growing desire in our committee, I think, to do just that. My intention is to try to do just

that in the coming weeks, working with my friends on the Republican side as well as my colleagues on the Democratic side of the aisle. It is a big set of important issues, and that is what we ought to be doing.

That is what we did on this bill. Unfortunately, we were forced to do it as one party, not as a Senate acting together, and I am saddened by that fact. But my sadness is overwhelmed by the sense of joy that I have that this Congress, this President, was able to sign into law one of the most historic pieces of legislation ever adopted by any Congress in the 200-plus-year history of our Nation. I urge my colleagues to support this reconciliation bill.

With that, I yield back any time I may have to Senator BAUCUS for some later consideration that he may need.

I see the chairman has arrived back out here, and I yield the floor.

Mr. BAUCUS. Mr. President, how much time remains?

The PRESIDING OFFICER. There remains 3½ minutes.

Mr. BAUCUS. Mr. President, I would like to speak a few minutes on the amendment offered by the Senator from Arizona with respect to the declaration of a public health emergency.

Under the 1980 Superfund law, an administration has the authority to issue a public health emergency whenever it determines based on science that there is a certain part of the country for which that declaration makes sense. It applies to anyplace in the country. An earlier administrator, Christine Todd Whitman, was about to declare a public health emergency in Libby, MT, because the conditions were so dire. Frankly, I read the e-mail traffic between her office—HHS—and the Bush administration in the White House.

The White House put the kibosh on that declaration. The EPA, based on the science, was going to make that declaration. Administrator Jackson has now made that declaration based on the science.

There is more asbestos contamination in Libby, MT, on a per capita basis than any other place in the country. It is appalling. People are dying of asbestos-related diseases and mesothelioma. Tremolite is the form of asbestos that is present. It is so sad. It is a small town, a poor town. The company, W.R. Grace, has left them high and dry. There was a criminal trial against its officers for intentionally contaminating Libby. Frankly, that did not result in a successful criminal prosecution but, in my judgment, having read lots of transcripts of hearings, it is clear a declaration of a public health emergency is not only valid, but this is a company, frankly, that should have been brought to justice. In fact, they moved assets off the books so they would be judgment proof. W.R. Grace is a very bad company, in my judgment.

Anyway, this law applies to all States in the Nation—all States—

where, based on the science, the EPA Administrator thinks a public health emergency should be declared at a certain site that is then required by the law. Screenings are then allowed and medical treatment is allowed to people who would otherwise not get any, or get very little because the company has cut back on any health care benefits they had.

So this is, in a sense, health care reform. These are people who don't get health care. They have been left without health care. There is no coverage, frankly. They have this so-called pre-existing condition because they have asbestos-related disease. I think it is only proper these people in Libby finally get their due.

My time has probably expired, but I could go on and on and on about this sad situation and how much these people deserve to have at least some health care that they would otherwise not receive.

Mr. President, I believe now the time is to be allocated to the Republican side.

The PRESIDING OFFICER. The majority time has expired.

The Senator from Wyoming is recognized.

Mr. ENZI. Mr. President, I am going to rise to offer an amendment in a while to protect American workers from the punishing job-killing taxes in this reconciliation bill. My amendment would send this flawed bill to the Finance Committee with instructions to report back a bill without an employer mandate and with an offset.

Mr. BAUCUS. May I inquire of my good friend if he has a copy of his amendment so we could see it. Before I make a request to set the current pending amendment aside, I would like to see the amendment.

Mr. ENZI. I thought a copy had been delivered to you.

Mr. BAUCUS. Maybe it has. Let's just check to be sure we have it.

Mr. President, I suggest the Senator proceed with his argument on his amendment.

Mr. ENZI. That is all I was going to do for the moment, is present the argument and then offer the amendment.

Mr. BAUCUS. OK.

Mr. ENZI. Of course, this process we are going through seems like Groundhog Day to me. I worked on health care with Senator Kennedy for 3 years. We came up with some principles that translated into what is on my Web site: 10 steps that would actually solve health care and do what the President promised.

I am the ranking member on the Health, Education, Labor and Pensions Committee, so I went through the markup on that. As far as any predesign or drafting prior to the markup, I had no opportunity to do that. We were given a bill and told: Here it is. If you want, you can do

amendments. Well, it was put together pretty fast, so there were typos in it. We thought maybe we ought to help solve those, and as a result there were 150 amendments that were accepted, but none of substance except a couple.

One of those amendments accepted was one that Senator HARKIN and I both cosponsored. It became a part of the bill, and that was the Safeway plan that would have provided some prevention. It would have given companies the ability to provide incentives to their employees to do prevention.

Like I say, it wound up in the bill. But when it was printed on September 17, it was not in the bill anymore and we never had a vote on it. I don't understand how that can happen, and that is why I say this feels a little like Groundhog Day because we keep trying to get things in there.

I was part of the group of six, and one of the things I asked for was the Gregg amendment that we had earlier, which said Medicare money ought to just go to Medicare. And I keep seeing these side deals made, which is the amendment Senator MCCAIN did.

Each time we have been presented with the bill and they said: Here it is, take it or leave it. We tried to do amendments. The amendments don't wind up in it. The way it gets passed is by having side deals made. I am not familiar with that kind of legislating. It is foreign to me and I don't think it is the right thing to do.

I also went to the White House summit. Again, the President said: Tell us your ideas. And we did. Every time a Republican presented ideas they were rebutted immediately. My idea of a listening session is the person putting it on does a little preamble and explains the format they are going to do and then they actually listen. At the end after a listening period, when people have had a chance to voice their opinions, the leader, which in this case would have been the President, says: Here is what I learned today or: Here is what I didn't learn today. Instead, what we got was a pitch for why we ought to accept the bill the way it was and that is exactly the way it has progressed every step of the way.

Here we are again, another Groundhog Day, trying to do some amendments that will make this a better bill. In fact, it will make it a bill that will work; a bill that will be sustainable. Right now I am trying to save business in America, particularly small business, at a time when our Nation's unemployment rate is 9.7 percent. Millions of Americans have lost their jobs and millions more go to work every day, worried about keeping the job they have. Many States are seeing double-digit jobless rates which are weighing heavily on their local economies. Businesses of all sizes are struggling to keep their doors open and are finding it harder and harder to make payroll.

When our Nation's businesses struggle, workers and their families struggle just as much if not more. American workers depend on a strong economy to create jobs that help them feed their families and build their dreams. Unfortunately, the employer mandate in the reconciliation bill will only make it more difficult for America's businesses to hire and pay their workers.

This reconciliation bill being pushed through the Senate contains \$52 billion of new taxes—that used to be big money—\$52 billion of new taxes on business, businesses that cannot afford to provide health insurance, especially at the higher rate being required. The bill has in it a Federal minimum standard that is better than 50 percent of the insurance that Americans already have. If you don't think your rate is going to go up, if you have something that is below that Federal minimum standard and you like it, too bad. We are going to force businesses to buy better insurance than what they already have, and if they do not, they get to pay \$52 billion in new taxes. Most employers do provide insurance for their employees, but there are some that cannot afford to.

What does health care reform mean to those businesses that cannot afford health insurance? Unfortunately, health care reform for them will mean higher taxes. These are the same businesses that are barely making it today, they are the same businesses that are currently laying off workers in order to keep the company afloat. They are the same businesses that are cutting shifts to prevent further layoffs and cutting wages to keep their employees on the payroll—and much of that is with the agreement of the employees. They understand. They are with a small business. It is more like a family. They understand what the consequences are of new taxes and new requirements and new regulations and it scares them. They make concessions so they can continue to work. They are working fewer hours than they used to work. Productivity is up but there are less hours.

The problem we have is that Congress doesn't understand business, especially small business. I go and visit Wyoming most weekends. I travel a different part of the State and one thing I like to do is get into some businesses and find out about them. I found out most businesses look pretty simple until you scratch the surface a little. We get a completely different opinion here because we print our own money, but that doesn't happen out there in the business world. They have a lot to take into consideration. They have to figure what it costs them to be in business and they have to make sure they bring in a little more revenue than it costs them if they are going to stay in business.

An example of that is, if you take a six-pack of soda, the store charges you

\$2. They didn't make the soda and it didn't appear magically out of thin air. The store had to buy it from a distributor. That costs money. The distributor had to buy it from a bottler and the bottler had to buy the water, the sugar, and the flavoring to make the soda. You add up all those purchases plus the costs of renting and heating space, paying people and paying taxes, and you get the price. They have to come up with that kind of price in order to stay in business.

Nobody sells it for cost, not for very long. They can't. If they sell a product at the price that is the same as it costs them to buy the product, rent the space, pay the employees, and pay the taxes, they don't make any money. They go out of business.

One of the things we hear about around here is all the greedy businessmen there are. That is not how you get to set your price. There is competition out there that forces you into the lowest price you can charge and stay in business. If that were not the case, if greed were the answer, why doesn't a loaf of bread cost \$10 or \$50? The simple answer is no one would pay that price. You have to be able to sell the product in order to stay in business and it has to come in at a cost that you can afford.

One of the things we are doing here with this employer mandate is piling more costs on the businesses. Economists have told us repeatedly that the new job-killing taxes in the reconciliation bill will be paid on the backs of workers. The Congressional Budget Office has repeatedly said that workers will bear the brunt of an employer mandate. In fact, CBO has said that the \$52 billion in new job-killing taxes will result in a corresponding reduction in wages, and if the worker doesn't make enough money to cover the new taxes, that worker will be at risk of losing his or her job.

Low-income workers have been particularly hard hit by the current economic conditions. Low-income workers are typically employed by small businesses and see the demand for their services fluctuate wildly with the ups and downs of the economy. These low-income workers typically have less formal education and have an even harder time trying to find any job. In fact, workers without a high school diploma have a 50-percent higher unemployment rate than workers with higher education levels.

The current economic situation for young, relatively unskilled workers is dire. They are facing an increasingly difficult job market that is flooded with older, more qualified workers. Unfortunately, the job-killing taxes in the reconciliation bill will actually make their situation worse.

The bill creates incentives against hiring low-income workers and unskilled workers. In fact, we have a

problem in this country right now with businesses being concerned about what kind of additional regulations are going to come out of this body and the one at the other end of the building. So they are not hiring people. They are waiting to see what it is going to cost them. If the cost is too high, they will not hire people so we will not be able to absorb those people who are already without jobs.

According to the Congressional Budget Office, employer mandates such as those included in the reconciliation bill would “reduce the hiring of low-wage workers.” Harvard Professor Kate Baicker reported that as a result of an employer mandate, “workers who would lose their jobs are disproportionately likely to be high school dropouts, minority and women.”

So with the unemployment rate highest among high school dropouts and minorities, this bill would actually make their situation worse. The job-killing taxes in this bill fall disproportionately upon the people who are struggling the most, putting their jobs at risk and making it even more difficult to find a new one. At a time when Americans across this country are looking for signs of an economic recovery, the Senate should be debating a bill that helps the situation, not makes it worse.

I offer this amendment to protect American workers from new job-killing taxes that will lower wages and cut jobs. Senators can make a statement right now and support American workers who are facing the toughest job market since the Great Depression. I urge my colleagues to vote in favor of my amendment.

My motion is at the desk. I ask to call it up.

The PRESIDING OFFICER. Is there objection?

The Senator from Montana.

Mr. BAUCUS. Mr. President, reserving the right to object, I ask once the time on the Enzi motion has expired, the motion be set aside until a time to be determined by the leaders.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. BAUCUS. I thank the Chair.

MOTION TO COMMIT

The PRESIDING OFFICER. The clerk will report the motion.

The assistant legislative clerk read as follows:

The Senator from Wyoming [Mr. ENZI] moves to commit the bill H.R. 4872 to the Committee on Finance with instructions to report the same back to the Senate within 1 day with changes that strike the employer mandate that will lower wages and increase unemployment and add an offset.

Mr. ENZI. I yield the floor.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. Mr. President, I am proud to take the floor to support the motion

from my good friend, the Senator from Wyoming. I can understand his frustration, having been through what he described in the process in the committee where this bill allegedly was marked up—although it is unrecognizable. The things that he was able to get in and thought were in disappeared. He also has another committee on which I join him and that is the Small Business Committee. So there is no one better than an accountant from Wyoming who has small business experience and who has served on the HELP committee in drafting this legislation to outline the problems with this bill.

We have not even heard him speak at great length about his background in accounting, but this bill, filled with gimmicks, 10-year taxes and 6-year spending, is overwhelming. But he is correct when he says that the cost, according to CBO, will fall on the backs of the workers, the costs of the employer mandate, and they will fall disproportionately on young workers, teenage workers, particularly minority teenage workers who have a very high unemployment rate now. He said, and I would have to agree with him, it appears that Congress doesn't understand how small business works. Clearly the administration doesn't.

When you look at how this bill was done on Sunday, House Democrats accomplished what we thought was unimaginable—they successfully passed the health care boondoggle that the Democrats passed here on Christmas Eve where they stuffed our stockings with a partisan 2700-page bill chock-full of political payoffs, kickbacks, and sweetheart deals, some of which my friend from Arizona mentioned.

But this Sunday the House Democrats ignored the will of the American people and on a party-line vote passed this \$2 trillion bill that will increase health care costs, raise taxes, and cut Medicare for seniors. Despite the story Democrats are now trying to sell to the American people, this \$2 trillion bill is one the President has now signed into law containing the “Louisiana purchase,” a sweetheart deal for Connecticut hospital, and several more deals on the side, in exchange for votes and so on. It is one that the American people do not want. They say no to this government takeover.

I stand with the American people who say repeal the bill and replace it with the things we need. We need to repeal the bill and enact real health care reform that will lower health care costs and not break the banks of taxpayers or take Medicare from seniors. That is exactly what we propose to do. I joined several colleagues in cosponsoring a bill that would repeal this monstrosity because we need to get back to business, to give the American people the health care reform they deserve—not the bill they don't want.

This Christmas Eve health care bill is not the only legislation to which the

American people have said no. They also do not want the so-called reconciliation bill which is going to force the American people to reconcile themselves to even higher taxes, even more cuts in Medicare. This is the kind of thing that will not fix the problems of the American people, it will make them worse. If you thought cuts to seniors in the previous bill were bad enough, this reconciliation will cut services even more and taxes will go up. But as my colleague from Wyoming said, right now we need jobs. That is what the American people are telling me they want. They cannot be any clearer. One in ten Americans is unemployed. A fellow Missourian, Harry Truman, once said, for those people it's not a recession but a depression.

With these kinds of dismal unemployment numbers it is no surprise that polls keep telling us that they want jobs created, not the government to take over health care.

It is not just the people in Missouri who have been stopping me on the street. I get e-mails, phone calls, and letters to my office. But they stop me wherever I go, from a grocery store to the post office to restaurants. They do not want this job-killing bill. They want a job-creating effort.

They do not want this monstrosity of a health care bill. Unfortunately, the majority in this body and the other body have ignored their demands. This bill undermines the employer's ability to create jobs and by extension it extends the recession and all of the misery associated with it.

Most people, I would hope, would recognize that small business is the engine that creates the jobs in the United States. People who are informed, as we would hope Members of this body are, know that most small businesses are taxed as individuals, as proprietorships, partnerships, or sub-S corporations. That is why the small business tax relief in 2003 cut taxes and led to the creation of 8 million new jobs.

Despite what some of my colleagues on the other side believe, it is not the government, not a massive government stimulus bill that creates jobs in the private sector. In fact, the massive stimulus bill discouraged it, and the reconciliation bill will be even a bigger blow to job creation.

And the timing, when unemployment is still too high, is a perfect storm because the 2003 tax cuts are expiring. So these small businesses are already facing one boost in their taxes, and now they are going to get several more. Pair these two and the effect is that Congress is piling an overwhelming burden on small business.

The tax on health insurance will result in increased premiums. However, these who are self-insured, like big businesses and not-for-profits, like labor unions, are exempt from this tax. It is not going to hurt them. This

means those who are forced into the fully insured market, such as small businesses, will bear the burden of the premium increases.

The President and the majority may tell you they are giving tax credits to help small business. Well, they are not going to be fooled by that. The tax credit expires after only 5 years. If you have 11 employees and hire another one, it starts phasing it out, so you cannot have your business grow. If you raise the salaries, you lose the benefits.

The reconciliation bill makes things worse. It increases the penalty under the employer mandates from \$750 to \$2,000 per employee, on top of all of the other taxes. If you are already offering your employees insurance in this high-cost market and the government decides it is not good enough, they hit you again, if it is too expensive. If that was not bad enough, both full-time and part-time employees will be counted. The majority wants the American people to think they are not really hurting business with this reconciliation bill. They like to talk about sticking it to or raising the taxes on the wealthy.

They want the American people to believe—and I believe the American people are too smart and know—that these new taxes are going to just hit the CEOs of Fortune 500 companies or professional athletes or entertainers, wealthy lawyers, Hollywood moguls, and international finance speculators. That is what they charge.

But what my colleagues on the other side of the aisle will not tell you is the collateral damage will destroy small businesses. Who are the “rich” the Democrats want to target? As high as 79 percent, some figures say, of those paying taxes at the highest rate have a large part or at least a small part of their income from small business. Small business is the backbone of the country and represents 99.7 percent of all employer firms; over half of all private sector employees are in small business; 44 percent of the total U.S. private payroll; and small business generated over 64 percent of the net new jobs over the past 15 years.

Despite this importance of small business, we are facing a new employer mandate which the Enzi-Bond amendment would strike. I urge my colleagues to have a heart. Understand that the people they are hurting are not just small businesses, it is the people who work for small businesses or who would work for small businesses who will be denied the chance to get a job in small business because of the increasing costs this bill puts on them.

This bill takes away incentives for small businesses to keep the workers they have, to hire and expand. Some of these small business owners who think now is not a good time to expand their business or hire more people cite the political climate as the second most cited reason they are not doing it, after poor sales.

The government is literally prohibiting economic growth. Small businesses are struggling. They are struggling in this economy to be able to offer affordable health insurance. I have worked for years with people such as Senator ENZI and other colleagues to get small businesses permission to go together in nationwide purchasing pools and buy their insurance in the national market like the big employers and the unions do so they can get better rates, get the administrative savings.

Well, we cannot get it through. This would be the time to do that. It would not cost the taxpayers anything. It would save taxpayers money. Allow people to purchase health care across State lines. You can see auto insurance advertised, and they cut through competition to get you the best deal. Would not my folks in Missouri who are having trouble affording health care like to look for a national health plan? They would love it.

If you care about the jobs in this country and the future of the economy, you cannot vote for this reconciliation bill which would further devastate one of our most important job-creating sectors. It is not only a bad bill, it will make the struggling market worse.

Mr. President, how much time is remaining on this side?

THE PRESIDING OFFICER. There is 6 minutes remaining.

Mr. BOND. I want to add one other thought. In the 20 years I have been in the Senate, I have traveled around the world. I have seen remarkable changes that have come from countries throughout the world, particularly after the fall of the Soviet Union. With the fall of socialism and communism, countries around the world immediately began to look to the United States as the economic model.

They saw our progress. They saw what we were doing because of the system we had. Our free enterprise system demonstrated that successful businesses, successful entrepreneurs can provide opportunities. This is a classic case of a rising tide lifting all boats. That is why countries from some of the least developed to the reasonably well developed want to mimic our system. They are not looking to Denmark or Sweden with their very high tax rates as a model; they see the difference between a government-controlled economy and a free economy with appropriate government regulation.

They know in the free economy, the free marketplace, entrepreneurs can go forward and come up with an idea, take a risk, risk their fortune, risk their ideas, and go out and make money that will allow them to hire more people and provide benefits for the community.

Unfortunately, when our President says health care should be the model for the role of the government in the

economy, I am afraid he is talking about the European Socialist model which has demonstrated that the economy does not grow as quickly as the U.S. economy. They have high levels of unemployment.

What does government-created high unemployment do? It generates more social welfare and transfer payments. These transfer payments put pressure on governments to raise taxes even higher, make more people dependent on the largesse of the Federal Government, and further depress the incentive for entrepreneurs, men and women with good ideas who want to build a job and want to hire people.

Last year's stimulus program did a tremendous job of putting more people on government payrolls; that is, the Federal, State, and local level. But did not do much to create jobs in the private sector. I believe the private sector in America has historically been vibrant. It will create jobs despite increasing government taxation, deficits, and regulations. They may do that for a while, but I can tell you that the number of jobs will necessarily be far less than what the free market system could create if it were not inflicted with this increasing government burden on businesses.

Using history as our guide, health care and the reconciliation bill and the other proposals the majority has planned are likely to lead to a longer recession, continued high unemployment, and a lower standard of living for all Americans than would otherwise be possible. That is the source of the anger among the public.

No one is against health care reform. You can tell that from the angry people. I have met the clerks in a store, in a hardware store, who say: Do not take away my health care. I want some reforms, but I do not want to lose my health care. That person, I told her, she would lose her health care. She would not be able to use the same plan. I said: I agree with you. I want to stop this bill. I want to get commonsense reforms that will really help more people get insured, get better deals, and do it without raising costs, and cutting Medicare.

Americans understand what this type of health care reform will do to the good health care system we have now, what it will do to our economy. There is a real danger. The people understand. That is why they are angry. I will tell you, they are angry. They are angry at me. They call my office and they are yelling at me.

I said: I am on your side.

They said: I know, but we are angry. We do not want to see it go through.

They are concerned and we are concerned about our families, about the economic prospects for our children and grandchildren because they are going to be carrying the burden on their backs of the heavy spending we do today.

I see my colleague from Wyoming rising. I will end my remarks here.

Mr. ENZI. I thank the Senator from Missouri for his passionate remarks. He was the former chairman of the Small Business Committee before he moved to the chairman of the Intelligence Committee. You can see the passion and his understanding, former Governor, and one of Jaycee's "10 outstanding young men." I appreciate him raising the issue of small business health plans. We have exchanges, we have the Shop Act, we have some other things, co-ops, in the bill. But we should have put in more opportunities for competition. Increased competition brings prices down. So I thank the Senator for mentioning that.

I believe our time has expired?

The PRESIDING OFFICER. The minority's time has expired.

The Senator from Montana.

Mr. BAUCUS. Mr. President, I ask unanimous consent that the next hour of debate be equally divided, as we have been doing, back and forth, with the first half under the control of the majority, the second half under the control of the Republican side.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAUCUS. Mr. President, I yield 10 minutes to the Senator from Illinois from the time on the Enzi amendment.

Mr. DURBIN. I thank the chairman of the Finance Committee for his leadership on this issue and I thank my colleagues for joining in this debate. We are now starting the end of the fourth hour, into the fifth hour of this debate.

I have listened to many of the speeches that have been given. They are not only good, they are familiar. They are familiar because most of the speeches which we have heard on the floor are critical of the Health Care Reform Act which passed the House of Representatives on Sunday night and was signed into law by the President this morning.

Now, I can understand why some on the other side of the aisle did not like that. They did not vote for it. But the fact is, to come before us in this Chamber and to attack that now law of the land is to ignore why we are supposed to be here. We are here with a reconciliation bill that is basically designed to reduce the budget deficit.

We have several provisions in this reconciliation bill which have not been addressed by most of the speakers on the other side. For example, did the Republicans oppose the reconciliation provision that makes health insurance premiums more affordable for those in lower income categories? That is what is in the reconciliation bill. If they oppose that, then they should come out and say just that.

Do they oppose the expansion of community health clinics across America, more than doubling the number of

community health clinics so there is more primary care so every family has a family doctor? Do the Republicans oppose that? Do they oppose family doctors for every family? If they do, step up and say so.

Do they oppose the efforts in this bill to close the doughnut hole; in other words, to make sure that seniors under Medicare have help in paying for prescription drugs they do not have today? I have yet to hear the first Republican say he opposes it. Yet that is what the bill is before us.

So the news flash to the Senate Chamber is, this morning the President of the United States of America signed into law the health care reform bill. To come before us and renew this debate is to ignore the measure that we are supposed to be considering, the reconciliation bill.

I haven't heard all the speeches on the floor, but I want to know if the Republicans oppose the provision in the reconciliation bill that ends a \$60 to \$80 billion subsidy for banks across America on student loans. Do you think that subsidy for banks is good? If it is, stand and say so. I think it is bad. It adds to the cost of loans. It adds to the debt of young people. We eliminate it. If they think banks should enjoy this subsidy, let's hear it. Stand and address the provisions in this bill. But they haven't done it.

Instead, what they have done is to file, at latest count, some 22 or 24 amendments. Remember, this is a reconciliation bill about reducing the budget deficit. I leave it to those following this debate to decide whether these Republican amendments are serious efforts to address the budget deficit or something else. Here is one we have seen so many times before by one of the Republican Senators, attacking the ACORN organization. Unfortunately, this Senator's newspapers have not been arriving on a timely basis because if they had, he would know this organization is going bankrupt. But he wants us to stop on this health care debate, stop on this budget deficit debate, and go back and flog ACORN again, as they languish in bankruptcy court. Common sense tells us that doesn't have a thing to do with health care reform or budget deficit reduction. It is a political amendment.

Here is an amendment by a Republican Senator to prohibit prescription coverage of Viagra for child molesters and rapists. I am not making this up. There is a fertile mind somewhere on the staff of the other side of the aisle dreaming up gotcha amendments. Here is one, Viagra for child molesters. Let's see if they will vote against that. Common sense tells us that doesn't have anything to do with health care reform or reducing the budget deficit. It is a political amendment. It is unfortunate.

Here is one Members should be held accountable for, but the question is,

Why would you debate it on this bill? An amendment to require all Members of Congress to read a bill before voting on the bill. I have been asked repeatedly: Did you read the health care reform bill? The answer is yes. I think our constituents should ask us that question. But are we going to make it the law of the land? Who is going to monitor the reading of these amendments and bills to make sure every page is read by every Member of Congress? Is this a commonsense amendment or is this a political amendment?

Here is an amendment by a Republican Senator. You tell me what this has to do with health care reform or budget deficit reduction: to call for a referendum in the District of Columbia on gay marriage. What does that have to do with health care reform? The answer is nothing.

What we are going to face in the next few hours or days, whatever it happens to be, are more and more amendments such as this that are not serious amendments. They don't deal with health care reform. They don't deal with the budget deficit. They deal with somebody's idea of a political gotcha, to offer an amendment to try to trap Members.

I don't think we are going to fall for that. I think Members on this side of the aisle realize what is at stake. We need to pass this reconciliation bill so we can help pay for health insurance premiums for those in lower income categories, extend the reach of community health clinics, close the doughnut hole, make sure we are helping States pay for the new Medicaid burden they will face. I thought the Republicans were in support of that. Obviously, they are not.

There is one point I would like to add. I have heard so many speeches by Republican leaders, including the Republican minority leader, that the reason why this whole effort is wrong is because the American people oppose health care reform. Another news flash: I wish to share with the Members of the other side of the aisle a poll announced today. When people were asked, after passage of the health care bill in the House of Representatives, whether they believe it is a good thing or bad thing that Congress passed the bill, good thing, 49, bad thing 40. By a 9-percentage margin, the American people say it was a good thing to do. America's emotional reaction on the bill, 50 percent enthusiastic or pleased, 42 percent angry or disappointed. I wonder if my Republican colleagues are now going to amend the premise that we should follow the opinion polls of America, now that the bill is passed and the American people, a majority, support this. Are they now going to change their position on whether opinion polls should drive our votes? I thought that was a pretty simplistic analysis to start with.

Here is what it come down to. Many of us went to the White House today to watch the President sign a bill that will be historic in nature. Similar to Social Security and Medicare, it extends the reach of health care protection and peace of mind to millions of Americans who don't have it. It was a hard-fought battle; I will concede that point. The fact is, at the end of the day, we won that battle. The President signed that bill, and it is the law of the land. The so-called Republican repealers, the ones who are going to run down in the next election to repeal it, better come and explain to small businesses across America, almost 4 million that are going to qualify for tax credits to help pay for health insurance. I heard all the comments from the previous speaker from Missouri, the Senator talking about be sensitive to small business. By opposing that bill, he opposed tax credits for almost 4 million small businesses. That bill will also extend health insurance to 30 million Americans who don't have it, Americans who, when they get sick and get treated, pass their bills along to other people. Those 30 million will have health insurance. That means less of a burden on those of us with health insurance to pick up their cost.

I say to my colleagues on the other side of the aisle: The political amendments don't make sense. Most of the American people have had enough of them, amendments about ACORN and gay marriage on a bill on health care. It doesn't fit. Common sense tells us we should not be delaying the Senate's final decision on a critically important bill. If the Republican side of the aisle was waiting for American public opinion to express itself, the American people have spoken. They think we did the right thing in passing this bill on health care reform, and the President did the right thing signing it into law this morning. They don't want to repeal this help. They want all the help they can get for affordable health insurance for quality care.

I yield the floor.

Mr. BAUCUS. Mr. President, I yield 10 minutes off the bill to the Senator from Michigan, Ms. STABENOW.

The PRESIDING OFFICER. The Senator from Michigan.

Ms. STABENOW. Mr. President, I thank the chairman of the Finance Committee, with whom I am honored to serve, and colleagues who have been working very hard on this initiative, as all our colleagues have. I wish to talk first about what is in front of us because it is true that today is a historic day. The President signed a very important bill, passed by the House and the Senate, that lays the groundwork for what we all believe should happen in terms of making sure every family has a family doctor and that we tackle the costs that are crippling businesses and the country. What we have in front

of us now is a bill to make a good bill better. That is what we are doing. We are making a good bill better with what we are doing right now. It is tackling the issue of cost.

We are saving money in this bill we will be voting on, saving money for middle-class families by making health care more affordable, saving money for seniors by making their prescription drugs more affordable, and saving money for our children and grandchildren because this is the largest deficit-reduction effort we have seen in many years—in fact, since President Clinton brought us into balance when the Democrats were last in charge.

We know from the Congressional Budget Office and we now have 43 leading health economists who all agree that health care reform will reduce the deficit, about \$143 billion in the first 10 years and over \$1.2 trillion in the next 10 years. This is important, as we go forward and get our House in order, to bring down the deficit and focus on jobs and other parts of the economy that are so important.

What are we talking about, as our colleagues talk about the broader bill that has already been signed into law? What does that bill mean for families and businesses? First, starting right now, today, I was very pleased to author a provision to make the small business tax cut immediate. So as of today, for this year, small businesses are going to receive up to a 35-percent tax cut to help them afford health insurance. In my State, health care is very much about saving jobs. Health care costs are costing us jobs. We have too many small businesses getting a 20- or 30- or 40-percent premium increase notice. They are deciding: Do I keep people employed and cut the health insurance or do I pay the health insurance increase and lay people off?

That is what is happening all across America. Our bill this year now begins a 35-percent tax cut for businesses that have 10 or fewer employees and a tax cut for those up to 25 employees. Four years from now, that tax cut goes up to 50 percent. So it starts at 35 percent and goes up to 50 percent of the cost for small businesses to help them pay for health insurance.

Right now we are going to begin to see the largest effort to provide community health centers that our country has seen. Approximately 10,000 neighborhoods, communities across the country will have the opportunity and funding to create a community health center so people who have lost jobs don't lose their health insurance, so people who don't today have health insurance will have a place to go to take their children to see a family doctor rather than to an emergency room. It is estimated we will be able to serve 25 million people by this effort that is starting today.

Starting today, seniors are going to receive immediate help for their pre-

scription drugs, if they are caught in that gap in coverage that has been called the doughnut hole. We are going to be closing that doughnut hole over time.

What happens next? We are going to see lower costs for early retirees. This is a very important matter in the State of Michigan and other places where we have people being required or forced to retire at 55 because of losing their job or because of cost-cutting efforts. I was proud to join with Senator KERRY in an effort to create a way to lower the cost for employers that have early retirees on their health insurance or for early retirees themselves, between 55 and 65. We will be bringing down the cost of health insurance for people. That is very important.

No preexisting conditions for children. Insurance companies will not be able to block parents from getting insurance for their children. That is pretty important. Young people are going to be able to stay on their parents' insurance until age 26. I wish that one was a little bit higher. I kind of missed that one myself. But the reality is, for a lot of young people and a lot of parents, this is a very big deal. It is very important. I am surprised colleagues would want to repeal something that would take that away.

We have, starting this year, a set of insurance reforms that will say the insurance companies can't cancel your insurance if you get sick. I have so many people who have said to me: I have insurance, but then all of a sudden somebody gets sick, and they find out a technicality. They get dropped. We are going to hold insurance companies accountable in a way that has not happened before in this country. We are going to eliminate lifetime limits on coverage. It is not your fault if you have cancer and you need treatments for a long period or you have some other kind of disease. There should not be artificial caps and lifetime limits.

What this is about for us is that it is time to stand for middle-class families and small businesses. That is what we are doing. That is what we are doing by lowering costs, by saving money for families, saving money for seniors, saving money for future generations, for our children by lowering the deficit, by focusing on small businesses, where most of the people who don't have insurance are working. They are working in a small business that can't find affordable insurance.

In the short run, we will help them with tax cuts and, 4 years from now, a larger insurance pool so they can buy from the private sector in a larger pool, such as big business does. That will bring down costs. This is about standing for middle-class families, standing for small businesses.

What we are seeing, unfortunately, on the other side of the aisle, as the distinguished assistant majority leader

informed us, are all kinds of amendments. First, they have nothing to do with health care, nothing to do with this bill. They are all about games. I say to colleagues on the other side of the aisle: Don't play games with Americans' health care. Do not play games with the lives of Americans who are counting on us to finish the job—to pass the bill in front of us, to make a good bill better, to be able to save money for Americans, and to be able to get this job done.

We do not need more political games. I think the American people have seen enough. Frankly, I do not blame them for being frustrated about what happened and all that we have gone through in the last year. I share that frustration. They expect us to get things done. Frankly, they are not caring what configuration gets that done in terms of the vote. They want us to get things done.

So I would ask colleagues to drop the games. We are going to get a lot of different kinds of amendments that are designed to embarrass, designed to hold things up. I would ask colleagues to please stop the games. Do not play games with Americans' health care.

In conclusion, I would simply say again, health insurance reform is about a family doctor for every family. Isn't that what we want—the ability to know that when you tuck the kids in tonight, if one of them gets sick, you are going to be able to call the doctor, you are going to be able to care for your children, you are going to be able to get insurance for them, and you are going to be able to know that your children are going to get the care they need because you have a family doctor?

That is what this is about, fundamentally. It is about a set of values that starts from the premise that everybody in America, every family, should have a family doctor. This bill in front of us completes that task and sets us on the road to fulfill that vision. I urge colleagues to vote for this bill, put aside the games, and let us get on with the business of our country.

THE PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, I yield 10 minutes to the Senator from California, Mrs. BOXER, off the bill.

THE PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Thank you, Mr. President.

In 1912, a Republican President named Teddy Roosevelt ran for the Presidency on a platform that promised national health care reform. Today, I had the privilege of watching President Barack Obama sign into law a landmark bill that is being perfected today in the legislation now before the Senate. It was quite a moment. The Senate health care reform bill the President signed today gives small businesses tax credits to help them

purchase insurance for themselves and their employees. In my State of California, that is 400,000 businesses that will have access to tax credits.

The new law is very important to early retirees because it will ensure lower insurance rates, and we will see a high-risk pool so that in my State, and all States, adults who cannot get insurance because of a preexisting condition will be able to do so.

The bill the President signed prohibits preexisting condition exclusions for children. So if you have insurance, but your child has asthma or diabetes or something else, and they cannot get covered, that discrimination is over. It ended today. The new law will cover preventive services such as mammograms and vaccinations at little or no cost.

This bill is so important—I should say this law because it is now the law—is so important for our people. It will create new community health care centers throughout our States, and we will see primary care doctors serving in those community health care centers, and nurses. It will require 80 percent of premium income to be spent on our health care—not on outrageous bonuses for the CEOs. They cannot say that overall they have spent 50 percent on us, the policyholders, and 50 percent on themselves. That is called medical loss ratio, and we have fixed it in this law.

Seniors on Medicare will get free preventive care, and we have a new, voluntary, long-term care insurance program that people can buy into starting in 2011.

In 2014, even more things are added to this extremely important list of benefits. Health insurance exchanges will open so that there is a marketplace for businesses, families and individuals to go. It is going to help us make better choices and have more choices. It provides tax credits to help individuals and families with incomes below \$88,000 to purchase insurance through the exchange. So this has a lot of benefits for our working families and our middle-class families. We go up to \$88,000 for a family of four. It expands Medicaid to cover families earning less than \$29,000. Now it is a much lower level. So these are very good things.

The bill before the Senate now—this is our unfinished business. We need to make a good bill better, and that is what we are doing today. How do we do it? The bill before us entirely closes the gap in Medicare drug coverage. It starts with a \$250 rebate to those senior citizens who are in that doughnut hole, that payment gap. In my State, it is about 800,000 senior citizens. Imagine, 800,000 senior citizens in my State, when we pass the bill, will get \$250—each one of them, if they have fallen into the coverage gap.

It allows young people to stay on their parents' insurance until they are

26. That happens this year. How many stories have we heard about young people who may have—I use asthma as an example—who get kicked off their parents' health care? They have to. An insurance company says: We are not going to insure you, and they are in deep trouble. The bill before us today says to an insurance company: No more rescissions. That is a cancellation of a policy when you get sick. You can not do that anymore. And no more lifetime limits on your plans. Because a lot of times when people get sick—they did not read the fine print—they find out they are up against a limit. If they have a serious condition such as cancer, they may reach that limit. What happens is, they have to, in many cases, sell their home, sell their possessions, and they declare bankruptcy. No more. Insurance companies cannot do that—once we pass this bill tonight, and once it is signed.

So there are many good things in the bill the President signed today—things that are very important to our families and very good things to make that bill better in the bill before us.

I hope we are not going to see the kind of tactics that some on the other side have said they are going to use, by offering amendments that have nothing to do with anything except killing this very important bill.

I want to say, there are so many improvements in this bill. For example, Medicaid. My State will be able to put millions of people on to Medicaid—1.7 million people, to be exact. And my State, as all other States, will get 100 percent reimbursement for that in the years 2014, 2015, and 2016.

We are going to see 32 million more people in our Nation have access to health insurance. The Medicare trust fund will be extended by 9 years. My State benefits greatly. There are many ways I have already discussed. But I want to lay this out. By 2014, up to 7 million Californians will finally have access to health insurance, and it will reverse a horrible trend, year after year people not able to get it.

I want to spend a moment to address Republican concerns that the process was partisan. I think it is important to note over and over again that the bill that was signed by the President today, that is going to help so many of our people, contains 147 Republican amendments. Let me repeat that. The bill the President signed today contains 147 Republican amendments.

For example, there is an amendment by a Republican colleague that all Members of Congress and their staff have to enroll in the exchanges. That is in the law. There is an amendment by another Republican Senator to allow premium rates to vary by tobacco use. That was accepted and is now law. There is an amendment to ensure that the voluntary long-term insurance program, the CLASS Act, remains solvent

over 75 years. We have taken those amendments. They are now law.

Now my Republican friends are saying they want to repeal the bill. This is going out all across the airways. They want to repeal the bill. And they say if a lot of us lose, and they can get more votes here, they are going to repeal the bill. So I want to ask a few rhetorical questions.

Which of the protections in the bill do they want to repeal? Do they want to repeal the end of gender rating, where women have had to pay much more than men? Do they want to repeal the protections for our children, who will now have coverage even if they have a preexisting condition? Do they want to repeal free prevention services, such as vaccinations or mammograms? Do they want to repeal the prohibition on lifetime caps on insurance policies? Or maybe they want to repeal the \$250 rebate for prescription drug costs to seniors.

Well, do they want to repeal other things? There is a law now that says you cannot get kicked out of your insurance plan when you get sick. That is the one I described before; no rescissions. Do they want to repeal that? Or maybe they want to repeal generous tax credits for small businesses.

I guess they want to repeal all of these things because they said they want to repeal the entire law. But I would urge them to stand up and tell their constituents exactly which of these provisions they want to repeal. I want to put it on the RECORD that I look forward to that battle because I can tell you the letters to my office are saying: Please, please protect us. We feel vulnerable.

I wish to state at this time that this bill reduces the deficit in addition to doing all these other things. In closing—and I would ask how much time I have?

The PRESIDING OFFICER. Thirty seconds.

Mrs. BOXER. OK. I would say, in closing, that a lot of fear has been injected into this debate. And you are going to get a barrel of it coming up. There is one thing to fear, and that is doing nothing. It is unsustainable. Mr. President, 14,000 people lose their health insurance every day; 1,400 in my State. Sixty-six percent of bankruptcies are linked to a health care crisis. Mr. President, 45,000 Americans die every year because they have no health insurance.

The PRESIDING OFFICER. The Senator's time has expired.

Mrs. BOXER. So let's do something. Let's do this. Let's finish the job.

I yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming is recognized.

Mr. BARRASSO. Thank you, Mr. President. I ask unanimous consent to proceed in a colloquy with a number of my colleagues.

The PRESIDING OFFICER. Against which block of time will this be charged?

Mr. BARRASSO. The next 30 minutes for the Republicans.

The PRESIDING OFFICER. Off the bill?

Mr. BARRASSO. Yes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BARRASSO. Thank you, Mr. President.

I come to discuss an amendment that has to do with the fact that—as I read this bill, as I talk to my colleagues who are physicians, as I talk to Senators—I believe this bill that was signed into law, as well as the reconciliation bill that is before this body right now, is going to significantly increase the cost of health insurance premiums paid by American citizens.

I am bringing up an amendment tonight that says if the Department of Health and Human Services certifies that premiums will rise faster under this Democratic health care bill signed into law, and the reconciliation bill, than they would under current law, then the provisions of the bill will sunset. Because we have been promised—the American people have been promised—that by passing this law, what would happen is that the cost of their own health insurance premiums would go down. The President of the United States promised it. The President of the United States, while campaigning, talked about that, made that promise, and then early in his term said he would actually lower the premiums for families by an average of \$2,500 per family for the cost of their health care insurance. That is what the President said.

So then the bill is written behind closed doors. People had very little input. That bill came out, and then Senator RICHARD DURBIN, the Democrat from Illinois, the majority whip, comes to the floor on March 10 and says: Anyone who would stand before you and say, Well, if we pass health care reform, next year's health care premiums are going down—which is what the President has said—anyone who says that I don't think is telling the truth. He went on to say: I think it is likely they would go up—they would go up. What we are trying to do, he said, is slow the rate of increase.

Well, only 2 days before Senator DURBIN said that on this floor, the President was in Glenside, PA, and he said: Our cost cutting measures mirror most of the proposals in the current Senate bill which reduces—he said—reduces most people's premiums.

Mr. MCCAIN. Mr. President, may I ask my colleague whether he recalls when at Blair House our colleague from Tennessee began the discussion with the President and our Democratic colleagues, and he said at that time that the Congressional Budget Office said

premiums would increase from 10 percent to 13 percent for individuals purchasing health insurance? That comes out to \$2,100 more for a typical family. The President challenged that, as you may recall, and said: Well, we are going to settle this before the end of this—what later turned out to be 7 hours of fun.

So what was the answer to that, I ask Dr. BARRASSO. What was the answer? Was Senator ALEXANDER correct when he quoted the Congressional Budget Office that premiums would increase by 10 percent to 13 percent for individuals purchasing health insurance or was the President correct by saying that was not true?

Mr. BARRASSO. Well, Senator ENZI, who has joined us on the floor, was also sitting with us that day at Blair House, and my recollection and from doing the research afterward and the press reported that Senator ALEXANDER was correct. Individuals buying health insurance in the individual market would see their health insurance premiums go up by 10 percent to 13 percent if this bill becomes law, and the President signed it into law today.

So the American public needs to know that their insurance premiums are going to go up as a result of what the President signed today, and I am bringing up an amendment opposed to that.

Mr. ENZI. That is exactly what was concluded in that Blair House meeting. It was supposed to be a listening session, but nothing appears to have been listened to. Nothing was included from any of the multiple suggestions the Republicans made there.

About the 10 percent to 13 percent that premiums are going to increase, there is a very important addition to that. It is 10 percent to 13 percent more than if we did nothing. The President keeps talking about how we need to do this bill because health care costs are escalating dramatically. And they are. But they are going to escalate even faster—10 percent to 13 percent more—than if we did nothing.

Mr. MCCAIN. Could I ask Senator ENZI, then, what was the President referring to? In fairness to the President, what was he referring to when he challenged the assertion of the Senator from Tennessee that individual premiums would go up by some 10 percent to 13 percent?

Mr. ENZI. I am not exactly sure what he was referring to. He has used that in the numbers speeches, just as they keep using the number that this bill will reduce the deficit by \$138 billion. Again, you have to read the rest of the sentence and find out that is if we don't take care of all of the things we normally take care of, such as the doc fix, which is going to cost \$300 billion, which more than uses up that money.

Mr. MCCAIN. So it seems to me pretty legitimate to hold the President and

the sponsors of this legislation to their word; that is, if it doesn't increase the premiums, then they are true to their word, but if it does increase premiums, then the American people have not been told the truth. Therefore, this legislation should be scrapped and we should start all over.

By the way, may I add one point? I have grown a little weary—a lot weary—about when they say to do nothing will do X, Y, and Z. We are not talking about doing nothing. We are talking about medical malpractice reform. How does anybody excuse the fact that there is not medical malpractice reform in this legislation? There is only one answer. It is that the trial lawyers control this legislation, and that is disgraceful.

Mr. GREGG. If the Senator will yield, I think it is important to understand why the premiums go up so that the argument that they don't go up can be pointed out as being really transparently inaccurate. The reason the premiums go up is because under this bill, Americans who have health insurance will be forced to buy more expensive health insurance. They are going to be forced to buy health insurance which is at a much higher level of coverage for a lot of things which many Americans simply don't need and therefore don't buy it today. They are going to be required to buy that higher cost health insurance, and that is going to force up the premiums.

This is a classic, top-down you do what the government says relative to what type of health insurance plan you are going to be able to buy plan, which we should expect from this administration. But we should not deny that it has an immediate impact on the cost of that health insurance and that CBO has said—as both Senators from Wyoming have so accurately pointed out, CBO has scored this as increasing the premiums for individuals because of that; is that not correct?

Mr. BARRASSO. That is absolutely correct. The nonpartisan Congressional Budget Office says it is going to go up. The Joint Committee on Taxation says people are going to have to end up paying more in health care premiums than if there was no bill at all. The Chief Actuary for the Centers for Medicare and Medicaid Services said the same, as did eight additional private sector studies. They all confirm that the health care reform bill signed into law today will drive insurance costs up greater than if there was no bill at all signed into law.

There are mandates we are putting on young people who are going to be forced, many of whom are going to be forced to buy insurance, forced by this law—all of them are going to be forced to buy insurance that many of them don't need, many of them don't want, and many of them can't afford, because they are going to have to buy levels that are far in excess of what they

might want. It is going to be very expensive, as many of them are going to be subsidizing others because of what is called the community rating and the way this whole program has been set up.

Mr. MCCAIN. May I ask the Senator from New Hampshire—just a personal point. Suppose we had decided to do away with the tax benefit for employer-provided health insurance and given every American family a \$5,000 refundable tax credit. Would we have then been able to provide the ability to acquire insurance to some 30 million Americans?

Mr. GREGG. Yes, I think the Senator is right, and the type of insurance they would have gotten would have been the type of insurance they wanted. If you are a young person today and you are not buying health insurance, it is probably in many instances not because you can't afford it. In fact, it is estimated that of the uninsured population, of the 47 million uninsured, approximately 20 million have incomes over \$70,000, and they can afford insurance. They just simply decided they are not going to buy it.

If you gave them this refundable tax credit, what they could buy is a catastrophic plan so they could assure themselves of coverage in the case of that accident or that catastrophic disease that might wipe them out financially, and it would probably be more tailored to what they want as opposed to what some bureaucrat here in Washington wants or what the President of the United States wants or what somebody here on the other side of the aisle decided they should have.

Mr. LEMIEUX. If my colleague will yield, this is really a bait-and-switch. During the campaign, President Obama said this is about lowering the cost of health insurance. We know the cost of health insurance has gone up 130 percent in the past 10 years. The debate was: Don't you want your health insurance to be lower? And the American people said: Sure, yes. Of course they did. The switch is what this is all about, which is putting more people into Medicaid. It will put 15 million more people into a program that is failing; a program where Walgreens in Washington State is no longer taking Medicaid; a program where doctors are no longer taking Medicaid. It is not health care reform if the doctor is not in. But for the rest of Americans, the 159 million people who have health insurance, their costs aren't going to go down. In fact, their costs are going to go up.

I ask my friend, the Senator from Arizona, who comes from a State where there is a population just like Florida with a lot of seniors, what do we say to our seniors, our seniors who are now going to have a cut in Medicare of \$500 billion-plus to finance this big expansion in Medicaid? How do we justify that to them?

Mr. MCCAIN. And the program, I am sure Dr. BARRASSO and Senator ENZI would agree, that is going to be cut the most is a program called Medicare Advantage where seniors do have some relative choice as to what type of care they wish to receive. Fortunately, the 800,000 enrollee carve-out has been removed because of the national attention it got.

Mr. BARRASSO. There is an advantage to Medicare Advantage. That is why people signed up for it, as 11 million Americans have. The advantage works with coordinating care, prevention of illness and disease. That is why people want to be in that program. But now the President is eliminating it.

My colleague from Florida talked about the 15 million people dumped onto Medicaid, and the New York Times reports that as Medicaid payments shrink, patients and doctors drop out. The President is not only dumping on 15 million through the health care bill, with the bill we are discussing right now, the reconciliation bill, it also adds another million people to those rolls dumped into Medicaid.

Mr. MCCAIN. So perhaps the worst fraud being perpetrated in this entire legislation is the doc fix. No one who is an expert on health care believes we are going to cut physicians' payments for treatment of Medicare enrollees by 21 percent. No one. Yet that is calculated in so there can be this phony actual reduction in the deficit.

Mr. BARRASSO. And for the ginned-up numbers we have been presented by the Democrats to work where they say we have actually helped lower the deficit, for it to work, in the next couple of months they would have to cut doctors' fees for all of the Medicare patients they take care of by 21 percent and then keep those fees frozen at that low level for the next 10 years. Now, is that going to happen? But if it doesn't happen—and I ask the accountant from Wyoming as opposed to the surgeon from Wyoming—from an accounting standpoint, can you do that?

Mr. ENZI. The Senator from Wyoming not only is correct that we are going to have a huge problem, but something that is new in the reconciliation bill besides this 21 percent that, of course, we are going to have to fix and that is going to cost us \$300 billion—and all of the proposals so far have not paid for that proposal—they slipped in a little cliff in there for Medicaid this time, too, and in 2 years we are going to drop off a cliff with Medicaid just the same way as Medicare. Does anybody believe we won't fix that? That is going to drive up the deficits too.

Wasn't everybody promised catastrophic care as one of the Presidential promises? It kind of fascinates me that Medicare doesn't have catastrophic

care unless you buy Medicare Advantage, and then you can have the catastrophic care. But we are trying to get rid of Medicare Advantage now and force all of those people into a different kind of insurance.

I appreciate the Senator from New Hampshire mentioning mandates. Yes, they are going to require you to have a lot more different kinds of insurance than you might want to have. We are going to say: The Federal Government knows best, and this is the minimum insurance you can have, and you are going to have to buy it or we are going to put a mandate on you—another mandate.

This is the mandate for what you have to get in health care, but there is also going to be a mandate that says every single person has to buy insurance. There are a lot of people right now who make a good living, who are healthy, who don't think they need insurance and won't buy it. They will pay the penalty up until the time they have a preexisting condition, and then they will jump into the market and that will drive up the price for everybody else.

So there is a whole lot of accounting finagling that is going on to make different statements possible. But it is going to drive up the premiums, it is going to cause people to get more insurance than they want to get, and it is going to cause everybody to have to get insurance whether they want to or not.

In the history of the United States, we have never had the Federal Government tell anybody they had to buy something. We have set up safety measures in their purchasing to protect them, but we haven't said you have to buy it. In this case, we are going to say you have to buy it, and there are a whole bunch of people who say that is unconstitutional.

Mr. LEMIEUX. If the Senator will yield on a point made by my friend from Wyoming, isn't it amazing that the Federal Government is going to penalize—send an IRS agent to tax you if you don't buy health insurance, if you fail to take it out. Has the Federal Government ever, in the history of our country, penalized a person for failing to act? That is why we have these folks around the country who are experts in the Constitution, folks such as my attorney general in Florida, Bill McCollum, who is going to bring a lawsuit against this bill because the commerce clause has never been interpreted to say your failure to do something is in the realm of Congress. Imagine this, if you can say to somebody: Your failure to purchase health insurance is within the role of the Federal Government. Why can't the Federal Government say you have to go to the gym or you have to eat your broccoli? What can the Federal Government not do if it can do this? It is beyond the Framers' inten-

tion. It is beyond any of the Supreme Court law.

When you think about our relationship to our government, we are supposed to have the rights. Our Declaration of Independence says we have the rights and we give them up to the government. The government is with the consent of the governed. But in this situation, it seems the Democrats believe the government knows best.

I wish to make one other point about this cost issue. In the last 10 years, health insurance has gone up 130 percent. The reason why this bill will not control the cost of health care is because it takes the consumer out and keeps the consumer out of the equation. The consumer has no motivation to reduce the cost of health care.

We did not do the tax credit idea that the Senator from Wyoming mentioned, which would put the consumer back in the game, make the consumer conscious of prices, and make a competitive environment that would actually reduce health care costs.

I wonder if my colleague and friend from Wyoming might speak to that point because I know he was very much involved as author of this idea of giving us tax breaks.

Mr. ENZI. I appreciate the Senator from Arizona bringing that up because when he mentioned tax credits in his campaign, he was chastised by now-President Obama, saying that cannot happen, that is terrible. You will find that slipped into the bill anyway. So far, it just catches the top insurance people. They are going to be taxed—no, they are not going to be taxed because it is shoved in as a hidden tax, so it does not expose they are actually doing what the Senator from Arizona was suggesting. It is going to be a hidden tax the company is going to have to pay, but the company is going to take it out on the employee. It is another way they are going to tax and tax, raise prices or lower benefits.

The price on insurance is going to go up because right now the insurance companies are trying to protect themselves. On the one hand, they have been protected a lot in this bill. We are accused of helping out the insurance companies, but take a look at some of the stuff that helps out the insurance companies with the individual mandates, the employer mandates and those things. At the same time, they are being threatened that they are going to be price fixing.

I was in the shoe business with my wife. When we first went into the shoe business, Nixon was talking about fixing prices. In response, the companies immediately raised the price of shoes 50 percent, and then every time they were allowed to raise the price again, they did. Within 1 year, shoes cost twice as much as before. That is what happens when government interferes. This is government interference. It is

going to cause premiums to go up and prices to go up.

The other side says: Don't worry about it, there are subsidies. From where are the subsidies coming? Oh, yes, we are going to take \$½ trillion from Medicare and put it in new programs which are subsidies, and besides that, we are going to come up with \$½ trillion in taxes and that is going to go for the new subsidies. Does anybody in America believe you can put in new programs at a cost of \$1 trillion and it is not going to cost any of us a dime? Of course not. The seniors know it and the people who will be paying the premiums are going to know it and the companies are all going to know it.

Whom are they going to be mad at? They are not going to be mad at Republicans because not a one of us voted for it. On this reconciliation bill, I don't think they are going to be mad at us on it either. They can see what is happening. Premiums are going to go up, just as the other Senator from Wyoming mentioned.

AMENDMENT NO. 3582

Mr. BARRASSO. If I may interject, that is why I have an amendment at the desk that deals with this specific aspect in the bill that is going to cause premiums to go up higher, in my opinion, than if nothing were done at all. If that actually happens because the President and the Democrats have promised something different, then we ought to sunset the entire bill. With that, I call up the amendment that is at the desk.

The PRESIDING OFFICER. Is there objection?

The Senator from Montana.

Mr. BAUCUS. I ask unanimous consent that once the time on the Barrasso amendment expires—

The PRESIDING OFFICER. The Senator from Montana does not have the floor.

Mr. BAUCUS. Can the Senator from Montana ask unanimous consent for the floor?

The PRESIDING OFFICER. The Senator from Wyoming has the floor. There is a unanimous consent request pending to offer an amendment. Is there objection?

Mr. BAUCUS. Reserving the right to object, will the Senator agree to modify as follows: that once the time on his amendment expires, the amendment be set aside until a time to be determined by the leaders.

The PRESIDING OFFICER. Does the Senator so modify his request?

Mr. BARRASSO. Yes.

The PRESIDING OFFICER. Is there objection?

Mr. BAUCUS. No objection.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The legislative clerk read as follows:

The Senator from Wyoming [Mr. BARRASSO] proposes an amendment numbered 3582.

Mr. BARRASSO. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To ensure that Americans can keep the coverage they have by keeping premiums affordable)

At the end of subtitle B of title II, insert the following:

SEC. 2. AFFORDABLE PREMIUMS AND COVERAGE.

The implementation of the Patient Protection and Affordable Care Act (and the amendments made by such Act) shall be conditioned on the Secretary of Health and Human Services certifying to Congress that the implementation of such Act (and amendments) would not increase premiums more than the premium increases projected prior to the date of enactment of such Act.

Mr. BARRASSO. Mr. President, how much time do we have remaining?

The PRESIDING OFFICER. There is 7½ minutes remaining.

Mr. BARRASSO. Mr. President, we have a number of colleagues on the floor, and we believe absolutely this amendment is critical because it goes specifically to the heart of the promises that have been made to the people of our home States and the people of the country.

The promise made to the 85 percent of Americans who have coverage they like is that their costs would actually go down. But yet as I travel around my State and around the country, I see people are very worried that this bill that cuts Medicare for our seniors, raises taxes on all is loaded with sweetheart deals, is going to cause their health insurance premiums to go up at a time when they believe the quality of their care will go down.

Mr. GREGG. Will the Senator yield?

Mr. BARRASSO. Yes.

Mr. GREGG. I wish to make one point I hope is obvious to everyone. This amendment simply says that if the premiums rise faster than what they would under current law, then the bill will not go into effect. Isn't that what it says?

Mr. BARRASSO. That is exactly what it says.

Mr. GREGG. It is basically reinforcing what the other side of the aisle claims and what the President claims. Why should there be any opposition to something that basically puts into place the language which enforces what the President has claimed he is doing and what the other side of the aisle is claiming they are doing? Can the Senator from Wyoming think of why there would be opposition to this amendment?

Mr. BARRASSO. It should be unanimously accepted, with all sides agreeing because that is what the promise was to the American people when this bill was brought forth and when the President first addressed the Nation, that he wants to get the cost curve

down, the cost of insurance down to \$2,500 per American family. We just want to hold folks to the promises that have been made to the American people.

The American people have spoken overwhelmingly and loudly in opposition to the bill that has come out from behind closed doors for them to finally see and try to understand all the machinations and maneuvers. They ultimately looked at it and in overwhelming numbers said: We don't want this for ourselves, for our families, for our neighbors or for our country. Yet it was crammed down the throats of the American people.

I bring up this amendment tonight to say that I wish to hold those who voted for this bill to the promises they made to the American people. If, in fact, insurance premiums go up faster because this bill has become law than they would have gone up without this bill, then the law is no longer in effect.

As I look to colleagues from other States, I imagine this is what you hear in Florida when you head home for the weekend: What have we been promised? What are we going to get? How are we going to hold people to the promises made?

Mr. LEMIEUX. I thank my good friend and doctor for bringing up that point. My constituents in Florida say we care about the rising cost of health insurance, so I think the Senator's amendment is exactly on point.

If this bill makes the situation worse, it should not go into effect. Why would any of the 100 of us not support the Senator's amendment if we are not going to control the cost of health insurance? That is what we are supposed to be about. That was supposed to be the No. 1 goal.

It is a great amendment. I certainly will support it. I hope all our colleagues do. I think the challenge to our colleagues on the other side of the aisle is I know they do not want to take any of our amendments. I know they just want to cram this through and get it done so it does not have to go back to the House of Representatives. But the duty of our friends on the other side of the aisle is as always, as it is our duty, to enact good laws and make things better.

If there is an amendment such as this one that is good for the American people, it is their duty, I respectfully suggest, to vote in favor of it, even if it has to be sent back to the House of Representatives. Because when we go home to our constituents, they are going to ask us: Did you lower the cost of health insurance?

I am going to have to go home to more than 3 million Floridians on Medicare who continue to question me and say: Why are they taking \$½ trillion out of our Medicare? Why is there now \$200 billion coming out of the Medicare Advantage? Over the next 12,

24, 36 months, I am not going to enjoy the conversations with my constituents, even after my time in the Senate is through, who come to me and say: Why can't I go to Medicare Advantage anymore? Why did they shut down that program? Why can't I keep the health insurance the President told me I could keep? Why did my employer drop me?

The estimate is that 33 percent of folks on Medicare Advantage by 2015—this is Rick Foster saying this—are going to lose it. We have more than 1 million people on Medicare Advantage in Florida—more than 1 million. These are going to be tough questions to answer.

I applaud my colleague, the good doctor, for bringing this forward. It is exactly the right thing to do. I hope our colleagues on the other side of the aisle will have the courage to accept these amendments that are in the best interests of the people of the country.

Mr. President, how much time do we have remaining?

The PRESIDING OFFICER. There is 2 minutes remaining.

Mr. BARRASSO. Mr. President, we continue tonight to bring forth to the American people our concerns about a bill that I believe from my years of practice in medicine, taking care of families in Wyoming, and now as a Senator for the last several years, is going to be bad for patients, it is going to be bad for providers, the nurses and the physicians who take care of those patients, and it is going to be bad for payers, people who pay for their health insurance, people who pay taxes in this country, the taxpayers of this country as a bill continues down the road which is going to contribute to the debt, contribute to the deficit and, as I hear, week after week at home in telephone and townhall meetings, the debt is the threat.

Our spending at this point is unsustainable. It is irreversible. It is irresponsible. I bring this up to say we cannot pass bills in the Senate and have them signed into law which promise one thing and do something very different—promises to help people and ends up hurting our Nation, hurting our economy, hurting our jobs, hurting the opportunity to hire more people with mandates, hurt young people who are trying to buy insurance because their rates are going to go up.

This is a bill that is going to cost all of America in ways in the decades to come that, from a financial standpoint as well as a health standpoint, are going to be detrimental to our Nation.

I say with my colleagues on the floor, please, take a very serious and close look at this amendment because the American people should not be promised one thing during a campaign and during a bill being written and then when it comes into law, they are going to see something very different, which is going to be detrimental to them,

much more expensive for them, for their families, and impact on the kind of care they want for themselves and their families. That is why when I have townhall meetings in Wyoming and other States and people raise their hand, they think the cost of their own care is going to go up and the quality of the care is going to go down.

I yield the floor.

The PRESIDING OFFICER. The Senator's time has expired.

The Senator from Montana.

Mr. BAUCUS. Mr. President, I ask unanimous consent that we have an additional hour available, one-half hour each side, as has been the practice.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAUCUS. I yield 10 minutes to the Senator from Washington, Mrs. MURRAY, off the bill.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Mr. President, throughout this debate, I have come to the floor to share the stories of families and small business owners from my home State of Washington who were suffering under our broken health care system.

I talked about Washington State small business owners, from Kitsap and Kennewick—good people who wanted to cover their employees but who could not afford to continue to pay the skyrocketing premiums. I spoke about mothers and fathers in Seattle and Spokane, grandmothers and grandfathers east of the Cascades and the west—men and women from every part of my State, some barely holding on to their health insurance and some with no coverage at all.

I told the stories of so many people from so many different backgrounds, but each one of them shared a common thread: the health care system we have today didn't work for them. It failed our families one way or another over and over again.

I have received well over 10,000 letters from Washington State residents, and too many of them share that theme: stories of coverage dropped when they needed it most, premiums going up at rates of 20 or 30 or 40 percent, seniors struggling after falling into the doughnut hole. Terrible stories—stories of loved ones who were lost, of children and patients, brothers and sisters, stories about what they had to go through before they passed away—battling insurance companies, losing their coverage, fighting for their care, never giving up but fighting against powers too great for them to bear.

That is why I have fought so hard to reform our broken health insurance system—to fight for our families who need help, to level the playing field for people who just need a little support—for families with real struggles and real problems that we can work to-

gether to help. And that is why I am so proud to stand here today and say to those families, and so many others, that although we have not fixed everything that is wrong with our health care system overnight, we have taken a real step forward for people across my home State of Washington and across America.

Today, when President Obama signed health insurance into law, a number of significant improvements kicked in, and some of the worst practices of those insurance companies were tossed into the dustbin of history. Great changes went into effect immediately for families and small business owners, for children and seniors in Washington State and across the country.

Now that this bill is signed into law, if you ever worried about losing your coverage when you or a family member got sick, you don't have to worry anymore. It is no longer allowed. Now that this bill is signed into law, no family ever has to worry about the unreasonable and unfair lifetime caps on coverage that we have seen from insurance companies in the past. Now that this bill has been signed into law, never again will families have to fight for the preventive services they paid for and they deserve—families such as the Labrums, from Port Orchard, WA. Joseph Labrum sent a letter to me about his wife who went to her doctor complaining of pain in her breast. A mammogram failed to show anything, but she personally wasn't convinced. She knew something wasn't right and she knew there was a history of breast cancer in her family. So she asked for an MRI, but her doctor told her that her insurance company wouldn't pay for it, and she just couldn't pay for it on her own. After 3 years of fighting with her insurance company, 3 years of pain and uncertainty, she was finally able to convince them to take that test. By that time, her cancer had grown to 8 centimeters and required a full mastectomy, chemotherapy, and 8 weeks of radiation.

Joseph told me that he is convinced if his wife's care had been up to her doctor and not her insurance company she would have been cured with a minor lumpectomy and wouldn't have had to go through so much pain and suffering.

The bill President Obama signed into law today makes sure that starting today insurance companies will be required to cover preventive services with little or no cost on the part of Washington State patients. Starting today, Washington State families will have access to new streamlined assistance to help them appeal services that have been denied or not covered adequately by their insurance companies. This is going to help anyone who has ever felt buried under a blizzard of forms and denials, and it will start helping our families right away.

For small business owners, starting today, the health insurance market will begin working better for them. Starting today, people such as Mark Peters, the owner of a small technology company in Port Townsend, WA, will be able to better afford care for his employees. Months ago, Mark wrote to tell me that he offers insurance to his employees. He does the right thing. But last year, he got a letter from his insurance company raising rates by 25 percent. Mark told me his small business can't sustain increases like that. No business today can.

In our current health insurance system, small businesses are often at the mercy of the insurance company. They lack the leverage, they lack the negotiating power of larger firms, and they can't afford to hire a human resource department to spend days fighting and haggling for better rates. But those days are coming to an end. Starting today, thanks to the bill President Obama signed, small business owners such as Mark will immediately qualify for the first phase of a tax credit program to help them purchase insurance for their families and for their employees. That credit that will kick in immediately is up to 35 percent of the employer's contribution to coverage, which is going to make a huge difference for almost 100,000 small business owners in my State of Washington right away.

Starting today, if you are a young person or a senior citizen, you will also be helped immediately. Over 159,000 Washington State seniors who fall into that doughnut hole are going to have their brand-name prescription drug costs cut in half starting right away. The law that passed begins to close this destructive coverage gap, and the bill we are discussing today finishes the job and closes that doughnut hole once and for all.

Starting today, insurance companies are going to be required to permit young people to stay on family policies until the age of 26, which is especially important, I must say, now that so many young people are having trouble finding that first job. Again, real help for real people right away. That is why I supported this law, and that is why I fought so hard to get it.

We have been talking about reforming the health insurance system for a long time. Many leaders in this country have tried to fix this broken system. Each of them has failed. But today, thanks to the bill President Obama signed, we begin the move toward real reform—reform that will help families such as the Labrums and small business owners such as Mark Peters, and seniors and young people in Washington State and across the entire country; reform that will help people immediately, starting today, and that will move our families one step closer to lower premiums, more choices, and,

at long last, the health care security and stability Americans deserve.

Starting today, things are looking brighter for millions of Americans who have waited far too long for the help they need and deserve.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, I yield 10 minutes to the Senator from New Jersey, Mr. MENENDEZ.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. MENENDEZ. Mr. President, I thank the distinguished chairman of the Finance Committee for his work on this bill and the bill the President signed earlier today.

Mr. President, the time has come—historic health care has passed this Congress, the President has signed it into law, and the American people will live healthier, safer, more secure lives because of it. Now we come to the floor again, called upon once more, to finalize this historic legislation and make it even better. Once again I ask my colleagues on the other side of the aisle to take their place on the right side of history and end the obstructionism, stop the fear mongering, the apocalyptic predictions, and think about what they are about to do through the long lens of history.

Think of the legacy you want to leave. Think of your grandchildren. Think of all those who will look back a generation from now, maybe two generations, as we did with Social Security and Medicare, the Civil Rights Act, the Voting Rights Act, and ask: How did you vote? Think of what you will say then, and think of what you will tell your children and your grandchildren.

Will you look them in the eye and say you stood up for our families against the big insurance companies and voted for one of the greatest pieces of reform legislation in history? That is exactly what this bill will do. It will change the lives of millions of Americans, just as Social Security and Medicare changed the lives of Americans, and thank God they did. Those two pieces of legislation defined who we are as a people and the strength of the American community, each of us working for the betterment of all of us. It is our obligation, it is our duty, it is our call to history to leave a legacy of hope and health security for every American family.

Now, there are those who stood steadfast against Social Security at a time when millions of seniors were facing ruin in this country—when old women were selling apples on street corners, and seniors who had played by the rules and worked hard all their lives found themselves with nothing and no health care at a time in life when they needed it the most. The concept of Social Security and Medicare,

as we know, was a long time coming, but it was the right thing to do. It was a Democratic proposal derided by those who used the same arguments then that they are using today against this legislation: Beware, a government takeover, socialism; the insurers will do the right thing.

Well, they have not. The difference between us then and now is that our friends on the other side of the aisle believe the business of government is to protect big insurance companies. But we believe the business of government is about our people—their lives, their hopes, their dreams for a better, safer, healthier, more secure life for themselves and their families. This is the debate on the floor today, just as it was when we debated Social Security, Medicare, and every other major piece of historic legislation that benefitted people over big business.

The health care needs of our families must prevail over what we see on the floor still today—the delay, the obstructionism, the almost irrational fervor to stand in the way of change that is being driven by talk shows and tea partiers in unacceptable outbursts of demeaning language and behavior such as we saw on the steps of the Capitol this past weekend against an American hero such as John Lewis, which will be judged harshly by history.

Let us be clear: Republicans have said no for a century, and once again we hear a resounding no to changing a broken system. I want to say yes. I want to say yes to the people of New Jersey, and let that be our legacy to those we represent. I want to tell the 1.5 million people of New Jersey who are uninsured and the 326,000 who have individual market insurance that they will now have access to affordable health care coverage.

I want to say to the 854,000 New Jerseyans that they will now qualify for tax credits to purchase the health coverage they need and deserve.

I want to say yes to preventive services for 1.3 million seniors in New Jersey who don't have those services today. I want to say yes to the 227,000 seniors in my State who will finally have their drug costs under the Medicare Part D doughnut hole covered over time.

I want to say yes to the tax credits for 107,000 New Jersey small businesses that will be eligible for tax credits to offset their premium costs.

I want to say yes to \$14 billion in tax credits and cost-sharing tax credits for New Jerseyans to purchase private health insurance, many for the first time.

I want to say yes to an estimated \$9 billion more for Medicaid that New Jersey would receive in this reconciliation bill, which is \$580 million more than the original Senate-passed version.

I want to stand and say yes to basic commonsense protections that stop in-

surance companies from making health care about the bottom line and not the lives of people.

I want to say yes to stopping insurers from denying coverage for preexisting conditions—something that you have no control over, something that happened to you in your health and now stops you from getting health insurance.

I want to say yes to stopping companies from canceling policies when people get sick.

I want to say yes to ending lifetime limits on coverage.

I want to say yes to all of that and leave a legacy of hope to all the families who would benefit from this legislation. Yet it seems the only answer we get from those who have been against this legislation from the beginning is, let's start over. But we are not starting over. It is the law of the land now.

Not only do they want to say no to it, well, they want to repeal it. They want to repeal all of those things. They want to take away those rights that now exist for all Americans as a result of the President's signature. They want to take that away from you. The fact is, hard as it may be for some to realize or accept, Americans voted for change in their lives, change so that they would not have all of these obstacles to the health care of their families and themselves, and that is the change that is being delivered.

Affordable, accessible health care is now the law of the land, and this reconciliation bill makes it even fairer and more affordable for middle-class families. It helps seniors, protects consumers, it eliminates waste and fraud, and it further reduces our national deficit. This bill will eliminate special deals no matter how many times we hear bumper sticker slogans shouted from those who see health care reform in terms of their own political future rather than what is right for America. It makes health care insurance accessible to low- and moderate-income families who never thought they would be able to afford health care for themselves and their children.

It extends the prohibition on dropping people when they get sick and they need it the most and the requirement to provide coverage for non-dependent children up to their 26th birthday, starting 6 months after enactment.

It attacks waste and fraud in Medicare and Medicaid by cracking down on abusive billing practices for hospitalization services, and it strengthens Medicare prepayment reviews to reduce abuses in the system and therefore help build the system.

The time has come once again to be counted. The time has come to take a historic vote once again, to take our place before the lens of history as our predecessors did on Social Security and Medicare and think of what we will tell

our grandchildren. History will judge whose side you were on and the legacy we will leave. Voting yes gives young people, such as 24-year-old Christopher Joyce of Old Bridge, NJ, who had no insurance from work and suffered a massive stroke in January that left him paralyzed, barely able to speak, an opportunity to be on their family's policy instead of leaving the family on the verge of losing their home.

Vote yes and never again will a mother and father in America awaken in the middle of the night with a sick child and look at each other knowing they cannot afford the medical care their child needs.

Vote yes and never again will a man, woman or child in America be discriminated against because they are sick or once had something an insurance executive decided was a disqualifying pre-existing condition.

Vote yes and never again will an insurance executive be able to make medical decisions instead of a doctor to manage risk for shareholders and hold the bottom line above the lives of people.

Vote yes and Christopher Joyce would have the health insurance he needed to save his family's home.

Vote yes and we will change things for the better for every American family. That is what this bill is all about. It is about a legacy of hope and opportunity and health care security and that is why I will be casting a "yes" vote on reconciliation.

I yield the remainder of any time I have and yield the floor.

The PRESIDING OFFICER (Mr. BROWN of Ohio). The senior Senator from Montana is recognized.

Mr. BAUCUS. I yield 5 minutes to the Senator from Maryland off the bill.

Mr. CARDIN. I thank the Senator for his incredible leadership in our successful completion of health insurance and health care reform. This was a special day, to be with the President of the of the United States when he signed into law the law with which the United States will finally join every other industrialized nation in the world in providing universal health insurance coverage, universal access to health care.

The best news is, we can improve it. We can improve that legislation with the bill that is currently before us. With this bill and the bill the President signed, 32 million Americans who currently do not have health insurance will be insured; 95 percent of Americans under the age of 65 will have health insurance. The good news is, we do this by reducing the Federal budget deficit which we need to do. We all know we need to do that—\$100 billion over the next 10 years, over \$1 trillion over the next 20 years.

It provides immediate help to small businesses and individuals so people can get insured immediately. For small

businesses, if you are under 25 employees, you can get help; 10 or under you can get a tax credit this year, up to 35 percent of the premiums for covering your employees. Then, when the health exchanges come into effect, small companies can get credits up to 50 percent of the premiums they pay.

It provides immediate help for our seniors. I can't tell you how many seniors have talked to me about the dilemma of filling their prescriptions or paying their food bills or cutting pills in half. This year, with the bill the President signed, with the improvements we make to the underlying bill today, seniors will receive a \$250 check to help cover the prescription drug costs if they fall within the doughnut hole. Under the bills, we completely eliminate, over time, the so-called doughnut hole seniors fall into and have to pay 100 percent of their prescription drug costs. That will be gone.

Under this legislation, there will be immediate help for individuals who have preexisting conditions to go into a community-based risk pool so they can get affordable health care now as a result of the passage of these bills. Under this legislation, we take on the abusive practices of private insurance companies. Effective within 6 months of enactment, no further discrimination against children with preexisting conditions; extending coverage for young people up to the age of their 26th birthday; ending the rescission of a health insurance policy because a person gets sick; banning lifetime limits on your insurance protection and starting down the path of restricting eliminating annual limits that are unreasonable. All that is included in the legislation we are talking about, providing immediate help to American families to find affordable health care.

Then we add also access to emergency care. I am particularly pleased with these provisions because these were additions, amendments I offered to extend this to emergency care, so insurance companies cannot deny you coverage for going to an emergency room if you had the symptoms where a prudent layperson should go to the emergency room, where you can pick your own primary care physician, where you can take an independent appeal from a decision of an insurance company that is contrary to what you believe is right.

Then, starting in 2011, we start telling insurance companies there is a limit as to how much they can take from your insurance premiums and use for their bureaucratic administrative costs or profits, that they have to put the money back into benefits for you, between 80 and 85 percent. If they do not, you get a refund, a rebate from your insurance company because they have taken too much in premiums from you. That is all in this legislation.

We build upon the community health centers. I particularly wish to thank

Senator SANDERS for his leadership. Community health centers are critical to access to care. That is in this bill and it takes effect immediately. These are important changes.

I am also very pleased about the provisions added to this bill in an amendment I offered for minority health that will set up in the Department of Health and NIH a division of minority health so we can start to deal with the disparity in health care in America in a more aggressive way, in a more continuous way, so we can truly provide equal access to health care for all Americans.

The bill the President signed was great. This bill improves upon that. I urge my colleagues, let's take pride in what we were able to do collectively, let's improve it with the bill that is before us. It will help our seniors with prescription drugs, it will reduce the deficit further, make health insurance more affordable, and it will help our States in payment of Medicaid. I urge my colleagues to support the legislation and with that I yield the floor.

The PRESIDING OFFICER. The time of the Senator has expired. The senior Senator from Delaware is recognized.

Mr. CARPER. How much time do we have on our side?

The PRESIDING OFFICER. The Senator has 6 minutes 5 seconds.

Mr. CARPER. Mr. President, I would like to take a few minutes, before our Republican colleagues return to the floor, to talk about some provisions in the legislation the President signed today that are not very well understood but I think could be of real help in reining in the growth of health care costs. I have said all along—a number of my colleagues have heard me say this before—it is all well and good we want to extend coverage to people who don't have it. There are way too many people who do not have it. But if all we do is extend coverage without reining in the growth of costs, we will not do it for very long.

Among the provisions that I think are especially noteworthy—one, if a person turns 65 next month and they become eligible for Medicare, they are offered, under current law, at least before today's signing of the bill, the opportunity to get a once-in-a-lifetime deal, an annual physical. Under the law of the land until today, that was it. Under Medicare, if they live to be 105, they would not get another physical paid for by Medicare.

I have been getting annual physicals as a naval flight officer, and naval midshipman before that, for 27 years in all. I have had a lot of annual physicals. I think one of the reasons I am a fairly healthy guy is because of that and the feedback from annual physicals. We have a lot of people who never got an annual physical and one of the reasons why is it is not covered under your health insurance coverage. Under the

legislation the President signed today, if a person turns 65 and becomes part of Medicare, they get an annual physical; in the next year, another one; in the year after that, if they live to 75 or 85 or 95 or, God bless them, 105, they will get a lot of annual physicals. I think that has the potential for addressing one of the real shortcomings in our health care system in this country. We don't do a very good job in primary care and part of primary care is, frankly, physicals from time to time. We are going to address that.

Another provision in the legislation that has not gotten a whole lot of attention—some but not a lot—is what can we do to incentivize people to take better care of themselves. It is all well and good that we want doctors to get more and nurses and hospitals, and so forth, and go after insurance companies, but what are we doing to incentivize people to take better care of themselves? If you look at a lot of countries where people have better health care than we do, one of the reasons is they take better care of themselves.

Something that has always fascinated me is, how do we figure out how to harness market forces for the delivery of health care? How do we harness market forces and incentives to drive good public policy behavior? We know it is not good for people to be overweight. How can we encourage them to lose weight? One of the things in the underlying bill is a provision that says, I think starting next year, we are going to have a provision requiring menu labeling. What do you mean by menu labeling? If you happen to be a restaurant company with 20 or more restaurants around—if you have a restaurant company and have restaurants in 20 or more sites around the country, you have to start, next year, putting on the menu board in the restaurant how many calories are in the items they serve. If they have a menu, you have to put it on the menu, how many calories they serve. It doesn't mean people will not go in and order 3 or 4,000 calories to consume, but people are going to start thinking about it. It will be a reminder.

Another provision in the legislation that I think is especially noteworthy is to build on something already in the current law but to make it, I think, stronger. We all know people who need to lose weight and they go on a diet and join a gym or something. They stop. They start. They stop. They exercise for a while, go on a diet and then fall off the wagon and go back to their old habits. You know people stop smoking and they do it for a while and then they start stealing cigarettes from people and eventually they go back full time. What we are trying to do with our legislation is to say: Look, if companies have employees, they know they are overweight, they want

to encourage them to lose weight, let them offer a premium discount.

In the legislation, the President said today employers can offer premium discounts of as much as 30 percent for their employees for whom they are providing health insurance. If they are overweight, if they are losing weight and keep it off, if they are smoking and stop smoking and continue to stop smoking, if they have high cholesterol or high blood pressure and they can control those and continue to control those, they can get premium discounts of as much as 30 percent. Everybody in this Chamber today, we all know people who have tried to lose weight, lose it for a while and then go back the other way. We know people who try to stop smoking, they do it for a while and then they go back. What our legislation does is say we want to put more money back in the pockets of people who do what is the right thing for them to do for their own personal health, and by doing that, they actually bring down the health care costs of their group, the place wherever they are working. I think those are ideas that make pretty good sense.

Let me ask the Presiding Officer how much time is left on our side.

The PRESIDING OFFICER. The Senator from Delaware has 50 seconds.

Mr. CARPER. Fifty seconds? The last thing I want to mention is our Presiding Officer is from Ohio. He has been to Cleveland many times. I spent some time in Ohio as well. One of my return visits to Ohio last year was to go back to the Cleveland Clinic to see how they are able to provide better health care for less money than a whole lot of other health care delivery systems. It is because they and the Mayo Clinic and Geisinger and others focus on the same kind of model, better focus on primary care, focus on prevention. All those patients have electronic health records. All the docs are salaried employees. They don't get more money if they do more tests or more MRIs or more this or that. It is a better model. What we do in our legislation signed by the President today is we incentivize a lot of other folks providing health care to use the same models.

With that, my time has expired.

The PRESIDING OFFICER. The time of the Senator from Delaware has expired. The senior Senator from Iowa is recognized.

Mr. GRASSLEY. Mr. President, I ask the pending amendment be set aside, if that is necessary.

Mr. CARPER. Reserving the right to object.

The PRESIDING OFFICER. Is there objection?

Mr. CARPER. We just request to see a copy.

Mr. GRASSLEY. I will discuss the amendment while that is going on.

The PRESIDING OFFICER. The Senator is recognized.

AMENDMENT NO. 3564

Mr. GRASSLEY. First of all, if the amendment can be called up, it is 3564. I would like to have Senator ROBERTS added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRASSLEY. Mr. President, I worked for years to pass what is called the Congressional Accountability Act, which was signed into law by President Clinton in 1995. I worked so hard to get that bill passed because I strongly believe that Congress should live under the same laws it passes for the rest of the country.

If you remember, prior to 1995 Congress had exempted itself from 12 different pieces of legislation, starting with the Fair Labor Standards Act of 1938. Now, of course, we in Congress, as employers, have to live by the same laws as the ABC Company of Des Moines, IA, as an example. So the same principle applies to some parts of this bill.

That is why I offered an amendment during Finance Committee markup to require that Members of Congress and congressional staff get their employer-based health insurance through the same exchanges as our constituents. Part of that original amendment that I got adopted back then is in the bill the President signed today. And that amendment was adopted without objection, let me say, so it had consensus support. I am hoping the majority will support a similar amendment for the President, the Vice President, senior White House staff, political appointees from the Cabinet and sub-Cabinet, but, of course, not civil servants within the executive branch of government.

Also, my amendment would close a loophole that was added behind closed doors—meaning the closed doors of the majority leader's office, Senator REID, during the time that he was merging the Finance and HELP Committee bills. That loophole would exempt staff from committee and leadership offices from being required to use the exchanges even though individual offices of individual Senators and their staffs and the Senators would still be covered.

Now, you know, it takes a lot of chutzpa behind closed doors to say: Well, you know, it is okay for the Members' offices and the Members' staff and the individual Senator, but it is not okay for committee staff, it is not okay for leadership staff. Somehow, they are a heck of a lot better than the rest of us. So it would also bring that back to a level playing field for everybody here on Capitol Hill because most of our constituents would find it pretty unbelievable that the President, his closest advisers, and some staff remain untouched by the reforms they pushed for the rest of the country.

To put it simply, President Obama's health care reform will not apply to

President Obama or other people, political appointees, within the executive branch. The message the White House, then, is sending to the grassroots of America is that it is good enough for everybody else but not for political appointees in the executive branch of government. So is it really any wonder, then, why most Americans oppose this effort?

Last December, I tried to correct the inequity that I talked about of leadership staff and committee staff, but the effort to apply any new law to the administration was objected to by the Senate majority leader at that particular time. In other words, I didn't get a chance to get a vote on it. But there is no justification for such a double standard. That is blatantly wrong. It is only fair and logical that top administration officials who fought so hard for passage of this overhaul of America's health care system experience it themselves. If it is as good as promised, they will know firsthand. If there are problems, they will be able to really understand those problems, as they should, just as the Congressional Accountability Act teaches each of us Senators, who have to live under the same laws as the rest of the country, that somehow we have to experience them, and then we know what it takes for small businesses to live by the civil rights laws, the wage and hour laws—I can't remember all 12 laws that we exempted ourselves from that we are not now exempted from.

We need to understand grassroots America. What is wrong with Washington is it is an island surrounded by reality, and we have to bring some of the common sense of the rest of the country inside here where we work all the time because the only business in Washington is government, and everybody in government is in the way. Everybody outside of Washington is pulling that way. And we have to make sure that the people in the wagon at least understand the problems of those pulling the wagon, and I think this will be one way to do it.

I ask unanimous consent request that the pending amendment be set aside so that can I offer amendment No. 3564, the amendment I just talked about.

The PRESIDING OFFICER. Is there objection?

Mr. CARPER. Reserving the right to object, would the Senator modify his unanimous consent request to provide that once all time has been used on the Grassley amendment, the amendment be set aside until a time designated by the leader?

The PRESIDING OFFICER. Does the Senator from Iowa so modify his request?

Mr. GRASSLEY. I am fine with that.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Iowa [Mr. GRASSLEY], for himself and Mr. ROBERTS, proposes an amendment numbered 3564.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To make sure the President, Cabinet Members, all White House Senior staff and Congressional Committee and Leadership Staff are purchasing health insurance through the health insurance exchanges established by the Patient Protection and Affordable Care Act)

At the end of subtitle A of title I, insert the following:

SEC. 1006. PARTICIPATION OF PRESIDENT, VICE PRESIDENT, MEMBERS OF CONGRESS, POLITICAL APPOINTEES, AND CONGRESSIONAL STAFF IN THE EXCHANGE.

(a) IN GENERAL.—Section 1312(d)(3)(D) of the Patient Protection and Affordable Care Act is amended to read as follows:

“(D) PRESIDENT, VICE PRESIDENT, MEMBERS OF CONGRESS, POLITICAL APPOINTEES, AND CONGRESSIONAL STAFF IN THE EXCHANGE.—

“(i) IN GENERAL.—Notwithstanding chapter 89 of title 5, United States Code, or any provision of this title—

“(I) the President, Vice President, each Member of Congress, each political appointee, and each Congressional employee shall be treated as a qualified individual entitled to the right under this paragraph to enroll in a qualified health plan in the individual market offered through an Exchange in the State in which the individual resides; and

“(II) any employer contribution under such chapter on behalf of the President, Vice President, any Member of Congress, any political appointee, and any Congressional employee may be paid only to the issuer of a qualified health plan in which the individual enrolled in through such Exchange and not to the issuer of a plan offered through the Federal employees health benefit program under such chapter.

“(ii) PAYMENTS BY FEDERAL GOVERNMENT.—The Secretary, in consultation with the Director of the Office of Personnel Management, shall establish procedures under which—

“(I) the employer contributions under such chapter on behalf of the President, Vice President, and each political appointee are determined and actuarially adjusted for age; and

“(II) the employer contributions may be made directly to an Exchange for payment to an issuer.

“(iii) POLITICAL APPOINTEE.—In this subparagraph, the term ‘political appointee’ means any individual who—

“(I) is employed in a position described under sections 5312 through 5316 of title 5, United States Code, (relating to the Executive Schedule);

“(II) is a limited term appointee, limited emergency appointee, or noncareer appointee in the Senior Executive Service, as defined under paragraphs (5), (6), and (7), respectively, of section 3132(a) of title 5, United States Code; or

“(III) is employed in a position in the executive branch of the Government of a confidential or policy-determining character under schedule C of subpart C of part 213 of title 5 of the Code of Federal Regulations.

“(iv) CONGRESSIONAL EMPLOYEE.—In this subparagraph, the term ‘Congressional employee’ means an employee whose pay is disbursed by the Secretary of the Senate or the Clerk of the House of Representatives.”

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect as if included in the Patient Protection and Affordable Care Act.

Mr. CARPER. Would the Senator yield for 30 seconds? One of the things Senator GRASSLEY and I have endeavored to do in working on this legislation in the Finance Committee is to try to figure out what works to rein in the growth of health care costs and improve outcomes.

Where we agree is on one of the best ideas that is in our bill—the idea of large purchasing pools that we modeled after the Federal Employees Health Benefits Plan. We know that we as Members and our staff have to be part of the exchange. The idea is to create large purchasing pools in all of our States and even regional purchasing pools as well.

Mr. GRASSLEY. Without a doubt.

Mr. CARPER. I am glad that provision has survived so far, and I hope it will go on. I wish we could implement it sooner.

Mr. GRASSLEY. I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska.

Ms. MURKOWSKI. I rise this evening in support of the Grassley amendment, and I appreciate that my colleague has brought this forward. We had an opportunity to discuss this months ago in the HELP Committee.

The fact is, the health care bill that is now law creates these State exchanges where all non-Medicaid and Medicare individuals will go to purchase their health insurance. And included in the exchanges are Members of Congress and their personal staff, who are required to join these exchanges in order to obtain their health care benefit.

But as the Senator from Iowa has mentioned, the rules that apply here—the rule that came to my mind when we were discussing this is this rule we were all taught as young children: Do unto others as you would do unto yourself. Unfortunately, I think what we see with this new health care law is that it fails to adhere to this rule.

So what you are going to have under this new law is every American will have to be part of this new health care exchange. But who is going to be left out? Who is going to be excluded? Well, the law itself here is pretty clear in terms of the definitions. It says Members of Congress, congressional staff. Congressional staff means all full-time and part-time employees employed by the official office of a Member of Congress, whether in Washington, DC, or outside of Washington.

But let's think of whom it does not include. It does not include the President, it does not include Cabinet members, it does not include members of

the White House senior staff, it does not include committee staff that we may have. As the ranking member on the Energy Committee, I have committee staff for that. As the vice chair of the conference, I have leadership staff. But neither my committee staff nor my leadership staff would be covered under this new law. In other words, many of the chief architects of this health care law were apparently, very conveniently, omitted from any requirement of being within the health exchange.

So, again, whether it is the Cabinet members, the White House senior staff, the committee members, the leadership staff, you have to ask the question, Why have they been left out of this? Why is there a double standard? And if you are not asking that question, is it just a glaring omission or is there something else? Is this yet further evidence of what we are seeing that was done in the back rooms, the outcome of the late nights, the back-room deals that certain staffers who might perhaps work for the majority leader or certain staffers who work for the White House get to be treated differently than every other American out there? I do not think that is what we intended here.

As I mentioned, during the HELP Committee markup, I supported an amendment that was offered by Senator COBURN that most Democrats on the committee did not support. But it would require Members of Congress and their staffs to be included in the health care exchange. And the conversation that was had at the committee at that point in time, certainly by Members on the Republican side, was: Hey, if it is good enough for my constituents, if it is good enough for the people of the State of Alaska, then it ought to be good enough for me, it ought to be good enough for the President. But what we see is the President and the House and the Senate leadership offices who have pulled this bill together have conveniently left themselves out from being subjected to this provision.

So I appreciate Senator GRASSLEY bringing up this issue, pointing it out, pointing out that there are omissions. There are perhaps convenient omissions. I am not one to say whether it has been convenient or not, but it does raise the question, So what else has been left out? What else is contained within this bill that might be viewed by others as a special deal?

Earlier on the floor, Senator McCAIN came and, along with many of our colleagues, kind of outlined some of those special deals about which I know people in Alaska are quite concerned. They are like, wait a minute, if you are going to move health care reform in the manner you have, make sure it is even, make sure it is equal, make sure people are treated fairly and in a manner that we think and we recognize is consistent.

So I think we need to ask ourselves certain questions about what is in and what is out. We know there is certainly more spending—more spending in terms of the proposal. We know we have gone from \$200 billion in spending to now \$2.6 trillion in spending. We know there are more entitlements, we see that repeated and repeated, \$115 billion in new entitlement spending, bringing the combined new spending in the proposal to \$1.2 trillion. We know there are more taxes. We know there are more Medicare cuts. We know there are more gimmicks. You know, these are why the folks back home are saying: Wait a minute, these are the types of things you have promised us, and now you are telling us there are some good provisions in this bill, you are going to like this bill once you get to know it.

Some of my colleagues will tell you Medicare patients will now see free preventive services. I admit that sounds great. I am all for making sure we have screenings, whether they be mammograms or preventive services. But I have to ask the question, in a State such as Alaska where we face such an incredible crisis when it comes to access to care, to primary providers, knowing that we now have this bill before us, this new law of the land, how many of the few primary care doctors in my State are going to be accepting those new Medicare patients to provide them these wonderful preventive services, these free preventive services?

According to experts, not only in Alaska but in many parts of rural America, Medicare patients are not going to have a provider who will be willing to take them on. We have a think tank in the State, the Institute of Socioeconomic Research, that has said that seniors in low-payment Medicare States are going to be forced to wait in line. They have said: Independent of the doc fix, in Alaska, seniors are at risk for long lines to see a primary care doctor and overflowing to community health centers and hospital emergency rooms where existing capacity is highly likely to be quickly overwhelmed and long wait times become increasingly common. They go on to say that additional insured patients are going to hurt the existing Medicare beneficiaries, again, because of the access issue.

What we will have done is, we will have been able to issue that card, we will be able to say, yes, this is now available to you. But if you still can't get in to see the provider, then what have we provided for these seniors other than the card? That is not access. My mom used to tell us: If it sounds too good to be true, it is probably too good to be true. We are going to be spending a fair amount of time in these next few days and in the next many hours going through so many aspects of this reconciliation bill, trying to un-

derstand what is in it, what is not in it, who it applies to, and how it applies.

I am hopeful tomorrow I will have an opportunity to talk a little bit more about not necessarily the health care side of this reconciliation bill but one way in which the health care reforms are going to be paid for, and that is on the backs of students; students who have taken out loans, who, as we eliminate the Federal Family Education Loan program, the FEL program, essentially we are going to be helping to pay these young people. These some 19 million young people who take out student loans are going to be paying for the cost of the health care provisions contained within this bill. Is that right? Is that fair?

There is so much that needs to be discussed, that needs to be uncovered. Because what we have before us within this reconciliation bill is more of the same in terms of the bad provision that passed this Senate on December 24—more taxes, more cuts to Medicare, more hits to our seniors and our small business people. It was not good in the Senate bill. It is made worse in the reconciliation provision. Our job tonight and in the intervening hours is to make sure that the American public fully understands that.

I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Please tell me how much time remains on this side.

The PRESIDING OFFICER. The Senator from Iowa has 15 minutes remaining.

Mr. GRASSLEY. I thank the Chair.

Mr. President, I know many folks look at this week's debate as the end of the process. I know some people look at the conclusion of this week with relief. I look at it with regret, regret for the opportunity squandered and regret for problems that we must now address. Our health care system is in need of reform. Our health care system spends too much, leaves too many people without coverage, and doesn't provide quality care that it should. We had an opportunity to do something about it the right way. We could have passed a bill with broad support in Congress and among the American people. That opportunity was lost. This process started in a bipartisan fashion. In 2008, the Finance Committee held a health care summit. The committee brought in experts from all over the country and all over the health care spectrum. We held numerous hearings. In 2009, the Finance Committee put together bipartisan roundtables and walk-throughs of the critical issues in creating this health care legislation.

Throughout the summer of 2009, six of us worked together in a bipartisan fashion to try to reach an agreement that could achieve broad-based support, because we felt that is traditional of social change in America, to be bipartisan. This was a restructuring of

one-sixth of the economy. Doing that ought to be done not on a partisan basis, not on a slight bipartisan basis, but on the basis of a broad consensus. Somewhere along the line, though, getting it done quickly became more important than getting it done right. Was it when the HELP Committee produced a partisan draft that would have cost more than \$2 trillion? Was it when the House slammed bills that were outright government takeovers through committee? Every year I hold 99 town-hall meetings, one for each county in Iowa. When I went home last July and August, I found anger back home in my State. People were mad. People were fearful. They saw a government that took over General Motors, took over banks, spent us into mind-boggling debt. My people were worried about the direction of this country. Nothing has happened since August that has improved that situation.

While Americans get up every morning worried that the struggling economy may cost them their jobs, Congress has been hyperfocused on health care reform. This hyperfocus has led Congress to abandon bipartisanship and make some very questionable deals in the name of just getting it done. Congress had an opportunity to enact something the American people could support, but congressional Democrats and the White House seemed so focused on making history, they stopped actually listening to the American people. All the backroom deals, the budget gimmicks, and broken promises made it clear they are willing to go to any length to pass any bill, just any bill.

Health care reform will raise taxes by a half a trillion dollars. It will cut Medicare by more than a half a trillion dollars and not strengthen Medicare, but doing it solely to create a new and unsustainable entitlement program. Of course, it will cause health insurance premiums to go up even more than they are already going up. Rather than bringing the country together around some commonsense reform, it has driven the country farther apart at the very time we need to come together, especially for economic recovery efforts and the creation of jobs.

Health care reform legislation should have been done with broad-based support. Now, of course, this excessive bill is law. An opportunity has been lost. This legislation will raise taxes by a trillion dollars.

This is not the end, not by a long shot. Now the process of cleaning up the mess begins. Hopefully we can get some of these changes started this week in this very bill before the Senate. Because Congress will be back to fix challenges created by this bill. The Medicare physician payment problem, for one, is still out there. It will cost more than \$300 billion to fix. Neither the bill the House passed Sunday nor this reconciliation bill addresses that

very major problem. Congress will have to come back and fix it.

Another problem: Medicare is still going bankrupt. Hundreds of billions of dollars were taken out of the Medicare Program and were not used to improve the solvency of that program. Even the President has now acknowledged that you can't count the savings to pay for the new entitlement and to improve Medicare solvency, something I tried to tell this body many a time. Now the President says it. I hope people who avoided this last time are listening to the President. Congress will have to come back and fix it.

There are billions of dollars of cuts to Medicare providers in the health care reform bill that are totally unsustainable. Providers will not be able to survive if these cuts go into effect. A cynical person might suggest some providers supported the bill knowing there would be an influx of dollars to pay for new coverage, knowing that they would have years to stave off the corresponding payment cuts. So as I have said before, Congress will have to come back to this 2,700-page law the President just signed and fix it.

The bill gets half of the new coverage through the Medicaid Program. Everybody knows that Medicaid is threadbare to begin with. Adding 16 million people to Medicaid with tens of billions of dollars of unfunded liability for States is not going to improve that program. The reconciliation bill has a farcical 2-year payment increase for physicians in Medicaid that ends with a 50-percent cliff. No one has yet explained to me how that is supposed to improve the program. Congress will have to come back and fix it.

The bill prohibits health plans from denying coverage of preexisting conditions for kids under 19, starting 6 months after enactment. Sounds very positive; right? But in the rush to get things done, the majority failed to notice that prohibiting preexisting condition exclusions but allowing insurance companies to still deny kids entirely will end up in more kids being denied coverage.

Finally, the health care reform bill included a long-term care entitlement called by the acronym the CLASS Act. The CLASS Act is a fiscal disaster waiting to happen. When it starts to run out of money, when the insurance death spiral hits the program, the taxpayers will be on the hook to fix it. Congress will have to come back and fix it. Congress will have hundreds and hundreds of billions of dollars of problems to come back and fix.

I yield the floor.

AMENDMENT NO. 3567, AS MODIFIED

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. I ask unanimous consent to call up and modify my amendment which is pending at the desk.

The PRESIDING OFFICER. Without objection, the amendment is so modified.

The amendment (No. 3567), as modified, is as follows:

At the end of subtitle B of title I, add the following:

SEC. ____ . PREVENTING THE IMPLEMENTATION OF NEW ENTITLEMENTS THAT WOULD RAID MEDICARE.

(a) BAN ON NEW SPENDING TAKING EFFECT.—

(1) IN GENERAL.—Notwithstanding any other provision of law, the Secretary of the Treasury and the Secretary of Health and Human Service are prohibited from implementing any spending increase or revenue reduction provision in either the Patient Protection and Affordable Care Act or this Act (referred to in this section as the “Health Care Acts”) unless the Chief Actuary of the Centers for Medicare and Medicaid Services Office of the Actuary (referred to in this section as “CMS OACT”) certifies that all of the projected Federal spending increases and revenue reductions resulting from the Health Care Acts will be offset by projected gross savings from the Health Care Acts.

(2) CALCULATIONS.—For purposes of this section, projected gross savings shall—

(A) include gross reductions in Federal spending and gross increases in revenues made by the Health Care Acts; and

(B) exclude any projected gross savings or other offsets directly resulting from changes to Medicare made by the Health Care Acts.

(b) LIMIT ON FUTURE SPENDING.—For the purpose of carrying out this section and upon the enactment of this Act, CMS OACT shall—

(1) certify whether all of the projected Federal spending increases and revenue reductions resulting from the Health Care Acts, starting with fiscal year 2014 and for the following 9 fiscal years, are fully offset by projected gross savings resulting from the Health Care Acts (as calculated under subsection (a)(2)); and

(2) provide detailed estimates of such spending increases, revenue reductions, and gross savings, year by year, program by program and provision by provision.

Mr. GREGG. I express my appreciation to the Senator from Montana for allowing me to do this at this time.

I understand we will have some agreement; is that correct?

The PRESIDING OFFICER. The Senator from Montana is recognized.

Mr. BAUCUS. Mr. President, I yield 12 minutes off the bill to the Senator from Minnesota.

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

Mr. FRANKEN. Mr. President, today we took a historic step forward toward a healthier America. I am proud that the Senate is debating the reconciliation bill this evening, fulfilling our pledge to make some crucial adjustments to the Senate bill we passed in December. The reconciliation bill before us will make the newly minted reform bill even better. It will provide stronger subsidies for low- and middle-income working families so they can afford insurance. That means fewer people getting primary care in emergency rooms. It will limit the number

of families affected by the excise tax on high-cost plans and address geographic disparities in Medicare. It will finally close the Medicare prescription drug doughnut hole so that so many of our seniors no longer will have to choose between eating or taking medicine.

But let's be honest, even with these changes, it still is not perfect. We will continue to improve it because there are always things we cannot foresee. Look, we are still making adjustments to Medicare 40 years later. When Medicare passed, there was also ample opposition, not dissimilar to what we are hearing about this bill. Opponents said Medicare would be a government takeover of health care. But today you will not find a single senior in Minnesota who wants to give up his or her Medicare.

In fact, just in these past few months, I am so pleased that so many of my colleagues on the other side of the aisle have spoken out in favor of Medicare and of strong benefits for seniors. I am confident, similar to Medicare, support for health care reform—which is already strong—will continue to grow with time as people understand how helpful it will be to working families.

Unfortunately, many people have been scared by the misinformation that has been used to try to defeat reform. For example, there is an important point that has been lost in the overblown and apocalyptic rhetoric these past few months: This bill is not a government takeover of health care. In fact, it is an expansion of private coverage, with millions more Americans covered by private insurance companies.

Let me say this again. The Patient Protection and Affordable Care Act expands private insurance. Since we are giving these companies a huge influx of new business, we have to hold them accountable. We do that by improving regulation of these companies by making sure they keep patients as their highest priority. Our bill ends pre-existing condition exclusions, no more lifetime and annual caps. Mental health services will be covered, and companies will not be able to kick people off their plans when they get sick.

The truth is, in my State, there are a lot of good things happening in health care already. But even in Minnesota we need help. We have people who cannot afford their coverage, rising costs, and a huge State budget deficit.

I support this bill because it helps Minnesota in all the ways we need right now—incentives to advance State innovation and instant relief to cover low-income Minnesotans in Medicaid. This is helpful at a time when the State legislature is struggling to make ends meet. For Minnesota small business owners who are stretched but want to cover their workers will have

access to tax credits this year, in 2010. I am also very pleased that this bill will begin to fix one of the most flawed elements of our current system: Medicare reimbursements.

Our system punishes—punishes—high-quality Minnesota providers, such as the Mayo Clinic, by paying them less because they provide efficient, low-cost care. The Senate bill includes provisions that I fought for with my colleagues, Senators CANTWELL and KLOBUCHAR, to reward value not volume in Medicare.

Thanks to my colleague, Representative MCCOLLUM of Minnesota, we have a commitment from Secretary Sebelius to continue to expand these efforts to hospitals and nursing homes.

I am proud to represent Minnesota at this historic time and to have contributed to improving the health of this country for future generations. Our new law, improved by the reconciliation bill, will be a major victory for Minnesota families.

But if this reconciliation bill passes, we will also be scoring a double victory for working families. In addition to expanding access to health care, this bill will make it less expensive for working families to send their kids to college. By cutting out the middleman from the student lending system, we are able to increase funding for Pell grants and make it easier for college graduates to repay their loans. Not only are these measures fully paid for, they will also reduce the deficit.

Under the current Federal Family Education Loan Program, or FFEL, the Federal Government pays lenders enormous subsidies to entice them to lend to students. Then, on top of that, the government guarantees the loans so there is virtually no risk to the banks—just taxpayer-subsidized profits. This is not a private enterprise program, as the banks would like you to believe. It is corporate welfare, masquerading as private enterprise.

The good news is that there is a better way to run the government loan program than keeping banks on the dole. It is called direct lending, and it slashes \$61 billion in costs by cutting out the middleman and lending to students directly.

This idea is hardly new. In the early 1990s, Senator David Durenberger of Minnesota, a Republican, joined with Senator Paul Simon of Illinois, a Democrat, in a bipartisan effort to end the wasteful practices of the bank lending program. They were able to give colleges the option of switching to direct lending, but the bank lobbyists thwarted their efforts to eliminate the bank subsidy program altogether.

Today, I am proud to be continuing Senator Durenberger's fight to eliminate wasteful bank subsidies. I am also proud that the University of Minnesota is leading the way. The U of M was one of the first universities in the Nation

to switch to direct lending. I recently met with students and administrators at several U of M campuses, and they told me that the direct lending program is working very well. Not only does it provide students with the same benefits as the bank subsidy program at a lower cost, but it also reduces the administrative headaches of financial aid officers by decreasing the number of entities they have to deal with.

To be blunt, our choice is simple. We can continue to waste billions to line the pockets of banks or we can use that money to help low-income and middle-class kids go to college. I certainly do not want to go home to Minnesota next week and explain to my constituents that the Senate decided to keep forking over their hard-earned tax dollars to banks rather than help their kids go to college.

For many families, it is the opportunity to send their kids to college that is at stake. Most of the money that would be saved from switching to direct lending would be used to strengthen the Pell grant. Pell grants give over 8 million low-income and middle-class students the opportunity to realize the dream of attaining a college education.

Pell grants hold a special place in my heart because of the opportunity they gave my wife and her family. When Franni was 17 months old, her father died in a car accident, leaving Franni's mom widowed at age 29 with five kids. My brother-in-law Neil went into the Coast Guard and became an electrical engineer. But all four girls went to college, and they were able to do it with a combination of scholarships and Pell grants.

Unfortunately, since then, the purchasing power of the Pell grant has declined dramatically. Thirty years ago, the maximum Pell grant covered 77 percent—77 percent—of the cost of attending the average 4-year public college. These days, it only covers 35 percent.

This economy has made a bad situation worse. Many of the students and families I have met in Minnesota are struggling with high tuition and a tough economy. The average Minnesota student graduates from college with over \$25,000 of debt. Job losses and cutbacks have left many middle-class families barely hanging on. That means more students who depend on Pell grants have to spend more hours at work and away from their studies to help pay for their education.

Unfortunately, the economic crisis has also increased the demand for Pell grants, as more families have fallen on tough times. The increase in demand has left us with a \$19 billion shortfall in the Pell grant program. If we do not fix this shortfall, nearly 600,000 students could lose their Pell grants entirely. Another 8 million students could have their grants cut by almost

60 percent. This would be catastrophic for those students and their families.

In this economy, it would be an unforgivable failure for Congress to allow Pell grants to be cut in half. It would also be shortsighted, since we know that within a decade 75 percent of all new jobs will require a college education. A national switch to direct lending is simply the right thing to do for our students, for our families, and for our economy.

So I wish to urge my colleagues to stand for what is right and support this reconciliation package that further improves our health care system, puts kids in front of banks, and reduces the deficit.

I thank the Chair. I yield the floor.

The PRESIDING OFFICER. The Senator's time has expired.

The Senator from Rhode Island is recognized.

Mr. WHITEHOUSE. Mr. President, on behalf of Senator BAUCUS, I yield myself up to 20 minutes and that Senator BROWN be recognized for up to 10 minutes and that the time be charged against the bill.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. WHITEHOUSE. Mr. President, on this historic day, I rise to speak, as I have many times before, about our historic opportunity to turn away from the path of fiscal crisis and toward the difficult and vital work of bringing down the costs of health care.

After the wild and unsustainable borrowing of the Bush era, we now face an era of limited resources, in which every last dollar is needed to spur economic recovery, create jobs, and restore economic security for all. Economists agree with virtual unanimity that the needless and excessive cost of health care is the heaviest weight dragging down America's economic growth.

In 1955, the year I was born, the Nation spent \$12 billion annually on health care. Last year, we spent \$2.5 trillion—\$134 billion more than the previous year, the largest year-to-year increase in history, and 200 times what we spent the year I was born. That spending constitutes a stunning 17.3 percent of our Nation's entire gross domestic product—also the highest level in our history.

The cost of our Republican colleagues' desire to do nothing would have been impossibly high. In my home State of Rhode Island, a family of four would have faced more than \$26,000 in premiums for family health insurance in 2016. Last year, premiums for Medicare Advantage nationally jumped an average of 14.2 percent—just in 1 year. Indeed, this escalation is unsustainable, but it is not inevitable.

A great deal of health care cost is nothing more than waste—waste resulting from a status quo that is irrational, disorganized, and often down-

right greedy and mean. The only good news about all this waste and excess cost is that we know where to look for savings. In the reform bill signed by President Obama today, we deploy every tool at our disposal to reap those savings.

This health care debate has been enveloped in—indeed, sometimes blinded by—a blizzard of numbers: CBO reports, actuarial analyses, projections upon estimates upon projections. Too often, my colleagues on the other side pluck out only those figures that serve their purpose—their purpose to delay and ultimately defeat this bill for their insurance company friends.

However, I believe that a fair view of the evidence demonstrates that this reform bill will do more to lower health care costs, reduce the deficit, and free up precious resources in the private sector than any reform has ever done before.

Let me start with the budget deficit. In its most recent report, CBO projects that the bill, combined with the package of improvements that is now before the Senate, will reduce the deficit by \$138 billion over the next decade. Economists in the Commonwealth Fund have estimated that the bill will reduce the deficit even more dramatically by \$409 billion over the next 10 years. In the second decade, CBO projects that the combined bills will reduce the deficit by a broad range around one-half percent of GDP. One-half percent of GDP is \$1.3 trillion over 10 years, a significant achievement in deficit reduction.

Let's look at another number the critics too frequently ignore: savings in Medicare and Medicaid spending from innovative reforms in the delivery of health services, particularly increased efficiencies, improved quality, and the elimination of wasteful spending. Both CBO and the CMS Actuary estimate those savings at roughly \$490 billion, nearly $\frac{1}{2}$ trillion over the next 10 years. The economists at the Commonwealth Fund peg that number over half a trillion dollars, at \$576 billion. Examples of this are found in CBO's forecast that an independent, nonpartisan commission of experts with authority to determine payment rates under Medicare will save the Treasury \$13.3 billion over a 10-year period. CBO also credits Medicare payment reforms that seek to limit hospital readmissions and hospital-acquired infections with \$7.1 billion in savings, and incentives that encourage physicians to group together in cost-saving organizations with \$4.9 billion in savings. We know these things work because places such as the Mayo Clinic in Minnesota are out there doing that right now.

Not only does this bill protect the Medicare trust fund and preserve Medicare benefits, it also reduces spending growth in the outyears. The savings I have been talking about are not just a

one-off proposition and then back on the spending growth ratchet; this bill reshapes the delivery system so that Federal health care costs should never grow at this outrageous rate again. CBO and Commonwealth Fund economists find that the bill reduces the Medicare rate of growth by 2 percent. President Obama's Council of Economic Advisers estimates that the bill will:

Reduce the annual growth rate of Federal spending by a percentage point in the upcoming decade and by an even greater amount in the subsequent decade—

which would increase national savings and improve the long-run performance of the U.S. economy, in their words.

Widening the focus from public programs to the economy as a whole, the challenge posed by wasteful health care costs expands. The President's Council of Economic Advisers recently released an updated report in which they concluded that: Annual waste and inefficiency in the health care status quo approaches 5 percent of GDP, \$700 billion—billion with a "b"—\$700 billion every year in waste and inefficiency. Set aside for a moment duplicative tests, lost medical records, unnecessary treatments, and uncoordinated care for chronic patients and look just at the administrative overhead of the private insurance market. As we know, the administrative costs for Medicare run about 3 percent to 5 percent. Overhead for private insurers is an astounding 20 percent to 27 percent. A Commonwealth Fund report indicates that private insurer administrative costs increased 109 percent from 2000 to 2006, more than double in 6 years, and my colleagues can just imagine the mischievous purposes to which all that bureaucracy is being put.

The McKinsey Global Institute estimates that Americans spend roughly \$128 billion annually on excess administrative overhead of private insurance companies—\$128 billion every year. Then, of course, there are those duplicative tests: lost medical records, unnecessary treatments, and uncoordinated care for patients. Because of all of this waste in the system, the Council of Economic Advisers concludes that:

[i]t should be possible to cut total health expenditures about 30 percent without worsening outcomes . . . which would again suggest that savings on the order of 5 percent of GDP could be feasible.

Remember, again, that 5 percent of our Nation's gross domestic product is \$700 billion a year.

They are not alone. Other experts agree. The New England Health Care Institute reports that as much as \$850 billion in annual excess costs: "can be eliminated without reducing the quality of care." Former Treasury Secretary O'Neill has written recently that the excess cost is \$1 trillion a year. And the Lewin Group, which is

often cited by my colleagues on the other side of the aisle here, finds that we burn up over \$1 trillion a year through excess cost and waste in our broken health care delivery system.

Whether it is \$700 billion a year or \$1 trillion a year, it is a big savings target—bigger than anything discussed by CBO—and the tools to achieve these potential savings are in this bill. Analysts of all stripes agree that this bill does more than any previous measure to relieve the economy of this dead weight of waste and excess health care costs.

The Commonwealth Fund has projected that our bill will reduce the annual growth of national health expenditures—that is the amount that the private and public sector spend on health care every year—by 0.6 percentage points annually—\$683 billion over the next 10 years. The Council of Economic Advisers writes that “total slowing of private sector cost growth” will be approximately 1 percentage point per year.

Why does this happen? This happens because the bill begins to restructure, streamline, and modernize our disorganized and illogical medical delivery system. It changes outmoded payment systems that you will pay for good health care outcomes, not just more procedures. It funds comparative effectiveness research so you will know whether something works before you pay for it. It creates financial incentives for low-quality but high-cost providers to improve their performance, and for transparency so you will know who they are and you can avoid them. It makes investments in wellness and prevention to reduce costs by keeping you healthy in the first place. It improves the coordination of care for chronic care and multiple diagnosis patients. Anyone with a family member in that situation knows how difficult trying to organize their care is. It starts demonstration and pilot projects in Medicare to create quality-based efficiencies in health care delivery that will spread out to the private sector.

Such investments in quality of care pay proven dividends. For example, I often talk about the Keystone Project in Michigan which reduced infections, respiratory complications, and other medical errors in Michigan's intensive care units. It didn't even go to all of the intensive care units. Just in the participating ones, it saved more than 1,800 lives, over 140,000 days that patients would have spent in the hospital—140,000 saved patient days—and, of course, over 271 million health care dollars, saving lives and saving dollars.

In my home State, the Rhode Island Quality Institute has taken this model statewide with every one of our hospitals participating, and we are already seeing hospital-acquired infections and costs declining: a 16.5 percent decrease in mortality and a statewide mortality

rate almost 21 percent lower than the national average, saving the State's health care system \$6 million overall so far.

Analysts agree that there is a big savings opportunity, and many agree that we are taking the right approach to tackling it. But they also agree that the amount of savings we can achieve is uncertain. Why? Why is it uncertain if the tools are in the bill to achieve the savings? It is uncertain because administering and applying these tools effectively will be essential. Remember: We have never before taken aim at this target. We have never launched such a battery of innovative reforms, even though experts have been advocating them in some cases for decades. Success will depend on the quality of executive management, how dynamic we are in bringing these innovative tools to bear on a problem. The quality of executive management with innovative tools is simply not something that CBO knows how to score. It is not something they can do.

CBO Director Doug Elmendorf has conceded in a letter to Budget Committee Chairman KENT CONRAD:

Changes in government policy have the potential to yield large reductions in both national health care expenditures and Federal health care spending without harming health.

Many experts agree on some general directions in which the government's health care policy should move. Many of the specific changes that might ultimately prove most important cannot be foreseen today and could be developed only over time through experimentation and learning.

That is Doug Elmendorf: experimentation and learning.

That sounds an awful lot like the example used by Dr. Atul Gawande, one of our most thoughtful commentators on this subject, who analogized health care to the agricultural sector. He wrote about the agricultural sector:

That [it] was strangling the country at the beginning of the 20th century . . . The government never took over agriculture, but the government didn't leave it alone either. It shaped a feedback loop of experiments and learning and encouragement for farmers across the country.

Experiments and learning. How did that work out? To continue with Dr. Gawande:

The results were beyond what anyone could have imagined. Productivity went way up. Prices fell by half. Today, food is produced on no more land than was devoted to it a century ago and with far greater variety and abundance than ever before in history.

The strategy works because United States agencies were allowed to proceed by trial and error, continually adjusting policies over time, in response not to ideology but to hard measurement of the results against social goals . . . Pick up the Senate health care bill—yes, all 2,074 pages—and leaf through it. Almost half of it is devoted to programs that would test various ways to curb costs and increase quality . . . The bill is a hodgepodge. And it should be.

Here is how he wraps things up. He says this:

We crave sweeping transformations. However, all the current bill offers is those pilot programs, a battery of small-scale experiments. The strategy seems hopelessly inadequate to solve a problem of this magnitude. And, yet—history suggests otherwise.

David Cutler is a widely respected Harvard health care economist. He wrote in the Wall Street Journal recently that:

[o]ver the past year of debate, 10 broad ideas have been offered for bending the health care cost curve. The Democrats' proposed legislation incorporates virtually every one of them.

Professor Cutler gives the bill “full credit” on six of the cost control ideas and “partial credit” on three, including ideas regularly championed by my colleagues on the other side, such as combating fraud and abuse in the Medicare system and reform in the medical malpractice liability system.

The only area in which Cutler gives the bill zero credit is in its failure to include a public option. It is hard for our colleagues on the other side to criticize us for that since it is the thing they fought the hardest against. As codrafter with the distinguished Presiding Officer, Senator BROWN of Ohio, I deeply regret that provision was excluded. Perhaps on another occasion we will have the chance to revisit that issue. But 9 of the 10 cost control mechanisms are in this bill, and the 10th was a public option our colleagues opposed.

David Cutler concludes that “[w]hat is on the table is the most significant action on medical spending ever proposed in the United States.” In spite of the uncertainty described by CBO Director Elmendorf, Cutler estimates that the reforms will save “nearly \$600 billion over the next decade and even more in the subsequent one.”

Nobel laureate Paul Krugman agrees that “there's good reason to believe that [CBO's] estimates are too pessimistic. There are many cost-saving efforts in the proposed reform, but nobody knows how well any one of these efforts will work. And as a result, official estimates don't give the plan much credit for any of them. . . . Realistically, health reform is likely to do much better at controlling costs than any of the official projections suggest.”

Recently, three more respected health economists—Len Nichols of George Mason, Ken Thorpe of Emory, and Alan Garber of Stanford—described the bill's cost controls as vital, a significant improvement on the status quo. As Professor Thorpe neatly described it:

Under the do-nothing scenario, everything gets worse.

And MIT professor Jonathan Gruber, one of our leading health economists, said this of the bill's cost control measures:

I can't think of a thing to try they didn't try.

I ask unanimous consent for an additional minute.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WHITEHOUSE. Professor Gruber said:

I can't think of a thing to try that they didn't try. They really make the best effort anyone has ever made. Everything is in here. . . . You couldn't have done better than they are doing.

When the do-nothing crowd on the other side argues that this bill is a cost disaster, that it has no master plan, I urge that American ingenuity, through experimentation and learning, can overcome the toughest challenges, not through command and control but through a flexible, dynamic, and persistent exercise—experimentation, learning, and encouragement.

I will close by urging President Obama to specify a savings target for his administration to achieve. I have before recommended setting the target at \$200 billion in annual savings by 2014. That should be conservative and easy to achieve. But a clear and specific goal will wheel the vast apparatus of Federal bureaucracy more rapidly toward the comprehensive change we need.

When President Kennedy announced in September of 1962 that America would strive to put a man on the Moon, he set a specific target. He did not say he was going to bend the curve of space exploration; he said he would put a man on the Moon. What he said about that is this:

We choose to do such things not because they are easy, but because they are hard, because that goal will serve to organize and measure the best of our energies and skills, because that challenge is one that we are willing to accept, one we are unwilling to postpone, and one which we intend to win. . . .

Health care cost is a challenge we are indeed willing to accept, it is one we cannot afford to postpone, and it is one which we can and must and will win.

I thank the Presiding Officer for his courtesy. I yield the floor.

The PRESIDING OFFICER (Mr. WHITEHOUSE). The Senator from Ohio.

Mr. BROWN of Ohio. Mr. President, I thank you for the work you did on this bill that the President signed today to bring costs under control in our health care system, to do what we need to do to insure 32 million people, to provide consumer protections this bill offers, and to give these tax breaks immediately to America's small businesses.

One of the most important components of that is the work you and others in this Chamber did to bring costs down in this health care system, the costs that afflict taxpayers, the costs that afflict small businesses, the costs that afflict, in effect, our ability to compete around the world, and the costs that come directly out of people's pockets, those who have health insurance and those who do not, and the

huge burdens of costs. We are finally on a track to do the right thing. I thank the Presiding Officer, the Senator from Rhode Island, Mr. WHITEHOUSE.

I will speak for just a few minutes. I have come to this floor since July, as we voted the health care bill initially out of the Health, Education, Labor, and Pensions Committee, night after night mostly for the last 7 or 8 months, to share letters from Ohioans with my colleagues. There are a couple of things these letters have in common.

In most cases, these letters are written by people who have had significant problems, generally have lost their insurance or are paying so much it is hardly insurance. These letters typically come from people who a year or two ago would have told you they were satisfied with their insurance; they thought it covered what they needed. Then something happened. They either lost their job or lost their insurance or had a child born with a preexisting condition and could not get insurance for her or him or they got very sick and their care was very expensive and the insurance company cut them off or the insurance company realized they were going to be expensive—they perhaps had a preexisting condition and they were getting more expensive—or they were getting older and the insurance company found a way by charging them so much. They could not cancel the insurance, so they thought perhaps they could force the letter writer—the insurer—to cancel the insurance.

The other thing they had in common so often was so many of the letter writers were 60, 61, 62 years old and said: I can't wait until I get on Medicare because I can trust Medicare; I know Medicare is stable; it will be there for me. It is a strong government program, not socialism. Government is simply the insurer. The government has made such a difference in the lives of so many senior citizens because the Medicare Program worked.

As the Presiding Officer knows—just a little history of this institution and this bill—the same arguments that were used this year against this health care bill were used against Medicare in 1965: socialism, government takeover. Back then, it was the John Birch Society. Today, it is the tea parties. They said: A government bureaucrat will get between my doctor and me. It was not true about Medicare; it is not true now.

The public clearly sees through this. That is why this Congress passed this bill, and that is why the President today—and one of the most important things professionally in my lifetime by a long shot, maybe the most important thing as I watched the President of the United States today sign this legislation.

Let me share three or four letters from Ohioans to give you an idea what this bill means to people whom it af-

fects. We on this floor hear the debate and the partisanship and see the obstructionism from the other side, and who is going to win, Republicans or Democrats. The reason we are doing this bill is these letters. That is why it matters. You will see this.

David from northern Ohio:

My best friend's husband is a hemophiliac. He has had a pretty scary life and could be just one bleed away from death or financial ruin. They are about to hit their cap for their employer-provided insurance and have very few choices to seek out other insurance because of his preexisting condition. They have done everything that people should do—they have worked hard, put money aside for retirement, and only used their insurance when it was absolutely necessary. I can't imagine—

She writes about her friend—

the fear they must constantly feel. Please stand firm and remember those whose voices are small individually, but are strong standing together.

Health reform will help families such as David's friend's family because it will get rid of lifetime limits and arbitrary annual caps on benefits. In this case of the man who has hemophilia and his wife, they know if their health care gets too expensive, under the present system or at least the system before today, before the President signed the bill, they know they can lose their insurance if it gets too expensive. They will not have any coverage then. Under this bill, insurance companies simply can no longer do that.

Diane from Cuyahoga County writes:

We have a small business that has been in the family for many years. But after doing well, our situation is precarious because of the high cost of health insurance.

In the last few years, we have continually downgraded our health insurance coverage. We are struggling to pay our health care bills and, of course, have no dental or eye coverage.

Putting children through college, paying health insurance, and trying to keep the business afloat makes life difficult.

That is what has happened with so many small businesses. They struggle to insure themselves and their employees. In one small business, the small business has 10 employees, and if one person gets really sick and it is very expensive—cancer or something else—that company so often has to cancel their insurance simply because they cannot afford it, and their employees, even though they were not very sick, lose out.

In so many cases, as Diane points out, the insurance people do have more and more holes in it. She said: We continually downgraded our health insurance.

This bill, starting tomorrow—the President signed it today—will help by offering small businesses tax credits so employers can offer coverage to their employees. This is the first major impact this bill will have.

This bill will take a while because we want to implement it correctly and quickly enough to help people but not so quickly that we will make significant mistakes.

The first thing this bill does is provide tax incentives to small businesses, such as Diane's, so they can actually write good insurance policies for themselves if they are self-employed and for themselves if they have a business, and with their employees.

The last letter I will share is from Cynthia from Hocking County, Logan, OH, southeast of Columbus:

My son-in-law is 40 years old with a serious medical condition that makes it extremely difficult to get around. My daughter is 42 years old and on disability. . . .

Neither of them can work and make supplemental income. They have to spend so much on medication that they are not able to pay their house payments and may have to file for bankruptcy. They also have a 16-year-old son to support. Who doesn't want to send their child to college and help him have a better life? But where will that money come from if they can't pay the bills now?

Please continue to fight for the middle and lower middle class families who insist that we be treated fairly and with dignity. We just want good insurance like lawmakers in Washington have.

This plan with the insurance exchange was based on the Federal employee plan that most Senators and Congressmen have, that most Federal employees have. This bill will provide for those who are lower income than we are, significantly lower income than we are, for people who are making \$10,000, \$20,000, or \$30,000, or \$50,000 a year, even a little more than that. It will provide them with subsidies so they can afford health insurance. We want everybody to be insured.

We know right now that every American who has insurance pays about \$1,000 extra—a tax for all intents and purposes—pays \$1,000 extra to pay for the care of people who don't have insurance and go to the hospital. Somebody has to pay for that. It is being spread around to everybody who has insurance. That extra \$1,000 will no longer happen to any significant degree because as everybody in this country or almost everybody gets insurance, people will be paying for themselves. They will get subsidies with their low income. If they have a little more money than that, they will pay everything themselves. That is why this legislation makes so much sense.

Today, we saw the President of the United States move this country forward—tax breaks for small businesses, no more preexisting conditions for a child, no more exclusions to keep a family from getting insurance. If your 22-year-old son or daughter comes home from college and cannot get a job with insurance, that daughter or son can stay on the insurance plan of their parents until they are 26.

There are a whole lot of important things. Senior citizens, starting next

year, will be able to get a physical every year without a copay, making sure our senior population stays healthier longer. We begin to close the doughnut hole so seniors, with the bill that was passed a few years ago that gave the drug companies a whole lot more money than it helped seniors—at least we are fixing that bill so seniors will see that doughnut hole closed. All of those things are part of the legislation in the next year or so as it takes effect.

This is the right thing for our country. It is an honor and a privilege to represent Ohio and to have an opportunity to vote for this legislation and to push it to work for public health.

If we look back, President Truman, when he spoke to the Congress in 1946, spoke about the importance of health care. Now 65 years later and 10 Presidents later, it has happened. It is a good day for our country, and we celebrate that. Most importantly, it gives people such as Cynthia from Hocking County, Diane, the business owner in Cleveland, and David in northern Ohio the opportunity to get on with their lives in a much more workable, practical, happier way.

Mr. President, I yield the floor.

Mr. CONRAD. Mr. President, section 301(a) of S. Con. Res. 13, the 2010 budget resolution, permits the chairman of the Senate Budget Committee to adjust the allocations of a committee or committees, aggregates, and other appropriate levels and limits in the resolution, and make adjustments to the pay-as-you-go scorecard, for legislation that is deficit-neutral over 11 years, reduces excess cost growth in health care spending, is fiscally responsible over the long term, and fulfills at least one of eight other conditions listed in the reserve fund.

I find that H.R. 3590, the Patient Protection and Affordable Care Act, which Congress cleared on March 21, 2010, fulfills the conditions of the deficit-neutral reserve fund to transform and modernize America's health care system. Therefore, pursuant to section 301(a), I am adjusting the aggregates in the 2010 budget resolution, as well as the allocation to the Senate Finance Committee.

I ask unanimous consent to have the following revisions to S. Con. Res. 13 printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2010—S. CON. RES. 13; FURTHER REVISIONS TO THE CONFERENCE AGREEMENT PURSUANT TO SECTION 301(a) DEFICIT-NEUTRAL RESERVE FUND TO TRANSFORM AND MODERNIZE AMERICA'S HEALTH CARE SYSTEM

[In billions of dollars]

Section 101

(1)(A) Federal Revenues:
FY 2009 1,532,579

CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2010—S. CON. RES. 13; FURTHER REVISIONS TO THE CONFERENCE AGREEMENT PURSUANT TO SECTION 301(a) DEFICIT-NEUTRAL RESERVE FUND TO TRANSFORM AND MODERNIZE AMERICA'S HEALTH CARE SYSTEM—Continued

[In billions of dollars]

FY 2010	1,614,208
FY 2011	1,936,581
FY 2012	2,140,285
FY 2013	2,320,247
FY 2014	2,562,348
(1)(B) Change in Federal Revenues:	
FY 2009	0,008
FY 2010	−51,778
FY 2011	−152,050
FY 2012	−220,108
FY 2013	−195,090
FY 2014	−71,310
(2) New Budget Authority:	
FY 2009	3,675,736
FY 2010	2,906,707
FY 2011	2,845,376
FY 2012	2,837,658
FY 2013	2,988,148
FY 2014	3,207,977
(3) Budget Outlays:	
FY 2009	3,358,952
FY 2010	3,015,321
FY 2011	2,969,841
FY 2012	2,871,685
FY 2013	2,992,262
FY 2014	3,181,127

CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2010—S. CON. RES. 13; FURTHER REVISIONS TO THE CONFERENCE AGREEMENT PURSUANT TO SECTION 301(a) DEFICIT-NEUTRAL RESERVE FUND TO TRANSFORM AND MODERNIZE AMERICA'S HEALTH CARE SYSTEM

[In millions of dollars]

Current Allocation to Senate Finance Committee:	
FY 2009 Budget Authority	1,178,757
FY 2009 Outlays	1,166,970
FY 2010 Budget Authority	1,237,336
FY 2010 Outlays	1,237,842
FY 2010–2014 Budget Authority	6,857,897
FY 2010–2014 Outlays	6,857,305
Adjustments:	
FY 2009 Budget Authority	0
FY 2009 Outlays	0
FY 2010 Budget Authority	8,500
FY 2010 Outlays	3,130
FY 2010–2014 Budget Authority	−7,510
FY 2010–2014 Outlays	−31,710
Revised Allocation to Senate Finance Committee:	
FY 2009 Budget Authority	1,178,757
FY 2009 Outlays	1,166,970
FY 2010 Budget Authority	1,245,836
FY 2010 Outlays	1,240,972
FY 2010–2014 Budget Authority	6,850,387
FY 2010–2014 Outlays	6,825,595

Mr. CONRAD. Mr. President, section 301(a) of S. Con. Res. 13, the 2010 budget resolution, permits the chairman of the Senate Budget Committee to adjust the allocations of a committee or committees, aggregates, and other appropriate levels and limits in the resolution, and make adjustments to the pay-as-you-go scorecard, for legislation that is deficit-neutral over 11 years, reduces excess cost growth in health care spending, is fiscally responsible over the long term, and fulfills at least one of eight other conditions listed in the reserve fund. In addition, section 303 of S. Con. Res. 13 permits the chairman of the Senate Budget Committee to adjust the allocations of a committee or

committees, aggregates, and other appropriate levels and limits in the resolution, for legislation that makes higher education more accessible and affordable, including expanding and strengthening student aid, such as Pell grants, and that does not increase the deficit over either the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

I find that H.R. 4872, the Health Care and Education Reconciliation Act of 2010, fulfills the conditions of the deficit-neutral reserve funds for health care and higher education. Therefore, pursuant to sections 301(a) and 303, I am adjusting the aggregates in the 2010 budget resolution, as well as the allocations to the Senate Finance Committee and the Senate Health, Education, Labor, and Pensions Committee.

I ask unanimous consent to have the following revisions to S. Con. Res. 13 printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2010—S. CON. RES. 13; FURTHER REVISIONS TO THE CONFERENCE AGREEMENT PURSUANT TO SECTION 301(a) DEFICIT-NEUTRAL RESERVE FUND TO TRANSFORM AND MODERNIZE AMERICA'S HEALTH CARE SYSTEM AND SECTION 303 DEFICIT NEUTRAL RESERVE FUND FOR HIGHER EDUCATION

[In billions of dollars]

Section 101	
(1)(A) Federal Revenues:	
FY 2009	1,532,579
FY 2010	1,612,278
FY 2011	1,939,131
FY 2012	2,142,415
FY 2013	2,325,527
FY 2014	2,575,718
(1)(B) Change in Federal Revenues:	
FY 2009	0.008
FY 2010	-53,708
FY 2011	-149,500
FY 2012	-217,978
FY 2013	-189,810
FY 2014	-57,940
(2) New Budget Authority:	
FY 2009	3,675,736
FY 2010	2,907,837
FY 2011	2,858,866
FY 2012	2,831,668
FY 2013	2,991,128
FY 2014	3,204,977
(3) Budget Outlays:	
FY 2009	3,358,952
FY 2010	3,015,541
FY 2011	2,976,251
FY 2012	2,878,305
FY 2013	2,992,352
FY 2014	3,181,417

CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2010—S. CON. RES. 13; FURTHER REVISIONS TO THE CONFERENCE AGREEMENT PURSUANT TO SECTION 301(a) DEFICIT-NEUTRAL RESERVE FUND TO TRANSFORM AND MODERNIZE AMERICA'S HEALTH CARE SYSTEM AND SECTION 303 DEFICIT NEUTRAL RESERVE FUND FOR HIGHER EDUCATION

[In millions of dollars]

Current Allocation to Senate Finance Committee:	
FY 2009 Budget Authority	1,178,757
FY 2009 Outlays	1,166,970
FY 2010 Budget Authority	1,245,836
FY 2010 Outlays	1,240,972

CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2010—S. CON. RES. 13; FURTHER REVISIONS TO THE CONFERENCE AGREEMENT PURSUANT TO SECTION 301(a) DEFICIT-NEUTRAL RESERVE FUND TO TRANSFORM AND MODERNIZE AMERICA'S HEALTH CARE SYSTEM AND SECTION 303 DEFICIT NEUTRAL RESERVE FUND FOR HIGHER EDUCATION—Continued

[In millions of dollars]

FY 2010–2014 Budget Authority	6,850,387
FY 2010–2014 Outlays	6,825,595
Adjustments:	
FY 2009 Budget Authority	0
FY 2009 Outlays	0
FY 2010 Budget Authority	1,500
FY 2010 Outlays	500
FY 2010–2014 Budget Authority	15,400
FY 2010–2014 Outlays	15,310
Revised Allocation to Senate Finance Committee:	
FY 2009 Budget Authority	1,178,757
FY 2009 Outlays	1,166,970
FY 2010 Budget Authority	1,247,336
FY 2010 Outlays	1,241,472
FY 2010–2014 Budget Authority	6,865,787
FY 2010–2014 Outlays	6,840,905

CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2010—S. CON. RES. 13; FURTHER REVISIONS TO THE CONFERENCE AGREEMENT PURSUANT TO SECTION 301(a) DEFICIT-NEUTRAL RESERVE FUND TO TRANSFORM AND MODERNIZE AMERICA'S HEALTH CARE SYSTEM AND SECTION 303 DEFICIT NEUTRAL RESERVE FUND FOR HIGHER EDUCATION

[In millions of dollars]

Current Allocation to Senate Health, Education, Labor, and Pensions Committee:	
FY 2009 Budget Authority	-22,612
FY 2009 Outlays	-19,258
FY 2010 Budget Authority	4,529
FY 2010 Outlays	1,575
FY 2010–2014 Budget Authority	50,562
FY 2010–2014 Outlays	44,706
Adjustments:	
FY 2009 Budget Authority	0
FY 2009 Outlays	0
FY 2009 Budget Authority	-370
FY 2010 Outlays	-280
FY 2010–2014 Budget Authority	-6,780
FY 2010–2014 Outlays	-1,680
Revised Allocation to Senate Health, Education, Labor, and Pensions Committee:	
FY 2009 Budget Authority	-22,612
FY 2009 Outlays	-19,258
FY 2010 Budget Authority	4,159
FY 2010 Outlays	1,295
FY 2010–2014 Budget Authority	43,782
FY 2010–2014 Outlays	43,026

Mr. CONRAD. Mr. President, as chairman of the Committee on the Budget, pursuant to section 313(c) of the Congressional Budget Act of 1974, I ask that the following list of reconciliation provisions considered to be extraneous and subject to the Byrd rule be printed in the RECORD. The inclusion or exclusion of a provision on the following list does not constitute a determination of extraneousness by the Presiding Officer of the Senate.

The list follows:

EXTRANEIOUS PROVISIONS OF H.R. 4872

None.

MORNING BUSINESS

Mr. BROWN of Ohio. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business, with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

AIG SEVERANCE PAYMENTS

Mr. GRASSLEY. Mr. President, I recently asked Secretary Geithner why the Treasury Department is allowing AIG to pay millions of dollars of severance pay to executives given the billions of dollars of taxpayer assistance AIG has received.

At one point I even said that AIG has the American taxpayer over a barrel and that AIG has outmaneuvered the administration.

Mr. Kenneth Feinberg, the Treasury Special Master for executive compensation, insisted he was not outmaneuvered by AIG. As it turns out, he was not outmaneuvered by AIG. Instead, he was outmaneuvered by Secretary Geithner. Let me explain what I mean.

In February, 2009, we enacted the Recovery Act. The law required Secretary Geithner to take control of the runaway executive compensation at companies that the American taxpayer bailed out.

Congress provided Mr. Geithner with several tools to accomplish this critical job.

By far the most important and most flexible tool Congress gave Mr. Geithner was a general mandate to require bailed-out companies like AIG to meet "appropriate standards" for executive compensation.

This rule was applicable to compensation already in place, compensation in the future, and compensation for all executives, not just a handful of the most senior executives.

What happened to this tool?

Well, even before the law was passed the bonuses, retention awards, and incentive compensation were "grandfathered."

That means that while one part of the statute banned them for a handful of senior executives, another part said they had to be paid if the payments were based on a contract that existed in February 2009.

We all remember the outrage when people learned that this provision was quietly added by the Senate drafters on the other side of the aisle because it required AIG to pay massive bonuses in March 2009 and again earlier this year.

Secretary Geithner was quoted in the press at the time saying that "Treasury staff" worked with the Senate drafters on the grandfather carve-out. Well, the damage was done.

The grandfather loophole was law. You might say the American taxpayer was outmaneuvered by Treasury staff too.

The President instructed Secretary Geithner to "pursue every single legal avenue to block these bonuses and make the American taxpayers whole."

The next step required Treasury to implement the law and use the tools Congress gave Mr. Geithner to put the brakes on runaway executive compensation at firms where taxpayers are footing the bill.

What did Treasury do?

One thing Treasury apparently did was hire a Wall Street executive compensation lawyer from a firm that specializes in helping highly paid executives maximize their pay, but more about that later.

Despite the public outcry over the loophole, which permitted AIG employees and others to walk away with millions, Treasury wrote a regulation that actually expands the loophole even further.

That's right, in the face of overwhelming public outrage, Treasury quietly worked to expand the loophole! Let me explain how they did that.

The grandfather provision in the law that Congress enacted protected three things: bonuses, retention awards, and incentive compensation. It did not protect severance. Let me repeat: it did not protect severance.

But in what appears to be an effort to protect severance agreements despite the statutory language, the regulations Treasury drafted expanded the term "bonus" beyond its normal meaning.

Unlike bonuses, severance payments are intended to ease someone out the door, not reward them for doing a great job. Severance is basically the opposite of a retention bonus.

But, after Treasury drafted the regulation, suddenly, severance payments were also protected by the grandfather loophole, just like bonuses. Treasury must have known exactly what it was doing.

AIG had an executive severance plan that dated back to March 2008. It was just the sort of contract the grandfather provision would protect if Treasury expanded the loophole.

And what was the impact of the Treasury regulation on the bottom line? What did American taxpayers have to pay?

Because of this regulation, AIG recently paid two of its executives \$1 million and \$3.9 million in severance pay. We don't yet know how many others have received severance or may receive it in the future.

As the law was passed, these payments would not have been protected by the grandfather provision because they were not a bonus, retention, or incentive payment.

But Treasury officials took care of that. Rather than setting appropriate standards for executive severance payments generally, as the law passed by Congress required, the regulation leaves AIG free to pay excessive severance payments to many of its executives. Then, the American taxpayer gets the bill.

The Recovery Act told Mr. Geithner that he "shall" require each bailed-out company to meet appropriate standards for executive compensation. This command covers all types of executive compensation for all executives, not just bonuses for the most senior executives.

It is a command, not a suggestion. And the grandfather provision that protects certain bonuses does not apply to this more general provision.

But the Treasury regulation almost completely ignores this mandate. It does address one form of executive compensation. The regulation bars tax gross-up payments for senior executives.

That is the practice of allowing the company to pay the executive's income taxes for him. Now don't get me wrong—tax gross-up payments should be banned for companies that were bailed out, and I am glad to see that this was done.

But Congress gave Mr. Geithner a powerful tool that should have been used to curb other types of inappropriate executive compensation as well.

That includes tax gross-ups, extravagant severance payments, and other goodies to which Wall Street thinks it is entitled.

Secretary Geithner should have used the tool as it was intended. It is like using a big tractor to plow a little flower garden.

There is nothing wrong with banning tax gross-ups or planting flower gardens, but you could have done so much more with the tool you had.

If Secretary Geithner had done what he was directed to do in the law, we would not be witnessing this spectacle.

AIG is paying multimillion-dollar severance payments at taxpayer expense to executives who chose to resign rather than work for the maximum salary of \$500,000 per year set by the Special Master.

This is a scandal as far as I am concerned. The American taxpayer, as well as Mr. Feinberg, was outmaneuvered by Secretary Geithner and his staff. And it all happened before the Special Master's first day on the job.

There is another troubling matter that I must address. I mentioned earlier that the Treasury Department hired at least one Wall Street executive compensation lawyer from a firm that specializes in helping wealthy executives maximize their pay.

There is nothing wrong, as a general matter, with hiring talented people with expertise in technical legal subjects to draft regulations and administer the law.

But there are some red flags here that need a little sunshine. We need to be sure that the people working on these issues at Treasury have dealt with any potential conflicts of interest carefully and openly.

Recently I learned that at least one Treasury official previously worked for Wachtell, Lipton, Rosen and Katz, a top Wall Street law firm. Wachtell, Lipton has represented at least two former AIG executives.

The firm's job was to look out for the interests of the executives, not the shareholders. They were paid to make

sure the compensation contracts, including severance provisions, were as generous as possible for their clients.

Wachtell, Lipton also represented Bank of America on its controversial Merrill, Lynch acquisition in 2008. A Wachtell attorney who worked on that deal joined Treasury in the spring of 2009.

He said that he then worked on the Treasury executive compensation regulations. These are the regulations I have been describing: the regulations that were to govern AIG, Bank of America and all of the other bailed-out companies.

This situation raises a host of questions, for example:

How many other Treasury officials have similar potential conflict issues?

Why wasn't the attorney recused from participating in the drafting of a regulation that was going to have a direct effect on Bank of America, his former client, and AIG executives, his firm's former clients?

Did the attorney comply with the revolving door provision of the President's Executive order, which prevents appointees from working on matters that relate to their former clients?

The President has committed to publicly disclosing all the waivers issued to exempt appointees from his ethics executive order. If this attorney recused himself, as he should have, why was that recusal not also disclosed so that the public would know about the potential conflict?

At a minimum there is the potential for an appearance of impropriety here.

What we know so far raises serious questions and red flags. But there also are facts we do not know.

Therefore, I am asking that the special inspector general for TARP investigate these issues and report his findings to Congress and the public as soon as possible.

Specifically, I am asking the inspector general to examine why Treasury did not set appropriate compensation standards pursuant to section 111(B)(2) of the Recovery Act sufficient to prevent severance payments like those AIG recently paid to its former general counsel and chief compliance officer.

I am also asking him to determine whether Treasury officials working on executive compensation matters have fully complied with the revolving door provision of the President's Ethics Executive order.

In the meantime, there are still numerous documents that I have requested that have not been provided to me despite assurance that I was going to get them.

There are many questions I have asked that remain unanswered, and I will continue to seek information on these issues.

I call on Secretary Geithner to stop stonewalling. Oversight is important. Oversight is necessary to protect the

American taxpayer. I take that duty seriously, and I am not going away. American taxpayers deserve to know where their money is going.

Mr. President, I ask unanimous consent that a copy of my letter to special inspector general Barofsky be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
COMMITTEE ON FINANCE,
Washington, DC, March 23, 2010.

Hon. NEIL M. BAROFSKY,
Special Inspector General, Office of the Special
Inspector General, Troubled Asset Relief
Program, United States Department of the
Treasury, Washington, DC.

DEAR SPECIAL INSPECTOR GENERAL BAROFSKY: I have communicated on several occasions during the last few months with the Secretary of the Treasury and the Special Master for TARP executive compensation to try to get to the bottom of why AIG was allowed to pay excessive severance awards to AIG executives after the passage of the American Recovery and Reinvestment Act of 2009 (Recovery Act). Answers have not been forthcoming and therefore I am writing to ask that you investigate these matters and report your findings to me as soon as possible. I am particularly troubled by a chronology of events that seems to suggest a deliberate decision on the part of Treasury to improperly protect executive severance pay and tie the hands of the Special Master.

The Recovery Act required the Treasury Secretary to set standards for appropriate levels of executive compensation at TARP recipients generally. It specifically prohibited the payment of bonuses, retention awards and incentive compensation to the top 25 executives at bailed-out companies like AIG, but then protected many such payments by the controversial "grandfather" provision added late in the drafting process. Consequently, bonus payments, retention awards and incentive compensation based on a contract in existence on or before February 11, 2009, were required to be paid. But the provision did not cover severance pay because severance is not generally understood to be within the meaning of incentive or retention bonuses. That is why I was surprised to learn earlier this year that AIG reportedly paid its former General Counsel \$3.9 million and its former Chief Compliance and Regulatory Officer \$1 million in severance.

Treasury published regulations on June 15, 2009, implementing the Recovery Act's executive compensation provisions. Treasury also named Mr. Kenneth Feinberg as the Special Master. It appears that, despite the earlier public outcry over the retention bonus grandfather loophole, Treasury's regulation added severance pay to the list of executive compensation items covered by the grandfather. Worse still, Treasury virtually ignored the requirement in section 111(b)(2) of the Recovery Act that the Secretary "shall require each TARP recipient to meet appropriate standards for executive compensation." Section 111(b) (2) is a general provision and is not limited by the more specific restrictions in 111(b) (3) related to the top 25 executives and the grandfather provision. Nevertheless, this mandated authority was not used to regulate severance pay for executives like the former AIG General Counsel. Therefore, I am asking you, among other things, to evaluate why Treasury did not effectively implement the Congressional

mandate in section 111(b) (2) to prevent inappropriate executive compensation, such as excessive severance payments, more broadly.

There is another troubling matter that I am asking you to review. The current Deputy Special Master joined Treasury in May 2009. He told us he participated in drafting the Treasury regulations. Of course, those regulations governed executive compensation at TARP recipients like AIG and Bank of America. The problem is that this attorney worked for the Wall Street law firm Wachtell, Lipton, Rosen & Katz prior to joining Treasury. While at Wachtell, it is my understanding that this attorney represented Bank of America during its acquisition of Merrill, Lynch in the fall of 2008. Also, the Wachtell firm represents the former CEO and former CFO of AIG on executive compensation matters, including severance. In fact, I understand that those executives may still be planning to make claims against AIG for millions of dollars of severance pay.

At a minimum this presents the appearance of serious impropriety. There are several red flags and questions stemming from this information including, for example, why was this Treasury official permitted to work on a regulation that would directly affect his former client and a client of his former law firm? Did he fully comply with the revolving door provisions of the President's Ethics Executive Order, prohibiting appointees from participating in matters involving their former clients? If he was recused, when did the recusal occur and why was it not publicly disclosed? How many other Treasury officials working on executive compensation matters have similarly undisclosed potential conflicts for which recusals have been necessary to ensure compliance with the President's executive order? What are the details of the other potential conflicts, if any? Therefore, I also ask that you examine this situation and report your findings.

Thank you in advance for your attention to this important matter. Please contact my staff if you have any questions or need additional information.

Sincerely,

CHARLES E. GRASSLEY,
Ranking Member.

ADDITIONAL STATEMENTS

REMEMBERING DONALD RUSSELL

• Mr. LIEBERMAN. Mr. President, I wish to pay tribute to the extraordinary life and service of Donald Russell, a longtime columnist for the Advocate newspaper in Stamford, CT. Don was a true American patriot and a valued public intellectual in the Stamford community. Beloved for his brilliant mind and big heart, Don Russell will be missed deeply.

I knew Don Russell for many years, and I am grateful for all of the wisdom he has offered me personally. Mostly though, I treasure the example he set in his career of devoted service. During the Second World War, Don served this country with courage and distinction as a navigator with the U.S. Army Air Corps. He went on to help pioneer the field of television news, beginning with the DuMont Television Network, one of the first ever commercial television networks in the world.

With insight, wit, and passion, Don Russell captured some of the most important moments of the 20th century as a journalist. Over a half a century ago, Don anchored the first coast-to-coast television broadcast of a Presidential inauguration when President Dwight Eisenhower took office and later won an award for his credible and well-balanced commentary during the controversial Army-McCarthy hearings in 1954. Although Don Russell was quickly recognized for his journalistic skill on the national stage—working closely with stars like Jackie Gleason and Merv Griffin—his heart remained with the hometown that I am proud to share with him: Stamford, CT.

For decades, Don Russell illuminated the hearts and minds on the radio and in his weekly columns for the Advocate. Don never hesitated to ask tough questions or take a contrarian stance on an issue. For this, he was respected and trusted by countless readers; many of whom he knew personally and others who admired him from afar. Don wrote about many of the most important issues facing our country and our world but also uniquely brought to life the challenges and opportunities facing Stamford, a city he understood and cherished like few others.

Don Russell never missed a deadline and continued writing until the end of his long and extraordinary life. We, his readers, were blessed with the opportunity to have learned from Don Russell, and I believe more broadly that our state and this nation are blessed to have people like Don Russell who truly enrich our communities. Don Russell's brilliant mind, generous spirit, and warm smile will never fade from our memory.●

TRIBUTE TO LEADER DAN MCKAY

• Mrs. McCASKILL. Mr. President, today I honor Dan McKay, a great Missourian, who has devoted much of his life to advocating for workers' rights.

Dan was born in St. Louis, MO, on February 21, 1946, to the late Harry and Marie McKay. His upbringing taught him the core Missouri values of hard work, respect, honor, and discipline. Dan started his career as a truckdriver, working for several companies in the freight industry including Yellow Transit, Time DC, Commercial Motor Freight, and many more.

Recognizing the labor movement's unwavering commitment to working families, Dan joined the movement in order to advocate on behalf of his fellow workers. He served as business representative, recording secretary, and ultimately, president of Teamsters Local 600. He also served as president of Teamsters Joint Council 13, representing 10 Teamster locals and more than 25,000 Teamster families in the State of Missouri. In those leadership roles, Dan has advocated for collective

bargaining rights, fair wages, adequate and secure pensions, and better working conditions.

His work with the Teamsters often pulled him away from his wonderful family, as he spent countless hours in contract negotiations and meetings around the State and the country. Even with his work, Dan and his wife Sharron raised two beautiful boys, Daniel Patrick and Mark Timothy McKay, and are the proud grandparents of Jesse Danielle, Dana Elaine, and Daniel Joseph McKay. His diligent and honorable tenure serves as a shining example to his children and grandchildren.

Dan and I have known each other for more years than I care to disclose. We have worked together in efforts to better the lives of thousands of our fellow Missourians. This year, Dan will be retiring after 44 years of service with the Teamsters, 14 of which were spent as the president of Teamsters Local 600. On behalf of so many Missourians, I thank Dan for his tireless work and wish him a wonderful, well-earned, and relaxing retirement. While he will no longer hold his numerous titles, I know that he will never stop fighting the good fight on behalf of all working families.●

MESSAGE FROM THE HOUSE

At 2:17 p.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 4667. An act to increase, effective as of December 1, 2010, the rates of compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for the survivors of certain disabled veterans, and for other purposes.

H.R. 4810. An act to amend title 38, United States Code, to make certain improvements in the services provided for homeless veterans under the laws administered by the Secretary of Veterans Affairs.

H.R. 4872. An act to provide for reconciliation pursuant to Title II of the concurrent resolution on the budget for fiscal year 2010 (S. Con. Res. 13).

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 4667. An act to increase, effective as of December 1, 2010, the rates of compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for the survivors of certain disabled veterans, and for other purposes; to the Committee on Veterans' Affairs.

H.R. 4810. An act to amend title 38, United States Code, to make certain improvements in the services provided for homeless veterans under the laws administered by the Secretary of Veterans Affairs; to the Committee on Veterans' Affairs.

MEASURES PLACED ON THE CALENDAR

The following bills were read the second time, and placed on the calendar:

S. 3152. A bill to repeal the Patient Protection and Affordable Care Act.

S. 3153. A bill to provide a fully offset temporary extension of certain programs so as not to increase the deficit, and for other purposes.

H.R. 4872. An Act to provide for reconciliation pursuant to Title II of the concurrent resolution on the budget for fiscal year 2010 (S. Con. Res. 13).

MEASURES READ THE FIRST TIME

The following bills were read the first time:

H.R. 4872. An Act to provide for reconciliation pursuant to Title II of the concurrent resolution on the budget for fiscal year 2010 (S. Con. Res. 13).

S. 3152. A bill to repeal the Patient Protection and Affordable Care Act.

S. 3153. A bill to provide a fully offset temporary extension of certain programs so as not to increase the deficit, and for other purposes.

S. 3158. A bill to require Congress to lead by example and freeze its own pay and fully offset the cost of the extension of unemployment benefits and other Federal aid.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-5118. A communication from the Chief of Research and Analysis, Food and Nutrition Services, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "School Food Safety Program Based on Hazard Analysis and Critical Control Point Principles" (RIN0584-AD65) received in the Office of the President of the Senate on March 19, 2010; to the Committee on Agriculture, Nutrition, and Forestry.

EC-5119. A communication from the Regulatory Officer, Foreign Agricultural Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Adjustment of Appendices to the Dairy Tariff-Rate Import Quota Licensing Regulation for the 2008 Tariff-Rate Quota Year" (7 CFR Part 6) received in the Office of the President of the Senate on March 19, 2010; to the Committee on Agriculture, Nutrition, and Forestry.

EC-5120. A communication from the Assistant Director, Executive and Political Personnel, Department of Defense, transmitting, pursuant to law, a report relative to a vacancy in the position of Principal Deputy Under Secretary of Defense (Acquisition and Technology), received in the Office of the President of the Senate on March 22, 2010; to the Committee on Armed Services.

EC-5121. A communication from the Assistant Director, Executive and Political Personnel, Department of Defense, transmitting, pursuant to law, a report relative to a vacancy in the position of Assistant Secretary of the Army (Acquisitions, Logistics, and Technology), received in the Office of the President of the Senate on March 22, 2010; to the Committee on Armed Services.

EC-5122. A communication from the Assistant Director, Executive and Political Per-

sonnel, Department of Defense, transmitting, pursuant to law, a report relative to a vacancy in the position of Under Secretary of the Air Force, received in the Office of the President of the Senate on March 22, 2010; to the Committee on Armed Services.

EC-5123. A communication from the Assistant Director, Executive and Political Personnel, Department of Defense, transmitting, pursuant to law, a report relative to a vacancy in the position of Assistant Secretary of the Air Force (Installations, Environment, and Logistics), received in the Office of the President of the Senate on March 22, 2010; to the Committee on Armed Services.

EC-5124. A communication from the Assistant Director, Executive and Political Personnel, Department of Defense, transmitting, pursuant to law, a report relative to a vacancy in the position of General Counsel of the Department of the Navy, received in the Office of the President of the Senate on March 22, 2010; to the Committee on Armed Services.

EC-5125. A communication from the Assistant Director, Executive and Political Personnel, Department of Defense, transmitting, pursuant to law, a report relative to a vacancy in the position of Assistant Secretary of the Navy (Installations and Environment), received in the Office of the President of the Senate on March 22, 2010; to the Committee on Armed Services.

EC-5126. A communication from the Assistant Director, Executive and Political Personnel, Department of Defense, transmitting, pursuant to law, a report relative to a vacancy in the position of Principal Deputy Under Secretary of Defense (Comptroller), received in the Office of the President of the Senate on March 22, 2010; to the Committee on Armed Services.

EC-5127. A communication from the Assistant Secretary of Defense (Reserve Affairs), transmitting, pursuant to law, a report relative to the quarterly reporting of withdrawals or diversions of equipment from Reserve component units; to the Committee on Armed Services.

EC-5128. A communication from the Assistant Secretary (Reserve Affairs), Department of Defense, transmitting, pursuant to law, a report relative to the annual National Guard and Reserve Equipment Report; to the Committee on Armed Services.

EC-5129. A communication from the Under Secretary of Defense, transmitting a report on the approved retirement of General Victor E. Renuart, Jr., United States Air Force, and his advancement to the grade of general on the retired list; to the Committee on Armed Services.

EC-5130. A communication from the Associate Director, Office of Foreign Assets Control, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Cuban Assets Control Regulations" (31 CFR Part 515) received in the Office of the President of the Senate on March 17, 2010; to the Committee on Banking, Housing, and Urban Affairs.

EC-5131. A communication from the Associate Director, Office of Foreign Assets Control, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Cuban Assets Control Regulations; Sudanese Sanctions Regulations; Iranian Transactions Regulations" (31 CFR Parts 515, 538, and 560) received in the Office of the President of the Senate on March 17, 2010; to the Committee on Banking, Housing, and Urban Affairs.

EC-5132. A communication from the Chief Counsel, Federal Emergency Management

Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Suspension of Community Eligibility for Failure to Enforce" ((44 CFR Part 64)(Docket No. FEMA-2008-0020)) received in the Office of the President of the Senate on March 17, 2010; to the Committee on Banking, Housing, and Urban Affairs.

EC-5133. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Final Flood Elevation Determinations" ((44 CFR Part 67)(Docket No. FEMA-2010-0003)) received in the Office of the President of the Senate on March 19, 2010; to the Committee on Banking, Housing, and Urban Affairs.

EC-5134. A communication from the Principal Deputy General Counsel, Federal Energy Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled "Revisions to Form, Procedures, and Criteria for Certification of Qualifying Facility Status for a Small Power Production or Cogeneration Facility" (RIN 1902-AG92) received in the Office of the President of the Senate on March 19, 2010; to the Committee on Energy and Natural Resources.

EC-5135. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "James R. Thompson v. United States Court of Federal Claims No. 06-211 T" (AOD-2010-14) received in the Office of the President of the Senate on March 17, 2010; to the Committee on Finance.

EC-5136. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Interim Guidance on Measurement of Continuity of Interest in Reorganizations" (Notice No. 2010-25) received in the Office of the President of the Senate on March 19, 2010; to the Committee on Finance.

EC-5137. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Applicable Federal Rates-April 2010" (Rev. Proc. 2010-11) received in the Office of the President of the Senate on March 19, 2010; to the Committee on Finance.

EC-5138. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Section 41 (b) Extraordinary Expenditures for Utilities" (UIL41.51-01) received in the Office of the President of the Senate on March 19, 2010; to the Committee on Finance.

EC-5139. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Smart Grid Investment Grants" (Rev. Proc. 2010-20) received in the Office of the President of the Senate on March 19, 2010; to the Committee on Finance.

EC-5140. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Update of Weighted Average Interest Rates, Yield Curves, and Segment Rates" (Notice No. 2010-24) received in the Office of the President of the Senate on March 16, 2010; to the Committee on Finance.

EC-5141. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Qualified School Construction Bond Allocations for 2010" (Rev. Proc. 2010-17) received in the Office of the President of the Senate on March 19, 2010; to the Committee on Finance.

EC-5142. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, an annual report on the Child Support Enforcement Program for fiscal year 2007; to the Committee on Finance.

EC-5143. A communication from the Chief of the Trade and Commercial Regulations Branch, Customs and Border Protection, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Prohibitions and Conditions for Importations of Burmese and Non-Burmese Covered Articles of Jadeite, Rubies, and Articles of Jewelry Containing Jadeite or Rubies" (CBP Dec. 10-04) received in the Office of the President of the Senate on March 18, 2010; to the Committee on Banking, Housing, and Urban Affairs.

EC-5144. A communication from the Assistant to the Board of Governors, Division of Consumer and Community Affairs, Federal Reserve System, transmitting, pursuant to law, the report of a rule entitled "Truth in Lending" (Docket No. R-1370) received in the Office of the President of the Senate on March 19, 2010; to the Committee on Banking, Housing, and Urban Affairs.

EC-5145. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Regulation of the Interstate Movement of Lemons from an Area Quarantined for Mediterranean Fruit Fly" (Docket No. APHIS-2009-0002) received in the Office of the President of the Senate on March 18, 2010; to the Committee on Agriculture, Nutrition, and Forestry.

EC-5146. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans and Designation of Areas for Air Quality Planning Purposes; Arkansas; Redesignation of the Crittenden County, Arkansas Portion of the Memphis, Tennessee-Arkansas 1997 8-Hour Ozone Non-attainment Area to Attainment" (FRL No. 9129-2) received in the Office of the President of the Senate on March 18, 2010; to the Committee on Environment and Public Works.

EC-5147. A communication from the Chairman of the Office of Proceedings, Surface Transportation Board, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Annual Submission of Tax Information for Use in the Revenue Shortfall Allocation Method" (STB Ex Parte No. 682) received in the Office of the President of the Senate on March 17, 2010; to the Committee on Commerce, Science, and Transportation.

EC-5148. A communication from the Assistant Administrator for Fisheries, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Magnuson-Stevens Act Provisions; Correction" ((RIN0648-AS71)(RIN0648-AU71)) received in the Office of the President of the Senate on March 17, 2010; to the Committee on Commerce, Science, and Transportation.

EC-5149. A communication from the Acting Director of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Ocean Perch by Vessels in the Amendment 80 Limited Access Fishery in the Eastern Aleutian District of the Bering Sea and Aleutian Islands Management Area" (RIN0648-XS90) received in the Office of the President of the Senate on March 17, 2010; to the Committee on Commerce, Science, and Transportation.

EC-5150. A communication from the Acting Director of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Coastal Migratory Pelagic Resources of the Gulf of Mexico and South Atlantic; Closure" (RIN0648-XS51) received in the Office of the President of the Senate on March 17, 2010; to the Committee on Commerce, Science, and Transportation.

EC-5151. A communication from the Acting Director of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Reallocation of Halibut in the Gulf of Alaska" (RIN0648-XS89) received in the Office of the President of the Senate on March 17, 2010; to the Committee on Commerce, Science, and Transportation.

EC-5152. A communication from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Buffalo and Centerville, Texas)" (MB Docket No. 09-187) received in the Office of the President of the Senate on March 18, 2010; to the Committee on Commerce, Science, and Transportation.

EC-5153. A communication from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.622(i), Final DTV Table of Allotments, Television Broadcast Stations; Oklahoma City, Oklahoma" (MB Docket No. 10-19) received in the Office of the President of the Senate on March 18, 2010; to the Committee on Commerce, Science, and Transportation.

EC-5154. A communication from the Regulatory Officer, Foreign Agricultural Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Trade Adjustment Assistance for Farmers" (RIN0551-AA80) received in the Office of the President of the Senate on March 17, 2010; to the Committee on Finance.

EC-5155. A communication from the Chairman, Medicare Payment Advisory Commission, transmitting, pursuant to law, a report entitled "Report to the Congress: Medicare Payment Policy"; to the Committee on Finance.

EC-5156. A communication from the President of the United States, transmitting, pursuant to law, a report relative to additions and deletions to the list of sites, facilities, locations, and activities in the United States declared in 2009 to the International Atomic Energy Agency; to the Committee on Foreign Relations.

EC-5157. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed manufacturing license

agreement for the export of defense articles, including technical data, and defense services to the Korean Ministry of Defense relative to the continued manufacture of J79-GE-15A and -17A engines for the F-14 aircraft in the amount of \$100,000,000 or more; to the Committee on Foreign Relations.

EC-5158. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed manufacturing license agreement for the export of defense articles, including technical data, and defense services for the manufacture of MK73 Mod 3 Solid State Transmitters, subassemblies and associated components, and piece parts for the NATO Seasprow Program for the United States, NATO Consortium Member Countries, and other approved non-NATO member countries in the amount of \$100,000,000 or more; to the Committee on Foreign Relations.

EC-5159. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed manufacturing license agreement for the export of defense articles, including technical data, and defense services for the manufacture in Spain of the MK47 40mm Automatic Grenade Launcher; to the Committee on Foreign Relations.

EC-5160. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed technical assistance agreement for the export of defense articles, including technical data, and defense services to support the Proton launch of the KA-SAT Commercial Communication Satellite from the Baikonur Cosmodrome in Kazakhstan in the amount of \$50,000,000 or more; to the Committee on Foreign Relations.

EC-5161. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed technical assistance agreement for the export of defense articles, including technical data, and defense services to support the Proton launch of the SIRIUS XM-5 Commercial Communication Satellite from the Baikonur Cosmodrome in Kazakhstan in the amount of \$50,000,000 or more; to the Committee on Foreign Relations.

EC-5162. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed amendment to a manufacturing license agreement for the export of defense articles, including technical data, and defense services to support the manufacture of F404, F414, and T64 aircraft engine components to supply General Electric Aviation's production lines in the United States; to the Committee on Foreign Relations.

EC-5163. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed manufacturing license agreement for the export of defense articles, including technical data, and defense services for the manufacture of F110-GE-129 engines powering the Japanese Ministry of Defense's F-2 aircraft; to the Committee on Foreign Relations.

EC-5164. A communication from the Assistant Secretary, Bureau of Legislative Affairs,

Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed manufacturing license agreement for the export of defense articles, including technical data, and defense services to Japan to provide continued support for the manufacture of engine fuel control devices for the Japanese Ministry of Defense's F-15J aircraft in the amount of \$100,000,000 or more; to the Committee on Foreign Relations.

EC-5165. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed manufacturing license agreement for the export of defense articles, including technical data, and defense services for the continued manufacture of Advanced Rail Launchers for end use on the F-35 Lightning II aircraft for the U.S. government; to the Committee on Foreign Relations.

EC-5166. A communication from the Secretary of the Treasury, transmitting, pursuant to Executive Order 13313 of July 31, 2003, the semiannual report detailing payments made to Cuba as a result of the provision of telecommunications services pursuant to Department of the Treasury specific licenses; to the Committee on Foreign Relations.

EC-5167. A communication from the General Counsel, Institute of Museum and Library Services, transmitting, pursuant to law, a report relative to a vacancy in the position of Director of the Institute of Museum and Library Services, received in the Office of the President of the Senate on March 19, 2010; to the Committee on Health, Education, Labor, and Pensions.

EC-5168. A communication from the Chief Human Capital Officer, Corporation for National and Community Service, transmitting, pursuant to law, a report relative to a vacancy in the position of Inspector General of the Corporation for National and Community Service, received in the Office of the President of the Senate on March 19, 2010; to the Committee on Health, Education, Labor, and Pensions.

EC-5169. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Technical Amendment; Federal Emergency Management Agency's Claims Appeals" ((44 CFR Part 62) (Docket No. FEMA-2009-0009)) received in the Office of the President of the Senate on March 17, 2010; to the Committee on Homeland Security and Governmental Affairs.

EC-5170. A communication from the Acting Senior Procurement Executive, Office of Acquisition Policy, General Services Administration, transmitting, pursuant to law, the report of a rule entitled "Federal Acquisition Regulation; FAR Case 2008-006, Enhanced Competition for Task- and Delivery-Order Contracts—Section 843 of the Fiscal Year 2008 National Defense Authorization Act" (RIN9000-AL05) received in the Office of the President of the Senate on March 22, 2010; to the Committee on Homeland Security and Governmental Affairs.

EC-5171. A communication from the Acting Senior Procurement Executive, Office of Acquisition Policy, General Services Administration, transmitting, pursuant to law, the report of a rule entitled "Federal Acquisition Regulation; FAR Case 2008-040, Use of Standard Form 26—Award/Contract" (RIN9000-AL48) received in the Office of the President of the Senate on March 22, 2010; to the Committee on Homeland Security and Governmental Affairs.

EC-5172. A communication from the Acting Senior Procurement Executive, Office of Acquisition Policy, General Services Administration, transmitting, pursuant to law, the report of a rule entitled "Federal Acquisition Regulation; FAR Case 2008-012, Clarification of Submission of Cost or Pricing Data on Non-Commercial Modifications of Commercial Items" (RIN9000-AL12) received in the Office of the President of the Senate on March 22, 2010; to the Committee on Homeland Security and Governmental Affairs.

EC-5173. A communication from the Acting Senior Procurement Executive, Office of Acquisition Policy, General Services Administration, transmitting, pursuant to law, the report of a rule entitled "Federal Acquisition Regulation; FAR Case 2009-035, Extend Use of Simplified Acquisition Procedures for Certain Commercial Items" (RIN9000-AL52) received in the Office of the President of the Senate on March 22, 2010; to the Committee on Homeland Security and Governmental Affairs.

EC-5174. A communication from the Acting Senior Procurement Executive, Office of Acquisition Policy, General Services Administration, transmitting, pursuant to law, the report of a rule entitled "Federal Acquisition Regulation; Federal Acquisition Circular 205-39; Introduction" (FAC 2005-39) received in the Office of the President of the Senate on March 22, 2010; to the Committee on Homeland Security and Governmental Affairs.

EC-5175. A communication from the Acting Senior Procurement Executive, Office of Acquisition Policy, General Services Administration, transmitting, pursuant to law, the report of a rule entitled "Federal Acquisition Regulation; FAR Case 2008-015, Payments Under Fixed-Price Architect-Engineer Contracts" (RIN9000-AL26) received in the Office of the President of the Senate on March 22, 2010; to the Committee on Homeland Security and Governmental Affairs.

EC-5176. A communication from the Acting Senior Procurement Executive, Office of Acquisition Policy, General Services Administration, transmitting, pursuant to law, the report of a rule entitled "Federal Acquisition Regulation; FAR Case 2008-036, Trade Agreements—Costa Rica, Oman, and Peru" (RIN9000-AL23) received in the Office of the President of the Senate on March 22, 2010; to the Committee on Homeland Security and Governmental Affairs.

EC-5177. A communication from the Acting Senior Procurement Executive, Office of Acquisition Policy, General Services Administration, transmitting, pursuant to law, the report of a rule entitled "Federal Acquisition Regulation; Technical Amendment" (FAC 2005-39) received in the Office of the President of the Senate on March 22, 2010; to the Committee on Homeland Security and Governmental Affairs.

EC-5178. A communication from the Acting Senior Procurement Executive, Office of Acquisition Policy, General Services Administration, transmitting, pursuant to law, the report of a rule entitled "Federal Acquisition Regulation; Federal Acquisition Circular 2005-39; Small Entity Compliance Guide" (Docket FAR 2010-0077) received in the Office of the President of the Senate on March 22, 2010; to the Committee on Homeland Security and Governmental Affairs.

EC-5179. A communication from the Chairman and the General Counsel, National Labor Relations Board, transmitting, pursuant to law, a report relative to the acquisitions made annually from entities that manufacture articles, materials, or supplies outside of the United States for fiscal year 2009;

to the Committee on Homeland Security and Governmental Affairs.

EC-5180. A communication from the Secretary of Transportation, transmitting draft legislation to provide authority to compensate Federal employees for the two-day period in which authority to make expenditures from the Highway Trust Fund lapsed, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

EC-5181. A communication from the Secretary of Transportation, transmitting, pursuant to law, a report relative to the Tribal-State Road Maintenance Agreements; to the Committee on Indian Affairs.

EC-5182. A communication from the Staff Director, United States Commission on Civil Rights, transmitting, pursuant to law, the report of the appointment of members to the Missouri Advisory Committee; to the Committee on the Judiciary.

EC-5183. A communication from the Staff Director, United States Commission on Civil Rights, transmitting, pursuant to law, the report of the appointment of members to the Kansas Advisory Committee; to the Committee on the Judiciary.

EC-5184. A communication from the Staff Director, United States Commission on Civil Rights, transmitting, pursuant to law, the report of the appointment of members to the Pennsylvania Advisory Committee; to the Committee on the Judiciary.

EC-5185. A communication from the Staff Director, United States Commission on Civil Rights, transmitting, pursuant to law, the report of the appointment of members to the District of Columbia Advisory Committee; to the Committee on the Judiciary.

EC-5186. A communication from the Staff Director, United States Commission on Civil Rights, transmitting, pursuant to law, the report of the appointment of members to the Nevada Advisory Committee; to the Committee on the Judiciary.

EC-5187. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "National Emission Standards for Hazardous Air Pollutants for Area Sources: Asphalt Processing and Asphalt Roofing Manufacturing; Technical Correction" (FRL No. 9128-1) received in the Office of the President of the Senate on March 18, 2010; to the Committee on Environment and Public Works.

EC-5188. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of State Implementation Plans: Alaska" (FRL No. 9091-5) received in the Office of the President of the Senate on March 18, 2010; to the Committee on Environment and Public Works.

PETITIONS AND MEMORIALS

The following petition or memorial was laid before the Senate and was referred or ordered to lie on the table as indicated:

POM-93. A resolution adopted by the Commission of the City of Lauderhill, Florida congratulating President Barack Obama on his award of the Nobel Peace Prize; to the Committee on the Judiciary.

RESOLUTION No. 10R-02-46

Whereas, the Nobel Peace Prize has been awarded 90 times to 120 Nobel Laureates be-

tween 1901 and 2009, 97 times to individuals and 23 times to organizations; and

Whereas, the Nobel Peace Prize is a prestigious award, originated by Alfred Nobel, through his will, whereby he directed that such award be given to a person or organization, who or which, during the preceding year, shall have done the most or the best for fraternity between nations, for the abolition or reduction of standing armies and for the holding and promotion of peace congresses, and

Whereas, for 2009, the Norwegian Nobel Committee nominated and awarded the forty-fourth President of the United States of America, Barack Obama, the Nobel Peace Prize for his "extraordinary efforts to strengthen international diplomacy and cooperation between peoples"; and

Whereas, it is important for communities throughout the Nation to recognize this momentous occasion; Now, therefore, it is hereby

Resolved by the City Commission of the City of Lauderhill, Florida:

Section 1: Each "Whereas" clause set forth above is true and correct and is incorporated herein.

Section 2: The City Commission of the City of Lauderhill, Florida joined by the Honorable Mayor Richard J. Kaplan, on behalf of the citizens of the City of Lauderhill, Florida, hereby recognizes and congratulates President Barack Obama, for the award of the 2009 Nobel Peace Prize.

Section 3: The City Clerk is hereby authorized and directed to provide copies of this Resolution to President Barack Obama, Joseph Biden, Vice-President of the United States, Nancy Pelosi, Speaker of the United States House of Representatives, Honorable Florida Governor Charlie Crist, the National League of Cities, the Florida League of Cities, the Broward County League of Cities, Ken Kechel, the Honorable Mayor of Broward County, to the media, and to any other interested persons.

Section 4: If any Section, sentence, clause or phrase of this Resolution is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this Resolution.

Section 5: This Resolution shall take effect immediately upon its passage and adoption.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. DEMINT (for himself, Mr. BENNETT, Mr. VITTER, Mr. RISCH, Mrs. HUTCHISON, Mr. CRAPO, Mr. BOND, Mr. LEMIEUX, Mr. CHAMBLISS, Mr. INHOFE, Mr. ROBERTS, Mr. GRAHAM, and Mr. ENSIGN).

S. 3152. A bill to repeal the Patient Protection and Affordable Care Act; read the first time, read the second time, placed on calendar.

By Mr. GRASSLEY:

S. 3153. A bill to provide a fully offset temporary extension of certain programs so as not to increase the deficit, and for other purposes; read the first time; read the second time, placed on calendar.

By Ms. MURKOWSKI (for herself, Mr. JOHNSON, Ms. LANDRIEU, and Mr. INOUE):

S. 3154. A bill to amend the Public Health Service Act to reauthorize and extend the

Fetal Alcohol Syndrome prevention and services program, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mrs. GILLIBRAND (for herself and Mr. HATCH):

S. 3155. A bill to require reporting on certain information and communications technologies of foreign countries, to develop action plans to improve the capacity of certain countries to combat cybercrime, and for other purposes; to the Committee on Foreign Relations.

By Mr. BROWNBACK (for himself and Mr. LANDRIEU):

S. 3156. A bill to develop a strategy for assisting stateless children from North Korea, and for other purposes; to the Committee on Foreign Relations.

By Mr. CASEY (for himself, Mr. BROWN of Ohio, Ms. STABENOW, and Mr. BURRIS):

S. 3157. A bill to amend the Employee Retirement Income Security Act of 1974 and the Internal Revenue Code of 1986 to allow time for pensions to fund benefit obligations in light of economic circumstances in the financial markets of 2008, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. COBURN:

S. 3158. A bill to require Congress to lead by example and freeze its own pay and fully offset the cost of the extension of unemployment benefits and other Federal aid; read the first time.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. LAUTENBERG:

S. Res. 465. A resolution to permit the Senate to avoid unnecessary delay and vote on matters for which floor debate has ceased; to the Committee on Rules and Administration.

By Mr. KERRY (for himself, Ms. COLLINS, Mr. DURBIN, Mr. DODD, Mr. FEINGOLD, Mrs. GILLIBRAND, and Mr. CARDIN):

S. Res. 466. A resolution supporting the goals and ideals of World Water Day; to the Committee on Foreign Relations.

By Mr. MCCONNELL:

S. Res. 467. A resolution to authorize representation by the Senate Legal Counsel in the case of *Sollars v. Reid*, et al; considered and agreed to.

By Mr. FEINGOLD (for himself and Mr. KOHL):

S. Con. Res. 55. A concurrent resolution commemorating the 40th anniversary of Earth Day and honoring the founder of Earth Day, the late Senator Gaylord Nelson of the State of Wisconsin; to the Committee on the Judiciary.

ADDITIONAL COSPONSORS

S. 654

At the request of Mr. BUNNING, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S. 654, a bill to amend title XIX of the Social Security Act to cover physician services delivered by podiatric physicians to ensure access by Medicaid beneficiaries to appropriate quality foot and ankle care.

S. 850

At the request of Mr. KERRY, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 850, a bill to amend the High Seas Driftnet Fishing Moratorium Protection Act and the Magnuson-Stevens Fishery Conservation and Management Act to improve the conservation of sharks.

S. 924

At the request of Ms. MIKULSKI, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 924, a bill to ensure efficient performance of agency functions.

S. 984

At the request of Mrs. BOXER, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 984, a bill to amend the Public Health Service Act to provide for arthritis research and public health, and for other purposes.

S. 1055

At the request of Mrs. BOXER, the name of the Senator from Nevada (Mr. ENSIGN) was added as a cosponsor of S. 1055, a bill to grant the congressional gold medal, collectively, to the 100th Infantry Battalion and the 442nd Regimental Combat Team, United States Army, in recognition of their dedicated service during World War II.

S. 1215

At the request of Mr. CASEY, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 1215, a bill to amend the Safe Drinking Water Act to repeal a certain exemption for hydraulic fracturing, and for other purposes.

S. 1492

At the request of Ms. MIKULSKI, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. 1492, a bill to amend the Public Health Service Act to fund breakthroughs in Alzheimer's disease research while providing more help to caregivers and increasing public education about prevention.

S. 1611

At the request of Mr. GREGG, the names of the Senator from Wisconsin (Mr. FEINGOLD), the Senator from Washington (Mrs. MURRAY) and the Senator from Oregon (Mr. WYDEN) were added as cosponsors of S. 1611, a bill to provide collective bargaining rights for public safety officers employed by States or their political subdivisions.

S. 2749

At the request of Mrs. GILLIBRAND, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 2749, a bill to amend the Richard B. Russell National School Lunch Act to improve access to nutritious meals for young children in child care.

S. 2755

At the request of Mr. MENENDEZ, the name of the Senator from Idaho (Mr.

CRAPO) was added as a cosponsor of S. 2755, a bill to amend the Internal Revenue Code of 1986 to provide an investment credit for equipment used to fabricate solar energy property, and for other purposes.

S. 2824

At the request of Mr. KOHL, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 2824, a bill to establish a small dollar loan-loss guarantee fund, and for other purposes.

S. 2979

At the request of Mr. LEAHY, the name of the Senator from Missouri (Mrs. MCCASKILL) was added as a cosponsor of S. 2979, a bill to amend title 18, United States Code, to provide accountability for the criminal acts of Federal contractors and employees outside the United States, and for other purposes.

S. 3058

At the request of Mr. DORGAN, the names of the Senator from Virginia (Mr. WEBB) and the Senator from Washington (Ms. CANTWELL) were added as cosponsors of S. 3058, a bill to amend the Public Health Service Act to reauthorize the special diabetes programs for Type I diabetes and Indians under that Act.

S. 3123

At the request of Mr. LEAHY, the name of the Senator from Minnesota (Mr. FRANKEN) was added as a cosponsor of S. 3123, a bill to amend the Richard B. Russell National School Lunch Act to require the Secretary of Agriculture to carry out a program to assist eligible schools and nonprofit entities through grants and technical assistance to implement farm to school programs that improve access to local foods in eligible schools.

S. 3138

At the request of Mr. CARDIN, the name of the Senator from Delaware (Mr. KAUFMAN) was added as a cosponsor of S. 3138, a bill to promote documentary films that convey a diversity of views about life in the United States and bring insightful foreign perspectives to United States audiences.

S. 3148

At the request of Mr. WEBB, the names of the Senator from Nebraska (Mr. NELSON), the Senator from Virginia (Mr. WARNER), the Senator from New York (Mrs. GILLIBRAND), the Senator from South Dakota (Mr. JOHNSON), the Senator from Alabama (Mr. SESSIONS), the Senator from Oklahoma (Mr. INHOFE), the Senator from Maryland (Mr. CARDIN), the Senator from Louisiana (Mr. VITTER), the Senator from Louisiana (Ms. LANDRIEU), the Senator from Montana (Mr. TESTER), the Senator from South Carolina (Mr. GRAHAM), the Senator from Maine (Ms. COLLINS), the Senator from Illinois (Mr. DURBIN), the Senator from New York (Mr. SCHUMER), the Senator from

Colorado (Mr. UDALL) and the Senator from Florida (Mr. LEMIEUX) were added as cosponsors of S. 3148, a bill to amend the Internal Revenue Code of 1986 to provide for the treatment of Department of Defense health coverage as minimal essential coverage.

S. 3150

At the request of Mr. BEGICH, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of S. 3150, a bill to increase the mileage reimbursement rate for members of the armed services during permanent change of station and to authorize the transportation of additional motor vehicles of members on change of permanent station to or from nonforeign areas outside the continental United States.

S. RES. 446

At the request of Mr. KERRY, his name was added as a cosponsor of S. Res. 446, a resolution commemorating the 40th anniversary of the Treaty on the Non-Proliferation of Nuclear Weapons.

S. RES. 464

At the request of Mr. SPECTER, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. Res. 464, a resolution recognizing the 189th anniversary of the independence of Greece and celebrating Greek and American democracy.

AMENDMENT NO. 3503

At the request of Mr. MENENDEZ, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of amendment No. 3503 proposed to H.R. 1586, an act to modernize the air traffic control system, improve the safety, reliability, and availability of transportation by air in the United States, provide for modernization of the air traffic control system, reauthorize the Federal Aviation Administration, and for other purposes.

AMENDMENT NO. 3506

At the request of Mr. MENENDEZ, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of amendment No. 3506 proposed to H.R. 1586, an act to modernize the air traffic control system, improve the safety, reliability, and availability of transportation by air in the United States, provide for modernization of the air traffic control system, reauthorize the Federal Aviation Administration, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Ms. MURKOWSKI (for herself, Mr. JOHNSON, Ms. LANDRIEU, and Mr. INOUE):

S. 3154. A bill to amend the Public Health Service Act to reauthorize and extend the Fetal Alcohol Syndrome prevention and services program, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. JOHNSON. Mr. President, today I join Senators INOUE, LANDRIEU, and MURKOWSKI in introducing the Advancing FASD Research, Prevention, and Services Act. I thank them for joining in this important effort to improve the surveillance, identification, and prevention of Fetal Alcohol Syndrome Disorders, or FASD.

I have great concern about the impact of FASD in South Dakota and across the country. This disease is entirely preventable, and yet as many as 40,000 infants each year are estimated to be born with an FASD. Researchers estimate that 1 percent of our population lives with an FASD, which is more than 3 million Americans. In my home State of South Dakota, over 7,800 individuals are suspected of living with an FASD.

The tragedy of FASD must be addressed at the source, by increasing awareness that any amount of alcohol during pregnancy can have heart-breaking, lifelong effects. We must increase efforts to reach out to all women of child-bearing age and connect those most at risk to treatment and counseling services. This bill will make available grants to federally qualified health centers to implement and evaluate programs to increase awareness and identification of FASD in those settings. Participating health centers will be able to provide training to health care providers on identifying and educating women who are at risk for alcohol consumption during pregnancy and on screening children for FASD.

Another provision in this bill will create public awareness and education campaigns in at-risk areas to further the prevention of this disease. This bill will authorize the development and broadcast of national public service announcements to raise public awareness of the risks associated with alcohol consumption during pregnancy.

We must also move past the stigma of this devastating disease to truly help those and their families who are affected by FASD get the health, education, counseling and support services they need and deserve. This bill focuses provision of services in areas where FASD-affected individuals are already receiving help. In South Dakota, more than 60 percent of people diagnosed with an FASD lived within a foster care home for some part of their lives. With that in mind, our bill works to train foster care workers and foster parents on how to best communicate with and serve children living with FASD.

Furthermore, it is estimated that 60 percent of individuals with FASD will spend some time in a correctional institution or mental health facility during their lives. Most individuals with FASD will commit their first crime between the ages of 9 and 14. To that end, our bill will provide health care and ju-

dicial system workers with the resources they need to work with and understand FASD-affected individuals when they encounter them in health care settings or the court system.

The costs of this completely preventable condition to our country are staggering, in dollars and in loss of human potential. According to a 2003 study by the Lewin Group, an FAS birth carries lifetime health costs of \$860,000 to \$4.2 million. The annual cost of FASD to South Dakota, including medical treatment, special education services, and home and residential care, is estimated to be \$18 million. Nationally, the cost for these services will approach \$6 billion this year alone, but neither of these estimates include the economic costs of lost productivity.

In my home state of South Dakota, we have had great successes in working on this issue. With the leadership of the health professionals at our esteemed universities, parents, and teachers, among countless others, we have made some important progress in addressing FASD. This legislation will bolster the efforts of these dedicated South Dakotans and many others across the country who are working hard to prevent FASD and support the children and families living with its consequences.

This bill will also provide much needed support in the area of research by requiring the National Institutes of Health to develop a research agenda focusing on the most promising avenues in diagnosis, intervention, and prevention, as well as factors that may mitigate the effects of fetal alcohol exposure.

I have long-supported efforts to put an end to this entirely preventable and destructive disease. I am pleased to be reintroducing this bill with my colleagues and encourage all of our colleagues to consider supporting this bill. I would also like to take a moment to thank former Senator Tom Daschle for his leadership on FASD. His commitment to combating this illness continues in South Dakota and in the lives of those who battle FASD every day.

By Mrs. GILLIBRAND (for herself and Mr. HATCH):

S. 3155. A bill to require reporting on certain information and communications technologies of foreign countries, to develop action plans to improve the capacity of certain countries to combat cybercrime, and for other purposes; to the Committee on Foreign Relations.

Mr. HATCH. Mr. President, I rise today to introduce the International Cybercrime Reporting and Cooperation Act with Senator KIRSTEN GILLIBRAND, which if enacted, will establish a framework for global cooperation on the fight against cybercrime. As the U.S. continues to work on combating cybercrime here at home, we must simultaneously direct our attention to

the international arena. With bipartisan support and valued input from affected industry, we have worked together on drafting a bill that encompasses reporting measures, action plans, and multilateral efforts in support of government cooperation to dismantle this global threat.

This bill increases the U.S. Government's focus on combating cybercrime internationally by requiring the President to annually report to Congress with respect to the information and communications technologies, ICT, capabilities of foreign countries, and the multilateral efforts that are undertaken. In this digital age of global connectivity, businesses and governments must always be mindful of a potential cyberattack. Cyberspace remains borderless, with no single proprietor. Accordingly, the U.S. must take the lead on maintaining the openness of the Internet, while securing accountability.

The White House cybersecurity coordinator, Howard Schmidt, recently commented about the cyberattacks on Google and referenced that the best thing to handle cyber conflicts and attacks abroad is to work with countries involved, "making sure they are doing a full-blown investigation and conferring with our law enforcement." This is one of the objectives that I have sought to accomplish in this bill. If a country is a haven for cybercrime, or simply has demonstrated a pattern of uncooperative behavior with efforts to combat cybercrime, that nation must be held accountable. The government of each country must conduct criminal investigations and prosecute criminals when there is credible evidence of cybercrime incidents against the U.S. Government, our private entities or our people.

In this bill, the President would submit to Congress an annual report assessing the extent of use of the Internet in critical infrastructure, telecommunications and the financial industry for each member state of the United Nations. The report would assess the effectiveness of each country's legal and law enforcement systems in addressing cybercrime, and the measures taken by each country to ensure free flow of commerce and the protection of Internet consumers. The annual report would also describe U.S. actions to promote multilateral efforts, as well as other multilateral efforts to prevent and investigate cybercrime, and develop best practices to combat cybercrime. The report will also identify and prioritize countries that are at risk of becoming cybercrime havens due to their lack of technology and enforcement resources. We must be able to utilize our foreign assistance programs to help countries with low ICT development, and ensure they are ready to stand on their own to combat cybercrime, even long after the foreign assistance has ended.

Obviously, to be effective in our fight against cybercrime, the global community must work together to keep all countries accountable for their actions. Toward that end, one year after submitting the first report, the International Cybercrime Reporting and Cooperation Act would direct the President to create an action plan for each country of cyber concern, to assist the government of that country and create benchmarks. If the country of cyber concern has not taken any of the recommended actions to curtail or prevent cybercrime, various enforcement actions against the country may be taken, including prohibiting the approval of financing from the Overseas Private Investment Corporation or the Export-Import Bank. With so many U.S. companies doing business overseas, we must do our part to safeguard their employees, their jobs, and their clients from cyberattacks. Our objective is simple: We need international cooperation to increase assistance and prevention efforts of cybercrime from those countries deemed to be of cyber concern. Without international cooperation, our economy, security, and people will continue to be under threat.

To ensure that the most comprehensive information is considered, this bill encourages the President to reach out to industry, civil society and other interested parties in crafting the annual report. Senator GILLIBRAND and I took the time to listen to many stakeholders and create a bill that addresses real concerns. To provide an outlet to bring together the input of affected and interested parties, we have worked with the Department of State to designate not only a senior official in Washington to coordinate and focus on cybercrime as a foreign policy issue, but the assignment of employees with primary responsibility of cybercrime policy in each country or region that is a key player in the fight to combat cybercrime globally. These government employees assigned overseas will ensure that companies doing business abroad will have an additional channel to report and discuss cybercrime. I am pleased to say that this bill has gained vast support from all areas of the financial and high-tech sectors.

Cybercrime is a tangible threat to the security of the global economy, which is why we need to coordinate our fight worldwide. Until countries begin to take the necessary steps to fight criminals within their borders, cybercrime havens will continue to flourish. We do not have the luxury to sit back and do nothing, and the International Cybercrime Reporting and Cooperation Act will not only function as a deterrent of cybercrime, but will prove to be an essential tool necessary to keep the Internet open for business. Countries that knowingly permit cybercriminals to attack within their borders will now know that the U.S. is

watching, the global community is watching, and there will be consequences for not acting.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 465—TO PERMIT THE SENATE TO AVOID UNNECESSARY DELAY AND VOTE ON MATTERS FOR WHICH FLOOR DEBATE HAS CEASED

Mr. LAUTENBERG submitted the following resolution; which was referred to the Committee on Rules and Administration:

S. RES. 465

Resolved,

SECTION 1. AMENDMENT TO THE STANDING RULES OF THE SENATE.

Paragraph 2 of rule XXII of the Standing Rules of the Senate is amended by—

(1) inserting after the second undesignated subparagraph the following:

“Following the filing of the cloture motion and prior to the cloture vote, as long as the matter on which cloture has been filed remains the pending matter—

“(1) there shall be no dilatory motion, including dilatory quorum calls, in order; and

“(2) if, at any time, no Senator seeks recognition on the floor, it shall be in order for the Majority Leader to move the question on cloture as long as any applicable filing deadline for first degree amendments has passed.”; and

(2) inserting after the fifth undesignated subparagraph (after the amendment by paragraph (1)) the following:

“If, at any time after cloture is invoked on an executive nomination or a motion to proceed, no Senator seeks recognition on the floor, it shall be in order for the Majority Leader to move the question on which cloture has been invoked.”.

SENATE RESOLUTION 466—SUPPORTING THE GOALS AND IDEALS OF WORLD WATER DAY

Mr. KERRY (for himself, Ms. COLLINS, Mr. DURBIN, Mr. DODD, Mr. FEINGOLD, Mrs. GILLIBRAND, and Mr. CARDIN) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 466

Whereas United Nations Resolution 47/193, adopted by the General Assembly on December 22, 1992, designates March 22 of each year as World Day for Water;

Whereas a person needs a minimum of 20 liters of water per day to live;

Whereas a person can live weeks without food, but only days without water;

Whereas diseases related to inadequate water, sanitation, and hygiene trigger 4,000,000,000 cases of diarrhea and 2,000,000,000 infections by parasitic intestinal worms annually;

Whereas 50 percent of childhood malnutrition in the world is caused by water- and sanitation-related diseases;

Whereas a child dies from a water-borne disease every 15 seconds;

Whereas water- and sanitation-related diseases are the leading cause of death for children under 5 years of age;

Whereas millions of women and children spend several hours a day collecting water from distant, often polluted sources;

Whereas women and children bear disproportionate economic and educational costs associated with unsafe drinking water and poor sanitation;

Whereas every dollar spent on water and sanitation saves an average of \$8 in costs averted and productivity gained;

Whereas water- and sanitation-related diseases account for 80 percent of the sicknesses in developing countries;

Whereas 884,000,000 people lack access to an improved water supply;

Whereas 2,500,000,000 people in the world lack access to improved sanitation;

Whereas the 263 transboundary lake and river basins in the world include territory in 145 countries and cover nearly ½ of the Earth's land surface;

Whereas climate change may cause more extreme floods and droughts, increasing tension and potential clashes over transboundary freshwater resources;

Whereas the global celebration of World Water Day is an initiative that grew out of the 1992 United Nations Conference on Environment and Development in Rio de Janeiro to draw attention to the global water, sanitation, and hygiene crisis;

Whereas the Plan of Implementation of the World Summit on Sustainable Development, adopted by the 2002 Johannesburg summit participants, including the United States, sets forth the goal to reduce by ½, between 1990 and 2015, “the proportion of people who are unable to reach or to afford safe drinking water” and “the proportion of people who do not have access to basic sanitation”; and

Whereas the Senator Paul Simon Water for the Poor Act of 2005 (Public Law 109-121) required the Secretary of State to develop a strategy to “elevate the role of water and sanitation policy in the development of U.S. foreign policy and improve the effectiveness of U.S. official programs undertaken in support of the strategy”;

Now, therefore, be it

Resolved, That the Senate—

(1) supports the goals and ideals of World Water Day, which will be observed on March 22;

(2) urges the Department of State, the United States Agency for International Development, and all relevant Federal departments and agencies to increase the efforts and resources dedicated to—

(A) providing sustainable and equitable access to safe drinking water and sanitation; and

(B) improving the capacity for water resource management for the poor and the very poor; and

(3) encourages the people of the United States to observe the day with appropriate activities that promote awareness of the importance of—

(A) access to clean water and adequate sanitation; and

(B) stakeholder cooperation on transboundary water management.

Mr. DURBIN. Mr. President, yesterday, countries around the world celebrated World Water Day. This is a day to celebrate the progress we have made protecting this most important resource and to reflect on the many challenges we still face in providing clean, safe water to the world's poor.

I was heartened to see that Secretary of State Clinton spoke at the National Geographic World Water Day event on

Monday. She and others at the Department of State and USAID are doing a great job stepping up U.S. leadership on issues of clean water and sanitation.

Last year alone, American development assistance helped more than 4 million people access an improved water source for the first time. While we are proud of this help, we recognize that much more needs to be done.

Today, nearly 1 billion people still lack access to safe drinking water, and more than 2 billion still lack basic sanitation. Lack of access to stable supplies of water is reaching critical proportions, particularly for agricultural purposes. The problem will only worsen with rapid urbanization worldwide. Experts suggest that another 1.2 billion people will lack access to clean water and sanitation within 20 years.

The overall economic loss in Africa alone due to lack of access to safe water and basic sanitation is estimated at \$28.4 billion a year. In many poor nations, women and girls walk 2 or 3 hours or more each way, every day, to collect water that is often dirty and unsafe. The U.N. estimates that women and girls in sub-Saharan Africa spend a total of 40 billion working hours each year collecting water. That is equivalent to all of the hours worked in France in a year. Clearly, the world needs to do more to help with such a basic human need.

That is why Senator CORKER and I introduced the Paul Simon Water for the World Act—a bill that would strengthen America's ability to provide clean water and sanitation to 100 million of the world's poor over the next 6 years.

I am pleased that the bill is on the Senate Foreign Relations Committee agenda and thank Senators KERRY, LUGAR, CORKER and so many others for their support on this effort. I look forward to the bill's consideration from the Foreign Relations Committee and urge my colleagues to support passage of the bill once it has been reported.

The Paul Simon water for the world bill would put the United States in the forefront of providing poor people around the world with a most fundamental need—water. This is not an effort to create vast new programs, but to focus our foreign assistance efforts on a comprehensive, strategic series of investments related to water and sanitation. These are simple, commonsense steps that will make a real difference in people's lives.

Our legislation would make the U.S. a leader in meeting key millennium development goals for drinking water and sanitation, which is to reduce by half the proportion of people without safe water and sanitation by 2015. The bill targets aid to areas with the greatest need. It helps build the capacity of poor nations to meet their own water and sanitation challenges.

The Water for the World Act also supports research on clean water tech-

nologies and regional partnerships to find solutions to shared water challenges. The bill provides technical assistance—best practices, credit authorities, and training—to help countries expand access to clean water and sanitation. Our development experts will design the assistance based on local needs.

The bill would also strengthen the capacity of USAID and the State Department to implement development assistance efforts related to water and ramp up U.S. developmental and diplomatic leadership.

I know that these steps do make a difference. On a recent trip to east Africa, I saw American development assistance in Tanzania, the Democratic Republic of Congo, Ethiopia, and Sudan and had an opportunity to look at a number of global health programs including clean water and sanitation.

One program in Ethiopia was provided by a nongovernmental organization called AMREF in the Kechene slum area of the capital of Addis Ababa. The 380 people living in the Kechene area have basically had to carry in water for years because there was no running water. But because of an AMREF project, they were able to build 22 water kiosks in the country and one in this slum area. It seems like something so simple, but it has changed their lives. They now have a source of safe drinking water.

Very near the small lean-tos they live in, they have two showers, toilet facilities, and a source of clean drinking water—none of which they had before. The small fee that is charged by the residents who maintain it helps keep it clean and functional.

The residents couldn't help but beam with pride as we took a look at a most basic yet critical source of community pride. Disease is down, threats to women who otherwise would have to walk great distances to obtain water are down, and the community even has a small source of income and employment. These are the kinds of simple self-sustaining projects the U.S. should be supporting for the world's poor.

Water scarcity can also be a source of conflict and economic calamity. Last year millions in the horn of Africa suffered from famine because of droughts. Without reliable supplies of water, farmers struggle to grow crops, and areas once abundant with water are slowly becoming barren.

I was reminded of these challenges talking to a government minister in Sudan. When I asked about the impact of climate change in his country, he immediately wanted to take me to the Nile to show how the river had shrunk in volume. Can you imagine the Nile River, which sustains a land where historic civilizations emerged, is now shrinking?

Helping other nations is in our national interest. Some say that now is

not the time to invest in poor nations half a world away when our economy is in crisis and so many Americans are hurting. That view is understandable. Recovering from this recession and rebuilding our economy for the long-term must be, and is, our government's top priority. But investing in clean water for the world is a smart strategy that will make our foreign assistance dollars achieve more—something we need in these hard economic times.

We know what the solutions are and we know they are cost effective. For every dollar invested in water and sanitation, \$8 are returned in increased productivity and decreased health care costs. Just imagine how bringing such a basic need to the world's poor will impact America's image—particularly at a time when we are in a battle of ideas in many parts of the world.

The Water for the World Act builds on the similarly named landmark legislation—the Senator Paul Simon Water for the Poor Act—that at long last made safe drinking water and sanitation a priority of U.S. foreign development assistance.

I owe my passion on water to my predecessor and long time mentor the late Senator Paul Simon. Paul Simon was a prolific author and visionary. He wrote books on a variety of compelling issues, and solving the global water crisis was his last great campaign. He knew the United States had the ability to be a leader on this issue.

Two years after Paul Simon died the Senator Paul Simon Water for the Poor Act was signed into law in December 2005. The act has made a big difference to the world's poor, but we can do more. I can think of no better way to honor a man who did so much for so many, than to commit ourselves to achieving this vision and the ideals of the Senator Paul Simon Water for the Poor Act.

Water is one of the defining challenges of the 21st century. No other issue is more important to human health, peace and security than access to sustainable supplies of water. As we celebrate World Water Day this week, let us renew our commitment to making sure the world's poor have access to this most basic human need.

SENATE RESOLUTION 467—TO AUTHORIZE REPRESENTATION BY THE SENATE LEGAL COUNSEL IN THE CASE OF SOLLARS V. REID, ET AL

Mr. MCCONNELL submitted the following resolution; which was considered and agreed to:

S. RES. 467

Whereas, in the case of Sollars v. Reid, et al., Case No. 1:09-CV-361, pending in the United States District Court for the Northern District of Indiana, plaintiff has named as defendants eight Senators; and

Whereas, pursuant to sections 703(a) and 704(a)(1) of the Ethics in Government Act of

1978, 2 U.S.C. §§288b(a) and 288c(a)(1), the Senate may direct its counsel to defend Members of the Senate in civil actions relating to their official responsibilities: Now therefore, be it

Resolved, That the Senate Legal Counsel is authorized to represent all defendant Senators in the case of *Sollars v. Reid*, et al.

SENATE CONCURRENT RESOLUTION 55—COMMEMORATING THE 40TH ANNIVERSARY OF EARTH DAY AND HONORING THE FOUNDER OF EARTH DAY, THE LATE SENATOR GAYLORD NELSON OF THE STATE OF WISCONSIN

Mr. FEINGOLD (for himself and Mr. KOHL) submitted the following concurrent resolution; which was referred to the Committee on the Judiciary:

S. CON. RES. 55

Whereas Gaylord Nelson, former United States Senator from the State of Wisconsin, is recognized as 1 of the leading environmentalists of the 20th century;

Whereas Gaylord Nelson helped launch an international era of environmental awareness and activism;

Whereas Gaylord Nelson grew up in Clear Lake, Wisconsin;

Whereas Gaylord Nelson maintained and exemplified the progressive values of Clear Lake, Wisconsin while rising to national prominence;

Whereas Gaylord Nelson served with distinction—

(1) as a Senator in the Wisconsin State Senate from 1949 through 1959;

(2) as Governor of the State of Wisconsin from 1959 through 1963; and

(3) as a Senator in the United States Senate from 1963 through 1981;

Whereas Gaylord Nelson founded Earth Day, which was first celebrated on April 22, 1970, by approximately 20,000,000 people across the United States;

Whereas, at the time, the first celebration of Earth Day was the largest environmental grassroots event ever held;

Whereas, on the first celebration of Earth Day, Gaylord Nelson called on the people of the United States to hold elected officials accountable for protecting the health of the people of the United States and the natural environment;

Whereas the first celebration of Earth Day launched the Environmental Decade, an unparalleled period of legislative and grassroots activity that resulted in the passage of 28 major pieces of environmental legislation from 1970 through 1980, including—

(1) the Clean Air Act (42 U.S.C. 7401 et seq.);

(2) the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.); and

(3) the National Environmental Education Act (20 U.S.C. 5501 et seq.);

Whereas Gaylord Nelson was responsible for legislation that—

(1) created the Apostle Islands National Lakeshore and the St. Croix Wild and Scenic Riverway; and

(2) protected other important natural treasures of the State of Wisconsin and the United States;

Whereas Gaylord Nelson sponsored legislation to ban phosphates in household detergents and the use of dichlorodiphenyltrichloroethane (DDT);

Whereas Gaylord Nelson worked tirelessly to ensure clean water and clean air for all people of the United States;

Whereas, in addition to providing environmental leadership, Gaylord Nelson—

(1) fought for civil rights;

(2) enlisted in the War on Poverty;

(3) challenged drug companies and tire manufacturers to protect consumers; and

(4) to defend and protect civil liberties, stood up to Senator Joseph McCarthy, the Un-American Activities Committee of the House of Representatives, and the Nixon Administration;

Whereas Gaylord Nelson was a patriot, who as a young soldier honorably served 46 months in the Armed Forces during World War II;

Whereas Gaylord Nelson, as a Senator, courageously opposed the Vietnam War and worked to ban the use of the toxic defoliant Agent Orange;

Whereas, in 1995, Gaylord Nelson was awarded the Presidential Medal of Freedom, the highest honor awarded to civilians in the United States;

Whereas the legacy of Gaylord Nelson has inspired an environmental ethic and an appreciation and understanding of the importance of being good stewards of the environment and the planet in generations of the people of the United States;

Whereas Gaylord Nelson was an extraordinary statesman, public servant, environmentalist, husband, father, and friend; and

Whereas Gaylord Nelson never let disagreement on the issues become personal or partisan: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress commemorates the 40th anniversary of Earth Day and honors the founder of Earth Day, the late Senator Gaylord Nelson of the State of Wisconsin.

AMENDMENTS SUBMITTED AND PROPOSED

SA 3556. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 4872, to provide for reconciliation pursuant to Title II of the concurrent resolution on the budget for fiscal year 2010 (S. Con. Res. 13); which was ordered to lie on the table.

SA 3557. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 4872, supra; which was ordered to lie on the table.

SA 3558. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 4872, supra; which was ordered to lie on the table.

SA 3559. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 4872, supra; which was ordered to lie on the table.

SA 3560. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 4872, supra; which was ordered to lie on the table.

SA 3561. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 4872, supra; which was ordered to lie on the table.

SA 3562. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 4872, supra; which was ordered to lie on the table.

SA 3563. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 4872, supra; which was ordered to lie on the table.

SA 3564. Mr. GRASSLEY (for himself and Mr. ROBERTS) submitted an amendment intended to be proposed by him to the bill H.R. 4872, supra.

SA 3565. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill H.R. 4872, supra; which was ordered to lie on the table.

SA 3566. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 4872, supra; which was ordered to lie on the table.

SA 3567. Mr. GREGG (for himself and Mr. COBURN) proposed an amendment to the bill H.R. 4872, supra.

SA 3568. Mr. BENNETT (for himself, Mr. WICKER, Mr. BROWNBACK, Mr. HATCH, Mr. ROBERTS, Mr. INHOFE, Mr. CORNYN, and Mr. ENZI) submitted an amendment intended to be proposed by him to the bill H.R. 4872, supra; which was ordered to lie on the table.

SA 3569. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill H.R. 4872, supra; which was ordered to lie on the table.

SA 3570. Mr. MCCAIN (for himself, Mr. BURR, and Mr. COBURN) proposed an amendment to the bill H.R. 4872, supra.

SA 3571. Ms. COLLINS submitted an amendment intended to be proposed by her to the bill H.R. 4872, supra; which was ordered to lie on the table.

SA 3572. Ms. COLLINS submitted an amendment intended to be proposed by her to the bill H.R. 4872, supra; which was ordered to lie on the table.

SA 3573. Ms. COLLINS submitted an amendment intended to be proposed by her to the bill H.R. 4872, supra; which was ordered to lie on the table.

SA 3574. Mr. LEMIEUX submitted an amendment intended to be proposed by him to the bill H.R. 4872, supra; which was ordered to lie on the table.

SA 3575. Mr. LEMIEUX submitted an amendment intended to be proposed by him to the bill H.R. 4872, supra; which was ordered to lie on the table.

SA 3576. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill H.R. 4872, supra; which was ordered to lie on the table.

SA 3577. Mr. ROBERTS submitted an amendment intended to be proposed by him to the bill H.R. 4872, supra; which was ordered to lie on the table.

SA 3578. Mr. ROBERTS submitted an amendment intended to be proposed by him to the bill H.R. 4872, supra; which was ordered to lie on the table.

SA 3579. Mr. ROBERTS (for himself, Mr. INHOFE, and Mr. BROWN of Massachusetts) submitted an amendment intended to be proposed by him to the bill H.R. 4872, supra; which was ordered to lie on the table.

SA 3580. Mr. ROBERTS submitted an amendment intended to be proposed by him to the bill H.R. 4872, supra; which was ordered to lie on the table.

SA 3581. Mr. ROBERTS submitted an amendment intended to be proposed by him to the bill H.R. 4872, supra; which was ordered to lie on the table.

SA 3582. Mr. BARRASSO (for himself, Mr. HATCH, and Mr. COBURN) proposed an amendment to the bill H.R. 4872, supra.

SA 3583. Ms. SNOWE submitted an amendment intended to be proposed by her to the bill H.R. 4872, supra; which was ordered to lie on the table.

SA 3584. Ms. SNOWE submitted an amendment intended to be proposed by her to the bill H.R. 4872, supra; which was ordered to lie on the table.

SA 3585. Ms. SNOWE submitted an amendment intended to be proposed by her to the bill H.R. 4872, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 3556. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 4872, to provide for reconciliation pursuant to Title II of the concurrent resolution on the budget for fiscal year 2010 (S. Con. Res. 13); which was ordered to lie on the table; as follows:

At the end of subtitle D of title I, add the following:

SEC. 1306. REDUCING HEALTH CARE COSTS BY ELIMINATING PAYMENTS FOR FRAUDULENT CLAIMS AND PROHIBITING COVERAGE FOR ABORTION DRUGS AND ERECTILE DYSFUNCTION DRUGS FOR RAPISTS AND CHILD MOLESTERS.

(a) **ELIMINATING FRAUDULENT PAYMENTS FOR PRESCRIPTION DRUGS.**—The Secretary shall establish a fraud prevention system and issue guidance to—

(1) prevent the processing of claims of prescribing providers and dispensing pharmacies debarred from Federal contracts or excluded from the Medicare program under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.) or the Medicaid program under title XIX of such Act (42 U.S.C. 1396 et seq.);

(2) ensure that drug utilization reviews and restricted recipient program requirements adequately identify and prevent doctor shopping and other abuses of controlled substances;

(3) develop a claims processing system to identify duplicate enrollments and deaths of Medicaid beneficiaries and prevent the approval of fraudulent claims; and

(4) develop a claims processing systems to identify deaths of Medicaid providers and prevent the approval of fraudulent claims filed using the identity of such providers.

(b) **PROHIBITING COVERAGE OF CERTAIN PRESCRIPTION DRUGS.**—

(1) **IN GENERAL.**—Health programs administered by the Federal Government and American Health Benefit Exchanges (as described in section 1311 of the Patient Protection and Affordable Care Act) shall not provide coverage or reimbursement for—

(A) prescription drugs to treat erectile dysfunction for individuals convicted of child molestation, rape, or other forms of sexual assault; or

(B) drugs prescribed with the intent of inducing an abortion for reasons other than as described in paragraph (2).

(2) **EXCEPTIONS.**—The limitation under paragraph (1)(B) shall not apply to an abortion—

(A) in the case where a woman suffers from a physical disorder, physical injury, or physical illness that would, as certified by a physician, place the woman in danger of death unless an abortion is performed, including a life-endangering physical condition caused by or arising from the pregnancy itself; or

(B) if the pregnancy is the result of an act of forcible rape or incest.

SA 3557. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 4872, to provide for reconciliation pursuant to Title II of the concurrent resolution on the budget for fiscal year 2010 (S. Con. Res. 13); which was ordered to lie on the table; as follows:

At the end of subtitle B of title II, add the following:

SEC. 2304. BUREAUCRAT LIMITATION.

For each new bureaucrat added to any department or agency of the Federal Govern-

ment for the purpose of implementing the provisions of the Patient Protection and Affordable Care Act (or any amendment made by such Act), the head of such department or agency shall ensure that the addition of such new bureaucrat is offset by a reduction of 1 existing bureaucrat at such department or agency.

SA 3558. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 4872, to provide for reconciliation pursuant to Title II of the concurrent resolution on the budget for fiscal year 2010 (S. Con. Res. 13); which was ordered to lie on the table; as follows:

At the end of subtitle B of title II, add the following:

SECTION 2304. LIMITATION OF POWERS OF THE SECRETARY.

Notwithstanding any other provision of law, the Secretary of Health and Human Services shall have no power or authority other than such power and authority granted by statute and in effect before January 1, 2010.

SA 3559. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 4872, to provide for reconciliation pursuant to Title II of the concurrent resolution on the budget for fiscal year 2010 (S. Con. Res. 13); which was ordered to lie on the table; as follows:

Strike subsection (a) of section 2301.

SA 3560. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 4872, to provide for reconciliation pursuant to Title II of the concurrent resolution on the budget for fiscal year 2010 (S. Con. Res. 13); which was ordered to lie on the table; as follows:

At the end of title I, add the following:

**Subtitle G—Additional Provisions
Eliminating Waste, Fraud, and Abuse**

SEC. 1601. SITE INSPECTIONS; BACKGROUND CHECKS; DENIAL AND SUSPENSION OF BILLING PRIVILEGES.

(a) **SITE INSPECTIONS FOR DME SUPPLIERS, COMMUNITY MENTAL HEALTH CENTERS, AND OTHER PROVIDER GROUPS.**—Title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.), as amended by sections 3022 and 3403 of the Patient Protection and Affordable Care Act, is amended by adding at the end the following:

“SITE INSPECTIONS FOR DME SUPPLIERS, COMMUNITY MENTAL HEALTH CENTERS, AND OTHER PROVIDER GROUPS

“SEC. 1899B. (a) **SITE INSPECTIONS.**—

“(1) **IN GENERAL.**—The Secretary shall conduct a site inspection for each applicable provider (as defined in paragraph (2)) that applies to enroll under this title in order to provide items or services under this title. Such site inspection shall be in addition to any other site inspection that the Secretary would otherwise conduct with regard to an applicable provider.

“(2) **APPLICABLE PROVIDER DEFINED.**—

“(A) **IN GENERAL.**—Except as provided in subparagraph (B), in this section the term ‘applicable provider’ means—

“(i) a supplier of durable medical equipment (including items described in section 1834(a)(13));

“(ii) a supplier of prosthetics, orthotics, or supplies (including items described in paragraphs (8) and (9) of section 1861(s));

“(iii) a community mental health center; or

“(iv) any other provider group, as determined by the Secretary (including suppliers, both participating suppliers and non-participating suppliers, as such terms are defined for purposes of section 1842).

“(B) **EXCEPTION.**—In this section, the term ‘applicable provider’ does not include—

“(i) a physician that provides durable medical equipment (as described in subparagraph (A)(i)) or prosthetics, orthotics, or supplies (as described in subparagraph (A)(ii)) to an individual as incident to an office visit by such individual; or

“(ii) a hospital that provides durable medical equipment (as described in subparagraph (A)(i)) or prosthetics, orthotics, or supplies (as described in subparagraph (A)(ii)) to an individual as incident to an emergency room visit by such individual.

“(b) **STANDARDS AND REQUIREMENTS.**—In conducting the site inspection pursuant to subsection (a), the Secretary shall ensure that the site being inspected is in full compliance with all the conditions and standards of participation and requirements for obtaining billing privileges under this title.

“(c) **TIME.**—The Secretary shall conduct the site inspection for an applicable provider prior to the issuance of billing privileges under this title to such provider.

“(d) **TIMELY REVIEW.**—The Secretary shall provide for procedures to ensure that the site inspection required under this section does not unreasonably delay the issuance of billing privileges under this title to an applicable provider.”

(b) **BACKGROUND CHECKS.**—Title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.) (as amended by subsection (a)) is amended by adding at the end the following new section:

**“BACKGROUND CHECKS; DENIAL AND
SUSPENSION OF BILLING PRIVILEGES**

“SEC. 1899C. (a) **BACKGROUND CHECK REQUIRED.**—Except as provided in subsection (b), in addition to any screening conducted under section 1866(j), the Secretary shall conduct a background check on any individual or entity that enrolls under this title for the purpose of furnishing any item or service under this title, including any individual or entity that is a supplier, a person with an ownership or control interest, a managing employee (as defined in section 1126(b)), or an authorized or delegated official of the individual or entity. In performing the background check, the Secretary shall—

“(1) conduct the background check before authorizing billing privileges under this title to the individual or entity, respectively;

“(2) include a search of criminal records in the background check;

“(3) provide for procedures that ensure the background check does not unreasonably delay the authorization of billing privileges under this title to an eligible individual or entity, respectively; and

“(4) establish criteria for targeted reviews when the individual or entity renews participation under this title, with respect to the background check of the individual or entity, respectively, to detect changes in ownership, bankruptcies, or felonies by the individual or entity.

“(b) **USE OF STATE LICENSING PROCEDURE.**—The Secretary may use the results of a State licensing procedure as a background check under subsection (a) if the State licensing

procedure meets the requirements of such subsection.

“(c) ATTORNEY GENERAL REQUIRED TO PROVIDE INFORMATION.—

“(1) IN GENERAL.—Upon request of the Secretary, the Attorney General shall provide the criminal background check information referred to in subsection (a)(2) to the Secretary.

“(2) RESTRICTION ON USE OF DISCLOSED INFORMATION.—The Secretary may only use the information disclosed under subsection (a) for the purpose of carrying out the Secretary’s responsibilities under this title.

“(d) REFUSAL TO AUTHORIZE BILLING PRIVILEGES.—

“(1) AUTHORITY.—In addition to any other remedy available to the Secretary, the Secretary may refuse to authorize billing privileges under this title to an individual or entity if the Secretary determines, after a background check conducted under this section, that such individual or entity, respectively, has a history of acts that indicate authorization of billing privileges under this title to such individual or entity, respectively, would be detrimental to the best interests of the program or program beneficiaries. Such acts may include—

“(A) any bankruptcy;

“(B) any act resulting in a civil judgment against such individual or entity; or

“(C) any felony conviction under Federal or State law.

“(2) REPORTING OF REFUSAL TO AUTHORIZE BILLING PRIVILEGES TO THE HEALTHCARE INTEGRITY AND PROTECTION DATA BANK (HIPDB).—

“(A) IN GENERAL.—Subject to subparagraph (B), a determination under paragraph (1) to refuse to authorize billing privileges under this title to an individual or entity as a result of a background check conducted under this section shall be reported to the healthcare integrity and protection data bank established under section 1128E in accordance with the procedures for reporting final adverse actions taken against a health care provider, supplier, or practitioner under that section.

“(B) EXCEPTION.—Any determination described in subparagraph (A) that the Secretary specifies is not appropriate for inclusion in the healthcare integrity and protection data bank established under section 1128E shall not be reported to such data bank.”.

(c) DENIAL AND SUSPENSION OF BILLING PRIVILEGES.—Section 1899C of the Social Security Act, as added by subsection (b), is amended by adding at the end the following new subsection:

“(e) AUTHORITY TO SUSPEND BILLING PRIVILEGES OR REFUSE TO AUTHORIZE ADDITIONAL BILLING PRIVILEGES.—

“(1) IN GENERAL.—The Secretary may suspend any billing privilege under this title authorized for an individual or entity or refuse to authorize any additional billing privilege under this title to such individual or entity if—

“(A) such individual or entity, respectively, has an outstanding overpayment due to the Secretary under this title;

“(B) payments under this title to such individual or entity, respectively, have been suspended; or

“(C) 100 percent of the payment claims under this title for such individual or entity, respectively, are reviewed on a pre-payment basis.

“(2) APPLICATION TO RESTRUCTURED ENTITIES.—In the case that an individual or entity is subject to a suspension or refusal of

billing privileges under this section, if the Secretary determines that the ownership or management of a new entity is under the control or management of such an individual or entity subject to such a suspension or refusal, the new entity shall be subject to any such applicable suspension or refusal in the same manner and to the same extent as the initial individual or entity involved had been subject to such applicable suspension or refusal.

“(3) DURATION OF SUSPENSION.—A suspension of billing privileges under this subsection, with respect to an individual or entity, shall be in effect beginning on the date of the Secretary’s determination that the offense was committed and ending not earlier than such date on which all applicable overpayments and other applicable outstanding debts have been paid and all applicable payment suspensions have been lifted.”.

(d) REGULATIONS; EFFECTIVE DATE.—

(1) REGULATIONS.—Not later than one year after the date of the enactment of this Act, the Secretary of Health and Human Services shall promulgate such regulations as are necessary to implement the amendments made by subsections (a), (b), and (c).

(2) EFFECTIVE DATES.—

(A) SITE INSPECTIONS AND BACKGROUND CHECKS.—The amendments made by subsections (a) and (b) shall apply to applications to enroll under title XVIII of the Social Security Act received by the Secretary of Health and Human Services on or after the first day of the first year beginning after the date of the enactment of this Act.

(B) DENIALS AND SUSPENSIONS OF BILLING PRIVILEGES.—The amendment made by subsection (c) shall apply to overpayments or debts in existence on or after the date of the enactment of this Act, regardless of whether the final determination, with respect to such overpayment or debt, was made before, on, or after such date.

(e) USE OF MEDICARE INTEGRITY PROGRAM FUNDS.—The Secretary of Health and Human Services may use funds appropriated or transferred for purposes of carrying out the Medicare integrity program established under section 1893 of the Social Security Act (42 U.S.C. 1395ddd) to carry out the provisions of sections 1899B and 1899C of that Act (as added by subsections (a) and (b)).

SEC. 1602. REGISTRATION AND BACKGROUND CHECKS OF BILLING AGENCIES AND INDIVIDUALS.

(a) IN GENERAL.—Title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.) (as amended by section 1601) is amended by adding at the end the following new section:

“REGISTRATION AND BACKGROUND CHECKS OF BILLING AGENCIES AND INDIVIDUALS; IDENTIFICATION NUMBERS REQUIRED FOR PROVIDERS AND SUPPLIERS

“SEC. 1899D. (a) REGISTRATION.—

“(1) IN GENERAL.—The Secretary shall establish procedures, including modifying the Provider Enrollment and Chain Ownership System (PECOS) administered by the Centers for Medicare & Medicaid Services, to provide for the registration of all applicable persons in accordance with this section.

“(2) REQUIRED APPLICATION.—Each applicable person shall submit a registration application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may require.

“(3) IDENTIFICATION NUMBER.—If the Secretary approves an application submitted under subsection (b), the Secretary shall assign a unique identification number to the applicable person.

“(4) REQUIREMENT.—Every claim for reimbursement under this title that is compiled

or submitted by an applicable person shall contain the identification number that is assigned to the applicable person pursuant to subsection (c).

“(5) TIMELY REVIEW.—The Secretary shall provide for procedures that ensure the timely consideration and determination regarding approval of applications under this subsection.

“(6) DEFINITION OF APPLICABLE PERSON.—In this section, the term ‘applicable person’ means any individual or entity that compiles or submits claims for reimbursement under this title to the Secretary on behalf of any individual or entity.

“(b) BACKGROUND CHECKS.—

“(1) IN GENERAL.—Except as provided in paragraph (2), the Secretary shall conduct a background check on any applicable person that registers under subsection (a). In performing the background check, the Secretary shall—

“(A) conduct the background check before issuing a unique identification number to the applicable person;

“(B) include a search of criminal records in the background check;

“(C) provide for procedures that ensure the background check does not unreasonably delay the issuance of the unique identification number to an eligible applicable person; and

“(D) establish criteria for periodic targeted reviews with respect to the background check of the applicable person.

“(2) USE OF STATE LICENSING PROCEDURE.—The Secretary may use the results of a State licensing procedure as a background check under paragraph (1) if the State licensing procedure meets the requirements of such paragraph.

“(3) ATTORNEY GENERAL REQUIRED TO PROVIDE INFORMATION.—

“(A) IN GENERAL.—Upon request of the Secretary, the Attorney General shall provide the criminal background check information referred to in paragraph (1)(B) to the Secretary.

“(B) RESTRICTION ON USE OF DISCLOSED INFORMATION.—The Secretary may only use the information disclosed under paragraph (1) for the purpose of carrying out the Secretary’s responsibilities under this title.

“(4) REFUSAL TO ISSUE UNIQUE IDENTIFICATION NUMBER.—In addition to any other remedy available to the Secretary, the Secretary may refuse to issue a unique identification number described in subsection (a)(3) to an applicable person if the Secretary determines, after a background check conducted under this subsection, that such person has a history of acts that indicate issuance of such number under this title to such person would be detrimental to the best interests of the program or program beneficiaries. Such acts may include—

“(A) any bankruptcy;

“(B) any act resulting in a civil judgment against such person; or

“(C) any felony conviction under Federal or State law.

“(c) IDENTIFICATION NUMBERS FOR PROVIDERS AND SUPPLIERS.—The Secretary shall establish procedures to ensure that each provider of services and each supplier that submits claims for reimbursement under this title to the Secretary is assigned a unique identification number.”.

(b) PERMISSIVE EXCLUSION.—Section 1128(b) of the Social Security Act (42 U.S.C. 1320a-7(b)), as amended by section 6402(d) of the Patient Protection and Affordable Care Act, is amended by adding at the end the following:

“(17) FRAUD BY APPLICABLE PERSON.—An applicable person (as defined in section 1899D(a)(6)) that the Secretary determines knowingly submitted or caused to be submitted a claim for reimbursement under title XVIII that the applicable person knows or should know is false or fraudulent.”.

(c) REGULATIONS; EFFECTIVE DATE.—

(1) REGULATIONS.—Not later than one year after the date of the enactment of this Act, the Secretary of Health and Human Services shall promulgate such regulations as are necessary to implement the amendments made by subsections (a) and (b).

(2) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall apply to applicable persons and other entities on and after the first day of the first year beginning after the date of the enactment of this Act.

SEC. 1603. EXPANDED ACCESS TO THE HEALTHCARE INTEGRITY AND PROTECTION DATA BANK (HIPDB).

(a) IN GENERAL.—Section 1128E(d)(1) of the Social Security Act (42 U.S.C. 1320a-7e(d)(1)), as amended by section 6403(a)(2) of the Patient Protection and Affordable Care Act, is amended to read as follows:

“(1) AVAILABILITY.—The information in the data bank maintained under this section shall be available to—

“(A) Federal and State government agencies and health plans, and any health care provider, supplier, or practitioner entering an employment or contractual relationship with an individual or entity who could potentially be the subject of a final adverse action, where the contract involves the furnishing of items or services reimbursed by one or more Federal health care programs (regardless of whether the individual or entity is paid by the programs directly, or whether the items or services are reimbursed directly or indirectly through the claims of a direct provider); and

“(B) utilization and quality control peer review organizations and accreditation entities as defined by the Secretary, including but not limited to organizations described in part B of this title and in section 1154(a)(4)(C).”.

(b) NO FEES FOR USE OF HIPDB BY ENTITIES CONTRACTING WITH MEDICARE.—Section 1128E(d)(2) of the Social Security Act (42 U.S.C. 1320a-7e(d)(2)), as amended by such section 6403(a)(2), is amended in the first sentence by inserting “(other than with respect to requests by Federal agencies or other entities, such as fiscal intermediaries and carriers, acting under contract on behalf of such agencies)” before the period at the end.

(c) CRIMINAL PENALTY FOR MISUSE OF INFORMATION.—Section 1128B(b) of the Social Security Act (42 U.S.C. 1320a-7b(b)) is amended by adding at the end the following:

“(4) Whoever knowingly uses information maintained in the healthcare integrity and protection data bank maintained in accordance with section 1128E for a purpose other than a purpose authorized under that section shall be imprisoned for not more than three years or fined under title 18, United States Code, or both.”.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.

SEC. 1604. LIABILITY OF MEDICARE ADMINISTRATIVE CONTRACTORS FOR CLAIMS SUBMITTED BY EXCLUDED PROVIDERS.

(a) REIMBURSEMENT TO THE SECRETARY FOR AMOUNTS PAID TO EXCLUDED PROVIDERS.—Section 1874A(b) of the Social Security Act (42 U.S.C. 1395kk(b)) is amended by adding at the end the following new paragraph:

“(6) REIMBURSEMENTS TO SECRETARY FOR AMOUNTS PAID TO EXCLUDED PROVIDERS.—The Secretary shall not enter into a contract with a Medicare administrative contractor under this section unless the contractor agrees to reimburse the Secretary for any amounts paid by the contractor for a service under this title which is furnished by an individual or entity during any period for which the individual or entity is excluded, pursuant to section 1128, 1128A, or 1156, from participation in the health care program under this title if the amounts are paid after the 60-day period beginning on the date the Secretary provides notice of the exclusion to the contractor, unless the payment was made as a result of incorrect information provided by the Secretary or the individual or entity excluded from participation has concealed or altered their identity.”.

(b) CONFORMING REPEAL OF MANDATORY PAYMENT RULE.—Section 1862(e) of the Social Security Act (42 U.S.C. 1395y(e)) is amended—

(1) in paragraph (1)(B), by striking “and when the person” and all that follows through “person”; and

(2) by amending paragraph (2) to read as follows:

“(2) No individual or entity may bill (or collect any amount from) any individual for any item or service for which payment is denied under paragraph (1). No individual is liable for payment of any amounts billed for such an item or service in violation of the preceding sentence.”.

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall apply to claims for payment submitted on or after the date of the enactment of this Act.

(2) CONTRACT MODIFICATION.—The Secretary of Health and Human Services shall take such steps as may be necessary to modify contracts entered into, renewed, or extended prior to the date of the enactment of this Act to conform such contracts to the provisions of this section.

SEC. 1605. COMMUNITY MENTAL HEALTH CENTERS.

(a) IN GENERAL.—Section 1861(ff)(3)(B) of the Social Security Act (42 U.S.C. 1395x(ff)(3)(B)), as amended by section 1301(a), is amended by striking “entity that—” and all that follows and inserting the following: “entity that—

“(i) provides the community mental health services specified in paragraph (1) of section 1913(c) of the Public Health Service Act;

“(ii) meets applicable certification or licensing requirements for community mental health centers in the State in which it is located;

“(iii) provides a significant share of its services to individuals who are not eligible for benefits under this title; and

“(iv) meets such additional standards or requirements for obtaining billing privileges under this title as the Secretary may specify to ensure—

“(I) the health and safety of beneficiaries receiving such services; or

“(II) the furnishing of such services in an effective and efficient manner.”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to items and services furnished on or after the first day of the sixth month that begins after the date of the enactment of this Act.

SEC. 1606. LIMITING THE DISCHARGE OF DEBTS IN BANKRUPTCY PROCEEDINGS IN CASES WHERE A HEALTH CARE PROVIDER OR A SUPPLIER ENGAGES IN FRAUDULENT ACTIVITY.

(a) IN GENERAL.—

(1) CIVIL MONETARY PENALTIES.—Section 1128A(a) of the Social Security Act (42 U.S.C. 1320a-7a(a)) is amended by adding at the end the following: “Notwithstanding any other provision of law, amounts made payable under this section are not dischargeable under section 727, 944, 1141, 1228, or 1328 of title 11, United States Code, or any other provision of such title.”.

(2) RECOVERY OF OVERPAYMENT TO PROVIDERS OF SERVICES UNDER PART A OF MEDICARE.—Section 1815(d) of the Social Security Act (42 U.S.C. 1395g(d)) is amended—

(A) by inserting “(1)” after “(d)”; and

(B) by adding at the end the following:

“(2) Notwithstanding any other provision of law, amounts due to the Secretary under this section are not dischargeable under section 727, 944, 1141, 1228, or 1328 of title 11, United States Code, or any other provision of such title if the overpayment was the result of fraudulent activity, as may be defined by the Secretary.”.

(3) RECOVERY OF OVERPAYMENT OF BENEFITS UNDER PART b OF MEDICARE.—Section 1833(j) of the Social Security Act (42 U.S.C. 1395l(j)) is amended—

(A) by inserting “(1)” after “(j)”; and

(B) by adding at the end the following:

“(2) Notwithstanding any other provision of law, amounts due to the Secretary under this section are not dischargeable under section 727, 944, 1141, 1228, or 1328 of title 11, United States Code, or any other provision of such title if the overpayment was the result of fraudulent activity, as may be defined by the Secretary.”.

(4) COLLECTION OF PAST-DUE OBLIGATIONS ARISING FROM BREACH OF SCHOLARSHIP AND LOAN CONTRACT.—Section 1892(a) of the Social Security Act (42 U.S.C. 1395ccc(a)) is amended by adding at the end the following:

“(5) Notwithstanding any other provision of law, amounts due to the Secretary under this section are not dischargeable under section 727, 944, 1141, 1228, or 1328 of title 11, United States Code, or any other provision of such title.”.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to bankruptcy petitions filed after the date of the enactment of this Act.

SEC. 1607. ILLEGAL DISTRIBUTION OF A MEDICARE OR MEDICAID BENEFICIARY IDENTIFICATION OR BILLING PRIVILEGES.

Section 1128B(b) of the Social Security Act (42 U.S.C. 1320a-7b(b)), as amended by section 1603, is amended by adding at the end the following:

“(5) Whoever knowingly, intentionally, and with the intent to defraud purchases, sells or distributes, or arranges for the purchase, sale, or distribution of two or more Medicare or Medicaid beneficiary identification numbers or billing privileges under title XVIII or title XIX shall be imprisoned for not more than three years or fined under title 18, United States Code (or, if greater, an amount equal to the monetary loss to the Federal and any State government as a result of such acts), or both.”.

SEC. 1608. TREATMENT OF CERTAIN SOCIAL SECURITY ACT CRIMES AS FEDERAL HEALTH CARE OFFENSES.

(a) IN GENERAL.—Section 24(a) of title 18, United States Code, is amended—

(1) by striking the period at the end of paragraph (2) and inserting “; or”; and

(2) by adding at the end the following:

“(3) section 1128B of the Social Security Act (42 U.S.C. 1320a-7b).”.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the date of the enactment of this Act and

apply to acts committed on or after the date of the enactment of this Act.

SEC. 1609. AUTHORITY OF OFFICE OF INSPECTOR GENERAL OF THE DEPARTMENT OF HEALTH AND HUMAN SERVICES.

(a) **AUTHORITY.**—Notwithstanding any other provision of law, upon designation by the Inspector General of the Department of Health and Human Services, any criminal investigator of the Office of Inspector General of such department may, in accordance with guidelines issued by the Secretary of Health and Human Services and approved by the Attorney General, while engaged in activities within the lawful jurisdiction of such Inspector General—

(1) obtain and execute any warrant or other process issued under the authority of the United States;

(2) make an arrest without a warrant for—
(A) any offense against the United States committed in the presence of such investigator; or

(B) any felony offense against the United States, if such investigator has reasonable cause to believe that the person to be arrested has committed or is committing that felony offense; and

(3) exercise any other authority necessary to carry out the authority described in paragraphs (1) and (2).

(b) **FUNDS.**—The Office of Inspector General of the Department of Health and Human Services may receive and expend funds that represent the equitable share from the forfeiture of property in investigations in which the Office of Inspector General participated, and that are transferred to the Office of Inspector General by the Department of Justice, the Department of the Treasury, or the United States Postal Service. Such equitable sharing funds shall be deposited in a separate account and shall remain available until expended.

SEC. 1610. UNIVERSAL PRODUCT NUMBERS ON CLAIMS FORMS FOR REIMBURSEMENT UNDER THE MEDICARE PROGRAM.

(a) **UPNS ON CLAIMS FORMS FOR REIMBURSEMENT UNDER THE MEDICARE PROGRAM.**—

(1) **ACCOMMODATION OF UPNS ON MEDICARE CLAIMS FORMS.**—Not later than February 1, 2011, all claims forms developed or used by the Secretary of Health and Human Services for reimbursement under the Medicare program under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.) shall accommodate the use of universal product numbers for a UPN covered item.

(2) **REQUIREMENT FOR PAYMENT OF CLAIMS.**—Title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.), as amended by sections 1601 and 1602, is amended by adding at the end the following new section:

“**USE OF UNIVERSAL PRODUCT NUMBERS**

“**SEC. 1899E.** (a) **IN GENERAL.**—No payment shall be made under this title for any claim for reimbursement for any UPN covered item unless the claim contains the universal product number of the UPN covered item.

“(b) **DEFINITIONS.**—In this section:

“(1) **UPN COVERED ITEM.**—

“(A) **IN GENERAL.**—Except as provided in subparagraph (B), the term ‘UPN covered item’ means—

“(i) a covered item as that term is defined in section 1834(a)(13);

“(ii) an item described in paragraph (8) or (9) of section 1861(s);

“(iii) an item described in paragraph (5) of section 1861(s); and

“(iv) any other item for which payment is made under this title that the Secretary determines to be appropriate.

“(B) **EXCLUSION.**—The term ‘UPN covered item’ does not include a customized item for which payment is made under this title.

“(2) **UNIVERSAL PRODUCT NUMBER.**—The term ‘universal product number’ means a number that is—

“(A) affixed by the manufacturer to each individual UPN covered item that uniquely identifies the item at each packaging level; and

“(B) based on commercially acceptable identification standards such as, but not limited to, standards established by the Uniform Code Council-International Article Numbering System or the Health Industry Business Communication Council.”.

(3) **DEVELOPMENT AND IMPLEMENTATION OF PROCEDURES.**—

(A) **INFORMATION INCLUDED IN UPN.**—The Secretary of Health and Human Services, in consultation with manufacturers and entities with appropriate expertise, shall determine the relevant descriptive information appropriate for inclusion in a universal product number for a UPN covered item.

(B) **REVIEW OF PROCEDURE.**—From the information obtained by the use of universal product numbers on claims for reimbursement under the Medicare program, the Secretary of Health and Human Services, in consultation with interested parties, shall periodically review the UPN covered items billed under the Health Care Financing Administration Common Procedure Coding System and adjust such coding system to ensure that functionally equivalent UPN covered items are billed and reimbursed under the same codes.

(4) **EFFECTIVE DATE.**—The amendment made by paragraph (2) shall apply to claims for reimbursement submitted on and after February 1, 2011.

(b) **STUDY AND REPORTS TO CONGRESS.**—

(1) **STUDY.**—The Secretary of Health and Human Services shall conduct a study on the results of the implementation of the provisions in paragraphs (1) and (3) of subsection (a) and the amendment to the Social Security Act in paragraph (2) of such subsection.

(2) **REPORTS.**—

(A) **PROGRESS REPORT.**—Not later than 6 months after the date of the enactment of this Act, the Secretary of Health and Human Services shall submit to Congress a report that contains a detailed description of the progress of the matters studied pursuant to paragraph (1).

(B) **IMPLEMENTATION.**—Not later than 18 months after the date of the enactment of this Act, and annually thereafter for 3 years, the Secretary of Health and Human Services shall submit to Congress a report that contains a detailed description of the results of the study conducted pursuant to paragraph (1), together with the Secretary’s recommendations regarding the use of universal product numbers and the use of data obtained from the use of such numbers.

(c) **DEFINITIONS.**—In this section:

(1) **UPN COVERED ITEM.**—The term “UPN covered item” has the meaning given such term in section 1899E(b)(1) of the Social Security Act (as added by subsection (a)(2)).

(2) **UNIVERSAL PRODUCT NUMBER.**—The term “universal product number” has the meaning given such term in section 1899E(b)(2) of the Social Security Act (as added by subsection (a)(2)).

(d) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated such sums as may be necessary for the purpose of carrying out the provisions in paragraphs (1) and (3) of subsection (a), subsection (b), and section 1899E of the Social Security Act (as added by subsection (a)(2)).

SEC. 1611. USE OF TECHNOLOGY FOR REAL-TIME DATA REVIEW.

Part A of title XI of the Social Security Act (42 U.S.C. 1395 et seq.), as amended by section 6703(b) of the Patient Protection and Affordable Care Act, is amended by adding at the end the following new section:

“**SEC. 1150C. USE OF TECHNOLOGY FOR REAL TIME DATA REVIEW.**

“(a) **IN GENERAL.**—The Secretary shall establish procedures for the use of technology (similar to that used with respect to the analysis of credit card charging patterns) to provide real-time data analysis of claims for payment under the Medicare, Medicaid, and SCHIP programs under title XVIII, XIX, and XXI to identify and investigate unusual billing or order practices under such programs that could indicate fraud or abuse.

“(b) **COMPETITIVE BIDDING.**—The procedures established under subsection (a) shall ensure that the implementation of such technology is conducted through a competitive bidding process.

“(c) **AUTHORIZATION OF APPROPRIATIONS.**—To carry out this section, there are authorized to be appropriated such sums as may be necessary, not to exceed \$50,000,000 for each of fiscal years 2010 through 2014.

“(d) **REPORT TO CONGRESS.**—The Secretary shall submit to Congress an annual report on the effectiveness of activities conducted under this section, including a description of any savings to the programs referred to in subsection (a) as a result of such activities and the overall administrative cost of such activities and a determination as to the amount of funding needed to carry out this section for subsequent fiscal years, together with recommendations for such legislation and administrative action as the Secretary determines appropriate.”.

SEC. 1612. COMPREHENSIVE SANCTIONS DATABASE AND ACCESS TO CLAIMS AND PAYMENT DATABASES.

(a) **COMPREHENSIVE SANCTIONS DATABASE.**—The Secretary of Health and Human Services (in this section referred to as the “Secretary”) shall establish a comprehensive sanctions database on sanctions imposed on providers of services, suppliers, and related entities. Such database shall be overseen by the Inspector General of the Department of Health and Human Services and shall be linked to related databases maintained by State licensure boards and by Federal or State law enforcement agencies.

(b) **ACCESS TO CLAIMS AND PAYMENT DATABASES.**—The Secretary shall ensure that the Inspector General of the Department of Health and Human Services and Federal law enforcement agencies have direct access to all claims and payment databases of the Secretary under the Medicare or Medicaid programs.

(c) **CIVIL MONEY PENALTIES FOR SUBMISSION OF ERRONEOUS INFORMATION.**—In the case of a provider of services, supplier, or other entity that knowingly submits erroneous information that serves as a basis for payment of any entity under the Medicare or Medicaid program, the Secretary may impose a civil money penalty of not to exceed \$50,000 for each such erroneous submission. A civil money penalty under this subsection shall be imposed and collected in the same manner as a civil money penalty under subsection (a) of section 1128A of the Social Security Act is imposed and collected under that section.

SA 3561. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 4872, to provide for reconciliation pursuant to Title II of

the concurrent resolution on the budget for fiscal year 2010 (S. Con. Res. 13); which was ordered to lie on the table; as follows:

At the end of subtitle B of title II, add the following:

SEC. 2304. NONDISCRIMINATION ON ABORTION AND RESPECT FOR RIGHTS OF CONSCIENCE.

(a) NONDISCRIMINATION.—A Federal agency or program, and any State or local government, or health care entity that receives Federal financial assistance under the Patient Protection and Affordable Care Act (or an amendment made by such Act), shall not—

(1) subject any individual or institutional health care entity to discrimination; or

(2) require any health care entity that is established or regulated under the Patient Protection and Affordable Care Act (or an amendment made by such Act) to subject any individual or institutional health care entity to discrimination, on the basis that the health care entity does not provide, pay for, provide coverage of, or refer for abortions.

(b) DEFINITION.—In this section, the term “health care entity” includes an individual physician or other health care professional, a hospital, a provider-sponsored organization, a health maintenance organization, a health insurance plan, a plan sponsor, a health insurance issuer, a qualified health plan or issuer offering such a plan, or any other kind of health care facility, organization, or plan.

(c) ADMINISTRATION.—The Office for Civil Rights of the Department of Health and Human Services is designated to receive complaints of discrimination based on this section, and coordinate the investigation of such complaints.

SA 3562. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 4872, to provide for reconciliation pursuant to Title II of the concurrent resolution on the budget for fiscal year 2010 (S. Con. Res. 13); which was ordered to lie on the table; as follows:

At the end of section 1405, add the following:

(e) NONAPPLICATION TO CLASS I DEVICES.—Paragraph (2) of section 4191(b) of the Internal Revenue Code of 1986, as added by subsection (a), is amended by redesignating subparagraphs (A) through (D) as subparagraphs (B) through (E), respectively, and by inserting before subparagraph (B) (as so redesignated) the following new subparagraph:

“(A) devices classified in class I under section 513 of such Act.”.

SA 3563. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 4872, to provide for reconciliation pursuant to Title II of the concurrent resolution on the budget for fiscal year 2010 (S. Con. Res. 13); which was ordered to lie on the table; as follows:

At the end of subtitle F of title I, add the following:

SEC. 1502. REPEAL OF PERSONAL RESPONSIBILITY EDUCATION PROGRAM.

Section 513 of the Social Security Act, as added by section 2953 and amended by section 10201(h) the Patient Protection and Affordable Care Act, is repealed.

SA 3564. Mr. GRASSLEY (for himself and Mr. ROBERTS) submitted an amend-

ment intended to be proposed by him to the bill H.R. 4872, to provide for reconciliation pursuant to Title II of the concurrent resolution on the budget for fiscal year 2010 (S. Con. Res. 13); as follows:

At the end of subtitle A of title I, insert the following:

SEC. 1006. PARTICIPATION OF PRESIDENT, VICE PRESIDENT, MEMBERS OF CONGRESS, POLITICAL APPOINTEES, AND CONGRESSIONAL STAFF IN THE EXCHANGE.

(a) IN GENERAL.—Section 1312(d)(3)(D) of the Patient Protection and Affordable Care Act is amended to read as follows:

“(D) PRESIDENT, VICE PRESIDENT, MEMBERS OF CONGRESS, POLITICAL APPOINTEES, AND CONGRESSIONAL STAFF IN THE EXCHANGE.—

“(i) IN GENERAL.—Notwithstanding chapter 89 of title 5, United States Code, or any provision of this title—

“(I) the President, Vice President, each Member of Congress, each political appointee, and each Congressional employee shall be treated as a qualified individual entitled to the right under this paragraph to enroll in a qualified health plan in the individual market offered through an Exchange in the State in which the individual resides; and

“(II) any employer contribution under such chapter on behalf of the President, Vice President, any Member of Congress, any political appointee, and any Congressional employee may be paid only to the issuer of a qualified health plan in which the individual enrolled in through such Exchange and not to the issuer of a plan offered through the Federal employees health benefit program under such chapter.

“(ii) PAYMENTS BY FEDERAL GOVERNMENT.—The Secretary, in consultation with the Director of the Office of Personnel Management, shall establish procedures under which—

“(I) the employer contributions under such chapter on behalf of the President, Vice President, and each political appointee are determined and actuarially adjusted for age; and

“(II) the employer contributions may be made directly to an Exchange for payment to an issuer.

“(iii) POLITICAL APPOINTEE.—In this subparagraph, the term ‘political appointee’ means any individual who—

“(I) is employed in a position described under sections 5312 through 5316 of title 5, United States Code, (relating to the Executive Schedule);

“(II) is a limited term appointee, limited emergency appointee, or noncareer appointee in the Senior Executive Service, as defined under paragraphs (5), (6), and (7), respectively, of section 3132(a) of title 5, United States Code; or

“(III) is employed in a position in the executive branch of the Government of a confidential or policy-determining character under schedule C of subpart C of part 213 of title 5 of the Code of Federal Regulations.

“(iv) CONGRESSIONAL EMPLOYEE.—In this subparagraph, the term ‘Congressional employee’ means an employee whose pay is disbursed by the Secretary of the Senate or the Clerk of the House of Representatives.”.

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect as if included in the Patient Protection and Affordable Care Act.

SA 3565. Mr. INHOFE submitted an amendment intended to be proposed by

him to the bill H.R. 4872, to provide for reconciliation pursuant to Title II of the concurrent resolution on the budget for fiscal year 2010 (S. Con. Res. 13); which was ordered to lie on the table; as follows:

On page 99, between lines 9 and 10, insert the following:

(e) EXCLUSION OF ASSISTIVE DEVICES FOR PERSONS WITH DISABILITIES.—

(1) IN GENERAL.—For purposes of section 4191(b)(1) of the Internal Revenue Code of 1986, as added by subsection (a), the term “taxable medical device” shall not include any device which is primarily designed to assist persons with disabilities with tasks of daily life.

(2) EXPANSION OF AFFORDABILITY EXCEPTION TO INDIVIDUAL MANDATE.—Section 5000A(e)(1)(A) of the Internal Revenue Code of 1986, as added by section 1501(b) of the Patient Protection and Affordable Care Act and amended by section 10106 of such Act, is amended by striking “8 percent” and inserting “5 percent”.

(3) APPLICATION OF PROVISION.—The amendment made by paragraph (2) shall apply as if included in the Patient Protection and Affordable Care Act.

SA 3566. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 4872, to provide for reconciliation pursuant to Title II of the concurrent resolution on the budget for fiscal year 2010 (S. Con. Res. 13); which was ordered to lie on the table; as follows:

At the end of subtitle F of title I, insert the following:

SEC. . INCREASED TRANSPARENCY.

(a) SCORING AND SUMMARY.—It shall not be in order in the Senate or the House of Representatives to vote on final passage on a bill, resolution, or conference report unless a final Congressional Budget Office score and Congressional Research Service summary report on policy changes in the bill, resolution, or conference report has been posted online on the public website of the body 72 hours before such final vote.

(b) ADDITIONAL REQUIREMENTS.—The information required to be posted by subsection (a) shall also include—

(1) an affidavit that the policy summary of the Congressional Research Service adequately reflects the measure signed by the Majority and Minority Leaders; and

(2) signed affidavits from every member of the body attesting that they have read the measure.

(c) WAIVER AND APPEAL.—

(1) WAIVER.—This section may be waived or suspended in the Senate or House of Representatives only by an affirmative vote of $\frac{2}{3}$ of the members, duly chosen and sworn.

(2) APPEAL.—An affirmative vote of $\frac{2}{3}$ of the members of the Senate or House of Representatives, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under this subsection.

(d) PUBLIC AVAILABILITY OF AMENDMENTS.—Each amendment offered in the Senate or House of Representatives shall to be posted online on the public website of the body as soon as practicable after the amendment is offered.

SA 3567. Mr. GREGG (for himself and Mr. COBURN) proposed an amendment to the bill H.R. 4872, to provide for reconciliation pursuant to Title II of the

concurrent resolution on the budget for fiscal year 2010 (S. Con. Res. 13); as follows:

At the end of subtitle B of title I, add the following:

SEC. ____ . PREVENTING THE IMPLEMENTATION OF NEW ENTITLEMENTS THAT WOULD RAID MEDICARE.

(a) **BAN ON NEW SPENDING TAKING EFFECT.**—

(1) **IN GENERAL.**—Notwithstanding any other provision of law, the Secretary of the Treasury and the Secretary of Health and Human Service are prohibited from implementing any spending increase or revenue reduction provision in either the Patient Protection and Affordable Care Act or this Act (referred to in this section as the “Health Care Acts”) unless both the Director of the Office of Management and Budget (referred to in this section as “OMB”) and the Chief Actuary of the Centers for Medicare and Medicaid Services Office of the Actuary (referred to in this section as “CMS OACT”) certify that they project that all of the projected Federal spending increases and revenue reductions resulting from the Health Care Acts will be offset by projected gross savings from the Health Care Acts.

(2) **CALCULATIONS.**—For purposes of this section, projected gross savings shall—

(A) include gross reductions in Federal spending and gross increases in revenues made by the Health Care Acts; and

(B) exclude any projected gross savings or other offsets directly resulting from changes to Medicare made by the Health Care Acts.

(b) **LIMIT ON FUTURE SPENDING.**—For the purpose of carrying out this section and upon the enactment of this Act, CMS OACT and the OMB shall—

(1) certify whether all of the projected Federal spending increases and revenue reductions resulting from the Health Care Acts, starting with fiscal year 2014 and for the following 9 fiscal years, are fully offset by projected gross savings resulting from the Health Care Acts (as calculated under subsection (a)(2)); and

(2) provide detailed estimates of such spending increases, revenue reductions, and gross savings, year by year, program by program and provision by provision.

SA 3568. Mr. BENNETT (for himself, Mr. WICKER, Mr. BROWNBACK, Mr. HATCH, Mr. ROBERTS, Mr. INHOFE, Mr. CORNYN, and Mr. ENZI) submitted an amendment intended to be proposed by him to the bill H.R. 4872, to provide for reconciliation pursuant to Title II of the concurrent resolution on the budget for fiscal year 2010 (S. Con. Res. 13); which was ordered to lie on the table; as follows:

At the end of subtitle B of title I, add the following:

SEC. ____ . RIGHT OF THE PEOPLE OF THE DISTRICT OF COLUMBIA TO DEFINE MARRIAGE.

(a) **FINDINGS.**—Congress finds that—

(1) a broad coalition of residents of the District of Columbia petitioned for an initiative in accordance with the District of Columbia Home Rule Act to establish that “only marriage between a man and a woman is valid or recognized in the District of Columbia”;

(2) this petition anticipated the Council of the District of Columbia’s passage of an Act legalizing same-sex marriage;

(3) the unelected District of Columbia Board of Elections and Ethics and the

unelected District of Columbia Superior Court thwarted the residents’ initiative effort to define marriage democratically, holding that the initiative amounted to discrimination prohibited by the District of Columbia Human Rights Act; and

(4) the definition of marriage affects every person and should be debated openly and democratically.

(b) **REFERENDUM OR INITIATIVE REQUIREMENT.**—Notwithstanding any other provision of law, including the District of Columbia Human Rights Act, the government of the District of Columbia shall immediately suspend the issuance of marriage licenses to any couple of the same sex until the people of the District of Columbia have the opportunity to hold a referendum or initiative on the question of whether the District of Columbia should issue same-sex marriage licenses.

SA 3569. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill H.R. 4872, to provide for reconciliation pursuant to Title II of the concurrent resolution on the budget for fiscal year 2010 (S. Con. Res. 13); which was ordered to lie on the table; as follows:

At the end of subtitle B of title I, insert the following:

SEC. ____ . REVISIONS TO THE PRACTICE EXPENSE GEOGRAPHIC ADJUSTMENT UNDER THE MEDICARE PHYSICIAN FEE SCHEDULE.

Effective as if included in the enactment of the Patient Protection and Affordable Care Act, subparagraph (H) of section 1848(e)(1) of the Social Security Act (42 U.S.C. 1395w-4(e)(1)), as added by section 3102(b) of the Patient Protection and Affordable Care Act, is amended to read as follows:

“(H) **PRACTICE EXPENSE GEOGRAPHIC ADJUSTMENT FOR 2010 AND SUBSEQUENT YEARS.**—

“(i) **FOR 2010.**—Subject to clause (iii), for services furnished during 2010, the employee wage and rent portions of the practice expense geographic index described in subparagraph (A)(i) shall reflect $\frac{1}{2}$ of the difference between the relative costs of employee wages and rents in each of the different fee schedule areas and the national average of such employee wages and rents.

“(ii) **FOR 2011.**—Subject to clause (iii), for services furnished during 2011, the employee wage and rent portions of the practice expense geographic index described in subparagraph (A)(i) shall reflect $\frac{1}{4}$ of the difference between the relative costs of employee wages and rents in each of the different fee schedule areas and the national average of such employee wages and rents.

“(iii) **HOLD HARMLESS.**—The practice expense portion of the geographic adjustment factor applied in a fee schedule area for services furnished in 2010 or 2011 shall not, as a result of the application of clause (i) or (ii), be reduced below the practice expense portion of the geographic adjustment factor under subparagraph (A)(i) (as calculated prior to the application of such clause (i) or (ii), respectively) for such area for such year.

“(iv) **ANALYSIS.**—The Secretary shall analyze current methods of establishing practice expense geographic adjustments under subparagraph (A)(i) and evaluate data that fairly and reliably establishes distinctions in the costs of operating a medical practice in the different fee schedule areas. Such analysis shall include an evaluation of the following:

“(I) The feasibility of using actual data or reliable survey data developed by medical organizations on the costs of operating a med-

ical practice, including office rents and non-physician staff wages, in different fee schedule areas.

“(II) The office expense portion of the practice expense geographic adjustment described in subparagraph (A)(i), including the extent to which types of office expenses are determined in local markets instead of national markets.

“(III) The weights assigned to each of the categories within the practice expense geographic adjustment described in subparagraph (A)(i).

In conducting such analysis, the Secretary shall not take into account any data that is not actual or survey data.

“(v) **REVISION FOR 2012 AND SUBSEQUENT YEARS.**—As a result of the analysis described in clause (iv), the Secretary shall, not later than January 1, 2012, make appropriate adjustments to the practice expense geographic adjustment described in subparagraph (A)(i) to ensure accurate geographic adjustments across fee schedule areas, including—

“(I) basing the office rents component and its weight on occupancy costs only and making weighting changes in other categories as appropriate;

“(II) ensuring that office expenses that do not vary from region to region be included in the ‘other’ office expense category; and

“(III) considering a representative range of professional and non-professional personnel employed in a medical office based on the use of the American Community Survey data or other reliable data for wage adjustments. Such adjustments shall be made without regard to adjustments made pursuant to clauses (i) and (ii) and shall be made in a budget neutral manner.

“(vi) **SPECIAL RULE.**—If the Secretary does not complete the analysis described in clause (iv) and make any adjustments the Secretary determines appropriate for 2012 or a subsequent year under clause (v), the Secretary shall apply clause (ii) for services furnished during 2012 or a subsequent year in the same manner as such clause applied for services furnished during 2011.”

SEC. ____ . ELIMINATION OF SWEETHEART DEAL THAT INCREASES MEDICARE REIMBURSEMENT JUST FOR FRONTIER STATES.

Effective as if included in the enactment of the Patient Protection and Affordable Care Act, section 10324 of such Act (and the amendments made by such section) is repealed.

SA 3570. Mr. MCCAIN (for himself, Mr. BURR, and Mr. COBURN) proposed an amendment to the bill H.R. 4872, to provide for reconciliation pursuant to Title II of the concurrent resolution on the budget for fiscal year 2010 (S. Con. Res. 13); as follows:

At the end of subtitle F of title I, add the following:

SEC. 1502. ELIMINATION OF SWEETHEART DEALS.

(a) **REPEALS.**—Effective as if included in the enactment of the Patient Protection and Affordable Care Act, the following provisions are repealed:

(1) **SWEETHEART DEAL TO PROVIDE TENNESSEE WITH MEDICAID DSH FUNDS.**—Clause (v) of section 1923(f)(6)(A) of the Social Security Act (42 U.S.C. 1396r-4(f)(6)(A)), as added by section 1203(b) of this Act.

(2) **SWEETHEART DEAL TO PROVIDE HAWAII WITH MEDICAID DSH FUNDS.**—Clause (iii) of section 1923(f)(6)(B) of the Social Security Act (42 U.S.C. 1396r-4(f)(6)(B)), as added by section 10201(e)(1)(A) of the Patient Protection and Affordable Care Act.

(3) SWEETHEART DEAL TO PROVIDE LOUISIANA WITH A SPECIAL INCREASED MEDICAID FMAP.—Subsection (aa) of section 1905 of the Social Security Act, as added by section 2006 of the Patient Protection and Affordable Care Act.

(4) SWEETHEART DEAL THAT INCREASES MEDICARE REIMBURSEMENT JUST FOR FRONTIER STATES.—Section 10324 of the Patient Protection and Affordable Care Act (and the amendments made by such section).

(5) SWEETHEART DEAL GRANTING MEDICARE COVERAGE FOR INDIVIDUALS EXPOSED TO ENVIRONMENTAL HAZARDS IN LIBBY, MONTANA.—Section 10323 of the Patient Protection and Affordable Care Act (and the amendments made by such section).

(6) SWEETHEART DEAL FOR A HOSPITAL IN CONNECTICUT.—Section 10502 of the Patient Protection and Affordable Care Act.

(b) ELIMINATION OF SWEETHEART DEAL THAT RECLASSIFIES HOSPITALS IN MICHIGAN AND CONNECTICUT TO INCREASE THEIR MEDICARE REIMBURSEMENT.—Section 3137(a) of the Patient Protection and Affordable Care Act, as amended by section 10317 of such Act, is amended—

(1) in paragraph (2)—

(A) by striking “FISCAL YEAR 2010” and all that follows through “for purposes of implementation of the amendment” and inserting “FISCAL YEAR 2010.—For purposes of implementation of the amendment”; and

(B) by striking subparagraph (B); and

(2) by striking paragraph (3).

SA 3571. Ms. COLLINS submitted an amendment intended to be proposed by her to the bill H.R. 4872, to provide for reconciliation pursuant to Title II of the concurrent resolution on the budget for fiscal year 2010 (S. Con. Res. 13); which was ordered to lie on the table; as follows:

At the end of subtitle F of title I, insert the following:

SEC. 1. SPECIAL RULE FOR INDIVIDUALS AGE 30 AND OVER NOT ELIGIBLE FOR EXCHANGE CREDITS AND REDUCTIONS.

Section 1302(e) of the Patient Protection and Affordability Act is amended—

(1) by redesignating paragraph (3) as paragraph (4); and

(2) by inserting after paragraph (2), the following:

“(3) SPECIAL RULE FOR INDIVIDUALS AGE 30 AND OVER NOT ELIGIBLE FOR EXCHANGE CREDITS AND REDUCTIONS.—

“(A) IN GENERAL.—Subject to subparagraph (B), an individual who has attained at least the age of 30 before the beginning of a plan year shall be treated as an individual described in paragraph (2) if the individual is not eligible for the plan year for the premium tax credit under section 36B of the Internal Revenue Code of 1986 or the cost-sharing reductions under section 1402 with respect to enrollment in a qualified health plan offered through an Exchange. The preceding sentence shall not apply to an individual if the individual is not eligible for such credit or reductions because the individual is eligible to enroll in minimum essential coverage consisting of coverage under a government sponsored program described in section 5000A(f)(1)(A).

“(B) REQUIREMENTS.—Subparagraph (A) shall only apply to an individual if the individual elects the application of this paragraph and such election provides that—

“(i) the individual acknowledges that coverage under the catastrophic plan is the lowest coverage available, that the plan pro-

vides no benefits for any plan year until the individual has incurred cost-sharing expenses in an amount equal to the annual limitation in effect under subsection (c)(1) for the plan year (except as provided for in section 2713), and that these cost-sharing expenses could involve significant financial risk for the individual; and

“(ii) the individual agrees that—

“(I) the individual will not change such coverage until the next applicable annual or special enrollment period under section 1311(c)(5); and

“(II) if the individual elects to change such coverage at the time of such enrollment period, the individual may only enroll in the bronze level of coverage.

“(4) STATE AUTHORITY.—In accordance with section 1321(d), a State may impose additional requirements or conditions for catastrophic plans described in this subsection to the extent such requirements or conditions are not inconsistent with the requirements under this subsection.”.

SA 3572. Ms. COLLINS submitted an amendment intended to be proposed by her to the bill H.R. 4872, to provide for reconciliation pursuant to Title II of the concurrent resolution on the budget for fiscal year 2010 (S. Con. Res. 13); which was ordered to lie on the table; as follows:

At the end of subtitle B of title I, add the following:

SEC. ____ ASSESSMENT OF MEDICARE COST-INTENSIVE DISEASES AND CONDITIONS.

(a) INITIAL ASSESSMENT.—

(1) IN GENERAL.—The Secretary of Health and Human Services (in this section referred to as the “Secretary”) shall conduct an assessment of the diseases and conditions that are the most cost-intensive for the Medicare program under title XVIII of the Social Security Act and, to the extent possible, assess the diseases and conditions that could become cost-intensive for the Medicare program in the future.

(2) REPORT.—Not later than January 1, 2011, the Secretary shall transmit a report to the Committees on Energy and Commerce, Ways and Means, and Appropriations of the House of Representatives and the Committees on Health, Education, Labor and Pensions, Finance, and Appropriations of the Senate on the assessment conducted under paragraph (1). Such report shall—

(A) include the assessment of current and future trends of cost-intensive diseases and conditions described in such paragraph;

(B) address whether current research priorities are appropriately addressing current and future cost-intensive conditions so identified;

(C) include the input of relevant research agencies, including the National Institutes of Health, the Agency for Healthcare Research and Quality, and the Food and Drug Administration; and

(D) include recommendations concerning research in the Department of Health and Human Services that should be funded to improve the prevention, treatment, or cure of such cost-intensive diseases and conditions.

(b) UPDATES OF ASSESSMENT.—Not later than January 1, 2013, and biennially thereafter, the Secretary shall—

(1) review and update the assessment and recommendations described in subsection (a)(1); and

(2) submit a report described in subsection (a)(2) to the Committees specified in sub-

section (a)(2) on such updated assessment and recommendations.

(c) CMS MEDICARE COST-INTENSIVE RESEARCH FUND.—

(1) IN GENERAL.—There is established in the Treasury of the United States a fund to be known as the “CMS Medicare Cost-Intensive Research Fund”, in this subsection referred to as the “Fund”. The Administrator of the Centers for Medicare & Medicaid Services shall administer the Fund. The Fund shall consist of such amounts as may be appropriated or credited to such Fund for the purposes described in paragraph (2). The Administrator shall not transfer appropriations to or from other relevant research agencies, including the National Institutes of Health, the Agency for Healthcare Research and Quality, and the Food and Drug Administration.

(2) PURPOSES OF FUND.—From amounts in the Fund, the Administrator of the Centers for Medicare & Medicaid Services shall make available research grants, contracts, and other funding mechanisms to facilitate research into the prevention, treatment, or cure of cost-intensive diseases and conditions under the Medicare program as recommended by the reports under this section.

SA 3573. Ms. COLLINS submitted an amendment intended to be proposed by her to the bill H.R. 4872, to provide for reconciliation pursuant to Title II of the concurrent resolution on the budget for fiscal year 2010 (S. Con. Res. 13); which was ordered to lie on the table; as follows:

At the end of subtitle B of title I, add the following:

SEC. ____ IMPROVING CARE PLANNING FOR MEDICARE HOME HEALTH SERVICES.

(a) IN GENERAL.—Section 1814(a)(2) of the Social Security Act (42 U.S.C. 1395f(a)(2)), in the matter preceding subparagraph (A), is amended—

(1) by inserting “(as those terms are defined in section 1861(aa)(5))” after “clinical nurse specialist”; and

(2) by inserting “, or in the case of services described in subparagraph (C), a physician, or a nurse practitioner or clinical nurse specialist who is working in collaboration with a physician in accordance with State law, or a certified nurse-midwife (as defined in section 1861(gg)) as authorized by State law, or a physician assistant (as defined in section 1861(aa)(5)) under the supervision of a physician” after “collaboration with a physician”.

(b) CONFORMING AMENDMENTS.—(1) Section 1814(a) of the Social Security Act (42 U.S.C. 1395f(a)), as amended by sections 3108(a)(2) and section 6407 of the Patient Protection and Affordable Care Act, is amended—

(A) in paragraph (2)(C), by inserting “, a nurse practitioner, a clinical nurse specialist, a certified nurse-midwife, or a physician assistant (as the case may be)” after “physician” each place it appears;

(B) in the second sentence, by inserting “certified nurse-midwife,” after “clinical nurse specialist,”;

(C) in the third sentence—

(i) by striking “physician certification” and inserting “certification”;

(ii) by inserting “(or on January 1, 2008, in the case of regulations to implement the amendments made by section 3115 of the Patient Protection and Affordable Care Act)” after “1981”; and

(iii) by striking “a physician who” and inserting “a physician, nurse practitioner,

clinical nurse specialist, certified nurse-midwife, or physician assistant who"; and

(D) in the fourth sentence, by inserting "nurse practitioner, clinical nurse specialist, certified nurse-midwife, or physician assistant" after "physician";

(2) Section 1835(a) of the Social Security Act (42 U.S.C. 1395n(a)), as amended by section 6405 of the Patient Protection and Affordable Care Act, is amended—

(A) in paragraph (2)—

(i) in the matter preceding subparagraph (A), by striking "or an eligible professional under section 1848(k)(3)(B)" and inserting "an eligible professional under section 1848(k)(3)(B), or a nurse practitioner or clinical nurse specialist (as those terms are defined in 1861(aa)(5)) who is working in collaboration with a physician enrolled under section 1866(j) or such an eligible professional in accordance with State law, or a certified nurse-midwife (as defined in section 1861(gg)) as authorized by State law, or a physician assistant (as defined in section 1861(aa)(5)) under the supervision of a physician so enrolled or such an eligible professional"; and

(ii) in each of clauses (ii) and (iii) of subparagraph (A) by inserting "a nurse practitioner, a clinical nurse specialist, a certified nurse-midwife, or a physician assistant (as the case may be)" after "physician";

(B) in the third sentence, by inserting "nurse practitioner, clinical nurse specialist, certified nurse-midwife, or physician assistant (as the case may be)" after "physician";

(C) in the fourth sentence—

(i) by striking "physician certification" and inserting "certification";

(ii) by inserting "(or on January 1, 2008, in the case of regulations to implement the amendments made by section 3115 of the Patient Protection and Affordable Care Act)" after "1981"; and

(iii) by striking "a physician who" and inserting "a physician, nurse practitioner, clinical nurse specialist, certified nurse-midwife, or physician assistant who"; and

(D) in the fifth sentence, by inserting "nurse practitioner, clinical nurse specialist, certified nurse-midwife, or physician assistant" after "physician".

(3) Section 1861 of the Social Security Act (42 U.S.C. 1395x) is amended—

(A) in subsection (m)—

(i) in the matter preceding paragraph (1)—

(I) by inserting "a nurse practitioner or a clinical nurse specialist (as those terms are defined in subsection (aa)(5)), a certified nurse-midwife (as defined in section 1861(gg)), or a physician assistant (as defined in subsection (aa)(5))" after "physician" the first place it appears; and

(II) by inserting "a nurse practitioner, a clinical nurse specialist, a certified nurse-midwife, or a physician assistant" after "physician" the second place it appears; and

(ii) in paragraph (3), by inserting "a nurse practitioner, a clinical nurse specialist, a certified nurse-midwife, or a physician assistant" after "physician"; and

(B) in subsection (o)(2)—

(i) by inserting "nurse practitioners or clinical nurse specialists (as those terms are defined in subsection (aa)(5)), certified nurse-midwives (as defined in section 1861(gg)), or physician assistants (as defined in subsection (aa)(5))" after "physicians"; and

(ii) by inserting "nurse practitioner, clinical nurse specialist, certified nurse-midwife, physician assistant," after "physician".

(4) Section 1895 of the Social Security Act (42 U.S.C. 1395fff) is amended—

(A) in subsection (c)(1), by inserting "nurse practitioner or clinical nurse spe-

cialist (as those terms are defined in section 1861(aa)(5)), the certified nurse-midwife (as defined in section 1861(gg)), or the physician assistant (as defined in section 1861(aa)(5))," after "physician"; and

(B) in subsection (e)—

(i) in paragraph (1)(A), by inserting "nurse practitioner or clinical nurse specialist (as those terms are defined in section 1861(aa)(5)), a certified nurse-midwife (as defined in section 1861(gg)), or a physician assistant (as defined in section 1861(aa)(5))" after "physician"; and

(ii) in paragraph (2)—

(I) in the heading, by striking "PHYSICIAN CERTIFICATION" and inserting "RULE OF CONSTRUCTION REGARDING REQUIREMENT FOR CERTIFICATION"; and

(II) by striking "physician".

(C) REQUIREMENT OF FACE-TO-FACE ENCOUNTER.—

(1) PART A.—Section 1814(a)(2)(C) of the Social Security Act, as amended by subsection (b) and section 6407(a) of the Patient Protection and Affordable Care Act, is further amended by striking "and, in the case of a certification made by a physician" and all that follows through "face-to-face encounter" and inserting "and, in the case of a certification made by a physician after January 1, 2010, or by a nurse practitioner, clinical nurse specialist, certified nurse-midwife, or physician assistant (as the case may be) after January 1, 2011, prior to making such certification the physician, nurse practitioner, clinical nurse specialist, certified nurse-midwife, or physician assistant must document that the physician, nurse practitioner, clinical nurse specialist, certified nurse-midwife, or physician assistant himself or herself has had a face-to-face encounter".

(2) PART B.—Section 1835(a)(2)(A)(iv) of the Social Security Act, as added by section 6407(a) of the Patient Protection and Affordable Care Act, is amended by striking "after January 1, 2010" and all that follows through "face-to-face encounter" and inserting "made by a physician after January 1, 2010, or by a nurse practitioner, clinical nurse specialist, certified nurse-midwife, or physician assistant (as the case may be) after January 1, 2011, prior to making such certification the physician, nurse practitioner, clinical nurse specialist, certified nurse-midwife, or physician assistant must document that the physician, nurse practitioner, clinical nurse specialist, certified nurse-midwife, or physician assistant has had a face-to-face encounter".

(D) EFFECTIVE DATE.—The amendments made by this section shall apply to items and services furnished on or after January 1, 2011.

SA 3574. Mr. LEMIEUX submitted an amendment intended to be proposed by him to the bill H.R. 4872, to provide for reconciliation pursuant to Title II of the concurrent resolution on the budget for fiscal year 2010 (S. Con. Res. 13); which was ordered to lie on the table; as follows:

On page 123, strike line 9 and all that follows through line 2 on page 144.

SA 3575. Mr. LEMIEUX submitted an amendment intended to be proposed by him to the bill H.R. 4872, to provide for reconciliation pursuant to Title II of the concurrent resolution on the budget for fiscal year 2010 (S. Con. Res. 13);

which was ordered to lie on the table; as follows:

On page 114, strike line 3 and all that follows through line 2 on page 144.

SA 3576. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill H.R. 4872, to provide for reconciliation pursuant to Title II of the concurrent resolution on the budget for fiscal year 2010 (S. Con. Res. 13); which was ordered to lie on the table; as follows:

At the end of subtitle F of title I, add the following:

SEC. 1502. JUDICIAL REVIEW.

(a) CHALLENGE BY MEMBERS OF CONGRESS.—Any Member of Congress may bring an action for declaratory or injunctive relief to challenge the constitutionality of any provision of this Act, any amendment made by this Act, any provision of the Patient Protection and Affordable Care Act, or any amendment made by that Act, which may be filed in any United States district court of appropriate jurisdiction.

(b) INTERVENTION BY MEMBERS OF CONGRESS.—In any action in which the constitutionality of any provision of this Act, any amendment made by this Act, any provision of the Patient Protection and Affordable Care Act, or any amendment made by that Act is raised, any member of the House of Representatives (including a Delegate or Resident Commissioner to the Congress) or Senate shall have the right to intervene either in support of or opposition to the position of a party to the case regarding the constitutionality of the provision or amendment. To avoid duplication of efforts and reduce the burdens placed on the parties to the action, the court in any such action may make such orders as it considers necessary, including orders to require intervenors taking similar positions to file joint papers or to be represented by a single attorney at oral argument.

SA 3577. Mr. ROBERTS submitted an amendment intended to be proposed by him to the bill H.R. 4872, to provide for reconciliation pursuant to Title II of the concurrent resolution on the budget for fiscal year 2010 (S. Con. Res. 13); which was ordered to lie on the table; as follows:

At the end of subtitle B of title I, insert the following:

SEC. ____ . PROTECTING MEDICARE BENEFICIARY ACCESS TO HOSPITAL CARE IN RURAL AREAS FROM RECOMMENDATIONS BY THE INDEPENDENT PAYMENT ADVISORY BOARD.

(a) IN GENERAL.—Section 1899A(c)(2)(A) of the Social Security Act, as added by section 3403 of the Patient Protection and Affordable Care Act and amended by section 10320 of such Act, is amended by adding at the end the following new clause:

"(vii) The proposal shall not include any recommendation that would reduce payment rates for items and services furnished by a critical access hospital (as defined in section 1861(mm)(1))."

(b) EXPANSION OF AFFORDABILITY EXCEPTION TO INDIVIDUAL MANDATE.—Section 5000A(e)(1)(A) of the Internal Revenue Code of 1986, as added by section 1501(b) of the Patient Protection and Affordable Care Act, is amended by striking "8 percent" and inserting "5 percent".

SA 3578. Mr. ROBERTS submitted an amendment intended to be proposed by

him to the bill H.R. 4872, to provide for reconciliation pursuant to Title II of the concurrent resolution on the budget for fiscal year 2010 (S. Con. Res. 13); which was ordered to lie on the table; as follows:

At the end of subtitle B of title I, insert the following:

SEC. ____ . PROTECTING MEDICARE BENEFICIARY ACCESS TO HEALTH CARE FROM RECOMMENDATIONS BY THE INDEPENDENT PAYMENT ADVISORY BOARD.

(a) IN GENERAL.—Section 1899A(c)(2)(A) of the Social Security Act, as added by section 3403 of the Patient Protection and Affordable Care Act and amended by section 10320 of such Act, is amended by adding at the end the following new clause:

“(vii) The proposal shall not include any recommendation that would result in reduced beneficiary access to care.”.

(b) EXPANSION OF AFFORDABILITY EXCEPTION TO INDIVIDUAL MANDATE.—Section 5000A(e)(1)(A) of the Internal Revenue Code of 1986, as added by section 1501(b) of the Patient Protection and Affordable Care Act, is amended by striking “8 percent” and inserting “5 percent”.

SA 3579. Mr. ROBERTS (for himself, Mr. INHOFE, and Mr. BROWN of Massachusetts) submitted an amendment intended to be proposed by him to the bill H.R. 4872, to provide for reconciliation pursuant to Title II of the concurrent resolution on the budget for fiscal year 2010 (S. Con. Res. 13); which was ordered to lie on the table; as follows:

Strike section 1405 and insert the following:

SEC. 1405. REPEAL OF MEDICAL DEVICE FEE.

(a) IN GENERAL.—Section 9009 of the Patient Protection and Affordable Care Act, as amended by section 10904 of such Act, is repealed effective as of the date of the enactment of that Act.

(b) EXPANSION OF AFFORDABILITY EXCEPTION TO INDIVIDUAL MANDATE.—Section 5000A(e)(1)(A) of the Internal Revenue Code of 1986, as added by section 1501(b) of the Patient Protection and Affordable Care Act and amended by section 10106 of such Act, is amended by striking “8 percent” and inserting “5 percent”.

(c) APPLICATION OF PROVISION.—The amendment made by subsection (b) shall apply as if included in the Patient Protection and Affordable Care Act.

SA 3580. Mr. ROBERTS submitted an amendment intended to be proposed by him to the bill H.R. 4872, to provide for reconciliation pursuant to Title II of the concurrent resolution on the budget for fiscal year 2010 (S. Con. Res. 13); which was ordered to lie on the table; as follows:

Strike section 1403 and insert the following:

SECTION 1403. REPEAL OF LIMITATION ON HEALTH FLEXIBLE SPENDING ARRANGEMENTS UNDER CAFETERIA PLANS.

(a) IN GENERAL.—Sections 9005 and 10902 of the Patient Protection and Affordable Care Act are hereby repealed effective as of the date of the enactment of such Act and any provisions of law amended by such sections are amended to read as such provisions

would read if such sections had never been enacted.

(b) EXPANSION OF AFFORDABILITY EXCEPTION TO INDIVIDUAL MANDATE.—Section 5000A(e)(1)(A) of the Internal Revenue Code of 1986, as added by section 1501(b) of the Patient Protection and Affordable Care Act and amended by section 10106 of such Act, is amended by striking “8 percent” and inserting “5 percent”.

(c) APPLICATION OF PROVISION.—The amendment made by subsection (b) shall apply as if included in the Patient Protection and Affordable Care Act.

SA 3581. Mr. ROBERTS submitted an amendment intended to be proposed by him to the bill H.R. 4872, to provide for reconciliation pursuant to Title II of the concurrent resolution on the budget for fiscal year 2010 (S. Con. Res. 13); which was ordered to lie on the table; as follows:

At the end of subtitle E of title I, insert the following:

SECTION ____ . REPEAL OF LIMITATION ON DEDUCTIONS FOR OVER-THE-COUNTER MEDICINE.

(a) IN GENERAL.—Section 9003 of the Patient Protection and Affordable Care Act is hereby repealed effective as of the date of the enactment of such Act and any provisions of law amended by such section is amended to read as such provision would read if such section had never been enacted.

(b) EXPANSION OF AFFORDABILITY EXCEPTION TO INDIVIDUAL MANDATE.—Section 5000A(e)(1)(A) of the Internal Revenue Code of 1986, as added by section 1501(b) of the Patient Protection and Affordable Care Act and amended by section 10106 of such Act, is amended by striking “8 percent” and inserting “5 percent”.

(c) APPLICATION OF PROVISION.—The amendment made by subsection (b) shall apply as if included in the Patient Protection and Affordable Care Act.

SA 3582. Mr. BARRASSO (for himself, Mr. HATCH, and Mr. COBURN) proposed an amendment to the bill H.R. 4872, to provide for reconciliation pursuant to Title II of the concurrent resolution on the budget for fiscal year 2010 (S. Con. Res. 13); as follows:

At the end of subtitle B of title II, insert the following:

SEC. 2 ____ . AFFORDABLE PREMIUMS AND COVERAGE.

The implementation of the Patient Protection and Affordable Care Act (and the amendments made by such Act) shall be conditioned on the Secretary of Health and Human Services certifying to Congress that the implementation of such Act (and amendments) would not increase premiums more than the premium increases projected prior to the date of enactment of such Act.

SA 3583. Ms. SNOWE submitted an amendment intended to be proposed by her to the bill H.R. 4872, to provide for reconciliation pursuant to Title II of the concurrent resolution on the budget for fiscal year 2010 (S. Con. Res. 13); which was ordered to lie on the table; as follows:

At the end of subtitle A of title I, insert the following:

SEC. 1006. ELIGIBILITY OF SELF-EMPLOYED FOR TRANSITIONAL SMALL BUSINESS TAX CREDIT.

(a) IN GENERAL.—Section 45R(g) of the Internal Revenue Code of 1986, as added by section 1421 of the Patient Protection and Affordable Care Act, is amended by adding at the end the following:

“(4) CREDIT ALLOWED FOR SELF-EMPLOYED.—

“(A) IN GENERAL.—Notwithstanding subsection (e)(1)(A)(i), the term ‘employee’ shall include an employee with the meaning of section 401(c)(1).

“(B) PAYROLL TAXES.—For purposes of applying subsection (f) to an employee described in subparagraph (A), the term ‘payroll taxes’ includes the amount of taxes imposed on such employee under section 1401(b).”.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the Patient Protection and Affordable Care Act.

SA 3584. Ms. SNOWE submitted an amendment intended to be proposed by her to the bill H.R. 4872, to provide for reconciliation pursuant to Title II of the concurrent resolution on the budget for fiscal year 2010 (S. Con. Res. 13); which was ordered to lie on the table; as follows:

At the end of section 1003, insert the following:

(e) PREEMPTION OF STATE LAWS EXTENDING EMPLOYER MANDATE TO EMPLOYERS WITH FEWER THAN 50 EMPLOYEES.—Section 1321(d) of the Patient Protection and Affordable Care Act is amended to read as follows:

“(d) NO INTERFERENCE WITH STATE REGULATORY AUTHORITY.—

“(1) IN GENERAL.—Except as provided in paragraph (2), nothing in this title shall be construed to preempt any State law that does not prevent the application of the provisions of this title.

“(2) EXCEPTION FOR SMALL EMPLOYER MANDATES.—The provisions of, and the amendments made by, this title shall preempt any State law enacted after the date of enactment of this Act that would impose a requirement on any employer with less than 50 full-time employees to, or would impose a penalty on such an employer for failing to, offer health insurance to its employees.”.

SA 3585. Ms. SNOWE submitted an amendment intended to be proposed by her to the bill H.R. 4872, to provide for reconciliation pursuant to Title II of the concurrent resolution on the budget for fiscal year 2010 (S. Con. Res. 13); which was ordered to lie on the table; as follows:

At the end of subtitle A of title I, insert the following:

SEC. 1006. EXPANSION OF ENROLLMENT IN CATASTROPHIC PLANS TO ALL INDIVIDUALS.

(a) IN GENERAL.—Section 1302(e) of the Patient Protection and Affordable Care Act is amended to read as follows:

“(e) CATASTROPHIC PLAN.—

“(1) IN GENERAL.—A health plan not providing a bronze, silver, gold, or platinum level of coverage shall be treated as meeting the requirements of subsection (d) with respect to any plan year if the plan provides—

“(A) except as provided in subparagraph (B), the essential health benefits determined under subsection (b), except that the plan provides no benefits for any plan year until

the individual has incurred cost-sharing expenses in an amount equal to the annual limitation in effect under subsection (c)(1) for the plan year (except as provided for in section 2713); and

“(B) coverage for at least three primary care visits.

“(2) RESTRICTION TO INDIVIDUAL MARKET.—If a health insurance issuer offers a health plan described in this subsection, the issuer may only offer the plan in the individual market.”.

(b) ELIGIBILITY FOR ENROLLMENT.—Section 1312(d)(3)(C) of such Act is amended to read as follows:

“(C) INDIVIDUALS ALLOWED TO ENROLL IN ANY PLAN.—A qualified individual may enroll in any qualified health plan.”.

(c) ELIGIBILITY FOR SUBSIDIES.—Section 36B(c)(3)(A) of the Internal Revenue Code of 1986, as added by section 1401 of such Act, is amended by striking “, except that such term shall not include a qualified health plan which is a catastrophic health plan described in section 1302(e) of such Act”.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the Patient Protection and Affordable Care Act.

PRIVILEGES OF THE FLOOR

Mr. BAUCUS. Mr. President, I ask unanimous consent that the following staff be allowed floor privileges during the considering of the pending bill: Randy Aussenberg, Aislinn Baker, Mary Baker, Scott Berkowitz, Brittany Durell, Ivie English, Andrew Fishburn, Laura Hoffmeister, Scott Matthews, Meena Sharma, Dustin Stevens, Gregg Sullivan, and Max Updike.

The PRESIDING OFFICER. Without objection, it is so ordered.

TAX ON BONUSES RECEIVED FROM CERTAIN TARP RECIPIENTS

On Monday, March 22, 2010, the Senate passed H.R. 1586, as amended, as follows:

H.R. 1586

Resolved, That the bill from the House of Representatives (H.R. 1586) entitled “An Act to impose an additional tax on bonuses received from certain TARP recipients.”, do pass with the following amendments:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the “FAA Air Transportation Modernization and Safety Improvement Act”.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

Sec. 2. Amendments to title 49, United States Code.

Sec. 3. Effective date.

TITLE I—AUTHORIZATIONS

Sec. 101. Operations.

Sec. 102. Air navigation facilities and equipment.

Sec. 103. Research and development.

Sec. 104. Airport planning and development and noise compatibility planning and programs.

Sec. 105. Other aviation programs.

Sec. 106. Delineation of Next Generation Air Transportation System projects.

Sec. 107. Funding for administrative expenses for airport programs.

TITLE II—AIRPORT IMPROVEMENTS

Sec. 201. Reform of passenger facility charge authority.

Sec. 202. Passenger facility charge pilot program.

Sec. 203. Amendments to grant assurances.

Sec. 204. Government share of project costs.

Sec. 205. Amendments to allowable costs.

Sec. 206. Sale of private airport to public sponsor.

Sec. 207. Government share of certain air project costs.

Sec. 207(b). Prohibition on use of passenger facility charges to construct bicycle storage facilities.

Sec. 208. Miscellaneous amendments.

Sec. 209. State block grant program.

Sec. 210. Airport funding of special studies or reviews.

Sec. 211. Grant eligibility for assessment of flight procedures.

Sec. 212. Safety-critical airports.

Sec. 213. Environmental mitigation demonstration pilot program.

Sec. 214. Allowable project costs for airport development program.

Sec. 215. Glycol recovery vehicles.

Sec. 216. Research improvement for aircraft.

Sec. 217. United States Territory minimum guarantee.

Sec. 218. Merrill Field Airport, Anchorage, Alaska.

Sec. 219. Release from restrictions.

Sec. 220. Designation of former military airports.

Sec. 221. Airport sustainability planning working group.

Sec. 222. Inclusion of measures to improve the efficiency of airport buildings in airport improvement projects.

Sec. 223. Study on apportioning amounts for airport improvement in proportion to amounts of air traffic.

TITLE III—AIR TRAFFIC CONTROL MODERNIZATION AND FAA REFORM

Sec. 301. Air Traffic Control Modernization Oversight Board.

Sec. 302. NextGen management.

Sec. 303. Facilitation of next generation air traffic services.

Sec. 304. Clarification of authority to enter into reimbursable agreements.

Sec. 305. Clarification to acquisition reform authority.

Sec. 306. Assistance to other aviation authorities.

Sec. 307. Presidential rank award program.

Sec. 308. Next generation facilities needs assessment.

Sec. 309. Next generation air transportation system implementation office.

Sec. 310. Definition of air navigation facility.

Sec. 311. Improved management of property inventory.

Sec. 312. Educational requirements.

Sec. 313. FAA personnel management system.

Sec. 314. Acceleration of NextGen technologies.

Sec. 315. ADS-B development and implementation.

Sec. 316. Equipage incentives.

Sec. 317. Performance metrics.

Sec. 318. Certification standards and resources.

Sec. 319. Report on funding for NextGen technology.

Sec. 320. Unmanned aerial systems.

Sec. 321. Surface Systems Program Office.

Sec. 322. Stakeholder coordination.

Sec. 323. FAA task force on air traffic control facility conditions.

Sec. 324. State ADS-B equipage bank pilot program.

Sec. 325. Implementation of Inspector General ATC recommendations.

Sec. 326. Semiannual report on status of Greener Skies project.

Sec. 327. Definitions.

Sec. 328. Financial incentives for NextGen Equipage.

TITLE IV—AIRLINE SERVICE AND SMALL COMMUNITY AIR SERVICE IMPROVEMENTS

SUBTITLE A—CONSUMER PROTECTION

Sec. 401. Airline customer service commitment.

Sec. 402. Publication of customer service data and flight delay history.

Sec. 403. Expansion of DOT airline consumer complaint investigations.

Sec. 404. Establishment of advisory committee for aviation consumer protection.

Sec. 405. Disclosure of passenger fees.

Sec. 406. Disclosure of air carriers operating flights for tickets sold for air transportation.

Sec. 407. Notification requirements with respect to the sale of airline tickets.

SUBTITLE B—ESSENTIAL AIR SERVICE; SMALL COMMUNITIES

Sec. 411. EAS connectivity program.

Sec. 412. Extension of final order establishing mileage adjustment eligibility.

Sec. 413. EAS contract guidelines.

Sec. 414. Conversion of former EAS airports.

Sec. 415. EAS reform.

Sec. 416. Small community air service.

Sec. 417. EAS marketing.

Sec. 418. Rural aviation improvement.

Sec. 419. Repeal of essential air service local participation program.

SUBTITLE C—MISCELLANEOUS

Sec. 431. Clarification of air carrier fee disputes.

Sec. 432. Contract tower program.

Sec. 433. Airfares for members of the Armed Forces.

Sec. 434. Authorization of use of certain lands in the Las Vegas McCarran International Airport Environs Overlay District for transient lodging and associated facilities.

TITLE V—SAFETY

SUBTITLE A—AVIATION SAFETY

Sec. 501. Runway safety equipment plan.

Sec. 502. Judicial review of denial of airman certificates.

Sec. 503. Release of data relating to abandoned type certificates and supplemental type certificates.

Sec. 504. Design organization certificates.

Sec. 505. FAA access to criminal history records or database systems.

Sec. 506. Pilot fatigue.

Sec. 507. Increasing safety for helicopter and fixed wing emergency medical service operators and patients.

Sec. 508. Cabin crew communication.

Sec. 509. Clarification of memorandum of understanding with OSHA.

Sec. 510. Acceleration of development and implementation of required navigation performance approach procedures.

Sec. 511. Improved safety information.

Sec. 512. Voluntary disclosure reporting process improvements.

Sec. 513. Procedural improvements for inspections.

Sec. 514. Independent review of safety issues.

Sec. 515. National review team.

Sec. 516. FAA Academy improvements.

Sec. 517. Reduction of runway incursions and operational errors.

Sec. 518. Aviation safety whistleblower investigation office.

- Sec. 519. Modification of customer service initiative.
- Sec. 520. Headquarters review of air transportation oversight system database.
- Sec. 521. Inspection of foreign repair stations.
- Sec. 522. Non-certificated maintenance providers.

SUBTITLE B—FLIGHT SAFETY

- Sec. 551. FAA pilot records database.
- Sec. 552. Air carrier safety management systems.
- Sec. 553. Secretary of Transportation responses to safety recommendations.
- Sec. 554. Improved Flight Operational Quality Assurance, Aviation Safety Action, and Line Operational Safety Audit programs.
- Sec. 555. Re-evaluation of flight crew training, testing, and certification requirements.
- Sec. 556. Flightcrew member mentoring, professional development, and leadership.
- Sec. 557. Flightcrew member screening and qualifications.
- Sec. 558. Prohibition on personal use of certain devices on flight deck.
- Sec. 559. Safety inspections of regional air carriers.
- Sec. 560. Establishment of safety standards with respect to the training, hiring, and operation of aircraft by pilots.
- Sec. 561. Oversight of pilot training schools.
- Sec. 562. Enhanced training for flight attendants and gate agents.
- Sec. 563. Definitions.
- Sec. 564. Study of air quality in aircraft cabins.

TITLE VI—AVIATION RESEARCH

- Sec. 601. Airport cooperative research program.
- Sec. 602. Reduction of noise, emissions, and energy consumption from civilian aircraft.
- Sec. 603. Production of alternative fuel technology for civilian aircraft.
- Sec. 604. Production of clean coal fuel technology for civilian aircraft.
- Sec. 605. Advisory committee on future of aeronautics.
- Sec. 606. Research program to improve airfield pavements.
- Sec. 607. Wake turbulence, volcanic ash, and weather research.
- Sec. 608. Incorporation of unmanned aircraft systems into FAA plans and policies.
- Sec. 609. Reauthorization of center of excellence in applied research and training in the use of advanced materials in transport aircraft.
- Sec. 610. Pilot program for zero emission airport vehicles.
- Sec. 611. Reduction of emissions from airport power sources.
- Sec. 612. Siting of windfarms near FAA navigational aides and other assets.
- Sec. 613. Research and development for equipment to clean and monitor the engine and APU bleed air supplied on pressurized aircraft.

TITLE VII—MISCELLANEOUS

- Sec. 701. General authority.
- Sec. 702. Human intervention management study.
- Sec. 703. Airport program modifications.
- Sec. 704. Miscellaneous program extensions.
- Sec. 705. Extension of competitive access reports.
- Sec. 706. Update on overflights.
- Sec. 707. Technical corrections.
- Sec. 708. FAA technical training and staffing.
- Sec. 709. Commercial air tour operators in national parks.

- Sec. 710. Phaseout of Stage 1 and 2 aircraft.
- Sec. 711. Weight restrictions at Teterboro Airport.
- Sec. 712. Pilot program for redevelopment of airport properties.
- Sec. 713. Transporting musical instruments.
- Sec. 714. Recycling plans for airports.
- Sec. 715. Disadvantaged Business Enterprise Program adjustments.
- Sec. 716. Front line manager staffing.
- Sec. 717. Study of helicopter and fixed wing air ambulance services.
- Sec. 718. Repeal of certain limitations on Metropolitan Washington Airports Authority.
- Sec. 719. Study of aeronautical mobile telemetry.
- Sec. 720. Flightcrew member pairing and crew resource management techniques.
- Sec. 721. Consolidation or elimination of obsolete, redundant, or otherwise unnecessary reports; use of electronic media format.
- Sec. 722. Line check evaluations.
- Sec. 723. Report on Newark Liberty Airport air traffic control tower.
- Sec. 724. Priority review of construction projects in cold weather States.
- Sec. 725. Air-rail codeshare study.
- Sec. 726. On-going monitoring of and report on the New York/New Jersey/Philadelphia Metropolitan Area Airspace Redesign.
- Sec. 727. Study on aviation fuel prices.
- Sec. 728. Land conveyance for Southern Nevada Supplemental Airport.
- Sec. 729. Clarification of requirements for volunteer pilots operating charitable medical flights.
- Sec. 730. Cylinders of compressed oxygen, nitrous oxide, or other oxidizing gases.
- Sec. 731. Technical correction.
- Sec. 732. Plan for flying scientific instruments on commercial flights.

TITLE VIII—AIRPORT AND AIRWAY TRUST FUND PROVISIONS AND RELATED TAXES

- Sec. 800. Amendment of 1986 Code.
- Sec. 801. Extension of taxes funding Airport and Airway Trust Fund.
- Sec. 802. Extension of Airport and Airway Trust Fund expenditure authority.
- Sec. 803. Modification of excise tax on kerosene used in aviation.
- Sec. 804. Air traffic control system modernization account.
- Sec. 805. Treatment of fractional aircraft ownership programs.
- Sec. 806. Termination of exemption for small aircraft on nonestablished lines.
- Sec. 807. Transparency in passenger tax disclosures.

TITLE IX—BUDGETARY EFFECTS

- Sec. 901. Budgetary effects.

TITLE X—RESCISSION OF UNUSED TRANSPORTATION EARMARKS AND GENERAL REPORTING REQUIREMENT

- Sec. 1001. Definition.
- Sec. 1002. Rescission.
- Sec. 1003. Agency wide identification and reports.

SEC. 2. AMENDMENTS TO TITLE 49, UNITED STATES CODE.

Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or a repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title 49, United States Code.

SEC. 3. EFFECTIVE DATE.

Except as otherwise expressly provided, this Act and the amendments made by this Act shall take effect on the date of enactment of this Act.

TITLE I—AUTHORIZATIONS

SEC. 101. OPERATIONS.

Section 106(k)(1) is amended by striking subparagraphs (A) through (E) and inserting the following:

- “(A) \$9,336,000,000 for fiscal year 2010; and
- “(B) \$9,620,000,000 for fiscal year 2011.”.

SEC. 102. AIR NAVIGATION FACILITIES AND EQUIPMENT.

Section 48101(a) is amended by striking paragraphs (1) through (5) and inserting the following:

- “(1) \$3,500,000,000 for fiscal year 2010, of which \$500,000,000 is derived from the Air Traffic Control System Modernization Account of the Airport and Airways Trust Fund; and
- “(2) \$3,600,000,000 for fiscal year 2011, of which \$500,000,000 is derived from the Air Traffic Control System Modernization Account of the Airport and Airways Trust Fund.”.

SEC. 103. RESEARCH AND DEVELOPMENT.

Section 48102 is amended—

(1) by striking subsection (a) and inserting the following:

“(a) IN GENERAL.—Not more than the following amounts may be appropriated to the Secretary of Transportation out of the Airport and Airway Trust Fund established under section 9502 of the Internal Revenue Code of 1986 (26 U.S.C. 9502) for conducting civil aviation research and development under sections 44504, 44505, 44507, 44509, and 44511 through 44513 of this title:

- “(1) \$200,000,000 for fiscal year 2010.
- “(2) \$206,000,000 for fiscal year 2011.”;

and

(3) by adding at the end the following:

“(c) RESEARCH GRANTS PROGRAM INVOLVING UNDERGRADUATE STUDENTS.—The Administrator of the Federal Aviation Administration shall establish a program to utilize undergraduate and technical colleges, including Historically Black Colleges and Universities, Hispanic Serving Institutions, tribally controlled colleges and universities, and Alaska Native and Native Hawaiian serving institutions in research on subjects of relevance to the Federal Aviation Administration. Grants may be awarded under this subsection for—

“(1) research projects to be carried out at primarily undergraduate institutions and technical colleges;

“(2) research projects that combine research at primarily undergraduate institutions and technical colleges with other research supported by the Federal Aviation Administration;

“(3) research on future training requirements on projected changes in regulatory requirements for aircraft maintenance and power plant licenses; or

“(4) research on the impact of new technologies and procedures, particularly those related to aircraft flight deck and air traffic management functions, and on training requirements for pilots and air traffic controllers.”.

SEC. 104. AIRPORT PLANNING AND DEVELOPMENT AND NOISE COMPATIBILITY PLANNING AND PROGRAMS.

Section 48103 is amended by striking paragraphs (1) through (6) and inserting the following:

- “(1) \$4,000,000,000 for fiscal year 2010; and
- “(2) \$4,100,000,000 for fiscal year 2011.”.

SEC. 105. OTHER AVIATION PROGRAMS.

Section 48114 is amended—

(1) by striking “2007” in subsection (a)(1)(A) and inserting “2011”;

(2) by striking “2007,” in subsection (a)(2) and inserting “2011,”; and

(3) by striking “2007” in subsection (c)(2) and inserting “2011”.

SEC. 106. DELINEATION OF NEXT GENERATION AIR TRANSPORTATION SYSTEM PROJECTS.

Section 44501(b) is amended—

(1) by striking “and” after the semicolon in paragraph (3);

(2) by striking “defense.” in paragraph (4) and inserting “defense; and”; and

(3) by adding at the end thereof the following:

“(5) a list of projects that are part of the Next Generation Air Transportation System and do not have as a primary purpose to operate or maintain the current air traffic control system.”.

SEC. 107. FUNDING FOR ADMINISTRATIVE EXPENSES FOR AIRPORT PROGRAMS.

(a) IN GENERAL.—Section 48105 is amended to read as follows:

“§48105. Airport programs administrative expenses

“Of the amount made available under section 48103 of this title, the following may be available for administrative expenses relating to the Airport Improvement Program, passenger facility charge approval and oversight, national airport system planning, airport standards development and enforcement, airport certification, airport-related environmental activities (including legal services), and other airport-related activities (including airport technology research), to remain available until expended—

“(1) for fiscal year 2010, \$94,000,000; and

“(2) for fiscal year 2011, \$98,000,000.”.

(b) CONFORMING AMENDMENT.—The table of contents for chapter 481 is amended by striking the item relating to section 48105 and inserting the following:

“48105. Airport programs administrative expenses”.

(c) PASSENGER ENPLANEMENT REPORT.—

(1) IN GENERAL.—The Administrator of the Federal Aviation Administration shall prepare a report on every airport in the United States that reported between 10,000 and 15,000 passenger enplanements during each of the 2 most recent years for which such data is available.

(2) REPORT OBJECTIVES.—In carrying out the report under paragraph (1), the Administrator shall document the methods used by each subject airport to reach the 10,000 passenger enplanement threshold, including whether airports subsidize commercial flights to reach such threshold.

(3) REVIEW.—The Inspector General of the Department of Transportation shall review the process of the Administrator in developing the report under paragraph (1).

(4) REPORT.—The Administrator shall submit the report prepared under paragraph (1) to Congress and the Secretary of Transportation.

TITLE II—AIRPORT IMPROVEMENTS

SEC. 201. REFORM OF PASSENGER FACILITY CHARGE AUTHORITY.

(a) PASSENGER FACILITY CHARGE STREAMLINING.—Section 40117(c) is amended to read as follows:

“(c) PROCEDURAL REQUIREMENTS FOR IMPOSITION OF PASSENGER FACILITY CHARGE.—

“(1) IN GENERAL.—An eligible agency must submit to those air carriers and foreign air carriers operating at the airport with a significant business interest, as defined in paragraph (3), and to the Secretary and make available to the public annually a report, in the form required by the Secretary, on the status of the eligible agency’s passenger facility charge program, including—

“(A) the total amount of program revenue held by the agency at the beginning of the 12 months covered by the report;

“(B) the total amount of program revenue collected by the agency during the period covered by the report;

“(C) the amount of expenditures with program revenue made by the agency on each eligible airport-related project during the period covered by the report;

“(D) each airport-related project for which the agency plans to collect and use program revenue during the next 12-month period covered by the report, including the amount of revenue projected to be used for such project;

“(E) the level of program revenue the agency plans to collect during the next 12-month period covered by the report;

“(F) a description of the notice and consultation process with air carriers and foreign air carriers under paragraph (3), and with the public under paragraph (4), including a copy of any adverse comments received and how the agency responded; and

“(G) any other information on the program that the Secretary may require.

“(2) IMPLEMENTATION.—Subject to the requirements of paragraphs (3), (4), (5), and (6), the eligible agency may implement the planned collection and use of passenger facility charges in accordance with its report upon filing the report as required in paragraph (1).

“(3) CONSULTATION WITH CARRIERS FOR NEW PROJECTS.—

“(A) An eligible agency proposing to collect or use passenger facility charge revenue for a project not previously approved by the Secretary or not included in a report required by paragraph (1) that was submitted in a prior year shall provide to air carriers and foreign air carriers operating at the airport reasonable notice, and an opportunity to comment on the planned collection and use of program revenue before providing the report required under paragraph (1). The Secretary shall prescribe by regulation what constitutes reasonable notice under this paragraph, which shall at a minimum include—

“(i) that the eligible agency provide to air carriers and foreign air carriers operating at the airport written notice of the planned collection and use of passenger facility charge revenue;

“(ii) that the notice include a full description and justification for a proposed project;

“(iii) that the notice include a detailed financial plan for the proposed project; and

“(iv) that the notice include the proposed level for the passenger facility charge.

“(B) An eligible agency providing notice and an opportunity for comment shall be deemed to have satisfied the requirements of this paragraph if the eligible agency provides such notice to air carriers and foreign air carriers that have a significant business interest at the airport. For purposes of this subparagraph, the term ‘significant business interest’ means an air carrier or foreign air carrier that—

“(i) had not less than 1.0 percent of passenger boardings at the airport in the prior calendar year;

“(ii) had at least 25,000 passenger boardings at the airport in the prior calendar year; or

“(iii) provides scheduled service at the airport.

“(C) Not later than 45 days after written notice is provided under subparagraph (A), each air carrier and foreign air carrier may provide written comments to the eligible agency indicating its agreement or disagreement with the project or, if applicable, the proposed level for a passenger facility charge.

“(D) The eligible agency may include, as part of the notice and comment process, a consultation meeting to discuss the proposed project or, if applicable, the proposed level for a passenger facility charge. If the agency provides a consultation meeting, the written comments specified in subparagraph (C) shall be due not later than 30 days after the meeting.

“(4) PUBLIC NOTICE AND COMMENT.—

“(A) An eligible agency proposing to collect or use passenger facility charge revenue for a project not previously approved by the Secretary or not included in a report required by paragraph (1) that was filed in a prior year shall provide reasonable notice and an opportunity

for public comment on the planned collection and use of program revenue before providing the report required in paragraph (1).

“(B) The Secretary shall prescribe by regulation what constitutes reasonable notice under this paragraph, which shall at a minimum require—

“(i) that the eligible agency provide public notice of intent to collect a passenger facility charge so as to inform those interested persons and agencies that may be affected;

“(ii) appropriate methods of publication, which may include notice in local newspapers of general circulation or other local media, or posting of the notice on the agency’s Internet website; and

“(iii) submission of public comments no later than 45 days after the date of the publication of the notice.

“(5) OBJECTIONS.—

“(A) Any interested person may file with the Secretary a written objection to a proposed project included in a notice under this paragraph provided that the filing is made within 30 days after submission of the report specified in paragraph (1).

“(B) The Secretary shall provide not less than 30 days for the eligible agency to respond to any filed objection.

“(C) Not later than 90 days after receiving the eligible agency’s response to a filed objection, the Secretary shall make a determination whether or not to terminate authority to collect the passenger facility charge for the project, based on the filed objection. The Secretary shall state the reasons for any determination. The Secretary may only terminate authority if—

“(i) the project is not an eligible airport related project;

“(ii) the eligible agency has not complied with the requirements of this section or the Secretary’s implementing regulations in proposing the project;

“(iii) the eligible agency has been found to be in violation of section 47107(b) of this title and has failed to take corrective action, prior to the filing of the objection; or

“(iv) in the case of a proposed increase in the passenger facility charge level, the level is not authorized by this section.

“(D) Upon issuance of a decision terminating authority, the public agency shall prepare an accounting of passenger facility revenue collected under the terminated authority and restore the funds for use on other authorized projects.

“(E) Except as provided in subparagraph (C), the eligible agency may implement the planned collection and use of a passenger facility charge in accordance with its report upon filing the report as specified in paragraph (1)(A).

“(6) APPROVAL REQUIREMENT FOR INCREASED PASSENGER FACILITY CHARGE OR INTERMODAL GROUND ACCESS PROJECT.—

“(A) An eligible agency may not collect or use a passenger facility charge to finance an intermodal ground access project, or increase a passenger facility charge, unless the project is first approved by the Secretary in accordance with this paragraph.

“(B) The eligible agency may submit to the Secretary an application for authority to impose a passenger facility charge for an intermodal ground access project or to increase a passenger facility charge. The application shall contain information and be in the form that the Secretary may require by regulation but, at a minimum, must include copies of any comments received by the agency during the comment period described by subparagraph (C).

“(C) Before submitting an application under this paragraph, an eligible agency must provide air carriers and foreign air carriers operating at the airport, and the public, reasonable notice of

and an opportunity to comment on a proposed intermodal ground access project or the increased passenger facility charge. Such notice and opportunity to comment shall conform to the requirements of paragraphs (3) and (4).

“(D) After receiving an application, the Secretary may provide air carriers, foreign air carriers and other interested persons notice and an opportunity to comment on the application. The Secretary shall make a final decision on the application not later than 120 days after receiving it.”.

(b) CONFORMING AMENDMENTS.—

(1) REFERENCES.—

(A) Section 40117(a) is amended—

(i) by striking “FEE” in the heading for paragraph (5) and inserting “CHARGE”; and

(ii) by striking “fee” each place it appears in paragraphs (5) and (6) and inserting “charge”.

(B) Subsections (b), and subsections (d) through (m), of section 40117 are amended—

(i) by striking “fee” or “fees” each place either appears and inserting “charge” or “charges”, respectively; and

(ii) by striking “FEE” in the subsection caption for subsection (l), and “FEES” in the subsection captions for subsections (e) and (m), and inserting “CHARGE” and “CHARGES”, respectively.

(C) The caption for section 40117 is amended to read as follows:

“§ 40117. Passenger facility charges”.

(D) The table of contents for chapter 401 is amended by striking the item relating to section 40117 and inserting the following:

“40117. Passenger facility charges”.

(2) LIMITATIONS ON APPROVING APPLICATIONS.—Section 40117(d) is amended—

(A) by striking “subsection (c) of this section to finance a specific” and inserting “subsection (c)(6) of this section to finance an intermodal ground access”;

(B) by striking “specific” in paragraph (1);

(C) by striking paragraph (2) and inserting the following:

“(2) the project is an eligible airport-related project; and”.

(D) by striking “each of the specific projects; and” in paragraph (3) and inserting “the project.”; and

(E) by striking paragraph (4).

(3) LIMITATIONS ON IMPOSING CHARGES.—Section 40117(e)(1) is amended to read as follows:

“(1) An eligible agency may impose a passenger facility charge only subject to terms the Secretary may prescribe to carry out the objectives of this section.”.

(4) LIMITATIONS ON CONTRACTS, LEASES, AND USE AGREEMENTS.—Section 40117(f)(2) is amended by striking “long-term”.

(5) COMPLIANCE.—Section 40117(h) is amended—

(A) by redesignating paragraph (3) as paragraph (4); and

(B) by inserting after paragraph (2) the following:

“(3) The Secretary may, on complaint of an interested person or on the Secretary’s own initiative, conduct an investigation into an eligible agency’s collection and use of passenger facility charge revenue to determine whether a passenger facility charge is excessive or that passenger facility revenue is not being used as provided in this section. The Secretary shall prescribe regulations establishing procedures for complaints and investigations. The regulations may provide for the issuance of a final agency decision without resort to an oral evidentiary hearing. The Secretary shall not accept complaints filed under this paragraph until after the issuance of regulations establishing complaint procedures.”.

(6) PILOT PROGRAM FOR PFC AT NONHUB AIRPORTS.—Section 40117(l) is amended—

(A) by striking “(c)(2)” in paragraph (2) and inserting “(c)(3)”; and

(B) by striking “October 1, 2009.” in paragraph (7) and inserting “the date of issuance of regulations to carry out subsection (c) of this section, as amended by the FAA Air Transportation Modernization and Safety Improvement Act.”.

(7) PROHIBITION ON APPROVING PFC APPLICATIONS FOR AIRPORT REVENUE DIVERSION.—Section 47111(e) is amended by striking “sponsor” the second place it appears in the first sentence and all that follows and inserting “sponsor. A sponsor shall not propose collection or use of passenger facility charges for any new projects under paragraphs (3) through (6) of section 40117(c) unless the Secretary determines that the sponsor has taken corrective action to address the violation and the violation no longer exists.”.

SEC. 202. PASSENGER FACILITY CHARGE PILOT PROGRAM.

(a) IN GENERAL.—Section 40117 is amended by adding at the end thereof the following:

“(n) ALTERNATIVE PASSENGER FACILITY CHARGE COLLECTION PILOT PROGRAM.—

“(1) IN GENERAL.—The Secretary shall establish and conduct a pilot program at not more than 6 airports under which an eligible agency may impose a passenger facility charge under this section without regard to the dollar amount limitations set forth in paragraph (1) or (4) of subsection (b) if the participating eligible agency meets the requirements of paragraph (2).

“(2) COLLECTION REQUIREMENTS.—

“(A) DIRECT COLLECTION.—An eligible agency participating in the pilot program—

“(i) may collect the charge from the passenger at the facility, via the Internet, or in any other reasonable manner; but

“(ii) may not require or permit the charge to be collected by an air carrier or foreign air carrier for the flight segment.

“(B) PFC COLLECTION REQUIREMENT NOT TO APPLY.—Subpart C of part 158 of title 14, Code of Federal Regulations, does not apply to the collection of the passenger facility charge imposed by an eligible agency participating in the pilot program.”.

(b) GAO STUDY OF ALTERNATIVE MEANS OF COLLECTING PFCs.—

(1) IN GENERAL.—The Comptroller General shall conduct a study of alternative means of collection passenger facility charges imposed under section 40117 of title 49, United States Code, that would permit such charges to be collected without being included in the ticket price. In the study, the Comptroller General shall consider, at a minimum—

(A) collection options for arriving, connecting, and departing passengers at airports;

(B) cost sharing or fee allocation methods based on passenger travel to address connecting traffic; and

(C) examples of airport fees collected by domestic and international airports that are not included in ticket prices.

(2) REPORT.—No later than 1 year after the date of enactment of this Act, the Comptroller General shall submit a report on the study to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure containing the Comptroller General’s findings, conclusions, and recommendations.

SEC. 203. AMENDMENTS TO GRANT ASSURANCES.

Section 47107 is amended—

(1) by striking “made;” in subsection (a)(16)(D)(ii) and inserting “made, except that, if there is a change in airport design standards that the Secretary determines is beyond the owner or operator’s control that requires the relocation or replacement of an existing airport

facility, the Secretary, upon the request of the owner or operator, may grant funds available under section 47114 to pay the cost of relocating or replacing such facility.”;

(2) by striking “purpose,” in subsection (c)(2)(A)(i) and inserting “purpose, which includes serving as noise buffer land.”;

(3) by striking “paid to the Secretary for deposit in the Fund if another eligible project does not exist.” in subsection (c)(2)(B)(iii) and inserting “reinvested in another project at the airport or transferred to another airport as the Secretary prescribes.”; and

(4) by redesignating paragraph (3) of subsection (c) as paragraph (4) and inserting after paragraph (2) the following:

“(3) In approving the reinvestment or transfer of proceeds under paragraph (2)(C)(iii), the Secretary shall give preference, in descending order, to—

“(i) reinvestment in an approved noise compatibility project;

“(ii) reinvestment in an approved project that is eligible for funding under section 47117(e);

“(iii) reinvestment in an airport development project that is eligible for funding under section 47114, 47115, or 47117 and meets the requirements of this chapter;

“(iv) transfer to the sponsor of another public airport to be reinvested in an approved noise compatibility project at such airport; and

“(v) payment to the Secretary for deposit in the Airport and Airway Trust Fund established under section 9502 of the Internal Revenue Code of 1986 (26 U.S.C. 9502).”.

SEC. 204. GOVERNMENT SHARE OF PROJECT COSTS.

(a) FEDERAL SHARE.—Section 47109 is amended—

(1) by striking “subsection (b) or subsection (c)” in subsection (a) and inserting “subsection (b), (c), or (e)”;

(2) by adding at the end the following:

“(e) SPECIAL RULE FOR TRANSITION FROM SMALL HUB TO MEDIUM HUB STATUS.—If the status of a small hub primary airport changes to a medium hub primary airport, the United States Government’s share of allowable project costs for the airport may not exceed 95 percent for 2 fiscal years following such change in hub status.”.

(b) TRANSITIONING AIRPORTS.—Section 47114(f)(3)(B) is amended by striking “year 2004.” and inserting “years 2010 and 2011.”.

SEC. 205. AMENDMENTS TO ALLOWABLE COSTS.

Section 47110 is amended—

(1) by striking subsection (d) and inserting the following:

“(d) RELOCATION OF AIRPORT-OWNED FACILITIES.—The Secretary may determine that the costs of relocating or replacing an airport-owned facility are allowable for an airport development project at an airport only if—

“(1) the Government’s share of such costs is paid with funds apportioned to the airport sponsor under sections 47114(c)(1) or 47114(d)(2);

“(2) the Secretary determines that the relocation or replacement is required due to a change in the Secretary’s design standards; and

“(3) the Secretary determines that the change is beyond the control of the airport sponsor.”.

(2) by striking “facilities, including fuel farms and hangars,” in subsection (h) and inserting “facilities, as defined by section 47102.”; and

(3) by adding at the end the following:

“(i) BIRD-DETECTING RADAR SYSTEMS.—Within 180 days after the date of enactment of the FAA Air Transportation Modernization and Safety Improvement Act, the Administrator shall analyze the conclusions of ongoing studies of various types of commercially-available bird radar systems, based upon that analysis, if the Administrator determines such systems have no negative impact on existing navigational aids

and that the expenditure of such funds is appropriate, the Administrator shall allow the purchase of bird-detecting radar systems as an allowable airport development project costs subject to subsection (b). If a determination is made that such radar systems will not improve or negatively impact airport safety, the Administrator shall issue a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure on why that determination was made."

SEC. 206. SALE OF PRIVATE AIRPORT TO PUBLIC SPONSOR.

Section 47133(b) is amended—

(1) by resetting the text of the subsection as an indented paragraph 2 ems from the left margin;

(2) by inserting "(1)" before "Subsection"; and

(3) by adding at the end thereof the following: "(2) In the case of a privately owned airport, subsection (a) shall not apply to the proceeds from the sale of the airport to a public sponsor if—

"(A) the sale is approved by the Secretary;

"(B) funding is provided under this title for the public sponsor's acquisition; and

"(C) an amount equal to the remaining unamortized portion of the original grant, amortized over a 20-year period, is repaid to the Secretary by the private owner for deposit in the Trust Fund for airport acquisitions.

"(3) This subsection shall apply to grants issued on or after October 1, 1996."

SEC. 207. GOVERNMENT SHARE OF CERTAIN AIR PROJECT COSTS.

Notwithstanding section 47109(a) of title 49, United States Code, the Federal Government's share of allowable project costs for a grant made in fiscal year 2008, 2009, 2010, or 2011 under chapter 471 of that title for a project described in paragraph (2) or (3) of that section shall be 95 percent.

SEC. 207(b). PROHIBITION ON USE OF PASSENGER FACILITY CHARGES TO CONSTRUCT BICYCLE STORAGE FACILITIES.

Section 40117(a)(3) is amended—

(1) by redesignating subparagraphs (A) through (G) as clauses (i) through (vii);

(2) by striking "The term" and inserting the following:

"(A) IN GENERAL.—The term"; and

(3) by adding at the end the following:

"(B) BICYCLE STORAGE FACILITIES.—A project to construct a bicycle storage facility may not be considered an eligible airport-related project."

SEC. 208. MISCELLANEOUS AMENDMENTS.

(a) TECHNICAL CHANGES TO NATIONAL PLAN OF INTEGRATED AIRPORT SYSTEMS.—Section 47103 is amended—

(1) by striking "each airport to—" in subsection (a) and inserting "the airport system to—";

(2) by striking "system in the particular area;" in subsection (a)(1) and inserting "system, including connection to the surface transportation network; and";

(3) by striking "aeronautics; and" in subsection (a)(2) and inserting "aeronautics."; and

(4) by striking subsection (a)(3);

(5) by inserting "and" after the semicolon in subsection (b)(1);

(6) by striking paragraph (2) of subsection (b) and redesignating paragraph (3) as paragraph (2);

(7) by striking "operations, Short Takeoff and Landing/Very Short Takeoff and Landing aircraft operations," in subsection (b)(2), as redesignated, and inserting "operations"; and

(8) by striking "status of the" in subsection (d).

(b) UPDATE VETERANS PREFERENCE DEFINITION.—Section 47112(c) is amended—

(1) by striking "separated from" in paragraph (1)(B) and inserting "discharged or released from active duty in";

(2) by adding at the end of paragraph (1) the following:

"(C) 'Afghanistan-Iraq war veteran' means an individual who served on active duty, as defined by section 101(21) of title 38, at any time in the armed forces for a period of more than 180 consecutive days, any part of which occurred during the period beginning on September 11, 2001, and ending on the date prescribed by Presidential proclamation or by law as the last date of Operation Iraqi Freedom.";

(3) by striking "veterans and" in paragraph (2) and inserting "veterans, Afghanistan-Iraq war veterans, and"; and

(4) by adding at the end the following:

"(3) A contract involving labor for carrying out an airport development project under a grant agreement under this subchapter must require that a preference be given to the use of small business concerns (as defined in section 3 of the Small Business Act (15 U.S.C. 632)) owned and controlled by disabled veterans.";

(c) ANNUAL REPORT.—Section 47131(a) is amended—

(1) by striking "April 1" and inserting "June 1"; and

(2) by striking paragraphs (1) through (4) and inserting the following:

"(1) a summary of airport development and planning completed;

"(2) a summary of individual grants issued;

"(3) an accounting of discretionary and apportioned funds allocated; and

"(4) the allocation of appropriations; and".

(d) SUNSET OF PROGRAM.—Section 47137 is repealed effective September 30, 2008.

(e) CORRECTION TO EMISSION CREDITS PROVISION.—Section 47139 is amended—

(1) by striking "47102(3)(F)," in subsection (a);

(2) by striking "47102(3)(F), 47102(3)(K), 47102(3)(L), or 47140" in subsection (b) and inserting "47102(3)(K) or 47102(3)(L)"; and

(3) by striking "40117(a)(3)(G), 47103(3)(F), 47102(3)(K), 47102(3)(L), or 47140," in subsection (b) and inserting "40117(a)(3)(G), 47102(3)(K), or 47102(3)(L)."; and

(f) CORRECTION TO SURPLUS PROPERTY AUTHORITY.—Section 47151(e) is amended by striking "(other than real property that is subject to section 2687 of title 10, section 201 of the Defense Authorization Amendments and Base Closure and Realignment Act (10 U.S.C. 2687 note), or section 2905 of the Defense Base Closure and Realignment Act of 1990 (10 U.S.C. 2687 note).";

(g) AIRPORT CAPACITY BENCHMARK REPORTS; DEFINITION OF JOINT USE AIRPORT.—Section 47175 is amended—

(1) by striking "Airport Capacity Benchmark Report 2001." in paragraph (2) and inserting "2001 and 2004 Airport Capacity Benchmark Reports or of the most recent Benchmark report, Future Airport Capacity Task Report, or other comparable FAA report."; and

(2) by adding at the end thereof the following:

"(7) JOINT USE AIRPORT.—The term 'joint use airport' means an airport owned by the United States Department of Defense, at which both military and civilian aircraft make shared use of the airfield.";

(h) USE OF APPORTIONED AMOUNTS.—Section 47117(e)(1)(A) is amended—

(1) by striking "35 percent" in the first sentence and inserting "\$300,000,000";

(2) by striking "and" after "47141,";

(3) by striking "et seq.," and inserting "et seq., and for water quality mitigation projects to comply with the Act of June 30, 1948 (33 U.S.C. 1251 et seq.), approved in an environmental record of decision for an airport development project under this title."; and

(4) by striking "such 35 percent requirement is" in the second sentence and inserting "the requirements of the preceding sentence are".

(i) USE OF PREVIOUS FISCAL YEAR'S APPORTIONMENT.—Section 47114(c)(1) is amended—

(1) by striking "and" after the semicolon in subparagraph (E)(ii);

(2) by striking "airport." in subparagraph (E)(iii) and inserting "airport; and";

(3) by adding at the end of subparagraph (E) the following:

"(iv) the airport received scheduled or unscheduled air service from a large certified air carrier (as defined in part 241 of title 14, Code of Federal Regulations, or such other regulations as may be issued by the Secretary under the authority of section 47109) and the Secretary determines that the airport had more than 10,000 passenger boardings in the preceding calendar year, based on data submitted to the Secretary under part 241 of title 14, Code of Federal Regulations.";

(4) in subparagraph (G)—

(A) by striking "FISCAL YEAR 2006" in the heading and inserting "FISCAL YEARS 2008 THROUGH 2011";

(B) by striking "fiscal year 2006" and inserting "fiscal years 2008 through 2011";

(C) by striking clause (i) and inserting the following:

"(i) the average annual passenger boardings at the airport for calendar years 2004 through 2006 were below 10,000 per year; and

(D) by striking "2000 or 2001," in clause (ii) and inserting "2003"; and

(5) by adding at the end thereof the following:

"(H) SPECIAL RULE FOR FISCAL YEARS 2010 AND 2011.—Notwithstanding subparagraph (A), for an airport that had more than 10,000 passenger boardings and scheduled passenger aircraft service in calendar year 2007, but in either calendar years 2008 or 2009, or both years, the number of passenger boardings decreased to a level below 10,000 boardings per year at such airport, the Secretary may apportion in fiscal years 2010 or 2011 to the sponsor of such an airport an amount equal to the amount apportioned to that sponsor in fiscal year 2009.";

(j) MOBILE REFUELER PARKING CONSTRUCTION.—Section 47102(3) is amended by adding at the end the following:

"(M) construction of mobile refueler parking within a fuel farm at a nonprimary airport meeting the requirements of section 112.8 of title 40, Code of Federal Regulations.";

(k) DISCRETIONARY FUND.—Section 47115(g)(1) is amended by striking "of—" and all that follows and inserting "of \$520,000,000. The amount credited is exclusive of amounts that have been apportioned in a prior fiscal year under section 47114 of this title and that remain available for obligation.";

SEC. 209. STATE BLOCK GRANT PROGRAM.

Section 47128 is amended—

(1) by striking "regulations" each place it appears in subsection (a) and inserting "guidance";

(2) by striking "grant;" in subsection (b)(4) and inserting "grant, including Federal environmental requirements or an agreed upon equivalent";

(3) by redesignating subsection (c) as subsection (d) and inserting after subsection (b) the following:

"(c) PROJECT ANALYSIS AND COORDINATION REQUIREMENTS.—Any Federal agency that must approve, license, or permit a proposed action by a participating State shall coordinate and consult with the State. The agency shall utilize the environmental analysis prepared by the State, provided it is adequate, or supplement that analysis as necessary to meet applicable Federal requirements."; and

(4) by adding at the end the following:

“(e) PILOT PROGRAM.—The Secretary shall establish a pilot program for up to 3 States that do not participate in the program established under subsection (a) that is consistent with the program under subsection (a).”

SEC. 210. AIRPORT FUNDING OF SPECIAL STUDIES OR REVIEWS.

Section 47173(a) is amended by striking “project.” and inserting “project, or to conduct special environmental studies related to a federally funded airport project or for special studies or reviews to support approved noise compatibility measures in a Part 150 program or environmental mitigation in a Federal Aviation Administration Record of Decision or Finding of No Significant Impact.”

SEC. 211. GRANT ELIGIBILITY FOR ASSESSMENT OF FLIGHT PROCEDURES.

Section 47504 is amended by adding at the end the following:

“(e) GRANTS FOR ASSESSMENT OF FLIGHT PROCEDURES.—

“(1) The Secretary is authorized in accordance with subsection (c)(1) to make a grant to an airport operator to assist in completing environmental review and assessment activities for proposals to implement flight procedures that have been approved for airport noise compatibility planning purposes under subsection (b).

“(2) The Administrator of the Federal Aviation Administration may accept funds from an airport sponsor, including funds provided to the sponsor under paragraph (1), to hire additional staff or obtain the services of consultants in order to facilitate the timely processing, review and completion of environmental activities associated with proposals to implement flight procedures submitted and approved for airport noise compatibility planning purposes in accordance with this section. Funds received under this authority shall not be subject to the procedures applicable to the receipt of gifts by the Administrator.”

SEC. 212. SAFETY-CRITICAL AIRPORTS.

Section 47118(c) is amended—

(1) by striking “or” after the semicolon in paragraph (1);

(2) by striking “delays.” in paragraph (2) and inserting “delays; or”; and

(3) by adding at the end the following:

“(3) be critical to the safety of commercial, military, or general aviation in trans-oceanic flights.”

SEC. 213. ENVIRONMENTAL MITIGATION DEMONSTRATION PILOT PROGRAM.

(a) PILOT PROGRAM.—Subchapter I of chapter 471 is amended by adding at the end thereof the following:

“§47143. Environmental mitigation demonstration pilot program

“(a) IN GENERAL.—The Secretary of Transportation shall carry out a pilot program involving not more than 6 projects at public-use airports under which the Secretary may make grants to sponsors of such airports from funds apportioned under paragraph 47117(e)(1)(A) for use at such airports for environmental mitigation demonstration projects that will measurably reduce or mitigate aviation impacts on noise, air quality or water quality in the vicinity of the airport. Notwithstanding any other provision of this subchapter, an environmental mitigation demonstration project approved under this section shall be treated as eligible for assistance under this subchapter.

“(b) PARTICIPATION IN PILOT PROGRAM.—A public-use airport shall be eligible for participation in the pilot.

“(c) SELECTION CRITERIA.—In selecting from among applicants for participation in the pilot program, the Secretary may give priority consideration to environmental mitigation demonstration projects that—

“(1) will achieve the greatest reductions in aircraft noise, airport emissions, or airport water quality impacts either on an absolute basis, or on a per-dollar-of-funds expended basis; and

“(2) will be implemented by an eligible consortium.

“(d) FEDERAL SHARE.—Notwithstanding any other provision of this subchapter, the United States Government’s share of the costs of a project carried out under this section shall be 50 percent.

“(e) MAXIMUM AMOUNT.—Not more than \$2,500,000 may be made available by the Secretary in grants under this section for any single project.

“(f) IDENTIFYING BEST PRACTICES.—The Administrator may develop and publish information identifying best practices for reducing or mitigating aviation impacts on noise, air quality, or water quality in the vicinity of airports, based on the projects carried out under the pilot program.

“(g) DEFINITIONS.—In this section:

“(1) ELIGIBLE CONSORTIUM.—The term ‘eligible consortium’ means a consortium that comprises 2 or more of the following entities:

“(A) Businesses operating in the United States.

“(B) Public or private educational or research organizations located in the United States.

“(C) Entities of State or local governments in the United States.

“(D) Federal laboratories.

“(2) ENVIRONMENTAL MITIGATION DEMONSTRATION PROJECT.—The term ‘environmental mitigation demonstration project’ means a project that—

“(A) introduces new conceptual environmental mitigation techniques or technology with associated benefits, which have already been proven in laboratory demonstrations;

“(B) proposes methods for efficient adaptation or integration of new concepts to airport operations; and

“(C) will demonstrate whether new techniques or technology for environmental mitigation identified in research are—

“(i) practical to implement at or near multiple public use airports; and

“(ii) capable of reducing noise, airport emissions, or water quality impacts in measurably significant amounts.”

(b) CONFORMING AMENDMENT.—The table of contents for chapter 471 is amended by inserting after the item relating to section 47142 the following:

“47143. Environmental mitigation demonstration pilot program”.

SEC. 214. ALLOWABLE PROJECT COSTS FOR AIRPORT DEVELOPMENT PROGRAM.

Section 47110(c) is amended—

(1) by striking “; or” in paragraph (1) and inserting a semicolon;

(2) by striking “project.” in paragraph (2) and inserting “project; or”; and

(3) by adding at the end the following:

“(3) necessarily incurred in anticipation of severe weather.”

SEC. 215. GLYCOL RECOVERY VEHICLES.

Section 47102(3)(G) is amended by inserting “including acquiring glycol recovery vehicles,” after “aircraft.”

SEC. 216. RESEARCH IMPROVEMENT FOR AIRCRAFT.

Section 44504(b) is amended—

(1) by striking “and” after the semicolon in paragraph (6);

(2) by striking “aircraft.” in paragraph (7) and inserting “aircraft; and”; and

(3) by adding at the end thereof the following:

“(8) to conduct research to support programs designed to reduce gases and particulates emitted.”

SEC. 217. UNITED STATES TERRITORY MINIMUM GUARANTEE.

Section 47114(e) is amended—

(1) by inserting “AND ANY UNITED STATES TERRITORY” after “ALASKA” in the subsection heading; and

(2) by adding at the end thereof the following:

“(5) UNITED STATES TERRITORY MINIMUM GUARANTEE.—In any fiscal year in which the total amount apportioned to airports in a United States Territory under subsections (c) and (d) is less than 1.5 percent of the total amount apportioned to all airports under those subsections, the Secretary may apportion to the local authority in any United States Territory responsible for airport development projects in that fiscal year an amount equal to the difference between 1.5 percent of the total amounts apportioned under subsections (c) and (d) in that fiscal year and the amount otherwise apportioned under those subsections to airports in a United States Territory in that fiscal year.”

SEC. 218. MERRILL FIELD AIRPORT, ANCHORAGE, ALASKA.

(a) IN GENERAL.—Notwithstanding any other provision of law, including the Federal Airport Act (as in effect on August 8, 1958), the United States releases, without monetary consideration, all restrictions, conditions, and limitations on the use, encumbrance, or conveyance of certain land located in the municipality of Anchorage, Alaska, more particularly described as Tracts 22 and 24 of the Fourth Addition to the Town Site of Anchorage, Alaska, as shown on the plat of U.S. Survey No. 1456, accepted June 13, 1923, on file in the Bureau of Land Management, Department of Interior.

(b) GRANTS.—Notwithstanding any other provision of law, the municipality of Anchorage shall be released from the repayment of any outstanding grant obligations owed by the municipality to the Federal Aviation Administration with respect to any land described in subsection (a) that is subsequently conveyed to or used by the Department of Transportation and Public Facilities of the State of Alaska for the construction or reconstruction of a federally subsidized highway project.

SEC. 219. RELEASE FROM RESTRICTIONS.

(a) IN GENERAL.—Subject to subsection (b), and notwithstanding section 16 of the Federal Airport Act (as in effect on August 28, 1973) and sections 47125 and 47153 of title 49, United States Code, the Secretary of Transportation is authorized to grant releases from any of the terms, conditions, reservations, and restrictions contained in the deed of conveyance dated August 28, 1973, under which the United States conveyed certain property to the city of St. George, Utah, for airport purposes.

(b) CONDITION.—Any release granted by the Secretary of Transportation pursuant to subsection (a) shall be subject to the following conditions:

(1) The city of St. George, Utah, shall agree that in conveying any interest in the property which the United States conveyed to the city by deed on August 28, 1973, the city will receive an amount for such interest which is equal to its fair market value.

(2) Any amount received by the city under paragraph (1) shall be used by the city of St. George, Utah, for the development or improvement of a replacement public airport.

SEC. 220. DESIGNATION OF FORMER MILITARY AIRPORTS.

Section 47118(g) is amended by striking “one” and inserting “three” in its place.

SEC. 221. AIRPORT SUSTAINABILITY PLANNING WORKING GROUP.

(a) IN GENERAL.—The Administrator shall establish an airport sustainability working group to assist the Administrator with issues pertaining to airport sustainability practices.

(b) **MEMBERSHIP.**—The Working Group shall be comprised of not more than 15 members including—

- (1) the Administrator;
- (2) 5 member organizations representing aviation interests including:
 - (A) an organization representing airport operators;
 - (B) an organization representing airport employees;
 - (C) an organization representing air carriers;
 - (D) an organization representing airport development and operations experts;
 - (E) a labor organization representing aviation employees.

(3) 9 airport chief executive officers which shall include:

- (A) at least one from each of the FAA Regions;
- (B) at least 1 large hub;
- (C) at least 1 medium hub;
- (D) at least 1 small hub;
- (E) at least 1 non hub;
- (F) at least 1 general aviation airport.

(c) **FUNCTIONS.**—

(1) develop consensus-based best practices and metrics for the sustainable design, construction, planning, maintenance, and operation of an airport that comply with the guidelines prescribed by the Administrator;

(2) develop standards for a consensus-based rating system based on the aforementioned best practices, metrics, and ratings; and

(3) develop standards for a voluntary ratings process, based on the aforementioned best practices, metrics, and ratings;

(4) examine and submit recommendations for the industry's next steps with regard to sustainability.

(d) **DETERMINATION.**—The Administrator shall provide assurance that the best practices developed by the working group under paragraph (a) are not in conflict with any federal aviation or federal, state or local environmental regulation.

(e) **UNPAID POSITION.**—Working Group members shall serve at their own expense and receive no salary, reimbursement of travel expenses, or other compensation from the Federal Government.

(f) **NONAPPLICABILITY OF FACA.**—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Working Group under this section.

(g) **REPORT.**—Not later than one year after the date of enactment the Working Group shall submit a report to the Administrator containing the best practices and standards contained in paragraph (c). After receiving the report, the Administrator may publish such best practices in order to disseminate the information to support the sustainable design, construction, planning, maintenance, and operations of airports.

(h) No funds may be authorized to carry out this provision.

SEC. 222. INCLUSION OF MEASURES TO IMPROVE THE EFFICIENCY OF AIRPORT BUILDINGS IN AIRPORT IMPROVEMENT PROJECTS.

Section 47101(a) is amended—

(1) in paragraph (12), by striking “; and” and inserting a semicolon;

(2) in paragraph (13), by striking the period and inserting “; and”; and

(3) by adding at the end the following:

“(14) that the airport improvement program should be administered to allow measures to improve the efficiency of airport buildings to be included in airport improvement projects, such as measures designed to meet one or more of the criteria for being a high-performance green building set forth in section 401(13) of the Energy Independence and Security Act of 2007 (42 U.S.C. 17061(13)), if any significant increase in upfront project costs from any such measure is justified by expected savings over the lifecycle of the project.”.

SEC. 223. STUDY ON APPORTIONING AMOUNTS FOR AIRPORT IMPROVEMENT IN PROPORTION TO AMOUNTS OF AIR TRAFFIC.

(a) **STUDY AND REPORT REQUIRED.**—Not later than 180 days after the date of the enactment of this Act, the Administrator of the Federal Aviation Administration shall—

(1) complete a study on the feasibility and advisability of apportioning amounts under section 47114(c)(1) of title 49, United States Code, to the sponsor of each primary airport for each fiscal year an amount that bears the same ratio to the amount subject to the apportionment for fiscal year 2009 as the number of passenger boardings at the airport during the prior calendar year bears to the aggregate of all passenger boardings at all primary airports during that calendar year; and

(2) submit to Congress a report on the study completed under paragraph (1).

(b) **REPORT CONTENTS.**—The report required by subsection (a)(2) shall include the following:

(1) A description of the study carried out under subsection (a)(1).

(2) The findings of the Administrator with respect to such study.

(3) A list of each sponsor of a primary airport that received an amount under section 47114(c)(1) of title 49, United States Code, in 2009.

(4) For each sponsor listed in accordance with paragraph (3), the following:

(A) The amount such sponsor received, if any, in 2005, 2006, 2007, 2008, and 2009 under such section 47114(c)(1).

(B) An explanation of how the amount awarded to such sponsor was determined.

(C) The average number of air passenger flights serviced each month at the airport of such sponsor in 2009.

(D) The number of enplanements for air passenger transportation at such airport in 2005, 2006, 2007, 2008, and 2009.

TITLE III—AIR TRAFFIC CONTROL MODERNIZATION AND FAA REFORM

SEC. 301. AIR TRAFFIC CONTROL MODERNIZATION OVERSIGHT BOARD.

Section 106(p) is amended to read as follows:

“(p) **AIR TRAFFIC CONTROL MODERNIZATION OVERSIGHT BOARD.**—

“(1) **ESTABLISHMENT.**—Within 90 days after the date of enactment of the FAA Air Transportation Modernization and Safety Improvement Act, the Secretary shall establish and appoint the members of an advisory Board which shall be known as the Air Traffic Control Modernization Oversight Board.

“(2) **MEMBERSHIP.**—The Board shall be comprised of the individual appointed or designated under section 302 of the FAA Air Transportation Modernization and Safety Improvement Act (who shall serve ex officio without the right to vote) and 9 other members, who shall consist of—

“(A) the Administrator and a representative from the Department of Defense;

“(B) 1 member who shall have a fiduciary responsibility to represent the public interest; and

“(C) 6 members representing aviation interests, as follows:

“(i) 1 representative that is the chief executive officer of an airport.

“(ii) 1 representative that is the chief executive officer of a passenger or cargo air carrier.

“(iii) 1 representative of a labor organization representing employees at the Federal Aviation Administration that are involved with the operation of the air traffic control system.

“(iv) 1 representative with extensive operational experience in the general aviation community.

“(v) 1 representative from an aircraft manufacturer.

“(vi) 1 representative of a labor organization representing employees at the Federal Aviation Administration who are involved with maintenance of the air traffic control system.

“(3) **APPOINTMENT AND QUALIFICATIONS.**—

“(A) Members of the Board appointed under paragraphs (2)(B) and (2)(C) shall be appointed by the President, by and with the advice and consent of the Senate.

“(B) Members of the Board appointed under paragraph (2)(B) shall be citizens of the United States and shall be appointed without regard to political affiliation and solely on the basis of their professional experience and expertise in one or more of the following areas and, in the aggregate, should collectively bring to bear expertise in—

“(i) management of large service organizations;

“(ii) customer service;

“(iii) management of large procurements;

“(iv) information and communications technology;

“(v) organizational development; and

“(vi) labor relations.

“(C) Of the members first appointed under paragraphs (2)(B) and (2)(C)—

“(i) 2 shall be appointed for terms of 1 year;

“(ii) 1 shall be appointed for a term of 2 years;

“(iii) 1 shall be appointed for a term of 3 years; and

“(iv) 1 shall be appointed for a term of 4 years.

“(4) **FUNCTIONS.**—

“(A) **IN GENERAL.**—The Board shall—

“(i) review and provide advice on the Administration's modernization programs, budget, and cost accounting system;

“(ii) review the Administration's strategic plan and make recommendations on the non-safety program portions of the plan, and provide advice on the safety programs of the plan;

“(iii) review the operational efficiency of the air traffic control system and make recommendations on the operational and performance metrics for that system;

“(iv) approve procurements of air traffic control equipment in excess of \$100,000,000;

“(v) approve by July 31 of each year the Administrator's budget request for facilities and equipment prior to its submission to the Office of Management and budget, including which programs are proposed to be funded from the Air Traffic control system Modernization Account of the Airport and Airway Trust Fund;

“(vi) approve the Federal Aviation Administration's Capital Investment Plan prior to its submission to the Congress;

“(vii) annually review and make recommendations on the NextGen Implementation Plan;

“(viii) approve the Administrator's selection of the Chief NextGen Officer appointed or designated under section 302(a) of the FAA Air Transportation Modernization and Safety Improvement Act; and

“(ix) approve the selection of the head of the Joint Planning and Development Office.

“(B) **MEETINGS.**—The Board shall meet on a regular and periodic basis or at the call of the Chairman or of the Administrator.

“(C) **ACCESS TO DOCUMENTS AND STAFF.**—The Administration may give the Board appropriate access to relevant documents and personnel of the Administration, and the Administrator shall make available, consistent with the authority to withhold commercial and other proprietary information under section 552 of title 5, cost data associated with the acquisition and operation of air traffic control systems. Any member of the Board who receives commercial or other proprietary data from the Administrator shall be subject to the provisions of section 1905 of title 18, pertaining to unauthorized disclosure of such information.

“(5) **FEDERAL ADVISORY COMMITTEE ACT NOT TO APPLY.**—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Board or such rulemaking committees as the Administrator shall designate.

“(6) **ADMINISTRATIVE MATTERS.**—

“(A) **TERMS OF MEMBERS.**—Except as provided in paragraph (3)(C), members of the Board appointed under paragraph (2)(B) and (2)(C) shall be appointed for a term of 4 years.

“(B) **REAPPOINTMENT.**—No individual may be appointed to the Board for more than 8 years total.

“(C) **VACANCY.**—Any vacancy on the Board shall be filled in the same manner as the original position. Any member appointed to fill a vacancy occurring before the expiration of the term for which the member's predecessor was appointed shall be appointed for a term of 4 years.

“(D) **CONTINUATION IN OFFICE.**—A member of the Board whose term expires shall continue to serve until the date on which the member's successor takes office.

“(E) **REMOVAL.**—Any member of the Board appointed under paragraph (2)(B) or (2)(C) may be removed by the President for cause.

“(F) **CLAIMS AGAINST MEMBERS OF THE BOARD.**—

“(i) **IN GENERAL.**—A member appointed to the Board shall have no personal liability under State or Federal law with respect to any claim arising out of or resulting from an act or omission by such member within the scope of service as a member of the Board.

“(ii) **EFFECT ON OTHER LAW.**—This subparagraph shall not be construed—

“(I) to affect any other immunity or protection that may be available to a member of the Board under applicable law with respect to such transactions;

“(II) to affect any other right or remedy against the United States under applicable law; or

“(III) to limit or alter in any way the immunities that are available under applicable law for Federal officers and employees.

“(G) **ETHICAL CONSIDERATIONS.**—Each member of the Board appointed under paragraph (2)(B) must certify that the member—

“(i) does not have a pecuniary interest in, or own stock in or bonds of, an aviation or aeronautical enterprise, except an interest in a diversified mutual fund or an interest that is exempt from the application of section 208 of title 18;

“(ii) does not engage in another business related to aviation or aeronautics; and

“(iii) is not a member of any organization that engages, as a substantial part of its activities, in activities to influence aviation-related legislation.

“(H) **CHAIRMAN; VICE CHAIRMAN.**—The Board shall elect a chair and a vice chair from among its members, each of whom shall serve for a term of 2 years. The vice chair shall perform the duties of the chairman in the absence of the chairman.

“(I) **COMPENSATION.**—No member shall receive any compensation or other benefits from the Federal Government for serving on the Board, except for compensation benefits for injuries under subchapter I of chapter 81 of title 5 and except as provided under subparagraph (J).

“(J) **EXPENSES.**—Each member of the Board shall be paid actual travel expenses and per diem in lieu of subsistence expenses when away from his or her usual place of residence, in accordance with section 5703 of title 5.

“(K) **BOARD RESOURCES.**—From resources otherwise available to the Administrator, the Chairman shall appoint such staff to assist the board and provide impartial analysis, and the Administrator shall make available to the Board such information and administrative services and as-

sistance, as may reasonably be required to enable the Board to carry out its responsibilities under this subsection.

“(L) **QUORUM AND VOTING.**—A simple majority of members of the Board duly appointed shall constitute a quorum. A majority vote of members present and voting shall be required for the Committee to take action.

“(7) **AIR TRAFFIC CONTROL SYSTEM DEFINED.**—In this subsection, the term ‘air traffic control system’ has the meaning given that term in section 40102(a).”.

SEC. 302. NEXTGEN MANAGEMENT.

(a) **IN GENERAL.**—The Administrator shall appoint or designate an individual, as the Chief NextGen Officer, to be responsible for implementation of all Administration programs associated with the Next Generation Air Transportation System.

(b) **SPECIFIC DUTIES.**—The individual appointed or designated under subsection (a) shall—

(1) oversee the implementation of all Administration NextGen programs;

(2) coordinate implementation of those NextGen programs with the Office of Management and Budget;

(3) develop an annual NextGen implementation plan;

(4) ensure that Next Generation Air Transportation System implementation activities are planned in such a manner as to require that system architecture is designed to allow for the incorporation of novel and currently unknown technologies into the System in the future and that current decisions do not bias future decisions unfairly in favor of existing technology at the expense of innovation; and

(5) oversee the Joint Planning and Development Office's facilitation of cooperation among all Federal agencies whose operations and interests are affected by implementation of the NextGen programs.

SEC. 303. FACILITATION OF NEXT GENERATION AIR TRAFFIC SERVICES.

Section 106(l) is amended by adding at the end the following:

“(7) **AIR TRAFFIC SERVICES.**—In determining what actions to take, by rule or through an agreement or transaction under paragraph (6) or under section 44502, to permit non-Government providers of communications, navigation, surveillance or other services to provide such services in the National Airspace System, or to require the usage of such services, the Administrator shall consider whether such actions would—

“(A) promote the safety of life and property;

“(B) improve the efficiency of the National Airspace System and reduce the regulatory burden upon National Airspace System users, based upon sound engineering principles, user operational requirements, and marketplace demands;

“(C) encourage competition and provide services to the largest feasible number of users; and

“(D) take into account the unique role served by general aviation.”.

SEC. 304. CLARIFICATION OF AUTHORITY TO ENTER INTO REIMBURSABLE AGREEMENTS.

Section 106(m) is amended by striking “without” in the last sentence and inserting “with or without”.

SEC. 305. CLARIFICATION TO ACQUISITION REFORM AUTHORITY.

Section 40110(c) is amended—

(1) by inserting “and” after the semicolon in paragraph (3);

(2) by striking paragraph (4); and

(3) by redesignating paragraph (5) as paragraph (4).

SEC. 306. ASSISTANCE TO OTHER AVIATION AUTHORITIES.

Section 40113(e) is amended—

(1) by inserting “(whether public or private)” in paragraph (1) after “authorities”;

(2) by striking “safety.” in paragraph (1) and inserting “safety or efficiency. The Administrator is authorized to participate in, and submit offers in response to, competitions to provide these services, and to contract with foreign aviation authorities to provide these services consistent with the provisions under section 106(l)(6) of this title. The Administrator is also authorized, notwithstanding any other provision of law or policy, to accept payments in arrears.”; and

(3) by striking “appropriation from which expenses were incurred in providing such services.” in paragraph (3) and inserting “appropriation current when the expenditures are or were paid, or the appropriation current when the amount is received.”.

SEC. 307. PRESIDENTIAL RANK AWARD PROGRAM.

Section 40122(g)(2) is amended—

(1) by striking “and” after the semicolon in subparagraph (G);

(2) by striking “Board.” in subparagraph (H) and inserting “Board; and”; and

(3) by inserting at the end the following new subparagraph:

“(I) subsections (b), (c), and (d) of section 4507 (relating to Meritorious Executive or Distinguished Executive rank awards), and subsections (b) and (c) of section 4507a (relating to Meritorious Senior Professional or Distinguished Senior Professional rank awards), except that—

“(i) for purposes of applying such provisions to the personnel management system—

“(I) the term ‘agency’ means the Department of Transportation;

“(II) the term ‘senior executive’ means a Federal Aviation Administration executive;

“(III) the term ‘career appointee’ means a Federal Aviation Administration career executive; and

“(IV) the term ‘senior career employee’ means a Federal Aviation Administration career senior professional;

“(ii) receipt by a career appointee of the rank of Meritorious Executive or Meritorious Senior Professional entitles such individual to a lump-sum payment of an amount equal to 20 percent of annual basic pay, which shall be in addition to the basic pay paid under the Federal Aviation Administration Executive Compensation Plan; and

“(iii) receipt by a career appointee of the rank of Distinguished Executive or Distinguished Senior Professional entitles the individual to a lump-sum payment of an amount equal to 35 percent of annual basic pay, which shall be in addition to the basic pay paid under the Federal Aviation Administration Executive Compensation Plan.”.

SEC. 308. NEXT GENERATION FACILITIES NEEDS ASSESSMENT.

(a) **FAA CRITERIA FOR FACILITIES REALIGNMENT.**—Within 9 months after the date of enactment of this Act, the Administrator, after providing an opportunity for public comment, shall publish final criteria to be used in making the Administrator's recommendations for the realignment of services and facilities to assist in the transition to next generation facilities and help reduce capital, operating, maintenance, and administrative costs with no adverse effect on safety.

(b) **REALIGNMENT RECOMMENDATIONS.**—Within 9 months after publication of the criteria, the Administrator shall publish a list of the services and facilities that the Administrator recommends for realignment, including a justification for each recommendation and a description of the costs and savings of such transition, in the Federal Register and allow 45 days for the submission of public comments to the Board. In

addition, the Administrator upon request shall hold a public hearing in any community that would be affected by a recommendation in the report.

(c) **STUDY BY BOARD.**—The Air Traffic Control Modernization Oversight Board established by section 106(p) of title 49, United States Code, shall study the Administrator's recommendations for realignment and the opportunities, risks, and benefits of realigning services and facilities of the Administration to help reduce capital, operating, maintenance, and administrative costs with no adverse effect on safety.

(d) **REVIEW AND RECOMMENDATIONS.**—

(1) Based on its review and analysis of the Administrator's recommendations and any public comment it may receive, the Board shall make its independent recommendations for realignment of aviation services or facilities and submit its recommendations in a report to the President, the Senate Committee on Commerce, Science, and Transportation, and the House of Representatives Committee on Transportation and Infrastructure.

(2) The Board shall explain and justify in its report any recommendation made by the Board that is different from the recommendations made by the Administrator pursuant to subsection (b).

(3) The Administrator may not realign any air traffic control facilities or regional offices until the Board's recommendations are complete, unless for each proposed realignment the Administrator and each exclusive bargaining representative certified under section 7114 of title 5, United States Code, of affected employees execute a written agreement regarding the proposed realignment.

(e) **REALIGNMENT DEFINED.**—In this section, the term "realignment"—

(1) means a relocation or reorganization of functions, services, or personnel positions, including a facility closure, consolidation, deconsolidation, collocation, decombining, decoupling, split, or inter-facility or inter-regional reorganization that requires a reassignment of employees; but

(2) does not include a reduction in personnel resulting from workload adjustments.

SEC. 309. NEXT GENERATION AIR TRANSPORTATION SYSTEM IMPLEMENTATION OFFICE.

(a) **IMPROVED COOPERATION AND COORDINATION AMONG PARTICIPATING AGENCIES.**—Section 709 of the Vision 100—Century of Aviation Reauthorization Act (49 U.S.C. 40101 note) is amended—

(1) by inserting "strategic and cross-agency" after "manage" in subsection (a)(1);

(2) by adding at the end of subsection (a)(1) "The office shall be headed by a Director, who shall report to the Chief NextGen Officer appointed or designated under section 302(a) of the FAA Air Transportation Modernization and Safety Improvement Act.";

(3) by inserting "(A)" after "(3)" in subsection (a)(3);

(4) by inserting after subsection (a)(3) the following:

"(B) The Administrator, the Secretary of Defense, the Administrator of the National Aeronautics and Space Administration, the Secretary of Commerce, the Secretary of Homeland Security, and the head of any other Department or Federal agency from which the Secretary of Transportation requests assistance under subparagraph (A) shall designate an implementation office to be responsible for—

"(i) carrying out the Department or agency's Next Generation Air Transportation System implementation activities with the Office;

"(ii) liaison and coordination with other Departments and agencies involved in Next Generation Air Transportation System activities; and

"(iii) managing all Next Generation Air Transportation System programs for the Department or agency, including necessary budgetary and staff resources, including, for the Federal Aviation Administration, those projects described in section 44501(b)(5) of title 49, United States Code).

"(C) The head of any such Department or agency shall ensure that—

"(i) the Department's or agency's Next Generation Air Transportation System responsibilities are clearly communicated to the designated office; and

"(ii) the performance of supervisory personnel in that office in carrying out the Department's or agency's Next Generation Air Transportation System responsibilities is reflected in their annual performance evaluations and compensation decisions.

"(D)(i) Within 6 months after the date of enactment of the FAA Air Transportation Modernization and Safety Improvement Act, the head of each such Department or agency shall execute a memorandum of understanding with the Office and with the other Departments and agencies participating in the Next Generation Air Transportation System project that—

"(I) describes the respective responsibilities of each such Department and agency, including budgetary commitments; and

"(II) the budgetary and staff resources committed to the project.

"(ii) The memorandum shall be revised as necessary to reflect any changes in such responsibilities or commitments and be reflected in each Department or agency's budget request.";

(5) by striking "beyond those currently included in the Federal Aviation Administration's operational evolution plan" in subsection (b);

(6) by striking "research and development roadmap" in subsection (b)(3) and inserting "implementation plan";

(7) by striking "and" after the semicolon in subsection (b)(3)(B);

(8) by inserting after subsection (b)(3)(C) the following:

"(D) a schedule of rulemakings required to issue regulations and guidelines for implementation of the Next Generation Air Transportation System within a timeframe consistent with the integrated plan; and";

(9) by inserting "and key technologies" after "concepts" in subsection (b)(4);

(10) by striking "users" in subsection (b)(4) and inserting "users, an implementation plan.";

(11) by adding at the end of subsection (b) the following:

"Within 6 months after the date of enactment of the FAA Air Transportation Modernization and Safety Improvement Act, the Administrator shall develop the implementation plan described in paragraph (3) of this subsection and shall update it annually thereafter."; and

(12) by striking "2010." in subsection (e) and inserting "2011."

(b) **SENIOR POLICY COMMITTEE MEETINGS.**—Section 710(a) of such Act (49 U.S.C. 40101 note) is amended by striking "Secretary." and inserting "Secretary and shall meet at least once each quarter."

SEC. 310. DEFINITION OF AIR NAVIGATION FACILITY.

Section 40102(a)(4) is amended—

(1) by striking subparagraph (B) and inserting the following:

"(B) runway lighting and airport surface visual and other navigation aids;";

(2) by striking "weather information, signaling, radio-directional finding, or radio or other electromagnetic communication; and" in subparagraph (C) and inserting "aeronautical and meteorological information to air traffic control facilities or aircraft, supplying communication, navigation or surveillance equipment for air-to-ground or air-to-air applications;";

(3) by striking "another structure" in subparagraph (D) and inserting "any structure, equipment;";

(4) by striking "aircraft." in subparagraph (D) and inserting "aircraft; and"; and

(5) by adding at the end the following:

"(E) buildings, equipment, and systems dedicated to the National Airspace System."

SEC. 311. IMPROVED MANAGEMENT OF PROPERTY INVENTORY.

Section 40110(a)(2) is amended by striking "compensation; and" and inserting "compensation, and the amount received may be credited to the appropriation current when the amount is received; and".

SEC. 312. EDUCATIONAL REQUIREMENTS.

The Administrator shall make payments to the Department of Defense for the education of dependent children of those Administration employees in Puerto Rico and Guam as they are subject to transfer by policy and practice and meet the eligibility requirements of section 2164(c) of title 10, United States Code.

SEC. 313. FAA PERSONNEL MANAGEMENT SYSTEM.

Section 40122(a)(2) is amended to read as follows:

"(2) **DISPUTE RESOLUTION.**—

"(A) **MEDIATION.**—If the Administrator does not reach an agreement under paragraph (1) or subsection (g)(2)(C) with the exclusive bargaining representatives, the services of the Federal Mediation and Conciliation Service shall be used to attempt to reach such agreement in accordance with part 1425 of title 29, Code of Federal Regulations. The Administrator and bargaining representatives may by mutual agreement adopt procedures for the resolution of disputes or impasses arising in the negotiation of a collective-bargaining agreement.

"(B) **BINDING ARBITRATION.**—If the services of the Federal Mediation and Conciliation Service under subparagraph (A) do not lead to an agreement, the Administrator and the bargaining representatives shall submit their issues in controversy to the Federal Service Impasses Panel in accordance with section 7119 of title 5. The Panel shall assist the parties in resolving the impasse by asserting jurisdiction and ordering binding arbitration by a private arbitration board consisting of 3 members in accordance with section 2471.6(a)(2)(ii) of title 5, Code of Federal Regulations. The executive director of the Panel shall request a list of not less than 15 names of arbitrators with Federal sector experience from the director of the Federal Mediation and Conciliation Service to be provided to the Administrator and the bargaining representatives. Within 10 days after receiving the list, the parties shall each select 1 person. The 2 arbitrators shall then select a third person from the list within 7 days. If the 2 arbitrators are unable to agree on the third person, the parties shall select the third person by alternately striking names from the list until only 1 name remains. If the parties do not agree on the framing of the issues to be submitted, the arbitration board shall frame the issues. The arbitration board shall give the parties a full and fair hearing, including an opportunity to present evidence in support of their claims, and an opportunity to present their case in person, by counsel, or by other representative as they may elect. Decisions of the arbitration board shall be conclusive and binding upon the parties. The arbitration board shall render its decision within 90 days after its appointment. The Administrator and the bargaining representative shall share costs of the arbitration equally. The arbitration board shall take into consideration the effect of its arbitration decisions on the Federal Aviation Administration's ability to attract and retain a qualified workforce and the Federal Aviation Administration's budget.

“(C) EFFECT.—Upon reaching a voluntary agreement or at the conclusion of the binding arbitration under subparagraph (B) above, the final agreement, except for those matters decided by the arbitration board, shall be subject to ratification by the exclusive representative, if so requested by the exclusive representative, and approval by the head of the agency in accordance with subsection (g)(2)(C).

“(D) ENFORCEMENT.—Enforcement of the provisions of this paragraph shall be in the United States District Court for the District of Columbia.”.

SEC. 314. ACCELERATION OF NEXTGEN TECHNOLOGIES.

(a) OEP AIRPORT PROCEDURES.—

(1) IN GENERAL.—Within 6 months after the date of enactment of this Act, the Administrator shall publish a report, after consultation with representatives of appropriate Administration employee groups, airport operators, air carriers, general aviation representatives, and aircraft manufacturers that includes the following:

(A) RNP/RNAV OPERATIONS.—The required navigation performance and area navigation operations, including the procedures to be developed, certified, and published and the air traffic control operational changes, to maximize the efficiency and capacity of NextGen commercial operations at the 35 Operational Evolution Partnership airports identified by the Administration.

(B) COORDINATION AND IMPLEMENTATION ACTIVITIES.—A description of the activities and operational changes and approvals required to coordinate and utilize those procedures at those airports.

(C) IMPLEMENTATION PLAN.—A plan for implementing those procedures that establishes—

(i) clearly defined budget, schedule, project organization, and leadership requirements;

(ii) specific implementation and transition steps; and

(iii) baseline and performance metrics for measuring the Administration's progress in implementing the plan, including the percentage utilization of required navigation performance in the National Airspace System.

(D) COST/BENEFIT ANALYSIS FOR THIRD-PARTY USAGE.—An assessment of the costs and benefits of using third parties to assist in the development of the procedures.

(E) ADDITIONAL PROCEDURES.—A process for the identification, certification, and publication of additional required navigation performance and area navigation procedures that may be required at such airports in the future.

(2) IMPLEMENTATION SCHEDULE.—The Administrator shall certify, publish, and implement—

(A) 30 percent of the required procedures within 18 months after the date of enactment of this Act;

(B) 60 percent of the procedures within 36 months after the date of enactment of this Act; and

(C) 100 percent of the procedures before January 1, 2014.

(b) EXPANSION OF PLAN TO OTHER AIRPORTS.—

(1) IN GENERAL.—No later than January 1, 2014, the Administrator shall publish a report, after consultation with representatives of appropriate Administration employee groups, airport operators, and air carriers, that includes a plan for applying the procedures, requirements, criteria, and metrics described in subsection (a)(1) to other airports across the Nation.

(2) IMPLEMENTATION SCHEDULE.—The Administrator shall certify, publish, and implement—

(A) 25 percent of the required procedures at such other airports before January 1, 2015;

(B) 50 percent of the procedures at such other airports before January 1, 2016;

(C) 75 percent of the procedures at such other airports before January 1, 2017; and

(D) 100 percent of the procedures before January 1, 2018.

(c) ESTABLISHMENT OF PRIORITIES.—The Administrator shall extend the charter of the Performance Based Navigation Aviation Rulemaking Committee as necessary to authorize and request it to establish priorities for the development, certification, publication, and implementation of the navigation performance and area navigation procedures based on their potential safety and congestion benefits.

(d) COORDINATED AND EXPEDITED REVIEW.—Navigation performance and area navigation procedures developed, certified, published, and implemented under this section shall be presumed to be covered by a categorical exclusion (as defined in section 1508.4 of title 40, Code of Federal Regulations) under chapter 3 of FAA Order 1050.1E unless the Administrator determines that extraordinary circumstances exist with respect to the procedure.

(e) DEPLOYMENT PLAN FOR NATIONWIDE DATA COMMUNICATIONS SYSTEM.—Within 1 year after the date of enactment of this Act, the Administrator shall submit a plan for implementation of a nationwide communications system to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure. The plan shall include—

(1) clearly defined budget, schedule, project organization, and leadership requirements;

(2) specific implementation and transition steps; and

(3) baseline and performance metrics for measuring the Administration's progress in implementing the plan.

(f) IMPROVED PERFORMANCE STANDARDS.—Within 90 days after the date of enactment of this Act, the Administrator shall submit a report to the Senate committee on commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure that—

(1) evaluates whether utilization of ADS-B, RNP, and other technologies as part of the NextGen Air Transportation System implementation plan will display the position of aircraft more accurately and frequently so as to enable a more efficient use of existing airspace and result in reduced consumption of aviation fuel and aircraft engine emissions;

(2) evaluates the feasibility of reducing aircraft separation standards in a safe manner as a result of implementation of such technologies; and

(3) if the Administrator determines that such standards can be reduced safely, includes a timetable for implementation of such reduced standards.

SEC. 315. ADS-B DEVELOPMENT AND IMPLEMENTATION.

(a) IN GENERAL.—

(1) REPORT REQUIRED.—Within 90 days after the date of enactment of this Act, the Administrator shall submit a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure detailing the Administration's program and schedule for integrating ADS-B technology into the National Airspace System. The report shall include—

(A) a clearly defined budget, schedule, project organization, leadership, and the specific implementation or transition steps required to achieve these ADS-B ground station installation goals;

(B) a transition plan for ADS-B that includes date-specific milestones for the implementation of new capabilities into the National Airspace System;

(C) identification of any potential operational or workforce changes resulting from deployment of ADS-B;

(D) detailed plans and schedules for implementation of advanced operational procedures and ADS-B air-to-air applications; and

(E) baseline and performance metrics in order to measure the agency's progress.

(2) IDENTIFICATION AND MEASUREMENT OF BENEFITS.—In the report required by paragraph (1), the Administrator shall identify actual benefits that will accrue to National Airspace System users, small and medium-sized airports, and general aviation users from deployment of ADS-B and provide an explanation of the metrics used to quantify those benefits.

(b) RULEMAKINGS.—

(1) ADS-B OUT.—Not later than 45 days after the date of enactment of this Act the Administrator shall—

(A) complete the initial rulemaking proceeding (Docket No. FAA-2007-29305; Notice No. 07-15; 72 FR 56947) to issue guidelines and regulations for ADS-B Out technology that—

(i) identify the ADS-B Out technology that will be required under NextGen;

(ii) subject to paragraph (3), require all aircraft to be equipped with such technology by 2015; and

(iii) identify—

(I) the type of such avionics required of aircraft for all classes of airspace;

(II) the expected costs associated with the avionics; and

(III) the expected uses and benefits of the avionics; and

(B) initiate a rulemaking proceeding to issue any additional guidelines and regulations for ADS-B Out technology not addressed in the initial rulemaking.

(2) ADS-B IN.—Not later than 45 days after the date of enactment of this Act the Administrator shall initiate a rulemaking proceeding to issue guidelines and regulations for ADS-B In technology that—

(A) identify the ADS-B In technology that will be required under NextGen;

(B) subject to paragraph (3), require all aircraft to be equipped with such technology by 2018; and

(C) identify—

(i) the type of such avionics required of aircraft for all classes of airspace;

(ii) the expected costs associated with the avionics; and

(iii) the expected uses and benefits of the avionics.

(3) READINESS VERIFICATION.—Before the date on which all aircraft are required to be equipped with ADS-B technology pursuant to rulemakings under paragraphs (1) and (2), the Air Traffic Control Modernization Oversight Board shall verify that—

(A) the necessary ground infrastructure is installed and functioning properly;

(B) certification standards have been approved; and

(C) appropriate operational platforms interface safely and efficiently.

(c) USES.—Within 18 months after the date of enactment of this Act, the Administrator shall develop, in consultation with appropriate employee groups, a plan for the use of ADS-B technology for surveillance and active air traffic control by 2015. The plans shall—

(1) include provisions to test the use of ADS-B prior to the 2015 deadline for surveillance and active air traffic control in specific regions of the country with the most congested airspace;

(2) identify the equipment required at air traffic control facilities and the training required for air traffic controllers;

(3) develop procedures, in consultation with appropriate employee groups, to conduct air traffic management in mixed equipage environments; and

(4) establish a policy in these test regions, with consultation from appropriate employee

groups, to provide incentives for equipage with ADS-B technology by giving priority to aircraft equipped with such technology before the 2015 and 2018 equipage deadlines.

(d) **CONDITIONAL EXTENSION OF DEADLINES FOR EQUIPPING AIRCRAFT WITH ADS-B TECHNOLOGY.**—

(1) **ADS-B OUT.**—In the case that the Administrator fails to complete the initial rulemaking described in subparagraph (A) of subsection (b)(1) on or before the date that is 45 days after the date of the enactment of this Act, the deadline described in clause (ii) of such subparagraph shall be extended by an amount of time that is equal to the amount of time of the period beginning on the date that is 45 days after the date of the enactment of this Act and ending on the date on which the Administrator completes such initial rulemaking.

(2) **ADS-B IN.**—In the case that the Administrator fails to complete the rulemaking required by paragraph (2) of subsection (b) on or before the date that is 45 days after the date of the enactment of this Act, the deadline described in subparagraph (B) of such paragraph shall be extended by an amount of time that is equal to the amount of time of the period beginning on the date that is 45 days after the date of the enactment of this Act and ending on the date on which the Administrator initiates such rulemaking.

SEC. 316. EQUIPAGE INCENTIVES.

(a) **IN GENERAL.**—The Administrator shall issue a report that—

(1) identifies incentive options to encourage the equipage of aircraft with NextGen technologies, including a policy that gives priority to aircraft equipped with ADS-B technology;

(2) identifies the costs and benefits of each option; and

(3) includes input from industry stakeholders, including passenger and cargo air carriers, aerospace manufacturers, and general aviation aircraft operators.

(b) **DEADLINE.**—The Administrator shall issue the report before the earlier of—

(1) the date that is 6 months after the date of enactment of this Act; or

(2) the date on which aircraft are required to be equipped with ADS-B technology pursuant to rulemakings under section 315(b) of this Act.

SEC. 317. PERFORMANCE METRICS.

(a) **IN GENERAL.**—No later than June 1, 2010, the Administrator shall establish and track National Airspace System performance metrics, including, at a minimum—

(1) the allowable operations per hour on runways;

(2) average gate-to-gate times;

(3) fuel burned between key city pairs;

(4) operations using the advanced procedures implemented under section 314 of this Act;

(5) average distance flown between key city pairs;

(6) time between pushing back from the gate and taking off;

(7) uninterrupted climb or descent;

(8) average gate arrival delay for all arrivals;

(9) flown versus filed flight times for key city pairs; and

(10) metrics to demonstrate reduced fuel burn and reduced emissions.

(b) **OPTIMAL BASELINES.**—The Administrator, in consultation with aviation industry stakeholders, shall identify optimal baselines for each of these metrics and appropriate methods to measure deviations from these baselines.

(c) **PUBLICATION.**—The Administration shall make the data obtained under subsection (a) available to the public in a searchable, sortable, downloadable format through its website and other appropriate media.

(d) **REPORTS.**—

(1) **INITIAL REPORT.**—Not later than 90 days after the date of enactment of this Act, the Ad-

ministrator shall submit to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure that contains—

(A) a description of the metrics that will be used to measure the Administration's progress in implementing NextGen Air Transportation System capabilities and operational results; and

(B) information about how any additional metrics were developed.

(2) **ANNUAL PROGRESS REPORT.**—The Administrator shall submit an annual progress report to those committees on the Administration's progress in implementing NextGen Air Transportation System.

SEC. 318. CERTIFICATION STANDARDS AND RESOURCES.

(a) **IN GENERAL.**—Within 6 months after the date of enactment of this Act, the Administrator shall develop a plan to accelerate and streamline the process for certification of NextGen technologies, including—

(1) updated project plans and timelines to meet the deadlines established by this title;

(2) identification of the specific activities needed to certify core NextGen technologies, including the establishment of NextGen technical requirements for the manufacture of equipage, installation of equipage, airline operational procedures, pilot training standards, air traffic control procedures, and air traffic controller training;

(3) staffing requirements for the Air Certification Service and the Flight Standards Service, and measures addressing concerns expressed by the Department of Transportation Inspector General and the Comptroller General regarding staffing needs for modernization;

(4) an assessment of the extent to which the Administration will use third parties in the certification process, and the cost and benefits of this approach; and

(5) performance metrics to measure the Administration's progress.

(b) **CERTIFICATION INTEGRITY.**—The Administrator shall make no distinction between public or privately owned equipment, systems, or services used in the National Airspace System when determining certification requirements.

SEC. 319. REPORT ON FUNDING FOR NEXTGEN TECHNOLOGY.

Not later than 120 days after the date of the enactment of this Act, the Administrator of the Federal Aviation Administration shall submit to Congress a report that contains—

(1) a financing proposal that—

(A) uses innovative methods to fully fund the development and implementation of technology for the Next Generation Air Transportation System in a manner that does not increase the Federal deficit; and

(B) takes into consideration opportunities for involvement by public-private partnerships; and

(C) recommends creative financing proposals other than user fees or higher taxes; and

(2) recommendations with respect to how the Administrator and Congress can provide operational benefits, such as benefits relating to preferred airspace, routings, or runway access, for all aircraft, including air carriers and general aviation, that equip their aircraft with technology necessary for the operation of the Next Generation Air Transportation System before the date by which the Administrator requires the use of such technology.

SEC. 320. UNMANNED AERIAL SYSTEMS.

(a) **IN GENERAL.**—Within 1 year after the date of enactment of this Act, the Administrator shall develop a plan to accelerate the integration of unmanned aerial systems into the National Airspace System that—

(1) creates a pilot project to integrate such vehicles into the National Airspace System at 4

test sites in the National Airspace System by 2012;

(2) creates a safe, non-exclusionary airspace designation for cooperative manned and unmanned flight operations in the National Airspace System;

(3) establishes a process to develop certification, flight standards, and air traffic requirements for such vehicles at the test sites;

(4) dedicates funding for unmanned aerial systems research and development to certification, flight standards, and air traffic requirements;

(5) encourages leveraging and coordination of such research and development activities with the National Aeronautics and Space Administration and the Department of Defense;

(6) addresses both military and civilian unmanned aerial system operations;

(7) ensures the unmanned aircraft systems integration plan is incorporated in the Administration's NextGen Air Transportation System implementation plan; and

(8) provides for verification of the safety of the vehicles and navigation procedures before their integration into the National Airspace System.

(b) **TEST SITE CRITERIA.**—The Administrator shall take into consideration geographical and climate diversity in determining where the test sites to be established under the pilot project required by subsection (a)(1) are to be located.

SEC. 321. SURFACE SYSTEMS PROGRAM OFFICE.

(a) **IN GENERAL.**—The Air Traffic Organization shall—

(1) evaluate the Airport Surface Detection Equipment-Model X program for its potential contribution to implementation of the NextGen initiative;

(2) evaluate airport surveillance technologies and associated collaborative surface management software for potential contributions to implementation of NextGen surface management;

(3) accelerate implementation of the program; and

(4) carry out such additional duties as the Administrator may require.

(b) **EXPEDITED CERTIFICATION AND UTILIZATION.**—The Administrator shall—

(1) consider options for expediting the certification of Ground Based Augmentation System technology; and

(2) develop a plan to utilize such a system at the 35 Operational Evolution Partnership airports by September 30, 2012.

SEC. 322. STAKEHOLDER COORDINATION.

(a) **IN GENERAL.**—The Administrator shall establish a process for including qualified employees selected by each exclusive collective bargaining representative of employees of the Administration who are likely to be affected by the planning, development, and deployment of air traffic control modernization projects (including the Next Generation Air Transportation System) in, and collaborating with, such employees in the planning, development, and deployment of those projects.

(b) **PARTICIPATION.**—

(1) **BARGAINING OBLIGATIONS AND RIGHTS.**—Participation in the process described in subsection (a) shall not be construed as a waiver of any bargaining obligations or rights under section 40122(a)(1) or 40122(g)(2)(C) of title 49, United States Code.

(2) **CAPACITY AND COMPENSATION.**—Exclusive collective bargaining representatives and selected employees participating in the process described in subsection (a) shall—

(A) serve in a collaborative and advisory capacity; and

(B) receive appropriate travel and per diem expenses in accordance with the travel policies of the Administration in addition to any regular compensation and benefits.

(c) **REPORT.**—No later than 180 days after the date of enactment of this Act, the Administrator shall submit a report on the implementation of this section to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure.

SEC. 323. FAA TASK FORCE ON AIR TRAFFIC CONTROL FACILITY CONDITIONS.

(a) **ESTABLISHMENT.**—The Administrator shall establish a special task force to be known as the “FAA Task Force on Air Traffic Control Facility Conditions”.

(b) **MEMBERSHIP.**—

(1) **COMPOSITION.**—The Task Force shall be composed of 11 members of whom—

(A) 7 members shall be appointed by the Administrator; and

(B) 4 members shall be appointed by labor unions representing employees who work at field facilities of the Administration.

(2) **QUALIFICATIONS.**—Of the members appointed by the Administrator under paragraph (1)(A)—

(A) 4 members shall be specialists on toxic mold abatement, “sick building syndrome,” and other hazardous building conditions that can lead to employee health concerns and shall be appointed by the Administrator in consultation with the Director of the National Institute for Occupational Safety and Health; and

(B) 2 members shall be specialists on the rehabilitation of aging buildings.

(3) **TERMS.**—Members shall be appointed for the life of the Task Force.

(4) **VACANCIES.**—A vacancy in the Task Force shall be filled in the manner in which the original appointment was made.

(5) **TRAVEL EXPENSES.**—Members shall serve without pay but shall receive travel expenses, including per diem in lieu of subsistence, in accordance with subchapter I of chapter 57 of title 5, United States Code.

(c) **CHAIRPERSON.**—The Administrator shall designate, from among the individuals appointed under subsection (b)(1), an individual to serve as chairperson of the Task Force.

(d) **TASK FORCE PERSONNEL MATTERS.**—

(1) **STAFF.**—The Task Force may appoint and fix the pay of such personnel as it considers appropriate.

(2) **STAFF OF FEDERAL AGENCIES.**—Upon request of the Chairperson of the Task Force, the head of any department or agency of the United States may detail, on a reimbursable basis, any of the personnel of that department or agency to the Task Force to assist it in carrying out its duties under this section.

(3) **OTHER STAFF AND SUPPORT.**—Upon request of the Task Force or a panel of the Task Force, the Administrator shall provide the Task Force or panel with professional and administrative staff and other support, on a reimbursable basis, to the Task Force to assist it in carrying out its duties under this section.

(e) **OBTAINING OFFICIAL DATA.**—The Task Force may secure directly from any department or agency of the United States information (other than information required by any statute of the United States to be kept confidential by such department or agency) necessary for the Task Force to carry out its duties under this section. Upon request of the chairperson of the Task Force, the head of that department or agency shall furnish such information to the Task Force.

(f) **DUTIES.**—

(1) **STUDY.**—The Task Force shall undertake a study of—

(A) the conditions of all air traffic control facilities across the Nation, including towers, centers, and terminal radar air control;

(B) reports from employees of the Administration relating to respiratory ailments and other

health conditions resulting from exposure to mold, asbestos, poor air quality, radiation and facility-related hazards in facilities of the Administration;

(C) conditions of such facilities that could interfere with such employees’ ability to effectively and safely perform their duties;

(D) the ability of managers and supervisors of such employees to promptly document and seek remediation for unsafe facility conditions;

(E) whether employees of the Administration who report facility-related illnesses are treated fairly;

(F) utilization of scientifically approved remediation techniques in a timely fashion once hazardous conditions are identified in a facility of the Administration; and

(G) resources allocated to facility maintenance and renovation by the Administration.

(2) **FACILITY CONDITION INDICES.**—The Task Force shall review the facility condition indices of the Administration for inclusion in the recommendations under subsection (g).

(g) **RECOMMENDATIONS.**—Based on the results of the study and review of the facility condition indices under subsection (f), the Task Force shall make recommendations as it considers necessary to—

(1) prioritize those facilities needing the most immediate attention in order of the greatest risk to employee health and safety;

(2) ensure that the Administration is using scientifically approved remediation techniques in all facilities; and

(3) assist the Administration in making programmatic changes so that aging air traffic control facilities do not deteriorate to unsafe levels.

(h) **REPORT.**—Not later than 6 months after the date on which initial appointments of members to the Task Force are completed, the Task Force shall submit a report to the Administrator, the Senate Committee on Commerce, Science, and Transportation, and the House of Representatives Committee on Transportation and Infrastructure on the activities of the Task Force, including the recommendations of the Task Force under subsection (g).

(i) **IMPLEMENTATION.**—Within 30 days after receipt of the Task Force report under subsection (h), the Administrator shall submit to the House of Representatives Committee on Transportation and Infrastructure and the Senate Committee on Commerce, Science, and Transportation a report that includes a plan and timeline to implement the recommendations of the Task Force and to align future budgets and priorities of the Administration accordingly.

(j) **TERMINATION.**—The Task Force shall terminate on the last day of the 30-day period beginning on the date on which the report under subsection (h) is submitted.

(k) **APPLICABILITY OF THE FEDERAL ADVISORY COMMITTEE ACT.**—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Task Force.

SEC. 324. STATE ADS-B EQUIPAGE BANK PILOT PROGRAM.

(a) **IN GENERAL.**—

(1) **COOPERATIVE AGREEMENTS.**—Subject to the provisions of this section, the Secretary of Transportation may enter into cooperative agreements with not to exceed 5 States for the establishment of State ADS-B equipage banks for making loans and providing other assistance to public entities for projects eligible for assistance under this section.

(b) **FUNDING.**—

(1) **SEPARATE ACCOUNT.**—An ADS-B equipage bank established under this section shall maintain a separate aviation trust fund account for Federal funds contributed to the bank under paragraph (2). No Federal funds contributed or credited to an account of an ADS-B equipage bank established under this section may be com-

mingled with Federal funds contributed or credited to any other account of such bank.

(2) **AUTHORIZATION.**—There are authorized to be appropriated to the Secretary \$25,000,000 for each of fiscal years 2010 through 2014.

(c) **FORMS OF ASSISTANCE FROM ADS-B EQUIPAGE BANKS.**—An ADS-B equipage bank established under this section may make loans or provide other assistance to a public entity in an amount equal to all or part of the cost of carrying out a project eligible for assistance under this section. The amount of any loan or other assistance provided for such project may be subordinated to any other debt financing for the project.

(d) **QUALIFYING PROJECTS.**—Federal funds in the ADS-B equipage account of an ADS-B equipage bank established under this section may be used only to provide assistance with respect to aircraft ADS-B and related avionics equipage.

(e) **REQUIREMENTS.**—In order to establish an ADS-B equipage bank under this section, each State establishing such a bank shall—

(1) contribute, at a minimum, in each account of the bank from non-Federal sources an amount equal to 50 percent of the amount of each capitalization grant made to the State and contributed to the bank;

(2) ensure that the bank maintains on a continuing basis an investment grade rating on its debt issuances or has a sufficient level of bond or debt financing instrument insurance to maintain the viability of the bank;

(3) ensure that investment income generated by funds contributed to an account of the bank will be—

(A) credited to the account;

(B) available for use in providing loans and other assistance to projects eligible for assistance from the account; and

(C) invested in United States Treasury securities, bank deposits, or such other financing instruments as the Secretary may approve to earn interest to enhance the leveraging of projects assisted by the bank;

(4) ensure that any loan from the bank will bear interest at or below market interest rates, as determined by the State, to make the project that is the subject of the loan feasible;

(5) ensure that the term for repaying any loan will not exceed 10 years after the date of the first payment on the loan; and

(6) require the bank to make an annual report to the Secretary on its status no later than September 30 of each year for which funds are made available under this section, and to make such other reports as the Secretary may require by guidelines.

SEC. 325. IMPLEMENTATION OF INSPECTOR GENERAL ATC RECOMMENDATIONS.

(a) **IN GENERAL.**—As soon as practicable after the date of enactment of this Act, but no later than 1 year after that date, the Administrator of the Federal Aviation Administration shall—

(1) provide the Los Angeles International Air Traffic Control Tower facility, the Southern California Terminal Radar Approach Control facility, and the Northern California Terminal Radar Approach Control facility a sufficient number of contract instructors, classroom space (including off-site locations as needed), and simulators for a surge in the number of new air traffic controllers at those facilities;

(2) to the greatest extent practicable, distribute the placement of new trainee air traffic controllers at those facilities evenly across the calendar year in order to avoid training bottlenecks;

(3) commission an independent analysis, in consultation with the Administration and the exclusive bargaining representative of air traffic controllers certified under section 7111 of title 5, United States Code, of overtime scheduling practices at those facilities; and

(4) to the greatest extent practicable, provide priority to certified professional controllers-in-training when filling staffing vacancies at those facilities.

(b) **STAFFING ANALYSES AND REPORTS.**—For the purposes of—

(1) the Federal Aviation Administration's annual controller workforce plan,

(2) the Administration's facility-by-facility authorized staffing ranges, and

(3) any report of air traffic controller staffing levels submitted to the Congress, the Administrator may not consider an individual to be an air traffic controller unless that individual is a certified professional controller.

SEC. 326. SEMIANNUAL REPORT ON STATUS OF GREENER SKIES PROJECT.

(a) **INITIAL REPORT.**—Not later than 180 days after the date of the enactment of this Act, the Administrator shall submit to Congress a report on the strategy of the Administrator for implementing, on an accelerated basis, the NextGen operational capabilities produced by the Greener Skies project, as recommended in the final report of the RTCA NextGen Mid-Term Implementation Task Force that was issued on September 9, 2009.

(b) **SUBSEQUENT REPORTS.**—

(1) **IN GENERAL.**—Not later than 180 days after the Administrator submits to Congress the report required by subsection (a) and not less frequently than once every 180 days thereafter until September 30, 2011, the Administrator shall submit to the Committee on Commerce, Science, and Transportation of the Senate and to the Committee on Transportation and Infrastructure of the House of Representatives a report on the progress of the Administrator in carrying out the strategy described in the report submitted under subsection (a).

(2) **CONTENTS.**—Each report submitted under paragraph (1) shall include the following:

(A) A timeline for full implementation of the strategy described in the report submitted under subsection (a).

(B) A description of the progress made in carrying out such strategy.

(C) A description of the challenges, if any, encountered by the Administrator in carrying out such strategy.

SEC. 327. DEFINITIONS.

In this title:

(1) **ADMINISTRATION.**—The term "Administration" means the Federal Aviation Administration.

(2) **ADMINISTRATOR.**—The term "Administrator" means the Administrator of the Federal Aviation Administration.

(3) **NEXTGEN.**—The term "NextGen" means the Next Generation Air Transportation System.

(4) **SECRETARY.**—The term "Secretary" means the Secretary of Transportation.

SEC. 328. FINANCIAL INCENTIVES FOR NEXTGEN EQUIPAGE.

(a) **IN GENERAL.**—The Administrator of the Federal Aviation Administration may enter into agreements to fund the costs of equipping aircraft with communications, surveillance, navigation, and other avionics to enable NextGen air traffic control capabilities.

(b) **FUNDING INSTRUMENT.**—The Administrator may make grants or other instruments authorized under section 106(l)(6) of title 49, United States Code, to carry out subsection (a).

TITLE IV—AIRLINE SERVICE AND SMALL COMMUNITY AIR SERVICE IMPROVEMENTS

SUBTITLE A—CONSUMER PROTECTION

SEC. 401. AIRLINE CUSTOMER SERVICE COMMITMENT.

(a) **IN GENERAL.**—Chapter 417 is amended by adding at the end the following:

"SUBCHAPTER IV—AIRLINE CUSTOMER SERVICE"

"§41781. Air carrier and airport contingency plans for long on-board tarmac delays"

"(a) **DEFINITION OF TARMAC DELAY.**—The term 'tarmac delay' means the holding of an aircraft on the ground before taking off or after landing with no opportunity for its passengers to deplane.

"(b) **SUBMISSION OF AIR CARRIER AND AIRPORT PLANS.**—Not later than 60 days after the date of the enactment of the FAA Air Transportation Modernization and Safety Improvement Act, each air carrier and airport operator shall submit, in accordance with the requirements under this section, a proposed contingency plan to the Secretary of Transportation for review and approval.

"(c) **MINIMUM STANDARDS.**—The Secretary of Transportation shall establish minimum standards for elements in contingency plans required to be submitted under this section to ensure that such plans effectively address long on-board tarmac delays and provide for the health and safety of passengers and crew.

"(d) **AIR CARRIER PLANS.**—The plan shall require each air carrier to implement at a minimum the following:

"(1) **PROVISION OF ESSENTIAL SERVICES.**—Each air carrier shall provide for the essential needs of passengers on board an aircraft at an airport in any case in which the departure of a flight is delayed or disembarkation of passengers on an arriving flight that has landed is substantially delayed, including—

"(A) adequate food and potable water;

"(B) adequate restroom facilities;

"(C) cabin ventilation and comfortable cabin temperatures; and

"(D) access to necessary medical treatment.

"(2) **RIGHT TO DEPLANE.**—

"(A) **IN GENERAL.**—Each air carrier shall submit a proposed contingency plan to the Secretary of Transportation that identifies a clear time frame under which passengers would be permitted to deplane a delayed aircraft. After the Secretary has reviewed and approved the proposed plan, the air carrier shall make the plan available to the public.

"(B) **DELAYS.**—

"(i) **IN GENERAL.**—As part of the plan, except as provided under clause (iii), an air carrier shall provide passengers with the option of deplaning and returning to the terminal at which such deplaning could be safely completed, or deplaning at the terminal if—

"(I) 3 hours have elapsed after passengers have boarded the aircraft, the aircraft doors are closed, and the aircraft has not departed; or

"(II) 3 hours have elapsed after the aircraft has landed and the passengers on the aircraft have been unable to deplane.

"(ii) **FREQUENCY.**—The option described in clause (i) shall be offered to passengers at a minimum not less often than once during each successive 3-hour period that the plane remains on the ground.

"(iii) **EXCEPTIONS.**—This subparagraph shall not apply if—

"(I) the pilot of such aircraft reasonably determines that the aircraft will depart or be unloaded at the terminal not later than 30 minutes after the 3 hour delay; or

"(II) the pilot of such aircraft reasonably determines that permitting a passenger to deplane would jeopardize passenger safety or security.

"(C) **APPLICATION TO DIVERTED FLIGHTS.**—This section applies to aircraft without regard to whether they have been diverted to an airport other than the original destination.

"(D) **REPORTS.**—Not later than 30 days after any flight experiences a tarmac delay lasting at least 3 hours, the air carrier responsible for such flight shall submit a written description of the

incident and its resolution to the Aviation Consumer Protection Office of the Department of Transportation.

"(e) **AIRPORT PLANS.**—Each airport operator shall submit a proposed contingency plan under subsection (b) that contains a description of—

"(1) how the airport operator will provide for the deplanement of passengers following a long tarmac delay; and

"(2) how, to the maximum extent practicable, the airport operator will provide for the sharing of facilities and make gates available at the airport for use by aircraft experiencing such delays.

"(f) **UPDATES.**—The Secretary shall require periodic reviews and updates of the plans as necessary.

"(g) **APPROVAL.**—

"(1) **IN GENERAL.**—Not later than 6 months after the date of the enactment of this section, the Secretary of Transportation shall—

"(A) review the initial contingency plans submitted under subsection (b); and

"(B) approve plans that closely adhere to the standards described in subsections (d) or (e), whichever is applicable.

"(2) **UPDATES.**—Not later than 60 days after the submission of an update under subsection (f) or an initial contingency plan by a new air carrier or airport, the Secretary shall—

"(A) review the plan; and

"(B) approve the plan if it closely adheres to the standards described in subsections (d) or (e), whichever is applicable.

"(h) **CIVIL PENALTIES.**—The Secretary may assess a civil penalty under section 46301 against any air carrier or airport operator that does not submit, obtain approval of, or adhere to a contingency plan submitted under this section.

"(i) **PUBLIC ACCESS.**—Each air carrier and airport operator required to submit a contingency plan under this section shall ensure public access to an approved plan under this section by—

"(1) including the plan on the Internet Web site of the carrier or airport; or

"(2) disseminating the plan by other means, as determined by the Secretary.

"§41782. Air passenger complaints hotline and information"

"(a) **AIR PASSENGER COMPLAINTS HOTLINE TELEPHONE NUMBER.**—The Secretary of Transportation shall establish a consumer complaints hotline telephone number for the use of air passengers.

"(b) **PUBLIC NOTICE.**—The Secretary shall notify the public of the telephone number established under subsection (a).

"(c) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated such sums as may be necessary to carry out this section, which sums shall remain available until expended."

(b) **CONFORMING AMENDMENT.**—The table of contents for chapter 417 is amended by adding at the end the following:

"SUBCHAPTER IV—AIRLINE CUSTOMER SERVICE"

"41781. Air carrier and airport contingency plans for long on-board tarmac delays

"41782. Air passenger complaints hotline and information"

SEC. 402. PUBLICATION OF CUSTOMER SERVICE DATA AND FLIGHT DELAY HISTORY.

(a) **IN GENERAL.**—Section 41722 is amended by adding at the end the following:

"(f) **CHRONICALLY DELAYED FLIGHTS.**—

"(1) **PUBLICATION OF LIST OF FLIGHTS.**—Each air carrier holding a certificate issued under section 41102 that conducts scheduled passenger air transportation shall, on a monthly basis—

"(A) publish and update on the Internet website of the air carrier a list of chronically delayed flights operated by such air carrier; and

“(B) share such list with each entity that is authorized to book passenger air transportation for such air carrier for inclusion on the Internet website of such entity.

“(2) **DISCLOSURE TO CUSTOMERS WHEN PURCHASING TICKETS.**—For each individual who books passenger air transportation on the Internet website of an air carrier, or the Internet website of an entity that is authorized to book passenger air transportation for an air carrier, for any flight for which data is reported to the Department of Transportation under part 234 of title 14, Code of Federal Regulations, such air carrier or entity, as the case may be, shall prominently disclose to such individual, before such individual makes such booking, the following:

“(A) The on-time performance for the flight if the flight is a chronically delayed flight.

“(B) The cancellation rate for the flight if the flight is a chronically canceled flight.

“(3) **DEFINITIONS.**—In this subsection:

“(A) **CHRONICALLY DELAYED FLIGHT.**—The term ‘chronically delayed flight’ means a regularly scheduled flight that has failed to arrive on time (as such term is defined in section 234.2 of title 14, Code of Federal Regulations) at least 40 percent of the time during the most recent 3-month period for which data is available.

“(B) **CHRONICALLY CANCELED FLIGHT.**—The term ‘chronically canceled flight’ means a regularly scheduled flight at least 30 percent of the departures of which have been canceled during the most recent 3-month period for which data is available.”.

(b) **EFFECTIVE DATE.**—The amendment made by subsection (a) shall take effect 180 days after the date of enactment of this Act.

SEC. 403. EXPANSION OF DOT AIRLINE CONSUMER COMPLAINT INVESTIGATIONS.

(a) **IN GENERAL.**—Subject to the availability of appropriations, the Secretary of Transportation shall investigate consumer complaints regarding—

- (1) flight cancellations;
- (2) compliance with Federal regulations concerning overbooking seats flights;
- (3) lost, damaged, or delayed baggage, and difficulties with related airline claims procedures;
- (4) problems in obtaining refunds for unused or lost tickets or fare adjustments;
- (5) incorrect or incomplete information about fares, discount fare conditions and availability, overcharges, and fare increases;
- (6) the rights of passengers who hold frequent flier miles, or equivalent redeemable awards earned through customer-loyalty programs; and
- (7) deceptive or misleading advertising.

(b) **BUDGET NEEDS REPORT.**—The Secretary shall provide, as an annex to its annual budget request, an estimate of resources which would have been sufficient to investigate all such claims the Department of Transportation received in the previous fiscal year. The annex shall be transmitted to the Congress when the President submits the budget of the United States to the Congress under section 1105 of title 31, United States Code.

SEC. 404. ESTABLISHMENT OF ADVISORY COMMITTEE FOR AVIATION CONSUMER PROTECTION.

(a) **IN GENERAL.**—The Secretary of Transportation shall establish an advisory committee for aviation consumer protection to advise the Secretary in carrying out airline customer service improvements, including those required by subchapter IV of chapter 417 of title 49, United States Code.

(b) **MEMBERSHIP.**—The Secretary shall appoint members of the advisory committee comprised of one representative each of—

- (1) air carriers;

(2) airport operators;

(3) State or local governments who has expertise in consumer protection matters; and

(4) a nonprofit public interest group who has expertise in consumer protection matters.

(c) **VACANCIES.**—A vacancy in the advisory committee shall be filled in the manner in which the original appointment was made.

(d) **TRAVEL EXPENSES.**—Members of the advisory committee shall serve without pay but shall receive travel expenses, including per diem in lieu of subsistence, in accordance with subchapter I of chapter 57 of title 5, United States Code.

(e) **CHAIRPERSON.**—The Secretary shall designate, from among the individuals appointed under subsection (b), an individual to serve as chairperson of the advisory committee.

(f) **DUTIES.**—The duties of the advisory committee shall include—

(1) evaluating existing aviation consumer protection programs and providing recommendations for the improvement of such programs, if needed; and

(2) providing recommendations to establish additional aviation consumer protection programs, if needed.

(g) **REPORT.**—Not later than February 1 of each of the first 2 calendar years beginning after the date of enactment of this Act, the Secretary shall transmit to Congress a report containing—

(1) the recommendations made by the advisory committee during the preceding calendar year; and

(2) an explanation of how the Secretary has implemented each recommendation and, for each recommendation not implemented, the Secretary's reason for not implementing the recommendation.

SEC. 405. DISCLOSURE OF PASSENGER FEES.

(a) **IN GENERAL.**—Within 180 days after the date of enactment of this Act, the Secretary of Transportation shall complete a rulemaking that requires each air carrier operating in the United States under part 121 of title 49, Code of Federal Regulations, to make available to the public and to the Secretary a list of all passenger fees and charges (other than airfare) that may be imposed by the air carrier, including fees for—

- (1) checked baggage or oversized or heavy baggage;
- (2) meals, beverages, or other refreshments;
- (3) seats in exit rows, seats with additional space, or other preferred seats in any given class of travel;
- (4) purchasing tickets from an airline ticket agent or a travel agency; or
- (5) any other good, service, or amenity provided by the air carrier, as required by the Secretary.

(b) **PUBLICATION; UPDATES.**—In order to ensure that the fee information required by subsection (a) is both current and widely available to the travelling public, the Secretary—

- (1) may require an air carrier to make such information on any public website maintained by an air carrier, to make such information available to travel agencies, and to notify passengers of the availability of such information when advertising airfares; and
- (2) shall require air carriers to update the information as necessary, but no less frequently than every 90 days unless there has been no increase in the amount or type of fees shown in the most recent publication.

SEC. 406. DISCLOSURE OF AIR CARRIERS OPERATING FLIGHTS FOR TICKETS SOLD FOR AIR TRANSPORTATION.

Section 41712 is amended by adding at the end the following:

“(c) **DISCLOSURE REQUIREMENT FOR SELLERS OF TICKETS FOR FLIGHTS.**—

“(1) **IN GENERAL.**—It shall be an unfair or deceptive practice under subsection (a) for any ticket agent, air carrier, foreign air carrier, or other person offering to sell tickets for air transportation on a flight of an air carrier to not disclose, whether verbally in oral communication or in writing in written or electronic communication, prior to the purchase of a ticket—

“(A) the name (including any business or corporate name) of the air carrier providing the air transportation; and

“(B) if the flight has more than one flight segment, the name of each air carrier providing the air transportation for each such flight segment.

“(2) **INTERNET OFFERS.**—In the case of an offer to sell tickets described in paragraph (1) on an Internet Web site, disclosure of the information required by paragraph (1) shall be provided on the first display of the Web site following a search of a requested itinerary in a format that is easily visible to a viewer.”.

SEC. 407. NOTIFICATION REQUIREMENTS WITH RESPECT TO THE SALE OF AIRLINE TICKETS.

(a) **IN GENERAL.**—The Office of Aviation Consumer Protection and Enforcement of the Department of Transportation shall establish rules to ensure that all consumers are able to easily and fairly compare airfares and charges paid when purchasing tickets for air transportation, including all taxes and fees.

(b) **NOTICE OF TAXES AND FEES APPLICABLE TO TICKETS FOR AIR TRANSPORTATION.**—Section 41712, as amended by this Act, is further amended by adding at the end the following:

“(d) **NOTICE OF TAXES AND FEES APPLICABLE TO TICKETS FOR AIR TRANSPORTATION.**—

“(1) **IN GENERAL.**—It shall be an unfair or deceptive practice under subsection (a) for an air carrier, foreign air carrier, or ticket agent to sell a ticket for air transportation on the Internet unless the air carrier, foreign air carrier, or ticket agent, as the case may be—

“(A) displays information with respect to the taxes and fees described in paragraph (2), including the amount and a description of each such tax or fee, in reasonable proximity to the price listed for the ticket; and

“(B) provides to the purchaser of the ticket information with respect to the taxes and fees described in paragraph (2), including the amount and a description of each such tax or fee, before requiring the purchaser to provide any personal information, including the name, address, phone number, e-mail address, or credit card information of the purchaser.

“(2) **TAXES AND FEES DESCRIBED.**—The taxes and fees described in this paragraph are all taxes, fees, and charges applicable to a ticket for air transportation, consisting of—

“(A) all taxes, fees, charges, and surcharges included in the price paid by a purchaser for the ticket, including fuel surcharges and surcharges relating to peak or holiday travel; and

“(B) any fees for baggage, seating assignments; and

“(C) operational services that are charged when the ticket is purchased.”.

(c) **REGULATIONS.**—The Secretary of Transportation, in consultation with the Administrator of the Federal Aviation Administration, shall prescribe such regulations as may be necessary to carry out subsection (d) of section 41712 of title 49, United States Code, as added by subsection (b) of this section.

SUBTITLE B—ESSENTIAL AIR SERVICE; SMALL COMMUNITIES

SEC. 411. EAS CONNECTIVITY PROGRAM.

Section 406(a) of the Vision 100—Century of Aviation Reauthorization Act (49 U.S.C. 40101 note) is amended by striking “may” and inserting “shall”.

SEC. 412. EXTENSION OF FINAL ORDER ESTABLISHING MILEAGE ADJUSTMENT ELIGIBILITY.

Section 409(d) of the Vision 100—Century of Aviation Reauthorization Act (49 U.S.C. 41731 note) is amended by striking “September 30, 2010.” and inserting “September 30, 2013.”.

SEC. 413. EAS CONTRACT GUIDELINES.

Section 41737(a)(1) is amended—

(1) by striking “and” after the semicolon in subparagraph (B);

(2) by striking “provided.” in subparagraph (C) and inserting “provided.”; and

(3) by adding at the end the following:

“(D) include provisions under which the Secretary may encourage carriers to improve air service to small and rural communities by incorporating financial incentives in essential air service contracts based on specified performance goals; and

“(E) include provisions under which the Secretary may execute long-term essential air service contracts to encourage carriers to provide air service to small and rural communities where it would be in the public interest to do so.”.

SEC. 414. CONVERSION OF FORMER EAS AIRPORTS.

(a) IN GENERAL.—Section 41745 is amended to read as follows:

“§41745. Conversion of lost eligibility airports

“(a) IN GENERAL.—The Secretary shall establish a program to provide general aviation conversion funding for airports serving eligible places that the Secretary has determined no longer qualify for a subsidy.

“(b) GRANTS.—A grant under this section—

“(1) may not exceed twice the compensation paid to provide essential air service to the airport in the fiscal year preceding the fiscal year in which the Secretary determines that the place served by the airport is no longer an eligible place; and

“(2) may be used—

“(A) for airport development (as defined in section 47102(3)) that will enhance general aviation capacity at the airport;

“(B) to defray operating expenses, if such use is approved by the Secretary; or

“(C) to develop innovative air service options, such as on-demand or air taxi operations, if such use is approved by the Secretary.

“(c) AIP REQUIREMENTS.—An airport sponsor that uses funds provided under this section for an airport development project shall comply with the requirements of subchapter I of chapter 471 applicable to airport development projects funded under that subchapter with respect to the project funded under this section.

“(d) LIMITATION.—The sponsor of an airport receiving funding under this section is not eligible for funding under section 41736.”.

(b) CLERICAL AMENDMENT.—The table of sections for chapter 417 is amended by striking the item relating to section 41745 and inserting the following:

“41745. Conversion of lost eligibility airports.”.

SEC. 415. EAS REFORM.

Section 41742(a) is amended—

(1) by adding at the end of paragraph (1) “Any amount in excess of \$50,000,000 credited for any fiscal year to the account established under section 45303(c) shall be obligated for programs under section 406 of the Vision 100—Century of Aviation Reauthorization Act (49 U.S.C. 40101 note) and section 41745 of this title. Amounts appropriated pursuant to this section shall remain available until expended.”; and

(2) by striking “\$77,000,000” in paragraph (2) and inserting “\$150,000,000”.

SEC. 416. SMALL COMMUNITY AIR SERVICE.

(a) PRIORITIES.—Section 41743(c)(5) is amended—

(1) by striking “and” after the semicolon in subparagraph (D);

(2) by striking “fashion.” in subparagraph (E) and inserting “fashion; and”; and

(3) by adding at the end the following:

“(F) multiple communities cooperate to submit a region or multistate application to improve air service.”.

(b) EXTENSION OF AUTHORIZATION.—Section 41743(e)(2) is amended—

(1) by striking “is appropriated” and inserting “are appropriated”; and

(2) by striking “2009” and inserting “2011”.

SEC. 417. EAS MARKETING.

The Secretary of Transportation shall require all applications to provide service under subchapter II of chapter 417 of title 49, United States Code, include a marketing plan.

SEC. 418. RURAL AVIATION IMPROVEMENT.

(a) COMMUNITIES ABOVE PER PASSENGER SUBSIDY CAP.—

(1) IN GENERAL.—Subchapter II of chapter 417 is amended by adding at the end the following:

“§41749. Essential air service for eligible places above per passenger subsidy cap

“(a) PROPOSALS.—A State or local government may submit a proposal to the Secretary of Transportation for compensation for an air carrier to provide air transportation to a place described in subsection (b).

“(b) PLACE DESCRIBED.—A place described in this subsection is a place—

“(1) that is otherwise an eligible place; and

“(2) for which the per passenger subsidy exceeds the dollar amount allowable under this subchapter.

“(c) DECISIONS.—Not later than 90 days after receiving a proposal under subsection (a) for compensation for an air carrier to provide air transportation to a place described in subsection (b), the Secretary shall—

“(1) decide whether to provide compensation for the air carrier to provide air transportation to the place; and

“(2) approve the proposal if the State or local government or a person is willing and able to pay the difference between—

“(A) the per passenger subsidy; and

“(B) the dollar amount allowable for such subsidy under this subchapter.

“(d) COMPENSATION PAYMENTS.—

“(1) IN GENERAL.—The Secretary shall pay compensation under this section at such time and in such manner as the Secretary determines is appropriate.

“(2) DURATION OF PAYMENTS.—The Secretary shall continue to pay compensation under this section only as long as—

“(A) the State or local government or person agreeing to pay compensation under subsection (c)(2) continues to pay such compensation; and

“(B) the Secretary decides the compensation is necessary to maintain air transportation to the place.

“(e) REVIEW.—

“(1) IN GENERAL.—The Secretary shall periodically review the type and level of air service provided under this section.

“(2) CONSULTATION.—The Secretary may make appropriate adjustments in the type and level of air service to a place under this section based on the review under paragraph (1) and consultation with the affected community and the State or local government or person agreeing to pay compensation under subsection (c)(2).

“(f) ENDING, SUSPENDING, AND REDUCING AIR TRANSPORTATION.—An air carrier providing air transportation to a place under this section may end, suspend, or reduce such air transportation if, not later than 30 days before ending, suspending, or reducing such air transportation, the air carrier provides notice of the intent of the air carrier to end, suspend, or reduce such air transportation to—

“(1) the Secretary;

“(2) the affected community; and

“(3) the State or local government or person agreeing to pay compensation under subsection (c)(2).”.

(2) CLERICAL AMENDMENT.—The table of contents for chapter 417 is amended by adding after the item relating to section 41748 the following new item:

“41749. Essential air service for eligible places above per passenger subsidy cap”.

(b) PREFERRED ESSENTIAL AIR SERVICE.—

(1) IN GENERAL.—Subchapter II of chapter 417, as amended by subsection (a), is further amended by adding after section 41749 the following:

“§41750. Preferred essential air service

“(a) PROPOSALS.—A State or local government may submit a proposal to the Secretary of Transportation for compensation for a preferred air carrier described in subsection (b) to provide air transportation to an eligible place.

“(b) PREFERRED AIR CARRIER DESCRIBED.—A preferred air carrier described in this subsection is an air carrier that—

“(1) submits an application under section 41733(c) to provide air transportation to an eligible place;

“(2) is not the air carrier that submits the lowest cost bid to provide air transportation to the eligible place; and

“(3) is an air carrier that the affected community prefers to provide air transportation to the eligible place instead of the air carrier that submits the lowest cost bid.

“(c) DECISIONS.—Not later than 90 days after receiving a proposal under subsection (a) for compensation for a preferred air carrier described in subsection (b) to provide air transportation to an eligible place, the Secretary shall—

“(1) decide whether to provide compensation for the preferred air carrier to provide air transportation to the eligible place; and

“(2) approve the proposal if the State or local government or a person is willing and able to pay the difference between—

“(A) the rate of compensation the Secretary would provide to the air carrier that submits the lowest cost bid to provide air transportation to the eligible place; and

“(B) the rate of compensation the preferred air carrier estimates to be necessary to provide air transportation to the eligible place.

“(d) COMPENSATION PAYMENTS.—

“(1) IN GENERAL.—The Secretary shall pay compensation under this section at such time and in such manner as the Secretary determines is appropriate.

“(2) DURATION OF PAYMENTS.—The Secretary shall continue to pay compensation under this section only as long as—

“(A) the State or local government or person agreeing to pay compensation under subsection (c)(2) continues to pay such compensation; and

“(B) the Secretary decides the compensation is necessary to maintain air transportation to the eligible place.

“(e) REVIEW.—

“(1) IN GENERAL.—The Secretary shall periodically review the type and level of air service provided under this section.

“(2) CONSULTATION.—The Secretary may make appropriate adjustments in the type and level of air service to an eligible place under this section based on the review under paragraph (1) and consultation with the affected community and the State or local government or person agreeing to pay compensation under subsection (c)(2).

“(f) ENDING, SUSPENDING, AND REDUCING AIR TRANSPORTATION.—A preferred air carrier providing air transportation to an eligible place under this section may end, suspend, or reduce such air transportation if, not later than 30 days before ending, suspending, or reducing such air transportation, the preferred air carrier

provides notice of the intent of the preferred air carrier to end, suspend, or reduce such air transportation to—

“(1) the Secretary;

“(2) the affected community; and

“(3) the State or local government or person agreeing to pay compensation under subsection (c)(2).”.

(2) **CLERICAL AMENDMENT.**—The table of contents for chapter 417, as amended by subsection (a), is further amended by adding after the item relating to section 41749 the following new item: “41750. Preferred essential air service”.

(c) **RESTORATION OF ELIGIBILITY TO A PLACE DETERMINED BY THE SECRETARY TO BE INELIGIBLE FOR SUBSIDIZED ESSENTIAL AIR SERVICE.**—Section 41733 is amended by adding at the end the following:

“(f) **RESTORATION OF ELIGIBILITY FOR SUBSIDIZED ESSENTIAL AIR SERVICE.**—

“(1) **IN GENERAL.**—If the Secretary of Transportation terminates the eligibility of an otherwise eligible place to receive basic essential air service by an air carrier for compensation under subsection (c), a State or local government may submit to the Secretary a proposal for restoring such eligibility.

“(2) **DETERMINATION BY SECRETARY.**—If the per passenger subsidy required by the proposal submitted by a State or local government under paragraph (1) does not exceed the per passenger subsidy cap provided under this subchapter, the Secretary shall issue an order restoring the eligibility of the otherwise eligible place to receive basic essential air service by an air carrier for compensation under subsection (c).”.

(d) **OFFICE OF RURAL AVIATION.**—

(1) **ESTABLISHMENT.**—There is established within the Office of the Secretary of Transportation the Office of Rural Aviation.

(e) **FUNCTIONS.**—The functions of the Office are—

(1) to develop a uniform 4-year contract for air carriers providing essential air service to communities under subchapter II of chapter 417 of title 49, United States Code;

(2) to develop a mechanism for comparing applications submitted by air carriers under section 41733(c) to provide essential air service to communities, including comparing—

(A) estimates from air carriers on—

(i) the cost of providing essential air service; and

(ii) the revenues air carriers expect to receive when providing essential air service; and

(B) estimated schedules for air transportation; and

(3) to select an air carrier from among air carriers applying to provide essential air service, based on the criteria described in paragraph (2).

(f) **EXTENSION OF AUTHORITY TO MAKE AGREEMENTS UNDER THE ESSENTIAL AIR SERVICE PROGRAM.**—Section 41743(e)(2) is amended by striking “2009” and inserting “2011”.

(g) **ADJUSTMENTS TO COMPENSATION FOR SIGNIFICANTLY INCREASED COSTS.**—Section 41737 is amended by adding at the end thereof the following:

“(f) **FUEL COST SUBSIDY DISREGARD.**—Any amount provided as an adjustment in compensation pursuant to subsection (a)(1)(D) shall be disregarded for the purpose of determining whether the amount of compensation provided under this subchapter with respect to an eligible place exceeds the per passenger subsidy exceeds the dollar amount allowable under this subchapter.”.

SEC. 419. REPEAL OF ESSENTIAL AIR SERVICE LOCAL PARTICIPATION PROGRAM.

(a) **IN GENERAL.**—Subchapter II of chapter 417 of title 49, United States Code, is amended by striking section 41747, and such title 49 shall be applied as if such section 41747 had not been enacted.

(b) **CLERICAL AMENDMENT.**—The table of sections for chapter 417 of title 49, United States Code, is amended by striking the item relating to section 41747.

SUBTITLE C—MISCELLANEOUS

SEC. 431. CLARIFICATION OF AIR CARRIER FEE DISPUTES.

(a) **IN GENERAL.**—Section 47129 is amended—

(1) by striking the section heading and inserting the following:

“**§ 47129. Resolution of airport-air carrier and foreign air carrier disputes concerning airport fees**”;

(2) by inserting “AND FOREIGN AIR CARRIER” after “CARRIER” in the heading for subsection (d);

(3) by inserting “AND FOREIGN AIR CARRIER” after “CARRIER” in the heading for subsection (d)(2);

(4) by striking “air carrier” each place it appears and inserting “air carrier or foreign air carrier”;

(5) by striking “air carrier’s” each place it appears and inserting “air carrier’s or foreign air carrier’s”;

(6) by striking “air carriers” and inserting “air carriers or foreign air carriers”;

(7) by striking “(as defined in section 40102 of this title)” in subsection (a) and inserting “(as those terms are defined in section 40102 of this title)”.

(b) **CONFORMING AMENDMENT.**—The table of contents for chapter 471 is amended by striking the item relating to section 47129 and inserting the following:

“47129. Resolution of airport-air carrier and foreign air carrier disputes concerning airport fees”.

SEC. 432. CONTRACT TOWER PROGRAM.

(a) **COST-BENEFIT REQUIREMENT.**—Section 47124(b)(1) is amended—

(1) by inserting “(A)” after “(1)”; and

(2) by adding at the end the following:

“(B) If the Secretary determines that a tower already operating under this program has a benefit to cost ratio of less than 1.0, the airport sponsor or State or local government having jurisdiction over the airport shall not be required to pay the portion of the costs that exceeds the benefit for a period of 18 months after such determination is made.

“(C) If the Secretary finds that all or part of an amount made available to carry out the program continued under this paragraph is not required during a fiscal year, the Secretary may use during such fiscal year the amount not so required to carry out the program established under paragraph (3) of this section.”.

(b) **COSTS EXCEEDING BENEFITS.**—Subparagraph (D) of section 47124(b)(3) is amended—

(1) by striking “benefit.” and inserting “benefit, with the maximum allowable local cost share for FAA Part 139 certified airports capped at 20 percent for those airports with fewer than 50,000 annual passenger enplanements.”.

(c) **FUNDING.**—Subparagraph (E) of section 47124(b)(3) is amended—

(1) by striking “and” after “2006.”; and

(2) by striking “2007” and inserting “2007, \$9,500,000 for fiscal year 2010, and \$10,000,000 for fiscal year 2011” after “2007.”; and

(3) by inserting after “paragraph.” the following: “If the Secretary finds that all or part of an amount made available under this subparagraph is not required during a fiscal year to carry out this paragraph, the Secretary may use during such fiscal year the amount not so required to carry out the program continued under subsection (b)(1) of this section.”.

(d) **FEDERAL SHARE.**—Subparagraph (C) of section 47124(b)(4) is amended by striking “\$1,500,000.” and inserting “\$2,000,000.”.

(e) **SAFETY AUDITS.**—Section 47124 is amended by adding at the end the following:

“(c) **SAFETY AUDITS.**—The Secretary shall establish uniform standards and requirements for safety assessments of air traffic control towers that receive funding under this section in accordance with the Administration’s safety management system.”.

SEC. 433. AIRFARES FOR MEMBERS OF THE ARMED FORCES.

(a) **FINDINGS.**—The Congress finds that—

(1) the Armed Forces is comprised of approximately 1,450,000 members who are stationed on active duty at more than 6,000 military bases in 146 different countries;

(2) the United States is indebted to the members of the Armed Forces, many of whom are in grave danger due to their engagement in, or exposure to, combat;

(3) military service, especially in the current war against terrorism, often requires members of the Armed Forces to be separated from their families on short notice, for long periods of time, and under very stressful conditions;

(4) the unique demands of military service often preclude members of the Armed Forces from purchasing discounted advance airline tickets in order to visit their loved ones at home; and

(5) it is the patriotic duty of the people of the United States to support the members of the Armed Forces who are defending the Nation’s interests around the world at great personal sacrifice.

(b) **SENSE OF CONGRESS.**—It is the sense of Congress that each United States air carrier should—

(1) establish for all members of the Armed Forces on active duty reduced air fares that are comparable to the lowest airfare for ticketed flights; and

(2) offer flexible terms that allow members of the Armed Forces on active duty to purchase, modify, or cancel tickets without time restrictions, fees (including baggage fees), ancillary costs, or penalties.

SEC. 434. AUTHORIZATION OF USE OF CERTAIN LANDS IN THE LAS VEGAS MCCARRAN INTERNATIONAL AIRPORT ENVIRONS OVERLAY DISTRICT FOR TRANSIENT LODGING AND ASSOCIATED FACILITIES.

(a) **IN GENERAL.**—Notwithstanding any other provision of law and except as provided in subsection (b), Clark County, Nevada, is authorized to permit transient lodging, including hotels, and associated facilities, including enclosed auditoriums, concert halls, sports arenas, and places of public assembly, on lands in the Las Vegas McCarran International Airport Environs Overlay District that fall below the forecasted 2017 65 dB day-night annual average noise level (DNL), as identified in the Noise Exposure Map Notice published by the Federal Aviation Administration in the Federal Register on July 24, 2007 (72 Fed. Reg. 40357), and adopted into the Clark County Development Code in June 2008.

(b) **LIMITATION.**—No structure may be permitted under subsection (a) that would constitute a hazard to air navigation, result in an increase to minimum flight altitudes, or otherwise pose a significant adverse impact on airport or aircraft operations.

TITLE V—SAFETY

SUBTITLE A—AVIATION SAFETY

SEC. 501. RUNWAY SAFETY EQUIPMENT PLAN.

Not later than December 31, 2009, the Administrator of the Federal Aviation Administration shall issue a plan to develop an installation and deployment schedule for systems the Administration is installing to alert controllers and flight crews to potential runway incursions. The plan shall be integrated into the annual Federal Aviation Administration NextGen Implementation Plan.

SEC. 502. JUDICIAL REVIEW OF DENIAL OF AIRMAN CERTIFICATES.

(a) JUDICIAL REVIEW OF NTSB DECISIONS.—Section 44703(d) is amended by adding at the end the following:

“(3) JUDICIAL REVIEW.—A person substantially affected by an order of the Board under this subsection, or the Administrator when the Administrator decides that an order of the Board will have a significant adverse impact on carrying out this part, may obtain judicial review of the order under section 46110 of this title. The Administrator shall be made a party to the judicial review proceedings. The findings of fact of the Board in any such case are conclusive if supported by substantial evidence.”.

(b) CONFORMING AMENDMENT.—Section 1153(c) is amended by striking “section 44709 or” and inserting “section 44703(d), 44709, or”.

SEC. 503. RELEASE OF DATA RELATING TO ABANDONED TYPE CERTIFICATES AND SUPPLEMENTAL TYPE CERTIFICATES.

Section 44704(a) is amended by adding at the end the following:

“(5) RELEASE OF DATA.—

“(A) Notwithstanding any other provision of law, the Administrator may designate, without the consent of the owner of record, engineering data in the agency's possession related to a type certificate or a supplemental type certificate for an aircraft, engine, propeller or appliance as public data, and therefore releasable, upon request, to a person seeking to maintain the airworthiness of such product, if the Administrator determines that—

“(i) the certificate containing the requested data has been inactive for 3 years;

“(ii) the owner of record, or the owner of record's heir, of the type certificate or supplemental certificate has not been located despite a search of due diligence by the agency; and

“(iii) the designation of such data as public data will enhance aviation safety.

“(B) In this section, the term ‘engineering data’ means type design drawings and specifications for the entire product or change to the product, including the original design data, and any associated supplier data for individual parts or components approved as part of the particular aeronautical product certificate.”.

SEC. 504. DESIGN ORGANIZATION CERTIFICATES.

Section 44704(e) is amended—

(1) by striking “Beginning 7 years after the date of enactment of this subsection,” in paragraph (1) and inserting “Effective January 1, 2013,”;

(2) by striking “testing” in paragraph (2) and inserting “production”; and

(3) by striking paragraph (3) and inserting the following:

“(3) ISSUANCE OF CERTIFICATE BASED ON DESIGN ORGANIZATION CERTIFICATION.—The Administrator may rely on the Design Organization for certification of compliance under this section.”.

SEC. 505. FAA ACCESS TO CRIMINAL HISTORY RECORDS OR DATABASE SYSTEMS.

(a) IN GENERAL.—Chapter 401 is amended by adding at the end thereof the following:

“§40130. FAA access to criminal history records or databases systems

“(a) ACCESS TO RECORDS OR DATABASES SYSTEMS.—

“(1) Notwithstanding section 534 of title 28 and the implementing regulations for such section (28 C.F.R. part 20), the Administrator of the Federal Aviation Administration is authorized to access a system of documented criminal justice information maintained by the Department of Justice or by a State but may do so only for the purpose of carrying out its civil and administrative responsibilities to protect the safety and security of the National Airspace System or

to support the missions of the Department of Justice, the Department of Homeland Security, and other law enforcement agencies. The Administrator shall be subject to the same conditions or procedures established by the Department of Justice or State for access to such an information system by other governmental agencies with access to the system.

“(2) The Administrator may not use the access authorized under paragraph (1) to conduct criminal investigations.

“(b) DESIGNATED EMPLOYEES.—The Administrator shall, by order, designate those employees of the Administration who shall carry out the authority described in subsection (a). Such designated employees may—

“(1) have access to and receive criminal history, driver, vehicle, and other law enforcement information contained in the law enforcement databases of the Department of Justice, or of any jurisdiction in a State in the same manner as a police officer employed by a State or local authority of that State who is certified or commissioned under the laws of that State;

“(2) use any radio, data link, or warning system of the Federal Government and of any jurisdiction in a State that provides information about wanted persons, be-on-the-lookout notices, or warrant status or other officer safety information to which a police officer employed by a State or local authority in that State who is certified or commissioned under the laws of that State has access and in the same manner as such police officer; or

“(3) receive Federal, State, or local government communications with a police officer employed by a State or local authority in that State in the same manner as a police officer employed by a State or local authority in that State who is commissioned under the laws of that State.

“(c) SYSTEM OF DOCUMENTED CRIMINAL JUSTICE INFORMATION DEFINED.—In this section the term ‘system of documented criminal justice information’ means any law enforcement databases, systems, or communications containing information concerning identification, criminal history, arrests, convictions, arrest warrants, or wanted or missing persons, including the National Crime Information Center and its incorporated criminal history databases and the National Law Enforcement Telecommunications System.”.

(b) CONFORMING AMENDMENT.—The table of contents for chapter 401 is amended by inserting after the item relating to section 40129 the following:

“40130. FAA access to criminal history records or databases systems”.

SEC. 506. PILOT FATIGUE.

(a) FLIGHT AND DUTY TIME REGULATIONS.—

(1) IN GENERAL.—In accordance with paragraph (2), the Administrator of the Federal Aviation Administration shall issue regulations, based on the best available scientific information—

(A) to specify limitations on the hours of flight and duty time allowed for pilots to address problems relating to pilot fatigue; and

(B) to require part 121 air carriers to develop and implement fatigue risk management plans.

(2) DEADLINES.—The Administrator shall issue—

(A) not later than 180 days after the date of enactment of this Act, a notice of proposed rulemaking under paragraph (1); and

(B) not later than one year after the date of enactment of this Act, a final rule under paragraph (1).

(b) FATIGUE RISK MANAGEMENT PLAN.—

(1) SUBMISSION OF FATIGUE RISK MANAGEMENT PLAN BY PART 121 AIR CARRIERS.—Not later than 90 days after the date of enactment of this Act, each part 121 air carrier shall submit to the Ad-

ministrator for review and approval a fatigue risk management plan.

(2) CONTENTS OF PLAN.—A fatigue risk management plan submitted by a part 121 air carrier under paragraph (1) shall include the following:

(A) Current flight time and duty period limitations.

(B) A rest scheme that enables the management of fatigue, including annual training to increase awareness of—

(i) fatigue;

(ii) the effects of fatigue on pilots; and

(iii) fatigue countermeasures.

(C) Development and use of a methodology that continually assesses the effectiveness of the program, including the ability of the program—

(i) to improve alertness; and

(ii) to mitigate performance errors.

(3) PLAN UPDATES.—A part 121 air carrier shall update its fatigue risk management plan under paragraph (1) every 2 years and submit the update to the Administrator for review and approval.

(4) APPROVAL.—

(A) INITIAL APPROVAL OR MODIFICATION.—Not later than 9 months after the date of enactment of this Act, the Administrator shall review and approve or require modification to fatigue risk management plans submitted under this subsection to ensure that pilots are not operating aircraft while fatigued.

(B) UPDATE APPROVAL OR MODIFICATION.—Not later than 9 months after submission of a plan update under paragraph (3), the Administrator shall review and approve or require modification to such update.

(5) CIVIL PENALTIES.—A violation of this subsection by a part 121 air carrier shall be treated as a violation of chapter 447 of title 49, United States Code, for purposes of the application of civil penalties under chapter 463 of that title.

(6) LIMITATION ON APPLICABILITY.—The requirements of this subsection shall cease to apply to a part 121 air carrier on and after the effective date of the regulations to be issued under subsection (a).

(c) EFFECT OF COMMUTING ON FATIGUE.—

(1) IN GENERAL.—Not later than 60 days after the date of enactment of this Act, the Administrator shall enter into appropriate arrangements with the National Academy of Sciences to conduct a study of the effects of commuting on pilot fatigue and report its findings to the Administrator.

(2) STUDY.—In conducting the study, the National Academy of Sciences shall consider—

(A) the prevalence of pilot commuting in the commercial air carrier industry, including the number and percentage of pilots who commute;

(B) information relating to commuting by pilots, including distances traveled, time zones crossed, time spent, and methods used;

(C) research on the impact of commuting on pilot fatigue, sleep, and circadian rhythms;

(D) commuting policies of commercial air carriers (including passenger and all-cargo air carriers), including pilot check-in requirements and sick leave and fatigue policies;

(E) post-conference materials from the Federal Aviation Administration's June 2008 symposium entitled “Aviation Fatigue Management Symposium: Partnerships for Solutions”;

(F) Federal Aviation Administration and international policies and guidance regarding commuting; and

(G) any other matters as the Administrator considers appropriate.

(3) PRELIMINARY FINDINGS.—Not later than 90 days after the date of entering into arrangements under paragraph (1), the National Academy of Sciences shall submit to the Administrator its preliminary findings under the study.

(4) REPORT.—Not later than 6 months after the date of entering into arrangements under

paragraph (1), the National Academy of Sciences shall submit a report to the Administrator containing its findings under the study and any recommendations for regulatory or administrative actions by the Federal Aviation Administration concerning commuting by pilots.

(5) **RULEMAKING.**—Following receipt of the report of the National Academy of Sciences under paragraph (4), the Administrator shall—

(A) consider the findings and recommendations in the report; and

(B) update, as appropriate based on scientific data, regulations required by subsection (a) on flight and duty time.

SEC. 507. INCREASING SAFETY FOR HELICOPTER AND FIXED WING EMERGENCY MEDICAL SERVICE OPERATORS AND PATIENTS.

(a) **COMPLIANCE REGULATIONS.**—

(1) **IN GENERAL.**—Except as provided in paragraph (2), not later than 18 months after the date of enactment of this Act, helicopter and fixed wing aircraft certificate holders providing emergency medical services shall comply with part 135 of title 14, Code of Federal Regulations, if there is a medical crew on board, without regard to whether there are patients on board.

(2) **EXCEPTION.**—If a certificate holder described in paragraph (1) is operating under instrument flight rules or is carrying out training therefor—

(A) the weather minimums and duty and rest time regulations under such part 135 of such title shall apply; and

(B) the weather reporting requirement at the destination shall not apply until such time as the Administrator of the Federal Aviation Administration determines that portable, reliable, and accurate ground-based weather measuring and reporting systems are available.

(b) **IMPLEMENTATION OF FLIGHT RISK EVALUATION PROGRAM.**—

(1) **INITIATION.**—Not later than 60 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall initiate a rulemaking—

(A) to create a standardized checklist of risk evaluation factors based on Notice 8000.301, which was issued by the Administration on August 1, 2005; and

(B) to require helicopter and fixed wing aircraft emergency medical service operators to use the checklist created under subparagraph (A) to determine whether a mission should be accepted.

(2) **COMPLETION.**—The rulemaking initiated under paragraph (1) shall be completed not later than 18 months after it is initiated.

(c) **COMPREHENSIVE CONSISTENT FLIGHT DISPATCH PROCEDURES.**—

(1) **INITIATION.**—Not later than 60 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall initiate a rulemaking—

(A) to require that helicopter and fixed wing emergency medical service operators formalize and implement performance based flight dispatch and flight-following procedures; and

(B) to develop a method to assess and ensure that such operators comply with the requirements described in subparagraph (A).

(2) **COMPLETION.**—The rulemaking initiated under paragraph (1) shall be completed not later than 18 months after it is initiated.

(d) **IMPROVING SITUATIONAL AWARENESS.**—Within 1 year after the date of enactment of this Act, any helicopter or fixed-wing aircraft used for emergency medical service shall have on board a device that performs the function of a terrain awareness and warning system and a means of displaying that information that meets the requirements of the applicable Federal Aviation Administration Technical Standard Order or other guidance prescribed by the Administrator.

(e) **IMPROVING THE DATA AVAILABLE ON AIR MEDICAL OPERATIONS.**—

(1) **IN GENERAL.**—The Administrator of the Federal Aviation Administration shall require each certificate holder for helicopters and fixed-wing aircraft used for emergency medical service operations to report not later than 1 year after the date of enactment of this Act and annually thereafter on—

(A) the number of aircraft and helicopters used to provide air ambulance services, the registration number of each of these aircraft or helicopters, and the base location of each of these aircraft or helicopters;

(B) the number of flights and hours flown by each such aircraft or helicopter used by the certificate holder to provide such services during the reporting period;

(C) the number of flights and the purpose of each flight for each aircraft or helicopter used by the certificate holder to provide such services during the reporting period;

(D) the number of flight requests for a helicopter providing helicopter air ambulance services that were accepted or declined by the certificate holder and the type of each such flight request (such as scene response, inter-facility transport, organ transport, or ferry or repositioning flight);

(E) the number of accidents involving helicopters operated by the certificate holder while providing helicopter air ambulance services and a description of the accidents;

(F) the number of flights and hours flown under instrument flight rules by helicopters operated by the certificate holder while providing helicopter air ambulance services;

(G) the time of day of each flight flown by helicopters operated by the certificate holder while providing helicopter air ambulance services; and

(H) The number of incidents where more helicopters arrive to transport patients than is needed in a flight request or scene response.

(2) **REPORT TO CONGRESS.**—The Administrator of the Federal Aviation Administration shall report to Congress on the information received pursuant to paragraph (1) of this subsection not later than 18 months after the date of enactment of this Act.

(f) **IMPROVING THE DATA AVAILABLE TO NTSB INVESTIGATORS AT CRASH SITES.**—

(1) **STUDY.**—Not later than 120 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall issue a report that indicates the availability, survivability, size, weight, and cost of devices that perform the function of recording voice communications and flight data information on existing and new helicopters and existing and new fixed wing aircraft used for emergency medical service operations.

(2) **RULEMAKING.**—Not later than 1 year after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall issue regulations that require devices that perform the function of recording voice communications and flight data information on board aircraft described in paragraph (1).

SEC. 508. CABIN CREW COMMUNICATION.

(a) **IN GENERAL.**—Section 44728 is amended—

(1) by redesignating subsection (f) as subsection (g); and

(2) by inserting after subsection (e) the following:

“(f) **MINIMUM LANGUAGE SKILLS.**—

“(1) **IN GENERAL.**—No certificate holder may use any person to serve, nor may any person serve, as a flight attendant under this part, unless that person has demonstrated to an individual qualified to determine proficiency the ability to read, speak, and write English well enough to—

“(A) read material written in English and comprehend the information;

“(B) speak and understand English sufficiently to provide direction to, and understand

and answer questions from, English-speaking individuals;

“(C) write incident reports and statements and log entries and statements; and

“(D) carry out written and oral instructions regarding the proper performance of their duties.

“(2) **FOREIGN FLIGHTS.**—The requirements of paragraph (1) do not apply to service as a flight attendant serving solely between points outside the United States.”.

(b) **ADMINISTRATION.**—The Administrator of the Federal Aviation Administration shall work with certificate holders to which section 44728(f) of title 49, United States Code, applies to facilitate compliance with the requirements of section 44728(f)(1) of that title.

SEC. 509. CLARIFICATION OF MEMORANDUM OF UNDERSTANDING WITH OSHA.

(a) **IN GENERAL.**—Within 6 months after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall—

(1) establish milestones, in consultation with the Occupational Safety and Health Administration, through a report to Congress for the completion of work begun under the August 2000 memorandum of understanding between the 2 Administrations and to address issues needing further action in the Administrations' joint report in December 2000; and

(2) initiate development of a policy statement to set forth the circumstances in which Occupational Safety and Health Administration requirements may be applied to crewmembers while working in the aircraft.

(b) **POLICY STATEMENT.**—The policy statement to be developed under subsection (a)(2) shall be completed within 18 months after the date of enactment of this Act and shall satisfy the following principles:

(1) The establishment of a coordinating body similar to the Aviation Safety and Health Joint Team established by the August 2000 memorandum of understanding that includes representatives designated by both Administrations—

(A) to examine the applicability of current and future Occupational Safety and Health Administration regulations;

(B) to recommend policies for facilitating the training of Federal Aviation Administration inspectors; and

(C) to make recommendations that will govern the inspection and enforcement of safety and health standards on board aircraft in operation and all work-related environments.

(2) Any standards adopted by the Federal Aviation Administration shall set forth clearly—

(A) the circumstances under which an employer is required to take action to address occupational safety and health hazards;

(B) the measures required of an employer under the standard; and

(C) the compliance obligations of an employer under the standard.

SEC. 510. ACCELERATION OF DEVELOPMENT AND IMPLEMENTATION OF REQUIRED NAVIGATION PERFORMANCE APPROACH PROCEDURES.

(a) **IN GENERAL.**—

(1) **ANNUAL MINIMUM REQUIRED NAVIGATION PERFORMANCE PROCEDURES.**—The Administrator shall set a target of achieving a minimum of 200 Required Navigation Performance procedures each fiscal year through fiscal year 2012, with 25 percent of that target number meeting the low visibility approach criteria consistent with the NextGen Implementation Plan.

(2) **USE OF THIRD PARTIES.**—The Administrator is authorized to provide third parties the ability to design, flight check, and implement Required Navigation Performance approach procedures.

(b) **DOT INSPECTOR GENERAL REVIEW OF OPERATIONAL AND APPROACH PROCEDURES BY A THIRD PARTY.**—

(1) **REVIEW.**—The Inspector General of the Department of Transportation shall conduct a review regarding the effectiveness of the oversight activities conducted by the Administration in connection with any agreement with or delegation of authority to a third party for the development of flight procedures, including public use procedures, for the National Airspace System.

(2) **ASSESSMENTS.**—The Inspector General shall include, at a minimum, in the review—

(A) an assessment of the extent to which the Administration is relying or intends to rely on a third party for the development of new procedures and a determination of whether the Administration has established sufficient mechanisms and staffing to provide safety oversight functions, which may include quality assurance processes, flight checks, integration of procedures into the National Aviation System, and operational assessments of procedures developed by third parties; and

(B) an assessment regarding whether the Administration has sufficient existing personnel and technical resources or mechanisms to develop such flight procedures in a safe and efficient manner to meet the demands of the National Airspace System without the use of third party resources.

(c) **REPORT.**—No later than 1 year after the date of enactment of this Act, the Inspector General shall submit to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure a report on the results of the review conducted under this section.

SEC. 511. IMPROVED SAFETY INFORMATION.

Not later than December 31, 2009, the Administrator of the Federal Aviation Administration shall issue a final rule in docket No. FAA-2008-0188, Re-registration and Renewal of Aircraft Registration. The final rule shall include—

(1) provision for the expiration of a certificate for an aircraft registered as of the date of enactment of this Act, with re-registration requirements for those aircraft that remain eligible for registration;

(2) provision for the periodic expiration of all certificates issued after the effective date of the rule with a registration renewal process; and

(3) other measures to promote the accuracy and efficient operation and value of the Administration's aircraft registry.

SEC. 512. VOLUNTARY DISCLOSURE REPORTING PROCESS IMPROVEMENTS.

(a) **IN GENERAL.**—Within 180 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall—

(1) take such action as may be necessary to ensure that the Voluntary Disclosure Reporting Process requires inspectors—

(A) to evaluate corrective action proposed by an air carrier with respect to a matter disclosed by that air carrier is sufficiently comprehensive in scope and application and applies to all affected aircraft operated by that air carrier before accepting the proposed voluntary disclosure;

(B) to verify that corrective action so identified by an air carrier is completed within the timeframe proposed; and

(C) to verify by inspection that the carrier's corrective action adequately corrects the problem that was disclosed; and

(2) establish a second level supervisory review of disclosures under the Voluntary Disclosure Reporting Process before any proposed disclosure is accepted and closed that will ensure that a matter disclosed by an air carrier—

(A) has not been previously identified by a Federal Aviation Administration inspector; and

(B) has not been previously disclosed by the carrier in the preceding 5 years.

(b) **GAO STUDY.**—

(1) **IN GENERAL.**—The Comptroller General shall conduct a study of the Voluntary Disclosure Reporting Program.

(2) **REVIEW.**—In conducting the study, the Comptroller General shall examine, at a minimum, whether—

(A) there is evidence that voluntary disclosure is resulting in regulated entities discovering and correcting violations to a greater extent than would otherwise occur if there was no program for immunity from enforcement action;

(B) the voluntary disclosure program makes the Federal Aviation Administration aware of violations that it would not have discovered if there was not a program, and if a violation is disclosed voluntarily, whether the Administration insists on stronger corrective actions than would have occurred if the regulated entity knew of a violation, but the Administration did not;

(C) the information the Administration gets under the program leads to fewer violations by other entities, either because the information leads other entities to look for similar violations or because the information leads Administration investigators to look for similar violations at other entities; and

(D) there is any evidence that voluntary disclosure has improved compliance with regulations, either for the entities making disclosures or for the industry generally.

(3) **REPORT.**—Not later than one year after the date of enactment of this Act, the Comptroller General shall submit a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure on the results of the study conducted under this subsection.

SEC. 513. PROCEDURAL IMPROVEMENTS FOR INSPECTIONS.

(a) **IN GENERAL.**—Section 44711 is amended by adding at the end the following:

“(d) **POST-EMPLOYMENT RESTRICTIONS FOR FLIGHT STANDARDS INSPECTORS.**—

“(1) **PROHIBITION.**—A person holding an operating certificate issued under title 14, Code of Federal Regulations, may not knowingly employ, or make a contractual arrangement which permits, an individual to act as an agent or representative of the certificate holder in any matter before the Federal Aviation Administration if the individual, in the preceding 3-year period—

“(A) served as, or was responsible for oversight of, a flight standards inspector of the Administration; and

“(B) had responsibility to inspect, or oversee inspection of, the operations of the certificate holder.

“(2) **WRITTEN AND ORAL COMMUNICATIONS.**—For purposes of paragraph (1), an individual shall be considered to be acting as an agent or representative of a certificate holder in a matter before the Federal Aviation Administration if the individual makes any written or oral communication on behalf of the certificate holder to the Administration (or any of its officers or employees) in connection with a particular matter, whether or not involving a specific party and without regard to whether the individual has participated in, or had responsibility for, the particular matter while serving as a flight standards inspector of the Administration.”.

(b) **APPLICABILITY.**—The amendment made by subsection (a) shall not apply to an individual employed by a certificate holder as of the date of enactment of this Act.

SEC. 514. INDEPENDENT REVIEW OF SAFETY ISSUES.

Within 30 days after the date of enactment of this Act, the Comptroller General shall initiate a review and investigation of air safety issues identified by Federal Aviation Administration employees and reported to the Administrator.

The Comptroller General shall report the Government Accountability Office's findings and recommendations to the Administrator, the Senate Committee on Commerce, Science, and Transportation, and the House of Representatives Committee on Transportation and Infrastructure on an annual basis.

SEC. 515. NATIONAL REVIEW TEAM.

(a) **IN GENERAL.**—Within 180 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall establish a national review team within the Administration to conduct periodic, unannounced, and random reviews of the Administration's oversight of air carriers and report annually its findings and recommendations to the Administrator, the Senate Commerce, Science, and Transportation Committee, and the House of Representatives Committee on Transportation and Infrastructure.

(b) **LIMITATION.**—The Administrator shall prohibit a member of the National Review Team from participating in any review or audit of an air carrier under subsection (a) if the member has previously had responsibility for inspecting, or overseeing the inspection of, the operations of that air carrier.

(c) **INSPECTOR GENERAL REPORTS.**—The Inspector General of the Department of Transportation shall provide progress reports to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure on the review teams and their effectiveness.

SEC. 516. FAA ACADEMY IMPROVEMENTS.

(a) **REVIEW.**—Within 1 year after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall conduct a comprehensive review and evaluation of its Academy and facility training efforts.

(b) **FACILITY TRAINING PROGRAM.**—The Administrator shall—

(1) clarify responsibility for oversight and direction of the Academy's facility training program at the national level;

(2) communicate information concerning that responsibility to facility managers; and

(3) establish standards to identify the number of developmental controllers that can be accommodated at each facility, based on—

(A) the number of available on-the-job-training instructors;

(B) available classroom space;

(C) the number of available simulators;

(D) training requirements; and

(E) the number of recently placed new personnel already in training.

SEC. 517. REDUCTION OF RUNWAY INCURSIONS AND OPERATIONAL ERRORS.

(a) **PLAN.**—The Administrator of the Federal Aviation Administration shall develop a plan for the reduction of runway incursions by reviewing every commercial service airport (as defined in section 47102 of title 49, United States Code) in the United States and initiating action to improve airport lighting, provide better signage, and improve runway and taxiway markings.

(b) **PROCESS.**—Within 1 year after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall develop a process for tracking and investigating operational errors and runway incursions that includes—

(1) identifying the office responsible for establishing regulations regarding operational errors and runway incursions;

(2) identifying who is responsible for tracking and investigating operational errors and runway incursions and taking remedial actions;

(3) identifying who is responsible for tracking operational errors and runway incursions, including a process for lower level employees to report to higher supervisory levels; and

(4) periodic random audits of the oversight process.

SEC. 518. AVIATION SAFETY WHISTLEBLOWER INVESTIGATION OFFICE.

Section 106 is amended by adding at the end the following:

“(s) AVIATION SAFETY WHISTLEBLOWER INVESTIGATION OFFICE.—

“(1) ESTABLISHMENT.—There is established in the Administration an Aviation Safety Whistleblower Investigation Office.

“(2) DIRECTOR.—

“(A) APPOINTMENT.—The head of the Office shall be the Director, who shall be appointed by the Secretary of Transportation.

“(B) QUALIFICATIONS.—The Director shall have a demonstrated ability in investigations and knowledge of or experience in aviation.

“(C) TERM.—The Director shall be appointed for a term of 5 years.

“(D) VACANCY.—Any individual appointed to fill a vacancy in the position of the Director occurring before the expiration of the term for which the individual's predecessor was appointed shall be appointed for the remainder of that term.

“(3) COMPLAINTS AND INVESTIGATIONS.—

“(A) AUTHORITY OF DIRECTOR.—The Director shall—

“(i) receive complaints and information submitted by employees of persons holding certificates issued under title 14, Code of Federal Regulations, and employees of the Administration concerning the possible existence of an activity relating to a violation of an order, regulation, or standard of the Administration or any other provision of Federal law relating to aviation safety;

“(ii) assess complaints and information submitted under clause (i) and determine whether a substantial likelihood exists that a violation of an order, regulation, or standard of the Administration or any other provision of Federal law relating to aviation safety may have occurred; and

“(iii) based on findings of the assessment conducted under clause (ii), make recommendations to the Administrator in writing for further investigation or corrective actions.

“(B) DISCLOSURE OF IDENTITIES.—The Director shall not disclose the identity of an individual who submits a complaint or information under subparagraph (A)(i) unless—

“(i) the individual consents to the disclosure in writing; or

“(ii) the Director determines, in the course of an investigation, that the disclosure is unavoidable.

“(C) INDEPENDENCE OF DIRECTOR.—The Secretary, the Administrator, or any officer or employee of the Administration may not prevent or prohibit the Director from initiating, carrying out, or completing any assessment of a complaint or information submitted subparagraph (A)(i) or from reporting to Congress on any such assessment.

“(D) ACCESS TO INFORMATION.—In conducting an assessment of a complaint or information submitted under subparagraph (A)(i), the Director shall have access to all records, reports, audits, reviews, documents, papers, recommendations, and other material necessary to determine whether a substantial likelihood exists that a violation of an order, regulation, or standard of the Administration or any other provision of Federal law relating to aviation safety may have occurred.

“(4) RESPONSES TO RECOMMENDATIONS.—The Administrator shall respond to a recommendation made by the Director under subparagraph (A)(iii) in writing and retain records related to any further investigations or corrective actions taken in response to the recommendation.

“(5) INCIDENT REPORTS.—If the Director determines there is a substantial likelihood that a

violation of an order, regulation, or standard of the Administration or any other provision of Federal law relating to aviation safety may have occurred that requires immediate corrective action, the Director shall report the potential violation expeditiously to the Administrator and the Inspector General of the Department of Transportation.

“(6) REPORTING OF CRIMINAL VIOLATIONS TO INSPECTOR GENERAL.—If the Director has reasonable grounds to believe that there has been a violation of Federal criminal law, the Director shall report the violation expeditiously to the Inspector General.

“(7) ANNUAL REPORTS TO CONGRESS.—Not later than October 1 of each year, the Director shall submit to Congress a report containing—

“(A) information on the number of submissions of complaints and information received by the Director under paragraph (3)(A)(i) in the preceding 12-month period;

“(B) summaries of those submissions;

“(C) summaries of further investigations and corrective actions recommended in response to the submissions; and

“(D) summaries of the responses of the Administrator to such recommendations.”.

SEC. 519. MODIFICATION OF CUSTOMER SERVICE INITIATIVE.

(a) MODIFICATION OF INITIATIVE.—Not later than 90 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall modify the customer service initiative, mission and vision statements, and other statements of policy of the Administration—

(1) to remove any reference to air carriers or other entities regulated by the Administration as “customers”;

(2) to clarify that in regulating safety the only customers of the Administration are members of the traveling public; and

(3) to clarify that air carriers and other entities regulated by the Administration do not have the right to select the employees of the Administration who will inspect their operations.

(b) SAFETY PRIORITY.—In carrying out the Administrator's responsibilities, the Administrator shall ensure that safety is given a higher priority than preventing the dissatisfaction of an air carrier or other entity regulated by the Administration with an employee of the Administration.

SEC. 520. HEADQUARTERS REVIEW OF AIR TRANSPORTATION OVERSIGHT SYSTEM DATABASE.

(a) REVIEWS.—The Administrator of the Federal Aviation Administration shall establish a process by which the air transportation oversight system database of the Administration is reviewed by a team of employees of the Agency on a monthly basis to ensure that—

(1) any trends in regulatory compliance are identified; and

(2) appropriate corrective actions are taken in accordance with Agency regulations, advisory directives, policies, and procedures.

(b) MONTHLY TEAM REPORTS.—

(1) IN GENERAL.—The team of employees conducting a monthly review of the air transportation oversight system database under subsection (a) shall submit to the Administrator, the Associate Administrator for Aviation Safety, and the Director of Flight Standards a report on the results of the review.

(2) CONTENTS.—A report submitted under paragraph (1) shall identify—

(A) any trends in regulatory compliance discovered by the team of employees in conducting the monthly review; and

(B) any corrective actions taken or proposed to be taken in response to the trends.

(c) QUARTERLY REPORTS TO CONGRESS.—The Administrator, on a quarterly basis, shall submit

a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure on the results of reviews of the air transportation oversight system database conducted under this section, including copies of reports received under subsection (b).

SEC. 521. INSPECTION OF FOREIGN REPAIR STATIONS.

(a) IN GENERAL.—Chapter 447 is amended by adding at the end the following:

“§ 44730. Inspection of foreign repair stations

“(a) IN GENERAL.—Within 1 year after the date of enactment of the FAA Air Transportation Modernization and Safety Improvement Act the Administrator of the Federal Aviation Administration shall establish and implement a safety assessment system for all part 145 repair stations based on the type, scope, and complexity of work being performed. The system shall—

“(1) ensure that repair stations outside the United States are subject to appropriate inspections based on identified risk and consistent with existing United States requirements;

“(2) consider inspection results and findings submitted by foreign civil aviation authorities operating under a maintenance safety or maintenance implementation agreement with the United States in meeting the requirements of the safety assessment system; and

“(3) require all maintenance safety or maintenance implementation agreements to provide an opportunity for the Federal Aviation Administration to conduct independent inspections of covered part 145 repair stations when safety concerns warrant such inspections.

“(b) NOTICE TO CONGRESS OF NEGOTIATIONS.—The Administrator shall notify the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure within 30 days after initiating formal negotiations with foreign aviation authorities or other appropriate foreign government agencies on a new maintenance safety or maintenance implementation agreement.

“(c) ANNUAL REPORT.—The Administrator shall publish an annual report on the Federal Aviation Administration's oversight of part 145 repair stations and implementation of the safety assessment system required by subsection (a). The report shall—

“(1) describe in detail any improvements in the Federal Aviation Administration's ability to identify and track where part 121 air carrier repair work is performed;

“(2) include a staffing model to determine the best placement of inspectors and the number of inspectors needed;

“(3) describe the training provided to inspectors; and

“(4) include an assessment of the quality of monitoring and surveillance by the Federal Aviation Administration of work provided by its inspectors and the inspectors of foreign authorities operating under a maintenance safety or implementation agreement.

“(d) ALCOHOL AND CONTROLLED SUBSTANCE TESTING PROGRAM REQUIREMENTS.—

“(1) IN GENERAL.—The Secretaries of State and Transportation jointly shall request the governments of foreign countries that are members of the International Civil Aviation Organization to establish international standards for alcohol and controlled substances testing of persons that perform safety sensitive maintenance functions upon commercial air carrier aircraft.

“(2) APPLICATION TO PART 121 AIRCRAFT WORK.—Within 1 year after the date of enactment of the FAA Air Transportation Modernization and Safety Improvement Act the Administrator shall promulgate a proposed rule requiring that all part 145 repair station employees responsible for safety-sensitive functions on part

121 air carrier aircraft are subject to an alcohol and controlled substance testing program determined acceptable by the Administrator and consistent with the applicable laws of the country in which the repair station is located.

“(e) **BIANNUAL INSPECTIONS.**—The Administrator shall require part 145 repair stations to be inspected twice each year by Federal Aviation Administration safety inspectors, regardless of where the station is located, in a manner consistent with United States obligations under international agreements.

“(f) **DEFINITIONS.**—In this section:

“(1) **PART 121 AIR CARRIER.**—The term ‘part 121 air carrier’ means an air carrier that holds a certificate issued under part 121 of title 14, Code of Federal Regulations.

“(2) **PART 145 REPAIR STATION.**—The term ‘part 145 repair station’ means a repair station that holds a certificate issued under part 145 of title 14, Code of Federal Regulations.”

(b) **CONFORMING AMENDMENT.**—The table of contents for chapter 447 is amended by adding at the end thereof the following:

“44730. Inspection of foreign repair stations”.

SEC. 522. NON-CERTIFICATED MAINTENANCE PROVIDERS.

(a) **REGULATIONS.**—Not later than 3 years after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall issue regulations requiring that all covered maintenance work on aircraft used to provide air transportation under part 121 of title 14, Code of Federal Regulations, be performed by individuals in accordance with subsection (b).

(b) **PERSONS AUTHORIZED TO PERFORM CERTAIN WORK.**—No individual may perform covered maintenance work on aircraft used to provide air transportation under part 121 of title 14, Code of Federal Regulations unless that individual is employed by—

(1) a part 121 air carrier;

(2) a part 145 repair station or a person authorized under section 43.17 of title 14, Code of Federal Regulations;

(3) a person that provides contract maintenance workers or services to a part 145 repair station or part 121 air carrier, and the individual—

(A) meets the requirements of the part 121 air carrier or the part 145 repair station;

(B) performs the work under the direct supervision and control of the part 121 air carrier or the part 145 repair station directly in charge of the maintenance services; and

(C) carries out the work in accordance with the part 121 air carrier's maintenance manual;

(4) by the holder of a type certificate, production certificate, or other production approval issued under part 21 of title 14, Code of Federal Regulations, and the holder of such certificate or approval—

(A) originally produced, and continues to produce, the article upon which the work is to be performed; and

(B) is acting in conjunction with a part 121 air carrier or a part 145 repair station.

(d) **DEFINITIONS.**—In this section:

(1) **COVERED MAINTENANCE WORK.**—The term “covered maintenance work” means maintenance work that is essential maintenance, regularly scheduled maintenance, or a required inspection item, as determined by the Administrator.

(2) **PART 121 AIR CARRIER.**—The term “part 121 air carrier” has the meaning given that term in section 44730(f)(1) of title 49, United States Code.

(3) **PART 145 REPAIR STATION.**—The term “part 145 repair station” has the meaning given that term in section 44730(f)(2) of title 49, United States Code.

SUBTITLE B—FLIGHT SAFETY

SEC. 551. FAA PILOT RECORDS DATABASE.

(a) **RECORDS OF EMPLOYMENT OF PILOT APPLICANTS.**—Section 44703(h) is amended by adding at the end the following:

“(16) **APPLICABILITY.**—This subsection shall cease to be effective on the date specified in regulations issued under subsection (i).”

(b) **ESTABLISHMENT OF FAA PILOT RECORDS DATABASE.**—Section 44703 is amended—

(1) by redesignating subsections (i) and (j) as subsections (j) and (k), respectively; and

(2) by inserting after subsection (h) the following:

“(i) **FAA PILOT RECORDS DATABASE.**—

“(1) **IN GENERAL.**—Before allowing an individual to begin service as a pilot, an air carrier shall access and evaluate, in accordance with the requirements of this subsection, information pertaining to the individual from the pilot records database established under paragraph (2).

“(2) **PILOT RECORDS DATABASE.**—The Administrator shall establish an electronic database (in this subsection referred to as the ‘database’) containing the following records:

“(A) **FAA RECORDS.**—From the Administrator—

“(i) records that are maintained by the Administrator concerning current airman certificates, including airman medical certificates and associated type ratings and information on any limitations to those certificates and ratings;

“(ii) records that are maintained by the Administrator concerning any failed attempt of an individual to pass a practical test required to obtain a certificate or type rating under part 61 of title 14, Code of Federal Regulations; and

“(iii) summaries of legal enforcement actions resulting in a finding by the Administrator of a violation of this title or a regulation prescribed or order issued under this title that was not subsequently overturned.

“(B) **AIR CARRIER AND OTHER RECORDS.**—From any air carrier or other person (except a branch of the Armed Forces, the National Guard, or a reserve component of the Armed Forces) that has employed an individual as a pilot of a civil or public aircraft, or from the trustee in bankruptcy for such air carrier or person—

“(i) records pertaining to the individual that are maintained by the air carrier (other than records relating to flight time, duty time, or rest time), including records under regulations set forth in—

“(I) section 121.683 of title 14, Code of Federal Regulations;

“(II) paragraph (A) of section VI, appendix I, part 121 of such title;

“(III) paragraph (A) of section IV, appendix J, part 121 of such title;

“(IV) section 125.401 of such title; and

“(V) section 135.63(a)(4) of such title; and

“(ii) other records pertaining to the individual's performance as a pilot that are maintained by the air carrier or person concerning—

“(I) the training, qualifications, proficiency, or professional competence of the individual, including comments and evaluations made by a check airman designated in accordance with section 121.411, 125.295, or 135.337 of such title;

“(II) any disciplinary action taken with respect to the individual that was not subsequently overturned; and

“(III) any release from employment or resignation, termination, or disqualification with respect to employment.

“(C) **NATIONAL DRIVER REGISTER RECORDS.**—In accordance with section 30305(b)(8) of this title, from the chief driver licensing official of a State, information concerning the motor vehicle driving record of the individual.

“(3) **WRITTEN CONSENT; RELEASE FROM LIABILITY.**—An air carrier—

“(A) shall obtain the written consent of an individual before accessing records pertaining to the individual under paragraph (1); and

“(B) may, notwithstanding any other provision of law or agreement to the contrary, require an individual with respect to whom the carrier is accessing records under paragraph (1) to execute a release from liability for any claim arising from accessing the records or the use of such records by the air carrier in accordance with this section (other than a claim arising from furnishing information known to be false and maintained in violation of a criminal statute).

“(4) **REPORTING.**—

“(A) **REPORTING BY ADMINISTRATOR.**—The Administrator shall enter data described in paragraph (2)(A) into the database promptly to ensure that an individual's records are current.

“(B) **REPORTING BY AIR CARRIERS AND OTHER PERSONS.**—

“(i) **IN GENERAL.**—Air carriers and other persons shall report data described in paragraphs (2)(B) and (2)(C) to the Administrator promptly for entry into the database.

“(ii) **DATA TO BE REPORTED.**—Air carriers and other persons shall report, at a minimum, under clause (i) the following data described in paragraph (2)(B):

“(I) Records that are generated by the air carrier or other person after the date of enactment of the FAA Air Transportation Modernization and Safety Improvement Act.

“(II) Records that the air carrier or other person is maintaining, on such date of enactment, pursuant to subsection (h)(4).

“(5) **REQUIREMENT TO MAINTAIN RECORDS.**—The Administrator—

“(A) shall maintain all records entered into the database under paragraph (2) pertaining to an individual until the date of receipt of notification that the individual is deceased; and

“(B) may remove the individual's records from the database after that date.

“(6) **RECEIPT OF CONSENT.**—The Administrator shall not permit an air carrier to access records pertaining to an individual from the database under paragraph (1) without the air carrier first demonstrating to the satisfaction of the Administrator that the air carrier has obtained the written consent of the individual.

“(7) **RIGHT OF PILOT TO REVIEW CERTAIN RECORDS AND CORRECT INACCURACIES.**—Notwithstanding any other provision of law or agreement, the Administrator, upon receipt of written request from an individual—

“(A) shall make available, not later than 30 days after the date of the request, to the individual for review all records referred to in paragraph (2) pertaining to the individual; and

“(B) shall provide the individual with a reasonable opportunity to submit written comments to correct any inaccuracies contained in the records.

“(8) **REASONABLE CHARGES FOR PROCESSING REQUESTS AND FURNISHING COPIES.**—The Administrator may establish a reasonable charge for the cost of processing a request under paragraph (1) or (7) and for the cost of furnishing copies of requested records under paragraph (7).

“(9) **PRIVACY PROTECTIONS.**—

“(A) **USE OF RECORDS.**—An air carrier that accesses records pertaining to an individual under paragraph (1) may use the records only to assess the qualifications of the individual in deciding whether or not to hire the individual as a pilot. The air carrier shall take such actions as may be necessary to protect the privacy of the individual and the confidentiality of the records accessed, including ensuring that information contained in the records is not divulged to any individual that is not directly involved in the hiring decision.

“(B) **DISCLOSURE OF INFORMATION.**—

“(i) **IN GENERAL.**—Except as provided by clause (ii), information collected by the Administrator under paragraph (2) shall be exempt

from the disclosure requirements of section 552 of title 5.

“(ii) EXCEPTIONS.—Clause (i) shall not apply to—

“(I) de-identified, summarized information to explain the need for changes in policies and regulations;

“(II) information to correct a condition that compromises safety;

“(III) information to carry out a criminal investigation or prosecution;

“(IV) information to comply with section 44905, regarding information about threats to civil aviation; and

“(V) such information as the Administrator determines necessary, if withholding the information would not be consistent with the safety responsibilities of the Federal Aviation Administration.

“(10) PERIODIC REVIEW.—Not later than 18 months after the date of enactment of the FAA Air Transportation Modernization and Safety Improvement Act, and at least once every 3 years thereafter, the Administrator shall transmit to Congress a statement that contains, taking into account recent developments in the aviation industry—

“(A) recommendations by the Administrator concerning proposed changes to Federal Aviation Administration records, air carrier records, and other records required to be included in the database under paragraph (2); or

“(B) reasons why the Administrator does not recommend any proposed changes to the records referred to in subparagraph (A).

“(11) REGULATIONS FOR PROTECTION AND SECURITY OF RECORDS.—The Administrator shall prescribe such regulations as may be necessary—

“(A) to protect and secure—

“(i) the personal privacy of any individual whose records are accessed under paragraph (1); and

“(ii) the confidentiality of those records; and

“(B) to preclude the further dissemination of records received under paragraph (1) by the person who accessed the records.

“(12) GOOD FAITH EXCEPTION.—Notwithstanding paragraph (1), an air carrier may allow an individual to begin service as a pilot, without first obtaining information described in paragraph (2)(B) from the database pertaining to the individual, if—

“(A) the air carrier has made a documented good faith attempt to access the information from the database; and

“(B) has received written notice from the Administrator that the information is not contained in the database because the individual was employed by an air carrier or other person that no longer exists or by a foreign government or other entity that has not provided the information to the database.

“(13) LIMITATIONS ON ELECTRONIC ACCESS TO RECORDS.—

“(A) ACCESS BY INDIVIDUALS DESIGNATED BY AIR CARRIERS.—For the purpose of increasing timely and efficient access to records described in paragraph (2), the Administrator may allow, under terms established by the Administrator, an individual designated by an air carrier to have electronic access to the database.

“(B) TERMS.—The terms established by the Administrator under subparagraph (A) for allowing a designated individual to have electronic access to the database shall limit such access to instances in which information in the database is required by the designated individual in making a hiring decision concerning a pilot applicant and shall require that the designated individual provide assurances satisfactory to the Administrator that—

“(i) the designated individual has received the written consent of the pilot applicant to access the information; and

“(ii) information obtained using such access will not be used for any purpose other than making the hiring decision.

“(14) REGULATIONS.—

“(A) IN GENERAL.—The Administrator shall issue regulations to carry out this subsection.

“(B) EFFECTIVE DATE.—The regulations shall specify the date on which the requirements of this subsection take effect and the date on which the requirements of subsection (h) cease to be effective.

“(C) EXCEPTIONS.—Notwithstanding subparagraph (B)—

“(i) the Administrator shall begin to establish the database under paragraph (2) not later than 90 days after the date of enactment of the FAA Air Transportation Modernization and Safety Improvement Act;

“(ii) the Administrator shall maintain records in accordance with paragraph (5) beginning on the date of enactment of that Act; and

“(iii) air carriers and other persons shall maintain records to be reported to the database under paragraph (4)(B) in the period beginning on such date of enactment and ending on the date that is 5 years after the requirements of subsection (h) cease to be effective pursuant to subparagraph (B).

“(15) SPECIAL RULE.—During the one-year period beginning on the date on which the requirements of this section become effective pursuant to paragraph (15)(B), paragraph (7)(A) shall be applied by substituting ‘45 days’ for ‘30 days’.”

(C) CONFORMING AMENDMENTS.—

(i) LIMITATION ON LIABILITY; PREEMPTION OF STATE LAW.—Section 44703(j) (as redesignated by subsection (b)(1) of this section) is amended—

(A) in the subsection heading by striking “LIMITATION” and inserting “LIMITATIONS”;

(B) in paragraph (1)—

(i) in the matter preceding subparagraph (A) by striking “paragraph (2)” and inserting “subsection (h)(2) or (i)(3)”;

(ii) in subparagraph (A) by inserting “or accessing the records of that individual under subsection (i)(1)” before the semicolon; and

(iii) in the matter following subparagraph (D) by striking “subsection (h)” and inserting “subsection (h) or (i)”;

(C) in paragraph (2) by striking “subsection (h)” and inserting “subsection (h) or (i)”;

(D) in paragraph (3), in the matter preceding subparagraph (A), by inserting “or who furnished information to the database established under subsection (i)(2)” after “subsection (h)(1)”;

(E) by adding at the end the following:

“(4) PROHIBITION ON ACTIONS AND PROCEEDINGS AGAINST AIR CARRIERS.—

“(A) HIRING DECISIONS.—An air carrier may refuse to hire an individual as a pilot if the individual did not provide written consent for the air carrier to receive records under subsection (h)(2)(A) or (i)(3)(A) or did not execute the release from liability requested under subsection (h)(2)(B) or (i)(3)(B).

“(B) ACTIONS AND PROCEEDINGS.—No action or proceeding may be brought against an air carrier by or on behalf of an individual who has applied for or is seeking a position as a pilot with the air carrier if the air carrier refused to hire the individual after the individual did not provide written consent for the air carrier to receive records under subsection (h)(2)(A) or (i)(3)(A) or did not execute a release from liability requested under subsection (h)(2)(B) or (i)(3)(B).”

(2) LIMITATION ON STATUTORY CONSTRUCTION.—Section 44703(k) (as redesignated by subsection (b)(1) of this section) is amended by striking “subsection (h)” and inserting “subsection (h) or (i)”.

SEC. 552. AIR CARRIER SAFETY MANAGEMENT SYSTEMS.

(a) IN GENERAL.—Within 60 days after the date of enactment of this Act, the Administrator

shall initiate and complete a rulemaking to require part 121 air carriers—

(1) to implement, as part of their safety management systems—

(A) an Aviation Safety Action Program;

(B) a Flight Operations Quality Assurance Program;

(C) a Line Operational Safety Audit Program; and

(D) a Flight Crew Fatigue Risk Management Program;

(2) to implement appropriate privacy protection safeguards with respect to data included in such programs; and

(3) to provide appropriate collaboration and operational oversight of regional/commuter air carriers by affiliated major air carriers that include—

(A) periodic safety audits of flight operations;

(B) training, maintenance, and inspection programs; and

(C) provisions for the exchange of safety information.

(b) EFFECT ON ADVANCED QUALIFICATION PROGRAM.—Implementation of the programs under subsection (a)(1) neither limits nor invalidates the Federal Aviation Administration’s advanced qualification program.

(c) LIMITATIONS ON DISCIPLINE AND ENFORCEMENT.—The Administrator shall require that each of the programs described in subsection (a)(1)(A) and (B) establish protections for an air carrier or employee submitting data or reports against disciplinary or enforcement actions by any Federal agency or employer. The protections shall not be less than the protections provided under Federal Aviation Administration Advisory Circulars governing those programs, including Advisory Circular AC No. 120-66 and AC No. 120-82.

(d) CVR DATA.—The Administrator, acting in collaboration with aviation industry interested parties, shall consider the merits and feasibility of incorporating cockpit voice recorder data in safety oversight practices.

(e) ENFORCEMENT CONSISTENCY.—Within 9 months after the date of enactment of this Act, the Administrator shall—

(1) develop and implement a plan that will ensure that the FAA’s safety enforcement plan is consistently enforced; and

(2) ensure that the FAA’s safety oversight program is reviewed periodically and updated as necessary.

SEC. 553. SECRETARY OF TRANSPORTATION RESPONSES TO SAFETY RECOMMENDATIONS.

(a) IN GENERAL.—The first sentence of section 1135(a) is amended by inserting “to the National Transportation Safety Board” after “shall give”.

(b) AIR CARRIER SAFETY RECOMMENDATIONS.—Section 1135 is amended—

(1) by redesignating subsections (c) and (d) as subsections (d) and (e), respectively; and

(2) by inserting after subsection (b) the following:

“(c) ANNUAL REPORT ON AIR CARRIER SAFETY RECOMMENDATIONS.—

“(1) IN GENERAL.—The Secretary shall submit an annual report to the Congress and the Board on the recommendations made by the Board to the Secretary regarding air carrier operations conducted under part 121 of title 14, Code of Federal Regulations.

“(2) RECOMMENDATIONS TO BE COVERED.—The report shall cover—

“(A) any recommendation for which the Secretary has developed, or intends to develop, procedures to adopt the recommendation or part of the recommendation, but has yet to complete the procedures; and

“(B) any recommendation for which the Secretary, in the preceding year, has issued a response under subsection (a)(2) or (a)(3) refusing

to carry out all or part of the procedures to adopt the recommendation.

“(3) CONTENTS.—

“(A) PLANS TO ADOPT RECOMMENDATIONS.—For each recommendation of the Board described in paragraph (2)(A), the report shall contain—

“(i) a description of the recommendation;

“(ii) a description of the procedures planned for adopting the recommendation or part of the recommendation;

“(iii) the proposed date for completing the procedures; and

“(iv) if the Secretary has not met a deadline contained in a proposed timeline developed in connection with the recommendation under subsection (b), an explanation for not meeting the deadline.

“(B) REFUSALS TO ADOPT RECOMMENDATIONS.—For each recommendation of the Board described in paragraph (2)(B), the report shall contain—

“(i) a description of the recommendation; and

“(ii) a description of the reasons for the refusal to carry out all or part of the procedures to adopt the recommendation.”.

SEC. 554. IMPROVED FLIGHT OPERATIONAL QUALITY ASSURANCE, AVIATION SAFETY ACTION, AND LINE OPERATIONAL SAFETY AUDIT PROGRAMS.

(a) LIMITATION ON DISCLOSURE AND USE OF INFORMATION.—

(1) IN GENERAL.—Except as provided by this section, a party in a judicial proceeding may not use discovery to obtain—

(A) an Aviation Safety Action Program report;

(B) Flight Operational Quality Assurance Program data; or

(C) a Line Operations Safety Audit Program report.

(2) FOIA NOT APPLICABLE.—Section 522 of title 5, United States Code, shall not apply to reports or data described in paragraph (1).

(3) EXCEPTIONS.—Nothing in paragraph (1) or (2) prohibits the FAA from disclosing information contained in reports or data described in paragraph (1) if withholding the information would not be consistent with the FAA's safety responsibilities, including—

(A) a summary of information, with identifying information redacted, to explain the need for changes in policies or regulations;

(B) information provided to correct a condition that compromises safety, if that condition continues uncorrected; or

(C) information provided to carry out a criminal investigation or prosecution.

(b) PERMISSIBLE DISCOVERY FOR SUCH REPORTS AND DATA.—Except as provided in subsection (c), a court may allow discovery by a party of an Aviation Safety Action Program report, Flight Operational Quality Assurance Program data, or a Line Operations Safety Audit Program report if, after an in camera review of the information, the court determines that a party to a claim or defense in the proceeding shows a particularized need for the report or data that outweighs the need for confidentiality of the report or data, considering the confidential nature of the report or data, and upon a showing that the report or data is both relevant to the preparation of a claim or defense and not otherwise known or available.

(c) PROTECTIVE ORDER.—When a court allows discovery, in a judicial proceeding, of an Aviation Safety Action Program report, Flight Operational Quality Assurance Program data, or a Line Operations Safety Audit Program report, the court shall issue a protective order—

(1) to limit the use of the information contained in the report or data to the judicial proceeding;

(2) to prohibit dissemination of the report or data to any person that does not need access to the report for the proceeding; and

(3) to limit the use of the report or data in the proceeding to the uses permitted for privileged self-analysis information as defined under the Federal Rules of Evidence.

(d) SEALED INFORMATION.—A court may allow an Aviation Safety Action Program report, Flight Operational Quality Assurance Program data, or a Line Operations Safety Audit Program report to be admitted into evidence in a judicial proceeding only if the court places the report or data under seal to prevent the use of the report or data for purposes other than for the proceeding.

(e) SAFETY RECOMMENDATIONS.—This section does not prevent the National Transportation Safety Board from referring at any time to information contained in an Aviation Safety Action Program report, Flight Operational Quality Assurance Program data, or a Line Operations Safety Audit Program report in making safety recommendations.

(f) WAIVER.—Any waiver of the privilege for self-analysis information by a protected party, unless occasioned by the party's own use of the information in presenting a claim or defense, must be in writing.

SEC. 555. RE-EVALUATION OF FLIGHT CREW TRAINING, TESTING, AND CERTIFICATION REQUIREMENTS.

(a) TRAINING AND TESTING.—The Administrator shall develop and implement a plan for reevaluation of flight crew training regulations in effect on the date of enactment of this Act, including regulations for—

(1) classroom instruction requirements governing curriculum content and hours of instruction;

(2) crew leadership training; and

(3) initial and recurrent testing requirements for pilots, including the rigor and consistency of testing programs such as check rides.

(b) BEST PRACTICES.—The plan shall incorporate best practices in the aviation industry with respect to training protocols, methods, and procedures.

(c) CERTIFICATION.—The Administrator shall initiate a rulemaking to re-evaluate FAA regulations governing the minimum requirements—

(1) to become a commercial pilot;

(2) to receive an Air Transport Pilot Certificate to become a captain; and

(3) to transition to a new type of aircraft.

(d) REMEDIAL TRAINING PROGRAMS.—

(1) IN GENERAL.—The Administrator shall initiate a rulemaking to require part 121 air carriers to establish remedial training programs for flightcrew members who have demonstrated performance deficiencies or experienced failures in the training environment.

(2) DEADLINES.—The Administrator shall—

(A) not later than 180 days after the date of enactment of this Act, issue a notice of proposed rulemaking under paragraph (1); and

(B) not later than 24 months after the date of enactment of this Act, issue a final rule for the rulemaking.

(e) STICK PUSHER TRAINING AND WEATHER EVENT TRAINING.—

(1) MULTIDISCIPLINARY PANEL.—Not later than 120 days after the date of enactment of this Act, the Administrator shall convene a multidisciplinary panel of specialists in aircraft operations, flightcrew member training, human factors, and aviation safety to study and submit to the Administrator a report on methods to increase the familiarity of flightcrew members with, and improve the response of flightcrew members to, stick pusher systems, icing conditions, and microburst and windshear weather events.

(2) REPORT TO CONGRESS.—Not later than one year after the date on which the Administrator convenes the panel, the Administrator shall—

(A) submit a report to the Committee on Transportation and Infrastructure of the House

of Representatives and the Committee on Commerce, Science, and Transportation based on the findings of the panel; and

(B) with respect to stick pusher systems, initiate appropriate actions to implement the recommendations of the panel.

SEC. 556. FLIGHTCREW MEMBER MENTORING, PROFESSIONAL DEVELOPMENT, AND LEADERSHIP.

(a) AVIATION RULEMAKING COMMITTEE.—

(1) IN GENERAL.—The Administrator of the Federal Aviation Administration shall conduct an aviation rulemaking committee proceeding with stakeholders to develop procedures for each part 121 air carrier to take the following actions:

(A) Establish flightcrew member mentoring programs under which the air carrier will pair highly experienced flightcrew members who will serve as mentor pilots and be paired with newly employed flightcrew members. Mentor pilots should be provided, at a minimum, specific instruction on techniques for instilling and reinforcing the highest standards of technical performance, airmanship, and professionalism in newly employed flightcrew members.

(B) Establish flightcrew member professional development committees made up of air carrier management and labor union or professional association representatives to develop, administer, and oversee formal mentoring programs of the carrier to assist flightcrew members to reach their maximum potential as safe, seasoned, and proficient flightcrew members.

(C) Establish or modify training programs to accommodate substantially different levels and types of flight experience by newly employed flightcrew members.

(D) Establish or modify training programs for second-in-command flightcrew members attempting to qualify as pilot-in-command flightcrew members for the first time in a specific aircraft type and ensure that such programs include leadership and command training.

(E) Ensure that recurrent training for pilots in command includes leadership and command training.

(F) Such other actions as the aviation rulemaking committee determines appropriate to enhance flightcrew member professional development.

(2) COMPLIANCE WITH STERILE COCKPIT RULE.—Leadership and command training described in paragraphs (1)(D) and (1)(E) shall include instruction on compliance with flightcrew member duties under part 121.542 of title 14, Code of Federal Regulations.

(3) STREAMLINED PROGRAM REVIEW.—

(A) IN GENERAL.—As part of the rulemaking required by subsection (a), the Administrator shall establish a streamlined process for part 121 air carriers that have in effect, as of the date of enactment of this Act, the programs required by paragraph (1).

(B) EXPEDITED APPROVALS.—Under the streamlined process, the Administrator shall—

(i) review the programs of such part 121 air carriers to determine whether the programs meet the requirements set forth in the final rule referred to in subsection (b)(2); and

(ii) expedite the approval of the programs that the Administrator determines meet such requirements.

(b) DEADLINES.—The Administrator shall issue—

(1) not later than 180 days after the date of enactment of this Act, a notice of proposed rulemaking under subsection (a); and

(2) not later than 24 months after such date of enactment, a final rule under subsection (a).

SEC. 557. FLIGHTCREW MEMBER SCREENING AND QUALIFICATIONS.

(a) REQUIREMENTS.—The Administrator of the Federal Aviation Administration shall conduct a rulemaking proceeding to require part 121 air

carriers to develop and implement means and methods for ensuring that flightcrew members have proper qualifications and experience.

(b) **MINIMUM EXPERIENCE REQUIREMENT.**—

(1) **IN GENERAL.**—The final rule prescribed under subsection (a) shall, among any other requirements established by the rule, require that a pilot—

(A) have not less than 800 hours of flight time before serving as a flightcrew member for a part 121 air carrier; and

(B) demonstrate the ability to—

(i) function effectively in a multipilot environment;

(ii) function effectively in an air carrier operational environment;

(iii) function effectively in adverse weather conditions, including icing conditions if the pilot is expected to be operating aircraft in icing conditions;

(iv) function effectively during high altitude operations; and

(v) adhere to the highest professional standards.

(2) **HOURS OF FLIGHT EXPERIENCE IN DIFFICULT OPERATIONAL CONDITIONS.**—The total number of hours of flight experience required by the Administrator under paragraph (1) for pilots shall include a number of hours of flight experience in difficult operational conditions that may be encountered by an air carrier that the Administrator determines to be sufficient to enable a pilot to operate an aircraft safely in such conditions.

(c) **DEADLINES.**—The Administrator shall issue—

(1) not later than 180 days after the date of enactment of this Act, a notice of proposed rulemaking under subsection (a); and

(2) not later than December 31, 2011, a final rule under subsection (a).

(d) **DEFAULT REQUIREMENTS.**—If the Administrator fails to meet the deadline established by subsection (c)(2), then all flightcrew members for part 121 air carriers shall meet the requirements established by subpart G of part 61 of the Federal Aviation Administration's regulations (14 C.F.R. 61.151 et seq.).

(e) **DEFINITIONS.**—In this section:

(1) **FLIGHTCREW MEMBER.**—The term “flightcrew member” has the meaning given that term in section 1.1 of the Federal Aviation Administration's regulations (14 C.F.R. 1.1).

(2) **PART 121 AIR CARRIER.**—The term “part 121 air carrier” has the meaning given that term by section 41720(d)(1) of title 49, United States Code.

SEC. 558. PROHIBITION ON PERSONAL USE OF CERTAIN DEVICES ON FLIGHT DECK.

(a) **IN GENERAL.**—Chapter 447, as amended by section 521 of this Act, is further amended by adding at the end thereof the following:

“§ 44731. Use of certain devices on flight deck

“(a) **IN GENERAL.**—It is unlawful for any member of the flight crew of an aircraft used to provide air transportation under part 121 of title 14, Code of Federal Regulations, to use a personal wireless communications device or laptop computer while at the crew member's duty station on the flight deck of such an aircraft while the aircraft is being operated.

“(b) **EXCEPTIONS.**—Subsection (a) shall not apply to the use of a personal wireless communications device or laptop computer for a purpose directly related to operation of the aircraft, or for emergency, safety-related, or employment-related communications, in accordance with procedures established by the air carrier or the Federal Aviation Administration.

“(c) **ENFORCEMENT.**—In addition to the penalties provided under section 46301 of this title applicable to any violation of this section, the Administrator of the Federal Aviation Administration may enforce compliance with this section under section 44709.

“(d) **PERSONAL WIRELESS COMMUNICATIONS DEVICE DEFINED.**—The term ‘personal wireless communications device’ means a device through which personal wireless services (as defined in section 332(c)(7)(C)(i) of the Communications Act of 1934 (47 U.S.C. 332(c)(7)(C)(i))) are transmitted.”

(b) **PENALTY.**—Section 44711(a) is amended—

(1) by striking “or” after the semicolon in paragraph (8);

(2) by striking “title.” in paragraph (9) and inserting “title; or”; and

(3) by adding at the end the following:

“(10) violate section 44730 of this title or any regulation issued thereunder.”

(c) **CONFORMING AMENDMENT.**—The table of contents for chapter 447 is amended by adding at the end thereof the following:

“44731. Use of certain devices on flight deck”.

(d) **REGULATIONS.**—Within 30 days after the date of enactment of this Act, the Secretary of Transportation shall initiate a rulemaking procedure for regulations under section 44730 of title 49, United States Code, and shall issue a final rule thereunder within 1 year after the date of enactment of this Act.

(e) **STUDY.**—

(1) **IN GENERAL.**—The Administrator of the Federal Aviation Administration shall review relevant air carrier data and carry out a study—

(A) to identify common sources of distraction for the cockpit flight crew on commercial aircraft; and

(B) to determine the safety impacts of such distractions.

(2) **REPORT.**—Not later than 6 months after the date of the enactment of this Act, the Administrator shall submit a report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives that contains—

(A) the findings of the study conducted under paragraph (1); and

(B) recommendations about ways to reduce distractions for cockpit flight crews.

SEC. 559. SAFETY INSPECTIONS OF REGIONAL AIR CARRIERS.

The Administrator shall, not less frequently than once each year, perform random, unannounced, on-site inspections of air carriers that provide air transportation pursuant to a contract with a part 121 air carrier to ensure that such air carriers are complying with all applicable safety standards of the Administration.

SEC. 560. ESTABLISHMENT OF SAFETY STANDARDS WITH RESPECT TO THE TRAINING, HIRING, AND OPERATION OF AIRCRAFT BY PILOTS.

(a) **IN GENERAL.**—Not later than 180 days after the date of enactment of this Act, the Administrator shall issue a final rule with respect to the Notice of Proposed Rulemaking published in the Federal Register on January 12, 2009 (74 Fed. Reg. 1280), relating to training programs for flight crew members and aircraft dispatchers.

(b) **EXPERT PANEL TO REVIEW PART 121 AND PART 135 TRAINING HOURS.**—

(1) **ESTABLISHMENT.**—Not later than 60 days after the date of enactment of this Act, the Administrator shall convene a multidisciplinary expert panel comprised of, at a minimum, air carrier representatives, training facility representatives, instructional design experts, aircraft manufacturers, safety organization representatives, and labor union representatives.

(2) **ASSESSMENT AND RECOMMENDATIONS.**—The panel shall assess and make recommendations concerning—

(A) the best methods and optimal time needed for flightcrew members of part 121 air carriers and flightcrew members of part 135 air carriers

to master aircraft systems, maneuvers, procedures, take offs and landings, and crew coordination;

(B) the optimal length of time between training events for such crewmembers, including recurrent training events;

(C) the best methods to reliably evaluate mastery by such crewmembers of aircraft systems, maneuvers, procedures, take offs and landings, and crew coordination; and

(D) the best methods to allow specific academic training courses to be credited pursuant to section 11(d) toward the total flight hours required to receive an airline transport pilot certificate.

(3) **REPORT.**—Not later than one year after the date of enactment of this Act, the Administrator shall submit a report to the House of Representatives Committee on Transportation and Infrastructure and the Senate Committee on Commerce, Science, and Transportation based on the findings of the panel.

SEC. 561. OVERSIGHT OF PILOT TRAINING SCHOOLS.

(a) **IN GENERAL.**—Not later than 1 year after the date of the enactment of this Act, the Administrator shall submit to Congress a plan for overseeing pilot schools certified under part 141 of title 14, Code of Federal Regulations, that includes—

(1) ensuring that the curriculum and course outline requirements for such schools under subpart C of such part are being met; and

(2) conducting on-site inspections of each such school not less frequently than once every 2 years.

(b) **GAO STUDY.**—The Comptroller General shall conduct a comprehensive study of flight schools, flight education, and academic training requirements for certification of an individual as a pilot.

(c) **REPORT.**—Not later than 180 days after the date of enactment of this Act, the Comptroller General shall submit a report to the House of Representatives Committee on Transportation and Infrastructure and the Senate Committee on Commerce, Science, and Transportation on the results of the study.

SEC. 562. ENHANCED TRAINING FOR FLIGHT ATTENDANTS AND GATE AGENTS.

(a) **IN GENERAL.**—Chapter 447, as amended by section 558 of this Act, is further amended by adding at the end the following:

“§ 44732. Training of flight attendants and gate agents

“(a) **TRAINING REQUIRED.**—In addition to other training required under this chapter, each air carrier shall provide initial and annual recurring training for flight attendants and gate agents employed or contracted by such air carrier regarding—

“(1) serving alcohol to passengers;

“(2) recognizing intoxicated passengers; and

“(3) dealing with disruptive passengers.

“(b) **SITUATIONAL TRAINING.**—In carrying out the training required under subsection (a), each air carrier shall provide situational training to flight attendants and gate agents on the proper method for dealing with intoxicated passengers who act in a belligerent manner.

“(c) **DEFINITIONS.**—In this section:

“(1) **AIR CARRIER.**—The term ‘air carrier’ means a person or commercial enterprise that has been issued an air carrier operating certificate under section 44705.

“(2) **FLIGHT ATTENDANT.**—The term ‘flight attendant’ has the meaning given the term in section 44728(f).

“(3) **GATE AGENT.**—The term ‘gate agent’ means an individual working at an airport whose responsibilities include facilitating passenger access to commercial aircraft.

“(4) PASSENGER.—The term ‘passenger’ means an individual traveling on a commercial aircraft, from the time at which the individual arrives at the airport from which such aircraft departs until the time the individual leaves the airport to which such aircraft arrives.”.

(b) CLERICAL AMENDMENT.—The table of contents for chapter 447 is amended by adding at the end the following:

“44732. Training of flight attendants and gate agents”.

(c) RULEMAKING.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Transportation shall issue regulations to carry out section 44730 of title 49, United States Code, as added by subsection (a).

SEC. 563. DEFINITIONS.

In this subtitle:

(1) AVIATION SAFETY ACTION PROGRAM.—The term “Aviation Safety Action Program” means the program described under Federal Aviation Administration Advisory Circular No. 120-66B that permits employees of participating air carriers and repair station certificate holders to identify and report safety issues to management and to the Administration for resolution.

(2) ADMINISTRATOR.—The term “Administrator” means the Administrator.

(3) AIR CARRIER.—The term “air carrier” has the meaning given that term by section 40102(2) of title 49, United States Code.

(4) FAA.—The term “FAA” means the Federal Aviation Administration.

(5) FLIGHT OPERATIONAL QUALITY ASSURANCE PROGRAM.—The term “Flight Operational Quality Assurance Program” means the voluntary safety program authorized under section 13.401 of title 14, Code of Federal Regulations, that permits commercial air carriers and pilots to share confidential aggregate information with the Administration to permit the Administration to target resources to address operational risk issues.

(6) LINE OPERATIONS SAFETY AUDIT PROGRAM.—The term “Line Operations Safety Audit Program” has the meaning given that term by Federal Aviation Administration Advisory Circular Number 120-90.

(7) PART 121 AIR CARRIER.—The term “part 121 air carrier” has the meaning given that term by section 41719(d)(1) of title 49, United States Code.

SEC. 564. STUDY OF AIR QUALITY IN AIRCRAFT CABINS.

(a) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, the Administrator of the Federal Aviation Administration shall initiate a study of air quality in aircraft cabins to—

(1) assess bleed air quality on the full range of commercial aircraft operating in the United States;

(2) identify oil-based contaminants, hydraulic fluid toxins, and other air toxins that appear in cabin air and measure the quantity and prevalence, or absence of those toxins through a comprehensive sampling program;

(3) determine the specific amount and duration of toxic fumes present in aircraft cabins that constitutes a health risk to passengers;

(4) develop a systematic reporting standard for smoke and fume events in aircraft cabins;

(5) identify the potential health risks to individuals exposed to toxic fumes during flight; and

(6) determine the extent to which the installation of sensors and air filters on commercial aircraft would provide a public health benefit.

(b) AUTHORITY TO MONITOR AIR IN AIRCRAFT CABINS.—For purposes of conducting the study required by subsection (a), the Administrator of the Federal Aviation Administration shall require domestic air carriers to allow air quality monitoring on their aircraft in a manner that

imposes no significant costs on the air carrier and does not interfere with the normal operation of the aircraft.

TITLE VI—AVIATION RESEARCH

SEC. 601. AIRPORT COOPERATIVE RESEARCH PROGRAM.

(a) IN GENERAL.—Section 44511(f) is amended—

(1) by striking “establish a 4-year pilot” in paragraph (1) and inserting “maintain an”; and

(2) by inserting “pilot” in paragraph (4) before “program” the first time it appears; and

(3) by striking “program, including recommendations as to the need for establishing a permanent airport cooperative research program.” in paragraph (4) and inserting “program.”.

(b) AIRPORT COOPERATIVE RESEARCH PROGRAM.—Not more than \$15,000,000 per year for fiscal years 2010 and 2011 may be appropriated to the Secretary of Transportation from the amounts made available each year under subsection (a) for the Airport Cooperative Research Program under section 44511 of this title, of which not less than \$5,000,000 per year shall be for research activities related to the airport environment, including reduction of community exposure to civil aircraft noise, reduction of civil aviation emissions, or addressing water quality issues.

SEC. 602. REDUCTION OF NOISE, EMISSIONS, AND ENERGY CONSUMPTION FROM CIVILIAN AIRCRAFT.

(a) ESTABLISHMENT OF RESEARCH PROGRAM.—From amounts made available under section 48102(a) of title 49, United States Code, the Administrator of the Federal Aviation Administration shall establish a research program related to reducing civilian aircraft energy use, emissions, and source noise with equivalent safety through grants or other measures, which may include cost-sharing, authorized under section 106(l)(6) of such title, including reimbursable agreements with other Federal agencies.

(b) ESTABLISHMENT OF CONSORTIUM.—

(1) DESIGNATION AS CONSORTIUM.—Not later than 180 days after the date of the enactment of this Act, the Administrator shall designate, using a competitive process, one or more institutions or entities described in paragraph (2) as a Consortium for Continuous Low Energy, Emissions, and Noise (CLEEN) to perform research in accordance with this section.

(2) PARTICIPATION.—The Administrator shall include educational and research institutions or private sector entities that have existing facilities and experience for developing and testing noise, emissions and energy reduction engine and aircraft technology, and developing alternative fuels in the research program required by subsection (a).

(3) COORDINATION MECHANISMS.—In conducting the research program, the Consortium designated under paragraph (1) shall—

(A) coordinate its activities with the Department of Agriculture, the Department of Energy, the National Aeronautics and Space Administration, and other relevant Federal agencies; and

(B) consult on a regular basis with the Commercial Aviation Alternative Fuels Initiative.

(c) PERFORMANCE OBJECTIVES.—Not later than January 1, 2016, the research program shall accomplish the following objectives:

(1) Certifiable aircraft technology that reduces fuel burn 33 percent compared to current technology, reducing energy consumption and carbon dioxide emissions.

(2) Certifiable engine technology that reduces landing and takeoff cycle nitrogen oxide emissions by 60 percent, at a pressure ratio of 30 over the International Civil Aviation Organization standard adopted at the 6th Meeting of the Committee on Aviation Environmental Protec-

tion, with commensurate reductions over the full pressure ratio range, while limiting or reducing other gaseous or particle emissions.

(3) Certifiable aircraft technology that reduces noise levels by 32 Effective Perceived Noise in decibels (EPNdB) cumulative, relative to Stage 4 standards.

(4) Advance qualification and environmental assurance of alternative aviation fuels to support a goal of having 20 percent of the jet fuel available for purchase by United States commercial airlines and cargo carriers be alternative fuels.

(5) Determination of the extent to which new engine and aircraft technologies may be used to retrofit or re-engine aircraft so as to increase the level of penetration into the commercial fleet.

SEC. 603. PRODUCTION OF ALTERNATIVE FUEL TECHNOLOGY FOR CIVILIAN AIRCRAFT.

(a) IN GENERAL.—From amounts made available under section 48102(a) of title 49, United States Code, the Secretary of Transportation shall establish a research program related to developing jet fuel from natural gas, biomass and other renewable sources through grants or other measures authorized under section 106(l)(6) of such title, including reimbursable agreements with other Federal agencies.

(b) PARTICIPATION IN PROGRAM.—The Secretary shall—

(1) include educational and research institutions that have existing facilities and experience in the research, small-scale development, testing, or evaluation of technologies related to the creation, processing, and production of a variety of feedstocks into aviation fuel under the program required by subsection (a); and

(2) consider utilizing the existing capacity in Aeronautics research at Langley Research Center of the National Aeronautics and Space Administration to carry out the program required by subsection (a).

(c) DESIGNATION OF INSTITUTION AS A CENTER OF EXCELLENCE.—Not later than 180 days after the date of the enactment of this Act, the Administrator of the Federal Aviation Administration shall designate an institution described in subsection (b) as a Center of Excellence for Alternative Jet-Fuel Research in Civil Aircraft. The Center of Excellence shall be a member of the CLEEN Consortium established under section 602(b), and shall be part of a Joint Center of Excellence with the Partnership for Air Transportation Noise and Emission Reduction FAA Center of Excellence.

SEC. 604. PRODUCTION OF CLEAN COAL FUEL TECHNOLOGY FOR CIVILIAN AIRCRAFT.

(a) ESTABLISHMENT OF RESEARCH PROGRAM.—From amounts made available under section 48102(a) of title 49, United States Code, the Secretary of Transportation shall establish a research program related to developing jet fuel from clean coal through grants or other measures authorized under section 106(l)(6) of such title, including reimbursable agreements with other Federal agencies. The program shall include participation by educational and research institutions that have existing facilities and experience in the development and deployment of technology that processes coal to aviation fuel.

(b) DESIGNATION OF INSTITUTION AS A CENTER OF EXCELLENCE.—Within 6 months after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall designate an institution described in subsection (a) as a Center of Excellence for Coal-to-Jet-Fuel Research.

SEC. 605. ADVISORY COMMITTEE ON FUTURE OF AERONAUTICS.

(a) ESTABLISHMENT.—There is established an advisory committee to be known as the “Advisory Committee on the Future of Aeronautics”.

(b) **MEMBERSHIP.**—The Advisory Committee shall consist of 7 members appointed by the President from a list of 15 candidates proposed by the Director of the National Academy of Sciences.

(c) **CHAIRPERSON.**—The Advisory Committee members shall elect 1 member to serve as chairperson of the Advisory Committee.

(d) **FUNCTIONS.**—The Advisory Committee shall examine the best governmental and organizational structures for the conduct of civil aeronautics research and development, including options and recommendations for consolidating such research to ensure continued United States leadership in civil aeronautics. The Committee shall consider transferring responsibility for civil aeronautics research and development from the National Aeronautics and Space Administration to other existing departments or agencies of the Federal Government or to a non-governmental organization such as academic consortia or not-for-profit organizations. In developing its recommendations, the Advisory Committee shall consider, as appropriate, the aeronautics research policies developed pursuant to section 101(d) of Public Law 109-155 and the requirements and priorities for aeronautics research established by title IV of Public Law 109-155.

(e) **REPORT.**—Not later than 12 months after the date on which the full membership of the Advisory Committee is appointed, the Advisory Committee shall submit a report to the Senate Committee on Commerce, Science, and Transportation and the House Committees on Science and Technology and on Transportation and Infrastructure on its findings and recommendations. The report may recommend a rank ordered list of acceptable solutions.

(f) **TERMINATION.**—The Advisory Committee shall terminate 60 days after the date on which it submits the report to the Congress.

SEC. 606. RESEARCH PROGRAM TO IMPROVE AIRFIELD PAVEMENTS.

(a) **CONTINUATION OF PROGRAM.**—The Administrator of the Federal Aviation Administration shall continue the program to consider awards to nonprofit concrete and asphalt pavement research foundations to improve the design, construction, rehabilitation, and repair of airfield pavements to aid in the development of safer, more cost effective, and more durable airfield pavements.

(b) **USE OF GRANTS OR COOPERATIVE AGREEMENTS.**—The Administrator may use grants or cooperative agreements in carrying out this section.

SEC. 607. WAKE TURBULENCE, VOLCANIC ASH, AND WEATHER RESEARCH.

Within 60 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall—

(1) initiate evaluation of proposals that would increase capacity throughout the air transportation system by reducing existing spacing requirements between aircraft of all sizes, including research on the nature of wake vortices;

(2) begin implementation of a system to improve volcanic ash avoidance options for aircraft, including the development of a volcanic ash warning and notification system for aviation; and

(3) establish research projects on—

(A) ground de-icing/anti-icing, ice pellets, and freezing drizzle;

(B) oceanic weather, including convective weather;

(C) en route turbulence prediction and detection; and

(D) all hazards during oceanic operations, where commercial traffic is high and only rudimentary satellite sensing is available, to reduce the hazards presented to commercial aviation.

SEC. 608. INCORPORATION OF UNMANNED AIRCRAFT SYSTEMS INTO FAA PLANS AND POLICIES.

(a) **RESEARCH.**—

(1) **EQUIPMENT.**—Section 44504, as amended by section 216 of this Act, is further amended—

(A) by inserting “unmanned and manned” in subsection (a) after “improve”;

(B) by striking “and” after the semicolon in subsection (b)(7);

(C) by striking “emitted.” in subsection (b)(8) and inserting “emitted; and”; and

(D) by adding at the end of subsection (b) the following:

“(9) in conjunction with other Federal agencies as appropriate, to develop technologies and methods to assess the risk of and prevent defects, failures, and malfunctions of products, parts, and processes, for use in all classes of unmanned aircraft systems that could result in a catastrophic failure.”.

(2) **HUMAN FACTORS; SIMULATIONS.**—Section 44505(b) is amended—

(A) by striking “and” after the semicolon in paragraph (4);

(B) by striking “programs.” in paragraph (5)(C) and inserting “programs; and”; and

(C) by adding at the end thereof the following:

“(6) to develop a better understanding of the relationship between human factors and unmanned aircraft systems air safety; and

“(7) to develop dynamic simulation models of integrating all classes of unmanned aircraft systems into the National Airspace System.”.

(b) **NATIONAL ACADEMY OF SCIENCES ASSESSMENT.**—

(1) **IN GENERAL.**—Within 3 months after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall enter into an arrangement with the National Academy of Sciences for an assessment of unmanned aircraft systems that may include consideration of—

(A) human factors regarding unmanned aircraft systems operation;

(B) “detect, sense and avoid technologies” with respect to both cooperative and non-cooperative aircraft;

(C) spectrum issues and bandwidth requirements;

(D) operation in suboptimal winds and adverse weather conditions;

(E) mechanisms such as the use of transponders for letting other entities know where the unmanned aircraft system is flying;

(F) airworthiness and system redundancy;

(G) flight termination systems for safety and security;

(H) privacy issues;

(I) technologies for unmanned aircraft systems flight control;

(J) technologies for unmanned aircraft systems propulsion;

(K) unmanned aircraft systems operator qualifications, medical standards, and training requirements;

(L) unmanned aircraft systems maintenance requirements and training requirements; and

(M) any other unmanned aircraft systems-related issue the Administrator believes should be addressed.

(2) **REPORT.**—Within 12 months after initiating the study, the National Academy shall submit its report to the Administrator, the Senate Committee on Commerce, Science, and Transportation, and the House of Representatives Committee on Transportation and Infrastructure containing its findings and recommendations.

(c) **PILOT PROJECTS.**—

(1) **IN GENERAL.**—Not later than 6 months after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall establish 3 2-year cost-shared pilot projects in sparsely populated, low-density Class G air traffic airspace new test sites to conduct experiments and collect data in order to accel-

erate the safe integration of unmanned aircraft systems into the National Airspace System as follows:

(A) 1 project shall address operational issues required for integration of Category 1 unmanned aircraft systems defined as analogous to RC models covered in the FAA Advisory Circular AC 91-57.

(B) 1 project shall address operational issues required for integration of Category 2 unmanned aircraft systems defined as non-standard aircraft that perform special purpose operations. Operators must provide evidence of airworthiness and operator qualifications.

(C) 1 project shall address operational issues required for integration of Category 3 unmanned aircraft systems defined as capable of flying throughout all categories of airspace and conforming to part 91 of title 14, Code of Federal Regulations.

(D) All 3 pilot projects shall be operational no later than 6 months after being established.

(2) **USE OF CONSORTIA.**—In conducting the pilot projects, the Administrator shall encourage the formation of participating consortia from the public and private sectors, educational institutions, and non-profit organization.

(3) **REPORT.**—Within 90 days after completing the pilot projects, the Administrator shall transmit a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure setting forth the Administrator's findings and conclusions concerning the projects.

(4) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated to the Administrator for fiscal years 2010 and 2011 such sums as may be necessary to conduct the pilot projects.

(d) **UNMANNED AIRCRAFT SYSTEMS ROADMAP.**—Within 30 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall approve and make available in print and on the Administration's website a 5-year “roadmap” for the introduction of unmanned aircraft systems into the National Airspace System being coordinated by its Unmanned Aircraft Program Office. The Administrator shall update the “roadmap” annually.

(e) **UPDATED POLICY STATEMENT.**—Not later than 90 days after the date of enactment of this Act, the Administrator shall issue a notice of proposed rulemaking to update the Administration's most recent policy statement on unmanned aircraft systems, Docket No. FAA-2006-25714.

(f) **EXPANDING THE USE OF UAS IN THE ARCTIC.**—Within 6 months after the date of enactment of this Act, the Administrator, in consultation with the National Oceanic and Atmospheric Administration, the Coast Guard, and other Federal agencies as appropriate, shall identify permanent areas in the Arctic where small unmanned aircraft may operate 24 hours per day from 2000 feet to the surface and beyond line-of-sight for research and commercial purposes. Within 12 months after the date of enactment of this Act, the Administrator shall have established and implemented a single process for approving unmanned aircraft use in the designated arctic regions regardless of whether the unmanned aircraft is used as a public aircraft, a civil aircraft, or as a model aircraft.

(g) **DEFINITIONS.**—In this section:

(1) **ARCTIC.**—The term “Arctic” means the United States zone of the Chukchi, Beaufort, and Bering Sea north of the Aleutian chain.

(2) **PERMANENT AREAS.**—The term “permanent areas” means areas on land or water that provide for terrestrial launch and recovery of small unmanned aircraft.

SEC. 609. REAUTHORIZATION OF CENTER OF EXCELLENCE IN APPLIED RESEARCH AND TRAINING IN THE USE OF ADVANCED MATERIALS IN TRANSPORT AIRCRAFT.

Section 708(b) of the Vision 100—Century of Aviation Reauthorization Act (49 U.S.C. 44504 note) is amended by striking “\$500,000 for fiscal year 2004” and inserting “\$1,000,000 for each of fiscal years 2008 through 2012”.

SEC. 610. PILOT PROGRAM FOR ZERO EMISSION AIRPORT VEHICLES.

(a) IN GENERAL.—Subchapter I of chapter 471 is amended by inserting after section 47136 the following:

“§47136A. Zero emission airport vehicles and infrastructure

“(a) IN GENERAL.—The Secretary of Transportation shall establish a pilot program under which the sponsor of a public-use airport may use funds made available under section 47117 or section 48103 for use at such airports or passenger facility revenue (as defined in section 40117(a)(6)) to carry out activities associated with the acquisition and operation of zero emission vehicles (as defined in section 88.120–94 of title 40, Code of Federal Regulations), including the construction or modification of infrastructure to facilitate the delivery of fuel and services necessary for the use of such vehicles. Any use of funds authorized by the preceding sentence shall be considered to be an authorized use of funds under section 47117 or section 48103, or an authorized use of passenger facility revenue (as defined in section 40117(a)(6)), as the case may be.

“(b) LOCATION IN AIR QUALITY NONATTAINMENT AREAS.—

“(1) IN GENERAL.—A public-use airport shall be eligible for participation in the pilot program only if the airport is located in an air quality nonattainment area (as defined in section 171(2) of the Clean Air Act (42 U.S.C. 7501(2))).

“(2) SHORTAGE OF CANDIDATES.—If the Secretary receives an insufficient number of applications from public-use airports located in such areas, then the Secretary may consider applications from public-use airports that are not located in such areas.

“(c) SELECTION CRITERIA.—In selecting from among applicants for participation in the program, the Secretary shall give priority consideration to applicants that will achieve the greatest air quality benefits measured by the amount of emissions reduced per dollar of funds expended under the program.

“(d) FEDERAL SHARE.—Notwithstanding any other provision of this subchapter, the Federal share of the costs of a project carried out under the program shall be 50 percent.

“(e) TECHNICAL ASSISTANCE.—

“(1) IN GENERAL.—The sponsor of a public-use airport carrying out activities funded under the program may not use more than 10 percent of the amounts made available under the program in any fiscal year for technical assistance in carrying out such activities.

“(2) ELIGIBLE CONSORTIUM.—To the maximum extent practicable, participants in the program shall use an eligible consortium (as defined in section 5506 of this title) in the region of the airport to receive technical assistance described in paragraph (1).

“(f) MATERIALS IDENTIFYING BEST PRACTICES.—The Secretary may develop and make available materials identifying best practices for carrying out activities funded under the program based on projects carried out under section 47136 and other sources.”.

(b) REPORT ON EFFECTIVENESS OF PROGRAM.—Not later than 18 months after the date of enactment of the FAA Air Transportation Modernization and Safety Improvement Act, the Secretary of Transportation shall transmit a report to the

Senate Committee on Commerce, Science, and Transportation the House of Representatives Committee on Transportation and Infrastructure containing—

(1) an evaluation of the effectiveness of the pilot program;

(2) an identification of all public-use airports that expressed an interest in participating in the program; and

(3) a description of the mechanisms used by the Secretary to ensure that the information and know-how gained by participants in the program is transferred among the participants and to other interested parties, including other public-use airports.

(c) CONFORMING AMENDMENT.—The table of contents for chapter 471 is amended by inserting after the item relating to section 47136 the following:

“47136A. Zero emission airport vehicles and infrastructure”.

SEC. 611. REDUCTION OF EMISSIONS FROM AIRPORT POWER SOURCES.

(a) IN GENERAL.—Subchapter I of chapter 471 is amended by inserting after section 47140 the following:

“§47140A. Reduction of emissions from airport power sources

“(a) IN GENERAL.—The Secretary of Transportation shall establish a program under which the sponsor of each airport eligible to receive grants under section 48103 is encouraged to assess the airport's energy requirements, including heating and cooling, base load, back-up power, and power for on-road airport vehicles and ground support equipment, in order to identify opportunities to reduce harmful emissions and increase energy efficiency at the airport.

“(b) GRANTS.—The Secretary may make grants under section 48103 to assist airport sponsors that have completed the assessment described in subsection (a) to acquire or construct equipment, including hydrogen equipment and related infrastructure, that will reduce harmful emissions and increase energy efficiency at the airport. To be eligible for such a grant, the sponsor of such an airport shall submit an application to the Secretary, at such time, in such manner, and containing such information as the Secretary may require.”.

(c) CONFORMING AMENDMENT.—The table of contents for chapter 471 is amended by inserting after the item relating to section 47140 the following:

“47140A. Reduction of emissions from airport power sources”.

SEC. 612. SITING OF WINDFARMS NEAR FAA NAVIGATIONAL AIDS AND OTHER ASSETS.

(a) SURVEY AND ASSESSMENT.—

(1) IN GENERAL.—In order to address safety and operational concerns associated with the construction, alteration, establishment, or expansion of wind farms in proximity to critical FAA facilities, the Administrator shall, within 60 days after the date of enactment of this Act, complete a survey and assessment of leases for critical FAA facility sites, including—

(A) an inventory of the leases that describes, for each such lease—

(i) the periodic cost, location, site, terms, number of years remaining, and lessor;

(ii) other Administration facilities that share the leasehold, including surveillance and communications equipment; and

(iii) the type of transmission services supported, including the terms of service, cost, and support contract obligations for the services; and

(B) a list of those leases for facilities located in or near areas suitable for the construction and operation of wind farms, as determined by the Administrator in consultation with the Secretary of Energy.

(2) REPORT.—Upon completion of the survey and assessment, the Administrator shall submit a report to the Senate Committee on Commerce, Science, and Transportation, the House of Representatives Committee on Transportation and Infrastructure, and the Comptroller General containing the Administrator's findings, conclusions, and recommendations.

(b) GAO ASSESSMENT.—

(1) IN GENERAL.—Within 180 days after receiving the Administrator's report under subsection (a)(2), the Comptroller General, in consultation with the Administrator, shall report on—

(A) the current and potential impact of wind farms on the national airspace system;

(B) the extent to which the Department of Defense and the Federal Aviation Administration have guidance, processes, and procedures in place to evaluate the impact of wind farms on the implementation of the Next Generation air traffic control system; and

(C) potential mitigation strategies, if necessary, to ensure that wind farms do not have an adverse impact on the implementation of the Next Generation air traffic control system, including the installation of navigational aids associated with that system.

(c) ISSUANCE OF GUIDELINES; PUBLIC INFORMATION.—

(1) GUIDANCE.—Within 60 days after the Administrator receives the Comptroller's recommendations, the Administrator shall publish guidelines for the construction and operation of wind farms to be located in proximity to critical Federal Aviation Administration facilities. The guidelines may include—

(A) the establishment of a zone system for wind farms based on proximity to critical FAA assets;

(B) the establishment of turbine height and density limitations on such wind farms;

(C) requirements for notice to the Administration under section 44718(a) of title 49, United States Code, before the construction, alteration, establishment, or expansion of a such a wind farm; and

(D) any other requirements or recommendations designed to address Administration safety or operational concerns related to the construction, alteration, establishment, or expansion of such wind farms.

(2) PUBLIC ACCESS TO INFORMATION.—To the extent feasible, taking into consideration security, operational, and public safety concerns (as determined by the Administrator), the Administrator shall provide public access to information regarding the planning, construction, and operation of wind farms in proximity to critical FAA facilities on, or by linkage from, the homepage of the Federal Aviation Administration's public website.

(d) CONSULTATION WITH OTHER FEDERAL AGENCIES.—In carrying out this section, the Administrator and the Comptroller General shall consult, as appropriate, with the Secretaries of the Army, the Navy, the Air Force, Homeland Security, and Energy—

(1) to coordinate the requirements of each department for future air space needs;

(2) to determine what the acceptable risks are to the existing infrastructure of each department; and

(3) to define the different levels of risk for such infrastructure.

(e) REPORTS.—The Administrator and the Comptroller General shall provide a copy of reports under subsections (a) and (b), respectively, to the Senate Committee on Homeland Security and Governmental Affairs, the Senate Committee on Armed Services, the House of Representatives Committee on Homeland Security, the House of Representatives Committee on Armed Services, and the House of Representatives Committee on Science and Technology, as appropriate.

(f) DEFINITIONS.—In this section:

(1) ADMINISTRATION.—The term “Administration” means the Federal Aviation Administration.

(2) ADMINISTRATOR.—The term “Administrator” means the Administrator of the Federal Aviation Administration.

(3) CRITICAL FAA FACILITIES.—The term “critical FAA facilities” means facilities on which are located navigational aides, surveillance systems, or communications systems used by the Administration in administration of the national airspace system.

(4) WIND FARM.—The term “wind farm” means an installation of 1 or more wind turbines used for the generation of electricity.

SEC. 613. RESEARCH AND DEVELOPMENT FOR EQUIPMENT TO CLEAN AND MONITOR THE ENGINE AND APU BLEED AIR SUPPLIED ON PRESSURIZED AIRCRAFT.

(a) IN GENERAL.—Not later than 60 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall, to the degree practicable, implement a research program for the identification or development of appropriate and effective air cleaning technology and sensor technology for the engine and auxiliary power unit (APU) bleed air supplied to the passenger cabin and flight deck of all pressurized aircraft.

(b) TECHNOLOGY REQUIREMENTS.—The technology referred to in subsection (a) should, at a minimum, have the capacity—

(1) to remove oil-based contaminants from the bleed air supplied to the passenger cabin and flight deck; and

(2) to detect and record oil-based contaminants in the portion of the total air supplied to the passenger cabin and flight deck from bleed air.

(c) REPORT.—Not later than 1 year after the date of enactment of this Act, the Administrator shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the results of the research and development work carried out under this section.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.

TITLE VII—MISCELLANEOUS

SEC. 701. GENERAL AUTHORITY.

(a) THIRD PARTY LIABILITY.—Section 44303(b) is amended by striking “December 31, 2009,” and inserting “December 31, 2012.”

(b) EXTENSION OF PROGRAM AUTHORITY.—Section 44310 is amended by striking “December 31, 2013,” and inserting “October 1, 2017.”

(c) WAR RISK.—Section 44302(f)(1) is amended—

(1) by striking “September 30, 2009,” and inserting “September 30, 2011.”; and

(2) by striking “December 31, 2009,” and inserting “December 31, 2011.”

SEC. 702. HUMAN INTERVENTION MANAGEMENT STUDY.

Within 6 months after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall develop a Human Intervention Management Study program for cabin crews employed by commercial air carriers in the United States.

SEC. 703. AIRPORT PROGRAM MODIFICATIONS.

The Administrator of the Federal Aviation Administration—

(1) shall establish a formal, structured certification training program for the airport concessions disadvantaged business enterprise program; and

(2) may appoint 3 additional staff to implement the programs of the airport concessions disadvantaged business enterprise initiative.

SEC. 704. MISCELLANEOUS PROGRAM EXTENSIONS.

(a) MARSHALL ISLANDS, FEDERATED STATES OF MICRONESIA, AND PALAU.—Section 47115(j) is amended by striking “2009,” and inserting “2011.”

(b) MIDWAY ISLAND AIRPORT.—Section 186(d) of the Vision 100—Century of Aviation Reauthorization Act (117 Stat. 2518) is amended by striking “2009,” and inserting “2011.”

SEC. 705. EXTENSION OF COMPETITIVE ACCESS REPORTS.

Section 47107(s) is amended by striking paragraph (3).

SEC. 706. UPDATE ON OVERFLIGHTS.

(a) IN GENERAL.—Section 45301(b) is amended to read as follows:

“(b) LIMITATIONS.—

“(1) IN GENERAL.—In establishing fees under subsection (a), the Administrator shall ensure that the fees required by subsection (a) are reasonably related to the Administration’s costs, as determined by the Administrator, of providing the services rendered. Services for which costs may be recovered include the costs of air traffic control, navigation, weather services, training, and emergency services which are available to facilitate safe transportation over the United States, and other services provided by the Administrator or by programs financed by the Administrator to flights that neither take off nor land in the United States. The determination of such costs by the Administrator is not subject to judicial review.

“(2) ADJUSTMENT OF FEES.—The Administrator shall adjust the overflight fees established by subsection (a)(1) by expedited rulemaking and begin collections under the adjusted fees by October 1, 2010. In developing the adjusted overflight fees, the Administrator shall seek and consider the recommendations, if any, offered by the Aviation Rulemaking Committee for Overflight Fees that are intended to ensure that overflight fees are reasonably related to the Administrator’s costs of providing air traffic control and related services to overflights. In addition, the Administrator may periodically modify the fees established under this section either on the Administrator’s own initiative or on a recommendation from the Air Traffic Control Modernization Board.

“(3) COST DATA.—The adjustment of overflight fees under paragraph (2) shall be based on the costs to the Administration of providing the air traffic control and related activities, services, facilities, and equipment using the available data derived from the Administration’s cost accounting system and cost allocation system to users, as well as budget and operational data.

“(4) AIRCRAFT ALTITUDE.—Nothing in this section shall require the Administrator to take into account aircraft altitude in establishing any fee for aircraft operations in en route or oceanic airspace.

“(5) COSTS DEFINED.—In this subsection, the term ‘costs’ means those costs associated with the operation, maintenance, debt service, and overhead expenses of the services provided and the facilities and equipment used in such services, including the projected costs for the period during which the services will be provided.

“(6) PUBLICATION; COMMENT.—The Administrator shall publish in the Federal Register any fee schedule under this section, including any adjusted overflight fee schedule, and the associated collection process as a proposed rule, pursuant to which public comment will be sought and a final rule issued.”

(b) ADMINISTRATIVE PROVISION.—Section 45303(c)(2) is amended to read as follows:

“(2) shall be available to the Administrator for expenditure for purposes authorized by Congress for the Federal Aviation Administration, however, fees established by section 45301(a)(1) of

this title shall be available only to pay the cost of activities and services for which the fee is imposed, including the costs to determine, assess, review, and collect the fee; and”.

SEC. 707. TECHNICAL CORRECTIONS.

Section 40122(g), as amended by section 307 of this Act, is further amended—

(1) by striking “section 2302(b), relating to whistleblower protection,” in paragraph (2)(A) and inserting “sections 2301 and 2302.”;

(2) by striking “and” after the semicolon in paragraph (2)(H);

(3) by striking “Plan.” in paragraph (2)(I)(iii) and inserting “Plan.”;

(4) by adding at the end of paragraph (2) the following:

“(J) section 5596, relating to back pay; and

“(K) sections 6381 through 6387, relating to Family and Medical Leave.”; and

(5) by adding at the end of paragraph (3) “Notwithstanding any other provision of law, retroactive to April 1, 1996, the Board shall have the same remedial authority over such employee appeals that it had as of March 31, 1996.”

SEC. 708. FAA TECHNICAL TRAINING AND STAFFING.

(a) STUDY.—

(1) IN GENERAL.—The Comptroller General shall conduct a study of the training of airway transportation systems specialists of the Federal Aviation Administration that includes—

(A) an analysis of the type of training provided to such specialists;

(B) an analysis of the type of training that such specialists need to be proficient in the maintenance of the latest technologies;

(C) actions that the Administration has undertaken to ensure that such specialists receive up-to-date training on such technologies;

(D) the amount and cost of training provided by vendors for such specialists;

(E) the amount and cost of training provided by the Administration after developing in-house training courses for such specialists;

(F) the amount and cost of travel required of such specialists in receiving training; and

(G) a recommendation regarding the most cost-effective approach to providing such training.

(2) REPORT.—Within 1 year after the date of enactment of this Act, the Comptroller General shall transmit a report on the study containing the Comptroller General’s findings and recommendations to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure.

(b) STUDY BY NATIONAL ACADEMY OF SCIENCES.—

(1) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall contract with the National Academy of Sciences to conduct a study of the assumptions and methods used by the Federal Aviation Administration to estimate staffing needs for Federal Aviation Administration air traffic controllers, system specialists, and engineers to ensure proper maintenance, certification, and operation of the National Airspace System. The National Academy of Sciences shall consult with the Exclusive Bargaining Representative certified under section 7111 of title 5, United States Code, and the Administration (including the Civil Aeronautical Medical Institute) and examine data entailing human factors, traffic activity, and the technology at each facility.

(2) CONTENTS.—The study shall include—

(A) recommendations for objective staffing standards that maintain the safety of the National Airspace System; and

(B) the approximate length of time for developing such standards.

(3) REPORT.—Not later than 24 months after executing a contract under subsection (a), the

National Academy of Sciences shall transmit a report containing its findings and recommendations to the Congress.

(c) AVIATION SAFETY INSPECTORS.—

(1) SAFETY STAFFING MODEL.—Within 12 months after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall develop a staffing model for aviation safety inspectors. In developing the model, the Administrator shall consult with representatives of the aviation safety inspectors and other interested parties.

(2) SAFETY INSPECTOR STAFFING.—The Federal Aviation Administration aviation safety inspector staffing requirement shall be no less than the staffing levels indicated as necessary in the staffing model described under subsection (a).

(d) ALASKA FLIGHT SERVICE STATIONS.—Not later than 180 days after the date of the enactment of this Act, the Administrator, in conjunction with flight service station personnel, shall submit a report to Congress on the future of flight service stations in Alaska, which includes—

(1) an analysis of the number of flight service specialists needed, the training needed by such personnel, and the need for a formal training and hiring program for such personnel;

(2) a schedule for necessary inspection, upgrades, and modernization of stations and equipment; and

(3) a description of the interaction between flight service stations operated by the Administration and flight service stations operated by contractors.

SEC. 709. COMMERCIAL AIR TOUR OPERATORS IN NATIONAL PARKS.

(a) SECRETARY OF THE INTERIOR AND OVERFLIGHTS OF NATIONAL PARKS.—

(1) Section 40128 is amended—

(A) by striking paragraph (8) of subsection (f);

(B) by striking “Director” each place it appears and inserting “Secretary of the Interior”;

(C) by striking “National Park Service” in subsection (a)(2)(B)(vi) and inserting “Department of the Interior”; and

(D) in subsection (b)—

(i) in paragraph (1)—

(I) in subparagraph (A)—

(aa) by striking “, in cooperation with” and inserting “and”; and

(bb) by striking “The air tour” and all that follows; and

(II) by redesignating subparagraph (B) as subparagraph (C);

(III) by inserting after subparagraph (A) the following:

“(B) PROCESS AND APPROVAL.—The Federal Aviation Administration has sole authority to control airspace over the United States. The National Park Service has the sole responsibility for conserving the scenery and natural resources in National Parks and providing for the enjoyment of the National Parks unimpaired for future generations. Each air tour management plan shall be—

“(i) developed through a public process that complies with paragraph (4); and

“(ii) approved by the Administrator and the Director.”; and

(IV) by adding at the end the following:

“(D) EXCEPTION.—An application to begin commercial air tour operations at Crater Lake National Park may be denied without the establishment of an air tour management plan by the Director of the National Park Service if the Director determines that such operations would unacceptably impact park resources or visitor experiences.”; and

(ii) in paragraph (4)(C), by striking “National Park Service” and inserting “Department of the Interior”.

(2) The National Parks Air Tour Management Act of 2000 (49 U.S.C. 40128 note) is amended—

(A) by striking “Director” in section 804(b) and inserting “Secretary of the Interior”;

(B) in section 805—

(i) by striking “Director of the National Park Service” in subsection (a) and inserting “Secretary of the Interior”;

(ii) by striking “Director” each place it appears and inserting “Secretary of the Interior”;

(iii) by striking “National Park Service” each place it appears in subsection (b) and inserting “Department of the Interior”;

(iv) by striking “National Park Service” in subsection (d)(2) and inserting “Department of the Interior”; and

(C) in section 807—

(i) by striking “National Park Service” in subsection (a)(1) and inserting “Department of the Interior”; and

(ii) by striking “Director of the National Park Service” in subsection (b) and inserting “Secretary of the Interior”.

(b) ALLOWING OVERFLIGHTS IN CASE OF AGREEMENT.—Paragraph (1) of subsection (a) of section 40128 is amended—

(1) by striking “and” after the semicolon in subparagraph (B);

(2) by striking “lands.” in subparagraph (C) and inserting “lands; and”; and

(3) by adding at the end the following:

“(D) in accordance with a voluntary agreement between the commercial air tour operator and appropriate representatives of the national park or tribal lands, as the case may be.”.

(c) MODIFICATION OF INTERIM OPERATING AUTHORITY.—Section 40128(c)(2)(I) is amended to read as follows:

“(I) may allow for modifications of the interim operating authority without further environmental process, if—

“(i) adequate information on the existing and proposed operations of the commercial air tour operator is provided to the Administrator and the Secretary by the operator seeking operating authority;

“(ii) the Administrator determines that the modifications would not adversely affect aviation safety or the management of the national airspace system; and

“(iii) the Secretary agrees that the modifications would not adversely affect park resources and visitor experiences.”.

(d) REPORTING REQUIREMENTS FOR COMMERCIAL AIR TOUR OPERATORS.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, and annually thereafter, each commercial air tour conducting commercial air tour operations over a national park shall report to the Administrator of the Federal Aviation Administration and the Secretary of the Interior on—

(A) the number of commercial air tour operations conducted by such operator over the national park each day;

(B) any relevant characteristics of commercial air tour operations, including the routes, altitudes, duration, and time of day of flights; and

(C) such other information as the Administrator and the Secretary may determine necessary to administer the provisions of the National Parks Air Tour Management Act of 2000 (49 U.S.C. 40128 note).

(2) FORMAT.—The report required by paragraph (1) shall be submitted in such form as the Administrator and the Secretary determine to be appropriate.

(3) EFFECT OF FAILURE TO REPORT.—The Administrator shall rescind the operating authority of a commercial air tour operator that fails to file a report not later than 180 days after the date for the submittal of the report described in paragraph (1).

(4) AUDIT OF REPORTS.—Not later than 2 years after the date of the enactment of this Act, and at such times thereafter as the Inspector Gen-

eral of the Department of Transportation determines necessary, the Inspector General shall audit the reports required by paragraph (1).

(e) COLLECTION OF FEES FROM AIR TOUR OPERATIONS.—

(1) IN GENERAL.—The Secretary of the Interior shall assess a fee in an amount determined by the Secretary under paragraph (2) on a commercial air tour operator conducting commercial air tour operations over a national park.

(2) AMOUNT OF FEE.—In determining the amount of the fee assessed under paragraph (1), the Secretary shall collect sufficient revenue, in the aggregate, to pay for the expenses incurred by the Federal Government to develop air tour management plans for national parks.

(3) EFFECT OF FAILURE TO PAY FEE.—The Administrator of the Federal Aviation Administration shall revoke the operating authority of a commercial air tour operator conducting commercial air tour operations over any national park, including the Grand Canyon National Park, that has not paid the fee assessed by the Secretary under paragraph (1) by the date that is 180 days after the date on which the Secretary determines the fee shall be paid.

(f) FUNDING FOR AIR TOUR MANAGEMENT PLANS.—The Secretary of the Interior shall use the amounts collected under subsection (e) to develop air tour management plans under section 40128(b) of title 49, United States Code, for the national parks the Secretary determines would most benefit from such a plan.

(g) GUIDANCE TO DISTRICT OFFICES ON COMMERCIAL AIR TOUR OPERATORS.—The Administrator of the Federal Aviation Administration shall provide to the Administration’s district offices clear guidance on the ability of commercial air tour operators to obtain—

(1) increased safety certifications;

(2) exemptions from regulations requiring safety certifications; and

(3) other information regarding compliance with the requirements of this Act and other Federal and State laws and regulations.

(h) OPERATING AUTHORITY OF COMMERCIAL AIR TOUR OPERATORS.—

(1) TRANSFER OF OPERATING AUTHORITY.—

(A) IN GENERAL.—Subject to subparagraph (B), a commercial air tour operator that obtains operating authority from the Administrator under section 40128 of title 49, United States Code, to conduct commercial air tour operations may transfer such authority to another commercial air tour operator at any time.

(B) NOTICE.—Not later than 30 days before the date on which a commercial air tour operator transfers operating authority under subparagraph (A), the operator shall notify the Administrator and the Secretary of the intent of the operator to transfer such authority.

(C) REGULATIONS.—Not later than 180 days after the date of the enactment of this Act, the Administrator shall prescribe regulations to allow transfers of operating authority described in subparagraph (A).

(2) TIME FOR DETERMINATION REGARDING OPERATING AUTHORITY.—Notwithstanding any other provision of law, the Administrator shall determine whether to grant a commercial air tour operator operating authority under section 40128 of title 49, United States Code, not later than 180 days after the earlier of the date on which—

(A) the operator submits an application; or

(B) an air tour management plan is completed for the national park over which the operator seeks to conduct commercial air tour operations.

(3) INCREASE IN INTERIM OPERATING AUTHORITY.—The Administrator and the Secretary may increase the interim operating authority while an air tour management plan is being developed for a park if—

(A) the Secretary determines that such an increase does not adversely impact park resources or visitor experiences; and

(B) the Administrator determines that granting interim operating authority does not adversely affect aviation safety or the management of the national airspace system.

(4) ENFORCEMENT OF OPERATING AUTHORITY.—The Administrator is authorized and directed to enforce the requirements of this Act and any agency rules or regulations related to operating authority.

SEC. 710. PHASEOUT OF STAGE 1 AND 2 AIRCRAFT.

(a) IN GENERAL.—Subchapter II of chapter 475 is amended by adding at the end the following: “§47534. Prohibition on operating certain aircraft weighing 75,000 pounds or less not complying with Stage 3 noise levels

“(a) PROHIBITION.—Except as provided in subsection (b), (c), or (d), a person may not operate a civil subsonic turbojet with a maximum weight of 75,000 pounds or less to or from an airport in the United States unless the Secretary of Transportation finds that the aircraft complies with stage 3 noise levels.

“(b) EXCEPTION.—Subsection (a) shall not apply to aircraft operated only outside the 48 contiguous States.

“(c) OPT-OUT.—Subsection (a) shall not apply at an airport where the airport operator has notified the Secretary that it wants to continue to permit the operation of civil subsonic turbojets with a maximum weight of 75,000 pounds or less that do not comply with stage 3 noise levels. The Secretary shall post the notices received under this subsection on its website or in another place easily accessible to the public.

“(d) LIMITATION.—The Secretary shall permit a person to operate Stage 1 and Stage 2 aircraft with a maximum weight of 75,000 pounds or less to or from an airport in the contiguous 48 States in order—

“(1) to sell, lease, or use the aircraft outside the 48 contiguous States;

“(2) to scrap the aircraft;

“(3) to obtain modifications to the aircraft to meet stage 3 noise levels;

“(4) to perform scheduled heavy maintenance or significant modifications on the aircraft at a maintenance facility located in the contiguous 48 states;

“(5) to deliver the aircraft to an operator leasing the aircraft from the owner or return the aircraft to the lessor;

“(6) to prepare or park or store the aircraft in anticipation of any of the activities described in paragraphs (1) through (5); or

“(7) to divert the aircraft to an alternative airport in the 48 contiguous States on account of weather, mechanical, fuel air traffic control or other safety reasons while conducting a flight in order to perform any of the activities described in paragraphs (1) through (6).

“(e) STATUTORY CONSTRUCTION.—Nothing in the section may be construed as interfering with, nullifying, or otherwise affecting determinations made by the Federal Aviation Administration, or to be made by the Administration, with respect to applications under part 161 of title 14, Code of Federal Regulations, that were pending on the date of enactment of the Aircraft Noise Reduction Act of 2006.”.

(b) CONFORMING AMENDMENTS.—

(1) Section 47531 is amended by striking “47529, or 47530” and inserting “47529, 47530, or 47534”.

(2) Section 47532 is amended by striking “47528–47531” and inserting “47528 through 47531 or 47534”.

(3) The table of contents for chapter 475 is amended by inserting after the item relating to section 47533 the following:

“47534. Prohibition on operating certain aircraft weighing 75,000 pounds or less not complying with Stage 3 noise levels”.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect 5 years after the date of enactment of this Act.

SEC. 711. WEIGHT RESTRICTIONS AT TETERBORO AIRPORT.

On and after the date of the enactment of this Act, the Administrator of the Federal Aviation Administration is prohibited from taking actions designed to challenge or influence weight restrictions or prior permission rules at Teterboro Airport in Teterboro, New Jersey, except in an emergency.

SEC. 712. PILOT PROGRAM FOR REDEVELOPMENT OF AIRPORT PROPERTIES.

(a) IN GENERAL.—Within 1 year after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall establish a pilot program at up to 4 public-use airports for local airport operators that have submitted a noise compatibility program approved by the Federal Aviation Administration under section 47504 of title 49, United States Code, under which such airport operators may use funds made available under section 47117(e) of that title, or passenger facility revenue collected under section 40117 of that title, in partnership with affected neighboring local jurisdictions, to support joint planning, engineering design, and environmental permitting for the assembly and redevelopment of property purchased with noise mitigation funds or passenger facility charge funds, to encourage airport-compatible land uses and generate economic benefits to the local airport authority and adjacent community.

(b) NOISE COMPATIBILITY MEASURES.—Section 47504(a)(2) is amended—

(1) by striking “and” after the semicolon in subparagraph (D);

(2) by striking “operations.” in subparagraph (E) and inserting “operations; and”; and

(3) by adding at the end the following:

“(F) joint comprehensive land use planning including master plans, traffic studies, environmental evaluation and economic and feasibility studies, with neighboring local jurisdictions undertaking community redevelopment in the area where the land or other property interest acquired by the airport operator pursuant to this subsection is located, to encourage and enhance redevelopment opportunities that reflect zoning and uses that will prevent the introduction of additional incompatible uses and enhance redevelopment potential.”.

(c) GRANT REQUIREMENTS.—The Administrator may not make a grant under subsection (a) unless the grant is made—

(1) to enable the airport operator and local jurisdictions undertaking the community redevelopment effort to expedite redevelopment efforts;

(2) subject to a requirement that the local jurisdiction governing the property interests in question has adopted zoning regulations that permit airport compatible redevelopment; and

(3) subject to a requirement that, in determining the part of the proceeds from disposing of the land that is subject to repayment or reinvestment under section 47107(c)(2)(A) of title 49, United States Code, the total amount of the grant issued under this section shall be added to the amount of any grants issued for acquisition of land.

(d) DEMONSTRATION GRANTS.—

(1) IN GENERAL.—The Administrator shall provide grants for up to 4 pilot property redevelopment projects distributed geographically and targeted to airports that demonstrate—

(A) a readiness to implement cooperative land use management and redevelopment plans with the adjacent community; and

(B) the probability of clear economic benefit to the local community and financial return to the airport through the implementation of the redevelopment plan.

(2) FEDERAL SHARE.—

(A) Notwithstanding any other provision of law, the Federal share of the allowable costs of a project carried out under the pilot program shall be 80 percent.

(B) In determining the allowable costs, the Administrator shall deduct from the total costs of the activities described in subsection (a) that portion of the costs which is equal to that portion of the total property to be redeveloped under this section that is not owned or to be acquired by the airport operator pursuant to the noise compatibility program or that is not owned by the affected neighboring local jurisdictions or other public entities.

(3) MAXIMUM AMOUNT.—Not more than \$5,000,000 in funds made available under section 47117(e) of title 49, United States Code, may be expended under the pilot program at any single public-use airport.

(4) EXCEPTION.—Amounts paid to the Administrator under subsection (c)(3)—

(A) shall be in addition to amounts authorized under section 48203 of title 49, United States Code;

(B) shall not be subject to any limitation on grant obligations for any fiscal year; and

(C) shall remain available until expended.

(e) USE OF PASSENGER REVENUE.—An airport sponsor that owns or operates an airport participating in the pilot program may use passenger facility revenue collected under section 40117 of title 49, United States Code, to pay any project cost described in subsection (a) that is not financed by a grant under the program.

(f) SUNSET.—This section, other than the amendments made by subsections (b), shall not be in effect after September 30, 2011.

(g) REPORT TO CONGRESS.—The Administrator shall report to Congress within 18 months after making the first grant under this section on the effectiveness of this program on returning part 150 lands to productive use.

SEC. 713. TRANSPORTING MUSICAL INSTRUMENTS.

(a) IN GENERAL.—Subchapter I of chapter 417 is amended by adding at the end thereof the following:

“§41724. Musical instruments

“(a) IN GENERAL.—

“(1) SMALL INSTRUMENTS AS CARRY-ON BAGGAGE.—An air carrier providing air transportation shall permit a passenger to carry a violin, guitar, or other musical instrument in the aircraft cabin without charge if—

“(A) the instrument can be stowed safely in a suitable baggage compartment in the aircraft cabin or under a passenger seat; and

“(B) there is space for such stowage at the time the passenger boards the aircraft.

“(2) LARGER INSTRUMENTS AS CARRY-ON BAGGAGE.—An air carrier providing air transportation shall permit a passenger to carry a musical instrument that is too large to meet the requirements of paragraph (1) in the aircraft cabin without charge if—

“(A) the instrument is contained in a case or covered so as to avoid injury to other passengers;

“(B) the weight of the instrument, including the case or covering, does not exceed 165 pounds;

“(C) the instrument can be secured by a seat belt to avoid shifting during flight;

“(D) the instrument does not restrict access to, or use of, any required emergency exit, regular exit, or aisle;

“(E) the instrument does not obscure any passenger's view of any illuminated exit, warning, or other informational sign;

“(F) neither the instrument nor the case contains any object not otherwise permitted to be carried in an aircraft cabin because of a law or regulation of the United States; and

“(G) the passenger wishing to carry the instrument in the aircraft cabin has purchased an additional seat to accommodate the instrument.

“(3) **LARGE INSTRUMENTS AS CHECKED BAGGAGE.**—An air carrier shall transport as baggage, without charge, a musical instrument that is the property of a passenger traveling in air transportation that may not be carried in the aircraft cabin if—

“(A) the sum of the length, width, and height measured in inches of the outside linear dimensions of the instrument (including the case) does not exceed 150 inches; and

“(B) the weight of the instrument does not exceed 165 pounds.

“(b) **REGULATIONS.**—The Secretary may prescribe such regulations as may be necessary or appropriate to implement subsection (a).”

(b) **CONFORMING AMENDMENT.**—The table of contents for chapter 417 is amended by inserting after the item relating to section 41723 the following:

“41724. Musical instruments”.

(c) **EFFECTIVE DATE.**—The amendments made by this section shall take effect 30 days after the date of enactment of this Act.

SEC. 714. RECYCLING PLANS FOR AIRPORTS.

(a) **AIRPORT PLANNING.**—Section 47102(5) is amended by striking “planning.” and inserting “planning and a plan for recycling and minimizing the generation of airport solid waste, consistent with applicable State and local recycling laws, including the cost of a waste audit.”

(b) **MASTER PLAN.**—Section 47106(a) is amended—

(1) by striking “and” in paragraph (4);

(2) by striking “proposed.” in paragraph (5) and inserting “proposed; and”; and

(3) by adding at the end the following:

“(6) if the project is for an airport that has an airport master plan, the master plan addresses—

“(A) the feasibility of solid waste recycling at the airport;

“(B) minimizing the generation of solid waste at the airport;

“(C) operation and maintenance requirements;

“(D) the review of waste management contracts;

“(E) the potential for cost savings or the generation of revenue; and

“(F) training and education requirements.”.

SEC. 715. DISADVANTAGED BUSINESS ENTERPRISE PROGRAM ADJUSTMENTS.

(a) **PURPOSE.**—It is the purpose of the airport disadvantaged business enterprise program (49 U.S.C. 47107(e) and 47113) to ensure that minority- and women-owned businesses do not face barriers because of their race or gender and so that they have a fair opportunity to compete in Federally assisted airport contracts and concessions.

(b) **FINDINGS.**—The Congress finds the following:

(1) While significant progress has occurred due to the enactment of the airport disadvantaged business enterprise program (49 U.S.C. 47107(e) and 47113), discrimination continues to be a barrier for minority- and women-owned businesses seeking to do business in airport-related markets. This continuing barrier merits the continuation of the airport disadvantaged business enterprise program.

(2) The Congress has received recent evidence of discrimination from numerous sources, including congressional hearings and roundtables, scientific reports, reports issued by public and private agencies, news stories, reports of discrimination by organizations and individuals, and discrimination lawsuits. This evidence also shows that race- and gender-neutral efforts alone are insufficient to address the problem.

(3) This evidence demonstrates that discrimination across the nation poses a barrier to full and fair participation in airport related businesses of women business owners and minority

business owners in the racial groups detailed in parts 23 and 26 of title 49, Code of Federal Regulations, and has impacted firm development and many aspects of airport related business in the public and private markets.

(4) This evidence provides a strong basis for the continuation of the airport disadvantaged business enterprise program and the airport concessions disadvantaged business enterprise program.

(c) **IN GENERAL.**—Section 47107(e) is amended—

(1) by redesignating paragraph (8) as paragraph (9); and

(2) by inserting after paragraph (7) the following:

“(8) **MANDATORY TRAINING PROGRAM FOR AIRPORT CONCESSIONS.**—

“(A) **IN GENERAL.**—Not later than one year after the date of enactment of the FAA Air Transportation Modernization and Safety Improvement Act, the Secretary shall establish a mandatory training program for persons described in subparagraph (C) on the certification of whether a small business concern in airport concessions qualifies as a small business concern owned and controlled by a socially and economically disadvantaged individual for purposes of paragraph (1).

“(B) **IMPLEMENTATION.**—The training program may be implemented by one or more private entities approved by the Secretary.

“(C) **PARTICIPANTS.**—A person referred to in paragraph (1) is an official or agent of an airport owner or operator who is required to provide a written assurance under paragraph (1) that the airport owner or operator will meet the percentage goal of paragraph (1) or who is responsible for determining whether or not a small business concern in airport concessions qualifies as a small business concern owned and controlled by a socially and economically disadvantaged individual for purposes of paragraph (1).

“(D) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated to the Secretary such sums as may be necessary to carry out this paragraph.”.

(d) **REPORT.**—Not later than 24 months after the date of enactment of this Act, the Secretary shall submit a report to the Senate Committee on Commerce, Science, and Transportation, the House of Representatives Committee on Transportation and Infrastructure, and other appropriate committees of Congress on the results of the training program conducted under section 47107(e)(8) of title 49, United States Code, as added by subsection (a).

(e) **DISADVANTAGED BUSINESS ENTERPRISE PERSONAL NET WORTH CAP; BONDING REQUIREMENTS.**—Section 47113 is amended by adding at the end the following:

“(e) **PERSONAL NET WORTH CAP.**—Not later than 180 days after the date of enactment of the FAA Air Transportation Modernization and Safety Improvement Act, the Secretary shall issue final regulations to adjust the personal net worth cap used in determining whether an individual is economically disadvantaged for purposes of qualifying under the definition contained in subsection (a)(2) and under section 47107(e). The regulations shall correct for the impact of inflation since the Small Business Administration established the personal net worth cap at \$750,000 in 1989.

“(f) **EXCLUSION OF RETIREMENT BENEFITS.**—

“(1) **IN GENERAL.**—In calculating a business owner’s personal net worth, any funds held in a qualified retirement account owned by the business owner shall be excluded, subject to regulations to be issued by the Secretary.

“(2) **REGULATIONS.**—Not later than one year after the date of enactment of the FAA Air Transportation Modernization and Safety Improvement Act, the Secretary shall issue final

regulations to implement paragraph (1), including consideration of appropriate safeguards, such as a limit on the amount of such accounts, to prevent circumvention of personal net worth requirements.

“(g) **PROHIBITION ON EXCESSIVE OR DISCRIMINATORY BONDING REQUIREMENTS.**—

“(1) **IN GENERAL.**—The Secretary shall establish a program to eliminate barriers to small business participation in airport-related contracts and concessions by prohibiting excessive, unreasonable, or discriminatory bonding requirements for any project funded under this chapter or using passenger facility revenues under section 40117.

“(2) **REGULATIONS.**—Not later than one year after the date of enactment of the FAA Air Transportation Modernization and Safety Improvement Act, the Secretary shall issue a final rule to establish the program under paragraph (1).”.

SEC. 716. FRONT LINE MANAGER STAFFING.

(a) **STUDY.**—Not later than 45 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall initiate a study on front line manager staffing requirements in air traffic control facilities.

(b) **CONSIDERATIONS.**—In conducting the study, the Administrator may take into consideration—

(1) the number of supervisory positions of operation requiring watch coverage in each air traffic control facility;

(2) coverage requirements in relation to traffic demand;

(3) facility type;

(4) complexity of traffic and managerial responsibilities;

(5) proficiency and training requirements; and

(6) such other factors as the Administrator considers appropriate.

(c) **DETERMINATIONS.**—The Administrator shall transmit any determinations made as a result of the study to the Chief Operating Officer for the air traffic control system.

(d) **REPORT.**—Not later than 180 days after the date of enactment of this Act, the Administrator shall submit to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure a report on the results of the study and a description of any determinations submitted to the Chief Operating Officer under subsection (c).

SEC. 717. STUDY OF HELICOPTER AND FIXED WING AIR AMBULANCE SERVICES.

(a) **IN GENERAL.**—The Comptroller General shall conduct a study of the helicopter and fixed-wing air ambulance industry. The study shall include information, analysis, and recommendations pertinent to ensuring a safe air ambulance industry.

(b) **REQUIRED INFORMATION.**—In conducting the study, the Comptroller General shall obtain detailed information on the following aspects of the air ambulance industry:

(1) A review of the industry, for part 135 certificate holders and indirect carriers providing helicopter and fixed-wing air ambulance services, including—

(A) a listing of the number, size, and location of helicopter and fixed-wing aircraft and their flight bases;

(B) affiliations of certificate holders and indirect carriers with hospitals, governments, and other entities;

(C) coordination of air ambulance services, with each other, State and local emergency medical services systems, referring entities, and receiving hospitals;

(D) nature of services contracts, sources of payment, financial relationships between certificate holders and indirect carriers providing air ambulance services and referring entities, and costs of operations; and

(E) a survey of business models for air ambulance operations, including expenses, structure, and sources of income.

(2) Air ambulance request and dispatch practices, including the various types of protocols, models, training, certifications, and air medical communications centers relating to part 135 certificate holders and indirect carriers providing helicopter and fixed-wing air ambulance services, including—

(A) the practices that emergency and medical officials use to request an air ambulance;

(B) information on whether economic or other nonmedical factors lead to air ambulance transport when it is not medically needed, appropriate, or safe; and

(C) the cause, occurrence, and extent of delays in air ambulance transport.

(3) Economic and medical issues relating to the air ambulance industry, including—

(A) licensing;

(B) certificates of need;

(C) public convenience and necessity requirements;

(D) assignment of geographic coverage areas;

(E) accreditation requirements;

(F) compliance with dispatch procedures; and

(G) requirements for medical equipment and personnel onboard the aircraft.

(4) Such other matters as the Comptroller General considers relevant to the purpose of the study.

(c) **ANALYSIS AND RECOMMENDATIONS.**—Based on information obtained under subsection (b) and other information the Comptroller General considers appropriate, the report shall also include an analysis and specific recommendations, as appropriate, related to—

(1) the relationship between State regulation and Federal preemption of rates, routes, and services of air ambulances;

(2) the extent to which Federal law may impact existing State regulation of air ambulances and the potential effect of greater State regulation—

(A) in the air ambulance industry, on the economic viability of air ambulance services, the availability and coordination of service, and costs of operations both in rural and highly populated areas;

(B) on the quality of patient care and outcomes; and

(C) on competition and safety; and

(3) whether systemic or other problems exist on a statewide, regional, or national basis with the current system governing air ambulances.

(d) **REPORT.**—Not later than June 1, 2010, the Comptroller General shall submit a report to the Secretary of Transportation, the Senate Committee on Commerce, Science, and Transportation, and the House of Representatives Committee on Transportation and Infrastructure containing the Government Accountability Office's findings and recommendations regarding the study under this section.

(e) **ADOPTION OF RECOMMENDED POLICY CHANGES.**—Not later than 60 days after the date of receipt of the report under subsection (d), the Secretary shall issue a report to the Senate Committee on Commerce, Science, and Transportation, and the House of Representatives Committee on Transportation and Infrastructure that—

(1) specifies which, if any, policy changes recommended by the Comptroller General and any other policy changes with respect to air ambulances the Secretary will adopt and implement; and

(2) includes recommendations for legislative change, if appropriate

(f) **PART 135 CERTIFICATE HOLDER DEFINED.**—In this section, the term “part 135 certificate holder” means a person holding a certificate issued under part 135 of title 14, Code of Federal Regulations.

SEC. 718. REPEAL OF CERTAIN LIMITATIONS ON METROPOLITAN WASHINGTON AIRPORTS AUTHORITY.

(a) **IN GENERAL.**—Section 49108 is repealed.

(b) **CONFORMING REPEAL.**—The table of sections for chapter 491 is amended by striking the item relating to section 49108.

SEC. 719. STUDY OF AERONAUTICAL MOBILE TELEMETRY.

Not later than 180 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration, in consultation with other Federal agencies, shall submit a report to the Senate Committee on Commerce, Science, and Transportation, the House of Representatives Committee on Science and Technology, and the House of Representatives Committee on Energy and Commerce that identifies—

(1) the current and anticipated need over the next decade by civil aviation, including equipment manufacturers, for aeronautical mobile telemetry services; and

(2) the potential impact to the aerospace industry of the introduction of a new radio service operating in the same spectrum allocated to the aeronautical mobile telemetry service.

SEC. 720. FLIGHTCREW MEMBER PAIRING AND CREW RESOURCE MANAGEMENT TECHNIQUES.

(a) **STUDY.**—The Administrator of the Federal Aviation Administration shall conduct a study on aviation industry best practices with regard to flightcrew member pairing, crew resource management techniques, and pilot commuting.

(b) **REPORT.**—Not later than one year after the date of enactment of this Act, the Administrator shall submit a report to the House of Representatives Committee on Transportation and Infrastructure and the Senate Committee on Commerce, Science, and Transportation on the results of the study.

SEC. 721. CONSOLIDATION OR ELIMINATION OF OBSOLETE, REDUNDANT, OR OTHERWISE UNNECESSARY REPORTS; USE OF ELECTRONIC MEDIA FORMAT.

(a) **CONSOLIDATION OR ELIMINATION OF REPORTS.**—No later than 2 years after the date of enactment of this Act, and every 2 years thereafter, the Administrator of the Federal Aviation Administration shall submit a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure containing—

(1) a list of obsolete, redundant, or otherwise unnecessary reports the Administration is required by law to submit to the Congress or publish that the Administrator recommends eliminating or consolidating with other reports; and

(2) an estimate of the cost savings that would result from the elimination or consolidation of those reports.

(b) **USE OF ELECTRONIC MEDIA FOR REPORTS.**—

(1) **IN GENERAL.**—Notwithstanding any other provision of law, the Federal Aviation Administration—

(A) may not publish any report required or authorized by law in printed format; and

(B) shall publish any such report by posting it on the Administration's website in an easily accessible and downloadable electronic format.

(2) **EXCEPTION.**—Paragraph (1) does not apply to any report with respect to which the Administrator determines that—

(A) its publication in printed format is essential to the mission of the Federal Aviation Administration; or

(B) its publication in accordance with the requirements of paragraph (1) would disclose matter—

(i) described in section 552(b) of title 5, United States Code; or

(ii) the disclosure of which would have an adverse impact on aviation safety or security, as determined by the Administrator.

SEC. 722. LINE CHECK EVALUATIONS.

Section 44729(h) is amended—

(1) by striking paragraph (2); and

(2) by redesignating paragraph (3) as paragraph (2).

SEC. 723. REPORT ON NEWARK LIBERTY AIRPORT AIR TRAFFIC CONTROL TOWER.

Not later than 90 days after the date of the enactment of this Act, the Administrator of the Federal Aviation Administration shall report to the Committee on Commerce, Science, and Transportation of the Senate, and the Committee on Transportation and Infrastructure of the House of Representatives, on the Federal Aviation Administration's plan to staff the Newark Liberty Airport air traffic control tower at negotiated staffing levels within 1 year after such date of enactment.

SEC. 724. PRIORITY REVIEW OF CONSTRUCTION PROJECTS IN COLD WEATHER STATES.

The Administrator of the Federal Aviation Administration shall, to the maximum extent practicable, schedule the Administrator's review of construction projects so that projects to be carried out in States in which the weather during a typical calendar year prevents major construction projects from being carried out before May 1 are reviewed as early as possible.

SEC. 725. AIR-RAIL CODESHARE STUDY.

(a) **CODESHARE STUDY.**—Not later than 180 days after the date of the enactment of this Act, the GAO shall conduct a study of—

(1) the current airline and intercity passenger rail codeshare arrangements;

(2) the feasibility and costs to taxpayers and passengers of increasing intermodal connectivity of airline and intercity passenger rail facilities and systems to improve passenger travel.

(b) **CONSIDERATIONS.**—The study shall consider—

(1) the potential benefits to passengers and costs to taxpayers from the implementation of more integrated scheduling between airlines and Amtrak or other intercity passenger rail carriers achieved through codesharing arrangements;

(2) airport operations that can improve connectivity to intercity passenger rail facilities and stations.

(c) **REPORT.**—Not later than 1 year after commencing the study required by subsection (a), the Comptroller shall submit the report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives. The report shall include any conclusions of the Comptroller resulting from the study.

SEC. 726. ON-GOING MONITORING OF AND REPORT ON THE NEW YORK/NEW JERSEY/PHILADELPHIA METROPOLITAN AREA AIRSPACE REDESIGN.

Not later than 270 days after the date of the enactment of this Act and every 180 days thereafter until the completion of the New York/New Jersey/Philadelphia Metropolitan Area Airspace Redesign, the Administrator of the Federal Aviation Administration shall, in conjunction with the Port Authority of New York and New Jersey and the Philadelphia International Airport—

(1) monitor the air noise impacts of the New York/New Jersey/Philadelphia Metropolitan Area Airspace Redesign; and

(2) submit to Congress a report on the findings of the Administrator with respect to the monitoring described in paragraph (1).

SEC. 727. STUDY ON AVIATION FUEL PRICES.

(a) **IN GENERAL.**—Not later than 180 days after the date of the enactment of this Act, the Comptroller General of the United States shall conduct a study and report to Congress on the impact of increases in aviation fuel prices on the

Airport and Airway Trust Fund and the aviation industry in general. The study shall include the impact of increases in aviation fuel prices on—

- (1) general aviation;
- (2) commercial passenger aviation;
- (3) piston aircraft purchase and use;
- (4) the aviation services industry, including repair and maintenance services;
- (5) aviation manufacturing;
- (6) aviation exports; and
- (7) the use of small airport installations.

(b) **ASSUMPTIONS ABOUT AVIATION FUEL PRICES.**—In conducting the study required by subsection (a), the Comptroller General shall use the average aviation fuel price for fiscal year 2010 as a baseline and measure the impact of increases in aviation fuel prices that range from 5 percent to 200 percent over the 2010 baseline.

SEC. 728. LAND CONVEYANCE FOR SOUTHERN NEVADA SUPPLEMENTAL AIRPORT.

(a) **DEFINITIONS.**—In this section:

(1) **COUNTY.**—The term “County” means Clark County, Nevada.

(2) **PUBLIC LAND.**—The term “public land” means the land located at—

(A) sec. 23 and sec. 26, T. 26 S., R. 59 E., Mount Diablo Meridian;

(B) the NE $\frac{1}{4}$ and the N $\frac{1}{2}$ of the SE $\frac{1}{4}$ of sec. 6, T. 25 S., R. 59 E., Mount Diablo Meridian, together with the SE $\frac{1}{4}$ of sec. 31, T. 24 S., R. 59 E., Mount Diablo Meridian; and

(C) sec. 8, T. 26 S., R. 60 E., Mount Diablo Meridian.

(3) **SECRETARY.**—The term “Secretary” means the Secretary of the Interior.

(b) **LAND CONVEYANCE.**—

(1) **IN GENERAL.**—As soon as practicable after the date described in paragraph (2), subject to valid existing rights, and notwithstanding the land use planning requirements of sections 202 and 203 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712, 1713), the Secretary shall convey to the County, without consideration, all right, title, and interest of the United States in and to the public land.

(2) **DATE ON WHICH CONVEYANCE MAY BE MADE.**—The Secretary shall not make the conveyance described in paragraph (1) until the later of the date on which the Administrator of the Federal Aviation Administration has—

(A) approved an airport layout plan for an airport to be located in the Ivanpah Valley; and

(B) with respect to the construction and operation of an airport on the site conveyed to the County pursuant to section 2(a) of the Ivanpah Valley Airport Public Lands Transfer Act (Public Law 106–362; 114 Stat. 1404), issued a record of decision after the preparation of an environmental impact statement or similar analysis required under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(3) **WITHDRAWAL.**—Subject to valid existing rights, the public land to be conveyed under paragraph (1) is withdrawn from—

(A) location, entry, and patent under the mining laws; and

(B) operation of the mineral leasing and geothermal leasing laws.

(4) **USE.**—The public land conveyed under paragraph (1) shall be used for the development of flood mitigation infrastructure for the Southern Nevada Supplemental Airport.

SEC. 729. CLARIFICATION OF REQUIREMENTS FOR VOLUNTEER PILOTS OPERATING CHARITABLE MEDICAL FLIGHTS.

In administering part 61.113(c) of title 14, Code of Federal Regulations, the Administrator of the Federal Aviation Administration shall allow an aircraft owner or aircraft operator who has volunteered to provide transportation for an individual or individuals for medical purposes to accept reimbursement to cover all or part of the

fuel costs associated with the operation from a volunteer pilot organization.

SEC. 730. CYLINDERS OF COMPRESSED OXYGEN, NITROUS OXIDE, OR OTHER OXIDIZING GASES.

(a) **IN GENERAL.**—The transportation within Alaska of cylinders of compressed oxygen, nitrous oxide, or other oxidizing gases aboard aircraft shall be exempt from compliance with the requirements, under sections 173.302(f)(3) and (f)(4) and 173.304(f)(3) and (f)(4) of the Pipeline and Hazardous Material Safety Administration’s regulations (49 C.F.R. 173.302(f)(3) and (f)(4) and 173.304(f)(3) and (f)(4)), that oxidizing gases transported aboard aircraft be enclosed in outer packaging capable of passing the flame penetration and resistance test and the thermal resistance test, without regard to the end use of the cylinders, if—

(1) there is no other practical means of transportation for transporting the cylinders to their destination and transportation by ground or vessel is unavailable; and

(2) the transportation meets the requirements of subsection (b).

(b) **EXEMPTION REQUIREMENTS.**—Subsection (a) shall not apply to the transportation of cylinders of compressed oxygen, nitrous oxide, or other oxidizing gases aboard aircraft unless the following requirements are met:

(1) **PACKAGING.**—

(A) **SMALLER CYLINDERS.**—Each cylinder with a capacity of not more than 116 cubic feet shall be—

(i) fully covered with a fire or flame resistant blanket that is secured in place; and

(ii) placed in a rigid outer packaging or an ATA 300 Category I shipping container.

(B) **LARGER CYLINDERS.**—Each cylinder with a capacity of more than 116 cubic feet but not more than 281 cubic feet shall be—

(i) secured within a frame;

(ii) fully covered with a fire or flame resistant blanket that is secured in place; and

(iii) fitted with a securely attached metal cap of sufficient strength to protect the valve from damage during transportation.

(2) **OPERATIONAL CONTROLS.**—

(A) **STORAGE; ACCESS TO FIRE EXTINGUISHERS.**—Unless the cylinders are stored in a Class C cargo compartment or its equivalent on the aircraft, crew members shall have access to the cylinders and at least 2 fire extinguishers shall be readily available for use by the crew members.

(B) **SHIPMENT WITH OTHER HAZARDOUS MATERIALS.**—The cylinders may not be transported in the same aircraft with other hazardous materials other than Division 2.2 materials with no subsidiary risk, Class 9 materials, and ORM-D materials.

(3) **AIRCRAFT REQUIREMENTS.**—

(A) **AIRCRAFT TYPE.**—The transportation shall be provided only aboard a passenger-carrying aircraft or a cargo aircraft.

(B) **PASSENGER-CARRYING AIRCRAFT.**—

(i) **SMALLER CYLINDERS ONLY.**—A cylinder with a capacity of more than 116 cubic feet may not be transported aboard a passenger-carrying aircraft.

(ii) **MAXIMUM NUMBER.**—Unless transported in a Class C cargo compartment or its equivalent, no more than 6 cylinders in each cargo compartment may be transported aboard a passenger-carrying aircraft.

(C) **CARGO AIRCRAFT.**—A cylinder may not be transported aboard a cargo aircraft unless it is transported in a Class B cargo compartment or a Class C cargo compartment or its equivalent.

(c) **DEFINITIONS.**—Terms used in this section shall have the meaning given those terms in parts 106, 107, and 171 through 180 of the Pipeline and Hazardous Material Safety Administration’s regulations (49 C.F.R. parts 106, 107, and 171–180).

SEC. 731. TECHNICAL CORRECTION.

Section 159(b)(2)(C) of title I of division A of the Consolidated Appropriations Act, 2010, is amended by striking clauses (i) and (ii) and inserting the following:

“(i) requiring inspections of any container containing a firearm or ammunition; and

“(ii) the temporary suspension of firearm carriage service if credible intelligence information indicates a threat related to the national rail system or specific routes or trains.”.

SEC. 732. PLAN FOR FLYING SCIENTIFIC INSTRUMENTS ON COMMERCIAL FLIGHTS.

(a) **PLAN DEVELOPMENT.**—Not later than 270 days after the date of the enactment of this Act, the Secretary of Transportation and the Secretary of Commerce, in consultation with interested representatives of the aviation industry and other relevant agencies, shall develop a plan and process to allow Federal agencies to fly scientific instruments on commercial flights with airlines who volunteer, for the purpose of taking measurements to improve weather forecasting.

TITLE VIII—AIRPORT AND AIRWAY TRUST FUND PROVISIONS AND RELATED TAXES

SEC. 800. AMENDMENT OF 1986 CODE.

Except as otherwise expressly provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

SEC. 801. EXTENSION OF TAXES FUNDING AIRPORT AND AIRWAY TRUST FUND.

(a) **FUEL TAXES.**—Subparagraph (B) of section 4081(d)(2) is amended by striking “March 31, 2010” and inserting “September 30, 2013”.

(b) **TICKET TAXES.**—

(1) **PERSONS.**—Clause (ii) of section 4261(j)(1)(A) is amended by striking “March 31, 2010” and inserting “September 30, 2013”.

(2) **PROPERTY.**—Clause (ii) of section 4271(d)(1)(A) is amended by striking “March 31, 2010” and inserting “September 30, 2013”.

(c) **EFFECTIVE DATE.**—The amendments made by this section shall take effect on April 1, 2010.

SEC. 802. EXTENSION OF AIRPORT AND AIRWAY TRUST FUND EXPENDITURE AUTHORITY.

(a) **IN GENERAL.**—Paragraph (1) of section 9502(d) is amended—

(1) by striking “April 1, 2010” in the matter preceding subparagraph (A) and inserting “October 1, 2013”; and

(2) by striking the semicolon at the end of subparagraph (A) and inserting “or the FAA Air Transportation Modernization and Safety Improvement Act;”.

(b) **CONFORMING AMENDMENT.**—Paragraph (2) of section 9502(e) is amended by striking “April 1, 2010” and inserting “October 1, 2013”.

(c) **EFFECTIVE DATE.**—The amendments made by this section shall take effect on April 1, 2010.

SEC. 803. MODIFICATION OF EXCISE TAX ON KEROSENE USED IN AVIATION.

(a) **RATE OF TAX ON AVIATION-GRADE KEROSENE.**—

(1) **IN GENERAL.**—Subparagraph (A) of section 4081(a)(2) (relating to rates of tax) is amended by striking “and” at the end of clause (ii), by striking the period at the end of clause (iii) and inserting “, and”, and by adding at the end the following new clause:

“(iv) in the case of aviation-grade kerosene, 35.9 cents per gallon.”.

(2) **FUEL REMOVED DIRECTLY INTO FUEL TANK OF AIRPLANE USED IN NONCOMMERCIAL AVIATION.**—Subparagraph (C) of section 4081(a)(2) is amended to read as follows:

“(C) **TAXES IMPOSED ON FUEL USED IN COMMERCIAL AVIATION.**—In the case of aviation-

grade kerosene which is removed from any refinery or terminal directly into the fuel tank of an aircraft for use in commercial aviation by a person registered for such use under section 4101, the rate of tax under subparagraph (A)(iv) shall be 4.3 cents per gallon."

(3) EXEMPTION FOR AVIATION-GRADE KEROSENE REMOVED INTO AN AIRCRAFT.—Subsection (e) of section 4082 is amended—

(A) by striking "kerosene" and inserting "aviation-grade kerosene",

(B) by striking "section 4081(a)(2)(A)(iii)" and inserting "section 4081(a)(2)(A)(iv)", and

(C) by striking "KEROSENE" in the heading and inserting "AVIATION-GRADE KEROSENE".

(4) CONFORMING AMENDMENTS.—

(A) Clause (iii) of section 4081(a)(2)(A) is amended by inserting "other than aviation-grade kerosene" after "kerosene".

(B) The following provisions are each amended by striking "kerosene" and inserting "aviation-grade kerosene":

(i) Section 4081(a)(3)(A)(ii).

(ii) Section 4081(a)(3)(A)(iv).

(iii) Section 4081(a)(3)(D).

(C) Section 4081(a)(3)(D) is amended—

(i) by striking "paragraph (2)(C)(i)" in clause (i) and inserting "paragraph (2)(C)", and

(ii) by striking "paragraph (2)(C)(ii)" in clause (ii) and inserting "paragraph (2)(A)(iv)".

(D) Section 4081(a)(4) is amended—

(i) in the heading by striking "KEROSENE" and inserting "AVIATION-GRADE KEROSENE", and

(ii) by striking "paragraph (2)(C)(i)" and inserting "paragraph (2)(C)".

(E) Section 4081(d)(2) is amended by striking "(a)(2)(C)(ii)" and inserting "(a)(2)(A)(iv)".

(F) RETAIL TAX ON AVIATION FUEL.—

(1) EXEMPTION FOR PREVIOUSLY TAXED FUEL.—Paragraph (2) of section 4041(c) is amended by inserting "at the rate specified in subsection (a)(2)(A)(iv) thereof" after "section 4081".

(2) RATE OF TAX.—Paragraph (3) of section 4041(c) is amended to read as follows:

"(3) RATE OF TAX.—The rate of tax imposed by this subsection shall be the rate of tax in effect under section 4081(a)(2)(A)(iv) (4.3 cents per gallon with respect to any sale or use for commercial aviation)."

(C) REFUNDS RELATING TO AVIATION-GRADE KEROSENE.—

(1) KEROSENE USED IN COMMERCIAL AVIATION.—Clause (ii) of section 6427(l)(4)(A) is amended by striking "specified in section 4041(c) or 4081(a)(2)(A)(iii), as the case may be," and inserting "so imposed".

(2) KEROSENE USED IN AVIATION.—Paragraph (4) of section 6427(l) is amended—

(A) by striking subparagraph (B) and redesignating subparagraph (C) as subparagraph (B), and

(B) by amending subparagraph (B), as redesignated by subparagraph (A), to read as follows:

"(B) PAYMENTS TO ULTIMATE, REGISTERED VENDOR.—With respect to any kerosene used in aviation (other than kerosene to which paragraph (6) applies), if the ultimate purchaser of such kerosene waives (at such time and in such form and manner as the Secretary shall prescribe) the right to payment under paragraph (1) and assigns such right to the ultimate vendor, then the Secretary shall pay (without interest) the amount which would be paid under paragraph (1) to such ultimate vendor, but only if such ultimate vendor—

"(i) is registered under section 4101, and

"(ii) meets the requirements of subparagraph (A), (B), or (D) of section 6416(a)(1)."

(3) AVIATION-GRADE KEROSENE NOT USED IN AVIATION.—Subsection (l) of section 6427 is amended by redesignating paragraph (5) as paragraph (6) and by inserting after paragraph (4) the following new paragraph:

"(5) REFUNDS FOR AVIATION-GRADE KEROSENE NOT USED IN AVIATION.—If tax has been imposed under section 4081 at the rate specified in section 4081(a)(2)(A)(iv) and the fuel is used other than in an aircraft, the Secretary shall pay (without interest) to the ultimate purchaser of such fuel an amount equal to the amount of tax imposed on such fuel reduced by the amount of tax that would be imposed under section 4041 if no tax under section 4081 had been imposed."

(4) CONFORMING AMENDMENTS.—

(A) Section 4082(d)(2)(B) is amended by striking "6427(l)(5)(B)" and inserting "6427(l)(6)(B)".

(B) Section 6427(i)(4) is amended—

(i) by striking "(4)(C)" the first two places it occurs and inserting "(4)(B)", and

(ii) by striking " , (l)(4)(C)(ii), and" and inserting "and".

(C) The heading of section 6427(l) is amended by striking "DIESEL FUEL AND KEROSENE" and inserting "DIESEL FUEL, KEROSENE, AND AVIATION FUEL".

(D) Section 6427(l)(1) is amended by striking "paragraph (4)(C)(i)" and inserting "paragraph (4)(B)".

(E) Section 6427(l)(4) is amended—

(i) by striking "KEROSENE USED IN AVIATION" in the heading and inserting "AVIATION-GRADE KEROSENE USED IN COMMERCIAL AVIATION", and

(ii) in subparagraph (A)—

(I) by striking "kerosene" and inserting "aviation-grade kerosene",

(II) by striking "KEROSENE USED IN COMMERCIAL AVIATION" in the heading and inserting "AVIATION-GRADE KEROSENE".

(F) TRANSFERS TO THE AIRPORT AND AIRWAY TRUST FUND.—

(1) IN GENERAL.—Subparagraph (C) of section 9502(b)(1) is amended to read as follows:

"(C) section 4081 with respect to aviation gasoline and aviation-grade kerosene, and".

(2) TRANSFERS ON ACCOUNT OF CERTAIN REFUNDS.—

(A) IN GENERAL.—Subsection (d) of section 9502 is amended—

(i) in paragraph (2) by striking "(other than subsection (l)(4) thereof)", and

(ii) in paragraph (3) by striking "(other than payments made by reason of paragraph (4) of section 6427(l))".

(B) CONFORMING AMENDMENTS.—

(i) Section 9503(b)(4) is amended by striking "or" at the end of subparagraph (C), by striking the period at the end of subparagraph (D) and inserting a comma, and by inserting after subparagraph (D) the following:

"(E) section 4081 to the extent attributable to the rate specified in clause (ii) or (iv) of section 4081(a)(2)(A), or

"(F) section 4041(c)."

(ii) Section 9503(c) is amended by striking paragraph (6).

(iii) Section 9502(a) is amended—

(I) by striking "appropriated, credited, or paid into" and inserting "appropriated or credited to", and

(II) by striking " , section 9503(c)(7)."

(C) EFFECTIVE DATE.—The amendments made by this section shall apply to fuels removed, entered, or sold after June 30, 2010.

(F) FLOOR STOCKS TAX.—

(1) IMPOSITION OF TAX.—In the case of aviation fuel which is held on July 1, 2010, by any person, there is hereby imposed a floor stocks tax on aviation fuel equal to—

(A) the tax which would have been imposed before such date on such fuel had the amendments made by this section been in effect at all times before such date, reduced by

(B) the sum of—

(i) the tax imposed before such date on such fuel under section 4081 of the Internal Revenue Code of 1986, as in effect on such date, and

(ii) in the case of kerosene held exclusively for such person's own use, the amount which such person would (but for this clause) reasonably expect (as of such date) to be paid as a refund under section 6427(l) of such Code with respect to such kerosene.

(2) LIABILITY FOR TAX AND METHOD OF PAYMENT.—

(A) LIABILITY FOR TAX.—A person holding aviation fuel on July 1, 2010, shall be liable for such tax.

(B) TIME AND METHOD OF PAYMENT.—The tax imposed by paragraph (1) shall be paid at such time and in such manner as the Secretary of the Treasury shall prescribe.

(3) TRANSFER OF FLOOR STOCK TAX REVENUES TO TRUST FUNDS.—For purposes of determining the amount transferred to the Airport and Airway Trust Fund, the tax imposed by this subsection shall be treated as imposed by section 4081(a)(2)(A)(iv) of the Internal Revenue Code of 1986.

(4) DEFINITIONS.—For purposes of this subsection—

(A) AVIATION FUEL.—The term "aviation fuel" means aviation-grade kerosene and aviation gasoline, as such terms are used within the meaning of section 4081 of the Internal Revenue Code of 1986.

(B) HELD BY A PERSON.—Aviation fuel shall be considered as held by a person if title thereto has passed to such person (whether or not delivery to the person has been made).

(C) SECRETARY.—The term "Secretary" means the Secretary of the Treasury or the Secretary's delegate.

(5) EXCEPTION FOR EXEMPT USES.—The tax imposed by paragraph (1) shall not apply to any aviation fuel held by any person exclusively for any use to the extent a credit or refund of the tax is allowable under the Internal Revenue Code of 1986 for such use.

(6) EXCEPTION FOR CERTAIN AMOUNTS OF FUEL.—

(A) IN GENERAL.—No tax shall be imposed by paragraph (1) on any aviation fuel held on July 1, 2010, by any person if the aggregate amount of such aviation fuel held by such person on such date does not exceed 2,000 gallons. The preceding sentence shall apply only if such person submits to the Secretary (at the time and in the manner required by the Secretary) such information as the Secretary shall require for purposes of this subparagraph.

(B) EXEMPT FUEL.—For purposes of subparagraph (A), there shall not be taken into account any aviation fuel held by any person which is exempt from the tax imposed by paragraph (1) by reason of paragraph (5).

(C) CONTROLLED GROUPS.—For purposes of this subsection—

(i) CORPORATIONS.—

(I) IN GENERAL.—All persons treated as a controlled group shall be treated as 1 person.

(II) CONTROLLED GROUP.—The term "controlled group" has the meaning given to such term by subsection (a) of section 1563 of the Internal Revenue Code of 1986; except that for such purposes the phrase "more than 50 percent" shall be substituted for the phrase "at least 80 percent" each place it appears in such subsection.

(ii) NONINCORPORATED PERSONS UNDER COMMON CONTROL.—Under regulations prescribed by the Secretary, principles similar to the principles of subparagraph (A) shall apply to a group of persons under common control if 1 or more of such persons is not a corporation.

(7) OTHER LAWS APPLICABLE.—All provisions of law, including penalties, applicable with respect to the taxes imposed by section 4081 of the Internal Revenue Code of 1986 on the aviation fuel involved shall, insofar as applicable and not inconsistent with the provisions of this subsection, apply with respect to the floor stock

taxes imposed by paragraph (1) to the same extent as if such taxes were imposed by such section.

SEC. 804. AIR TRAFFIC CONTROL SYSTEM MODERNIZATION ACCOUNT.

(a) IN GENERAL.—Section 9502 (relating to the Airport and Airway Trust Fund) is amended by adding at the end the following new subsection:

“(f) ESTABLISHMENT OF AIR TRAFFIC CONTROL SYSTEM MODERNIZATION ACCOUNT.—

“(1) CREATION OF ACCOUNT.—There is established in the Airport and Airway Trust Fund a separate account to be known as the ‘Air Traffic Control System Modernization Account’ consisting of such amounts as may be transferred or credited to the Air Traffic Control System Modernization Account as provided in this subsection or section 9602(b).

“(2) TRANSFERS TO AIR TRAFFIC CONTROL SYSTEM MODERNIZATION ACCOUNT.—On October 1, 2010, and annually thereafter the Secretary shall transfer \$400,000,000 to the Air Traffic Control System Modernization Account from amounts appropriated to the Airport and Airway Trust Fund under subsection (b) which are attributable to taxes on aviation-grade kerosene.

“(3) EXPENDITURES FROM ACCOUNT.—Amounts in the Air Traffic Control System Modernization Account shall be available subject to appropriation for expenditures relating to the modernization of the air traffic control system (including facility and equipment account expenditures).”.

(b) CONFORMING AMENDMENT.—Section 9502(d)(1) is amended by striking “Amounts” and inserting “Except as provided in subsection (f), amounts”.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.

SEC. 805. TREATMENT OF FRACTIONAL AIRCRAFT OWNERSHIP PROGRAMS.

(a) FUEL SURTAX.—

(1) IN GENERAL.—Subchapter B of chapter 31 is amended by adding at the end the following new section:

“SEC. 4043. SURTAX ON FUEL USED IN AIRCRAFT PART OF A FRACTIONAL OWNERSHIP PROGRAM.

“(a) IN GENERAL.—There is hereby imposed a tax on any liquid used during any calendar quarter by any person as a fuel in an aircraft which is—

“(1) registered in the United States, and

“(2) part of a fractional ownership aircraft program.

“(b) AMOUNT OF TAX.—The rate of tax imposed by subsection (a) is 14.1 cents per gallon.

“(c) FRACTIONAL OWNERSHIP AIRCRAFT PROGRAM.—For purposes of this section—

“(1) IN GENERAL.—The term ‘fractional ownership aircraft program’ means a program under which—

“(A) a single fractional ownership program manager provides fractional ownership program management services on behalf of the fractional owners,

“(B) 2 or more airworthy aircraft are part of the program,

“(C) there are 1 or more fractional owners per program aircraft, with at least 1 program aircraft having more than 1 owner,

“(D) each fractional owner possesses at least a minimum fractional ownership interest in 1 or more program aircraft,

“(E) there exists a dry-lease exchange arrangement among all of the fractional owners, and

“(F) there are multi-year program agreements covering the fractional ownership, fractional ownership program management services, and dry-lease aircraft exchange aspects of the program.

“(2) MINIMUM FRACTIONAL OWNERSHIP INTEREST.—

“(A) IN GENERAL.—The term ‘minimum fractional ownership interest’ means, with respect to each type of aircraft—

“(i) a fractional ownership interest equal to or greater than $\frac{1}{16}$ of at least 1 subsonic, fixed wing or powered lift program aircraft, or

“(ii) a fractional ownership interest equal to or greater than $\frac{1}{32}$ of at least 1 rotorcraft program aircraft.

“(B) FRACTIONAL OWNERSHIP INTEREST.—The term ‘fractional ownership interest’ means—

“(i) the ownership of an interest in a program aircraft,

“(ii) the holding of a multi-year leasehold interest in a program aircraft, or

“(iii) the holding of a multi-year leasehold interest which is convertible into an ownership interest in a program aircraft.

“(3) DRY-LEASE EXCHANGE ARRANGEMENT.—A ‘dry-lease aircraft exchange’ means an agreement, documented by the written program agreements, under which the program aircraft are available, on an as needed basis without crew, to each fractional owner.

“(d) TERMINATION.—This section shall not apply to liquids used as a fuel in an aircraft after September 30, 2013.”.

(2) CONFORMING AMENDMENT.—Section 4082(e) is amended by inserting “(other than an aircraft described in section 4043(a))” after “an aircraft”.

(3) TRANSFER OF REVENUES TO AIRPORT AND AIRWAY TRUST FUND.—Section 9502(b)(1) is amended by redesignating subparagraphs (B) and (C) as subparagraphs (C) and (D), respectively, and by inserting after subparagraph (A) the following new subparagraph:

“(B) section 4043 (relating to surtax on fuel used in aircraft part of a fractional ownership program),”.

(4) CLERICAL AMENDMENT.—The table of sections for subchapter B of chapter 31 is amended by adding at the end the following new item:

“Sec. 4043. Surtax on fuel used in aircraft part of a fractional ownership program.”.

(b) FRACTIONAL OWNERSHIP PROGRAMS TREATED AS NON-COMMERCIAL AVIATION.—Subsection (b) of section 4083 is amended by adding at the end the following new sentence: “For uses of aircraft before October 1, 2013, such term shall not include the use of any aircraft which is part of a fractional ownership aircraft program (as defined by section 4043(c)).”.

(c) EXEMPTION FROM TAX ON TRANSPORTATION OF PERSONS.—Section 4261, as amended by this Act, is amended by redesignating subsection (j) as subsection (k) and by inserting after subsection (i) the following new subsection:

“(j) EXEMPTION FOR AIRCRAFT IN FRACTIONAL OWNERSHIP AIRCRAFT PROGRAMS.—No tax shall be imposed by this section or section 4271 on any air transportation provided before October 1, 2013, by an aircraft which is part of a fractional ownership aircraft program (as defined by section 4043(c)).”.

(d) EFFECTIVE DATES.—

(1) SUBSECTION (a).—The amendments made by subsection (a) shall apply to fuel used after June 30, 2010.

(2) SUBSECTION (b).—The amendment made by subsection (b) shall apply to uses of aircraft after June 30, 2010.

(3) SUBSECTION (c).—The amendments made by subsection (c) shall apply to taxable transportation provided after June 30, 2010.

SEC. 806. TERMINATION OF EXEMPTION FOR SMALL AIRCRAFT ON NONESTABLISHED LINES.

(a) IN GENERAL.—Section 4281 is amended to read as follows:

“SEC. 4281. SMALL AIRCRAFT OPERATED SOLELY FOR SIGHTSEEING.

“The taxes imposed by sections 4261 and 4271 shall not apply to transportation by an aircraft

having a maximum certificated takeoff weight of 6,000 pounds or less at any time during which such aircraft is being operated on a flight the sole purpose of which is sightseeing. For purposes of the preceding sentence, the term ‘maximum certificated takeoff weight’ means the maximum such weight contained in the type certificate or airworthiness certificate.”.

(b) CONFORMING AMENDMENT.—The item relating to section 4281 in the table of sections for part III of subchapter C of chapter 33 is amended by striking “on nonestablished lines” and inserting “operated solely for sightseeing”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable transportation provided after June 30, 2010.

SEC. 807. TRANSPARENCY IN PASSENGER TAX DISCLOSURES.

(a) IN GENERAL.—Section 7275 (relating to penalty for offenses relating to certain airline tickets and advertising) is amended—

(1) by redesignating subsection (c) as subsection (d),

(2) by striking “subsection (a) or (b)” in subsection (d), as so redesignated, and inserting “subsection (a), (b), or (c)”, and

(3) by inserting after subsection (b) the following new subsection:

“(c) NON-TAX CHARGES.—

“(1) IN GENERAL.—In the case of transportation by air for which disclosure on the ticket or advertising for such transportation of the amounts paid for passenger taxes is required by subsection (a)(2) or (b)(1)(B), it shall be unlawful for the disclosure of the amount of such taxes on such ticket or advertising to include any amounts not attributable to the taxes imposed by subsection (a), (b), or (c) of section 4261.

“(2) INCLUSION IN TRANSPORTATION COST.—Nothing in this subsection shall prohibit the inclusion of amounts not attributable to the taxes imposed by subsection (a), (b), or (c) of section 4261 in the disclosure of the amount paid for transportation as required by subsection (a)(1) or (b)(1)(A), or in a separate disclosure of amounts not attributable to such taxes.”.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable transportation provided after June 30, 2010.

TITLE IX—BUDGETARY EFFECTS

SEC. 901. BUDGETARY EFFECTS.

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go-Act of 2010, shall be determined by reference to the latest statement titled “Budgetary Effects of PAYGO Legislation” for this Act, submitted for printing in the Congressional Record by the Chairman of the Senate Budget Committee, provided that such statement has been submitted prior to the vote on passage.

TITLE X—RESCISSION OF UNUSED TRANSPORTATION EARMARKS AND GENERAL REPORTING REQUIREMENT

SEC. 1001. DEFINITION.

In this title, the term “earmark” means the following:

(1) A congressionally directed spending item, as defined in Rule XLIV of the Standing Rules of the Senate.

(2) A congressional earmark, as defined for purposes of Rule XXI of the Rules of the House of Representatives.

SEC. 1002. RESCISSION.

Any earmark of funds provided for the Department of Transportation with more than 90 percent of the appropriated amount remaining available for obligation at the end of the 9th fiscal year following the fiscal year in which the earmark was made available is rescinded effective at the end of that 9th fiscal year, except that the Secretary of Transportation may delay any such rescission if the Secretary determines

that an additional obligation of the earmark is likely to occur during the following 12-month period.

SEC. 1003. AGENCY WIDE IDENTIFICATION AND REPORTS.

(a) **AGENCY IDENTIFICATION.**—Each Federal agency shall identify and report every project that is an earmark with an unobligated balance at the end of each fiscal year to the Director of OMB.

(b) **ANNUAL REPORT.**—The Director of OMB shall submit to Congress and publically post on the website of OMB an annual report that includes—

(1) a listing and accounting for earmarks with unobligated balances summarized by agency including the amount of the original earmark, amount of the unobligated balance, and the year when the funding expires, if applicable;

(2) the number of rescissions resulting from this title and the annual savings resulting from this title for the previous fiscal year; and

(3) a listing and accounting for earmarks provided for the Department of Transportation scheduled to be rescinded at the end of the current fiscal year.

Amend the title so as to read: “An Act to modernize the air traffic control system, improve the safety, reliability, and availability of transportation by air in the United States, provide for modernization of the air traffic control system, reauthorize the Federal Aviation Administration, and for other purposes.”.

**SENATE LEGAL COUNSEL
AUTHORIZATION**

Mr. BROWN of Ohio. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 467 submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 467) to authorize representation by the Senate Legal Counsel in the case of *Sollars v. Reid*, et al.

There being no objection, the Senate proceeded to consider the resolution.

Mr. MCCONNELL. Mr. President, this resolution concerns a civil action filed against eight Senators for actions taken in their official capacity as leg-

islators in the process of considering health care legislation. This lawsuit is not cognizable before the federal courts. The actions at issue in this case are part of the legislative process and are not subject to review by the courts. This resolution authorizes the Senate Legal Counsel to represent the Senators named as defendants in this case and to move for its dismissal.

Mr. BROWN of Ohio. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, with no intervening action or debate, and any statements relating to the resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 467) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 467

Whereas, in the case of *Sollars v. Reid*, et al., Case No. 1:09-CV-361, pending in the United States District Court for the Northern District of Indiana, plaintiff has named as defendants eight Senators; and

Whereas, pursuant to sections 703(a) and 704(a)(1) of the Ethics in Government Act of 1978, 2 U.S.C. §§ 288b(a) and 288c(a)(1), the Senate may direct its counsel to defend Members of the Senate in civil actions relating to their official responsibilities: Now therefore, be it

Resolved, That the Senate Legal Counsel is authorized to represent all defendant Senators in the case of *Sollars v. Reid*, et al.

**MEASURE READ THE FIRST
TIME—S. 3158**

Mr. BROWN of Ohio. Mr. President, I understand there is a bill at the desk, and I ask for its first reading.

The PRESIDING OFFICER. The clerk will read the bill by title for the first time.

The legislative clerk read as follows:

A bill (S. 3158) to require Congress to lead by example and freeze its own pay and fully

offset the cost of the extension of unemployment benefits and other Federal aid.

Mr. BROWN of Ohio. Mr. President, I now ask for a second reading, and in order to place the bill on the calendar under the provisions of rule XIV, I object to my own request.

The PRESIDING OFFICER. Objection is heard. The bill will be read for the second time on the next legislative day.

**ORDERS FOR WEDNESDAY, MARCH
24, 2010**

Mr. BROWN of Ohio. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9 a.m. on Wednesday, March 24; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate resume consideration of H.R. 4872.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. BROWN of Ohio. Mr. President, tomorrow the Senate will resume consideration of the Health Care and Education Reconciliation Act. Senators should expect a long day, with votes occurring throughout the day.

**ADJOURNMENT UNTIL 9 A.M.
TOMORROW**

Mr. BROWN of Ohio. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it adjourn under the previous order.

There being no objection, the Senate, at 10:33 p.m., adjourned until Wednesday, March 24, 2010, at 9 a.m.

EXTENSIONS OF REMARKS

IN HONOR OF THE CHESTER COUNTY COUNCIL'S CELEBRATION OF THE 100TH ANNIVERSARY OF THE BOY SCOUTS OF AMERICA

HON. JOE SESTAK

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 23, 2010

Mr. SESTAK. Madam Speaker, today I honor the Boy Scouts of America (BSA) on the occasion of the 100th Anniversary of that remarkable organization and celebration of that milestone by one of the BSA's premier institutions, the Chester County Council headquartered in West Chester, Pennsylvania.

As we well know, the BSA is one of the nation's largest and most prominent values-based youth development organizations. The Boy Scouts provide a program for young people that builds character, trains them in the responsibilities of participating citizenship, and develops personal fitness. For a century, the BSA has helped build the future leaders of this country by combining educational activities and lifelong values with fun. The Boy Scouts of America believes—and, through a century of experience, knows—that helping youth is a key to building a more conscientious, responsible, and productive society.

It is the purpose of the Chester County Council to provide the communities of Chester County in Pennsylvania and the northwestern corner of Cecil County in Maryland with the finest of Scouting programs and services. They have done so admirably since 1910 with the fledgling West Chester Troop 1. The following year a more robust Paoli Troop 1 was formed and today it is the oldest continuously documented troop in Chester County.

The Chester County Council is comprised of four exceedingly well run districts: Lenni Lenape serving communities in the West Chester Area and Unionville-Chadds Ford School Districts; Diamond Rock serving the Phoenixville Area, Great Valley, and Tredyfferin-Easttown School Districts; Horseshoe Trail serving the Downingtown Area, Coatesville Area, Owen J. Roberts, and Chester County portions of Twin Valley and Spring-Ford School Districts; and Octoraro serving the Avon Grove, Kennett Consolidated, Octorara, Oxford School Districts and the Cecil County, Maryland communities of Rising Sun and Conowingo. Together these impressive organizations offer 151 sponsored clubs with approximately 13,000 members.

Joining the Chester County Council in its centennial celebration will be two American heroes, Drs. Vincent and Vance Moss. Vince, a cardiothoracic surgeon, and Vance, a renal transplant surgeon, earned the rank of Eagle Scout at the age of 14. Soon after, they joined the Civil Air Patrol to earn the second highest honor in that organization—the Amelia Earhart award. Drs. Moss and Moss earned their un-

dergraduate degrees in Science from Pennsylvania State University and medical degrees from Temple University School of Medicine. While at Temple, Drs. Moss and Moss initiated "Increase the Peace" rallies in and around Philadelphia to help combat violent crimes against African Americans. After graduating from medical school, they were each commissioned as a Captain in the United States Army Medical Corps in 1998, and promoted to Major in 2004. In the course of their military service, these two extraordinary humanitarians have deployed to Afghanistan and Iraq as members of the U.S. Army Reserves where they have rendered inestimable assistance to Afghan and Iraqi civilians and our Soldiers in the field. They are role models of the first order and epitomize all that is right in Scouting and the United States of America.

The Boy Scouts' record of achievement is exemplary, and I join all of the good people of the Commonwealth of Pennsylvania and our nation in wishing the Boy Scouts of America and its Chester County Council another century of invaluable service to our community.

TRIBUTE TO THE EXCELLENCE OF SCHOOLS IN THE 4TH CONGRESSIONAL DISTRICT OF IOWA

HON. TOM LATHAM

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 23, 2010

Mr. LATHAM. Madam Speaker, I rise today to recognize the excellence of schools in the 4th Congressional District of Iowa, and to specifically congratulate the fourteen high schools in the district that made the list of America's Best High Schools.

U.S. News and World Reports compiled a list of America's Best High Schools by using a formula produced in collaboration with Standard and Poor's School Evaluation Services, a K-12 data research group. Each school was measured and evaluated in a three-step process that analyzes how schools are educating all of their students, then minority and disadvantaged students, and finally their college bound students based on student scores on statewide tests, Advanced Placement tests, and International Baccalaureate tests.

Of the more than 21,500 high schools in the United States, 1,189 earned a Bronze ranking. I am proud to congratulate Corwith-Wesley High School in Corwith; Eagle Grove High School in Eagle Grove; Graettinger/Terrill High School in Graettinger; Kee High School in Lansing; Perry High School in Perry; Pomeroy High School in Pomeroy; North Central Junior-Senior High School in Manly; Nashua-Plainfield High School in Nashua; Lake Mills Senior High School in Lake Mills; Turkey Valley Junior-Senior High School in Jackson Junction; Ruthven-Ayrshire High School in Ruthven;

Rockwell City-Lytton High School in Rockwell City; West Marshall High School in State Center; and Woden-Crystal Lake-Titonka High School in Crystal Lake; for all earning Bronze rankings. These high schools characterize the high value Iowans have always placed in quality education.

I consider it a great honor to represent the teachers, students, school board members and administrations of each of the fourteen high schools in the 4th Congressional District who made the list of one of America's Best High Schools in the United States Congress. I wish these schools, and all educators in the 4th Congressional District continued academic excellence as they provide a positive impact on our future generations to come.

RETIREMENT OF JOHN B. CATOE, JR., FROM THE WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 23, 2010

Ms. NORTON. Madam Speaker, I rise to recognize John B. Catoe, Jr., who was born and raised in the District of Columbia and returned home to one of the toughest jobs in Washington, the General Manager of the Washington Metropolitan Area Transit Authority (WMATA or Metro, which includes the Metrorail, Metrobus and MetroAccess systems). Mr. Catoe is retiring from the agency he led into a new era, the transition from construction of the system toward a core mission of safely operating and modernizing the system. Undertaking such a dramatic change in culture, attitude, and mission is not for the faint of heart. John Catoe was the first general manager of WMATA to take this giant leap forward, and doing so has not been an easy task.

He met the problems of WMATA as he walked into the agency. The agency itself had churned through four general managers in the span of about a year. In the weeks before and after his arrival in January 2007, four pedestrians were fatally struck by Metrobuses. A train derailed, sending 20 people to the hospital. Fire and smoke caused major delays during the morning commute on the busiest Metrorail line. A Metrobus caught fire. Reports of three suspicious packages disrupted the morning commute on a busy day.

Mr. Catoe convened weekend safety meetings with bus operators and supervisors. He established a mentor program for new bus operators, and saw to it that more than 3,200 bus operators were trained to understand traffic from a pedestrian's perspective. His intense efforts effectively put an end to the spate of pedestrian fatalities involving Metrobus.

Catoe faced nearly insurmountable challenges with grace and strength. He expertly

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

navigated a political thicket within the highest levels of government when billions of dollars in funding were at stake for the extension of Metrorail to Tysons Corner and Dulles Airport. Those extensions will go forward due in no small part to John Catoe's leadership.

He helped bring a successful conclusion to the five-year effort to secure a source of dedicated funding for WMATA, which has been authorized to receive \$3 billion from the federal government and from WMATA's jurisdictional partners. He staved off an attempt by the nation's financial industry to collect hundreds of millions of dollars during the financial crisis of 2008 from leaseback transactions entered into by public transit systems. As a result of his leadership both on Capitol Hill and in the national media, the public transportation industry was saved from a financial domino effect that would have devastated not only WMATA but also major transit systems across the country.

Nearly every major political and historic event that took place in Washington, DC, over the past three years has been a success due, in part, to John Catoe. When a new ballpark opened to serve Washington's first baseball team in 40 years, Metro rose to the occasion, and a trip to the ballpark on Metro became part of the entire Nationals experience. When Pope Benedict XVI chose Washington, DC, as the first city in the United States to visit after his investiture, security needs led to restricted travel around the city. With street closures and tight security, Metro was the primary way that hundreds of thousands of people were able to be a part of the historic visit.

With each of these events, John Catoe was preparing his team for the next opportunity for WMATA to take part in history. At the same time, he was undertaking the painstaking work of transforming his agency from one that for years had construction at its center to one whose primary mission was safe operation.

Glimmers of that realignment and evidence of John Catoe's leadership manifested during the most successful week in Metro's history. Metro's performance was nearly flawless in January 2009, for the most historic Inauguration in modern history, as Metro provided a record 17 hours of rush hour rail service; a unique type of rapid bus service on 23 priority corridors; and special outreach to passengers with disabilities to ensure that they too were part of the most inclusive Inauguration in history. The results of John Catoe's leadership on that day speak for themselves: 1.5 million trips were taken on trains, buses, and paratransit, as millions of people from around the world gathered to witness the historic Inauguration of Barack Obama as President of the United States.

It seems fitting to me that John Catoe was at the helm of Metro when President Obama was inaugurated. Mr. Catoe grew up in a segregated Washington, DC. When he was a young soldier in the U.S. Army Reserve, John Catoe was denied entry into a restaurant in Maryland while fellow white soldiers were permitted inside. Through all of his experiences, John Catoe retained a quiet confidence and serene grace that have sustained him in times of volatility.

This strength was needed on June 22, 2009, when a rail crash took the lives of nine

people, including a Metrorail operator. The weeks and months that ensued have been grueling for families of victims, survivors, and the entire Metro family, particularly its leader, John Catoe. The investigation into that accident continues, and we hope that there will soon be an opportunity to remedy the problems that caused the accident, so that we can prevent others, not only at Metro, but at transit systems around the world. We in the region have been grateful for John Catoe's compassion during an especially tough period and for his resolve to get to the root of whatever problems exist.

In Washington, DC, the capital of the free world, we deserve the finest executives for our public transportation system. John B. Catoe, Jr., is a rare breed of leader who has proven not only that he can deliver results within the highest echelons of governance, but perhaps more importantly, that he can do so with humility, strength, and grace. This city and this region have been blessed by his leadership. I ask, therefore, that my colleagues join me and the National Capital Region in expressing gratitude to John Catoe for his work in leading Metro into a new era.

PERSONAL EXPLANATION

HON. CAROLYN MCCARTHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 23, 2010

Mrs. MCCARTHY of New York. Madam Speaker, yesterday, I missed 2 votes. Had I been present, I would have voted as follows.

Rollcall No. 170, on the Motion to Suspend the Rules and Pass H.R. 4810, I would have voted "yea."

Rollcall No. 171, on the Motion to Suspend the Rules and Pass H.R. 4667, I would have voted "yea."

25TH ANNIVERSARY OF THE ARCTIC MAN RACE

HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 23, 2010

Mr. YOUNG of Alaska. Madam Speaker, today I would like to recognize the 25th anniversary of the Arctic Man race, one of the most unique competitive events in winter sports. Combining downhill skiing, snowboarding, skijoring, and snowmachine racing, Arctic Man exemplifies Alaska's rugged outdoor spirit.

Every year, 13,000 spectators ride their snowmachines up to a magnificent alpine setting between Anchorage and Fairbanks, Alaska, to watch this impressive spectacle. The race combines athleticism and horsepower as a two-man team, consisting of one downhill skier or snowboarder and one snowmachiner, navigates a perilous course at high speeds. With the firing of the starting pistol, athletes lunge down a 1,700 foot drop in less than two miles, without the aid of ski poles. As the skiers approach the bottom of the hill, they

merge into a narrow canyon and grab a rope tethered to their partners' snowmachine to then be towed at speeds of up to 86 miles per hour for 2¼ miles uphill. This difficult intersection can decide the race, as the snowmachine must perfectly match the skier's or boarder's speed and course while also effectively getting the pull rope into the athlete's hand. Once the team reaches the top of the mountain, the skier or snowboarder releases the tow rope and is slingshotted down another 1,200 foot descent to slip through the gates at the finish line.

When these men and women mount the slopes, they exhibit an admirable model of aggressive athleticism and backcountry moxie to make this one of Alaska's most remarkable competitions. As this year's competitors prepare for the Arctic Man challenge, fine tuning their snowmachines, waxing their skis, and practicing their technique, I would like to wish them all good luck and a safe race!

Having attended this event before, I can attest that it is one of the most exciting and exhilarating competitions which I have ever witnessed. I look forward to joining my fellow Alaskans at this year's Arctic Man to celebrate its 25th year of competition.

TRIBUTE TO MARY GILLEY

HON. TOM LATHAM

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 23, 2010

Mr. LATHAM. Madam Speaker, I rise to recognize the retirement of Mary Gilley, the longtime clerk of the Greene County district court, and to express my appreciation for her dedication and commitment to her community in Iowa.

For the past 26 years, Mary has worked with the clerk of court's office, providing dependable service to the community. Since 1985 she has been the clerk of the district court. Before her time with Greene County, Mary worked at a law firm in Fort Dodge, Iowa and was employed as a legal secretary in a private practice.

Mary Gilley has left a permanent mark on Greene County and will be truly missed at the district court, although she plans to continue serving the community through volunteer work. I know that my colleagues in the United States Congress join me in commending Mary for her outstanding service to her community and congratulating her on her retirement. I consider it an honor to represent Mary in Congress, and I wish her a long, happy and healthy future.

HONORING THE INAUGURATION OF THE IKARIA® DISTINGUISHED PROFESSORSHIP OF CRITICAL CARE

HON. TAMMY BALDWIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 23, 2010

Ms. BALDWIN. Madam Speaker, I rise today concerning a matter of great interest to

me, which is the need for greater progress and support for children and infants who require critical care.

Each year, five million Americans are admitted to Intensive Care Units (ICUs), and it is estimated that as many as half a million of these are infants and children. Indeed, estimates show that nearly one-half of infants and one-third of older children who die each year received ICU care.

While medical technologies advance across the world, there unfortunately have been fewer true breakthroughs in critical care therapies in recent years, including those designed for children and infants. Babies and children are the most fragile of critically ill patients; their ability to thrive and survive should be among our highest priorities.

It is for these reasons that I am pleased to observe that today, the Children's National Medical Center (CNMC) in Washington, D.C. will hold an inauguration ceremony naming The Ikaria® Distinguished Professorship of Critical Care. This chair will be sustained by a donation of \$2.5 million by Ikaria, a bio-therapeutics company which provides acute care products that address significant unmet needs of ICU and neonatal ICU patients. Ikaria, which has manufacturing facilities in my hometown of Madison, Wisconsin, is providing an unconditional gift to endow and establish a distinguished professorship for an outstanding physician-scientist who will provide leadership to advance the science of critical care medicine.

Madam Speaker, I hope you will join me in recognizing the tremendous potential value of this vital research professorship, and to applaud Ikaria and Children's National Medical Center for their vision and commitment to the health of our Nation's children.

TRIBUTE TO BRIGADIER GENERAL
JAMES L. MELIN

HON. KEN CALVERT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 23, 2010

Mr. CALVERT. Madam Speaker, I rise today to honor and pay tribute to an individual from my Congressional District who has dedicated his life to defending the people of this country and preserving the basic freedoms and liberties that we hold dear. Brigadier General James L. Melin, of the United States Air Force Reserve, is a true American hero and today I thank him for his 39 years of service. On Saturday, March 27, 2010, General Melin will be honored at his retirement and Change of Command Ceremony at March Air Force Base in California.

General Melin was commissioned through the ROTC program at St. Louis University, Missouri, and graduated in 1971. After graduation, he began active duty and completed his flight training at Reese Air Force Base, Texas, in 1974.

During his career, General Melin's assignments included Administrative Officer, 1550th Aircrew Training Test Wing at Hill Air Force Base; KC-135 Pilot, 28th Bombardment Wing, Ellsworth Air Force Base; KC-135 Pilot and

Mission Development Officer, 93rd Bombardment Wing, Castle Air Force Base; Instructor Pilot, 931st Air Refueling Group, Grissom Air Force Base; and Evaluator Pilot, Chief of Plans, Chief of Standardization and Evaluation, Director of Training, Operations Officer, and Operations Group Commander, 940th Air Refueling Wing, McClellan Air Force Base.

In 1997, General Melin commanded the 434th Operations Group, Grissom ARB, Indiana and later assumed command of the 434th Air Refueling Wing. Starting in 2006, General Melin took command of the 452nd Air Mobility Wing at March Air Force Base in California.

Throughout his exemplary career, General Melin has flown over 5,500 hours and participated in tanker operations in Desert Shield, Desert Storm, Joint Forge, Noble Eagle, Enduring Freedom and Iraqi Freedom.

General Melin's awards include the Legion of Merit with oak leaf cluster, Meritorious Service Medal with two oak leaf clusters, Aerial Achievement Medal, Air Force Commendation Medal, Air Force Achievement Medal, Air Force Outstanding Unit Award with "V" device and four oak leaf clusters, Southwest Asia Service Medal with two bronze stars, Global War on Terrorism Service Medal, Kuwait Liberation Medal (Kingdom of Saudi Arabia), and Kuwait Liberation Medal (Government of Kuwait).

General Melin will retire from the United States Air Force service with more than just his experience, decorated career and remarkable accomplishments; his enduring legacy will serve as a shining example and constant reminder of what it means to be an American patriot and leader. I am grateful for his service and salute him as he retires from the Air Force.

TRIBUTE TO DALI AND FELIX
GONZALEZ

HON. TOM LATHAM

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 23, 2010

Mr. LATHAM. Madam Speaker, I rise today to recognize and congratulate Dali and Felix Gonzalez, students at Perry High School in Perry, Iowa, for their efforts in raising money to help those devastated by the recent earthquake in Haiti.

Dali and Felix are siblings who are originally from the Dominican Republic. Growing up in such close proximity to Haiti and having friends and acquaintances still living in Haiti, they felt a calling to help those in need. Felix, who is an avid artist, designed posters to demonstrate how close he used to live to the devastated region, and Dali made English and Spanish announcements about the fundraising effort over the school's PA system. Over several days they collected over \$150.00 at their donation setup in the lunch room. It is estimated that Dali and Felix's efforts will feed more than 750 people.

This collective effort at Perry High School is an example of what Iowa is all about—Iowans motivated and dedicated to personally helping people in need, and in this case those who have lost everything. I consider it an honor to

represent Dali and Felix Gonzalez, all of those who donated money to Haiti, and ESL Instructor Julie Walstrom in the United States Congress. Again, I congratulate Dali and Felix for their great act of compassion and charity.

“BE ABOUT PEACE DAY”

HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 23, 2010

Mr. PAYNE. Madam Speaker, I rise to commend my constituents in South Mountain Peace Action of Maplewood and South Orange, NJ. These citizens work in their community on behalf of peace and they hold an annual all-day event called “Be About Peace Day” that attracts hundreds of children and parents. Currently, South Mountain Peace Action is organizing a public forum called “Israeli-Palestinian Peace: The Obama-Clinton Program for a Two-State Solution and How We Can Support It” that will be held on March 24, 2010, at Maplewood Memorial Library. The meeting will enable residents to increase their understanding of the issues and to learn how to get involved themselves in the peace process.

There is no greater cause than peace and there is no issue more important for achieving peace than resolving the Israeli-Palestinian conflict. In February, I visited Israel and the Palestinian Territory as part of a congressional delegation and met with leaders of government and civil society to assess the state of American efforts to end the region's conflicts.

We learned much on the trip—seeing firsthand the urgency shared across the region to end the Israeli-Palestinian conflict through a two-state solution. We met the Deputy Prime Minister of Israel, the Prime Minister of the Palestinian Authority in Ramallah and civil society leaders across the region. In Israel, we heard from settlers and human rights activists. Over and over again, we heard about the importance of American leadership in efforts to end the conflict diplomatically. It is why I am encouraged by groups like South Mountain Peace Action, who are supporting the peace process at the grassroots level.

TRIBUTE TO THE LIONS CLUB OF
OGDEN, IOWA

HON. TOM LATHAM

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 23, 2010

Mr. LATHAM. Madam Speaker, I rise today to congratulate the Lions Club of Ogden, Iowa on their 80th anniversary. The club has been active since November 29, 1929 in Ogden, which is located in Boone County in Central Iowa.

The International Lions Club is a volunteer organization which works together to answer the needs that challenge communities around the world, including an end to preventable blindness, cleaning local parks and providing essential supplies to victims of natural disasters.

In records that date back 40 years, the local organization has donated over \$88,000 to various organizations including: Ogden High School scholarships, eye exams and glasses for the needy, the food pantry, Boy Scouts, Relay for Life, and more. The group meets bi-monthly and has 36 active members who honorably live by their motto, "We serve."

Again, I congratulate the Lions Club of Ogden and current club president, Harry Dannen, on this historic anniversary. The Lions Club of Ogden is an example of what Iowa is all about—citizens motivated and dedicated to improving their communities and helping their neighbors in need. It is an honor to represent each member of this remarkable group in the United States Congress, and I wish them an equally storied future.

TRIBUTE TO COMMANDER FATORA

HON. NORMAN D. DICKS

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 23, 2010

Mr. DICKS. Madam Speaker, I rise today to pay tribute to an outstanding Naval Officer, Commander Jeffrey Fatora, and to recognize his dedicated service to our Nation. It is a great honor for me to thank Commander Fatora for his distinguished service in the Submarine Force. Commander Fatora has proudly and selflessly served our Nation for 23 years, and he will retire from the naval service on July 1 of this year.

It was during his last assignment to the Secretary of the Navy's Appropriations Matters office that I first came to know Commander Fatora. In this capacity, he has proved to be an invaluable link between the Navy and me, my staff, and the Appropriations Committee. For nearly four years Commander Fatora provided valuable assistance to me and to Members of the House Appropriations Committee. He often traveled with Members of the Committee—sometimes into combat zones—and always ensured that the Committee had direct access to Department of Defense facilities and combat units worldwide.

On every occasion, Commander Fatora performed his duties in an exacting and precise manner. But far more important to me and the members of the Appropriations Committee was the effectiveness by which he kept us informed of important developments within the Department of the Navy, allowing us to make important decisions on resource allocation based upon the facts.

Commander Fatora began his submarine service aboard USS *Indianapolis* (SSN 697) in Pearl Harbor, completing two Western Pacific Deployments. As a member of the commissioning crew of USS *Louisiana* (SSBN 743), he was the very first officer qualified as Officer of the Deck on the ship. But clearly, his most notable service was as the Weapons Officer aboard USS *Providence* (SSN 719), which was the first American warship to arrive off the coast of Pakistan following the attacks of September 11th, 2001. As the leader of the *Providence* strike team, he ensured that 25 Tomahawk Cruise Missiles found their targets in Afghanistan during the opening salvos of Operation Enduring Freedom.

Later, as a Staff Officer for the North Atlantic Treaty Organization, he worked diligently with a multi-national task force to execute the anti-terrorist Operation Active Endeavour. Finally, serving as Executive Officer aboard USS *Pittsburgh* (SSN 720), he guided the crew through a very challenging Engineered Overhaul at Portsmouth Naval Shipyard.

In closing, on behalf of the House of Representatives and especially my colleagues on the Appropriations Committee, I want to express my thanks and appreciation for the special contribution Commander Fatora has made during his naval service. We wish him and his family continued success and the traditional naval wish of "fair winds and following seas."

WRESTLEMANIA COMES TO GLENDALE/PHOENIX

HON. ED PASTOR

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 23, 2010

Mr. PASTOR of Arizona. Madam Speaker, I rise today to welcome WWE and WrestleMania XXVI (26) to Glendale's University of Phoenix Stadium on Sunday, March 28, 2010. WWE will take over the greater Glendale/Phoenix area during WrestleMania Week from March 24–March 29, 2010.

We are very pleased to welcome the 70,000 fans from 26 countries, all 50 states, and more than 130 members of the international media who will descend upon the Valley of the Sun.

We welcome WrestleMania, the WWE, and their fans because they will experience the culture of our city, the great weather, and have the opportunity to patronize our wonderful businesses. For the last three years, WrestleMania has averaged nearly \$50 million in new economic impact into the local economy. We are happy to have this investment coming to the Glendale and Phoenix regions.

In addition to WrestleMania, WWE has brought a variety of wonderful community activities: WrestleMania Axxess—WWE's interactive fan festival; WrestleMania Art—fund-raiser benefitting the Make-A-Wish Foundation of Arizona and Phoenix Children's Hospital; the finals of the WWE's international literacy program, WrestleMania Reading Challenge; a WrestleMania Pro-Am Golf Tournament with our beloved Arizona Cardinals; the WWE Hall of Fame Induction Ceremony; and WWE's Monday Night Raw.

WrestleMania XXVI will be televised to a global pay-per-view audience in 75 countries.

WrestleMania is truly a family-friendly event that creates an atmosphere where families from around the world can join together to celebrate their love for WWE and their favorite "Superstars" and "Divas."

Madam Speaker, I would like to thank the WWE and its fans for choosing to come to Glendale and Phoenix and wish them a wonderful Arizona stay.

ENSURING THAT AMERICAN FAMILIES AND SMALL BUSINESSES RECEIVE THE FULL BENEFITS OF COMPETITION IN HEALTH CARE AND HEALTH INSURANCE REFORM

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 23, 2010

Mr. CONYERS. Madam Speaker, Sunday night, Congress voted to affirm the right of all Americans to quality health care at affordable cost, by fixing our country's broken health insurance marketplace. This is an effort that I and others have been working on for decades, and while the bill does not yet achieve everything we have sought, it is a monumental step forward, of which those who voted to take it, in the face of the relentless campaign of disinformation bankrolled by its opponents, can all be rightly proud.

Now, as this historic effort moves from the legislative arena to implementation, I would like to say a few words, as Chairman of the House Judiciary Committee, about the critical role for competition in making the health care insurance marketplace work effectively to serve consumers and promote prosperity—and the assistance that the federal antitrust enforcement agencies can and should provide in keeping competition considerations at the forefront.

In implementing this comprehensive legislation, the Department of Health and Human Services will be called upon, as will other federal agencies, and the States, to make assessments in a variety of contexts as to whether the marketplace is functioning properly, or whether abuses are occurring. In making these assessments, and in deciding on appropriate steps to address any abuses or dysfunction, the federal agencies and the States can benefit greatly from competitive analysis provided by our federal antitrust agencies, the Department of Justice's Antitrust Division and the Federal Trade Commission. I would urge them to make full use of this assistance.

Both the Antitrust Division and the FTC have a long history of advising other federal agencies, as well as State legislatures and agencies, on ways to formulate policies and make regulatory decisions consistent with maintaining and promoting healthy competitive market incentives. In addition to formal advice, generally in the form of public comments, which both federal agencies provide in areas in which they have developed expertise, the Antitrust Division routinely provides informal guidance to other federal agencies through interagency consultation and through OMB-supervised interagency review and comment.

While the advice of the two antitrust enforcement agencies is non-binding, it is generally given substantial weight. The two agencies are widely recognized as having developed, in the course of antitrust investigations and enforcement actions over many decades, unmatched experience and expertise in analyzing markets for how competition is working, or not working. They can assess whether lack of effective competition is behind a problem, or is worsening it, and if it is, can recommend

ways to unblock competition as part of any regulatory response.

Even when competition cannot fix a dysfunctional market on its own entirely, it will almost always contribute to the solution, by ensuring that market incentives are aligned in a healthy fashion, in the direction of serving consumers rather than taking advantage of them.

Competition advice from the federal antitrust enforcement agencies will not only help ensure that health care and health insurance regulatory policy is appropriately sensitive to competitive conditions and dynamics in the markets involved. By helping place regulatory policy on a sound analytical footing, it will strengthen it against any potential legal challenge by those opposing reform efforts. Moreover, the very fact of antitrust oversight in connection with this advisory analysis will help deter anticompetitive behavior.

To take just one important example, the new law creates health insurance exchanges, to be set up by the States, to help make sure families and small businesses have meaningful choices for health insurance. In order for these exchanges to achieve their purpose, they need to attract not just the insurance companies that are already dominant in their market, but other insurance companies, including new ones eager to establish themselves. Dominant health insurance companies have many ways of protecting their dominance by making it harder for others to make competitive inroads. And they have powerful anticompetitive incentives to do just that.

Accordingly, we can expect the dominant health insurance companies to be offering plenty of their own advice to State legislatures and agencies on how to structure the new exchanges, and we can expect that their advice will be tailored to favor their own interests. Their self-serving advice, if followed, could have the potential to stop competition in its tracks, and deny consumers the benefits of choice, innovation, and affordability that competition brings.

The more the States can keep promotion of competition in their sights as they design and implement the exchanges, the better those exchanges will work to widen the effective choices available for the families and small businesses who need them. And the federal antitrust enforcement agencies can be a valuable source of expertise in ensuring that the exchanges are designed and implemented so as to harness the power of competitive market incentives as fully as possible.

Along with the antitrust savings clause in the text of the health care bill, which ensures that the normal operation of the antitrust laws is in no way altered or disrupted, use of this well-established advisory role will help ensure that the health insurance marketplace is fixed in a manner that makes maximum use of competitive market forces to achieve these important objectives for American families and small businesses.

HONORING HEALTH4HAITI

HON. JOHN T. SALAZAR

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 23, 2010

Mr. SALAZAR. Madam Speaker, I rise today to honor Health4Haiti, an international aid group founded by Pueblo surgeon Dr. James Smith. For many years, Dr. Smith has been traveling to Haiti in the wake of devastating hurricanes to provide crucial surgeries to impoverished people across the country. In November of 2009, Health4Haiti and Dr. Smith were awarded the International Humanitarian Service Award in recognition of their remarkable dedication and service to the Haitian people.

We are all familiar with the incredibly destructive earthquake that struck Haiti on January 12, 2010. The images from that terrible series of days will stay with us forever. However, the disaster was also an incredible demonstration of the compassion of the people of Colorado's Third District. When the first reports from Haiti came in, several Pueblo residents immediately mobilized to visit Haiti and offer their assistance. These incredible Pueblans were among the first U.S. Search and Rescue Teams to arrive. All doctors and nurses, they immediately began treating wounded Haitians, saving lives and delivering vital aid and comfort. I would like to commend Dr. James Smith, Dr. Ginger Vaughn, Dr. Benjamin Massey, Debbie Valdez, Eric Miller, and Mary Anne Woods for their generosity and humanity in the face of overwhelming tragedy.

This group of people and Health4Haiti have inspired countless others to serve those less fortunate, and I honor them for their work.

TRIBUTE TO BRYANT ELEMENTARY SCHOOL

HON. TOM LATHAM

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 23, 2010

Mr. LATHAM. Madam Speaker, I rise today to recognize and congratulate the fifth grade students at Bryant Elementary School in Boone, Iowa, for their efforts in raising money to help those devastated by the recent earthquake in Haiti.

Students Brady Wright, Isidro Gonzalez and Erica Mehlhaus put their heads and hearts together to come up with a way to raise funds for the American Red Cross' Haitian relief efforts. In addition to accepting local donations, these students developed a fun and competitive project called "Penny Wars" which took place in February for three weeks. This school-wide contest was implemented to see which class could collect the most pennies. Containers, labeled for each classroom, were filled with pennies, and students could add silver coins to the containers of opposing classrooms to reduce that class's penny count. To further entice students to contribute, students were able to chew gum and wear hats in class when they donated quarters. The class with the highest penny credit earned a pizza party.

The collective effort at Bryant Elementary School is a characteristic of what Iowa is all about—citizens motivated and dedicated to help people in need, and in this case those who have lost everything. I commend all the students, their families and especially their guidance counselor, Karlene Hughes, and Principal Pam Nystrom, who facilitated this heartwarming effort with the students. I consider it an honor to represent each of these fifth graders and all of those involved in "Penny Wars," in the United States Congress and again I thank them for their great act of kindness and charity.

HONORING UNITED STATES PARALYMPIAN ADAM PAGE OF LANCASTER, NEW YORK

HON. CHRISTOPHER JOHN LEE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 23, 2010

Mr. LEE of New York. Madam Speaker, I ask that the House join me in recognizing Adam Page of Lancaster, New York, a proud member of the United States Paralympics sled hockey team, who most recently won a gold medal in the Winter Games at Vancouver.

Currently a senior at St. Mary's High School in Lancaster, Adam was born with spina bifida, a birth defect caused by the incomplete formation of vertebrae. His parents were told that Adam would never walk, probably would be blind and probably retarded. Adam had other ideas.

At the age of eight, Adam was determined to do what so many of his fellow Western New Yorkers do growing up—play ice hockey. He started his formal hockey playing days with the Buffalo Sabres sled hockey club team, and his hard work and hockey skills soon propelled him to the junior national team, and a year after that Adam was named to the senior national team.

Adam scored his first goal at the 2008 IPC Ice Sledge Hockey World Championships, and in addition to his participation on this year's gold medal-winning Paralympian team, he has also been a member of the gold medal-winning 2010 Japan Para Ice Sledge team, the 2009 Paralympic Team of the Year, the gold medal-winning 2009 World Champion team, and the 2008 bronze medal-winning IPC Ice Sledge Hockey World Champion.

Adam has overcome so much in his life, and it is a testament to his hard work and dedication and the support of his family and friends who have stood by his side.

I again ask that the House join me in congratulating Adam on winning the gold medal as a member of Team USA's Paralympics sled hockey team, and wish him much success in the future.

RECOGNIZING SUSAN CAMPBELL
AS THE OKALOOSA COUNTY SUP-
PORT PERSON OF THE YEAR

HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 23, 2010

Mr. MILLER of Florida. Madam Speaker, I rise today to recognize Mrs. Susan Campbell as the Okaloosa County, Florida Support Person of the Year for the 2009–2010 school year. I am honored to acknowledge her exemplary achievements and her dedication to the students and teachers of Northwest Florida.

Susan has worked as a school clerk and guidance counselor at Niceville High School for the past eight years. Over her career, she has been one of the most dedicated resources for Niceville's students. She teaches financial aid workshops, schedules college visits, mentors new students, and provides parent/student seminars on a range of college-related topics. She also takes a special interest in Niceville's seniors, preparing them for graduation and life after high school. The high school's seniors regularly earn close to \$10 million in scholarships every year based in large part on Susan's hard work.

For her dedication both inside and outside the classroom, Susan has been recognized on numerous occasions. She is a supporter of the American Heart Association and the American Cancer Society, as well as a volunteer for the Covenant Hospice. She and her husband Wayne Campbell are members of the Alexis de Tocqueville Society for their contributions to the Okaloosa County community through United Way. Susan's other volunteer service includes the Northwest Florida State College Meagan Lynne Campbell Nursing Scholarship and the Emerald Coast Children's Advocacy Center.

Madam Speaker, on behalf of the United States Congress, I am privileged to recognize Susan Campbell as the Okaloosa County Support Person of the Year. Her passion for her students is commendable and her dedication to her profession and her community is highly deserving of this award. My wife Vicki and I wish Susan, her husband Wayne, and her family all the best for the future.

HONORING DAVID KLEPAREK

HON. BRIAN HIGGINS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 23, 2010

Mr. HIGGINS. Madam Speaker, I rise today to pay tribute to the years of service given to the people of Chautauqua County by Mr. David Kleparek. Mr. Kleparek served his constituency faithfully and justly during his tenure as a member of the Chautauqua County Legislature, serving district 24.

Public service is a difficult and fulfilling career. Any person with a dream may enter but only a few are able to reach the end. Mr. Kleparek served his term with his head held high and a smile on his face the entire way. I have no doubt that his kind demeanor left a

lasting impression on the people of Chautauqua County.

We are truly blessed to have such strong individuals with a desire to make this county the wonderful place that we all know it can be. Mr. Kleparek is one of those people and that is why, Madam Speaker, I rise in tribute to him today.

PERSONAL EXPLANATION

HON. J. GRESHAM BARRETT

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 23, 2010

Mr. BARRETT of South Carolina. Madam Speaker, unfortunately, I missed the following recorded votes on the House floor the week of Tuesday, March 9, 2010 through Friday, March 12, 2010.

For Tuesday, March 9, 2010, had I been present I would have voted "no" on Rollcall vote No. 92 (on motion to suspend the rules and agree to H.R. 3650), "aye" on Rollcall vote No. 93 (on motion to suspend the rules and agree to H. Res. 1069), "aye" on Rollcall vote No. 94 (on motion to suspend the rules and agree to H. Res. 935).

For Wednesday, March 10, 2010, had I been present I would have voted "no" on Rollcall vote No. 95 (on agreeing to H. Res. 1146, which provides for consideration of H. Con. Res. 248), "aye" on Rollcall vote No. 96 (on motion to suspend the rules and agree to H. Res. 1088), "aye" on Rollcall vote No. 97 (on motion to suspend the rules and agree to H.R. 4621), "no" on Rollcall vote No. 98 (on agreeing to H. Con. Res. 248), "aye" on Rollcall vote No. 99 (on motion to suspend the rules and agree to H. Con. Res. 249), "aye" on Rollcall vote No. 100 (on motion to suspend the rules and agree to H. Res. 1144).

EARMARK DECLARATION

HON. THOMAS E. PETRI

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 23, 2010

Mr. PETRI. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding a provision classified as an earmark in H.R. 3619, the Coast Guard Authorization Act of 2010, which passed the House on October 23, 2009.

Requesting Member: The Honorable THOMAS E. PETRI

Bill Number: H.R. 3619

Account: No funding, legislative provision in the Coast Guard Authorization Act

Legal Name of Requesting Entity: VCNA Prairie Illinois Inc.

Address of Requesting Entity: 7601 W. 79th Street, Bridgeview, IL 60455

Description of Request: The legislative provision in the Coast Guard authorization bill would restore Coastwise Trading privileges to the barge *St. Marys Cement*. From the time of construction in 1986 to 2000, *St. Marys Cement* was registered under the U.S. flag with

Coastwise Trading privileges. In 2000, the *St. Marys Cement* relinquished Coastwise Trading privileges upon being reflagged under the Canadian flag. Operations have since changed and, in order to maximize efficiency of its U.S. operations, *St. Marys Cement* proposes to operate the barge directly between U.S. ports (including several in Wisconsin). On September 9, 2009, *St. Marys Cement* received a Certificate of Documentation, reestablishing the vessel as an American flagged vessel. Since the vessel was once registered outside the U.S., the only way for *St. Marys Cement* to return to operating directly between U.S. ports is to restore its Coastwise Trading privileges legislatively. Allowing the barge to do so would add American maritime jobs and provide Great Lakes-based manufacturing plants additional business opportunities. The cost of transporting raw materials to U.S. manufacturing facilities in Ohio, Michigan, and Wisconsin would be reduced. This was a joint request with Representative BART STUPAK and Representative STEVE KAGEN, M.D.

IN HONOR OF NAVY SEAL CHIEF
PETTY OFFICER ADAM BROWN

HON. MIKE ROSS

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 23, 2010

Mr. ROSS. Madam Speaker, I rise today to honor a true American hero. On March 18, 2010, our state and nation lost a great patriot when Navy SEAL Chief Petty Officer Adam Brown, age 36, died in Afghanistan from injuries sustained during combat operations in support of Operation Enduring Freedom.

Chief Brown was raised in Arkansas by his loving parents, Larry and Janice Brown, and graduated from Lake Hamilton High School in Hot Springs. Chief Brown also attended Arkansas Tech University in Russellville where he played football. Although I never had the honor to meet Chief Brown, I extend my deepest condolences on behalf of all Arkansans to his family, friends, colleagues, and acquaintances for this devastating loss.

Chief Brown enlisted in the U.S. Navy in 1998 and joined the Navy SEALs in 2001. Since that time, he has been assigned to various East Coast-based SEAL teams where he made several combat deployments in support of the global war on terror, distinguishing himself during numerous combat operations in Iraq and Afghanistan. He carried out his duties with pride in his country and without reservation, and each of us owes him our eternal gratitude for his selfless sacrifice.

Chief Brown was a highly-decorated combat veteran and received numerous awards and citations during his 12-year Navy career, including the Bronze Star with combat "V" distinguishing device; Purple Heart; Joint Service Commendation Medal with combat "V" distinguishing device; Joint Service Achievement Medal; five Navy and Marine Corps Achievement Medals; three Good Conduct Medals; the National Defense Service Medal; Afghanistan Campaign Medal; Iraq Campaign Medal; Marksmanship medals for both rifle and pistol; and a multitude of personal, unit, and campaign decorations.

My deepest thoughts and prayers are with his loving wife and two children who live in Virginia Beach, Virginia; his parents, and the rest of his family during this extraordinarily difficult time.

Our nation is safer and stronger because of brave heroes like Chief Brown. Today, I ask all members of Congress to join me as we honor the life of Navy SEAL Chief Petty Officer Adam Brown and his legacy, as well as each man and woman in our armed forces who give the ultimate sacrifice in service to our great country.

HONORING THE SERVICE OF THE LATE ROBERT MYERS, CHIEF ACTUARY AT THE SOCIAL SECURITY ADMINISTRATION, AND RECOGNIZING THE OUTSTANDING SERVICE SSA'S ACTUARIES PROVIDE TO CONGRESS, THEIR AGENCY, AND THE AMERICAN PUBLIC

HON. EARL POMEROY

OF NORTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 23, 2010

Mr. POMEROY. Madam Speaker, I rise today to honor actuaries in general and two actuaries in particular: the longtime actuary of the Social Security Administration (SSA), the late Robert J. Myers, and the current chief actuary, Stephen C. Goss.

Bob Myers died February 13 of this year at the age of 97, and a memorial service was held for him this past weekend. Mr. Myers had a long, exemplary career with the Social Security Administration, starting in 1934 as a junior actuary with SSA's predecessor, the Committee on Economic Security. He later served for 23 years as the agency's chief actuary and was considered one of our country's foremost experts on Social Security.

Bob played a vital role in developing the special relationship between Congress and the Office of the Actuary. Historically, the actuary has been available to provide Members of Congress and the executive branch with confidential, expert, impartial, and trustworthy analysis of Social Security policy and legislative proposals. The Office of the Chief Actuary has truly an unparalleled record of service in the federal government.

Congress specifically recognized the value and importance of an independent and impartial actuary in the conference report accompanying Social Security's enabling statute, the "Social Security Administrative Reform Act of 1994." This report said that "The Office of the Actuary has a unique role within the agency in that it serves both the Administration and the Congress. . . . Thus, the independence of the Office of the Chief Actuary with respect to providing assistance to the Congress is vital in maintaining a trusting and useful relationship." (H. Report 103-670, at page 96)

Though Bob left SSA in 1970, the tradition he established lives on in the work of the chief actuaries who came after him. SSA's current chief actuary, Steve Goss, is an outstanding example. Steve has been an actuary with SSA since 1973 and has served as its chief actuary

since 2001. To me and many of my colleagues, Steve personifies the meaning of public service.

Steve's contributions have also been recognized by his colleagues and others. He received the Commissioner's Leadership Award in 1999 and was named a Presidential Distinguished Rank Executive in 2002. In 2004, he was the recipient of the very first Robert M. Ball Award for Outstanding Achievements in Social Insurance. Upon announcing their selection, the National Academy of Social Insurance described Steve this way:

He gives tirelessly and selflessly of himself to try to clarify, illuminate, and explain complex Social Security issues and how estimates are made of revenues, expenses, and actuarial projections within that program. He openly and forthrightly invites suggestions and criticism, hoping to improve the quality of his knowledge and the accuracy of estimates put forward by SSA. Steve Goss and the entire Office of the Chief Actuary provide an exemplary model of integrity and transparency, while maintaining a very high level of productivity.

I could not agree more. Steve Goss has ably continued the tradition Bob Myers started that has kept the Office of the Chief Actuary a trustworthy and consistently reliable source for confidential and honest analysis on which Congress relies to make sound policy decisions affecting Social Security programs. I think Bob Myers would be very proud.

I have worked personally with Steve for many years, and I look forward to relying on his expert knowledge and experience even more now that I am the chairman of the Subcommittee on Social Security. The Social Security Administration could not have as great a reputation among my colleagues without Steve Goss. I congratulate and thank him for his service.

RECOGNIZING THE 4TH ANNUAL CESAR CHAVEZ MARCH

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 23, 2010

Mr. KILDEE. Madam Speaker, I rise today and ask the House of Representatives to join me in recognizing the 4th Annual Cesar Chavez March to be held in my hometown of Flint, Michigan on Saturday, March 27th. The March is being sponsored by the Hispanic Latino Collaborative of Genesee County in honor of Cesar Chavez's birthday on March 31.

Cesar Chavez began his fight for the rights of migrant workers after serving in the U.S. Navy during World War II. He labored in the fields and knew firsthand the terrible conditions endured by migrant workers. He chose to lead the fight to bring justice and dignity to farm workers. Through his leadership, the United Farm Workers was able to win the right for farm workers to organize. Through his work, migrant farmers across our Nation have better working conditions, better pay, better living quarters, and better hours. Cesar Chavez and the United Farm Workers were instrumental in getting dangerous pesticides banned, improving the safety of both our farm fields and the food on our tables.

Madam Speaker, please join me in congratulating the Hispanic Latino Collaborative of Genesee County for keeping the memory and legacy of Cesar Chavez alive. His enthusiasm for justice, his work for his fellow humans, his achievements in the face of adversity, has provided an example for future generations to emulate. Cesar Chavez has demonstrated the difference one person can make in the lives of others.

HONORING THE PASSING OF A DISTINGUISHED COAST GUARD VETERAN, LT HERBERT COLLINS, USCG RETIRED

HON. JAMES L. OBERSTAR

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 23, 2010

Mr. OBERSTAR. Madam Speaker, I take this opportunity to honor the service of Lieutenant Herbert Collins, a retired Coast Guard officer, who passed away on March 14, 2010 at the age of 89.

Lieutenant Herbert Collins was the last surviving member of the Coast Guard's Life Boat Station Pea Island, which was the first and only station manned by an all African American crew. This station was in service from 1880 to 1947 and was originally part of the U.S. Life Saving Service until it merged with the Revenue Cutter Service in 1915, creating the U.S. Coast Guard. Members of the Pea Island Life Saving Station performed many heroic rescues and saved countless lives off the Outer Banks of North Carolina during the Station's 67 year existence.

Lieutenant Collins enlisted in the Coast Guard in 1939 and during his 30-year career he was promoted through the ranks to chief boatswain's mate, then to chief warrant officer and eventually to the rank of lieutenant.

During his career, Lieutenant Collins served on five Coast Guard Cutters and in a number of shore assignments, including two tours at the Pea Island Life Saving Station. In 1947, Lieutenant Collins served as Officer-in-Charge of the Coast Guard Station Oregon Inlet in 1947 and then later decommissioned Coast Guard Station Pea Island. Lieutenant Collins retired from the Coast Guard in 1976.

Lieutenant Collins was the last surviving member of the Pea Island Life Saving Station. Additionally, with his passing, another legacy ends as his family held the record for the longest continuous service with the Coast Guard dating back to his grandfather, Joseph H. Berry, who entered the Life Saving Service in 1880.

Lieutenant Collins, I wish you fair winds and following seas.

CONGRATULATING HELEN C. VANCE ON RECEIVING THE BROWN-HUDSON AWARD FROM THE NORTH CAROLINA FOLKLORE SOCIETY

HON. HEATH SHULER

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 23, 2010

Mr. SHULER. Madam Speaker, I rise today to congratulate Helen C. Vance on receiving the Brown-Hudson Award from the North Carolina Folklore Society for her outstanding work to preserve the North Shore Cemeteries in Swain County, North Carolina.

In the 1940s, many families in Western North Carolina were displaced when the Fontana Dam was constructed on the Little Tennessee River in Swain County, and as a result they had to leave behind their homesites and family cemeteries. Plans to build the North Shore Road that would connect displaced families to their old homesites were discontinued in the 1960s. Although the lack of a road makes it difficult to access these sites, Ms. Vance has worked hard to ensure that local communities are able to visit their cemeteries.

For over 30 years, Ms. Vance has organized the Appalachian tradition of Decoration Day, a day where relatives, friends, and neighbors of the deceased in Western North Carolina travel together on trails through the woods, or by boat over the Fontana Lake to these local cemeteries for a day of remembrance. On Decoration Day, communities spend the day together cleaning the cemeteries and placing decorations on the sites.

The Brown-Hudson Award recognizes Ms. Vance's exceptional contributions to preserving our traditions in our mountain region, and her tireless work to maintain the North Shore cemeteries for future generations. Her community activism is a source of pride to me and to Western North Carolina.

Madam Speaker, I ask my colleagues today to rise with me in recognizing the amazing efforts of Ms. Vance, and the dedication she has shown to preserving the historic North Shore cemeteries Western North Carolina. I urge my colleagues to join me in celebrating her outstanding commitment to our community traditions.

A TRIBUTE TO DR. ROYCE MONEY

HON. RANDY NEUGEBAUER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 23, 2010

Mr. NEUGEBAUER. Madam Speaker, I want to recognize Dr. Royce Money for his dedication to Abilene Christian University and, in particular, for his 19 years of service as the university's president. As Dr. Money transitions to the role of chancellor, I join with the ACU community in thanking him for all he has done for the university.

Dr. Money obtained both his bachelor's and master of divinity degrees from Abilene Christian University, and he holds a Ph.D in religion

from Baylor University. He continued his education later at the University of Nebraska, where he received an additional master's degree in human development and the family.

Dr. Money and his wife of 45 years, Pam, have both been an integral part of ACU and the Abilene community. Pam Money is a licensed marriage and family therapist and has served as an adjunct professor in the College of Biblical Studies at ACU. They have two daughters, Alison and Jennifer, and are proud grandparents of David, Elizabeth, Andrew, Jonathan, and Caleb. Their favorite hobbies include anything that involves their children and grandchildren.

Dr. Money is a current board member and past chairman of the Independent Colleges and Universities of Texas and a past chairman of the Council for Christian Colleges and Universities. He was named Abilene's "Citizen of the Year" for 2007 by the Abilene Chamber of Commerce.

Dr. Royce Money was appointed president of Abilene Christian University June 1, 1991 after serving as an associate professor, department chairman, vice president and provost. Upon his retirement, he will take over the role of chancellor of the university where he will continue to be a strong leader and advocate for ACU. Both Royce and Pam's continued service to the university is greatly appreciated and highly recognized by the city of Abilene and the students, faculty and staff of ACU.

I want to again commend Dr. Money for his service as the president of ACU, and I look forward to his continued leadership as chancellor.

PERSONAL EXPLANATION

HON. MICHELE BACHMANN

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 23, 2010

Mrs. BACHMANN. Madam Speaker, yesterday I accidentally electronically voted "yea" twice for rollcall 170. Consequently, the subsequent vote (rollcall 171) indicated that I was "Not Voting". Madam Speaker, it was my intention to vote "yea" on the last recorded vote on March 22, 2010.

It is of vital importance we care for our disabled veterans who have personally sacrificed to protect our liberties. I fully support The Veterans Compensation Cost-of-Living Adjustment Act.

HONORING MARY ANN VANDEMARK

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 23, 2010

Mr. KILDEE. Madam Speaker, I rise today to pay tribute to Mary Ann Vandemark as she is honored by the Michigan Community Action Agency Association. Mary Ann recently retired from her position as Executive Director of the Human Development Commission. She will be

honored for her work at a dinner on March 25th in Lansing, Michigan.

Mary Ann Vandemark served as the Executive Director of the Human Development Commission for 31 years prior to her retirement on February 1, 2010. The Commission is a Community Action Agency serving Huron, Lapeer, Sanilac and Tuscola Counties. Their emphasis is on community economic development, housing and energy-related activities. Through their economic development program, they have developed a storm window manufacturing unit into a corporation named Cass River Enterprises, Incorporated with Mary Ann as the Chief Executive Officer.

In addition to her duties with the Human Development Commission, Mary Ann has held several leadership positions with both local and national organizations. Mary Ann served two terms as President of the National Association of Community Action Agencies and three terms as Secretary, was President of both the State and Regional Community Action Agency Associations, a member of the National Symposium on Poverty and Economic Security Steering Committee, Treasurer of the Mid America Community Action Association, Board Member and President of the Great Lakes Rural Network, President of the Michigan Economic Development Coalition, member of the National Community Action Foundation Board of Directors, Board member of the Economic Development Association of Michigan, Board member of Rural Partners of Michigan, and Chairperson of the Michigan Community Action Agency Association Legislative Committee. Locally, she is Chairperson of the Christian Services Committee of the Church of the Sacred Heart and serves as a Lay Minister. Mary Ann is the recipient of the Caro Business & Professional Women's Woman of Achievement Award, honored as Caro's Citizen of the Year, and was the recipient of the Caro Knights of Columbus Council's Family of the Year Award.

Madam Speaker, I ask the House of Representatives to join me in applauding the work of Mary Ann Vandemark. She is a dear friend and I value her advice, her wisdom and her enthusiasm. I congratulate her on a well deserved retirement and wish her the best in this new phase of her life.

OUR UNCONSCIONABLE NATIONAL DEBT

HON. MIKE COFFMAN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 23, 2010

Mr. COFFMAN of Colorado. Madam Speaker, today our national debt is \$12,661,039,727,506.65.

On January 6th, 2009, the start of the 111th Congress, the national debt was \$10,638,425,746,293.80.

This means the national debt has increased by \$2,024,946,690,541.30 so far this Congress. The debt has increased \$2,332,709,328.50 since just yesterday.

This debt and its interest payments we are passing to our children and all future Americans.

FLAWS OF MEDICAID EXPANSION

HON. JASON CHAFFETZ

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 23, 2010

Mr. CHAFFETZ. Madam Speaker, there are major flaws in the health care legislation that passed the U.S. House of Representatives this week. Utah Governor Gary Herbert recently shared with me two major deficiencies in the Medicaid expansion as addressed in the health care bill.

First, Medicaid expansion ignores the fiscal impact on states. Utah, along with many other states, currently faces challenging financial circumstances. It would be impossible to pay for a sizeable Medicaid expansion and still maintain other critical state priorities such as education and social services without tax increases. This would dampen any economic recovery.

Second, Medicaid expansion ignores the program's current deficiencies. Medicaid is designed to be a temporary help and not a permanent solution for financing medical care because it restricts patient responsibility and limits choices and options. Utah is struggling to find enough providers who are willing to treat Medicaid patients as it is. Putting more people on this program will likely overwhelm the provider system and decrease access for those that need it most.

Medicaid expansion solves the problem of the uninsured by forcing more people into an already overburdened public program. This is an inevitable crush on states' finances and the economy.

STATE OF UTAH,
OFFICE OF THE GOVERNOR,*Salt Lake City, UT, March 21, 2010.*Hon. JASON CHAFFETZ,
Longworth Building,
Washington, DC.

DEAR CONGRESSMAN CHAFFETZ: I am writing in the hope there is still an opportunity to eliminate the proposed Medicaid expansion in the current health care reform legislation. There are two major flaws with the proposed expansion.

First, the Medicaid expansion ignores the fiscal impact on states. Even though there was a previous commitment that states will not be burdened with the cost of a growing program, it is clear the current versions of the expansion proposal do not keep this commitment. Utah, along with many other states, currently faces challenging financial circumstances. We, in Utah, have fought to minimize the impact on our citizens, but it would be impossible to pay for a sizeable Medicaid expansion and still maintain our commitment to other critical state priorities such as education and social services without tax increases. This would dampen the economic recovery we are beginning to experience.

Second, Medicaid expansion ignores the program's current deficiencies. This proposal would significantly increase the number of Utahns on Medicaid. Instead, we need to get more people off Medicaid and covered by private insurance. Medicaid is designed to be a temporary help to those in need. It is not designed to be a permanent solution for financing medical care because it restricts patient responsibility and limits choices and options. It would be better to pursue ap-

proaches that help individuals and families become the primary decision-makers when it comes to their health and health care.

We are struggling to find enough providers who are willing to treat Medicaid patients as it is. Putting more people in this program will likely overwhelm the provider system and decrease access for those that need it the most. Nothing in the current proposal addresses how this problem will be resolved.

I am firmly opposed to a plan that intends to solve the problem of the uninsured by forcing more people into an already overburdened public program. Even though the bill intends to soften the impact with a 2019 full implementation date, this is simply delaying the inevitable crush on states' finances and the economy.

Thank you for your consideration and thank you for your service to our country.

Sincerely,

GARY R. HERBERT,
Governor.

HONORING THE ACCOMPLISHMENTS OF SUPREME COURT JUSTICE SANDRA DAY O'CONNOR, THE FIRST WOMAN TO SERVE ON THE UNITED STATES SUPREME COURT

HON. LAURA RICHARDSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 23, 2010

Ms. RICHARDSON. Madam Speaker, I rise today in support of H. Res. 1141, which honors the achievements and distinguished career of Justice Sandra Day O'Connor, and recognizes her impact as an American symbol of hard work and rugged individualism. H. Res. 1141 is an important measure that acknowledges the truly impressive career of Sandra Day O'Connor and pays tribute to her distinguished record as one of the nation's great jurists that has inspired generations of women across the country and around the world.

I thank Chairman JOHN CONYERS for his leadership in bringing this bill to the floor. I would also like to thank the sponsor of this legislation, Congresswoman GABRIELLE GIFFORDS, for taking the time to acknowledge Justice O'Connor's positive impact on the legal profession, the world of public service, and the lives of women and girls with dreams as ambitious as her own.

Madam Speaker, Justice Sandra Day O'Connor's rise to the top of the legal profession is a testament to the power of tirelessly dedicating yourself to the pursuit of your dreams and staying true to your core values. After graduating in the top three of her class at Stanford Law School, Justice O'Connor practiced law in Frankfurt, Germany and Phoenix, Arizona. Soon, however, she took her talents to the arena of public service, serving as the Arizona Assistant Attorney General and Majority Leader in the Arizona State Senate. In 1979, she was appointed by Arizona Governor Bruce Babbitt to serve on the Arizona Court of Appeals. Her fair-minded decisions, detailed knowledge of the law, and growing stature in the legal profession led President Ronald Reagan to nominate Sandra Day O'Connor in 1981 to serve as the first woman on the United States Supreme Court.

Justice O'Connor served for 24 terms on the United States Supreme Court. Her service was marked by her centrist judicial philosophy, consensus-building role on the Court, and determination to uphold the law and the Constitution. A shining moment in Justice O'Connor's legacy was her support of the proposed Equal Rights Amendment, which further strengthened her role as a role model for women of all generations. On August 12, 2009, President Barack Obama awarded Sandra Day O'Connor the Presidential Medal of Freedom, a deserved honor for an important national figure who inspires countless Americans.

It is entirely fitting that we take this time to honor Justice Sandra Day O'Connor. The story of Justice O'Connor's ascent to the United States Supreme Court is an inspirational one that reaffirms the power of hard work, determination, and fidelity to core values. Her service on the Court helped make our country better and fairer. Most importantly, through her successful career, she paved the way for female leaders throughout the arena of public service. And it is significant to note that Sandra Day O'Connor achieved all of this while helping raise three children. Her refusal to make the unfair choice between family and career is another reason why she has become a role model for women throughout the country.

Madam Speaker, I urge my colleagues to join me in supporting H. Res. 1141.

HONORING THE 25TH ANNIVERSARY OF WAQP-TV 49

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 23, 2010

Mr. KILDEE. Madam Speaker, please join me in recognizing the achievements of WAQP-TV 49 as it celebrates 25 years broadcasting the Gospel of Jesus Christ in the Flint, Saginaw, Bay City, Midland and Lansing areas. WAQP-TV will celebrate this anniversary on March 25th at the station in Saginaw Michigan.

WAQP-TV 49 is part of TCT, Total Christian Television founded by Drs. Garth and Tina Coonce. The station broadcasts Christian programming 24 hours a day to give inspiration to those in need, and maintains an 800 Prayer Line. The volunteers manning this line pray with the callers and provide hope, encouragement and strength to the most vulnerable. Both callers and volunteers experience the joy that comes from partnering with the Lord. As part of the TCT family, the station and its viewers can connect with Christians around the globe, forming a prayer chain that reaches throughout the world.

Madam Speaker, I ask the House of Representatives to join me in commending WAQP-TV 49 for its commitment to preaching the Gospel of Jesus Christ. Their dedication, enthusiasm and prayers are a blessing to the community and the countless people that encounter Our Lord, Jesus Christ, through their ministry.

LA MIRADA 50TH ANNIVERSARY

HON. LINDA T. SÁNCHEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 23, 2010

Ms. LINDA T. SÁNCHEZ of California. Madam Speaker. I rise to honor the City of La Mirada's 50th Anniversary.

Fifty years ago, on March 23, 1960, the village residents of Mirada Hills witnessed their homeplace incorporated as a city. At the time, it was a brave step in challenging circumstances, signaling the area's transition from a rural and agriculture community to a beautiful suburb of Los Angeles. This spirit of transition continued when on November 8, 1960, the people of Mirada Hills approved a change of name to the current La Mirada.

It is this striving to meet the challenges of the future for which La Mirada stands and which I would like to share with you today, celebrating the City's 50th anniversary.

La Mirada's development has been, for its first 70 years, closely linked to the family of Andrew McNally, the founder and president of the Rand McNally Publishing Company. In 1888, McNally purchased over 2,200 acres of rangeland and named it La Mirada, which in Spanish means "The View." He built a home and surrounded it with olive, orange, grapefruit and lemon groves. In order to be able to ship his finest olive oil and fruits throughout the United States, he made plans for the construction of a plant and a railroad station, thus providing the basic infrastructure for the further development of La Mirada.

In 1896, McNally turned the property over to his daughter's family, the Neffs. Their homestead, known as the Neff House, is today listed on the National Register of Historic Sites.

In the early 1950s, the Neff family once more cleared the way for the transition of La Mirada to become a modern city. By selling the land to a number of developers in one of the largest real estate transactions in California, it gave way to an astounding growth in population. In 1946, La Mirada counted 213 inhabitants, by its incorporation in 1960 the city comprised over 8,000 homes.

This overwhelming growth over a short period of time posed great challenges to La Mirada's leaders. But they met those challenges successfully. In the early 1950s, La Mirada was admired as a well structured city. Its spirit was reflected by the State Fair which in 1953 praised La Mirada for planning for the

future while at the same time maintaining practicality for today.

This notion holds true today, and I'm confident that it will guide the City's development through the next 50 years.

I want to share La Mirada's spirit and success with the rest of our Nation as an inspiration for how we can master current and future challenges: by taking them on in a positive, pro-active way.

I ask my colleagues to join me in ushering in La Mirada's 50th Anniversary.

PERSONAL EXPLANATION

HON. J. GRESHAM BARRETT

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 23, 2010

Mr. BARRETT of South Carolina. Madam Speaker, unfortunately, I missed the following recorded votes on the House floor on Tuesday, March 2, 2010, and Wednesday, March 3, 2010.

For Tuesday, March 2, 2010, had I been present I would have voted "aye" on Rollcall vote No. 75 (on motion to suspend the rules and agree to H. Res. 1072), "no" on Rollcall vote No. 76 (on motion to suspend the rules and agree to H.R. 3820), "aye" on Rollcall vote No. 77 (on motion to suspend the rules and agree to H. Res. 1097).

For Wednesday, March 3, 2010, had I been present I would have voted "no" on Rollcall vote No. 78 (on agreeing to H. Res. 1126, which provides for consideration of H.R. 4247), "aye" on Rollcall vote No. 79 (on motion to suspend the rules and agree to H. Res. 747), "aye" on Rollcall vote No. 80 (on motion to suspend the rules and agree to H. Res. 1096), "aye" on Rollcall vote No. 81 (on agreeing to the Flake amendment to H.R. 4247), "no" on Rollcall vote No. 82 (on passage of H.R. 4247), "aye" on Rollcall vote No. 83 (on motion to suspend the rules and agree to H. Res. 1127).

THE LEGENDARY PRICE PRUETT
OF BAYTOWN, TX**HON. TED POE**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 23, 2010

Mr. POE of Texas. Madam Speaker, we often speak of great American heroes like

Benjamin Franklin, George Washington, and Thomas Jefferson. In Texas, we speak of state heroes like Sam Houston, Stephen F. Austin, and William Barrett Travis. Similar to these great men, in the Second District of Texas, we honor local community heroes like Price Pruett.

Price Pruett was born in the 1800s on a farm in Dayton located in southeast Texas. He attended college at Southwestern University in Georgetown and graduated with a major in Business Administration. After college he spent time rounding up cattle in between Beaumont and Houston. Following in the footsteps of his grandfather who was a rancher in Liberty County, Pruett later established his own ranch in the area now known as Baytown.

In 1902 he married Georgia Estelle Lawrence and the two built a home located at Baytown's present-day Bicentennial Park. In 1917 Pruett teamed up with good friend Ross S. Sterling to form Goose Creek Realty Co. Sterling bought land from Pruett that was acquired when he established his ranch. The land was used for a new town and railroad depot. The town eventually became Goose Creek which was the first incorporated town in east Harris County.

Pruett and Sterling worked hard to sell a great amount of land. The offices of Goose Creek Realty Co. became the depot for the Dayton-Goose Creek Railroad. One of their most notable contributions to the area was the preservation of the beloved oak tree on Texas Avenue. Even when developers recommended cutting the tree down to extend roads in the town Pruett refused.

It has become a long-standing tradition in Baytown to keep the tree alive and well. It is a way for the citizens to honor the men who worked hard to preserve its beauty and originality. Pruett would be proud to know the people of Baytown have continued to carry on his legacy. Today we honor Price Pruett for the establishment of the town and for helping to initiate a tradition of pride, one well-known to the constituents of southeast Texas.

HOUSE OF REPRESENTATIVES—Wednesday, March 24, 2010

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Ms. SPEIER).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC.

March 24, 2010.

I hereby appoint the Honorable JACKIE SPEIER to act as Speaker pro tempore on this day.

NANCY PELOSI,

Speaker of the House of Representatives.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer: "Take care, my brothers and sisters, lest any of you have an evil and unfaithful spirit and fall away from the living God.

"Encourage one another daily, while it is still 'today'; so that no one grows hardened by the deceit of sin.

"All of us have become partners of the Lord, only if we maintain to the very end that confidence which we brought when we first began.

"For Scripture tells us, 'Today, if you should hear His voice, harden not your hearts . . .'

"As His faithful ones, look after the Father's house—and we are that house. Through Him, the whole fabric is bound together and grows into a holy temple in the Lord—and we are that house."

Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House her approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from New Jersey (Mr. SIREs) come forward and lead the House in the Pledge of Allegiance.

Mr. SIREs led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain up to 15 minute requests for 1-minute speeches on each side of the aisle.

FUNDING FOR PUBLIC TRANSPORTATION

(Mr. SIREs asked and was given permission to address the House for 1 minute.)

Mr. SIREs. Madam Speaker, I rise today in support of allowing public transit agencies to flex their Federal transit funding for operating expenses. Current law forbids transit systems in areas with a population of over 200,000 to use funds for operating. This has forced transit agencies across the country to cut services at a time when people are using transit more than ever. In 2008, transit use reached its highest level in five decades. In my home State of New Jersey, you can take a bus to any part of our State, and there are nearly 1,000 miles of rail line. Building this dynamic transportation system took years to develop, yet routes are being slashed because of the high cost of operating expenses.

All across our Nation, public transportation routes are being closed, and it is critical that we find a solution for our constituents. Congressman CARNAHAN has introduced a bill, H.R. 2746, that would allow public transit agencies to use some of their Federal funding for operating expenses. I am proud to cosponsor this bill, and I urge my colleagues to support this legislation that gives transit agencies the flexibility necessary to continue their great service.

JOB CREATION

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Madam Speaker, 219 liberals on the other side of the aisle may have passed a government health care takeover, but the American people still have a voice to tell their lawmakers to repeal these job-killing mandates and finally focus on job creation proposals.

Congress spent the better part of an entire year obsessed with cutting deals for a health care takeover full of tax increases and mandates while unemployment increased by over 3 million people. Let me repeat. For months, 219

lawmakers ignored the clear message that the American people sent about this job-killing takeover—that they didn't want it—and after arm twisting, proceeded to ram it through anyway.

When is Congress going to get it right? The American people want us to be debating job creation policies. They want to know when private sector jobs will be created, instead of 16,500 more IRS government jobs that this health care takeover will create. It's high time we give the people some answers for jobs.

In conclusion, God bless our troops, and we will never forget September 11th in the Global War on Terrorism.

SENIORS BENEFIT FROM HEALTH CARE REFORM

(Mrs. DAHLKEMPER asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. DAHLKEMPER. Madam Speaker, the new health care reform legislation will strengthen Medicare for the 118,000 beneficiaries in my district and for 45 million individuals across this country. Seniors in Medicare will receive free preventative care under this new reform and no copays for preventative services.

Every year, almost 13,000 seniors in my district are forced to pay the full cost of their prescription drugs because of the Medicare part D doughnut hole. Under the new reform, they will receive a \$250 rebate to pay for these prescriptions this year, and the doughnut hole will completely close by 2020. The new health care reform strengthens Medicare and ensures that our seniors get the quality, affordable care they deserve.

THE REALITY OF HEALTH CARE REFORM

(Mr. FLAKE asked and was given permission to address the House for 1 minute.)

Mr. FLAKE. Madam Speaker, when the President signed the health care reform bill into law, he noted, "The overheated rhetoric of reform will finally confront the reality of reform." He's right.

Here is the reality: Insurance companies will now be required to accept children with preexisting conditions and carry adults up to the age of 26 on their parents' policies. New policies will have to cover preventative care without copays. Such requirements

may or may not be in the public interest, but health insurance that is no longer a hedge against risk cannot accurately be called health insurance. Health insurance companies are now more like public utilities.

Keep in mind that individual mandates requiring the purchase of insurance to broaden the pool will not kick in for 4 years. New competition is not required, nor is there any serious effort to deal with legal liability. In other words, there is no downward pressure on cost, only upward pressure.

Madam Speaker, in this body we can pass all the laws that we want, but we cannot suspend the laws of economics, nor can we phase them in. Americans should now be prepared for higher premiums.

That, Madam Speaker, is the reality of reform.

REMEMBERING BOB ROHDENBURG

(Ms. LORETTA SANCHEZ of California asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. LORETTA SANCHEZ of California. Madam Speaker, I rise today to commemorate the life of Bob Rohdenburg who passed away on Saturday, March 6 of this year. Bob had been a dedicated pastor at the Garden Grove Unified Methodist Church and an Orange County Congregation Community Organization, or OCCCO, as we know it, board member for many years. He remained passionate about justice and the role of the church in public life until the very end. He was particularly passionate about the accessibility of health care for everyone, having witnessed the dysfunction of the health care system through his son's experience as a doctor and, of course, his own experience as a patient.

He traveled to Washington, D.C., on more than one occasion to share his faith and his vision with our elected officials. Bob challenged OCCCO both with his vision and with the depth of his faith reflections.

He had a profound role in shaping OCCCO, and he was a positive influence on the members of his church and beyond. He will be deeply missed. I send my deepest condolences to his wife Cynthia, his daughter Denise, his son Paul and his granddaughter.

ISRAEL'S RIGHT TO DECIDE WHERE HER PEOPLE SHALL LIVE

(Mr. POE of Texas asked and was given permission to address the House for 1 minute.)

Mr. POE of Texas. Madam Speaker, the United States Government wants to dictate where the people of the sovereign State of Israel are allowed to live. Now who do we think we are? Israel is our ally, not our subject. What if Prime Minister Netanyahu said that

our people weren't allowed to live in certain parts of D.C.? That makes about as much sense. The American people support Israel and the U.S. Government better get onboard. The people I represent are not "embarrassed" or "humiliated" by the actions of Israel.

Israel has the right to determine where their people live, including in Jerusalem. Also under international law, Israel is not obligated to give back land won in a defensive war. But they tried anyway. When Israel gave back land for peace, it didn't work. They still don't have peace. There will be no peace until the terrorists come to the peace table because the terrorists don't want peace. They want to drive Israel into the sea. Peace will come in the Middle East when the terrorists are defeated.

And that's just the way it is.

earmark REFORM

(Mr. QUIGLEY asked and was given permission to address the House for 1 minute.)

Mr. QUIGLEY. Madam Speaker, in January, President Obama stood in this Chamber and made an important request. He called on Congress to "continue down the path of earmark reform" as an important way to spend smarter and rebuild the public's trust. We simply cannot afford to wait any longer for real earmark reform.

Last year, I introduced House Resolution 614 which prohibits earmarks for for-profit entities. Last week, the Appropriations Committee took up the premise of this resolution by establishing a 1-year moratorium on earmarks for for-profits. We must make this ban permanent and act in an open and responsible manner, allowing for public scrutiny of all requests.

Moving forward, each dollar spent must benefit the American people, not some special interest. Our work today will help us build a safer and stronger community tomorrow. Now is the time to answer the President's call.

HEALTH CARE, JOBS AND THE ECONOMY

(Mr. ROGERS of Alabama asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROGERS of Alabama. Today I rise to express how disappointed I am in this institution and the Presidency with what happened this last weekend. When we are in a Nation that is suffering from terrible unemployment and a dramatically poor economic position, to have this House and the President sign into law a job-killing piece of legislation that would put this Nation on the path to socialized medicine is unconscionable. Unfortunately, the country is going to suffer from now until the November elections when the Dem-

ocrat majority will meet the consequences of their vote on Sunday.

However, in the meantime, I urge the President and Speaker PELOSI to start working on the economy and jobs and trying to get people back to work. I don't know how they can sleep at night knowing that they haven't addressed this up till now, but we've got to start working on the economy, get cash back into the markets for small businesses and put people back to work.

REBOUNDING

(Mrs. MALONEY asked and was given permission to address the House for 1 minute.)

Mrs. MALONEY. Madam Speaker, this chart was produced by the Joint Economic Committee, and it shows the constant process of the creation and loss of jobs that occurs in our economy. The solid black line shows the number of private sector jobs created. The dotted line shows the number of private sector jobs lost. When the economy is expanding, as it did under Clinton, the job creation line just kept going up.

At point A, the beginning of the Bush administration, you can see that the number of jobs created is much lower than during the Clinton administration; and in 2008, you can see that it literally fell off the cliff.

As Nobel Prize-winning economist Joseph Stiglitz has suggested, job creation during the Bush expansion was artificially inflated by the housing bubble and the false wealth that it created. As a result, we faced a rapid decline in job creation when the housing bubble burst.

Point B represents the beginning of a new administration with new policies and different results. The lines change direction rather sharply.

Madam Speaker, this is the picture of progress.

□ 1015

PATIENT-CENTERED HEALTH REFORM

(Mrs. BLACKBURN asked and was given permission to address the House for 1 minute.)

Mrs. BLACKBURN. Madam Speaker, it is so interesting to be a Member of the U.S. House of Representatives at this time. One of the things that makes it most interesting is the issues that we have to deal with, and it boils down to making choices: what are you going to support and what are you going to oppose.

The Republicans have supported health reform that would be patient centered. What we saw transpire in this House last weekend was a bill that is government centered and government first. There was a choice of how to move forward with health care, and decisions were made. The Democrat majority chose to put government at the

top of health care decisions, government in charge of deciding what kind of health care you can access, what kind of insurance product you can buy, what will be available to buy by the time we get to the year 2013.

Those are not decisions that government should make. Those are decisions that should be made by individuals, by small businesses, by employers. And as our phones continue to ring as people find out more and more about the reconciliation bill, they say reconsider, pull the bill back and focus on the economy, focus on jobs and get this Nation on the right track.

HEALTH CARE REFORM

(Mr. YARMUTH asked and was given permission to address the House for 1 minute.)

Mr. YARMUTH. Madam Speaker, in the wake of the phenomenal accomplishment we made this weekend, my constituent and Senator, MITCH MCCONNELL, said, We have a new slogan for the fall, "Repeal and Replace." Well, that really doesn't surprise because while we have been legislating for the American people, our opponents on the Republican side have been doing little more than sloganeering.

I hope MITCH MCCONNELL does come home to Kentucky this year and tells parents like my niece, whose 1-year-old son was rejected for insurance because he had had an ear infection, that we are going to repeal that provision that guarantees kids be protected against being disqualified for preexisting conditions. I hope he says we are going to repeal the provision that says that 15,000 small businesses in my district alone, and in his district, his hometown, will be denied that tax credit providing insurance for their employees. I hope he says that we are going to repeal that provision that narrows the doughnut hole for about 100,000 Medicare beneficiaries.

I say I have a slogan to combat "Repeal and Replace," "Just Wait and See."

HEALTH CARE REFORM

(Mr. HALL of New York asked and was given permission to address the House for 1 minute.)

Mr. HALL of New York. Madam Speaker, I am so proud to have been here this week when we finally answered the call of the American people to reform the health care system. This is not a government takeover. People woke up on Monday to find they still have their doctors, if they have one; and they still have an insurance policy, if they have one. And, in fact, medical stocks went up on the stock market.

Because of our actions here, people with preexisting conditions will be protected from their insurance companies. Seniors will see the cost of their pre-

scription drugs drop. All plans for all Americans will offer free, preventative care. Small businesses will now get tax credits to provide health care to their employees, and 32 million Americans currently uninsured will have access to high-quality, affordable health care.

I have heard the horror stories from my constituents. Many of them have told me that their insurance company refused to pay for treatment that their doctor ordered, or dropped them once they got sick and needed that coverage the most. Their stories inspired me to keep fighting for health reform, and I am proud to say that this body delivered.

HAPPY BIRTHDAY, JUSTICE O'CONNOR

(Ms. GIFFORDS asked and was given permission to address the House for 1 minute.)

Ms. GIFFORDS. Madam Speaker, today I rise to recognize the accomplishments of Justice Sandra Day O'Connor, the first woman to serve on the United States Supreme Court.

Just last week, the House unanimously passed a resolution in recognition of her distinguished career during Women's History Month. Justice O'Connor truly embodies the Arizona spirit of hard work and rugged individualism.

After growing up on her family's ranch, the Lazy B located in the high deserts of Arizona, she quickly achieved success. Justice O'Connor graduated cum laude from Stanford University in 1950 and in the top three of her class at Stanford University Law School. Justice O'Connor began her career in public service as the Arizona Assistant Attorney General in 1965 and went on to the State legislature. She became the first woman in the country to serve as a Senate Majority Leader. Justice O'Connor was catapulted into our Nation's limelight when President Ronald Reagan nominated her to the United States Supreme Court in 1981. She served 24 terms on the Supreme Court in a centrist role with her commitment to uphold law and our Constitution. Just last year she was awarded the Presidential Medal of Freedom by President Barack Obama, the highest recognition for any civilian.

Today we honor Justice Sandra Day O'Connor because this Friday we celebrate her 80th birthday. This resolution is a small birthday gift to a daughter of Arizona from a grateful Nation that she so proudly served.

UNDO FLAWED HEALTH BILL

(Mr. BOOZMAN asked and was given permission to address the House for 1 minute.)

Mr. BOOZMAN. Madam Speaker, America is a democracy, not a monarchy; but you wouldn't know it by the

way the American people's voices have been ignored by President Obama, Speaker PELOSI, and Senator REID. The American people are angry. They are not adequately represented in Washington. As representatives of the people, it is necessary that we fix this bill and give Americans what they want: quality and affordable health care reform, not increased taxes and sweetheart deals.

We must fight to repeal and replace this bill. We must fight to uphold the Constitution of the United States. I am here today to speak for the people of Arkansas and the people of America who are overwhelmingly in opposition to the flawed health care bill. We see how the government is infringing on our rights. The American people have had enough and want to see legal action. I too am concerned that this bill is unconstitutional, and I am supportive of States challenging this flawed health care bill. We must abide by States' rights. This bill is just another violation of those rights and it is something we must undo.

HEALTH CARE REFORM

(Mr. POLIS asked and was given permission to address the House for 1 minute.)

Mr. POLIS. Madam Speaker, I rise today, in celebration of the historic passage of health care reform for our country. I am going to quote from our Declaration of Independence: All men are created equal, that they are endowed by their Creator with certain unalienable rights, that among these are life, liberty and the pursuit of happiness. That to secure these rights, governments are instituted among men.

Yes, it is the purpose of our government that we the people have set up to secure the rights to life, liberty and the pursuit of happiness. The pursuit of life, the right of living, to be able to live and get the right medical care you need shouldn't depend on whether you had cancer as a 25-year-old, shouldn't depend on whether you had a stroke when you were a kid. These are not somebody's fault; it can happen to anybody. And just because of a preexisting condition, you should not be denied coverage.

That is what this bill means for America. Our Founding Fathers would be proud today that we stood up for the principle to protect the lives of all Americans by ensuring that all Americans can access affordable, quality health care.

HEALTH CARE REFORM

(Mr. OWENS asked and was given permission to address the House for 1 minute.)

Mr. OWENS. Madam Speaker, our middle class families and small business owners need fast action if they are

to pull themselves out of the recession. The health care legislation that passed the House floor Sunday evening does just that. Beginning this week, health care reform will begin to impact my district in upstate New York. My constituents' number one concern is to create jobs. For our small business owners, tax credits of up to 35 percent of insurance costs are now available, allowing them to free up funds to hire new employees and expand.

The bill will help our seniors pay for their medication, closing the Medicare part D doughnut hole within a decade, and improve the system for over 100,000 Medicare beneficiaries in our communities. No longer will our neighbors have to worry about losing or being denied quality insurance because they get sick. The bill will end rescissions and denials based on preexisting conditions. The bill will make our health care more efficient, providing new investment in training programs for primary care professionals and fund 12 new health care facilities in upstate New York. Health care reform will set our college graduates off on the right foot, allowing 65,000 young adults in my district to obtain coverage through their parents' plan until they are 26.

HEALTH CARE REFORM

(Ms. TITUS asked and was given permission to address the House for 1 minute.)

Ms. TITUS. Madam Speaker, yesterday marked a historic day as President Obama signed the reform legislation that will give families more control over their health care and the same kind of choices that Members of Congress have.

Yet before the ink was even dry on the President's signature, Republicans pledged they would repeal health care reform if given the opportunity. Reform that will end discrimination from preexisting conditions, Republicans would repeal it. Reform that will close the prescription drug doughnut hole that so many seniors fall into, Republicans would repeal it. Reform that will give the largest health care tax cut in history to families and small businesses to purchase insurance, Republicans would repeal it.

Yesterday we took an important step forward with commonsense reform that will improve coverage for over 1.1 million people in southern Nevada. Nevada's families cannot afford a return to the status quo of skyrocketing costs, of living every day with the fear that they are just one illness or one injury away from losing it all. We cannot repeal that.

HEALTH CARE REFORM

(Mr. COHEN asked and was given permission to address the House for 1 minute.)

Mr. COHEN. Madam Speaker, it has been interesting listening to the other side of the aisle talk today. One gentleman got up and talked about the health care bill in a cold and calculating fashion that made me think that he wanted the trains to run on time. Never did he consider the fact that the Congressional Budget Office said that this is the largest deficit-reducing bill in the history of the United States, over a trillion dollars in the second 10 years, and \$123 billion in the first 10 years.

Another said it is patient centered, patient centered. It sounds nice, Madam Speaker. What that means is that if the patient has money now, they can get health care; and if the patient doesn't, they don't get health care. And if you don't get health care and you don't get wellness programs and you don't get prevention programs, you die. You don't get mammograms and you don't get colonoscopies. You don't find out if you have cancer, and you die. Patient centered, very cold and calculating.

They say we need to fix this bill. They never explained what part of the bill they liked. They were against it all. Daniel Webster said to do something worthy to be remembered. What the other side did was say you lie, baby killer, and encourage outsiders that almost brought about civil unrest.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will remind Members not to traffic the well when other Members are speaking.

HEALTH REFORM HELPS SMALL BUSINESSES

(Mr. MURPHY of New York asked and was given permission to address the House for 1 minute.)

Mr. MURPHY of New York. Madam Speaker, I rise today as someone who has been building and starting small businesses for my entire adult life. The small businesses in my district have been asking me for a long time what will this health insurance reform do for them. I think it is very important that we make it clear to them, for our small businesses that are less than 50 people, it will not require that they provide insurance but rather it will help if they are trying to provide insurance.

For our small businesses, they will be able to get tax incentives to help them pay for that insurance that they are trying to buy for their employees. It will allow them to band together and purchase as a group in a block on an exchange, much like they do with their local chambers of commerce today, to try to get purchasing power against those big insurance companies so they can hold their costs down.

It will also help solve one of the biggest costs they face. Today my small business owners know that they pay the cost of all of the people who use the emergency room for care and can't pay the bills. That is all shifted to our small businesses. With this legislation, that will go away, providing a big help in terms of keeping their costs down and helping our small businesses provide insurance to their employees.

This bill is going to help our small businesses and help all Americans.

HEALTH BILL IS BAD MEDICINE

(Ms. FOXX asked and was given permission to address the House for 1 minute.)

Ms. FOXX. Madam Speaker, our colleagues on the other side of the aisle have voted for a bill that is a government takeover of the health care system of this country. They talk about all of the good things that they see in the bill that Republicans want to repeal. Republicans want to replace the bad parts of this bill with good things.

The main message of this bill is that it is going to tax us for 10 years for benefits for 6 years. The tax increases begin immediately, the benefits in most cases don't begin for 4 more years, and that is not good news for the American people. We need to put the people in charge of their own health care. We do not need government bureaucrats making decisions for us. This is a bad bill. It is bad medicine for the United States. It is bad medicine for our people, and we are going to do everything we can to replace the bad aspects of the bill with good things.

□ 1030

MAKE MY DAY

(Mr. FILNER asked and was given permission to address the House for 1 minute.)

Mr. FILNER. My Republican friends need to chill out. The previous speaker said this is a government takeover of a health care system. Come on. Let it go. We've got a private system here. We've got a private system of insurance. We've got private hospitals, we've got private doctors. This system is a private system. What government takeover is there?

She keeps talking about a government bureaucrat getting between you and your doctor. What we have now is an insurance bureaucrat between us and our health providers. What we do is remove that. And if you want to repeal this bill, make my day. Try to repeal it.

Repeal the fact that small businesses are going to get tax credits right away. Repeal the fact that our children, who have preexisting conditions, will be able to be insured right away. Repeal the fact that we won't have any more

preexisting conditions to prevent health insurance.

Make my day.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote incurs objection under clause 6 of rule XX.

Record votes on postponed questions will be taken later.

MAJOR CHARLES R. SOLTES, JR., O.D. DEPARTMENT OF VETERANS AFFAIRS BLIND REHABILITA- TION CENTER

Mr. FILNER. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 4360) to designate the Department of Veterans Affairs blind rehabilitation center in Long Beach, California, as the "Major Charles R. Soltes, Jr., O.D. Department of Veterans Affairs Blind Rehabilitation Center".

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 4360

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. NAME OF DEPARTMENT OF VET- ERANS AFFAIRS BLIND REHABILITA- TION CENTER, LONG BEACH, CALI- FORNIA.

The Department of Veterans Affairs blind rehabilitation center in Long Beach, California, shall after the date of the enactment of this Act be known and designated as the "Major Charles R. Soltes, Jr., O.D. Department of Veterans Affairs Blind Rehabilitation Center". Any reference to such blind rehabilitation center in any law, regulation, map, document, record, or other paper of the United States shall be considered to be a reference to the "Major Charles R. Soltes, Jr., O.D. Department of Veterans Affairs Blind Rehabilitation Center".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. FILNER) and the gentleman from Arkansas (Mr. BOOZMAN) each will control 20 minutes.

The Chair recognizes the gentleman from California.

GENERAL LEAVE

Mr. FILNER. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 4360.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. FILNER. I yield myself such time as I may consume.

I rise today to offer my support for H.R. 4360, a bill to name the VA Blind Rehabilitation Center in Long Beach,

California, after the distinguished Iraq veteran Charles R. Soltes.

Mr. Soltes valiantly served his country in the United States Army as a major in the 426th Civil Affairs Battalion in Mosul, Iraq. He died on October 13, 2004, from wounds sustained in a blast conducting a combat patrol in Mosul. He was only 36 years old.

Major Soltes was a graduate of the New England College of Optometry and later completed his residency at Brooke Army Medical Center that focused on ocular trauma, acute eye conditions, medical contact lens applications, and glaucoma care. At West Point, he served as director of the optometry residency program. In 1998, Major Soltes became clinical director of the Irvin Vision Institute, a refractive surgery specialty center where he served until his voluntary deployment in Iraq. He was the first military optometrist to be killed in action while serving as a public health officer in Iraq.

He leaves behind a wife and three young children. Also an optometrist, Major Soltes' wife, Dr. Sally Houngh Dang, currently treats blinded veterans as a way to honor her husband.

Naming a VA facility after this hero and a strong veterans advocate is a proper honor for an honorable soldier who made the ultimate sacrifice for his Nation.

I reserve the balance of my time.

Mr. BOOZMAN. Madam Speaker, I rise in support of H.R. 4360, a bill to designate the Department of Veterans Affairs Blind Rehabilitation Center in Long Beach, California, as the Major Charles R. Soltes, Jr., O.D. Department of Veterans Affairs Blind Rehabilitation Center.

Naming the future blind rehabilitation center currently in its final stages of construction in Long Beach, California, after Major Charles R. Soltes, Jr., is an appropriate expression of our support for our blind veterans.

In 2004 while deployed in Iraq, Major Soltes was serving in the 426th Civil Affairs Battalion in the U.S. Army when the vehicle he was traveling in was struck by an improvised explosive device, costing him his life.

He was the first Army optometrist to be killed in action while on Active Duty, but the legacy Major Soltes leaves behind remains strong with the veteran community, particularly among our blinded veterans. The VA estimates that approximately 157,000 veterans in the United States are legally blind, and over 1 million additional veterans are suffering from debilitating low vision.

Approximately 60 percent of veterans with known combat-related traumatic brain injury and 30 percent with non-combat TBI report visual symptoms. As eye injuries continue to plague our servicemembers overseas, these numbers will continue to rise. And the

work of optometrists like Major Soltes will become increasingly important.

In closing, I would like to express my deepest condolences and heartfelt appreciation to Major Soltes' family for their sacrifice. It's my sincerest wish that through the facility, the service and sacrifice of Major Soltes will not be forgotten, and his dedication to country and mankind will live on in the increased health and well-being of our Nation's blinded veterans.

I yield to the gentleman from California (Mr. ROHRABACHER) as much time as he might consume.

Mr. ROHRABACHER. Madam Speaker, today I rise in honor of an American patriot for his service and his sacrifice to our country, Major Charles Robert Soltes of Irvine, California, the son of Colonel Soltes, who is now retired. Major Soltes had a distinguished career in the United States Army as well as in the city of Irvine, I might add, where he practiced medicine. It was in Irvine where he entered into private practice as an optometrist and set down his roots to raise a family.

Dr. Soltes subsequently joined the Army Reserve and was deployed to Iraq in 2004. He worked tirelessly as a public health officer in the 426th Civil Affairs Battalion building and upgrading hospitals for the Iraqi people.

On his way back from a hospital visit, his convoy was attacked by an improvised explosive device, and Major Soltes was killed on October 13, 2004. He was the first Army optometrist to be killed in action while on Active Duty. As such, it seems fitting that we honor him and his family by naming a soon-to-be-completed Veterans Affairs blind rehabilitation center in Long Beach, California, at the veterans hospital there, which is in my congressional district.

Once this facility is completed, the blind rehabilitation center, it will work to deliver the same compassion and care that Dr. Soltes dedicated his entire career and gave his life for. This new 24-bed inpatient-outpatient facility, which is expected to be completed this year, will be the first purpose-built blind rehabilitation center in the national Veterans Administration, and as I say, it's located in my district, for which I have great pride.

Dr. Soltes was a graduate of New England College of Optometry. He entered the U.S. Army Medical Service Corps in 1994 and treated members of the military here in the United States as well as abroad. He was well liked and respected by his colleagues. One of his superiors, Colonel Adams, whom he met while he was going through officer basic training at Fort Sam Houston, Texas, said of him, "He was a tremendous young man. He volunteered to go into Civil Affairs, and every email he sent was upbeat and positive, and he felt he was making a real difference in the lives of the Iraqi people."

Today, by naming this new facility after him, we are ensuring that Major Soltes' spirit lives on. Every time a patient's quality of life improves, Major Soltes, his dedication to service, will be continued.

To Major Soltes and his family, we salute you. And with this act of Congress, we forever remember the sacrifice Major Soltes gave. Whether giving their most vibrant and youthful years of service to their country or laying down their lives so that we and our children can sleep safely at night, we must remember all who gave some, and some, like Major Soltes, who gave all.

I appreciate my colleagues' understanding in this issue in bringing it up today. Thank you.

Mr. BOOZMAN. Again, Madam Chair, in closing, this is a special honor for me as an optometrist who practiced for many, many years, to be celebrating a colleague who paid so dearly, he and his family. We're so proud of him—myself, as a member of the Veterans Affairs Committee, but also as an optometrist. And I know that the profession of optometry is very, very proud of his efforts. And we will be thinking of his family, but I urge all of my colleagues to support this bill.

With that, I yield back the balance of my time.

Mr. FILNER. Madam Speaker, I think it was most appropriate that the manager on the Republican side was our House optometrist, Mr. BOOZMAN. So thank you for your expertise that you always give us on the committee.

I urge my colleagues to unanimously support H.R. 4360.

Ms. RICHARDSON. Madam Speaker, as an original cosponsor, I rise today in support of H.R. 4360, which designates the Department of Veterans Affairs Blind Rehabilitation Center in Long Beach, California, the "Major Charles R. Soltes, Jr., O.D. Department of Veterans Affairs Blind Rehabilitation Center." The naming of the Veterans Affairs Long Beach Blind Rehabilitation Center in honor of Major Soltes is a fitting tribute to the dual service Major Soltes rendered the Nation as a soldier and a doctor of optometry.

I thank Chairman FILNER for his leadership in bringing this bill to the floor. I would also like to thank Congressman CAMPBELL for sponsoring this bill.

Madam Speaker, growing up in a military family, Charles Robert "Rob" Soltes, Jr., always possessed a love of country and an appreciation of the importance of service and sacrifice. Major Soltes also had a gift for medicine and a passion for helping others. It was that sense of duty and passion that enabled him to excel at Norwich University, from which he graduated and was commissioned as a 2nd lieutenant in the U.S. Army. Major Soltes went on to attend optometry school in Boston, where he met his wife.

Major Soltes took his passion for medicine to the military when he joined the Army Reserve in 1990. He served on active duty as an optometrist from 1994–1999. In 2004, he was called to duty in Iraq, where he was a member

of the 7214th Medical Support Unit, which was charged with helping to rebuild the public health infrastructure in Iraq. On October 13, 2004, Major Soltes was tragically killed when an explosive device hit his convoy as it traveled back from a local Army hospital.

It is entirely fitting that we take this opportunity to honor this fallen soldier who left us too soon. Major Soltes embodied all that Americans can ask for in heroes—courage, love of country, selflessness. Major Soltes touched many lives, but he will be missed most by his family. He was a devoted father and a loving husband. No matter how much time his military service and professional obligations demanded, he always put family first. They will miss him, as we all do. However, by passing this bill today, we can ensure that he will not be forgotten.

Madam Speaker, I urge my colleagues to join me in supporting H.R. 4360.

Mr. CAMPBELL. Madam Speaker, I rise today in support of H.R. 4360, to designate the Department of Veterans Affairs Blind Rehabilitation Center in Long Beach, California, as the "Major Charles R. Soltes, Jr., O.D. Department of Veterans Affairs Blind Rehabilitation Center." I was honored to introduce this legislation to recognize a true American Hero who was a constituent of mine from Irvine, CA.

Major Soltes, 36, was the first military optometrist to be killed in action while on active duty. He was serving as a Public Health Officer with the 426th Civil Affairs Battalion, U.S. Army Reserve in Mosul, Iraq, assisting in the restoration of the medical infrastructure. On October 13, 2004, he was killed while returning from a hospital visit when his convoy was attacked with an improvised explosive device.

The son of an Army officer and Vietnam veteran, Major Soltes was a graduate of Norwich University, a military school in Vermont, and the New England College of Optometry. He entered the U.S. Army Medical Service Corps in 1994 as an Army optometrist and provided eye care services to service men and women at home and abroad. Major Soltes served in Texas, the Republic of Korea, and at the United States Military Academy at West Point.

During his military service, Major Soltes completed a residency at the prestigious Brooke Army Medical Center. He earned adjunct faculty appointments at the University of Houston College of Optometry, the State University of New York State College of Optometry, and the Northeastern State University College of Optometry. At the United States Military Academy at West Point, Major Soltes served as director of the Optometry Residency Program. In 1998, he earned his fellowship in the American Academy of Optometry. After completing his military duties in 1999, he moved to Irvine, CA, where he started a private practice, joined the Army Reserve and became the clinical director at Irvine Vision Institute, a refractive surgery specialty center in Irvine, CA.

Major Soltes leaves behind his wife, Sally Huang Dang, O.D., and three sons, Ryan, Brandon, and Robert Harrison. Major Soltes is also survived by his father, COL (retired) Charles R. Soltes, Sr., his mother, Nancy Soltes, and two siblings, Carolyn Soltes Matthies, and Jeffrey Soltes.

Madam Speaker, I am pleased this legislation has received wide bipartisan support with 73 cosponsors including Speaker NANCY PELOSI and Chairman of the House Committee on Veterans Affairs, BOB FILNER. It also has broad support outside of Congress from groups such as the American Optometric Association to the following Veteran Service Organizations: Blind Veterans Association, Vietnam Veterans of America, American Legion, Veterans of Foreign Wars, Paralyzed Veterans of America, AMVETS, POW/MIA, Military Order of the Purple Heart, Disabled American Veterans, and Jewish War Veterans.

I have had the opportunity to meet with Major Soltes's widow, Dr. Sally Dang and their three outstanding sons. This is a family of such immense strength, but also of pride for their husband and father, his life, his accomplishments, his service and his sacrifice. Dr. Dang recounted that if her husband had the opportunity to come back and serve again, he would do it without hesitation. When we name this center for Major Soltes today, we honor his family, his memory, and his military service, but also his service as a doctor who helped people see more clearly. Fittingly, Dr. Dang is also a practicing optometrist.

May this honor today help us all to see—to see better with our eyes, of course, and to help those veterans suffering with blindness. But also, to see the selfless and wonderful people upon whom our freedoms as a people rest. Major Soltes lies amongst them. May God bless his family and his memory.

Mr. FILNER. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. FILNER) that the House suspend the rules and pass the bill, H.R. 4360.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. FILNER. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

FEDERAL AVIATION ADMINISTRATION EXTENSION ACT OF 2010

Mr. COSTELLO. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 4915) to amend the Internal Revenue Code of 1986 to extend the funding and expenditure authority of the Airport and Airway Trust Fund, to amend title 49, United States Code, to extend authorizations for the airport improvement program, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 4915

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Federal Aviation Administration Extension Act of 2010”.

SEC. 2. EXTENSION OF TAXES FUNDING AIRPORT AND AIRWAY TRUST FUND.

(a) **FUEL TAXES.**—Subparagraph (B) of section 4081(d)(2) of the Internal Revenue Code of 1986 is amended by striking “March 31, 2010” and inserting “July 3, 2010”.

(b) **TICKET TAXES.**—

(1) **PERSONS.**—Clause (ii) of section 4261(j)(1)(A) of the Internal Revenue Code of 1986 is amended by striking “March 31, 2010” and inserting “July 3, 2010”.

(2) **PROPERTY.**—Clause (ii) of section 4271(d)(1)(A) of such Code is amended by striking “March 31, 2010” and inserting “July 3, 2010”.

(c) **EFFECTIVE DATE.**—The amendments made by this section shall take effect on April 1, 2010.

SEC. 3. EXTENSION OF AIRPORT AND AIRWAY TRUST FUND EXPENDITURE AUTHORITY.

(a) **IN GENERAL.**—Paragraph (1) of section 9502(d) of the Internal Revenue Code of 1986 is amended—

(1) by striking “April 1, 2010” and inserting “July 4, 2010”; and

(2) by inserting “or the Federal Aviation Administration Extension Act of 2010” before the semicolon at the end of subparagraph (A).

(b) **CONFORMING AMENDMENT.**—Paragraph (2) of section 9502(e) of such Code is amended by striking “April 1, 2010” and inserting “July 4, 2010”.

(c) **EFFECTIVE DATE.**—The amendments made by this section shall take effect on April 1, 2010.

SEC. 4. EXTENSION OF AIRPORT IMPROVEMENT PROGRAM.

(a) **AUTHORIZATION OF APPROPRIATIONS.**—

(1) **IN GENERAL.**—Section 48103(7) of title 49, United States Code, is amended to read as follows:

“(7) \$3,024,657,534 for the period beginning on October 1, 2009, and ending on July 3, 2010.”

(2) **OBLIGATION OF AMOUNTS.**—Sums made available pursuant to the amendment made by paragraph (1) may be obligated at any time through September 30, 2010, and shall remain available until expended.

(3) **PROGRAM IMPLEMENTATION.**—For purposes of calculating funding apportionments and meeting other requirements under sections 47114, 47115, 47116, and 47117 of title 49, United States Code, for the period beginning on October 1, 2009, and ending on July 3, 2010, the Administrator of the Federal Aviation Administration shall—

(A) first calculate funding apportionments on an annualized basis as if the total amount available under section 48103 of such title for fiscal year 2010 were \$4,000,000,000; and

(B) then reduce by 11 percent—

(i) all funding apportionments calculated under subparagraph (A); and

(ii) amounts available pursuant to sections 47117(b) and 47117(f)(2) of such title.

(b) **PROJECT GRANT AUTHORITY.**—Section 47104(c) of such title is amended by striking “March 31, 2010,” and inserting “July 3, 2010.”

SEC. 5. EXTENSION OF EXPIRING AUTHORITIES.

(a) Section 40117(l)(7) of title 49, United States Code, is amended by striking “April 1, 2010,” and inserting “July 4, 2010.”

(b) Section 44302(f)(1) of such title is amended—

(1) by striking “March 31, 2010,” and inserting “July 3, 2010,”; and

(2) by striking “June 30, 2010,” and inserting “September 30, 2010.”

(c) Section 44303(b) of such title is amended by striking “June 30, 2010,” and inserting “September 30, 2010.”

(d) Section 47107(s)(3) of such title is amended by striking “April 1, 2010,” and inserting “July 4, 2010.”

(e) Section 47115(j) of such title is amended by striking “April 1, 2010,” and inserting “July 4, 2010.”

(f) Section 47141(f) of such title is amended by striking “March 31, 2010,” and inserting “July 3, 2010.”

(g) Section 49108 of such title is amended by striking “March 31, 2010,” and inserting “July 3, 2010.”

(h) Section 161 of the Vision 100—Century of Aviation Reauthorization Act (49 U.S.C. 47109 note) is amended by striking “April 1, 2010,” and inserting “July 4, 2010.”

(i) Section 186(d) of such Act (117 Stat. 2518) is amended by striking “April 1, 2010,” and inserting “July 4, 2010.”

(j) The amendments made by this section shall take effect on April 1, 2010.

SEC. 6. FEDERAL AVIATION ADMINISTRATION OPERATIONS.

Section 106(k)(1)(F) of title 49, United States Code, is amended to read as follows:

“(F) \$7,070,158,159 for the period beginning on October 1, 2009, and ending on July 3, 2010.”

SEC. 7. AIR NAVIGATION FACILITIES AND EQUIPMENT.

Section 48101(a)(6) of title 49, United States Code, is amended to read as follows:

“(6) \$2,220,252,132 for the period beginning on October 1, 2009, and ending on July 3, 2010.”

SEC. 8. RESEARCH, ENGINEERING, AND DEVELOPMENT.

Section 48102(a)(14) of title 49, United States Code, is amended to read as follows:

“(14) \$144,049,315 for the period beginning on October 1, 2009, and ending on July 3, 2010.”

SEC. 9. EXTENSION AND FLEXIBILITY FOR CERTAIN ALLOCATED SURFACE TRANSPORTATION PROGRAMS.

(a) **SHORT TITLE.**—This section may be cited as the “Surface Transportation Extension Modification Act of 2010”.

(b) **MODIFICATION OF ALLOCATION RULES.**—Section 411(d) of the Surface Transportation Extension Act of 2010 is amended—

(1) in paragraph (1)—

(A) in the matter preceding subparagraph (A)—

(i) by striking “1301, 1302.”; and

(ii) by striking “1198, 1204.”; and

(B) in subparagraph (A)—

(i) in the matter preceding clause (i) by striking “apportioned under sections 104(b) and 144 of title 23, United States Code,” and inserting “specified in section 105(a)(2) of title 23, United States Code (except the high priority projects program).”; and

(ii) in clause (ii) by striking “apportioned under such sections of such Code” and inserting “specified in such section 105(a)(2) (except the high priority projects program).”; and

(2) in paragraph (2)—

(A) in the matter preceding subparagraph (A)—

(i) by striking “1301, 1302.”; and

(ii) by striking “1198, 1204.”; and

(B) in subparagraph (A)—

(i) in the matter preceding clause (i) by striking “apportioned under sections 104(b) and 144 of title 23, United States Code,” and inserting “specified in section 105(a)(2) of title 23, United States Code (except the high priority projects program).”; and

(ii) in clause (ii) by striking “apportioned under such sections of such Code” and inserting “specified in such section 105(a)(2) (except the high priority projects program).”; and

(3) by adding at the end the following:

“(5) **PROJECTS OF NATIONAL AND REGIONAL SIGNIFICANCE AND NATIONAL CORRIDOR INFRASTRUCTURE IMPROVEMENT PROGRAMS.**—

“(A) **REDISTRIBUTION AMONG STATES.**—Notwithstanding sections 1301(m) and 1302(e) of SAFETEA-LU (119 Stat. 1202 and 1205), the Secretary shall apportion funds authorized to be appropriated under subsection (b) for the projects of national and regional significance program and the national corridor infrastructure improvement program among all States such that each State’s share of the funds so apportioned is equal to the State’s share for fiscal year 2009 of funds apportioned or allocated for the programs specified in section 105(a)(2) of title 23, United States Code.

“(B) **DISTRIBUTION AMONG PROGRAMS.**—Funds apportioned to a State pursuant to subparagraph (A) shall be—

“(i) made available to the State for the programs specified in section 105(a)(2) of title 23, United States Code (except the high priority projects program), and in the same proportion for each such program that—

“(I) the amount apportioned to the State for that program for fiscal year 2009; bears to

“(II) the amount apportioned to the State for fiscal year 2009 for all such programs; and

“(ii) administered in the same manner and with the same period of availability as funding is administered under programs identified in clause (i).”

(c) **EXPENDITURE AUTHORITY FROM HIGHWAY TRUST FUND.**—Paragraph (1) of section 9503(c) of the Internal Revenue Code of 1986, as amended by the Surface Transportation Extension Act of 2010, is amended by striking “in effect on the date of the enactment of such Act)” and inserting “in effect on the later of the date of the enactment of such Act or the date of the enactment of the Surface Transportation Extension Modification Act of 2010”).

(d) **EFFECTIVE DATE.**—The amendments made by this section shall take effect upon the enactment of the Surface Transportation Extension Act of 2010 and shall be treated as being included in that Act at the time of the enactment of that Act.

The **SPEAKER** pro tempore. Pursuant to the rule, the gentleman from Illinois (Mr. COSTELLO) and the gentleman from Wisconsin (Mr. PETRI) each will control 20 minutes.

The Chair recognizes the gentleman from Illinois.

GENERAL LEAVE

Mr. COSTELLO. I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to include extraneous material on H.R. 4915.

The **SPEAKER** pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. COSTELLO. I yield myself as much time as I may consume.

Madam Speaker, I rise in support of H.R. 4915, the Federal Aviation Administration Extension Act of 2010. Last week, the House passed H.R. 4853, also entitled the Federal Aviation Administration Extension Act of 2010, to extend

aviation program taxes and the Airport and Airways Trust Fund expenditure authority through July 3rd, 2010, and to modify the formula by which highway funds would otherwise be distributed under the HIRE Act.

Earlier this week, the Federal Aviation Administration requested a technical correction to H.R. 4853 as passed by the House. The FAA needs this technical correction to ensure sufficient airport improvement program funds are allocated to AIP formula grants rather than AIP discretionary grants.

Madam Speaker, the House has previously passed two FAA reauthorization bills in 2007 and again in 2009. We have been waiting on the other body to act. Finally on Monday, the Senate passed its FAA bill, H.R. 1586, using an unrelated House-passed tax bill.

□ 1045

Madam Speaker, tomorrow the House intends to take up the Senate bill, H.R. 1586 and amend it. We will insert the text of the House FAA reauthorization bill, H.R. 915, and the bipartisan House aviation safety bill, H.R. 3371, the Airline Safety and Pilot Training Act of 2009, which is one of the strongest aviation safety bills in decades.

The purpose of the House taking action to amend H.R. 1586 is to ensure that important provisions we included in H.R. 915 and H.R. 3371 to improve aviation safety, to provide consistency and collective bargaining rights throughout the express carrier industry, to increase the Passenger Facility Charge to assist airports in meeting their capital needs, to create jobs and to modernize our air traffic control system, are maintained throughout the conference with the Senate.

The Aviation Subcommittee held over 20 hearings on the reauthorization bill and the safety issues. In addition, we had five roundtables to discuss aviation safety in the reauthorization bill with everyone from the FAA to everyone in the aviation community.

H.R. 915 is a comprehensive bill. It will provide approximately \$53.5 billion to modernize our air traffic control system, fund airport development, research programs, small community service, and Federal aviation operating expenses.

Our bill reflects a continued effort toward ensuring our aviation system remains the safest in the world. In the FAA forecast, the airlines are expected to carry more than 1 billion passengers in the year 2021, up from almost 760 million in 2008. To deal with this growth, strengthen our economy, and create jobs, H.R. 915 provides historic funding levels for FAA's capital programs. This includes \$12.3 billion for the Airport Improvement Program, nearly \$10.1 billion for the FAA's Facilities & Equipment fund, and \$685.4 million for Research, Engineering, and Development. The bill also provides

\$30.3 billion for FAA operations over the next 3 years.

These funding levels will accelerate the implementation of NextGen, enable the FAA to replace and repair existing facilities and equipment, improve airport development, and provide for the implementation of high-priority, safety-related systems.

Let me mention the importance of NextGen. Both the full committee and the Aviation Subcommittee has spent a great deal of time trying to move the Next Generation Air Transportation System forward. NextGen is critical to the future of aviation, not only for safety reasons, but also to reduce congestion delays and save time as well as fuel. We have operated now under a ground-based radar system for far too many years. We need to move forward with the NextGen system so that we can implement a satellite-based system in order to make the improvements that are necessary.

In H.R. 915, we also changed the organizational structure of the FAA's Joint Planning and Development Office, the body charged with planning NextGen. To increase the authority and visibility of the JPDO, H.R. 915 elevates the Director of the JPDO to the status of Associate Administrator for NextGen within the FAA to be appointed by and reporting directly to the FAA Administrator. To increase accountability and coordination of NextGen planning and implementation, the bill requires the JPDO to develop a work plan that details, on a year-to-year basis, specific NextGen-related deliverables and milestones required by the FAA and its partner agencies.

Like the 2007 bill, we increased the Passenger Facility Charge cap from \$4.50 to \$7 to those airports who choose to implement the increase, to help airports choose and those who participate in the program to meet their capital needs. According to the FAA, every airport currently collecting \$4 to \$4.50 under the PFC, if they raise it to \$7, it will generate \$1.3 billion in additional revenue every year for airport development, which strengthens our economy and creates additional jobs at a time that both are critically needed.

The legislation provides significant increases in AIP funding for smaller airports that rely on AIP for capital financing. The ability to raise the PFC and the increase in the AIP funding provides financing for airport capital development that will help reduce delays.

The bill also dramatically increases funding for and improves the Essential Air Service program and reauthorizes a small community Air Service Development Program through 2012.

Here at home and across the globe, more is being done to reduce energy consumption and emissions. The FAA and the aviation community continues to be a leader in greening its oper-

ations. We further those efforts by establishing the CLEEN Engine and Airframe Technology Partnership and the Green Towers program, which was modeled after what is currently being done at O'Hare International Airport in Chicago.

The United States has the safest air transportation system in the world; however, we must not become complacent about our past success. To keep proper oversight over the FAA and safety, the FAA, under the H.R. 915 legislation, directs the FAA to increase the number of aviation safety inspectors, initiate study on fatigue, and requires the FAA to inspect part 145 certified foreign repair stations at least twice a year.

The legislation does not increase or place new user fees on users of airspace.

We believe that the Airport and Airway Trust Fund revenues, coupled with the additional revenue from the recommended general aviation fuel tax increase and a reasonable general fund contribution will be sufficient to provide for the historic capital funding levels required to modernize the air traffic control system.

Madam Speaker, this legislation before us today is critically important to the FAA.

With that, I reserve the balance of my time.

Mr. PETRI. Madam Speaker, in May of last year, the House passed H.R. 915, the FAA Reauthorization Act of 2009. Earlier this week, the Senate passed its own FAA reauthorization bill, and, therefore, the two Chambers will soon begin negotiations to reconcile the bills. However, that process will take some time. Given that the current FAA extension expires at the end of this month, we need to again extend the FAA's taxes and authorities to allow time to get a final conferenced FAA bill.

While the House considered and passed an FAA extension bill just last week, we are again considering an FAA extension in order to address a minor technical matter in the earlier bill that would have impacted the FAA's ability to fund airport projects during the next 3 months. Therefore, this bill, H.R. 4915, makes the technical correction and also extends the taxes, programs, and funding of the FAA to July 3 of this year.

This bill will ensure that our National Airspace System continues to operate and that the FAA continues funding important airport projects while the Congress reconciles the two reauthorization bills.

Like the bill considered last week, the bill before us also includes a provision that will change the way funding is distributed for the Projects of National and Regional Significance program and the National Corridor Infrastructure Program in the surface

transportation extension that was signed into law last week. Currently, 56 percent of the funds for those two programs are directed to just four States, and 22 States will receive no funding at all. This fix ensures that the funding for those two programs is distributed to all States through the existing Federal-Aid Highway formula.

With that, I urge my colleagues to support H.R. 4915.

I reserve the balance of my time.

Mr. COSTELLO. Madam Speaker, I yield 2 minutes to a valued member of the subcommittee, Congressman CAPUANO.

Mr. CAPUANO. I thank the gentleman for calling me valued. It's nice to be valued. He didn't say how much, but we will leave it alone—high value.

Madam Speaker, I rise today to express my support for this legislation and look forward to it. This legislation is long overdue. It's something that we have been working on now for, well, as long as I can recall. It has lots of important issues in there in the FAA and it also has an additional fix. As I see it, it's not even about the amount of money for the Commonwealth of Massachusetts. From my perspective, it is about an equitable issue. That's really all it is. It's a matter of equity.

We were put in a position to pass a bill that had other good job provisions in it that did not have equitable provisions in it, but we did it because this economy needs a boost. And like every bill we ever vote on anything, there is some good and some bad. So that particular bill, in my opinion, had some bad things in it.

This bill has good things for the FAA, has good things for the country, has good things for all of us who fly, but it also had some provisions in there that will level the playing field for the people of this country, and that's why I wanted to come over this morning.

Again, there are times when I usually get called on to ask when there is a fight going on. In this particular instance, there is no fight here. I am not sure exactly who the fight is with, and I am a little uncomfortable speaking when we are all on the same side, but it's nice for a change. I won't get used to it too often, but I do enjoy it on occasion when it happens, so I wanted to come over and express my support.

Mr. PETRI. I want our colleague from Massachusetts to know that he is valued on both sides of the aisle.

With that, I yield such time as he may consume to the esteemed ranking member of our committee, Mr. MICA, from Florida.

Mr. MICA. Thank you for yielding.

Madam Speaker and my colleagues, if everyone isn't totally confused by what's going on with the FAA legislation, it will be a miracle, but let me just try to take, for a moment, Madam Speaker and my colleagues, a little time to explain to Members and staff

and you, Madam Speaker, where we are and how we got here.

Now, what we are considering now is not a new FAA bill but the extension of the old FAA bill. In fact, the FAA bill, when I was chairman of the Aviation Subcommittee in 2003, in May of that year, we introduced a bill that became law 6 months later and was signed by the President the end of 2003. That bill has been in effect, that authorization which authorizes all the policy, all the projects for FAA, has been in effect, and it expired in September of 2007. Since September of 2007, we have not had a new FAA bill. What we have done is a series of extensions of the 2003-passed bill.

Now, last week, we were here doing the 12th extension of the FAA bill, and we passed that measure and we sent it over to the other body. The other body took that legislation and they passed it, but a little mistake was made, I understand, in the formula for AIP funding, so that's why we are back here the 13th time passing an extension of a bill that expired in 2007.

Mr. OBERSTAR. Would the gentleman yield?

Mr. MICA. Yes, I would be glad to yield.

Mr. OBERSTAR. That makes the gentleman from Florida, Madam Speaker, the author of the longest surviving authorization of FAA programs.

Mr. MICA. Yes. I wish I didn't have that honor. But as the gentleman who just spoke is now our chairman, was the chairman of the Aviation Subcommittee when I came to Congress, and I met him first in 1993, he knows the importance of getting this authorization done.

Now, meanwhile, back at the ranch, Madam Speaker and Members of Congress, the FAA bill that the House passed last May has been over in the other body being considered. Of course, other things have gotten in the way and, finally, I believe, last night, they passed the FAA bill. But the other body didn't use our legislation that we had passed in May. They took a Ways and Means bill and they tacked on the provisions that they want, and it's coming back to the House of Representatives, and tentatively scheduled before the Rules Committee is that full bill. What we are debating now is just an extension to get us to July 3, because they are sending back—they are playing a little bit of games with the entire bill.

□ 1100

They took our bill out. They put other provisions in on a Ways and Means bill, which really raises questions as to our jurisdiction because we're the Transportation Committee, although I know the chairman is planning to tack our bill, our full bill back on, hopefully, in the Rules Committee and then bring that back to the floor.

So this little ping-pong game of the FAA reauthorization is not over by any means. I'm hoping and praying that this authorization extension that gets us to July 3 is accepted without change over in the other body because, as we know, there was a highway bill extension to December 31 put on a jobs bill last week.

But when we passed that in the House and the President signed it into law, it's my understanding it contains a provision that the other body put in; and four people, four individual States, rather, benefit by the provisions of that taking the highway trust fund money for special projects of national significance, and four States get 58 percent of the money. Now, we didn't want that in the bill when it passed.

Mr. OBERSTAR obtained agreement from Mr. REID and Ms. PELOSI that we would change that, and we actually had a provision to change that in this bill, this extension.

Now I'm getting confused. But, in fact, that provision is in this bill that would give every State equitable distribution of those highway funds. So that's why we support it on the Republican side.

Mr. OBERSTAR's been working to get this done. We don't want four States to benefit. We don't want all the money to be put in the discretionary fund and then distributed at the will of a few bureaucrats. We want everyone to be treated equitably.

So there's at stake both the extension of the FAA authorization until July 3. There is the reformulation of the highway money that goes through December 31 in this measure. So that's why we must pass this.

But this is not, I repeat, this is not the FAA bill that we do need to pass that Mr. COSTELLO, Mr. PETRI spoke about.

Now, Madam Speaker, if that hasn't confused everyone, every single Member outside the committee and members of the public and everyone else who may be interested in this, I don't know what will confuse them. But that, folks, is basically where we are, and that's why we need to pass this extension. Hopefully, we won't see this for the 14th time, hoping and praying; but it may be possible because they like to play games as this process moves forward to the benefit of some, not everyone. We don't want that to happen.

So I urge your passage of this extension. Don't confuse it with the FAA bill which still will be around the corner.

And I thank our ranking member, I thank Mr. COSTELLO for their continued work, and my counterpart, the chairman, Mr. OBERSTAR, for their work in bringing this forward.

Mr. COSTELLO. Madam Speaker, at this time I would yield to my friend from Maryland (Mr. CUMMINGS) 3 minutes.

Mr. CUMMINGS. Madam Speaker, I rise today in strong support of the FAA Extension Act 2010, H.R. 4915, which would provide a short-term extension of existing FAA authorization legislation.

I want to thank the subcommittee chairman, Mr. COSTELLO, for his outstanding leadership constantly and on this legislation.

This legislation, and just picking up where Mr. MICA left off, also includes provisions that would ensure that an equitable distribution is made during the extension of the SAFETEA-LU surface transportation authorization of money designated for the Projects of National and Regional Significance and the National Corridor Infrastructure Improvement programs.

These programs established in the 2005 SAFETEA-LU legislation were intended to provide discretionary funds to major projects. However, the SAFETEA-LU conference committee designated the projects to receive funding under the programs.

As we have worked to develop a longer-term extension for SAFETEA-LU, the issue of how to apportion the approximately \$932 million provided for these programs during the extension period has been of critical concern to our committee.

Under provisions developed by the Senate and included in the HIRE Act, this funding would continue to be provided to those few States in which projects were designated by SAFETEA-LU. Under this allocation, four States, four States, would receive 58 percent of the available funding; 22 States would receive no funding, and the remaining States would receive varying levels of funding. Such a distribution is not equitable, particularly given that the designated projects were time-limited.

Chairman OBERSTAR has worked with the Senate majority leader and Speaker PELOSI to devise a more equitable funding distribution, and the legislation before us today includes the agreement they have resolved. Under this agreement, the funding would be distributed to all States pursuant to existing formulas for major highway programs. And at a time when State transportation budgets are experiencing significant cuts, an equitable distribution of available Federal funding is appropriate to ensure that each State can continue to address its most pressing mobility needs.

I applaud Chairman OBERSTAR, Speaker PELOSI and Leader REID for their work on this measure, and I urge adoption.

Mr. PETRI. Madam Speaker, I have no further requests for time. I reserve the balance of my time.

Mr. COSTELLO. Madam Speaker, at this time, I would yield 2 minutes to a member of the subcommittee, the gentleman from Missouri (Mr. CARNAHAN).

Mr. CARNAHAN. Madam Speaker, as a member of the Transportation and

Infrastructure Committee and the Aviation Subcommittee, and representing the St. Louis region where aviation has been vital in our history and our economy, I rise today in strong support of passage of H.R. 4915, the Federal Aviation Administration Extension Act of 2010.

Although I believe a long-term reauthorization of the FAA is long overdue, I'm happy to see the Senate finally pass an FAA reauthorization bill earlier, so we are one step closer to passage of a much-needed long-term reauthorization.

I'm also happy to see this legislation include the provision to amend the HIRE Act so that all States, including my home State of Missouri, can receive funding under the Projects of National and Regional Significance and the National Corridors Program, rather than just 29 States. Both of these programs are designed to be competitive and discretionary programs under SAFETEA-LU where all States could fairly compete for funding.

I want to thank Chairman OBERSTAR, Chairman COSTELLO, Ranking Members MICA and PETRI for their work to bring about this compromise to move this forward so that States like Missouri can receive funding under these programs, not only those States that had designated appropriations in SAFETEA-LU.

It is critical for all States to be treated the same, to have these opportunities. This is an important compromise as we continue to work toward a long-term surface transportation bill that is so vital to our economy and growing out of this recession our country has been working through. This is important for jobs.

I congratulate our leadership and our Members and recommend this bill to all of our Members.

Mr. PETRI. Madam Speaker, I continue to reserve.

Mr. COSTELLO. Madam Speaker, at this time I yield 3 minutes to the distinguished chairman of the full committee, Chairman OBERSTAR.

Mr. OBERSTAR. I thank the gentleman for yielding and compliment Mr. COSTELLO on the splendid job he has done in crafting the FAA authorization bill, and the partnership with Mr. PETRI, and also with Mr. MICA, the Republican leader on the committee who once chaired the aviation subcommittee. And together we have fashioned a really solid bill for the future. We passed it in two Congresses. It's well past time for the Senate to act on this bill, and finally they did, 93-0.

However, the current program, the current law, as I expressed in my colloquy with Mr. MICA, is the longest standing FAA authorization bill, simply because we haven't passed the next authorization.

The House has done its job, as it always does, in two Congresses. We first

passed this bill in 2007, and were blocked by the White House that threatened veto over certain provisions of the bill. But the Senate never even took it up. We never got close to conference, so we passed it again last year. And now we need an extension.

And we passed the extension, but the FAA came back to us and said, well, before this extension is enacted, we request a technical correction to a provision of the bill relating to formula grants. Within the Airport Improvement Program, this technical correction ensures that sufficient funds will be allocated to formula grants, rather than discretionary grants. And without the correction, FAA said they discovered that there could be insufficient funds to cover formula apportionments after July 4 of this year. So we're taking up this technical correction, sending it over to the other body, in addition to the bill we passed last week.

Now, there is another matter of importance that we've attached to this bill, and that is the correction to the HIRE Act that the House passed, Senate passed, and then we found that when the Senate moved their bill, there was a disruption—I'll be kind about this—to the formula, which has already been discussed by other speakers. Mr. MICA has talked about it; Mr. CUMMINGS just recently, in which four States get 58 percent of the funds, 22 States get nothing. The other 20 states get scraps. That's not right. And we need to—and we're correcting that in this bill.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. COSTELLO. Madam Speaker, I yield 1 additional minute to Mr. OBERSTAR.

Mr. OBERSTAR. So we're sending that back to the other body. Majority Leader REID had cleared the correction that we're sending back with the appropriate members of the Senate committee leadership and the Senate floor leadership, but somehow this correction has gotten bogged down.

I also urge the other body to act on H.R. 4786, which we passed March 10, to correct an additional problem created by the filibuster in the Senate that caused highway authorization to lapse and 1,922 Federal Highway Administration career employees to lose their salaries. They, through no fault of their own, get a 20 percent cut in their bi-weekly pay check. That's unreasonable.

Now we've sent over a bill to the other body with a very clear payment restructuring.

The SPEAKER pro tempore. The time of the gentleman has again expired.

Mr. COSTELLO. I yield 1 additional minute to Chairman OBERSTAR.

Mr. OBERSTAR. And the Secretary of Transportation said that he has made the shift within the administrative account, but cannot make the payment because he needs authority from

Congress to do so. So we quickly drafted the bill with their technical input, moved the bill, with great bipartisan support, great enthusiasm over here; but then there is a Member of the other body who is holding it up, saying he wants it paid for.

Well, the Congressional Budget Office has certified to us in writing that there is no cost, there is no need for a pay-for. There is no need for an offset. We said that at the time we moved this bill. We had received it informally from CBO. We now have it in writing from CBO. So there is no need to hold up justice for these 1,922 employees who, through no fault of their own, just standing there doing their jobs, were cut off from their pay because of one person's filibuster over in the other body.

It's time to do justice for these people. Don't hold them up for a month if this goes on longer. This is just patently unjust. I urge the Senate to act on this bill.

□ 1115

Mr. PETRI. I yield 1 minute to the Representative from Nevada, a member of the subcommittee, Ms. TITUS.

Ms. TITUS. Madam Speaker, I thank the gentleman for the courtesy of yielding.

I rise today in support of this legislation and in support of the provision that includes "to distribute funds for the projects of national significance and National Corridor Grant programs through existing formulas."

Under the HIRE Act, funds for these programs went to only 29 States based on whether they had earmarked projects under SAFETEA-LU. Some States were big winners, and others were big losers. Twenty-two States would receive no funding at all, including my State of Nevada. California, Illinois, Louisiana, and Washington, however, would get \$543 million of the \$932 million allocated. The legislation we are considering today would correct this inequity.

In Nevada, it would mean an additional \$7.7 million for transportation programs. It is an important piece of legislation, and I urge its passage.

Mr. COSTELLO. Madam Speaker, I would ask how much time we have remaining.

The SPEAKER pro tempore. The gentleman from Illinois has 1 minute. The gentleman from Wisconsin has 9½ minutes.

Mr. COSTELLO. Madam Speaker, let me say, with the action taken by the Senate on Monday of this week, we are one step closer to having an FAA reauthorization bill. It is an important piece of legislation. As I stated earlier, the industry generates nearly \$900 billion in economic activity annually that represents 9 percent of our GDP and employs millions of American people.

As our Nation struggles with high unemployment, it is necessary that we

pass this legislation and move forward so that we can improve safety, improve congestion, and reduce delays.

I reserve the balance of my time.

Mr. PETRI. I join my colleagues in urging a speedy passage of the measure before us.

I yield back the balance of my time.

Mr. COSTELLO. Madam Speaker, I want to thank both Chairman OBERSTAR, Mr. MICA, and Mr. PETRI, and I would urge passage of H.R. 4915, the Federal Aviation Administration Extension Act of 2010.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. COSTELLO) that the House suspend the rules and pass the bill, H.R. 4915.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

PROVIDING FOR CONSIDERATION OF H.R. 4899, DISASTER RELIEF AND SUMMER JOBS ACT OF 2010

Mr. PERLMUTTER. Madam Speaker, by direction of the Committee on Rules, I call up House Resolution 1204 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 1204

Resolved, That upon the adoption of this resolution it shall be in order to consider in the House the bill (H.R. 4899) making emergency supplemental appropriations for disaster relief and summer jobs for the fiscal year ending September 30, 2010, and for other purposes. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. The bill shall be considered as read. All points of order against provisions in the bill are waived. The previous question shall be considered as ordered on the bill to final passage without intervening motion except: (1) one hour of debate equally divided and controlled by the chair and ranking minority member of the Committee on Appropriations; and (2) one motion to recommit.

The SPEAKER pro tempore. The gentleman from Colorado is recognized for 1 hour.

Mr. PERLMUTTER. Madam Speaker, for purposes of debate only, I yield the customary 30 minutes to the gentlewoman from North Carolina (Ms. FOX). All time yielded during consideration of the rule is for debate only. I yield myself such time as I may consume.

GENERAL LEAVE

Mr. PERLMUTTER. I also ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on House Resolution 1204.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Colorado?

There was no objection.

Mr. PERLMUTTER. Madam Speaker, House Resolution 1204 provides for consideration of the Disaster Relief and Summer Jobs Act of 2010 under a closed rule. The rule provides for 1 hour of debate equally divided and controlled by the chair and ranking minority member of the Appropriations Committee. The rule waives all points of order against consideration of the bill except those arising under clause 9 or 10 of rule XXI. The rule provides that the bill shall be considered as read. And, finally, the rule provides one motion to recommit the bill, with or without instructions.

Madam Speaker, we are quickly approaching the beginning of disaster season in the United States. While many natural disasters occur without warning, we can say with certainty that tornadoes, hurricanes, wildfires, and flooding will damage communities across our Nation in the coming 6 months.

Just this week, the residents of North Dakota and Minnesota are breathing a sigh of relief as the Red River flood crested. In my own State of Colorado, throughout our history we have suffered our fair share of destruction by wildfire, tornados, hailstorms, and flooding. In the gentlewoman Ms. FOX's district, for instance, a major disaster was declared just this year due to severe winter storms and flooding.

We don't know where and we don't know when natural disasters will occur, but our Federal response and relief officials must prepare nonetheless. And when those disasters do happen, Members of Congress will tour the devastation in their district and tell their constituents hurt by the disaster, "I will do everything I can to help you recover from this event."

Today's bill is the most important thing they can do to help in the recovery and relief efforts. There will be emergency response professionals who worked overtime and need to be reimbursed. There are Federal search and rescue teams which will have to be mobilized. FEMA will have to rebuild public infrastructure and remove debris. FEMA will have to provide temporary shelter to families displaced by the disaster. And, under the Stafford Act, these are all responsibilities of FEMA. There is just no getting around it.

Already this year there have been 18 disasters and three emergency funds in seven States, and the disaster relief fund is about to be exhausted. Given the domestic and international efforts FEMA has undertaken this year, the disaster relief fund will be exhausted within the next month. So this bill replenishes the disaster relief fund with \$5 billion.

This funding can only be used for disaster relief; it cannot be shifted into other accounts. And if it is not spent this year, it will be retained for the fund next year.

Because relief also requires the Federal Government to assist affected small businesses to resume operations, the bill also provides for \$60 million to be funded to the Small Business Administration. And, finally, the bill invests \$600 million into job training and employment services.

This is a vital investment to build upon the progress we have made in the past year to put America back to work.

Because this investment is not an emergency, it is paid for with unobligated Recovery Act dollars. But make no mistake, this bill is about robust emergency response capabilities. Natural disasters don't care about congressional district boundaries. They can happen anywhere in our country.

I hope Members see the importance of this bill and make the right vote to ensure FEMA and our Federal disaster relief and recovery officials have the resources they need to help your States save lives and rebuild.

I reserve the balance of my time.

Ms. FOXX. Madam Speaker, I thank my colleague for yielding. I yield myself such time as I may consume.

Madam Speaker, despite what the Democrats may say about this bill, my colleagues could be well served to recognize how this bill represents little more than a continuation of the arrogant approach to governing that has pervaded this body since they took control 3 years ago. Let's start by considering the process for which this rule and bill are coming before us today.

This legislation, which spends \$5.7 billion to replenish a FEMA disaster relief account and fund a Department of Labor Summer Jobs program—"jobs" in quotes—was introduced last Sunday, March 21, and was before the Rules Committee the following day.

In February of 2009, shortly after President Obama assumed office, *The Hill* newspaper quoted a group of Democrats as saying that, "Committees must function thoroughly and inclusively, and cooperation must ensue between the parties and the Houses to ensure that our legislative tactics enable rather than impede progress. In general, we must engender an atmosphere that allows partisan games to cease and collaboration to succeed. We are looking forward to working with you to restore this institution."

So much for good intentions.

Despite their best attempts to divert attention from the simple truth, it is worth remembering the pledge made in 2006 by the then-minority Democrats to ensure regular order for legislation, promising that, "Bills should be developed following full hearings and open subcommittee and committee mark-ups, with appropriate referrals to other committees. Members should have at least 24 hours to examine a bill prior to consideration at the subcommittee level. Bills should generally come to the floor under a procedure that allows

open, full, and fair debate, consisting of a full amendment process that grants the minority the right to offer its alternatives, including a substitute."

Oh, how quickly we forget.

You know, \$5.7 billion used to be a lot of money. But the ruling Democrats, who have apparently no concept of the value of money, have completely thrown that idea right out of the window.

In fairness to my liberal colleagues, working with such large numbers starts to get confusing. After all, who pays attention to all those zeroes? We hardly ever hear the word "million" anymore, and it hasn't been that long ago that Everett Dirksen said, "A million here, a million there, and pretty soon you are talking about real money."

I saw an article today in one of the newspapers from my district where they talked about the fact that they thought they weren't going to have money for a summer job program. Now, it looks like they are going to have it. And the article said, "Last year, 129 businesses that used this program benefited from free labor provided by Uncle Sam."

We have established in the minds of many Americans that Federal dollars are somehow or another manna from heaven. They are not manna from heaven. Somebody has to pay this bill. It's not free. There is no free lunch. Every dime we are spending has to be borrowed. The American people understand that, and they are sick and tired of it.

Many of our colleagues support PAYGO, which, they argue, forces Congress to "pay for" certain spending increases with tax increases. This bill is a perfect example of the sham that is PAYGO.

First off, PAYGO applies only to certain kinds of nondiscretionary spending, so they exhaust themselves spending on social welfare programs without so much as a PAYGO speed bump.

When looking for another reason to increase taxes, they simply look for an excuse to increase automatic spending. That way, they tell their tax-conscious constituents that their hands were tied as the rules forced them to support the tax increases. Never take responsibility for your actions.

What happens when the spending proposals are so much that even liberals can't tax their way out of them? A few of their tricks include budgetary gimmicks, like inserting an exception into the rules, or, my favorite, simply declare the spending to be an emergency.

□ 1130

The bill we have before us today designates, as an emergency, \$5.1 billion in spending for a FEMA account that could and should be funded through the regular appropriations process. As I raised in the Rules Committee the

other day, we recommend to people that they have 3 months of income in an account in case they have an emergency, but this is funding in anticipation. And it means we're borrowing money and we're paying interest on that borrowed money.

The excuses from my colleagues just are endless. Spending increases are so common that they have become all too predictable. Observers of this debate are likely to hear one of the most tired excuses intended to dodge responsibility for their unconscionable spending binge. When all else fails, they always fall back on the reliable excuses, Well, George Bush did it, or, You did it before.

As a teacher, I never let my students get away with childish excuses like this. This is Congress. People elected us to be responsible for the decisions we make. It is true that Republicans spent far too much while in the majority, but the Democrat response is simply to triple down on the mistakes of the past and return to the same old blame game that's led this government into the budgetary malaise that we're facing today. While they say they're simply responding to the mess made by the previous administration, the Democrats would have you believe that this mess was created because George Bush didn't spend enough.

The American people need strong leadership. They need effective leadership. They need leadership that ends the petty, partisan blame game and accepts responsibility for governance. This bill exemplifies how the ruling Democrats fail to offer any of these fundamental leadership traits. That's why this country desperately needs a change in congressional leadership. We need to vote "no" on the rule, and "no" on the underlying bill.

With that, Madam Speaker, I reserve the balance of my time.

Mr. PERLMUTTER. I yield myself such time as I may consume.

I have listened to the gentlelady, and I guess I'm very surprised by her argument that with FEMA's funding running out within the next 2 weeks, that the Republican side of the aisle would argue against any funding for future disasters that we know are going to come. For instance, in Representative Foxx's district just this past month, a disaster was declared because of flooding and severe winter weather. These are the counties that were declared a disaster: Alleghany, Ashe, Avery, Buncombe, Burke, Caldwell, Haywood, and on and on and on. I looked through the list.

We have had 16 or 17 disasters declared already this year across the country. Luckily, none of them were in Colorado. I looked at last year. We had dozens and dozens all across the country, including others in North Carolina. None were in Colorado. But I can tell you, Coloradans understand that

this is a national issue. This is something that we take care of as citizens, as Americans across the country, because we're in this together. It isn't just, Let's wait until the whole thing runs out and then scurry around and try to figure out what to do. We are dealing with disasters.

When I'm listening to my friend from North Carolina, it's like she wants to have Katrina happen all over again, where we're not prepared, the country is not prepared to deal with a massive emergency. That's what this is all about. It is about funding FEMA so that it can respond to the emergencies that we know are going to arise. And so all of this conversation about procedural tricks and "You aren't getting this done," this is about funding the emergency management of this country. I'm surprised, especially when North Carolina just enjoyed the ability to take advantage of this—well, nobody would enjoy having to draw on the disaster relief. I take that back. That was an improper statement. What they did is they had the disaster relief fund available to them to deal with the troubles they suffered during this past winter.

So I can't see any merit to the argument that's being made that the issue is not before us properly. It's a five-page bill. The other side of the aisle, the Republicans, have been complaining about big bills, too hard to read, take too long. This is five pages that says we're going to fund our emergency management administration so that we can deal with the disasters that we know are going to come.

With that, I would reserve the balance of my time.

Ms. FOXX. I appreciate my colleague pointing out the fact that we did have some areas in North Carolina. Indeed, two of the counties that he mentioned were in my district, because of the rain that we had recently. But, you know, declaring a disaster and allocating money to those counties are two different things.

I would bet—and I'm sorry I don't have time to do it while we're here on the floor, but I bet it'll be 18 months before any of those people see a dime of the money because the bureaucracy is so incompetent in terms of responding to people. So the money won't be given out for a long, long time from those disasters, unfortunately, because usually when there is a disaster, people need help right away, but it doesn't get done.

We could have gone through regular order on this. There's no reason not to have gone through regular order. But what you wanted to do was get this jobs money out there, is my guess, so that you could declare jobs being created through more government funding.

Madam Speaker, I was in the Congress when Katrina hit, and here's

what happened. We were on August break. Katrina hits on Saturday, Sunday, Monday. The Speaker of the House, Mr. Hastert, had a conference call on Wednesday of that week and he said, I either can call everybody back into session and we will allocate the \$10 billion that needs to be allocated for Katrina right now, in an emergency, or we can have unanimous consent, no one will come forward and object. I will bring a few people back in. We'll take care of this need immediately. That's exactly what happened. Everybody knew there was an emergency, and we reacted to it.

I don't understand my colleague saying we are not prepared for a massive disaster. If we aren't, with all the money that we spend on things, then we have a major problem. I think we are prepared for major disasters. We showed that on 9/11. We showed it with Katrina. So this is a straw dog. That's all it is.

Now, given the best efforts of the Democrats to create jobs, starting with the stimulus last year, perhaps this bill would be better titled: The Disaster Relief and Summer Government Jobs Act of 2010. As has been so well articulated in a March 3 Washington Times editorial, "From immigration to clean energy to expanding the social safety net, there's no better way to grease the skids for new government programs in Washington nowadays than to declare them job-producing bills, then watch supporters line up and potential opposition crumble."

The piece goes on to cite multiple examples of how Democrats claim their proposals will create jobs, but what they never seem to mention is where these jobs are coming from. Ends up, many of the Democrat policies do create jobs after all—government jobs—and they do so by stealing jobs from the private sector. And don't just take my word for it. Let's look at the evidence.

As you can see, this chart shows the net job gains or losses by major sector from February of 2009 to February 2010. It illustrates how the private sector lost 3.9 million jobs over the past year while government grew by a total 293,000 jobs. Again, the American people are understanding this and they're getting sick and tired of it. They don't want to be paying high taxes to be put in debt until infinity in order to create more government jobs, generally paying twice as much as the private sector jobs do.

The Senate health care overhaul, replete with its backroom deals, mandates of dubious constitutional standing, and a dozen tax increases that break the President's tax pledge, is now law. It remains to be seen how this health care overhaul will be implemented, but one White House advisor said it must be implemented "effectively, efficiently, and with great ac-

countability." If that sounds familiar, it's because last year the White House was saying the same thing about the stimulus bill. It turns out the trillion-dollar boondoggle wasn't nearly as stimulative as advertised. Job creation, not so much. This is the proof.

Our colleagues continually say that we don't represent things accurately. I know we can argue about numbers, but these are not Republican numbers. These are numbers that are true.

Madam Speaker, this bill is not going to do anything to create more jobs. It's going to continue to hurt the economy.

With that, I will reserve the balance of my time.

Mr. PERLMUTTER. I yield myself such time as I may consume.

A couple of things. I'm very surprised that my friend from North Carolina would hold up the response to Katrina as the model for how we respond to emergencies. There couldn't be anything farther from the truth in that respect. It was a terrible mess, a terrible response. I don't think anybody in this country would say otherwise. The country was not prepared under the Bush administration. This Congress was not prepared. This is about preparing for emergencies. Right now, even though the flood has crested in North Dakota and Minnesota, it still is a state of emergency. Those States near the river are under water. So there is an emergency occurring even as we speak.

Now, my good friend from North Carolina has her posters. Of course, we have ours. Now let's take a look at what really is going on in the economy.

Under the Bush administration, we had tremendous job loss beginning in 2007, but certainly in the fall of 2008.

Ms. FOXX. Would the gentleman yield?

Mr. PERLMUTTER. Let me explain my poster and then you and I can debate our posters.

This is private payroll. Drops like a rock until January 2009, which is the greatest loss of jobs. During that month, some 780,000 jobs—780,000 jobs lost in January 2009. Twenty thousand jobs lost one year into the Obama administration in January 2010. It's too many. It's not right, but it's a heck of a lot better than 780,000 jobs lost in the last month of the Bush administration.

So my friend complains about the status of jobs, but this country was in free fall when it came to the economy, the financial system, and jobs. That has turned around. We have so much farther to go, and that's part of what this bill does. It provides for summer jobs and training for many of those people who have been out of work. We have got to get those people back to work. But we turned around. You see this sea of red, jobs being lost again and again, month after month. Still, it has improved dramatically in the last year.

So, I would entertain my friend's question.

Ms. FOXX. Well, my question is: Who was in charge of the Congress beginning in January of 2007, when the economy started going south?

Mr. PERLMUTTER. The Democrats. Well, you say when the economy started going south. The economy started going south, I would say to my friend, in September of 2008, when, because of very lax regulations on Wall Street, the bottom fell out of the financial system and jobs were lost at an ever-increasing number. And so the Bush administration, by its lax regulation, cost thousands and millions of jobs across this country, and that's what we're trying to stop.

We've been able to slow it down, Madam Speaker. Now it's time to start adding jobs. And part of this bill provides for job training. It provides for summer jobs, as well as dealing with the disaster relief that has to be managed for the rest of this season of tornados and fires and floods. And we're in a flood right now in North Dakota and Minnesota. We have to address that and we have to fill that emergency fund so we can address these things promptly and without any delay, as I believe occurred with Katrina down in Louisiana.

With that, I would reserve the balance of my time.

□ 1145

Ms. FOXX. Madam Speaker, I thank my colleague very much for yielding and answering my questions. I didn't say anything about FEMA and its response to Hurricane Katrina. I think if you will look back at my comments, it was that Congress was able to respond immediately when there was a need, which is what we believe should happen.

Mr. PERLMUTTER. Will the gentleman yield?

Ms. FOXX. I yield to the gentleman from Colorado.

Mr. PERLMUTTER. Well, responding after the hurricane hits isn't fast enough. This is about knowing these things are coming and dealing with them in advance.

With that, I yield back to my friend.

Ms. FOXX. I thank my colleague.

What I don't understand, if this is what the Democrats want to do, why don't we have an emergency reserve fund? Again, we advise families to prepare for emergencies. That's what we should do in the government. We should go through regular order. We should have debate. We should have some idea of where money is going to need to be spent in advance in terms of how we respond at the Federal level.

This is more government knowing the answer to everything and government control from the Federal level. That's exactly what this is. Is it going to create jobs? Well, yes. It's going to

create some summer jobs for young people, but it's not going to affect that job picture that my colleague talked about. Neither did the stimulus. The stimulus was passed. We were told by the White House, by the Congress, "Pass this and unemployment will not exceed 8 percent." Unemployment has been right at 10 percent for months and months and months. In fact, again, the only thing that's been stimulated has been the government, and that's not where we need to be going.

The American people don't want more government. They want more jobs. The recent health care overhaul and last year's stimulus bill illustrate the Congress is very good at growing government; not so good at spurring job growth.

The simple truth is that if the Democrats really wanted to stimulate youth employment, there's one sensible, effective policy change that could do so without spending a dime.

As articulated in a March 10 Wall Street Journal editorial:

"The recent act of Congress that has caused the most economic hardship goes to the May 2007 law raising the minimum wage in three stages to \$7.25 an hour from \$5.15. Rarely has a law hurt more vulnerable people more quickly. A higher minimum wage has the biggest impact on those with the least experience or the fewest skills. That means in particular those looking for entry-level jobs, especially teenagers. And sure enough, as nearly all economic models predict, the higher minimum has wreaked havoc with teenage job seekers, well beyond what you would expect even in a recession."

The editorial continues by comparing:

"the three-stage increase in the minimum wage with the jobless rate for teens age 16 to 19 since 2007. The first increase, to \$5.85 from \$5.15, after a decade of no increases and when the overall joblessness rate was below 5 percent and the teen rate was 14.9 percent. The demand for labor was sufficiently strong in many areas that most employers were probably willing to absorb the higher wage.

"But as the minimum wage increased even as the overall job market began to worsen, the damage to teen job seekers became more severe. By the time the third increase to \$7.25 from \$6.55 took effect in July 2009, the teen jobless rate was 24.3 percent, and by October, it peaked at 27.6 percent before dropping to 26.4 percent in January.

"The story is even worse for black teens, who often have lower than average education levels or live in areas with fewer job prospects. Their jobless rate climbed from 38.5 percent before the third wage hike to 49.8 percent in November 2009, before falling back to 43.8 percent in January. For black male teens, the rate climbed to 52.2 percent in December from 39.2 percent in July.

The difference between the jobless rates for black teens and the entire population widened by six percentage points from June 2007 to January 2010. Even assuming those rates fall as the job market improves this year, they will remain destructively high.

"The third increase was especially ill-timed because it hit while the recession was ending but before employers have felt confident to rehire. To raise the cost of unskilled labor precisely when the jobless rate is heading toward 10 percent is an act of almost willful economic stupidity." Madam Speaker, I want to remind the Speaker that I am quoting. "A Congress that has spent \$862 billion to create jobs thus managed with its wage increase to harm tens of thousands of entry-level job seekers. And it did so in the name of 'compassion' and a 'living wage.' In many cases that wage has since become zero.

"The evidence is clear that increasing the minimum wage is an expensive and misguided way to try to move working families out of poverty. According to the Employment Policies Institute, 85 percent of people who earn the minimum wage aren't the primary bread winner in a family.

"Most readers remember the work habits they learned from their first job. Showing up on time, being courteous to customers, learning how to use technology—such habits are often more valuable than the actual paycheck. Studies have confirmed that when teens work during summer months or after school, they have higher lifetime earnings than those who don't work. So raising the minimum wage may inadvertently reduce lifetime earnings.

"Most Democrats won't bend on the minimum wage because it is a core union demand, but free thinkers ought to at least consider the teenage job problem. The long-term danger is that we are building in a higher level of structural unemployment as our least skilled workers find it harder to climb onto the first rung of the job market."

This will not solve problems. It creates more.

With that, Madam Speaker, I reserve the balance of my time.

Mr. PERLMUTTER. Madam Speaker, first I would ask how much time remains on both sides.

The SPEAKER pro tempore. The gentleman from Colorado has 19½ minutes. The gentleman from North Carolina has 11½ minutes.

Mr. PERLMUTTER. Having no further speakers, I will reserve the balance of my time.

Ms. FOXX. I now yield such time as he may consume to our colleague from Arizona (Mr. FLAKE).

Mr. FLAKE. I thank the gentlelady for yielding.

Listening to this debate in my office, I just had to come down here because it sounds like this debate is taking place

in a vacuum here, like we didn't do anything else this past week. It's been noted that we're providing extra money for FEMA, some for projects that are in the pipeline already, some for disasters that we know will occur. You could put that aside and realize that we're spending I think it's \$600 million—\$600 million, new money, every dime of which will be borrowed. Because we're running a deficit, every dime will be borrowed.

Now you may say, "All this is being taken from the stimulus." We borrowed the stimulus. We borrowed the stimulus money. We are borrowing nearly 40 percent of the money that we're spending here at the Federal level. So they'll say, "Oh, yes. This is being taken from another program that's already funded." But you have to realize we're borrowing that money, too. So \$600 million to create temporary jobs for kids in the summertime, apparently, with no notion that we may have put a lot of people out of work with what we just did earlier this week.

You know, we pass a lot of laws here. We're good at that. But we aren't very good at suspending the laws of economics. We can't do that. We can pretend that we can, but we can't do it. We can't suspend the laws of economics, and we can't phase them in, either. So when you announce that you're going to tax investment capital, that means there's less investment capital to actually invest in job creating activities. So the job creating sector is smaller than it was before. Whenever you take money into government from the job creating sector, when you tax investment capital, like the health care reform that we did, that means there's going to be less capital for job creation.

Also, when you look at this health care bill itself, the President said when he signed the bill into law that the time for overheated rhetoric is over and that the rhetoric will now be confronted with reality. Well, let me tell you what the reality is right now. The reality is higher insurance premiums. So if it's not bad enough out there with a lack of jobs, Americans all over are going to face much higher insurance premiums by virtue of the legislation we just passed. You have to understand that all of the pressures right now are to drive costs upward. There's no downward pressure economically on insurance premiums at the moment because any cost controls either don't exist at all; there's no medical liability reform; and broadening the pool of people who will come into any insurance pool doesn't happen or is not on the mandatory side several years from now.

All you have are requirements that preexisting conditions for children now be covered; that individuals, adults up to age 26 can stay on their parents' policy; preventative care now has to be

covered with no deductibles or copays. Now those may or may not be good policies. That's not what I'm arguing here. But when you do that, insurance is no longer a hedge against risk. We've just obliterated what insurance is supposed to be, and insurance companies will now be treated like public utilities where government simply regulates them. And all the pressure is upward. There's no downward economic pressure on price. So what we'll see in the next several months is insurance premiums jumping up.

I just want to say right now, we shouldn't be surprised when that happens because we can't suspend the laws of economics. We can pass laws, but there are certain laws that are there that we can't change, and those will be slapping us in the face here soon. So when we come to the floor, it's all well and good to talk about FEMA funding. But I wish we would talk a little about \$600 million also that's going to be spent—borrowed—whether it's taken from another existing program or not, we're borrowing that money as well. We're borrowing more money, adding to the deficit, adding to the debt.

Mr. PERLMUTTER. I yield myself so much time as I might consume.

I'm so glad that my friend Arizona was roused from his office because of our conversation about FEMA to come down and talk about health insurance. So I appreciate his statement that higher insurance premiums are going to be the reality. That's the reality today. That was the reality yesterday. That was the reality the day before that. That was the reality in California when they wanted to take the rates up 40 percent, I would say to my friend. That was the reality last year. That was the reality the year before. If we keep doing the same thing, we're going to get the same answers. You have to change things at some point, is what I would say to my friend from Arizona.

I would also say to my friend from Arizona, to argue against eliminating discrimination against preexisting conditions, which is what I thought I heard you say, touches pretty much everybody's life in America. Somebody, either a close friend, a family member, a neighbor of everybody in this Chamber today, whether on the floor or in the gallery, has somebody who they know closely has a preexisting condition, and that is something that has to be addressed.

Mr. FLAKE. Will the gentleman yield?

Mr. PERLMUTTER. Not yet.

So I would say to my friend that I appreciate him coming up here to talk to us about health insurance premiums which are constantly on the rise. We've got to deal with folks who suffer from preexisting conditions and can't find assistance otherwise when it comes to their health insurance. Personally—and I have said many times that I

think it's a violation of the 14th Amendment, the Equal Protection Clause of the 14th Amendment by not allowing people to have equal access to insurance. And part of what was addressed by the historic bill that was signed yesterday by the President is that those people can get insurance. Those folks who have preexisting conditions can get insurance. We can have portability, the ability to go from one job to another, not be locked into a job for fear of losing our insurance.

I appreciated the comments. You'll get another chance. I'm sure the gentlewoman has a lot of time, so she'll yield to you.

□ 1200

The other thing I wanted to say to my good friend because he brought up the economics, in the last 18 months of the Bush administration, this country lost about \$17 trillion in wealth: in homes; in 401(k)s and pension plans; and in jobs. Since last year, the country, each one of us, in our little way, each one of us has gained about \$5 trillion back. Our 401(k)s have improved; our pensions have improved; there has been a stabilizing of home prices; and jobs, as we talked about earlier, are starting to come back after being lost at an unbelievable rate under the Bush administration. So the stock market is up by 4,000 points in the last year. It lost 7,500 points in the last 18 months of the Bush administration.

We are not anywhere near where we need to be, but I say to my friend who is complaining about the laws of economics, that those laws seem to be working in a positive sense now.

I yield 2 minutes to the gentleman from New Jersey (Mr. PASCRELL) who will actually speak about the bill that is before us which is about FEMA funding and job training.

Mr. PASCRELL. Madam Speaker, I thank the gentleman for yielding, and I rise in strong support of the rule and the underlying legislation, H.R. 4899, the Disaster Relief and Summer Jobs Act of 2010. I want to commend the Rules Committee, Chairman OBEY and the rest of the Appropriations Committee for bringing this legislation to the floor. This legislation further shows the Democratic majority's commitment to supporting jobs for the American people. Jobs for over 300,000 young people this summer are supported and fully offset in this legislation.

Last weekend, the 8th Congressional District of New Jersey, along with many other communities throughout the State, were hit with a severe nor'easter that caused near record flooding throughout the Passaic River basin. The rising waters, combined with downed trees and power lines, have led to the closing of many roads and bridges. Over 2,500 residents were forced to evacuate; and State, county

and local first responders continued their great work to help safeguard life and property.

The flooding has damaged over 3,000 homes. I went back on Monday to see for myself. I took 3 hours and came right back. Over 400 businesses were devastated. A preliminary damage assessment estimates the loss to the public sector alone to be almost \$10 million. That is the public sector.

On Monday when I briefly returned to my district to see for myself, FEMA was there on schedule, and we hope there will be a very short period between the time they present their information to the Governor of the State of New Jersey and then he will make his appeal to the Federal Government. That is how FEMA should work. We just got notice, in fact, yesterday that the snow disaster that occurred in the southern part of the State is just being responded to, so these are bureaucratic nightmares, particularly to those people forced out of their homes.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. PERLMUTTER. I yield the gentleman another 30 seconds.

Mr. PASCRELL. It is critical that we approve the \$5.1 billion included in this emergency legislation to allow FEMA to continue its work helping areas of the country like northern New Jersey recover from these natural disasters.

I urge an "aye" vote on the rule and the underlying bill.

Mr. PERLMUTTER. I reserve the balance of my time.

Ms. FOXX. Madam Speaker, I yield 2 minutes to the gentleman from Arizona (Mr. FLAKE).

Mr. FLAKE. I thank the gentlelady for yielding. What got me to the floor was not to talk about FEMA, but when the gentleman brought out a chart about the economy and jobs, that is what I wanted to talk about.

The gentleman mentioned pre-existing conditions. What I said was this may or may not be good public policy to deal with that. I think it is, but we ought to deal with it in a responsible way. The Republican plan was to assist jobs in having high-risk pools for those with preexisting conditions to go into. And that way you simply don't even pretend you are suspending the laws of economics and telling the insurance companies you can't raise your rates because we have suspended the laws of economics. You recognize that is a cost and that is a subsidy that will have to be borne, but you do it honestly, not this way, not the way we did it by saying, hey, we are just going to pass a law, have everybody covered, and assume we have suspended the laws of economics and insurance rates will not go up.

The gentleman mentioned that insurance rates have been rising over the years; you bet they have. And part of the reason for which is we have shield-

ed insurance companies from competition. We don't allow them to sell insurance across State lines. And nowhere in this legislation do we allow them to do that. We also don't allow individuals to have the same purchasing power that companies have so you can't as an individual with pretax dollars go out and shop for health insurance. So we have shielded them from competition, and of course rates are going to go up. But they are going to go up rapidly now because we have imposed these costs upon them.

Again, when we talk about jobs, this seem to be the mantra now. If we can't allow the job-creating sector to create jobs by having a reasonable tax and regulatory environment out there, then we are just going to create government jobs. So that is what we are doing here. We are going to be borrowing \$600 million because even if it is in another program, we are going to be borrowing that money, too. We are going to be borrowing \$600 million and saying to people, we are going to create more temporary government jobs throughout the summer. That is not the answer to our economic woes.

Ms. FOXX. Madam Speaker, I yield myself the balance of my time to close.

We keep talking about the economic situation in this country because it is extraordinarily important to all of us, and all of these bills that are being passed are exacerbating the problem. As my colleague from Arizona said and we have said over and over, you cannot repeal the laws of economics. Our colleagues across the aisle think they can.

Right now, just the interest on U.S. debt in FY 2010 is going to be \$425 billion. That's like paying interest on a credit card and never ever paying off the principal. The enormous burden of the interest cost on our debt takes money out of the economy for future generations and diverts funds from being used for other more pressing priorities. In addition, the U.S. dependence on borrowing money to fund our budget deficit places our Nation in the precarious situation of being beholden to foreign nations like China to finance our Federal spending. High national debt also diminishes confidence in an economy.

As even President Obama said in November 2009: I think it is important to recognize if we keep on adding to the debt, even in the midst of this recovery, that some people can lose confidence in the U.S. economy in a way that can actually lead to a double-dip recession.

The President and our colleagues on the other side of the aisle talk a good game, and then they do the opposite. Despite their rhetoric of fiscal responsibility, the President's budget more than doubles the debt, drives spending to a new record of \$3.8 trillion in fiscal year 2011, pushing the deficit to a new record of \$1.6 trillion in FY 2010, and

raises taxes by over \$2 trillion through 2020 by the administration's own estimates.

The President's FY 2011 budget doubles the debt in 5 years and triples it by 2019 from FY 2008 levels. It pushes the debt to \$9.3 trillion this year, or 63.6 percent of gross domestic product, the largest debt in history and the largest debt as a share of our economy in 59 years. Despite the Senate's passage of a \$1.9 trillion increase in the debt limit, Congress would need to increase this limit again before October 1, 2011, under the President's budget. The interest bill on the debt would more than quadruple by the end of the decade, reaching \$840 billion in 2020.

The budget boosts the deficit to a record level this year, \$1.6 trillion, or 10.6 percent, of GDP. This is the largest deficit as a share of the economy since World War II. Deficits never fall below \$700 billion, never below 3.6 percent of GDP, and end the decade at more than \$1 trillion.

Even with a decline in spending due to the repayment of most TARP funds and the eventual spend-out of stimulus funds, spending reaches a record level of \$3.8 trillion in FY 2011. The budget does not include the spending impact of the administration's cap-and-trade proposal. Even so, spending is still 23.7 percent of the economy at the end of the decade when the historical average has always been 20 percent.

Madam Speaker, we are in a critical time in our country. Economists have told me that unless we stop spending in a very short period of time, we are going to become like a Third World nation. What has set us apart for so long from the rest of the world has been the rule of law and the fact that we have been fiscally conservative. The American people are fiscally conservative; they expect their government to be so. We are putting this country in danger and Republicans are sounding the call. We want to help the American people, but we know the best way we can do that is for the Federal Government to get out of the way and let the entrepreneurial spirit and the freedom that has always characterized this country allow people to do what is the right thing to do for our economy. This direction is wrong. We are going to continue to say that it is wrong, and we know the American people understand that.

I urge my colleagues to vote "no" on this rule, to vote "no" on the underlying bill. We don't need to create more government jobs. We need to let people have control of their lives and of their money. They will bring the economy back.

I yield back the balance of my time. Mr. PERLMUTTER. Madam Speaker, I just would remind my friend from North Carolina and the other Members of her party that when you cut taxes for the wealthiest of Americans, as was

done under the Bush administration and the Republican Congress, prosecute two wars without paying for them, and have absolutely no regulation of Wall Street, you get a financial disaster. We are talking about natural disasters, but they created a financial disaster that we saw caused the loss of millions of jobs beginning in 2008.

We need to reverse that, and that is precisely what is happening. The job loss has gone from 780,000 jobs lost in January 2009, the last month that George Bush was in office, to 20,000 jobs lost in January 2010. Not good enough, but a lot better. The stock market lost 7,500 points; and in the last year, it has gained 4,000 points back. Not where we want to be, but a heck of a lot better.

There was \$17 trillion lost by each American in their home, in their pension, in their 401(k)s and in their jobs in the last 18 months of the George Bush administration. We have gained \$5 trillion back. Not good enough, but a heck of a lot better.

Finally, the fourth quarter of 2008, the last quarter of the Bush administration, the steepest drop in the gross domestic product, what this country produces, really since the Depression, 6 percent drop, gained 5.7 percent in the fourth quarter of 2009. It hasn't gotten us back to even, but it is a lot better. That is what is going on. And what we need to do on our side of the aisle is get those Americans back to work who lost their jobs. That is what this bill is about, the \$600 million for job training, for summer jobs. It is to get people back to work.

When we get people back to work, when this country has employment that is better than today, then we can really take a good look at the debt, as they suggest, because that is true, we need to look at the debt that exists in this country; but we have to get people back to work.

Now, let's talk about what is the guts of the bill that is before us, and that is to fund disaster relief. The disaster relief fund for FEMA is just about out of money, and we need to fund that so we can deal with the disasters that are existing today in North Dakota, in Minnesota, New Jersey, North Carolina, but also the ones that we know are coming over the course of the next 6 or 8 months.

So the bill provides for FEMA funding. It provides for job training and summer jobs. And, Madam Speaker, this bill that is before us is about saving lives. It is about dealing with disasters. We need to be prepared and that is the whole purpose. We can't have any more Katrinas. We need to do our best to try to deal with those disasters that we know are coming.

I urge a "yes" vote on the previous question and on the rule.

I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Ms. FOXX. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

□ 1215

PROVIDING FOR AN ADJOURNMENT OR RECESS OF THE TWO HOUSES

Mr. PERLMUTTER. Madam Speaker, I send to the desk a privileged concurrent resolution and ask for its immediate consideration.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 257

Resolved by the House of Representatives (the Senate concurring), That when the House adjourns on any legislative day from Wednesday, March 24, 2010, through Monday, March 29, 2010, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand adjourned until 2 p.m. on Tuesday, April 13, 2010, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first; and that when the Senate recesses or adjourns on any day from Thursday, March 25, 2010, through Wednesday, March 31, 2010, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand recessed or adjourned until noon on Monday, April 12, 2010, or such other time on that day as may be specified in the motion to recess or adjourn, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first.

SEC. 2. The Speaker of the House and the Majority Leader of the Senate, or their respective designees, acting jointly after consultation with the Minority Leader of the House and the Minority Leader of the Senate, shall notify the Members of the House and the Senate, respectively, to reassemble at such place and time as they may designate if, in their opinion, the public interest shall warrant it.

The SPEAKER pro tempore. The question is on the concurrent resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Ms. FOXX. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, this 15-minute vote on House Concurrent Resolution 257 will be followed by 5-minute votes on adopting House Resolution 1204 and suspending the rules and adopting House Resolution 917.

The vote was taken by electronic device, and there were—yeas 236, nays 175, not voting 18, as follows:

[Roll No. 178]

YEAS—236

Ackerman	Green, Al	Oberstar
Andrews	Green, Gene	Obey
Baca	Grijalva	Olson
Baird	Gutierrez	Olver
Baldwin	Hall (NY)	Ortiz
Barrow	Halvorson	Owens
Bartlett	Hare	Pallone
Bean	Harman	Pascarelli
Becerra	Hastings (FL)	Pastor (AZ)
Berkley	Heinrich	Paul
Berman	Herseth Sandlin	Payne
Berry	Higgins	Perlmutter
Bilbray	Hinchey	Peters
Bishop (GA)	Hinojosa	Peterson
Bishop (NY)	Hirono	Pingree (ME)
Blumenauer	Hodes	Polis (CO)
Bocciari	Holden	Pomeroy
Boren	Holt	Price (NC)
Boswell	Honda	Quigley
Boucher	Hoyer	Rahall
Boyd	Inslee	Rangel
Brady (PA)	Israel	Richardson
Braley (IA)	Jackson (IL)	Rodriguez
Bright	Jackson Lee	Ross
Brown, Corrine	(TX)	Rothman (NJ)
Butterfield	Johnson (GA)	Roybal-Allard
Capps	Johnson (IL)	Ruppersberger
Capuano	Johnson, E. B.	Rush
Carnahan	Jones	Ryan (OH)
Carson (IN)	Kagen	Salazar
Castor (FL)	Kanjorski	Sánchez, Linda
Chaffetz	Kaptur	T.
Chandler	Kennedy	Sanchez, Loretta
Childers	Kildee	Sarbanes
Chu	Kilroy	Schakowsky
Clarke	Kind	Schiff
Clay	Kirkpatrick (AZ)	Schrader
Cleaver	Kissell	Schwartz
Clyburn	Klein (FL)	Scott (GA)
Cohen	Kucinich	Scott (VA)
Connolly (VA)	Langevin	Serrano
Conyers	Larsen (WA)	Shea-Porter
Cooper	Larson (CT)	Sherman
Costa	Lee (CA)	Sires
Costello	Levin	Skelton
Courtney	Lewis (GA)	Slaughter
Crowley	Lipinski	Smith (WA)
Cuellar	Loebach	Snyder
Dahlkemper	Lofgren, Zoe	Space
Davis (CA)	Lowey	Speier
Davis (IL)	Lujan	Spratt
Davis (TN)	Lynch	Stark
DeFazio	Maffei	Stupak
DeGette	Maloney	Sutton
Delahunt	Markey (MA)	Tanner
DeLauro	Marshall	Taylor
Dicks	Matheson	Teague
Dingell	Matsui	Thompson (CA)
Doggett	McCarthy (NY)	Thompson (MS)
Doyle	McCollum	Tierney
Driehaus	McDermott	Titus
Edwards (MD)	McGovern	Tonko
Edwards (TX)	McHenry	Towns
Ehlers	McIntyre	Tsongas
Ellison	McNerney	Van Hollen
Engel	Meek (FL)	Velázquez
Etheridge	Meeks (NY)	Visclosky
Farr	Melancon	Walz
Fattah	Michaud	Wasserman
Filner	Miller (NC)	Schultz
Flake	Miller, George	Watson
Foster	Mollohan	Watt
Frank (MA)	Moore (KS)	Waxman
Fudge	Moore (WI)	Weiner
Garamendi	Moran (VA)	Welch
Giffords	Murphy (CT)	Wilson (OH)
Gohmert	Nadler (NY)	Woolsey
Gonzalez	Napolitano	Wu
Gordon (TN)	Neal (MA)	Yarmuth
Grayson	Nye	

NAYS—175

Aderholt	Biggert	Brown (GA)
Adler (NJ)	Bilirakis	Brown (SC)
Akin	Bishop (UT)	Buchanan
Altmire	Blackburn	Burgess
Arcuri	Blunt	Burton (IN)
Austria	Boehner	Buyer
Bachmann	Bonner	Calvert
Bachus	Boozman	Camp
Barrett (SC)	Boustany	Campbell
Barton (TX)	Brady (TX)	Cantor

Cao	King (NY)	Poe (TX)	[Roll No. 179]	Cantor	Jenkins	Pitts
Capito	Kingston	Posey		Capito	Johnson (IL)	Platts
Carney	Kirk	Price (GA)		Carter	Johnson, Sam	Poe (TX)
Carter	Kline (MN)	Putnam		Cassidy	Jones	Posey
Cassidy	Kosmas	Radanovich		Castle	Jordan (OH)	Price (GA)
Castle	Kratovil	Rehberg		Chaffetz	King (IA)	Putnam
Coble	Lamborn	Reichert		Childers	King (NY)	Radanovich
Coffman (CO)	Lance	Roe (TN)		Coble	Kingston	Rehberg
Cole	Latham	Rogers (AL)		Coffman (CO)	Kirk	Reichert
Conaway	LaTourette	Rogers (KY)		Cole	Kirkpatrick (AZ)	Roe (TN)
Crenshaw	Latta	Rogers (MI)		Conaway	Kline (MN)	Rogers (AL)
Culberson	Lee (NY)	Rohrabacher		Crenshaw	Kratovil	Rogers (KY)
Davis (KY)	Lewis (CA)	Rooney		Culberson	Lamborn	Rogers (MI)
Dent	Linder	Ros-Lehtinen		Dahlkemper	Lance	Rohrabacher
Diaz-Balart, M.	LoBlundo	Roskam		Davis (KY)	Latham	Rooney
Donnelly (IN)	Lucas	Royce		Dent	LaTourette	Ros-Lehtinen
Dreier	Luetkemeyer	Ryan (WI)		Diaz-Balart, L.	Latta	Roskam
Duncan	Lummis	Scalise		Diaz-Balart, M.	Lee (NY)	Royce
Ellsworth	Lungren, Daniel	Schauer		Donnelly (IN)	Lewis (CA)	Ryan (WI)
Emerson	E.	Schmidt		Dreier	Linder	Scalise
Fallin	Manzullo	Sensenbrenner		Duncan	LoBlundo	Schmidt
Fleming	Marchant	Sessions		Ehlers	Lucas	Schock
Forbes	Markey (CO)	Sestak		Ellsworth	Luetkemeyer	Sensenbrenner
Fortenberry	McCarthy (CA)	Shadegg		Emerson	Lummis	Sessions
Fox	McCaul	Shimkus		Fallin	Lungren, Daniel	Shadegg
Franks (AZ)	McClintock	Shuster		Flake	E.	Shimkus
Frelinghuysen	McCotter	Simpson		Fleming	Mack	Shuler
Gallegly	McKeon	Smith (NE)		Forbes	Manzullo	Shuster
Garrett (NJ)	McMahon	Smith (NJ)		Fox	Marchant	Simpson
Gingrey (GA)	McMorris	Smith (TX)		Franks (AZ)	McCarthy (CA)	Smith (NE)
Goodlatte	Rodgers	Souder		Frelinghuysen	McClintock	Smith (NJ)
Granger	Mica	Stearns		Gallegly	McCotter	Smith (TX)
Graves	Miller (FL)	Sullivan		Garrett (NJ)	McHenry	Souder
Griffith	Miller (MI)	Terry		Gerlach	McKeon	Stearns
Guthrie	Miller, Gary	Thompson (PA)		Gingrey (GA)	McMorris	Sullivan
Hall (TX)	Minnick	Thornberry		Gohmert	Rodgers	Taylor
Harper	Mitchell	Tiahrt		Goodlatte	Mica	Terry
Hastings (WA)	Moran (KS)	Tiberi		Granger	Miller (FL)	Thompson (PA)
Heller	Murphy (NY)	Turner		Graves	Miller (MI)	Thornberry
Hensarling	Murphy, Tim	Upton		Griffith	Miller, Gary	Tiahrt
Herger	Myrick	Walden		Guthrie	Minnick	Tiberi
Himes	Neugebauer	Wamp		Hall (TX)	Mitchell	Turner
Hunter	Nunes	Westmoreland		Halvorson	Moran (KS)	Upton
Inglis	Paulsen	Whitfield		Harper	Murphy (NY)	Walden
Issa	Pence	Wilson (SC)		Hastings (WA)	Murphy, Tim	Wamp
Jenkins	Perriello	Wittman		Heller	Myrick	Westmoreland
Johnson, Sam	Petri	Wolf		Herger	Neugebauer	Whitfield
Jordan (OH)	Pitts	Young (AK)		Herseth Sandlin	Nunes	Wilson (SC)
King (IA)	Platts	Young (FL)		Hill	Olson	Wittman
				Hunter	Paul	Wolf
				Inglis	Paulsen	Young (AK)
				Issa	Pence	Young (FL)
					Petri	

NOT VOTING—18

Alexander	Diaz-Balart, L.	Murphy, Patrick
Bono Mack	Eshoo	Reyes
Brown-Waite,	Gerlach	Schock
Ginny	Hill	Shuler
Cardoza	Hoekstra	Waters
Cummings	Kilpatrick (MI)	
Davis (AL)	Mack	

□ 1246

Messrs. SMITH of Texas and ARCURI changed their vote from “yea” to “nay.”

So the concurrent resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PROVIDING FOR CONSIDERATION OF H.R. 4899, DISASTER RELIEF AND SUMMER JOBS ACT OF 2010

The SPEAKER pro tempore. The unfinished business is the vote on adoption of House Resolution 1204, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the resolution.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 233, nays 191, not voting 5, as follows:

Ackerman	Gutierrez	Ortiz
Altmire	Hall (NY)	Owens
Andrews	Hare	Pallone
Arcuri	Harman	Pascarell
Baca	Hastings (FL)	Pastor (AZ)
Baldwin	Heinrich	Payne
Barrow	Higgins	Perlmutter
Bean	Himes	Perriello
Becerra	Hinchey	Peters
Berkley	Hinojosa	Peterson
Berman	Hirono	Pingree (ME)
Berry	Hodes	Polis (CO)
Bishop (GA)	Holden	Pomeroy
Bishop (NY)	Holt	Price (NC)
Blumenauer	Honda	Quigley
Boccieri	Hoyer	Rahall
Boren	Inslee	Rangel
Boswell	Israel	Reyes
Boucher	Jackson (IL)	Richardson
Brady (PA)	Jackson Lee	Rodriguez
Braley (IA)	(TX)	Ross
Bright	Johnson (GA)	Rothman (NJ)
Brown, Corrine	Johnson, E. B.	Roybal-Allard
Butterfield	Kagen	Ruppersberger
Cao	Kanjorski	Rush
Capps	Kaptur	Ryan (OH)
Capuano	Kennedy	Salazar
Carnahan	Kildee	Sanchez, Linda
Carney	Kilroy	T.
Carson (IN)	Kind	Sanchez, Loretta
Castor (FL)	Kissell	Sarbanes
Chandler	Klein (FL)	Schakowsky
Chu	Kosmas	Schauer
Clarke	Kucinich	Schiff
Clay	Langevin	Schrader
Cleaver	Larsen (WA)	Schwartz
Clyburn	Larson (CT)	Scott (GA)
Cohen	Lee (CA)	Scott (VA)
Connolly (VA)	Levin	Serrano
Conyers	Lewis (GA)	Sestak
Cooper	Lipinski	Shea-Porter
Costa	Loebback	Sherman
Costello	Lofgren, Zoe	Sires
Courtney	Lujan	Skelton
Crowley	Lynch	Slaughter
Cuellar	Maffei	Smith (WA)
Cummings	Maloney	Snyder
Davis (CA)	Markey (CO)	Space
Davis (IL)	Markey (MA)	Speier
Davis (TN)	Marshall	Spratt
DeFazio	Matheson	Stark
DeGette	Matsui	Stupak
Delahunt	McCarthy (NY)	Sutton
DeLauro	McCollum	Tanner
Dicks	McDermott	Teague
Dingell	McGovern	Thompson (CA)
Doggett	McIntyre	Thompson (MS)
Doyle	McMahon	Tierney
Driehaus	McNerney	Titus
Edwards (MD)	Meek (FL)	Tonko
Edwards (TX)	Meeks (NY)	Towns
Ellison	Melancon	Tsongas
Engel	Michaud	Van Hollen
Eshoo	Miller (NC)	Velázquez
Etheridge	Miller, George	Visclosky
Farr	Mollohan	Walz
Fattah	Moore (KS)	Wasserman
Filner	Moore (WI)	Schultz
Foster	Moran (VA)	Waters
Frank (MA)	Murphy (CT)	Watson
Fudge	Murphy, Patrick	Watt
Garamendi	Nadler (NY)	Waxman
Giffords	Napolitano	Weiner
Gonzalez	Neal (MA)	Welch
Gordon (TN)	Nye	Wilson (OH)
Grayson	Oberstar	Woolsey
Green, Al	Obey	Wu
Green, Gene	Oliver	Yarmuth
Grijalva		

NAYS—191

Aderholt	Biggart	Boyd
Adler (NJ)	Billray	Brady (TX)
Akin	Bilirakis	Brown (GA)
Alexander	Bishop (UT)	Brown (SC)
Austria	Blackburn	Buchanan
Bachmann	Blunt	Burgess
Bachus	Boehner	Burton (IN)
Baird	Bonner	Buyer
Barrett (SC)	Bono Mack	Calvert
Bartlett	Boozman	Camp
Barton (TX)	Boustany	Campbell

NOT VOTING—5

Brown-Waite,	Cardoza	Hoekstra
Ginny	Davis (AL)	Kilpatrick (MI)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining on the vote.

□ 1256

Mr. DONNELLY of Indiana changed his vote from “yea” to “nay.”

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

RECOGNIZING THE FLORIDA KEYS SCENIC HIGHWAY

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution, H. Res. 917, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Virginia (Mr. PERRIELLO) that the House suspend the

rules and agree to the resolution, H. Res. 917, as amended.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 420, nays 2, not voting 7, as follows:

[Roll No. 180]

YEAS—420

Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boccheri
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Broun (GA)
Brown (SC)
Brown, Corrine
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Capps
Capuano
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Chu
Clarke
Clay
Clever
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Cooper

Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
DeFazio
DeGette
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Fallin
Farr
Fattah
Filner
Flake
Fleming
Forbes
Fortenberry
Foster
Fox
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garamendi
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gordon (TN)
Granger
Graves
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill

Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Hoyer
Hunter
Inglis
Inslee
Israel
Issa
Jackson (IL)
Jackson Lee
(TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilroy
Kind
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Loeb
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Lujan
Lummis
Lungren, Daniel
E.
Lynch
Mack
Maffei
Maloney
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCauley
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry

McIntyre
McKeon
McMahon
McMorris
Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Nunes
Nye
Oberstar
Obey
Olson
Oliver
Ortiz
Owens
Pallone
Pascarella
Pastor (AZ)
Paul
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)

Pomeroy
Posey
Price (GA)
Price (NC)
Putnam
Quigley
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sanchez, Linda
T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires

Skelton
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tanner
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velazquez
Visclosky
Walden
Walz
Wamp
Wasserman
Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Westmoreland
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (FL)

NAYS—2

NOT VOTING—7

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There is 1 minute left remaining on this vote.

□ 1304

So (two-thirds being in the affirmative) the rules were suspended and the resolution, as amended, was agreed to. The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

SMALL BUSINESS AND INFRASTRUCTURE JOBS TAX ACT OF 2010

Mr. LEVIN. Madam Speaker, pursuant to House Resolution 1205, I call up the bill (H.R. 4849) to amend the Internal Revenue Code of 1986 to provide tax incentives for small business job creation, extend the Build America Bonds

program, provide other infrastructure job creation tax incentives, and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the bill.

The SPEAKER pro tempore (Ms. McCOLLUM). Pursuant to House Resolution 1205, the amendment in the nature of a substitute printed in the bill modified by the amendment printed in House Report 111-455 is adopted and the bill, as amended, is considered read.

The text of the bill, as amended, is as follows:

H.R. 4849

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; ETC.

(a) *SHORT TITLE.*—This Act may be cited as the “Small Business and Infrastructure Jobs Tax Act of 2010”.

(b) *AMENDMENT OF 1986 CODE.*—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

(c) *TABLE OF CONTENTS.*—The table of contents for this Act is as follows:

Sec. 1. Short title; etc.

TITLE I—SMALL BUSINESS TAX INCENTIVES

Subtitle A—General Provisions

Sec. 101. Temporary exclusion of 100 percent of gain on certain small business stock.

Subtitle B—Limitations and Reporting on Certain Penalties

Sec. 111. Limitation on penalty for failure to disclose certain information.

Sec. 112. Annual reports on penalties and certain other enforcement actions.

Subtitle C—Other Provisions

Sec. 121. Nonrecourse small business investment company loans from the Small Business Administration treated as amounts at risk.

Sec. 122. Increase in amount allowed as deduction for start-up expenditures.

TITLE II—INFRASTRUCTURE INCENTIVES

Sec. 201. Extension of Build America Bonds.

Sec. 202. Exempt-facility bonds for sewage and water supply facilities.

Sec. 203. Extension of exemption from alternative minimum tax treatment for certain tax-exempt bonds.

Sec. 204. Elective payments in lieu of low income housing credits.

Sec. 205. Extension and additional allocations of recovery zone bond authority.

Sec. 206. Allowance of new markets tax credit against alternative minimum tax.

TITLE III—REVENUE PROVISIONS

Sec. 301. Limitation on treaty benefits for certain deductible payments.

Sec. 302. Treatment of securities of a controlled corporation exchanged for assets in certain reorganizations.

Sec. 303. Repeal of special rules for interest and dividends received from persons meeting the 80-percent foreign business requirements.

Sec. 304. Information reporting for rental property expense payments.

Sec. 305. Application of levy to payments to Federal vendors relating to property.

Sec. 306. Application of continuous levy to tax liabilities of certain Federal contractors.

Sec. 307. Required minimum 10-year term, etc., for grantor retained annuity trusts.

Sec. 308. Increase in information return penalties.

Sec. 309. Crude tall oil ineligible for cellulosic biofuel producer credit.

Sec. 310. Time for payment of corporate estimated taxes.

TITLE IV—EXTENSION OF EMERGENCY CONTINGENCY FUND FOR STATE TEMPORARY ASSISTANCE FOR NEEDY FAMILIES PROGRAMS

Sec. 401. 1-year extension of the emergency contingency fund for state temporary assistance for needy families programs.

TITLE I—SMALL BUSINESS TAX INCENTIVES

Subtitle A—General Provisions

SEC. 101. TEMPORARY EXCLUSION OF 100 PERCENT OF GAIN ON CERTAIN SMALL BUSINESS STOCK.

(a) IN GENERAL.—Subsection (a) of section 1202 is amended by adding at the end the following new paragraph:

“(4) SPECIAL 100 PERCENT EXCLUSION.—In the case of qualified small business stock acquired after March 15, 2010, and before January 1, 2012—

“(A) paragraph (1) shall be applied by substituting ‘100 percent’ for ‘50 percent’,

“(B) paragraph (2) shall not apply, and

“(C) paragraph (7) of section 57(a) shall not apply.”.

(b) CONFORMING AMENDMENTS.—Paragraph (3) of section 1202(a) is amended—

(1) by striking “after the date of the enactment of this paragraph and before January 1, 2011” and inserting “after February 17, 2009, and before March 16, 2010”, and

(2) by striking “SPECIAL RULES FOR 2009 AND 2010” in the heading and inserting “SPECIAL 75 PERCENT EXCLUSION”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to stock acquired after March 15, 2010.

Subtitle B—Limitations and Reporting on Certain Penalties

SEC. 111. LIMITATION ON PENALTY FOR FAILURE TO DISCLOSE CERTAIN INFORMATION.

(a) IN GENERAL.—Subsection (b) of section 6707A is amended to read as follows:

“(b) AMOUNT OF PENALTY.—

“(1) IN GENERAL.—Except as otherwise provided in this subsection, the amount of the penalty under subsection (a) with respect to any reportable transaction shall be 75 percent of the decrease in tax shown on the return as a result of such transaction (or which would have resulted from such transaction if such transaction were respected for Federal tax purposes).

“(2) MAXIMUM PENALTY.—The amount of the penalty under subsection (a) with respect to any reportable transaction for any taxable year shall not exceed—

“(A) in the case of a listed transaction, \$200,000 (\$100,000 in the case of a natural person), or

“(B) in the case of any other reportable transaction, \$50,000 (\$10,000 in the case of a natural person).

“(3) MINIMUM PENALTY.—The amount of the penalty under subsection (a) with respect to any transaction for any taxable year shall not be less than \$10,000 (\$5,000 in the case of a natural person).”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to penalties assessed after December 31, 2006.

SEC. 112. ANNUAL REPORTS ON PENALTIES AND CERTAIN OTHER ENFORCEMENT ACTIONS.

(a) IN GENERAL.—The Commissioner of Internal Revenue, in consultation with the Secretary of the Treasury, shall submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate an annual report on the penalties assessed by the Internal Revenue Service during the preceding year under each of the following provisions of the Internal Revenue Code of 1986:

(1) Section 6662A (relating to accuracy-related penalty on understatements with respect to reportable transactions).

(2) Section 6700(a) (relating to promoting abusive tax shelters).

(3) Section 6707 (relating to failure to furnish information regarding reportable transactions).

(4) Section 6707A (relating to failure to include reportable transaction information with return).

(5) Section 6708 (relating to failure to maintain lists of advisees with respect to reportable transactions).

(b) ADDITIONAL INFORMATION.—The report required under subsection (a) shall also include information on the following with respect to each year:

(1) Any action taken under section 330(b) of title 31, United States Code, with respect to any reportable transaction (as defined in section 6707A(c) of the Internal Revenue Code of 1986).

(2) Any extension of the time for assessment of tax enforced, or assessment of any amount under such an extension, under paragraph (10) of section 6501(c) of the Internal Revenue Code of 1986.

(c) DATE OF REPORT.—The first report required under subsection (a) shall be submitted not later than December 31, 2010.

Subtitle C—Other Provisions

SEC. 121. NONRECOURSE SMALL BUSINESS INVESTMENT COMPANY LOANS FROM THE SMALL BUSINESS ADMINISTRATION TREATED AS AMOUNTS AT RISK.

(a) IN GENERAL.—Subparagraph (B) of section 465(b)(6) is amended to read as follows:

“(B) QUALIFIED NONRECOURSE FINANCING.—For purposes of this paragraph—

“(i) IN GENERAL.—The term ‘qualified nonrecourse financing’ means any financing—

“(I) which is qualified real property financing or qualified SBIC financing,

“(II) except to the extent provided in regulations, with respect to which no person is personally liable for repayment, and

“(III) which is not convertible debt.

“(ii) QUALIFIED REAL PROPERTY FINANCING.—The term ‘qualified real property financing’ means any financing which—

“(I) is borrowed by the taxpayer with respect to the activity of holding real property,

“(II) is secured by real property used in such activity, and

“(III) is borrowed by the taxpayer from a qualified person or represents a loan from any Federal, State, or local government or instrumentality thereof, or is guaranteed by any Federal, State, or local government.

“(iii) QUALIFIED SBIC FINANCING.—The term ‘qualified SBIC financing’ means any financing which—

“(I) is borrowed by a small business investment company (within the meaning of section 301 of the Small Business Investment Act of 1958), and

“(II) is borrowed from, or guaranteed by, the Small Business Administration under the authority of section 303(b) of such Act.”.

(b) CONFORMING AMENDMENTS.—Subparagraph (A) of section 465(b)(6) is amended—

(1) by striking “in the case of an activity of holding real property,” and

(2) by striking “which is secured by real property used in such activity”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to loans and guarantees made after the date of the enactment of this Act.

SEC. 122. INCREASE IN AMOUNT ALLOWED AS DEDUCTION FOR START-UP EXPENDITURES.

(a) IN GENERAL.—Subsection (b) of section 195 is amended by adding at the end the following new paragraph:

“(3) INCREASED LIMITATION FOR TAXABLE YEARS BEGINNING IN 2010 OR 2011.—In the case of any taxable year beginning in 2010 or 2011, paragraph (1)(A)(ii) shall be applied—

“(A) by substituting ‘\$20,000’ for ‘\$5,000’, and

“(B) by substituting ‘\$75,000’ for ‘\$50,000’.”.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2009.

TITLE II—INFRASTRUCTURE INCENTIVES

SEC. 201. EXTENSION OF BUILD AMERICA BONDS.

(a) IN GENERAL.—Subparagraph (B) of section 54AA(d)(1) is amended by striking “January 1, 2011” and inserting “April 1, 2013”.

(b) EXTENSION OF PAYMENTS TO ISSUERS.—

(1) IN GENERAL.—Subsection (a) of section 6431 is amended by striking “January 1, 2011” and inserting “April 1, 2013”.

(2) CONFORMING AMENDMENTS.—Subsection (g) of section 54AA is amended—

(A) by striking “January 1, 2011” and inserting “April 1, 2013”, and

(B) by striking “QUALIFIED BONDS ISSUED BEFORE 2011” in the heading and inserting “CERTAIN QUALIFIED BONDS”.

(c) REDUCTION IN PERCENTAGE OF PAYMENTS TO ISSUERS.—Subsection (b) of section 6431 is amended—

(1) by striking “The Secretary” and inserting the following:

“(1) IN GENERAL.—The Secretary”,

(2) by striking “35 percent” and inserting “the applicable percentage”, and

(3) by adding at the end the following new paragraph:

“(2) APPLICABLE PERCENTAGE.—For purposes of this subsection, the term ‘applicable percentage’ means the percentage determined in accordance with the following table:

“In the case of a qualified bond issued during calendar year:	The applicable percentage is:
2009 or 2010	35 percent
2011	33 percent
2012	31 percent
2013	30 percent”.

(d) CURRENT REFUNDINGS PERMITTED.—Subsection (g) of section 54AA is amended by adding at the end the following new paragraph:

“(3) TREATMENT OF CURRENT REFUNDING BONDS.—

“(A) IN GENERAL.—For purposes of this subsection, the term ‘qualified build America bond’ includes any bond (or series of bonds) issued to refund a qualified build America bond if—

“(i) the average maturity date of the issue of which the refunding bond is a part is not later than the average maturity date of the bonds to be refunded by such issue,

“(ii) the amount of the refunding bond does not exceed the outstanding amount of the refunded bond, and

“(iii) the refunded bond is redeemed not later than 90 days after the date of the issuance of the refunding bond.

“(B) APPLICABLE PERCENTAGE.—In the case of a refunding bond referred to in subparagraph (A), the applicable percentage with respect to such bond under section 6431(b) shall be the

lowest percentage specified in paragraph (2) of such section.

“(C) DETERMINATION OF AVERAGE MATURITY.—For purposes of subparagraph (A)(i), average maturity shall be determined in accordance with section 147(b)(2)(A).”

(e) CLARIFICATION RELATED TO LEVEES AND FLOOD CONTROL PROJECTS.—Subparagraph (A) of section 54AA(g)(2) is amended by inserting “(including capital expenditures for levees and other flood control projects)” after “capital expenditures”.

SEC. 202. EXEMPT-FACILITY BONDS FOR SEWAGE AND WATER SUPPLY FACILITIES.

(a) BONDS FOR WATER AND SEWAGE FACILITIES EXEMPT FROM VOLUME CAP ON PRIVATE ACTIVITY BONDS.—

(1) IN GENERAL.—Paragraph (3) of section 146(g) is amended by inserting “(4), (5),” after “(2).”

(2) CONFORMING AMENDMENT.—Paragraphs (2) and (3)(B) of section 146(k) are both amended by striking “(4), (5), (6),” and inserting “(6)”.

(b) TAX-EXEMPT ISSUANCE BY INDIAN TRIBAL GOVERNMENTS.—

(1) IN GENERAL.—Subsection (c) of section 7871 is amended by adding at the end the following new paragraph:

“(4) EXCEPTION FOR BONDS FOR WATER AND SEWAGE FACILITIES.—Paragraph (2) shall not apply to an exempt facility bond 95 percent or more of the net proceeds (as defined in section 150(a)(3)) of which are to be used to provide facilities described in paragraph (4) or (5) of section 142(a).”

(2) CONFORMING AMENDMENT.—Paragraph (2) of section 7871(c) is amended by striking “paragraph (3)” and inserting “paragraphs (3) and (4)”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to obligations issued after the date of the enactment of this Act.

SEC. 203. EXTENSION OF EXEMPTION FROM ALTERNATIVE MINIMUM TAX TREATMENT FOR CERTAIN TAX-EXEMPT BONDS.

(a) IN GENERAL.—Clause (vi) of section 57(a)(5)(C) is amended—

(1) by striking “January 1, 2011” in subclause (I) and inserting “January 1, 2012”, and

(2) by striking “AND 2010” in the heading and inserting “, 2010, AND 2011”.

(b) ADJUSTED CURRENT EARNINGS.—Clause (iv) of section 56(g)(4)(B) is amended—

(1) by striking “January 1, 2011” in subclause (I) and inserting “January 1, 2012”, and

(2) by striking “AND 2010” in the heading and inserting “, 2010, AND 2011”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to obligations issued after December 31, 2010.

SEC. 204. ELECTIVE PAYMENTS IN LIEU OF LOW INCOME HOUSING CREDITS.

(a) IN GENERAL.—Chapter 65 (relating to abatements, credits, and refunds) is amended by adding at the end the following new subchapter:

“Subchapter C—Direct Payment Provisions

“Sec. 6451. Elective payments in lieu of low income housing credit for bond-financed buildings.

“SEC. 6451. ELECTIVE PAYMENTS IN LIEU OF LOW INCOME HOUSING CREDIT FOR BOND-FINANCED BUILDINGS.

“(a) IN GENERAL.—Any person making an election under this section with respect to any qualified bond-financed low-income building originally placed in service by such person during the taxable year shall be treated as making a payment, against the tax imposed by subtitle A for the taxable year, equal to the direct payment amount with respect to such building. Such payment shall be treated as made on the later of the due date of the return of such tax or the date on which such return is filed.

“(b) QUALIFIED BOND-FINANCED LOW-INCOME BUILDING.—For purposes of this section, the term ‘qualified bond-financed low-income building’ means any qualified low-income building to which paragraph (1) of section 42(h) does not apply by reason of paragraph (4)(B) of such section.

“(c) DIRECT PAYMENT AMOUNT.—For purposes of this section, the term ‘direct payment amount’ means, with respect to any building, 25.5 percent of the qualified basis of such building.

“(d) SPECIAL RULES FOR CERTAIN NON-TAX-PAYERS.—

“(1) DENIAL OF PAYMENT.—Subsection (a) shall not apply with respect to any building placed in service by—

“(A) any governmental entity, or

“(B) any organization described in section 501(c) or 401(a) and exempt from tax under section 501(a).

“(2) SPECIAL RULES FOR PARTNERSHIPS AND S CORPORATIONS.—In the case of property originally placed in service by a partnership or an S corporation—

“(A) the election under subsection (a) may be made only by such partnership or S corporation,

“(B) such partnership or S corporation shall be treated as making the payment referred to in subsection (a) only to the extent of the proportionate share of such partnership or S corporation as is owned by persons who would be treated as making such payment if the building were placed in service by such persons, and

“(C) the return required to be made by such partnership or S corporation under section 6031 or 6037 (as the case may be) shall be treated as a return of tax for purposes of subsection (a).

For purposes of subparagraph (B), rules similar to the rules of section 168(h)(6) (other than subparagraph (F) thereof) shall apply.

“(e) COORDINATION WITH LOW INCOME HOUSING CREDIT.—In the case of any property with respect to which an election is made under this section, no credit shall be determined under section 42 with respect to such building for any taxable year.

“(f) OTHER DEFINITIONS AND SPECIAL RULES.—For purposes of this section—

“(1) OTHER DEFINITIONS.—Terms used in this section which are also used in section 42 shall have the same meaning for purposes of this section as when used in such section.

“(2) APPLICATION OF RECAPTURE RULES, ETC.—Except as otherwise provided by the Secretary, rules similar to the rules of section 42 shall apply, including the recapture rules of section 42(j).

“(3) PROVISION OF INFORMATION.—A person shall not be treated as having elected the application of this section unless the taxpayer provides such information as the Secretary may require for purposes of verifying the proper amount to be treated as a payment under subsection (a) and evaluating the effectiveness of this section.

“(4) EXCLUSION FROM GROSS INCOME.—Any credit or refund allowed or made by reason of this section shall not be includible in gross income or alternative minimum taxable income.

“(g) TERMINATION.—Subsection (a) shall not apply with respect to any building placed in service during a taxable year beginning after December 31, 2010.”

(b) CONFORMING AMENDMENTS.—

(1) Subparagraph (A) of section 6211(b)(4) is amended by inserting “and subchapter C of chapter 65 (including any payment treated as made under such subchapter)” after “6431”.

(2) Subparagraph (B) of section 6425(c)(1) is amended—

(A) by striking “the credits” and inserting “the sum of—

“(i) the credits”,

(B) by striking the period at the end of clause (i) thereof (as amended by this paragraph) and inserting “, plus”, and

(C) by adding at the end the following new clause:

“(ii) the credits allowed (and payments treated as made) under subchapter C.”

(3) Paragraph (3) of section 6654(f) is amended—

(A) by striking “the credits” and inserting “the sum of—

“(A) the credits”,

(B) by striking the period at the end of subparagraph (A) thereof (as amended by this paragraph) and inserting “, and”, and

(C) by adding at the end the following new subparagraph:

“(B) the credits allowed (and payments treated as made) under subchapter C of chapter 65.”

(4) Subparagraph (B) of section 6655(g)(1) is amended—

(A) by striking “the credits” and inserting “the sum of—

“(i) the credits”,

(B) by striking the period at the end of clause (i) thereof (as amended by this paragraph) and inserting “, plus”, and

(C) by adding at the end the following new clause:

“(ii) the credits allowed (and payments treated as made) under subchapter C of chapter 65.”

(5) Paragraph (2) of section 1324(b) of title 31, United States Code, is amended by inserting “, or from the provisions of subchapter C of chapter 65 of such Code” before the period at the end.

(6) The table of subchapters for chapter 65 is amended by adding at the end the following new item:

SUBCHAPTER C. DIRECT PAYMENT PROVISIONS

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to buildings placed in service after the date of the enactment of this Act.

SEC. 205. EXTENSION AND ADDITIONAL ALLOCATIONS OF RECOVERY ZONE BOND AUTHORITY.

(a) EXTENSION OF RECOVERY ZONE BOND AUTHORITY.—Section 1400U-2(b)(1) and section 1400U-3(b)(1)(B) are each amended by striking “January 1, 2011” and inserting “January 1, 2012”.

(b) ADDITIONAL ALLOCATIONS OF RECOVERY ZONE BOND AUTHORITY BASED ON UNEMPLOYMENT.—Section 1400U-1 is amended by adding at the end the following new subsection:

“(c) ALLOCATION OF 2010 RECOVERY ZONE BOND LIMITATIONS BASED ON UNEMPLOYMENT.—

“(1) IN GENERAL.—The Secretary shall allocate the 2010 national recovery zone economic development bond limitation and the 2010 national recovery zone facility bond limitation among the States in the proportion that each such State’s 2009 unemployment number bears to the aggregate of the 2009 unemployment numbers for all of the States.

“(2) MINIMUM ALLOCATION.—The Secretary shall adjust the allocations under paragraph (1) for each State to the extent necessary to ensure that no State (prior to any reduction under paragraph (3)) receives less than 0.9 percent of the 2010 national recovery zone economic development bond limitation and 0.9 percent of the 2010 national recovery zone facility bond limitation.

“(3) ALLOCATIONS BY STATES.—

“(A) IN GENERAL.—Each State with respect to which an allocation is made under paragraph (1) shall reallocate such allocation among the counties and large municipalities (as defined in subsection (a)(3)(B)) in such State in the proportion that each such county’s or municipality’s 2009 unemployment number bears to the aggregate of the 2009 unemployment numbers for

all the counties and large municipalities (as so defined) in such State.

“(B) 2010 ALLOCATION REDUCED BY AMOUNT OF PREVIOUS ALLOCATION.—Each State shall reduce (but not below zero)—

“(i) the amount of the 2010 national recovery zone economic development bond limitation allocated to each county or large municipality (as so defined) in such State by the amount of the national recovery zone economic development bond limitation allocated to such county or large municipality under subsection (a)(3)(A) (determined without regard to any waiver thereof), and

“(ii) the amount of the 2010 national recovery zone facility bond limitation allocated to each county or large municipality (as so defined) in such State by the amount of the national recovery zone facility bond limitation allocated to such county or large municipality under subsection (a)(3)(A) (determined without regard to any waiver thereof).

“(C) WAIVER OF SUBALLOCATIONS.—A county or municipality may waive any portion of an allocation made under this paragraph. A State may by law treat a county or municipality as waiving any portion of an allocation made under this paragraph if there is a reasonable expectation that such allocation would not otherwise be used.

“(D) SPECIAL RULE FOR A MUNICIPALITY IN A COUNTY.—In the case of any large municipality any portion of which is in a county, such portion shall be treated as part of such municipality and not part of such county.

“(4) 2009 UNEMPLOYMENT NUMBER.—For purposes of this subsection, the term ‘2009 unemployment number’ means, with respect to any State, county or municipality, the number of individuals in such State, county, or municipality who were determined to be unemployed by the Bureau of Labor Statistics for December 2009.

“(5) 2010 NATIONAL LIMITATIONS.—

“(A) RECOVERY ZONE ECONOMIC DEVELOPMENT BONDS.—The 2010 national recovery zone economic development bond limitation is \$10,000,000,000. Any allocation of such limitation under this subsection shall be treated for purposes of section 1400U-2 in the same manner as an allocation of national recovery zone economic development bond limitation.

“(B) RECOVERY ZONE FACILITY BONDS.—The 2010 national recovery zone facility bond limitation is \$15,000,000,000. Any allocation of such limitation under this subsection shall be treated for purposes of section 1400U-3 in the same manner as an allocation of national recovery zone facility bond limitation.”

(c) AUTHORITY OF STATE TO WAIVE CERTAIN 2009 ALLOCATIONS.—Subparagraph (A) of section 1400U-1(a)(3) is amended by adding at the end the following: “A State may by law treat a county or municipality as waiving any portion of an allocation made under this subparagraph if there is a reasonable expectation that such allocation would not otherwise be used.”

SEC. 206. ALLOWANCE OF NEW MARKETS TAX CREDIT AGAINST ALTERNATIVE MINIMUM TAX.

(a) IN GENERAL.—Subparagraph (B) of section 38(c)(4) is amended by redesignating clauses (v) through (viii) as clauses (vi) through (ix), respectively, and by inserting after clause (iv) the following new clause:

“(v) the credit determined under section 45D, but only with respect to credits determined with respect to qualified equity investments (as defined in section 45D(b)) initially made before January 1, 2012.”

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to qualified equity investments (as defined in section 45D(b) of the Internal Revenue Code of 1986) initially made after March 15, 2010.

TITLE III—REVENUE PROVISIONS

SEC. 301. LIMITATION ON TREATY BENEFITS FOR CERTAIN DEDUCTIBLE PAYMENTS.

(a) IN GENERAL.—Section 894 (relating to income affected by treaty) is amended by adding at the end the following new subsection:

“(d) LIMITATION ON TREATY BENEFITS FOR CERTAIN DEDUCTIBLE PAYMENTS.—

“(1) IN GENERAL.—In the case of any deductible related-party payment, any withholding tax imposed under chapter 3 (and any tax imposed under subpart A or B of this part) with respect to such payment may not be reduced under any treaty of the United States unless any such withholding tax would be reduced under a treaty of the United States if such payment were made directly to the foreign parent corporation.

“(2) DEDUCTIBLE RELATED-PARTY PAYMENT.—For purposes of this subsection, the term ‘deductible related-party payment’ means any payment made, directly or indirectly, by any person to any other person if the payment is allowable as a deduction under this chapter and both persons are members of the same foreign controlled group of entities.

“(3) FOREIGN CONTROLLED GROUP OF ENTITIES.—For purposes of this subsection—

“(A) IN GENERAL.—The term ‘foreign controlled group of entities’ means a controlled group of entities the common parent of which is a foreign corporation.

“(B) CONTROLLED GROUP OF ENTITIES.—The term ‘controlled group of entities’ means a controlled group of corporations as defined in section 1563(a)(1), except that—

“(i) ‘more than 50 percent’ shall be substituted for ‘at least 80 percent’ each place it appears therein, and

“(ii) the determination shall be made without regard to subsections (a)(4) and (b)(2) of section 1563.

A partnership or any other entity (other than a corporation) shall be treated as a member of a controlled group of entities if such entity is controlled (within the meaning of section 954(d)(3)) by members of such group (including any entity treated as a member of such group by reason of this sentence).

“(4) FOREIGN PARENT CORPORATION.—For purposes of this subsection, the term ‘foreign parent corporation’ means, with respect to any deductible related-party payment, the common parent of the foreign controlled group of entities referred to in paragraph (3)(A).

“(5) REGULATIONS.—The Secretary may prescribe such regulations or other guidance as are necessary or appropriate to carry out the purposes of this subsection, including regulations or other guidance which provide for—

“(A) the treatment of two or more persons as members of a foreign controlled group of entities if such persons would be the common parent of such group if treated as one corporation, and

“(B) the treatment of any member of a foreign controlled group of entities as the common parent of such group if such treatment is appropriate taking into account the economic relationships among such entities.”

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to payments made after the date of the enactment of this Act.

SEC. 302. TREATMENT OF SECURITIES OF A CONTROLLED CORPORATION EXCHANGED FOR ASSETS IN CERTAIN REORGANIZATIONS.

(a) IN GENERAL.—Section 361 (relating to non-recognition of gain or loss to corporations; treatment of distributions) is amended by adding at the end the following new subsection:

“(d) SPECIAL RULES FOR TRANSACTIONS INVOLVING SECTION 355 DISTRIBUTIONS.—In the case of a reorganization described in section 368(a)(1)(D) with respect to which stock or securities of the corporation to which the assets are

transferred are distributed in a transaction which qualifies under section 355—

“(1) this section shall be applied by substituting ‘stock other than nonqualified preferred stock (as defined in section 351(g)(2))’ for ‘stock or securities’ in subsections (a) and (b)(1), and

“(2) the first sentence of subsection (b)(3) shall apply only to the extent that the sum of the money and the fair market value of the other property transferred to such creditors does not exceed the adjusted bases of such assets transferred (reduced by the amount of the liabilities assumed (within the meaning of section 357(c))).”

(b) CONFORMING AMENDMENT.—Paragraph (3) of section 361(b) is amended by striking the last sentence.

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to exchanges after the date of the enactment of this Act.

(2) TRANSITION RULE.—The amendments made by this section shall not apply to any exchange pursuant to a transaction which is—

(A) made pursuant to an agreement which was binding on March 15, 2010, and at all times thereafter,

(B) described in a ruling request submitted to the Internal Revenue Service on or before such date, or

(C) described on or before such date in a public announcement or in a filing with the Securities and Exchange Commission.

SEC. 303. REPEAL OF SPECIAL RULES FOR INTEREST AND DIVIDENDS RECEIVED FROM PERSONS MEETING THE 80-PERCENT FOREIGN BUSINESS REQUIREMENTS.

(a) REPEAL OF SPECIAL RULE TREATING INTEREST AS UNITED STATES SOURCE.—Paragraph (1) of section 861(a) is amended by striking subparagraph (A) and by redesignating subparagraphs (B) and (C) as subparagraphs (A) and (B), respectively.

(b) REPEAL OF EXCEPTION TO TAX ON DIVIDENDS RECEIVED BY NONRESIDENT ALIENS.—Paragraph (2) of section 871(i) is amended by striking subparagraph (B) and by redesignating subparagraphs (C) and (D) as subparagraphs (B) and (C), respectively.

(c) CONFORMING AMENDMENTS.—

(1) Section 861 is amended by striking subsection (c) and by redesignating subsections (d), (e), and (f) as subsections (c), (d), and (e), respectively.

(2) Paragraph (9) of section 904(h) is amended to read as follows:

“(9) TREATMENT OF CERTAIN DOMESTIC CORPORATIONS.—In the case of any dividend treated as not from sources with the United States under section 861(a)(2)(A), the corporation paying such dividend shall be treated for purposes of this subsection as a United States-owned foreign corporation.”

(3) Subsection (c) of section 2104 is amended in the last sentence by striking “or to a debt obligation of a domestic corporation” and all that follows and inserting a period.

(d) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to taxable years beginning after December 31, 2010.

(2) GRANDFATHER RULE FOR OUTSTANDING DEBT OBLIGATIONS.—

(A) IN GENERAL.—The amendments made by this section shall not apply to payments of interest on obligations issued before the date of the enactment of this Act.

(B) EXCEPTION FOR RELATED PARTY DEBT.—Subparagraph (A) shall not apply to any interest which is payable to a related person (determined under rules similar to the rules of section 954(d)(3)).

(C) SIGNIFICANT MODIFICATIONS TREATED AS NEW ISSUES.—For purposes of subparagraph (A), a significant modification of the terms of any obligation (including any extension of the term of such obligation) shall be treated as a new issue.

SEC. 304. INFORMATION REPORTING FOR RENTAL PROPERTY EXPENSE PAYMENTS.

(a) IN GENERAL.—Section 6041 is amended by adding at the end the following new subsection:

“(h) TREATMENT OF RENTAL PROPERTY EXPENSE PAYMENTS.—

“(1) IN GENERAL.—For purposes of subsection (a), a person receiving rental income from real estate (other than a qualified residence) shall be considered to be engaged in a trade or business of renting property.

“(2) QUALIFIED RESIDENCE.—For purposes of paragraph (1), the term ‘qualified residence’ means—

“(A) the principal residence (within the meaning of section 121) of the taxpayer, and

“(B) 1 other residence of the taxpayer which is selected by the taxpayer for purposes of this subsection for the taxable year and which is used by the taxpayer as a residence (within the meaning of section 280A(d)(1)).”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to payments made after December 31, 2010.

SEC. 305. APPLICATION OF LEVY TO PAYMENTS TO FEDERAL VENDORS RELATING TO PROPERTY.

(a) IN GENERAL.—Section 6331(h)(3) is amended by striking “goods or services” and inserting “property, goods, or services”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to levies approved after the date of the enactment of this Act.

SEC. 306. APPLICATION OF CONTINUOUS LEVY TO TAX LIABILITIES OF CERTAIN FEDERAL CONTRACTORS.

(a) IN GENERAL.—Subsection (f) of section 6330 is amended by striking “or” at the end of paragraph (2), by inserting “or” at the end of paragraph (3), and by inserting after paragraph (3) the following new paragraph:

“(4) the Secretary has served a Federal contractor levy.”.

(b) FEDERAL CONTRACTOR LEVY.—Subsection (h) of section 6330 is amended—

(1) by striking all that precedes “any levy in connection with the collection” and inserting the following:

“(h) DEFINITIONS RELATED TO EXCEPTIONS.—For purposes of subsection (f)—

“(1) DISQUALIFIED EMPLOYMENT TAX LEVY.—A disqualified employment tax levy is”, and

(2) by adding at the end the following new paragraph:

“(2) FEDERAL CONTRACTOR LEVY.—A Federal contractor levy is any levy if the person whose property is subject to the levy (or any predecessor thereof) is a Federal contractor.”.

(c) CONFORMING AMENDMENT.—The heading of subsection (f) of section 6330 is amended by striking “JEOPARDY AND STATE REFUND COLLECTION” and inserting “EXCEPTIONS”.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to levies issued after December 31, 2010.

SEC. 307. REQUIRED MINIMUM 10-YEAR TERM, ETC., FOR GRANTOR RETAINED ANNUITY TRUSTS.

(a) IN GENERAL.—Subsection (b) of section 2702 is amended—

(1) by redesignating paragraphs (1), (2) and (3) as subparagraphs (A), (B), and (C), respectively, and by moving such subparagraphs (as so redesignated) 2 ems to the right,

(2) by striking “For purposes of” and inserting the following:

“(1) IN GENERAL.—For purposes of”, and

(3) by striking “paragraph (1) or (2)” in paragraph (1)(C) (as so redesignated) and inserting “subparagraph (A) or (B)”, and

(4) by adding at the end the following new paragraph:

“(2) ADDITIONAL REQUIREMENTS WITH RESPECT TO GRANTOR RETAINED ANNUITIES.—For purposes of subsection (a), in the case of an interest described in paragraph (1)(A) (determined without regard to this paragraph) which is retained by the transferor, such interest shall be treated as described in such paragraph only if—

“(A) the right to receive the fixed amounts referred to in such paragraph is for a term of not less than 10 years,

“(B) such fixed amounts, when determined on an annual basis, do not decrease relative to any prior year during the first 10 years of the term referred to in subparagraph (A), and

“(C) the remainder interest has a value greater than zero determined as of the time of the transfer.”.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to transfers made after the date of the enactment of this Act.

SEC. 308. INCREASE IN INFORMATION RETURN PENALTIES.

(a) FAILURE TO FILE CORRECT INFORMATION RETURNS.—

(1) IN GENERAL.—Subsections (a)(1), (b)(1)(A), and (b)(2)(A) of section 6721 are each amended by striking “\$50” and inserting “\$100”.

(2) AGGREGATE ANNUAL LIMITATION.—Subsections (a)(1), (d)(1)(A), and (e)(3)(A) of section 6721 are each amended by striking “\$250,000” and inserting “\$1,500,000”.

(b) REDUCTION WHERE CORRECTION WITHIN 30 DAYS.—

(1) IN GENERAL.—Subparagraph (A) of section 6721(b)(1) is amended by striking “\$15” and inserting “\$30”.

(2) AGGREGATE ANNUAL LIMITATION.—Subsections (b)(1)(B) and (d)(1)(B) of section 6721 are each amended by striking “\$75,000” and inserting “\$250,000”.

(c) REDUCTION WHERE CORRECTION ON OR BEFORE AUGUST 1.—

(1) IN GENERAL.—Subparagraph (A) of section 6721(b)(2) is amended by striking “\$30” and inserting “\$60”.

(2) AGGREGATE ANNUAL LIMITATION.—Subsections (b)(2)(B) and (d)(1)(C) of section 6721 are each amended by striking “\$150,000” and inserting “\$500,000”.

(d) AGGREGATE ANNUAL LIMITATIONS FOR PERSONS WITH GROSS RECEIPTS OF NOT MORE THAN \$5,000,000.—Paragraph (1) of section 6721(d) is amended—

(1) by striking “\$100,000” in subparagraph (A) and inserting “\$500,000”,

(2) by striking “\$25,000” in subparagraph (B) and inserting “\$75,000”, and

(3) by striking “\$50,000” in subparagraph (C) and inserting “\$200,000”.

(e) PENALTY IN CASE OF INTENTIONAL DISREGARD.—Paragraph (2) of section 6721(e) is amended by striking “\$100” and inserting “\$250”.

(f) ADJUSTMENT FOR INFLATION.—Section 6721 is amended by adding at the end the following new subsection:

“(f) ADJUSTMENT FOR INFLATION.—

“(1) IN GENERAL.—For each fifth calendar year beginning after 2012, each of the dollar amounts under subsections (a), (b), (d) (other than paragraph (2)(A) thereof), and (e) shall be increased by such dollar amount multiplied by the cost-of-living adjustment determined under section 1(f)(3) determined by substituting ‘calendar year 2011’ for ‘calendar year 1992’ in subparagraph (B) thereof.

“(2) ROUNDING.—If any amount adjusted under paragraph (1)—

“(A) is not less than \$75,000 and is not a multiple of \$500, such amount shall be rounded to the next lowest multiple of \$500, and

“(B) is not described in subparagraph (A) and is not a multiple of \$10, such amount shall be rounded to the next lowest multiple of \$10.”.

(g) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to information returns required to be filed on or after January 1, 2011.

SEC. 309. CRUDE TALL OIL INELIGIBLE FOR CELLULOSE BIOFUEL PRODUCER CREDIT.

(a) IN GENERAL.—Section 40(B)(6)(E) of the Internal Revenue Code of 1986 is amended by adding at the end the following new clause:

“(iv) EXCLUSION OF CERTAIN PROCESSED FUELS WITH A HIGH ACID CONTENT.—The term ‘cellulosic biofuel’ shall not include any processed fuel with an acid number greater than 25. For purposes of the preceding sentence, the term ‘processed fuel’ means any fuel other than a fuel—

“(I) more than 4 percent of which (determined by weight) is any combination of water and sediment, or

“(II) the ash content of which is more than 1 percent (determined by weight).”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to fuels sold or used on or after January 1, 2010.

SEC. 310. TIME FOR PAYMENT OF CORPORATE ESTIMATED TAXES.

(a) SHIFT FROM 2015 TO 2014.—The percentage under paragraph (1) of section 202(b) of the Corporate Estimated Tax Shift Act of 2009 in effect on the date of the enactment of this Act is increased by 4.5 percentage points.

(b) SHIFT FROM 2016 TO 2015.—The percentage under paragraph (2) of section 561 of the Hiring Incentives to Restore Employment Act in effect on the date of the enactment of this Act is increased by 3.5 percentage points.

(c) SHIFT FROM 2020 TO 2019.—The percentage under paragraph (3) of section 561 of the Hiring Incentives to Restore Employment Act in effect on the date of the enactment of this Act is increased by 1.25 percentage points.

TITLE IV—EXTENSION OF EMERGENCY CONTINGENCY FUND FOR STATE TEMPORARY ASSISTANCE FOR NEEDY FAMILIES PROGRAMS

SEC. 401. 1-YEAR EXTENSION OF THE EMERGENCY CONTINGENCY FUND FOR STATE TEMPORARY ASSISTANCE FOR NEEDY FAMILIES PROGRAMS.

(a) IN GENERAL.—Section 403(c) of the Social Security Act (42 U.S.C. 603(c)) is amended—

(1) in paragraph (2)(A), by inserting “, and for fiscal year 2011, \$2,500,000,000” before “for payment”;

(2) by striking paragraph (2)(B) and inserting the following:

“(B) AVAILABILITY AND USE OF FUNDS.—

“(i) FISCAL YEARS 2009 AND 2010.—The amounts appropriated to the Emergency Fund under subparagraph (A) for fiscal year 2009 shall remain available through fiscal year 2010 and shall be used to make grants to States in each of fiscal years 2009 and 2010 in accordance with the requirements of paragraph (3).

“(ii) FISCAL YEAR 2011.—Subject to clause (iii), the amounts appropriated to the Emergency Fund under subparagraph (A) for fiscal year 2011 shall remain available through fiscal year 2012 and shall be used to make grants to States based on expenditures in fiscal year 2011 for benefits and services provided in fiscal year 2011 in accordance with the requirements of paragraph (3).

“(iii) RESERVATION OF FUNDS.—Of the amounts appropriated to the Emergency Fund under subparagraph (A) for fiscal year 2011, \$500,000 shall be placed in reserve for use in fiscal year 2012, and shall be used to award grants for any expenditures described in this subsection incurred by States after September 30, 2011.”.

(3) in paragraph (2)(C), by striking “2010” and inserting “2012”;

(4) in paragraph (3)—

(A) in clause (i) of each of subparagraphs (A), (B), and (C)—

(i) by striking “year 2009 or 2010” and inserting “years 2009 through 2011”;

(ii) by striking “and” at the end of subclause (I);

(iii) by striking the period at the end of subclause (II) and inserting “; and”; and

(iv) by adding at the end the following:

“(III) if the quarter is in fiscal year 2011, has provided the Secretary with such information as the Secretary may find necessary in order to make the determinations, or take any other action, described in paragraph (5)(C).”; and

(B) in subparagraph (C), by adding at the end the following:

“(iv) LIMITATION ON EXPENDITURES FOR SUBSIDIZED EMPLOYMENT.—An expenditure for subsidized employment shall be taken into account under clause (ii) only if the expenditure is used to subsidize employment for—

“(I) a member of a needy family (without regard to whether the family is receiving assistance under the State program funded under this part); or

“(II) an individual who has exhausted (or, within 60 days, will exhaust) all rights to receive unemployment compensation under Federal and State law, and who is a member of a needy household (regardless of whether the household includes a child).”;;

(5) by striking paragraph (5) and inserting the following:

“(5) LIMITATIONS ON PAYMENTS; ADJUSTMENT AUTHORITY.—

“(A) FISCAL YEARS 2009 AND 2010.—The total amount payable to a single State under subsection (b) and this subsection for fiscal years 2009 and 2010 combined shall not exceed 50 percent of the annual State family assistance grant.

“(B) FISCAL YEAR 2011.—Subject to subparagraph (C), the total amount payable to a single State under subsection (b) and this subsection for fiscal year 2011 shall not exceed 30 percent of the annual State family assistance grant.

“(C) ADJUSTMENT AUTHORITY.—If the Secretary determines that the Emergency Fund is at risk of being depleted before September 30, 2011, or that funds are available to accommodate additional State requests under this subsection, the Secretary may, through program instructions issued without regard to the requirements of section 553 of title 5, United States Code—

“(i) specify priority criteria for awarding grants to States during fiscal year 2011; and

“(ii) adjust the percentage limitation applicable under subparagraph (B) with respect to the total amount payable to a single State for fiscal year 2011.”; and

(6) in paragraph (6), by inserting “or for expenditures described in paragraph (3)(C)(iv)” before the period.

(b) CONFORMING AMENDMENTS.—Section 2101 of division B of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5) is amended—

(1) in subsection (a)(2)—

(A) by striking “2010” and inserting “2011”; and

(B) by striking all that follows “repealed” and inserting a period; and

(2) in subsection (d)(1), by striking “2010” and inserting “2011”.

(c) PROGRAM GUIDANCE.—The Secretary of Health and Human Services shall issue program guidance, without regard to the requirements of section 553 of title 5, United States Code, which ensures that the funds provided under the amendments made by this section for subsidized employment do not support any subsidized employment position the annual salary of which is greater than, at State option—

(1) 200 percent of the poverty line (within the meaning of section 673(2) of the Omnibus Budget Reconciliation Act of 1981, including any revision required by such section 673(2)) for a family of 4; or

(2) the median wage in any jurisdiction operating a program with funds provided pursuant to the amendments.

The SPEAKER pro tempore. The gentleman from Michigan (Mr. LEVIN) and the gentleman from Michigan (Mr. CAMP) each will control 30 minutes.

The Chair recognizes the gentleman from Michigan.

GENERAL LEAVE

Mr. LEVIN. Madam Speaker, I ask that all Members may have 5 legislative days to revise and extend their remarks and insert extraneous material in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. LEVIN. In addition, the Ways and Means Ranking Member DAVE CAMP and I have asked the nonpartisan Joint Committee on Taxation to make available to the public a technical explanation of the modifications that were made to H.R. 4849 by the rule.

This technical explanation supplements the Committee Report 111–454, with information on the Committee’s understanding and legislative intent behind these modifications. It is available on the Joint Committee’s Web site at www.jct.gov and is listed under document numbered JCX–21–10.

It is now my pleasure to yield 1 minute to our most distinguished majority leader, STENY HOYER of Maryland.

Mr. HOYER. I thank the gentleman for yielding and I congratulate him for his leadership, and I thank Mr. CAMP as well for his work.

In the fall, Madam Speaker, of 2008, America did not know whether it was heading for the second Great Depression. Those weren’t my words. Those were the words of Ben Bernanke, head of the Federal Reserve.

Since then, the work of the Obama administration and the Democratic Congress has headed off disaster. Most important has been the Recovery Act, which cut taxes for small businesses and 95 percent of families, funded thousands of job-creating projects across America, provided emergency assistance to those hit hardest by the recession, saved States from laying off teachers, firefighters, police officers, and much more.

No matter what its partisan critics say, the facts say it clearly: The Recovery Act is working.

The Recovery Act created some 2 million jobs. And since President Obama took office, monthly job losses are down 96 percent, from 726,000 over a 4-month average during the latter part of the Bush administration, to 27,500 over the last 4 months, a 96 percent improvement of job loss. That is not suc-

cess, but it is progress. Success will be when we grow jobs, as we did in November.

Our economy is growing again. In the most recent quarter, it grew by 5.9 percent. That is the fastest rate in 6 years, and the second straight quarter of growth under President Obama. In addition, it is a 12.3 percent turnaround from the last quarter of 2008 to the last quarter of 2009.

The Dow is up some 60 plus percent from the low it hit shortly after President Obama signed the Recovery Act, the S&P 500 is up 72 percent from its low, and the NASDAQ is up 87 percent now, since we passed the Recovery Act. That is progress to be proud of.

But as long as millions of Americans remain out of work, through no fault of their own, we have not reached the goal. We have not had the success we want.

We know that, to a family struggling through chronic unemployment, all the positive economic numbers in the world must look like they bear little relation to reality. That is because, time and again, employment numbers are the last part of a recession to turn around.

The families who are struggling and suffering right now did not create this economic collapse, but they are bearing its brunt. So it is imperative that we act for them.

This month, the President signed the HIRE Act, which eliminated the payroll tax for every employed worker who is hired. Now, the good news by that is that we don’t pay anything unless we accomplish the objective. If they add the jobs, they get the credit, which the nonpartisan CBO calls one of the most effective methods of job creation.

The HIRE Act also gives businesses tax credits for keeping new employees on the payroll, helps small businesses finance their expansion, and extends job-creating and much-needed highway programs.

When the House passed the HIRE Act, Democrats made it clear on this floor that it was an important step, but by no means the last one. That is why we are back here today, and that is why I urge my colleagues to support the Small Business and Infrastructure Jobs Act.

This bill expands the successful Build America bonds and Recovery Zone bonds, which helps State and local governments fund needed projects and put people to work. As of this month, Build America bonds helped State and local governments pay for \$78 billion in infrastructure programs, projects that were needed but did not have the funds. Build America bonds assured that they had the funds and created the jobs.

This bill also contains provisions to help small business innovate and grow. It increases the deduction for business startup expenses, so enterprising Americans all over our country will

have stronger incentives to open the books of new businesses, an important measure we owe to my Maryland colleague and friend, Congressman FRANK KRATOVIL.

And, it excludes 100 percent of small business capital gains from taxation, which will lead to a new influx of investment, the investment small businesses need to expand and hire new workers.

For Democrats, job creation is our single-most important job. I think, frankly, Republicans share that sentiment. I think that is a bipartisan sentiment. This bill carries that work forward, and I believe it will provide significant relief to the Americans who are still feeling the recession's harsh effects.

Again, I congratulate Mr. LEVIN for the work of his committee on bringing this to the floor. I also want to congratulate my friend, CHARLIE RANGEL, who has been so instrumental in working on these jobs bills for so long. Madam Speaker, I urge my colleagues to strongly support this legislation.

Mr. CAMP. Madam Speaker, I yield myself such time as I may consume.

It's tough to see this bill either as a small business bill or as a jobs bill, and, specifically, I have three concerns:

One, it raises taxes on employers during a recession, making it tougher for Americans to find needed work.

Two, roughly 80 percent of the so-called tax relief in the bill is dedicated to State and local governments.

□ 1315

Small governments are not small businesses, and they do not create the kind of private sector jobs that we need.

Three, the limited and very narrow tax provisions, even if well-intentioned, will not do enough to help employers create jobs.

Under this bill, American jobs will be taxed. That's the simple truth regarding the provision limiting treaty benefits for certain deductible payments. This is very similar to a provision offered previously by the gentleman from Texas (Mr. DOGGETT) and accounts for about 40 percent of the \$19.4 billion in tax increases in the bill.

There's never a good time to raise taxes on employers and American workers, but given the continued weakness in the economy, now may be the worst time. Data from the Department of Labor confirms that 48 States have lost jobs since the Democrats' stimulus bill passed, 3.3 million jobs have been eliminated since the Democrat stimulus bill passed, and a record 16 million Americans are out of work.

In case you need more evidence that the Democrat stimulus bill failed, just look at the \$2.5 billion in "emergency" welfare spending that was added to this bill. This money will be paid out in the third fiscal year since stimulus money

first started flowing. That's the third year. This bill increases spending, it increases taxes and will not create private sector jobs. In that respect, this is the "Mini Me" of the Democrats' stimulus bill.

I encourage my colleagues to vote "no," and I reserve the balance of my time.

Mr. LEVIN. I yield myself such time as I may consume.

This, indeed, is a jobs bill. It's a continuation of the work in this Congress by some of us to spur job creation to recover from the 8.4 million jobs lost in this recession and to improve the quality of life in our communities. The cornerstone, indeed, of this package is an extension of the Build America Bonds program. It's been an effective tool in job creation. It's been a vital resource for State and local governments looking to advance infrastructure programs.

Mr. CAMP talks about the number of States—I think you referred to 47—where jobs have been lost. I think every one of those States—it's 47—has benefited from the Build America Bonds program. The money goes to local communities for infrastructure, and that creates jobs. That's what finance experts have said about BABs. It's one of the economic recovery effort's biggest successes. As I mentioned, as of March 1, 2010, State and local governments have used BABs to finance more than \$78 billion in infrastructure programs.

Now, as to small business. The legislation excludes 100 percent of capital gains on small business stock to help encourage immediate investments in growth. It will, in turn, help our small businesses hire new workers and continue fueling our economic recovery. Also included are provisions to remove onerous penalties from small businesses so they can create more jobs. Also, there's a provision, an important one, to reduce the barrier of startup expenses on new businesses.

The bill would also extend, for 1 year, the TANF emergency contingency fund. The Governors Association has said this fund helps "speed economic recovery through subsidized employment and training programs."

This bill is completely offset and will not add a dime to the Federal deficit. The bill is offset with provisions to ensure compliance with our tax laws, close down a loophole that allows paper companies to claim a \$1.01 per gallon tax credit for highly corrosive fuel waste products, and it does crack down on foreign tax haven corporations that are taking advantage of the U.S. tax treaty network in order to dodge U.S. taxes. And to just say you're opposed to any tax increases? Tax increases on people who are avoiding paying legitimate taxes. I have a chart here, in very simple terms, that spells out how these companies, these foreign corporations

that are not part of a tax-treaty country, how they evade taxes through a gimmick. And to oppose this because of that, I think, is very, very inappropriate.

So, in a word, this bill is another significant step towards helping our country continue down the path of economic recovery and job creation. It should be a bipartisan bill. In the markup that we held, there wasn't a single amendment offered by the minority to strike a specific jobs provision here. This Congress will continue to take additional targeted and effective steps to accelerate economic recovery for American families. And I say with sadness, as I hear Mr. CAMP speak, that it looks like it will not receive the bipartisan support it so fully deserves.

I reserve the balance of my time.

Mr. CAMP. At this time I yield 3 minutes to a distinguished member of the Ways and Means Committee, the gentleman from California (Mr. HERGER).

Mr. HERGER. Madam Speaker, Republicans have been arguing ever since the debate on last year's failed stimulus bill that we need real tax relief to get our economy going and to create jobs. Today, the Democratic majority has brought forward a bill that offers \$3.5 billion in tax relief for small businesses. Unfortunately, it also includes \$19 billion in new taxes, including a major tax aimed directly at companies that invest in the U.S. and hire American workers. This comes just days after the Democrats rammed through a health care bill that raises taxes by \$569 billion. And if Congress does not extend the tax relief that expires at the end of this year, Americans will see their taxes go up by another \$3 trillion. So while there are some good things in this bill, it's hard to see how a collection of minor tax relief measures will spur job creation when small businesses are staring down the barrel of unprecedented tax increases in the year ahead.

When the Ways and Means Committee considered this bill last week, I offered an amendment to make permanent the \$250,000 expensing allowance under section 179; however, Democrats voted down this and every other effort to provide real, permanent tax relief for small businesses. What has been added to the bill is a new \$2.5 billion bailout for State welfare programs. This has nothing to do with creating jobs; yet it was mysteriously added to the bill after we marked it up in committee. I hope that this was not a deliberate plan to avoid having a vote in committee on the merits of this funding. After the public outrage over backroom dealmaking in the health care bill, it is disappointing to see the majority party again bypassing regular order to make last-minute changes to the bill reported by the committee.

Madam Speaker, the American people still want to know: Where are the jobs? This bill fails to answer that question, and the House should reject it.

Mr. LEVIN. It's now my privilege to yield 2 minutes to my colleague and friend, the gentleman from New York (Mr. RANGEL).

Mr. RANGEL. Thank you, Mr. Chairman.

I really can't understand how this discussion is dealing with Republicans and Democrats. When someone loses his job and loses his health care, loses his dignity and pride and ability to take care of his or her rent or pay the mortgage or tuition in school, when they make applications for unemployment compensation, I really don't think that people ask: Are you a Republican or a Democrat? And this is true of health insurance as well as it is for education and job training. This is what makes America great, not the majority or minority party. At the end of the day, what have we done as Congress and a part of government to allow people to put their hopes and dreams together so that we can get a full recovery?

For those who are critical of this bill for what it hasn't done, it's only one step as we attempt to move forward to get America back to work. That's what we all want. For those who say that too much is given to government, my God, we're talking about putting people back to work so that they have the ability to buy from small business people.

We eliminate taxes for capital gains if you invest in small businesses. We provide incentives for startup funds so that people can have the small businesses. And there's not a mayor, there's not a Governor, who doesn't truly believe that putting people to work on infrastructure, building schools, getting involved in low-income housing—we're talking about jobs. Not Democratic jobs, not Republican jobs, but jobs that can put money in people's pockets to fulfill their obligations and their dreams.

So let's get away from this partisanship. Why don't we just ask: Is it good for America and not just good for our party?

Mr. CAMP. At this time, Madam Speaker, I yield 3 minutes to a member of the Ways and Means Committee, the distinguished gentleman from Texas (Mr. BRADY).

Mr. BRADY of Texas. Another week, another stimulus. This ministimulus, the third or fourth such effort—I've lost count—is more proof of the failed economic policies of Washington Democrats and an acknowledgment that the massive \$860 billion stimulus bill has fallen far short of its debt-driven, wastefully spent promises to revive America's recovery.

From a jobs standpoint for small business, this bill does next to nothing.

In fact, by increasing taxes on global companies that invest and create jobs here in America, this bill may actually kill more jobs than it creates.

This bill wrongly breaches long-standing tax treaties and increases taxes by more than \$7 billion on global companies with subsidiaries here in the United States. We want America to be the place Americans choose to put their workers. Why punish them, especially thousands of Americans without jobs?

This measure also expands the heavily taxpayer subsidized Build America Bonds, which are popular but are taking shape as a long-term entitlement to which our local governments are quickly becoming addicted. That's bad news for America's taxpayers.

Finally, much has been made of the centerpiece of this bill. It's a 100 percent cutout of capital gains on small businesses. But who qualifies for this? I can tell you who doesn't qualify as a small business. Look closely at the section that says, if you're in health, in law, engineering, architecture, accounting, actuarial science, performing arts, consulting, athletics, financial services, brokerage services, or any trade or business where the reputation of your employees counts. You're not eligible if you're in banking, insurance, financing, leasing, investing, or similar business. You're not eligible if you're a farming small business, a business involving extraction of commodities like energy or mining. You can't be a hotel, a motel, a restaurant, or similar business. You can't have ownership or dealings in or renting of real estate property or rental property.

The question is: Who does qualify for this?

□ 1330

The answer is nobody. That's why this does so little for small business, so little for our economy. The truth of the matter is, the reason businesses aren't hiring back workers or hiring new ones is they're scared of the policies in Washington. Cap-and-trade, new health care mandates, new taxes, new regulation, the scary debt. That's what's keeping small businesses on the sidelines. That's what's holding our economy back. This bill does not deserve our support. We can do better.

Mr. LEVIN. I now yield 2 minutes to another senior member of our committee, Mr. McDERMOTT of the great State of Washington.

Mr. McDERMOTT. Madam Speaker, the gentleman from California asked where the jobs are. Well, this 1-year extension of the TANF Emergency Contingency Fund will produce more than 160,000 subsidized job placements in clerical, health care, maintenance, human service, and customer service jobs in 35 States; and many of them are already up and running. Even Haley Barbour down in Mississippi thinks it's a good idea.

My office has received a tremendous increase in calls from out-of-work Americans who are reaching the end of their UI benefits. The long-term unemployed need help transitioning back into the changing job market, and they also need jobs right now. Proven programs like the Emergency Contingency Fund are already creating jobs at a lower cost than virtually any other program. If States are uncertain of the fund's extension, they will begin ramping down their subsidized employment programs beginning next month. It is critical that we pass this extension immediately. We have already received strong bipartisan support from the National Governors Association, the National Conference of State Legislatures, and the National Association of Counties, all of them urging the Congress to extend this program.

Kevin Hassett of the conservative American Enterprise Institute said, "Given the state of the labor market, it is hard to imagine how any sensible person could oppose extending this emergency fund. If they are to be more than the party of 'no,' Republicans need to rally around the Democrats who have shown such reserved pragmatism."

I urge my colleagues on both sides of the aisle to support this bill.

Mr. CAMP. Madam Speaker, I yield myself such time as I may consume.

I have heard that this welfare expansion is about jobs. Frankly, it's not. Democrats propose to expand the welfare emergency fund that was contained in last year's failed stimulus bill by \$2.5 billion. They just extend it for another year and add that money. But since this legislation doesn't really alter how the money is spent, we can only assume the new spending will be a lot like the current spending. So what has the money been spent on so far? Almost none of it has been spent on jobs. Almost all of it has been spent on more and larger welfare checks.

I would like to insert in the RECORD from the recent Congressional Research Service report on how the welfare emergency funds have been spent to date. As of March 18, 2010, only 13 percent of those funds have been spent on subsidized employment. Instead, 87 percent was spent on short-term aid and basic assistance. That is, on welfare checks.

[From the Congressional Research Service, Mar. 23, 2010]

THE TANF EMERGENCY CONTINGENCY FUND
(By Gene Falk, Specialist in Social Policy)
STATE AND TRIBAL USE OF TANF EMERGENCY FUNDS

As of March 18, 2010, states and tribes have been awarded \$1.8 billion of the total \$5 billion appropriated. Figure 1 shows the TANF ECF grant awards by category of spending. The figure shows cumulative grant awards through March 18, 2010. It shows that \$848 million, a little less than half of the total grant awards of \$1.6 billion was to help finance increases in expenditures for basic assistance. Another \$726 million, 40% of the

\$1.8 billion, was for non-recurrent short-term aid and \$231 million, 13% of the total, was for subsidized employment.

Mr. Speaker, I now yield 3 minutes to the gentleman from Illinois (Mr. ROSKAM), a distinguished member of the Ways and Means Committee.

Mr. ROSKAM. I thank the gentleman for yielding.

During the markup on this bill, Mr. RANGEL of New York was very magnanimous in his concern for our emotional well-being on our side of the aisle. And he said that no matter how sincere they are in their argument, it must be awkward and embarrassing just to say no. I really do appreciate that gesture and his concern for how we're feeling. But the good news for Mr. RANGEL is, we don't feel embarrassed, and this isn't awkward. In fact, it is with a sense of duty that we stand up and say, You know what, this bill is a classic underperformer.

If you notice something, we're hearing echoes of the exact same rhetoric that we heard during the stimulus debate. The stimulus, as you will remember, was \$750 billion, plus or minus, plus interest, so you are at a trillion dollars worth of commitment and a stampede argument of spending that said, If we would only do this now, only do this quick, only do this right now, unemployment was going to peak at 8 percent. Well, that didn't happen in my home State of Illinois. In fact, The Chicago Tribune recently quoted a civic leader, the Civic Federation of Chicago, and this is what they said regarding the State of Illinois' budget morass, notwithstanding all the help that the majority has claimed that they've foisted on these States. They've said, This is historic. It is epic. It is impossible to overstate the level of peril.

That's with the majority's help.

So now the argument comes, "Well, you Republicans talk about small government all the time. Let's help small government here." I think that's an inherently flawed argument because what we're doing is borrowing and then foisting more spending.

Look, I think ultimately the most difficult and troublesome component of this is the overriding of 60 bilateral trade agreements. I have over 3,400 employees in my district alone in suburban Chicago. That's not to mention another over a quarter of a million employees who are employed by companies that are insourcing jobs.

I think the National Association of Manufacturers and the U.S. Chamber of Commerce got it just right when they opposed this bill for all the right reasons.

Mr. LEVIN. I yield 2 minutes to the very distinguished gentleman from Georgia, my friend JOHN LEWIS.

Mr. LEWIS of Georgia. Madam Speaker, I want to thank the chairman, my friend, for yielding.

Madam Speaker, not long ago, the American economy was headed toward

disaster. In the past year, businesses have closed their doors, and more and more of our sisters and brothers have joined the unemployment line. In my district, unemployment is still over 10 percent. That is unacceptable. And with this bill, with this piece of legislation, we can do better.

While this Congress and this administration have brought our economy back from the brink of depression, there is still so much left to do. Today with this bill, we can take another step down that long road to recovery. This bill will create jobs, it will save jobs, and it will save our small businesses. Is it possible? Is it too much to ask for? Is there somehow and somehow that we all could come together and create jobs to put our people back to work?

This bill will help the family-owned restaurant that has served our community for years. It will help businesses that are facing cutbacks, and it will help people follow their dreams to open their own businesses.

I urge my colleagues to pass this bill, for all of our small businesses, and to pass it now.

Mr. CAMP. Madam Speaker, I yield 1 minute to the gentleman from Illinois (Mr. MANZULLO).

Mr. MANZULLO. Madam Speaker, you can't tell the people in Rockford, Illinois, whose unemployment is at 20 percent that all these stimulus bills are working. In fact, even before the President was sworn in, because he mentioned a carbon tax, near the city of East Dubuque over on the Mississippi River in the congressional district that I represent, Rentech, which makes anhydrous ammonia and urea, was all set to make an \$800 million investment to substitute coal for natural gas in the Fischer-Tropsch process resulting in the production of aircraft fuel. So 1,000 manufacturing jobs, an \$800 million investment, was wiped out because even the threat of cap-and-trade had the investors pull the plug on it.

And now we come up with still another bill, still another government program, this one to tax foreign direct investment, many of those people involved in the manufacturing sector. There are 240,000 jobs in Illinois that directly depend upon foreign direct investment.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. CAMP. I yield the gentleman an additional 15 seconds.

Mr. MANZULLO. We just passed the health care bill, the cap-and-trade. Every time we pass these bills, the people in the congressional district that I represent lose more jobs. We don't need help from Congress. We need Congress to leave the people alone.

Mr. LEVIN. I yield 2 minutes to my friend from Massachusetts (Mr. NEAL) who is such an active member of this committee on the issues before us.

Mr. NEAL. Madam Speaker, I want to thank the chairman of our committee, and I rise in support of the Small Business and Infrastructure Jobs Tax Act. As a former mayor, I am pleased that this bill contains a number of infrastructure tools to lower the costs for State and local development.

Let me put to rest the argument here that there was no cooperation on this bill. Mr. RYAN, a prominent Republican on the committee, and I supported legislation that would exempt private activity bonds from AMT. And it's working. The U.S. Department of Transportation cited this provision as saving \$635 million for construction projects at 38 airports around the country, including Cleveland, Milwaukee and Houston, among others. We don't check those airports to find out if they have a Republican Congressman or a Democratic Congressman. We think they are worthwhile undertakings.

These construction projects have created thousands of jobs nationwide at a time that our economy really needs them. In my office, if you want to secure the information, we would be happy to provide you with the information about airport expansion which in many communities is a public and private partnership, but they have taken advantage of this initiative. These bonds are also used for student loans, and protection from AMT means lower rates on borrowers. In Massachusetts alone, 26,000 students will benefit.

The bill we are debating today also includes a provision offered by, yes, my friend Mr. TIBERI and I. We want to protect the New Markets Tax Credit from the AMT, a reasonable undertaking, a reasonable provision. Since its inception, this program has generated over \$15 billion of private sector investment in some of the poorest communities in this country. I will repeat. Mr. TIBERI and I sponsored this provision. Mr. RYAN and I have cosponsored provisions here. Protection from AMT means financing costs are lowered, freeing up greater investment for struggling neighborhoods.

And I want to submit, Mr. Chairman, and to the Speaker as well, there is not a Republican mayor in America who would be against the provisions that are offered here.

Mr. CAMP. Madam Speaker, I yield 2 minutes to the distinguished gentleman from New York (Mr. LEE).

Mr. LEE of New York. Madam Speaker, I rise today to support a provision in the bill allowing a tax deduction for small business startup expenses. This is one of the most significant things we can do to encourage entrepreneurs. That's why last year I joined with a colleague of mine from Maryland (Mr. KRATOVIL) to introduce legislation that increases the tax deduction from \$5,000 to \$20,000. Designed to motivate entrepreneurs to act now, this provision serves as an added incentive for entrepreneurs to get off the sidelines and

create new job growth in the private sector.

As someone who has actually run a manufacturing company up until I came to Congress last year, it's very disappointing for me that I cannot support the underlying bill. This bill without a doubt will raise taxes on U.S. manufacturing and jeopardize jobs here at home.

American manufacturing workers are also facing an unfair playing field against our Chinese competitors. And according to the National Association of Manufacturers, this bill will "make it more difficult for them to compete in the global marketplace and, in some cases, will threaten U.S. jobs and economic growth." I believe we should be strengthening U.S. manufacturers, not saddling them with job-killing taxes. This will further impede efforts to grow our economy and create jobs right here in the good old United States.

Madam Speaker, it is past time that the House finally move through true pro-growth legislation. Unfortunately, despite the inclusion of the small business startup deduction, the underlying bill just isn't it.

□ 1345

Mr. LEVIN. Madam Speaker, I yield 2 minutes to the very distinguished gentleman from Texas (Mr. DOGGETT).

Mr. DOGGETT. Madam Speaker, regarding these ill-considered arguments against the treaty-shopping provisions that allow a handful of firms to dodge their responsibilities to fund our national and homeland security, let's get the facts straight.

First, there is not one company headquartered in the United States that will pay one cent of additional taxes as a result of these provisions. Number two, there is not one company that is headquartered in a foreign country with whom we have a tax treaty that will pay one cent of additional taxes. And that covers, by the way, over 90 percent of all foreign investment in the United States that we were just hearing about, over 90 percent not touched whatsoever if they are headquartered in a country with a tax treaty.

What it does touch is the minority, defended by the Republican Party, that are determined to dodge their fair share of the cost of running America. Those are companies that are headquartered in tax havens that set up their operations specifically to dodge their tax responsibility. We believe they ought to follow the same rules as American-owned companies, as American-headquartered companies.

It is amazing to me that the same folks who would defend the flim-flam artists at Enron from dodging their tax responsibilities, that would defend the American corporations that renounce their American citizenship to move to

some sunny tax haven, are now defending this small minority of firms that will not pay their fair share of American taxes.

And what of this phony argument that we are somehow violating our tax treaty responsibilities: well, it is just that, it is phony because this measure is actually an incentive to support the tax treaty system. That is where over 90 percent of the investment already is; and so we are saying, as the non-partisan Joint Committee on Taxation concluded, this provides an incentive for any responsible foreign investor to locate in a treaty country. The treaties are set up to help American companies. That is what these companies should do.

Mr. CAMP. Madam Speaker, I yield myself such time as I may consume, and I place in the RECORD a letter to Mr. LEVIN and myself from the Organization for International Investment, a large association representing over 5 million Americans. It is an association of U.S. subsidiaries of companies headquartered abroad which also accounts for one-fifth of all exports which says that the language in this legislation would override many of our bilateral income tax treaties and could lead to retaliatory actions by other countries.

I would also note that during the markup of this legislation in committee, even the Obama administration's own witness, the Deputy Assistant Secretary of Tax Policy stated that the Treasury Department has, and I quote, "Concerns about the specifics of this provision and whether it will override many of our income tax treaties." She also stated the administration prefers a more targeted approach.

ORGANIZATION FOR
INTERNATIONAL INVESTMENT,
March 15, 2010.

Hon. SANDER LEVIN,
Chairman, Committee on Ways and Means,
House of Representatives, Washington, DC.

Hon. DAVE CAMP,
Ranking Member, Committee on Ways and
Means, House of Representatives, Wash-
ington, DC.

DEAR CHAIRMAN LEVIN AND REPRESENTATIVE CAMP, On behalf of the Organization for International Investment (OFII), I am writing to express concern with a tax provision included as Section 401 of the discussion draft of the Small Business and Infrastructure Jobs Tax Act of 2010. While we recognize the need for revenue, we must oppose Section 401 as an offset because it represents a clear and harmful override of our existing U.S. income tax treaties. Although positive changes were made to this proposal since it was originally introduced as an offset to the 2007 Farm Bill (H.R. 2419), OFII remains opposed because it still uniquely discriminates against U.S. subsidiaries of companies headquartered abroad and clearly violates many of our international agreements.

OFII is the largest association of U.S. subsidiaries of companies headquartered abroad. U.S. subsidiaries play an important role in the growth and vitality of the U.S. economy. They provide high-paying jobs for over five million Americans and account for almost

one-fifth of all U.S. exports. A discriminatory tax increase sends a negative signal to international investors and may dissuade these companies from choosing the United States as a location for job creating investment.

As drafted, Section 401 would unilaterally override many of our bilateral income tax treaties and could lead to retaliatory actions by other countries or withdrawal by our treaty partners from existing treaties, negatively impacting international business transactions. The Senate has opposed this and similar provisions twice in the past two years for these reasons.

Congress has not held any hearings to examine this issue and whether the proposal is the appropriate remedy to address any perceived concerns. In this regard, there is no evidence that existing safeguards, including the substantial and restrictive anti-treaty shopping provisions (so-called "Limitation on Benefits" (LOB) provisions) contained in most of our current U.S. income tax treaties, are ineffective. Further, if material tax abuses were evident, the Treasury could implement changes to the U.S. Model Tax Treaty which would avoid the negative consequences of violating our international agreements.

Since a similar proposal was introduced in 2007, the Treasury has taken great strides to update the three bilateral tax treaties without LOB provisions (Iceland, Hungary, Poland). A protocol adding an LOB provision to the Iceland treaty was negotiated by Treasury and ratified by the Senate in 2008. A similar protocol with Hungary has been negotiated and initialed and could be ratified this year. Treasury is expected to pursue a similar amendment to the treaty with Poland during 2010-2011.

Consistent with the conclusions in the Treasury Report that was released in November 2007 that reviewed potential abuse of income tax treaties, OFII believes re-negotiation of existing income tax treaties without LOB provisions is a more appropriate way to address the concerns underlying this provision and we urge you to oppose including Section 401 in the final version of the Small Business Jobs Bill. We would be glad to discuss our concerns with your staff in greater detail.

Sincerely,

NANCY McLERNON
President & CEO.

ORGANIZATION FOR INTERNATIONAL
INVESTMENT

OFII is the only business association in Washington D.C. that exclusively represents U.S. subsidiaries of foreign companies and advocates for their non-discriminatory treatment under state and federal law.

MEMBERS

ABB Inc., ACE INA Holdings, Inc., AEGON USA, AgustaWestland Inc., Ahold USA, Inc., Airbus North America Holdings, Air Liquide America L.P., Akzo Nobel Inc., Alcatel-Lucent, Alcon Laboratories, Inc.

Alfa Laval Inc., Allianz of North America, ALSTOM, AMEC, American Honda Motor Co., Inc., Anheuser-Busch, APL Limited, AREVA, Inc., Astellas Pharma US, Inc., AstraZeneca Pharmaceuticals.

BAE Systems, Barclays Capital, Barrick Goldstrike Mines, Inc., BASF Corporation, Bayer Corp., BIC Corp., Bimbo Foods, Inc., bioMérieux, Inc., BNP Paribas, Boehringer Ingelheim Corp.

BOSCH, BP, Bridgestone Americas Holding, Brother International Corp., Brunswick Group, BT, Bunge Ltd., Case New Holland, CEMEX USA, Cobham.

Covidien, Credit Suisse Securities (USA), Daiichi Sankyo, Inc., Daimler, Dassault Falcon Jet Corp., Deutsche Post World Net USA, Deutsche Telekom, Diageo, Inc., EADS, Inc., EDF International North America.

Eisai Inc., Elbit Systems of America, LLC, Electrolux Home Products, Inc., EMD Serono Inc., Ericsson, Evonik Degussa Corporation, Experian, Finmeccanica North America, Flextronics International, Food Lion, LLC.

France Telecom North America, Garmin International, Inc., GDF SUEZ Energy North America, Inc., Generali USA, Givaudan, GKN America Corp., GlaxoSmithKline, Hanson North America, Hitachi, Ltd., Holcim (US) Inc.

HSBC North America Holdings, Huhtamaki, Hyundai Motor America, Iberdrola Renewables, ING America Insurance Holdings, InterContinental Hotels Group, John Hancock Life Insurance Co., Lafarge North America, Lenova, Logitech Inc.

L'Oréal USA, Inc., Louisiana Energy Service (LES), Louisville Corporate Services, Inc., LVMH Moët Hennessy Louis Vuitton, Macquarie Aircraft Leasing Services, Macquarie Holdings Inc., Maersk Inc, Magna International, Marvell Semiconductor, McCain Foods USA.

Michelin North America, Inc. Miller Brewing Company, Mitsubishi Electric & Electronics, Munich Re, Nestlé USA, Inc., The Nielsen Company (US), Inc., Nokia, Inc., Novartis Corporation, Novelis Inc., Novo Nordisk Pharmaceuticals.

Oldcastle, Inc., Panasonic Corp. of North America, Pearson Inc., Pernod Ricard USA, Petrobras North America, Philips Electronics North America, QBE the Americas, Randstad North America, Reed Elsevier Inc., Rexam Inc.

Rio Tinto America, Roche Financial USA, Inc., Rolls-Royce North America Inc., Royal Bank of Canada, SABIC Innovation Plastics, Saint-Gobain, sanofi-aventis, SAP America, Schlumberger Technology Corp., Schott North America.

SGL Carbon LLC, Shell Oil Company, Siemens Corporation, Smith & Nephew, Inc., Sodexo, Inc., SolarWorld USA, Solvay America, Sony Corporation of America, Square D Company, Sumitomo Corp. of America.

Sun Life Financial U.S., Swiss Re America Holding Corp., Syngenta Corporation, Takeda North America, Tate & Lyle North America, Inc., Teva Pharmaceuticals USA, Thales USA, Inc., The Tata Group, Thomson Reuters, ThyssenKrupp USA, Inc.

Tim Hortons, Toa Reinsurance Company of America, Tomkins Industries, Inc., TOTAL Holdings USA, Inc., Toyota Motor North America, Tyco International (US), Inc., Tyco Electronics, UBS, Umicore USA, Unilever.

Vivendi, Vodafone, Voith Holding Inc., Volkswagen of America, Inc., Volvo Group North America, Inc., Welspun, Westfield LLC, White Mountains, Inc., Wolters Kluwer U.S. Corporation, WPP Group USA, Inc., XL Global Services, Zausner Foods Corporation, Zurich Insurance Group.

I yield 2 minutes to the distinguished gentleman from Georgia (Mr. KINGSTON).

Mr. KINGSTON. Madam Speaker, I thank the gentleman for yielding, and I have to say I am confused. Now I am confused maybe because I am not on the Ways and Means Committee—I'm on the Appropriations Committee—and on March 16 at 10 o'clock we had a hearing, and our special guest at the hearing was Secretary of the Treasury

Geithner, Secretary of OMB Orszag, and the President's Economic Adviser, Ms. Romer. All of them said to the full committee the stimulus program is working. It is the greatest program. In fact, I thought they were going to start high-fiving and hugging each other right there in the committee, they were so excited about it.

But now I am like you. You Democrats on the Ways and Means Committee, I kind of agree with you. It ain't working. We know that it is not working. That is why we are now debating the third stimulus jobs bill in the House. We had one a couple of weeks ago, we had one in December, and all it is is spend, spend, spend. The \$862 billion stimulus program was supposed to keep unemployment from getting to 8 percent, and it is now pushing 10 percent. Of course it is not working.

But does this work? It is just more spending, more money for municipal governments. I keep hearing the mayors like it and the county commissioners like it. Oh, yeah, we are sending them more money; I guess they do like it. They envy us because we can print it, and we can borrow it. In fact, we borrow a lot of money. In fact, if you look at it, every dollar that we spend, we actually borrow 40 cents. Now you would never do that back home, but that is what is going on. We borrow to pay for the military, to pay for education, to pay for transportation, to pay for the National Park Service. We borrow foreign aid. Can you think of the absurdity of that: we borrow money to give it to other countries. That's what is going on. And here comes this bill with more borrowing.

You know, if you look at what has gone on, May of 2008, a \$168 billion stimulus bill failed. I voted "no." It was a George Bush bill. All of these stimulus bills, all of this spending does not create jobs. We need to vote this down.

Mr. LEVIN. Mr. Speaker, I yield myself 15 seconds.

To the gentleman who just spoke, this bill is paid for unlike bills you voted for. And also let me say to the distinguished gentleman, you are opposed to this bill because it isn't big enough or it is too small. It's not clear. The recovery program is beginning to work. This will make it work better, and yet you are standing here opposed to it.

I now yield 1 minute to the gentleman from California (Mr. BECERRA).

Mr. BECERRA. Madam Speaker, I thank the gentleman for yielding, and just to correct the record once again, this bill, unlike previous bills passed by our colleagues and friends on the other side of the aisle, is completely paid for. There is not a cent that would be added to the deficit. You have to make some tough decisions when you pay for things, but this bill is completely taken care of and paid for. So

the tax cuts we give to small businesses, we take care of that. We don't do it in an irresponsible fashion. That is why we should vote for this legislation.

We need to put this country back on track and back to work, and this bill continues a series of legislation that have come through this House, gone to the Senate and been signed by the President which put America back to work. The economic recovery package which too many of our colleagues rail against, the independent, nonpartisan Congressional Budget Office has told us has already created at least 2 million jobs in America; and we still have more of the economic recovery package effects to take place over this coming year.

What we do know is if we keep at it and do it responsibly, we can put America back to work. That is what this is all about. That is why we should support this legislation. I urge my colleagues to support this bill.

Mr. CAMP. Madam Speaker, I yield 2 minutes to the gentleman from Louisiana (Mr. BOUSTANY), a distinguished member of the Ways and Means Committee.

Mr. BOUSTANY. Madam Speaker, I thank Ranking Member CAMP for yielding me this time.

We are talking about jobs, and this bill purports to be a job-creation bill, but I have deep reservations about one of the pay-fors in the bill. It is in section 301. It raises \$7.7 billion in taxes, and where do these taxes come from? Where does this tax increase come from? Well, it comes from U.S. companies who happen to be headquartered overseas. What does that mean? These are companies that employ U.S. workers. These are companies that are in every one of our communities that also stimulate business activity that help create jobs in other businesses that affiliate with these and do business with them.

So what are we doing here? We are basically hurting U.S. job growth. We are hurting U.S. workers. Furthermore, this provision would basically abrogate some 60 bilateral tax treaties that we currently have. We know that the Senate has opposed these types of provisions in the past. So why are we doing this?

Secondly, in the course of the hearing, we had the Deputy Assistant Secretary for Tax Policy and she had questions about this approach and said that this was not the preferred approach of the administration and also expressed concerns that this could invite retaliation upon U.S. companies doing business overseas, further hurting U.S. jobs.

Now if we are going to create jobs, let's try to be sensible and make sure that our tax policy is coordinated with trying to create jobs. What do we know about these jobs in the U.S. by these

U.S. companies who happen to be headquartered overseas? Well, they pay better wages. In fact, their compensation packages are roughly one-third more. These are high-skilled jobs so why on the one hand do we want to say we are going to create jobs and on the other hand focus on policies that will kill jobs? I just don't understand the logic here, and for those reasons I oppose this bill.

Mr. LEVIN. I am glad to now yield 1 whole minute to the distinguished gentleman from Maryland (Mr. VAN HOLLEN).

Mr. VAN HOLLEN. Madam Speaker, everyone in this body is entitled to their own opinions, but we are not entitled to our own facts. I wish some of our colleagues would read this bill. It does not add one penny to the deficit.

First, we have a speaker on the other side of the aisle complaining about the fact that it adds to the deficit when it doesn't; because the next speaker then complains about how we want to pay for it. Which is it?

This bill is paid for. This bill will help small businesses just like the economic recovery bill has helped stabilize the economy. Just a little over a year ago when President Obama was sworn in, our economy was in free fall. We were headed from recession to depression. Now we are here 14 months later, the economy has begun to stabilize. We went from 5.7 percent negative growth to 5.6 positive growth, the biggest swing in growth, 10 points, in 30 years. People are beginning to go back to work. Obviously, we have not turned the corner there, but it is a vast improvement from where this country was a little over a year ago. This is another important step by assisting small businesses to keep the engine going.

Mr. CAMP. I reserve the balance of my time.

Mr. LEVIN. Madam Speaker, I yield 1 minute to the gentleman from California (Mr. THOMPSON).

Mr. THOMPSON of California. Madam Speaker, I rise in support of this important jobs bill in general, and two provisions in particular.

The SBA provision makes a change to the Tax Code to encourage private investment in the Small Business Investment Company program, which in turn will help small businesses hire more employees.

The extension of the AMT exemption for private activity bonds is critically important to creating jobs and growing our economy. Bonds have been one of the economic recovery efforts' biggest successes, and they are responsible for creating jobs and funding important projects in nearly every State in our country.

One example can be seen at the Sacramento International Airport in my district. They sold bonds to complete their terminal renovation. This money was directly responsible for preserving

1,200 construction jobs and generating over \$1 billion in the surrounding community.

We must do everything we can to put Americans back to work. Today's jobs bill is paid for. Today's job bill is paid for and is one more way to spur economic development.

Mr. CAMP. I continue to reserve.

Mr. LEVIN. I yield 1 minute to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. Madam Speaker, there is a certain amount of irony hearing our friends on the other side of the aisle talking about a recovery package that hasn't worked as well as all of us would like because it was deliberately scaled down in an effort to try to secure Republican support. More of it was put in tax cuts than we would have liked rather than in infrastructure to rebuild and renew America. We know if it would have been done the way the Democrats wanted, it would have worked better. Nonetheless, I hate to think what would happen in the State of Michigan without economic recovery money, in the State of Oregon without this money.

I have three brief points. One, by putting more money in infrastructure, we are going to be putting people to work. Second, this is fully paid for, unlike what we have seen with the efforts of our friends on the Republican side of the aisle when they were in charge. And, third, the pay-for is incorporating recommendations that came from the Bush administration Treasury that recognized there were corporations that were not meeting their obligations to the United States Treasury.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. LEVIN. I yield the gentleman an additional 30 seconds.

Mr. BLUMENAUER. These provisions will affect companies in a small number of countries—there are less than 10 percent of the countries that don't have a tax treaty with us—they will be encouraged to have a relationship to avoid tax avoidance. It will be an opportunity for people who are not paying their fair share now to put some money behind renewing and rebuilding America.

It is a good bargain for the taxpayer, it is a good bargain for revitalizing our communities, and I appreciate the committee bringing this bill forward.

□ 1400

Mr. CAMP. I yield 30 seconds to the gentleman from Louisiana (Mr. BOUSTANY).

Mr. BOUSTANY. I want to respond to what was just said about these tax provisions, and that is, the previous administration actually wanted to work through these treaties and recognized that there were some problems but did not just simply want to abrogate 60 tax treaties.

Mr. LEVIN. I yield 15 seconds to the gentleman from Texas (Mr. DOGGETT).

Mr. DOGGETT. The last Administration offered proposals to address this time after time, and a Republican Congress wouldn't approve them. That is one of the reasons we need to take this firm action today. We see the benefits of doing that in the almost \$8 billion that are raised not from American companies but from companies that are located in these tax-haven locations.

Mr. CAMP. I yield myself such time as I may consume.

I would just say to the gentleman and to those on the floor, to say this is the same proposal that occurred in the previous administration is really an oversimplification. The previous administration really wanted to have a more targeted approach to this. They wanted to, certainly through treaty amendments, targeted domestic law provisions, that would address the problem of potential abuses under this area of law. But they didn't want to damage our treaty relationships with all of the other countries.

And as the gentleman from Louisiana has said, this would damage our treaty relationships with over 60 countries. We have a letter in the record from the organization overseeing nearly 5 million U.S. workers and companies headquartered abroad. The Treasury testified at the committee that this is not the approach they want to take. They would much prefer to take similar approaches to the Bush administration. So in terms of tax policy, we actually have the Treasury Department wanting to do the same thing.

This is outside of that. This is overbroad. It would hurt our relationships.

I reserve my time.

Mr. LEVIN. I yield 30 seconds to the gentleman from Texas (Mr. DOGGETT).

Mr. DOGGETT. We are in no way saying that this is the same legislative language that the Bush Administration recommended. We are saying it addresses the same problem and that you didn't like the Bush Administration approach any better than you liked the Obama Administration approach, any better than you like this approach. And the only beneficiaries of this obstruction to a legislative answer are the same tax dodgers in these tax havens that have been avoiding their responsibility. We want to level the playing field. We don't want to shirk treaty responsibilities. We want an incentive to encourage every one of these companies to go to a tax treaty country.

Mr. CAMP. I reserve my time.

Mr. LEVIN. I now yield 1½ minutes to the very distinguished gentleman from New Jersey (Mr. PASCRELL).

Mr. PASCRELL. Thank you for yielding, Mr. Chairman.

No more loopholes. No more sheltered tax havens. No more privileged class perks. Period. That is how we're paying for this bill.

Mr. Speaker, once again, the day after significant legislation has been passed, we're back at our greatest priority—putting people back to work. There are many sections of this bill that do that. I want to highlight just one of them: the Sustainable Water Infrastructure Investment Act. I hope you support that part of the legislation.

As it was introduced, this provision will generate significant investment through the use of tax-exempt bonds, and if we don't go that way, our communities are going to have to find the money to fix their infrastructure, to fix their sewer systems, to fix their water systems, and you know that is not going to happen. Our communities look to us for help. Our infrastructure is in disrepair, and it's just not our roads and it's just not our bridges.

Earlier this year the American Society of Civil Engineers gave the nation's water and water system the lowest grade of any infrastructure category, a D minus. This legislation aims to repair our crumbling water infrastructure while leveraging private capital to create jobs. Every dollar invested in public water and sewer infrastructure will add \$8.97 to the national economy. Economists estimate a \$1 billion investment—

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. LEVIN. I yield the gentleman an additional 10 seconds.

Mr. PASCRELL. Economists estimate a \$1 billion investment in water infrastructure will create 28,500 jobs.

For anybody to stand up here and say that this particular legislation does not specifically face off against the job lag in this country, they haven't read the bill.

Mr. CAMP. I reserve at this time.

Mr. LEVIN. Now it's my privilege to yield 1½ to the gentlewoman from Nevada, SHELLEY BERKLEY.

Ms. BERKLEY. I thank you, Mr. Chairman, for your leadership.

This legislation is yet another strong step towards economic recovery for Las Vegas, the State of Nevada, and the Nation. The provisions of this bill will spur the creation and growth of small businesses and help State and local governments make critical job-creating infrastructure investments that are essential to long-term economic recovery.

Build America Bonds have been an essential source of funding for critical infrastructure projects in my district. That includes millions for investments by McCarran International Airport, millions for essential upgrades to water and sewer systems by the Las Vegas Water Authority, millions in highway and transit improvements by Clark County.

The extension of Recovery Zone Bond programs will make my district eligible for yet another source of financing

for infrastructure projects that will spur economic growth and help bring down one of the highest unemployment rates in the Nation. Fifty percent of the building trades in Las Vegas are idle. Families are suffering.

Speaking of families, families and small businesses are going to directly benefit from this legislation. The increased deduction for small business start-up expenses will provide new opportunities for business creation and help create jobs we so desperately need.

And Temporary Assistance for Needy Families, this is incorporated in the bill and will help many Nevada families who struggle daily to help make ends meet.

The people of my district are struggling with difficult economic times. This Congress continues to focus on policies that will create new opportunity for growth and investment in Las Vegas and help entrepreneurs build job-creating small businesses.

Mr. CAMP. I continue to reserve.

Mr. LEVIN. I now have the privilege of yielding 1 minute to the gentlelady from Pennsylvania, ALLYSON SCHWARTZ.

Ms. SCHWARTZ. Democrats are committed to rebuilding America's economy, putting our workers back to work and ensuring our businesses can compete in a global 21st century economy.

Today we will vote on the Small Business and Infrastructure Jobs Tax Act, which makes smart investments, including: expanding Build America Bonds, which have been used by State and local governments across the country, including 21 times in my own home State of Pennsylvania, to finance \$2 billion in essential infrastructure projects; excluding capital gains taxes on the sale of small business stock; exempting water and sewer facility bonds from State volume caps initiating new infrastructure water projects which will improve the quality of our drinking water; and ending unfair tax penalties for small businesses that offer certain pension plans.

Let's be clear. This bill means voting for lower taxes for small businesses, for new infrastructure, and for new jobs. And it does not add to the deficit. In fact, it is paid for by collecting taxes from corporations located in tax havens.

I urge a "yes" vote on this legislation.

Mr. CAMP. I continue to reserve, Madam Speaker.

Mr. LEVIN. I now yield 1 minute to the distinguished gentleman from Illinois, Mr. DANNY DAVIS.

Mr. DAVIS of Illinois. I want to thank the chairman for yielding.

I note that the State of Illinois has received \$4.853 billion in bonds up through January of this year. Many of those have gone to communities that are represented by individuals who certainly are not described as Democrats.

As a matter of fact, they've gone to communities throughout the State.

These bonds are about building schools, roads, hospitals, creating jobs. There is no way under the sun that I could imagine not voting for this bill. It stimulates the economy, it builds jobs, it puts people to work.

Mr. CAMP. I continue to reserve.

Mr. LEVIN. I now yield 1 minute to the gentleman from North Carolina (Mr. ETHERIDGE).

Mr. ETHERIDGE. I thank the gentleman for yielding.

I rise to support this bill for our small businesses and local communities. Small businesses are the engine of our economy and right now they need help in order to grow, expand, and hire new workers. Research shows that almost every "new job" in this country is created by entrepreneurs who simply have an idea and the energy and the vision to make it a reality. We should support them, and this bill does so.

This bill also invests in our local communities by expanding successful Build America Bonds and water and sewer bonds which our communities badly need to restore our infrastructure and, more importantly, create jobs.

I met recently with a North Carolina housing finance agency, and yesterday I received a letter from the National Association of Counties, who both support this bill. Helping our small businesses, investing in infrastructure, and creating jobs should be a nonpartisan issue. We must come together to fix our economy. And as a former small business owner, I support this legislation for creating jobs on Main Street.

I urge a "yes" vote.

Mr. CAMP. I reserve my time.

Mr. LEVIN. It is now my privilege to yield 1 minute to the gentlelady from California (Ms. LINDA T. SÁNCHEZ) a member of the committee.

Ms. LINDA T. SANCHEZ of California. I would like to thank the chairman.

Madam Speaker, I rise today in strong support of H.R. 4849, legislation that invests in affordable housing, infrastructure, and small businesses.

I want to speak today about two provisions in the bill that are particularly important to the constituents I represent. I'm very pleased that the bill incorporates legislation that I wrote to strengthen the low-income housing tax credit. A stable roof over a child's head contributes to his or her education, emotional well-being, and overall physical health.

In California alone, 4 percent low-income housing credits have been responsible for 125,000 new housing units in the last 20 years. By reviving the value of these credits, we will revitalize the housing sector, creating not just affordable homes but new jobs.

Additionally, this bill extends the Recovery Act's successful Build America Bonds program. These bonds are responsible for almost 25 percent of the

current municipal bond market. As of the end of February, \$78 billion in Build America Bonds have been issued by State and local governments to build roads, bridges, and schools. And the jobs that are created pay a living wage. They are an investment in our community.

The SPEAKER pro tempore. The time of the gentlewoman has expired.

Mr. LEVIN. I yield the gentlelady an additional 30 seconds.

Ms. LINDA T. SÁNCHEZ of California. They are an investment in our community and an investment in our workforce, investments that are going to pay dividends for years to come.

I want to thank the chairman and the committee staff for their hard work on this bill, and I urge my colleagues to support this legislation.

□ 1415

Mr. CAMP. Madam Speaker, I am prepared to close. I yield myself such time as I may consume.

I urge a "no" vote on this legislation. From this debate, I think it's difficult to see whether this legislation is either a small business bill or a jobs bill. Frankly, it's neither one. The reason is the tax increases in this bill will hurt an already weak economy. To raise taxes on employers during a recession makes it even harder for Americans to find work.

Second, roughly 80 percent of the tax relief in this bill goes to State and local governments and to pay State and local governments. To borrow more money, as this bill does, is not what America needs right now.

Lastly, I would say there are some tax provisions, very small ones, that have received bipartisan support. But, frankly, those good things are outweighed by the structure of the bill and the way the bill is drafted, because even those well-intentioned measures will not do enough to help employers create jobs; and, particularly, the provision that would override our tax treaties with 60 countries, that even the Deputy Assistant Secretary for Tax Policy, when testifying before the committee, said she had concerns over, and also which has been rejected by the Senate, which means the almost \$7 to \$8 billion they are using to fund this bill will not see its way across the floor of the United States Senate. So I think we would do better to come back and try to do something that would actually potentially do something about job creation and see its way to the President's desk for signature.

With that, I urge a "no" vote on this bill.

I yield back the balance of my time. Mr. LEVIN. I yield myself the balance of my time.

I strongly urge a "yes" vote on this. I really urge my colleagues on the minority side to think not twice, but to think thrice before voting against this

bill. I don't think everyone has to march in a partisan way in this place, especially on a bill that will help create jobs.

I have a letter regarding the contingency fund from a Republican Governor and a Democratic Governor, which states that, "currently, 23 States are drawing down the fund for subsidized jobs, with several more State applications pending approval. Many of these programs take time to develop and implement. By allowing States more time to access these funds, Congress can help maximize the impact of TANF ECF in providing crucial skill development and training to our workers."

Regarding the Build America Bonds, almost every State has taken advantage of these. It's for local communities and States to build—to build. Who builds roads? Who builds bridges? Not robots. Basically, it's human beings. So if you come here and vote "no," you are voting against jobs for human beings.

In terms of the pay-for, the only entities that will pay taxes will be those who are evading them, who are essentially using tax havens to avoid paying taxes.

I think the Senate will take a second look at this. I think this can become law, and we should join together to help make this become law. We owe it to the people of this country. This is a jobs bill.

Vote "yes."

Mr. LINDER. Madam Speaker, I oppose this legislation.

Since the Democrats' 2009 stimulus law, 3.3 million jobs have been eliminated, not the 3.7 million jobs they forecast it would create. Unemployment has risen to 10 percent, not the 8 percent peak Democrats promised. And 16 million Americans are currently unemployed, an all time record.

That stimulus legislation created numerous welfare expansions, including a new \$5 billion welfare "emergency fund." This fund directly undermines the successful 1996 welfare reforms by paying States more money if they increase welfare dependence instead of work. The legislation before us would extend and expand that welfare emergency fund, costing taxpayers another \$2.5 billion.

Democrats claim this welfare expansion will create jobs, as they claimed their stimulus bill would. The facts show stimulus didn't create jobs, and this won't, either.

Why are we doing this? According to the latest MIS figures, States have not spent over \$3 billion in the current welfare emergency fund. By the end of year, the Congressional Budget Office estimates one-third of the fund—about \$1.5 billion—will remain unspent.

But instead of letting this "emergency" fund expire, or even just giving States more time to spend current funds, Democrats insist on shoving another \$2.5 billion in welfare out the door. This will cost taxpayers billions of dollars more, and benefit especially those few States that spent all of what Democrats promised in last year's stimulus bill. So the more you

spend, the more you get. All on top of last year's trillion-dollar stimulus bill, and the trillion-dollar health takeover bill the President signed yesterday.

But it's not enough, because it's never enough.

Two weeks ago, in a hearing on welfare spending, one expert testified to the subcommittee on which I serve as Ranking Republican that government will spend \$953 billion on means-tested welfare programs next year, a nearly 50 percent increase since 2007. I asked the Obama Administration witness, who supported the welfare expansion before us today, whether her testimony was that \$953 billion is not enough. She responded: "Who's to say what is enough?"

The reality is we are the ones elected to represent the American people in saying what is enough. And after a trillion dollars in failed stimulus spending, and a trillion dollars for the government health care takeover yet to come, I say enough. Oppose this unnecessary welfare spending increase.

Mr. CONYERS. Madam Speaker, today I rise in support of H.R. 4849, the "Small Business and Infrastructure Jobs Tax Act of 2010." Today's legislation would provide much needed tax relief to small businesses, as well as assistance to states for infrastructure projects, housing tax credits, and direct aid for communities hit the hardest by job losses. This is a very timely bill and will provide a real benefit to States suffering through periods of unemployment, like my own State of Michigan.

As we are all too aware, states have been struggling with staggering budget deficits and have painfully cut back on many vital programs. One of the important proposals within the Act would extend \$2.5 billion funding for the Temporary Assistance for Needy Families (TANF) Emergency Contingency Fund through 2011. TANF gives a one-time aid for needy families and subsidizes employment programs.

I also support provisions in H.R. 4849 that would allocate over two billion dollars in additional funding for Recovery Zone bonds and extend the popular Build America Bonds initiative. Recovery Zone bonds are low interest bonds aimed at funding investment in economically depressed areas, such as my congressional district. Build America Bonds, lauded as one of the most successful parts of the Recovery Act, are bonds with tax exemption on interest and will be extended for three years under this bill. Build America Bonds will allow for the construction of new schools, roads, environmental projects, public safety facilities, and government housing projects.

Madam Speaker, this Congress has passed sweeping legislation such as the Recovery Act, health insurance reform and fair pay for women. These actions have shown the American people that we can act in times of crisis. In this vein, I believe tax relief, coupled with aid to the States, can spur substantial job creation. I urge my colleagues to support this legislation.

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, I rise today in support of H.R. 4849, the Small Business and Infrastructure Jobs Tax Act.

Specifically, I am pleased one of the provisions of this bill is the text of H.R. 537, The Sustainable Water Infrastructure Investment Act, of which I am a cosponsor.

This provision will help our local communities by removing the federally mandated State Volume Cap on Private Activity Bonds for water and wastewater projects.

Lifting this cap will allow additional private investment through the use of tax exempt bonds to address our critical water infrastructure needs.

Other infrastructure projects, such as airports, intercity high-speed rail, and solid waste disposal sites are already exempt from these bond caps.

Removing state volume caps on Private Activity Bonds for water and wastewater facilities is expected to reduce the cost of water projects, increase the number of water projects that communities initiate, improve our Nation's water infrastructure, and encourage public-private partnerships.

I am proud to support this bill that will enhance our water infrastructure, create local jobs, and encourage private capital investment in our communities.

Mr. LARSEN of Washington. Madam Speaker, I rise today in support of H.R. 4849, the Small Business and Infrastructure Jobs Tax Act of 2010.

This bill is another important step forward in helping small businesses create jobs in our communities and in assisting state and local governments to crawl out of their financial holes.

I agree with Secretary Geithner that by extending the Buy America Bonds program we are providing an important financing tool for state and local governments and investing in our country's long term economic growth in a cost-effective way.

As local governments continues to struggle financially, local officials can look forward to using the Buy America Bonds to build bridges, fix roads, and upgrade schools—all while creating jobs in our communities.

Snohomish County, in my district, is about to utilize the Buy America Bonds to fund public and private capital improvements that promote economic development and job growth throughout the county.

In addition, this bill includes provisions that will help small businesses obtain additional capital and encourage the formation of new businesses.

Small business is the engine that drives our economy, having created 65 percent of all new jobs in the last decade, and continues to play an important part of our economic recovery.

I will continue to do all I can to support our small businesses and create jobs.

Mr. DINGELL. Madam Speaker, I rise today in support of H.R. 4849, the Small Business and Infrastructure Jobs Tax Act. First, I would like to commend my friend and colleague from Michigan, Chairman of the Ways and Means Committee, SANDER LEVIN, for sponsoring this legislation. As all economists note, any true recovery must contain healthy and sustained growth in our small business sector. Fortunately, the Small Business and Infrastructure Jobs Act will spur growth among our small businesses, provide incentives to invest in small businesses, and encourage small businesses to hire workers and entrepreneurs to take risks and start new businesses. Moreover, the bill does this without increasing the deficit.

The Small Business and Infrastructure Jobs Tax Act contains several small business tax provisions to spur investment, such as excluding capital gains taxes for those that purchase stock in small businesses, providing relief from burdensome tax penalties, and increasing the amount that can be deducted for expenditures made for starting a small business.

I am also pleased to see that this legislation emphasizes the job creation potential through local rebuilding. By extending the Build America Bonds program, state and local governments will be able to continue rebuilding our schools, hospitals and transit in an affordable manner. More importantly, extending this program through 2013 would allow our state and local governments to plan further into the future the necessary rebuilding projects. The Small Business and Infrastructure Jobs Tax Act also extends the Recovery Zone bonds for economically distressed areas through 2011, which will ensure areas like Southeast Michigan, now struggling with over 16 percent unemployment, can continue to invest in infrastructure projects, job training programs, education and economic development in our communities.

In addition, this legislation extends the Temporary Assistance for Needy Families Fund. This fund was created in the American Recovery and Reinvestment Act to help States handle increasing expenditures on assistance for families and to help create jobs programs that subsidizes employers or small businesses that hire unemployed workers. With the Fund already helping to employ 160,000 workers, this one-year extension will allow this good work to continue.

Finally, the bill will help to save American jobs by cracking down on foreign tax haven corporations that are taking advantage of the U.S. tax treaty network to dodge paying taxes and gain an advantage over American companies that play by the rules.

Madam Speaker, I urge my colleagues to join me in voting for this job-creating legislation.

Mr. POMEROY. Madam Speaker, helping North Dakota business create jobs is my top priority and today, Madam Speaker, Congress takes another step forward with a sharp focus on small businesses.

Small businesses are a proven engine of job creation. During the last economic expansion, companies with less than 20 employees accounted for 40 percent of the job growth while accounting for only 25 percent of all jobs.

One of the lingering difficulties of this recession is that many small businesses have limited access to the capital they need to operate, grow, and create new jobs. By providing small business tax relief, Congress can free up money and help small businesses feel they can afford to hire new employees and make investments that will build demand for goods and services.

In rural America, small business is business. For example, nearly 80 percent of North Dakotans are employed by companies with less than 500 employees and nearly 60 percent work for companies with less than 100 employees.

These small businesses are the companies on our small town Main Streets. Across nu-

merous towns in North Dakota, ambitious business persons are finding opportunities to start up business, and the ranks of these new businesses are growing. A recent article in the Dickinson Press, reported that a number of small, North Dakota towns are seeing several new businesses starting up during the year. I ask permission to enter the article into the RECORD.

The Small Business and Infrastructure Jobs Act, H.R. 4849, will help new start-up businesses like KZ Photography, a company launched by Kim Zachmann last August. The bill would allow her to deduct from income, up to \$20,000 in expenses she might have incurred to set up her photography studio and get her business up and running in the town of Beach, North Dakota. Without the bill before us today, her deduction from income for those start up costs would be limited to only \$5,000.

The 100 percent exclusion from tax of gains on small business stock and the change to enable Small Business Investment Companies to deduct the investment losses would expand the access to capital for small business across the country.

While the Internal Revenue Service must act to stop abusive tax shelters, Congress today will vote to eliminate a disproportionate effect that some tax penalties have on small businesses. We have heard from individuals facing outlandish penalties. Under the bill, the tax penalty for failing to disclose on their taxes reportable transactions would be brought into proportion with the underlying tax savings for small businesses and not put the small business owner out of business.

These are provisions that have bipartisan support and will make a difference and spur job creation among small businesses. My colleague across the aisle, JERRY MORAN from Kansas, agreed that these provisions were needed to help small business and we introduced the "Small Business Jobs and Tax Relief Act."

I thank Chairman LEVIN for including small business tax incentives and relief that I authored the bill we are considering today. I also appreciate that we will also extend the highly successful Build America Bond program so that payments for the bonds to state and local governments would last through 2013.

When I held a roundtable with small businesses in Fargo, North Dakota, sharp and savvy business owners told me that Recovery Act funding is making a big difference and that they were vying with new national competitors. So, I urge my colleagues to pass the extension and expansion of the successful Build America Bonds, which have made it cheaper for state and local governments to finance the rebuilding of schools, sewers, hospitals and transit projects.

Communities like West Fargo and Rugby have used these bonds to launch projects and the bill also opens this funding opportunity to tribal governments for funding of water and sewer infrastructure improvements.

The Small Business and Infrastructure Jobs Act is good for North Dakota small businesses. I urge my colleagues to vote "yes" on H.R. 4849.

NUMBER OF BUSINESSES GROWING IN AREA
TOWNS—OFFICIALS: YOUNGER PEOPLE MOV-
ING IN

(By Beth Wischmeyer)

The number of businesses starting or being taken over by new owners is growing, officials in the communities of Bowman and Beach said Thursday.

Deb Walworth, executive director of Prairie West Development Foundation in Beach, said eight new businesses started in 2009, many of which were started by people in their 20s and 30s.

"We're seeing more young people," Walworth said. "I think this is just the tip of the iceberg, it's just beginning."

In 2008, Walworth said there were three new businesses that started.

Since 2004, Sentinel Butte has had three new businesses and the community of Golva has had two new businesses and one existing business come under new ownership, she said.

"These are really small communities that are seeing positive growth," Walworth said.

Ashley Alderson, executive director of the Bowman Economic Development Corp., said there have been about 10 new business counsels last year, some that have started, some that are starting and others that will open in the future.

"We've had quite a bit of new interest lately," Alderson said. "We've noticed it's been a really busy year for small business."

Alderson said she's been with the corporation for about two years, and said the past year was busier than her first year with new businesses.

The Beach area is seeing people moving back of all ages, Walworth said.

"I'm just really excited about the young families that are moving back, because if they don't have kids now, I think they plan to have families in the future," Walworth said. "We're also seeing the result of that coming through the schools, with kids coming through kindergarten and first grade there. That's a benefit to the school system too."

Kim Zachmann, who owns the photography business KZ Photography in Beach, said while photography has been an interest and a hobby for a number of years, she started pursuing it as a business last August.

Zachmann, who grew up in the Beach area, said she purchased a studio recently in town and now does photography full time.

"We haven't had a photographer here (in Beach) since about '03, so I knew there wasn't anyone in the Beach surrounding area, the closest one would be Dickinson, so I knew Beach could benefit from one," Zachmann said. "Beach is really good about supporting local businesses. I like the Beach area. I would like to live here the rest of my life if it was possible with a job and family and stuff like that."

Ed Gold, executive director of the Adams County Development Corporation, was out of the office Friday.

Walworth thinks the Beach area is a "good place to raise a family," a draw to many young families, she added.

"The cost of living isn't as much as it is in some of the larger places," Walworth said. "These people are coming from Las Vegas and the West Coast. They graduated from school here; one or the other of them, or both; and I think they're going for the safer communities to raise their family."

Mr. LANGEVIN. Madam Speaker, I rise in strong support of H.R. 4849, the Small Business and Infrastructure Jobs Act, which is an

other step forward in helping Rhode Island's small businesses and creating jobs.

This measure would exclude 100 percent of small business capital gains, increase the tax deduction for start-up expenditures from \$5,000 to \$20,000, and provide small business penalty relief. These provisions will encourage the formation of new businesses and allow small businesses to grow and hire more workers.

H.R. 4849 also extends the Build America Bonds program, which was part of the American Recovery and Reinvestment Act and has been successful in helping our state and local governments finance the rebuilding of schools, sewers, hospitals and transit projects.

Finally, today's bill extends the TANF Emergency Fund, which has helped states fund a jobs program that subsidizes employers, including small businesses, who hire unemployed workers. This program has put over 160,000 Americans back to work, and a program in Rhode Island should go into effect shortly.

Congress is committed to more action on creating jobs and helping our small businesses, which are the backbone of our nation's economy, and I urge my colleagues to support this measure.

Mrs. MALONEY. Madam Speaker, as chair of the Joint Economic Committee, I ask the Commissioner of the Bureau of Labor Statistics to come before my committee and report on the latest employment situation.

In February 2009, the BLS Commissioner reported grim employment statistics.

At that hearing we learned that in January of 2009, total nonfarm payroll employment fell by 779,000 jobs. That was a staggering number.

A number like that made it abundantly clear that the task of turning the economy around was going to be enormous.

The bursting of the housing bubble and the stock market decline vaporized trillions of dollars in household wealth, leaving consumers reeling and unwilling or unable to spend.

It was a situation that called for unprecedented interventions, swift action, and—let me acknowledge it—a thick skin.

It was a situation where we needed to act on many fronts all at once to get the economy on track and restore the stability of the financial system.

The Fed prevented another Great Depression and the stimulus bill proved central to our recovery.

The stimulus bill included the fastest and one of the largest tax cuts in our history. Tax cuts went out almost immediately for 95 percent of working Americans.

We passed 24 tax cuts to date including some for small businesses, first time homebuyers and families with kids in college.

We helped struggling State and local budgets with badly needed funding to keep teachers in the schools, and police on the streets.

We extended unemployment benefits to help those who had lost a job through no fault of their own.

We passed tax cuts for 1st time homebuyers.

We passed Cash for Clunkers.

We passed the HIRE Act to provide tax incentives for private sector businesses that hire out-of-work Americans.

The House is now set to pass the Small Business and Infrastructure Jobs Tax Act, which will, among other things, extend the "Build America Bonds" program from the Recovery Act.

This program has been extremely successful at reducing the cost of financing for State and local governments which use the money for rebuilding of schools, sewers, and hospitals, rebuilding America and putting people back to work. I urge every one of my colleagues to vote for this bill.

And the actions we have taken have begun to have effect. Not as fast as any of us would like—but turning a supertanker of an economy like ours around—just can't happen on a dime.

First, the jobs losses began to moderate—decreasing month after month.

Then our Gross Domestic Product turned around from minus 6.4 percent in the first quarter of 2009 to a plus 5.9 percent last quarter.

At the last two jobs hearings before the JEC, the BLS Commissioner reported that the number of unemployed persons was essentially unchanged. The punishing job losses had been stopped.

In November 2009, the economy actually created jobs, on net. I expect that soon the economy will start creating jobs every month and Americans will start going back to work.

It was also important for our long-term economic health that we took the historic step of reforming health care. Left unchanged, the soaring costs of health care insurance were a problem that would be certain to act as a drag on our economy.

And, according to the non-partisan Congressional Budget Office, health care reform will produce a net reduction in federal deficits of \$143 billion over the next ten years. And it is estimated, by \$1.3 trillion over the next 20.

It sometimes seems that in all the noise, ill will, and the invective, what has really been accomplished by this country has been lost or overlooked.

18 months ago, we stood on the brink of an economic abyss so deep and dark it was fearful to even contemplate. The voices of doom were many, the predictions grim. The outlook was uncertain.

Though much remains to be done, so much has already been achieved.

It has been a tough year—it is tough for millions still. But we are making progress. We are not there yet—but without question we are moving forward.

As I look out on America and contemplate our future—I am filled with hope and optimism. The steps we have taken—have put us on the path to recovery and renewal.

And as we prepare for spring recess, let's be mindful of the season and the "green shoots" that are beginning to push upwards.

Mr. LARSON of Connecticut. Madam Speaker, I rise today in support of H.R. 4849, the Small Business and Infrastructure Jobs Tax Act of 2010. The passage of this bill will create jobs and continue to revive our economy.

In particular, I would like to highlight a portion of this bill that has proven itself as a job creator and with passage of this legislation will continue to put people back to work: the Temporary Assistance for Needy Families, or

"TANF," Emergency Contingency Fund. Since its enactment as part of the Recovery Act, the TANF Emergency Contingency Fund has created or maintained 160,000 jobs and by extending the fund for an additional year it will create thousands more.

This is an effort that has broad bipartisan support. Kevin Hassett, a scholar for the American Enterprise Institute, has said that "Given the state of the labor market, it is hard to imagine how any sensible person could oppose such a move," and both Democratic and Republican Governors have supported extending the program.

A few weeks ago in Connecticut I met with leaders in the state government, the business community and the non-profit community to discuss their efforts to utilize the Emergency Contingency Fund. The extension that we are passing today will allow them to take full advantage of this program as they have committed to putting together a plan to use this funding to create jobs in the state.

I want to thank Chairman LEVIN for his hard work on this bill as well as the Caucus Jobs Task Force—particularly Dr. JUDY CHU, JIM McDERMOTT, and Co-Chairs ALCEE HASTINGS and BETTY SUTTON. Each of these members has made a tremendous commitment to putting Americans back to work and I urge my colleagues to support this legislation.

The SPEAKER pro tempore. All time for debate has expired.

Pursuant to House Resolution 1205, the previous question is ordered on the bill, as amended.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT

Mr. CAMP. Madam Speaker, I have a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. CAMP. In its current form.

Mr. LEVIN. Madam Speaker, I reserve a point of order against the gentleman's motion.

The SPEAKER pro tempore. The gentleman from Michigan reserves a point of order.

The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Camp moves to recommit the bill H.R. 4849 to the Committee on Ways and Means with instructions to report the same back to the House forthwith with the following amendment:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; ETC.

(a) SHORT TITLE.—This Act may be cited as the "Tax Incentives for Small Business Growth and Health Care Corrections Act of 2010".

(b) AMENDMENT OF 1986 CODE.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

(c) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; etc.

TITLE I—SMALL BUSINESS TAX INCENTIVES

Subtitle A—General Provisions

Sec. 101. Temporary exclusion of 100 percent of gain on certain small business stock.

Subtitle B—Limitations and Reporting on Certain Penalties

Sec. 111. Limitation on penalty for failure to disclose certain information.

Sec. 112. Annual reports on penalties and certain other enforcement actions.

Subtitle C—Preservation of Health Savings Accounts and Health Flexible Spending Arrangements

Sec. 121. Repeal of limitations on medicines.

Sec. 122. Repeal of dollar limitation on health flexible spending arrangements.

Subtitle D—Other Provisions

Sec. 131. Nonrecourse small business investment company loans from the Small Business Administration treated as amounts at risk.

Sec. 132. Increase in amount allowed as deduction for start-up expenditures.

TITLE II—REVENUE PROVISIONS

Sec. 201. Exclusion of certain low-quality fuels from the cellulosic biofuel producer credit.

Sec. 202. Time for payment of corporate estimated taxes.

TITLE I—SMALL BUSINESS TAX INCENTIVES

Subtitle A—General Provisions

SEC. 101. TEMPORARY EXCLUSION OF 100 PERCENT OF GAIN ON CERTAIN SMALL BUSINESS STOCK.

(a) IN GENERAL.—Subsection (a) of section 1202 is amended by adding at the end the following new paragraph:

"(4) SPECIAL 100 PERCENT EXCLUSION.—In the case of qualified small business stock acquired after March 15, 2010, and before January 1, 2012—

"(A) paragraph (1) shall be applied by substituting '100 percent' for '50 percent'.

"(B) paragraph (2) shall not apply, and

"(C) paragraph (7) of section 57(a) shall not apply."

(b) CONFORMING AMENDMENTS.—Paragraph (3) of section 1202(a) is amended—

(1) by striking "after the date of the enactment of this paragraph and before January 1, 2011" and inserting "after February 17, 2009, and before March 16, 2010", and

(2) by striking "SPECIAL RULES FOR 2009 AND 2010" in the heading and inserting "SPECIAL 75 PERCENT EXCLUSION".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to stock acquired after March 15, 2010.

Subtitle B—Limitations and Reporting on Certain Penalties

SEC. 111. LIMITATION ON PENALTY FOR FAILURE TO DISCLOSE CERTAIN INFORMATION.

(a) IN GENERAL.—Subsection (b) of section 6707A is amended to read as follows:

"(b) AMOUNT OF PENALTY.—

"(1) IN GENERAL.—Except as otherwise provided in this subsection, the amount of the penalty under subsection (a) with respect to any reportable transaction shall be 75 percent of the decrease in tax shown on the return as a result of such transaction (or which would have resulted from such transaction if such transaction were respected for Federal tax purposes).

"(2) MAXIMUM PENALTY.—The amount of the penalty under subsection (a) with respect to any reportable transaction for any taxable year shall not exceed—

"(A) in the case of a listed transaction, \$200,000 (\$100,000 in the case of a natural person), or

"(B) in the case of any other reportable transaction, \$50,000 (\$10,000 in the case of a natural person).

"(3) MINIMUM PENALTY.—The amount of the penalty under subsection (a) with respect to any transaction for any taxable year shall not be less than \$10,000 (\$5,000 in the case of a natural person)."

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to penalties assessed after December 31, 2006.

SEC. 112. ANNUAL REPORTS ON PENALTIES AND CERTAIN OTHER ENFORCEMENT ACTIONS.

(a) IN GENERAL.—The Commissioner of Internal Revenue, in consultation with the Secretary of the Treasury, shall submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate an annual report on the penalties assessed by the Internal Revenue Service during the preceding year under each of the following provisions of the Internal Revenue Code of 1986:

(1) Section 6662A (relating to accuracy-related penalty on understatements with respect to reportable transactions).

(2) Section 6700(a) (relating to promoting abusive tax shelters).

(3) Section 6707 (relating to failure to furnish information regarding reportable transactions).

(4) Section 6707A (relating to failure to include reportable transaction information with return).

(5) Section 6708 (relating to failure to maintain lists of advisees with respect to reportable transactions).

(b) ADDITIONAL INFORMATION.—The report required under subsection (a) shall also include information on the following with respect to each year:

(1) Any action taken under section 330(b) of title 31, United States Code, with respect to any reportable transaction (as defined in section 6707A(c) of the Internal Revenue Code of 1986).

(2) Any extension of the time for assessment of tax enforced, or assessment of any amount under such an extension, under paragraph (10) of section 6501(c) of the Internal Revenue Code of 1986.

(c) DATE OF REPORT.—The first report required under subsection (a) shall be submitted not later than December 31, 2010.

Subtitle C—Preservation of Health Savings Accounts and Health Flexible Spending Arrangements

SEC. 121. REPEAL OF LIMITATIONS ON MEDICINES.

Effective as of the enactment of the Patient Protection and Affordable Care Act, section 9003 of such Act (relating to distributions for medicine qualified only if for prescribed drug or insulin) is hereby repealed and any provision of law amended by such section is amended to read as such provision would read if such section had never been enacted.

SEC. 122. REPEAL OF DOLLAR LIMITATION ON HEALTH FLEXIBLE SPENDING ARRANGEMENTS.

Effective as of the enactment of the Patient Protection and Affordable Care Act, section 9005 of such Act (relating to limitation on health flexible spending arrangements under cafeteria plans) is hereby repealed and any provision of law amended by

such section is amended to read as such provision would read if such section had never been enacted.

Subtitle D—Other Provisions

SEC. 131. NONRECOURSE SMALL BUSINESS INVESTMENT COMPANY LOANS FROM THE SMALL BUSINESS ADMINISTRATION TREATED AS AMOUNTS AT RISK.

(a) IN GENERAL.—Subparagraph (B) of section 465(b)(6) is amended to read as follows:

“(B) QUALIFIED NONRECOURSE FINANCING.—For purposes of this paragraph—

“(i) IN GENERAL.—The term ‘qualified nonrecourse financing’ means any financing—

“(I) which is qualified real property financing or qualified SBIC financing,

“(II) except to the extent provided in regulations, with respect to which no person is personally liable for repayment, and

“(III) which is not convertible debt.

“(ii) QUALIFIED REAL PROPERTY FINANCING.—The term ‘qualified real property financing’ means any financing which—

“(I) is borrowed by the taxpayer with respect to the activity of holding real property,

“(II) is secured by real property used in such activity, and

“(III) is borrowed by the taxpayer from a qualified person or represents a loan from any Federal, State, or local government or instrumentality thereof, or is guaranteed by any Federal, State, or local government.

“(iii) QUALIFIED SBIC FINANCING.—The term ‘qualified SBIC financing’ means any financing which—

“(I) is borrowed by a small business investment company (within the meaning of section 301 of the Small Business Investment Act of 1958), and

“(II) is borrowed from, or guaranteed by, the Small Business Administration under the authority of section 303(b) of such Act.”.

(b) CONFORMING AMENDMENTS.—Subparagraph (A) of section 465(b)(6) is amended—

(1) by striking “in the case of an activity of holding real property,” and

(2) by striking “which is secured by real property used in such activity”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to loans and guarantees made after the date of the enactment of this Act.

SEC. 132. INCREASE IN AMOUNT ALLOWED AS DEDUCTION FOR START-UP EXPENDITURES.

(a) IN GENERAL.—Subsection (b) of section 195 is amended by adding at the end the following new paragraph:

“(3) INCREASED LIMITATION FOR TAXABLE YEARS BEGINNING IN 2010 OR 2011.—In the case of any taxable year beginning in 2010 or 2011, paragraph (1)(A)(ii) shall be applied—

“(A) by substituting ‘\$20,000’ for ‘\$5,000’, and

“(B) by substituting ‘\$75,000’ for ‘\$50,000’.”.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2009.

TITLE II—REVENUE PROVISIONS

SEC. 201. EXCLUSION OF CERTAIN LOW-QUALITY FUELS FROM THE CELLULOSIC BIOFUEL PRODUCER CREDIT.

(a) IN GENERAL.—Subparagraph (E) of section 40(b)(6) is amended by adding at the end the following new clause:

“(iii) EXCLUSION OF CERTAIN LOW-QUALITY FUELS.—The term ‘cellulosic biofuel’ shall not include any fuel if—

“(I) more than 4 percent of such fuel (determined by weight) is any combination of water and sediment,

“(II) the ash content of such fuel is more than 1 percent (determined by weight), or

“(III) the acid number of such fuel is greater than 25.”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to fuels sold or used on or after January 1, 2010.

SEC. 202. TIME FOR PAYMENT OF CORPORATE ESTIMATED TAXES.

Notwithstanding section 6655 of the Internal Revenue Code of 1986, in the case of a corporation with assets of not less than \$1,000,000,000 (determined as of the end of the preceding taxable year)—

(1) the amount of any required installment of corporate estimated tax which is otherwise due in July, August, or September of 2010 shall be 100.75 percent of such amount, and

(2) the amount of the next required installment after an installment referred to in paragraph (1) shall be appropriately reduced to reflect the amount of the increase by reason of such paragraph.

Mr. CAMP (during the reading). Madam Speaker, I ask unanimous consent that the motion be considered as read.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

Mr. LEVIN. I object.

The SPEAKER pro tempore. Objection is heard.

The Clerk will continue to read.

The Clerk continued to read.

□ 1430

Mr. LEVIN. Madam Speaker, I continue to reserve my point of order.

The SPEAKER pro tempore. The point of order is reserved.

The gentleman from Michigan (Mr. CAMP) is recognized for 5 minutes.

Mr. CAMP. Madam Speaker, today we begin to repeal some of the most troubling aspects of the Democrats’ health care bill. This Republican motion is straightforward. It strikes troubling tax increases, it maintains tax relief for small businesses, repeals unpopular provisions of the health care bill that force middle class families to pay more taxes and more for their health care, and is fully paid for in compliance with the PAYGO rules.

To meet the PAYGO rules, the motion eliminates the so-called emergency welfare spending and closes the Black Liquor tax loophole that’s repeatedly passed the House but has yet to become law.

Here’s what we keep: the few provisions that directly help small businesses, including an exclusion from capital gains tax on investments and qualifying small businesses; new protections for small businesses from excessive penalties if they unknowingly fail to disclose certain information related to their participation in tax shelters; and a temporary increase in the amount of small business start-up costs that can be immediately expensed.

In addition to this tax relief, we begin today to repeal some of the troubling aspects of the Democrats’ health care bill. Today we seek to eliminate

two of the tax increases in the health care bill that would hit middle class families and violate the President’s pledge that you can keep the health care plan you have and like.

First, the motion repeals the cap on the minimum annual contribution to flexible spending accounts, which will be capped at \$2,500 per year under the health care bill starting in 2011.

FSAs, which are currently used by 35 million Americans, encourage consumers to be more aware of both the cost and quality of health care goods and services. Approximately 7 million Americans put more than \$2,500 into their FSAs. According to the Employers Council on Flexible Compensation, the median income of an FSA holder in 2008 was just \$55,000 a year. Repealing this provision would provide Americans with \$15.6 billion in tax relief.

Second, the motion repeals the ban on using several forms of health savings, including FSAs and health savings accounts, also known as HSAs, to purchase over-the-counter medicines. Not only does this ban discourage tax-free savings, it discourages Americans from choosing cheaper, nonprescription medicines when they’re available. By repealing this provision, we’ll not only provide \$5.5 billion in tax relief, but we’ll also help American families lower their health care bills.

This motion offers Members a clear choice. A vote against this motion is effectively a choice to close the Black Liquor loophole to pay for billions of dollars in additional Medicaid spending. A vote in favor of this motion is a vote to close that Black Liquor tax loophole to pay for small business tax relief that will actually help create jobs and undo some of the harmful tax increases on American families passed by the House in the dark of night on Sunday.

I urge my colleagues to vote “yes” on the motion, and I yield back the balance of my time.

Mr. LEVIN. Madam Speaker, I continue to reserve my point of order.

The SPEAKER pro tempore. The point of order is reserved.

Mr. LEVIN. Madam Speaker, I rise in opposition to the motion to recommit.

The SPEAKER pro tempore. The gentleman from Michigan (Mr. LEVIN) is recognized for 5 minutes.

Mr. LEVIN. Well, I guess here we start. You know, what’s interesting here is the following: Mr. CAMP says that they pay for the small business provisions. They’re already paid for in this bill. And so how inconsistent can he be?

He wants to continue to pay for them when they’re already paid for, but he intends to vote against the bill. That is the height of inconsistency, and I think that’s a reason to object, even if this turns out to be a motion to recommit that’s in order.

And then let me just talk a bit about Black Liquor so we know what’s going

on. Talking about inconsistency, that's a charitable word. The Black Liquor provision is now in the health bill in the Senate, awaiting action. You know precisely that. So what you're now suggesting is, take it out of that bill that's being considered in reconciliation, and put it in here, and you're claiming you're paying for it.

"Inconsistency" is charitable. There could be other words used for that, including the unwillingness of the minority to face up to the need to pay for bills.

We pay for the bill that is now before us. We pay for the bill in ways that are more than defensible; they are necessary. And so a reason to object to this on its substance is that, essentially, this approach here is a sleight of hand.

I suggest to the gentleman from Michigan (Mr. CAMP) that you walk over to the Senate, ask them what's in reconciliation. It's not a very long distance from here. Just walk over there and whisper to the majority leader, or, if you want, you can whisper to the minority leader, is Black Liquor in the bill that's over there that is now being considered under reconciliation? And I think both of them will tell you it is.

So, essentially, what you're saying is we want to take something out of the bill that is being considered under reconciliation and claim to be paying for the small business provisions that you're going to vote against.

Now, my suggestion is that nobody is going to be fooled by that; and that what you ought to be doing is to tackle these issues straight on, and also to tackle the pay-for straight on and not pretend that you're paying for something when you're not.

So I don't know what's worse, the majority, the then-majority, now the minority, having refused to pay for bills that came through here year after year, bills that came before the Ways and Means Committee that you never dreamed of paying for, whether that's worse than what you're now doing. I guess they're both as bad.

Yet what you're now doing is saying, well, we'll pay with something that's in a bill that's in the Senate that's soon going to become law.

POINT OF ORDER

Mr. LEVIN. So as a result, not only do I think that that motion to recommit deserves to be defeated on its substance, but I now want to press my point of order that the motion violates section 303 of the Budget Act because it includes a change in revenue in fiscal year 2011 before a budget resolution for that year has been adopted.

Mr. CAMP. Madam Speaker, before being recognized, would the gentleman please state his point of order.

Mr. LEVIN. You want me to restate it? You're getting more notice on the restatement than you gave to us on your motion to recommit. I'll be glad to repeat it once or twice.

I make a point of order that the motion violates section 303 of the Budget Act because it includes a change in revenue in FY 2011 before a budget resolution for that year has been adopted.

Mr. CAMP. Madam Speaker, I would like to be heard on the point of order.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Michigan.

Mr. CAMP. Madam Speaker, my point would be that we actually raise revenues in years 2010 and 2011. We do not reduce revenues, so I would suggest that the point of order is without merit.

Mr. LEVIN. If I could speak briefly.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Michigan.

Mr. LEVIN. It makes a change. That's all that's necessary to violate section 303.

I ask that the point of order be upheld.

Mr. CAMP. Madam Speaker, I would like to be heard further on the point of order.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Michigan.

Mr. CAMP. Madam Speaker, I am informed that the underlying bill has a Budget Act problem, and the waiving of all points of order against the consideration of the bill in the full House, including 303, would make the gentleman's point of order unacceptable and would make his point of order invalid.

Mr. LEVIN. Madam Speaker, if I could respond briefly.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Michigan.

Mr. LEVIN. Madam Speaker, I think that trying to do this through a motion to recommit is inappropriate. And I suggest that before they bring up motions to recommit, that they very much should look at what the rules of the House are.

Therefore, I insist on the point of order.

The SPEAKER pro tempore. If no other Member wishes to be heard, the Chair is going to consult the precedents before ruling.

□ 1455

Mr. LEVIN. Madam Speaker, I believe there has been much consultation, and I now withdraw the point of order.

The SPEAKER pro tempore. The point of order is withdrawn.

The gentleman from Michigan may proceed for the 1 minute that was remaining.

Mr. LEVIN. I have withdrawn the point of order after there has been consultation with the parliamentarian, and so now we are back to the substance of the motion to recommit.

I want to strongly urge everyone to vote against this motion to recommit.

It is wrong in substance in trying to change the bill that we passed. And also, what it does by a trick of hand is to pretend to pay for this motion to recommit by taking a provision that is in the bill that is now in the Senate, subject to reconciliation, and that I trust will pass fairly soon.

That is reason enough. I don't think it is appropriate for this body to vote for a motion to recommit pretending it is paying for it by taking a provision that we have included in a bill that we have passed and now is in the Senate for its consideration.

So I would urge every single Member on the majority side to vote "no" on this motion to recommit.

I yield back the balance of my time. The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the yeas appeared to have it.

Mr. CAMP. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 and clause 9 of rule XX, this 15-minute vote on the motion to recommit will be followed by 5-minute votes on the passage of the bill, if ordered, and motions to suspend the rules with regards to H.R. 4098 and H.R. 1879, if ordered.

The vote was taken by electronic device, and there were—yeas 184, nays 239, not voting 6, as follows:

[Roll No. 181]

YEAS—184

Aderholt	Chaffetz	Hensarling
Akin	Coble	Heger
Alexander	Coffman (CO)	Hunter
Altmire	Cole	Inglis
Austria	Conaway	Issa
Bachmann	Crenshaw	Jenkins
Bachus	Culberson	Johnson (IL)
Barrett (SC)	Davis (KY)	Johnson, Sam
Bartlett	Dent	Jones
Barton (TX)	Diaz-Balart, L.	Jordan (OH)
Biggart	Diaz-Balart, M.	King (IA)
Blibray	Dreier	King (NY)
Bilirakis	Duncan	Kingston
Bishop (UT)	Edwards (TX)	Kirk
Blackburn	Ehlers	Kline (MN)
Blunt	Emerson	Lamborn
Boehner	Fallin	Lance
Bonner	Flake	Latham
Bono Mack	Fleming	LaTourette
Boozman	Forbes	Latta
Boucher	Fortenberry	Lee (NY)
Boustany	Fox	Lewis (CA)
Brady (TX)	Franks (AZ)	Linder
Bright	Frelinghuysen	LoBiondo
Brown (GA)	Gallegly	Lucas
Buchanan	Garrett (NJ)	Luetkemeyer
Burgess	Gerlach	Lummis
Burton (IN)	Gingrey (GA)	Lungren, Daniel
Buyer	Gohmert	E.
Calvert	Goodlatte	Mack
Camp	Granger	Manzullo
Campbell	Graves	Marchant
Cantor	Griffith	McCarthy (CA)
Cao	Guthrie	McCaul
Capito	Hall (TX)	McClintock
Carter	Harper	McCotter
Cassidy	Hastings (WA)	McHenry
Castle	Heller	McIntyre

McKeon	Price (GA)	Simpson	Skelton	Thompson (CA)	Wasserman	Hall (NY)	Markey (MA)	Rush
McMorris	Putnam	Smith (NE)	Slaughter	Thompson (MS)	Schultz	Halvorson	Marshall	Ryan (OH)
Rodgers	Radanovich	Smith (NJ)	Smith (WA)	Tierney	Waters	Hare	Matheson	Salazar
Mica	Rehberg	Smith (TX)	Snyder	Titus	Watson	Harman	Matsui	Sánchez, Linda
Miller (FL)	Reichert	Souder	Space	Tonko	Watt	Hastings (FL)	McCarthy (NY)	T.
Miller (MI)	Roe (TN)	Stearns	Speier	Towns	Waxman	Heinrich	McCollum	Sanchez, Loretta
Miller, Gary	Rogers (AL)	Sullivan	Spratt	Tsongas	Weiner	Herseht Sandlin	McDermott	Sarbanes
Minnick	Rogers (KY)	Taylor	Stark	Van Hollen	Welch	Higgins	McGovern	Schakowsky
Moran (KS)	Rogers (MI)	Terry	Stupak	Velázquez	Wilson (OH)	Hill	McIntyre	Schauer
Murphy, Tim	Rohrabacher	Thompson (PA)	Sutton	Visclosky	Woolsey	Himes	McMahon	Schiff
Murphy, Tim	Rooney	Thornberry	Tanner	Walz	Wu	Hinchey	McNerney	Schrader
Neugebauer	Ros-Lehtinen	Tiahrt	Teague		Yarmuth	Hinojosa	Meek (FL)	Schwartz
Nunes	Roskam	Tiberi				Hirono	Meeks (NY)	Scott (GA)
Nye	Royce	Turner				Hodes	Melancon	Scott (VA)
Olson	Rush	Upton				Holden	Michaud	Serrano
Owens	Ryan (WI)	Walden				Holt	Miller (NC)	Sestak
Paul	Scalise	Wamp				Honda	Miller, George	Shea-Porter
Paulsen	Schmidt	Westmoreland				Hoyer	Mollohan	Sherman
Pence	Schock	Whitfield				Inslee	Moore (KS)	Shuler
Petri	Sensenbrenner	Wilson (SC)				Israel	Moore (WI)	Sires
Pitts	Sessions	Wittman				Jackson (IL)	Moran (VA)	Skelton
Platts	Shadegg	Wolf				Jackson Lee	Murphy (CT)	Slaughter
Poe (TX)	Shimkus	Young (AK)				(TX)	Murphy (NY)	Snyder
Posey	Shuster	Young (FL)				Johnson (GA)	Murphy, Patrick	Space
						Johnson, E. B.	Murphy, Tim	Speier
						Kagen	Nadler (NY)	Spratt
						Kanjorski	Napolitano	Stark
						Kaptur	Neal (MA)	Stupak
						Kennedy	Oberstar	Sutton
						Kildee	Obey	Tanner
						Kilroy	Oliver	Teague
						Kind	Ortiz	Thompson (CA)
						Kirk	Pallone	Thompson (MS)
						Kirkpatrick (AZ)	Pascarell	Tierney
						Kissell	Pastor (AZ)	Titus
						Klein (FL)	Payne	Tonko
						Kosmas	Perlmutter	Towns
						Kratovil	Perriello	Tsongas
						Kucinich	Peters	Van Hollen
						Langevin	Peterson	Velázquez
						Larsen (WA)	Pingree (ME)	Visclosky
						Larson (CT)	Polis (CO)	Walz
						Lee (CA)	Pomeroy	Wasserman
						Levin	Price (NC)	Schultz
						Lewis (GA)	Quigley	Waters
						Lipinski	Rahall	Watson
						Loeb sack	Rangel	Watt
						Lofgren, Zoe	Reyes	Waxman
						Lowey	Richardson	Weiner
						Lujan	Rodriguez	Welch
						Lynch	Ross	Wilson (OH)
						Maffei	Rothman (NJ)	Woolsey
						Maloney	Roybal-Allard	Wu
						Markey (CO)	Ruppersberger	Yarmuth

NOT VOTING—6

Brown (SC) Davis (AL) Kilpatrick (MI)

Brown-Waite, Ginny

□ 1528

Messrs. PALLONE, BARROW, HOYER, KILDEE, MILLER of North Carolina, Mrs. KIRKPATRICK of Arizona, Ms. DEGETTE, Messrs. BOREN, SHULER, CLEAVER, Ms. RICHARDSON, Messrs. ACKERMAN, ISRAEL, WELCH, TIERNEY, KUCINICH, RAHALL, ROTHMAN of New Jersey, CARNAHAN, CAPUANO, Mrs. MALONEY, Mr. HOLT, and Ms. MOORE of Wisconsin changed their vote from “yea” to “nay.”

Messrs. COLE, LAMBORN, GINGREY of Georgia, HUNTER, EDWARDS of Texas, and CAO changed their vote from “nay” to “yea.”

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. LEVIN. Madam Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 246, noes 178, not voting 5, as follows:

[Roll No. 182]

AYES—246

Ackerman	Cardoza	DeLauro	Aderholt	Cole	Jenkins
Adler (NJ)	Carnahan	Dicks	Akin	Conaway	Johnson (IL)
Altmiere	Carney	Dingell	Alexander	Crenshaw	Johnson, Sam
Andrews	Carson (IN)	Doggett	Austria	Culberson	Jones
Arcuri	Castle	Donnelly (IN)	Bachmann	Davis (KY)	Jordan (OH)
Baca	Castor (FL)	Doyle	Bachus	Dent	King (IA)
Baird	Chandler	Drie haus	Barrett (SC)	Diaz-Balart, L.	King (NY)
Baldwin	Childers	Edwards (MD)	Bartlett	Diaz-Balart, M.	Kingston
Barrow	Chu	Edwards (TX)	Barton (TX)	Dreier	Kline (MN)
Bean	Clarke	Ellison	Biggert	Duncan	Lamborn
Becerra	Clay	Ellsworth	Bilbray	Ehlers	Lance
Berkley	Clyburn	Engel	Billakis	Emerson	Latham
Berman	Cohen	Eshoo	Bishop (UT)	Fallin	LaTourette
Berry	Connolly (VA)	Etheridge	Blackburn	Flake	Latta
Bishop (GA)	Conyers	Farr	Blunt	Fleming	Lee (NY)
Bishop (NY)	Cooper	Fattah	Boehner	Forbes	Lewis (CA)
Blumenauer	Costa	Filner	Bonner	Fortenberry	Linder
Boccieri	Costello	Foster	Bono Mack	Fox	LoBiondo
Boren	Courtney	Frank (MA)	Boozman	Franks (AZ)	Lucas
Boswell	Crowley	Fudge	Boustany	Frelinghuysen	Luetkemeyer
Boucher	Cuellar	Garamendi	Brady (TX)	Gallegly	Lummis
Boyd	Cummings	Giffords	Bright	Garrett (NJ)	Lungren, Daniel
Brady (PA)	Dahlkemper	Gonzalez	Broun (GA)	Gerlach	E.
Braley (IA)	Davis (CA)	Gordon (TN)	Brown-Waite,	Gingrey (GA)	Mack
Brown, Corrine	Davis (IL)	Grayson	Ginny	Gohmert	Manzullo
Butterfield	Davis (TN)	Green, Al	Buchanan	Goodlatte	Marchant
Cao	DeFazio	Green, Gene	Burgess	Granger	McCarthy (CA)
Capps	DeGette	Grijalva	Burton (IN)	Graves	McCaul
Capuano	Delahunt	Gutierrez	Buyer	Griffith	McClintock
			Calvert	Guthrie	McCotter
			Camp	Hall (TX)	McHenry
			Campbell	Harper	McKeon
			Cantor	Hastings (WA)	McMorris
			Capito	Heller	Rodgers
			Carter	Hensarling	Mica
			Cassidy	Herger	Miller (FL)
			Chaffetz	Hunter	Miller (MI)
			Coble	Inglis	Miller, Gary
			Coffman (CO)	Issa	Minnick

NAYS—239

Ackerman	Fattah	Matsui	Thompson (CA)	Wasserman	Hall (NY)	Markey (MA)	Rush
Adler (NJ)	Filner	McCarthy (NY)	Thompson (MS)	Schultz	Halvorson	Marshall	Ryan (OH)
Andrews	Foster	McCollum	Tierney	Waters	Hare	Matheson	Salazar
Arcuri	Frank (MA)	McDermott	Titus	Watson	Harman	Matsui	Sánchez, Linda
Baca	Fudge	McGovern	Tonko	Watt	Hastings (FL)	McCarthy (NY)	T.
Baird	Garamendi	McMahon	Towns	Waxman	Heinrich	McCollum	Sanchez, Loretta
Baldwin	Giffords	McNerney	Tsongas	Weiner	Herseht Sandlin	McDermott	Sarbanes
Barrow	Gonzalez	Meek (FL)	Van Hollen	Welch	Higgins	McGovern	Schakowsky
Bean	Gordon (TN)	Meeks (NY)	Velázquez	Wilson (OH)	Hill	McIntyre	Schauer
Becerra	Grayson	Melancon	Visclosky	Woolsey	Himes	McMahon	Schiff
Berkley	Green, Al	Michaud	Walz	Yarmuth	Hinchey	McNerney	Schrader
Berman	Green, Gene	Miller (NC)			Hinojosa	Meek (FL)	Schwartz
Berry	Grijalva	Miller, George			Hirono	Meeks (NY)	Scott (GA)
Bishop (GA)	Hall (NY)	Mitchell			Hodes	Melancon	Scott (VA)
Bishop (NY)	Halvorson	Mollohan			Holden	Michaud	Serrano
Blumenauer	Hare	Moore (KS)			Holt	Miller (NC)	Sestak
Boccieri	Harman	Moore (WI)			Honda	Miller, George	Shea-Porter
Boren	Hastings (FL)	Moran (VA)			Hoyer	Mollohan	Sherman
Boswell	Heinrich	Murphy (CT)			Inslee	Moore (KS)	Shuler
Boyd	Herseht Sandlin	Murphy (NY)			Israel	Moore (WI)	Sires
Brady (PA)	Higgins	Murphy, Patrick			Jackson (IL)	Moran (VA)	Skelton
Braley (IA)	Hill	Nadler (NY)			Jackson Lee	Murphy (CT)	Slaughter
Brown, Corrine	Himes	Napolitano			(TX)	Murphy (NY)	Snyder
Butterfield	Hinchey	Neal (MA)			Johnson (GA)	Murphy, Patrick	Space
Capps	Hinojosa	Oberstar			Johnson, E. B.	Murphy, Tim	Speier
Capuano	Hirono	Obey			Kagen	Nadler (NY)	Spratt
Cardoza	Hodes	Oliver			Kanjorski	Napolitano	Stark
Carnahan	Holden	Ortiz			Kaptur	Neal (MA)	Stupak
Carney	Holt	Pallone			Kennedy	Oberstar	Sutton
Carson (IN)	Honda	Pascarell			Kildee	Obey	Tanner
Castor (FL)	Hoyer	Pastor (AZ)			Kilroy	Oliver	Teague
Chandler	Inslee	Payne			Kind	Ortiz	Thompson (CA)
Childers	Israel	Perlmutter			Kirk	Pallone	Thompson (MS)
Chu	Jackson (IL)	Perriello			Kirkpatrick (AZ)	Pascarell	Tierney
Clarke	Jackson Lee	Peters			Kissell	Pastor (AZ)	Titus
Clay	(TX)	Peterson			Klein (FL)	Payne	Tonko
Cleaver	Johnson (GA)	Pingree (ME)			Kosmas	Perlmutter	Towns
Clyburn	Johnson, E. B.	Polis (CO)			Kratovil	Perriello	Tsongas
Cohen	Kagen	Pomeroy			Kucinich	Peters	Van Hollen
Connolly (VA)	Kanjorski	Price (NC)			Langevin	Peterson	Velázquez
Conyers	Kaptur	Quigley			Larsen (WA)	Pingree (ME)	Visclosky
Cooper	Kennedy	Rahall			Larson (CT)	Polis (CO)	Walz
Costa	Kildee	Rangel			Lee (CA)	Pomeroy	Wasserman
Costello	Kilroy	Reyes			Levin	Price (NC)	Schultz
Courtney	Kind	Richardson			Lewis (GA)	Quigley	Waters
Crowley	Kirkpatrick (AZ)	Rodriguez			Lipinski	Rahall	Watson
Cuellar	Kissell	Ross			Loeb sack	Rangel	Watt
Cummings	Klein (FL)	Rothman (NJ)			Lofgren, Zoe	Reyes	Waxman
Dahlkemper	Kosmas	Roybal-Allard			Lowey	Richardson	Weiner
Davis (CA)	Kratovil	Ruppersberger			Lujan	Rodriguez	Welch
Davis (IL)	Kucinich	Ryan (OH)			Lynch	Ross	Wilson (OH)
Davis (TN)	Langevin	Salazar			Maffei	Rothman (NJ)	Woolsey
DeFazio	Larsen (WA)	Sánchez, Linda			Maloney	Roybal-Allard	Wu
DeGette	Larson (CT)	T.			Markey (CO)	Ruppersberger	Yarmuth
Delahunt	Lee (CA)	Sanchez, Loretta					
DeLauro	Levin	Sarbanes					
Dicks	Lewis (GA)	Schakowsky					
Dingell	Lipinski	Schauer					
Doggett	Loeb sack	Schiff					
Donnelly (IN)	Donnelly, Zoe	Schrader					
Doyle	Lowey	Schwartz					
Drie haus	Lujan	Scott (GA)					
Edwards (MD)	Lynch	Scott (VA)					
Ellison	Maffei	Serrano					
Ellsworth	Maloney	Sestak					
Engel	Markey (CO)	Shea-Porter					
Eshoo	Markey (MA)	Sherman					
Etheridge	Marshall	Shuler					
Farr	Matheson	Sires					

Mitchell	Rogers (AL)	Souder
Moran (KS)	Rogers (KY)	Stearns
Myrick	Rogers (MI)	Sullivan
Neugebauer	Rohrabacher	Taylor
Nunes	Rooney	Terry
Nye	Ros-Lehtinen	Thompson (PA)
Olson	Roskam	Thornberry
Owens	Royce	Tiahrt
Paul	Ryan (WI)	Tiberi
Paulsen	Scalise	Turner
Pence	Schmidt	Upton
Petri	Schock	Walden
Pitts	Sensenbrenner	Wamp
Platts	Sessions	Westmoreland
Poe (TX)	Shadegg	Whitfield
Posey	Shimkus	Wilson (SC)
Price (GA)	Shuster	Wittman
Putnam	Simpson	Wolf
Radanovich	Smith (NE)	Young (AK)
Rehberg	Smith (NJ)	Young (FL)
Reichert	Smith (TX)	
Roe (TN)	Smith (WA)	

NOT VOTING—5

Brown (SC)	Davis (AL)	Kilpatrick (MI)
Cleaver	Hoekstra	

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining in the vote.

□ 1537

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

SECURE FEDERAL FILE SHARING ACT

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill, H.R. 4098, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. Towns) that the House suspend the rules and pass the bill, H.R. 4098, as amended.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 408, nays 13, answered “present” 1, not voting 7, as follows:

[Roll No. 183]

YEAS—408

Ackerman	Bishop (GA)	Burgess
Aderholt	Bishop (NY)	Burton (IN)
Adler (NJ)	Bishop (UT)	Buyer
Alexander	Blackburn	Calvert
Altmire	Blumenauer	Camp
Andrews	Blunt	Campbell
Arcuri	Boccieri	Cantor
Austria	Boehner	Cao
Baca	Bonner	Capito
Bachmann	Bono Mack	Capps
Bachus	Boozman	Capuano
Baird	Boren	Cardoza
Baldwin	Boswell	Carnahan
Barrow	Boucher	Carney
Bartlett	Boustany	Carson (IN)
Barton (TX)	Boyd	Carter
Bean	Brady (PA)	Castle
Becerra	Brady (TX)	Castor (FL)
Berkley	Braley (IA)	Chaffetz
Berman	Bright	Chandler
Berry	Brown, Corrine	Childers
Biggert	Brown-Waite,	Chu
Bilbray	Ginny	Clarke
Bilirakis	Buchanan	Clay

Cleaver	Hirono	Miller, George
Clyburn	Hodes	Minnick
Coble	Holden	Mitchell
Coffman (CO)	Holt	Mollohan
Cohen	Honda	Moore (KS)
Cole	Hoyer	Moore (WI)
Conaway	Hunter	Moran (KS)
Connolly (VA)	Inglis	Moran (VA)
Conyers	Inslee	Murphy (CT)
Cooper	Israel	Murphy (NY)
Costa	Issa	Murphy, Patrick
Costello	Jackson (IL)	Murphy, Tim
Courtney	Jackson Lee	Myrick
Crenshaw	(TX)	Nadler (NY)
Crowley	Jenkins	Napolitano
Cuellar	Johnson (GA)	Neal (MA)
Culberson	Johnson (IL)	Neugebauer
Cummings	Johnson, E. B.	Nunes
Dahlkemper	Johnson, Sam	Nye
Davis (CA)	Jones	Oberstar
Davis (IL)	Jordan (OH)	Obey
Davis (KY)	Kagen	Olson
Davis (TN)	Kanjorski	Olver
DeFazio	Kaptur	Ortiz
DeGette	Kennedy	Owens
Delahunt	Kildee	Pallone
DeLauro	Kilroy	Pascarell
Dent	Kind	Pastor (AZ)
Diaz-Balart, L.	King (IA)	Paulsen
Diaz-Balart, M.	King (NY)	Payne
Dicks	Kirk	Pence
Dingell	Kirkpatrick (AZ)	Perlmutter
Doggett	Kissell	Perriello
Donnelly (IN)	Klein (FL)	Peters
Doyle	Kline (MN)	Peterson
Dreier	Kosmas	Petri
Driehaus	Kratovil	Pingree (ME)
Edwards (MD)	Kucinich	Pitts
Edwards (TX)	Lamborn	Platts
Ehlers	Lance	Polis (CO)
Ellison	Langevin	Pomeroy
Ellsworth	Larsen (WA)	Posey
Emerson	Larson (CT)	Price (NC)
Engel	Latham	Putnam
Eshoo	LaTourette	Quigley
Etheridge	Latta	Radanovich
Fallin	Lee (CA)	Rahall
Farr	Lee (NY)	Rangel
Fattah	Levin	Rehberg
Filner	Lewis (CA)	Reichert
Flake	Lewis (GA)	Reyes
Fleming	Linder	Richardson
Forbes	Lipinski	Rodriguez
Fortenberry	LoBiondo	Roe (TN)
Foster	Loebback	Rogers (AL)
Fox	Lowey	Rogers (KY)
Fox (MA)	Lucas	Rogers (MI)
Frank (AZ)	Luetkemeyer	Rohrabacher
Frelinghuysen	Lujan	Rooney
Fudge	Lummis	Ros-Lehtinen
Galleghy	Lungren, Daniel	Roskam
Garamendi	E.	Ross
Garrett (NJ)	Lynch	Rothman (NJ)
Gerlach	Mack	Roybal-Allard
Giffords	Maffei	Ruppersberger
Gohmert	Maloney	Rush
Gonzalez	Manzullo	Ryan (OH)
Goodlatte	Markey (CO)	Ryan (WI)
Gordon (TN)	Markey (MA)	Salazar
Granger	Marshall	Sánchez, Linda
Graves	Matheson	T.
Grayson	Matsui	Sanchez, Loretta
Green, Al	McCarthy (CA)	Sarbanes
Green, Gene	McCarthy (NY)	Scalise
Griffith	McCaul	Schakowsky
Grijalva	McClintock	Schauer
Guthrie	McCollum	Schiff
Gutierrez	McCotter	Schmidt
Hall (NY)	McDermott	Schock
Hall (TX)	McGovern	Schrader
Halvorson	McHenry	Schwartz
Hare	McIntyre	Scott (GA)
Harman	McKeon	Scott (VA)
Harper	McMahon	Serrano
Hastings (FL)	McMorris	Sessions
Hastings (WA)	Rodgers	Sestak
Heinrich	McNerney	Shadegg
Heller	Meek (FL)	Shea-Porter
Hensarling	Meeks (NY)	Sherman
Herger	Melancon	Shimkus
Herseth Sandlin	Mica	Shuler
Higgins	Michaud	Shuster
Hill	Miller (FL)	Simpson
Himes	Miller (MI)	Sires
Hinchoy	Miller (NC)	Skelton
Hinojosa	Miller, Gary	Slaughter

Smith (NE)	Thompson (CA)	Wamp
Smith (NJ)	Thompson (MS)	Wasserman
Smith (TX)	Thompson (PA)	Schultz
Smith (WA)	Thornberry	Waters
Snyder	Tiahrt	Watson
Souder	Tiberi	Watt
Space	Tierney	Waxman
Speier	Titus	Weiner
Spratt	Tonko	Welch
Stark	Towns	Whitfield
Stearns	Tsongas	Wilson (OH)
Stupak	Turner	Wilson (SC)
Sullivan	Upton	Wittman
Sutton	Van Hollen	Wolf
Tanner	Velázquez	Woolsey
Taylor	Visclosky	Wu
Teague	Walden	Yarmuth
Terry	Walz	Young (FL)

NAYS—13

Akin	Marchant	Sensenbrenner
Broun (GA)	Paul	Westmoreland
Duncan	Poe (TX)	Young (AK)
Gingrey (GA)	Price (GA)	
Kingston	Royce	

ANSWERED “PRESENT”—1

Lofgren, Zoe

NOT VOTING—7

Barrett (SC)	Cassidy	Kilpatrick (MI)
Brown (SC)	Davis (AL)	
Butterfield	Hoekstra	

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes left in the vote.

□ 1546

So (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

NATIONAL GUARD EMPLOYMENT PROTECTION ACT

The SPEAKER pro tempore (Mr. BLUMENAUER). The unfinished business is the question on suspending the rules and passing the bill, H.R. 1879, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. FILNER) that the House suspend the rules and pass the bill, H.R. 1879, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the yeas have it.

Mr. HARE. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 416, nays 1, not voting 12, as follows:

[Roll No. 184]

YEAS—416

Ackerman	Altmire	Bachmann
Aderholt	Andrews	Bachus
Adler (NJ)	Arcuri	Baird
Akin	Austria	Baldwin
Alexander	Baca	Barrow

Bartlett
Barton (TX)
Bean
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Broun (GA)
Brown, Corrine
Brown-Waite,
Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Chu
Clarke
Clay
Clever
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Cuellar
Culberson
Cummings
Dahlkemper
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan

Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Fallin
Farr
Fattah
Filner
Flake
Fleming
Forbes
Fortenberry
Foster
Fox
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garamendi
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gordon (TN)
Granger
Graves
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Hunter
Inglis
Inslee
Israel
Issa
Jackson (IL)
Jackson Lee
(TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilroy
Kind
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas

Kratovil
Kucinich
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Loehsack
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Lujan
Lummis
Lungren, Daniel
E.
Lynch
Mack
Maffei
Maloney
Manzullo
Marchant
Markley (CO)
Markley (MA)
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
Hall (NY)
McCotter
McDermott
McGovern
McHenry
McIntyre
McKeon
McMahon
McMorris
Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Nunes
Nye
Oberstar
Obey
Olson
Oliver
Ortiz
Owens
Pallone
Pascarell
Pastor (AZ)
Paulsen
Payne
Pence
Perlmuter
Perriello
Peters
Peterson
Petri

Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Putnam
Quigley
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda
T.
Sanchez, Loretta
Sarbanes

Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tanner
Taylor

Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wamp
Wasserman
Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Westmoreland
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

DEPARTMENT OF HOMELAND SECURITY FEDERAL EMERGENCY MANAGEMENT AGENCY DISASTER RELIEF (INCLUDING TRANSFER OF FUNDS)

For an additional amount for “Disaster Relief”, \$5,100,000,000, to remain available until expended, of which \$5,000,000 shall be transferred to the Department of Homeland Security Office of the Inspector General for audits and investigations related to disasters.

DEPARTMENT OF LABOR EMPLOYMENT AND TRAINING ADMINISTRATION TRAINING AND EMPLOYMENT SERVICES

For an additional amount for “Training and Employment Services” for activities under the Workforce Investment Act of 1998 (“WIA”), \$600,000,000, which shall be available for obligation on the date of enactment of this Act, for grants to the States for youth activities: *Provided*, That such funds shall be used solely for summer employment programs for youth: *Provided further*, That no portion of such funds shall be reserved to carry out section 127(b)(1)(A) of the WIA: *Provided further*, That for purposes of section 127(b)(1)(C)(iv) of the WIA, funds available for youth activities shall be allotted as if the total amount available for youth activities in the fiscal year does not exceed \$1,000,000,000: *Provided further*, That the work readiness performance indicator described in section 136(b)(2)(A)(ii)(I) of the WIA shall be the only measure of performance used to assess the effectiveness of summer employment for youth provided with such funds.

LEGISLATIVE BRANCH HOUSE OF REPRESENTATIVES PAYMENT TO WIDOWS AND HEIRS OF DECEASED MEMBERS OF CONGRESS

For a payment to Joyce Murtha, widow of John P. Murtha, late a Representative from Pennsylvania, \$174,000: *Provided*, That section 102 shall not apply to this appropriation.

INDEPENDENT AGENCIES SMALL BUSINESS ADMINISTRATION BUSINESS LOANS PROGRAM ACCOUNT

For an additional amount for “Business Loans Program Account” for fee reductions and eliminations under section 501 of title V of division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111-5) and for the cost of guaranteed loans under section 502 of such title, \$20,000,000, to remain available until expended: *Provided*, That such costs shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That up to \$40,000,000 of the amount made available under this heading in Public Law 111-117 also may be utilized for the purposes specified in this paragraph: *Provided further*, That section 502(f) of title V of division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111-5) is amended by striking “March 28, 2010” and inserting “April 30, 2010”.

GENERAL PROVISIONS RESCISSIONS

SEC. 101. There are hereby rescinded the following amounts from the specified accounts:

(1) “Department of Commerce—National Telecommunications and Information Administration—Digital-to-Analog Converter Box Program”, \$11,500,000, to be derived from unobligated balances made available

NAYS—1

Paul
NOT VOTING—12

Barrett (SC)
Becerra
Brown (SC)
Cassidy
Crowley
Davis (AL)
Hoekstra
Kilpatrick (MI)
King (IA)
Minnick
Murphy (NY)
Teague

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Two minutes remain in this vote.

□ 1553

So (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

DISASTER RELIEF AND SUMMER JOBS ACT OF 2010

Mr. OBEY. Mr. Speaker, pursuant to House Resolution 1204, I call up the bill (H.R. 4899) making emergency supplemental appropriations for disaster relief and summer jobs for the fiscal year ending September 30, 2010, and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to House Resolution 1204, the bill is considered read.

The text of the bill is follows:

H.R. 4899

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the

under this heading in title II of division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111-5; 123 Stat. 128).

(2) "Department of Transportation—National Highway Traffic Safety Administration—Consumer Assistance to Recycle and Save Program", \$44,000,000, to be derived from unobligated balances made available in title XIII of Public Law 111-32 and in Public Law 111-47.

(3) "Department of Agriculture—Food and Nutrition Service—Special Supplemental Nutrition Program for Women, Infants, and Children (WIC)", \$361,825,000, to be derived from unobligated balances available from amounts placed in reserve in title I of division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111-5; 123 Stat. 115).

(4) Accounts under the heading "Department of Agriculture—Rural Development Programs", \$102,675,000, to be derived from the unobligated balances of funds that were provided for such accounts in prior appropriation Acts (other than Public Law 111-5) and that were designated by the Congress in such Acts as an emergency requirement pursuant to a concurrent resolution on the budget or the Balanced Budget and Emergency Deficit Control Act of 1985.

EMERGENCY DESIGNATION

SEC. 102. Each amount in this Act is designated as an emergency requirement and necessary to meet emergency needs pursuant to sections 403 and 423(b) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

SHORT TITLE

SEC. 103. This Act may be cited as the "Disaster Relief and Summer Jobs Act of 2010".

The SPEAKER pro tempore. The gentleman from Wisconsin (Mr. OBEY) and the gentleman from California (Mr. LEWIS) each will control 30 minutes.

The Chair recognizes the gentleman from Wisconsin.

GENERAL LEAVE

Mr. OBEY. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 4899.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. OBEY. Mr. Speaker, I yield myself 1 minute.

This is a very simple bill. It provides \$5.1 billion as requested by the President for FEMA disaster relief because FEMA will run out of money in the next 2 or 3 weeks. Consistent with all prior year FEMA supplementals and the President's request, this \$5.1 billion is designated as an emergency. The bill also provides \$600 million for youth summer jobs. This funding will support over 300,000 jobs for youth ages 16 to 21. This age group had some of the highest unemployment levels in the country:

Last, the bill extends the successful small business lending provisions that are contained in the Recovery Act for another month and provides up to \$60 million for that effort. Again, that new funding is offset. The bill rescinds

emergency funding that is not needed in order to provide for the offsets.

With that, I reserve the balance of my time.

Mr. LEWIS of California. Mr. Speaker, I believe that most Members would agree that the fiscal path that our country is currently on is unsustainable. With an annual deficit of \$1.6 trillion, a growing mountain of debt, and unemployment hovering near 10 percent, it's clear that we must change our course now or face catastrophic consequences in the very near future.

My colleagues, the simple truth is that Uncle Sam needs a diet. The single greatest challenge of this Congress and our best hope for lasting recovery lies in curbing Uncle Sam's appetite for spending. It's time to cut up the government's credit card and live within our means starting right now, today.

Just two nights ago, Congress passed a \$1 trillion health care bill that was opposed by every Republican House member and 39 Democrat House members. Never before in our Nation's history has such historic legislation been passed by one party over such widespread bipartisan opposition. Now, here we are again preparing to vote on yet another huge spending bill that was crafted without any transparency or bipartisan involvement.

Most Members would agree that providing relief to Americans suffering from natural disasters is a responsible and worthy use of taxpayer dollars. Most Members would also agree we don't need to load up a disaster bill with hundreds of millions of dollars on a summer youth program—especially when there is already \$1.4 billion in the jobs pipeline.

It's worth noting that the \$600 million for a summer youths job program is being offset by various rescissions in unused funding from the stimulus bill and other past spending bills.

But my underlying question is this: If there is \$1.4 billion already in the pipeline for a Department of Labor jobs program, why can't we return the rescinded \$600 million dollars back to the Treasury for deficit reduction? Why must my Democrat friends continue to spend and spend and spend and spend?

At the beginning of this Congress, the Appropriations Committee consisted of 60 members—37 Democrats and 23 Republicans. It's worth noting, however, that my chairman has made it a habit to write his bills and completely bypass the Democrat and Republican members of the committee. Do not for one minute believe that this legislation reflects the work of the House Appropriations Committee or even the Democrats on the Appropriations Committee, because it does not. To my knowledge, this bill has had no input from any members other than the chairman himself. There's been no markup, no amendments, and no poten-

tial offsets debated or even discussed by the committee.

Like the trillion-dollar stimulus package and the subsequent "son of stimulus" passed by the House prior to Christmas, this legislation will pass without any opportunity for a Member to amend it. With billions and billions of stimulus funding still unspent, there is no reason why the entire emergency relief portion of this legislation cannot be entirely paid for or be used to begin paying down that \$1.6 trillion deficit for the year.

□ 1600

Mr. OBEY has argued that Republicans didn't "pay for" disasters when we were in charge. On that point, he is correct. However, when Republicans were the majority party, annual deficits were not \$1.6 trillion as they are today, and we didn't have hundreds of billions of dollars in unnecessary funding sloshing around in Federal coffers. Surely we can cut \$5.1 billion in unspent stimulus funding to pay for the FEMA spending involved here. We shouldn't continue to spend money we don't have.

Mr. Speaker, we can agree to disagree on the cause of our economic troubles, but the fact remains that we cannot spend our way into economic health. Until the Congress curbs its appetite for spending, our economy will continue to suffer.

With that said, I urge Members on both sides of the aisle to insist, especially after Sunday's budget-busting vote on health care, that we fully offset the entire cost of this legislation so we do not further burden future generations with even more debt.

I will close, as I began, with this comment: The simple truth is that Uncle Sam needs a diet.

I reserve the balance of my time.

Mr. OBEY. I yield myself 2 minutes.

Mr. Speaker, I would simply note that the gentleman is complaining because the committee is using precisely the same procedures that it used in the past when he was chairman and his party was in control of the situation.

When Republicans controlled the House, they brought supplementals to the floor in five out of six Congresses that were handled by the chairman and the chairman alone. That is no different than is happening today. In fact, from 1995 through 2006, while Republicans controlled the institution, the House considered 12 supplemental appropriation bills handled in just that same way.

Secondly, with respect to the so-called runaway spending for summer youth jobs, that spending is fully offset by other cuts in the bill. So much for runaway spending. I can't recall similar fiscal rectitude when the other party was running this place.

Thirdly, let me suggest that when the gentleman complains about not offsetting the funding for the emergency

disaster relief program, I would point out that the past administration asked us to do the very same thing eight times in a row, and the Congress did.

Let me also say, by the way, that I would invite the gentleman from California to join me in cosponsoring legislation, which I have introduced in this House several times, which would set up a State-funded disaster program which would be experience rated so that each State would pay into that fund ahead of time on the basis of how much they have drawn out of it in the past.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. OBEY. I yield myself 1 additional minute.

I would point out that more than half of all disaster relief since 1993 has gone to just four States: Louisiana, Florida, California—the gentleman's home State—and Mississippi; and 80 percent of all disaster relief since 1993 has gone to 10 States: those four plus Texas, Puerto Rico, Alabama, Iowa, North Carolina, and New York.

As a Representative of a State that is not in that 10-State group, I am perfectly happy to end the need for virtually all disaster payments paid for by Uncle Sam by establishing the kind of proposal that I have supported for years. I doubt very much the gentleman from California would like that because then California would be paying into it in the same measure that they are drawing out of it through the years.

But I would, nonetheless, invite any Member interested in fiscal rectitude, whether from a recipient State or not, to join me in that effort and then we won't have these meaningless debates on the floor anymore.

Mr. LEWIS of California. Mr. Speaker, I yield myself such time as I may consume.

I simply rise, in part, to respond to the comments of my colleague. I think it's important for us to know that we do have quite a history of supplemental funding and what we do with emergency spending.

As the chairman suggests, there has been a lot of funny business that has gone on, but I thought the Members ought to know that from fiscal year 1989 through fiscal year 2006 there have been 36 multiagency supplemental appropriations bills that have been considered by the Congress, and most of them have been enacted into law. Of those, only seven were never considered by our Appropriations Committee and this one was not considered by our Appropriations Committee. It was introduced almost at midnight, the very day we dealt with that trillion-dollar deficit package that was before us. Those seven that bypassed the committee I could easily go through in detail, but essentially they were dealing with the natural disasters that related

to hurricanes in Florida and the disaster that impacted Louisiana and the like. Emergencies, indeed, but the committee was bypassed for those emergencies.

It seems to me that it's about time that we took up supplementals like this, instead of being written at the last minute, be handled in regular order, be considered by the committee, be available to the members for not only reading but for amending, and it has become a consistent pattern that we are not doing that. We are bypassing our committee as though the committee or subcommittees might as well not exist.

Mr. Speaker, I reserve the balance of my time.

Mr. OBEY. I yield myself 30 seconds.

I would simply say, Mr. Speaker, that the White House submitted this request for disaster relief over a month ago. Everyone in this institution has known about it; in addition to which, the gentleman's staff has known for a good 2 weeks that we would be considering this disaster relief. The only thing that's different is that we found offsets within the past few days that would help to fully pay for the summer jobs program so, therefore, we included that in the proposition.

This is hardly a complicated matter. I am sure that the gentleman from California is up to a full understanding of it.

I reserve the balance of my time.

Mr. LEWIS of California. Mr. Speaker, I yield 4 minutes to the gentleman from Kentucky (Mr. ROGERS).

Mr. ROGERS of Kentucky. I thank the ranking member for yielding.

I rise, Mr. Speaker, to voice my disappointment with this bill. First, the sheer cost of the disaster relief section of this bill has largely resulted from the administration's own reluctance to be forthright on true disaster costs. When the administration knew full well that they were looking at an immense shortfall for disaster relief costs for fiscal year 2010, they all but stuck their heads in the sand, refused to get off the dime and submit an official request or budget amendment, and that's after continued inquiries and even congressional direction—congressional direction—to be more forthcoming with known costs.

To add insult to injury, FEMA's inability to accurately assess the costs of certain damages have led to several large arbitration rulings and settlements, rulings in which FEMA was admonished for having no sound basis for its estimates. FEMA's ineptitude has resulted in an additional \$1.2 billion in costs to the taxpayers. Ineptitude.

These failures amount to an expensive and now hurried bill. It goes without saying that the administration and FEMA must do better in estimating and budgeting for the real costs of disasters. We have been on this broken path for too long.

Secondly, given the failings of the administration and FEMA, and considering this supplemental does not follow a singular catastrophic event, I see no reason why the administration and the Democrat majority have not worked harder to offset this spending. This concern is especially relevant when billions of dollars in unobligated money is lying around—sloshing—in the so-called stimulus bill, a point that Chairman LEWIS has made repeatedly here today.

Why are we further burdening the American people with additional debt when there are monies that can and should be used to pay for the costs of real emergencies? Sadly, the majority hasn't even notionally consulted the minority or, for that matter, the committee on finding ways to pay for this and is choosing, instead, to just ram this bill through the House with only an hour of debate.

I would like to think that had this bill been handled properly with at least some minority input, we could have collaborated to produce a more fiscally disciplined bill and a bill that included some tough and badly needed oversight on how the administration and FEMA is budgeting for disaster relief funding. Needless to say, the majority seems hell-bent on spending taxpayer money without even giving lip service to an offset.

Mr. Speaker, at this rate, we are simply passing an impossible financial emergency to our children and our grandchildren. To say that I am disappointed at this bill's cost and lack of oversight and discipline is a gross understatement. The administration and this Democrat majority must do better.

Mr. OBEY. Mr. Speaker, I yield 5 minutes to the distinguished gentleman from North Carolina (Mr. PRICE).

Mr. PRICE of North Carolina. I thank the chairman for yielding.

Mr. Speaker, I rise in support of the disaster relief and summer jobs supplemental appropriations bill, which includes \$5.1 billion for the Federal Emergency Management Agency's Disaster Relief Fund. The administration has requested this amount in emergency funding to pay for recovery from catastrophic events and to be able to respond to disasters and emergencies through the balance of the fiscal year.

This bill is about making sure that FEMA keeps its promises to devastated communities that are getting back on their feet as well as to those who may face disasters in the months to come. In addition to ongoing recovery costs associated with an active hurricane season and extraordinary flooding in the Midwest in 2008, FEMA is still required to pay for some very expensive outstanding costs related to Katrina, such as the devastated Louisiana schools and Charity Hospital.

Because we are still dealing with these monumental recovery efforts, the Disaster Relief Fund is being depleted at a rate of nearly \$500 million per month this fiscal year. This has nearly doubled the noncatastrophic 5-year average that FEMA bases its estimates on. At that rate, OMB projects FEMA will be completely out of disaster relief funds by the end of March.

It's unfortunate that we find ourselves in the position of running low on funds just halfway through the fiscal year. I agree that FEMA needs to find a better way to budget, to account for the known costs of these catastrophic events when formulating the budget request. I have pressed them to do that and will continue to do so. But it is disingenuous for those on the other side of the aisle to lecture us on this issue when, to a large extent, as they well know, this supplemental is required to deal with the mess inherited from the previous administration. And by "the mess," I mean the practice of lowballing projected disaster costs as well as billions in deferred obligations.

The fact of the matter is the last administration failed to bring these major public infrastructure projects in the gulf coast to a resolution. We are talking about billions of dollars worth of liabilities that were just kicked down the road. So no lectures, please, on irresponsible budgeting. Over \$2 billion of this supplemental could be spent dealing with unresolved Katrina costs.

The FEMA administrator brought these issues to light in a recent hearing before our subcommittee. He has now committed to correcting these deficiencies, to cleaning up the mess he inherited, and to making sure FEMA accounts for its recovery costs, fully accounts, rather than punting them to the next administration.

Based on the impending shortfall in the fund, FEMA announced last month that it could only pay for "immediate needs" for disasters, which includes assistance to families and individuals, as well as debris removal and emergency protective measures. All long-term rebuilding projects are being deferred until Congress acts. To put that into perspective for my colleagues, that means that over \$367 million worth of projects in 43 States and four territories will continue to be delayed if we fail to act.

□ 1615

And this backlog will only continue to grow. When you add the expensive Katrina-related issues, FEMA is currently liable for nearly \$2 billion in costs.

In addition to addressing these past disasters, we must prepare for those to come. The National Weather Service, the Army Corps of Engineers currently estimate that one-third of the U.S. will be faced with the possibility of flooding

this spring. Without these funds, FEMA will not be able to assist local communities and States responding to these flooding disasters. It's critical that we replenish the disaster relief funds now.

I remind my colleagues that we have always considered disaster relief funds to be emergency funding, under Republican and Democratic Congresses, under Republican and Democratic administrations. The last administration transmitted eight supplementary funding requests for the disaster relief fund between fiscal 2002 and 2006. Those disaster relief funds were always requested as an emergency and were not offset.

We all have a stake, Mr. Speaker, in the passage of this bill. I urge my colleagues to support it.

Mr. LEWIS of California. Mr. Speaker, I really appreciate my colleague from North Carolina. He's a regular order kind of guy, and he chairs the Homeland Security Subcommittee. I've only been complaining about the way we're handling the process.

My chairman so far has not brought a single supplement to the floor under an open rule. And you can deal with these things with an open rule reasonably on the floor. But, ideally, you deal with them in committee, have a chance for amendments and otherwise.

We just don't bring supplementals to the committee for discussion. So far there have been—my colleague should know this—so far there have been \$800 billion in spending numbers that Members didn't get a chance to have any input upon.

With that, I yield 3 minutes to the gentleman from Kansas (Mr. TIAHRT).

Mr. TIAHRT. Mr. Speaker, there's no doubt that unemployment remains a problem; but the majority, for some reason, thinks we need to borrow another \$600 million to subsidize summer jobs for kids. But, you know, there's a lot of money already available. Out of the \$1.2 billion provided for youth jobs in the so-called Recovery Act, \$366 million is still unspent. There's another \$924 million in annual appropriations that will be available in about 1 week from now.

Additionally, for each of the last two program years, there's approximately \$250 million appropriated for youth employment that has not been spent and been carried forward. So when you add all that up, it's \$1.5 billion that's available today already for youth programs in the summer.

Why on God's green Earth would we borrow another \$600 million from the Chinese?

Mr. OBEY. Will the gentleman yield on that?

Mr. TIAHRT. I have limited time, Mr. Chairman. If you'll be brief.

Mr. OBEY. I would yield to you 30 seconds so I might ask you a question.

Mr. TIAHRT. I would welcome to have your question, Mr. Chairman.

Mr. OBEY. Why do you keep saying we're borrowing money to add to the summer youth program when this bill fully offsets every dime that we're spending on it?

Mr. TIAHRT. Well, Mr. Chairman, we overspent so far this year \$655 billion.

Mr. OBEY. No. Would you answer my question? We are not adding one dime to the deficit by what we are adding to the summer jobs program. We are fully paying for it by cuts in other programs.

I have great respect for my friend from Kansas, but he needs to be accurate in what he says.

Mr. TIAHRT. I thank the Chairman. And I would argue that of the \$655 billion that we've already had to borrow, you're taking some of that money and applying it to this program so, again, borrowing money from the Chinese.

Mr. OBEY. That's new math.

Mr. TIAHRT. Well, I guess I'm entitled to my new math today.

I would like to make the point that these summer jobs, or these temporary youth jobs that are paid for by tax dollars don't create permanent jobs. Wichita State University did a study of what we received with the stimulus money; and of the \$6.2 million that was received, 600 employers temporarily hired 1,593 youth for summer jobs. Out of that, only 62 jobs were permanent, or 3.8 percent.

So if you look at what's happened through the stimulus, since the stimulus business was passed, we've lost 3.9 million private sector jobs. We have created jobs in the Federal Government, 63,000 jobs, another 230,000 jobs at the State and local level. How are we going to pay for those jobs in the future?

We've created permanent government jobs and lost private sector jobs. A little math—that's not new math, but proven math—says that for every government employee, it takes 10 private sector jobs to pay enough Federal taxes to cover the cost of that employee.

So what we should be talking about is not temporary jobs in the summer for youth, but permanent jobs, real jobs. And in fact, we need 3 million jobs just to cover the new government jobs that we've created. We can create those jobs through tax relief for employers. We can do it by freezing regulations and forcing the existing regulations through a simple formula where the benefit exceeds the cost. And we need tort reform, and we need to become energy independent.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. LEWIS of California. I yield the gentleman an additional minute.

Mr. TIAHRT. The point I want to make about creating a strong economy to pay for these new government jobs at the Federal and State level, we have to do things to provide opportunity in

our economy. The way you do that is you enhance the process of hiring people.

Capital is always a coward and only goes where it's welcome. Lowering taxes for people who invest in jobs will attract capital into our economy.

Second, we need to freeze our current regulations and force all the regulations that we have on the books today through a simple formula: B has to be greater than C. That means that the benefit has to exceed the cost of implementation. If we would do that, we would lower the cost of creating things in America, of making things in America, and we have to make things.

The third thing I would argue is we need to have tort reform. I favor a loser-pay system like they have in the United Kingdom.

And, fourth, I would like to say if we became energy independent, we would solve our unemployment problem. Only one State in the entire United States last year had increased employment. That State was North Dakota, and it was because they found oil under private property. Had it been under public lands, we could not have extracted the oil. But because it was private lands, we created jobs.

I recommend we oppose this bill.

Mr. OBEY. Mr. Speaker, I yield myself 30 seconds.

I invite the gentleman's attention to page 4 and page 5 of the bill. If he will read those two pages, he will see that every dollar of additional spending for summer jobs is paid for by a reduction in other government spending programs.

Mr. LEWIS of California. Mr. Speaker, I yield 2 minutes to the gentleman from Oklahoma (Mr. COLE).

Mr. COLE. Mr. Speaker, I share my colleagues' concerns about what's in the bill, but I'm also concerned by what's not in the bill and, frankly, that's money to fund the settlement of the so-called Cobell lawsuit.

As my colleagues on both sides of the aisle know, this lawsuit against the Federal Government stems from the mismanagement of Indian trust accounts and trust land since 1887. It involves over half a million claimants; it has drug on for 14 years through three different administrations involving both parties.

Finally, in December of last year, a settlement was reached, \$3.4 billion: \$1.4 billion to individual claimants, \$2 billion to allow for the repurchase of fractionated lands, and some money set aside for an Indian scholarship fund.

I want to particularly, frankly, commend Secretary Salazar, who did a wonderful job in bringing this issue to closure. But it's now squarely in our court in the Congress of the United States. The President has asked us to solve this problem or to fund the settlement that he's negotiated.

For the record, Mr. Speaker, I'd like to enter the President's letter to the

Speaker asking action on this particular item. So it's now squarely in our court.

When the settlement was negotiated, there was a deadline that we would act in Congress by December 31 of last year. Obviously, we missed that. There's a second deadline of February 28. We missed that. The last deadline is April 15.

I know that many of my friends on the other side of the aisle sincerely want to settle this issue, and I look forward to working with them as we try to move toward that; but I find it very difficult to keep people that have been waiting over 100 years waiting a while longer while we do things in a more immediate framework. So I urge the Congress to act, and I urge us to, frankly, support the administration's negotiated settlement. When we do that I'll be there to help my friends on the other side of the aisle.

THE WHITE HOUSE,

Washington, DC, February 12, 2010.

Hon. NANCY PELOSI,

Speaker of the House of Representatives,
Washington, DC.

DEAR MADAM SPEAKER: I ask the Congress to consider the enclosed amendments to Fiscal Year (FY) 2010 proposals in my FY 2011 Budget.

Included is an amendment for the Department of Homeland Security, Disaster Relief, for the continued response and recovery efforts associated with prior large events, such as Hurricane Katrina and the Midwest Floods. The proposed total for FY 2010 in my FY 2011 Budget would increase by \$1.5 billion as a result of this amendment.

Also included are amendments to general provisions that would provide authorization and funding for FY 2010 to implement the settlement of a case involving the management of individual Indian trust accounts related to Indian lands and to settle claims of prior discrimination brought by black farmers against the Department of Agriculture.

The details of these requests are set forth in the enclosed letter from the Director of the Office of Management and Budget.

Sincerely,

BARACK OBAMA.

Enclosure.

EXECUTIVE OFFICE OF THE PRESIDENT,
OFFICE OF MANAGEMENT
AND BUDGET,

Washington, DC, February 12, 2010.

The PRESIDENT,
The White House.

Submitted for your consideration are amendments to the Fiscal Year (FY) 2010 proposals in your FY 2011 Budget. Included is an amendment for the Department of Homeland Security, Disaster Relief. Also included are amendments to general provisions that would provide authorization and funding for FY 2010 to implement the settlement of a case involving the management of individual Indian trust accounts related to Indian lands and to settle claims of prior discrimination brought by black farmers against the Department of Agriculture. These amendments are described below and in more detail in the enclosures.

The proposed Budget totals for FY 2010 would increase by \$1.5 billion as a result of the following amendment:

Department of Homeland Security, Disaster Relief. This amendment would provide an ad-

ditional \$1.5 billion and would increase the pending \$3.6 billion FY 2010 supplemental request included in the FY 2011 Budget to \$5.1 billion. These supplemental funds are needed before March 2010 for the continued response and recovery efforts associated with prior large events, such as Hurricane Katrina and the Midwest Floods. This supplemental request is also being re-transmitted to underscore the importance of acting in a timely fashion.

Two FY 2010 proposals were included as mandatory requests in the FY 2011 Budget, with an expectation that authorization language would be transmitted at a later date. However, at this time there are no other appropriate legislative vehicles available to allow for expeditious consideration of these proposals. Therefore, they are now being requested as changes in mandatory programs and as such, are being transmitted to the Appropriations Committee for their disposition.

General Provision, Sec. 1: Cobell v. Salazar. This amendment would provide authorization and funding to implement the settlement of *Cobell v. Salazar*, a case involving the management of individual Indian trust accounts related to Indian lands. Pending congressional action and final approval by the Court, \$3.412 billion will be expended from the Department of the Treasury's Claims, Judgments, and Relief Acts account in FY 2010. Within this total, the settlement agreement provides that \$2.0 billion from the appropriation to this account will be transferred to a new Trust Land Consolidation Fund in the Department of the Interior for the buy-back and consolidation of fractionated land interests and other activities.

General Provision, Sec. 2: Discrimination Claims Settlement. This amendment would provide authorization and FY 2010 funding of \$1.150 billion to settle claims of prior discrimination brought by black farmers against the Department of Agriculture that were previously addressed by section 14012 of Public Law 110-246, the Food Conservation and Energy Act of 2008.

Recommendation

I have carefully reviewed these requests and am satisfied that they are necessary at this time. Therefore, I join the heads of the affected agencies in recommending you transmit these proposals to the Congress.

Sincerely,

PETER R. ORSZAG,
Director.

Enclosures.

FY 2010 Supplemental Proposal in the FY 2011 Budget

Agency: Department of Homeland Security.

Bureau: Federal Emergency Management Agency.

Heading: Disaster Relief.

FY 2011 Budget Appendix Page: 1362.

FY 2010 Pending Supplemental Request: \$3,600,000,000.

Proposed Amendment: \$1,500,000,000.

FY 2010 Revised Supplemental Request: \$5,100,000,000.

(In the appropriations language under the above heading, delete "\$3,600,000,000" and substitute \$5,100,000,000.)

This amendment would provide an additional \$1.5 billion for the Disaster Relief account and would increase the pending \$3.6 billion FY 2010 supplemental request included in the FY 2011 Budget to \$5.1 billion.

This request is submitted to: (1) reiterate the need to provide the proposed funding before March 2010, and underscore the Administration's support for this proposal; and (2) request an additional \$1.5 billion in anticipation of arbitration panel decisions likely to impact the Disaster Relief Fund in a previously unexpected manner. This proposal provides additional funding for the continued response and recovery efforts associated with prior large events, such as Hurricane Katrina and the Midwest Floods.

Through the Disaster Relief Fund, the Federal Emergency Management Agency provides a significant portion of the total Federal response to Presidentially-declared major disasters and emergencies. Primary assistance programs include Federal assistance to individuals and households, public assistance, and hazard mitigation assistance, which includes the repair and reconstruction of State, local, and nonprofit infrastructure.

FY 2010 Change in a Mandatory Program

Heading: *General Provisions—This Act.*

FY 2011 Budget Appendix Page: 1366.

FY 2010 Pending Request: \$3,412,000,000.

Proposed Amendment:—

Revised Request: \$3,412,000,000.

(In the appropriations language, insert the above new heading and the following new language directly following section 2 of the "General Provisions" that appear on page 1365:)

Sec. 1. THE INDIVIDUAL INDIAN MONEY ACCOUNT LITIGATION SETTLEMENT ACT OF 2010.

(a) **SHORT TITLE.**—This section may be cited as the "Individual Indian Money Account Litigation Settlement Act of 2010".

(b) **DEFINITIONS.**—In this section:

(1) **AMENDED COMPLAINT.**—The term "Amended Complaint" means the Amended Complaint attached to the Settlement.

(2) **LAND CONSOLIDATION PROGRAM.**—The term "Land Consolidation Program" means a program conducted in accordance with the Settlement and the Indian Land Consolidation Act (25 U.S.C. 2201 et seq.) under which the Secretary may purchase fractionated interests in trust or restricted land.

(3) **LITIGATION.**—The term "Litigation" means the case entitled *Elouise Cobell et al. v. Ken Salazar et al.*, United States District Court, District of Columbia, Civil Action No. 96-1285 (JR).

(4) **PLAINTIFF.**—The term "Plaintiff" means a member of any class certified in the Litigation.

(5) **SECRETARY.**—The term "Secretary" means the Secretary of the Interior.

(6) **SETTLEMENT.**—The term "Settlement" means the Class Action Settlement Agreement dated December 7, 2009, in the Litigation.

(7) **TRUST ADMINISTRATION CLASS.**—The term "Trust Administration Class" means the Trust Administration Class as defined in the Settlement.

(c) **PURPOSE.**—The purpose of this section is to authorize the Settlement.

(d) **AUTHORIZATION.**—The Settlement is authorized, ratified, and confirmed.

(e) **JURISDICTIONAL PROVISIONS.**—

(1) **IN GENERAL.**—Notwithstanding the limitation on jurisdiction of district courts contained in section 1346(a)(2) of title 28, United States Code, the United States District Court for the District of Columbia shall have jurisdiction over the claims asserted in the Amended Complaint for purposes of the Settlement.

(2) **CERTIFICATION OF TRUST ADMINISTRATION CLASS.**—

(A) **IN GENERAL.**—Notwithstanding the requirements of the Federal Rules of Civil Procedure, the court overseeing the Litigation may certify the Trust Administration Class.

(B) **TREATMENT.**—On certification under subparagraph (A), the Trust Administration Class

shall be treated as a class under Federal Rule of Civil Procedure 23(b)(3) for purposes of the Settlement.

(f) ACCOUNTING/TRUST ADMINISTRATION FUND.—

(1) **IN GENERAL.**—Of the amounts appropriated by section 1304 of title 31, United States Code, \$1,412,000,000 shall be deposited in the Accounting/Trust Administration Fund, in accordance with the Settlement.

(2) **CONDITIONS MET.**—The conditions described in section 1304 of title 31, United States Code, shall be considered to be met for purposes of paragraph (1).

(g) **TRUST LAND CONSOLIDATION.**—

(1) **TRUST LAND CONSOLIDATION FUND.**—

(A) **ESTABLISHMENT.**—On final approval (as defined in the Settlement) of the Settlement, there shall be established in the Treasury of the United States a fund, to be known as the "Trust Land Consolidation Fund".

(B) **AVAILABILITY OF AMOUNTS.**—Amounts in the Trust Land Consolidation Fund shall be made available to the Secretary during the 10-year period beginning on the date of final approval of the Settlement—

(i) to conduct the Land Consolidation Program; and

(ii) for other costs specified in the Settlement.

(C) **DEPOSITS.**—

(i) **IN GENERAL.**—On final approval (as defined in the Settlement) of the Settlement, the Secretary of the Treasury shall deposit in the Trust Land Consolidation Fund \$2,000,000,000 of the amounts appropriated by section 1304 of title 31, United States Code.

(ii) **CONDITIONS MET.**—The conditions described in section 1304 of title 31, United States Code, shall be considered to be met for purposes of clause.

(D) **TRANSFERS.**—In a manner designed to encourage participation in the Land Consolidation Program, the Secretary may transfer, at the discretion of the Secretary, not more than \$60,000,000 of amounts in the Trust Land Consolidation Fund to the Indian Education Scholarship Holding Fund established under paragraph 2.

(2) **INDIAN EDUCATION SCHOLARSHIP HOLDING FUND.**—

(A) **ESTABLISHMENT.**—On the final approval (as defined in the Settlement) of the Settlement, there shall be established in the Treasury of the United States a fund, to be known as the "Indian Education Scholarship Holding Fund".

(B) **AVAILABILITY.**—Notwithstanding any other provision of law governing competition, public notification, or Federal procurement or assistance, amounts in the Indian Education Scholarship Holding Fund shall be made available, without further appropriation, to the Secretary to contribute to an Indian Education Scholarship Fund, as described in the Settlement, to provide scholarships for Native Americans.

(3) **ACQUISITION OF TRUST OR RESTRICTED LAND.**—The Secretary may acquire, at the discretion of the Secretary and in accordance with the Land Consolidation Program, any fractional interest in trust or restricted land.

(4) **TREATMENT OF UNLOCATABLE PLAINTIFFS.**—A Plaintiff the whereabouts of whom are unknown and who, after reasonable efforts by the Secretary, cannot be located during the 5 year period beginning on the date of final approval (as defined in the Settlement) of the Settlement shall be considered to have accepted an offer made pursuant to the Land Consolidation Program.

(h) **TAXATION AND OTHER BENEFITS.**—

(1) **INTERNAL REVENUE CODE.**—For purposes of the Internal Revenue Code of 1986, amounts received by an individual Indian as a lump sum or a periodic payment pursuant to the Settlement—

(A) shall not be included in gross income; and

(B) shall not be taken into consideration for purposes of applying any provision of the Internal Revenue Code that takes into account excludable income in computing adjusted gross income or modified adjusted gross income, including section 86 of that Code (relating to Social Security and tier 1 railroad retirement benefits).

(2) **OTHER BENEFITS.**—Notwithstanding any other provision of law, amounts received by an individual Indian as a lump sum or a periodic payment pursuant to the Settlement shall not be treated for any household member, during the 1-year period beginning on the date of receipt—

(A) as income for the month during which the amounts were received; or

(B) as a resource,

for purposes of determining initial eligibility, ongoing eligibility, or level of benefits under any Federal or federally assisted program.

This amendment proposes language for consideration by the Appropriations Committees to provide authorization and funding to implement the settlement of *Cobell v. Salazar*, a case involving the management of individual Indian trust accounts related to Indian lands. Following the enactment of this legislation and final approval of the settlement by the Court, \$3.412 billion will be expended from this account in FY 2010.

Under the terms of the settlement, \$1.412 billion would be used to settle trust management and accounting issues. Each class member will receive \$1,000 for his or her historical accounting claims and may receive additional funds related to trust management claims under a formula set forth in the settlement agreement. (Page 1032 of the FY 2011 Budget Appendix, Department of the Treasury chapter, provides further detail regarding implementation of this aspect of the settlement.)

The settlement agreement also provides \$2.0 billion from the Claims, Judgments, and Relief Acts account for a new Trust Land Consolidation Fund (Fund) for the buy-back and consolidation of fractionated land interests. The Fund will be used for purchases of fractionated interests in parcels of land from individual Indian landowners. The Fund covers administrative costs to undertake the process of acquiring fractionated interests and associated trust reform activities. The acquisition of fractionated interests is authorized under the Indian Land Consolidation Act Amendments of 2000 (Public Law 106-462), and the American Indian Probate Reform Act of 2004 (Public Law 108-374). The proposed settlement provides additional authority for the acquisition of interests held by persons who cannot be located after engaging in extensive efforts to notify them and locate them for a five-year period. In addition to purchasing land interests and other trust reform initiatives, the Fund will also contribute up to \$60 million for a scholarship fund for the benefit of educating American Indians and Alaska Natives. (Page 706 of the FY 2011 Budget Appendix, Department of the Interior chapter, provides further detail regarding implementation of this aspect of the settlement.)

The FY 2011 Budget included this proposal as mandatory funding that would become available in FY 2010, consistent with the recent settlement agreement, dated December 7, 2009, and anticipated transmitting authorization language at a later date. However, at this time there are no other appropriate legislative vehicles available to allow for expeditious consideration of these necessary proposals. Therefore, it is now being requested as a change in a mandatory program to meet the settlement's legislation enactment deadline of February 28, 2010.

*FY 2010 Change in a Mandatory Program
Heading: General Provisions—This Act.
FY 2011 Budget Appendix Page: 1366.
FY 2010 Pending Request: \$1,150,000,000.*

*Proposed Amendment: —
Revised Request: \$1,150,000,000.*

(In the appropriations language under the above newly inserted heading, insert the following new section after the newly inserted section 1:)

*SEC. 2. (a) There is hereby appropriated to the Department of Agriculture, \$1,150,000,000, to remain available until expended, to carry out the terms of a Settlement Agreement ("such Settlement Agreement") executed in *In re Black Farmers Discrimination Litigation*, No. 18-511 (D.D.C.) that is approved by a court order that has become final and non-appealable, and that is comprehensive and provides for the final settlement of all remaining Pigford claims (Pigford claims"), as defined in section 14012(a) of Public Law 110-246. The funds appropriated herein for such Settlement Agreement are in addition to the \$100,000,000 in funds of the Commodity Credit Corporation (CCC) that section 14012 made available for the payment of Pigford claims and are available only after such CCC funds have been fully obligated. The use of the funds appropriated herein shall be subject to the express terms of such Settlement Agreement. If any of the funds appropriated herein are not used for carrying out such Settlement Agreement, such funds shall be returned to the Treasury and shall not be made available for an purpose related to section 14012, for any other settlement agreement executed in *In re Black Farmers Discrimination Litigation*, No. 08-511 (D.D.C.), or for any other purpose. If such Settlement Agreement is not executed and approved as provided above, then the sole funding available for Pigford claims shall be the \$100,000,000 of funds of the CCC that section 14012 made available for the payment of Pigford claims.*

(b) Nothing in this section shall be construed as requiring the United States, any of its officers or agencies, or any other party to enter into such Settlement Agreement or any other settlement agreement.

(c) Nothing in this section shall be construed as creating the basis for a Pigford claim.

(d) Section 14012 of Public Law 110-246 is amended by striking subsections (e), (i)(2) and (j), and redesignating the remaining subsections accordingly.

This amendment proposes language for consideration by the Appropriations Committees to settle claims of prior discrimination brought by black farmers against the Department of Agriculture that were previously addressed by section 14012 of Public Law 110-246, the Food Conservation and Energy Act of 2008. The proposal would provide funding for a court-approved settlement of litigation requiring the payment of valid claims pursuant to a privately managed settlement process. Upon enactment, the authority would permit the expeditious and judicious resolution of discrimination claims with minimal burden on the claimants and the Government.

The FY 2011 Budget included this proposal as mandatory funding that would become available in FY 2010 and anticipated transmitting authorization language at a later date. However, at this time there are no other appropriate legislative vehicles available to allow for expeditious consideration of these necessary proposals. Therefore, it is now being requested as a change in a mandatory program.

Mr. OBEY. I yield myself 30 seconds.

Let me simply say I largely agree with my friend from Oklahoma. We have one simple dilemma: both in the

case of the Cobell settlement and the Pigford settlement, the administration has asked us to provide the money. We do not yet have an understanding of whether that will be provided through an emergency designation or whether it will be fully offset. We cannot proceed until the decision is made to move one way or another. As soon as it is, we want to bring both of those to the floor because I agree with you, we need to deal with both of them.

Mr. LEWIS of California. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. BRADY).

Mr. BRADY of Texas. Mr. Speaker, today we're debating more disaster-related spending. What we have to ask ourselves, what about the money Congress has already sent to help families and communities?

As I stand here, Texas is still waiting for the supplemental disaster funds for Hurricane Ike that Congress approved 18 months ago, Congress, led by Chairman OBEY and Ranking Member LEWIS, to try to help communities who have suffered the sixth most costly hurricane in American history.

But this time the hold up isn't FEMA; it's HUD. Other States have received their disaster funds, but HUD continues to hold Texas hostage. My fellow Texans and I, from both parties, have written to HUD on this issue. We've requested meetings or calls, and our letters go unanswered. The State of Texas has worked tirelessly with its local communities to put together a strong recovery plan, and we know it because we've just recovered from and are recovering from Hurricane Rita as well.

But HUD keeps moving the goal posts. They say Washington knows best. And if the HUD gets their way, the people most impacted by Hurricane Ike won't even be eligible for help.

It's been 541 days since Congress acted to provide help for disaster victims. Yet HUD continues to tell Texans, your recovery doesn't matter. There's no rush.

Well, tell our communities, tell our families, tell our region that there's no rush. 541 days. HUD needs to act now to approve the Texas plan and simply help our communities rebuild.

Mr. OBEY. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from California (Ms. LEE).

Ms. LEE of California. Thank you, Chairman OBEY, for yielding and thank you for introducing this bill. It's very important. And I want to thank you for your leadership. Also to Chairman MILLER and Speaker PELOSI for working with members of the Congressional Black Caucus to ensure that this legislation does include funding, which is paid for, for a summer youth jobs initiative to target funds for our young people who are unemployed.

The members of the Congressional Black Caucus have been very focused

on stimulating the economy and creating jobs, especially for the chronically unemployed. As my colleagues know, we are currently in the midst of a 5-week campaign launched at the beginning of this month to seek policy solutions for the chronically unemployed. We are working with our leadership, President Obama, Members of this House and our coalition partners to put a strategy together to put America back to work.

One of the key components of our proposed jobs package was to provide \$1.3 billion to the summer youth jobs program with a goal of creating approximately 500,000 jobs for young people throughout the country. We met with the President, with our Speaker. We raised the importance of the summer jobs program to adjust the huge unemployment rate among young people.

We are committed to putting people back to work, especially our young people, because now, with this economic downturn, many of our young people, their parents are unemployed, and so they're helping to buy the food and to pay the rent.

□ 1630

When you take a look at the numbers, it's clear why this funding is so critical. The youth unemployment rate currently stands at more than 23 percent. This is really a national emergency.

Many low income and minority youth populations face even greater challenges. African American youth unemployment rates are now estimated to be as high as 42 percent. So we need targeted assistance to help put our young people to work and to teach them an array of valuable job skills that they can use throughout their lives.

While this does not include the full \$1.3 billion for summer youth jobs that we requested, it does make a down payment of \$600 million, which is, once again, fully paid for, to create approximately 300,000 new jobs. And this is a very important step forward; but, frankly, we need the full amount. I hope that we can continue to expand and increase funding for this valuable program.

In addition, this bill will provide \$5.1 billion in disaster relief to local communities through FEMA to address the impact of recent storms and disasters throughout the country. As one who comes from California, a State which is prone to earthquakes and floods, I can tell you this \$5.1 billion is desperately needed.

And, finally, the bill will include an additional \$60 million to extend the provision of the Recovery Act for another month to help small businesses defray the cost of certain loan fees charged by the Small Business Administration. Our small businesses are creating jobs to help turn this economy around.

So as Chair of the Congressional Black Caucus, I want to thank Chairman OBEY and our Speaker and our leadership for this initial down payment. We are pleased that we can provide some funding for summer jobs for our young people and we are moving forward this job creation package.

Mr. LEWIS of California. Mr. Speaker, I am very pleased to yield 2 minutes to the gentleman from Ohio (Mr. LATTA).

Mr. LATTA. I thank the gentleman for yielding.

Mr. Speaker, on March 4, I sent a letter to the FEMA administrator. That letter is regarding my concerns and the concerns I have heard from U.S. tent manufacturers and suppliers about FEMA purchasing disaster relief tents from foreign manufacturers.

Humanitarian needs are great throughout the world, and the American people have shown their generous spirit through the outpouring of monetary and commodity donations as well as teams of personnel to serve in the medical assistance area.

U.S. companies who manufacture shelters, such as this tent right here, can easily increase their production to fill the needs of humanitarian crises around the world. We need to continue to have U.S. tent manufacturers who can provide tents to U.S. military, U.S. embassies, and humanitarian relief efforts throughout the world.

When we use Federal taxpayers' dollars to aid in humanitarian relief efforts, we need to purchase U.S. manufactured products. The Department of Defense is required under their Buy American provision to purchase their humanitarian relief tents from U.S. manufacturers, so why shouldn't agencies such as FEMA or USAID be required to do the same?

Companies that are proven and have had government contracts help retain and create jobs. Purchasing U.S.-made tents also represents economic opportunities for our hard-hit areas in the United States where manufacturing jobs have disappeared by the thousands in the last several years.

The simple question I have is, why did or should FEMA or any other government agency purchase foreign-made tents when American-made tents help keep Americans employed and are of high quality and high value? When our unemployment rates continue to be at or around 10 percent, and the Fifth Congressional District's exceeds over 12.5 percent, purchasing foreign-made products with American tax dollars is troubling to me.

Mr. Speaker, it is time that the U.S. agencies be required to purchase U.S.-made tents and keep Americans working.

Mr. OBEY. I yield 2 minutes to the distinguished gentleman from Iowa (Mr. LOEBSACK).

Mr. LOEBSACK. Mr. Speaker, I do want to thank Chairman OBEY for his work on this important legislation.

This bill is vital to ensuring FEMA can provide assistance to communities in all of our States that are recovering from major disasters. It is also critical to FEMA's ability to provide life-saving help to communities that might experience a major disaster in the future.

In Iowa, we were devastated by the great flood of 2008. Eighty-five out of 99 counties were declared major disaster areas. My district alone had billions of dollars in damage and is still working to recover, including through an estimated \$1 billion in FEMA projects.

However, there is a current freeze on a multitude of FEMA projects nationwide. According to Iowa's governor, this has put work in jeopardy on \$100 million worth of projects in Iowa alone. In fact, Coralville, Iowa, which was hard-hit by flooding, has received low bids on recovery projects but cannot commit because of this freeze. As a result, they may lose a bid that is 20 percent below what was estimated, which would actually save taxpayer money.

The National Weather Service says there is an imminent widespread flood risk in the Midwest this spring. We must ensure FEMA has the resources needed to help our citizens who might be hit by flooding again, even as we pray that it won't be needed.

I urge my colleagues to support this legislation to ensure Iowans and communities nationwide continue to have this important safety net and we allow FEMA to fulfill its prior commitments to recovery.

Mr. LEWIS of California. Mr. Speaker, these will be my closing comments on the bill.

I would like to say to the Members, my chairman, my colleagues, that I am very empathetic to their description of the way we have handled FEMA funding in the past. I indeed agree that, in the vast percentage of cases, that money ought to not be subject to offset requirements. The emergency rule is there for appropriate reasons.

The only reason for raising this in a procedural way today is because of the reality that while we have disaster after disaster out there, we have never had quite a disaster like this huge deficit of this year, \$1.6 trillion, and projecting out to the future there is no end. And eventually the public knows the economy can't stand it, and they are suggesting that we try to help them out of this disaster that is ahead of us.

So it is indeed important for us to realize that in spite of the fact that there is a huge amount of money in the stimulus package that is yet unspent that might be used for some of these offsets, we need to seriously get on track of reducing spending and undermining that growing deficit so the public can at least have some sense that we are trying to effect the crisis that is beyond our horizon.

I plan, after we are through here, to offer a motion to recommit on this bill

in order to adopt the amendment I presented in the Rules Committee on Monday. The motion is simple. It cuts unnecessary money from the flawed \$1 trillion stimulus to pay for the \$5.1 billion FEMA spending provided in Mr. OBEY's bill. The balance of the questions, we have discussed earlier.

I yield back the balance of my time.

Mr. OBEY. Mr. Speaker, I would make only one additional point. This bill also provides for a 1-month extension of the Recovery Act Small Business Lending program and provides an additional \$60 million for that program.

Through March 12 of this year, the Recovery Act Small Business Lending program has supported nearly \$23 billion in small business lending which, according to SBA, has helped create or preserve over 500,000 jobs. I think it is well worth the effort. We need to keep this program alive.

Ms. RICHARDSON. Mr. Speaker, as Chair of the Homeland Security Subcommittee on Emergency, Communications, Preparedness, and Response, I rise today in strong support of H.R. 4899, the Disaster Relief and Summer Jobs Act of 2010. I support this legislation because it will help local communities, small businesses, and our Nation's youth. This is the kind of legislation we need to lift us out of this economic downturn and deal with the unprecedented disasters that our Nation has faced these past few months.

I would like to acknowledge Speaker PELOSI and Chairman OBEY for their leadership in bringing this important bill to the floor.

Mr. Speaker, the Disaster Relief and Summer Jobs Act of 2010 is a \$5.1 billion disaster aid package that will help communities rebuild their homes, infrastructure and local economies and to take steps to protect them from future disasters. In addition, H.R. 4899 also provides fully offset funding to expand this summer's youth jobs program and continue assistance to America's small businesses.

In my home State of California, youth unemployment has hit over 25 percent. The funding provided by H.R. 4899 will allow local Workforce Investment Boards (WIBs) to expand successful summer jobs programs that were funded in the Recovery Act. California is also no stranger to natural disasters, such as wildfires and mudslides. H.R. 4899 provides \$5.1 billion to ensure that the Federal Emergency Management Agency (FEMA) can continue its work helping communities recover from recent disasters and to ensure that they have resources to respond to future disasters.

In conclusion, Mr. Speaker, I support this bill because it will provide funding to the communities and populations that need the most assistance in both disaster relief and job training. I would also like to note that this bill is fully paid for because it rescinds emergency funding that is not needed this year, including \$44 million provided for Cash for Clunkers and \$103 million provided for agriculture disasters, that is no longer needed for those disasters.

Mr. Speaker, I urge my colleagues to join me in supporting H.R. 4899.

Mr. POMEROY. Mr. Speaker, I rise today in strong support of H. Res. 415, a bill that ensures that the Federal Emergency Management Agency (FEMA) can continue its work

helping communities recover from recent disasters and to ensure that they have resources to respond to future disasters.

Like many of my colleagues, I was alarmed by FEMA's recent announcement that the Federal Emergency Management Agency's (FEMA) Disaster Relief Fund is running out of money.

As you know, my own State of North Dakota experienced record flooding last year and many local governments have still not fully recovered. In addition, leaders in my State have once again been in the trench battling spring flooding this year. The Disaster Relief Fund (DRF) is used in part to reimburse States and local governments in places like North Dakota for damages suffered during these kinds of disaster.

The Disaster Relief Fund is currently faced with a shortfall and as a result, FEMA has issued an order whereby funds cannot be used for the Hazard Mitigation Grant Program, and certain kinds of public assistance, until the Fund is replenished. As a result of this unnecessary delay, many North Dakota communities have been forced to hold off with initiatives like home buyouts and road repairs that help the State recover from last year's flooding and better prepare for flooding this spring. This is unacceptable, which is why I have been working with the House Appropriations Committee to appropriate the \$5.1 billion in supplemental funding that is needed for this vital relief program.

With the funding that will be enacted under this bill, North Dakota communities will be able to continue to recover from the floods in 2009 as well as prepare for future disasters. This is an important bill and I encourage my colleagues to strongly support H.R. 4899.

Mr. LARSEN of Washington. Mr. Speaker, I rise today in support of H.R. 4899, Disaster Relief and Summer Jobs Act.

While the bulk of this legislation provides disaster relief for ongoing response and recovery efforts, this bill makes important steps forward to continue our Nation's economic recovery and create jobs.

First, this bill provides fee reductions and eliminations under the Small Business Administration (SBA) 7(a) loan program and the 504 program, and extends the termination date for the loans through April 30.

These loans have been important economic drivers in my Congressional district, and have provided needed capital to small businesses in our communities.

Small businesses are going to play an important part of any economic recovery. Small businesses are the number one source of new job growth in our Nation and have created 65 percent of all new jobs in the last decade.

Between October 2009 and last month, there were 58 SBA 7(a) loans and 15,504 loans provided to small businesses in my district allowing them to expand and modernize.

These are the types of programs that Congress must support to continue our economic recovery and create jobs at home, and I am happy to support the legislation on the floor today.

Mr. CONYERS. Mr. Speaker, we are facing a crisis with our young adults—many of whom are unable to find work during this economic downturn. According to the Department of

Labor, the unemployment rate for 16 to 19 year olds is 25 percent. This is simply unacceptable and that is why I rise in support of the "Disaster Relief and Summer Jobs Act of 2010." This legislation, offered by my good friend, the Chairman of the Committee on Appropriations, will help mitigate this emergency by providing funds to summer youth programs. The bill will also ensure Federal Emergency Management Agency (FEMA) has adequate funds at its disposal to enable it to comprehensively and quickly respond to future natural disasters.

Today's legislation will appropriate funds to provide 300,000 youth workers a \$600 million grant this summer. Furthermore, this appropriation will fund Workforce Investment Boards (WIBs) that will expand programs previously funded in the Recovery Act. I believe this is an effective way to develop our young citizens' critical leadership skills, and practical training, and in helping them become productive members of society. I believe these programs will have a positive and lasting impact in our communities.

Mr. Speaker, the tragedy after hurricane Katrina highlighted the need for proper management and resources at FEMA. The proposal being considered today will give \$5.1 billion to complete urgently needed projects and ensure they are fully equipped to respond to future disasters.

If we are to build a better America, we need to invest in our country. I believe the proposal today will make America a stronger country and I urge my colleagues to support it.

Mr. OBERSTAR. Mr. Speaker, I rise in strong support of H.R. 4899, the "Disaster Relief and Summer Jobs Act of 2010". I strongly support this bill which, as requested by the President, appropriates an additional \$5.1 billion for the Disaster Relief Fund to support ongoing disaster relief, recovery, and mitigation efforts, and to ensure that our Nation is adequately prepared in the event of future disasters.

The Disaster Relief Fund (DRF) provides the funding for the Federal Government's activities to help communities respond to, recover from, and mitigate major disasters and emergencies declared by the President under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (Stafford Act).

Last month, due to diminishing funds, FEMA announced that the agency was forced to limit expenditures from the DRF. In some cases, FEMA has completely suspended reimbursements to State and local governments for reconstruction projects for facilities damaged or destroyed by recent disasters. FEMA has also slowed the issuance of reimbursements for critical post-disaster hazard mitigation projects, which help communities, build better after a disaster to protect against future damage.

For example, FEMA has stopped funding projects to make repairs from facilities damaged in last Spring's flooding in my home State of Minnesota. Specifically, Federal funding is being held up for repairs to a building at Concordia College and for road repairs in Becker County, Lien Township and Gully Township.

Delays in providing reimbursements to States and local governments will necessarily slow the pace of recovery and mitigation

projects, as most States do not have the flexibility in these difficult economic times to move ahead without a guarantee of when Federal funds will become available. Inadequate funding in the DRF, therefore, impedes the rapid recovery of communities across the country from devastating disasters and inhibits the job creation and economic stimulus that these projects provide.

If Congress does not act to replenish the Disaster Relief Fund, FEMA will be unable to respond to future disasters once the fund is depleted. This is particularly troubling because the National Weather Service has issued a warning that there is a high, or above average, risk of flooding this spring in much of the country. As one example, the Nation has watched carefully the situation in North Dakota and my home state of Minnesota, as the Red River crested over the weekend. It appears that major flooding has thankfully been avoided in large parts of the two States along the Red River for the time being. However, the risk of flooding remains and serves as an example of what other parts of the country may encounter in the coming months.

The Committee on Transportation and Infrastructure authorizes and oversees FEMA's disaster programs under the Stafford Act. Members of my Committee know first hand the devastation that a disaster can wreak on a community and the importance of a swift, effective Federal response. Through oversight and legislation, the Committee has been working to improve FEMA's operations and provision of disaster assistance. Without adequate funding in the DRF, however, FEMA will not be able to carry out any of its critical missions or functions.

On March 12, 2010, I wrote to Speaker PELOSI in support of the President's request for a supplemental appropriation for the Disaster Relief Fund and urging swift action to replenish the Fund. I would like to thank the Speaker and the gentleman from Wisconsin (Mr. OBEY), Chairman of the Committee on Appropriations, for bringing this bill before the House today. Their dedication to this issue affirms the importance of the DRF and underscores the urgency of ensuring its solvency.

I urge my colleagues to join me in supporting H.R. 4899.

Ms. KILPATRICK of Michigan. Mr. Speaker, Michigan, and our Nation, have faced, and continues to weather, high unemployment. Our businesses struggle with a lack of access to capital. Michiganders have had to face significant challenges that have tested our faith and our will. Michiganders, and all Americans, have usually responded with the grit, the effort, and the will that is evidence of the uniquely American "can do" spirit. Despite that spirit, many regions of our Nation desire and need help. The 13th Congressional District of Michigan is one of those areas. A portion of that help is in this bill, H.R. 4899, the Disaster Relief and Summer Jobs Act of 2010. Although I did not support an earlier jobs bill because it provided tax cuts, not funding, to our Nation's small businesses, I support this bill.

This legislation is not perfect. While it provides summer jobs to our Nation's youth, the money goes to the states before it goes to cities, counties and non-profit agencies. The problem? Our states are broke. Our states are

desperate to balance their budgets. Our states need these funds as revenues from a once abundant housing market has evaporated. So while it is not the fault of our states, it is my desire to get these jobs created as fast as possible.

While I support H.R. 4899, I will continue to fight toward the enactment of a program similar to the Comprehensive Employment Training Act (CETA) program, a program that proved that it could reduce the unemployment rate and train people for short- and long-term jobs and careers. Funding for this program went directly from the Federal Government to cities, counties and non-profit organizations to get individuals trained and back to work.

This bill is great news for three reasons. One, this bill provides disaster relief. Many regions of our Nation faced record snowfalls, major floods, and other natural disasters. We still have not completely fulfilled our promise to the people of New Orleans after Hurricane Katrina. Not only will this \$5.1 billion disaster aid package help these communities rebuild their homes, infrastructure and local economies, it will also take steps to protect them from future disasters.

Two, this bill provides funding for the summer jobs program. As our Nation begins the long recovery from the deepest economic crisis since the Great Depression, a summer job is more than just an opportunity for our Nation's youth to be exposed to possible career paths. It is often a matter of survival, of life and death. This bill has \$600 million, fully offset, to support over 300,000 jobs for youth ages 16 to 24 through summer employment programs. This age group has some of the highest unemployment levels, 25 percent for those aged 16 to 19. This funding will allow local Workforce Investment Boards (WIBs) to expand successful summer jobs programs that were funded in the Recovery Act.

Three, this bill provides access to capital for our Nation's small businesses, our Nation's largest employer. There will be \$60 million in the bill, that is fully offset, to extend the Recovery Act small business lending program for another month. That program eliminated the fees normally charged for loans through the Small Business Administration 7(a) and 504 loan programs and increased the government guarantees on 7(a) loans from 75 percent to 90 percent. Since its creation, the program has supported nearly \$23 billion in small, business lending, which helped to create or retain over 560,000 jobs.

This bill is not only fiscally responsible, but it is needed and necessary. I am proud to support this bill, and look forward to working with my colleagues as we continue to enact legislation that will address the challenge of our Nation's astronomically high unemployment rate, provide capital to our Nation's businesses, and ensure that our economy survives and thrives. The families of America are counting on Congress to do what is needed to continue to make America great.

Mr. OBEY. I yield back the balance of my time.

The SPEAKER pro tempore. All time for debate has expired.

Pursuant to House Resolution 1204, the previous question is ordered on the bill.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT

Mr. LEWIS of California. Mr. Speaker, I have a motion to recommit at the desk.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. LEWIS of California. I am.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Lewis of California moves to recommit the bill H.R. 4899 to the Committee on Appropriations with instructions to report the same back to the House forthwith with the following amendments:

On page 2, strike line 10 and all that follows through line 4 on page 3.

On page 5, after line 16, insert the following:

(5) "Department of Labor—Employment and Training Administration—Training and Employment", \$140,000,000 to be derived from unobligated balances available from amounts placed in a national reserve under this heading in title VIII of division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111-5; 123 Stat. 115).

(6) "Department of Labor—Employment and Training Administration—Training and Employment", \$400,000,000 to be derived from unobligated balances available from amounts provided for competitive grants for worker training in high growth and emerging industry sectors under this heading in title VIII of division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111-5; 123 Stat. 115).

(7) "Department of Health and Human Services—National Institutes of Health—Buildings and Facilities", \$434,000,000 to be derived from unobligated balances available from amounts provided under this heading in title VIII of division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111-5; 123 Stat. 115).

(8) "Department of Health and Human Services—Agency for Healthcare Quality and Research—Healthcare Research and Quality", \$850,000,000 to be derived from unobligated balances available from amounts provided for comparative effectiveness research under this heading in title VIII of division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111-5; 123 Stat. 115).

(9) "Department of Health and Human Services—Office of the Secretary—Office of the National Coordinator for Health Information Technology", \$1,900,000,000 to be derived from unobligated balances available under this heading in title VIII of division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111-5; 123 Stat. 115).

(10) "Department of Health and Human Services—Public Health and Social Services Emergency Fund", \$38,000,000 to be derived from unobligated balances available under this heading in title VIII of division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111-5; 123 Stat. 115).

(11) "Department of Education—Impact Aid", \$60,000,000 to be derived from unobligated balances available under this heading in title VIII of division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111-5; 123 Stat. 115).

(12) "Department of Education—Institute of Education Science", \$250,000,000 to be de-

rived from unobligated balances available under this heading in title VIII of division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111-5; 123 Stat. 115).

(13) "Social Security Administration—Limitation on Administrative Expenses", \$497,000,000 to be derived from unobligated balances available from amounts provided for the replacement of the National Computing Center under this heading in title VIII of division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111-5; 123 Stat. 115).

(14) "Department of Energy—Energy Programs—Title 17—Innovative Technology Loan Guarantee Program", \$571,000,000 to be derived from unobligated balances available under this heading in title IV of division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111-5; 123 Stat. 115).

Mr. LEWIS of California (during the reading). Mr. Speaker, I ask unanimous consent to dispense with the reading.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

POINT OF ORDER

Mr. OBEY. Mr. Speaker, I would raise a point of order against the motion.

The SPEAKER pro tempore. The gentleman will state his point of order.

Mr. OBEY. Mr. Speaker, I make a point of order against the motion because it constitutes legislation on an appropriation bill, which is in violation of clause 2, rule XXI. The instructions in the motion include an amendment proposing to include language in the bill that would provide for the rescission of previously appropriated funds made available in other appropriation acts.

This is clearly a legislative proposition, Mr. Speaker. Section 1052 of the House Rules and Manual states, in part: An amendment proposing a rescission constitutes legislation under clause 2(c).

The amendment is, therefore, legislative in nature and is in violation of clause 2, rule XXI, and I ask for a ruling from the Chair.

Mr. LEWIS of California. Mr. Speaker, I wish to be heard on the point of order.

The SPEAKER pro tempore. The Chair recognizes the gentleman from California.

Mr. LEWIS of California. Mr. Speaker, as I suggested earlier, the bill before us contains almost \$6 billion in new spending, spending that is not offset by true reductions. Instead, this \$6 billion will simply pile more money on to the government's charge card and add to our already astronomical debt.

Mr. Speaker, it is my understanding that the bill before us today is considered to be a general appropriations bill, and under the rules of the House, general appropriations bills are privileged and are to be considered in the Committee on Appropriations or sent to the Committee on Appropriations prior to consideration on the House floor.

I have expressed my concern about the lack of regular order, the number

of supplementals and appropriations bills that are not being heard in committee or subcommittee. I won't repeat all of those concerns, except to say that we are on this disastrous pathway because of our totally ignoring the need to make sense out of our national deficit and get a handle on spending.

Mr. Speaker, I ask for consideration of my motion to recommit.

The SPEAKER pro tempore. The Chair is prepared to rule.

The gentleman from Wisconsin raises a point of order against the motion on the basis that it violates clause 2 of rule XXI.

The motion proposes to insert a rescission in a general appropriation bill. As provided in section 1052 of the House Rules and Manual, an amendment proposing a rescission constitutes legislation in violation of clause 2(c) of rule XXI.

The point of order is sustained and the motion is not in order.

Mr. LEWIS of California. Mr. Speaker, I appeal the ruling of the Chair.

The SPEAKER pro tempore. The question is, Shall the decision of the Chair stand as the judgment of the House?

MOTION TO TABLE

Mr. OBEY. I move to table the appeal of the ruling of the Chair.

The SPEAKER pro tempore. The question is on the motion to table.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. OBEY. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 and clause 9 of rule XX, this 15-minute vote on the motion to table will be followed by 5-minute votes on passage of the bill, if arising without further proceedings in recommitment, and the motion to suspend the rules on H.R. 3562.

The vote was taken by electronic device, and there were—yeas 239, nays 176, not voting 14, as follows:

[Roll No. 185]

YEAS—239

Ackerman	Brown, Corrine	Cuellar
Adler (NJ)	Butterfield	Cummings
Altmire	Capps	Dahlkemper
Andrews	Capuano	Davis (CA)
Arcuri	Cardoza	Davis (IL)
Baca	Carnahan	Davis (TN)
Baird	Carney	DeFazio
Baldwin	Carson (IN)	DeGette
Barrow	Castor (FL)	Delahunt
Bean	Chandler	DeLauro
Becerra	Childers	Dicks
Berkley	Chu	Dingell
Berman	Clarke	Doggett
Berry	Clay	Doyle
Bishop (GA)	Cleaver	Driehaus
Bishop (NY)	Clyburn	Edwards (MD)
Blumenauer	Cohen	Ellison
Boccieri	Connolly (VA)	Engel
Boren	Conyers	Eshoo
Boswell	Cooper	Etheridge
Boyd	Costa	Farr
Brady (PA)	Costello	Fattah
Braley (IA)	Courtney	Filner
Bright	Crowley	Foster

Frank (MA)	Lynch	Rush
Fudge	Maffei	Ryan (OH)
Garamendi	Markey (CO)	Salazar
Giffords	Markey (MA)	Sánchez, Linda
Gonzalez	Marshall	T.
Gordon (TN)	Matheson	Sanchez, Loretta
Grayson	Matsui	Sarbanes
Green, Al	McCarthy (NY)	Schakowsky
Green, Gene	McCollum	Schauer
Grijalva	McDermott	Schiff
Gutierrez	McGovern	Schrader
Hall (NY)	McIntyre	Schwartz
Halvorson	McMahon	Scott (GA)
Hare	McNerney	Scott (VA)
Harman	Meek (FL)	Serrano
Hastings (FL)	Meeks (NY)	Sestak
Heinrich	Melancon	Shea-Porter
Herseth Sandlin	Michaud	Sherman
Higgins	Miller (NC)	Shuler
Hill	Miller, George	Sires
Himes	Mitchell	Skelton
Hinchee	Mollohan	Slaughter
Hinojosa	Moore (KS)	Smith (WA)
Hirono	Moore (WI)	Snyder
Hodes	Moran (VA)	Space
Holden	Murphy (CT)	Speier
Holt	Murphy (NY)	Spratt
Honda	Murphy, Patrick	Stark
Hoyer	Nadler (NY)	Stupak
Inslee	Napolitano	Sutton
Israel	Neal (MA)	Tanner
Jackson (IL)	Oberstar	Teague
Johnson, E. B.	Obey	Thompson (CA)
Kagen	Oliver	Thompson (MS)
Kanjorski	Ortiz	Tierney
Kaptur	Owens	Titus
Kennedy	Pallone	Tonko
Kildee	Pascarell	Towns
Kilroy	Pastor (AZ)	Tsongas
Kind	Payne	Van Hollen
Kirkpatrick (AZ)	Perlmutter	Velázquez
Kissell	Perriello	Visclosky
Klein (FL)	Peters	Walz
Kosmas	Peterson	Wasserman
Kratovil	Pingree (ME)	Schultz
Kucinich	Polis (CO)	Waters
Langevin	Pomeroy	Watson
Larsen (WA)	Price (NC)	Watt
Larson (CT)	Quigley	Waxman
Lee (CA)	Rahall	Weiner
Levin	Rangel	Welch
Lewis (GA)	Reyes	Wilson (OH)
Lipinski	Rodriguez	Woolsey
Loeb sack	Ross	Wu
Lofgren, Zoe	Rothman (NJ)	Yarmuth
Lowe y	Roybal-Allard	
Luján	Ruppersberger	

NAYS—176

Aderholt	Chaffetz	Heller
Akin	Coble	Hensarling
Alexander	Coffman (CO)	Heger
Austria	Cole	Hunter
Bachmann	Conaway	Inglis
Bachus	Crenshaw	Issa
Bartlett	Culberson	Jenkins
Barton (TX)	Davis (KY)	Johnson (IL)
Biggart	Dent	Johnson, Sam
Bilbray	Diaz-Balart, L.	Jones
Bilirakis	Diaz-Balart, M.	Jordan (OH)
Bishop (UT)	Dreier	King (IA)
Blackburn	Duncan	King (NY)
Blunt	Ehlers	Kingston
Boehner	Emerson	Kirk
Bonner	Fallin	Kline (MN)
Bono Mack	Flake	Lamborn
Boozman	Fleming	Lance
Boustany	Forbes	Latham
Brady (TX)	Fortenberry	LaTourette
Broun (GA)	Fox	Latta
Brown (SC)	Franks (AZ)	Lee (NY)
Brown-Waite,	Frelinghuysen	Lewis (CA)
Ginny	Gallely	Linder
Burgess	Garrett (NJ)	LoBiondo
Burton (IN)	Gerlach	Lucas
Buyer	Gingrey (GA)	Luetkemeyer
Calvert	Gohmert	Lummis
Camp	Gonzalez	Lungren, Daniel
Campbell	Granger	E.
Cantor	Graves	Mack
Cao	Griffith	Manzullo
Capito	Guthrie	Marchant
Carte r	Hall (TX)	McCarthy (CA)
Cassidy	Harper	McCaul
Castle	Hastings (WA)	McClintock

McCotter	Posey	Smith (NE)
McHenry	Price (GA)	Smith (NJ)
McKeon	Putnam	Smith (TX)
McMorris	Radanovich	Souder
Rodgers	Rehberg	Stearns
Mica	Roe (TN)	Sullivan
Miller (FL)	Rogers (AL)	Taylor
Miller (MI)	Rogers (KY)	Terry
Miller, Gary	Rogers (MI)	Thompson (PA)
Minnick	Rohrabacher	Thornberry
Moran (KS)	Rooney	Tiahrt
Murphy, Tim	Ros-Lehtinen	Tiberi
Myrick	Roskam	Turner
Neugebauer	Royce	Upton
Nunes	Ryan (WI)	Walden
Nye	Scalise	Wamp
Olson	Schmidt	Westmoreland
Paul	Schock	Whitfield
Paulsen	Sensenbrenner	Wilson (SC)
Pence	Sessions	Wittman
Petri	Shadegg	Wolf
Pitts	Shimkus	Young (AK)
Platts	Shuster	Young (FL)
Poe (TX)	Simpson	

NOT VOTING—14

Barrett (SC)	Edwards (TX)	Johnson (GA)
Boucher	Ellsworth	Kilpatrick (MI)
Buchanan	Hoekstra	Maloney
Davis (AL)	Jackson Lee	Reichert
Donnelly (IN)	(TX)	Richardson

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining in this vote.

□ 1711

Messrs. HALL of Texas, EHLERS, Ms. FOXX, Mrs. BONO MACK, and Mr. LATHAM changed their vote from “yea” to “nay.”

Ms. FUDGE, Mr. HINOJOSA, and Mrs. CAPPS changed their vote from “nay” to “yea.”

So the motion to table was agreed to. The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the passage of the bill.

Pursuant to clause 10 of rule XX, the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 239, nays 175, answered “present” 1, not voting 14, as follows:

[Roll No. 186]

YEAS—239

Ackerman	Carnahan	Dingell
Adler (NJ)	Carney	Doggett
Altmire	Carson (IN)	Donnelly (IN)
Andrews	Castor (FL)	Doyle
Arcuri	Chandler	Driehaus
Baca	Childers	Edwards (MD)
Baldwin	Chu	Edwards (TX)
Barrow	Clarke	Ehlers
Bean	Clay	Ellison
Becerra	Cleaver	Ellsworth
Berkley	Clyburn	Engel
Berman	Cohen	Eshoo
Berry	Connolly (VA)	Etheridge
Bishop (GA)	Conyers	Farr
Bishop (NY)	Costa	Fattah
Blumenauer	Costello	Filner
Boccieri	Courtney	Foster
Boren	Crowley	Frank (MA)
Boswell	Cuellar	Fudge
Boyd	Cummings	Garamendi
Brady (PA)	Dahlkemper	Giffords
Braley (IA)	Davis (CA)	Gonzalez
Bright	Davis (IL)	Gordon (TN)
Brown, Corrine	Davis (TN)	Grayson
Butterfield	DeFazio	Green, Al
Cao	DeGette	Green, Gene
Capps	Delahunt	Grijalva
Capuano	DeLauro	Hall (NY)
Cardoza	Dicks	Halvorson

Hare
Harman
Hastings (FL)
Heinrich
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Insole
Israel
Jackson (IL)
Johnson (GA)
Johnson, E. B.
Jones
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilroy
Kind
Kissell
Klein (FL)
Kosmas
Kratovil
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebuck
Lofgren, Zoe
Lowey
Lujan
Lynch
Maffei
Markey (CO)
Markey (MA)
Marshall
Matsui
McCarthy (NY)

McCollum
McDermott
McGovern
McIntyre
McMahon
McNerney
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Nadler (NY)
Napolitano
Neal (MA)
Nye
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascarell
Pastor (AZ)
Payne
Perlmutter
Perriello
Peterson
Pingree (ME)
Pomeroy
Price (NC)
Quigley
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Ryan (OH)

Salazar
Sánchez, Linda
T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Snyder
Space
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Taylor
Teague
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wilson (OH)
Woolsey
Wu
Yarmuth

Peters
Petri
Pitts
Platts
Poe (TX)
Polis (CO)
Posey
Price (GA)
Putnam
Radanovich
Rehberg
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen

Roskam
Royce
Ryan (WI)
Schmidt
Schock
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Souders
Stearns
Sullivan

Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden
Wamp
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Young (AK)
Young (FL)

A motion to reconsider was laid on the table.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF SENATE AMENDMENTS TO H.R. 1586, TAX ON BONUS RECEIVED FROM CERTAIN TARP RECIPIENTS

Ms. MATSUI, from the Committee on Rules, submitted a privileged report (Rept. No. 111-456) on the resolution (H. Res. 1212) providing for consideration of the Senate amendments to the bill (H.R. 1586) to impose an additional tax on bonuses received from certain TARP recipients, and for other purposes, which was referred to the House Calendar and ordered to be printed.

ANSWERED "PRESENT"—1

Cassidy

NOT VOTING—14

Barrett (SC)
Boucher
Cooper
Davis (AL)
Gutierrez
Hoekstra

Issa
Jackson Lee
(TX)
Kilpatrick (MI)
Maloney
Reichert

Rush
Schrader
Wasserman
Schultz

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining in this vote.

□ 1718

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Ms. WASSERMAN SCHULTZ. Mr. Speaker, on rollcall No. 186 I was unavoidably detained. Had I been present, I would have voted "aye."

PERSONAL EXPLANATION

Ms. KILPATRICK of Michigan. Mr. Speaker, I was unable to attend to several votes today. Had I been present, I would have voted "aye" on rollcall No. 178; "aye" on rollcall No. 179; "aye" on rollcall No. 180; "nay" on rollcall No. 181; "aye" on rollcall No. 182; "aye" on rollcall No. 183; "aye" on rollcall No. 184; "aye" on rollcall No. 185, and "aye" on rollcall No. 186.

JAMES CHANEY, ANDREW GOODMAN, AND MICHAEL SCHWERNER FEDERAL BUILDING

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and passing the bill, H.R. 3562, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Virginia (Mr. PERRIELLO) that the House suspend the rules and pass the bill, H.R. 3562, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The title was amended so as to read: "A bill to designate the federally occupied building located at 1220 Echelon Parkway in Jackson, Mississippi, as the 'James Chaney, Andrew Goodman, and Michael Schwerner Federal Building'."

NAYS—175

Aderholt
Akin
Alexander
Austria
Bachmann
Bachus
Baird
Bartlett
Barton (TX)
Biggart
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite,
Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp
Campbell
Cantor
Capito
Carter
Castle
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Crenshaw

Culberson
Davis (KY)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dreier
Duncan
Emerson
Fallin
Flake
Fleming
Forbes
Fortenberry
Foxy
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gingrey (GA)
Gohmert
Goodlatte
Granger
Graves
Griffith
Guthrie
Hall (TX)
Harper
Hastings (WA)
Heller
Hensarling
Herger
Herseth Sandlin
Hunter
Inglis
Jenkins
Johnson (IL)
Johnson, Sam
Jordan (OH)
King (IA)
King (NY)
Kingston

Kirk
Kirkpatrick (AZ)
Kline (MN)
Lamborn
Lance
Latham
LaTourette
Latta
Lee (NY)
Lewis (CA)
Linder
LoBiondo
Lucas
Luetkemeyer
Lummis
Lungrun, Daniel
E.
Mack
Manzullo
Marchant
Matheson
McCarthy (CA)
McCauley
McClintock
McCotter
McHenry
McKeon
McMorris
Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy (CT)
Myrick
Neugebauer
Nunes
Olson
Paul
Paulsen
Pence

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H. RES. 648

Ms. LINDA T. SÁNCHEZ of California. Mr. Speaker, I ask unanimous consent that my name be removed as an original cosponsor of H. Res. 648.

The SPEAKER pro tempore (Mr. POLIS). Is there objection to the request of the gentlewoman from California?

There was no objection.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1255

Mr. MORAN of Kansas. Mr. Speaker, I ask unanimous consent to remove my name as cosponsor of H.R. 1255.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kansas?

There was no objection.

PERSONAL EXPLANATION

Ms. JACKSON LEE of Texas. Mr. Speaker, I was unavoidably detained at the State Department at a meeting, and I would like to register my vote for the Democratic motion to table the appeal of the ruling of the Chair. If I had been present, I would have voted "aye" and for passage of H.R. 4899, the Disaster Relief and Summer Jobs Act of 2010 that will impact the constituents in my district in creating more jobs, I would have enthusiastically voted "aye."

TEXANS WILL BENEFIT FROM HEALTH CARE REFORM

(Ms. JACKSON LEE of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JACKSON LEE of Texas. Mr. Speaker, as we reflect on the last 24 hours of the passage of this historic health care bill, more and more constituents are calling in recognizing that some aspect of this bill impacts

them in a positive light. I said one time before that when we did the Medicare bill in 1965, that bill was the start of revising and refinement of that legislation.

I am glad today that we can say 45 million Americans have lived because of Medicare, and my mother, Ivalita Jackson, who I mentioned during the debate, lives because of the Medicare support system. That is why I am so disappointed that Greg Abbott, attorney general from the State of Texas, the State with the most uninsured persons, decided to file such a lawsuit that has no bearing in the Constitution and cannot make any point that this bill will not help Texas and save millions of dollars.

In addition, there are thousands of veterans that are not in TRICARE who will benefit from this health care system. We will fight that lawsuit because it is against the people of Texas.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

KANSAS ECONOMY NOT GOOD

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Kansas (Mr. MORAN) is recognized for 5 minutes.

Mr. MORAN of Kansas. The news on the Kansas economy is not good. Our State's unemployment rate rose to 7.1 percent in January. In February, State revenues fell a whopping \$71 million more than expected. We need \$500 million to balance our budget in Kansas in 2010 and 2011. These million-dollar numbers don't mean much up here in Washington, where this Congress continues to rack up trillions in debt obligations as if there are no consequences and money magically appears out of thin air. However, the effects of this thoughtlessness are indeed terrible.

In Kansas, the overwhelming majority of our State budget is comprised of health care and education responsibilities. Many of these responsibilities have been handed down to the States from the Federal Government. Our education system is teetering on the breaking point, with schools facing closure or consolidation and with educators and staff being laid off.

□ 1730

Services for our State's developmentally disabled and support for our sick and elderly have been cut. Folks in Kansas are hurting. I see their pain when I return from Washington, D.C., every weekend home to Kansas.

In our State, we think differently than they do up here in Washington. We don't spend what we can't afford,

we don't sacrifice long-term prosperity for short-term gratification, we don't sidestep our personal responsibility, and we don't tell other people how to live their lives. It pains me to reflect on all of the bad ideas of this Congress: the stimulus packages, the bailouts, Cash for Clunkers, cap-and-trade, because I know these mistakes are digging us deeper and deeper into a hole. I was one of only 17 members out of 435 to oppose all of these measures, not because I want to obstruct legislation, but because our personal freedom and economic liberty are restricted each time we create obligations we can't pay for.

Kansas, like many States, is constitutionally prohibited from running in the red. When Congress irresponsibly shoulders States with mandates and expenses, it's the States and their taxpayers that suffer because they can't evade fiscal responsibilities like the Federal Government often does.

Last Sunday is the latest and most glaring example of this elitist, Washington-knows-best attitude. On Sunday night, this Congress passed the Obama-Pelosi health care plan along a narrow partisan line against my staunch opposition. This plan, which became law on Monday, is the wrong direction for America for a long, long list of reasons. With our national debt already at more than \$12 trillion, this new plan will drive us further in the hole. The total cost of this health care plan is more than \$1.33 trillion. While this estimate is staggering, it doesn't take into account the almost \$400 billion needed to fix the Medicare payments to physicians—payments that Kansas doctors must receive to avoid a 21-percent cut and keep their doors open.

Furthermore, this cost estimate doesn't account for the \$20 billion that States must expend to implement the Medicaid expansion contained in the health care plan. Kansans can't afford these billions of new costs, but they are required to carry out so-called reforms. Since Kansans can't afford the requirements of this unfunded mandate, we may be forced to take deeper cuts out of our education system and close and consolidate more schools, dimming the light of opportunity for many Kansans.

Washington needs to open its eyes to this gathering storm. Kansans understand that we can't create an entirely new government entitlement program without exploding spending and increasing our national debt. Our history doesn't support the President's list of campaign-style, promise-the-world pledges. This bill will not only seriously injure our health care system, but its tax increases, mandates, and increased bureaucracy will ruin the Kansas economy and jobs.

I will continue the battle in Washington against this attitude that we know best. It threatens the future

prosperity of our future State and Nation. On Monday, I introduced H.R. 4901, legislation to repeal the health care plan we just passed. Only with a total repeal of this budget-busting mistake can we then institute true reforms that will lower health care costs for families and businesses. My legislation will undo what has been done and replace it with something much more based upon common sense and the will of the American people. Only then can we have a health care system that is truly improved. We and other States demand this change for purposes of making sure that prosperity returns to our State.

And Madam Speaker, that's just the way it should be.

ON THE OCCASION OF THE 50TH ANNIVERSARY OF THE NATIONAL CENTER FOR ATMOSPHERIC RESEARCH

The SPEAKER pro tempore (Ms. JACKSON LEE of Texas). Under a previous order of the House, the gentleman from Colorado (Mr. POLIS) is recognized for 5 minutes.

Mr. POLIS. Madam Speaker, I rise today to congratulate the National Center for Atmospheric Research, or as we back home in Colorado call it, NCAR, on the occasion of their 50th year conducting the climate and weather research that has become an icon of the American spirit of research and a vital part of all of our daily lives.

In the 1950s, the Nation's farmers, the rapidly growing airlines, and other sectors of our industrializing economy needed better weather forecasts. Pollution of the atmosphere was becoming a serious problem in urban areas. Cloud-seeding experiments suggested it might some day be possible to modify or impact certain kinds of weather, but the U.S. atmospheric research community wasn't adequately meeting the challenges of information that the new world of opportunity offered to use.

In 1956, Detlev Bronk, president of the National Academy of Sciences, appointed a committee of distinguished scientists from several disciplines and instructed them to consider and recommend means by which to increase our understanding and control of the atmosphere. In 1958, the committee came back with several findings and recommendations that led to the establishment of the University Corporation for Atmospheric Research. Solar astronomer Walter Orr Roberts at the University of Colorado was appointed president of UCAR, and the decision was made to call the institute the National Center for Atmospheric Research, which chose a spectacular hilltop in Boulder, Colorado, to call its home in 1960.

This iconic building is not only home to the most advanced weather and climate change research in the world; it

is also a part of the Boulder Community. Designed by I.M. Pei, this building is a focal point of our community. A breathtaking drive takes you to the facility that hosts an interactive climate and museum. The staff offers tours for the public to see firsthand the tools to fight climate change as well as to predict when you need an umbrella over the weekend.

The facility is also a community meeting place, a demonstration of what can happen when the Federal Government partners with local communities, schools, governments, and academia. On behalf of my constituents, I offer gratitude to have this facility and everything it stands for be part of our family in our district. I acknowledge through the research they produce they create great global benefit.

In this 50th year, I ask my colleagues to continue support for President Obama's ambitious levels of funding for the National Science Foundation and NCAR. I invite my friends on both sides of the aisle to visit Boulder, Colorado, and this facility, and experience the full context of what the symbiosis of government, academia, and private ingenuity can do.

My district, even in this economy, continues to have lower unemployment than surrounding districts. One of the reasons is as a result of the science and Federal research dollars that are spent in our district.

My hope is that NCAR will continue to yield Nobel laureates and offer the Nation and the world cutting-edge research with practical applications, and as a result continue to make Boulder the world headquarters for climate and weather research. Congratulations to NCAR and to the scientists and people who work there—my constituents—that carry on this important mission.

SPENDING MONEY WE DON'T HAVE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. BURTON) is recognized for 5 minutes.

Mr. BURTON of Indiana. Madam Speaker, I'm not going to talk for 5 minutes, but I would like to talk to my Democratic colleagues tonight because once again it seems that we're spending money that we don't have. And I know this may sound funny, but the American people can't figure out why they have to balance their budgets and we keep spending money we don't have, we don't have, we don't have.

Now, the bill we passed today provided \$6 million in funds that we did appropriate money for, for use for summer jobs, and we had \$5.1 billion for disaster relief. Well, now, disaster relief is something that I think is very laudable. But we have had the President say a number of times he is for what's called PAYGO, and if you come

up with a program and don't have the money, you have to come up with the money by cutting another program to take care of the one that you're funding. So we had another \$5.1 billion added to the deficit today.

The deficit projected by the White House over the next 10 years is \$900 billion a year. And they've been short on their projections all over the place. For instance, they said that the health care bill we just passed—which most Americans don't want—was only going to cost about \$800-and-some billion. But, when you realize that we're paying for 6 years of benefits but we're taxing for 10 years, you realize that it's going to cost way more than the \$800-and-some billion they're talking about. It's going to cost like \$1.6 trillion or \$1.7 trillion for 10 years of coverage or 10 years of taxes.

So I would just like to say to my colleagues tonight and my colleagues back in the office—and if I were talking to the American people, if they were listening, if I could talk to them—I know I can't, Madam Speaker—I would say what we need to be doing in Washington is we need to be telling the President and the Democrat leadership to go down and buy several thousand reams of additional paper and several million gallons of ink so that they can go down to the printing press at the Treasury Department and print money that we don't have. That is what they ought to be doing.

And then the people who have money in the bank, let's say you got a thousand dollars in the bank, Madam Speaker, and we double the money supplied by printing money that we don't have, we double the money supply, you have a thousand in the bank. You still have a thousand dollars but it will only buy \$500 worth of product. That is where we're heading. Inflation is a hidden tax that people don't even realize they're getting. And that's what's going to happen if we don't get control of spending.

The budget this year was \$3.85 trillion that we don't have. The health care bill is going to cost more like \$3 trillion in the next 10 years that we don't have. That doesn't include the doc fix, which is going to cost \$250-some billion dollars that we don't have.

So I would just like to say, Madam Speaker, to my colleagues back in their offices and to the American people if I could talk to them, and I know I can't, you ought to talk to your representative and tell them, quit spending money we don't have. You're ruining our children's future. You're creating a society that is going to be costing them a lot more, taxing them a lot more and giving them a quality of life that does not equal what we have today. And that is a terrible legacy to leave to the future generations.

MOVING THE ECONOMY FORWARD

The SPEAKER pro tempore (Mr. POLIS). Under the Speaker's announced policy of January 6, 2009, the gentleman from California (Mr. GARAMENDI) is recognized for 60 minutes as the designee of the majority leader.

Mr. GARAMENDI. I doubt that we will be here for a full 60 minutes, but there are some things that we really do need to discuss, particularly following the previous speaker as he talked about the American Recovery Act and the things that have actually been done to really move the American economy forward.

One of those things was the stimulus bill, the American Recovery Act, that is now just about 13 months old. In that American Recovery Act, there was a major element dealing with green technology, green jobs, which I think most Americans and most economists feel is where the future lies. We know we have an energy security issue. We know we import far more than we could possibly afford in foreign oil. We have to become energy independent. And in the American Recovery Act, there was an enormous advancement in research and in subsidies to encourage green technologies.

I would like now, with the permission of the Speaker, to enter into a colloquy with my colleague, and I would like to yield to our colleague from Maryland, (Mr. SARBANES).

Mr. SARBANES. I thank my colleague for yielding, and I appreciate him for convening this discussion this evening on jobs in general. And I would like to focus, as you mentioned, on green jobs in particular.

You mentioned the American Recovery and Reinvestment Act, which, when you look at it, was really the first major down payment and investment that we've had in this country really ever in this kind of green technology, which is going to jump, I believe, over time will jump the economy forward in a significant way.

One of the things all of the economists agree on is we're in a transitional phase. There are industries and jobs that once existed in plenty that are now going to be transitioned to a new place, and we have to create new economic frontiers and new space to create these new jobs. There is no better place to do that than with a green economy.

One of the things that excites me the most, I must tell you, is that I believe if we can get a new energy framework in place—and we certainly made our efforts here in the House to do that with the American Clean Energy and Security Act and other efforts that have been undertaken—if we create a new energy framework, new rules of the road for what investments in clean technology can mean, then what you're going to see is businesses all across

this country, investors, are going to start putting their investments into clean technology.

□ 1745

Right now they are kind of hanging back a little bit because they don't know what the rules of the road are yet. They don't know how to measure that investment in a new technology in a renewable energy source, for example, against traditional investments. If we can get a framework in place for them, I think they will come and they will fill that space. So you will see entrepreneurs and businesspeople jumping into that space and creating these new clean technologies.

The other thing you will see—and all of this will result in job creation. The other thing you will see is ordinary citizens stepping into that space. One of the things I perceive, there is a growing trend among our citizenry to become stakeholders in this green revolution, to take personal ownership of cleaning up the environment and thinking of things that they can do right at the household level, right there in their own homes, right there in their own neighborhoods.

One particular effort that I am very interested in, and I have introduced legislation to this effect, has to do with these programs called PACE programs. PACE is an acronym for Property Assessed Clean Energy program. What these are is a local municipality will decide to borrow funds and make those available to local homeowners so that those homeowners can borrow that money and then invest it in retrofitting their homes to make them more energy efficient. And there is actually legislation moving through the Congress right now that would create two new categories—Silver Star and Gold Star, under a Home Star umbrella—of energy efficiency to try to encourage people to achieve these high standards of green technology and energy efficiency in their own homes.

What the PACE programs do is make these loans available to a homeowner who can then take that, invest it in upgrading and retrofitting, you know, their HVAC system or whatever it may be, and then the repayment on that becomes part of the property tax payment over time, so it runs with the house. Then the next homeowner that comes in takes that obligation and continues to pay on the property tax.

The bill that I have introduced attempts, as many other initiatives do, to try to facilitate this more by making the bonds that can be issued by municipalities tax free. That makes them more attractive to investors, who will then begin to provide the capital for this kind of retrofitting, and they can turn around and make it available to homeowners. So it's a win/win.

Mr. GARAMENDI. If I might just interrupt you for a moment, Mr. SAR-

BANES, this is actually happening, and your piece of legislation will expand what is taking place. I know that in California, the City of Berkeley put this program into effect about 2 years ago, but it was a real struggle for them to find a way in which they could sell the bonds. Now, your proposal would, as I understand it, provide a tax exempt municipal bond opportunity so investors would be willing to do this.

This is a very, very powerful thing in Berkeley, and a couple of other cities in California that have initiated this, they are putting solar panels on the roof that are good for 20, 30 years, and, as you say, you sell the home, the payment mechanism, the repayment mechanism then goes to the next buyer. This is really an excellent concept, and you are moving this thing one step forward.

Where is your bill right now? What is happening with it?

Mr. SARBANES. Well, we are gathering up cosponsorship for the bill. And I appreciate your comments, because this is designed to kind of jump this movement forward.

There are communities in the municipalities across the country that have begun to put these PACE programs in place. Annapolis, Maryland, which I represent, is another one. And what we are trying to do is create a more inviting environment for these sorts of programs. This is just one example of how we can partner with good legislation and good initiatives and good leverage coming from the legislation here. We can partner with the citizenry out there in our communities to do the right thing and to get back to the jobs priority.

If we begin to get homeowners making these kinds of changes, that is going to have a tremendous positive impact on all of those businesses, a lot of them small businesses who are in a position to do this kind of retrofit.

Mr. GARAMENDI. Well, let me give you an example that I know in my own district, the East Bay, Contra Costa County and Alameda County. The community colleges are putting together educational programs for the men and women that will start their own businesses to do that retrofitting, to do the insulation, the caulking of the doors and windows. We need a million caulkers out there in order for our homes to be energy efficient, but they have to be trained. The installation of the solar panels, that's a kind of employment opportunity for small businesses to get up and get going, often in conjunction with the manufacturers.

So what you are doing with your legislation is to provide a foundation, a financial foundation, that the small businesses or that the homeowner would then take advantage of the loan and the small businesses would then have the opportunity to engage with the homeowner to do the work.

This is the kind of thinking that we are finding on the Democratic side of the aisle, how to leverage. And your piece of legislation, together with the educational programs that have also passed this House in the last several months, all come together to create jobs.

Mr. SARBANES. Let me give you another example, and I appreciate again your comments, because I think they are right on the mark. Let me give you another example of where the ordinary citizen can take ownership of the problem, can really become part of the solution to these issues and these challenges that we have.

I represent a lot of the area that, you know, thinks every day when we get up about the Chesapeake Bay, which is a national treasure. In fact, I think there are 41 or 42 Members of Congress who have districts that include tributaries that flow into the Chesapeake Bay watershed. So there are a lot of folks who have a stake in the health of the Chesapeake Bay.

One of the things we are wrestling with is storm water runoff. You know, every time you see it rain, on the one hand you know it's making the flowers grow, and on the other hand you know that it's sweeping up a lot of oils and other toxins and putting those into the Chesapeake Bay, because we can do better in terms of the way we collect and disburse that rainwater so that it doesn't have such a negative impact on the bay.

I just did want to mention, one of our colleagues, DONNA EDWARDS, Congresswoman DONNA EDWARDS from Maryland, has introduced something called the Green Infrastructure for Clean Water Act. What this recognizes is that we need to really explore and develop technologies that can address this storm water runoff, and the term she is using for that is "green infrastructure."

This bill would create five centers of excellence across the country to begin to develop these technologies and help communities respond to this important challenge. Again, if you can help communities do this, ordinary citizens take ownership at that level of what's happening to the environment, in my case and DONNA's, what's happening to the Chesapeake Bay, they become a critical part of the solution and they generate an interest in new technologies, which, in turn, generates jobs. It is all a part of this kind of leading edge, using the environment as the leading edge of a new economy that can produce new jobs for future generations, and that's what's so exciting about this.

Mr. GARAMENDI. Your comment about Chesapeake Bay brought back memories. In the mid-1990s, I was Deputy Secretary at the Department of the Interior during the Clinton period, and during that time there was a major effort under way, What are we going to

do about Chesapeake Bay? How do we save the bay because of the enormous decline in crab fishing and the shellfish and other very, very important environment, but also economic assets that were in Chesapeake Bay.

Now, you and your colleagues are carrying this thing a step forward using the programs to generate new ways of keeping water that flows in the bay, or cleaning water that flows into the bay. I want one of those centers of excellence in my district.

I represent the delta of California, the Sacramento-San Joaquin Delta, and this is an enormous environmental problem. The fish are declining, fisheries, invasive species. We know clearly that the contamination from various sources is a problem. So maybe we can get one of those centers of excellence in California also.

But what's at stake here is the knowledge necessary to solve our environmental problems and, simultaneously, from that knowledge will come the new technologies and the new jobs which will be useful, not only in Chesapeake Bay or the Sacramento-San Joaquin Delta, but we can then export that.

Mr. SARBANES. We are in a terrific place now where we have the opportunity not just to do the right thing for the environment but, at the same time, to create a tremendous number of jobs and economic opportunities for the workforce out there. It's a wonderful alignment, and it's one that we need to take advantage of with smart legislation.

Mr. GARAMENDI. Thank you. I was just thinking about the legislation that passed before I arrived here, the effort, it was called climate change legislation, but it was far more than that. It really dealt with national security. And that legislation is now over in the Senate and perhaps will become—will pass the Senate or we will have a conference committee to put it together.

But from that climate change legislation, it's really national security. And the discussion we were just having here on the national security side and about climate and about jobs, all of those things come together. If we are able to reduce our reliance on foreign oil, if we are able to transition to low-carbon fuel sources, whether they are solar or wind or wave or whatever, we will also enhance our national security.

I would like to take just a few seconds, actually a few minutes, talking about some of the other things that were in the American Recovery Act of last year.

There was a \$400 per person tax credit for men and women that were working so that they would have more purchasing power. That's \$800 for a family of two. There was the tax credit for colleges. And in the legislation that we just passed 2 days ago, along with the

health care reform, there was an enormous expansion of the Pell Grants so that kids can go to college, so that they could get the education that they needed; for community colleges, an expansion for community college Pell Grants.

Again, changing the way in which we look at employment, employment is more than just a job. It's preparing for the next job. And in that corrections bill, sometimes called a reconciliation bill, that was accompanied with the health reform, we had the program to expand the support for men and women that wanted to go back to school and men and women that were in school. We also expanded, over time, the ability for those men and women to pay those loans back. Presently, it's 15 percent maximum for each year of employment when they are employed. We are going to reduce that to 10 percent so that they can spend their time acquiring a home, a wife, kids, a husband, and be able to continue to pay back the loans over a longer period of time. Very, very important, but unnoticed in the health care reform. But much noticed in the health care reform was the employment for the employers, the small business tax credit for those employers that continue to provide insurance for their employees.

I remember a phone call that I got from a radio station. A fellow phoned up and said, Well, how does this piece of legislation, the health care reform, help me? My wife and I are a small business. We have two employees: my wife, myself. What's it do for me?

And I was able to respond that when this bill becomes law—and it is now the law of the land. The President signed it yesterday. When it becomes law, it will do this for you. Thirty-five percent of the money you spent purchasing that insurance for you and your wife will be a tax credit. You will be able to deduct that from your taxes, literally reducing the cost of the health insurance by 35 percent. As you grow up to 100 employees in your business, you will continue to receive that tax credit for every insurance policy you buy for your employees.

In 2014, that tax credit goes to 50 percent, an incredible reduction in the cost of health insurance for small businesses all across America. And it goes into effect now, January 1, 2010, now that that bill has been signed. It is a very, very significant reduction in the cost of health insurance, allowing men, women who are in business, who have a small business, maybe it's a gardening business or a home care health business, to be able to continue to provide that insurance.

On another scale, I received a press release today from a group in the San Francisco Bay Area that points out that they are in strong support of what the President does.

□ 1800

This is 1,500 biotechnology businesses in the Bay Area that have banded together in an organization called Bay Bio. They said, this is a tremendous assistance to us.

Small businesses, which I just talked about the tax credit available to them, but also there are billions of dollars in this bill for research on pharmaceuticals, biological pharmaceuticals, enormous impetus for those businesses to produce the biological pharmaceuticals, the next generation of pharmaceuticals, drugs to help us in our health care when we become sick, all kinds of things, from diabetes to cancer treatment and everything in between.

The pharmaceutical industry in the biological area has an enormous push. They have 12 years to recoup their investment. It's given to them in the health care reform.

So when our colleagues over here on the Republican side say there's nothing in this, well, wait a minute. I've got 1,200 businesses in the biological communities in the Bay Area alone saying, this is a great inducement for us to produce new biologicals that will help people with their health care.

Also, in the fuel business, the same thing applies in the enormous effort that's under way to do biofuels. The incentives are built into, not just the health care bill, but also into the previous American Recovery Act to push along a whole new industry that will create an enormous number of jobs throughout the Nation.

So the health care bill is far more than just health insurance. It's also an inducement for businesses to invest and to create new businesses and new pharmaceuticals to keep us healthy and to repair our bodies when we become ill.

I want to talk just now a few moments about another aspect of the health care reform. We heard, before I took the microphone here, about the health care reform bill not being paid for. That's simply not true. The health reform is actually funded; it's funded in a variety of ways. But one of the most important ways is the considerable reduction in the cost of health care.

I had a gentleman come into my office earlier yesterday talking about, oh, my, in the health care reform bill there's an opportunity for us to engage in keeping people healthy. A major part of that health care reform is about keeping people healthy. It's wellness. It's prevention of medical illnesses. And he was looking at this and he said, here's an opportunity for me and my colleagues to expand our business. And he talked about a company that's coming to California that will take an idea about wellness. And this is specifically for the senior citizens, and it is specifically in the legislation. Wellness for Medicare.

He said, the bill allows us to change the way in which the Medicare services are provided. Instead of just fee-for-service, we can do capitation, and there's an incentive in there for us to keep people healthy.

The company operates out of Florida. They're now going to come to California. They're doing 50,000 seniors in Florida, proving that they can reduce the cost by 20 percent by keeping people healthy, keeping seniors from having to go to the hospital, having to go to the emergency room. They want to import it to California.

They're going to move it and ramp it up to 500,000 seniors in a wellness program, you know, everything, I suppose, from the food that's being served and the meals that the seniors prepare to, I suppose, exercise and yoga and other kinds of activities, again, emphasizing wellness rather than sickness.

Nobody talks about that from our Republican colleagues, but that's in the bill. And if that 20 percent reduction is available, we're talking about hundreds of billions of dollars over the years ahead. So there are many, many parts to the program.

I want to just conclude with discussing another part of the health care reform, and this is good for businesses, it's good for parents, it's good for children, and this is the insurance reform.

I was the insurance commissioner in California for 8 years, 1991–1995 and 2003–2007. And during my tenure, I know the terrible things that the insurance companies were doing to their customers.

First of all, a person would buy a health insurance policy, they'd pay into it year after year after year, then they would get sick, probably a significant issue. Maybe they get diabetes or cancer, some other, maybe a heart illness; and it would get expensive and the insurance companies would go back, they would actually pay a bonus to their people to review those claims, go back to the original application that may have been made years before, and find an error, perhaps it was something as simple as having acne when they were teenagers, or an asthma attack at the age of three. They would then use that to cancel the policy, leaving the person high and dry, in deep financial trouble.

The health care reform law signed by the President yesterday says, no more, no more rescissions. Those days are over. The health insurance industry in this year will be prohibited from rescinding policies and dumping people after they become sick.

Now, for those that are already sick and don't have a health insurance policy, the legislation provides for people that are 50 to 65, who have a preexisting condition, and this is the population that is literally unemployable because they're sick. They have some preexisting illness. And nobody, no em-

ployer up there would want to pick them up because they know that if they were to hire that person, the cost of health care for all of their employees would go up. So those people are left out.

But under the new law, there is a solution for them. It's a high-risk pool that starts immediately. It goes into place in the next 90 days. And those people, and there are millions that fall into this category, they will be able to get insurance. They will not have to face bankruptcy. They will be able to be employable.

This is an enormously important thing, and I've seen this in my days as insurance commissioner. We didn't have the ability to deal with this except in a very narrow way in California, with what we call the high-risk medical insurance program. But now, with the Federal Government assistance, people will be able to get insurance.

The same thing for young children. Infants, the day they're born, they come up with some serious illness. Let's say it's a heart issue. That child cannot be insured under the old program. But now that the President has used his left hand to sign the legislation, we now know that those children, from the day they are born until they are 26, will be able to get insurance and their parents will be able to insure not only themselves, but also their child.

The day I was sworn in, 2 days after I was sworn in, I stood here on the floor and I spoke about the health care reform that I voted on on November 6. And I spoke about a dear friend of mine whose child was born with a kidney ailment. He and his wife struggled for years to find the money to pay for the insurance. Their insurance was canceled. They had it when the child was born, but their insurance was canceled by the insurance company because the kid had a very serious kidney problem.

With the new law in place, the hardship that that family has gone through for now 20 years is over. The insurance policy that they had the day the child was born cannot be canceled. And so for that family and millions of families like that, the insurance reform provides an immediate benefit.

And for all of the men and women out there and the mothers and fathers that have a kid that is approaching the age of 23, and about to be thrown off the families insurance policy, know this: with the bill that was signed yesterday, and in 6 months, that child, young adult will be able to stay on the family's health insurance policy until the age of 26.

And I cannot even begin to count the number of calls that I've had, and emails I've had saying, oh, thank God. I know, as a parent, that my child will continue to have health insurance at least until they're 26. And then at that time, 2014, the rest of the program kicks into place.

Final point is this, and that is, preexisting conditions for all of us. At the end of this year, those preexisting conditions will no longer be the case.

Final point, and then I'm going to close, long before my hour is over. And my final point is this: this legislation is fully paid for. Part of the pay, part of the money to pay for this is an obscene bonus that the insurance companies were granted 6 years ago, and that is known as the Medicare Advantage bonus. The average cost of providing Medicare insurance was calculated, and the insurance companies were given a 15 percent bonus to do what they should have been able to do without any additional money. We're going to end that bonus. We're going to take that money and plow it back into the Medicare program.

And the Medicare program, by law, no benefit reductions. That's what the law says. I hear a lot of other talk out there and a lot of scare tactics, but the fact is that the Medicare Advantage program will continue, but the bonus that was given to the insurance companies, an unnecessary multi-billion dollar bonus, is going to end and the money will be put back into the basic Medicare program so that the financial solvency of the Medicare program will be extended 9 years.

Now, that's important to everybody that is approaching Medicare and is in Medicare today. So people are going to continue to want to live to get into Medicare. That's what's out ahead for the Medicare recipients.

And I talked about the wellness program earlier.

Final point is this: on the financial side of the health care reform, the deficit of the United States Government in the years 2010 to 2020 will be reduced by \$132 billion. That's in the first 10 years. So that is a reduction in the deficit. It comes about by reducing the amount of money that will have to be spent by the government on health care as a result of all of these reforms that are in the bill, some of which I've talked about tonight.

In the next 10 years, 2020 until 2030, the deficit will be reduced by \$1.3 trillion, an enormous amount of money. So whatever the discussion you've heard out there in public, and all of the mischaracterizations of this bill that have been going on for months and, indeed, almost a year now, the facts are the deficit will be reduced, the program is fully funded, and it provides very, very necessary benefits immediately to small businesses with a tax credit to help pay for their insurance; for individuals, ending the insurance discrimination; and for seniors, a major new effort to keep you healthy so that you can enjoy life more, and the cost of the Medicare programs will be reduced.

With that, Madam Speaker, I yield back and thank people for the opportunity to explain a very, very important part of the new America that we will have in the years ahead.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mrs. MALONEY (at the request of Mr. HOYER) for today after 2 p.m. on account of a death in the family.

Ms. GINNY BROWN-WAITE of Florida (at the request of Mr. BOEHNER) for today before 3 p.m. on account of family reasons.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. SARBANES) to revise and extend their remarks and include extraneous material:)

Ms. SUTTON, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Mr. POLIS, for 5 minutes, today.

(The following Members (at the request of Mr. MORAN of Kansas) to revise and extend their remarks and include extraneous material:)

Mr. CARTER, for 5 minutes, today and March 25.

Mr. WOLF, for 5 minutes, today and March 25 and 26.

Mr. FRANKS of Arizona, for 5 minutes, March 26.

BILL PRESENTED TO THE PRESIDENT

Lorraine C. Miller, Clerk of the House reports that on March 22, 2010 she presented to the President of the United States, for his approval, the following bill.

H.R. 3590. To amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes.

ADJOURNMENT

Mr. GARAMENDI. Madam Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 14 minutes p.m.), the House adjourned until tomorrow, Thursday, March 25, 2010, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

6759. A letter from the Director, Department of Defense, transmitting the Department's twentieth annual report for the Pentagon Renovation and Construction Program Office (PENREN) to the Committee on Armed Services.

6760. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Federal Motor Vehicle Safety Standards; Occupant Crash Protection [Docket No.: NHTSA-2009-0156] (RIN: 2127-AK57) received March 4, 2010 to the Committee on Energy and Commerce.

6761. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Requirements and Procedures for Consumer Assistance To Recycle and Save Program [Docket No.: NHTSA-2009-0120; Notice 2] (RIN: 2127-AK67) received March 4, 2010 to the Committee on Energy and Commerce.

6762. A letter from the Secretary, Department of the Treasury, transmitting the semiannual report detailing payments made to Cuba as a result of the provision of telecommunications services pursuant to Department of the Treasury specific licenses as required by section 1705(e)(6) of the Cuban Democracy Act of 1992, as amended by Section 102(g) of the Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1996, 22 U.S.C. 6004(e)(6), and pursuant to Executive Order 13313 of July 31, 2003 to the Committee on Foreign Affairs.

6763. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 10-020 Certification of proposed issuance of an export license, pursuant to sections 36(c) and 36(d) of the Arms Export Control Act to the Committee on Foreign Affairs.

6764. A letter from the Chief Human Capital Officer, Corporation for National and Community Service, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998 to the Committee on Oversight and Government Reform.

6765. A letter from the Chief Human Capital Officer, Corporation for National and Community Service, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998 to the Committee on Oversight and Government Reform.

6766. A letter from the Assistant Director, Executive & Political Personnel, Department of Defense, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998 to the Committee on Oversight and Government Reform.

6767. A letter from the Assistant Director, Executive & Political Personnel, Department of Defense, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998 to the Committee on Oversight and Government Reform.

6768. A letter from the Associate General Counsel for General Law, Department of Homeland Security, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998 to the Committee on Oversight and Government Reform.

6769. A letter from the Assistant Director, Executive & Political Personnel, Department of the Air Force, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998 to the Committee on Oversight and Government Reform.

6770. A letter from the Assistant Director, Executive & Political Personnel, Department of the Air Force, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998 to the Committee on Oversight and Government Reform.

6771. A letter from the Assistant Director, Executive & Political Personnel, Department

of the Army, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998 to the Committee on Oversight and Government Reform.

6772. A letter from the Assistant Director, Executive & Political Personnel, Department of the Army, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998 to the Committee on Oversight and Government Reform.

6773. A letter from the Assistant Director, Executive & Political Personnel, Department of the Army, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998 to the Committee on Oversight and Government Reform.

6774. A letter from the Assistant Director, Executive & Political Personnel, Department of the Army, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998 to the Committee on Oversight and Government Reform.

6775. A letter from the Assistant Director, Executive & Political Personnel, Department of the Army, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998 to the Committee on Oversight and Government Reform.

6776. A letter from the Assistant Director, Executive & Political Personnel, Department of the Navy, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998 to the Committee on Oversight and Government Reform.

6777. A letter from the Assistant Director, Executive & Political Personnel, Department of the Navy, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998 to the Committee on Oversight and Government Reform.

6778. A letter from the General Counsel, Institute of Museum and Library Services, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998 to the Committee on Oversight and Government Reform.

6779. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Civil Penalties [Docket No.: NHTSA-2009-0066; Notice 2] (RIN: 2127-AK40) received March 4, 2010 to the Committee on Transportation and Infrastructure.

6780. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments [Docket No.: 30708; Amdt. No. 3359] received March 4, 2010 to the Committee on Transportation and Infrastructure.

6781. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Revocation of Class E Airspace; Hinesville, GA [Docket No.: FAA-2009-0960; Airspace Docket No. 09-ASO-29] received March 4, 2010 to the Committee on Transportation and Infrastructure.

6782. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A310-221, -222, -322, -324, and -325 Airplanes, and Model A300 B4-620, B4-622, B4-622R, and P4-622R Airplanes, Equipped with Pratt & Whitney PW4000 or JT9D-7R4 Series Airplanes [Docket No.: FAA-2009-0613; Directorate Identifier 2009-NM-013-AD; Amendment 39-16195; AD 2010-04-02] (RIN: 2120-AA64) received March 4, 2010 to the Committee on Transportation and Infrastructure.

6783. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Dassault-Aviation

Model Falcon 900EX Airplanes [Docket No.: FAA-2009-0994; Directorate Identifier 2009-NM-108-AD; Amendment 39-16194; AD 2010-04-01] (RIN: 2120-AA64) received March 4, 2010 to the Committee on Transportation and Infrastructure.

6784. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Turbomeca Arriel 2S1 Turbohaft Engines [Docket No.: FAA-2009-0568; Directorate Identifier 2009-NE-20-AD; Amendment 39-16200; AD 2010-04-07] (RIN: 2120-AA64) received March 4, 2010 to the Committee on Transportation and Infrastructure.

6785. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A310 Series Airplanes [Docket No.: FAA-2009-0717; Directorate Identifier 2009-NM-002-AD; Amendment 39-16196; AD 2010-04-03] (RIN: 2120-AA64) received March 4, 2010 to the Committee on Transportation and Infrastructure.

6786. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; SICLI Halon 1211 Portable Fire Extinguishers as Installed on Various Airplanes and Rotocraft [Docket No.: FAA-2010-0126; Directorate Identifier 2010-NM-015-AD; Amendment 39-16029; AD 2010-04-16] (RIN: 2120-AA64) received March 4, 2010 to the Committee on Transportation and Infrastructure.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Ms. SLAUGHTER: Committee on Rules. House Resolution 1212. Resolution providing for consideration of the Senate amendments to the bill (H.R. 1586) to impose an additional tax on bonuses received from certain TARP recipients, and for other purposes (Rept. 111-456). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. MACK:

H.R. 4919. A bill to repeal the Patient Protection and Affordable Care Act; to the Committee on Energy and Commerce, and in addition to the Committees on Ways and Means, Education and Labor, the Judiciary, Natural Resources, House Administration, Appropriations, and Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. RUSH:

H.R. 4920. A bill to create and encourage the creation of jobs for youth, and for other purposes; to the Committee on Education and Labor, and in addition to the Committees on Ways and Means, Natural Resources, and Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MINNICK (for himself, Ms. HERSETH SANDLIN, Mr. MATHESON, Mr. SHULER, Mr. BOYD, Mr. TANNER, Mr. ROSS, Mr. CARDOZA, Mr. COOPER, Ms. MARKEY of Colorado, Mr. CHILDESS, Mr. POMEROY, Mr. COSTA, Mr. BOREN, Mr. BARROW, Mr. BRIGHT, Ms. GIFFORDS, Mr. DAVIS of Tennessee, Mr. KRATOVIL, Mr. MURPHY of New York, Mr. NYE, Mr. BACA, Mr. PETERSON, Mr. BISHOP of Georgia, Mr. PATRICK J. MURPHY of Pennsylvania, Mr. SCHRADER, Mr. CUELLAR, Mr. MCINTYRE, and Mr. PETERS):

H.R. 4921. A bill to establish procedures for the expedited consideration by Congress of certain proposals by the President to rescind amounts of budget authority; to the Committee on the Budget, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MCGOVERN (for himself, Mr. FRANK of Massachusetts, Mr. KENNEDY, and Mr. LANGEVIN):

H.R. 4922. A bill to amend the Energy Policy Act of 2005 to repeal a section of that Act relating to exportation or importation of natural gas; to the Committee on Energy and Commerce.

By Mr. HEINRICH:

H.R. 4923. A bill to amend title 10, United States Code, to extend TRICARE coverage to certain dependents under the age of 26; to the Committee on Armed Services.

By Mrs. BACHMANN:

H.R. 4924. A bill to allow the Secretary of the Interior to clear a proposed project in the Lower St. Croix Wild and Scenic River, and for other purposes; to the Committee on Natural Resources.

By Ms. BALDWIN (for herself, Mr. CAPITO, Ms. WASSERMAN SCHULTZ, Mrs. CAPPS, and Ms. LINDA T. SANCHEZ of California):

H.R. 4925. A bill to authorize grants to promote media literacy and youth empowerment programs, to authorize research on the role and impact of depictions of girls and women in the media, to provide for the establishment of a National Task Force on Girls and Women in the Media, and for other purposes; to the Committee on Energy and Commerce.

By Ms. BALDWIN (for herself, Mr. EDWARDS of Texas, Mr. POLIS of Colorado, Mr. SARBANES, and Mr. JOHNSON of Georgia):

H.R. 4926. A bill to provide for the coverage of medically necessary food under Federal health programs and private health insurance; to the Committee on Energy and Commerce, and in addition to the Committees on Ways and Means, Education and Labor, and Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DAVIS of Tennessee (for himself and Mrs. BLACKBURN):

H.R. 4927. A bill to amend subtitle IV of title 40, United States Code, regarding county additions to the Appalachian region; to the Committee on Transportation and Infrastructure.

By Mr. GUTIERREZ:

H.R. 4928. A bill to amend the Federal Deposit Insurance Act to permanently extend the Transaction Amount Guarantee Program; to the Committee on Financial Services.

By Mr. RUSH:

H.R. 4929. A bill to amend the Small Business Act to ensure that certain Federal contracts are set aside for small businesses, to enhance services to small businesses that are disadvantaged, and for other purposes; to the Committee on Small Business, and in addition to the Committees on Financial Services, Oversight and Government Reform, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HELLER:

H.R. 4930. A bill to amend the Internal Revenue Code of 1986 to provide a partial exclusion from gross income of gain from the sale of non-principal residences; to the Committee on Ways and Means.

By Mr. KLEIN of Florida:

H.R. 4931. A bill to amend the Congressional Budget Act of 1974 to require that the concurrent resolution on the budget for fiscal year 2012 include a benchmark plan to eliminate the budget deficit by fiscal year 2020 and that subsequent resolutions adhere to that plan; to the Committee on Rules, and in addition to the Committee on the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KRATOVIL:

H.R. 4932. A bill to waive temporarily the matching amount requirement with respect to section 21 of the Small Business Act, and for other purposes; to the Committee on Small Business.

By Ms. LEE of California:

H.R. 4933. A bill to establish a strategy to coordinate all health-related United States foreign assistance, to assist developing countries in improving delivery of health services, and to establish an initiative to assist developing countries in strengthening their indigenous health workforces, and for other purposes; to the Committee on Foreign Affairs, and in addition to the Committee on Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. POSEY (for himself, Mr. PRICE of Georgia, Mr. HENSARLING, Mr. SOUDER, Mr. BURTON of Indiana, Mr. WESTMORELAND, Mr. POE of Texas, Mrs. BACHMANN, Mr. PITTS, Mr. BARTLETT, Mr. GOHMERT, Mr. GRIFFITH, Mr. BROUN of Georgia, Mr. BONNER, Mr. PAUL, Mr. KINGSTON, Mr. LAMBORN, and Mr. AKIN):

H.R. 4934. A bill to prohibit the enforcement of a climate change interpretive guidance issued by the Securities and Exchange Commission, and for other purposes; to the Committee on Financial Services.

By Mr. TIAHRT:

H.R. 4935. A bill to allow regional directors of the Federal Emergency Management Agency to extend temporarily the Provisional Accredited Levee period if a good faith effort to upgrade a levee to the accredited level is being made; to the Committee on Financial Services.

By Ms. TSONGAS:

H.R. 4936. A bill to amend the Expedited Funds Availability Act, to adjust dollar limits on check hold policies, and for other purposes; to the Committee on Financial Services.

By Ms. TSONGAS (for herself and Mr. PETRI):

H.R. 4937. A bill to modify certain requirements for countable resources and income under the Supplemental Security Income program, and for other purposes; to the Committee on Ways and Means.

By Mr. PERLMUTTER:

H. Con. Res. 257. Concurrent resolution providing for an adjournment or recess of the two Houses; considered and agreed to.

By Ms. FUDGE (for herself and Mr. EHLERS):

H. Res. 1213. A resolution recognizing the need to improve the participation and performance of America's students in Science, Technology, Engineering, and Mathematics (STEM) fields, supporting the ideals of National Lab Day, and for other purposes; to the Committee on Science and Technology.

By Mr. CARSON of Indiana (for himself and Mr. CONYERS):

H. Res. 1214. A resolution recognizing and commending Viola Liuzzo for her extraordinary courage and for her contribution to the United States; to the Committee on the Judiciary.

By Mr. CROWLEY (for himself and Mr. ROYCE):

H. Res. 1215. A resolution expressing support for Bangladesh's return to democracy; to the Committee on Foreign Affairs.

By Mr. LIPINSKI (for himself and Mr. FORTENBERRY):

H. Res. 1216. A resolution congratulating Reverend Daniel P. Coughlin on his tenth year of service as Chaplain of the House of Representatives; to the Committee on House Administration.

By Mr. OWENS:

H. Res. 1217. A resolution honoring Fort Drum's soldiers of the 10th Mountain Division for their past and continuing contributions to the security of the United States; to the Committee on Armed Services.

By Mr. TAYLOR (for himself, Mr. CHILDERS, Mr. HARPER, and Mr. THOMPSON of Mississippi):

H. Res. 1218. A resolution recognizing the University of Southern Mississippi for 100 years of service and excellence in higher education; to the Committee on Education and Labor.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

249. The SPEAKER presented a memorial of the Senate of the State of New Mexico, relative to Senate Joint Memorial 51 urging the Congress of the United States to support the preservation of the Navajo Code Talkers' remarkable legacy; jointly to the Committees on Armed Services and Veterans' Affairs.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 40: Mr. DAVIS of Illinois and Ms. WATSON.

H.R. 211: Mr. ACKERMAN.

H.R. 303: Mr. SIMPSON and Mr. HUNTER.

H.R. 745: Mr. KISSELL.

H.R. 767: Mr. REYES.

H.R. 810: Mr. ROSS.

H.R. 811: Mr. MICHAUD.

H.R. 892: Mr. FORBES.

H.R. 927: Mr. OWENS.

H.R. 950: Mr. REYES, Mr. RODRIGUEZ, Mr. COHEN, and Ms. CLARKE.

H.R. 1157: Mr. ANDREWS.

H.R. 1177: Mr. ADERHOLT, Mr. ALEXANDER, Mr. BILBRAY, Mr. BILIRAKIS, Mr. BLUNT, Mr. BROWN of South Carolina, Mrs. CAPITO, Mr. CASTLE, Mr. DENT, Mr. EHLERS, Mr. THORNBERRY, Mr. YOUNG of Florida, Mr. GERLACH, Mr. GOHMERT, Mr. GOODLATTE, Mr. KING of Iowa, Mr. LATOURETTE, Mr. MANZULLO, Mr. MARCHANT, Mr. MCHENRY, Mr. MILLER of Florida, Mr. POE of Texas, Mr. PRICE of Georgia, Mr. REHBERG, Mr. REICHERT, Mr. ROSKAM, and Mr. SESSIONS.

H.R. 1199: Mr. FORBES.

H.R. 1343: Mr. CALVERT.

H.R. 1552: Mr. SPACE.

H.R. 1625: Mr. TERRY, Mr. POSEY, Ms. HERSETH SANDLIN, and Mr. ANDREWS.

H.R. 1646: Mr. COBLE.

H.R. 1722: Mr. CUMMINGS and Ms. NORTON.

H.R. 1884: Mr. ROGERS of Michigan, Mr. BILBRAY, Mr. DEFazio, Mr. AKIN, Mr. EHLERS, Mr. WAMP, Mr. BISHOP of Utah, Mr. SCHAUER, Mrs. McMORRIS RODGERS, Mr. YARMUTH, Mr. PASTOR of Arizona, and Mrs. BONO MACK.

H.R. 1990: Mr. STEARNS.

H.R. 2067: Mr. LARSON of Connecticut and Mr. CONYERS.

H.R. 2110: Mr. DUNCAN.

H.R. 2305: Mr. JONES.

H.R. 2324: Mr. DAVIS of Illinois.

H.R. 2455: Mr. KISSELL.

H.R. 2478: Mr. TONKO.

H.R. 2568: Mrs. MALONEY.

H.R. 3186: Mr. CASTLE.

H.R. 3308: Mr. DENT.

H.R. 3339: Mr. HELLER.

H.R. 3406: Mr. CHAFFETZ, Mr. PLATTS, and Mr. PAUL.

H.R. 3415: Mr. LUJÁN, Mr. HARE, and Mrs. EMERSON.

H.R. 3484: Mr. FILNER.

H.R. 3578: Mr. COHEN and Mr. LOBIONDO.

H.R. 3636: Ms. WATERS.

H.R. 3655: Mr. BUTTERFIELD.

H.R. 3668: Ms. SCHWARTZ, Mr. HOLDEN, Mr. PASTOR of Arizona, Mr. MURPHY of Connecticut, Mr. GRAVES, Mr. HARE, and Mrs. DAVIS of California.

H.R. 3720: Mr. GUTHRIE.

H.R. 3745: Mr. DELAHUNT.

H.R. 3995: Mr. KAGEN.

H.R. 4000: Ms. CASTOR of Florida and Mr. BUTTERFIELD.

H.R. 4014: Ms. SPEIER and Ms. RICHARDSON.

H.R. 4021: Mr. SCHOCK.

H.R. 4036: Mr. RUSH.

H.R. 4053: Ms. SCHAKOWSKY.

H.R. 4128: Mr. ROYCE.

H.R. 4224: Mr. GUTIERREZ, Mr. SERRANO, and Mr. PIERLUISI.

H.R. 4278: Mr. HIGGINS.

H.R. 4296: Mr. BISHOP of New York.

H.R. 4302: Mr. RUPPERSBERGER and Mr. GARAMENDI.

H.R. 4530: Mr. NEAL of Massachusetts.

H.R. 4616: Mr. SERRANO.

H.R. 4647: Mr. BACA and Ms. TITUS.

H.R. 4677: Ms. WOOLSEY.

H.R. 4678: Mr. JACKSON of Illinois and Mr. ELLISON.

H.R. 4684: Mr. LARSON of Connecticut, Mr. BISHOP of Georgia, Mr. CARNEY, and Mr. DENT.

H.R. 4703: Mr. CALVERT.

H.R. 4800: Ms. CLARKE and Mr. GRIJALVA.

H.R. 4803: Mr. KINGSTON and Mr. YOUNG of Alaska.

H.R. 4807: Mr. MCMAHON.

H.R. 4812: Mr. PAYNE, Mr. RYAN of Ohio, Mr. BACA, Mr. PALLONE, Mr. NADLER of New York, Ms. HIRONO, Mr. HALL of New York, Mr. MORAN of Virginia, Mr. PASTOR of Arizona, Mr. SERRANO, Mrs. MALONEY, and Ms. VELÁZQUEZ.

H.R. 4815: Mr. BOYD and Mr. SCHRADER.

H.R. 4850: Mr. DINGELL, Mr. SCHAUER, Mr. ARCURI, Ms. SUTTON, and Mr. ISRAEL.

H.R. 4870: Mr. BRADY of Pennsylvania.

H.R. 4886: Mr. ROHRBACHER and Mr. CROWLEY.

H.R. 4896: Mr. POE of Texas and Mr. TIAHRT.

H.R. 4901: Mr. JONES.

H.R. 4903: Mr. WAMP, Mr. PENCE, Mr. GRIFFITH, and Mr. BARRETT of South Carolina.

H.R. 4904: Mr. GOODLATTE, Mr. GARY G. MILLER of California, Ms. JENKINS, Mr. LAMBORN, Mr. MCCAUL, Mr. HENSARLING, Mr. PENCE, Mrs. BACHMANN, Mr. PITTS, Mr. OLSON, Mr. FLEMING, Mr. BARTLETT, Mr. GRIFFITH, Mr. BONNER, Mr. CAMPBELL, Mr. BROUN of Georgia, Ms. FALLIN, Mr. POSEY, Mr. WESTMORELAND, Mrs. LUMMIS, Mr. AKIN, Mr. NEUGEBAUER, Mr. PRICE of Georgia, and Mr. ISSA.

H.R. 4910: Mr. TIAHRT, Mr. KINGSTON, Mr. WILSON of South Carolina, Mrs. BACHMANN, Mr. SOUDER, and Mr. HALL of Texas.

H.R. 4914: Mr. DELAHUNT.

H.J. Res. 1: Mr. DANIEL E. LUNGREN of California.

H. Con. Res. 49: Mr. SCHAUER, Ms. KOSMAS, and Mr. MEEKS of New York.

H. Con. Res. 128: Mr. COHEN, Ms. EDDIE BERNICE JOHNSON of Texas, and Ms. RICHARDSON.

H. Con. Res. 252: Mr. LIPINSKI.

H. Res. 173: Ms. KILROY, Mr. HOLT, Mr. BACA, Ms. CHU, Mr. LOBIONDO, Mrs. EMERSON, Mr. BRADY of Pennsylvania, Mr. SCHIFF, Ms. BERKLEY, Ms. LORETTA SANCHEZ of California, Mr. MICHAUD, and Mrs. DAVIS of California.

H. Res. 213: Ms. SUTTON and Ms. HARMAN.

H. Res. 704: Mr. REHBERG, Mr. CARNAHAN, and Mr. LATTA.

H. Res. 763: Mr. COBLE.

H. Res. 855: Mr. LAMBORN, Mr. TIAHRT, and Ms. BORDALLO.

H. Res. 857: Mr. FILNER.

H. Res. 870: Mr. ADERHOLT.

H. Res. 874: Mr. SCHOCK.

H. Res. 992: Mrs. MYRICK, Mr. ISSA, and Mr. POSEY.

H. Res. 996: Ms. MATSUI, Ms. BALDWIN, Mr. CARSON of Indiana, Mr. THOMPSON of Mississippi, Mr. KILDEE, Mr. LOEBACK, Mr. SCOTT of Georgia, Ms. TITUS, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. JACKSON of Illinois, Mr. WATT, and Ms. KILROY.

H. Res. 1060: Mr. CALVERT.

H. Res. 1094: Mr. MEEK of Florida.

H. Res. 1132: Mr. SKELTON, Mr. ORTIZ, Mr. ANDREWS, Mr. MURPHY of New York, Mr. BOCCIERI, Mr. CONNOLLY of Virginia, Mr. DRIEHAUS, Ms. FUDGE, Ms. MARKEY of Colorado, Mr. MCMAHON, Mr. PIERLUISI, Mr. POLIS of Colorado, Mr. SCHRADER, Mr. TONKO, Mr. HOLDEN, Mr. WILSON of Ohio, Mr. DAVIS of Tennessee, Mr. OWENS, Mr. SABLON, Mr. SNYDER, Mr. MAFFEI, Mr. PERRIELLO, Mr. PETERS, Mr. SCHAUER, Mr. MATHESON, Ms. BALDWIN, Mr. MCNERNEY, Mr. CHANDLER, Mr. MELANCON, Mr. SCOTT of Virginia, and Mr. HALL of New York.

H. Res. 1171: Mr. ROTHMAN of New Jersey and Mr. TIM MURPHY of Pennsylvania.

H. Res. 1175: Mr. CARTER, Mr. JORDAN of Ohio, Mr. KINGSTON, and Mr. BISHOP of Georgia.

H. Res. 1187: Mr. DOGGETT, Mr. FARR, Ms. RICHARDSON, and Mr. TOWNS.

H. Res. 1188: Mr. REICHERT.

H. Res. 1209: Mrs. McMORRIS RODGERS and Mr. INGLIS.

H. Res. 1211: Mr. RYAN of Ohio, Mr. WALZ, Ms. BORDALLO, and Mr. CLAY.

DELETIONS OF SPONSORS FROM
PUBLIC BILLS AND RESOLUTIONS

H.R. 1255: Mr. MORAN of Kansas.
H. Res. 648: Ms. LINDA T. SÁNCHEZ of Cali-
fornia.

Under clause 7 of rule XII, sponsors
were deleted from public bills and reso-
lutions as follows:

SENATE—Wednesday, March 24, 2010

The Senate met at 9 a.m. and was called to order by the Honorable TOM UDALL, a Senator from the State of New Mexico.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Almighty and eternal God, in whose keeping are the destinies of galaxies, here at this altar of supplication we lift our hearts to You. Today, crown the deliberations of our lawmakers with civility and respect as well as passionate sympathy for humanity. Facing great questions and issues, quicken in our Senators every noble impulse, transforming each task into a throne of service. Take away any desire to put off until tomorrow the things they should accomplish today. Lord, make them brave and steadfast until right becomes victorious might. We pray in Your great Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable TOM UDALL led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, March 24, 2010.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable TOM UDALL, a Senator from the State of New Mexico, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. UDALL of New Mexico thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Mr. President, today the Senate will resume consideration of

H.R. 4872, the Health Care and Education Reconciliation Act. Rollcall votes are expected to occur throughout the day. The vote-a-rama, as it has become known, will begin sometime this afternoon.

MEASURE PLACED ON THE CALENDAR—S. 3158

Mr. REID. Mr. President, it is my understanding that S. 3158 is at the desk and due for a second reading.

The ACTING PRESIDENT pro tempore. The clerk will read the bill by title for a second time.

The assistant legislative clerk read as follows:

A bill (S. 3158) to require Congress to lead by example and freeze its own pay and fully offset the cost of the extension of unemployment benefits and other Federal aid.

The ACTING PRESIDENT pro tempore. The majority leader.

Mr. REID. I object to any further proceedings with respect to the bill.

The ACTING PRESIDENT pro tempore. Objection is heard. The bill will be placed on the calendar.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

HEALTH CARE AND EDUCATION RECONCILIATION ACT OF 2010

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of H.R. 4872, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 4872) to provide for reconciliation pursuant to Title II of the concurrent resolution on the budget for fiscal year 2010, S. Con. Res. 13.

Pending:

Gregg-Coburn modified amendment No. 3567, to prevent Medicare from being used for new entitlements and to use Medicare savings to save Medicare.

McCain amendment No. 3570, to eliminate the sweetheart deals for Tennessee, Hawaii, Louisiana, Montana, Connecticut, and frontier States.

Crapo motion to commit the bill to the Committee on Finance, with instructions.

Enzi motion to commit the bill to the Committee on Finance, with instructions.

Barrasso amendment No. 3582, to ensure that Americans can keep the coverage they have by keeping premiums affordable.

Grassley-Roberts amendment No. 3564, to make sure the President, Cabinet members, all White House senior staff and congressional committee and leadership staff are

purchasing health insurance through the health insurance exchanges established by the Patient Protection and Affordable Care Act.

Mr. REID. Mr. President, would the Chair report how much time is left on general debate on the bill.

The ACTING PRESIDENT pro tempore. The majority has 7 hours 32 minutes and the minority has 8 hours 30 minutes.

Mr. REID. Mr. President, I yield back all time remaining on the bill on the majority's side.

The ACTING PRESIDENT pro tempore. The leader has that right. The time is yielded back.

The Senator from Tennessee is recognized.

MOTION TO COMMIT

Mr. ALEXANDER. Mr. President, I ask unanimous consent to temporarily set aside the pending motion so that I may offer a motion to commit, which is at the desk.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The clerk will report the motion.

The assistant legislative clerk read as follows:

The Senator from Tennessee [Mr. ALEXANDER] moves to commit the bill H.R. 4872 to the Committee on Health, Education, Labor, and Pensions of the Senate with instructions to report the same back to the Senate within 1 day with changes to reduce the interest paid by student borrowers by 1.5 percentage points and to add an offset.

The ACTING PRESIDENT pro tempore. The Senator from Montana.

Mr. BAUCUS. Mr. President, I wonder if the Senator from Tennessee would agree to modify his request so that the earlier amendments be set aside until a time designated by the leaders and this motion then be taken up at a time to be decided by the leaders, which is the customary practice we have been utilizing with previous amendments.

Mr. ALEXANDER. Mr. President, I wonder if the Senator from Montana would permit me to consider that request and then respond to him within a few minutes.

Mr. BAUCUS. The Senator would withdraw the request and make the request later?

Mr. ALEXANDER. If I may consult with Senator GREGG, then respond. If you will make the request later, I would be grateful.

Mr. BAUCUS. OK.

Mr. ALEXANDER. Thank you very much.

The ACTING PRESIDENT pro tempore. The Senator from Tennessee is recognized.

Mr. ALEXANDER. Mr. President, 19 million American families will be interested in this motion because it will reduce the cost of student loans which 19 million Americans have. This is the season of the year when a great many students have been admitted to a college or a community college and are making plans and looking for where they are going to get their money. This motion is aimed at reducing the interest rate on 19 million student loans from 6.8 percent to 5.3 percent. For the average student loan debt of about \$25,000, it would save that student \$1,700 or \$1,800 over their ten-year loan. More specifically, it would not only help the student, but it would prevent the Federal Government from overcharging 19 million American college students on their student loans to help pay for the health care bill and other government programs.

One may say: Wait a minute, I thought we were debating the health care bill. How did we get to student loans? That is a very good question because it just came up over the weekend. Of course, we have talked about student loans. There have been proposals, but there have been no hearings in the Senate, no consideration in the Senate committee of which I am a member. Yet over the weekend, the Democratic majority said: Well, look, while we are at it, let's have another Washington takeover. Let's take over the Federal student loan program. Let's take a program which is working very well, in which 15 million American students have voted with their feet to say they would prefer to get a regular student loan backed by the government, which they get at their college campuses, through their community bank, through a nonprofit institution. Even though they do have an option for a government loan, three out of four students have said they prefer the student loan through the private lender. Yet over the weekend, the Democratic majority has said: While we are at it, let's take over the Federal student loan program.

That means that starting July 1, students have no choice. They go to the Federal Government to get their student loan, all 19 million of them, which is a new experience for 15 of the 19 million.

The way they are going to do it—and this is all going to be set up in a very short period of time—is they are now going to have to go to four Federal call centers. So instead of going to their local lender or to their nonprofit institution, that can help them with their application form and see what their options are and encourage them as they make their plans for college, welcome to the new government loan program. They have no choice. That is what they are going to do.

What are the other aspects of this? Well, other than denying choice to 19

million students on more than 2,000 campuses who prefer the Federal loan program, the Federal Government is going to have to borrow another $\frac{1}{2}$ trillion in order to make these loans. Let's think about this for a moment. What is the No. 1 issue that most Americans worry about today? It is that we have too much debt. So what did this weekend takeover do? It adds about $\frac{1}{2}$ trillion to the Federal debt in order to make student loans, at the rate of about \$90 billion or \$100 billion a year for 4 or 5 years.

So we take away choice, we add to the debt, and we also put 31,000 people out of their jobs. These are a lot of loans, and so we have a lot of people in these organizations, such as Edsouth in my State, a nonprofit organization that helps students get their loans. So all these lenders are out of business and we have one big bank—the Federal Government.

The Education Secretary is the new banker of the year. He is a very good Education Secretary, but I don't know how good a banker he is going to be.

But here is the rub, and this is what my motion is about. The Federal Government is going to be borrowing money at 2.8 percent and loaning it to students at 6.8 percent and taking the difference and spending it on new government programs, including the health care bill. So we are going to be overcharging 19 million students to help pay for the health care bill. And, according to the most recent Congressional Budget Office estimates, about \$8.7 billion of the overcharged money is going to go to pay for the health care bill.

My friends on the other side have already spent the money, of course. They have announced to everybody that we are going to spend it on this and on that and on this, but what they do not tell you is, where they get the money. Where they get the money is overcharging students—overcharging students.

These aren't Wall Street financiers we are overcharging. This might be a single mom going to a community college in Tennessee who has a job but who wants a better job and so she borrows some money to go to the community college and the Federal Government is going to overcharge her to pay for some government program. She might not like that.

In fact, I think there will be about 19 million student loan holders across the country who will go to school next year and say: Wait a minute here. You mean you are overcharging me on my student loan to pay for this health care bill and to pay for other government programs? The answer will be: Yes, that is what we are doing, unless my colleagues support this motion.

The estimate by our friends on the other side is that their Federal takeover of the Federal student loan enter-

prise will save \$61 billion. If they are correct, let's give it to the students. Let's reduce their interest rate. I mean, \$1,700 or \$1,800 per student in interest over 10 years is the average amount of savings, and that is a lot of money. It may not seem like a lot of money to Congressmen and Senators in Washington, but to the single mom going to the community college who is borrowing the money to go to school in order to get a better job, \$1,700 or \$1,800 is a lot of money.

So in addition to the higher premium numbers, the higher taxes, the Medicare cuts, and the new cost to States, we are going to be overcharging on student loans. Let me use a specific example from Tennessee, if I may. I was at the University of Tennessee earlier this week. This is the University of which I used to be president. The University of Tennessee has 30,000 students, and 37 percent of them—or 11,251—have Federal private loans today. The average student debt is about \$20,000. After July 1, all 11,000 students at the University of Tennessee, with these Federal loans from private lenders, are going to have to switch to the government loans, and the government is going to overcharge 11,000 students who go to the University of Tennessee at Knoxville and use that overcharged money to pay for new government programs, including the health care bill.

They are going to do the same thing to the University of Tennessee at Martin. There they choose to use the private loan program. They like it better than the government loan program. They think it is more convenient for the students. They have chosen—3,600 students at UT Martin—have chosen Federal private loans. They are going to be out of those loans by July 1. They are going to have government loans, and the government is going to overcharge them to help pay for the health care program.

Maryville College—I will be there Saturday night to help dedicate their arts center. There, 824 students have Federal loans today. They are going to have government loans. They are going to switch from private to government loans. They will have no choice after July 1. I know a lot of these students. They come from modest families, in most cases. They are not going to be very happy to learn that when they switch to a government loan after July 1, and if they have an average-size loan, which is about \$25,000, that over 10 years they are going to pay \$1,700 or \$1,800 to help pay for the health care program or other new government programs.

In Carson-Newman College, it is 1,259 students. In East Tennessee State University, it is 8,187 students. In all of Tennessee, it is 200,000 students who have student loans who are going to be overcharged an average of \$1,700 or \$1,800 a year to help pay for the health

care program or some other government program, and this amendment would say: No, we are not. If we are going to take over the student loan program, at least we are not going to overcharge the students and use it for the health care program. We are going to give the money back to the students.

The point of my amendment is very simple. We are going to reduce the interest rate we charge on 19 million student loans from 6.8 percent to 5.3 percent and let the students have the savings instead of letting the government have the savings. That is what the other side has not told people about the student loans.

If we had an ample opportunity to debate this in the Senate, if we had a committee hearing on it, if we had taken it through the regular process, maybe we could have pointed this out, but no, we do it over the weekend, put it in the House bill, send it over here, jam it through with great breast beating and protestations: Look what we have done for the country. I am accustomed to that. I used to be a Governor. I remember lots of Members of Congress who would say I did a great thing in Washington and then send the bill to me to pay. And then, as Governor—in this case the health care bill will do the same thing. It will send to the Governors and to the States new costs. Our Governor estimates it is \$1.1 billion over 5 years, to \$1.5 billion. That is about \$300 million a year new costs that State taxpayers will have to pay.

As the Medicaid cost goes up, we will get the second blow to the students of Tennessee because either the State is going to have to reduce funding for public higher education—which I believe this health care bill will help permanently damage—or they are going to have to raise taxes, or they are going to have to raise tuition, or they are going to have to do all three. If I am a student at Maryville College, Carson-Newman, or the University of Tennessee, first this health care bill is going to overcharge me on my student loan to help pay for it; second, it is going to send such big new costs to the government that the Governor is going to have to reduce funding to my college or university and my tuition is going to go up.

All those students in California who are protesting a 34-percent increase in tuition probably do not realize the reason for that happening. The main reason is that over the years the Federal Government has so regulated the Medicaid program that the States pay about a third of, that the State budgets have grown and grown and the Governors, such as Governor Schwarzenegger in California, have had no choice except to cut, knowing that when you get down through the budget process you have had no choice except to cut other programs. Governors know

when you get down through the budget process in the State, it usually comes down to Medicaid or higher education. So a great university such as the University of California is on its knees, and if it even hoped to keep its quality, it raises tuition 34 percent.

My amendment will not help that problem. The law the President signed yesterday already will transfer to States these huge new costs that are going to permanently damage higher education and raise tuition. But what my amendment will do is say we are not going to overcharge 200,000 students in Tennessee for their student loans and use \$8.7 billion to help pay for health care.

Sometimes I think the motto of the Obama administration is: If you can find it in the Yellow Pages, the government ought to be doing it.

This is breathtaking. While we are taking over cars, banks, insurance companies, while we are taking over more of health care, we will also take over the student loan program, add \$½ trillion to the Federal debt, overcharge 19 million students, cause 31,000 people to lose their jobs and say “all in a day’s work.” That is what happened last weekend. Over the weekend that is the decision they made. Then over here bragging about how much we are going to do for everybody. We are going to do a little more for everybody if we have a chance to vote on this amendment because when we go home we will have a chance to say either I cut the interest rate on your student loan from 6.8 to 5.3 percent and give you the savings, or I voted to overcharge you \$1,700 or \$1,800 a year and give the money to the government to help pay for the health care bill.

Mr. President, I ask unanimous consent to have printed in the RECORD following my remarks a few communications I received from Tennessee.

The ACTING PRESIDENT pro tempore. Without objection, it is ordered.

(See exhibit 1.)

Mr. ALEXANDER. Here is a letter from Vanderbilt University to Congressman COOPER from the Chancellor which says:

Our overarching concern with [this proposal] is that the legislation forces institutions, including Vanderbilt, to switch to direct lending.

Here is a distinguished university, one of the top research universities in the world. They have chosen—they believe it is best for their students and for their campus to use the private banks and non-profits. We know better, of course, than Vanderbilt University, what is best for the campus and best for the students. We say no, July 1, only the government.

In their letter they continue:

Vanderbilt opposes the elimination of the FFEL program. We encourage Congress to carefully study the many alternate proposals. . . . In addition to our concerns about

the elimination of choice, competition, and the high level of services, products and debt management we believe would come with this switch, we are very concerned that the proposed timeframe for this mandated conversion is unreasonable.

So Vanderbilt opposes that. So does the Baptist College of Health Sciences, so does Maryville College, so does the Middle Tennessee School of Anesthesia, so does Dyersburg State Community College.

I ask to have these remarks printed in the RECORD and an article I wrote in the Washington Post that was published on Sunday, March 7, about the student loan takeover.

EXHIBIT 1

VANDERBILT UNIVERSITY,
September 10, 2009.

Hon. JIM COOPER,

Longworth House Office Building,
Washington, DC.

DEAR CONGRESSMAN COOPER: The House of Representatives will soon consider H.R. 3221, the Student Aid and Fiscal Responsibility Act which would fundamentally restructure the federal student aid system and funnel the projected savings into a variety of higher education and K-12 programs as well as deficit reduction. While Vanderbilt supports efforts to restructure and expand federal student aid programs, we have serious reservations about this legislation.

As you know, one proposed change has to do with the Direct Loan (DL) program, in which the government acts as the lender, and the Federal Family Education Loan (FFEL) program, in which lending institutions provide loans to students. Vanderbilt has a long and successful history of participation in the FFEL program which has provided our students with superior loan products, service, and choice in their federal loans for many years.

Earlier this year, the administration proposed eliminating the FFEL program, requiring all institutions to participate in DL and using the projected \$87 billion in savings over 10 years from this switch to fund a mandatory Pell Grant and expand the Perkins Loan program. [Other estimates have put the ten-year savings figure at closer to \$47 billion.] H.R. 3221 seeks to implement those proposals. Unfortunately, the legislation has attracted a host of other education-related provisions which, while perhaps meritorious in their own right, we believe should not be attached to federal student aid legislation.

We applaud and strongly support a number of provisions of H.R. 3221:

Modest increases to Pell Grants. Any increase in Pell Grants is deeply appreciated and will benefit undergraduate students. Although the bill does not create the mandatory Pell Grant proposed by the administration, it calls for \$40 billion of the projected savings to be invested in the Pell Grant program, moving it toward a \$6,900 maximum grant by 2019.

Converts Stafford Loan interest rates from fixed to variable. The bill provides \$3.25 billion to change the fixed interest rates on subsidized loans to a variable rate capped at 6.8 percent.

Simplifies the FAFSA. We support reasonable efforts included in the bill to simplify the FAFSA for federal student aid programs.

ELIMINATING THE FFEL PROGRAM

Our overarching concern with H.R. 3221 is that the legislation forces institutions, including Vanderbilt, to switch to Direct Lending. Of additional concern is the fact that

the proposed legislation does not then direct all of the savings from this federal mandate back into federal aid programs. Vanderbilt opposes the elimination of the FFEL program. We encourage Congress to carefully study the many alternate proposals to a mandatory conversion to DL. In addition to our concerns about the elimination of choice, competition, and the high level of services, products and debt management that we believe would come with this switch, we are very concerned that the proposed timeframe for this mandated conversion is unreasonable. Institutions will need sufficient time to make changes to their IT systems and update their printed and on-line recruitment materials. Completing this by the proposed July 1, 2010 deadline is simply not feasible. In fact, Vanderbilt has already printed many of its recruitment materials and launched its 2010-2011 admissions and financial aid efforts. We would advise that, if a mandated conversion to DL is implemented, the earliest effective date be July 1, 2011.

A NEW PERKINS LOAN PROGRAM

The bill restructures the Perkins Loan program into essentially a second DL program that is campus-based, with an additional \$5 billion. The legislation proposes a complex institutional allocation formula based on holding past participants, such as Vanderbilt, harmless, while significantly expanding participation based on low tuition and improved Pell recipient graduation rates. We believe that a Perkins program allocation formula should be based on the aggregate need of an institution's students relative to the aggregate need of all students at institutions participating in the program nationally, subject to and including the hold harmless provisions.

While Vanderbilt supports expanding participation in the Perkins Loan program as well as the provisions that would hold harmless existing participants, we are troubled by proposals to eliminate the in-school interest subsidy and loan forgiveness programs. These features have made Perkins Loans uniquely attractive for many of our students. Vanderbilt also opposes proposals to require institutions to pay the accrued interest while students are still enrolled in school. This would impose significant costs on our financial aid budget and could jeopardize our participation in the program. H.R. 3221 is also not clear as to whether institutional matching funds will be required or how that determination would be made.

CREATES ACCESS, COMPLETION, AND PERSISTENCE GRANT PROGRAMS

Included in the bill is \$3 billion for the College Access Challenge Grant program. These funds would be allocated primarily to states and guaranty agencies with a small portion retained for a national competition. While Vanderbilt supports the goals of this program, and is proud of our 95 percent freshman retention and 92 percent six-year graduation rates, we are concerned that diverting up to 75 percent of the funding to the states could severely restrict the ability of private institutions to compete for the funding and could inappropriately increase state oversight of private institutions. We also believe that any savings generated from the switch to DL should remain in the existing federal student aid programs.

In addition to these, there are several other provisions of the legislation that are troubling to us:

Family Asset Cap. Students with family assets of more than \$150,000 would be ineli-

gible for any need-based federal aid. While the value of a family's house, farm, business, or employee pension benefit plan would be excluded, we believe this cap should be increased to at least \$250,000, geographic factors should be applied, and an option established for financial aid administrators to be able to use their professional judgment such that students and parents in unique circumstances can be held harmless by this provision.

Beyond Student Aid. H.R. 3221 goes far beyond federal student aid to include funding for other higher education programs as well as K-12 school construction and early childhood education. We believe that all savings generated from the student aid programs should remain in these programs. These initiatives, while potentially meritorious, should be funded through avenues other than student aid programs' savings.

H.R. 3221 truly is a mixed bag. While Vanderbilt supports the significant new investment in the Pell Grant program, we are concerned that allocations to other initiatives have significantly reduced the possible level of support for the Pell Grant program. We remain strongly opposed to the elimination of the FFEL program. And, although it could bring low-cost Perkins Loans to millions of new students, we are troubled by proposals to eliminate the in-school interest subsidy and other changes to that program.

Vanderbilt remains committed to the federal student aid programs, which provide a foundation to our aid packages for both undergraduate and graduate students. We look forward to continuing to work with you to ensure that all capable and eligible students, regardless of financial circumstances, are able to access and complete post-secondary education. If you have any questions or if I can provide any additional information, please let me know.

Sincerely,

CHRISTINA D. WEST,
Director of Federal Relations.

TENNESSEE ASSOCIATION OF STUDENT FINANCIAL AID ADMINISTRATORS,

November 25, 2009.

Hon. LAMAR ALEXANDER,
U.S. Senate, Dirksen Senate Office Building, Washington, DC.

DEAR SENATOR ALEXANDER: On behalf of the Executive Board of the Tennessee Association of Student Financial Aid Administrators (TASFAA), I want to communicate to you our collective concerns regarding the Federal Student Loan Program (Stafford and PLUS).

TASFAA represents financial aid officers from 106 postsecondary institutions in Tennessee. The Tennessee postsecondary institutions serve several thousand students, many who are student loan borrowers. While our membership and schools are located within Tennessee, we have students from every state in the Union. We seek your support of our requests, which are made on behalf of the students and parents we serve. These students and parents have been well served by not only the institutions and individual professionals, but by the Federal Direct Lending Program (FDSLPL) through the Department of Education and by private sector lenders within the Federal Family Education Loan Program (FFELP) also. Importantly, our students and parents have benefitted by the opportunity to seek out lenders who offer loans with savings and service that aid the borrowers throughout repayment.

TASFAA is an advocate for choice within the respective loan programs. As President

Obama stated in his address to a Joint Session of Congress, "Consumers do better when there is choice and competition." We also want to focus on the timing of all schools currently participating in the FFELP having to switch to the Federal Direct Student Loan Program should the Senate version of H.R. 3221 be enacted. Recent information from the Department of Education showed that 1,990 of the 5,455 schools that participate in federal student loan programs are currently participating in the Direct Loan Program. Therefore, 3,465 colleges and universities across the country, that serve millions of students, are not yet participating in the FDSLPL.

Many elected officials have expressed their concerns regarding the timing of such a transition. Most Tennessee institutions will begin awarding financial aid packages to traditional students in early spring. In addition to the traditional calendar, some institutions have non-traditional students in year-round programs who borrow student loans throughout the year in what is known as the Borrower-Based Academic Year (BBAY). For these students, loans will be packaged in approximately four weeks, and the precarious status of the legislation may greatly harm these student borrowers. The Secretary's assistant has noted it will take 3-4 months for schools to convert their programs. Due to the issues related to the transition to a new program (shortage of staff members, new software systems, lack of training, financial issues at small schools, etc.), we ask that you consider the dilemma that these students face by the timing of such an action and at the very least, delay the implementation of full conversion to FDSLPL to July 1, 2011.

If you choose to support the Senate version of H.R. 3221 and move forward with full conversion to FDSLPL but allow for the delayed implementation date, we implore you to support S. 2796 to extend the Ensuring Continued Access to Student Loans Act (ECASLA). ECASLA has assured that students have been able to obtain the loan(s) necessary to ensure their educational goals and dreams. This action will ensure that every educational loan borrower will be able to continue to secure the respective loan with no interrupted service.

As of the date of this letter, the Senate committee of jurisdiction has not acted on this proposed legislation, as well as the entire Senate or any conferees. This is of major concern to us as the timing of the possible conversion to, and implementation of, 100 percent FDSLPL is further delayed. The Senate had noted it would vote on H.R. 3221 by October 15, 2009, but as of the date of this letter, proposed legislation still has not reached the Senate for a vote.

With all of the above taken into consideration, the Executive Board of TASFAA, on behalf of our entire membership, urges you to support "choice and competition." But if not, we ask you to implement a reasonable timeframe for transition.

Sincerely,

MARIAN MALONE HUFFMAN,
President, TASFAA.

BAPTIST COLLEGE
OF HEALTH SCIENCES,

Memphis, TN, November 24, 2009.

MEMBERS OF CONGRESS: I ask that you support H.R. 4103 and S. 2796 to ensure uninterrupted FFELP funding of Federal Student Loans for students and parents attending colleges and universities across the country.

I have worked in the student financial aid profession since 1982, ALWAYS at FFELP

schools. In my many years of experience, I have witnessed tens of thousands of students being well served by the FFELP system. The idea of the Federal Direct Student Loan Programs certainly contributed to needed improvements to FFELP, and the two programs have served to keep each other "on their toes." To shift now to a federal monopoly in the student loan business could prove to be a monumental mistake.

Schools have had plenty of time to choose between FFELP and Direct Lending. It is clear that FFELP works better for some schools and Direct Lending for other schools. And most importantly, BOTH programs do a good job of serving needy students attend college. Let's please keep it that way.

Sincerely,

JANET BONNEY-BAKER,
Financial Aid Supervisor, Baptist College
of Health Sciences.

OFFICE OF FINANCIAL AID,
DYERSBURG STATE COMMUNITY COLLEGE
Dyersburg, TN, November 25, 2009

As a student financial aid administrator for over thirty-five years, I have concerns regarding students receiving needed funds to attend post-secondary institutions in the 2010-2011 academic year. Regardless of our stance on direct lending, we all have one common bond, and that is helping the students we serve.

All schools are planning for the 2010-2011 academic year, and we feel trapped. I implore you to consider extending the Ensuring Continued Access to Student Loans Act (ECASLA) as quickly as possible, so that the students in this country will not suffer with the uncertainties accompanying delays in implementation of new programs. Timing is critical for higher education in this country.

Please consider choice as the loan option for the students of this country. Competition and choice is a foundation of our economy. As President Obama stated in his address to a Joint Session of Congress, "consumers do better when there is choice and competition".

The Secretary's assistant has noted that it will take 3-4 months for schools to convert their programs. Due to the issues related to the transition to a new program (shortage of staff members, new software systems, lack of training, financial issues at small schools, etc.), please consider delaying the implementation of full conversion of the Federal Direct Student Loan Program to July 1, 2011, at the earliest which will provide us with a reasonable timeframe for transition, if choice is not an option for us.

Sincerely,

SANDRA ROCKETT,
Director of Financial Aid.

MIDDLE TENNESSEE
SCHOOL OF ANESTHESIA,
November 24, 2009.

MEMBERS OF CONGRESS: I ask you to support H.R. 4103 and S. 2796 to ensure uninterrupted FFELP funding of Federal Student Loans for students and parents attending colleges and universities across the country.

I am the sole worker in Financial Aid at Middle Tennessee School of Anesthesia, (MTSA) and we like the FFELP program. The students here at MTSA DO NOT want to use Direct Lending. The decision to end the FFELP program takes away the right to choose. The advent of the Federal Direct Student Loan Programs certainly contributed to needed improvements to FFELP, and the two programs have served to keep each other "on their toes." To shift now to a fed-

eral monopoly in the student loan business could prove to be a monumental mistake. Having the ability to use both programs gives the Financial Aid Industry a healthy competition.

Schools should have the ability to talk to different lenders and choose between FFELP and Direct Lending. It is clear that FFELP works better for some schools and Direct Lending for other schools. And most importantly, BOTH programs do a good job of serving needy students attending college.

Sincerely,

M. JOANNA HAYES DICKENS,
Financial Aid Coordinator.

RHODES COLLEGE,
FINANCIAL AID OFFICE,
Memphis, TN, December 8, 2009.

SENATOR LAMAR ALEXANDER,
Dirksen Senate Office Building,
District of Columbia.

DEAR SENATOR ALEXANDER, I write to urge you to vote in favor of extending the Ensuring Continued Access to Student Loans Act, H.R. 4103 and S. 2796. As a financial aid professional, I know firsthand the importance of these funds in meeting students' educational expenses. I believe that competition breeds excellence and I am in favor of keeping both the FFEL and Direct programs in place. To eliminate FFEL especially during this particular time in history, would be a mistake that would cost institutions and students time and money that we simply can't afford.

An interruption in the delivery of these funds would create a hardship for many students and make the neediest among them unable to attend college. This bill will ensure that sufficient funds will be available for students in the 2010-2011 academic year.

Please Vote YES to H.R. 4103 and S. 2796! Thank you for your understanding and support of our students!

Most Sincerely,

ASHLEY BIANCHI,
Acting Director of Financial Aid.

AND NOW FOR STUDENTS, BIG LENDER
(By Lamar Alexander)

While health-care reform occupies the spotlight, the Obama administration is pushing for another Washington takeover—this time of the student loan system. Last month, U.S. Education Secretary Arne Duncan made the administration's latest pitch on this page.

Here is what the administration and congressional Democrats have told us about this latest attempt: Starting in July, all 19 million students who want government-backed loans will line up at offices designated by the U.S. Education Department. Gone will be the days when students and their colleges picked the lender that best fit their needs; instead, a federal bureaucrat will make that choice for every student in America based on still-unclear guidelines. They say that this will save taxpayers up to \$87 billion in subsidies that now go to "greedy" banks. In gleeful anticipation, members of Congress have lined up to spend those billions on Pell Grants and almost a dozen other programs. Banks are punished. Students are helped. Members of Congress look good.

Here is what they haven't told us: The Education Department will borrow money at 2.8 percent from the Treasury, lend it to you at 6.8 percent and spend the difference on new programs. So you'll work longer to pay off your student loan to help pay for someone else's education—and to help your U.S. representative's reelection.

And there are some other things the government should tell you: The estimated \$87

billion in savings isn't real. According to a July 2009 letter from the Congressional Budget Office (CBO) to Sen. Judd Gregg (R-N.H.), the savings are closer to \$47 billion including administration costs, if we use the same "scoring" (i.e., cost analysis) method that Congress required the CBO to use when it scored the Troubled Asset Relief Program last year because the method would more accurately calculate the cost to taxpayers.

Finally, the government should disclose that getting your student loan will become about as enjoyable as going to the Department of Motor Vehicles.

Today, roughly 2,000 lenders offer government-backed student loans on more than 4,000 campuses. One lender, Edsout, offers Tennessee students college and career counselors, financial-aid training, and college-admissions assistance; performs hundreds of presentations at Tennessee schools; and works with 12,000 Tennessee students to improve their understanding of the college-admissions and financial-aid process.

Nonprofit lenders such as Edsout use the revenue generated under the student-loan system to operate and provide these valuable benefits—but of course, these services cost money. If—under this latest Washington takeover—Edsout and other nonprofit lenders are prevented from making the number of loans they make today, they will no longer be able to provide these services, depriving students of real choices in lending.

The student loan "Banker of the Year" will be the only student loan banker left calling the shots; the education secretary in Washington. Imagine trying to get all Edsout's services from a federal call center.

I was education secretary for President George H.W. Bush when, in 1991, Congress offered students a choice for borrow from a local lender or the Education Department. In 2008, 15 million students voted with their feet and chose nongovernment lenders—and only 4 million students chose to get their loans from Washington.

Congress has reduced subsidies paid to lenders twice in the past four years, investing the savings in Pell Grants and other programs. But if there really is \$47 billion in savings to be found, Congress should return it to students as lower interest rates, not trick students by overcharging them so Washington can create more government programs.

Seven-eighths of students who applied for federal aid using the Free Application for Federal Student Aid (FAFSA) had an average loan debt of \$24,651. Assuming a standard 10-year repayment at 6.8 percent, those students would pay roughly \$9,400 in interest. If we really want to have students money, why not just reduce the interest rate by 1.5 percentage points, to 5.3 percent, saving students \$2,240 in interest?

If this Washington takeover happens, I propose that all 19 million-plus student loans made by the government carry this warning label:

"Beware: Your federal government is overcharging you so your representative can take credit for starting new government programs. Enjoy the extra hours you work to pay off your student loan."

The ACTING PRESIDENT pro tempore. The Senator from New Hampshire is recognized.

Mr. GREGG. I am recognized, correct?

The ACTING PRESIDENT pro tempore. That is correct.

Mr. GREGG. I ask unanimous consent at this time to withdraw the

amendment of the Senator from—on behalf of the Senator from Tennessee, I ask to withdraw his amendment.

The ACTING PRESIDENT pro tempore. Is there objection?

Without objection, the amendment is withdrawn.

Mr. BAUCUS. Mr. President, reserving the right to object.

The ACTING PRESIDENT pro tempore. The Senator from Montana.

Mr. BAUCUS. Mr. President, I regret, I object.

The ACTING PRESIDENT pro tempore. Objection is heard.

The Senator from Tennessee is recognized.

Mr. ALEXANDER. Mr. President, I withdraw my motion.

The ACTING PRESIDENT pro tempore. The motion is withdrawn.

The Senator from New Hampshire is recognized.

Mr. GREGG. Mr. President, at this time I yield such time as he may take off the bill to Senator ALEXANDER to discuss his amendment, which he is not offering at this time, while retaining the right to the floor.

The ACTING PRESIDENT pro tempore. The Senator from Tennessee.

Is there objection?

Mr. BAUCUS. Mr. President, reserving the right to object, what is the parliamentary situation at the moment?

The ACTING PRESIDENT pro tempore. There is a Grassley amendment pending.

Mr. BAUCUS. Mr. President, who has the floor?

The ACTING PRESIDENT pro tempore. The Senator from New Hampshire has yielded time off the bill.

Mr. GREGG. Without losing my right to the floor.

The ACTING PRESIDENT pro tempore. The Senator from Tennessee has been recognized.

The Senator from New Hampshire cannot reserve his right to the floor.

Mr. BAUCUS. May I ask who has the floor?

The ACTING PRESIDENT pro tempore. The Senator from Tennessee has the floor.

Mr. ALEXANDER. Mr. President, would you let me know when 10 more minutes has expired, please?

I have a little history with the student loan program. I see the distinguished Senator from Utah is here. When he was the ranking Republican on the Senate Health and Education Committee 20 years ago, I was the U.S. Education Secretary. He even helped me in my confirmation process, for which I have always been deeply grateful. But he and I worked together during that time when the question of having a government loan program or a direct loan program came up. It was widely discussed. We had a Republican President then and a Democratic Congress. We came to a compromise. The compromise was to say let's have both.

We will give students the option and help them stay on and keep the organizations on their toes. So if you are a student at the University of Tennessee, University of Utah, you have a choice. You can either say I don't want to fool with all these private lenders or the local bank or the nonprofit organizations in my State or Edsouth or others or the State organization, I want to go straight to the government. All institutions have that choice. That is 6,000 colleges and universities and 19 million students. Only one-fourth of them choose the government direct lending program.

In the United States of America where choice and competition is an important part of our culture, that usually teaches us a lesson. That would suggest to us that most campuses, most students, by overwhelming majorities prefer being in the private market to lining up to go to the government. Otherwise we would have the government grocery store, we would have the government car company. Actually we are beginning to sound like that in this country. We would have the government insurance company and all banks would be government banks. Everything would be in the government.

They used to have a system like that in the Soviet Union. Ours did a little better over time. Generally, our motto has been if you can find it in the Yellow Pages the government should not be doing it. What is happening with this administration and this Congress is the reverse. If you can find it in the Yellow Pages, the government should be doing it.

Here is the situation that developed over the last 20 years. There are roughly 6,000 institutions of higher education in this country. Many people say all higher education is like the University of Tennessee or Harvard or University of California, but there are many kinds of colleges and universities—for-profit, nonprofit, private, public, historically Black colleges, many different kinds of institutions. The genius of our system is that we let Federal dollars, either through Pell grants or through loans, follow the student to the institution of their choice. Choice and competition in our system of higher education has given us by far the best system of higher education in the world.

Of those 6,000 institutions, last year, 2008, 4,421 schools chose to use the regular student loan program. That is three out of four. About one out of four used the government loan, the direct loan program, the one that everybody is going to be made to use now. Currently there are just under 2,000 lenders who participate in the student loan program. They are banks and they are nonprofit institutions such as Edsouth in Tennessee.

Last year nearly \$100 billion in student loans was made. Let's keep in

mind as the government takes this over we go from a system where we have government-backed loans, which cost the taxpayers very little, to government loans at the rate of \$100 billion a year which means we are going to have to run up a half trillion more in debt at a time when our debt is ridiculously out of control. That is this weekend's newest Washington takeover that just occurred.

There is not definitive evidence to suggest that the Federal Government can make these loans better than lenders can make these loans. I don't think the Department of Education has the manpower to do it. I think that by July 1 there is going to be consternation all over the country from families who have applied for student loans and are applying through their Federal call center or through the Internet.

Edsouth, a nonprofit provider in Tennessee, for example, has five regional outreach counselors who canvas Tennessee and provide career training. They made 443 presentations to Tennessee schools to help students understand—remember, we have 200,000 of these students in Tennessee—to help them understand their options. They worked with 12,000 students to help them understand what they could do. They worked with 1,000 school counselors.

The U.S. Department of Education will soon be providing all of these services.

Senator GREGG earlier had written the Congressional Budget Office asking how much money this Federal takeover would save. They came back with an explanation that it is not \$67 billion or \$61 billion, which is the current number being used today, but more like \$47 billion. My own suspicion, and I cannot prove it, but my own suspicion, having been a university president, having been Secretary of Education and having watched this program for 20 years, is that in the real world the Federal Government is not going to make these 19 million loans more convenient for students. It is not going to be able to do it any cheaper. It is just going to deny people choice, run up the debt, throw 31,000 people out of jobs, and the icing on the cake, and it is a sour-tasting icing, is that the 19 million students who have student loans after July 1 are going to be overcharged by the Federal Government, which will be borrowing money at 2.8 percent, loaning it at 6.8 percent, and using the money to help pay for the health care bill and other programs.

Our friends on the other side, they will be saying—they like to blame everything on the bankers or the lenders—well, the lenders are charging too much money. Well, if they are charging too much money, reduce what they get. You are saying there are \$61 billion in savings, much of which comes from the fact that the Federal Government can

borrow money more cheaply than private lenders can.

But then you are saying, we are going to take the savings and we are going to spend it. We are going to overcharge these students. I can't believe the brazenness of this, and I believe neither will 19 million students understand it.

So I am glad to come to the floor today and talk about my motion, which I will be glad to introduce at the appropriate time. No Senate bill has been introduced. Our committee has held no hearings. We have not had a markup of this bill. This is a wondrous Washington takeover over the week-end.

We stick into the health care bill another Washington takeover, this time of 19 million student loans. On top of it: Congratulations, Mr. and Mrs. Working Student, you are going to get to be overcharged on your loan to help pay for the health care bill and other government programs.

I hope my friends in the Senate, on both sides of the aisle, will see the injustice of this and say: OK, you are right, Senator ALEXANDER. If we are going to take it over, and if we are going to create \$61 billion in savings, at least let's give the students the savings. Let's not give it to the government. Let's not overcharge the students, on an average \$25,000 student debt, \$1,700 or \$1,800 over 10 years.

I think we need to have a truth-and-lending stamp that goes on every single student loan starting July 1 that says: Warning. Your government is overcharging you in order to help pay for other government programs.

We will let the single mom who has a job, who is going to school to help improve her circumstances, see what she thinks about the idea of her being overcharged to help pay for other government programs.

So my motion, when it is voted on, will do a very simple thing. It will say to the 19 million students in the country: We are going to reduce your interest rate on your student loan from a typical 6.8 percent to 5.3 percent. That is going to save you \$1,700 or \$1,800 on an average loan over ten years. It says: We are not going to overcharge 19 million students to help pay for the health care bill.

Before I yield the floor, I see my friend from New Hampshire is engaged in conversation. I wonder if I could address the Senator from New Hampshire through the Chair. Before I yield the floor, I wished to ask, through the Chair, whether that is what I should do.

Mr. GREGG. Well, I would like to ask the Senator from Tennessee a question on the substance of his proposal.

Mr. ALEXANDER. I will be glad to take the Senator's question.

Mr. GREGG. Because I do think it is an important proposal. As I understand

it, what the Senator is saying is that they put this baggage on the train, which is the nationalization of all student loans in this country, the government is going to take them all over, which will be the fourth major nationalization event this administration has undertaken.

First, they nationalized the auto industry. Now, they are in the process of quasi-nationalizing the health care industry. Now they are going to nationalize the educational industry. If the House final reform bill passes, they will essentially be nationalizing the financial industry—or having the capacity to—because they can break up any company, whether they are healthy or not, under the Kanjorski amendment.

So my question is: They threw this proposal on the train, nationalizing the student loan industry, in order to use student loan money to finance the health care bill because this bill would have violated the budget rules if it did not have the student loan money basically paying for it?

Mr. ALEXANDER. Mr. President, I am afraid the Senator from New Hampshire is exactly right. According to the Congressional Budget Office's updated estimate, \$8.7 billion of this money that is being overcharged to students will be used to help pay for the health care bill.

The other money, except for a small part, will be used for other government programs. So you are right on both counts—one Washington takeover after another. That is why I am saying, I think we ought to hide the Yellow Pages from these fellows because if they find something in there that is being done in the private sector, they are going to say: Oh, we can cut out the profit, we can cut out the business; why does not the government do it?

Then, second, I mean this is astonishing to me. These are not Wall Street financiers going to community colleges in New Hampshire and Tennessee, these are people with jobs who are trying to improve their lot. Their student loan levels are already too high. We are worried about that. So we are going to take another \$1,700 or \$1,800 on a \$25,000 average loan over 10 years. We are just going to say: Well, we will overcharge you. We are going to use that in government. The answer is, yes, to your question, Senator; \$8.7 billion of the money taken from students by overcharging them on their student loans will go to help pay for the health care bill.

Mr. GREGG. If I can ask a further question of the Senator. If they did not have that \$8.7 billion of student loan money being used to finance the health care bill, this reconciliation bill would fall; would it not? Because it would not meet the budget instructions of having \$1 billion of savings.

Mr. ALEXANDER. The Senator is correct.

Mr. GREGG. The Senator had a further question about whether the floor could be yielded. We are in the process of seeking a unanimous consent agreement.

Mr. BAUCUS. I was going to ask the Senator from Tennessee a question.

Mr. ALEXANDER. I will be glad to have a question.

Mr. BAUCUS. Is it not true that the Congressional Budget Office stated in a letter, dated March 20, commented on the bill in a letter to the Speaker on page 13, where it states: The title as a whole—that is referring to the education title—states that the title as a whole would reduce budget deficits in both the 10-year projection period and in subsequent years.

Is it not true that the Congressional Budget Office reached that conclusion and so states in their letter of March 20?

Mr. ALEXANDER. Mr. President, I do not have that letter in front of me, and I do not know what that has to do with my amendment.

What I am saying is, the Democratic majority is deliberately overcharging 19 million students to help pay for the health care bill. Those are the Congressional Budget Office's figures, not mine.

I would ask, through the Chair, to the Senator from New Hampshire, whether I should at this point yield the floor.

Mr. GREGG. I appreciate the Senator from Tennessee's courtesy. At this time, we are ready to go forward with a unanimous consent request.

Mr. ALEXANDER. I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Montana is recognized.

Mr. BAUCUS. Mr. President, I will propose a unanimous consent. Following that, I will state my intention on the order of votes, which I have yet to clear with the leader's office.

I ask unanimous consent that the total time on the bill be divided equally between the majority and minority leaders or their designees and that the offering of amendments not add additional claims to the time.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. GREGG. Reserving the right to object, I would simply note that the next amendment on our side would be offered by Senator HATCH.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. GREGG. Mr. President, I would ask further unanimous consent—

Mr. BAUCUS. Mr. President, I wish to finish up that business. It is something, I think, the Senator will appreciate.

It is my intention—I am not asking for a unanimous consent agreement, but it is my intention that the order of amendments would be, beginning with

the Gregg amendment, Medicare; McCain, target provisions; then the Crapo amendment on taxes; then the Enzi motion to commit, regarding employer mandates; the Barrasso amendment regarding premiums; and then, next, the Grassley amendment regarding executive personnel should be in the exchange.

Mr. GREGG. As I understand what the Senator is asking, is that the voting order be in the order they were offered.

Mr. BAUCUS. That is correct. I am not asking consent. That is my intention, but there is no unanimous consent request at this time.

Mr. President, I yield 10 minutes to the Senator from—

Mr. GREGG. May I make a point? Mr. President, I spoke inappropriately. I believe the Senator from Tennessee will want to submit his amendment back for the RECORD. He had withdrawn it. Can we do that?

I ask unanimous consent that the pending amendment be the Senator from Tennessee's amendment.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. BAUCUS. Reserving the right to object, I might ask if the understanding be that the motion, as on the earlier amendments, that this motion be set aside until a time to be determined by the leaders.

Mr. GREGG. Why don't we do that on every amendment we offer so we do not have to do that.

Mr. BAUCUS. That would be fine.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. The Alexander motion is pending.

Mr. BAUCUS. Mr. President, I yield 15 minutes to the Senator from Michigan, under the motion.

The ACTING PRESIDENT pro tempore. The Senator from Michigan.

Mr. LEVIN. Mr. President, the debate which will come to a close this week has, in one sense, been going on for a year. But in another sense, it has been going on for a century.

In 1912, Theodore Roosevelt campaigned on the promise of a national health insurance program. Workers, Roosevelt said, are entitled to a basic standard of protection from injury and illness.

Wherever such standards are not met by given establishments, by given industries, are unprovided for by a Legislature, or are balked by unenlightened courts, the workers are in jeopardy, the progressive employer is penalized, and the community pays a heavy cost in lessened efficiency and in misery.

Well, since Teddy Roosevelt said that, Presidents and Members of Congress from both parties, seeing the same costs Theodore Roosevelt saw in the failure to assure health care for all, have grappled with this issue.

These attempts at reform have largely fallen short. They have foundered

for many reasons: Health care is personal and complex. The timing was wrong or the politics were difficult. Leaders on all sides failed to find the compromises that would have enabled them to move forward. But the recurring theme is that time and again, reformers have failed to overcome the enormous obstacles that those who profit from the status quo have been able to erect. Because we have fallen short in the past, Americans today face a health care system that costs too much and too often delivers too little.

In our United States today, mothers and fathers wonder what else they can cut from the family budget to afford yet another increase in their health care premiums. Parents file for bankruptcy because their insurance fell thousands of dollars short in providing for a child's lifesaving treatment. Nearly two-thirds of bankruptcies in this country involve medical costs, and more than half of those involve people who had insurance.

Small business owners eliminate health coverage for employees because they cannot afford another year of massive premium increases. Thousands of Americans who woke this morning with health care insurance will go to bed tonight without it.

Despite those tragic facts, entrenched interests have sought again to prevent reform to consign our Nation to an unsustainable status quo because what is good for the American people will not necessarily profit some company.

The health insurance industry has dominated health care decisions in this country for too long. How often have our constituents come to us with stories of insurance companies that deny them coverage of necessary treatment? How often have our constituents told us of insurance companies that deny coverage because of preexisting conditions or canceled coverage because of minor inaccuracies the company conveniently discovered just after diagnosis of a serious and costly illness?

It is time to end the unhealthy dominance of the health insurance industry. So I will cast my vote again against those entrenched interests and my vote will be for health care reform. I hope our colleagues will do the same.

We have the opportunity to finish the task of overcoming the entrenched opposition to do what so many Presidents and so many Members of this body have fought for decades to accomplish.

The months of debate have been difficult. They have too often been filled with too much heat and too little light, with exaggeration, with half-truth, with untruth, with innuendo designed to obscure rather than to inform.

That is no different in many ways from some previous debates on major reforms. When Congress approved Social Security in 1935, one Republican Senator warned that it would "end the

progress of a great country." When Medicare was debated in 1965, one critic charged that cooperating with the plan would be "complicit in evil." Scare tactics of the past proved absurd, but they worked.

Now we get more scare tactics. A number of our Republican colleagues continue to claim this is a big government takeover of health care. The American Medical Association supports this health care plan. Surely the American Medical Association is not a supporter of a government takeover of health care. Then we are told this will hurt Medicare. Yet the association that represents more seniors than any other, AARP, endorses this health care plan.

The scare tactics are coming at it again, but there is a difference. While scare tactics were able to derail health care reform in the past, scare tactics are just not working this time. The American people have expressed their disapproval of wild, inaccurate claims in many ways, including personal conversations with most of us.

It is true that because health care is so complex, because changes must be phased in and transition periods are often necessary, many of the benefits of this bill will not take effect for some time. But improvements in health care for millions of Americans will take place almost immediately.

After President Obama signed this bill into law, small businesses immediately got a tax cut to help defray the cost of providing insurance to their employees. Within 3 months of the signing yesterday, the bill will allow people with preexisting conditions to access a special fund to help cover the gap until insurance exchanges, where they can obtain coverage, become operational. And retiree health plans will qualify for a reinsurance program to help lower cost. In October, the Federal Government will begin helping States set up agencies to help consumers choose new health plans or to challenge unfair decisions by their current insurance plan. Eventually, those agencies will help consumers enroll in insurance exchanges that will help millions of people find dependable coverage that meets minimum quality standards at a price they are more likely to afford. Within 6 months of the President's signature yesterday, insurance reforms will begin to take hold. New health plans will be required to let women see an OB/GYN without seeking insurance company approval. They will be prohibited from denying coverage to children based on preexisting conditions and required to allow children to remain on their parents' policies until age 26. Insurance companies will have to provide preventive care without copays or deductibles, and they will be barred from setting lifetime coverage limits. Those historic improvements in our health care system will take place

within the first 6 months after enactment of this legislation.

More sweeping changes will come with full implementation of this bill's provisions. We will protect Americans of all ages from denial of coverage based on preexisting conditions, from annual limits on treatment, from exorbitant out-of-pocket costs, and from confusing and opaque language that disguises the cost or the scope of coverage. We will even require insurers to give customers a rebate if those insurers don't spend enough revenue on patient care. We will fill the Medicare doughnut hole that hurts many seniors.

At its heart, this bill and its improvements in this reconciliation effort aim to tackle the central problems of our health care system—rising costs and the insecurity many Americans rightly feel about the lack of dependability of their insurance.

The cost of health care already exceeds the ability of many American families to pay, will price more and more families out of the system if it continues to rise, and will present enormous problems for the Federal budget if not contained. We can and we will make the health insurance system work for those who already have coverage by holding down those unsustainable increases in premiums. In ways large and small, we attempt to tame this beast that threatens to swallow family budgets and our Federal budget.

How are we going to do this?

I ask the Chair how many minutes I have remaining.

The ACTING PRESIDENT pro tempore. The Senator has 5½ minutes remaining.

Mr. LEVIN. I thank the Chair.

Mr. President, even though health care experts believe these measures are going to help lower costs for families and the government, the CBO is not even taking into account the savings which will come into existence by ending wasteful subsidies to insurance companies using Medicare Advantage, by requiring Medicare Advantage to spend at least 85 percent of revenue on benefits, and by other kinds of savings. Some of those savings cannot be figured out precisely by the Congressional Budget Office. So they are prudent. They don't even take those savings into account. But what they do, obviously, take into account and do count are savings which will lead to \$140 billion for the Federal budget in the first 10 years and \$1 trillion over the next decade. Those savings are real savings. Those are savings which they can figure out and cost.

We are going to subject investment income of the Nation's wealthiest families with incomes over \$250,000 to the Medicare tax. We are going to impose a moderate Medicare tax increase on those who have that kind of earned income, over \$¼ million.

This bill cracks down on artificial financial structures. I commend the Finance Committee, Senator BAUCUS and his colleagues. They are cracking down on artificial financial structures with no economic substance whose only purpose is to allow their users to avoid taxes. The Finance Committee has struggled with that issue for years. They have been trying to do this for years. They have succeeded. We pick up an awful lot of revenue that is owed to Uncle Sam by ending this kind of loophole which has allowed wealthy individuals to avoid paying taxes through the use of artificial financial structures that have no economic substance, whose only purpose is to avoid paying income taxes.

We will take an enormous step with the passage of this reconciliation bill, joined with the bill the President signed yesterday. Leaders of our country—from Franklin Roosevelt to Harry Truman, Richard Nixon to Ted Kennedy—have fought so hard for these kinds of reforms. We are finally going to provide health insurance to millions of Americans who do not now have it, and we are going to protect those workers who Teddy Roosevelt warned nearly 100 years ago were in jeopardy unless every American had health insurance.

Opponents of reform are vocal. They are strident. We are going to hear amendment after amendment being offered in an attempt to derail this effort. I hope our colleagues will answer history's call and make the real and lasting changes these bills provide, which will improve the lives of our citizens in ways we have been struggling to do in this Senate for decades and long before many of us got here.

To those who continue to oppose reform, let me ask some questions. Isn't it long overdue to end discrimination based on preexisting conditions? The American people believe we should. So do I. Isn't it long overdue to end the insurance industry practice of rescissions, the denial of coverage to those who paid for it? The American people believe we should, and so do I. Should we not do something about the thousands of Americans who are forced into bankruptcy because of health expenses even though they have insurance they thought would protect them? The American people believe we should, and so do I. Should we not take strong steps to rein in enormous, ever-growing health care expenses, expenses that threaten to put health care out of reach for more and more Americans and to bankrupt our Nation? The American people believe we should. So do I. And should we not clear the way for 32 million Americans who do not now have health insurance to obtain it? The American people believe we should, and so do I.

I hope we will join together this week and do what so many before us have

tried and been unable to do—to reform a system that leaves so many of our fellow citizens in jeopardy. I urge approval of this bill, this essential reconciliation bill, passed by the House as part of a package of historic legislation to finish the task of bringing landmark change to American health care.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Montana is recognized.

Mr. BAUCUS. Mr. President, I ask unanimous consent that Senators WARNER, BEGICH, BURRIS, TOM UDALL, MARK UDALL, SHAHEEN, and MERKLEY be allowed to engage in a colloquy for up to 25 minutes.

The PRESIDING OFFICER (Mr. WHITEHOUSE). Without objection, it is so ordered.

The Senator from Virginia is recognized.

Mr. WARNER. Mr. President, as we approach the end of this long journey, at least the end of the first step of this long journey, I and a number of my colleagues are going to come one more time to the floor to engage in a conversation for a few moments about what this health care bill will mean to our constituents and to the people of the United States. We are going to talk about some of the causes of how we got here and some of the consequences of what would happen if we don't act. At the end, I will add some comments about how we make sure we implement this bill in the appropriate fashion.

Recognizing that the hour is late and colleagues have other business, I first ask my good friend, the Senator from Illinois, Mr. BURRIS, if he would like to give a brief recap of why he has been such a firm supporter of this legislation and why he thinks this bill is so important, not only to the people of Illinois but to the people of the United States.

Mr. BURRIS. Mr. President, I thank Senator WARNER. I compliment him for his leadership in getting the freshmen engaged and involved in making sure we are getting the message out to the American people.

This piece of legislation, which was signed yesterday by President Obama, is historic. I am proud and appreciative that I had the opportunity to play a part. As you know, my position was for a very strong public option. But as to the issues that are in it, we deal with cost and accountability for the insurance companies. Therefore, it is a major piece of legislation which we want the public to understand.

We want the public to understand that for some people this law takes effect immediately. Small businesses benefit in that they will get a tax credit right away. These tax credits can total as much as 35 percent of total premiums. Secondly, for children there will be no elimination for preexisting conditions. Within the next 90 days,

these provisions will kick in on behalf of children. So there are a lot of things in this bill that will benefit all of us.

We have been trying to do this for over 97 years.

I say to my colleagues on the other side, the reconciliation bill is important to make some corrections. The battle they are waging, not from the standpoint of policy but certainly from the standpoint of politics, seeking to make a failure out of this issue, is not really fair to the American people. The misinformation that has been going out about this legislation is not fair.

Not only are we going to see immediate benefits, but the long-term benefits of this legislation are also helpful. Situations dealing with preexisting conditions—in 2014, that will kick in. I remember when my daughter was changing jobs, she needed to get insurance because she had a headache problem. They wouldn't insure her. I had to battle to get insurance for my daughter.

This is good legislation. It is history. I want the American people to know that it is on the books, and we are going to make necessary corrections. The people will go forward.

I thank my colleague from Virginia.

Mr. WARNER. I thank Senator BURRIS for his comments. I know how hard he fought for this legislation, since day one.

This legislation is going to have wide-ranging effects for people from all across the Nation.

I now know my colleague, the Senator from North Carolina, wishes to speak. North Carolina and Virginia are neighbors. We both share a number of small businesses. We have a vibrant entrepreneurial flavor in Virginia and North Carolina. I know Senator HAGAN has been concerned not only on the overall aspects of health care but particularly how this health care bill is going to affect small business in her State.

I wish to now ask Senator HAGAN to tell us how this bill will affect people in North Carolina.

Mrs. HAGAN. I thank Senator WARNER. I too appreciate the time for us to come down here and talk about the need for health care reform. The bill that was signed into law yesterday is getting us on that track.

The new and historic law, combined with the bill we are now considering in the Senate, is going to reform our health care system to reduce costs and improve patient care for those families in North Carolina and in Virginia and families across America.

In 1996, the average premium in North Carolina for a family of four was \$6,000. Today it is \$12,000. It is projected, in 2016, to be 24,000. People cannot afford that. That is why we need to have change.

After decades of working to fix a broken health care system, this law con-

trols exploding costs, increases access to health care, and reduces our long-term deficit, which I know we are very concerned about, by as much as \$1.2 trillion over the next 20 years.

But in addition to containing costs, health care reform will improve access and quality of health care for millions of Americans. Right now, in North Carolina, we have 1.7 million people without insurance. They will now have access to a family doctor.

This bill provides immediate benefits to small businesses, middle-class families, and seniors in North Carolina. The small business owners whom I talk to want to provide coverage for their employees, but the costs are prohibitive.

This month, I received an e-mail from a small chiropractic practice in eastern North Carolina that had to drop its health plan for its employees because the rates doubled over the last 2 years. But starting today, 112,000 North Carolinian small businesses will be eligible for tax credits to provide health care to their employees.

Within the next 6 months, hard-working, middle-class families will be able to add their children up to the age of 26 on their health care plans. This will benefit about 870,000 young adults in my State.

This year, insurance companies will no longer be able to deny coverage to a child for a preexisting condition, such as asthma or diabetes. And it means insurance companies will no longer be able to drop your coverage because you get sick or because you file too many claims.

In North Carolina, 1.4 million seniors will receive preventive services with no additional costs, and 250,000 seniors will have their drug costs in the doughnut hole immediately reduced and eventually eliminated.

I am proud of these immediate benefits and our efforts to reform the health care system over the long term. The health care reform effort would not have been possible without the work of tenacious Capitol Hill staffers. I personally want to thank two incredible health care staffers on my team, Michelle Adams and Tracy Zvenyach, who worked countless hours for reform in our country.

Mr. WARNER. I thank Senator HAGAN. I appreciate her leadership on this issue. Again, I also appreciate her recognition of not only the Members who have been struggling with the bill for almost a year, but the staff members who help us put together the facts, put together the case studies, who help us crunch the numbers, as we try to make sure we get this right.

I now want to call on my friend, the Senator from Alaska. One of the things the freshmen have always said, as we have come to the floor over these months—as we have pointed out—is that the price of doing nothing is extraordinarily high to our economy, to

our families, to our businesses, and that the status quo is not sustainable.

I know this has been a theme Senator BEGICH has echoed repeatedly on the floor. As we come to the closing hours of this debate, if you could share with us one more time why you think the status quo is unacceptable. What is the price of doing nothing? How would that affect the people and businesses in the great State of Alaska?

Senator BEGICH.

Mr. BEGICH. I thank the Senator. Thank you again for your leadership, and especially as the freshmen group worked on the cost containment piece of this legislation. That was an important part we will see for many years to come.

Over the next few days we are focusing on making a good bill a little bit better. Yesterday, the President signed the landmark legislation moving health care reform into law. So over the next few days, again, we are going to work on making that bill a little bit better. You are going to see clearly the differences. You are going to see our side of the equation has worked hard on this legislation. Those who voted for health care reform are on the side of American families, not on the side of the insurance industry. We are on the side of seniors who will see lower prescription drug costs—because reform is going to work in that direction—not on the side of big drug companies. We are on the side of American small business—not business as usual.

I was truly proud to vote for and help pass that legislation last December. But as mentioned already this morning, there are many benefits that occur right now, this year. This year, for example, there is help for small businesses. As you just heard, immediately, firms with fewer than 10 workers get a tax credit worth 35 percent of what they will spend now on health insurance. It will eventually ramp up to a 50-percent tax credit, and firms with up to 25 workers will get a partial credit. For small businesses—truly the backbone of the Alaska business community and this country's business community—that is an immediate benefit.

Coverage for preexisting conditions: Within 3 months, people with preexisting conditions and no insurance will get help. A \$5 billion fund is being set up to provide them with affordable coverage.

Coverage for dependent children: Within 6 months, parents will be able to extend their policies to cover their dependent children up to the age of 26.

Some of these points you have already heard, as I said, this morning, but it is important to repeat them because I think in the noise over the last year and a half a lot of it got lost.

Another—a very important one—free preventive care: Within 6 months, all insurance plans must provide free checkups. This includes seniors on

Medicare. And there is much, much more when you look at this legislation.

For my own State, the bill addresses many specific concerns I have heard in Alaska. It includes several of my amendments, including a panel to improve Federal health care in Alaska, increased loan forgiveness for thousands of new primary care providers, and added funding for community hospitals.

We also, as a team of freshmen, wrote a cost containment amendment that cuts prices for consumers, increases value and innovation in the health care system and, as mentioned earlier—let's not forget—it is a deficit reducer: in the first 10 years, \$143 billion, and in the next 10 years, \$1.3 trillion in deficit reduction.

This bill is paid for—paid for. These are many of the improvements. Again, these improvements will save lives; add 32 million people, those uninsured—making sure they have coverage—save seniors on prescription drug costs by closing the doughnut hole; save families, by providing tax relief to help them afford health care; and crack down on waste and fraud.

It has been an enormous time in this last year and a half working on this. But I also want to say, the next 3 days will also be tedious and confusing to the public because what you will see on the other side is every imaginable amendment we would love to see—many of them we probably would love to vote for. I am not voting for any of them because the whole tactic is to delay the delivery, to ensure that people who want a family doctor will not get one, to protect the insurance companies instead of what we are trying to do to make sure people get a fair shake from their companies. So you are going to see that over the next 3 days.

I think what is important for us is to remind Americans—Alaskans in my State—why this bill is important. It helps small business, families, seniors. It does it now. It is important. It is important for us to get it done. But do not be fooled by the next 3 days on what goes on this floor.

We have passed health care reform. All we are doing now is making a good bill better.

I thank the Senator from Virginia.

Mr. WARNER. I thank the Senator. Thank you for your comments. Thank you for your leadership, particularly on a series of freshmen amendments that dealt with cost containment. And if time exists after my colleagues speak, I am going to go back to that issue.

But I now want to ask my good friend from Oregon a question. No one has come to this body with more passion about making sure working families get a fair break, not only in health care but in the world of financial reform and issues that cut across the spectrum. I know one of the issues Sen-

ator MERKLEY has worked on tirelessly throughout this whole conversation is how to make sure the Oregon families get that fair break, get that fair shot, how to make sure health care is affordable.

I would like you to share with our colleagues and those Americans who are at home watching what this health care bill does to help those middle-class Americans, middle-class Oregonians to make sure they get that fair shot, fair break in health care reform.

Senator MERKLEY.

Mr. MERKLEY. I thank the Senator so much. It is a pleasure to come here with my colleagues on the floor.

I know when all of my colleagues go home, they hear stories from their constituents about our broken health care system. That certainly is what I hear. I hear it in my townhalls. I hear it on the street, as people stop me and share their story. And I certainly hear it in my mail.

I have in my hand a few of the stories citizens in Oregon have sent to me. To give you a sense of the type of frustration we are hearing, Don writes:

Last year my premium went up 65 percent even though I've made no significant claims against my policy.

Or we can turn to Jane, who says:

... we are subject to being turned down for health insurance [because] I have a chronic illness....

Or we can turn to Adrienne, who observes:

The medical debt was crushing, and we were forced to file for bankruptcy.

Or we can turn to Amanda, who says:

My daughter cut her finger. I took her to emergency, the hospital is a network provider. The ER Physician said she needed surgery. Okay, what do I know, they are the experts. It turns out that the Surgeon is not a network provider. She bills [me] over \$9,000.00....

... I have little hope. Do I file [for] bankruptcy?

Or we can turn to Art, who says:

In less than 5 years, I had to change my health insurance 5 times. It was never a matter of choice; I simply had to take whatever plan my employer decided to offer.

Or Dagne, who observes: When I started to fill out my insurance form, I had "Questions such as 'Have you ever had . . .'"—for instance, I had asthma.

And he goes on to describe his challenges. And the list goes on and on and on. That is why we are in this health care dialog. Because we need to fix our health care system that is broken for working Americans.

The bill we have passed and the President has signed has three terrific provisions. It creates State-based markets for health care policies, where consumers can shop for the best policy. These markets will increase choice and competition. Second, the bill ends insurance company practices that victimize our working families—practices such as turning people down for pre-

existing conditions or dumping them off of their policies when they are injured or when they have a disease. And, third, it invests in our provider workforce to counter the rapid retirement of baby boomers. Out in Oregon, we are going to lose 20 percent of our primary care physicians in the next 5 years, while many of us, as baby boomers ourselves, are going to need more health care.

So those things are huge challenges. This bill takes a stride that is very significant, and this week we will work to pass—with an up-or-down vote—a bill that will make further improvements to the bill the President signed yesterday.

I am pleased to join my colleagues in this fight to repair a broken health care system that is not working for our working citizens.

Thank you.

Mr. WARNER. I thank Senator MERKLEY. Thank you for sharing those stories from real folks who are dealing with the current broken health care system. There are enormous stress, challenges, and burdens that our current system places on those families. I think we are taking a giant step forward. The President already has by signing into law the bill yesterday. We will continue that step with passing this reconciliation bill later this week.

I now wish to call on another one of my colleagues, Senator TOM UDALL of New Mexico. Senator UDALL has, again, along with all the other freshmen colleagues, been a leader in this fight. He has particularly taken on the issue of prevention and the fact that we have a health care system in this country that is more a sick care system than it is a wellness and prevention system. I want to hear from Senator UDALL about how the bill is going to affect the good folks of New Mexico.

Senator UDALL.

Mr. UDALL of New Mexico. Mr. President, I thank Senator WARNER for leading us and pulling us together in this freshman effort. It has been a pleasure to work with all of my fellow freshman Senators on the floor again and to join them right now. Last fall, we gathered right here in this Chamber to fight for health care reform. As a group, we helped lead the charge to make quality, affordable health care accessible to all Americans. Yesterday, the change we have been fighting for became a reality. With President Obama's signature, health care reform is now the law of the land.

This moment has been a long time coming. Teddy Roosevelt first called for health care reform nearly a century ago. His banner was taken up by a long and distinguished list of men and women who advocated for change. For too many years, New Mexicans, like Americans across the country, have struggled to find or afford health insurance. They have struggled to hang on

to policies that get more and more expensive and more and more restrictive every day. With this reform, all of that begins to change.

No longer will insurance companies be able to discriminate based on pre-existing conditions. No longer will they be able to dramatically increase rates without public scrutiny. No longer will 32 million Americans worry every day about what would happen to their families if they get sick or are in an accident. I am proud to have fought for and voted in favor of this historic legislation.

This reform will benefit all Americans, including our country's First Americans, the 1.9 million American Indian and Alaska Natives who have spent too many years suffering because the federal government hasn't lived up to its promise to them.

With this reform, we begin meeting our obligations to Native Americans by reforming the Indian health care system and permanently reauthorizing the Indian Health Care Improvement Act. This law, which provides a framework under which health care programs for Native Americans are delivered, hasn't been reauthorized in more than 10 years. As a result, American Indian and Alaska Natives are three times as likely as whites to be uninsured, and almost half of low-income American Indians and Alaska Natives lack health coverage.

With this reform, no longer will Native Americans be forced to suffer needlessly. No longer will they have to go without treatment for chronic conditions like diabetes and heart disease. No longer will they have to put off basic care like colonoscopies or cholesterol screenings.

I say again, today is a new day for health care in America. I am proud to have fought for, and voted in favor of, this historic legislation.

Yesterday, we began taking back control of our own health care. Today, the journey continues. I pledge to continue fighting every day to ensure New Mexican families and small businesses have the security and stability that comes with access to quality, affordable health care.

The reason I have fought so hard for reform is simple. For my constituents, the status quo is not an option. So it is the people of New Mexico I wish to talk about today. They are the reason I stand up every day and fight for comprehensive reform.

People such as Katheryn Whitesides—Katheryn lives in Clayton, NM. We met last year when she attended one of my health care town-halls. Katheryn worked hard all her life. She had affordable insurance through her employer. But since she retired, Katheryn's health insurance premiums have risen dramatically from \$110 a month when she was working, to more than \$800 a month today.

Katheryn's insurer recently denied a claim for a treatment she received. Now, on top of skyrocketing monthly premiums, she also owes about \$4,000 in medical bills. That is more money than she receives from 5 months of pension payments.

As Katheryn herself said:

It's unsustainable for me. And I know I'm not the only one. I'm just looking for some relief—not just for me, but for all those people coming behind me.

To folks such as Katheryn, I say: Relief is coming. This reform will make health insurance more affordable by placing caps on out-of-pocket medical expenses. It will make it more affordable by providing premium assistance through tax credits for low- and moderate-income families.

I am fighting for New Mexicans such as Katheryn, and I am also fighting for New Mexico's small business and for entrepreneurs such as Arvind Raichur. Arvind has owned a small business in Albuquerque for more than a decade. As the boss, he has made it a priority to provide his employees with good benefits. For years, he paid 100 percent of his employees' health care premiums, but he is not sure how much longer he will be able to do that and stay afloat. You see, for the past few years, Arvind's insurer has increased his company's health care premiums by between 30 and 40 percent every year, and there is nothing Arvind can do about it.

As Arvind said:

We've got no bargaining power. We've got no leverage. I'm insuring maybe a dozen people at my company here. It's very hard. The insurance companies give you a 30 or 40 percent increase and that's what you get. . . . It's too big a bite.

To small business owners such as Arvind and their employees, I say: Relief is coming.

This reform will help small businesses by making it more affordable for them to offer coverage for their employees. We do this by providing tax credits for up to 50 percent of premiums and by creating small business health exchanges to build a larger employee pool.

In New Mexico, the vast majority of our insured are employed, but they and their employers can't afford coverage. These new tax credits will help our small businesses provide insurance for their employees at a cost they can afford.

For hardworking New Mexicans like Katheryn and for small business owners like Arvind, health care reform can't come fast enough. Katheryn and Arvind can't afford the health care status quo. Katheryn and Arvind are the reason I stand here today. To my friends on both sides of the aisle I say: Let's get this done.

I am proud to be part of this body as we cast our final votes in favor of this landmark reform. With this final vote,

we will finish this leg of the race. I look forward to building on this solid foundation in the coming months and years.

I yield the floor.

Mr. WARNER. I thank Senator UDALL. I know our time is running out; just a final comment I wish to make.

As many of my colleagues know, I had the honor of serving as Governor of Virginia before becoming a Senator. I think one of the differences between an executive and a legislator is, as a former executive I realize that passing the bill is just the first step. What happens is going to be in the implementation afterwards.

The appeal I would make, particularly to my colleagues on the other side, is, I agree with some of their points that we don't go far enough on cost containment, but there are a lot of things in this bill where we grant the Secretary the ability to start experimental programs—on cost containment, on bundling of payments. How this bill is implemented is going to be where the rubber hits the road. I, for one, believe there is more we can do around this issue of cost containment, and I hope in the coming weeks and months, rather than being for repeal, they would join with us in finding that common ground to make this legislation even better.

I yield the floor.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, I wish to let Senators know that we intend to alternate blocks of time, roughly a half hour on each side. So I ask unanimous consent that the next half hour be under the control of the Republicans and the half hour thereafter be under the control of the majority.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from Florida.

AMENDMENT NO. 3586

Mr. LEMIEUX. Mr. President, I ask unanimous consent to temporarily set aside the pending motions and amendments so that I may offer an amendment which is at the desk.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Florida [Mr. LEMIEUX] proposes an amendment numbered 3586.

Mr. LEMIEUX. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To enroll Members of Congress in the Medicaid program)

At the end of subtitle C of title I, add the following:

SEC. 1207. MEMBERS OF CONGRESS REQUIRED TO HAVE COVERAGE UNDER MEDICAID INSTEAD OF THROUGH FEHBP.

(a) IN GENERAL.—Notwithstanding chapter 89 of title 5, United States Code, title XIX of the Social Security Act, or any provision of this Act, effective on the date of enactment of this Act—

(1) each Member of Congress shall be eligible for medical assistance under the Medicaid plan of the State in which the Member resides; and

(2) any employer contribution under chapter 89 of title 5 of such Code on behalf of the Member may be paid only to the State agency responsible for administering the Medicaid plan in which the Member enrolls and not to the offeror of a plan offered through the Federal employees health benefit program under such chapter.

(b) PAYMENTS BY FEDERAL GOVERNMENT.—The Secretary of Health and Human Services, in consultation with the Director of the Office of Personnel Management, shall establish procedures under which the employer contributions that would otherwise be made on behalf of a Member of Congress if the Member were enrolled in a plan offered through the Federal employees health benefit program may be made directly to the State agencies described in subsection (a).

(c) INELIGIBLE FOR FEHBP.—Effective on the date of enactment of this Act, no Member of Congress shall be eligible to obtain health insurance coverage under the program chapter 89 of title 5, United States Code.

(d) DEFINITION.—In this section, the term “Member of Congress” means any member of the House of Representatives or the Senate.

Mr. LEMIEUX. Mr. President, I rise in support of the amendment I am offering today.

I wish to thank my colleague from Virginia who asked us to think about the practical aspects of this health care reform. I just listened to my freshman colleagues on the Democratic side talk about all of the good things, in their opinion, this bill is going to do. There is one thing I didn't hear them speak about. I didn't hear them speak about the fact that half of the new people who are going to be covered by health care in this country—some 16 million of the 30-some million who have the opportunity for health care under this law—are going into Medicaid.

The practical impact my friend from Virginia asked us to think about is that our States right now are finding themselves in bankruptcy, realistically, because of the obligations of Medicaid. Our States, unlike the Federal Government, have to balance their budgets. Medicaid is a program that the States pay some 50 percent of, and they can't make it work. We are finding out in Florida right now that this program—this new law—will cost Florida \$1 billion in the next 10 years. Because they balance their budget and because they can't print money, that means the dollars will go away from teachers, away from students, and away from police.

The point I wish to make today and the amendment I am offering is this:

Several times, as I have been on the floor and heard from my Democratic colleagues, they have made this point: Why shouldn't the American people have the same health care that we in the Congress enjoy? Why shouldn't they, as do all Federal employees, be able to pick from a comprehensive and rich plan of benefits in order to take care of their health and the health of their families?

That is a good point, but what is going to happen to these 16 million new Americans? They are going to go on Medicaid. That is not the plan we have. That is not the rich benefits the Members of Congress enjoy. Medicaid—health care for the poor, which will now have some 50 million Americans in it after these 16 million join it—is a program in crisis. It is a program that is failing.

Let me give my colleagues some real examples. Right now we know patients on Medicaid can't find doctors who will treat them. We know in California, for example, 49 percent of family physicians do not participate in Medicaid.

I entered this document into the RECORD last week. On March 17 the Seattle Times reported that Walgreens will no longer take new Medicaid patients in the city of Seattle. On March 15, the New York Times reported about Mrs. Vliet. She is in Flint, MI. She has cancer. For 2 years she has been receiving treatment, but now her doctor is dropping her from Medicaid. He says:

But after a while you realize that we're really losing money on seeing those patients, not even breaking even. We are starting to lose more and more money, month after month.

All across America, health care providers are dumping Medicaid, and we are about to add 16 million new people. So I wish to take a page from my friends on the other side because they say the American people should have the same rich benefits we have.

What I am proposing today with this amendment is that 535 Members of Congress should have the same benefits as these 16 million new people and these 50 million Americans. Under this amendment, the Members of Congress will go into Medicaid. If it is good enough for 50 million Americans, it should be good enough for us.

So I have offered amendment No. 3586. It will require that the benefits that are paid for health care by the Federal Government for the 535 Members of Congress go to the State Medicaid agencies, and then we can all enjoy this program that 50 million people in America are struggling with. If it is good enough for 50 million Americans, it is good enough for Members of Congress.

I wish to call upon my distinguished colleague from Arizona whom I know wishes to speak on this issue as well.

Mr. MCCAIN. Mr. President, I ask unanimous consent to engage in a col-

loquy with the Senator from Oklahoma, the Senator from Florida, and myself.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MCCAIN. Mr. President, I strongly support the amendment. Let me also just for a moment point out where we are.

Where are we now that all the champagne has been drunk and all the celebration has gone on; the inside-the-beltway excitement has subsided along with the adoring media? Here we are: We have a budget deficit that is still \$1.4 trillion. We still have 9.7 percent unemployment. Beginning right away we have \$½ trillion worth of Medicare cuts that will take place over the next 10 years—\$½ trillion beginning right away, \$½ trillion worth of tax increases over the next 10 years.

Beginning in 4 years, \$2.5 trillion in new health care entitlements spending begin. The plan still puts government in control. It still mandates that every American must purchase a government designed and approved health policy. It still mandates that employers have to provide health insurance or pay a fee, and 330,000 Medicare Advantage members in my State are going to be exposed to drastic cuts.

Fortunately, we took out one of the sweetheart deals so that now, at least the 800,000 who were carved out before in Florida will be subject to the same cuts. No one, no one, no one believes—the so-called doc fix—that the 21-percent cut in physicians payments for treatment of Medicare patients is going to happen.

You can put lipstick on a pig, but this is still a pig. I noticed the Senator from Illinois came to the floor this morning and said how great this is and how there is going to be real reductions in the deficit as a result of this legislation. I wonder what his response has been to one of the biggest corporations in the State of Illinois, Caterpillar, who sent him a letter saying:

In our fragile economy, we can ill afford increases that place us at a disadvantage versus global competitors that are not similarly burdened.

They state:

Elements of the legislation would drive up Caterpillar's health care costs by more than 20 percent, over \$100 million.

The Senator from Illinois is sponsoring legislation that increases costs for one of the largest manufacturers and exporters in America that is going to increase their cost by \$100 million. I wonder when he is going to go out and visit headquarters out there in Peoria. I hope it is soon.

The fact is, there are things in this legislation that are wrong, and there are things that are left out of this legislation that are wrong, including \$100 billion a year that could be saved by medical malpractice reform. Is there anything in those 2,073 pages that have

anything to do with medical malpractice reform? That is the dirty little secret. The dirty little secret in this body is that trial lawyers control the agenda, certainly as far as this legislation is concerned.

The State of Texas has reduced costs, has reduced premiums, and has increased the number of people who have been able to—lawsuit filings are down from defensive medicine increases for annual costs by 10 percent. Physician recruitment is up. The largest malpractice insurance company in the State has sliced its premiums by 35 percent, saving doctors some \$217 million over 4 years in the State of Texas. And I would like to ask my friend from Oklahoma why in the world we would not enact medical malpractice reform if we are truly interested in reducing the cost of health care in America.

The Senator from Oklahoma and our other doctor in the Senate, Senator BARRASSO from Wyoming, can testify because of their experience of the requirement to practice defensive medicine, which could be as much as \$100 billion a year. So here we are, looking at dramatic increases in cost, and the President is going around the country saying that insurance premiums will go down. Individual premiums will go up between 10 and 13 percent. You know, facts are stubborn things.

So I would ask my friend from Oklahoma if he might talk a little bit about not only what is in this bill but what is not in this bill, and medical malpractice reform is certainly something that anyone would logically assume would be part of any real reform if you are interested in reducing cost.

If you are interested in increasing government bureaucracy, I hear this bill could mean the employment or hiring of some 16,500 new IRS agents. We are trying to track down the facts behind that. So we are now embarked on one of the greatest expansions of government in the history of this country.

Mr. COBURN. I thank the Senator for his question. If you look at Thomson Reuters and several others who have studied the health care field, the estimate for defensive medicine costs is \$250 billion a year. It is not just that we order tests that protect us from frivolous lawsuits, but those tests have consequences. Some of those tests actually hurt patients or expose them to radiation or, in fact, limit our ability to do what is best for the patient because we are more interested in protecting ourselves.

Mr. MCCAIN. May I ask the opinion of the Senator from Oklahoma as to why he thinks there is no address of medical malpractice reform whatsoever in this legislation that has the slightest impact on reducing health care costs?

Mr. COBURN. I think there are two reasons. One is because there is large support of those who wrote this legisla-

tion by those who benefit from suing doctors. That is pretty straightforward. And the doctor's only defense is to order tests which they need but which the patient doesn't necessarily need. The second is because they couldn't get—or wouldn't put it in the bill because they knew it would pass and the American people would agree with it. You know, it is beyond me.

But let me go to the point of this current amendment. I have delivered somewhere over 4,000 babies, and 2,000 of those were Medicaid babies. Over half the babies I have delivered in my life I have cared for through Medicaid. The State of Oklahoma just cut, in February or March, Medicaid reimbursements 3 percent. They are going to cut it another 8 percent. Forty percent of the primary care doctors don't see Medicaid patients because the price that is paid for the coverage doesn't cover the cost, let alone any margin. It doesn't cover the cost of nurses, the rent, the malpractice, and everything else.

The second point is, of the specialists who are available, 65 percent of the specialists in this country won't see Medicaid patients. So when I am taking care of Medicaid patients, I have trouble finding somebody better than me in a specialized area to care for my patients.

What is the other thing we know about Medicaid? Even if you normalize for social factors, their outcomes are worse. The cost in terms of the number of procedures, the failure of therapeutics—all are worse.

So why is this a good idea? It is not just a political stunt. If Members of Congress are enrolled in Medicaid, the first thing that is going to happen is Medicaid and reimbursements are going to go up so that the availability of the finest and the best and the brightest in this country is available to Members of Congress. So it is not just a stunt to say we put our membership in Medicaid; it is a very important ulterior motive to improve Medicaid.

Think about it. If you are one of the 16 million people who are going to get health care under Medicaid, supposedly, in this bill—and I doubt that seriously, simply because we are going to see a marked decrease of 50 or 60 percent of doctors who won't see them—think about what is going to happen: You are not going to be able to find a doctor. You may have coverage, but you won't be able to get anybody to care for you. Is that coverage? Is that care? Is that prevention? Is that management of chronic disease? No. None of that will happen.

So the whole idea of placing us in a leadership position into Medicaid is so that we will lead and fix it and make it what it should be. There is only one health care system worse in America than Medicaid, and that is the Indian Health Service. That is the only one

that is worse. Everything else outside of those two programs is better. So why would we consign 16 million Americans to a health care program that is failing today? So the way to fix that is to put us into it. And I guarantee you, the self-interests of the Members of Congress will fix Medicaid and make it what it should be.

With that, I yield back to the original author of the amendment.

Mr. LEMIEUX. I thank my friend and colleague from Oklahoma.

How could anyone in this body not vote for this amendment? Why should we have better health care than the 16 million people whom we are going to put into Medicaid, and now will be 50 million Americans? Why should we have it better? Why should we have a gold-plated premium health care plan?

Look, I have a family of five. We are going to have a baby any day—could be today—so it will be a family of six. I pay \$400 a month on the government program—\$5,000 a year. Could I get that in the marketplace? Of course I couldn't. There is a doctor here in the Capitol, a whole staff of them, anytime I want to see a doctor. I get fantastic health care as a Member of Congress.

Why shouldn't we have the same health care we are subjecting 15 million new Americans to and 50 million Americans in total? As my friend from Oklahoma says, certainly won't that make the point to us that this health care system is failing? What will happen when a Member of Congress tries to find a doctor and can't find a doctor who will take him? What is going to happen when he tries to find a specialist and no specialist will take him? You don't hear our friends on the other side talking about the fact that half of the people getting coverage under this legislation are going into a failing system. That is not one of their talking points, but it is the truth. So I challenge my friends who say that they should walk among the least of us to vote for this amendment.

I want to turn again to my colleague from Arizona. He and I have expressed our distress about this bill for lots of reasons, but a specific reason is that we both represent States with lots of seniors.

We have this Medicare Advantage Program that is going to get \$200 billion cut out of it. That will really affect our two States. So I wonder—and I would ask my colleague, the distinguished Senator from Arizona, to speak on this issue—how is this going to affect seniors in Arizona when we are raiding Medicare to start this new program?

Mr. MCCAIN. I thank my friend from Florida. The fact is, Medicare Advantage is a program that provides seniors with choices. That is one of the reasons it is a major target of the other side—because it doesn't fit in, then, with the government mandates this whole bill

embodies. So I am worried about the 11 million Americans who have the Medicare Advantage Program.

I would like to refer my colleagues to an article—I know the Senator from Utah is waiting, if he would just give me another minute or so here—today in the Wall Street Journal titled “Now, Can We Have Health-Care Reform?” And I want to quote from part of it, as follows:

Health insurers, and indeed Corporate America as a whole, are like monkeys who are caught by staking a glass jar to the ground with a shiny trinket inside. They won't let go so they can't get their hands out of the jar. That trinket is the ruinous and regressive \$250 billion-a-year tax benefit for employer-provided insurance.

That is the elephant in the room, my friends.

Corporate America isn't brave enough to argue against a direct subsidy to its employment costs, no matter how perverse its impact in insulating consumers from the true cost of their health care choices. Insurers are not brave enough to say: Give us a tax code that lets us go back to being insurers rather than a tax laundromat for the middle class's health care spending.

Almost any bill would have been worth having that fundamentally fixed this tax distortion, regardless of its other elements.

We say this because any bill, including the one signed by the President yesterday, will be revisited many times in the future. Millions of pages of rules will be written by regulators before we see how it really works. Congress itself will return in predictable ways: It will reverse the proposed Medicare cuts that created ObamaCare's illusion of fiscal probity. It will tighten the mandate that requires insurers to cover the sick at favorable prices. It will not tighten the requirement that the young and healthy buy insurance at prices that subsidize the old and unhealthy.

More and more tax money will have to be found to keep the jalopy on the road. More and more administrative controls on medicine will attempt vainly to keep the jalopy from bankrupting the Nation.

Under the law just signed, employers have even more incentive than they did yesterday to lavish excessive health insurance on their high-end employees.

Mr. President, I ask unanimous consent to have printed in the RECORD this entire Wall Street Journal article.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Wall Street Journal, Mar. 24, 2010]

NOW, CAN WE HAVE HEALTH-CARE REFORM?

(By Holman W. Jenkins, Jr.)

A certain kind of person—we get emails from them all the time—understands exactly nothing about the health-care debate, but thinks they know who the villain is: the insurance industry.

Barack Obama is not one of them. In the desperate hours he played to public ignorance. But from the beginning, the industry was his ally because he set out to solve its biggest problem—which is not the same as America's biggest problem.

We'll let Angela Braly, CEO of insurer WellPoint, take the story from here. She was recently hauled before Congress to justify her company's proposed 39% rate hike in

California. She explained the source was two-fold: rising medical costs and healthier customers dropping their coverage, forcing the sick to pick up the tab.

Now this sounds like two problems, but for WellPoint and other insurers it's really only one problem. Once everyone is required by government mandate to buy insurance, the industry's survival is no longer threatened: It can just pass its skyrocketing costs along to customers. Once customers can no longer refuse to buy the industry's product, the problem of costs won't be fixed, but it no longer is the insurance industry's problem.

There, in that one sentence, we give you the failure of ObamaCare, the failure of the congressional health-care debate, the failure of health-care politics in this country.

Health insurers, and indeed Corporate America as a whole, are like monkeys who are caught by staking a glass jar to the ground with a shiny trinket inside. They won't let go so they can't get their hands out of the jar. That trinket is the ruinous and regressive \$250 billion-a-year tax benefit for employer-provided insurance.

Corporate America isn't brave enough to argue against a direct subsidy to its employment costs, no matter how perverse its impact in insulating consumers from the true cost of their health care choices. Insurers are not brave enough to say: Give us a tax code that lets us go back to being insurers rather than a tax laundromat for the middle class's health-care spending.

Almost any bill would have been worth having that fundamentally fixed this tax distortion, regardless of its other elements.

We say this because any bill, including the one signed by the president yesterday, will be revisited many times in the future. Millions of pages of rules will be written by regulators before we see how it really works. Congress itself will return in predictable ways: It will reverse the proposed Medicare cuts that created ObamaCare's illusion of fiscal probity. It will tighten the mandate that requires insurers to cover the sick at favorable prices. It will not tighten the requirement that the young and healthy buy insurance at prices that subsidize the old and unhealthy.

More and more tax money will have to be found to keep the jalopy on the road. More and more administrative controls on medicine will attempt vainly to keep the jalopy from bankrupting the nation.

Under the law just signed, employers have even more incentive than they did yesterday to lavish excessive health insurance on their high-end employees. They have less incentive to cover low-end workers, or even hire them.

For the young, healthy or anyone not stumbling into a giant tax handout, buying insurance at the inflated prices available in the marketplace would be an even crazier financial decision today than it was yesterday—because now you can wait and buy it when you're sick.

For insurers, the check is in the mail: So watered down is the individual mandate that it must accelerate the industry's death spiral if not for the massive subsidies the government now has obliged itself to provide to keep the industry afloat and allow insurers to continue scalping their 15% off the top for serving as gatekeeper to a tax loophole.

When all is said and done, with unerring accuracy, ObamaCare has ended up doubling down on the system's existing perversities. The one thing it doesn't do (though it would be perfectly consistent with the Democratic goal of universal access) is incentivize a

health-care marketplace based on competition in price and quality.

A world-class hospital in India does heart surgery the equal of any heart surgery in America, but does so at one-tenth the cost (and increasingly attracts a world-wide clientele). The reason is not what you think: low-paid doctors and nurses. The reason is that competition works in medicine as it does in everything else when the patient cares about getting value for money. This is the great low-hanging fruit of health-care reform. It continues to hang.

Mr. MCCAIN. Mr. President, I thank my friend from Utah for his indulgence.

The other side is going around the country right now telling the American people things that simply are not correct, including the fact that these budget projections we know are patently false, not because CBO gave us false numbers but because the assumptions were wrong. One of the biggest assumptions—and we will be talking about this more—is the so-called doc fix. Is there anyone who believes we are going to have a 21-percent cut in Medicare physician payments this fall?

I would ask my friend, the Senator from Utah, who is very familiar with this issue—I know he has an amendment, but this is one of the reasons Americans are so angry. They know they are not going to cut doctors' payments from Medicare by 21 percent, and that is a fundamental part of the assessments as to the cost by CBO. It is a sham perpetrated on the American people.

So I would say to my friend from Florida and my friend from Utah, we will be back on the floor probably this fall sometime or early next year, and we will be talking about the fact that this doc fix—the doctor payments provision of health care for Medicare enrollees—was not cut 21 percent, as the other side is telling the American people that it will be. It is not fair to the American people, I would say to my friend from Utah.

Mr. HATCH. I agree with my friend from Arizona, no question.

MOTION TO COMMIT

Mr. HATCH. Mr. President, I ask unanimous consent to set aside the pending motion to offer a motion to commit.

The PRESIDING OFFICER. Without objection, the clerk will report.

The legislative clerk read as follows:

The Senator from Utah [Mr. HATCH] moves to commit the bill H.R. 4872 to the Committee on Finance with instructions to report the same back to the Senate within 1 day with changes to strike all cuts to the Medicare Advantage program and add an offset if the Department of Health and Human Services' actuary certifies that 1,000,000 or more Medicare Advantage beneficiaries, American seniors, and disabled individuals, will lose their current Medicare Advantage coverage or plan benefits.

Mr. HATCH. Mr. President, before I discuss my motion to commit to protect the Medicare Advantage Program

for more than 10 million seniors, I would like to take a few moments to discuss the broader issue of health care reform.

To be honest, we have never seen anything like the issues facing our country right now. We are at a pivotal point as a Nation. The line between private businesses and public government has never been so blurred. Government effectively owns several of our Nation's financial institutions, insurance companies, and auto manufacturers. CEOs have been fired by government bureaucrats, and Washington is now in the business of running our health care system more than ever before.

Our fiscal outlook is bleaker than ever. According to the recent 10-year outlook by the Congressional Budget Office, the CBO, the current administration's policies would add \$8.5 trillion to our already record national debt. The report also confirmed that we would be facing a record deficit of \$1.5 trillion this year, along with a dire prediction of our deficits only getting worse after 2015 and beyond.

Let me put this in perspective. Our deficit this year is the largest yearly deficit since 1945. It is 10 percent of our entire economy. Our national debt is on a path to double in the next 5 years and triple in the next 10 years. According to CBO, our national debt will explode to \$20.3 trillion by 2020 or 90 percent of our GDP. We are literally drowning the future of this Nation and the future of our kids and grandkids in a sea of red ink.

I deliver these remarks with a heavy heart because what could have been a strong bipartisan bill reflecting our collective and genuine desire for responsible health care reform turned out to be an extremely partisan exercise resulting in one of the largest big-government spending bills being signed into law yesterday. We are jamming through another 153-page addition of new taxes and spending.

Recent polls show that a majority of Americans remain concerned and skeptical about all the promises of reduced deficits and lower costs under this legislation. Why? Because they know there is no such thing as a free lunch, especially when Washington is the one inviting you over.

According to the administration's own Actuary at the Centers for Medicare and Medicaid Services, CMS, the health care bill signed by President Obama yesterday will actually raise our total health care spending by \$222 billion over the next 10 years. That does not even include the doc fix the distinguished Senator from Arizona was talking about, which is as much as \$371 billion more.

But the most cynical joke played by Washington on the American people in this entire exercise has been the promise of this \$2.5 trillion tax-and-spend

bill actually reducing our deficit. Nobody believes that.

The biggest bait and switch on the American people about the bill's impact on the deficit is a simple math trick. If something is too expensive to do for a full 10-year period, just do it for 5 or 6 years. Most of the major spending provisions of the bill do not go into effect until 2014 or later—coincidentally after the 2012 Presidential elections. So what we are seeing is not a full 10-year score but rather a 6-year score. According to the Senate Budget Committee, the full 10-year score of the Senate bill would approach \$2.5 trillion. We are already spending \$2.4 trillion.

More importantly, let me also clarify what the Congressional Budget Office has said on the nearly \$500 billion in Medicare cuts which my friends on the other side argue will magically not only extend Medicare solvency but also pay for a large part of this bill. This is like telling American families that they can spend the same magical dollar to not only pay their mortgage but also their credit cards. It is nonsensical. Here is what the experts at CBO said:

The key point is that the savings to Medicare trust fund . . . would be received by government only once, so they cannot be set aside to pay for future Medicare spending and, at the same time, pay for current spending on other parts of the legislation or on other programs.

By the way, did I mention that at a time when major government programs like Medicare and Medicaid are already on a path to fiscal insolvency, it is interesting to note that more than half of the newly covered lives, 16 million out of the 32 million, are simply being pushed into the Medicaid Program. And if anyone thinks that States, that are facing more than \$200 billion in deficits, will not be left holding the bag in the future, then I have a bridge to sell to you.

I have said all along that this is not a fight between Republicans and Democrats, but a fight between the Democrats and a majority of Americans who did not want this bill. In townhall after townhall and poll after poll and election after election, Americans begged Washington to listen to their voices. But Washington ignored them and used every means necessary—from backroom deals to procedural trickery—to get this bill passed.

We need to remember the real implications of these policies—not simply in terms of political legacies and ideological holy grails—but in terms of its impact on the future of our children and grandchildren. We need to ensure that they have the same opportunities to prosper that we have all been blessed with.

I would now like to speak for a few minutes about a motion to commit that I will be offering. My motion to

commit states that if the Actuary of the Department of Health and Human Services certifies that 1 million Medicare Advantage beneficiaries lose their coverage or benefits, the cuts to the Medicare Advantage program will not go into effect. It is that simple.

It is important to point out that the bill the President signed into law yesterday would slash \$120 billion from the Medicare Advantage program. This reconciliation bill would cut the program by an additional \$66 billion for a grand total of \$202 billion.

Before the health care reform bill was signed into law, CBO projected that Medicare Advantage enrollment would have increased from 10.9 million in 2010 to 13.9 million in 2019. Now, Medicare Advantage enrollment will be 4.8 million less in 2019 due to the passage of the new health bill or almost 2 million less than today.

CBO also projected that rebates for additional benefits and reduced cost-sharing offered through Medicare Advantage would be reduced by 50 percent from \$135 per member per month to \$67 per member per month in 2019. These lost benefits include lower premiums, lower copayments, and lower deductibles. It will also impact everything from hearing aids to dental and vision benefits. Most importantly, it would violate President Obama's own pledge "if you like what you have, you may keep it."

Medicare Advantage works. Every Medicare beneficiary has access to a Medicare Advantage plan. Almost 90 percent of Medicare beneficiaries participating in the program are satisfied with their health coverage. It is time for us to stand up for more than 10 million seniors and ensure that this program is not used as a piggy-bank to finance Washington's big government plans.

I appreciate my colleagues allowing me to go maybe a minute longer than I should have, but I urge my colleagues to support my motion to commit this bill.

The PRESIDING OFFICER. Who yields time? The Senator from Montana.

Mr. BAUCUS. Mr. President, have Republicans used up their time?

The PRESIDING OFFICER. The Republicans have 1 minute remaining.

Mr. BAUCUS. I don't mean to be picky, but I assume they will yield back that minute.

Mr. HATCH. I will yield back the minute.

Mr. BAUCUS. I will yield 15 minutes to the Senator from Maryland.

The PRESIDING OFFICER. The Senator from Maryland.

Ms. MIKULSKI. Mr. President, this is indeed a great day because we are passing real health care reform for American families, for American workers, for American small business, for seniors, and our communities. Health care

reform will save lives. No longer will dreams and lives be endangered because people lost their health care insurance when they got sick, lost a job or had an accident.

I listened to the other side which says they listen to the people. You heard the old saying, "Men are from Mars, women are from Venus." I think that party is from Mars and we are from planet Earth. I think they have been out in orbit. The planet Earth that I am on tells me to pass health insurance reform.

One of the reasons I am voting for this bill, the main reason I am voting for this bill, is the stories I heard from my constituents in Maryland—roundtables, townhalls, hearings, lots of letters, phone calls, e-mails. They told me about the situation in their lives, where they were terrified that one big health care incident could lead them into bankruptcy. They were terrified that if they had changed a job to one in our new high-tech communities that would have offered great opportunity for them—they didn't take it because they were not going to have health insurance.

When I listen to people, I think about the lady in Cumberland who works full time, but her employer does not provide health insurance and she is terrified that she is one sickness away from a catastrophic situation, or from Karen, in Kensington, whose father had to quit work because he had Crohn's disease. He was making payments on his insurance. He was two payments short, and they canceled his insurance. It took him 6 months to try to get it back. He lost his coverage, and he was only 59 years old when he passed away.

Then there were the breast cancer survivors, the wonderful women and the men they love who are out there raising money for the cure. But even in a prosperous community such as Annapolis, a woman told me how she lost her job and with it her family's health insurance, and when her insurance ran out, she was terrified she would lose her cancer treatment.

Walking around the diners—and I love diners. I see myself as a diner Democrat. In every diner it is usually multigenerational people. What do they tell me? Barb, don't forget the old people. Senator Barb, no matter what, keep Medicare stable. If you are 50 years old, you are terrified your parents can lose their Medicare and it is going to fall on you. The sandwiches they are eating are eaten by the sandwich generation, worried about the old-timers' health care, worried about keeping their own, and then trying to figure out how they were going to pay for college. Medicare has multigenerational implications.

This is why in this bill I am so proud of the fact that we are going to stabilize Medicare for another 10 years and do very important reforms in Medicare.

I am also pleased to respond to the people who said no matter what, make health care available and affordable. For every parent who has ever worried about covering a child with a chronic illness, whether autism or cerebral palsy or juvenile diabetes, they will always be able to get health insurance. The small business owner, such as my own father who once had a grocery store or my grandmother who had the best bakery shop, worried about how they were going to provide individual health care for themselves—this generation will not have to worry about that.

This bill is an exceptional one. We save Medicare, expand its solvency for another nearly a decade. We end the punitive practices of insurance companies. We expand uniform access, and we pay for it with an emphasis on wellness and quality, saying goodbye to quantity medicine and emphasizing quality medicine; goodbye to volume medicine and getting value for our dollar.

For our seniors, one of the most important things we will do is close that doughnut hole. The doughnut hole has been hard to swallow ever since this bill was passed. We are going to provide a \$250 rebate for seniors who hit the gap in the prescription drug benefit and also offer a better discount on prescription drugs.

I am also very excited and honored because of the role I played in making sure we ended the punitive practices of insurance companies toward women. For too long, in too many ways, they treated simply being a woman as a preexisting condition. First of all, they charged us 30 percent to 40 percent more just simply to be able to get insurance. Then they would have the punitive practices of denying us health insurance for a preexisting condition. In eight States, domestic violence was viewed as a preexisting condition. You talk about being abused—you were abused by your husband, then you were abused by your insurance company. We are not going to be battered anymore by these companies. We ended that in this bill.

Then there was the hearing that shocked and chilled me, a hearing on gender discrimination in insurance. A woman told a compelling story, Peggy from Colorado, that after she had a C-section and a premature baby, the costs were high. She lost her health insurance and when she went to apply they told her in order to get health insurance, because she had a premature baby, because she had a C-section, they would not give her health insurance unless she was sterilized.

I couldn't believe it. That is what fascist countries do. That is what authoritarian regimes do. It was not the Taliban in Afghanistan, it was an insurance company in Colorado. We took up that fight and ended those abusive practices in this bill. Never again will

a woman be able to be denied health insurance because of any preexisting condition. We ended gender discrimination in charging women more.

But as the debate went forward, they wanted to take the mammograms away from us and they didn't want to put mammogram and preventive services for women in the bill. They said it costs too much money.

I didn't want to hear that. I asked the women to suit up and come to the floor and we offered an amendment. The good men of the Senate also joined us. Many remember we wore pink that day. Today we are in the pink as well. We offered our amendment to ensure preventive services for women so that if your doctor says you need a mammogram, you are going to get one. If you need screening for cervical cancer or a Pap smear, you are going to get one and you are not going to have to pay a copay and a deductible. But like the old song "Bread and Roses," we fight not only for women, but we fight for men too. Because for us it is not gender, it is about the agenda, and the biggest agenda is to make sure we provide health care to as many Americans as we can in the most affordable way, with value, quality, and prevention as their underpinnings.

We were able to make significant changes in this bill. But affordability is an issue. I believe we dealt with that by emphasizing quality. At Senator Kennedy's request, I led the quality task force. Because of proven ways that we are going to be able to offer in these initiatives, we are going to be able to increase the affordability of this bill to make people healthier. We want to prevent disease and manage chronic disease. By the emphasis on the management of chronic disease, we are going to save lives and save money.

First of all, we are getting more value for the dollar. Yes, we will be looking at comparative effectiveness, so when you go for a treatment or you buy a drug, you know we are getting value for the dollar.

The other is, we are going to emphasize the reduction of medical errors and also medical infections in hospitals by introducing quality initiatives that reward hospitals for being able to do that. But I also listen to the providers. I represent iconic international institutions such as Johns Hopkins medical institution and the University of Maryland.

I listen to my primary care doctors as well. They said: Senator BARB, please reduce the hassle factor; too much paperwork and not enough time to be with patients; too many contradictory rules from the insurance companies and not enough of a clear path on what we can do to be able to help people.

So we made sure we are going to save money by reducing the hassle factor by simplifying administrative costs, by

emphasizing medical health information technology. We are going to promote evidence-based medicine through this comparative effectiveness research. We are going to also reward, following the recommendations of the Finance Committee, the encouragement of medical homes in order to be able to manage chronic disease.

These are the many reforms that are in this bill and that I am very proud of. I am also, as the daughter of a small business owner, excited about how we are going to be able to help small business be able to provide health care to their employees. The fact that we are going to offer tax breaks for small business and be able to have health exchanges where they can buy those health care policies at a better cost is indeed important.

So, again, the other party might be Mars, but I am glad my feet were planted in planet Earth, by listening to the people I represent, by listening to their concerns and then listening to the excellent ideas that came from both the people themselves and, I must say, the people who are the providers who could help us lead the way.

I am going to vote for this bill. I know there is much to reform in it in the years ahead. But this is more than a beginning, this is a leap into the future. It is a leap we can take with confidence that when this bill passes with reconciliation, we will have won a major historic advance for the American people.

Our job is about creating opportunity and opportunity to have health care is one of the greatest benefits we can provide.

I yield the floor.

The PRESIDING OFFICER (Mr. BURRIS). The Senator from Montana.

Mr. BAUCUS. Mr. President, I ask unanimous consent that at the conclusion of the half hour under the majority's control, at about roughly 11:21, the Republicans control the next half hour and the majority control the half hour after that, starting at about 11:51.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAUCUS. Mr. President, I would like to take a couple moments to speak on two amendments, one offered by, I think, Senator HATCH, with respect to Medicare Advantage. Off the topic, it is important to remember that health care reform will reduce excessive overpayments to Medicare Advantage plans, while at the same time rewarding high-quality, efficient plans for providing care to seniors.

Medicare Advantage plans that achieve high-quality rankings under this legislation, let's say, for regular checkups for blood pressure, diabetes, will receive an increase in payments. That is very important because, today, Medicare Advantage plans are paid the same amount regardless of the quality of care they provide.

For the first time, under this legislation, payments to plans would be based on performance. I think that is something all seniors would prefer. That makes this Medicare Advantage plan more fair, more reasonable. This will enable plans to participate everywhere in the country, both urban and rural, while eliminating overpayments that plans receive today.

According to MedPAC—MedPAC is that bipartisan commission that advises Congress on Medicare payments—that organization says Medicare Advantage plans are paid 13 percent more than traditional fee-for-service plans, on average, and in some parts of the country overpayment is as high as 20 percent. They strongly recommend that we reduce that overpayment because it causes great inefficiencies.

I might also say that, today, because of the overpayments, all seniors on Medicare—I am talking now especially about seniors who take fee for service—all seniors on Medicare pay for these overpayments, even if they are not in Medicare Advantage plans. How? Well, it is basically because every senior pays \$3 more per month in Part B premiums, that totals about \$80, on average. So seniors in traditional fee for service are paying for the overpayments for Medicare Advantage plans.

Medicare Advantage overpayments drain resources for the Medicare trust fund. If they are overpaid, that means they are draining excessive resources from the Medicare trust fund. In fact, the government estimates that Medicare Advantage overpayments speed up insolvency of the Medicare trust fund by about 18 months.

After that, there is no evidence that overpayments to Medicare Advantage plans—do not forget these are private insurance plans—even though they say Medicare, they are private insurance plans. There is no evidence that overpayments to them lead to better quality for Medicare beneficiaries.

In fact, seniors can end up spending more out-of-pocket dollars under Medicare Advantage plans than under traditional Medicare, even if they have certain conditions. The bill eliminates these overpayments by decreasing the statutory rates in place today and giving quality performance payment increases to high-ranking plans. We are paying more than we do today to high-ranking plans.

No senior in Medicare Advantage will lose access to any of their Medicare benefits under this proposal. We hear all these false claims across the aisle that these cuts, which cause more efficiency, prevent waste, prevent overpayments, are going to cut beneficiaries, Medicare Advantage beneficiaries' payments. That is not true. It is misleading.

Plans will not be allowed to lower or drop their basic Medicare benefits that seniors are entitled to under the Medi-

care Program. So there are no cuts in basic Medicare benefits. In fact, they are guaranteed. The reforms in this bill will ensure that the dollars for the Medicare trust fund go toward improving the quality of care for seniors, rather than to support the operations of private insurers. I think that is something the vast majority of seniors would prefer. I wish to make that clear because some of the statements made on the other side of the aisle are quite misleading, which leads me to another point.

Americans probably are a little confused about what is in health care reform because they hear all kinds of claims, both sides. Well, now health care reform has passed. The President signed the bill yesterday. This is sort of to help, a fixer-upper around the edges a little bit. Americans can look for themselves as to who is telling the truth. They will want to look more closely than they have in the past because now it is law. Now it affects people.

Some people are going to ask: Gee, how does it affect me? I better find out. When people start to find out, they are going to learn—I say this somewhat presumptuously, but I believe it very strongly—they are going to find out that those who are claiming all the bad things that are going to happen, all the bad things about this bill, are basically not true.

They are also going to start to realize that all the good things in this bill, that a lot of proponents have been mentioning, from the President on down, they are pretty much true, the good things are pretty much true. I think once people start thinking closely, separating the wheat from the chaff, they will start to realize that not only are the Medicare Advantage charges false, but a lot of the other charges that some make about why the bill is so bad are also false. Again, I say, somewhat presumptuously, the prevention provisions, I think are very good and help seniors, are basically accurate.

One small, final point. The Senator from Florida offered an amendment basically requiring all Members of Congress to enroll in Medicaid. Now I ask you, that clearly is not a serious amendment. Medicaid is a very vital program for vulnerable Americans. It should be treated very seriously and should not be used for political games.

I now yield the remainder of our time in this half hour to the Senator from Rhode Island.

The PRESIDING OFFICER. The Senator from Rhode Island is recognized.

Mr. REED. First, I wish to begin by recognizing the extraordinary leadership of majority leader HARRY REID, Chairman BAUCUS, Chairman DODD, and Chairman HARKIN to get us to this point.

Commonsense and cost-effective health care reform is now the law of

the land. The question before the Senate now is whether we will make some important improvements to that reform or whether we will respond to the wishes of the insurance industry and others who want to preserve a broken status quo of higher premiums and dwindling coverage for middle-class families.

Yesterday, President Obama signed into law a health insurance reform bill that will cut the deficit by \$143 billion over the next 10 years, ensure that health insurance companies actually provide Americans with the coverage that they pay for, and preserve Medicare for our senior citizens. That is no small achievement, and it would be a tragedy if the other side of the aisle persists in its effort to defeat health care reform by seeking to delay and upend the package of improvements in the bill that we are now debating.

It sometimes gets lost in the heated rhetoric of the other side, but under the status quo, the healthy are faced with ever-increasing costs and the ill are denied care, dropped from coverage, and prevented from purchasing coverage. The new health insurance reforms will provide relief for every American. Indeed, under the law just signed by President Obama, these five reforms will take place by the fall of next year:

No child will be denied coverage because of a preexisting condition.

Small businesses will receive a 35-percent tax credit to purchase insurance for their employees.

Seniors on Medicare who confront the doughnut hole will receive additional assistance.

Health insurers will be required to spend more of their premium revenues on clinical services, with less going to administrative costs and profits, or else they must pay a rebate to policy holders.

And our State's Community Health Centers will receive a boost in Federal resources.

Rhode Islanders will particularly welcome this relief. Just last week, Rhode Islanders learned that health insurance premiums in the State will go up 10 percent this year. In the same week, they also received news that as many as 21 percent of individuals in the State will be without insurance sometime during this year. This is double the rate of uninsured just 10 years ago.

In Rhode Island, these two headlines, coupled with an unemployment rate of nearly 13 percent, have caused a perfect storm.

As the economy took jobs away from Rhode Islanders, it also took away their health insurance. The healthy hoped not to get sick, the sick started showing up in hospital emergency rooms, and those who still had access to insurance stopped being able to afford it.

Hospitals in Rhode Island can no longer shoulder the burden of the uninsured. Community health centers in Rhode Island can no longer shoulder the burden of the uninsured. Indeed, the economy can no longer shoulder the burden of the uninsured.

Today we are considering a bill that makes further improvements to the health insurance reform law. Indeed, these are changes that Americans have consistently said they want, and that is why we should support this bill. It is also why I intend to oppose the legislative maneuvers from the other side of the aisle. They are interested in overturning the reform of our health care system, reforms which have replaced the costly status quo with a system based on more competitive markets. They are in favor of a system where the whim of insurance companies rule. They are in favor of a health care system in which costs continue to rise at astronomical rates each year for families and for businesses.

It may be politically heartening for the other side to try and slow down reform through a series of repetitive amendments, but I think Rhode Islanders and all Americans want us to pass the bill because it contains straightforward proposals.

First, this reconciliation bill, as it is known, would eliminate the so-called Corn-Husker kickback, which would have created an entirely inappropriate Medicaid reimbursement system exclusively for one State. Gone too are other provisions that would have unfairly supported some States and not others.

Second, this bill begins the process of closing the Medicare prescription drug coverage gap, also known as the doughnut hole, which requires seniors to pay more for their medications than they ordinarily would. This year seniors would receive \$250 when they enter the doughnut hole and pay less for drugs they purchase once they enter this coverage gap.

Third, at a time when so many of us are worried about government spending, this bill does more to reduce the budget deficit so that we can save up to \$1.3 trillion in the next two decades. Those are real savings. I find it ironic that some on the other side oppose them.

Fourth, the bill makes sure the so-called Cadillac tax, which was intended to affect the most expensive health care plans, is reduced by 80 percent so that it hits its intended targets, not middle-class families.

Fifth, the bill recognizes that we should do even more to help struggling families afford health insurance, and so it provides new tax breaks to help make coverage more affordable.

As I said, in the next few days my colleagues on the other side of the aisle are expected to file and attempt to offer numerous amendments to this bill. These are tactics that are purely

dilatory. That is, again, another reason I will oppose the amendments. Some of these amendments may seem as though they are common sense, but each one is designed for the purpose of derailing this legislation, of sending it back to the House, of undercutting the most significant reform of health care in the last several decades.

But there is another aspect to this legislation which is vitally important; that is, the improvement to the student support system for higher education. It is the dream of every parent that their child will have a better life, and a big part of that dream is that they will have the opportunity to go on to college or even an advanced degree. This bill ends the student aid system that gives away billions of Federal subsidies to private banks, including some that helped create the 2008 financial meltdown, and instead puts those taxpayer dollars directly into the hands of students to pay for their education.

During this economic downturn, paying for college has become all the more difficult for many families in Rhode Island and across the Nation. Like health care, one of the top concerns of families as they sit around their kitchen tables during these difficult times is how they will pay for their child's education. The key to ensuring our Nation's economic stability and progress is also providing access to education. It is the engine that moves people forward. It is what expands our capacity and our capabilities in a complex world.

Now we have the opportunity so that we can, in fact, provide additional assistance through Pell grants, and we can do it by saving money from bank subsidies and reinvesting that in Pell grants. Approximately \$42 billion will be freed up; over \$35 billion will be committed to Pell grants. It will be expanded to additional recipients, and the maximum grant will increase to nearly \$6,000. We will also provide in Rhode Island \$7.5 million for information so that families and students can locate the best arrangements for their college education, for their financial aid. It will also invest \$2 billion in community colleges, which have become a central part of our educational system, particularly for those people who are transitioning into the workforce or through the workforce.

One final point: It is particularly fitting that we are investing in the Pell grant, named after my predecessor Senator Claiborne Pell. His vision to give people the opportunity to higher education and then to stand back and watch them do great things has been legitimized and vindicated over 30 years. I don't think Senator Pell foresaw the Internet. I don't know how much he used it even when it arrived. But he knew if we gave people the skills and talents, they would do great things. They have done great things.

With this legislation, they will do even more.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Hampshire is recognized.

Mr. GREGG. How much time does the majority have on their half hour?

The PRESIDING OFFICER. The time of the majority has expired.

The Senator from New Hampshire.

Mr. GREGG. Mr. President, a couple comments need to be responded to because they are so patently inconsistent with the facts that they should be clearly rejected. It is almost as if somebody spent too much time at the movie "Alice in Wonderland." The idea that by their own score, when you cut Medicare by \$521 billion—\$½ trillion cut out of Medicare by their own score, which is inaccurate, of course, because it doesn't count the full 10 years—if you count the full 10 years, it is \$1 trillion taken out of Medicare—the idea that seniors are not going to be affected by that type of a cut is absurd on its face.

The claim is, we don't affect senior benefits. That is nice. That is like telling somebody they can have a car, but there is no engine in it. I mean, the simple fact is, when you cut the providers of seniors by as much as this bill cuts them, clearly it is going to be harder for a senior citizen to see a provider, a doctor, a hospital group. Or when you reduce the spending on Medicare Advantage, which is an insurance program that many seniors appreciate—CBO scores the reduction as being so large that over 11 million seniors will be thrown off that system—that affects seniors.

If they genuinely believe their language, "we don't do anything about Medicare; we don't do anything about seniors," even though the score says they cut Medicare by \$500 billion, their own score, and the CBO has said over 11 million people will be knocked off of Medicare Advantage—if they believe that, if they believe their language, then they have to vote for my amendment. They have to vote for my amendment which makes it clear that we protect Medicare.

Then there was some other comment made that somebody was going to vote against our amendments, not because they don't make sense but because they are dilatory. This is from a leadership on the other side of the aisle that produced the largest piece of social engineering in our history: 2,500 pages, \$2.6 trillion of spending, \$1 trillion of cuts in Medicare when fully implemented. They produced that bill in a closed room behind a secret door somewhere on that side of the Capitol, never open to the public, brought it to the floor of the Senate on a Saturday afternoon, filled up the tree, wouldn't allow any amendments, and within 3 days forced us to vote on it on Christmas

Eve. Then they took it over to the House, where they rewrote this trailer bill, again, in a secret room, behind a closed door, and brought that bill to the floor and didn't allow anybody to amend that. But amendments are dilatory.

Why have an opposition party? Maybe we should just go with the Cuban system. That seems to be the attitude of the other side of the aisle. The American people are an unfortunate inconvenience. The fact that they have elected a Republican membership to this Senate and to the House, they are an unfortunate inconvenience that should be ignored and not allowed to participate in the process.

When they come up with ideas such as protecting the Medicare system or such as taking out the sweetheart deals or such as suggesting that the President and his people and the staff of the majority leader should be under the laws we are about to pass or suggest that we should live by the terms of the rhetoric which is, if your premiums go up, you won't be impacted by this bill, or that says that there won't be any taxes on people under \$200,000 of income, amendments which just fulfill the statements of the other side of the aisle on issues—they are going to keep the bill clean, they are not going to tax people under \$200,000 of incomes, people's premiums won't go up, Medicare won't be affected, and everybody will be subject to this new law of the land, including the President of the United States and his people and the staff of the majority leader—when we offer amendments like that, they are dilatory. They are an inconvenience. They should not be allowed. They should not be voted on, not because they don't make sense but get rid of them; they are the opposition.

They are the American people speaking through their elected representatives and they ought to have a voice and they ought to be voted on and they ought to be given a vote based on the substance of the amendments, not on the fact that the other side of the aisle doesn't like opposition.

It is so arrogant, this attitude which pervades Washington now that says: The American people, we know better than you do how to live your lives. Why do you get in our way? We in Washington know how you should live. Just stand back. Let us make your decisions as to what you should do with your life, especially relative to health care. We will do a much better job. Certainly, don't countenance any opposition. Don't countenance any dissent, and, certainly, don't hold us to our word, for example, when we say people with incomes under \$200,000 won't be taxed or when we say premiums won't go up or when we say everybody will be covered by the bill or when we say Medicare recipients won't be impacted. Don't make us hold to those words by

voting on amendments because those amendments are dilatory.

The arrogance is palpable and inexcusable.

Now we will hear from the Senator from Oklahoma who has another amendment that I am sure the other side will say is dilatory and inappropriate, even though it makes a heck of a lot of sense to me.

I yield the floor.

AMENDMENT NO. 3556

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. COBURN. I thank the Senator from New Hampshire.

As I contemplate what is happening at 62 years of age and looking back through my life, this is undoubtedly the greatest assault on liberty this country has ever had. It is not direct; it is indirect. But it is what the Senator from New Hampshire talked about: we are going to decide for you what you get.

What the American people still don't understand is there are three areas in this bill that in the next 5 years will put the government in charge of everybody's health care—what you can have, what you can't have, and who can give it to you. That is what is coming. So if you are a caregiver or you are a patient, you might think long and hard about the three provisions in this bill that are going to do that: a Medicare advisory commission, the cost-effectiveness comparative effectiveness panel, and the U.S. preventative task force panel. All of those are going to carry the force of law, and it will not just apply to government-run plans. If you have private insurance with your employer today, you are going to be told what treatments you can have because some group of bureaucracies in Washington are going to decide that. That is what is in this bill.

The Senator from New Hampshire mentioned several claims that have been made.

I ask unanimous consent to temporarily set aside the pending motions and amendments so I may offer an amendment which is at the desk, No. 3556.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Oklahoma [Mr. COBURN] proposes an amendment numbered 3556.

Mr. COBURN. I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To reduce the cost of providing federally funded prescription drugs by eliminating fraudulent payments and prohibiting coverage of Viagra for child molesters and rapists and for drugs intended to induce abortion)

At the end of subtitle D of title I, add the following:

SEC. 1306. REDUCING HEALTH CARE COSTS BY ELIMINATING PAYMENTS FOR FRAUDULENT CLAIMS AND PROHIBITING COVERAGE FOR ABORTION DRUGS AND ERECTILE DYSFUNCTION DRUGS FOR RAPISTS AND CHILD MOLESTERS.

(a) **ELIMINATING FRAUDULENT PAYMENTS FOR PRESCRIPTION DRUGS.**—The Secretary shall establish a fraud prevention system and issue guidance to—

(1) prevent the processing of claims of prescribing providers and dispensing pharmacies debarred from Federal contracts or excluded from the Medicare program under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.) or the Medicaid program under title XIX of such Act (42 U.S.C. 1396 et seq.);

(2) ensure that drug utilization reviews and restricted recipient program requirements adequately identify and prevent doctor shopping and other abuses of controlled substances;

(3) develop a claims processing system to identify duplicate enrollments and deaths of Medicaid beneficiaries and prevent the approval of fraudulent claims; and

(4) develop a claims processing systems to identify deaths of Medicaid providers and prevent the approval of fraudulent claims filed using the identity of such providers.

(b) **PROHIBITING COVERAGE OF CERTAIN PRESCRIPTION DRUGS.**—

(1) **IN GENERAL.**—Health programs administered by the Federal Government and American Health Benefit Exchanges (as described in section 1311 of the Patient Protection and Affordable Care Act) shall not provide coverage or reimbursement for—

(A) prescription drugs to treat erectile dysfunction for individuals convicted of child molestation, rape, or other forms of sexual assault; or

(B) drugs prescribed with the intent of inducing an abortion for reasons other than as described in paragraph (2).

(2) **EXCEPTIONS.**—The limitation under paragraph (1)(B) shall not apply to an abortion—

(A) in the case where a woman suffers from a physical disorder, physical injury, or physical illness that would, as certified by a physician, place the woman in danger of death unless an abortion is performed, including a life-endangering physical condition caused by or arising from the pregnancy itself; or

(B) if the pregnancy is the result of an act of forcible rape or incest.

Mr. COBURN. This is a constructive amendment that saves millions and millions of dollars in Medicaid. The fraud in Medicaid prescriptions is out of this world. It can be fixed. This amendment will prohibit prescriptions for recreational drugs for rapists and child molesters. Nobody can disagree with that. It is not in the bill. It is the current state. But if this bill goes through without this amendment, your tax dollars are going to be paying for Viagra for child molesters. That is what is going to happen. There is an Executive order that this will override. The bill overrides the Executive order. So there is no prohibition in the bill for this at this time.

A Government Accountability Office audit of Medicaid found 65,000 instances of improper prescriptions costing \$65 million over the last 2 years, including thousands of prescriptions written for dead patients by people prescribing and

posing as doctors. The audit focused on 10 types of frequently abused prescription drugs in just 5 States, which means this audit, which is just over 5 States, multiply by at least 10, and you get \$650 million worth of fraud in prescriptions in Medicaid alone. We are not going to address that.

Sixty-five doctors or pharmacists were banned from Medicaid for writing or filling prescriptions or illegally selling drugs—but just in those five States.

About 1,800 prescriptions were written for dead patients and 1,200 prescriptions were “written” by dead doctors—just in those five States.

This amendment would direct the Centers for Medicare and Medicaid Services to enact the GAO recommendations to prevent and eliminate these fraudulent prescriptions. Specifically, it would direct CMS to establish a fraud prevention system for the Medicaid Program and issue guidance for States to prevent the processing of claims of all prescribing providers and dispensing pharmacies debarred from Federal contracts or excluded from the Medicare and Medicaid programs; ensure that drug utilization review and restricted recipient program requirements adequately identify and prevent doctor “shopping” and other abuses of controlled substances; develop a claims processing system to identify both duplicate enrollments and deaths of Medicaid beneficiaries and prevent the approval of fraudulent claims.

For years, the Federal Government had required States to provide prescriptions for Viagra and other impotence drugs to Medicaid patients, including to convicted sex offenders, child molesters, and rapists. States had provided the coverage based on a 1998 letter from the Clinton administration. As a result of that, an Executive order was issued in 2005, which this bill, if unamended, will reverse. Mr. President, 800 convicted sex offenders in 14 States received Medicaid-funded prescription drugs for erectile dysfunction. That is according to a 2005 survey.

The predators’ victims have been as young as 2 years old. So we have convicted sex offenders, rapists, and child molesters who were taking Federal tax dollars and buying a drug so they can act again.

In Florida, 218 cases; New York, 198 cases; Texas, 191 cases, and it goes down the list.

This amendment would prohibit the new health care exchanges from providing coverage of ED drugs to convicted child molesters and convicted rapists. It is pretty simple.

The claims that are made on this bill are outlandish. As somebody who has practiced medicine for 27 years, 50 percent of my patients were Medicaid patients. What you are going to do if you do not fix some of the things in this

bill is destroy the best doctor-patient relationships in the world. That is what you are going to do.

You are going to put 16 million people into a failing Medicaid system that the States cannot afford. Almost every State is cutting Medicaid reimbursement. At this time, only 40 percent of the doctors in the specialties will see Medicaid patients. It is going to go to 20 percent. So we are going to put 16 million people in a system, and then they are not going to be able to find a doctor. Because of the costs, in my own State, we are going to have an 11-percent net reduction in Medicaid reimbursements, which is only 75 percent of Medicare.

What do you think is going to happen in all the States in the country when the Medicaid reimbursement goes down and we add 16 million new people to Medicaid? You are going to call it care. You are going to rub your shoulder, rub that medal on your shoulder, and say: Oh, we fixed health care. You are going to promise them they are going to have care, but they are not going to have care. They are going to have a card, but they will have no care. We are going to have Indian Health Service-type care in Medicaid because nobody is going to be there to care for them.

The claims under this bill keep me sleepless at night—not because of Washington but because of those 10,000 Medicaid patients I have taken care of through my career for whom I know you are going to destroy what care is left for them. You can claim otherwise, but the facts are going to prove you wrong. We are seeing it in every State in the country right now—the cuts to Medicaid reimbursements.

So at least you ought to help save \$650 million a year by getting rid of fraudulent prescriptions, eliminating prescriptions for convicted child molesters for erectile dysfunction, and recreational uses with drugs such as Viagra. The American people do not want to pay for that.

To vote against this amendment, to not fix something that is very obvious, is criminal—it is not just not right, it is an active aid to help those who would hurt our children.

I yield to the minority whip.

Mr. KYL. Thank you, Mr. President.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. KYL. Mr. President, I would say, we are fortunate to have a real doctor, a physician, Dr. Tom Coburn of Oklahoma, as one of our colleagues in the Senate to talk about the real impact of legislation like this as he sees it when he treats his patients. I think his words deserve a lot of attention.

I just want to briefly address this morning a couple of the claims my Democratic colleagues are making about this new legislation, claims that are simply false.

The first one: There is a big tax cut. One of my colleagues said this is the

biggest tax cut we have ever had. There is no tax cut for taxpayers in this bill. What they are touting as a tax cut is, rather, a direct payment to insurance companies. I find it very odd that is called a tax cut. When I think of a tax cut, I think of money remaining in the pockets of taxpayers so they do not have to pay taxes they have been paying in the past. That is not what is in this bill.

What the bill does is to provide a subsidy to insurance companies to disperse government-mandated insurance. It is not a tax cut for taxpayers. Instead, most of the so-called tax relief goes directly to the insurance companies. It never touches—you never touch the money—it never touches an American family's pocket.

These premium subsidies are delivered straight from the U.S. Treasury to help insurance companies, as I said, to purchase this government-mandated, government-approved insurance. They are not extra dollars in people's pockets, as the chairman of the Finance Committee argued. They are, rather, advanceable, refundable tax credits, which is code for a new tax entitlement. In fact, that is exactly the way it is recorded in the Federal budget. It is recorded as a spending program, the reason being that the people receiving these so-called refundable credits paid very little if any taxes. These are folks who do not pay taxes, so they get what is called a refundable tax credit. But even then the money goes directly to the insurance company, not to them. I always thought you had to pay taxes to get a tax cut, but not in the rubric of this legislation.

According to the Joint Committee on Taxation, only about 8 percent of all taxpayers making under \$200,000 a year would actually benefit from this government subsidy for health insurance. The remaining 92 percent would receive no tax benefit under the bill.

I have to say, when we are talking about tax cuts, we have to at least put in a little word about the tax increases in the bill because that is where the bill focuses, on taxes. It taxes many of those who have health insurance and taxes people if they do not have health insurance.

The taxes in the bill hit families. They hit seniors and the chronically ill, small businesses, those who have flexible spending accounts, and those who use medical devices. All of those things create a tax people pay. The vast majority of the people who pay these taxes are not high earners. As the Congressional Budget Office has said, whenever there is a tax on some other entity that delivers health services, that tax flows directly through to the taxpayers in virtually the same amount of money.

In fact, in order to collect all of these taxes, and especially the tax that is imposed on people if they do not buy

this insurance, the Internal Revenue Service estimates it is going to have to have between \$5 billion and \$10 billion more just in order to collect the taxes. It has been estimated this would require 16,500 new IRS agents. Welcome to your friendly new health care bill.

The second aspect my colleagues have been talking a lot about in the last 48 hours: The elimination of the problem of preexisting conditions in acquiring health insurance. The implication is that Republicans have not supported help for people who have preexisting conditions. That is not true. We have made that point clear. We made that point clear in the meeting we had with the President at Blair House. The argument is about the best way to do it.

As you will see in just a moment, it turns out this bill has not done it very well. Republicans have suggested there are a lot of different ways to get to this problem—State reforms, risk pools, more competition, some subsidization. All of these things can help us with this problem. But for all of the Democrats' central planning in this bill, it looks as though the problems are already arising as a result of their specific provision to deal with this problem.

According to a brand new Associated Press story of March 24, President Obama's claims about preexisting coverage for children are not what they seem. The article notes that "the letter of the law"—which Democrats took upon themselves to write behind closed doors—"provided a less-than-complete guarantee that kids with health problems would not be shut out of coverage."

In your rush to do these things—behind closed doors, without proper vetting, always voting no on any attempts to correct it—you end up with problems like this, and they are going to have to somehow go back and try to fix this. If this blunder is discovered on the first day this law takes effect, how many more errors will be discovered in the next days and weeks, as people pour over the 2,733 pages of this new health care law, and the 150 pages of the reconciliation bill that is on the floor right now?

If you cannot draft a bill properly to protect children with preexisting conditions—which is a centerpiece of the bill's so-called immediate deliverables—then how are you going to be able to successfully make one-sixth of the economy work through this new government-operated system?

Finally, I have talked about two things our Democratic friends are crowing about, neither one of which, it turns out, I think are worth crowing about. How about the things they are not talking about, the things Americans are very concerned about?

Democrats love to talk about people who are allegedly helped by the legisla-

tion. How about those who are hurt by the bill? How about talking about seniors whose care is going to be jeopardized as a result of this bill? Seniors in my State of Arizona are very worried about the Medicare cuts. There are over \$½ trillion in Medicare cuts in this bill.

Well, our Democratic friends do not like to talk about that. But it is a reality. It is in the bill. The reconciliation bill slashes more than \$½ trillion from Medicare and contains a whopping \$202 billion reduction in Medicare Advantage. That is more than in the bill the Senate passed last December. But you do not hear about that. Medicare Advantage beneficiaries in my State like the health care they have right now, and it is simply not true if they like their health care they get to keep it. It is false. This bill takes health care benefits away from seniors who are on Medicare Advantage. That is the truth. It may be an inconvenient truth for our colleagues who like to stress what they think is good about the bill but conveniently ignore things that are going to hurt their constituents and certainly going to hurt my constituents.

My senior citizens in Arizona do not want the government taking away their health care, and they are very concerned as a result. A constituent from Tucson—I will just close with this—wrote me a very short, a very direct letter, but it summarizes the point a lot of people feel.

I am a senior citizen, age 83. If I lose my Medicare Advantage coverage, I'll also lose my primary care physician of 18 years because he does not accept Medicare Direct. Senator Kyl, do not let them take away my Medicare Advantage.

Well, all of us know physicians who are no longer taking new Medicare patients. They cannot afford to because we do not pay them enough. Mayo Clinic in Arizona has already said it is not going to accept any more Medicare patients at several of its facilities in the Phoenix metropolitan area.

This health care bill is asking a lot of the American people, a lot in terms of tax collection, and a lot in terms of future debt that our children and grandchildren are going to have to pay.

But just one group that ought to be very concerned—and is—are our senior citizens who face nearly \$½ trillion in Medicare cuts. Taxes and premiums are going to be increased on all Americans. Small businesses will be hit with a litany of onerous new taxes and mandates and regulations. Probably worst of all from my perspective, just as these costs inevitably escalate, as time goes on, just as in the European countries that have had to deal with these same kind of health care issues, this legislation will ultimately lead to the rationing of health care. That is the cruelest result of all.

I ask unanimous consent to have printed in the RECORD at this point an

op-ed piece by Mr. Bob Robb who writes for the Arizona Republic. It is dated March 24. The last two sentences of this op-ed I think summarize the point I made very well. He says:

But it is impossible to treat health care as a public good without rate regulation and rationing. And those are the inevitable next steps down the health care road the Democrats have taken the country.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Arizona Republic, Mar. 24, 2010]

(By Robert Robb)

Democrats tend to discount the influence of economic incentives on human behavior. They had better hope they are right because the incentives in the health-care bill point toward an explosion in costs.

The health-care bill is built upon a fundamental tradeoff. Health-insurance companies will be treated as public utilities, having to take all customers irrespective of health status with sharp limitations on pricing and underwriting. To pay for this increase in costs, everyone will be required to purchase health insurance.

This is an attempt to force the young and healthy to subsidize the health care of the acutely or chronically sick through the premium mechanism. But, as finally passed, the incentives and timing are badly misaligned.

The basic problem is that the penalty for not purchasing insurance is substantially less than the cost of the insurance. Even with the generous subsidies the bill provides, young singles making more than \$25,000 a year will be money ahead paying the penalty rather than buying insurance.

Doing so would be risk-free for them. If necessary, they can purchase insurance after they get sick and know that they need it. The implementation timetable for the bill accentuates the misaligned incentives.

Insurance companies are saddled with additional costs right away.

They will have to accept children with pre-existing conditions and carry children on their parents' policies up to age 26. They can't impose lifetime benefit limits. Any new policies have to cover preventive services without co-pays or deductibles. But the individual mandate, the source of new revenue to cover the additional costs, doesn't kick in until 2014.

Moreover, the penalties start very low, only \$95 in 2014, while the requirement to accept all comers irrespective of pre-existing conditions applies fully that year. So, the additional costs are added full bore, while the additional revenue is phased in slowly.

This misalignment of incentives in the individual market is compounded by a similar misalignment in the group market.

The penalty for employers (with more than 50 employees) not providing health insurance is \$2,000 per employee. Employers pay on average two to four times that to provide health insurance.

Employers do it now to compete for employees, since the current individual market isn't an attractive alternative. But, under the bill, the federal government is setting up and heavily subsidizing an individual market with generous benefits.

So, the incentive will be for employers to drop health-insurance coverage, pay the fine and allow their employees to go shopping in the subsidized exchanges.

The Congressional Budget Office estimates that 8 million to 9 million Americans will

lose employer-provided health insurance. I think that's a gross underestimate.

Moving people into the individual market could be a good thing for cost control, if individual health insurance operated like other individual insurance products, where people pick up the cost of small stuff and insure against big stuff. But the individual market mandated by the bill requires first-dollar coverage and sharply limits deductibles and co-pays.

So, the bill gives incentives to move people into an individual market with even less cost-control incentives than the existing system, where at least employers worry about the final tab. It also gives many people an incentive not to participate in the new system until they are actually sick.

If incentives matter, there are likely to be sharp insurance-rate increases and insurance-company bankruptcies.

Contrary to the rhetoric on the right, it is possible to treat health care as a public good without being a socialist country. And it is possible to treat health care as a public good without having it delivered through government agencies.

But it is impossible to treat health care as a public good without rate regulation and rationing. And those are the inevitable next steps down the health-care road the Democrats have taken the country.

Mr. KYL. Thank you, Mr. President. I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

AMENDMENT NO. 3608

Mrs. HUTCHISON. Mr. President, I ask unanimous consent to temporarily set aside the pending motions and amendments so that I may offer an amendment which is at the desk.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Texas [Mrs. HUTCHISON], for herself, Mr. ENZI, Mr. COBURN, Mr. BURR, and Mr. BROWN of Massachusetts, proposes an amendment numbered 3608.

Mrs. HUTCHISON. I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To protect the right of States to opt out of a Federal health care takeover)

At the end of section 1002, insert the following:

(c) RIGHT OF STATES TO OPT OUT OF FEDERAL HEALTH CARE TAKEOVER.—Section 1321(d) of the Patient Protection and Affordable Care Act is amended—

(1) by striking “Nothing” and inserting:

“(1) IN GENERAL.—Except as provided in paragraph (2), nothing”; and

(2) by adding at the end the following:

“(2) EXCEPTION FOR OPT OUT OF HEALTH CARE REFORM.—The provisions of, and the amendments made by, this Act shall not preempt any State law enacted after the date of enactment of this Act that exempts the State from such provisions or amendments, including, but not limited to, provisions and amendments relating to the individual mandate, the employer mandate, taxes on prescription drugs, taxes on medical devices,

taxes on high value health plans, Medicare cuts, and the unfunded expansion of Medicaid.”.

Mrs. HUTCHISON. Mr. President, the amendment I offer today is to allow States to opt out of this health care bill. If ever there was an encroachment on the tenth amendment, this bill is it.

We are hearing from State leaders all across the country asking Congress to abandon this bill. It is an unconstitutional preemption of State innovation, State prerogative, and States rights they are guaranteed in the Constitution by the tenth amendment. Thirteen States have now filed suit against this legislation because the leaders in those States know the detrimental impact this broad, one-size-fits-all solution will have on their unique situations. States are the most well equipped to design and approve governmental programs to address the needs of their citizens. My amendment would restore the tenth amendment rights reserved for the States by allowing State legislatures to pass legislation that would allow them to opt out of this bill and the Federal takeover of their health care system with its mandates, many of which are unfunded.

Let's walk through the harmful provisions in this bill from which the States could opt out.

Taxes, the job-killing taxes. The bill imposes 10 years of taxes, about $\frac{3}{2}$ trillion, on individuals and businesses as well as pharmaceutical companies, insurance companies, and medical device manufacturers. Some of these taxes will start almost immediately. More than \$100 billion in taxes on prescription drug companies, medical device manufacturers, and insurance companies will begin to take effect before the actual supposed benefits of this bill would come into play. Studies show these taxes will be passed on to consumers. There is no doubt about it. Of course they are going to be passed on to consumers. They are going to be collected for years before there are any supposed benefits. Then there are the taxes on those who can't afford insurance: the higher of \$695 per individual or 2.5 percent of household income. Employers will be hit with new taxes. The penalty could be as high as \$2,000 or \$3,000 per employee.

What is this going to do to the small businesses of our country, which create 70 percent of the jobs? At a time when families are struggling, at a time when our businesses are struggling, at a time when our economy is at an all-time low—not all-time low, but almost all-time low; certainly bad—businesses aren't hiring. Why aren't they hiring? They aren't because they have a fear of the future. They don't know what to expect going forward. They are not going to start hiring people until there is a comfort level that the economy has stabilized and that we are in a real recovery mode. Yet, when people feel

that way and when small businesses feel that way, what is the biggest deterrent to them being able to say, OK, things are getting better and I can hire new people? More taxes and more mandates and more burdens. That is what is going to keep them from taking that leap to hire more people. So it is like a revolving situation we are not going to get out of as long as we are continuing to put on more taxes, more expenses, and more mandates.

We know premiums are going to go up. Premiums are already going up. Our purpose in this bill should be to bring premiums down by lowering the cost of health care, not by increasing the cost. That is so counterintuitive. It could only be thought of in Washington, DC.

Cuts to Medicare. The Senate bill includes over \$½ trillion in cuts to Medicare. About \$135 billion of those are in cuts to hospitals.

Mr. President, in conclusion, the Medicare Program is unsustainable. The Chief Actuary of Medicare has said that as much as 20 percent of Medicare's providers will either go out of business or will stop seeing Medicare beneficiaries.

Millions of seniors, including those who have chosen Medicare Advantage, will lose the coverage they now enjoy. Medicare is being used as a piggy bank and it needs every penny that has been deposited.

We cannot pay for reform on the backs of our seniors. Cuts to hospitals will threaten access to care for seniors in our States.

Third, this bill imposes on States an unfunded mandate to expand the Medicaid Program. Putting millions of individuals in to Medicaid is a fast way to quickly reduce the number of uninsured.

Yet by doing so, the Federal Government is sending a very large check to the States, \$20 billion to be exact, with a note that says "We decide—you pay."

At a time when so many States are struggling to balance their budgets, pay their teachers, improve transportation, maintain services, this bill imposes more costs.

How much more are we going to ask of our States?

States are in the best position to determine what is right for their citizens. Yet this bill will take away their right to innovate and determine fiscally responsible and effective ways to offer affordable health insurance coverage.

In big government style, this bill manipulates that idea into a one-size-fits all solution for every single State.

Plus, states should have the option of implementing tort reform as we have done in Texas. Yet under this bill States are actually punished for implementing tort reform. Tort reform is essential to bring down the cost of health care. This bill stifles the ability to achieve this commonsense option.

Why not level the playing field for taxpayers by offering tax incentives to encourage the purchase of health insurance at the State level. Let citizens in each State decide which health insurance plan best fits their needs—a decision that should be free from interference by the Federal Government.

Senator DEMINT and I have a bill which would offer a voucher of \$2,000 to individuals and \$5,000 to families so they can purchase health insurance that is portable and not tied to their employer.

These are the right steps to achieving reform and these steps empower the States rather than violate their rights and impose a heavy handed Federal approach to reform.

I urge my colleagues to support this amendment which is cosponsored by Senators ENZI, COBURN, BURR and BROWN of Massachusetts.

The bottom line is I hope my colleagues will vote to support the States rights so that we will be able to address high unemployment as well as high uninsured rates in a way that will lower the costs and give more options.

I yield the floor.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, I now wish to yield to the Senator from New York.

I have already said we are going to divide the time in half-hour segments back and forth.

I yield 10 minutes to the Senator from New York, Mr. SCHUMER.

The PRESIDING OFFICER. The Senator from New York.

Mr. SCHUMER. Mr. President, I thank the chairman of the Finance Committee, on which I am proud to serve, for yielding time, as well as for the great work he has done. I wish to commend Senators DODD and HARKIN for the great work they have done in the HELP Committee and all the members of the HELP Committee, as well as the Finance Committee and, of course, Majority Leader REID, who has been as solid as a rock and steadfast in his own quiet way. He is more responsible for this bill passing than just about anybody else. So I thank our leadership for that.

I rise today to talk about this historic accomplishment of health care reform. I congratulate all of my colleagues for their hard work and dedication. I congratulate the President. He, too, was like a rock. He never budged. The day after the Massachusetts election, when so many others were saying we can't get this done and to trim back, he was steadfast. I saw him and his steadfastness. His internal gyroscope got us over the goal line.

I wish to address where the future is in this bill in terms of average Americans. We all know the American people are still trying to digest the health care legislation we have just passed.

That is understandable. It is a large and complex piece of legislation and, of course, there has been a tremendous amount of misinformation out there about what it does and what it does not do. To tell the average American that this is truly historic legislation doesn't get to them. They want to know how it is going to affect them.

I fervently believe that the more the American people learn about this bill, the more they will like it. I believe this for two reasons. First: People very quickly come to see that the myths and lies that some have put forward about this bill will not come true, because they are not in reality, and now we are in reality—we are in health care reality—because the first part of the bill has passed, the major part, and we will pass the second.

Second: There are so many good things in this bill that people like and need. As people learn the truth as to what those things are, many of which will improve their lives—some immediately and some in a few years—I am confident they will not only like health care reform but embrace it. When the crime bill was passed in 1994, at first the same thing happened. There was a parade of horrors. But over the years, we saw that it reduced crime and made America a better place, and it became a very popular piece of legislation. I believe the same thing will occur with this health care bill.

So today I wish to take the rest of my time to describe to average Americans how this bill will affect them. The No. 1 group, the largest group of average Americans, is those who are covered by their employer plan. First, you will keep your coverage. For people who have been scared into thinking they might lose their health coverage or have the government telling them what to do or what treatments they could or could not receive, they are going to discover there is very little change for them. I had a firefighter employed by the city of New York on Long Island last week say to me: Don't pass the bill. I will lose my benefits. That firefighter will see his benefits will stay as good and as strong as they are now. In fact, it will get better for those folks who are already covered, because premiums to their employer won't go up and up and up, and their employer will not continue to ask them, as they have now, to pay so much more and to get so much less back.

We cannot claim premiums won't go up at all, but we know they will go up much less. The likelihood of the employer calling a person, the average person, a worker in their company and saying: Jim, Mary, you are a great worker. I love you. I want you to stay in my company, but I am eliminating your health care benefits or I am greatly cutting them back, will be greatly reduced over the years as this bill becomes law and works its way.

Beneficiaries, those on private health care, won't pay higher Medicare taxes. Their benefits will not change. Their choice of doctors will not change. They will be much better off, and they will learn that.

Second: To small business owners who are trying to do the right thing and provide health insurance coverage to their workers and now find that costs are increasing, which makes it more and more difficult every year to keep those employees on health care, they are going to find this year that there is a generous tax credit to make it more affordable to provide coverage for their employees. The average small businessperson is going to like this bill because the average small business owner wants their employees to have good health care coverage, but they can't do it alone. Now they are going to get some help.

What about to the small business owner who aches because he or she can't supply insurance because the employee has a preexisting condition or just because it is too expensive? They are going to find they will now be able to provide insurance for those folks.

What about all of those families with kids who are now in college and they worry, once the kid gets out of college, they are not going to have health care? They are going to find that they are covered up until their 26th birthday on their parents' plan. They have to be. That is going to start this year. What a relief to millions of American families and millions of American students. I know this personally. My daughter is graduating from law school. When the bill passed at 1 a.m., she called me. She was watching when the House bill passed and said: Dad, I have been worried what I am going to do about health insurance next year. She is out in the job market. Now I don't have to worry. That phone call will be repeated by hundreds of thousands and millions of students to their parents in the next while. So it is great for them.

What about retirees who are not yet eligible for Medicare, the person who fears that because they don't have their job or they are retiring at age 60 or 62, 61, what are they going to do? This bill will provide more assistance to bring down premiums. It will provide more choices to these retirees who right now have either no health insurance or a policy that is so expensive they can't afford it.

What about average Americans who worry because say they have early stages of diabetes and their health care doesn't cover prevention? Average American families—and I see the Senator from Iowa is here, who has been a leader in the fight for prevention—will now get prevention in their benefits. For the average American who has recently gotten sick or who might in the future, they don't have to worry that their insurance company will take

away their benefits. They will not be able to do that the way they do now. We won't have to hear stories anymore of health insurers looking for any excuse to cut sick people off from their insurance.

What about those tens of millions on Medicare who, again, have been scared and worried that Medicare will change? Yes, Medicare will change. It will get stronger and still preserve the exact same benefit to every person on Medicare.

Before this bill was signed into law, Medicare was going to go broke in 7 years. It has been given an extra decade. That should be a huge load off the shoulders of people who worry about Medicare.

In addition, the doughnut hole will be closed, so all those Medicare recipients on prescription drugs will get relief—more relief.

For the average senior citizen, as they learn about this bill, they are going to like this bill. They are going to say this was a great thing. It kept Medicare as is, surviving much longer than previously predicted. If we had done nothing and Medicare was about to go broke, guess who would have paid the price. Those senior citizens on it.

What about young women looking for health insurance? Health reform means she will not be charged a premium 150 percent more than a young man's. Health reform ends that gender discrimination.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. SCHUMER. Mr. President, in conclusion, I will just say this: In November, this bill will be a positive—a strong positive for those who supported it. Those who were in favor of it will benefit. Those who opposed it will come to regret their opposition as America learns about what is in and what is not in this bill. It is not just a triumph for history; it is a triumph for the average American.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, I yield to the chairman of the HELP Committee—I yield to another distinguished chairman, this one not of the HELP Committee but the Energy Committee, Senator BINGAMAN.

The PRESIDING OFFICER. The Senator from New Mexico is recognized.

Mr. BINGAMAN. Mr. President, I thank my friend and chairman of the Finance Committee, Senator BAUCUS. I congratulate him on his leadership on this issue for many months.

I rise in strong support of the reconciliation bill that is before us. It is a historic time for our Nation. I am very glad that after decades of effort, national health reform has become law and that we are considering this set of changes to the law through this reconciliation bill.

There is considerable confusion about what health reform, in fact, will ac-

complish. It is not surprising that there is confusion when one considers all of the nefarious charges that have been made and claims of nefarious provisions within the legislation. I am glad to see that most Americans, according to polling, believe the actual provisions that are described to them that are contained in the bill are meritorious and deserve support.

Simply stated, the law has four main goals. It reforms health insurance markets to ensure Americans have access to affordable care that meets their needs. Second, the bill improves the efficiency and quality of health care and does it in a way that helps contain rapidly rising costs. Third, the bill improves access to primary care and preventive services. Fourth, the bill significantly reduces the Federal deficit over the coming decades.

I think we need to focus on what the effect of the legislation will be on particular individuals and families in our States.

I look at our circumstance in New Mexico, which I am proud to represent. Let me pick out a few examples.

First, there are families there who are very happy with their current coverage. For these folks, reform ensures they can keep that coverage. They do not have to purchase any new coverage offered through health insurance exchanges. The reform will help protect their coverage and introduces important policies to put downward pressure on the cost of premiums, requirements that the coverage continue to be meaningful, and significant improvements in the overall quality of and their access to health care.

Small business owners or the people who work for small businesses—a third of the people in my home State fall into that category. For those who do offer coverage, we know that without reform, they have difficulty affording and keeping meaningful and affordable coverage for their employees. Premiums are rising quickly. These costs threaten the financial stability of these small businesses.

CBO tells us that for small businesses, the impact of reform will be very significant. First, the businesses would have the option to come to the new health insurance exchanges and would have a guaranteed source of meaningful coverage for themselves and their employees. In addition, these small businesses may qualify for tax credits for up to 50 percent of the cost of coverage. For businesses receiving tax credits, their employees' premiums would decrease by 8 to 11 percent compared to their costs under current law. Small businesses and their employees do well.

What about individuals purchasing coverage in the individual market? This is particularly important in my home State, for over half of the workers in my State are not offered employer-sponsored coverage. We have

the highest percentage of workers without coverage of any State in the Union.

Like small businesses, individuals today have great difficulty in navigating insurance policies, securing affordable and meaningful coverage. This reform will provide these individuals with the options to come to new health insurance exchanges and have a guaranteed source of meaningful coverage for themselves and their families. The Congressional Budget Office predicts that the subsidies enrollees would pay would reduce the premiums they otherwise would have to pay by 50 to 60 percent.

Among higher income enrollees in the individual market who would not receive new subsidies—only about one-fifth of new enrollees—average premiums would increase by 10 to 13 percent.

This is consistent with estimates of the impact in my home State of New Mexico, where average families may see a decrease in premiums of as much as 60 percent as compared to the premiums they would pay without reform. In addition, about two-thirds of New Mexicans could potentially qualify for subsidies or Medicaid.

This reconciliation bill also contains important provisions to help Americans obtain a quality education. The higher education provisions of this bill will help put college within reach for more Americans. By eliminating subsidies to private student lenders, the bill supports large Pell grant increases for low-income college students, grants to States to help low-income students enter and succeed in college, and major new investments in minority-serving colleges and universities. And it does this without raising taxes; in fact, the CBO estimates that these student loan reforms will reduce the deficit by over \$10 billion over 10 years.

In challenging economic times, we can no longer afford to subsidize private lenders at the expense of college students and their families. In my home State of New Mexico, this bill will provide almost \$240 million in new Pell grant funding and an estimated \$95 million for Hispanic-serving institutions and tribal colleges over the next 10 years. In supporting economically disadvantaged college students through this bill, we help them to achieve the American dream. We also strengthen our economy by ensuring that we continue to have the smartest, most competitive workforce in the world.

It is clear that the legislation before us and the new health reform law signed by President Obama yesterday are important steps forward for our country. Once we get beyond the rhetoric and discuss the specific reforms in this legislation—it becomes clear that this bill is vital to our Nation. It protects the aspects of our health care system that are working well while fix-

ing those things that are broken including outlawing the nefarious games that health insurance companies play. It improves health care quality and it reduces costs; reforms the student loan system and expands important programs to help all America's children access a higher education—and it does all this while substantially reducing the Federal deficit.

I hope we can join our colleagues in the House and move swiftly to pass this reconciliation bill.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. BINGAMAN. Mr. President, I will conclude by complimenting my other committee chair who is on the Senate floor, Senator HARKIN, who has worked tirelessly to get this legislation through the HELP Committee. He deserves great credit for his leadership on this bill, as does Senator BAUCUS.

The PRESIDING OFFICER. The Senator from Montana is recognized.

Mr. BAUCUS. Mr. President, that is a good introduction to the next speaker, the distinguished chairman of the HELP Committee, Senator HARKIN.

The PRESIDING OFFICER. The Senator from Iowa is recognized.

Mr. HARKIN. Mr. President, I thank my friend from New Mexico for his kind words, and I thank him for the great work he did on getting us to this point.

I have a limited amount of time. I want to respond to the motion to commit made by the Senator from Tennessee yesterday that would reduce our investment in Pell grants and replace them with lower student interest rates.

We all want lower student interest rates. I am, quite frankly, surprised. I do not remember my colleague from Tennessee or other colleagues on that side of the aisle raising much cane around here when the private bankers and Sallie Mae were charging students over 20 percent interest. I did not hear a peep out of the other side.

We have capped all of those interest rates now, and we are changing this program to a direct loan program to get the middlemen out. By cutting out the middlemen, by cutting out the huge subsidies to the bankers, we are able to save over \$61 billion over the next 10 years, which we are using, again, to put into the Pell Grant Program to help our students.

I said yesterday, and I repeat, think about the present status quo with this indirect guaranteed student loan program. Think about how bizarre it really is. The Federal Government pays fees to private banks to make entirely risk-free loans using taxpayer dollars. The loans, which are already guaranteed by the Federal Government, are then sold back to the Federal Government. The banks then pocket tens of billions of dollars, taxpayers' dollars, in fees and easy profits at absolutely no risk to them whatsoever. This has

been going on for far too long. What this bill does is it ends that. It takes all those savings that otherwise would go to Sallie Mae and to the bankers and puts them into Pell grants.

While I would agree that our students have too much debt—way too much debt; 73 percent of 4-year college graduates in my State of Iowa graduated with debt that averaged over \$28,000. The national average is \$23,200 for a student graduating from college. My Iowa students have the second highest debt loads in the Nation. We are taking charge of that.

Three years ago, in the College Cost Reduction and Access Act of 2007, we created the Income-Based Repayment program. What that bill said is that a borrower's payment would be capped at 15 percent of their net income after adjustments are made for living expenses and provided total loan forgiveness after 25 years. We targeted that assistance to people who had the most difficult time repaying their loan.

More can be done. Here is what we did in this bill. Starting in 2014, a new borrower's monthly payment will be capped at 10 percent of their net income. They will be eligible for total loan forgiveness after 20 years. This is going to make college much more affordable for students even after they graduate.

If my friend from Tennessee wants to look at ways of reducing interest rates, I am all for it. Some of the biggest users of credit cards are kids in college, and look what they are being charged under credit cards—well over 20 percent, 30 percent sometimes on their credit cards. And they need that for immediate needs. If you are a parent with a kid in college, you know what I am talking about.

If you really want to help students, how about capping the interest rates they can charge on credit cards. I advocated that 20 years ago. We cap it at 12, 15 percent. They cannot charge any more than that. But I do not hear my friend from the other side talking about that. That would do more to help our students than just about anything else.

Three years ago when we cut the interest rates on student loans, we were criticized by the Republicans for not doing enough to increase Pell grants. Now we are being criticized for doing too much on Pell grants and not enough on interest rates for students. We see what this is. It is just another attempt to try to kill this reconciliation bill. That is all it is. Of course I am for lower interest rates. Who wouldn't be? Of course we are all for making the interest rates lower. When this reconciliation bill is through, I intend to come to the floor on some bill that probably will be coming up—maybe a financial bill or something like that—and I will be proposing at that time that we have lower interest

rates. I ask my friend from Tennessee to join us in that effort at that time. But now is not the time and this is not the bill on which to do this.

We have to get our reconciliation bill through. Every amendment being offered by the Republicans is no more than an attempt to stop and kill this reconciliation bill, and we cannot allow that to happen.

We are going to have an education bill this year. We are going to have an elementary and secondary education bill I hope sometime this year. Higher Education Act changes are in this reconciliation bill. We are going to make sure the students have the money to go to college and Pell grants for the lowest income students. And, yes, we have capped interest rates at 6.8 percent. Could they be lower? I invite my friend, when we have another bill up that addresses this, let's see if we can get lower interest rates. I would be glad to work on that issue at that time. But right now, let's put the savings, the \$61 billion that we are saving—let's do what this bill does: put it into better Pell grants so the kids can get into college in the first place.

We also put \$2.5 billion into something we have neglected for far too long; that is, our Historically Black Colleges and Universities and other Minority-serving Institutions. So a big chunk of that money goes in there so they can also get a good education.

So this bill was carefully crafted. We put the money in there in the Pell grants. Let's keep them there and let's address the issue of the interest rates later on. I invite my Republican friends to join with us in doing that, especially on credit cards when that issue comes up down the pike.

Again, I urge my colleagues, when the vote comes up, to defeat the Alexander motion to commit and to keep the money in there for Pell grants.

I yield floor.

The PRESIDING OFFICER. The Senator from Montana is recognized.

Mr. BAUCUS. Mr. President, I wish to say a few words about how much this underlying legislation helps small business. We hear a lot of claims to the contrary, and I wish to set the record straight.

Essentially, small business people in America today spend about 18 percent more than the large businesses for the same health care coverage. Why is that? Because of high broker fees—small businesses have to buy insurance through brokers—because administrative costs are higher for them compared to big businesses, and adverse selection hurts them much more than big business. There are a lot of reasons why small businesses pay 18 percent more for health care than big business.

This legislation contains \$37 billion in small business tax credits—\$37 billion in small business tax credits—most of which go into effect this year,

not later but this year, tax credits for a businessperson who wants to offer health insurance for his or her employees. Add to that insurance reforms, which are very much going to help small business. What are they? Preventing insurance companies from discriminating against small employees based on preexisting conditions, preventing discrimination on the basis of older or sicker employees, discrimination based on the size of the plan or discrimination against those whose employees work in dangerous industries.

All these insurance reforms are going to help small business. I might say the Congressional Budget Office also estimates the Senate bill will lower premium costs by nearly 7 percent for small businesses—lower premium costs, not increase them, as has been suggested, but lower premium costs for small business.

The bill also provides for State-based exchanges. That is going to help small business because that will require more competition among insurance companies. That will help give better rates and better quality insurance to small businesses.

I might say this as well. The legislation exempts small businesses—that is a business with 50 or fewer employees—from the requirement that employers that do not sponsor health care insurance pay a fee for their employees receiving premium tax credits. That is an exemption for small businesses with fewer than 50 employees from paying any penalty if they do not provide insurance.

So I wished to make it very clear that this bill very much helps small business—and I repeat—with \$37 billion in small business tax credits, along with the other reasons I gave.

Mr. Chairman, how much time remains?

The PRESIDING OFFICER. There is 1½ minutes remaining.

Mr. BAUCUS. Mr. President, I don't know if Senator MCCASKILL is in the Chamber. I doubt she wants to take 1½ minutes. If not, I will yield back the 1½ minutes.

I understand Senator MCCASKILL is here now and wishes to speak, so I will try to find a way to squeeze in as much time as I can.

You are on.

The PRESIDING OFFICER. The Senator from Missouri is recognized, and she has 1 minute.

Mrs. MCCASKILL. Mr. President, I am confused about why the hearing we had scheduled this afternoon cannot go forward. The subject matter of this hearing is oversight of the contract that is engaged in police training in Afghanistan in the Subcommittee on Contracting Oversight. This is a hearing that is getting to the heart of the matter; that we have a real problem with the mission part in Afghanistan

on police training because of problems with these contracts—problems with oversight at the State Department.

We have now canceled the hearing because we have been told we can't have it. The witness from the State Department has been canceled, the witness from the Defense Department has been canceled, and the inspectors general who were coming to testify about a GAO report that just came out last week that was damning in its criticism in the oversight of these contracts.

The PRESIDING OFFICER. The Senator's time has expired.

Mrs. MCCASKILL. I don't get it.

The PRESIDING OFFICER. The Senator from Montana is recognized.

Mr. BAUCUS. Mr. President, is there an order providing for the next half hour?

The PRESIDING OFFICER. There is not.

Mr. BAUCUS. I ask unanimous consent that the Republican side control the next half hour and that the majority control the half hour following that.

The PRESIDING OFFICER. Is there objection?

Mr. GREGG. Reserving the right to object, that would be a half hour off, so we should have the half hour after that because you got the first half hour.

Mr. BAUCUS. We won't worry about that yet.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. GREGG. Mr. President, the Senator from Maine is about to take the floor.

The PRESIDING OFFICER. The Senator from Maine is recognized.

Ms. SNOWE. Mr. President, I wish to thank the Senator from New Hampshire very much for his leadership and for consideration of the time today.

As consideration of health care reform draws to a close in the Senate with the pending reconciliation bill, I cannot help but arrive at this moment with a sense of profound disappointment in considering what might have been, rather than what has actually occurred with respect to one of the foremost domestic matters of our time.

As I stated as a member of the Senate Finance Committee at the conclusion of our markup of health reform legislation last October, this is one of the most complex set of issues ever placed before us. At the same time, I have said the reality that crafting the right approach is arduous in no way obviates our responsibility to make it happen, given the enormous implications of reordering more than \$33 trillion in health care expenditures over the next 10 years, representing one-sixth of our economy and affecting every American.

Well, if there is one thing I have learned, it is that the only way to allay people's fears is by systematically

working through the concerns, the issues, and the policy alternatives from all sides. When we hear proponents portraying the passage of health care reform as the equivalent of landmark legislation of the past, what they fail to note is, those efforts were all bipartisan. Regrettably, part of the history we made this week is that, for the first time, a truly watershed bill became law purely along partisan lines.

As I mentioned on the floor last November, it is almost impossible to imagine how transformational legislation over the last nearly 100 years, such as Social Security, Medicare, and civil rights could have been as strongly woven into the fabric of our Nation had they forsaken bipartisanship.

We could have extended that bipartisan legacy. The majority had 60 votes for health care reform, so they had a choice. They could have worked collaboratively to develop a more balanced, effective, and credible approach that—even if it ultimately failed to attract many Republican votes—could have resulted in legislation more widely embraced by the American people because, in the final analysis, no one party or person has a monopoly on good ideas.

That is precisely the reality that originally brought six of us together in the Senate Finance Committee in the so-called Gang of 6, to the credit of Chairman BAUCUS, who convened a meeting last summer, along with Ranking Member GRASSLEY, and that the chairman and ranking member referenced earlier in the debate on the floor. I commend them for what was the only bipartisan effort in any committee of the House and Senate. Certainly, that has been true and indicative of their collaborative, cooperative relationship. As the chairman pointed out, we met 31 times, week after week, for over 4 months, to debate policy and not politics because we were attempting to reach bipartisan consensus on reform legislation.

While we ultimately did not reach an agreement, given our discussions were ended prematurely by an artificially imposed deadline, our efforts did, in many ways, form the foundation for the subsequent Finance Committee legislation that, while far from perfect, produced bipartisan reforms, including banning the egregious practices by the insurance companies that have been discussed so often. We tried to navigate the ideologies on both ends of the political spectrum.

At the same time, as I stated at the conclusion of the Finance Committee markup, the issue of affordability remained one of my paramount concerns. I further expressed that we could not create vast, new bureaucracies and governmental intrusions. Finally, I said my vote to report the bill out of the committee was to continue to work to improve the legislation and, there-

fore, it would be imperative moving forward that the majority in the Senate give deference to the scope and the complexity of this issue, earn broader support, and resist the impulse to retreat into partisanship.

Yet regrettably, since the Finance Committee vote on October 13, the wheels essentially came off. The process went behind closed doors, with only one party represented. Long gone was the transparency of the Finance Committee debate, and what came to the Senate floor was a 2,400-page bill—900 pages longer than the Finance Committee bill—that we were forced to complete by Christmas Day, after a mere 21 days on the floor. In looking at a relative equivalence in terms of benchmark legislation, the Senate debated the Civil Rights Act of 1964 for 57 days. In the FAA bill that we just considered—that we just voted on this past Monday—we disposed of 45 amendments. That is 17 more than we addressed in the amendment process on health care reform legislation in December. What exactly were people afraid of?

Think what we could have been celebrating today if we would have had the open amendment process we had been promised or even if we had had, as I urged, that bipartisan summit last October instead of just last month. If it was a good idea now, it would have been a good idea then. Imagine if everyone had the opportunity to sit down with the actual legislative language and work through all the issues, determining what works and what doesn't work. We could have crafted a better product. But now we will never know. We could have, instead, developed something practical, rolled out in phases—something all the more critical, given we are already in treacherous economic and fiscal waters.

It is not as though we lacked the time. After all, the major provisions of this initiative do not even take effect until 2014. In fact, CBO has said that with the majority of the reform measures not scheduled to commence until then—4 years from now, by year 2013—there will still be 50 million uninsured Americans, exactly the same number as today.

There are those who will argue that the Senate-passed legislation was basically the same bill that emerged from the Finance Committee. But the facts tell a story of a different bill that, far from improving upon the finance measure, as I had indicated would be critical, instead went precisely in the opposite direction from what Americans wanted—with greater bureaucracy, more taxes, and ill-conceived measures that will cost our Nation jobs rather than help to create them.

Look at this chart, with respect to the employer mandate, to cite some examples. Something of critical importance to me, as ranking member of the

Senate Small Business Committee, the Finance Committee proposal contained no employer mandate per se, forcing firms to offer health insurance. Rather, it specified that if a firm chose not to offer insurance and any of its workers received subsidized coverage in the exchange, the firm would pay a penalty equal to the lesser of an average credit amount that the employee received in the exchange or a flat \$400 fee for all its workers.

While I would have preferred a zero penalty, the Senate-passed bill actually got worse, as you can see with this chart. First, penalties nearly doubled from those in the Finance Committee package to \$750 per employee. Then it greatly expanded the instances in which penalties would be applied, requiring employers with more than 50 full-time employees who don't at least offer coverage and have even one full-time employee receiving a subsidy through the exchange to pay \$750 for each of its full-time workers.

Under the reconciliation package that is pending before the Senate, firms with more than 50 workers would have to pay \$2,000 per employee with just the first 30 employees exempted. That is a 167-percent increase over the \$750 in the bill that was just signed into law. So we have gone from \$400 to \$750 and now to \$2,000.

If that is not enough, part-time workers and seasonal workers will now be counted in determining whether the mandate will apply. That will be devastating. It will be devastating to small firms, middle-sized firms, restaurants, retailers, and seasonal industries, such as those in my State of Maine, that will be subject to this mandate, which now produces \$52 billion in revenue, up from the \$27 billion in the bill that just became law.

Exactly how is this going to help our Nation's greatest job generators—our small businesses—that we are depending on to lead us out of this downturn?

Now let's look at the Medicare taxes, the second chart. The finance bill did not contain any form of Medicare taxes. We did not increase Medicare taxes. The Senate bill that just now became law, signed by the President yesterday, included \$87 billion in Medicare taxes. That disproportionately affects small businesses because they apply to the income those businesses would normally reinvest.

Plain and simple, this .9 percentage point increase in Medicare payroll taxes is a job killer as it essentially takes away 1 additional percentage point of capital from the very small business owners we are depending on to create jobs, who are more than likely to employ between 20 and 250 employees, all at a moment when we should be looking for ways to help bring capital into small businesses.

If that were not bad enough, here we have reconciliation that is pending before the Senate that compounds the

mistake with a 3.8-percent Medicare tax that is unprecedented because it is imposing a payroll tax on investment income. When combined with a capital gains tax increase the majority is planning for the end of this year, this 3.8 percent tax will raise the capital gains tax rate to an astonishing 23.8 percent, which is a 67-percent increase in taxes on investment during these precarious times.

Taken together, it is a grand total of \$210 billion in Medicare taxes. So we went from the Finance Committee at zero to the Senate-passed bill that became law yesterday at \$87 billion, and now in the bill pending before the Senate, we have a grand total of \$210 billion in Medicare taxes.

It is a hidden tax, by the way. It is not indexed for inflation, so it will be similar to the alternative minimum tax that is going to continue to ensnare more and more people in this tax. It is a major tax increase on individuals, small businesses, on capital, at a time when we desperately need that capital to be reinvested to create more jobs.

Again, we have gone from zero to \$210 billion in new taxes in Medicare. Do we seriously believe this is the time we should be instituting these breath-taking and job-killing increases, not to mention the unprecedented shift because not one dollar gets reinvested in Medicare—not one dollar—not to mention it does not address the physician problem with a 21-percent reduction in provider reimbursement that we have to extend this week for another month because it is a month-to-month problem. We need a 10-year fix. That will be over \$200 billion but, rather, we are taxing it for other purposes rather than into Medicare. But unfortunately, that's what becomes of a broken process.

Look at what two of the largest organizations representing small business in America stated upon passage of the finance bill. The National Federation of Independent Business said at the time the finance bill passed on October 13:

NFIB appreciates the many provisions in this package that reflect small businesses' needs, which are rooted in approaches that aim to lower costs, increasing coverage options, and provide real competition in the private marketplace.

Fast forward to the Senate-passed bill in December that now became law as a result of the President signing it yesterday. Now what does NFIB, the National Federation of Independent Business, have to say?

The impact from these new taxes, a rich benefit package that is more costly than what they can afford today . . . [and] a hard employer mandate—

The one I referred to earlier—equals disaster for small businesses.

On March 21, they said:

We couldn't have been clearer how damaging this bill will be to America's small

businesses and the economic recovery of this country.

Particularly in these precarious economic times, shouldn't that make us all deeply concerned?

Now consider what the National Small Business Association released this weekend. I have that on a chart as well.

We have continued to work positively for needed changes . . . but it is now clear that most of these recommendations have not been accepted. . . . We understand that it is impossible to create a significant reform such as this one without some objections from nearly every constituency. But our objections to this bill go beyond those reasonable expectations. Congress can do better.

To which I add, I could not agree more. They say they oppose the health care reform bill with regret but they base it on all the significant issues that have been incorporated in this legislation that will be damaging to small businesses. I could not agree more.

Furthermore, I am deeply troubled by the manner in which the Medicare tax increases in this bill are to be utilized—\$210 billion. According to CBO, and this is their exact words:

To describe the full amount of the [Medicare] trust fund savings as both improving the government's ability to pay future Medicare benefits and financing new spending outside of Medicare would essentially double count a large share of those savings and thus overstate the improvement in the government's fiscal position.

So, No. 1, talking about the fact of the reduction of deficit, it is not going to improve that; and No. 2, whether or not it can be plowed back into Medicare, obviously it is not going to affect Medicare's insolvency issue because it is going to go to other purposes and is not intended for the Medicare trust fund. How are we going to strengthen Medicare when these new tax dollars are being diverted from their original intended purpose of actually paying for Medicare benefits?

Another major difference in the legislation we passed in the Senate Finance Committee on October 13 and in the pending reconciliation bill, is the so-called CLASS Act. While proponents point to estimates that this provision would raise \$72 billion over the first 10 years, that savings only occurs as a result of a fiscal shell game of using funds promised to pay beneficiaries later to lower the deficit today. As CBO says, "The program would pay out far less in benefits than it would receive in premiums over the 10-year budget window," raising \$70 billion in premiums that will fund benefits outside the window, and as a result, CBO further concluded that "in the decade following 2029, the CLASS program will begin to increase the deficit." Again, this is exactly the wrong direction for America.

Perhaps most disturbingly, we don't even have answers from CBO to many of the most fundamental questions in

the minds of Americans, the minds of small businesses—what will be the true impact? Those were questions I posed to CBO on December 3 to which I still don't have the answers. What provisions in the legislation would justify and facilitate premium increases, and to what extent would other provisions limit their outcome? What would go up and what would go down? We need to know what is going to drive up premium costs and what is going to lower premium costs. Indeed, the headline on Tuesday in my home State newspaper the Portland Press Herald was "Mainers Wait and Wonder: How Will Reform Affect Us?"

That is why I also requested from CBO specific state-by-state analysis of reform's effects on premiums, because while we do have from CBO a national average for premiums, what they would be for minimum credible coverage under the new law, the reality is that cost will vary widely from State to State. That is why I proposed and I asked CBO what the impact would be of opening up the legislation to extend the "young invincibles" plan, that catastrophic coverage for young people, to all Americans and extend those subsidies to that coverage as well so everyone at least has one affordable option to purchase health insurance. Why? Because the Federal Government is requiring for the first time that individuals purchase health insurance—that is, first, individual mandates; second, it sets new standards in the plan and the exchanges that could drive up premium costs for certain individuals and small businesses. So shouldn't we have the certainty that affordable choices are available? Yet we do not even have substantiation whether provisions of this reform will make health care costs higher or lower. In fact, there is actually a presumption in the legislation that costs may well go up.

I find it telling that the excise tax on high-cost insurance in this reconciliation contains a fail-safe provision, referred to as a health cost adjustment percentage, that automatically raises the threshold to higher numbers. That was described in the House Democratic summary of reconciliation. They put it this way:

CBO is wrong in its forecast of the premium inflation rate between now and 2018.

Maine is a high-cost State, regrettably, because it is not a competitive market. We have high-cost plans, along with 16 other States. But given that the bill already provides for thresholds as high as \$13,900 for individuals and \$36,450 excluding vision and dental benefits before triggering the excise tax, those thresholds are significantly higher than those that were passed in the Senate-passed bill yesterday. Now they will be raised even higher under the pending reconciliation.

The question is, Why exactly would we still require a medical inflation adjusted for 2018, 8 years from now, that

raises those thresholds even higher? What does that say about the performance confidence in reining in medical costs as a result of this legislation that was signed into law and the pending reconciliation? It says they simply do not know. The fail-safe automatic increase in the threshold clearly assumes this legislation still may not address runaway costs.

The PRESIDING OFFICER (Mrs. HAGAN). The time of the Senator has expired.

Ms. SNOWE. I ask unanimous consent for 1 additional minute.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. SNOWE. Madam President, these are the thresholds. Eight years from now—the legislation suggests that because of inflation for medical costs that outpaces inflation two to three times, they are saying that 8 years from now, we will not have controlled medical costs even with the passage of this legislation having taken effect as a result of yesterday. It is precisely because of this uncertainty that I will be offering amendments to address these very issues.

Somehow, the high worth of legislating, of deliberating, of ironing out our differences has been cast aside in favor of either/or propositions when we could have instead risen to the monumental challenge with the best possible solution to strengthen America's health care today and for generations to come. I profoundly regret that this process has provided far too few opportunities to forge legislation that would stand not just the test of our time but for all time. We could have done better and we should have done better.

I yield the floor, and I ask unanimous consent to have printed in the RECORD the NSBA statement of March 19, 2010; the NFIB statement of November 19, 2009; and the Portland Press Herald article of March 23, 2010.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the National Small Business Association, Mar. 19, 2010]

NSBA OPPOSES HEALTH CARE REFORM BILL, WITH REGRET

Despite the extraordinary need of small businesses for health care reform, the National Small Business Association cannot support the reform bill currently pending before Congress. This bill will place significant new pressures on small businesses to both offer and pay for employee health insurance, starting in the earliest stages of reform. However, the provider-level reforms that could contain costs and enable small businesses to afford this commitment will not be fully effective for many years—if at all. We justifiably expect that small companies caught between these twin pressures will see their ability to grow, prosper, and create jobs greatly diminished.

As long-time advocates of fundamental reform of the health care system, we had high hopes for a reform measure that could be more broadly embraced and that we could

support. Indeed, the current bill has many positive features that NSBA supports: repair of the dysfunctional individual and small group insurance markets; focus on individual needs and responsibilities, rather than all-encompassing employer mandates; and a start on transforming the delivery system incentives that have driven health care costs to unsustainable levels.

The shortcomings, though, also are significant.

Small business health premiums will continue to increase sharply, as even the Congressional Budget Office has determined.

The legislation does nothing to encourage cost-conscious consumer behavior, aside from the unnecessarily blunt “Cadillac tax,” which will not begin to have an effect until at least 2018, and which is insufficiently transparent and imposes unintended administrative burdens on small businesses.

The previously mentioned delivery system reforms are positive, but are too back-loaded, giving powerful vested interests years to water them down or remove them entirely. Even if implemented, they are not likely to have a significant effect on costs for a decade or more. Malpractice reform, absent from the current legislation, would make these reforms much more effective.

Though currently excluding most small companies, the large increases in “free-rider fees” are troubling. If there was once a distinction between an employer mandate and a free-rider provision, it seems to have been lost.

The very large tax increases on both earned and unearned income could have a significant effect on many small business owners and their ability to reinvest in their companies' growth. These increases are in addition to the administration's current budget proposal which calls for significant income tax increases on the same individuals. Together, these taxes will create a steep increase in marginal tax rates on the very entrepreneurs we need to be investing and creating jobs.

NSBA has stood apart from many other business groups during deliberations on health care reform, preferring to be a non-partisan, thoughtful, and member-driven organization. We have continued to work positively for needed changes to the legislation, but it is now clear that most of those recommendations have not been accepted and that the bill is in its final form. We understand that it is impossible to create a significant reform such as this without some objections from nearly every constituency. But our objections to this bill go beyond those reasonable expectations. Congress can do better. A sense of urgency on cost containment is the place to start.

NFIB STATEMENT: SENATE HEALTH BILL

WASHINGTON, DC, Nov. 19, 2009.—Susan Eckerly, senior vice president of the National Federation of Independent Business, the nation's leading small business association, issued the following statement in reaction to the Patient Protection and Affordable Care Act:

“Small business can't support a proposal that does not address their No. 1 problem: the unsustainable cost of healthcare. With unemployment at a 26-year high and small business owners struggling to simply keep their doors open, this kind of reform is not what we need to encourage small businesses to thrive.

“We oppose the Patient Protection and Affordable Care Act due to the amount of new taxes, the creation of new mandates, and the

establishment of new entitlement programs. There is no doubt all these burdens will be paid for on the backs of small business. It's clear to us that, at the end of the day, the costs to small business more than outweigh the benefits they may have realized.

“Small businesses have been clear about their needs in health reform; they have been working for solutions for more than two decades. They have a unique place in this debate because of the exceptional challenges they face. They experience the most volatile premium increases, are the most cost-shifted market, see the most tax increases and have the least competitive marketplace. For all these reasons, they especially need reform, but these reforms can't add to their cost of doing business. The impact from these new taxes, a rich benefit package that is more costly than what they can afford today, a new government entitlement program, and a hard employer mandate equals disaster for small business.

“We are disappointed that, after so many months of discussion, small business could be left with the status quo or something even worse. Unless extreme measures are taken to reverse the course Congress is on, small business will have no choice but to hope for another chance at real reform down the road.

“Congress is running out of opportunities to prove to small business that they are serious about helping our nation's job creators. We are hopeful that a robust bipartisan debate will produce a bill that small businesses see as a solution and not another government burden.”

[From the Portland Press Herald, Mar. 23, 2010]

MAINERS WAIT AND WONDER: HOW WILL REFORM AFFECT US?

(By John Richardson)

Terri Grover of Portland watched from her home Sunday night as Congress finally passed health-care reform legislation.

She didn't realize that her 22-year-old daughter, a senior at Bates College, was glued to the television, too.

“My daughter called from college last night at 10:45 and said, ‘They passed it, they passed it! Does that mean I'm going to get insurance?’” Grover said.

Grover is pretty sure the answer to that question is “yes.”

The legislation, which still needs to be signed by President Obama and then amended by the U.S. Senate, says dependents will be eligible to stay on their parents' policies until they turn 26.

However, Grover is still nervous about all of the details in the complex reform package, some of which have yet to be finalized.

Some Mainers, including Grover, said Monday that they're excited about the legislation.

Others said they fear that the added costs and regulation will just make matters worse.

All agreed, however, that there is much uncertainty and confusion about how it will ultimately affect their health care costs, their jobs and their businesses.

“We all want to know,” Barbara Thorso of South Portland said Monday afternoon between bingo games at the city's community center.

Thorso, 87, is president of the Three Score Plus Club, which hosts the weekly gathering.

“We're the general public. This bill is going to cover us,” Thorso said. “I would like to have an understanding of what's in the package. I don't have a clue.”

The 10-year, \$938 billion bill will eventually extend coverage to 32 million uninsured

Americans, prohibit insurance companies from denying coverage to sick people, and create insurance marketplaces, called "exchanges," intended to make coverage more affordable.

Other changes will be more immediate, such as subsidies to help senior citizens pay for drugs and the requirement to let dependent children remain on their parents' health insurance plans until age 26.

"It's really too soon to know how all of this is going to unfold. Some of the provisions of the bill don't go into effect until 2014, and some after that," said Katherine Pelletreau, director of the Maine Association of Health Plans, an association of health insurance companies.

"In truth, I'm trying to understand it, to dissect it so we can know what the impacts and (employers') responsibilities are, and that's going to take some time," said Dana Connors, president of the Maine State Chamber of Commerce.

"The big question is . . . does it reduce costs or does it add costs?"

Parker Williams of South Portland believes that the legislation will hurt businesses and cost jobs. "Where are they going to get the money to pay for it?" said Williams. "It will take 10 years before it will start to save money."

Anne LaForgia of South Portland said she has more faith in President Obama.

"Most of the people our age are very concerned," said LaForgia, who is 84. "I'm really hopeful . . . I don't think it will hurt (seniors covered through Medicare). I'm more worried about the younger people."

Toni Fizell and Sharon Haskell, both of South Portland, could be directly affected by the legislation. Fizell, who is 59, has no health insurance.

Haskell, who is 63, expects that she will be uninsured, too, after her rate goes up in June.

Both are more nervous about the bill than optimistic.

"It's scary to listen to (the debate)," Fizell said. "Everybody has to have insurance. . . . How are they going to enforce that?"

The bill will eventually require people to buy insurance or pay fees, and it includes subsidies to help people who can't afford it.

Haskell, who lost her job and her employer insurance last year, said she doesn't expect any help from the legislation before she turns 65 and is eligible for Medicare. "I'm just going to look for something part time and pray that I stay healthy," she said.

Grover, who celebrated on the phone with her daughter, is confident that the legislation will be an improvement, despite all the details.

"Young people will be able to search for the right career for them rather than search for any job that will give them health insurance," she said. "I wish the whole thing went into effect faster."

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. BURR. Madam President, how much time remains?

The PRESIDING OFFICER. Nine minutes.

Mr. BURR. Will the Chair please notify me when I am down to 1.

I will also offer an amendment tonight, and the purpose is very clear: it is to protect the health care of our Nation's servicemembers, veterans, and their widows, orphans, and dependents. The problem is, since the debate on

health care reform began, our veterans and their families have asked for just one thing: Protect our health care benefit. The President even promised. He said that "one thing that reform will not change is veterans health care. No one is going to take away your benefits—that is the plain and simple truth."

Unfortunately, the Patients Protection and Affordable Care Act does not explicitly protect the health care of our Nation's servicemembers, veterans, their widows, orphans, or dependents. Let me explain why.

Under this health care bill, it requires a minimal essential coverage of any health care plan. The requirements for that health care do not clearly include TRICARE, which is the Active-Duty family members of our troops; the VA's spina bifida program for children under our Agent Orange veterans under chapter 18 of title 38; and CHAMPVA, a program run out of the Veterans Administration for spouses and dependent children of veterans who died or are profoundly disabled as a result of military service; and possibly VA's vocational rehabilitation program. As a result, these beneficiaries could be forced to pay additional insurance or to pay punitive fees because the threshold of coverage does not meet the threshold defined in this bill.

Apparently, the authors were so preoccupied with the sweetheart deals and backroom negotiations that they forgot to uphold their promises, they forgot about the policy part of this health care bill.

Both the House and Senate have acknowledged the oversight I am here to correct. As soon as the issue was identified, the House rushed through on Saturday to pass a bill to put a technical correction on the Department of Defense piece. The bill passed with overwhelming support—403 to 0. The problem is, the only piece that the DOD technical corrections piece fixes is, in fact, TRICARE.

It does not fix spina bifida for the children of Agent Orange survivors. It does not fix CHAMPVA, which is the program for spouses, dependent children of veterans who are profoundly disabled as a result of military service.

Now, identical legislation was introduced in the Senate, and some claim, well, we just need to pass that. Well, you need to pass that if, in fact, you do not want to extend CHAMPVA and spina bifida.

I have to commend that Secretaries Shinseki and Gates have tried to alleviate the concerns. I certainly appreciate their reassurances. However, the greatest assurance you can provide is to be unambiguous about the issue. We owe it to our Nation's veterans, to their families, to leave uncertainty outside and to spell it out in the legislation that these items meet the threshold. Therefore those families,

those servicemembers, are not obligated in the future for additional penalties and/or fees to participate.

It is time we started to listen to the American people, especially when it relates to our Nation's veterans and their families. My amendment maintains the integrity of the health care system of VA and DOD. It ensures that the authority of the Secretary of the Department of Defense and the Secretary of Veterans' Administration would not be challenged or obstructed by any provision in the Patient Protection and Affordability Care Act.

My amendment will ensure that nothing in the Democrats' health care bill should be construed as affecting benefits provided under TRICARE or any VA health care program.

Finally, my amendment ensures that the minimal essential coverage—key words, "minimum essential coverage"—under this Democratic health care bill includes TRICARE and all health care provided by the VA.

I think it is important to remind my colleagues that over the weekend the veterans service organizations have expressed their deep concern, and more than one VSO, Veterans of Foreign Wars, said this:

Bill language is important, and that's why the VFW remains adamant to expeditiously fixing the new law. All of DOD's programs should have been in the original bill, as well as all of Title 38, not just one part of one chapter. This is not playing politics, this is protecting the hard earned health care coverage our veterans, servicemembers, and their families deserve.

Some might come to the Senate floor later and say, well, this is not the appropriate place to fix it. The reconciliation bill has been billed as "the bill to fix everything" that is wrong in the original health care bill. That is how it was sold to House Members: Vote for the Senate bill, and we will fix all of those things that you find as problems in the reconciliation bill.

We have before us the reconciliation bill, and some will argue that fixing it for our Nation's veterans, their spouses, their family members, that this is not the appropriate place to do it. I agree. We should have gotten it right the first time. We should not have to have a fix-it bill. But when we do not bring sunlight to it, when we exclude people who are focused on policy, this is what we get. We get a bill that does not fulfill the promise the President made.

Let me just state again exactly what they were. The President said:

One thing that reform won't change is veterans health care.

He went on to say:

No one is going to take away your benefits, that is plain and simple truth.

Well, if it is plain and simple truth, then this body has no choice tonight but to take my amendment, to pass my amendment, to incorporate it in the

health care fix bill, the reconciliation bill, and to make sure that when we finish our business, whether that is tomorrow or the next day, that, in fact, it is very clear in the health care bill who is covered. It is not just TRICARE for Life, it is TRICARE; it is spina bifida for the children of Agent Orange exposure; it is the CHAMPVA program, which covers spouses, children, and the severely disabled of those killed in action.

My hope is that all of my colleagues will see the wisdom in supporting this bill, that they will not look for another avenue to do it in, that they will put it in the fix bill, and they will not leave it up to Secretaries to give us the assurance when we have set up so many outside panels to interpret for the American people what their coverage is going to be in the future.

I think sometimes we can forget the complicated maze this bill creates, where we will actually have nonproviders determining whether your coverage is sufficient that you constructed or that your employer provided for you or that you went out as an independent and bought, and if it does not meet the standard of minimum essential coverage, then you could open—

The PRESIDING OFFICER. The Senator has 1 minute remaining.

Mr. BURR. I thank the Chair.

Then you could be exposed to a fine because a government bureaucrat has determined that the coverage, the health care coverage you bought, that you were given, is not sufficient enough to meet the minimal essential coverage this bill crafted.

Well, very simply, there are veterans around the country who know they have been left out—their spouses, their family members, their kids with disease. Tonight we can assure them they are included by, in the health care fix bill, actually fixing that one piece and making sure that we extend the coverage the President promised and that we owe to these veterans and their families.

When I introduce that bill, I hope all 100 Senators support it like the House has. I thank the Chair.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Madam President, I think the half hour has now turned to our side.

The PRESIDING OFFICER. That is correct.

Mr. BAUCUS. I yield to the Senator from Michigan for a request.

The PRESIDING OFFICER. The Senator from Michigan

REQUEST FOR COMMITTEES TO MEET

Mr. LEVIN. Madam President, I make this request as chairman of the Senate Armed Services Committee. I would note that this unanimous consent request is supported by my ranking member, Senator MCCAIN.

We have three commanders scheduled to testify this afternoon. They have

been scheduled for a long time. They have come a long distance. One of them has come from Korea; one of them has come from Hawaii. I would therefore ask unanimous consent that the previously scheduled, currently scheduled hearing of the Committee on Armed Services, be allowed to proceed and that we be authorized to meet during the session of the Senate on Wednesday, March 24, 2010, at 2:30 in open and closed session to receive testimony from ADM Robert Willard, U.S. Navy, Commander U.S. Pacific Command; from GEN Kevin P. Chilton, U.S. Air Force, Commander of the U.S. Strategic Command; and from GEN Walter Sharp, U.S. Army, Commander U.S. Forces Korea, in review of the defense authorization request for fiscal year 2011, and the future years defense programs.

Senator MCCAIN supports this request. I understand it is not likely there will be any votes on the floor until 5:30 this afternoon.

The PRESIDING OFFICER. Is there objection?

Mr. BURR. As a member of the committee, and I side myself with the chair and the ranking member that I have no personal objection to continuing. There is objection on our side of the aisle. Therefore, I would have to object.

The PRESIDING OFFICER. Objection is heard.

The Senator from Montana.

Mr. BAUCUS. Madam President, I yield to the distinguished senior Senator from California, Mrs. FEINSTEIN, 10 minutes.

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. I thank the distinguished manager of the bill for his work on this which has been prodigious, long, and, I hope, not too exhausting.

I want to speak rather personally about health care reform, why I support the bill that has been signed by the President, why I support the reconciliation bill, and why I will oppose any amendment no matter how good that amendment may appear to be.

I am a doctor's daughter, and I am a former doctor's wife. So I have lived most of my life in a medical family. I have had very good health care. My father, who was chief of surgery at the University of California Medical Center, never operated on anyone he did not make a house call on. He was well respected by his students and a great surgeon.

My husband who died was a neurosurgeon, and his practice was spent in stereotactic surgery with respect to people who had abnormal movements and could not control their movements. So I came to believe that we had the best medical system in the United States of America.

It was only in the last few years that I began to see how much medicine had

changed in America. We walked into a doctor's office, and it was not like one secretary in my father's office; it was a bank of files and pressure and lines waiting to be seen. I realized that there were so many people who did not have good health care, who worried about losing their health care, and, in fact, were losing their health care; that this kind of reform suddenly was open to me.

Then I looked at some statistics because I thought, America is spending all of this money, spending nearly 15 percent of our GDP on health care, we must be getting substantial bang for the buck. And here is what I found instead.

According to the World Health Organization, the top health care systems in the world begin with France, No. 1, Italy, and it goes on. The United States is ranked 37.

So let's go on. Infant mortality: I think infant mortality is a good criteria of care because we know with good medical care we save babies. I thought surely America is going to be No. 1 in terms of infant mortality. No, we are No. 22. It is, in fact, Japan at the top with 3 deaths per 1,000 births.

So let's look a little further. Avoidable mortality rate: This is deaths that you can avoid with good medical care. Well, we have great medical institutions. You would expect that we would rank very high. Again, France is No. 1, and the United States is not 2, 3, 4 or 5 but No. 15. And the source of that is the Commonwealth Fund.

Well, I then began to think more deeply about it and to realize that we have all of these people in this country growing who are uncovered. In fact, in California, my State, a State of nearly 40 million people, in the last 2 years, each year the uninsured have gained 1 million people. So over the past 2 years, California has lost insurance for 2 million people, bringing the total of people up to 8 million who have no insurance whatsoever.

Then you see companies, when the people get sick with HIV, with full-blown AIDS, will just simply cancel their policies and throw them out. Then you learn that there is such a thing as a preexisting condition. We all come with certain preexisting conditions, or probably at one time in our life we will have one.

We find there are companies that will not grant insurance if you have a preexisting condition. In my 17 years in the Senate, 18 years in the Senate, we have had numerous people write and say: I have been denied this treatment, or, I have been denied that treatment. Would you please try and help me? And we do. Sometimes we win, and we get a procedure for them that they had been denied by their insurance company. So it is so important to know what this bill will do; that it will essentially cover 32 million or 95 percent of the

people of this country with some form of insurance.

When the exchanges are functioning, they will have real choice if they wish it. Their insurance will not be taken away from them. Right away, this year, yesterday, those of us who were at the White House heard the President say that immediate gains will take place. For example, \$5 billion for a high-risk pool, helping to provide coverage for those who are uninsured because they have been denied coverage by one of the big medical insurance companies.

Also, children with preexisting conditions can no longer be discriminated against. So the family with the juvenile diabetic who cannot get insurance because the child is a juvenile diabetic will be able to get that insurance.

That is important. We have learned that the notorious doughnut hole which takes place when you spend a certain amount on your pharmaceuticals—there is a hole in the middle at which point there is no help, and each person in that situation would receive \$250 to help them through that time.

A child can remain on a parent's policy until the age of 26. These are some of the things that happen right away.

Now, I know people do not like this plan, some of them. But the question comes: Do we keep doing what we are doing, spending more and more of our gross domestic product and not improving our overall performance, not improving our infant mortality, not improving our longevity, the way good practical medicine should?

I wish to talk about one thing that isn't in any bill about which I am very worried. A while ago, I introduced legislation for a medical insurance rate authority. We have about nine very large for-profit medical insurance companies in the United States. As a product of an earlier action, they are the only industry, other than major league baseball, that has an antitrust exemption. What they have been doing is merging and acquiring companies so that they can control markets. In Los Angeles, for example, today two of these companies control 51 percent of all of the premiums. Once you have this market share and control, you can raise premiums with abandon. Earlier this year, a company, a subsidiary of WellPoint, sent out notices to 800,000 Californians and said: We are raising your premiums. Premiums went up 39 percent for those not in a group policy but who held individual policies. Can you imagine getting a notice that your insurance has gone up 40 percent? To add insult to injury, they then said: We may come back in the middle of the year and ask for another.

That company came in. I asked the CEO what her salary was. Nine million a year. And you realize that these companies also have a substantial percent-

age that they spend on rent of your premium dollar, on the salaries of their executives in the millions of your premium dollar, on transportation, on conventions. Generally this can go to 20 to 30 percent of the premium dollar. We begin to bring it down to 15 percent of the premium dollar.

What is missing and what the President put in the reconciliation bill was my legislation to give the Secretary of Health the ability to see that medical insurance premiums are reasonable and would establish a rate authority of people who have expertise in the arena that she could consult with in levying this authority. That is not in the bill.

The PRESIDING OFFICER. The Senator has used 10 minutes.

Mrs. FEINSTEIN. If I might conclude.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. FEINSTEIN. These rate increases go into place May 1. So it is vital that we take some action before May 1, or all throughout the United States there are going to be substantial premium increases.

I yield the floor.

Mr. BAUCUS. Madam President, I yield 10 minutes to the Senator from Virginia, Mr. WEBB.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WEBB. Madam President, being an eternal optimist, I rise to express my hope that once the process of voting over the next 2 days is completed, we can find a way to move forward with our colleagues across the aisle to fix other provisions in this legislation and make it truly the kind of bill they say they wish to see as well. I will support this reconciliation bill. At the same time, as my colleagues on this side of the aisle know well, I worked very hard to narrow and improve this legislation as it was passed last December, including voting, as I recall, eight different times with my Republican colleagues, which didn't make my chairman very happy, on a few occasions to make changes in the bill. In the end I voted in favor of this legislation despite serious misgivings with portions of it, because it does represent a true step forward in terms of quality, accessibility, and affordability of health care for most Americans.

The important point for us to remember today and tomorrow, as we go through the process, is that the bill is now law. The question before us now is how best to implement that law so that the benefits can be put into place and the many detriments I was worried about can be addressed. There are a number of strong points in this bill. Many of my colleagues have laid them out. As we know, insurance companies will be prohibited from denying health care coverage to children with preexisting conditions. Young adults will be able to stay on their parents' insur-

ance plans until they are 26. Uninsured Americans with preexisting conditions will have access to affordable insurance options. Insurance companies won't be able to drop people from coverage when they get sick, and they will be banned from implementing lifetime caps on coverage. Seniors who hit the Medicare Part D doughnut hole gap in coverage will get a \$250 check to help with the cost of prescriptions and the doughnut hole will be completely closed by 2020.

Access to insurance over the next couple years will be expanded to 95 percent of Americans. It will implement reforms designed to slow skyrocketing health care costs. Working families will not have to worry about losing health insurance or facing bankruptcy because of a job loss or because of illness. Insurance companies will be required to spend the majority of their money on patient care.

The law will also provide tax credits to help make health insurance available for individuals, expand access to Medicaid, create a regulated marketplace where people can shop for the health insurance plan that best meets their needs, and will prohibit insurance companies from refusing to sell or renew policies due to an individual's health status. These are just some of the positive points of the law.

In fairness—and I understand and appreciate some of the frustration on the other side—there are serious problems in this bill. I don't like the dramatic cuts in Medicare this law proposes. In fact, I voted against them. I share the concerns by my Democratic colleague, Congressman RICK BOUCHER of southwest Virginia, regarding the potential negative impact these cuts could have on rural areas, particularly the population of southwest Virginia. This legislation proposes to cut approximately \$450 billion from Medicare spending over the next 10 years at a time when Medicare is already mired in debt and, as we know, a bow wave of baby boomers is going to start hitting the Medicare system immediately. Medicare Advantage, which provides better benefits than traditional Medicare, is a valuable tool in rural and underserved areas, and that may decrease. This law does little to address the historic disparity in Medicare funding between urban and rural areas.

I am also concerned about the cost and spending projections of this legislation. There is a great deal of debate going on right now about the real cost of this bill. Former CBO Director Douglas Holtz-Eakin estimated, in an article in the New York Times recently, that the bill may increase the Federal deficit by \$562 billion over 10 years because of some of these areas I discussed. The official score maintains that the bill would lower the deficit by \$143 billion over that same period, but it includes a number of unlikely assumptions, Medicare being one of

them. The system for reimbursing Medicare doctors, called the sustainable growth rate, is widely agreed to be broken, but we have not tried to fix it. That is a \$250 billion ticket. Many, including myself, believe the Community Living Assistance Services and Supports Act, the CLASS Act, is structurally unsound. I voted against that as we were considering the bill.

In addition, as my colleague Congressman GLENN NYE from the Norfolk-Virginia Beach area pointed out, there is a great deal of concern among families and small businesses regarding the impact of this bill.

Again, the point is, the bill is now law. The question is how to make the law a better law. The process that got us here has been ugly. It has diminished the trust and respect some citizens hold for our own government. We need to restore that trust through a genuine and transparent effort on both sides of the aisle to fix the problems in the law. We also need to start working together again across the aisle, on this and other issues that confront us, in a bipartisan sense and a sense of shared responsibility about the many problems facing the country. We are now preparing to begin a series of votes through the reconciliation process that ultimately, quite frankly, is going to mean little or nothing in terms of the outcome of this legislation. They are not going to seriously address the problems in it. I understand the concerns on the other side. I respect them. These votes in many cases are politically necessary for the other side. But I call on my Republican friends to begin to work with some of us over here on this side to address the inequities that we are concerned about, to implement cost controls, to work together for the good of the country once this next couple of days is done.

I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. Madam President, I gather I have at least 7 minutes assigned to me.

The PRESIDING OFFICER. Ten minutes remains.

Mr. LIEBERMAN. I ask that the Chair inform me if I am not finished when there is 1 minute remaining on my time.

The PRESIDING OFFICER. The Chair will so inform.

Mr. LIEBERMAN. Madam President, a good friend once wisely said to me that it is only a very short road that has no turns. The road that health care reform has traveled to get to the Senate has been very long and has had many turns. Its path to us might well be described as tortuous, with all that word has come to mean. As I said when I explained in December why I was voting for the Senate health care reform bill, any piece of legislation this big, this complicated, and this trans-

formational is unlikely to be perfectly pleasing to anyone. That is true for me. In the end, each of us has to ask ourselves, do the positives in this legislation outweigh the negatives? Does what pleases us in it outweigh what worries us? Let me begin with the measure before us now.

The reconciliation act that is before us preserves most but not all of the health care reform the Senate adopted and I voted for in December. I concluded then and repeat now that together these measures achieve real change in the three big areas in which our health care system needs to be changed: reforming health care delivery to put a brake on the skyrocketing costs of care for individuals, families, businesses, and our government; better regulating health insurance companies to protect consumers, including those with preexisting conditions; and helping millions of middle-income Americans who cannot afford health insurance now to buy it.

For me it is particularly noteworthy that the Senate bill, plus the reconciliation act, achieves all that progress without a government takeover of health care or health insurance. That would have been a very costly deficit-exploding mistake and would have fundamentally and adversely altered the traditional American balance of power between the public and private sectors that has worked so well over our history to create economic growth and opportunity and to build the American middle class. That is why I opposed the so-called public option so strenuously and why I am so grateful it is not in the reconciliation act the House has sent us. Those are the big and good things I appreciate in this health care reform package.

What worries me about it? First, the size of this proposal concerns me, particularly at this time of national fiscal indebtedness and economic stress. I wish we had chosen to achieve health care reform step by step, beginning with delivery reforms that would lower health costs and then moving on to expand middle-class access to affordable health insurance and then more aggressively regulating health insurance companies. But there was never enough bipartisan support for such step-by-step reform. I know because I tried to find it. So now, along with each of my colleagues, I must vote on the proposal before us, not on one I wish we had before us.

My biggest concerns about this proposal are its prospective fiscal consequences. I worry that the savings this bill achieves in Medicare and the revenue it raises from new Medicare taxes to help pay for health care reform will soon be urgently needed to save Medicare itself from running out of money it needs to pay the bills for seniors' health care. Most of all, I worry that the bottom line con-

sequences of this health care reform will be to increase our already ominous national debt.

I am, of course, greatly encouraged by the conclusion of the independent, nonpartisan Congressional Budget Office that this health care reform legislation will not only not increase the debt but actually decrease it by more than a trillion dollars over the next two decades, and that its savings in Medicare will not only pay for part of health care reform but actually extend the solvency of the Medicare Hospital Trust Fund.

According to the Chief Actuary at the Centers for Medicare and Medicaid Services, the solvency of the trust fund will be extended by 10 years as a result of the Senate health care reform bill that is now law.

However, for those good and significant things to happen, future Congresses will have to be very disciplined and keep the promises that are made in this legislation to reform health care delivery to cut costs. Most of those reforms will over time be opposed by providers and beneficiaries. The record of Congress in resisting such pressure to stick with the costly status quo is not encouraging.

So in the end, I have weighed the pluses and minuses, and I have decided to vote for this health care reform package, choosing its real change over the broken status quo, raising my hopes above my fears, and adding, if I may, a personal prayer that future Congresses and Presidents do not weaken the reforms in this bill that will stop the constant increases in health care and health insurance costs and help reduce our national debt.

That will happen best if we can achieve the bipartisanship in overseeing the implementation of this historic health care reform legislation that we, unfortunately, were not able to achieve in its passage.

I thank the Chair.

I thank the distinguished chairman of the Finance Committee for his extraordinary effort that produced this admirable result.

I yield the floor.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Madam President, first, I thank the Senator from Connecticut for his very thoughtful endorsement of this legislation. He is one of the more thoughtful Members of this Chamber, and I want to very much compliment him on his process and his conclusion.

Mr. LIEBERMAN. I thank the Senator.

Mr. BAUCUS. Madam President, I do not think I have much time remaining—3 minutes. Thank you very much.

The Senator from Maine raised the issue of Medicare solvency. I want to remind my colleagues that health care reform extends the solvency of the

Medicare trust fund. Whether it is 9 years or 10 years, I am not sure exactly, but the Medicare trust fund is extended for at least that period of time, which I am sure gives great comfort to seniors and near seniors. Health care reform is exactly what the doctor ordered for Medicare's long-term health.

The Senator also mentioned a letter from an outside group raising concerns with health care reform. Let me add for the record three of the many letters of endorsement that health care reform has received. The first is from the American Medical Association. I will read one sentence:

After careful review and consideration, the Board of Trustees of the American Medical Association supports passage of the health system reform legislation under consideration . . . as a step forward in the journey to provide health care for all Americans.

In addition, I have a letter from the Federation of American Hospitals:

On behalf of the Federation of American Hospitals and our more than 1,000 hospitals throughout the United States, I express our strong support for health reform and the Reconciliation Act of 2010. This legislation is long overdue, and we urge all Senators to seize this historic opportunity. . . .

It is signed by Charles Kahn of the Federation of American Hospitals.

I also have a statement here from the AARP, the association of retired folks. Basically it states:

After a thorough analysis of the reform package, we believe this legislation brings us so much closer to helping millions of older Americans get quality, affordable health care.

Again, that is from the AARP.

So there are many letters of endorsement, and I ask unanimous consent that these three letters be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

AMERICAN MEDICAL ASSOCIATION,
Chicago, IL, March 19, 2010.

Hon. NANCY PELOSI,
Speaker, House of Representatives,
Washington, DC.

DEAR SPEAKER PELOSI: After careful review and consideration, the Board of Trustees of the American Medical Association (AMA) supports passage of the health system reform legislation under consideration in the House as a step forward in the journey to provide health care coverage for all Americans.

When H.R. 3590 was being considered in the Senate, the AMA supported its passage while expressing opposition to certain provisions that we believed could be resolved in the conference committee process. Working with the Administration, congressional leaders and their very dedicated staff, significant progress was made toward resolving many of our most serious concerns. Unfortunately, there are issues in H.R. 3590 that cannot be addressed through the current reconciliation process and so will still need to be addressed by Congress and the Administration.

This forced us to weigh very carefully whether the legislation, on balance, will enhance patient care and the fundamental patient-physician relationship. By extending

coverage to the vast majority of the uninsured, improving competition and choice in the insurance marketplace, promoting prevention and wellness, reducing administrative burdens, and promoting clinical comparative effectiveness research, we believe that H.R. 3590 does, in fact, improve the ability of patients and their physicians to achieve better health outcomes.

The pending bill is an imperfect product. Congress needs to act very soon to preserve access to care for seniors and military families by permanently repealing the Medicare sustainable growth rate formula that will trigger physician payment cuts of over 21 percent next month. House and Senate leaders must also move immediately to correct problems with the proposed Independent Payment Advisory Board. Other provisions that must be promptly addressed in a subsequent corrections bill include the cost-quality value index and safeguards for data release and public reporting activities. The health care system will be further improved by reining in unnecessary costs through enactment of effective medical liability reforms.

The AMA will be relentless in our pursuit of these important policy adjustments.

Passage of H.R. 3590 marks an important step toward improving the health of the American people, but our work here is far from done. Additional congressional action is needed to address outstanding issues. We look forward to working with you on the next steps to strengthen our health care system.

Sincerely,

J. JAMES ROHACK,
President.

FEDERATION OF AMERICAN HOSPITALS,
Washington, DC, March 22, 2010.

Hon. HARRY REID,
Majority Leader,
U.S. Senate,
Washington, DC.

DEAR MAJORITY LEADER REID: On behalf of the Federation of American Hospitals (FAH) and our more than 1,000 hospitals throughout the United States, I express our strong support for health reform and the Reconciliation Act of 2010. This legislation is long overdue, and we urge all Senators to seize this historic opportunity by supporting the reconciliation package as it was reported out of the House of Representatives.

The hundreds of thousands of Americans who treat patients in our hospitals understand the plight of the uninsured and the need to provide health security for all Americans. The Reconciliation Act of 2010, together with the recently enacted Patient Protection and Affordable Care Act, advance this shared goal by expanding health care coverage to 32 million Americans.

Equally vital, they provide a framework for health care delivery reform that will improve health care for Americans, and, by extension, strengthen our economy and global competitiveness by reducing costs and increasing efficiency.

That is why hospitals will forgo \$155 billion in Medicare and Medicaid payments over 10 years as part of a shared sacrifice to bring about the benefits that health reform will deliver to all Americans.

It is no exaggeration to say this is the last opportunity in our generation to bring about durable reform that will make a real difference in the lives of all of us. The time for action has come, and the FAH urges all Senators to support the budget reconciliation package without amendment.

Thank you for your strong and unwavering leadership.

Sincerely,

CHARLES N. KAHN III,
President.

(From the AARP Press Center, Mar. 19, 2010)

AARP STATEMENT ON HISTORIC HEALTH INSURANCE REFORM PACKAGE

WASHINGTON.—Today, AARP Board Chair Bonnie M. Cramer, M.S.W., announced the Association's support for health insurance reform legislation containing key reform provisions that will improve health care for older Americans and their families. For more than two years, AARP has fought for health insurance reform that helps Americans 50-plus get the care and medications they need at a price they can afford. Cramer's statement follows:

"After a thorough analysis of the reform package, we believe this legislation brings us so much closer to helping millions of older Americans get quality, affordable health care. For too long, our members and others have faced spiraling prescription drug costs, discriminatory practices by insurance companies and a Medicare system awash in fraud, waste and abuse.

"The legislative package cracks down on insurance company abuses and protects and strengthens guaranteed benefits in Medicare, the program millions of our members depend on and in which millions more will soon enroll. It closes the dreaded Medicare Part D 'doughnut hole,' a gap in prescription drug coverage that is life threatening for many. The package stops insurance companies from pricing people out of coverage because they have an existing health problem or arbitrarily limiting the amount of care someone can receive. It also limits insurance companies' ability to charge higher premiums based solely on age. And it improves efforts to crack down on fraud and waste in Medicare, strengthening the program for today's seniors and future generations.

"For every American who has struggled without access to health insurance—and for all those at risk of losing their current coverage with the next job loss, illness or premium hike—this package presents the best hope to offer health security for them and their families. We understand that significant work remains even after this package becomes law, but we cannot lose the opportunity looking for a 'next time' that is doomed to be 'too late.'

"We urge Congress to seize this opportunity to improve health care so older Americans and their families get the care they need."

Also today, AARP CEO A. Barry Rand sent a letter to every member of the House of Representatives, urging them to put the health of Americans age 50-plus first and vote "yes" on the legislative package.

AARP members can see how their representatives voted on the health insurance reform package by going to www.aarp.org/governmentwatch. AARP's Government Watch is a one-stop online portal that will be tracking and publicizing every designated key vote on issues facing Americans age 50-plus. A "Key Vote Summary" highlighting votes on these issues will be published at the end of each congressional session.

AARP is a nonprofit, nonpartisan membership organization that helps people 50+ have independence, choice and control in ways that are beneficial and affordable to them and society as a whole. AARP does not endorse candidates for public office or make contributions to either political campaigns

or candidates. We produce AARP The Magazine, the definitive voice for 50+ Americans and the world's largest-circulation magazine with over 35.7 million readers; AARP Bulletin, the go-to news source for AARP's millions of members and Americans 50+; AARP Segunda Juventud, the only bilingual U.S. publication dedicated exclusively to the 50+ Hispanic community; and our website, AARP.org. AARP Foundation is an affiliated charity that provides security, protection, and empowerment to older persons in need with support from thousands of volunteers, donors, and sponsors. We have staffed offices in all 50 states, the District of Columbia, Puerto Rico, and the U.S. Virgin Islands.

Mr. BAUCUS. Madam President, I now ask for 1 hour of debate evenly divided, a half hour on the Republican side and a half hour on the majority side. I ask unanimous consent that we proceed in that respect.

I note that the next half hour will be under the control of the Republicans and, as I said earlier, the next half hour is to be controlled by the majority. I note that thereafter the Republicans will be due an amount of time greater than half an hour, and I propose that we balance that out in the next consent.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from Maine.

AMENDMENT NO. 3638

Ms. COLLINS. Madam President, I ask unanimous consent to temporarily set aside the pending motions and amendments so that I may offer an amendment which is at the desk.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Maine [Ms. COLLINS] proposes an amendment numbered 3638.

Ms. COLLINS. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To improve the bill by waiving the \$40,000 penalty on hiring previously unemployed individuals)

At the end of section 1003, add the following:

(e) UNEMPLOYED INDIVIDUAL NOT TAKEN INTO ACCOUNT.—Paragraph (5) of section 4980H(d) of the Internal Revenue Code of 1986, as added by the Patient Protection and Affordable Care Act, is amended by adding at the end the following new subparagraph:

“(C) EXCEPTION FOR PREVIOUSLY UNEMPLOYED INDIVIDUALS.—

“(i) IN GENERAL.—The term ‘full-time employee’ shall not include any individual who certifies by signed affidavit, under penalties of perjury, that such individual has not been employed from more than 40 hours during the 60-day period ending on the date such individual begins such employment.

“(ii) EXCEPTION FOR REPLACEMENT WORKERS.—Clause (i) shall not apply to an individual who is employed by the employer to

replace another employee of such employer unless such other employee separated from employment voluntarily or for cause.”.

Ms. COLLINS. Madam President, I rise to speak on behalf of the amendment I have offered which would waive the job-killing fines in the reconciliation bill in cases where an employer hires an unemployed worker.

I think these penalties will come as a surprise to most Americans. With unemployment at 9.7 percent, and a real concern that we may be on the brink of a double-dip recession, most Americans will be shocked to learn that Washington wants to slap fines on small businesses that choose to hire more workers. But the new health care law does exactly that.

Incredibly, this reconciliation package makes this problem even worse. Here is how. In the reconciliation package, small businesses that cannot afford to provide health insurance to their employees would be fined \$2,000 for each worker on their payroll. The way the formula works, the fines kick in at \$40,000 when a small business reaches 50 employees. After that, they go up at a rate of \$2,000 for each new worker.

Imagine what this will do to job growth. Our country relies on small businesses to create new jobs. In fact, time and time again, you will hear on the Senate floor that small businesses are the engine of the American economy. I certainly agree with that. But this reconciliation bill creates a wall—40,000 dollars high—around any small business that wants to grow past 49 workers.

Think what these job-killing penalties will mean to the unemployed. More than 8 million Americans have lost their jobs since 2007. More than 6 million have been unemployed longer than 27 weeks. But beyond even these grim statistics, the true picture of unemployment in this country is actually far worse. Broader measures of unemployment show that 16 percent of the American people are without jobs or cannot find full-time work.

I recognize some in this body will argue we should not be bothered with these penalties now because they do not become effective right away. But those who would say such a thing simply do not understand how small businesses work. We are not talking about big multinational conglomerates here. We are talking about Main Street businesses that are already struggling. Many of them are family-owned enterprises. They do not look at their employees as interchangeable parts, and they do not make hiring decisions to “get rich quick.” When they bring a new employee on board, they are choosing someone who they know will become part of their team and the face of their business to the community they serve.

Having these fines on the books will discourage job growth now, no matter

when they become effective, because small businesses will not hire and train workers today just to fire them tomorrow when these penalties go into effect.

Ironically, less than a week ago, the President signed into law the so-called HIRE Act. It contains a provision authored by Senators SCHUMER and HATCH to provide a temporary tax credit to encourage companies to hire unemployed workers. That is a creative idea, and I supported it. But for the life of me, I do not understand how a week later we could vote for a bill that imposes fines that will hit small businesses when they hire new workers.

This makes no sense to me, and it is completely contrary to the policy we passed a week ago when we gave tax credits to encourage businesses to hire workers who are unemployed. With this bill, we are going to fine them if they hire workers who are unemployed if they cannot afford to provide them with health insurance. That is why I am offering this commonsense amendment. It would waive the fines, the onerous fines that are in the reconciliation bill when small businesses and medium-size businesses hire workers who were previously unemployed.

The mechanism to determine which workers qualify is exactly the same one we adopted in the jobs bill passed by this body last week. It is the height of irony that we would even consider imposing penalties and fines on businesses that are hiring more workers, particularly during this difficult economic time.

I encourage my colleagues to support this commonsense amendment.

Thank you, Madam President.

The PRESIDING OFFICER. The Senator from South Dakota.

AMENDMENT NO. 3639

Mr. THUNE. Madam President, I ask unanimous consent to temporarily set aside the pending motions and amendments to offer an amendment which is at the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from South Dakota [Mr. THUNE] proposes an amendment numbered 3639.

Mr. THUNE. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To ensure that no State experiences a net job loss as a result of the enactment of the SAFRA Act)

Beginning on page 123, strike line 10 and all that follows through page 124, line 10, and insert the following:

SEC. 2201. TERMINATION OF FEDERAL FAMILY EDUCATION LOAN APPROPRIATIONS.

Section 421 (20 U.S.C. 1071) is amended—

(1) in subsection (b), in the first sentence of the matter following paragraph (6), by inserting “, except that no sums may be expended after June 30, 2010, with respect to loans under this part for which the first disbursement is after such date if the Secretary certifies that no State will experience a net job loss as a result of the enactment of the SAFRA Act” after “expended”; and

(2) by adding at the end the following new subsection:

“(d) **TERMINATION OF AUTHORITY TO MAKE OR INSURE NEW LOANS.**—Notwithstanding paragraphs (1) through (6) of subsection (b) or any other provision of law—

“(1) no new loans (including consolidation loans) may be made or insured under this part after June 30, 2010 if the Secretary certifies that no State will experience a net job loss as a result of the enactment of the SAFRA Act; and

“(2) no funds are authorized to be appropriated, or may be expended, under this Act or any other Act to make or insure loans under this part (including consolidation loans) for which the first disbursement is after June 30, 2010 if the Secretary certifies that no State will experience a net job loss as a result of the enactment of the SAFRA Act,

except as expressly authorized by an Act of Congress enacted after the date of enactment of the SAFRA Act.”.

AMENDMENT NO. 3640

Mr. THUNE. Madam President, I have another amendment and I ask unanimous consent to temporarily set aside the pending motions and amendments so that I may offer another amendment which is also at the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from South Dakota [Mr. THUNE], for himself, Mr. COBURN, and Mr. CRAPO, proposes an amendment numbered 3640.

Mr. THUNE. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To repeal the CLASS Act)

At the end of subtitle B of title II, add the following:

SEC. 2304. REPEAL OF THE CLASS ACT.

Title VIII of the Patient Protection and Affordable Care Act and the amendments made by that title are repealed.

Mr. BAUCUS addressed the Chair.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Madam President, might I ask the Senator from South Dakota if he could identify his two amendments for the sake of clarity?

Mr. THUNE. Sure. I would ask the Chair, is there a number on those amendments?

The PRESIDING OFFICER. Yes, 3639 and 3640.

Mr. THUNE. Madam President, 3639 and 3640—one dealing with student loans, the other dealing with striking the CLASS Act from the underlying bill.

Mr. BAUCUS. I thank the Senator.

Mr. THUNE. Madam President, in speaking to both these amendments today, I wish to make a couple of observations about the reconciliation bill that is before the Senate. Of course, it does make amendments and modifications to the Senate-passed health care bill that went through the House last week and the House adopted many of these changes. I think the thing that perhaps didn't get discussed as much as it should have throughout the course of the debate is the impact this is going to have down the road on future generations.

Obviously, the other side, of course, talked about the additional expansions of coverage that are in the bill. Folks on our side talked about the impact it is going to have in the form of higher taxes on small businesses, the Medicare cuts that are going to impact seniors across this country, the higher premiums many Americans are going to be faced with. Those are all still fundamental features of this bill. In fact, many have gotten worse through this reconciliation process because the tax increases are now \$50 billion higher than they were before. So now we are raising taxes even \$50 billion more than we were previously, which is $\frac{1}{2}$ trillion. The Medicare cuts have now gone from \$465 billion over the 10 years in the bill that left the Senate in December, and the Medicare cuts now have been increased by \$66 billion. So we are raising taxes more, cutting Medicare even deeper, and at the same time adding gimmicks that I think understate the true cost of this bill.

We have all talked about this throughout the course of this debate. The other side has said it is \$1 trillion or \$900-some billion over 10 years, but when you look at the way it is scored, there are 10 years of revenues, 10 years of tax increases, and only 6 years of spending, so that understates the cost over 10 years.

We have a number of other budget gimmicks, some of which I will speak to in a few moments. But when you look at it when it is fully implemented—and I think that is the number the American people need to focus on—when this is fully implemented, it is \$2.5 trillion of expansion of health care in this country, and it is going to be greater intervention than we have ever seen before by the Federal Government in the delivery of health care in this country.

I wish to speak for a moment—because one of my amendments deals with this issue—on how the cost of this is being understated because of the various gimmicks and tricks being used. The CLASS Act is a program that is created in the bill. It is a program where there is an assumption that there is \$70 billion available in the CLASS Act to pay for this new health care entitlement. What it does is it cre-

ates a new entitlement. As if the existing entitlement programs we have that are already on the way to bankruptcy aren't enough, we now have to add another one to it. So the CLASS Act is a long-term care entitlement program, which in and of itself perhaps isn't a bad idea if it were structured correctly and if the premiums that are going to be paid by people for long-term care insurance were actually going to go into the payment of benefits.

What this does is it assumes \$70 billion from this new CLASS Act program, the proceeds from which would be used to pay for this new health care entitlement program. So it overstates the amount of revenue that is coming in by \$70 billion. Here is why. At some point, if you are an elderly person or perhaps even a younger person today who wants to buy into this new CLASS Act long-term care program, you would pay premiums. Those premiums, allegedly, would go into a fund that would then be available to pay benefits when the time came to pay benefits. That is not going to happen because you are taking that \$70 billion and you are spending it on this new health care entitlement. So at some point in the future, when those people who have gone into this program thinking they are paying these premiums so they can derive a benefit at some time in the future if they need to, when the time comes to pay out that benefit, there will not be any money. So what happens? It is borrowed. It is added to the debt. So you have another \$70 billion that goes on the backs of our children and grandchildren to pay for this new entitlement program, which, again, understates the cost of this bill.

That is the CLASS Act bill, and my amendment would strike that from the underlying bill. By the way, I offered that during the debate on the Senate floor during the health care discussion we had the first time around, and I got 51 votes for it. There were 12 Democrats who voted with me in support of taking the CLASS Act out of the bill. One of the reasons I think there is so much bipartisan opposition to it is because everybody recognizes what a sham this is. The chairman of the Budget Committee, Senator CONRAD from North Dakota, said: This is a Ponzi scheme of the highest order, something that Bernie Madoff would be proud of. That is what he said about the CLASS Act. Even the Washington Post went so far as to make the statement that the CLASS Act is a gimmick designed to pretend that health care is fully paid for. That is what the Washington Post editorialized about the CLASS Act—a gimmick designed to pretend that health care is fully paid for.

So you take that \$70 billion off the overall revenues that come in under the bill and you are already creating a \$70 billion hole. You add to that the \$29

billion in Social Security payroll taxes that are assumed are going to come in as people who get hit—the employers that get hit with the high-end Cadillac tax, currently paying out to their employees in the form of health care benefits that are tax free, start shifting to cash compensation which would be taxable; therefore, payroll taxes would apply. That would generate another \$29 billion in Social Security payroll taxes. But, there again, those are payroll taxes that at some point are going to have to pay benefits, but we don't assume that here. We assume it is going to go on to fund this new health care entitlement program. So it is another \$29 billion that at some point in the future, when somebody decides: I want to draw my Social Security benefits, they are not going to be there. Therefore, we put it back on the debt. More borrowing.

So we have \$79 billion, \$29 billion, and then we have the implementation cost of this, which CBO has not fully given us because they don't know what it is going to cost in the outyears. But based upon what they have given us of what it is going to cost in the near term, we have extrapolated that it will cost about \$114 billion to implement this new health care extravaganza run out of Washington, DC. When you add that onto the cost, none of which is accounted for in the underlying bill, you have another \$114 billion in cost of this thing not paid for.

Then, we take the Medicare double counting, which is interesting, because you have these cuts that are going to occur in Medicare; you have these payroll tax increases that are supposed to occur in Medicare that are going to generate, collectively, \$529 billion in additional revenue. But, here again, what is wrong with this picture? The assumption is, these are Medicare payroll taxes that are going to go into a Medicare fund that, at some point in the future, will pay Medicare benefits. Yet, at the same time, we are saying these Medicare revenues are going to be used to finance this new health care expansion.

So what are you doing? You are double counting. You cannot spend that money twice. We are taking \$529 billion in Medicare cuts, in Medicare payroll tax increases that supposedly would go into a Medicare trust fund to pay benefits at some point in the future to beneficiaries, recipients of those funds, but, no, we are going to spend that on this new health care entitlement.

What happens then? Someday in the future that Medicare recipient is going to say: OK, it is time to pay out these Medicare benefits. I have reached the appropriate age, I am eligible, and I want to get into the Medicare Program, and all that money that was supposed to have been in the program to pay for those benefits isn't there. Why? Because it was spent on this new

health care entitlement program. So what happens? To pay those benefits, the Federal Government will then have to borrow—more debt that goes on the backs of our children and grandchildren—another \$529 billion.

So the last point I will make is—because I have another amendment that addresses this issue—this reconciliation bill did something that obviously was not included in the health care bill that passed the Senate the first time; that is, this takeover of the student loan program in this country. It is something that has been proposed around here for some time. The way student loans are distributed across the country today is we have 2,000 lenders out there who make these loans. Students can go there and get these loans. What this will do is eliminate that model, will draw all these student loans into Washington, DC. There will be four Federal call centers where students will go to get their loans. What does that do? Well, first off, it kills a lot of jobs. I have 1,200 jobs in South Dakota that are related to the student lending business, and those are all now going to be bureaucratic jobs in Washington, DC. There are 31,000 jobs across the country where you have people who are working in the student loan business. Those jobs are in jeopardy because that is all going to be drawn into Washington DC. I don't think the American people have effectively focused on what is being done in this reconciliation bill above and beyond the bad stuff that is related to health care.

So we have this student loan program which is coming back into the Federal Government and a lot of the revenues now are being earmarked for other things. They are being earmarked for the health care bill: \$9 billion is being used to pay for the health care expansion; \$10 billion is going toward "deficit reduction," but we have another \$19 billion coming out of the student loan program. Who is going to pay for that? Students are. Students are going to pay for it in the form of higher interest rates on their loans. Essentially, we are now not only taxing small businesses, cutting Medicare recipients, but we are also taxing students to pay for this expansion of health care.

We have another \$19 billion which, at some point in the future—of course, this is all going to have to be paid for again by our children and grandchildren, but we have all this double counting that is going on and all these gimmicks that are being used to understate the cost of this bill. When you add it all up, \$143 billion so-called budget savings ends up in a \$618 billion cost. In other words, instead of running, as the other side has said, a \$143 billion budget surplus because of this health care expansion, if you take out all the gimmicks—the CLASS Act, the revenues, the Social Security payroll

tax revenues which are double counting, the Medicare double counting, and the student loan program—we have a real deficit of \$618 billion in the first 10 years. If you extrapolate that out into the second 10 years, it is \$1.8 trillion that will have to be borrowed under this bill to pay for the costs of it. That is the cost that we know today. That is all going to be passed on to future generations, to our children and grandchildren.

The dirty little story that hasn't been told in this whole debate is how much this is going to cost future generations because of the enormous debt we are piling up and all the games and the gimmicks and the tricks and the chicanery that are being used to understate the true cost of this: \$183 billion "savings" in this bill. When you take out all the double counting, all the gimmicks, we end up with a \$618 billion deficit in the first 10 years. That is tragic.

That is why I am offering this amendment to strike this CLASS Act. We shouldn't be creating another new entitlement program when we can't pay for the entitlement programs we have. They are all going bankrupt, and we are going to create yet another one, which is going to lay more debt on the backs of our children and grandchildren.

The other thing I wish to mention just briefly in closing speaks to the other amendment. The other amendment, as I said, because of this takeover of the student loan business in this country, there are lots of States that are going to lose significant numbers of jobs. My State has over 1,200 jobs related to student lending; Minnesota, 675; Iowa, 526; Nebraska, 891. There are lots of places around this country where student lending creates jobs, private sector jobs. We are going to do away with those and bring all those jobs back to Washington, DC, and make students come to Washington to get their student loans, as it turns out, at a higher cost because we are using some of the proceeds of that program to pay for the cost of a new health care program.

What my amendment essentially would do is say the Department of Education has to certify that there will be no jobs lost across the country associated with this takeover of the student lending business and bringing all that power and consolidating it all in Washington, DC.

So those are the two amendments I offer. I hope my colleagues will vote for those. This is bad policy in so many ways, but in taking over yet another industry in this country that is creating a lot of jobs and therefore killing a lot of jobs is the wrong way to move forward when you are trying to pull an economy out of a recession.

I yield the remainder of my time.

The PRESIDING OFFICER. The Senator from Texas.

MOTION TO COMMIT

Mr. CORNYN. Madam President, I ask unanimous consent to temporarily set aside the pending motions and amendments so I may offer a motion to commit, which is at the desk.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The clerk will report the motion.

The assistant legislative clerk read as follows:

The Senator from Texas [Mr. CORNYN] moves to commit the bill H.R. 4872 to the Committee on Finance with instructions to report the same back to the Senate within 3 days with changes to strike the 3.8 percent tax on net investment income.

Mr. CORNYN. Madam President, my amendment is a motion to commit the reconciliation bill back to the Finance Committee to report the bill back without a brandnew tax on savings and investment for certain taxpayers. This is an additional 3.8-percent tax on savings, which includes dividends, capital gains, ordinary savings for many consumers, many Americans who have not had to pay before but which this bill imposes. This is a \$123 billion tax hike on those categories of income.

This is a mistake for a lot of reasons. One, it will discourage the very thing we need to be doing more of, which is saving. It will reduce productivity, and it depresses wages and the standard of living for millions of Americans. Simply put, increasing taxes, particularly during a recession, on the very sectors of the economy that we want to invest and to create jobs is a terrible mistake.

According to forecasts by the Institute for Research on the Economics of Taxation, a 2.9-percent tax increase—not 3.8 percent but a 2.9-percent previously proposed—would depress economic growth by 1.3 percent and reduce capital formation by 3.4 percent.

The damage to jobs and economic growth during a recession when unemployment is at 9.7 percent would be even greater under the current proposal because we are talking about a 3.8-percent tax, not a 2.9-percent tax, which was the subject of a Wall Street Journal article and this report from the Institute for Research on the Economics of Taxation.

Not only will this motion protect jobs and the investment security of taxpayers, it will also make sure the reconciliation bill does not break yet another one of President Obama's promises. This is just another one of the President's promises that have been broken by this bill when he said, talking about this bill:

Everyone in America—everyone—will pay lower taxes than they would under the rates Bill Clinton had in the 1990s.

But the truth is, this additional tax on savings and investment will make taxes higher than they were even back in the 1990s when Bill Clinton was President of the United States.

I ask my colleagues to support my motion to commit this bill to the Finance Committee.

I also ask unanimous consent to have printed in the RECORD at the conclusion of my remarks two articles—a March 17 Wall Street Journal article entitled “ObamaCare’s Worst Tax Hike” and the report I referred to a moment ago from the Institute for Research on the Economics of Taxation.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. CORNYN. Madam President, this is not the only job-killing provision in this bill, this brandnew 3.8 percent tax increase that will attack savings and investment. Other examples of job-killing proposals in this bill include increasing the hospital insurance payroll tax. This tax is increased to 3.8 percent. It will hit thousands of small businesses that file as subchapter S corporations and pay taxes at individual rates. In addition, this revenue will not be used to pay for Medicare but will be used to fund a brandnew entitlement.

Another job-killing proposal in this bill includes new taxes and fees on health care consumers. That is right, the very people for whom we are trying to lower costs and trying to make health care more affordable, many will have to pay additional taxes and fees to the tune of \$100 billion which both the Congressional Budget Office and the Joint Tax Committee have confirmed will inevitably be passed down to consumers.

Then there are the higher premiums for individuals who do not get their health coverage from their employer but have to go into the group market. We are talking about a lot of small businesses, individuals, partnerships, sole proprietors, and the like. One consulting firm concluded that premiums in the group market could go up as much as 20 percent because of the mandated, government-approved insurance that has to be sold under this bill. CBO said they concluded a somewhat lower level—between 10 and 13 percent. But still, if the purpose of health care reform is to make health care more affordable, this bill simply goes in the wrong direction.

Then there is the employer mandate. I met this morning with representatives of the Hispanic Chamber of Commerce. The Hispanic Chamber told me something I knew before but reiterated—the important role of small businesses in terms of job creation—and pointed out to me how many Hispanics and minority business owners are engaged in the very kind of job creation we should be encouraging, not discouraging. This employer mandate will kill jobs because the additional cost of health insurance will be passed along to workers in the form of lower wages or result in reduced hours or layoffs. In

a July 2009 report entitled “Effects of Changes to the Health Care Insurance System on Labor Markets,” the CBO concluded that the employer mandate is “likely to reduce employment.”

At a time when unemployment is at 9.7 percent, people are losing their jobs, and they cannot pay their mortgages, so they are being kicked out of their homes due to foreclosure, we are making things worse with this bill, not better.

All told, this bill that has been signed into law by the President and the bill before the Senate, this reconciliation bill, include more than \$500 billion in tax increases. It makes no sense, except in the rarefied air under this dome, for Congress to even consider raising taxes, imposing new mandates on employers and individuals at a time when unemployment is so high and when that is the most pressing issue confronting the Nation today. Congress is making this worse, not better. Why Congress would pass a new tax on investment that will act like a wet blanket on the economy to further exacerbate unemployment and make recovery harder is, frankly, beyond me.

Madam President, I yield the floor.

EXHIBIT 1

[From the Wall Street Journal, Mar. 17, 2010]

OBAMACARE’S WORST TAX HIKE

The forced march to pass ObamaCare continues, and all that matters now is raw politics. But opponents should go down swinging, and that means exposing such policy debacles as President Obama’s 11th-hour decision to apply the 2.9% Medicare payroll tax to “unearned income.”

That’s what savings and investment income are called in Washington, and this destructive tax wasn’t in either the House or Senate bills, though it may now become law with almost no scrutiny.

For the first time, the combined employer-worker 2.9% Medicare rate would be extended beyond wages to interest, dividends, capital gains, annuities, royalties and rents for individuals with adjusted gross income above \$200,000 and joint filers over \$250,000.

That would lift the top capital-gains rate to 22.9% as the regular rate bounces back to 20% from 15% when the Bush tax cuts expire at the end of this year. The top rate for dividends would rise to 42.5% when the Bush income-tax rates expire. The White House plan also raises the ordinary Medicare payroll tax by 0.9 percentage points for the same filers, bringing it to 3.8%.

Preliminary estimates from the Joint Committee on Taxation peg the revenue from these changes at \$183.6 billion over 10 years. The Tax Policy Center of the Urban Institute and Brookings Institution estimates that 86% of the revenue from the investment tax would come from people making more than \$624,000, or about 1.2 million taxpayers. This has led many liberals to claim that it won’t matter to investors or harm the economy.

Yet these static analyses ignore the incentive effects forecast by the Institute for Research on the Economics of Taxation. Stephen Entin and colleagues estimates that the investment tax would depress GDP by about 1.3% and reduce capital formation by 3.4%, and thus reduce the after-tax incomes of everyone not paying the tax directly in

the neighborhood of 1.1% to 1.2%. Labor productivity and wages would fall across the board, while the lost government revenues from the more-sluggish economy would offset the expected receipts.

Senate Democrats rejected Nancy Pelosi's favored 5.4-percentage-point "surcharge" on modified adjusted gross income above \$1 million as too radical. But they seem to be fine with its 2.9-percentage-point alter ego, although the Tax Policy Center concludes (on paper) that they'll soak more or less the same people for more or less the same amount.

Earning even a single dollar more than \$200,000 in adjusted gross income will slap the 2.9% tax on every dollar of a taxpayer's investment income, creating a huge marginal-rate spike that will most hurt middle-class earners, as opposed to the superrich.

This two-tier tax also fundamentally and probably irrevocably alters the social insurance model that has governed Medicare for more than a half-century. Medicare is supposed to be a universal entitlement with at least some connection between the taxes paid on wages in return for benefits. The investment tax, and the apparatus of ObamaCare financing more generally, severs this link by redirecting Medicare's "dedicated" revenues toward a new entitlement. Even Bill Clinton didn't cross this policy threshold in the health debate of the early 1990s, proposing to fund HillaryCare entirely through new corporate taxes and preserving Medicare as its own discrete program.

Mr. Obama gave a preview of the fiscal confusion this creates at a Wednesday campaign stop in St. Charles. Shortly after accusing his critics of being "just plain wrong" about everything, he went on to boast that "we're going to be able to help ensure Medicare's solvency for an additional decade" and also "reduce the deficit by a trillion dollars."

Yet his claims are just plain wrong, as already exposed by the Congressional Budget Office. The government can't spend the same Medicare dollar twice: Either it can reduce the deficit or extend the life of Medicare, but not both. This may seem an arcane point, but the White House obviously knows better and yet continues to peddle this falsehood.

The White House has embraced this investment tax because Big Labor opposed its preferred excise tax on high-cost health plans. So the White House decided to delay the excise tax, which meant losing \$116.2 billion in revenue over the first 10 years. Voila, out came the 2.9% investment tax.

So for reasons of political expediency, Democrats will now impose a destructive tax that will permanently skew the incentives to work, save and create jobs. Come to think of it, that sums up this entire exercise.

[From the Institute for Research on the Economics of Taxation, Mar. 1, 2010]

THE OBAMA ADMINISTRATION'S PROPOSED 2.9% "HI" SURTAX WOULD HARM THE ECONOMY AND LOSE REVENUE

President Obama has recommended imposing a 2.9% "HI" surtax on "passive income" (income from saving and investment) to help fund his health insurance overhaul. Social Security taxes for retirement and medical programs for the elderly taxes have always been levied on wages, as a form of social insurance. Extending the Hospital Insurance tax to income from savings would be a sharp departure from previous practice and very bad economics.

ECONOMIC CONSEQUENCES OF THE 2.9% RATE HIKE

On a static basis, our preliminary estimate is that the Obama plan's 2.9% surtax on the

capital gains, dividends, interest, and certain other income of upper-middle class and wealthy taxpayers would:

Raise approximately \$39 billion yearly (at 2009 income levels);

Affect only a small number of upper-income individuals.

In reality, on a dynamic basis, the 2.9% surtax would, after the economy has adjusted to it:

Depress GDP by about 1.3%;

Reduce private-sector capital formation by about 3.4%;

Cut the wage rate by about 1.1%, and hours worked by about 0.2%;

Reduce the after-tax incomes of the people in the income ranges supposedly not touched by the proposed 2.9% surtax by 1.1%–1.2%;

Lose about 70% of its anticipated income tax revenue gain due to lower GDP and incomes across-the-board;

Decrease other federal tax revenues, causing total federal receipts actually to fall by about \$5 billion yearly (at 2009 income levels).

DISCUSSION

Capital formation is very sensitive to taxes on capital income, and reduced capital formation reduces labor productivity and wages across the board. We estimate that the proposed surtax will depress capital formation, GDP, and wages. The resulting loss of income, payroll, corporate, excise, and other taxes will offset the assumed revenue gains. The wage depression will affect all income levels, and the tax burden will not be confined to the top income earners.

The 2.9% passive income surtax (equal to the Medicare Part A—or Hospital Insurance—payroll tax rate) would be imposed on dividends, interest, capital gains, rents, royalties, and other income from saving and investing. The tax would hit couples with more than \$250,000 in adjusted gross income (\$200,000 trigger for singles and heads of households). The tax would be triggered by earning even a single dollar above the thresholds, after which all of the taxpayers' passive income would be immediately subject to the tax. This creates a huge tax rate spike or "cliff" at the thresholds. It would be imposed on AGI instead of taxable income, taking no consideration of itemized deductions and the differing circumstances of families which the deductions reveal.

The surtax would depress capital formation and wages, and fail to bring in the expected revenue. The numbers below are for the 2.9% rate hike in isolation. The Administration's proposal to raise the top tax rates on capital gains and dividends would produce additional losses. Further losses would result from the Administration's proposal that the Bush tax cuts expire for upper-income taxpayers, which would increase the top two tax rates on interest income and other "passive" income to 36% and 39.6%. The return of the itemized deduction limitation and the personal exemption phase-out would raise upper-income individuals' marginal rates even higher and add more economic damage. (The rise in the top two rates would also apply to labor income, and the Administration's health care proposal, taking a page from the health care bill that the Senate passed on Christmas Eve, would pile on a 0.9% surtax on wages and self-employment income.)

The House health bill has a 5.4% surtax on AGI. The Senate considered that but dropped it as ill-advised and instead opted for a 0.9% surtax on wage and self-employment income only, building on the existing payroll tax. Any surtax is undesirable, but a surtax on

capital income would be especially damaging, and the "cliff" in the Obama Administration's plan would compound the harm and is especially inept.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Madam President, has the time on the Republican side expired?

The PRESIDING OFFICER. There are 25 seconds remaining.

Mr. BAUCUS. I assume they do not want to use those 25 seconds, hearing no objection.

Madam President, we have several speakers. We are waiting for Senator SHAHEEN, Senator FEINGOLD, Senator SANDERS, Senator NELSON, and Senator MCCASKILL. I do not see any of them right now.

While we are waiting, I wish to make a point about CBO's analysis with respect to premiums.

The Congressional Budget Office says that the health care reform bill will lower premiums for all—millions—Americans—all. The Congressional Budget Office said health insurance premiums would fall by 14 to 20 percent for the same plan in the individual market and the small group market, up to 2 percent lower. Let me repeat that. The individual market for the same plan, the Congressional Budget Office says premiums will fall under this legislation. They will be lower, they will be less by 14 to 20 percent than the same plan in the individual market, as people buy insurance individually, and premiums for the small group market—that is roughly small business—would be up to 2 percent lower than currently.

Why is all that? It is basically because there are savings. The savings come from lower administrative costs, increased competition, and from better pooling of risk.

The analogy I like to refer to is Orbitz and Travelocity. Today with Orbitz, you shop online for an airline ticket. You look for fares and you look for times. The same type of operation would occur with respect to insurance—you get on the exchange and shop for insurance.

I see the Senator from New Hampshire is now on the floor. I yield 4 minutes to the Senator from New Hampshire.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mrs. SHAHEEN. Madam President, I thank Senator BAUCUS.

I am pleased to be here to join in this effort to talk about the importance of what we are doing with health care reform. We have waited so long for health care reform, and yesterday it became a reality. Today, we celebrate a reformed health care system that President Obama has signed into law. With this historic step, we have ensured that more Americans have the health care security and stability they

need. We have ensured that families will have choices for coverage even if their jobs do not provide it. We have ended denials for preexisting conditions, and we have a guarantee that no one has to pay more for health insurance if they get sick and that the insurance coverage cannot be taken away. We no longer allow insurance companies to put lifetime limits on the amounts of benefits they will cover.

But insurance reforms are not the only thing we have done. We have made health care more affordable for those who need it most and made it easier for small businesses to provide coverage for their employees. We made important steps to encourage everyone to take advantage of preventive care, and we have created incentives for people to enroll in wellness programs and encourage communities to address the public health of their citizens. Finally, we are changing the way doctors provide care, making it better coordinated and more patient-centered.

I am pleased we are here building on the success of the health care reform legislation that was just signed into law. Our resolve is strong, make no mistake about that. We must continue our work in making a good bill even better.

The legislation we are now considering makes great strides to strengthen the new law. It will provide more tax relief to families to help them afford health care and more help for seniors to pay for prescription drugs.

I have talked with seniors throughout New Hampshire who struggle with the high cost of prescription drugs. The Medicare doughnut hole, as it is known, causes great stress in family budgets when seniors have to pay full price for the drugs they need, people such as Sue Quinlan from Portsmouth, who recently wrote me about her experience with the doughnut hole. She wrote:

This year, because of my illness, my drug costs have doubled, and in September I experienced the "donut hole." This meant that when my Total Drug Cost reached \$2,400 for the year, I was on my own.

She went on to say:

You know you are in the donut hole when a drug you have been paying \$90 for is now \$364.47. You know you are in the donut hole when the mail order prescription company calls to warn you that your order is going to cost \$720.82 and wants to confirm that you really do want them to send it, and you have no choice except to send it unless you want to stop taking the medications. You know you are in the donut hole when the pharmacist gives you a sympathetic smile when they hand you your order.

Under this bill, seniors such as Sue no longer need to worry. They will get a discount on medicine critical to their health, and we will begin to close the doughnut hole. Seniors will now have access to affordable drugs on which they depend. We have all heard the story of seniors breaking their pills in

half or skipping their daily doses because of the cost. Under this bill, a senior with high cholesterol and heart disease who relies on Lipitor and antihypertension medication to stay healthy now can take these drugs with peace of mind and less financial stress.

This bill will expand affordable coverage to 32 million Americans. The bill will provide the same Medicaid deals for every State so that the Federal Government will help share in the burden the States face in providing coverage for new populations. The bill also builds on the previous bill to attack waste, fraud, and abuse in our health care system.

This is a historic time. Today, we build on that historic legislation with improvements to make it stronger and even better for American families and seniors.

I yield the floor.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Madam President, I yield 6½ minutes to the Senator from Wisconsin.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. FEINGOLD. Madam President, for far too long, my constituents have been at the mercy of the health insurance industry which has dictated how and whether they get health care coverage. Wisconsinites have been denied coverage because of preexisting conditions, dropped from coverage because they made too many claims, or simply forced to pay through the nose for skyrocketing premiums. Those days are now coming to an end thanks to the Patient Protection and Affordable Care Act.

We have taken an important step with the enactment of that bill, but as you know, our work is not done. The Patient Protection and Affordable Care Act is not perfect, and Congress must be committed to strengthening and adjusting this law as necessary in the years to come. The first step, of course, is for the Senate to pass the Health Care Education Reconciliation Act of 2010, which the Senate is now debating. This bill will strengthen our health care reform law to ensure that health insurance is even more affordable for working families and that seniors actually pay less for prescription drug coverage.

Taken together with the Patient Protection and Affordable Care Act, this bill would help Wisconsinites purchase good, affordable health insurance and health care. As a result, this year children will no longer be denied coverage for preexisting conditions, insurance companies will no longer drop Americans because they are sick, young Americans can remain on their parents' coverage longer, and the Medicare doughnut hole that shortchanges seniors will begin to be filled. Then, over the next 4 years, States will prepare to

set up health insurance exchanges for individuals and small businesses to purchase more affordable health insurance. As a result, an estimated 541,000 Wisconsinites who are uninsured and 320,000 Wisconsinites who have individual market insurance will gain access to affordable coverage. As many as 358,000 Wisconsinites are expected to qualify for premium tax credits to help them purchase health care coverage. Experts believe this reform effort will lower premiums in the nongroup market by 14 to 20 percent for the same benefits—premium savings of \$1,540 to \$2,200 for a family in Wisconsin. Now, this is real savings.

According to the nonpartisan experts at CBO, over the next 10 years, our national deficit will decrease by \$143 billion and up to \$1.2 trillion in the following 10 years. Those savings come from a number of cost containment provisions, including one which I strongly support that will begin to reimburse physicians based on the quality of care they provide rather than on the quantity of care. This movement toward value-based health care purchasing is one that is already seeing great success in hospitals and medical groups around my State of Wisconsin. I was so pleased to work with our nationally recognized medical centers around Wisconsin on these successful efforts.

Health reform also means more choice, more affordability, and more protections for Wisconsin businesses. Over 77,400 small businesses throughout the State of Wisconsin are eligible now for tax credits starting this year to help purchase health insurance for business owners and their employees. No longer will small businesses be vulnerable to insurance practices of raising rates on a year-to-year basis due to an employee falling ill.

I visit all 72 counties in Wisconsin every year, and I always hear about the burden of health care costs on small businesses. So many Wisconsinites are discouraged from striking out on their own to start a small business or to expand it because they can't afford or couldn't get health insurance on their own. This bill will help those Wisconsinites start businesses and create jobs by providing the affordability and protections of the large insurance group market to small business owners.

Reform also means better and more affordable health care for Wisconsin's seniors. The bill we are debating will build upon improvements made by the Patient Protection and Affordable Care Act by closing the Medicare Part D prescription drug doughnut hole by 2020. Beginning this year already seniors who reach the doughnut hole will receive a \$250 rebate, with more and more assistance available each year until the doughnut hole is ultimately closed. Seniors will also be guaranteed an annual wellness visit and no cost

sharing on preventive care visits to their physician.

Of course, we know this reconciliation bill is not just about health care. It also ends unjustified subsidies for private banks and lenders to issue Federal student loans. By transferring the authority to make all Federal student loans over to the existing Federal Direct Loan Program effective July 1 of this year, we will save approximately \$61 billion over 10 years. The savings will in part be used to help ensure that students do not see a reduction in their Pell grant awards next year, providing much needed assistance to Wisconsin's low-income and middle-income students when they need it the most.

Historic health care reform is now the law of the land. But we have to do more, and passing this bill is the next step.

The ACTING PRESIDENT pro tempore. The Senator's time has expired.

Mr. FEINGOLD. I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Montana.

Mr. BAUCUS. Mr. President, I yield 7 minutes to the Senator from Florida, a very valued member of the Finance Committee.

Mr. NELSON of Florida. I thank the Presiding Officer and the chairman.

For the first time as a nation, we are recognizing that people have a right to not be destroyed by sickness. Under the Senate bill passed by the House and signed into law yesterday by the President, folks are no longer going to have to choose between their health and their pocketbooks. Parents will no longer have to worry about whether they can afford to get their kids to the doctor. Seniors will not have to wonder if Medicare will still be there for them several years down the road.

Health care reform doesn't mean people would not have to continue taking responsibility for themselves. The bill we passed, and even the one we are now debating, improves health care affordability and access for all, but it still requires folks to do their part. Families who can afford to will be asked to contribute to the cost of their coverage. People are expected to get regular primary care so they do not end up in the emergency room with something that could have been treated easily and cheaply if it had been addressed sooner.

But, very importantly, we are also going to hold the insurance companies accountable. We are finally telling them: You can't drop someone just because they get sick; you can't cap someone's benefits just because you are tired of paying for their care; and you can't decide not to offer someone coverage because they have a preexisting condition. We are telling them: No more, no more, no more.

We are also saying to our seniors that we, as a nation, remain unwavering in our commitment to protecting and preserving Medicare for today, tomorrow, and the next millennium.

There has been an awful lot of misinformation going around about Medicare and something called Medicare Advantage. The fact is, the original Senate bill proposed an unfair way to fix overpayments to these private Medicare HMO insurance plans. The fix would have come at the expense of seniors living in areas with high medical costs, such as my State of Florida. I was able to pass an amendment in committee that fixed that problem fairly.

Under this reconciliation bill, the President has proposed another way to rein in those Medicare Advantage insurance companies, and this, upon close inspection, also treats seniors fairly. It puts companies on the hook for their performance. If they do not provide quality service, their reimbursements are cut. Their enrollees—the seniors—are going to demand that they provide quality service. I appreciate the President's leadership on this issue and the fact that he heard the concerns expressed by a number of us, including Senator SCHUMER and Senator WYDEN.

But having said all this, we have left something undone in this Senate bill that is now law and even in this reconciliation package. I am not happy this legislation lets the drug companies pretty much off the hook. You all know that over the past few years I have been voicing the concerns and fears of residents in my State about what is happening to their drug prices. I also hear from the folks who can't afford their medications when they hit the prescription drug coverage gap known as the doughnut hole. They skimp on food or split their pills or stop taking them altogether. While this bill offers a discount to seniors in the doughnut hole, there is nothing to keep drug companies from continuing to jack up the prices until that discount is meaningless.

I also hear from folks who are frustrated that in other countries folks are getting the very same drugs for much less than we pay here. I had an amendment that would have required the drug industry to pay its fair share of the tab for health care reform. It required the drug manufacturers to give the government price breaks on drugs for a lot of our low-income seniors, and that would have saved us \$106 billion of taxpayer money, which was more than enough to fill the doughnut hole altogether and then make a dent in offsetting the Federal deficit.

So I intend to come back and revisit this. In the meantime, I want to say this reconciliation bill deepens and extends the promise of the health care reform bill that was signed into law just yesterday. I stood with the President when he put pen to paper yesterday. I think it is great we have begun the process of health care reform.

It has been said by many folks in many different ways that we are not

put on Earth for ourselves, but we are placed here for each other. Well, here we are, and here we are debating legislation that stands to improve the lives of tens of millions of Americans. So despite its flaws, I will vote to pass this legislation.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Montana.

Mr. BAUCUS. Mr. President, I thank the Senator from Florida for his very considered and thoughtful conclusion in deciding to vote for this legislation. I deeply appreciate that very much. He is a wonderful member of the committee.

Mr. President, I yield 7 minutes to the Senator from Vermont.

The ACTING PRESIDENT pro tempore. The Senator from Vermont is recognized.

Mr. SANDERS. I thank the Senator from Montana for yielding.

Mr. President, my Republican colleagues have reached the conclusion that this is not a perfect bill. Well, they are right. While my problems with this bill are very different than theirs, I do hope that in the weeks and months to come, after we pass this reconciliation package, we will improve it. But I would ask my Republican colleagues to tell me something: When they controlled the White House and they controlled the Senate and they controlled the House, when President Bush was our President—during that period—7 million more Americans lost their health insurance and health care costs soared. Where were they then in talking about health care? Did they have one substantive idea during that period about how we were going to lower the cost of health care for Americans and provide health insurance for all of our people?

I do hope that after we pass reconciliation we are going to improve this bill. In that regard I want to thank Majority Leader REID who has promised us—Senator MERKLEY, myself and others—that we will have the chance to vote on a public option provision. I think millions of Americans understand that public option is a choice that people should have—the right to go outside of the private insurance companies for their health insurance. That public option will provide competitive pressure on the insurance industry to control soaring health care costs. So I very much appreciate Senator REID telling us that we are going to have a vote on that issue within a couple of months.

This bill is a strong step forward. It is no small thing that we are providing health insurance to 32 million more Americans. It is no small thing that we are moving to eliminate preexisting conditions as a grounds for rejecting someone for health care. It is no small thing that we are going to begin to fill that doughnut hole so that seniors will be able to get the prescription drugs

they need in an affordable way. Those are, among other achievements, quite significant.

But having said that, after the passage of this legislation, we still have to deal with the reality that we will continue to spend far more per capita on health care than any other major country.

A few days ago, we had the Ambassador from Denmark visiting Vermont. In that country, they provide quality care for all of their people, and they do it spending about 50 percent of what we do because they have eliminated private insurance companies and all of the administrative and profiteering costs associated with private insurance companies. I hope we will one day at least allow States the option to move forward with a single-payer, Medicare-for-all program, which I think ultimately is the way we are going to go as a nation if we are going to solve the need for comprehensive universal and cost-effective health care for all of our people.

I do want to say a word on one aspect, one provision of this bill which I think is enormously important, and I am very excited it is included in this bill. Again, I thank Senator REID for his help in making sure it remained in and is amply funded. That is that in this legislation we are going to take a giant step forward in providing primary health care to the people of this country through a major expansion of Community Health Centers and the National Health Service Corps. This legislation provides enough funding so that we are going to create, over the next 5 years, 8,000 new health center sites, more than doubling the number that now exists. We are going to increase access for primary health care, dental care, mental health counseling, and low-cost prescription drugs by doubling the number of Americans with access to community health centers from 20 million to 40 million in every State, and in every region of this country. That is a huge step forward in providing basic health care to millions of Americans who today cannot access that care.

While we do that, we are also going to significantly expand the number of doctors, the number of nurse practitioners and dentists that we desperately need in order to provide primary health care to our people.

This legislation—over a 5-year period—triples the amount of money going into the National Health Service Corps, a program which provides debt forgiveness and scholarships for those doctors and dentists who will be serving in underserved areas throughout this country.

Through the National Health Service Corps, we are going to support an additional 17,000 new primary health care doctors, dentists, nurse practitioners, and mental health professionals. What this means is that if somebody has no health insurance, if somebody has Medicaid, if somebody has Medicare, if somebody has private health insurance, that individual is going to be able to walk into a community health center and get the high quality care they need. The incredible thing, and this is quite remarkable, is that by doing this we are going to actually save taxpayers money because we are going to keep people out of the emergency room, which is the most expensive form of primary health care; we are going to prevent people from becoming sicker than they should and ending up in the hospital at great expense. Based on a study by the Geiger-Gibson Program at George Washington University, it is conservatively estimated that, by investing \$12.5 billion in health centers and the National Health Service Corps, we will save Medicaid alone over \$17 billion over the next 5 years.

This legislation is going to be very significant in providing the primary health care that we need as a nation, and I am very appreciative it is part of the bill.

Mr. President, as I conclude, I ask unanimous consent to have printed in the RECORD the findings of the study by the Geiger-Gibson/RCHN Community Health Foundation Research Collaborative, George Washington University, dated October 14, 2009.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

FINDINGS

Since health centers are non-profit entities that operate subject to comprehensive federal standards, our models assume that health centers will serve as many patients as their revenues permit. As a result, the number of patients served at health centers depends on the revenue available to health centers and the distribution of insurance coverage among health center patients. The Senate provisions increase health center rev-

enues in three key ways: (1) by increasing federal health center grants; (2) by increasing Medicaid revenues as a result of expanded Medicaid coverage; and (3) by assuring higher private insurance revenues as a result of the extension of the Prospective Payment System (PPS) to health center patients insured through a health exchange. By lowering the number of uninsured patients, health reform thus will allow health centers to use their grant funds to reach additional uninsured patients, thereby increasing the number of patients who can be served.

It is important to note that federal health center grants and payments under Medicaid and private health insurance represent only a portion of total health center revenue. Other important sources include other federal, state, local and private grants or contracts. As in our prior report, we conservatively assume that these other funding sources will grow by only five percent annually.

We estimate that by 2019, these combined policy changes would roughly triple the number of patients receiving care at health centers. The number of patients would rise from an estimated 19.0 million in 2009 to 44.2 million in 2015 and to 60.4 million by 2019. In order to expand to serve this many patients, we assume that the number of health center grantees and the number of health center delivery sites (i.e., clinics) would grow substantially, permitting a major expansion of health centers and clinics into more medically underserved rural, suburban and urban communities.

In our prior paper, we analyzed data from the 2006 Medical Expenditure Panel Survey to compare the medical expenditures of people who receive the majority of ambulatory care at health centers and those who do not. We found that, after adjusting for health status, age, gender, race/ethnicity, and health insurance coverage, the average patient receiving care at a community health center had annual medical expenditures \$1,093 lower than an average patient who did not use health centers. This estimated savings includes both reduced ambulatory costs as a result of health center efficiencies as well as reduced inpatient medical expenses, which may be due to the prevention of more severe health problems requiring hospitalization. These findings are consistent with numerous prior studies showing that health centers are efficient providers of quality primary care and that more effective use of primary care can reduce hospital and specialty care costs.

Using the estimate of \$1,093 savings per health center patient in 2006, we applied the estimates of the increased number of health center patients and adjusted savings to account for health care inflation to estimate total medical savings associated with the expansion of services at health centers over the next ten years. These are summarized in Table 1.

TABLE 1—ESTIMATED INCREASE IN HEALTH CENTER PATIENTS, TOTAL MEDICAL SAVINGS AND FEDERAL MEDICAID SAVINGS UNDER THE SENATE PROVISIONS, 2010 TO 2019

	2009	2015	2019	2010–2015	2010–2019
Total Number of Patients (mil)	19.0	44.2	60.4
Increase Over 2009 Patients (mil)	25.2	41.4
Est. Total Med Savings Per Person	\$1,262	\$1,551	\$1,780
Est. Total Medical Savings (bil)	—	\$39.0	\$73.7	\$129.1	\$369.2
Est. Federal Medicaid Savings (bil)	—	\$11.0	\$22.5	\$34.2	\$105.0

Source: Authors' estimates.

As seen in Table 1, in 2019, we estimate that the number of patients receiving primary care services at health centers will rise

by 41.4 million over the 2009 level of 19.0 million, to 60.4 million total patients. This growing use of health centers to serve an ad-

ditional 41.4 million patients times the medical savings of \$1,780 per patient yields an

overall medical savings estimate of \$73.7 billion in 2019 alone. Over the 2010–2019 period, we estimate that an increase in the number of patients who receive their health care through health centers will lead to \$369 billion in total medical savings. (Following the approach used by the Congressional Budget Office, we estimate only the additional savings due to increases in the number of patients served at health centers. We estimate that the 19 million patients already served in 2009 create medical savings of \$24 billion in that year alone; savings from the existing 19 million patients are not included in the estimates shown in Table 1 above.)

This estimate includes all medical savings, whether public or private. From the federal perspective, the critical question is federal savings. We estimate savings attributable to federal spending by focusing on federal Medicaid savings, accounting both for the increased volume of Medicaid patients and the effective increases in federal matching shares for Medicaid. (There are also state Medicaid savings not included in the estimate of federal savings.) This calculation yields an estimated federal Medicaid savings of \$22.5 billion in 2019 and \$105 billion between 2010 and 2019. This is a conservative estimate of federal savings, since there would also be savings under Medicare as well as in the federal subsidies spent to purchase health insurance through exchanges.

The ACTING PRESIDENT pro tempore. The time of the Senator has expired.

Mr. BAUCUS. Mr. President, how much time remains on our half hour?

The ACTING PRESIDENT pro tempore. There remains 2 minutes 40 seconds.

Mr. BAUCUS. I yield 2 minutes 40 seconds to the Senator from Missouri.

The ACTING PRESIDENT pro tempore. The Senator from Missouri is recognized.

Mrs. MCCASKILL. Mr. President, we have had a lot of that childhood story we all learned of “Chicken Little.” We have had a lot of Chicken Little around this building in the last few months: The sky is falling, the sky is falling. You know, I woke up this morning, I looked up and the sky was not falling. Every day that goes by in America people are going to realize the sky is not falling. In fact, as time goes on that sky is going to get bluer and brighter because people in America are going to realize this bill is not full of booby traps, it is full of good things that will reform health care.

I rise this afternoon to take a couple of minutes to talk about a new low of obstructionism, taking game playing to a whole new level. In 10 minutes I was supposed to convene a hearing on the contracts for police training in Afghanistan. This is a very important part of our mission in Afghanistan, the training of local police departments. There was a witness who was going to be there from the State Department, a witness there from the Defense Department, the Inspectors General were going to be there.

Just last week GAO wiped out a contract that had been let on police training because of problems in the way the

contract was competed. So this hearing was timely and it is important. We cannot succeed in Afghanistan if we do not have effective police training. These contracts are problematic. The State Department is supposed to be overseeing them. We have hundreds of millions of dollars not accounted for.

So what do I find out this morning? The Republican party is not going to let us have the hearing. What in the world? Why in the world are we not being allowed to work this afternoon? Why in the world are we not able to ask questions at a hearing in a few minutes as to why the police training is not going well in Afghanistan and how we can do better?

Our men and women are over there and they are at risk if we do not get this right. I don't get it. I don't get what the purpose of saying no is. I don't get what we accomplish. We are sent here to work. We are paid by the people of this country to work. The idea that I had to call these witnesses and say go home because the Republicans will not let us have a hearing—somebody has to explain this to me. Disagree with us, debate, vote no—but let us work. I implore you: Let us work.

The ACTING PRESIDENT pro tempore. The Senator's time has expired.

The Senator from Montana is recognized.

Mr. BAUCUS. Mr. President, I have one unanimous consent request that we continue altering sides of the debate. I ask consent we continuing alternating back and forth, and the next half hour be on the Republican side.

I ask unanimous consent the next half hour be controlled by the Republicans and the half hour thereafter be controlled by the majority, and the half hour after that be controlled by Republicans.

The ACTING PRESIDENT pro tempore. Is there objection?

Without objection, it is so ordered.

Mr. BAUCUS. Mr. President, for the information of Senators, the final block of time is reserved to be under the control of the chairman for concluding remarks; that is, prior to a series of votes. I make that statement for the information of Senators.

The ACTING PRESIDENT pro tempore. The Senator from Kansas is recognized.

AMENDMENT NO. 3579

Mr. ROBERTS. I ask consent to call up Roberts-Inhofe-Brown amendment No. 3579, and I ask unanimous consent Senator CRAPO be added as cosponsor.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The clerk will report.

The bill clerk read as follows:

The Senator from Kansas [Mr. ROBERTS], for himself, Mr. INHOFE, Mr. BROWN of Massachusetts, and Mr. CRAPO, proposes an amendment numbered 3579.

Mr. ROBERTS. I ask unanimous consent the reading of the amendment be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To strike the medical device tax)

Strike section 1405 and insert the following:

SEC. 1405. REPEAL OF MEDICAL DEVICE FEE.

(a) IN GENERAL.—Section 9009 of the Patient Protection and Affordable Care Act, as amended by section 10904 of such Act, is repealed effective as of the date of the enactment of that Act.

(b) EXPANSION OF AFFORDABILITY EXCEPTION TO INDIVIDUAL MANDATE.—Section 5000A(e)(1)(A) of the Internal Revenue Code of 1986, as added by section 1501(b) of the Patient Protection and Affordable Care Act and amended by section 10106 of such Act, is amended by striking “8 percent” and inserting “5 percent”.

(c) APPLICATION OF PROVISION.—The amendment made by subsection (b) shall apply as if included in the Patient Protection and Affordable Care Act.

Mr. ROBERTS. Mr. President, included in the half trillion dollars in new taxes in this health reform bill is a tax hike of \$20 billion on medical devices, a \$20 billion excise tax on life-saving medical devices. The non-partisan Congressional Budget Office and Joint Committee on Taxation have both confirmed that these excise taxes will not be borne by the medical device industry if in fact that is what the other side wanted to do. Instead, the tax will be passed on to patients in the form of higher prices and higher insurance premiums. My colleagues are going to speak in greater detail about this tax, but let me take a moment to talk about some of the people who will bear the burden, and what types of devices will be taxed.

People with disabilities, diabetics, amputees, people with cancer and people with Alzheimer's are just some of the folks who will see their tax costs go up because of this tax. My amendment prevents this new tax from raising the already high cost for these groups by striking the tax on medical devices.

This is a tax on innovative devices as well, a device such as the cyberknife. The cyberknife is a noninvasive alternative to surgery for the treatment of both cancerous and noncancerous tumors anywhere in the body. Yet under this bill, such cutting-edge devices will be taxed. Those who need the treatment offered by the cyberknife will see the cost of that treatment go up. When innovative and lifesaving technologies such as the cyberknife are taxed, when the costs of many tests increase because the devices used in the tests are taxed, when the new devices are not developed and when fewer manufacturers are able to survive in the anticompetitive environment this tax will create, consumers of health care will suffer for it.

I urge my colleagues to support this amendment, and yield the remainder of my time to the distinguished Senator from Massachusetts, Mr. BROWN.

The ACTING PRESIDENT pro tempore. The Senator from Massachusetts is recognized.

Mr. BROWN of Massachusetts. Mr. President, I thank Senator ROBERTS for bringing this very important issue to the forefront. Many of you know I live in Massachusetts. We have over 225 medical device companies there. Before I got here, I visited many of them and the message was very clear, that if in fact that 3-percent medical device tax goes into effect, it is virtually all of their profit for many of these young companies and established companies.

Placing a tax on medical devices, in my opinion and their opinion, will dramatically affect jobs, not only in Massachusetts but throughout the country.

Unemployment in my State is hovering near 10 percent and we should be doing everything we can at this point to create jobs and stimulate the economy. I am hopeful that in the effort I made in the beginning for a bipartisan effort to start jobs with the first jobs bill that we can look at the areas we are trying to focus on to make this bill better. I am hopeful once again, through the Senator's leadership and that of Senator ROBERTS and others who sponsored it, we will look twice at what we are trying to do here in order to pay for the so-called health care bill.

As we are in the middle of a 2-year recession, taxing companies, especially vibrant companies throughout my State and throughout the country, I am fearful they will leave and go to other countries to do their business.

I yield the remainder of my time.

The ACTING PRESIDENT pro tempore. The Senator from Oklahoma is recognized.

AMENDMENT NO. 3588

Mr. INHOFE. Mr. President, I call up amendment No. 3588 and make it pending.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. The clerk will report.

The bill clerk read as follows:

The Senator from Oklahoma [Mr. INHOFE] proposes an amendment numbered 3588.

Mr. INHOFE. I ask unanimous consent we dispense with the reading of the amendment.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To exclude pediatric devices and devices for persons with disabilities from the medical device tax)

On page 99, between lines 9 and 10, insert the following:

(e) EXCLUSION OF MEDICAL DEVICES FOR PEDIATRIC USE AND PERSONS WITH DISABILITIES.—

(1) IN GENERAL.—For purposes of section 4191(b)(1) of the Internal Revenue Code of

1986, as added by subsection (a), the term "taxable medical device" shall not include any device which is primarily designed—

(A) to be used by or for pediatric patients, or

(B) to assist persons with disabilities with tasks of daily life.

(2) EXPANSION OF AFFORDABILITY EXCEPTION TO INDIVIDUAL MANDATE.—Section 5000A(e)(1)(A) of the Internal Revenue Code of 1986, as added by section 1501(b) of the Patient Protection and Affordable Care Act and amended by section 10106 of such Act, is amended by striking "8 percent" and inserting "5 percent".

(3) APPLICATION OF PROVISION.—The amendment made by paragraph (2) shall apply as if included in the Patient Protection and Affordable Care Act.

Mr. INHOFE. Mr. President, President Obama repeatedly promised during the campaign that no one making under \$250,000 per year would see their taxes increase. However, the Democrats claim to spend \$2.6 trillion in new health care at a time when the country cannot afford the promises they have already made and we have a record 1-year budget deficit, \$1.4 trillion.

We hear President Obama always talking about what he inherited from George W. Bush. What he inherited was nothing like what he did. He actually raised the deficit \$1.4 trillion in 1 year. That is more than President Bush did in his last 5 years.

The HELP bill, which recently passed the House, represents an unprecedented expansion of government control and increases taxes on Americans during a difficult economic time. But the Democrats did not stop with one expensive health care bill. Now the Senate is debating a fix-it bill which increases taxes an additional \$50 billion on the American people.

Reading through the legislation, I am struck by a myriad of ways this raises taxes on American citizens, from job-creating small businesses to middle-income families—over a half trillion dollars of new taxes.

If you happen to need a medical device—that is what we are talking about right now—you get taxed under the bill. Section 9009 of the recently passed health care bill imposes a new tax on assistive devices, which includes items such as pacemakers, ventilators, and prosthetics, and incubators for premature babies. The fix-it bill—I call this the payoff bill because as you all know the Speaker of the House had to pay off all these individuals. We understand how that works. That is what this bill is all about right now. That is why it needs to be amended. This is what we are currently debating. It actually expands to include more medical devices such as tongue depressors, elastic bandages, most hand-held dental instruments, and examination gloves.

I am joining with my Republican colleagues to propose an amendment striking the tax on medical devices.

Additionally, I have filed amendment No. 3588—that is what we are talking

about now—that will strike this expansion of taxes on assistive devices for two of the most vulnerable populations, children and individuals with disabilities.

I have previously spoken on the floor about this new tax and how it hurts Americans. Let me remind you of a couple of examples.

My son-in-law Brad Swan installs pacemakers and defibrillators. I know this is true because he lives right across the street from us. At 1 o'clock in the morning he was called to an emergency involving a young 8-year-old boy with no heartbeat whatsoever.

He was born with congenital heart disease, was able to have a pacemaker put in that morning, right after he was called, and now he has a full, healthy life ahead of him. My older sister Marilyn faced a similar situation and is alive and healthy today. Additionally, Dr. Stanley DeFehr, a cardiologist in Bartlesville, OK, explained to me that:

The cost of a pacemaker [we are talking about \$5,000; it is something that lasts 10 years] pales in comparison to the cost of a stroke or multiple fractures.

Now with this tax, we are making these medical devices more expensive for families, which may prevent others from accessing the device they need in order to enhance or even save their lives.

I have never been through anything like this in the 20 years I have been here. We look at the tax increase in this bill of \$569 billion; now it is going to be more than that.

Additionally, I was talking this morning in Chickasha, OK, on a radio show, and the person intervening me was talking about his 94-year-old mother and how she depends on Medicare. I explained that there is \$523 billion in Medicare cuts in this bill.

So, you know, the White House was celebrating. You could hear the champagne corks popping all night long. Yes, they successfully increased taxes by \$569 billion.

So I encourage people to vote for this amendment to at least relieve part of the problem that is out there. It is amendment No. 3588.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Utah is recognized.

AMENDMENT NO. 3644

Mr. HATCH. Mr. President, I ask unanimous consent that the pending amendment be set aside. I have an amendment at the desk.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. The clerk will report.

The bill clerk read as follows:

The Senator from Utah [Mr. HATCH], for himself, Mr. COBURN, and Mr. CRAPO, proposes an amendment numbered 3644.

Mr. HATCH. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To protect access for America's wounded warriors)

On page 99, between lines 9 and 10, insert the following:

(e) EXCLUSION OF MEDICAL DEVICES SOLD UNDER THE TRICARE FOR LIFE PROGRAM OR VETERAN'S HEALTH CARE PROGRAMS.—

(1) IN GENERAL.—For purposes of section 4191(b)(1) of the Internal Revenue Code of 1986, as added by subsection (a), the term "taxable medical device" shall not include any device which is sold to individuals covered under the TRICARE for Life program or the veteran's health care program under chapter 17 of title 38, United States Code, any portion of the cost of which is paid or reimbursed under either such program.

(2) EXPANSION OF AFFORDABILITY EXCEPTION TO INDIVIDUAL MANDATE.—Section 5000A(e)(1)(A) of the Internal Revenue Code of 1986, as added by section 1501(b) of the Patient Protection and Affordable Care Act and amended by section 10106 of such Act, is amended by striking "8 percent" and inserting "5 percent".

(3) APPLICATION OF PROVISION.—The amendment made by paragraph (2) shall apply as if included in the Patient Protection and Affordable Care Act.

Mr. HATCH. Mr. President, before I talk about my amendment to exempt our Nation's wounded warriors from this new medical device tax, let me take a moment to talk about the enormous tax burden imposed under this bill.

Republicans in Congress agree with the majority of Americans who believe that simply throwing more hard-earned taxpayer dollars at a \$2.5 trillion health care system will not deliver meaningful reform. Simply raising more than \$650 billion in new taxes at a time when our national unemployment rate stagnates near double digits is a really bad idea.

Now, let us take a look at the claims that despite more than \$650 billion in new taxes in this bill, this big government bill will not raise taxes for Americans making less than \$200,000 a year, a pledge that President Obama repeatedly mentioned both as a candidate and then as our President. Well, the Democratic chairman of the Finance Committee, and I commend him for his honesty, in his floor remarks on March 23, 2010, stated: One other point that I think is very important to make is that it is true that in certain cases, the taxes will go up for some Americans who might be making less than \$200,000. We have known all along that this pledge is an illusion that will slowly but continuously disappear over time.

A recent analysis by former Congressional Budget Office Director Douglas Holtz-Eakin based on data provided by the Joint Committee on Taxation revealed some startling facts on the distributional impact of the Senate-passed bill. Let me share these findings with you:

Only 7 percent of Americans would qualify for the new government subsidy to help them pay for mandatory health insurance. 93 percent of all Americans will not be eligible for a tax benefit under this bill.

Twenty-five percent of Americans earning less than \$200,000 a year would see their taxes rise.

So what does this all mean? For every one family that receives the government subsidy, three middle-class families will pay higher taxes.

Simply put, we will continue our march towards the Europeanization of America as fewer and fewer Americans continue to bear the burden of supporting the needs of a growing majority.

By the way, the figures I just discussed, do not take into account all the tax increases in this bill signed by the President yesterday, including hundreds of billions in new taxes on employers who do not provide coverage to insurance premiums, prescription drugs and medical devices.

Representatives from both the Congressional Budget Office and the Joint Committee on Taxation testified before the Finance Committee that these taxes will be passed on to the consumers. So even though the bill tries to hide these taxes as fees, average Americans who purchase health plans, use prescription drugs and buy medical devices will end up footing the bill. Every American knows that there is no such thing as a free lunch in this town.

Included in the \$650 billion of new taxes in this health bill is a tax hike of \$20 billion on medical devices. Of the few exemptions included in the reconciliation bill, there is no mention of the brave men and women in the military and our veterans who have sustained injuries defending this country during the wars.

My amendment would prevent this new tax from raising costs or hurting access for American soldiers and veterans by exempting medical devices used by the TRICARE program and the Veterans health care program. We must protect our wounded warriors who rely on these life-saving and life-enhancing medical devices.

I urge my colleagues to stand up for our brave warriors and support this amendment.

Let me tell you, I hope my colleagues on both sides will stand up for the wounded warriors. I hope they will stand up and realize that these folks should not be hammered with higher costs on medical devices. We owe them a debt of gratitude not more taxes.

The ACTING PRESIDENT pro tempore. The Senator from Iowa.

Mr. GRASSLEY. I wish to speak in support of Senator INHOFE's amendment No. 3588, which would be to exclude medical devices for children and persons with disabilities from a medical device tax.

I know that when you talk about a medical device tax and if it is on the manufacturers, you are going to say: Well, what should I be concerned about that for because some manufacturer is going to pay it. Well, don't fool yourself. You know, corporations do not pay taxes, only people pay taxes, and there are three categories of people who pay taxes: stockholders or employees or consumers. And I will bet in most cases consumers end up paying for that.

So this provision in this bill is much broader than the Inhofe amendment would apply to, but I think Senator INHOFE has picked out a very important aspect of adding taxes, the extent to which surely the vulnerable people whom you call children and persons with disabilities are consumers who shouldn't be paying for a tax to pay for a bill that 59 percent of the people in this country say they are against. But because the majority party and the President want to make history, just make history, don't worry about the people at the grassroots of America, what they think.

So there are all these taxes and all of these fees in here, and I compliment Senator INHOFE for his leadership in at least trying to reduce this burden on people who are very vulnerable, people with disabilities.

Of the many taxes in this bill, I am especially worried about the tax on medical devices. What will happen when the Democrats impose a new tax hike on \$20 billion of these innovative medical devices? During the markup of the Finance Committee bill, I asked the question to the nonpartisan Congressional Budget Office and the nonpartisan Joint Committee on Taxation.

For people who might not understand the emphasis of "nonpartisan" about the Congressional Budget Office and the Joint Committee on Taxation, I would like to say it is very important that you understand that because everybody thinks everything connected with Congress is totally political. Well, these are professionals who are around here a lot longer than a lot of Senators and Representatives, and then their job is, in a professional way, to look at what things cost and how much money certain taxes will raise. So they are kind of like God around here. They are believed. If you want to overrule them, you know, it takes 60 votes. That is a lot of power when you have to have 60 votes to overrule something on a point of order.

So explaining what nonpartisanship is with the Congressional Budget Office and our constituents understanding that so they understand we are not quoting a Republican or a Democrat, we are quoting professionals, I think is very basic to understanding the points we individually make so that they are accepted as intellectually honest.

In this particular case where these two offices—both of them said these excise taxes will be passed on to consumers in the form of higher prices and higher insurance premiums. When I began my remarks, I said that is what is going to happen. Well, Chuck Grassley said that, but I want you to know that is what these professionals in the Joint Committee on Taxation and the Congressional Budget Office backed me up in saying.

Who are the consumers of these devices? I have the exact language here of how these things are going to be passed on to consumers so that you know, you see the document right here.

Who are these consumers of these devices who will bear the burden of the new medical device excise tax? I would like to tell the story of the Tillman family, a family who would bear the burden of this new medical device tax.

At only 5 months old, Tiana Tillman had her life saved by a medical device.

This story has received a lot of attention because Tiana's father is a professional football player for the Chicago Bears. However, lifesaving stories like this happen all across the country.

When Charles Tillman reported to training camp in 2008, it was not long before his coach told him his 5-month-old daughter Tiana had been rushed to the hospital. When Charles got to the hospital, Tiana's heart rate was over 200 beats per minute. The doctor told Charles and his wife Jackie that Tiana may not make it through the night.

Tiana survived the night, and after a series of tests, she was diagnosed with cardiomyopathy, that is, an enlarged heart that is unable to function properly. Her condition was critical, and without a heart transplant, she would not survive. But finding pediatric donors is very difficult, and many children do not survive that long wait time.

Tiana was immediately put on ECMO, a device that would help the functions of the heart while Tiana waited for a transplant. However, ECMO is an old device that has many shortcomings.

The Tillmans waited for one of two outcomes: either Tiana would receive the transplant or she would die waiting on ECMO.

If you want to know, ECMO is E-C-M-O, an acronym.

But then doctors told them about the new pediatric medical device called the Berlin Heart—the Berlin Heart is an external device that performs the function of the heart and lungs—the Tillmans decided to move forward with the Berlin Heart. After 13 days of being on ECMO without any movement, Tiana underwent surgery to connect the Berlin Heart. After the operation, you can see Tiana in that photo. It pumped her blood through her body—a job her heart could not perform on its own. Doctors said the Berlin Heart helped

Tiana regain her strength because she was off the paralytic medication and finally moving.

Not long after Tiana connected to the Berlin Heart, a donor was found and Tiana underwent an 8-hour transplant surgery. The risky surgery was a success, thank God. Usually it takes some time for a new heart to start working, but doctors said that due to Tiana's strength, her new heart started working immediately.

So you see here Tiana today. She probably loves that football just like her dad loved the football. She is a happy and healthy 2-year-old girl. She enjoys playing on her swing and watching her dad play football.

Without the Berlin Heart to keep her alive and help her to gain strength, she might not, in fact, be alive. Democrats would increase costs for families such as the Tillmans with this tax, particularly. But it will be relieved somewhat if we adopt the Inhofe amendment. In fact, the Democratic bill would tax most pediatric medical devices. I wish to make clear that any vote against the Inhofe amendment is an endorsement of the tax on devices such as the Berlin Heart and many others children across this country rely upon. Not only that, it would also probably have a great impact upon research that brings about some of these miracle medical devices that make a difference. Taking money away from research at businesses is going to delay the miracle things that come along, whether they are pharmaceuticals or medical devices.

We should not be discouraging that. In the rest of the world, there has not been as much research done in the rest of the world as is done in the United States. Maybe go back 50 years ago and you had Germany and other European countries very much involved. But their government taking over everything and their high rates of taxation are drying up resources used for research. So the United States has been the beneficiary of that. Our pharmaceutical industry and medical device industry have taken advantage of it. So much new development around the world in the enhancement of these devices as well as pharmaceuticals have come because of the research we do. This tremendous tax burden that the American consumer is going to feel from the massive money coming in to fund this bill, which isn't going to drive down health care costs, is going to stymie a lot of innovation we should not want to stymie.

May I ask the Chair how many minutes my side has remaining?

The ACTING PRESIDENT pro tempore. The Senator has 3½ minutes remaining.

Mr. GRASSLEY. I will take that 3½ minutes to comment on another aspect of the bill. This is not on the Inhofe amendment, at this point. It is some-

thing unrelated to health care, but in a sense it is related to health care. This is the nationalization of the student loan program. For a long time, colleges on behalf of their students have had the benefit of going with a direct student loan from the government or getting it through the banks. They have voted by their feet, by the overwhelming amount of them going to the banks to get their student loans. Now this reconciliation is going to nationalize student loans, have just direct loans. There are about 31,000 people around the country who have something to do with student loans. Those people are going to be out of work at a time when we are all talking about jobs. We need to do something for jobs. So we're going to nationalize education loans and have that unemployment and then take four call centers around the country to take its place. Do you think college students are going to get the service they get when they have to deal with the Federal bureaucracy redtape? I don't believe so. But there's supposedly a certain amount of savings in this. I don't know whether it is real savings, but the CBO, which I say is God around here, scored it as a certain amount of savings, even considering the fact that the government is going to have to borrow \$½ trillion to get this program underway. They are going to use those supposed savings from the student loan program to fund this bill, the health care bill.

We are in a situation that is just something that common sense Americans in the Midwest are not going to understand. But it is something, I suppose, you would expect to happen in Washington, DC, which is an island surrounded by reality, that you are going to have college students who are going to pay 6.75 percent interest on their loans to the Federal Government that the government only pays 2.75 percent to borrow, that you are going to be taxing college students to pay for health care. It doesn't add up, at the very same time that too many of us in this body are complaining about the increased cost of education.

I hope the college students will speak up in this particular instance about what is being done, that college students should not be taxed to provide health insurance. But this whole health care bill taxes everything. It just seems like everything.

How many minutes are remaining?

The ACTING PRESIDENT pro tempore. The time of the Senator has expired.

The Senator from Montana.

Mr. BAUCUS. Mr. President, I yield 5 minutes to the Senator from New Jersey, Mr. LAUTENBERG.

The ACTING PRESIDENT pro tempore. The Senator from New Jersey is recognized.

Mr. LAUTENBERG. Mr. President, I thank Senator BAUCUS for his leadership on this health care reform effort that is underway.

This is the most astounding thing. For all these weeks, our friends on the other side have said no, no, no to health care. Not one good word. Not one of them stood and said: Yes, we should cover 32 million people who don't have coverage; yes, we should cover young people who want to join their parents' health insurance policy. They said no to small businesses that need help in providing affordable health coverage to their employees.

Many know that recently I was stricken with an illness. Five weeks ago this time, I was in an ambulance on my way to the hospital, bleeding profusely, very sick. I was lucky. I had health care coverage. The doctors were there waiting for me. They were there to give me transfusions. They were there to give me intravenous fluids. They were there to care for me. I had nursing care, and I came through a crisis, as my children stood by, my four children stood by with their fingers crossed, pleading for my health to return. It was because I had health care coverage that I am standing here today on my way to a full cure—less hair but still willing to fight the fight for the people I represent, for the people across this country who are being denied coverage in any way they can do it.

What we see is obstructionism at its worst. I have yet to hear them say: Let our conscience come out here and say we ought to cover these people, that we ought to make sure health care is affordable.

The night I was brought into the hospital and was so fortunate enough to have the health care coverage I had, during the days of recovery I thought: What would happen if I was 40 years younger, had two or three kids, had no health care coverage, and I came in, in this kind of critical condition? The chances of my walking out of that hospital would have been very low.

So I say to my friends on the other side, they are not bad people, they are just totally wrong. They don't want to say that a young person can join their family's affordable health care insurance. They don't want to encourage people to find insurance that is affordable through the exchanges that are provided. They don't want to permit people who are there without coverage, who would force their way into an emergency room, perhaps, and say: Look, I am very ill. I have no pep. I feel terrible. Take care of me. Yes? Take a number like you do in a supermarket. You are No. 32. We will get to you. Don't worry about it.

Well, I worry about it because I know a different kind of America. I know an America that was there for me when I needed an education. I know an America that is there for people. I get let-

ters from them all the time that say thank you for helping us to be able to afford a better education. Thank you for the things you can do.

I say to my colleagues on the other side: Open up. Tell the truth. If you don't want to give those people affordable coverage, then throw in the coverage you have. Throw in your policy. When you say no to the 32 million people, say: I mean it when I say no. I am giving up my coverage similar to those people out there. Tell the truth about how you feel about the people who stand there without coverage, worrying every day whether an illness is going to rob them of their jobs, of their opportunity to perform their parental duties or any duties. That is what ought to happen. Stand. Vote no, vote no against anything that improves or might improve this insurance and say: No, I mean it when I say no. I mean it. I am willing to give up the coverage I and my family have.

I am talking to the Senators on the other side. Say no and mean no. But mean it for yourselves as well as the people outside who are begging for the coverage.

I thank the Chair.

Mr. BAUCUS. Mr. President, I thank my good friend from New Jersey. I am reminded how he led the fight years ago to stop cigarette smoking in airlines. I was so pleased when he did that. I know many millions of Americans who are still pleased. It was he who did it.

I yield 10 minutes to the Senator from Oregon, a big leader in health care reform. He has been working health care reform as long as I can remember. I thank the Senator from Oregon.

The ACTING PRESIDENT pro tempore. The Senator from Oregon is recognized for 10 minutes.

Mr. WYDEN. Before he leaves the floor, let me echo the praise for our friend from New Jersey, who has prosecuted the case against cigarettes for so many years. We are thankful to him. What a strong advocate he is.

I thank the chairman as well for all his efforts. I wish to highlight a couple provisions he and I worked on together that speak to the headlines we are seeing in this morning's newspaper; in particular, the provision he and I partnered on that allows States to innovate and take their own fresh approaches in terms of addressing health care challenges. We all read today about how roughly a dozen States are already challenging the important, recently-signed health care law on the grounds that the individual mandate is unconstitutional. He and I worked very closely together to ensure that States could have a waiver to, in effect, go out and set up their own approach. In fact, counsel to the Senate Finance Committee specifically said, in response to our questions during the markup of

health reform, that if a State could meet the general framework of our legislation, it did not have to do it with an individual mandate.

I thank the chairman for stepping up and empowering the States. I want the country to know that under the legislation Chairman BAUCUS worked on with me, every State does not have to litigate. They can innovate. They can go out and look at fresh approaches to address our health care challenges. That would include doing health reform without an individual mandate. I have followed the discussion on the floor over the last couple days about how somehow reform would Europeanize the health care system. On the contrary, what Chairman BAUCUS has done, with Section 1332 of the health reform bill, similar to what I sought to do in the legislation I drafted that had bipartisan support, is to send a message to all the States all across the country that we invite them to come up with the kind of fresh, creative ideas that are going to help us hold health care costs down. In fact, the chairman and I spent a lot of time trying to make sure States could tailor their own health insurance exchanges, which would be fresh marketplaces, so that, for example, an approach in Montana or Oregon that folks there thought made sense, could be entirely different than a strategy New York would try on its own. Not only is section 1332 a provision that allows for State innovation, but, as the chairman knows, there is also another approach that our colleague Senator CANTWELL came up with that advances similar State innovation, allowing States to set up a basic health care plan.

So my message to these States talking about litigating right now is, why would you say at this point you are going to go out and go to court and sue everybody in sight when, in fact, what the President signed yesterday gives the States the authority to come up with their own approach? Senate Finance Committee counsel is on record as saying that States could pursue their own approach without an individual mandate. I hope—given the amount of attention that is being paid this afternoon to the question of States filing these lawsuits, alleging the law is unconstitutional because of the individual mandate—I hope some of those States will take a look at section 1332 that, in my view, ought to be attractive to elected officials all across the political spectrum who share the view Chairman BAUCUS and I share; which is, we would like to empower the States.

Another area where innovation is encouraged to occur is the Medicare Advantage provision in our legislation. We have had a lot of discussion on the floor about Medicare Advantage. Having been involved with this program for a number of years, and its predecessors during the days when I was codirector

of the Gray Panthers, I wish to offer up to colleagues that not all Medicare Advantage is created equal. Two years ago, we heard testimony in the Senate Finance Committee about some Medicare Advantage products that, as far as I am concerned, are so shoddy and so devoid of consumer protection the people who sold them ought to be in jail. We have taken steps to add consumer protection to the Medicare Advantage Program.

On the other hand, there are very good Medicare Advantage Programs in our part of the country that have been able to win recognition from the Federal Government as high quality plans. In fact, under this legislation, plans that have earned a high quality rating from the Federal Government on the basis of, for example, how they manage chronic conditions, the kinds of screenings they do of a preventive nature, and their responsiveness to member complaints, when they get a high rating from the Federal Government on the basis of such criteria and earn those extra stars, they will get bonus payments. This was an idea the Chairman worked closely with me on when the legislation was advanced by the Finance Committee.

We will probably have further discussions on the floor about Medicare Advantage, but I only come to the floor today to say—for those who are interested in promoting quality; for those who believe that no matter how much you do to contain costs, you also have to beef up quality—take a look at the work that was done with respect to Medicare Advantage. It acknowledges that not all Medicare Advantage is created equal.

(Mr. MERKLEY assumed the Chair.)

Mr. WYDEN. The Presiding Officer in the Senate, who has just joined us, knows that our home State has the largest percentage of folks in Medicare Advantage than any other State in the United States: over 40 percent. They happen to be in good plans with those high ratings I mentioned from the Federal Government. So clearly, our States with high quality are going to be appreciative of this. But so will all the other programs across the land that have similar ratings, and we will have created an incentive for all of those other Medicare Advantage Programs in the years ahead to meet our standards.

I come to the floor briefly this afternoon to point out these two provisions in the bill that promote quality and innovation. First, I hope States will use the provision that creates incentives for them to innovate. Our message ought to be innovate rather than litigate. I hope attorneys general will remember that in the days and weeks ahead.

Second, I hope colleagues will look at the new incentives in this legislation to promote quality in the Medicare Ad-

vantage program and beyond because I believe those two provisions in this legislation—that encourage State innovation, that promote quality in the Medicare Program—ought to be widely supported by colleagues on both sides of the aisle in the days ahead.

That is, in my view, the kind of approach that can bring the American people together and help us implement this law in a fashion that is in line with what Americans want: good quality, affordable care, and reform that works for them.

Mr. Chairman, I thank you for this time and particularly for your help on those two provisions that I think ought to appeal to both Republicans and Democrats in the days ahead.

Mr. BAUCUS. I thank the Senator very much.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Might I inquire, Mr. President, how much time remains on this side for this block?

The PRESIDING OFFICER. Fifteen minutes.

Mr. BAUCUS. I thank the Chair.

Mr. President, I yield 10 minutes—5 minutes—to the Senator from Colorado.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. BENNET. Thank you, Mr. President. I say thank you to the Senator from Montana for his generosity. I will not take 10 minutes. I know the Senator from Pennsylvania is here.

Mr. President, I stand here today for the millions of Coloradans and American families who are sick and tired of the name calling, the bickering, and the partisanship in Washington.

I am here today for over 800,000 uninsured Coloradans who will now have a fighting chance to get the health care they need.

I am here for the 1.2 million Coloradan children who will never again be at risk of being denied coverage because they have a preexisting condition.

I am here for the 70,000 small businesses that will get a tax cut to provide health insurance, so they do not have to make the terrible choice between providing health care coverage for their employees and keeping their doors open.

I am here for the hundreds of thousands of seniors who depend on Medicare and expect us to protect and preserve it for generations to come.

We have passed a bill that makes our country more competitive, ends insurance company abuses, gives people more coverage, and starts putting our country on a more sound fiscal footing for the next 20 years.

I join those on this side of the aisle and on the other side of the aisle who have said this is not a perfect piece of legislation. No piece of legislation is perfect. But it is a great first step for the reasons I said.

The nonpartisan Congressional Budget Office has confirmed a \$143 billion reduction in the Federal deficit over 10 years, as a consequence of our passing this legislation, and a \$1.2 trillion reduction in the first 20 years.

Now we need to pass this reconciliation bill—a bill that gets rid of the special deals I spoke out against at the end of the year, a bill that makes sure our seniors can afford the prescription drugs they need, a bill that covers more people in my State of Colorado.

But the insurance companies and the special interests have not given up. The defenders of the status quo are still at it. Put simply, to amend the bill is to kill this bill. The only reason we are going through this process is because opponents of health care reform want to kill the bill. Now is not the time to play games with the lives of thousands of Coloradans and millions of Americans, and I will not do it.

There are also some who are well intentioned and want to amend this bill to include a public option. I am and have been a strong proponent of a public option and, like a lot of people, have taken a lot of heat for it. I am not sure why because everywhere I went in Colorado people said to me: MICHAEL, if you are going to require us to have insurance, we want as many choices as possible for our family. Please don't force us into this private insurance if there are other options out there.

A lot of us did all we could to convince the House to include it in this bill, and we were disappointed when they did not. We are going to continue to fight for it until we get a vote. We will have our vote on a public option. But I will not risk the well-being of Coloradans to do it, and I will not play into the hands of those who want to kill the bill.

So today I stand with many of my colleagues, with the American Diabetes Association, the American Hospice Foundation, the Autism Society, Doctors for America, Easter Seals, and the National Alliance on Mental Illness, along with over 150 organizations that want us to pass this bill as well. I stand with AARP which knows that changing this bill now will put seniors at risk.

But more important than all of that, I stand with the people of Colorado who expect more from their government and who want more for their children and grandchildren than politics and name calling.

I urge all of my colleagues to pass reconciliation and send this bill to the President's desk.

I yield the floor.

Thank you, Mr. President.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, I yield the remainder of the time to the Senator from Pennsylvania, Mr. CASEY.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. CASEY. Mr. President, I am grateful for this opportunity to speak about health care. I commend our chairman, Senator BAUCUS, for his great leadership in the Finance Committee and on so many other important issues we have been wrestling with with regard to health care.

We have had a chance over many months now—and even as we speak today—to talk about a lot of the policy of the bill the President signed into law, our health care bill we passed here in the Senate, and, of course, the policy contained in the bill we are considering now. But sometimes it is important for us to step back and talk about some—not all—but a few examples of some of the real people out there on whom this legislation will have an impact.

I have spoken a number of times about Trisha Urban from Berks County, PA—all the problems she and her family had with their health care: denied coverage because of a preexisting condition, running into problems when the insurance company dropped coverage. Her husband died in the process. And the same day he died, her daughter was born. I have told that story a number of times, and I will tell it again.

I also want to highlight what has happened to another family, the Ritter family from Manheim, PA, Lancaster County. The family has two young girls whom I have met. I met them in 2009. As children, these two little girls, Hannah and Madeline Ritter, hit their lifetime cap on their cancer treatment before they completed their course of treatment. When they hit this cap, they were 4 years old, these two Ritter twins. If that is not proof that comprehensive health reform is needed now, I do not know what more we can say.

We are very happy the President signed into law the bill we passed in December. Now the health care reform is the law of the land. The Ritter twins—Hannah and Madeline Ritter—will not have to worry about how to get or keep health insurance coverage throughout their lives because, in 2010, strong consumer protections will go into effect. Not only will these protections ensure that these two little girls—Hannah and Madeline—not only will it ensure they can have access to the medical care they need to grow up healthy, but also they will be able to reap the benefits of other parts of this bill.

This bill will also help hard-working insured Americans from having to declare bankruptcy due to medical bills, as the Ritter family of Manheim, PA, had to do at one point. I do not have the time in this segment to be able to tell their whole story, but suffice it to say, in addition to the nightmare their daughters lived through, the family had to declare bankruptcy.

But some highlights of what this bill means to real families: Health insur-

ance reform puts American families and small business owners—not their insurance companies—in control of their own health care.

Secondly, this bill makes health insurance affordable for middle-class families and small businesses—one of the largest tax cuts in history—reducing premiums and out-of-pocket costs.

Third, it holds insurance companies accountable, at long last, to keep premiums down and prevent denial of care and coverage, including for preexisting conditions.

No. 4, this legislation improves Medicare benefits with lower prescription drug costs for those in the doughnut hole, better chronic care, free prevention care, and nearly a decade more of solvency for Medicare.

Finally, No. 5—and this is not a comprehensive summary but one more point—this legislation reduces the deficit, according to the Congressional Budget Office, by \$143 billion over the next 10 years. If you look at the 10 years after that, 20 years in total, it is well over \$1 trillion.

So this is a bill, and this is legislation, whose time has come. At a time when our State—in Pennsylvania, where we have 577,000 people out of work, almost a record number of people out of work in Pennsylvania—we have to make sure that one of the things we put in place is a more secure health care system for workers and their families.

We all have heard the list of provisions that will go into effect right away. Small businesses will have access to—have the eligibility, I should say—for tax credits. Some companies will get credits up to 35 percent of the dollars they spend on premiums. The Federal Government will be investing in community health centers even in greater amounts than the Federal Government does now. Older citizens would not be affected by the doughnut hole problem where they have to pay the whole freight for prescription drug costs for several thousands of dollars' worth of care. They are going to get relief from that. In 3 months' time—3 months from yesterday—people with preexisting conditions will be able to get help from a high-risk pool, a special fund to help them in that crisis.

As we know, in 6 months—in September—children will have the full legal protection in new insurance plans for denials of coverage—or I should say against denials of coverage—for a preexisting condition.

So for all of those reasons and more, whether we are thinking about the problem that Trisha Urban and her family had before and certainly after her husband's death, or the Ritter twins, Hannah and Madeline Ritter, we hope more families have the benefit of the protections in this bill. We know one thing. We know small businesses across the country are starting to get a

sense now of what this will mean in terms of helping them with the tax credit, helping their employees with the critically important issue of health care.

Mr. President, I yield the floor and note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GREGG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GREGG. Mr. President, I believe the Senator from Tennessee is here and ready to speak.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. CORKER. Mr. President, I might meditate for about 60 seconds and step back up. I now notice the absence of a quorum, unless I should give it to the other side.

Mr. GREGG. No. If the Senator is not ready to speak, I will speak.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. The Senator from Tennessee is going to offer an amendment in a second, and I will follow him with an amendment. I wish to highlight what my amendment will do as we are waiting.

One of the extraordinary shell games that is played under this bill in the “Alice in Wonderland” claim that this bill is paid for is the fact that the doctors will receive a \$285 billion cut in their reimbursements if this bill goes forward in its present form. We all know that is not going to happen. So at some point there is going to have to be a doctors fix, which means \$285 billion not accounted for in this bill will have to be spent over the next 10 years. Of course, if they had included this in the bill—this fact that doctors are being underreimbursed and that we are going to correct this; this is called the doctor fix, and we do it every year on an annual basis—if they had included it in the bill, as they should have because this is, after all, called health care reform, then the bill would have been in deficit even under the gamesmanship played by the Democratic Party on this bill.

Remember, the way they got a surplus in this bill in the first 10 years was they took 10 years of spending cuts, 10 years of revenues, and matched them against 6 years—6 years—of programmatic expenditures. So they were able to get a surplus, and CBO has to score what is given to them. If you are given phony ideas, you have to score them. In any event, what CBO was not asked to score as part of this health care, because there was no attempt to correct it, and even though it is the essence of health care, is how do you correct the reimbursed doctors.

So after the Senator from Tennessee proceeds, and I think he may be ready to proceed at this time, I am going to offer an amendment for a doctors fix so that this bill will address that issue which is, obviously, one of the core issues on the question of health care reform around here.

So I will reserve now on that issue and turn to the Senator from Tennessee who I see is ready to proceed.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. CORKER. Mr. President, I wish to thank the Senator from New Hampshire who I think has offered extraordinary leadership on this issue and on the issues regarding our country's huge amount of indebtedness. As does Senator GREGG, I find it hard to believe that we are taking over \$500 billion in savings from Medicare, as he just mentioned, to leverage a new entitlement when we know that Medicare itself has a \$37 trillion unfunded liability. As he mentioned, we go further by not even dealing with this doc fix which he was just discussing.

I look forward to his amendment, I look forward to supporting it, and I thank him for his leadership.

I wish to speak today about unfunded liabilities. I was the mayor of a city. I know the Presiding Officer served in the general assembly in the State from where he comes. I was the commissioner of finance for our State where we dealt with all of our financial issues for the State of Tennessee. I know Senator GREGG was a Governor.

One of the things that I think bothered all of us who used to serve at the city and State levels was unfunded mandates. It is an incredible thing where Washington will pass a piece of legislation and, by the way, have a major signing ceremony where everybody is patting each other on the back and celebrating that they just passed something, and the part that is left out is that the States across this country are left with a huge unfunded mandate.

We have a very good Governor in our State. His name is Phil Bredesen. He is a Democrat. He has spent a lifetime in health care. He has handled our State's finances very well. He called me on Friday with a sense of tremendous concern in his voice talking about the fact that this bill was going to cause the State of Tennessee, which is already experiencing huge tuition increases—we have all kinds of services there that we are having difficulties dealing with—and this bill is going to create a \$1.1 billion unfunded liability for the State of Tennessee. I just find it hard to believe that, again, knowing the stress our States around this country are dealing with, we are passing legislation that puts in place a \$1.1 billion unfunded mandate on the State of Tennessee.

But let me go a step further. This bill also violates something we thought

was sacrosanct around here and that was the Unfunded Mandates Reform Act, which basically said that we acknowledge—most of us have come from other places, served in local and State governments, and we acknowledge that we should not be passing legislation that creates unfunded mandates. We shouldn't be patting ourselves on the back, passing legislation that we say is good for the people back home, and then sending the tab there.

So this bill violates that. I think everybody in this body knows it violates that. So it is just kind of, yes, we said we didn't want to deal inappropriately with States, but we decided we wanted to pass health care reform, and we are going to do it.

Let me come to the one that I find most fascinating. Senator GREGG was just talking about the fact that we have this 21-percent cut coming for physicians who treat Medicare recipients, and instead of taking the Medicare savings that we found in this bill and using that to make sure these physicians are paid, we are not going to do that. So in a short time, without us taking, again, emergency action—\$200 billion or so—these physicians are going to have a cut.

Let me tell my colleagues what we are doing in this bill, and I think the Presiding Officer may already know this, but in addition to creating in our State a \$1.1 billion unfunded mandate, we are going to pay physicians who treat Medicaid recipients at the same level as, if you are a primary care physician, as Medicare reimbursements are today, but we are going to do that for 2 years.

Now, this is like the worst joke ever that we can play on our States. What we are saying is, we are going to mandate to the States that the primary care physicians who treat Medicaid recipients, their rate has to be jacked up, and we are going to provide the money for that for 2 years, but then that drops off. So not only do we have this issue of the unfunded mandate, we are creating that exact cliff issue for States in this bill, which means that after this 2-year period ends—after this 2-year period ends and we have given them the money to pay these physicians at Medicare rates instead of Medicaid, which is much lower—we are going to cut off the funding.

So the State is going to be in the position, obviously, of having to keep that up. It is like the worst joke ever.

I don't know how we can come up with legislation such as this and call it reform. I said this before. Half the people who are going to be receiving health insurance after this bill passes are going on a Medicaid Program.

There was a bill in the Senate that Senators WYDEN and BENNETT worked on together. It had some flaws. It would have been an interesting starting place, though, and that bill did

away with Medicaid and caused Medicaid recipients to have the same kind of health care that you and I have. What we have done in this bill instead of that—instead of focusing on cost—we are going to put half of the new recipients in a program that none of us—none of us—would want to be in, and we are calling that health care reform.

So I do plan later to offer an amendment to deal with this issue of unfunded mandates. I think it is wrong for us as a country to have people in Federal office who push their desires off on people and then call them to pick up the tab. I was a mayor. I was a commissioner of finance. The Presiding Officer served in the general assembly. Senator GREGG served as a Governor. We know that is wrong. I don't know why we are doing it. I plan to offer an amendment to correct it.

Mr. President, I thank you for the time, and I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GREGG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 3651

Mr. GREGG. The States don't have the elasticity the Federal Government has, which we will not have much longer, by the way, as a result of passing this bill specifically because our debt is growing so fast that it is going to be very hard for us 5 or 6 years from now to be able to sell our debt at a reasonable price, in my opinion, and we are going to find that maybe some people don't even want to buy our debt.

There was a very significant event this week when it was determined that the debt issued by Warren Buffett was going out at a lower cost than the debt issued by the United States of America. That is the first time that anybody can remember something like that, and that is a very clear statement by the markets that they are getting very worried about how much deficit and debt this government is running up.

Now we pass this bill which adds \$2.6 trillion to the spending of the U.S. Government and alleges it is paid for, but we know it is not going to be, and creates new entitlement programs which we know would not be fully funded. Even if it were paid for, it takes resources which should be used to reduce the debt, especially in the area of making Medicare more solvent, and uses them to expand new programs.

This event, as I have described it, is an astroid of debt headed at our country. The simple fact is, it is going to have an effect. The effect will be that we will have more difficulty selling our debt, the deficits and debt we pass on

to our children will be extraordinary, and their ability to have a higher standard of living will be reduced as a result of that.

But the point, of course, is this bill, on top of all of the other egregious things it does in the area of fiscal policy—of running up debt and creating a massive government that we can't afford, being intrusive in everybody's health care delivery system, undermining the ability of small businesses to offer insurance, raising premiums, raising taxes on people not only earning more than \$200,000 but earning less than \$200,000, replete with special deals—on top of all of that, this bill, as Senator CORKER said, puts pressure on the States and local communities.

It asks them to spend money which they did not want to spend and which is not reimbursed. That is not fair. It is called unfunded mandates. It is inappropriate. We actually have a law around here that this bill basically runs over that says we will not do that.

As I said earlier, another thing this bill does, which I find extraordinary, is it does not address one of the elephants in the room relative to the cost of health care in this country, which is the fact that we are not adequately reimbursing our doctors; that our doctors are going to receive a \$285 billion cut over the next 10 years, a \$65 billion cut over the next 3 years unless we correct that. This is from basically a freeze level of reimbursement.

Every year we adjust that payment so doctors do get their money they deserve or at least some portion of it in that we do not keep up with inflation. But this bill, which is supposed to be a comprehensive resolution of health care, leaves the doctors out in the cold. It means every year they are going to have to come hat in hand, one more time, asking for something they should not have to ask for, which is a fair reimbursement for their services.

We will every year, hopefully, address it. But it is not right that we have a bill that does not even account for that.

Why was it not put in? It was not put in because if it had been put in, this bill could not meet the budgetary rules that give it the special protection that allows it to come to the floor of the Senate, and it would have been in deficit, at least over the first 10 years, by \$100 billion, even using the gamesmanship scoring the other side of the aisle has used relative to the big bill.

This is not fair to the doctors. The doctors deserve better than this. We should correct this right now as part of this process. This trailer bill has the title "fix-it bill" on it. One thing we should definitely fix is the fact the doctors are getting shortchanged. So let's fix it. That is what my amendment does.

My amendment says: OK, this bill alleges it generates a surplus. Let's use

part of that surplus to make the doctors whole for the next 3 years. It is a paid-for amendment. I cannot imagine anybody would want to oppose this amendment. After all, after we complete this bill—immediately after we complete this bill—we are going to do, I believe it is a 1-month extension to try to correct the doctor problem. How inconsistent, how fundamentally hypocritical is it for us to pass a major health care reform bill, and then in the next breath—literally the next breath—within the next 24 hours, this body will take up a bill to give a 1-month extension to the doctors fix. I think it is 1 month. That is not right. Let's do it now. Let's do it in this bill. Let's do the doctors fix. I have come up with a proposal that will take care of the doctors in a fair and forthright manner for 3 years.

That is my amendment. I am not sure if it is at the desk or whether I have to send it to the desk.

I send my amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from New Hampshire [Mr. GREGG] proposes an amendment numbered 3651.

Mr. GREGG. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide for a long-term fix to the Medicare sustainable growth rate formula in order to improve access for Medicare beneficiaries)

On page 61, between lines 3 and 4, insert the following:

SEC. ____ INCREASE IN THE MEDICARE PHYSICIAN PAYMENT UPDATE FOR THE LAST 9 MONTHS OF 2010 AND ALL OF 2011 THROUGH 2013.

Paragraph (1) of section 1848(d) of the Social Security Act, as added by section 1011(a) of the Department of Defense Appropriations Act, 2010 (Public Law 111-118) and as amended by section 5 of the Temporary Extension Act of 2010 (Public Law 111-144), is amended to read as follows:

“(10) UPDATE FOR 2010 THROUGH 2013.—

“(A) IN GENERAL.—Subject to paragraphs (7)(B), (8)(B), and (9)(B), in lieu of the update to the single conversion factor established in paragraph (1)(C) that would otherwise apply for each of 2010, 2011, 2012, and 2013, the update to the single conversion factor shall be 0 percent for such years.

“(B) NO EFFECT ON COMPUTATION OF CONVERSION FACTOR FOR 2014 AND SUBSEQUENT YEARS.—The conversion factor under this subsection shall be computed under paragraph (1)(A) for 2014 and subsequent years as if subparagraph (A) had never applied.”.

Mr. GREGG. Mr. President, let me summarize it again. We know the doctors are being shortchanged. They deserve fair treatment. It is pretty obvious that if we are going to do a health care reform bill, the proper place to correct the doctor issue of reimbursement is in that bill, not the next day in a short-term extension.

This is a forthright and fully paid-for attempt—and if it is passed it will occur—to reimburse the doctors at a fair rate for the next 3 years and correct what is known as the SGR problem relative to doctor reimbursement.

I cannot understand why we would not want to do something such as this.

I see the Senator from North Carolina. I will be happy to yield to him for any thoughts he may have on this amendment or the Senator from Oklahoma.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. BURR. Mr. President, I wish to reiterate the fact that this should be part of health care reform. It is not. It is shocking that we would have something of this magnitude that is not fixed in a reform bill. We have an opportunity in a bill that has now come before us, which is to fix the things they missed in the health care bill, to provide a 3-year comfort on the part of physicians around the country that their reimbursements are not going to be cut. They are targeted for 21 percent. It expires March 31. There is not a more appropriate time than right now.

What a lot of us have said is: Let's pay for it. Let's simply pay for it. Enough is enough on spending money we do not have. Here is an excellent opportunity, where we have savings from the health care reform bill that we can now pump back in to pay for the fix to the sustainable growth rate about which the doctors have been under the gun.

We have extended it every 30 days for some time without paying for it. Here is a real opportunity in a bill that is designed specifically to fix things that were missed in the health care bill.

I thank my colleague, Senator GREGG, for understanding the importance of this issue and working up an amendment but, more importantly, saying to every physician in America: We can finally fix this, we can do it with money that is paid for and, more importantly, we can take you out of the box of this horror story of wondering what your reimbursement for services is going to be at any given point in time in the future.

Let's seize this opportunity in this bill and fix this sustainable growth rate.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. COBURN. Mr. President, what needs to be fixed in this bill is a whole lot more than that, but this is a great attempt to try to solve a problem.

Let me describe a scenario, what is getting ready to happen. Every State is cutting Medicaid reimbursement. We are going to add 16 million people to Medicaid. We cannot get them all seen now. Then we have a doctor cut that is coming to 21 percent for people who are under Medicare. What is going to happen? What do you think the average

physician in this country is going to do? I can tell you that they are going to do three things: Fewer will see Medicaid patients so there will be fewer doctors taking Medicaid at the time we increase the enrollment by 50 percent. That is No. 1.

No. 2, fewer doctors are going to take Medicare as we have this ballooning increase of baby boomers going into Medicare.

No. 3—and this is probably more important than anything—we are going to see a large percentage of doctors, with this bill passed with no continuity as to how they are ever going to get funded under Medicare, quit. They are going to quit. They can take their training, their effort, their education and knowledge and apply it in some other field of endeavor and not have to live with the hassle of a 21-percent cut hanging over their head.

Even if we fix it for 3 years, 3 years from now the same problem is going to come up, except it is going to be worse. So there is no fix in it. There is an unrecognized \$300 billion to get doctors even, let alone take away the cut—no increase—with this amendment. My hope would be we would fix this situation for 3 years.

Mr. GREGG. Mr. President, I ask unanimous consent that we be able to participate in a colloquy on our side of the aisle.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GREGG. Mr. President, I wish to ask the Senator from Oklahoma, who is obviously a physician and has an in-depth knowledge of this issue, I heard the other side of the aisle say: There are no cuts to the benefits of people on Medicare. If you reduce doctor payments under Medicare 21 percent, don't you think that is going to affect what they receive? Technically, there will be no cut because they will still have the right to see a doctor. Is it not going to be hard to see a doctor because doctors will stop seeing them?

Mr. COBURN. They are not going to find a doctor, and that is the whole problem. Whatever we see in the urban areas now, multiply it tenfold in the rural areas. We are going to increase eligibility for Medicaid to 133 percent of the poverty level, we are going to add 16 million people to a system that is not handling the people who are in it today, so we are going to promise them: Here is your Medicaid.

Now where is the care? It is not going to be there. There is not the available physicians in this country to care for 16 million new Medicaid patients.

If we, in fact, do not fix long term the SGR, physicians are going to do one of two things. They are either going to completely quit seeing Medicaid and Medicare patients or they are going to retire. Quite frankly, physicians my age who are still practicing are not doing it for the money; they

are doing it because they love the patients. But they are going to be forced to quit because they will not even be able to pay their overhead to care for those patients.

Mr. BURR. If I may add to Dr. COBURN's comments and say, when you double the size of the Medicaid population, you are already forcing more doctors to say: I am not going to see Medicaid patients. But you are changing the payer mix. Every provider, every practice, every hospital is going to see more patients whose reimbursement is less. That is automatically going to affect Medicare right there because people are going to have to try to bring in more private pay, private insurance.

Mr. COBURN. Will the Senator yield for a second?

Mr. BURR. Absolutely.

Mr. COBURN. What it is going to do is exacerbate the cost shifting going on with Medicare and Medicaid right now, which means insurance rates for everybody else in the country are going to go up.

Mr. GREGG. I thought we were told insurance rates were not going to go up.

Mr. COBURN. All I will tell you is, the best guess of CBO—wonderful people, but they can only make decisions within the parameters they are given. There is no question private insurance, individual and family insurance, is going to go up, but everybody else's is because we are going to increase the trend of cost shifting from government programs to the private sector.

You are going to end up with three taxes. You will pay income taxes, you will pay a Medicare tax, and then you will pay a tax on your insurance—actually, you will pay four—and then you are going to pay higher health insurance premiums because the government does not cover the cost.

Mr. GREGG. I assume that is not just going to be people with incomes over \$200,000.

Mr. COBURN. That is everybody in this country who has private insurance, either through their employer or the individual market.

Mr. GREGG. Isn't it equally likely that a large number of small employers will get frustrated with the rate increases they are getting in order to support people on Medicaid that they will simply drop that and push their membership, their employees over into this new exchange?

Mr. COBURN. Yes, they will pay the fee. They will pay the tax and say it is easier. Consequently, the young people in our country, because we do not have a big enough payment under the "individual mandate," are going to say it is smarter for me to save my money, pay the fine, and not get insurance because when I get sick, I can get it. You are going to get what is called adverse selection, which is even going to drive

the rates up further. Anybody 40 or older, watch out, your health insurance rates are getting ready to bloom.

Mr. GREGG. We have basically a multiplier effect—

Mr. COBURN. That is correct.

Mr. GREGG. In the area of costs being driven up as a result of this new policy of adding a huge number of people to an uninsured system that cannot afford it right now, Medicaid. The costs are going to multiply on people in the private sector. The effect will be higher premiums, less opportunity for your employer to give you insurance and, in the end, a higher tax rate for you, Americans who are just working Americans, not people with high incomes.

Mr. COBURN. And people who are not necessarily getting a subsidy.

Mr. GREGG. Then they do not even take care of the doctors. They cut the doctors 21 percent on top of all this.

Mr. COBURN. What happens to all this? What is the ultimate? The ultimate is failure of the insurance market.

Mr. GREGG. That is the goal, isn't it?

Mr. COBURN. That is the goal, so the government can control it all. I yield back.

Mr. BURR. Let me add, if I may, to my good friend, Senator GREGG, even though some would choose not to have coverage and pay the fine, we have an emergency room system that is obligated to see those individuals when they have traumatic care. For those who claim we have sorted out the system where the high-cost delivery of care does not exist, no, we have again exacerbated the problem.

I think Senator COBURN hit on the key. As you try to handle the health care of individuals by limiting the reimbursement, whether that is the way we are limited in the problem you are trying to fix, whether we do it by shoving them into Medicaid, you have now cost shifted more money to the side causing greater inflation for the health care in this country.

Mr. GREGG. The Senator is absolutely right. Isn't it true one of the ultimate cost shifts is to claim that the health care bill is fiscally responsible when it ignores the fact that the doctors are being cut by 21 percent and does not even attempt to address that huge problem which represents \$65 billion over 3 years?

Mr. BURR. I have learned throughout this whole process to never try to figure out what promises have been made. But I know the promise we have made to physicians—to reimburse them fairly for the services they provide—and anything less than that jeopardizes the pool of health care professionals we have and eventually will affect the quality of care simply because if the pool is not big enough to handle the patients, the quality will suffer.

Mr. GREGG. So I guess I would get on to the next question because it is

pretty obvious we have to correct this problem with the physicians. In fact, as I understand it, the next bill immediately that we will consider will correct it for 30 days. Why wouldn't we correct it right now for 3 years, get that 3-year consistency in the system so physicians can have some confidence in their reimbursement rates, fully paid for? What possible, conceivable reason would there be not to vote for this type of amendment?

Mr. BURR. Because the Senator from New Hampshire remembers this body did pass a bill that partially paid for an extension of this through September of this year. The problem was, when they passed the health care bill, they used the pay-fors out of that extension bill to be included in this health care bill. Now they have gone to a point that they just seek the 30-day renewals and claim it is an emergency. One, I don't think that passes the threshold of emergency. I think it should be paid for. And there is a legitimate way to pay for it and extend it for 3 years, where this Congress can fully understand the implications of the current health care bill as it is implemented and put back the comfort of physicians around this country and their trust back in the system.

Mr. GREGG. Well, I think the Senator is absolutely right, but I would also suggest that maybe there is another reason they haven't paid for it in this bill or put the correction in this bill, which is that if they did that, the bill would fall because it would be out of compliance with the budget because it is a \$285 billion cost over 10 years. Therefore, aren't they sort of trying to pull the wool over somebody's eyes here? Aren't they trying to act as if this bill that we know exists for our doctors, that we are never going to pay for it? We are not going to pay; we are just going to act as if it doesn't exist? We know as soon as this bill is over, we will have to do something about it, at least for the next 30 days.

Mr. BURR. You are absolutely right, it will be the first order of business when this bill is finished if we miss the opportunity to fix it in this bill and fix it for 3 years and actually fix it in a way that it is paid for.

Mr. GREGG. I see the Senator from Arizona has arrived.

Mr. MCCAIN. Mr. President, I ask unanimous consent to be included in the colloquy.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MCCAIN. I would say to the Senator from New Hampshire that there is some recent information that I find hard to believe, but apparently it may be the case. As we go through this 2,733-page piece of legislation, the IRS may need up to \$10 billion to administer the new health care program this decade, and it may need to hire as many as 16,500 additional auditors,

agents, and other employees to investigate and collect billions of new taxes from Americans. Is that possible, in this legislation, I would ask the Senator from New Hampshire?

Mr. GREGG. The Senator is absolutely correct, and that does call into question the representation that this bill is not a tax increase on Americans that we need 16,000 new IRS agents to enforce it.

Mr. MCCAIN. At \$10 billion to administer. That is probably believable, given what is in 2,733 pages.

Mr. GREGG. Well, you are going to need one IRS person for everybody in America who doesn't have insurance, I guess, or however the ratio works out. Everybody has to buy insurance under this bill, and your local IRS agent is going to show up at your door to tell you that you better do it or else you will have to answer to the IRS.

We know there are no new taxes in this bill because that has been represented to us a number of times.

Mr. BURR. If I could add, it also adds some insight into how many people will choose not to have insurance and make themselves susceptible to the fine. The anticipation is the IRS is going to chase a lot of people to recover the fine.

Mr. MCCAIN. I would also finally add that perhaps we could get some indication—I think we should before we vote on passage of this bill—as to how many new bureaucrats and bureaucracies there are going to be with 193 new boards and commissions and other layers of bureaucracy. I think the American people are owed at least a round figure as to how many new bureaucrats there are going to be to administer this program.

I see the Senator from Montana, and I don't want to impede on what has been the agreed-upon rule here, but I did want to continue and say to my friends very quickly that I think there are several myths here that have to be refuted by the facts.

One is that this legislation will result in a tax cut for the American people. I would say to my friend from New Hampshire, we have to rebut that in the next hour.

The next myth is that the health care bill won't increase taxes on individuals with incomes under \$250,000. The fact is, millions of Americans with incomes below \$250,000 will pay higher taxes.

Another myth: The legislation will reduce the growth of health costs—President Obama's stated goal for health reform—and premiums will go down. The fact is, national health expenditures and premiums will increase.

Another myth: The legislation is deficit neutral. The fact is, commitment to health care spending under existing obligations increases the deficit.

Myth: "If you like the plan you have, you can keep it." Fact: Millions of

Americans with coverage will lose their current coverage, including 330,000 citizens of my State who have the Medicare Advantage Program.

Finally, the myth is that the law will provide immediate coverage for children with preexisting conditions. The fact is, children are not necessarily protected against discrimination for preexisting conditions.

So I hope we have a chance, I would say to my friend from New Hampshire, to address the allegations about this legislation, and perhaps the first one is that legislation will result in a tax cut for the American people when the fact is that taxes will increase for millions of Americans.

I would yield to my colleague from New Hampshire.

Mr. GREGG. I thank the Senator from Arizona, who has been one of the most cogent and thoughtful speakers on the issue of what this bill really does. He has hit the nail on the head time and time again with his points. They are all absolutely accurate.

Has the Senator completed his statement?

Mr. MCCAIN. Well, I just wanted to throw in here that perhaps one of the most egregious statements, and it is worth repeating, is this so-called doc fix. They are using an assumption that we will cut physicians' fees by 21 percent sometime this fall in order to make up—and please correct me if I am wrong—some \$281 billion over 10 years, which we know is not going to happen. And the reason it is not going to happen is because doctors would refuse to take Medicare patients if they cut their reimbursement by some 21 percent.

So this is one of the fundamental assumptions they are selling this on, is that it is deficit neutral when it is not.

Mr. COBURN. If I may, I would like to add one other thing here. Think about it. We are talking about the cuts that are set to go. But since there is no tort reform in this bill, we spend \$250 billion on defensive medicine and liability costs continue to rise. You could bring them back whole, but if you give them no increase, they are still going to quit seeing Medicare patients.

One other point I would like to make is with the student loan program being totally taken over by the government, 31,800 people in this country this July will lose their jobs. So we are going to lose 31,800 jobs in the private sector, but we will add 16,500 jobs at the IRS. I don't think anybody in America would like to see that happen.

Mr. MCCAIN. The CEO of Caterpillar wrote a letter saying that the taxes for Caterpillar would go up by \$100 million next year. What does that do to Caterpillar? It obviously makes them either not hire or lay off individuals as they pay an additional \$100 million. And I might point out, as we all know, Caterpillar's headquarters is in Peoria, IL.

So, again, I would ask the Senator from New Hampshire, is this legislation deficit neutral?

Mr. GREGG. No, it is not deficit neutral if you actually score the number of years of income against the number of years of expenditures or you include the doctors fix. Either one would throw this into a deficit-negative situation.

Mr. MCCAIN. Isn't that another of the great scams, that for 4 years the benefits are cut and the taxes are increased, and for most—not all but most—of this bill, none of the benefits really kick in until after 4 years?

Mr. GREGG. That is right.

Mr. MCCAIN. So when you score it, that is the way you make it deficit neutral over 10 years?

Mr. GREGG. That is correct. And it is a bit of a scam, as you say.

I am going to have to reserve the remainder of our time here for a moment, but I understand the Senator from North Carolina wants to bring up an amendment.

AMENDMENT NO. 3652

Mr. BURR. Mr. President, I ask unanimous consent to temporarily set aside the pending motions and amendments so that I may offer an amendment that is at the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The bill clerk read as follows:

The Senator from North Carolina [Mr. BURR] proposes an amendment numbered 3652.

Mr. BURR. Mr. President, I ask unanimous consent that the amendment be considered as read.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To protect the integrity of Department of Veterans Affairs and Department of Defense health care programs for veterans, active-duty service members, their families, widows and widowers, and orphans who have sacrificed in defense of our Nation)

At the end of subtitle F of title I, insert the following:

SEC. 1. TREATMENT OF DEPARTMENT OF VETERANS AFFAIRS AND DEPARTMENT OF DEFENSE HEALTH PROGRAMS.

Subtitle G of title I of the Patient Protection and Affordable Care Act is amended by adding at the end the following new section:

“SEC. 1564. DEPARTMENT OF VETERANS AFFAIRS AND DEPARTMENT OF DEFENSE HEALTH PROGRAMS.

“(a) CLARIFICATIONS WITH RESPECT TO CERTAIN PROGRAMS AND AUTHORITIES.—Nothing in this Act or in the amendments made by this Act shall be construed as affecting any of the following:

“(1) Any authority under title 38, United States Code.

“(2) Any authority under chapter 55 of title 10, United States Code.

“(3) Any health care or health care benefit provided under the TRICARE program under chapter 55 of title 10, United States Code, or by the Secretary of Veterans Affairs under the laws administered by such Secretary.

“(b) CLARIFICATION WITH RESPECT TO MINIMUM ESSENTIAL COVERAGE.—For purposes of

this Act and the amendments made by this Act, the term ‘minimum essential coverage’ includes the following:

“(1) Coverage provided under chapter 55 of title 10, United States Code.

“(2) Eligibility for health care provided by the Secretary of Veterans Affairs under title 38, United States Code.”.

Mr. BURR. Mr. President, I yield the floor, and I protect the remainder of the time.

The PRESIDING OFFICER. Who yields time?

The Senator from Montana.

Mr. BAUCUS. Mr. President, the debate on this bill is winding to a close, so let me return to the nonpartisan Congressional Budget Office.

The Congressional Budget Office is the referee we all turn to as an impartial judge of whether we are accomplishing what we set out to do, so I will take a moment and quote from the Congressional Budget Office. It is very appropriate as it relates to the prior conversation on the other side. Let me read excerpts from the most recent Congressional Budget Office statement on deficits, debt, and coverage and whether this is deficit neutral. This was released Saturday. This is a statement by the Congressional Budget Office and the Joint Committee on Taxation. They are our scorekeepers. They determine how much we are spending and how much revenue we are taking in on legislation and what the net result is.

Here are the highlights of the letter:

Enacting both pieces of legislation—H.R. 3590—

That is basically our Senate bill that passed the House and the President signed—

—and the reconciliation proposal—would produce a net reduction in Federal deficits of \$143 billion over the 2010–2019 period.

That is a direct quote from the CBO.

Further quoting:

Enacting H.R. 3590 by itself would yield a net reduction in Federal deficits of \$118 billion over the 2010–2019 period.

Further quoting:

The incremental effect of enacting the reconciliation proposal would be an estimated net reduction in Federal deficits of \$25 billion during the 2010–2019 period over and above the savings from enacting H.R. 3590 by itself.

Further quoting CBO:

The combined effect of enacting H.R. 3590 and the reconciliation proposal would be to reduce the number of nonelderly people who are uninsured by about 32 million people. The share of legal nonelderly residents with insurance coverage would rise from about 83 percent currently to about 94 percent.

CBO said of the new health care law:

Enacting H.R. 3590 would reduce Federal budget deficits over the ensuing decade—

That is the next decade, the second decade—

with a total effect during that decade in a broad range between one-quarter percent and one-half percent of gross domestic product.

But what is more, CBO further said:

The combined effect of enacting H.R. 3590 and the reconciliation proposal would also be to reduce Federal budget deficits over the ensuing decade . . . with a total effect during that decade of a broad range around one-half percent of GDP.

I might add parenthetically, that is about \$1.3 trillion.

CBO continues:

The incremental effect of enacting the reconciliation bill over and above the effect of enacting H.R. 3590 by itself would thus be to further reduce Federal budget deficits in that decade, with an effect in a broad range between zero and one-quarter percent of GDP.

In other words, the new health care formula would accomplish major deficit reduction. This is the CBO talking, not Senators. Don't take my word for it. Don't take anyone else's word for it. This is the Congressional Budget Office. This reconciliation bill itself would accomplish major deficit reduction, probably the greatest deficit reduction actually we are going to take over a long period of time—the preceding perhaps 8, 9, 10 years and a subsequent period of time. We don't know that, but this is certainly major deficit reduction. Together, these two bills would accomplish deficit reduction of historic proportions.

Let me continue to quote the letter from the Congressional Budget Office.

[T]he reconciliation proposal would probably continue—

Get this—

to reduce deficit budget deficits relative to those under subsequent decades. . . .

Not just this period, not next decade but subsequent decades. This is my edit now. This means this bill continues to reduce the deficit in year after year after the second decade, according to the Congressional Budget Office.

Finally, CBO says:

In subsequent years, the effects of the provisions of the two bills combined that would tend to decrease the federal budgetary commitment to health care would grow faster than the effects of the provision that would increase it.

Let me get to that statement. It gets to the Federal involvement in health care as a result of the consequences of this bill.

In subsequent years the effect of the provisions of the two bills combined that would tend to decrease the federal budgetary commitment to health care would grow faster than the effects of the provisions that would increase it.

Further quoting:

As a result, CBO expects that enacting both proposals would generate a reduction in the federal budgetary commitment to health care during the decade following the 10-year budget window. . . .

Even less government in the second 10 years relative to current law. In other words, CBO says that after the first decade, health care reform will reduce—yes, reduce—the budgetary role of government in the health care sector.

Whom do we trust? Whom else are we going to listen to? We all have opinions. Those folks at CBO have sharp pencils. They are very good at what they do. They are nonpartisan. Nobody has ever suggested they are partisan. Nobody has ever questioned their professionalism. They are very good. This is what CBO says.

That is it. CBO says health care reform cuts the deficit. Let me pause there and let that sink in. CBO says health care reform will cut the deficit. CBO also says it expands coverage. More people will get health insurance, from 83 percent to 94 percent. Also, this legislation reduces the Government's budgetary role in health care. It reduces it.

That is quite a feat—more coverage, deficit reduction, and less Federal involvement in health care. I think this bill is pretty well designed to accomplish all those purposes—cuts cost, increases coverage, and reforms the health insurance market, most significantly in the individual market and also in the small group market.

On another matter, I think it is relevant and important—this is a letter from AARP, dated March 24 of this year. It says:

Dear Senator,

We have made enormous progress advancing historic, urgently needed health care reform legislation but we are not done yet.

This is from the AARP. Continuing:

We now urge you to promptly pass the Health Care and Education Affordability Reconciliation Act of 2010—without amendments.

Let me repeat that. AARP, in a letter dated March 24, strongly suggests the Congress, especially Senate, pass this legislation without amendments. Those are their own words, "without amendments," in order "to help make affordable, high-quality health care available to all Americans."

The letter is much longer. I just wanted to quote the more salient provisions, where the AARP suggests amendments not be adopted so we can get reconciliation passed so we can implement the law which the President already signed and get health care to Americans who desperately need it and reform of the health care industry, which is desperately needed, and start getting control of health care costs, which is desperately needed.

I ask unanimous consent the full letter be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

AARP—NANCY A. LEAMOND, EXECUTIVE VICE PRESIDENT, AARP SOCIAL IMPACT GROUP,

MARCH 24, 2010.

DEAR SENATOR: We have made enormous progress advancing historic, urgently needed health care reform legislation, but we are not done yet. We now urge you to promptly pass the Health Care and Education Affordability Reconciliation Act of 2010—without

amendments—to help make affordable, high quality health care available to all Americans.

The Reconciliation Act will:

1. Close Medicare's dreaded "doughnut hole" drug coverage gap for all beneficiaries. This is a top priority for AARP because it helps older Americans afford drugs they need to stay healthy and avoid costlier treatments;

2. Make coverage more affordable for hard-working middle-income families who now too often are uninsured because the cost of coverage is beyond their modest means. Added help is vital to meet the public's demand for coverage that is truly affordable for all Americans;

3. Further strengthen our fight against fraud, waste and abuse, a key component to better controlling rising costs in our health care system; and

4. Improve Medicare's fiscal health and extend the solvency of the Medicare Trust Fund.

These provisions build on the solid foundation of the Patient Protection and Affordable Care Act that the Senate passed in December. These two bills together will protect and strengthen Medicare's guaranteed benefits, eliminate barriers to prevention, and crack down on insurance company abuses, such as denying affordable coverage because of age or health status and setting arbitrary caps on how much care they will cover. The legislative package will also provide affordable coverage options to millions of Americans and small businesses, help Americans to better plan for their future long-term care needs, and receive services to help them remain in their own homes and stay out of costly nursing facilities.

We, like you, hear countless stories from our members who were denied coverage or cannot afford their prescriptions or insurance premiums. Health care remains among the most important and personal economic issues for the vast majority of Americans.

Health expenditures consume roughly one sixth of our economy today, and will reach 20 percent in seven years if current trends continue. These skyrocketing costs strain the budgets of families and businesses as well as the government—crowding out other priorities—as health care costs continue to grow 2-3 times faster than general inflation. That is why all the major health care stakeholders have come to the table to solve this unsustainable situation.

Delay will only mean more Medicare beneficiaries will not be able to afford the drugs they need. Millions of our family members and neighbors will not be able to afford the coverage they need. Billions of additional dollars in uncompensated care costs will unfairly shift to those who do have coverage. More individuals will impoverish themselves to get the health care they need. Skyrocketing costs will continue to strain even more family, business, and government budgets.

AARP therefore urges all Senators to vote in favor of the Health Care and Education Affordability Reconciliation Act of 2010. Both the economic and physical health of our members, their families, and our nation are at stake.

Because AARP members have a strong interest in how their elected officials vote on key issues, we will be informing them about how their Senators vote on this important issue.

Sincerely,

ADDISON BARRY RAND.

Mr. GREGG. What is the time situation?

The PRESIDING OFFICER (Mr. FRANKEN). We have 27 minutes 51 seconds on the majority side and 35 minutes 42 seconds on the minority side.

Mr. GREGG. Let me make two quick points. The only way CBO gets to the conclusions they reach, and they had to get to those conclusions, is because of the facts put before them. One of those facts, they have to presume Medicare is going to be cut \$500 billion in the first years before full implementation, \$1 trillion in the second 10 years during full implementation, and \$3 trillion during the first 20 years of full implementation—\$3 trillion.

All that money is going to be taken out of Medicare and moved over to start new programs, new entitlements to benefit people who are not senior citizens and who, for the most part, have never paid into Medicare. That is a serious problem.

You can score that positively if you wish, but first off I do not think it will happen. I think what will end up happening is, it will get put on our children's backs as debt. But second, if it does happen, it is wrong because Medicare has to be fixed and you are taking the money that should be used to fix it, if you believe in these types of cuts in Medicare, and you are spending them on a new entitlement.

Mr. BAUCUS. Mr. President, may I ask my colleague a friendly question?

Mr. GREGG. On your time you may ask a question, including my answer, which may take 24 minutes.

Mr. BAUCUS. I trust in the good faith of the Senator from New Hampshire not to abuse the situation.

As I understand it, basically the Senator does not question the professionalism of CBO. Clearly, CBO had all the facts. All Senators have them, all Senators, House Members, the whole world has. CBO has all the facts. You are not questioning their professionalism. You do question their conclusions.

Mr. GREGG. I certainly don't question their professionalism. They are an extraordinarily good organization with a wonderful leader who is fair and unbiased. I don't question their conclusions because what they have to score is a fact pattern that was given them and the fact pattern given them by this bill is, on its face, not believable relative to what is going to happen in the out-years, even though they have to score it as believable. It is a fantasy.

Mr. MCCAIN. I ask the Senator from New Hampshire, while the Senator from Montana is here, maybe it is a legitimate question. Does the Senator from Montana believe that the assumption given to the Congressional Budget Office that the so-called doc fix, reimbursement for physicians who treat Medicare patients, will be cut by 21 percent? The Senator from Montana knows full well the AMA has been told in no uncertain terms it will be fixed

between now and when it is supposed to take effect because the fact is, as the Senator from Montana knows, you can cut Medicare physician reimbursement. Then doctors will not treat Medicare patients. So maybe the Senator from Montana would tell us if that was a valid assumption given to the CBO, that there would be some \$281 billion that would be accrued because physicians' payments would be reduced by some 21 percent?

Mr. GREGG. I simply ask the time of the Senator from Arizona come off ours and the time of the Senator from Montana for his answer come off his.

Mr. BAUCUS. Mr. President, that sounds fair.

Let me say to my good friend from Arizona, first of all, clearly this body, the Senate and the Congress, is going to not let the SGR problem expire; that is, doctors are not going to be cut 21 percent, whatever the rate is the first year or more and so on. That is not going to happen. First, from the seniors' point of view, second from the doctors' point of view, that is not going to happen. I do not want to take too much time on the subject, but the long and short of it simply is we are going to have to find a way, this Congress, to address that problem. If I might finish, it is not part of health care reform, and we will find a way. A question is going to be how much will be paid for. That is a judgment this body is going to have to make in the pretty near future.

Mr. MCCAIN. I appreciate very much the acknowledgment, on the part of the manager of the bill, that the assumption that provides us with deficit neutrality is not valid. That is the point we have been trying to make. It is based on false assumptions. The assumption that doctors—I am very happy to hear the Senator from Montana state unequivocally what was given and assumed by the CBO when they gave us our numbers is not true. So we will be voting, in a short period of time, on a piece of legislation which is based on false assumptions. I think that is an unfortunate circumstance.

Mr. GREGG. I simply note the Senator from Montana made the case for my amendment rather eloquently because my amendment does address the doctors fix and it is paid for. Therefore, I certainly hope the Senator might consider voting for it.

At this point, I yield 5 minutes to the Senator from Georgia.

Mr. CHAMBLISS. I thank the Senator, from New Hampshire. Let me reiterate what just came out of this dialog and colloquy between the Senator from Montana and the Senator from Arizona. That is this. CBO has said this is going to be a deficit saver, a deficit reducer, and the President is going around the country talking about the fact that this bill is going to reduce the deficit.

What the President is not going to say but what the Senator from Mon-

tana just agreed to, is the fact that our physicians who are due a 21-percent decrease in Medicare reimbursement payments are not, in fact, going to have that 21-percent reduction. That decrease was included in this bill to make it appear more deficit-neutral over the first 10 years. When you factor that in, this not only does not reduce the deficit, but it adds to the deficit an additional \$281 billion difference in what the number of the CBO says we are going to reduce the deficit by.

You know very clearly we are going to add to the deficit when we pass this bill because the Senator from Montana is right, we are not going to see that 21-percent reduction. I suspect that the \$523 billion in Medicare cuts that are provided for in this bill, that are scheduled to take effect in future years, may not ever happen. If that is the case, then not only are we looking at an additional cost of that \$523 billion, the \$281 billion for the SGR fix or the doctors fix, but we are looking at increasing the deficit to fund a domestic program in a future way.

One thing the CBO does say is, this bill provides an additional \$569.2 billion in new taxes, new taxes on the American people, particularly the small business community that is hit the hardest by this.

The American people have made it very clear: They do not want these bills to become law. Two new polls by CBS and CNN show that only 20 percent of Americans believe this legislation will benefit them and their families. Still, the majority party has chosen to push these unpopular proposals through.

My constituents in Georgia have reached out in record numbers to register their opposition to President Obama's plan.

Why? For starters, because this is an unprecedented government involvement in an industry that constitutes one-sixth of the Nation's economy. If we get it wrong, if we overreach, our fragile economy will suffer and a recovery will lag, perhaps for years.

This bill also does something very un-American: It would penalize individuals for not purchasing health insurance. Today, we have seen 13 State attorneys general file lawsuits challenging the constitutionality of fining Americans for not purchasing insurance.

The bill that passed the Senate and was signed by the president is filled with backroom deal-making, partisan arm-twisting and special carve-outs for some of my wavering colleagues on the other side of the aisle.

Now, instead of working together on a bill that would be more palatable to all Americans, my colleagues on the other side of the aisle have decided to push forward in the face of united opposition.

The Governor of Georgia recently expressed concern regarding the unfunded

mandates in this legislation. Our State faces an additional billion dollars or more of Medicaid spending per year.

These new costs that will be absorbed by the State will require further tax hikes on Georgians or cuts to public safety, education and other core State government services.

The bill that was just signed contains \$518.5 billion in gross tax increases. It cuts Medicare by \$465 billion—and, more importantly—does nothing to bend the health care cost curve down.

With Medicare on the verge of insolvency, this bill takes money from the Hospital Insurance Trust Fund to pay for unrelated entitlement spending.

Under this new plan, new Federal taxes on Americans start immediately. But full benefits won't take effect until 2014. The bill raises \$60 billion in taxes before any of the major benefits go into effect.

Looking at the years 2013–2024, the 10-year period after the law is fully implemented, the overall cost is estimated to be \$2.6 trillion.

Some of these numbers are so large that its tough to get your head around them. But rest assured that they will detrimentally impact Americans and our economy.

There is also substantial evidence that this new law will hurt small businesses.

The bill imposes \$493 billion in new taxes that will fall disproportionately on the backs of small-business owners.

A \$54 billion increase in the Medicare payroll tax will hit approximately one-third of the small-business owners across the country.

A \$60 billion tax on insurers means small businesses that manage to provide health insurance coverage for their employees will see this tax passed on to them, increasing premiums.

The CLASS Act portion of the new law appears to make it less costly because, as the CBO said, "the program would pay out far less in benefits than it would receive in premiums over the 10-year budget window," raising \$70 billion in premiums that will fund benefits outside the window. Outlays in later years will increase significantly.

And the legislation just signed into law is still filled with the sweetheart deals that have so angered Americans.

That includes the Cornhusker Kickback, in which the Federal Government pays the entire tab of Nebraska's Medicaid expansion.

It also includes the Louisiana Purchase, in which the Federal Government pays an extra \$300 million in Medicaid dollars to the State of Louisiana.

And it still has the Gator Aid Florida Medicare Advantage grandfather clause to protect certain areas of Florida from Medicare Advantage cuts that all other seniors in America will face.

Meanwhile, the 176,000 seniors in Georgia who rely on Medicare Advantage to supplement the gaps in traditional Medicare will see their benefits cut by \$33 each month.

The new law significantly raises taxes, cuts benefits for seniors, adds to the Federal deficit and allows the government to make decisions that should be between a patient and his doctor.

The reconciliation bill—optimistically deemed a “fix-it” bill—is actually a “make-it-worse” bill.

The legislation before us today raises taxes by an additional \$50 billion more than the Senate bill. That is an overall tax increase of \$569.2 billion.

The reconciliation bill nearly doubles the tax on health insurers beginning in 2014, and also raises taxes and fees on drugmakers and medical devices. The Congressional Budget Office has specifically stated that these taxes will be passed on to all Americans in the form of higher health costs and rising insurance premiums.

The reconciliation bill raises another \$66.1 billion from Medicare Advantage, bringing total Medicare cuts in both bills to \$523 billion.

And it forces an additional 1 million individuals into Medicaid on top of the 15 million already added to Medicaid in the Senate bill. That means 16 million of the 32 million newly insured individuals would obtain that coverage through Medicaid—a program President Obama admitted already suffers from serious access problems.

It also increases penalties for businesses that don't offer health insurance and have at least one employee receiving a subsidy in the exchange from \$750 per full-time employee to \$2,000 per full-time employee.

And, among other things, it penalizes many Americans with higher incomes from rent, interest, royalties and individuals by forcing an almost 4 percent Medicare tax on their investment income.

According to the Congressional Budget Office, this bill is going to cost \$940 billion over 10 years.

We are burdening our children and grandchildren—generations of America's future—by creating a behemoth new government entitlement program.

And in the same week of its creation, we turned around and immediately added to this new program almost \$1 trillion more.

The American people are asking a simple question: Where does the spending end?

Also, I wish to talk about a specific provision that is going to have an immediate, direct impact on my taxpayers in Georgia; that is, with the increase in the threshold to qualify for Medicaid going from 100 percent to 133 percent, in my State, according to our Governor—and he has run the numbers—that is going to cost the taxpayers of Georgia, in addition to their

share of this \$569.2 billion in additional taxes, an additional \$1 billion per year that Georgia taxpayers are going to have to pay.

We are in difficult times in my State, as all 50 States are right now. That is a new provision, a new tax.

I ask unanimous consent that a statement from the Governor of Georgia, the Honorable Sonny Perdue, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Office of the Governor, Mar. 22, 2010]

STATEMENT OF GOVERNOR SONNY PERDUE REGARDING THE HEALTHCARE LEGISLATION PASSED BY THE UNITED STATES CONGRESS

ATLANTA.—Governor Sonny Perdue issued the following statement today regarding the healthcare legislation passed by the United States Congress:

“Unfortunately, the United States House of Representatives last night chose politics over the will of the American people. The enormous upheaval of our healthcare system was pushed through the House against the wishes of the majority of American families and businesses.

Here in Georgia, this vote will force an additional billion dollars or more of Medicaid spending per year, requiring either a tax hike or offsetting cuts to public safety, education and other core services of state government. While this colossal unfunded mandate cripples our budget, I am even more concerned about the debilitating impact it will have on Georgia's small businesses. The extension of the Medicare tax on all non-wage income means that small business owners will see their top rate increased by 20 percent and investment income taxes increasing 60 percent.

What is most unfortunate is that the American people had no voice at the table in Washington during the course of this debate. The only glimpse citizens saw of the process were closed-door meetings that resulted in backroom deals and the buying of votes to ensure passage. I am today renewing my December request to the Attorney General that he join other states in reviewing the constitutionality of this travesty. My office has already begun to review any and all legal options to challenge this legislation.

I also urge the Georgia General Assembly to continue moving forward on my proposal to allow Georgians to purchase insurance plans across state lines. Now that Congress is mandating that every American purchase health insurance, we should open the individual market to as much competition as possible.

Since this bill has such a significant impact on future state budgets, it is imperative that current candidates for elected office publicly state their plans to either support the Obama-Pelosi legislation or fight for the people of Georgia.”

Mr. CHAMBLISS. Let me say that within the last 48 hours we have discovered that the agency that is going to be administering the new health care reform bill the President signed into law is none other than the Internal Revenue Service. The Internal Revenue Service has said that in order to review the tax returns of every taxpayer in America to ensure that they

have complied with the law and bought insurance or had insurance taken out through their employer, they are going to have to have an additional 16,500 Internal Revenue Service Agents at a cost of an additional \$10 billion to the taxpayers. That \$10 billion is not factored in here in anyway.

We are dealing with a piece of legislation that the American public has shown, over and over in every poll taken, whether it is by a Democratic pollster, Republican pollster or an independent pollster, that they do not want. We are going to force that bill down on the American people and that is wrong, that is not the way this body and the body across the Capitol should be working with respect to the best interests of the American people.

I urge my colleagues at the appropriate time during the vote on the amendments this afternoon and tonight to repeal this bill and let us replace it with a true, meaningful health care reform bill that we can all agree on. There are a lot of provisions in those 2,700 pages plus, the length of this so-called fix-it bill that we can agree on, that we can replace this bill with, that will provide the American people with true, meaningful health care reform that they need and deserve.

We will not see all of these huge increases in taxes, we will not see all of these huge reductions in Medicare benefits, and we can do the will of the people in the right and appropriate way.

I yield the floor.

Mr. GREGG. Mr. President, I yield 2½ minutes to the Senator from Louisiana.

AMENDMENT NO. 3553

Mr. VITTER. Mr. President, at this point I ask unanimous consent to set aside any pending amendment and call up amendment No. 3553.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The bill clerk read as follows:

The Senator from Louisiana [Mr. VITTER] proposes an amendment numbered 3553.

Mr. VITTER. I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To repeal the government takeover of health care)

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “Patient Choice Restoration Act”.

SEC. 2. REPEAL.

The Patient Protection and Affordable Care Act, and the amendments made by that Act, are repealed.

Mr. VITTER. Mr. President, this amendment is very simple, and it goes to the heart of all of these arguments. This amendment would repeal this new ObamaCare plan.

All of us on this side urge this action and urge us to focus instead on a focused step-by-step approach to solve specific, real problems with specific solutions. This gargantuan plan which this amendment would repeal does not do that. This gargantuan plan has fundamental problems at its core that my colleagues have been talking about; truly offensive, fundamental problems such as over a \$½ trillion cut to Medicare. The American people do not want to pay for anything through that. Over \$½ trillion of increased taxes and costs. The American people do not want an approach that does that, increasing health ObamaCare costs, when the American people know our big challenge is to do the opposite.

Nonpartisan sources such as the Congressional Budget Office confirm that the ObamaCare plan does not decrease health ObamaCare costs, it increases health ObamaCare costs from their rising rate already. It pushes that cost curve up and growing the bureaucracy, including thousands of new IRS workers, and putting them and the Federal Government between you and your doctor.

These are not minor parts of the ObamaCare plan. This is the core of that plan. That is why we absolutely need to repeal it and take a fundamentally different approach, an approach that is focused like a laser beam on real problems and that deals with those real problems with real and targeted and step-by-step solutions.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. VITTER. I urge support of amendment No. 3553.

The PRESIDING OFFICER. The Senator from Montana is recognized.

Mr. BAUCUS. Mr. President, we are coming to a close, or a beginning, I am not sure which, when we start the vote on amendments. If my calculation is correct, the time for debate on this reconciliation bill will expire around 5:10, about that time, approximately.

At that time, approximately, we will start voting on amendments. By my count we have 21 amendments pending, and if we vote on amendments in the time in which it usually takes to vote on amendments in a series, my experience is it roughly takes around an hour for three amendments. Maybe we can speed that up. With 21 amendments, that is 7 hours. That is the good news. There probably will be some intervening disruptions.

But the good news is, that means the earliest we might be finished is around midnight. But, of course, that is not the case, because there will be other amendments offered.

For the information of my colleagues, we will probably start voting on amendments at approximately around 5:10, thereabouts. We have 21 amendments pending at the present time. It takes about 1 hour to vote on

three amendments. I believe we can squeeze that time down. It is my hope that we can. But that is my experience around here, it takes about that long.

Because there are a lot more amendments most likely to be offered, I inform my colleagues that we will be in very late tonight, certainly way past midnight, because of the number of amendments that are currently pending.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. What is the time situation?

The PRESIDING OFFICER. The minority has 23 minutes 47 seconds left.

Mr. GREGG. And the majority?

The PRESIDING OFFICER. The majority has 24 minutes 52 seconds.

Mr. GREGG. I yield 10 minutes to the Senator from Tennessee.

Mr. ALEXANDER. Mr. President, could you let me know when 8 minutes has been consumed?

The PRESIDING OFFICER. The Chair will advise the Senator.

Mr. ALEXANDER. Mr. President, this has been a debate filled with passion and good intentions and a lot of hard work. Our political parties have come to vastly different conclusions. The President and the majority have said, this is an historic occasion. I agree.

But I believe, as do most of us, that it is an historic mistake, and it is important to say why we think that. This is the fundamental mistake, that with the law that was passed yesterday and what the majority has proposed to do in this second bill, to expand a health ObamaCare delivery system that we all know is more expensive than we can afford, instead of stepping back and instead seeking to reduce the cost of that health ObamaCare delivery system so that more Americans can afford to buy health insurance. That is the mistake.

I wish to try to say in 3 or 4 minutes what this bill means to Tennesseans. I was listening to the Senator from Montana and the Republican Senators talk about debt. We believe, I believe, that this bill, these two bills, will increase each Tennessean's share of the national debt.

The Senator from Montana says: Well, but the Congressional Budget Office says it does not. Well, that would be like going to the Congressional Budget Office and saying: I have got a horse farm here. Tell me how much it costs to operate over the next 10 years. The CBO would say: Would you like me to tell you how to do it with the horses or without the horses? If you tell me how to do it without the horses, it is not going to cost as much. Or, if I have a gas station, would you like me to tell you how to operate that with the gas in it or without the gasoline?

That is what we are saying here. They have gone to the Congressional Budget Office and said: Tell us how

much this health bill costs. They have said to them: With the doctors or without the doctors?

They say: Oh, no, keep the doctors out.

Because, according to the President's own budget, that is \$371 billion over 10 years. If you put that in, then the whole bill adds to the deficit, so they leave it out. So that is why we say, and I would say, that the first thing this bill does is add to the debt, each Tennessean's share of the debt.

The second thing is, it adds \$8,470 in new spending for every Tennessean. Thirdly there are 243,000 Tennesseans enrolled in Medicare Advantage, which is about one out of four persons in Medicare who will have their benefits reduced by half, according to the Congressional Budget Office Director in testimony before Congress, whose veracity we have been hearing extolled on all sides.

The next thing it does is about 1.4 million Tennesseans making less than \$200,000 will pay higher taxes, based on estimates by the Joint Committee on Taxation. Some 300,000 Tennesseans in the individual health insurance market will see premium rate increases of 30 to 45 percent based upon a Blue Cross/Blue Shield study of Tennessee and other analysis.

Next, Tennessee's small businesses employing 50 or more people and construction companies employing 5 or more people—that is 5,000 construction companies in Tennessee—will pay higher health ObamaCare costs because of new government mandates.

Then here is the other one. This is the one that was just added over the weekend: 200,000 Tennessee students including—I checked—11,000 at the University of Tennessee-Knoxville where I was this week, will be overcharged by \$1,700 to \$1,800 over the next 10 years on their student loans in order to help pay for the health ObamaCare bill and other programs.

Let me say that again. Over the weekend, without any debate in the Senate, they have stuck in this bill—they are going to overcharge 19 million students in America, 200,000 in Tennessee, \$1,700 or \$1,800 more than it costs the government to borrow the money, because the government is taking over the student loan program.

They borrow the money at 2.8 percent, they loan it out at 6.8 percent, they take the difference, they spend it, \$8.7 billion of it to help pay for the health ObamaCare program. So that is 200,000 Tennessee students. These are not Wall Street financiers. This is a mom with a child and a job going to school to get a better job. That is 200,000 Tennessee students. And \$1.1 billion in costs will be forced on the Tennessee government. That is according to our State Democratic Governor, who said that is the cost of the Medicaid expansion and what happens to the State

after the physicians reimbursement expires in 2 years for Medicaid. This will force States, Tennessee for sure, and many other States, to raise taxes, cut services, or increase college tuition.

According to an Oliver Wyman study, 30 percent of young people will pay up to 35 percent more in premiums as premiums go up in the individual market.

Then finally, of course, the bill does add in Tennessee about 200,000 people to our TennCare or Medicare rolls. But that is not health ObamaCare reform because nationally only about half of doctors will see new Medicaid patients.

So we are saying to people, we are giving you health ObamaCare, but it is like saying, we are giving you a bus ticket to a bus line where the bus only runs half the time. When you put these low-income Americans into this program in such large numbers, what that additionally does is create more opportunities for physicians, for hospitals, and for drugstores to say, we cannot serve Medicaid patients any more.

That is why we feel this is the wrong course and an historic mistake. What we would do instead is replace this bill with a different bill that focuses on costs. We have said it over and over again. We said it at the health ObamaCare summit. We would start with allowing people to buy health care across State lines; with allowing small businesses to combine their resources to offer insurance to more people at lower costs; with reducing the number of lawsuits against doctors for malpractice.

We would step up efforts against waste, fraud, and abuse, expand health savings accounts. All of these were proposals made before the Senate, basically ignored. But the fundamental mistake and the reason we have such a difference of opinion between that side of the aisle and this side of the aisle is that that side of the aisle, which has the majority, is expanding a health ObamaCare delivery system that we all know is too expensive, and we think instead what we should be doing is focusing on reducing health ObamaCare costs so that more Americans can afford to purchase health ObamaCare insurance.

I yield back my time to the Senator from New Hampshire.

Mr. GREGG. I would yield for 30 seconds to the Senator from Kansas to put in order a couple of amendments.

The PRESIDING OFFICER. The Senator from Kansas.

AMENDMENT NO. 3577

Mr. ROBERTS. I ask unanimous consent to temporarily set aside the pending motions and amendments so that I may offer an amendment, No. 3577, which is at the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The bill clerk read as follows:

The Senator from Kansas [Mr. ROBERTS] proposes an amendment numbered 3577.

Mr. ROBERTS. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To protect Medicare beneficiary access to hospital care in rural areas from recommendations by the Independent Payment Advisory Board)

At the end of subtitle B of title I, insert the following:

SEC. ____ . PROTECTING MEDICARE BENEFICIARY ACCESS TO HOSPITAL CARE IN RURAL AREAS FROM RECOMMENDATIONS BY THE INDEPENDENT PAYMENT ADVISORY BOARD.

(a) IN GENERAL.—Section 1899A(c)(2)(A) of the Social Security Act, as added by section 3403 of the Patient Protection and Affordable Care Act and amended by section 10320 of such Act, is amended by adding at the end the following new clause:

“(vii) The proposal shall not include any recommendation that would reduce payment rates for items and services furnished by a critical access hospital (as defined in section 1861(mm)(1)).”

(b) EXPANSION OF AFFORDABILITY EXCEPTION TO INDIVIDUAL MANDATE.—Section 5000A(e)(1)(A) of the Internal Revenue Code of 1986, as added by section 1501(b) of the Patient Protection and Affordable Care Act, is amended by striking “8 percent” and inserting “5 percent”.

MOTION TO COMMIT

Mr. ROBERTS. Mr. President, I ask unanimous consent now to temporarily set aside the pending motions so that I may offer a motion to commit, which is at the desk.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The bill clerk read as follows:

The Senator from Kansas [Mr. ROBERTS] moves to commit the bill (H.R. 4872) to the Committee on Finance with instructions to report the same back to the Senate within 3 days with changes to repeal the Patient-Centered Outcomes Research Institute, the Center for Medicare and Medicaid Innovation, any new functions of the United States Preventive Services Task Force, and the Independent Payment Advisory Board and adds an offset.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, how much time remains?

The PRESIDING OFFICER. There is 24 minutes 40 seconds.

Mr. BAUCUS. I yield half that time to the distinguished chairman of the Banking Committee, former acting chairman of the HELP Committee, and one of the most valuable and productive Members of this body, the Senator from Connecticut.

Mr. DODD. I thank my colleague and commend him for his leadership on this issue, along with, of course, our distinguished majority leader so many others, including the wonderful staff we don't often mention—the remarkable work being done by the individual staff of Members and the committee staff of the Health, Education, Labor, and Pensions Committee. I see my good friend,

TOM HARKIN, who now chairs that committee, along with MAX BAUCUS, and so many others of the leadership staff who have brought us to this moment.

I rise to discuss the Health Care and Education Reconciliation Act. Although none of us are ignorant of the historic nature of the health care portion of our work this past week, I wish to take a few moments to talk about the significance of the education portion of the bill. I listened intently to my friend from Tennessee talk about this part of the bill as well. I have great admiration for him, having served as the Secretary of Education and as Governor of Tennessee. He has a wealth of knowledge on the subject matter. I commend him for it. However, we disagree with this particular portion.

I rise to express a different point of view about why I believe what we have included in this bill has great value. Obviously, the major attention has been focused on the health aspects of what we are doing. That in itself is a major achievement. The reconciliation portion of this bill before us now strengthens a good bill and makes it even better.

Last evening I discussed portions of the bill that I think add tremendous value to our efforts to provide health care once and for all for all Americans. But the education portion of this bill also has great significance.

Since the Pell grant was established in the 1970s, as all of us know, it has made college a possibility for millions and millions of young Americans. I had the great pleasure of serving with Claiborne Pell as a Member of this body. He served in the 1960s up until only a few years ago. We lost him a number of months ago; he passed away. But it is incredible to think of what a difference that individual, that one Senator made in the lives of millions of our fellow citizens. In years to come, some may not know who Claiborne Pell was, but I would like the record to reflect he was a remarkable Senator. He authored legislation creating the Northeast Corridor, wrote the legislation that banned the testing of nuclear weapons on the ocean floor. He was the author, along with Jacob Javits, of the National Endowments for the Arts and Humanities, and he was the author of Pell grants. Unique and remarkable contributions, each and every one of them, but he should long be remembered for making education an opportunity that would not be denied because one lacked the resources to afford it.

Those millions of young Americans are now leaders in our Nation. They are innovators, some of our most productive and successful citizens. This bill is not unlike the GI bill at the end of World War II, when we recall men who came back from the theaters of the Pacific and Europe who were able

to receive an education under the GI bill, who would tell us what a remarkable investment it was.

It has been repaid millions of times over by those who today make contributions to our country because they got an education because there was a creative Congress, because there was an administration that understood the value of an education in the midpart of the 20th century. Here we are now into the second decade of the 21st century facing a similar issue.

There should be no doubt in anyone's mind about the value not only of making us a healthier country by the adoption of the health care provision of this bill, but a better educated country—not only to advance our own needs—but to make sure individuals have the opportunity to maximize all of their potential. Today that wouldn't be the case without Pell grants. What they have done to and for our society has been remarkable. Countless individuals would not have had the opportunity to attend college without Pell grants.

Since then the importance of a college education has only grown, not only for the individual students who want to achieve their full potential, but our Nation as well. America's ability to compete in the global economy depends on having a well-educated workforce in the 21st century. Today, that means a college-educated workforce. Unfortunately, while the urgency of opening the door to college has grown, the support provided to our most important college aid program has slipped. In fact, it has gone further—it has fallen off a cliff. In 1975, the maximum Pell grant covered 80 percent of the average student's tuition, fees, room and board at a 4-year public university. Today it covers less than one-third at a public university.

Our failure to keep pace with the exploding cost of college threatens to slam the door on a generation of Americans, making college impossible for many and leaving those who do find a way to further their education with a debilitating burden of overwhelming debt.

Make no mistake, allowing the Pell Grant Program to wither, as would be the case without the adoption of the language in this bill, isn't just a slap in the face to low and middle-income hardworking American families. It is a serious threat to America's competitiveness in the 21st century. Fortunately, the legislation in front of us presents an opportunity to revitalize the Pell Grant Program and to unlock the opportunity of higher education for millions of Americans.

The bill invests \$13.5 billion to fill the shortfall in the Pell Grant Program and ensures that such a shortfall doesn't develop again, as the cost of college continues to increase in the years ahead. For instance, if we fail to act, the maximum Pell grant award

could be a paltry \$2,100 for the year 2010. Never before has the effectiveness of this program been at such risk. The legislation before us protects the maximum award at a level of \$5,500 and increases to almost \$6,000 by 2017, 7 years from now.

We all know that in 7 years the cost of education will have continued to skyrocket. I would be the first to admit that while we are putting tremendous resources into this program, we can imagine in 2017 what college education will be like, even at public universities. This Pell grant assistance, as important as it is, is not going to come close to meeting the needs of families, so we will continue to work to increase aid. But in this legislation, we also peg these increases to inflation in order to try to keep up with the cost of higher education.

In my home State of Connecticut, this would enable more than 4,300 additional students to go to college. In addition, this legislation makes important investments in Historically Black Colleges, community colleges, and the College Access Challenge Grant Program, which fosters partnerships between government and the nonprofit sector that helps low-income kids get a chance to go on to a higher education.

It invests in programs that help students determine what college is best for them, as well as prepares them not only to get into those schools but to graduate from them. When those students do graduate, they will no longer be faced with that mountain of debt we have heard about over and over again that puts so many of their own careers and contributions to society on hold while they have to pay off these debts, seeking jobs and opportunities that may not be what they need for their future growth and potential.

To help with this, our legislation caps repayment of Federal loans at 10 percent of discretionary income and forgives payments after 20 years. This represents an important investment not only in our children's future but in the future of our country. It will pay enormous dividends.

This investment isn't just smart, it is fully paid for. In fact, the Congressional Budget Office estimates this legislation will reduce the national debt and deficit by \$10 billion over the next 10 years. We accomplish that by eliminating what amounts to billions of dollars in wasteful spending within the Federal student loan program.

Let me explain. Currently, some Federal student loans are made through the Direct Loan Program, while others are made through the Federal Family Education Loan Program, the so-called FFEL Program. This program overpays banks for servicing these Federal loans. The result is that money intended to help students go on to a higher education ends up instead helping to pad the profits of those lenders. That is a waste of money.

What is more, banks in the FFEL Program get their loan guarantee and interest subsidy entitlements regardless of how they treat the student borrowers. While they bank the profits when the loans are repaid, taxpayers end up shouldering the risk of defaults. So our legislation converts all future Federal student loans to direct loans.

This doesn't cut the private sector out of the student loan industry. What it does is as American as apple pie. It makes them compete. It ends these unnecessary payments and force banks to compete for the job of servicing student loans. When institutions have to compete, consumers benefit.

For students and parents, it means better customer service and the same good rates that have always been the hallmark of Federal student loans.

As for taxpayers, it means a savings of \$61 billion over 10 years, money that now flows into the coffers of banks, but under this legislation will be used to help more kids go on to college and bring down our national deficit.

In short, what we have here is a win-win, a fully paid for and much needed investment in equal opportunity and American competitiveness. I would be remiss if I did not note that we could and should be doing more. It comes as a serious disappointment to me and to education advocates across the country that funding for a new early childhood learning initiative was not included in this package. I desperately wanted it to be there, as did my friend TOM HARKIN from Iowa who has worked with me, along with others, for years on early education. As important as it is to enable a high school student to graduate and attend college, it is just as critical that we prepare every child to be a viable candidate for their next step in the education process. The achievement gap that robs too many American children of their opportunity begins very early, before the age of 3, according to everything we know about child development. You know the statistics, as most of us do. Investments in early childhood education pay off tenfold when we consider the decreases in crime, the reduced need for special education and welfare services, and improved health of these children who have access to early education.

Just as the increasingly competitive global economy calls us to unlock the door to higher education, we must also do everything we can to bring every American child to that threshold of maximizing his or her potential. That important work requires a serious commitment to early education. This legislation would have been a perfect opportunity to follow through on that commitment. So the fight will continue, unfortunately, without the strength this bill would have provided. But for now we have the chance to do some real good for young people and for our Nation.

I urge my fellow Senators, both Democrats and Republicans, to support this commonsense measure, save the Pell Grant Program, and make a real difference in the lives of countless young Americans for years to come. I remind my colleagues this is just part of what is at stake in this debate. The amendments being offered, on too many occasions by our friends on the other side of the aisle, are doing nothing more than trying to stop this legislation from going forward. I hope that will stop. Let's pass this bill. We have a chance to not only change the quality of health in America but also to open the doors of opportunity for American students.

For those reasons, I urge adoption of this package.

I yield the floor.

Mr. GREGG. I yield to Senator MCCAIN such time as he may use.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, I read a lot about what has been going on in the health care debate, and all of us have. Americans are very aware of it. I keep hearing the word "historic" this, "historic" that, "historic." I agree. It is historic. This is a historic vote, and I think we are pretty aware of what the outcome will be sometime tonight, tomorrow, or the next day. It is the first time in history, the history of this country, that a major reform has been enacted on a purely partisan basis, the first time.

Every major reform throughout history has had significant—you can go down the list—bipartisanship votes. In the 1970s—this one, purely partisan, rammed through from beginning to whatever this end is.

It is historic, and it is the first time that a process called reconciliation has ever been used to affect one-sixth of the gross national product. I know the response will be: Well, Republicans did it—et cetera, et cetera. It will be the first time that 51 votes has been the measure of a decision on so-called reconciliation. Now, that is historic. That is historic because we have basically broken down the 60-vote tradition of the Senate when we address it in this fashion—an issue of this magnitude.

Let me tell you, when the President of the United States was still a Senator—another time we were doing reconciliation—what he said:

You know, the Founders designed this system, as frustrating [as] it is, to make sure that there's a broad consensus before the country moves forward. . . . And what we have now is a president—

He was referring to former President Bush—

who . . . [h]asn't gotten his way. And that is now prompting, you know, a change in the Senate rules that really I think would change the character of the Senate forever. . . . And what I worry about would be you essentially have still two chambers—the House and the Senate—but you have simply

majoritarian absolute power on either side, and that's just not what the founders intended.

That is what Barack Obama, the Senator from Illinois, said.

So here we are. Yes, it is historic. It is historic. And it is historic what we have seen take place from the beginning. We have seen the special interests. We have seen the votes, the provisions in these bills that carve out special deals for special interests and special States, such as the "Louisiana purchase," the \$100 million inserted in this 2,733-page document that builds a hospital in Connecticut. Why Connecticut? Why \$100 million? Why is it that there are these special provisions for certain locations in the country?

It is historic in the special deals that have been cut—for PhRMA, for the American Medical Association, for the hospital association, for the unions in the taxation of Cadillac plans. Everybody has a deal but the American citizen—the average American.

How many Americans, how many ordinary Americans who are, say, enrollees in Medicare Advantage in my State, who are going to see the Medicare Advantage program cut drastically—how many of them were allowed in the majority leader's office? How many of them were allowed in the Speaker's office? How many of them were allowed in the White House as the special interests' representatives went in and out?

So there are winners and losers. That is what is being judged. The winners will be those who live in favored States who will have special deals. There will be those who are winners—PhRMA, the hospital association, the unions. Again, my congratulations to PhRMA. They are running \$100 million—some worth of ads favoring this deal because they got a deal that is worth billions—worth billions.

As I have quoted on the floor several times, their head lobbyists, or \$2 million-a-year lobbyists, said: A deal is a deal. We expect the White House to keep it.

So who are the losers? Who are the losers? Well, the first loser is the Senate because, as I said before, this reconciliation, requiring only 51 votes, is a radical departure from anything we have done in the past. I do not accept the statement that it has been done in the past—not when it affects one-sixth of the gross national product, and as a direct result of the vote in the State of Massachusetts that gave this side 41 votes. If they still had 60 votes, we would not be doing this on reconciliation. We would be doing it in the regular way we address legislation—legislation through the House, legislation through the Senate, a conference committee, and then, obviously, a final vote. But they cannot afford a final vote because there are 41 votes now, not 60. So the Senate is a major casualty of this process.

But the biggest losers probably are average citizens—average citizens who were told the Congressional Budget Office judged this to be deficit-neutral, and it would not cost the taxpayers additional money. I just had a conversation with the Senator from Montana who said clearly we are not going to cut physician payments by 21 percent; so, therefore, the assumption they gave the Congressional Budget Office is false—is false. So before we go any further, it is already a \$150 billion deficit because everybody knows we are not going to cut physicians' payments by 21 percent.

So the American people are the ones who never had access to get a special deal. And 330,000 citizens of my State who have enjoyed and chosen the Medicare Advantage program are now going to see those benefits slashed. But the average citizen who thinks today there is a huge disconnect between their lives and that of the life that is led here and the way we do business here—last Saturday, I was in my own home State of Arizona. I did two townhall meetings, one in Prescott and one in East Valley Phoenix, and people are hurting. People are hurting, people are angry, they are frustrated, and they feel there is a huge disconnect between themselves and Washington. I come back the next day, and they are drinking champagne in celebration of a "historic" victory. Americans do not get it. Americans do not get it. They are angry. They are frustrated.

I want to assure them—I want to assure them—this fight is not over. We will take it, as I mentioned before, to the towns and cities of America. We will have townhall meetings all over the country. We will register voters. We will urge them to turn out. We will urge them to take part in one of the most seismic elections in the history of this country.

I know the liberal media is saying: The American people are going to move on. Well, they are not going to move on. They are not going to move on because they are sick and tired of the spending and the generational theft we have committed on future generations of Americans. This is only one part of their frustration. It is a big part, but it is only one part.

So I know I speak for my colleagues when I say this fight is far from over. This struggle to regain control of this body and this institution in Washington, DC, and give it back to the people of this country will go on.

I have great faith in this country and its future. That is why I am confident that over time, sooner or later, we will be back and we will repeal and we will replace—we will replace—this huge government takeover with medical malpractice reform, with going across State lines to get insurance of your choice, to reward wellness and fitness, to establish risk pools that insurance

companies will bid on in order to treat people with preexisting conditions. We have a long list we will replace this mortgaging of America's future with that will be what all Americans want; that is, to maintain the quality of health care in America and, at the same time, bring costs under control.

I thank the Senator from New Hampshire for his leadership. I thank the Senator from Montana for his courtesy during this debate over these days and weeks and even months, on days and nights and weekends. I want to assure my colleagues this debate is far from over.

I yield the floor.

Mr. GREGG. Mr. President, I just want to thank the Senator from Arizona for his excellent summation of where this issue lies and its impact on the American people. I hope that statement will be read across this country because it was a reflection of the concerns which are legitimate and which are being expressed by vast amounts of Americans. It is not unusual it should be expressed by the Senator from Arizona because he is so much a personality of this Nation and a force within our political process.

I would reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, I yield to the distinguished chairman of the HELP Committee, who has been so involved in health legislation, education legislation. Might I ask, how much time do we have left?

The PRESIDING OFFICER. There remains 11 minutes 48 seconds.

Mr. BAUCUS. Mr. President, I yield as much time to the Senator as he wishes to take, including 11 minutes 48 seconds.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Mr. President, I thank my friend from Montana, the chairman of the Finance Committee. I thank him for all of his great leadership, and also Senator DODD, who just spoke.

If I might just add a little historical footnote. Senator BAUCUS, chairman of the Finance Committee; Senator DODD, who led the effort through the HELP Committee; myself, as now chairman of the HELP Committee; Chairman MILLER on the House side, chairman of the Education and Labor Committee; and Chairman WAXMAN, the chairman of the House Commerce Committee—all of whom had big parts of the whole health care bill to develop—a historical footnote: We were all sworn in on the same day in January of 1975. It was a great class, and our classmates, as history would have it, survived to be able to put together this great health care bill.

I again want to thank my longtime friend and colleague from Montana, Senator BAUCUS, for his extreme pa-

tience and his endurance in getting us to this point.

Mr. President, we are in the midst of a historic week in this Nation's Capital. Health care reform is no longer a bill; it is the law of the land. It has been signed.

Just as the history books remember 1935 as the year FDR signed Social Security into law, and 1965 as the year when Lyndon Johnson signed Medicare into law, they will now remember the year 2010 as the year President Barack Obama signed comprehensive health reform into law.

Each of these three bills marked a giant step forward for the American people. Each was stridently opposed by the special interests and defenders of the status quo. But in the end—in 1935, in 1965, and now in 2010—a critical mass of Senators and Representatives rose to the historic occasion. They voted their hopes, not their fears. They created a better, fairer, more compassionate America for all of our citizens.

As a Nobel Prize-winning economist recently put it, the new health reform law is a "victory for America's soul"—a "victory for America's soul." At long last, we are realizing Senator Ted Kennedy's great dream of extending access to quality, affordable health insurance to every American. We are ending the last shameful bastion of legal discrimination and exclusion in our country.

Think about it: Over the decades, we have outlawed discrimination based on race, color, and national origin. We have outlawed discrimination based on gender and religion. We have outlawed discrimination based on age and disability. But until now, it has been perfectly legal to discriminate against our fellow Americans because of illness—because of illness—and to exclude tens of millions of our citizens from decent health care simply because they could not afford insurance or afford health care—blatant discrimination.

When President Obama signed health care reform into law on Tuesday, he set in motion a series of changes that will tear down these last barriers of discrimination and exclusion. That truly is a great moral victory. It is, indeed, a victory for America's soul.

But our work is not done. The reconciliation bill now before us includes a number of modifications to strengthen the new health care reform law. It also includes reforms in the student lending program that in their own way are also profound and historic. I regret these landmark education reforms have not gotten the attention they deserve.

Senator DODD—I just listened to his speech—outlined in great detail what these reforms are and what they will mean for our families and for our students.

This bill in front of us now eliminates \$61 billion in wasteful subsidies to banks and redirects most of that money to low-income college students

in the form of increased Pell grants. The status quo in student lending is a bizarre Rube Goldberg process that makes no sense. The Federal Government pays private banks to make entirely risk-free loans. The banks then sell the loans back to the Federal Government and pocket hundreds of millions of dollars in fees. This is a brazen case of corporate welfare—a huge government giveaway to bankers. This bill at long last will put a stop to it.

Mr. President, I want to state forthrightly I am not antibanker. I am not antibank. I have family members in the banking business and they do a great job. But who does not like free money? If you give the banks free money, they love it. But if we have money we want to give away, I say do not give it to the banks. Give it to low-income students so they can go to college. Banks have lots of ways in which they can make money. A low-income student has no other way to go to college but that we provide him and her access to meaningful Pell grants. I am disappointed our Republican colleagues are doing everything in their power to delay and obstruct and to kill this bill. Reportedly, they now plan to offer dozens and dozens of largely meaningless amendments to try to stretch the process out and delay a final vote. One might call this the Republican version of March madness. They know it is going to end; they just want to drag it out.

Let's be clear what is at stake. A vote against this bill is a vote against eliminating the doughnut hole in the Medicare prescription drug plan for seniors. A vote against this bill is a vote against parents' rights to keep their kids on health insurance plans until age 26. A vote against this bill is a vote against a tough new crackdown on fraud and abuse in Medicare and Medicaid Programs. A vote against this bill is a vote against ending discrimination against rural areas in Medicare reimbursement rates. A vote against this bill is a vote against ending tens of billions of dollars in corporate welfare for banks, a vote against redirecting that money to more generous Pell grants for needy college students.

I might add, a vote against this bill is a vote against a very important provision. I know an amendment has been offered to do away with what is called the CLASS Act. The CLASS Act is now the law of the land. Here is what it is. It is a voluntary program. No one has to join it. It is fiscally solvent for 75 years. All it says is that an individual during their working years can set aside some money. If they, God forbid, become disabled, they can have some income to be able to live in their own homes and not be put in a nursing home. That is the law of the land right now, and there is an amendment before us to do away with that. Over 275 groups representing people with disabilities and seniors support the

CLASS Act, and we ought to keep it in the law and not repeal it with an amendment.

In short, those who are determined to kill this reconciliation bill need to decide whose side they are on. Are they going to continue their die-hard defense of the health insurance companies and the banks or are they going to stand with ordinary Americans who want access to quality, affordable, reliable health coverage and with needy young people who need Pell grants in order to go to college? It is time to choose.

We are going to have a whole series of amendments. Oh, some of them will sound nice. Some of them I would probably like to vote for myself if they weren't to this bill. But we can't be lured into this by the siren song of amendments that sound good but only have one purpose; that is, to kill this bill, to delay it, to kill it, to make sure it is not enacted into law. That is the only purpose of these amendments, make no mistake about it. So when an amendment comes up that I like and I might want to support, I will vote against it because it is that important to make sure this reconciliation bill gets passed and sent to the President for his signature.

So I say to all of my friends on this side of the aisle: Don't be lured. Don't be lured by the siren song of amendments that may sound good. Don't be afraid that somehow they are going to use it against you in a campaign. Hey, they can use anything against you in a campaign. We all know that by now. Let's stand united. Let's stand strong. Let's say no to these amendments designed only to kill this bill.

I urge my colleagues to support passage of the Health Care and Education Reconciliation Act of 2010, to defeat all of the amendments. Let's get this bill to the President, let's help our students get to college, and let's help the people of this country have better health care.

Mr. President, one of the arguments raised by my Republican colleagues regarding the landmark new health reform law just signed into law by President Obama is that it is unconstitutional. Well, I strongly disagree. One example of the strong constitutional basis of the new law is outlined by the American Constitution Society in a paper released at the end of last year.

I commend this paper to my colleagues and ask unanimous consent its conclusions be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the American Constitution Society for Law and Policy, Dec. 2009]

MANDATORY HEALTH INSURANCE: IS IT CONSTITUTIONAL?

(By Simon Lazarus)

VI. CONCLUSION: MANDATORY INSURANCE IS NEITHER BURDENSOME NOR UNPRECEDENTED.

A major reason why all opponents' legal arguments fall short is that they share a

common factual foundation, which itself is a fallacy. Their root assumption, or assertion, is that requiring Americans to carry health insurance is both extraordinarily novel—"unprecedented"—and extraordinarily burdensome. But this endlessly repeated assertion is specious, for several reasons:

To begin with, experience demonstrates that mandatory health insurance is neither unprecedented nor burdensome. Hundreds of millions of millions of individuals live under a variety of mandatory health insurance regimes, with very high rates of compliance and no record of discontent with the requirement, in other advanced economies and, indeed, as noted above, in Massachusetts.

As noted above, the overwhelming majority of Americans already carry health insurance that satisfies the terms of the mandate, so they will not be affected by the mandate at all. Of the approximately 46 million Americans who currently lack health insurance, the majority are in this state only because it is unavailable or unaffordable, and they of course, will welcome the opportunity presented by the legislation to gain coverage.

For those currently uninsured Americans who would prefer to forego the cost of coverage, even with whatever level of subsidy they will be in a position to claim, the mandate is no more a burden than the requirement to pay Social Security and Medicare taxes—indeed, it is less, since the coverage they receive in return is available immediately, not when they reach eligibility in their 60s.

By conceding that social and health insurance taxes are constitutionally valid restrictions on individual liberty, while condemning functionally equivalent contributions to private insurers, opponents effectively contend that a single-payer, government-run program like Medicare is the only type of universal health insurance system Congress may establish. The Constitution surely does not impose such an arbitrary strait jacket on Congress.

The great majority of Americans live in jurisdictions that require the purchase of automobile insurance. Health care reform opponents claim that these state mandatory auto insurance regimes are not "precedents" for federal mandatory health insurance, for a variety of essentially legalistic reasons. For example, they assert that auto insurance is a voluntary payment in exchange for a "privilege," permission to drive on public roads. But for most people, driving is an economic necessity. In terms of its actual impact on people, mandatory auto insurance is a common-sense indicator of whether the public would find novel or inherently burdensome a mandate to purchase health insurance from the private insurance industry.

If, as opponents claim, the burden of mandatory health contributions was—in principle—oppressive and unfair, Medicare, and for that matter Social Security taxes would raise constitutional questions no less than if these landmark statutory programs were cast as regulations of interstate commerce. In fact, of course, since 1937, such questions have never been raised either in the courts or in Congress. The reason is simple: most people regard these mandatory contributions—in light of what they expect to receive in exchange—as a bargain not a burden.

Mr. HARKIN. Mr. President, this bill makes unprecedented investments to expand high-quality educational opportunities for all Americans. It invests in the Pell grant scholarship award, strengthens historically Black colleges

and universities and other minority-serving institutions, and provides more resources to States for college access and other supports for students through the college access challenge grant program.

Further, these investments are paid for without increasing our Nation's deficit, through key reforms in the Federal student loan programs designed to provide a stronger, more reliable, and more efficient student loan system. The legislation directs more than \$10 billion of the savings generated under this legislation to paying down the country's deficit.

The education provisions of this legislation will convert all new Federal student loans to the Direct Loan Program starting in July 2010, saving \$61 billion over the next 10 years. These changes will also upgrade the customer service borrowers receive when repaying their loans. The legislation will also maintain jobs by ensuring a robust role for the private sector, allowing lenders and not-for-profits to contract with the Department of Education to service Direct loans.

The legislation significantly increases the Federal Pell grant award; the cornerstone of need-based Federal student assistance since its creation in 1972. Investments in this program are essential to ensuring access to higher education and making college more affordable for students and families. Both the House and Senate authorizing and appropriating committees have made significant investments in increasing the maximum Pell grant award in the past few years—32 percent since 2006. This legislation includes \$36 billion to help address the Pell grant shortfall in fiscal year 2011 and to increase the maximum Pell grant to \$5,550 in 2010 and to \$5,975 by 2017. Starting in 2013, the grant will be linked to match rising costs of living for 5 years by indexing it to the Consumer Price Index.

The legislation includes \$750 million to bolster college access and other supports for students. It will more than double funding for the college access challenge grant program to fund programs in every State that focus on informing students about college options and financing, increasing financial literacy and helping students persist from year to year and graduate.

While this legislation seeks to ensure increased access and success for all students, we intend for the Secretary to work with States to address the unique access issues faced by underserved communities, including: low-income individuals, individuals with disabilities, homeless and foster care youth, disconnected youth, nontraditional students, members of groups that are traditionally underrepresented in higher education, individuals with limited English proficiency, veterans, including those just returning from active duty, and dislocated workers.

The legislation also includes a continuation of funding for investments in historically Black colleges and universities, Hispanic-serving institutions, tribal colleges and universities, institutions serving Alaska and Hawaiian Natives, predominantly Black institutions, institutions serving Asian American and Pacific Islanders, and institutions serving Native Americans, first made under the College Cost Reduction and Access Act of 2007, recognizing the critical role these institutions play in serving the Nation's minority populations. Minority serving institutions educate more than half 58 percent, of minority undergraduate students. While Hispanic serving-institutions (HSIs) comprise less than 8 percent of colleges and universities nationwide, they consistently graduate approximately one-third of all Hispanic students with degrees in science, technology, engineering and mathematics. Similarly, even though historically Black colleges and universities only make up 3 percent of all colleges and universities they graduate 40 percent of African Americans with degrees in science, technology, engineering and mathematics. These schools also produce 50 percent of African-American teachers and 40 percent of African-American health professionals.

Concerning the servicing contracts with eligible not-for-profit servicers, this legislation recognizes that not-for-profit servicers play a unique and valuable role in helping students in their States succeed in postsecondary education and that students should continue to benefit from the assistance provided by not-for-profit servicers.

Including more high-quality servicers in the contracting process will increase competition amongst servicers and deliver better customer service for student borrowers. Under the bill, not-for-profit servicers will be allocated a minimum of 100,000 borrower loan accounts as a starting point. The Secretary of Education has been given the authority to increase or decrease that volume based on factors that include capacity and customer service. With sufficient loan volume and competitive servicing rates, eligible not-for-profit servicers can individually or collectively generate sufficient revenue to continue the valuable services they provide to borrowers. Because of the significant increase in loan volume as all Federal loans are moved to the Direct Loan Program, additional servicing capacity will be needed and is provided for through the contracts provision. I encourage the Secretary to implement these provisions in a timely manner so that many local not-for-profit servicers will continue to play a role in the student loan program.

The Department of Education should use the not-for-profit servicers to increase competition and quality in the

student loan programs. To ensure that occurs, the Department must hold not-for-profit lenders to the same high standards of quality, performance and integrity used for other Department of Education loan servicers. This bill would require that eligible not-for-profit servicers meet the same standards for servicing Federal assets as apply to all other servicing contracts under section 456. These standards relate to: information technology security; financial reporting; collection and payment processing by the Department of the Treasury; internal control management; and, Federal accounting practices and debt management. The standards are derived from a variety of statutory and other sources of guidance, including the Federal Information Security Management Act of 2002 (44 U.S.C. 3541 et seq.); the Privacy Act (5 U.S.C. 552a); the Federal Financial Management Improvement Act of 1996 (P.L. 104-208); the Debt Collection Improvement Act of 1996 (P.L. 104-134); the Federal Managers Financial Integrity Act (31 U.S.C. 3512); the Chief Financial Officers Act of 1990 (31 U.S.C. 901 et seq.); the "Government Management Reform Act of 1994" (P.L. 103-356); OMB Circulars A-123 (Management's Responsibility for Internal Control), A-127 (Financial Management Systems), and A-129 (Policies for Federal Credit Programs and Non-Tax Receivables); and the Treasury Financial Manual.

Critical amendments will be made in America's community colleges through one additional important program that is funded in the Finance Committee's title of this bill. Community colleges serve an instrumental role in both our education and workforce systems. They provide needed postsecondary education and job training, particularly to individuals and families hardest hit by difficult economic times. This includes workers eligible for training under the Trade Adjustment Assistance for workers program, individuals who are, or may become eligible for unemployment compensation, and other individuals who have been impacted by the economic and employment crisis. To ensure that these institutions have access to the resources they need to develop and improve educational and career training programs designed to meet the needs of the workers in the affected communities, the legislation directs the Secretary of Labor to award community college career training grants especially to struggling 2-year public community colleges, (as defined in section 101 of the Higher Education Act of 1965. As the legislation ensures that all States benefit from these resources with the inclusion of a State minimum, I also encourage that the Secretary strive to ensure a diverse geographical representation of community colleges in both urban and rural areas and to provide grants to both large and small community colleges.

Finally, in order to ensure that these grants reach the institutions and students they are intended to serve, I encourage the Secretary of Labor to consult with the Secretary of Education in implementing grants provided under this program. I also remind the Secretary of Labor in implementing this program that community colleges are public 2-year degree-granting institutions of higher education that offer associate's degrees; or public 4-year institutions of higher education that offer associate's degrees, are not located reasonably close to a community college, and have an open enrollment policy for certificate or associate's degree programs; or tribal colleges or universities. This should be the universe of institutions awarded grants under the community college and career training grants program.

Mr. President, I ask unanimous consent to have printed in the RECORD a document entitled "Constitutional Findings regarding the Individual Responsibility Requirement." Furthermore, in support of this document, I commend to my colleagues a list of the following studies and papers:

- <http://www.cbo.gov/ftpdocs/99xx/doc9924/12-18-KeyIssues.pdf>
- <http://content.healthaffairs.org/cgi/content/full/27/5/w399>
- <http://www.familiesusa.org/assets/pdfs/hidden-health-tax.pdf>
- <http://download.journals.elsevierhealth.com/pdfs/journals/00029343/PIIS0002934309004045.pdf>
- http://www.newamerica.net/files/NAF_CostofDoingNothing.pdf
- http://www.urban.org/UploadedPDF/411603_individual_mandates.pdf
- <http://www.nber.org/papers/w13758.pdf>
- <http://content.healthaffairs.org/cgi/content/full/28/6/w1079>
- <http://www.cbo.gov/ftpdocs/107xx/doc10781/11-30-Premiums.pdf>
- <http://www.cms.hhs.gov/nationalhealthexpenddata/downloads/proj2008.pdf>
- http://www.cbo.gov/ftpdocs/108xx/doc10868/12-19-Reid_Letter_Managers_Correction_Noted.pdf

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CONSTITUTIONAL FINDINGS REGARDING THE INDIVIDUAL RESPONSIBILITY REQUIREMENT

The individual responsibility requirement provided for in the Patient Protection and Affordable Care Act, and amended by Section 1002 of the Health Care and Education Reconciliation Act, is commercial and economic in nature, and substantially affects interstate commerce in many ways, including as a result of the following aggregate effects:

(1) The requirement regulates activity that is commercial and economic in nature, involving the distribution and consumption of health care services throughout the national economy, and in particular economic and financial decisions about how and when health care is paid for and when health insurance is purchased. Some individuals currently make an economic and financial decision to forego health insurance coverage and self-insure, paying for charges for services directly to the provider and relying on uncompensated

care. The decision by individuals not to purchase health insurance has many substantial effects on the national economy, the national marketplace for health insurance, and interstate commerce. Individuals who fail to purchase health insurance have a diminished capacity to purchase health care services, and increase overall health care costs. When such individuals inevitably seek medical care, the costs of that care must often be paid for by providers, insured individuals and businesses through higher premiums, or Federal, State, and local governments. The requirement encourages prepayment for services, and affects an individual's decision whether or not to purchase health insurance by imposing penalties on individuals who remain uninsured. Congressional Budget Office, *Key Issues in Analyzing Major Health Insurance Proposals*, December 2008.

(2) The uninsured receive about \$86,000,000,000 in health care, of which about \$56,000,000,000 is uncompensated. Private spending on uncompensated care is \$14,500,000,000, and includes profits forgone by physicians and hospitals. Government spending on uncompensated care is \$42,900,000,000, and is financed by taxpayers at both the State and Federal levels. Jack Hadley et al., *Covering the Uninsured in 2008: Current Costs, Sources of Payment, and Incremental Costs*, Health Affairs, August 25, 2008.

(3) Health care received by the uninsured is more costly. The uninsured are more likely to be hospitalized for preventable conditions. Jack Hadley, *Economic Consequences of Being Uninsured: Uncompensated Care, Inefficient Medical Care Spending, and Foregone Earnings*, Testimony before the Senate Subcommittee on Labor, Health and Human Services, Education, and Related Agencies, May 14, 2003. Hospitals provide uncompensated care of \$35,000,000,000, representing on average 5 percent of hospital revenues. Health Affairs, August 25, 2008.

(4) Those who have private health insurance also pay for uncompensated care. Medical providers try to recoup the cost from private insurers, which increases family premiums by on average over \$1,000 a year. Families USA, *Hidden Health Tax: Americans Pay a Premium*, May 2009.

(5) The decision to self-insure increases financial risks to households throughout the United States. 62 percent of all personal bankruptcies are caused by illness or medical bills, and a significant portion of medically bankrupted families lacked health insurance or experienced a recent lapse in coverage. David U. Himmelstein et al., *American Journal of Medicine, Medical Bankruptcy in the United States, 2007: Results of a National Study*, 2009.

(6) The national economy loses up to \$207,000,000,000 a year because of the poorer health and shorter lifespan of the uninsured. Elizabeth Carpenter and Sarah Axen, *The Cost of Doing Nothing*, New America Foundation, November 2008.

(7) A large share of the uninsured are offered insurance at low or zero premiums, but choose to forego coverage. New America Foundation, December 6, 2007. According to one estimate, the absence of a requirement from health reform would leave 50 percent of the uninsured without coverage. Linda J. Blumberg and John Holahan, *Do Individual Mandates Matter?*, The Urban Institute, January 2008. While generous subsidies alone would not achieve universal coverage, the requirement further expands coverage. Congressional Budget Office, December 2008. The requirement improves budgetary efficiency

by significantly lowering the federal cost per newly insured. Jonathan Gruber, *Covering the Uninsured in the U.S.*, National Bureau of Economic Research, January 2008. In Massachusetts, where a similar requirement has been in effect since 2007, the share of uninsured declined to 2.7 percent in 2009. Massachusetts Division of Healthcare Finance and Policy.

(8) By regulating the decision to self-insure, and expanding coverage, the requirement addresses the problem of free riders who rely on more costly uncompensated care, shifting costs to medical providers, taxpayers, and the privately insured. It will also reduce the cost to the national economy of the lower productivity of the uninsured.

(9) The requirement is necessary to achieve near-universal coverage while maintaining the current private-public system. It builds upon and strengthens private employer-based health insurance, which covers 176,000,000 Americans nationwide. In Massachusetts, a similar requirement has strengthened employer-based coverage: despite the economic downturn, the number of workers offered employer-based coverage has actually increased. Sharon K. Long and Karen Stockley, *Massachusetts Health Reform: Employer Coverage from Employees' Perspective*, Health Affairs, October 1, 2009.

(10) Under the Patient Protection and Affordable Care Act, if there were no requirement, many individuals would wait to purchase health insurance until they needed care. Higher-risk individuals would be more likely to enroll in coverage, increasing premiums and costs to the government. The Urban Institute, January 2008. The requirement will broaden the private health insurance risk pool to include healthy individuals, which will spread risk, stabilize the market, and lower premiums. Congressional Budget Office, *An Analysis of Health Insurance Premiums Under the Patient Protection and Affordable Care Act*, November 30, 2009. It is necessary to create effective private health insurance markets throughout the country in which improved health insurance products that are guaranteed issue and do not exclude coverage of pre-existing conditions can be sold.

(11) Administrative costs for private health insurance, which were \$90,000,000,000 in 2006, are 26 to 30 percent of premiums in the current individual and small group markets. Congressional Budget Office, December 2008. The requirement is necessary to create effective private health insurance markets throughout the country that do not require underwriting, eliminating its associated administrative costs. By significantly increasing health insurance coverage and the size of purchasing pools, which will increase economies of scale, the requirement, together with the other provisions of the Patient Protection and Affordable Care Act, will significantly reduce administrative costs and lower health insurance premiums.

(12) Health insurance and health care services are a substantial part of the national economy. National health spending is projected to increase from \$2,500,000,000,000, or 17.6 percent of the economy, in 2009 to \$4,700,000,000,000 in 2019. Centers for Medicare & Medicaid Services, Office of the Actuary, *National Health Expenditure Projections, 2008–2018*. Private health insurance spending is projected to be \$854,000,000,000 in 2009, and pays for medical supplies, drugs, and equipment that are shipped in interstate commerce. Centers for Medicare & Medicaid Services, Office of the Actuary. Since most health insurance is sold by national or re-

gional health insurance companies, health insurance is sold in interstate commerce and claims payments flow through interstate commerce.

(13) The requirement, together with the other provisions of the Patient Protection and Affordable Care Act, will add more than 30,000,000 consumers to the health insurance market. Congressional Budget Office, *Patient Protection and Affordable Care Act, Incorporating the Manager's Amendment*, December 19, 2009. In doing so, it will increase the demand for, and the supply of, health care services. According to one estimate, the use of health care by the currently uninsured could increase by 25 to 60 percent. Congressional Budget Office, December 2008.

(14) Under the Employee Retirement Income Security Act of 1974, the Public Health Service Act, and the Patient Protection and Affordable Care Act, the Federal Government has a significant role in regulating health insurance. The requirement is an essential part of this larger regulation of economic activity, and the absence of the requirement would undercut Federal regulation of the health insurance market.

(15) Payments collected from individuals who fail to maintain minimum essential coverage will contribute revenue that will help the Federal government finance a reformed health insurance system that ensures the availability of health insurance to all Americans.

The preceding 15 points cite numerous studies and papers which illustrate the extensive evidence that the Patient Protection and Affordable Care Act, as amended by Section 1002 of the Health Care and Education Reconciliation Act, substantially affects interstate commerce. These citations are included as hyperlinks or in their written entirety for the record.

Mrs. HAGAN. Mr. President, today I rise in support of a bill that builds upon the health care reform legislation that was signed into law yesterday.

The new—and historic—law combined with the bill the Senate is now considering, will reform our health care system to reduce costs and improve patient care for North Carolina families and families across America.

In 1996, the average family premium was \$6,000. Today it is \$12,000. Without health care reform, premiums would skyrocket to \$24,000 by 2016—or half of the average North Carolina family income.

Without reform, health care costs were projected to reach 20 percent of GDP, or \$4.3 trillion, by 2017. This trajectory was simply unsustainable.

After decades of working to fix a broken health care system, President Obama yesterday signed into law a reform bill that controls exploding costs, increases access to health care and reduces our long-term deficit by as much as \$1.2 trillion within 20 years.

By passing this bill, we will reduce the deficit, for a total savings of \$143 billion by 2019.

In addition to containing costs, health care reform will improve access and quality of health care for millions of Americans. 1.7 million North Carolinians without insurance will now have access to a family doctor.

It will provide immediate benefits to small businesses, middle class families, and seniors in North Carolina.

While small businesses make up 98 percent of North Carolina's private sector employers, in 2008, only 38 percent offered health insurance.

Small business owners I talk to want to provide coverage for their employees, but costs are prohibitive. This month, I received an e-mail from a small chiropractic practice in eastern North Carolina that had to drop its health insurance plan for employees because rates were doubled over 2 years. Most of the practice's employees are young women under 30.

But starting today, 112,000 North Carolina small businesses will be eligible for tax credits to provide health care to employees.

Within the next 6 months, hard-working, middle-class families will be able to add their children up to age 26 onto their health plans. This will benefit about 877,000 young adults in North Carolina.

This year, insurance companies will no longer be able to deny coverage to a child for a preexisting condition, like asthma or diabetes.

Health care reform means people can access preventive care without being saddled with copays or deductibles. This includes well-child visits and seasonal flu immunizations.

I recently heard a story about a North Carolinian who, as a junior in college, had terrible stomachaches. But he could not afford a colonoscopy. He learned of his colon cancer too late for the doctors to save him. Health care reform means this young man would have had a chance.

Health care reform means people with chronic illnesses will no longer have to fear losing their insurance because of an arbitrary, insurance company-set lifetime cap.

And it means insurance companies will no longer be able to drop your coverage because you get sick or file too many claims.

Seniors also will see immediate benefits. In North Carolina, 1.4 million seniors will receive preventive services with no additional costs, and 247,000 seniors will have their drug costs in the "donut hole" immediately reduced and eventually eliminated.

I am proud of these immediate benefits and our efforts to reform the health care system for the long term.

This reform effort contains provisions that I have championed since coming to the Senate. In the United States, 23 million adults and children suffer from diabetes, and in North Carolina, diabetes costs our State \$5.3 billion per year in medical interventions, lost productivity, and premature mortality.

Given these dire numbers, I added to the health care reform bill the second piece of legislation I introduced as a

U.S. Senator—The Catalyst to Better Diabetes Care Act. The Senator from Texas, Mr. CORNYN, cosponsored the bill last July. It creates a national and State-by-State level diabetes report card to track progress at beating the disease. It also requires the promotion of physician education on properly completing birth and death certificates, and requires that recommendations be made on appropriate levels of diabetes medical education that should be completed prior to medical licensing and board certification.

I also worked with the Senior Senator from Colorado, Mr. UDALL, to add a section to health care reform to improve access to health care in rural areas. The section we added will help medical schools establish programs designed to increase the number of graduates who practice in rural areas. It will give schools resources to recruit students from rural areas who have an interest in practicing medicine in their communities, and it provides for additional training in pediatrics, emergency medicine, obstetrics and behavioral health.

I also want to take this opportunity to discuss how the bill the Senate is currently considering will help make college affordable for our families.

One of the most significant provisions for our students in this legislation is the over \$2.5 billion investment over the next 10 years in historically Black colleges and universities.

There are 10 outstanding HBCUs in North Carolina. HBCUs graduate 40 percent of African Americans with degrees in science, technology, engineering and mathematics; 50 percent of African-American teachers; and 40 percent of African-American health professionals.

North Carolina A&T, an HBCU in my hometown of Greensboro, graduates more African Americans with PhDs in engineering than any other school in the country.

This is a milestone week for the State of North Carolina. I am working with my colleagues to send this bill to the President's desk to further reduce costs for North Carolina's families and small businesses.

This health care reform effort would not have been possible without the work of some tenacious Capitol Hill staff, and I want to personally thank my two incredible health care staffers, Michelle Adams and Tracy Zvenyach, who worked countless hours for reform in our country.

Mr. CARDIN. Mr. President, I rise today in full support of the Health Care and Education Affordability Reconciliation Act of 2010. I assert that the investment we make in education with this bill is an investment in America's economic future.

For too long, we have allowed America to lag behind other nations in education, specifically in the number of

college graduates we produce. No more. Now is the time to train our workforce to compete in the global economy. Now is the time to provide affordable, accessible, quality educational opportunities so that America will shine as a beacon of ingenuity and prosperity once again. This bill answers the call by making college more affordable and accessible.

Perhaps most significantly, the bill invests in and protects the Pell grant scholarship. It provides \$36 billion over 10 years for this program which allows so many to attend college who would not otherwise have the opportunity. This includes funding to cover a shortfall due to demand. The failing economy has spurred a dramatic increase the number of those students who are eligible for Pell grants. In 2007, there were 5 million Pell grant recipients. In 2009–2010, there were 8.3 million. The bill also provides an increase in the maximum annual award which will ultimately be indexed to the Consumer Price Index and thus linked to increases in the cost of living.

In Maryland, over 85,000 students depend on Pell grants to help them attend college. With the additional funding, that number is expected to rise to 100,000. That is 15,000 additional students who have the opportunity to share in the American dream! Students like Morris Johnson from Baltimore. Morris is a double major in sociology and communications at Goucher College with a 3.5 grade point average. Morris credits those who believed in him and his academic promise for keeping his dream of attending college alive. But without financial aid, including a Pell grant, that dream would have been out of reach.

For those who find it necessary to borrow to finance their education, the bill solidifies a mechanism for obtaining high-quality student loans. The direct loan program is a reliable lender and cost-effective mechanism for taxpayers. Beginning in July of this year, all new student loans will be originated through the direct loan program. This will bring an end to the costly federally-guaranteed student loan program that generated billions of dollars in subsidies for banks—at the expense of additional financial aid for more deserving students. Instead, direct loans will be serviced by contracted private lenders. Further, direct loans can only be serviced in the United States, thereby preserving American jobs.

The bill also makes it easier for new borrowers after 2014 to repay Federal loans by lowering the existing cap on monthly Federal student loan payments from 15 percent to 10 percent of discretionary income. The legislation provides \$1.5 billion for this income-based repayment program.

Just paying for college, however, isn't enough. We need to make sure our

students succeed in college and graduate. To that end, the bill supports additional key investments:

The bill dramatically increases funding for the College Access Challenge Grant program. This program funds innovative financial literacy and retention projects. This will increase the number of low-income students who are adequately prepared for the financial challenges of paying for college and related expenses.

The bill underscores the role of minority-serving institutions in educating the Nation's low-income and minority students by providing \$2.5 billion to support these institutions. This funding represents a significant investment in Maryland where we have four outstanding Historically Black Colleges and Universities. The bill also recognizes the role of community colleges and provides \$2 billion for a competitive grant program to develop and improve career training programs.

I said the time for making college more accessible and affordable has come and I believe that. But we also have to be fiscally responsible. This bill is both. It makes historic investments in Federal financial aid and yet comes at no cost to the taxpayers. This is possible by switching all Federal loans to the direct loan program. Doing so saves taxpayers a huge amount in subsidies that were going to the banks. According to the Congressional Budget Office, this savings will amount to \$61 billion over 10 years. Even with the improvements, these education provisions in the legislation will reduce the deficit by \$10 billion over 10 years, at least.

The education provisions in this legislation make college more affordable and accessible. It's necessary for America's students and for America's future.

Ms. MIKULSKI. Mr. President, I am proud today to support the student loan reform provisions in the Health Care and Education Affordability Reconciliation Act of 2010. I've said this often, we in this country enjoy many freedoms: the freedom of speech, the freedom of the press, the freedom of religion. But there is an implicit freedom our Constitution doesn't lay out in writing, and its promise has excited the passions, hopes, and dreams of people in this country since its founding. The freedom to take whatever talents God has given you, to fulfill whatever passion is in your heart, to learn so you can earn and make a contribution—the freedom to achieve.

When I was a young girl at a Catholic all-girls school, my mom and dad made it clear they wanted me to go to college. But, right around graduation, my family was going through a rough time because my dad's grocery store had suffered a terrible fire. I offered to put off college and work at the grocery store until the business got back on its feet. My dad said, "Barb, you have to go.

Your mother and I will find a way because no matter what happens to you, no one can ever take that degree away from you. The best way I can protect you is to make sure you can earn a living all of your life." My father gave me the freedom to achieve. And the provisions in this bill will give millions of Americans that same freedom without adding a dime to the deficit.

For too long, banks have gotten a free ride from the U.S. Department of Education by offering federally guaranteed student loans. The provisions in this bill will stop wasteful and unnecessary subsidies to lenders and put that money where it is needed most—in students' pockets. By reforming the Federal student loan program, we will save over \$60 billion in the next 10 years. Many of those savings will go to increase the Pell grant, which has made college a reality for students of modest means for nearly half a century. But we also make critical investments in institutions that help our most underserved students: community colleges and Minority Serving Institutions, particularly Historically Black Colleges and Universities, HBCUs.

I have fought alongside my colleagues for years to increase funding for these programs and there was a point where Democrats had to fight tooth-and-nail just to keep Pell funding from being cut. Now we are in a position where we can guarantee increases in the Pell grant, which helps more than 90,000 students in my home State of Maryland. My colleagues have spoken eloquently about the importance of the much-needed investments in this bill, but I would like to take a moment to highlight the investments in HBCUs. I am the only senior Democrat on the HELP committee that has HBCUs in their State, and I have been a long-standing champion for these schools in both my work as an authorizer on the HELP committee and as an appropriator through my chairmanship of the Commerce, Justice, and Science Appropriations Subcommittee.

I am proud that Maryland has four public HBCUs which provide an incredible benefit to African-American students and the communities they serve. Few people know, but HBCUs produce nearly a quarter of our Nation's African-American public school teachers. They also produce almost 40 percent of African-American graduates in physics, math, biology, and environmental sciences.

Some of my colleagues might argue that HBCUs shouldn't be getting Federal funding based primarily on the racial makeup of their student bodies and, further, that there is no longer any place for these institutions in this day and age. What I would tell them is that Congress has been providing direct Federal support for HBCUs for more than 50 years mainly for two reasons. First, Congress recognizes the histor-

ical and cultural importance of HBCUs and their benefit to students who are often the first in their families to go to college. Second, the emergence of these institutions was a direct result of Federal action permitting the segregation of students in public education based on race.

During those dark days, HBCUs were often the only pathways to college for African Americans; they were able to open the doors of opportunity that were so often shut. But these institutions are historically under-resourced, and their students are by and large underserved. For that reason they have had to fight for representation, respect, and recognition since they were established. They've had to urge lawmakers to act "now" on behalf of their students when so many have told them to "wait." So I am here to make sure that the more than 20,000 students at Maryland's HBCUs get the resources they deserve by supporting the \$850 million investment in HBCUs over 10 years enabled through this reconciliation bill. Maryland is slated to get \$65 million, and I am confident that the presidents of Morgan State University, Coppin State University, the University of Maryland Eastern Shore, and Bowie State University will be good stewards of this landmark Federal investment.

Our work isn't done when it comes to equity in access for higher education, but this bill helps us get there.

Mr. KAUFMAN. Mr. President, after decades of efforts and a year of extensive debate, Americans will finally have a health care system that controls costs, reduces the deficit, improves access, adds more protections for seniors and curbs insurance company abuses. The President has signed meaningful health care reform into law that will extend immediate benefits to millions of American families and small businesses.

In implementing this comprehensive legislation, the Department of Health and Human Services will be called upon, as will other Federal agencies, and the States, to make assessments in a variety of contexts as to whether the marketplace is functioning properly, or whether abuses are occurring. In making these assessments, and in deciding on appropriate steps to address any abuses or dysfunction, the Federal agencies and the States can benefit greatly from competitive analysis provided by the Department of Justice's Antitrust Division and the Federal Trade Commission.

One example where this advice would be particularly beneficial is in implementing the mandate to establish State and/or regional health exchanges. At present, many State health insurance markets are characterized by their extreme concentration. According to the American Medical Association, in 2007, at least one insurer had a combined HMO/PPO market share of 50

percent or greater in 64 percent (200) of the local markets (or Metropolitan Statistical Areas) of the United States. And the two top insurers accounted for at least 60 percent of enrollment in almost 75 percent of these markets. High concentration and barriers to entry reduce price competition and customer choice.

The law just passed contains an anti-trust savings clause, which clarifies that Congress did not intend health care reform to erode the reach of the antitrust laws in any way. To restore true competition however, more than a savings clause is needed.

I am pleased that the law vests in State exchange regulators the power to address competition failures in the market, including the root causes of industry concentration. This means curbing anticompetitive practices designed to keep prices high and choices low, and also encouraging new market participants by mitigating barriers to entry. Obvious market abuses, such as tying agreements, predatory practices and the like, must be stopped. But success also requires that the regulators get the more delicate issues right: does a preferred rate agreement constitute a de facto boycott? Will a regulation or exchange adversely impact the ability of a new participant to gain public trust? How does a proposed rule impact the ability of young insurance companies to develop a comprehensive network of health care providers?

These are difficult questions and we should not expect State regulators to develop an expertise in them overnight. But our Federal antitrust agencies, have, through years of experience, developed just this expertise. I urge the exchange regulators, as well as the Department of Health and Human Services and other responsible agencies, to make full use of their assistance.

Mr. NELSON of Florida. Mr. President, I rise today in support of two amendments, S.A. 3574 and S.A. 3575, offered by the junior senator from Florida. I am concerned the student loan reforms in the bill will lead to a substantial loss of jobs in my State. That is why I recently led a group of six Senators in asking Majority Leader REID to consider alternative ways to reduce the cost of student loans. Unfortunately, that has not happened. The provisions in this bill could prove detrimental to thousands of employees who serve in the student loan industry throughout this country, about 700 who are located in Panama City, FL. Therefore, Mr. President, I urge the Senate to pass this amendment.

Mrs. FEINSTEIN. Mr. President, I rise in support of the education provisions in the reconciliation legislation that reforms Federal student loan programs and will help our Nation's neediest students afford college by providing \$35.5 billion for the critical Pell grant program.

Nearly 700,000 students in California right now receive Pell grants of up to \$5,550 out of over 8 million students nationwide. The majority of these students come from families where the average income is less than \$40,000.

The Pell grant funds in the bill will help prevent cuts to students' grants of up to 60 percent and prevent nearly 600,000 students from losing their grant entirely.

It will also help 63,000 more students in California receive a Pell grant so they can afford to go to college during this tough economic time.

Specifically, the legislation will allow the current Federal Direct Loan Program, backed by the U.S. Treasury, to be the sole originator of all federal student loans; save \$61 billion over 10 years by eliminating the Federal Family Education Loan Program, FFELP, which provides unnecessary subsidies to private lenders and banks for originating student loans.

Of the \$61 billion in savings, it directs \$10 billion to help reduce the Federal deficit, and the remainder towards important education programs, such as \$35.5 billion for Pell grants to help students afford college; direct \$22.5 billion of the total \$35.5 billion in new Pell Grant funds to increase the maximum award amount—from the current \$5,550 to about \$6,000 to help with rising college costs.

The economic downturn has resulted in increased enrollment at colleges and universities, and increased eligibility in Federal student aid, with the number of Pell grant recipients increasing by 1 million students in the past two years alone.

In my home state of California, these important provisions are supported by the University of California, UC, California State University, CSU, and California's public community college system—which together serve approximately 500,000 Pell grant students.

I urge my colleagues to support these provisions that are critically important to our Nation's students.

PUERTO RICO

Mr. MENENDEZ. Mr. President, I want to thank the chairman and his staff for taking the time and effort to ensure the 4 million residents in Puerto Rico are treated fairly in our health care system.

Throughout my time in Congress, first in the House, and now here in the Senate, I have worked to see the people of Puerto Rico are not forgotten. The health care reform package we are debating today has several outstanding provisions for Puerto Rico. It is an example of the good we can do for its nearly 4 million U.S. citizens—who pay Social Security and Medicare taxes.

But there is one issue I want to raise and that is the Medicare Advantage program on the island. Approximately 83 percent of the eligible Medicare beneficiaries in Puerto Rico partici-

pate in Medicare Advantage, compared to 25 percent in the States. This can be tracked to the fact that eligible seniors in Puerto Rico are not automatically enrolled in Medicare Part B when they turn 65. As a result, it is more beneficial for seniors in Puerto Rico to enroll in Medicare Advantage to receive all of their Medicare services.

However, the fee-for-service, FFS, cost calculation for Puerto Rico is inaccurate and under counts expenditures per Medicare beneficiary. Last year the Medicare Payment Advisory Commission, MedPAC, alerted Congress to this and recommends that the Centers for Medicare & Medicaid Services, CMS, should expeditiously use its authority to employ an alternative calculation method . . .

The fee-for-service cost calculation is important because it will soon be the basis for Medicare Advantage rates throughout the country and Puerto Rico. I strongly believe CMS should take a look at the under count. If there is validation that the FFS expenditures are too low, I believe the HHS Secretary and CMS should use current authority and adjust the calculations appropriately.

I am asking HHS and CMS to look at the under count because there is a very real chance we could do harm to Medicare Advantage in Puerto Rico if we don't get the FFS costs accurate. I hope the chairman agrees with me.

Mr. BAUCUS. I thank the Senator for bringing attention to this issue. He is a true champion for Puerto Rico and a constructive member of the Finance Committee.

I share his concern about the possible under count of fee-for-service costs in areas like Puerto Rico. That is why we included a provision in the Medicare Improvements for Patients and Providers Act of 2008 to have MedPAC study the accuracy of the calculation and report to Congress. As he points out, MedPAC recommends that CMS alter the FFS cost calculation so that such under counts do not exist, particularly in areas like Puerto Rico where Medicare Advantage provides benefits to over 80 percent of its seniors.

I strongly agree with him that CMS should promptly use its authority to correct any and all under counts that might exist in areas like Puerto Rico. The island has unique circumstances that could affect Medicare expenditures and spill over to Medicare Advantage. Moving forward I will continue to work with the Senator closely to monitor and correct this issue as expeditiously as possible.

Mr. MENENDEZ. I thank the Chairman for his leadership and commitment on this issue.

PEOS

Mr. NELSON of Florida. Mr. President, I would like to ask the chairman of the Committee on Finance and its

ranking member a question on the application of the legislation to Professional Employer Organizations or PEOs.

As they know, there are millions of individuals throughout our country who are working for small businesses which are in PEO arrangements. The clear objective of this legislation is to create incentives for health care coverage and not to provide disincentives. I would like the chairman to clarify that, for purposes of the application of section 2716 of the Public Health Service Act (Prohibition on Discrimination in Favor of Highly Compensated Individuals) and for purposes of Internal Revenue Code sections 45R (Credit for Employee Health Insurance Expenses of Small Businesses) and 4980H (Shared Responsibility for Employers), to any health plans sponsored by a Professional Employer Organization, PEO, or a PEO client organization, the rules would be applied to each client organization separately and eligibility for the small business tax credits and employer shared responsibilities would also apply to each client organization separately, and not at the PEO level.

Mr. BAUCUS. If the individual providing services to the PEO client organization pursuant to the PEO arrangement continues to be an employee of the PEO client organization, the Senator from Florida is correct.

Mr. GRASSLEY. I agree with the chairman.

Mr. BAUCUS. Mr. President, I want to talk a moment about one of the only retroactive tax provisions in the Patient Protection and Affordable Care Act, Section 9016. This one deals with the special deductions given to the many nonprofit Blue Cross Blue Shield organizations which are no longer exempt from Federal income tax.

Under section 833 of the Internal Revenue Code, these organizations receive a 25 percent deduction for claims and expenses and an exception from the—otherwise applicable—20 percent reduction in the deduction for unearned premium reserves. Effective January 1 of this year, these non-profit Blue Cross Blue Shield organizations must now meet a medical loss ratio of 85 percent or higher in order to take advantage of the tax benefits of section 833. This provision was included to ensure that recipients of this special deduction actually spend out most of their premium income on the people they insure and not on administrative fees or executive compensation.

But I want to clarify two issues here. First, it was our intention that, in calculating the medical loss ratios, these entities could include both the cost of reimbursement for clinical services provided to the individuals they insure and the cost of activities that improve health care quality. Determining the medical loss ratio under this provision using those two types of costs is con-

sistent with the calculation of medical loss ratios elsewhere in the legislation. This determination would be made on an annual basis and would only affect the application of the special deductions for that year.

Second, it was our intention that the only consequence for not meeting the medical loss ratio threshold would be that the 25 percent deduction for claims and expenses and the exception from the 20 percent reduction in the deduction for unearned premium reserves would not be allowed. The entity would still be treated as a stock property and casualty insurance company.

It is my understanding that the Joint Committee on Taxation scored this provision consistent with the policy I just outlined. We intend to clarify these two issues in a technical corrections bill as soon as possible.

Mr. President, I want to speak concerning the accounting treatment of one of the tax provisions that passed in the Patient Protection and Affordable Care Act, Section 9008, and that is proposed to be modified in the Health Care and Education Reconciliation Act. This deals with the annual fee on pharmaceutical manufacturers which, as passed, is to go into effect this year. It is our hope that Congress will delay the implementation of this fee by 1 year, to 2011, by passing the reconciliation bill which we are discussing today on the floor. This will give the government reporting agencies more time to establish systems to report the drug sales to the Secretary of the Treasury as required by health care reform.

As a reminder of how the fee works: our legislation sets an aggregate, annual fee that is to be apportioned among the relevant companies based on their market share of branded U.S. prescription drug sales made to or funded by specified government programs. The U.S. Treasury will allocate this annual fee to each company based on its relative market share for the prior year.

Now, we understand that there have been questions about the nature of this fee that are affecting how the fee should be treated for accounting purposes. It was our intent that the fee is assessed in the year that it is due. A fee is assessed on an entity in any given calendar year only if the entity is engaged in the business of manufacturing or importing branded prescription drugs and has sales to the specified government programs in that calendar year. The reference in the legislation to sales for the preceding calendar year is for the sole purpose of providing the method of calculating market share. It would be difficult to calculate market share and impose and collect the fee in the same year, so we decided to look back to a completed year as a proxy of market share. But it is not intended that a manufacturer or

importer would be assessed an annual fee in a calendar year in which it had no branded prescription drug sales to the government programs. This is regardless of whether the manufacturer or importer had any relevant sales in the preceding year.

As an example, suppose a pharmaceutical company made sales in 2011 but in November 2011 shut down its U.S. operations and had no further sales to the specified government programs. In 2012, that pharmaceutical company would not be subject to the fee. Instead, the 2012 aggregate fee would be allocated among those companies selling drugs in 2012 to the specified government programs.

These same accounting questions may also be raised under the annual fee on health insurance providers—section 9010 of the Patient Protection and Affordable Care Act, as amended. On these issues, our intent as to the treatment of the fees is the same.

We anticipate that the Secretary of the Treasury will provide guidance on how to determine the fees in situations involving mergers, acquisitions, business divisions, bankruptcy, or other situations where it may be difficult to account for sales taken into account in determining market share. We intend to work with the IRS and the affected groups to further clarify the law consistent with the policy I have just outlined.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, how much time is remaining on our side?

The PRESIDING OFFICER. There is 1 minute 48 seconds remaining.

Mr. BAUCUS. First, I thank all of my colleagues on both sides of the aisle. This has been a very civil discussion, very heartfelt feelings on both sides, and I appreciate that.

Let me also say it is interesting that this is the first time in recent memory that a reconciliation bill has all amendments on one side only. These are clearly amendments designed to kill the reconciliation and therefore kill health care reform. So I very much hope that all of these amendments are defeated.

I note there are 23 amendments pending. It is going to take 7 or 8 hours, hopefully less. There will be many more amendments offered tonight. It is our expectation that we will continue voting on all amendments until we finally vote on all amendments and we can get reconciliation passed, and therefore all of the measures surrounding health care reform will be enacted and we can proceed.

Mr. GRAHAM. Mr. President, I rise today with great disappointment in both the substance and process of this legislation.

We should be working from a long held medical premise; first, do no harm. Instead, Americans know this

government takeover of the health care system is bad and the tactics that have been used to do it are even worse. The policies contained in the recently passed health care bill combined with this reconciliation package will raise costs, lower the quality of care in our country, shift a new unfunded mandate onto the States, and will result in health care rationing.

The reasons Democrats passed this bill on a party-line vote in the Senate on Christmas Eve and late this past Sunday night in the House are because of a slew of backroom deals and arm twisting to buy up last minute votes. Now we take up the reconciliation bill to remove some of these deals so the President can claim to have clean hands.

There are many other reasons to oppose this bill, aside from the unsavory deals made to secure its passage. In both its scope and reach, the combination of health care legislation and reconciliation is unprecedented. It raises \$644 billion in taxes and cuts \$525 billion from Medicare. The Democrats' bill contains accounting gimmicks that would make Bernie Madoff proud.

The Congressional Budget Office found that savings generated from Medicare will not be reinvested in the program, but rather will be used to pay for new programs, putting even more strain on the long-term viability of Medicare.

There is no guarantee this plan lowers health care costs for consumers. What is sure is that 80 percent of Americans will find themselves in some form of government-run, government-controlled health care. The remaining 20 percent will soon be asked, if not required, to follow.

Historically, large-scale social legislation has passed with great bipartisan support. Social Security legislation passed in 1935 with 77 bipartisan votes. Medicare passed with 68 votes, and the Americans with Disabilities Act passed with 76 votes. Never before have we acted in a manner that would affect one-sixth of our economy on the whims of a single political party. The combination of tactics used to pass the health care bill and amend it through reconciliation moves us into uncharted territory.

Even previous budget reconciliation measures cited by my colleagues on the other side have passed with large, bipartisan margins. The law that created the COBRA insurance program, often cited by my friends, achieved final passage in the Senate on a voice vote in 1985. In addition, welfare reform was supported by 78 Senators and SCHIP passed the Senate with a whopping 85 votes.

While there are a number of things that Republicans and Democrats agree on when it comes to reforming the health care system, Democrats have chosen to pursue a winner take all

strategy that leaves them in the position of having to clean up a messy bill through the process of reconciliation. They have adopted a hard-line ideological approach and continue to push a plan that will put us one giant step closer to the single-payer government run health care system they have long desired.

Speaking of a federal takeover; if you want a federal takeover of the student loan industry, then your ship has come in. Every student in the country who needs to borrow money for college will now have to come to the Federal Government for a loan, which will make the United States Department of Education one of the Nation's largest banks. A portion of the proceeds from these loans, about \$9 billion, will then be used to finance new health care spending instead of being put back into education programs. Students will be caught in the middle in terms of health care financing. Not only will their loan interest go to finance an unpopular health care proposal, but they will be paying higher taxes when they graduate and get a job.

I am afraid that by dealing Republicans out of the game, Democrats have done great harm to comity in the Senate. I have never hesitated to work across the aisle on tough issues and try to reach consensus. After this maneuver, I fear that bipartisanship may be a thing of the past for the foreseeable future. While there may have been the chance to work together on important topics, I believe Republicans must now pursue a strategy of repeal and replace. Repeal this damaging legislation and replace it with programs that promote fair tax treatment of health care, encourage innovation, reward wellness, and help those in need.

I will be voting against this reconciliation bill because I believe that combined with the recently passed health care bill, it will do more harm than good for health care and higher education in America.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. How much time do we have on our side?

The PRESIDING OFFICER. There is 4 minutes remaining.

Mr. GREGG. Mr. President, a lot has been talked about here. A lot has been discussed. I don't want to get in an expansive discussion of the issue of the underlying bill. It has been fully aired. But this concept to vote down every amendment, that you have to do that in order to save this bill, seems to reject the concept of a constitutional process.

Think about this for a moment. The whole series of amendments here are being offered to fulfill the statements made by the President of the United States. For example, Senator MCCAIN has offered an amendment to take out the sweetheart deals. The President

said the sweetheart deals would be taken out. Senator BARRASSO has offered an amendment which says that if premiums go up, certain parts of this bill will not go into force. The President said premiums will not go up on working Americans. Senator CRAPO has offered an amendment which says that if there are taxes on people earning less than \$200,000, those taxes won't go into force. That is what the President promised. I have offered an amendment which says that if there are Medicare cuts in this bill, the cuts should go to Medicare and make Medicare more solvent—a promise also made from the other side of the aisle.

All of these are amendments which are substantive and the purpose of which is to put forward the policies which the other side of the aisle represented they were going to have in their original bill. This is called the fix-it bill. Well, we are suggesting you fix it so it meets the conditions set out by the President and by the Democratic leadership. Yet now we hear that every amendment should be voted down. Why? Because the idea of sending the bill back to the House is anathema to the Democratic Party. Did I miss something? Isn't the House of Representatives controlled by the Democratic Party with a supermajority? You mean they couldn't survive the idea of knocking out the sweetheart deals, sending it back to the House, and coming back here? That is going to somehow fundamentally undermine this bill? That argument is absurd on its face. It is absurd on its face.

I think the only answer is that the other side of the aisle has decided to proceed on this bill in a most arrogant process. From the beginning of the core of this bill being put together in a hidden room behind a hidden room behind a hidden door of the majority leader's office suite, brought to this floor on a Saturday afternoon, the tree was filled and we were told we had to vote on it on Christmas Eve. No amendments were allowed. Then it was taken over to the House, and the Speaker worked out the deals in the back rooms of her offices behind hidden doors without any public input, without C-SPAN there, as was represented it would be. And what happened? It passed the House without any amendments being allowed.

Now, for the first time, we have a chance to offer amendments, and the position on the other side of the aisle is no amendments allowed even if they are good amendments.

So, I guess, obviously, they consider their promises to be an inconvenience. Obviously, they presume the Republican Party is an inconvenience. The Democratic process is an inconvenience. It also appears, considering the opposition to this out in America, that the American people are an inconvenience and that amendments which

make sense aren't going to be allowed to be passed because they don't want to send it back to the House of Representatives. It makes no sense to me, and I don't think it is going to make much sense to the American people.

This bill is fundamentally flawed. It needs to be repealed and it needs to be replaced. We have suggested a whole series of amendments which will significantly improve this bill, and I hope some will be supported by the other side of the aisle since they are the policies of the other side of the aisle.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. BAUCUS. Mr. President, make no mistake—

Mr. GREGG. Mr. President, point of order. Is there time remaining on the bill?

The PRESIDING OFFICER. There is 53 seconds remaining for the majority.

Mr. BAUCUS. Mr. President, make no mistake, the intent of every single one of the amendments offered on the other side of the aisle is to kill health care reform. That is the sole purpose of each of those amendments. That was the sole purpose of the amendments in the Finance Committee last year—to kill health care reform. It was the sole purpose in the HELP Committee, except for a few benign amendments—to kill health care reform. It was the sole purpose on the floor of the Senate when we took it up. Every amendment was to kill health care reform.

A Senator on the other side of the aisle stood up and said that this is hopefully the President's Waterloo. They want to kill health care reform. It is clear they want to kill health care reform.

The other side has said repeatedly in campaign statements in the other body that they want to repeal health care reform. They have orchestrated legislatures to repeal health care reform.

Each amendment offered here is intended to kill health care reform, and that is why each amendment should fail.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. REID. I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, I direct this comment through the Chair to my distinguished colleague, the Republican leader. All time has expired. Under the rules in the Senate, we start our vote-athon now, as the Republican leader knows. I would ask my friend, is it the desire of the minority that there be time before each amendment and a response to that?

Mr. MCCONNELL. Yes. I would say to my friend the majority leader, since the voting will all occur during the so-called vote-arama, if we could have a minute or so before each amendment simply to describe what it is, that would be helpful.

Mr. REID. Mr. President, I say again through the Chair to my colleague and those Members of this body, we do not have to agree to 1 minute, but we want everyone to understand we have tried to be as fair as we can through this whole process. There are some who said: Why should we waste—there would be 43 minutes or 46 minutes. I think there are 23 amendments pending, so that would be 46 minutes. But we want to be fair. In recent years, we have agreed by unanimous consent to have 1 minute to explain the amendment and 1 minute to disagree with the amendment. I think that is the appropriate thing to do. We want to make sure everyone is treated fairly.

But I alert everyone: The Chair is going to enforce—we are not waiting for the Parliamentarian—the Chair is going to enforce that to the letter of the law. Every time the Presiding Officer is here, there will be 1 minute—if this consent agreement is agreed to—there will be 1 minute to explain the amendment and 1 minute to disagree with the amendment.

Mr. MCCONNELL. Would my friend yield for an observation?

Mr. REID. Yes.

Mr. MCCONNELL. Even though allowing that, as the majority leader suggested, is certainly optional, it has been the custom of both sides, when we have been in these vote-arama situations in the past, to allow the time on each side, and I appreciate the willingness of the majority leader to do that.

Mr. REID. Mr. President, I ask unanimous consent, as I directed, or asked, that there be 1 minute to explain the amendment and 1 minute to disagree with the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, I also ask unanimous consent that after the first amendment, on which we will do our normal 15 minutes with 5 minutes of time after that, all votes thereafter be 10 minutes. I ask unanimous consent that prior to each vote there be 2 minutes of debate equally divided and controlled in the usual form; that upon use or yielding back of that time, the Senate proceed to vote in relation to the amendments and the motions in the order they have been offered—I think that is the fair way to go so we are not trying to catapult over other amendments people may have offered at an earlier time—with no intervening amendments or motions in order prior to a vote; further, that after the first vote in this sequence, the succeeding votes be limited to 10 minutes each.

The reason I suggest 10 minutes is I have been told by Senator MCCONNELL

and others they want an opportunity to offer amendments, and this will maybe allow them to offer a few more.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, I also note that with just the amendments that have been proposed, if we are fortunate, it will probably take 9 hours or so, maybe more than that, to get rid of those. There will be continuous votes without any breaks. We are not going to have any breaks unless something untoward happens. Senators should be advised that they should remain close to the floor during this process. If people are not here at the end of the time, we are going to close it up. We need to move on. We have other things we have to do prior to the recess. I have to work with the Republican leader. It has taken an enormous amount of time to do this. Everybody stay here. It works a lot better if my colleagues stay close to their seats and, hopefully, we will have an orderly process as much as possible during the vote-arama.

The PRESIDING OFFICER. The minority leader.

Mr. MCCONNELL. Mr. President, I am going to take a few minutes of my leader time before we begin the vote.

The PRESIDING OFFICER. The leader has that right.

Mr. MCCONNELL. Mr. President, the administration and some in Congress wish this debate to be over. They want the American people to sit down and quiet down. That has been their approach to health care for an entire year.

Well, Republicans think Congress serves the people, not the other way around.

We have fought on behalf of the American people this week, and we will continue to fight until this bill is repealed and replaced with commonsense ideas that solve our problems without dismantling the health care system we have and without burying the American dream under a mountain of debt.

That is what we have been doing all week in the Senate. While Democratic lawmakers and staffers threw a party for themselves at the White House yesterday, Republicans were here at the Capitol fighting a 150-page postscript that Democrats added at the last minute to the health care bill. This add-on took a terrible health spending bill and made it even worse.

If you thought the tax hikes in the original bill were bad, this bill raised them even higher. If you thought the Medicare cuts were bad, this bill made them even deeper. If you thought the first bill cost too much, this bill made it even more expensive. If you did not like the special deals in the first bill, they slipped more into this one. The whole thing was one last slap in the face of Americans across the country who have been howling at Democrats

for the past year to stop this bill and to work instead across party lines on reforms that would actually drive costs down.

Today Republicans will give Democrats one last chance to reject the horrible impact the underlying bill and this last-minute add-on will have on our country. Unfortunately, we already know that they plan to turn the other way.

We will offer an amendment to direct the Medicare cuts in this bill back into Medicare, to preserve and strengthen it for future generations. They will reject it.

We will offer an amendment to strike all the new sweetheart deals in this bill. They will reject it.

We will offer an amendment that would have obliged the President to keep his pledge that families earning under \$250,000 will not see any tax hikes as a result of this bill. They plan to reject it.

We will offer an amendment requiring HHS to certify that this bill does not increase premiums. They will reject it.

We will offer an amendment to strike a job-killing mandate on business. They will reject it.

While the White House is trying to sell this health spending bill to a skeptical public, Senate Democrats today will speak loudly and they will speak clearly about the things in this bill the White House does not want people to know and vote to endorse them: massive cuts to Medicare for seniors; job-killing mandates and business tax hikes; higher insurance premiums; sweetheart deals; tax hikes on middle-class families. This is the real story of health care reform.

Americans may not be hearing about it from the White House, but I assure you, they will be feeling the pain. Americans know this and they want to know that somebody is fighting for them in Washington to make their voices heard. That is what Republicans have been doing on this issue for the past year. That is what we have been doing this week. That is what we will be doing tonight. And that is what we will keep doing until those voices are heard. We are not giving up.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The majority leader.

Mr. REID. Mr. President, USA Today-Gallup reported that the people of America, the citizens of America, favor what we did by a score of 49 to 40. That is a pretty significant majority. People support this legislation. Why? Because they are tired of being treated by the insurance industry the way they have been treated.

My friend talks about the mountain of debt of this bill. We have rules and guidelines in this body, in this Congress, and one of them is we have an independent body that has been set up,

not by Republicans, not by Democrats, but by us. It is independent. It is not partisan. That agency, the Congressional Budget Office, determined this bill over the first 10 years will save about \$140 billion; over the next 10 years, \$1.3 trillion. This is make-believe they talk about all these things that are going to cost so much—\$1.3 trillion.

I also have to comment on this. My friend, the Republican leader, talks about how hard they were working yesterday when we were at a 45-minute meeting at the White House while the President made history signing for the first time in 100 years major health care reform in this country. They were working so hard here. They were working so hard today that they refused to let committees meet to hold sensitive, important hearings for our country.

CARL LEVIN had to cancel a meeting because the Republicans refused to allow that meeting to go forward, dealing with the safety and security of this Nation. CLAIRE MCCASKILL, with her subcommittee, had to cancel a hearing dealing with having police officers trained in Afghanistan. Canceled. Working hard, they are, to throw a monkey wrench in everything we are trying to do for the American people.

To in any way denigrate, as has been done this afternoon, Chairman MAX BAUCUS and Chairman CHRIS DODD and the work done by the man replacing Ted Kennedy is an outrage. MAX BAUCUS devoted his life to this legislation for the last 2 years: the number of roundtable discussions with Finance Committee members and invited guests, 3; the number of papers outlining health care reform, significant, important papers that were distributed to everybody around the country interested in health care, 4; the number of meetings of the Gang of 6—three Republicans and three Democrats—31 meetings; the number of member meetings on health care reform, 141.

These are not back-room deals. This is how business is conducted in the Senate.

The number of days in the Finance Committee the bill was available before the markup even took place, 6; the total number of amendments posted online before the markup, 564. They were public. Everyone in America could read them. The number of amendments considered during the markup, 135; the number of days the committee spent marking up the bill, 8; the number of days the final bill was available before the vote, 11.

There is more, but you get the picture.

Chairman DODD conducted the longest markup in the history of the HELP Committee. On what subject? Health care. Public meetings, many of them on C-SPAN.

There is no bill anymore. It was signed into law yesterday. The work

that we did here on Christmas Eve, through the storms of 2010, is now the law of this country. We are going to start in just a few minutes making that law even better.

In my State of Nevada, 600,000 people will be able to have insurance who have never had it before; 24,000 small businesses will be eligible for a subsidy for people they employ to have health insurance. They did not have health insurance because they were cheap or mean; they could not afford it. If they would get a palsy, they would cancel when somebody got sick or hurt.

Now someone who is 26 years old can go to college or do whatever they want to do and not worry about losing their insurance until they establish themselves.

This legislation extends Medicare for 9 years as a healthy entity. Medicare is not a perfect program, but it is a good program.

My first elective job was a county-wide job in Las Vegas, the metropolitan areas Clark County. When I went on that hospital board, the largest district in Nevada, 40 percent of seniors who came into that hospital had no health insurance. Their sons, their daughters, their mothers, their brothers, their cousins, their neighbors signed for them that they would be responsible for that bill. We had a large collection agency in that hospital. We went after those people.

Not anymore. Now everybody who is a senior citizen who comes into that hospital is taken care of because of Medicare. We extend the life of that program for about 9 years.

I had a letter written to me by a man from Nevada. He wrote to me and he said: Senator, I have a son who has diabetes, but it has become more complicated. Now he has Addison's disease. I lost my job. We have no health insurance. When I go to bed at night and say my prayers, I don't know whether to die or stay alive to help my son. That is how desperate he is.

People such as this man from Nevada are no longer going to have to be desperate. No longer are we going to have 750,000 people file for bankruptcy, 70 percent of them because of health care costs and 80 percent of the 70 percent have health insurance.

The bill that is now the law of this country dealing with health care is a wonderful bill, and we are going to improve it tonight.

AMENDMENT NO. 3567, AS MODIFIED

The PRESIDING OFFICER. There will be 2 minutes of debate equally divided prior to a vote on the Gregg amendment, as modified. Who yields time?

Mr. GREGG. Mr. President, this amendment fulfills the obligation to our senior citizens. This bill reduces on its face \$520 billion in Medicare by cutting Medicare beneficiaries through reducing providers and by eliminating or

significantly reducing the Medicare Advantage Program. That number actually, when fully implemented, is \$1 trillion over the first 10 years. That is \$1 trillion of reductions in Medicare.

That money is then taken and used to create new entitlements for people who are not seniors and who have, for the most part, not paid into the Medicare trust fund. That is wrong. Medicare is in serious trouble. We should use the Medicare savings in this bill for the purposes of making Medicare more solvent.

That is exactly what this amendment does. It keeps Medicare savings in the Medicare trust fund and uses them to make Medicare more solvent.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, without being dramatic, this is a killer amendment, pure and simple. Why? Because it is basically designed to prevent spending. That means it will take away tax credits to middle Americans to help them buy insurance. This amendment would take it away. It would kill the assistance to seniors for prescription drugs. It would take that away. It would take away assistance to States. That is why it is a killer amendment.

I proudly support this bill. Why? This bill reduces insurance costs for working-class and middle-class Americans, expands Medicare prescription drug coverage to more than 3 million seniors, provides immediate tax credits for nearly 4 million small businesses, stops \$6 billion in annual government subsidies for banks, and puts money into college grants for students and their families.

In contrast, our friends on the other side do not want to do that. They want to kill this bill. I think that is patently against the wishes of the American people.

Mr. President, I move to table the Gregg amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be a sufficient second.

The question is on agreeing to the motion. The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. BYRD) is necessarily absent.

Mr. KYL. The following Senator is necessarily absent: the Senator from Georgia (Mr. ISAKSON).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 56, nays 42, as follows:

[Rollcall Vote No. 64 Leg.]

YEAS—56

Akaka	Bingaman	Cardin
Baucus	Boxer	Carper
Bayh	Brown (OH)	Casey
Begich	Burris	Conrad
Bennet	Cantwell	Dodd

Dorgan	Landrieu	Reid
Durbin	Lautenberg	Rockefeller
Feingold	Leahy	Sanders
Feinstein	Levin	Schumer
Franken	Lieberman	Shaheen
Gillibrand	Lincoln	Specter
Hagan	McCaskill	Stabenow
Harkin	Menendez	Tester
Inouye	Merkley	Udall (CO)
Johnson	Mikulski	Udall (NM)
Kaufman	Murray	Warner
Kerry	Nelson (FL)	Whitehouse
Klobuchar	Pryor	Wyden
Kohl	Reed	

NAYS—42

Alexander	Crapo	McCain
Barrasso	DeMint	McConnell
Bennett	Ensign	Murkowski
Bond	Enzi	Nelson (NE)
Brown (MA)	Graham	Risch
Brownback	Grassley	Roberts
Bunning	Gregg	Sessions
Burr	Hatch	Shelby
Chambliss	Hutchison	Snowe
Coburn	Inhofe	Thune
Cochran	Johanns	Vitter
Collins	Kyl	Voinovich
Corker	LeMieux	Webb
Cornyn	Lugar	Wicker

NOT VOTING—2

Byrd	Isakson
------	---------

The motion was agreed to.

The PRESIDING OFFICER. The majority leader.

Mr. REID. Mr. President, we are going to cut the votes off after 10 minutes. We are going to move these as quickly as we can. We want to get through this series of votes as rapidly as we can, and it is going to take hours to do that. People should stay close here. We are not going to take time for fun and games. We have to move through this process. It makes it so much easier if you are here to vote; otherwise, some people are going to miss the votes.

AMENDMENT NO. 3570

The PRESIDING OFFICER. Under the previous order, there will now be 2 minutes of debate, equally divided, prior to a vote in relation to amendment No. 3570, offered by the Senator from Arizona, Mr. MCCAIN.

The Senator from Arizona.

Mr. MCCAIN. Mr. President, the amendment removes the following items from the legislation: additional Medicaid funding for Hawaii hospitals; additional Medicaid funding for Tennessee hospitals; provides special Medicaid funding for Louisiana; special Medicaid funding primarily for reclassified hospitals in Michigan and Connecticut; \$100 million for a Connecticut hospital; frontier funding provision provided in new Medicare money for Montana, South Dakota, North Dakota, and Wyoming; a provision allowing for certain residents in Libby, MT.

I do not argue whether these are worthwhile or needed projects. I do argue the method in which they were inserted in this legislation—the one for Tennessee being as recently as yesterday or the day before—is the wrong process.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, I think it is important to recognize this

amendment for what it is. It is basically a political stunt at the expense of a lot of victimized people. One is victims of Hurricane Katrina, another is victims of asbestos in Libby, MT; it is at the expense of rural Americans; it is an attempt to derail the bill and force the House to have to vote again, therefore force, probably, the Senate to go through another vote-arama, go back and forth. It makes no sense whatsoever.

Let's not forget the underlying legislation passed recently and signed by the President yesterday reduces insurance costs for working and middle-class Americans. This amendment would have the effect of taking that away if passed. If passed, it would take away Medicare prescription drug coverage for more than 3 million seniors. If passed, it would have the effect of taking away immediate tax credits for small businesses, and I could go on and on.

I urge Members to support my motion to table. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be.

The question is on agreeing to the motion to table.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Alaska (Mr. BEGICH) and the Senator from West Virginia (Mr. BYRD) are necessarily absent.

Mr. KYL. The following Senator is necessarily absent: the Senator from Georgia (Mr. ISAKSON).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 54, nays 43, as follows:

[Rollcall Vote No. 65 Leg.]

YEAS—54

Akaka	Gillibrand	Murray
Baucus	Hagan	Nelson (FL)
Bennet	Harkin	Pryor
Bingaman	Inouye	Reed
Boxer	Johnson	Reid
Brown (OH)	Kaufman	Rockefeller
Burris	Kerry	Sanders
Cantwell	Klobuchar	Schumer
Cardin	Kohl	Shaheen
Carper	Landrieu	Specter
Casey	Lautenberg	Stabenow
Conrad	Leahy	Tester
Dodd	Levin	Udall (CO)
Dorgan	Lieberman	Udall (NM)
Durbin	McCaskill	Warner
Feingold	Menendez	Webb
Feinstein	Merkley	Whitehouse
Franken	Mikulski	Wyden

NAYS—43

Alexander	Collins	Inhofe
Barrasso	Corker	Johanns
Bayh	Cornyn	Kyl
Bennett	Crapo	LeMieux
Bond	DeMint	Lincoln
Brown (MA)	Ensign	Lugar
Brownback	Enzi	McCain
Bunning	Graham	McConnell
Burr	Grassley	Murkowski
Chambliss	Gregg	Nelson (NE)
Coburn	Hatch	Risch
Cochran	Hutchison	Roberts

Sessions
Shelby
Snowe

Thune
Vitter
Voinovich

Wicker

NOT VOTING—3

Begich

Byrd

Isakson

The motion was agreed to.

Mr. BAUCUS. Mr. President, I move to reconsider the vote.

Mr. CARDIN. Mr. President, I move to lay that motion upon the table.

The motion to lay upon the table was agreed to.

CRAPO MOTION TO COMMIT

The PRESIDING OFFICER. Under the previous order, there will now be 2 minutes of debate, equally divided, prior to a vote in relation to the motion to recommit offered by the Senator from Idaho, Mr. CRAPO.

Mr. CRAPO. Mr. President, the two health care bills, the one the President has already signed into law plus this one we are considering will spend another \$2.6 trillion over the next 10 years.

In order to pay for it, one of the things that these bills include is over \$600 billion in new taxes. The President has pledged there would be no taxes on the middle class, and he defined that to be anybody who makes less than \$200,000 as an individual or \$250,000 as a couple or a family.

All this motion to commit does is say: Let's take those taxes out of these bills. There are 73 million Americans who fall squarely in the middle class who make less than \$200,000 a year as an individual or \$250,000 as a couple who will pay the burden of these taxes if we do not make this change.

It is time for this Congress—

The PRESIDING OFFICER. The Senator's time has expired.

Mr. CRAPO. To help the President keep his pledge.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, I don't want to be dramatic about this, but it is a fact that this amendment is a killer amendment. That is why we cannot adopt it. I remind colleagues that the underlying bill the President signed yesterday is a very large tax cut. It has tax credits in the neighborhood of about \$400-some billion. That is a big tax cut for Americans who today are having a hard time buying insurance, a tax credit that enables middle and lower income Americans to buy insurance. I think we should keep that in mind. A vote for this amendment would, in fact, prevent all the benefits this bill provides for forming a health insurance market, stopping preexisting conditions. It would prevent about \$17 billion in tax credits that otherwise would go to small business.

I strongly urge colleagues to support my motion to table this motion.

I move to table the motion to commit and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be.

The question is agreeing to the motion to table the motion to commit.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. KYL. The following Senator is necessarily absent: the Senator from Georgia (Mr. ISAKSON).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 56, nays 43, as follows:

[Rollcall Vote No. 66 Leg.]

YEAS—56

Akaka	Franken	Murray
Baucus	Gillibrand	Nelson (FL)
Bayh	Hagan	Pryor
Begich	Harkin	Reed
Bennet	Inouye	Reid
Bingaman	Johnson	Rockefeller
Boxer	Kaufman	Sanders
Brown (OH)	Kerry	Schumer
Burris	Klobuchar	Shaheen
Byrd	Kohl	Specter
Cardin	Landrieu	Stabenow
Carper	Lautenberg	Tester
Casey	Leahy	Udall (CO)
Conrad	Levin	Udall (NM)
Dodd	Lieberman	Warner
Dorgan	McCaskill	Webb
Durbin	Menendez	Whitehouse
Feingold	Merkley	Wyden
Feinstein	Mikulski	

NAYS—43

Alexander	Crapo	McCain
Barrasso	DeMint	McConnell
Bennett	Ensign	Murkowski
Bond	Enzi	Nelson (NE)
Brown (MA)	Graham	Risch
Brownback	Grassley	Roberts
Bunning	Gregg	Sessions
Burr	Hatch	Shelby
Cantwell	Hutchison	Snowe
Chambliss	Inhofe	Thune
Coburn	Johanns	Vitter
Cochran	Kyl	Voinovich
Collins	LeMieux	Wicker
Corker	Lincoln	
Cornyn	Lugar	

NOT VOTING—1

Isakson

The motion was agreed to.

Mr. BAUCUS. I move to reconsider the vote.

Mr. LEVIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

ENZI MOTION TO COMMIT

The PRESIDING OFFICER. Under the previous order, there will now be 2 minutes of debate equally divided prior to a vote in relation to the motion to commit offered by the Senator from Wyoming, Mr. ENZI.

The Senator from Wyoming.

Mr. ENZI. Mr. President, this is not a killer amendment. This just kills a bad part of the bill.

The reconciliation bill makes a bad employment situation even worse. It imposes \$52 billion in new taxes on employers who cannot afford to provide health insurance to their workers. The new employer tax will result in lower wages and lost jobs.

According to CBO:

Requiring employers to offer health insurance—or pay a fee if they do not—is likely to reduce employment.

Low-income workers are particularly hard hit by the employer mandate in the reconciliation bill. CBO says an employer mandate “could reduce the hiring of low-wage workers” and would “increase incentives for firms to replace full-time workers with more part-time or temporary workers.”

The Nation's unemployment rate is 9.7 percent, and in many States the unemployment rate is well into the teens. We should be doing everything possible to create new jobs, but the employer mandate in the reconciliation bill does the opposite.

The job-killing taxes in the bill will slash wages and cut jobs.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. ENZI. I urge my colleagues to protect Americans' jobs by supporting my motion.

The PRESIDING OFFICER (Mr. BEGICH). The Senator from Montana.

Mr. BAUCUS. Mr. President, sending the bill to committee sounds like killing the bill to me. I have never heard of a motion to commit that is not, in effect, a motion to kill the bill.

We are all in this together in America in enacting health care reform—all groups: business groups, consumers, labor, and so forth. We have consulted with business groups. They are an integral part of this. Business groups want to work with us and have worked with us to get health care reform passed.

I might also remind my colleagues there are tax credits in here for small business to the tune of—I think it is \$17 billion. Firms with fewer than 50 employees are totally exempt from any penalty.

This clearly is a motion to kill the bill. Therefore, it would result in taking away all these provisions enacted.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. BAUCUS. Mr. President, I move to table the motion to commit and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the motion to table the motion to commit.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. KYL. The following Senator is necessarily absent: the Senator from Georgia (Mr. ISAKSON).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 58, nays 41, as follows:

[Rollcall Vote No. 67 Leg.]

YEAS—58

Akaka	Bingaman	Cantwell
Baucus	Boxer	Cardin
Bayh	Brown (OH)	Carper
Begich	Burris	Casey
Bennet	Byrd	Conrad

Dodd	Landrieu	Rockefeller
Dorgan	Lautenberg	Sanders
Durbin	Leahy	Schumer
Feingold	Levin	Shaheen
Feinstein	Lieberman	Specter
Franken	McCaskill	Stabenow
Gillibrand	Menendez	Tester
Hagan	Merkley	Udall (CO)
Harkin	Mikulski	Udall (NM)
Inouye	Murray	Warner
Johnson	Nelson (NE)	Webb
Kaufman	Nelson (FL)	Whitehouse
Kerry	Pryor	Wyden
Klobuchar	Reed	
Kohl	Reid	

NAYS—41

Alexander	Crapo	Lugar
Barrasso	DeMint	McCain
Bennett	Ensign	McConnell
Bond	Enzi	Murkowski
Brown (MA)	Graham	Risch
Brownback	Grassley	Roberts
Bunning	Gregg	Sessions
Burr	Hatch	Shelby
Chambliss	Hutchison	Snowe
Coburn	Inhofe	Thune
Cochran	Johanns	Vitter
Collins	Kyl	Voinovich
Corker	LeMieux	Wicker
Cornyn	Lincoln	

NOT VOTING—1

Isakson

The motion was agreed to.

Mr. CARDIN. Mr. President, I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3582

The PRESIDING OFFICER. Under the previous order, there will be 2 minutes of debate, equally divided, prior to a vote in relation to amendment No. 3582 offered by the Senator from Wyoming, Mr. BARRASSO.

The Senator from Wyoming.

Mr. BARRASSO. Mr. President, my amendment protects families and protects small businesses from dramatic increases in insurance premiums. My amendment directs the Department of Health and Human Services to certify that insurance premiums will not rise faster under the new health care law than they would have if the law had not been passed. If they find that premiums are higher, then the new law would sunset.

This month in Pennsylvania, the President said the Senate bill would reduce most people's premiums. I say to my friends on the other side of the aisle, if you believe the President and you believe that this bill lowers premiums, prove it. Vote for this amendment.

This is a reasonable, straightforward amendment. It holds the President and it holds the Members of Congress accountable to the American people for promises made.

Thank you, Mr. President.

Mr. BAUCUS. Mr. President, all things being equal, I choose to believe the President. Second, I choose to believe the Congressional Budget Office. The Congressional Budget Office has concluded that premiums under this legislation will, all things equal, be reduced for big business as much as 3 per-

cent. Small businesses will see a decrease of 11 percent if you factor in the small business tax credits for coverage. Individuals who receive tax credits in the exchange will find a 57-percent reduction in premiums; again, all things being equal.

Will someone find an increase in premium? Somebody might buy a very expensive health insurance policy. Maybe that person's premiums might go up.

Obviously, this is designed to kill the bill, and I strongly urge my colleagues not to support it. It prevents passage of the bill. It undermines the bill. It repeals the bill, in effect, that has already been signed by the President.

So I move that this amendment be tabled, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Delaware (Mr. KAUFMAN) is necessarily absent.

Mr. KYL. The following Senator is necessarily absent: the Senator from Georgia (Mr. ISAKSON).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 57, nays 41, as follows:

[Rollcall Vote No. 68 Leg.]

YEAS—57

Akaka	Franken	Murray
Baucus	Gillibrand	Nelson (NE)
Begich	Hagan	Nelson (FL)
Bennet	Harkin	Pryor
Bingaman	Inouye	Reed
Boxer	Johnson	Reid
Brown (OH)	Kerry	Rockefeller
Burr	Klobuchar	Sanders
Byrd	Kohl	Schumer
Cantwell	Landrieu	Shaheen
Cardin	Lautenberg	Specter
Carper	Leahy	Stabenow
Casey	Levin	Tester
Conrad	Lieberman	Udall (CO)
Dodd	Lincoln	Udall (NM)
Dorgan	McCaskill	Warner
Durbin	Menendez	Webb
Feingold	Merkley	Whitehouse
Feinstein	Mikulski	Wyden

NAYS—41

Alexander	Cornyn	Lugar
Barrasso	Crapo	McCain
Bayh	DeMint	McConnell
Bennett	Ensign	Murkowski
Bond	Enzi	Risch
Brown (MA)	Graham	Roberts
Brownback	Grassley	Sessions
Bunning	Gregg	Shelby
Burr	Hatch	Snowe
Chambliss	Hutchison	Thune
Coburn	Inhofe	Vitter
Cochran	Johanns	Voinovich
Collins	Kyl	Wicker
Corker	LeMieux	

NOT VOTING—2

Isakson Kaufman

The motion was agreed to.

Mr. BAUCUS. I move to reconsider the vote.

Mr. LEAHY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3564

The PRESIDING OFFICER. Under the previous order, there will be 2 minutes of debate equally divided prior to a vote in relation to amendment No. 3564, offered by the Senator from Iowa, Mr. GRASSLEY.

The Senator from Iowa.

Mr. GRASSLEY. Mr. President, my amendment would require the President, the Vice President, Cabinet members, and White House staff to use exchanges created in this bill. It would also fix a loophole so that the committee and leadership staff are also required to obtain coverage in these exchanges.

Today, after seeing my amendment, the White House announced that President Obama will voluntarily participate in the health insurance exchange that starts in 2014.

This is a little presumptuous since he has another election before 2014, but it is still effectively an endorsement of my amendment to make sure that political leaders live under the laws they pass for everyone else. But the principle should not be voluntary for political leaders. Congress and President Clinton confirmed that in 1995 by enacting the Congressional Accountability Act that Senator LIEBERMAN and I sponsored. It is a matter of not having a double standard.

I urge my colleagues to support my amendment and make sure we are living under the same laws.

The PRESIDING OFFICER. The time of the Senator has expired.

The Senator from Montana.

Mr. BAUCUS. Mr. President, I could be mistaken, but it is my understanding that the underlying amendment, which also includes Members of Congress in the exchange, is language that was drafted on a bipartisan basis in the HELP Committee. I don't see Senator DODD here. It is an amendment Senator COBURN worked on and was agreed to in the HELP Committee. It covered Members of Congress and who all should be included.

Frankly, I don't think it is wise at this point to try to negotiate who should additionally be covered in the exchanges and who should not. It was agreed to before. I say to my good friend from Iowa—he has been my very good friend—I don't think it is intended to embarrass the President and the executive branch people, but I think it is inappropriate.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. BAUCUS. I say to my friend, he can be happy when Northern Iowa beats Michigan State this Friday. It will make him happy.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. BAUCUS. I make a point of order that the pending amendment violates

section 313(b)(1)(C) of the Congressional Budget Act of 1974.

Mr. GRASSLEY. Mr. President, pursuant to section 904(c) of the Congressional Budget Act of 1974, I move to waive section 313 of the Budget Act for the consideration of the pending amendment.

Mr. BAUCUS. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. KYL. The following Senator is necessarily absent: the Senator from Georgia (Mr. ISAKSON).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 43, nays 56, as follows:

[Rollcall Vote No. 69 Leg.]

YEAS—43

Alexander	Crapo	McCain
Barrasso	DeMint	McConnell
Bayh	Ensign	Murkowski
Bennett	Enzi	Nelson (NE)
Bond	Graham	Risch
Brown (MA)	Grassley	Roberts
Brownback	Gregg	Sessions
Bunning	Hatch	Shelby
Burr	Hutchison	Snowe
Chambliss	Inhofe	Thune
Coburn	Johanns	Vitter
Cochran	Kyl	Voinovich
Collins	LeMieux	Wicker
Corker	Lincoln	
Cornyn	Lugar	

NAYS—56

Akaka	Franken	Murray
Baucus	Gillibrand	Nelson (FL)
Begich	Hagan	Pryor
Bennet	Harkin	Reed
Bingaman	Inouye	Reid
Boxer	Johnson	Rockefeller
Brown (OH)	Kaufman	Sanders
Burr	Kerry	Schumer
Byrd	Klobuchar	Shaheen
Cantwell	Kohl	Specter
Cardin	Landrieu	Stabenow
Carper	Lautenberg	Tester
Casey	Leahy	Udall (CO)
Conrad	Levin	Udall (NM)
Dodd	Lieberman	Warner
Dorgan	McCaskill	Webb
Durbin	Menendez	Whitehouse
Feingold	Merkley	Wyden
Feinstein	Mikulski	

NOT VOTING—1

Isakson

The PRESIDING OFFICER. On this vote, the yeas are 43, the nays are 56. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

The point of order is sustained, and the amendment falls.

ALEXANDER MOTION TO COMMIT

The PRESIDING OFFICER. Under the previous order, we will have 2 minutes of debate equally divided prior to a vote on the motion to commit offered by the Senator from Tennessee, Mr. ALEXANDER.

The Senator from Tennessee.

Mr. ALEXANDER. Mr. President, this is an effort to stop the Federal Government from overcharging 19 million college students to help pay for the health care bill. It would reduce from 6.8 percent to 5.3 percent the interest on their loans. It would save \$1,700 to \$1,800 on the average of a \$25,000 loan over 10 years.

Why are we talking student loans during a health care bill? Because we can't trust the other side with the Yellow Pages. If they find it in there, they think the government ought to be doing it. They have taken over the Federal student loan program, and they are running up the debt \$½ trillion to do it. They are firing 31,000 people by July 1. They are going to borrow money at 2.8 percent and loan it to students at 6.8 percent and use the rest to help pay for health care and for the government. CBO has said this is \$8.7 billion of overcharging students to pay for health care. So a "yes" means don't overcharge.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. ALEXANDER. A "no" means savings to students.

Mr. HARKIN. The last time we took up higher education, in 2007, we lowered interest rates on student loans and crafted the interest-based repayment program. In this bill, we lower that down even more—from 15 percent to 10 percent—and we make a historic investment in Pell grants.

I would agree, I am all for lowering interest rates. I would just note that my friend from Tennessee didn't take to the floor to complain when Sallie Mae was charging over 20 percent interest on its loans to students. I didn't see that.

This amendment is not about lowering interest rates. What it is about is continuing a \$61 billion subsidy to the big banks in this country. We take that money and give it to students in Pell grants.

Mr. President, I move to table the motion to commit, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The question is on the motion.

The clerk will call the roll.

The bill clerk called the roll.

Mr. KYL. The following Senator is necessarily absent: the Senator from Georgia (Mr. ISAKSON).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 58, nays 41, as follows:

[Rollcall Vote No. 70 Leg.]

YEAS—58

Akaka	Bennet	Burr
Baucus	Bingaman	Byrd
Bayh	Boxer	Cantwell
Begich	Brown (OH)	Cardin

Carper	Klobuchar	Reid
Casey	Kohl	Rockefeller
Conrad	Landrieu	Sanders
Dodd	Lautenberg	Schumer
Dorgan	Leahy	Shaheen
Durbin	Levin	Specter
Feingold	Lieberman	Stabenow
Feinstein	Lincoln	Tester
Franken	McCaskill	Udall (CO)
Gillibrand	Menendez	Udall (NM)
Hagan	Merkley	Warner
Harkin	Mikulski	Webb
Inouye	Murray	Whitehouse
Johnson	Nelson (FL)	Wyden
Kaufman	Pryor	
Kerry	Reed	

NAYS—41

Alexander	Crapo	McCain
Barrasso	DeMint	McConnell
Bennett	Ensign	Murkowski
Bond	Enzi	Nelson (NE)
Brown (MA)	Graham	Risch
Brownback	Grassley	Roberts
Bunning	Gregg	Sessions
Burr	Hatch	Shelby
Chambliss	Hutchison	Snowe
Coburn	Inhofe	Thune
Cochran	Johanns	Vitter
Collins	Kyl	Voinovich
Corker	LeMieux	Wicker
Cornyn	Lugar	

NOT VOTING—1

Isakson

The motion was agreed to.

AMENDMENT NO. 3586

The PRESIDING OFFICER. Under the previous order, there will now be 2 minutes equally divided prior to a vote in relation to amendment No. 3586 offered by the Senator from Florida, Mr. LEMIEUX.

The Senator from Florida is recognized.

Mr. LEMIEUX. Mr. President, I have heard my friends on the other side of the aisle talk about 30 million new people in America having health care. What they are not talking about is 16 million of those folks are going into Medicaid. Medicaid is a program that doesn't work. Forty percent of physicians according to MedPac no longer will see Medicaid patients. Pharmacies will not fill prescriptions. You cannot find a specialist.

I have also heard our friends on the other side of the aisle come to the Senate floor and say the people of America should have the same great health care that we have in this body. The corollary should be true as well. We should have the same health care that we are willing to put 16 million new Americans in and 50 million Americans in total. We should all be on Medicaid.

My amendment says 535 Members of Congress, as well as the Vice President of the United States, will go into Medicaid. If it is good enough for them, it should be good enough for us. We talk the talk around here a lot, now let's see if we will walk the walk.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, I don't think this is really a serious amendment that requires all Members of Congress to withdraw from their Federal health insurance plan, and it requires

all Members of Congress to be in Medicaid. Medicaid is a safety net for vulnerable Americans. It should not be the subject for political gamesmanship like this amendment. It is a slap in the face of vulnerable, poor Americans.

Ironically, this killer amendment will have the effect of reducing payments to States which are in the underlying bill. It would take that away. I don't think that is the intent of the author of the amendment.

Mr. President, I make a point of order the pending amendment violates section 313(b)(1)(C) of the Congressional Budget Act of 1974.

The PRESIDING OFFICER. The Senator from Florida.

Mr. LEMIEUX. Pursuant to section 904 of the Congressional Budget Act of 1974 and section 4(g)(3) of the statutory pay-as-you-go act of 2010, I move to waive all applicable sections of those acts for purposes of my amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

The bill clerk called the roll.

Mr. KYL. The following Senator is necessarily absent: the Senator from Georgia (Mr. ISAKSON).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 40, nays 59, as follows:

[Rollcall Vote No. 71 Leg.]

YEAS—40

Alexander	Crapo	McCain
Barrasso	DeMint	McConnell
Bennett	Ensign	Murkowski
Bond	Enzi	Risch
Brown (MA)	Graham	Roberts
Brownback	Grassley	Sessions
Bunning	Gregg	Shelby
Burr	Hatch	Snowe
Chambliss	Hutchison	Thune
Coburn	Inhofe	Vitter
Cochran	Johanns	Voinovich
Collins	Kyl	Webb
Corker	LeMieux	Wicker
Cornyn	Lugar	

NAYS—59

Akaka	Franken	Murray
Baucus	Gillibrand	Nelson (NE)
Bayh	Hagan	Nelson (FL)
Begich	Harkin	Pryor
Bennet	Inouye	Reed
Bingaman	Johnson	Reid
Boxer	Kaufman	Rockefeller
Brown (OH)	Kerry	Sanders
Burris	Klobuchar	Schumer
Byrd	Kohl	Shaheen
Cantwell	Landrieu	Specter
Cardin	Lautenberg	Stabenow
Carper	Leahy	Tester
Casey	Levin	Udall (CO)
Conrad	Lieberman	Udall (NM)
Dodd	Lincoln	Warner
Dorgan	McCaskill	Webb
Durbin	Menendez	Whitehouse
Feingold	Merkley	Wyden
Feinstein	Mikulski	

NOT VOTING—1

Isakson

The PRESIDING OFFICER. On this vote, the yeas are 40, the nays are 59.

Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is not agreed to.

The point of order is sustained, and the amendment falls.

HATCH MOTION TO COMMIT

Under the previous order, there will now be 2 minutes of debate equally divided prior to a vote in relation to the motion to commit offered by the Senator from Utah, Mr. HATCH.

Mr. HATCH. Mr. President, I urge my colleagues to support my motion to commit.

Simply put, this motion protects the 11 million Medicare beneficiaries, both seniors and the disabled, currently participating in the Medicare Advantage program.

If the HHS actuary certifies that the Medicare Advantage cuts included in the health reform law would result in 1 million Medicare Advantage beneficiaries losing current health benefits, those Medicare Advantage cuts would not go into effect.

Medicare Advantage makes a tremendous difference in the lives of beneficiaries. They have told me over and over again how important it is for them to have lower deductibles, premiums, and copayments.

And what a difference it makes to have dental and vision benefits.

The Medicare Advantage cuts in the health reform law would take away those benefits. For that reason, I strongly oppose these cuts and urge my colleagues to support my motion to commit and do the right thing for Medicare beneficiaries, seniors and disabled individuals, across America.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, as a motion to commit, this clearly is designed to kill the bill. All motions to commit have that intent and effect. Let's remind ourselves, the underlying bill protects all Medicare beneficiaries. All statutory benefits are guaranteed in the underlying legislation. Second, the underlying bill reforms Medicare Advantage which rewards high performance Medicare Advantage programs, those providing value, whereas under current law that is not the case. In addition, if this amendment passes, fee-for-service Medicare beneficiaries would have to pay a \$90-a-year penalty to pay for the excess subsidy of Medicare Advantage plans. For lots of reasons, this motion should not prevail.

I move to table the motion to commit and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the motion to table the motion to commit.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. BYRD) is necessarily absent.

Mr. KYL. The following Senator is necessarily absent: the Senator from Georgia (Mr. ISAKSON).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 56, nays 42, as follows:

[Rollcall Vote No. 72 Leg.]

YEAS—56

Akaka	Franken	Mikulski
Baucus	Gillibrand	Murray
Bayh	Hagan	Nelson (FL)
Begich	Harkin	Pryor
Bennet	Inouye	Reed
Bingaman	Johnson	Reid
Boxer	Kaufman	Rockefeller
Brown (OH)	Kerry	Sanders
Burris	Klobuchar	Schumer
Cantwell	Kohl	Shaheen
Cardin	Landrieu	Specter
Carper	Lautenberg	Stabenow
Casey	Leahy	Tester
Conrad	Levin	Udall (CO)
Dodd	Lieberman	Udall (NM)
Dorgan	Lincoln	Warner
Durbin	McCaskill	Whitehouse
Feingold	Menendez	Wyden
Feinstein	Merkley	

NAYS—42

Alexander	Crapo	McCain
Barrasso	DeMint	McConnell
Bennett	Ensign	Murkowski
Bond	Enzi	Nelson (NE)
Brown (MA)	Graham	Risch
Brownback	Grassley	Roberts
Bunning	Gregg	Sessions
Burr	Hatch	Shelby
Chambliss	Hutchison	Snowe
Coburn	Inhofe	Thune
Cochran	Johanns	Vitter
Collins	Kyl	Voinovich
Corker	LeMieux	Webb
Cornyn	Lugar	Wicker

NOT VOTING—2

Byrd Isakson

The motion was agreed to.

AMENDMENT NO. 3556

The PRESIDING OFFICER. Under the previous order, there will now be 2 minutes of debate equally divided prior to a vote in relation to amendment No. 3556, offered by the Senator from Oklahoma, Mr. COBURN.

The Senator from Oklahoma.

Mr. COBURN. Mr. President, this amendment saves \$6.5 billion over the next 10 years for what it does on fraudulent Medicaid prescriptions—\$6.5 billion—\$650 million a year on fraudulent prescriptions. It also creates a prohibition so that erectile dysfunction drugs are not paid for by the American taxpayers to convicted rapists, those convicted of sexual assault, and pedophiles in this country.

You can say a lot of things about a lot of amendments. This is not a game amendment; it actually saves money. All the States are struggling with Medicaid. This is a way to spread \$650 million a year to the States.

I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, this legislation is about filling the doughnut hole for seniors. It is about providing health care for working families, for

children. It is about reducing our national debt. It is a serious bill. It deserves serious debate.

The amendment offered by the Senator from Oklahoma makes a mockery of this Senate, the debate, and the American people. It is not a serious amendment. It is a crass political stunt aimed at making 30-second commercials, not public policy.

I urge my colleagues to oppose the amendment.

I move to table the amendment, and ask for the yeas and nays.

Mr. COBURN. Mr. President, do I have time remaining?

The PRESIDING OFFICER. The Senator from Oklahoma still has time.

The Senator from Oklahoma.

Mr. COBURN. I would make the following point: The vast majority of Americans do not want their taxpayer dollars paying for this kind of drug for those kind of people.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, I move to table the amendment, and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. KYL. The following Senator is necessarily absent: the Senator from Georgia (Mr. ISAKSON).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 57, nays 42, as follows:

[Rollcall Vote No. 73 Leg.]

YEAS—57

Akaka	Franken	Mikulski
Baucus	Gillibrand	Murray
Begich	Hagan	Nelson (FL)
Bennet	Harkin	Pryor
Bingaman	Inouye	Reed
Boxer	Johnson	Reid
Brown (OH)	Kaufman	Rockefeller
Burr	Kerry	Sanders
Byrd	Klobuchar	Schumer
Cantwell	Kohl	Shaheen
Cardin	Landrieu	Specter
Carper	Lautenberg	Stabenow
Casey	Leahy	Tester
Conrad	Levin	Udall (CO)
Dodd	Lieberman	Udall (NM)
Dorgan	Lincoln	Warner
Durbin	McCaskill	Webb
Feingold	Menendez	Whitehouse
Feinstein	Merkley	Wyden

NAYS—42

Alexander	Cornyn	Lugar
Barrasso	Crapo	McCain
Bayh	DeMint	McConnell
Bennett	Ensign	Murkowski
Bond	Enzi	Nelson (NE)
Brown (MA)	Graham	Risch
Brownback	Grassley	Roberts
Bunning	Gregg	Sessions
Burr	Hatch	Shelby
Chambliss	Hutchison	Snowe
Coburn	Inhofe	Thune
Cochran	Johanns	Vitter
Collins	Kyl	Voinovich
Corker	LeMieux	Wicker

NOT VOTING—1

Isakson

The motion was agreed to.

Mr. CARDIN. Mr. President, I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3608

The PRESIDING OFFICER. Under the previous order, there will be 2 minutes of debate, equally divided, prior to a vote in relation to amendment No. 3608 offered by the Senator from Texas, Mrs. HUTCHISON.

Mrs. HUTCHISON. Mr. President, we are hearing from State leaders all over our country begging Congress to abandon this bill that is an unconstitutional preemption of States rights, State innovation, and State prerogatives. Thirteen States have already filed suit against this bill.

My amendment would restore the 10th amendment rights reserved to the States by allowing State legislatures to pass legislation to allow them to opt out of this bill, opt out of the job-killing taxes, opt out of the cuts to Medicare, opt out of the unfunded Medicaid mandates, when our States are hurting already. They are not balancing their budgets right now. This is going to make it worse.

This is an easy “yes” vote, and I hope our colleagues will help our States to opt out of this bill if they choose.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, this is another in a long series of killer amendments. Clearly, allowing States to opt out of any or all provisions of the underlying health care reform bill would have that result. States could decide not to abide by health care market reforms, preexisting conditions, provisions against rescissions, et cetera. States could decide not to provide health care coverage to their citizens. One State versus the national program. States could decide they are not going to pay the fees, enact the fees that are required on State pharmaceuticals or insurance industries. States could make all kinds of decisions which basically would have the effect of killing this bill.

So I urge my colleagues to not support the amendment of the Senator from Texas.

I move to table the amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. KYL. The following Senator is necessarily absent: the Senator from Georgia (Mr. ISAKSON).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 58, nays 41, as follows:

[Rollcall Vote No. 74 Leg.]

YEAS—58

Akaka	Franken	Murray
Baucus	Gillibrand	Nelson (FL)
Bayh	Hagan	Pryor
Begich	Harkin	Reed
Bennet	Inouye	Reid
Bingaman	Johnson	Rockefeller
Boxer	Kaufman	Sanders
Brown (OH)	Kerry	Schumer
Burr	Klobuchar	Shaheen
Byrd	Kohl	Specter
Cantwell	Landrieu	Stabenow
Cardin	Lautenberg	Tester
Carper	Leahy	Udall (CO)
Casey	Levin	Udall (NM)
Conrad	Lieberman	Warner
Dodd	Lincoln	Webb
Dorgan	McCaskill	Whitehouse
Durbin	Menendez	Wyden
Feingold	Merkley	
Feinstein	Mikulski	

NAYS—41

Alexander	Crapo	McCain
Barrasso	DeMint	McConnell
Bennett	Ensign	Murkowski
Bond	Enzi	Nelson (NE)
Brown (MA)	Graham	Risch
Brownback	Grassley	Roberts
Bunning	Gregg	Sessions
Burr	Hatch	Shelby
Chambliss	Hutchison	Snowe
Coburn	Inhofe	Thune
Cochran	Johanns	Vitter
Collins	Kyl	Voinovich
Corker	LeMieux	Wicker
Cornyn	Lugar	

NOT VOTING—1

Isakson

The motion was agreed to.

Mr. INOUE. I move to reconsider the vote.

Mrs. MURRAY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3638

The PRESIDING OFFICER. There will now be 2 minutes of debate prior to a vote in relation to amendment No. 3638, offered by the Senator from Maine, Ms. COLLINS.

The Senator from Maine.

Ms. COLLINS. Mr. President, just last week we passed the HIRE Act, which included a tax credit offered by Senator SCHUMER and Senator HATCH to encourage companies to hire unemployed workers. It makes no sense for any of us to have voted for that bill and then not to support the amendment that I have offered.

The amendment I am offering would waive the onerous fines that are in this bill for small businesses that hire unemployed workers. If you voted for the HIRE Act giving a tax credit, why in the world would you support a policy of imposing penalties on businesses that hire unemployed workers?

Mr. President, I urge support of the amendment.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, this amendment basically has the intent of creating a group of second-class employees. It is very similar to the issue

of subminimum wage. It makes all the sense in the world to distinguish the two, between the HIRE Act and this amendment.

The HIRE Act gave incentives for firms to hire new employees. This amendment creates a group of second-class employees. It says you can hire employees so long as they do not have health insurance. I think that is wrong. I do not think we should have a second class of employees, which is the effect of the amendment. I urge it be defeated.

I move to table the amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. KYL. The following Senator is necessarily absent: the Senator from Georgia (Mr. ISAKSON).

The PRESIDING OFFICER (Mr. CASEY). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 58, nays 41, as follows:

[Rollcall Vote No. 75 Leg.]

YEAS—58

Akaka	Franken	Murray
Baucus	Gillibrand	Nelson (FL)
Bayh	Hagan	Pryor
Begich	Harkin	Reed
Bennet	Inouye	Reid
Bingaman	Johnson	Rockefeller
Boxer	Kaufman	Sanders
Brown (OH)	Kerry	Schumer
Burris	Klobuchar	Shaheen
Byrd	Kohl	Specter
Cantwell	Landrieu	Stabenow
Cardin	Lautenberg	Tester
Carper	Leahy	Udall (CO)
Casey	Levin	Udall (NM)
Conrad	Lieberman	Warner
Dodd	Lincoln	Webb
Dorgan	McCaskill	Whitehouse
Durbin	Menendez	Wyden
Feingold	Merkley	
Feinstein	Mikulski	

NAYS—41

Alexander	Crapo	McCain
Barrasso	DeMint	McConnell
Bennett	Ensign	Murkowski
Bond	Enzi	Nelson (NE)
Brown (MA)	Graham	Risch
Brownback	Grassley	Roberts
Bunning	Gregg	Sessions
Burr	Hatch	Shelby
Chambliss	Hutchison	Snowe
Coburn	Inhofe	Thune
Cochran	Johanns	Vitter
Collins	Kyl	Voinovich
Corker	LeMieux	Wicker
Cornyn	Lugar	

NOT VOTING—1

Isakson

The motion was agreed to.

Mrs. MURRAY. I move to reconsider the vote.

Mr. LEVIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3639

The PRESIDING OFFICER. Under the previous order, there will now be 2

minutes of debate equally divided prior to a vote in relation to amendment No. 3639, offered by the Senator from South Dakota, Mr. THUNE.

Mr. THUNE. Mr. President, this amendment gets at the issue of the student loan program and what this bill would propose to do to that program.

Under this bill, students in this country would have one option to get a student loan—the Federal Government. Today, there are 2,000 lenders across this country that make student loans. A recent article in the Wall Street Journal pointed out that the shift to government lending would mean lending would now be operated by the Department of Education, which is “distinguished in its Soviet-style customer service.”

There are 30,000 to 35,000 jobs in this country that are associated with the student loan program. At a time of record-high unemployment levels, we need to ensure that moving student lending to the Department of Education does not place more Americans on unemployment. As our economy recovers, we should be focused on ways to increase jobs in the private sector, not ending those positions in favor of adding more government bureaucrats in Washington.

This amendment would require the Secretary of Education to certify that no State would experience a net job loss as a result of the Federal Family Education Student Loan Program being terminated.

I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

Mrs. MURRAY. I move to table.

The PRESIDING OFFICER. A motion to table is not in order.

There is not a sufficient second at this time.

The Senator from Iowa.

Mr. HARKIN. Mr. President, this amendment is not about protecting jobs, because the bill already does that. We carve out a role for nonprofit lenders to service loans. We provided \$50 million in this bill to incentivize companies—private companies, too—to keep jobs in the same towns and cities where they are now. Private lenders will continue to service the \$450 billion in outstanding private loan volume.

Let me say this also about Sallie Mae. They took a couple thousand jobs out of this country. Guess what. They are bringing them back because they get to service the loans. Under Treasury rules, in order for them to service the loans, it has to be done in this country. So Sallie Mae is bringing jobs back to America.

This amendment is not about protecting jobs. It is about killing the bill and leaving the subsidies to the big banks, where they are today.

I move to table the amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. BYRD) is necessarily absent.

Mr. KYL. The following Senator is necessarily absent: the Senator from Georgia (Mr. ISAKSON).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 55, nays 43, as follows:

[Rollcall Vote No. 76 Leg.]

YEAS—55

Akaka	Gillibrand	Murray
Baucus	Hagan	Pryor
Begich	Harkin	Reed
Bennet	Inouye	Reid
Bingaman	Johnson	Rockefeller
Boxer	Kaufman	Sanders
Brown (OH)	Kerry	Schumer
Burris	Klobuchar	Shaheen
Cantwell	Kohl	Specter
Cardin	Landrieu	Stabenow
Carper	Lautenberg	Tester
Casey	Leahy	Udall (CO)
Conrad	Levin	Udall (NM)
Dodd	Lieberman	Warner
Dorgan	Lincoln	Webb
Durbin	McCaskill	Whitehouse
Feingold	Menendez	Wyden
Feinstein	Merkley	
Franken	Mikulski	

NAYS—43

Alexander	Crapo	McConnell
Barrasso	DeMint	Murkowski
Bayh	Ensign	Nelson (NE)
Bennett	Enzi	Nelson (FL)
Bond	Graham	Risch
Brown (MA)	Grassley	Roberts
Brownback	Gregg	Sessions
Bunning	Hatch	Shelby
Burr	Hutchison	Snowe
Chambliss	Inhofe	Thune
Coburn	Johanns	Vitter
Cochran	Kyl	Voinovich
Collins	LeMieux	Wicker
Corker	Lugar	
Cornyn	McCain	

NOT VOTING—2

Byrd Isakson

The motion was agreed to.

AMENDMENT NO. 3640

The PRESIDING OFFICER. Under the previous order, there will now be 2 minutes of debate, equally divided, prior to a vote in relation to amendment No. 3640, offered by the Senator from South Dakota, Mr. THUNE.

Mr. THUNE. Mr. President, this amendment would strike the CLASS Act from the bill. The CLASS Act, as we all know, is a new entitlement program. We have two entitlement programs that are already destined to be bankrupt that have unfunded liabilities in the neighborhood of \$60 trillion. It does not make a lot of sense to add a third one.

Here is what everybody said about this. One of our Democratic colleagues has called the CLASS Act “a Ponzi scheme of the first order, the kind of thing that Bernie Madoff would be proud of.”

Even the Washington Post described it as a “gimmick . . . designed to pretend that health care is fully paid for.”

The administration's Chief Actuary said “there is a significant risk of failure, there is a significant risk that the problem of adverse selection would make the CLASS program unsustainable,” and the CBO said the additional deficit increases would amount to “the order of tens of billions of dollars for each 10-year period” after 2029.

We know what this is. This is a gimmick. It is a budgetary gimmick used to make this bill look like it is paid for when it is not. We ought to strike it from the bill, and I hope my colleagues will support this amendment.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Mr. President, the CLASS Act is a voluntary, self-funded insurance program, with enrollment for people who are presently employed. There are no taxpayer dollars involved whatsoever.

The statement that the Senator referred to was made before we made sure it was paid for. It is all paid for. In fact, the Senator from New Hampshire in our committee offered an amendment that made sure it was fully funded for 75 years. The Congressional Budget Office has certified this will be solvent for 75 years. Plus, it will save taxpayers money.

By letting people put some money aside, so if they become disabled they can stay at home rather than going to a nursing home, we save Medicaid dollars. This saves taxpayer dollars from paying more into Medicaid in the future.

Mr. President, I raise a point of order that the Thune amendment violates section 310(D)(2) of the Congressional Budget Act.

The PRESIDING OFFICER. The Senator from South Dakota.

Mr. THUNE. Mr. President, pursuant to section 904 of the Congressional Budget Act of 1974 and section 4(g)(3) of the statutory Pay-As-You-Go Act of 2010, I move to waive all applicable sections of those acts and applicable budget resolutions for purposes of my amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The question is on agreeing to the motion. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. BYRD) is necessarily absent.

Mr. KYL. The following Senator is necessarily absent: the Senator from Georgia (Mr. ISAKSON).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 43, nays 55, as follows:

[Rollcall Vote No. 77 Leg.]

YEAS—43

Alexander	Crapo	McCain
Barrasso	DeMint	McConnell
Bayh	Ensign	Murkowski
Bennett	Enzi	Nelson (NE)
Bond	Graham	Risch
Brown (MA)	Grassley	Roberts
Brownback	Gregg	Sessions
Bunning	Hatch	Shelby
Burr	Hutchison	Snowe
Chambliss	Inhofe	Thune
Coburn	Johanns	Vitter
Cochran	Kyl	Voinovich
Collins	LeMieux	Wicker
Corker	Lieberman	
Cornyn	Lugar	

NAYS—55

Akaka	Gillibrand	Nelson (FL)
Baucus	Hagan	Pryor
Begich	Harkin	Reed
Bennet	Inouye	Reid
Bingaman	Johnson	Rockefeller
Boxer	Kaufman	Sanders
Brown (OH)	Kerry	Schumer
Burris	Klobuchar	Shaheen
Cantwell	Kohl	Specter
Cardin	Landrieu	Stabenow
Carper	Lautenberg	Tester
Casey	Leahy	Udall (CO)
Conrad	Levin	Udall (NM)
Dodd	Lincoln	Warner
Dorgan	McCaskill	Webb
Durbin	Menendez	Whitehouse
Feingold	Merkley	Wyden
Feinstein	Mikulski	
Franken	Murray	

NOT VOTING—2

Byrd Isakson

The PRESIDING OFFICER. On this vote, the yeas are 43, the nays are 55. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is not agreed to. The point of order is sustained, and the amendment falls.

CORNYN MOTION TO COMMIT

Under the previous order, there will now be 2 minutes of debate equally divided prior to a vote in relation to the motion to commit offered by the Senator from Texas, Mr. CORNYN.

The Senator from Texas.

Mr. CORNYN. Mr. President, mine is a motion to commit the reconciliation bill back to the Finance Committee to report the bill back without the brandnew, whopping 3.8 percent tax on investment and savings. This is a \$123 billion mistake. It will discourage savings and investment and decrease the standard of living for millions of Americans. Simply put, increasing taxes on investment income and savings income is a job killer. It is just one of many job-killing provisions of this bill, \$100 billion of new taxes and fees on health care consumers, an employer mandate that will kill jobs.

My motion will also make sure the bill does not break another one of the President's promises when he pledged that everyone in America will pay lower taxes than they would under the rates Bill Clinton had in the 1990s.

I ask my colleagues for their support.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, this is an honest, straightforward amendment which is concerned about people making more than \$200,000. The effect of some amendments prior to this moment have been trying to protect people making less than \$200,000. This amendment is the exact opposite; it is only concerned about people making more than \$200,000 in income.

The bill itself also provides that people whose investment income is above \$200,000 should contribute to the Medicare trust fund. Currently, they do not. Only taxes on wages contribute to the Medicare trust fund. The thought is that people with unearned income should also contribute. This tax only applies to those who make above \$200,000. There is a passthrough exemption, subchapter S. Other passthroughs are exempted. Retirement income is exempted. It doesn't make sense that people making over \$200,000 should be exempt.

I move to table the motion to commit and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the motion to table the motion to commit.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. BYRD) is necessarily absent.

Mr. KYL. The following Senator is necessarily absent: the Senator from Georgia (Mr. ISAKSON).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 52, nays 46, as follows:

[Rollcall Vote No. 78 Leg.]

YEAS—52

Akaka	Gillibrand	Murray
Baucus	Hagan	Reed
Begich	Harkin	Reid
Bennet	Inouye	Rockefeller
Bingaman	Johnson	Sanders
Boxer	Kaufman	Schumer
Brown (OH)	Kerry	Shaheen
Burris	Klobuchar	Specter
Cardin	Kohl	Stabenow
Carper	Landrieu	Tester
Casey	Lautenberg	Udall (CO)
Conrad	Leahy	Udall (NM)
Dodd	Levin	Warner
Dorgan	Lieberman	Webb
Durbin	McCaskill	Whitehouse
Feingold	Menendez	Wyden
Feinstein	Merkley	
Franken	Mikulski	

NAYS—46

Alexander	Cochran	Hutchison
Barrasso	Collins	Inhofe
Bayh	Corker	Johanns
Bennett	Cornyn	Kyl
Bond	Crapo	LeMieux
Brown (MA)	DeMint	Lincoln
Brownback	Ensign	Lugar
Bunning	Enzi	McCain
Burr	Graham	McConnell
Cantwell	Grassley	Murkowski
Chambliss	Gregg	Nelson (NE)
Coburn	Hatch	Nelson (FL)

Pryor
Risch
Roberts
Sessions

Shelby
Snowe
Thune
Vitter

Voinovich
Wicker

NOT VOTING—2

Byrd Isakson

The motion was agreed to.

Mr. DURBIN. I move to reconsider the vote.

Mr. REID. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3579

The PRESIDING OFFICER. Under the previous order, there will now be 2 minutes of debate, equally divided, prior to a vote in relation to amendment No. 3579, offered by the Senator from Kansas, Mr. ROBERTS.

The Senator from Kansas.

Mr. ROBERTS. Mr. President, included in the new taxes in this health reform is a tax hike of \$20 billion on medical devices. The nonpartisan Congressional Budget Office and Joint Committee on Taxation both confirmed these excise taxes will not—will not—be borne by the medical device industry but, instead, are passed on to patients in the form of higher prices and higher insurance premiums.

Who are these folks who will bear the burden of this new tax? People with disabilities, diabetics, amputees, people with cancer, just to name some of the people—and more—who will see their costs go up because of this tax. We do not want to do this. Why should we want to do this on those who are most vulnerable?

This amendment would prevent this new tax from raising the already high costs for this group and a tax that will stifle the Medicaid device technology and innovation of this country.

I urge my colleagues to support this amendment. It is offset by an amendment similar to that offered by Senator SCHUMER in the Finance Committee so it must be bipartisan.

The PRESIDING OFFICER. The Senator's time has expired.

The Senator from Montana.

Mr. BAUCUS. Mr. President, how have Kansas and Kansas State done lately?

This is a very simple amendment. This health care bill is premised on the assumption that all groups should participate in finding the correct health care solution for our health care system. That includes hospitals, pharmaceuticals, and it also includes device manufacturers. This amendment would exclude one section: device manufacturers.

How is it paid for? It is paid for by reducing the number of people who would otherwise get tax credits to help pay for their health insurance. I do not think that is what we want to do. We do not want to reduce the number of people who have health insurance. This amendment would reduce coverage for people who need help buying insurance.

So I move to table this amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. BYRD) is necessarily absent.

Mr. KYL. The following Senator is necessarily absent: the Senator from Georgia (Mr. ISAKSON).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 56, nays 42, as follows:

[Rollcall Vote No. 79 Leg.]

YEAS—56

Akaka	Gillibrand	Murray
Baucus	Hagan	Nelson (FL)
Begich	Harkin	Pryor
Bennet	Inouye	Reed
Bingaman	Johnson	Reid
Boxer	Kaufman	Rockefeller
Brown (OH)	Kerry	Sanders
Burris	Klobuchar	Schumer
Cantwell	Kohl	Shaheen
Cardin	Landrieu	Specter
Carper	Lautenberg	Stabenow
Casey	Leahy	Tester
Conrad	Levin	Udall (CO)
Dodd	Lieberman	Udall (NM)
Dorgan	Lincoln	Warner
Durbin	McCaskill	Webb
Feingold	Menendez	Whitehouse
Feinstein	Merkley	Wyden
Franken	Mikulski	

NAYS—42

Alexander	Cornyn	Lugar
Barrasso	Crapo	McCain
Bayh	DeMint	McConnell
Bennett	Ensign	Murkowski
Bond	Enzi	Nelson (NE)
Brown (MA)	Graham	Risch
Brownback	Grassley	Roberts
Bunning	Gregg	Sessions
Burr	Hatch	Shelby
Chambliss	Hutchison	Snowe
Coburn	Inhofe	Thune
Cochran	Johanns	Vitter
Collins	Kyl	Voinovich
Corker	LeMieux	Wicker

NOT VOTING—2

Byrd Isakson

The motion was agreed to.

Mr. NELSON of Nebraska. Mr. President, I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3588

The PRESIDING OFFICER. Under the previous order, there will now be 2 minutes of debate equally divided prior to a vote in relation to amendment No. 3588 offered by the Senator from Oklahoma, Mr. INHOFE.

The Senator from Oklahoma.

Mr. INHOFE. Mr. President, we just heard from Senator ROBERTS about the medical devices. I think he pointed out very clearly that there is kind of another hidden tax in this legislation of some \$20 billion on medical devices. I

think it is important to listen to what Senator ROBERTS said, that it was not—it is not the device companies that will be paying this; it will be the individuals who would be paying it.

Now, the difference between my amendment and Senator ROBERTS' amendment is that mine excludes those devices for children and those with disabilities. For example, some of our troops coming home have lost limbs, and they have prosthetic devices. This is for them. This is for the 8-year-old whose heart quit beating in the middle of the night and they put a pacemaker in and it saved his life. It is for incubators and this type of thing. It is the same thing. It is the same offset as Senator ROBERTS and Senator SCHUMER had, and I would ask that you seriously consider this amendment. This is for the children and those with disabilities.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, two subjects. First, I wish to correct the record. I mistakenly stated that the Kansas Wildcats were not in the Sweet 16. That was an error. The Kansas State Wildcats are very much in the Sweet 16, and my apologies to coach Frank Martin of the Wildcats. I wish them very well in the tournament.

Mr. ROBERTS. Will the chairman yield?

Mr. BAUCUS. Well, I don't have much time, but I will do my very best.

Mr. ROBERTS. I am just so sorry that Montana lost in the first round.

Mr. BAUCUS. I would say to my good friend, he isn't nearly as sorry as I am.

Basically, this is like the last amendment—two flaws. It exempts a certain group from the shared responsibility in helping to finance health care reform. The second flaw is that it reduces coverage by changing the income threshold. This is not a way to do business.

I move to table the amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. BYRD) is necessarily absent.

Mr. KYL. The following Senator is necessarily absent: the Senator from Georgia (Mr. ISAKSON).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 57, nays 41, as follows:

[Rollcall Vote No. 80 Leg.]

YEAS—57

Akaka	Bingaman	Cardin
Baucus	Boxer	Carper
Bayh	Brown (OH)	Casey
Begich	Burris	Conrad
Bennet	Cantwell	Dodd

Dorgan	Landrieu	Reid
Durbin	Lautenberg	Rockefeller
Feingold	Leahy	Sanders
Feinstein	Levin	Schumer
Franken	Lieberman	Shaheen
Gillibrand	Lincoln	Specter
Hagan	McCaskill	Stabenow
Harkin	Menendez	Tester
Inouye	Merkley	Udall (CO)
Johnson	Mikulski	Udall (NM)
Kaufman	Murray	Warner
Kerry	Nelson (FL)	Webb
Klobuchar	Pryor	Whitehouse
Kohl	Reed	Wyden

NAYS—41

Alexander	Crapo	McCain
Barrasso	DeMint	McConnell
Bennett	Ensign	Murkowski
Bond	Enzi	Nelson (NE)
Brown (MA)	Graham	Risch
Brownback	Grassley	Roberts
Bunning	Gregg	Sessions
Burr	Hatch	Shelby
Chambliss	Hutchison	Snowe
Coburn	Inhofe	Thune
Cochran	Johanns	Vitter
Collins	Kyl	Voinovich
Corker	LeMieux	Wicker
Cornyn	Lugar	

NOT VOTING—2

Byrd	Isakson
------	---------

The motion was agreed to.

AMENDMENT NO. 3644

The PRESIDING OFFICER. Under the previous order, there will now be 2 minutes of debate equally divided prior to a vote in relation to amendment No. 3644, offered by the Senator from Utah, Mr. HATCH.

The Senator from Utah.

Mr. HATCH. Mr. President, there is a tax hike of \$20 billion on medical devices in this bill. These taxes are passed on to patients in the form of higher prices and higher insurance premiums.

My amendment would prevent this new tax from raising costs or hurting access for American soldiers and veterans by exempting medical devices used by the TRICARE Program and the Veterans Health Program.

We need to protect our wounded warriors who rely on these medical devices for recovery and to live a normal life.

I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, this amendment is very similar to the past two amendments we voted on. It seeks to exempt a sympathetic group of individuals from the excise tax on medical device manufacturers. The amendment is misplaced. We already exempt retail purchases of medical devices, such as Band-Aids, glasses—all those kinds of items. The tax only applies to large manufacturers. The government negotiates with the large manufacturers. The government is large enough to exact a better price. It does not pass that on to individuals, not on our military, not on our vets who already receive prescribed health care coverage.

Second, this amendment is paid for by increasing the number of uninsured. I do not think we want to increase the number of uninsured. We want to decrease the number of uninsured.

I reserve the remainder of my 15 seconds so the Senator from Utah can finish.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, I feel deeply about this. I do not think we should leave these wounded warriors without access to the best medical devices, and I do not think we should be assessing them extra costs. This is a simple amendment. This is one we all ought to vote for.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, very simply, this will not be passed on. The government is a large payer. They will be able to negotiate for better prices.

I move to table the amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. BYRD) is necessarily absent.

Mr. KYL. The following Senator is necessarily absent: the Senator from Georgia (Mr. ISAKSON).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 54, nays 44, as follows:

[Rollcall Vote No. 81 Leg.]

YEAS—54

Akaka	Feinstein	Merkley
Baucus	Franken	Mikulski
Bayh	Gillibrand	Murray
Begich	Harkin	Nelson (FL)
Bennet	Inouye	Pryor
Bingaman	Johnson	Reed
Boxer	Kaufman	Reid
Brown (OH)	Kerry	Rockefeller
Burr	Klobuchar	Sanders
Cantwell	Kohl	Schumer
Cardin	Landrieu	Shaheen
Carper	Lautenberg	Specter
Casey	Leahy	Stabenow
Conrad	Levin	Udall (CO)
Dodd	Lieberman	Udall (NM)
Dorgan	Lincoln	Warner
Durbin	McCaskill	Whitehouse
Feingold	Menendez	Wyden

NAYS—44

Alexander	DeMint	McConnell
Barrasso	Ensign	Murkowski
Bennett	Enzi	Nelson (NE)
Bond	Graham	Risch
Brown (MA)	Grassley	Roberts
Brownback	Gregg	Sessions
Bunning	Hagan	Shelby
Burr	Hatch	Snowe
Chambliss	Hutchison	Tester
Coburn	Inhofe	Thune
Cochran	Johanns	Vitter
Collins	Kyl	Voinovich
Corker	LeMieux	Webb
Cornyn	Lugar	Wicker
Crapo	McCain	

NOT VOTING—2

Byrd	Isakson
------	---------

The motion was agreed to.

Mr. DURBIN. Mr. President, I move to reconsider the vote.

Mrs. MURRAY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3651

The PRESIDING OFFICER. Under the previous order, there will now be 2 minutes of debate equally divided prior to a vote in relation to amendment No. 3651, offered by the Senator from New Hampshire, Mr. GREGG.

The Senator from New Hampshire.

Mr. GREGG. Mr. President, this amendment addresses what is a core problem we have with our health care system, which is the fact that every year we cut our doctors' pay—those doctors who deliver Medicare services. This year, it will be cut 21 percent. This amendment restores that pay so that those cuts don't occur for a period of 3 years. This is known as the doctors fix.

It should have been in the bill to begin with. The reason it wasn't in the bill was because the other side wanted to not put it in the bill because of its cost, because it scores at \$280 billion over 10 years. The other side didn't want to absorb that score because it would have thrown the entire bill out of whack relative to the budget.

We have come up with a way to address this doctor problem that pays for it for 3 years. Let's do it. Let's take care of these doctors who are delivering these services so they can continue to deliver services to Medicare recipients.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, the Senator from New Hampshire and I kid each other about this. The fact is, this is another killer amendment, and it is apparent it is designed to kill this bill. Why do I say that? Because on October 21 of last year, the sponsor of this amendment, and every other Senator on the other side of the aisle, voted against invoking cloture on a bill to accomplish the very same thing they profess to desire at this point.

Also, we have been advised by the Congressional Budget Office that it is not paid for. According to CBO—they recently sent us a note—the Gregg amendment would increase the deficit by \$65 billion over the next 5 years.

We will solve the SGR problem at the appropriate time. This body will then decide at that time the degree to which we want to pay for the SGR. This is not the time or the place. This is a killer amendment.

According to CBO, it increases the deficit by \$65 billion over the next 5 years; therefore, I raise a point of order that the Gregg amendment violates section 310(d)(2) of the Congressional Budget Act.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Mr. President, parliamentary inquiry: This amendment

pays for the doctors fix for 3 years, does it not?

The PRESIDING OFFICER. The Chair is unaware.

Mr. GREGG. I withdraw the inquiry.

Pursuant to section 904 of the Congressional Budget Act of 1974 and section 4(g)(3) of the Statutory Pay-As-You-Go Act of 2010, I move to waive all applicable sections of those acts and applicable budget resolutions for purposes of my amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. BYRD) is necessarily absent.

Mr. KYL. The following Senator is necessarily absent: the Senator from Georgia (Mr. ISAKSON).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 42, nays 56, as follows:

[Rollcall Vote No. 82 Leg.]

YEAS—42

Alexander	Crapo	Lugar
Barrasso	DeMint	McCain
Bennett	Ensign	McConnell
Bond	Enzi	Murkowski
Brown (MA)	Graham	Nelson (NE)
Brownback	Grassley	Risch
Bunning	Gregg	Roberts
Burr	Hatch	Sessions
Chambliss	Hutchison	Shelby
Coburn	Inhofe	Snowe
Cochran	Johanns	Thune
Collins	Kyl	Vitter
Corker	LeMieux	Voinovich
Cornyn	Lincoln	Wicker

NAYS—56

Akaka	Franken	Murray
Baucus	Gillibrand	Nelson (FL)
Bayh	Hagan	Pryor
Begich	Harkin	Reed
Bennet	Inouye	Reid
Bingaman	Johnson	Rockefeller
Boxer	Kaufman	Sanders
Brown (OH)	Kerry	Schumer
Burris	Klobuchar	Shaheen
Cantwell	Kohl	Specter
Cardin	Landrieu	Stabenow
Carper	Lautenberg	Tester
Casey	Leahy	Udall (CO)
Conrad	Levin	Udall (NM)
Dodd	Lieberman	Warner
Dorgan	McCaskill	Webb
Durbin	Menendez	Whitehouse
Feingold	Merkley	Wyden
Feinstein	Mikulski	

NOT VOTING—2

Byrd Isakson

The PRESIDING OFFICER. On this vote, the yeas are 42; the nays are 56. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

The point of order is sustained, and the amendment falls.

Mr. LEVIN. Mr. President, I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3652

The PRESIDING OFFICER. There will now be 2 minutes, equally divided, prior to a vote in relation to the amendment No. 3652, offered by the Senator from North Carolina, Mr. BURR.

Who yields time?

Mr. BURR. Mr. President, my amendment is quite simple. In the rush to finish this bill, there were some errors. One of the errors was clarifying the status of some veterans programs, specifically the TRICARE program, the VA spina bifida program—that is the children of Agent Orange exposure from Vietnam—and the last one is the CHAMPVA program.

What this amendment simply does is set the minimum essential coverage as met on these programs, so the veterans' families, the children of veterans, are not at risk of determining that their insurance does not meet the minimum essential coverage, therefore, exposing them to fines.

Some might suggest it does not need to be fixed. The House went back very quickly and fixed TRICARE but not CHAMPVA or spina bifida. It is my belief we should act on that on the appropriate mechanism, which is this fix-it bill.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WEBB. Mr. President, I would suggest to my colleague from North Carolina and my colleagues on the other side of the aisle that if we want to fix this problem, we can fix it right now and we should fix it right now.

We should not allow things to be tied up in the separate melodrama of the moment. I introduced a bill on Monday which passed the House unanimously on Saturday to fix the TRICARE part of this. The chairman of the Veterans' Committee introduced a bill today to fix the spina bifida problem.

I ask unanimous consent that the Finance Committee be discharged from further consideration of S. 3148, a bill to amend the Internal Revenue Code to provide for the treatment of Department of Defense health coverage as minimal essential coverage, sponsored by myself; further, that the Senate proceed to its immediate consideration en bloc, along with the bill introduced earlier today by Senator AKAKA, S. 3162, a bill to clarify the health care provided by the Secretary of Veterans Affairs that constitutes minimum essential coverage; that all Democratic Senators be added as cosponsors to this measure; that the bills be read a third time and passed en bloc, and the motions to reconsider be laid upon the table en bloc, with no intervening action or debate.

The PRESIDING OFFICER. Is there objection? The Senator from Oklahoma.

Mr. COBURN. Reserving the right to object.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. COBURN. We got this 1½ minutes ago to see the language. You have an amendment on the floor that actually accomplishes everything you want to do. Why are we doing this? Because you do not want to mess up a package that is clean. It has every application, the Burr amendment, to this.

With that, and the fact that this is exactly the kind of shenanigans the American people do not want, I object.

Mr. WEBB. Let the American people understand, the Republicans objected to a matter that could have been fixed by law tomorrow.

The PRESIDING OFFICER. Objection is heard.

The Senator from Hawaii.

Mr. AKAKA. Mr. President, I move that we table the Burr amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. BYRD) is necessarily absent.

Mr. KYL. The following Senator is necessarily absent: the Senator from Georgia (Mr. ISAKSON).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 54, nays 44, as follows:

[Rollcall Vote No. 83 Leg.]

YEAS—54

Akaka	Feinstein	Mikulski
Baucus	Franken	Murray
Bayh	Gillibrand	Nelson (FL)
Begich	Harkin	Reed
Bennet	Inouye	Reid
Bingaman	Johnson	Rockefeller
Boxer	Kaufman	Sanders
Brown (OH)	Kerry	Schumer
Burris	Klobuchar	Shaheen
Cantwell	Kohl	Specter
Cardin	Landrieu	Stabenow
Carper	Lautenberg	Tester
Casey	Leahy	Udall (CO)
Conrad	Levin	Udall (NM)
Dodd	Lieberman	Warner
Dorgan	McCaskill	Webb
Durbin	Menendez	Whitehouse
Feingold	Merkley	Wyden

NAYS—44

Alexander	DeMint	McCain
Barrasso	Ensign	McConnell
Bennett	Enzi	Murkowski
Bond	Graham	Nelson (NE)
Brown (MA)	Grassley	Pryor
Brownback	Gregg	Risch
Bunning	Hagan	Roberts
Burr	Hatch	Sessions
Chambliss	Hutchison	Shelby
Coburn	Inhofe	Snowe
Cochran	Johanns	Thune
Collins	Kyl	Vitter
Corker	LeMieux	Voinovich
Cornyn	Lincoln	Wicker
Crapo	Lugar	

NOT VOTING—2

Byrd Isakson

The motion was agreed to.

Mr. DURBIN. I move to reconsider the vote.

Mrs. MURRAY. I move to reconsider and to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3553

The PRESIDING OFFICER. Under the previous order, there will now be 2 minutes of debate equally divided prior to a vote in relation to amendment No. 3553 offered by the Senator from Louisiana, Mr. VITTER.

The Senator from Louisiana.

Mr. VITTER. Mr. President, this amendment is very straightforward. It would repeal the ObamaCare bill. That bill is fatally flawed in terms of its core, and we do need to repeal and replace it with a very different, more targeted, focused, step-by-step approach. What is that core? It is more than \$½ trillion in Medicare cuts on our seniors, which is wrong; over \$½ trillion of tax increases, including on middle-class families, which is wrong; increasing health care costs rather than doing the opposite, decreasing them. That is what the CBO says, nonpartisan. That will result in increased individual health care premiums, 10 to 13 percent, and government getting even more involved in our lives, including over 16,000 new IRS agents.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, I give a prize to the Senator from Louisiana. This is very transparent. It is very straightforward. It is totally honest. It is not dressed up. It is not camouflaged. It is straight repeal of health care reform.

Therefore, I move to table the amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. BYRD) is necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Georgia (Mr. ISAKSON) and the Senator from Missouri (Mr. BOND).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 58, nays 39, as follows:

[Rollcall Vote No. 84 Leg.]

YEAS—58

Akaka	Brown (OH)	Dodd
Baucus	Burr	Dorgan
Bayh	Cantwell	Durbin
Beahm	Cardin	Feingold
Bennet	Carper	Feinstein
Bingaman	Casey	Franken
Boxer	Conrad	Gillibrand

Hagan	Lincoln	Schumer
Harkin	McCaskill	Shaheen
Inouye	Menendez	Specter
Johnson	Merkley	Stabenow
Kaufman	Mikulski	Tester
Kerry	Murray	Udall (CO)
Klobuchar	Nelson (NE)	Udall (NM)
Kohl	Nelson (FL)	Warner
Landrieu	Pryor	Webb
Lautenberg	Reed	Whitehouse
Leahy	Reid	Wyden
Levin	Rockefeller	
Lieberman	Sanders	

NAYS—39

Alexander	Crapo	Lugar
Barrasso	DeMint	McCain
Bennett	Ensign	McConnell
Brown (MA)	Enzi	Murkowski
Brownback	Graham	Risch
Bunning	Grassley	Roberts
Burr	Gregg	Sessions
Chambliss	Hatch	Shelby
Coburn	Hutchison	Snowe
Cochran	Inhofe	Thune
Collins	Johanns	Vitter
Corker	Kyl	Voinovich
Cornyn	LeMieux	Wicker

NOT VOTING—3

Bond	Byrd	Isakson
------	------	---------

The motion was agreed to.

Mrs. MURRAY. I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3577

The PRESIDING OFFICER. There are 2 minutes now evenly divided before a vote with respect to the Roberts amendment.

The Senator from Kansas.

Mr. ROBERTS. Mr. President, this amendment protects the rural health care delivery system by exempting critical access hospitals from dangerous payment cuts by the Independent Payment Advisory Board. This board is an unelected and unaccountable body, nefarious to be sure, with unprecedented power to set payment rates and make other Medicare policy changes.

While most hospitals are exempt from the board's cuts by virtue of the special deals they cut with the administration—for shame—critical access hospitals, which are among the most vulnerable in the country, are not exempt.

I do not know why critical access hospitals were let out of this exemption—perhaps a drafting error; I do not know—but I can think of no other more deserving providers than critical access hospitals throughout our rural areas—in Montana and in Kansas—to be spared from the Independent Payment Advisory Board's cuts. Save the rural health care delivery system.

The PRESIDING OFFICER. The Senator's time has expired.

The Senator from Montana.

Mr. BAUCUS. Mr. President, I agree—Kansas, Montana, anywhere—critical access hospitals should be treated the same way as other hospitals. And when we get to that point, I say to my good friend from Kansas, I will work with him, and I know he will

with me, so we can exempt critical access hospitals from this commission.

However, the Parliamentarian tells us it is not permissible to amend programs subject to fast-track rules such as this commission in a reconciliation bill. Critical access hospitals are not in. It is a technical error, oversight—there are all kinds of reasons why it should be in, but they are not, and I cannot, at this point, agree with my friend to take them out now. I will at a later date, but we cannot now.

Mr. ROBERTS. Surely, you are not going to raise a point of order?

Mr. BAUCUS. Mr. President, surely I have to do the right thing. The right thing is to raise a point of order. I raise a point of order that the Roberts amendment violates section 313(b)(1)(D) of the Congressional Budget Act.

Mr. ROBERTS. Mr. President, I take it the chairman has raised the point of order, so we are at regular order.

Mr. BAUCUS. We are, and the Senator can make his motion.

Mr. ROBERTS. I thank the Senator. Mr. President, pursuant to section 904 of the Congressional Budget Act of 1974 and section 4(g)(3) of the statutory Pay-As-You-Go-Act of 2010, I move to waive all applicable sections of those acts and applicable budget resolutions for purposes of my amendment in saving rural hospitals, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. BYRD) and the Senator from Maryland (Ms. MIKULSKI) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Missouri (Mr. BOND) and the Senator from Georgia (Mr. ISAKSON).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 42, nays 54, as follows:

[Rollcall Vote No. 85 Leg.]

YEAS—42

Alexander	DeMint	McCain
Barrasso	Ensign	McConnell
Bennett	Enzi	Murkowski
Brown (MA)	Graham	Nelson (NE)
Brownback	Grassley	Risch
Bunning	Gregg	Roberts
Burr	Hatch	Sessions
Chambliss	Hutchison	Shelby
Coburn	Inhofe	Snowe
Cochran	Johanns	Thune
Collins	Kyl	Vitter
Corker	LeMieux	Voinovich
Cornyn	Lincoln	Webb
Crapo	Lugar	Wicker

NAYS—54

Akaka	Feinstein	Merkley
Baucus	Franken	Murray
Bayh	Gillibrand	Nelson (FL)
Begich	Hagan	Pryor
Bennet	Harkin	Reed
Bingaman	Inouye	Reid
Boxer	Johnson	Rockefeller
Brown (OH)	Kaufman	Sanders
Burris	Kerry	Schumer
Cantwell	Klobuchar	Shaheen
Cardin	Kohl	Specter
Carper	Landrieu	Stabenow
Casey	Lautenberg	Tester
Conrad	Leahy	Udall (CO)
Dodd	Levin	Udall (NM)
Dorgan	Lieberman	Warner
Durbin	McCaskill	Whitehouse
Feingold	Menendez	Wyden

NOT VOTING—4

Bond	Isakson
Byrd	Mikulski

The PRESIDING OFFICER (Mr. BROWN of Ohio). On this vote, the yeas are 42, the nays are 54. Three-fifths of the Senators being duly chosen and sworn not having voted in the affirmative, the motion is not agreed to. The point of order is sustained, and the amendment falls.

Mr. REID. Mr. President, I move to reconsider the vote.

Mr. PRYOR. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

ROBERTS MOTION TO COMMIT

The PRESIDING OFFICER. There is now 2 minutes equally divided before the vote with respect to the Roberts motion to commit.

The junior Senator from Kansas.

Mr. ROBERTS. Thank you, Mr. President.

This motion commits the bill back to the Finance Committee with instructions to repeal “the four rationers” of health care reform. These four horsemen of the rationing apocalypse are the Patient Center Outcomes Research Institute, already conducting research that will be used to deny coverage and ration care; the CMS Innovation Center, which will grant new powers to CMS—that should be a pleasant thought by any beleaguered hospital administrator—the U.S. Preventive Services Task Force, which is given new powers—that is the outfit that said women should not have mammograms until age 50—wonderful—and the Independent Payment Advisory Board, vested with extraordinary power to set Medicare payment rates and make policy decisions.

These rationers comprise the infrastructure for the “Brave New World” of big government intrusion into health care decisions of all Americans, and they must be repealed.

Start over. Put patient care first. Get them back in the corral. Support the amendment.

The PRESIDING OFFICER. The Senator’s time has expired.

The Senator from Montana.

Mr. BAUCUS. Mr. President, saying it doesn’t make it so. It is not at all as it has been described.

We very much in this country have to work to control health care costs. Doctors and hospitals—especially doctors—want to practice evidence-based medicine, even more than they do now. They want the evidence. They want the information. They want to know which procedures and medicine, et cetera, work better than others. These commissions will help them get that information. Then, they make the decisions alone, independently, with their patients as to what to do. But they want more evidence so they can make more evidence-based decisions.

Second, I am not going to sugarcoat it. This independent advisory board is very important to help improve quality of care and to control costs. It does have some teeth in it. But I say to my colleagues, if we really want to do something about health care costs in this country, this is a start. CBO says this does score positively. I, therefore, move to table the motion, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be.

The question is on agreeing to the motion to table the motion to commit.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. BYRD) and the Senator from Maryland (Ms. MIKULSKI) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Missouri (Mr. BOND) and the Senator from Georgia (Mr. ISAKSON).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 59, nays 37, as follows:

[Rollcall Vote No. 86 Leg.]

YEAS—59

Akaka	Franken	Nelson (NE)
Baucus	Gillibrand	Nelson (FL)
Bayh	Hagan	Pryor
Begich	Harkin	Reed
Bennet	Inouye	Reid
Bingaman	Johnson	Rockefeller
Boxer	Kaufman	Sanders
Brown (OH)	Kerry	Schumer
Burris	Klobuchar	Shaheen
Cantwell	Kohl	Snowe
Cardin	Landrieu	Specter
Carper	Lautenberg	Stabenow
Casey	Leahy	Tester
Collins	Levin	Udall (CO)
Conrad	Lieberman	Udall (NM)
Dodd	Lincoln	Warner
Dorgan	McCaskill	Webb
Durbin	Menendez	Whitehouse
Feingold	Merkley	Wyden
Feinstein	Murray	

NAYS—37

Alexander	Cornyn	Johanns
Barrasso	Crapo	Kyl
Bennett	DeMint	LeMieux
Brown (MA)	Ensign	Lugar
Brownback	Enzi	McCain
Bunning	Graham	McConnell
Burr	Grassley	Murkowski
Chambliss	Gregg	Risch
Coburn	Hatch	Roberts
Cochran	Hutchison	
Corker	Inhofe	

Sessions	Thune	Voinovich
Shelby	Vitter	Wicker

NOT VOTING—4

Bond	Isakson
Byrd	Mikulski

The motion was agreed to.

Mr. REID. I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. REID. Mr. President, we have finished the first tranche of amendments and motions, some 23 in number, all of which were amendments pending at the end of the 20 hours. I think it is time we pause for a minute and find out where we are and where we need to go.

First of all, I congratulate the entire Senate. I think the decorum of the Senate has been maintained in the highest standards. The debate has been good. I especially appreciate the work of the staff, the professionals they always are.

We have handled, as I indicated, 23 amendments and motions. Not a single one has been adopted. All of the amendments and motions have been offered by the minority, which is their right. The average, according to CRS, number of amendments offered during this same type of proceeding is 21. We are two over that now.

I want, of course, to congratulate my friend, Senator GREGG, who has managed these budget-type proceedings on many occasions and is always a gentleman, easy to work with. There could have been a lot of controversy. There has been none. There has been no reading of amendments. There has been agreement that time would be allowed to speak on behalf of amendments.

I think, though—I am speaking to my chairs: HARKIN, BAUCUS, DODD, CONRAD—they agree unanimously we need to just continue. The House of Representatives worked all weekend moving this issue along, and I think we need to move this along and find out if they have to take any action on this tomorrow, which is today.

I say to my colleague, my counterpart, the Republican leader, through the Chair that I think we would like to know what the plans are. We are not going to offer any amendments. We would like to know if there is some indication from the Republican side as to how many more amendments we are going to deal with this morning.

The PRESIDING OFFICER. The Republican leader is recognized.

Mr. MCCONNELL. Mr. President, I say to my friend the majority leader, I agree, I think the process has been well handled today. The top number of amendments that have been offered on past reconciliation bills is 53. We have offered 23.

We have had a number of discussions off the floor, I say for the benefit of everyone in the Chamber, about some

process to complete this bill and to complete the next bill that will be brought up by the majority after we finish this bill. I think there is a chance we might be able to reach some agreement on the disposition of this bill and that bill. I think we should continue to discuss it. I will be happy to continue those discussions with the majority leader. In the meantime, it strikes me we can either continue voting tonight or we could set a reasonable time in the morning after everybody has had a chance to get some sleep, continue voting and discussing and see if we can't wrap up both this measure and the next one in the not too distant future.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. REID. Mr. President, my focus is on this legislation, and I know there are other things we have to deal with before we leave, but I am not concerned about those at this stage. I want to finish this legislation, and I want to do that as quickly as we can.

So I would ask that we just proceed. I hope there aren't that many more amendments, but we are here for the duration.

I would note—and I am certainly in no way trying to denigrate those amendments that have been offered, but we have to understand that not a single one has been adopted. I don't know what we are trying to accomplish. We have listened intently. Most of the comments from our side have been from the chairman of the Finance Committee because most of these issues deal with the jurisdiction he has. But it is very clear there is no attempt to improve the bill. There is an attempt to destroy this bill.

We already have a law in place. It is the bill that we passed on Christmas Eve 2009. That is the law of this land. This is a matter to improve that, and I have to suggest that we are going to continue down this road. I am not sure it is a good picture for the American people, to have all these amendments and not a single one of them having enough votes to pass, but that judgment is not mine. We are here to try to move this along.

The House of Representatives is waiting for us to act, as we speak. I think they have proven they are willing to work hard, as indicated this past weekend and over the last several weeks. So let's continue forward in the same spirit we have gotten this far. But I would hope that my friends understand I think it would be to the benefit of most everyone if we could get out of here at a decent hour today. If it is not, if we are going to keep going, that is the way it is. I am an old marathoner, and getting older every day.

The PRESIDING OFFICER. The Republican leader is recognized.

Mr. MCCONNELL. I would just add that there are some obvious disadvantages

to the minority to be in a reconciliation contest, but one of the advantages is that we have had more amendment votes today than we had in the entire month of December on the previous health care bill. So the majority leader may not think we are serious about changing the bill, but we would like to change the bill. And with a little help from our friends on the other side, we could improve this bill significantly.

But rather than subject all of our Members to listening to the majority leader and myself go back and forth, I would simply suggest it might be a better use of his and my time for us to continue the discussions we have been having off the floor, continue to offer the amendments, and see if we can reach an accommodation that satisfies both sides. Maybe the best way to do that would be for Senator REID and myself to continue our discussions while we will keep voting, if that is what the majority would like.

The PRESIDING OFFICER. The junior Senator from Kentucky is recognized.

AMENDMENT NO. 3681

Mr. BUNNING. Mr. President, I would like to call up Bunning amendment No. 3681.

The PRESIDING OFFICER. The clerk will report the amendment.

The bill clerk read as follows:

The Senator from Kentucky [Mr. BUNNING] proposes an amendment numbered 3681.

Mr. BUNNING. Mr. President, I ask unanimous consent to dispense with the reading of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To allow individuals to elect to opt out of the Medicare part A benefits)

At the end of subtitle B of title I, add the following:

SEC. ____ ALLOWING INDIVIDUALS TO ELECT TO OPT OUT OF THE MEDICARE PART A BENEFIT.

Notwithstanding any other provision of law, in the case of an individual who elects to opt out of benefits under part A of title XVIII of the Social Security Act, such individual shall not be required to—

(1) opt out of benefits under title II of such Act as a condition for making such election; and

(2) repay any amount paid under such part A for items and services furnished prior to making such election.

The PRESIDING OFFICER. The Senator has 1 minute.

Mr. BUNNING. Mr. President, I rise to offer a very important amendment to many of our seniors. My amendment would allow individuals to voluntarily opt out of Medicare Part A benefits. Right now, if you don't want to have Medicare Part A, you have to forego Social Security checks and you also have to repay any Medicare benefits that have been paid on your behalf. I don't think that is fair.

If a senior doesn't want Part A, they shouldn't be forced to take it. My

amendment says that anyone who opts out of Part A will not have to give up their Social Security benefits and would not have to repay Medicare payments that have already been made on their behalf. This amendment does not allow anyone to opt out of paying their Medicare taxes. Instead, it just allows them to not take Medicare benefits without being penalized.

I think this is a fairness issue, and I hope Members can support it.

The PRESIDING OFFICER. The time has expired.

The senior Senator from Montana is recognized.

Mr. BAUCUS. Mr. President, since 1965, Medicare has provided security and health to millions of seniors. Along with Social Security, it is one of the two most successful and best social programs this country has adopted. Now, after 45 years of success, what does this amendment seek to do? It seeks to undermine the foundation of our social insurance program.

It is a two-tiered system. The wealthy can take care of themselves. Then, when they leave Medicare, it leaves a second-class seniors health care system remaining in Medicare. It is unthinkable, frankly, that we would have a two-tiered system for our seniors under Medicare. I therefore move to table the Bunning amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. BYRD) is necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Missouri (Mr. BOND) and the Senator from Georgia (Mr. ISAKSON).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 61, nays 36, as follows:

[Rollcall Vote No. 87 Leg.]

YEAS—61

Akaka	Feinstein	Merkley
Baucus	Franken	Mikulski
Bayh	Gillibrand	Murray
Begich	Hagan	Nelson (NE)
Bennet	Harkin	Nelson (FL)
Bingaman	Inouye	Pryor
Boxer	Johnson	Reed
Brown (OH)	Kaufman	Reid
Burr	Kerry	Rockefeller
Cantwell	Klobuchar	Sanders
Cardin	Kohl	Schumer
Carper	Landrieu	Shaheen
Casey	Lautenberg	Snowe
Collins	Leahy	Specter
Conrad	Levin	Stabenow
Dodd	Lieberman	Tester
Dorgan	Lincoln	Udall (CO)
Durbin	McCaskill	Udall (NM)
Feingold	Menendez	

Voinovich
Warner

Webb
Whitehouse

Wyden

NAYS—36

Alexander
Barrasso
Bennett
Brown (MA)
Brownback
Bunning
Burr
Chambliss
Coburn
Cochran
Corker
Cornyn

Crapo
DeMint
Ensign
Enzi
Graham
Grassley
Gregg
Hatch
Hutchison
Inhofe
Johanns
Kyl

LeMieux
Lugar
McCain
McConnell
Murkowski
Risch
Roberts
Sessions
Shelby
Thune
Vitter
Wicker

NOT VOTING—3

Bond Byrd Isakson

The motion was agreed to.

Mr. CONRAD. Mr. President, I move to reconsider the vote, and I move to lay that motion on the table.

AMENDMENT NO. 3699

Mr. GRASSLEY. I send an amendment to the desk and ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Iowa [Mr. GRASSLEY], proposes an amendment numbered 3699.

Mr. GRASSLEY. I ask unanimous consent that reading of the amendment be dispensed with.

Mr. BAUCUS. Mr. President, I object. I object.

The PRESIDING OFFICER. The Senator from Montana objects.

The assistant legislative clerk continued with the reading of the amendment.

Mr. BAUCUS. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide a temporary extension of certain programs)

At the end of the bill, insert:

TITLE III—TEMPORARY EXTENSION OF CERTAIN PROGRAMS

SEC. 300. SHORT TITLE.

This title may be cited as the “Continuing Extension Act of 2010”.

SEC. 301. EXTENSION OF UNEMPLOYMENT INSURANCE PROVISIONS.

(a) IN GENERAL.—(1) Section 4007 of the Supplemental Appropriations Act, 2008 (Public Law 110–252; 26 U.S.C. 3304 note) is amended—

(A) by striking “April 5, 2010” each place it appears and inserting “May 5, 2010”;

(B) in the heading for subsection (b)(2), by striking “APRIL 5, 2010” and inserting “MAY 5, 2010”;

(C) in subsection (b)(3), by striking “September 4, 2010” and inserting “October 2, 2010”.

(2) Section 2002(e) of the Assistance for Unemployed Workers and Struggling Families Act, as contained in Public Law 111–5 (26 U.S.C. 3304 note; 123 Stat. 438), is amended—

(A) in paragraph (1)(B), by striking “April 5, 2010” and inserting “May 5, 2010”;

(B) in the heading for paragraph (2), by striking “APRIL 5, 2010” and inserting “MAY 5, 2010”;

(C) in paragraph (3), by striking “October 5, 2010” and inserting “November 5, 2010”.

(3) Section 2005 of the Assistance for Unemployed Workers and Struggling Families Act, as contained in Public Law 111–5 (26 U.S.C. 3304 note; 123 Stat. 444), is amended—

(A) by striking “April 5, 2010” each place it appears and inserting “May 5, 2010”; and

(B) in subsection (c), by striking “September 4, 2010” and inserting “October 2, 2010”.

(4) Section 5 of the Unemployment Compensation Extension Act of 2008 (Public Law 110–449; 26 U.S.C. 3304 note) is amended by striking “September 4, 2010” and inserting “October 2, 2010”.

(b) FUNDING.—Section 4004(e)(1) of the Supplemental Appropriations Act, 2008 (Public Law 110–252; 26 U.S.C. 3304 note) is amended—

(1) in subparagraph (C), by striking “and” at the end;

(2) by inserting after subparagraph (D) the following new subparagraph:

“(E) the amendments made by section 2(a)(1) of the Continuing Extension Act of 2010; and”.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the amendments made by section 2 of the Temporary Extension Act of 2010 (Public Law 111–144).

SEC. 302. EXTENSION AND IMPROVEMENT OF PREMIUM ASSISTANCE FOR COBRA BENEFITS.

Subsection (a)(3)(A) of section 3001 of division B of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5), as amended by section 3(a) of the Temporary Extension Act of 2010 (Public Law 111–144), is amended by striking “March 31, 2010” and inserting “April 30, 2010”.

SEC. 303. INCREASE IN THE MEDICARE PHYSICIAN PAYMENT UPDATE.

Paragraph (10) of section 1848(d) of the Social Security Act, as added by section 1011(a) of the Department of Defense Appropriations Act, 2010 (Public Law 111–118) and as amended by section 5 of the Temporary Extension Act of 2010 (Public Law 111–144), is amended—

(1) in subparagraph (A), by striking “March 31, 2010” and inserting “April 30, 2010”; and

(2) in subparagraph (B), by striking “April 1, 2010” and inserting “May 1, 2010”.

SEC. 304. EHR CLARIFICATION.

(a) QUALIFICATION FOR CLINIC-BASED PHYSICIANS.—

(1) MEDICARE.—Section 1848(o)(1)(C)(ii) of the Social Security Act (42 U.S.C. 1395w–4(o)(1)(C)(ii)) is amended by striking “setting (whether inpatient or outpatient)” and inserting “inpatient or emergency room setting”.

(2) MEDICAID.—Section 1903(t)(3)(D) of the Social Security Act (42 U.S.C. 1396b(t)(3)(D)) is amended by striking “setting (whether inpatient or outpatient)” and inserting “inpatient or emergency room setting”.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall be effective as if included in the enactment of the HITECH Act (included in the American Recovery and Reinvestment Act of 2009 (Public Law 111–5)).

(c) IMPLEMENTATION.—Notwithstanding any other provision of law, the Secretary of Health and Human Services may implement the amendments made by this section by program instruction or otherwise.

SEC. 305. ELIMINATION OF A SWEETHEART DEAL THAT INCREASES MEDICARE REIMBURSEMENT JUST FOR FRONTIER STATES.

Effective as if included in the enactment of the Patient Protection and Affordable Care

Act, section 10324 of such Act (and the amendments made by such section) is repealed.

SEC. 306. EXTENSION OF USE OF 2009 POVERTY GUIDELINES.

Section 1012 of the Department of Defense Appropriations Act, 2010 (Public Law 111–118), as amended by section 7 of the Temporary Extension Act of 2010 (Public Law 111–144), is amended by striking “March 31, 2010” and inserting “April 30, 2010”.

SEC. 307. EXTENSION OF NATIONAL FLOOD INSURANCE PROGRAM.

(a) EXTENSION.—Section 129 of the Continuing Appropriations Resolution, 2010 (Public Law 111–68), as amended by section 8 of Public Law 111–144, is amended by striking “by substituting” and all that follows through the period at the end and inserting “by substituting April 30, 2010, for the date specified in each such section.”.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall be considered to have taken effect on February 28, 2010.

SEC. 308. SATELLITE TELEVISION EXTENSION.

(a) AMENDMENTS TO SECTION 119 OF TITLE 17, UNITED STATES CODE.—

(1) IN GENERAL.—Section 119 of title 17, United States Code, is amended—

(A) in subsection (c)(1)(E), by striking “March 28, 2010” and inserting “April 30, 2010”; and

(B) in subsection (e), by striking “March 28, 2010” and inserting “April 30, 2010”.

(2) TERMINATION OF LICENSE.—Section 1003(a)(2)(A) of Public Law 111–118 is amended by striking “March 28, 2010”, and inserting “April 30, 2010”.

(b) AMENDMENTS TO COMMUNICATIONS ACT OF 1934.—Section 325(b) of the Communications Act of 1934 (47 U.S.C. 325(b)) is amended—

(1) in paragraph (2)(C), by striking “March 28, 2010” and inserting “April 30, 2010”; and

(2) in paragraph (3)(C), by striking “March 29, 2010” each place it appears in clauses (ii) and (iii) and inserting “May 1, 2010”.

SEC. 309. COMPENSATION AND RATIFICATION OF AUTHORITY RELATED TO LAPSE IN HIGHWAY PROGRAMS.

(a) COMPENSATION FOR FEDERAL EMPLOYEES.—Any Federal employees furloughed as a result of the lapse in expenditure authority from the Highway Trust Fund after 11:59 p.m. on February 28, 2010, through March 2, 2010, shall be compensated for the period of that lapse at their standard rates of compensation, as determined under policies established by the Secretary of Transportation.

(b) RATIFICATION OF ESSENTIAL ACTIONS.—All actions taken by Federal employees, contractors, and grantees for the purposes of maintaining the essential level of Government operations, services, and activities to protect life and property and to bring about orderly termination of Government functions during the lapse in expenditure authority from the Highway Trust Fund after 11:59 p.m. on February 28, 2010, through March 2, 2010, are hereby ratified and approved if otherwise in accord with the provisions of the Continuing Appropriations Resolution, 2010 (division B of Public Law 111–68).

(c) FUNDING.—Funds used by the Secretary to compensate employees described in subsection (a) shall be derived from funds previously authorized out of the Highway Trust Fund and made available or limited to the Department of Transportation by the Consolidated Appropriations Act, 2010 (Public Law 111–117) and shall be subject to the obligation limitations established in such Act.

(d) EXPENDITURES FROM HIGHWAY TRUST FUND.—To permit expenditures from the

Highway Trust Fund to effectuate the purposes of this section, this section shall be deemed to be a section of the Continuing Appropriations Resolution, 2010 (division B of Public Law 111-68), as in effect on the date of the enactment of the last amendment to such Resolution.

SEC. 310. USE OF STIMULUS FUNDS TO OFFSET SPENDING.

The unobligated balance of each amount appropriated or made available under the American Recovery and Reinvestment Act of 2009 (Public Law 111-5) (other than under title X of division A of such Act) is rescinded pro rata such that the aggregate amount of such rescissions equals \$9,200,000,000 in order to offset the net increase in spending resulting from the provisions of, and amendments made by, sections 2 through 10. The Director of the Office of Management and Budget shall report to each congressional committee the amounts so rescinded within the jurisdiction of such committee.

SEC. 311. ELIMINATION OF ADVANCE REFUNDABILITY OF EARNED INCOME CREDIT.

(a) IN GENERAL.—Section 3507, subsection (g) of section 32, and paragraph (7) of section 6051(a) are repealed.

(b) CONFORMING AMENDMENTS.—

(1) Section 6012(a) is amended by striking paragraph (8) and by redesignating paragraph (9) as paragraph (8).

(2) Section 6302 is amended by striking subsection (i).

(c) EFFECTIVE DATE.—The repeals and amendments made by this section shall apply to taxable years beginning after December 31, 2010.

The PRESIDING OFFICER. The Senator from Iowa is recognized for 1 minute.

Mr. GRASSLEY. This amendment is based largely on the extenders package that passed the House last week. It includes a 30-day extension for unemployment insurance, COBRA coverage, and the SGR Medicare physicians payment fix. It includes provisions on Federal poverty guidelines, national flood insurance, satellite television and compensation for highway programs.

There is one very important difference between my amendment and the House bill. My amendment is fully offset. We can do this without adding to the deficit. I urge its passage and reserve the remainder of my time.

The PRESIDING OFFICER. The senior Senator from Montana is recognized.

Mr. BAUCUS. Mr. President, there is discussion in progress on how to deal with extenders that is ongoing with the majority leader and minority leader. In fact, the minority leader referred to it when he spoke just about a half hour ago. I think it is best to continue that process. More important, I think, this amendment is a killer amendment designed to send the reconciliation bill back to the House and let it go all over again. It is paid for by repealing some stimulus dollars. It is paid for by cutting back on the fundability of the EITC—clearly nonstarters. I might say, too, there are other pay-fors in here that are not going to fly, frankly.

I raise a point of order the Grassley amendment violates section 313(b)(1)(C) of the Congressional Budget Act.

Mr. GRASSLEY. Do I have time left? The PRESIDING OFFICER. The Senator from Iowa has 20 seconds.

Mr. GRASSLEY. Yes? Mr. President, let's wake up. This has to be passed. It has to be passed before the end. One of the problems we always have is that it is not offset. It was included in the Baucus-Grassley bill way back in February. The leader had the chutzpah to dump his own chairman aside and go ahead with a partisan bill. Then the other side complained about the Bunning filibuster, and we have an opportunity now to avoid all that. We ought to avoid it and move on.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. BAUCUS. I raise the point of order that the Grassley amendment violates section 313(b)(1)(C) of the Congressional Budget Act.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, pursuant to section 904 of the Congressional Budget Act of 1974 and section 4(g)(3) of the statutory pay-as-you-go act of 2010, I move to waive all applicable provisions of those acts and applicable budget resolutions for purposes of my amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second. The question is on agreeing to the motion. The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. BYRD) and the Senator from New Jersey (Mr. LAUTENBERG) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Missouri (Mr. BOND) and the Senator from Georgia (Mr. ISAKSON).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 40, nays 56, as follows:

[Rollcall Vote No. 88 Leg.]

YEAS—40

Alexander	DeMint	McConnell
Barrasso	Ensign	Murkowski
Bennett	Enzi	Nelson (NE)
Brown (MA)	Graham	Risch
Brownback	Grassley	Roberts
Bunning	Gregg	Sessions
Burr	Hatch	Shelby
Chambliss	Hutchison	Snowe
Coburn	Inhofe	Thune
Cochran	Johanns	Vitter
Collins	Kyl	Voinovich
Corker	LeMieux	Wicker
Cornyn	Lugar	
Crapo	McCain	

NAYS—56

Akaka	Cantwell	Feinstein
Baucus	Cardin	Franken
Bayh	Carper	Gillibrand
Begich	Casey	Hagan
Bennet	Conrad	Harkin
Bingaman	Dodd	Inouye
Boxer	Dorgan	Johnson
Brown (OH)	Durbin	Kaufman
Burr	Feingold	Kerry

Klobuchar	Mikulski	Specter
Kohl	Murray	Stabenow
Landrieu	Nelson (FL)	Tester
Leahy	Pryor	Udall (CO)
Levin	Reed	Udall (NM)
Lieberman	Reid	Warner
Lincoln	Rockefeller	Webb
McCaskill	Sanders	Whitehouse
Menendez	Schumer	Wyden
Merkley	Shaheen	

NOT VOTING—4

Bond	Isakson
Byrd	Lautenberg

The PRESIDING OFFICER. On this vote, the yeas are 40, the nays are 56. Three-fifths of the Senators duly chosen and sworn having not voted in the affirmative, the motion is not agreed to, the point of order is sustained, and the amendment falls.

Mr. REID. Mr. President, I move to reconsider the vote and lay that motion upon the table.

The motion to lay upon the table was agreed to.

The PRESIDING OFFICER. The junior Senator from Utah is recognized.

AMENDMENT NO. 3568

Mr. BENNETT. I call up my amendment No. 3568.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Utah [Mr. BENNETT], for himself, Mr. WICKER, Mr. BROWNBACK, Mr. HATCH, Mr. ROBERTS, Mr. INHOFE, and Mr. CORNYN, proposes an amendment numbered 3568.

Mr. BENNETT. I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To protect the democratic process and the right of the people of the District of Columbia to define marriage)

At the end of subtitle B of title I, add the following:

SEC. _____. RIGHT OF THE PEOPLE OF THE DISTRICT OF COLUMBIA TO DEFINE MARRIAGE.

(a) FINDINGS.—Congress finds that—

(1) a broad coalition of residents of the District of Columbia petitioned for an initiative in accordance with the District of Columbia Home Rule Act to establish that “only marriage between a man and a woman is valid or recognized in the District of Columbia”;

(2) this petition anticipated the Council of the District of Columbia’s passage of an Act legalizing same-sex marriage;

(3) the unelected District of Columbia Board of Elections and Ethics and the unelected District of Columbia Superior Court thwarted the residents’ initiative effort to define marriage democratically, holding that the initiative amounted to discrimination prohibited by the District of Columbia Human Rights Act; and

(4) the definition of marriage affects every person and should be debated openly and democratically.

(b) REFERENDUM OR INITIATIVE REQUIREMENT.—Notwithstanding any other provision of law, including the District of Columbia Human Rights Act, the government of the District of Columbia shall immediately suspend the issuance of marriage licenses to any couple of the same sex until the people of the

District of Columbia have the opportunity to hold a referendum or initiative on the question of whether the District of Columbia should issue same-sex marriage licenses.

Mr. BENNETT. Mr. President, with eight other cosponsors, we have offered a bill that would allow the people of the District of Columbia to exercise the same right that has been exercised by 31 States with respect to the issue of whether there would be gay marriage in their jurisdiction.

This bill does not take any position with respect to gay marriage, simply allows the District to hold a referendum. The Home Rule Charter, which is a constitution for the District, guarantees the people the right to challenge acts passed by the District Council by referendum, and the District Council has repeatedly ignored that right. It is in an effort to restore that that we offer this amendment.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, no matter where you are on the issue of marriage, no matter where you are on the issue of DC home rule, we ought to be able to agree that neither issue has anything to do with this bill, neither one. Therefore, I raise a point of order that the amendment is not germane and thus violates section 305(b)(2) of the Congressional Budget Act.

Mr. BENNETT. Pursuant to section 904 of the Congressional Budget Act of 1974 and section 4(g)(3) of the statutory Pay-as-you-go Act of 2010, I move to waive all applicable sections of those acts and applicable budget resolutions for purposes of my amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be.

The question is on agreeing to the motion.

The yeas and nays have been ordered.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. BYRD) and the Senator from New Jersey (Mr. LAUTENBERG) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Missouri (Mr. BOND), the Senator from Georgia (Mr. ISAKSON), and the Senator from Ohio (Mr. VOINOVICH).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 36, nays 59, as follows:

[Rollcall Vote No. 89 Leg.]

YEAS—36

Alexander	Cochran	Gregg
Barraso	Corker	Hatch
Bennett	Cornyn	Hutchison
Brown (MA)	Crapo	Inhofe
Brownback	DeMint	Johanns
Bunning	Ensign	Kyl
Burr	Enzi	LeMieux
Chambliss	Graham	Lugar
Coburn	Grassley	McCain

McConnell
Murkowski
Risch

Roberts
Sessions
Shelby

Thune
Vitter
Wicker

NAYS—59

Akaka
Baucus
Bayh
Begich
Bennet
Bingaman
Boxer
Brown (OH)
Burris
Cantwell
Cardin
Carper
Casey
Collins
Conrad
Dodd
Dorgan
Durbin
Feingold
Feinstein

Franken
Gillibrand
Hagan
Harkin
Inouye
Johnson
Kaufman
Kerry
Klobuchar
Kohl
Landrieu
Leahy
Levin
Lieberman
Lincoln
McCaskill
Menendez
Merkley
Mikulski
Murray

Nelson (NE)
Nelson (FL)
Pryor
Reed
Reid
Rockefeller
Sanders
Schumer
Shaheen
Snowe
Specter
Stabenow
Tester
Udall (CO)
Udall (NM)
Warner
Webb
Whitehouse
Wyden

NOT VOTING—5

Bond
Byrd

Isakson
Lautenberg

Voinovich

The PRESIDING OFFICER. On this vote, the yeas 36, the nays are 59. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected. The point of order is sustained, and the amendment falls.

The senior Senator from New Hampshire is recognized.

Mr. GREGG. Mr. President, just so people know, on our side the order we are going to proceed on is that the next amendment will be by the Senator from Idaho, followed by the Senator from Texas, followed by the Senator from Louisiana, then the Senator from South Carolina, and then the Senator from Oklahoma. That is the next group of five amendments.

The PRESIDING OFFICER. The junior Senator from Idaho is recognized.

Mr. RISCH. Oh, thank you so much, Mr. President.

AMENDMENT NO. 3645

I call up amendment No. 3645 and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Idaho [Mr. RISCH], for himself, and Mr. CRAPO, proposes an amendment numbered 3645.

Mr. RISCH. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To repeal the limitation on itemized medical expense deductions)

At the end of subtitle E of title I, insert the following:

SECTION . REPEAL OF LIMITATION ON ITEMIZED DEDUCTIONS FOR MEDICAL EXPENSES.

(a) IN GENERAL.—Section 9013 of the Patient Protection and Affordable Care Act is hereby repealed effective as of the date of the enactment of such Act and any provisions of law amended by such section are amended to read as such provisions would read if such section had never been enacted.

(b) EXPANSION OF AFFORDABILITY EXCEPTION TO INDIVIDUAL MANDATE.—Section

5000A(e)(1)(A) of the Internal Revenue Code of 1986, as added by section 1501(b) of the Patient Protection and Affordable Care Act and amended by section 10106 of such Act, is amended by striking “8 percent” and inserting “5 percent”.

(c) APPLICATION OF PROVISION.—The amendment made by subsection (b) shall apply as if included in the Patient Protection and Affordable Care Act.

The PRESIDING OFFICER. The Senator from Idaho is recognized for 1 minute.

Mr. RISCH. Thank you, Mr. President.

Fellow Senators, I cannot imagine anyone wanting to vote against this amendment. Let me tell you what we have here. It is very simple. Apparently, you made an error when you drafted the original bill because what you did was you levied a tax on people who make less than \$200,000 a year. Very simply, what this amendment does is it corrects that.

Right now, under the bill the President signed on Monday, it raised the threshold to 10 percent from 7.5 percent at which you can deduct medical expenses. That tax falls on the most vulnerable people in America—mostly the elderly, mostly very low income. And it raises taxes on 14.7 million people who make less than \$200,000 a year. The President of the United States said—he told us, he committed—he would not raise taxes on people who make less than \$200,000 a year. I am sure he was just confused when he signed the bill on Monday.

Let's adopt this amendment and get the bill corrected.

Thank you, Mr. President. I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator's time has expired.

The Senator from Montana.

Mr. BAUCUS. Mr. President, the goal of health care reform is to increase coverage so more people have health insurance. That is the goal of health care reform. What does this amendment do? It goes in the opposite direction. Compared with the bill that was just signed by the President, this amendment will cause many more people to lose health insurance. Why? Because it lowers the income threshold from 8 percent down to 5 percent. That is going to mean fewer Americans get tax credits to pay for health insurance. That means fewer Americans are going to have health insurance compared with current law. That is the main reason we should vote against this amendment, because it expands the number of people who are uninsured rather than expand the number of people who would be insured.

The provision the Senator talks about, frankly, was changed under current law because with health insurance people have less need for that deduction and less need for catastrophic coverage because health insurance will not pay for it.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. BAUCUS. Mr. President, I move to table the Risch amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. BYRD) and the Senator from New Jersey (Mr. LAUTENBERG) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Missouri (Mr. BOND), the Senator from Georgia (Mr. ISAKSON), and the Senator from Ohio (Mr. VOINOVICH).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 55, nays 40, as follows:

[Rollcall Vote No. 90 Leg.]

YEAS—55

Akaka	Gillibrand	Nelson (FL)
Baucus	Hagan	Pryor
Begich	Harkin	Reed
Bennet	Inouye	Reid
Bingaman	Johnson	Rockefeller
Boxer	Kaufman	Sanders
Brown (OH)	Kerry	Schumer
Burris	Klobuchar	Shaheen
Cantwell	Kohl	Specter
Cardin	Landrieu	Stabenow
Carper	Leahy	Tester
Casey	Levin	Udall (CO)
Conrad	Lieberman	Udall (NM)
Dodd	McCaskill	Warner
Dorgan	Menendez	Webb
Durbin	Merkley	Whitehouse
Feingold	Mikulski	Wyden
Feinstein	Murray	
Franken	Nelson (NE)	

NAYS—40

Alexander	Crapo	Lugar
Barrasso	DeMint	McCain
Bayh	Ensign	McConnell
Bennett	Enzi	Murkowski
Brown (MA)	Graham	Risch
Brownback	Grassley	Roberts
Bunning	Gregg	Sessions
Burr	Hatch	Shelby
Chambliss	Hutchison	Snowe
Coburn	Inhofe	Thune
Cochran	Johanns	Vitter
Collins	Kyl	Wicker
Corker	LeMieux	
Cornyn	Lincoln	

NOT VOTING—5

Bond	Isakson	Voinovich
Byrd	Lautenberg	

The motion was agreed to.

The PRESIDING OFFICER. The senator from Texas.

AMENDMENT NO. 3635

Mrs. HUTCHISON. Mr. President, I call up amendment No. 3635 and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Texas [Mrs. HUTCHISON] proposes an amendment numbered 3635.

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that the read-

ing of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To repeal the sunset on marriage penalty relief and to make the election to deduct State and local sales taxes permanent)

At the end of subtitle F of title I, add the following:

SEC. 15. PERMANENT TAX RELIEF PROVISIONS.

(a) REPEAL OF SUNSET ON MARRIAGE PENALTY RELIEF.—Title IX of the Economic Growth and Tax Relief Reconciliation Act of 2001 (relating to sunset of provisions of such Act) shall not apply to sections 301, 302, and 303(a) of such Act (relating to marriage penalty relief).

(b) PERMANENT EXTENSION OF ELECTION TO DEDUCT STATE AND LOCAL SALES TAXES.—Subparagraph (I) of section 164(b)(5) of the Internal Revenue Code of 1986 is amended by striking “, and before January 1, 2010”.

(c) RESCISSION OF STIMULUS FUNDS.—Any amounts appropriated or made available and remaining unobligated under division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5; 123 Stat. 115) (other than under title X of such division A), are hereby rescinded.

The PRESIDING OFFICER. The Senator from Texas is recognized for 1 minute.

Mrs. HUTCHISON. Mr. President, this is a very simple amendment. It would just make relief from the marriage penalty and the sales tax deduction permanent. If we don't act, people across our country are going to start getting the marriage penalty tax once again. This was corrected under previous tax law, but that is going out of existence at the end of this year. Sales tax deduction is something that affects eight States that do not have a State income tax. It just gives people everywhere in America, if they have either an income tax or a sales tax, the ability to choose what they deduct from their Federal income taxes.

We need to make this law permanent, and I hope everyone will support this amendment.

The PRESIDING OFFICER. The Senator's time has expired.

The Senator from Montana.

Mr. BAUCUS. Mr. President, I would remind my colleagues that the Hutchison amendment uses as its offset rolling back the Recovery Act; that is, rolling back stimulus funds. That is taking stimulus funds to permanently pay for the marriage penalty relief as well as sales tax relief.

With unemployment as high as it is, hovering around 10 percent, it makes no sense to cut back stimulus dollars. Stimulus dollars are a proven job creator. All mainstream economists and the CBO tell us that.

I think we should continue to create jobs by using the stimulus dollars. I, therefore, urge my colleagues to not support the Hutchison amendment.

In addition to that, there are funds not within the jurisdiction of rec-

onciled committees. For that reason, I raise a point of order that the Hutchison amendment violates section 313(B)(1)(C) of the Congressional Budget Act.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Pursuant to section 904 of the Congressional Budget Act of 1974 and section 4(g)(3) of the Statutory Pay-As-You-Go Act of 2010, I move to waive all applicable sections of those acts and applicable budget resolutions for purposes of my amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. BYRD) and the Senator from New Jersey (Mr. LAUTENBERG) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Missouri (Mr. BOND), the Senator from Georgia (Mr. ISAKSON), and the Senator from Ohio (Mr. VOINOVICH).

The PRESIDING OFFICER (Mr. FRANKEN). Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 40, nays 55, as follows:

[Rollcall Vote No. 91 Leg.]

YEAS—40

Alexander	Cornyn	McCain
Barrasso	Crapo	McConnell
Bayh	DeMint	Murkowski
Bennett	Ensign	Nelson (NE)
Brown (MA)	Enzi	Risch
Brownback	Graham	Roberts
Bunning	Grassley	Sessions
Burr	Hatch	Shelby
Cantwell	Hutchison	Snowe
Chambliss	Inhofe	Thune
Coburn	Johanns	Vitter
Cochran	Kyl	Wicker
Collins	LeMieux	
Corker	Lugar	

NAYS—55

Akaka	Gregg	Nelson (FL)
Baucus	Hagan	Pryor
Begich	Harkin	Reed
Bennet	Inouye	Reid
Bingaman	Johnson	Rockefeller
Boxer	Kaufman	Sanders
Brown (OH)	Kerry	Schumer
Burris	Klobuchar	Shaheen
Cardin	Kohl	Specter
Carper	Landrieu	Stabenow
Casey	Leahy	Tester
Conrad	Levin	Udall (CO)
Dodd	Lieberman	Udall (NM)
Dorgan	Lincoln	Warner
Durbin	McCaskill	Webb
Feingold	Menendez	Whitehouse
Feinstein	Merkley	Wyden
Franken	Mikulski	
Gillibrand	Murray	

NOT VOTING—5

Bond	Isakson	Voinovich
Byrd	Lautenberg	

The PRESIDING OFFICER. On this vote, the yeas are 40 and the nays are 55. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

The point of order is sustained, and the amendment falls.

The Senator from Louisiana.

AMENDMENT NO. 3668

Mr. VITTER. Mr. President, I call up amendment No. 3668 and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Louisiana [Mr. VITTER] proposes an amendment numbered 3668.

Mr. VITTER. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To increase women's access to breast cancer screenings)

At the end of subtitle F of title I, add the following:

SEC. 15. REFUNDS OF FEDERAL MOTOR FUEL EXCISE TAXES FOR FUEL USED IN MOBILE MAMMOGRAPHY VEHICLES.

(a) REFUNDS.—Section 6427 of the Internal Revenue Code of 1986 (relating to fuels not used for taxable purposes) is amended by inserting after subsection (f) the following new subsection:

“(g) FUELS USED IN MOBILE MAMMOGRAPHY VEHICLES.—Except as provided in subsection (k), if any fuel on which tax was imposed by section 4041 or 4081 is used in any highway vehicle designed exclusively to provide mobile mammography services to patients within such vehicle, the Secretary shall pay (without interest) to the ultimate purchaser of such fuel an amount equal to the aggregate amount of the tax imposed on such fuel.”.

(b) EXEMPTION FROM RETAIL TAX.—Section 4041 of such Code is amended by adding at the end the following new subsection:

“(n) FUELS USED IN MOBILE MAMMOGRAPHY VEHICLES.—No tax shall be imposed under this section on any liquid sold for use in, or used in, any highway vehicle designed exclusively to provide mobile mammography services to patients within such vehicle.”.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.

Mr. VITTER. Mr. President, a short time ago the distinguished majority leader urged there to be amendments to improve the bill, not to do any harm to the broader ObamaCare bill. This is exactly such an amendment.

This amendment would pass my Mobile Mammography Act, S. 2051. This amendment would allow mobile mammography units to purchase fuel without the Federal excise tax. This is exactly similar to an existing exemption for blood centers. These units are very important to give access to women for breast cancer screening. And this only scores \$1 million, so there is no significant budget impact. This does improve the bill. This does nothing to the underlying ObamaCare bill.

This reconciliation bill is already going back to the House, so I urge a bipartisan vote in support of this good idea.

I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. VITTER. Mr. President, I ask unanimous consent to have printed in the RECORD two letters relating to my amendment.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

LSU HEALTH SCIENCES CENTER,

October 23, 2009.

Re Mobile Mammography Promotion Act

HON. DAVID VITTER: I am writing in support of the Mobile Mammography Act which will eliminate the Federal Excise tax on fuel for mobile mammography vehicles. At the LSU Health Sciences Center in Shreveport, Feist-Weiller Cancer Center, this year we have put our mobile mammography vehicle into service. We perform free mammograms for the uninsured and underinsured in North Louisiana. As you know this is an expensive operation and fuel costs can be significant. Any savings in fuel cost will allow us to reach more patients in our service area.

Mobile Mammography is especially important in Louisiana, which according to 2005 SEER statistics has the highest breast cancer mortality of all the states. The rural areas in Louisiana are particularly underserved as 40% of the parishes in North Louisiana have no mammography facilities; and those parishes with mammography are often unaffordable to our lower income patients.

On behalf of the women in Louisiana, I applaud your efforts and support for a vital resource—mobile mammography.

Sincerely,

JERRY W. MCLARTY, PH.D.,
Professor of Medicine, Director,
Cancer Prevention & Control.

MOBILE HEALTH CLINICS NETWORK,

October 29, 2009.

HON. DAVID VITTER,

U.S. Senate, Hart Senate Office Building,
Washington, DC.

DEAR SENATOR VITTER: We are writing to support for your proposed amendment to the IRS Code of 1986 to allow refunds of Federal motor fuel excise taxes on fuels used in Mobile Mammography vehicles.

Most of the nearly 200 Mobile Mammography programs throughout the U.S. are non-profits organizations; many provide screenings for medically underserved women. In the past year, non-profits have been struggling due to the economic downturn, resulting in a decrease in donor dollars. Because of the downturn, there are also more and more Americans that need to access the services we provide, and it is very difficult to predict when the benevolence of Americans who can give will be restored to previous levels. Thus, every cost savings that we can realize makes a difference in our ability to continue the vital health services that we offer. The change that you propose to the tax code may be the difference between continued operations and closing services for some programs, and with Mobile Healthcare, our continuation gives us the opportunity to further impact lives, and in some cases, saving lives of Americans across the nation. We encourage the passage of this important amendment, cited as the “Mobile Mammography Promotion Act of 2009”.

It is our sincere hope that the impact from this change will be great enough to encourage you and your colleagues in the Senate and the House to consider expanding the application of the amendment to include all Mobile Healthcare programs. There are approximately 2,000 Mobile Health programs operating in the U.S., serving millions of

women, men, and children—many of whom have no other access to affordable preventive and primary care, mammography screenings, and oral healthcare. It is widely recognized that Mobile Healthcare programs yield improved health outcomes for the underserved and save the healthcare system billions of dollars.

Mobile Health Clinics Network (MHCN) is a nationwide, membership-based association of Mobile Health programs primarily operated by non-profit entities such as community health clinics, hospitals, and university schools of medicine, nursing and dentistry. MHCN completed its Fifth Annual Mobile Health Clinics Forum this past April, and we are pleased to send you (under separate mail) a copy of the official Program Binder. It will certainly offer you a view toward the breadth and scope of Mobile Healthcare programs that now operate in the U.S. and internationally.

On behalf of Mobile Mammography and Mobile Health clinics across the nation, we thank you for your efforts toward introducing the IRS amendment and for your continued attention to making positive impacts that will support continued operation of these unique healthcare delivery systems. Early detection is the most effective method to preventing and treating disease, and for Americans who rely on Mobile Health services for these critical interventions, this tax change could ensure many more years of access to a healthcare system that provides potentially life-saving services.

SINCERELY,

ANTHONY VAVASIS, MD,
Advisory Board Chair,
Mobile Health Clinics Network, Clinical Director, Health Outreach to Teens Program, New York, NY.

DARIEN DELORENZO,
CEO & Executive Director, Mobile Health Clinics Network.

MHCN ADVISORY BOARD MEMBERS

Melissa Lofton, Administrative Manager, Mobile Mammograph, Breast Diagnostic Clinic, M.D. Anderson Cancer Center, Houston, TX, Mammography Co-Chair, 2010 MHCN Annual Forum.

Candy Simbalenko, RN, BS, Manager, Breast Health Programs, St. Joseph's Medical Center, Stockton, CA.

James Comeaux, LCSW, Chief Operating Officer, St. Charles Community Health Center, Luling, LA.

Jennifer Bennet, Executive Director, The Family Van, Harvard Medical School, Boston, MA.

Tina Hembree, MPH, Program Manager, Cancer Detection & Early Prevention, Norton Healthcare, Cancer Institute, Louisville, KY, Chair, MHCN Mammography SIG.

Shirley Hampton, RN, Development Director, Nevada Health Centers, Inc., Carson City, NV.

Karen McInerney, RTRM, Director, Breast Imaging Services, Swedish Medical Center, Seattle, WA.

Leah Berger, MPH, Director, Community Health Programs, Planning & Development, Office of Community Affairs & Health Policy, Tulane University School of Medicine, New Orleans, LA.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, I strongly support—I think every Member in this Chamber does—prevention

and treatment of breast cancer and women's health generally. And the bill the President signed Tuesday makes great strides to that end. For example, it prohibits gender rating and eliminates the ability of insurers to limit coverage based on preexisting conditions. In addition to the preventive services available to everyone in the exchange, the health reform bill ensures that women have access to the unique preventive services they need, such as wellness exams.

I might also add that the amendment further drains dollars from the highway trust fund. We don't want to go in that direction. Therefore, Mr. President, I move to table the amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be a sufficient second.

The question is on the motion.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. BYRD) and the Senator from New Jersey (Mr. LAUTENBERG) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Missouri (Mr. BOND), the Senator from Georgia (Mr. ISAKSON), and the Senator from Ohio (Mr. VOINOVICH).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 56, nays 39, as follows:

[Rollcall Vote No. 92 Leg.]

YEAS—56

Akaka	Franken	Murray
Baucus	Gillibrand	Nelson (FL)
Bayh	Hagan	Pryor
Begich	Harkin	Reed
Bennet	Inouye	Reid
Bingaman	Johnson	Rockefeller
Boxer	Kaufman	Sanders
Brown (OH)	Kerry	Schumer
Burris	Klobuchar	Shaheen
Cantwell	Kohl	Specter
Cardin	Landrieu	Stabenow
Carper	Leahy	Tester
Casey	Levin	Udall (CO)
Conrad	Lieberman	Udall (NM)
Dodd	Lincoln	Warner
Dorgan	McCaskill	Webb
Durbin	Menendez	Whitehouse
Feingold	Merkley	Wyden
Feinstein	Mikulski	

NAYS—39

Alexander	Crapo	Lugar
Barrasso	DeMint	McCain
Bennett	Ensign	McConnell
Brown (MA)	Enzi	Murkowski
Brownback	Graham	Nelson (NE)
Bunning	Grassley	Risch
Burr	Gregg	Roberts
Chambliss	Hatch	Sessions
Coburn	Hutchison	Shelby
Cochran	Inhofe	Snowe
Collins	Johanns	Thune
Corker	Kyl	Vitter
Cornyn	LeMieux	Wicker

NOT VOTING—5

Bond	Isakson	Voinovich
Byrd	Lautenberg	

The motion was agreed to.

Mr. DURBIN. Mr. President, I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The majority leader.

Mr. REID. Mr. President, it goes without saying we all appreciate everyone's cooperation, having the Senate work so well, yesterday and today. Therefore, after having had long discussions with my friend, the distinguished Senator from Kentucky, I ask unanimous consent that we are going to adjourn in a few minutes; that we will convene at 9:45 a.m. this morning, resume the bill, consider amendments up to 2 p.m., we will dispose of points of order that have been determined—and one is still under review—by 2 p.m. There will be no further amendments after 2 p.m., and the third reading will occur after points of order are disposed of after 2 p.m.

I ask that in the form of a unanimous consent agreement.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. WHITEHOUSE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business, with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRIBUTE TO ROSE GORDON

Mr. REID. Mr. President, I rise today to honor Ms. Rose Gordon of Reno, NV. Ms. Gordon is a dedicated social worker and public servant who has devoted much of her life to serving the people of Nevada, especially those who are traditionally underrepresented. Her commitment to assisting Nevadans is shown both by her work as a Washoe County social worker and by her involvement in numerous community organizations.

As a social worker, Ms. Gordon has been known for her endless motivation and the sense of self empowerment she gives to members of her community. For 15 years Ms. Gordon has partnered with local school districts to identify potential high school drop-outs and has worked with them and their families to encourage the student to complete high school and receive their diploma. For her efforts to assist children and families, Rose has been honored by the mayor of Reno.

Ms. Gordon has also worked diligently in the pursuit of civil rights for all individuals. Rose has previously held the positions of president of her local NAACP chapter and vice president of the NAACP Tri-State Conference of Idaho, Nevada, and Utah, and continues to serve as an adviser to the NAACP youth council. She is a member of the People of Color Caucus which focuses on the unequal distribution of wealth and knowledge to underserved populations. Through her participation and leadership in these organizations, Rose has been able to assist many members of her community and help ensure equal opportunities for Nevadans.

Ms. Gordon's selfless dedication to assisting individuals who are often forgotten shows that she is a truly great American. She is a leader in the Reno community and an example of how one person with a sense of duty can positively affect many around them.

I am honored today to recognize Ms. Rose Gordon and thank her for her commitment and for the work she has done to serve the people of Reno, NV.

TRIBUTE TO JUDY TREICHEL

Mr. REID. Mr. President, I rise today to honor the work of Judy Treichel, a true and dedicated public servant. Over two decades ago, the Federal Government decided to dump the country's nuclear waste in the Nevada desert, ignoring the opposition of most Nevadans and their leaders and widespread concern that the project was not scientifically sound. Judy recognized that the government's actions were unjust and decided to help lead the opposition to the Yucca Mountain project. So, she founded a nonprofit organization, the Nevada Nuclear Waste Task Force, and dedicated her career to making sure that the people of Nevada and across the country have access to accurate information on the proposed dump at Yucca Mountain and that they are given the opportunity to be heard.

Since 1987, Judy has attended thousands of meetings, hearings, conferences, and classroom discussions related to nuclear waste and Yucca Mountain. As executive director of the task force, she served as the principal liaison between the public interest community and the relevant Federal Government agencies. She brought a public voice to government hearings, technical meetings, and national conferences, and she provided information to grassroots organizations and individuals on the very technical and complicated issues surrounding Yucca Mountain, which concerned and affected their communities. That is how Judy became one of the leading voices in Nevada on the proposed nuclear waste dump.

I have been honored to work with Judy Treichel over the past 23 years,

and I can say from experience, that the people of Nevada have been lucky to have such a dedicated and capable woman fighting on their behalf. That is why I was proud to send Judy a note recently letting her know that, with her help, we have won the fight against Yucca Mountain.

PATIENT PROTECTION AND AFFORDABLE CARE ACT

Mr. LEVIN. Mr. President, I am pleased that the President signed into law today the Patient Protection and Affordable Care Act. This bill included a provision that would extend Medicare wage index reclassifications for hospitals across more than half of the United States, including several in my home State.

The Medicare Modernization Act of 2003 included section 508 which reclassified many hospitals' Medicare wage index to appropriately reflect the wage index of their area. This provision ensures that hospitals are able to compete fairly in that area's labor market. Since the MMA was enacted, section 508 has been extended numerous times. Many hospitals, including some in Michigan, were left out of these subsequent extensions. Consequently, those hospitals, originally included in section 508, required technical corrections so they could continue to be reclassified along with the other original hospitals included in section 508. This is something that we have done in previous years and is nothing new. These technical fixes just ensure that the original intent of section 508 is maintained.

Mr. LEAHY. Mr. President, earlier this week, we saw what I have called the dawn of a new day of hope for tens of millions of Americans who have fallen through the cracks—or who worry with good reason that they may fall through the cracks—of our broken health insurance system. The signing into law of comprehensive health insurance reform by President Barack Obama ranks with the creation of Social Security and Medicare as a defining moment and legislative achievement.

Congress and Presidents from both parties tried to reform the health insurance system for decades. Through an arduous process over the last year, America rose to meet one of its foremost challenges. This effort prevailed through the grueling gauntlet of obstructionism erected by defenders of the status quo. It took a year of debate, the work of numerous committees and both Chambers of Congress to enact health insurance reform and to begin to get a handle on costs by having Americans covered by health insurance.

Now that comprehensive health insurance reform is the law of the land, the Senate is already working on im-

provements to this legislation. These include making coverage more affordable and creating a more equitable distribution of Medicaid reimbursements to States like Vermont that acted early and correctly on reform.

Some are still in denial, and continue to resist the path to reform. Some in the Senate resist improvements to the aspects of the new law that they had previously criticized. They appear intent on voting against improvements and, in effect, in favor of the aspects of the law they had said raised concerns. Some opponents of reform continue to distort what this reform really means, and continue their misleading arguments and spurious attacks. Some appear to see political gain in trying to attack health care reform with lawsuits. This is an effort to have judges override the legislative decisions of Congress, the elected representatives of the American people. This is an effort to repeal through the courts what they cannot do in Congress. Regardless, health insurance reform is the law of the land.

Every member of Congress takes an oath of office. Ours is to "support and defend the Constitution of the United States." I take this oath very seriously and always have. We took it seriously during the many months of open and public debate of the Patient Protection and Affordable Care Act last year. During Senate debate last December, as chairman of the Senate Judiciary Committee, I responded to arguments about the constitutionality of the bill's requirement that individuals purchase health insurance. During that debate, the Senate rejected a purported constitutional point of order raised by Republicans claiming that the individual responsibility requirement was unconstitutional. The Senate's judgment and mine were that the act was constitutional.

This week the President signed the measure into law. This President has studied the Constitution. He has served in the Senate. He has taught classes on constitutional law. The oath he took when he became President of the United States of America is provided in the Constitution. He swore that he would to the best of his ability "preserve, protect and defend the Constitution of the United States." I know President Obama and know that he takes his oath seriously. I know that when he signed the Patient Protection and Affordable Care Act into law, he understood it to be consistent with the Constitution.

Despite the overheated rhetoric from opponents, the authority of Congress to act is well-established by the text and the spirit of the Constitution, by prior acts of Congress like Social Security and Medicare, by longstanding precedent established by our courts, and by the history of American democracy. These were arguments considered

and rejected in congressional committees. They were arguments expressly considered by the Senate. Indeed the findings adopted and contained in the law itself are that the individual responsibility requirement is commercial and economic in nature, has a substantial effect on interstate commerce and is "essential to creating effective health insurance markets." That is the congressional judgment.

Ironically, the so-called individual mandate has long been a Republican proposal. The individual mandate was supported by the senior Senator from Arizona, Mr. MCCAIN, when they opposed health care reform efforts during the Clinton administration. It was a part of the health care reform effort in Massachusetts supported by former Governor Mitt Romney, a Republican.

This individual mandate did not originate with President Obama. In fact, when President Obama was a candidate, as a matter of policy he did not support the individual mandate requirement as part of his initial comprehensive health reform proposal. It was one of the hundreds of Republican health care reform ideas he came to support and that were included in the law as the bill was drafted, developed, debated and passed. Now that the law is enacted, some Republicans have changed their tune in order to undercut these reforms by suggesting that it is unconstitutional.

Although the legislative record supports the constitutionality of the individual mandate, and expert after expert maintain that there is no question about congressional authority, I, again, recall what I set forth last December when the Senate considered this issue, made its findings and reached its determination.

The Constitution of the United States begins with a preamble that sets forth the purposes for which "We the People of the United States" ordained and established it. Among the six purposes set forth by the Founders was that the Constitution was established to "promote the general Welfare." It is hard to imagine an issue more fundamental to the general welfare of all Americans than their health.

The authority and responsibility for taking actions to further this purpose is vested in Congress by article I of the Constitution. In particular article I, section 8, sets forth several of the core powers of Congress, including the "general welfare clause," the "commerce clause" and the "necessary and proper clause." These clauses form the basis for Congress's power, and include authority to reform health care by containing spiraling costs and ensuring its availability for all Americans.

Any serious questions about congressional power to take comprehensive action to build and secure the social safety net have been settled over the past century. According to article I, section

8: "The Congress shall have Power To lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defense and general Welfare of the United States." This clause has been the basis for actions by Congress to provide for Americans' social and economic security by passing Social Security, Medicare and Medicaid. Those landmark laws provide the well-established foundation on which Congress builds with the Patient Protection and Affordable Care Act.

As noted by Tom Schaller, enforcing the individual mandate requirement by a tax penalty is far from unprecedented, despite the claims of critics. Individuals pay for Social Security and Medicare, for example, by payroll taxes collected under the Federal Insurance Contributions Act, FICA. These FICA payments are typically collected as deductions and noted on Americans' paychecks every month. As Professor Schaller recently wrote: "These are the two biggest government-sponsored insurance programs administered by the [Federal Government], and two of the largest line items in the federal budget. These paycheck deductions are not optional, and for all but the self-employed they are taken out immediately." The individual mandate requirement in the Patient Protection and Affordable Care Act is hardly revolutionary when viewed against the background of Social Security and Medicare that have long required individual payments.

Congress has woven America's social safety net over the last three score and 12 years. Congress's authority to use its judgment to promote the general welfare cannot now be in doubt. America and all Americans are the better for it. Growing old no longer means growing poor. Being older or poor no longer means being without medical care. These developments are all due to congressional action.

The Supreme Court settled the debate on the constitutionality of Social Security more than 70 years ago in three 1937 decisions. In one of those decisions, *Helvering v. Davis*, Justice Cardozo wrote that the discretion to determine whether a matter impacts the general welfare "is not confided in the courts" but falls "within the wide range of discretion permitted to the Congress." Turning then to the "nation-wide calamity that began in 1929" of unemployment spreading from state to state throughout the Nation, leaving older Americans without jobs and security, Justice Cardozo wrote of the Social Security Act: "The hope behind this statute is to save men and women from the rigors of the poor house as well as from the haunting fear that such a lot awaits them when journey's end is near."

The Supreme Court reached its decisions upholding Social Security after the first Justice Roberts—Justice

Owen Roberts in the exercise of good judgment and judicial restraint began voting to uphold the key New Deal legislation. He was not alone. It was Chief Justice Hughes who wrote the Supreme Court's opinion in *West Coast Hotel v. Parrish* upholding minimum wage requirements as reasonable regulation. The Supreme Court also upheld a Federal farm bankruptcy law, railroad labor legislation, a regulatory tax on firearms and the Wagner Act on labor relations in *National Labor Relations Board v. Jones & Laughlin Steel Corporation*. The Supreme Court abandoned its judicially-created veto over congressional action with which it disagreed on policy grounds and rightfully deferred to Congress's constitutional authority.

These Supreme Court decisions and the principles underlying them are not in question. As Dean Erwin Chemerinsky of the University of California Irvine School of Law wrote in an op-ed in the *Los Angeles Times*: "Congress has broad power to tax and spend for the general welfare. In the last 70 years, no federal taxing or spending program has been declared to exceed the scope of Congress' power. The ability in particular of Congress to tax people to spend money for health coverage has been long established with programs such as Medicare and Medicaid." I included this article in the CONGRESSIONAL RECORD in December.

The opponents of health insurance reform are now going so far as to call into question the constitutionality of America's established social safety net. They would leave American workers without the protections their lifetime of hard work have earned them. They would turn back the clock to the hardships of the Great Depression, and thrust modern American back into the conditions of Dickens' novels. That path should be rejected again now, just as it was when another inspiring President led the effort to confront the economic challenges facing Americans 70 years ago. To strike down principles that have been settled for nearly three-quarters of a century would be wrong and damaging to the Nation, and would stand the Constitution on its head.

For the past year we debated whether or not to pass health insurance reform. Before passing the law, we debated whether to control costs by having all Americans be covered by health insurance. We considered untold numbers of amendments in committees and before the Senate. That is what Congress is supposed to do. We consider legislation, debate it, vote on it and act in our best collective judgment to promote the general welfare. Some Senators agreed and some disagreed, but it was a matter decided by the full Senate. In fact, due to Republican obstruction, it took an extraordinary majority of 60 Senators, not a simple majority of 51, for the Senate's will to be done.

The fact that Senate Republicans disagree with the majority's effort to help hardworking Americans obtain access to affordable health care does not make it unconstitutional. Nor does the fact that some partisans seek to make political gains by attacking the health care reform we have passed. As Justice Cardozo wrote in upholding Social Security: "[W]hether wisdom or unwisdom resides in the scheme of benefits set forth . . . it is not for us to say. The answer to such inquiries must come from Congress, not the courts." I agree. Justice Cardozo understood the separation of powers enshrined in the Constitution and the Supreme Court's precedent.

As Chief Justice Marshall wrote in his landmark decision in *McCulloch v. Maryland*: "Let the end be legitimate, let it be within the scope of the Constitution, and all means which are appropriate, and all means which are appropriate, which are plainly adopted to that end, which are not prohibited, but consistent with the letter and spirit of the Constitution, are constitutional." In 1803, our greatest Chief Justice, John Marshall, upheld the constitutionality of the Judiciary Act in *Stuart v. Laird*, and noted that "there are no words in the Constitution to prohibit or restrain the exercise of legislation power." That is true here, where Congress acted to provide for the general welfare of all Americans.

I believe that Congress was right when it decided that the problems of the lack of availability and affordability of health care and of health insurance and the rising health care costs that burden the American people, is a problem, "plainly national in area and dimensions," as Justice Cardozo wrote of the widespread crisis of unemployment and insecurity during the Great Depression. I believe that it was right for Congress to determine that it is in the general welfare of the Nation to ensure that all Americans have access to affordable quality health care. But whether other Senators agree or disagree with me, none should argue that we should turn back to clock to the Great Depression when conservative activist judges prevented Congress from exercising its powers to make that determination.

In seeking to discredit health insurance reform, the other side relies on a resurrection of long-discredited legal doctrines used by courts a century ago to tie Congress's hands by substituting their own views of property to strike down laws such as those guaranteeing a minimum wage and outlawing child labor. They have to rely on such cases of unbridled conservative judicial activism as *Lochner v. New York*, *Shechter Poultry Corporation v. United States*, *Reagan v. Farmers Loan and Trust* and the infamous *Dred Scott* case. Those dark days are long gone and better left behind. The Constitution, Supreme Court precedent, our

history and congressional action all stand on the side of Congress's authority to enact health insurance reform legislation.

Under article I, section 8, Congress has the power "to regulate Commerce with foreign Nations, and among the several States." Since at least the time of the Great Depression and the New Deal, Congress has been understood and acknowledged by the Supreme Court to have power pursuant to the commerce clause to regulate matters with a substantial effect on interstate commerce. The Supreme Court has long since upheld laws like the Fair Labor Standards Act against commerce clause challenges, ruling that Congress had the authority to outlaw child labor. The days when women and children could not be protected, when the public could not be protected from sick chickens infecting them, when farmers could not be protected and when any regulation that did not guarantee profits to corporations would be voided by the judiciary are long past. The reach of Congress' commerce clause authority has been long established and well settled.

Even recent decisions by a Supreme Court dominated by Republican-appointed justices have affirmed this rule of law. In 2005, the Supreme Court ruled in *Gonzales v. Raich* that Congress had the power under the commerce clause to prohibit the use of medical marijuana even though it was grown and consumed at home, because of its impact on the national market for marijuana. Surely if that law passes constitutional muster, Congress' actions to regulate the health care market that makes up one-sixth of the American economy meets the test of substantially affecting commerce. Conservatives cannot have it both ways. Nor can they ignore the settled meaning of the Constitution as well as the authority of the American people's elected representatives in Congress.

The regulation of health insurance clearly meets the test from *Raich*, since the activities "taken in the aggregate, substantially affect interstate commerce." In fact, when the Senate considered the health insurance reform bill in December, it adopted a set of findings related to the impact of the individual mandate on interstate commerce. Among those findings, now the law, were that "health insurance and health care services are a significant part of the national economy," that the individual "requirement regulates activity that is commercial and economic in nature; economic and financial decisions about how and when health care is paid for, and when health insurance is purchased" and that the "requirement is essential to creating effective health insurance markets."

These findings demonstrate that Congress took into account the significant cumulative economic effects on the Na-

tion of the rising costs of health care, with those costs making up a large percentage of our economy and with American businesses struggling to provide benefits to their employees. As set forth in a paper by Georgetown University and the O'Neill Institute for National and Global Health Law, which I discussed in December, the requirement for individuals to purchase health insurance would address the problem of free riders, millions of Americans who refuse to buy health insurance and then rely on expensive emergency health care when faced with medical problems. This shifts the costs of their health care to people who do have insurance, which in turn has a significant effect on the costs of insurance premiums for covered Americans and on the economy as a whole. A requirement that all Americans have health insurance—like requirements to pay FICA—is within congressional power if Congress determines it to be essential to controlling spiraling health care costs. In passing health care reform, Congress determined that requiring that all Americans to have health insurance coverage, and preventing some from depending on expensive emergency services in place of regular health care, can and will help reduce the cost of health insurance premiums for those who already have insurance.

Addressing these problems is at the core of Congress's powers under the commerce clause. In fact, the Supreme Court expressly addressed this issue 65 years ago, ruling in 1944 that insurance was interstate commerce and subject to Federal regulation. Congress responded to this decision in 1945 with the McCarran-Ferguson Act, which gave insurance companies an exemption from antitrust laws unless Federal regulation was made explicit under Federal law. It is the immunity from Federal antitrust law enacted in McCarran-Ferguson that I have been working to overcome with the Health Insurance Industry Antitrust Enforcement Act of 2009. My proposal would repeal health insurance companies' antiquated exemption from the antitrust laws. These are the pro-competition rules that apply to virtually all other businesses, to help promote vibrant markets and consumer choice. Competition and choice help lower costs, expand access and improve quality.

I launched this effort last fall, built a hearing record to examine its merits and worked to build bipartisan support. House leaders late last year added it to their plan. And last month it became the first stand-alone part of the health reform package to pass on its own, in a strong bipartisan vote of 406 to 19 in the House. To me this is the latest proof that, appearances aside, there is much common ground in the health reform plan—more than partisan opponents or the insurance industry would have the public believe.

Why would this exemption have been necessary if insurance was not interstate commerce? I strongly believe that the exemption in McCarran-Ferguson is wrongheaded. But would anyone seriously contend that it is unconstitutional? Of course not.

Now that we have enacted the Patient Protection and Affordable Care Act, I hope we will soon turn to this reform by taking up and passing the House-passed bill. We should end the health insurance exemption from our precompetitive Federal antitrust laws without delay.

The Constitution contains in article I, section 8, the necessary and proper clause. That, too, provides a basis for congressional action. This clause gives Congress the power "to make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers and all other Powers vested by his Constitution in the United States." The Supreme Court settled the meaning of the necessary and proper clause 190 years ago in Justice Marshall's landmark decision in *McCullough v. Maryland*, during the dispute over the National Bank. Justice Marshall's wrote that "the clause is placed among the powers of Congress, not among the limitations on those powers." The necessary and proper clause goes hand in hand with the commerce clause to ensure congressional authority to regulate activity with a significant economic impact.

Congress has enacted and the President has signed into law the Patient Protection and Affordable Care Act. This landmark legislation addresses our health care crisis and helps provide health care insurance for millions of Americans previously uninsured and seeks to encourage lower costs for Americans who are insured. We have acted to ensure that Americans not risk bankruptcy and disaster with every illness. Americans who work hard their entire lives should not be robbed of their family's security because health care is too expensive. Americans should not lose their life savings because they have the misfortune of losing a job or getting sick. That is not America.

One of the great American successes of the last century was the establishment of a social safety net of which all Americans can be grateful and proud. Through Social Security, Medicare and Medicaid, Congress established some of the cornerstones of American economic security. Comprehensive health insurance reform has now joined them. Congress has acted within its constitutional authority to legislate for the general welfare of all Americans. No conservative activist court, on any level, should overstep the judiciary's role by seeking to turn back the clock and deny a century of progress.

WORLD TUBERCULOSIS DAY

Mr. BROWN of Ohio. Mr. President, I wish today to recognize World Tuberculosis Day.

It is a day that allows us to take stock of how far we have come, and how far we have to go, in the fight against this deadly disease. Claiming about 1.8 million lives each year, TB is a vicious killer that must be stopped in order to protect the global public health.

Today we recognize not only that we must do more, but that, with the technology, medical expertise, and a worldwide commitment, we can do more.

We have waged an aggressive campaign to eliminate TB in the U.S. However, progress toward TB elimination has slackened.

Anywhere from 9 to 14 million Americans are infected with latent TB. Without treatment, about 5 to 10 percent of them will develop active TB. As the global pandemic of drug resistant TB spreads, the disease poses an imminent public health threat to the United States.

According to the World Health Organization, 5 percent of all new TB cases are drug resistant, with estimates of up to 28 percent in some parts of Russia. Of these cases, it is estimated that only 7 percent are being treated.

Over the past decade, the U.S. has had more than 83 cases of an extremely drug resistant strain of TB, known as XDR-TB, which is very difficult and expensive to treat. Because XDR-TB recognizes no borders, these cases will continue to rise unless we adopt control measures on a global scale.

As it stands, drug resistant and extremely drug resistant forms of TB are not easily transmittable; however, should an easily transmittable strain arise, we face the real possibility of a deadly pandemic in our country and across the globe.

TB control is not just an imperative for the developing world; it is an imperative for every nation on this planet.

Our current drugs, diagnostics, and vaccines are out of date and increasingly inadequate to control the spread of TB. The TB vaccine, for instance, provides some protection to children, but provides little to no help to prevent TB in adults.

In addition, the most commonly used TB diagnostic in the world, sputum microscopy, is more than 100 years old and lacks sensitivity to detect TB in most HIV/AIDS patients and in children.

Finally, the course of treatment available today is simply too long, resulting in skipped doses and the development of resistant strains.

New TB drug regimens are long overdue, and Congress must act to help accelerate the development, approval, and delivery of new TB medicines around the globe. We must bring our

methods of prevention and treatment into the 21st century so we can fight the new age of the TB epidemic.

Congress has made significant strides toward this goal. The enactment of the Lantos-Hyde Act and the Comprehensive TB Elimination Act reaffirmed our commitment to research, treatment, and prevention.

These laws put the U.S. on the path to successfully treating 4.5 million TB patients and 90,000 new multidrug resistant TB cases by 2013. However, Congress and this administration must not underfund the commitment we made with this legislation.

World Tuberculosis Day provides an opportunity to reflect on the progress made to eradicate TB, acknowledge the millions of lives this disease takes as it orphans children and destabilizes communities throughout the world, and recommit to fighting TB with the sense of urgency and level of resources this global public health battle requires.

OBJECTION TO JUDICIARY COMMITTEE HEARING

Mr. LEAHY. Mr. President, today the Judiciary Committee was scheduled to welcome two of President Obama's nominees to fill vacancies on the Federal bench in California: Professor Goodwin Liu, nominated to fill a vacancy on the Ninth Circuit, and Magistrate Judge Kimberly Mueller, nominated to a judgeship in the Eastern District of California. However, we will not be able to hear from those nominees today because Senate Republicans have anonymously objected to the hearing. They have continued their ill-advised protest of meaningful health reform legislation by exploiting parliamentary tactics and Senate Rules, to the detriment of the American people and, in today's instance, at the expense of American justice.

I have previously accommodated requests from Judiciary Committee Republicans to delay the committee's hearing to consider Professor Liu's nomination. I had intended to hold this hearing 2 weeks ago but, at the request of Republicans, delayed it until today. We had agreed, instead, to proceed to a hearing for Judge Robert Chatigny, a nominee to the Second Circuit court of appeals, on March 10. Republicans then reversed themselves and asked for additional delay in connection with that March 10 hearing. I, again, accommodated them. Earlier this week I sought to move this afternoon's hearing to the morning, into the 2-hour window of time after the Senate convened, that would not be subject to this arcane objection. Republicans asked that we keep it scheduled for this afternoon because it worked better for the schedules of the Republican members of the committee, and they had planned to participate this afternoon. Now, having objected to holding the hearing this

morning, they object to it not being held this afternoon. They pulled the plug on our hearing and put up roadblocks to the committee's process for working to fill judicial vacancies.

It is particularly troubling that Republicans will not allow the committee to hear from Professor Goodwin Liu, a widely respected constitutional law scholar who they targeted for criticism and opposition the moment he was nominated. The day Professor Liu was nominated, committee Republicans declared themselves "disappointed" by the President's nomination of Professor Liu and claimed that Professor Liu was "far outside the mainstream of American jurisprudence." Their opposition was instantaneous and the drumbeat has continued. Rather than give Professor Liu a chance to answer their questions and respond to their attacks, Republicans have now prevented Professor Liu from appearing, from answering their questions, and from addressing their concerns. They are being unfair. They are seeking to render him mute by their obstruction while they continue their attacks.

Goodwin Liu, the son of Taiwanese immigrants, has a great American story and sterling credentials. He did not learn English until kindergarten, yet rose to graduate from Stanford University and Yale Law School and become a Rhodes scholar. After law school, Professor Liu clerked for DC Circuit Judge David Tatel and Supreme Court Justice Ruth Bader Ginsburg. He has a brilliant legal mind and is admired by legal thinkers and academic scholars from across the political spectrum. As conceded by a Fox News commentator, Professor Liu's qualifications for the appellate bench are "unassailable."

Professor Liu would also bring much-needed diversity to the Federal bench. There are currently no active Asian-American Federal appeals court judges in the country. Judge Denny Chin of New York has been nominated to the Second Circuit, but Senate Republicans have stalled his nomination for over 3 months, despite his unanimous approval by the Senate Judiciary Committee.

Senate Republicans have not given Professor Liu fair consideration. Like their practice of pocket-filibustering more than 60 of President Clinton's judicial nominees in the 1990s, the decision by Republicans to block the hearing today gives Professor Liu no chance to respond to the attacks that they began weeks ago.

Republicans' filibusters and stalling tactics have been evident since President Obama took office. Senate Republicans threatened to filibuster President Obama's judicial nominations before the President had made a single one. They insisted on filibustering the nomination of Judge David Hamilton of Indiana, a well-respected mainstream district court judge who had

the support of Indiana Senator DICK LUGAR, the senior Republican in the Senate. They forced the Senate to invoke cloture, a time consuming process, by refusing for months to agree to debate and vote on the nomination of Justice Barbara Keenan of Virginia to the Fourth Circuit. She was then confirmed by a vote of 99 to zero.

The Republicans tactics of obstruction have led to 22 judicial nominations stalled on the Senate's Executive Calendar and only 18 circuit and district court nominations confirmed. That lack of progress stands in stark contrast to this date in 2002, when a Democratic Senate majority had proceeded to confirm 42 of President Bush's judicial nominations. Republicans obstruct virtually every judicial nominee. Even though 15 of the 18 Federal circuit and district court judges confirmed have been without opposition, they have delayed and stalled for weeks and months as Republicans drag out the process and stall Senate consideration by withholding their consent.

During President Bush's first 2 years the Senate confirmed 100 of his judicial nominees. Republican obstruction has us on pace to confirm fewer than 30 Federal circuit and district court nominees before this Congress adjourns. Their approach has led to skyrocketing judicial vacancies, again, like the pocket filibusters they employed during the Clinton Presidency that led to a vacancy crisis in the 1990s. They do a disservice to the American people seeking justice in our overburdened Federal courts. We have to do far more to address the growing crisis of unfilled judicial vacancies, which now top 100. We owe it to the American people to do better.

Sadly, actions like today's objections from Senate Republicans to the consideration of two nominations to fill vacancies on overburdened courts will be viewed as little more than what they are: petty, partisan politics with no regard for the priorities of the American people. I urge them to reconsider and allow this hearing to proceed.

JUSTICE FOR JAMIE LEIGH JONES

Mr. LEAHY. Mr. President, yesterday, I was pleased to learn that a brave young woman, Ms. Jamie Leigh Jones, will finally have her day in court. Ms. Jones testified before the Senate Judiciary Committee last year about how the Supreme Court's interpretation of the Federal Arbitration Act has hampered American employees from having their civil rights protected. Ms. Jones was a compelling witness; her case deserves the attention of every Senator.

When she was just 20 years old and was working overseas for the military contractor, KBR, Ms. Jones was sexually assaulted by her coworkers. She filed suit in Federal court alleging sexual harassment, hostile work environ-

ment claims under title VII of the Civil Rights Act of 1964, and several state law tort claims including assault and battery. Both KBR and its former parent company, Halliburton, argued that her claims were subject to forced arbitration under a clause that Ms. Jones was required to sign as a condition of her employment. The district court agreed with the company in part. It dismissed her Federal civil rights claims because it found that they were subject to forced arbitration under her contract. But the court held that Ms. Jones could proceed to trial on some of her tort claims, albeit only after her civil rights claims had been decided in arbitration. Halliburton and KBR appealed to the Fifth Circuit court of appeals, arguing that under her employment contract and the Federal Arbitration Act, all of Ms. Jones's claims were subject to forced arbitration, including her assault and battery claims arising out of her alleged rape. The Fifth Circuit affirmed the district court's decision, and once again the companies appealed.

In the interim, Congress enacted an amendment to the Department of Defense Appropriations Act of 2010, Public Law 111-118. That amendment was sponsored by Senator FRANKEN and supported by Senators from both parties. It prohibited the U.S. Government from entering into contracts with and paying Federal tax dollars to corporations who force their employees to arbitrate their civil rights or tort claims related to sexual assault and harassment or take any action to enforce such forced arbitration clauses. I am pleased that the companies cited this law, which I was happy to support, as a reason for dropping their appeal.

As we examined in our October hearing, however, millions of hard working Americans like Ms. Jones are being denied their civil and constitutional rights and being forced into arbitration merely by accepting a job offer that contains an arbitration clause as a condition of employment. There is no rule of law in arbitration. There are no juries or independent judges in the arbitration industry. There is no transparency or accountability. And unfortunately, there is often no justice.

After more than 5 years of hard won challenges, Ms. Jones will finally be able to seek justice in a courtroom. But this small victory should not have been such a struggle. I will continue to work to ensure that Americans have a meaningful choice about whether or not to enter a predispute arbitration agreement—no American should be forced to forfeit their access to the courts in order to get a job or a product or a service. Arbitration clauses like the one in Ms. Jones's contract strip Americans of the civil rights protections many of us in Congress have fought for so long to enshrine in our law.

Legislation such as Senator FEINGOLD's Arbitration Fairness Act, S. 931, which would make mandatory predispute arbitration clauses in employment, consumer, franchise, or civil rights disputes unenforceable, would correct these practices and restore fairness to the marketplace for jobs and other goods and services. Jamie Leigh Jones's struggle also highlights the importance of the Civilian Extraterritorial Jurisdiction Act of 2010, S. 2979, which I recently introduced. My legislation would fix outdated criminal laws by establishing that all U.S. government employees and contractors who commit crimes while working abroad can be charged and tried in the United States under American law. We must continue to protect victims like Ms. Jones and others who have their civil rights violated. I look forward to the day when justice is the norm, rather than the exception, in all cases like this.

ADDITIONAL STATEMENTS

TRIBUTE TO DOROTHY HEIGHT

• Mr. BURRIS. Mr. President, today I celebrate the 98th birthday of a true civil rights pioneer and social activist: Dorothy Height.

She began her career in the 1930s, as a teacher in Brooklyn, NY. Shortly after it was founded, she became active in the United Christian Youth Movement.

It was this cause that would first carry her to national leadership, though she was quite a young woman at the time.

In 1938, Dorothy was selected by First Lady Eleanor Roosevelt to help plan a World Youth Conference, and later served as a delegate to the World Conference on Life and Work of the Churches.

The same year, she was hired by the YWCA, and quickly began to rise through the ranks of the national organization.

And it was also around this time that she caught the attention of Mary McLeod Bethune, founder and president of the National Council of Negro Women, or NCNW, who recruited young Dorothy to join the fight for women's rights.

She remained deeply involved in the YWCA, and also attained high leadership positions in the Delta Sigma Theta Sorority, the United Civil Rights Leadership, and a number of other organizations.

She helped to guide these pivotal groups through the stormy waters of the civil rights movement, looking always to the future, and maintaining a steadfast dedication to cause and principle.

But it was Dorothy's distinguished leadership of the NCNW that would come to define her career.

In 1957, Dorothy Height was elected fourth national president of NCNW—a position she would hold continuously until 1998.

For more than four decades, she was at the helm of the preeminent leadership council for African-American women.

Thanks to her unrivaled expertise, transcendent vision, and lifelong dedication to this cause and this great organization, when she retired in 1998, she lived in a country that was far more free, more fair, and more equal than the one she knew as a child.

For her extraordinary work, in 2004 this Congress bestowed upon her its highest civilian honor, the Congressional Gold Medal. President Bush presented her with this award on her 92nd birthday.

And so today, as Dorothy turns 98, I ask my colleagues to join with me in honoring the immeasurable contributions she has made to this country. I ask them to reflect upon the leadership she has rendered, the causes she has championed, and the countless lives she has touched.

Without Dorothy Height, America might be a very different place. I thank her immensely for the difference she has made, and for the lifetime of hard work she has devoted to her fellow citizens.

I wish her a wonderful birthday and many happy returns.●

CEDAR FALLS HISTORIC RECOGNITION

● Mr. HARKIN. Mr. President, one of the greatest challenges we face not just in Iowa but all across America is preserving the character and vitality of our small towns. This is about economics, but it is also about our culture and identity. After all, you won't find the heart and soul of Iowa at Wal-Mart or Home Depot out in the strip malls. No, the heart and soul of Iowa is in our family farms and on Main Streets in small communities all across my State. That is why we need to be as generous as possible—and as creative as possible—in keeping our downtowns not just alive but thriving.

As a member of the Senate Appropriations Committee, I am involved in funding many hundreds of programs every year. But the Main Street Iowa program, which provides challenge grants to revitalize downtown buildings across my State, is in a class by itself. It is smart. It is effective. And it touches communities and people in very concrete ways.

For example, the citizens of Cedar Falls, IA, and their Main Street program are making efforts to improve their downtown and spur investment in the area. The Blackhawk Hotel received a Main Street Challenge Grant in 2003 to renovate its historic downtown location. The Blackhawk Hotel,

listed in the National Register of Historic Places, is the oldest continuously operating hotel site in Iowa. More recently, another Challenge Grant was awarded for the Bruhn Building to help complete a forward-thinking project that will transform the designated area into a gathering space, entrance, outdoor dining room, and vertical garden on Main Street.

Thanks to these and other projects undertaken by the Cedar Falls community and business leaders, the city was recognized last month by the National Trust for Historic Preservation as one of its "2010 Dozen Distinctive Designations." According to the National Trust, this distinction recognizes "cities and towns that offer an authentic visitor experience by combining dynamic downtowns, cultural diversity, attractive architecture, cultural landscapes and a strong commitment to historic preservation, sustainability and revitalization." I would like to commend the excellent work of all those involved in these economic development efforts in Cedar Falls.

State and Federal programs can provide limited funding and technical assistance to progressive cities like Cedar Falls. But, as we have seen here, success ultimately comes from local leadership, local teamwork, and home-grown ideas and solutions. When people see one of the anchors of Main Street being renovated or expanded, this can change the whole psychology of a town or community. It offers hope. It serves as a catalyst for a far-reaching ripple effect of positive changes. Cedar Falls is a shining example of the great things that are possible. So I am pleased to congratulate the Main Street program and the citizens of Cedar Falls for formulating a strategy that has reinvigorated its downtown and won accolades from an esteemed national organization like the National Trust. Their vision for a revitalized Cedar Falls is setting a terrific example for other small towns across America.●

RECOGNIZING THE KIRKWOOD HIGH SCHOOL SYMPHONIC OR- CHESTRA

● Mrs. McCASKILL. Mr. President, today I congratulate a special group of students from my home state of Missouri. The Kirkwood High School Symphonic Orchestra has earned the honor of performing in New York City at the 2010 Instrumental Music Festival at Carnegie Hall, which is being held from March 26 through March 29. The Kirkwood High School Symphonic Orchestra is one of three instrumental groups throughout the Nation to be honored with this remarkable opportunity. These students have my admiration and my sincere congratulations. I know they will be great ambassadors for all students in Missouri.

It is clear that this notable achievement is a direct result of the students'

discipline and dedication to their musical talent. Under the direction of orchestral program director Patrick Jackson, these young musicians are locally renowned and have earned national acclaim for their work. Particularly noteworthy was their performance at the 2008 Heritage Music Festival in New York City. That performance, which received perfect marks from the judging panel, was so stirring that more than one judge was moved to tears. It is a fitting advance in the storied history the students of the Kirkwood High School Symphonic Orchestra are writing that they would be invited to play in the world-famous Carnegie Hall.

As you can imagine, becoming a member of this elite ensemble is not easy. Members of the Kirkwood High School Symphonic Orchestral Program make a 9-year commitment that begins in 4th grade and continues through the students' senior year in high school. Mr. Jackson has directed the symphonic orchestra for two decades. During that time, participation has grown from 19 students to more than 300. As a testament to Mr. Jackson's commitment to his students, he has been honored by former students in Who's Who Among American High School High School Teachers 17 times.

Moreover, the resounding support for the symphonic orchestra from the communities of Kirkwood and Saint Louis has been inspiring. In order to make the trip, the students reached their fundraising goal of \$72,000 with the help of local radio, TV stations, and newspapers promoting their yearlong "Road to Carnegie Hall." Inspired by these young musicians, members of our own Saint Louis Orchestra were moved to volunteer their time and expertise with the students in advance of their performance.

Mr. President, I understand how difficult being a kid in this day and age can be. All too often, we read and hear negative stories about America's children that seem to suggest a generation in crisis. These Kirkwood students make it clear that this is not so. I am proud to shine a light on this group of young people who strive for greatness and embrace the fact that the greatest heights can be achieved through hard work and discipline.

On behalf of myself and the people of Missouri, I congratulate the Kirkwood High School Symphonic Orchestra and wish them the best of luck during their time at Carnegie Hall.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mrs. Neiman, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 12:39 p.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the House has passed the following bills and joint resolution, in which it requests the concurrence of the Senate:

H.R. 3976. An act to extend certain expiring provisions providing enhanced protections for servicemembers relating to mortgages and mortgage foreclosures.

H.R. 4592. An act to provide for the establishment of a pilot program to encourage the employment of veterans in energy-related positions.

H.R. 4915. An act to amend the Internal Revenue Code of 1986 to extend the funding and expenditure authority of the Airport and Airway Trust Fund, to amend title 49, United States Code, to extend authorizations for the airport improvement programs, and for other purposes.

H.J. Res. 80. A joint resolution recognizing and honoring the Blinded Veterans Association on its 65th anniversary of representing blinded veterans and their families.

At 1:26 p.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 257. Concurrent resolution providing for a conditional adjournment of the House of Representatives and a conditional recess or adjournment of the Senate.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 3976. An act to extend certain expiring provisions providing enhanced protections for servicemembers relating to mortgages and mortgage foreclosure; to the Committee on Veterans' Affairs.

H.R. 4592. An act to provide for the establishment of a pilot program to encourage the employment of veterans in energy-related positions; to the Committee on Veterans' Affairs.

MEASURES PLACED ON THE CALENDAR

The following bill was read the second time, and placed on the calendar:

S. 3158. A bill to require Congress to lead by example and freeze its own pay and fully offset the cost of the extension of unemployment benefits and other Federal aid.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-5189. A communication from the Department of State, transmitting, pursuant to law, a report relative to the transfer of detainees (OSS Control No. 2010-0270); to the Committee on the Judiciary.

EC-5190. A communication from the Department of State, transmitting, pursuant to law, a report relative to the transfer of detainees (OSS Control No. 2010-0269); to the Committee on the Judiciary.

EC-5191. A communication from the Department of State, transmitting, pursuant to law, a report relative to Israel's Qualitative Military Edge (OSS Control No. 2009-2028); to the Committee on the Judiciary.

EC-5192. A communication from the Department of State, transmitting, pursuant to law, a report relative to the transfer of detainees (OSS Control No. 2009-1672); to the Committee on the Judiciary.

EC-5193. A communication from the Department of State, transmitting, pursuant to law, a report relative to the transfer of detainees (OSS Control No. 2009-1629); to the Committee on the Judiciary.

EC-5194. A communication from the Department of State, transmitting, pursuant to law, a report relative to the transfer of detainees (OSS Control No. 2009-1624); to the Committee on the Judiciary.

EC-5195. A communication from the Department of State, transmitting, pursuant to law, a report relative to the transfer of detainees (OSS Control No. 2010-0188); to the Committee on the Judiciary.

EC-5196. A communication from the Department of State, transmitting, pursuant to law, a report relative to the transfer of detainees (OSS Control No. 2009-1670); to the Committee on the Judiciary.

EC-5197. A communication from the Director of Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Defense Federal Acquisition Regulation Supplement; Acquisitions in Support of Operations in Iraq or Afghanistan" (DFARS Case 2008-D002) received in the Office of the President of the Senate on March 22, 2010; to the Committee on Armed Services.

EC-5198. A communication from the Director of Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Defense Federal Acquisition Regulation Supplement; Export—Controlled Items" (DFARS Case 2004-AF13) received in the Office of the President of the Senate on March 22, 2010; to the Committee on Armed Services.

EC-5199. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Changes in Flood Elevation Determinations" ((44 CFR Part 65)(Docket No. FEMA-2010-0003)) received in the Office of the President of the Senate on March 23, 2010; to the Committee on Banking, Housing, and Urban Affairs.

EC-5200. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Suspension of Community Eligibility" ((44 CFR Part 64)(Docket No. FEMA-2008-0020)) received in the Office of

the President of the Senate on March 23, 2010; to the Committee on Banking, Housing, and Urban Affairs.

EC-5201. A communication from the Chairman and President of the Export-Import Bank, transmitting, pursuant to law, a report relative to transactions involving U.S. exports to Turkey; to the Committee on Banking, Housing, and Urban Affairs.

EC-5202. A communication from the Assistant General Counsel for Legislation, Regulation and Energy Efficiency, Department of Energy, transmitting, pursuant to law, the report of a rule entitled "Energy Conservation Program for Consumer Products: Classifying Products as Covered Products" (RIN1904-AB52) received in the Office of the President of the Senate on March 23, 2010; to the Committee on Energy and Natural Resources.

EC-5203. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Determination of Housing Cost Amounts Eligible for Exclusion or Deduction for 2010" (Notice No. 2010-27) received in the Office of the President of the Senate on March 22, 2010; to the Committee on Finance.

EC-5204. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Tier II Issue—Non-Performing Loans Directive Directive No. 1" (LMSB-4-0110-003) received in the Office of the President of the Senate on March 22, 2010; to the Committee on Finance.

EC-5205. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "2010 Census Count" (Notice No. 2010-21) received in the Office of the President of the Senate on March 22, 2010; to the Committee on Finance.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mr. ROCKEFELLER for the Committee on Commerce, Science, and Transportation.

*Michael F. Tillman, of California, to be a Member of the Marine Mammal Commission for a term expiring May 13, 2011.

*Daryl J. Boness, of Maine, to be a Member of the Marine Mammal Commission for a term expiring May 13, 2010.

*Daryl J. Boness, of Maine, to be a Member of the Marine Mammal Commission for a term expiring May 13, 2013.

*Earl F. Weener, of Oregon, to be a Member of the National Transportation Safety Board for the remainder of the term expiring December 31, 2010.

*Jeffrey R. Moreland, of Texas, to be a Director of the Amtrak Board of Directors for a term of five years.

*Larry Robinson, of Florida, to be Assistant Secretary of Commerce for Oceans and Atmosphere.

*Coast Guard nomination of Vice Adm. Robert J. Papp, Jr., to be Admiral.

*Coast Guard nomination of Rear Adm. Sally Brice-O'Hara, to be Vice Admiral.

*Coast Guard nomination of Rear Adm. Manson K. Brown, to be Vice Admiral.

*Coast Guard nomination of Rear Adm. Robert C. Parker, to be Vice Admiral.

Mr. ROCKEFELLER. Mr. President, for the Committee on Commerce,

Science, and Transportation I report favorably the following nomination lists which were printed in the RECORDS on the dates indicated, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar that these nominations lie at the Secretary's desk for the information of Senators.

The PRESIDING OFFICER. Without objection, it is so ordered.

*Coast Guard nominations beginning with Joann F. Burdian and ending with Dawn N. Prebula, which nominations were received by the Senate and appeared in the Congressional Record on February 24, 2010.

*Coast Guard nominations beginning with Karen R. Anderson and ending with Steven M. Long, which nominations were received by the Senate and appeared in the Congressional Record on March 10, 2010.

*National Oceanic and Atmospheric Administration nominations beginning with Scott J. Price and ending with Sarah K. Mrozek, which nominations were received by the Senate and appeared in the Congressional Record on February 22, 2010.

*National Oceanic and Atmospheric Administration nominations beginning with Heather L. Moe and ending with Kurt S. Karpov, which nominations were received by the Senate and appeared in the Congressional Record on February 22, 2010.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. SPECTER (for himself and Mr. CASEY):

S. 3159. A bill to amend Public Law 101-377 to revise the boundaries of the Gettysburg National Military Park to include the Gettysburg Train Station, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. FEINGOLD (for himself and Mr. SPECTER):

S. 3160. A bill to provide information, resources, recommendations, and funding to help State and local law enforcement enact crime prevention and intervention strategies supported by rigorous evidence; to the Committee on the Judiciary.

By Mrs. SHAHEEN:

S. 3161. A bill to establish penalties for servicers that fail to timely evaluate the applications of homeowners under home loan modification programs; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. AKAKA (for himself, Mr. BAUCUS, Mr. BAYH, Mr. BEGICH, Mr. BENNET, Mr. BINGAMAN, Mrs. BOXER, Mr. BROWN of Ohio, Mr. BURRIS, Mr. BYRD, Ms. CANTWELL, Mr. CARDIN, Mr. CARPER, Mr. CASEY, Mr. CONRAD, Mr. DODD, Mr. DORGAN, Mr. DURBIN, Mr. FEINGOLD, Mrs. FEINSTEIN, Mr. FRANKEN, Mrs. GILLIBRAND, Mrs. HAGAN, Mr. HARKIN, Mr. INOUE, Mr. JOHNSON, Mr. KAUFMAN, Mr. KERRY,

Ms. KLOBUCHAR, Mr. KOHL, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. LEAHY, Mr. LEVIN, Mr. LIEBERMAN, Mrs. LINCOLN, Mrs. MCCASKILL, Mr. MENENDEZ, Mr. MERKLEY, Ms. MIKULSKI, Mrs. MURRAY, Mr. NELSON of Florida, Mr. NELSON of Nebraska, Mr. PRYOR, Mr. REED, Mr. REID, Mr. ROCKEFELLER, Mr. SANDERS, Mr. SCHUMER, Mrs. SHAHEEN, Mr. SPECTER, Ms. STABENOW, Mr. TESTER, Mr. UDALL of Colorado, Mr. UDALL of New Mexico, Mr. WARNER, Mr. WEBB, Mr. WHITEHOUSE, and Mr. WYDEN):

S. 3162. A bill to clarify the health care provided by the Secretary of Veterans Affairs that constitutes minimum essential coverage; to the Committee on Veterans' Affairs.

By Mr. TESTER:

S. 3163. A bill to amend the Federal Meat Inspection Act to require tracing of meat and meat food products that are adulterated or contaminated by enteric foodborne pathogens to the source of the adulteration or contamination; to the Committee on Agriculture, Nutrition, and Forestry.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. WHITEHOUSE (for himself and Mr. REED):

S. Res. 468. A resolution honoring the Blackstone Valley Tourism Council on the celebration of its 25th anniversary; to the Committee on the Judiciary.

ADDITIONAL COSPONSORS

S. 405

At the request of Mr. LEAHY, the name of the Senator from New Hampshire (Mrs. SHAHEEN) was added as a cosponsor of S. 405, a bill to amend the Internal Revenue Code of 1986 to provide that a deduction equal to fair market value shall be allowed for charitable contributions of literary, musical, artistic, or scholarly compositions created by the donor.

S. 654

At the request of Mr. BUNNING, the names of the Senator from Illinois (Mr. BURRIS) and the Senator from Idaho (Mr. RISCH) were added as cosponsors of S. 654, a bill to amend title XIX of the Social Security Act to cover physician services delivered by podiatric physicians to ensure access by Medicaid beneficiaries to appropriate quality foot and ankle care.

S. 1055

At the request of Mrs. BOXER, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S. 1055, a bill to grant the congressional gold medal, collectively, to the 100th Infantry Battalion and the 442nd Regimental Combat Team, United States Army, in recognition of their dedicated service during World War II.

S. 2129

At the request of Ms. COLLINS, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor

of S. 2129, a bill to authorize the Administrator of General Services to convey a parcel of real property in the District of Columbia to provide for the establishment of a National Women's History Museum.

S. 2821

At the request of Mr. BROWN of Ohio, the name of the Senator from West Virginia (Mr. BYRD) was added as a cosponsor of S. 2821, a bill to require a review of existing trade agreements and renegotiation of existing trade agreements based on the review, to establish terms for future trade agreements, to express the sense of the Congress that the role of Congress in making trade policy should be strengthened, and for other purposes.

S. 3102

At the request of Mr. MERKLEY, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 3102, a bill to amend the miscellaneous rural development provisions of the Farm Security and Rural Investment Act of 2002 to authorize the Secretary of Agriculture to make loans to certain entities that will use the funds to make loans to consumers to implement energy efficiency measures involving structural improvements and investments in cost-effective, commercial off-the-shelf technologies to reduce home energy use.

S. 3111

At the request of Mr. LEAHY, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 3111, a bill to establish the Commission on Freedom of Information Act Processing Delays.

S. 3123

At the request of Mr. LEAHY, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 3123, a bill to amend the Richard B. Russell National School Lunch Act to require the Secretary of Agriculture to carry out a program to assist eligible schools and nonprofit entities through grants and technical assistance to implement farm to school programs that improve access to local foods in eligible schools.

S. 3148

At the request of Mr. WEBB, the names of the Senator from Florida (Mr. NELSON), the Senator from Wisconsin (Mr. FEINGOLD), the Senator from Indiana (Mr. BAYH), the Senator from California (Mrs. BOXER), the Senator from Washington (Mrs. MURRAY), the Senator from Hawaii (Mr. AKAKA), the Senator from Montana (Mr. BAUCUS), the Senator from Alaska (Mr. BEGICH), the Senator from Colorado (Mr. BENNET), the Senator from New Mexico (Mr. BINGAMAN), the Senator from Ohio (Mr. BROWN), the Senator from Illinois (Mr. BURRIS), the Senator from West Virginia (Mr. BYRD), the Senator from Washington (Ms. CANTWELL), the Senator from Delaware (Mr. CARPER), the

Senator from Pennsylvania (Mr. CASEY), the Senator from North Dakota (Mr. CONRAD), the Senator from Connecticut (Mr. DODD), the Senator from North Dakota (Mr. DORGAN), the Senator from California (Mrs. FEINSTEIN), the Senator from Minnesota (Mr. FRANKEN), the Senator from North Carolina (Mrs. HAGAN), the Senator from Iowa (Mr. HARKIN), the Senator from Hawaii (Mr. INOUE), the Senator from Delaware (Mr. KAUFMAN), the Senator from Massachusetts (Mr. KERRY), the Senator from Minnesota (Ms. KLOBUCHAR), the Senator from Wisconsin (Mr. KOHL), the Senator from New Jersey (Mr. LAUTENBERG), the Senator from Vermont (Mr. LEAHY), the Senator from Michigan (Mr. LEVIN), the Senator from Connecticut (Mr. LIEBERMAN), the Senator from Arkansas (Mrs. LINCOLN), the Senator from Missouri (Mrs. McCASKILL), the Senator from New Jersey (Mr. MENENDEZ), the Senator from Oregon (Mr. MERKLEY), the Senator from Maryland (Ms. MIKULSKI), the Senator from Arkansas (Mr. PRYOR), the Senator from Rhode Island (Mr. REED), the Senator from Nevada (Mr. REID), the Senator from West Virginia (Mr. ROCKEFELLER), the Senator from Vermont (Mr. SANDERS), the Senator from New Hampshire (Mrs. SHAHEEN), the Senator from Pennsylvania (Mr. SPECTER), the Senator from Michigan (Ms. STABENOW), the Senator from New Mexico (Mr. UDALL), the Senator from Rhode Island (Mr. WHITEHOUSE) and the Senator from Oregon (Mr. WYDEN) were added as cosponsors of S. 3148, a bill to amend the Internal Revenue Code of 1986 to provide for the treatment of Department of Defense health coverage as minimal essential coverage.

S. 3152

At the request of Mr. DEMINT, the names of the Senator from Oklahoma (Mr. COBURN), the Senator from Texas (Mr. CORNYN) and the Senator from Arizona (Mr. KYL) were added as cosponsors of S. 3152, a bill to repeal the Patient Protection and Affordable Care Act.

S. RES. 411

At the request of Mrs. LINCOLN, the names of the Senator from Indiana (Mr. LUGAR), the Senator from Georgia (Mr. ISAKSON), the Senator from North Carolina (Mrs. HAGAN) and the Senator from Mississippi (Mr. COCHRAN) were added as cosponsors of S. Res. 411, a resolution recognizing the importance and sustainability of the United States hardwoods industry and urging that United States hardwoods and the products derived from United States hardwoods be given full consideration in any program to promote construction of environmentally preferable commercial, public, or private buildings.

AMENDMENT NO. 3579

At the request of Mr. ROBERTS, the names of the Senator from Idaho (Mr.

CRAPO) and the Senator from South Dakota (Mr. THUNE) were added as cosponsors of amendment No. 3579 proposed to H.R. 4872, an Act to provide for reconciliation pursuant to Title II of the concurrent resolution on the budget for fiscal year 2010 (S. Con. Res. 13).

AMENDMENT NO. 3582

At the request of Mr. BARRASSO, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of amendment No. 3582 proposed to H.R. 4872, an Act to provide for reconciliation pursuant to Title II of the concurrent resolution on the budget for fiscal year 2010 (S. Con. Res. 13).

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. SPECTER (for himself and Mr. CASEY):

S. 3159. A bill to amend Public Law 10-377 to revise the boundaries of the Gettysburg National Military Park to include the Gettysburg Train Station, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. SPECTER. Mr. President, I have sought recognition to introduce legislation to incorporate two historically significant properties into the boundary of Gettysburg National Military Park. This expansion effort is consistent with Gettysburg National Military Park's 1999 General Management Plan, the goals of the National Park Service and is supported by the Gettysburg Borough Council.

The bill I have introduced will expand the boundary of the park to include the Gettysburg Railroad Station, also known as the Lincoln Train Station, located in downtown Gettysburg, PA. This train station was built in 1858 and is listed in the National Register of Historic Places. The station served as a hospital during the Battle of Gettysburg and was the departure point for thousands of soldiers who were wounded or killed in battle. The Lincoln Train Station is perhaps most historically significant as the site at which President Abraham Lincoln arrived on November 18, 1863, 1 day before he delivered the Gettysburg Address.

Currently, the station is operated by the National Trust for Historic Gettysburg and is open to the public throughout the year. Additionally, the station served as the home of the Pennsylvania Abraham Lincoln Bicentennial Commission, which promoted events to commemorate the 200th anniversary year of Lincoln's birth in 2009. I am informed that the borough of Gettysburg had planned for the Lincoln Train Station to be used as an information and orientation center for visitors. Toward that goal, the borough in 2006 completed a rehabilitation of the station funded thought a State grant but has been unable to operate the visitor cen-

ter due to a lack of funds. Accordingly, I understand that the Gettysburg Borough Council voted in 2008 to transfer the station to the National Park Service.

The legislation I introduced also expands the boundary of Gettysburg National Military Park to include 45 acres of land at the southern end of Gettysburg battlefield. I am informed by National Park officials that there were cavalry skirmishes in this area during the Battle of Gettysburg in July of 1863. Moreover, I am advised that this property is environmentally significant as the home to wetlands and wildlife habitat related to the Plum Run stream that traverses the park. This 45-acre property is adjacent to current park land and was generously donated in April of 2009. Therefore, no federal land acquisition funding will be necessary to obtain this property.

This legislation will help preserve properties and land that are historically and environmentally significant and critically important to telling the story of the Battle of Gettysburg. The Civil War was a defining moment for our Nation and we ought to take steps necessary to preserve historical assets for the benefit of current and future generations.

I urge my colleagues to support this bill.

By Mr. FEINGOLD (for himself and Mr. SPECTER):

S. 3160. A bill to provide information, resources, recommendations, and funding to help State and local law enforcement enact crime prevention and intervention strategies supported by rigorous evidence; to the Committee on the Judiciary.

Mr. FEINGOLD. Mr. President, today I am pleased to introduce the PRECAUTION Act—the Prevention Resources for Eliminating Criminal Activity Using Tailored Interventions in Our Neighborhoods Act. It is a long name, but it stands for an important principle—that it is better to invest in precautionary measures now than it is to pay the costs of crime—both in dollars and lives—later on. I am pleased that the Senator from Pennsylvania, Senator SPECTER, will again join me as an original cosponsor of this legislation.

The Federal Government has three important roles to play in fighting crime. First, the Federal Government should develop and disseminate knowledge to state and local officials regarding the newest and most effective law enforcement techniques and strategies. Second, the Federal Government should provide financial support for innovations that our State and local partners cannot afford to fund on their own. With that funding, it should also provide guidance, training, and technical assistance to implement those innovations. Third, the Federal Government can help to create and maintain

effective partnerships among agencies at all levels of government, partnerships that are crafted to address specific law enforcement challenges.

The PRECAUTION Act is designed to support all three of these important roles. It creates a national commission to wade through the sea of information on crime prevention and intervention strategies currently available to identify those programs that are most ready for replication around the country. Over-taxed law enforcement officials need a simple, accessible resource to turn to that recommends a few, top-tier crime prevention and intervention programs. They need a resource that will single out those existing programs that are truly “evidence-based” programs that are proven by scientifically reliable evidence to be effective. The commission created by the PRECAUTION Act will provide just such a report—written in plain language and focused on pragmatic implementation issues—approximately a year and a half after the bill is enacted.

In the course of holding hearings and writing this first report, the commission will also identify some types of prevention and intervention strategies that are promising but need further research and development before they are ready for further implementation. The National Institute of Justice then will administer a grant program that will fund pilot projects in these identified areas. The commission will follow closely the progress of these pilot projects, and at the end of the three-year grant program, it will publish a second report, providing a detailed discussion of each pilot project and its effectiveness. This second report will include detailed implementation information and will discuss both the successes and failures of the projects funded by the grants.

There is particular urgency for this bill as State and Federal budget shortfalls continue and State and local law enforcement are forced to do more with fewer resources. There is no doubt that money is tight, which makes it all the more important that innovative and cost-effective law enforcement strategies that benefit both public safety and the government bottom line are being used in our communities. To help accomplish this, the Federal Government must work in concert with State and local law enforcement, with the non-profit criminal justice community, and with other branches of State and Federal Government. While we have an obligation to provide leadership and support, we do not have the right to unilaterally take control from the State and local officials on the ground. With these partnerships in place we can invest our resources in crime-fighting measures, confident that they will work. Sometimes, small and careful advances are the ones that yield the most benefit.

The PRECAUTION Act answers a call by police chiefs and mayors from more than 50 cities around the country during a national conference hosted by the Police Executive Research Forum in 2006. According to a report on the event from the Forum, these law enforcement leaders agreed that while there is a desperate need for the law enforcement community to focus on violent crime, “other municipal agencies and social services organizations—including schools, mental health, public health, courts, corrections, and conflict management groups—need to be brought together to partner toward the common goal of reducing violent crime.” In the hearings held by the PRECAUTION Act commission, these voices will all be heard. In the reports filed by the commission, these perspectives will be acknowledged. In the pilot projects administered by the National Institute of Justice, these partnerships will be developed and fostered.

The Senate Judiciary Committee highlighted the need for cost saving measures when it held a hearing entitled “Encouraging Innovative and Cost-Effective Crime Reduction Strategies.” Chief of Police Michael Schirling of Burlington, Vermont, in response to a question I asked him in conjunction with the hearing, said of the PRECAUTION Act that it would be:

[A] useful tool for law enforcement that could, if properly implemented, result in long-term cost savings not only for law enforcement, but also for communities as a whole. The manner in which creative initiatives would be studied to validate their effectiveness and then added to a resource library of new ideas seems like a prudent approach to spreading important concepts and ideas to improve the criminal justice system in a meaningful way.

The PRECAUTION Act, though very modest in scope, is an important supplement to the essential financial support the Federal Government provides to our State and local law enforcement partners through programs such as the Byrne Justice Assistance grants and the COPS grants. When State and local law enforcement receive Federal support for policing, they have difficult decisions to make on how to spend those Federal dollars. We all know that prevention and intervention are integral components of any comprehensive law enforcement plan. The PRECAUTION Act not only highlights the importance of these components, but will also help to single out some of the best, most effective forms of prevention and intervention programs. At the same time, it will help to develop additional, cutting-edge strategies that are supported by solid scientific evidence of their effectiveness.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 3160

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Prevention Resources for Eliminating Criminal Activity Using Tailored Interventions in Our Neighborhoods Act of 2010” or the “PRECAUTION Act”.

SEC. 2. PURPOSES.

The purposes of this Act are to—

(1) establish a commitment on the part of the Federal Government to provide leadership on successful crime prevention and intervention strategies;

(2) further the integration of crime prevention and intervention strategies into traditional law enforcement practices of State and local law enforcement offices around the country;

(3) develop a plain-language, implementation-focused assessment of those current crime and delinquency prevention and intervention strategies that are supported by rigorous evidence;

(4) provide additional resources to the National Institute of Justice to administer grants, contracts, and cooperative agreements for research and development for promising crime prevention and intervention strategies;

(5) develop recommendations for Federal priorities for crime and delinquency prevention and intervention research, development, and funding that may augment important Federal grant programs, including the Edward Byrne Memorial Justice Assistance Grant Program under subpart 1 of part E of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3750 et seq.), grant programs administered by the Office of Community Oriented Policing Services of the Department of Justice, grant programs administered by the Office of Safe and Drug-Free Schools of the Department of Education, and other similar programs; and

(6) reduce the costs that rising violent crime imposes on interstate commerce.

SEC. 3. DEFINITIONS.

In this Act, the following definitions shall apply:

(1) COMMISSION.—The term “Commission” means the National Commission on Public Safety Through Crime Prevention established under section 4(a).

(2) RIGOROUS EVIDENCE.—The term “rigorous evidence” means evidence generated by scientifically valid forms of outcome evaluation, particularly randomized trials (where practicable).

(3) SUBCATEGORY.—The term “subcategory” means 1 of the following categories:

(A) Family and community settings (including public health-based strategies).

(B) Law enforcement settings (including probation-based strategies).

(C) School settings (including antigang and general antiviolence strategies).

(4) TOP-TIER.—The term “top-tier” means any strategy supported by rigorous evidence of the sizable, sustained benefits to participants in the strategy or to society.

SEC. 4. NATIONAL COMMISSION ON PUBLIC SAFETY THROUGH CRIME PREVENTION.

(a) ESTABLISHMENT.—There is established a commission to be known as the National Commission on Public Safety Through Crime Prevention.

(b) MEMBERS.—

(1) IN GENERAL.—The Commission shall be composed of 9 members, of whom—

(A) 3 shall be appointed by the President, 1 of whom shall be the Assistant Attorney General for the Office of Justice Programs or a representative of such Assistant Attorney General;

(B) 2 shall be appointed by the Speaker of the House of Representatives, unless the Speaker is of the same party as the President, in which case 1 shall be appointed by the Speaker of the House of Representatives and 1 shall be appointed by the minority leader of the House of Representatives;

(C) 1 shall be appointed by the minority leader of the House of Representatives (in addition to any appointment made under subparagraph (B));

(D) 2 shall be appointed by the majority leader of the Senate, unless the majority leader is of the same party as the President, in which case 1 shall be appointed by the majority leader of the Senate and 1 shall be appointed by the minority leader of the Senate; and

(E) 1 shall be appointed by the minority leader of the Senate (in addition to any appointment made under subparagraph (D)).

(2) PERSONS ELIGIBLE.—

(A) IN GENERAL.—Each member of the Commission shall be an individual who has knowledge or expertise in matters to be studied by the Commission.

(B) REQUIRED REPRESENTATIVES.—At least—

(i) 2 members of the Commission shall be respected social scientists with experience implementing or interpreting rigorous, outcome-based trials; and

(ii) 2 members of the Commission shall be law enforcement practitioners.

(3) CONSULTATION REQUIRED.—The President, the Speaker of the House of Representatives, the minority leader of the House of Representatives, and the majority leader and minority leader of the Senate shall consult prior to the appointment of the members of the Commission to achieve, to the maximum extent possible, fair and equitable representation of various points of view with respect to the matters to be studied by the Commission.

(4) TERM.—Each member shall be appointed for the life of the Commission.

(5) TIME FOR INITIAL APPOINTMENTS.—The appointment of the members shall be made not later than 60 days after the date of enactment of this Act.

(6) VACANCIES.—A vacancy in the Commission shall be filled in the manner in which the original appointment was made, and shall be made not later than 60 days after the date on which the vacancy occurred.

(7) EX OFFICIO MEMBERS.—The Director of the National Institute of Justice, the Director of the Office of Juvenile Justice and Delinquency Prevention, the Director of the Community Capacity Development Office, the Director of the Bureau of Justice Statistics, the Director of the Bureau of Justice Assistance, and the Director of Community Oriented Policing Services (or a representative of each such director) shall each serve in an ex officio capacity on the Commission to provide advice and information to the Commission.

(c) OPERATION.—

(1) CHAIRPERSON.—At the initial meeting of the Commission, the members of the Commission shall elect a chairperson from among its voting members, by a vote of $\frac{2}{3}$ of the members of the Commission. The chairperson shall retain this position for the life of the Commission. If the chairperson leaves the Commission, a new chairperson shall be selected, by a vote of $\frac{2}{3}$ of the members of the Commission.

(2) MEETINGS.—The Commission shall meet at the call of the chairperson. The initial meeting of the Commission shall take place not later than 30 days after the date on which all the members of the Commission have been appointed.

(3) QUORUM.—A majority of the members of the Commission shall constitute a quorum to conduct business, and the Commission may establish a lesser quorum for conducting hearings scheduled by the Commission.

(4) RULES.—The Commission may establish by majority vote any other rules for the conduct of Commission business, if such rules are not inconsistent with this Act or other applicable law.

(d) PUBLIC HEARINGS.—

(1) IN GENERAL.—The Commission shall hold public hearings. The Commission may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Commission considers advisable to carry out its duties under this section.

(2) FOCUS OF HEARINGS.—The Commission shall hold at least 3 separate public hearings, each of which shall focus on 1 of the subcategories.

(3) WITNESS EXPENSES.—Witnesses requested to appear before the Commission shall be paid the same fees as are paid to witnesses under section 1821 of title 28, United States Code. The per diem and mileage allowances for witnesses shall be paid from funds appropriated to the Commission.

(e) COMPREHENSIVE STUDY OF EVIDENCE-BASED CRIME PREVENTION AND INTERVENTION STRATEGIES.—

(1) IN GENERAL.—The Commission shall carry out a comprehensive study of the effectiveness of crime and delinquency prevention and intervention strategies, organized around the 3 subcategories.

(2) MATTERS INCLUDED.—The study under paragraph (1) shall include—

(A) a review of research on the general effectiveness of incorporating crime prevention and intervention strategies into an overall law enforcement plan;

(B) an evaluation of how to more effectively communicate the wealth of social science research to practitioners;

(C) a review of evidence regarding the effectiveness of specific crime prevention and intervention strategies, focusing on those strategies supported by rigorous evidence;

(D) an identification of—

(i) promising areas for further research and development; and

(ii) other areas representing gaps in the body of knowledge that would benefit from additional research and development;

(E) an assessment of the best practices for implementing prevention and intervention strategies;

(F) an assessment of the best practices for gathering rigorous evidence regarding the implementation of intervention and prevention strategies; and

(G) an assessment of those top-tier strategies best suited for duplication efforts in a range of settings across the country.

(3) INITIAL REPORT ON TOP-TIER CRIME PREVENTION AND INTERVENTION STRATEGIES.—

(A) DISTRIBUTION.—Not later than 18 months after the date on which all members of the Commission have been appointed, the Commission shall submit a public report on the study carried out under this subsection to—

(i) the President;

(ii) Congress;

(iii) the Attorney General;

(iv) the Chief Federal Public Defender of each district;

(v) the chief executive of each State;

(vi) the Director of the Administrative Office of the Courts of each State;

(vii) the Director of the Administrative Office of the United States Courts; and

(viii) the attorney general of each State.

(B) CONTENTS.—The report under subparagraph (A) shall include—

(i) the findings and conclusions of the Commission;

(ii) a summary of the top-tier strategies, including—

(I) a review of the rigorous evidence supporting the designation of each strategy as top-tier;

(II) a brief outline of the keys to successful implementation for each strategy; and

(III) a list of references and other information on where further information on each strategy can be found;

(iii) recommended protocols for implementing crime and delinquency prevention and intervention strategies generally;

(iv) recommended protocols for evaluating the effectiveness of crime and delinquency prevention and intervention strategies; and

(v) a summary of the materials relied upon by the Commission in preparation of the report.

(C) CONSULTATION WITH OUTSIDE AUTHORITIES.—In developing the recommended protocols for implementation and rigorous evaluation of top-tier crime and delinquency prevention and intervention strategies under this paragraph, the Commission shall consult with the Committee on Law and Justice at the National Academy of Science and with national associations representing the law enforcement and social science professions, including the National Sheriffs' Association, the Police Executive Research Forum, the International Association of Chiefs of Police, the Consortium of Social Science Associations, and the American Society of Criminology.

(f) RECOMMENDATIONS REGARDING INNOVATIVE CRIME PREVENTION AND INTERVENTION STRATEGIES.—

(1) SUBMISSION.—

(A) IN GENERAL.—Not later than 30 days after the date of the final hearing under subsection (d) relating to a subcategory, the Commission shall provide the Director of the National Institute of Justice and the Attorney General with recommendations on qualifying considerations relating to that subcategory for selecting recipients of contracts, cooperative agreements, and grants under section 5.

(B) DEADLINE.—Not later than 13 months after the date on which all members of the Commission have been appointed, the Commission shall provide all recommendations required under this subsection.

(2) MATTERS INCLUDED.—The recommendations provided under paragraph (1) shall include recommendations relating to—

(A) the types of strategies for the applicable subcategory that would best benefit from additional research and development;

(B) any geographic or demographic targets;

(C) the types of partnerships with other public or private entities that might be pertinent and prioritized; and

(D) any classes of crime and delinquency prevention and intervention strategies that should not be given priority because of a pre-existing base of knowledge that would benefit less from additional research and development.

(g) FINAL REPORT ON THE RESULTS OF INNOVATIVE CRIME PREVENTION AND INTERVENTION STRATEGIES.—

(1) **IN GENERAL.**—Following the close of the 3-year period for the evaluation of an innovative strategy under section 5, the Commission shall collect the results of the evaluation and shall submit a public report to the President, the Attorney General, Congress, the chief executive of each State, and the attorney general of each State describing each strategy funded under section 5 and the results of the strategy. The report under this paragraph shall be submitted not later than 5 years after the date of the selection of the chairperson of the Commission.

(2) **COLLECTION OF INFORMATION AND EVIDENCE REGARDING RECIPIENTS.**—The collection of information and evidence by the Commission regarding each recipient of a contract, cooperative agreement, or grant under section 5 shall be carried out by—

(A) ongoing communications with the grant administrator at the National Institute of Justice and other appropriate officers at other components of the Department of Justice;

(B) visits by representatives of the Commission (including at least 1 member of the Commission) to the site where the recipient of a contract, cooperative agreement, or grant is carrying out the strategy funded under section 5, at least once in the second and once in the third year of the contract, cooperative agreement, or grant;

(C) a review of the data generated by the study monitoring the effectiveness of the strategy; and

(D) other means as necessary.

(3) **MATTERS INCLUDED.**—The report submitted under paragraph (1) shall include a review of each strategy carried out with a contract, cooperative agreement, or grant under section 5, detailing—

(A) the type of crime or delinquency prevention or intervention strategy;

(B) where the activities under the strategy were carried out, including geographic and demographic targets;

(C) any partnerships with public or private entities through the course of the period of the contract, cooperative agreement, or grant;

(D) the type and design of the effectiveness study conducted under section 5(b)(4) or section 5(c)(2)(C) for that strategy;

(E) the results of the effectiveness study conducted under section 5(b)(4) or section 5(c)(2)(C) for that strategy;

(F) lessons learned regarding implementation of that strategy or of the effectiveness study conducted under section 5(b)(4) or section 5(c)(2)(C), including recommendations regarding which types of environments might best be suited for successful replication; and

(G) recommendations regarding the need for further research and development of the strategy.

(h) **PERSONNEL MATTERS.**—

(1) **TRAVEL EXPENSES.**—The members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of service for the Commission.

(2) **COMPENSATION OF MEMBERS.**—Members of the Commission shall serve without compensation.

(3) **STAFF.**—

(A) **IN GENERAL.**—The chairperson of the Commission may, without regard to the civil service laws and regulations, appoint and terminate an executive director and such other additional personnel as may be nec-

essary to enable the Commission to perform its duties. The employment of an executive director shall be subject to confirmation by the Commission.

(B) **COMPENSATION.**—The chairperson of the Commission may fix the compensation of the executive director and other personnel without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except that the rate of pay for the executive director and other personnel may not exceed the rate payable for level V of the Executive Schedule under section 5316 of such title.

(4) **DETAIL OF FEDERAL EMPLOYEES.**—With the affirmative vote of $\frac{2}{3}$ of the members of the Commission, any Federal Government employee, with the approval of the head of the appropriate Federal agency, may be detailed to the Commission without reimbursement, and such detail shall be without interruption or loss of civil service status, benefits, or privileges.

(i) **CONTRACTS FOR RESEARCH.**—

(1) **NATIONAL INSTITUTE OF JUSTICE.**—With a $\frac{3}{4}$ affirmative vote of the members of the Commission, the Commission may select nongovernmental researchers and experts to assist the Commission in carrying out its duties under this Act. The National Institute of Justice shall contract with the researchers and experts selected by the Commission to provide funding in exchange for their services.

(2) **OTHER ORGANIZATIONS.**—Nothing in this subsection shall be construed to limit the ability of the Commission to enter into contracts with other entities or organizations for research necessary to carry out the duties of the Commission under this section.

(j) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated \$5,000,000 to carry out this section.

(k) **TERMINATION.**—The Commission shall terminate on the date that is 30 days after the date on which the Commission submits the last report required by this section.

(l) **EXEMPTION.**—The Commission shall be exempt from the Federal Advisory Committee Act.

SEC. 5. INNOVATIVE CRIME PREVENTION AND INTERVENTION STRATEGIES.

(a) **IN GENERAL.**—The Attorney General may fund the implementation and evaluation of innovative crime or delinquency prevention or intervention strategies through coordinated initiatives, as described in subsection (b), through grants authorized under subsection (c), or a combination of the coordinated initiatives and grants.

(b) **COORDINATED INITIATIVES.**—

(1) **IN GENERAL.**—The Attorney General, acting through the Director of the National Institute of Justice, may coordinate efforts between the National Institute of Justice and other appropriate components of the Department of Justice to implement and rigorously evaluate innovative crime or delinquency prevention or intervention strategies.

(2) **SELECTION OF STRATEGIES.**—The Director of the National Institute of Justice, in consultation with the heads of other appropriate components of the Department of Justice, shall identify innovative crime or delinquency prevention or intervention strategies that would best benefit from additional funding and evaluation, taking into consideration the recommendations of the Commission under section 4(f).

(3) **PROGRAM OFFICE ROLE.**—The head of any appropriate component of the Department of Justice, as determined by the Attorney Gen-

eral, may provide incentives under a contract, cooperative agreement, or grant entered into or made by the component, including a competitive preference priority and providing additional funds, for a public or private entity to—

(A) implement a strategy identified under paragraph (2); or

(B) participate in the evaluation under paragraph (4) of the strategies identified under paragraph (2).

(4) **NATIONAL INSTITUTE OF JUSTICE EVALUATION.**—

(A) **IN GENERAL.**—The Director of the National Institute of Justice may enter into or make contracts, cooperative agreements, or grants to conduct a rigorous study of the effectiveness of each strategy relating to which an incentive is provided under paragraph (3).

(B) **AMOUNT AND DURATION.**—A contract, cooperative agreement, or grant under subparagraph (A) shall be for not more than \$700,000, and shall be for a period of not more than 3 years.

(C) **METHODOLOGY OF STUDY.**—Each study conducted under subparagraph (A) shall use a study design that is likely to produce rigorous evidence of the effectiveness of the strategy and, where feasible, measure outcomes using available administrative data, such as police arrest records, so as to minimize the costs of the study.

(c) **GRANTS AUTHORIZED.**—

(1) **IN GENERAL.**—The Director of the National Institute of Justice may make grants to public and private entities to fund the implementation and evaluation of innovative crime or delinquency prevention or intervention strategies. The purpose of grants under this subsection shall be to provide funds for all expenses related to the implementation of such a strategy and to conduct a rigorous study on the effectiveness of that strategy.

(2) **GRANT DISTRIBUTION.**—

(A) **PERIOD.**—A grant under this subsection shall be made for a period of not more than 3 years.

(B) **AMOUNT.**—The amount of each grant under this subsection—

(i) shall be sufficient to ensure that rigorous evaluations may be performed; and

(ii) shall not exceed \$2,000,000.

(C) **EVALUATION SET-ASIDE.**—

(i) **IN GENERAL.**—A grantee shall use not less than \$300,000 and not more than \$700,000 of the funds from a grant under this subsection for a rigorous study of the effectiveness of the strategy during the 3-year period of the grant for that strategy.

(ii) **METHODOLOGY OF STUDY.**—

(I) **IN GENERAL.**—Each study conducted under clause (i) shall use an evaluator and a study design approved by the employee of the National Institute of Justice hired or assigned under subsection (e) and, where feasible, measure outcomes using available administrative data, such as police arrest records, so as to minimize the costs of the study.

(II) **CRITERIA.**—The employee of the National Institute of Justice hired or assigned under subsection (e) shall approve—

(aa) an evaluator that has successfully carried out multiple studies producing rigorous evidence of effectiveness; and

(bb) a proposed study design that is likely to produce rigorous evidence of the effectiveness of the strategy.

(III) **APPROVAL.**—Before a grant is awarded under this subsection, the evaluator and study design of a grantee shall be approved by the employee of the National Institute of Justice hired or assigned under subsection (e).

(D) DATE OF AWARD.—Not later than 6 months after the date of receiving recommendations relating to a subcategory from the Commission under section 4(f), the Director of the National Institute of Justice shall award all grants under this subsection relating to that subcategory.

(E) TYPE OF GRANTS.—One-third of the grants made under this subsection shall be made in each subcategory. In distributing grants, the recommendations of the Commission under section 4(f) shall be considered.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated \$18,000,000 to carry out subsections (b) and (c).

(e) DEDICATED STAFF.—

(1) IN GENERAL.—The Director of the National Institute of Justice shall hire or assign a full-time employee to oversee the contracts, cooperative agreements, and grants under this section.

(2) STUDY OVERSIGHT.—The employee of the National Institute of Justice hired or assigned under paragraph (1) shall be responsible for ensuring that recipients of a contract, cooperative agreement, or grant under this section adhere to the study design approved before the contract, cooperative agreement, or grant was entered into or awarded.

(3) LIAISON.—The employee of the National Institute of Justice hired or assigned under paragraph (1) may be used as a liaison between the Commission and the recipients of a contract, cooperative agreement, or grant under this section. The employee shall be responsible for ensuring timely cooperation with Commission requests.

(4) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated \$150,000 for each of fiscal years 2010 through 2014 to carry out this subsection.

(f) APPLICATIONS.—A public or private entity desiring a contract, cooperative agreement, or grant under this section shall submit an application at such time, in such manner, and accompanied by such information as the Director of the National Institute of Justice or other appropriate component of the Department of Justice may reasonably require.

(g) COOPERATION WITH THE COMMISSION.—A person entering into a contract or cooperative agreement or receiving a grant under this section shall cooperate with the Commission in providing the Commission with full information on the progress of the strategy being carried out with a contract, cooperative agreement, or grant under this section, including—

(1) hosting visits by the members of the Commission to the site where the activities under the strategy are being carried out;

(2) providing pertinent information on the logistics of establishing the strategy for which the contract, cooperative agreement, or grant under this section was received, including details on partnerships, selection of participants, and any efforts to publicize the strategy; and

(3) responding to any specific inquiries that may be made by the Commission.

SEC. 6. FUNDING.

Section 524(c) of title 28, United States Code, is amended by adding at the end the following:

“(12) For the first full fiscal year after the date of enactment of the PRECAUTION Act, and each fiscal year thereafter through the end of the fifth full fiscal year after such date of enactment, there is appropriated to the Attorney General from the Fund \$4,750,000 to carry out the PRECAUTION Act.”.

By Mrs. SHAHEEN:

S. 3161. A bill to establish penalties for servicers that fail to timely evaluate the applications of homeowners under home loan modification programs; to the Committee on Banking, Housing, and Urban Affairs.

Ms. SHAHEEN. Mr. President, I rise today to introduce the Mortgage Modification Reform Act, which is designed to protect homeowners and communities from big banks who fail to modify mortgages in a timely fashion.

In the past year I have heard from hundreds of families in New Hampshire who have fallen behind on their mortgages. Often, they tell me that they can no longer afford their payments because of circumstances beyond their control. A family member has been laid off or had her hours reduced. Medical bills have started piling up. Higher interest payments kicked in at just the wrong time. And since value of the average home has declined over 15 percent in New Hampshire, they now owe more on their home than it's worth.

But these families want to make it work, so they reach out to their bank or “mortgage servicer” to figure out a way to make payments they can afford. Often, when a homeowner comes to a servicer, they can work together to bring the homeowner's payments down to an affordable level. When a servicer modifies a mortgage, everybody wins: the homeowner can stay in their home; the servicer avoids the costly foreclosure process; and communities are spared from the devastating effects that foreclosures have on home values and communities.

That is why these families in New Hampshire and others across the country breathed a sigh of relief when they heard that a new program, called the Home Affordable Modification Program, or HAMP, would provide powerful incentives to servicers to work with borrowers to keep them in their homes.

We were told that HAMP would help 3–4 million homeowners stay in their homes by reducing the amount a family owes each month to 31 percent of its monthly income. The big, national servicer banks who signed up for the program would avoid the foreclosure process and receive incentive payments. Most importantly, communities would have benefitted by stemming the tide of foreclosures, which have so drastically lowered home values and the equity of millions of homeowners.

But a year into the program, it is clear that many of these big banks are unwilling or uninterested in helping people in our communities. The banks routinely lose documents and ask the borrower to send them in again, delaying the process for months at a time. They don't respond to calls and voice messages that are only returned weeks or months later—if they are returned at all. And as homeowners wait for a decision, the banks charge them late

fees, which puts them even further behind. When homeowners finally receive modification offers, they often come at the last minute—just days before the borrower's home is set to be auctioned.

As a result of these abuses, instead of helping the millions of homeowners that they promised would be able to stay in their homes, servicers have offered trial modifications to less than 30 percent of eligible homeowners. The banks participating in HAMP have only provided permanent relief to only 116,000 homeowners.

We know that the servicers are capable of success in this program because some servicers have been better than others. According to the latest Servicer Performance Report from the Treasury, some servicers have helped as little as 2 percent of their eligible borrowers, while others have helped over 50 percent. And it's not surprising that some of the servicers with the worst numbers are the same big banks that were happy to be bailed out by TARP not too long ago.

It is time to tell these big banks that enough's enough. We need protections for homeowners, and we need to penalize the servicers who have failed to offer the help they promised.

That is why I am introducing legislation today, the Mortgage Modification Reform Act, to stop the big banks from abusing homeowners and to start penalizing those who do not live up to their promise to provide homeowners with the relief they need.

The Mortgage Modification Reform Act would charge banks “late fees” for every month that they fail to evaluate a homeowner for this program. After 3 months, if a homeowner has not received an answer on whether their mortgage will be modified, the banks' payments will be reduced 10 percent for each month that it fails to evaluate the homeowner. By reducing payments to the banks over time, the bank will be encouraged to evaluate these borrowers earlier and more frequently. This also protects the taxpayer by only rewarding those banks that respond quickly and punishing those that fail to act. Banks will have to perform to get paid, and if they don't, their compensation will stay with the taxpayer.

This legislation would also require banks to stop the foreclosure process until it determines whether a borrower qualifies. This would also give much-needed peace of mind to homeowners who aren't sure which will come first: the modification they need, or the sale of their home.

In addition, the legislation would prevent banks from imposing fees while they wait for a decision. There is no reason that a bank should charge a homeowner for being delinquent while waiting for evaluation in the program. There is no reason for a homeowner to pay fees for an unnecessary foreclosure

process. This legislation would put an end to these abusive practices.

Finally, the Mortgage Modification Reform Act provides a protection for borrowers that has been missing from day one of this program: a way for homeowners to request a review of the bank's decision. Right now, the banks make all the decisions whether a homeowner qualifies for the program or not. There is no way for the homeowner to appeal that decision. But we know that those decisions aren't always right. Many homeowners were originally told that they didn't qualify, but ask their Senator or get legal assistance to ask the servicer to take another look. Often, they did qualify for the program, but the servicer did not evaluate the borrower properly.

But not every homeowner should have to involve their Senator or a lawyer to get their bank to respond. They should be able to make their case on their own to an independent arbiter. This legislation requires the Treasury Department to create a separate, independent review process to allow homeowners who feel they have been wrongly denied the chance to stay in their home. In addition, to ensure transparency, this legislation would require the servicer to submit documentation to the Treasury for each denial that it makes.

Making this program work isn't just important for these homeowners, it's also critical to our economic recovery. With million homeowners across the nation behind on their mortgages and at risk of foreclosure, we need this program achieve its potential of stopping millions of homes from flooding the housing market and further depressing home values.

I urge my colleagues to join me to prevent banks from continuing to abuse this program, and to get it on track to provide help to the millions of homeowners who need it.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 3161

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Mortgage Modification Reform Act of 2010".

SEC. 2. DEFINITIONS.

In this Act—

(1) the term "covered trial loan modification" means a trial loan modification—

(A) offered by a servicer to a homeowner under a home loan modification program; and

(B) for which the servicer has received from the homeowner the information required for a trial loan modification;

(2) the term "home loan modification program" means a home loan modification program put into effect by the Secretary under

title I of division A of the Emergency Economic Stabilization Act of 2008 (12 U.S.C. 5211 et seq.), including the Home Affordable Modification Program;

(3) the term "homeowner" means an individual who applies for a home loan modification under a home loan modification program;

(4) the term "permanent loan modification" means any agreement reached between a homeowner and a servicer on a long-term basis, as determined by the Secretary, under a home loan modification program;

(5) the term "qualified counselor" means a qualified counselor described in section 255(f) of the National Housing Act (12 U.S.C. 1715z-20(f));

(6) the term "Secretary" means the Secretary of the Treasury;

(7) the term "servicer" has the same meaning as in section 129 of the Truth in Lending Act (15 U.S.C. 1639a) (relating to the duties of servicers of residential mortgages), as added by section 201(b) of the Helping Families Save Their Homes Act of 2009 (Public Law 111-22; 123 Stat. 1638);

(8) the term "servicer incentive payment" means a payment that is made by the Secretary to a servicer—

(A) in exchange, or as an incentive, for making a loan modification under a home loan modification program; and

(B) at the time the servicer makes an offer of a trial or permanent modification to a homeowner; and

(9) the term "trial loan modification" means any agreement reached between a homeowner and a servicer on a temporary basis, as determined by the Secretary, under a home loan modification program.

SEC. 3. FORECLOSURE.

A servicer may not initiate or continue a foreclosure proceeding with respect to the mortgage of a homeowner if—

(1) the homeowner submitted an application for a loan modification under a home loan modification program—

(A) before receiving a notice of foreclosure from the servicer; or

(B) not later than 30 days after the homeowner received a notice of foreclosure from the servicer; and

(2) the servicer has not made a determination, as described in section 5(a) that the homeowner does not qualify for a loan modification under a home loan modification program.

SEC. 4. PROCESS FOR REVIEW OF IMPROPER DENIALS.

(a) PROCESS FOR REVIEW.—

(1) IN GENERAL.—The Secretary shall establish a process by which a homeowner may request the Secretary to review a denial by a servicer of an application by the homeowner for a trial loan modification or permanent loan modification.

(2) QUALIFIED COUNSELORS.—The process established under paragraph (1) shall include the use of qualified counselors to report wrongful denials of trial loan modifications and permanent loan modifications.

(3) SUPPORTING DOCUMENTATION.—The Secretary shall require a servicer to submit supporting documentation with respect to any denial by the servicer of an application by a homeowner for a trial loan modification or permanent loan modification that is reviewed by the Secretary under the process established under paragraph (1).

(b) PENALTIES.—If the Secretary determines after a review under the process established under subsection (a) that a servicer has wrongly denied the application of a homeowner for a trial loan modification or a

permanent loan modification, the Secretary shall impose a penalty on the servicer.

SEC. 5. PENALTIES FOR SERVICERS THAT DO NOT TIMELY EVALUATE HOMEOWNERS.

(a) TIME FOR EVALUATION OF HOMEOWNERS.—Not later than 3 months after the date on which a homeowner submits an application for a loan modification to a servicer that participates in a home loan modification program, the servicer shall—

(1) evaluate the application of the homeowner; and

(2) notify the homeowner that—

(A) the homeowner is qualified for a trial loan modification or a permanent loan modification under the home loan modification program; or

(B) the servicer has denied the application.

(b) PRIORITY FOR EVALUATING AMENDMENTS.—

(1) PRIORITY.—A servicer that participates in a home loan modification program shall evaluate the applications of homeowners for loan modifications in the order in which the servicer receives the applications.

(2) PROHIBITION.—A servicer that participates in a home loan modification program may not select the order in which the applications of homeowners are evaluated for loan modifications—

(A) on the basis of—

(i) the income of the homeowner that made the application; or

(ii) the value of the loan for which a modification is requested; or

(B) for any reason other than the time at which the servicer receives the applications.

(c) LATE FEES FOR SERVICERS.—

(1) REDUCED SERVICER INCENTIVE PAYMENTS FOR LOANS INDIVIDUAL HOMEOWNERS.—The Secretary shall reduce the amount of any servicer incentive payment with respect to the loan modification of an individual homeowner by 10 percent for each full month that—

(A) follows the date that is 3 months after the date on which the homeowner submits an application for a loan modification to the servicer; and

(B) precedes the date on which the servicer notifies the homeowner under subsection (a)(2).

(2) REDUCED PAYMENTS FOR ALL LOANS.—If the Secretary determines that, on the date that is 3 months after the date of enactment of this Act, less than 75 percent of all homeowners who applied to a servicer for loan modifications under a home loan modification program have been evaluated within 3 months of the date of the application, the Secretary shall reduce by 25 percent the amount of any servicer incentive payment the servicer would otherwise be eligible to receive under the home loan modification program.

(d) DELINQUENCY FEES CHARGED TO HOMEOWNERS.—No servicer may impose a fee on a homeowner due to delinquency during the period beginning on the date on which the homeowner submits an application to the servicer for a loan modification and ending on the date on which the homeowner receives notice under subsection (a)(2).

(e) COLLECTION AND REPORT OF DATA.—

(1) COLLECTION OF DATA.—Each servicer shall report to the Secretary, at such time and in such manner as the Secretary may determine, data relating to the processing by the servicer of applications for loan modifications.

(2) REPORT OF DATA.—The Secretary shall publish a monthly report containing the data collected under paragraph (1).

SEC. 6. REDUCED PAYMENTS FOR FAILURE TO EVALUATE HOMEOWNERS FOR PERMANENT MODIFICATIONS.

If the Secretary determines that, on the date that is 3 months after the date of enactment of this Act, less than 70 percent of all covered trial loan modifications offered by a servicer have been evaluated for conversion to permanent loan modifications before the date that is 3 months after the date on which the servicer and the homeowner entered into an agreement for a trial loan modification, the Secretary shall reduce by 25 percent the amount of any servicer incentive payment the servicer would otherwise be eligible to receive under the home loan modification program. Such reduction shall be in addition to any other reduction in payment that may have been imposed on the servicer for any other violation of this Act.

SEC. 7. RULE OF CONSTRUCTION RELATING TO PAYMENTS TO HOMEOWNERS.

Nothing in this Act may be construed to require a reduction of a payment by the Secretary made on behalf or for the benefit of a homeowner in connection with a loan modification.

By Mr. AKAKA (for himself, Mr. BAUCUS, Mr. BAYH, Mr. BEGICH, Mr. BENNET, Mr. BINGAMAN, Mrs. BOXER, Mr. BROWN, of Ohio, Mr. BURRIS, Mr. BYRD, Ms. CANTWELL, Mr. CARDIN, Mr. CARPER, Mr. CASEY, Mr. CONRAD, Mr. DODD, Mr. DORGAN, Mr. DURBIN, Mr. FEINGOLD, Mrs. FEINSTEIN, Mr. FRANKEN, Mrs. GILLIBRAND, Mrs. HAGAN, Mr. HARKIN, Mr. INOUE, Mr. JOHNSON, Mr. KAUFMAN, Mr. KERRY, Ms. KLOBUCHAR, Mr. KOHL, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. LEAHY, Mr. LEVIN, Mr. LIEBERMAN, Mrs. LINCOLN, Mrs. MCCASKILL, Mr. MENENDEZ, Mr. MERKLEY, Ms. MIKULSKI, Mrs. MURRAY, Mr. NELSON of Florida, Mr. NELSON of Nebraska, Mr. PRYOR, Mr. REED, Mr. REID, Mr. ROCKEFELLER, Mr. SANDERS, Mr. SCHUMER, Mrs. SHAHEEN, Mr. SPECTER, Ms. STABENOW, Mr. TESTER, Mr. UDALL of Colorado, Mr. UDALL of New Mexico, Mr. WARNER, Mr. WEBB, Mr. WHITEHOUSE, and Mr. WYDEN):

S. 3162. A bill to clarify the health care provided by the Secretary of Veterans Affairs that constitutes minimum essential coverage; to the Committee on Veterans' Affairs.

Mr. AKAKA. Mr. President, as Chairman of the Senate Committee on Veterans' Affairs, concerns have been raised to me about a technical error in the health care reform bill that was recently passed, the Patient Protection and Affordable Care Act, H.R. 3590. In drafting the PPACA, a provision was included which designates health care provided under VA's authority as meeting the minimum required health care coverage that an individual is required to maintain.

However, due to the way this exemption was worded, this definition may

exclude children with spina bifida, who are seriously disabled and to whom VA provides reimbursement for comprehensive health care. The underlying bill gave authority to the Secretary of Health and Human Services to designate other care, which could include the VA spina bifida program, as meeting the definition of minimum essential coverage. This bill would simply clarify what was originally intended.

Chapter 18 of title 38 contains the Spina Bifida Health Care Program, which is a health benefit program administered by the Department of Veterans Affairs for Vietnam War and certain Korean War Veterans' birth children who have been diagnosed with spina bifida, except spina bifida occulta. The program provides reimbursement for medical services and supplies.

The legislation I introduce today corrects this small error. Additionally, this legislation would clarify that recipients of CHAMPVA would also be considered as meeting the requirement for minimum essential coverage.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 3162

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CLARIFICATION OF HEALTH CARE PROVIDED BY THE SECRETARY OF VETERANS AFFAIRS THAT CONSTITUTES MINIMUM ESSENTIAL COVERAGE.

(a) IN GENERAL.—Clause (v) of section 5000A(f)(1)(A) of the Internal Revenue Code of 1986, as added by section 1501(b) of the Patient Protection and Affordable Care Act, is amended to read as follows:

“(v) chapter 17 or 18 of title 38, United States Code, or otherwise under the laws administered by the Secretary of Veterans Affairs, of an individual entitled to coverage under such chapter or laws for essential health benefits (as defined by the Secretary for purposes of section 1302(b) of the Patient Protection and Affordable Care Act) insofar as such benefits are available under such chapter or laws; or”.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect as if included in section 1501(b) of the Patient Protection and Affordable Care Act and shall be executed immediately after the amendments made by such section 1501(b).

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 468—HONORING THE BLACKSTONE VALLEY TOURISM COUNCIL ON THE CELEBRATION OF ITS 25TH ANNIVERSARY

Mr. WHITEHOUSE (for himself and Mr. REED) submitted the following resolution; which was referred to the Committee on the Judiciary.

S. RES. 468

Whereas on April 8, 2010, the Blackstone Valley Tourism Council will celebrate the 25th anniversary of its founding;

Whereas since 1985, the Blackstone Valley Tourism Council has been at the forefront of sustainable destination development, community building, resiliency, education, and scholarly research;

Whereas the Blackstone Valley Tourism Council is a non-profit corporation registered as a 501(c)(3) educational organization and is authorized under Section 42-63.1-5 of the Rhode Island General Laws as the State-designated regional tourism development agency for the Blackstone Valley of Rhode Island;

Whereas the development region of the Blackstone Valley Tourism Council follows the length and width of the Blackstone River Watershed, from the many tributaries in southern Massachusetts, to the end of the river at the headwaters of the Narragansett Bay in Rhode Island;

Whereas the Blackstone Valley Tourism Council represents the Rhode Island cities of Pawtucket, Central Falls, and Woonsocket, and towns of Cumberland, Lincoln, North Smithfield, Smithfield, Glocester, and Burrillville;

Whereas the Blackstone Valley is the birthplace of the American Industrial Revolution that began in 1790 in Pawtucket, Rhode Island, when Samuel Slater began textile manufacturing in a wooden mill on the banks of the Blackstone River;

Whereas since its beginning, the Blackstone Valley Tourism Council has worked to develop, promote, and expand the economic and community development base for the cities and towns in the Blackstone Valley to create a viable visitor and cultural destination that preserves the historic heritage of the region;

Whereas the Blackstone Valley Tourism Council works as an interpreter and educator of the history and ecology of the Blackstone River, initiates ongoing international relationships of major importance to the region, provides input on future riverfront and economic development, and develops various recreational activities;

Whereas the work that the Blackstone Valley Tourism Council accomplishes benefits from its partnerships with local social and community development organizations, municipalities, regional and State economic development organizations, educational institutions, and National and international entities;

Whereas the Blackstone Valley Tourism Council was the first recipient of the Ulysses Prize from the United Nations World Tourism Organization (UNWTO) that merits distinction for innovative contributions to tourism policy, sustainable tourism planning, environmental protection and new technologies, and in 2006, the Council received the UNWTO Sbest Certification in tourism governance, the only organization in the United States to earn this certification; and

Whereas in 2008, the World Travel and Tourism Council (WTTC) recognized the Blackstone Valley Tourism Council with its Tourism for Tomorrow Destination Award, a prestigious sustainable tourism development award, in recognition of the integrated, community-centered, resilient approach of the Council to tourism development and community building; Now, therefore, be it

Resolved, That the Senate—

SA 3649. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 4872, supra; which was ordered to lie on the table.

SA 3650. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 4872, supra; which was ordered to lie on the table.

SA 3651. Mr. GREGG proposed an amendment to the bill H.R. 4872, supra.

SA 3652. Mr. BURR (for himself, Mr. GRAHAM, Mr. CRAPO, Mr. BARRASSO, Mr. MCCAIN, and Mr. BROWN of Massachusetts) proposed an amendment to the bill H.R. 4872, supra.

SA 3653. Mr. BROWNBACK submitted an amendment intended to be proposed by him to the bill H.R. 4872, supra; which was ordered to lie on the table.

SA 3654. Mr. BARRASSO submitted an amendment intended to be proposed by him to the bill H.R. 4872, supra; which was ordered to lie on the table.

SA 3655. Mr. BARRASSO submitted an amendment intended to be proposed by him to the bill H.R. 4872, supra; which was ordered to lie on the table.

SA 3656. Mr. BARRASSO submitted an amendment intended to be proposed by him to the bill H.R. 4872, supra; which was ordered to lie on the table.

SA 3657. Mr. BARRASSO submitted an amendment intended to be proposed by him to the bill H.R. 4872, supra; which was ordered to lie on the table.

SA 3658. Mr. BARRASSO submitted an amendment intended to be proposed by him to the bill H.R. 4872, supra; which was ordered to lie on the table.

SA 3659. Mr. BARRASSO submitted an amendment intended to be proposed by him to the bill H.R. 4872, supra; which was ordered to lie on the table.

SA 3660. Mr. BARRASSO submitted an amendment intended to be proposed by him to the bill H.R. 4872, supra; which was ordered to lie on the table.

SA 3661. Mr. BARRASSO submitted an amendment intended to be proposed by him to the bill H.R. 4872, supra; which was ordered to lie on the table.

SA 3662. Mr. BARRASSO submitted an amendment intended to be proposed by him to the bill H.R. 4872, supra; which was ordered to lie on the table.

SA 3663. Mr. BARRASSO submitted an amendment intended to be proposed by him to the bill H.R. 4872, supra; which was ordered to lie on the table.

SA 3664. Mr. VITTER submitted an amendment intended to be proposed by him to the bill H.R. 4872, supra; which was ordered to lie on the table.

SA 3665. Mr. VITTER submitted an amendment intended to be proposed by him to the bill H.R. 4872, supra; which was ordered to lie on the table.

SA 3666. Mr. VITTER submitted an amendment intended to be proposed by him to the bill H.R. 4872, supra; which was ordered to lie on the table.

SA 3667. Mr. VITTER submitted an amendment intended to be proposed by him to the bill H.R. 4872, supra; which was ordered to lie on the table.

SA 3668. Mr. VITTER proposed an amendment to the bill H.R. 4872, supra.

SA 3669. Mr. VITTER submitted an amendment intended to be proposed by him to the bill H.R. 4872, supra; which was ordered to lie on the table.

SA 3670. Mr. ENZI submitted an amendment intended to be proposed by him to the bill H.R. 4872, supra; which was ordered to lie on the table.

SA 3671. Mr. ENZI (for himself and Mr. COBURN) submitted an amendment intended to be proposed by him to the bill H.R. 4872, supra; which was ordered to lie on the table.

SA 3672. Mr. ENZI submitted an amendment intended to be proposed by him to the bill H.R. 4872, supra; which was ordered to lie on the table.

SA 3673. Mr. ENZI submitted an amendment intended to be proposed by him to the bill H.R. 4872, supra; which was ordered to lie on the table.

SA 3674. Mr. HATCH submitted an amendment intended to be proposed by him to the bill H.R. 4872, supra; which was ordered to lie on the table.

SA 3675. Mr. HATCH submitted an amendment intended to be proposed by him to the bill H.R. 4872, supra; which was ordered to lie on the table.

SA 3676. Ms. COLLINS submitted an amendment intended to be proposed by her to the bill H.R. 4872, supra; which was ordered to lie on the table.

SA 3677. Mr. LEMIEUX submitted an amendment intended to be proposed by him to the bill H.R. 4872, supra; which was ordered to lie on the table.

SA 3678. Mr. LEMIEUX submitted an amendment intended to be proposed by him to the bill H.R. 4872, supra; which was ordered to lie on the table.

SA 3679. Mr. LEMIEUX submitted an amendment intended to be proposed by him to the bill H.R. 4872, supra; which was ordered to lie on the table.

SA 3680. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill H.R. 4872, supra; which was ordered to lie on the table.

SA 3681. Mr. BUNNING proposed an amendment to the bill H.R. 4872, supra.

SA 3682. Mr. MCCAIN (for himself and Mr. KYL) submitted an amendment intended to be proposed by him to the bill H.R. 4872, supra; which was ordered to lie on the table.

SA 3683. Mr. THUNE submitted an amendment intended to be proposed by him to the bill H.R. 4872, supra; which was ordered to lie on the table.

SA 3684. Mr. BROWNBACK submitted an amendment intended to be proposed by him to the bill H.R. 4872, supra; which was ordered to lie on the table.

SA 3685. Mr. BROWNBACK (for himself and Mr. ROBERTS) submitted an amendment intended to be proposed by him to the bill H.R. 4872, supra; which was ordered to lie on the table.

SA 3686. Mr. BROWNBACK submitted an amendment intended to be proposed by him to the bill H.R. 4872, supra; which was ordered to lie on the table.

SA 3687. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 4872, supra; which was ordered to lie on the table.

SA 3688. Ms. SNOWE (for herself, Mr. MCCAIN, Mr. VITTER, Mr. THUNE, Mr. GRASSLEY, and Ms. COLLINS) submitted an amendment intended to be proposed by her to the bill H.R. 4872, supra; which was ordered to lie on the table.

SA 3689. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 4872, supra; which was ordered to lie on the table.

SA 3690. Mr. BROWNBACK submitted an amendment intended to be proposed by him to the bill H.R. 4872, supra; which was ordered to lie on the table.

SA 3691. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill H.R. 4872, supra; which was ordered to lie on the table.

SA 3692. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill H.R. 4872, supra; which was ordered to lie on the table.

SA 3693. Ms. MURKOWSKI submitted an amendment intended to be proposed by her to the bill H.R. 4872, supra; which was ordered to lie on the table.

SA 3694. Mr. GRAHAM submitted an amendment intended to be proposed by him to the bill H.R. 4872, supra; which was ordered to lie on the table.

SA 3695. Mr. ALEXANDER submitted an amendment intended to be proposed by him to the bill H.R. 4872, supra; which was ordered to lie on the table.

SA 3696. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill H.R. 4872, supra; which was ordered to lie on the table.

SA 3697. Mr. BROWNBACK submitted an amendment intended to be proposed by him to the bill H.R. 4872, supra; which was ordered to lie on the table.

SA 3698. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill H.R. 4872, supra; which was ordered to lie on the table.

SA 3699. Mr. GRASSLEY proposed an amendment to the bill H.R. 4872, supra.

TEXT OF AMENDMENTS

SA 3586. Mr. LEMIEUX submitted an amendment intended to be proposed by him to the bill H.R. 4872, to provide for reconciliation pursuant to Title II of the concurrent resolution on the budget for fiscal year 2010 (S. Con. Res. 13); as follows:

At the end of subtitle C of title I, add the following:

SEC. 1207. MEMBERS OF CONGRESS REQUIRED TO HAVE COVERAGE UNDER MEDICAID INSTEAD OF THROUGH FEHBP.

(a) IN GENERAL.—Notwithstanding chapter 89 of title 5, United States Code, title XIX of the Social Security Act, or any provision of this Act, effective on the date of enactment of this Act—

(1) each Member of Congress shall be eligible for medical assistance under the Medicaid plan of the State in which the Member resides; and

(2) any employer contribution under chapter 89 of title 5 of such Code on behalf of the Member may be paid only to the State agency responsible for administering the Medicaid plan in which the Member enrolls and not to the offeror of a plan offered through the Federal employees health benefit program under such chapter.

(b) PAYMENTS BY FEDERAL GOVERNMENT.—The Secretary of Health and Human Services, in consultation with the Director of the Office of Personnel Management, shall establish procedures under which the employer contributions that would otherwise be made on behalf of a Member of Congress if the Member were enrolled in a plan offered through the Federal employees health benefit program may be made directly to the State agencies described in subsection (a).

(c) INELIGIBLE FOR FEHBP.—Effective on the date of enactment of this Act, no Member of Congress shall be eligible to obtain health insurance coverage under the program chapter 89 of title 5, United States Code.

(d) DEFINITION.—In this section, the term “Member of Congress” means any member of the House of Representatives or the Senate.

SA 3587. Mr. BROWNBACK (for himself and Mr. VITTER) submitted an amendment intended to be proposed by him to the bill H.R. 4872, to provide for reconciliation pursuant to Title II of the concurrent resolution on the budget for fiscal year 2010 (S. Con. Res. 13); which was ordered to lie on the table; as follows:

Strike section 1107.

SA 3588. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill H.R. 4872, to provide for reconciliation pursuant to Title II of the concurrent resolution on the budget for fiscal year 2010 (S. Con. Res. 13); which was ordered to lie on the table; as follows:

On page 99, between lines 9 and 10, insert the following:

(e) EXCLUSION OF MEDICAL DEVICES FOR PEDIATRIC USE AND PERSONS WITH DISABILITIES.—

(1) IN GENERAL.—For purposes of section 4191(b)(1) of the Internal Revenue Code of 1986, as added by subsection (a), the term “taxable medical device” shall not include any device which is primarily designed—

(A) to be used by or for pediatric patients, or

(B) to assist persons with disabilities with tasks of daily life.

(2) EXPANSION OF AFFORDABILITY EXCEPTION TO INDIVIDUAL MANDATE.—Section 5000A(e)(1)(A) of the Internal Revenue Code of 1986, as added by section 1501(b) of the Patient Protection and Affordable Care Act and amended by section 10106 of such Act, is amended by striking “8 percent” and inserting “5 percent”.

(3) APPLICATION OF PROVISION.—The amendment made by paragraph (2) shall apply as if included in the Patient Protection and Affordable Care Act.

SA 3589. Ms. SNOWE submitted an amendment intended to be proposed by her to the bill H.R. 4872, to provide for reconciliation pursuant to Title II of the concurrent resolution on the budget for fiscal year 2010 (S. Con. Res. 13); which was ordered to lie on the table; as follows:

On page 64, between lines 4 and 5, insert the following:

SEC. 1201A. TRANSITIONAL STATE SHARE FOR COVERAGE OF PARENTS BY EXPANSION STATES.

Section 1905(z) of the Social Security Act (42 U.S.C. 1396d(z)), as amended by section 1201, is amended by adding at the end the following:

“(4) In the case of an expansion State described in paragraph (3), the State percentage with respect to amounts expended for medical assistance for individuals who are parents described in subclause (VIII) of section 1902(a)(10)(A)(i) whose income (as determined under section 1902(e)(14)) exceeds 67 percent, but does not exceed 133 percent, of the poverty line (as defined in section 2110(c)(5)) applicable to a family of the size involved, and who are not newly eligible (as defined in subsection (y)(2)), shall be reduced as follows:

“(A) In the case of such expenditures for 2014, by 50 percent.

“(B) In the case of such expenditures for 2015, by 60 percent.

“(C) In the case of such expenditures for 2016, by 70 percent.

“(D) In the case of such expenditures for 2017, by 80 percent.

“(E) In the case of such expenditures for 2018, by 90 percent.”.

SA 3590. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill H.R. 4872, to provide for reconciliation pursuant to Title II of the concurrent resolution on the budget for fiscal year 2010 (S. Con. Res. 13); which was ordered to lie on the table; as follows:

At the end of subtitle A of title I, add the following:

SEC. 1110. SPECIAL RULES TO ENSURE CITIZENS AND NATIONALS OF THE UNITED STATES HAVE THE SAME HEALTH CARE CHOICES AS LEGAL IMMIGRANTS.

Section 36B(c)(1) of the Internal Revenue Code of 1986, as added by section 1401 of the Patient Protection and Affordable Care Act and amended by section 10105 of such Act, is amended by adding at the end the following:

“(E) SPECIAL RULES TO ENSURE CITIZENS AND NATIONALS OF THE UNITED STATES HAVE THE SAME HEALTH CARE CHOICES AS LEGAL IMMIGRANTS.—

“(i) IN GENERAL.—Notwithstanding any other provision of this Code, the Patient Protection and Affordable Care Act, or any amendment made by that Act, any taxpayer who—

“(I) is a citizen or national of the United States; and

“(II) has a household income which is not greater than 133 percent of an amount equal to the poverty line for a family of the size involved,

may elect to enroll in a qualified health plan through the Exchange established by the State under section 1311 of the Patient Protection and Affordable Care Act instead of enrolling in the State Medicaid plan under title XIX of the Social Security, or under a waiver of such plan.

“(ii) SPECIAL RULES.—

“(I) An individual making an election under clause (i) shall waive being provided with medical assistance under the State Medicaid plan under title XIX of the Social Security, or under a waiver of such plan while enrolled in a qualified health plan.

“(II) In the case of an individual who is a child, the child’s parent or legal guardian may make such an election on behalf of the child.

“(III) Any individual making such an election, or on whose behalf such an election is made, shall—

“(aa) for purposes of the credit under this section, be treated as an applicable taxpayer and the applicable percentage with respect to such taxpayer shall be the percentage determined under subsection (b)(3)(A)(i); and

“(bb) for purposes of reduced cost-sharing under section 1402 of the Patient Protection and Affordable Care Act, be treated as an eligible individual whose household income is in the category described in subsection (c)(2)(A) of such section.”.

SA 3591. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill H.R. 4872, to provide for reconciliation pursuant to Title II of the concurrent resolution on the budget for fiscal year 2010 (S. Con. Res. 13); which was ordered to lie on the table; as follows:

At the end of subtitle B of title II, add the following:

SEC. 23. TREATMENT OF HIGH DEDUCTIBLE HEALTH PLANS AS QUALIFIED HEALTH PLANS.

Subparagraph (B) of section 1301(a)(1) of the Patient Protection and Affordable Care Act is amended by inserting “or meets the requirements for a high deductible health plan under section 223(c)(2) of the Internal Revenue Code of 1986” after “section 1302(a)”.

SA 3592. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill H.R. 4872, to provide for reconciliation pursuant to Title II of the concurrent resolution on the budget for fiscal year 2010 (S. Con. Res. 13); which was ordered to lie on the table; as follows:

At the end of subtitle F of title I, add the following:

SEC. 1. PROTECTION OF ACCESS TO QUALITY HEALTH CARE THROUGH THE DEPARTMENT OF VETERANS AFFAIRS AND THE DEPARTMENT OF DEFENSE.

(a) HEALTH CARE THROUGH DEPARTMENT OF VETERANS AFFAIRS.—Nothing in this Act or the Patient Protection and Affordable Care Act (or any amendment made by either such Act) shall be construed to prohibit, limit, or otherwise penalize veterans and dependents eligible for health care through the Department of Veterans Affairs under the laws administered by the Secretary of Veterans Affairs from receiving timely access to quality health care in any facility of the Department or from any non-Department health care provider through which the Secretary provides health care.

(b) HEALTH CARE THROUGH DEPARTMENT OF DEFENSE.—

(1) IN GENERAL.—Nothing in this Act or the Patient Protection and Affordable Care Act (or any amendment made by either such Act) shall be construed to prohibit, limit, or otherwise penalize eligible beneficiaries from receiving timely access to quality health care in any military medical treatment facility or under the TRICARE program.

(2) DEFINITIONS.—In this subsection:

(A) The term “eligible beneficiaries” means covered beneficiaries (as defined in section 1072(5) of title 10, United States Code) for purposes of eligibility for mental and dental care under chapter 55 of title 10, United States Code.

(B) The term “TRICARE program” has the meaning given that term in section 1072(7) of title 10, United States Code.

SA 3593. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill H.R. 4872, to provide for reconciliation pursuant to Title II of the concurrent resolution on the budget for fiscal year 2010 (S. Con. Res. 13); which was ordered to lie on the table; as follows:

At the end of subtitle B of title II, insert the following:

SEC. 2. HEALTH CARE SAFETY NET ENHANCEMENT.

(a) LIMITATION ON LIABILITY.—Notwithstanding any other provision of law, a health care professional shall not be liable in any medical malpractice lawsuit for a cause of action arising out of the provision of, or the failure to provide, any medical service to a medically underserved or indigent individual while engaging in the provision of pro bono medical services.

(b) REQUIREMENTS.—Subsection (a) shall not apply—

(1) to any act or omission by a health care professional that is outside the scope of the services for which such professional is deemed to be licensed or certified to provide, unless such act or omission can reasonably be determined to be necessary to prevent serious bodily harm or preserve the life of the individual being treated;

(2) if the services on which the medical malpractice claim is based did not arise out of the rendering of pro bono care for a medically underserved or indigent individual; or

(3) to an act or omission by a health care professional that constitutes willful or criminal misconduct, gross negligence, reckless misconduct, or a conscious, flagrant indifference to the rights or safety of the individual harmed by such professional.

(c) DEFINITION.—In this section—

(1) the term “medically underserved individual” means an individual who does not have health care coverage under a group health plan, health insurance coverage, or any other health care coverage program; and

(2) the term “indigent individual” means and individual who is unable to pay for the health care services that are provided to the individual.

SA 3594. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill H.R. 4872, to provide for reconciliation pursuant to Title II of the concurrent resolution on the budget for fiscal year 2010 (S. Con. Res. 13); which was ordered to lie on the table; as follows:

At the end of subtitle F of title I, add the following:

SEC. 15. EQUIVALENT BANKRUPTCY PROTECTIONS FOR HEALTH SAVINGS ACCOUNTS AS RETIREMENT FUNDS.

(a) IN GENERAL.—Section 522 of title 11, United States Code, is amended by adding at the end the following new subsection:

“(r) TREATMENT OF HEALTH SAVINGS ACCOUNTS.—For purposes of this section, any health savings account (as described in section 223 of the Internal Revenue Code of 1986) shall be treated in the same manner as an individual retirement account described in section 408 of such Code.”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to cases commencing under title 11, United States Code, after the date of the enactment of this Act.

SA 3595. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill H.R. 4872, to provide for reconciliation pursuant to Title II of the concurrent resolution on the budget for fiscal year 2010 (S. Con. Res. 13); which was ordered to lie on the table; as follows:

At the end of subtitle B of title II, insert the following:

SEC. 2304. APPLICATION OF WELLNESS PROGRAMS PROVISIONS TO CARRIERS PROVIDING FEDERAL EMPLOYEE HEALTH BENEFITS PLANS.

(a) IN GENERAL.—Notwithstanding section 8906 of title 5, United States Code (including subsections (b)(1) and (b)(2) of such section), section 2705(j) of the Public Health Service Act (relating to wellness programs) shall apply to carriers entering into contracts under section 8902 of title 5, United States Code.

(b) PROPOSALS.—Carriers may submit separate proposals relating to voluntary wellness

program offerings as part of the annual call for benefit and rate proposals to the Office of Personnel Management.

(c) EFFECTIVE DATE.—This section shall take effect on the date of enactment of this Act and shall apply to contracts entered into under section 8902 of title 5, United States Code, that take effect with respect to calendar years that begin more than 1 year after that date.

SA 3596. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill H.R. 4872, to provide for reconciliation pursuant to Title II of the concurrent resolution on the budget for fiscal year 2010 (S. Con. Res. 13); which was ordered to lie on the table; as follows:

At the end of subtitle C of title I, add the following:

SEC. 1207. STATE OPTION TO OPT-OUT OF MEDICAID COVERAGE EXPANSION TO AVOID ASSUMING UNFUNDED FEDERAL MANDATE.

Notwithstanding any provision of the Patient Protection and Affordable Care Act (or any amendment made by such Act), the Governor of a State shall have the authority to opt out of any provision under such Act or any amendment made by such Act that requires the State to expand coverage under the Medicaid program if the State agency responsible for administering the State plan under title XIX certifies that such expansion would result in an increase of at least 1 percent in the total amount of expenditures by the State for providing medical assistance to all individuals enrolled under the State plan, when compared to the total amount of such expenditures for the most recently ended State fiscal year.

SA 3597. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill H.R. 4872, to provide for reconciliation pursuant to Title II of the concurrent resolution on the budget for fiscal year 2010 (S. Con. Res. 13); which was ordered to lie on the table; as follows:

At the end of subtitle B of title II, add the following:

SEC. 23. SOCIAL SECURITY NUMBER REQUIREMENT FOR PARTICIPATION IN EXCHANGES.

Section 1411(b)(2) of the Patient Protection and Affordable Care Act is amended by adding at the end the following new flush sentence:

“For purposes of this section, the term ‘social security number’ means a social security number issued to an individual by the Social Security Administration. Such term shall not include a taxpayer identification number or TIN issued by the Internal Revenue Service.”.

SA 3598. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill H.R. 4872, to provide for reconciliation pursuant to Title II of the concurrent resolution on the budget for fiscal year 2010 (S. Con. Res. 13); which was ordered to lie on the table; as follows:

At the end of subtitle B of title I, add the following:

SEC. ENSURING MEDICARE SAVINGS ARE KEPT IN THE MEDICARE PROGRAM.

No reduction in outlays under the Medicare program under title XVIII of the Social

Security Act under the provisions of, and amendments made by, this Act or the Patient Protection and Affordable Care Act may be utilized to offset any outlays under any other program or activity of the Federal government.

SA 3599. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill H.R. 4872, to provide for reconciliation pursuant to Title II of the concurrent resolution on the budget for fiscal year 2010 (S. Con. Res. 13); which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. PROHIBITION ON USING MEDICARE SAVINGS TO OFFSET PROGRAMS UNRELATED TO MEDICARE.

Title III of the Congressional Budget Act of 1974 (2 U.S.C. 621 et seq.) is amended by adding at the end the following:

“SEC. 316. PROHIBITION ON USING MEDICARE SAVINGS TO OFFSET PROGRAMS UNRELATED TO MEDICARE.

“For purposes of this title and title IV, a reduction in outlays under title XVIII of the Social Security Act may not be counted as an offset to any outlays under any other program or activity of the Federal Government.”.

SA 3600. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill H.R. 4872, to provide for reconciliation pursuant to Title II of the concurrent resolution on the budget for fiscal year 2010 (S. Con. Res. 13); which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. PROHIBITION ON USING MEDICARE SAVINGS TO OFFSET PROGRAMS UNRELATED TO MEDICARE.

Title III of the Congressional Budget Act of 1974 (2 U.S.C. 621 et seq.) is amended by adding at the end the following:

“SEC. 316. PROHIBITION ON USING MEDICARE SAVINGS TO OFFSET PROGRAMS UNRELATED TO MEDICARE.

“(a) IN GENERAL.—For purposes of this title and title IV, a reduction in outlays under title XVIII of the Social Security Act or an increase in revenues resulting from an increase in taxes assessed for purposes of such title may not be counted as an offset to any outlays under any other program or activity of the Federal Government.

“(b) POINT OF ORDER.—

“(1) IN GENERAL.—It shall not be in order to consider any bill, resolution, amendment, conference report, or motion that violates subsection (a).

“(2) WAIVER AND APPEAL.—

“(A) WAIVER.—This subsection may be waived or suspended in the Senate only by the affirmative vote of three-fifths of the Members, duly chosen and sworn.

“(B) APPEALS.—Appeals in the Senate from the decisions of the Chair relating to any provision of this subsection shall be limited to 1 hour, to be equally divided between, and controlled by, the appellant and the manager of the bill or joint resolution, as the case may be. An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under this subsection.”.

SA 3601. Mr. ENSIGN submitted an amendment intended to be proposed by

him to the bill H.R. 4872, to provide for reconciliation pursuant to Title II of the concurrent resolution on the budget for fiscal year 2010 (S. Con. Res. 13); which was ordered to lie on the table; as follows:

At the end of section 1002, add the following:

(c) **LIMITATION ON LIENS AND LEVIES.**—Section 5000A(g)(2) of the Internal Revenue Code of 1986, as added by the Patient Protection and Affordable Care Act, is amended by striking subparagraphs (A) and (B) and inserting the following:

“(A) **WAIVER OF CRIMINAL AND CIVIL PENALTIES AND INTEREST.**—In the case of any failure by a taxpayer to timely pay any penalty imposed by this section—

“(i) such taxpayer shall not be subject to any criminal prosecution or penalty with respect to such failure, and

“(ii) no penalty, addition to tax, or interest shall be imposed with respect to such failure or such penalty.

“(B) **LIMITED COLLECTION ACTIONS PERMITTED.**—In the case of the assessment of any penalty imposed by this section, the Secretary shall not take any action with respect to the collection of such penalty other than—

“(i) giving notice and demand for such penalty under section 6303,

“(ii) crediting under section 6402(a) the amount of any overpayment of the taxpayer against such penalty, and

“(iii) offsetting any payment owed by any Federal agency to the taxpayer against such penalty under the Treasury offset program.”.

SA 3602. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill H.R. 4872, to provide for reconciliation pursuant to Title II of the concurrent resolution on the budget for fiscal year 2010 (S. Con. Res. 13); which was ordered to lie on the table; as follows:

At the end of subtitle E of title I, add the following:

SEC. 14. REPEAL OF ADDITIONAL TAX FROM DISTRIBUTIONS FROM HSAS AND MSAS.

(a) **HSAs.**—Section 223(f)(4)(A) of the Internal Revenue Code of 1986, as amended by section 9004 of the Patient Protection and Affordable Care Act, is amended by striking “20 percent” and inserting “10 percent”.

(b) **ARCHER MSAs.**—Section 220(f)(4)(A) of the Internal Revenue Code of 1986, as amended by section 9004 of the Patient Protection and Affordable Care Act, is amended by striking “20 percent” and inserting “15 percent”.

(c) **EFFECTIVE DATE.**—The amendments made by this section shall apply to distributions made after December 31, 2010.

SA 3603. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill H.R. 4872, to provide for reconciliation pursuant to Title II of the concurrent resolution on the budget for fiscal year 2010 (S. Con. Res. 13); which was ordered to lie on the table; as follows:

Strike section 1403 and insert the following:

SEC. 1403. ELIMINATION OF LIMITATION ON HEALTH FLEXIBLE SPENDING ARRANGEMENTS UNDER CAFETERIA PLANS.

(a) **IN GENERAL.**—Section 125 of the Internal Revenue Code of 1986, as amended by sec-

tions 9005 and 10902 of the Patient Protection and Affordable Care Act, is amended by striking subsection (i).

(b) **EFFECTIVE DATE.**—The amendment made by this section shall apply to taxable years beginning after December 31, 2010.

SA 3604. Mr. BENNETT submitted an amendment intended to be proposed by him to the bill H.R. 4872, to provide for reconciliation pursuant to Title II of the concurrent resolution on the budget for fiscal year 2010 (S. Con. Res. 13); which was ordered to lie on the table; as follows:

At the end of subtitle E of title I, add the following:

SEC. 1412. SUNSET FOR EXPANSIONS OF ENTITLEMENT SPENDING.

(a) **IN GENERAL.**—Notwithstanding any other provision of this Act or the Patient Protection and Affordable Care Act (or any amendments made by such Acts), any establishment or expansion of entitlement authority (as defined in subsection (b)) that is provided for under this Act or the Patient Protection and Affordable Care Act (or any amendments made by such Acts) that would draw from the general funds of the Treasury, the Federal Hospital Insurance Trust Fund (as established under section 1817 of the Social Security Act (42 U.S.C. 1395i)), the Federal Supplementary Medical Insurance Trust Fund (as established under section 1841 of such Act (42 U.S.C. 1395t)), or any other such trust fund, shall terminate at the end of fiscal year 2020.

(b) **ENTITLEMENT AUTHORITY.**—In this section, the term “entitlement authority” means the authority to make payments (including loans and grants), the budget authority for which is not provided for in advance by appropriation Acts, to any person or government if, under the provisions of the law containing that authority, the United States is obligated to make such payments to persons or government who meet the requirements established by that law.

SA 3605. Mr. BENNETT submitted an amendment intended to be proposed by him to the bill H.R. 4872, to provide for reconciliation pursuant to Title II of the concurrent resolution on the budget for fiscal year 2010 (S. Con. Res. 13); which was ordered to lie on the table; as follows:

At the end of subtitle C of title I, add the following:

SEC. 1207. STATE EXEMPTION FROM MEDICAID EXPANSION TO PREVENT REDUCTION IN MEDICAL SERVICES.

Notwithstanding any other provision of law, no State shall be required to expand coverage under the Medicaid program on or after the date of enactment of the Patient Protection and Affordable Care Act if the State agency responsible for administering the State Medicaid plan under title XIX of the Social Security Act certifies that such expansion would require the State to reduce or eliminate care or services provided to individuals who are eligible for medical assistance under such State plan on the date of enactment of the Patient Protection and Affordable Care Act.

SA 3606. Mr. BENNETT submitted an amendment intended to be proposed by him to the bill H.R. 4872, to provide for reconciliation pursuant to Title II of the concurrent resolution on the bud-

et for fiscal year 2010 (S. Con. Res. 13); which was ordered to lie on the table; as follows:

On page 61, between lines 3 and 4, insert the following:

SEC. 1110. APPLICATION OF UNUSED STIMULUS FUNDS FOR UPDATING OF THE MEDICARE PHYSICIAN FEE SCHEDULE.

(a) **RESCISSION IN ARRA.**—Effective as the date of enactment of this Act, any unobligated balances available on such date of funds made available by division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5) are rescinded.

(b) **UPDATE OF MEDICARE PHYSICIAN FEE SCHEDULE.**—The Secretary of Health and Human Services shall increase the update to the conversion factor under section 1848 of the Social Security Act (42 U.S.C. 1395w–4) for physicians’ services so that the estimated total amount of payments for such services furnished during fiscal years 2010 through 2019 is equal to the estimated total amount of payments for such services that would have been made in such fiscal years if this section did not apply plus an amount equal to the total funds rescinded under subsection (a).

SA 3607. Mr. BENNETT submitted an amendment intended to be proposed by him to the bill H.R. 4872, to provide for reconciliation pursuant to Title II of the concurrent resolution on the budget for fiscal year 2010 (S. Con. Res. 13); which was ordered to lie on the table; as follows:

On page 113, after line 21, insert the following:

SEC. 1502. STATE OPTION TO OPT-OUT OF NEW FEDERAL PROGRAM AND REQUIREMENTS.

(a) **IN GENERAL.**—In accordance with this section, a State may elect for the provisions of the Patient Protection and Affordable Care Act to not apply within such State to the extent that such provisions violate the protections described in subsection (b).

(b) **EFFECT OF OPT-OUT.**—In the case of a State that makes an election under subsection (a)—

(1) the residents of such State shall not be subject to any requirement under such Act, including tax provisions or penalties, that would otherwise require such residents to purchase health insurance;

(2) the employers located in such State shall not be subject to any requirement under such Act, including tax provisions or penalties, that would otherwise require such employers to provide health insurance to their employees or make contributions relating to health insurance;

(3) the residents of such State shall not be prohibited under such Act from receiving health care services from any provider of health care services under terms and conditions subject to the laws of such State and mutually acceptable to the patient and the provider;

(4) the residents of such State shall not be prohibited under such Act from entering into a contract subject to the laws of such State with any group health plan, health insurance issuer, or other business, for the provision of, or payment to other parties for, health care services;

(5) the eligibility of residents of such State for any program operated by or funded wholly or partly by the Federal Government shall not be adversely affected as a result of having received services in a manner consistent with paragraphs (3) and (4);

(6) the health care providers within such State shall not be denied participation in or payment from a Federal program for which they would otherwise be eligible as a result of having provided services in a manner consistent with paragraphs (3) and (4); and

(7) such State shall not be subject to the taxes and fees enumerated in the amendments made by title IX of such Act.

(c) **PROCESS.**—A State shall be treated as making an election under subsection (a) if—

(1) the Governor of such State provides timely and appropriate notice, at least 180 days before the election is to become effective, to the Secretary of Health and Human Services notifying the Secretary that the State is making such election; or

(2) the legislature of such State enacts a law to provide for such election.

SA 3608. Mrs. HUTCHISON (for herself, Mr. ENZI, Mr. COBURN, Mr. BURR, Mr. BROWN of Massachusetts, and Mr. CRAPO) proposed an amendment to the bill H.R. 4872, to provide for reconciliation pursuant to Title II of the concurrent resolution on the budget for fiscal year 2010 (S. Con. Res. 13); as follows:

At the end of section 1002, insert the following:

(c) **RIGHT OF STATES TO OPT OUT OF FEDERAL HEALTH CARE TAKEOVER.**—Section 1321(d) of the Patient Protection and Affordable Care Act is amended—

(1) by striking “Nothing” and inserting:

“(1) IN GENERAL.—Except as provided in paragraph (2), nothing”; and

(2) by adding at the end the following:

“(2) **EXCEPTION FOR OPT OUT OF HEALTH CARE REFORM.**—The provisions of, and the amendments made by, this Act shall not preempt any State law enacted after the date of enactment of this Act that exempts the State from such provisions or amendments, including, but not limited to, provisions and amendments relating to the individual mandate, the employer mandate, taxes on prescription drugs, taxes on medical devices, taxes on high value health plans, Medicare cuts, and the unfunded expansion of Medicaid.”.

SA 3609. Mr. JOHANNES submitted an amendment intended to be proposed by him to the bill H.R. 4872, to provide for reconciliation pursuant to Title II of the concurrent resolution on the budget for fiscal year 2010 (S. Con. Res. 13); which was ordered to lie on the table; as follows:

At the end of subtitle B of title I, insert the following:

SEC. ____ . DISCLOSURE OF AGREEMENTS WITH COMPANIES, UNIONS, AND ASSOCIATIONS.

Not later than 30 days after the date of enactment of this Act, the President shall disclose any agreement made between the White House or any of its designees and a company, union, or association on the Patient Protection and Affordable Care Act or this Act.

SA 3610. Mr. JOHANNES submitted an amendment intended to be proposed by him to the bill H.R. 4872, to provide for reconciliation pursuant to Title II of the concurrent resolution on the budget for fiscal year 2010 (S. Con. Res. 13); which was ordered to lie on the table; as follows:

On page 144, between lines 2 and 3, insert the following:

SEC. 2214. ONGOING RECORD OF JOBS LOST.

The Secretary of Labor shall keep an ongoing record of jobs lost due to the termination of the Robert T. Stafford Federal Student Loan Program.

SA 3611. Mr. JOHANNES submitted an amendment intended to be proposed by him to the bill H.R. 4872, to provide for reconciliation pursuant to Title II of the concurrent resolution on the budget for fiscal year 2010 (S. Con. Res. 13); which was ordered to lie on the table; as follows:

At the end of subtitle B of title I, add the following:

SEC. ____ . DELAYED IMPLEMENTATION.

Notwithstanding any other provision of this Act or the Patient Protection and Affordable Care Act, or the amendments made by this Act or the Patient Protection and Affordable Care Act, such provisions and amendments shall not take effect before the date that the Board of Trustees of the Federal Hospital Insurance Trust Fund under section 1817 of the Social Security Act (42 U.S.C. 1395i) submits an annual report to Congress under subsection (b)(2) of such section that includes a statement that such Trust Fund is projected to be solvent through 2037.

SA 3612. Mr. JOHANNES submitted an amendment intended to be proposed by him to the bill H.R. 4872, to provide for reconciliation pursuant to Title II of the concurrent resolution on the budget for fiscal year 2010 (S. Con. Res. 13); which was ordered to lie on the table; as follows:

At the end of subtitle B of title I, insert the following:

SEC. ____ . STATE OPT OUT.

A State may opt out of the application of the Patient Protection and Affordable Care Act and this Act effective upon notice by the Governor of that State to the President.

SA 3613. Mr. JOHANNES submitted an amendment intended to be proposed by him to the bill H.R. 4872, to provide for reconciliation pursuant to Title II of the concurrent resolution on the budget for fiscal year 2010 (S. Con. Res. 13); which was ordered to lie on the table; as follows:

At the end of subtitle B of title I, insert the following:

SEC. ____ . PROHIBITING IRS HIRING.

The Internal Revenue Service shall not hire any additional staff for the purpose of enforcing, implementing, or administering the Patient Protection and Affordable Care Act and this Act.

SA 3614. Mr. JOHANNES submitted an amendment intended to be proposed by him to the bill H.R. 4872, to provide for reconciliation pursuant to Title II of the concurrent resolution on the budget for fiscal year 2010 (S. Con. Res. 13); which was ordered to lie on the table; as follows:

At the end of subtitle B of title I, insert the following:

SEC. ____ . JOB LOSS RECORDS DUE TO HEALTH CARE BILL.

The Director of the Office of Management and Budget, in coordination with the Sec-

retary of Labor, shall submit a semiannual public report to Congress detailing the record of jobs lost due to additional taxes, fees, and mandates contained in the Patient Protection and Affordable Care Act and this Act.

SA 3615. Mr. JOHANNES submitted an amendment intended to be proposed by him to the bill H.R. 4872, to provide for reconciliation pursuant to Title II of the concurrent resolution on the budget for fiscal year 2010 (S. Con. Res. 13); which was ordered to lie on the table; as follows:

At the end of subtitle C of title I, add the following:

SEC. 1207. NONAPPLICATION OF ANY MEDICAID ELIGIBILITY EXPANSION UNTIL REDUCTION IN MEDICAID FRAUD RATE.

Notwithstanding any other provision of law, with respect to a State, any provision of law that imposes on or after the date of enactment of this Act a federally-mandated expansion of eligibility for Medicaid shall not apply to the State before the date on which the State Medicaid Director certifies to the Secretary of Health and Human Services that the Medicaid payment error rate measurement (commonly referred to as “PERM”) for the State does not exceed 5 percent.

SA 3616. Mr. JOHANNES submitted an amendment intended to be proposed by him to the bill H.R. 4872, to provide for reconciliation pursuant to Title II of the concurrent resolution on the budget for fiscal year 2010 (S. Con. Res. 13); which was ordered to lie on the table; as follows:

At the end of subtitle B of title I, add the following:

SEC. ____ . EXEMPTING CRITICAL ACCESS HOSPITALS FROM RECOMMENDATIONS OF THE INDEPENDENT PAYMENT ADVISORY BOARD.

Section 1899A(c)(2)(A) of the Social Security Act, as added by section 3403 of the Patient Protection and Affordable Care Act and amended by section 10320 of such Act, is amended by adding at the end the following new clause:

“(vii) The proposal shall not include any recommendation that would reduce payment rates for items and services furnished by a critical access hospital (as defined in section 1861(mm)(1)).”.

SA 3617. Mr. JOHANNES submitted an amendment intended to be proposed by him to the bill H.R. 4872, to provide for reconciliation pursuant to Title II of the concurrent resolution on the budget for fiscal year 2010 (S. Con. Res. 13); which was ordered to lie on the table; as follows:

On page 144, between lines 2 and 3, insert the following:

SEC. 2214. PROHIBITION REGARDING SPENDING FOR ADDITIONAL EDUCATION EMPLOYEES AND FOR IMPLEMENTING THE GOVERNMENT TAKEOVER OF THE STUDENT LOAN INDUSTRY.

Notwithstanding any other provision of this subtitle, none of the funds made available under this subtitle or the amendments made by this subtitle shall be available to hire additional employees at the Department of Education who are responsible for implementing, or to implement, the provisions of this subtitle or the amendments made by

this subtitle related to the termination of the Robert T. Stafford Federal Student Loan Program.

SA 3618. Mr. CRAPO submitted an amendment intended to be proposed by him to the bill H.R. 4872, to provide for reconciliation pursuant to Title II of the concurrent resolution on the budget for fiscal year 2010 (S. Con. Res. 13); which was ordered to lie on the table; as follows:

Strike section 1403 and insert the following:

SECTION 1403. REPEAL OF LIMITATION ON FLEXIBLE SPENDING ARRANGEMENTS UNDER CAFETERIA PLANS.

Sections 9005 and 10902 of the Patient Protection and Affordable Care Act are hereby repealed effective as of the date of the enactment of such Act and any provisions of law amended by such sections are amended to read as such provisions would read if such sections had never been enacted.

SA 3619. Mr. CRAPO submitted an amendment intended to be proposed by him to the bill H.R. 4872, to provide for reconciliation pursuant to Title II of the concurrent resolution on the budget for fiscal year 2010 (S. Con. Res. 13); which was ordered to lie on the table; as follows:

Strike section 1105 and insert the following:

SEC. 1105. REPEAL OF THE PRODUCTIVITY AND OTHER MARKET BASKET ADJUSTMENTS.

Effective as if included in the enactment of the Patient Protection and Affordable Care Act, sections 3401 and 10319 of such Act (and the amendments made by such sections) are repealed.

SA 3620. Mr. CRAPO submitted an amendment intended to be proposed by him to the bill H.R. 4872, to provide for reconciliation pursuant to Title II of the concurrent resolution on the budget for fiscal year 2010 (S. Con. Res. 13); which was ordered to lie on the table; as follows:

At the end of section 1003, add the following:

(e) INCREASE IN SIZE OF APPLICABLE LARGE EMPLOYER.—Section 4980H(d)(2) of the Internal Revenue Code of 1986, as added by the Patient Protection and Affordable Care Act, is amended by striking “50” each place it appears and inserting “499”.

SA 3621. Mr. CRAPO submitted an amendment intended to be proposed by him to the bill H.R. 4872, to provide for reconciliation pursuant to Title II of the concurrent resolution on the budget for fiscal year 2010 (S. Con. Res. 13); which was ordered to lie on the table; as follows:

At the end of subtitle E of title I, add the following:

SECTION 14 . . . REPEAL OF LIMITATION ON DEDUCTIONS FOR OVER-THE-COUNTER MEDICINE.

Section 9003 of the Patient Protection and Affordable Care Act is hereby repealed effective as of the date of the enactment of such Act and any provisions of law amended by such section is amended to read as such provision would read if such section had never been enacted.

SA 3622. Mr. CRAPO submitted an amendment intended to be proposed by him to the bill H.R. 4872, to provide for reconciliation pursuant to Title II of the concurrent resolution on the budget for fiscal year 2010 (S. Con. Res. 13); which was ordered to lie on the table; as follows:

At the end of subtitle E of title I, add the following:

SEC. 14 . . . REPEAL OF ADDITIONAL TAX FROM DISTRIBUTIONS FROM HSAS AND MSAS.

(a) HSAS.—Section 223(f)(4)(A) of the Internal Revenue Code of 1986, as amended by section 9004 of the Patient Protection and Affordable Care Act, is amended by striking “20 percent” and inserting “10 percent”.

(b) ARCHER MSAS.—Section 220(f)(4)(A) of the Internal Revenue Code of 1986, as amended by section 9004 of the Patient Protection and Affordable Care Act, is amended by striking “20 percent” and inserting “15 percent”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to distributions made after December 31, 2010.

SA 3623. Mr. CRAPO submitted an amendment intended to be proposed by him to the bill H.R. 4872, to provide for reconciliation pursuant to Title II of the concurrent resolution on the budget for fiscal year 2010 (S. Con. Res. 13); which was ordered to lie on the table; as follows:

Strike section 1402 and insert the following:

SECTION 1402. REPEAL OF ADDITIONAL HOSPITAL INSURANCE TAX AND UNEARNED INCOME MEDICARE CONTRIBUTION.

Sections 9015 and 10906 of the Patient Protection and Affordable Care Act are hereby repealed effective as of the date of the enactment of such Act and any provisions of law amended by such sections are amended to read as such provisions would read if such sections had never been enacted.

SA 3624. Mr. CRAPO submitted an amendment intended to be proposed by him to the bill H.R. 4872, to provide for reconciliation pursuant to Title II of the concurrent resolution on the budget for fiscal year 2010 (S. Con. Res. 13); which was ordered to lie on the table; as follows:

At the end of subtitle E of title I, add the following:

SECTION 14 . . . REPEAL OF MODIFICATION OF ITEMIZED DEDUCTION FOR MEDICAL EXPENSES.

Section 9013 of the Patient Protection and Affordable Care Act is hereby repealed effective as of the date of the enactment of such Act and any provisions of law amended by such section is amended to read as such provision would read if such section had never been enacted.

SA 3625. Mr. CRAPO submitted an amendment intended to be proposed by him to the bill H.R. 4872, to provide for reconciliation pursuant to Title II of the concurrent resolution on the budget for fiscal year 2010 (S. Con. Res. 13); which was ordered to lie on the table; as follows:

Strike section 1401 and insert the following:

SECTION 1401. REPEAL OF EXCISE TAX ON HIGH COST EMPLOYER-SPONSORED HEALTH COVERAGE.

Sections 9001 and 10901 of the Patient Protection and Affordable Care Act are hereby repealed effective as of the date of the enactment of such Act and any provisions of law amended by such sections are amended to read as such provisions would read if such sections had never been enacted.

SA 3626. Mr. CRAPO submitted an amendment intended to be proposed by him to the bill H.R. 4872, to provide for reconciliation pursuant to Title II of the concurrent resolution on the budget for fiscal year 2010 (S. Con. Res. 13); which was ordered to lie on the table; as follows:

At the end of subtitle F of title I, add the following:

SEC. 15 . . . NON-APPLICATION OF PROVISIONS TO CERTAIN INDIVIDUALS.

(a) IN GENERAL.—Notwithstanding any provision of, or amendment made by, this Act or the Patient Protection and Affordable Care Act, no such provision or amendment which, directly or indirectly, results in an increase in Federal tax liability with respect to any taxpayer for any taxable year described in subsection (b) shall be administered in such a manner as to impose such an increase on such taxpayer.

(b) FEDERAL TAX INCREASE.—An increase in Federal tax liability with respect to any taxpayer for any taxable year is described in this subsection if the amount of Federal taxes owed for such taxable year is in excess of the amount of Federal taxes which would be owed by such taxpayer for such taxable year under the Internal Revenue Code of 1986 as in effect for taxable years beginning in 1999.

SA 3627. Mr. CRAPO submitted an amendment intended to be proposed by him to the bill H.R. 4872, to provide for reconciliation pursuant to Title II of the concurrent resolution on the budget for fiscal year 2010 (S. Con. Res. 13); which was ordered to lie on the table; as follows:

At the end of subtitle E of title I, add the following:

SEC. 14 . . . NO FEDERAL TAX INCREASE IMPOSED ON MIDDLE INCOME INDIVIDUALS AND FAMILIES.

(a) IN GENERAL.—Notwithstanding any provision of, or amendment made by, this Act or the Patient Protection and Affordable Care Act, no such provision or amendment which, directly or indirectly, results in a Federal tax increase shall be administered in such manner as to impose such an increase on any middle income taxpayer.

(b) MIDDLE INCOME TAXPAYER.—For purposes of this section, the term “middle income taxpayer” means, for any taxable year, any taxpayer with adjusted gross income (as defined in section 62 of the Internal Revenue Code of 1986) of less than \$200,000 (\$250,000 in the case of a joint return of tax).

SA 3628. Mr. CRAPO submitted an amendment intended to be proposed by him to the bill H.R. 4872, to provide for reconciliation pursuant to Title II of the concurrent resolution on the budget for fiscal year 2010 (S. Con. Res. 13); which was ordered to lie on the table; as follows:

At the end of subtitle B of title I, add the following:

SEC. ____. **REPEAL OF THE CENTER FOR MEDICARE AND MEDICAID INNOVATION.**

(a) **IN GENERAL.**—Effective as if included in the enactment of the Patient Protection and Affordable Care Act, sections 3021 and 10306 of such Act (and the amendments made by such sections) are repealed.

(b) **CONFORMING AMENDMENTS.**—

(1) Section 2705 of the Patient Protection and Affordable Care Act is amended—

(A) in subsection (a), by striking “shall, in coordination” and that follows through “establish” and inserting “shall establish”; and
(B) in subsection (d)(2), by striking “section 1115A(b)(3) of the Social Security Act (as so added)” and inserting “the Social Security Act”.

(2) Section 1899(b)(4) of the Social Security Act, as added by section 3022 of the Patient Protection and Affordable Care Act, is amended by striking “any of the following” and all that follows through the period at the end of subparagraph (B) and inserting “the independence at home medical practice pilot program under section 1866E.”.

(3) Section 933 of the Public Health Service Act, as added by section 3501 of the Patient Protection and Affordable Care Act, is amended by striking subsection (f).

(4) Section 10328(b) of the Patient Protection and Affordable Care Act is amended by striking “or to study” and all that follows through “3021”.

(5) **EFFECTIVE DATE.**—The amendments made by this subsection shall take effect as if included in the enactment of the Patient Protection and Affordable Care Act.

SA 3629. Mr. CRAPO submitted an amendment intended to be proposed by him to the bill H.R. 4872, to provide for reconciliation pursuant to Title II of the concurrent resolution on the budget for fiscal year 2010 (S. Con. Res. 13); which was ordered to lie on the table; as follows:

At the end of subtitle B of title I, add the following:

SEC. ____. **REPEAL OF THE INDEPENDENT PAYMENT ADVISORY BOARD.**

Effective as if included in the enactment of the Patient Protection and Affordable Care Act, sections 3403 and 10320 of such Act (and the amendments made by such sections) are repealed.

SA 3630. Mr. CRAPO submitted an amendment intended to be proposed by him to the bill H.R. 4872, to provide for reconciliation pursuant to Title II of the concurrent resolution on the budget for fiscal year 2010 (S. Con. Res. 13); which was ordered to lie on the table; as follows:

Beginning on page 30, strike line 17 and all that follows through page 50, line 11.

SA 3631. Mr. CRAPO submitted an amendment intended to be proposed by him to the bill H.R. 4872, to provide for reconciliation pursuant to Title II of the concurrent resolution on the budget for fiscal year 2010 (S. Con. Res. 13); which was ordered to lie on the table; as follows:

At the end of subtitle B of title I, insert the following:

SEC. ____. **REPEALING PAYMENT ADJUSTMENTS FOR HOME HEALTH CARE.**

Effective as if included in the enactment of the Patient Protection and Affordable Care Act, sections 3131 and 3401(e) of such Act (and the amendments made by such sections) are repealed.

SA 3632. Mr. CRAPO submitted an amendment intended to be proposed by him to the bill H.R. 4872, to provide for reconciliation pursuant to Title II of the concurrent resolution on the budget for fiscal year 2010 (S. Con. Res. 13); which was ordered to lie on the table; as follows:

At the end of subtitle B of title I, insert the following:

SEC. ____. **REPEALING PAYMENT ADJUSTMENTS FOR HOSPICE CARE.**

Effective as if included in the enactment of the Patient Protection and Affordable Care Act, sections 3004(c), 3132, and 3401(g) of such Act (and the amendments made by such sections) are repealed.

SA 3633. Mr. CRAPO submitted an amendment intended to be proposed by him to the bill H.R. 4872, to provide for reconciliation pursuant to Title II of the concurrent resolution on the budget for fiscal year 2010 (S. Con. Res. 13); which was ordered to lie on the table; as follows:

Strike section 1104 and insert the following:

SEC. 1104. **REPEALING CUTS TO MEDICARE DISPROPORTIONATE SHARE HOSPITAL PAYMENTS.**

Effective as if included in the enactment of the Patient Protection and Affordable Care Act, sections 3133 and 10316 of such Act (and the amendments made by such sections) are repealed.

SA 3634. Mrs. HUTCHISON submitted an amendment intended to be proposed by her to the bill H.R. 4872, to provide for reconciliation pursuant to Title II of the concurrent resolution on the budget for fiscal year 2010 (S. Con. Res. 13); which was ordered to lie on the table; as follows:

At the end of subtitle A of title I, insert the following:

SEC. 1006. **REPEAL OF TAXABLE YEAR LIMITATION ON SMALL BUSINESS TAX CREDIT.**

(a) **IN GENERAL.**—Section 45R of the Internal Revenue Code of 1986, as added by section 1421 of the Patient Protection and Affordable Care Act and amended by section 10105(e) of such Act, is amended—

(1) by striking “in the credit period” in subsection (a),

(2) in subsection (e), by striking paragraph (2) and redesignating paragraphs (3), (4), and (5) as paragraphs (2), (3), and (4), respectively,

(3) in subsection (g), by striking paragraph (1) and redesignating paragraphs (2) and (3) as paragraphs (1) and (2), respectively, and

(4) by striking “to prevent the avoidance of the 2-year limit on the credit period through the use of successor entities and” in subsection (i).

(b) **EFFECTIVE DATE.**—The amendments made by this section shall take effect as if included in the provisions of the Patient Protection and Affordable Care Act to which the amendments relate.

SA 3635. Mrs. HUTCHISON submitted an amendment intended to be proposed by her to the bill H.R. 4872, to provide for reconciliation pursuant to Title II of the concurrent resolution on the budget for fiscal year 2010 (S. Con. Res. 13); which was ordered to lie on the table; as follows:

At the end of subtitle F of title I, add the following:

SEC. 15 ____. **PERMANENT TAX RELIEF PROVISIONS.**

(a) **REPEAL OF SUNSET ON MARRIAGE PENALTY RELIEF.**—Title IX of the Economic Growth and Tax Relief Reconciliation Act of 2001 (relating to sunset of provisions of such Act) shall not apply to sections 301, 302, and 303(a) of such Act (relating to marriage penalty relief).

(b) **PERMANENT EXTENSION OF ELECTION TO DEDUCT STATE AND LOCAL SALES TAXES.**—Subparagraph (I) of section 164(b)(5) of the Internal Revenue Code of 1986 is amended by striking “, and before January 1, 2010”.

(c) **RESCISSION OF STIMULUS FUNDS.**—Any amounts appropriated or made available and remaining unobligated under division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5; 123 Stat. 115) (other than under title X of such division A), are hereby rescinded.

SA 3636. Mr. BROWNBACK submitted an amendment intended to be proposed by him to the bill H.R. 4872, to provide for reconciliation pursuant to Title II of the concurrent resolution on the budget for fiscal year 2010 (S. Con. Res. 13); which was ordered to lie on the table; as follows:

On page 113, after line 21, add the following:

SEC. 1502. **CIVIL ACTIONS.**

For purposes of any civil action in which a State challenges any provision of this Act, or an amendment made by this Act, the State shall be—

(1) deemed to be a party for purposes of section 2412(d) of title 28, United States Code; and

(2) entitled to an award of attorney’s fees under section 2412(d)(1)(A) of title 28, United States Code, if the State is a prevailing party, without regard to whether the position of the United States was substantially justified or whether there are special circumstances.

SA 3637. Mr. BROWNBACK submitted an amendment intended to be proposed by him to the bill H.R. 4872, to provide for reconciliation pursuant to Title II of the concurrent resolution on the budget for fiscal year 2010 (S. Con. Res. 13); which was ordered to lie on the table; as follows:

On page 113, after line 21, add the following:

SEC. 1502. **OPEN FUEL STANDARD.**

(a) **SHORT TITLE.**—This section may be cited as the “Open Fuel Standard Act of 2009” or the “OFS Act”.

(b) **FINDINGS.**—Congress makes the following findings:

(1) The status of oil as a strategic commodity, which derives from its domination of the transportation sector, presents a clear and present danger to the United States;

(2) in a prior era, when salt was a strategic commodity, salt mines conferred national

power and wars were fought over the control of such mines;

(3) technology, in the form of electricity and refrigeration, decisively ended salt's monopoly of meat preservation and greatly reduced its strategic importance;

(4) fuel competition and consumer choice would similarly serve to end oil's monopoly in the transportation sector and strip oil of its strategic status;

(5) the current closed fuel market has allowed a cartel of petroleum exporting countries to inflate fuel prices, effectively imposing a harmful tax on the economy of the United States;

(6) much of the inflated petroleum revenues the oil cartel earns at the expense of the people of the United States are used for purposes antithetical to the interests of the United States and its allies;

(7) alcohol fuels, including ethanol and methanol, could potentially provide significant supplies of additional fuels that could be produced in the United States and in many other countries in the Western Hemisphere that are friendly to the United States;

(8) alcohol fuels can only play a major role in securing the energy independence of the United States if a substantial portion of vehicles in the United States are capable of operating on such fuels;

(9) it is not in the best interest of United States consumers or the United States Government to be constrained to depend solely upon petroleum resources for vehicle fuels if alcohol fuels are potentially available;

(10) existing technology, in the form of flexible fuel vehicles, allows internal combustion engine cars and trucks to be produced at little or no additional cost, which are capable of operating on conventional gasoline, alcohol fuels, or any combination of such fuels, as availability or cost advantage dictates, providing a platform on which fuels can compete;

(11) the necessary distribution system for such alcohol fuels will not be developed in the United States until a substantial fraction of the vehicles in the United States are capable of operating on such fuels;

(12) the establishment of such a vehicle fleet and distribution system would provide a large market that would mobilize private resources to substantially advance the technology and expand the production of alcohol fuels in the United States and abroad;

(13) the United States has an urgent national security interest to develop alcohol fuels technology, production, and distribution systems as rapidly as possible;

(14) new cars sold in the United States that are equipped with an internal combustion engine should allow for fuel competition by being flexible fuel vehicles, and new diesel cars should be capable of operating on biodiesel; and

(15) such an open fuel standard would help to protect the United States economy from high and volatile oil prices and from the threats caused by global instability, terrorism, and natural disaster.

(C) OPEN FUEL STANDARD FOR TRANSPORTATION.—

(1) IN GENERAL.—Chapter 329 of title 49, United States Code, is amended by adding at the end the following:

“§32920. Open fuel standard for transportation

“(a) DEFINITIONS.—In this section:

“(1) E85.—The term ‘E85’ means a fuel mixture containing 85 percent ethanol and 15 percent gasoline by volume.

“(2) FLEXIBLE FUEL AUTOMOBILE.—The term ‘flexible fuel automobile’ means an automobile that has been warranted by its manufacturer to operate on gasoline, E85, and M85.

“(3) FUEL CHOICE-ENABLING AUTOMOBILE.—The term ‘fuel choice-enabling automobile’ means—

“(A) a flexible fuel automobile; or

“(B) an automobile that has been warranted by its manufacturer to operate on biodiesel.

“(4) LIGHT-DUTY AUTOMOBILE.—The term ‘light-duty automobile’ means—

“(A) a passenger automobile; or

“(B) a non-passenger automobile.

“(5) LIGHT-DUTY AUTOMOBILE MANUFACTURER'S ANNUAL COVERED INVENTORY.—The term ‘light-duty automobile manufacturer's annual covered inventory’ means the number of light-duty automobiles powered by an internal combustion engine that a manufacturer, during a given calendar year, manufactures in the United States or imports from outside of the United States for sale in the United States.

“(6) M85.—The term ‘M85’ means a fuel mixture containing 85 percent methanol and 15 percent gasoline by volume.

“(b) OPEN FUEL STANDARD FOR TRANSPORTATION.—

“(1) IN GENERAL.—Except as provided in paragraph (2), each light-duty automobile manufacturer's annual covered inventory shall be comprised of—

“(A) not less than 50 percent fuel choice-enabling automobiles in 2012, 2013, and 2014; and

“(B) not less than 80 percent fuel choice-enabling automobiles in 2015, and in each subsequent year.

“(2) TEMPORARY EXEMPTION FROM REQUIREMENTS.—

“(A) APPLICATION.—A manufacturer may request an exemption from the requirement described in paragraph (1) by submitting an application to the Secretary, at such time, in such manner, and containing such information as the Secretary may require by regulation. Each such application shall specify the models, lines, and types of automobiles affected.

“(B) EVALUATION.—After evaluating an application received from a manufacturer, the Secretary may at any time, under such terms and conditions, and to such extent as the Secretary considers appropriate, temporarily exempt, or renew the exemption of, a light-duty automobile from the requirement described in paragraph (1) if the Secretary determines that unavoidable events that are not under the control of the manufacturer prevent the manufacturer of such automobile from meeting its required production volume of fuel choice-enabling automobiles, including—

“(i) a disruption in the supply of any component required for compliance with the regulations;

“(ii) a disruption in the use and installation by the manufacturer of such component; or

“(iii) the failure for plug-in hybrid electric automobiles to meet State air quality requirements as a result of the requirement described in paragraph (1).

“(C) CONSOLIDATION.—The Secretary may consolidate applications received from multiple manufacturers under subparagraph (A) if they are of a similar nature.

“(D) CONDITIONS.—Any exemption granted under subparagraph (B) shall be conditioned upon the manufacturer's commitment to recall the exempted automobiles for installa-

tion of the omitted components within a reasonable time proposed by the manufacturer and approved by the Secretary after such components become available in sufficient quantities to satisfy both anticipated production and recall volume requirements.

“(E) NOTICE.—The Secretary shall publish in the Federal Register—

“(i) notice of each application received from a manufacturer;

“(ii) notice of each decision to grant or deny a temporary exemption; and

“(iii) the reasons for granting or denying such exemptions.

“(c) LIMITED LIABILITY PROTECTION FOR RENEWABLE FUEL AND ETHANOL MANUFACTURE, USE, OR DISTRIBUTION.—

“(1) IN GENERAL.—Notwithstanding any other provision of Federal or State law, any fuel containing ethanol or a renewable fuel (as defined in section 211(o)(1) of the Clean Air Act) that is used or intended to be used to operate an internal combustion engine shall not be deemed to be a defective product or subject to a failure to warn due to such ethanol or renewable fuel content unless such fuel violates a control or prohibition imposed by the Administrator under section 211 of the Clean Air Act (42 U.S.C. 7545).

“(2) SAVINGS PROVISION.—Nothing in this subsection may be construed to affect the liability of any person other than liability based upon a claim of defective product and failure to warn described in paragraph (1).

“(d) RULEMAKING.—Not later than 1 year after the date of the enactment of this section, the Secretary of Transportation shall promulgate regulations to carry out this section.”.

(2) CLERICAL AMENDMENT.—The table of sections for chapter 329 of title 49, United States Code, is amended by adding at the end the following:

“32920. Open fuel standard for transportation.”.

SA 3638. Ms. COLLINS proposed an amendment to the bill H.R. 4872, to provide for reconciliation pursuant to Title II of the concurrent resolution on the budget for fiscal year 2010 (S. Con. Res. 13); as follows:

At the end of section 1003, add the following:

(e) UNEMPLOYED INDIVIDUAL NOT TAKEN INTO ACCOUNT.—Paragraph (5) of section 4980H(d) of the Internal Revenue Code of 1986, as added by the Patient Protection and Affordable Care Act, is amended by adding at the end the following new subparagraph:

“(C) EXCEPTION FOR PREVIOUSLY UNEMPLOYED INDIVIDUALS.—

“(i) IN GENERAL.—The term ‘full-time employee’ shall not include any individual who certifies by signed affidavit, under penalties of perjury, that such individual has not been employed from more than 40 hours during the 60-day period ending on the date such individual begins such employment.

“(ii) EXCEPTION FOR REPLACEMENT WORKERS.—Clause (i) shall not apply to an individual who is employed by the employer to replace another employee of such employer unless such other employee separated from employment voluntarily or for cause.”.

SA 3639. Mr. THUNE proposed an amendment to the bill H.R. 4872, to provide for reconciliation pursuant to Title II of the concurrent resolution on the budget for fiscal year 2010 (S. Con. Res. 13); as follows:

Beginning on page 123, strike line 10 and all that follows through page 124, line 10, and insert the following:

SEC. 2201. TERMINATION OF FEDERAL FAMILY EDUCATION LOAN APPROPRIATIONS.

Section 421 (20 U.S.C. 1071) is amended—

(1) in subsection (b), in the first sentence of the matter following paragraph (6), by inserting “, except that no sums may be expended after June 30, 2010, with respect to loans under this part for which the first disbursement is after such date if the Secretary certifies that no State will experience a net job loss as a result of the enactment of the SAFRA Act” after “expended”; and

(2) by adding at the end the following new subsection:

“(d) **TERMINATION OF AUTHORITY TO MAKE OR INSURE NEW LOANS.**—Notwithstanding paragraphs (1) through (6) of subsection (b) or any other provision of law—

“(1) no new loans (including consolidation loans) may be made or insured under this part after June 30, 2010 if the Secretary certifies that no State will experience a net job loss as a result of the enactment of the SAFRA Act; and

“(2) no funds are authorized to be appropriated, or may be expended, under this Act or any other Act to make or insure loans under this part (including consolidation loans) for which the first disbursement is after June 30, 2010 if the Secretary certifies that no State will experience a net job loss as a result of the enactment of the SAFRA Act, except as expressly authorized by an Act of Congress enacted after the date of enactment of the SAFRA Act.”.

SA 3640. Mr. THUNE (for himself, Mr. COBURN, and Mr. CRAPO) proposed an amendment to the bill H.R. 4872, to provide for reconciliation pursuant to Title II of the concurrent resolution on the budget for fiscal year 2010 (S. Con. Res. 13); as follows:

At the end of subtitle B of title II, add the following:

SEC. 2304. REPEAL OF THE CLASS ACT.

Title VIII of the Patient Protection and Affordable Care Act and the amendments made by that title are repealed.

SA 3641. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill H.R. 4872, to provide for reconciliation pursuant to Title II of the concurrent resolution on the budget for fiscal year 2010 (S. Con. Res. 13); which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____ . SECRET BALLOT PROTECTION.

(a) **SHORT TITLE.**—This section may be cited as the “Secret Ballot Protection Act of 2010”.

(b) **FINDINGS.**—Congress makes the following findings:

(1) The right of employees under the National Labor Relations Act (29 U.S.C. 151 et seq.) to choose whether to be represented by a labor organization by way of secret ballot election conducted by the National Labor Relations Board is among the most important protections afforded under Federal labor law.

(2) The right of employees to choose by secret ballot is the only method that ensures a choice free of coercion, intimidation, irregularity, or illegality.

(3) The recognition of a labor organization by using a private agreement, rather than a secret ballot election overseen by the National Labor Relations Board, threatens the freedom of employees to choose whether to be represented by a labor organization, and severely limits the ability of the National Labor Relations Board to ensure the protection of workers.

(c) **NATIONAL LABOR RELATIONS ACT.**—

(1) **RECOGNITION OF REPRESENTATIVE.**—

(A) **IN GENERAL.**—Section 8(a)(2) of the National Labor Relations Act (29 U.S.C. 158(a)(2)) is amended by inserting before the colon the following: “or to recognize or bargain collectively with a labor organization that has not been selected by a majority of such employees in a secret ballot election conducted by the Board in accordance with section 9”.

(B) **APPLICATION.**—The amendment made by subparagraph (A) shall not apply to collective bargaining relationships in which a labor organization with majority support was lawfully recognized prior to the date of enactment of this Act.

(2) **ELECTION REQUIRED.**—

(A) **IN GENERAL.**—Section 8(b) of the National Labor Relations Act (29 U.S.C. 158(b)) is amended—

(i) in paragraph (6), by striking “and” at the end;

(ii) in paragraph (7), by striking the period at the end and inserting “; and”; and

(iii) by adding at the end the following:

“(8) to cause or attempt to cause an employer to recognize or bargain collectively with a representative of a labor organization that has not been selected by a majority of such employees in a secret ballot election conducted by the Board in accordance with section 9.”.

(B) **APPLICATION.**—The amendment made by subparagraph (A) shall not apply to collective bargaining relationships that were recognized prior to the date of enactment of this Act.

(3) **SECRET BALLOT ELECTION.**—Section 9(a) of the National Labor Relations Act (29 U.S.C. 159(a)) is amended—

(A) by striking “Representatives” and inserting “(1) Representatives”; and

(B) by inserting after “designated or selected” the following: “by a secret ballot election conducted by the Board in accordance with this section”; and

(C) by adding at the end the following:

“(2) The secret ballot election requirement under paragraph (1) shall not apply to collective bargaining relationships that were recognized before the date of the enactment of the Health Care and Education Reconciliation Act of 2010.”.

(d) **REGULATIONS AND AUTHORITY.**—

(1) **REGULATIONS.**—Not later than 6 months after the date of enactment of this Act, the National Labor Relations Board shall review and revise all regulations promulgated prior to such date of enactment to implement the amendments made by this section.

(2) **AUTHORITY.**—Nothing in this section (or the amendments made by this section) shall be construed to limit or otherwise diminish the remedial authority of the National Labor Relations Board.

SA 3642. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill H.R. 4872, to provide for reconciliation pursuant to Title II of the concurrent resolution on the budget for fiscal year 2010 (S. Con. Res. 13); which was ordered to lie on the table; as follows:

At the end of subtitle B of title I, add the following:

SEC. ____ . ALLOWING INDIVIDUALS TO CHOOSE TO OPT OUT OF THE MEDICARE PART A BENEFIT.

Notwithstanding any other provision of law, in the case of an individual who elects to opt-out of benefits under part A of title XVIII of the Social Security Act, such individual shall not be required to—

(1) opt-out of benefits under title II of such Act as a condition for making such election; and

(2) repay any amount paid under such part A for items and services furnished prior to making such election.

SA 3643. Ms. MURKOWSKI submitted an amendment intended to be proposed by her to the bill H.R. 4872, to provide for reconciliation pursuant to Title II of the concurrent resolution on the budget for fiscal year 2010 (S. Con. Res. 13); which was ordered to lie on the table; as follows:

At the end of subtitle B of title I, insert the following:

SEC. ____ . ALLOWING INDIVIDUALS TO CHOOSE TO OPT OUT OF THE MEDICARE PART A BENEFIT.

Notwithstanding any other provision of law, in the case of an individual who elects to opt-out of benefits under part A of title XVIII of the Social Security Act, such individual shall not be required to—

(1) opt-out of benefits under title II of such Act as a condition for making such election; and

(2) repay any amount paid under such part A for items and services furnished prior to making such election.

SA 3644. Mr. HATCH (for himself, Mr. COBURN, and Mr. CRAPO) proposed an amendment to the bill H.R. 4872, to provide for reconciliation pursuant to Title II of the concurrent resolution on the budget for fiscal year 2010 (S. Con. Res. 13); as follows:

On page 99, between lines 9 and 10, insert the following:

(e) **EXCLUSION OF MEDICAL DEVICES SOLD UNDER THE TRICARE FOR LIFE PROGRAM OR VETERAN'S HEALTH CARE PROGRAMS.**—

(1) **IN GENERAL.**—For purposes of section 4191(b)(1) of the Internal Revenue Code of 1986, as added by subsection (a), the term “taxable medical device” shall not include any device which is sold to individuals covered under the TRICARE for Life program or the veteran's health care program under chapter 17 of title 38, United States Code, any portion of the cost of which is paid or reimbursed under either such program.

(2) **EXPANSION OF AFFORDABILITY EXCEPTION TO INDIVIDUAL MANDATE.**—Section 5000A(e)(1)(A) of the Internal Revenue Code of 1986, as added by section 1501(b) of the Patient Protection and Affordable Care Act and amended by section 10106 of such Act, is amended by striking “8 percent” and inserting “5 percent”.

(3) **APPLICATION OF PROVISION.**—The amendment made by paragraph (2) shall apply as if included in the Patient Protection and Affordable Care Act.

SA 3645. Mr. RISCH (for himself and Mr. CRAPO) submitted an amendment intended to be proposed by him to the bill H.R. 4872, to provide for reconciliation pursuant to Title II of the concurrent resolution on the budget for

fiscal year 2010 (S. Con. Res. 13); as follows:

At the end of subtitle E of title I, insert the following:

SECTION.—REPEAL OF LIMITATION ON ITEMIZED DEDUCTIONS FOR MEDICAL EXPENSES.

(a) IN GENERAL.—Section 9013 of the Patient Protection and Affordable Care Act is hereby repealed effective as of the date of the enactment of such Act and any provisions of law amended by such section are amended to read as such provisions would read if such section had never been enacted.

(b) EXPANSION OF AFFORDABILITY EXCEPTION TO INDIVIDUAL MANDATE.—Section 5000A(e)(1)(A) of the Internal Revenue Code of 1986, as added by section 1501(b) of the Patient Protection and Affordable Care Act and amended by section 10106 of such Act, is amended by striking “8 percent” and inserting “5 percent”.

(c) APPLICATION OF PROVISION.—The amendment made by subsection (b) shall apply as if included in the Patient Protection and Affordable Care Act.

SA 3646. Mr. RISCH submitted an amendment intended to be proposed by him to the bill H.R. 4872, to provide for reconciliation pursuant to Title II of the concurrent resolution on the budget for fiscal year 2010 (S. Con. Res. 13); as follows:

At the end of subtitle C of title I, add the following:

SEC. 1207. REQUIREMENT FOR ALL MEDICAID AND CHIP APPLICANTS TO PRESENT AN IDENTIFICATION DOCUMENT.

(a) IN GENERAL.—Section 1902 of the Social Security Act (42 U.S.C. 1396a), as amended by section 211(a)(1)(A)(i) of Public Law 111-3, section 2303(a)(2) of the Patient Protection and Affordable Care Act, and section 1202 of this Act, is amended—

(1) in subsection (a)(46), —

(A) in subparagraph (A), by striking “and” after the semicolon;

(B) in subparagraph (B), by adding “and” after the semicolon; and

(C) by adding at the end the following:

“(C) provide that each applicant for medical assistance (or the parent or guardian of an applicant who has not attained age 18), regardless of whether the applicant is described in paragraph (2) of section 1903(x), shall present an identification document described in subsection (kk) when applying for medical assistance (and shall be provided with at least the reasonable opportunity to present such identification as is provided under clauses (i) and (ii) of section 1137(d)(4)(A) to an individual for the submittal to the State of evidence indicating a satisfactory immigration status;”;

(2) by adding at the end the following:

“(kk) For purposes of subsection (a)(46)(C), a document described in this subsection is—

“(1) in the case of an individual who is a national of the United States—

“(A) a United States passport, or passport card issued pursuant to the Secretary of State’s authority under the first section of the Act of July 3, 1926 (44 Stat. 887, Chapter 772; 22 U.S.C. 211a); or

“(B) a driver’s license or identity card issued by a State, the Commonwealth of the Northern Mariana Islands, or an outlying possession of the United States that—

“(i) contains a photograph of the individual and other identifying information, including the individual’s name, date of birth, gender, and address; and

“(ii) contains security features to make the license or card resistant to tampering, counterfeiting, and fraudulent use;

“(2) in the case of an alien lawfully admitted for permanent residence in the United States, a permanent resident card, as specified by the Secretary of Homeland Security that meets the requirements of clauses (i) and (ii) of paragraph (1)(B);

“(3) in the case of an alien who is authorized to be employed in the United States, an employment authorization card, as specified by the Secretary of Homeland Security that meets the requirements of clauses (i) and (ii) of paragraph (1)(B); or

“(4) in the case of an individual who is unable to obtain a document described in paragraph (1), (2), or (3), a document designated by the Secretary of Homeland Security that meets the requirements of clauses (i) and (ii) of paragraph (1)(B).”.

(b) APPLICATION TO CHIP.—Section 2105(c)(9)(A) (42 U.S.C. 1397ee(c)(9)(A)) is amended by striking “section 1902(a)(46)(B)” and inserting “subparagraphs (B) and (C) of subsection (a)(46) and subsection (kk) of section 1902”.

SA 3647. Mr. COLLINS submitted an amendment intended to be proposed by him to the bill H.R. 4872, to provide for reconciliation pursuant to Title II of the concurrent resolution on the budget for fiscal year 2010 (S. Con. Res. 13); as follows:

At the end of section 1001, insert the following:

(c) BEREAVEMENT EXCEPTION IN DETERMINING FAMILY SIZE.—

(1) IN GENERAL.—Section 36B(d)(1) of the Internal Revenue Code of 1986, as added by section 1401 of the Patient Protection and Affordable Care Act and amended by section 10105 of such Act is amended by adding at the end the following new sentence: “If an individual taken into account under the preceding sentence for any taxable year dies during such taxable year, such individual shall be taken into account in determining family size for the following taxable year unless the family size for the taxable year of death was only one.”

(2) EFFECTIVE DATE.—The amendment made by this section shall take effect as if included in the provision of the Patient Protection and Affordable Care Act to which the amendment relates.

SA 3648. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 4872, to provide for reconciliation pursuant to Title II of the concurrent resolution on the budget for fiscal year 2010 (S. Con. Res. 13); as follows:

On page 144, between lines 2 and 3, insert the following:

SEC. 2214. DIRECT LOAN ORIGINATION FEE REDETERMINATION.

Notwithstanding section 455(c) of the Higher Education Act of 1965 (20 U.S.C. 1087e(c)), the Secretary of Education shall determine under such section an increase to the origination fee charged to a borrower of a loan made under part D of title IV of such Act (20 U.S.C. 1087a et seq.) for the subsequent award year to take into account any increase in actual program costs for the Federal Direct Loan Program under such part D, as determined by the Office of Management and Budget in the program re-estimate contained in the President’s current fiscal year budget.

SA 3649. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 4872, to provide for reconciliation pursuant to Title II of the concurrent resolution on the budget for fiscal year 2010 (S. Con. Res. 13); as follows:

On page 144, between lines 2 and 3, insert the following:

SEC. 2214. QUALIFICATION REQUIREMENT FOR DEPARTMENT OF EDUCATION STAFF.

Not later than 6 years after the date of enactment of this Act, each employee of the Department of Education Office of Federal Student Aid shall become highly qualified in fiscal management by earning a bachelor’s degree in finance or business management/administration.

SA 3650. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 4872, to provide for reconciliation pursuant to Title II of the concurrent resolution on the budget for fiscal year 2010 (S. Con. Res. 13); as follows:

On page 144, between lines 2 and 3, insert the following:

SEC. 2214. REDUCTION OF FEDERAL PELL GRANT ADD ON.

Notwithstanding any other provision of law, the additional funds amount provided under section 401(b)(8) of the Higher Education Act of 1965 (20 U.S.C. 1070a(b)(8)) for Federal Pell Grants for a fiscal year shall be reduced for such fiscal year by the amount that reflects any increase in actual program costs for the Federal Direct Loan Program under part D of title IV of the Higher Education Act of 1965 (20 U.S.C. 1087a et seq.), as determined by the Office of Management and Budget in the program re-estimate contained in the President’s current fiscal year budget.

SA 3651. Mr. GREGG proposed an amendment to the bill H.R. 4872, to provide for reconciliation pursuant to Title II of the concurrent resolution on the budget for fiscal year 2010 (S. Con. Res. 13); as follows:

On page 61, between lines 3 and 4, insert the following:

SEC. . INCREASE IN THE MEDICARE PHYSICIAN PAYMENT UPDATE FOR THE LAST 9 MONTHS OF 2010 AND ALL OF 2011 THROUGH 2013.

Paragraph (1) of section 1848(d) of the Social Security Act, as added by section 1011(a) of the Department of Defense Appropriations Act, 2010 (Public Law 111-118) and as amended by section 5 of the Temporary Extension Act of 2010 (Public Law 111-144), is amended to read as follows:

“(10) UPDATE FOR 2010 THROUGH 2013.—

“(A) IN GENERAL.—Subject to paragraphs (7)(B), (8)(B), and (9)(B), in lieu of the update to the single conversion factor established in paragraph (1)(C) that would otherwise apply for each of 2010, 2011, 2012, and 2013, the update to the single conversion factor shall be 0 percent for such years.

“(B) NO EFFECT ON COMPUTATION OF CONVERSION FACTOR FOR 2014 AND SUBSEQUENT YEARS.—The conversion factor under this subsection shall be computed under paragraph (1)(A) for 2014 and subsequent years as if subparagraph (A) had never applied.”.

SA 3652. Mr. BURR (for himself, Mr. GRAHAM, Mr. CRAPO, Mr. BARRASSO,

Mr. MCCAIN and Mr. BROWN of Massachusetts proposed an amendment to the bill H.R. 4872, to provide for reconciliation pursuant to Title II of the concurrent resolution on the budget for fiscal year 2010 (S. Con. Res. 13); as follows:

At the end of subtitle F of title I, insert the following:

SEC. 1. TREATMENT OF DEPARTMENT OF VETERANS AFFAIRS AND DEPARTMENT OF DEFENSE HEALTH PROGRAMS.

Subtitle G of title I of the Patient Protection and Affordable Care Act is amended by adding at the end the following new section: **"SEC. 1564. DEPARTMENT OF VETERANS AFFAIRS AND DEPARTMENT OF DEFENSE HEALTH PROGRAMS.**

"(a) CLARIFICATIONS WITH RESPECT TO CERTAIN PROGRAMS AND AUTHORITIES.—Nothing in this Act or in the amendments made by this Act shall be construed as affecting any of the following:

"(1) Any authority under title 38, United States Code.

"(2) Any authority under chapter 55 of title 10, United States Code.

"(3) Any health care or health care benefit provided under the TRICARE program under chapter 55 of title 10, United States Code, or by the Secretary of Veterans Affairs under the laws administered by such Secretary.

"(b) CLARIFICATION WITH RESPECT TO MINIMUM ESSENTIAL COVERAGE.—For purposes of this Act and the amendments made by this Act, the term 'minimum essential coverage' includes the following:

"(1) Coverage provided under chapter 55 of title 10, United States Code.

"(2) Eligibility for health care provided by the Secretary of Veterans Affairs under title 38, United States Code."

SA 3653. Mr. BROWNBACK submitted an amendment intended to be proposed by him to the bill H.R. 4872, to provide for reconciliation pursuant to Title II of the concurrent resolution on the budget for fiscal year 2010 (S. Con. Res. 13); as follows:

At the end of subtitle F of title I, add the following:

SEC. 15. RENEWABLE FUEL.

(a) DEFINITION OF RENEWABLE FUEL.—Section 211(o)(1)(J) of the Clean Air Act (42 U.S.C. 7545(o)(1)(J)) is amended by striking "fuel that is produced" and inserting "a blend of fuel at least 85 percent of the content of which is derived".

(b) LIABILITY PROTECTION FOR RENEWABLE FUEL OR ETHANOL MANUFACTURE, USE, OR DISTRIBUTION.—

(1) IN GENERAL.—Section 211(o) of the Clean Air Act (42 U.S.C. 7545(o)) is amended by adding at the end the following:

"(13) LIABILITY PROTECTION FOR RENEWABLE FUEL OR ETHANOL MANUFACTURE, USE, OR DISTRIBUTION.—

"(A) IN GENERAL.—Notwithstanding any other provision of Federal or State law, no renewable fuel or ethanol used or intended to be used as a motor vehicle fuel, nor any motor vehicle fuel containing renewable fuel or ethanol, shall be considered a defective product or subject to a failure to warn by virtue of the fact that the renewable fuel or ethanol is, or contains, the renewable fuel or ethanol, if the renewable fuel or ethanol does not violate a control or prohibition imposed by the Administrator under this section.

"(B) EFFECT ON LIABILITY.—Nothing in this paragraph affects the liability of any person

other than liability based on a claim of a defective product and failure to warn of the defect."

(2) EFFECTIVE DATE; APPLICATION.—The amendment made by paragraph (1) shall—

(A) be effective on the earlier of—

(i) the date of enactment of this Act; or

(ii) the date on which the Administrator of the Environmental Protection Agency approves for use fuel blends with greater than 10 percent ethanol by volume; and

(B) apply with respect to all claims filed on or after the earlier date described in subparagraph (A).

SA 3654. Mr. BARRASSO submitted an amendment intended to be proposed by him to the bill H.R. 4872, to provide for reconciliation pursuant to Title II of the concurrent resolution on the budget for fiscal year 2010 (S. Con. Res. 13); as follows:

At the end of subtitle A of title I, add the following:

SEC. 1006. SUNSET IF PREMIUMS INCREASE TOO RAPIDLY.

(a) IN GENERAL.—The following requirements of the Patient Protection and Affordable Care Act shall not apply to health insurance coverage and group health plans offered in the individual or group market within a State during plan years beginning after the sunset date with respect to that market:

(1) Any requirement under section 1301 of such Act, section 2707 of the Public Health Service Act, or any other provision of, or amendment made by, such Act that a health plan provide an essential health benefits package described in section 1302(a) of such Act, including any requirement that the plan provide—

(A) for essential health benefits described in section 1302(b) of such Act;

(B) in the case of a plan offered in the group market, an annual limitation on the plan's deductible described in section 1302(c)(2) of such Act; and

(C) a level of coverage described in section 1302(d) of such Act.

(2) The requirements of section 2701 of the Public Health Service Act (relating to limits on premiums).

(b) COORDINATION WITH QUALIFIED HEALTH PLANS AND PREMIUM TAX CREDITS AND COST-SHARING REDUCTIONS.—In the case of a State to which subsection (a) applies, the Secretary of health and Human Services shall establish procedures for establishing which health plans shall be treated as qualified health plans for purposes of the Exchanges established within such State. Such procedures shall ensure that the aggregate amount of premium tax credits under section 36B of the Internal Revenue Code of 1986 and cost-sharing reductions under section 1402 of the Patient Protection and Affordable Care Act with respect to qualified health plans in the individual market within such State does not exceed the aggregate amount of such credits and reductions that would have been allowed if subsection (a) did not apply to such State.

(c) SUNSET DATE.—For purposes of this section—

(1) IN GENERAL.—The term "sunset date" means, with respect to the individual or group market within a State, the first date on which the applicable State authority determines under paragraph (2) that the percentage increase in average annual premiums within such market for a calendar year over the preceding calendar year exceeds the percentage increase for such period

in the Consumer Price Index for all urban consumers published by the Department of Labor.

(2) DETERMINATION.—The applicable State authority shall for each calendar year after 2013 make the determination described in paragraph (1).

(3) APPLICABLE STATE AUTHORITY.—The term "applicable State authority" has the meaning given such term by section 2791(d)(1) of the Public Health Service Act.

SA 3655. Mr. BARRASSO submitted an amendment intended to be proposed by him to the bill H.R. 4872, to provide for reconciliation pursuant to Title II of the concurrent resolution on the budget for fiscal year 2010 (S. Con. Res. 13); as follows:

In subtitle A of title I, add at the end the following:

SEC. 1. EXEMPTION FROM MANDATE.

Section 5000A of the Internal Revenue Code of 1986, as added by section 1501(b) of the Patient Protection and Affordable Care Act, is amended—

(1) by redesignating subsection (g) as subsection (h); and

(2) by inserting after subsection (f), the following:

"(g) LIMITATION.—This section shall not apply to an individual for a taxable year if such individual—

"(1) in under 30 years of age when such year begins; or

"(2) has a modified gross income that does not exceed \$30,000 for such year."

SA 3656. Mr. BARRASSO submitted an amendment intended to be proposed by him to the bill H.R. 4872, to provide for reconciliation pursuant to Title II of the concurrent resolution on the budget for fiscal year 2010 (S. Con. Res. 13); as follows:

At the end of section 1002, insert the following:

(c) HIGH DEDUCTIBLE HEALTH PLANS TREATED AS MINIMUM ESSENTIAL COVERAGE.—Section 5000A(f) of the Internal Revenue Code of 1986, as so added and amended, is amended by redesignating paragraph (5) as paragraph (6) and by inserting after paragraph (4) the following:

"(5) HIGH DEDUCTIBLE HEALTH PLAN.—

"(A) IN GENERAL.—If an applicable individual—

"(i) is an employee of an employer who ceases to offer the employee the opportunity to enroll in an eligible employer-sponsored plan, or

"(ii) ceases employment with an employer and is not otherwise eligible to enroll in an eligible employer-sponsored plan,

the applicable individual may enroll in a high deductible health plan described in subparagraph (C) and such plan shall be treated as minimum essential coverage.

"(B) CONTINUED ENROLLMENT.—If an individual described in subparagraph (A) enrolls in a high deductible health plan described in subparagraph (C), such plan shall continue to be treated as minimum essential coverage with respect to that individual during any continuous period of enrollment even if the individual is otherwise eligible to enroll in an eligible employer-sponsored plan.

"(C) PLAN DESCRIBED.—A health plan is described in this subparagraph if it is a high deductible health plan (as defined in section 223(c)(2)) that meets all requirements under such section to be offered in connection with

a health savings account. No requirement imposed by any provision of, or any amendment made by, the Patient Protection and Affordable Care Act shall apply with respect to the plan or issuer thereof.”

SA 3657. Mr. BARRASSO submitted an amendment intended to be proposed by him to the bill H.R. 4872, to provide for reconciliation pursuant to Title II of the concurrent resolution on the budget for fiscal year 2010 (S. Con. Res. 13); as follows:

At the end of section 1002, insert the following:

(c) **INDIVIDUAL MANDATE PENALTIES CREDITED TO INDIVIDUAL ACCOUNTS AND USED FOR PREMIUMS.**—Section 5000A of the Internal Revenue Code of 1986, as so added and amended, is amended by adding at the end the following:

“(h) **PENALTIES CREDITED TO INDIVIDUAL ACCOUNTS AND USED FOR PREMIUMS.**—

“(1) **IN GENERAL.**—The Secretary shall not later than January 1, 2014, establish and implement a program under which—

“(A) if a penalty has been imposed under this section with respect to an applicable individual for months during any calendar year, the Secretary—

“(i) establishes an account on behalf of the applicable individual, and

“(ii) credits such account with an amount equal to the amount of the penalty, and

“(B) if the applicable individual subsequently becomes covered under minimum essential coverage for 1 or more months, the Secretary pays to or on behalf of the applicable individual an amount equal to the premiums paid by the individual for such coverage (or, if lesser, the balance in the account established under subparagraph (A)).

“(2) **AMOUNTS AVAILABLE ONLY FOR 3 YEARS.**—

“(A) **IN GENERAL.**—If an account is credited under paragraph (1)(A) with an amount for any calendar year, such amount shall be available for payment under paragraph (1)(B) only for premiums for minimum essential coverage for months occurring during the 3 calendar years immediately following such calendar year.

“(B) **SPECIAL RULES.**—For purposes of this subsection—

“(i) the Secretary need only establish 1 account for an individual, and

“(ii) amounts shall be treated as paid out of an account on a first-in, first-out basis.”

SA 3658. Mr. BARRASSO submitted an amendment intended to be proposed by him to the bill H.R. 4872, to provide for reconciliation pursuant to Title II of the concurrent resolution on the budget for fiscal year 2010 (S. Con. Res. 13); which was ordered to lie on the table; as follows:

On page 61, between lines 3 and 4, insert the following:

SEC. ____. **USE OF PRIVATE CONTRACTS BY MEDICARE BENEFICIARIES FOR PROFESSIONAL SERVICES.**

(a) **IN GENERAL.**—Section 1802(b) of the Social Security Act (42 U.S.C. 1395a) is amended to read as follows:

“(b) **CLARIFICATION OF USE OF PRIVATE CONTRACTS BY MEDICARE BENEFICIARIES FOR PROFESSIONAL SERVICES.**—

“(1) **IN GENERAL.**—Nothing in this title shall prohibit a medicare beneficiary from entering into a private contract with a physician or health care practitioner for the pro-

vision of medicare covered professional services (as defined in paragraph (5)(C)) if—

“(A) the services are covered under a private contract that is between the beneficiary and the physician or practitioner and meets the requirements of paragraph (2);

“(B) under the private contract no claim for payment for services covered under the contract is to be submitted (and no payment made) under part A or B, under a contract under section 1876, or under an MA plan (other than an MSA plan); and

“(C)(i) the Secretary has been provided with the minimum information necessary to avoid any payment under part A or B for services covered under the contract, or

“(ii) in the case of an individual enrolled under a contract under section 1876 or an MA plan (other than an MSA plan) under part C, the eligible organization under the contract or the MA organization offering the plan has been provided the minimum information necessary to avoid any payment under such contract or plan for services covered under the contract.

“(2) **REQUIREMENTS FOR PRIVATE CONTRACTS.**—The requirements in this paragraph for a private contract between a medicare beneficiary and a physician or health care practitioner are as follows:

“(A) **GENERAL FORM OF CONTRACT.**—The contract is in writing and is signed by the medicare beneficiary.

“(B) **NO CLAIMS TO BE SUBMITTED FOR COVERED SERVICES.**—The contract provides that no party to the contract (and no entity on behalf of any party to the contract) shall submit any claim for (or request) payment for services covered under the contract under part A or B, under a contract under section 1876, or under an MA plan (other than an MSA plan).

“(C) **SCOPE OF SERVICES.**—The contract identifies the medicare covered professional services and the period (if any) to be covered under the contract, but does not cover any services furnished—

“(i) before the contract is entered into; or

“(ii) for the treatment of an emergency medical condition (as defined in section 1867(e)(1)(A)), unless the contract was entered into before the onset of the emergency medical condition.

“(D) **CLEAR DISCLOSURE OF TERMS.**—The contract clearly indicates that by signing the contract the medicare beneficiary—

“(i) agrees not to submit a claim (or to request that anyone submit a claim) under part A or B (or under section 1876 or under an MA plan, other than an MSA plan) for services covered under the contract;

“(ii) agrees to be responsible, whether through insurance or otherwise, for payment for such services and understands that no reimbursement will be provided under such part, contract, or plan for such services;

“(iii) acknowledges that no limits under this title (including limits under paragraphs (1) and (3) of section 1848(g)) will apply to amounts that may be charged for such services;

“(iv) acknowledges that medicare supplemental policies under section 1882 do not, and other supplemental health plans and policies may elect not to, make payments for such services because payment is not made under this title; and

“(v) acknowledges that the beneficiary has the right to have such services provided by (or under the supervision of) other physicians or health care practitioners for whom payment would be made under such part, contract, or plan.

Such contract shall also clearly indicate whether the physician or practitioner involved is excluded from participation under this title.

“(3) **MODIFICATIONS.**—The parties to a private contract may mutually agree at any time to modify or terminate the contract on a prospective basis, consistent with the provisions of paragraphs (1) and (2).

“(4) **NO REQUIREMENTS FOR SERVICES FURNISHED TO MSA PLAN ENROLLEES.**—The requirements of paragraphs (1) and (2) do not apply to any contract or arrangement for the provision of services to a medicare beneficiary enrolled in an MSA plan under part C.

“(5) **DEFINITIONS.**—In this subsection:

“(A) **HEALTH CARE PRACTITIONER.**—The term ‘health care practitioner’ means a practitioner described in section 1842(b)(18)(C).

“(B) **MEDICARE BENEFICIARY.**—The term ‘medicare beneficiary’ means an individual who is enrolled under part B.

“(C) **MEDICARE COVERED PROFESSIONAL SERVICES.**—The term ‘medicare covered professional services’ means—

“(i) physicians’ services (as defined in section 1861(q), and including services described in section 1861(s)(2)(A)), and

“(ii) professional services of health care practitioners, including services described in section 1842(b)(18)(D),

for which payment may be made under part A or B, under a contract under section 1876, or under a Medicare Advantage plan but for the provisions of a private contract that meets the requirements of paragraph (2).

“(D) **MA PLAN; MSA PLAN.**—The terms ‘MA plan’ and ‘MSA plan’ have the meanings given such terms in section 1859.

“(E) **PHYSICIAN.**—The term ‘physician’ has the meaning given such term in section 1861(r).”

(b) **CONFORMING AMENDMENTS CLARIFYING EXEMPTION FROM LIMITING CHARGE AND FROM REQUIREMENT FOR SUBMISSION OF CLAIMS.**—Section 1848(g) of the Social Security Act (42 U.S.C. 1395w-4(g)) is amended—

(1) in paragraph (1)(A), by striking “In” and inserting “Subject to paragraph (8), in”;

(2) in paragraph (3)(A), by striking “Payment” and inserting “Subject to paragraph (8), payment”;

(3) in paragraph (4)(A), by striking “For” and inserting “Subject to paragraph (8), for”;

and

(4) by adding at the end the following new paragraph:

“(8) **EXEMPTION FROM REQUIREMENTS FOR SERVICES FURNISHED UNDER PRIVATE CONTRACTS.**—

“(A) **IN GENERAL.**—Pursuant to section 1802(b)(1), paragraphs (1), (3), and (4) do not apply with respect to physicians’ services (and services described in section 1861(s)(2)(A)) furnished to an individual by (or under the supervision of) a physician if the conditions described in section 1802(b)(1) are met with respect to the services.

“(B) **NO RESTRICTIONS FOR ENROLLEES IN MSA PLANS.**—Such paragraphs do not apply with respect to services furnished to individuals enrolled with MSA plans under part C, without regard to whether the conditions described in subparagraphs (A) through (C) of section 1802(b)(1) are met.

“(C) **APPLICATION TO ENROLLEES IN OTHER PLANS.**—Subject to subparagraph (B) and section 1852(k)(2), the provisions of subparagraph (A) shall apply in the case of an individual enrolled under a contract under section 1876 or under an MA plan (other than an MSA plan) under part C, in the same manner as they apply to individuals not enrolled under such a contract or plan.”

(c) CONFORMING AMENDMENTS.—(1) Section 1842(b)(18) of the Social Security Act (42 U.S.C. 1395u(b)(18)) is amended by adding at the end the following:

“(E) The provisions of section 1848(g)(8) shall apply with respect to exemption from limitations on charges and from billing requirements for services of health care practitioners described in this paragraph in the same manner as such provisions apply to exemption from the requirements referred to in section 1848(g)(8)(A) for physicians’ services.”.

(2) Section 1866(a)(1)(O) of such Act (42 U.S.C. 1395cc(a)(1)(O)) is amended by striking “enrolled with a Medicare Advantage organization under part C” and inserting “enrolled with an MA organization under part C (other than under an MSA plan)”.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date that is 6 months after the date of the enactment of this Act and apply to contracts entered into on or after that date.

SA 3659. Mr. BARRASSO submitted an amendment intended to be proposed by him to the bill H.R. 4872, to provide for reconciliation pursuant to Title II of the concurrent resolution on the budget for fiscal year 2010 (S. Con. Res. 13); which was ordered to lie on the table; as follows:

At the end of subtitle F of title I, insert the following:

SEC. 1. CONTINUED ABILITY TO PAY FOR HEALTH CARE.

Title I of the Patient Protection and Affordable Care Act is amended by adding at the end the following:

“SEC. 1564. CONTINUED ABILITY TO PAY FOR HEALTH CARE.

“Nothing in this title (or an amendment made by this title) shall be construed to prohibit an individual from purchasing or otherwise paying for health care items or services on an out-of-pocket basis.”.

SA 3660. Mr. BARRASSO submitted an amendment intended to be proposed by him to the bill H.R. 4872, to provide for reconciliation pursuant to Title II of the concurrent resolution on the budget for fiscal year 2010 (S. Con. Res. 13); which was ordered to lie on the table; as follows:

At the end of subtitle F of title I, insert the following:

SEC. 1. PROTECTING THE TAXPAYERS.

Title I of the Patient Protection and Affordable Care Act is amended by adding at the end the following:

“SEC. 1564. PROTECTING THE TAXPAYERS.

“The provisions of this title (and the amendments made by this title) shall not apply with respect to a fiscal year if the Director of the Office of Management and Budget fails to certify to Congress that the application of such provisions (and amendments) in such fiscal year will not increase the Federal budget deficit.”.

SA 3661. Mr. BARRASSO submitted an amendment intended to be proposed by him to the bill H.R. 4872, to provide for reconciliation pursuant to Title II of the concurrent resolution on the budget for fiscal year 2010 (S. Con. Res. 13); which was ordered to lie on the table; as follows:

In subtitle A of title I, add at the end the following:

SEC. 1. EXEMPTION FROM MANDATE.

Section 5000A of the Internal Revenue Code of 1986, as added by section 1501(b) of the Patient Protection and Affordable Care Act, is amended—

(1) by redesignating subsection (g) as subsection (h); and

(2) by inserting after subsection (f), the following:

“(g) LIMITATION.—This section shall not apply to an individual for a taxable year if such individual—

“(1) in under 30 years of age when such year begins; or

“(2) has a modified gross income that does not exceed \$30,000 for such year.”.

SA 3662. Mr. BARRASSO submitted an amendment intended to be proposed by him to the bill H.R. 4872, to provide for reconciliation pursuant to Title II of the concurrent resolution on the budget for fiscal year 2010 (S. Con. Res. 13); which was ordered to lie on the table; as follows:

At the end of subtitle E of title I, add the following:

SEC. 14. REPEAL OF ADDITIONAL TAX FROM DISTRIBUTIONS FROM HSAS AND MSAS.

(a) HSAS.—Section 223(f)(4)(A) of the Internal Revenue Code of 1986, as amended by section 9004 of the Patient Protection and Affordable Care Act, is amended by striking “20 percent” and inserting “10 percent”.

(b) ARCHER MSAS.—Section 220(f)(4)(A) of the Internal Revenue Code of 1986, as amended by section 9004 of the Patient Protection and Affordable Care Act, is amended by striking “20 percent” and inserting “15 percent”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to distributions made after December 31, 2010.

SA 3663. Mr. BARRASSO submitted an amendment intended to be proposed by him to the bill H.R. 4872, to provide for reconciliation pursuant to Title II of the concurrent resolution on the budget for fiscal year 2010 (S. Con. Res. 13); which was ordered to lie on the table; as follows:

On page 56, between lines 20 and 21, insert the following:

(f) BUDGET-NEUTRAL EXEMPTION OF CERTAIN PROVIDERS.—Notwithstanding the provisions of, and amendments made by, the preceding subsections of this section and sections 3401 and 10319 of the Patient Protection and Affordable Care Act—

(1) such provisions and amendments shall not apply to a health care provider that—

(A) is described in section 340B(a)(4) of the Public Health Service Act or 1927(c)(1)(D)(i)(IV) of the Social Security Act (42 U.S.C. 1396r–8(c)(1)(D)(i)(IV)); and

(B) is located in an area that is not a metropolitan statistical area (as determined by the Bureau of the Census); and

(2) the Secretary of Health and Human Services shall make appropriate adjustments in the application of such provisions and amendments to ensure that the amount of expenditures under title XVIII of the Social Security Act is equal to the amount of expenditures that would have been made under such title if this subsection had not been enacted, as estimated by the Secretary.

SA 3664. Mr. VITTER submitted an amendment intended to be proposed by

him to the bill H.R. 4872, to provide for reconciliation pursuant to Title II of the concurrent resolution on the budget for fiscal year 2010 (S. Con. Res. 13); which was ordered to lie on the table; as follows:

At the end of subtitle F of title I, add the following:

SEC. 1502. VERIFICATION OF IDENTITY.

No individual may receive assistance of any kind provided by the Federal Government to obtain health insurance coverage unless the individual provides to the appropriate agency or department of the Federal Government an appropriate identification that was issued by a governmental entity and that includes a photograph and the name, date of birth, and social security number of the individual.

SA 3665. Mr. VITTER submitted an amendment intended to be proposed by him to the bill H.R. 4872, to provide for reconciliation pursuant to Title II of the concurrent resolution on the budget for fiscal year 2010 (S. Con. Res. 13); which was ordered to lie on the table; as follows:

At the end of subtitle B of title I, insert the following:

SEC. . SUSPENSION OF THE ACT.

If at the beginning of any fiscal year OMB determines that the deficit targets set forth in the CBO report of March 20, 2010 will not be met, the provisions of this Act and the Patient Protection and Affordable Care Act shall be suspended for that year.

SA 3666. Mr. VITTER submitted an amendment intended to be proposed by him to the bill H.R. 4872, to provide for reconciliation pursuant to Title II of the concurrent resolution on the budget for fiscal year 2010 (S. Con. Res. 13); which was ordered to lie on the table; as follows:

At the end of subtitle F of title I, add the following:

SEC. 1502. ELIMINATION OF AUTOMATIC PAY ADJUSTMENTS FOR MEMBERS OF CONGRESS.

(a) IN GENERAL.—Paragraph (2) of section 601(a) of the Legislative Reorganization Act of 1946 (2 U.S.C. 31) is repealed.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—Section 601(a)(1) of such Act is amended—

(1) by striking “(a)(1)” and inserting “(a)”;

(2) by redesignating subparagraphs (A), (B), and (C) as paragraphs (1), (2), and (3), respectively; and

(3) by striking “as adjusted by paragraph (2) of this subsection” and inserting “adjusted as provided by law”.

(c) EFFECTIVE DATE.—This section shall take effect on December 31, 2011.

SA 3667. Mr. VITTER submitted an amendment intended to be proposed by him to the bill H.R. 4872, to provide for reconciliation pursuant to Title II of the concurrent resolution on the budget for fiscal year 2010 (S. Con. Res. 13); which was ordered to lie on the table; as follows:

At the end of subtitle F of title I, add the following:

SEC. 1502. ELIMINATION OF SPECIAL HEALTH CARE PRIVILEGES FOR MEMBERS OF CONGRESS.

Section 1312(d)(3) of the Patient Protection and Affordable Care Act is amended by striking subparagraph (D) and inserting the following:

“(D) REQUIREMENT OF MEMBERS OF CONGRESS TO ENROLL IN AN EXCHANGE.—

“(i) REQUIREMENT.—Notwithstanding any other provision of law, all Members of Congress shall be enrolled in an Exchange when established under section 1321.

“(ii) INELIGIBLE FOR FEHBP.—Effective on the date on which an Exchange is established under section 1321, no Member of Congress shall be eligible to participate in a health benefits plan under chapter 89 of title 5, United States Code.

“(iii) EMPLOYER CONTRIBUTION.—

“(I) IN GENERAL.—The Secretary of the Senate or the Chief Administrative Officer of the House of Representatives shall pay the amount determined under subclause (II) to the appropriate Exchange.

“(II) AMOUNT OF EMPLOYER CONTRIBUTION.—The Director of the Office Of Personnel Management shall determine the amount of the employer contribution for each Member of Congress enrolled in an Exchange. The amount shall be equal to the employer contribution for the health benefits plan under chapter 89 of title 5, United States Code, with the greatest number of enrollees, except that the contribution shall be actuarially adjusted for age.

“(iv) MILITARY MEDICAL TREATMENT FACILITIES AND THE OFFICE OF THE ATTENDING PHYSICIAN.—

“(I) IN GENERAL.—Notwithstanding any other provision of law, a Member of Congress may not receive health care or medical treatment at any military medical treatment facility or at the Office of the Attending Physician.

“(II) EXCEPTION.—Subclause (I) shall not apply to any case of a medical emergency in which the life of a Member of Congress is in immediate danger.

“(v) DEFINITIONS.—In this subparagraph:

“(I) EXCHANGE.—The term ‘Exchange’ means an Exchange established under section 1321.

“(II) MEMBER OF CONGRESS.—The term ‘Member of Congress’ means any member of the House of Representatives or the Senate.”.

SA 3668. Mr. VITTER submitted an amendment intended to be proposed by him to the bill H.R. 4872, to provide for reconciliation pursuant to Title II of the concurrent resolution on the budget for fiscal year 2010 (S. Con. Res. 13); which was ordered to lie on the table; as follows:

At the end of subtitle F of title I, add the following:

SEC. 15 ____ . REFUNDS OF FEDERAL MOTOR FUEL EXCISE TAXES FOR FUEL USED IN MOBILE MAMMOGRAPHY VEHICLES.

(a) REFUNDS.—Section 6427 of the Internal Revenue Code of 1986 (relating to fuels not used for taxable purposes) is amended by inserting after subsection (f) the following new subsection:

“(g) FUELS USED IN MOBILE MAMMOGRAPHY VEHICLES.—Except as provided in subsection (k), if any fuel on which tax was imposed by section 4041 or 4081 is used in any highway vehicle designed exclusively to provide mobile mammography services to patients within such vehicle, the Secretary shall pay (without interest) to the ultimate purchaser

of such fuel an amount equal to the aggregate amount of the tax imposed on such fuel.”.

(b) EXEMPTION FROM RETAIL TAX.—Section 4041 of such Code is amended by adding at the end the following new subsection:

“(n) FUELS USED IN MOBILE MAMMOGRAPHY VEHICLES.—No tax shall be imposed under this section on any liquid sold for use in, or used in, any highway vehicle designed exclusively to provide mobile mammography services to patients within such vehicle.”.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.

SA 3669. Mr. VITTER submitted an amendment intended to be proposed by him to the bill H.R. 4872, to provide for reconciliation pursuant to Title II of the concurrent resolution on the budget for fiscal year 2010 (S. Con. Res. 13); which was ordered to lie on the table; as follows:

At the end, add the following:

TITLE III—IMPORTATION OF PRESCRIPTION DRUGS

SEC. 3001. SHORT TITLE.

This title may be cited as the “Pharmaceutical Market Access Act of 2010”.

SEC. 3002. FINDINGS.

Congress finds as follows:

(1) Americans unjustly pay up to 1,000 percent more to fill their prescriptions than consumers in other countries.

(2) The United States is the world’s largest market for pharmaceuticals yet consumers still pay the world’s highest prices.

(3) An unaffordable drug is neither safe nor effective. Allowing and structuring the importation of prescription drugs ensures access to affordable drugs, thus providing a level of safety to American consumers they do not currently enjoy.

(4) Prescription drugs are a leading cost of the growth in health care spending in the United States, which is projected to reach \$2,600,000,000,000 in 2009, according to the Congressional Budget Office.

(5) According to the Congressional Budget Office, American seniors alone will spend \$1,800,000,000,000 on pharmaceuticals over the next 10 years.

(6) Allowing open pharmaceutical markets could save American consumers at least \$635,000,000,000 of their own money.

SEC. 3003. PURPOSES.

The purposes of this title are to—

(1) give all Americans immediate relief from the outrageously high cost of pharmaceuticals;

(2) reverse the perverse economics of the American pharmaceutical market;

(3) allow the importation of prescription drugs only if the drugs and facilities where such drugs are manufactured are approved by the Food and Drug Administration, and to exclude pharmaceutical narcotics; and

(4) ensure continued integrity to the prescription drug supply of the United States by—

(A) requiring that imported prescription drugs be packaged and shipped using counterfeit-resistant technologies;

(B) requiring Internet pharmacies to register with the United States Government for Americans to verify authenticity before purchases over the Internet;

(C) requiring all foreign sellers to register with United States Government and submit to facility inspections by the Government without prior notice; and

(D) limiting the eligible countries from which prescription drugs may be imported to Canada, member countries of the European Union, and other highly industrialized nations with safe pharmaceutical infrastructures.

SEC. 3004. AMENDMENTS TO SECTION 804 OF THE FEDERAL FOOD, DRUG, AND COSMETIC ACT.

(a) DEFINITIONS.—Section 804(a) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 384(a)) is amended to read as follows:

“(a) DEFINITIONS.—In this section:

“(1) IMPORTER.—The term ‘importer’ means a pharmacy, group of pharmacies, pharmacist, or wholesaler.

“(2) PERMITTED COUNTRY.—The term ‘permitted country’ means Australia, Canada, Israel, Japan, New Zealand, Switzerland, South Africa, Austria, Belgium, Denmark, Finland, France, Germany, Greece, Ireland, Italy, Luxemburg, Netherlands, Portugal, Spain, Sweden, the United Kingdom, Iceland, Liechtenstein, and Norway, except that the Secretary—

“(A) may add a country, union, or economic area as a permitted country for purposes of this section if the Secretary determines that the country, union, or economic area has a pharmaceutical infrastructure that is substantially equivalent or superior to the pharmaceutical infrastructure of the United States, taking into consideration pharmacist qualifications, pharmacy storage procedures, the drug distribution system, the drug dispensing system, and market regulation; and

“(B) may remove a country, union, or economic area as a permitted country for purposes of this section if the Secretary determines that the country, union, or economic area does not have such a pharmaceutical infrastructure.

“(3) PHARMACIST.—The term ‘pharmacist’ means a person licensed by the relevant governmental authority to practice pharmacy, including the dispensing and selling of prescription drugs.

“(4) PHARMACY.—The term ‘pharmacy’ means a person that is licensed by the relevant governmental authority to engage in the business of selling prescription drugs that employs 1 or more pharmacists.

“(5) PRESCRIPTION DRUG.—The term ‘prescription drug’ means a drug subject to section 503(b), other than—

“(A) a controlled substance (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802));

“(B) a biological product (as defined in section 351 of the Public Health Service Act (42 U.S.C. 262));

“(C) an infused drug (including a peritoneal dialysis solution);

“(D) an intravenously injected drug;

“(E) a drug that is inhaled during surgery; or

“(F) a drug which is a parenteral drug, the importation of which pursuant to subsection (b) is determined by the Secretary to pose a threat to the public health, in which case section 801(d)(1) shall continue to apply.

“(6) QUALIFYING DRUG.—The term ‘qualifying drug’ means a prescription drug that—

“(A) is approved pursuant to an application submitted under section 505(b)(1); and

“(B) is not—

“(i) a drug manufactured through 1 or more biotechnology processes;

“(ii) a drug that is required to be refrigerated; or

“(iii) a photoreactive drug.

“(7) QUALIFYING INTERNET PHARMACY.—The term ‘qualifying Internet pharmacy’ means a

registered exporter that dispenses qualifying drugs to individuals over an Internet Web site.

“(8) QUALIFYING LABORATORY.—The term ‘qualifying laboratory’ means a laboratory in the United States that has been approved by the Secretary for the purposes of this section.

“(9) REGISTERED EXPORTER.—The term ‘registered exporter’ means a person that is in the business of exporting a drug to persons in the United States (or that seeks to be in such business), for which a registration under this section has been approved and is in effect.

“(10) WHOLESALER.—

“(A) IN GENERAL.—The term ‘wholesaler’ means a person licensed as a wholesaler or distributor of prescription drugs in the United States under section 503(e)(2)(A).

“(B) EXCLUSION.—The term ‘wholesaler’ does not include a person authorized to import drugs under section 801(d)(1).”

(b) REGULATIONS.—Section 804(b) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 384(b)) is amended to read as follows:

“(b) REGULATIONS.—Not later than 180 days after the date of enactment of the Pharmaceutical Market Access Act of 2010, the Secretary, after consultation with the United States Trade Representative and the Commissioner of the U.S. Customs and Border Protection, shall promulgate regulations permitting pharmacists, pharmacies, and wholesalers to import qualifying drugs from permitted countries into the United States.”

(c) LIMITATION.—Section 804(c) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 384(c)) is amended by striking “prescription drug” each place it appears and inserting “qualifying drug”.

(d) INFORMATION AND RECORDS.—Section 804(d)(1) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 384(d)(1)) is amended—

(1) by striking subparagraph (G) and redesignating subparagraphs (H) through (N) as subparagraphs (G) through (M), respectively;

(2) in subparagraph (H) (as so redesignated), by striking “telephone number, and professional license number (if any)” and inserting “and telephone number”; and

(3) in subparagraph (L) (as so redesignated), by striking “(J) and (L)” and inserting “(I) and (K)”.

(e) TESTING.—Section 804(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 384(e)) is amended to read as follows:

“(e) TESTING.—The regulations under subsection (d) shall require that the testing described under subparagraphs (I) and (K) of subsection (d)(1) be conducted by the importer of the qualifying drug, unless the qualifying drug is subject to the requirements under section 505E for counterfeit-resistant technologies.”

(f) REGISTRATION OF EXPORTERS; INSPECTIONS.—Section 804(f) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 384(f)) is amended to read as follows:

“(f) REGISTRATION OF EXPORTERS; INSPECTIONS.—

“(1) IN GENERAL.—Any person that seeks to be a registered exporter (referred to in this subsection as the ‘registrant’) shall submit to the Secretary a registration that includes the following:

“(A) The name of the registrant and identification of all places of business of the registrant that relate to qualifying drugs, including each warehouse or other facility owned or controlled by, or operated for, the registrant.

“(B) An agreement by the registrant to—

“(i) make its places of business that relate to qualifying drugs (including warehouses and other facilities owned or controlled by, or operated for, the exporter) and records available to the Secretary for on-site inspections, without prior notice, for the purpose of determining whether the registrant is in compliance with this Act’s requirements;

“(ii) export only qualifying drugs;

“(iii) export only to persons authorized to import the drugs;

“(iv) notify the Secretary of a recall or withdrawal of a qualifying drug distributed in a permitted country to or from which the registrant has exported or imported, or intends to export or import, to the United States;

“(v) monitor compliance with registration conditions and report any noncompliance promptly;

“(vi) submit a compliance plan showing how the registrant will correct violations, if any; and

“(vii) promptly notify the Secretary of changes in the registration information of the registrant.

“(2) NOTICE OF APPROVAL OR DISAPPROVAL.—

“(A) IN GENERAL.—Not later than 90 days after receiving a completed registration from a registrant, the Secretary shall—

“(i) notify such registrant of receipt of the registration;

“(ii) assign such registrant a registration number; and

“(iii) approve or disapprove the application.

“(B) DISAPPROVAL OF APPLICATION.—

“(i) IN GENERAL.—The Secretary shall disapprove a registration, and notify the registrant of such disapproval, if the Secretary has reason to believe that such registrant is not in compliance with a registration condition.

“(ii) SUBSEQUENT APPROVAL.—The Secretary may subsequently approve a registration that was denied under clause (i) if the Secretary finds that the registrant is in compliance with all registration conditions.

“(3) LIST.—The Secretary shall—

“(A) maintain an up-to-date list of registered exporters (including qualifying Internet pharmacies that sell qualifying drugs to individuals);

“(B) make such list available to the public on the Internet Web site of the Food and Drug Administration and via a toll-free telephone number; and

“(C) update such list promptly after the approval of a registration under this subsection.

“(4) EDUCATION OF CONSUMERS.—The Secretary shall carry out activities, by use of the Internet Web site and toll-free telephone number under paragraph (3), that educate consumers with regard to the availability of qualifying drugs for import for personal use under this section, including information on how to verify whether an exporter is registered.

“(5) INSPECTION OF IMPORTERS AND REGISTERED EXPORTERS.—The Secretary shall inspect the warehouses, other facilities, and records of importers and registered exporters as often as the Secretary determines necessary to ensure that such importers and registered exporters are in compliance with this section.”

(g) SUSPENSION OF IMPORTATION.—Section 804(g) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 384(g)) is amended by—

(1) striking “and the Secretary determines that the public is adequately protected from counterfeit and violative prescription drugs being imported under subsection (b)”;

(2) by adding after the period at the end the following: “The Secretary shall reinstate the importation by a specific importer upon a determination by the Secretary that the violation has been corrected and that the importer has demonstrated that further violations will not occur. This subsection shall not apply to a prescription drug imported by an individual, or to a prescription drug shipped to an individual by a qualifying Internet pharmacy.”

(h) WAIVER AUTHORITY FOR INDIVIDUALS.—Section 804(j) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 384(j)) is amended to read as follows:

“(j) IMPORTATION BY INDIVIDUALS.—

“(1) IN GENERAL.—Not later than 180 days after the enactment of the Pharmaceutical Market Access Act of 2010, the Secretary shall by regulation permit an individual to import a drug from a permitted country to the United States if the drug is—

“(A) a qualifying drug;

“(B) imported from a licensed pharmacy or qualifying Internet pharmacy;

“(C) for personal use by an individual, or family member of the individual, not for resale;

“(D) in a quantity that does not exceed a 90-day supply during any 90-day period; and

“(E) accompanied by a copy of a prescription for the drug, which—

“(i) is valid under applicable Federal and State laws; and

“(ii) was issued by a practitioner who is authorized to administer prescription drugs.

“(2) DRUGS DISPENSED OUTSIDE THE UNITED STATES.—An individual may import a drug from a country that is not a permitted country if—

“(A) the drug was dispensed to the individual while the individual was in such country, and the drug was dispensed in accordance with the laws and regulations of such country;

“(B) the individual is entering the United States and the drug accompanies the individual at the time of entry;

“(C) the drug is approved for commercial distribution in the country in which the drug was obtained;

“(D) the drug does not appear to be adulterated; and

“(E) the quantity of the drug does not exceed a 14-day supply.”

(i) REPEAL OF CERTAIN PROVISIONS.—Section 804 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 384) is amended by striking subsections (l) and (m).

SEC. 3005. REGISTRATION FEES.

Subchapter C of chapter VII of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379f et seq.) is amended by adding at the end the following:

“PART 6—FEES RELATING TO PRESCRIPTION DRUG IMPORTATION

“SEC. 743. FEES RELATING TO PRESCRIPTION DRUG IMPORTATION.

“(a) REGISTRATION FEE.—The Secretary shall establish a registration fee program under which a registered exporter under section 804 shall be required to pay an annual fee to the Secretary in accordance with this subsection.

“(b) COLLECTION.—

“(1) COLLECTION ON INITIAL REGISTRATION.—A fee under this section shall be payable for the fiscal year in which the registered exporter first submits a registration under section 804 (or reregisters under that section if that person has withdrawn its registration and subsequently reregisters) in a amount of \$10,000, due on the date the exporter first submits a registration to the Secretary under section 804.

“(2) COLLECTION IN SUBSEQUENT YEARS.—After the fee is paid for the first fiscal year, the fee described under this subsection shall be payable on or before October 1 of each year.

“(3) ONE FEE PER FACILITY.—The fee shall be paid only once for each registered exporter for a fiscal year in which the fee is payable.

“(c) FEE AMOUNT.—

“(1) IN GENERAL.—Subject to subsection (b)(1), the amount of the fee shall be determined each year by the Secretary and shall be based on the anticipated costs to the Secretary of enforcing the amendments made by the Pharmaceutical Market Access Act of 2010 in the subsequent fiscal year.

“(2) LIMITATION.—

“(A) IN GENERAL.—The aggregate total of fees collected under this section shall not exceed 1 percent of the total price of drugs exported annually to the United States by registered exporters under this section.

“(B) REASONABLE ESTIMATE.—Subject to the limitation described in subparagraph (A), a fee under this subsection for an exporter shall be an amount that is a reasonable estimate by the Secretary of the annual share of the exporter of the volume of drugs exported by exporters under this section.

“(d) USE OF FEES.—The fees collected under this section shall be used for the sole purpose of administering this section with respect to registered exporters, including the costs associated with—

“(1) inspecting the facilities of registered exporters, and of other entities in the chain of custody of a qualifying drug;

“(2) developing, implementing, and maintaining a system to determine registered exporters' compliance with the registration conditions under the Pharmaceutical Market Access Act of 2010, including when shipments of qualifying drugs are offered for import into the United States; and

“(3) inspecting such shipments, as necessary, when offered for import into the United States to determine if any such shipment should be refused admission.

“(e) ANNUAL FEE SETTING.—The Secretary shall establish, 60 days before the beginning of each fiscal year beginning after September 30, 2009, for that fiscal year, registration fees.

“(f) EFFECT OF FAILURE TO PAY FEES.—

“(1) DUE DATE.—A fee payable under this section shall be paid by the date that is 30 days after the date on which the fee is due.

“(2) FAILURE TO PAY.—If a registered exporter subject to a fee under this section fails to pay the fee, the Secretary shall not permit the registered exporter to engage in exportation to the United States or offering for exportation prescription drugs under this Act until all such fees owed by that person are paid.

“(g) REPORTS.—

“(1) FEE ESTABLISHMENT.—Not later than 60 days before the beginning of each fiscal year, the Secretary shall—

“(A) publish registration fees under this section for that fiscal year;

“(B) hold a meeting at which the public may comment on the recommendations; and

“(C) provide for a period of 30 days for the public to provide written comments on the recommendations.

“(2) PERFORMANCE AND FISCAL REPORT.—Beginning with fiscal year 2009, not later than 60 days after the end of each fiscal year during which fees are collected under this section, the Secretary shall submit to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee

on Energy and Commerce of the House of Representatives a report that describes—

“(A) implementation of the registration fee authority during the fiscal year; and

“(B) the use by the Secretary of the fees collected during the fiscal year for which the report is made.”.

SEC. 3006. COUNTERFEIT-RESISTANT TECHNOLOGY.

(a) MISBRANDING.—Section 502 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 352; deeming drugs and devices to be misbranded) is amended by adding at the end the following:

“(aa) If it is a drug subject to section 503(b), unless the packaging of such drug complies with the requirements of section 505E for counterfeit-resistant technologies.”.

(b) REQUIREMENTS.—Chapter V of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 351 et seq.) is amended by inserting after section 505D the following:

“SEC. 505E. COUNTERFEIT-RESISTANT TECHNOLOGIES.

“(a) INCORPORATION OF COUNTERFEIT-RESISTANT TECHNOLOGIES INTO PRESCRIPTION DRUG PACKAGING.—The Secretary shall require that the packaging of any drug subject to section 503(b) incorporate—

“(1) overt optically variable counterfeit-resistant technologies that are described in subsection (b) and comply with the standards of subsection (c); or

“(2) technologies that have an equivalent function of security, as determined by the Secretary.

“(b) ELIGIBLE TECHNOLOGIES.—Technologies described in this subsection—

“(1) shall be visible to the naked eye, providing for visual identification of product authenticity without the need for readers, microscopes, lighting devices, or scanners;

“(2) shall be similar to that used by the Bureau of Engraving and Printing to secure United States currency;

“(3) shall be manufactured and distributed in a highly secure, tightly controlled environment; and

“(4) should incorporate additional layers of non-visible covert security features up to and including forensic capability.

“(c) STANDARDS FOR PACKAGING.—

“(1) MULTIPLE ELEMENTS.—For the purpose of making it more difficult to counterfeit the packaging of drugs subject to section 503(b), manufacturers of the drugs shall incorporate the technologies described in subsection (b) into multiple elements of the physical packaging of the drugs, including blister packs, shrink wrap, package labels, package seals, bottles, and boxes.

“(2) LABELING OF SHIPPING CONTAINER.—Shipments of drugs described in subsection (a) shall include a label on the shipping container that incorporates the technologies described in subsection (b), so that officials inspecting the packages will be able to determine the authenticity of the shipment. Chain of custody procedures shall apply to such labels and shall include procedures applicable to contractual agreements for the use and distribution of the labels, methods to audit the use of the labels, and database access for the relevant governmental agencies for audit or verification of the use and distribution of the labels.

“(d) EFFECTIVE DATE.—This section shall take effect 180 days after the date of enactment of the Pharmaceutical Market Access Act of 2010.”.

SEC. 3007. PROHIBITED ACTS.

Section 301 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 331) is amended by inserting after subsection (k) the following:

“(1) The failure to register in accordance with section 804(f) or to import or offer to import a prescription drug in violation of a suspension order under section 804(g).”.

SEC. 3008. PATENTS.

Section 271 of title 35, United States Code, is amended—

(1) by redesignating subsections (h) and (i) as subsections (i) and (j), respectively; and

(2) by inserting after subsection (g) the following:

“(h) It shall not be an act of infringement to use, offer to sell, or sell within the United States or to import into the United States any patented invention under section 804 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 384) that was first sold abroad by or under authority of the owner or licensee of such patent.”.

SEC. 3009. OTHER ENFORCEMENT ACTIONS.

(a) IN GENERAL.—Section 804 of the Federal Food, Drug, and Cosmetic Act, as amended by section 3004, is amended by adding at the end the following:

“(1) UNFAIR OR DISCRIMINATORY ACTS AND PRACTICES.—

“(1) IN GENERAL.—It is unlawful for a manufacturer, directly or indirectly (including by being a party to a licensing or other agreement) to—

“(A) discriminate by charging a higher price for a prescription drug sold to a person in a permitted country that exports a prescription drug to the United States under this section than the price that is charged to another person that is in the same country and that does not export a prescription drug into the United States under this section;

“(B) discriminate by charging a higher price for a prescription drug sold to a person that distributes, sells, or uses a prescription drug imported into the United States under this section than the price that is charged to another person in the United States that does not import a prescription drug under this section, or that does not distribute, sell, or use such a drug;

“(C) discriminate by denying supplies of a prescription drug to a person in a permitted country that exports a prescription drug to the United States under this section or distributes, sells, or uses a prescription drug imported into the United States under this section;

“(D) discriminate by publicly, privately, or otherwise refusing to do business with a person in a permitted country that exports a prescription drug to the United States under this section or distributes, sells, or uses a prescription drug imported into the United States under this section;

“(E) discriminate by specifically restricting or delaying the supply of a prescription drug to a person in a permitted country that exports a prescription drug to the United States under this section or distributes, sells, or uses a prescription drug imported into the United States under this section;

“(F) cause there to be a difference (including a difference in active ingredient, route of administration, dosage form, strength, formulation, manufacturing establishment, manufacturing process, or person that manufactures the drug) between a prescription drug for distribution in the United States and the drug for distribution in a permitted country for the purpose of restricting importation of the drug into the United States under this section;

“(G) refuse to allow an inspection authorized under this section of an establishment that manufactures a prescription drug that may be imported or offered for import under this section;

“(H) fail to conform to the methods used in, or the facilities used for, the manufacturing, processing, packing, or holding of a prescription drug that may be imported or offered for import under this section to good manufacturing practice under this Act;

“(I) become a party to a licensing or other agreement related to a prescription drug that fails to provide for compliance with all requirements of this section with respect to such prescription drug or that has the effect of prohibiting importation of the drug under this section; or

“(J) engage in any other action that the Federal Trade Commission determines to discriminate against a person that engages in, or to impede, delay, or block the process for, the importation of a prescription drug under this section.

“(2) AFFIRMATIVE DEFENSE.—It shall be an affirmative defense to a charge that a person has discriminated under subparagraph (A), (B), (C), (D), or (E) of paragraph (1) that the higher price charged for a prescription drug sold to a person, the denial of supplies of a prescription drug to a person, the refusal to do business with a person, or the specific restriction or delay of supplies to a person is not based, in whole or in part, on—

“(A) the person exporting or importing a prescription drug into the United States under this section; or

“(B) the person distributing, selling, or using a prescription drug imported into the United States under this section.

“(3) PRESUMPTION AND AFFIRMATIVE DEFENSE.—

“(A) PRESUMPTION.—A difference (including a difference in active ingredient, route of administration, dosage form, strength, formulation, manufacturing establishment, manufacturing process, or person that manufactures the drug) created after January 1, 2009, between a prescription drug for distribution in the United States and the drug for distribution in a permitted country shall be presumed under paragraph (1)(F) to be for the purpose of restricting importation of the drug into the United States under this section.

“(B) AFFIRMATIVE DEFENSE.—It shall be an affirmative defense to the presumption under subparagraph (A) that—

“(i) the difference was required by the country in which the drug is distributed; or

“(ii) the Secretary has determined that the difference was necessary to improve the safety or effectiveness of the drug.

“(4) EFFECT OF SUBSECTION.—

“(A) SALES IN OTHER COUNTRIES.—This subsection applies only to the sale or distribution of a prescription drug in a country if the manufacturer of the drug chooses to sell or distribute the drug in the country. Nothing in this subsection shall be construed to compel the manufacturer of a drug to distribute or sell the drug in a country.

“(B) DISCOUNTS TO INSURERS, HEALTH PLANS, PHARMACY BENEFIT MANAGERS, AND COVERED ENTITIES.—Nothing in this subsection shall be construed to—

“(i) prevent or restrict a manufacturer of a prescription drug from providing discounts to an insurer, health plan, pharmacy benefit manager in the United States, or covered entity in the drug discount program under section 340B of the Public Health Service Act (42 U.S.C. 256b) in return for inclusion of the drug on a formulary;

“(ii) require that such discounts be made available to other purchasers of the prescription drug; or

“(iii) prevent or restrict any other measures taken by an insurer, health plan, or

pharmacy benefit manager to encourage consumption of such prescription drug.

“(C) CHARITABLE CONTRIBUTIONS.—Nothing in this subsection shall be construed to—

“(i) prevent a manufacturer from donating a prescription drug, or supplying a prescription drug at nominal cost, to a charitable or humanitarian organization, including the United Nations and affiliates, or to a government of a foreign country; or

“(ii) apply to such donations or supplying of a prescription drug.

“(5) ENFORCEMENT.—

“(A) UNFAIR OR DECEPTIVE ACT OR PRACTICE.—A violation of this subsection shall be treated as a violation of a rule defining an unfair or deceptive act or practice prescribed under section 18(a)(1)(B) of the Federal Trade Commission Act.

“(B) ACTIONS BY THE COMMISSION.—The Federal Trade Commission—

“(i) shall enforce this subsection in the same manner, by the same means, and with the same jurisdiction, powers, and duties as though all applicable terms and provisions of the Federal Trade Commission Act were incorporated into and made a part of this section; and

“(ii) may seek monetary relief threefold the damages sustained.

“(6) ACTIONS BY STATES.—

“(A) IN GENERAL.—

“(i) CIVIL ACTIONS.—The attorney general of a State may bring a civil action on behalf of the residents of the State, and persons doing business in the State, in a district court of the United States of appropriate jurisdiction for a violation of paragraph (1) to—

“(I) enjoin that practice;

“(II) enforce compliance with this subsection;

“(III) obtain damages, restitution, or other compensation on behalf of residents of the State and persons doing business in the State, including threefold the damages; or

“(IV) obtain such other relief as the court may consider to be appropriate.

“(ii) NOTICE.—

“(I) IN GENERAL.—Before filing an action under clause (i), the attorney general of the State involved shall provide to the Federal Trade Commission—

“(aa) written notice of that action; and

“(bb) a copy of the complaint for that action.

“(II) EXEMPTION.—Subclause (I) shall not apply with respect to the filing of an action by an attorney general of a State under this paragraph, if the attorney general determines that it is not feasible to provide the notice described in that subclause before filing of the action. In such case, the attorney general of a State shall provide notice and a copy of the complaint to the Federal Trade Commission at the same time as the attorney general files the action.

“(B) INTERVENTION.—

“(i) IN GENERAL.—On receiving notice under subparagraph (A)(ii), the Commission shall have the right to intervene in the action that is the subject of the notice.

“(ii) EFFECT OF INTERVENTION.—If the Commission intervenes in an action under subparagraph (A), it shall have the right—

“(I) to be heard with respect to any matter that arises in that action; and

“(II) to file a petition for appeal.

“(C) CONSTRUCTION.—For purposes of bringing any civil action under subparagraph (A), nothing in this subsection shall be construed to prevent an attorney general of a State from exercising the powers conferred on the attorney general by the laws of that State to—

“(i) conduct investigations;

“(ii) administer oaths or affirmations; or

“(iii) compel the attendance of witnesses or the production of documentary and other evidence.

“(D) ACTIONS BY THE COMMISSION.—

“(i) IN GENERAL.—In any case in which an action is instituted by or on behalf of the Commission for a violation of paragraph (1), a State may not, during the pendency of that action, institute an action under subparagraph (A) for the same violation against any defendant named in the complaint in that action.

“(ii) INTERVENTION.—An attorney general of a State may intervene, on behalf of the residents of that State, in an action instituted by the Commission.

“(iii) EFFECT OF INTERVENTION.—If an attorney general of a State intervenes in an action instituted by the Commission, such attorney general shall have the right—

“(I) to be heard with respect to any matter that arises in that action; and

“(II) to file a petition for appeal.

“(E) VENUE.—Any action brought under subparagraph (A) may be brought in the district court of the United States that meets applicable requirements relating to venue under section 1391 of title 28, United States Code.

“(F) SERVICE OF PROCESS.—In an action brought under subparagraph (A), process may be served in any district in which the defendant—

“(i) is an inhabitant; or

“(ii) may be found.

“(G) LIMITATION OF ACTIONS.—Any action under this paragraph to enforce a cause of action under this subsection by the Federal Trade Commission or the attorney general of a State shall be forever barred unless commenced within 5 years after the Federal Trade Commission, or the attorney general, as the case may be, knew or should have known that the cause of action accrued. No cause of action barred under existing law on the effective date of the Pharmaceutical Market Access Act of 2010 shall be revived by such Act.

“(H) MEASUREMENT OF DAMAGES.—In any action under this paragraph to enforce a cause of action under this subsection in which there has been a determination that a defendant has violated a provision of this subsection, damages may be proved and assessed in the aggregate by statistical or sampling methods, by the computation of illegal overcharges or by such other reasonable system of estimating aggregate damages as the court in its discretion may permit without the necessity of separately proving the individual claim of, or amount of damage to, persons on whose behalf the suit was brought.

“(I) EXCLUSION ON DUPLICATIVE RELIEF.—The district court shall exclude from the amount of monetary relief awarded in an action under this paragraph brought by the attorney general of a State any amount of monetary relief which duplicates amounts which have been awarded for the same injury.

“(7) EFFECT ON ANTITRUST LAWS.—Nothing in this subsection shall be construed to modify, impair, or supersede the operation of the antitrust laws. For the purpose of this subsection, the term ‘antitrust laws’ has the meaning given it in the first section of the Clayton Act, except that it includes section 5 of the Federal Trade Commission Act to the extent that such section 5 applies to unfair methods of competition.

“(8) MANUFACTURER.—In this subsection, the term ‘manufacturer’ means any entity,

including any affiliate or licensee of that entity, that is engaged in—

“(A) the production, preparation, propagation, compounding, conversion, or processing of a prescription drug, either directly or indirectly by extraction from substances of natural origin, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis; or

“(B) the packaging, repackaging, labeling, relabeling, or distribution of a prescription drug.”

(b) REGULATIONS.—The Federal Trade Commission shall promulgate regulations to carry out the enforcement program under section 804(l) of the Federal Food, Drug, and Cosmetic Act (as added by subsection (a)).

(c) SUSPENSION AND TERMINATION OF EXPORTERS.—Section 804(g) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 384(g)), as amended by section 3004(g), is amended by—

(1) striking “SUSPENSION OF IMPORTATION.—The Secretary” and inserting “SUSPENSION OF IMPORTATION.—

“(1) IN GENERAL.—The Secretary”; and

(2) adding at the end the following:

“(2) SUSPENSION AND TERMINATION OF EXPORTERS.—

“(A) SUSPENSION.—With respect to the effectiveness of a registration submitted under subsection (f) by a registered exporter:

“(i) Subject to clause (ii), if the Secretary determines, after notice and opportunity for a hearing, that the registered exporter has failed to maintain substantial compliance with all registration conditions, the Secretary may suspend the registration.

“(ii) If the Secretary determines that, under color of the registration, the registered exporter has exported a drug that is not a qualifying drug, or a drug that does not meet the criteria under this section, or has exported a qualifying drug to an individual in violation of this section, the Secretary shall immediately suspend the registration. A suspension under the preceding sentence is not subject to the provision by the Secretary of prior notice, and the Secretary shall provide to the registered exporter involved an opportunity for a hearing not later than 10 days after the date on which the registration is suspended.

“(iii) The Secretary may reinstate the registration, whether suspended under clause (i) or (ii), if the Secretary determines that the registered exporter has demonstrated that further violations of registration conditions will not occur.

“(B) TERMINATION.—The Secretary, after notice and opportunity for a hearing, may terminate the registration under subsection (f) of a registered exporter if the Secretary determines that the registered exporter has engaged in a pattern or practice of violating 1 or more registration conditions, or if on 1 or more occasions the Secretary has under subparagraph (A)(ii) suspended the registration of the registered exporter. The Secretary may make the termination permanent, or for a fixed period of not less than 1 year. During the period in which the registration of a registered exporter is terminated, any registration submitted under subsection (f) by such exporter or a person who is a partner in the export enterprise or a principal officer in such enterprise, and any registration prepared with the assistance of such exporter or such a person, has no legal effect under this section.”

SEC. 3010. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as may be necessary to carry out this title (and the amendments made by this title).

SA 3670. Mr. ENZI submitted an amendment intended to be proposed by him to the bill H.R. 4872, to provide for reconciliation pursuant to Title II of the concurrent resolution on the budget for fiscal year 2010 (S. Con. Res. 13); which was ordered to lie on the table; as follows:

On page 143, between lines 17 and 18, insert the following:

SEC. 2213. DIRECT LENDING ADMINISTRATIVE EXPENSES.

Section 458(a) (20 U.S.C. 1087h(a)) (as amended by section 2212(b)(1)) is amended—

(1) by striking paragraph (3) and inserting the following:

“(2) MANDATORY FUNDS FOR ADMINISTRATIVE COSTS IN FISCAL YEARS 2010 THROUGH 2019.—For each of the fiscal years 2010 through 2019, there shall be available to the Secretary, from funds not otherwise appropriated, such sums as may be necessary for the administrative costs under this part and part B, including the costs of the direct student loan programs under this part, in each such fiscal year.”

(2) in paragraph (4), by striking “through 2014” and inserting “through 2019”.

SA 3671. Mr. ENZI (for himself and Mr. COBURN) submitted an amendment intended to be proposed by him to the bill H.R. 4872, to provide for reconciliation pursuant to Title II of the concurrent resolution on the budget for fiscal year 2010 (S. Con. Res. 13); which was ordered to lie on the table; as follows:

On page 114, between lines 12 and 13, insert the following:

SEC. 2002. ELIMINATION OF SPENDING IN ORDER TO REDUCE THE PUBLIC DEBT.

Notwithstanding any other provision of this title, sections 2101, 2102, 2103, and 2213, and the amendments made by such sections, shall have no force and effect, and the resulting savings shall be used to reduce the public debt.

SA 3672. Mr. ENZI submitted an amendment intended to be proposed by him to the bill H.R. 4872, to provide for reconciliation pursuant to Title II of the concurrent resolution on the budget for fiscal year 2010 (S. Con. Res. 13); which was ordered to lie on the table; as follows:

Beginning on page 114, strike line 13 and all that follows through line 8 on page 123 and insert the following:

PART I—EXTENSION OF ECASLA

SEC. 2101. EXTENSION OF STUDENT LOAN PURCHASE AUTHORITY.

Section 459A (20 U.S.C. 1087i-1) is amended—

(1) in subsections (a)(1), (a)(3)(A), and (f), by striking “July 1, 2010” and inserting “July 1, 2011”; and

(2) in subsection (e)—

(A) in the matter preceding clause (i) of paragraph (1)(A) and the matter preceding subparagraph (A) of paragraph (2), by striking “September 30, 2010” and inserting “September 30, 2011”;

(B) in paragraph (2), by striking “February 15, 2011” and inserting “February 15, 2012”; and

(C) in paragraph (3), by striking “2010, and 2011” and inserting “2010, 2011, and 2012”.

SEC. 2102. EXTENSION OF AUTHORITY TO DESIGNATE LENDERS FOR LENDER-OF-LAST-RESORT PROGRAM.

Section 428(j) (20 U.S.C. 1078(j)) is amended—

(1) in paragraph (6), by striking “June 30, 2010” and inserting “June 30, 2011”;

(2) in paragraph (7), by striking “June 30, 2010” and inserting “June 30, 2011”; and

(3) in paragraph (9)(A)—

(A) in the matter preceding subclause (I) of clause (ii), by striking “June 30, 2011” and inserting “June 30, 2012”;

(B) in subclause (III) of clause (ii), by striking “June 30, 2010” and inserting “June 30, 2011”; and

(C) in the matter preceding subclause (I) of clause (iii), by striking “July 1, 2011” and inserting “July 1, 2012”.

SEC. 2103. ONE-YEAR DELAY OF FFEL TERMINATION.

(a) ONE-YEAR DELAY.—Title IV (as amended by part II) (20 U.S.C. 1070 et seq.) is further amended—

(1) in section 427A(1)(4), by inserting the following:

“(D) For a loan for which the first disbursement is made on or after July 1, 2010, and before July 1, 2011, 4.5 percent on the unpaid principal balance of the loan.”;

(2) in section 438(c)(2)(B)—

(A) in clause (iii), by striking “; and” and inserting a semicolon;

(B) in clause (iv), by striking the period and inserting “; and”; and

(C) by adding at the end the following:

“(v) by substituting ‘0.0 percent’ for ‘3.0 percent’ with respect to loans for which the first disbursement of principal is made on or after July 1, 2010 and before July 1, 2011.”;

(3) in section 456(a)(4)(A)(iii), by striking “2014” and inserting “2015”; and

(4) in section 458(a)(2), by striking “2010 through 2019” and inserting “2011 through 2019”;

(5) in sections 458(a)(7)(B) and 459B(a)(3), by striking “2011” and inserting “2012”;

(6) in the headings of sections 427A(1), 438(b)(2)(I), and 438(b)(2)(I)(vi), by striking “2010” and inserting “2011”;

(7) in sections 421(b), 428B(a)(1), 458(a)(6)(B), and 459B(a)(3), subsections (f) and (j)(1) of section 428, subsections (c)(2)(B)(6) and (d)(2)(B) of section 438, and subsections (a)(1) and (g) of section 455, by striking “2010” and inserting “2011”;

(8) in sections 421(d), 424(a), 427A(1), 428B(a)(1), 428C, 428H, 438(b)(2)(I), and 458(a)(7), and subsections (a) and (b)(1) of section 428, by striking “2010” each place the term appears and inserting “2011”; and

(9) in sections 424(a) and 456(c)(1)(B), by striking “2009” each place the term appears and inserting “2010”.

(b) DELAYED IMPLEMENTATION.—Notwithstanding section 2209(b)(2), 2210(b), or 2211(b) or any other provision of this title—

(1) subsection (a) and part II, and the amendments made by such subsection and part, shall not be effective until the day that is one year after the date of enactment of this Act; and

(2) sections 2210(b) and 2211(b) shall be applied, beginning on the date described in paragraph (1), by striking “July 1, 2010” and inserting “July 1, 2011”.

SEC. 2104. ELIMINATION OF INCOME-BASED REPAYMENT CHANGES.

Notwithstanding any other provision of this title, section 2213 and the amendments made by such section shall have no force and effect.

SA 3673. Mr. ENZI submitted an amendment intended to be proposed by

him to the bill H.R. 4872, to provide for reconciliation pursuant to Title II of the concurrent resolution on the budget for fiscal year 2010 (S. Con. Res. 13); which was ordered to lie on the table; as follows:

At the end of part II of subtitle A of title II, add the following:

SEC. 2214. GRANT PROHIBITION.

For fiscal year 2012 and succeeding fiscal years, and notwithstanding any other provision of law, the Secretary of Education, the Secretary of Health and Human Services, and the Secretary of Labor shall not award a grant to an institution of higher education that increases the tuition and fees charged for attendance at the institution at a rate that is greater than the annual increase in the Consumer Price Index prepared by the Department of Labor.

SA 3674. Mr. HATCH submitted an amendment intended to be proposed by him to the bill H.R. 4872, to provide for reconciliation pursuant to Title II of the concurrent resolution on the budget for fiscal year 2010 (S. Con. Res. 13); which was ordered to lie on the table; as follows:

At the end of subtitle B of title II, insert the following:

SEC. 2. EXEMPTION RELATING TO EXCHANGE REQUIREMENTS.

Section 1311 of the Patient Protection and Affordable Care Act is amended by adding at the end the following:

“(1) **EXEMPTION.**—The provisions of this section shall not apply to any State that has a State exchange in operation on the date of enactment of this Act. Such exchange shall be deemed to meet all requirements applicable to Exchanges under this section.”.

SA 3675. Mr. HATCH submitted an amendment intended to be proposed by him to the bill H.R. 4872, to provide for reconciliation pursuant to Title II of the concurrent resolution on the budget for fiscal year 2010 (S. Con. Res. 13); which was ordered to lie on the table; as follows:

At the end of subtitle A of title I, insert the following:

SEC. 1. REPEAL OF INDIVIDUAL MANDATE.

Section 5000A of the Internal Revenue Code of 1986, as added by section 1501(b) of the Patient Protection and Affordable Care Act, is repealed.

SA 3676. Ms. COLLINS submitted an amendment intended to be proposed by her to the bill H.R. 4872, to provide for reconciliation pursuant to Title II of the concurrent resolution on the budget for fiscal year 2010 (S. Con. Res. 13); which was ordered to lie on the table; as follows:

At the end of subtitle E of title I, insert the following:

SECTION. HEALTH CARE COST INCREASE TAX CREDIT.

(a) **IN GENERAL.**—Subpart A of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by inserting after section 25D the following new section: “**SEC. 25E. HEALTH CARE COST INCREASE TAX CREDIT.**

“(a) **IN GENERAL.**—In the case of an eligible taxpayer, there shall be allowed a credit

against the tax imposed by this chapter for the taxable year in an amount equal to the lesser of—

“(1) the health care cost increase amount for such taxable year, or

“(2) the eligible taxpayer’s premium increase amount for such taxable year.

“(b) **ELIGIBLE TAXPAYER.**—For purposes of this section, the term ‘eligible taxpayer’ means an individual who purchases self-only or family health insurance coverage which is a qualified health plan within the meaning of section 36B(c)(3)(A) for all months in the taxable year.

“(c) **HEALTH CARE COST INCREASE AMOUNT.**—

“(1) **IN GENERAL.**—For purposes of this section, with respect to taxable years beginning in any calendar year after 2009, the health care cost increase amount is the amount, as determined by the Secretary of Health and Human Services, by which the average national premium cost for a plan in the silver level of coverage (within the meaning of section 1302(d)(1)(B) of the Patient Protection and Affordable Care Act) for such calendar year exceeds the average national premium cost for such a plan as of March 23, 2010.

“(2) **PUBLICATION OF DETERMINATION.**—The Secretary of Health and Human Services shall publish the health care cost increase amount determined under paragraph (1) for each calendar year not later than December 31 of such calendar year.

“(d) **PREMIUM INCREASE AMOUNT.**—

“(1) **IN GENERAL.**—For purposes of this section, with respect to an eligible taxpayer, the premium increase amount is the amount by which the total premiums paid by such taxpayer for months during the taxable year for coverage described in subsection (b) exceed the total premiums paid by such taxpayer for such coverage for the last plan year ending before March 23, 2010, except that such amount—

“(A) shall be adjusted to reflect any changes in coverage under the taxpayer’s plan or in the family size of the taxpayer, and

“(B) shall be reduced by the amount of any credit under section 36B and any Federal cost sharing subsidy with respect to such coverage.

“(2) **REGULATORY AUTHORITY.**—The Secretary of Health and Human Services shall prescribe regulations for determining the adjustments required under paragraph (1)(A).

“(e) **CREDIT ALLOWED AGAINST ALTERNATIVE MINIMUM TAX.**—In the case of a taxable year to which section 26(a)(2) does not apply, the credit allowed under subsection (a) for any taxable year shall not exceed the excess of—

“(1) the sum of the regular tax liability (as defined in section 26(b)) plus the tax imposed by section 55, over

“(2) the sum of the credits allowable under this subpart (other than this section and sections 23, 25D, and 30D) and section 27 for the taxable year.”.

(b) **CLERICAL AMENDMENT.**—The table of sections for subpart A of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by inserting after the item relating to section 25D the following new item:

“Sec. 25E. Health care cost increase credit.”.

(c) **CONFORMING AMENDMENTS.**—

(1) Section 24(b)(3)(B) of the Internal Revenue Code of 1986 is amended by inserting “25E,” after “25D.”.

(2) Section 25(e)(1)(C)(ii) of such Code is amended by inserting “25E,” after “25D.”.

(3) Section 26(a)(1) of such Code is amended by inserting “25E,” after “25D.”.

(4) Section 25B(g)(2) of such Code is amended by inserting “25E,” after “25D.”.

(5) Section 904(i) of such Code is amended by inserting “25E,” after “25B.”.

(6) Section 1400C(d)(2) of such Code is amended by inserting “25E,” after “25D.”.

(d) **APPLICATION OF EGGTRA SUNSET.**—The amendment made by subsection (c)(1) shall be subject to title IX of the Economic Growth and Tax Relief Reconciliation Act of 2001 in the same manner as the provision of such Act to which such amendment relates.

(e) **EFFECTIVE DATE.**—The amendments made by subsections (a), (b), and (c) shall apply to taxable years ending after March 23, 2010.

SA 3677. Mr. LEMIEUX submitted an amendment intended to be proposed by him to the bill H.R. 4872, to provide for reconciliation pursuant to Title II of the concurrent resolution on the budget for fiscal year 2010 (S. Con. Res. 13); which was ordered to lie on the table; as follows:

At the end of subtitle D of title I, add the following:

SEC. 1305. HEALTH CARE FRAUD PREVENTION SYSTEM.

(a) **HEALTH CARE FRAUD PREVENTION SYSTEM.**—

(1) **IN GENERAL.**—The Secretary of Health and Human Services (referred to in this section as the “Secretary”) shall establish a fraud prevention system which shall be designed as follows:

(A) **IN GENERAL.**—The fraud prevention system shall—

(i) be holistic;

(ii) be able to view all provider and patient activities across all Federal health program payers;

(iii) be able to integrate into the existing health care claims flow with minimal effort, time, and cost;

(iv) be modeled after systems used in the Financial Services industry; and

(v) utilize integrated real-time transaction risk scoring and referral strategy capabilities to identify claims that are statistically unusual.

(B) **MODULARIZED ARCHITECTURE.**—The fraud prevention system shall be designed from an end-to-end modularized perspective to allow for ease of integration into multiple points along a health care claim flow (pre- or post-adjudication), which shall—

(i) utilize a single entity to host, support, manage, and maintain software-based services, predictive models, and solutions from a central location for the customers who access the fraud prevention system;

(ii) allow access through a secure private data connection rather than the installation of software in multiple information technology infrastructures (and data facilities);

(iii) provide access to the best and latest software without the need for upgrades, data security, and costly installations;

(iv) permit modifications to the software and system edits in a rapid and timely manner;

(v) ensure that all technology and decision components reside within the module; and

(vi) ensure that the third party host of the modular solution is not a party, payer, or stakeholder that reports claims data, accesses the results of the fraud prevention systems analysis, or is otherwise required under this section to verify, research, or investigate the risk of claims.

(C) PROCESSING, SCORING, AND STORAGE.—The platform of the fraud prevention system shall be a high volume, rapid, real-time information technology solution, which includes data pooling, data storage, and scoring capabilities to quickly and accurately capture and evaluate data from millions of claims per day. Such platform shall be secure and have (at a minimum) data centers that comply with Federal and State privacy laws.

(D) DATA CONSORTIUM.—The fraud prevention system shall provide for the establishment of a centralized data file (referred to as a “consortium”) that accumulates data from all government health insurance claims data sources. Notwithstanding any other provision of law, Federal health care payers shall provide to the consortium existing claims data, such as Medicare’s “Common Working File” and Medicaid claims data, for the purpose of fraud and abuse prevention. Such accumulated data shall be transmitted and stored in an industry standard secure data environment that complies with applicable Federal privacy laws for use in building medical waste, fraud, and abuse prevention predictive models that have a comprehensive view of provider activity across all payers (and markets).

(E) MARKET VIEW.—The fraud prevention system shall ensure that claims data from Federal health programs and all markets flows through a central source so the waste, fraud, and abuse system can look across all markets and geographies in health care to identify fraud and abuse in Medicare, Medicaid, the State Children’s Health Program, TRICARE, and the Department of Veterans Affairs, holistically. Such cross-market visibility shall identify unusual provider and patient behavior patterns and fraud and abuse schemes that may not be identified by looking independently at one Federal payer’s transactions.

(F) BEHAVIOR ENGINE.—The fraud prevention system shall ensure that the technology used provides real-time ability to identify high-risk behavior patterns across markets, geographies, and specialty group providers to detect waste, fraud, and abuse, and to identify providers that exhibit unusual behavior patterns. Behavior pattern technology that provides the capability to compare a provider’s current behavior to their own past behavior and to compare a provider’s current behavior to that of other providers in the same specialty group and geographic location shall be used in order to provide a comprehensive waste, fraud, and abuse prevention solution.

(G) PREDICTIVE MODEL.—The fraud prevention system shall involve the implementation of a statistically sound, empirically derived predictive modeling technology that is designed to prevent (versus post-payment detect) waste, fraud, and abuse. Such prevention system shall utilize historical transaction data, from across all Federal health programs and markets, to build and re-develop scoring models, have the capability to incorporate external data and external models from other sources into the health care predictive waste, fraud, and abuse model, and provide for a feedback loop to provide outcome information on verified claims so future system enhancements can be developed based on previous claims experience.

(H) CHANGE CONTROL.—The fraud prevention system platform shall have the infrastructure to implement new models and attributes in a test environment prior to moving into a production environment. Capabilities shall be developed to quickly make

changes to models, attributes, or strategies to react to changing patterns in waste, fraud, and abuse.

(I) SCORING ENGINE.—The fraud prevention system shall identify high-risk claims by scoring all such claims on a real-time capacity prior to payment. Such scores shall then be communicated to the fraud management system provided for under subparagraph (J).

(J) FRAUD MANAGEMENT SYSTEM.—The fraud prevention system shall utilize a fraud management system, that contains workflow management and workstation tools to provide the ability to systematically present scores, reason codes, and treatment actions for high-risk scored transactions. The fraud prevention system shall ensure that analysts who review claims have the capability to access, review, and research claims efficiently, as well as decline or approve claims (payments) in an automated manner. Workflow management under this subparagraph shall be combined with the ability to utilize principles of experimental design to compare and measure prevention and detection rates between test and control strategies. Such strategy testing shall allow for continuous improvement and maximum effectiveness in keeping up with ever changing fraud and abuse patterns. Such system shall provide the capability to test different treatments or actions randomly (typically through use of random digit assignments).

(K) DECISION TECHNOLOGY.—The fraud prevention system shall have the capability to monitor consumer transactions in real-time and monitor provider behavior at different stages within the transaction flow based upon provider, transaction and consumer trends. The fraud prevention system shall provide for the identification of provider and claims excessive usage patterns and trends that differ from similar peer groups, have the capability to trigger on multiple criteria, such as predictive model scores or custom attributes, and be able to segment transaction waste, fraud, and abuse into multiple types for health care categories and business types.

(L) FEEDBACK LOOP.—The fraud prevention system shall have a feedback loop where all Federal health payers provide pre-payment and post-payment information about the eventual status of a claim designated as “Normal”, “Waste”, “Fraud”, “Abuse”, or “Education Required”. Such feedback loop shall enable Federal health agencies to measure the actual amount of waste, fraud, and abuse as well as the savings in the system and provide the ability to retrain future, enhanced models. Such feedback loop shall be an industry file that contains information on previous fraud and abuse claims as well as abuse perpetrated by consumers, providers, and fraud rings, to be used to alert other payers, as well as for subsequent fraud and abuse solution development.

(M) TRACKING AND REPORTING.—The fraud prevention system shall ensure that the infrastructure exists to ascertain system, strategy, and predictive model return on investment. Dynamic model validation and strategy validation analysis and reporting shall be made available to ensure a strategy or predictive model has not degraded over time or is no longer effective. Queue reporting shall be established and made available for population estimates of what claims were flagged, what claims received treatment, and ultimately what results occurred. The capability shall exist to complete tracking and reporting for prevention strategies and actions residing farther upstream in the health care payment flow. The fraud prevention sys-

tem shall establish a reliable metric to measure the dollars that are never paid due to identification of fraud and abuse, as well as a capability to effectively test and estimate the impact from different actions and treatments utilized to detect and prevent fraud and abuse for legitimate claims. Measuring results shall include waste and abuse.

(N) OPERATING TENET.—The fraud prevention system shall not be designed to deny health care services or to negatively impact prompt-pay laws because assessments are late. The database shall be designed to speed up the payment process. The fraud prevention system shall require the implementation of constant and consistent test and control strategies by stakeholders, with results shared with Federal health program leadership on a quarterly basis to validate improving progress in identifying and preventing waste, fraud, and abuse. Under such implementation, Federal health care payers shall use standard industry waste, fraud, and abuse measures of success.

(2) COORDINATION.—The Secretary shall coordinate the operation of the fraud prevention system with the Department of Justice and other related Federal fraud prevention systems.

(3) OPERATION.—The Secretary shall phase-in the implementation of the system under this subsection beginning not later than 18 months after the date of enactment of this Act, through the analysis of a limited number of Federal health program claims. Not later than 5 years after such date of enactment, the Secretary shall ensure that such system is fully phased-in and applicable to all Federal health program claims.

(4) NON-PAYMENT OF CLAIMS.—The Secretary shall promulgate regulations to prohibit the payment of any health care claim that has been identified as potentially “fraudulent”, “wasteful”, or “abusive” until such time as the claim has been verified as valid.

(5) APPLICATION.—The system under this section shall only apply to Federal health programs (all such programs), including programs established after the date of enactment of this Act.

(6) REGULATIONS.—The Secretary shall promulgate regulations providing the maximum appropriate protection of personal privacy.

(b) PROTECTING PARTICIPATION IN HEALTH CARE ANTIFRAUD PROGRAMS.—

(1) IN GENERAL.—Notwithstanding any other provision of law, no person providing information to the Secretary under this section shall be held, by reason of having provided such information, to have violated any criminal law, or to be civilly liable under any law of the United States or of any State (or political subdivision thereof) unless such information is false and the person providing it knew, or had reason to believe, that such information was false.

(2) CONFIDENTIALITY.—The Secretary shall, through the promulgation of regulations, establish standards for—

(A) the protection of confidential information submitted or obtained with regard to suspected or actual health care fraud;

(B) the protection of the ability of representatives the Department of Health and Human Services to testify in private civil actions concerning any such information; and

(C) the sharing by the Department of Health and Human Services of any such information related to the medical antifraud programs established under this section.

(c) USE OF SAVINGS.—Notwithstanding any other provision of law, amounts remaining at the end of a fiscal year in the account for

any Federal health program to which this section applies that the Secretary of Health and Human Services determines are remaining as a result of the fraud prevention activities applied under this section shall remain in such account and be used for such program for the next fiscal year.

(d) **DEFINITION.**—In this section, the term “Federal health program” means any program that provides Federal payments or reimbursements to providers of health-related items or services, or suppliers of such items, for the provision of such items or services to an individual patient.

(e) **RECISSION OF CERTAIN STIMULUS FUNDS.**—Notwithstanding section 5 of the American Recovery and Reinvestment Act of 2009 (Public Law 111-5; 123 Stat. 116), from the amounts appropriated or made available under division A of such Act (other than under title X of such division A), there is rescinded, of the remaining unobligated amounts as of the date of the enactment of this Act, funds in the amount as may be necessary to carry out this section. The Director of the Office of Management and Budget shall report to each congressional committee the amounts so rescinded within the jurisdiction of such committee.

SA 3678. Mr. LEMIEUX submitted an amendment intended to be proposed by him to the bill H.R. 4872, to provide for reconciliation pursuant to Title II of the concurrent resolution on the budget for fiscal year 2010 (S. Con. Res. 13); which was ordered to lie on the table; as follows:

At the end of subtitle F of title I, add the following:

SEC. 1. PRODUCTIVITY AWARD PROGRAM.

Not later than 1 year after the date of enactment of this Act, the Secretary of Health and Human Services shall establish a Productivity Award Program to recognize employees, work units, and contractors of the Centers for Medicare & Medicaid whose work significantly and measurably increases productivity and promotes innovation to improve the delivery of services and achieving savings for taxpayers. The amount of any such award shall be equal to 10 percent of the amount of the estimated saving to the Federal Government as a result of the action resulting in the award (as determined by the Secretary), but not to exceed \$50,000.

SA 3679. Mr. LEMIEUX submitted an amendment intended to be proposed by him to the bill H.R. 4872, to provide for reconciliation pursuant to Title II of the concurrent resolution on the budget for fiscal year 2010 (S. Con. Res. 13); which was ordered to lie on the table; as follows:

At the end of subtitle F of title I, add the following:

SEC. 1. CONSUMER RIGHT-TO-KNOW.

(a) **DEVELOPMENT OF INFORMATION SYSTEM.**—Not later than 1 year after the date of enactment of this Act, the Secretary of Health and Human Services (referred to in this section as the “Secretary”) shall develop a system for the collection of quality and pricing information related to the provision of health care services. Through the use of such information, the Secretary shall, to the extent practicable—

(1) determine the lowest, median, average, and highest charged amount and reimbursed amount for each outpatient and inpatient health care procedure conducted at each facility in the United States;

(2) provide comparisons of such prices with respect to procedures in similar facilities in the same county, city, State and on a national basis; and

(3) develop quality of care data, including data on consumer satisfaction, coordination and continuity of care, infrastructure, the results of accreditation, Medicare-related information, and other survey information, and combine such data with price information to enable consumers to make informed choices.

(b) **USE OF EXISTING SOURCES.**—To the extent that the information required under subsection (a) is being collected by the Centers for Medicare & Medicaid Services, States, State medical societies, or private sector entities, the Secretary, to the extent practicable, utilize such information to carry out such subsection.

(c) **AVAILABILITY OF INFORMATION.**—The Secretary, either directly or through contract, shall make the information and data collected and developed under this section available on an Internet website. Such information and data shall be displayed by payer (such as Medicare, Medicaid, health insurance plans, employer-based health plans, and other types of health care coverage).

SA 3680. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill H.R. 4872, to provide for reconciliation pursuant to Title II of the concurrent resolution on the budget for fiscal year 2010 (S. Con. Res. 13); which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

TITLE MEDICAL CARE ACCESS PROTECTION

SEC. 1. SHORT TITLE.

This title may be cited as the “Medical Care Access Protection Act of 2009” or the “MCAP Act”.

SEC. 2. DEFINITIONS.

In this title:

(1) **ALTERNATIVE DISPUTE RESOLUTION SYSTEM; ADR.**—The term “alternative dispute resolution system” or “ADR” means a system that provides for the resolution of health care lawsuits in a manner other than through a civil action brought in a State or Federal court.

(2) **CLAIMANT.**—The term “claimant” means any person who brings a health care lawsuit, including a person who asserts or claims a right to legal or equitable contribution, indemnity or subrogation, arising out of a health care liability claim or action, and any person on whose behalf such a claim is asserted or such an action is brought, whether deceased, incompetent, or a minor.

(3) **COLLATERAL SOURCE BENEFITS.**—The term “collateral source benefits” means any amount paid or reasonably likely to be paid in the future to or on behalf of the claimant, or any service, product or other benefit provided or reasonably likely to be provided in the future to or on behalf of the claimant, as a result of the injury or wrongful death, pursuant to—

(A) any State or Federal health, sickness, income-disability, accident, or workers’ compensation law;

(B) any health, sickness, income-disability, or accident insurance that provides health benefits or income-disability coverage;

(C) any contract or agreement of any group, organization, partnership, or corporation to provide, pay for, or reimburse the

cost of medical, hospital, dental, or income disability benefits; and

(D) any other publicly or privately funded program.

(4) **COMPENSATORY DAMAGES.**—The term “compensatory damages” means objectively verifiable monetary losses incurred as a result of the provision of, use of, or payment for (or failure to provide, use, or pay for) health care services or medical products, such as past and future medical expenses, loss of past and future earnings, cost of obtaining domestic services, loss of employment, and loss of business or employment opportunities, damages for physical and emotional pain, suffering, inconvenience, physical impairment, mental anguish, disfigurement, loss of enjoyment of life, loss of society and companionship, loss of consortium (other than loss of domestic service), hedonic damages, injury to reputation, and all other nonpecuniary losses of any kind or nature. Such term includes economic damages and noneconomic damages, as such terms are defined in this section.

(5) **CONTINGENT FEE.**—The term “contingent fee” includes all compensation to any person or persons which is payable only if a recovery is effected on behalf of one or more claimants.

(6) **ECONOMIC DAMAGES.**—The term “economic damages” means objectively verifiable monetary losses incurred as a result of the provision of, use of, or payment for (or failure to provide, use, or pay for) health care services or medical products, such as past and future medical expenses, loss of past and future earnings, cost of obtaining domestic services, loss of employment, and loss of business or employment opportunities.

(7) **HEALTH CARE GOODS OR SERVICES.**—The term “health care goods or services” means any goods or services provided by a health care institution, provider, or by any individual working under the supervision of a health care provider, that relates to the diagnosis, prevention, care, or treatment of any human disease or impairment, or the assessment of the health of human beings.

(8) **HEALTH CARE INSTITUTION.**—The term “health care institution” means any entity licensed under Federal or State law to provide health care services (including but not limited to ambulatory surgical centers, assisted living facilities, emergency medical services providers, hospices, hospitals and hospital systems, nursing homes, or other entities licensed to provide such services).

(9) **HEALTH CARE LAWSUIT.**—The term “health care lawsuit” means any health care liability claim concerning the provision of health care goods or services affecting interstate commerce, or any health care liability action concerning the provision of (or the failure to provide) health care goods or services affecting interstate commerce, brought in a State or Federal court or pursuant to an alternative dispute resolution system, against a health care provider or a health care institution regardless of the theory of liability on which the claim is based, or the number of claimants, plaintiffs, defendants, or other parties, or the number of claims or causes of action, in which the claimant alleges a health care liability claim.

(10) **HEALTH CARE LIABILITY ACTION.**—The term “health care liability action” means a civil action brought in a State or Federal Court or pursuant to an alternative dispute resolution system, against a health care provider or a health care institution regardless of the theory of liability on which the claim is based, or the number of plaintiffs, defendants, or other parties, or the number of

causes of action, in which the claimant alleges a health care liability claim.

(11) **HEALTH CARE LIABILITY CLAIM.**—The term “health care liability claim” means a demand by any person, whether or not pursuant to ADR, against a health care provider or health care institution, including third-party claims, cross-claims, counter-claims, or contribution claims, which are based upon the provision of, use of, or payment for (or the failure to provide, use, or pay for) health care services, regardless of the theory of liability on which the claim is based, or the number of plaintiffs, defendants, or other parties, or the number of causes of action.

(12) **HEALTH CARE PROVIDER.**—

(A) **IN GENERAL.**—The term “health care provider” means any person (including but not limited to a physician (as defined by section 1861(r) of the Social Security Act (42 U.S.C. 1395x(r)), registered nurse, dentist, podiatrist, pharmacist, chiropractor, or optometrist) required by State or Federal law to be licensed, registered, or certified to provide health care services, and being either so licensed, registered, or certified, or exempted from such requirement by other statute or regulation.

(B) **TREATMENT OF CERTAIN PROFESSIONAL ASSOCIATIONS.**—For purposes of this title, a professional association that is organized under State law by an individual physician or group of physicians, a partnership or limited liability partnership formed by a group of physicians, a nonprofit health corporation certified under State law, or a company formed by a group of physicians under State law shall be treated as a health care provider under subparagraph (A).

(13) **MALICIOUS INTENT TO INJURE.**—The term “malicious intent to injure” means intentionally causing or attempting to cause physical injury other than providing health care goods or services.

(14) **NONECONOMIC DAMAGES.**—The term “noneconomic damages” means damages for physical and emotional pain, suffering, inconvenience, physical impairment, mental anguish, disfigurement, loss of enjoyment of life, loss of society and companionship, loss of consortium (other than loss of domestic service), hedonic damages, injury to reputation, and all other nonpecuniary losses of any kind or nature.

(15) **PUNITIVE DAMAGES.**—The term “punitive damages” means damages awarded, for the purpose of punishment or deterrence, and not solely for compensatory purposes, against a health care provider or health care institution. Punitive damages are neither economic nor noneconomic damages.

(16) **RECOVERY.**—The term “recovery” means the net sum recovered after deducting any disbursements or costs incurred in connection with prosecution or settlement of the claim, including all costs paid or advanced by any person. Costs of health care incurred by the plaintiff and the attorneys’ office overhead costs or charges for legal services are not deductible disbursements or costs for such purpose.

(17) **STATE.**—The term “State” means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Northern Mariana Islands, the Trust Territory of the Pacific Islands, and any other territory or possession of the United States, or any political subdivision thereof.

SEC. 3. ENCOURAGING SPEEDY RESOLUTION OF CLAIMS.

(a) **IN GENERAL.**—Except as otherwise provided for in this section, the time for the commencement of a health care lawsuit

shall be 3 years after the date of manifestation of injury or 1 year after the claimant discovers, or through the use of reasonable diligence should have discovered, the injury, whichever occurs first.

(b) **GENERAL EXCEPTION.**—The time for the commencement of a health care lawsuit shall not exceed 3 years after the date of manifestation of injury unless the tolling of time was delayed as a result of—

(1) fraud;

(2) intentional concealment; or

(3) the presence of a foreign body, which has no therapeutic or diagnostic purpose or effect, in the person of the injured person.

(c) **MINORS.**—An action by a minor shall be commenced within 3 years from the date of the alleged manifestation of injury except that if such minor is under the full age of 6 years, such action shall be commenced within 3 years of the manifestation of injury, or prior to the eighth birthday of the minor, whichever provides a longer period. Such time limitation shall be tolled for minors for any period during which a parent or guardian and a health care provider or health care institution have committed fraud or collusion in the failure to bring an action on behalf of the injured minor.

(d) **RULE 11 SANCTIONS.**—Whenever a Federal or State court determines (whether by motion of the parties or whether on the motion of the court) that there has been a violation of Rule 11 of the Federal Rules of Civil Procedure (or a similar violation of applicable State court rules) in a health care liability action to which this title applies, the court shall impose upon the attorneys, law firms, or pro se litigants that have violated Rule 11 or are responsible for the violation, an appropriate sanction, which shall include an order to pay the other party or parties for the reasonable expenses incurred as a direct result of the filing of the pleading, motion, or other paper that is the subject of the violation, including a reasonable attorneys’ fee. Such sanction shall be sufficient to deter repetition of such conduct or comparable conduct by others similarly situated, and to compensate the party or parties injured by such conduct.

SEC. 4. COMPENSATING PATIENT INJURY.

(a) **UNLIMITED AMOUNT OF DAMAGES FOR ACTUAL ECONOMIC LOSSES IN HEALTH CARE LAWSUITS.**—In any health care lawsuit, nothing in this title shall limit the recovery by a claimant of the full amount of the available economic damages, notwithstanding the limitation contained in subsection (b).

(b) **ADDITIONAL NONECONOMIC DAMAGES.**—

(1) **HEALTH CARE PROVIDERS.**—In any health care lawsuit where final judgment is rendered against a health care provider, the amount of noneconomic damages recovered from the provider, if otherwise available under applicable Federal or State law, may be as much as \$250,000, regardless of the number of parties against whom the action is brought or the number of separate claims or actions brought with respect to the same occurrence.

(2) **HEALTH CARE INSTITUTIONS.**—

(A) **SINGLE INSTITUTION.**—In any health care lawsuit where final judgment is rendered against a single health care institution, the amount of noneconomic damages recovered from the institution, if otherwise available under applicable Federal or State law, may be as much as \$250,000, regardless of the number of parties against whom the action is brought or the number of separate claims or actions brought with respect to the same occurrence.

(B) **MULTIPLE INSTITUTIONS.**—In any health care lawsuit where final judgment is ren-

dered against more than one health care institution, the amount of noneconomic damages recovered from each institution, if otherwise available under applicable Federal or State law, may be as much as \$250,000, regardless of the number of parties against whom the action is brought or the number of separate claims or actions brought with respect to the same occurrence, except that the total amount recovered from all such institutions in such lawsuit shall not exceed \$500,000.

(c) **NO DISCOUNT OF AWARD FOR NONECONOMIC DAMAGES.**—In any health care lawsuit—

(1) an award for future noneconomic damages shall not be discounted to present value;

(2) the jury shall not be informed about the maximum award for noneconomic damages under subsection (b);

(3) an award for noneconomic damages in excess of the limitations provided for in subsection (b) shall be reduced either before the entry of judgment, or by amendment of the judgment after entry of judgment, and such reduction shall be made before accounting for any other reduction in damages required by law; and

(4) if separate awards are rendered for past and future noneconomic damages and the combined awards exceed the limitations described in subsection (b), the future noneconomic damages shall be reduced first.

(d) **FAIR SHARE RULE.**—In any health care lawsuit, each party shall be liable for that party’s several share of any damages only and not for the share of any other person. Each party shall be liable only for the amount of damages allocated to such party in direct proportion to such party’s percentage of responsibility. A separate judgment shall be rendered against each such party for the amount allocated to such party. For purposes of this section, the trier of fact shall determine the proportion of responsibility of each party for the claimant’s harm.

SEC. 5. MAXIMIZING PATIENT RECOVERY.

(a) **COURT SUPERVISION OF SHARE OF DAMAGES ACTUALLY PAID TO CLAIMANTS.**—

(1) **IN GENERAL.**—In any health care lawsuit, the court shall supervise the arrangements for payment of damages to protect against conflicts of interest that may have the effect of reducing the amount of damages awarded that are actually paid to claimants.

(2) **CONTINGENCY FEES.**—

(A) **IN GENERAL.**—In any health care lawsuit in which the attorney for a party claims a financial stake in the outcome by virtue of a contingent fee, the court shall have the power to restrict the payment of a claimant’s damage recovery to such attorney, and to redirect such damages to the claimant based upon the interests of justice and principles of equity.

(B) **LIMITATION.**—The total of all contingent fees for representing all claimants in a health care lawsuit shall not exceed the following limits:

(i) 40 percent of the first \$50,000 recovered by the claimant(s).

(ii) 33½ percent of the next \$50,000 recovered by the claimant(s).

(iii) 25 percent of the next \$500,000 recovered by the claimant(s).

(iv) 15 percent of any amount by which the recovery by the claimant(s) is in excess of \$600,000.

(b) **APPLICABILITY.**—

(1) **IN GENERAL.**—The limitations in subsection (a) shall apply whether the recovery is by judgment, settlement, mediation, arbitration, or any other form of alternative dispute resolution.

(2) MINORS.—In a health care lawsuit involving a minor or incompetent person, a court retains the authority to authorize or approve a fee that is less than the maximum permitted under this section.

(c) EXPERT WITNESSES.—

(1) REQUIREMENT.—No individual shall be qualified to testify as an expert witness concerning issues of negligence in any health care lawsuit against a defendant unless such individual—

(A) except as required under paragraph (2), is a health care professional who—

(i) is appropriately credentialed or licensed in 1 or more States to deliver health care services; and

(ii) typically treats the diagnosis or condition or provides the type of treatment under review; and

(B) can demonstrate by competent evidence that, as a result of training, education, knowledge, and experience in the evaluation, diagnosis, and treatment of the disease or injury which is the subject matter of the lawsuit against the defendant, the individual was substantially familiar with applicable standards of care and practice as they relate to the act or omission which is the subject of the lawsuit on the date of the incident.

(2) PHYSICIAN REVIEW.—In a health care lawsuit, if the claim of the plaintiff involved treatment that is recommended or provided by a physician (allopathic or osteopathic), an individual shall not be qualified to be an expert witness under this subsection with respect to issues of negligence concerning such treatment unless such individual is a physician.

(3) SPECIALTIES AND SUBSPECIALTIES.—With respect to a lawsuit described in paragraph (1), a court shall not permit an expert in one medical specialty or subspecialty to testify against a defendant in another medical specialty or subspecialty unless, in addition to a showing of substantial familiarity in accordance with paragraph (1)(B), there is a showing that the standards of care and practice in the two specialty or subspecialty fields are similar.

(4) LIMITATION.—The limitations in this subsection shall not apply to expert witnesses testifying as to the degree or permanency of medical or physical impairment.

SEC. 6. ADDITIONAL HEALTH BENEFITS.

(a) IN GENERAL.—The amount of any damages received by a claimant in any health care lawsuit shall be reduced by the court by the amount of any collateral source benefits to which the claimant is entitled, less any insurance premiums or other payments made by the claimant (or by the spouse, parent, child, or legal guardian of the claimant) to obtain or secure such benefits.

(b) PRESERVATION OF CURRENT LAW.—Where a payor of collateral source benefits has a right of recovery by reimbursement or subrogation and such right is permitted under Federal or State law, subsection (a) shall not apply.

(c) APPLICATION OF PROVISION.—This section shall apply to any health care lawsuit that is settled or resolved by a fact finder.

SEC. 7. PUNITIVE DAMAGES.

(a) PUNITIVE DAMAGES PERMITTED.—

(1) IN GENERAL.—Punitive damages may, if otherwise available under applicable State or Federal law, be awarded against any person in a health care lawsuit only if it is proven by clear and convincing evidence that such person acted with malicious intent to injure the claimant, or that such person deliberately failed to avoid unnecessary injury that such person knew the claimant was substantially certain to suffer.

(2) FILING OF LAWSUIT.—No demand for punitive damages shall be included in a health care lawsuit as initially filed. A court may allow a claimant to file an amended pleading for punitive damages only upon a motion by the claimant and after a finding by the court, upon review of supporting and opposing affidavits or after a hearing, after weighing the evidence, that the claimant has established by a substantial probability that the claimant will prevail on the claim for punitive damages.

(3) SEPARATE PROCEEDING.—At the request of any party in a health care lawsuit, the trier of fact shall consider in a separate proceeding—

(A) whether punitive damages are to be awarded and the amount of such award; and

(B) the amount of punitive damages following a determination of punitive liability. If a separate proceeding is requested, evidence relevant only to the claim for punitive damages, as determined by applicable State law, shall be inadmissible in any proceeding to determine whether compensatory damages are to be awarded.

(4) LIMITATION WHERE NO COMPENSATORY DAMAGES ARE AWARDED.—In any health care lawsuit where no judgment for compensatory damages is rendered against a person, no punitive damages may be awarded with respect to the claim in such lawsuit against such person.

(b) DETERMINING AMOUNT OF PUNITIVE DAMAGES.—

(1) FACTORS CONSIDERED.—In determining the amount of punitive damages under this section, the trier of fact shall consider only the following:

(A) the severity of the harm caused by the conduct of such party;

(B) the duration of the conduct or any concealment of it by such party;

(C) the profitability of the conduct to such party;

(D) the number of products sold or medical procedures rendered for compensation, as the case may be, by such party, of the kind causing the harm complained of by the claimant;

(E) any criminal penalties imposed on such party, as a result of the conduct complained of by the claimant; and

(F) the amount of any civil fines assessed against such party as a result of the conduct complained of by the claimant.

(2) MAXIMUM AWARD.—The amount of punitive damages awarded in a health care lawsuit may not exceed an amount equal to two times the amount of economic damages awarded in the lawsuit or \$250,000, whichever is greater. The jury shall not be informed of the limitation under the preceding sentence.

(c) LIABILITY OF HEALTH CARE PROVIDERS.—

(1) IN GENERAL.—A health care provider who prescribes, or who dispenses pursuant to a prescription, a drug, biological product, or medical device approved by the Food and Drug Administration, for an approved indication of the drug, biological product, or medical device, shall not be named as a party to a product liability lawsuit invoking such drug, biological product, or medical device and shall not be liable to a claimant in a class action lawsuit against the manufacturer, distributor, or product seller of such drug, biological product, or medical device.

(2) MEDICAL PRODUCT.—The term “medical product” means a drug or device intended for humans. The terms “drug” and “device” have the meanings given such terms in sections 201(g)(1) and 201(h) of the Federal Food, Drug and Cosmetic Act (21 U.S.C. 321), respectively, including any component or raw material used therein, but excluding health care services.

SEC. 8. AUTHORIZATION OF PAYMENT OF FUTURE DAMAGES TO CLAIMANTS IN HEALTH CARE LAWSUITS.

(a) IN GENERAL.—In any health care lawsuit, if an award of future damages, without reduction to present value, equaling or exceeding \$50,000 is made against a party with sufficient insurance or other assets to fund a periodic payment of such a judgment, the court shall, at the request of any party, enter a judgment ordering that the future damages be paid by periodic payments in accordance with the Uniform Periodic Payment of Judgments Act promulgated by the National Conference of Commissioners on Uniform State Laws.

(b) APPLICABILITY.—This section applies to all actions which have not been first set for trial or retrial before the effective date of this title.

SEC. 9. EFFECT ON OTHER LAWS.

(a) GENERAL VACCINE INJURY.—

(1) IN GENERAL.—To the extent that title XXI of the Public Health Service Act establishes a Federal rule of law applicable to a civil action brought for a vaccine-related injury or death—

(A) this title shall not affect the application of the rule of law to such an action; and

(B) any rule of law prescribed by this title in conflict with a rule of law of such title XXI shall not apply to such action.

(2) EXCEPTION.—If there is an aspect of a civil action brought for a vaccine-related injury or death to which a Federal rule of law under title XXI of the Public Health Service Act does not apply, then this title or otherwise applicable law (as determined under this title) will apply to such aspect of such action.

(b) SMALLPOX VACCINE INJURY.—

(1) IN GENERAL.—To the extent that part C of title II of the Public Health Service Act establishes a Federal rule of law applicable to a civil action brought for a smallpox vaccine-related injury or death—

(A) this title shall not affect the application of the rule of law to such an action; and

(B) any rule of law prescribed by this title in conflict with a rule of law of such part C shall not apply to such action.

(2) EXCEPTION.—If there is an aspect of a civil action brought for a smallpox vaccine-related injury or death to which a Federal rule of law under part C of title II of the Public Health Service Act does not apply, then this title or otherwise applicable law (as determined under this title) will apply to such aspect of such action.

(c) OTHER FEDERAL LAW.—Except as provided in this section, nothing in this title shall be deemed to affect any defense available, or any limitation on liability that applies to, a defendant in a health care lawsuit or action under any other provision of Federal law.

SEC. 10. STATE FLEXIBILITY AND PROTECTION OF STATES' RIGHTS.

(a) HEALTH CARE LAWSUITS.—The provisions governing health care lawsuits set forth in this title shall preempt, subject to subsections (b) and (c), State law to the extent that State law prevents the application of any provisions of law established by or under this title. The provisions governing health care lawsuits set forth in this title supersede chapter 171 of title 28, United States Code, to the extent that such chapter—

(1) provides for a greater amount of damages or contingent fees, a longer period in which a health care lawsuit may be commenced, or a reduced applicability or scope of periodic payment of future damages, than provided in this title; or

(2) prohibits the introduction of evidence regarding collateral source benefits.

(b) **PREEMPTION OF CERTAIN STATE LAWS.**—No provision of this title shall be construed to preempt any State law (whether effective before, on, or after the date of the enactment of this title) that specifies a particular monetary amount of compensatory or punitive damages (or the total amount of damages) that may be awarded in a health care lawsuit, regardless of whether such monetary amount is greater or lesser than is provided for under this title, notwithstanding section 4(a).

(c) **PROTECTION OF STATE'S RIGHTS AND OTHER LAWS.**—

(1) **IN GENERAL.**—Any issue that is not governed by a provision of law established by or under this title (including the State standards of negligence) shall be governed by otherwise applicable Federal or State law.

(2) **RULE OF CONSTRUCTION.**—Nothing in this title shall be construed to—

(A) preempt or supersede any Federal or State law that imposes greater procedural or substantive protections (such as a shorter statute of limitations) for a health care provider or health care institution from liability, loss, or damages than those provided by this title;

(B) preempt or supercede any State law that permits and provides for the enforcement of any arbitration agreement related to a health care liability claim whether enacted prior to or after the date of enactment of this title;

(C) create a cause of action that is not otherwise available under Federal or State law; or

(D) affect the scope of preemption of any other Federal law.

SEC. 11. APPLICABILITY; EFFECTIVE DATE.

This title shall apply to any health care lawsuit brought in a Federal or State court, or subject to an alternative dispute resolution system, that is initiated on or after the date of the enactment of this title, except that any health care lawsuit arising from an injury occurring prior to the date of enactment of this title shall be governed by the applicable statute of limitations provisions in effect at the time the injury occurred.

SA 3681. Mr. BUNNING submitted an amendment intended to be proposed by him to the bill H.R. 4872, to provide for reconciliation pursuant to Title II of the concurrent resolution on the budget for fiscal year 2010 (S. Con. Res. 13); which was ordered to lie on the table; as follows:

At the end of subtitle B of title I, add the following:

SEC. ____ . ALLOWING INDIVIDUALS TO ELECT TO OPT OUT OF THE MEDICARE PART A BENEFIT.

Notwithstanding any other provision of law, in the case of an individual who elects to opt out of benefits under part A of title XVIII of the Social Security Act, such individual shall not be required to—

(1) opt out of benefits under title II of such Act as a condition for making such election; and

(2) repay any amount paid under such part A for items and services furnished prior to making such election.

SA 3682. Mr. MCCAIN (for himself and Mr. KYL) submitted an amendment intended to be proposed by him to the bill H.R. 4872, to provide for reconciliation pursuant to Title II of the con-

current resolution on the budget for fiscal year 2010 (S. Con. Res. 13); which was ordered to lie on the table; as follows:

On page 113, after line 21, insert the following:

SEC. 1502. COMPENSATION TO STATES FOR APPLYING DAVIS-BACON WAGE REQUIREMENTS TO CERTAIN WATER TREATMENT PROJECTS.

(a) **IN GENERAL.**—The Administrator of the Environmental Protection Agency shall compensate States for any increased administrative and project labor costs incurred by the States as the result of the provisions of title II of the Department of the Interior, Environment, and Related Agencies Appropriations Act, 2010 (Public Law 111-88), that apply the provisions of subchapter IV of chapter 31 of part A of subtitle II of title 40, United States Code (commonly referred to as the “Davis-Bacon Act”), to any projects carried out, in whole or in part, with assistance made available from the State drinking water treatment revolving loan funds established under section 1452 of the Safe Drinking Water Act (42 U.S.C. 300j-12) or State water pollution control revolving funds established under title VI of the Federal Water Pollution Control Act (33 U.S.C. 1381 et seq.).

(b) **OFFSET.**—Any amounts otherwise made available to pay the salaries and expenses of the Office of the Administrator of the Environmental Protection Agency shall be reduced by the amount necessary to carry out subsection (a).

SA 3683. Mr. THUNE submitted an amendment intended to be proposed by him to the bill H.R. 4872, to provide for reconciliation pursuant to Title II of the concurrent resolution on the budget for fiscal year 2010 (S. Con. Res. 13); which was ordered to lie on the table; as follows:

On page 113, after line 21, insert the following:

SEC. ____ . FAIL-SAFE MECHANISM TO PREVENT INCREASE IN FEDERAL BUDGET DEFICIT.

(a) **ESTIMATE AND CERTIFICATION OF EFFECT OF PATIENT PROTECTION AND AFFORDABLE CARE ACT AND THIS ACT ON BUDGET DEFICIT.**—

(1) **IN GENERAL.**—The President shall include in the submission under section 1105 of title 31, United States Code, of the budget of the United States Government for fiscal year 2013 and each fiscal year thereafter an estimate of the budgetary effects for the fiscal year of the provisions of (and the amendments made by) the Patient Protection and Affordable Care Act and this Act, based on the information available as of the date of such submission.

(2) **CERTIFICATION.**—The President shall include with the estimate under paragraph (1) for any fiscal year a certification as to whether the sum of the decreases in revenues and increases in outlays for the fiscal year by reason of the provisions of (and the amendments made by) the Patient Protection and Affordable Care Act and this Act exceed (or do not exceed) the sum of the increases in revenues and decreases in outlays for the fiscal year by reason of the provisions and amendments.

(b) **EFFECT OF DEFICIT.**—If the President certifies an excess under subsection (a)(2) for any fiscal year—

(1) the President shall include with the certification the percentage by which the credits allowable under section 36B of the Inter-

nal Revenue Code of 1986 and the cost-sharing subsidies under section 1402 of the Patient Protection and Affordable Care Act must be reduced for plan years beginning during such fiscal year such that there is an aggregate decrease in the amount of such credits and subsidies equal to the amount of such excess; and

(2) the President shall instruct the Secretary of Health and Human Services and the Secretary of the Treasury to reduce such credits and subsidies for such plan years by such percentage.

(c) **EXPANSION OF AFFORDABILITY EXCEPTION TO INDIVIDUAL MANDATE.**—Section 5000A(e)(1)(A) of the Internal Revenue Code of 1986, as added by section 1501(b) of the Patient Protection and Affordable Care Act, is amended by striking “8 percent” and inserting “5 percent”.

SA 3684. Mr. BROWNBACK submitted an amendment intended to be proposed by him to the bill H.R. 4872, to provide for reconciliation pursuant to Title II of the concurrent resolution on the budget for fiscal year 2010 (S. Con. Res. 13); which was ordered to lie on the table; as follows:

Strike section 1202 and insert the following:

SEC. 1202. PAYMENTS TO PRIMARY CARE PROVIDERS.

(a) **GRANTS TO STATES TO INCREASE PAYMENTS.**—From the amounts appropriated under subsection (b), the Secretary of Health and Human Services shall award grants to States with an approved State plan amendment under the Medicaid program under title XIX of the Social Security Act to permanently increase payment rates to primary care providers under the State Medicaid program above the rates applicable under the State Medicaid program on the date of enactment of this Act. Funds paid to a State from such a grant shall only be used for expenditures attributable to the additional amounts paid to such providers as a result of the increase in such rates.

(b) **APPROPRIATION.**—Out of any funds in the Treasury not otherwise appropriated, there is appropriated to the Secretary of Health and Human Services, \$8,000,000,000, to remain available until expended.

(c) **EFFECTIVE DATE.**—This section shall take effect on January 1, 2013.

SA 3685. Mr. BROWNBACK (for himself and Mr. ROBERTS) submitted an amendment intended to be proposed by him to the bill H.R. 4872, to provide for reconciliation pursuant to Title II of the concurrent resolution on the budget for fiscal year 2010 (S. Con. Res. 13); which was ordered to lie on the table; as follows:

On page 61, after line 3, insert the following:

SEC. ____ . RESTORING STATE AUTHORITY TO WAIVE THE 35-MILE RULE FOR MEDICARE CRITICAL ACCESS HOSPITAL DESIGNATIONS.

(a) **IN GENERAL.**—Section 1820(c)(2)(B)(i)(II) of the Social Security Act (42 U.S.C. 1395i-4(c)(2)(B)(i)(II)) is amended by inserting “or on or after the date of enactment of the Health Care and Education Reconciliation Act of 2010” after “January 1, 2006”.

(b) **EXPANSION OF AFFORDABILITY EXCEPTION TO INDIVIDUAL MANDATE.**—Section 5000A(e)(1)(A) of the Internal Revenue Code of 1986, as added by section 1501(b) of the Patient Protection and Affordable Care Act, is

amended by striking “8 percent” and inserting “5 percent”.

SA 3686. Mr. BROWNBACK submitted an amendment intended to be proposed by him to the bill H.R. 4872, to provide for reconciliation pursuant to Title II of the concurrent resolution on the budget for fiscal year 2010 (S. Con. Res. 13); which was ordered to lie on the table; as follows:

At the end of subtitle C of title I, add the following:

SEC. 1207. INCREASING THE TRANSPARENCY OF INFORMATION ON HOSPITAL CHARGES AND MAKING AVAILABLE INFORMATION ON ESTIMATED OUT-OF-POCKET COSTS FOR HEALTH CARE SERVICES.

(a) IN GENERAL.—Section 1902(a) of the Social Security Act (42 U.S.C. 1396a(a)), as amended by section 3021(b) of the Patient Protection and Affordable Care Act, is amended—

(1) by striking “and” at the end of paragraph (82);

(2) by striking the period at the end of paragraph (83) and inserting “; and”;

(3) by inserting after paragraph (83) the following new paragraph:

“(84) provide that the State will establish and maintain laws, in accordance with the requirements of section 1921A, to require disclosure of information on hospital charges, to make such information available to the public, and to provide individuals with information about estimated out-of-pocket costs for health care services.”; and

(4) by inserting after section 1921 the following new section:

“INCREASING THE TRANSPARENCY OF INFORMATION ON HOSPITAL CHARGES AND PROVIDING CONSUMERS WITH ESTIMATES OF OUT-OF-POCKET COSTS FOR HEALTH CARE SERVICES

“SEC. 1921A. (a) IN GENERAL.—The requirements referred to in section 1902(a)(84) are that the laws of a State must—

“(1) in accordance with subsection (b)—

“(A) require the disclosure of information on hospital charges; and

“(B) provide for access to such information; and

“(2) in accordance with subsection (c), require the provision of a statement of the estimated out-of-pocket costs of an individual for anticipated future health care services.

“(b) INFORMATION ON HOSPITAL CHARGES.—The laws of a State must—

“(1) require disclosure, by each hospital located in the State, of information on the charges for certain inpatient and outpatient hospital services (as determined by the State) provided at the hospital; and

“(2) provide for timely access to such information by individuals seeking or requiring such services.

“(c) ESTIMATED OUT-OF-POCKET COSTS.—The laws of a State must require that, upon the request of any individual with health insurance coverage sponsored by a health insurance issuer, the issuer must provide a statement of the estimated out-of-pocket costs that are likely to be incurred by the individual if the individual receives particular health care items and services within a specified period of time.

“(d) RULES OF CONSTRUCTION.—Nothing in this section shall be construed as—

“(1) authorizing or requiring the Secretary to establish uniform standards for the State laws required by subsections (b) and (c);

“(2) requiring any State with a law enacted on or before the date of the enactment of this section that—

“(A) meets the requirements of subsection (b) or subsection (c) to modify or amend such law; or

“(B) meets some but not all of the requirements of subsection (b) or subsection (c) to modify or amend such law except to the extent necessary to address the unmet requirements;

“(3) precluding any State in which a program of voluntary disclosure of information on hospital charges is in effect from adopting a law codifying such program (other than its voluntary nature) to satisfy the requirement of subsection (b)(1); or

“(4) guaranteeing that the out-of-pocket costs of an individual will not exceed the estimate of such costs provided pursuant to subsection (c).

“(e) DEFINITIONS.—For purposes of this section:

“(1) The term ‘health insurance coverage’ has the meaning given such term in section 2791(b)(1) of the Public Health Service Act.

“(2) The term ‘health insurance issuer’ has the meaning given such term in section 2791(b)(2) of the Public Health Service Act, except that such term also includes—

“(A) a Medicaid managed care organization (as defined in section 1903(m)); and

“(B) a Medicare Advantage organization (as defined in 1859(a)(1), taking into account the operation of section 201(b) of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003).

Section 1856(b)(3) shall not preclude the application to a Medicare Advantage organization or a Medicare Advantage plan offered by such an organization of any State law adopted to carry out the requirements of subsection (b) or (c).

“(3) The term ‘hospital’ means an institution that meets the requirements of paragraphs (1) and (7) of section 1861(e) and includes those to which section 1820(c) applies.”.

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by subsection (a) shall take effect on October 1, 2010.

(2) EXCEPTION.—In the case of a State plan for medical assistance under title XIX of the Social Security Act which the Secretary of Health and Human Services determines requires State legislation (other than legislation appropriating funds) in order for the plan to meet the additional requirements imposed by the amendment made by subsection (a), the State plan shall not be regarded as failing to comply with the requirements of such title solely on the basis of its failure to meet these additional requirements before the first day of the first calendar quarter beginning after the close of the first regular session of the State legislature that begins after the date of the enactment of this Act. For purposes of the previous sentence, in the case of a State that has a 2-year legislative session, each year of such session shall be deemed to be a separate regular session of the State legislature.

SA 3687. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 4872, to provide for reconciliation pursuant to Title II of the concurrent resolution on the budget for fiscal year 2010 (S. Con. Res. 13); which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. CONDITIONS FOR TREATMENT OF CERTAIN PERSONS AS ADJUDICATED MENTALLY INCOMPETENT FOR CERTAIN PURPOSES.

(a) IN GENERAL.—Chapter 55 of title 38, United States Code, is amended by adding at the end the following new section:

“§5511. Conditions for treatment of certain persons as adjudicated mentally incompetent for certain purposes

“In any case arising out of the administration by the Secretary of laws and benefits under this title, a person who is mentally incapacitated, deemed mentally incompetent, or experiencing an extended loss of consciousness shall not be considered adjudicated as a mental defective under subsection (d)(4) or (g)(4) of section 922 of title 18 without the order or finding of a judge, magistrate, or other judicial authority of competent jurisdiction that such person is a danger to himself or herself or others.”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 55 of such title is amended by adding at the end the following new item:

“5511. Conditions for treatment of certain persons as adjudicated mentally incompetent for certain purposes.”.

SA 3688. Ms. SNOWE (for herself, Mr. MCCAIN, Mr. VITTER, Mr. THUNE, Mr. GRASSLEY, and Ms. COLLINS) submitted an amendment intended to be proposed by her to the bill H.R. 4872, to provide for reconciliation pursuant to Title II of the concurrent resolution on the budget for fiscal year 2010 (S. Con. Res. 13); which was ordered to lie on the table; as follows:

At the end, add the following:

TITLE III—IMPORTATION OF PRESCRIPTION DRUGS

SEC. 3001. SHORT TITLE.

This title may be cited as the “Pharmaceutical Market Access and Drug Safety Act of 2010”.

SEC. 3002. FINDINGS.

Congress finds that—

(1) Americans unjustly pay up to 5 times more to fill their prescriptions than consumers in other countries;

(2) the United States is the largest market for pharmaceuticals in the world, yet American consumers pay the highest prices for brand pharmaceuticals in the world;

(3) a prescription drug is neither safe nor effective to an individual who cannot afford it;

(4) allowing and structuring the importation of prescription drugs to ensure access to safe and affordable drugs approved by the Food and Drug Administration will provide a level of safety to American consumers that they do not currently enjoy;

(5) American spend more than \$200,000,000,000 on prescription drugs every year;

(6) the Congressional Budget Office has found that the cost of prescription drugs are between 35 to 55 percent less in other highly-developed countries than in the United States; and

(7) promoting competitive market pricing would both contribute to health care savings and allow greater access to therapy, improving health and saving lives.

SEC. 3003. REPEAL OF CERTAIN SECTION REGARDING IMPORTATION OF PRESCRIPTION DRUGS.

Chapter VIII of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 381 et seq.) is amended by striking section 804.

SEC. 3004. IMPORTATION OF PRESCRIPTION DRUGS; WAIVER OF CERTAIN IMPORT RESTRICTIONS.

(a) IN GENERAL.—Chapter VIII of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 381 et seq.), as amended by section 3003, is further amended by inserting after section 803 the following:

“SEC. 804. COMMERCIAL AND PERSONAL IMPORTATION OF PRESCRIPTION DRUGS.

“(a) IMPORTATION OF PRESCRIPTION DRUGS.—

“(1) IN GENERAL.—In the case of qualifying drugs imported or offered for import into the United States from registered exporters or by registered importers—

“(A) the limitation on importation that is established in section 801(d)(1) is waived; and

“(B) the standards referred to in section 801(a) regarding admission of the drugs are subject to subsection (g) of this section (including with respect to qualifying drugs to which section 801(d)(1) does not apply).

“(2) IMPORTERS.—A qualifying drug may not be imported under paragraph (1) unless—

“(A) the drug is imported by a pharmacy, group of pharmacies, or a wholesaler that is a registered importer; or

“(B) the drug is imported by an individual for personal use or for the use of a family member of the individual (not for resale) from a registered exporter.

“(3) RULE OF CONSTRUCTION.—This section shall apply only with respect to a drug that is imported or offered for import into the United States—

“(A) by a registered importer; or

“(B) from a registered exporter to an individual.

“(4) DEFINITIONS.—

“(A) REGISTERED EXPORTER; REGISTERED IMPORTER.—For purposes of this section:

“(i) The term ‘registered exporter’ means an exporter for which a registration under subsection (b) has been approved and is in effect.

“(ii) The term ‘registered importer’ means a pharmacy, group of pharmacies, or a wholesaler for which a registration under subsection (b) has been approved and is in effect.

“(iii) The term ‘registration condition’ means a condition that must exist for a registration under subsection (b) to be approved.

“(B) QUALIFYING DRUG.—For purposes of this section, the term ‘qualifying drug’ means a drug for which there is a corresponding U.S. label drug.

“(C) U.S. LABEL DRUG.—For purposes of this section, the term ‘U.S. label drug’ means a prescription drug that—

“(i) with respect to a qualifying drug, has the same active ingredient or ingredients, route of administration, dosage form, and strength as the qualifying drug;

“(ii) with respect to the qualifying drug, is manufactured by or for the person that manufactures the qualifying drug;

“(iii) is approved under section 505(c); and

“(iv) is not—

“(I) a controlled substance, as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802);

“(II) a biological product, as defined in section 351 of the Public Health Service Act (42 U.S.C. 262), including—

“(aa) a therapeutic DNA plasmid product;

“(bb) a therapeutic synthetic peptide product;

“(cc) a monoclonal antibody product for in vivo use; and

“(dd) a therapeutic recombinant DNA-derived product;

“(III) an infused drug, including a peritoneal dialysis solution;

“(IV) an injected drug;

“(V) a drug that is inhaled during surgery;

“(VI) a drug that is the listed drug referred to in 2 or more abbreviated new drug applications under which the drug is commercially marketed; or

“(VII) a sterile ophthalmic drug intended for topical use on or in the eye.

“(D) OTHER DEFINITIONS.—For purposes of this section:

“(i)(I) The term ‘exporter’ means a person that is in the business of exporting a drug to individuals in the United States from Canada or from a permitted country designated by the Secretary under subclause (II), or that, pursuant to submitting a registration under subsection (b), seeks to be in such business.

“(II) The Secretary shall designate a permitted country under subparagraph (E) (other than Canada) as a country from which an exporter may export a drug to individuals in the United States if the Secretary determines that—

“(aa) the country has statutory or regulatory standards that are equivalent to the standards in the United States and Canada with respect to—

“(AA) the training of pharmacists;

“(BB) the practice of pharmacy; and

“(CC) the protection of the privacy of personal medical information; and

“(bb) the importation of drugs to individuals in the United States from the country will not adversely affect public health.

“(ii) The term ‘importer’ means a pharmacy, a group of pharmacies, or a wholesaler that is in the business of importing a drug into the United States or that, pursuant to submitting a registration under subsection (b), seeks to be in such business.

“(iii) The term ‘pharmacist’ means a person licensed by a State to practice pharmacy, including the dispensing and selling of prescription drugs.

“(iv) The term ‘pharmacy’ means a person that—

“(I) is licensed by a State to engage in the business of selling prescription drugs at retail; and

“(II) employs 1 or more pharmacists.

“(v) The term ‘prescription drug’ means a drug that is described in section 503(b)(1).

“(vi) The term ‘wholesaler’—

“(I) means a person licensed as a wholesaler or distributor of prescription drugs in the United States under section 503(e)(2)(A); and

“(II) does not include a person authorized to import drugs under section 801(d)(1).

“(E) PERMITTED COUNTRY.—The term ‘permitted country’ means—

“(i) Australia;

“(ii) Canada;

“(iii) a member country of the European Union, but does not include a member country with respect to which—

“(I) the country’s Annex to the Treaty of Accession to the European Union 2003 includes a transitional measure for the regulation of human pharmaceutical products that has not expired; or

“(II) the Secretary determines that the requirements described in subclauses (I) and (II) of clause (vii) will not be met by the date on which such transitional measure for the regulation of human pharmaceutical products expires;

“(iv) Japan;

“(v) New Zealand;

“(vi) Switzerland; and

“(vii) a country in which the Secretary determines the following requirements are met:

“(I) The country has statutory or regulatory requirements—

“(aa) that require the review of drugs for safety and effectiveness by an entity of the government of the country;

“(bb) that authorize the approval of only those drugs that have been determined to be safe and effective by experts employed by or acting on behalf of such entity and qualified by scientific training and experience to evaluate the safety and effectiveness of drugs on the basis of adequate and well-controlled investigations, including clinical investigations, conducted by experts qualified by scientific training and experience to evaluate the safety and effectiveness of drugs;

“(cc) that require the methods used in, and the facilities and controls used for the manufacture, processing, and packing of drugs in the country to be adequate to preserve their identity, quality, purity, and strength;

“(dd) for the reporting of adverse reactions to drugs and procedures to withdraw approval and remove drugs found not to be safe or effective; and

“(ee) that require the labeling and promotion of drugs to be in accordance with the approval of the drug.

“(II) The valid marketing authorization system in the country is equivalent to the systems in the countries described in clauses (i) through (vi).

“(III) The importation of drugs to the United States from the country will not adversely affect public health.

“(b) REGISTRATION OF IMPORTERS AND EXPORTERS.—

“(1) REGISTRATION OF IMPORTERS AND EXPORTERS.—A registration condition is that the importer or exporter involved (referred to in this subsection as a ‘registrant’) submits to the Secretary a registration containing the following:

“(A)(i) In the case of an exporter, the name of the exporter and an identification of all places of business of the exporter that relate to qualifying drugs, including each warehouse or other facility owned or controlled by, or operated for, the exporter.

“(ii) In the case of an importer, the name of the importer and an identification of the places of business of the importer at which the importer initially receives a qualifying drug after importation (which shall not exceed 3 places of business except by permission of the Secretary).

“(B) Such information as the Secretary determines to be necessary to demonstrate that the registrant is in compliance with registration conditions under—

“(i) in the case of an importer, subsections (c), (d), (e), (g), and (j) (relating to the sources of imported qualifying drugs; the inspection of facilities of the importer; the payment of fees; compliance with the standards referred to in section 801(a); and maintenance of records and samples); or

“(ii) in the case of an exporter, subsections (c), (d), (f), (g), (h), (i), and (j) (relating to the sources of exported qualifying drugs; the inspection of facilities of the exporter and the marking of compliant shipments; the payment of fees; and compliance with the standards referred to in section 801(a); being licensed as a pharmacist; conditions for individual importation; and maintenance of records and samples).

“(C) An agreement by the registrant that the registrant will not under subsection (a) import or export any drug that is not a qualifying drug.

“(D) An agreement by the registrant to—

“(i) notify the Secretary of a recall or withdrawal of a qualifying drug distributed

in a permitted country that the registrant has exported or imported, or intends to export or import, to the United States under subsection (a);

“(ii) provide for the return to the registrant of such drug; and

“(iii) cease, or not begin, the exportation or importation of such drug unless the Secretary has notified the registrant that exportation or importation of such drug may proceed.

“(E) An agreement by the registrant to ensure and monitor compliance with each registration condition, to promptly correct any noncompliance with such a condition, and to promptly report to the Secretary any such noncompliance.

“(F) A plan describing the manner in which the registrant will comply with the agreement under subparagraph (E).

“(G) An agreement by the registrant to enforce a contract under subsection (c)(3)(B) against a party in the chain of custody of a qualifying drug with respect to the authority of the Secretary under clauses (ii) and (iii) of that subsection.

“(H) An agreement by the registrant to notify the Secretary not more than 30 days before the registrant intends to make the change, of—

“(i) any change that the registrant intends to make regarding information provided under subparagraph (A) or (B); and

“(ii) any change that the registrant intends to make in the compliance plan under subparagraph (F).

“(I) In the case of an exporter:

“(i) An agreement by the exporter that a qualifying drug will not under subsection (a) be exported to any individual not authorized pursuant to subsection (a)(2)(B) to be an importer of such drug.

“(ii) An agreement to post a bond, payable to the Treasury of the United States that is equal in value to the lesser of—

“(I) the value of drugs exported by the exporter to the United States in a typical 4-week period over the course of a year under this section; or

“(II) \$1,000,000.

“(iii) An agreement by the exporter to comply with applicable provisions of Canadian law, or the law of the permitted country designated under subsection (a)(4)(D)(i)(II) in which the exporter is located, that protect the privacy of personal information with respect to each individual importing a prescription drug from the exporter under subsection (a)(2)(B).

“(iv) An agreement by the exporter to report to the Secretary—

“(I) not later than August 1 of each fiscal year, the total price and the total volume of drugs exported to the United States by the exporter during the 6-month period from January 1 through June 30 of that year; and

“(II) not later than January 1 of each fiscal year, the total price and the total volume of drugs exported to the United States by the exporter during the previous fiscal year.

“(J) In the case of an importer, an agreement by the importer to report to the Secretary—

“(i) not later than August 1 of each fiscal year, the total price and the total volume of drugs imported to the United States by the importer during the 6-month period from January 1 through June 30 of that fiscal year; and

“(ii) not later than January 1 of each fiscal year, the total price and the total volume of drugs imported to the United States by the importer during the previous fiscal year.

“(K) Such other provisions as the Secretary may require by regulation to protect the public health while permitting—

“(i) the importation by pharmacies, groups of pharmacies, and wholesalers as registered importers of qualifying drugs under subsection (a); and

“(ii) importation by individuals of qualifying drugs under subsection (a).

“(2) APPROVAL OR DISAPPROVAL OF REGISTRATION.—

“(A) IN GENERAL.—Not later than 90 days after the date on which a registrant submits to the Secretary a registration under paragraph (1), the Secretary shall notify the registrant whether the registration is approved or is disapproved. The Secretary shall disapprove a registration if there is reason to believe that the registrant is not in compliance with one or more registration conditions, and shall notify the registrant of such reason. In the case of a disapproved registration, the Secretary shall subsequently notify the registrant that the registration is approved if the Secretary determines that the registrant is in compliance with such conditions.

“(B) CHANGES IN REGISTRATION INFORMATION.—Not later than 30 days after receiving a notice under paragraph (1)(H) from a registrant, the Secretary shall determine whether the change involved affects the approval of the registration of the registrant under paragraph (1), and shall inform the registrant of the determination.

“(3) PUBLICATION OF CONTACT INFORMATION FOR REGISTERED EXPORTERS.—Through the Internet website of the Food and Drug Administration and a toll-free telephone number, the Secretary shall make readily available to the public a list of registered exporters, including contact information for the exporters. Promptly after the approval of a registration submitted under paragraph (1), the Secretary shall update the Internet website and the information provided through the toll-free telephone number accordingly.

“(4) SUSPENSION AND TERMINATION.—

“(A) SUSPENSION.—With respect to the effectiveness of a registration submitted under paragraph (1):

“(i) Subject to clause (ii), the Secretary may suspend the registration if the Secretary determines, after notice and opportunity for a hearing, that the registrant has failed to maintain substantial compliance with a registration condition.

“(ii) If the Secretary determines that, under color of the registration, the exporter has exported a drug or the importer has imported a drug that is not a qualifying drug, or a drug that does not comply with subsection (g)(2)(A) or (g)(4), or has exported a qualifying drug to an individual in violation of subsection (i), the Secretary shall immediately suspend the registration. A suspension under the preceding sentence is not subject to the provision by the Secretary of prior notice, and the Secretary shall provide to the registrant an opportunity for a hearing not later than 10 days after the date on which the registration is suspended.

“(iii) The Secretary may reinstate the registration, whether suspended under clause (i) or (ii), if the Secretary determines that the registrant has demonstrated that further violations of registration conditions will not occur.

“(B) TERMINATION.—The Secretary, after notice and opportunity for a hearing, may terminate the registration under paragraph (1) of a registrant if the Secretary determines that the registrant has engaged in a

pattern or practice of violating 1 or more registration conditions, or if on 1 or more occasions the Secretary has under subparagraph (A)(ii) suspended the registration of the registrant. The Secretary may make the termination permanent, or for a fixed period of not less than 1 year. During the period in which the registration is terminated, any registration submitted under paragraph (1) by the registrant, or a person that is a partner in the export or import enterprise, or a principal officer in such enterprise, and any registration prepared with the assistance of the registrant or such a person, has no legal effect under this section.

“(5) DEFAULT OF BOND.—A bond required to be posted by an exporter under paragraph (1)(I)(ii) shall be defaulted and paid to the Treasury of the United States if, after opportunity for an informal hearing, the Secretary determines that the exporter has—

“(A) exported a drug to the United States that is not a qualifying drug or that is not in compliance with subsection (g)(2)(A), (g)(4), or (i); or

“(B) failed to permit the Secretary to conduct an inspection described under subsection (d).

“(C) SOURCES OF QUALIFYING DRUGS.—A registration condition is that the exporter or importer involved agrees that a qualifying drug will under subsection (a) be exported or imported into the United States only if there is compliance with the following:

“(1) The drug was manufactured in an establishment—

“(A) required to register under subsection (h) or (i) of section 510; and

“(B)(i) inspected by the Secretary; or

“(ii) for which the Secretary has elected to rely on a satisfactory report of a good manufacturing practice inspection of the establishment from a permitted country whose regulatory system the Secretary recognizes as equivalent under a mutual recognition agreement, as provided for under section 510(i)(3), section 803, or part 26 of title 21, Code of Federal Regulations (or any corresponding successor rule or regulation).

“(2) The establishment is located in any country, and the establishment manufactured the drug for distribution in the United States or for distribution in 1 or more of the permitted countries (without regard to whether in addition the drug is manufactured for distribution in a foreign country that is not a permitted country).

“(3) The exporter or importer obtained the drug—

“(A) directly from the establishment; or

“(B) directly from an entity that, by contract with the exporter or importer—

“(i) provides to the exporter or importer a statement (in such form and containing such information as the Secretary may require) that, for the chain of custody from the establishment, identifies each prior sale, purchase, or trade of the drug (including the date of the transaction and the names and addresses of all parties to the transaction);

“(ii) agrees to permit the Secretary to inspect such statements and related records to determine their accuracy;

“(iii) agrees, with respect to the qualifying drugs involved, to permit the Secretary to inspect warehouses and other facilities, including records, of the entity for purposes of determining whether the facilities are in compliance with any standards under this Act that are applicable to facilities of that type in the United States; and

“(iv) has ensured, through such contractual relationships as may be necessary, that the Secretary has the same authority regarding other parties in the chain of custody

from the establishment that the Secretary has under clauses (ii) and (iii) regarding such entity.

“(4)(A) The foreign country from which the importer will import the drug is a permitted country; or

“(B) The foreign country from which the exporter will export the drug is the permitted country in which the exporter is located.

“(5) During any period in which the drug was not in the control of the manufacturer of the drug, the drug did not enter any country that is not a permitted country.

“(6) The exporter or importer retains a sample of each lot of the drug for testing by the Secretary.

“(d) INSPECTION OF FACILITIES; MARKING OF SHIPMENTS.—

“(1) INSPECTION OF FACILITIES.—A registration condition is that, for the purpose of assisting the Secretary in determining whether the exporter involved is in compliance with all other registration conditions—

“(A) the exporter agrees to permit the Secretary—

“(i) to conduct onsite inspections, including monitoring on a day-to-day basis, of places of business of the exporter that relate to qualifying drugs, including each warehouse or other facility owned or controlled by, or operated for, the exporter;

“(ii) to have access, including on a day-to-day basis, to—

“(I) records of the exporter that relate to the export of such drugs, including financial records; and

“(II) samples of such drugs;

“(iii) to carry out the duties described in paragraph (3); and

“(iv) to carry out any other functions determined by the Secretary to be necessary regarding the compliance of the exporter; and

“(B) the Secretary has assigned 1 or more employees of the Secretary to carry out the functions described in this subsection for the Secretary randomly, but not less than 12 times annually, on the premises of places of businesses referred to in subparagraph (A)(i), and such an assignment remains in effect on a continuous basis.

“(2) MARKING OF COMPLIANT SHIPMENTS.—A registration condition is that the exporter involved agrees to affix to each shipping container of qualifying drugs exported under subsection (a) such markings as the Secretary determines to be necessary to identify the shipment as being in compliance with all registration conditions. Markings under the preceding sentence shall—

“(A) be designed to prevent affixation of the markings to any shipping container that is not authorized to bear the markings; and

“(B) include anticounterfeiting or track-and-trace technologies, taking into account the economic and technical feasibility of those technologies.

“(3) CERTAIN DUTIES RELATING TO EXPORTERS.—Duties of the Secretary with respect to an exporter include the following:

“(A) Inspecting, randomly, but not less than 12 times annually, the places of business of the exporter at which qualifying drugs are stored and from which qualifying drugs are shipped.

“(B) During the inspections under subparagraph (A), verifying the chain of custody of a statistically significant sample of qualifying drugs from the establishment in which the drug was manufactured to the exporter, which shall be accomplished or supplemented by the use of anticounterfeiting or track-and-trace technologies, taking into ac-

count the economic and technical feasibility of those technologies, except that a drug that lacks such technologies from the point of manufacture shall not for that reason be excluded from importation by an exporter.

“(C) Randomly reviewing records of exports to individuals for the purpose of determining whether the drugs are being imported by the individuals in accordance with the conditions under subsection (i). Such reviews shall be conducted in a manner that will result in a statistically significant determination of compliance with all such conditions.

“(D) Monitoring the affixing of markings under paragraph (2).

“(E) Inspecting as the Secretary determines is necessary the warehouses and other facilities, including records, of other parties in the chain of custody of qualifying drugs.

“(F) Determining whether the exporter is in compliance with all other registration conditions.

“(4) PRIOR NOTICE OF SHIPMENTS.—A registration condition is that, not less than 8 hours and not more than 5 days in advance of the time of the importation of a shipment of qualifying drugs, the importer involved agrees to submit to the Secretary a notice with respect to the shipment of drugs to be imported or offered for import into the United States under subsection (a). A notice under the preceding sentence shall include—

“(A) the name and complete contact information of the person submitting the notice;

“(B) the name and complete contact information of the importer involved;

“(C) the identity of the drug, including the established name of the drug, the quantity of the drug, and the lot number assigned by the manufacturer;

“(D) the identity of the manufacturer of the drug, including the identity of the establishment at which the drug was manufactured;

“(E) the country from which the drug is shipped;

“(F) the name and complete contact information for the shipper of the drug;

“(G) anticipated arrival information, including the port of arrival and crossing location within that port, and the date and time;

“(H) a summary of the chain of custody of the drug from the establishment in which the drug was manufactured to the importer;

“(I) a declaration as to whether the Secretary has ordered that importation of the drug from the permitted country cease under subsection (g)(2)(C) or (D); and

“(J) such other information as the Secretary may require by regulation.

“(5) MARKING OF COMPLIANT SHIPMENTS.—A registration condition is that the importer involved agrees, before wholesale distribution (as defined in section 503(e)) of a qualifying drug that has been imported under subsection (a), to affix to each container of such drug such markings or other technology as the Secretary determines necessary to identify the shipment as being in compliance with all registration conditions, except that the markings or other technology shall not be required on a drug that bears comparable, compatible markings or technology from the manufacturer of the drug. Markings or other technology under the preceding sentence shall—

“(A) be designed to prevent affixation of the markings or other technology to any container that is not authorized to bear the markings; and

“(B) shall include anticounterfeiting or track-and-trace technologies, taking into account the economic and technical feasibility of such technologies.

“(6) CERTAIN DUTIES RELATING TO IMPORTERS.—Duties of the Secretary with respect to an importer include the following:

“(A) Inspecting, randomly, but not less than 12 times annually, the places of business of the importer at which a qualifying drug is initially received after importation.

“(B) During the inspections under subparagraph (A), verifying the chain of custody of a statistically significant sample of qualifying drugs from the establishment in which the drug was manufactured to the importer, which shall be accomplished or supplemented by the use of anticounterfeiting or track-and-trace technologies, taking into account the economic and technical feasibility of those technologies, except that a drug that lacks such technologies from the point of manufacture shall not for that reason be excluded from importation by an importer.

“(C) Reviewing notices under paragraph (4).

“(D) Inspecting as the Secretary determines is necessary the warehouses and other facilities, including records of other parties in the chain of custody of qualifying drugs.

“(E) Determining whether the importer is in compliance with all other registration conditions.

“(e) IMPORTER FEES.—

“(1) REGISTRATION FEE.—A registration condition is that the importer involved pays to the Secretary a fee of \$10,000 due on the date on which the importer first submits the registration to the Secretary under subsection (b).

“(2) INSPECTION FEE.—A registration condition is that the importer involved pays a fee to the Secretary in accordance with this subsection. Such fee shall be paid not later than October 1 and April 1 of each fiscal year in the amount provided for under paragraph (3).

“(3) AMOUNT OF INSPECTION FEE.—

“(A) AGGREGATE TOTAL OF FEES.—Not later than 30 days before the start of each fiscal year, the Secretary, in consultation with the Secretary of Homeland Security and the Secretary of the Treasury, shall establish an aggregate total of fees to be collected under paragraph (2) for importers for that fiscal year that is sufficient, and not more than necessary, to pay the costs for that fiscal year of administering this section with respect to registered importers, including the costs associated with—

“(i) inspecting the facilities of registered importers, and of other entities in the chain of custody of a qualifying drug as necessary, under subsection (d)(6);

“(ii) developing, implementing, and operating under such subsection an electronic system for submission and review of the notices required under subsection (d)(4) with respect to shipments of qualifying drugs under subsection (a) to assess compliance with all registration conditions when such shipments are offered for import into the United States; and

“(iii) inspecting such shipments as necessary, when offered for import into the United States to determine if such a shipment should be refused admission under subsection (g)(5).

“(B) LIMITATION.—Subject to subparagraph (C), the aggregate total of fees collected under paragraph (2) for a fiscal year shall not exceed 2.5 percent of the total price of qualifying drugs imported during that fiscal year into the United States by registered importers under subsection (a).

“(C) TOTAL PRICE OF DRUGS.—

“(i) ESTIMATE.—For the purposes of complying with the limitation described in subparagraph (B) when establishing under subparagraph (A) the aggregate total of fees to

be collected under paragraph (2) for a fiscal year, the Secretary shall estimate the total price of qualifying drugs imported into the United States by registered importers during that fiscal year by adding the total price of qualifying drugs imported by each registered importer during the 6-month period from January 1 through June 30 of the previous fiscal year, as reported to the Secretary by each registered importer under subsection (b)(1)(J).

“(ii) CALCULATION.—Not later than March 1 of the fiscal year that follows the fiscal year for which the estimate under clause (i) is made, the Secretary shall calculate the total price of qualifying drugs imported into the United States by registered importers during that fiscal year by adding the total price of qualifying drugs imported by each registered importer during that fiscal year, as reported to the Secretary by each registered importer under subsection (b)(1)(J).

“(iii) ADJUSTMENT.—If the total price of qualifying drugs imported into the United States by registered importers during a fiscal year as calculated under clause (ii) is less than the aggregate total of fees collected under paragraph (2) for that fiscal year, the Secretary shall provide for a pro-rata reduction in the fee due from each registered importer on April 1 of the subsequent fiscal year so that the limitation described in subparagraph (B) is observed.

“(D) INDIVIDUAL IMPORTER FEE.—Subject to the limitation described in subparagraph (B), the fee under paragraph (2) to be paid on October 1 and April 1 by an importer shall be an amount that is proportional to a reasonable estimate by the Secretary of the semiannual share of the importer of the volume of qualifying drugs imported by importers under subsection (a).

“(4) USE OF FEES.—

“(A) IN GENERAL.—Fees collected by the Secretary under paragraphs (1) and (2) shall be credited to the appropriation account for salaries and expenses of the Food and Drug Administration until expended (without fiscal year limitation), and the Secretary may, in consultation with the Secretary of Homeland Security and the Secretary of the Treasury, transfer some proportion of such fees to the appropriation account for salaries and expenses of the Bureau of Customs and Border Protection until expended (without fiscal year limitation).

“(B) AVAILABILITY.—Fees collected by the Secretary under paragraphs (1) and (2) shall be made available to the Food and Drug Administration.

“(C) SOLE PURPOSE.—Fees collected by the Secretary under paragraphs (1) and (2) are only available to the Secretary and, if transferred, to the Secretary of Homeland Security, and are for the sole purpose of paying the costs referred to in paragraph (3)(A).

“(5) COLLECTION OF FEES.—In any case where the Secretary does not receive payment of a fee assessed under paragraph (1) or (2) within 30 days after it is due, such fee shall be treated as a claim of the United States Government subject to subchapter II of chapter 37 of title 31, United States Code.

“(f) EXPORTER FEES.—

“(1) REGISTRATION FEE.—A registration condition is that the exporter involved pays to the Secretary a fee of \$10,000 due on the date on which the exporter first submits that registration to the Secretary under subsection (b).

“(2) INSPECTION FEE.—A registration condition is that the exporter involved pays a fee to the Secretary in accordance with this subsection. Such fee shall be paid not later than

October 1 and April 1 of each fiscal year in the amount provided for under paragraph (3).

“(3) AMOUNT OF INSPECTION FEE.—

“(A) AGGREGATE TOTAL OF FEES.—Not later than 30 days before the start of each fiscal year, the Secretary, in consultation with the Secretary of Homeland Security and the Secretary of the Treasury, shall establish an aggregate total of fees to be collected under paragraph (2) for exporters for that fiscal year that is sufficient, and not more than necessary, to pay the costs for that fiscal year of administering this section with respect to registered exporters, including the costs associated with—

“(i) inspecting the facilities of registered exporters, and of other entities in the chain of custody of a qualifying drug as necessary, under subsection (d)(3);

“(ii) developing, implementing, and operating under such subsection a system to screen marks on shipments of qualifying drugs under subsection (a) that indicate compliance with all registration conditions, when such shipments are offered for import into the United States; and

“(iii) screening such markings, and inspecting such shipments as necessary, when offered for import into the United States to determine if such a shipment should be refused admission under subsection (g)(5).

“(B) LIMITATION.—Subject to subparagraph (C), the aggregate total of fees collected under paragraph (2) for a fiscal year shall not exceed 2.5 percent of the total price of qualifying drugs imported during that fiscal year into the United States by registered exporters under subsection (a).

“(C) TOTAL PRICE OF DRUGS.—

“(i) ESTIMATE.—For the purposes of complying with the limitation described in subparagraph (B) when establishing under subparagraph (A) the aggregate total of fees to be collected under paragraph (2) for a fiscal year, the Secretary shall estimate the total price of qualifying drugs imported into the United States by registered exporters during that fiscal year by adding the total price of qualifying drugs exported by each registered exporter during the 6-month period from January 1 through June 30 of the previous fiscal year, as reported to the Secretary by each registered exporter under subsection (b)(1)(I)(iv).

“(ii) CALCULATION.—Not later than March 1 of the fiscal year that follows the fiscal year for which the estimate under clause (i) is made, the Secretary shall calculate the total price of qualifying drugs imported into the United States by registered exporters during that fiscal year by adding the total price of qualifying drugs exported by each registered exporter during that fiscal year, as reported to the Secretary by each registered exporter under subsection (b)(1)(I)(iv).

“(iii) ADJUSTMENT.—If the total price of qualifying drugs imported into the United States by registered exporters during a fiscal year as calculated under clause (ii) is less than the aggregate total of fees collected under paragraph (2) for that fiscal year, the Secretary shall provide for a pro-rata reduction in the fee due from each registered exporter on April 1 of the subsequent fiscal year so that the limitation described in subparagraph (B) is observed.

“(D) INDIVIDUAL EXPORTER FEE.—Subject to the limitation described in subparagraph (B), the fee under paragraph (2) to be paid on October 1 and April 1 by an exporter shall be an amount that is proportional to a reasonable estimate by the Secretary of the semiannual share of the exporter of the volume of qualifying drugs exported by exporters under subsection (a).

“(4) USE OF FEES.—

“(A) IN GENERAL.—Fees collected by the Secretary under paragraphs (1) and (2) shall be credited to the appropriation account for salaries and expenses of the Food and Drug Administration until expended (without fiscal year limitation), and the Secretary may, in consultation with the Secretary of Homeland Security and the Secretary of the Treasury, transfer some proportion of such fees to the appropriation account for salaries and expenses of the Bureau of Customs and Border Protection until expended (without fiscal year limitation).

“(B) AVAILABILITY.—Fees collected by the Secretary under paragraphs (1) and (2) shall be made available to the Food and Drug Administration.

“(C) SOLE PURPOSE.—Fees collected by the Secretary under paragraphs (1) and (2) are only available to the Secretary and, if transferred, to the Secretary of Homeland Security, and are for the sole purpose of paying the costs referred to in paragraph (3)(A).

“(5) COLLECTION OF FEES.—In any case where the Secretary does not receive payment of a fee assessed under paragraph (1) or (2) within 30 days after it is due, such fee shall be treated as a claim of the United States Government subject to subchapter II of chapter 37 of title 31, United States Code.

“(g) COMPLIANCE WITH SECTION 801(a).—

“(1) IN GENERAL.—A registration condition is that each qualifying drug exported under subsection (a) by the registered exporter involved or imported under subsection (a) by the registered importer involved is in compliance with the standards referred to in section 801(a) regarding admission of the drug into the United States, subject to paragraphs (2), (3), and (4).

“(2) SECTION 505; APPROVAL STATUS.—

“(A) IN GENERAL.—A qualifying drug that is imported or offered for import under subsection (a) shall comply with the conditions established in the approved application under section 505(b) for the U.S. label drug as described under this subsection.

“(B) NOTICE BY MANUFACTURER; GENERAL PROVISIONS.—

“(i) IN GENERAL.—The person that manufactures a qualifying drug that is, or will be, introduced for commercial distribution in a permitted country shall in accordance with this paragraph submit to the Secretary a notice that—

“(I) includes each difference in the qualifying drug from a condition established in the approved application for the U.S. label drug beyond—

“(aa) the variations provided for in the application; and

“(bb) any difference in labeling (except ingredient labeling); or

“(II) states that there is no difference in the qualifying drug from a condition established in the approved application for the U.S. label drug beyond—

“(aa) the variations provided for in the application; and

“(bb) any difference in labeling (except ingredient labeling).

“(ii) INFORMATION IN NOTICE.—A notice under clause (i)(I) shall include the information that the Secretary may require under section 506A, any additional information the Secretary may require (which may include data on bioequivalence if such data are not required under section 506A), and, with respect to the permitted country that approved the qualifying drug for commercial distribution, or with respect to which such approval is sought, include the following:

“(I) The date on which the qualifying drug with such difference was, or will be, introduced for commercial distribution in the permitted country.

“(II) Information demonstrating that the person submitting the notice has also notified the government of the permitted country in writing that the person is submitting to the Secretary a notice under clause (i)(I), which notice describes the difference in the qualifying drug from a condition established in the approved application for the U.S. label drug.

“(III) The information that the person submitted or will submit to the government of the permitted country for purposes of obtaining approval for commercial distribution of the drug in the country which, if in a language other than English, shall be accompanied by an English translation verified to be complete and accurate, with the name, address, and a brief statement of the qualifications of the person that made the translation.

“(iii) CERTIFICATIONS.—The chief executive officer and the chief medical officer of the manufacturer involved shall each certify in the notice under clause (i) that—

“(I) the information provided in the notice is complete and true; and

“(II) a copy of the notice has been provided to the Federal Trade Commission and to the State attorneys general.

“(iv) FEE.—

“(I) IN GENERAL.—If a notice submitted under clause (i) includes a difference that would, under section 506A, require the submission of a supplemental application if made as a change to the U.S. label drug, the person that submits the notice shall pay to the Secretary a fee in the same amount as would apply if the person were paying a fee pursuant to section 736(a)(1)(A)(ii). Fees collected by the Secretary under the preceding sentence are available only to the Secretary and are for the sole purpose of paying the costs of reviewing notices submitted under clause (i).

“(II) FEE AMOUNT FOR CERTAIN YEARS.—If no fee amount is in effect under section 736(a)(1)(A)(ii) for a fiscal year, then the amount paid by a person under subclause (I) shall—

“(aa) for the first fiscal year in which no fee amount under such section in effect, be equal to the fee amount under section 736(a)(1)(A)(ii) for the most recent fiscal year for which such section was in effect, adjusted in accordance with section 736(c); and

“(bb) for each subsequent fiscal year in which no fee amount under such section is in effect, be equal to the applicable fee amount for the previous fiscal year, adjusted in accordance with section 736(c).

“(v) TIMING OF SUBMISSION OF NOTICES.—

“(I) PRIOR APPROVAL NOTICES.—A notice under clause (i) to which subparagraph (C) applies shall be submitted to the Secretary not later than 120 days before the qualifying drug with the difference is introduced for commercial distribution in a permitted country, unless the country requires that distribution of the qualifying drug with the difference begin less than 120 days after the country requires the difference.

“(II) OTHER APPROVAL NOTICES.—A notice under clause (i) to which subparagraph (D) applies shall be submitted to the Secretary not later than the day on which the qualifying drug with the difference is introduced for commercial distribution in a permitted country.

“(III) OTHER NOTICES.—A notice under clause (i) to which subparagraph (E) applies

shall be submitted to the Secretary on the date that the qualifying drug is first introduced for commercial distribution in a permitted country and annually thereafter.

“(vi) REVIEW BY SECRETARY.—

“(I) IN GENERAL.—In this paragraph, the difference in a qualifying drug that is submitted in a notice under clause (i) from the U.S. label drug shall be treated by the Secretary as if it were a manufacturing change to the U.S. label drug under section 506A.

“(II) STANDARD OF REVIEW.—Except as provided in subclause (III), the Secretary shall review and approve or disapprove the difference in a notice submitted under clause (i), if required under section 506A, using the safe and effective standard for approving or disapproving a manufacturing change under section 506A.

“(III) BIOEQUIVALENCE.—If the Secretary would approve the difference in a notice submitted under clause (i) using the safe and effective standard under section 506A and if the Secretary determines that the qualifying drug is not bioequivalent to the U.S. label drug, the Secretary shall—

“(aa) include in the labeling provided under paragraph (3) a prominent advisory that the qualifying drug is safe and effective but is not bioequivalent to the U.S. label drug if the Secretary determines that such an advisory is necessary for health care practitioners and patients to use the qualifying drug safely and effectively; or

“(bb) decline to approve the difference if the Secretary determines that the availability of both the qualifying drug and the U.S. label drug would pose a threat to the public health.

“(IV) REVIEW BY THE SECRETARY.—The Secretary shall review and approve or disapprove the difference in a notice submitted under clause (i), if required under section 506A, not later than 120 days after the date on which the notice is submitted.

“(V) ESTABLISHMENT INSPECTION.—If review of such difference would require an inspection of the establishment in which the qualifying drug is manufactured—

“(aa) such inspection by the Secretary shall be authorized; and

“(bb) the Secretary may rely on a satisfactory report of a good manufacturing practice inspection of the establishment from a permitted country whose regulatory system the Secretary recognizes as equivalent under a mutual recognition agreement, as provided under section 510(i)(3), section 803, or part 26 of title 21, Code of Federal Regulations (or any corresponding successor rule or regulation).

“(vii) PUBLICATION OF INFORMATION ON NOTICES.—

“(I) IN GENERAL.—Through the Internet website of the Food and Drug Administration and a toll-free telephone number, the Secretary shall readily make available to the public a list of notices submitted under clause (i).

“(II) CONTENTS.—The list under subclause (I) shall include the date on which a notice is submitted and whether—

“(aa) a notice is under review;

“(bb) the Secretary has ordered that importation of the qualifying drug from a permitted country cease; or

“(cc) the importation of the drug is permitted under subsection (a).

“(III) UPDATE.—The Secretary shall promptly update the Internet website with any changes to the list.

“(C) NOTICE; DRUG DIFFERENCE REQUIRING PRIOR APPROVAL.—In the case of a notice under subparagraph (B)(i) that includes a dif-

ference that would, under subsection (c) or (d)(3)(B)(i) of section 506A, require the approval of a supplemental application before the difference could be made to the U.S. label drug the following shall occur:

“(i) Promptly after the notice is submitted, the Secretary shall notify registered exporters, registered importers, the Federal Trade Commission, and the State attorneys general that the notice has been submitted with respect to the qualifying drug involved.

“(ii) If the Secretary has not made a determination whether such a supplemental application regarding the U.S. label drug would be approved or disapproved by the date on which the qualifying drug involved is to be introduced for commercial distribution in a permitted country, the Secretary shall—

“(I) order that the importation of the qualifying drug involved from the permitted country not begin until the Secretary completes review of the notice; and

“(II) promptly notify registered exporters, registered importers, the Federal Trade Commission, and the State attorneys general of the order.

“(iii) If the Secretary determines that such a supplemental application regarding the U.S. label drug would not be approved, the Secretary shall—

“(I) order that the importation of the qualifying drug involved from the permitted country cease, or provide that an order under clause (ii), if any, remains in effect;

“(II) notify the permitted country that approved the qualifying drug for commercial distribution of the determination; and

“(III) promptly notify registered exporters, registered importers, the Federal Trade Commission, and the State attorneys general of the determination.

“(iv) If the Secretary determines that such a supplemental application regarding the U.S. label drug would be approved, the Secretary shall—

“(I) vacate the order under clause (ii), if any;

“(II) consider the difference to be a variation provided for in the approved application for the U.S. label drug;

“(III) permit importation of the qualifying drug under subsection (a); and

“(IV) promptly notify registered exporters, registered importers, the Federal Trade Commission, and the State attorneys general of the determination.

“(D) NOTICE; DRUG DIFFERENCE NOT REQUIRING PRIOR APPROVAL.—In the case of a notice under subparagraph (B)(i) that includes a difference that would, under section 506A(d)(3)(B)(ii), not require the approval of a supplemental application before the difference could be made to the U.S. label drug the following shall occur:

“(i) During the period in which the notice is being reviewed by the Secretary, the authority under this subsection to import the qualifying drug involved continues in effect.

“(ii) If the Secretary determines that such a supplemental application regarding the U.S. label drug would not be approved, the Secretary shall—

“(I) order that the importation of the qualifying drug involved from the permitted country cease;

“(II) notify the permitted country that approved the qualifying drug for commercial distribution of the determination; and

“(III) promptly notify registered exporters, registered importers, the Federal Trade Commission, and the State attorneys general of the determination.

“(iii) If the Secretary determines that such a supplemental application regarding the

U.S. label drug would be approved, the difference shall be considered to be a variation provided for in the approved application for the U.S. label drug.

“(E) NOTICE; DRUG DIFFERENCE NOT REQUIRING APPROVAL; NO DIFFERENCE.—In the case of a notice under subparagraph (B)(i) that includes a difference for which, under section 506A(d)(1)(A), a supplemental application would not be required for the difference to be made to the U.S. label drug, or that states that there is no difference, the Secretary—

“(i) shall consider such difference to be a variation provided for in the approved application for the U.S. label drug;

“(ii) may not order that the importation of the qualifying drug involved cease; and

“(iii) shall promptly notify registered exporters and registered importers.

“(F) DIFFERENCES IN ACTIVE INGREDIENT, ROUTE OF ADMINISTRATION, DOSAGE FORM, OR STRENGTH.—

“(i) IN GENERAL.—A person who manufactures a drug approved under section 505(b) shall submit an application under section 505(b) for approval of another drug that is manufactured for distribution in a permitted country by or for the person that manufactures the drug approved under section 505(b) if—

“(I) there is no qualifying drug in commercial distribution in permitted countries whose combined population represents at least 50 percent of the total population of all permitted countries with the same active ingredient or ingredients, route of administration, dosage form, and strength as the drug approved under section 505(b); and

“(II) each active ingredient of the other drug is related to an active ingredient of the drug approved under section 505(b), as defined in clause (v).

“(ii) APPLICATION UNDER SECTION 505(b).—The application under section 505(b) required under clause (i) shall—

“(I) request approval of the other drug for the indication or indications for which the drug approved under section 505(b) is labeled;

“(II) include the information that the person submitted to the government of the permitted country for purposes of obtaining approval for commercial distribution of the other drug in that country, which if in a language other than English, shall be accompanied by an English translation verified to be complete and accurate, with the name, address, and a brief statement of the qualifications of the person that made the translation;

“(III) include a right of reference to the application for the drug approved under section 505(b); and

“(IV) include such additional information as the Secretary may require.

“(iii) TIMING OF SUBMISSION OF APPLICATION.—An application under section 505(b) required under clause (i) shall be submitted to the Secretary not later than the day on which the information referred to in clause (ii)(II) is submitted to the government of the permitted country.

“(iv) NOTICE OF DECISION ON APPLICATION.—The Secretary shall promptly notify registered exporters, registered importers, the Federal Trade Commission, and the State attorneys general of a determination to approve or to disapprove an application under section 505(b) required under clause (i).

“(v) RELATED ACTIVE INGREDIENTS.—For purposes of clause (i)(II), 2 active ingredients are related if they are—

“(I) the same; or

“(II) different salts, esters, or complexes of the same moiety.

“(3) SECTION 502; LABELING.—

“(A) IMPORTATION BY REGISTERED IMPORTER.—

“(i) IN GENERAL.—In the case of a qualifying drug that is imported or offered for import by a registered importer, such drug shall be considered to be in compliance with section 502 and the labeling requirements under the approved application for the U.S. label drug if the qualifying drug bears—

“(I) a copy of the labeling approved for the U.S. label drug under section 505, without regard to whether the copy bears any trademark involved;

“(II) the name of the manufacturer and location of the manufacturer;

“(III) the lot number assigned by the manufacturer;

“(IV) the name, location, and registration number of the importer; and

“(V) the National Drug Code number assigned to the qualifying drug by the Secretary.

“(ii) REQUEST FOR COPY OF THE LABELING.—The Secretary shall provide such copy to the registered importer involved, upon request of the importer.

“(iii) REQUESTED LABELING.—The labeling provided by the Secretary under clause (ii) shall—

“(I) include the established name, as defined in section 502(e)(3), for each active ingredient in the qualifying drug;

“(II) not include the proprietary name of the U.S. label drug or any active ingredient thereof;

“(III) if required under paragraph (2)(B)(vi)(III), a prominent advisory that the qualifying drug is safe and effective but not bioequivalent to the U.S. label drug; and

“(IV) if the inactive ingredients of the qualifying drug are different from the inactive ingredients for the U.S. label drug, include—

“(aa) a prominent notice that the ingredients of the qualifying drug differ from the ingredients of the U.S. label drug and that the qualifying drug must be dispensed with an advisory to people with allergies about this difference and a list of ingredients; and

“(bb) a list of the ingredients of the qualifying drug as would be required under section 502(e).

“(B) IMPORTATION BY INDIVIDUAL.—

“(i) IN GENERAL.—In the case of a qualifying drug that is imported or offered for import by a registered exporter to an individual, such drug shall be considered to be in compliance with section 502 and the labeling requirements under the approved application for the U.S. label drug if the packaging and labeling of the qualifying drug complies with all applicable regulations promulgated under sections 3 and 4 of the Poison Prevention Packaging Act of 1970 (15 U.S.C. 1471 et seq.) and the labeling of the qualifying drug includes—

“(I) directions for use by the consumer;

“(II) the lot number assigned by the manufacturer;

“(III) the name and registration number of the exporter;

“(IV) if required under paragraph (2)(B)(vi)(III), a prominent advisory that the drug is safe and effective but not bioequivalent to the U.S. label drug;

“(V) if the inactive ingredients of the drug are different from the inactive ingredients for the U.S. label drug—

“(aa) a prominent advisory that persons with an allergy should check the ingredient list of the drug because the ingredients of the drug differ from the ingredients of the U.S. label drug; and

“(bb) a list of the ingredients of the drug as would be required under section 502(e); and

“(VI) a copy of any special labeling that would be required by the Secretary had the U.S. label drug been dispensed by a pharmacist in the United States, without regard to whether the special labeling bears any trademark involved.

“(ii) PACKAGING.—A qualifying drug offered for import to an individual by an exporter under this section that is packaged in a unit-of-use container (as those items are defined in the United States Pharmacopeia and National Formulary) shall not be repackaged, provided that—

“(I) the packaging complies with all applicable regulations under sections 3 and 4 of the Poison Prevention Packaging Act of 1970 (15 U.S.C. 1471 et seq.); or

“(II) the consumer consents to waive the requirements of such Act, after being informed that the packaging does not comply with such Act and that the exporter will provide the drug in packaging that is compliant at no additional cost.

“(iii) REQUEST FOR COPY OF SPECIAL LABELING AND INGREDIENT LIST.—The Secretary shall provide to the registered exporter involved a copy of the special labeling, the advisory, and the ingredient list described under clause (i), upon request of the exporter.

“(iv) REQUESTED LABELING AND INGREDIENT LIST.—The labeling and ingredient list provided by the Secretary under clause (iii) shall—

“(I) include the established name, as defined in section 502(e)(3), for each active ingredient in the drug; and

“(II) not include the proprietary name of the U.S. label drug or any active ingredient thereof.

“(4) SECTION 501; ADULTERATION.—A qualifying drug that is imported or offered for import under subsection (a) shall be considered to be in compliance with section 501 if the drug is in compliance with subsection (c).

“(5) STANDARDS FOR REFUSING ADMISSION.—A drug exported under subsection (a) from a registered exporter or imported by a registered importer may be refused admission into the United States if 1 or more of the following applies:

“(A) The drug is not a qualifying drug.

“(B) A notice for the drug required under paragraph (2)(B) has not been submitted to the Secretary.

“(C) The Secretary has ordered that importation of the drug from the permitted country cease under subparagraph (C) or (D) of paragraph (2).

“(D) The drug does not comply with paragraph (3) or (4).

“(E) The shipping container appears damaged in a way that may affect the strength, quality, or purity of the drug.

“(F) The Secretary becomes aware that—

“(i) the drug may be counterfeit;

“(ii) the drug may have been prepared, packed, or held under insanitary conditions; or

“(iii) the methods used in, or the facilities or controls used for, the manufacturing, processing, packing, or holding of the drug do not conform to good manufacturing practice.

“(G) The Secretary has obtained an injunction under section 302 that prohibits the distribution of the drug in interstate commerce.

“(H) The Secretary has under section 505(e) withdrawn approval of the drug.

“(I) The manufacturer of the drug has instituted a recall of the drug.

“(J) If the drug is imported or offered for import by a registered importer without submission of a notice in accordance with subsection (d)(4).

“(K) If the drug is imported or offered for import from a registered exporter to an individual and 1 or more of the following applies:

“(i) The shipping container for such drug does not bear the markings required under subsection (d)(2).

“(ii) The markings on the shipping container appear to be counterfeit.

“(iii) The shipping container or markings appear to have been tampered with.

“(h) EXPORTER LICENSURE IN PERMITTED COUNTRY.—A registration condition is that the exporter involved agrees that a qualifying drug will be exported to an individual only if the Secretary has verified that—

“(1) the exporter is authorized under the law of the permitted country in which the exporter is located to dispense prescription drugs; and

“(2) the exporter employs persons that are licensed under the law of the permitted country in which the exporter is located to dispense prescription drugs in sufficient number to dispense safely the drugs exported by the exporter to individuals, and the exporter assigns to those persons responsibility for dispensing such drugs to individuals.

“(i) INDIVIDUALS; CONDITIONS FOR IMPORTATION.—

“(1) IN GENERAL.—For purposes of subsection (a)(2)(B), the importation of a qualifying drug by an individual is in accordance with this subsection if the following conditions are met:

“(A) The drug is accompanied by a copy of a prescription for the drug, which prescription—

“(i) is valid under applicable Federal and State laws; and

“(ii) was issued by a practitioner who, under the law of a State of which the individual is a resident, or in which the individual receives care from the practitioner who issues the prescription, is authorized to administer prescription drugs.

“(B) The drug is accompanied by a copy of the documentation that was required under the law or regulations of the permitted country in which the exporter is located, as a condition of dispensing the drug to the individual.

“(C) The copies referred to in subparagraphs (A)(i) and (B) are marked in a manner sufficient—

“(i) to indicate that the prescription, and the equivalent document in the permitted country in which the exporter is located, have been filled; and

“(ii) to prevent a duplicative filling by another pharmacist.

“(D) The individual has provided to the registered exporter a complete list of all drugs used by the individual for review by the individuals who dispense the drug.

“(E) The quantity of the drug does not exceed a 90-day supply.

“(F) The drug is not an ineligible subpart H drug. For purposes of this section, a prescription drug is an ‘ineligible subpart H drug’ if the drug was approved by the Secretary under subpart H of part 314 of title 21, Code of Federal Regulations (relating to accelerated approval), with restrictions under section 520 of such part to assure safe use, and the Secretary has published in the Federal Register a notice that the Secretary has determined that good cause exists to prohibit the drug from being imported pursuant to this subsection.

“(2) NOTICE REGARDING DRUG REFUSED AD- MISSION.—If a registered exporter ships a

drug to an individual pursuant to subsection (a)(2)(B) and the drug is refused admission to the United States, a written notice shall be sent to the individual and to the exporter that informs the individual and the exporter of such refusal and the reason for the refusal.

“(j) MAINTENANCE OF RECORDS AND SAM- PLES.—

“(1) IN GENERAL.—A registration condition is that the importer or exporter involved shall—

“(A) maintain records required under this section for not less than 2 years; and

“(B) maintain samples of each lot of a qualifying drug required under this section for not more than 2 years.

“(2) PLACE OF RECORD MAINTENANCE.—The records described under paragraph (1) shall be maintained—

“(A) in the case of an importer, at the place of business of the importer at which the importer initially receives the qualifying drug after importation; or

“(B) in the case of an exporter, at the facility from which the exporter ships the qualifying drug to the United States.

“(k) DRUG RECALLS.—

“(1) MANUFACTURERS.—A person that man- ufactures a qualifying drug imported from a permitted country under this section shall promptly inform the Secretary—

“(A) if the drug is recalled or withdrawn from the market in a permitted country;

“(B) how the drug may be identified, in- cluding lot number; and

“(C) the reason for the recall or with- drawal.

“(2) SECRETARY.—With respect to each per- mitted country, the Secretary shall—

“(A) enter into an agreement with the gov- ernment of the country to receive informa- tion about recalls and withdrawals of qual- ifying drugs in the country; or

“(B) monitor recalls and withdrawals of qualifying drugs in the country using any in- formation that is available to the public in any media.

“(3) NOTICE.—The Secretary may notify, as appropriate, registered exporters, registered importers, wholesalers, pharmacies, or the public of a recall or withdrawal of a qual- ifying drug in a permitted country.

“(1) DRUG LABELING AND PACKAGING.—

“(1) IN GENERAL.—When a qualifying drug that is imported into the United States by an importer under subsection (a) is dispensed by a pharmacist to an individual, the phar- macist shall provide that the packaging and labeling of the drug complies with all appli- cable regulations promulgated under sec- tions 3 and 4 of the Poison Prevention Pack- aging Act of 1970 (15 U.S.C. 1471 et seq.) and shall include with any other labeling pro- vided to the individual the following:

“(A) The lot number assigned by the manu- facturer.

“(B) The name and registration number of the importer.

“(C) If required under paragraph (2)(B)(vi)(III) of subsection (g), a prominent advisory that the drug is safe and effective but not bioequivalent to the U.S. label drug.

“(D) If the inactive ingredients of the drug are different from the inactive ingredients for the U.S. label drug—

“(i) a prominent advisory that persons with allergies should check the ingredient list of the drug because the ingredients of the drug differ from the ingredients of the U.S. label drug; and

“(ii) a list of the ingredients of the drug as would be required under section 502(e).

“(2) PACKAGING.—A qualifying drug that is packaged in a unit-of-use container (as those

terms are defined in the United States Phar- macopeia and National Formulary) shall not be repackaged, provided that—

“(A) the packaging complies with all appli- cable regulations under sections 3 and 4 of the Poison Prevention Packaging Act of 1970 (15 U.S.C. 1471 et seq.); or

“(B) the consumer consents to waive the requirements of such Act, after being in- formed that the packaging does not comply with such Act and that the pharmacist will provide the drug in packaging that is compli- ant at no additional cost.

“(m) CHARITABLE CONTRIBUTIONS.—Not- withstanding any other provision of this sec- tion, this section does not authorize the im- portation into the United States of a qual- ifying drug donated or otherwise supplied for free or at nominal cost by the manufacturer of the drug to a charitable or humanitarian organization, including the United Nations and affiliates, or to a government of a for- eign country.

“(n) UNFAIR AND DISCRIMINATORY ACTS AND PRACTICES.—

“(1) IN GENERAL.—It is unlawful for a man- ufacturer, directly or indirectly (including by being a party to a licensing agreement or other agreement), to—

“(A) discriminate by charging a higher price for a prescription drug sold to a reg- istered exporter or other person in a per- mitted country that exports a qualifying drug to the United States under this section than the price that is charged, inclusive of rebates or other incentives to the permitted country or other person, to another person that is in the same country and that does not export a qualifying drug into the United States under this section;

“(B) discriminate by charging a higher price for a prescription drug sold to a reg- istered importer or other person that distrib- utes, sells, or uses a qualifying drug im- ported into the United States under this sec- tion than the price that is charged to an- other person in the United States that does not import a qualifying drug under this sec- tion, or that does not distribute, sell, or use such a drug;

“(C) discriminate by denying, restricting, or delaying supplies of a prescription drug to a registered exporter or other person in a permitted country that exports a qualifying drug to the United States under this section or to a registered importer or other person that distributes, sells, or uses a qualifying drug imported into the United States under this section;

“(D) discriminate by publicly, privately, or otherwise refusing to do business with a reg- istered exporter or other person in a per- mitted country that exports a qualifying drug to the United States under this section or with a registered importer or other person that distributes, sells, or uses a qualifying drug imported into the United States under this section;

“(E) knowingly fail to submit a notice under subsection (g)(2)(B)(i), knowingly fail to submit such a notice on or before the date specified in subsection (g)(2)(B)(v) or as otherwise required under paragraphs (3), (4), and (5) of section 3004(e) of the Pharmaceutical Market Access and Drug Safety Act of 2010, knowingly submit such a notice that makes a materially false, fictitious, or fraudulent statement, or knowingly fail to provide promptly any information requested by the Secretary to review such a notice;

“(F) knowingly fail to submit an applica- tion required under subsection (g)(2)(F), knowingly fail to submit such an application on or before the date specified in subsection

(g)(2)(F)(iii), knowingly submit such an application that makes a materially false, fictitious, or fraudulent statement, or knowingly fail to provide promptly any information requested by the Secretary to review such an application;

“(G) cause there to be a difference (including a difference in active ingredient, route of administration, dosage form, strength, formulation, manufacturing establishment, manufacturing process, or person that manufactures the drug) between a prescription drug for distribution in the United States and the drug for distribution in a permitted country;

“(H) refuse to allow an inspection authorized under this section of an establishment that manufactures a qualifying drug that is, or will be, introduced for commercial distribution in a permitted country;

“(I) fail to conform to the methods used in, or the facilities used for, the manufacturing, processing, packing, or holding of a qualifying drug that is, or will be, introduced for commercial distribution in a permitted country to good manufacturing practice under this Act;

“(J) become a party to a licensing agreement or other agreement related to a qualifying drug that fails to provide for compliance with all requirements of this section with respect to such drug;

“(K) enter into a contract that restricts, prohibits, or delays the importation of a qualifying drug under this section;

“(L) engage in any other action to restrict, prohibit, or delay the importation of a qualifying drug under this section; or

“(M) engage in any other action that the Federal Trade Commission determines to discriminate against a person that engages or attempts to engage in the importation of a qualifying drug under this section.

“(2) REFERRAL OF POTENTIAL VIOLATIONS.—The Secretary shall promptly refer to the Federal Trade Commission each potential violation of subparagraph (E), (F), (G), (H), or (I) of paragraph (1) that becomes known to the Secretary.

“(3) AFFIRMATIVE DEFENSE.—

“(A) DISCRIMINATION.—It shall be an affirmative defense to a charge that a manufacturer has discriminated under subparagraph (A), (B), (C), (D), or (M) of paragraph (1) that the higher price charged for a prescription drug sold to a person, the denial, restriction, or delay of supplies of a prescription drug to a person, the refusal to do business with a person, or other discriminatory activity against a person, is not based, in whole or in part, on—

“(i) the person exporting or importing a qualifying drug into the United States under this section; or

“(ii) the person distributing, selling, or using a qualifying drug imported into the United States under this section.

“(B) DRUG DIFFERENCES.—It shall be an affirmative defense to a charge that a manufacturer has caused there to be a difference described in subparagraph (G) of paragraph (1) that—

“(i) the difference was required by the country in which the drug is distributed;

“(ii) the Secretary has determined that the difference was necessary to improve the safety or effectiveness of the drug;

“(iii) the person manufacturing the drug for distribution in the United States has given notice to the Secretary under subsection (g)(2)(B)(i) that the drug for distribution in the United States is not different from a drug for distribution in permitted countries whose combined population rep-

resents at least 50 percent of the total population of all permitted countries; or

“(iv) the difference was not caused, in whole or in part, for the purpose of restricting importation of the drug into the United States under this section.

“(4) EFFECT OF SUBSECTION.—

“(A) SALES IN OTHER COUNTRIES.—This subsection applies only to the sale or distribution of a prescription drug in a country if the manufacturer of the drug chooses to sell or distribute the drug in the country. Nothing in this subsection shall be construed to compel the manufacturer of a drug to distribute or sell the drug in a country.

“(B) DISCOUNTS TO INSURERS, HEALTH PLANS, PHARMACY BENEFIT MANAGERS, AND COVERED ENTITIES.—Nothing in this subsection shall be construed to—

“(i) prevent or restrict a manufacturer of a prescription drug from providing discounts to an insurer, health plan, pharmacy benefit manager in the United States, or covered entity in the drug discount program under section 340B of the Public Health Service Act (42 U.S.C. 256b) in return for inclusion of the drug on a formulary;

“(ii) require that such discounts be made available to other purchasers of the prescription drug; or

“(iii) prevent or restrict any other measures taken by an insurer, health plan, or pharmacy benefit manager to encourage consumption of such prescription drug.

“(C) CHARITABLE CONTRIBUTIONS.—Nothing in this subsection shall be construed to—

“(i) prevent a manufacturer from donating a prescription drug, or supplying a prescription drug at nominal cost, to a charitable or humanitarian organization, including the United Nations and affiliates, or to a government of a foreign country; or

“(ii) apply to such donations or supplying of a prescription drug.

“(5) ENFORCEMENT.—

“(A) UNFAIR OR DECEPTIVE ACT OR PRACTICE.—A violation of this subsection shall be treated as a violation of a rule defining an unfair or deceptive act or practice prescribed under section 18(a)(1)(B) of the Federal Trade Commission Act (15 U.S.C. 57a(a)(1)(B)).

“(B) ACTIONS BY THE COMMISSION.—The Federal Trade Commission—

“(i) shall enforce this subsection in the same manner, by the same means, and with the same jurisdiction, powers, and duties as though all applicable terms and provisions of the Federal Trade Commission Act (15 U.S.C. 41 et seq.) were incorporated into and made a part of this section; and

“(ii) may seek monetary relief threefold the damages sustained, in addition to any other remedy available to the Federal Trade Commission under the Federal Trade Commission Act (15 U.S.C. 41 et seq.).

“(6) ACTIONS BY STATES.—

“(A) IN GENERAL.—

“(i) CIVIL ACTIONS.—In any case in which the attorney general of a State has reason to believe that an interest of the residents of that State have been adversely affected by any manufacturer that violates paragraph (1), the attorney general of a State may bring a civil action on behalf of the residents of the State, and persons doing business in the State, in a district court of the United States of appropriate jurisdiction to—

“(I) enjoin that practice;

“(II) enforce compliance with this subsection;

“(III) obtain damages, restitution, or other compensation on behalf of residents of the State and persons doing business in the State, including threefold the damages; or

“(IV) obtain such other relief as the court may consider to be appropriate.

“(ii) NOTICE.—

“(I) IN GENERAL.—Before filing an action under clause (i), the attorney general of the State involved shall provide to the Federal Trade Commission—

“(aa) written notice of that action; and

“(bb) a copy of the complaint for that action.

“(II) EXEMPTION.—Subclause (I) shall not apply with respect to the filing of an action by an attorney general of a State under this paragraph, if the attorney general determines that it is not feasible to provide the notice described in that subclause before filing of the action. In such case, the attorney general of a State shall provide notice and a copy of the complaint to the Federal Trade Commission at the same time as the attorney general files the action.

“(B) INTERVENTION.—

“(i) IN GENERAL.—On receiving notice under subparagraph (A)(ii), the Federal Trade Commission shall have the right to intervene in the action that is the subject of the notice.

“(ii) EFFECT OF INTERVENTION.—If the Federal Trade Commission intervenes in an action under subparagraph (A), it shall have the right—

“(I) to be heard with respect to any matter that arises in that action; and

“(II) to file a petition for appeal.

“(C) CONSTRUCTION.—For purposes of bringing any civil action under subparagraph (A), nothing in this subsection shall be construed to prevent an attorney general of a State from exercising the powers conferred on the attorney general by the laws of that State to—

“(i) conduct investigations;

“(ii) administer oaths or affirmations; or

“(iii) compel the attendance of witnesses or the production of documentary and other evidence.

“(D) ACTIONS BY THE COMMISSION.—In any case in which an action is instituted by or on behalf of the Federal Trade Commission for a violation of paragraph (1), a State may not, during the pendency of that action, institute an action under subparagraph (A) for the same violation against any defendant named in the complaint in that action.

“(E) VENUE.—Any action brought under subparagraph (A) may be brought in the district court of the United States that meets applicable requirements relating to venue under section 1391 of title 28, United States Code.

“(F) SERVICE OF PROCESS.—In an action brought under subparagraph (A), process may be served in any district in which the defendant—

“(i) is an inhabitant; or

“(ii) may be found.

“(G) MEASUREMENT OF DAMAGES.—In any action under this paragraph to enforce a cause of action under this subsection in which there has been a determination that a defendant has violated a provision of this subsection, damages may be proved and assessed in the aggregate by statistical or sampling methods, by the computation of illegal overcharges or by such other reasonable system of estimating aggregate damages as the court in its discretion may permit without the necessity of separately proving the individual claim of, or amount of damage to, persons on whose behalf the suit was brought.

“(H) EXCLUSION ON DUPLICATIVE RELIEF.—The district court shall exclude from the amount of monetary relief awarded in an action under this paragraph brought by the attorney general of a State any amount of

monetary relief which duplicates amounts which have been awarded for the same injury.

“(7) EFFECT ON ANTITRUST LAWS.—Nothing in this subsection shall be construed to modify, impair, or supersede the operation of the antitrust laws. For the purpose of this subsection, the term ‘antitrust laws’ has the meaning given it in the first section of the Clayton Act, except that it includes section 5 of the Federal Trade Commission Act to the extent that such section 5 applies to unfair methods of competition.

“(8) MANUFACTURER.—In this subsection, the term ‘manufacturer’ means any entity, including any affiliate or licensee of that entity, that is engaged in—

“(A) the production, preparation, propagation, compounding, conversion, or processing of a prescription drug, either directly or indirectly by extraction from substances of natural origin, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis; or

“(B) the packaging, repackaging, labeling, relabeling, or distribution of a prescription drug.”

(b) PROHIBITED ACTS.—The Federal Food, Drug, and Cosmetic Act is amended—

(1) in section 301 (21 U.S.C. 331), by striking paragraph (aa) and inserting the following:

“(aa)(1) The sale or trade by a pharmacist, or by a business organization of which the pharmacist is a part, of a qualifying drug that under section 804(a)(2)(A) was imported by the pharmacist, other than—

“(A) a sale at retail made pursuant to dispensing the drug to a customer of the pharmacist or organization; or

“(B) a sale or trade of the drug to a pharmacy or a wholesaler registered to import drugs under section 804.

“(2) The sale or trade by an individual of a qualifying drug that under section 804(a)(2)(B) was imported by the individual.

“(3) The making of a materially false, fictitious, or fraudulent statement or representation, or a material omission, in a notice under clause (1) of section 804(g)(2)(B) or in an application required under section 804(g)(2)(F), or the failure to submit such a notice or application.

“(4) The importation of a drug in violation of a registration condition or other requirement under section 804, the falsification of any record required to be maintained, or provided to the Secretary, under such section, or the violation of any registration condition or other requirement under such section.”; and

(2) in section 303(a) (21 U.S.C. 333(a)), by striking paragraph (6) and inserting the following:

“(6) Notwithstanding subsection (a), any person that knowingly violates section 301(i)(2) or (3) or section 301(aa)(4) shall be imprisoned not more than 10 years, or fined in accordance with title 18, United States Code, or both.”.

(c) AMENDMENT OF CERTAIN PROVISIONS.—

(1) IN GENERAL.—Section 801 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 381) is amended by striking subsection (g) and inserting the following:

“(g) With respect to a prescription drug that is imported or offered for import into the United States by an individual who is not in the business of such importation, that is not shipped by a registered exporter under section 804, and that is refused admission under subsection (a), the Secretary shall notify the individual that—

“(1) the drug has been refused admission because the drug was not a lawful import under section 804;

“(2) the drug is not otherwise subject to a waiver of the requirements of subsection (a);

“(3) the individual may under section 804 lawfully import certain prescription drugs from exporters registered with the Secretary under section 804; and

“(4) the individual can find information about such importation, including a list of registered exporters, on the Internet website of the Food and Drug Administration or through a toll-free telephone number required under section 804.”.

(2) ESTABLISHMENT REGISTRATION.—Section 510(i) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360(i)) is amended in paragraph (1) by inserting after “import into the United States” the following: “, including a drug that is, or may be, imported or offered for import into the United States under section 804.”.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall take effect on the date that is 90 days after the date of enactment of this Act.

(d) EXHAUSTION.—

(1) IN GENERAL.—Section 271 of title 35, United States Code, is amended—

(A) by redesignating subsections (h) and (i) as (i) and (j), respectively; and

(B) by inserting after subsection (g) the following:

“(h) It shall not be an act of infringement to use, offer to sell, or sell within the United States or to import into the United States any patented invention under section 804 of the Federal Food, Drug, and Cosmetic Act that was first sold abroad by or under authority of the owner or licensee of such patent.”.

(2) RULE OF CONSTRUCTION.—Nothing in the amendment made by paragraph (1) shall be construed to affect the ability of a patent owner or licensee to enforce their patent, subject to such amendment.

(e) EFFECT OF SECTION 804.—

(1) IN GENERAL.—Section 804 of the Federal Food, Drug, and Cosmetic Act, as added by subsection (a), shall permit the importation of qualifying drugs (as defined in such section 804) into the United States without regard to the status of the issuance of implementing regulations—

(A) from exporters registered under such section 804 on the date that is 90 days after the date of enactment of this Act; and

(B) from permitted countries, as defined in such section 804, by importers registered under such section 804 on the date that is 1 year after the date of enactment of this Act.

(2) REVIEW OF REGISTRATION BY CERTAIN EXPORTERS.—

(A) REVIEW PRIORITY.—In the review of registrations submitted under subsection (b) of such section 804, registrations submitted by entities in Canada that are significant exporters of prescription drugs to individuals in the United States as of the date of enactment of this Act will have priority during the 90 day period that begins on such date of enactment.

(B) PERIOD FOR REVIEW.—During such 90-day period, the reference in subsection (b)(2)(A) of such section 804 to 90 days (relating to approval or disapproval of registrations) is, as applied to such entities, deemed to be 30 days.

(C) LIMITATION.—That an exporter in Canada exports, or has exported, prescription drugs to individuals in the United States on or before the date that is 90 days after the date of enactment of this Act shall not serve as a basis, in whole or in part, for disapproving a registration under such section 804 from the exporter.

(D) FIRST YEAR LIMIT ON NUMBER OF EXPORTERS.—During the 1-year period beginning on the date of enactment of this Act, the Secretary of Health and Human Services (referred to in this section as the “Secretary”) may limit the number of registered exporters under such section 804 to not less than 50, so long as the Secretary gives priority to those exporters with demonstrated ability to process a high volume of shipments of drugs to individuals in the United States.

(E) SECOND YEAR LIMIT ON NUMBER OF EXPORTERS.—During the 1-year period beginning on the date that is 1 year after the date of enactment of this Act, the Secretary may limit the number of registered exporters under such section 804 to not less than 100, so long as the Secretary gives priority to those exporters with demonstrated ability to process a high volume of shipments of drugs to individuals in the United States.

(F) FURTHER LIMIT ON NUMBER OF EXPORTERS.—During any 1-year period beginning on a date that is 2 or more years after the date of enactment of this Act, the Secretary may limit the number of registered exporters under such section 804 to not less than 25 more than the number of such exporters during the previous 1-year period, so long as the Secretary gives priority to those exporters with demonstrated ability to process a high volume of shipments of drugs to individuals in the United States.

(3) LIMITS ON NUMBER OF IMPORTERS.—

(A) FIRST YEAR LIMIT ON NUMBER OF IMPORTERS.—During the 1-year period beginning on the date that is 1 year after the date of enactment of this Act, the Secretary may limit the number of registered importers under such section 804 to not less than 100 (of which at least a significant number shall be groups of pharmacies, to the extent feasible given the applications submitted by such groups), so long as the Secretary gives priority to those importers with demonstrated ability to process a high volume of shipments of drugs imported into the United States.

(B) SECOND YEAR LIMIT ON NUMBER OF IMPORTERS.—During the 1-year period beginning on the date that is 2 years after the date of enactment of this Act, the Secretary may limit the number of registered importers under such section 804 to not less than 200 (of which at least a significant number shall be groups of pharmacies, to the extent feasible given the applications submitted by such groups), so long as the Secretary gives priority to those importers with demonstrated ability to process a high volume of shipments of drugs into the United States.

(C) FURTHER LIMIT ON NUMBER OF IMPORTERS.—During any 1-year period beginning on a date that is 3 or more years after the date of enactment of this Act, the Secretary may limit the number of registered importers under such section 804 to not less than 50 more (of which at least a significant number shall be groups of pharmacies, to the extent feasible given the applications submitted by such groups) than the number of such importers during the previous 1-year period, so long as the Secretary gives priority to those importers with demonstrated ability to process a high volume of shipments of drugs to the United States.

(4) NOTICES FOR DRUGS FOR IMPORT FROM CANADA.—The notice with respect to a qualifying drug introduced for commercial distribution in Canada as of the date of enactment of this Act that is required under subsection (g)(2)(B)(i) of such section 804 shall be submitted to the Secretary not later than

30 days after the date of enactment of this Act if—

(A) the U.S. label drug (as defined in such section 804) for the qualifying drug is 1 of the 100 prescription drugs with the highest dollar volume of sales in the United States based on the 12 calendar month period most recently completed before the date of enactment of this Act; or

(B) the notice is a notice under subsection (g)(2)(B)(i)(II) of such section 804.

(5) NOTICE FOR DRUGS FOR IMPORT FROM OTHER COUNTRIES.—The notice with respect to a qualifying drug introduced for commercial distribution in a permitted country other than Canada as of the date of enactment of this Act that is required under subsection (g)(2)(B)(i) of such section 804 shall be submitted to the Secretary not later than 180 days after the date of enactment of this Act if—

(A) the U.S. label drug for the qualifying drug is 1 of the 100 prescription drugs with the highest dollar volume of sales in the United States based on the 12 calendar month period that is first completed on the date that is 120 days after the date of enactment of this Act; or

(B) the notice is a notice under subsection (g)(2)(B)(i)(II) of such section 804.

(6) NOTICE FOR OTHER DRUGS FOR IMPORT.—

(A) GUIDANCE ON SUBMISSION DATES.—The Secretary shall by guidance establish a series of submission dates for the notices under subsection (g)(2)(B)(i) of such section 804 with respect to qualifying drugs introduced for commercial distribution as of the date of enactment of this Act and that are not required to be submitted under paragraph (4) or (5).

(B) CONSISTENT AND EFFICIENT USE OF RESOURCES.—The Secretary shall establish the dates described under subparagraph (A) so that such notices described under subparagraph (A) are submitted and reviewed at a rate that allows consistent and efficient use of the resources and staff available to the Secretary for such reviews. The Secretary may condition the requirement to submit such a notice, and the review of such a notice, on the submission by a registered exporter or a registered importer to the Secretary of a notice that such exporter or importer intends to import such qualifying drug to the United States under such section 804.

(C) PRIORITY FOR DRUGS WITH HIGHER SALES.—The Secretary shall establish the dates described under subparagraph (A) so that the Secretary reviews the notices described under such subparagraph with respect to qualifying drugs with higher dollar volume of sales in the United States before the notices with respect to drugs with lower sales in the United States.

(7) NOTICES FOR DRUGS APPROVED AFTER EFFECTIVE DATE.—The notice required under subsection (g)(2)(B)(i) of such section 804 for a qualifying drug first introduced for commercial distribution in a permitted country (as defined in such section 804) after the date of enactment of this Act shall be submitted to and reviewed by the Secretary as provided under subsection (g)(2)(B) of such section 804, without regard to paragraph (4), (5), or (6).

(8) REPORT.—Beginning with the first full fiscal year after the date of enactment of this Act, not later than 90 days after the end of each fiscal year during which the Secretary reviews a notice referred to in paragraph (4), (5), or (6), the Secretary shall submit a report to Congress concerning the progress of the Food and Drug Administration in reviewing the notices referred to in paragraphs (4), (5), and (6).

(9) USER FEES.—

(A) EXPORTERS.—When establishing an aggregate total of fees to be collected from exporters under subsection (f)(2) of such section 804, the Secretary shall, under subsection (f)(3)(C)(i) of such section 804, estimate the total price of drugs imported under subsection (a) of such section 804 into the United States by registered exporters during the first fiscal year in which this title takes effect to be an amount equal to the amount which bears the same ratio to \$1,000,000,000 as the number of days in such fiscal year during which this title is effective bears to 365.

(B) IMPORTERS.—When establishing an aggregate total of fees to be collected from importers under subsection (e)(2) of such section 804, the Secretary shall, under subsection (e)(3)(C)(i) of such section 804, estimate the total price of drugs imported under subsection (a) of such section 804 into the United States by registered importers during—

(i) the first fiscal year in which this title takes effect to be an amount equal to the amount which bears the same ratio to \$1,000,000,000 as the number of days in such fiscal year during which this title is effective bears to 365; and

(ii) the second fiscal year in which this title is in effect to be \$3,000,000,000.

(C) SECOND YEAR ADJUSTMENT.—

(i) REPORTS.—Not later than February 20 of the second fiscal year in which this title is in effect, registered importers shall report to the Secretary the total price and the total volume of drugs imported to the United States by the importer during the 4-month period from October 1 through January 31 of such fiscal year.

(ii) REESTIMATE.—Notwithstanding subsection (e)(3)(C)(ii) of such section 804 or subparagraph (B), the Secretary shall reestimate the total price of qualifying drugs imported under subsection (a) of such section 804 into the United States by registered importers during the second fiscal year in which this title is in effect. Such reestimate shall be equal to—

(I) the total price of qualifying drugs imported by each importer as reported under clause (i); multiplied by

(II) 3.

(iii) ADJUSTMENT.—The Secretary shall adjust the fee due on April 1 of the second fiscal year in which this title is in effect, from each importer so that the aggregate total of fees collected under subsection (e)(2) for such fiscal year does not exceed the total price of qualifying drugs imported under subsection (a) of such section 804 into the United States by registered importers during such fiscal year as reestimated under clause (ii).

(D) FAILURE TO PAY FEES.—Notwithstanding any other provision of this section, the Secretary may prohibit a registered importer or exporter that is required to pay user fees under subsection (e) or (f) of such section 804 and that fails to pay such fees within 30 days after the date on which it is due, from importing or offering for importation a qualifying drug under such section 804 until such fee is paid.

(E) ANNUAL REPORT.—

(i) FOOD AND DRUG ADMINISTRATION.—Not later than 180 days after the end of each fiscal year during which fees are collected under subsection (e), (f), or (g)(2)(B)(iv) of such section 804, the Secretary shall prepare and submit to the House of Representatives and the Senate a report on the implementation of the authority for such fees during such fiscal year and the use, by the Food and Drug Administration, of the fees collected

for the fiscal year for which the report is made and credited to the Food and Drug Administration.

(ii) CUSTOMS AND BORDER PROTECTION.—Not later than 180 days after the end of each fiscal year during which fees are collected under subsection (e) or (f) of such section 804, the Secretary of Homeland Security, in consultation with the Secretary of the Treasury, shall prepare and submit to the House of Representatives and the Senate a report on the use, by the Bureau of Customs and Border Protection, of the fees, if any, transferred by the Secretary to the Bureau of Customs and Border Protection for the fiscal year for which the report is made.

(10) SPECIAL RULE REGARDING IMPORTATION BY INDIVIDUALS.—

(A) IN GENERAL.—Notwithstanding any provision of this title (or an amendment made by this title), the Secretary shall expedite the designation of any additional permitted countries from which an individual may import a qualifying drug into the United States under such section 804 if any action implemented by the Government of Canada has the effect of limiting or prohibiting the importation of qualifying drugs into the United States from Canada.

(B) TIMING AND CRITERIA.—The Secretary shall designate such additional permitted countries under subparagraph (A)—

(i) not later than 6 months after the date of the action by the Government of Canada described under such subparagraph; and

(ii) using the criteria described under subsection (a)(4)(D)(i)(II) of such section 804.

(f) IMPLEMENTATION OF SECTION 804.—

(1) INTERIM RULE.—The Secretary may promulgate an interim rule for implementing section 804 of the Federal Food, Drug, and Cosmetic Act, as added by subsection (a) of this section.

(2) NO NOTICE OF PROPOSED RULEMAKING.—The interim rule described under paragraph (1) may be developed and promulgated by the Secretary without providing general notice of proposed rulemaking.

(3) FINAL RULE.—Not later than 1 year after the date on which the Secretary promulgates an interim rule under paragraph (1), the Secretary shall, in accordance with procedures under section 553 of title 5, United States Code, promulgate a final rule for implementing such section 804, which may incorporate by reference provisions of the interim rule provided for under paragraph (1), to the extent that such provisions are not modified.

(g) CONSUMER EDUCATION.—The Secretary shall carry out activities that educate consumers—

(1) with regard to the availability of qualifying drugs for import for personal use from an exporter registered with and approved by the Food and Drug Administration under section 804 of the Federal Food, Drug, and Cosmetic Act, as added by this section, including information on how to verify whether an exporter is registered and approved by use of the Internet website of the Food and Drug Administration and the toll-free telephone number required by this title;

(2) that drugs that consumers attempt to import from an exporter that is not registered with and approved by the Food and Drug Administration can be seized by the United States Customs Service and destroyed, and that such drugs may be counterfeit, unapproved, unsafe, or ineffective;

(3) with regard to the suspension and termination of any registration of a registered importer or exporter under such section 804; and

(4) with regard to the availability at domestic retail pharmacies of qualifying drugs

imported under such section 804 by domestic wholesalers and pharmacies registered with and approved by the Food and Drug Administration.

(h) **EFFECT ON ADMINISTRATION PRACTICES.**—Notwithstanding any provision of this title (and the amendments made by this title), the practices and policies of the Food and Drug Administration and Bureau of Customs and Border Protection, in effect on January 1, 2004, with respect to the importation of prescription drugs into the United States by an individual, on the person of such individual, for personal use, shall remain in effect.

(i) **REPORT TO CONGRESS.**—The Federal Trade Commission shall, on an annual basis, submit to Congress a report that describes any action taken during the period for which the report is being prepared to enforce the provisions of section 804(n) of the Federal Food, Drug, and Cosmetic Act (as added by this title), including any pending investigations or civil actions under such section.

SEC. 3005. DISPOSITION OF CERTAIN DRUGS DENIED ADMISSION INTO UNITED STATES.

(a) **IN GENERAL.**—Chapter VIII of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 381 et seq.), as amended by section 3004, is further amended by adding at the end the following section:

“SEC. 805. DISPOSITION OF CERTAIN DRUGS DENIED ADMISSION.

“(a) **IN GENERAL.**—The Secretary of Homeland Security shall deliver to the Secretary a shipment of drugs that is imported or offered for import into the United States if—

“(1) the shipment has a declared value of less than \$10,000; and

“(2)(A) the shipping container for such drugs does not bear the markings required under section 804(d)(2); or

“(B) the Secretary has requested delivery of such shipment of drugs.

“(b) **NO BOND OR EXPORT.**—Section 801(b) does not authorize the delivery to the owner or consignee of drugs delivered to the Secretary under subsection (a) pursuant to the execution of a bond, and such drugs may not be exported.

“(c) **DESTRUCTION OF VIOLATIVE SHIPMENT.**—The Secretary shall destroy a shipment of drugs delivered by the Secretary of Homeland Security to the Secretary under subsection (a) if—

“(1) in the case of drugs that are imported or offered for import from a registered exporter under section 804, the drugs are in violation of any standard described in section 804(g)(5); or

“(2) in the case of drugs that are not imported or offered for import from a registered exporter under section 804, the drugs are in violation of a standard referred to in section 801(a) or 801(d)(1).

“(d) **CERTAIN PROCEDURES.**—

“(1) **IN GENERAL.**—The delivery and destruction of drugs under this section may be carried out without notice to the importer, owner, or consignee of the drugs except as required by section 801(g) or section 804(i)(2). The issuance of receipts for the drugs, and recordkeeping activities regarding the drugs, may be carried out on a summary basis.

“(2) **OBJECTIVE OF PROCEDURES.**—Procedures promulgated under paragraph (1) shall be designed toward the objective of ensuring that, with respect to efficiently utilizing Federal resources available for carrying out this section, a substantial majority of shipments of drugs subject to described in subsection (c) are identified and destroyed.

“(e) **EVIDENCE EXCEPTION.**—Drugs may not be destroyed under subsection (c) to the ex-

tent that the Attorney General of the United States determines that the drugs should be preserved as evidence or potential evidence with respect to an offense against the United States.

“(f) **RULE OF CONSTRUCTION.**—This section may not be construed as having any legal effect on applicable law with respect to a shipment of drugs that is imported or offered for import into the United States and has a declared value equal to or greater than \$10,000.”.

(b) **PROCEDURES.**—Procedures for carrying out section 805 of the Federal Food, Drug, and Cosmetic Act, as added by subsection (a), shall be established not later than 90 days after the date of the enactment of this Act.

(c) **EFFECTIVE DATE.**—The amendments made by this section shall take effect on the date that is 90 days after the date of enactment of this Act.

SEC. 3006. WHOLESALE DISTRIBUTION OF DRUGS; STATEMENTS REGARDING PRIOR SALE, PURCHASE, OR TRADE.

(a) **STRIKING OF EXEMPTIONS; APPLICABILITY TO REGISTERED EXPORTERS.**—Section 503(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 353(e)) is amended—

(1) in paragraph (1)—

(A) by striking “and who is not the manufacturer or an authorized distributor of record of such drug”; and

(B) by striking “to an authorized distributor of record or”; and

(C) by striking subparagraph (B) and inserting the following:

“(B) The fact that a drug subject to subsection (b) is exported from the United States does not with respect to such drug exempt any person that is engaged in the business of the wholesale distribution of the drug from providing the statement described in subparagraph (A) to the person that receives the drug pursuant to the export of the drug.

“(C)(i) The Secretary shall by regulation establish requirements that supersede subparagraph (A) (referred to in this subparagraph as ‘alternative requirements’) to identify the chain of custody of a drug subject to subsection (b) from the manufacturer of the drug throughout the wholesale distribution of the drug to a pharmacist who intends to sell the drug at retail if the Secretary determines that the alternative requirements, which may include standardized anti-counterfeiting or track-and-trace technologies, will identify such chain of custody or the identity of the discrete package of the drug from which the drug is dispensed with equal or greater certainty to the requirements of subparagraph (A), and that the alternative requirements are economically and technically feasible.

“(ii) When the Secretary promulgates a final rule to establish such alternative requirements, the final rule in addition shall, with respect to the registration condition established in clause (i) of section 804(c)(3)(B), establish a condition equivalent to the alternative requirements, and such equivalent condition may be met in lieu of the registration condition established in such clause (i).”;

(2) in paragraph (2)(A), by adding at the end the following: “The preceding sentence may not be construed as having any applicability with respect to a registered exporter under section 804.”; and

(3) in paragraph (3), by striking “and subsection (d)—” in the matter preceding subparagraph (A) and all that follows through “the term ‘wholesale distribution’ means” in subparagraph (B) and inserting the fol-

lowing: “and subsection (d), the term ‘wholesale distribution’ means”.

(b) **CONFORMING AMENDMENT.**—Section 503(d) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 353(d)) is amended by adding at the end the following:

“(4) Each manufacturer of a drug subject to subsection (b) shall maintain at its corporate offices a current list of the authorized distributors of record of such drug.

“(5) For purposes of this subsection, the term ‘authorized distributors of record’ means those distributors with whom a manufacturer has established an ongoing relationship to distribute such manufacturer’s products.”.

(c) **EFFECTIVE DATE.**—

(1) **IN GENERAL.**—The amendments made by paragraphs (1) and (3) of subsection (a) and by subsection (b) shall take effect on January 1, 2012.

(2) **DRUGS IMPORTED BY REGISTERED IMPORTERS UNDER SECTION 804.**—Notwithstanding paragraph (1), the amendments made by paragraphs (1) and (3) of subsection (a) and by subsection (b) shall take effect on the date that is 90 days after the date of enactment of this Act with respect to qualifying drugs imported under section 804 of the Federal Food, Drug, and Cosmetic Act, as added by section 3004.

(3) **EFFECT WITH RESPECT TO REGISTERED EXPORTERS.**—The amendment made by subsection (a)(2) shall take effect on the date that is 90 days after the date of enactment of this Act.

(4) **ALTERNATIVE REQUIREMENTS.**—The Secretary shall issue regulations to establish the alternative requirements, referred to in the amendment made by subsection (a)(1), that take effect not later than January 1, 2012.

(5) **INTERMEDIATE REQUIREMENTS.**—The Secretary shall by regulation require the use of standardized anti-counterfeiting or track-and-trace technologies on prescription drugs at the case and pallet level effective not later than 1 year after the date of enactment of this Act.

(6) **ADDITIONAL REQUIREMENTS.**—

(A) **IN GENERAL.**—Notwithstanding any other provision of this section, the Secretary shall, not later than 18 months after the date of enactment of this Act, require that the packaging of any prescription drug incorporates—

(i) a standardized numerical identifier unique to each package of such drug, applied at the point of manufacturing and repackaging (in which case the numerical identifier shall be linked to the numerical identifier applied at the point of manufacturing); and

(ii)(I) overt optically variable counterfeit-resistant technologies that—

(aa) are visible to the naked eye, providing for visual identification of product authenticity without the need for readers, microscopes, lighting devices, or scanners;

(bb) are similar to that used by the Bureau of Engraving and Printing to secure United States currency;

(cc) are manufactured and distributed in a highly secure, tightly controlled environment; and

(dd) incorporate additional layers of non-visible convert security features up to and including forensic capability, as described in subparagraph (B); or

(II) technologies that have a function of security comparable to that described in subclause (I), as determined by the Secretary.

(B) **STANDARDS FOR PACKAGING.**—For the purpose of making it more difficult to counterfeit the packaging of drugs subject to this

paragraph, the manufacturers of such drugs shall incorporate the technologies described in subparagraph (A) into at least 1 additional element of the physical packaging of the drugs, including blister packs, shrink wrap, package labels, package seals, bottles, and boxes.

SEC. 3007. INTERNET SALES OF PRESCRIPTION DRUGS.

(a) IN GENERAL.—Chapter V of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 351 et seq.) is amended by inserting after section 503B the following:

“SEC. 503C. INTERNET SALES OF PRESCRIPTION DRUGS.

“(a) REQUIREMENTS REGARDING INFORMATION ON INTERNET SITE.—

“(1) IN GENERAL.—A person may not dispense a prescription drug pursuant to a sale of the drug by such person if—

“(A) the purchaser of the drug submitted the purchase order for the drug, or conducted any other part of the sales transaction for the drug, through an Internet site;

“(B) the person dispenses the drug to the purchaser by mailing or shipping the drug to the purchaser; and

“(C) such site, or any other Internet site used by such person for purposes of sales of a prescription drug, fails to meet each of the requirements specified in paragraph (2), other than a site or pages on a site that—

“(i) are not intended to be accessed by purchasers or prospective purchasers; or

“(ii) provide an Internet information location tool within the meaning of section 231(e)(5) of the Communications Act of 1934 (47 U.S.C. 231(e)(5)).

“(2) REQUIREMENTS.—With respect to an Internet site, the requirements referred to in subparagraph (C) of paragraph (1) for a person to whom such paragraph applies are as follows:

“(A) Each page of the site shall include either the following information or a link to a page that provides the following information:

“(i) The name of such person.

“(ii) Each State in which the person is authorized by law to dispense prescription drugs.

“(iii) The address and telephone number of each place of business of the person with respect to sales of prescription drugs through the Internet, other than a place of business that does not mail or ship prescription drugs to purchasers.

“(iv) The name of each individual who serves as a pharmacist for prescription drugs that are mailed or shipped pursuant to the site, and each State in which the individual is authorized by law to dispense prescription drugs.

“(v) If the person provides for medical consultations through the site for purposes of providing prescriptions, the name of each individual who provides such consultations; each State in which the individual is licensed or otherwise authorized by law to provide such consultations or practice medicine; and the type or types of health professions for which the individual holds such licenses or other authorizations.

“(B) A link to which paragraph (1) applies shall be displayed in a clear and prominent place and manner, and shall include in the caption for the link the words ‘licensing and contact information’.

“(b) INTERNET SALES WITHOUT APPROPRIATE MEDICAL RELATIONSHIPS.—

“(1) IN GENERAL.—Except as provided in paragraph (2), a person may not dispense a prescription drug, or sell such a drug, if—

“(A) for purposes of such dispensing or sale, the purchaser communicated with the person through the Internet;

“(B) the patient for whom the drug was dispensed or purchased did not, when such communications began, have a prescription for the drug that is valid in the United States;

“(C) pursuant to such communications, the person provided for the involvement of a practitioner, or an individual represented by the person as a practitioner, and the practitioner or such individual issued a prescription for the drug that was purchased;

“(D) the person knew, or had reason to know, that the practitioner or the individual referred to in subparagraph (C) did not, when issuing the prescription, have a qualifying medical relationship with the patient; and

“(E) the person received payment for the dispensing or sale of the drug. For purposes of subparagraph (E), payment is received if money or other valuable consideration is received.

“(2) EXCEPTIONS.—Paragraph (1) does not apply to—

“(A) the dispensing or selling of a prescription drug pursuant to telemedicine practices sponsored by—

“(i) a hospital that has in effect a provider agreement under title XVIII of the Social Security Act (relating to the Medicare program); or

“(ii) a group practice that has not fewer than 100 physicians who have in effect provider agreements under such title; or

“(B) the dispensing or selling of a prescription drug pursuant to practices that promote the public health, as determined by the Secretary by regulation.

“(3) QUALIFYING MEDICAL RELATIONSHIP.—

“(A) IN GENERAL.—With respect to issuing a prescription for a drug for a patient, a practitioner has a qualifying medical relationship with the patient for purposes of this section if—

“(i) at least one in-person medical evaluation of the patient has been conducted by the practitioner; or

“(ii) the practitioner conducts a medical evaluation of the patient as a covering practitioner.

“(B) IN-PERSON MEDICAL EVALUATION.—A medical evaluation by a practitioner is an in-person medical evaluation for purposes of this section if the practitioner is in the physical presence of the patient as part of conducting the evaluation, without regard to whether portions of the evaluation are conducted by other health professionals.

“(C) COVERING PRACTITIONER.—With respect to a patient, a practitioner is a covering practitioner for purposes of this section if the practitioner conducts a medical evaluation of the patient at the request of a practitioner who has conducted at least one in-person medical evaluation of the patient and is temporarily unavailable to conduct the evaluation of the patient. A practitioner is a covering practitioner without regard to whether the practitioner has conducted any in-person medical evaluation of the patient involved.

“(4) RULES OF CONSTRUCTION.—

“(A) INDIVIDUALS REPRESENTED AS PRACTITIONERS.—A person who is not a practitioner (as defined in subsection (e)(1)) lacks legal capacity under this section to have a qualifying medical relationship with any patient.

“(B) STANDARD PRACTICE OF PHARMACY.—Paragraph (1) may not be construed as prohibiting any conduct that is a standard practice in the practice of pharmacy.

“(C) APPLICABILITY OF REQUIREMENTS.—Paragraph (3) may not be construed as hav-

ing any applicability beyond this section, and does not affect any State law, or interpretation of State law, concerning the practice of medicine.

“(c) ACTIONS BY STATES.—

“(1) IN GENERAL.—Whenever an attorney general of any State has reason to believe that the interests of the residents of that State have been or are being threatened or adversely affected because any person has engaged or is engaging in a pattern or practice that violates section 301(l), the State may bring a civil action on behalf of its residents in an appropriate district court of the United States to enjoin such practice, to enforce compliance with such section (including a nationwide injunction), to obtain damages, restitution, or other compensation on behalf of residents of such State, to obtain reasonable attorneys fees and costs if the State prevails in the civil action, or to obtain such further and other relief as the court may deem appropriate.

“(2) NOTICE.—The State shall serve prior written notice of any civil action under paragraph (1) or (5)(B) upon the Secretary and provide the Secretary with a copy of its complaint, except that if it is not feasible for the State to provide such prior notice, the State shall serve such notice immediately upon instituting such action. Upon receiving a notice respecting a civil action, the Secretary shall have the right—

“(A) to intervene in such action;

“(B) upon so intervening, to be heard on all matters arising therein; and

“(C) to file petitions for appeal.

“(3) CONSTRUCTION.—For purposes of bringing any civil action under paragraph (1), nothing in this chapter shall prevent an attorney general of a State from exercising the powers conferred on the attorney general by the laws of such State to conduct investigations or to administer oaths or affirmations or to compel the attendance of witnesses or the production of documentary and other evidence.

“(4) VENUE; SERVICE OF PROCESS.—Any civil action brought under paragraph (1) in a district court of the United States may be brought in the district in which the defendant is found, is an inhabitant, or transacts business or wherever venue is proper under section 1391 of title 28, United States Code. Process in such an action may be served in any district in which the defendant is an inhabitant or in which the defendant may be found.

“(5) ACTIONS BY OTHER STATE OFFICIALS.—

“(A) Nothing contained in this section shall prohibit an authorized State official from proceeding in State court on the basis of an alleged violation of any civil or criminal statute of such State.

“(B) In addition to actions brought by an attorney general of a State under paragraph (1), such an action may be brought by officers of such State who are authorized by the State to bring actions in such State on behalf of its residents.

“(d) EFFECT OF SECTION.—This section shall not apply to a person that is a registered exporter under section 804.

“(e) GENERAL DEFINITIONS.—For purposes of this section:

“(1) The term ‘practitioner’ means a practitioner referred to in section 503(b)(1) with respect to issuing a written or oral prescription.

“(2) The term ‘prescription drug’ means a drug that is described in section 503(b)(1).

“(3) The term ‘qualifying medical relationship’, with respect to a practitioner and a patient, has the meaning indicated for such term in subsection (b).

“(f) INTERNET-RELATED DEFINITIONS.—

“(1) IN GENERAL.—For purposes of this section:

“(A) The term ‘Internet’ means collectively the myriad of computer and telecommunications facilities, including equipment and operating software, which comprise the interconnected world-wide network of networks that employ the transmission control protocol/Internet protocol, or any predecessor or successor protocols to such protocol, to communicate information of all kinds by wire or radio.

“(B) The term ‘link’, with respect to the Internet, means one or more letters, words, numbers, symbols, or graphic items that appear on a page of an Internet site for the purpose of serving, when activated, as a method for executing an electronic command—

“(i) to move from viewing one portion of a page on such site to another portion of the page;

“(ii) to move from viewing one page on such site to another page on such site; or

“(iii) to move from viewing a page on one Internet site to a page on another Internet site.

“(C) The term ‘page’, with respect to the Internet, means a document or other file accessed at an Internet site.

“(D)(i) The terms ‘site’ and ‘address’, with respect to the Internet, mean a specific location on the Internet that is determined by Internet Protocol numbers. Such term includes the domain name, if any.

“(ii) The term ‘domain name’ means a method of representing an Internet address without direct reference to the Internet Protocol numbers for the address, including methods that use designations such as ‘.com’, ‘.edu’, ‘.gov’, ‘.net’, or ‘.org’.

“(iii) The term ‘Internet Protocol numbers’ includes any successor protocol for determining a specific location on the Internet.

“(2) AUTHORITY OF SECRETARY.—The Secretary may by regulation modify any definition under paragraph (1) to take into account changes in technology.

“(g) INTERACTIVE COMPUTER SERVICE; ADVERTISING.—No provider of an interactive computer service, as defined in section 230(f)(2) of the Communications Act of 1934 (47 U.S.C. 230(f)(2)), or of advertising services shall be liable under this section for dispensing or selling prescription drugs in violation of this section on account of another person’s selling or dispensing such drugs, provided that the provider of the interactive computer service or of advertising services does not own or exercise corporate control over such person.

“(h) NO EFFECT ON OTHER REQUIREMENTS; COORDINATION.—The requirements of this section are in addition to, and do not supersede, any requirements under the Controlled Substances Act or the Controlled Substances Import and Export Act (or any regulation promulgated under either such Act) regarding Internet pharmacies and controlled substances. In promulgating regulations to carry out this section, the Secretary shall coordinate with the Attorney General to ensure that such regulations do not duplicate or conflict with the requirements described in the previous sentence, and that such regulations and requirements coordinate to the extent practicable.”

(b) INCLUSION AS PROHIBITED ACT.—Section 301 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 331) is amended by inserting after paragraph (k) the following:

“(l) The dispensing or selling of a prescription drug in violation of section 503C.”

(c) INTERNET SALES OF PRESCRIPTION DRUGS; CONSIDERATION BY SECRETARY OF PRACTICES AND PROCEDURES FOR CERTIFICATION OF LEGITIMATE BUSINESSES.—In carrying out section 503C of the Federal Food, Drug, and Cosmetic Act (as added by subsection (a) of this section), the Secretary of Health and Human Services shall take into consideration the practices and procedures of public or private entities that certify that businesses selling prescription drugs through Internet sites are legitimate businesses, including practices and procedures regarding disclosure formats and verification programs.

(d) REPORTS REGARDING INTERNET-RELATED VIOLATIONS OF FEDERAL AND STATE LAWS ON DISPENSING OF DRUGS.—

(1) IN GENERAL.—The Secretary of Health and Human Services (referred to in this subsection as the “Secretary”) shall, pursuant to the submission of an application meeting the criteria of the Secretary, make an award of a grant or contract to the National Clearinghouse on Internet Prescribing (operated by the Federation of State Medical Boards) for the purpose of—

(A) identifying Internet sites that appear to be in violation of Federal or State laws concerning the dispensing of drugs;

(B) reporting such sites to State medical licensing boards and State pharmacy licensing boards, and to the Attorney General and the Secretary, for further investigation; and

(C) submitting, for each fiscal year for which the award under this subsection is made, a report to the Secretary describing investigations undertaken with respect to violations described in subparagraph (A).

(2) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out paragraph (1), there is authorized to be appropriated \$100,000 for each of the first 3 fiscal years in which this section is in effect.

(e) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) take effect 90 days after the date of enactment of this Act, without regard to whether a final rule to implement such amendments has been promulgated by the Secretary of Health and Human Services under section 701(a) of the Federal Food, Drug, and Cosmetic Act. The preceding sentence may not be construed as affecting the authority of such Secretary to promulgate such a final rule.

SEC. 3008. PROHIBITING PAYMENTS TO UNREGISTERED FOREIGN PHARMACIES.

(a) IN GENERAL.—Section 303 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 333) is amended by adding at the end the following:

“(h) RESTRICTED TRANSACTIONS.—

“(1) IN GENERAL.—The introduction of restricted transactions into a payment system or the completion of restricted transactions using a payment system is prohibited.

“(2) PAYMENT SYSTEM.—

“(A) IN GENERAL.—The term ‘payment system’ means a system used by a person described in subparagraph (B) to effect a credit transaction, electronic fund transfer, or money transmitting service that may be used in connection with, or to facilitate, a restricted transaction, and includes—

“(i) a credit card system;

“(ii) an international, national, regional, or local network used to effect a credit transaction, an electronic fund transfer, or a money transmitting service; and

“(iii) any other system that is centrally managed and is primarily engaged in the transmission and settlement of credit transactions, electronic fund transfers, or money transmitting services.

“(B) PERSONS DESCRIBED.—A person referred to in subparagraph (A) is—

“(i) a creditor;

“(ii) a credit card issuer;

“(iii) a financial institution;

“(iv) an operator of a terminal at which an electronic fund transfer may be initiated;

“(v) a money transmitting business; or

“(vi) a participant in an international, national, regional, or local network used to effect a credit transaction, electronic fund transfer, or money transmitting service.

“(3) RESTRICTED TRANSACTION.—The term ‘restricted transaction’ means a transaction or transmittal, on behalf of an individual who places an unlawful drug importation request to any person engaged in the operation of an unregistered foreign pharmacy, of—

“(A) credit, or the proceeds of credit, extended to or on behalf of the individual for the purpose of the unlawful drug importation request (including credit extended through the use of a credit card);

“(B) an electronic fund transfer or funds transmitted by or through a money transmitting business, or the proceeds of an electronic fund transfer or money transmitting service, from or on behalf of the individual for the purpose of the unlawful drug importation request;

“(C) a check, draft, or similar instrument which is drawn by or on behalf of the individual for the purpose of the unlawful drug importation request and is drawn on or payable at or through any financial institution; or

“(D) the proceeds of any other form of financial transaction (identified by the Board by regulation) that involves a financial institution as a payor or financial intermediary on behalf of or for the benefit of the individual for the purpose of the unlawful drug importation request.

“(4) UNLAWFUL DRUG IMPORTATION REQUEST.—The term ‘unlawful drug importation request’ means the request, or transmittal of a request, made to an unregistered foreign pharmacy for a prescription drug by mail (including a private carrier), facsimile, phone, or electronic mail, or by a means that involves the use, in whole or in part, of the Internet.

“(5) UNREGISTERED FOREIGN PHARMACY.—The term ‘unregistered foreign pharmacy’ means a person in a country other than the United States that is not a registered exporter under section 804.

“(6) OTHER DEFINITIONS.—

“(A) CREDIT; CREDITOR; CREDIT CARD.—The terms ‘credit’, ‘creditor’, and ‘credit card’ have the meanings given the terms in section 103 of the Truth in Lending Act (15 U.S.C. 1602).

“(B) ACCESS DEVICE; ELECTRONIC FUND TRANSFER.—The terms ‘access device’ and ‘electronic fund transfer’—

“(i) have the meaning given the term in section 903 of the Electronic Fund Transfer Act (15 U.S.C. 1693a); and

“(ii) the term ‘electronic fund transfer’ also includes any fund transfer covered under Article 4A of the Uniform Commercial Code, as in effect in any State.

“(C) FINANCIAL INSTITUTION.—The term ‘financial institution’—

“(i) has the meaning given the term in section 903 of the Electronic Transfer Fund Act (15 U.S.C. 1693a); and

“(ii) includes a financial institution (as defined in section 509 of the Gramm-Leach-Bliley Act (15 U.S.C. 6809)).

“(D) MONEY TRANSMITTING BUSINESS; MONEY TRANSMITTING SERVICE.—The terms ‘money transmitting business’ and ‘money transmitting service’ have the meaning given the

terms in section 5330(d) of title 31, United States Code.

“(E) BOARD.—The term ‘Board’ means the Board of Governors of the Federal Reserve System.

“(7) POLICIES AND PROCEDURES REQUIRED TO PREVENT RESTRICTED TRANSACTIONS.—

“(A) REGULATIONS.—The Board shall promulgate regulations requiring—

“(i) an operator of a credit card system;

“(ii) an operator of an international, national, regional, or local network used to effect a credit transaction, an electronic fund transfer, or a money transmitting service;

“(iii) an operator of any other payment system that is centrally managed and is primarily engaged in the transmission and settlement of credit transactions, electronic transfers or money transmitting services where at least one party to the transaction or transfer is an individual; and

“(iv) any other person described in paragraph (2)(B) and specified by the Board in such regulations,

to establish policies and procedures that are reasonably designed to prevent the introduction of a restricted transaction into a payment system or the completion of a restricted transaction using a payment system

“(B) REQUIREMENTS FOR POLICIES AND PROCEDURES.—In promulgating regulations under subparagraph (A), the Board shall—

“(i) identify types of policies and procedures, including nonexclusive examples, that shall be considered to be reasonably designed to prevent the introduction of restricted transactions into a payment system or the completion of restricted transactions using a payment system; and

“(ii) to the extent practicable, permit any payment system, or person described in paragraph (2)(B), as applicable, to choose among alternative means of preventing the introduction or completion of restricted transactions.

“(C) NO LIABILITY FOR BLOCKING OR REFUSING TO HONOR RESTRICTED TRANSACTION.—

“(i) IN GENERAL.—A payment system, or a person described in paragraph (2)(B) that is subject to a regulation issued under this subsection, and any participant in such payment system that prevents or otherwise refuses to honor transactions in an effort to implement the policies and procedures required under this subsection or to otherwise comply with this subsection shall not be liable to any party for such action.

“(ii) COMPLIANCE.—A person described in paragraph (2)(B) meets the requirements of this subsection if the person relies on and complies with the policies and procedures of a payment system of which the person is a member or in which the person is a participant, and such policies and procedures of the payment system comply with the requirements of the regulations promulgated under subparagraph (A).

“(D) ENFORCEMENT.—

“(i) IN GENERAL.—This subsection, and the regulations promulgated under this subsection, shall be enforced exclusively by the Federal functional regulators and the Federal Trade Commission under applicable law in the manner provided in section 505(a) of the Gramm-Leach-Bliley Act (15 U.S.C. 6805(a)).

“(ii) FACTORS TO BE CONSIDERED.—In considering any enforcement action under this subsection against a payment system or person described in paragraph (2)(B), the Federal functional regulators and the Federal Trade Commission shall consider the following factors:

“(I) The extent to which the payment system or person knowingly permits restricted transactions.

“(II) The history of the payment system or person in connection with permitting restricted transactions.

“(III) The extent to which the payment system or person has established and is maintaining policies and procedures in compliance with regulations prescribed under this subsection.

“(8) TRANSACTIONS PERMITTED.—A payment system, or a person described in paragraph (2)(B) that is subject to a regulation issued under this subsection, is authorized to engage in transactions with foreign pharmacies in connection with investigating violations or potential violations of any rule or requirement adopted by the payment system or person in connection with complying with paragraph (7). A payment system, or such a person, and its agents and employees shall not be found to be in violation of, or liable under, any Federal, State or other law by virtue of engaging in any such transaction.

“(9) RELATION TO STATE LAWS.—No requirement, prohibition, or liability may be imposed on a payment system, or a person described in paragraph (2)(B) that is subject to a regulation issued under this subsection, under the laws of any state with respect to any payment transaction by an individual because the payment transaction involves a payment to a foreign pharmacy.

“(10) TIMING OF REQUIREMENTS.—A payment system, or a person described in paragraph (2)(B) that is subject to a regulation issued under this subsection, must adopt policies and procedures reasonably designed to comply with any regulations required under paragraph (7) within 60 days after such regulations are issued in final form.

“(11) COMPLIANCE.—A payment system, and any person described in paragraph (2)(B), shall not be deemed to be in violation of paragraph (1)—

“(A)(i) if an alleged violation of paragraph (1) occurs prior to the mandatory compliance date of the regulations issued under paragraph (7); and

“(ii) such entity has adopted or relied on policies and procedures that are reasonably designed to prevent the introduction of restricted transactions into a payment system or the completion of restricted transactions using a payment system; or

“(B)(i) if an alleged violation of paragraph (1) occurs after the mandatory compliance date of such regulations; and

“(ii) such entity is in compliance with such regulations.”.

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect on the day that is 90 days after the date of enactment of this Act.

(c) IMPLEMENTATION.—The Board of Governors of the Federal Reserve System shall promulgate regulations as required by subsection (h)(7) of section 303 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 333), as added by subsection (a), not later than 90 days after the date of enactment of this Act.

SEC. 3009. IMPORTATION EXEMPTION UNDER CONTROLLED SUBSTANCES IMPORT AND EXPORT ACT.

Section 1006(a)(2) of the Controlled Substances Import and Export Act (21 U.S.C. 956(a)(2)) is amended by striking “not import the controlled substance into the United States in an amount that exceeds 50 dosage units of the controlled substance.” and inserting “import into the United States not more than 10 dosage units combined of all such controlled substances.”.

SEC. 3010. SEVERABILITY.

If any provision of this title, an amendment by this title, or the application of such provision or amendment to any person or circumstance is held to be unconstitutional, the remainder of this title, the amendments made by this title, and the application of the provisions of such to any person or circumstance shall not be affected thereby.

SA 3689. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 4872, to provide for reconciliation pursuant to Title II of the concurrent resolution on the budget for fiscal year 2010 (S. Con. Res. 13); which was ordered to lie on the table; as follows:

At the end of subtitle F of title I, add the following:

SEC. 1502. NO PAY RAISE FOR MEMBERS OF CONGRESS UNTIL THEY BALANCE THE BUDGET.

(a) RESTRICTION ON COLA ADJUSTMENTS.—Notwithstanding any other provision of law, no adjustment shall be made under section 601(a) of the Legislative Reorganization Act of 1946 (2 U.S.C. 31) (relating to cost of living adjustments for Members of Congress) during fiscal year 2011 or any succeeding fiscal year, until the fiscal year following the first fiscal year that the annual Federal budget deficit is \$0 as determined in the report submitted under subsection (b).

(b) DETERMINATIONS AND REPORTS.—

(1) IN GENERAL.—Not later than 30 days after the end of each fiscal year, the Secretary of the Treasury shall—

(A) make a determination of whether or not the annual Federal budget deficit was \$0 for that fiscal year; and

(B) if the determination is that the annual Federal budget deficit was \$0 for that fiscal year, submit a report to Congress of that determination.

(2) RESTRICTION OF COLA ADJUSTMENTS.—Not later than the end of each calendar year, the Secretary of the Treasury shall submit a report to the Secretary of the Senate and the Chief Administrative Officer of the House of Representatives on—

(A) any determination made under paragraph (1); and

(B) whether or not the restriction under subsection (a) shall apply to the succeeding fiscal year.

SA 3690. Mr. BROWNBACK submitted an amendment intended to be proposed by him to the bill H.R. 4872, to provide for reconciliation pursuant to Title II of the concurrent resolution on the budget for fiscal year 2010 (S. Con. Res. 13); which was ordered to lie on the table; as follows:

On page 113, after line 21, add the following:

SEC. 1502. RELOCATION OF THE UNITED STATES EMBASSY TO JERUSALEM.

(a) REMOVAL OF WAIVER AUTHORITY.—The Jerusalem Embassy Act of 1995 (Public Law 104-45; 109 Stat. 398) is amended—

(1) by striking section 7; and

(2) by redesignating section 8 as section 7.

(b) TIMETABLE.—Not more than 50 percent of the funds appropriated to the Department of State for fiscal year 2012 for “Acquisition and Maintenance of Buildings Abroad” may be obligated until the Secretary of State determines and reports to Congress that the United States Embassy in Jerusalem has officially opened.

(c) FISCAL YEARS 2010 AND 2011 FUNDING.—

(1) FISCAL YEAR 2010.—Of the funds authorized to be appropriated for “Acquisition and Maintenance of Buildings Abroad” for the Department of State for fiscal year 2010, such sums as may be necessary shall be made available until expended only for construction and other costs associated with the establishment of the United States Embassy in Israel in the capital of Jerusalem.

(2) FISCAL YEAR 2011.—Of the funds authorized to be appropriated for “Acquisition and Maintenance of Buildings Abroad” for the Department of State for fiscal year 2011, such sums as may be necessary shall be made available until expended only for construction and other costs associated with the establishment of the United States Embassy in Israel in the capital of Jerusalem.

(d) DEFINITION.—In this section, the term “United States Embassy” means the offices of the United States diplomatic mission and the residence of the United States chief of mission.

SA 3691. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill H.R. 4872, to provide for reconciliation pursuant to Title II of the concurrent resolution on the budget for fiscal year 2010 (S. Con. Res. 13); which was ordered to lie on the table; as follows:

At the end of subtitle F of title I, add the following:

SEC. 1502. PAYMENT FOR ILLEGAL UNAPPROVED DRUGS.

(a) LISTING OF DRUGS AND DEVICES.—Section 510 of the Food, Drug and Cosmetic Act (21 U.S.C. 360) is amended—

(1) in subsection (j)(1)(B)—

(A) in clause (i), by inserting “in the case of a drug, the authority under this Act that does not require such drug to be subject to section 505 and section 512,” after “labeling for such drug or device,”; and

(B) in clause (ii), by inserting “, in the case of a drug, the authority under this Act that does not require such drug to be subject to section 505 and section 512,” after “for such drug or device”; and

(2) in subsection (f)—

(A) by striking “(f) The Secretary” and inserting the following:

“(f) INSPECTION BY PUBLIC OF REGISTRATION.—

“(1) IN GENERAL.—The Secretary”; and

(B) by adding at the end the following:

“(2) LIST OF DRUGS THAT ARE NOT APPROVED UNDER SECTION 505 OR 512.—Not later than January 1, 2011, the Secretary shall make available to the public on the Internet website of the Food and Drug Administration a list that includes, for each drug described in subsection (j)(1)(B)—

“(A) the drug;

“(B) the person who listed such drug; and

“(C) the authority under this Act that does not require such drug to be subject to section 505 and section 512, as provided by such person in such list.”.

(b) PAYMENT FOR COVERED OUTPATIENT DRUGS.—Section 1927 of the Social Security Act (42 U.S.C. 1396r-8) is amended by inserting at the end the following:

“(1) CONDITION.—Beginning January 1, 2011, no State shall make any payment under this section for any covered outpatient drug unless such State first verifies with the Food and Drug Administration that such covered outpatient drug has been approved by the Food and Drug Administration under a new drug application under section 505(b) of the

Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(b)) or an abbreviated new drug application under section 505(j) of such Act, or that such drug is not subject to such section 505 or section 512 due to the application of section 201(p) of such Act (21 U.S.C. 321(p)). The Secretary shall have the authority to proscribe regulations to create an information sharing protocol to allow States to verify that a covered outpatient drug has been approved by the Food and Drug Administration.”.

SA 3692. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill H.R. 4872, to provide for reconciliation pursuant to Title II of the concurrent resolution on the budget for fiscal year 2010 (S. Con. Res. 13); as follows:

On page 82, after line 9, insert the following:

SEC. ——. EXTENSION AND EXPANSION OF OVERSIGHT FOR CLAIMS OF DME SUPPLIERS.

Section 1866(j) of the Social Security Act, as amended by section 1304, is further amended—

(1) in paragraph (4)—

(A) in the heading, by striking “90-DAY” and inserting “180-DAY”; and

(B) by striking “90-day” and inserting “180-day”;.

(2) by redesignating paragraphs (5) through (8) as paragraphs (6) through (9), respectively; and

(3) by inserting after paragraph (4) the following new paragraph:

“(5) 180-DAY PERIOD OF ENHANCED OVERSIGHT AND ADDITIONAL REVIEW FOR OTHER CLAIMS OF DME SUPPLIERS.—For periods beginning after January 1, 2011, if the Secretary determines that there is a significant risk of fraudulent activity among suppliers of durable medical equipment, in the case of a supplier of durable medical equipment not described in paragraph (4) who is within a category or geographic area under title XVIII identified pursuant to such determination, the Secretary shall, notwithstanding sections 1816(c), 1842(c), and 1869(a)(2)—

“(A) withhold payment under such title with respect to durable medical equipment furnished by such supplier during the 180-day period beginning on the date of such determination; and

“(B) conduct a review of claims for payment under such title with respect to durable medical equipment furnished by such supplier submitted during the 12-month period prior to the date of such determination.”.

SA 3693. Ms. MURKOWSKI submitted an amendment intended to be proposed by him to the bill H.R. 4872, to provide for reconciliation pursuant to Title II of the concurrent resolution on the budget for fiscal year 2010 (S. Con. Res. 13); as follows:

In section 1402, strike subsection (a).

SA 3694. Mr. GRAHAM submitted an amendment intended to be proposed by him to the bill H.R. 4872, to provide for reconciliation pursuant to Title II of the concurrent resolution on the budget for fiscal year 2010 (S. Con. Res. 13); as follows:

On page 144, between lines 2 and 3, insert the following:

SEC. 2214. SAVINGS TO FUND FEDERAL PELL GRANTS.

Notwithstanding any other provision of this Act, the savings resulting from this subtitle that are spent on healthcare under subtitle B shall instead be used to provide additional funding for the Federal Pell Grant program under section 401 of the Higher Education Act of 1965 (20 U.S.C. 1070a), in order to address budgetary shortfalls for such program for fiscal years 2010 through 2019.

SA 3695. Mr. ALEXANDER submitted an amendment intended to be proposed by him to the bill H.R. 4872, to provide for reconciliation pursuant to Title II of the concurrent resolution on the budget for fiscal year 2010 (S. Con. Res. 13); which was ordered to lie on the table; as follows:

On page 143, strike lines 1 through 13 and insert the following:

“(7) INTEREST RATE DISCLOSURE.—

“(A) PROVISION OF ASSISTANCE.—The Secretary shall provide annual disclosures to student and parent borrowers of student loans under this part on the annual and cumulative difference of the interest rate and amounts owed in interest paid by the student, as compared to the interest rate paid by the Department of Education to the Department of the Treasury.

“(B) FUNDS.—There are authorized to be appropriated, and there are appropriated, to carry out this paragraph (in addition to any other amounts appropriated to carry out this paragraph and out of any money in the Treasury not otherwise appropriated), \$5,000,000 for each of the fiscal years 2010 through 2019.”.

SA 3696. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill H.R. 4872, to provide for reconciliation pursuant to Title II of the concurrent resolution on the budget for fiscal year 2010 (S. Con. Res. 13); which was ordered to lie on the table; as follows:

Strike section 1002 and insert the following:

SEC. 1002. REPEAL OF INDIVIDUAL MANDATE.

Sections 1501 and 1502 and subsections (a), (b), (c), and (d) of section 10106 of the Patient Protection and Affordable Care Act (and the amendments made by such sections and subsections) are repealed and the Internal Revenue Code of 1986 shall be applied and administered as if such provisions and amendments had never been enacted.

SA 3697. Mr. BROWNBACK submitted an amendment intended to be proposed by him to the bill H.R. 4872, to provide for reconciliation pursuant to Title II of the concurrent resolution on the budget for fiscal year 2010 (S. Con. Res. 13); which was ordered to lie on the table; as follows:

At the end of section 1402(a), insert the following:

(5) INFLATION ADJUSTMENT.—Section 1411 of the Internal Revenue Code of 1986, as added by paragraph (1), is amended by adding at the end the following new subsection:

“(f) ADJUSTMENT FOR INFLATION.—In the case of any taxable year beginning after December 31, 2013, each of the dollar amounts under paragraphs (1) and (3) of subsection (b), subparagraphs (A) and (C) of section 3101(b)(2), and clauses (i) and (iii) of section

1401(b)(2)(A) shall be increased by an amount equal to—

“(1) such amount, multiplied by
“(2) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year in which such taxable year begins by substituting ‘calendar year 2012’ for ‘calendar year 1992’ in subparagraph (B) thereof. If any increase determined under this subsection is not a multiple of \$1,000, such increase shall be rounded to the next lowest multiple of \$1,000.”.

SA 3698. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill H.R. 4872, to provide for reconciliation pursuant to Title II of the concurrent resolution on the budget for fiscal year 2010 (S. Con. Res. 13); which was ordered to lie on the table; as follows:

At the end of subtitle F of title I, insert the following:

SEC. 1. LIMITATION ON APPLICATION OF ACTS.

Notwithstanding any other provision of law, the Secretary of Health and Human Services shall not implement the Patient Protection and Affordable Care Act and the Health Care and Education Reconciliation Act of 2010 until the Office of the Actuary at the Centers for Medicare & Medicaid Services certifies to Congress that such Acts will reduce National health expenditures relative to the level of such expenditures under current law.

SA 3699. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill H.R. 4872, to provide for reconciliation pursuant to Title II of the concurrent resolution on the budget for fiscal year 2010 (S. Con. Res. 13); as follows:

At the end of the bill, insert:

TITLE III—TEMPORARY EXTENSION OF CERTAIN PROGRAMS

SEC. 300. SHORT TITLE.

This title may be cited as the “Continuing Extension Act of 2010”.

SEC. 301. EXTENSION OF UNEMPLOYMENT INSURANCE PROVISIONS.

(a) IN GENERAL.—(1) Section 4007 of the Supplemental Appropriations Act, 2008 (Public Law 110-252; 26 U.S.C. 3304 note) is amended—

(A) by striking “April 5, 2010” each place it appears and inserting “May 5, 2010”;

(B) in the heading for subsection (b)(2), by striking “APRIL 5, 2010” and inserting “MAY 5, 2010”; and

(C) in subsection (b)(3), by striking “September 4, 2010” and inserting “October 2, 2010”.

(2) Section 2002(e) of the Assistance for Unemployed Workers and Struggling Families Act, as contained in Public Law 111-5 (26 U.S.C. 3304 note; 123 Stat. 438), is amended—

(A) in paragraph (1)(B), by striking “April 5, 2010” and inserting “May 5, 2010”;

(B) in the heading for paragraph (2), by striking “APRIL 5, 2010” and inserting “MAY 5, 2010”; and

(C) in paragraph (3), by striking “October 5, 2010” and inserting “November 5, 2010”.

(3) Section 2005 of the Assistance for Unemployed Workers and Struggling Families Act, as contained in Public Law 111-5 (26 U.S.C. 3304 note; 123 Stat. 444), is amended—

(A) by striking “April 5, 2010” each place it appears and inserting “May 5, 2010”; and

(B) in subsection (c), by striking “September 4, 2010” and inserting “October 2, 2010”.

(4) Section 5 of the Unemployment Compensation Extension Act of 2008 (Public Law 110-449; 26 U.S.C. 3304 note) is amended by striking “September 4, 2010” and inserting “October 2, 2010”.

(b) FUNDING.—Section 4004(e)(1) of the Supplemental Appropriations Act, 2008 (Public Law 110-252; 26 U.S.C. 3304 note) is amended—

(1) in subparagraph (C), by striking “and” at the end;

(2) by inserting after subparagraph (D) the following new subparagraph:

“(E) the amendments made by section 2(a)(1) of the Continuing Extension Act of 2010; and”.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the amendments made by section 2 of the Temporary Extension Act of 2010 (Public Law 111-144).

SEC. 302. EXTENSION AND IMPROVEMENT OF PREMIUM ASSISTANCE FOR COBRA BENEFITS.

Subsection (a)(3)(A) of section 3001 of division B of the American Recovery and Reinvestment Act of 2009 (Public Law 111-5), as amended by section 3(a) of the Temporary Extension Act of 2010 (Public Law 111-144), is amended by striking “March 31, 2010” and inserting “April 30, 2010”.

SEC. 303. INCREASE IN THE MEDICARE PHYSICIAN PAYMENT UPDATE.

Paragraph (10) of section 1848(d) of the Social Security Act, as added by section 1011(a) of the Department of Defense Appropriations Act, 2010 (Public Law 111-118) and as amended by section 5 of the Temporary Extension Act of 2010 (Public Law 111-144), is amended—

(1) in subparagraph (A), by striking “March 31, 2010” and inserting “April 30, 2010”; and

(2) in subparagraph (B), by striking “April 1, 2010” and inserting “May 1, 2010”.

SEC. 304. EHR CLARIFICATION.

(a) QUALIFICATION FOR CLINIC-BASED PHYSICIANS.—

(1) MEDICARE.—Section 1848(o)(1)(C)(ii) of the Social Security Act (42 U.S.C. 1395w-4(o)(1)(C)(ii)) is amended by striking “setting (whether inpatient or outpatient)” and inserting “inpatient or emergency room setting”.

(2) MEDICAID.—Section 1903(t)(3)(D) of the Social Security Act (42 U.S.C. 1396b(t)(3)(D)) is amended by striking “setting (whether inpatient or outpatient)” and inserting “inpatient or emergency room setting”.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall be effective as if included in the enactment of the HITECH Act (included in the American Recovery and Reinvestment Act of 2009 (Public Law 111-5)).

(c) IMPLEMENTATION.—Notwithstanding any other provision of law, the Secretary of Health and Human Services may implement the amendments made by this section by program instruction or otherwise.

SEC. 305. ELIMINATION OF A SWEETHEART DEAL THAT INCREASES MEDICARE REIMBURSEMENT JUST FOR FRONTIER STATES.

Effective as if included in the enactment of the Patient Protection and Affordable Care Act, section 10324 of such Act (and the amendments made by such section) is repealed.

SEC. 306. EXTENSION OF USE OF 2009 POVERTY GUIDELINES.

Section 1012 of the Department of Defense Appropriations Act, 2010 (Public Law 111-

118), as amended by section 7 of the Temporary Extension Act of 2010 (Public Law 111-144), is amended by striking “March 31, 2010” and inserting “April 30, 2010”.

SEC. 307. EXTENSION OF NATIONAL FLOOD INSURANCE PROGRAM.

(a) EXTENSION.—Section 129 of the Continuing Appropriations Resolution, 2010 (Public Law 111-68), as amended by section 8 of Public Law 111-144, is amended by striking “by substituting” and all that follows through the period at the end and inserting “by substituting April 30, 2010, for the date specified in each such section.”.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall be considered to have taken effect on February 28, 2010.

SEC. 308. SATELLITE TELEVISION EXTENSION.

(a) AMENDMENTS TO SECTION 119 OF TITLE 17, UNITED STATES CODE.—

(1) IN GENERAL.—Section 119 of title 17, United States Code, is amended—

(A) in subsection (c)(1)(E), by striking “March 28, 2010” and inserting “April 30, 2010”; and

(B) in subsection (e), by striking “March 28, 2010” and inserting “April 30, 2010”.

(2) TERMINATION OF LICENSE.—Section 1003(a)(2)(A) of Public Law 111-118 is amended by striking “March 28, 2010”, and inserting “April 30, 2010”.

(b) AMENDMENTS TO COMMUNICATIONS ACT OF 1934.—Section 325(b) of the Communications Act of 1934 (47 U.S.C. 325(b)) is amended—

(1) in paragraph (2)(C), by striking “March 28, 2010” and inserting “April 30, 2010”; and

(2) in paragraph (3)(C), by striking “March 29, 2010” each place it appears in clauses (ii) and (iii) and inserting “May 1, 2010”.

SEC. 309. COMPENSATION AND RATIFICATION OF AUTHORITY RELATED TO LAPSE IN HIGHWAY PROGRAMS.

(a) COMPENSATION FOR FEDERAL EMPLOYEES.—Any Federal employees furloughed as a result of the lapse in expenditure authority from the Highway Trust Fund after 11:59 p.m. on February 28, 2010, through March 2, 2010, shall be compensated for the period of that lapse at their standard rates of compensation, as determined under policies established by the Secretary of Transportation.

(b) RATIFICATION OF ESSENTIAL ACTIONS.—All actions taken by Federal employees, contractors, and grantees for the purposes of maintaining the essential level of Government operations, services, and activities to protect life and property and to bring about orderly termination of Government functions during the lapse in expenditure authority from the Highway Trust Fund after 11:59 p.m. on February 28, 2010, through March 2, 2010, are hereby ratified and approved if otherwise in accord with the provisions of the Continuing Appropriations Resolution, 2010 (division B of Public Law 111-68).

(c) FUNDING.—Funds used by the Secretary to compensate employees described in subsection (a) shall be derived from funds previously authorized out of the Highway Trust Fund and made available or limited to the Department of Transportation by the Consolidated Appropriations Act, 2010 (Public Law 111-117) and shall be subject to the obligation limitations established in such Act.

(d) EXPENDITURES FROM HIGHWAY TRUST FUND.—To permit expenditures from the Highway Trust Fund to effectuate the purposes of this section, this section shall be deemed to be a section of the Continuing Appropriations Resolution, 2010 (division B of Public Law 111-68), as in effect on the date of the enactment of the last amendment to such Resolution.

SEC. 310. USE OF STIMULUS FUNDS TO OFFSET SPENDING.

The unobligated balance of each amount appropriated or made available under the American Recovery and Reinvestment Act of 2009 (Public Law 111-5) (other than under title X of division A of such Act) is rescinded pro rata such that the aggregate amount of such rescissions equals \$9,200,000,000 in order to offset the net increase in spending resulting from the provisions of, and amendments made by, sections 2 through 10. The Director of the Office of Management and Budget shall report to each congressional committee the amounts so rescinded within the jurisdiction of such committee.

SEC. 311. ELIMINATION OF ADVANCE REFUNDABILITY OF EARNED INCOME CREDIT.

(a) IN GENERAL.—Section 3507, subsection (g) of section 32, and paragraph (7) of section 6051(a) are repealed.

(b) CONFORMING AMENDMENTS.—

(1) Section 6012(a) is amended by striking paragraph (8) and by redesignating paragraph (9) as paragraph (8).

(2) Section 6302 is amended by striking subsection (i).

(c) EFFECTIVE DATE.—The repeals and amendments made by this section shall apply to taxable years beginning after December 31, 2010.

AUTHORITY FOR COMMITTEES TO MEET**COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS**

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on March 24, 2010, at 10 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON PERSONNEL

Mr. REED. Mr. President, I ask unanimous consent that the Subcommittee on Personnel of the Committee on Armed Services be authorized to meet during the session of the Senate on March 24, 2010, at 10 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. BINGAMAN. Mr. President, I ask unanimous consent that Nassim

Zecavati and Jason Ackleson, who are fellows in my office, be granted the privilege of the floor during the pendency of H.R. 4872, the health care reconciliation bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that Brittney Baldof of my staff be granted floor privileges for the duration of the debate.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. CASEY. Mr. President, I ask unanimous consent that a fellow in my office, Avni Shridharani, be granted floor privileges for the remainder of the Senate's consideration of H.R. 4872.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR THURSDAY, MARCH 25, 2010

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that when the Senate completes its business, it adjourn until 9:45 a.m. today, Thursday, March 25; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate resume consideration of H.R. 4872, as provided for under the previous order.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. WHITEHOUSE. Mr. President, Senators should expect a series of roll-call votes in relation to amendments and motions to the reconciliation bill at approximately 9:45 a.m.

Under the agreement reached tonight, we expect to complete action on the bill around 2 o'clock tomorrow. There are other matters that need to be considered during tomorrow's session. Therefore, Senators should be prepared for additional votes upon disposition of the bill.

ADJOURNMENT UNTIL 9:45 A.M.

Mr. WHITEHOUSE. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it adjourn under the previous order.

There being no objection, the Senate, at 2:56 a.m., adjourned until Thursday, March 25, 2010, at 9:45 a.m.

NOMINATIONS

Executive nominations received by the Senate:

EXECUTIVE OFFICE OF THE PRESIDENT

CARL WIEMAN, OF COLORADO, TO BE AN ASSOCIATE DIRECTOR OF THE OFFICE OF SCIENCE AND TECHNOLOGY POLICY, VICE SHARON LYNN HAYS, RESIGNED.

CHEMICAL SAFETY AND HAZARD INVESTIGATION BOARD

RAFAEL MOURE-ERASO, OF MASSACHUSETTS, TO BE CHAIRPERSON OF THE CHEMICAL SAFETY AND HAZARD INVESTIGATION BOARD FOR A TERM OF FIVE YEARS, VICE JOHN S. BRESLAND, RESIGNED.

RAFAEL MOURE-ERASO, OF MASSACHUSETTS, TO BE A MEMBER OF THE CHEMICAL SAFETY AND HAZARD INVESTIGATION BOARD FOR A TERM OF FIVE YEARS, VICE GARY LEE VISSCHER, TERM EXPIRED.

MARK A. GRIFFON, OF NEW HAMPSHIRE, TO BE A MEMBER OF THE CHEMICAL SAFETY AND HAZARD INVESTIGATION BOARD FOR A TERM OF FIVE YEARS, VICE CAROLYN W. MERRITT, TERM EXPIRED.

ASIAN DEVELOPMENT BANK

ROBERT M. ORR, OF FLORIDA, TO BE UNITED STATES DIRECTOR OF THE ASIAN DEVELOPMENT BANK, WITH THE RANK OF AMBASSADOR, VICE CURTIS S. CHIN.

DISCHARGED NOMINATION

The Senate Committee on Homeland Security and Governmental Affairs was discharged from further consideration of the following nomination under the authority of the order of the Senate of 01/07/2009 and the nomination was placed on the Executive Calendar:

*ARTHUR ALLEN ELKINS, JR., OF MARYLAND, TO BE INSPECTOR GENERAL, ENVIRONMENTAL PROTECTION AGENCY.

*Nominee has committed to respond to requests to appear and testify before any duly constituted committee of the Senate.

EXTENSIONS OF REMARKS

RYAN EDDY HOUGHTALING

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 24, 2010

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Ryan Eddy Houghtaling. Ryan is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 376, and earning the most prestigious award of Eagle Scout.

Ryan has been very active with his troop, participating in many Scout activities. Over the many years Ryan has been involved with Scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community. Most notably, Ryan has earned the rank of Warrior in the Tribe of Mic-O-Say. Ryan has also contributed to his community through his Eagle Scout project. Ryan planned and coordinated the construction of two 8x8 cement pads for bench swings for the Immacolata Manor home for developmentally disabled women in Liberty, Missouri.

Madam Speaker, I proudly ask you to join me in commending Ryan Eddy Houghtaling for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

TRIBUTE TO VICTOR ROSADO,
CARLOS ROSADO, AND QUINTON
GUNDOLF

HON. PARKER GRIFFITH

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 24, 2010

Mr. GRIFFITH. Madam Speaker, I rise today to pay tribute to three brave Boy Scouts. These young men—two brothers, Victor and Carlos Rosado of Madison, Alabama, and their cousin, Quinton Gundolf of Camden, Arkansas—were on a family vacation in Puerto Rico. They were enjoying themselves on the beach when they noticed a man struggling amid the waves. Without regard for their own safety, these young men bravely swam out to help the man to shore. It was clear that, without their intervention, this man would not have survived this harrowing experience. These young men acted bravely and decisively to save a life. Entering the water to help a man who is struggling for his life is a very dangerous undertaking indeed. However, the American Spirit is epitomized by such selfless acts. For that, I commend them and wish them the best of luck in their future endeavors.

IN HONOR OF WILSON PICKETT

HON. BOBBY BRIGHT

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 24, 2010

Mr. BRIGHT. Madam Speaker, I come to the floor today to recognize the life and artistic contributions of a son of the Second District of Alabama—Wilson Pickett. Pickett was born March 18, 1941, in Prattville, Alabama, and first developed his musical talents singing in local Baptist church choirs. Despite a difficult childhood, Pickett used his undeniable talent to begin performing gospel music professionally and soon transitioned into soul and R&B music, joining the Falcons in 1959. Pickett quickly gained recognition for his songwriting skills as well as his powerful and distinctive voice. While Pickett was successful with various singles in the early sixties, he achieved his first national chart-topping single with the hit “In the Midnight Hour” in 1965. This hit launched Pickett onto the soul and R&B scene and his Billboard success continued with such hits as “Land of 1,000 Dances,” “Mustang Sally,” and “Funky Broadway.”

In acknowledgment of his unique contributions to American soul and R&B music, Wilson Pickett was inducted into the Rock & Roll Hall of Fame in 1991. Wilson Pickett remains an integral part of the rich musical heritage of Southeast Alabama that includes Hank Williams, Lionel Richie, Martha Reeves, and Nat King Cole. Pickett passed away in 2006 and left behind a legacy of soulful melodies and gifted songwriting that will be enjoyed by his legions of fans for many years to come.

ZACHARY WILLIAM KESNER

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 24, 2010

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Zachary William Kesner. Zachary is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 376, and earning the most prestigious award of Eagle Scout.

Zachary has been very active with his troop, participating in many Scout activities. Over the many years Zachary has been involved with Scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community. Most notably, Zachary has earned the rank of Tom-tom Beater in the Tribe of Mic-O-Say. Zachary has also contributed to his community through his Eagle Scout project. Zachary planned and coordinated the construction of handicap accessible deer blinds at Kelsey Short Youth Camp at Smithville Lake.

Madam Speaker, I proudly ask you to join me in commending Zachary William Kesner for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

STATEMENT IN SUPPORT OF H.R.
4840, A BILL TO NAME A POST
OFFICE IN HONOR OF CLARENCE
D. LUMPKIN

HON. MARY JO KILROY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 24, 2010

Ms. KILROY. Madam Speaker, I rise today in strong support of H.R. 4840, a bill to designate the facility of the United States Postal Service located at 1979 Cleveland Avenue in Columbus, Ohio, as the “Clarence D. Lumpkin Post Office” in honor of Clarence Lumpkin, a long-time community activist who has worked tirelessly on behalf of his Columbus neighborhood of Linden. Mr. Lumpkin has had a profound impact on many families in central Ohio, and his community involvement and activism have helped ensure that the Linden community retains its post office.

Growing up in the rural South, Clarence Lumpkin first moved to the Linden neighborhood after serving in the Army during World War II. Proving to be a tireless community activist, Mr. Lumpkin became affectionately known as “the Mayor of Linden” for his efforts. He successfully advocated for the needs of his community numerous times over the past several decades, persuading the city to separate storm and sanitation sewers to stop basement flooding, to build a long-needed new fire station, and ensuring the Department of Transportation did not divide the Linden community with interstate highway construction. His many accomplishments also include his work with the Community Development Block Grant task force to secure home improvement grants for seniors and low-interest loans for Linden residents, leading anti-drug marches, and making Linden the first inner city community with lights on every residential street.

Mr. Lumpkin once presented a speech before the Columbus City Council in 1974 regarding the needs of the Linden community, calling for “a point of pride” to be developed to motivate interest in Linden and give the community a sense of direction. His vision became reality in 2007 with the dedication of the “Clarence D. Lumpkin Point of Pride Building,” the last building to be built by the Greater Linden Development Corporation as a part of its Four Corners Vision Plan for commercial redevelopment, and a testament to his diligence and activism.

As a father, grandfather, and mentor, Mr. Lumpkin worked to instill in others the same

● This “bullet” symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

virtues of hard work and community involvement that drive him. His son, Doug, and his daughter, Carolyn, who worked with me during my time as a county commissioner, continue his legacy of public service through their work in state and local government. Mr. Lumpkin also had a tremendous impact as a mentor through the Simba program, a program in which African-American men mentor African-American boys, most of whom have no father or other adult male in their lives. Because of his efforts, a young man Mr. Lumpkin mentored is expected to graduate from college in 2011.

I am proud to be a cosponsor of this legislation and to recognize Mr. Lumpkin's many achievements and decades of service to his community. I urge my colleagues to join me in honoring Clarence Lumpkin and his lifetime of community involvement and activism by supporting the passage of H.R. 4840.

STARKS, A LEGEND IN POLITICS, DIES

HON. TIM RYAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 24, 2010

Mr. RYAN of Ohio. Madam Speaker, I submit the following.

STARKS, "A LEGEND IN POLITICS," DIES

By David Skolnick

Even though Herman "Pete" Starks last held office in 1985, he remained a local political force. Starks, 80, died Sunday.

The local political icon served 22 years as the city's 2nd Ward councilman, representing most of the East side. Sparks spent 17 of those years as chairman of the council's powerful finance committee.

"He was very instrumental in my campaign," said Councilman DeMaine Kitchen, D-2nd, elected in 2007. "He was a sounding board for my campaign. He was a legend in politics in the Mahoning Valley."

Starks was elected to his first two-year term on council in 1963. When he was re-elected in 1973, he became the first person to serve six consecutive terms as a representative of any ward in the city.

Starks was elected 11 straight times before opting not to run for his council seat in 1985. Instead, Starks ran for mayor that year, losing the Democratic Primary to Patrick Ungaro.

Ungaro served on council with Starks for six years as council president. Ungaro was elected mayor in 1983, serving 14 years in the capacity, and is Liberty Township's administrator.

"We fought like cats and dogs, but we shook hands when we were done," Ungaro said. "He was a dominant person in government. Even after Pete left office, his influence was enormous and overwhelming with council. He was still the person you had to work with."

James E. Fortune Sr., a former 24-year council member, served six of those years with Starks.

"He was a teacher," Fortune said, "I learned so much from Pete, particularly about finances. When he was on council, he was practically the leader of the city. We had the utmost respect for him."

George M. McKelvey, a former 3rd Ward councilman and eight-year mayor, started

his political career sitting next to Starks at council meetings.

"I am, still to this day impressed with his knowledge," he said. "When he talked, I listened. His best qualities were his loyalty and honesty. With Pete Starks, his word was his bond."

When Jay Williams announced he was running for mayor in 2005, Starks called him.

"He said, 'You're going to be mayor,'" said Williams, who won that race and was re-elected to a second four-year term last year. "He said it so matter of fact like the sun will come up tomorrow."

Williams said Starks "was never shy about offering his advice and perspective. You always knew where Pete stood."

Councilman Jamael Tito Brown, D-3rd, and currently chairman of the finance committee, said the would speak with Starks from time to time about city finances.

"He was legendary in the city," Brown said. "He was still on top of things in city government" before his death.

Funeral arrangements being handled by L.E. Black Phillips & Holden.

HONORING JOHN KOHLER

HON. BRIAN HIGGINS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 24, 2010

Mr. HIGGINS. Madam Speaker, I rise today to pay tribute to the years of service given to the people of Chautauqua County by Mr. John Kohler. Mr. Kohler served his constituency faithfully and just during his tenure as the Hannover Town Justice.

Public service is a difficult and fulfilling career. Any person with a dream may enter but only a few are able to reach the end. Mr. Kohler served his term with his head held high and a smile on his face the entire way. I have no doubt that his kind demeanor left a lasting impression on the people of Chautauqua County.

We are truly blessed to have such strong individuals with a desire to make this county the wonderful place that we all know it can be. Mr. Kohler is one of those people and that is why Madam Speaker I rise in tribute to him today.

HONORING LAVERNE JONES- FERRETTE

HON. DONNA M. CHRISTENSEN

OF THE VIRGIN ISLANDS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 24, 2010

Mrs. CHRISTENSEN. Madam Speaker, I rise to proudly offer my congratulations, on behalf of Virgin Islanders everywhere, to Laverne Jones-Ferrette, number one in the world in the 60 meters with a time of 6.97, the first woman to run under the 7.00 seconds barrier in over a decade and a semi-finalist at the IAAF World Indoor Championships in Doha, Qatar. I also congratulate Tabarie Henry, a third year student at Texas A&M University who is listed by the International Association of Athletic Federations as the number one 400 meter runner in the world.

The Virgin Islands, with a population of roughly 120,000, has produced legends in

every field who continue to be part of the fabric of America, and these two outstanding native Virgin Islanders, through their hard work, have made their contributions in sports that have brought worldwide recognition to them and to U.S. Virgin Islands.

There are also other outstanding members of the V.I. National Track and Field Team who continue to excel in their respective events: Adrian Durant—100 meter; Leslie Murray—400 meter hurdles; Calvin Dascent—400 400 meter and 4 100 meter relay; David Walters—4 100 meter relay; Terry Charles—4 400 meter relay; Leon Hunt—long jump; Muhammad Halim—triple jump; Allison Peter—200 meter; Courtney Patterson—100 meter; Wyanetta Kirby—long jump and 100 meter hurdles and Desiree King—800 meter and 400 meter hurdles.

Madam Speaker, I ask my colleagues to join me in saluting Laverne on earning a silver medal at the IAAF World Indoor Championships in Qatar, Tabarie, and all of our athletes and wish them god-speed as they continue to shine.

PERSONAL EXPLANATION

HON. PATRICK J. KENNEDY

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 24, 2010

Mr. KENNEDY. Madam Speaker, on rollcall Nos. 172—Previous Question to H. Res. 1205; 173—H. Res. 1205; 174—H.J. Res. 80; 175—H. Res. 1186; 176—H.R. 3976; 177—H.R. 4592; I was keynote Speaker at L.A.S.A. Dinner hosted by former H.E.W. Secretary Joe Califano. Had I been present, I would have voted "yes."

HONORING REV. VINCENT M. COOKE

HON. BRIAN HIGGINS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 24, 2010

Mr. HIGGINS. Madam Speaker, I rise today to recognize the many accomplishments of Rev. Vincent M. Cooke, S.J. Since becoming President of Buffalo's Canisius College in 1993, Rev. Cooke has steadily advanced everything from the school's faculty to its residence halls, making Canisius into the distinguished institution it is today.

Rev. Cooke began his Presidency at Canisius with the mantra, "nothing less than quality would be acceptable." He has certainly followed through on these words. During his time at Canisius, Rev. Cooke has restored and enhanced the school's residence halls, Old Main and Lyons Hall, as well as its award-winning Montante Cultural Center. He began a 17 month, \$22 million upgrade of Canisius' technological resources, creating more than 50 state-of-the-art classrooms.

Rev. Cooke's dedication to excellence extends far beyond Canisius' facilities; not only did he raise the school's academic standards, Rev. Cooke also increased Canisius' applicant

pool outside of Western New York and offered additional merit-based aid and scholarship assistance to the most qualified students. He dedicated himself to hiring the best possible faculty and, over the past decade, has increased the number of courses taught by full-time faculty while decreasing Canisius' student-to-faculty ratio.

Rev. Cooke's successes have meant so much for Canisius College; however the benefits of his work have extended to the surrounding community as well. Through his win-win approach to community relations Rev. Cooke helped to establish a partnership with Fannie Mae and Hunt Real Estate, creating the Employer Assisted Housing Program which provides incentives for college employees to buy homes close to campus. His efforts to preserve historic campus buildings have invigorated the surrounding community while an increase in policing efforts have made the campus and neighboring communities a safer place.

Madam Speaker, it is my honor to recognize Rev. Cooke for his copious achievements. His work as an educator, innovator, and leader has bettered not only Canisius College but all of Western New York as well.

H.R. 4840, TO DESIGNATE THE FACILITY OF THE UNITED STATES POSTAL SERVICE LOCATED AT 1979 CLEVELAND AVENUE IN COLUMBUS, OHIO, AS THE "CLARENCE D. LUMPKIN POST OFFICE"

HON. PATRICK J. TIBERI

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 24, 2010

Mr. TIBERI. Madam Speaker, I rise today to express my support for H.R. 4840, the bill to designate the facility of the United States Postal Service located at 1979 Cleveland Avenue in Columbus, Ohio, as the "Clarence D. Lumpkin Post Office."

Mr. Lumpkin has long been a pillar in Columbus and the Linden community. Born in 1925, he grew up in the South in a family of sharecroppers. After high school, Mr. Lumpkin joined the United States Army where he served his country honorably in World War II. After the War, Clarence Lumpkin moved to the South Linden community in Columbus where he was elected to the South Linden Area Commission, and has been a driving force and a leader in the community ever since. His work and outstanding presence have touched many lives and are very much appreciated by his fellow central Ohioans. This post office was saved from closing with the help of Mr. Lumpkin's tireless work, so it is appropriate that this post office bears his name.

I hope you will join me in honoring the life and accomplishments of Clarence D. Lumpkin and recognizing his dedication to the Central Ohio community.

IN HONOR AND REMEMBRANCE OF
FRANK D. CELEBREZZE

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 24, 2010

Mr. KUCINICH. Madam Speaker, I rise today in honor and remembrance of Frank D. Celebrezze, a dedicated husband, father, grandfather, an Army Veteran and a former Ohio Supreme Court Chief Justice.

A third-generation Italian-American, Judge Celebrezze learned early the importance of family, faith and service to community. From 1956 to 1958, he served in the Ohio Senate. In 1964, he was elected to serve as a Cuyahoga County Common Pleas Court judge, a position he held until 1972, when he was elected to the Ohio Supreme Court. Judge Celebrezze became Chief Justice in 1978 and held that position until 1986.

Judge Celebrezze was highly admired by those serving in the judicial system. He served with honor, integrity and recognition of those who served before him. He was a mentor and friend to numerous attorneys, clerks and colleagues.

Above all else, Judge Celebrezze was a devoted husband, father and grandfather. He and his wife, Mary Ann, were married for 62 years. Together, they raised their children Rebecca "Judith Ann", Frank D., Laura, David, Jeffrey, Keith, Matthew and the late Brian and Steven. He was a devoted grandfather to Miranda, Christina, Nicole, Keith Jr., Daniel, Ashley, Jessica, Jaime and Adam.

Madam Speaker and colleagues, please join me in remembrance of the Honorable Judge Frank D. Celebrezze. His legacy as a jurist and as a man will not be forgotten.

RECOGNIZING JIN LEE FOR REPRESENTING VIRGINIA AT THE "SCHOOL FLAGS ACROSS THE U.S. . . . FLYING HIGH" EVENT ON MARCH 25, 2010

HON. GERALD E. CONNOLLY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 24, 2010

Mr. CONNOLLY of Virginia. Madam Speaker, I rise today to recognize Jin Lee, a resident of Woodbridge, who is representing Virginia at the National Youth Art Month event, "School Flags Across the U.S. . . . Flying High."

Jin is a talented 10th grade student from Forest Park High School in Prince William County. He is being recognized along with participants from every other state in the Youth Art Month flag design program. Jin and the rest of the winners will be honored at the Library of Congress on March 25, 2010. Jin will be attending the ceremony with his family and his teacher.

The Council for Art Education sponsors National Youth Art Month, an advocacy program held each March to emphasize the value of art and art education for all children. Students from all over the country participate in the Youth Art Month flag design program with

each state selecting the flag that best represents their state and the creative spirit of Youth Art Month.

Madam Speaker, I ask my colleagues to join me in congratulating Jin Lee and all the winners of the Youth Art Month flag design program. I also want to recognize every participant for symbolizing the creative spirit of our youth. Their efforts in promoting the importance of art education in this country deserve our highest praise.

HONORING BILL O'CONNOR

HON. FRANK D. LUCAS

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 24, 2010

Mr. LUCAS. Madam Speaker, I would like to take the time to recognize the retirement of a longtime Republican aide on the House Agriculture Committee: Bill O'Connor. For more than 30 years, Bill O'Connor has come to be known as a highly knowledgeable staffer who could work with members and aides from both sides of the aisle, respected for his professionalism, and appreciated for the experience and expertise he contributed to policy discussions.

Although Bill was raised in Kansas, I am proud to recognize that he was born in my home state of Oklahoma. He graduated from Wichita State University. And after serving a tour with the Marines, he earned his master's degree at Wichita State University and continued to do doctoral work at Ohio State University.

Bill's long career on Capitol Hill began in 1979 when he first worked as an analyst for the House Republican Conference. In 1981, he became the Executive Director of the House Republican Research Committee under the Chairmanship of Rep. Ed Madigan of Illinois. Two years later when Rep. Madigan became the Ranking Republican on the House Agriculture Committee, Bill was appointed the Deputy Minority Staff Director.

For the next seven years, Bill was responsible for policy and legislative development for Agriculture Committee Republicans. In 1991, Rep. Madigan became the Secretary of Agriculture and appointed Bill as his Chief of Staff. Bill served in that role through the balance of President George H.W. Bush's administration.

In 1993, Bill returned to the Republican House Agriculture Committee as Policy Director under Rep. Pat Roberts of Kansas. He continued as Policy Director or Staff Director for the remainder of his career working under Rep. Bob Smith of Oregon, Rep. Larry Combest of Texas, Rep. BOB GOODLATTE of Virginia, and Rep. FRANK LUCAS of Oklahoma.

Bill's knowledge and experience made him an essential staffer in the development and implementation of U.S. agriculture policy. He played a key role in the reauthorization of five farm bills. And, he has been regarded as an expert on agriculture policy matters by both Republicans and Democrats, House and Senate members.

One story that highlights the trust Bill earned from members of Congress happened in 2003 when the Agriculture Committee received reconciliation instructions. Rep. Dennis

Hastert, then Speaker of the House, called a members meeting to discuss the instructions, which included Bill as staff director of the committee. Prior to starting the meeting, Speaker Hastert announced to the group that he wanted everyone to know that in 1986 Ed Madigan dispatched Bill O'Connor to assist with his first campaign to Congress. Madigan advised him to quote "listen to everything this man tells you." Hastert continued to say that he did then and has done so every day since.

It is fair to say that every Chairman and Ranking Member on the Agriculture Committee for whom Bill has worked was also wise to follow Mr. Madigan's advice. We remain grateful for Bill's dedication and service. His leadership, knowledge, experience, and professionalism will be missed, but we do wish him and his family the very best in the future.

RECOGNIZING THE GEORGE MASON UNIVERSITY SCHOOL OF PUBLIC POLICY, RECIPIENT OF TWO AWARDS FROM THE LIBRARY OF CONGRESS OPEN WORLD LEADERSHIP CENTER

HON. GERALD E. CONNOLLY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 24, 2010

Mr. CONNOLLY of Virginia. Madam Speaker, I rise to recognize the School of Public Policy at George Mason University in Fairfax, Virginia, which has received special recognition from the Open World Leadership Center at the Library of Congress. The Terrorism, Transnational Crime and Corruption Center in George Mason's School of Public Policy and the Academy for Education Development have demonstrated exceptional support to the Open World Program and the Congress by acting as national grantees.

The Open World program aims to increase U.S.-Eurasian understanding and partnerships. Since its inception in 1999, the program has introduced more than 15,000 current and future decision makers from Russia and other countries of the former Soviet Union to American political and civic life. In addition to Russia, the program includes the former Soviet states of Azerbaijan, Georgia, Kazakhstan, Kyrgyzstan, Moldova, Tajikistan, and Turkmenistan.

On March 8, 2010, the Open World Leadership Center presented the 2010 Open World National Grantee of Merit Award to the Terrorism, Transnational Crime and Corruption Center and the Open World Award for Service to Congress to the Academy for Education Development.

Madam Speaker, I ask that my colleagues join me in recognizing George Mason's School of Public Policy for its exceptional service to Congress and the Open World Program. The school's actions have a profound impact on increasing political and civic discourse between the United States and former Soviet states.

HONORING EAST LANSING HIGH SCHOOL GIRL'S BASKETBALL TEAM

HON. MIKE ROGERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 24, 2010

Mr. ROGERS of Michigan. Madam Speaker, I rise to pay tribute to East Lansing High School and in particular the East Lansing High School girl's basketball team. On March 20, 2010 the Trojans won the Michigan Class A state championship. This victory capped an outstanding season as the Trojans completed a 27-1 season.

Madam Speaker, these extraordinary young women deserve special recognition not only for their success on the basketball court, but also for their excellent work in the classroom. Congratulations to Head Coach Robert Smith and players Natalie Rose Brogan, Hannah Fitzpatrick, Malika Glover, Zakiya Minifee, Kelsey Deshambo, Kaitlin Lapka, Klarissa Bell, Shayna Allen, Alex Trecha, Alex Green, Libby Meyer, and Gracie Whelan.

I ask that the House of Representatives join me in congratulating the East Lansing Trojan's on their state championship and I wish all of these young ladies luck in their future endeavors.

RECOGNIZING DIDLAKE, INC. AND THE ABILITYONE PROGRAM

HON. GERALD E. CONNOLLY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 24, 2010

Mr. CONNOLLY of Virginia. Madam Speaker, I rise to recognize a program which in the last several years has helped more than 40,000 Americans who are blind or who have significant disabilities gain skills and training that ultimately led to gainful employment: The AbilityOne Program.

The AbilityOne Program harnesses the purchasing power of the Federal Government to buy products and services from participating community-based nonprofit agencies that are dedicated to training and employing individuals with disabilities. This program affords Americans with disabilities the opportunity to acquire job skills and training, receive good wages and benefits and gain greater independence and quality of life.

This comes within a segment of the population that has suffered from significant, chronic and unacceptable unemployment. However, opportunities realized through the AbilityOne Program have done much in helping to bring people who are blind or have significant disabilities into a working society. I am proud to recognize Didlake, Inc., located in Virginia's 11th district, as one shining example of a nonprofit agency working through the AbilityOne Program to enrich the lives of people with disabilities.

For more than 40 years, Didlake has provided a wide-range of resources to expand opportunities for people with disabilities in Virginia, Maryland and the District of Columbia.

Didlake offers training and support services to people with significant disabilities leading to employment on federal, state and local contracts such as facility management, mailroom operations, administrative services, fleet management, product packaging and more.

The mission of Didlake stands as a true example of why community nonprofit agencies and programs like AbilityOne are a winning proposition for all parties involved. For an individual with a significant disability who has never had the opportunity to hold a job, be independent, participate in the community, or play an important role in society; the training and support that organizations like Didlake offer, and the employment opportunities afforded through partnership with the AbilityOne Program are truly invaluable.

Madam Speaker, it is with great pleasure that I extend my support to the AbilityOne Program. I also want to commend the dedication and commitment of Didlake President and CEO Rex Parr and his staff for helping individuals who have significant disabilities find employment. Their work helps people live fuller lives and become more active members of society. I also commend each AbilityOne employee who works every day to improve their lives and support our federal government's mission.

CONGRATULATING JAMES J. FLAHERTY, VICE PRESIDENT AND GENERAL MANAGER OF GENERAL DYNAMICS IN SCRANTON UPON HIS RETIREMENT

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 24, 2010

Mr. KANJORSKI. Madam Speaker, I rise today to ask you and my esteemed colleagues in the House of Representatives to pay tribute to Mr. James J. Flaherty, who is retiring as Vice President and General Manager at General Dynamics in Scranton, Pennsylvania, after a long and distinguished career in the Army munitions industry.

A son of James Flaherty, Sr. and Jean Joyce Flaherty, Mr. Flaherty was raised in Pittston, Pennsylvania, where he graduated from St. John's High School in 1960. A 1963 graduate of Penn State University, Mr. Flaherty joined Chamberlain Manufacturing Corporation, Scranton Division, where he held numerous engineering positions until 1969 when he was promoted to engineering supervisor of the forging operations.

In 1972, he was promoted to operations manager after which he was elevated to Assistant General Manager in 1976. In 1978 he was transferred to Chamberlain's New Bedford, Massachusetts, operations where he remained, until 1986 when he was promoted to Vice President and General Manager. He served in that post until 1991 when the New Bedford operations ceased production and he was relocated back to Scranton as Vice President and General Manager of that division.

In 2000, he was promoted to Executive Vice President and, in April, 2003, he was named President of Chamberlain Manufacturing Corporation. In 2006, after General Dynamics acquired Chamberlain, Mr. Flaherty was named

Vice President and General Manager of the Scranton operations.

Mr. Flaherty was a member of the ARMS Public Private Task Force, Executive Advisory Committee, and the Industrial Committee of Ammunition Producers. He is also Past President of the Board of Directors of the Northeast Pennsylvania Industrial Resource Center. He serves on the Board of Directors of the local chapter of the Salvation Army, is a member of the Lions Club and was an elected member of the Moscow Borough Council.

In February, 2009, Mr. Flaherty was inducted into the Honorable Order of St. Barbara by the U.S. Field Artillery Association and that same year was awarded the W. Francis Swingle Award by the Greater Pittston Friendly Sons of St. Patrick.

Mr. Flaherty is married to the former Sheila Redding of Pittston. The couple has two children and five grandchildren and plan to reside in Oriental, North Carolina.

Madam Speaker, please join me in congratulating Mr. Flaherty for an outstanding career. His contributions to his profession, his community and his nation have been exemplary and he has been responsible for inspiring many others to emulate his example and his achievements.

HONORING THE LIFE AND WORK
OF LIZ CARPENTER

HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 24, 2010

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, it is with a heavy heart that I rise today to honor and remember my dear friend and women's rights crusader, Liz Carpenter, who passed away recently at the age of 89.

When I think about Liz Carpenter, I cannot help but be reminded of her colorful personality and her remarkable fortitude. At a time when women were just beginning to tear down gender barriers, she was working tirelessly to prove that she was capable, even overly-capable, of the jobs that were assigned to her. Her tireless spirit eventually paid off, and it is impossible to remember her without remembering her countless accomplishments for women and all Americans.

A sixth-generation Texan, Mrs. Carpenter was born in Salado, Texas. She went on to study at the University of Texas, and in 1942, shortly after graduating, she moved to Washington, D.C. where she found a job working at an independent news bureau. Her early years were spent working in journalism, and after marrying her husband, Leslie Carpenter, they opened the Carpenter News Service. Together they gathered news in Washington, D.C. and grew their business until they had 18 newspaper clients across the South and Southwest. With her husband, she had two children.

In 1960, Mrs. Carpenter joined Lyndon B. Johnson's vice presidential campaign, and after the assassination of President Kennedy, she penned the 58 words that President Johnson spoke shortly after receiving the oath of office. She remained with President Johnson

until 1969 when he decided against seeking a second term as President. She remained in Washington until 1976 at which time she moved to Austin where she lectured on journalism at the University of Texas and was involved with the Lyndon B. Johnson Library. In 1981, after the death of her brother, she took in his three children and raised them to adulthood. Additionally, she was the author of four books.

A strong supporter of the Equal Rights Amendment, Ms. Carpenter actively worked to see the rights of women enshrined in the Constitution. She was a passionate feminist and was a co-founder of the National Women's Political Caucus.

Madam Speaker, only 30 short days ago, I visited with Liz Carpenter. She was alert and well and still had as her number one interest the status of women. She suggested a state wide meeting on women, and was primarily concerned about the education of younger women. At the time, she encouraged me to continue the fight for more and better opportunities for all women across the country.

Madam Speaker, I am saddened by the loss of Ms. Carpenter, but I am grateful for her work, longevity, and strength. We will miss her vibrant personality, and I am heartened to know the world is a better place because of her. I ask my fellow colleagues to join me today in honoring her memory and celebrating her life.

RECOGNIZING THE DISTINGUISHED
SERVICE OF DR. JUDITH
FALKENRATH

HON. GERALD E. CONNOLLY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 24, 2010

Mr. CONNOLLY of Virginia. Madam Speaker, it is my great honor to rise today to recognize Dr. Judith Falkenrath for her distinguished service to the Annandale Christian Community for Action (ACCA) and her years of dedicated service to the well-being and educational development of children in Northern Virginia.

During the last 24 years, Dr. Falkenrath has had immeasurable impacts on the lives of countless children and their families. Beginning in 1986 and continuing for 12 years, Dr. Falkenrath worked with the Fairfax County Office for Children. There she served as Early Childhood Specialist for Community Education as well as Education Coordinator for Fairfax County Head Start.

In 1998, Dr. Falkenrath joined ACCA. Founded in 1967, ACCA was created to address the needs of the working poor in our community. Since that time, ACCA has grown and diversified the services that they offer. Currently ACCA is an alliance of 26 churches in the Annandale area and together they provide assistance in areas such as Child Development Center, Family Emergency Services, Housing Repair, Furniture, Meals on Wheels, Scholarships, Shelter Assistance, and Transportation.

Believing that all children deserve quality care and education, Dr. Falkenrath, as Director of the Child Development Center, has pro-

vided leadership and dedication in providing quality preschool education and in furthering the goals of ACCA in reaching out to the poor and disadvantaged in our community. All children are accepted regardless of their circumstances or background.

Although Dr. Falkenrath is retiring from ACCA, where I know she will be sorely missed, I am pleased to note she is continuing to serve the children of Fairfax County as a member of the Child Care Advisory Council.

Madam Speaker, I ask my colleagues to join me in thanking Dr. Judith Falkenrath for her years of service and also in congratulating her on the occasion of her retirement. Her efforts and leadership have been a great benefit to the children of our community, and truly merit our highest praise.

HONORING CAROL A. MEISSNER

HON. BRIAN HIGGINS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 24, 2010

Mr. HIGGINS. Madam Speaker, I rise today to recognize the dedicated service of Ms. Carol A. Meissner. In her 32 years of service to the Town of Evans, Ms. Meissner has helped to advance many important initiatives and has tirelessly served her community.

As Evans Town Clerk she helped modernize the Clerks office and improved both efficiency and quality of service. She served two terms as the president of the Erie County Town Clerk's Association and she was honored as the New York State Town Clerk of the year in 2001.

Ms. Meissner's service to her community goes well above her role as Town Clerk. She also has been active in local schools, working to register graduating seniors and teaching younger students about the value of being an engaged citizen. Working with local youth is a passion of Ms. Meissner's, she sponsors a youth baseball and soccer team, and she is a guest reader at her local elementary school.

In addition to serving the young adults of her community Ms. Meissner also serves honorably as a member of The Town of Evans Volunteer Fire Company's Ladies Auxiliary. Throughout her years of service Ms. Meissner has had an impact on countless projects and programs, and she has assuredly made her community a better place. For her service she has received Certificates of Appreciation from the Town of Evans Lions Club, and The Future Business Leaders of America.

Madam Speaker, it is my honor to recognize Ms. Carol A. Meissner for her dedication to her community. She is an excellent role model for the young adults she works with, a leader for her fellow community members, and a shining example of what it means to be a public servant. I ask my colleagues in the House to join me in congratulating Carol Meissner on her retirement from the Town of Evans Office of the Clerk.

HONORING ZANE ERIC CLARK

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 24, 2010

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Zane Eric Clark, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 87, and in earning the most prestigious award of Eagle Scout.

Zane has been very active with his troop participating in many Scout activities. Over the many years Zane has been involved with Scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Madam Speaker, I proudly ask you to join me in commending Zane Eric Clark for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

COMMEMORATING MARCH AS RED CROSS MONTH
HON. LAURA RICHARDSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 24, 2010

Ms. RICHARDSON. Madam Speaker, I rise today to recognize March as National Red Cross Month. The American Red Cross has provided assistance and comfort to communities stricken by disasters large and small since it was founded in 1881 by Clara Barton. For over 100 years, the American Red Cross has continued to help ensure our communities are prepared and resilient in the face of future disasters.

Madam Speaker, at home and abroad, one in five Americans is touched by the Red Cross every single year. On September 29, an 8.0 earthquake in the Pacific Ocean generated tsunami waves in American Samoa, Samoa and Tonga, killing more than 170 people. The district I represent, the 37th of California, has the largest population of Samoans in the continental United States, so this tragedy directly impacted many families in my district. I would like to recognize the American Red Cross for their invaluable assistance and quick response in providing relief after this event. I can attest to the good work they did when I traveled to American Samoa to deliver supplies donated by my constituents. The American Red Cross mobilized 90 volunteers to provide food, water, and relief supplies, as well as tracing services for families separated during the disaster. The Samoan Red Cross mobilized 200 volunteers to distribute relief items and support camps sheltering the homeless, with the goal of assisting 15,000 people.

In my district, the Greater Long Beach Chapter of the American Red Cross has 590 registered volunteers. They have certified 32,160 people in CPR/first aid, AED and water safety skills, and more than 4,330 people have received disaster preparedness training through health fairs, speaking engagements or

trained in preparedness classes. In addition, the Disaster Action Teams (DAT) responded to 33 local emergency operations, opened 3 shelters and provided disaster shelter and food to 58 individuals, and financial support to 39 families. Finally, our volunteer youth group served 1,000 needy adults and children at their annual Holiday Project.

In conclusion, Madam Speaker, I ask that you and my distinguished colleagues join me in applauding the hard work of the American Red Cross volunteers and celebrating March as American Red Cross Month.

CONGRATULATIONS TO UMB BANK
HON. EMANUEL CLEAVER

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 24, 2010

Mr. CLEAVER. Madam Speaker, Chairman FRANK and I would like to extend our congratulations to UMB Bank, its officers, directors, shareholders and employees on being designated by Forbes magazine as the second-best bank in America in 2009. UMB Financial Corporation headquartered in Kansas City, Missouri, is a \$10.2 billion bank founded in 1913 with first day deposits of \$1,100.00. Six generations of the Kemper family have owned and/or operated UMB. Currently Mariner Kemper is the Chairman and Chief Executive Officer, Peter deSilva, is the President and Chief Operating Officer, Peter Genovese is the Vice Chairman and Michael Hagedorn is the Chief Financial Officer. UMB operates in seven states—Missouri, Illinois, Colorado, Kansas, Oklahoma, Nebraska and Arizona and is the second largest bank holding company headquartered in Missouri.

The Bank's shared corporate vision is "To be recognized for THE unparalleled customer experience." One of the corporation's shared values is "Customers First—We do the unparalleled to create an environment that consistently exceeds the expectations of our customers."

UMB Bank embodies strong community involvement in all the communities it serves. From financing for small businesses, to providing working capital loans to companies that support job creation and retention, to employee volunteerism and corporate donations UMB stands tall with their communities. In fact UMB just received an "Outstanding" rating from the Office of the Comptroller of the Currency in their most recent public evaluation of UMB's community lending and participation.

When the largest banks in America were trying to repay billions of dollars in TARP funds and to improve their balance sheets and to deal with the impact of severe economic problems in the states where they do business, UMB was keeping to their business strategy, conservative with slow, steady growth. Their non-performing loans as a percent to total loans was 0.7 percent, the fourth best in this category in the country; reserves as a percentage of nonperforming loans was 210 percent; and their Tier 1 capital ratio was 13.5 percent. Their stock trades at 1.5 times its book value. In a September 2009 TheStreet.com article "UMB's Kemper Proves

Boring Is Better: Best In Class", Mariner Kemper said "The Street, the investor population, believed that we . . . could leverage [our] earnings streams more, if we had taken the same risks as the rest of the industry. I'm thrilled to be able to stand up and say: Those strategies worked for us! We didn't erase 20 years of earnings by taking three years of risks."

To be rated the second-best bank in America in 2009 by Forbes out of the 100 largest banks and thrifts in America is "A great source of pride for everyone at UMB", Mariner Kemper said in a January press release. He went on to say, "This ranking also shows that the regional banking model works. UMB sticks to our time-tested prudent business practices, such as making loans within our territory, building relationships with our customers and understanding that strong underwriting practices produce quality results. Our standards have remained unchanged in all economic conditions. This principle, as well as a focus on a diversified income stream from fee-based businesses, affords us steady growth."

Madam Speaker, again we offer UMB Bank and all its employees, officers, directors and shareholders our heartiest congratulations on a job well done.

HONORING W. GLENN WINFREY
HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 24, 2010

Mr. GRAVES. Madam Speaker, I proudly pause to recognize W. Glenn Winfrey, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 82, and in earning the most prestigious award of Eagle Scout.

Glenn has been very active with his troop participating in many Scout activities. Over the many years Glenn has been involved with Scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Madam Speaker, I proudly ask you to join me in commending W. Glenn Winfrey for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

HONORING DR. DOROTHY I. HEIGHT ON HER 98TH BIRTHDAY
HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 24, 2010

Ms. NORTON. Madam Speaker, I rise today to ask the House of Representatives to join me in honoring Dr. Dorothy I. Height, the President Emerita of the National Council of Negro Women, on her 98th birthday.

Dr. Dorothy I. Height has spent her extremely productive lifetime in service of African Americans, especially African-American women, and the people of the United States of

America. She has been a visionary, championing every great effort for equality and racial justice that our nation has achieved, from equal pay and voting rights for women to the integration of the nation's governmental institutions and revision of societal norms.

Known as the "Godmother of the Civil Rights Movement," Dr. Height has also organized the annual Black Family Reunion, a national celebration that she leads to celebrate African-American family values on the National Mall and throughout the nation.

Dr. Height has been recognized with virtually every significant national honor, from the NAACP Spingarn Medal, to the Presidential Medal of Freedom Award and the Congressional Gold Medal.

It is especially appropriate that Dr. Height's birthday occurs in March, during Women's History Month. Her contributions, not only to our country, but to women of every color and background, make Women's History Month a timely occasion to celebrate Dr. Height's life's work as President Emerita of the National Council of Negro Women. Madam Speaker, I ask the House of Representatives to join me in celebrating the lifetime contributions of Dr. Dorothy I. Height on her 98th birthday.

HONORING JOHN ZACHARY PARKS

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 24, 2010

Mr. GRAVES. Madam Speaker, I proudly pause to recognize John Zachary Parks, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 121, and in earning the most prestigious award of Eagle Scout.

Zach has been very active with his troop participating in many Scout activities. Over the many years Zach has been involved with Scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Madam Speaker, I proudly ask you to join me in commending John Zachary Parks for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

A TRIBUTE TO DR. DOROTHY I. HEIGHT

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 24, 2010

Mr. TOWNS. Madam Speaker, I rise today in recognition and celebration of Dr. Dorothy I. Height on her 98th Birthday for her unwavering dedication and contributions to society. Her commitment to social work and those who are underserved have been indelible.

Dorothy I. Height was born in Richmond, Virginia. At an early age, she moved with her family to Rankin, Pennsylvania. She graduated from Rankin High School. While in high

school, she received a scholarship to Barnard College; however, upon her arrival, she was denied entrance. During that time, Barnard only admitted two African Americans per academic year and Ms. Height had arrived after the other two students had been admitted. She did not let this disappointment deter her; she would later attend New York University, where she earned a Bachelor's and Master's degree in only four years.

After college, Dr. Height worked as a teacher in Brownsville Community Center in Brooklyn, New York. She was also very active in the United Christian Youth Movement after its founding in 1935. Her undying commitment to women and families led her to her work as a case manager for the welfare department in New York. In 1937, she would join the National Council of Negro Women and her career as a pioneer in civil rights began to unfold.

In 1938, Dorothy Height was one of ten young people selected to help Eleanor Roosevelt plan a World Youth Conference. Through Ms. Roosevelt, she met Mary McLeod Bethune and became involved in the National Council of Negro Women. That same year, she was hired by the Young Women's Christian Association (YWCA). She worked for better conditions for black domestic workers, leading to her election to YWCA national leadership. She was active in developing its leadership training and interracial and ecumenical education programs.

Throughout her career, Dr. Dorothy I. Height has remained a tireless leader in the struggle for equality and human rights for all people. Her life exemplifies her passionate commitment for a just society and her vision of a better world. She has worked closely with Dr. Martin Luther King, Jr., Roy Wilkins, Whitney Young, A. Philip Randolph, and many others. Dr. Height has participated in virtually all of the major civil and human rights events in the 1950's and 1960's. For her tireless efforts on behalf of the less fortunate, President Ronald Reagan presented her the Citizens Medal Award for distinguished service to the country in 1989.

Dr. Height is known for her extensive international and developmental education work. She initiated the sole African American private voluntary organization working in Africa in 1975. In her numerous decades of national leadership, she has served on major policy-making bodies affecting women, social welfare, economic development, civil and human rights. She has received numerous recognition and awards. Recently, she was appointed to the Advisory Council of the White House Initiative on Historically Black Colleges and Universities by President Bush.

Dr. Height has remained a model of social consistency. She has inspired me as a social worker, community organizer and policy maker. She embodies the spirit of commitment. It is with immense honor and pleasure that I recognize her historic efforts and legacy and wish her a very happy birthday. May this year bring with it all the success and fulfillment her heart desires. Madam Speaker, I urge my colleagues to join me in wishing Dr. Dorothy I. Height a Happy Birthday.

HONORING SABRINA DINOVO

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 24, 2010

Mr. GRAVES. Madam Speaker, I rise to recognize Sabrina Dinovo, a very special young lady who has exemplified the finest qualities of citizenship and leadership. Sabrina was recently invited to attend a People to People World Leadership Forum in Washington, DC, where she will participate in daily educational activities focused on leadership.

Ashley's academic excellence, community involvement and leadership potential make her a worthy participant. She should be proud to be a model citizen amongst the youth in her community and my congressional district.

Madam Speaker, I am confident Sabrina will use the skills she gains from People to People International as tools for the betterment of her community and our nation. I respectfully urge you to join me in commending Sabrina on this monumental achievement.

PERSONAL EXPLANATION

HON. NITA M. LOWEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 24, 2010

Mrs. LOWEY. Madam Speaker, yesterday, I regrettably missed a rollcall vote. Had I been present, I would have voted in the following manner:

Rollcall No. 173—"yea."

MARCH 8TH, 2010 BOSTON GLOBE EDITORIAL: "FDA LAX ON CONFLICTS OF INTEREST"

HON. VIRGINIA FOXX

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 24, 2010

Ms. FOXX. Madam Speaker, I would like to submit an editorial published in the Boston Globe on March 8, 2010, entitled "FDA Lax on Conflicts of Interest." This editorial highlights the potential conflicts of interest inherent in the FDA's recent selection of Committee Members for their newly established Tobacco Products Scientific Advisory Committee, TPSAC. I understand the committee is responsible for advising the FDA on a broad range of topics, including nicotine levels in cigarettes and the development of reduced risk products.

I opposed H.R. 1256, the Family Smoking Prevention and Control Act when it passed through the Democrat-led Congress in the summer of 2009 before being signed into law. The bill, which provided the FDA with the authority to regulate tobacco products, defies logic and I have been monitoring the development of these new regulations carefully. Earlier this month the FDA finally announced the members they selected to serve on TPSAC. Alarming, as the Boston Globe editorial explains, two of the scientists selected as committee members have direct financial ties to

the companies who could benefit from the recommendations they will be tasked with making. Having committee members who stand to gain financially from their own recommendations is unacceptable and represents disturbing conflicts of interest. This action and the resulting conflicts of interest are extremely threatening to the tobacco industry—an industry that provides hundreds of thousands of jobs in North Carolina and throughout our nation.

This Administration likes to talk about high ethical standards and transparency but we have yet to see those lofty promises put into action. The Administration can take its first step towards this goal by eliminating these conflicts of interest and ensuring the FDA takes the utmost precaution against selecting such members in the future.

FDA LAX ON CONFLICTS OF INTEREST
[From the Boston Globe, Mar. 8, 2010]

The Food and Drug Administration has done far too little to avoid conflicts of interest among those who serve on its scientific panels and advisory boards. The latest example came last Monday, when the agency appointed to a tobacco advisory committee two scientists who have financial ties to companies that sell smoking cessation products.

One of the scientists, Jack Henningfield, makes most of his income from a consulting company that has GlaxoSmithKline, which makes Nicorette gum, as a client, according to a Wall Street Journal report. The other, Neil L. Benowitz, formerly worked as a consultant for GlaxoSmithKline and still consults for Pfizer, which makes the quit-smoking drug Chantix.

It could be worse. The pair of scientists could have financial ties to cigarette makers—which would violate federal law since the two will vote on recommendations for how to regulate the tobacco industry. But no matter how honorable the individuals involved, there's a clear danger when those who decide whether menthol cigarettes should be banned and whether smokeless tobacco products are safe also stand to profit from the sale of products that help people quit smoking.

It's encouraging that the FDA asked the scientists to disclose their financial ties to the drug companies. The reason for their appointment is the same scientific expertise they also offer to the pharmaceutical industry. But the agency must justify why the nine voting members of the committee could not be selected from the many scientists who do not have such ties.

If the two scientists are indeed the best that can serve the committee, they should not be allowed to vote on whether particular tobacco products can come to market unless they agree not to receive profits related to smoking-cessation aids. In addition, the FDA, which promised to screen all panel members for conflicts of interest before each meeting, should make the criteria and results of those screenings public while the panel meets and before any of its recommendations become national policy.

HONORING SHERIDAN MOTTET

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 24, 2010

Mr. GRAVES. Madam Speaker, I rise to recognize Sheridan Mottet, a very special young

lady who has exemplified the finest qualities of citizenship and leadership. Sheridan was recently invited to attend a People to People World Leadership Forum in Washington, DC, where she will participate in daily educational activities focused on leadership.

Sheridan's academic excellence, community involvement and leadership potential make her a worthy participant. She should be proud to be a model citizen amongst the youth in her community and my congressional district.

Madam Speaker, I am confident Sheridan will use the skills she gains from People to People International as tools for the betterment of her community and our nation. I respectfully urge you to join me in commending Sheridan on this monumental achievement.

HONORING MR. OTTO IGNACIO
COELHO, SR.

HON. DENNIS A. CARDOZA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 24, 2010

Mr. CARDOZA. Madam Speaker, Congressman COSTA and I rise today to honor the life of our dear friend, Mr. Otto Ignacio Coelho, Sr., a long time resident of Hilmar, California. Mr. Coelho passed away at the age of 92. Mr. Coelho was a strong leader of the community and served on numerous Portuguese organizations. Although a native of Tulare, California, he made Hilmar his home. He was one of six children born to Pauline and Pedro Coelho who immigrated to the United States from Terceira, the Azores in Portugal.

Otto was raised on the family dairy until his family moved to Monterey. His father was a fisherman and Otto worked for a time selling the fish his father and brother caught. Otto eventually returned to the Central Valley and the dairy industry. On September 3, 1938, Otto married the love of his life, Alice Branco, whom he had known since childhood. Otto was involved in the dairy industry until the 1960s, after which time he did custom farming and later was active in farm equipment sales for N&S Tractor Company.

After retirement, Otto became even more involved in the Pentecost celebrations he had loved since a child. He was a member of the Dos Palos DES Stevinson Pentecost Association, Nossa Senhora do Rosario of Hilmar, and Our Lady of Fatima Los Banos. He greatly enjoyed making the rounds to collect for Festa celebrations throughout the valley, and proudly kept his route books. He was a member of the SES. Otto was also deeply devoted to his Catholic faith, and was a long-time member and officer of the YMI at Holy Rosary St. Mary's Catholic Church in Hilmar, where he lived since 1965. He also belonged to the Knights of Columbus and was active in Casa da Azores in Hilmar.

Otto and Alice raised four children, Otto Jr. (Claudette) of Madera, Gilbert (Carol) of Firebaugh, Tony (Phyllis) of Delaware, and Susan Mattos of Newman. He is also survived by 15 grandchildren, 24 great-grandchildren and one great-great-grandson. He is also survived by his sisters, Mercedes Martins of Watsonville, Nira Jean Perry (Joe) of Hollister, and Lee Coelho (Nancy) of Lemoore.

Otto Coelho was a pillar of our community. His strong sense of faith, family, and community speak volumes for generations to come. It is our honor to recognize Otto Coelho and to honor his legacy at this time. We extend our deepest sympathy to his family on their loss.

HONORING MARISA GARITZ

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 24, 2010

Mr. GRAVES. Madam Speaker, I rise to recognize Marisa Garitz, a very special young lady who has exemplified the finest qualities of citizenship and leadership. Marisa was recently invited to attend a People to People World Leadership Forum in Washington, DC, where she will participate in daily educational activities focused on leadership.

Marisa's academic excellence, community involvement and leadership potential make her a worthy participant. She should be proud to be a model citizen amongst the youth in her community and my congressional district.

Madam Speaker, I am confident Marisa will use the skills she gains from People to People International as tools for the betterment of her community and our Nation. I respectfully urge you to join me in commending Marisa on this monumental achievement.

HONORING SOUTH DAKOTANS
FIGHTING WIDESPREAD FLOODING

HON. STEPHANIE HERSETH SANDLIN

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 24, 2010

Ms. HERSETH SANDLIN. Madam Speaker, I rise today to pay tribute to the many South Dakotans who have helped fight the effects of widespread flooding throughout the northeast and southeast portions of the state in recent weeks.

About one month ago, South Dakota faced the threat of significant damage and cost due to flooding. The northeast and southeast portions of the state had high water tables and the winter's snow was beginning to melt. That meant rising water on our rivers and creeks and a danger of flooding that threatened our agricultural economy, roads and homes.

But South Dakotans didn't flinch in the face of these developments. Instead they banded together as they always do and developed plans to mitigate the worst of the dangers and deal with the smaller inconveniences.

County emergency managers worked with state officials from the Department of Public Safety and Office of Emergency Management. Red Cross volunteers worked with mayors of small towns. The National Guard mobilized to help the city of Aberdeen, and the Civil Air Patrol scouted flood damage from the air. Local law enforcement officials and the South Dakota Department of Game, Fish and Parks, as well as the U.S. Fish and Wildlife Department, patrolled and offered assistance to those in danger. And neighbors worked with and for

each other, filling sandbags to protect their homes and their communities.

Our federal partners did their share as well. The Federal Emergency Management Agency helped train state Office of Emergency Management staff in the weeks before the heaviest flood activities and has already begun assisting the state in planning for recovery operations. The U.S. Army Corps of Engineers stepped up with a levee project to protect the city of Watertown, completing it on time and amidst concerns over flooding.

Today, I am proud to report that, while the danger is not entirely past and there remains much recovery work to do, South Dakota once again has come together to successfully meet a challenge head on.

We still have some roads closed, dozens of homes suffered some flooding damage and it may be some time until we can determine the extent of the damage. But we have, so far, avoided the kinds of catastrophic damage that was feared.

Madam Speaker, I remain proud as ever to represent the people of South Dakota and their enduring ability to rise to whatever challenge they must. I offer my sincere thanks to all who worked so hard to limit the effects of this flooding.

HONORING DELANEY NELSON

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 24, 2010

Mr. GRAVES. Madam Speaker, I rise to recognize Delaney Nelson, a very special young lady who has exemplified the finest qualities of citizenship and leadership. Delaney was recently invited to attend a People to People World Leadership Forum in Washington, DC, where she will participate in daily educational activities focused on leadership.

Delaney's academic excellence, community involvement and leadership potential make her a worthy participant. She should be proud to be a model citizen amongst the youth in her community and my congressional district.

Madam Speaker, I am confident Delaney will use the skills she gains from People to People International as tools for the betterment of her community and our Nation. I respectfully urge you to join me in commending Delaney on this monumental achievement.

RECOGNIZING AND CONGRATULATING ST. JAMES AFRICAN METHODIST EPISCOPAL CHURCH IN FORT WORTH, TEXAS ON THEIR 102ND ANNIVERSARY

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 24, 2010

Mr. BURGESS. Madam Speaker, I rise today to recognize and congratulate St. James African Methodist Episcopal Church in Fort Worth, Texas, as they celebrate 102 years of Christian Service.

St. James African Methodist Episcopal Church is the oldest black church in the Stop Six Area of Fort Worth. From its humble beginnings, where services were held in a tent, the church has served its community with passion. Their commitment to outreach has allowed them to influence not only those in their community, but throughout the country. As this congregation continues to grow under their dedicated leadership, there is no doubt it will maintain its long-standing reputation of service and devotion to those in Fort Worth's Stop Six Area.

To commemorate their 102 years of services, St. James African Methodist Episcopal Church is having a Church Anniversary Celebration. The celebration began on January 10th and will end on April 25th, the anniversary of the church's beginnings.

Madam Speaker, St. James African Methodist Episcopal Church is a shining light in Fort Worth, Texas. I am extremely proud to represent Reverend Damon Blakeley and the entire church congregation in the 26th Congressional District of Texas. Their service to the community is valued and appreciated, and I look forward to watching the church continue to grow, and observing the positive impact they will continue to have in North Texas.

A TRIBUTE TO DEACON VICTOR M. BOWES

HON. ROBERT A. BRADY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 24, 2010

Mr. BRADY of Pennsylvania. Madam Speaker, I rise today to honor Deacon Victor M. Bowes. I congratulate Deacon Bowes on the occasion of his 100th birthday and thank him for his long history of service to his community.

Born March 10, 1910, Deacon Bowes was born and raised in North Carolina. He moved to Chester, Pennsylvania in 1942 to work as a welder building ships for the defense of his country. He joined the Bethany Baptist Church in Chester three years later, beginning his more than 60-year relationship with the Church.

After being ordained a deacon, Deacon Bowes was appointed Chairman of the Board of Deacons on March 7, 1957. He served in this capacity for over 42 years, overseeing incredible progress and developments within his church. In recognition of his service, he was honored in 1999 with the title of Chairman Emeritus for the Board of Deacons.

Throughout his tenure at Bethany Baptist Church, Deacon Bowes has worked tirelessly to better his community. He served as church school treasurer for 30 years, taught Sunday School classes, and was a regular teacher of Wednesday Night Bible Study for many years. Deacon Bowes was Chairman of the Building Committee Ministry that oversaw the construction of a new church building.

Madam Speaker, I ask that you and my other distinguished colleagues join me in congratulating Deacon Bowes on the occasion of his 100th birthday, and thank the Deacon for his long history of work and involvement in his community.

DONALD ADKINS

HON. SHELLEY MOORE CAPITO

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 24, 2010

Mrs. CAPITO. Madam Speaker, I rise today to ask that we take a moment to honor Donnie Adkins, who lost his life while giving rescue support to the flooded areas of Raleigh County, West Virginia.

In the early hours of March 13, 2010, Donnie Adkins was part of a five-man crew of volunteer firefighters from Glasgow, West Virginia called upon to aid rescue crews in Raleigh County. Trained in swift water rescue, Donnie's courageous efforts saved the lives of many before his boat capsized and he was swept away by the rapid floodwaters. After six days of searching by nearly a hundred volunteers, Donnie's body was found Friday, March 19, 2010. Donnie's courage and selflessness are known by all that knew him. He has been a hero to so many and will be missed dearly.

I take this time to remember Donnie Adkins. He gave his life to save others. I want to thank all firefighters throughout West Virginia that sacrifice so much for their communities, with a special thank you to Glasgow Volunteer Fire Chief Marty Blankenship, Fire Captain Jay Slack, and the fellow firefighters of the Glasgow Volunteer Fire Department. My deepest thoughts and prayers are with his two sons, Devin and Ethan, his daughter, Allyssa, and his girlfriend, Bobbie Evans.

IN MEMORY OF BRENDAN BECK

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 24, 2010

Mr. BURGESS. Madam Speaker, on behalf of myself and Congresswoman KAY GRANGER, I rise today in memory of Brendan Beck, a casualty of the tragic earthquake that struck Port-au-Prince, Haiti on January 12, 2010. As a civil engineer, Brendan had traveled to Haiti to help the U.S. Agency for International Development to begin a project analyzing the infrastructure of Northern Haiti.

After studying engineering at the University of Florida, he went on to join the Peace Corps, where he served in the African nation of Mali. His adventurous spirit led him to travel the world, where he was able to utilize his knowledge of engineering to transform underprivileged nations. Brendan was always quick to lend a helping hand to those in need.

Brendan tragically lost his life in the collapse of the Hotel Montana. While helping study the infrastructure of Northern Haiti, Brendan was forced to make a stop in Port-au-Prince due to weather. He checked into the Hotel Montana hours before the earthquake struck.

After receiving the devastating news, Sally Baldwin, Brendan's mother, visited Washington, DC to share Brendan's story, and encouraged us to continue supporting the efforts of the recovery teams. She asked for search and rescue support to be specifically targeted at the site of the Hotel Montana.

Brendan's family was notified on February 15, 2010, 34 days after the earthquake struck Port-au-Prince, that Brendan had been found. Although his family was extremely grateful to have him returned, they were devastated they lost such an incredible son. His family and friends have expressed their grief in the loss of a son, brother and friend, whose fervor for life was indescribable.

Madam Speaker, it is with great honor that we rise today to honor the memory of Brendan Beck. Brendan exemplified the qualities of a model citizen, and I am proud to represent such an outstanding individual in the United States House of Representatives.

HONORING MR. CY GLUECK

HON. JO ANN EMERSON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 24, 2010

Mrs. EMERSON. Madam Speaker, I rise today to pay tribute to a renowned member of my district, a great Missourian and a great American. Mr. Cy Glueck passed away on Monday, March 22, after a lifetime of service to Southern Missouri.

Mr. Glueck may be best known throughout the region as the inventor of the Original Bologna Burger at Schindler's Tavern in New Hamburg. If you haven't ever had one, they are well worth the trip. Mr. Glueck and his wife operated the tavern for 28 years and are directly responsible for its stellar reputation. Cherished as a true gathering place for the community, Mr. Glueck made sure everyone felt welcome in his establishment, whether it was for family meals or euchre card games or turkey shoots.

As part of his philanthropy, Mr. Glueck hosted the Kow Pasture Classic golf tournament—played in a pasture with tennis balls hit by any instrument from golf clubs to baseball bats. The point was to have fun and celebrate, but also to benefit a local charity. No annual event in the community was more anticipated than that one.

Yet Mr. Glueck's contributions to the community extend far beyond bologna. He was a member of St. Vincent de Paul Catholic Church, advanced in the Knights of Columbus Council, active in the Elk's Lodge, and on the board of the Kenny Rogers Children's Center. Mr. Glueck was a mainstay in the community, and he will be remembered well for his good humor, kind nature, and boundless energy.

I want to commend his life to the U.S. House of Representatives as a model of community service. Our thoughts and prayers are with Mr. Glueck's wife, Dorothy, and the many family and friends who today mourn a great loss.

PERSONAL EXPLANATION

HON. GABRIELLE GIFFORDS

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 24, 2010

Ms. GIFFORDS. Madam Speaker, yesterday I was absent and missed rollcall vote 175.

Had I been present, I would have voted "aye" on rollcall 175.

IN MEMORY OF SPC. LAWRENCE ALDRICH

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 24, 2010

Mr. BURGESS. Madam Speaker, I proudly rise today in memory of one of our nation's bravest and finest men, who gave his life protecting our nation and its citizens—Army Specialist Lawrence Lee Aldrich of Fort Worth, Texas. Spc. Aldrich was killed on May 6, 1968, fighting in the Vietnam War, and after more than 40 years, he has finally been reunited with his family and loved ones.

Spc. Aldrich was a fearless young man who joined the Army in 1967. Those who served alongside him remember him as brave and selfless. He gave his life for this country and should be honored for upholding the high standards we have set for our Armed Forces.

On the day Spc. Aldrich was killed, he was serving as a member of a search-and-clear mission in Binh Dinh Province, in what was then South Vietnam. He was last seen with two other Americans engaged in a battle with enemy forces while manning an M-60 machine gun position. An air strike was called in, but one of the bombs inadvertently landed on Spc. Aldrich's position, killing the three soldiers. Members of his unit later recovered the remains of the two other men, but Aldrich could not be found.

Spc. Aldrich is one of 58,000 soldiers' names that appear on the Vietnam Memorial. His family's greatest wish was to have his body returned. Although his parents have passed on, his siblings know that this would have made them extremely happy.

Madam Speaker, it is with great honor that I rise today to honor the memory of Spc. Lawrence Lee Aldrich for his bravery and courage while defending and protecting our nation during the Vietnam War. I am proud to represent such outstanding soldiers from my district, and the nation as a whole, in the United States House of Representatives.

HELEN PEDOTTI TRIBUTE

HON. LOIS CAPPS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 24, 2010

Mrs. CAPPS. Madam Speaker, I rise today to honor a tremendous woman.

Helen Pedotti was a rancher, business owner, activist, philanthropist, educator, wife and mother. She died on January 25 and with her passing, our community lost a wonderful friend whose talents were as limitless as her generosity.

Throughout the Central and South Coasts of California, Helen was known in many circles. Along with her husband Pida, she ran Rancho Arbolado on the Gaviota Coast, where they also raised their four children: Holly, Tina, Jon

and Chico. Active in the ranching community, Helen was known as a bighearted neighbor, efficient business partner and loyal friend.

Helen was known in many circles for her support of community colleges, progressive politics, the environment, immigration reform, civic justice, and the right for all children to have a quality education. Her friend Robert Isaacson described her perfectly when he said "her passions, values, and politics were integrated fully into a powerful force, and she was utterly fearless in her beliefs."

Despite so many interests, Helen was never satisfied with just lending her support to a particular issue. She would tirelessly contribute her time, resources and innovative ideas to everything she felt passionately about. All of us who knew and worked with Helen were challenged to think greater and do better than we thought possible of ourselves. I will always be grateful to her for instilling that kind of confidence.

Madam Speaker, it is an honor to pay tribute to this remarkable woman and friend. I know I speak on behalf of my entire community when I say she leaves an irreplaceable gap in our community and our hearts.

WORLD TUBERCULOSIS DAY

HON. SILVESTRE REYES

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 24, 2010

Mr. REYES. Madam Speaker, I rise today on World Tuberculosis Day in support of local community efforts to raise awareness of tuberculosis, TB. World TB Day commemorates the date in 1882 when Dr. Robert Koch announced his discovery of *Mycobacterium tuberculosis*, the bacteria that causes TB.

On World TB Day, I encourage citizens to take the opportunity to learn about this disease, which infects one third of the world's population and causes almost two billion deaths worldwide. TB bacteria, which is spread through the air, usually attack the lungs, but can also attack the kidney, spine and brain. If not properly treated, the disease can be fatal.

According to the Centers for Disease Control, there were 12,904 reported cases of TB in the United States in 2008. Although both the number of TB cases reported and the case rate decreased in the United States in 2008, we still must work toward the elimination of TB.

Although my district in El Paso has a TB rate that is lower than the average border rate, people in border communities like mine are particularly susceptible to this disease. Community organizations in my district such as the Alliance of Border Collaboratives, the TB Program at the Mexican Consulate in El Paso, the Pan American Health Organization, the University of Texas at El Paso TB Photovoice Project and a number of cross-border partners, work hard every day to eliminate TB.

I encourage all Americans to participate in community events that raise awareness of this issue. As awareness of this disease increases, together we can work toward the elimination of the disease.

CELEBRATING THE 98TH BIRTHDAY OF DR. DOROTHY I. HEIGHT

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 24, 2010

Mr. RANGEL. Madam Speaker, I rise today to celebrate the life of a very special and extraordinary individual; a woman who embodies the best of mankind and who has dedicated her whole life to improving the lives of others. The woman of whom I speak is none other than Dr. Dorothy Irene Height.

Today, Dr. Height celebrates her 98th birthday and I couldn't be more proud and honored to call her my friend.

This African-American administrator, teacher, and social activist, has been a leader in the struggle for equality and human rights for all people her whole life. Her life exemplifies her passionate commitment for a just society and her vision of a better world.

Born in Richmond, Virginia, Dr. Height moved with her parents to Rankin, Pennsylvania at an early age and attended public schools. Winner of a scholarship for her exceptional oratorical skills, she entered New York University where she earned both a Bachelors and Masters Degree in four years. It was while she was working as a caseworker for the welfare department in New York that Dr. Height joined the National Council for Negro Women, NCNW. It was this single act that helped launch her career in civil rights.

In 1965, Dr. Height inaugurated the Center for Racial Justice, which is still a major initiative of the National YWCA. She served as the 10th National President of the Delta Sigma Theta Sorority, Inc., from 1946 to 1957, before becoming President of the NCNW in 1958. Working closely with civil rights giants such as Dr. Martin Luther King, Jr., Roy Wilkins, Whitney Young, and A. Philip Randolph, Dorothy Height participated in nearly all of the major civil and human rights events in the 1950s and 1960s. It was for her many tireless efforts on behalf of the less fortunate, that President Ronald Reagan presented her the Citizens Medal Award for distinguished service to the country in 1989.

Dr. Height is known for her work in international and developmental education. In three decades of national leadership, she has served on major policy-making bodies affecting women, social welfare, economic development, civil and human rights, and has received numerous appointments and awards.

Dr. Height continues to enjoy a lifetime of achievements. Her continuous devotion and work to advance the rights of women, and her efforts to empower the poor and the powerless, speak volumes for this is truly a woman whose life is the epitome of courage, vision, and deep faith—an inspiration to us all.

To my colleagues here in the House . . . please join me in extending to Dr. Height, congratulations and warmest wishes on this her "special day."

Dr. Height, "Happy Birthday."

HONORING THE RED PUMP PROJECT

HON. BOBBY L. RUSH

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 24, 2010

Mr. RUSH. Madam Speaker, I rise today to pay tribute to and recognize The Red Pump Project on the occasion of their one year anniversary. The Red Pump Project is an initiative of The Red Project Collaborative (RPC), a Chicago non-profit organization that seeks to raise awareness about the impact of HIV/AIDS on minority communities. Through its initiatives, The Red Pump Project and The Red Tie Project, RPC is doing work online, with over 135 bloggers and on the ground to motivate action and encourage dialogue about the effects of the disease.

Through their work, co-founders and noted bloggers Karyn Brianne Watkins and Lovette Ajayi have spent countless hours and endless energy to raise awareness of this life-altering disease. Their work has been so fruitful, Madam Speaker, that The Red Pump Project is now a national initiative, raising and donating funds to the Chicago Women's AIDS Project, the AIDS Foundation of Chicago and Project VIDA. Currently The Red Pump Project features 40 ambassadors in 20 states around the country "Rocking the Red Pump" to raise awareness about this epidemic and is continuously moving toward its goal of having representation in all 50 states.

As the Red Pump Project celebrates their 1 year anniversary in fashion and style on March 25, 2010, they will also be honoring Emmy Award-winning HIV/AIDS activist Rae Lewis-Thornton with the "Ultimate Red Pump Rocker" Award for being a living legacy. Ms. Lewis-Thornton has faced the disease with dignity, class and undeniable courage for over 20 years, and has been on an endless crusade to raise awareness about HIV/AIDS around the world.

Madam Speaker, as the Centers for Disease Control reports African-Americans account for 13% of the United States population but a staggering 49% of HIV/AIDS infections, it is through initiatives like The Red Pump Project that transmission can be reduced and ultimately this disease eventually eliminated. I am honored to recognize The Red Project Collective (RPC) and privileged to enter these words into the CONGRESSIONAL RECORD of the U.S. House of Representatives.

DR. ROYCE MONEY—ABILENE CHRISTIAN UNIVERSITY**HON. TED POE**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 24, 2010

Mr. POE of Texas. Madam Speaker, I would like to recognize a man that has tirelessly served the great state of Texas and tens of thousands of university students at my alma mater, Abilene Christian University. It is rare that a person selflessly gives of himself and his family for the good of others, and I am

pleased to acknowledge my esteemed colleague and dear friend Dr. Royce Money, a true example of a lifetime servant-leader.

Dr. Money is the 10th president (1991–2010) of Abilene Christian University, and has served the university in various capacities for nearly three decades. He will be transitioning on May 31, 2010 to continue his university service in a new role as chancellor. He will be greatly missed as ACU's 10th president for his visionary leadership and personal commitment to modeling ACU's mission of "Educating students for Christian service and leadership throughout the world."

Dr. Money, like myself, was born in Temple, Texas. Interestingly, my grandmother, Lucy Hill, was his Sunday school teacher when he was a child. Dr. Money comes from a long line of faith, with a strong work ethic and a generous spirit. These values have served him throughout his childhood into his professional life.

During Dr. Money's tenure, the campus has taken on a massive building program. ACU has become a first class institution. It truly is a university set on a hill in West Texas that shines influence throughout the world.

Dr. Money says that one of the most pivotal roles as president is to tell the story of ACU to as many people who will listen. He is an ambassador for this unique university.

Dr. Money's story in higher education began at Abilene Christian in 1960 where he enrolled as an undergraduate student and served as vice president of the Students' Association his senior year. In 1964, he earned a Bachelor of Arts degree and went on to earn a Master of Divinity degree in 1967 from ACU. He completed his Doctorate of Philosophy in religion in 1975 from Baylor University and in 1982 he earned an additional Master of Science degree in human development from the University of Nebraska.

After completing his education, Dr. Money joined the Abilene Christian faculty in 1981 as an associate professor of marriage and family therapy. In 1986, he became chairman of the undergraduate Bible and ministry department and then became chair of the graduate Bible and ministry department in 1987.

Just a year later in 1988, Dr. Money became vice president and provost of the university, and since 1991, he has been ACU's 10th president. Though his primary roles within the university have changed over the years, Dr. Money has always remained committed to the classroom, serving as a professor of the College of Biblical Studies. He plans to continue teaching after retirement through study abroad trips to Oxford and Leipzig with his wife Pam.

On January 23, 1965 Dr. Money married Pam Handy in San Antonio, Texas. Dr. Money and his wife Pam are both extremely committed to education. Mrs. Money, a licensed marriage and family therapist has served as an adjunct professor in the College of Biblical Studies while taking on various duties and privileges as First Lady of ACU. As education has played an invaluable role in their lives, Dr. and Mrs. Money want to provide other young, achieving minds with the same opportunities they have had. The recently established Royce and Pam Money Fund for Excellence in

Education provides scholarships for top-ranked students to continue their educational endeavors at ACU with a goal of \$1.9 million in aid.

Royce and Pam are deeply involved in the university community. They frequently extend a personal invitation to students to share a meal together. It is not uncommon to find Dr. Money eating lunch in the Bean Cafeteria with students, getting their perspective. The Monneys are both committed members of the Church of Christ and attend University Church of Christ, which is directly across the street from the university.

Dr. Money has enriched the educational system across Texas and throughout the country through memberships, chairmanships and board positions. More importantly, lives have been influenced in a positive way because students crossed paths with this remarkable man—Royce Money.

Beyond his commitment to academia, Dr. Money is an esteemed author, an outstanding role model and community member. He has served as chair of Abilene Chamber of Commerce and as president of the Lone Star Conference, as well as in positions on countless other boards throughout the community. Dr. Money's dedication to the community was honored when he was named Abilene's Citizen of the Year in 2007.

I am humbled to have had the pleasure to know Royce and Pam during my time on the board at ACU. Dr. Money is a man of integrity, who lives by his principles and stands up for his beliefs. Dr. Money will always hold a place in the hearts and minds of everyone whose life he has touched.

We honor Dr. and Mrs. Money for their lifetime service to this educational institution whose university goal is to "Change the World." We look forward to seeing more great things come in the story of Abilene Christian University as Dr. Royce Money's influence does in fact help university students to change the world for the better.

And that's just the way it is.

CONGRATULATIONS TO COMMERCE BANK

HON. EMANUEL CLEAVER

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 24, 2010

Mr. CLEAVER. Madam Speaker, Chairman FRANK and I would like to extend our congratulations to Commerce Bank, its officers, directors, shareholders and employees on being designated by Forbes magazine as the third-best bank in America in 2009. Commerce Financial Corporation head-quartered in Kansas City, Missouri, is an \$18 billion bank founded in 1865. It is the largest bank ranked in the top 10 by Forbes. Five generations of the Kemper family have owned and/or operated Commerce Bank. Currently David Kemper is the Chairman, Chief Executive Officer and President of Commerce Bancshares, Inc., Jonathan Kemper is Chairman and Chief Executive Officer of Commerce Bank, N.A. and Vice Chairman of Commerce Bancshares, Inc. Commerce Bank operates in five states—Mis-

souri, Kansas, Illinois, Oklahoma and Colorado. The Bank's corporate mission is "To raise the voice of the customer and, in doing so, create a differentiating experience which encourages our customers to develop a relationship with Commerce and then become long-tenured, loyal customers." The company's customer promise is "ask listen solve. That means the company promises to ask the right questions, listen carefully to what our customer is telling us, then solve for the appropriate solution to meet our customers' specific needs."

Commerce Bank embodies strong community involvement in all the communities it serves. Commerce Bancshares Foundation invested more than \$1.4 million in community and charitable programs throughout their service areas in 2008 with a total of 780 grants awarded to 635 organizations. Through their employee volunteerism and corporate donations Commerce stands tall with their communities. In fact Commerce Bank just received an "Outstanding" rating from the Office of the Comptroller of the Currency in their recent public evaluation of Commerce's community lending and participation.

Also in 2009, Commerce Bancshares, Inc. received J.D. Power and Associates Award "Highest Customer Satisfaction with Retail Banking in the Midwest Region Two Years in a Row, Tied in 2009."

Commerce is committed to environmental sustainability to reduce their environmental footprint. They encourage recycling, try to consume less paper, encourage employee carpooling and public transportation and monitor and manage energy usage. In 2008, Commerce opened Missouri's first LEED-certified bank branch in O'Fallon, Missouri. They are working hard to reduce their energy use, minimize water use, and use outdoor lighting and general building comfort in new branch designs as well as remodeled facilities.

When the largest banks in America were trying to repay billions of dollars in TARP funds and to improve their balance sheets and to deal with the impact of severe economic problems in the states where they do business, Commerce was keeping to their business strategy, conservative with slow, steady growth. Their non-performing loans as a percent to total loans was 1.6 percent, which ranked them 20th in this category in the country; reserves as a percentage of non-performing loans was 114 percent; and their Tier 1 capital ratio was 12.1 percent. Their stock trades at 1.8 times its book value. To be rated the third-best bank in America in 2009 by Forbes out of the 100 largest banks and thrifts in America is a great honor for everyone at Commerce Bank. Madam Speaker, again we offer Commerce Bank and all its employees, officers, directors and shareholders our heartiest congratulations on a job well done.

CONGRATULATING JORDAN MALONE ON HIS OLYMPIC BRONZE MEDAL

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 24, 2010

Mr. BURGESS. Madam Speaker, I proudly rise today to congratulate Jordan Malone of Denton, Texas. Jordan is one of our nation's athletes who competed in the XXI Winter Olympics in Vancouver, British Columbia, Canada.

Jordan, as a member of Team USA, helped the men's 5000m relay capture bronze in short track speed skating. The Vancouver Games was Jordan's Olympic debut, and the bronze he won for speed skating at Pacific Coliseum on the night of February 26, 2010, was his first Olympic medal.

Jordan is a dedicated athlete who has accomplished great things in his career as a speed skater. Jordan is currently the only short track skater in the U.S. to compete in all five of the past World Championship events. He has won five gold medals, two silver medals, and eight bronze medals.

Madam Speaker, it is with great honor that I rise today to celebrate the accomplishments of one of our nation's finest athletes, Jordan Malone. I am proud to represent such a dedicated athlete in the United States House of Representatives.

25TH ANNIVERSARY OF THE ARCTIC MAN RACE

HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 24, 2010

Mr. YOUNG of Alaska. Madam Speaker, today I would like to recognize the 25th anniversary of the Arctic Man race, one of the most unique competitive events in winter sports. Combining downhill skiing, snowboarding, skijoring, and snowmachine racing, Arctic Man exemplifies Alaska's rugged outdoor spirit.

Every year, 13,000 spectators ride their snowmachines up to a magnificent alpine setting between Anchorage and Fairbanks, Alaska, to watch this impressive spectacle. The race combines athleticism and horsepower as a two-man team, consisting of one downhill skier or snowboarder and one snowmachiner, navigate a perilous course at high speeds. With the firing of the starting pistol, athletes lunge down a 1,700 foot drop in less than two miles, without the aid of ski poles. As the skiers approach the bottom of the hill, they merge into a narrow canyon and grab a rope tethered to their partners' snowmachine to then be towed at speeds of up to 86 miles per hour for 2¼ miles uphill. This difficult intersection can decide the race, as the snowmachine must perfectly match the skier's or boarder's speed and course while also effectively getting the pull rope into the athlete's hand. Once the team reaches the top of the mountain, the skier or snowboarder releases the tow rope

and is slingshotted down another 1,200 foot descent to slip through the gates at the finish line.

When these men and women mount the slopes, they exhibit an admirable model of aggressive athleticism and backcountry moxie to make this one of Alaska's most remarkable competitions. As this year's competitors prepare for the Arctic Man challenge, fine tuning their snowmachines, waxing their skis, and practicing their technique, I would like to wish them all good luck and a safe race!

I would also like to commend Arctic Man founder Howard Thies, whose bold idea for a high speed race in the Hoodoo Mountains has become a twenty-five year Alaskan tradition. In addition, I would like to take this opportunity to applaud the efforts of the many volunteers and organizers who have facilitated this race throughout the years. Without their hard work, this quintessential frontier gathering would not be possible.

Having attended this event before, I can attest that it is one of the most exciting and exhilarating competitions which I have ever witnessed. I look forward to joining my fellow Alaskans at this year's Arctic Man to celebrate its 25th year of competition.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily

Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, March 25, 2010 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

MARCH 26

9 a.m.

Armed Services

To hold hearings to examine U.S. Pacific Command, U.S. Strategic Command, and U.S. Forces Korea in review of the Defense Authorization request for fiscal year 2011 and the Future Years Defense Program; with the possibility of a closed session in SVC-217 following the open session.

SD-106

APRIL 13

Time to be announced

Homeland Security and Governmental Affairs

Investigations Subcommittee

To hold hearings to examine Wall Street and the financial crisis, focusing on high risk home loans.

SH-216

APRIL 14

9:30 a.m.

Judiciary

To hold an oversight hearing to examine the Department of Justice.

SD-226

Armed Services

SeaPower Subcommittee

To hold hearings to examine Navy ship-building programs in review of the Defense Authorization request for fiscal year 2011 and the Future Years Defense Program.

SD-562

APRIL 15

2:30 p.m.

Homeland Security and Governmental Affairs

Contracting Oversight Subcommittee

To hold hearings to examine contracts for Afghan National Police training.

SD-342

APRIL 22

10 a.m.

Appropriations

Commerce, Justice, Science, and Related Agencies Subcommittee

To hold hearings to examine proposed budget estimates for fiscal year 2011 for the National Aeronautics and Space Administration.

SD-192

APRIL 28

2 p.m.

Health, Education, Labor, and Pensions

To hold hearings to examine the Elementary and Secondary Education Act (ESEA) reauthorization, focusing on standards and assessments.

SD-430

SENATE—Thursday, March 25, 2010

The Senate met at 9:46 a.m. and was called to order by the Honorable ROBERT P. CASEY, a Senator from the Commonwealth of Pennsylvania.

PRAYER

The PRESIDING OFFICER. Today's prayer will be offered by our guest Chaplain, Rev. Ricky A. Phillips, Pastor, St. John's Church, Winfield, PA, and Zephyr Union Church, Lewisburg, PA.

The guest Chaplain offered the following prayer:

Let us pray.

Creator God, our Maker and Redeemer, You bless us every day with the beauty of creation. When we look at creation, we can see the beauty of its diversity. In this room today, we can see this wonderful diversity. There are many different God-given talents.

May Your presence be felt by all the Senators, and may they come to You for guidance and comfort. May You bless them and give them the ability to recognize the strength of this diversity in its fullest capacity.

These are tough times. There are many who are in need. There are many who are hurting.

Empower our Senators to celebrate this diversity by helping them to reconcile these different talents so that they can help those who are in need and those who cannot defend themselves. May they yield themselves to Your will in order to fulfill Your purposes for our Nation and the world.

In Your holy Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable ROBERT P. CASEY led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, March 25, 2010.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable ROBERT P. CASEY, a Senator from the Commonwealth of Pennsylvania, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. CASEY thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDING OFFICER (Mrs. GILLIBRAND). The majority leader is recognized.

SCHEDULE

Mr. REID. Madam President, today we will resume voting on amendments and motions to the health care legislation. Senators should expect a series of votes to begin momentarily.

Under a previous agreement, we will proceed to passage of reconciliation at 2 p.m. today. Other votes will still be possible with respect to short-term extensions of provisions that expire over the break, I should notify all Members.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, the leadership time is reserved.

HEALTH CARE AND EDUCATION RECONCILIATION ACT OF 2010

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of H.R. 4872, which the clerk will report.

The legislative clerk read as follows:

A bill (H.R. 4872) to provide for reconciliation pursuant to Title II of the concurrent resolution on the budget for fiscal year 2010 (S. Con. Res. 13).

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Madam President, the Senator from Nevada is going to be recognized to offer an amendment at this time. I note that after the Senator from Nevada, the plan is to go to Senator COBURN, Senator SESSIONS, Senator CORNYN, Senator GRASSLEY, Senator BROWBACK, Senator VITTER and Senator DEMINT, and then maybe Senator COBURN again and then maybe Senator ENSIGN again.

The PRESIDING OFFICER. The Senator from Nevada.

AMENDMENT NO. 3593

Mr. ENSIGN. Madam President, I call up amendment No. 3593.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Nevada [Mr. ENSIGN] proposes an amendment numbered 3593.

Mr. ENSIGN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To improve access to pro bono care for medically underserved or indigent individuals by providing limited medical liability protections)

At the end of subtitle B of title II, insert the following:

SEC. 2. HEALTH CARE SAFETY NET ENHANCEMENT.

(a) LIMITATION ON LIABILITY.—Notwithstanding any other provision of law, a health care professional shall not be liable in any medical malpractice lawsuit for a cause of action arising out of the provision of, or the failure to provide, any medical service to a medically underserved or indigent individual while engaging in the provision of pro bono medical services.

(b) REQUIREMENTS.—Subsection (a) shall not apply—

(1) to any act or omission by a health care professional that is outside the scope of the services for which such professional is deemed to be licensed or certified to provide, unless such act or omission can reasonably be determined to be necessary to prevent serious bodily harm or preserve the life of the individual being treated;

(2) if the services on which the medical malpractice claim is based did not arise out of the rendering of pro bono care for a medically underserved or indigent individual; or

(3) to an act or omission by a health care professional that constitutes willful or criminal misconduct, gross negligence, reckless misconduct, or a conscious, flagrant indifference to the rights or safety of the individual harmed by such professional.

(c) DEFINITION.—In this section—

(1) the term “medically underserved individual” means an individual who does not have health care coverage under a group health plan, health insurance coverage, or any other health care coverage program; and

(2) the term “indigent individual” means an individual who is unable to pay for the health care services that are provided to the individual.

Mr. ENSIGN. Madam President, very briefly, this is an amendment to improve the health care system in America. We talk about making health care more affordable. One of the ways to do that is to encourage people to give away health care.

In my veterinary practice, I used to give away about 10 to 20 percent of my business. I did not have to be worried about being sued. Every doctor, every health care provider I have talked with, if they give away, if they do it pro bono, if they do it out of compassion, that is one of the first times they are going to get sued.

What this amendment says is, unless there is gross negligence, if a health care provider is giving their services away out of the compassion of their heart, they cannot be sued. It is a very simple amendment.

We have had this debate on the Senate floor before. This would greatly improve our medical system by encouraging people to be compassionate for those who cannot afford medical care, but they should not have to be worried about being sued if they happen to be compassionate enough to give their services away.

This is a commonsense amendment. I encourage all our colleagues to vote for this amendment. This will improve our health care system in the United States.

The PRESIDING OFFICER. Who yields time in opposition?

Mr. BAUCUS. Madam President, we just now saw this amendment. We have to look at it. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BAUCUS. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAUCUS. Madam President, as I said, we were just handed this amendment. We have now examined it. This is an amendment that is related to medical malpractice and tort reform. There are a lot of provisions already in the bill which cover this subject. However, the main point of this amendment is not the jurisdiction of the relevant committees.

I raise a point of order that the Ensign amendment would violate section 313(b)(1)(C) of the Congressional Budget Act.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. ENSIGN. Pursuant to section 904 of the Congressional Budget Act of 1974 and section 4(g)(3) of the statutory Pay-As-You-Go Act of 2010, I move to waive all applicable sections of those acts and applicable budget resolutions for purposes of my amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from California (Mrs. BOXER), the Senator from West Virginia (Mr. BYRD), the Senator from Washington (Ms. CANTWELL), and the Senator from New Jersey (Mr. LAUTENBERG) are necessarily absent.

Mr. KYL. The following Senator is necessarily absent: the Senator from Georgia (Mr. ISAKSON).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 40, nays 55, as follows:

[Rollcall Vote No. 93 Leg.]

YEAS—40

Alexander	Crapo	McCain
Barrasso	DeMint	McConnell
Bennett	Ensign	Murkowski
Bond	Enzi	Risch
Brown (MA)	Graham	Roberts
Brownback	Grassley	Sessions
Bunning	Gregg	Shelby
Burr	Hatch	Snowe
Chambliss	Hutchison	Thune
Coburn	Inhofe	Vitter
Cochran	Johanns	Voinovich
Collins	Kyl	Wicker
Corker	LeMieux	
Cornyn	Lugar	

NAYS—55

Akaka	Hagan	Nelson (FL)
Baucus	Harkin	Pryor
Bayh	Inouye	Reed
Begich	Johnson	Reid
Bennet	Kaufman	Rockefeller
Bingaman	Kerry	Sanders
Brown (OH)	Klobuchar	Schumer
Burr	Kohl	Shaheen
Cardin	Landrieu	Specter
Carper	Leahy	Stabenow
Casey	Levin	Tester
Conrad	Lieberman	Udall (CO)
Dodd	Lincoln	Udall (NM)
Dorgan	McCaskill	Warner
Durbin	Menendez	Webb
Feingold	Merkley	Whitehouse
Feinstein	Mikulski	Wyden
Franken	Murray	
Gillibrand	Nelson (NE)	

NOT VOTING—5

Boxer	Cantwell	Lautenberg
Byrd	Isakson	

The PRESIDING OFFICER. On this vote, the yeas are 40, the nays are 55. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

The point of order is sustained, and the amendment falls.

Mr. GREGG. Madam President, I understand we will now be having 10-minute votes. Is that correct?

The PRESIDING OFFICER. The Senator will be in order.

Mr. GREGG. I ask unanimous consent that all additional votes on this bill be 10 minutes.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The Senator from Oklahoma.

AMENDMENT NO. 3700

Mr. COBURN. Madam President, I have an amendment at the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Oklahoma [Mr. COBURN] proposes an amendment numbered 3700.

Mr. COBURN. I ask unanimous consent the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To help protect Second Amendment rights of law-abiding Americans)

At the end, add the following:

TITLE III—SECOND AMENDMENT PROTECTION

SEC. 3001. VETERANS SECOND AMENDMENT PROTECTION.

(a) SHORT TITLE.—This section may be cited as the “Veterans 2nd Amendment Protection Act”.

(b) CONDITIONS FOR TREATMENT OF CERTAIN PERSONS AS ADJUDICATED MENTALLY INCOMPETENT FOR CERTAIN PURPOSES.—

(1) IN GENERAL.—Chapter 55 of title 38, United States Code, is amended by adding at the end the following:

“§5511. Conditions for treatment of certain persons as adjudicated mentally incompetent for certain purposes

“In any case arising out of the administration by the Secretary of laws and benefits under this title, a person who is mentally incapacitated, deemed mentally incompetent, or experiencing an extended loss of consciousness shall not be considered adjudicated as a mental defective under subsection (d)(4) or (g)(4) of section 922 of title 18 without the order or finding of a judge, magistrate, or other judicial authority of competent jurisdiction that such person is a danger to himself or herself or others.”.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 55 of such title is amended by adding at the end the following new item:

“5511. Conditions for treatment of certain persons as adjudicated mentally incompetent for certain purposes.”.

(c) SEVERABILITY.—Notwithstanding any other provision of this Act, if any provision of this section, or any amendment made by this section, or the application of such provision or amendment to any person or circumstance is held to be unconstitutional, this section and amendments made by this section and the application of such provision or amendment to other persons or circumstances shall not be affected thereby.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of enactment of this Act.

Mr. COBURN. Madam President, 140,000 of our troops have lost their second amendment rights as they go through the VA hospital system. They are not a danger to themselves or anyone else. This amendment is something that has passed this body unanimously, has come out of the committee unanimously, but still we have 140,000 of our long-serving veterans who have lost their rights to own a gun, hunt with their grandchildren, or to hunt birds in North Dakota.

We have taken it away, not because of anything we did, because the bureaucracy did it. This amendment restores that. As they have gone through the VA system and the health care system, a bureaucrat has taken that right away.

This is supported by the National Alliance on Mental Illness, AMVETS, Military Order of Purple Heart, NRA, Gun Owners of America, Veterans of Foreign Wars, and the American Legion.

I yield the floor.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Madam President, this is a health care reform—

Mr. COBURN. They lost it under their health care.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. This is a health care reform bill, and we should keep all amendments to that subject. When we were sworn in as Senators, we took an oath of office to support the Constitution of the United States, which clearly includes the second amendment. All of us have a strong belief in the second amendment to our Constitution. But whatever you think about second amendment rights and the application of the second amendment, whatever you think about veterans and the relationship to questions of competency, I think we all should agree that neither what anybody thinks about second amendment rights or what veterans' relations should be to that should be in this bill. This is a health care bill.

I note this bill already explicitly protects the rights of gun owners. Therefore, because this amendment is nearly entirely composed of matter outside the jurisdiction of the reconciled committees, I raise a point of order that the Coburn amendment violates section 313(b)(1)(C) of the Congressional Budget Act.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. COBURN. Pursuant to section 904 of the Congressional Budget Act of 1974 and section 4(g)(3) of the Statutory Pay-as-you-go Act of 2010, I move to waive all applicable sections of those acts and applicable budget resolutions for purposes of my amendment.

I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be a sufficient second.

The question is on agreeing to the motion. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. BYRD) is necessarily absent.

Mr. KYL. The following Senator is necessarily absent: the Senator from Georgia (Mr. ISAKSON).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 45, nays 53, as follows:

[Rollcall Vote No. 94 Leg.]

YEAS—45

Alexander	Crapo	McCain
Barrasso	DeMint	McConnell
Bayh	Ensign	Murkowski
Bennett	Enzi	Nelson (NE)
Bond	Graham	Pryor
Brown (MA)	Grassley	Risch
Brownback	Gregg	Roberts
Bunning	Hatch	Sessions
Burr	Hutchison	Shelby
Chambliss	Inhofe	Snowe
Coburn	Johanns	Thune
Cochran	Kyl	Vitter
Collins	LeMieux	Voivovich
Corker	Lincoln	Webb
Cornyn	Lugar	Wicker

NAYS—53

Akaka	Franken	Mikulski
Baucus	Gillibrand	Murray
Begich	Hagan	Nelson (FL)
Bennet	Harkin	Reed
Bingaman	Inouye	Reid
Boxer	Johnson	Rockefeller
Brown (OH)	Kaufman	Sanders
Burr	Kerry	Schumer
Cantwell	Klobuchar	Shaheen
Cardin	Kohl	Specter
Carper	Landrieu	Stabenow
Casey	Lautenberg	Tester
Conrad	Leahy	Udall (CO)
Dodd	Levin	Udall (NM)
Dorgan	Lieberman	Warner
Durbin	McCaskill	Whitehouse
Feingold	Menendez	Wyden
Feinstein	Merkley	

NOT VOTING—2

Byrd Isakson

The PRESIDING OFFICER. On this vote, the yeas are 45, the nays are 53. Three-fifths of the Senators duly chosen and sworn having not voted in the affirmative, the motion is not agreed to, the point of order is sustained, and the amendment falls.

Mr. DURBIN. Madam President, I move to reconsider the vote and lay that motion upon the table.

The motion to lay upon the table was agreed to.

The PRESIDING OFFICER. The Senator from Alabama.

AMENDMENT NO. 3701

Mr. SESSIONS. Madam President, President Obama made a promise to the American people that health care legislation would not provide benefits to those illegally in the country.

The PRESIDING OFFICER. Does the Senator wish to call up his amendment?

Mr. SESSIONS. I would call up my amendment.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Alabama [Mr. SESSIONS] proposes an amendment numbered 3701.

Mr. SESSIONS. I ask unanimous consent that the reading of the amendment be dispensed with.

The amendment is as follows:

(Purpose: To ensure that Americans are not required to pay for the health benefits for those here illegally by requiring the use of an effective eligibility verification system, consistent with existing law for other Federal health related programs, and to also maintain the current, and well-established requirement of law, that legal immigrants should not become a "public charge" or burden to the American taxpayers, to reduce the cost of this bill, and to reduce the deficit and for other purposes)

At the end of subtitle A of title I, insert the following:

SEC. 1006. PROVISIONS TO ENSURE EFFECTIVE ELIGIBILITY VERIFICATION SYSTEM.

(a) ELIGIBILITY FOR CREDITS AND COST-SHARING REDUCTIONS.—

(1) CREDITS.—Section 36B of the Internal Revenue Code of 1986, as added by section 1401 of the Patient Protection and Affordable Care Act, is amended—

(A) in subsection (c) (1), by striking subparagraph (B) and by redesignating subpara-

graphs (C) and (D) as subparagraphs (B) and (C), respectively, and

(B) by striking paragraph (3) of subsection (e).

(2) REDUCED COST-SHARING.—Section 1402 of the Patient Protection and Affordable Care Act is amended—

(A) by striking the last sentence of subsection (b),

(B) by striking paragraph (3) of subsection (e), and

(C) by adding at the end of subsection (f) the following:

"(4) SUBSIDIES TREATED AS PUBLIC BENEFIT.—Notwithstanding any other provision of this Act or any other provision of law, for purposes of section 403 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1613), the following shall be considered a Federal means-tested public benefit:

"(A) The ability of an individual to purchase a qualified health plan offered through an Exchange.

"(B) The premium tax credit established under section 1401 of this Act (and any advance payment thereof).

"(C) The cost sharing reductions established under this section (and any advance payment thereof)."

(b) ELIGIBILITY DETERMINATIONS.—Section 1411 of the Patient Protection and Affordable Care Act is amended—

(1) in subsection (a)—

(A) by striking so much of such subsection as precedes paragraph (1) and inserting:

"(a) VERIFICATION PROCESS.—The Secretary shall ensure that eligibility determinations required by this Act are conducted in accordance with the following requirements, including requirements for determining:"; and

(B) by inserting "eligible" before "alien" in paragraph (1),

(2) in subsection (b)(1)—

(A) by inserting "the Exchange with the following" after "provide",

(B) by striking "and" at the end of subparagraph (A), by redesignating subparagraph (B) as subparagraph (C) and by inserting after subparagraph (A) the following:

"(B) a sworn statement, under penalty of perjury, specifically attesting to the fact that each enrollee is either a citizen or national of the United States or an eligible lawful permanent resident meeting the requirements of section 1402(f)(3) of this Act and identifying the applicable eligibility status for each enrollee; and", and

(C) by inserting "and documentation" after "information" in subparagraph (C) (as so redesignated),

(3) by striking subparagraphs (A) and (B) of subsection (b)(2) and inserting the following:

"(A) In the case of an enrollee whose eligibility is based on attestation of citizenship of the enrollee, the enrollee shall provide satisfactory evidence of citizenship or nationality (within the meaning of section 1903(x) of the Social Security Act (42 U.S.C. 1396b)).

"(B) In the case of an individual whose eligibility is based on attestation of the enrollee's immigration status—

"(i) such information as is necessary for the individual to demonstrate they are in 'satisfactory immigration status' as defined and in accordance with the Systematic Alien Verification for Entitlements (SAVE) program established by section 1137 of the Social Security Act (42 U.S.C. 1320b-7), and

"(ii) any other additional identifying information as the Secretary, in consultation with the Secretary of Homeland Security,

may require in order for the enrollee to demonstrate satisfactory immigration status.”,

(4) by striking so much of subsection (c) as precedes paragraph (3) and inserting the following:

“(c) VERIFICATION OF ELIGIBILITY THROUGH DOCUMENTATION.—

“(1) IN GENERAL.—Each Exchange shall conduct eligibility verification, using the information provided by an applicant under subsection (b), in accordance with this subsection.

“(2) VERIFICATION OF CITIZENSHIP OR IMMIGRATION STATUS.—

“(A) VERIFICATION OF ATTESTATION OF CITIZENSHIP.—Each Exchange shall verify the eligibility of each enrollee who attests that they are a citizen or national of the United States, as required by subsection (b)(1)(A) of this section, in accordance with the provisions of section 1903(x) of the Social Security Act.

“(B) VERIFICATION OF ATTESTATION OF ELIGIBLE IMMIGRATION STATUS.—Each Exchange shall verify the eligibility of each enrollee who attests that they are eligible to participate in the exchange by virtue of having been a lawful permanent resident for not less than 5 years, as required by subsection (b)(1)(B) of this section, in accordance with the provisions of section 1137 of the Social Security Act.”,

(5) by striking subparagraph (B) of subsection (c)(4),

(6) by striking subsection (d) and redesignating subsections (e) through (i) as subsections (d) through (h), respectively, and

(7) by striking “under section 1902(ee) of the Social Security Act (as in effect on January 1, 2010)” in subsection (d)(3) (as redesignated under paragraph (6)) and inserting “in accordance with the secondary verification process established consistent with section 1137 of the Social Security Act (as is in effect as of January 1, 2009)”.

Mr. SESSIONS. I would note that loopholes do remain in the health care legislation. My amendment would simply ensure that the promise that has been made to the American people would be kept. It sets up an effective eligibility verification system consistent with that for other Federal health-related programs.

The amendment maintains current law, which prohibits legal immigrants from becoming a public charge on the taxpayers. It also prohibits the Secretary from drafting any regulation that would amend or alter these principles, principles that the President, the Congress, and the American people have said they support. The amendment would reduce fraud and the financial burden of the legislation on the American taxpayers.

I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Madam President, I urge my colleagues to oppose the Sessions amendment. It does two things. First, it requires legal permanent residents in the United States to produce documentary proof of their legality. We tried this under Medicaid and found out that many people in our country, the elderly and others, found it difficult to produce documentation though they were clearly eligible and

clearly legal and entitled to basic assistance.

Instead, our bill that we passed, health care reform, verifies that a person is legal by declaration of their Social Security number, which is verified. So we go through a good process here to make sure only those eligible will receive, and, secondly, what Senator SESSIONS' amendment does, is say to legal permanent residents paying taxes, they cannot use the Tax Code like other citizens for deductions and credits for 5 years. They are paying taxes under the Tax Code. They should be allowed the same tax credits as other Americans, other people living in this country.

I urge my colleagues to defeat it for those two reasons, and the fact that this is an attempt to derail this bill.

I move to table the Sessions amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. BYRD) is necessarily absent.

Mr. KYL. The following Senator is necessarily absent: the Senator from Georgia (Mr. ISAKSON).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 55, nays 43, as follows:

[Rollcall Vote No. 95 Leg.]

YEAS—55

Akaka	Gillibrand	Murray
Baucus	Hagan	Nelson (FL)
Begich	Harkin	Reed
Bennet	Inouye	Reid
Bingaman	Johnson	Rockefeller
Boxer	Kaufman	Sanders
Brown (OH)	Kerry	Schumer
Burr	Klobuchar	Shaheen
Cantwell	Kohl	Specter
Cardin	Landrieu	Stabenow
Carper	Lautenberg	Tester
Casey	Leahy	Udall (CO)
Conrad	Levin	Udall (NM)
Dodd	Lieberman	Warner
Dorgan	Lincoln	Webb
Durbin	McCaskill	Whitehouse
Feingold	Menendez	Wyden
Feinstein	Merkley	
Franken	Mikulski	

NAYS—43

Alexander	Crapo	McConnell
Barrasso	DeMint	Murkowski
Bayh	Ensign	Nelson (NE)
Bennett	Enzi	Pryor
Bond	Graham	Risch
Brown (MA)	Grassley	Roberts
Brownback	Gregg	Sessions
Bunning	Hatch	Shelby
Burr	Hutchison	Snowe
Chambliss	Inhofe	Thune
Coburn	Johanns	Vitter
Cochran	Kyl	Voinovich
Collins	LeMieux	Wicker
Corker	Lugar	
Cornyn	McCain	

NOT VOTING—2

Byrd

Isakson

The motion was agreed to.

Mrs. MURRAY. Madam President, I move to reconsider the vote.

Mr. INOUE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Texas.

AMENDMENT NO. 3698

Mr. CORNYN. Madam President, I call up amendment No. 3698 and ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Texas [Mr. CORNYN] proposes an amendment numbered 3698.

Mr. CORNYN. I ask unanimous consent that reading of the amendment be dispensed with.

The amendment is as follows:

(Purpose: To ensure that health care reform reduces health care costs for American families, small businesses, and taxpayers)

At the end of subtitle F of title I, insert the following:

SEC. 1. LIMITATION ON APPLICATION OF ACTS.

Notwithstanding any other provision of law, the Secretary of Health and Human Services shall not implement the Patient Protection and Affordable Care Act and the Health Care and Education Reconciliation Act of 2011 until the Office of the Actuary at the Centers for Medicare & Medicaid Services certifies to Congress that such Acts will reduce National health expenditures relative to the level of such expenditures under current law.

Mr. CORNYN. Madam President, this amendment would ensure that health care reform costs are lowered by this piece of legislation. If independent actuaries for the Centers for Medicare and Medicaid Services cannot certify that this health care reform legislation lowers national health expenditures, this bill will not go into effect.

I reserve the remainder of my time before the vote.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Madam President, this amendment is a thinly disguised attempt to kill health care reform. Let me explain why. I remind my colleagues that the Congressional Budget Office has told us that in the first 10 years the bill actually will reduce the deficit by a significant amount. CBO also informs us that health care reform will lower premiums for 97 percent of Americans, improve benefits for many who are underinsured, and health care reform will bend the growth curve of health care spending. The CMS Actuary also says that national health care spending will be lower under the law than it will be without reform. In 2019, health spending will be 6.7 percent, compared to 7.2 without reform.

To prohibit implementation unless all these projections bear out is just

another attempt to kill the bill. For that reason, I urge colleagues to resist this amendment.

The PRESIDING OFFICER. The time of the Senator from Montana has expired.

The Senator from Texas.

Mr. CORNYN. Madam President, if you raise taxes enough and if you cut Medicare enough, you might be able to claim, through phony bookkeeping, that somehow this cuts the deficit. The administration's own actuaries have concluded this law will raise health care costs. That is why it is important we pass this amendment, so that the central purpose of this legislation—to bend the cost curve down—is actually realized.

I urge colleagues to support the amendment.

The PRESIDING OFFICER. The majority leader.

Mr. REID. Madam President, we need to move these amendments more quickly. We have an agreement. We want to make sure everyone continues working in good faith. I ask unanimous consent that all future votes, starting with this one, be 10 minutes, and we will only have 2 minutes for the penalty period, so to speak. After 12 minutes, the votes are going to be cut off. Everyone should understand.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAUCUS. Madam President, I move to table the Cornyn amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. BYRD) is necessarily absent.

Mr. KYL. The following Senator is necessarily absent: the Senator from Georgia (Mr. ISAKSON).

The PRESIDING OFFICER (Mr. MENENDEZ). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 58, nays 40, as follows:

[Rollcall Vote No. 96 Leg.]

YEAS—58

Akaka	Feinstein	Menendez
Baucus	Franken	Merkley
Bayh	Gillibrand	Mikulski
Begich	Hagan	Murray
Bennet	Harkin	Nelson (NE)
Bingaman	Inouye	Nelson (FL)
Boxer	Johnson	Pryor
Brown (OH)	Kaufman	Reed
Burr	Kerry	Reid
Cantwell	Klobuchar	Rockefeller
Cardin	Kohl	Sanders
Carper	Landrieu	Schumer
Casey	Lautenberg	Shaheen
Conrad	Leahy	Specter
Dodd	Levin	Stabenow
Dorgan	Lieberman	Tester
Durbin	Lincoln	
Feingold	McCaskill	

Udall (CO)
Udall (NM)

Warner
Webb

Whitehouse
Wyden

NAYS—40

Alexander
Barrasso
Bennett
Bond
Brown (MA)
Brownback
Bunning
Burr
Chambliss
Coburn
Cochran
Collins
Corker
Cornyn

Crapo
DeMint
Ensign
Enzi
Graham
Grassley
Gregg
Hatch
Hutchison
Inhofe
Johanns
Kyl
LeMieux
Lugar

McCain
McConnell
Murkowski
Risch
Roberts
Sessions
Shelby
Snowe
Thune
Vitter
Voinovich
Wicker

NOT VOTING—2

Byrd

Isakson

The motion was agreed to.

Mr. SCHUMER. Mr. President, I move to reconsider the vote.

Mr. DODD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Iowa.

AMENDMENT NO. 3569

Mr. GRASSLEY. Mr. President, I call up amendment No. 3569.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Iowa [Mr. GRASSLEY] proposes an amendment numbered 3569.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To amend title XVIII of the Social Security Act to ensure Medicare beneficiary access to physicians, eliminate sweetheart deals for frontier States, and ensure equitable reimbursement under the Medicare program for all rural States)

At the end of subtitle B of title I, insert the following:

SEC. ____ REVISIONS TO THE PRACTICE EXPENSE GEOGRAPHIC ADJUSTMENT UNDER THE MEDICARE PHYSICIAN FEE SCHEDULE.

Effective as if included in the enactment of the Patient Protection and Affordable Care Act, subparagraph (H) of section 1848(e)(1) of the Social Security Act (42 U.S.C. 1395w-4(e)(1)), as added by section 3102(b) of the Patient Protection and Affordable Care Act, is amended to read as follows:

“(H) PRACTICE EXPENSE GEOGRAPHIC ADJUSTMENT FOR 2010 AND SUBSEQUENT YEARS.—

“(i) FOR 2010.—Subject to clause (iii), for services furnished during 2010, the employee wage and rent portions of the practice expense geographic index described in subparagraph (A)(i) shall reflect $\frac{1}{2}$ of the difference between the relative costs of employee wages and rents in each of the different fee schedule areas and the national average of such employee wages and rents.

“(ii) FOR 2011.—Subject to clause (iii), for services furnished during 2011, the employee wage and rent portions of the practice expense geographic index described in subparagraph (A)(i) shall reflect $\frac{1}{4}$ of the difference between the relative costs of employee wages and rents in each of the different fee schedule areas and the national average of such employee wages and rents.

“(iii) HOLD HARMLESS.—The practice expense portion of the geographic adjustment factor applied in a fee schedule area for services furnished in 2010 or 2011 shall not, as a result of the application of clause (i) or (ii), be reduced below the practice expense portion of the geographic adjustment factor under subparagraph (A)(i) (as calculated prior to the application of such clause (i) or (ii), respectively) for such area for such year.

“(iv) ANALYSIS.—The Secretary shall analyze current methods of establishing practice expense geographic adjustments under subparagraph (A)(i) and evaluate data that fairly and reliably establishes distinctions in the costs of operating a medical practice in the different fee schedule areas. Such analysis shall include an evaluation of the following:

“(I) The feasibility of using actual data or reliable survey data developed by medical organizations on the costs of operating a medical practice, including office rents and non-physician staff wages, in different fee schedule areas.

“(II) The office expense portion of the practice expense geographic adjustment described in subparagraph (A)(i), including the extent to which types of office expenses are determined in local markets instead of national markets.

“(III) The weights assigned to each of the categories within the practice expense geographic adjustment described in subparagraph (A)(i).

In conducting such analysis, the Secretary shall not take into account any data that is not actual or survey data.

“(v) REVISION FOR 2012 AND SUBSEQUENT YEARS.—As a result of the analysis described in clause (iv), the Secretary shall, not later than January 1, 2012, make appropriate adjustments to the practice expense geographic adjustment described in subparagraph (A)(i) to ensure accurate geographic adjustments across fee schedule areas, including—

“(I) basing the office rents component and its weight on occupancy costs only and making weighting changes in other categories as appropriate;

“(II) ensuring that office expenses that do not vary from region to region be included in the ‘other’ office expense category; and

“(III) considering a representative range of professional and non-professional personnel employed in a medical office based on the use of the American Community Survey data or other reliable data for wage adjustments.

Such adjustments shall be made without regard to adjustments made pursuant to clauses (i) and (ii) and shall be made in a budget neutral manner.

“(vi) SPECIAL RULE.—If the Secretary does not complete the analysis described in clause (iv) and make any adjustments the Secretary determines appropriate for 2012 or a subsequent year under clause (v), the Secretary shall apply clause (ii) for services furnished during 2012 or a subsequent year in the same manner as such clause applied for services furnished during 2011.”

SEC. ____ ELIMINATION OF SWEETHEART DEAL THAT INCREASES MEDICARE REIMBURSEMENT JUST FOR FRONTIER STATES.

Effective as if included in the enactment of the Patient Protection and Affordable Care Act, section 10324 of such Act (and the amendments made by such section) is repealed.

The PRESIDING OFFICER. The Senator from Iowa is recognized for 1 minute.

Mr. GRASSLEY. Mr. President, this is about geographical equity for all

States. The Senate health reform bill just signed into law includes a frontier sweetheart deal that improves Medicare payments for five rural States at the expense of the other 45. The special deal is for North Dakota, South Dakota, Montana, Utah, and Wyoming. The Washington Post calls these deals the "Candy Land" of the health care bill. Repealing this provision will not kill the bill because it has to go back to the House anyway.

My amendment also ensures that Health and Human Services cannot undo the formula fix that my amendment established in the Senate health care bill that is now law.

The PRESIDING OFFICER. The time of the Senator has expired.

The Senator from Montana.

Mr. BAUCUS. Mr. President, I have the highest regard for my good friend from Iowa. We work very closely together. We want to make sure our States are fully incorporated, involved in the national health care delivery system; that is, rural States. We also want a balance between urban and rural. It is the only fair solution. This bill has that balance.

I might say, there are some—I chuckle a little bit—I have talked to some of my friends in the East who talk about rural America—rural New York or rural Illinois or rural Indiana—and I appreciate that very much. But we are talking here, with frontier States, with what is really rural: only about six people per square mile.

So I say to my friend from Iowa, we have the balance in the bill. We should maintain that current balance. I think this amendment is inadvisable, and I urge us to not support it.

Mr. President, I move to table the amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. BYRD) is necessarily absent.

Mr. KYL. The following Senator is necessarily absent: the Senator from Georgia (Mr. ISAKSON).

The PRESIDING OFFICER (Mrs. GILLIBRAND). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 53, nays 45, as follows:

[Rollcall Vote No. 97 Leg.]

YEAS—53

Akaka	Burr	Dorgan
Baucus	Cantwell	Durbin
Begich	Cardin	Feingold
Bennet	Carper	Feinstein
Bingaman	Casey	Franken
Boxer	Conrad	Gillibrand
Brown (OH)	Dodd	Hagan

Harkin	Lieberman	Schumer
Inouye	McCaskill	Shaheen
Johnson	Menendez	Specter
Kaufman	Merkley	Stabenow
Kerry	Mikulski	Tester
Klobuchar	Murray	Udall (CO)
Kohl	Nelson (FL)	Udall (NM)
Landrieu	Reed	Warner
Lautenberg	Reid	Whitehouse
Leahy	Rockefeller	Wyden
Levin	Sanders	

NAYS—45

Alexander	Crapo	McCain
Barrasso	DeMint	McConnell
Bayh	Ensign	Murkowski
Bennett	Enzi	Nelson (NE)
Bond	Graham	Pryor
Brown (MA)	Grassley	Risch
Brownback	Gregg	Roberts
Bunning	Hatch	Sessions
Burr	Hutchison	Shelby
Chambliss	Inhofe	Snowe
Coburn	Johanns	Thune
Cochran	Kyl	Vitter
Collins	LeMieux	Voinovich
Corker	Lincoln	Webb
Cornyn	Lugar	Wicker

NOT VOTING—2

Byrd Isakson

The motion was agreed to.

The PRESIDING OFFICER. The Senator from Kansas is recognized.

AMENDMENT NO. 3697

Mr. BROWNBACK. Madam President, I call up, on behalf of myself and Senator MURKOWSKI, amendment No. 3697 and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Kansas [Mr. BROWNBACK], for himself and Ms. MURKOWSKI, proposes an amendment numbered 3697.

Mr. BROWNBACK. I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To index tax thresholds imposed under the legislation to prevent the government from using inflation to impose those taxes on individuals currently making less than \$200,000 and families making less than \$250,000)

At the end of section 1402(a), insert the following:

(5) INFLATION ADJUSTMENT.—Section 1411 of the Internal Revenue Code of 1986, as added by paragraph (1), is amended by adding at the end the following new subsection:

“(f) ADJUSTMENT FOR INFLATION.—In the case of any taxable year beginning after December 31, 2013, each of the dollar amounts under paragraphs (1) and (3) of subsection (b), subparagraphs (A) and (C) of section 3101(b)(2), and clauses (i) and (iii) of section 1401(b)(2)(A) shall be increased by an amount equal to—

“(1) such amount, multiplied by

“(2) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year in which such taxable year begins by substituting ‘calendar year 2012’ for ‘calendar year 1992’ in subparagraph (B) thereof. If any increase determined under this subsection is not a multiple of \$1,000, such increase shall be rounded to the next lowest multiple of \$1,000.”.

Mr. BROWNBACK. Madam President, this is a very simple but very impor-

tant amendment in the sense that the new surtaxes on Medicare, on wages, and on unearned income are not indexed for inflation. All of my colleagues are familiar with the problem we have had with the alternative minimum tax being not indexed for inflation, and with that being a problem, it is now built into this bill. This new surtax is not indexed for inflation.

If I can show my colleagues for a moment, on this chart, we can see how quickly, with a 4-percent rate of inflation, the people who are getting the subsidy today will be taxed as high income in a few years. This is a problem we are very familiar with. We fight with it regularly. It is part of the funding base of this bill. It needs to be taken out. The bill should not be paid for with inflation, and we are all too likely to have significant inflation.

So I urge my colleagues to support this amendment.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Madam President, I have a lot of sympathy with the amendment. We don't want to get into an AMT situation. The AMT was not indexed when the AMT was enacted. We are now paying the price today. It is very possible that if this level is not indexed, we may be paying the price later on, in several years' time, but this is not the time or place.

I might also say there are other provisions in the bill that are not indexed, such as the affordability provisions. That is not indexed. I don't think it is fair to index only for upper income and others whose incomes are below \$20,000. But it is an issue, and we will address this at a subsequent date because it must be.

In the meantime, I move to table the amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. BYRD) is necessarily absent.

Mr. KYL. The following Senator is necessarily absent: the Senator from Georgia (Mr. ISAKSON).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 56, nays 42, as follows:

[Rollcall Vote No. 98 Leg.]

YEAS—56

Akaka	Burr	Dorgan
Baucus	Cantwell	Durbin
Begich	Cardin	Feingold
Bennet	Carper	Feinstein
Bingaman	Casey	Franken
Boxer	Conrad	Gillibrand
Brown (OH)	Dodd	Hagan

Harkin	Lincoln	Sanders
Inouye	McCaskey	Schumer
Johnson	Menendez	Shaheen
Kaufman	Merkley	Specter
Kerry	Mikulski	Stabenow
Klobuchar	Murray	Tester
Kohl	Nelson (NE)	Udall (CO)
Landrieu	Nelson (FL)	Udall (NM)
Lautenberg	Pryor	Warner
Leahy	Reed	Whitehouse
Levin	Reid	Wyden
Lieberman	Rockefeller	

NAYS—42

Alexander	Cornyn	Lugar
Barrasso	Crapo	McCain
Bayh	DeMint	McConnell
Bennett	Ensign	Murkowski
Bond	Enzi	Risch
Brown (MA)	Graham	Roberts
Brownback	Grassley	Sessions
Bunning	Gregg	Shelby
Burr	Hatch	Snowe
Chambliss	Hutchison	Thune
Coburn	Inhofe	Vitter
Cochran	Johanns	Voinovich
Collins	Kyl	Webb
Corker	LeMieux	Wicker

NOT VOTING—2

Byrd	Isakson
------	---------

The motion was agreed to.

AMENDMENT NO. 3665

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. VITTER. Madam President, I ask unanimous consent that amendment No. 3665 be called up and immediately considered.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

The Senator from Louisiana [Mr. VITTER] proposes an amendment numbered 3665.

Mr. VITTER. I ask unanimous consent that the reading of the whole be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To prevent the new government entitlement program from further increasing an unsustainable deficit)

At the end of subtitle B of title I, insert the following:

SEC. ____ . SUSPENSION OF THE ACT.

If at the beginning of any fiscal year OMB determines that the deficit targets set forth in the CBO report of March 20, 2010 will not be met, the provisions of this Act and the Patient Protection and Affordable Care Act shall be suspended for that year.

Mr. VITTER. Madam President, I was very happy to hear the distinguished chairman of the Finance Committee absolutely promise that the ObamaCare bill will reduce the deficit, and the CBO projects that. The problem is, I think the American people have a very different view based on their gut common sense. There was a recent national scientific poll that showed significantly more Americans think there is life on Mars than think that the bill will reduce the deficit.

My amendment is a simple, straightforward way to settle the question. It says for any fiscal year when those CBO costs or deficit reduction projections are busted, the entire ObamaCare

bill is suspended. So, in fact, if this is ballooning spending and ballooning the deficit, we will stop it in its tracks. I urge a "yes" vote.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Madam President, we have had all sorts of amendments this morning. We have had amendments on malpractice, we have had amendments on guns, we have had amendments on immigration. Even last night we had amendments on some very interesting subjects, but this is the return of the killer amendment. We had a few killer amendments yesterday, and this is the return of the killer amendment.

Why is it a killer amendment? Basically because this would suspend health care reform if certain arbitrary budget targets are not met. It is on again, off again, wondering about the other. It is clearly designed to kill the bill. Therefore, Madam President, I raise a point of order that the Vitter amendment violates section 313(b)(1)(c) of the Congressional Budget Act.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. VITTER. Madam President, my amendment only kills the bill—

The PRESIDING OFFICER. The Senator's time has expired.

Mr. VITTER. If the bill busts the budget.

Pursuant to section 904 of the Congressional Budget Act of 1974 and section 4(g)(3) of the Statutory Pay-As-You-Go Act of 2010, I move to waive all applicable sections of those acts and applicable budget resolutions for purposes of my amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question occurs on agreeing to the motion. The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. BYRD), the Senator from Louisiana (Ms. LANDRIEU), and the Senator from Colorado (Mr. UDALL) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Georgia (Mr. ISAKSON) and the Senator from Utah (Mr. BENNETT).

The PRESIDING OFFICER (Mrs. HAGAN). Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 39, nays 56, as follows:

[Rollcall Vote No. 99 Leg.]

YEAS—39

Alexander	Cochran	Grassley
Barrasso	Collins	Gregg
Bond	Corker	Hatch
Brown (MA)	Cornyn	Hutchison
Brownback	Crapo	Inhofe
Bunning	DeMint	Johanns
Burr	Ensign	Kyl
Chambliss	Enzi	LeMieux
Coburn	Graham	Lugar

McCain
McConnell
Murkowski
Risch

Roberts
Sessions
Shelby
Snowe

Thune
Vitter
Voinovich
Wicker

NAYS—56

Akaka	Franken	Murray
Baucus	Gillibrand	Nelson (NE)
Bayh	Hagan	Nelson (FL)
Begich	Harkin	Pryor
Bennet	Inouye	Reed
Bingaman	Johnson	Reid
Boxer	Kaufman	Rockefeller
Brown (OH)	Kerry	Sanders
Burris	Klobuchar	Schumer
Cantwell	Kohl	Shaheen
Cardin	Lautenberg	Specter
Carper	Leahy	Stabenow
Casey	Levin	Tester
Conrad	Lieberman	Udall (NM)
Dodd	Lincoln	Warner
Dorgan	McCaskill	Webb
Durbin	Menendez	Whitehouse
Feingold	Merkley	Wyden
Feinstein	Mikulski	

NOT VOTING—5

Bennett	Isakson	Udall (CO)
Byrd	Landrieu	

The PRESIDING OFFICER. On this vote, the yeas are 39 and the nays are 56. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected. The point of order is sustained, and the amendment falls.

Mrs. MURRAY. Madam President, I move to reconsider the vote.

Mr. REID. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from South Carolina.

MOTION TO COMMIT

Mr. DEMINT. I have a motion at the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from North Carolina. [Mr. DEMINT] moves to commit the bill H.R. 4872 to the Committee on Finance of the Senate with instructions to report the same back to the Senate within 1 day with changes that ensure that the Patient Protection and Affordable Care Act (including the amendments made by such Act) does not prohibit Americans from purchasing health insurance across State lines.

Mr. DEMINT. Madam President, this motion will ensure that the new government health regime that has just been made law will not prohibit Americans from purchasing private health insurance plans across State lines without going through a government exchange.

Throughout this yearlong health care debate, we have talked about the importance of competition between insurance companies, how it could bring accountability and lower costs. Yet the laws of the land have actually created State-by-State monopolies that have not been responsive to the American people and have run up costs.

This motion could change that, creating hundred of choices, for Americans all across our Nation, with insurance companies competing for their

business. CBO says this would lower their costs at least 5 percent; other folks say much more, particularly if you are in a State with a lot of mandates.

I encourage my colleagues to support my motion.

The PRESIDING OFFICER. The time of the Senator has expired.

The Senator from Montana.

Mr. BAUCUS. This is a motion to commit to the Finance Committee obviously designed to kill the bill. Clearly, there is inadequate competition among insurance companies in most of our States. In fact, in most States I think there are maybe just two major companies. We want to encourage much more competition.

Allowing them to sell across State lines is in concept a good idea, but it must be done responsibly. The underlying bill—the bill that passed, actually—does allow for interstate compacts. States can compact to sell across State lines. Once the exchange is open in 2014, insurance companies will automatically be able to sell across State lines. But to allow sales now would be irresponsible because it would encourage a race to the bottom. By that, I mean that irresponsible companies will be inclined to go to States with the lowest standards and then sell health insurance to other parts of the country, so people in other States will have virtually no remedies.

It makes sense to have health care reform provisions in place, and then we can sell across State lines with compacts through the exchanges.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. BAUCUS. I move to table the DeMint motion, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The question is on agreeing to the motion. The clerk will call the roll.

The legislative clerk called the roll.

Mr. KYL. The following Senator is necessarily absent: the Senator from Georgia (Mr. ISAKSON).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 56, nays 43, as follows:

[Rollcall Vote No. 100 Leg.]

YEAS—56

Akaka	Dorgan	Lautenberg
Baucus	Durbin	Leahy
Begich	Feingold	Levin
Bennet	Feinstein	Lieberman
Bingaman	Franken	McCaskill
Boxer	Gillibrand	Menendez
Brown (OH)	Hagan	Merkley
Burris	Harkin	Mikulski
Byrd	Inouye	Murray
Cantwell	Johnson	Nelson (FL)
Cardin	Kaufman	Pryor
Carper	Kerry	Reed
Casey	Klobuchar	Reid
Conrad	Kohl	Rockefeller
Dodd	Landrieu	Sanders

Schumer
Shaheen
Specter
Stabenow

Tester
Udall (CO)
Udall (NM)
Warner

Webb
Whitehouse
Wyden

NAYS—43

Alexander
Barrasso
Bayh
Bennett
Bond
Brown (MA)
Brownback
Bunning
Burr
Chambliss
Coburn
Cochran
Collins
Corker
Cornyn

Crapo
DeMint
Ensign
Enzi
Graham
Grassley
Gregg
Hatch
Hutchison
Inhofe
Johanns
Kyl
LeMieux
Lincoln
Lugar

McCain
McConnell
Murkowski
Nelson (NE)
Risch
Roberts
Sessions
Shelby
Snowe
Thune
Vitter
Voinovich
Wicker

NOT VOTING—1

Isakson

The motion was agreed to.

AMENDMENT NO. 3710

The PRESIDING OFFICER. The Senator from Nevada.

Mr. ENSIGN. I call up amendment No. 3710.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Nevada [Mr. ENSIGN], for himself and Mr. BROWN of Massachusetts, proposes an amendment numbered 3710.

Mr. ENSIGN. Madam President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To strike the penalty for failure to comply with the individual mandate)

Strike section 1002 and insert the following:

SEC. 1002. REPEAL OF PENALTY FOR FAILURE TO MAINTAIN MINIMUM ESSENTIAL COVERAGE.

Section 5000A of the Internal Revenue Code of 1986, as added by the Patient Protection and Affordable Care Act, is amended by striking subsections (b), (c), (e), and (g).

Mr. ENSIGN. I call the attention of the Senate to this clever cartoon. This cartoon has captured a very important part of this health care bill. It is a Trojan horse that says "health care reform" on it. You see a bunch of IRS agents coming out.

My amendment goes to the heart of one of the problems with this bill. There is an individual mandate that puts fines on people that can also attach civil penalties. And 16,500 new IRS agents are going to be required to be hired because of the health care reform bill.

Do we want IRS agents showing up at people's houses, not only to audit them because of their taxes but because now they are not paying an individual mandate fine? I do not think America wants expansion of the IRS. We should be focusing on jobs, not new jobs for IRS agents.

I encourage my colleagues to vote for this amendment that would eliminate the individual fines on the individual mandates and civil penalties.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Madam President, the whole premise, the theory of health care reform is that it is a shared responsibility—employers, employees, American citizens, companies, a shared solution here.

The bill already waives any criminal penalties. That is taken out of the bill. No criminal penalties. A person cannot go to jail. That is provided for in the bill that was signed a couple of days ago. The bill also limits collection activities. It is very sensitive to the points made by the Senator from Nevada. It has a good balance of responsibility and accountability. But there must be some consequence of somebody not living up to his or her shared responsibility. It is very sensitive to doing this in the right way. I think it is a good balance. Their amendment goes way too far by eliminating any consequences.

I move to table the amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Delaware (Mr. KAUFMAN), is necessarily absent.

I further announce that, if present and voting, the Senator from Delaware (Mr. KAUFMAN) would vote "aye."

Mr. KYL. The following Senator is necessarily absent: the Senator from Georgia (Mr. ISAKSON).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 58, nays 40, as follows:

[Rollcall Vote No. 101 Leg.]

YEAS—58

Akaka	Franken	Nelson (NE)
Baucus	Gillibrand	Nelson (FL)
Bayh	Hagan	Pryor
Begich	Harkin	Reed
Bennet	Inouye	Reid
Bingaman	Johnson	Rockefeller
Boxer	Kerry	Sanders
Brown (OH)	Klobuchar	Schumer
Burris	Kohl	Shaheen
Byrd	Landrieu	Specter
Cantwell	Lautenberg	Stabenow
Cardin	Leahy	Tester
Carper	Levin	Udall (CO)
Casey	Lieberman	Udall (NM)
Conrad	Lincoln	Warner
Dodd	McCaskill	Webb
Dorgan	Menendez	Whitehouse
Durbin	Merkley	Wyden
Feingold	Mikulski	
Feinstein	Murray	

NAYS—40

Alexander	Bunning	Corker
Barrasso	Burr	Cornyn
Bennett	Chambliss	Crapo
Bond	Coburn	DeMint
Brown (MA)	Cochran	Ensign
Brownback	Collins	Enzi

Graham	LeMieux	Shelby
Grassley	Lugar	Snowe
Gregg	McCain	Thune
Hatch	McConnell	Vitter
Hutchison	Murkowski	Voinovich
Inhofe	Risch	Wicker
Johanns	Roberts	
Kyl	Sessions	

NOT VOTING—2

Isakson	Kaufman
---------	---------

The motion was agreed to.

Mr. GREGG. Madam President, I move to reconsider the vote and to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Alaska.

AMENDMENT NO. 3711

Ms. MURKOWSKI. I call up my amendment at the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Alaska [Ms. MURKOWSKI] proposes an amendment numbered 3711.

Ms. MURKOWSKI. I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide an inflation adjustment for the additional hospital insurance tax on high-income taxpayers)

On page 94, between lines 20 and 21, insert the following:

(2) INFLATION ADJUSTMENT.—

(A) FICA.—Paragraph (2) of section 3101(b) of the Internal Revenue Code of 1986, as added by section 9015 of the Patient Protection and Affordable Care Act and amended by section 10906 of such Act and paragraph (1), is amended—

(i) by striking “In addition” and inserting the following:

“(A) IN GENERAL.—In addition”, and

(ii) by striking “and which are in excess of” and all that follows and inserting “and which are in excess of—

“(i) in the case of a joint return, \$250,000,

“(ii) in the case of a married taxpayer (as defined in section 7703) filing a separate return, one-half the dollar amount determined under clause (i), and

“(iii) in any other case, \$200,000.

“(B) INFLATION ADJUSTMENT.—In the case of any taxable year beginning after 2013, the \$250,000 and \$200,000 amounts under subparagraph (A) shall each be increased by an amount equal to—

“(i) such dollar amount, multiplied by

“(ii) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year in which the taxable year begins, determined by substituting ‘calendar year 2012’ for ‘calendar year 1992’ in subparagraph (B) thereof.

Any increase determined under the preceding sentence shall be rounded to the nearest multiple of \$1,000.”.

(B) SECA.—

(i) IN GENERAL.—Paragraph (2) of section 1401(b) of the Internal Revenue Code of 1986, as added by section 9015 of the Patient Protection and Affordable Care Act and amended by section 10906 of such Act, is amended by redesignating subparagraph (B) as subparagraph (C) and by inserting after subparagraph (A) the following new subparagraph:

“(B) INFLATION ADJUSTMENT.—In the case of any taxable year beginning after 2013, the \$250,000 and \$200,000 amounts under subparagraph (A) shall each be increased by an amount equal to—

“(i) such dollar amount, multiplied by

“(ii) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year in which the taxable year begins, determined by substituting ‘calendar year 2012’ for ‘calendar year 1992’ in subparagraph (B) thereof.

Any increase determined under the preceding sentence shall be rounded to the nearest multiple of \$1,000.”.

(ii) CONFORMING AMENDMENT.—Subparagraph (C) of section 1401(b)(2) of such Code, as added by section 9015 of the Patient Protection and Affordable Care Act and redesignated by subparagraph (A), is amended by inserting “(after the application of subparagraph (B))” after “subparagraph (A)”.

(C) REPLENISHMENT OF GENERAL FUND THROUGH RESCISSION OF CERTAIN STIMULUS FUNDS.—Notwithstanding section 5 of the American Recovery and Reinvestment Act of 2009 (Public Law 111-5; 123 Stat. 116), from the amounts appropriated or made available under division A such Act (other than under title X of such division A), there is rescinded \$1,600,000,000 of any remaining unobligated amounts. The Director of the Office of Management and Budget shall apply the rescission in a pro rata manner with respect to such amounts. The Director of the Office of Management and Budget shall report to each congressional committee the amounts so rescinded within the jurisdiction of such committee.

Ms. MURKOWSKI. Madam President, the amendment I offer is simple. What we are doing is indexing for inflation the Medicare tax increase the majority has levied on the American people through this health care bill. Under the bill that is now law, Medicare taxes are going to jump .9 percent for certain income groups. This is about an \$86 billion tax hike. My amendment aim is to contain the damage by indexing for inflation the wage thresholds for those subject to the tax increase. The amendment is very similar to what my friend from Kansas offered not too many amendments ago. It is a reminder that we have gone down this path before with the AMT. The AMT was not indexed for inflation. Today we have nearly 30 million taxpayers hit by the AMT tax. We deal with it every year through the AMT patch. I wish to make sure we are not repeating history.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Madam President, as I said on the Brownback amendment, there is much to be said for indexing this provision. It is true we don't want to get back into the situation we now face with the AMT because the AMT was not originally indexed. Unfortunately, the current amendment will be offset with unspent, unallocated mandatory spending of stimulus funds. Unemployment is still hovering close to 10 percent. There is growing evidence the recovery package is working. I don't think we want to stifle the stim-

ulus now. Over the last 6 months of 2009, the economy grew at an annual rate of 4 percent. The fourth quarter grew at a higher rate, but that was due to an inventory situation. By and large, it is not proper to offset this with stimulus dollars. We will find some time at a later date to deal with this issue. I do think it is a serious issue.

I raise a point of order that the Murkowski amendment violates section 313(b)(1)(c) of the Congressional Budget Act.

Ms. MURKOWSKI. Pursuant to section 904 of the Congressional Budget Act of 1974 and section 4(g)(3) of the Statutory Pay-As-You-Go Act of 2010, I move to waive all applicable sections of those acts and applicable budget resolutions for purposes of the amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the motion. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. KYL. The following Senator is necessarily absent: the Senator from Georgia (Mr. ISAKSON).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 42, nays 57, as follows:

[Rollcall Vote No. 102 Leg.]

YEAS—42

Alexander	Cornyn	Lugar
Barrasso	Crapo	McCain
Bayh	DeMint	McConnell
Bennett	Ensign	Murkowski
Bond	Enzi	Risch
Brown (MA)	Graham	Roberts
Brownback	Grassley	Sessions
Bunning	Gregg	Shelby
Burr	Hatch	Snowe
Chambliss	Hutchison	Thune
Coburn	Inhofe	Vitter
Cochran	Johanns	Voinovich
Collins	Kyl	Webb
Corker	LeMieux	Wicker

NAYS—57

Akaka	Franken	Mikulski
Baucus	Gillibrand	Murray
Begich	Hagan	Nelson (NE)
Bennet	Harkin	Nelson (FL)
Bingaman	Inouye	Pryor
Boxer	Johnson	Reed
Brown (OH)	Kaufman	Reid
Burris	Kerry	Rockefeller
Byrd	Klobuchar	Sanders
Cantwell	Kohl	Schumer
Cardin	Landrieu	Shaheen
Carper	Lautenberg	Specter
Casey	Leahy	Stabenow
Conrad	Levin	Tester
Dodd	Lieberman	Udall (CO)
Dorgan	Lincoln	Udall (NM)
Durbin	McCaskill	Warner
Feingold	Menendez	Whitehouse
Feinstein	Merkley	Wyden

NOT VOTING—1

Isakson

The PRESIDING OFFICER. On this vote, the yeas are 42, the nays are 57. Three-fifths of the Senators duly chosen and sworn not having voted in the

affirmative, the motion is rejected. The point of order is sustained, and the amendment falls.

The Senator from Texas.

AMENDMENT NO. 3634

Mrs. HUTCHISON. Madam President, I call up amendment No. 3634.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Texas [Mrs. HUTCHISON] proposes an amendment numbered 3634.

Mrs. HUTCHISON. Madam President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To strike the 2-year limitation on the small business tax credit for taxable years after the Exchanges open)

At the end of subtitle A of title I, insert the following:

SEC. 1006. REPEAL OF TAXABLE YEAR LIMITATION ON SMALL BUSINESS TAX CREDIT.

(a) IN GENERAL.—Section 45R of the Internal Revenue Code of 1986, as added by section 1421 of the Patient Protection and Affordable Care Act and amended by section 10105(e) of such Act, is amended—

(1) by striking “in the credit period” in subsection (a),

(2) in subsection (e), by striking paragraph (2) and redesignating paragraphs (3), (4), and (5) as paragraphs (2), (3), and (4), respectively,

(3) in subsection (g), by striking paragraph (1) and redesignating paragraphs (2) and (3) as paragraphs (1) and (2), respectively, and

(4) by striking “to prevent the avoidance of the 2-year limit on the credit period through the use of successor entities and” in subsection (i).

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the provisions of the Patient Protection and Affordable Care Act to which the amendments relate.

Mrs. HUTCHISON. Madam President, our small businesses are struggling. We all know that. We are trying to encourage small businesses to hire and help our economy. Yet when this bill passes, our small businesses are going to have a tax credit if they offer health care to their employees, but what we are not telling the American people is that tax credit is limited to 2 years once the bill becomes fully effective. When the exchange opens, then the tax credit will last for 2 years.

My amendment assures this is not going to be a bait-and-switch to our small businesspeople; that they will be able to have the tax credit permanently if they offer health care to their employees and they are a business of 25 employees and under.

I hope our colleagues will support this amendment to help these small businesses. That is what will encourage them to offer health care to their employees.

The PRESIDING OFFICER (Mr. BURRIS). The Senator's time has expired.

The Senator from Montana.

Mr. BAUCUS. Mr. President, in an effort to help small business, there are many provisions in this bill to accomplish that result. One is \$37 billion in tax credits that are in this bill already for small business.

I do agree with the Senator from Texas, though, that it would be better if the credit, which is available for 2 years beginning in 2014 when the exchange is up and running, was extended. That would be my preference. But right now, in 2010, we are short on money, frankly, and we can't find all the money that is necessary to make that permanent to accomplish the wishes of the Senator from Texas. But I do say I am sympathetic with extending that 2 years, and we will work to try to find ways in the future to accomplish that.

In the meantime, I move to table the amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from Indiana (Mr. BAYH) is necessarily absent.

Mr. KYL. The following Senator is necessarily absent: the Senator from Georgia (Mr. ISAKSON).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 55, nays 43, as follows:

[Rollcall Vote No. 103 Leg.]

YEAS—55

Akaka	Gillibrand	Nelson (NE)
Baucus	Hagan	Nelson (FL)
Begich	Harkin	Pryor
Bennet	Inouye	Reed
Bingaman	Johnson	Reid
Boxer	Kaufman	Rockefeller
Brown (OH)	Kerry	Sanders
Burr	Klobuchar	Schumer
Cantwell	Kohl	Shaheen
Cardin	Landrieu	Specter
Carper	Lautenberg	Stabenow
Casey	Leahy	Udall (CO)
Conrad	Levin	Udall (NM)
Dodd	Lieberman	Warner
Dorgan	McCaskill	Webb
Durbin	Menendez	Whitehouse
Feingold	Merkley	Wyden
Feinstein	Mikulski	
Franken	Murray	

NAYS—43

Alexander	Crapo	McCain
Barrasso	DeMint	McConnell
Bennett	Ensign	Murkowski
Bond	Enzi	Risch
Brown (MA)	Graham	Roberts
Brownback	Grassley	Sessions
Bunning	Gregg	Shelby
Burr	Hatch	Snowe
Byrd	Hutchison	Tester
Chambliss	Inhofe	Thune
Coburn	Johanns	Vitter
Cochran	Kyl	Voinovich
Collins	LeMieux	Wicker
Corker	Lincoln	
Cornyn	Lugar	

NOT VOTING—2

Bayh

Isakson

The motion was agreed to.

The PRESIDING OFFICER. The Senator from Texas is recognized.

AMENDMENT NO. 3712

Mr. CORNYN. Mr. President, I ask unanimous consent to call up amendment No. 3712, and I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Texas [Mr. CORNYN] proposes an amendment numbered 3712.

Mr. CORNYN. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To give States incentives to reduce fraud, waste, and abuse in their Medicaid programs)

At the end of subtitle C of title I, add the following:

SEC. 1207. FMAP REDUCTION FOR HIGH PAYMENT ERROR RATE.

Section 1905 of the Social Security Act, as amended by section 1202(b) of this Act, is amended by adding at the end the following:

“(ee) DECREASED FMAP FOR HIGH PAYMENT ERROR RATE MEASUREMENT.—Notwithstanding any other provision of this title, beginning January 1, 2014, in the case of a State for which the payment error rate measurement (commonly referred to as ‘PERM’) is at least 10 percent, the Federal medical assistance percentage otherwise applicable to the State with respect to payments for medical assistance for individuals enrolled in the State plan under subclause (VIII) or (IX) of section 1902(a)(10)(A)(i) or subclause (XX) or (XXI) of section 1902(a)(10)(A)(ii) shall be reduced by 1 percentage point until the date on which the Secretary determines that the PERM for the State is below 10 percent.”.

Mr. CORNYN. Mr. President, this amendment will lower the deficit while attacking the scourge of fraud and waste in our Medicaid Program. The \$3.4 trillion Medicaid Program is riddled with waste, fraud, and abuse, and improper repayment rates that range roughly in the 10-percent range for the Nation. Some States and some cities are even worse.

In Washington, DC, 19.3 percent of Medicaid payments are classified by Health and Human Services as improper payments. In Oregon, one out of every five people on Medicaid is not even eligible to be on Medicaid. That is 20 percent.

This amendment takes the \$434 billion that we are putting into the health care coverage, much of it in Medicaid, and it provides a financial incentive for the States to reduce their improper payment rates.

Since the Medicaid expansion does not go into effect until 2014, this provides a more than adequate period of time for the States to comply with bringing their improper payment rates down under Medicaid and thus to avoid any penalty under this amendment.

I ask my colleagues for their consideration.

The PRESIDING OFFICER. Who yields time in opposition?

The Senator from Montana is recognized.

Mr. BAUCUS. Mr. President, we all want to fight fraud, waste, and abuse. In fact, there are many provisions in this bill which so provide. To add to that, when we negotiated the bill, the White House came up with even stronger provisions. They have the screening, time to check for payments, and so forth.

I talked with the Senator from Florida, Mr. LEMIEUX, who also has good ideas. I pledge to him to do what we can to get some of that passed this year. However, the amendment before us is much too punitive. It is arbitrary in its numbers. I think it would be counterproductive, especially at a time when States are already struggling with their Medicaid Programs. I think it would be inappropriate for us to lay this arbitrary punitive measure on them.

Mr. GREGG. Mr. President, if the Senator will allow me to make a quick statement just for the edification of our colleagues.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. This is our last amendment, I believe and hope—genuinely hope. After this amendment is completed, I understand there will be a colloquy between the ranking member of the Finance Committee and the chairman of the Budget Committee. Then we will proceed to raising points of order relative to the bill.

Mr. BAUCUS. And other measures.

Mr. GREGG. Then we will proceed to final passage at 2 o'clock. That is the general outline of where we are.

Mr. BAUCUS. I might reconfirm, this is the last amendment. There will be points of order raised and other business will transpire before we get to the points of order, which I understand will begin about quarter of 2. We are going to finish at 2 o'clock. We are right there. It is going to work.

Mr. President, I move to table the Cornyn amendment and ask for the yeas and nays.

Mr. CORNYN. Is there time remaining?

The PRESIDING OFFICER. All time has expired.

Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. BYRD) is necessarily absent.

Mr. KYL. The following Senator is necessarily absent: the Senator from Georgia (Mr. ISAKSON).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 57, nays 41, as follows:

[Rollcall Vote No. 104 Leg.]

YEAS—57

Akaka	Franken	Mikulski
Baucus	Gillibrand	Murray
Bayh	Hagan	Nelson (NE)
Begich	Harkin	Nelson (FL)
Bennet	Inouye	Pryor
Bingaman	Johnson	Reed
Boxer	Kaufman	Reid
Brown (OH)	Kerry	Rockefeller
Burris	Klobuchar	Sanders
Cantwell	Kohl	Schumer
Cardin	Landrieu	Shaheen
Carper	Lautenberg	Specter
Casey	Leahy	Stabenow
Conrad	Levin	Tester
Dodd	Lieberman	Udall (CO)
Dorgan	Lincoln	Udall (NM)
Durbin	McCaskill	Warner
Feingold	Menendez	Whitehouse
Feinstein	Merkley	Wyden

NAYS—41

Alexander	Crapo	McCain
Barrasso	DeMint	McConnell
Bennett	Ensign	Murkowski
Bond	Enzi	Risch
Brown (MA)	Graham	Roberts
Brownback	Grassley	Sessions
Bunning	Gregg	Shelby
Burr	Hatch	Snowe
Chambliss	Hutchison	Thune
Coburn	Inhofe	Vitter
Cochran	Johanns	Voinovich
Collins	Kyl	Webb
Corker	LeMieux	Wicker
Cornyn	Lugar	

NOT VOTING—2

Byrd Isakson

The motion was agreed to.

The PRESIDING OFFICER. The Senator from Montana is recognized.

Mr. BAUCUS. Mr. President, that was the last vote on amendments. I wish to repeat that statement: That was the last vote on amendments.

Mr. UDALL of Colorado. Mr. President, I was unable to cast a vote for rollcall No. 99 in the second session of the 111th Congress—the motion to waive the Budget Act point of order against Vitter amendment No. 3665 to H.R. 4872, the Health Care and Education Reconciliation Act. Had I been present, I would have voted “no” on the motion.

Mr. KAUFMAN. Mr. President, I was unfortunately off the Senate floor when the Senate conducted rollcall votes Nos. 68 and 101 and, therefore, missed those recorded votes. I wish to state for the record that had I been present for rollcall vote No. 68, I would have voted “yea” on the motion to table Senate amendment No. 3582, and if I had been present for rollcall vote No. 101, I would have voted “yea” on the motion to table Senate amendment No. 3710.

LAWFULLY PRESENT IMMIGRANTS

Mr. MENENDEZ. Mr. President, I rise to speak about an issue affecting some of the most vulnerable families living in our society. Under health reform, tax credits are provided to families between 100 percent and 400 percent

of the Federal poverty line in order to purchase health insurance. Families below 133 percent of the poverty line become eligible for Medicaid. Certain lawfully present immigrants however are not eligible for Medicaid due to their immigration status. Fortunately, health reform does not leave them in the cold. Mr. Chairman, am I correct in saying that lawfully present immigrants, who are otherwise ineligible for Medicaid, are eligible for premium tax credits in the exchange?

Mr. BAUCUS. That is right. Due to the Senator's leadership and hard work, we were able to make sure those here legally had a place to find affordable health coverage.

Mr. MENENDEZ. I believe it is important to clarify that the Senate bill's treatment of certain lawfully present immigrants as having an income at 100 percent of the Federal poverty level was intended to pertain only to their eligibility for the affordability credit—not the size of the actual tax credit. Plainly put, a legal immigrant whose income is at 50 percent of the poverty line should not have to pay the same premium amount as someone whose income is at 100 percent of the poverty line. Was this the intent of this provision in the health reform legislation?

Mr. BAUCUS. The Senator is exactly right. The health reform legislation that was signed into law allows immigrants who are here lawfully, who are otherwise ineligible for Medicaid to receive tax credits in the exchange. However, the size of those tax credits should be based on the families' actual income, not an artificial level of 100 percent of the poverty line. I expect this provision will be implemented as such. I look forward to working with Senator MENENDEZ to ensure that these families receive access to affordable health insurance coverage.

Mr. MENENDEZ. I thank the Chairman.

Mrs. FEINSTEIN. Mr. President, I rise today to speak about a specific section of the health insurance reform bill.

There has been some concern that language in the bills could be misinterpreted to create new causes of action or claims that would interfere with existing State medical malpractice laws.

As Representative HENRY WAXMAN clarified on the floor of the House of Representatives, it has never been the intent of the bill to create any new causes of action or to preempt any State medical malpractice law.

Section 10201(j) of H.R. 3590, which added Section 3512 to subtitle F of title III of the act, calls for the Comptroller General to conduct a study of whether the development, recognition or implementation of any guideline or other standards under a list of enumerated sections of the Senate bill would result in a new cause of action or claim.

It is important that this language requesting such a study not be interpreted in any way as creating any inference or implication that the enumerated sections of the bill will create any new action or claim.

Additionally, it is important to understand that Congress has no intent in this legislation to modify or supersede any State medical liability law that governs legal standards or procedures used in medical malpractice cases.

Mr. LEAHY. Mr. President, in addition to important improvements to the health reform bill President Obama signed into law this week, the reconciliation measure before the Senate also provides a significant investment in higher education.

I have always strongly believed in the importance of a college education. Unfortunately, in recent years, average college tuition rates have increased faster than inflation, and have far outpaced student financial aid. Skyrocketing tuition is making it increasingly difficult for families to afford higher education. Many students are forced to take on significant debt, and too often are not able to complete college because of soaring costs.

Especially during these difficult economic times we need to be doing more to address the rising costs of higher education and the growing need for student financial aid. I am glad to see that the measure in front of us today streamlines our student lending system and no longer subsidizes banks to lend to students risk free. By requiring that all future student loans be made directly to students through the Federal Government, this bill will save \$61 billion over 10 years. Not only will this provision save the government money, but the Direct Loan Program is projected to save students millions of dollars in fees and interest payments.

A portion of the savings from this bill will be used to fund the Pell Grant Program, which is facing a significant shortfall this year. The measure provides \$13.5 billion in mandatory appropriations for Pell grants, and will provide additional mandatory funding to the program by tying increases to inflation. Combined with the investment in Pell grants in the American Recovery and Reinvestment Act last year, which I was proud to support, the maximum Pell grant award will double as a result of this bill. Unfortunately, Pell grants cover less than half as much tuition at a public college or university as they did just a few decades ago, so a significant investment in the program's growth is necessary to help the more than 8 million students who participate. I met with students who attended school in Vermont this week and they shared their stories about how important this program was to them, and how it was critical to their ability to attend college. No student should be denied the opportunities of a

college education because of financial burdens.

I am also pleased the changes to student lending in the reconciliation bill will help nonprofits to provide important loan servicing and counseling services to students and their families. Several States have established not-for-profit State agencies to administer financial aid and to provide their residents and students attending their schools with quality counseling services and low-cost loans. Vermont pioneered this movement by creating the Vermont Student Assistance Corporation, VSAC, more than 40 years ago. Since then, VSAC has worked hard to establish and maintain strong and longstanding working relationships with Vermont's higher education institutions as well as K-12 schools to provide outreach programs critical to the economic vitality of Vermont.

The reconciliation bill will prohibit anyone other than the Federal Government from originating new Federal loans, but unlike the lending measure the House passed in July, the reconciliation package will help nonprofits continue to provide important college access and completion activities. This measure will double the funding directed to Vermont, which will help VSAC continue to counsel students and their families about entering and completing college. Additionally, the reconciliation legislation will allow nonprofits to contract with the Federal Government to continue to service loans at a competitive market rate.

I have heard from countless Vermonters about the invaluable services VSAC provides to help students attend and complete college. Just recently, a father of twins attending college in Vermont contacted my office to share with me the support that VSAC provided. If not for VSAC, he said, he did not think he could have made it through the paperwork or learned about the scholarships that were available.

I am glad that Congress has recognized the importance of these services in States across the country and will allow for a continued role to help more students access and complete college. I look forward to continuing to work with VSAC to ensure their place as an important part of students' college experience.

Mr. BAYH. Mr. President, included within this budget reconciliation bill are provisions that make significant changes to the federal student loan programs. Like others, I strongly support the provisions that increase funding for Pell grants. These grants form the foundation of Federal student aid, and do much to increase college access.

Other provisions in the bill and the Higher Education Act also are important to students. As students increasingly look to Federal student loans to cover the costs of their college edu-

cation, they are in need of federally supported services that help students to make well-informed financial decisions. In this bill, section 2103 extends and roughly doubles the authorization, to \$150 million annually, for the college access challenge grants, CACG. The CACG authorizes States who receive funding under the CACG to provide subgrants to guaranty agencies to assist students and families with such services as early awareness and outreach, financial literacy, debt management, and loan counseling to impact the ability of students to successfully manage their student loan obligations and start off their postcollege and professional lives on the right foot. Congress should encourage the States to continue to work with their designated guarantors to use the opportunity of continued authorization and increased funding of the CACG to utilize the expertise of guaranty agencies in providing such services. I agree with the comments of the chairman of the House Committee on Education and Labor during House consideration of this bill—Congress intends that states receiving grants under the college access challenge grant program should partner with entities, including guaranty agencies and their nonprofit subsidiaries, to provide financial literacy, delinquency and default aversion activities, and other loan counseling activities for borrowers.

I also share the House chairman's view that the Secretary of Education has existing tools to ensure students have access to borrower and school services for financial literacy and default prevention. Under the Direct Loan Program, the Secretary is authorized to contract with guaranty agencies for services that ensure the successful operation of the program. As we move to require all institutions of higher education to participate in the Federal Direct Loan Program, students should continue to have access to the borrower and school services provided so well over the past 40 years by guaranty agencies. In my State of Indiana, our guaranty agency has a distinguished history of providing comprehensive services to help borrowers repay their loans and avoid default. Along with the House chairman, I, too, expect the Department of Education to ensure the availability of these services by exercising the Secretary's authority to contract with guaranty agencies for the provision of these services for students and schools.

Mr. DURBIN. Mr. President, our colleagues on the other side of the aisle have confused some statements made by the President and made by me regarding whether the new health law will cause premiums to go down.

The President has spoken forcefully about the impact of the new reform law on health insurance premiums. He has contrasted the effect of reform with

the effect of doing nothing. He made it clear that if we passed a reform bill, premiums would go down compared to the status quo of not enacting a reform law.

A couple of weeks ago, I said on the Senate floor that no one claims premiums will go down tomorrow when we pass this legislation. I was speaking in absolute terms. Premiums have been rising at a high and unsustainable rate. With these reforms, premiums will rise more slowly.

The President and I were saying the same thing, using different words. The point is the same. With this new law, American families and businesses can have hope that their premiums will not rise as fast as they have been in the past.

The days of 39 percent premium increases, as we have seen in California, will be over once this law is fully implemented.

The days of 60 percent premium increases, as we have seen in my home State of Illinois, will be over once this law has been carried out.

And if we repeal this new law, as the Senators on the other side of the aisle advocate, premiums will continue to rise at an unsustainable rate with spikes like those we have seen this year.

Senators on the other side of the aisle are right to ask what will happen to premiums.

Every American wants to know, "What is going to happen to the cost of my healthcare?" And they are right to ask that question.

But the obstructionists and naysayers on the other side of the aisle are wrong when they oppose this bill and the new law based on the false claim that it will cause premiums to rise faster than the status quo. That is simply not true.

And you don't have to take my word for it. Just ask the nonpartisan Congressional Budget Office—the congressional "umpire" when it comes to questions of what legislation will cost or save.

Early in the health reform debate, throughout most of last year, we had useful data from the Congressional Budget Office—but it was not definitive. It was easily distorted by the opponents of reform and the defenders of the insurance companies, who want to stop all action and allow premiums to be increased by 10, 20, 39, 60 percent each year.

The initial CBO reports compared premiums in today's market with the cost of a more generous health plan that is likely to be offered in the insurance exchanges of a reformed market.

That is not a fair comparison, but it is all we had.

It showed that people would pay more if they chose better coverage. But it didn't clearly say that for coverage comparable to what is available today, premiums would be lower.

And so there was confusion.

In January, when no one was paying attention and the debate on the Senate floor had shifted to jobs, we received some important additional information from CBO.

The new data, from the people who know the numbers best at CBO, backs our conclusion that the Senate health reform bill will reduce the premiums people will pay for health insurance, compared to current law.

That clear answer came in response to a request from the senior Republican Senator from Maine, Ms. SNOWE.

At the request of Senator SNOWE, CBO estimated the premiums for a Bronze plan under the Senate reform bill.

Bronze plans will cover roughly the same proportion of an individual or family's total health care costs as the average plan sold in the individual market today.

So using Bronze plans to compare the Senate reform bill to current law provides an "apples to apples" comparison. It tells you what premiums you can expect if the bill passes, compared to what premiums you can expect for a similar policy if the bill is defeated. That is a fair comparison.

Here's what CBO tells us:

A Bronze plan in 2016 will cost an individual between \$4,500 and \$5,000 a year.

Earlier, CBO estimated that under current law, with no health reform in place, an average plan in 2016 will cost an individual \$5,500.

So, under reform, the cost of a typical plan will be considerably less than the cost if we do nothing. In fact the savings will be roughly \$500–\$1,000 a year.

We see the same story for family coverage. According to CBO, under the Senate reform bill, a family can expect to pay between \$12,000 and \$12,500 for family coverage. If we do nothing, a family can expect to pay \$13,100.

That is a savings of \$600–\$1,100 a year for American families.

So now we have the answer that many Senators, and many Americans, sought.

CBO's analysis provides a fair assessment of the effect of reform on the individual and family pocketbook.

And the answer is savings of \$500 to \$1,100 a year, from 2016 on.

But only if we preserve the reforms the President signed into law.

And that is just the direct effect on premiums. Millions of Americans will be eligible for subsidies that will dramatically reduce their costs beyond these basic reductions available to everyone.

But even people who don't receive subsidies will have lower premiums. Lower than if we don't implement the reform law.

Not because of assistance from the Federal Government, but because

health reform legislation will give people buying power and will take the necessary steps to rein in health care costs.

The changes included in the new law will make a difference in the health care system and those changes will reap benefits for all of us.

This is confirmation that the reform bill represents an important victory for Americans struggling with the high cost of health insurance.

And now we can put a value on the savings: \$500 to \$1,000 a year for individuals and \$600 to \$1,100 a year for families.

The Senators on the other side of the aisle haven't been talking about this report, which was provided by the CBO to a member of their own party, because they don't want the American people to know that premiums will go down relative to doing nothing.

So instead, they try to find alleged discrepancies between the President and me that simply do not exist on this issue.

The evidence is clear. The Congressional Budget Office has weighed in. The facts are plain.

The health reform bill will reduce premiums compared to the do-nothing outcome pursued by the obstructionists.

Similarly, there has been some confusion about the magnitude of the tax cuts in this bill.

The tax cuts in the reform bill passed by the Congress and signed into law by the President are the largest middle-class tax cut for health care in the history of our Nation.

No Congress has provided greater tax assistance to American families and individuals and small businesses to help them afford the cost of health care.

There have been larger tax cuts unrelated to health care—not all of them wise.

But American businesses and families need help to deal with the high cost of health care, and this Congress has responded.

The new law, combined with the improvements in the reconciliation bill, will provide refundable tax credits to people with incomes up to 400 percent of the poverty level—around \$88,000 for a family of four—so that they can afford their health insurance premiums.

Ordinarily, a tax credit is provided when you file your tax return after the end of the year. The new law allows the credit to be paid to the insurer month by month, so that you can afford your monthly premiums. That is a good thing if you live month to month and can't wait until the end of the year to receive the tax credit and still pay your monthly premiums.

The new law also provides tax credits to small businesses—available starting right now—to help them pay for health insurance.

These provisions will give nearly \$500 billion of tax cuts and cost-sharing assistance to middle-class Americans.

That is what makes this the largest middle-class tax cut for health care in the history of our nation.

We received no help from the Members on the other side of the aisle in enacting these tax cuts. This Democratic Congress did it anyway. We provided the largest middle-class tax cuts for health care ever, and we are proud to have done so.

Mr. HARKIN. Mr. President, we are concluding an historic week here in the Nation's Capital and in the U.S. Senate. Health reform is no longer a bill. It is the law of the land.

Just as the history books remember 1935 as the year FDR signed Social Security into law, and 1965 as the year Lyndon Johnson signed Medicare into law, they will now remember 2010 as the year President Barack Obama signed comprehensive health reform into law.

Of course, not only is health reform the law of the land, but, thanks to the reconciliation bill, we have also passed a landmark reform of the student lending program, permitting a major increase in Pell grants.

Appropriately, Members have cited the historic contributions of key leaders here in the Senate, including Majority Leader REID, Senator CONRAD, Senator BAUCUS, Senator DODD, and, of course, for his commitment to this cause spanning decades, the late Senator Ted Kennedy.

It is also important to etch into history, in our CONGRESSIONAL RECORD, the names of Senate staff members who have done so much to get us to this point. I have often cited the old saying that "Senators are a constitutional impediment to the smooth functioning of staff." We laugh at that, but we also know that there is a lot of truth. Were it not for skilled, talented, dedicated staff members, willing to spend so many evenings and weekends away from their families, we would not have arrived at the historic triumph of passing comprehensive health reform.

I am especially grateful to the extraordinary efforts of staff members on the Committee on Health, Education, Labor and Pensions, which I chair. I would like to thank Dan Smith, Pam Smith, Michael Myers, Mark Childress, David Bowen, Jenelle Krishnamoorthy, Connie Garner, Portia Wu, John McDonough, Topher Spiro, Stacey Sachs, Tom Kraus, Terri Roney, Craig Martinez, Taryn Morrissey, Brian Massa, Andrea Harris, Caroline Fichtenberg, Bethany Little, Luke Swarthout, David Johns, Maria Worthen, Thomas Showalter, Paulette Acevedo, Abby Bartine, Ches Garrison, Sarah Whitton, Robin Juliano, Lory Yudin, and Evan Griffiths.

On the staff of Majority Leader REID, I want to thank Gary Myrick, Kate Leone, Jason Unger, Carolyn Gluck, Jacqueline Lampert, Bruce King, David Krone, Rodell Molineaux, and Randy DeValk.

On Senator DODD's staff, I thank Jim Fenton, Tamar Magarik Haro, Monica Feit, Brian DeAngelis, Madeline Gitomer, and Averi Pakulis.

On Senator BAUCUS's staff: Liz Fowler, Bill Dauster, Russ Sullivan, John Sullivan, Scott Mulhauser, Kelly Whitener, Cathy Koch, Yvette Fontenot, David Schwartz, Neleen Eisinger, Chris Dawe, and Hun Quach.

On Senator CONRAD's staff: Mary Naylor, John Righter, Joe Gaeta, Robyn Hiestand, Matt Mohning, Purva Rawal, Sarah Kuehl, Joel Friedman, Jim Esquea, and Jennifer Hanson-Kilbride.

On my personal staff, I want to thank Beth Stein, Lee Perselay, Kate Cyrul, Bergen Kenny, Dan Goldberg, Lindsay Jones, and Jim Whitmire.

Mr. President, I also want to salute the great skill and professionalism of the Senate Parliamentarian Alan Frumin, as well as Assistant Parliamentarians Elizabeth MacDonough, Peter Robinson and Leigh Hildebrand.

In addition, we owe an enormous debt of gratitude to the staff of the Congressional Budget Office. They are an extremely knowledgeable and capable team, willing to work late nights and through the weekends to model and estimate the budgetary effects of the complex provisions in this bill.

Finally, I want to thank staff members in the Senate Legislative Counsel's office. They also worked many long hours to assist my HELP Committee in drafting the language and working out the technical issues in the bill.

To all of these dedicated members of our Senate family, I say thank you for your service to this body, and thank you for your selfless service to our Nation.

Mr. DODD. Mr. President, I wish to spend a couple of minutes to express my gratitude to a lot of people. I begin by thanking my colleagues here, both Democrats and Republicans. Obviously, all of us would have liked to have had a health care bill that was more than a partisan vote. It didn't turn out that way. I am glad we ended up with the result we did.

I thank the members of the HELP Committee on which I serve, both Democrats and Republicans. Although we didn't end up with a bipartisan vote on that committee, there was a very vibrant, active, civilized discussion over many days last summer regarding the HELP Committee's portion of this health care product. Obviously, having been the acting or temporary chair of the committee in the absence of our friend and colleague from Massachusetts who was obviously ill and could not be there, I begin by thanking TOM HARKIN. You have heard people talk about him already. He has taken over the reins of that committee and has done an excellent job. I thank BARBARA MIKULSKI, my long-time friend and col-

league, who did a tremendous job in dealing with various aspects of the health care debate, as TOM HARKIN did, JEFF BINGAMAN, PATTY MURRAY—again, seasoned members of the committee and Members of this body who have contributed to many pieces of legislation over the years. JACK REED, my neighbor and great friend from Rhode Island, was tremendously helpful on the committee, as well as BERNIE SANDERS of Vermont, SHERROD BROWN of Ohio, who played a critical role working with people like Senator HAGAN of North Carolina, working with SHELDON WHITEHOUSE, who was on our committee at the time and played a critical role in fashioning our public option. JEFF MERKLEY and BOB CASEY were very productive and serious members of the committee effort. AL FRANKEN and MICHAEL BENNET have since joined the committee, and SHELDON WHITEHOUSE has moved on. But I want the record to reflect my deep appreciation for their work.

Let me also thank MIKE ENZI and the people such as TOM COBURN and others, JUDD GREGG, from the committee. I can't go down the whole list, but the Republicans on the committee, while they don't necessarily like to admit it, made a contribution to the bill. One hundred sixty-one amendments—I know they are tired of hearing me talk about over the last several months—were their additions to the HELP Committee final product.

I have talked about MAX BAUCUS, my friend. We have served together, along with TOM HARKIN in this Chamber and the other, for 35 years together. The work of the Finance Committee, which bore a tremendous share of this responsibility, dealing with very complicated issues that are within the jurisdiction of that committee, was tremendously important. I won't go down and list all the members of the Finance Committee. In fact, we had several on our committee who served both on Finance and on the HELP Committee: JEFF BINGAMAN on the Democratic side; I know there were several Republicans as well who filled a dual role by serving on both committees.

I thank my friend from Montana as well for his work. He has been recognized and acknowledged by many and deservedly so over the last number of days.

I commend, if I may, the staff members of the Finance Committee, beginning with Liz Fowler and the group I ask unanimous consent to include for the RECORD. They did a wonderful job. Senator BAUCUS has referred to them already, but I also wish to thank them this afternoon for their work.

On the Budget Committee, again you have heard Senator KENT CONRAD talk about the Budget Committee staff. I ask unanimous consent that their names be printed as well at this juncture in the RECORD, if I may.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

FINANCE COMMITTEE

Liz Fowler, David Schwartz, Yvette Fontenot, Neleen Eisinger, Shawn Bishop, Chris Dawe, Andrew Hu, Bill Dauster, Russ Sullivan, Cathy Koch, Jon Selib.

BUDGET COMMITTEE

Sarah Kuehl, Purva Rawal, Jim Esquea, Mary Naylor.

Mr. DODD. I want to make particular reference to the members of my staff, beginning with Jeremy Sharp and Tamar Magarik Haro who did a wonderful job. Jeremy Sharp's father is former Congressman Phil Sharp. He was part of the class with MAX BAUCUS and TOM HARKIN and me, HENRY WAXMAN and GEORGE MILLER, who played a critical role in the debate in the House. Both Tamar and Jeremy were tireless in this effort, going back many months. I am deeply grateful to them. Jim Fenton is my legislative director and played a very important role as well in those efforts.

Then, of course, there are the other members of the HELP Committee, many of whom, of course, were staff members of Ted Kennedy. I inherited their expertise, their knowledge, their great abilities when Ted was laid up. They continued to work with us, beginning with Carey Parker who is, of course, legendary in this institution, having served with Senator Kennedy since the day he arrived 47 years ago. While not directly on the HELP Committee staff, I can't tell you what a critical role Carey Parker played time and time again during the rough spots. Michael Myers, Pam Smith, Connie Garner, Stacey Sachs, David Bowen—all were tremendously influential in the process. Mark Childress, who worked with Tom Daschle before, was at the White House for a while, came back up and stayed with us on that effort. Mark was invaluable in understanding the rhythms of the Senate, understanding the White House, and we are deeply grateful. Jenelle Krishnamoorthy, who worked with TOM HARKIN, I have gotten to know her very well, and the members of TOM's staff. I want Jenelle to know how much I appreciate her work. She did a tremendous job for us as well.

I want to thank the leader's staff as well, who were so valuable to us: Kate Leone, obviously; Carolyn Gluck; Bob Greenawalt; Bruce King; Randy Devalk; Jacqueline Lampert; and Gary Myrick, who we see here all the time pacing this Chamber at all hours of the day and night, keeping an eye on the movements of the Senate and what is occurring, keeping the leader well informed, about as knowledgeable as anyone you will meet in understanding exactly what is happening at all moments. To Gary and the leader's staff, I apologize if I left anybody out, but I thank them for their work as well.

This bill also included the work on education issues. There were a number of people who played a very important role in that. In my office: Maddy Gitomer, Averi Pakulis, Joe Caldwell, and Anna Staton were all part of our efforts in that regard. I should have mentioned earlier Tom Kraus, Topher Spiro, and Andrea Harris who worked on HELP Committee efforts as we moved forward on the bill.

Those were a lot of names I have just recited. I said them so quickly that they may fly by. It hardly reflects the recognition they deserve for the time and effort they have put in. They will never be standing before a bank of microphones or getting their picture taken, probably won't have articles written about them and what they did or didn't do during their tenure in the Senate. But this place only functions and runs, the floor staff who are here and the respective cloakrooms who do the work every single day that make this institution work as well as it does, spending the hours, the weekends crafting ideas and compromises that allow us to move forward.

While there are a lot of people deservedly, in a very public way, getting credit for the work that has transpired over these many months, I didn't want this moment to pass without at least expressing my gratitude to them and others whose names I, unfortunately, have not mentioned, who have made this day possible.

To them, to my colleagues, to Senator REID, Speaker PELOSI, House Members who valiantly took up a Senate-passed bill that they had strong reservations about and yet understood the value of the moment.

And to President Obama, who understood the importance of this issue and insisted it come up. I remember Daniel Patrick Moynihan. MAX BAUCUS and I served with Dan Moynihan, and MAX had served with him on the Finance Committee when he chaired that committee, a very wise man who understood the movements of the executive branch and the legislative branch. He once told me that American Presidents, whether they get one or two terms, only get somewhere between 18 and 24 months to do anything really meaningful. It is those first days from January 20, Inauguration Day, to maybe as late as Election Day of the midterm elections in their first term. If they are going to do anything really important, that is the window in which they have to try. After that, it gets harder. You campaign for reelection. If you are reelected, you are a lame duck. Your ability to affect huge issues narrows.

I thank our President. Whether you agree or disagree with his politics or his policies, the fact that he took on a major issue that had been crying out for decades for resolution is testimony to his willingness to put a political ad-

ministration, a political campaign on the line. For those who work with him, from his chief of staff to his advisers on these various matters, history will be and should be deeply grateful to President Barack Obama for having the courage to take up a big issue that deserved and needed resolution by the Congress for the American people. Whatever else transpires in the remaining tenure of his office, whether he serves one term or two, in large measure he will be defined by his willingness, his courage to raise this issue, when many others suggested this was a worthless task to take on, we couldn't succeed, he would be wiser to follow a course where less significant issues might be at stake.

So to the President, I thank you immensely for having the courage to take this on. I believe in the long call of history the American people will thank you as well for having the courage to bring up this important issue.

With that, again, this is one of those very few rare days we get in this institution historically, but it is one in which I am deeply proud to have been involved. I thank all who made it come to pass.

I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. REED. Mr. President, I had the great privilege of observing Senator DODD as he stepped into the breach for Senator Kennedy and did an extraordinary job—hour after hour after hour—listening to the comments, the suggestions of both sides of the aisle. I think about 400 amendments were filed, and 161, or so, were accepted. In that process, his leadership was extraordinarily effective and critical. So the praise he rightfully accords to others he must share in a major way. We would not be here today if Senator DODD had not stepped in while simultaneously also doing financial reform and getting us to this moment.

So I say to the Senator, thank you.

I concur, obviously, with his comments about Senator BAUCUS and express the respect I have for Senator BAUCUS. As chairman of the Finance Committee, MAX had an extraordinarily important role to play, and he played it with great wisdom and great judgment throughout.

Again, we are here today because of these two gentlemen, and my colleagues in the House.

I, too, commend the President. It would have been easy at any time in this process to fold up the book and say: Well, I have joined the ranks of all my predecessors since Franklin Roosevelt. I have tried and have not succeeded. I think at moments he might have come tantalizingly close to that conclusion. But he pressed on. Ultimately, it was his decision more than anyone else to try to do this that got it done.

As Thucydides said: The bravest of the brave are those who, seeing both the glory and the danger, go forth to seize it. These gentlemen—particularly the President—saw the danger and the glory and refused to retreat and went forward. We have a historic victory today. But our work is not done.

Mr. BYRD. Mr. President, I support the Health Care and Education Reconciliation Act. America has 47 million people without health insurance, including more than 240,000 West Virginians, and the number grows every week. More than half of West Virginia's uninsured are between the ages of 19 and 49. Health care consumes more than 15 percent of our national gross domestic product. Health care reform should matter to every West Virginian.

When the health care debate began last year, I urged the Senate to forgo using the budget reconciliation process to shield a comprehensive reform bill from debate and amendment. I am pleased that the Senate heeded that call, and opted to consider the Patient Protection and Affordable Care Act under the cloture rule and the regular procedures.

When amendments to that measure were proposed by the President, to be enacted through the budget reconciliation process, I insisted that those amendments be considered in a manner consistent with the Congressional Budget Act and section 313 of that act, the Byrd rule. The reconciliation bill must not address extraneous matter, and it must—absolutely must—reduce the deficit. This measure meets that test. I applaud the Senate for bringing the health care debate to a close in a manner that is balanced, fair, and equitable. The rights of the minority have been protected, and the Senate has upheld its historical role as a forum for debate and amendment.

While this bill as passed may not satisfy the individual concerns of each and every constituent or member of Congress, it does begin to satisfy the growing needs of millions of Americans who find themselves without access to the medical services and attention they need. Access to proper health care for every American citizen should not only be held as a necessity, it should be considered the commensurate right of any and every citizen of the mightiest and most advanced Nation the world has ever known.

Mr. President, in order to clarify for the record, I want to make it known that section 1556 of the Patient Protection and Affordable Care Act is intended to apply to all claims filed after January 1, 2005, that are pending on or after the date of enactment of that act.

It is clear that the section will apply to all claims that will be filed henceforth, including many claims filed by miners whose prior claims were denied, or by widows who never filed for bene-

fits following the death of a husband. But section 1556 will also benefit all of the claimants who have recently filed a claim, and are awaiting or appealing a decision or order, or who are in the midst of trying to determine whether to seek a modification of a recent order.

Section 1556 applies immediately to all pending claims, including claims that were finally awarded or denied prior to the date of enactment of the Patient Protection and Affordable Care Act, for which the claimant seeks to modify a denial, or for which other actions are taken in order to modify an award or denial, in accordance with 20 CFR 725.309(c) or 725.310. Section 1556 applies even if a final order is modified, or actions are taken to bring about the modification of an order, subsequent to the date of enactment of the Patient Protection and Affordable Care Act, in accordance with the sections of Part 725 that I mentioned. I look forward to working to ensure that claimants get a fair shake as they try to gain access to these benefits that have been so hard won.

Mrs. HAGAN. Mr. President, I rise today to speak in support of the education provisions in H.R. 4872, the Health Care and Education Affordability Reconciliation Act of 2010.

Over 40 years ago, Congress passed the Higher Education Act of 1965 with the conviction that no qualified student should be denied the opportunity to attend college simply because of the cost. Who knew that today, in the year 2010, this concern would still ring true? The passage of this legislation will provide greater access to higher education for thousands of American students.

The Health Care and Education Affordability Reconciliation Act represents the single largest investment in college affordability in history. From increasing the maximum Pell grant for low-income students to eliminating excessive subsidies for banks, this bill makes significant improvements to Federal student loan programs. Also, as students and their families look to Federal loans to pay for their post-secondary education, this legislation will allow non-profit student loan servicers in states like mine to continue servicing student loans.

This legislation provides funding for the college access challenge grant program, a program created in the College Cost Reduction and Access Act of 2007. This program was designed to assist states working in partnership with organizations with expertise in improving access to college. These guarantee agencies ensure that students have access to high-quality, affordable higher education. In my home State, the College Foundation of North Carolina serves as our State guarantee agency and plays a critical role in providing students and families with financial literacy, debt management, and loan counseling information.

I fully support the intent of the access and completion challenge grants included in this legislation. They will allow State guarantee agencies to continue the important work that they do. The College Foundation of North Carolina has done extraordinary work in this regard and, as a result, has had a default rate consistently below the national average for the past several years. As a strong advocate for financial literacy education, I can think of nothing more important than ensuring that students and families are armed with the tools they need to understand the dynamics of their student loans.

In North Carolina, we have 58 community colleges and 10 historically Black colleges and universities. The students at these institutions of higher education stand to benefit greatly from the passage of this legislation. A \$2.55 billion investment over the next 10 years for Minority Serving Institutions, and more specifically Historically Black Colleges and Universities, is unprecedented. While HBCUs only make up 3 percent of all colleges and universities across the country, they graduate 40 percent of African-Americans with degrees in science, technology, engineering and mathematics, 50 percent of African-American teachers, and 40 percent of African-American health professionals. Community colleges play an instrumental role in our education and workforce systems by providing postsecondary education and job training. We need to keep our community colleges open and thriving. I can't think of a better investment as we encourage people to get the training and skills necessary to get back to work.

Making the commitment to create greater access to higher education, and ensuring that our students have the tools that they need to complete their postsecondary education is at the core of the education provisions in the Health Care and Education Affordability Reconciliation Act, and I am proud to support this legislation.

Mr. FEINGOLD. Mr. President, the Senate has considered dozens of amendments and motions to the reconciliation bill this week. The vast majority of these proposals were flawed, either because they would have undermined the important consumer, business and taxpayer protections in the health care reform bill signed into law Tuesday, or because they were not offset and thus would have reduced the savings in the reconciliation bill.

Some of these proposals, however, did have merit. In particular, amendment No. 3564 by Senator GRASSLEY would have clarified that all congressional employees, as well as certain other Federal employees, must receive their health insurance through the new health insurance exchanges. The health care reform bill already requires "Members of Congress and congressional staff" to receive care through

the exchanges, but I support efforts to remove any ambiguity about who is covered. Another amendment by Senator GRASSLEY, No. 3569, would have slightly increased reimbursements for rural physicians in Wisconsin, building on important provisions in the new law. And I strongly support efforts to remove the unjustified "sweeteners" that remain in the health care reform law; unfortunately, the amendment offered by Senator MCCAIN, No. 3570, to remove those provisions also would have eliminated provisions that were entirely legitimate.

Two other amendments addressed legitimate concerns that Congress is already working to address. I am a cosponsor of legislation to clarify that coverage provided by TRICARE will be treated as minimum essential coverage under the health care reform bill. The amendment offered by Senator BURR, No. 3652, addressed this topic. Similarly, the chairman of the Veterans Committee is already seeking a legislative fix to protect the Second Amendment rights of veterans, as Senator COBURN proposed to do, No. 3700.

However, all of these amendments and motions—even the more appealing sounding ones—had the same purpose: to delay and obstruct reconciliation legislation that will fill the Medicare Part D doughnut hole, make coverage more affordable and in other ways improve the new health care reform law. I opposed these efforts to undermine health care reform, and I will continue fighting to ensure Wisconsinites get the affordable and dependable coverage they deserve.

Mr. BAUCUS. I now ask unanimous consent that Senators GRASSLEY and CONRAD be permitted to engage in a colloquy and inquiries of the Chair for up to 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Iowa.

Mr. GRASSLEY. Mr. President, parliamentary inquiry.

The PRESIDING OFFICER. Will the Senator state his inquiry.

Mr. GRASSLEY. Mr. President, I have submitted a list of provisions for review by the Chair. It is my understanding that these provisions of the bill have been reviewed and further, if points of order were raised against these provisions, the Chair would have ruled that the various points of order would not have been taken. Is this the opinion of the Chair?

The VICE PRESIDENT. That the points of order would not have been well taken, yes. That is the decision of the Chair.

Mr. GRASSLEY. I thank the Chair. I ask unanimous consent to have printed in the RECORD the list of provisions just referred to.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Section 1002—Insurance Mandate

Subject to (b)(1)(D)

Merely incidental to non-budgetary components of the provision

Section 1203—DSH Methodology

Page 70 Line 4 through Page 71 Line 12

Subject to (b)(1)(A)

No budgetary effect

Section 2301—grandfathering

Subject to (b)(1)(D)

Merely incidental to non-budgetary components of the provision

Section 1401—High cost plans tax

Subject to 310(g)

Section 1401—indexing

Pg 84 lines 3 through 17

Subject to (b)(1)(A)

No budgetary impact

LIST OF POINTS OF ORDER SUBMITTED TO THE
CHAIR BY SENATOR GRASSLEY

1. A point of order under Section 313(b)(1)(D) of the Budget Act against Section 1002 of the bill.

2. A point of order under Section 313(b)(1)(A) of the Budget Act against Section 1203, page 70 line 4 through page 71 line 12 of the bill.

3. A point of order under Section 313(b)(1)(D) of the Budget Act against Section 2301 of the bill.

4. A point of order against the bill under Section 310(g) of the Budget Act.

5. A point of order under Section 313(b)(1)(A) of the Budget Act against Section 1401, page 84 line 1 through 15 of the bill.

The VICE PRESIDENT. The Senator from North Dakota.

Mr. CONRAD. Mr. President, my staff, working with the staff of the Finance and HELP Committees, has spent an enormous amount of time ensuring that this bill complies with the rules of the reconciliation process. The majority and minority staffers have spent long hours going over this bill in excruciating detail with the Parliamentarian. We just heard the Parliamentarian's determinations on some of those issues.

The Parliamentarian has further advised us that two provisions do violate the Byrd rule. The first provision concerns the formula setting the maximum Pell grant amount annually and is considered out of order. Basically, it provides an insurance policy on how that level is calculated.

The second provision says this, in its entirety: "(D) by striking subparagraph (E); and (E) by redesignating subparagraph (F) as subparagraph (E)," and is also considered out of order.

CBO has concluded that the two provisions do not score for budgetary purposes. The Parliamentarian gave great weight to this in making his determination.

While I wish these provisions were not being stricken, removing them would not affect the score of the program or prevent the bill from achieving the goals of the new Pell grant policy.

Mr. President, we think it is important for the historical record to have these matters laid out on the record. I thank Senator GRASSLEY and his staff

for the work to make certain that the historical record is clear, and I want to thank my staff as well, and the staff of the Finance Committee for an extraordinary effort. I hope the people of this country recognize that these staffs have worked on both sides, minority and majority, weekend after weekend after weekend, night after night after night, and they deserve our commendation and our thanks.

I thank the Chair.

Mr. BAUCUS. Mr. President, there are a flood of emotions going through all of us today as we pass this reconciliation bill which improves upon the bill the President signed 2 days ago. I would like to focus only on one part—a very important part but only one part—and that is to thank the people who have worked so hard, especially in this body, to help accomplish this result.

I thank especially my friends Senator DODD, the chairman of the Banking Committee, who many times acted in the capacity as chairman of the HELP Committee, and Senator HARKIN, chairman of the HELP Committee, working so hard with their staffs. As well, I thank Senator CONRAD, especially for his acumen, his budgetary acumen. I don't know anybody who knows this stuff better than Senator CONRAD. We all rely on him very much.

I thank Leader REID for his strategic vision—he helped put the Finance Committee bill together; he saw a path forward—and his staff, who are so competent—Kate Leone, Bob Greenawalt, Randy DeValk—his top three staff.

I also thank my friend from New Hampshire, Senator GREGG, for his courtesy in managing this bill. He was very decent and a very good person to work with.

We all want to thank so many people. Once we start mentioning a couple or three names, we run the danger of offending people whose names are not mentioned. We all know that. There will be an appropriate time for us to make all the thanks, and I will make mine so sincerely because I am so grateful for all the hard work my staff has put into this.

I wish to single out one person, and that one person is sitting next to me. Her name is Liz Fowler. Liz Fowler is my chief health counsel. Liz Fowler has put my health care team together. Liz Fowler worked for me many years ago, left for the private sector, and then came back when she realized she could be there at the creation of health care reform because she wanted that to be, in a certain sense, her profession lifetime goal. She put together the White Paper last November—2008—the 87-page document which became the basis, the foundation, the blueprint from which almost all health care measures in all bills on both sides of the aisle came. She is an amazing person. She is a lawyer; she is a Ph.D. She

is just so decent. She is always smiling, she is always working, always available to help any Senator, any staff. I thank Liz from the bottom of my heart. In many ways, she typifies, she represents all of the people who have worked so hard to make this bill such a great accomplishment.

I will have printed in the RECORD the names of all my professional staff. There are more than I realized, so I can't name them all. I ask unanimous consent to have that list printed in the RECORD and just regret that I cannot thank everybody personally.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

COMMITTEE ON FINANCE MAJORITY
PROFESSIONAL STAFF

Ryan Abraham, Joseph Adams, Sarah Allen, John Angell, Randy Aussenberg, Mary Baker, Scott Berkowitz, Shawn Bishop, Mark Blair, Pat Bousliman, Joe Carnucci, Tony Clapsis, Alan Cohen, Blaise Cote, Amber Cottle, Tim Danowski, Bill Dauster, Chris Dawe, Jennifer Donohue, Neleen Eisinger.

Danielle Edwards, Andrew Fishburn, Yvette Fontenot, Liz Fowler, Jim Frisk, Christopher Goble, Michael Grant, Jewel Harper, Diedra Henry-Spires, Laura Hoffmeister, Andrew Hu, Matt Kazan, Ayesha Khanna, Tom Klouda, Cathy Koch, Christopher Law, Josh Levasseur, Richard Litsey, Carla Martin, Kerra Melvin.

Bob Merulla, Rory Murphy, Scott Mulhauser, Kelcy Poulson, Holly Porter, Hun Quach, Russell Quiniola, Tom Reeder, Matt Schmechel, Athena Schritz, David Schwartz, Erin Shields, Michael Smart, Meaghan Smith, Tiffany Smith, Challee Stefani, Greg Sullivan, Russ Sullivan, Chelsea Thomas, Kelly Whitener, Erin Windauer.

Mr. GREGG. I join the chairman of the Finance Committee in thanking so many people who participated in the process. I especially thank the staff on the dais and staff in the cloakroom who were here so late last night and do such an exceptionally professional job; otherwise, we could not move this type of legislation in a coherent way.

Obviously, I thank the chairman and I thank his staff and I thank the chairman of the Budget Committee and his staff because really there has to be cooperation across the aisle to handle something this complicated and do it in a reasonably efficient way, by Senate standards, which we did.

I especially, of course, thank the people on our side who played such a large role.

Usually people start with the chief of staff and go down the list. But I would like to single out my health policy director, Elizabeth Wroe, for her extraordinary commitment of energy and time on these issues starting over 1 year ago.

Of course I have a whole team on my Budget Committee staff who have been working on issues related to this reconciliation bill for nearly as long.

A special thank you goes to staff director Cheri Reidy who has been as-

sisted by her colleagues: Jim Hearn, Allison Parent, Gordon Gray, Matt Giroux, Jeff Gonzalez, Greg D'Angelo, Roger Mahan, Nicole Foltz, Giovanni Gutierrez, Dan Kowalski, Betsy Holahan, Dave Myers, Winnie Chang, Adam Hechavarria, Mike Lofgren, Kim Proctor, Greg McNeill, Jim Carter and Andrea Wuebker.

Again, I thank everyone who was so cooperative. There were an awful lot of amendments, and we could not have been successful without cooperation on both sides of the aisle.

Mr. CONRAD. Will the Senator yield?

Mr. GREGG. Yes, I will.

Mr. CONRAD. May I just say I really owe it to several people on my staff, especially my staff director, Mary Naylor. I don't know that there has been a person more dedicated to public service than Mary Naylor. What an extraordinary effort she has made, along with Bill Dauster of the Finance Committee and also my deputies, John Righter, Joel Friedman; my counsel, Joe Gaeta; and Sarah Kuehl, who led my health care team. We owe deep thanks to this staff. This has been a year-and-a-half long effort by so many; lost weekends with their families, lost evenings.

Thank you. Thank you.

The VICE PRESIDENT. The majority leader.

Mr. REID. Mr. President, we have a few more items of business that must be taken care of, but I didn't want the time to go by without saying something to the American people.

We all know the importance of this legislation. It is a Thursday afternoon, about 2 o'clock. We are all tired. But this has been a legislative fight that will be in the record books. I am grateful for everyone who has worked on this to make this happen.

First of all, I have had a number of people on my staff who have worked very hard—Randy DeVal, who is kind of the resource of all the Senators, Republicans and Democrats. He is a utility man. He can do anything. He is a very accomplished, fine human being and a great person to have working for you.

Kate Leone has been such a stalwart in helping me work through these issues. We started this a number of months ago. We got together every week because I didn't know a lot about health care. She and I would sit and talk for an hour every week so I became more accomplished in knowing at least the framework of this legislation we looked forward to dealing with. I have so much appreciation for her. Like Randy, they left their families at home. She left her baby at home. A lot of the times, it was very difficult for a young mother to do that. I have such respect and admiration for her skill and her being such a nice person.

Bob Greenawalt, my tax guy, has done a remarkably good job—very

quiet but someone whom everyone knows in the Senate. He is someone you can go to and get a straight answer.

Senator BAUCUS, the chairman of the Finance Committee, has had a tremendous burden. It has gone on for well more than a year. He has been criticized, he has been praised, but he has always been there trying to move this ball forward, always having the idea that we could get this done when a lot of people around him said, "It can't be done." I personally appreciate MAX BAUCUS and the good work he has done for these many years for the State of Montana, but in recent months America has come to know the great work he has done on this bill which is now law.

TOM HARKIN—what a wonderful human being. When I had a very difficult election in 1998, no one called more often to find out how I was doing, both before the election and after the election. He is my friend. I care a great deal about him. He has some big shoes to fill, those of Ted Kennedy. He has been so easy to work with.

CHRIS DODD—even though he was no longer running the committee because Senator Kennedy died, TOM HARKIN never got involved in it. He left everything involved with health care that the committee had up to CHRIS DODD. It worked out well. We were able to do reconciliation, and he moved into something for which he has such great passion, and that is education. So thank you very much.

KENT CONRAD and I came to the Senate together. When the history books are written, there will certainly be a chapter or two or three talking about a person who over the years has come to know more about the finances of this country than any other human being—anyone. He and I are friends. He is the reason we are here now with so little controversy on these points of order. He has been someone whom you can really, because he is such a perfectionist—frankly, he can really get on your nerves. He is someone who always wants to make sure that the "i" is dotted and the "t" is crossed. I am so grateful we are able to be where we are as a result of the good work of this honorable man from the State of North Dakota.

Finally, I have seen this man shed tears on so many occasions in the last few months. Why? Because his pal is no longer in the Senate, his buddy, his soulmate. There could not be two better friends than Ted Kennedy and CHRIS DODD. I don't know how you can be better friends than they were to each other. He has done such a good job filling in for Ted Kennedy. I know we want to get to this vote, but I love CHRIS DODD. He is such a wonderful person, and his family is remarkably good. He got home at quarter to 4 this morning, and Grace woke him up at 5 to tell her story.

CHRIS, thank you very much for what you did.

MOMENT OF SILENCE

I think it would be very appropriate, and I hope I do not offend anyone—if I do, I certainly do not mean to—I think it would be very appropriate right now to have a moment of silence for our departed friend, one of the great Senators in the history of this country, Ted Kennedy.

I ask the Chair to direct that moment of silence.

The VICE PRESIDENT. Without objection, the Chair will direct a moment of silence.

(Moment of silence.)

The VICE PRESIDENT. The majority leader is recognized.

Mr. REID. Mr. President, I ask that when the vote is called, Senators vote from their desks.

The VICE PRESIDENT. Without objection, it is so ordered.

The Senator from New Hampshire.

Mr. GREGG. Mr. President, let me acknowledge the majority leader also because he has been under tremendous stress. We all know that, with what has happened relative to Landra and his daughter. We appreciate the fact that he has been so professional and worked so hard while confronted with this extraordinarily difficult situation. We obviously wish everyone in his family well.

Mr. President, at this time I will make two points of order. I submit for the RECORD a statement of those points of order.

The following provision of the pending bill, H.R. 4872, the Health Care and Education Affordability Reconciliation Act, on page 118 at line 15 through 25 does not produce changes in outlay or revenues and thus is extraneous. Therefore, I raise a point of order under section 313(b)(1)(A) of the Congressional Budget Act of 1974.

The VICE PRESIDENT. The point of order is sustained.

Mr. GREGG. Mr. President, the following provision of the pending bill, H.R. 4872, the Health Care and Education Affordability Reconciliation Act, on page 120, lines 3 through 5, does not produce changes in outlays or revenues and is extraneous. Therefore, I raise a point of order under section 313(b)(1)(A) of the Congressional Budget Act of 1974.

The VICE PRESIDENT. The point of order is sustained. Both provisions are stricken.

Mr. GREGG. I thank the Chair.

The VICE PRESIDENT. The Senator from North Dakota.

Mr. CONRAD. Mr. President, in keeping with my previous statement, we on our side would not further contest either of those provisions.

The VICE PRESIDENT. The question is on the engrossment of the amendments and third reading of the bill.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read a third time.

The VICE PRESIDENT. The Senator from Montana.

Mr. BAUCUS. Mr. President, is it appropriate to ask for the yeas and nays?

The VICE PRESIDENT. Yes, it is.

Mr. BAUCUS. I ask for the yeas and nays.

The VICE PRESIDENT. Is there a sufficient second? There is a sufficient second.

The bill having been read the third time, the question is on passage of H.R. 4872, as amended by operation of section 313(e) of the Congressional Budget Act of 1974.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. KYL. The following Senator is necessarily absent: the Senator from Georgia (Mr. ISAKSON).

The VICE PRESIDENT. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 56, nays 43, as follows:

[Rollcall Vote No. 105 Leg.]

YEAS—56

Akaka	Feinstein	Mikulski
Baucus	Franken	Murray
Bayh	Gillibrand	Nelson (FL)
Begich	Hagan	Reed
Bennet	Harkin	Reid
Bingaman	Inouye	Rockefeller
Boxer	Johnson	Sanders
Brown (OH)	Kaufman	Schumer
Burris	Kerry	Shaheen
Byrd	Klobuchar	Specter
Cantwell	Kohl	Stabenow
Cardin	Landrieu	Tester
Carper	Lautenberg	Udall (CO)
Casey	Leahy	Udall (NM)
Conrad	Levin	Warner
Dodd	Lieberman	Webb
Dorgan	McCaskill	Whitehouse
Durbin	Menendez	Wyden
Feingold	Merkley	

NAYS—43

Alexander	DeMint	McConnell
Barrasso	Ensign	Murkowski
Bennett	Enzi	Nelson (NE)
Bond	Graham	Pryor
Brown (MA)	Grassley	Risch
Brownback	Gregg	Roberts
Bunning	Hatch	Sessions
Burr	Hutchison	Shelby
Chambliss	Inhofe	Snowe
Coburn	Johanns	Thune
Cochran	Kyl	Vitter
Collins	LeMieux	Voinovich
Corker	Lincoln	Wicker
Cornyn	Lugar	
Crapo	McCain	

NOT VOTING—1

Isakson

The bill (H.R. 4872), as amended, was passed.

Mr. REID. Mr. President, I move to reconsider the vote.

Mr. DURBIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. LEAHY. Mr. President, today's final passage of this Health Care and Education Reconciliation Act marks the culmination of a decades-long struggle to make health insurance affordable to hard working Americans. This has been an arduous process, but

it has proven that change truly is possible. America again has risen to meet one of its foremost challenges.

Still, there is more work to be done to introduce competition into the health insurance industry. Today, health insurers do not play by the same rules of competition as do other industries. Benefiting from a 60-year-old special interest exemption, the business of insurance is not subject to the Nation's antitrust laws. These laws promote competition, which ensures that consumers will pay lower prices and receive more choices. We can surely agree that health insurers should not be allowed to collude to set prices and allocate markets.

Last fall, I introduced legislation to repeal the health insurers' antitrust exemption. I held a hearing to examine the merits of this repeal, and worked to build bipartisan support. A few weeks ago, repeal of the antitrust exemption for health insurers became the first stand-alone part of the health reform package to pass the House, in a strong bipartisan vote of 406-19. Today I want to renew my call for the Senate to take up and pass this legislation to repeal the antitrust exemption for health insurance companies.

As they begin to implement the measures included in the Patient Protection and Affordable Care Act, the Department of Health and Human Services, other Federal agencies, and the States can all greatly benefit from the competitive analysis provided by both the Department of Justice's Antitrust Division and the Federal Trade Commission, FTC. The Justice Department and the FTC have the knowledge and experience to provide informed assessments of whether a marketplace is functioning properly, and when there may be warning signs that competitive abuses are taking place. Their expertise will ensure that the basic rules of fair competition apply to those reforms included in the new health insurance reform law.

Mr. CONRAD. Mr. President, I want to add to my comments from earlier today regarding the passage of H.R. 4872, the Health Care and Education Reconciliation Act of 2010. I want to again acknowledge and thank my staff for their extraordinary effort and professionalism. My staff has worked tirelessly over many months, working late nights and weekends on health care reform and reconciliation. I greatly appreciate the sacrifices that they—and their families—have made in these efforts.

On my Budget Committee staff, I want to again thank my extraordinary staff director, Mary Naylor, as well as my deputy staff directors, John Righter and Joel Friedman, and my counsel, Joe Gaeta. In addition, I want to thank my incredible Budget health team, which is led by Sarah Kuehl, but also includes Purva Rawal, Jim Esquea,

Jennifer Hanson-Kilbride, and Steve Bailey. They did extraordinary work. I also want to thank my Budget education team, Robyn Hiestand and Matt Mohning. Education was an important part of the reconciliation bill and college students will benefit greatly from the expansion of Pell grants and other assistance. I want to thank the remainder of my excellent Budget Committee staff, all of whom contributed greatly to this effort. I particularly want to thank Craig Kalkut, Ron Storhaug, and Jean Biniek for their assistance in this effort.

Finally, I want to thank the staff in my personal office. They also played a key role in this effort and represented the State of North Dakota very well. I want to thank Sara Garland, my chief of staff; Tom Mahr, my legislative director; Kate Spaziani and Dana Halvorson, my personal office health team; and Caitlin Coghlan, my education specialist. In particular, I want to thank Tom and Kate for their extraordinary efforts. They worked hand-in-hand with my Budget team in helping produce a bill that moves this nation in the right direction on health care and fiscal responsibility.

I believe it is important that the American people understand the work and sacrifice made by the staff who work here in Congress on their behalf. The last year has witnessed an incredible effort by staff on both sides of the aisle. I thank them all, and again, thank my staff in particular.

Mrs. BOXER. Mr. President, it is clear to everyone watching the debate on the Health Care and Education Reconciliation Act that amendments were offered for the sole purpose of derailing health care reform. Therefore I voted to table all amendments.

Under normal circumstances, I would have supported some of the amendments offered by my colleagues. For example, last night, an amendment was offered to clarify that the health care reform bill would not adversely affect VA and military health care programs. I am a cosponsor of freestanding legislation that would make that very same clarification. However, last night, when Senator WEBB asked unanimous consent for that legislation to be adopted separate from this bill, an objection was raised from my friends on the other side of the aisle.

I am pleased that the bill passed because it will make life better for the people I represent.

Mr. DURBIN. Mr. President, the reconciliation bill on the floor today realizes a dream of my friend and mentor, former Senator Paul Simon—consolidation of the Federal student loan program entirely into direct loans.

The very first Federal student loans were direct loans provided under the National Defense Education Act of 1958—directly from the Federal Government to students.

In 1965, the Federal Government began guaranteeing student loans provided by banks and nonprofit lenders through the Federal Family Education Loan, FFEL, Program. Through this program, the Federal Government would pay banks a certain rate of return on student loans and guarantee those loans against default.

By the early 1990s, it was clear to Paul Simon that incentivizing banks through subsidies no longer made sense. The Federal Government could make loans more cheaply and more simply directly to students.

As he said: “Are we in the business of helping banks and guarantee agencies, or are we in the business of helping students?”

Paul Simon became the leading Senate champion of a new direct college loan program, enacted in 1992 as a small pilot program. He and others hoped that the Direct Loan Program would be quickly expanded to replace the FFEL Program.

In 1993, during a budget reconciliation fight, lobbyists for the banks and Sallie Mae joined forces to try to defeat the effort to move the student loan system into direct loans. The result was our current system: the Direct Loan Program and the FFEL Program operating side-by-side.

This system hasn’t worked. Private lenders like Sallie Mae have retained the majority of the student loan market through special deals with financial aid offices and have continued to make billions off of taxpayer-funded subsidies—\$6 billion per year. Taxpayers are absorbing all the risk of student loan defaults, while private corporations bank all the profit.

Senator Kennedy, a longtime proponent of direct loans, once said: “We waste billions of dollars in corporate welfare every year on student loans, and we cannot afford it any longer.”

I agree with Paul Simon and Ted Kennedy. And so does Chairman HARKIN, who led this bill through the HELP Committee. I join him in supporting this bill that would finally end corporate welfare in the Federal student loan program and put that money back in the hands of students.

The reconciliation bill will shift all loans into the Direct Loan Program that Paul Simon envisioned and use the \$68 billion in savings to invest in education priorities.

We will put \$36 billion over the next 10 years into the Pell Grant Program, a program that we know is essential for many poor families and struggling students.

For the first time, we will index the Pell grant to inflation. We will also avert a projected Pell grant budget shortfall caused by recent increased demand for Pell grants.

Without this investment, 8 million students could see their Pell grants cut by 60 percent next year, and 600,000 stu-

dents could lose their scholarships completely.

The bill will cap monthly student loan payments at just 10 percent of discretionary income, so that college graduates can pursue careers in teaching or public service without the burden of student loan bills they couldn’t keep up with.

We will also invest in historically Black colleges and universities, minority serving institutions, community colleges, and state-based college access programs that help students succeed in college.

And we will reduce the deficit by \$10 billion over 10 years.

Families and students will benefit enormously from this bill and the realization of Paul Simon’s vision. And who will suffer? Bank and lending executives who have grown rich off of unnecessary taxpayer subsidies for decades.

Paul Simon was right 20 years ago, and he is still right today. It is time to take the middleman out of the student loan industry and return our focus to students.

I would like to thank Senator HARKIN for his hard work on the student loan reform provisions in this bill and for his tireless efforts on behalf of college students across the country.

I strongly support the student loan reform provisions that are included in the reconciliation bill and I look forward to seeing Paul Simon’s full Direct Loan Program finally signed into law.

Mr. ROCKEFELLER. Mr. President, I have always wondered if this day would come, when I could stand on the Senate floor before my colleagues and say those words:

We did it. We passed comprehensive health care reform.

Many have come before us and we have worked together for years. We took on a monumental task and faced obstacles at every corner.

It wasn’t easy—nothing that is worth doing is easy. But we put aside our own differences and came together to pass meaningful legislation that will transform the way health care works in our country.

And it was worth every minute and every hurdle. It was worth every setback and every step forward.

Because for all those challenges, for all our debates and negotiations, I know that any trouble we faced was nothing in comparison to the daily struggle millions of Americans face everyday without health insurance. Millions that are without coverage who live everyday in terror of becoming sick—parents powerless to provide care for a sick child, workers unable to change jobs and pursue a new opportunity, families forced to choose between seeing a doctor and paying their mortgage.

When I think about the cause of reform, I think about those people and their stories.

And I want to tell you about some of them today.

I want to tell you about the Bord family of West Virginia.

The Bords are two dedicated school teachers—with health insurance, through their employer—whose son Samuel had Leukemia and needed treatment well beyond the onerous annual insurance limits, they didn't even know they had. Samuel's parents were desperate and feared for the worst. When he hit his million dollar cap, my office helped his parents find more resources.

But, the Bords were left with two heart-wrenching suggestions—consider getting a divorce so that Samuel would qualify for Medicaid and stop taking their other children—Samuel's twin brothers—to the doctor altogether, even if they got sick, in order to save every penny for Samuel.

That's right. Get a divorce and choose one child's health care needs over another's.

Those are the choices our Nation offered to these caring, hard-working parents with a sick child?

They did everything in their power but, this fall, Samuel passed away.

It breaks my heart to think of what his parents went through: not only the pain of watching their son fight a terrible disease, but also the uncertainty of paying for his treatment when the coverage they counted on and paid for—abandoned them.

And so now, we are creating a more secure and reliable health care system that works for every American: where those who are uninsured finally have someplace to go for care; where those with health insurance know that the coverage they count on—and pay for—will be there when they need it; and where a profit driven insurance industry cannot play mercilessly with people's lives or steal their hope for a healthy future.

This new law is for all those countless people we have lost to a broken system. This is Samuel's law. We will never be able to bring him back—but we can make sure no one's health is ever left to the whims of annual and lifetime caps or pre-existing conditions or arbitrary rate hikes.

In the course of my Senate Commerce Committee investigations into the health insurance industry, I met a wonderful woman named Susan Pearl.

You see, we knew in the committee that health insurance companies were not being straightforward about how much money they were spending on actual medical care. Too many people were not getting the care they needed, yet health insurance industry profits continued to soar.

So Susan came to us. Her husband owns his own business, and they had coverage—good coverage. And they were glad to have it—their son Ian was born with muscular dystrophy, but was doing well with medical treatment.

Unfortunately, Susan's insurance then decided that her son's care—including the round-the-clock nursing necessary for advanced muscular dystrophy—was getting just too expensive for them to continue paying.

So with the full knowledge of the devastating and fatal effects of dropping coverage—Guardian Insurance abruptly rescinded, not just Ian Pearl's coverage, but the entire family policy, replacing it with another plan that was, quite simply, inadequate.

With Ian's life-saving care costing upwards of \$1 million a year, Susan did everything she could to reinstate Ian on his original plan—the one she had paid into faithfully for years.

Thankfully, Susan Pearl was able to recover Ian's old coverage—but only after Guardian's deplorable practices drew worldwide media attention.

This new law means health insurance companies can no longer gamble with people's lives and rescind coverage because it's hurting their bottom line.

You shouldn't need the full focus of a Senate investigation, just to be treated fairly by your insurance company.

I think of small business owners like Kate from my home State of West Virginia who shared her story on the White House Office on Health Reform's public website www.healthreform.gov. Her 2-year-old son is the only person with health insurance coverage in her household.

Many of us know that it is often hard for small businesses to find affordable coverage for themselves and their employees.

She and her husband are small business owners and they simply could not find an affordable policy. Today, small businesses pay up to 18 percent more than large firms for the same health insurance policy, so many just don't even offer it. While small businesses make up 82 percent of businesses in West Virginia, only 37 percent of them offered health insurance coverage to their employees in 2008.

Kate wished she even had the security of catastrophic coverage. She knows she is risking her home and economic security without health coverage, but, basic health insurance is a luxury she and her husband simply can't afford.

When it comes to health care, small business owners have been facing higher administrative costs, lower bargaining power, greater price volatility and fewer pooling options. These are not minor details. They are major problems and health care reform includes concrete solutions to begin solving them.

Now, with this new law, West Virginia businesses will have access to far more affordable coverage options. In 6 months, as many as 20,000 small businesses in West Virginia like Kate's will have access to tax credits for up to 35 percent of the cost of health coverage for their employees.

And new State-based health insurance exchanges will be designed to help small businesses cover their employees in the small group market. By expanding the pool and spreading risk across every individual in the State exchanges, we can significantly decrease premiums for small businesses and lower administrative costs for small business coverage by as much as 30 percent.

Many people have heard about Sarah Wildman, a woman who purchased insurance on the individual market right here in Washington, DC.

Sarah was an informed consumer and specifically chose a policy she believed included good maternity coverage—one of the few policies on the individual market that cover maternity care at all.

Of course, her so-called "Maternity" coverage didn't cover labor, delivery, or even her stay in the hospital. And as a result, Sarah was left with a \$22,000 bill.

And, because she gave birth by cesarean section—she now has a "pre-existing" condition and can no longer get coverage elsewhere.

Sarah's situation would seem absurd, if it were not so deadly serious. And it begs the question: What is the value of health insurance that offers no coverage when it's needed?

But soon she won't have to worry. This new law will mean the elimination of preexisting condition exclusions—right away for our children and as soon as the exchanges are up and running for adults.

Both the House and the Senate have spent more than a year working on a meaningful plan to move our health system forward.

For many of us this journey started in earnest three years ago in our effort to reauthorize the Children's Health Insurance Program. Protecting that program—which will cover more than 14 million children by 2013—represents yet another of this new law's enormous achievements.

But today's achievement is built on more than 50 years of effort and incremental change—some quite meaningful, but none truly comprehensive.

At last, our work has brought fundamental changes to a broken health care system, and takes an enormous step to begin making people's lives better.

I was so proud to be there with the President when he signed the Patient Protection and Affordable Care Act into law—after spending my entire career in public service committed to this cause, it was a chance to witness history in the making.

I want to thank my colleagues in the House and Senate who did the right thing for the American people. I know we are walking on the right side of history. I know many wanted to do even more, and go further. I know this bill is not perfect, but it will be transformative and that is a good thing.

I particularly want to thank two courageous colleagues on the House side—Congressmen ALLAN MOLLOHAN and NICK RAHALL who took a stand for the American people and voted to pass this legislation.

I want to thank HARRY REID for his leadership, and his unwavering vision which helped deliver a final bill to the President's desk.

And finally, I want to thank the President who came to the White House as a champion of change. And now, he has delivered.

We knew it would not be easy to change our health care system, but we persevered. All of us have stories like the ones I told.

I am enormously proud to have supported this legislation, which, more than anything, means a better health care system. It means a better America and a better life for families everywhere.

Mr. REID. I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Ms. LANDRIEU. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BURRIS). Without objection, it is so ordered.

MORNING BUSINESS

Ms. LANDRIEU. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business, with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS-CONSENT REQUEST—EXECUTIVE CALENDAR

Ms. LANDRIEU. Mr. President, at this time I wish to give a short statement for the RECORD, and then I will ask for the Senate to consider the nomination of Winslow Lorenzo Sargeant, of Wisconsin, to be Chief Counsel for Advocacy, for the Small Business Administration.

This is very troubling to me, as the chair of the Small Business Committee. Months ago now, we had Dr. Winslow Sargeant before our committee. The President nominated him to be the Chief Counsel of the Office of Advocacy for the Small Business Administration. For my colleagues who may not be aware of this office and how important it is to have a qualified individual leading it, let me say that the Office of Advocacy works to reduce the burdens of Federal policies and regulations on small business, which is an important effort that is undertaken when either Republicans or Democrats are in the majority.

We recognize that sometimes regulations, particularly overly burdensome regulations, can be difficult for small business, so this position in the Small Business Administration was actually created to advocate not on behalf of the regulations, not on behalf of the government, but on behalf of the small businesses—the millions of them that are out there struggling right now to create jobs. We want to be helpful to them, not hurtful. So it is puzzling to me why this nomination is being held up, particularly because he passed out of our committee with bipartisan support.

He has three degrees, including a Ph.D. from the University of Wisconsin-Madison in electrical engineering, and a background as a very successful small business owner himself. He not only is well educated but well aware of the many difficult challenges facing businesses today.

Dr. Sargeant cofounded Aanetcom, a technology company that was ultimately acquired. He is currently the managing director of Venture Investors, a Midwest venture capital company which focuses on funding startup health care and technology companies. In this role, Dr. Sargeant works closely with technology transfer organizations to develop policies which enable the formation of startups, giving him an unmatched insight into the needs of entrepreneurs in this challenging economic environment.

This is exactly what we need to be doing here: nominating and confirming people such as this to step into positions of power, to advocate on behalf of small businesses. So it is very troubling to me this nomination has been held up. I am going to ask for his nomination to be cleared in a moment.

I am also puzzled because he has the support of many business organizations: the National Small Business Association, the Small Business Association of California, the Small Business Technology Council, and the Small Business Association of New England—very well-respected small business organizations from one side of the country to the other that are familiar with him and his work.

With more than 80 percent of job losses coming from small businesses since the current recession began, it is critical, I believe, as the chair of this committee, that we provide our Nation's 29 million small business owners with a strong and effective advocate here in Washington.

This position is empty. There is no one sitting in the office, at a time when small business needs a voice. There are regulatory matters coming from all sides. There are new challenges in this environment. There are trade opportunities for businesses all over the world. Our small businesses must break into those markets. Let's not even begin to talk about the regu-

latory nightmares here at home—just think about those regulatory nightmares as our small businesses seek markets across the oceans and over our borders. Why—why—would anyone want to hold up this position? But someone is, and we are going to find out who and why.

Dr. Sargeant also has spent a great deal of time sitting on different boards, helping to advise others on building strong businesses. He is a Kauffman Fellow, a member of the New York Academy of Sciences, and Sigma Xi. He serves as a director of the University of Wisconsin Foundation, a trustee for the Wisconsin Alumni Research Foundation, and a member of the corporation board of Northeastern University. He is an advisory board member for WiCell, the Waisman BioManufacturing Facility, the University of Wisconsin Astronomy Department, and Purdue University Discovery Research Park.

And the list of his accomplishments goes on. He has served as a technical advisory board member for startup company Intersymbol Communications, Madison-based venture firm Venture Investors, LLC, managing member of Xcelis Communications, LLC and as an advisory board member for the Maryland Venture Fund. Dr. Sargeant received the inaugural 2002 Wisconsin distinguished Young Alumni Award and was the 2003 Outstanding Engineering Alumni Awardee from Northeastern University.

Dr. Sargeant's work also extends to the community. He has been a member of the Board of Directors for the Boys and Girls Club of Madison, Wisconsin, since 2006; a member of the Accelerate Madison, Inc., a Madison, WI, organization dedicated to using information technology to spur economic growth; and active alumni organizations, such as the University of Wisconsin Foundation.

I have no doubt that Dr. Sargeant will make an excellent Chief Counsel for Advocacy and I remain baffled as to why his nomination has yet to be confirmed.

Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider Calendar No. 427, the nomination of Winslow Lorenzo Sargeant, to be Chief Counsel for Advocacy, Small Business Administration; that the nomination be confirmed, the motion to reconsider be laid upon the table, any statements relating to the nomination be printed in the RECORD, the President be immediately notified of the Senate's action, and the Senate then resume legislative session.

The PRESIDING OFFICER. Is there objection?

Mr. SESSIONS. Mr. President, reserving the right to object.

The PRESIDING OFFICER. The Senator from Alabama is recognized.

Mr. SESSIONS. I thank the Senator from Louisiana for her concerns about this matter. I am not a member of the committee and am not personally familiar with the nomination. But I know it is controversial with some Members on our side. I think as to the question of why, it is because we agree with the Senator that the nomination is to an important position, and there is concern about whether this is the right person for it. Therefore, Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

Ms. LANDRIEU. I thank my good friend, the Senator from Alabama. He and I have worked on many important issues together. He is not a member of the committee, and I appreciate that. But I wish to, through the Chair, let the Senator from Alabama know that he might want to consult with some of the members of the Small Business Committee because when we come back I am going to be asking every day on the floor of the Senate for this nomination to proceed.

I think it is fair, in the spirit of openness that so many people have called for, that we have these discussions now in a very open way on the floor of the Senate. So I hope the Senator will understand the spirit of this. This gentleman is extremely well qualified. I have had numerous calls to my office urging us to move forward.

I thank the Senator from Alabama for those comments. But if you would relay that to not only the members of the Small Business Committee but to the Republican Caucus, that would be wonderful. Thank you.

Mr. President, how many more minutes do I have?

The PRESIDING OFFICER. There is 3 minutes 20 seconds.

Ms. LANDRIEU. Thank you.

Let me, while I have the floor, call attention to this document that is on our desks. It is the Executive Calendar that is placed every day on our desks. Since we have been at our desks now for many hours, I actually had the opportunity to read it, which I do not often do.

Although the pages are not numbered, I counted them and I believe there are 12 pages. This is documentation of every person pending on the Executive Calendar for confirmation. It might be interesting to the people observing our session today to note that all of these nominations—from the Judiciary, to the Federal Elections Commission, to the Department of Energy, to military positions, Corps of Engineers positions, the Army, the Executive Office of the President, members appointed to the Amtrak Board of Directors, the Equal Employment Opportunity Commission, the Farm Credit Administration, the Department of Commerce, the Department of Housing and Urban Development—these are

people—pages and pages of names—who the President has suggested would be wonderful people to serve our government.

They have passed the committee process, most of them—or many of them, I understand—with bipartisan votes. Why they are sitting on this calendar I do not know. But we are going to find out. I realize there is sort of a place and a time and a process in the Senate, but it is important for us to know, and for these individuals who have put their lives and their careers on the line, who put their homes up for sale, who have left their former jobs thinking they were going to come to work for the Government of the United States—proud to work for our government—many at much less than they were making before they were nominated by the President. I am going to ask my colleagues on the Republican side, Why are they being held up?

There are actually two individuals I know personally—two judicial candidates from the State of Louisiana: Beth Foote and Brian Jackson—one outstanding lawyer from the Western District of Louisiana, and one outstanding lawyer from the Middle District of Louisiana. They are not technically being held up, but they are not moving forward. So we need to be moving them forward. The chairman of the committee, Chairman LEAHY, has done a wonderful job moving them through. In fact, the Senator from Alabama was extremely complimentary—who is on the Judiciary Committee—of both of those nominees because I happened to be present at their hearing. The Senator from Alabama was extremely complimentary in his views, and he is, of course, the ranking member on that committee.

When we get back, on behalf of Beth Foote and Brian Jackson and Winslow Sargeant, I hope some of my other colleagues will be happy to join me in very open and public discussions on the floor of the Senate about what might be a problem that we should know about so that we can get these people in positions of power and authority and of service, might I say, to the people of the United States of America.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

The Republican leader is recognized.

Mr. MCCONNELL. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONTINUING EXTENSION ACT OF 2010—MOTION TO PROCEED

CLOTURE MOTION

Mr. MCCONNELL. Mr. President, I move to proceed to Calendar No. 333, S.

3153, and I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion, having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the motion to proceed to S. 3153, Calendar No. 333:

Tom Coburn, Jim DeMint, Mike Johanns, George S. LeMieux, Kay Bailey Hutchison, Lamar Alexander, Saxby Chambliss, Mike Crapo, John Cornyn, Jim Bunning, Michael B. Enzi, John McCain, Judd Gregg, Jeff Sessions, Robert F. Bennett, John Ensign, Mitch McConnell.

The PRESIDING OFFICER (Mr. FRANKEN). The Senator from Oklahoma.

Mr. COBURN. Mr. President, I wish to spend a few minutes talking about where we are as a nation and what the future is for our children.

We have at this point in time \$12.6 trillion worth of debt. We now have equivalent debt for every man, woman, and child in this country of \$42,000. For our children who are under 25 years of age, in the year 2030, each one of them will be responsible for \$1,113,000 worth of debt and unfunded obligations. If we think about what that means, it means that for our children who are under 25 years of age, the ability for them to experience the opportunity that we as a nation have experienced in the past 230-plus years is going to be put at risk.

We have before us some things that need to get done. They have to get done. We have two options: We can add another \$9.2 billion to that \$12.6 trillion we have today and bump up more than that \$1,113,000, or we can relook into the mirror and say: Should we as Americans start making some of the hard choices that are going to be necessary for us to get out of the mess we have created for our children?

When I travel around the country—and I travel in Oklahoma—Americans are concerned about our future right now. What are their concerns? What does it boil down to in their hearts? In their hearts, they have this gripping sensation that what they have experienced as an American may not be available for their children. It is a painful realization. Their hope for us is that we might change that outcome for their children. We have an opportunity to start that right now.

By way of background, most of us know there is a tremendous amount of waste, fraud, abuse, and duplication in the Federal Government. Oftentimes, it is hard to weed out because every program, whether it is efficient or effective or not, has people who tout it. Our nature as politicians is to offend no one. That is our nature. How in the

world do we accomplish what is going to be necessary in the next 5 to 10 years and solve this most difficult problem that we, the politicians, have created? America didn't create this. The States didn't create this. This problem was created in Washington.

As has often been said, the easiest thing in the world is to spend somebody else's money. So the earnestness with which I come to the floor is to say we ought not be doing that, especially when we know there is waste and there is fraud and there is duplication and there is abuse in much of the Federal Government.

I was reminded of the trouble the State of New Jersey is in. What the people of the State of New Jersey have said is: We recognize the problem, and we need to change things. So they elected a new Governor on the basis that he would make the tough decisions about priorities to change the future path—that he might change the path of the future for the citizens of New Jersey. He put forth a bold budget. As a matter of fact, one of the Senate Democratic leaders is helping him fix the problem.

So we have a Republican Governor with a bold plan who has come forward to the people of the State of New Jersey. They elected him by a fairly large margin and said: For us to have this great future we all want for our kids, we are going to have to do some things that aren't necessarily pleasant, but they are necessary. It is kind of like when you have a child and they have to take a medicine, or the first time you take a child to the pediatrician's office for their first set of shots. That is an easy visit. The hard visit is the second visit because they have a memory of getting the injections the first time. So all of a sudden you have resistance, you have resistance, you have resistance to a medicine or a vaccine that actually fixes the problem, but there is a small amount of pain with it.

So the Governor of New Jersey has started out on a bold, fresh course not because he is a Republican—it doesn't matter the label. The fact is, the people in New Jersey, in a bipartisan manner, recognized they had to make changes. So we have unemployment insurance. We have COBRA. We have flood insurance. We have the doc fix for 30 days. We have all of these things in front of us that we all agree we want to get done.

Where lies our disagreement? It is very simple. One says we will declare it an emergency, not pay for it, and send the bill to our grandkids. The other says: Maybe it is time we quit doing that.

What is the expectation of the American people in terms of how we should respond to that? A recent poll said 72 percent of the American people, not divided by party, pretty neutral between both parties, say the No. 1 issue in front of us as a nation is our debt.

We had a warning from the rating agencies just 2 weeks ago that the United States of America is about to lose its AAA credit rating on its bonds. If you watched bond prices yesterday, what you saw was the yield shot up. The interest payment we are going to have to pay for when we borrow a huge amount of money is going to rise.

One of the most significant things we could do to help ourselves is send a signal to the world that we are not going to wait until our bond rating crashes, that we are going to start taking the steps that are necessary for us to get back on a road to fiscal health.

With all good faith, I think the majority leader and the minority leader tried to work out an agreement where we could perhaps accomplish this. We did not get there. Therefore, we find ourselves where we are going to have to have a debate, and we are going to have to discuss in front of the American people if we do these good things—and they are good—should we get rid of things that are a whole lot less good or should we take the immoral choice and not make any choice at all and pass it on to our children and grandchildren.

That is the question of where the American people are today. The majority and the President have had a great victory on health care, with not partisan differences but policy differences with my side of the aisle. That is now the law of the land. Whether you believe CBO and how it is scored, the fact is, even if it saves that amount of money, that does not come close to solving any of our problems.

We have had these multiple month-long extensions, of which none have been paid for, at about \$9 billion to \$10 billion a month. We find ourselves, because we want to go home or we want to go on a codel or we want to campaign or we want to fundraise, we want to make it easy and just pass it on down to the next generation.

I cannot agree to that anymore, ever again; that, in fact, if we are going to spend money on things we know we ought to do, then the obligation ought to be on us to get rid of funds that are spent on things that are very much less important. That is the hardest thing a political body does, is that they end up isolating and irritating those who are well connected who have an interest in those lower priority items. It is hard for us because, as is our nature, we want to offend no one. But we are going to have to talk that out. I guess we are going to have to talk it out on the floor, and we are going to have to debate it. We are going to talk about what our true long-term future is if we do not change.

I would rather us not be at this point, but when I wrestle with my own conscience and as I visualize my grandchildren and the grandchildren of everybody in this body, I think it would be immoral for us not to have this debate.

I don't know what the outcome of the debate is going to be and the ultimate result. But I can tell you it is a legitimate debate we ought to be having. We ought to not just be having it on this extender package. We ought to be having it on any new spending, in any form, that the Congress does.

One of the large segments of the Recovery Act that some of us disagreed with was the amount of money that got transferred to the States to help them through this fiscal crisis. When we look at that, when we did that, I believe—and this is my personal belief, and I am sure many of my colleagues would not agree with it—we transferred the worst habit of Washington to the States, saying there are not consequences to your spending more money than you have. Although all these States have balanced budget amendments—in my own State, even though we had to make some tough decisions because of the tremendous amount of money that came through the Recovery Act, we did not make the decisions we should. So now we are going to make them this year, and we are going to make very difficult choices about priorities in the State of Oklahoma, with a Democratic Governor and a Republican House and Senate. They are going to get the job done. They are going to accomplish it because the people of Oklahoma do not allow their government to run their government on the backs of their unborn children. We do not allow it. We forbid it. We see it as immoral.

If you think about it, it is because what we are doing is stealing future opportunity from our children. People can say that is not right, but when you run the numbers—and everybody knows the numbers—it is right.

CBO put out 2 weeks ago that we are going to have a \$9.8 trillion deficit this decade, not counting last year. They also put out that \$5.6 trillion of that \$9.8 trillion is money that is going to be used to pay interest. We are now similar to the person who gets in trouble on their credit card. The analogy does not stop there because what happens to the person with the credit card debt? The interest rate rises because they are not paying, when they only pay the minimum.

We have now gotten to the point where the vast majority of our debt accumulation in the next 9 years is going to be associated with interest payments rather than defending the country, rather than refilling Social Security, the money we have stolen out of there, rather than picking up the deficit that is in Medicare. We are going to spend that money to pay for interest. It is a double whammy. It is money we are paying that is not helping anybody. It is not helping anybody.

I was nominated to be on the Commission President Obama issued by Executive order that has six of our Democratic colleagues in the House and Senate and six of us on the Republican side

and six appointed by the President. I have had multiple conversations with many of those people already. Quite frankly, they are worried and scared for our country based on the numbers we are seeing.

How is it we would now start down a road ignoring the reality of what is in front of us?

Let me describe what is in front of us. I wish to talk about it from an international standpoint first, and then I wish to talk about it from a domestic economy standpoint.

We had the Chinese Army say 6 weeks ago to the Chinese Government: Dump a bunch of American bonds; hurt them. You have the Chinese Government that undervalues its currency, stealing our jobs, and we are borrowing money from them. They now have an impact on our foreign policy. All we have to do is talk about Iran.

The sanctions we want to place on Iran that are necessary to be placed on Iran to contain the threat of them developing nuclear weapons are not available to us. The reason they are not available to us is because China and Russia have leverage over our debt. We do not have a clear, clean, crisp foreign policy because we have this little IOU of \$900 billion to China and \$700 billion to Russia that we are worried might influence their handling of that and the consequences of it.

When we look at history and we look at all the republics that have ever been, the one key thing in common that happens to them that causes them to fail is what? Is that every one of them got in trouble on a fiscal basis before they withered on an international basis or on a dominance basis. Every one of them withered. They, in fact, fell because they could not support their armies, they could not support the networks they put out and developed as a governing body.

The question is, Will that happen to us? There is a potential for that to happen to us. I will tell you, yes, we are in a position now where if we do not change gears and start making priorities on both programs and benefits, drawn in the light of the priorities of our present financial situation, and start making selections about what is most important versus what is least important, we are going to be similar to the Athenian Empire.

The real thing that is going on outside Washington and throughout America is the fear of what is happening to us. They sense it. They worry about it. We have exaggerated that by at times not paying attention to that fear and that worry. But the consequence of not starting at a point in time in which we are going to make a difference and start doing what we were elected to do, which is to select priorities and eliminate nonfunctioning, poorly functioning duplication and fraud from the Federal Govern-

ment—I said I was going to talk about the other side.

What does the domestic side look like for us as we go out, having \$9.8 trillion worth of more borrowing in the next 9 years, with \$5.6 trillion of that in interest payments? What does that do to our domestic economy? What is the impact? The impact is, we will see changes in our standard of living because of it. They are not positive changes.

If we were to stop right now and not borrow another penny and try to manage the debt we have today, we would still see a marked increase in inflation in our country—not immediately, but all you have to do is watch the bond market to see what is going to happen and you watch the yield curve. When you see 10 years go from last year this time 2.4 percent to 3.9 percent, which is a greater than 50 percent rise in yield as we continue to flood \$300 billion this week in borrowing from the Fed, what does that mean for the average American?

What that means for the average American is inflation. What that means to that \$5.8 trillion in terms of interest payments is that it is a larger proportion because as the interest costs rise, the proportion of interest payments versus total debt rises. We now spend in the United States—last year, per household—\$38,980 in Federal programs per household. The median family income in America is \$50,000, and the Federal Government is responsible for 80 percent of that as a ratio in terms of money we spend. We only collected—and this is not last year but the year before data—\$18,000 per household.

So what do the numbers say? The numbers said that last year, 43 cents out of every dollar that the government spent we borrowed. It is going to be about 48 cents or 47 cents, we don't know for sure, this year. But I would note that we had the highest monthly deficit in our history in the month of February, and we need to send a signal to the international financial market that we are aware—

Mr. REID addressed the chair.

The PRESIDING OFFICER. The majority leader.

Mr. REID. Through the Chair, I would ask if my friend would yield for a question?

Mr. COBURN. I would be glad to yield for a question.

Mr. REID. Could the Senator give us an idea of how long he is going to talk?

Mr. COBURN. About another 30 or 45 minutes. I will be glad to signal that ahead of time so the Senator would not have to wait on me. I will make sure the Senator is notified before I finish.

I kind of lost my train of thought.

The fact is, about 47 cents out of every dollar that we spend this year we are going to borrow. From whom are we borrowing it? Half we are borrowing

from the American taxpayer, but the other half we are floating to the same people who hold our debt today. So we are doing a couple of things that are very dangerous for us. We are increasing our dependency on financing with those who don't have the best interest in mind for us, and we are raising the level of the amount of money we borrow that we have to pay back in interest to where it is not going to be long that all the money we are borrowing is interest.

Why is that important to the individual family? If you have a savings that has recovered somewhat from the lows of 2009—and I think the average savings has recovered about 60 percent of its losses, or 75 percent of the losses in this country—when we start inflating the value of that retirement, the value of that asset is going to decline in terms of real dollars. We are perilously close to getting into the same situation we got into in the late 1970s and the early 1980s where we had double-digit inflation, double-digit unemployment, and double-digit interest rates.

You will hear everybody say: Oh, that isn't going to happen to us again. Well, I certainly hope it doesn't, but some of the same situations are playing out today that were playing out then. So if in fact you are on a fixed income, a retirement income, and we start inflating because of our debt, who does it hurt the most? It hurts those individuals who are on a fixed income, who don't have the luxury of going back to work or don't have the capability of going back to work. What happens to them? Their standard of living goes down, along with their ability to cope.

As I talk to families across America, what they are doing, still to this day, is they are sitting down at the table and they are visiting with one another and they are saying: Here is the money in, and here is the money out. How do we increase the money in, and how do we decrease the money out? What they are doing is picking what is important. They are picking what is a priority and going without the things that are not as important.

I agree that we have 9.7 percent unemployment and we ought to be helping those people. I agree we ought to be helping with COBRA. I agree we ought to do the doc fix. We had an opportunity last night to fix it for 3 years and 9 months and pay for it, but this body rejected that. I agree those are good things. What I don't agree with is doing those good things on the backs of our grandchildren. When and if we do those good things, and we haven't paid for them, what we will have done is been dishonest with the American people, not only in our action but in our oath.

You see, it is easy to spend other people's money if in fact you are sitting up

here secure with a pension and a good salary and there are no consequences to us. We will all do fine. But the vast majority of Americans will not do fine, and the future of America will not shine bright. The future will be a little dimmer because we have this tremendous yoke of heaviness and drudgery on our backs because we, in fact, would not have made the hard choices.

This isn't the first Congress. The Republicans didn't make hard choices when they were in control. It is not partisan. It is a disease of elected officials, that they think they can get away without making the hard choices because the cost for not making the hard choices comes down the road. We have been doing that now for 30 years in this country. We have not made hard choices. We have made a lot of mistakes.

No question, Republicans have made more than their fair share of those mistakes. But rather than point fingers, what we ought to say is: What is the problem? What are the symptoms of the problem, and how do you fix them?

Many economists say it is impossible for us to grow our way out of this situation. We had a nice bump in the fourth quarter, thanks to hundreds of billions of dollars that got pumped into the economy, and there truly were a lot of jobs saved by the stimulus act. Maybe not as efficiently as I would have liked, but there were jobs saved. Nobody can dispute that. The question is, are we going to continue the policies that got us into trouble?

As I practice medicine, the one mistake doctors make and that gets them into trouble is when they treat symptoms instead of the disease. Here is the best example I know. Somebody comes to you with a fever and cough, malaise, and not feeling good. Well, I as a doctor, I can give them medicine for a cough. I can fix that. And I can give them something for the fever and the muscle aches. I can fix that. But if I don't diagnose what is causing the fever, the muscle aches, and the cough, what I have done is covered up the disease. That is what we are doing. The patient may get well because the body is a miraculous part of creation, and it has tremendous defenses. The mortality rate for pneumonia at the turn of the last century was 60 percent. Today, in somebody under 80, it is about 1 percent because we have the drugs to treat the real disease not the symptoms.

What is going to describe our action? Are we going to treat the symptoms or are we going to treat the disease? My hope would be that we could lock hands and say: Here is a start. Here is \$9.2 billion that we, in fact, can find a way to come together and pay for and make sure these people get these benefits that are needed in this time of difficult economic situation. We can do that, and we can set a new start—a new start

of reaching across the aisle and saying this is an appropriate moral goal, just as it is an inappropriate moral goal to not pay for it. It is immoral.

Let me say it again: To steal from your children and your grandchildren with a wink and a nod and thinking there are no consequences for your borrowing against their future is immoral. It wouldn't be immoral if everything we were doing was working great; that there wasn't \$350 billion worth of duplication, fraud, abuse, and waste in the Federal Government every year—\$350 billion every year, fully documented. It wouldn't be. But that is where we find ourselves.

So on the one hand over here we have this waste, fraud, abuse, and duplication. Yet because we want to get out of town we don't want to do the hard work of ferreting something out of that, something that is suspected of not being effective, to pay for the \$9.2 billion. And I told my leadership that I didn't have any desire to keep anybody here this weekend through Wednesday. That is not my desire. But, in fact, if we are not going to do it, if we are going to take the immoral choice and spend money that we don't have and not eliminate programs that are not effective—programs that would not deliver to the American people, programs that would not accomplish their intended purpose—and just charge that to our grandkids, I feel obliged to stand in the way of that. And it will not be easy.

We didn't have much sleep last night. It will require a lot of effort on my part. But I think the future of our country is worth that. The future of our country is worth taking the consternation of those who will be upset with me because I am taking this stand. And I want to say at the outset, if somebody had plans, I apologize that those plans might be disrupted. I had plans, and they are going to get disrupted. But I don't apologize for having a legitimate debate on whether we ought to grow a spine and start making the same kind of decisions that every family in America is making.

It doesn't matter if you are a liberal or a conservative, you are still making those decisions. It is not about social issues. The greatest moral question in front of us today is not this range of social issues that so often divide us. The greatest moral issue in front of us today is whether we will preserve this wonderful experiment and create an opportunity, through hard work and sacrifice, so that the generations that are to come will have the same benefit from it that we have had. So it may turn into a partisan debate, but that is not my goal. It needs to be a legitimate, intellectual debate about the value of being efficient, the value of doing the hard work of making choices that are of the highest priority, and eliminating those things that, al-

though they might be good, are less good in favor of things that are absolutely necessary.

Unfortunately, in my almost 5½ years in the Senate, my side rarely does that, and neither does the other side.

How do we get out of the problem we have? How do we get out of the gridlock? How do we get out of the anger? How do we then focus on what the real problem, the real danger to the undermining of America is? The real danger to the undermining of America is the fact that we have a government that is entirely too big; the only thing it is effective and efficient at is wasting money; that we can't afford the Government we have today; that we continue to borrow money we don't have to pay for things we don't absolutely need. How do we get out of that?

I recognize the debate. Unfortunately, I had a drafting error in what I intended to offer so we are offering pay-fors from what I think is not necessarily the best source, but it is better than not paying for it. There is \$100 billion in unobligated balances sitting at the agencies in this country. It has already been used to pay for certain things we have already voted on. Nobody would feel the pinch if we did it that way.

I would be inclined to ask for a unanimous consent, but I will not do that until I am sure the other side will not object to it, to have a change in the paperwork in mine from what I originally intended but, because of a drafting error, I cannot use. But nevertheless, the legitimate debate is whether we borrow and steal from our kids or we get out of town and send the bill to our kids for something we are going to consume today.

There is a disease that is called consumption—it is syphilis. It is consumption because it consumes you. We have a disease similar to that. Our disease actions in Congress are consuming away the opportunity of America, much of it because we lack perspective but most of it because we lack the will to make the difficult choices that are in front of us. I wonder—actually, I am sometimes astonished—why people do not go home from here at night tremendously concerned about our future, enough so that it causes us to come together to do the best, right thing for America. Is the best, right thing for America to borrow this \$9.2 billion? Is that the best, right thing for America? Or would it be that we eliminate programs that are not nearly as effective or lessen programs that are not nearly as effective as these are going to be for those people who are depending on us today? Not just the best, right thing in the short term, because another disease that plagues us is we fail to consider the long term oftentimes—not all the time. But we become short-term thinkers, thinking about, where is the

political advantage? How do I look good? How do I accomplish what I want to accomplish for me or my State? I think it is important that we understand there is no State in this country that can be healthy if our country is not healthy—if the country isn't economically healthy, if it is not socially healthy. If it is not, then we have not done our job.

My apologies to the leader for putting him in this position. It is with a very intended sense of commitment that I want us to try to pay for this. I understand there is disagreement in that regard, but I look forward to trying to solve this problem, and if we can, I look forward to having the debate as it goes forward.

I yield to the majority leader.

The PRESIDING OFFICER. The majority leader.

Mr. REID. I say to my friend from Oklahoma, he has not put me in an awkward position at all. We would have been happy just to vote on this.

That being the case, what I will do—and I alert everybody we are not going to rush this, so people will have time to get here—I move to table the motion to proceed.

I ask for the yeas and nays.

Mr. COBURN. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. KYL. The following Senator is necessarily absent: the Senator from Georgia (Mr. ISAKSON).

The PRESIDING OFFICER (Mrs. SHAHEEN). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 59, nays 40, as follows:

[Rollcall Vote No. 106 Leg.]

YEAS—59

Akaka	Franken	Murray
Baucus	Gillibrand	Nelson (NE)
Bayh	Hagan	Nelson (FL)
Begich	Harkin	Pryor
Bennet	Inouye	Reed
Bingaman	Johnson	Reid
Boxer	Kaufman	Rockefeller
Brown (OH)	Kerry	Sanders
Burris	Klobuchar	Schumer
Byrd	Kohl	Shaheen
Cantwell	Landrieu	Specter
Cardin	Lautenberg	Stabenow
Carper	Leahy	Tester
Casey	Levin	Udall (CO)
Conrad	Lieberman	Udall (NM)
Dodd	Lincoln	Warner
Dorgan	McCaskill	Webb
Durbin	Menendez	Whitehouse
Feingold	Merkley	Wyden
Feinstein	Mikulski	

NAYS—40

Alexander	Brownback	Cochran
Barrasso	Bunning	Collins
Bennett	Burr	Corker
Bond	Chambliss	Cornyn
Brown (MA)	Coburn	Crapo

DeMint	Johanns	Sessions
Ensign	Kyl	Shelby
Enzi	LeMieux	Snowe
Graham	Lugar	Thune
Grassley	McCain	Vitter
Gregg	McConnell	Voinovich
Hatch	Murkowski	Wicker
Hutchison	Risch	
Inhofe	Roberts	

NOT VOTING—1

Isakson

The motion was agreed to.

Mrs. McCASKILL. I move to reconsider the vote.

Mr. BROWN of Ohio. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Rhode Island.

UNEMPLOYMENT INSURANCE

Mr. REED. Madam President, even though we have made an extraordinary advance in health care reform, we still have millions of Americans who are without jobs and in need of unemployment insurance. We are in a situation that requires action.

Early this month, we were able to pass a 30-day extension by a vote of 78 to 19. It was overwhelmingly adopted, but it was not quickly adopted because of the delay and the procedures imposed upon the process. We might in this Chamber understand the nuances of rules and procedures, but for the people who have been without work for up to a year or more, the nuances escape them. They need help. The reality is, on April 5 this extension will expire. We will not be in session, so we are here today to continue the work that we must do as Members of this Senate.

We have already passed in this body a year-long extension along with some other tax provisions—again, under the leadership of Chairman BAUCUS. That provision is over in the House, and it is unlikely to move today or tomorrow. The House sent us a provision for another 1-month extension. That is bottled up. But, again, all of these legislative initiatives do not put the check in the mail for those who are without work.

That is what we have to do. We have to pass another extension, at least to get us from April into next month and beyond. Of course, I think the year-long extension until the end of this calendar year is the right approach. It has already been adopted, and I hope we can return and embrace that proposal.

If we do not move, at a minimum, for a temporary extension, approximately 1,200 Rhode Islanders will start losing their benefits each week starting April 5. By the end of April, three-quarters of 1 million unemployed workers across the Nation will lose their benefits.

This is at a moment when we are beginning to see some economic traction, some reports of progress in labor markets. Just today it was reported that

initial unemployment claims fell by 14,000—a number much larger than the experts expected. Now we are in a very difficult moment when we look at the good news being that “the claims fell.” But that is a prelude to the point we have to achieve: when not only the claims fall but the jobs start growing and growing and growing.

We have come a long ways since President Obama took office: 700,000 people a month who were losing their job—with huge, catastrophic, ramifications throughout the economy. That is beginning to turn around. But until we are back to a robust employment situation, we cannot ignore people who need help through the unemployment compensation system.

I believe the major point at this juncture between the two sides is the issue of how do we pay for this, its cost. We have adopted, as Democrats, what was ignored and then dismissed by Republicans, which is the concept of pay-go, of paying for government activities either by revenue increases or by offsetting reductions. But we have always understood that in emergencies these pay-go rules properly can be suspended; that we can go ahead and deal with an emergency.

Frankly, this situation we are in today, that is triggering all this concern—and rightfully so—of the deficit is not something that was created by President Obama. He walked in with a \$1.3 trillion deficit—in sharp contrast to President George W. Bush, who walked into office with a \$5.6 trillion surplus over 10 years. That was not the result of just the economy humming along, that was the result of very difficult choices that were made in this body and in the House of Representatives under the leadership of President Clinton and, once again, under the leadership of my colleagues such as MAX BAUCUS.

But that surplus, that opportunity of a robust employment picture where unemployment was around 5 percent, that was the legacy of President Clinton. Frankly, the legacy of President Bush is significant deficits and significant unemployment and financial crisis. More debt was added in that administration—\$3 trillion—than all previous administrations combined, from George Washington all the way up to George W. Bush.

So this deficit is a real problem. But a lot of it was the result of decisions that were made by that administration to finance activities not through pay-go but through just piling it on the deficit. Tax cuts were not paid for, and the tax cuts were skewed in the nature of a progressive tax to the wealthiest. Iraq, Afghanistan—none of those wars were paid for through offsets or anything else. The prescription drug program, Part D, was not paid for. It was, again, added to the tab of future generations. It is interesting, today we

have actually tried to fix that with the passage of the health care bill by closing the doughnut hole.

So at this moment, when we face a true employment emergency, when people say: Well, we are now going to insist upon complete offsets, it misses what was done casually and repeatedly during the Bush administration for areas that you could argue were not true emergencies. Now we face a critical emergency. In my State of Rhode Island, we have a 12.7 percent unemployment rate. If we do not start supporting and turning that around, it will get worse rather than better. We have never in recent history—going over several decades—ever suspended emergency unemployment benefits when the unemployment rate was at least 7.4 percent or higher. We are at nearly 10 percent unemployment nationally, and in some States—again, in Rhode Island, it is close to 13 percent. Until we lower joblessness significantly, we are still in an employment emergency.

The other aspect of this, too, is unemployment compensation is one of the major activities for stimulating the economy. The bang for the buck is significant. There is \$1.90 of economic activity for every \$1 invested in unemployment insurance. It makes sense. People need the money to go to the store to buy food for their children. They need to pay for the gas to look for a job. That money will come in and be multiplied in the economy.

The irony, too, of trying to use, in some respects, the stimulus money to pay for the unemployment is it is basically taking away money we have designed to get the economy moving and spending it for a program that will also help the economy move. But you are going to get a lot less bang for the buck in terms of decreasing our overall commitment to that economic activity in the country.

So we have to move. I would urge an immediate extension of the unemployment compensation legislation to give us a chance to return and work with our colleagues in the House for the legislation that will at least guarantee an unemployment extension until the end of this calendar year. But we have to move. We have to act. We should do so now.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Montana.

UNANIMOUS-CONSENT REQUEST— H.R. 4851

Mr. BAUCUS. Madam President, I would like to follow up a little bit and address the same subject addressed by my good friend from Rhode Island, Senator REED.

Just a little reminder first. On March 10, the Senate passed legislation to extend both tax provisions and safety net programs through to the end of 2010.

That legislation included \$34 billion worth of tax cuts, an extension of unemployment benefits, an extension of COBRA health benefits for laid-off workers, and several other items. That legislation was also partially paid for. The Senate bill differs from similar legislation passed by the House, and we have not yet had a chance to reconcile these differences—one bill in each body.

In the next couple weeks, however, several of these programs will expire. Beginning April 5, some laid-off workers will begin losing their unemployment benefits. That is not long from now. Workers laid off after March 31 will lose the 65-percent tax credit currently available to purchase temporary health insurance. After March 31, doctors will see 20 percent reductions in their reimbursements under Medicare.

We should not let these programs expire. Today, we should extend them for a month, at least, while we try to meld the Senate and the House versions into one bill that the President can sign.

I think all of us can recall 2 days at the beginning of this month when Congress did let these programs temporarily expire. It was not our finest hour. I hope we will not do the same this month.

So I ask, what is holding us up from keeping these programs in place? There is no controversy about whether to extend the programs for 1 month. Both Republicans and Democrats have proposed doing that. Both propose extending the programs for at least 1 month until we get the yearlong bill resolved. There is only an honest disagreement over whether to provide offsets for this bill.

Most Republicans believe the package should be fully offset. My good friend from Iowa offered an amendment to do just that. Most Democrats believe unemployment benefits during a recession when we have seen unemployment rates rise to double digits signify an emergency and need not be offset.

We are still in a very dire situation. In a moment, I will propound a unanimous consent request that seeks to resolve these differences. We should do that. Clearly, we should for the benefit of thousands of Americans who are struggling as a result of the downsizing that has occurred across our Nation in this recession.

They are the ones bearing the brunt of our failure. They are the ones bearing the brunt of our inaction and of our—to be honest—partisan differences. It is astounding to me we just cannot get together for the sake of people who otherwise will lose their unemployment checks, who will not have the benefit of COBRA health insurance, and seniors who are in jeopardy because their doctors are not going to get paid for Medicare. There is no one to blame but us.

The COBRA tax credit has helped millions of unemployed workers and

their families afford health care while looking for a job. Without this assistance, the average family would need to pay \$1,100 per month to keep their health insurance, which is simply unaffordable for most unemployed workers. This provision would extend the COBRA tax credit through April 30 to ensure newly unemployed workers can also receive assistance in affording their health insurance.

Unemployment insurance benefits have helped millions of Americans stay afloat after they have lost their job. We want them to keep those benefits, at least for awhile. Folks who lose a job then face an economy that has few and sometimes no options for returning to work in their community and in their chosen field. In fact, I read recently that there are five people looking for every single job opening—five, at least five—in America.

Approximately 1 million workers—that is about 200,000 per week—will lose their benefits in April alone. Not only will this cause them and their families untold hardship—just think of it, no job, no unemployment insurance—it will also cause important money to stop flowing through their communities, and that could very well lead to an immediate application for food stamps.

Unlike last month, when the program lapsed for just 2 days because of the upcoming recess, the programs will lapse this time for at least a week. The State agencies will have absolutely no ability to keep their programs up and running. They will have to terminate benefits.

Over 6 million workers are depending on extended benefits and they are distraught. Yet again, this debate is going down to the wire, causing them unnecessary stress, unnecessary anxiety. They have already been through enough. They deserve better. They deserve our support.

Unemployment benefits are used for basic necessities—food and shelter—while the laid-off worker seeks a new job. These benefits are critical to a worker and his or her family and to the economies of the community. I hope we do what is right and find a solution to help the people whom we work for.

Madam President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 323, H.R. 4851, to provide a temporary extension of certain programs; that the bill be read three times, passed, and the motions to reconsider be laid upon the table.

The PRESIDING OFFICER. Is there objection?

The Senator from Oklahoma.

Mr. COBURN. Reserving the right to object, I wish to ask the chairman of the committee a question.

Mr. BAUCUS. I yield.

Mr. COBURN. Is this bill you have just called up and asked unanimous consent to move forward on paid for?

Mr. BAUCUS. This is a bill which requires urgent attention. It is not paid for.

Mr. COBURN. Given that fact, as I stated in my earlier speech, I object.

The PRESIDING OFFICER. Objection is heard.

The Senator from Virginia.

Mr. WEBB. Madam President, I assume we are now in morning business.

The PRESIDING OFFICER. That is correct.

Mr. WEBB. I ask unanimous consent to speak for up to 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

VETERANS BENEFITS

Mr. WEBB. Madam President, last night we had an issue involving the well-being of our veterans who I think got caught up in the give-and-take of the debate on the health care bill, particularly the procedural aspects of it. An amendment was offered to the bill by Senator BURR, and a counteroffer was made to solve these two disparities, one regarding TRICARE and another regarding a certain section of title 38 with respect to veterans health care through unanimous consent, since one of the bills had already been voted on unanimously in the House and the other one certainly there is no real objection to. The request to pass these bills immediately, which would have made them law today, was objected to. Senator BURR's amendment also went down.

I wish to say first, I don't think there is any debate in this body about the dedication that Senator BURR has to our veterans. I think that goes for all Members of this body. There is no one in this body who isn't fully dedicated to the well-being of our veterans and our Active-Duty military people as well. I think it is a shame that the procedural aspects of what we were debating overcame something that should have been a simple process.

In that spirit, I have been discussing this matter with Senator BURR, and we are going to take two amendments that were offered last night for unanimous consent to see if we can't clear them on both sides and to have these protections, these express protections for the medical care of those who are serving and those who have served take their rightful place as protected in the larger aspect of this health care reform. We are going to work to clear them on both sides, hopefully, to get this matter resolved. We can have our political debates and we will have our political debates, but all of us need to come together to make sure that those who serve fully understand the dedication of this body.

So I hope the other side will help us move these two amendments forward. I appreciate Senator BURR's support in that effort. Also, as I said, I very much

appreciate the dedication he has always shown to our veterans. He is the ranking Republican on the Veterans' Committee, and no one is in any way questioning that aspect of his service in the Senate.

So I just wished to again point out that we are going to attempt to clear these today. We can resolve this matter within a day or two. It will become law. Our veterans and those serving will know they are fully protected.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from New York.

Mr. SCHUMER. Madam President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SCHUMER. Madam President, first, I wish to salute my colleague from Virginia. There has been no one in this body who has stood more firmly and more intelligently and more successfully for veterans than the junior Senator from Virginia, and I thank him. I hope the other side will heed what he has asked, which is not anything to do with politics but simply in the benefit of our veterans.

A JOB WELL DONE

Mr. SCHUMER. Madam President, second—and I am going to speak on a local matter in a minute—I wish to compliment Senators REID and BAUCUS and HARKIN and DODD for the great job they have done. What a momentous day it is. Today is a moment to ignore the politics—how it will affect this party or this election or this President. For the next decade and henceforth, there are going to be 1 million people each week whose lives are made better by what we have done today. There is going to be a young person, God forbid, who is in an automobile accident and because she has good health insurance, she will get cured and live a better life; whereas, until now, she wouldn't. There is going to be somebody who has cancer, and in the past their insurance company would have said: Forget it. Now they are going to get that treatment. There is going to be a poor person who walks into a community health center and gets diagnosed early and cured and able to live a productive life. There are going to be countless young people who are worried. My daughter called me right after the House passed health insurance at 1 in the morning and she said: Dad—she is getting out of law school. She is going to have no health insurance until she starts her job 4 or 5 months from now, and she was worried about whether she could afford to buy it. She said: Dad, I got health insurance. I can be on yours.

So it is little instances and big instances. Every day, every week, every month people's lives are going to be made so much better by what we have

done. That is what we ought to think about today, regardless of our differences. I am proud to win a small part of that, but again, I salute some of the giants who led us here: the President, whose faith in getting this done never wavered; Speaker PELOSI and her crew over in the House; and, of course, our leader, HARRY REID, who, in his low-key but relentless way, makes sure we do what we have to do and unites our cause.

NASA SPACE SHUTTLE RETIREMENT

Mr. SCHUMER. Madam President, I wish to spend the rest of this time talking about a local matter of some concern. One of the nice things about being a Senator, you work on big matters and small matters and they are all enjoyable and all are important. This isn't small but more local, shall I say.

With NASA searching for a new home for three soon-to-be-retired space shuttles, it is time to convince NASA that the Big Apple has the right stuff to showcase one of these iconic spacecraft.

The perfect location for a retired space shuttle is the Intrepid Sea, Air & Space Museum on Manhattan's West Side in my hometown of New York City.

Yes, it will be a huge boon to New York's economy and a magnet for tourists.

But showcasing a genuine space shuttle will not only bring visitors by the millions, it will inspire multitudes to learn, explore and dream, of adventure.

It is perfect for NASA, too: The agency's explicit goal is to have these magnificent vehicles seen—and their history understood—by the greatest number of people possible.

No other location in the nation can offer the millions and millions of visitors who will stream into the Intrepid to view and experience the shuttle.

Housing an iconic spacecraft in New York City—the media center of the world—guarantees it will appear in countless news and entertainment programs broadcast throughout the nation and world, providing incalculable public-relations value to NASA.

Just yesterday I spoke to NASA Administrator Charles Bolden and he has informed me that the Intrepid is in good shape to be the permanent hangar for one of the shuttles.

The Intrepid is competing with museums in 25 other cities to win one of the shuttles, including Washington's Smithsonian National Air and Space Museum.

NASA has been clear that they intend to award the shuttles to the sites where the most people could view them.

With the Intrepid already drawing one million visitors a year it is clear that the Intrepid is the best possible spot for a shuttle.

NASA also requires any potential host location to raise significant funds.

I have no doubt that the Intrepid's drawing power and New York City's deep and diverse philanthropic community are more than able to compile all the resources needed.

Yet skeptics may ask why a space shuttle should be brought to New York City.

Perhaps they don't know that the Intrepid led the recovery of astronauts during the Mercury and Gemini programs in the 1960s.

The exhibit will be sure to attract heavy foot traffic too: The Intrepid will house the shuttle in a glass enclosure on Pier 86—close to Times Square and many other tourist attractions, accessible from major airports, passenger-ship terminals and highways.

Countless boys and girls, as well as adults, with boundless imaginations, will be able to stroll over to the West Side and take in the truly magnificent icon of science, exploration and innovation.

With 20 institutions across the country competing to receive one of the retired shuttles, *Discovery*, *Endeavour* and *Atlantis*, we should all join the fight to bring a space shuttle to the greatest city in the world, a no-brainer.

It is a non-brainer.

I, along with some of my New York colleagues, are working hard to land the shuttle here, and I hope we are able to convince NASA that we are ready, willing—and very able—to be the home for a shuttle.

I yield the floor, and I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. COBURN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

Mr. SCHUMER. Madam President, I object until we discuss the order of business.

The PRESIDING OFFICER. Objection is heard.

The Senator from Oklahoma.

Mr. COBURN. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Is there objection?

Mr. COBURN. I assure my colleagues that—

The PRESIDING OFFICER. Is there objection?

Mr. SCHUMER. Without objection, Madam President.

The PRESIDING OFFICER. Without objection, it is so ordered.

(Mr. SCHUMER addressed the Chair.)

The PRESIDING OFFICER. The Senator from New York.

ORDER OF PROCEDURE

Mr. SCHUMER. I ask unanimous consent that first the Senator from Okla-

homa be recognized for 5 minutes, then the Senator from North Dakota be recognized for 10 minutes and that no motions be in order during the time of their speeches and immediately thereafter we resort back to a quorum call.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from Oklahoma.

Mr. COBURN. Madam President, while the Senator from New York is here, I might go over 5 minutes to 6 minutes or 7 minutes. I wonder if he will object and modify his request.

Mr. SCHUMER. Madam President, I ask unanimous consent that my request be modified so that the Senator from Oklahoma may have up to 10 minutes to speak.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNEMPLOYMENT BENEFITS

Mr. COBURN. Madam President, I wish to spend a short period of time, and hopefully it will not even be 5 minutes.

What we have seen on the floor this afternoon is a motion to accomplish what the chairman of the Finance Committee wanted us to accomplish, without adding to the debt. We did not reach agreement on that motion. It was tabled. Then what we saw was a motion to proceed to take care of these issues by adding \$9.2 billion to the debt. That is the real debate: are we going to pay for what we do? There is not an agreement to move forward and pay for it, and there is not an agreement to move forward and not pay for it.

There is a process here called cloture, which means that by Wednesday, if all time is consumed, this problem would be solved and it would be dealt with. It is unfortunate that the potential is that we may go home and not deal with this issue, having us vote against tabling a motion to supply these needed priorities but also making sure we do not add to the debt as we do it.

I look forward to the rest of the afternoon. I will not consume any additional time but will note that I do not care how we pay for it as long as it is legitimate, as long as we do not add to our kids' debt. I am hoping and willing to negotiate on any area of waste in the Federal Government that we can eliminate to pay for it. We cannot pay for part of it; we need to pay for all of it because we violate the principle of stealing from our kids.

I advise the Senator from Alabama that we have unanimous consent and I cannot break off, and the Senator from North Dakota will be recognized after I yield the floor, so I cannot in good conscience yield to the Senator from Alabama.

Mr. SESSIONS. I understand. I am proud of the commitment the Senator

from Oklahoma has made and totally recognize it.

Mr. COBURN. Madam President, I yield back the remainder of my time.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Madam President, this is a pretty disappointing thing to see on the floor of the Senate—a discussion about the potential of having unemployment insurance at this point in time lapse, let it lapse during one of the steepest recessions since the Great Depression.

Unemployment insurance is not some abstraction when we have 15 million, 16 million, 17 million people who got up this morning in this country and looked for work, people who lost their jobs and then searched valiantly to find a new job and could not find a new job, and so they pay their rent, they buy food, they provide for their children, they buy school clothes with unemployment insurance.

We are told: We cannot reach an agreement, so we will just let it expire. We will not extend it. It will be OK.

It will be OK for everybody here who gets up and showers in the morning and puts on a nice blue suit and comes to work. There is nobody here who is unemployed, but there are a whole lot of people in this country who are unemployed.

If ever there were a need to extend unemployment insurance, it is now. We cannot do that to the most vulnerable people in this country.

It is very interesting. It was not too many months ago that there was a proposal on the floor of the Senate: Let's give \$700 billion to the biggest financial firms in America to bail them out. They ran this country into the ditch with unbelievable greed and speculation and recklessness. Then after running this country into the economic ditch, there is a bill brought to the Congress that says: We need to bail them out, \$700 billion—a three-page bill. They said: We need to have it passed in 3 days—\$700 billion. I did not vote for it, but there are plenty of people who did who now say it is too much to extend unemployment benefits to people who are out of work.

It is the same old story, and it has been going on for decades in this country—big shots get in trouble, and you give them an aspirin, fluff up the pillow, put them to bed, and ask if there is anything else you can do for them. Ordinary folks get in trouble, lose their job through no fault of their own, and then when push comes to shove, they are told: You know what, we just cannot agree. Your unemployment insurance has run out. Get along. Tough luck. I find that unbelievable.

Let me go back. The fact is, we have budget deficits. They are serious, and they are unsustainable. We have to deal with them, there is no question about that. But it is important for us to understand how all of this happened.

Now we come to this moment, and we choose to say that unemployment insurance is where we are going to make the stand. Help for people who have lost their jobs—that is where we are going to make the stand.

It was 10 years ago on the floor of this Senate when we were told: We have the first budget surplus in 30 years, and they expect budget surpluses as far as the eye can see.

President Bush came to town and said: We are going to give large tax cuts, and we are going to give the biggest tax cuts to the wealthiest Americans. If you earn \$1 million, guess what, we are going to give you something very special. You get an \$80,000 tax cut a year.

I said: I will not support that. Let's be a little conservative. What if we do not have these budget surpluses in the outyears? What if they do not exist?

They said: Don't worry about that, it will be fine.

They drove through a tax cut that benefited the wealthiest Americans. Then we were in a recession. Then 9/11, a war in Afghanistan, a war in Iraq, and then supplemental after supplemental request to increase defense spending, none of it paid—none of it—all of it emergency.

Then at the end of that period, when the biggest financial firms ran this country into the ditch, the question was, What is going to happen to this economy? We were told: Now you have to have a \$700 billion bailout for the biggest institutions in the country. That was done. Nobody paid for that. That was all ladled right on top of the debt. But today, in this "let them eat cake" moment, we are told: No, no, let's just let unemployment insurance expire. Just let it expire. It will be fine.

It will be fine for everybody in this Chamber who wears a suit and claims it will be fine because they are not unemployed. But what about those people who are unemployed and are right at the cusp of losing their home? They have lost their job. They have lost hope. The only thing that keeps them going to pay the rent and to pay for food and to try to help their kids is the unemployment insurance while they are looking for a job. And this Congress has people who stand up to say: We will not allow them to extend unemployment insurance, even after they voted to give \$700 billion to the biggest financial firms in America that ran the country into this big economic wreck we have had. I do not understand that at all. How do you go home and tell people that is what your priority is? How do you do that?

If there is anything that ought to represent a priority for us, it is to say to those who are the most vulnerable in our society, those who have lost their jobs with a recession they did not create, those who are looking for work in the morning and cannot find it,

those who now have no income because they have lost their jobs, probably lost their homes, and many of them lost hope—we say to them: It will be fine; you do not need this money to get along.

Unemployment insurance is just that—it is insurance. That is why it is called insurance. Every one of their paychecks while they were working paid for a portion of this. I just cannot believe that this afternoon we would decide it is not a priority for us to help the most vulnerable in this country, especially during this period in which we have just ladled money out the door in terms of tens and tens of billions of dollars in emergency funding for almost everything.

I held 20 hearings on the issue of waste, fraud, and abuse in contracting in the war in Iraq. They threw money away. In fact, not just threw it away, they actually loaded \$100 bills on pallets and sent them over in C-130s and shoveled them out the back of pickup trucks, for God's sake, wasting taxpayers' money. I did not hear anybody stand up on the floor and say: Here is where we draw the line. No, you draw the line with the most vulnerable people. You won't notice you don't have the funds to buy your food, pay your rent, or for your kids.

We have more responsibility than this, in my judgment. I hope by the end of this afternoon we will decide to meet that responsibility.

Madam President, I yield the floor.

The PRESIDING OFFICER. The majority leader.

UNANIMOUS CONSENT REQUEST— H.R. 4851

Mr. REID. Madam President, I ask unanimous consent that, at a time to be determined by the majority leader following consultation with the Republican leader, the Senate proceed to Calendar No. 323, H.R. 4851, and that when the bill is considered, it be under the following limitations: that general debate on the bill be limited to 2 hours, with all time equally divided and controlled between the two leaders or their designees; that the only amendments in order be the following, with no motions to commit in order, and that the amendments be subject to an affirmative 60-vote threshold; that if the amendments achieve that threshold, then they be agreed to and the motion to reconsider be laid upon the table; that if they do not achieve that threshold, then they be withdrawn: Baucus amendment, partial offset; McConnell or designee, full offset; that debate on each amendment be limited to 60 minutes each, with the time equally divided and controlled in the usual form; that upon disposition of the listed amendments, the bill, as amended, if amended, be read a third time and the Senate then proceed to vote on passage of the bill.

The PRESIDING OFFICER. Is there objection?

The Senator from Oklahoma.

Mr. COBURN. Madam President, under this scenario, we will pass this bill and add to the debt. Because of that, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. REID. Madam President, I regret that my Republican colleagues have once again objected to giving out-of-work Americans the unemployment and health benefits they need.

Since they have evidently forgotten, I remind them that unemployment is high in every one of our States—it is over 13 percent in Nevada—and 10 percent nationwide.

I understand that Republicans are upset they didn't get their way. I know they are disappointed that Democrats have listened to the American people, and that we succeeded in finally delivering the change our citizens have demanded and deserved for decades.

But Republicans should not take out their anger on the least fortunate, which is exactly what they are doing by objecting to these extensions. They should not kick the unemployed while they are down.

Several Republicans said this week that after health reform became law, they would retaliate by not cooperating with Democrats for the rest of this year. I will trust the American people to judge whether that threat was made in their best interests or in the interests of a political party.

So far, Republicans have made good on that promise by refusing to let committees meet—including, inexplicably and inexcusably, a committee hearing yesterday on police training in Afghanistan.

Republicans then offered amendments to the final health bill on such irrelevant topics as gay marriage and foreign embassies.

And now they are using the unemployed as political pawns. They even objected to holding a vote on their own proposal for this extension.

That is such an unfortunate posture, and such an irresponsible response.

Let us put the other side's newfound principles in perspective:

They refuse to pay the bill for two ongoing wars.

They refuse to pay the bill for entitlement expansions, like their prescription drug program.

They refuse to pay for the bill for the tax giveaways they gave to multimillionaires who don't need them and didn't ask for them.

But while one out of 10 Americans struggles to pay his or her own bills while trying to find a full-time job, Republicans have suddenly found religion.

These objections are not only disingenuous. They are dangerous.

I hope they can muster the compassion to help families in every one of

our States make ends meet for just a few weeks.

QUORUM CALL

Mr. REID. I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. UDALL of Colorado). The clerk will call the roll to ascertain the presence of a quorum.

The legislative clerk proceeded to call the roll and the following Senators entered the Chamber and answered to their names:

[Quorum No. 1 Leg.]

Coburn	McConnell	Stabenow
Durbin	Menendez	Thune
Johanns	Reid	Udall (CO)
Kyl	Risch	Vitter
Leahy	Sanders	
Levin	Sessions	

The PRESIDING OFFICER (Mr. BURRIS). A quorum is not present.

The majority leader is recognized.

Mr. REID. Mr. President, I move to instruct the Sergeant at Arms to request the presence of absent Senators, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. BYRD), the Senator from Washington (Mrs. MURRAY), and the Senator from West Virginia (Mr. ROCKEFELLER) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Kentucky (Mr. BUNNING), the Senator from Texas (Mrs. HUTCHISON), the Senator from Georgia (Mr. ISAKSON), and the Senator from Mississippi (Mr. WICKER).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 58, nays 35, as follows:

[Rollcall Vote No. 107 Leg.]

YEAS—58

Akaka	Franken	Mikulski
Baucus	Gillibrand	Nelson (NE)
Bayh	Hagan	Nelson (FL)
Begich	Harkin	Pryor
Bennet	Inouye	Reed
Bingaman	Johanns	Reid
Boxer	Johnson	Sanders
Brown (MA)	Kaufman	Schumer
Brown (OH)	Kerry	Shaheen
Burr	Klobuchar	Specter
Cantwell	Kohl	Stabenow
Cardin	Landrieu	Tester
Carper	Lautenberg	Udall (CO)
Casey	Leahy	Udall (NM)
Conrad	Levin	Warner
Dodd	Lieberman	Webb
Dorgan	Lincoln	Whitehouse
Durbin	McCaskill	Wyden
Feingold	Menendez	
Feinstein	Merkley	

NAYS—35

Alexander	Crapo	McCain
Barraso	DeMint	McConnell
Bennett	Ensign	Murkowski
Bond	Enzi	Risch
Brownback	Graham	Roberts
Burr	Grassley	Sessions
Chambliss	Gregg	Shelby
Coburn	Hatch	Snowe
Cochran	Inhofe	Thune
Collins	Kyl	Vitter
Corker	LeMieux	Voinovich
Cornyn	Lugar	

NOT VOTING—7

Bunning	Isakson	Wicker
Byrd	Murray	
Hutchison	Rockefeller	

The motion was agreed to.
The PRESIDING OFFICER. A quorum is present.

The majority leader is recognized.

CONTINUING EXTENSION ACT OF 2010—MOTION TO PROCEED

CLOTURE MOTION

Mr. REID. Mr. President, I move to proceed to Calendar No. 323, H.R. 4851, and I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the motion to proceed to Calendar No. 323, H.R. 4851, an act to provide a temporary extension of certain programs, and for other purposes.

Harry Reid, Richard Durbin, Patty Murray, Patrick J. Leahy, Jack Reed, Christopher J. Dodd, Mark Udall, Debbie Stabenow, Amy Klobuchar, Sheldon Whitehouse, Max Baucus, Dianne Feinstein, Kirsten E. Gillibrand, Kent Conrad, Byron L. Dorgan, John D. Rockefeller, IV, Jeff Bingaman, Robert Menendez.

Mr. REID. Mr. President, I am soon going to call up an adjournment resolution. But there has always been a misunderstanding as to what an adjournment resolution is. The mere fact we are going to adopt an adjournment resolution tonight does not mean we are going to run to the airports tonight. We have, under this adjournment resolution, the ability to work past tonight, and we are going to do that. We are going to be in a period of morning business tomorrow from 9:30 to 12:30. We are going to be talking about the unemployment compensation extension. That time is going to be equally divided. There is going to be some time spent tonight after this adjournment resolution is adopted, until about 9 or 9:30, talking about unemployment compensation.

So I want everyone to understand, the fact that this adjournment resolution is adopted does not mean we are all leaving here tonight. In fact, we have until Wednesday under the adjournment resolution.

PROVIDING FOR A CONDITIONAL ADJOURNMENT OF THE HOUSE OF REPRESENTATIVES AND A CONDITIONAL RECESS OR ADJOURNMENT OF THE SENATE

Mr. REID. Mr. President, I now call up the adjournment resolution and ask for the yeas and nays on adoption of the concurrent resolution.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The assistant legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 257) providing for a conditional adjournment of the House of Representatives and a conditional recess or adjournment of the Senate.

The Senate proceeded to consider the concurrent resolution.

The PRESIDING OFFICER. The minority leader.

Mr. MCCONNELL. Mr. President, very briefly prior to the vote, Senator COBURN and other Republicans will be here tonight and tomorrow to discuss the importance of passing the unemployment insurance package, but also the importance of paying for it. So we will be here and engaged in a vigorous discussion about the appropriateness of the measure as well as about the importance of paying for it.

Mr. REID. Mr. President, I ask, has this matter been seconded?

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the resolution.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from California (Mrs. BOXER), the Senator from West Virginia (Mr. BYRD), the Senator from North Dakota (Mr. DORGAN), the Senator from Massachusetts (Mr. KERRY), the Senator from Washington (Mrs. MURRAY), and the Senator from West Virginia (Mr. ROCKEFELLER) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Tennessee (Mr. ALEXANDER), the Senator from Alaska (Ms. MURKOWSKI), the Senator from Georgia (Mr. ISAKSON), the Senator from Mississippi (Mr. WICKER), the Senator from Texas (Mrs. HUTCHISON), and the Senator from Idaho (Mr. CRAPO).

Further, if present and voting, the Senator from Tennessee (Mr. ALEXANDER) would have voted "nay."

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 49, nays 39, as follows:

[Rollcall Vote No. 108 Leg.]

YEAS—49

Akaka	Begich	Burr
Baucus	Bingaman	Cantwell
Bayh	Brown (OH)	Cardin

Carper	Klobuchar	Reid
Casey	Kohl	Sanders
Conrad	Landrieu	Schumer
Dodd	Lautenberg	Shaheen
Durbin	Leahy	Specter
Feingold	Levin	Stabenow
Feinstein	Lieberman	Tester
Franken	Lincoln	Udall (CO)
Gillibrand	McCaskill	Udall (NM)
Hagan	Mikulski	Warner
Harkin	Nelson (NE)	Webb
Inouye	Nelson (FL)	Whitehouse
Johnson	Pryor	
Kaufman	Reed	

NAYS—39

Barrasso	Cornyn	McCain
Bennet	DeMint	McConnell
Bennett	Ensign	Menendez
Bond	Enzi	Merkley
Brown (MA)	Graham	Risch
Brownback	Grassley	Roberts
Bunning	Gregg	Sessions
Burr	Hatch	Shelby
Chambliss	Inhofe	Snowe
Coburn	Johanns	Thune
Cochran	Kyl	Vitter
Collins	LeMieux	Voinovich
Corker	Lugar	Wyden

NOT VOTING—12

Alexander	Dorgan	Murkowski
Boxer	Hutchison	Murray
Byrd	Isakson	Rockefeller
Crapo	Kerry	Wicker

The concurrent resolution (H. Con. Res. 257) was agreed to, as follows:

H. CON. RES. 257

Resolved by the House of Representatives (the Senate concurring). That when the House adjourns on any legislative day from Wednesday, March 24, 2010, through Monday, March 29, 2010, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand adjourned until 2 p.m. on Tuesday, April 13, 2010, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first; and that when the Senate recesses or adjourns on any day from Thursday, March 25, 2010, through Wednesday, March 31, 2010, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand recessed or adjourned until noon on Monday, April 12, 2010, or such other time on that day as may be specified in the motion to recess or adjourn, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first.

SEC. 2. The Speaker of the House and the Majority Leader of the Senate, or their respective designees, acting jointly after consultation with the Minority Leader of the House and the Minority Leader of the Senate, shall notify the Members of the House and the Senate, respectively, to reassemble at such place and time as they may designate if, in their opinion, the public interest shall warrant it.

Mr. COBURN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DURBIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONTINUING EXTENSION ACT OF 2010—MOTION TO PROCEED—Continued

Mr. DURBIN. Mr. President, I have spoken with Senator COBURN, and he and I reached an agreement about which I will propound a unanimous consent request.

I ask unanimous consent that the time between 8:30 p.m. and 9:30 p.m. be evenly divided between his side and our side in 15-minute segments; the first 15-minute segment will be for our side, the Democratic side, for those Members wishing to speak in favor of the 30-day extension; the next 30 minutes to Senator COBURN on the Republican side for those sharing his position; and the last 15 minutes back to our side until we reach the end of this debate at 9:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DURBIN. Then at 9:30 p.m., there may be some procedural issues unrelated to the substantive issue which we will be discussing between 8:30 p.m. and 9:30 p.m., but that has to be worked out between both sides.

To initiate the debate on this side, I yield to the Senator from Rhode Island, Mr. REED, for such time as he may consume within the 15-minute segment.

The PRESIDING OFFICER. The Senator from Rhode Island is recognized.

Mr. REED. Mr. President, on April 5, the extension that was recently voted for extended unemployment compensation benefits will expire. We need to at least provide for a temporary extension while we await the resolution of a much broader piece of legislation that is in the House today which would provide for an extension of unemployment benefits from today until the end of the calendar year, as well as FMAP payments to the States and other provisions.

This is absolutely critical. In my home State of Rhode Island, we have basically a 13-percent unemployment rate—12.7 percent. We have a record number of long-term unemployed people. This is not a situation, as in the past, where there was a temporary labor crisis. This has been going on in Rhode Island for almost 2 years or more, and people have reached the end of their resources and the end of their patience. For many, the only thing that is sustaining them—and not particularly well—is the fact they are still getting some unemployment benefits.

So we have to move very aggressively to provide a solution. We have never, in the last several decades—reaching back at least as far as the 1980s—denied extended unemployment benefits as long as the unemployment rate nationally was at least 7.4 percent. It is 10 percent, and in many States it is higher than that—Rhode Island being one of those States. So this would break tradition in terms of disrupting, inter-

rupting, preventing extended benefits at a time when we have 10 percent unemployment.

We have persistently seen this, accurately and realistically, as an emergency—an emergency that allows us to provide funding without offsets. That is something that I think still is compelling. This is an emergency. Perhaps one of the ironies that will take place on this floor in the next several weeks is that we will call up a supplemental budget from the Department of Defense which, as I understand, will not be offset totally. One of the ironies is that we will be providing benefits—because part of our strategy in Afghanistan and Iraq is civic engagement—we will be providing employment opportunities and investment in infrastructure for Afghans and Iraqis without offset, which is my understanding at the moment. The irony, of course, is that for our own citizens we are claiming: No, we can't do that.

The other side has accumulated, under the Bush administration, a huge debt. In fact, in the term of the Bush administration, the national debt grew astronomically. Part of it was because repeatedly the Republican side refused to provide offsets to the funding for the war in Iraq, the war in Afghanistan, and Medicare Part D, which was an entitlement payment for seniors in terms of their drug prescriptions. They thought that paying for things was an undue constraint on their plans. But now that we are in a crisis that affects Americans, there is the insistence during this emergency of paying for it, which contradicts practice and contradicts the real needs out there.

One final point. We are now beginning to see some very limited progress on the employment front. This week's report about jobs caused a very positive reaction in the marketplace because the number of first-time claimants for unemployment compensation dropped much further than they thought. That suggests we are beginning to bottom out. There are other reports that suggest we will see some job growth beginning. That is because of the stimulus efforts we have undertaken today and in the past.

Part of that stimulus effort has been unemployment compensation insurance. For every dollar we invest in unemployment compensation, there is \$1.90 growth in economic activity. That is the result of studies over many years. So when we don't invest in these types of programs, we are not only denying sustenance to many families, we are also not providing the kind of economic stimulus that the country needs to move forward.

So for all those reasons and more, I hope we can move, in the course of this evening or tomorrow, to adopt a measure that will allow us to continue the funding for unemployment compensation.

With that, I thank the Senator from Illinois, and I yield the floor.

The PRESIDING OFFICER (Mr. UDALL of New Mexico). The Senator from Illinois.

Mr. DURBIN. Mr. President, I yield 5 minutes to the Senator from Michigan.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

Ms. STABENOW. Mr. President, first, I wish to thank the Senator from Illinois for his leadership on this issue, as well as my friend from Rhode Island who has been such a staunch fighter, and other colleagues on the floor.

I can't help but think: Here they go again. One more time we are in a situation where we need to extend unemployment benefits for people who are out of work, through no fault of their own—breadwinners not bringing home the bread, through no fault of their own—and we are right back where we were before with the Senator from Kentucky, who held up the ability for us to move forward to help families, to help people who have lost their jobs or are out of work and looking for work, who are caught up in an economic tsunami, an economic disaster, through no fault of their own. Here we are again.

We just left a debate where we went most of last night with the same kind of effort to block, to stall, to say no, and to try to stop us from moving ahead and doing something very important for families, small businesses, tackling the national debt in this country, and with health insurance reform. We just went through hours and hours and hours with our colleagues on the other side becoming just a party of no and playing games, holding up things politically, finding tricks to make people vote on things they support, knowing if they do, that will stop us from moving forward on health insurance reform.

We finished that. We made it through. We cast the votes and achieved the goal for the American people of saving money for middle-class families, saving money for small businesses, saving money for seniors on their medicines, and putting in place something that will make a difference in bringing down cost and making sure every family can finally have a family doctor. The same day we finally get through all that, here we are again.

I come from the State with the highest unemployment in this country, and it is not because people in Michigan don't want to work. People in Michigan know how to work. They work very hard. They are out looking for work. People are trying to hold it together, some with part-time jobs right now, trying to just get through until they can get back a job that is going to allow them to be able to take care of their families and have some sense of security; to stop holding their breath while they are waiting for things to turn around. But we are in a situation

right now where we have six people looking for every job. Six people are vying for every job.

People are caught in an economic disaster that they didn't create, and our job has been to help them get through that so they can keep a roof over their head, food on the table, take care of their kids as we work to create an economic situation, partnering with business, to turn this around. Things are beginning to turn around but not fast enough for any of us. We are working very hard to turn that around, but the reality is we still have more than 700,000 people in Michigan who have lost a job and who want to work. They are out of work, through no fault of their own, and find themselves in a situation where they are looking to their government to understand the situation for their family and place some value on that.

We seem to be able to pay for things when people think it is important. I have been here long enough to live through a situation where tax cuts for the wealthiest Americans somehow were passed even though they weren't paid for—and more than once. My guess is there will be proposals to do it again. But when you are talking about somebody who has worked all their lives and finds themselves in a situation where they do not have a job because of what is happening in the economy, then we say, but for you—for you—we are going to have a different set of rules. We are going to have a different set of rules. We are not going to treat this as a disaster—an economic disaster—as we have at every other time in our country where we move forward with emergency spending. For you, because you are not as important as those folks on Wall Street or the folks who got the big tax cuts, we are going to have a different set of rules.

Well, that is why we are here, because we don't think that is fair. We don't think that is right. It is not right.

The PRESIDING OFFICER. The Senator has used 5 minutes.

Ms. STABENOW. Mr. President, as I yield the floor, I wish to say we are going to be here, and we are going to keep fighting over and over again, as things move forward this year and beyond, on behalf of the people who want a job and who don't have one today, who are counting on us to help them make it through this and do what they need to do to care for their families.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, I thank the Senator from Michigan, and I yield the remaining time of the 15 minutes to the Senator from Oregon.

The PRESIDING OFFICER. The Senator from Oregon is recognized.

Mr. MERKLEY. Mr. President, I join my colleagues in talking about the challenge that is faced by America's

working families. Back home in Oregon, our economy has been hit pretty hard. We have a timber industry, and when you aren't building houses across the country, then you can't sell lumber. So we have mills going out of business across the State of Oregon and a lot of people unemployed—a lot of unemployed people who would be working in the woods cutting down the trees as well as working in the mills. Then we have the challenge of our manufacturing industry that has been hit pretty hard too. We build a lot of RVs and light planes, and those products aren't selling too well in this recession. We have a fruit industry and we have a Christmas tree industry. We ship a lot of that overseas, but the foreign demand is down, and domestic demand is down as well. We have those Mexican tariffs that have been applied to Christmas trees and fruit as well, which has had a pretty strong impact.

You pile up all of this on a State that is on the Pacific Rim and add to that the fact that the entire Pacific Rim economy is depressed, and you have a State that not so long ago was second in the Nation only to Michigan in terms of unemployment.

Well, things have improved a little in Oregon. We are no longer second worst, partly because many other States have continued to get worse. We are at about 11 percent. That is just about twice the unemployment we had not so long ago. That is a lot of struggling families. Unemployment is a program that helps keep the economy in gear during a difficult recession. It helps break the headlong rush into a depression. It helps families stabilize while they are looking for a job.

Unemployment compensation is not a sweet deal. You don't get paid a great deal with unemployment but maybe just enough to get by so your house isn't one more foreclosed property; so you are not one more family on the street, wondering where you are going to live; so there isn't one more set of children whose schooling has been disrupted and their path in life has been disrupted and as a parent you wonder how it will impact them down the road. This is about us watching out for each other here in America.

I can tell you it has been very frustrating to me to watch Members of this body during the last two administrations decide to do things in which they said: You know what, we are going to give away the Treasury to the wealthiest Americans, and we are not going to have any way of paying for it because we just to want give away money to the wealthy. So the wealthy are doing very well in America. But what about the workers in our Nation? The average compensation for a working family plateaued the year I graduated from high school—1974. During the 36 years

since, working families have been earning the same amount. Yet the productivity of our Nation has gone up enormously. Where did all that wealth go? All that wealth went to the wealthiest Americans. Then my colleagues across the aisle are going to stand up tonight and self-righteously proclaim we should not do this without paying.

The PRESIDING OFFICER. The time of the majority has expired.

Mr. MERKLEY. We need to extend this unemployment for working families, not kick them when they are down.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. COBURN. I think we had an agreement with the majority whip that some unanimous consent requests would come in; is that correct? I will be happy to yield out of our time to the majority whip.

Mr. DURBIN. Mr. President, I am now going to be asking unanimous consent that would extend the unemployment benefits for an additional 30 days. I make it formally in this form.

I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 323, H.R. 4851, to provide a temporary extension of certain programs; that the bill be read three times, passed, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Is there objection?

Mr. COBURN. Reserving the right to object, it is my understanding if we were to do that we would add \$9.2 billion to the debt. I am wondering if that is correct. The same unanimous consent request was asked earlier today, and the head of the Finance Committee said it would add \$9.2 billion to the debt. So given the fact that it will add to the debt rather than us making choices, I object.

The PRESIDING OFFICER. Objection is heard. Who yields time?

Mr. COBURN. I yield 10 minutes to the Senator from Alabama.

The PRESIDING OFFICER. The Senator from Alabama is recognized.

Mr. SESSIONS. Mr. President, I appreciate so much Senator COBURN's leadership on this very important matter. I think we are at a defining moment. I take offense for those who say we have no interest in extending unemployment insurance. My State has high unemployment. We were doing very well, and it has doubled now from where we were in unemployment.

My home area is one of the worst in the State. I am well aware of that. Members of the Senate on this side of the aisle strongly favor extending unemployment insurance and actually extending other benefits, too, such as the doctors fix that we need to do, the COBRA and FMAP and matters of that kind which are in the legislation and we believe should be passed into law.

There is just one thing that I would raise, and that is that we want it to be in a way that does not increase, again, the debt because here we go again.

Our colleagues passed an amendment, passed the pay-go law a few weeks ago, and within a few days they were violating it. This violates it again. What we need to ask ourselves, then, is how we are going to help people who are in need. Are we going to do it in a responsible way or will we take the easy way out, pass the debt on to our children and grandchildren without the least concern, it seems, about how we are going to pay for it?

My colleague just recently said we should call it an emergency. Unemployment insurance is fundamentally one of our established government programs, he said, because that allows us to provide this benefit without an offset. That is precisely what the deal is, you understand. He was quite honest about it. We do not have to pay for it; we don't have to look for money; we don't have to cut waste, fraud, and abuse; we don't have to reach into the stimulus bill that we passed, which was announced to be for unemployment insurance as one of its primary motives and use that money that is unspent—and \$100 billion or \$200 billion still remains unspent. Why don't we use that money? It would not then increase the debt larger than we now have.

We proposed a number of other offsets, offsets that our Democratic colleagues have utilized in legislation they have offered. We have suggested to our colleagues, what other containment of spending would you propose, and we would be willing to consider if you would use that to pay for this. But the day of just continuing to increase our debt is passed.

This Senate needs to face the truth, and the truth is we will double the entire debt of the United States in 5 years, ending 2013. We will triple the entire debt of the United States in 2019. In 2019 the interest on the debt that we will be paying in that 1 year will be \$800 billion. Just last year the interest on the total debt of the United States was \$170 billion. We cannot continue this. Every economist who has ever testified before our Budget Committee has said repeatedly this is unsustainable. When do we stop if it is unsustainable? Members of our Senate say it is unsustainable, on both sides of the aisle. When do we stop?

Senator COBURN had the courage to say: Now, we can pay for this. We have moneys unspent that we can use to pay for the extension of unemployment insurance, and we will not agree that we will just add more to our debt.

I have in my pocket, I just happened to notice, pictures of three of my grandchildren. I have had three—one born in November, one born 2 weeks ago, one born Sunday. We are talking about hundreds of thousands of dollars that they are going to have to pay off.

It is an addiction and a habit that we must break. This is \$9 billion added to the debt. I hope and pray this courage by Senator COBURN that calls us to account and says let's face the music and let's be honest with ourselves is respected, as I respect it. I think the American people respect it. When I am out talking in my townhall meetings and in my communities and in the airplanes, they tell me: You guys are spending recklessly. We can't believe it. What has happened?

The American people understand we cannot do this. There is no free lunch. Nothing comes from nothing. Somebody pays, and we cannot just spend and take the easy way every time without facing the consequences of a debt that we create. When we spend more than we take in, we borrow the money. We borrow it on the open market and we pay interest on the debt.

I want to say my Democratic colleagues are at it again, spending more and not paying for it. Have the Republicans failed in their responsibility when they had the Presidency and a majority in the Senate? Yes, we should have done much better. But we have never seen the deficits we are seeing today—never, ever.

President Bush had a record deficit of \$450 billion his last year in office. This year, ending September 30, it was \$1.4 trillion—\$1,400 billion—three times. This year, when September 30 arrives, our budget experts tell us our annual deficit for this 1 year will be \$1.5 trillion, and we will average \$1 trillion a year for the years to come, more than twice the highest deficit we have ever had. We cannot do that. This is serious business.

I hope and pray the stimulus package will give us some benefit. I know it will. When we spend \$800 billion, every penny of it is borrowed, to be paid back someday, or the interest paid back by our children or grandchildren. This stimulus package, hopefully, will give us some lift, but we will carry the debt.

Do you know what the Congressional Budget Office told us when they analyzed the \$800 billion stimulus package? They said: Yes, it will provide a benefit for a few years. You will get a lift in the economy. But over 10 years, just over 10 years, it will have a net negative to the economy, a slight negative because you have to carry this debt, and it is crowding out private sector borrowing because the government borrowed it first. The government has to pay interest to all these people around the world who loan us this money.

There is no easy way out of this. It is time for us to be mature and grown up and make good decisions. It is time to say no to this legislation unless it is paid for, and we can pay for it. There are plenty of places in our budget it can be paid for.

I thank colleagues for allowing me to share these thoughts. I thank Senator

COBURN for raising this important issue, for his courage in saying it is time to do better. We can do better. We can do this in the right way. We came close tonight to getting it done, I thought, in a paid-for way—so close. If we stand in there, maybe in a week or 2 we will be able to take care of the unemployment insurance and pay for it in a sound way.

I yield the floor.

Mr. COBURN. I yield 7½ minutes to the Senator from Nebraska.

The PRESIDING OFFICER. The Senator from Nebraska is recognized.

Mr. JOHANNIS. Mr. President, I am proud to rise tonight and follow, first of all, Senator SESSIONS. He has come to the floor many times on this issue and talked about the crisis that is building in our Nation relative to the spending and the debt. He always speaks with such eloquence.

I also want to say thank you to my colleague, Senator COBURN, for giving me an opportunity to come down tonight and offer a few thoughts in the time that we have. I appreciate it immensely.

Senator COBURN puts himself in a very difficult situation by standing on principle because, of course, he makes himself a target of somebody who wants to say he is not caring about the people who are out there and looking for work. I know him and very much that is the opposite. But here is the point. Here is what we are facing in this Nation. We are literally getting to a stage in our history where the cascading amount of debt is like a huge snowball that now is gaining enormous momentum as it comes down the mountain. It is just growing bigger and bigger.

I am going to head back home to Nebraska tomorrow. I am going to have an opportunity to get across the State. I have some—we call them community coffees but townhall meetings. I am going to talk to the people of Nebraska. I will guarantee that one of the first things on their agenda will be to raise concern about the spending and the debt they see going on here in Washington.

Let me, if I might, take a moment and talk about the ethic of the State that I come from because I think it is enormously important in terms of what we are doing. I might add, I have had an opportunity as county commissioner, as city council member, a mayor, and a Governor to represent this great State.

In my job as mayor of Lincoln, I was a strong mayor, so I was the guy responsible for the budget. Here is how we did it. There was only so much money that was available, and what we would do is we would put a list down, page after page, of very important priorities for the community. At some point on this list there would be a line drawn and my budget director would

say to me: Mayor, if you want to go below that line and fund some of these other important priorities, you are going to have to look above that line and figure out what you can live without because it is at this line that we have to quit spending. Otherwise, our bond rating will be in jeopardy. Otherwise, the economic stability of this community will be in jeopardy.

You know what. We made some very hard choices. We had some things we would have loved to have done, but we began to realize we just couldn't fit them into the budget.

Then I had the good fortune of becoming the Governor of the State of Nebraska, and it didn't change anything. The Nebraska Constitution says we can only borrow \$50,000. Maybe at some point in our State's history that was a handsome sum of money, but in effect what the constitution says is we cannot borrow money.

While other Governors were balancing budgets by issuing bonds and debt, we did not have that alternative. I had really three choices: raise taxes, which I did not like and opposed, cut spending, or do both. And I cut spending.

You could look at many places in that budget and say, well, MIKE, why did you choose this versus that? And you could have a great debate about why this priority versus that priority. But in the end, what we were doing was trying to choose the priorities for our State without borrowing money, without putting our State in debt, while maintaining economic stability.

I want to share that our State has fared as well as any State in the country during this very tough economic time. Our unemployment rate is about 4½ percent. We value our businesses, we create jobs, and we do not spend money we do not have.

I came out here a year ago—a little more than a year ago—to join the Senate. I am as proud today as I was then to be here on the Senate floor. But here is what I will tell you: I am worried about where we are headed with this budget. You see, this \$9 billion is very manageable. We want to provide unemployment insurance to the people who need it. We all do. We want to help these people. But we have a multitribillion-dollar budget here, and in effect what we are saying to the American people is that we cannot find \$9 billion to offset the cost of that.

We can do better than that because, if that is what we are acknowledging, that we cannot find \$9 billion to offset the cost of that important priority, then, my goodness, how will we ever deal with a budget deficit that is over \$1 trillion annually—annually—as far as the eye can see.

I see I am running out of time, but I want to end with this thought. I had a wonderful group of schoolkids from Nebraska in today, from Superior, NE. I

have been to Superior many times. It is a great community. And these kids are great kids. As I was talking about the various things that had happened here, I said something to them that I hope made the point of the need to take responsible action on this budget. I said this year I will celebrate my 60th birthday. God will not keep me on this Earth long enough to pay the debt that has been incurred.

It is no consolation to Nebraskans that I go home and say to them: I have been here over a year, and I figured out who is at fault, because, you know what, they are not caring about who is at fault. They are saying: MIKE, we elected you to go back there and lend your voice to try to fix these problems.

It will be of no consolation for me to go home and say, well, it was the Democrats or it was the Republicans. It will be no consolation.

The PRESIDING OFFICER (Ms. CANTWELL.) The Senator has used the time that has been yielded to him.

Mr. COBURN. I continue to yield.

The PRESIDING OFFICER. The Senator may continue.

Mr. JOHANNIS. I said to those kids: I will not be on Earth long enough to pay this debt. I said to them: That means that will fall to you.

Do you know what I am saying to those kids? I am saying that the quality of their lives will be impacted by the fact that we could not take responsible action to deal with this debt.

I would like to say to them: You will not have any more wars. But they will have their own wars to fight. They will have their own pandemics to deal with. They will have their own recessions they have to somehow fund and finance. And they will have their own challenges they will have to deal with. You know what. If we do not start coming to grips with this debt, they will not have the resources to manage their way through those challenges.

You see, tonight is not about unemployment insurance. We want to help those people. Tonight is about making the statement that we have to take control of this because it is taking control of the future of those young people.

I yield the floor and the remainder of my time to Senator COBURN.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. COBURN. I will consume the remainder of our time.

I thank Senator JOHANNIS and Senator SESSIONS for being here.

We have heard the word "emergency." The emergency that is in front of us, we are a boat upside down fiscally, and there has to be a set of competing priorities for how we right that boat. But the No. 1 way we do not right the boat is to continue to add to the debt when we have programs that are not working and are wasting money, that are consuming precious resources we need to spend in other areas.

I am particularly interested in the very fast revisionist history that has been presented by the Senator from Michigan.

Let me tell you what happened here today. What happened here today was that a bill was offered and a motion to proceed on a bill that would accomplish this was totally paid for. That motion was tabled, with all of the Republican Senators voting against that, and some Democrats. We worked, through the next couple of hours, negotiating with the majority leader, with great help from Senator DURBIN, the senior Senator from Michigan, and a compromise was reached that we would, in fact, make sure no interruption would happen over the next 2 weeks to those who are dependent on unemployment insurance. That was communicated to the House of Representatives and the majority there, and it was rejected.

Then the final thing that happened is we had an adjournment resolution, for which everyone on our side of the aisle voted against to stay here. Now, that probably was not a truly sincere vote. I would put that out to my colleagues. But the fact is, the Senate does not have to go home. And the reflection for this not passing should not fall on the Senate; it should fall on the fact that the Senate came together and agreed on a solution that was not acceptable to the leadership in the House of Representatives.

So if there is a problem with what we have done today, it is that when we compromised in the Senate, the House would not take it. And we did compromise. We compromised on spending. We compromised on time. We compromised on making sure the people who needed to have this extension were going to get it.

I started out the debate earlier today on the basis of, where are we going in our country and what is our problem? Our problem is that we are drowning in debt, that our foreign policy is affected by it today, our ability to borrow is affected by it, and the manipulation of our ability to stabilize our own economy is affected by it. But, most importantly, what we do today has dramatic impact on those who know us.

It is unfortunate that we did not work out a deal tonight. So we are going to have a week of exposure for people who actually need the help. It is actually going to be harder on the bureaucrats to handle this. But it did not happen.

But I think the bigger question is, Should we just lay down and add more money to the debt because we could not get agreement across the Capitol? And so what we are going to do, when we come back, the day after we get back, we are going to have a cloture vote, which I think will be very difficult to achieve, but it may be achieved, because the same principle is going to lie here.

With over \$300 billion worth of waste, fraud, and duplication in the Federal budget every year, there are many of us who believe sincerely that it is time to stop spending money on lower priorities, time to stop calling things an emergency when we actually have the money in waste and fraud and duplication that we can use to pay for this.

We needed to start somewhere. The unfortunate aspect that we did not accomplish that this evening means some people will suffer. But I want you to contrast that with what the suffering is going to be in 2019 within our country when we have double-digit interest rates because we can no longer maintain our borrowing; when we are, in the next 9 years, going to pay \$5.6 trillion in interest on \$9.8 trillion we are going to borrow. Of that \$9.8 trillion, \$5.6 trillion is going to be interest payments.

What is coming is a tsunami to our country. So I feel a failure tonight because I could not accomplish both goals, both protecting our children and their future opportunity and taking care of those who need us right now. But the principle is still there.

We have to, in fact, start making tough choices. If we learn to do that together, the country benefits. And the future of our children is at hand. But we can no longer make the decision that we steal from our children to take care of things we are responsible for today. And I understand the resistance to that, but the fact is, our future depends on us starting today. It does not matter if you are liberal in philosophy or conservative in philosophy, the economics will be borne home to everyone. It has to stop. And we have to start with us.

I appreciate the congeniality of my friend from Illinois. Tough week for us all—probably more tough for us than you. I congratulate you on your victory on the yearlong battle with a difference in philosophy on how we fix health care. But I know that 20 years from now, the Senator from Illinois and I will suffer the same pain if our kids are diminished by our lack of action here. So I will say, let's let it not be so. Let's let it not be so. Let's start making hard choices. Let's start doing what is in the best long-term interests of our country.

With that, I yield back a minute of our time to the Senator from Illinois.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Let me thank the Senator from Oklahoma for his professionalism and his own decorum during the course of this debate. We want to maintain that on this side of the aisle.

SATELLITE TELEVISION EXTENSION ACT OF 2010

Mr. DURBIN. I ask unanimous consent that the Senate proceed to the immediate consideration of S. 3186, the

Satellite Television Extension Act of 2010.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 3186) to reauthorize the Satellite Home Viewer Extension and Reauthorization Act of 2004 through April 30, 2010, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. DURBIN. Madam President, I ask unanimous consent that the bill be read three times, passed, and the motion to reconsider be laid upon the table and that any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 3186) was ordered to a third reading, read the third time, and passed, as follows:

S. 3186

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

This Act may be cited as the "Satellite Television Extension Act of 2010".

SEC. 2. SATELLITE TELEVISION EXTENSION.

(a) AMENDMENTS TO SECTION 119 OF TITLE 17, UNITED STATES CODE.—

(1) IN GENERAL.—Section 119 of title 17, United States Code, is amended—

(A) in subsection (c)(1)(E), by striking "March 28, 2010" and inserting "April 30, 2010"; and

(B) in subsection (e), by striking "March 28, 2010" and inserting "April 30, 2010".

(2) TERMINATION OF LICENSE.—Section 1003(a)(2)(A) of Public Law 111-118 is amended by striking "March 28, 2010", and inserting "April 30, 2010".

(b) AMENDMENTS TO COMMUNICATIONS ACT OF 1934.—Section 325(b) of the Communications Act of 1934 (47 U.S.C. 325(b)) is amended—

(1) in paragraph (2)(C), by striking "March 28, 2010" and inserting "April 30, 2010"; and

(2) in paragraph (3)(C), by striking "March 29, 2010" each place it appears in clauses (ii) and (iii) and inserting "May 1, 2010".

FEDERAL AVIATION ADMINISTRATION EXTENSION ACT OF 2010

Mr. DURBIN. I ask unanimous consent that the Senate proceed to the immediate consideration of S. 3187 introduced earlier today.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 3187) to amend the Internal Revenue Code of 1986 to extend the funding and expenditure authority of the Airport and Airway Trust Fund, to amend title 49, United States Code, to extend authorizations for the airport improvement program, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. DURBIN. I ask unanimous consent that the bill be read three times, passed, and the motion to reconsider be laid upon the table and that any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 3187) was ordered to a third reading, read the third time, and passed, as follows:

S. 3187

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Federal Aviation Administration Extension Act of 2010".

SEC. 2. EXTENSION OF TAXES FUNDING AIRPORT AND AIRWAY TRUST FUND.

(a) FUEL TAXES.—Subparagraph (B) of section 4081(d)(2) of the Internal Revenue Code of 1986 is amended by striking "March 31, 2010" and inserting "April 30, 2010".

(b) TICKET TAXES.—

(1) PERSONS.—Clause (ii) of section 4261(j)(1)(A) of the Internal Revenue Code of 1986 is amended by striking "March 31, 2010" and inserting "April 30, 2010".

(2) PROPERTY.—Clause (ii) of section 4271(d)(1)(A) of such Code is amended by striking "March 31, 2010" and inserting "April 30, 2010".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on April 1, 2010.

SEC. 3. EXTENSION OF AIRPORT AND AIRWAY TRUST FUND EXPENDITURE AUTHORITY.

(a) IN GENERAL.—Paragraph (1) of section 9502(d) of the Internal Revenue Code of 1986 is amended—

(1) by striking "April 1, 2010" and inserting "May 1, 2010"; and

(2) by inserting "or the Federal Aviation Administration Extension Act of 2010" before the semicolon at the end of subparagraph (A).

(b) CONFORMING AMENDMENT.—Paragraph (2) of section 9502(e) of such Code is amended by striking "April 1, 2010" and inserting "May 1, 2010".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on April 1, 2010.

SEC. 4. EXTENSION OF AIRPORT IMPROVEMENT PROGRAM.

(a) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—Section 48103(7) of title 49, United States Code, is amended to read as follows:

"(7) \$2,333,333,333 for the 7-month period beginning on October 1, 2009."

(2) OBLIGATION OF AMOUNTS.—Sums made available pursuant to the amendment made by paragraph (1) may be obligated at any time through September 30, 2010, and shall remain available until expended.

(3) PROGRAM IMPLEMENTATION.—For purposes of calculating funding apportionments and meeting other requirements under sections 47114, 47115, 47116, and 47117 of title 49, United States Code, for the 7-month period beginning on October 1, 2009, the Administrator of the Federal Aviation Administration shall—

(A) first calculate funding apportionments on an annualized basis as if the total amount available under section 48103 of such title for fiscal year 2010 were \$4,000,000,000; and

(B) then reduce by 42 percent—

(i) all funding apportionments calculated under subparagraph (A); and

(ii) amounts available pursuant to sections 47117(b) and 47117(f)(2) of such title.

(b) PROJECT GRANT AUTHORITY.—Section 47104(c) of such title is amended by striking "March 31, 2010," and inserting "April 30, 2010,".

SEC. 5. EXTENSION OF EXPIRING AUTHORITIES.

(a) Section 40117(1)(7) of title 49, United States Code, is amended by striking "April 1, 2010." and inserting "May 1, 2010.".

(b) Section 44302(f)(1) of such title is amended—

(1) by striking "March 31, 2010," and inserting "April 30, 2010,"; and

(2) by striking "June 30, 2010," and inserting "July 31, 2010,".

(c) Section 44303(b) of such title is amended by striking "June 30, 2010," and inserting "July 31, 2010,".

(d) Section 47107(s)(3) of such title is amended by striking "April 1, 2010," and inserting "May 1, 2010,".

(e) Section 47115(j) of such title is amended by striking "April 1, 2010," and inserting "May 1, 2010,".

(f) Section 47141(f) of such title is amended by striking "March 31, 2010," and inserting "April 30, 2010,".

(g) Section 49108 of such title is amended by striking "March 31, 2010," and inserting "April 30, 2010,".

(h) Section 161 of the Vision 100—Century of Aviation Reauthorization Act (49 U.S.C. 47109 note) is amended by striking "April 1, 2010," and inserting "May 1, 2010,".

(i) Section 186(d) of such Act (117 Stat. 2518) is amended by striking "April 1, 2010," and inserting "May 1, 2010,".

(j) The amendments made by this section shall take effect on April 1, 2010.

SEC. 6. FEDERAL AVIATION ADMINISTRATION OPERATIONS.

Section 106(k)(1)(F) of title 49, United States Code, is amended to read as follows:

"(F) \$5,454,183,000 for the 7-month period beginning on October 1, 2009."

SEC. 7. AIR NAVIGATION FACILITIES AND EQUIPMENT.

Section 48101(a)(6) of title 49, United States Code, is amended to read as follows:

"(6) \$1,712,785,083 for the 7-month period beginning on October 1, 2009."

SEC. 8. RESEARCH, ENGINEERING, AND DEVELOPMENT.

Section 48102(a)(14) of title 49, United States Code, is amended to read as follows:

"(14) \$111,125,000 for the 7-month period beginning on October 1, 2009."

EXTENSION OF SMALL BUSINESS LOAN GUARANTEE PROGRAM

Mr. DURBIN. Madam President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 4938, an act to provide for a 30-day extension of the Small Business Loan Guarantee Program which was received from the House and is at the desk.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 4938) to permit the use of previously appropriated funds to extend the Small Business Loan Guarantee Program, and for other purposes.

Mr. DURBIN. I ask unanimous consent that the bill be read three times, passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 4938) was ordered to be read a third time, was read the third time, and passed.

CONTINUING EXTENSION ACT OF 2010—MOTION TO PROCEED—Continued

Mr. DURBIN. Madam President. I yield 5 minutes to the Senator from Vermont.

Mr. SANDERS. I thank my friend for yielding.

Madam President, the Senator from Oklahoma and the Senators who spoke before him are obviously right. This country has a record-breaking deficit, a huge national debt, and it is an issue that has to be dealt with. The debate is, how do we deal with it? Let me very briefly mention some of the factors—not all, but some of the factors, some of the policies that got us into the national debt situation we are in right now. Six years ago or so, President Bush decided to take us to war in Iraq. That war was misguided. It was a mistake. But in terms of the issue of tonight, that war was not paid for and will end up costing this country some \$2 or \$3 trillion. Many of my friends on the other side who now decry the national debt voted for that war without worrying about how it was going to be paid for.

During the Bush era, despite the growing gap between the very wealthiest people and everybody else, our Republican friends, who then controlled the House, the Senate, and the White House, decided that the very richest people, millionaires and billionaires, needed huge tax breaks, hundreds of billions of dollars in tax breaks. That is what they wanted. I didn't want it. I didn't vote for it.

During the Bush era, we passed a Medicare Part D prescription drug bill, a huge bill written by the insurance companies. We could have had a much better bill, if we negotiated prices with the pharmaceutical industry. We chose not to do that. A prescription drug Part D bill, unpaid for. That is what they voted for.

After the bailout, after the collapse of Wall Street, President Bush and others came together and said: We ought to bail them out. Unpaid for. I brought an amendment on the floor to pay for that. It fell. Unpaid for.

Ironically, within the next couple of weeks or months—I am not sure which—many of our friends are going to come back to the floor and say: We need to loosen up the estate tax. We need to give massive tax breaks to the wealthiest three-tenths of 1 percent of the population, the very richest people in the country. Estimates are it is going to cost \$350 billion over 10 years, giving it to the richest people.

My point is, if we are going to deal seriously with our national debt and our deficit—enormous problems—let's

be honest and let us get our priorities right.

In terms of today's debate, let us not on the one hand say we are going to give massive tax breaks to millionaires and billionaires by loosening up on the estate tax, but today we cannot regard as an emergency situation extending unemployment compensation to people who are in desperate economic trouble.

Since December of 2007, over 8 million Americans have lost their jobs. Sixteen-and-a-half percent of the American workforce is today either unemployed or underemployed. Here is the important point. Over 6 million Americans have been out of work for more than 6 months, the highest on record. What we are experiencing now is not only unacceptably high unemployment but a level of long-term unemployment this country has never seen before. In other words, people are losing their jobs, but they are not getting them back, not in 2 weeks, not in 4 weeks. Month after month people are wondering how they are going to get a job, how they will feed their family, how they will take care of basic needs. That is what we are talking about today.

When we talk about deficit reduction and dealing with the national debt, in my view we don't do that by denying unemployment benefits to families in desperate need. I think we take into consideration the reality that the top 1 percent of this country now earns more income than the bottom 50 percent. And those very same people, the top 1 percent, over the last number of years have been given huge amounts in tax breaks. We take into consideration the fact that as a nation, we are spending a very significant and growing amount of money on the military. There is study after study which indicates there are significant amounts of money that can be saved, if we take a hard look at military spending, including a number of weapons systems that are not designed to fight international terrorism but to continue the effort in the Cold War which no longer exists.

It seems to me we have two issues we have to address. No. 1, how do we create the jobs this country desperately needs? How do we protect the most vulnerable people? And simultaneously, how do we address the deficit crisis and our national debt?

I suggest now is the time to rethink the priorities that have existed for a number of years. Now is the time to ask the wealthiest people to start paying their fair share of taxes. Now is the time to take a hard look at all of our Federal agencies for waste and fraud and abuse but also including the military.

The issue is not whether we deal with the national debt and our deficit. The question is, how we do it, and how we do it in a way that protects the middle class and some of the most vulnerable people in society.

I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. I thank the Senator from Vermont and those who are gathered this evening. This was such an important day. Some in this Chamber may have heard some cheering in the hall. I believe that signifies that the House of Representatives has finally passed the reconciliation bill which passed this Chamber earlier this afternoon. Now health care reform, with its improvements, is on its way to being signed by the President and becoming the law of the land. It is a day of great celebration for those of us who had the privilege and honor to vote for it but to participate as well in the difficult task of putting this bill together—a controversial bill; lots of people hate it; lots of people love it across America. Many of us believe it is an extraordinary improvement. It is progress in America. It will give families across America a fighting chance to get health insurance they can afford, to be able to fight the health insurance companies that turn them down when they need it the most.

Thirty million Americans will have health insurance who don't have it today. It is going to give seniors on Medicare better assistance to pay for their prescription drugs. It is a plus in many directions.

We left the euphoria and happiness of that moment on the floor, when they announced the vote of 56 to 43, and within minutes, we were told there is another battle. This time the Republicans have come to the floor and refused to extend unemployment benefits to those unemployed in America. The date that occurs is April 5. In State after State, hundreds and then thousands of people will see their unemployment checks stop. These are people who lost a job and they can't find one. We estimate there are five unemployed people for every available job. I have met with the unemployed in my State. They are desperate. They have tried everything they could think of. We think our economy is starting to turn but not quickly enough for them. Out of work for weeks, months, sometimes years, they have exhausted their savings. They are living literally hand to mouth. Some have lost their health insurance. The only thing that keeps them going, that keeps the lights on and the food on the table, is the unemployment check.

The Republicans came to the floor today and said: Cut it off. They said cut it off, because they believe this is the moment and this is the issue to take a stand against the national deficit.

Do we have a national debt that should concern us all? Of course. The deficit we have is growing because of the recession, unemployment, fewer tax revenues by the government, and

we understand that. Should we deal with it? Of course. But it is interesting that these Republicans would take their stand on fiscal conservatism and deficit reduction when it comes to unemployment benefits.

Twenty-four hours ago, Senator GREGG of New Hampshire, a Republican, floor manager for their side, offered an amendment on the floor to the reconciliation bill to pay for the compensation of doctors treating patients under Medicare. It added \$65 billion to the deficit, and it was not paid for. Every Republican voted for it. I think it is a good thing to do. It is a policy we should support, because we want doctors to treat Medicare patients. But how can these same Republican Senators ignore the fact that they voted to do so last night and then come here tonight and say: Unemployment benefits for a month in America? That will cost \$9 billion. It is time to take a stand against the deficit. Sixty-five billion last night, these same Senators voted to add to the deficit; \$9 billion for the unemployed today, they say, is the straw that broke the camel's back.

This is unfair and unfortunate. Here is what we know. Every dollar in an unemployment compensation check that goes to an unemployed person is spent directly into the economy. The CBO says there is no faster and better way to inject billions of dollars into the economy that translates into the purchase of goods and services, helping small businesses and creating jobs. For the question of economic development, unemployment compensation is the most valuable thing to do. What happens to these poor people when we cut off their unemployment compensation? I am not sure where they will go.

Bill from Illinois writes: I have been unemployed as a steel salesman since June of 2009. I am sitting in the Naperville library, as I do every day, applying for jobs on line. And still no luck. I will be ruined financially if you stop my unemployment benefits. Please extend them.

Elliot from Illinois writes: As a citizen of the United States and a U.S. Navy veteran, I cannot believe the Senate would let unemployment funding stop for the millions of people struggling to make ends meet. Just one unemployment check not processing will hurt thousands of people and, with the lack of life-supporting employment, will push a bunch of folks closer to the edge of foreclosure and other losses.

I acknowledge this deficit and this debt and what we need to do about it. This issue is a defining issue for this Congress and this Nation. If we have reached the point that we will turn around and walk away from those who have lost their jobs through no fault of their own, if we will turn a blind eye to families who are doing without the basics of life, if we believe this is the best fiscal policy for America, then we have

lost our way. We are a caring nation. We care for one another. We are a community, a community that reaches out, through the taxes we pay and the good deeds that many do, to help the less fortunate. Yet when it comes to unemployment benefits, the Republican Senators have said: This is where we make our stand. This is where we enforce our deficit.

Well, I think they have taken off and created more victims in our economy at a time when so many have lost their jobs.

I looked at the States represented by the Republican Senators who spoke earlier today. The Senator from Nebraska is fortunate in one respect. His State has an unemployment rate of 4.6 percent. The Senator from Oklahoma, he, too, is fortunate. His State has an unemployment rate of 6.7 percent. My State is up at 12 percent unemployment, and others such as Michigan are over 14 percent unemployment.

This is a crisis in our State, and it is a crisis that will be made worse when these checks are cut off. I would urge my colleagues to view this unemployment benefit request as the emergency that it is. If nations can rise to the occasion of disasters—unanticipated calamities, natural disasters such as floods and hurricanes—if we can view those as emergencies, shouldn't we look at the hurricanes that have hit the lives of those unemployed Americans and be ready to stand by their side?

I hope when we return after the break over Easter and have our chance to vote, we can finally bring forward enough moderate Republicans on that side of the aisle to join us and say: Yes, we need to fight the deficit, but let's not do it at the expense of the neediest people in America.

Madam President, I yield the floor at this time and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DURBIN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. DURBIN. Madam President, I ask unanimous consent that the Senate proceed to a period of morning business, with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

COAL MINING PERMITTING PROCESS

Mr. McCONNELL. Madam President, I rise to sound an alarm about a threat

to coal-mining businesses in Kentucky. Coal is a vital part of my State's economy, and a vital part of America's energy portfolio. The coal industry creates over 60,000 jobs in Kentucky, including approximately 15,000 coal miners. More than half the country's electricity is generated by coal, electricity those workers help generate.

But this important sector of the economy now faces a back-door attempt to restrict coal mining, one that was implemented without a hearing or a vote by this administration's Environmental Protection Agency. The EPA is overstepping its authority by using an approval process meant to assess the environmental impact of mining operations as a means to halt those mining operations altogether.

According to one study by the Senate Environment and Public Works Committee, it could be estimated that roughly 3,500 mining jobs in Kentucky are in jeopardy if the EPA does not let go its stranglehold on the growth of that industry. And mining industry jobs are not the only jobs lost thanks to this wrongheaded, bureaucratic overregulation. For every coal-mining job, 11 other jobs are dependent on it. That means up to 38,500 jobs in my State alone could be affected.

Let me give a concrete example of how what the EPA is doing directly affects jobs. Out of 49 Kentucky applicants for permits under section 404 of the Clean Water Act, only one application—that is right, one—is actually under review. 1 out of 49. Actually, that should be 1 out of 42 because seven applicants were kept waiting so long by the EPA's foot-dragging tactic that they had no choice but to withdraw their applications.

After all, during this whole length of time that the EPA unfairly prolongs the process, mine operators must still spend resources to keep their mines ready to operate. Eventually paying these costs while earning no profit in return forces many of these businesses to just give up.

While the rest of the permits are technically pending a review, in reality they are in limbo and essentially dead as long as the EPA refuses to even begin its official review process. This "run out the clock" tactic is bad news for Kentucky's economy.

I know I don't have to tell my colleagues we are in a recession. Unemployment is higher than any of us would like it to be. In Kentucky it is 10.5 percent, higher than the national average. My highest priority as the Senator from Kentucky is to help everyone from my State who wants a job to find one.

That is why I must speak out against what the EPA is doing. Their attack on an important Kentucky industry hampers the growth of jobs, and it especially hampers the growth of small businesses—the greatest engines of job creation.

The EPA has turned the section 404 permitting process, already a cumbersome process to begin with, into an illegitimate, backdoor means of shutting down Kentucky coal mines. This is outside the scope of their authority and the law. It represents a fundamental departure from the permitting process as originally envisioned by Congress.

This Senate needs to make it clear to the EPA that they must complete the permit review process in a timely manner, and provide complete transparency along the way to all sides. They cannot continue to impose a backdoor ban on mining operations in Kentucky through an illegitimate process.

Let me add one more thing. The section 404 permit review process is only one aspect of the EPA's war on coal. They are also seeking to impose a backdoor national energy tax by regulating carbon dioxide emissions from coal plants under the Clean Air Act, which will hurt our economy and endanger millions of jobs across the country. The Senate will have an opportunity to vote on the EPA's actions in that regard in the near future.

MINIMUM ESSENTIAL COVERAGE

Mr. AKAKA. Madam President, as chairman of the Senate Committee on Veterans' Affairs, concerns have been raised to me about a technical error in the health care reform bill that was recently passed, the Patient Protection and Affordable Care Act, H.R. 3590. In drafting the PPACA, a provision was included which designates health care provided under VA's authority as meeting the minimum required health care coverage that an individual is required to maintain.

However, due to the way this exemption was worded, this definition may exclude children with spina bifida, who are seriously disabled and to whom VA provides reimbursement for comprehensive health care. The underlying bill gave authority to the Secretary of Health and Human Services to designate other care, which could include the VA spina bifida program, as meeting the definition of minimum essential coverage. This bill would simply clarify what was originally intended.

Chapter 18 of title 38 contains the Spina Bifida Health Care Program, which is a health benefit program administered by the Department of Veterans Affairs to provide reimbursement for comprehensive health care for children with spina bifida who are born to veterans of the Vietnam War and to some veterans who served in Korea during specified times, as well as children of women Vietnam veterans with certain birth defects. The program provides reimbursement for medical services and supplies.

My legislation corrects this small error. Additionally, this legislation

would clarify that recipients of CHAMPVA would also be considered as meeting the requirement for minimum essential coverage. This legislation is currently supported by 59 cosponsors, including my friend from North Carolina, and the ranking member on my Committee, Senator BURR. Additionally, the Veterans of Foreign Wars, Disabled American Veterans, and the Military Officers Association of America have endorsed this bill.

Thank you, Madam President and I thank my colleagues for their support in making this small but important clarification for veterans.

HONORING OUR ARMED FORCES

CHIEF SPECIAL WARFARE OPERATOR ADAM LEE BROWN

Mrs. LINCOLN. Madam President, today I honor Chief Special Warfare Operator Adam Lee Brown, 36, a Navy SEAL from Hot Springs who died in Afghanistan March 18. My heart goes out to the family of Chief Special Warfare Operator Brown, who made the ultimate sacrifice on behalf of our Nation. According to those who knew him best, he was a caring, compassionate individual, who always put others ahead of himself. He was in his eighth tour of duty in Afghanistan and is survived by his wife, two young children, and his parents.

Along with all Arkansans, I am grateful for the service and sacrifice of all of our military service members and their families. More than 11,000 Arkansans on Active Duty and more than 10,000 Arkansas Reservists have served in Iraq or Afghanistan since September 11, 2001.

It is the responsibility of our Nation to provide the tools necessary to care for our country's returning service members and honor the commitment our Nation made when we sent them into harm's way. Our grateful Nation will not forget them when their military service is complete. It is the least we can do for those whom we owe so much.

CALIFORNIA CASUALTIES FROM IRAQ AND AFGHANISTAN

Mrs. BOXER. Madam President, I rise today to pay tribute to 14 servicemembers from California or based in California who have died while serving our country in Operation Enduring Freedom since December 16, 2009. This brings to 147 the number of servicemembers either from California or based in California who have been killed while serving our country in Afghanistan. This represents 14 percent of all U.S. deaths in Afghanistan.

PFC Serge Kropov, 21, of Hawley, PA, died December 20, 2009, as a result of a nonhostile incident in Helmand province, Afghanistan. Private First Class Kropov was assigned to Marine Aircraft Group 16, 3rd Marine Aircraft Wing, I Marine Expeditionary Force, Marine Corps Air Station Miramar, CA.

LCpl Omar G. Roebuck, 23, of Moreno Valley, CA, died December 22, 2009, as a result of a nonhostile incident in Helmand province, Afghanistan. Lance Corporal Roebuck was assigned to 2nd Combat Engineer Battalion, 2nd Marine Division, II Marine Expeditionary Force, Camp Lejeune, NC.

SSG David H. Gutierrez, 35, of San Francisco, CA, died December 25, 2009, at Kandahar Air Field, Afghanistan, of wounds suffered when insurgents attacked his dismounted patrol with an improvised explosive device in Howz-e Madad. Staff Sergeant Gutierrez was assigned to the 2nd Battalion, 1st Infantry Regiment, 5th Brigade, 2nd Infantry Division, Fort Lewis, WA.

SSG Anton R. Phillips, 31, of Inglewood, CA, died December 31, 2009, at Forward Operating Base Methar Lam, Afghanistan. Staff Sergeant Phillips was assigned to G Forward Support Company, 77th Field Artillery Regiment, 2nd Battalion, Task Force Wildhorse, Forward Operating Base Methar Lam, Afghanistan.

LCpl Jeremy M. Kane, 22, of Towson, MD, died January 23, 2010, while supporting combat operations in Helmand province, Afghanistan. Lance Corporal Kane was assigned to 4th Light Armored Reconnaissance Battalion, 4th Marine Division, Marine Forces Reserve, based out of Camp Pendleton, CA.

SGT David J. Smith, 25, of Frederick, MD, died January 26, 2010, from wounds received January 23 while supporting combat operations in Helmand Province, Afghanistan. Sergeant Smith was assigned to 4th Light Armored Reconnaissance Battalion, 4th Marine Division, Marine Forces Reserve, based out of Camp Pendleton, CA.

SSG Mark A. Stets, 39, of El Cajon, CA, died February 3, 2010, in Timagara, Pakistan, from wounds suffered when insurgents attacked his unit with an improvised explosive device. Staff Sergeant Stets was assigned to the 8th Psychological Operations Battalion, Airborne, 4th Psychological Operations Group, Airborne, Fort Bragg, NC.

LCpl Alejandro J. Yazzie, 23, of Rock Point, AZ, died February 16, 2010, while supporting combat operations in Helmand province, Afghanistan. Lance Corporal Yazzie was assigned to 1st Combat Engineer Battalion, 1st Marine Division, I Marine Expeditionary Force, Camp Pendleton, CA.

PFC Charles A. Williams, 29, of Fair Oaks, CA, died February 7, 2010, at Camp Nathan Smith, Afghanistan, of injuries sustained while supporting combat operations. Private First Class Williams was assigned to the 97th Military Police Battalion, 18th Military Police Brigade, Fort Riley, KA.

LCpl Joshua H. Birchfield, 24, of Westville, IN, died February 19, 2010, while supporting combat operations in Farah province, Afghanistan. Lance Corporal Birchfield was assigned to 3rd

Battalion, 4th Marine Regiment, 1st Marine Division, I Marine Expeditionary Force, Twentynine Palms, CA.

SSG Michael David P. Cardenaz, 29, of Corona, CA, died February 20, 2010, in Kunar, Afghanistan, when enemy forces attacked his unit with rocket-propelled grenades. Staff Sergeant Cardenaz was assigned to the 2nd Battalion, 12th Infantry Regiment, 4th Brigade Combat Team, 4th Infantry Division, Fort Carson, CO.

SPC Ian T.D. Gelig, 25, of Stevenson Ranch, CA, died March 1, 2010, in Kandahar, Afghanistan, of wounds suffered when enemy forces attacked his vehicle with an improvised explosive device. Specialist Gelig was assigned to the 782nd Brigade Support Battalion, 4th Brigade Combat Team, 82nd Airborne Division, Fort Bragg, NC.

LCpl Carlos A. Aragon, 19, of Orem, UT, died March 1, 2010, while supporting combat operations in Helmand province, Afghanistan. Lance Corporal Aragon was assigned to 4th Light Armored Reconnaissance Battalion, 4th Marine Division, Marine Forces Reserve, based out of Camp Pendleton, CA.

LCpl Nigel K. Olsen, 21, of Orem, UT, died March 4, 2010, while supporting combat operations in Helmand province, Afghanistan. Lance Corporal Olsen was assigned to the 4th Light Armored Reconnaissance Battalion, 4th Marine Division, Marine Forces Reserve, based out of Camp Pendleton, CA.

I would also like to pay tribute to a young American who was killed serving our country in Iraq during this same time period. This brings to 883 the number of servicemembers either from California or based in California who have been killed while serving our country in Iraq. This represents 20 percent of all U.S. deaths in Iraq.

PFC Scott G. Barnett, 24, of Concord, CA, died January 28 in Tallil, Iraq, of injuries sustained while supporting combat operations. Private First Class Barnett was assigned to the 412th Aviation Support Battalion, 12th Combat Aviation Brigade, Katterbach, Germany.

EXPIRING DOMESTIC SURVEILLANCE PROVISIONS

Mr. WYDEN. Madam President, the U.S. Senate recently approved a 1-year extension of the expiring provisions of the Patriot Act with a voice vote. The extension was subsequently approved by the House and signed into law by President Obama. As I have argued for years that the Patriot Act is in need of serious reform, I would like to outline the changes I will keep working for as a member of the Senate Select Committee on Intelligence.

Many of my colleagues who agree with me that reforms are needed think it would be difficult to have a constructive debate on domestic surveillance in

the Senate right now. They think that next year will be a better time to have this debate, and that waiting will lead to a better opportunity to restore the best possible balance between fighting terrorism ferociously and protecting American rights and freedoms.

Personally, I think that the reforms I am outlining today should have been made years ago. But based on the debate on the Patriot Act that took place in the Senate Judiciary Committee last fall, I agree that those of us who believe in reform need to spend more time making our case to our colleagues and the American people. So I will briefly address those reforms that I think are necessary, and the ways that I would like to see this debate move forward between now and next February, when these provisions will come up for renewal again.

The three expiring provisions all involve domestic surveillance in one way or another. One regards the use of roving wiretaps for intelligence purposes, one regards the surveillance of so-called “lone wolf” terrorist suspects, and one involves government access to business records. I have cosponsored legislation that would create additional safeguards on the use of roving wiretaps, and I think that it is appropriate to debate whether the “lone wolf” statute should be reformed or repealed, particularly given the fact that it has never been used. But it is the business records provision, section 215 of the Patriot Act, which I believe is most in need of reform.

Section 215 of the Patriot Act is referred to as the “business records” provision, but it actually covers any personal information that is held by any sort of institution or third party—including banks, hospitals, libraries, and retail stores of all types. And it doesn’t just apply to documents; it applies to “any tangible thing”, which means it covers things like blood or tissue samples as well.

Prior to 9/11, if the FBI or another government agency was conducting an intelligence investigation and wanted to obtain an individual’s personal records from the business or institution that was holding them, the government agency had to have evidence indicating that the person whose records they wanted was a terrorist or a spy. Section 215 of the Patriot Act lowered this standard to permit the government to collect any records deemed “relevant to an investigation”.

“Relevant” is an incredibly broad standard. In fact, it could potentially permit the government to collect the personal information of large numbers of law-abiding Americans who have no connection to terrorism whatsoever.

As an alternative to “relevance”, I and other senators have advocated for what I call the “nexus to terrorism” standard. Under this standard, the government could use the Patriot Act to

obtain any records pertaining to a terrorist suspect, or the suspect’s activities, or any individual that the suspect has been in contact with or directly linked to in any way. This is a much broader standard than the one that existed before 9/11, and it would give the FBI and other government agencies significant flexibility in terrorism investigations. But it is much tighter than the standard that is currently written into law as part of the Patriot Act, and it would greatly reduce potential intrusions on the privacy of law-abiding Americans.

Switching to a “nexus to terrorism” standard is not a radical proposal. In 2005, the Senate passed a bill that would have replaced the “relevance” standard with one requiring a “nexus to terrorism”. In fact, this bill was passed by unanimous consent. And President Obama cosponsored similar legislation in 2007. So this proposal has received significant bipartisan support in the past. And in my judgment, it would go a long, long way toward restoring the balance between security and freedom that is so important to Americans.

I have cosponsored legislation that would make “nexus to terrorism” the standard for accessing individuals’ business records for intelligence purposes. Over the next year, I will continue to argue for the merits of this standard. I will also continue to press for more transparency about how the Patriot Act has actually been interpreted and applied in practice. As I have said before, there is key information that is relevant to the debate on the Patriot Act that is currently classified. Over the past two and a half years, I have pressed the executive branch to declassify this information in a responsible way, so that members of Congress and the public can have an informed debate about what the law should actually be.

I have raised this issue numerous times, in classified letters and in meetings with high-level Administration officials. Many of these classified letters were also signed by other senators, including Senator FEINGOLD and Senator DURBIN. In a partial response to our requests, the Attorney General and the Director of National Intelligence have prepared a classified paper that contains details about how some of the Patriot Act’s authorities have actually been used, and this paper is now available to all members of Congress, who can read it in the Intelligence Committee’s secure office spaces.

Providing this classified paper to Congress is a good first step, and I would certainly encourage all of my colleagues to come down to the Intelligence Committee and read it, but by itself this step does not go nearly far enough. Ensuring that members of Congress have information about how the law has been interpreted and ap-

plied is obviously essential, but it is just as essential for the public to have this information as well. Most members of the public do not expect to have detailed information about how intelligence collection is actually conducted, but they do expect to understand the boundaries of what the law does and does not allow, so that they can ratify or reject the decisions that public officials make on their behalf.

I am particularly concerned about this because I believe that there is a discrepancy between what most Americans believe is legal and what the government is actually doing under the Patriot Act. In my view, any discrepancy of this sort is intolerable and untenable, and can only be fixed by greater transparency and openness. This is why I think it is so important for the executive branch to declassify the information that I have asked them to take action on.

I expect that convincing the executive branch to take decisive action on this issue will not be easy, and that it will not happen quickly. But I have been engaged on this issue for two and a half years already, so I think it should be clear by now that I do not intend to give up. As Congress prepares to resume debate on the Patriot Act next year, I will continue to press the administration to find a way to release this information in a manner that serves the public interest and does not harm national security. And I hope that my colleagues will join me in this effort.

INDEPENDENT PAYMENT ADVISORY BOARD

Mr. SPECTER. Madam President, I have sought recognition to address transparency concerns with the Independent Payment Advisory Board established in H.R. 3590.

As Medicare enrollment grows, the issue of cost-containment becomes more pressing. To address this issue the Independent Payment Advisory Board was included as part of health reform legislation. The Board’s task is to slow the rate of growth in the Medicare Program—a goal which is important if the program is going to remain solvent for years to come. It has been suggested that this Board will operate in secret, without public input and its meetings and decision-making process will not be transparent. This belief is inaccurate. The legislation ensures that the Board operates in an open and transparent way that facilitates open discussion and input from the public at large and from Medicare beneficiaries. The legislation specifically authorizes the Board to hold open and public meetings and I would expect that the Board will do this often as it gathers input from various stakeholders in the health care sector and Medicare beneficiaries.

Further, the bill creates a Consumer Advisory Council to advise the Board of the impact that its recommendations will have on consumers and Medicare beneficiaries. The Advisory Council is directed to meet at least twice a year in a forum open to the public. I fully intend and expect that as the Board creates its recommendations it will give ample weight to the views and concerns of the Consumer Advisory Council, as it is consumers that will ultimately be impacted by the decisions of the Independent Payment Advisory Board.

The Board and the Consumer Advisory Council must engage in an open and transparent decision making process, with ample opportunity for input from Medicare beneficiaries as well as other health care stakeholders as is intended by this legislation.

GLOBAL INTERNET FREEDOM CAUCUS

Mr. KAUFMAN. Madam President, yesterday I was joined by Senators BROWNBACK, LIEBERMAN and CASEY, in introducing the newly formed Senate Caucus for Global Internet Freedom. I ask unanimous consent that the text of my comments be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Senator BROWNBACK and I created this caucus—together with Senators DURBIN, LIEBERMAN, CASEY, MCCAIN, JOHANNIS, BARRASSO, MENENDEZ, and RISCH—to promote the right to free expression, free press, free assembly, and free speech via the Internet and other forms of connective technology.

The Internet has presented infinite opportunities for communication throughout the world. It is an incredible tool for reaching people of all nationalities, faiths, and ethnicities in their own language, and promoting new channels for education and news. The free exchange of ideas in a globalized world is essential to economic and political progress, and we are gathered here today to reaffirm our commitment to this issue.

The Caucus will provide bipartisan leadership within the Congress supporting robust engagement by the public and private sectors to secure digital freedoms throughout the world. Joining with our colleagues who have established a similar caucus in the House, the Senate will continue to advance global Internet freedom as an essential communications tool. The power to connect and access information is a fundamental right which we seek to protect, and the caucus establishes an additional vehicle for doing so.

Our goals are three-fold. First, we will continue to draw attention to this critical issue. Second, we will continue

to highlight attempts by foreign governments to restrict the Internet through resolutions, legislation, and hearings. And third, we will continue to promote methods of evading Internet restrictions, including censorship circumvention technology and tools.

I emphasize that we will “continue” to take these steps because—while today marks the formal creation of the Caucus—this bipartisan group of Senators has been working to advocate for global Internet freedom for more than a year. We have worked together to pass numerous resolutions supporting global Internet and press freedom, and highlighting restrictions in China and Iran. Many of us also authored the Victims of Iranian Censorship, or VOICE Act, which passed as part of the FY2010 Defense Authorization and was the only bill specifically regarding Iran signed into law last year.

The VOICE Act authorized funding for additional U.S. broadcasting into Iran and the development of censorship circumvention tools. This effort was spearheaded by Senators MCCAIN, LIEBERMAN, CASEY, GRAHAM and myself, while Senator BROWNBACK has worked to secure funding for such technology in consecutive Foreign Operations Appropriations spending bills.

The 111th Congress, with strong bipartisan support, has done more to promote Internet freedom than any other Congress in history. We have set a standard that places cyber-journalists on equal footing with the broadcast and print press; we have funded the dissemination and use of censorship evasion technology at an unprecedented level; we have made Internet freedom a foreign policy priority and an integral part of the international agenda on human rights; and we will continue to take important policy positions on this pressing issue.

More remains to be done, and the caucus will fill that role. Internet restrictions, censorship, manipulation, and monitoring continues to rise in China, Iran, and elsewhere around the world. The annual Freedom House Freedom of the Net Report shows a decline of digital freedom every year. Nations around the world are using sophisticated censorship techniques and abusing national security laws to crackdown on access to web-based information, communication, and news.

Today, we reaffirm our commitment to this cause, and look forward to continuing to work together to promote Internet freedom around the globe.

189TH ANNIVERSARY OF GREECE'S INDEPENDENCE

Ms. SNOWE. Madam President, I rise today to commemorate the 189th anniversary of the day in 1821 when the people of Greece declared independence from the Ottoman Empire, launching the country's heroic 8-year struggle to

end centuries of political, religious and cultural repression of their proud and ancient culture. This is a truly cherished milestone for the Greek people, Greek Americans, and for all the friends of Greece around the globe.

The ancient Greeks developed the concept of democracy, in which the supreme power to govern is vested in the people, and it was based on this political model and philosophy that our Founding Fathers formed our democratic republic. Today, our two nations are not only faithful allies, but also close friends bound by a shared heritage of democratic values and together we are at the forefront of freedom, democracy, peace, stability, and human rights.

Nearly two centuries after the rebirth of Greek independence, there is much to celebrate, but there are also many significant challenges which we face in the 21st century. Ongoing provocations by Turkey in the Aegean and irredentist actions by the Former Yugoslav Republic of Macedonia thwart Greece's quest for a stable southeastern Europe free of past centuries' often devastating territorial disputes. Protecting the Ecumenical Patriarchate of Constantinople the leader of Greek Orthodox Christians around the world from persecution, and ending the illegal occupation of the north of Cyprus remain as enormous imperatives that will require constructive engagement and a strong commitment from those willing to champion human rights.

Overcoming these hurdles will require us to strengthen the relationship that exists between our two great nations, so as to defend our foundational principles and ensure our vitality in the centuries to come. On this anniversary of Greek independence, let us not only celebrate and congratulate our friends in Greece, but also rededicate ourselves to bolstering the relationship that exists between our countries.

Madam President, as the first Greek-American woman elected to both the U.S. House and U.S. Senate, I extend my warm congratulations and best wishes to the people of Greece and all Greek Americans as we celebrate the 189th anniversary of Greece's independence.

RED CROSS MONTH

Mr. LEMIEUX. Madam President, I rise to commemorate Red Cross Month. The American Red Cross is an exceptional organization, dedicated to helping people in time of need and providing a level of services that no other agencies provide. Led by volunteers and guided by its Congressional Charter and the Fundamental Principles of the International Red Cross Movement, this group provides relief to victims of disaster and helps people prevent, prepare for and respond to emergencies.

The American Red Cross has an expansive and influential reach around the globe and in our neighborhoods at home. From assisting victims of house fires or catastrophic storms here in my home State of Florida to helping those affected by the devastating earthquake that took place in Haiti a couple of months ago, the American Red Cross is there, mobilizing our fellow Floridians in its mission to alleviate human suffering and to assist us in disaster preparedness, lifesaving training and addressing an array of emergencies. Locally, the American Red Cross is also a leader in providing aquatic safety programs—something of great importance to the State of Florida. Every day the Red Cross trains our friends and neighbors in lifesaving CPR, first aid, swimming lessons, drowning prevention and water safety instruction.

Globally, the American Red Cross International Services Program reestablishes communication with loved ones separated by armed conflicts or natural disaster. Recently, the Red Cross provided family linkages from Haiti earthquake survivors to family members living abroad. In addition, our American Red Cross is unique in its mission to use archives located around the world to trace missing Holocaust family members.

A community-funded and supported organization, the American Red Cross provides around-the-clock emergency services, every day, 24/7. When the American Red Cross arrives on the scene, its staff and volunteers are armed with compassion and support. As we saw during the response to the earthquake in Haiti, you can always count on our Florida chapters of the American Red Cross to be in the forefront when our community needs them, time and time again.

I am proud to join with my colleagues in recognizing the Red Cross and thanking the staff and volunteers for their many contributions to our neighborhoods, communities and State.

TRIBUTE TO LANCE MACKEY

Ms. MURKOWSKI. Madam President, I am excited today to congratulate Alaskan dog musher Lance Mackey and his team of dogs that carried him across the Iditarod finish line for a first-place finish in Nome, AK, at 6:59 p.m. on March 16, 2010. The Iditarod is known as the toughest race on Earth. The trail spans across a significant portion of Alaska, and is roughly 1,100 miles long. The race begins in Willow, AK, and mushers cross the finish line in Nome—a small community on the coast of Norton Sound of the Bering Sea. Mackey and his team rode into Nome just 51 seconds short of 9 days on the trail—this is the second fastest time in the 38-year history of the race. He crossed the finish line with 11 of the 16 dogs he started the race with—tired

but still strong after the 1,000-mile journey. This victory landed Mackey his fourth win in a row—a title no Iditarod musher has claimed before.

Mackey's trademark strategy of long runs and little or no rest has consistently landed him victories over the other faster dog teams competing against him. His lead dogs this year, or superstars as he calls them, are named Maple and Rev. Alaskans and fans of this great race are well aware that in order to race among the great dog mushers, a pair of lead dogs with endurance and good judgment is just as important as a strong musher. The Iditarod is not for the faint of heart—the trail is made up of some of the harshest terrain in North America and if the musher and his lead dogs are not in sync, there are about a million things that can go wrong. Mackey has shown a true bond with his team of dogs year after year, and this race was no different.

Lance Mackey's story is not only amazing because of his determination and skill in the sport of dog mushing but his victories over personal life challenges which are also significant. He is a cancer survivor—a victory that preceded his success in the sport of dog mushing. Lance is a lifelong Alaskan and a friend to many. He married his high school sweetheart and they have four children together. His family cheered him on as he took first, and was by his side when he was diagnosed with throat cancer after finishing the 2001 Iditarod race, where he took 36th place. After that race, Lance did not give up. He had extensive surgery and radiation and competed again the very next year. Although he had to drop out of that race to take time off to recover from his cancer and the surgery, Mackey's dedication and love of the sport is clear. He is now cancer free.

Mackey went on to win the Yukon Quest several times, one of the two major sled dog races in Alaska. In 2007 and 2008, he won both the Yukon Quest and the Iditarod, two incredibly difficult races, with only a week and a half in between each race to rest before he moved on to the next event. For the first time in the history of the races, Lance had won both, and he did so 2 years in a row.

I would like to take a moment to highlight just how unique this sport is—not only to Alaska, but to America as well. The Iditarod and the Yukon Quest are the world's two longest sled dog races. Both races span over 1,000 miles of rugged mountains, frozen tundra, and dense forests. These races truly know how to test a man or woman's dedication and determination. Not only does the ruthless terrain of Alaska pose immense obstacles to the mushers, but weather can be a major deterrent. Temperatures on the trail during the race have dropped down to 30 below zero. I don't know how many

Members in this Chamber have experienced 30 below zero weather, but I can assure you it is no cakewalk. When that wind kicks up, gusts can shoot down through valleys and across the tundra at 100 miles per hour. You can imagine what the wind chill factor is as you are racing a dog sled team across vast open spaces for 1,100 miles. To give you an idea of just how long this race truly is—the distance between this Chamber here in Washington and Miami, FL, would fall roughly 100 miles short of the length of the trail. And the Iditarod trail spans only a mere portion of our great State.

The Iditarod commemorates the diphtheria serum relay that took place in 1925. The diphtheria vaccine was needed in Nome to counteract an outbreak that was threatening the community. Alaskan mushers came together and ran a series of dog teams to Nome carrying the vaccine to save the lives of those who were infected. This story is treasured in Alaska and each year, during the Iditarod, we remember the true spirit of the Alaska Natives and early pioneers and the obstacles they faced and ultimately overcame.

Today, the Iditarod is no longer run as a relay, but it is a race of individual dog sled teams. The Alaskan wilderness the teams travel through is as exceptionally beautiful as it is difficult. Mackey said after his win that this was the most tiring race yet for his team, and also the toughest in terms of competition. Rookie musher Pat Moon crashed after hitting a tree and falling unconscious and Bruce Linton of Kasilof, AK, who is diabetic, reported that his insulin froze while mushing along the Yukon River. Sixteen of the original seventy-one mushers dropped from the race this year. Many dogs, including five from Mackey's team, were dropped from the race and sent to Anchorage to await their mushers to return. Hans Gatt of Whitehorse, Canada, also a Yukon Quest winner, trailed Lance Mackey by only an hour. He was followed by Jeff King, a four-time Iditarod winner.

Mackey says that what he does well is understand his team, allowing for calculated risks that can change a race in an instant. He said:

I don't think that I do anything with my running to jeopardize the dogs, or the future of the dogs. I gamble but I'm not going to win the Iditarod at the expense of my team.

Lance Mackey, like all mushers, cares deeply for the health and condition of their four-legged athletes. Last year the Anchorage Daily News stated while covering the race:

A musher doesn't win by making dogs run. He wins by making dogs want to run.

Lance describes working with his dogs this way:

The biggest challenge working with a large team of dogs is the individual personalities. Like a classroom full of kids, all with issues, wants, questions, some barking wildly to get

my attention, and then there are some who just do what needs to be done and require only a nod or a smile. Every dog is different. Every need is different. That is what I love. The reward is seeing them all come together as a team working for a common goal.

I had the opportunity when I was up in the State for the ceremonial start of the Iditarod to go around and talk with the mushers and visit with the dogs. You can really tell how close the mushers are with their teams and when they come together as a team they can truly go the distance. We should acknowledge and respect them.

On Tuesday, March 16, thousands gathered at the famous burled wood arch on Front Street in Nome, AK, to cheer on Lance Mackey as his dogs carried him to victory over his talented competitors from all over the world. It is my honor today to stand before the Senate to congratulate Lance Mackey and his team, and to recognize this amazing race. The only one of its kind. Lance continues to be a world-class musher and a true Alaskan hero, along with his remarkable team. I join Alaskans in congratulating Lance Mackey on yet another Iditarod victory.

RECOGNIZING MIDDLETON, IDAHO

Mr. RISCH. Madam President, today I congratulate and acknowledge the 100th anniversary of the founding of the city of Middleton, ID. On April 10, 2010, the citizens of Middleton will gather at Roadside Park to commemorate the 100th year of its founding. This is a very historic and special day for this western Idaho community.

From its early days as a settlement in 1863, Middleton's history has embodied the frontier spirit and entrepreneurship that makes the United States a promised land of opportunity. After a gold rush struck Boise Basin, Middleton became the earliest settlement in what is now Canyon County. Middleton was named for its location on the old Oregon Trail midway between Boise City and Olds Ferry on the Snake River.

Primarily an agricultural community, Middleton became a center for milling in the West in 1871 when J.M. Stephenson and J.C. Isaacs opened their flour mill. The turn of the century brought the Idaho Northern Railway to Middleton and with it a bank, hotel and other business development. A few short years later, the town was officially incorporated on April 10, 1910.

Today, Middleton remains rooted in agriculture with potatoes, sugar beets, corn, mint, grains and dairy among its products. At the same time, it is one of Idaho's fastest-growing communities with greater portions of the Treasure Valley workforce moving there to enjoy the amenities of country living and small-town friendliness.

In 2006, Middleton celebrated the election of a hometown girl, Donna

Jones, Idaho's first female State controller. Donna was raised in Middleton, went to school there, and married in the historic Methodist church.

Middleton gained national prominence in the summer of 2007, when the community came together to build a home for the Stockdale family on the television show "Extreme Makeover Home Edition." Over the course of a week, hundreds of volunteers worked side by side in 100-degree heat to accomplish the task, demonstrating the true spirit of their community.

Middleton has much to celebrate and look forward to in its next century as it provides important goods and services at home and abroad. Congratulations to the city of Middleton for 100 years of service and success.

ADDITIONAL STATEMENTS

REMEMBERING MIDGE COSTANZA

• Mrs. BOXER. Madam President, today I ask my colleagues to join me in paying tribute to Midge Costanza, a dear friend and great American who passed away this week. This woman of great passion, compassion, vitality, kindness, and commitment died after a long battle with cancer in San Diego, CA, where she had lived and worked for the past 20 years.

I first heard of Midge in 1976, when President-elect Jimmy Carter made history by making her the first woman ever named Assistant to the President. As President Carter's public liaison, she reached out to Americans who had previously been denied access to the White House.

By the time I first ran for Senate in 1992, Midge had moved to San Diego, where she worked tirelessly on behalf of my campaign. She ran our San Diego office, introduced me to local leaders, and often spoke on my behalf at rallies and other speaking engagements. She was a riveting speaker who inspired even the toughest crowd.

The daughter of Sicilian immigrants, Midge was born in 1932 in LeRoy, NY, and grew up in Rochester. After high school, she went to work and became active in several community organizations. Soon she was volunteering for Democratic political campaigns, including Averell Harriman's successful campaign for governor of New York. In 1964, she served as the Monroe County director for Robert F. Kennedy's Senate campaign.

Midge served a member of the Democratic National Committee from 1972 to 1977. In 1973, she ran for an at-large seat on the Rochester City Council and won in a landslide. In 1974, she lost a congressional race to a popular Republican incumbent. Two years later, she served as State cochair for Jimmy Carter's Presidential campaign. At the 1976 Democratic National Convention,

she gave an inspiring speech seconding Carter's nomination.

After leaving the White House, Midge served on the board of directors for several organizations, including the National Gay Rights Advocates and the AIDS research group Search Alliance.

Following my 1992 campaign, Midge worked on the 1994 campaigns of gubernatorial candidate Kathleen Brown and Congresswoman Lynn Schenk. Over the years, she also coached many candidates in strategy and public speaking.

In 2000, she was appointed Special Assistant to the Governor by California Governor Gray Davis and served as his liaison for women's groups and issues.

Since 2003, Midge has been an adjunct professor at San Diego State University and established the Midge Costanza Institute for the Study of Politics and Public Policy at SDSU.

For the past 5 years, Midge has served as public affairs officer for San Diego district attorney Bonnie Dumanis. Last year, when she and the district attorney visited my Washington office, we shared some laughs and stories about our early days together.

Shortly before Midge died, she received a call from President Carter, who expressed his love for her and his gratitude for her outstanding service to the Nation. Today I want to echo those sentiments and bid a fond farewell to my dear friend Midge Costanza. Midge was a great role model for women in public service. Her insight and wit will be missed by all of us who knew her. •

REMEMBERING DR. EDGAR WAYBURN

• Mrs. BOXER. Madam President, it is with a heavy heart that I ask my colleagues to join me today in honoring the memory of an extraordinary environmental pioneer and wilderness champion, Dr. Edgar Wayburn. Ed was a soft spoken yet remarkably successful conservationist whose legacy is enjoyed by millions. Ed passed away on March 5, 2010, at his home in San Francisco at the age of 103.

Born in Macon, GA, in 1906, Ed made his first trip to California in 1927, at the age of 21. He was immediately struck by the awe-inspiring vistas of Yosemite National Park and the Sierra Nevada. He was captivated by the majestic beauty of California and knew he would one day return. After graduating from Harvard Medical School, Ed served in the U.S. Air Force during World War II. In 1939, Ed joined the fledgling Sierra Club, an organization he would later serve as the president of five times. By 1947, Ed was living in the San Francisco Bay area and had grown active in efforts to protect the beautiful landscapes of coastal California.

Ed's career in conservation spanned 60 years, during which he was never

compensated financially for his efforts. Ed maintained his private medical practice while dedicating evenings, weekends, and vacation time to his relentless pursuit of protecting lands for public enjoyment. In California, Ed was instrumental in the creation of Redwood National Park, the Golden Gate National Recreation Area, and Point Reyes National Seashore. Working tirelessly alongside the late Congressman Phil Burton, Ed won support for protecting these parks, which today are some of my great state's most revered natural treasures.

Ed's environmental legacy stretches far beyond California. He and his beloved wife Peggy, who passed away in 2002, worked tirelessly to protect the Alaskan wilderness. After Ed and Peggy's first life-changing visit to Alaska, they inspired a national campaign that ultimately culminated in the passage of the Alaska National Interest Lands Conservation Act, signed into law by President Carter in 1980. As a result, the National Park system nearly doubled in size, adding 10 new national parks with the stroke of the President's pen. To this day, the Alaska Lands Act is the largest public lands legislation in the history of the United States.

Ed Wayburn possessed a deep understanding of the value of our public lands and precious wild places. In Ed's 2004 publication "Your Land and Mine," he states that "in destroying wilderness, we deny ourselves the full extent of what it means to be alive. In preserving wilderness, we not only recognize our place in the chain of life, but we also invite ourselves to reach, to explore, to wonder, and to make a difference." Ed held an unshakable belief in the natural world's ability to provide humanity with critical opportunities for introspection and inspiration. As a doctor, Ed understood the connection between an individual's well-being and the health of the environment. As a leader, he understood the importance of providing the public with wild places to foster that connection.

In August of 1999, President Clinton presented Ed with the Presidential Medal of Freedom. President Clinton said of Ed, "He has saved more of our wilderness than any person alive." The Presidential Medal of Freedom is the highest civilian honor an American can receive, and signifies the magnitude of the legacy left to us by this great and humble man.

Ed has left an indelible mark on the landscape of America. He was a compassionate physician, an inspiring conservationist, and a wonderful family man who served his country both in and out of uniform. Though he will be deeply missed, Ed has left us with so many priceless gifts. The parks he helped to build, and the lands he helped to protect, will be enjoyed by Ameri-

cans and visitors to our great nation for many generations to come. And as our world continues to change, and wild places grow increasingly rare, the gifts that Ed bestowed upon us will become evermore valuable.

Ed is survived by his daughters Laurie, Cynthia, and Diana; his son William; and his three grandchildren. My thoughts and prayers are with Ed's family during this difficult time.●

REMEMBERING THOMAS F. STROOCK

● Mr. ENZI. Madam President, Diana and I, along with so many of our neighbors, family and friends from every corner of Wyoming were very sorry to learn of the passing of Thomas Stroock. Tom was one of Wyoming's most remarkable citizens, a rugged individualist who wore many hats in life and traveled many roads—all of which always brought him back to the State he loved and called home—Wyoming.

God puts us where He wants and needs us to be and how what we do—and what we fail to do—can have a great impact on the world around us and make the lives of all those we meet very different than they might otherwise have been. That is the kind of lesson you could draw from the life of Thomas Stroock. Born in New York City, Tom quickly showed the kind of character and values that would guide him throughout his many chosen careers. He was an excellent student, and when the opportunity presented itself, he enrolled at Yale University, and then enlisted in the U.S. Marine Corps so he could serve his country at a time when tensions were running high around the world.

After he completed his service in the Corps and graduated from Yale, he made what he would always say was the most important and the smartest move of his life when he married Marta. Marta was to be a strong and powerful influence as she helped to give his life balance and direction. Thus began a marriage that was to last for 60 years.

Now that Tom had found the love of his life, it was time for Tom and Marta to start making plans for their lives together. A business opportunity had brought them to Casper, WY, but they had no plans to stay. Fortunately, the beauty of the surrounding area, and the spirit and hospitality of the people they met soon changed their minds. So much so that when Tom's employer wanted to transfer him from Casper he decided instead to try his hand at running his own firm. That is how the Stroock Leasing Corporation came to be born.

Tom, to no one's surprise, soon proved to have an excellent mind for business. In just a few years, Tom had founded other business entities and he was making even greater strides on the path to success.

For many people that would have been enough. They would have been content to just sit back and enjoy all that life had already brought their way. That is how it would have been for most people, but not for Tom and Marta.

Tom's unshakeable determination to do everything he possibly could to improve the lives of those around him—to make his part of the world a better place wherever he happened to be—which had always served as his internal compass—now became stronger than ever. It became part of his personal mission statement that he worked very hard to fulfill time and time again, at home and abroad.

That is why, now that his businesses were doing so well, Tom decided to take that philosophy to the next level. He ran for and won a seat on the Natrona County School Board so he could help to make the local schools more effective and efficient. Tom knew from his own life the benefits that a good education can provide and he wanted all of our state's young people to have that same chance.

Then, after serving on the school board, he was elected to represent Natrona County in the Wyoming State Senate—a post to which he was re-elected several times. In both positions Tom showed that he was a master strategist. In the State legislature, no one ever paid closer attention to Wyoming's resources and our stream of revenue than Tom did. He watched every penny—how each one was earned and how each one was spent. Wyoming was then placed on better and more sound financial footing because of what he did.

Throughout his life Tom was profoundly influenced by his years at Yale. It was there that he met George H.W. Bush and the two soon became good friends. He must have been impressed with Tom because, when he was elected President and the opportunity presented itself, he named Tom Stroock to serve as our Ambassador to Guatemala.

Tom preferred Guatemala to the other available posts because it was in the midst of a great civil war and of all the nations in the area, Tom felt that he could do the most good there.

At the conclusion of his service in Guatemala, Tom and Marta headed right back home to Wyoming. To no one's surprise, Tom hit the ground running and was once again involved in a wide variety of issues that ranged from the status of our energy industry to the future of the University of Wyoming. He even wrote some guest columns for the Star-Tribune. Never one to mince words or water down his ideas and views, his columns often raised eyebrows—and the attention of people with other points of view!

During these years, he also found the time to start and fund the Stroock

Forum on Wyoming Lands and People. The Forum, which was held every year, brought an interesting speaker to Wyoming to share their views on many different issues.

As we look back in the years to come, we will always remember Tom as one of our state's strongest leaders. He led the best way—by example—and by so doing encouraged others to follow his lead and do their best at whatever they felt called to do in life.

Tom's service can best be summed up by the words Mike Leon of Sheridan used when he was in the Legislature to emphasize the importance of maintaining the individuality of our state. Tom quoted them himself in one of his speeches—"We don't want to make Wyoming like every place else, when every place else wants to be just like Wyoming."

That was Tom's No. 1 goal in life—to make things better in Wyoming or wherever he happened to find himself, but, as he did, to ensure that each place maintained its own style and character so that it would never become a place that was just like every other.

In their travels, and throughout their lives, Tom and Marta have made everywhere they have been a better place for their having passed by. Together they were a remarkable team and they produced tremendous results and touched more lives than we will ever know.

Diana and I join with all those who knew and loved Tom in expressing our great sympathy for the loss we all share. We will keep all of Tom's family, his many friends and all those who were a part of his extended family in our prayers. He has gifted our state and our people with a legacy of which we can all be very proud. He will be greatly missed and he will never be forgotten.●

CONGRATULATING STEVENS POINT POINTERS

● Mr. FEINGOLD. Madam President, I am pleased to offer my congratulations to the University of Wisconsin—Stevens Point Pointers men's basketball team on capturing their third national title after their exciting win in the 2010 NCAA Division III Basketball Championship. The Pointers' hard work year-round has made them widely respected, and this achievement has made many Wisconsinites and Pointers fans very proud.

The team's perseverance and commitment to excellence throughout the season were on display during their journey to this year's title game, where guts and determination produced a thrilling game from start to finish. Despite being down by 10 points in the second half, the Pointers came back and defeated Williams College 78-73 to win the title and finish the year with a record of 29-4.

These remarkable student-athletes, as well as Coach Bob Semling and his coaching staff, have continued the Pointers' winning tradition and admirably represented Wisconsin at the very highest levels of athletic competition. The Pointers represent the best of Wisconsin's competitive spirit. Congratulations once again to the University of Wisconsin—Stevens Point community, and Head Coach Bob Semling, Assistant Coaches Lance Randall and J.R. Blount, and the student athletes of the 2010 NCAA Division III Champions Pointers basketball team.●

RECOGNIZING WASHBURN & DOUGHTY ASSOCIATES, INC.

● Ms. SNOWE. Madam President, today I honor a small business in my home State of Maine that has faced substantial adversity and demonstrated incredible resolve and determination. Located on the beautiful Damariscotta River in midcoast Maine, Washburn & Doughty Associates, Inc., has manufactured steel and aluminum commercial vessels since 1977. Founded by Bruce Doughty, Bruce Washburn, and Carl Pianka, the company delivers an assortment of tugboats, commercial passenger vessels, fishing boats, barges, ferries, and research vessels to a wide variety of clients.

In July of 2008, at their facility in East Boothbay, a fire torched the company's central construction location, leaving the operation in shambles. The company faced a steep uphill climb as they began seeking grants, loans, and insurance funds to recover their operation. Following the blaze, the company battled the Maine winter and forged ahead to continue building its vessels outdoors.

With fortitude and grit the company was the only boatyard in Maine to win a grant under the American Recovery and Reinvestment Act. The boat maker earned a \$2.6 million grant under the Maritime Administration's Small Shipyards Grant Program which it has put to use in helping to design a new, state-of-the-art construction building. The spacious facility, which was unveiled in September of last year, measures 42,000 square feet and is able to maneuver vessels up to 200 feet long and 50 feet wide. It features two construction bays, each equipped with two, 20-ton cranes. A central mezzanine contains shop space and offices for production support, supervision, design, and engineering. The company also purchased modern shipbuilding tools and equipment to sharpen their boat-making skills.

In conjunction with this critical Federal aid, many members of the local community collaborated to help the company, raising an astonishing \$140,000 to help replace tools and provide general assistance to the employees. Indeed, the town of Boothbay

joined countless organizations like the Boothbay Harbor Region Chamber of Commerce and the Boothbay Region Land Trust to support Washburn & Doughty and its outstanding workers. Their working in concert is truly a testament to Maine's culture of cooperation and its deep sense of community values.

Since the fire of 2008, Washburn & Doughty Associates, Inc. has rebounded at an incredible pace. Late last year, the company posted positive job growth, having gone from 92 employees during early 2008 to 125 employees at present. This 35-percent increase in employment can be directly attributed to the steely resolve and dedicated work ethic of the men and women of Maine's working waterfront.

Undeniably, Bruce Doughty and Bruce Washburn embody these attributes as evidenced by their deep and abiding commitment to the firm's dedicated workforce and their unwavering resolve to rebuild. When times were bleak, they maintained their unyielding focus, and despite encountering countless hurdles along the way, persevered, rebuilt the company, and further solidified its reputation as one of the top steel construction shipyards in the Northeast. I applaud the strong efforts of everyone at Washburn & Doughty to rebuild their company in such an impressive manner, and wish them a smooth road forward full of success.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mrs. Neiman, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 9:56 a.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 1879. An act to amend title 38, United States Code, to provide for employment and reemployment rights for certain individuals ordered to full-time National Guard duty.

H.R. 3562. An act to designate the federally occupied building located at 1220 Echelon Parkway in Jackson, Mississippi, as the "James Chaney, Andrew Goodman, and Michael Schwerner Federal Building".

H.R. 4098. An act to require the Director of the Office of Management and Budget to issue guidance on the use of peer-to-peer file sharing software to prohibit the personal use of such software by Government employees, and for other purposes.

H.R. 4899. An act making emergency supplemental appropriations for disaster relief and summer jobs for the fiscal year ending September 30, 2010.

At 12:35 p.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 4849. An act to amend the Internal Revenue Code of 1986 to provide tax incentives for small business job creation, extend the Build America Bonds program, provide other infrastructure job creation tax incentives, and for other purposes.

At 5:17 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 4938. An act to permit the use of previously appropriated funds to extend the Small Business Loan Guarantee Program, and for other purposes.

At 9:22 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House agree to the amendments of the Senate to the bill (H.R. 4872) entitled "An Act to provide for reconciliation pursuant to Title II of the concurrent resolution on the budget for fiscal year 2010 (S. Con. Res. 13).".

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 1879. An act to amend title 38, United States Code, to provide for employment and reemployment rights for certain individuals ordered to full-time National Guard duty; to the Committee on Veterans' Affairs.

H.R. 3562. An act to designate the federally occupied building located at 1220 Echelon Parkway in Jackson, Mississippi, as the "James Chaney, Andrew Goodman, and Michael Schwerner Federal Building"; to the Committee on Environment and Public Works.

H.R. 4098. An act to require the Director of the Office of Management and Budget to issue guidance on the use of peer-to-peer file sharing software to prohibit the personal use of such software by Government employees, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-5206. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Cloquintocet-mexyl; Pesticide Tolerances" (FRL No. 8816-3) received in the Office of the President of the Senate on March 24, 2010; to the Committee on Agriculture, Nutrition, and Forestry.

EC-5207. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Clopyralid; Pesticide Tolerances" (FRL No. 8814-2) received in the Office of the President of the Senate on March 24, 2010; to the Committee on Agriculture, Nutrition, and Forestry.

EC-5208. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Ammonium Salts of Fatty Acids (C8-C18 Saturated); Exemption from the Requirement of a Tolerance" (FRL No. 8809-6) received in the Office of the President of the Senate on March 24, 2010; to the Committee on Agriculture, Nutrition, and Forestry.

EC-5209. A communication from the Assistant Director, Executive and Political Personnel, Department of Defense, transmitting, pursuant to law, a report relative to a vacancy in the position of Deputy Chief Management Officer, Department of Defense, received in the Office of the President of the Senate on March 24, 2010; to the Committee on Armed Services.

EC-5210. A communication from the Assistant Secretary (Reserve Affairs), Department of Defense, transmitting, pursuant to law, the annual National Guard and Reserve Equipment Report for fiscal year 2010; to the Committee on Armed Services.

EC-5211. A communication from the Under Secretary of Defense, Personnel and Readiness, Department of Defense, transmitting, pursuant to law, a report relative to the Department's annual audit of the American Red Cross consolidated financial statements for the year ending June 30, 2009; to the Committee on Armed Services.

EC-5212. A communication from the Deputy to the Chairman for Legal Affairs, Federal Deposit Insurance Corporation, transmitting, pursuant to law, the report of a rule entitled "Deposit Insurance Regulations; Temporary Increase in Standard Coverage Amount; Mortgage Servicing Accounts; Revocable Trust Accounts; International Banking; Foreign Banks" (RIN3064-AD36) received in the Office of the President of the Senate on March 24, 2010; to the Committee on Banking, Housing, and Urban Affairs.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. DORGAN, from the Committee on Indian Affairs, with amendments and an amendment to the title:

S. 1635. A bill to establish an Indian Youth telemental health demonstration project, to enhance the provision of mental health care services to Indian youth, to encourage Indian tribes, tribal organizations, and other mental health care providers serving residents of Indian country to obtain the services of predoctoral psychology and psychiatry interns, and for other purposes (Rept. No. 111-166).

By Mr. LIEBERMAN, from the Committee on Homeland Security and Governmental Affairs, with an amendment in the nature of a substitute:

S. 1830. A bill to establish the Chief Conservation Officers Council to improve the energy efficiencies of Federal agencies, and for other purposes.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mr. LEAHY for the Committee on the Judiciary.

David A. Capp, of Indiana, to be United States Attorney for the Northern District of Indiana for the term of four years.

Anne M. Tompkins, of North Carolina, to be United States Attorney for the Western District of North Carolina for the term of four years.

Kelly McDade Nesbit, of North Carolina, to be United States Marshal for the Western District of North Carolina for the term of four years.

Peter Christopher Munoz, of Michigan, to be United States Marshal for the Western District of Michigan for the term of four years.

(Nominations without an asterisk were reported with the recommendations that they be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. LAUTENBERG (for himself, Mr. MENENDEZ, Mr. WHITEHOUSE, Mr. SANDERS, Mr. MERKLEY, and Mr. CARDIN):

S. 3164. A bill to amend the Internal Revenue Code of 1986 to extend financing of the Superfund; to the Committee on Finance.

By Ms. LANDRIEU (for herself, Ms. SNOWE, and Mr. DURBIN):

S. 3165. A bill to authorize the Administrator of the Small Business Administration to waive the non-Federal share requirement under certain programs; to the Committee on Small Business and Entrepreneurship.

By Mr. SCHUMER (for himself, Mr. KYL, Mr. MENENDEZ, Mr. WICKER, Mr. KERRY, Mr. COCHRAN, Ms. LANDRIEU, Mr. BURR, Mrs. GILLIBRAND, Mr. BOND, Mr. NELSON of Florida, Mr. LEMIEUX, Mrs. LINCOLN, Mr. SPECTER, Mr. LIEBERMAN, Mr. DODD, Ms. CANTWELL, and Mr. VITTER):

S. 3166. A bill to amend the Internal Revenue Code of 1986 to provide tax relief for persons with investment losses due to fraud or embezzlement; to the Committee on Finance.

By Mr. CARPER (for himself and Mr. COBURN):

S. 3167. A bill to amend title 13 of the United States Code to provide for a 5-year term of office for the Director of the Census and to provide for authority and duties of the Director and Deputy Director of the Census, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mr. CASEY:

S. 3168. A bill to authorize the Secretary of the Interior to acquire certain non-Federal

land in the State of Pennsylvania for inclusion in the Fort Necessity National Battlefield; to the Committee on Energy and Natural Resources.

By Mrs. MURRAY:

S. 3169. A bill to require the Attorney General to make recommendations to the Interstate Commission for Adult Offender Supervision on policies and minimum standards to better protect public and officer safety; to the Committee on the Judiciary.

By Mr. BOND (for himself and Mr. INOUE):

S. 3170. A bill to provide for preferential duty treatment to certain apparel articles of the Philippines; to the Committee on Finance.

By Mrs. LINCOLN (for herself and Mr. RISCH):

S. 3171. A bill to amend title 38, United States Code, to provide for the approval of certain programs of education for purposes of the Post-9/11 Educational Assistance Program; to the Committee on Veterans' Affairs.

By Mr. MENENDEZ (for himself and Mr. KERRY):

S. 3172. A bill to support counternarcotics and related efforts in the Inter-American region; to the Committee on Foreign Relations.

By Mr. COBURN:

S. 3173. A bill to fully offset the cost of the extension of unemployment benefits and other Federal aid; to the Committee on Finance.

By Mr. GRASSLEY:

S. 3174. A bill to amend the Patient Protection and Affordable Care Act to provide for participation in the Exchange of the President, Vice-President, Members of Congress, political appointees, and congressional staff; to the Committee on Homeland Security and Governmental Affairs.

By Ms. MURKOWSKI:

S. 3175. A bill to amend the Omnibus Budget Reconciliation Act of 1993 to require the Bureau of Land Management to provide a claimant of a small miner waiver from claim maintenance fees with a period of 60 days after written receipt of 1 or more defects is provided to the claimant by registered mail to cure the 1 or more defects or pay the claim maintenance fee, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. DURBIN (for himself, Mr. SPECTER, and Mrs. MURRAY):

S. 3176. A bill to further the mission of the Global Justice Information Sharing Initiative Advisory Committee by continuing its development of policy recommendations and technical solutions on information sharing and interoperability, and enhancing its pursuit of benefits and cost savings for local, State, tribal, and Federal justice agencies; to the Committee on the Judiciary.

By Mr. BINGAMAN (for himself, Mr. WARNER, and Mr. GRAHAM):

S. 3177. A bill to provide for the establishment of a Home Star Retrofit Rebate Program, and for other purposes; to the Committee on Finance.

By Mr. BROWN of Ohio (for himself, Mr. SANDERS, Mrs. GILLIBRAND, and Mr. UDALL of New Mexico):

S. 3178. A bill to amend the Workforce Investment Act of 1998 to provide for the establishment of Youth Corps programs and provide for wider dissemination of the Youth Corps model; to the Committee on Health, Education, Labor, and Pensions.

By Ms. KLOBUCHAR (for herself and Mr. GRASSLEY):

S. 3179. A bill to amend the Public Health Service Act to designate certain medical facilities of the Department of Veterans Affairs as health professional shortage areas, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. LEMIEUX (for himself, Mr. HATCH, Mr. SESSIONS, Mr. WICKER, and Mr. COCHRAN):

S. 3180. A bill to prohibit the use of funds for the termination of the Constellation Program of the National Aeronautics and Space Administration, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mrs. BOXER (for herself and Mr. BROWNBACK):

S. 3181. A bill to protect the rights of consumers to diagnose, service, maintain, and repair their motor vehicles, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mrs. BOXER:

S. 3182. A bill to provide for equal access to COBRA continuation coverage; to the Committee on Health, Education, Labor, and Pensions.

By Mr. WYDEN (for himself and Mr. MENENDEZ):

S. 3183. A bill to amend the Internal Revenue Code of 1986 to extend the nonbusiness energy property credit to roofs with pigmented coatings which meet Energy Star program requirements; to the Committee on Finance.

By Mrs. BOXER (for herself, Mr. BROWNBACK, and Mr. CARDIN):

S. 3184. A bill to provide United States assistance for the purpose of eradicating severe forms of trafficking in children in eligible countries through the implementation of Child Protection Compacts, and for other purposes; to the Committee on Foreign Relations.

By Mr. REID (for himself and Mr. ENSIGN):

S. 3185. A bill to require the Secretary of the Interior to convey certain Federal land to Elko County, Nevada, and to take land into trust for the Te-moak Tribe of Western Shoshone Indians of Nevada, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. ROCKEFELLER:

S. 3186. A bill to reauthorize the Satellite Home Viewer Extension and Reauthorization Act of 2004 through April 30, 2010, and for other purposes; considered and passed.

By Mr. ROCKEFELLER:

S. 3187. A bill to amend the Internal Revenue Code of 1986 to extend the funding and expenditure authority of the airport and Airway Trust Fund, to amend title 49, United States Code, to extend authorizations for the Airport improvement program, and for other purposes; considered and passed.

By Mrs. SHAHEEN (for herself, Ms. MURKOWSKI, Mr. BEGICH, and Mr. CRAPO):

S. 3188. A bill to amend the Internal Revenue Code of 1986 to provide an investment tax credit for biomass heating property; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. LUGAR (for himself, Mr. KERRY, Mr. WEBB, and Mr. BOND):

S. Res. 469. A resolution recognizing the 60th Anniversary of the Fulbright Program

in Thailand; to the Committee on Foreign Relations.

By Mrs. MURRAY (for herself, Mr. BYRD, and Mr. HARKIN):

S. Res. 470. A resolution recognizing the 40th anniversary of the date of enactment of the Federal Coal Mine Health and Safety Act of 1969; to the Committee on Health, Education, Labor, and Pensions.

By Mr. LIEBERMAN (for himself, Mr. DODD, Ms. COLLINS, and Mr. LEMIEUX):

S. Con. Res. 56. A concurrent resolution congratulating the Commandant of the Coast Guard and the Superintendent of the Coast Guard Academy and its staff for 100 years of operation of the Coast Guard Academy in New London, Connecticut, and for other purposes; to the Committee on Commerce, Science, and Transportation.

ADDITIONAL COSPONSORS

S. 311

At the request of Mrs. BOXER, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 311, a bill to prohibit the application of certain restrictive eligibility requirements to foreign nongovernmental organizations with respect to the provision of assistance under part I of the Foreign Assistance Act of 1961.

S. 1102

At the request of Mr. LIEBERMAN, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 1102, a bill to provide benefits to domestic partners of Federal employees.

S. 1402

At the request of Mr. MERKLEY, the name of the Senator from Wisconsin (Mr. KOHL) was added as a cosponsor of S. 1402, a bill to amend the Internal Revenue Code of 1986 to increase the amount allowed as a deduction for start-up expenditures.

S. 1500

At the request of Mrs. GILLIBRAND, the names of the Senator from Ohio (Mr. BROWN) and the Senator from Pennsylvania (Mr. CASEY) were added as cosponsors of S. 1500, a bill to amend the Richard B. Russell National School Lunch Act to prohibit schools that participate in the Federal school meal programs from serving foods that contain trans fats derived from partially hydrogenated oils.

S. 1932

At the request of Mr. MCCAIN, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 1932, a bill to amend the Elementary and Secondary Education Act of 1965 to allow members of the Armed Forces who served on active duty on or after September 11, 2001, to be eligible to participate in the Troops-to-Teachers Program, and for other purposes.

S. 2728

At the request of Mr. BURR, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of

S. 2728, a bill to amend the Internal Revenue Code of 1986 to provide that the value of certain historic property shall be determined using an income approach in determining the taxable estate of a decedent.

S. 2985

At the request of Mr. PRYOR, the name of the Senator from Wisconsin (Mr. KOHL) was added as a cosponsor of S. 2985, a bill to amend the Internal Revenue Code of 1986 to establish a new Small Business Startup Savings Account.

S. 3058

At the request of Mr. DORGAN, the names of the Senator from Alaska (Mr. BEGICH), the Senator from New Mexico (Mr. UDALL), the Senator from Hawaii (Mr. AKAKA) and the Senator from Massachusetts (Mr. KERRY) were added as cosponsors of S. 3058, a bill to amend the Public Health Service Act to reauthorize the special diabetes programs for Type I diabetes and Indians under that Act.

S. 3081

At the request of Mr. VITTER, his name was withdrawn as a cosponsor of S. 3081, a bill to provide for the interrogation and detention of enemy belligerents who commit hostile acts against the United States, to establish certain limitations on the prosecution of such belligerents for such acts, and for other purposes.

S. 3123

At the request of Mr. LEAHY, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of S. 3123, a bill to amend the Richard B. Russell National School Lunch Act to require the Secretary of Agriculture to carry out a program to assist eligible schools and nonprofit entities through grants and technical assistance to implement farm to school programs that improve access to local foods in eligible schools.

S. 3148

At the request of Mr. WEBB, the name of the Senator from Massachusetts (Mr. BROWN) was added as a cosponsor of S. 3148, a bill to amend the Internal Revenue Code of 1986 to provide for the treatment of Department of Defense health coverage as minimal essential coverage.

S. 3162

At the request of Mr. AKAKA, the name of the Senator from North Carolina (Mr. BURR) was added as a cosponsor of S. 3162, a bill to clarify the health care provided by the Secretary of Veterans Affairs that constitutes minimum essential coverage.

AMENDMENT NO. 3574

At the request of Mr. NELSON of Florida, his name was added as a cosponsor of amendment No. 3574 intended to be proposed to H.R. 4872, an Act to provide for reconciliation pursuant to Title II of the concurrent resolution on the budget for fiscal year 2010 (S. Con. Res. 13).

AMENDMENT NO. 3575

At the request of Mr. NELSON of Florida, his name was added as a cosponsor of amendment No. 3575 intended to be proposed to H.R. 4872, an Act to provide for reconciliation pursuant to Title II of the concurrent resolution on the budget for fiscal year 2010 (S. Con. Res. 13).

AMENDMENT NO. 3697

At the request of Mr. BROWNBACK, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of amendment No. 3697 proposed to H.R. 4872, an Act to provide for reconciliation pursuant to Title II of the concurrent resolution on the budget for fiscal year 2010 (S. Con. Res. 13).

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Ms. LANDRIEU (for herself, Ms. SNOWE, and Mr. DURBIN):

S. 3165. A bill to authorize the Administrator of the Small Business Administration to waive the non-Federal share requirement under certain programs; to the Committee on Small Business and Entrepreneurship.

Ms. LANDRIEU. Mr. President, as Chair of the Committee on Small Business and Entrepreneurship, I am pleased to join the Committee's Ranking Member, Senator OLYMPIA SNOWE of Maine, and my distinguished colleague from Illinois, Senator RICHARD DURBIN, in introducing the Small Business Community Partners Relief Act of 2010. This bi-partisan legislation will provide much-needed relief to Women's Business Centers, WBCs, and SBA Microloan intermediaries—two Small Business Administration, SBA, resource partners that provide critical assistance to our Nation's 29 million small businesses.

For my colleagues who may not be familiar with these programs, let me first explain the vital role of WBCs and Microloan intermediaries and the importance of aiding the small businesses these centers target.

Women's Business Centers provide quality counseling and training services to all entrepreneurs, primarily women, and especially those who are socially and economically disadvantaged. More than 110 centers across the country help more than 150,000 clients annually on a vast array of topics—from how to write a business plan to where to get financing. Many WBCs provide multilingual services and a number offer daycare services, allowing mothers with children to attend training classes.

Microloan intermediaries provide small, short-term loans to start-ups or small growing firms that cannot access credit through traditional loan programs. Like WBCs, the 160 Microloan intermediaries throughout the nation also help entrepreneurs manage their start-up and expand while creating or

saving thousands of jobs. Also like WBCs, the Microloan intermediaries tend to serve disadvantaged businesses in areas of the country that have been hit the hardest by the recession. About 48 percent of microloans go to small businesses owned by women, and about 53 percent to minority-owned small businesses.

Aiding women and minority small business owners is vital to the economic success of our nation because women-owned and minority-owned businesses are the fastest growing segments of the small business community—creating hundreds of thousands of jobs. Women-owned businesses contribute nearly \$3 trillion to our economy and create or save 23 million jobs each year, according to the Center for Women's Business Research. Minority-owned firms contribute nearly \$700 billion to the economy and create or save 4.7 million jobs, according to the Department of Commerce's Minority Business Development Agency.

While minority and women-owned firms do contribute greatly to the economy, they still need our help. Even though the number of minority-owned firms has grown by 35 percent, the average gross receipts for those firms dropped by 16 percent. Women-owned firms meanwhile have lower revenues and fewer employees than their male-owned counterparts—although 6 percent of men-owned businesses have revenues of \$1 million or more, only 3 percent of women-owned firms reach the \$1 million marker.

In this economic downturn, minority and women-owned businesses are struggling even more than usual. When they go to their local WBC or Microloan intermediary they are finding these centers of aid and counseling struggling as well. That's because, in order to receive Federal money, the centers and intermediaries must also find matching local funds. This funding often comes from local governments, universities and private entities. But these partners have had to tighten their belts, cutting much of their funding to the WBCs and Microloan intermediaries.

Without matching funding from their local partners, some WBCs and Microloan intermediaries have had to reduce or refuse Federal money. Nine WBCs have closed or requested reduced funding in the last year and many intermediaries are struggling to keep their doors open, even in the face of record demand for their services.

The Small Business Community Partner Relief Act would enable the SBA Administrator to temporarily waive the non-Federal match funding requirement, allowing struggling WBCs and Microloan intermediaries to receive the full amount of Federal support available. This change will make it possible for the centers and intermediaries to continue serving those

small businesses that need help the most in these difficult times.

I look forward to working with Ranking Member SNOWE, Senator DURBIN and my colleagues in the Senate to make this necessary change a reality for the hundreds of centers and intermediaries throughout the country, and the millions of small businesses that rely on these programs to help them survive, grow and create jobs.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 3165

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Small Business Community Partner Relief Act of 2010".

SEC. 2. MATCHING REQUIREMENTS UNDER SMALL BUSINESS PROGRAMS.

(a) MICROLOAN PROGRAM.—Section 7(m) of the Small Business Act (15 U.S.C. 636(m)) is amended—

(1) in paragraph (3)(B)—

(A) by striking "As a condition" and inserting the following:

"(i) IN GENERAL.—Subject to clause (ii), as a condition";

(B) by striking "the Administration" and inserting "the Administrator"; and

(C) by adding at the end the following:

"(ii) WAIVER OF NON-FEDERAL SHARE.—

"(I) IN GENERAL.—Upon request by an intermediary, and in accordance with this clause, the Administrator may waive, in whole or in part, the requirement to obtain non-Federal funds under clause (i) for a fiscal year. The Administrator may not waive the requirement for an intermediary to obtain non-Federal funds under this clause for more than a total of 2 fiscal years.

"(II) CONSIDERATIONS.—In determining whether to waive the requirement to obtain non-Federal funds under this clause, the Administrator shall consider—

"(aa) the economic conditions affecting the intermediary;

"(bb) the impact a waiver under this clause would have on the credibility of the microloan program under this subsection;

"(cc) the demonstrated ability of the intermediary to raise non-Federal funds; and

"(dd) the performance of the intermediary.

"(III) LIMITATION.—The Administrator may not waive the requirement to obtain non-Federal funds under this clause if granting the waiver would undermine the credibility of the microloan program under this subsection."; and

(2) in paragraph (4)(B)—

(A) by striking "As a condition" and all that follows through "the Administration shall require" and inserting the following:

"(i) IN GENERAL.—Subject to clause (ii), as a condition of a grant made under subparagraph (A), the Administrator shall require"; and

(B) by adding at the end the following:

"(ii) WAIVER OF NON-FEDERAL SHARE.—

"(I) IN GENERAL.—Upon request by an intermediary, and in accordance with this clause, the Administrator may waive, in whole or in part, the requirement to obtain non-Federal funds under clause (i) for a fiscal year. The Administrator may not waive

the requirement for an intermediary to obtain non-Federal funds under this clause for more than a total of 2 fiscal years.

"(II) CONSIDERATIONS.—In determining whether to waive the requirement to obtain non-Federal funds under this clause, the Administrator shall consider—

"(aa) the economic conditions affecting the intermediary;

"(bb) the impact a waiver under this clause would have on the credibility of the microloan program under this subsection;

"(cc) the demonstrated ability of the intermediary to raise non-Federal funds; and

"(dd) the performance of the intermediary.

"(III) LIMITATION.—The Administrator may not waive the requirement to obtain non-Federal funds under this clause if granting the waiver would undermine the credibility of the microloan program under this subsection.".

(b) WOMEN'S BUSINESS CENTER PROGRAM.—Section 29(c) of the Small Business Act (15 U.S.C. 656(c)) is amended—

(1) in paragraph (1), by striking "As a condition" and inserting "Subject to paragraph (5), as a condition"; and

(2) by adding at the end the following:

"(5) WAIVER OF NON-FEDERAL SHARE RELATING TO TECHNICAL ASSISTANCE AND COUNSELING.—

"(A) IN GENERAL.—Upon request by a recipient organization, and in accordance with this paragraph, the Administrator may waive, in whole or in part, the requirement to obtain non-Federal funds under this subsection for the technical assistance and counseling activities of the recipient organization carried out using financial assistance under this section for a fiscal year. The Administrator may not waive the requirement for a recipient organization to obtain non-Federal funds under this paragraph for more than a total of 2 fiscal years.

"(B) CONSIDERATIONS.—In determining whether to waive the requirement to obtain non-Federal funds under this paragraph, the Administrator shall consider—

"(i) the economic conditions affecting the recipient organization;

"(ii) the impact a waiver under this clause would have on the credibility of the women's business center program under this section;

"(iii) the demonstrated ability of the recipient organization to raise non-Federal funds; and

"(iv) the performance of the recipient organization.

"(C) LIMITATION.—The Administrator may not waive the requirement to obtain non-Federal funds under this paragraph if granting the waiver would undermine the credibility of the women's business center program under this section.".

By Mr. CARPER (for himself and Mr. COBURN):

S. 3167. A bill to amend title 13 of the United States Code to provide for a 5-year term of office for the Director of the Census and to provide for authority and duties of the Director and Deputy Director of the Census, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

Mr. CARPER. Mr. President, today, as Chairman of the Subcommittee on Federal Financial Management, Government Information, Federal Services, and International Security, I introduce the Census Oversight Effi-

ciency and Management Reform Act of 2010.

With exactly one week left until Census Day, I think we can all take pride in the excellent work that the Census Bureau has done over the past few months to get the 2010 Census back on track. The Census Bureau's significance and the importance of its work cannot be overstated.

In fact, the requirement to enumerate the population is enshrined in the American Constitution. And the founding fathers asked us to do this each 10 years, as a cornerstone of their aspiration for effective representative democracy. They even went so far as to levy a \$20 fine for noncompliance in 1790. They knew the fairness of our government required everyone to participate in the census.

Over the time, the Census process and procedure has changed remarkably from when the very first Census was conducted on horseback to today where Census workers utilize cutting edge technology to collect and transmit data. Even as the technology surrounding the Census has evolved the importance of its work has remained constant throughout American history. Yet despite its critical importance, the past three censuses have been deemed "at risk" and have been the subject of great controversy under Democratic and Republican administrations alike.

Just over 2 years ago, there were serious last-minute census design changes due to the failure of a project involving the census takers using handheld computers which threatened to derail the 2010 Census. Further, the cost of census taking has continued to escalate over the years. The cost of the 2010 Census is estimated to be \$14.7 billion, making it the most expensive census in history.

Looking ahead, research and development for the 2020 Census is already underway and we must begin to think now about how we can advance the Census Bureau into a 21st century statistical agency.

The legislation that I am introducing today would make the Director of the Census Bureau a presidential appointment of 5 years, creating continuity across administrations. The bill would also require annual reporting on the Bureau's performance goals and risk mitigation strategies.

This will provide Congress with regular updates throughout the decade on the progress being made and an earlier warning when there are problems on the horizon. Further, encouraging the use of the Internet for data collection in the decennial census presents important opportunities for cost reductions and improvements in data quality.

I believe that these legislative reforms will ensure that the 2020 Census will be conducted without the operational problems we have seen in the past and with the most efficient use of taxpayer dollars possible.

I urge my colleagues to support this legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 3167

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Census Oversight Efficiency and Management Reform Act of 2010”.

SEC. 2. AUTHORITY AND DUTIES OF DIRECTOR AND DEPUTY DIRECTOR OF THE CENSUS.

(a) IN GENERAL.—Section 21 of the title 13, United States Code, is amended to read as follows:

“§ 21. Director of the Census; Deputy Director of the Census; authority and duties

“(a) DEFINITIONS.—As used in this section—

“(1) ‘Director’ means the Director of the Census;

“(2) ‘Deputy Director’ means the Deputy Director of the Census; and

“(3) ‘function’ includes any duty, obligation, power, authority, responsibility, right, privilege, activity, or program.

“(b) DIRECTOR OF THE CENSUS.—

“(1) APPOINTMENT.—

“(A) IN GENERAL.—The Bureau shall be headed by a Director of the Census, appointed by the President, by and with the advice and consent of the Senate.

“(B) QUALIFICATIONS.—Such appointment shall be made from individuals who have a demonstrated ability in management and experience in the collection, analysis, and use of statistical data.

“(2) GENERAL AUTHORITY AND DUTIES.—

“(A) IN GENERAL.—The Director shall report directly to the Secretary without being required to report through any other official of the Department of Commerce.

“(B) DUTIES.—The Director shall perform such duties as may be imposed upon the Director by law, regulations, or orders of the Secretary.

“(C) INDEPENDENCE OF DIRECTOR.—No officer or agency of the United States shall have any authority to require the Director to submit legislative recommendations, or testimony, or comments for review prior to the submission of such recommendations, testimony, or comments to Congress if such recommendations, testimony, or comments to Congress include a statement indicating that the views expressed therein are those of the Bureau and do not necessarily represent the views of the President.

“(3) TERM OF OFFICE.—

“(A) IN GENERAL.—The term of office of the Director shall be 5 years, and shall begin on January 1, 2012, and every fifth year thereafter. An individual may not serve more than 2 full terms as Director.

“(B) VACANCIES.—Any individual appointed to fill a vacancy in such position, occurring before the expiration of the term for which such individual’s predecessor was appointed, shall be appointed for the remainder of that term. The Director may serve after the end of the Director’s term until reappointed or until a successor has been appointed, but in no event longer than 1 year after the end of such term.

“(C) REMOVAL.—An individual serving as Director may be removed from office by the

President. The President shall communicate in writing the reasons for any such removal to both Houses of Congress not later than 30 days before the removal.

“(4) FUNCTIONS.—The Director shall be responsible for the exercise of all powers and the discharge of all duties of the Bureau, and shall have authority and control over all personnel and activities thereof.

“(5) ORGANIZATION.—The Director may establish, alter, consolidate, or discontinue such organizational units or components within the Bureau as the Director considers necessary or appropriate, except that this paragraph shall not apply with respect to any unit or component provided for by law.

“(6) ADVISORY COMMITTEES.—The Director may establish advisory committees to provide advice with respect to any function of the Director. Members of any such committee shall serve without compensation, but shall be entitled to transportation expenses and per diem in lieu of subsistence in accordance with section 5703 of title 5.

“(7) REGULATIONS.—The Director may, in consultation with the Secretary, prescribe such rules and regulations as the Director considers necessary or appropriate to carry out the functions of the Director.

“(8) DELEGATIONS, ETC.—The Director may assign duties, and delegate, or authorize successive redelegations of, authority to act and to render decisions, to such officers and employees of the Bureau as the Director may find necessary. Within the limitations of such assignments, delegations, or redelegations, all official acts and decisions of such officers and employees shall have the same force and effect as though performed or rendered by the Director. An assignment, delegation, or redelegation under this paragraph may not take effect before the date on which notice of such assignment, delegation, or redelegation (as the case may be) is published in the Federal Register.

“(9) BUDGET REQUESTS.—At the time the Director submits a budget request to the Secretary for inclusion in the President’s budget request for a fiscal year submitted under section 1105 of title 31, and prior to the submission of the Department of Commerce budget to the Office of Management and Budget, the Director shall provide that budget information to the Committee on Oversight and Government Reform of the House of Representatives and the Committee on Governmental Affairs of the Senate, as well as the Committees on Appropriations of the House of Representatives and the Senate. All other budget requests from the Bureau to the Secretary shall be made available to the Committees on Appropriations of the House of Representatives and the Senate.

“(10) OTHER AUTHORITIES.—

“(A) PERSONNEL.—Subject to sections 23 and 24, but notwithstanding any other provision of law, the Director, in carrying out the functions of the Director or the Bureau, may use the services of officers and other personnel in other Federal agencies, including personnel of the Armed Forces, with the consent of the head of the agency concerned.

“(B) VOLUNTARY SERVICES.—Notwithstanding section 1342 of title 31, or any other provision of law, the Director may accept and use voluntary and uncompensated services.

“(c) DEPUTY DIRECTOR.—

“(1) IN GENERAL.—There shall be in the Bureau a Deputy Director of the Census, who shall be appointed by and serve at the pleasure of the Director. The position of Deputy Director shall be a career reserved position within the meaning of section 3132(a)(8) of title 5.

“(2) FUNCTIONS.—The Deputy Director shall perform such functions as the Director shall designate.

“(3) TEMPORARY AUTHORITY TO PERFORM FUNCTIONS OF DIRECTOR.—The provisions of sections 3345 through 3349d of title 5 shall apply with respect to the office of Director. The first assistant to the office of Director is the Deputy Director for purposes of applying such provisions.”.

(b) TRANSITION RULES.—

(1) APPOINTMENT OF INITIAL DIRECTOR.—The initial Director of the Bureau of the Census shall be appointed in accordance with the provisions of section 21(b) of title 13, United States Code, as amended by subsection (a).

(2) INTERIM ROLE OF CURRENT DIRECTOR OF THE CENSUS AFTER DATE OF ENACTMENT.—If, as of January 1, 2012, the initial Director of the Bureau of the Census has not taken office, the officer serving on December 31, 2011, as Director of the Census (or Acting Director of the Census, if applicable) in the Department of Commerce—

(A) shall serve as the Director of the Bureau of the Census;

(B) shall assume the powers and duties of such Director, until the initial Director has taken office; and

(C) shall report directly to the Secretary of Commerce.

(c) CLERICAL AMENDMENT.—The item relating to section 21 in the table of sections for chapter 1 of title 13, United States Code, is amended to read as follows:

“21. Director of the Census; Deputy Director of the Census; authority and duties.”.

(d) TECHNICAL AND CONFORMING AMENDMENTS.—Not later than January 1, 2011, the Secretary of Commerce, in consultation with the Director of the Census, shall submit to each House of the Congress draft legislation containing any technical and conforming amendments to title 13, United States Code, and any other provisions which may be necessary to carry out the purposes of this Act.

SEC. 3. INTERNET RESPONSE OPTION.

Not later than 180 days after the date of the enactment of this Act, the Director of the Census, shall provide a plan to Congress on how the Bureau of the Census will test, develop, and implement an internet response option for the 2020 Census and the American Community Survey. The plan shall include a description of how and when feasibility will be tested, the stakeholders to be consulted, when and what data will be collected, and how data will be protected.

SEC. 4. ANNUAL REPORTS.

(a) IN GENERAL.—Subchapter I of chapter 1 of title 13, United States Code, is amended by adding at the end the following new section:

“§ 17. Annual reports

“(a) Not later than the date of the submission of the President’s budget request for a fiscal year under section 1105 of title 31, the Director of the Census shall submit to the appropriate congressional committees a comprehensive status report on the next decennial census, beginning with the 2020 decennial census. Each report shall include the following information:

“(1) A description of the Bureau’s performance goals for each significant decennial operation, including the performance measures for each operation.

“(2) An assessment of the risks associated with each significant decennial operation, including the interrelationships between the operations and a description of relevant mitigation plans.

“(3) Detailed milestone estimates for each significant decennial operation, including estimated testing dates, and justification for any changes to milestone estimates.

“(4) Updated cost estimates for the life cycle of the decennial census, including sensitivity analysis and an explanation of significant changes in the assumptions on which such cost estimates are based.

“(5) A detailed description of all contracts over \$50,000,000 entered into for each significant decennial operation, including—

“(A) any changes made to the contracts from the previous fiscal year;

“(B) justification for the changes; and

“(C) actions planned or taken to control growth in such contract costs.

“(b) For purposes of this section, the term ‘significant decennial operation’ includes any program or information technology related to—

“(1) the development of an accurate address list;

“(2) data collection, processing, and dissemination;

“(3) recruiting and hiring of temporary employees;

“(4) marketing, communications, and partnerships; and

“(5) coverage measurement.”.

(b) CLERICAL AMENDMENT.—The table of sections for chapter 1 of title 13, United States Code, is amended by inserting after the item relating to section 16 the following new item:

“17. Annual reports.”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to budget requests for fiscal years beginning after September 30, 2010.

By Ms. MURKOWSKI:

S. 3175. A bill to amend the Omnibus Budget Reconciliation Act of 1993 to require the Bureau of Land Management to provide a claimant of a small miner waiver from claim maintenance fees with a period of 60 days after written receipt of 1 or more defects is provided to the claimant by registered mail to cure the 1 or more defects or pay the claim maintenance fee, and for other purposes; to the Committee on Energy and Natural Resources.

Ms. MURKOWSKI. Mr. President, I rise today to introduce legislation in the Senate that has already been introduced in the House of Representatives by Alaska Congressman DON YOUNG to clarify federal mining law and remedy a problem that has arisen with the extension process for “small” miner land claims.

Under revisions to the Federal Mining Law of 1872, 30 U.S.C. 28(f), holders of unpatented mineral claims must pay a claim maintenance fee originally set at \$100 per claim by a deadline, set by regulation, of September 1st each year. Since 2004 that fee has risen to \$125 per claim. But Congress also has provided a claim maintenance fee waiver for “small” miners, those who hold 10 or fewer claims, that they do not have to submit the fee, but that they must file to renew their claims and submit an affidavit of annual labor by Dec. 31st each year, certifying that they had performed more than \$100 of work on the

claim in the preceding year, 30 U.S.C. 28(f)(d)(1). The waiver provision further states: “If a small miner waiver application is determined to be defective for any reason, the claimant shall have a period of 60 days after receipt of written notification of the defect or defects by the Bureau of Land Management to: cure such defect or defects or pay the \$100 claim maintenance fee due for such a period.”

Since the last revision to the law last decade, there have been a series of incidents where miners argued that they submitted their applications and affidavits of annual labor in a timely manner, but due to clerical error by BLM staff or for unexplained reasons the applications or documents were not recorded as having been received in a timely fashion—and that BLM has then moved to terminate the claims, deeming them null and void. While mining claim holders have argued that the law provides them time to cure claim defects, BLM has argued that the cure only applies when applications or fees have been received in a timely manner. Thus, there is no administrative remedy for miners who believe that clerical errors by BLM resulted in loss or the late recording of claim applications.

There have been a number of cases where Congress has been asked to override BLM determinations and reinstate mining claims simply because of the disputes over whether the claims had been filed in a timely manner. Congress in 2003 reinstated such claims in a previous Alaska case, and claims in another incident were reinstated following a U.S. District Court case in the 10th Circuit in 2009 in the case of *Miller v. United States*.

This bill is intended to short circuit continued litigation and pleas for claim reinstatement by clarifying the intent of Congress that miners do have to be informed that their claims are in jeopardy of being voided and given 60 days notice to cure defects, including giving them time to submit their applications and to submit affidavits of annual labor, should they not be received and processed by BLM officials. If all defects are not cured within 60 days—the obvious intent of Congress in passing the original act—then claims still will be subject to voidance.

The transition rule included in this measure will solve two pending cases in Alaska, one where a holder of nine claims on the Kenai Peninsula, near Hope, Alaska, has lost title to claims that he had held from 1982 to 2004. In this case, John Trautner had a consistent record of having paid the annual labor assessment fee for the previous 22 years and the local BLM office did have a time-date-stamped record that the maintenance fee waiver certification form had been filed weeks before the deadline, not just a record that the affidavit of annual labor had ar-

rived. In the second case Don and Judy Mullikin of Homer, Alaska, is in the process of losing title to nine claims on the Seward Peninsula outside of Nome in Alaska because the Anchorage BLM office has no record of them receiving the paperwork, even though the owners have computer time stamps of them having completed the paperwork five months before the deadline, but no other evidence of filing to meet BLM regulations in support of an appeal. These are claims that have been worked in Alaska yearly since 1937 and are the main livelihood for the Mullikins.

This legislation, supported by the Alaska Miners Association, clearly is intended to remedy a simple drafting error in congressional crafting of the small miner claim defect process. While only a few cases of potential clerical errors have occurred over the past decade, it still makes sense for Congress to clarify that claim holders have a right to know that their applications have not been processed, in time for them to cure application-claim defects prior to being informed of the loss of the claim rights forever. Simple equity and due process requires no less.

Given the minute cost of this administrative change to the Department of the Interior, but its big impact on affected small mineral claim holders, I hope this bill can be considered and approved promptly this year.

By Mr. DURBIN (for himself, Mr. SPECTER, and Mrs. MURRAY):

S. 3176. A bill to further the mission of the Global Justice Information Sharing Initiative Advisory Committee by continuing its development of policy recommendations and technical solutions on information sharing and interoperability, and enhancing its pursuit of benefits and cost savings for local, State, tribal, and Federal justice agencies; to the Committee on the Judiciary.

Mr. DURBIN. Mr. President, today I am introducing the Department of Justice Global Advisory Committee Authorization Act of 2010. This legislation will make it easier and less costly for local, state, tribal and federal agencies to share public safety and criminal justice information and to better protect our communities. I am pleased to be joined by Senator ARLEN SPECTER, the chairman of the Crime and Drugs Subcommittee, and Senator PATTY MURRAY in introducing this legislation. I look forward to working with all my colleagues to see it enacted into law.

Ensuring the public's safety often depends on effective information sharing. In recent years, criminal gangs, fugitives, illegal trafficking networks, cybercriminals and terrorist organizations have increased their ability to operate across jurisdictional boundaries. However, too often the public

safety agencies charged with combating these threats have operated without all the information that should be available to them. Inconsistent information-sharing protocols and databases that are not interoperable with one another are barriers the law enforcement and public safety communities have identified. Quite simply, if we want to combat the threats of the 21st century, we need a 21st century information-sharing framework.

The U.S. Department of Justice has long recognized the need to bring law enforcement and public safety stakeholders together to take on this challenge of improving information sharing. In 1998, the Justice Department established the Global Justice Information Sharing Initiative Advisory Committee, also known as the "Global Advisory Committee". Chartered under the Federal Advisory Committee Act, the Global Advisory Committee brings together key representatives from law enforcement, judicial, correctional, and public safety agencies to advise the Attorney General on information-sharing policies, practices and technical solutions.

Over the years, the Global Advisory Committee has developed a strong track record of consolidating stakeholder views and developing consensus information-sharing solutions that local, state, tribal and federal agencies all agree upon. The Committee has recruited experts on a pro bono basis to develop new interoperable technological standards, and they have already developed a criminal justice information sharing standard—the Global Justice XML Data Model—and a broader justice and homeland security information exchange—the National Information Exchange Model—that enable agencies to convert their own database information into a common format which can be shared.

The Global Advisory Committee also created the "National Criminal Intelligence Sharing Plan," a blueprint for agency intelligence-sharing procedures that has been endorsed by the Departments of Justice and Homeland Security. And the Committee has drafted "Fusion Center Guidelines" which have helped communities throughout the country establish information-sharing "fusion centers" for responding to security threats. The Justice Department plans to involve the Committee in crafting new information-sharing strategies and protocols for combating gang violence, improving correctional information, and sharing fugitive information.

In addition to its work developing information-sharing standards, the charter and bylaws of the Global Advisory Committee prioritize civil liberties and privacy protection and promote database security and shared information accuracy. The Committee has estab-

lished a working group specifically dedicated to protecting privacy and information quality, and has also created resources to help jurisdictions develop privacy and civil liberties programs.

The Global Advisory Committee's work has already led to cost savings in the design and procurement of interoperable information systems. These cost-saving benefits are likely to grow if the Committee's information-sharing standards become increasingly adopted and if interoperability among local, state, tribal and federal databases increases. With Congress's help, the Committee can revolutionize efficient information-sharing among public safety and law enforcement agencies, which will both lower information technology costs and help prevent and fight crime.

While the Global Advisory Committee's value has been recognized throughout the law enforcement and public safety communities, it has not yet been recognized by Congress. The legislation I am introducing today will give Congress's blessing to the Committee by authorizing the Justice Department to provide it with technical and financial support and dedicated funding.

Currently, under the Federal Advisory Committee Act, the Global Advisory Committee must terminate and reestablish itself every two years, but my legislation will keep the Committee in continuous operation. The bill also directs the Committee to make recommendations to the Attorney General on interoperability and information-sharing practices and technologies, and to report to Congress at least annually on its recommendations. My legislation also expresses the sense of Congress that agencies across the country should adopt the Global Advisory Committee's recommendations in order to improve their information sharing. The bill further directs the Attorney General to submit a report to Congress regarding the state of information sharing between corrections and law enforcement agencies through the Interstate Compact for Adult Offender Supervision, including suggestions for improvement.

This legislation has been endorsed by the National District Attorneys Association, the National Sheriffs Association, the National Narcotics Officers' Associations' Coalition, the National Criminal Justice Association, the National Association of Counties, the American Probation and Parole Association, the American Correctional Association, the Association of State Correctional Administrators, and the National Consortium for Justice Information and Statistics, SEARCH.

The Global Advisory Committee has already achieved great success in bringing together local, state, tribal and federal agencies to develop consensus information-sharing solutions. With Congressional authorization and

a consistent funding stream, the Committee can build upon that success in a way that will benefit justice and public safety agencies across the nation. I urge my colleagues to support this important legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 3176

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Department of Justice Global Advisory Committee Authorization Act of 2010".

SEC. 2. GLOBAL JUSTICE INFORMATION SHARING INITIATIVE ADVISORY COMMITTEE.

(a) DEFINITION.—In this section, the term "Committee" means the Global Justice Information Sharing Initiative (Global) Advisory Committee established by the Attorney General.

(b) AUTHORIZATION.—Notwithstanding section 14(a)(2) of the Federal Advisory Committee Act (5 U.S.C. App.), the Committee shall not terminate unless terminated by an Act of Congress. The Attorney General is authorized to provide technical and financial assistance and support services to the Committee to carry out the activities of the Committee, including the activities described in subsection (c).

(c) ACTIVITIES.—In addition to any activities assigned to the Committee by the Attorney General, the Committee shall—

(1) gather views from agencies of local, State, and tribal governments and the Federal Government and other entities that work to support public safety and justice;

(2) recommend to the Attorney General measures to improve the administration of justice and protect the public by promoting practices and technologies for database interoperability and the secure sharing of justice and public safety information between local, State, and tribal governments and the Federal Government; and

(3) submit to Congress an annual report regarding issues considered by the Committee and recommendations made to the Attorney General by the Committee.

(d) SENSE OF CONGRESS.—It is the sense of Congress that local, State, and tribal governments and other relevant entities should use the recommendations developed and disseminated by the Committee in accordance with this Act to evaluate, improve, and develop effective strategies and technologies to improve public safety and information sharing.

(e) FUNDING.—There are authorized to be appropriated to the Attorney General for the activities of the Committee such sums as may be necessary out of the funds made available to the Department of Justice for State and local law enforcement assistance.

SEC. 3. REPORT OF THE ATTORNEY GENERAL ON INFORMATION SHARING BETWEEN CORRECTIONS AGENCIES, LAW ENFORCEMENT AGENCIES, AND THE INTERSTATE COMMISSION FOR ADULT OFFENDER SUPERVISION.

(a) REVIEW.—The Attorney General, based on input from local, State, and tribal governments through the Committee and other components of the Department of Justice, shall review the state of information sharing between corrections and law enforcement

agencies of local, State, and tribal governments and of the Federal Government.

(b) **CONTENTS.**—The review by the Attorney General under subsection (a) shall—

(1) identify policy and technical barriers to effective information sharing;

(2) identify best practices for effective information sharing; and

(3) assess ways for information sharing to improve the awareness and safety of law enforcement and corrections officials, including information sharing by the Interstate Commission for Adult Offenders Supervision.

(c) **REPORT.**—Not later than 1 year after the date of enactment of this Act, the Attorney General shall submit to Congress a report regarding the review under this section, including a discussion of the recommendations of the Committee and the efforts of the Department of Justice to address the recommendations.

By Mr. BINGAMAN (for himself, Mr. WARNER, and Mr. GRAHAM):

S. 3177. A bill to provide for the establishment of a Home Star Retrofit Rebate Program, and for other purposes; to the Committee on Finance.

Mr. BINGAMAN. Mr. President, I am pleased to join Senator WARNER and Senator GRAHAM in introducing the Home Star Energy Retrofit Act of 2010. This legislation will save consumers money, create American skilled labor jobs, and reduce home energy consumption.

If enacted, HOME STAR will build on existing policies and initiatives that have already proved effective. The program is supported by a broad coalition of over 600 groups including construction contractors, building products and mechanical manufacturers, retail sales businesses, environmental groups and labor advocates.

HOME STAR will provide point-of-sale instant savings to encourage homeowners to install residential energy upgrades such as air sealing, insulation, and high efficiency furnaces and water heaters.

HOME STAR will have a two-tiered approach that will offer flexibility to homeowners when choosing retrofits to install. Under the Silver Star program, rebates averaging \$1,000 will be offered for the installation of each eligible energy-saving measure such as new insulation and high-efficiency heating and cooling systems, up to maximum of \$3,000 per home. Under the Gold Star program, there will be performance-based grants of \$3,000 for a 20 percent reduction in home energy consumption and \$1,000 for each additional 5 percent of verified energy reduction as determined by a comparison of the energy consumption of the home before and after the retrofit.

HOME STAR will also create American jobs in the construction industry, which has lost 1.6 million jobs since December 2007, with unemployment rates topping 25 percent in some regions. HOME STAR leverages private investment to create a strong market for home energy retrofits, and will put hundreds of thousands of unemployed

Americans back to work as well as stimulating demand for building materials produced by American factories.

Finally, HOME STAR will reduce home energy consumption and dependence on foreign oil. HOME STAR helps Americans pay for cost-effective home improvements, create permanent reductions in household energy bills, and reduce our national carbon footprint. Residential energy efficiency improvements covered by the HOME STAR program reduce energy waste in most homes by 20 to 40 percent. When combined with low-interest financing, these retrofits can be cash-flow positive upon project completion. An initiative with a potential to retrofit over 3 million homes, HOME STAR will achieve significant reductions in building-related greenhouse gas emissions while generating long-term energy savings for American consumers and reducing energy usage by an amount equal to four 300-megawatt power plants.

In the interest of time we will postpone our remarks on this important bill until the Senate is back in session. Meanwhile, members will have an opportunity to review the legislation with their constituents. We hope that many members of the Senate will become cosponsors of the bill.

Mr. President, I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 3177

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Home Star Energy Retrofit Act of 2010”.

SEC. 2. DEFINITIONS.

In this Act:

(1) **ACCREDITED CONTRACTOR.**—The term “accredited contractor” means a residential energy efficiency contractor that meets the minimum applicable requirements established under section 4.

(2) **ADMINISTRATOR.**—The term “Administrator” means the Administrator of the Environmental Protection Agency.

(3) **BPI.**—The term “BPI” means the Building Performance Institute.

(4) **CERTIFIED WORKFORCE.**—The term “certified workforce” means a residential energy efficiency construction workforce that is entirely certified in the appropriate job skills for all employees performing installation work under—

(A) an applicable third party skills standard established by—

(i) the BPI;

(ii) the North American Technician Excellence; or

(iii) the Laborers’ International Union of North America; or

(B) other standards approved by the Secretary, in consultation with the Secretary of Labor and the Administrator.

(5) **CONDITIONED SPACE.**—The term “conditioned space” means the area of a home that is—

(A) intended for habitation; and

(B) intentionally heated or cooled.

(6) **DOE.**—The term “DOE” means the Department of Energy.

(7) **ELECTRIC UTILITY.**—The term “electric utility” means any person or State agency that delivers or sells electric energy at retail, including nonregulated utilities and utilities that are subject to State regulation and Federal power marketing administrations.

(8) **EPA.**—The term “EPA” means the Environmental Protection Agency.

(9) **FEDERAL REBATE PROCESSING SYSTEM.**—The term “Federal Rebate Processing System” means the Federal Rebate Processing System established under section 3(b).

(10) **GOLD STAR HOME ENERGY RETROFIT PROGRAM.**—The term “Gold Star Home Energy Retrofit Program” means the Gold Star Home Energy Retrofit Program established under section 8.

(11) **HOME.**—The term “home” means a principal residential dwelling unit in a building with no more than 4 dwelling units that—

(A) is located in the United States; and

(B) was constructed before the date of enactment of this Act.

(12) **HOME STAR LOAN PROGRAM.**—The term “Home Star loan program” means the Home Star energy efficiency loan program established under section 15(a).

(13) **HOME STAR RETROFIT REBATE PROGRAM.**—The term “Home Star Retrofit Rebate Program” means the Home Star Retrofit Rebate Program established under section 3(a).

(14) **INDIAN TRIBE.**—The term “Indian tribe” has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

(15) **NATIONAL HOME PERFORMANCE COUNCIL.**—The term “National Home Performance Council” means the National Home Performance Council, Inc.

(16) **NATURAL GAS UTILITY.**—The term “natural gas utility” means any person or State agency that transports, distributes, or sells natural gas at retail, including nonregulated utilities and utilities that are subject to State regulation.

(17) **QUALIFIED CONTRACTOR.**—The term “qualified contractor” means a residential energy efficiency contractor that meets minimum applicable requirements established under section 4.

(18) **QUALITY ASSURANCE PROGRAM.**—

(A) **IN GENERAL.**—The term “quality assurance program” means a program established under this Act or recognized by the Secretary under this Act, to oversee the delivery of home efficiency retrofit programs to ensure that work is performed in accordance with standards and criteria established under this Act.

(B) **INCLUSIONS.**—For purposes of subparagraph (A), delivery of retrofit programs includes delivery of quality assurance reviews of rebate applications and field inspections for a portion of customers receiving rebates and conducted by a quality assurance provider, with the consent of participating consumers and without delaying rebate payments to participating contractors.

(19) **QUALITY ASSURANCE PROVIDER.**—The term “quality assurance provider” means any entity that meets the minimum applicable requirements established under section 6.

(20) **REBATE AGGREGATOR.**—The term “rebate aggregator” means an entity that meets the requirements of section 5.

(21) **RESNET.**—The term “RESNET” means the Residential Energy Services Network, which is a nonprofit certification and standard setting organization for home energy raters that evaluate the energy performance of a home.

(22) **SECRETARY.**—The term “Secretary” means the Secretary of Energy.

(23) **SILVER STAR HOME ENERGY RETROFIT PROGRAM.**—The term “Silver Star Home Energy Retrofit Program” means the Silver Star Home Energy Retrofit Program established under section 7.

(24) **STATE.**—The term “State” means—

- (A) a State;
- (B) the District of Columbia;
- (C) the Commonwealth of Puerto Rico;
- (D) Guam;
- (E) American Samoa;
- (F) the Commonwealth of the Northern Mariana Islands;
- (G) the United States Virgin Islands; and
- (H) any other territory or possession of the United States.

SEC. 3. HOME STAR RETROFIT REBATE PROGRAM.

(a) **IN GENERAL.**—The Secretary shall establish the Home Star Retrofit Rebate Program.

(b) **FEDERAL REBATE PROCESSING SYSTEM.**—

(1) **IN GENERAL.**—Not later than 30 days after the date of enactment of this Act, the Secretary, in consultation with the Secretary of the Treasury and the Administrator, shall—

(A) establish a Federal Rebate Processing System which shall serve as a database and information technology system that will allow rebate aggregators to submit claims for reimbursement using standard data protocols;

(B) establish a national retrofit website that provides information on the Home Star Retrofit Rebate Program, including—

(i) how to determine whether particular efficiency measures are eligible for rebates; and

(ii) how to participate in the program; and

(C) make available, on a designated website, model forms for compliance with all applicable requirements of this Act, to be submitted by—

(i) each qualified contractor on completion of an eligible home energy retrofit; and

(ii) each quality assurance provider on completion of field verification.

(2) **MODEL FORMS.**—In carrying out this section, the Secretary shall consider the model forms developed by the National Home Performance Council.

(c) **PUBLIC INFORMATION CAMPAIGN.**—Not later than 60 days after the date of enactment of this Act, the Administrator shall develop and implement a public education campaign that describes, at a minimum—

(1) the benefits of home energy retrofits;

(2) the availability of rebates for—

(A) the installation of qualifying efficiency measures; and

(B) whole home efficiency improvements; and

(3) the requirements for qualified contractors and accredited contractors.

SEC. 4. CONTRACTORS.

(a) **CONTRACTOR QUALIFICATIONS FOR SILVER STAR HOME ENERGY RETROFIT PROGRAM.**—A contractor may perform retrofit work under the Silver Star Home Energy Retrofit Program in a State for which rebates are provided under this Act only if the contractor meets or provides—

(1) all applicable contractor licensing requirements established by the State or, if none exist at the State level, the Secretary;

(2) insurance coverage of at least \$1,000,000 for general liability, and for such other purposes and in such other amounts as required by the State;

(3) warranties to homeowners that completed work will—

(A) be free of significant defects;

(B) be installed in accordance with the specifications of the manufacturer; and

(C) perform properly for a period of at least 1 year after the date of completion of the work;

(4) an agreement to provide the owner of a home, through a discount, the full economic value of all rebates received under this Act with respect to the home; and

(5) an agreement to provide the homeowner, before a contract is executed between the contractor and a homeowner covering the eligible work, a notice of—

(A) the rebate amount the contractor intends to apply for with respect to eligible work under this Act; and

(B) the means by which the rebate will be passed through as a discount to the homeowner.

(b) **CONTRACTOR QUALIFICATIONS FOR GOLD STAR HOME ENERGY RETROFIT PROGRAM.**—A contractor may perform retrofit work under the Gold Star Home Energy Retrofit Program in a State for which rebates are provided under this Act only if the contractor—

(1) meets the requirements for qualified contractors under subsection (a); and

(2) is accredited—

(A) by the BPI; or

(B) under other standards approved by the Secretary, in consultation with the Administrator.

SEC. 5. REBATE AGGREGATORS.

(a) **IN GENERAL.**—The Secretary shall develop a network of rebate aggregators that can facilitate the delivery of rebates to participating contractors by—

(1) reviewing the proposed rebate application for completeness and accuracy;

(2) reviewing measures for eligibility in accordance with this Act;

(3) providing data to the Federal Data Processing Center consistent with data protocols established by the Secretary; and

(4) as soon as practicable but not later than 30 days after the date of receipt, distributing funds received from DOE to contractors, vendors, or other persons who have been approved for rebates by a quality assurance provider, if funding to contractors, vendors, or other persons is required by the Secretary.

(b) **ELIGIBILITY.**—To be eligible to apply to the Secretary for approval as a rebate aggregator, an entity shall be—

(1) a Home Performance with Energy Star partner;

(2) an entity administering a residential energy efficiency retrofit program established or approved by a State;

(3) a Federal Power Marketing Administration, an electric utility, or a natural gas utility that has—

(A) an approved residential energy efficiency retrofit program; and

(B) an established quality assurance provider network; or

(4) an entity that demonstrates to the Secretary that the entity can perform the functions of a rebate aggregator, without disrupting existing residential retrofits in the States that are incorporating the Home Star Program, including demonstration of—

(A) corporate status or status as a State or local government;

(B) the capability to provide electronic data to the Federal Rebate Processing System;

(C) a financial system that is capable of tracking the distribution of rebates to participating contractors; and

(D) coordination and cooperation by the entity with the appropriate State energy office regarding participation in the existing energy efficiency programs that will be delivering the Home Star Program.

(c) **PUBLIC UTILITY COMMISSION EFFICIENCY TARGETS.**—The Secretary shall—

(1) develop guidelines for States to use to allow utilities participating as rebate aggregators to count the energy savings from the participation of the utilities toward State-level energy savings targets; and

(2) work with States to assist in the adoption of the guidelines for the purposes and duration of the Home Star Retrofit Rebate Program.

SEC. 6. QUALITY ASSURANCE PROVIDERS.

(a) **IN GENERAL.**—An entity shall be considered a quality assurance provider under this Act if the entity—

(1) is independent of the contractor;

(2) confirms the qualifications of contractors or installers of home energy efficiency retrofits;

(3) confirms compliance with the requirements of a “certified workforce”; and

(4) performs field inspections and other measures required to confirm the compliance of the retrofit work under the Silver Star program, and the retrofit work and the simulated energy savings under the Gold Star program, based on the requirements of this Act.

(b) **INCLUSIONS.**—An entity shall be considered a quality assurance provider under this Act if the entity is qualified through—

(1) the International Code Council;

(2) the BPI;

(3) the RESNET;

(4) a State;

(5) a State-approved residential energy efficiency retrofit program; or

(6) any other entity designated by the Secretary, in consultation with the Administrator.

SEC. 7. SILVER STAR HOME ENERGY RETROFIT PROGRAM.

(a) **IN GENERAL.**—If the energy efficiency retrofit of a home is carried out after the date of enactment of this Act in accordance with this section, a rebate shall be awarded for the energy retrofit of a home for the installation of energy savings measures—

(1) selected from the list of energy savings measures described in subsection (b);

(2) installed in the home by a qualified contractor not later than 1 year after the date of enactment of this Act;

(3) carried out in compliance with this section; and

(4) subject to the maximum amount limitations established under subsection (d)(4).

(b) **ENERGY SAVINGS MEASURES.**—Subject to subsection (c), a rebate shall be awarded under this section for the installation of the following energy savings measures for a home energy retrofit that meet technical standards established under this section:

(1) Whole house air-sealing measures, in accordance with BPI standards or other procedures approved by the Secretary.

(2) Attic insulation measures that—

(A) include sealing of air leakage between the attic and the conditioned space, in accordance with BPI standards or the attic portions of the DOE or EPA thermal bypass checklist or other procedures approved by the Secretary;

(B) add at least R-19 insulation to existing insulation;

(C) result in at least R-38 insulation in DOE climate zones 1 through 4 and at least

R-49 insulation in DOE climate zones 5 through 8, including existing insulation, within the limits of structural capacity; and

(D) cover at least—

(i) 100 percent of an accessible attic; or
(ii) 75 percent of a total conditioned space floor area.

(3) Duct seal or replacement that—

(A) is installed in accordance with BPI standards or other procedures approved by the Secretary; and

(B) in the case of duct replacement, replaces at least 50 percent of a distribution system of the home.

(4) Wall insulation that—

(A) is installed in accordance with BPI standards or other procedures approved by the Secretary;

(B) is to full-stud thickness; and

(C) covers at least 75 percent of the total external wall area of the home.

(5) Crawl space insulation or basement wall and rim joist insulation that is installed in accordance with BPI standards or other procedures approved by the Secretary—

(A) covers at least 500 square feet of crawl space or basement wall and adds at least—

(i) R-19 of cavity insulation or R-15 of continuous insulation to existing crawl space insulation; or

(ii) R-13 of cavity insulation or R-10 of continuous insulation to basement walls; and

(B) fully covers the rim joist with at least R-10 of new continuous or R-13 of cavity insulation.

(6) Window replacement that replaces at least 8 exterior windows or skylights, or 75 percent of the exterior windows and skylights in a home, whichever is less, with windows or skylights that—

(A) are certified by the National Fenestration Rating Council; and

(B) comply with criteria applicable to windows and skylights under section 25(c) of the Internal Revenue Code of 1986.

(7) Door replacement that replaces at least 1 exterior door with doors that comply with criteria applicable to doors under section 25(c) of the Internal Revenue Code of 1986.

(8)(A) Heating system replacement with—

(i) a natural gas or propane furnace with an AFUE rating of 92 or greater;

(ii) a natural gas or propane boiler with an AFUE rating of 90 or greater;

(iii) an oil furnace with an AFUE rating of 86 or greater and that uses an electrically commutated blower motor;

(iv) an oil boiler with an AFUE rating of 86 or greater and that has temperature reset or thermal purge controls; or

(v) a wood or wood pellet furnace, boiler, or stove, if—

(I) the new system—

(aa) meets at least 75 percent of the heating demands of the home;

(bb) has a distribution system (such as ducts or vents) that allows heat to reach all or most parts of the home; and

(cc) in the case of a wood stove, replaces an existing wood stove; and

(II) an independent test laboratory approved by the Secretary certifies that the new system—

(aa) has thermal efficiency (with a lower heating value) of at least 75 percent for stoves and 80 percent for furnaces and boilers; and

(bb) has particulate emissions of less than 4.5 grams per hour for stoves.

(B) A rebate may be provided under this section for the replacement of a furnace or boiler described in clauses (i) through (iv) of subparagraph (A) only if the new furnace or

boiler is installed in accordance with ANSI/ACCA Standard 5 QI—2007.

(9) Air-conditioner or heat-pump replacement with a new unit that—

(A) is installed in accordance with ANSI/ACCA Standard 5 QI—2007; and

(B) meets or exceeds—

(i) in the case of an air-source conditioner, SEER 16 and EER 13;

(ii) in the case of an air-source heat pump, SEER 15, EER 12.5, and HSPF 8.5; and

(iii) in the case of a geothermal heat pump, Energy Star tier 2 efficiency requirements.

(10) Replacement of or with—

(A) a natural gas or propane water heater with a condensing storage water heater with an energy factor of 0.80 or more or a thermal efficiency of 90 percent or more;

(B) a tankless natural gas or propane water heater with an energy factor of at least .82;

(C) a natural gas or propane storage water heater with an energy factor of at least .67;

(D) an indirect water heater with an insulated storage tank that—

(i) has a storage capacity of at least 30 gallons and is insulated to at least R-16; and

(ii) is installed in conjunction with a qualifying boiler described in paragraph (7);

(E) an electric water heater with an energy factor of 2.0 or more;

(F) a water heater with a solar hot water system that—

(i) is certified by the Solar Rating and Certification Corporation; or

(ii) meets technical standards established by the State of Hawaii; or

(G) a water heater installed in conjunction with a qualifying geothermal heat pump described in paragraph (9) that provides domestic water heating through the use of—

(i) year-round demand water heating capability; or

(ii) a desuperheater.

(11) Storm windows that—

(A) are installed on a least 5 single-glazed windows that do not have storm windows;

(B) are installed in a home listed on or eligible for listing in the National Register of Historic Places; and

(C) comply with any procedures that the Secretary may establish for storm windows (including installation).

(c) **INSTALLATION COSTS.**—Measures described in paragraphs (1) through (11) of subsection (b) shall include expenditures for labor and other installation-related costs (including venting system modification and condensate disposal) properly allocable to the onsite preparation, assembly, or original installation of the component.

(d) **AMOUNT OF REBATE.**—

(1) **IN GENERAL.**—Except as provided in paragraphs (2) through (4), the amount of a rebate provided under this section shall be \$1,000 per measure for the installation of energy savings measures described in subsection (b).

(2) **HIGHER REBATE AMOUNT.**—Except as provided in paragraph (4), the amount of a rebate provided to the owner of a home or designee under this section shall be \$1,500 per measure for—

(A) attic insulation and air sealing described in subsection (b)(2);

(B) wall insulation described in subsection (b)(4);

(C) windows or skylights described in subsection (b)(6);

(D) a heating system described in subsection (b)(8); and

(E) an air-conditioner or heat-pump replacement described in subsection (b)(9).

(3) **LOWER REBATE AMOUNT.**—Except as provided in paragraph (4), the amount of a rebate provided under this section shall be—

(A) \$125 per door for the installation of up to a maximum of 2 Energy Star doors described in subsection (b)(7) for each home;

(B) \$250 for a maximum of 1 natural gas or propane storage water heater described in subsection (b)(10)(C) for each home;

(C) \$250 for rim joist insulation described in subsection (b)(5)(B);

(D) \$50 for each storm window described in subsection (b)(11); and

(E) \$500 for a desuperheater described in subsection (b)(10)(G)(ii).

(4) **MAXIMUM AMOUNT.**—The total amount of a rebate provided to the owner of a home or designee under this section shall not exceed the lower of—

(A) \$3,000;

(B) the sum of the amounts per measure specified in paragraphs (1) through (3);

(C) 50 percent of the total cost of the installed measures; or

(D) the reduction in the price paid by the owner of the home, relative to the price of the installed measures in the absence of the Silver Star Home Energy Retrofit Program.

(e) **INSULATION PRODUCTS PURCHASED WITHOUT INSTALLATION SERVICES.**—A rebate shall be awarded under this section for attic, wall, or crawl space insulation or air sealing product if—

(1) the product—

(A) qualifies for a credit under section 25C of the Internal Revenue Code of 1986 but is not the subject of a claim for the credit;

(B) is purchased by a homeowner for installation by the homeowner in a home identified by the address of the homeowner;

(C) is identified and attributed to a specific home in a submission by the vendor to a rebate aggregator; and

(D) is not part of—

(i) an energy savings measure described in paragraphs (1) through (5) of subsection (b); and

(ii) a retrofit for which a rebate is provided under the Gold Star Home Energy Retrofit Program; or

(2) educational material on proper installation of the product is provided to the homeowner, including material on air sealing while insulating.

(f) **QUALIFICATION FOR REBATE UNDER SILVER STAR HOME ENERGY RETROFIT PROGRAM.**—On submission of a claim by a rebate aggregator to the system established under section 5, the Secretary shall provide reimbursement to the rebate aggregator for reduced-cost energy-efficiency measures installed in a home, if—

(1) the measures undertaken for the retrofit are—

(A) eligible measures described on the list established under subsection (b);

(B) installed properly in accordance with applicable technical specifications; and

(C) installed by a qualified contractor;

(2) the amount of the rebate does not exceed the maximum amount described in subsection (d)(4);

(3) not less than—

(A) 20 percent of the retrofits performed by each qualified contractor under this section are randomly subject to a third-party field verification of all work associated with the retrofit by a quality assurance provider; or

(B) in the case of qualified contractor that uses a certified workforce, 10 percent of the retrofits performed under this section are randomly subject to a third-party field verification of all work associated with the retrofit by a quality assurance provider; and

(4)(A) the installed measures will be brought into compliance with the specifications and quality standards for the Home

Star Retrofit Rebate Program, by the installing qualified contractor, at no additional cost to the homeowner, not later than 14 days after the date of notification of a defect, if a field verification by a quality assurance provider finds that corrective work is needed;

(B) a subsequent quality assurance visit is conducted to evaluate the remedy not later than 7 days after notification by the contractor that the defect has been corrected; and

(C) notification of disposition of the visit occurs not later than 7 days after the date of that visit.

(g) HOMEOWNER COMPLAINTS.—

(1) IN GENERAL.—During the 1-year warranty period, a homeowner may make a complaint under the quality assurance program that compliance with the quality assurance requirements of this section has not been achieved.

(2) VERIFICATION.—

(A) IN GENERAL.—The quality assurance program shall provide that, on receiving a complaint under paragraph (1), an independent quality assurance provider shall conduct field verification on the retrofit work performed by the contractor.

(B) ADMINISTRATION.—A verification under this paragraph shall be—

(i) in addition to verifications conducted under subsection (f)(3); and

(ii) corrected in accordance with subsection (f)(4).

(h) AUDITS.—

(1) IN GENERAL.—On making payment for a submission under this section, the Secretary shall review rebate requests to determine whether program requirements were met in all respects.

(2) INCORRECT PAYMENT.—On a determination of the Secretary under paragraph (1) that a payment was made incorrectly to a party, the Secretary may—

(A) recoup the amount of the incorrect payment; or

(B) withhold the amount of the incorrect payment from the next payment made to the party pursuant to a subsequent request.

SEC. 8. GOLD STAR HOME ENERGY RETROFIT PROGRAM.

(a) IN GENERAL.—If the energy efficiency retrofit of a home is carried out after the date of enactment of this Act by an accredited contractor in accordance with this section, a rebate shall be awarded for retrofits that achieve whole home energy savings.

(b) AMOUNT OF GRANT.—Subject to subsection (e), the amount of a rebate provided to the owner of a home or a designee of the owner under this section shall be—

(1) \$3,000 for a 20-percent reduction in whole home energy consumption; and

(2) an additional \$1,000 for each additional 5-percent reduction up to the lower of—

(A) \$8,000; or

(B) 50 percent of the total retrofit cost (including the cost of audit and diagnostic procedures).

(c) ENERGY SAVINGS.—

(1) IN GENERAL.—Reductions in whole home energy consumption under this section shall be determined by a comparison of the simulated energy consumption of the home before and after the retrofit of the home.

(2) DOCUMENTATION.—The percent improvement in energy consumption under this section shall be documented through—

(A)(i) the use of a whole home simulation software program that has been approved as a commercial alternative under the Weatherization Assistance Program for Low-Income Persons established under part A of title IV

of the Energy Conservation and Production Act (42 U.S.C. 6861 et seq.); or

(ii) a equivalent performance test established by the Secretary, in consultation with the Administrator; or

(B)(i) the use of a whole home simulation software program that has been approved under RESNET Publication No. 06-001 (or a successor publication approved by the Secretary);

(ii) an equivalent performance test established by the Secretary; or

(iii) a State-certified equivalent rating network, as specified by IRS Notice 2008-35; or

(iv) a HERS rating system required by State law.

(3) MONITORING.—The Secretary—

(A) shall continuously monitor the software packages used for determining rebates under this section; and

(B) may disallow the use of software programs that improperly assess energy savings.

(4) ASSUMPTIONS AND TESTING.—The Secretary may—

(A) establish simulation tool assumptions for the establishment of the pre-retrofit energy use;

(B) require compliance with software performance tests covering—

(i) mechanical system performance;

(ii) duct distribution system efficiency;

(iii) hot water performance; or

(iv) other measures; and

(C) require the simulation of pre-retrofit energy usage to be bounded by metered pre-retrofit energy usage.

(5) RECOMMENDED MEASURES.—The simulation tool shall have the ability at a minimum to assess the savings associated with all the measures for which incentives are specifically provided under the Silver Star Home Energy Retrofit Program.

(d) QUALIFICATION FOR REBATE UNDER GOLD STAR HOME ENERGY RETROFIT PROGRAM.—On submission of a claim by a rebate aggregator to the system established under section 5, the Secretary shall provide reimbursement to the rebate aggregator for reduced-cost whole-home retrofits, if—

(1) the retrofit is performed by an accredited contractor;

(2) the amount of the reimbursement is not more than the amount described in subsection (b);

(3) documentation described in subsection (c) is transmitted with the claim;

(4) a home receiving a whole-home retrofit is subject to random third-party field verification by a quality assurance provider in accordance with subsection (e); and

(5)(A) the installed measures will be brought into compliance with the specifications and quality standards for the Home Star Retrofit Rebate Program, by the installing qualified contractor, at no additional cost to the homeowner, not later than 14 days after the date of notification of a defect if a field verification by a quality assurance provider finds that corrective work is needed;

(B) a subsequent quality assurance visit is conducted to evaluate the remedy not later than 7 days after notification by the contractor that the defect has been corrected; and

(C) notification of disposition of the visit occurs not later than 7 days after the date of that visit.

(e) VERIFICATION.—

(1) IN GENERAL.—Subject to subparagraph

(2), all work installed in a home receiving a whole-home retrofit by an accredited con-

tractor under this section shall be subject to random third-party field verification by a quality assurance provider at a rate of—

(A) 15 percent; or

(B) in the case of work performed by an accredited contractor using a certified workforce, 10 percent.

(2) VERIFICATION NOT REQUIRED.—A home shall not be subject to random third-party field verification under this section if—

(A) a post-retrofit home energy rating is conducted by an eligible certifier in accordance with—

(i) RESNET Publication No. 06-001 (or a successor publication approved by the Secretary);

(ii) a State-certified equivalent rating network, as specified in IRS Notice 2008-35; or

(iii) a HERS rating system required by State law;

(B) the eligible certifier is independent of the qualified contractor or accredited contractor in accordance with RESNET Publication No. 06-001 (or a successor publication approved by the Secretary); and

(C) the rating includes field verification of measures.

(f) HOMEOWNER COMPLAINTS.—

(1) IN GENERAL.—A homeowner may make a complaint under the quality assurance program during the 1-year warranty period that compliance with the quality assurance requirements of this section has not been achieved.

(2) VERIFICATION.—

(A) IN GENERAL.—The quality assurance program shall provide that, on receiving a complaint under paragraph (1), an independent quality assurance provider shall conduct field verification on the retrofit work performed by the contractor.

(B) ADMINISTRATION.—A verification under this paragraph shall be—

(i) in addition to verifications conducted under subsection (e)(1); and

(ii) corrected in accordance with subsection (e).

(g) AUDITS.—

(1) IN GENERAL.—On making payment for a submission under this section, the Secretary shall review rebate requests to determine whether program requirements were met in all respects.

(2) INCORRECT PAYMENT.—On a determination of the Secretary under paragraph (1) that a payment was made incorrectly to a party, the Secretary may—

(A) recoup the amount of the incorrect payment; or

(B) withhold the amount of the incorrect payment from the next payment made to the party pursuant to a subsequent request.

SEC. 9. GRANTS TO STATES AND INDIAN TRIBES.

(a) IN GENERAL.—A State or Indian tribe that receives a grant under subsection (d) shall use the grant for—

(1) administrative costs;

(2) oversight of quality assurance plans;

(3) development of ongoing quality assurance framework;

(4) establishment and delivery of financing pilots in accordance with this Act;

(5) coordination with existing residential retrofit programs and infrastructure development to assist deployment of the Home Star program; and

(6) the costs of carrying out the responsibilities of the State or Indian tribe under the Silver Star Home Energy Retrofit Program and the Gold Star Home Energy Retrofit Program.

(b) INITIAL GRANTS.—Not later than 30 days after the date of enactment of this Act, the Secretary shall make the initial grants available under this section.

(c) INDIAN TRIBES.—The Secretary shall reserve an appropriate amount of funding to be made available to carry out this section for each fiscal year to make grants available to Indian tribes under this section.

(d) STATE ALLOTMENTS.—From the amounts made available to carry out this section for each fiscal year remaining after the reservation required under subsection (c), the Secretary shall make grants available to States in accordance with section 16.

(e) QUALITY ASSURANCE PROGRAMS.—

(1) IN GENERAL.—A State or Indian tribe may use a grant made under this section to carry out a quality assurance program that is—

(A) operated as part of a State energy conservation plan established under part D of title III of the Energy Policy and Conservation Act (42 U.S.C. 6321 et seq.);

(B) managed by the office or the designee of the office that is—

(i) responsible for the development of the plan under section 362 of that Act (42 U.S.C. 6322); and

(ii) to the maximum extent practicable, conducting an existing energy efficiency program; and

(C) in the case of a grant made to an Indian tribe, managed by an entity designated by the Indian tribe to carry out a quality assurance program or a national quality assurance program manager.

(2) NONCOMPLIANCE.—If the Secretary determines that a State or Indian tribe has not provided or cannot provide adequate oversight over a quality assurance program to ensure compliance with this Act, the Secretary may—

(A) withhold further quality assurance funds from the State or Indian tribe; and

(B) require that quality assurance providers operating in the State or by the Indian tribe be overseen by a national quality assurance program manager selected by the Secretary.

(f) IMPLEMENTATION.—A State or Indian tribe that receives a grant under this section may implement a quality assurance program through the State, the Indian tribe, or a third party designated by the State or Indian tribe, including—

- (1) an energy service company;
- (2) an electric utility;
- (3) a natural gas utility;
- (4) a third-party administrator designated by the State or Indian tribe; or
- (5) a unit of local government.

(g) PUBLIC-PRIVATE PARTNERSHIPS.—A State or Indian tribe that receives a grant under this section are encouraged to form partnerships with utilities, energy service companies, and other entities—

- (1) to assist in marketing a program;
- (2) to facilitate consumer financing;
- (3) to assist in implementation of the Silver Star Home Energy Retrofit Program and the Gold Star Home Energy Retrofit Program, including installation of qualified energy retrofit measures; and
- (4) to assist in implementing quality assurance programs.

(h) COORDINATION OF REBATE AND EXISTING STATE-SPONSORED PROGRAMS.—

(1) IN GENERAL.—A State or Indian tribe shall, to the maximum extent practicable, prevent duplication through coordination of a program authorized under this Act with—

(A) the Energy Star appliance rebates program authorized under the American Recovery and Reinvestment Act of 2009 (Public Law 111-5; 123 Stat. 115); and

(B) comparable programs planned or operated by States, political subdivisions, elec-

tric and natural gas utilities, Federal power marketing administrations, and Indian tribes.

(2) EXISTING PROGRAMS.—In carrying out this subsection, a State or Indian tribe shall—

(A) give priority to—

(i) comprehensive retrofit programs in existence on the date of enactment of this Act, including programs under the supervision of State utility regulators; and

(ii) using Home Star funds made available under this Act to enhance and extend existing programs; and

(B) seek to enhance and extend existing programs by coordinating with administrators of the programs.

SEC. 10. QUALITY ASSURANCE FRAMEWORK.

(a) IN GENERAL.—Not later than 180 days after the date that the Secretary initially provides funds to a State under this Act, the State shall submit to the Secretary a plan to implement a quality assurance program that covers all federally assisted residential efficiency retrofit work administered, supervised, or sponsored by the State.

(b) IMPLEMENTATION.—The State shall—

(1) develop a quality assurance framework in consultation with industry stakeholders, including representatives of efficiency program managers, contractors, and environmental, energy efficiency, and labor organizations; and

(2) implement the quality assurance framework not later than 1 year after the date of enactment of this Act.

(c) COMPONENTS.—The quality assurance framework established under this section shall include—

(1) a requirement that contractors be prequalified in order to be authorized to perform federally assisted residential retrofit work;

(2) maintenance of a list of prequalified contractors authorized to perform federally assisted residential retrofit work; and

(3) minimum standards for prequalified contractors that include—

- (A) accreditation;
- (B) legal compliance procedures;
- (C) proper classification of employees;
- (D) use of a certified workforce;
- (E) maintenance of records needed to verify compliance;

(4) targets and realistic plans for—

(A) the recruitment of small minority or women-owned business enterprises;

(B) the employment of graduates of training programs that primarily serve low-income populations with a median income that is below 200 percent of the poverty line (as defined in section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2), including any revision required by that section) by participating contractors; and

(5) a plan to link workforce training for energy efficiency retrofits with training for the broader range of skills and occupations in construction or emerging clean energy industries.

(d) NONCOMPLIANCE.—If the Secretary determines that a State has not taken the steps required under this section, the Secretary shall provide to the State a period of at least 90 days to comply before suspending the participation of the State in the program.

SEC. 11. REPORT.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Energy and Commerce of the House of Representatives a report on the use of funds under this Act.

(b) CONTENTS.—The report shall include a description of—

(1) the energy savings produced as a result of this Act;

(2) the direct and indirect employment created as a result of the programs supported by the funds provided under this Act;

(3) the specific entities implementing the energy efficiency programs;

(4) the beneficiaries who received the efficiency improvements;

(5) the manner in which funds provided under this Act were used;

(6) the sources (such as mortgage lenders, utility companies, and local governments) and types of financing used by the beneficiaries to finance the retrofit expenses that were not covered by grants provided under this Act; and

(7) the results of verification requirements; and

(8) any other information the Secretary considers appropriate

(c) NONCOMPLIANCE.—If the Secretary determines that a rebate aggregator, State, or Indian tribe has not provided the information required under this section, the Secretary shall provide to the rebate aggregator, State, or Indian tribe a period of at least 90 days to provide any necessary information, subject to penalties imposed by the Secretary for entities other than States and Indian tribes, which may include withholding of funds or reduction of future grant amounts.

SEC. 12. ADMINISTRATION.

(a) IN GENERAL.—Subject to section 16(b), not later than 30 days after the date of enactment of this Act, the Secretary shall provide such administrative and technical support to rebate aggregators, States, and Indian tribes as is necessary to carry out the functions designated to States under this Act.

(b) APPOINTMENT OF PERSONNEL.—Notwithstanding the provisions of title 5, United States Code, governing appointments in the competitive service and General Schedule classifications and pay rates, the Secretary may appoint such professional and administrative personnel as the Secretary considers necessary to carry out this Act.

(c) RATE OF PAY.—The rate of pay for a person appointed under subsection (a) shall not exceed the maximum rate payable for GS-15 of the General Schedule under chapter 53 of title 5, United States Code.

(d) CONSULTANTS.—Notwithstanding section 303 of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253), the Secretary may retain such consultants on a noncompetitive basis as the Secretary considers necessary to carry out this Act.

(e) CONTRACTING.—In carrying out this Act, the Secretary may waive all or part of any provision of the Competition in Contracting Act of 1984 (Public Law 98-369; 98 Stat. 1175), an amendment made by that Act, or the Federal Acquisition Regulation on a determination that circumstances make compliance with the provisions contrary to the public interest.

(f) REGULATIONS.—

(1) IN GENERAL.—Notwithstanding section 553 of title 5, United States Code, the Secretary may issue regulations that the Secretary, in the sole discretion of the Secretary, determines necessary to carry out the Home Star Retrofit Rebate Program.

(2) DEADLINE.—If the Secretary determines that regulations described in paragraph (1) are necessary, the regulations shall be issued not later than 60 days after the date of the enactment of this Act.

(g) INFORMATION COLLECTION.—Chapter 35 of title 44, United States Code, shall not apply to any information collection requirement necessary for the implementation of the Home Star Retrofit Rebate Program.

(h) ADJUSTMENT OF REBATE AMOUNTS.—Effective beginning on the date that is 180 days after the date of enactment of this Act, the Secretary may adjust the rebate amounts provided in this section based on—

- (1) the use of the Silver Star Home Energy Retrofit Program and the Gold Star Home Energy Retrofit Program; and
- (2) other program data.

SEC. 13. TREATMENT OF REBATES.

(a) IN GENERAL.—For purposes of the Internal Revenue Code of 1986, rebates received for eligible measures under this Act—

- (1) shall not be considered taxable income to a homeowner;
- (2) shall prohibit the consumer from applying for a tax credit allowed under section 25C or 25D of that Code for the same eligible measures performed in the home of the homeowner; and
- (3) shall be considered a credit allowed under section 25C or 25D of that Code for purposes of any limitation on the amount of the credit under that section.

(b) NOTICE.—

(1) IN GENERAL.—A participating contractor shall provide notice to a homeowner of the provisions of subsection (a) before eligible work is performed in the home of the homeowner.

(2) NOTICE IN REBATE FORM.—A homeowner shall be notified of the provisions of subsection (a) in the appropriate rebate form developed by the Secretary, in consultation with the Secretary of the Treasury.

(3) AVAILABILITY OF REBATE FORM.—A participating contractor shall obtain the rebate form on a designated website in accordance with section 3(b)(1)(C).

SEC. 14. PENALTIES.

(a) IN GENERAL.—It shall be unlawful for any person to violate this title (including any regulation issued under this Act), other than a violation as the result of a clerical error.

(b) CIVIL PENALTY.—Any person who commits a violation of this Act shall be liable to the United States for a civil penalty in an amount that is not more than the higher of—

- (1) \$15,000 for each violation; or
- (2) 3 times the value of any associated rebate under this Act.

(c) ADMINISTRATION.—The Secretary may—

- (1) assess and compromise a penalty imposed under subsection (b); and
- (2) require from any entity the records and inspections necessary to enforce this Act.

(d) FRAUD.—In addition to any civil penalty, any person who commits a fraudulent violation of this Act shall be subject to criminal prosecution.

SEC. 15. HOME STAR ENERGY EFFICIENCY LOAN PROGRAM.

(a) DEFINITIONS.—In this section:

(1) ELIGIBLE PARTICIPANT.—The term “eligible participant” means a homeowner who receives financial assistance from a qualified financing entity to carry out energy efficiency or renewable energy improvements to an existing home or other residential building of the homeowner in accordance with the Gold Star Home Energy Retrofit Program or the Silver Star Home Energy Retrofit Program.

(2) PROGRAM.—The term “program” means the Home Star Energy Efficiency Loan Program established under subsection (b).

(3) QUALIFIED FINANCING ENTITY.—The term “qualified financing entity” means a State,

political subdivision of a State, tribal government, electric utility, natural gas utility, nonprofit or community-based organization, energy service company, retailer, or any other qualified entity that—

(A) meets the eligibility requirements of this section; and

(B) is designated by the Governor of a State in accordance with subsection (e).

(4) QUALIFIED LOAN PROGRAM MECHANISM.—The term “qualified loan program mechanism” means a loan program that is—

(A) administered by a qualified financing entity; and

(B) principally funded—

(i) by funds provided by or overseen by a State; or

(ii) through the energy loan program of the Federal National Mortgage Association.

(b) ESTABLISHMENT.—The Secretary shall establish a Home Star Energy Efficiency Loan Program under which the Secretary shall make funds available to States to support financial assistance provided by qualified financing entities for making, to existing homes, energy efficiency improvements that qualify under the Gold Star Home Energy Retrofit Program or the Silver Star Home Energy Retrofit Program.

(c) ELIGIBILITY OF QUALIFIED FINANCING ENTITIES.—To be eligible to participate in the program, a qualified financing entity shall—

(1) offer a financing product under which eligible participants may pay over time for the cost to the eligible participant (after all applicable Federal, State, local, and other rebates or incentives are applied) of making improvements described in subsection (b);

(2) require all financed improvements to be performed by contractors in a manner that meets minimum standards that are at least as stringent as the standards provided under sections 7 and 8; and

(3) establish standard underwriting criteria to determine the eligibility of program applicants, which criteria shall be consistent with—

(A) with respect to unsecured consumer loan programs, standard underwriting criteria used under the energy loan program of the Federal National Mortgage Association; or

(B) with respect to secured loans or other forms of financial assistance, commercially recognized best practices applicable to the form of financial assistance being provided (as determined by the designated entity administering the program in the State).

(d) ALLOCATION.—In making funds available to States for each fiscal year under this section, the Secretary shall use the formula used to allocate funds to States to carry out State energy conservation plans established under part D of title III of the Energy Policy and Conservation Act (42 U.S.C. 6321 et seq.).

(e) QUALIFIED FINANCING ENTITIES.—Before making funds available to a State under this section, the Secretary shall require the Governor of the State to provide to the Secretary a letter of assurance that the State—

(1) has 1 or more qualified financing entities that meet the requirements of this section;

(2) has established a qualified loan program mechanism that—

(A) includes a methodology to ensure credible energy savings or renewable energy generation;

(B) incorporates an effective repayment mechanism, which may include—

- (i) on-utility-bill repayment;
- (ii) tax assessment or other form of property assessment financing;
- (iii) municipal service charges;

(iv) energy or energy efficiency services contracts;

(v) energy efficiency power purchase agreements;

(vi) unsecured loans applying the underwriting requirements of the energy loan program of the Federal National Mortgage Association; or

(vii) alternative contractual repayment mechanisms that have been demonstrated to have appropriate risk mitigation features; and

(C) will provide, in a timely manner, all information regarding the administration of the program as the Secretary may require to permit the Secretary to meet the reporting requirements of subsection (h).

(f) USE OF FUNDS.—Funds made available to States under the program may be used to support financing products offered by qualified financing entities to eligible participants for eligible energy efficiency work, by providing—

- (1) interest rate reductions;
- (2) loan loss reserves or other forms of credit enhancement;
- (3) revolving loan funds from which qualified financing entities may offer direct loans; or
- (4) other debt instruments or financial products necessary—

(A) to maximize leverage provided through available funds; and

(B) to support widespread deployment of energy efficiency finance programs.

(g) USE OF REPAYMENT FUNDS.—In the case of a revolving loan fund established by a State described in subsection (f)(3), a qualified financing entity may use funds repaid by eligible participants under the program to provide financial assistance for additional eligible participants to make improvements described in subsection (b) in a manner that is consistent with this section or other such criteria as are prescribed by the State.

(h) PROGRAM EVALUATION.—Not later than 1 year after the date of enactment of this Act, the Secretary shall submit to Congress a program evaluation that describes—

- (1) how many eligible participants have participated in the program;
- (2) how many jobs have been created through the program, directly and indirectly;
- (3) what steps could be taken to promote further deployment of energy efficiency and renewable energy retrofits;
- (4) the quantity of verifiable energy savings, homeowner energy bill savings, and other benefits of the program; and
- (5) the performance of the programs carried out by qualified financing entities under this section, including information on the rate of default and repayment.

(i) CREDIT SUPPORT.—Section 1705(a) of the Energy Policy Act of 2005 (42 U.S.C. 16516(a)) is amended by adding at the end the following:

“(4) Energy efficiency projects, including projects to retrofit residential, commercial, and industrial buildings, facilities, and equipment.”.

SEC. 16. FUNDING.

(a) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—Subject to subsection (j), there is authorized to be appropriated to carry out this title \$6,000,000,000 for the period of each of fiscal years 2010 through 2012 to remain available until expended.

(2) MAINTENANCE OF FUNDING.—Funds provided under this section shall supplement and not supplant any Federal and State funding provided to carry out energy efficiency programs in existence on the date of enactment of this Act.

(b) GRANTS TO STATES.—

(1) IN GENERAL.—Of the amount provided under subsection (a), \$380,000,000 or not more than 6 percent, whichever is less, shall be used to carry out section 9.

(2) DISTRIBUTION TO STATE ENERGY OFFICES.—

(A) IN GENERAL.—Not later than 30 days after the date of enactment of this Act, the Secretary shall—

(i) provide to State energy offices 25 percent of the funds described in paragraph (1); and

(ii) determine a formula to provide the balance of funds to State energy offices through a performance-based system.

(B) ALLOCATION.—

(i) ALLOCATION FORMULA.—Funds described in subparagraph (A)(i) shall be made available in accordance with the allocation formula for State energy conservation plans established under part D of title III of the Energy Policy and Conservation Act (42 U.S.C. 6321 et seq.).

(ii) PERFORMANCE-BASED SYSTEM.—The balance of the funds described in subparagraph (A)(ii) shall be made available in accordance with the performance-based system described in subparagraph (A)(ii).

(C) QUALITY ASSURANCE COSTS.—

(1) IN GENERAL.—Of the amount provided under subsection (a), not more than 5 percent shall be used to carry out the quality assurance provisions of this Act.

(2) MANAGEMENT.—Funds provided under this subsection shall be overseen by—

(A) State energy offices described in subsection (b)(2); or

(B) other entities determined by the Secretary to be eligible to carry out quality assurance functions under this Act.

(3) DISTRIBUTION TO QUALITY ASSURANCE PROVIDERS OR REBATE AGGREGATORS.—The Secretary shall use funds provided under this subsection to compensate quality assurance providers, or rebate aggregators, for services under the Silver Star Home Energy Retrofit Program or the Gold Star Home Energy Retrofit Program through the Federal Rebate Processing Center based on the services provided to contractors under a quality assurance program and rebate aggregation.

(4) INCENTIVES.—The amount of incentives provided to quality assurance providers or rebate aggregators shall be—

(A)(i) in the case of the Silver Star Home Energy Retrofit Program—

(I) \$25 per rebate review and submission provided under the program; and

(II) \$150 for each field inspection conducted under the program; and

(ii) in the case of the Gold Star Home Energy Retrofit Program—

(I) \$35 for each rebate review and submission provided under the program; and

(II) \$300 for each field inspection conducted under the program; or

(B) such other amounts as the Secretary considers necessary to carry out the quality assurance provisions of this Act.

(d) TRACKING OF REBATES AND EXPENDITURES.—Of the amount provided under subsection (a), not more than \$150,000,000 shall be used for costs associated with database systems to track rebates and expenditures under this Act and related administrative costs incurred by the Secretary.

(e) PUBLIC EDUCATION AND COORDINATION.—Of the amount provided under subsection (a), not more than \$10,000,000 shall be used for costs associated with public education and coordination with the Federal Energy Star program incurred by the Administrator.

(f) INDIAN TRIBES.—Of the amount provided under subsection (a), the Secretary shall re-

serve not more than 3 percent to make grants available to Indian tribes under this section.

(g) SILVER STAR HOME ENERGY RETROFIT PROGRAM.—In the case of the Silver Star Home Energy Retrofit Program, of the amount provided under subsection (a) after funds are provided in accordance with subsections (b) through (e), \$3,417,000,000 for the 1-year period beginning on the date of enactment of this Act (less any amounts required under subsection (f)) shall be used by the Secretary to provide rebates and incentives authorized under the Silver Star Home Energy Retrofit Program.

(h) GOLD STAR HOME ENERGY RETROFIT PROGRAM.—In the case of the Gold Star Home Energy Retrofit Program, of the amount provided under subsection (a) after funds are provided in accordance with subsections (b) through (e), \$1,683,000 for the 2-year period beginning on the date of enactment of this Act (less any amounts required under subsection (f)) shall be used by the Secretary to provide rebates and incentives authorized under the Gold Star Home Energy Retrofit Program.

(i) PROGRAM REVIEW AND BACKSTOP FUNDING.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary shall perform a State-by-State analysis and review the distribution of Home Star retrofit rebates under this Act.

(2) ADJUSTMENT.—The Secretary may allocate technical assistance funding to assist States that have not sufficiently benefitted from the Home Star Retrofit Rebate Program.

(j) RETURN OF UNDISBURSED FUNDS.—

(1) SILVER STAR HOME ENERGY RETROFIT PROGRAM.—If the Secretary has not disbursed all the funds available for rebates under the Silver Star Home Energy Retrofit Program by the date that is 1 year after the date of enactment of this Act, any undisbursed funds shall be made available to the Gold Star Home Energy Retrofit Program.

(2) GOLD STAR HOME ENERGY RETROFIT PROGRAM.—If the Secretary has not disbursed all the funds available for rebates under the Gold Star Home Energy Retrofit Program by the date that is 2 years after the date of enactment of this Act, any undisbursed funds shall be returned to the Treasury.

(k) FINANCING.—Of the amounts allocated to the States under subsection (b), not less than \$200,000,000 shall be used to carry out the financing provisions of this Act in accordance with section 15.

By Mrs. BOXER (for herself and Mr. BROWNBACK):

S. 3181. A bill to protect the rights of consumers to diagnose, service, maintain, and repair their motor vehicles, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mrs. BOXER. Mr. President, today, I am proud to join Senator BROWNBACK in introducing bipartisan automotive right to repair legislation.

Our bill, the Motor Vehicle Owners Right to Repair Act, allows consumers the freedom to choose which repair shops they use for auto repairs and routine vehicle maintenance.

Consumers today have many choices when it comes to the vehicle they drive, but not necessarily when it comes to the maintenance or repair options for those vehicles.

Most cars today rely on computers to perform many of the automobile's vital functions including brakes, airbags, ignition and other operating systems.

If an electronic component of a car fails or needs tuning, an access code is often needed in order to repair or replace the necessary part. These codes are currently provided on a voluntary basis to repair shops by car manufacturers.

Unfortunately, many local independent repair shops are provided only limited or incomplete information by manufacturers to access and repair most elements of those vehicles. This lack of information puts consumers at a disadvantage, forcing many to pay premium prices to repair simple parts at dealerships or travel long distances to reach repair shops that take valuable time away from families and work.

There are over 219,000 employees working in over 26,000 independent repair shops in California, providing those workers with good paying jobs. In this economy, we can't afford to disadvantage small businesses working hard to support their families.

The Boxer-Brownback bill will require car manufacturers to provide all information and tools necessary to diagnose, service, maintain and repair a motor vehicle, including all safety alerts, access codes and recalls. This information must be provided to all repair shops, not just dealers or manufacturers' designated shops.

Our bill also protects the integrity of manufacturers' concepts and systems by not requiring manufacturers to make public any information that is entitled to protection as a trade secret.

As cars become more complex and expensive to repair, consumers deserve to have choices when it comes to repairing their auto vehicles. This bill provides consumers that choice, while ensuring small businesses have the information they need in these difficult economic times.

By Mr. REID (for himself and Mr. ENSIGN):

S. 3185. A bill to require the Secretary of the Interior to convey certain Federal land to Elko County, Nevada, and to take land into trust for the Temoak Tribe of Western Shoshone Indians of Nevada, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. REID. Mr. President, I rise today with my good friend Senator ENSIGN to introduce the Elko Motocross and Tribal Conveyance Act of 2010.

As you may know, the Federal Government manages more than 87 percent of the land in Nevada, which equates to more than 61 million acres. This fact makes it necessary for our communities to pursue Federal remedies for problems that can be handled in a much more expeditious manner in

States that have more private land than we do. This bill, for instance, would transfer one small parcel of land to Elko County and another to the Elko Indian Colony. Both conveyances will provide important benefits to the residents of northeastern Nevada, and both conveyances require congressional action.

The first title of this Act would convey approximately 300 acres of public land managed by the Bureau of Land Management, BLM, Elko Field Office to Elko County. This proposal, which is strongly supported by the local community, would clear the way for the construction of a BMX, motocross, off-highway vehicle, and stock car racing area. It is worth noting that Elko County tried for many years to work through the normal administrative process to get a recreation and public purposes lease on this land, but the local BLM field office has been unable to process the request due to a very high workload.

Off-road vehicles are an important part of life in rural Nevada. In response to this interest, Elko County has attempted to provide a variety of motorized recreational opportunities for both residents and visitors. This legislation will help the City of Elko develop a centralized, multipurpose recreational facility on the western edge of the city with easy access to Interstate-80. The new Elko Motocross Park will eliminate traffic and noise issues caused by the existing stock car racing track. The new park will also draw OHV enthusiasts from across northeastern Nevada, which will, in turn, provide an economic boost to local businesses.

Beyond the convenient location, economic benefits, and potential for diverse recreational opportunities at the Elko Motocross Park site, this new complex will provide a place for people to learn responsible use and enjoyment of recreational vehicles. I believe this facility will be a model for other communities in the West that are interested in creating safe, centralized recreation areas for motorsports. I would also like to commend Elko County, the State of Nevada, the Nevada Association of Counties and many others for working together on recent statewide initiatives that will encourage the sustainable use of off-highway vehicles on public lands.

Title II of this Act directs the Secretary of the Interior to make a reasonable expansion of the Elko Indian Colony by taking approximately 373 acres of land into trust for the Elko Band to address their need for additional land. The Elko Band is one of four constituent bands that make up the Te-Moak Tribe of Western Shoshone Indians of Nevada. Each band has a separate reservation or colony in northeastern Nevada. While the Elko Band's population has steadily grown, their land base has remained the same for over 75 years.

The histories of the City of Elko and the Elko Indian Colony have long been intertwined. Elko was established as a railroad town in 1868 with the construction of the Central Pacific, part of the first transcontinental railroad. Shoshone families lived nearby and worked on the railroad as well as in the nearby mines and on local ranches. Despite government efforts to relocate the Elko Band in the late nineteenth century, these families persevered and remained in the Elko area. In 1918, President Woodrow Wilson created the Elko Indian Colony when he reserved 160 acres near Elko for the Shoshone Indians by executive order.

The Elko Indian Colony has always been a thriving part of the greater Elko community. Unfortunately, while more than half of the Elko Band's enrolled members live and work in Elko, the Elko Colony has one of the smallest land bases of the four constituent bands. Over 350 tribal members must live outside of the colony because it lacks land for additional housing and housing related community development. Our legislation would address this need by making land available for residential and commercial development, or for traditional uses, such as ceremonial gatherings, hunting and plant collecting.

I also want to highlight that this legislation is designed to protect the city's rights-of-way that cross the land in question. We have also received letters expressing strong support for this tribal conveyance from both the City of Elko and Elko County.

It is always encouraging when communities come together to support projects like these and we are grateful for their collective work on this effort. This bill is vital to the growing communities we serve. We look forward to working with Chairman BINGAMAN, Ranking Member MURKOWSKI and the other distinguished committee members to move this bill through the process.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 3185

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Elko Motocross and Tribal Conveyance Act".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

Sec. 2. Definition of Secretary.

TITLE I—ELKO MOTOCROSS LAND CONVEYANCE

Sec. 101. Definitions.

Sec. 102. Conveyance of land to county.

TITLE II—ELKO INDIAN COLONY EXPANSION

Sec. 201. Definitions.

Sec. 202. Land to be held in trust for the Te-moak tribe of Western Shoshone Indians of Nevada.

Sec. 203. Authorization of appropriations.

SEC. 2. DEFINITION OF SECRETARY.

In this Act, the term "Secretary" means the Secretary of the Interior, acting through the Bureau of Land Management.

TITLE I—ELKO MOTOCROSS LAND CONVEYANCE

SEC. 101. DEFINITIONS.

In this title:

(1) CITY.—The term "city" means the city of Elko, Nevada.

(2) COUNTY.—The term "county" means the county of Elko, Nevada.

(3) MAP.—The term "map" means the map entitled "Elko Motocross Park" and dated January 9, 2010.

SEC. 102. CONVEYANCE OF LAND TO COUNTY.

(a) IN GENERAL.—As soon as practicable after the date of enactment of this Act, subject to valid existing rights, and notwithstanding the land use planning requirements of sections 202 and 203 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712, 1713), the Secretary shall convey to the county, without consideration, all right, title, and interest of the United States in and to the land described in subsection (b).

(b) DESCRIPTION OF LAND.—The land referred to in subsection (a) consists of approximately 300 acres of land managed by the Bureau of Land Management, Elko District, Nevada, as depicted on the map as "Elko Motocross Park".

(c) MAP AND LEGAL DESCRIPTION.—

(1) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary shall finalize the legal description of the parcel to be conveyed under this section.

(2) MINOR ERRORS.—The Secretary may correct any minor error in—

(A) the map; or

(B) the legal description.

(3) AVAILABILITY.—The map and legal description shall be on file and available for public inspection in the appropriate offices of the Bureau of Land Management.

(d) USE OF CONVEYED LAND.—The land conveyed under subsection (a) shall be used only—

(1) as a motocross, off-highway vehicle, and stock car racing area; or

(2) for any other public purpose consistent with the Act of June 14, 1926 (commonly known as the "Recreation and Public Purposes Act") (43 U.S.C. 869 et seq.).

(e) ADMINISTRATIVE COSTS.—The Secretary shall require the county to pay all survey costs and other administrative costs necessary for the preparation and completion of any patents for, and transfers of title to, the land described in subsection (b).

(f) REVERSION.—If the land conveyed under subsection (a) ceases to be used for the public purpose for which the land was conveyed, the land shall, at the discretion of the Secretary, revert to the United States.

TITLE II—ELKO INDIAN COLONY EXPANSION

SEC. 201. DEFINITIONS.

In this title:

(1) MAP.—The term "map" means the map entitled "Te-moak Tribal Land Expansion", dated September 30, 2008, and on file and available for public inspection in the appropriate offices of the Bureau of Land Management.

(2) TRIBE.—The term "Tribe" means the Te-moak Tribe of Western Shoshone Indians

of Nevada, which is a federally recognized Indian tribe.

SEC. 202. LAND TO BE HELD IN TRUST FOR THE TE-MOAK TRIBE OF WESTERN SHOSHONE INDIANS OF NEVADA.

(a) IN GENERAL.—Subject to valid existing rights, all right, title, and interest of the United States in and to the land described in subsection (b)—

(1) shall be held in trust by the United States for the benefit and use of the Tribe; and

(2) shall be part of the reservation of the Tribe.

(b) DESCRIPTION OF LAND.—The land referred to in subsection (a) consists of approximately 373 acres of land administered by the Bureau of Land Management and identified on the map as “Lands to be Held in Trust”.

(c) SURVEY.—Not later than 180 days after the date of enactment of this Act, the Secretary shall complete a survey of the boundary lines to establish the boundaries of the land taken into trust under subsection (a).

(d) CONDITIONS.—

(1) RIGHTS-OF-WAY.—Before taking the land into trust under subsection (a), not later than 120 days after the date of enactment of this Act, the Secretary shall—

(A) complete any applicable environmental review for conveyance of a right-of-way for Jennings Road, as depicted on the map; and

(B) subject to the environmental review under subparagraph (A), convey the right-of-way to the City of Elko.

(2) GAMING.—Land taken into trust under subsection (a) shall not be eligible, or considered to have been taken into trust, for class II gaming or class III gaming (as those terms are defined in section 4 of the Indian Gaming Regulatory Act (25 U.S.C. 2703)).

(3) USE OF TRUST LAND.—With respect to the use of the land taken into trust under subsection (a), the Tribe shall limit the use of the land to—

(A) traditional and customary uses;

(B) stewardship conservation for the benefit of the Tribe; and

(C)(i) residential or recreational development; or

(ii) commercial use.

(4) THINNING; LANDSCAPE RESTORATION.—With respect to the land taken into trust under subsection (a), the Secretary, in consultation and coordination with the Tribe, may carry out any fuels reduction and other landscape restoration activities on the land that is beneficial to the Tribe and the Bureau of Land Management.

SEC. 203. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this title.

By Mrs. SHAHEEN (for herself,
Ms. MURKOWSKI, Mr. BEGICH,
and Mr. CRAPO):

S. 3188. A bill to amend the Internal Revenue Code of 1986 to provide an investment tax credit for biomass heating property; to the Committee on Finance.

Mrs. SHAHEEN. Mr. President, I rise today to introduce legislation that will help grow the U.S. manufacturing base in alternative energy technologies, create jobs and help get our country running on clean energy.

We have known for decades that our Nation's dependence on foreign oil undermines our economic and national security.

According to the Department of Energy, New Hampshire households are some of the most petroleum dependent in the country due to our reliance on heating oil to provide heat. Almost 60 percent of homes in New Hampshire use oil for heating purposes. Many New Hampshire businesses—large and small—are also dependent on heating oil.

In fact, thermal energy, or heat, accounts for roughly 30 percent of total U.S. energy consumption. Thermal energy is used every day by homes, businesses and industrial facilities across the country for a variety of needs—most commonly for space heating, heating water and industrial processes that require heat.

We need to move away from our dependence on fossil fuels and I am convinced that biomass, used effectively and sustainably, can help to do that by, in part, meeting our country's thermal energy needs.

Forests are one of our Nation's greatest assets. In my home State of New Hampshire, the second most forested State in the country, forestry is an important part of our economy. Forestland supports a thriving forest products industry and provides many outdoor recreational opportunities that play a key role in attracting tourists to the State. But I think greater potential exists for our forests in New Hampshire and across the country to help meet our energy challenges—using biomass to meet the heating needs of our homes, businesses and communities.

New Hampshire and a number of other States are already leading the way to address how high efficiency biomass systems can cut our energy dependence on foreign oil and support our forest industry. Communities and businesses across New Hampshire are putting our State's immense biomass resources—from forestry and agricultural residues—to use for creating electricity and thermal energy. These investments in clean, renewable biomass energy are supporting our forest industry and also creating new industries and jobs across New Hampshire.

There is so much untapped potential for biomass energy, and that is what my legislation is about.

The American Renewable Biomass Heating Act would provide an investment tax credit, ITC, of 30 percent of the cost of installing a high efficiency biomass system in commercial and industrial buildings. The tax credit would be available for biomass heating systems placed in service on or before December 31, 2013.

By incentivizing high efficiency biomass boilers and furnaces, we can help to replace our reliance on fossil fuel with clean, domestically produced renewable energy.

This bill would also put biomass on an even playing field with other alter-

native energy technologies and fuel sources, such as wind, solar, and geothermal. Thus far, Federal policies to promote the development and use of alternative energy have focused largely on transportation fuels, such as ethanol and biodiesel, and electricity from hydro, wind, and solar. My legislation puts high efficiency biomass on an even playing field with other alternative energy technologies.

Most importantly, my legislation will help jumpstart the domestic manufacturing base. For years, European countries have invested in and incentivized the development of these technologies. There is no reason why we cannot build this equipment right here in the U.S.

The bipartisan legislation I am introducing today with Senators LISA MURKOWSKI, MARK BEGICH and MIKE CRAPO will provide the incentives businesses are looking for to invest in clean energy. Our legislation is about American power—clean energy technologies and equipment that are made right here in America and create jobs for American workers.

Mr. President, I want to thank my colleagues for joining me in introducing this important, job-creating legislation. I urge my colleagues in the Senate to pass the American Renewable Biomass Heating Act.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 3188

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “American Renewable Biomass Heating Act of 2010”.

SEC. 2. INVESTMENT TAX CREDIT FOR BIOMASS HEATING PROPERTY.

(a) IN GENERAL.—Subparagraph (A) of section 48(a)(3) of the Internal Revenue Code of 1986 (defining energy property) is amended by striking “or” at the end of clause (vi), by inserting “or” at the end of clause (vii), and by inserting after clause (vii) the following new clause:

“(viii) biomass heating property, including boilers or furnaces which operate at output efficiencies greater than 75 percent and which provide thermal energy in the form of heat, hot water, or steam for space heating, air conditioning, domestic hot water, or industrial process heat, but only with respect to periods ending before January 1, 2014.”.

(b) 30 PERCENT CREDIT.—Clause (i) of section 48(a)(2)(A) of the Internal Revenue Code of 1986 is amended by striking “and” at the end of subclause (III) and by inserting after subclause (IV) the following new subclause:

“(V) energy property described in paragraph (3)(A)(viii), and”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to periods after the date of the enactment of this Act, in taxable years ending after such date, under rules similar to the rules of section 48(m) of the Internal Revenue Code of 1986

(as in effect on the day before the date of the enactment of the Revenue Reconciliation Act of 1990).

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 469—RECOGNIZING THE 60TH ANNIVERSARY OF THE FULBRIGHT PROGRAM IN THAILAND

Mr. LUGAR (for himself, Mr. KERRY, Mr. WEBB, and Mr. BOND) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 469

Whereas 2008 was the 175th anniversary of relations between the Kingdom of Thailand and the United States;

Whereas the Fulbright Program is sponsored by the Bureau of Educational and Cultural Affairs of the Department of State;

Whereas the Fulbright Program currently operates in over 150 countries;

Whereas the Thailand-United States Educational Foundation (TUSEF) was established by a formal agreement in 1950;

Whereas 2010 is the 60th anniversary of the Fulbright Program partnership with the Kingdom of Thailand;

Whereas approximately 1600 Fulbright students and scholars from Thailand have studied, conducted research, or lectured in the United States;

Whereas 800 Fulbright grantees from the United States conducted research or gave lectures in Thailand from 1951 through 2008;

Whereas active consideration is being given to increasing the emphasis of the Fulbright Program in southern Thailand, including through the Fulbright English Teaching Assistantship Program; and

Whereas the United States Government supports additional programs in Thailand in the areas of education, democracy promotion, good governance, and public diplomacy; Now, therefore, be it

Resolved, That the Senate encourages the President to maintain and expand interaction with the Kingdom of Thailand in ways which facilitate close coordination and partnership in the areas of education and cultural exchange throughout all of Thailand, including the southern provinces.

SENATE RESOLUTION 470—RECOGNIZING THE 40TH ANNIVERSARY OF THE DATE OF ENACTMENT OF THE FEDERAL COAL MINE HEALTH AND SAFETY ACT OF 1969

Mrs. MURRAY (for herself, Mr. BYRD, and Mr. HARKIN) submitted the following resolution; which was referred to the Committee on Health, Education, Labor, and Pensions:

S. RES. 470

Whereas the Federal Coal Mine Health and Safety Act of 1969 (30 U.S.C. 801 et seq.), when enacted, provided more comprehensive protections for the health and safety of coal miners than any previous Federal legislation governing the mining industry;

Whereas the Federal Coal Mine Health and Safety Act of 1969—

(1) increased the Federal oversight powers for coal mines in the United States;

(2) included inspection provisions for surface and underground coal mines that required—

(A) 2 inspections of each surface coal mine each year; and

(B) 4 inspections of each underground coal mine each year;

(3) required the development of stronger health and safety standards for coal mines;

(4) provided compensation for coal miners permanently disabled by black lung disease, the progressive respiratory disease caused by the inhalation of fine coal dust; and

(5) held employers of coal miners accountable for health and safety violations in the workplace through—

(A) monetary penalties for all violations of health and safety standards in the workplace; and

(B) criminal penalties for knowing and willful violations of health and safety standards in the workplace;

Whereas, as a direct result of the Federal Coal Mine Health and Safety Act of 1969—

(1) health standards for coal mines were adopted; and

(2) safety standards for coal mines were strengthened;

Whereas the Federal Coal Mine Health and Safety Act of 1969 is the foundation for the mine and workplace safety standards in place in the United States as of the date of agreement to this resolution;

Whereas the Federal Coal Mine Health and Safety Act of 1969 stands as a tribute and a memorial to the workers and families who have lost loved ones in the mining industry; and

Whereas the people of the United States should not only remember the historic enactment of the Federal Coal Mine Health and Safety Act of 1969, but also commemorate the role of the Federal Coal Mine Health and Safety Act of 1969 in the establishment of the mining and workplace safety standards in place as of the date of agreement to this resolution: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the 40th anniversary of the date of enactment of the Federal Coal Mine Health and Safety Act of 1969 (30 U.S.C. 801 et seq.);

(2) observes and celebrates the 40th anniversary of the Federal Coal Mine Health and Safety Act of 1969;

(3) remains committed to advancing and updating mining and workplace safety and health standards as—

(A) industry technologies advance; and

(B) advancements in technology make resources that have been difficult to access more accessible; and

(4) encourages all people of the United States to reflect upon the sacrifices that miners have made—

(A) to provide power and resources to the industry and economy of the United States; and

(B) to assist the United States in growing and thriving.

SENATE CONCURRENT RESOLUTION 56—CONGRATULATING THE COMMANDANT OF THE COAST GUARD AND THE SUPERINTENDENT OF THE COAST GUARD ACADEMY AND ITS STAFF FOR 100 YEARS OF OPERATION OF THE COAST GUARD ACADEMY IN NEW LONDON, CONNECTICUT, AND FOR OTHER PURPOSES

Mr. LIEBERMAN (for himself, Mr. DODD, Ms. COLLINS, and Mr. LEMIEUX) submitted the following concurrent resolution; which was referred to the Committee on Commerce, Science, and Transportation.

S. CON. RES. 56

Whereas the School of Instruction to the U.S. Revenue Cutter Academy was established at Fort Trumbull in New London, Connecticut, in 1910, which later became known as the Coast Guard Academy after the consolidation of the Life Saving Service and the Revenue Cutter Service in 1915;

Whereas the Coast Guard Academy moved to its present location along the banks of the Thames River in 1932;

Whereas in 1946, the former German Navy training vessel HORST WESSEL was acquired by the United States for use by the Coast Guard and renamed EAGLE, which today travels around the world each year;

Whereas for 100 years, the Coast Guard Academy has called New London, Connecticut, home, where it has trained and shaped the leadership of the Coast Guard;

Whereas today, the Coast Guard Academy is a highly competitive educational institution that attracts driven, committed leaders who go on to serve our Nation in the many diverse roles played by our Coast Guard;

Whereas the rigorous academic program of the Coast Guard Academy provides a holistic education that includes academics, physical fitness, character, and leadership, and that trains cadets in the multiple roles of the Coast Guard's multimission responsibilities;

Whereas the Coast Guard Academy is an integral part of the southeastern Connecticut community and its cadets participate in many community service projects throughout the region, working with school systems and serving as mentors for children;

Whereas the Coast Guard Academy is a vital link to the maritime legacy of Connecticut and our Nation, and an important part of our Nation's defense; and

Whereas in 2010, in honor of its 100th year in New London, Connecticut, the Coast Guard Academy will open its gates to the public for events highlighting this milestone, including concerts, art exhibits, an open house, and other events to allow Americans to learn more about this unique educational institution: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) congratulates the Commandant of the Coast Guard and the Superintendent of the Coast Guard Academy and its staff for 100 years of operation of the Coast Guard Academy in New London, Connecticut;

(2) honors the countless men and women who have graduated from the Coast Guard Academy and served on behalf of our Nation over the last 100 years; and

(3) encourages all Americans to learn more about the Coast Guard Academy, its mission, and its long history of training the men and women of the Coast Guard.

AMENDMENTS SUBMITTED AND PROPOSED

SA 3700. Mr. COBURN proposed an amendment to the bill H.R. 4872, *supra*.

SA 3701. Mr. SESSIONS proposed an amendment to the bill H.R. 4872, *supra*.

SA 3702. Mr. CRAPO submitted an amendment intended to be proposed by him to the bill H.R. 4872, *supra*; which was ordered to lie on the table.

SA 3703. Mr. CRAPO submitted an amendment intended to be proposed by him to the bill H.R. 4872, *supra*; which was ordered to lie on the table.

SA 3704. Mr. CRAPO submitted an amendment intended to be proposed by him to the bill H.R. 4872, *supra*; which was ordered to lie on the table.

SA 3705. Mr. CRAPO submitted an amendment intended to be proposed by him to the bill H.R. 4872, *supra*; which was ordered to lie on the table.

SA 3706. Mr. CRAPO submitted an amendment intended to be proposed by him to the bill H.R. 4872, *supra*; which was ordered to lie on the table.

SA 3707. Ms. MURKOWSKI submitted an amendment intended to be proposed by her to the bill H.R. 4872, *supra*; which was ordered to lie on the table.

SA 3708. Ms. MURKOWSKI submitted an amendment intended to be proposed by her to the bill H.R. 4872, *supra*; which was ordered to lie on the table.

SA 3709. Mr. THUNE submitted an amendment intended to be proposed by him to the bill H.R. 4872, *supra*; which was ordered to lie on the table.

SA 3710. Mr. ENSIGN (for himself and Mr. BROWN of Massachusetts) proposed an amendment to the bill H.R. 4872, *supra*.

SA 3711. Ms. MURKOWSKI proposed an amendment to the bill H.R. 4872, *supra*.

SA 3712. Mr. CORNYN proposed an amendment to the bill H.R. 4872, *supra*.

SA 3713. Ms. SNOWE submitted an amendment intended to be proposed by her to the bill H.R. 4872, *supra*; which was ordered to lie on the table.

SA 3714. Ms. SNOWE submitted an amendment intended to be proposed by her to the bill H.R. 4872, *supra*; which was ordered to lie on the table.

SA 3715. Ms. SNOWE submitted an amendment intended to be proposed by her to the bill H.R. 4872, *supra*; which was ordered to lie on the table.

SA 3716. Ms. SNOWE submitted an amendment intended to be proposed by her to the bill H.R. 4872, *supra*; which was ordered to lie on the table.

SA 3717. Ms. SNOWE submitted an amendment intended to be proposed by her to the bill H.R. 4872, *supra*; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 3700. Mr. COBURN proposed an amendment to the bill H.R. 4872, to provide for reconciliation pursuant to Title II of the concurrent resolution on the budget for fiscal year 2010 (S. Con. Res. 13); as follows:

At the end, add the following:

TITLE III—SECOND AMENDMENT PROTECTION

SEC. 3001. VETERANS SECOND AMENDMENT PROTECTION.

(a) **SHORT TITLE.**—This section may be cited as the “Veterans 2nd Amendment Protection Act”.

(b) **CONDITIONS FOR TREATMENT OF CERTAIN PERSONS AS ADJUDICATED MENTALLY INCOMPETENT FOR CERTAIN PURPOSES.**—

(1) **IN GENERAL.**—Chapter 55 of title 38, United States Code, is amended by adding at the end the following:

“§5511. Conditions for treatment of certain persons as adjudicated mentally incompetent for certain purposes

“In any case arising out of the administration by the Secretary of laws and benefits under this title, a person who is mentally incapacitated, deemed mentally incompetent, or experiencing an extended loss of consciousness shall not be considered adjudicated as a mental defective under subsection (d)(4) or (g)(4) of section 922 of title 18 without the order or finding of a judge, magistrate, or other judicial authority of competent jurisdiction that such person is a danger to himself or herself or others.”.

(2) **CLERICAL AMENDMENT.**—The table of sections at the beginning of chapter 55 of such title is amended by adding at the end the following new item:

“5511. Conditions for treatment of certain persons as adjudicated mentally incompetent for certain purposes.”.

(c) **SEVERABILITY.**—Notwithstanding any other provision of this Act, if any provision of this section, or any amendment made by this section, or the application of such provision or amendment to any person or circumstance is held to be unconstitutional, this section and amendments made by this section and the application of such provision or amendment to other persons or circumstances shall not be affected thereby.

(d) **EFFECTIVE DATE.**—The amendments made by this section shall take effect on the date of enactment of this Act.

SA 3701. Mr. SESSIONS proposed an amendment to the bill H.R. 4872, to provide for reconciliation pursuant to Title II of the concurrent resolution on the budget for fiscal year 2010 (S. Con. Res. 13); as follows:

At the end of subtitle A of title I, insert the following:

SEC. 1006. PROVISIONS TO ENSURE EFFECTIVE ELIGIBILITY VERIFICATION SYSTEM.

(a) **ELIGIBILITY FOR CREDITS AND COST-SHARING REDUCTIONS.**—

(1) **CREDITS.**—Section 36B of the Internal Revenue Code of 1986, as added by section 1401 of the Patient Protection and Affordable Care Act, is amended—

(A) in subsection (c) (1), by striking subparagraph (B) and by redesignating subparagraphs (C) and (D) as subparagraphs (B) and (C), respectively, and

(B) by striking paragraph (3) of subsection (e).

(2) **REDUCED COST-SHARING.**—Section 1402 of the Patient Protection and Affordable Care Act is amended—

(A) by striking the last sentence of subsection (b),

(B) by striking paragraph (3) of subsection (e), and

(C) by adding at the end of subsection (f) the following:

“(4) **SUBSIDIES TREATED AS PUBLIC BENEFIT.**—Notwithstanding any other provision of this Act or any other provision of law, for purposes of section 403 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1613), the following shall be considered a Federal means-tested public benefit:

“(A) The ability of an individual to purchase a qualified health plan offered through an Exchange.

“(B) The premium tax credit established under section 1401 of this Act (and any advance payment thereof).

“(C) The cost sharing reductions established under this section (and any advance payment thereof).”.

(b) **ELIGIBILITY DETERMINATIONS.**—Section 1411 of the Patient Protection and Affordable Care Act is amended—

(1) in subsection (a)—

(A) by striking so much of such subsection as precedes paragraph (1) and inserting:

“(a) **VERIFICATION PROCESS.**—The Secretary shall ensure that eligibility determinations required by this Act are conducted in accordance with the following requirements, including requirements for determining:”, and

(B) by inserting “eligible” before “alien” in paragraph (1).

(2) in subsection (b)(1)—

(A) by inserting “the Exchange with the following” after “provide”,

(B) by striking “and” at the end of subparagraph (A), by redesignating subparagraph (B) as subparagraph (C) and by inserting after subparagraph (A) the following:

“(B) a sworn statement, under penalty of perjury, specifically attesting to the fact that each enrollee is either a citizen or national of the United States or an eligible lawful permanent resident meeting the requirements of section 1402(f)(3) of this Act and identifying the applicable eligibility status for each enrollee; and”, and

(C) by inserting “and documentation” after “information” in subparagraph (C) (as so redesignated),

(3) by striking subparagraphs (A) and (B) of subsection (b)(2) and inserting the following:

“(A) In the case of an enrollee whose eligibility is based on attestation of citizenship of the enrollee, the enrollee shall provide satisfactory evidence of citizenship or nationality (within the meaning of section 1903(x) of the Social Security Act (42 U.S.C. 1396b)).

“(B) In the case of an individual whose eligibility is based on attestation of the enrollee’s immigration status—

“(i) such information as is necessary for the individual to demonstrate they are in ‘satisfactory immigration status’ as defined and in accordance with the Systematic Alien Verification for Entitlements (SAVE) program established by section 1137 of the Social Security Act (42 U.S.C. 1320b-7), and

“(ii) any other additional identifying information as the Secretary, in consultation with the Secretary of Homeland Security, may require in order for the enrollee to demonstrate satisfactory immigration status.”.

(4) by striking so much of subsection (c) as precedes paragraph (3) and inserting the following:

“(c) **VERIFICATION OF ELIGIBILITY THROUGH DOCUMENTATION.**—

“(1) **IN GENERAL.**—Each Exchange shall conduct eligibility verification, using the information provided by an applicant under subsection (b), in accordance with this subsection.

“(2) **VERIFICATION OF CITIZENSHIP OR IMMIGRATION STATUS.**—

“(A) **VERIFICATION OF ATTESTATION OF CITIZENSHIP.**—Each Exchange shall verify the eligibility of each enrollee who attests that they are a citizen or national of the United States, as required by subsection (b)(1)(A) of this section, in accordance with the provisions of section 1903(x) of the Social Security Act.

“(B) VERIFICATION OF ATTESTATION OF ELIGIBLE IMMIGRATION STATUS.—Each Exchange shall verify the eligibility of each enrollee who attests that they are eligible to participate in the exchange by virtue of having been a lawful permanent resident for not less than 5 years, as required by subsection (b)(1)(B) of this section, in accordance with the provisions of section 1137 of the Social Security Act.”,

(5) by striking subparagraph (B) of subsection (c)(4),

(6) by striking subsection (d) and redesignating subsections (e) through (i) as subsections (d) through (h), respectively, and

(7) by striking “under section 1902(ee) of the Social Security Act (as in effect on January 1, 2010)” in subsection (d)(3) (as redesignated under paragraph (6)) and inserting “in accordance with the secondary verification process established consistent with section 1137 of the Social Security Act (as is in effect as of January 1, 2009)”.

SA 3702. Mr. CRAPO submitted an amendment intended to be proposed by him to the bill H.R. 4872, to provide for reconciliation pursuant to Title II of the concurrent resolution on the budget for fiscal year 2010 (S. Con. Res. 13); which was ordered to lie on the table; as follows:

At the end of section 1002, insert the following:

(c) EXEMPTION FOR INDIVIDUALS WHO ARE UNEMPLOYED.—Section 5000A(e) of the Internal Revenue Code of 1986, as so added and amended, is amended by adding at the end the following:

“(6) INDIVIDUALS WHO ARE UNEMPLOYED.—Any applicable individual for any month if such individual is receiving unemployment compensation for any week during such month under any Federal or State unemployment compensation.”.

SA 3703. Mr. CRAPO submitted an amendment intended to be proposed by him to the bill H.R. 4872, to provide for reconciliation pursuant to Title II of the concurrent resolution on the budget for fiscal year 2010 (S. Con. Res. 13); which was ordered to lie on the table; as follows:

Strike section 1002 and insert the following:

SEC. 1002. REPEAL OF INDIVIDUAL MANDATE.

Sections 1501 and 1502 and subsections (a), (b), (c), and (d) of section 10106 of the Patient Protection and Affordable Care Act (and the amendments made by such sections and subsections) are repealed and the Internal Revenue Code of 1986 shall be applied and administered as if such provisions and amendments had never been enacted.

SA 3704. Mr. CRAPO submitted an amendment intended to be proposed by him to the bill H.R. 4872, to provide for reconciliation pursuant to Title II of the concurrent resolution on the budget for fiscal year 2010 (S. Con. Res. 13); which was ordered to lie on the table; as follows:

At the end of subtitle E of title I, add the following:

SEC. 14. EXEMPTION OF MIDDLE INCOME INDIVIDUAL AND FAMILIES FROM INDIVIDUAL MANDATE.

(a) IN GENERAL.—Section 5000A(e) of the Internal Revenue Code of 1986, as added by the

Patient Protection and Affordable Care Act, is amended by adding at the end the following new paragraph:

“(6) MIDDLE INCOME INDIVIDUALS AND FAMILIES.—Any applicable individual for any month during a calendar year if the individual’s household income for the taxable year described in section 1412(b)(1)(B) of the Patient Protection and Affordable Care Act is less than \$200,000 (\$250,000 in the case of a joint return), determined in the same manner as under subsection (c)(4).”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years ending after December 31, 2013.

SA 3705. Mr. CRAPO submitted an amendment intended to be proposed by him to the bill H.R. 4872, to provide for reconciliation pursuant to Title II of the concurrent resolution on the budget for fiscal year 2010 (S. Con. Res. 13); which was ordered to lie on the table; as follows:

At the end of subtitle B of title I, insert the following:

SEC. . PRESERVING MEDICARE BENEFICIARY ACCESS TO SKILLED NURSING CARE.

(a) IN GENERAL.—Effective as if included in the enactment of the Patient Protection and Affordable Care Act, section 3401(b) of such Act (and the amendments made by such section) are repealed.

(b) EXPANSION OF AFFORDABILITY EXCEPTION TO INDIVIDUAL MANDATE.—Section 5000A(e)(1)(A) of the Internal Revenue Code of 1986, as added by section 1501(b) of the Patient Protection and Affordable Care Act, is amended by striking “8 percent” and inserting “5 percent”.

SA 3706. Mr. CRAPO submitted an amendment intended to be proposed by him to the bill H.R. 4872, to provide for reconciliation pursuant to Title II of the concurrent resolution on the budget for fiscal year 2010 (S. Con. Res. 13); which was ordered to lie on the table; as follows:

On page 99, between lines 9 and 10, insert the following:

(e) EXCLUSION OF MEDICAL DEVICES FOR CANCER DIAGNOSIS AND TREATMENT.—

(1) IN GENERAL.—For purposes of section 4191(b)(1) of the Internal Revenue Code of 1986, as added by subsection (a), the term “taxable medical device” shall not include any device which is primarily designed to diagnose or treat any form of cancer.

(2) EXPANSION OF AFFORDABILITY EXCEPTION TO INDIVIDUAL MANDATE.—Section 5000A(e)(1)(A) of the Internal Revenue Code of 1986, as added by section 1501(b) of the Patient Protection and Affordable Care Act and amended by section 10106 of such Act, is amended by striking “8 percent” and inserting “5 percent”.

(3) APPLICATION OF PROVISION.—The amendment made by paragraph (2) shall apply as if included in the Patient Protection and Affordable Care Act.

SA 3707. Ms. MURKOWSKI submitted an amendment intended to be proposed by her to the bill H.R. 4872, to provide for reconciliation pursuant to Title II of the concurrent resolution on the budget for fiscal year 2010 (S. Con. Res. 13); which was ordered to lie on the table; as follows:

At the end of section 1402(a), add the following:

(5) INFLATION ADJUSTMENT.—

(A) IN GENERAL.—Section 1411 of the Internal Revenue Code of 1986, as added by paragraph (1), is amended by adding at the end the following new subsection:

“(f) ADJUSTMENT FOR INFLATION.—In the case of any taxable year beginning after December 31, 2013, each of the dollar amounts under paragraphs (1) and (3) of subsection (b) shall be increased by an amount equal to—

“(1) such amount, multiplied by

“(2) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year in which such taxable year begins by substituting ‘calendar year 2012’ for ‘calendar year 1992’ in subparagraph (B) thereof.

If any increase determined under this subsection is not a multiple of \$1,000, such increase shall be rounded to the next lowest multiple of \$1,000.”.

(B) RESCISSION OF CERTAIN STIMULUS FUNDS.—Notwithstanding section 5 of the American Recovery and Reinvestment Act of 2009 (Public Law 111-5; 123 Stat. 116), from the amounts appropriated or made available under division A such Act (other than under title X of such division A), there is rescinded \$1,400,000,000 of any remaining unobligated amounts. The Director of the Office of Management and Budget shall apply the rescission in a pro rata manner with respect to such amounts. The Director of the Office of Management and Budget shall report to each congressional committee the amounts so rescinded within the jurisdiction of such committee.

SA 3708. Ms. MURKOWSKI submitted an amendment intended to be proposed by her to the bill H.R. 4872, to provide for reconciliation pursuant to Title II of the concurrent resolution on the budget for fiscal year 2010 (S. Con. Res. 13); which was ordered to lie on the table; as follows:

On page 94, between lines 20 and 21, insert the following:

(2) INFLATION ADJUSTMENT.—

(A) FICA.—Paragraph (2) of section 3101(b) of the Internal Revenue Code of 1986, as added by section 9015 of the Patient Protection and Affordable Care Act and amended by section 10906 of such Act and paragraph (1), is amended—

(i) by striking “In addition” and inserting the following:

“(A) IN GENERAL.—In addition”, and

(ii) by striking “and which are in excess of” and all that follows and inserting “and which are in excess of—

“(i) in the case of a joint return, \$250,000,

“(ii) in the case of a married taxpayer (as defined in section 7703) filing a separate return, one-half the dollar amount determined under clause (i), and

“(iii) in any other case, \$200,000.

“(B) INFLATION ADJUSTMENT.—In the case of any taxable year beginning after 2013, the \$250,000 and \$200,000 amounts under subparagraph (A) shall each be increased by an amount equal to—

“(i) such dollar amount, multiplied by

“(ii) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year in which the taxable year begins, determined by substituting ‘calendar year 2012’ for ‘calendar year 1992’ in subparagraph (B) thereof.

Any increase determined under the preceding sentence shall be rounded to the nearest multiple of \$1,000.”.

(B) SECA.—

(i) IN GENERAL.—Paragraph (2) of section 1401(b) of the Internal Revenue Code of 1986, as added by section 9015 of the Patient Protection and Affordable Care Act and amended by section 10906 of such Act, is amended by redesignating subparagraph (B) as subparagraph (C) and by inserting after subparagraph (A) the following new subparagraph:

“(B) INFLATION ADJUSTMENT.—In the case of any taxable year beginning after 2013, the \$250,000 and \$200,000 amounts under subparagraph (A) shall each be increased by an amount equal to—

“(i) such dollar amount, multiplied by

“(ii) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year in which the taxable year begins, determined by substituting ‘calendar year 2012’ for ‘calendar year 1992’ in subparagraph (B) thereof.

Any increase determined under the preceding sentence shall be rounded to the nearest multiple of \$1,000.”.

(ii) CONFORMING AMENDMENT.—Subparagraph (C) of section 1401(b)(2) of such Code, as added by section 9015 of the Patient Protection and Affordable Care Act and redesignated by subparagraph (A), is amended by inserting “(after the application of subparagraph (B))” after “subparagraph (A)”.

(C) REPLENISHMENT OF GENERAL FUND THROUGH RESCISSION OF CERTAIN STIMULUS FUNDS.—Notwithstanding section 5 of the American Recovery and Reinvestment Act of 2009 (Public Law 111-5; 123 Stat. 116), from the amounts appropriated or made available under division A such Act (other than under title X of such division A), there is rescinded \$1,600,000,000 of any remaining unobligated amounts. The Director of the Office of Management and Budget shall apply the rescission in a pro rata manner with respect to such amounts. The Director of the Office of Management and Budget shall report to each congressional committee the amounts so rescinded within the jurisdiction of such committee.

SA 3709. Mr. THUNE submitted an amendment intended to be proposed by him to the bill H.R. 4872, to provide for reconciliation pursuant to Title II of the concurrent resolution on the budget for fiscal year 2010 (S. Con. Res. 13); which was ordered to lie on the table; as follows:

On page 113, after line 21, add the following:

SEC. 1502. TRANSPARENCY IN GOVERNMENT.

Not later than 180 days after the date of enactment of this Act, to ensure transparency in Government—

(1) the Librarian of Congress shall make publicly available, in the same accurate, timely, and complete manner as made available to Members of Congress and congressional staff, the Legislative Information System website and the Congressional Research Service website operated by the Library of Congress;

(2) the Secretary of the Senate shall make publicly available, in the same accurate, timely, and complete manner as made available to Members of Congress and congressional staff, the Amendment Tracking System website of the Senate; and

(3) the Sergeant at Arms of the Senate and the Chief Administrative Officer of the House of Representatives shall enter into a contract with C-SPAN, under which C-SPAN shall—

(A) provide television cameras for and make a video recording of any legislative

meeting of a committee of either House of Congress, a joint committee of Congress, or a committee of conference of Congress at which a quorum is present, except to the extent necessary to protect national security; and

(B) make the video recordings publicly available.

SA 3710. Mr. ENSIGN (for himself and Mr. BROWN of Massachusetts) proposed an amendment to the bill H.R. 4872, to provide for reconciliation pursuant to Title II of the concurrent resolution on the budget for fiscal year 2010 (S. Con. Res. 13); as follows:

Strike section 1002 and insert the following:

SEC. 1002. REPEAL OF PENALTY FOR FAILURE TO MAINTAIN MINIMUM ESSENTIAL COVERAGE.

Section 5000A of the Internal Revenue Code of 1986, as added by the Patient Protection and Affordable Care Act, is amended by striking subsections (b), (c), (e), and (g).

SA 3711. Ms. MURKOWSKI proposed an amendment to the bill H.R. 4872, to provide for reconciliation pursuant to Title II of the concurrent resolution on the budget for fiscal year 2010 (S. Con. Res. 13); as follows:

On page 94, between lines 20 and 21, insert the following:

(2) INFLATION ADJUSTMENT.—

(A) FICA.—Paragraph (2) of section 3101(b) of the Internal Revenue Code of 1986, as added by section 9015 of the Patient Protection and Affordable Care Act and amended by section 10906 of such Act and paragraph (1), is amended—

(i) by striking “In addition” and inserting the following:

“(A) IN GENERAL.—In addition”, and

(ii) by striking “and which are in excess of” and all that follows and inserting “and which are in excess of—

“(i) in the case of a joint return, \$250,000,

“(ii) in the case of a married taxpayer (as defined in section 7703) filing a separate return, one-half the dollar amount determined under clause (i), and

“(iii) in any other case, \$200,000.

(B) INFLATION ADJUSTMENT.—In the case of any taxable year beginning after 2013, the \$250,000 and \$200,000 amounts under subparagraph (A) shall each be increased by an amount equal to—

“(i) such dollar amount, multiplied by

“(ii) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year in which the taxable year begins, determined by substituting ‘calendar year 2012’ for ‘calendar year 1992’ in subparagraph (B) thereof.

Any increase determined under the preceding sentence shall be rounded to the nearest multiple of \$1,000.”.

(B) SECA.—

(i) IN GENERAL.—Paragraph (2) of section 1401(b) of the Internal Revenue Code of 1986, as added by section 9015 of the Patient Protection and Affordable Care Act and amended by section 10906 of such Act, is amended by redesignating subparagraph (B) as subparagraph (C) and by inserting after subparagraph (A) the following new subparagraph:

“(B) INFLATION ADJUSTMENT.—In the case of any taxable year beginning after 2013, the \$250,000 and \$200,000 amounts under subparagraph (A) shall each be increased by an amount equal to—

“(i) such dollar amount, multiplied by

“(ii) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year in which the taxable year begins, determined by substituting ‘calendar year 2012’ for ‘calendar year 1992’ in subparagraph (B) thereof.

Any increase determined under the preceding sentence shall be rounded to the nearest multiple of \$1,000.”.

(ii) CONFORMING AMENDMENT.—Subparagraph (C) of section 1401(b)(2) of such Code, as added by section 9015 of the Patient Protection and Affordable Care Act and redesignated by subparagraph (A), is amended by inserting “(after the application of subparagraph (B))” after “subparagraph (A)”.

(C) REPLENISHMENT OF GENERAL FUND THROUGH RESCISSION OF CERTAIN STIMULUS FUNDS.—Notwithstanding section 5 of the American Recovery and Reinvestment Act of 2009 (Public Law 111-5; 123 Stat. 116), from the amounts appropriated or made available under division A such Act (other than under title X of such division A), there is rescinded \$1,600,000,000 of any remaining unobligated amounts. The Director of the Office of Management and Budget shall apply the rescission in a pro rata manner with respect to such amounts. The Director of the Office of Management and Budget shall report to each congressional committee the amounts so rescinded within the jurisdiction of such committee.

SA 3712. Mr. CORNYN proposed an amendment to the bill H.R. 4872, to provide for reconciliation pursuant to Title II of the concurrent resolution on the budget for fiscal year 2010 (S. Con. Res. 13); as follows:

At the end of subtitle C of title I, add the following:

SEC. 1207. FMAP REDUCTION FOR HIGH PAYMENT ERROR RATE.

Section 1905 of the Social Security Act, as amended by section 1202(b) of this Act, is amended by adding at the end the following:

“(ee) DECREASED FMAP FOR HIGH PAYMENT ERROR RATE MEASUREMENT.—Notwithstanding any other provision of this title, beginning January 1, 2014, in the case of a State for which the payment error rate measurement (commonly referred to as ‘PERM’) is at least 10 percent, the Federal medical assistance percentage otherwise applicable to the State with respect to payments for medical assistance for individuals enrolled in the State plan under subclause (VIII) or (IX) of section 1902(a)(10)(A)(i) or subclause (XX) or (XXI) of section 1902(a)(10)(A)(ii) shall be reduced by 1 percentage point until the date on which the Secretary determines that the PERM for the State is below 10 percent.”.

SA 3713. Ms. SNOWE submitted an amendment intended to be proposed by her to the bill H.R. 4872, to provide for reconciliation pursuant to Title II of the concurrent resolution on the budget for fiscal year 2010 (S. Con. Res. 13); which was ordered to lie on the table; as follows:

At the end of subtitle A of title I, insert the following:

SEC. 1006. SMALL BUSINESSES WITH UP TO 100 EMPLOYEES TO ACCESS THE SHOP EXCHANGES IN 2014.

(a) IN GENERAL.—Section 1304(b)(3) of the Patient Protection and Affordable Care Act is repealed and such Act shall be applied and

administered as if such provision had not been enacted.

(b) **EFFECTIVE DATE.**—The amendment made by this section shall take effect as if included in the Patient Protection and Affordable Care Act.

SA 3714. Ms. SNOWE submitted an amendment intended to be proposed by her to the bill H.R. 4872, to provide for reconciliation pursuant to Title II of the concurrent resolution on the budget for fiscal year 2010 (S. Con. Res. 13); which was ordered to lie on the table; as follows:

At the end of subtitle A of title I, add the following:

SEC. 1. MULTI-STATE PLANS.

Section 1334 of the Patient Protection and Affordable Care Act (as added by section 10104(q) of such Act), is amended by adding at the end the following:

“(j) **ADDITIONAL REQUIREMENTS.**—In implementing this section, the Director—

“(1) notwithstanding subsection (a)(4)(B), shall not in any way limit the profits of any entity offering a multi-State plan;

“(2) shall ensure that multi-State plans are offered in all States; and

“(3) shall ensure that the rating rules provided for under part A of title XXVII of the Public Health Service Act apply with respect to multi-State plans, except that a State may enact a State law to impose more restrictive rating rules.”.

SA 3715. Ms. SNOWE submitted an amendment intended to be proposed by her to the bill H.R. 4872, to provide for reconciliation pursuant to Title II of the concurrent resolution on the budget for fiscal year 2010 (S. Con. Res. 13); which was ordered to lie on the table; as follows:

On page 11, beginning with line 19, strike all through page 12, line 9.

SA 3716. Ms. SNOWE submitted an amendment intended to be proposed by her to the bill H.R. 4872, to provide for reconciliation pursuant to Title II of the concurrent resolution on the budget for fiscal year 2010 (S. Con. Res. 13); which was ordered to lie on the table; as follows:

Strike section 1002 and insert the following:

SEC. 1002. REPEAL OF INDIVIDUAL MANDATE.

Sections 1501 and 1502 and subsections (a), (b), (c), and (d) of section 10106 of the Patient Protection and Affordable Care Act (and the amendments made by such sections and subsections) are repealed and the Internal Revenue Code of 1986 shall be applied and administered as if such provisions and amendments had never been enacted.

SA 3717. Ms. SNOWE submitted an amendment intended to be proposed by her to the bill H.R. 4872, to provide for reconciliation pursuant to Title II of the concurrent resolution on the budget for fiscal year 2010 (S. Con. Res. 13); which was ordered to lie on the table; as follows:

On page 92, between lines 16 and 17, insert the following:

“(f) **TAX NOT IMPOSED UNTIL SGR REPEALED.**—No tax shall be imposed under this

section for any taxable year beginning in a calendar year before the calendar year in which the repeal of sustainable growth rate methodology under the Medicare physician fee schedule under section 1848 of the Social Security Act first takes effect.”.

NOTICE OF HEARING

IMPEACHMENT TRIAL COMMITTEE ON THE ARTICLES AGAINST JUDGE G. THOMAS PORTEOUS, JR.

Mrs. MCCASKILL. Mr. President, I wish to announce that the Impeachment Trial Committee on the Articles Against Judge G. Thomas Porteous, Jr. will meet on Tuesday, April 13, 2010, at 4:00 p.m., to conduct its organization meeting.

For further information regarding this meeting, please contact Derron Parks on 202-224-6154.

AUTHORITY FOR COMMITTEES TO MEET

SUBCOMMITTEE ON INTERNATIONAL TRADE, CUSTOMS, AND GLOBAL COMPETITIVENESS

Ms. LANDRIEU. Mr. President, I ask unanimous consent that the Subcommittee on International Trade, Customs, and Global Competitiveness of the Committee on Finance be authorized to meet during the session of the Senate on March 25, 2010, at 2:30 p.m., in room 215 of the Dirksen Senate Office Building, to conduct a hearing entitled “Doubling U.S. Exports: Are U.S. Sea Ports Ready for the Challenge?”

The PRESIDING OFFICER. Without objection, it is so ordered.

SIGNING AUTHORITY

Mr. DURBIN. Madam President, I ask unanimous consent that the majority leader be authorized to sign any duly enrolled bills and joint resolutions through Friday, March 26, 2010.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR FRIDAY, MARCH 26, 2010

Mr. DURBIN. Madam President, I ask unanimous consent that when the Senate completes its business today, it recess until 9:30 a.m., tomorrow, Friday, March 26; that following the prayer and pledge, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and the Senate proceed to a period of morning business, with the time until 12:30 p.m. equally divided and controlled between Senators STABENOW and COBURN or their designees.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. DURBIN. Madam President, tomorrow, we will continue to try to

reach an agreement to take up and pass legislation to extend for 30 days the important unemployment and COBRA benefits that expire soon.

RECESS UNTIL 9:30 A.M. TOMORROW

Mr. DURBIN. Madam President, if there is no further business to come before the Senate, I ask unanimous consent that it recess under the previous order.

There being no objection, the Senate, at 9:33 p.m., recessed until Friday, March 26, 2010, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate:

THE JUDICIARY

MARY HELEN MURGUIA, OF ARIZONA, TO BE UNITED STATES CIRCUIT JUDGE FOR THE NINTH CIRCUIT, VICE MICHAEL D. HAWKINS, RETIRED.

DEPARTMENT OF JUSTICE

JERRY E. MARTIN, OF TENNESSEE, TO BE UNITED STATES ATTORNEY FOR THE MIDDLE DISTRICT OF TENNESSEE FOR THE TERM OF FOUR YEARS, VICE EDWARD MEACHAM YARBROUGH.

JAMES A. LEWIS, OF ILLINOIS, TO BE UNITED STATES ATTORNEY FOR THE CENTRAL DISTRICT OF ILLINOIS FOR THE TERM OF FOUR YEARS, VICE RODGER A. HEATON.

MELINDA L. HAAG, OF CALIFORNIA, TO BE UNITED STATES ATTORNEY FOR THE NORTHERN DISTRICT OF CALIFORNIA FOR THE TERM OF FOUR YEARS, VICE JOSEPH P. RUSSONIELLO.

FRANK LEON GUERRERO, OF GUAM, TO BE UNITED STATES MARSHAL FOR THE DISTRICT OF GUAM AND CONCURRENTLY UNITED STATES MARSHALL FOR THE DISTRICT OF THE NORTHERN MARIANA ISLANDS FOR THE TERM OF FOUR YEARS, VICE JOAQUIN L. G. SALAS.

ROBERT R. ALMONTE, OF TEXAS, TO BE UNITED STATES MARSHAL FOR THE WESTERN DISTRICT OF TEXAS FOR THE TERM OF FOUR YEARS, VICE LAFAYETTE COLLINS.

DALLAS STEPHEN NEVILLE, OF WISCONSIN, TO BE UNITED STATES MARSHAL FOR THE WESTERN DISTRICT OF WISCONSIN FOR THE TERM OF FOUR YEARS, VICE STEPHEN GILBERT FITZGERALD.

THE JUDICIARY

TODD E. EDELMAN, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSOCIATE JUDGE OF THE SUPERIOR COURT OF THE DISTRICT OF COLUMBIA FOR THE TERM OF FIFTEEN YEARS, VICE CHERYL M. LONG, RETIRED.

JUDITH ANNE SMITH, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSOCIATE JUDGE OF THE SUPERIOR COURT OF THE DISTRICT OF COLUMBIA FOR THE TERM OF FIFTEEN YEARS, VICE GEOFFREY M. ALPRIN, RETIRED.

IN THE ARMY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY AS CHAPLAINS UNDER TITLE 10, U.S.C., SECTIONS 624 AND 3064:

To be major

DINO J. BESINGA
KENNETH M. BOLIN
THOMAS A. BROOKS
JAMES P. COVEY
MICHAEL C. COX
DANIEL S. DUNN
DONALD W. EHRKE
ANTHONY W. FLORES
JONATHAN W. FOWLER
PAUL D. FRITTS
SHAWN P. GEE
DAVID S. GOLDSTROM
DENISE A. HAGLER
JAMES P. HALL
JERRY D. HALL, JR.
DANIEL W. HARDIN
MICHAEL J. HART
MICHAEL R. HENDERSON
LOREN B. HUTSELL
ALAN M. IRIZARRY
EDWARD A. JACKSON
GREGORY S. JACKSON
ANTHONY S. KAZARNOWICZ
JAMES D. KEY
HYEONJOONG KIM
HYOKCHAN D. KIM
JESSE R. KING
SCOTT B. KOEMAN
LUIS V. KRUGER, JR.

CHARLES H. LAHMOM
 MONICA R. LAWSON
 LINDA LESANE
 FERDINAND E. MADU
 TIMOTHY E. MARACLE
 WALTER MARSHALL
 JEFFREY T. MCKINNEY
 DAVID W. MEYER
 STEVEN C. MICKEL
 JOHN M. MORGAN
 JASON K. NOBLES
 BRIAN G. PALMER
 CHARLES S. PAUL
 SEAN A. PHILLIPS
 STEPHEN PRATEL, SR.
 ANTHONY P. RANDALL
 JOSE R. SALCIDO, JR.
 CHARLES E. SCOTT
 STEVEN A. SLAUSON
 HENRY C. SOUSSAN
 DAVID R. STONER
 VIRGIL J. THOMAS
 WILLIAM B. TRIPP
 PETER M. UHDE
 TIMOTHY S. VALENTINE
 JEFFREY T. VANNESS
 CODY J. VEST
 KEVIN E. WAINWRIGHT
 GEORGE L. WALLACE
 ERNEST P. WEST, JR.
 TIMOTHY E. WILSON
 SANG J. WON

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be colonel

JAMES J. AIELLO
 FORREST BANKSTON, JR.
 JOHN W. BUFFINGTON

ANGELO M. CAPOLUPO
 PABLO ESTRADA, JR.
 GERARD FRIDMANN
 VERNE C. MCMOARN
 WALTER C. PEREZ

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant commander

BETH A. HOFFMAN

THE FOLLOWING NAMED INDIVIDUALS FOR REGULAR APPOINTMENT TO THE GRADES INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 531:

To be commander

JOHN W. CHEATHAM
 DAVID R. GOFF

To be lieutenant commander

DARREN S. BEASLY
 JOHN E. BISSELL
 JAMES C. MEEHAN
 CHRISTIAN T. MINSHALL
 DOUGLAS G. NESS
 ERIC C. PETERSON
 ANNA A. ROSS
 NOBURO YAMAKI

THE FOLLOWING NAMED INDIVIDUALS FOR APPOINTMENT TO THE GRADES INDICATED IN THE REGULAR NAVY UNDER TITLE 10, U.S.C., SECTION 531:

To be captain

GREGORY M. SARACCO

To be commander

MARSHALL D. BEDDER

CHRISTOPHER B. CHISHOLM
 HARRIS B. FEDERICK
 DENNIS M. WEPPNER

To be lieutenant commander

JARED D. BERNARD
 JOSEPH A. BUGLISI
 JUSTIN J. BURDICK
 MICHAEL A. BURT
 LESLY A. DOSSETT
 WILLIAM C. FOX
 ANDREW J. FRIESSEN
 JONATHAN S. GLASS
 CAVIN H. GLENN
 RYAN T. GOCKE
 JANET C. JACOBSON
 BRIAN J. KARLOVITS
 SCOTT T. KING
 BRIAN S. KNIPP
 JUAN G. LOPEZ
 KAREN L. MATTHEWS
 JOHN M. MONTMINY
 JOEL N. PETERSON
 JUNEWA L. REOMA
 DARIAN C. RICE
 MICHAEL D. SCHORR
 BRIAN W. SHIPPERT
 CHARLES J. SIEGERT
 ASHER O. SMITH
 ROBERT B. SPENCER
 NICHOLAS A. SPINELLI
 DOUGLAS W. STORM
 GUS THEODOS
 IAN L. VALERIO
 EZEKIEL J. WETZEL
 PAUL R. WOMBLE
 WHITNEY B. YOU
 HEATHER G. YURKA
 LUKE A. ZABROCKI

HOUSE OF REPRESENTATIVES—Thursday, March 25, 2010

The House met at 10 a.m. and was called to order by the Speaker.

PRAYER

Rev. Sharon Daugherty, Victory Christian Center, Tulsa, Oklahoma, offered the following prayer:

Father God, we humble ourselves before You as we pray for our Nation and our government. You said, "Blessed is the Nation whose God is the Lord." We pray for You to be Lord over the United States of America. Thank You for our forefathers who established this government upon biblical principles. We ask for President Obama and for our Congress to be guided by the moral and just standard of Your Word in their law-making. We pray that the fear of the Lord would be the standard of judgment and wisdom among all who govern. Help them to hear from You as the authority over this universe.

Holy Spirit, move upon the hearts of Americans in this hour and divinely intervene in our Nation's behalf. We repent where we have been wrong. Help us to do what is right. We put our trust in You alone, in Jesus' name we pray. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House her approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. JACKSON of Illinois. Madam Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER. The question is on the Speaker's approval of the Journal.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. JACKSON of Illinois. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER. Pursuant to clause 8, rule XX, further proceedings on this question will be postponed.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Louisiana (Mr. FLEMING) come forward and lead the House in the Pledge of Allegiance.

Mr. FLEMING led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Repub-

lic for which it stands, one nation under God, indivisible, with liberty and justice for all.

WELCOMING REV. SHARON DAUGHERTY

The SPEAKER. Without objection, the gentlewoman from Oklahoma (Ms. FALLIN) is recognized for 1 minute.

There was no objection.

Ms. FALLIN. Madam Speaker, I am pleased today to be able to introduce our guest chaplain for the day, Pastor Sharon Daugherty, who leads one of our Nation's great institutions of faith, Victory Christian Center of Tulsa, Oklahoma.

Sharon founded Victory Christian with her husband, Pastor Billy Joe Daugherty. Tragically, we lost him to an illness late last year, but Pastor Daugherty still is very committed to the church and has vowed to carry on the wonderful family tradition. Victory Christian Center operates a school for 1,300 students, has summer camps, local and worldwide outreach missions, an international Bible institute, youth programs, and a community health clinic. It also includes job fairs for those looking for employment. And it has much, much more.

Most of all, Victory Christian Center is the faith home to a congregation of more than 17,000 Oklahomans, one of the largest in America. This is a time when faith matters so much to our people. It binds us together, transcends our differences, and reminds us that our liberties are divinely grounded and divinely inspired.

Pastor Sharon Daugherty is a friend, a good neighbor, and a true faith leader in Oklahoma and America. I am so proud to welcome her today to be our chaplain of the day and thank her for a wonderful prayer.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair will entertain up to 10 1-minute speeches on each side of the aisle.

TAX RELIEF TO SMALL BUSINESSES

(Mr. HALL of New York asked and was given permission to address the House for 1 minute.)

Mr. HALL of New York. Madam Speaker, I am pleased that yesterday the House passed H.R. 4849, the Small Business and Infrastructure Jobs Tax Act. As we continue down the path of economic recovery, it is more impor-

tant than ever that we focus on providing tax relief to small businesses.

I am especially proud to report that the bill contains a provision I championed: an increase in the small business startup deduction. This provision will allow people to strike out on their own, become their own boss and create jobs. I fought for this provision after meeting with small businesses and local Chambers of Commerce in the Hudson Valley. Thanks to their input, this legislation is stronger and more effective. I am glad to deliver on a tax deduction that local business owners told me that they needed to help strengthen and build their companies.

Passage of H.R. 4849 will make a real difference for the small businesses in the Hudson Valley. I hope the Senate will soon pass this important legislation.

BANKRUPTING THE TREASURY

(Mr. PITTS asked and was given permission to address the House for 1 minute.)

Mr. PITTS. Mr. Speaker, no one is angrier than I am that Congress has just voted to bankrupt the Treasury. Fiscally speaking, the health bill that the President just signed is the single most irresponsible act this government has already taken. We already have over \$100 trillion in entitlement promises that we can't keep, and Congress just poured gasoline on the fire.

However, violence and threats are not the right way to respond. Some of our colleagues have received threatening phone calls. A brick has been thrown, a window has been smashed. This is not the right way to respond. When the government ignores the will of the people, a high level of frustration is to be expected. But that frustration needs to be channeled into political activity, not threats and violence.

I urge those who oppose this bill to remember that history and fiscal reality will prove them right, and I urge the citizens of this country who are angry to remember that they are on the right side of this debate, and they should act accordingly. In America, that is what elections are for.

COVERAGE FOR PRE-EXISTING CONDITIONS

(Ms. GIFFORDS asked and was given permission to address the House for 1 minute.)

Ms. GIFFORDS. Mr. Speaker, many stories have been shared here on the

floor of the House of Representatives, but today I rise to share the story of Larry and Naomi, two of my constituents, who will now have health care because we recently passed health insurance reform.

Last year Larry was laid off from his job, and immediately began searching for insurance. He was repeatedly denied because his wife, Naomi, was diagnosed with benign fibroids. This is a condition that occurs in up to 50 percent of all women. The companies barred his wife because she had a pre-existing condition. This is a horrible practice that will end with this new law.

In my district, there are an estimated 10,300 people just like Naomi. Starting in 2014, these people will be able to get health care coverage. The new law establishes high-risk insurance pools for adults with such pre-existing conditions. When the law is fully implemented in 2014, no insurance company will be able to use this excuse to deny this type of coverage.

Between now and then coverage will be available to Naomi and thousands of others. Mr. Speaker, I was proud to vote for this bill.

CIVILITY AND DECORUM IN THE HOUSE

(Mrs. EMERSON asked and was given permission to address the House for 1 minute.)

Mrs. EMERSON. Mr. Speaker, I rise today as co-Chair of the Center Aisle Caucus, a bipartisan group of Members of Congress dedicated to the principles of civility and decorum in the House. We believe the House of Representatives should be a respectful place, and we work on behalf of the long traditions set by our Founders and followed by two centuries of Representatives.

It is important for us to have open and honest debate in the people's House, and it is important for Americans to know the House of Representatives is a public place. But it is just as important that the debate, no matter how heated or how passionate, remains respectful and does not degenerate or denigrate others.

I didn't vote for the health care bill, but the threats being directed at Members of Congress who did are deplorable, and they are illegal. They are being perpetrated by Americans who forget that no matter what our differences are, we have to work constructively to solve our problems.

We have a great grassroots movement in my home State that is intense but also observe those important standards of decorous dialogue. I would hope that the very few people who are responsible for these acts against our colleagues will take note and follow the example of impassioned, patriotic Americans who can state their beliefs without threatening Members of Congress and their families.

CONGRATULATING LAVERNE JONES-FERRETTE

(Mrs. CHRISTENSEN asked and was given permission to address the House for 1 minute.)

Mrs. CHRISTENSEN. Mr. Speaker, tonight the Virgin Islands will welcome one of our stars, Laverne Jones-Ferrette, home to St. Croix. I regret that I will not be there to join them, so I rise proudly to offer my congratulations on behalf of this Congress and Virgin Islanders everywhere to Laverne, the current world leader in the 60-meter sprint with a time of 6.97 seconds, the first woman to run that distance in under 7 seconds in over a decade, and the silver medal winner at the International Association of Athletics Federations World Indoor Championships in Doha, Qatar.

The Virgin Islands, with a population of roughly 120,000, has produced legends in every field, and these outstanding men and women have made contributions that have brought worldwide recognition to them, the U.S. Virgin Islands, and our Nation.

Mr. Speaker, I ask my colleagues to join me in saluting again Laverne Jones-Ferrette and her teammates, and wishing them Godspeed as they continue to shine.

CONDEMNING VIOLENCE IN HEALTH CARE DEBATE

(Mr. PENCE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PENCE. Mr. Speaker, the American people don't want a government takeover of health care. The policy, the backroom deals, and the arrogance have angered millions. But that is no excuse for bigotry, threats, or acts of vandalism, and I condemn such things in the strongest possible terms. People who engage in such acts undermine our cause and should be prosecuted to the fullest extent of the law.

But I also rise to condemn the efforts to smear millions of law-abiding Americans who oppose Obamacare and their principled opposition with these criminal acts. The American people have every right to oppose this government takeover of health care without being lumped in with bigots and vandals by liberals in Congress and in the mainstream press.

I say to my countrymen, end the threats, end the vandalism, and let's also end the smears of law-abiding citizens exercising their First Amendment right to speech and peaceable assembly.

□ 1015

BORDER VIOLENCE

(Mrs. KIRKPATRICK of Arizona asked and was given permission to address the House for 1 minute.)

Mrs. KIRKPATRICK of Arizona. Mr. Speaker, for too many years, the southern border has been a gateway for the illegal trafficking of drugs, weapons, money, and people. It is a challenge we, in Arizona, have to live with every day.

On Tuesday, Secretaries Clinton, Gates, and Napolitano led a high-level delegation of defense, law enforcement, and intelligence officials to Mexico City to discuss a new border security plan that builds on the work of the Merida Initiative. This is an important step forward.

I call on them to expand current efforts and to develop a new initiative that takes full advantage of the civilian and military resources of both governments to provide a comprehensive solution that addresses the challenges at the border. We must do whatever it takes to take this fight off our streets and straight to the doorsteps of the cartel leaders.

CONGRATULATIONS TO LOUISIANA STATE REPRESENTATIVE PATRICK WILLIAMS

(Mr. FLEMING asked and was given permission to address the House for 1 minute.)

Mr. FLEMING. Mr. Speaker, I rise today to commend Louisiana State Representative Patrick Williams, who is currently making his annual 226-mile walk from Shreveport, Louisiana, to the State capitol in Baton Rouge to raise awareness for autism and childhood obesity.

Autism is a common and serious developmental disability in the United States, with one in 150 children likely to have some form of this disability.

Representative Williams is also bringing attention to a serious factor affecting childhood obesity, nutrition in the home, especially among poor families.

As a family physician for over 30 years, I support Representative Williams' efforts and look forward to working with him to address these important issues. I congratulate him on raising awareness for these two important issues and join my constituents in thanking him for his service to the great State of Louisiana.

MAKING COLLEGE MORE AFFORDABLE

(Mrs. CAPPS asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. CAPPS. Mr. Speaker, on Sunday, the House passed groundbreaking legislation to make college more affordable.

Students in my district and across the Nation are struggling to keep up with devastating State budget cuts and ever rising tuition. This week I met

with college students from UC Santa Barbara and Oxnard Community College on the Capitol steps, and I was proud to tell them that, during these tough economic times, I voted for the single largest investment ever in higher education.

Our bill will save taxpayers over \$60 billion from wasteful bank subsidies, and we're making education a priority, investing most of these savings directly into Pell Grants. The bill will mean nearly \$48 million for Pell Grants for these and other students over the next 10 years.

Now, more than ever, we need to invest in education to get our economy back on track, and with this bill we did just that. Today we can finish the job for our college students.

REPEAL AND REPLACE

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, repealing the government takeover of health care is the first step, with an immediate replacement for insurance reform. It is important that we offer our patient-centered plan, H.R. 3400, to cover preexisting conditions, to help small businesses with association health plans, and to allow consumers to shop across State lines to lower costs.

Let's continue to cover preexisting conditions but repeal the tax hikes and the unaffordable mandates on individuals and small business owners.

The American patient cannot afford higher premiums. CBO says that the health care premiums will rise up to 13 percent.

The American family cannot afford more tax hikes and fewer jobs; \$569.2 billion in tax hikes on small businesses and other employers.

American children cannot afford the massive deficits; a \$622 billion addition to our already massive debt burden.

And the American health care system cannot afford fewer doctors. Fewer physicians will accept Medicaid patients.

In conclusion, God bless our troops and we will never forget September 11th in the Global War on Terrorism.

Welcome, students, to the Capitol of McCracken Middle School from Bluffton, South Carolina.

CELEBRATING THE PASSAGE OF HEALTH CARE REFORM

(Ms. EDWARDS of Maryland asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. EDWARDS of Maryland. Mr. Speaker, I rise today, proud of what we've accomplished with President Obama, our House Speaker, NANCY

PELOSI, and now the United States Senate to bring quality, affordable health care to the American people.

But our pride is tempered by humility, the humility of knowing that we have brought health care coverage to millions of women who now will no longer have to pay more than men just because they're women.

Our pride is tempered by the humility of knowing that children who have preexisting conditions will now be able to also have health care.

Our pride is tempered by the humility of knowing that for thousands and thousands of small business owners across this country, they'll now be able to provide health care coverage for themselves and their employees.

Mr. Speaker, I'm proud to have joined our forefathers and foremothers who brought us Social Security, civil rights, Medicare, and now health care to the American people.

NO MORE DELAYS ON AMERICAN ENERGY

(Mr. SMITH of Nebraska asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Nebraska. Mr. Speaker, today the House Subcommittee on Energy and Mineral Resources is holding a hearing examining the Obama administration's policies of increasing taxes on and reducing funding for American energy production.

Finding solutions to our country's dependence on foreign energy is a top priority for me. Now is not the time to further delay advancement of American energy. Yet, the administration's budget proposes increasing fees and taxes directly on oil and gas operations here in the United States.

Mr. Speaker, these funds do nothing to expedite or improve the permitting process on Federal lands. Instead, these policies stifle our economy, create more red tape, and block expansion of our energy portfolio. Simply put, these policies are wrong for America.

HEALTH CARE REFORM IN AMERICA

(Ms. MARKEY of Colorado asked and was given permission to address the House for 1 minute.)

Ms. MARKEY of Colorado. Mr. Speaker, I stand here today proud of the accomplishment of this House in finally passing health care reform. This legislation was the culmination of decades of work to bring some sanity to our health care system.

Now Americans with preexisting conditions will no longer be pushed aside by insurance companies. No insurance company will be able to tell a parent that their newborn's weight is a pre-existing condition.

In my district, in 2008, 1,400 families filed for bankruptcy from health care

costs, putting their lives, their homes, and everything at risk because of health care costs. This bill will protect them from skyrocketing expenses.

In addition, nearly 20,000 businesses will receive credits to help them afford insurance.

I have long been a supporter of the 25 community health care centers in my district. These centers will now have the resources to provide primary care at an affordable cost. Our hospitals will also save tens of millions of dollars they now lose to unreimbursed care.

I am proud to have done my part by voting for this health care reform bill.

PENDING INVESTIGATION INTO THE PMA SCANDAL

(Mr. FLAKE asked and was given permission to address the House for 1 minute.)

Mr. FLAKE. Mr. Speaker, a week ago I introduced a privileged resolution asking the Committee on Standards of Official Conduct to report back to the House as to the extent of their investigation into the PMA scandal. A motion to refer that resolution to the committee was adopted unanimously. Every Member in this body voted for it a week ago; yet here we are a week later and we haven't heard anything from the Standards Committee as to the extent of their investigation.

I'll be introducing this resolution again today, and I hope that we can finally get an answer as to the extent of the investigation into the PMA scandal.

HONORING THE LIFE OF FATHER EDWARD L. RUDEMILLER

(Mr. DRIEHAUS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DRIEHAUS. Mr. Speaker, last week the Roman Catholic Archdiocese of Cincinnati lost a committed and humble servant when Father Edward Rudemiller passed away.

"Father Rudy," as he was known, was ordained in 1958 and served the people of southwestern Ohio for 47 years before retiring in 2005. A 1950 graduate of Elder High School in Cincinnati, he returned to his alma mater in 1959 to teach religion and Latin for 21 years.

In addition to these duties, he was the athletic director from 1962–1977. He could often be seen on Friday nights at the "Pit" strolling the sidelines in support of his Panthers.

Although best known for his loyalty to Elder High School and the west side of Cincinnati, Father Rudemiller was equally beloved in his role as parish priest and pastor at parishes throughout the archdiocese.

In his later years, Father Rudy fought through illness with dignity and

grace. We are grateful for his service and we celebrate his life.

HEALTH CARE REFORM

(Mr. SAM JOHNSON of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SAM JOHNSON of Texas. Mr. Speaker, you know, Texas is one of 14 States filing a lawsuit challenging the Federal requirement to purchase health insurance as part of the new health law.

This is America. We don't force people to hand over hard-earned money to a private company against their will. That's the ultimate overreach of Federal power, and it's unconstitutional.

I'm also upset by the fact that this health care law creates one more government handout. By pushing more and more people into a government-controlled health care plan, we're going to reach a point where more Americans depend on the government for help than those who get along by themselves. That's not right.

Americans want, need, and deserve prosperity and success achieved by sacrifice, hard work, self-reliance, and personal responsibility, not government control. It's called the American Dream.

HEALTH CARE REFORM

(Mr. BLUMENAUER asked and was given permission to address the House for 1 minute.)

Mr. BLUMENAUER. Mr. Speaker, well, it's been 72 hours since health care reform was passed and, as near as I can tell, nobody has to go to the post office to get their prostate checked. They're not getting mammograms in the DMV, and we aren't herding doctors to gulags across the country.

The fact is people are seeing what is in this bill: simple, commonsense health insurance reforms that will make a difference for Americans this year in extending coverage, in being able to put children on their health insurance program until they're 26; eliminating the insidious practice of denying coverage when you get sick.

And as Americans see more and more what is in this legislation, we'll have an opportunity to build on this important foundation of health care reform for economic health and security, a better health care for our families, and maybe, just maybe, showing that in the Federal Government here some of us can work together to get things done.

HONORING THE SACRIFICE OF VOLUNTEER FIREFIGHTER DONALD ADKINS

(Mrs. CAPITO asked and was given permission to address the House for 1

minute and to revise and extend her remarks.)

Mrs. CAPITO. Mr. Speaker, I rise today to remember one of West Virginia's finest citizens, volunteer firefighter Donald Adkins. Donald was a volunteer with the Glasgow Volunteer Fire Department, and our hearts go out to his fellow firefighters.

On March 13, Donald was bravely providing rescue support to the flooded areas of Raleigh County, West Virginia, when his rescue boat capsized after striking submerged debris. After 6 days of searching by nearly 100 volunteers, Donald's body was found March 19, 2010.

While our hearts remain heavy for the loss of a true selfless servant, we celebrate the gift of life Donald gave to others in our community as a volunteer firefighter.

Mr. Speaker, Donald Adkins and countless rescue volunteers across West Virginia and the Nation put their lives on the line to protect us during times of emergency. I hope you'll join me in praising them for this difficult, dangerous work that they do for the safety of us all.

I also ask that you keep Donald Adkins' parents; his two sons, Devin and Ethan; his daughter, Allyssa; and his girlfriend, Bobbie Evans, in your thoughts and prayers.

THE AMERICAN DREAM

(Mr. PALLONE asked and was given permission to address the House for 1 minute.)

Mr. PALLONE. Mr. Speaker, you know, I hear from the other side about the American Dream, but I want to say, the American Dream doesn't mean that the government shouldn't get involved to end discrimination.

We have a long history in this country of the government getting involved to end discrimination. And that's a big part of this health care reform, because right now, people who have preexisting conditions cannot get health insurance, or, if they can, they have to pay prohibitive costs which are not acceptable and make it impossible for them to get health insurance.

What we're doing in this health care reform bill is ending discrimination, so that if you have a preexisting condition, if you've had cancer, you can still get health insurance.

Immediately after this bill becomes law—and it actually has become law; the President signed it—children cannot be excluded from policies because of preexisting conditions. And gradually that will occur for every American, that they cannot be discriminated against.

People are discriminated against now. Women are charged more than men. That's not right. That's not part of the American Dream. We are ending discrimination with this legislation,

and I was so proud to see the President sign it on Tuesday.

□ 1030

AMERICAN ASTRONAUTS HITCHING A RIDE INTO SPACE WITH THE RUSSIANS

(Mr. OLSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. OLSON. Mr. Speaker, I rise today to point out a growing concern within the community of supporters for a strong human space flight program—American exceptionalism lagging behind Russia and other countries.

Just yesterday in the Washington Post, a special advertising section on Russia had a front page story about their growing investment in human space flight. The headline read, "American Astronauts are Hitching a Ride with the Russian Space Program. Russia Makes Space for the U.S."

Additional comments in the story included: "Russia will fuel space exploration once again, while the U.S. vision appears dampened. As the United States reprioritizes its programs, the country will rely on Russia to take its astronauts into space."

Under the President's proposed budget, the Russians will be the only game in town for getting our astronauts to and from the International Space Station. The United States of America should never have to depend on another foreign nation to "make space" for our astronauts to get to the Space Station that the American taxpayer has largely paid for.

Mr. Speaker, that should be a concern to all Americans.

NOTICE OF INTENTION TO OFFER RESOLUTION RAISING A QUESTION OF THE PRIVILEGES OF THE HOUSE

Mr. FLAKE. Mr. Speaker, pursuant to clause 2(a)(1) of rule IX, I hereby notify the House of my intention to offer a resolution as a question of the privileges of the House.

The form of my resolution is as follows:

Whereas, the Committee on Standards of Official Conduct initiated an investigation into allegations related to earmarks and campaign contributions in the Spring of 2009.

Whereas, on December 2, 2009, reports and findings in seven separate matters involving the alleged connection between earmarks and campaign contributions were forwarded by the Office of Congressional Ethics to the Standards Committee.

Whereas, on February 26, 2010, the Standards Committee made public its report on the matter wherein the Committee found, though a widespread perception exists among corporations and lobbyists that campaign contributions provide a greater chance of obtaining earmarks, there was no evidence that Members or their staff considered contributions when requesting earmarks.

Whereas, the Committee indicated that, with respect to the matters forwarded by the Office of Congressional Ethics, neither the evidence cited in the OCE's findings nor the evidence in the record before the Standards Committee provided a substantial reason to believe that violations of applicable standards of conduct occurred.

Whereas, the Office of Congressional Ethics is prohibited from reviewing activities taking place prior to March of 2008 and lacks the authority to subpoena witnesses and documents.

Whereas, for example, the Office of Congressional Ethics noted that in some instances documents were redacted or specific information was not provided and that, in at least one instance, they had reason to believe a witness withheld information requested and did not identify what was being withheld.

Whereas, the Office of Congressional Ethics also noted that they were able to interview only six former employees of the PMA Group, with many former employees refusing to consent to interviews and the OCE unable to obtain evidence within PMA's possession.

Whereas, Roll Call noted that "the committee report was five pages long and included no documentation of any evidence collected or any interviews conducted by the committee, beyond a statement that the investigation included extensive document reviews and interviews with numerous witnesses." (Roll Call, March 8, 2010)

Whereas, it is unclear whether the Standards Committee included in their investigation any activities that occurred prior to 2008.

Whereas, it is unclear whether the Standards Committee interviewed any Members in the course of their investigation.

Whereas, it is unclear whether the Standards Committee, in the course of their investigation, initiated their own subpoenas or followed the Office of Congressional Ethics recommendations to issue subpoenas: Now therefore be it:

Resolved, That not later than seven days after the adoption of this resolution, the Committee on Standards of Official Conduct shall report to the House of Representatives, with respect to the activities addressed in its report of February 26, 2010, (1) how many witnesses were interviewed, (2) how many, if any, subpoenas were issued in the course of their investigation, and (3) what documents were reviewed and their availability for public review.

The SPEAKER pro tempore (Mr. JACKSON of Illinois). Under rule IX, a resolution offered from the floor by a Member other than the majority leader or the minority leader as a question of the privileges of the House has immediate precedence only at a time designated by the Chair within 2 legislative days after the resolution is properly noticed.

Pending that designation, the form of the resolution noticed by the gentleman from Arizona will appear in the RECORD at this point.

The Chair will not at this point determine whether the resolution constitutes a question of privilege. That determination will be made at the time designated for consideration of the resolution.

PROVIDING FOR CONSIDERATION OF SENATE AMENDMENTS TO H.R. 1586, TAX ON BONUSES RECEIVED FROM CERTAIN TARP RECIPIENTS

Ms. SLAUGHTER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 1212 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 1212

Resolved, That upon adoption of this resolution it shall be in order to take from the Speaker's table the bill (H.R. 1586) to impose an additional tax on bonuses received from certain TARP recipients, with the Senate amendments thereto, and to consider in the House, without intervention of any point of order except those arising under clause 10 of rule XXI, a single motion offered by the chair of the Committee on Transportation and Infrastructure or his designee that the House concur in the Senate amendment to the title and that the House concur in the Senate amendment to the text with the amendment printed in the report of the Committee on Rules accompanying this resolution. The Senate amendments and the motion shall be considered as read. The motion shall be debatable for one hour equally divided and controlled by the chair and ranking minority member of the Committee on Transportation and Infrastructure. The previous question shall be considered as ordered on the motion to final adoption without intervening motion or demand for division of the question.

SEC. 2. It shall be in order at any time through the calendar day of March 28, 2010, for the Speaker to entertain motions that the House suspend the rules. The Speaker or her designee shall consult with the Minority Leader or his designee on the designation of any matter for consideration pursuant to this section.

SEC. 3. The requirement of clause 6(a) of rule XIII for a two-thirds vote to consider a report from the Committee on Rules on the same day it is presented to the House is waived with respect to any resolution reported through the legislative day of March 29, 2010.

SEC. 4. (a) On any legislative day specified in subsection (b), the Speaker may at any time declare the House adjourned.

(b) When the House adjourns on a motion pursuant to this subsection or a declaration pursuant to subsection (a) on the legislative day of:

(1) Thursday, March 25, 2010, it shall stand adjourned until 10:30 a.m. on Monday, March 29, 2010.

(2) Monday, March 29, 2010, it shall stand adjourned until 10 a.m. on Thursday, April 1, 2010.

(3) Thursday, April 1, 2010, it shall stand adjourned until 4 p.m. on Monday, April 5, 2010.

(4) Monday, April 5, 2010, it shall stand adjourned until 9 a.m. on Thursday, April 8, 2010.

(5) Thursday, April 8, 2010, it shall stand adjourned until noon on Monday, April 12, 2010.

(c) If, during any adjournment addressed by subsection (b), the House has received a message from the Senate transmitting its concurrence in an applicable concurrent resolution of adjournment, the House shall stand adjourned (as though by motion) pursuant to such concurrent resolution.

(d) The Speaker may appoint Members to perform the duties of the Chair for the duration of the period addressed by this section as though under clause 8(a) of rule I.

The SPEAKER pro tempore. The gentlewoman from New York is recognized for 1 hour.

Ms. SLAUGHTER. For the purpose of debate only, I yield the customary 30 minutes to the gentleman from Texas (Mr. SESSIONS). All time yielded during consideration of the rule is for debate only.

GENERAL LEAVE

Ms. SLAUGHTER. I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks and to insert extraneous materials into the CONGRESSIONAL RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from New York?

There was no objection.

Ms. SLAUGHTER. I yield myself such time as I may consume.

Mr. Speaker, the resolution provides for consideration of the Senate amendments to H.R. 1586, the Aviation Safety and Investment Act of 2010. The rule makes in order a single motion offered by the chair of the Transportation Committee that the House concur in the Senate amendment to the title and concur in the Senate amendment to the text with the amendment printed in the Rules Committee report. It provides for 1 hour of debate on the motion.

The rule provides the Speaker may entertain motions to suspend the rules; and waives requiring a two-thirds vote to consider a rule on the same day it is reported from the Rules Committee. This requirement is waived through Monday, March 29.

Mr. Speaker, I stand here just a day after having been reminded yet again of the pain of many of my friends and constituents of the tragic February 12, 2009 crash of Colgan Air Flight 3407 and the grief caused to the people of our area.

Yesterday morning, right here in the Capitol, I was privileged to meet with some of the victims' families. It is always a sobering experience to sit down with those brave souls and their efforts to fight for safer travel for the rest of us. Their great fight is a testament to their commitment and passion.

In fact, it is my sincere hope and prayer that once we finish this effort and make changes to the laws governing pilot safety that we can find a way to name it to honor the lost lives of this crash. I suggest calling this legislation the "Buffalo Safety Act." I can think of no better way to mark the lessons we have learned as a Nation about flight safety than honoring the people who died on that icy, snowy night.

The meeting I had yesterday morning centered on safety proposals and a discussion of how this legislation will

eventually be implemented. We also talked with the Federal Aviation Administration about why it has to take so long before simple, commonsense changes can be made to the laws that govern how many hours a pilot flies, how they are trained and who is responsible for ensuring their flight records are not locked away in some box where nobody can assess their skills.

After last year's crash, I could hardly believe it when we learned that the pilot of Flight 3407 had failed five different tests, yet his employer only knew about two of those failures. Shouldn't a pilot's entire flying record be available to their employer? I think so. I know it would make me feel better about getting on a plane.

As you know, I have been fighting for a handful of specific and simple changes to current law. I believe that the regional pilots have to be paid better. Better compensation will help to make sure we get the best people in the cockpit. I was stunned to learn that the first officer of Flight 3407 was paid \$16,000 a year. That is less than you would earn at a convenience store. Is that what we should pay people who we trust with our lives?

I am also worried about fatigue. A tired pilot is not at his or her best, and that is not acceptable. My proposal would call for a study by the National Academy of Science on this topic but would go further by tasking the FAA to rewrite many of the standards for pilots.

I would like to see pilots' flight records available so that everybody knows about the problems in their past flying experiences. Again, my plan would mandate that the General Accounting Office review this with an eye toward greater transparency.

I would like to see carrier maintenance of their aircraft, changes made to the cozy relationship that the FAA has with airlines, and some way to put real teeth into the recommendations that grew out of the horrific hearings last spring by the National Transportation Safety Board.

It has been 21 years, Mr. Speaker, since we have revised some of the standards for aircraft rescue and firefighting standards. We are well overdue to update our expectations for all pilots, who, for the most part, are well-qualified, dedicated, and well-trained professionals.

Of course, the legislation that we are debating today is about much more. With this bill, we have essentially combined our pilot safety bill and the FAA authorization in one package.

□ 1045

It is my hope the Senate will do the right thing and allow us to go to conference where we can quickly and appropriately settle upon a compromise that allows us to turn this conversation into tangible improvements.

Besides the safety programs, this bill provides essential increases in aviation funding and safety improvements and invests in the Airport Improvement Program to help overcome congestion and delays.

The amendment we are considering today consists of the text of two bills that already have passed the House, H.R. 915, the FAA Reauthorization Act of 2009, and H.R. 3371, the Airline Safety and Pilot Training Improvement Act of 2009.

I urge my colleagues to come together with me to approve this rule. Let us move quickly to pass this amendment and send it to the Senate.

I reserve the balance of my time.

Mr. SESSIONS. I yield myself such time as I may consume.

Mr. Speaker, I want to thank the gentlewoman, the chairwoman of the Rules Committee, for extending me time on this FAA Reauthorization Act.

Mr. Speaker, this may not come as a surprise to you or Members of this body, but once again we are here to discuss a bill on the floor that has come to the floor under a closed rule. We continue this process in this House of Representatives despite the promise from the majority that they would lead this floor with open and honest and ethical debate and, once again, this is neither open, and I do not believe it's an honest process if Members of this body are shut out day after day after day after day in the Rules Committee, Republicans and Democrats, who cannot come to this floor as a result of the Rules Committee action that we took yesterday. They are not even opening this process up to the Members. I think it's bad for this body, I think it's terrible for the Rules Committee and, even worse, I think, to extend the expectation that we would be open on this floor is a misnomer, and it has been for almost 4 years now.

This Democrat majority has not allowed for one open amendment process this entire legislative session, not one, not one, Mr. Speaker, and that's unprecedented. Last week, as we were up over the weekend Saturday in the Rules Committee for the important health care debate, Members came to the Rules Committee the entire day with over 80 Republican amendments, presenting ideas, ideas that they had, some which were outstanding bills and some which were small and minor fixes.

Yet at the end of the day, before we voted on Sunday, gleefully the Rules Committee majority, including our chairwoman, gleefully announced all 80 Republican ideas were defeated, all 80 Republican ideas were slam dunk in the Rules Committee. All 80 Republican ideas that Members came to express themselves up on the floor, slam dunk, and gleefully the bill was held as is, no additional outside comment necessary, Democrats have it down. This

has happened day after day, bill after bill.

We are here, Republicans on the floor of the House of Representatives today, saying, again, that's not right. That's not the way to run this ship, this is not open, and this is not the process that should be followed.

So I guess that when the Speaker promised we are going to be the most open, the most honest, the most ethical Congress, I don't think she was referencing how she and our chairwoman would be running the Rules Committee or the legislation on this floor. Not only is this rule closed, but it allows for martial law authority, meaning that whatever the majority wants to do, they can do on this floor, all the way throughout the weekend, all the way into Monday.

The Rules Committee continues to shut out Republicans, our ideas, and to circumvent the rules that this committee has traditionally had simply to pursue an agenda. I believe last weekend, as thousands of people were outside trying to have their voices be heard, once again, this body did not listen to them and rejected their pleas, which really begs the question, I think, would the majority each time a bill comes up for consideration eliminate the amendment process from the debate?

Is that what they are afraid of? Are they afraid to debate these? Are they afraid to have Members like the gentleman, Mr. MICA, come and present his ideas, ranking member of the committee, a gentleman who has spent lots of time working with people to make this bill better?

What are they afraid of? Are they trying to protect their Members from tough votes? Are they afraid of the process? What is it that continues this process with not one open rule this legislative session? Oh, by the way, we are in the second session right now, this is the second year.

Today's closed rule is all about the Federal Aviation Administration, known as the FAA, and this is their reauthorization act. This bill would reauthorize the FAA for 3 more years. While U.S. air travel plays a fundamental role in our economy, and making safe provisions, a cornerstone of this legislation, is important, yet there are controversial provisions, including cost increases for passengers, excessive spending and labor negotiations, and job losses. Today I would like to talk about those parts of this bill that were not amended, do not allow for Member contest, for amendments.

Keeping up the tradition of Democratic Party spending, this bill authorizes \$70 billion over 4 years. This is a historic level of funding for the FAA, which should come as no surprise from this Democrat-controlled Congress that has already set record levels of deficit and spending over the past 4

years and, once again, aiming for a \$1.6 trillion deficit this year, \$200 billion worth of deficit last month alone.

This legislation reiterates the 1998 labor agreement between the National Air Traffic Controllers Association and the FAA. This is a terrible precedent to have Congress interject itself in a current labor dispute, especially when it is on the back of the American taxpayer. According to CBO, this agreement is going to cost taxpayers \$83 million this year and over \$1 billion throughout the 4-year reauthorization. This bill puts funding for other important safety and air traffic control modernization programs at risk. Forget the negotiation—we will just take care of that here on the floor of the House of Representatives.

Additionally, this legislation directs the FAA to conduct biannual inspections on all foreign repair stations. This completely disregards the bilateral safety agreements and invites foreign retaliation that threaten 130,000 American jobs at service stations. Mr. Speaker, why does this Democrat leadership continue to bring bills to the floor of the House of Representatives that threaten American jobs?

We should be all about ensuring that American jobs are taken care of, not putting them at risk. We have seen record unemployment over the last year. As a matter of fact, in the last year since President Obama has become our President, here in several months, we have doubled the amount of people who are unemployed in this country. More and more people are out of work every day directly because of the political agenda and will of Barack Obama and NANCY PELOSI on this floor of the House of Representatives with votes of Democratic Members.

Americans want jobs. We want a growth strategy. We want to make sure and should be on this floor talking about being competitive with the world, not here trying to satisfy union concerns and raise taxes and diminishing more jobs and putting them at risk.

Despite the record unemployment and the 130,000 jobs this bill currently threatens, it goes one step further by invalidating all antitrust immunity grants to airline allowances 3 years after enacting their contracts. This will hurt U.S. carriers' competitiveness and threaten another 15,000 jobs.

Mr. Speaker, why would we want to become less competitive with other foreign nations? Why would this Congress want to place America in a defensive position against the things which have strengthened Americans' relationship with other countries and ensured, not just that we would get along, but American jobs in the process.

This legislation also increases the Passenger Facility Charge, known as the PFC for those of us who are regular travelers, up to \$7 per flight. That is a

56 percent increase from the current allowable \$4.50 per flight charge.

At a time when our airlines, not unlike all other areas of this economy, are struggling, we are now going to stick it to those who are flying to pay for these boondoggle expenses that I believe this Congress is creating. While the FAA says the fees are important to fund FAA-approved projects to enhance safety and security, what it's really all about is being able to pay for this union contract.

You know, these projects also include things like bike storage for passengers that are laid out in the bill, bike storage for passengers on airlines. I don't know about you, but I don't know how many passengers who bike to the airports with their luggage, but that's what we are going to do. We are going to go and make bicycle areas available at airports. That's just a lot of money, and it's a lot of wasted money that does not make sense at a time when we should be making tough decisions, not adding to the expense that is required at every airport in this country.

This reauthorization does very little to improve our Nation's air traffic control modernization program, known as NextGen. Despite concerns and growing congestion in our Nation's airspace, the bill does not provide a dedicated funding source, does not establish an air traffic control modernization board, and does not provide NextGen with needed borrowing authority, authority to be prepared for our future. Without proper funding and oversight, NextGen will fail to properly deploy the congestion in U.S. airspace, which is reaching critical levels, to ensure the safety areas are fully adopted to.

This legislation does include the bipartisan bill H.R. 3371, the Airline Safety and Pilot Training Improvement Act, that passed the House of Representatives last year. This is a step in the right direction for the future safety of airline travel, ensuring our pilots have the appropriate screening and training that is necessary.

Over a year ago, Mr. Speaker, the President promised that unemployment would not reach 8 percent. Over 3 million Americans since then have lost their jobs. That was a promise. We have now reached a 10.2 percent record unemployment rate and continue to hover well above the 8 percent that we were told would be the margin. Congress needs to stop the record spending, needs to focus on creating jobs, not diminishing them, as this bill threatens 130,000 jobs today.

Mr. Speaker, I believe we have the ability to make progress in Congress, create jobs, and grow the economy. America should be called the "Employer Nation," and, instead, this Congress fails to understand how jobs are formed through investment and reinvesting within businesses in this country.

We should work with the investor and the free enterprise system to become the global leader. We should not rely on governments to pull us out of this economic stumble that we are in.

Mr. Speaker, at this time I would like to yield 8 minutes to the gentleman from Florida, who is the ranking member of the Aviation Subcommittee, Mr. MICA.

Mr. MICA. I thank the gentleman for yielding.

Mr. Speaker, my colleagues in the House, I rise in strong opposition to this closed rule to consider FAA reauthorization legislation. Quite frankly, Mr. Speaker, I am disgusted with this whole process at a time when millions of Americans are without employment, people are having their homes foreclosed, people seeking jobs for more than a year now finding no opportunities, people cutting back across the land in tough economic times.

□ 1100

I am really saddened that we continue to play games with one of our most important responsibilities, and that is providing Federal authorization for all of our aviation programs.

The FAA bill sets the blueprint for our policy, Federal policy, for projects, for funding, for every activity dealing with aviation in this Nation. I am actually sickened by the games that have been played with this.

As chairman of the Aviation Subcommittee, in May of 2003—now listen to this—in 2003, I introduced the current and longstanding last Federal Aviation Authorization bill. Now, I didn't get it done immediately; but by December, in 6 months I had that on the President's desk, and in December of 2007 the President signed that.

Now, the other side of the aisle has had complete control of the Congress, 258 votes in the House of Representatives, 60, until just about a month ago, to do anything they wanted to do to move this country forward, to move our policy forward as far as transportation, infrastructure, job creation, investment in this country, and we are here on the eve of an Easter recess playing games with a major piece of infrastructure legislation. This is sickening.

Yesterday, we passed the 13th extension. The bill expired in 2007. The 13th extension. And, again, the other body had 60 votes to do anything they wanted to. They could have put any terms in there. So we finally get a bill from them, and they play games with that bill and send it over to us, not to consider our legislation, but putting it on a Ways and Means bill.

Now, I went before the Rules Committee yesterday, and I again emphasized the importance of passing this legislation.

I just came from a meeting of the American Society of Civil Engineers

who talked about a \$2.2 trillion deficit in infrastructure in this country, and one of the major glaring areas that we haven't paid attention to is aviation. Aviation is the pathway, the very means, of conducting business in this country. Whether it's for passengers, who fly two-thirds of all the flights on the planet in this country, it is our doorway to success in economic activity; and still this bill languishes. This is obscene.

We had the opportunity yesterday, if they would have provided an open rule, to send over to the Senate, the other body, a measure that would have moved this forward and we could have a bill on its way to the President of the United States and moved the policy and the projects and the jobs forward.

Instead, what they are doing—and listen to what they are doing—they are adding on a House bill that we passed last May with job-threatening, job-killing provisions.

What is wrong with this place?

This is serious. People in this country are crying out for economic opportunities, for jobs, for the dreams of Americans. Instead, what are we doing? We are playing games. Now we are sending it back.

If they would have provided us with an open rule—the Senate bill wasn't that bad; the other body's bill wasn't that bad—we could have amended it today and got on with the business of this country, got on with advancing aviation. So, instead, we are going to put provisions in here.

The first provision we put in there is absolutely ridiculous, that is, to get NATCA, the air traffic controllers, to do away with their contracts. Well, folks, they have already done away with the contract. Of course, nobody knows it; but they have already done away with the contract. The air traffic controllers, who now get \$166,000 on average, that is their average pay, behind closed doors they cut a deal to give everyone a \$9,000 pay increase. Well, you know, you win the election, you pay off your friends. They helped them win the election, so they get a \$9,000 pay increase; 15,000 of them, they give a \$30,000 pay increase, \$45,000 on average, to new hires in air traffic control.

Now, air traffic controllers do a good job. Do they deserve \$166,000 on average? I don't think so. They are well compensated. That is 15,500 employees.

Well, I have 22,000 employees that we left behind in FAA in that sweetheart deal, engineers, people with Ph.D.s, people who have technical expertise in safety that I need in that agency. We left them behind so we could play political games. And they put the provision in here that is almost an insult, because they already cut that deal. They have got a provision in here on repair stations. It threatens to kill 130,000 jobs in this legislation—130,000 jobs. They invalidate an antitrust provision.

This is what we are tacking on to the Senate bill that came over here, 15,000 jobs.

When we debated the bill on the floor, I stood up, and almost every speaker who spoke I cited how many jobs would be lost in their district or their State or threatened to be lost because of the provisions. Now we are tacking those job-killing provisions back on this bill and sending it to the other body.

It gets worse. You heard some of the things that are in here that do not belong in here that will harm aviation, that will set us behind, that will kill additional jobs; and yet we are playing that game.

So it's a lot of fun, folks, to be here when people are hurting, when people are looking to us for leadership. And what do we provide them? A little Ping-Pong game: Here comes the bill again. There goes the bill again.

Well, I am going to vote "no" on this rule. I am going to vote "no" on the legislation that follows. Not because I don't want to proceed; I want to proceed. But we need to do it in a responsible fashion.

Mr. SESSIONS. I reserve the balance of my time.

Ms. SLAUGHTER. May I inquire how much time remains, Mr. Speaker.

The SPEAKER pro tempore. The gentlelady from New York has 24½ minutes remaining. The gentleman from Texas has 8½ minutes remaining.

Ms. SLAUGHTER. I reserve the balance of my time.

Mr. SESSIONS. I once again would like to thank the gentlewoman for the time she has extended to us. And I appreciate the gentleman, Mr. MICA, for being here today on the floor.

In closing, Mr. Speaker, I want to reiterate that the House is operating an unprecedented restrictive rules process, once again, continuing the 4 years, into our fourth year of this very interesting process to deny Members the opportunity to come and to place their ideas on this floor, to debate their ideas, and a chance to vote on them. I think it is a bad way to run the House.

Every time a rule is up, we get to say, Well, brand-new record. Brand-new record here for the House of Representatives.

I think you heard the frustration that came from a gentleman who has devoted his life, not only his career, to the transportation infrastructure areas of this country, but also the FAA and a lot of initiatives and ideas that he wishes he could have been a part of to make this better. But, once again, our friends on the other side of the aisle refuse to work with the Republicans. They refuse to allow amendments or even a motion to recommit, and then given themselves martial law, same-day suspension authority, and other circumventing activities just to get their job-killing agendas through this House of Representatives.

If it weren't just job killing, it would be simple for the American people to understand, but it is also record taxing and spending. Big Government. Big Government, empowering government-types of rules and bills on this floor. And we oppose that.

If we continue to borrow, tax, and spend down this pathway that the Democrat majority has that we have been pursuing since 2007, we are going to keep finding that not only do we keep losing jobs, but our country functionally will be broke. Not just broken, but bankrupt-type broke. We are non-competitive, and we are doing nothing to create competitiveness around this world. As a matter of fact, we are trying to play hardball with other countries.

No wonder this President is seen, and America is seen, in the world's eyes the way that we are. We are told that others diminished America's reputation, but what we are doing here today is just another opportunity to go stick our finger in the eye of our friends around the world.

Mr. Speaker, I am disappointed. We heard the gentleman from Florida say he is outraged. All we can do is that which is given to us. We will vote "no." We will vote "no" on this rule. We will vote to try and gain some opportunity to where we can have balance back on this floor, and we will continue to stand up and talk about how we would like for this country to be an employer Nation.

We would like to have this Congress aim at its business and what it does, instead of part-time or summer jobs; full-time jobs, employment, and opportunity for the American people. We would like to see this Congress take on the opportunities to say that we recognize that the way we will have jobs is by lowering taxes and giving investors an opportunity, a chance to place their hard-earned money into the free enterprise system where jobs can be built and grown, an opportunity not to have the three largest political agenda items that this Democratic Party, this President Barack Obama and NANCY PELOSI stand for, three major political items that would net lose this country 10 million jobs.

This last weekend as we were up in the Rules Committee, we were talking about the diminishment of jobs or the guess of diminishment jobs in this health care bill, and I stated what I believe was factually correct: around 4½ million jobs would be lost. And one of my Democratic colleagues yelled back, It's only 3 million jobs—only 3 million jobs are expected to be lost by this health care bill.

That is 3 million American jobs today that we are knowingly, willingly, voting to say, That's okay. We don't care about those jobs, because what we want to do is to take care of some 25 million people who do not have

insurance coverage and are underinsured on health care today, and yet remaining another 25 million that are out there.

The cost-benefit ratios are staggering from this Democrat majority. It is staggering what we are doing to the free enterprise system, to families, to jobs, to people who want to have an opportunity to have a job, the dignity to take care of themselves. It's staggering to me the amount of debt, the amount of spending that takes place from this Democratic House of Representatives. It's staggering to me to see that this leadership and the votes that are made on this floor of the House of Representatives day after day are from our past and perhaps our future.

We don't even care if we read the bill. We don't care about the process. We care more about our political agenda, a political agenda about making government bigger, about bankrupting this country, about taking jobs from American people, about the cavalier nature in which this is done.

And then we look at the opportunity as we go through the bill to see that this health care bill, and other bills like we are having here today, simply empower other people, bigger government: 16,000 new IRS agents will be hired simply to make sure that this health care bill is enforced.

It's these kinds of questions, Mr. Speaker, which Republicans and I believe others are raising about the leadership of Barack Obama and the leadership of NANCY PELOSI; and yet we look up and see day after day the votes that are on the floor.

Don't even worry about reading the bill. Let's just get this done: this is why we are having problems in this country. We should open up the process.

□ 1115

We should have open, honest, ethical debates. We should be willing to accept Republican ideas. We should not be gleeful when, Well, we reject it. Eighty Republican ideas. Job well done, Democratic team. Let's slam-dunk those Republicans. Let's not allow their ideas.

Mr. Speaker, for this country to work, and to work properly, it's going to take all of us working together, not just the Democrat majority because they have the votes to slam-dunk Republicans. We believe process is important. We believe ideas are important. We believe that the Republican Party has lots of ideas that we will continue to stand up for. We are an alternative party and we will continue to show up every day faithfully for the American people; faithfully to say that we believe in not only freedom and opportunity, but we believe in the free enterprise system and people to have the dignity of jobs.

And we are going to fight these job-killing Democrat ideas. We're going to

fight these taxes and the spending that takes place, and we will make sure that the American people understand this is just another chance today to put America further and deeper into debt. It makes us sick to our stomach when we have to have Members who come and say, I was shut out of this process. No wonder I'm going to vote against this bill.

I yield back the balance of my time.

Ms. SLAUGHTER. Well, Mr. Speaker, in response to Mr. SESSIONS' comments on jobs, I would like to quote from this morning's Dallas Morning News and then submit the article for the RECORD. "Jobs picture." I believe this is the gentleman's district. "Moody's is forecasting that most Texas markets—including the Dallas-Forth Worth area—will have made up for employment lost during the recession and be adding jobs by late next year."

"The central part of the country and all of Texas will be among the first to reclaim all of its lost jobs."

The just-passed Federal health care legislation could add significantly to the employment base, since Texas is one of the States with the highest percentage of consumers who have no health care insurance.

[From the Dallas Morning News, Mar. 24, 2010]

MOODY'S EXPERTS PREDICT TEXAS CITIES
WILL LEAD THE RECOVERY
(By Steve Brown)

Texas cities will outpace the rest of the country coming out of the recession.

But that doesn't mean there won't be bumps in the road to recovery, the folks at Moody's Analytics said Tuesday at their annual Dallas economic confab.

There's still some bad news—more woes in store for the battered real estate sector. But Moody's predicts that Texas will find new jobs in health care, high tech and energy.

"This region really does lead the nation in terms of recovery and will be one of the first regions to achieve a new employment peak," Steven Cochrane, Moody's Analytics' managing director, told more than 100 local businesspeople at the session. "The recession was just so shallow here because the housing cycle was shallow."

"Income growth was more stable, and state fiscal conditions are better," he said. "There is a smaller hole to dig out of."

JOB'S PICTURE

Moody's is forecasting that most Texas markets—including the Dallas-Fort Worth area—will have made up for employment lost during the recession and be adding jobs by late next year or early 2012.

"The central part of the country and all of Texas will be among the first to reclaim all of its lost jobs," Cochrane said.

The Dallas area is expected to increase employment by about 1.5 percent in 2010 and 3 percent in 2011.

Oil and gas and high tech will be among the sectors that drive job creation in Texas during the next few years, Moody's predicts.

The just-passed federal health care legislation could also add significantly to the employment base, since Texas is one of the states with the highest percentage of consumers who lack medical insurance.

BIG GROWTH DRIVER

"We will probably see this as a big growth driver in all of the South long term," Cochrane said.

Moody's analysts aren't bullish about the country's housing market. They expect further weakness this year and a slow turnaround when it comes.

"Foreclosures are at best peaking now," Moody's Analytics director Edward Friedman said. "Maybe it will be another three or four months before they finally peak completely, and we see the true turnabout we need to believe the housing market is headed on the right track."

That's why Moody's is forecasting further declines in nationwide home prices during the next six months. "We think another 5 or 10 percent," Friedman said.

THE DRAG OF HOUSING

Unlike in most economic rebounds, the housing market will continue to drag, he said.

"The housing sector—isn't that the sector that leads the recovery?" Friedman said. "Not this time."

Moody's estimates that U.S. households have lost almost \$6 trillion in housing values during the recession.

"The rebound so far has only been in the stock market," Friedman said. "You are not getting your housing construction rebound."

Texas home prices aren't likely to see much of a bounce during the next couple of years, the analysts predict.

"Housing isn't a significant driver in the Texas economy right now," Cochrane said.

Moody's also has red flags flying over the U.S. commercial real estate market but doesn't think commercial price adjustments will hurt the economy as badly as the housing sector shakeout has.

"Nonresidential construction is pretty far down," Friedman said.

"How much further down could it go?"

I would also like to quote from an AP article this morning and then submit the article for the RECORD.

"The Labor Department said Thursday—that's today—"that first-time claims for jobless benefits dropped by 14,000 to a seasonally adjusted 442,000. That's below analysts' estimates of 450,000, according to Thomson Reuters."

As you recall, as I do, Mr. Speaker, that at the beginning of this session we inherited the worst recession since the Great Depression, and we have moved steady, month by month, putting people back to work.

The next thing I'd like to report, "Analysts forecast the Nation will gain more than 150,000 jobs in March," and, "We believe that the trend in initial claims is signaling that . . . job creation is imminent," say the economists at Bank of America Merrill Lynch, who wrote that before the Labor Department's report.

UNEMPLOYMENT CLAIMS DROP BY 14,000—MOST OF THE DROP PEGGED TO ADJUSTMENTS IN HOW LABOR DEPARTMENT CALCULATES CLAIMS

WASHINGTON, Mar. 25, 2010.—(AP) New claims for unemployment benefits fell more than expected in the U.S. last week as layoffs ease and hiring slowly recovers.

The Labor Department said Thursday that first-time claims for jobless benefits dropped

by 14,000 to a seasonally adjusted 442,000. That's below analysts' estimates of 450,000, according to Thomson Reuters.

But most of the drop resulted from a change in the calculations the department makes to seasonally adjust the data, a Labor Department analyst said. Excluding the effect of those adjustments, claims would have fallen by only 4,000.

The department updates its seasonal adjustment methods every year, and revises its data for the previous five years. Seasonal adjustment attempts to filter out expected changes in employment such as the layoff of temporary retail employees after the winter holidays. The goal of seasonally adjusted figures is to provide a more accurate picture of underlying economic trends.

Excluding seasonal adjustment, initial claims fell by more than 30,000 last week to 405,557.

The four-week average of claims, which smooths volatility, dropped by 11,000 to a seasonally adjusted 453,750, the department said, the lowest since September 2008, when the financial crisis intensified.

Initial claims have fallen in three of the past four weeks, wiping out most of the increase that took place in the first two months of this year. That increase early in the year stoked worries among economists that improvement in the job market was stalling.

First-time claims were elevated last month by severe snowstorms on the East Coast, which caused backlogs in many state offices that fell behind in processing claims.

Many economists say claims need to fall below roughly 425,000 to signal that the economy will consistently create jobs, though some say it could happen with claims at higher levels. Analysts forecast the nation will gain more than 150,000 jobs in March, partly due to temporary hiring for the Census. The March figures will be reported April 2.

"We believe that the trend in initial claims is signaling that . . . job creation is imminent," economists at Bank of America Merrill Lynch wrote before the Labor Department's report.

Initial claims are considered a gauge of the pace of layoffs and an indication of companies' willingness to hire new workers.

The number of Americans continuing to claim unemployment benefits, meanwhile, fell to 4.6 million.

But that doesn't include millions of people who are receiving extended benefits for up to 73 extra weeks, paid for by the federal government, on top of the 26 customarily provided by the states. Nearly 5.7 million people were on the extended benefit rolls for the week ended March 6, the latest data available. That is about 300,000 lower than the previous week. The extended benefit figures aren't seasonally adjusted and are volatile from week to week.

All told, more than 11.1 million people are claiming unemployment benefits, the department said.

I would like to urge my colleagues to vote "yes" on the previous question and the rule.

I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Ms. SLAUGHTER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 11 o'clock and 19 minutes a.m.), the House stood in recess subject to the call of the Chair.

□ 1426

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. JACKSON of Illinois) at 2 o'clock and 26 minutes p.m.

RAISING A QUESTION OF THE PRIVILEGES OF THE HOUSE

Mr. FLAKE. Mr. Speaker, I rise to a question of the privileges of the House and offer the resolution previously noticed.

The Clerk will report the resolution. The Clerk read as follows:

H. RES. 1220

Whereas, the Committee on Standards of Official Conduct initiated an investigation into allegations related to earmarks and campaign contributions in the Spring of 2009.

Whereas, on December 2, 2009, reports and findings in seven separate matters involving the alleged connection between earmarks and campaign contributions were forwarded by the Office of Congressional Ethics to the Standards Committee.

Whereas, on February 26, 2010, the Standards Committee made public its report on the matter wherein the Committee found, though a widespread perception exists among corporations and lobbyists that campaign contributions provide a greater chance of obtaining earmarks, there was no evidence that Members or their staff considered contributions when requesting earmarks.

Whereas, the Committee indicated that, with respect to the matters forwarded by the Office of Congressional Ethics, neither the evidence cited in the OCE's findings nor the evidence in the record before the Standards Committee provided a substantial reason to believe that violations of applicable standards of conduct occurred.

Whereas, the Office of Congressional Ethics is prohibited from reviewing activities taking place prior to March of 2008 and lacks the authority to subpoena witnesses and documents.

Whereas, for example, the Office of Congressional Ethics noted that in some instances documents were redacted or specific information was not provided and that, in at least one instance, they had reason to believe a witness withheld information requested and did not identify what was being withheld.

Whereas, the Office of Congressional Ethics also noted that they were able to inter-

view only six former employees of the PMA Group, with many former employees refusing to consent to interviews and the OCE unable to obtain evidence within PMA's possession.

Whereas, Roll Call noted that "the committee report was five pages long and included no documentation of any evidence collected or any interviews conducted by the committee, beyond a statement that the investigation 'included extensive document reviews and interviews with numerous witnesses.'" (Roll Call, March 8, 2010)

Whereas, it is unclear whether the Standards Committee included in their investigation any activities that occurred prior to 2008.

Whereas, it is unclear whether the Standards Committee interviewed any Members in the course of their investigation.

Whereas, it is unclear whether the Standards Committee, in the course of their investigation, initiated their own subpoenas or followed the Office of Congressional Ethics recommendations to issue subpoenas.

Therefore be it: Resolved, that not later than seven days after the adoption of this resolution, the Committee on Standards of Official Conduct shall report to the House of Representatives, with respect to the activities addressed in its report of February 26, 2010, (1) how many witnesses were interviewed, (2) how many, if any, subpoenas were issued in the course of their investigation, and (3) what documents were reviewed and their availability for public review.

The SPEAKER pro tempore. The resolution qualifies.

MOTION TO REFER THE RESOLUTION

Mr. MCGOVERN. Mr. Speaker, I move that the resolution be referred to the Committee on Standards of Official Conduct.

The SPEAKER pro tempore. The gentleman from Massachusetts is recognized for 1 hour.

Mr. MCGOVERN. Mr. Speaker, this is a matter that properly belongs before the Committee on Standards of Official Conduct.

I yield back the balance of my time and move the previous question.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to refer.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. FLAKE. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, this 15-minute vote on the motion to refer the resolution will be followed by 5-minute votes on adopting House Resolution 1212; and agreeing to the Speaker's approval of the Journal.

The vote was taken by electronic device, and there were—yeas 406, nays 1, answered "present" 15, not voting 7, as follows:

[Roll No. 187]

YEAS—406

Ackerman	Adler (NJ)	Alexander
Aderholt	Akin	Altmire

Andrews
Arcuri
Austria
Baca
Bachmann
Bachus
Baird
Baldwin
Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Bocieri
Boehner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite,
 Ginny
Buchanan
Burgess
Burton (IN)
Calvert
Camp
Campbell
Cantor
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castle
Chaffetz
Childers
Chu
Clarke
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Diaz-Balart, M.
Dicks
Dingell
Doggett

Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Fallin
Farr
Fattah
Filner
Flake
Fleming
Forbes
Fortenberry
Foster
Fox
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garamendi
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gordon (TN)
Granger
Graves
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Hastings (FL)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Hoekstra
Holden
Holt
Hoyer
Hunter
Inglis
Insee
Israel
Issa
Jackson (IL)
Jackson Lee
 (TX)
Jenkins
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)

Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Loeb
Lowey
Lucas
Luetkemeyer
Lujan
Lummis
Lungren, Daniel
 E.
Lynch
Mack
Maffei
Maloney
Manzullo
Marchant
Markley (CO)
Markley (MA)
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McIntyre
McKeon
McMahon
McMorris
Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Nunes
Nye
Oberstar
Obey
Olson
Oliver
Ortiz
Owens
Pallone
Pascarelli
Pastor (AZ)
Paul
Paulsen
Payne
Pence
Perlmutter

Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Putnam
Quigley
Radanovich
Rangel
Rehberg
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sanchez, Linda
 T.

Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tanner
Taylor

Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walz
Wamp
Wasserman
Schultz
Waters
Watson
Watt
Waxman
Weiner
Westmoreland
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Without objection, 5-minute voting will continue.

There was no objection.

PROVIDING FOR CONSIDERATION OF SENATE AMENDMENTS TO H.R. 1586, TAX ON BONUSES RE- CEIVED FROM CERTAIN TARP RECIPIENTS

The SPEAKER pro tempore. The unfinished business is the vote on adoption of House Resolution 1212, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the resolution.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 231, nays 190, not voting 8, as follows:

[Roll No. 188]

YEAS—231

Ackerman	Edwards (TX)	Levin
Adler (NJ)	Ellsworth	Lewis (GA)
Altmire	Engel	Lipinski
Andrews	Eshoo	Loeb
Baca	Etheridge	Lofgren, Zoe
Baird	Farr	Lowey
Baldwin	Fattah	Lujan
Barrow	Filner	Lynch
Bean	Foster	Maffei
Becerra	Frank (MA)	Maloney
Berkley	Fudge	Markley (CO)
Berman	Garamendi	Markley (MA)
Berry	Giffords	Marshall
Bishop (GA)	Gonzalez	Matheson
Bishop (NY)	Gordon (TN)	Matsui
Blumenauer	Grayson	McCarthy (NY)
Bocieri	Green, Al	McCollum
Boswell	Green, Gene	McDermott
Boucher	Grijalva	McGovern
Boyd	Gutierrez	McIntyre
Brady (PA)	Hall (NY)	McMahon
Braley (IA)	Halvorson	McNerney
Brown, Corrine	Hare	Meek (FL)
Butterfield	Harman	Meeks (NY)
Capps	Hastings (FL)	Melancon
Capuano	Heinrich	Michaud
Carnahan	Higgins	Miller (NC)
Carney	Himes	Miller, George
Carson (IN)	Hinchey	Mollohan
Caster (FL)	Hinojosa	Moore (KS)
Chandler	Hirono	Moran (VA)
Chu	Hodes	Murphy (CT)
Clarke	Holden	Murphy (NY)
Clay	Holt	Murphy, Patrick
Cleaver	Honda	Nadler (NY)
Clyburn	Hoyer	Napolitano
Connolly (VA)	Insee	Neal (MA)
Conyers	Israel	Oberstar
Cooper	Jackson (IL)	Obey
Costa	Jackson Lee	Oliver
Costello	(TX)	Ortiz
Courtney	Jenkins	Owens
Crenshaw	Johnson (IL)	Pallone
Crowley	Johnson, E. B.	Pascarelli
Cuellar	Johnson, Sam	Pastor (AZ)
Culberson	Jones	Payne
Cummings	Jordan (OH)	Perlmutter
Dahlkemper	Kagen	Perriello
Davis (CA)	Kanjorski	Peters
Davis (IL)	Kaptur	Peterson
Davis (KY)	Kennedy	Pingree (ME)
Davis (TN)	Kildee	Polis (CO)
DeFazio	Kilpatrick (MI)	Pomeroy
DeGette	Kilroy	Price (NC)
Delahunt	Kind	Quigley
DeLauro	Kucinich	Rahall
Diaz-Balart, M.	Langevin	Rangel
Dicks	Larsen (WA)	Reyes
Dingell	Larson (CT)	Richardson
Doggett	Lee (CA)	

NAYS—1

Rahall

ANSWERED "PRESENT"—15

Bonner	Dent	Lofgren, Zoe
Butterfield	Diaz-Balart, L.	McCaul
Castor (FL)	Harper	Simpson
Chandler	Hastings (WA)	Walden
Conaway	Latham	Welch

NOT VOTING—7

Barrett (SC)	Honda	Souder
Buyer	Johnson (GA)	
Davis (AL)	Reichert	

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining in this vote.

□ 1458

Messrs. HARPER and BONNER changed their vote from "yea" to "present."

Mr. LATHAM changed his vote from "nay" to "present."

So the motion to refer was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed with amendments in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 4872. An act to provide for reconciliation pursuant to Title II of the concurrent resolution on the budget for fiscal year 2010 (S. Con. Res. 13).

Rodriguez	Serrano	Tonko
Ross	Sestak	Towns
Rothman (NJ)	Shea-Porter	Tsongas
Roybal-Allard	Sherman	Van Hollen
Ruppersberger	Sires	Velázquez
Rush	Skelton	Visclosky
Ryan (OH)	Slaughter	Walz
Salazar	Snyder	Wasserman
Sánchez, Linda	Space	Schultz
T.	Speier	Waters
Sanchez, Loretta	Spratt	Watson
Sarbanes	Stark	Watt
Schakowsky	Stupak	Waxman
Schauer	Sutton	Weiner
Schiff	Teague	Welch
Schrader	Thompson (CA)	Wilson (OH)
Schwartz	Thompson (MS)	Woolsey
Scott (GA)	Tierney	Wu
Scott (VA)	Titus	Yarmuth

NAYS—190

Aderholt	Frelinghuysen	Mitchell
Akin	Gallely	Moran (KS)
Alexander	Garrett (NJ)	Murphy, Tim
Arcuri	Gerlach	Myrick
Austria	Gingrey (GA)	Neugebauer
Bachmann	Gohmert	Nunes
Bachus	Goodlatte	Nye
Bartlett	Granger	Olson
Barton (TX)	Graves	Paul
Biggart	Griffith	Paulsen
Bilbray	Guthrie	Pence
Bilirakis	Hall (TX)	Petri
Bishop (UT)	Harper	Pitts
Blackburn	Hastings (WA)	Platts
Blunt	Heller	Poe (TX)
Boehner	Hensarling	Posey
Bonner	Herger	Price (GA)
Bono Mack	Herseth Sandlin	Putnam
Boozman	Hill	Radanovich
Boren	Hoekstra	Rehberg
Boustany	Hunter	Roe (TN)
Brady (TX)	Inglis	Rogers (AL)
Bright	Issa	Rogers (KY)
Broun (GA)	Jenkins	Rogers (MI)
Brown (SC)	Johnson (IL)	Rohrabacher
Brown-Waite,	Johnson, Sam	Rooney
Ginny	Jones	Ros-Lehtinen
Buchanan	Jordan (OH)	Roskam
Burgess	King (IA)	Royce
Burton (IN)	King (NY)	Ryan (WI)
Calvert	Kingston	Scalise
Camp	Kirk	Schmidt
Campbell	Kirkpatrick (AZ)	Schock
Cantor	Kline (MN)	Sensenbrenner
Cao	Kratovil	Sessions
Capito	Lamborn	Shadegg
Cardoza	Lance	Shimkus
Carter	Latham	Shuler
Cassidy	LaTourette	Shuster
Castle	Latta	Simpson
Chaffetz	Lee (NY)	Latta
Childers	Lewis (CA)	Smith (NE)
Coble	Linder	Smith (NJ)
Coffman (CO)	LoBiondo	Smith (TX)
Cohen	Lucas	Stearns
Cole	Luetkemeyer	Stupak
Conaway	Lummis	Sullivan
Costa	Lungren, Daniel	Tanner
Crenshaw	E.	Taylor
Culberson	Mack	Terry
Davis (KY)	Manzullo	Thompson (PA)
Dent	Marchant	Thornberry
Diaz-Balart, L.	McCarthy (CA)	Tiahrt
Diaz-Balart, M.	McCaul	Tiberi
Dreier	McClintock	Turner
Duncan	McCotter	Upton
Ehlers	McHenry	Walden
Emerson	McKeon	Wamp
Fallin	McMorris	Westmoreland
Flake	Rodgers	Whitfield
Fleming	Mica	Wilson (SC)
Forbes	Miller (FL)	Wittman
Fortenberry	Miller (MI)	Wolf
Fox	Miller, Gary	Young (AK)
Franks (AZ)	Minnick	Young (FL)

NOT VOTING—8

Barrett (SC)	Ellison	Smith (WA)
Buyer	Moore (WI)	Souder
Davis (AL)	Reichert	

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining in this vote.

□ 1508

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

THE JOURNAL

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the unfinished business is the question on agreeing to the Speaker's approval of the Journal, on which the yeas and nays were ordered.

The question is on the Speaker's approval of the Journal.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 241, nays 178, not voting 10, as follows:

[Roll No. 189]

YEAS—241

Ackerman	Driehaus	Kosmas
Altmire	Edwards (MD)	Kucinich
Andrews	Edwards (TX)	Langevin
Baca	Ellison	Larsen (WA)
Baird	Engel	Larson (CT)
Baldwin	Eshoo	Latham
Barrow	Farr	Lee (CA)
Bean	Fattah	Levin
Becerra	Filner	Lewis (GA)
Berkley	Foster	Lipinski
Berman	Frank (MA)	Loeb sack
Berry	Fudge	Lofgren, Zoe
Bilbray	Garamendi	Lowey
Bishop (GA)	Gerlach	Luetkemeyer
Bishop (NY)	Gonzalez	Lujan
Blumenauer	Goodlatte	Lynch
Boswell	Gordon (TN)	Maffei
Boucher	Graves	Maloney
Boyd	Grayson	Markey (CO)
Brady (PA)	Green, Al	Markey (MA)
Brady (IA)	Green, Gene	Marshall
Brown, Corrine	Grijalva	Matheson
Butterfield	Gutierrez	McCarthy (NY)
Capito	Hall (NY)	McClintock
Capps	Halvorson	McCormack
Capuano	Hare	McDermott
Carnahan	Harman	McGovern
Carson (IN)	Hastings (FL)	McIntyre
Castle	Heinrich	McMahon
Castor (FL)	Heller	McNerney
Chaffetz	Higgins	Meek (FL)
Chandler	Hinche	Meeks (NY)
Chu	Hinojosa	Melancon
Clarke	Hirono	Michaud
Clay	Hodes	Miller (NC)
Cleaver	Holden	Miller, George
Clyburn	Holt	Mollohan
Coble	Honda	Moore (KS)
Cohen	Hoyer	Moore (WI)
Conyers	Hunter	Moran (VA)
Cooper	Inslee	Murphy (CT)
Costello	Israel	Murphy, Patrick
Courtney	Issa	Nadler (NY)
Crowley	Jackson (IL)	Napolitano
Cuellar	Jackson Lee	Neal (MA)
Cummings	(TX)	Nye
Dahlkemper	Johnson (GA)	Oberstar
Davis (CA)	Johnson (IL)	Obey
Davis (IL)	Johnson, E. B.	Olver
Davis (TN)	Kagen	Ortiz
DeFazio	Kanjorski	Pallone
DeGette	Kaptur	Pascarell
Delahunt	Kennedy	Pastor (AZ)
DeLauro	Kildee	Paulsen
Dent	Kilpatrick (MI)	Payne
Dicks	Kilroy	Perriello
Dingell	Kind	Peters
Doggett	Kissell	Peterson
Doyle	Klein (FL)	Pingree (ME)

Platts	Schakowsky	Thompson (MS)
Polis (CO)	Schauer	Tierney
Pomeroy	Schiff	Titus
Posey	Schrader	Tonko
Price (NC)	Schwartz	Towns
Quigley	Scott (GA)	Tsongas
Rahall	Scott (VA)	Van Hollen
Rangel	Serrano	Velázquez
Reyes	Sestak	Visclosky
Richardson	Shea-Porter	Walz
Rodriguez	Sherman	Wasserman
Rooney	Sires	Schultz
Ross	Skelton	Waters
Rothman (NJ)	Slaughter	Watson
Roybal-Allard	Smith (WA)	Watt
Ruppersberger	Snyder	Waxman
Rush	Space	Weiner
Ryan (OH)	Speier	Welch
Salazar	Spratt	Woolsey
Sánchez, Linda	Stark	Wu
T.	Sutton	Yarmuth
Sanchez, Loretta	Teague	
Sarbanes	Thompson (CA)	

NAYS—178

Aderholt	Forbes	Murphy (NY)
Adler (NJ)	Fortenberry	Murphy, Tim
Akin	Fox	Myrick
Alexander	Franks (AZ)	Neugebauer
Arcuri	Frelinghuysen	Nunes
Austria	Gallely	Olson
Bachmann	Garrett (NJ)	Owens
Bachus	Giffords	Paul
Bartlett	Gingrey (GA)	Pence
Barton (TX)	Granger	Petri
Biggart	Griffith	Pitts
Bilirakis	Guthrie	Poe (TX)
Bishop (UT)	Harper	Price (GA)
Blackburn	Hastings (WA)	Putnam
Blunt	Hensarling	Radanovich
Bocciari	Herger	Rehberg
Boehner	Herseth Sandlin	Roe (TN)
Bonner	Hill	Rogers (AL)
Bono Mack	Himes	Rogers (KY)
Boozman	Hoekstra	Rogers (MI)
Boren	Inglis	Rohrabacher
Boustany	Jenkins	Ros-Lehtinen
Brady (TX)	Johnson, Sam	Roskam
Bright	Jones	Royce
Broun (GA)	Jordan (OH)	Ryan (WI)
Brown (SC)	King (IA)	Scalise
Brown-Waite,	King (NY)	Schmidt
Ginny	Kingston	Schock
Buchanan	Kirk	Sensenbrenner
Burgess	Kirkpatrick (AZ)	Sessions
Burton (IN)	Kline (MN)	Shadegg
Calvert	Kratovil	Shimkus
Camp	Lamborn	Shuler
Campbell	Lance	Shuster
Cantor	LaTourette	Simpson
Cao	Latta	Smith (NE)
Cardoza	Lee (NY)	Smith (NJ)
Carney	Lewis (CA)	Smith (TX)
Carter	Linder	Stearns
Cassidy	LoBiondo	Stupak
Childers	Lucas	Sullivan
Coffman (CO)	Lummis	Tanner
Cole	Lungren, Daniel	Taylor
Conaway	E.	Terry
Connolly (VA)	Mack	Thompson (PA)
Costa	Manzullo	Thornberry
Crenshaw	Marchant	Tiahrt
Culberson	McCarthy (CA)	Tiberi
Davis (KY)	McCaul	Turner
Diaz-Balart, L.	McCotter	Upton
Diaz-Balart, M.	McHenry	Walden
Donnelly (IN)	McKeon	Wamp
Dreier	McMorris	Westmoreland
Duncan	Rodgers	Whitfield
Ehlers	Mica	Wilson (SC)
Ellsworth	Miller (FL)	Wittman
Emerson	Miller (MI)	Wolf
Etheridge	Miller, Gary	Young (AK)
Fallin	Minnick	Young (FL)
Flake	Mitchell	
Fleming	Moran (KS)	

NOT VOTING—10

Barrett (SC)	Hall (TX)	Souder
Buyer	Matsui	Wilson (OH)
Davis (AL)	Perlmutter	
Gohmert	Reichert	

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining in this vote.

□ 1514

So the Journal was approved.

The result of the vote was announced as above recorded.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 4269

Mr. KILDEE. Mr. Speaker, I ask unanimous consent to withdraw my name as a cosponsor of H.R. 4269.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

□ 1515

TAX ON BONUSES RECEIVED FROM CERTAIN TARP RECIPIENTS

Mr. OBERSTAR. Mr. Speaker, pursuant to House Resolution 1212, I call up the bill (H.R. 1586) to impose an additional tax on bonuses received from certain TARP recipients, with the Senate amendments thereto, and ask for its immediate consideration.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The Clerk will designate the Senate amendments.

The text of the Senate amendments is as follows:

Senate amendments:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) *SHORT TITLE.*—This Act may be cited as the “FAA Air Transportation Modernization and Safety Improvement Act”.

(b) *TABLE OF CONTENTS.*—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

Sec. 2. Amendments to title 49, United States Code.

Sec. 3. Effective date.

TITLE I—AUTHORIZATIONS

Sec. 101. Operations.

Sec. 102. Air navigation facilities and equipment.

Sec. 103. Research and development.

Sec. 104. Airport planning and development and noise compatibility planning and programs.

Sec. 105. Other aviation programs.

Sec. 106. Delineation of Next Generation Air Transportation System projects.

Sec. 107. Funding for administrative expenses for airport programs.

TITLE II—AIRPORT IMPROVEMENTS

Sec. 201. Reform of passenger facility charge authority.

Sec. 202. Passenger facility charge pilot program.

Sec. 203. Amendments to grant assurances.

Sec. 204. Government share of project costs.

Sec. 205. Amendments to allowable costs.

Sec. 206. Sale of private airport to public sponsor.

Sec. 207. Government share of certain air project costs.

Sec. 207(b). Prohibition on use of passenger facility charges to construct bicycle storage facilities.

Sec. 208. Miscellaneous amendments.

Sec. 209. State block grant program.

Sec. 210. Airport funding of special studies or reviews.

Sec. 211. Grant eligibility for assessment of flight procedures.

Sec. 212. Safety-critical airports.

Sec. 213. Environmental mitigation demonstration pilot program.

Sec. 214. Allowable project costs for airport development program.

Sec. 215. Glycol recovery vehicles.

Sec. 216. Research improvement for aircraft.

Sec. 217. United States Territory minimum guarantee.

Sec. 218. Merrill Field Airport, Anchorage, Alaska.

Sec. 219. Release from restrictions.

Sec. 220. Designation of former military airports.

Sec. 221. Airport sustainability planning working group.

Sec. 222. Inclusion of measures to improve the efficiency of airport buildings in airport improvement projects.

Sec. 223. Study on apportioning amounts for airport improvement in proportion to amounts of air traffic.

TITLE III—AIR TRAFFIC CONTROL MODERNIZATION AND FAA REFORM

Sec. 301. Air Traffic Control Modernization Oversight Board.

Sec. 302. NextGen management.

Sec. 303. Facilitation of next generation air traffic services.

Sec. 304. Clarification of authority to enter into reimbursable agreements.

Sec. 305. Clarification to acquisition reform authority.

Sec. 306. Assistance to other aviation authorities.

Sec. 307. Presidential rank award program.

Sec. 308. Next generation facilities needs assessment.

Sec. 309. Next generation air transportation system implementation office.

Sec. 310. Definition of air navigation facility.

Sec. 311. Improved management of property inventory.

Sec. 312. Educational requirements.

Sec. 313. FAA personnel management system.

Sec. 314. Acceleration of NextGen technologies.

Sec. 315. ADS-B development and implementation.

Sec. 316. Equipage incentives.

Sec. 317. Performance metrics.

Sec. 318. Certification standards and resources.

Sec. 319. Report on funding for NextGen technology.

Sec. 320. Unmanned aerial systems.

Sec. 321. Surface Systems Program Office.

Sec. 322. Stakeholder coordination.

Sec. 323. FAA task force on air traffic control facility conditions.

Sec. 324. State ADS-B equipage bank pilot program.

Sec. 325. Implementation of Inspector General ATC recommendations.

Sec. 326. Semiannual report on status of Greener Skies project.

Sec. 327. Definitions.

Sec. 328. Financial incentives for Nextgen Equipage.

TITLE IV—AIRLINE SERVICE AND SMALL COMMUNITY AIR SERVICE IMPROVEMENTS

SUBTITLE A—CONSUMER PROTECTION

Sec. 401. Airline customer service commitment.

Sec. 402. Publication of customer service data and flight delay history.

Sec. 403. Expansion of DOT airline consumer complaint investigations.

Sec. 404. Establishment of advisory committee for aviation consumer protection.

Sec. 405. Disclosure of passenger fees.

Sec. 406. Disclosure of air carriers operating flights for tickets sold for air transportation.

Sec. 407. Notification requirements with respect to the sale of airline tickets.

SUBTITLE B—ESSENTIAL AIR SERVICE; SMALL COMMUNITIES

Sec. 411. EAS connectivity program.

Sec. 412. Extension of final order establishing mileage adjustment eligibility.

Sec. 413. EAS contract guidelines.

Sec. 414. Conversion of former EAS airports.

Sec. 415. EAS reform.

Sec. 416. Small community air service.

Sec. 417. EAS marketing.

Sec. 418. Rural aviation improvement.

Sec. 419. Repeal of essential air service local participation program.

SUBTITLE C—MISCELLANEOUS

Sec. 431. Clarification of air carrier fee disputes.

Sec. 432. Contract tower program.

Sec. 433. Airfares for members of the Armed Forces.

Sec. 434. Authorization of use of certain lands in the Las Vegas McCarran International Airport Environs Overlay District for transient lodging and associated facilities.

TITLE V—SAFETY

SUBTITLE A—AVIATION SAFETY

Sec. 501. Runway safety equipment plan.

Sec. 502. Judicial review of denial of airman certificates.

Sec. 503. Release of data relating to abandoned type certificates and supplemental type certificates.

Sec. 504. Design organization certificates.

Sec. 505. FAA access to criminal history records or database systems.

Sec. 506. Pilot fatigue.

Sec. 507. Increasing safety for helicopter and fixed wing emergency medical service operators and patients.

Sec. 508. Cabin crew communication.

Sec. 509. Clarification of memorandum of understanding with OSHA.

Sec. 510. Acceleration of development and implementation of required navigation performance approach procedures.

Sec. 511. Improved safety information.

Sec. 512. Voluntary disclosure reporting process improvements.

Sec. 513. Procedural improvements for inspections.

Sec. 514. Independent review of safety issues.

Sec. 515. National review team.

Sec. 516. FAA Academy improvements.

Sec. 517. Reduction of runway incursions and operational errors.

Sec. 518. Aviation safety whistleblower investigation office.

Sec. 519. Modification of customer service initiative.

Sec. 520. Headquarters review of air transportation oversight system database.

Sec. 521. Inspection of foreign repair stations.

Sec. 522. Non-certificated maintenance providers.

SUBTITLE B—FLIGHT SAFETY

Sec. 551. FAA pilot records database.

Sec. 552. Air carrier safety management systems.

Sec. 553. Secretary of Transportation responses to safety recommendations.

Sec. 554. Improved Flight Operational Quality Assurance, Aviation Safety Action, and Line Operational Safety Audit programs.

Sec. 555. Re-evaluation of flight crew training, testing, and certification requirements.

- Sec. 556. Flightcrew member mentoring, professional development, and leadership.
- Sec. 557. Flightcrew member screening and qualifications.
- Sec. 558. Prohibition on personal use of certain devices on flight deck.
- Sec. 559. Safety inspections of regional air carriers.
- Sec. 560. Establishment of safety standards with respect to the training, hiring, and operation of aircraft by pilots.
- Sec. 561. Oversight of pilot training schools.
- Sec. 562. Enhanced training for flight attendants and gate agents.
- Sec. 563. Definitions.
- Sec. 564. Study of air quality in aircraft cabins.

TITLE VI—AVIATION RESEARCH

- Sec. 601. Airport cooperative research program.
- Sec. 602. Reduction of noise, emissions, and energy consumption from civilian aircraft.
- Sec. 603. Production of alternative fuel technology for civilian aircraft.
- Sec. 604. Production of clean coal fuel technology for civilian aircraft.
- Sec. 605. Advisory committee on future of aeronautics.
- Sec. 606. Research program to improve airfield pavements.
- Sec. 607. Wake turbulence, volcanic ash, and weather research.
- Sec. 608. Incorporation of unmanned aircraft systems into FAA plans and policies.
- Sec. 609. Reauthorization of center of excellence in applied research and training in the use of advanced materials in transport aircraft.
- Sec. 610. Pilot program for zero emission airport vehicles.
- Sec. 611. Reduction of emissions from airport power sources.
- Sec. 612. Siting of windfarms near FAA navigational aids and other assets.
- Sec. 613. Research and development for equipment to clean and monitor the engine and APU bleed air supplied on pressurized aircraft.

TITLE VII—MISCELLANEOUS

- Sec. 701. General authority.
- Sec. 702. Human intervention management study.
- Sec. 703. Airport program modifications.
- Sec. 704. Miscellaneous program extensions.
- Sec. 705. Extension of competitive access reports.
- Sec. 706. Update on overflights.
- Sec. 707. Technical corrections.
- Sec. 708. FAA technical training and staffing.
- Sec. 709. Commercial air tour operators in national parks.
- Sec. 710. Phaseout of Stage 1 and 2 aircraft.
- Sec. 711. Weight restrictions at Teterboro Airport.
- Sec. 712. Pilot program for redevelopment of airport properties.
- Sec. 713. Transporting musical instruments.
- Sec. 714. Recycling plans for airports.
- Sec. 715. Disadvantaged Business Enterprise Program adjustments.
- Sec. 716. Front line manager staffing.
- Sec. 717. Study of helicopter and fixed wing air ambulance services.
- Sec. 718. Repeal of certain limitations on Metropolitan Washington Airports Authority.
- Sec. 719. Study of aeronautical mobile telemetry.
- Sec. 720. Flightcrew member pairing and crew resource management techniques.
- Sec. 721. Consolidation or elimination of obsolete, redundant, or otherwise unnecessary reports; use of electronic media format.

- Sec. 722. Line check evaluations.
- Sec. 723. Report on Newark Liberty Airport air traffic control tower.
- Sec. 724. Priority review of construction projects in cold weather States.
- Sec. 725. Air-rail codeshare study.
- Sec. 726. On-going monitoring of and report on the New York/New Jersey/Philadelphia Metropolitan Area Airspace Redesign.
- Sec. 727. Study on aviation fuel prices.
- Sec. 728. Land conveyance for Southern Nevada Supplemental Airport.
- Sec. 729. Clarification of requirements for volunteer pilots operating charitable medical flights.
- Sec. 730. Cylinders of compressed oxygen, nitrous oxide, or other oxidizing gases.
- Sec. 731. Technical correction.
- Sec. 732. Plan for flying scientific instruments on commercial flights.

TITLE VIII—AIRPORT AND AIRWAY TRUST FUND PROVISIONS AND RELATED TAXES

- Sec. 800. Amendment of 1986 Code.
- Sec. 801. Extension of taxes funding Airport and Airway Trust Fund.
- Sec. 802. Extension of Airport and Airway Trust Fund expenditure authority.
- Sec. 803. Modification of excise tax on kerosene used in aviation.
- Sec. 804. Air traffic control system modernization account.
- Sec. 805. Treatment of fractional aircraft ownership programs.
- Sec. 806. Termination of exemption for small aircraft on nonestablished lines.
- Sec. 807. Transparency in passenger tax disclosures.

TITLE IX—BUDGETARY EFFECTS

- Sec. 901. Budgetary effects.

TITLE X—RESCISSION OF UNUSED TRANSPORTATION EARMARKS AND GENERAL REPORTING REQUIREMENT

- Sec. 1001. Definition.
- Sec. 1002. Rescission.
- Sec. 1003. Agency wide identification and reports.

SEC. 2. AMENDMENTS TO TITLE 49, UNITED STATES CODE.

Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or a repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title 49, United States Code.

SEC. 3. EFFECTIVE DATE.

Except as otherwise expressly provided, this Act and the amendments made by this Act shall take effect on the date of enactment of this Act.

TITLE I—AUTHORIZATIONS

SEC. 101. OPERATIONS.

Section 106(k)(1) is amended by striking subparagraphs (A) through (E) and inserting the following:

- “(A) \$9,336,000,000 for fiscal year 2010; and
“(B) \$9,620,000,000 for fiscal year 2011.”.

SEC. 102. AIR NAVIGATION FACILITIES AND EQUIPMENT.

Section 48101(a) is amended by striking paragraphs (1) through (5) and inserting the following:

- “(1) \$3,500,000,000 for fiscal year 2010, of which \$500,000,000 is derived from the Air Traffic Control System Modernization Account of the Airport and Airways Trust Fund; and
“(2) \$3,600,000,000 for fiscal year 2011, of which \$500,000,000 is derived from the Air Traffic Control System Modernization Account of the Airport and Airways Trust Fund.”.

SEC. 103. RESEARCH AND DEVELOPMENT.

Section 48102 is amended—

(1) by striking subsection (a) and inserting the following:

“(a) IN GENERAL.—Not more than the following amounts may be appropriated to the Secretary of Transportation out of the Airport and Airway Trust Fund established under section 9502 of the Internal Revenue Code of 1986 (26 U.S.C. 9502) for conducting civil aviation research and development under sections 44504, 44505, 44507, 44509, and 44511 through 44513 of this title:

“(1) \$200,000,000 for fiscal year 2010.

“(2) \$206,000,000 for fiscal year 2011.”;

(2) by striking subsections (c) through (h); and

(3) by adding at the end the following:

“(c) RESEARCH GRANTS PROGRAM INVOLVING UNDERGRADUATE STUDENTS.—The Administrator of the Federal Aviation Administration shall establish a program to utilize undergraduate and technical colleges, including Historically Black Colleges and Universities, Hispanic Serving Institutions, tribally controlled colleges and universities, and Alaska Native and Native Hawaiian serving institutions in research on subjects of relevance to the Federal Aviation Administration. Grants may be awarded under this subsection for—

“(1) research projects to be carried out at primarily undergraduate institutions and technical colleges;

“(2) research projects that combine research at primarily undergraduate institutions and technical colleges with other research supported by the Federal Aviation Administration;

“(3) research on future training requirements on projected changes in regulatory requirements for aircraft maintenance and power plant licenses; or

“(4) research on the impact of new technologies and procedures, particularly those related to aircraft flight deck and air traffic management functions, and on training requirements for pilots and air traffic controllers.”.

SEC. 104. AIRPORT PLANNING AND DEVELOPMENT AND NOISE COMPATIBILITY PLANNING AND PROGRAMS.

Section 48103 is amended by striking paragraphs (1) through (6) and inserting the following:

“(1) \$4,000,000,000 for fiscal year 2010; and

“(2) \$4,100,000,000 for fiscal year 2011.”.

SEC. 105. OTHER AVIATION PROGRAMS.

Section 48114 is amended—

(1) by striking “2007” in subsection (a)(1)(A) and inserting “2011”;

(2) by striking “2007,” in subsection (a)(2) and inserting “2011.”; and

(3) by striking “2007” in subsection (c)(2) and inserting “2011”.

SEC. 106. DELINEATION OF NEXT GENERATION AIR TRANSPORTATION SYSTEM PROJECTS.

Section 44501(b) is amended—

(1) by striking “and” after the semicolon in paragraph (3);

(2) by striking “defense.” in paragraph (4) and inserting “defense; and”; and

(3) by adding at the end thereof the following:

“(5) a list of projects that are part of the Next Generation Air Transportation System and do not have as a primary purpose to operate or maintain the current air traffic control system.”.

SEC. 107. FUNDING FOR ADMINISTRATIVE EXPENSES FOR AIRPORT PROGRAMS.

(a) IN GENERAL.—Section 48105 is amended to read as follows:

“§48105. Airport programs administrative expenses

“Of the amount made available under section 48103 of this title, the following may be available for administrative expenses relating to the Airport Improvement Program, passenger facility

charge approval and oversight, national airport system planning, airport standards development and enforcement, airport certification, airport-related environmental activities (including legal services), and other airport-related activities (including airport technology research), to remain available until expended—

“(1) for fiscal year 2010, \$94,000,000; and
“(2) for fiscal year 2011, \$98,000,000.”.

(b) CONFORMING AMENDMENT.—The table of contents for chapter 481 is amended by striking the item relating to section 48105 and inserting the following:

“48105. Airport programs administrative expenses”.

(c) PASSENGER ENPLANEMENT REPORT.—

(1) IN GENERAL.—The Administrator of the Federal Aviation Administration shall prepare a report on every airport in the United States that reported between 10,000 and 15,000 passenger enplanements during each of the 2 most recent years for which such data is available.

(2) REPORT OBJECTIVES.—In carrying out the report under paragraph (1), the Administrator shall document the methods used by each subject airport to reach the 10,000 passenger enplanement threshold, including whether airports subsidize commercial flights to reach such threshold.

(3) REVIEW.—The Inspector General of the Department of Transportation shall review the process of the Administrator in developing the report under paragraph (1).

(4) REPORT.—The Administrator shall submit the report prepared under paragraph (1) to Congress and the Secretary of Transportation.

TITLE II—AIRPORT IMPROVEMENTS

SEC. 201. REFORM OF PASSENGER FACILITY CHARGE AUTHORITY.

(a) PASSENGER FACILITY CHARGE STREAMLINING.—Section 40117(c) is amended to read as follows:

“(c) PROCEDURAL REQUIREMENTS FOR IMPOSITION OF PASSENGER FACILITY CHARGE.—

“(1) IN GENERAL.—An eligible agency must submit to those air carriers and foreign air carriers operating at the airport with a significant business interest, as defined in paragraph (3), and to the Secretary and make available to the public annually a report, in the form required by the Secretary, on the status of the eligible agency's passenger facility charge program, including—

“(A) the total amount of program revenue held by the agency at the beginning of the 12 months covered by the report;

“(B) the total amount of program revenue collected by the agency during the period covered by the report;

“(C) the amount of expenditures with program revenue made by the agency on each eligible airport-related project during the period covered by the report;

“(D) each airport-related project for which the agency plans to collect and use program revenue during the next 12-month period covered by the report, including the amount of revenue projected to be used for such project;

“(E) the level of program revenue the agency plans to collect during the next 12-month period covered by the report;

“(F) a description of the notice and consultation process with air carriers and foreign air carriers under paragraph (3), and with the public under paragraph (4), including a copy of any adverse comments received and how the agency responded; and

“(G) any other information on the program that the Secretary may require.

“(2) IMPLEMENTATION.—Subject to the requirements of paragraphs (3), (4), (5), and (6), the eligible agency may implement the planned collection and use of passenger facility charges

in accordance with its report upon filing the report as required in paragraph (1).

“(3) CONSULTATION WITH CARRIERS FOR NEW PROJECTS.—

“(A) An eligible agency proposing to collect or use passenger facility charge revenue for a project not previously approved by the Secretary or not included in a report required by paragraph (1) that was submitted in a prior year shall provide to air carriers and foreign air carriers operating at the airport reasonable notice, and an opportunity to comment on the planned collection and use of program revenue before providing the report required under paragraph (1). The Secretary shall prescribe by regulation what constitutes reasonable notice under this paragraph, which shall at a minimum include—

“(i) that the eligible agency provide to air carriers and foreign air carriers operating at the airport written notice of the planned collection and use of passenger facility charge revenue;

“(ii) that the notice include a full description and justification for a proposed project;

“(iii) that the notice include a detailed financial plan for the proposed project; and

“(iv) that the notice include the proposed level for the passenger facility charge.

“(B) An eligible agency providing notice and an opportunity for comment shall be deemed to have satisfied the requirements of this paragraph if the eligible agency provides such notice to air carriers and foreign air carriers that have a significant business interest at the airport. For purposes of this subparagraph, the term ‘significant business interest’ means an air carrier or foreign air carrier that—

“(i) had not less than 1.0 percent of passenger boardings at the airport in the prior calendar year;

“(ii) had at least 25,000 passenger boardings at the airport in the prior calendar year; or

“(iii) provides scheduled service at the airport.

“(C) Not later than 45 days after written notice is provided under subparagraph (A), each air carrier and foreign air carrier may provide written comments to the eligible agency indicating its agreement or disagreement with the project or, if applicable, the proposed level for a passenger facility charge.

“(D) The eligible agency may include, as part of the notice and comment process, a consultation meeting to discuss the proposed project or, if applicable, the proposed level for a passenger facility charge. If the agency provides a consultation meeting, the written comments specified in subparagraph (C) shall be due not later than 30 days after the meeting.

“(4) PUBLIC NOTICE AND COMMENT.—

“(A) An eligible agency proposing to collect or use passenger facility charge revenue for a project not previously approved by the Secretary or not included in a report required by paragraph (1) that was filed in a prior year shall provide reasonable notice and an opportunity for public comment on the planned collection and use of program revenue before providing the report required in paragraph (1).

“(B) The Secretary shall prescribe by regulation what constitutes reasonable notice under this paragraph, which shall at a minimum require—

“(i) that the eligible agency provide public notice of intent to collect a passenger facility charge so as to inform those interested persons and agencies that may be affected;

“(ii) appropriate methods of publication, which may include notice in local newspapers of general circulation or other local media, or posting of the notice on the agency's Internet website; and

“(iii) submission of public comments no later than 45 days after the date of the publication of the notice.

“(5) OBJECTIONS.—

“(A) Any interested person may file with the Secretary a written objection to a proposed project included in a notice under this paragraph provided that the filing is made within 30 days after submission of the report specified in paragraph (1).

“(B) The Secretary shall provide not less than 30 days for the eligible agency to respond to any filed objection.

“(C) Not later than 90 days after receiving the eligible agency's response to a filed objection, the Secretary shall make a determination whether or not to terminate authority to collect the passenger facility charge for the project, based on the filed objection. The Secretary shall state the reasons for any determination. The Secretary may only terminate authority if—

“(i) the project is not an eligible airport related project;

“(ii) the eligible agency has not complied with the requirements of this section or the Secretary's implementing regulations in proposing the project;

“(iii) the eligible agency has been found to be in violation of section 47107(b) of this title and has failed to take corrective action, prior to the filing of the objection; or

“(iv) in the case of a proposed increase in the passenger facility charge level, the level is not authorized by this section.

“(D) Upon issuance of a decision terminating authority, the public agency shall prepare an accounting of passenger facility revenue collected under the terminated authority and restore the funds for use on other authorized projects.

“(E) Except as provided in subparagraph (C), the eligible agency may implement the planned collection and use of a passenger facility charge in accordance with its report upon filing the report as specified in paragraph (1)(A).

“(6) APPROVAL REQUIREMENT FOR INCREASED PASSENGER FACILITY CHARGE OR INTERMODAL GROUND ACCESS PROJECT.—

“(A) An eligible agency may not collect or use a passenger facility charge to finance an intermodal ground access project, or increase a passenger facility charge, unless the project is first approved by the Secretary in accordance with this paragraph.

“(B) The eligible agency may submit to the Secretary an application for authority to impose a passenger facility charge for an intermodal ground access project or to increase a passenger facility charge. The application shall contain information and be in the form that the Secretary may require by regulation but, at a minimum, must include copies of any comments received by the agency during the comment period described by subparagraph (C).

“(C) Before submitting an application under this paragraph, an eligible agency must provide air carriers and foreign air carriers operating at the airport, and the public, reasonable notice of and an opportunity to comment on a proposed intermodal ground access project or the increased passenger facility charge. Such notice and opportunity to comment shall conform to the requirements of paragraphs (3) and (4).

“(D) After receiving an application, the Secretary may provide air carriers, foreign air carriers and other interested persons notice and an opportunity to comment on the application. The Secretary shall make a final decision on the application not later than 120 days after receiving it.”.

(b) CONFORMING AMENDMENTS.—

(1) REFERENCES.—

(A) Section 40117(a) is amended—

(i) by striking “FEE” in the heading for paragraph (5) and inserting “CHARGE”; and

(ii) by striking “fee” each place it appears in paragraphs (5) and (6) and inserting “charge”.

(B) Subsections (b), and subsections (d) through (m), of section 40117 are amended—

(i) by striking “fee” or “fees” each place either appears and inserting “charge” or “charges”, respectively; and

(ii) by striking “FEE” in the subsection caption for subsection (l), and “FEES” in the subsection captions for subsections (e) and (m), and inserting “CHARGE” and “CHARGES”, respectively.

(C) The caption for section 40117 is amended to read as follows:

“§40117. Passenger facility charges”.

(D) The table of contents for chapter 401 is amended by striking the item relating to section 40117 and inserting the following:

“40117. Passenger facility charges”.

(2) LIMITATIONS ON APPROVING APPLICATIONS.—Section 40117(d) is amended—

(A) by striking “subsection (c) of this section to finance a specific” and inserting “subsection (c)(6) of this section to finance an intermodal ground access”;

(B) by striking “specific” in paragraph (1);

(C) by striking paragraph (2) and inserting the following:

“(2) the project is an eligible airport-related project; and”;

(D) by striking “each of the specific projects; and” in paragraph (3) and inserting “the project.”; and

(E) by striking paragraph (4).

(3) LIMITATIONS ON IMPOSING CHARGES.—Section 40117(e)(1) is amended to read as follows: “(1) An eligible agency may impose a passenger facility charge only subject to terms the Secretary may prescribe to carry out the objectives of this section.”.

(4) LIMITATIONS ON CONTRACTS, LEASES, AND USE AGREEMENTS.—Section 40117(f)(2) is amended by striking “long-term”.

(5) COMPLIANCE.—Section 40117(h) is amended—

(A) by redesignating paragraph (3) as paragraph (4); and

(B) by inserting after paragraph (2) the following:

“(3) The Secretary may, on complaint of an interested person or on the Secretary’s own initiative, conduct an investigation into an eligible agency’s collection and use of passenger facility charge revenue to determine whether a passenger facility charge is excessive or that passenger facility revenue is not being used as provided in this section. The Secretary shall prescribe regulations establishing procedures for complaints and investigations. The regulations may provide for the issuance of a final agency decision without resort to an oral evidentiary hearing. The Secretary shall not accept complaints filed under this paragraph until after the issuance of regulations establishing complaint procedures.”.

(6) PILOT PROGRAM FOR PFC AT NONHUB AIRPORTS.—Section 40117(l) is amended—

(A) by striking “(c)(2)” in paragraph (2) and inserting “(c)(3)”;

(B) by striking “October 1, 2009.” in paragraph (7) and inserting “the date of issuance of regulations to carry out subsection (c) of this section, as amended by the FAA Air Transportation Modernization and Safety Improvement Act.”.

(7) PROHIBITION ON APPROVING PFC APPLICATIONS FOR AIRPORT REVENUE DIVERSION.—Section 47111(e) is amended by striking “sponsor” the second place it appears in the first sentence and all that follows and inserting “sponsor. A sponsor shall not propose collection or use of passenger facility charges for any new projects under paragraphs (3) through (6) of section 40117(c) unless the Secretary determines that the sponsor has taken corrective action to address the violation and the violation no longer exists.”.

SEC. 202. PASSENGER FACILITY CHARGE PILOT PROGRAM.

(a) IN GENERAL.—Section 40117 is amended by adding at the end thereof the following:

“(n) ALTERNATIVE PASSENGER FACILITY CHARGE COLLECTION PILOT PROGRAM.—

“(1) IN GENERAL.—The Secretary shall establish and conduct a pilot program at not more than 6 airports under which an eligible agency may impose a passenger facility charge under this section without regard to the dollar amount limitations set forth in paragraph (1) or (4) of subsection (b) if the participating eligible agency meets the requirements of paragraph (2).”

“(2) COLLECTION REQUIREMENTS.—

“(A) DIRECT COLLECTION.—An eligible agency participating in the pilot program—

“(i) may collect the charge from the passenger at the facility, via the Internet, or in any other reasonable manner; but

“(ii) may not require or permit the charge to be collected by an air carrier or foreign air carrier for the flight segment.”

“(B) PFC COLLECTION REQUIREMENT NOT TO APPLY.—Subpart C of part 158 of title 14, Code of Federal Regulations, does not apply to the collection of the passenger facility charge imposed by an eligible agency participating in the pilot program.”.

(b) GAO STUDY OF ALTERNATIVE MEANS OF COLLECTING PFCs.—

(1) IN GENERAL.—The Comptroller General shall conduct a study of alternative means of collection passenger facility charges imposed under section 40117 of title 49, United States Code, that would permit such charges to be collected without being included in the ticket price. In the study, the Comptroller General shall consider, at a minimum—

(A) collection options for arriving, connecting, and departing passengers at airports;

(B) cost sharing or fee allocation methods based on passenger travel to address connecting traffic; and

(C) examples of airport fees collected by domestic and international airports that are not included in ticket prices.

(2) REPORT.—No later than 1 year after the date of enactment of this Act, the Comptroller General shall submit a report on the study to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure containing the Comptroller General’s findings, conclusions, and recommendations.

SEC. 203. AMENDMENTS TO GRANT ASSURANCES.

Section 47107 is amended—

(1) by striking “made;” in subsection (a)(16)(D)(ii) and inserting “made, except that, if there is a change in airport design standards that the Secretary determines is beyond the owner or operator’s control that requires the relocation or replacement of an existing airport facility, the Secretary, upon the request of the owner or operator, may grant funds available under section 47114 to pay the cost of relocating or replacing such facility;”;

(2) by striking “purpose;” in subsection (c)(2)(A)(i) and inserting “purpose, which includes serving as noise buffer land;”;

(3) by striking “paid to the Secretary for deposit in the Fund if another eligible project does not exist.” in subsection (c)(2)(B)(iii) and inserting “reinvested in another project at the airport or transferred to another airport as the Secretary prescribes.”; and

(4) by redesignating paragraph (3) of subsection (c) as paragraph (4) and inserting after paragraph (2) the following:

“(3) In approving the reinvestment or transfer of proceeds under paragraph (2)(C)(iii), the Secretary shall give preference, in descending order, to—

“(i) reinvestment in an approved noise compatibility project;

“(ii) reinvestment in an approved project that is eligible for funding under section 47117(e);

“(iii) reinvestment in an airport development project that is eligible for funding under section 47114, 47115, or 47117 and meets the requirements of this chapter;

“(iv) transfer to the sponsor of another public airport to be reinvested in an approved noise compatibility project at such airport; and

“(v) payment to the Secretary for deposit in the Airport and Airway Trust Fund established under section 9502 of the Internal Revenue Code of 1986 (26 U.S.C. 9502).”.

SEC. 204. GOVERNMENT SHARE OF PROJECT COSTS.

(a) FEDERAL SHARE.—Section 47109 is amended—

(1) by striking “subsection (b) or subsection (c)” in subsection (a) and inserting “subsection (b), (c), or (e)”;

(2) by adding at the end the following:

“(e) SPECIAL RULE FOR TRANSITION FROM SMALL HUB TO MEDIUM HUB STATUS.—If the status of a small hub primary airport changes to a medium hub primary airport, the United States Government’s share of allowable project costs for the airport may not exceed 95 percent for 2 fiscal years following such change in hub status.”.

(b) TRANSITIONING AIRPORTS.—Section 47114(f)(3)(B) is amended by striking “year 2004.” and inserting “years 2010 and 2011.”.

SEC. 205. AMENDMENTS TO ALLOWABLE COSTS.

Section 47110 is amended—

(1) by striking subsection (d) and inserting the following:

“(d) RELOCATION OF AIRPORT-OWNED FACILITIES.—The Secretary may determine that the costs of relocating or replacing an airport-owned facility are allowable for an airport development project at an airport only if—

“(1) the Government’s share of such costs is paid with funds apportioned to the airport sponsor under sections 47114(c)(1) or 47114(d)(2);

“(2) the Secretary determines that the relocation or replacement is required due to a change in the Secretary’s design standards; and

“(3) the Secretary determines that the change is beyond the control of the airport sponsor.”;

(2) by striking “facilities, including fuel farms and hangars,” in subsection (h) and inserting “facilities, as defined by section 47102.”; and

(3) by adding at the end the following:

“(i) BIRD-DETECTING RADAR SYSTEMS.—Within 180 days after the date of enactment of the FAA Air Transportation Modernization and Safety Improvement Act, the Administrator shall analyze the conclusions of ongoing studies of various types of commercially-available bird radar systems, based upon that analysis, if the Administrator determines such systems have no negative impact on existing navigational aids and that the expenditure of such funds is appropriate, the Administrator shall allow the purchase of bird-detecting radar systems as an allowable airport development project costs subject to subsection (b). If a determination is made that such radar systems will not improve or negatively impact airport safety, the Administrator shall issue a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure on why that determination was made.”.

SEC. 206. SALE OF PRIVATE AIRPORT TO PUBLIC SPONSOR.

Section 47133(b) is amended—

(1) by resetting the text of the subsection as an indented paragraph 2 ems from the left margin;

(2) by inserting “(1)” before “Subsection”; and

(3) by adding at the end thereof the following:
“(2) In the case of a privately owned airport, subsection (a) shall not apply to the proceeds from the sale of the airport to a public sponsor if—

“(A) the sale is approved by the Secretary;

“(B) funding is provided under this title for the public sponsor's acquisition; and

“(C) an amount equal to the remaining unamortized portion of the original grant, amortized over a 20-year period, is repaid to the Secretary by the private owner for deposit in the Trust Fund for airport acquisitions.

“(3) This subsection shall apply to grants issued on or after October 1, 1996.”.

SEC. 207. GOVERNMENT SHARE OF CERTAIN AIR PROJECT COSTS.

Notwithstanding section 47109(a) of title 49, United States Code, the Federal Government's share of allowable project costs for a grant made in fiscal year 2008, 2009, 2010, or 2011 under chapter 471 of that title for a project described in paragraph (2) or (3) of that section shall be 95 percent.

SEC. 207(b). PROHIBITION ON USE OF PASSENGER FACILITY CHARGES TO CONSTRUCT BICYCLE STORAGE FACILITIES.

Section 40117(a)(3) is amended—

(1) by redesignating subparagraphs (A) through (G) as clauses (i) through (vii);

(2) by striking “The term” and inserting the following:

“(A) IN GENERAL.—The term”; and

(3) by adding at the end the following:

“(B) BICYCLE STORAGE FACILITIES.—A project to construct a bicycle storage facility may not be considered an eligible airport-related project.”.

SEC. 208. MISCELLANEOUS AMENDMENTS.

(a) TECHNICAL CHANGES TO NATIONAL PLAN OF INTEGRATED AIRPORT SYSTEMS.—Section 47103 is amended—

(1) by striking “each airport to—” in subsection (a) and inserting “the airport system to—”;

(2) by striking “system in the particular area,” in subsection (a)(1) and inserting “system, including connection to the surface transportation network; and”;

(3) by striking “aeronautics; and” in subsection (a)(2) and inserting “aeronautics.”;

(4) by striking subsection (a)(3);

(5) by inserting “and” after the semicolon in subsection (b)(1);

(6) by striking paragraph (2) of subsection (b) and redesignating paragraph (3) as paragraph (2);

(7) by striking “operations, Short Takeoff and Landing/Very Short Takeoff and Landing aircraft operations,” in subsection (b)(2), as redesignated, and inserting “operations”; and

(8) by striking “status of the” in subsection (d).

(b) UPDATE VETERANS PREFERENCE DEFINITION.—Section 47112(c) is amended—

(1) by striking “separated from” in paragraph (1)(B) and inserting “discharged or released from active duty in”;

(2) by adding at the end of paragraph (1) the following:

“(C) ‘Afghanistan-Iraq war veteran’ means an individual who served on active duty, as defined by section 101(21) of title 38, at any time in the armed forces for a period of more than 180 consecutive days, any part of which occurred during the period beginning on September 11, 2001, and ending on the date prescribed by Presidential proclamation or by law as the last date of Operation Iraqi Freedom.”;

(3) by striking “veterans and” in paragraph (2) and inserting “veterans, Afghanistan-Iraq war veterans, and”;

(4) by adding at the end the following:

“(3) A contract involving labor for carrying out an airport development project under a

grant agreement under this subchapter must require that a preference be given to the use of small business concerns (as defined in section 3 of the Small Business Act (15 U.S.C. 632)) owned and controlled by disabled veterans.”.

(c) ANNUAL REPORT.—Section 47131(a) is amended—

(1) by striking “April 1” and inserting “June 1”; and

(2) by striking paragraphs (1) through (4) and inserting the following:

“(1) a summary of airport development and planning completed;

“(2) a summary of individual grants issued;

“(3) an accounting of discretionary and apportioned funds allocated; and

“(4) the allocation of appropriations; and”.

(d) SUNSET OF PROGRAM.—Section 47137 is repealed effective September 30, 2008.

(e) CORRECTION TO EMISSION CREDITS PROVISION.—Section 47139 is amended—

(1) by striking “47102(3)(F),” in subsection (a);

(2) by striking “47102(3)(F), 47102(3)(K), 47102(3)(L), or 47140” in subsection (b) and inserting “47102(3)(K) or 47102(3)(L)”; and

(3) by striking “40117(a)(3)(G), 47103(3)(F), 47102(3)(K), 47102(3)(L), or 47140,” in subsection (b) and inserting “40117(a)(3)(G), 47102(3)(K), or 47102(3)(L).”; and

(f) CORRECTION TO SURPLUS PROPERTY AUTHORITY.—Section 47151(e) is amended by striking “(other than real property that is subject to section 2687 of title 10, section 201 of the Defense Authorization Amendments and Base Closure and Realignment Act (10 U.S.C. 2687 note), or section 2905 of the Defense Base Closure and Realignment Act of 1990 (10 U.S.C. 2687 note)).”.

(g) AIRPORT CAPACITY BENCHMARK REPORTS; DEFINITION OF JOINT USE AIRPORT.—Section 47175 is amended—

(1) by striking “Airport Capacity Benchmark Report 2001.” in paragraph (2) and inserting “2001 and 2004 Airport Capacity Benchmark Reports or of the most recent Benchmark report, Future Airport Capacity Task Report, or other comparable FAA report.”; and

(2) by adding at the end thereof the following:

“(7) JOINT USE AIRPORT.—The term ‘joint use airport’ means an airport owned by the United States Department of Defense, at which both military and civilian aircraft make shared use of the airfield.”.

(h) USE OF APPORTIONED AMOUNTS.—Section 47117(e)(1)(A) is amended—

(1) by striking “35 percent” in the first sentence and inserting “\$300,000,000”;

(2) by striking “and” after “47141.”;

(3) by striking “et seq.” and inserting “et seq.”, and for water quality mitigation projects to comply with the Act of June 30, 1948 (33 U.S.C. 1251 et seq.), approved in an environmental record of decision for an airport development project under this title.”; and

(4) by striking “such 35 percent requirement is” in the second sentence and inserting “the requirements of the preceding sentence are”.

(i) USE OF PREVIOUS FISCAL YEAR'S APPORTIONMENT.—Section 47114(c)(1) is amended—

(1) by striking “and” after the semicolon in subparagraph (E)(ii);

(2) by striking “airport.” in subparagraph (E)(iii) and inserting “airport; and”;

(3) by adding at the end of subparagraph (E) the following:

“(iv) the airport received scheduled or unscheduled air service from a large certified air carrier (as defined in part 241 of title 14, Code of Federal Regulations, or such other regulations as may be issued by the Secretary under the authority of section 41709) and the Secretary determines that the airport had more than 10,000 passenger boardings in the preceding calendar year, based on data submitted to the Sec-

retary under part 241 of title 14, Code of Federal Regulations.”;

(4) in subparagraph (G)—

(A) by striking “FISCAL YEAR 2006” in the heading and inserting “FISCAL YEARS 2008 THROUGH 2011”;

(B) by striking “fiscal year 2006” and inserting “fiscal years 2008 through 2011”;

(C) by striking clause (i) and inserting the following:

“(i) the average annual passenger boardings at the airport for calendar years 2004 through 2006 were below 10,000 per year;”;

(D) by striking “2000 or 2001,” in clause (ii) and inserting “2003”; and

(5) by adding at the end thereof the following:

“(H) SPECIAL RULE FOR FISCAL YEARS 2010 AND 2011.—Notwithstanding subparagraph (A), for an airport that had more than 10,000 passenger boardings and scheduled passenger aircraft service in calendar year 2007, but in either calendar years 2008 or 2009, or both years, the number of passenger boardings decreased to a level below 10,000 boardings per year at such airport, the Secretary may apportion in fiscal years 2010 or 2011 to the sponsor of such an airport an amount equal to the amount apportioned to that sponsor in fiscal year 2009.”.

(j) MOBILE REFUELER PARKING CONSTRUCTION.—Section 47102(3) is amended by adding at the end the following:

“(M) construction of mobile refueler parking within a fuel farm at a nonprimary airport meeting the requirements of section 112.8 of title 40, Code of Federal Regulations.”.

(k) DISCRETIONARY FUND.—Section 47115(g)(1) is amended by striking “of—” and all that follows and inserting “of \$520,000,000. The amount credited is exclusive of amounts that have been apportioned in a prior fiscal year under section 47114 of this title and that remain available for obligation.”.

SEC. 209. STATE BLOCK GRANT PROGRAM.

Section 47128 is amended—

(1) by striking “regulations” each place it appears in subsection (a) and inserting “guidance”;

(2) by striking “grant;” in subsection (b)(4) and inserting “grant, including Federal environmental requirements or an agreed upon equivalent;”;

(3) by redesignating subsection (c) as subsection (d) and inserting after subsection (b) the following:

“(c) PROJECT ANALYSIS AND COORDINATION REQUIREMENTS.—Any Federal agency that must approve, license, or permit a proposed action by a participating State shall coordinate and consult with the State. The agency shall utilize the environmental analysis prepared by the State, provided it is adequate, or supplement that analysis as necessary to meet applicable Federal requirements.”; and

(4) by adding at the end the following:

“(e) PILOT PROGRAM.—The Secretary shall establish a pilot program for up to 3 States that do not participate in the program established under subsection (a) that is consistent with the program under subsection (a).”.

SEC. 210. AIRPORT FUNDING OF SPECIAL STUDIES OR REVIEWS.

Section 47173(a) is amended by striking “project.” and inserting “project, or to conduct special environmental studies related to a federally funded airport project or for special studies or reviews to support approved noise compatibility measures in a Part 150 program or environmental mitigation in a Federal Aviation Administration Record of Decision or Finding of No Significant Impact.”.

SEC. 211. GRANT ELIGIBILITY FOR ASSESSMENT OF FLIGHT PROCEDURES.

Section 47504 is amended by adding at the end the following:

“(e) GRANTS FOR ASSESSMENT OF FLIGHT PROCEDURES.—

“(1) The Secretary is authorized in accordance with subsection (c)(1) to make a grant to an airport operator to assist in completing environmental review and assessment activities for proposals to implement flight procedures that have been approved for airport noise compatibility planning purposes under subsection (b).

“(2) The Administrator of the Federal Aviation Administration may accept funds from an airport sponsor, including funds provided to the sponsor under paragraph (1), to hire additional staff or obtain the services of consultants in order to facilitate the timely processing, review and completion of environmental activities associated with proposals to implement flight procedures submitted and approved for airport noise compatibility planning purposes in accordance with this section. Funds received under this authority shall not be subject to the procedures applicable to the receipt of gifts by the Administrator.”.

SEC. 212. SAFETY-CRITICAL AIRPORTS.

Section 47118(c) is amended—

(1) by striking “or” after the semicolon in paragraph (1);

(2) by striking “delays.” in paragraph (2) and inserting “delays; or”; and

(3) by adding at the end the following:

“(3) be critical to the safety of commercial, military, or general aviation in trans-oceanic flights.”.

SEC. 213. ENVIRONMENTAL MITIGATION DEMONSTRATION PILOT PROGRAM.

(a) PILOT PROGRAM.—Subchapter I of chapter 471 is amended by adding at the end thereof the following:

“§47143. Environmental mitigation demonstration pilot program

“(a) IN GENERAL.—The Secretary of Transportation shall carry out a pilot program involving not more than 6 projects at public-use airports under which the Secretary may make grants to sponsors of such airports from funds apportioned under paragraph 47117(e)(1)(A) for use at such airports for environmental mitigation demonstration projects that will measurably reduce or mitigate aviation impacts on noise, air quality or water quality in the vicinity of the airport. Notwithstanding any other provision of this subchapter, an environmental mitigation demonstration project approved under this section shall be treated as eligible for assistance under this subchapter.

“(b) PARTICIPATION IN PILOT PROGRAM.—A public-use airport shall be eligible for participation in the pilot.

“(c) SELECTION CRITERIA.—In selecting from among applicants for participation in the pilot program, the Secretary may give priority consideration to environmental mitigation demonstration projects that—

“(1) will achieve the greatest reductions in aircraft noise, airport emissions, or airport water quality impacts either on an absolute basis, or on a per-dollar-of-funds expended basis; and

“(2) will be implemented by an eligible consortium.

“(d) FEDERAL SHARE.—Notwithstanding any other provision of this subchapter, the United States Government’s share of the costs of a project carried out under this section shall be 50 percent.

“(e) MAXIMUM AMOUNT.—Not more than \$2,500,000 may be made available by the Secretary in grants under this section for any single project.

“(f) IDENTIFYING BEST PRACTICES.—The Administrator may develop and publish information identifying best practices for reducing or mitigating aviation impacts on noise, air quality, or water quality in the vicinity of airports,

based on the projects carried out under the pilot program.

“(g) DEFINITIONS.—In this section:

“(1) ELIGIBLE CONSORTIUM.—The term ‘eligible consortium’ means a consortium that comprises 2 or more of the following entities:

“(A) Businesses operating in the United States.

“(B) Public or private educational or research organizations located in the United States.

“(C) Entities of State or local governments in the United States.

“(D) Federal laboratories.

“(2) ENVIRONMENTAL MITIGATION DEMONSTRATION PROJECT.—The term ‘environmental mitigation demonstration project’ means a project that—

“(A) introduces new conceptual environmental mitigation techniques or technology with associated benefits, which have already been proven in laboratory demonstrations;

“(B) proposes methods for efficient adaptation or integration of new concepts to airport operations; and

“(C) will demonstrate whether new techniques or technology for environmental mitigation identified in research are—

“(i) practical to implement at or near multiple public use airports; and

“(ii) capable of reducing noise, airport emissions, or water quality impacts in measurably significant amounts.”.

(b) CONFORMING AMENDMENT.—The table of contents for chapter 471 is amended by inserting after the item relating to section 47142 the following:

“47143. Environmental mitigation demonstration pilot program”.

SEC. 214. ALLOWABLE PROJECT COSTS FOR AIRPORT DEVELOPMENT PROGRAM.

Section 47110(c) is amended—

(1) by striking “; or” in paragraph (1) and inserting a semicolon;

(2) by striking “project.” in paragraph (2) and inserting “project; or”; and

(3) by adding at the end the following:

“(3) necessarily incurred in anticipation of severe weather.”.

SEC. 215. GLYCOL RECOVERY VEHICLES.

Section 47102(3)(G) is amended by inserting “including acquiring glycol recovery vehicles,” after “aircraft.”.

SEC. 216. RESEARCH IMPROVEMENT FOR AIRCRAFT.

Section 44504(b) is amended—

(1) by striking “and” after the semicolon in paragraph (6);

(2) by striking “aircraft.” in paragraph (7) and inserting “aircraft; and”; and

(3) by adding at the end thereof the following:

“(8) to conduct research to support programs designed to reduce gases and particulates emitted.”.

SEC. 217. UNITED STATES TERRITORY MINIMUM GUARANTEE.

Section 47114(e) is amended—

(1) by inserting “AND ANY UNITED STATES TERRITORY” after “ALASKA” in the subsection heading; and

(2) by adding at the end thereof the following:

“(5) UNITED STATES TERRITORY MINIMUM GUARANTEE.—In any fiscal year in which the total amount apportioned to airports in a United States Territory under subsections (c) and (d) is less than 1.5 percent of the total amount apportioned to all airports under those subsections, the Secretary may apportion to the local authority in any United States Territory responsible for airport development projects in that fiscal year an amount equal to the difference between 1.5 percent of the total amounts apportioned under subsections (c) and (d) in that fiscal year and the amount otherwise apportioned under those subsections to airports in a United States Territory in that fiscal year.”.

SEC. 218. MERRILL FIELD AIRPORT, ANCHORAGE, ALASKA.

(a) IN GENERAL.—Notwithstanding any other provision of law, including the Federal Airport Act (as in effect on August 8, 1958), the United States releases, without monetary consideration, all restrictions, conditions, and limitations on the use, encumbrance, or conveyance of certain land located in the municipality of Anchorage, Alaska, more particularly described as Tracts 22 and 24 of the Fourth Addition to the Town Site of Anchorage, Alaska, as shown on the plat of U.S. Survey No. 1456, accepted June 13, 1923, on file in the Bureau of Land Management, Department of Interior.

(b) GRANTS.—Notwithstanding any other provision of law, the municipality of Anchorage shall be released from the repayment of any outstanding grant obligations owed by the municipality to the Federal Aviation Administration with respect to any land described in subsection (a) that is subsequently conveyed to or used by the Department of Transportation and Public Facilities of the State of Alaska for the construction or reconstruction of a federally subsidized highway project.

SEC. 219. RELEASE FROM RESTRICTIONS.

(a) IN GENERAL.—Subject to subsection (b), and notwithstanding section 16 of the Federal Airport Act (as in effect on August 28, 1973) and sections 47125 and 47153 of title 49, United States Code, the Secretary of Transportation is authorized to grant releases from any of the terms, conditions, reservations, and restrictions contained in the deed of conveyance dated August 28, 1973, under which the United States conveyed certain property to the city of St. George, Utah, for airport purposes.

(b) CONDITION.—Any release granted by the Secretary of Transportation pursuant to subsection (a) shall be subject to the following conditions:

(1) The city of St. George, Utah, shall agree that in conveying any interest in the property which the United States conveyed to the city by deed on August 28, 1973, the city will receive an amount for such interest which is equal to its fair market value.

(2) Any amount received by the city under paragraph (1) shall be used by the city of St. George, Utah, for the development or improvement of a replacement public airport.

SEC. 220. DESIGNATION OF FORMER MILITARY AIRPORTS.

Section 47118(g) is amended by striking “one” and inserting “three” in its place.

SEC. 221. AIRPORT SUSTAINABILITY PLANNING WORKING GROUP.

(a) IN GENERAL.—The Administrator shall establish an airport sustainability working group to assist the Administrator with issues pertaining to airport sustainability practices.

(b) MEMBERSHIP.—The Working Group shall be comprised of not more than 15 members including—

(1) the Administrator;

(2) 5 member organizations representing aviation interests including:

(A) an organization representing airport operators;

(B) an organization representing airport employees;

(C) an organization representing air carriers;

(D) an organization representing airport development and operations experts;

(E) a labor organization representing aviation employees.

(3) 9 airport chief executive officers which shall include:

(A) at least one from each of the FAA Regions;

(B) at least 1 large hub;

(C) at least 1 medium hub;

(D) at least 1 small hub;

(E) at least 1 non hub;

(F) at least 1 general aviation airport.

(c) FUNCTIONS.—

(1) develop consensus-based best practices and metrics for the sustainable design, construction, planning, maintenance, and operation of an airport that comply with the guidelines prescribed by the Administrator;

(2) develop standards for a consensus-based rating system based on the aforementioned best practices, metrics, and ratings; and

(3) develop standards for a voluntary ratings process, based on the aforementioned best practices, metrics, and ratings;

(4) examine and submit recommendations for the industry's next steps with regard to sustainability.

(d) DETERMINATION.—The Administrator shall provide assurance that the best practices developed by the working group under paragraph (a) are not in conflict with any federal aviation or federal, state or local environmental regulation.

(e) UNPAID POSITION.—Working Group members shall serve at their own expense and receive no salary, reimbursement of travel expenses, or other compensation from the Federal Government.

(f) NONAPPLICABILITY OF FACA.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Working Group under this section.

(g) REPORT.—Not later than one year after the date of enactment the Working Group shall submit a report to the Administrator containing the best practices and standards contained in paragraph (c). After receiving the report, the Administrator may publish such best practices in order to disseminate the information to support the sustainable design, construction, planning, maintenance, and operations of airports.

(h) No funds may be authorized to carry out this provision.

SEC. 222. INCLUSION OF MEASURES TO IMPROVE THE EFFICIENCY OF AIRPORT BUILDINGS IN AIRPORT IMPROVEMENT PROJECTS.

Section 47101(a) is amended—

(1) in paragraph (12), by striking “; and” and inserting a semicolon;

(2) in paragraph (13), by striking the period and inserting “; and”; and

(3) by adding at the end the following:

“(14) that the airport improvement program should be administered to allow measures to improve the efficiency of airport buildings to be included in airport improvement projects, such as measures designed to meet one or more of the criteria for being a high-performance green building set forth in section 401(13) of the Energy Independence and Security Act of 2007 (42 U.S.C. 17061(13)), if any significant increase in upfront project costs from any such measure is justified by expected savings over the lifecycle of the project.”

SEC. 223. STUDY ON APPORTIONING AMOUNTS FOR AIRPORT IMPROVEMENT IN PROPORTION TO AMOUNTS OF AIR TRAFFIC.

(a) STUDY AND REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Administrator of the Federal Aviation Administration shall—

(1) complete a study on the feasibility and advisability of apportioning amounts under section 47114(c)(1) of title 49, United States Code, to the sponsor of each primary airport for each fiscal year an amount that bears the same ratio to the amount subject to the apportionment for fiscal year 2009 as the number of passenger boardings at the airport during the prior calendar year bears to the aggregate of all passenger boardings at all primary airports during that calendar year; and

(2) submit to Congress a report on the study completed under paragraph (1).

(b) REPORT CONTENTS.—The report required by subsection (a)(2) shall include the following:

(1) A description of the study carried out under subsection (a)(1).

(2) The findings of the Administrator with respect to such study.

(3) A list of each sponsor of a primary airport that received an amount under section 47114(c)(1) of title 49, United States Code, in 2009.

(4) For each sponsor listed in accordance with paragraph (3), the following:

(A) The amount such sponsor received, if any, in 2005, 2006, 2007, 2008, and 2009 under such section 47114(c)(1).

(B) An explanation of how the amount awarded to such sponsor was determined.

(C) The average number of air passenger flights serviced each month at the airport of such sponsor in 2009.

(D) The number of enplanements for air passenger transportation at such airport in 2005, 2006, 2007, 2008, and 2009.

TITLE III—AIR TRAFFIC CONTROL MODERNIZATION AND FAA REFORM
SEC. 301. AIR TRAFFIC CONTROL MODERNIZATION OVERSIGHT BOARD.

Section 106(p) is amended to read as follows:
“(p) AIR TRAFFIC CONTROL MODERNIZATION OVERSIGHT BOARD.—

“(1) ESTABLISHMENT.—Within 90 days after the date of enactment of the FAA Air Transportation Modernization and Safety Improvement Act, the Secretary shall establish and appoint the members of an advisory Board which shall be known as the Air Traffic Control Modernization Oversight Board.

“(2) MEMBERSHIP.—The Board shall be comprised of the individual appointed or designated under section 302 of the FAA Air Transportation Modernization and Safety Improvement Act (who shall serve ex officio without the right to vote) and 9 other members, who shall consist of—

“(A) the Administrator and a representative from the Department of Defense;

“(B) 1 member who shall have a fiduciary responsibility to represent the public interest; and

“(C) 6 members representing aviation interests, as follows:

“(i) 1 representative that is the chief executive officer of an airport.

“(ii) 1 representative that is the chief executive officer of a passenger or cargo air carrier.

“(iii) 1 representative of a labor organization representing employees at the Federal Aviation Administration that are involved with the operation of the air traffic control system.

“(iv) 1 representative with extensive operational experience in the general aviation community.

“(v) 1 representative from an aircraft manufacturer.

“(vi) 1 representative of a labor organization representing employees at the Federal Aviation Administration who are involved with maintenance of the air traffic control system.

“(3) APPOINTMENT AND QUALIFICATIONS.—

“(A) Members of the Board appointed under paragraphs (2)(B) and (2)(C) shall be appointed by the President, by and with the advice and consent of the Senate.

“(B) Members of the Board appointed under paragraph (2)(B) shall be citizens of the United States and shall be appointed without regard to political affiliation and solely on the basis of their professional experience and expertise in one or more of the following areas and, in the aggregate, should collectively bring to bear expertise in—

“(i) management of large service organizations;

“(ii) customer service;

“(iii) management of large procurements;

“(iv) information and communications technology;

“(v) organizational development; and

“(vi) labor relations.

“(C) Of the members first appointed under paragraphs (2)(B) and (2)(C)—

“(i) 2 shall be appointed for terms of 1 year;

“(ii) 1 shall be appointed for a term of 2 years;

“(iii) 1 shall be appointed for a term of 3 years; and

“(iv) 1 shall be appointed for a term of 4 years.

“(4) FUNCTIONS.—

“(A) IN GENERAL.—The Board shall—

“(i) review and provide advice on the Administration's modernization programs, budget, and cost accounting system;

“(ii) review the Administration's strategic plan and make recommendations on the non-safety program portions of the plan, and provide advice on the safety programs of the plan;

“(iii) review the operational efficiency of the air traffic control system and make recommendations on the operational and performance metrics for that system;

“(iv) approve procurements of air traffic control equipment in excess of \$100,000,000;

“(v) approve by July 31 of each year the Administrator's budget request for facilities and equipment prior to its submission to the Office of Management and budget, including which programs are proposed to be funded from the Air Traffic control system Modernization Account of the Airport and Airway Trust Fund;

“(vi) approve the Federal Aviation Administration's Capital Investment Plan prior to its submission to the Congress;

“(vii) annually review and make recommendations on the NextGen Implementation Plan;

“(viii) approve the Administrator's selection of the Chief NextGen Officer appointed or designated under section 302(a) of the FAA Air Transportation Modernization and Safety Improvement Act; and

“(ix) approve the selection of the head of the Joint Planning and Development Office.

“(B) MEETINGS.—The Board shall meet on a regular and periodic basis or at the call of the Chairman or of the Administrator.

“(C) ACCESS TO DOCUMENTS AND STAFF.—The Administration may give the Board appropriate access to relevant documents and personnel of the Administration, and the Administrator shall make available, consistent with the authority to withhold commercial and other proprietary information under section 552 of title 5, cost data associated with the acquisition and operation of air traffic control systems. Any member of the Board who receives commercial or other proprietary data from the Administrator shall be subject to the provisions of section 1905 of title 18, pertaining to unauthorized disclosure of such information.

“(5) FEDERAL ADVISORY COMMITTEE ACT NOT TO APPLY.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Board or such rulemaking committees as the Administrator shall designate.

“(6) ADMINISTRATIVE MATTERS.—

“(A) TERMS OF MEMBERS.—Except as provided in paragraph (3)(C), members of the Board appointed under paragraph (2)(B) and (2)(C) shall be appointed for a term of 4 years.

“(B) REAPPOINTMENT.—No individual may be appointed to the Board for more than 8 years total.

“(C) VACANCY.—Any vacancy on the Board shall be filled in the same manner as the original position. Any member appointed to fill a vacancy occurring before the expiration of the term for which the member's predecessor was appointed shall be appointed for a term of 4 years.

“(D) CONTINUATION IN OFFICE.—A member of the Board whose term expires shall continue to

serve until the date on which the member's successor takes office.

“(E) REMOVAL.—Any member of the Board appointed under paragraph (2)(B) or (2)(C) may be removed by the President for cause.

“(F) CLAIMS AGAINST MEMBERS OF THE BOARD.—

“(i) IN GENERAL.—A member appointed to the Board shall have no personal liability under State or Federal law with respect to any claim arising out of or resulting from an act or omission by such member within the scope of service as a member of the Board.

“(ii) EFFECT ON OTHER LAW.—This subparagraph shall not be construed—

“(I) to affect any other immunity or protection that may be available to a member of the Board under applicable law with respect to such transactions;

“(II) to affect any other right or remedy against the United States under applicable law; or

“(III) to limit or alter in any way the immunities that are available under applicable law for Federal officers and employees.

“(G) ETHICAL CONSIDERATIONS.—Each member of the Board appointed under paragraph (2)(B) must certify that the member—

“(i) does not have a pecuniary interest in, or own stock in or bonds of, an aviation or aeronautical enterprise, except an interest in a diversified mutual fund or an interest that is exempt from the application of section 208 of title 18;

“(ii) does not engage in another business related to aviation or aeronautics; and

“(iii) is not a member of any organization that engages, as a substantial part of its activities, in activities to influence aviation-related legislation.

“(H) CHAIRMAN; VICE CHAIRMAN.—The Board shall elect a chair and a vice chair from among its members, each of whom shall serve for a term of 2 years. The vice chair shall perform the duties of the chairman in the absence of the chairman.

“(I) COMPENSATION.—No member shall receive any compensation or other benefits from the Federal Government for serving on the Board, except for compensation benefits for injuries under subchapter I of chapter 81 of title 5 and except as provided under subparagraph (J).

“(J) EXPENSES.—Each member of the Board shall be paid actual travel expenses and per diem in lieu of subsistence expenses when away from his or her usual place of residence, in accordance with section 5703 of title 5.

“(K) BOARD RESOURCES.—From resources otherwise available to the Administrator, the Chairman shall appoint such staff to assist the board and provide impartial analysis, and the Administrator shall make available to the Board such information and administrative services and assistance, as may reasonably be required to enable the Board to carry out its responsibilities under this subsection.

“(L) QUORUM AND VOTING.—A simple majority of members of the Board duly appointed shall constitute a quorum. A majority vote of members present and voting shall be required for the Committee to take action.

“(7) AIR TRAFFIC CONTROL SYSTEM DEFINED.—In this subsection, the term ‘air traffic control system’ has the meaning given that term in section 40102(a).”

SEC. 302. NEXTGEN MANAGEMENT.

(a) IN GENERAL.—The Administrator shall appoint or designate an individual, as the Chief NextGen Officer, to be responsible for implementation of all Administration programs associated with the Next Generation Air Transportation System.

(b) SPECIFIC DUTIES.—The individual appointed or designated under subsection (a) shall—

(1) oversee the implementation of all Administration NextGen programs;

(2) coordinate implementation of those NextGen programs with the Office of Management and Budget;

(3) develop an annual NextGen implementation plan;

(4) ensure that Next Generation Air Transportation System implementation activities are planned in such a manner as to require that system architecture is designed to allow for the incorporation of novel and currently unknown technologies into the System in the future and that current decisions do not bias future decisions unfairly in favor of existing technology at the expense of innovation; and

(5) oversee the Joint Planning and Development Office's facilitation of cooperation among all Federal agencies whose operations and interests are affected by implementation of the NextGen programs.

SEC. 303. FACILITATION OF NEXT GENERATION AIR TRAFFIC SERVICES.

Section 106(l) is amended by adding at the end the following:

“(7) AIR TRAFFIC SERVICES.—In determining what actions to take, by rule or through an agreement or transaction under paragraph (6) or under section 44502, to permit non-Government providers of communications, navigation, surveillance or other services to provide such services in the National Airspace System, or to require the usage of such services, the Administrator shall consider whether such actions would—

“(A) promote the safety of life and property;

“(B) improve the efficiency of the National Airspace System and reduce the regulatory burden upon National Airspace System users, based upon sound engineering principles, user operational requirements, and marketplace demands;

“(C) encourage competition and provide services to the largest feasible number of users; and

“(D) take into account the unique role served by general aviation.”

SEC. 304. CLARIFICATION OF AUTHORITY TO ENTER INTO REIMBURSABLE AGREEMENTS.

Section 106(m) is amended by striking “without” in the last sentence and inserting “with or without”.

SEC. 305. CLARIFICATION TO ACQUISITION REFORM AUTHORITY.

Section 40110(c) is amended—

(1) by inserting “and” after the semicolon in paragraph (3);

(2) by striking paragraph (4); and

(3) by redesignating paragraph (5) as paragraph (4).

SEC. 306. ASSISTANCE TO OTHER AVIATION AUTHORITIES.

Section 40113(e) is amended—

(1) by inserting “(whether public or private)” in paragraph (1) after “authorities”;

(2) by striking “safety.” in paragraph (1) and inserting “safety or efficiency. The Administrator is authorized to participate in, and submit offers in response to, competitions to provide these services, and to contract with foreign aviation authorities to provide these services consistent with the provisions under section 106(l)(6) of this title. The Administrator is also authorized, notwithstanding any other provision of law or policy, to accept payments in arrears.”; and

(3) by striking “appropriation from which expenses were incurred in providing such services.” in paragraph (3) and inserting “appropriation current when the expenditures are or were paid, or the appropriation current when the amount is received.”

SEC. 307. PRESIDENTIAL RANK AWARD PROGRAM.

Section 40122(g)(2) is amended—

(1) by striking “and” after the semicolon in subparagraph (G);

(2) by striking “Board.” in subparagraph (H) and inserting “Board; and”; and

(3) by inserting at the end the following new subparagraph:

“(I) subsections (b), (c), and (d) of section 4507 (relating to Meritorious Executive or Distinguished Executive rank awards), and subsections (b) and (c) of section 4507a (relating to Meritorious Senior Professional or Distinguished Senior Professional rank awards), except that—

“(i) for purposes of applying such provisions to the personnel management system—

“(I) the term ‘agency’ means the Department of Transportation;

“(II) the term ‘senior executive’ means a Federal Aviation Administration executive;

“(III) the term ‘career appointee’ means a Federal Aviation Administration career executive; and

“(IV) the term ‘senior career employee’ means a Federal Aviation Administration career senior professional;

“(ii) receipt by a career appointee of the rank of Meritorious Executive or Meritorious Senior Professional entitles such individual to a lump-sum payment of an amount equal to 20 percent of annual basic pay, which shall be in addition to the basic pay paid under the Federal Aviation Administration Executive Compensation Plan; and

“(iii) receipt by a career appointee of the rank of Distinguished Executive or Distinguished Senior Professional entitles the individual to a lump-sum payment of an amount equal to 35 percent of annual basic pay, which shall be in addition to the basic pay paid under the Federal Aviation Administration Executive Compensation Plan.”

SEC. 308. NEXT GENERATION FACILITIES NEEDS ASSESSMENT.

(a) FAA CRITERIA FOR FACILITIES REALIGNMENT.—Within 9 months after the date of enactment of this Act, the Administrator, after providing an opportunity for public comment, shall publish final criteria to be used in making the Administrator's recommendations for the realignment of services and facilities to assist in the transition to next generation facilities and help reduce capital, operating, maintenance, and administrative costs with no adverse effect on safety.

(b) REALIGNMENT RECOMMENDATIONS.—Within 9 months after publication of the criteria, the Administrator shall publish a list of the services and facilities that the Administrator recommends for realignment, including a justification for each recommendation and a description of the costs and savings of such transition, in the Federal Register and allow 45 days for the submission of public comments to the Board. In addition, the Administrator upon request shall hold a public hearing in any community that would be affected by a recommendation in the report.

(c) STUDY BY BOARD.—The Air Traffic Control Modernization Oversight Board established by section 106(p) of title 49, United States Code, shall study the Administrator's recommendations for realignment and the opportunities, risks, and benefits of realigning services and facilities of the Administration to help reduce capital, operating, maintenance, and administrative costs with no adverse effect on safety.

(d) REVIEW AND RECOMMENDATIONS.—

(1) Based on its review and analysis of the Administrator's recommendations and any public comment it may receive, the Board shall make its independent recommendations for realignment of aviation services or facilities and submit its recommendations in a report to the President, the Senate Committee on Commerce, Science, and Transportation, and the House of Representatives Committee on Transportation and Infrastructure.

(2) The Board shall explain and justify in its report any recommendation made by the Board that is different from the recommendations made by the Administrator pursuant to subsection (b).

(3) The Administrator may not realign any air traffic control facilities or regional offices until the Board's recommendations are complete, unless for each proposed realignment the Administrator and each exclusive bargaining representative certified under section 7114 of title 5, United States Code, of affected employees execute a written agreement regarding the proposed realignment.

(e) **REALIGNMENT DEFINED.**—In this section, the term “realignment” —

(1) means a relocation or reorganization of functions, services, or personnel positions, including a facility closure, consolidation, deconsolidation, collocation, decombining, decoupling, split, or inter-facility or inter-regional reorganization that requires a reassignment of employees; but

(2) does not include a reduction in personnel resulting from workload adjustments.

SEC. 309. NEXT GENERATION AIR TRANSPORTATION SYSTEM IMPLEMENTATION OFFICE.

(a) **IMPROVED COOPERATION AND COORDINATION AMONG PARTICIPATING AGENCIES.**—Section 709 of the Vision 100—Century of Aviation Reauthorization Act (49 U.S.C. 40101 note) is amended—

(1) by inserting “strategic and cross-agency” after “manage” in subsection (a)(1);

(2) by adding at the end of subsection (a)(1) “The office shall be headed by a Director, who shall report to the Chief NextGen Officer appointed or designated under section 302(a) of the FAA Air Transportation Modernization and Safety Improvement Act.”;

(3) by inserting “(A)” after “(3)” in subsection (a)(3);

(4) by inserting after subsection (a)(3) the following:

“(B) The Administrator, the Secretary of Defense, the Administrator of the National Aeronautics and Space Administration, the Secretary of Commerce, the Secretary of Homeland Security, and the head of any other Department or Federal agency from which the Secretary of Transportation requests assistance under subparagraph (A) shall designate an implementation office to be responsible for—

“(i) carrying out the Department or agency's Next Generation Air Transportation System implementation activities with the Office;

“(ii) liaison and coordination with other Departments and agencies involved in Next Generation Air Transportation System activities; and

“(iii) managing all Next Generation Air Transportation System programs for the Department or agency, including necessary budgetary and staff resources, including, for the Federal Aviation Administration, those projects described in section 44501(b)(5) of title 49, United States Code).

“(C) The head of any such Department or agency shall ensure that—

“(i) the Department's or agency's Next Generation Air Transportation System responsibilities are clearly communicated to the designated office; and

“(ii) the performance of supervisory personnel in that office in carrying out the Department's or agency's Next Generation Air Transportation System responsibilities is reflected in their annual performance evaluations and compensation decisions.

“(D)(i) Within 6 months after the date of enactment of the FAA Air Transportation Modernization and Safety Improvement Act, the head of each such Department or agency shall execute a memorandum of understanding with

the Office and with the other Departments and agencies participating in the Next Generation Air Transportation System project that—

“(I) describes the respective responsibilities of each such Department and agency, including budgetary commitments; and

“(II) the budgetary and staff resources committed to the project.

“(ii) The memorandum shall be revised as necessary to reflect any changes in such responsibilities or commitments and be reflected in each Department or agency's budget request.”;

(5) by striking “beyond those currently included in the Federal Aviation Administration's operational evolution plan” in subsection (b);

(6) by striking “research and development roadmap” in subsection (b)(3) and inserting “implementation plan”;

(7) by striking “and” after the semicolon in subsection (b)(3)(B);

(8) by inserting after subsection (b)(3)(C) the following:

“(D) a schedule of rulemakings required to issue regulations and guidelines for implementation of the Next Generation Air Transportation System within a timeframe consistent with the integrated plan; and”;

(9) by inserting “and key technologies” after “concepts” in subsection (b)(4);

(10) by striking “users” in subsection (b)(4) and inserting “users, an implementation plan.”;

(11) by adding at the end of subsection (b) the following:

“Within 6 months after the date of enactment of the FAA Air Transportation Modernization and Safety Improvement Act, the Administrator shall develop the implementation plan described in paragraph (3) of this subsection and shall update it annually thereafter.”; and

(12) by striking “2010.” in subsection (e) and inserting “2011.”

(b) **SENIOR POLICY COMMITTEE MEETINGS.**—Section 710(a) of such Act (49 U.S.C. 40101 note) is amended by striking “Secretary.” and inserting “Secretary and shall meet at least once each quarter.”.

SEC. 310. DEFINITION OF AIR NAVIGATION FACILITY.

Section 40102(a)(4) is amended—

(1) by striking subparagraph (B) and inserting the following:

“(B) runway lighting and airport surface visual and other navigation aids;”;

(2) by striking “weather information, signaling, radio-directional finding, or radio or other electromagnetic communication; and” in subparagraph (C) and inserting “aeronautical and meteorological information to air traffic control facilities or aircraft, supplying communication, navigation or surveillance equipment for air-to-ground or air-to-air applications;”;

(3) by striking “another structure” in subparagraph (D) and inserting “any structure, equipment.”;

(4) by striking “aircraft.” in subparagraph (D) and inserting “aircraft; and”;

(5) by adding at the end the following:

“(E) buildings, equipment, and systems dedicated to the National Airspace System.”.

SEC. 311. IMPROVED MANAGEMENT OF PROPERTY INVENTORY.

Section 40110(a)(2) is amended by striking “compensation; and” and inserting “compensation, and the amount received may be credited to the appropriation current when the amount is received; and”.

SEC. 312. EDUCATIONAL REQUIREMENTS.

The Administrator shall make payments to the Department of Defense for the education of dependent children of those Administration employees in Puerto Rico and Guam as they are subject to transfer by policy and practice and meet the eligibility requirements of section 2164(c) of title 10, United States Code.

SEC. 313. FAA PERSONNEL MANAGEMENT SYSTEM.

Section 40122(a)(2) is amended to read as follows:

“(2) **DISPUTE RESOLUTION.**—

“(A) **MEDIATION.**—If the Administrator does not reach an agreement under paragraph (1) or subsection (g)(2)(C) with the exclusive bargaining representatives, the services of the Federal Mediation and Conciliation Service shall be used to attempt to reach such agreement in accordance with part 1425 of title 29, Code of Federal Regulations. The Administrator and bargaining representatives may by mutual agreement adopt procedures for the resolution of disputes or impasses arising in the negotiation of a collective-bargaining agreement.

“(B) **BINDING ARBITRATION.**—If the services of the Federal Mediation and Conciliation Service under subparagraph (A) do not lead to an agreement, the Administrator and the bargaining representatives shall submit their issues in controversy to the Federal Service Impasses Panel in accordance with section 7119 of title 5. The Panel shall assist the parties in resolving the impasse by asserting jurisdiction and ordering binding arbitration by a private arbitration board consisting of 3 members in accordance with section 2471.6(a)(2)(ii) of title 5, Code of Federal Regulations. The executive director of the Panel shall request a list of not less than 15 names of arbitrators with Federal sector experience from the director of the Federal Mediation and Conciliation Service to be provided to the Administrator and the bargaining representatives. Within 10 days after receiving the list, the parties shall each select 1 person. The 2 arbitrators shall then select a third person from the list within 7 days. If the 2 arbitrators are unable to agree on the third person, the parties shall select the third person by alternately striking names from the list until only 1 name remains. If the parties do not agree on the framing of the issues to be submitted, the arbitration board shall frame the issues. The arbitration board shall give the parties a full and fair hearing, including an opportunity to present evidence in support of their claims, and an opportunity to present their case in person, by counsel, or by other representative as they may elect. Decisions of the arbitration board shall be conclusive and binding upon the parties. The arbitration board shall render its decision within 90 days after its appointment. The Administrator and the bargaining representative shall share costs of the arbitration equally. The arbitration board shall take into consideration the effect of its arbitration decisions on the Federal Aviation Administration's ability to attract and retain a qualified workforce and the Federal Aviation Administration's budget.

“(C) **EFFECT.**—Upon reaching a voluntary agreement or at the conclusion of the binding arbitration under subparagraph (B) above, the final agreement, except for those matters decided by the arbitration board, shall be subject to ratification by the exclusive representative, if so requested by the exclusive representative, and approval by the head of the agency in accordance with subsection (g)(2)(C).

“(D) **ENFORCEMENT.**—Enforcement of the provisions of this paragraph shall be in the United States District Court for the District of Columbia.”.

SEC. 314. ACCELERATION OF NEXTGEN TECHNOLOGIES.

(a) **OEP AIRPORT PROCEDURES.**—

(1) **IN GENERAL.**—Within 6 months after the date of enactment of this Act, the Administrator shall publish a report, after consultation with representatives of appropriate Administration employee groups, airport operators, air carriers, general aviation representatives, and aircraft manufacturers that includes the following:

(A) **RNP/RNAV OPERATIONS.**—The required navigation performance and area navigation operations, including the procedures to be developed, certified, and published and the air traffic control operational changes, to maximize the efficiency and capacity of NextGen commercial operations at the 35 Operational Evolution Partnership airports identified by the Administration.

(B) **COORDINATION AND IMPLEMENTATION ACTIVITIES.**—A description of the activities and operational changes and approvals required to coordinate and utilize those procedures at those airports.

(C) **IMPLEMENTATION PLAN.**—A plan for implementing those procedures that establishes—

(i) clearly defined budget, schedule, project organization, and leadership requirements;

(ii) specific implementation and transition steps; and

(iii) baseline and performance metrics for measuring the Administration's progress in implementing the plan, including the percentage utilization of required navigation performance in the National Airspace System.

(D) **COST/BENEFIT ANALYSIS FOR THIRD-PARTY USAGE.**—An assessment of the costs and benefits of using third parties to assist in the development of the procedures.

(E) **ADDITIONAL PROCEDURES.**—A process for the identification, certification, and publication of additional required navigation performance and area navigation procedures that may be required at such airports in the future.

(2) **IMPLEMENTATION SCHEDULE.**—The Administrator shall certify, publish, and implement—

(A) 30 percent of the required procedures within 18 months after the date of enactment of this Act;

(B) 60 percent of the procedures within 36 months after the date of enactment of this Act; and

(C) 100 percent of the procedures before January 1, 2014.

(b) **EXPANSION OF PLAN TO OTHER AIRPORTS.**—

(1) **IN GENERAL.**—No later than January 1, 2014, the Administrator shall publish a report, after consultation with representatives of appropriate Administration employee groups, airport operators, and air carriers, that includes a plan for applying the procedures, requirements, criteria, and metrics described in subsection (a)(1) to other airports across the Nation.

(2) **IMPLEMENTATION SCHEDULE.**—The Administrator shall certify, publish, and implement—

(A) 25 percent of the required procedures at such other airports before January 1, 2015;

(B) 50 percent of the procedures at such other airports before January 1, 2016;

(C) 75 percent of the procedures at such other airports before January 1, 2017; and

(D) 100 percent of the procedures before January 1, 2018.

(c) **ESTABLISHMENT OF PRIORITIES.**—The Administrator shall extend the charter of the Performance Based Navigation Aviation Rulemaking Committee as necessary to authorize and request it to establish priorities for the development, certification, publication, and implementation of the navigation performance and area navigation procedures based on their potential safety and congestion benefits.

(d) **COORDINATED AND EXPEDITED REVIEW.**—Navigation performance and area navigation procedures developed, certified, published, and implemented under this section shall be presumed to be covered by a categorical exclusion (as defined in section 1508.4 of title 40, Code of Federal Regulations) under chapter 3 of FAA Order 1050.1E unless the Administrator determines that extraordinary circumstances exist with respect to the procedure.

(e) **DEPLOYMENT PLAN FOR NATIONWIDE DATA COMMUNICATIONS SYSTEM.**—Within 1 year after

the date of enactment of this Act, the Administrator shall submit a plan for implementation of a nationwide communications system to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure. The plan shall include—

(1) clearly defined budget, schedule, project organization, and leadership requirements;

(2) specific implementation and transition steps; and

(3) baseline and performance metrics for measuring the Administration's progress in implementing the plan.

(f) **IMPROVED PERFORMANCE STANDARDS.**—Within 90 days after the date of enactment of this Act, the Administrator shall submit a report to the Senate committee on commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure that—

(1) evaluates whether utilization of ADS-B, RNP, and other technologies as part of the NextGen Air Transportation System implementation plan will display the position of aircraft more accurately and frequently so as to enable a more efficient use of existing airspace and result in reduced consumption of aviation fuel and aircraft engine emissions;

(2) evaluates the feasibility of reducing aircraft separation standards in a safe manner as a result of implementation of such technologies; and

(3) if the Administrator determines that such standards can be reduced safely, includes a timetable for implementation of such reduced standards.

SEC. 315. ADS-B DEVELOPMENT AND IMPLEMENTATION.

(a) **IN GENERAL.**—

(1) **REPORT REQUIRED.**—Within 90 days after the date of enactment of this Act, the Administrator shall submit a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure detailing the Administration's program and schedule for integrating ADS-B technology into the National Airspace System. The report shall include—

(A) a clearly defined budget, schedule, project organization, leadership, and the specific implementation or transition steps required to achieve these ADS-B ground station installation goals;

(B) a transition plan for ADS-B that includes date-specific milestones for the implementation of new capabilities into the National Airspace System;

(C) identification of any potential operational or workforce changes resulting from deployment of ADS-B;

(D) detailed plans and schedules for implementation of advanced operational procedures and ADS-B air-to-air applications; and

(E) baseline and performance metrics in order to measure the agency's progress.

(2) **IDENTIFICATION AND MEASUREMENT OF BENEFITS.**—In the report required by paragraph (1), the Administrator shall identify actual benefits that will accrue to National Airspace System users, small and medium-sized airports, and general aviation users from deployment of ADS-B and provide an explanation of the metrics used to quantify those benefits.

(b) **RULEMAKINGS.**—

(1) **ADS-B OUT.**—Not later than 45 days after the date of enactment of this Act the Administrator shall—

(A) complete the initial rulemaking proceeding (Docket No. FAA-2007-29305; Notice No. 07-15; 72 FR 56947) to issue guidelines and regulations for ADS-B Out technology that—

(i) identify the ADS-B Out technology that will be required under NextGen;

(ii) subject to paragraph (3), require all aircraft to be equipped with such technology by 2015; and

(iii) identify—

(I) the type of such avionics required of aircraft for all classes of airspace;

(II) the expected costs associated with the avionics; and

(III) the expected uses and benefits of the avionics; and

(B) initiate a rulemaking proceeding to issue any additional guidelines and regulations for ADS-B Out technology not addressed in the initial rulemaking.

(2) **ADS-B IN.**—Not later than 45 days after the date of enactment of this Act the Administrator shall initiate a rulemaking proceeding to issue guidelines and regulations for ADS-B In technology that—

(A) identify the ADS-B In technology that will be required under NextGen;

(B) subject to paragraph (3), require all aircraft to be equipped with such technology by 2018; and

(C) identify—

(i) the type of such avionics required of aircraft for all classes of airspace;

(ii) the expected costs associated with the avionics; and

(iii) the expected uses and benefits of the avionics.

(3) **READINESS VERIFICATION.**—Before the date on which all aircraft are required to be equipped with ADS-B technology pursuant to rulemakings under paragraphs (1) and (2), the Air Traffic Control Modernization Oversight Board shall verify that—

(A) the necessary ground infrastructure is installed and functioning properly;

(B) certification standards have been approved; and

(C) appropriate operational platforms interface safely and efficiently.

(c) **USES.**—Within 18 months after the date of enactment of this Act, the Administrator shall develop, in consultation with appropriate employee groups, a plan for the use of ADS-B technology for surveillance and active air traffic control by 2015. The plans shall—

(1) include provisions to test the use of ADS-B prior to the 2015 deadline for surveillance and active air traffic control in specific regions of the country with the most congested airspace;

(2) identify the equipment required at air traffic control facilities and the training required for air traffic controllers;

(3) develop procedures, in consultation with appropriate employee groups, to conduct air traffic management in mixed equipage environments; and

(4) establish a policy in these test regions, with consultation from appropriate employee groups, to provide incentives for equipage with ADS-B technology by giving priority to aircraft equipped with such technology before the 2015 and 2018 equipage deadlines.

(d) **CONDITIONAL EXTENSION OF DEADLINES FOR EQUIPPING AIRCRAFT WITH ADS-B TECHNOLOGY.**—

(1) **ADS-B OUT.**—In the case that the Administrator fails to complete the initial rulemaking described in subparagraph (A) of subsection (b)(1) on or before the date that is 45 days after the date of the enactment of this Act, the deadline described in clause (ii) of such subparagraph shall be extended by an amount of time that is equal to the amount of time of the period beginning on the date that is 45 days after the date of the enactment of this Act and ending on the date on which the Administrator completes such initial rulemaking.

(2) **ADS-B IN.**—In the case that the Administrator fails to initiate the rulemaking required by paragraph (2) of subsection (b) on or before

the date that is 45 days after the date of the enactment of this Act, the deadline described in subparagraph (B) of such paragraph shall be extended by an amount of time that is equal to the amount of time of the period beginning on the date that is 45 days after the date of the enactment of this Act and ending on the date on which the Administrator initiates such rule-making.

SEC. 316. EQUIPAGE INCENTIVES.

(a) IN GENERAL.—The Administrator shall issue a report that—

(1) identifies incentive options to encourage the equipage of aircraft with NextGen technologies, including a policy that gives priority to aircraft equipped with ADS-B technology;

(2) identifies the costs and benefits of each option; and

(3) includes input from industry stakeholders, including passenger and cargo air carriers, aerospace manufacturers, and general aviation aircraft operators.

(b) DEADLINE.—The Administrator shall issue the report before the earlier of—

(1) the date that is 6 months after the date of enactment of this Act; or

(2) the date on which aircraft are required to be equipped with ADS-B technology pursuant to rulemakings under section 315(b) of this Act.

SEC. 317. PERFORMANCE METRICS.

(a) IN GENERAL.—No later than June 1, 2010, the Administrator shall establish and track National Airspace System performance metrics, including, at a minimum—

(1) the allowable operations per hour on runways;

(2) average gate-to-gate times;

(3) fuel burned between key city pairs;

(4) operations using the advanced procedures implemented under section 314 of this Act;

(5) average distance flown between key city pairs;

(6) time between pushing back from the gate and taking off;

(7) uninterrupted climb or descent;

(8) average gate arrival delay for all arrivals;

(9) flown versus filed flight times for key city pairs; and

(10) metrics to demonstrate reduced fuel burn and reduced emissions.

(b) OPTIMAL BASELINES.—The Administrator, in consultation with aviation industry stakeholders, shall identify optimal baselines for each of these metrics and appropriate methods to measure deviations from these baselines.

(c) PUBLICATION.—The Administration shall make the data obtained under subsection (a) available to the public in a searchable, sortable, downloadable format through its website and other appropriate media.

(d) REPORTS.—

(1) INITIAL REPORT.—Not later than 90 days after the date of enactment of this Act, the Administrator shall submit to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure that contains—

(A) a description of the metrics that will be used to measure the Administration's progress in implementing NextGen Air Transportation System capabilities and operational results; and

(B) information about how any additional metrics were developed.

(2) ANNUAL PROGRESS REPORT.—The Administrator shall submit an annual progress report to those committees on the Administration's progress in implementing NextGen Air Transportation System.

SEC. 318. CERTIFICATION STANDARDS AND RESOURCES.

(a) IN GENERAL.—Within 6 months after the date of enactment of this Act, the Administrator shall develop a plan to accelerate and stream-

line the process for certification of NextGen technologies, including—

(1) updated project plans and timelines to meet the deadlines established by this title;

(2) identification of the specific activities needed to certify core NextGen technologies, including the establishment of NextGen technical requirements for the manufacture of equipage, installation of equipage, airline operational procedures, pilot training standards, air traffic control procedures, and air traffic controller training;

(3) staffing requirements for the Air Certification Service and the Flight Standards Service, and measures addressing concerns expressed by the Department of Transportation Inspector General and the Comptroller General regarding staffing needs for modernization;

(4) an assessment of the extent to which the Administration will use third parties in the certification process, and the cost and benefits of this approach; and

(5) performance metrics to measure the Administration's progress.

(b) CERTIFICATION INTEGRITY.—The Administrator shall make no distinction between public or privately owned equipment, systems, or services used in the National Airspace System when determining certification requirements.

SEC. 319. REPORT ON FUNDING FOR NEXTGEN TECHNOLOGY.

Not later than 120 days after the date of the enactment of this Act, the Administrator of the Federal Aviation Administration shall submit to Congress a report that contains—

(1) a financing proposal that—

(A) uses innovative methods to fully fund the development and implementation of technology for the Next Generation Air Transportation System in a manner that does not increase the Federal deficit; and

(B) takes into consideration opportunities for involvement by public-private partnerships; and

(C) recommends creative financing proposals other than user fees or higher taxes; and

(2) recommendations with respect to how the Administrator and Congress can provide operational benefits, such as benefits relating to preferred airspace, routings, or runway access, for all aircraft, including air carriers and general aviation, that equip their aircraft with technology necessary for the operation of the Next Generation Air Transportation System before the date by which the Administrator requires the use of such technology.

SEC. 320. UNMANNED AERIAL SYSTEMS.

(a) IN GENERAL.—Within 1 year after the date of enactment of this Act, the Administrator shall develop a plan to accelerate the integration of unmanned aerial systems into the National Airspace System that—

(1) creates a pilot project to integrate such vehicles into the National Airspace System at 4 test sites in the National Airspace System by 2012;

(2) creates a safe, non-exclusionary airspace designation for cooperative manned and unmanned flight operations in the National Airspace System;

(3) establishes a process to develop certification, flight standards, and air traffic requirements for such vehicles at the test sites;

(4) dedicates funding for unmanned aerial systems research and development to certification, flight standards, and air traffic requirements;

(5) encourages leveraging and coordination of such research and development activities with the National Aeronautics and Space Administration and the Department of Defense;

(6) addresses both military and civilian unmanned aerial system operations;

(7) ensures the unmanned aircraft systems integration plan is incorporated in the Adminis-

tration's NextGen Air Transportation System implementation plan; and

(8) provides for verification of the safety of the vehicles and navigation procedures before their integration into the National Airspace System.

(b) TEST SITE CRITERIA.—The Administrator shall take into consideration geographical and climate diversity in determining where the test sites to be established under the pilot project required by subsection (a)(1) are to be located.

SEC. 321. SURFACE SYSTEMS PROGRAM OFFICE.

(a) IN GENERAL.—The Air Traffic Organization shall—

(1) evaluate the Airport Surface Detection Equipment-Model X program for its potential contribution to implementation of the NextGen initiative;

(2) evaluate airport surveillance technologies and associated collaborative surface management software for potential contributions to implementation of NextGen surface management;

(3) accelerate implementation of the program; and

(4) carry out such additional duties as the Administrator may require.

(b) EXPEDITED CERTIFICATION AND UTILIZATION.—The Administrator shall—

(1) consider options for expediting the certification of Ground Based Augmentation System technology; and

(2) develop a plan to utilize such a system at the 35 Operational Evolution Partnership airports by September 30, 2012.

SEC. 322. STAKEHOLDER COORDINATION.

(a) IN GENERAL.—The Administrator shall establish a process for including qualified employees selected by each exclusive collective bargaining representative of employees of the Administration who are likely to be affected by the planning, development, and deployment of air traffic control modernization projects (including the Next Generation Air Transportation System) in, and collaborating with, such employees in the planning, development, and deployment of those projects.

(b) PARTICIPATION.—

(1) BARGAINING OBLIGATIONS AND RIGHTS.—Participation in the process described in subsection (a) shall not be construed as a waiver of any bargaining obligations or rights under section 40122(a)(1) or 40122(g)(2)(C) of title 49, United States Code.

(2) CAPACITY AND COMPENSATION.—Exclusive collective bargaining representatives and selected employees participating in the process described in subsection (a) shall—

(A) serve in a collaborative and advisory capacity; and

(B) receive appropriate travel and per diem expenses in accordance with the travel policies of the Administration in addition to any regular compensation and benefits.

(c) REPORT.—No later than 180 days after the date of enactment of this Act, the Administrator shall submit a report on the implementation of this section to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure.

SEC. 323. FAA TASK FORCE ON AIR TRAFFIC CONTROL FACILITY CONDITIONS.

(a) ESTABLISHMENT.—The Administrator shall establish a special task force to be known as the "FAA Task Force on Air Traffic Control Facility Conditions".

(b) MEMBERSHIP.—

(1) COMPOSITION.—The Task Force shall be composed of 11 members of whom—

(A) 7 members shall be appointed by the Administrator; and

(B) 4 members shall be appointed by labor unions representing employees who work at field facilities of the Administration.

(2) **QUALIFICATIONS.**—Of the members appointed by the Administrator under paragraph (1)(A)—

(A) 4 members shall be specialists on toxic mold abatement, “sick building syndrome,” and other hazardous building conditions that can lead to employee health concerns and shall be appointed by the Administrator in consultation with the Director of the National Institute for Occupational Safety and Health; and

(B) 2 members shall be specialists on the rehabilitation of aging buildings.

(3) **TERMS.**—Members shall be appointed for the life of the Task Force.

(4) **VACANCIES.**—A vacancy in the Task Force shall be filled in the manner in which the original appointment was made.

(5) **TRAVEL EXPENSES.**—Members shall serve without pay but shall receive travel expenses, including per diem in lieu of subsistence, in accordance with subchapter I of chapter 57 of title 5, United States Code.

(c) **CHAIRPERSON.**—The Administrator shall designate, from among the individuals appointed under subsection (b)(1), an individual to serve as chairperson of the Task Force.

(d) **TASK FORCE PERSONNEL MATTERS.**—

(1) **STAFF.**—The Task Force may appoint and fix the pay of such personnel as it considers appropriate.

(2) **STAFF OF FEDERAL AGENCIES.**—Upon request of the Chairperson of the Task Force, the head of any department or agency of the United States may detail, on a reimbursable basis, any of the personnel of that department or agency to the Task Force to assist it in carrying out its duties under this section.

(3) **OTHER STAFF AND SUPPORT.**—Upon request of the Task Force or a panel of the Task Force, the Administrator shall provide the Task Force or panel with professional and administrative staff and other support, on a reimbursable basis, to the Task Force to assist it in carrying out its duties under this section.

(e) **OBTAINING OFFICIAL DATA.**—The Task Force may secure directly from any department or agency of the United States information (other than information required by any statute of the United States to be kept confidential by such department or agency) necessary for the Task Force to carry out its duties under this section. Upon request of the chairperson of the Task Force, the head of that department or agency shall furnish such information to the Task Force.

(f) **DUTIES.**—

(1) **STUDY.**—The Task Force shall undertake a study of—

(A) the conditions of all air traffic control facilities across the Nation, including towers, centers, and terminal radar air control;

(B) reports from employees of the Administration relating to respiratory ailments and other health conditions resulting from exposure to mold, asbestos, poor air quality, radiation and facility-related hazards in facilities of the Administration;

(C) conditions of such facilities that could interfere with such employees’ ability to effectively and safely perform their duties;

(D) the ability of managers and supervisors of such employees to promptly document and seek remediation for unsafe facility conditions;

(E) whether employees of the Administration who report facility-related illnesses are treated fairly;

(F) utilization of scientifically approved remediation techniques in a timely fashion once hazardous conditions are identified in a facility of the Administration; and

(G) resources allocated to facility maintenance and renovation by the Administration.

(2) **FACILITY CONDITION INDICES.**—The Task Force shall review the facility condition indices

of the Administration for inclusion in the recommendations under subsection (g).

(g) **RECOMMENDATIONS.**—Based on the results of the study and review of the facility condition indices under subsection (f), the Task Force shall make recommendations as it considers necessary to—

(1) prioritize those facilities needing the most immediate attention in order of the greatest risk to employee health and safety;

(2) ensure that the Administration is using scientifically approved remediation techniques in all facilities; and

(3) assist the Administration in making programmatic changes so that aging air traffic control facilities do not deteriorate to unsafe levels.

(h) **REPORT.**—Not later than 6 months after the date on which initial appointments of members to the Task Force are completed, the Task Force shall submit a report to the Administrator, the Senate Committee on Commerce, Science, and Transportation, and the House of Representatives Committee on Transportation and Infrastructure on the activities of the Task Force, including the recommendations of the Task Force under subsection (g).

(i) **IMPLEMENTATION.**—Within 30 days after receipt of the Task Force report under subsection (h), the Administrator shall submit to the House of Representatives Committee on Transportation and Infrastructure and the Senate Committee on Commerce, Science, and Transportation a report that includes a plan and timeline to implement the recommendations of the Task Force and to align future budgets and priorities of the Administration accordingly.

(j) **TERMINATION.**—The Task Force shall terminate on the last day of the 30-day period beginning on the date on which the report under subsection (h) is submitted.

(k) **APPLICABILITY OF THE FEDERAL ADVISORY COMMITTEE ACT.**—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Task Force.

SEC. 324. STATE ADS-B EQUIPAGE BANK PILOT PROGRAM.

(a) **IN GENERAL.**—

(1) **COOPERATIVE AGREEMENTS.**—Subject to the provisions of this section, the Secretary of Transportation may enter into cooperative agreements with not to exceed 5 States for the establishment of State ADS-B equipage banks for making loans and providing other assistance to public entities for projects eligible for assistance under this section.

(b) **FUNDING.**—

(1) **SEPARATE ACCOUNT.**—An ADS-B equipage bank established under this section shall maintain a separate aviation trust fund account for Federal funds contributed to the bank under paragraph (2). No Federal funds contributed or credited to an account of an ADS-B equipage bank established under this section may be commingled with Federal funds contributed or credited to any other account of such bank.

(2) **AUTHORIZATION.**—There are authorized to be appropriated to the Secretary \$25,000,000 for each of fiscal years 2010 through 2014.

(c) **FORMS OF ASSISTANCE FROM ADS-B EQUIPAGE BANKS.**—An ADS-B equipage bank established under this section may make loans or provide other assistance to a public entity in an amount equal to all or part of the cost of carrying out a project eligible for assistance under this section. The amount of any loan or other assistance provided for such project may be subordinated to any other debt financing for the project.

(d) **QUALIFYING PROJECTS.**—Federal funds in the ADS-B equipage account of an ADS-B equipage bank established under this section may be used only to provide assistance with respect to aircraft ADS-B and related avionics equipage.

(e) **REQUIREMENTS.**—In order to establish an ADS-B equipage bank under this section, each State establishing such a bank shall—

(1) contribute, at a minimum, in each account of the bank from non-Federal sources an amount equal to 50 percent of the amount of each capitalization grant made to the State and contributed to the bank;

(2) ensure that the bank maintains on a continuing basis an investment grade rating on its debt issuances or has a sufficient level of bond or debt financing instrument insurance to maintain the viability of the bank;

(3) ensure that investment income generated by funds contributed to an account of the bank will be—

(A) credited to the account;

(B) available for use in providing loans and other assistance to projects eligible for assistance from the account; and

(C) invested in United States Treasury securities, bank deposits, or such other financing instruments as the Secretary may approve to earn interest to enhance the leveraging of projects assisted by the bank;

(4) ensure that any loan from the bank will bear interest at or below market interest rates, as determined by the State, to make the project that is the subject of the loan feasible;

(5) ensure that the term for repaying any loan will not exceed 10 years after the date of the first payment on the loan; and

(6) require the bank to make an annual report to the Secretary on its status no later than September 30 of each year for which funds are made available under this section, and to make such other reports as the Secretary may require by guidelines.

SEC. 325. IMPLEMENTATION OF INSPECTOR GENERAL ATC RECOMMENDATIONS.

(a) **IN GENERAL.**—As soon as practicable after the date of enactment of this Act, but no later than 1 year after that date, the Administrator of the Federal Aviation Administration shall—

(1) provide the Los Angeles International Air Traffic Control Tower facility, the Southern California Terminal Radar Approach Control facility, and the Northern California Terminal Radar Approach Control facility a sufficient number of contract instructors, classroom space (including off-site locations as needed), and simulators for a surge in the number of new air traffic controllers at those facilities;

(2) to the greatest extent practicable, distribute the placement of new trainee air traffic controllers at those facilities evenly across the calendar year in order to avoid training bottlenecks;

(3) commission an independent analysis, in consultation with the Administration and the exclusive bargaining representative of air traffic controllers certified under section 7111 of title 5, United States Code, of overtime scheduling practices at those facilities; and

(4) to the greatest extent practicable, provide priority to certified professional controllers-in-training when filling staffing vacancies at those facilities.

(b) **STAFFING ANALYSES AND REPORTS.**—For the purposes of—

(1) the Federal Aviation Administration’s annual controller workforce plan,

(2) the Administration’s facility-by-facility authorized staffing ranges, and

(3) any report of air traffic controller staffing levels submitted to the Congress, the Administrator may not consider an individual to be an air traffic controller unless that individual is a certified professional controller.

SEC. 326. SEMIANNUAL REPORT ON STATUS OF GREENER SKIES PROJECT.

(a) **INITIAL REPORT.**—Not later than 180 days after the date of the enactment of this Act, the Administrator shall submit to Congress a report on the strategy of the Administrator for implementing, on an accelerated basis, the NextGen operational capabilities produced by the Greener

Skies project, as recommended in the final report of the RTCA NextGen Mid-Term Implementation Task Force that was issued on September 9, 2009.

(b) SUBSEQUENT REPORTS.—

(1) IN GENERAL.—Not later than 180 days after the Administrator submits to Congress the report required by subsection (a) and not less frequently than once every 180 days thereafter until September 30, 2011, the Administrator shall submit to the Committee on Commerce, Science, and Transportation of the Senate and to the Committee on Transportation and Infrastructure of the House of Representatives a report on the progress of the Administrator in carrying out the strategy described in the report submitted under subsection (a).

(2) CONTENTS.—Each report submitted under paragraph (1) shall include the following:

(A) A timeline for full implementation of the strategy described in the report submitted under subsection (a).

(B) A description of the progress made in carrying out such strategy.

(C) A description of the challenges, if any, encountered by the Administrator in carrying out such strategy.

SEC. 327. DEFINITIONS.

In this title:

(1) ADMINISTRATION.—The term “Administration” means the Federal Aviation Administration.

(2) ADMINISTRATOR.—The term “Administrator” means the Administrator of the Federal Aviation Administration.

(3) NEXTGEN.—The term “NextGen” means the Next Generation Air Transportation System.

(4) SECRETARY.—The term “Secretary” means the Secretary of Transportation.

SEC. 328. FINANCIAL INCENTIVES FOR NEXTGEN EQUIPAGE.

(a) IN GENERAL.—The Administrator of the Federal Aviation Administration may enter into agreements to fund the costs of equipping aircraft with communications, surveillance, navigation, and other avionics to enable NextGen air traffic control capabilities.

(b) FUNDING INSTRUMENT.—The Administrator may make grants or other instruments authorized under section 106(l)(6) of title 49, United States Code, to carry out subsection (a).

TITLE IV—AIRLINE SERVICE AND SMALL COMMUNITY AIR SERVICE IMPROVEMENTS

SUBTITLE A—CONSUMER PROTECTION

SEC. 401. AIRLINE CUSTOMER SERVICE COMMITMENT.

(a) IN GENERAL.—Chapter 417 is amended by adding at the end the following:

“SUBCHAPTER IV—AIRLINE CUSTOMER SERVICE

“§41781. Air carrier and airport contingency plans for long on-board tarmac delays

“(a) DEFINITION OF TARMAC DELAY.—The term ‘tarmac delay’ means the holding of an aircraft on the ground before taking off or after landing with no opportunity for its passengers to deplane.

“(b) SUBMISSION OF AIR CARRIER AND AIRPORT PLANS.—Not later than 60 days after the date of the enactment of the FAA Air Transportation Modernization and Safety Improvement Act, each air carrier and airport operator shall submit, in accordance with the requirements under this section, a proposed contingency plan to the Secretary of Transportation for review and approval.

“(c) MINIMUM STANDARDS.—The Secretary of Transportation shall establish minimum standards for elements in contingency plans required to be submitted under this section to ensure that such plans effectively address long on-board tarmac delays and provide for the health and safety of passengers and crew.

“(d) AIR CARRIER PLANS.—The plan shall require each air carrier to implement at a minimum the following:

“(1) PROVISION OF ESSENTIAL SERVICES.—Each air carrier shall provide for the essential needs of passengers on board an aircraft at an airport in any case in which the departure of a flight is delayed or disembarkation of passengers on an arriving flight that has landed is substantially delayed, including—

“(A) adequate food and potable water;

“(B) adequate restroom facilities;

“(C) cabin ventilation and comfortable cabin temperatures; and

“(D) access to necessary medical treatment.

“(2) RIGHT TO DEPLANE.—

“(A) IN GENERAL.—Each air carrier shall submit a proposed contingency plan to the Secretary of Transportation that identifies a clear time frame under which passengers would be permitted to deplane a delayed aircraft. After the Secretary has reviewed and approved the proposed plan, the air carrier shall make the plan available to the public.

“(B) DELAYS.—

“(i) IN GENERAL.—As part of the plan, except as provided under clause (iii), an air carrier shall provide passengers with the option of deplaning and returning to the terminal at which such deplaning could be safely completed, or deplaning at the terminal if—

“(I) 3 hours have elapsed after passengers have boarded the aircraft, the aircraft doors are closed, and the aircraft has not departed; or

“(II) 3 hours have elapsed after the aircraft has landed and the passengers on the aircraft have been unable to deplane.

“(ii) FREQUENCY.—The option described in clause (i) shall be offered to passengers at a minimum not less often than once during each successive 3-hour period that the plane remains on the ground.

“(iii) EXCEPTIONS.—This subparagraph shall not apply if—

“(I) the pilot of such aircraft reasonably determines that the aircraft will depart or be unloaded at the terminal not later than 30 minutes after the 3 hour delay; or

“(II) the pilot of such aircraft reasonably determines that permitting a passenger to deplane would jeopardize passenger safety or security.

“(C) APPLICATION TO DIVERTED FLIGHTS.—This section applies to aircraft without regard to whether they have been diverted to an airport other than the original destination.

“(D) REPORTS.—Not later than 30 days after any flight experiences a tarmac delay lasting at least 3 hours, the air carrier responsible for such flight shall submit a written description of the incident and its resolution to the Aviation Consumer Protection Office of the Department of Transportation.

“(e) AIRPORT PLANS.—Each airport operator shall submit a proposed contingency plan under subsection (b) that contains a description of—

“(1) how the airport operator will provide for the deplanement of passengers following a long tarmac delay; and

“(2) how, to the maximum extent practicable, the airport operator will provide for the sharing of facilities and make gates available at the airport for use by aircraft experiencing such delays.

“(f) UPDATES.—The Secretary shall require periodic reviews and updates of the plans as necessary.

“(g) APPROVAL.—

“(1) IN GENERAL.—Not later than 6 months after the date of the enactment of this section, the Secretary of Transportation shall—

“(A) review the initial contingency plans submitted under subsection (b); and

“(B) approve plans that closely adhere to the standards described in subsections (d) or (e), whichever is applicable.

“(2) UPDATES.—Not later than 60 days after the submission of an update under subsection (f) or an initial contingency plan by a new air carrier or airport, the Secretary shall—

“(A) review the plan; and

“(B) approve the plan if it closely adheres to the standards described in subsections (d) or (e), whichever is applicable.

“(h) CIVIL PENALTIES.—The Secretary may assess a civil penalty under section 46301 against any air carrier or airport operator that does not submit, obtain approval of, or adhere to a contingency plan submitted under this section.

“(i) PUBLIC ACCESS.—Each air carrier and airport operator required to submit a contingency plan under this section shall ensure public access to an approved plan under this section by—

“(1) including the plan on the Internet Web site of the carrier or airport; or

“(2) disseminating the plan by other means, as determined by the Secretary.

“§41782. Air passenger complaints hotline and information

“(a) AIR PASSENGER COMPLAINTS HOTLINE TELEPHONE NUMBER.—The Secretary of Transportation shall establish a consumer complaints hotline telephone number for the use of air passengers.

“(b) PUBLIC NOTICE.—The Secretary shall notify the public of the telephone number established under subsection (a).

“(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section, which sums shall remain available until expended.”

(b) CONFORMING AMENDMENT.—The table of contents for chapter 417 is amended by adding at the end the following:

“SUBCHAPTER IV—AIRLINE CUSTOMER SERVICE

“41781. Air carrier and airport contingency plans for long on-board tarmac delays

“41782. Air passenger complaints hotline and information”

SEC. 402. PUBLICATION OF CUSTOMER SERVICE DATA AND FLIGHT DELAY HISTORY.

(a) IN GENERAL.—Section 41722 is amended by adding at the end the following:

“(f) CHRONICALLY DELAYED FLIGHTS.—

“(1) PUBLICATION OF LIST OF FLIGHTS.—Each air carrier holding a certificate issued under section 41102 that conducts scheduled passenger air transportation shall, on a monthly basis—

“(A) publish and update on the Internet website of the air carrier a list of chronically delayed flights operated by such air carrier; and

“(B) share such list with each entity that is authorized to book passenger air transportation for such air carrier for inclusion on the Internet website of such entity.

“(2) DISCLOSURE TO CUSTOMERS WHEN PURCHASING TICKETS.—For each individual who books passenger air transportation on the Internet website of an air carrier, or the Internet website of an entity that is authorized to book passenger air transportation for an air carrier, for any flight for which data is reported to the Department of Transportation under part 234 of title 14, Code of Federal Regulations, such air carrier or entity, as the case may be, shall prominently disclose to such individual, before such individual makes such booking, the following:

“(A) The on-time performance for the flight if the flight is a chronically delayed flight.

“(B) The cancellation rate for the flight if the flight is a chronically canceled flight.

“(3) DEFINITIONS.—In this subsection:

“(A) CHRONICALLY DELAYED FLIGHT.—The term ‘chronically delayed flight’ means a regularly scheduled flight that has failed to arrive

on time (as such term is defined in section 234.2 of title 14, Code of Federal Regulations) at least 40 percent of the time during the most recent 3-month period for which data is available.

“(B) **CHRONICALLY CANCELED FLIGHT.**—The term ‘chronically canceled flight’ means a regularly scheduled flight at least 30 percent of the departures of which have been canceled during the most recent 3-month period for which data is available.”.

(b) **EFFECTIVE DATE.**—The amendment made by subsection (a) shall take effect 180 days after the date of enactment of this Act.

SEC. 403. EXPANSION OF DOT AIRLINE CONSUMER COMPLAINT INVESTIGATIONS.

(a) **IN GENERAL.**—Subject to the availability of appropriations, the Secretary of Transportation shall investigate consumer complaints regarding—

- (1) flight cancellations;
- (2) compliance with Federal regulations concerning overbooking seats flights;
- (3) lost, damaged, or delayed baggage, and difficulties with related airline claims procedures;
- (4) problems in obtaining refunds for unused or lost tickets or fare adjustments;
- (5) incorrect or incomplete information about fares, discount fare conditions and availability, overcharges, and fare increases;
- (6) the rights of passengers who hold frequent flier miles, or equivalent redeemable awards earned through customer-loyalty programs; and
- (7) deceptive or misleading advertising.

(b) **BUDGET NEEDS REPORT.**—The Secretary shall provide, as an annex to its annual budget request, an estimate of resources which would have been sufficient to investigate all such claims the Department of Transportation received in the previous fiscal year. The annex shall be transmitted to the Congress when the President submits the budget of the United States to the Congress under section 1105 of title 31, United States Code.

SEC. 404. ESTABLISHMENT OF ADVISORY COMMITTEE FOR AVIATION CONSUMER PROTECTION.

(a) **IN GENERAL.**—The Secretary of Transportation shall establish an advisory committee for aviation consumer protection to advise the Secretary in carrying out airline customer service improvements, including those required by subchapter IV of chapter 417 of title 49, United States Code.

(b) **MEMBERSHIP.**—The Secretary shall appoint members of the advisory committee comprised of one representative each of—

- (1) air carriers;
- (2) airport operators;
- (3) State or local governments who has expertise in consumer protection matters; and
- (4) a nonprofit public interest group who has expertise in consumer protection matters.

(c) **VACANCIES.**—A vacancy in the advisory committee shall be filled in the manner in which the original appointment was made.

(d) **TRAVEL EXPENSES.**—Members of the advisory committee shall serve without pay but shall receive travel expenses, including per diem in lieu of subsistence, in accordance with subchapter I of chapter 57 of title 5, United States Code.

(e) **CHAIRPERSON.**—The Secretary shall designate, from among the individuals appointed under subsection (b), an individual to serve as chairperson of the advisory committee.

(f) **DUTIES.**—The duties of the advisory committee shall include—

- (1) evaluating existing aviation consumer protection programs and providing recommendations for the improvement of such programs, if needed; and
- (2) providing recommendations to establish additional aviation consumer protection programs, if needed.

(g) **REPORT.**—Not later than February 1 of each of the first 2 calendar years beginning after the date of enactment of this Act, the Secretary shall transmit to Congress a report containing—

(1) the recommendations made by the advisory committee during the preceding calendar year; and

(2) an explanation of how the Secretary has implemented each recommendation and, for each recommendation not implemented, the Secretary's reason for not implementing the recommendation.

SEC. 405. DISCLOSURE OF PASSENGER FEES.

(a) **IN GENERAL.**—Within 180 days after the date of enactment of this Act, the Secretary of Transportation shall complete a rulemaking that requires each air carrier operating in the United States under part 121 of title 49, Code of Federal Regulations, to make available to the public and to the Secretary a list of all passenger fees and charges (other than airfare) that may be imposed by the air carrier, including fees for—

- (1) checked baggage or oversized or heavy baggage;
- (2) meals, beverages, or other refreshments;
- (3) seats in exit rows, seats with additional space, or other preferred seats in any given class of travel;
- (4) purchasing tickets from an airline ticket agent or a travel agency; or
- (5) any other good, service, or amenity provided by the air carrier, as required by the Secretary.

(b) **PUBLICATION; UPDATES.**—In order to ensure that the fee information required by subsection (a) is both current and widely available to the travelling public, the Secretary—

(1) may require an air carrier to make such information on any public website maintained by an air carrier, to make such information available to travel agencies, and to notify passengers of the availability of such information when advertising airfares; and

(2) shall require air carriers to update the information as necessary, but no less frequently than every 90 days unless there has been no increase in the amount or type of fees shown in the most recent publication.

SEC. 406. DISCLOSURE OF AIR CARRIERS OPERATING FLIGHTS FOR TICKETS SOLD FOR AIR TRANSPORTATION.

Section 41712 is amended by adding at the end the following:

“(c) **DISCLOSURE REQUIREMENT FOR SELLERS OF TICKETS FOR FLIGHTS.**—

“(1) **IN GENERAL.**—It shall be an unfair or deceptive practice under subsection (a) for any ticket agent, air carrier, foreign air carrier, or other person offering to sell tickets for air transportation on a flight of an air carrier to not disclose, whether verbally in oral communication or in writing in written or electronic communication, prior to the purchase of a ticket—

“(A) the name (including any business or corporate name) of the air carrier providing the air transportation; and

“(B) if the flight has more than one flight segment, the name of each air carrier providing the air transportation for each such flight segment.

“(2) **INTERNET OFFERS.**—In the case of an offer to sell tickets described in paragraph (1) on an Internet Web site, disclosure of the information required by paragraph (1) shall be provided on the first display of the Web site following a search of a requested itinerary in a format that is easily visible to a viewer.”.

SEC. 407. NOTIFICATION REQUIREMENTS WITH RESPECT TO THE SALE OF AIRLINE TICKETS.

(a) **IN GENERAL.**—The Office of Aviation Consumer Protection and Enforcement of the Department of Transportation shall establish rules

to ensure that all consumers are able to easily and fairly compare airfares and charges paid when purchasing tickets for air transportation, including all taxes and fees.

(b) **NOTICE OF TAXES AND FEES APPLICABLE TO TICKETS FOR AIR TRANSPORTATION.**—Section 41712, as amended by this Act, is further amended by adding at the end the following:

“(d) **NOTICE OF TAXES AND FEES APPLICABLE TO TICKETS FOR AIR TRANSPORTATION.**—

“(1) **IN GENERAL.**—It shall be an unfair or deceptive practice under subsection (a) for an air carrier, foreign air carrier, or ticket agent to sell a ticket for air transportation on the Internet unless the air carrier, foreign air carrier, or ticket agent, as the case may be—

“(A) displays information with respect to the taxes and fees described in paragraph (2), including the amount and a description of each such tax or fee, in reasonable proximity to the price listed for the ticket; and

“(B) provides to the purchaser of the ticket information with respect to the taxes and fees described in paragraph (2), including the amount and a description of each such tax or fee, before requiring the purchaser to provide any personal information, including the name, address, phone number, e-mail address, or credit card information of the purchaser.

“(2) **TAXES AND FEES DESCRIBED.**—The taxes and fees described in this paragraph are all taxes, fees, and charges applicable to a ticket for air transportation, consisting of—

“(A) all taxes, fees, charges, and surcharges included in the price paid by a purchaser for the ticket, including fuel surcharges and surcharges relating to peak or holiday travel; and

“(B) any fees for baggage, seating assignments; and

“(C) operational services that are charged when the ticket is purchased.”.

(c) **REGULATIONS.**—The Secretary of Transportation, in consultation with the Administrator of the Federal Aviation Administration, shall prescribe such regulations as may be necessary to carry out subsection (d) of section 41712 of title 49, United States Code, as added by subsection (b) of this section.

SUBTITLE B—ESSENTIAL AIR SERVICE; SMALL COMMUNITIES

SEC. 411. EAS CONNECTIVITY PROGRAM.

Section 406(a) of the Vision 100—Century of Aviation Reauthorization Act (49 U.S.C. 40101 note) is amended by striking “may” and inserting “shall”.

SEC. 412. EXTENSION OF FINAL ORDER ESTABLISHING MILEAGE ADJUSTMENT ELIGIBILITY.

Section 409(d) of the Vision 100—Century of Aviation Reauthorization Act (49 U.S.C. 41731 note) is amended by striking “September 30, 2010.” and inserting “September 30, 2013.”.

SEC. 413. EAS CONTRACT GUIDELINES.

Section 41737(a)(1) is amended—

(1) by striking “and” after the semicolon in subparagraph (B);

(2) by striking “provided.” in subparagraph (C) and inserting “provided;”;

(3) by adding at the end the following:

“(D) include provisions under which the Secretary may encourage carriers to improve air service to small and rural communities by incorporating financial incentives in essential air service contracts based on specified performance goals; and

“(E) include provisions under which the Secretary may execute long-term essential air service contracts to encourage carriers to provide air service to small and rural communities where it would be in the public interest to do so.”.

SEC. 414. CONVERSION OF FORMER EAS AIRPORTS.

(a) **IN GENERAL.**—Section 41745 is amended to read as follows:

“§41745. Conversion of lost eligibility airports

“(a) *IN GENERAL.*—The Secretary shall establish a program to provide general aviation conversion funding for airports serving eligible places that the Secretary has determined no longer qualify for a subsidy.

“(b) *GRANTS.*—A grant under this section—

“(1) may not exceed twice the compensation paid to provide essential air service to the airport in the fiscal year preceeding the fiscal year in which the Secretary determines that the place served by the airport is no longer an eligible place; and

“(2) may be used—

“(A) for airport development (as defined in section 47102(3)) that will enhance general aviation capacity at the airport;

“(B) to defray operating expenses, if such use is approved by the Secretary; or

“(C) to develop innovative air service options, such as on-demand or air taxi operations, if such use is approved by the Secretary.

“(c) *AIP REQUIREMENTS.*—An airport sponsor that uses funds provided under this section for an airport development project shall comply with the requirements of subchapter I of chapter 471 applicable to airport development projects funded under that subchapter with respect to the project funded under this section.

“(d) *LIMITATION.*—The sponsor of an airport receiving funding under this section is not eligible for funding under section 41736.”

(b) *CLERICAL AMENDMENT.*—The table of sections for chapter 417 is amended by striking the item relating to section 41745 and inserting the following:

“41745. Conversion of lost eligibility airports.”

SEC. 415. EAS REFORM.

Section 41742(a) is amended—

(1) by adding at the end of paragraph (1) “Any amount in excess of \$50,000,000 credited for any fiscal year to the account established under section 45303(c) shall be obligated for programs under section 406 of the Vision 100—Century of Aviation Reauthorization Act (49 U.S.C. 40101 note) and section 41745 of this title. Amounts appropriated pursuant to this section shall remain available until expended.”; and

(2) by striking “\$77,000,000” in paragraph (2) and inserting “\$150,000,000”.

SEC. 416. SMALL COMMUNITY AIR SERVICE.

(a) *PRIORITIES.*—Section 41743(c)(5) is amended—

(1) by striking “and” after the semicolon in subparagraph (D);

(2) by striking “fashion.” in subparagraph (E) and inserting “fashion; and”; and

(3) by adding at the end the following:

“(F) multiple communities cooperate to submit a region or multistate application to improve air service.”

(b) *EXTENSION OF AUTHORIZATION.*—Section 41743(e)(2) is amended—

(1) by striking “is appropriated” and inserting “are appropriated”; and

(2) by striking “2009” and inserting “2011”.

SEC. 417. EAS MARKETING.

The Secretary of Transportation shall require all applications to provide service under subchapter II of chapter 417 of title 49, United States Code, include a marketing plan.

SEC. 418. RURAL AVIATION IMPROVEMENT.

(a) *COMMUNITIES ABOVE PER PASSENGER SUBSIDY CAP.*—

(1) *IN GENERAL.*—Subchapter II of chapter 417 is amended by adding at the end the following:

“§41749. Essential air service for eligible places above per passenger subsidy cap

“(a) *PROPOSALS.*—A State or local government may submit a proposal to the Secretary of Transportation for compensation for an air carrier to provide air transportation to a place described in subsection (b).

“(b) *PLACE DESCRIBED.*—A place described in this subsection is a place—

“(1) that is otherwise an eligible place; and

“(2) for which the per passenger subsidy exceeds the dollar amount allowable under this subchapter.

“(c) *DECISIONS.*—Not later than 90 days after receiving a proposal under subsection (a) for compensation for an air carrier to provide air transportation to a place described in subsection (b), the Secretary shall—

“(1) decide whether to provide compensation for the air carrier to provide air transportation to the place; and

“(2) approve the proposal if the State or local government or a person is willing and able to pay the difference between—

“(A) the per passenger subsidy; and

“(B) the dollar amount allowable for such subsidy under this subchapter.

“(d) *COMPENSATION PAYMENTS.*—

“(1) *IN GENERAL.*—The Secretary shall pay compensation under this section at such time and in such manner as the Secretary determines is appropriate.

“(2) *DURATION OF PAYMENTS.*—The Secretary shall continue to pay compensation under this section only as long as—

“(A) the State or local government or person agreeing to pay compensation under subsection (c)(2) continues to pay such compensation; and

“(B) the Secretary decides the compensation is necessary to maintain air transportation to the place.

“(e) *REVIEW.*—

“(1) *IN GENERAL.*—The Secretary shall periodically review the type and level of air service provided under this section.

“(2) *CONSULTATION.*—The Secretary may make appropriate adjustments in the type and level of air service to a place under this section based on the review under paragraph (1) and consultation with the affected community and the State or local government or person agreeing to pay compensation under subsection (c)(2).

“(f) *ENDING, SUSPENDING, AND REDUCING AIR TRANSPORTATION.*—An air carrier providing air transportation to a place under this section may end, suspend, or reduce such air transportation if, not later than 30 days before ending, suspending, or reducing such air transportation, the air carrier provides notice of the intent of the air carrier to end, suspend, or reduce such air transportation to—

“(1) the Secretary;

“(2) the affected community; and

“(3) the State or local government or person agreeing to pay compensation under subsection (c)(2).”

(2) *CLERICAL AMENDMENT.*—The table of contents for chapter 417 is amended by adding after the item relating to section 41748 the following new item:

“41749. Essential air service for eligible places above per passenger subsidy cap”.

(b) *PREFERRED ESSENTIAL AIR SERVICE.*—

(1) *IN GENERAL.*—Subchapter II of chapter 417, as amended by subsection (a), is further amended by adding after section 41749 the following:

“§41750. Preferred essential air service

“(a) *PROPOSALS.*—A State or local government may submit a proposal to the Secretary of Transportation for compensation for a preferred air carrier described in subsection (b) to provide air transportation to an eligible place.

“(b) *PREFERRED AIR CARRIER DESCRIBED.*—A preferred air carrier described in this subsection is an air carrier that—

“(1) submits an application under section 41733(c) to provide air transportation to an eligible place;

“(2) is not the air carrier that submits the lowest cost bid to provide air transportation to the eligible place; and

“(3) is an air carrier that the affected community prefers to provide air transportation to the eligible place instead of the air carrier that submits the lowest cost bid.

“(c) *DECISIONS.*—Not later than 90 days after receiving a proposal under subsection (a) for compensation for a preferred air carrier described in subsection (b) to provide air transportation to an eligible place, the Secretary shall—

“(1) decide whether to provide compensation for the preferred air carrier to provide air transportation to the eligible place; and

“(2) approve the proposal if the State or local government or a person is willing and able to pay the difference between—

“(A) the rate of compensation the Secretary would provide to the air carrier that submits the lowest cost bid to provide air transportation to the eligible place; and

“(B) the rate of compensation the preferred air carrier estimates to be necessary to provide air transportation to the eligible place.

“(d) *COMPENSATION PAYMENTS.*—

“(1) *IN GENERAL.*—The Secretary shall pay compensation under this section at such time and in such manner as the Secretary determines is appropriate.

“(2) *DURATION OF PAYMENTS.*—The Secretary shall continue to pay compensation under this section only as long as—

“(A) the State or local government or person agreeing to pay compensation under subsection (c)(2) continues to pay such compensation; and

“(B) the Secretary decides the compensation is necessary to maintain air transportation to the eligible place.

“(e) *REVIEW.*—

“(1) *IN GENERAL.*—The Secretary shall periodically review the type and level of air service provided under this section.

“(2) *CONSULTATION.*—The Secretary may make appropriate adjustments in the type and level of air service to an eligible place under this section based on the review under paragraph (1) and consultation with the affected community and the State or local government or person agreeing to pay compensation under subsection (c)(2).

“(f) *ENDING, SUSPENDING, AND REDUCING AIR TRANSPORTATION.*—A preferred air carrier providing air transportation to an eligible place under this section may end, suspend, or reduce such air transportation if, not later than 30 days before ending, suspending, or reducing such air transportation, the preferred air carrier provides notice of the intent of the preferred air carrier to end, suspend, or reduce such air transportation to—

“(1) the Secretary;

“(2) the affected community; and

“(3) the State or local government or person agreeing to pay compensation under subsection (c)(2).”

(2) *CLERICAL AMENDMENT.*—The table of contents for chapter 417, as amended by subsection (a), is further amended by adding after the item relating to section 41749 the following new item:

“41750. Preferred essential air service”.

(c) *RESTORATION OF ELIGIBILITY TO A PLACE DETERMINED BY THE SECRETARY TO BE INELIGIBLE FOR SUBSIDIZED ESSENTIAL AIR SERVICE.*—Section 41733 is amended by adding at the end the following:

“(f) *RESTORATION OF ELIGIBILITY FOR SUBSIDIZED ESSENTIAL AIR SERVICE.*—

“(1) *IN GENERAL.*—If the Secretary of Transportation terminates the eligibility of an otherwise eligible place to receive basic essential air service by an air carrier for compensation under subsection (c), a State or local government may submit to the Secretary a proposal for restoring such eligibility.

“(2) *DETERMINATION BY SECRETARY.*—If the per passenger subsidy required by the proposal submitted by a State or local government under

paragraph (1) does not exceed the per passenger subsidy cap provided under this subchapter, the Secretary shall issue an order restoring the eligibility of the otherwise eligible place to receive basic essential air service by an air carrier for compensation under subsection (c)."

(d) OFFICE OF RURAL AVIATION.—

(1) ESTABLISHMENT.—There is established within the Office of the Secretary of Transportation the Office of Rural Aviation.

(e) FUNCTIONS.—The functions of the Office are—

(1) to develop a uniform 4-year contract for air carriers providing essential air service to communities under subchapter II of chapter 417 of title 49, United States Code;

(2) to develop a mechanism for comparing applications submitted by air carriers under section 41733(c) to provide essential air service to communities, including comparing—

(A) estimates from air carriers on—
(i) the cost of providing essential air service; and

(ii) the revenues air carriers expect to receive when providing essential air service; and

(B) estimated schedules for air transportation; and

(3) to select an air carrier from among air carriers applying to provide essential air service, based on the criteria described in paragraph (2).

(f) EXTENSION OF AUTHORITY TO MAKE AGREEMENTS UNDER THE ESSENTIAL AIR SERVICE PROGRAM.—Section 41743(e)(2) is amended by striking "2009" and inserting "2011".

(g) ADJUSTMENTS TO COMPENSATION FOR SIGNIFICANTLY INCREASED COSTS.—Section 41737 is amended by adding at the end thereof the following:

"(f) FUEL COST SUBSIDY DISREGARD.—Any amount provided as an adjustment in compensation pursuant to subsection (a)(1)(D) shall be disregarded for the purpose of determining whether the amount of compensation provided under this subchapter with respect to an eligible place exceeds the per passenger subsidy exceeds the dollar amount allowable under this subchapter."

SEC. 419. REPEAL OF ESSENTIAL AIR SERVICE LOCAL PARTICIPATION PROGRAM.

(a) IN GENERAL.—Subchapter II of chapter 417 of title 49, United States Code, is amended by striking section 41747, and such title 49 shall be applied as if such section 41747 had not been enacted.

(b) CLERICAL AMENDMENT.—The table of sections for chapter 417 of title 49, United States Code, is amended by striking the item relating to section 41747.

SUBTITLE C—MISCELLANEOUS

SEC. 431. CLARIFICATION OF AIR CARRIER FEE DISPUTES.

(a) IN GENERAL.—Section 47129 is amended—

(1) by striking the section heading and inserting the following:

"§47129. Resolution of airport-air carrier and foreign air carrier disputes concerning airport fees"

(2) by inserting "AND FOREIGN AIR CARRIER" after "CARRIER" in the heading for subsection (d);

(3) by inserting "AND FOREIGN AIR CARRIER" after "CARRIER" in the heading for subsection (d)(2);

(4) by striking "air carrier" each place it appears and inserting "air carrier or foreign air carrier";

(5) by striking "air carrier's" each place it appears and inserting "air carrier's or foreign air carrier's";

(6) by striking "air carriers" and inserting "air carriers or foreign air carriers"; and

(7) by striking "(as defined in section 40102 of this title)" in subsection (a) and inserting "(as

those terms are defined in section 40102 of this title)".

(b) CONFORMING AMENDMENT.—The table of contents for chapter 471 is amended by striking the item relating to section 47129 and inserting the following:

"47129. Resolution of airport-air carrier and foreign air carrier disputes concerning airport fees".

SEC. 432. CONTRACT TOWER PROGRAM.

(a) COST-BENEFIT REQUIREMENT.—Section 47124(b)(1) is amended—

(1) by inserting "(A)" after "(1)"; and

(2) by adding at the end the following:

"(B) If the Secretary determines that a tower already operating under this program has a benefit to cost ratio of less than 1.0, the airport sponsor or State or local government having jurisdiction over the airport shall not be required to pay the portion of the costs that exceeds the benefit for a period of 18 months after such termination is made.

"(C) If the Secretary finds that all or part of an amount made available to carry out the program continued under this paragraph is not required during a fiscal year, the Secretary may use during such fiscal year the amount not so required to carry out the program established under paragraph (3) of this section."

(b) COSTS EXCEEDING BENEFITS.—Subparagraph (D) of section 47124(b)(3) is amended—

(1) by striking "benefit." and inserting "benefit, with the maximum allowable local cost share for FAA Part 139 certified airports capped at 20 percent for those airports with fewer than 50,000 annual passenger enplanements."

(c) FUNDING.—Subparagraph (E) of section 47124(b)(3) is amended—

(1) by striking "and" after "2006,"; and

(2) by striking "2007" and inserting "2007, \$9,500,000 for fiscal year 2010, and \$10,000,000 for fiscal year 2011" after "2007,"; and

(3) by inserting after "paragraph." the following: "If the Secretary finds that all or part of an amount made available under this subparagraph is not required during a fiscal year to carry out this paragraph, the Secretary may use during such fiscal year the amount not so required to carry out the program continued under subsection (b)(1) of this section."

(d) FEDERAL SHARE.—Subparagraph (C) of section 47124(b)(4) is amended by striking "\$1,500,000." and inserting "\$2,000,000."

(e) SAFETY AUDITS.—Section 41724 is amended by adding at the end the following:

"(c) SAFETY AUDITS.—The Secretary shall establish uniform standards and requirements for safety assessments of air traffic control towers that receive funding under this section in accordance with the Administration's safety management system."

SEC. 433. AIRFARES FOR MEMBERS OF THE ARMED FORCES.

(a) FINDINGS.—The Congress finds that—

(1) the Armed Forces is comprised of approximately 1,450,000 members who are stationed on active duty at more than 6,000 military bases in 146 different countries;

(2) the United States is indebted to the members of the Armed Forces, many of whom are in grave danger due to their engagement in, or exposure to, combat;

(3) military service, especially in the current war against terrorism, often requires members of the Armed Forces to be separated from their families on short notice, for long periods of time, and under very stressful conditions;

(4) the unique demands of military service often preclude members of the Armed Forces from purchasing discounted advance airline tickets in order to visit their loved ones at home; and

(5) it is the patriotic duty of the people of the United States to support the members of the

Armed Forces who are defending the Nation's interests around the world at great personal sacrifice.

(b) SENSE OF CONGRESS.—It is the sense of Congress that each United States air carrier should—

(1) establish for all members of the Armed Forces on active duty reduced air fares that are comparable to the lowest airfare for ticketed flights; and

(2) offer flexible terms that allow members of the Armed Forces on active duty to purchase, modify, or cancel tickets without time restrictions, fees (including baggage fees), ancillary costs, or penalties.

SEC. 434. AUTHORIZATION OF USE OF CERTAIN LANDS IN THE LAS VEGAS MCCARRAN INTERNATIONAL AIRPORT ENVIRONS OVERLAY DISTRICT FOR TRANSIENT LODGING AND ASSOCIATED FACILITIES.

(a) IN GENERAL.—Notwithstanding any other provision of law and except as provided in subsection (b), Clark County, Nevada, is authorized to permit transient lodging, including hotels, and associated facilities, including enclosed auditoriums, concert halls, sports arenas, and places of public assembly, on lands in the Las Vegas McCarran International Airport Environs Overlay District that fall below the forecasted 2017 65 dB day-night annual average noise level (DNL), as identified in the Noise Exposure Map Notice published by the Federal Aviation Administration in the Federal Register on July 24, 2007 (72 Fed. Reg. 40357), and adopted into the Clark County Development Code in June 2008.

(b) LIMITATION.—No structure may be permitted under subsection (a) that would constitute a hazard to air navigation, result in an increase to minimum flight altitudes, or otherwise pose a significant adverse impact on airport or aircraft operations.

TITLE V—SAFETY

SUBTITLE A—AVIATION SAFETY

SEC. 501. RUNWAY SAFETY EQUIPMENT PLAN.

Not later than December 31, 2009, the Administrator of the Federal Aviation Administration shall issue a plan to develop an installation and deployment schedule for systems the Administration is installing to alert controllers and flight crews to potential runway incursions. The plan shall be integrated into the annual Federal Aviation Administration NextGen Implementation Plan.

SEC. 502. JUDICIAL REVIEW OF DENIAL OF AIRMAN CERTIFICATES.

(a) JUDICIAL REVIEW OF NTSB DECISIONS.—Section 44703(d) is amended by adding at the end the following:

"(3) JUDICIAL REVIEW.—A person substantially affected by an order of the Board under this subsection, or the Administrator when the Administrator decides that an order of the Board will have a significant adverse impact on carrying out this part, may obtain judicial review of the order under section 46110 of this title. The Administrator shall be made a party to the judicial review proceedings. The findings of fact of the Board in any such case are conclusive if supported by substantial evidence."

(b) CONFORMING AMENDMENT.—Section 1153(c) is amended by striking "section 44709 or" and inserting "section 44703(d), 44709, or".

SEC. 503. RELEASE OF DATA RELATING TO ABANDONED TYPE CERTIFICATES AND SUPPLEMENTAL TYPE CERTIFICATES.

Section 44704(a) is amended by adding at the end the following:

"(5) RELEASE OF DATA.—

"(A) Notwithstanding any other provision of law, the Administrator may designate, without the consent of the owner of record, engineering data in the agency's possession related to a type

certificate or a supplemental type certificate for an aircraft, engine, propeller or appliance as public data, and therefore releasable, upon request, to a person seeking to maintain the airworthiness of such product, if the Administrator determines that—

“(i) the certificate containing the requested data has been inactive for 3 years;

“(ii) the owner of record, or the owner of record's heir, of the type certificate or supplemental certificate has not been located despite a search of due diligence by the agency; and

“(iii) the designation of such data as public data will enhance aviation safety.

“(B) In this section, the term ‘engineering data’ means type design drawings and specifications for the entire product or change to the product, including the original design data, and any associated supplier data for individual parts or components approved as part of the particular aeronautical product certificate.”.

SEC. 504. DESIGN ORGANIZATION CERTIFICATES.

Section 44704(e) is amended—

(1) by striking “Beginning 7 years after the date of enactment of this subsection,” in paragraph (1) and inserting “Effective January 1, 2013.”;

(2) by striking “testing” in paragraph (2) and inserting “production.”; and

(3) by striking paragraph (3) and inserting the following:

“(3) ISSUANCE OF CERTIFICATE BASED ON DESIGN ORGANIZATION CERTIFICATION.—The Administrator may rely on the Design Organization for certification of compliance under this section.”.

SEC. 505. FAA ACCESS TO CRIMINAL HISTORY RECORDS OR DATABASE SYSTEMS.

(a) IN GENERAL.—Chapter 401 is amended by adding at the end thereof the following:

“§40130. FAA access to criminal history records or databases systems

“(a) ACCESS TO RECORDS OR DATABASES SYSTEMS.—

“(1) Notwithstanding section 534 of title 28 and the implementing regulations for such section (28 C.F.R. part 20), the Administrator of the Federal Aviation Administration is authorized to access a system of documented criminal justice information maintained by the Department of Justice or by a State but may do so only for the purpose of carrying out its civil and administrative responsibilities to protect the safety and security of the National Airspace System or to support the missions of the Department of Justice, the Department of Homeland Security, and other law enforcement agencies. The Administrator shall be subject to the same conditions or procedures established by the Department of Justice or State for access to such an information system by other governmental agencies with access to the system.

“(2) The Administrator may not use the access authorized under paragraph (1) to conduct criminal investigations.

“(b) DESIGNATED EMPLOYEES.—The Administrator shall, by order, designate those employees of the Administration who shall carry out the authority described in subsection (a). Such designated employees may—

“(1) have access to and receive criminal history, driver, vehicle, and other law enforcement information contained in the law enforcement databases of the Department of Justice, or of any jurisdiction in a State in the same manner as a police officer employed by a State or local authority of that State who is certified or commissioned under the laws of that State;

“(2) use any radio, data link, or warning system of the Federal Government and of any jurisdiction in a State that provides information about wanted persons, be-on-the-lookout notices, or warrant status or other officer safety information to which a police officer employed

by a State or local authority in that State who is certified or commissioned under the laws of that State has access and in the same manner as such police officer; or

“(3) receive Federal, State, or local government communications with a police officer employed by a State or local authority in that State in the same manner as a police officer employed by a State or local authority in that State who is commissioned under the laws of that State.

“(c) SYSTEM OF DOCUMENTED CRIMINAL JUSTICE INFORMATION DEFINED.—In this section the term ‘system of documented criminal justice information’ means any law enforcement databases, systems, or communications containing information concerning identification, criminal history, arrests, convictions, arrest warrants, or wanted or missing persons, including the National Crime Information Center and its incorporated criminal history databases and the National Law Enforcement Telecommunications System.”.

(b) CONFORMING AMENDMENT.—The table of contents for chapter 401 is amended by inserting after the item relating to section 40129 the following:

“40130. FAA access to criminal history records or databases systems”.

SEC. 506. PILOT FATIGUE.

(a) FLIGHT AND DUTY TIME REGULATIONS.—

(1) IN GENERAL.—In accordance with paragraph (2), the Administrator of the Federal Aviation Administration shall issue regulations, based on the best available scientific information—

(A) to specify limitations on the hours of flight and duty time allowed for pilots to address problems relating to pilot fatigue; and

(B) to require part 121 air carriers to develop and implement fatigue risk management plans.

(2) DEADLINES.—The Administrator shall issue—

(A) not later than 180 days after the date of enactment of this Act, a notice of proposed rulemaking under paragraph (1); and

(B) not later than one year after the date of enactment of this Act, a final rule under paragraph (1).

(b) FATIGUE RISK MANAGEMENT PLAN.—

(1) SUBMISSION OF FATIGUE RISK MANAGEMENT PLAN BY PART 121 AIR CARRIERS.—Not later than 90 days after the date of enactment of this Act, each part 121 air carrier shall submit to the Administrator for review and approval a fatigue risk management plan.

(2) CONTENTS OF PLAN.—A fatigue risk management plan submitted by a part 121 air carrier under paragraph (1) shall include the following:

(A) Current flight time and duty period limitations.

(B) A rest scheme that enables the management of fatigue, including annual training to increase awareness of—

- (i) fatigue;
- (ii) the effects of fatigue on pilots; and
- (iii) fatigue countermeasures.

(C) Development and use of a methodology that continually assesses the effectiveness of the program, including the ability of the program—

- (i) to improve alertness; and
- (ii) to mitigate performance errors.

(3) PLAN UPDATES.—A part 121 air carrier shall update its fatigue risk management plan under paragraph (1) every 2 years and submit the update to the Administrator for review and approval.

(4) APPROVAL.—

(A) INITIAL APPROVAL OR MODIFICATION.—Not later than 9 months after the date of enactment of this Act, the Administrator shall review and approve or require modification to fatigue risk management plans submitted under this subsection to ensure that pilots are not operating aircraft while fatigued.

(B) UPDATE APPROVAL OR MODIFICATION.—Not later than 9 months after submission of a plan update under paragraph (3), the Administrator shall review and approve or require modification to such update.

(5) CIVIL PENALTIES.—A violation of this subsection by a part 121 air carrier shall be treated as a violation of chapter 447 of title 49, United States Code, for purposes of the application of civil penalties under chapter 463 of that title.

(6) LIMITATION ON APPLICABILITY.—The requirements of this subsection shall cease to apply to a part 121 air carrier on and after the effective date of the regulations to be issued under subsection (a).

(c) EFFECT OF COMMUTING ON FATIGUE.—

(1) IN GENERAL.—Not later than 60 days after the date of enactment of this Act, the Administrator shall enter into appropriate arrangements with the National Academy of Sciences to conduct a study of the effects of commuting on pilot fatigue and report its findings to the Administrator.

(2) STUDY.—In conducting the study, the National Academy of Sciences shall consider—

(A) the prevalence of pilot commuting in the commercial air carrier industry, including the number and percentage of pilots who commute;

(B) information relating to commuting by pilots, including distances traveled, time zones crossed, time spent, and methods used;

(C) research on the impact of commuting on pilot fatigue, sleep, and circadian rhythms;

(D) commuting policies of commercial air carriers (including passenger and all-cargo air carriers), including pilot check-in requirements and sick leave and fatigue policies;

(E) post-conference materials from the Federal Aviation Administration's June 2008 symposium entitled “Aviation Fatigue Management Symposium: Partnerships for Solutions”;

(F) Federal Aviation Administration and international policies and guidance regarding commuting; and

(G) any other matters as the Administrator considers appropriate.

(3) PRELIMINARY FINDINGS.—Not later than 90 days after the date of entering into arrangements under paragraph (1), the National Academy of Sciences shall submit to the Administrator its preliminary findings under the study.

(4) REPORT.—Not later than 6 months after the date of entering into arrangements under paragraph (1), the National Academy of Sciences shall submit a report to the Administrator containing its findings under the study and any recommendations for regulatory or administrative actions by the Federal Aviation Administration concerning commuting by pilots.

(5) RULEMAKING.—Following receipt of the report of the National Academy of Sciences under paragraph (4), the Administrator shall—

(A) consider the findings and recommendations in the report; and

(B) update, as appropriate based on scientific data, regulations required by subsection (a) on flight and duty time.

SEC. 507. INCREASING SAFETY FOR HELICOPTER AND FIXED WING EMERGENCY MEDICAL SERVICE OPERATORS AND PATIENTS.

(a) COMPLIANCE REGULATIONS.—

(1) IN GENERAL.—Except as provided in paragraph (2), not later than 18 months after the date of enactment of this Act, helicopter and fixed wing aircraft certificate holders providing emergency medical services shall comply with part 135 of title 14, Code of Federal Regulations, if there is a medical crew on board, without regard to whether there are patients on board.

(2) EXCEPTION.—If a certificate holder described in paragraph (1) is operating under instrument flight rules or is carrying out training therefor—

(A) the weather minimums and duty and rest time regulations under such part 135 of such title shall apply; and

(B) the weather reporting requirement at the destination shall not apply until such time as the Administrator of the Federal Aviation Administration determines that portable, reliable, and accurate ground-based weather measuring and reporting systems are available.

(b) IMPLEMENTATION OF FLIGHT RISK EVALUATION PROGRAM.—

(1) INITIATION.—Not later than 60 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall initiate a rulemaking—

(A) to create a standardized checklist of risk evaluation factors based on Notice 8000.301, which was issued by the Administration on August 1, 2005; and

(B) to require helicopter and fixed wing aircraft emergency medical service operators to use the checklist created under subparagraph (A) to determine whether a mission should be accepted.

(2) COMPLETION.—The rulemaking initiated under paragraph (1) shall be completed not later than 18 months after it is initiated.

(c) COMPREHENSIVE CONSISTENT FLIGHT DISPATCH PROCEDURES.—

(1) INITIATION.—Not later than 60 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall initiate a rulemaking—

(A) to require that helicopter and fixed wing emergency medical service operators formalize and implement performance based flight dispatch and flight-following procedures; and

(B) to develop a method to assess and ensure that such operators comply with the requirements described in subparagraph (A).

(2) COMPLETION.—The rulemaking initiated under paragraph (1) shall be completed not later than 18 months after it is initiated.

(d) IMPROVING SITUATIONAL AWARENESS.—Within 1 year after the date of enactment of this Act, any helicopter or fixed-wing aircraft used for emergency medical service shall have on board a device that performs the function of a terrain awareness and warning system and a means of displaying that information that meets the requirements of the applicable Federal Aviation Administration Technical Standard Order or other guidance prescribed by the Administrator.

(e) IMPROVING THE DATA AVAILABLE ON AIR MEDICAL OPERATIONS.—

(1) IN GENERAL.—The Administrator of the Federal Aviation Administration shall require each certificate holder for helicopters and fixed-wing aircraft used for emergency medical service operations to report not later than 1 year after the date of enactment of this Act and annually thereafter on—

(A) the number of aircraft and helicopters used to provide air ambulance services, the registration number of each of these aircraft or helicopters, and the base location of each of these aircraft or helicopters;

(B) the number of flights and hours flown by each such aircraft or helicopter used by the certificate holder to provide such services during the reporting period;

(C) the number of flights and the purpose of each flight for each aircraft or helicopter used by the certificate holder to provide such services during the reporting period;

(D) the number of flight requests for a helicopter providing helicopter air ambulance services that were accepted or declined by the certificate holder and the type of each such flight request (such as scene response, inter-facility transport, organ transport, or ferry or repositioning flight);

(E) the number of accidents involving helicopters operated by the certificate holder while providing helicopter air ambulance services and a description of the accidents;

(F) the number of flights and hours flown under instrument flight rules by helicopters op-

erated by the certificate holder while providing helicopter air ambulance services;

(G) the time of day of each flight flown by helicopters operated by the certificate holder while providing helicopter air ambulance services; and

(H) The number of incidents where more helicopters arrive to transport patients than is needed in a flight request or scene response.

(2) REPORT TO CONGRESS.—The Administrator of the Federal Aviation Administration shall report to Congress on the information received pursuant to paragraph (1) of this subsection no later than 18 months after the date of enactment of this Act.

(f) IMPROVING THE DATA AVAILABLE TO NTSB INVESTIGATORS AT CRASH SITES.—

(1) STUDY.—Not later than 120 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall issue a report that indicates the availability, survivability, size, weight, and cost of devices that perform the function of recording voice communications and flight data information on existing and new helicopters and existing and new fixed wing aircraft used for emergency medical service operations.

(2) RULEMAKING.—Not later than 1 year after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall issue regulations that require devices that perform the function of recording voice communications and flight data information on board aircraft described in paragraph (1).

SEC. 508. CABIN CREW COMMUNICATION.

(a) IN GENERAL.—Section 44728 is amended—

(1) by redesignating subsection (f) as subsection (g); and

(2) by inserting after subsection (e) the following:

“(f) MINIMUM LANGUAGE SKILLS.—

“(1) IN GENERAL.—No certificate holder may use any person to serve, nor may any person serve, as a flight attendant under this part, unless that person has demonstrated to an individual qualified to determine proficiency the ability to read, speak, and write English well enough to—

“(A) read material written in English and comprehend the information;

“(B) speak and understand English sufficiently to provide direction to, and understand and answer questions from, English-speaking individuals;

“(C) write incident reports and statements and log entries and statements; and

“(D) carry out written and oral instructions regarding the proper performance of their duties.

“(2) FOREIGN FLIGHTS.—The requirements of paragraph (1) do not apply to service as a flight attendant serving solely between points outside the United States.”.

(b) ADMINISTRATION.—The Administrator of the Federal Aviation Administration shall work with certificate holders to which section 44728(f) of title 49, United States Code, applies to facilitate compliance with the requirements of section 44728(f)(1) of that title.

SEC. 509. CLARIFICATION OF MEMORANDUM OF UNDERSTANDING WITH OSHA.

(a) IN GENERAL.—Within 6 months after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall—

(1) establish milestones, in consultation with the Occupational Safety and Health Administration, through a report to Congress for the completion of work begun under the August 2000 memorandum of understanding between the 2 Administrations and to address issues needing further action in the Administrations' joint report in December 2000; and

(2) initiate development of a policy statement to set forth the circumstances in which Occupa-

tional Safety and Health Administration requirements may be applied to crewmembers while working in the aircraft.

(b) POLICY STATEMENT.—The policy statement to be developed under subsection (a)(2) shall be completed within 18 months after the date of enactment of this Act and shall satisfy the following principles:

(1) The establishment of a coordinating body similar to the Aviation Safety and Health Joint Team established by the August 2000 memorandum of understanding that includes representatives designated by both Administrations—

(A) to examine the applicability of current and future Occupational Safety and Health Administration regulations;

(B) to recommend policies for facilitating the training of Federal Aviation Administration inspectors; and

(C) to make recommendations that will govern the inspection and enforcement of safety and health standards on board aircraft in operation and all work-related environments.

(2) Any standards adopted by the Federal Aviation Administration shall set forth clearly—

(A) the circumstances under which an employer is required to take action to address occupational safety and health hazards;

(B) the measures required of an employer under the standard; and

(C) the compliance obligations of an employer under the standard.

SEC. 510. ACCELERATION OF DEVELOPMENT AND IMPLEMENTATION OF REQUIRED NAVIGATION PERFORMANCE APPROACH PROCEDURES.

(a) IN GENERAL.—

(1) ANNUAL MINIMUM REQUIRED NAVIGATION PERFORMANCE PROCEDURES.—The Administrator shall set a target of achieving a minimum of 200 Required Navigation Performance procedures each fiscal year through fiscal year 2012, with 25 percent of that target number meeting the low visibility approach criteria consistent with the NextGen Implementation Plan.

(2) USE OF THIRD PARTIES.—The Administrator is authorized to provide third parties the ability to design, flight check, and implement Required Navigation Performance approach procedures.

(b) DOT INSPECTOR GENERAL REVIEW OF OPERATIONAL AND APPROACH PROCEDURES BY A THIRD PARTY.—

(1) REVIEW.—The Inspector General of the Department of Transportation shall conduct a review regarding the effectiveness of the oversight activities conducted by the Administration in connection with any agreement with or delegation of authority to a third party for the development of flight procedures, including public use procedures, for the National Airspace System.

(2) ASSESSMENTS.—The Inspector General shall include, at a minimum, in the review—

(A) an assessment of the extent to which the Administration is relying or intends to rely on a third party for the development of new procedures and a determination of whether the Administration has established sufficient mechanisms and staffing to provide safety oversight functions, which may include quality assurance processes, flight checks, integration of procedures into the National Aviation System, and operational assessments of procedures developed by third parties; and

(B) an assessment regarding whether the Administration has sufficient existing personnel and technical resources or mechanisms to develop such flight procedures in a safe and efficient manner to meet the demands of the National Airspace System without the use of third party resources.

(c) REPORT.—No later than 1 year after the date of enactment of this Act, the Inspector General shall submit to the Senate Committee on

Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure a report on the results of the review conducted under this section.

SEC. 511. IMPROVED SAFETY INFORMATION.

Not later than December 31, 2009, the Administrator of the Federal Aviation Administration shall issue a final rule in docket No. FAA-2008-0188, Re-registration and Renewal of Aircraft Registration. The final rule shall include—

(1) provision for the expiration of a certificate for an aircraft registered as of the date of enactment of this Act, with re-registration requirements for those aircraft that remain eligible for registration;

(2) provision for the periodic expiration of all certificates issued after the effective date of the rule with a registration renewal process; and

(3) other measures to promote the accuracy and efficient operation and value of the Administration's aircraft registry.

SEC. 512. VOLUNTARY DISCLOSURE REPORTING PROCESS IMPROVEMENTS.

(a) **IN GENERAL.**—Within 180 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall—

(1) take such action as may be necessary to ensure that the Voluntary Disclosure Reporting Process requires inspectors—

(A) to evaluate corrective action proposed by an air carrier with respect to a matter disclosed by that air carrier is sufficiently comprehensive in scope and application and applies to all affected aircraft operated by that air carrier before accepting the proposed voluntary disclosure;

(B) to verify that corrective action so identified by an air carrier is completed within the timeframe proposed; and

(C) to verify by inspection that the carrier's corrective action adequately corrects the problem that was disclosed; and

(2) establish a second level supervisory review of disclosures under the Voluntary Disclosure Reporting Process before any proposed disclosure is accepted and closed that will ensure that a matter disclosed by an air carrier—

(A) has not been previously identified by a Federal Aviation Administration inspector; and

(B) has not been previously disclosed by the carrier in the preceding 5 years.

(b) **GAO STUDY.**—

(1) **IN GENERAL.**—The Comptroller General shall conduct a study of the Voluntary Disclosure Reporting Process.

(2) **REVIEW.**—In conducting the study, the Comptroller General shall examine, at a minimum, whether—

(A) there is evidence that voluntary disclosure is resulting in regulated entities discovering and correcting violations to a greater extent than would otherwise occur if there was no program for immunity from enforcement action;

(B) the voluntary disclosure program makes the Federal Aviation Administration aware of violations that it would not have discovered if there was not a program, and if a violation is disclosed voluntarily, whether the Administration insists on stronger corrective actions than would have occurred if the regulated entity knew of a violation, but the Administration did not;

(C) the information the Administration gets under the program leads to fewer violations by other entities, either because the information leads other entities to look for similar violations or because the information leads Administration investigators to look for similar violations at other entities; and

(D) there is any evidence that voluntary disclosure has improved compliance with regulations, either for the entities making disclosures or for the industry generally.

(3) **REPORT.**—Not later than one year after the date of enactment of this Act, the Comptroller

General shall submit a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure on the results of the study conducted under this subsection.

SEC. 513. PROCEDURAL IMPROVEMENTS FOR INSPECTIONS.

(a) **IN GENERAL.**—Section 44711 is amended by adding at the end the following:

“(d) **POST-EMPLOYMENT RESTRICTIONS FOR FLIGHT STANDARDS INSPECTORS.**—

“(1) **PROHIBITION.**—A person holding an operating certificate issued under title 14, Code of Federal Regulations, may not knowingly employ, or make a contractual arrangement which permits, an individual to act as an agent or representative of the certificate holder in any matter before the Federal Aviation Administration if the individual, in the preceding 3-year period—

“(A) served as, or was responsible for oversight of, a flight standards inspector of the Administration; and

“(B) had responsibility to inspect, or oversee inspection of, the operations of the certificate holder.

“(2) **WRITTEN AND ORAL COMMUNICATIONS.**—For purposes of paragraph (1), an individual shall be considered to be acting as an agent or representative of a certificate holder in a matter before the Federal Aviation Administration if the individual makes any written or oral communication on behalf of the certificate holder to the Administration (or any of its officers or employees) in connection with a particular matter, whether or not involving a specific party and without regard to whether the individual has participated in, or had responsibility for, the particular matter while serving as a flight standards inspector of the Administration.”.

(b) **APPLICABILITY.**—The amendment made by subsection (a) shall not apply to an individual employed by a certificate holder as of the date of enactment of this Act.

SEC. 514. INDEPENDENT REVIEW OF SAFETY ISSUES.

Within 30 days after the date of enactment of this Act, the Comptroller General shall initiate a review and investigation of air safety issues identified by Federal Aviation Administration employees and reported to the Administrator. The Comptroller General shall report the Government Accountability Office's findings and recommendations to the Administrator, the Senate Committee on Commerce, Science, and Transportation, and the House of Representatives Committee on Transportation and Infrastructure on an annual basis.

SEC. 515. NATIONAL REVIEW TEAM.

(a) **IN GENERAL.**—Within 180 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall establish a national review team within the Administration to conduct periodic, unannounced, and random reviews of the Administration's oversight of air carriers and report annually its findings and recommendations to the Administrator, the Senate Commerce, Science, and Transportation Committee, and the House of Representatives Committee on Transportation and Infrastructure.

(b) **LIMITATION.**—The Administrator shall prohibit a member of the National Review Team from participating in any review or audit of an air carrier under subsection (a) if the member has previously had responsibility for inspecting, or overseeing the inspection of, the operations of that air carrier.

(c) **INSPECTOR GENERAL REPORTS.**—The Inspector General of the Department of Transportation shall provide progress reports to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infra-

structure on the review teams and their effectiveness.

SEC. 516. FAA ACADEMY IMPROVEMENTS.

(a) **REVIEW.**—Within 1 year after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall conduct a comprehensive review and evaluation of its Academy and facility training efforts.

(b) **FACILITY TRAINING PROGRAM.**—The Administrator shall—

(1) clarify responsibility for oversight and direction of the Academy's facility training program at the national level;

(2) communicate information concerning that responsibility to facility managers; and

(3) establish standards to identify the number of developmental controllers that can be accommodated at each facility, based on—

(A) the number of available on-the-job-training instructors;

(B) available classroom space;

(C) the number of available simulators;

(D) training requirements; and

(E) the number of recently placed new personnel already in training.

SEC. 517. REDUCTION OF RUNWAY INCURSIONS AND OPERATIONAL ERRORS.

(a) **PLAN.**—The Administrator of the Federal Aviation Administration shall develop a plan for the reduction of runway incursions by reviewing every commercial service airport (as defined in section 47102 of title 49, United States Code) in the United States and initiating action to improve airport lighting, provide better signage, and improve runway and taxiway markings.

(b) **PROCESS.**—Within 1 year after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall develop a process for tracking and investigating operational errors and runway incursions that includes—

(1) identifying the office responsible for establishing regulations regarding operational errors and runway incursions;

(2) identifying who is responsible for tracking and investigating operational errors and runway incursions and taking remedial actions;

(3) identifying who is responsible for tracking operational errors and runway incursions, including a process for lower level employees to report to higher supervisory levels; and

(4) periodic random audits of the oversight process.

SEC. 518. AVIATION SAFETY WHISTLEBLOWER INVESTIGATION OFFICE.

Section 106 is amended by adding at the end the following:

“(s) **AVIATION SAFETY WHISTLEBLOWER INVESTIGATION OFFICE.**—

“(1) **ESTABLISHMENT.**—There is established in the Administration an Aviation Safety Whistleblower Investigation Office.

“(2) **DIRECTOR.**—

“(A) **APPOINTMENT.**—The head of the Office shall be the Director, who shall be appointed by the Secretary of Transportation.

“(B) **QUALIFICATIONS.**—The Director shall have a demonstrated ability in investigations and knowledge of or experience in aviation.

“(C) **TERM.**—The Director shall be appointed for a term of 5 years.

“(D) **VACANCY.**—Any individual appointed to fill a vacancy in the position of the Director occurring before the expiration of the term for which the individual's predecessor was appointed shall be appointed for the remainder of that term.

“(3) **COMPLAINTS AND INVESTIGATIONS.**—

“(A) **AUTHORITY OF DIRECTOR.**—The Director shall—

“(i) receive complaints and information submitted by employees of persons holding certificates issued under title 14, Code of Federal Regulations, and employees of the Administration

concerning the possible existence of an activity relating to a violation of an order, regulation, or standard of the Administration or any other provision of Federal law relating to aviation safety;

“(ii) assess complaints and information submitted under clause (i) and determine whether a substantial likelihood exists that a violation of an order, regulation, or standard of the Administration or any other provision of Federal law relating to aviation safety may have occurred; and

“(iii) based on findings of the assessment conducted under clause (ii), make recommendations to the Administrator in writing for further investigation or corrective actions.

“(B) DISCLOSURE OF IDENTITIES.—The Director shall not disclose the identity of an individual who submits a complaint or information under subparagraph (A)(i) unless—

“(i) the individual consents to the disclosure in writing; or

“(ii) the Director determines, in the course of an investigation, that the disclosure is unavoidable.

“(C) INDEPENDENCE OF DIRECTOR.—The Secretary, the Administrator, or any officer or employee of the Administration may not prevent or prohibit the Director from initiating, carrying out, or completing any assessment of a complaint or information submitted subparagraph (A)(i) or from reporting to Congress on any such assessment.

“(D) ACCESS TO INFORMATION.—In conducting an assessment of a complaint or information submitted under subparagraph (A)(i), the Director shall have access to all records, reports, audits, reviews, documents, papers, recommendations, and other material necessary to determine whether a substantial likelihood exists that a violation of an order, regulation, or standard of the Administration or any other provision of Federal law relating to aviation safety may have occurred.

“(4) RESPONSES TO RECOMMENDATIONS.—The Administrator shall respond to a recommendation made by the Director under subparagraph (A)(iii) in writing and retain records related to any further investigations or corrective actions taken in response to the recommendation.

“(5) INCIDENT REPORTS.—If the Director determines there is a substantial likelihood that a violation of an order, regulation, or standard of the Administration or any other provision of Federal law relating to aviation safety may have occurred that requires immediate corrective action, the Director shall report the potential violation expeditiously to the Administrator and the Inspector General of the Department of Transportation.

“(6) REPORTING OF CRIMINAL VIOLATIONS TO INSPECTOR GENERAL.—If the Director has reasonable grounds to believe that there has been a violation of Federal criminal law, the Director shall report the violation expeditiously to the Inspector General.

“(7) ANNUAL REPORTS TO CONGRESS.—Not later than October 1 of each year, the Director shall submit to Congress a report containing—

“(A) information on the number of submissions of complaints and information received by the Director under paragraph (3)(A)(i) in the preceding 12-month period;

“(B) summaries of those submissions;

“(C) summaries of further investigations and corrective actions recommended in response to the submissions; and

“(D) summaries of the responses of the Administrator to such recommendations.”.

SEC. 519. MODIFICATION OF CUSTOMER SERVICE INITIATIVE.

(a) MODIFICATION OF INITIATIVE.—Not later than 90 days after the date of enactment of this Act, the Administrator of the Federal Aviation

Administration shall modify the customer service initiative, mission and vision statements, and other statements of policy of the Administration—

(1) to remove any reference to air carriers or other entities regulated by the Administration as “customers”;;

(2) to clarify that in regulating safety the only customers of the Administration are members of the traveling public; and

(3) to clarify that air carriers and other entities regulated by the Administration do not have the right to select the employees of the Administration who will inspect their operations.

(b) SAFETY PRIORITY.—In carrying out the Administrator’s responsibilities, the Administrator shall ensure that safety is given a higher priority than preventing the dissatisfaction of an air carrier or other entity regulated by the Administration with an employee of the Administration.

SEC. 520. HEADQUARTERS REVIEW OF AIR TRANSPORTATION OVERSIGHT SYSTEM DATABASE.

(a) REVIEWS.—The Administrator of the Federal Aviation Administration shall establish a process by which the air transportation oversight system database of the Administration is reviewed by a team of employees of the Agency on a monthly basis to ensure that—

(1) any trends in regulatory compliance are identified; and

(2) appropriate corrective actions are taken in accordance with Agency regulations, advisory directives, policies, and procedures.

(b) MONTHLY TEAM REPORTS.—

(1) IN GENERAL.—The team of employees conducting a monthly review of the air transportation oversight system database under subsection (a) shall submit to the Administrator, the Associate Administrator for Aviation Safety, and the Director of Flight Standards a report on the results of the review.

(2) CONTENTS.—A report submitted under paragraph (1) shall identify—

(A) any trends in regulatory compliance discovered by the team of employees in conducting the monthly review; and

(B) any corrective actions taken or proposed to be taken in response to the trends.

(c) QUARTERLY REPORTS TO CONGRESS.—The Administrator, on a quarterly basis, shall submit a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure on the results of reviews of the air transportation oversight system database conducted under this section, including copies of reports received under subsection (b).

SEC. 521. INSPECTION OF FOREIGN REPAIR STATIONS.

(a) IN GENERAL.—Chapter 447 is amended by adding at the end the following:

“§4730. Inspection of foreign repair stations

“(a) IN GENERAL.—Within 1 year after the date of enactment of the FAA Air Transportation Modernization and Safety Improvement Act the Administrator of the Federal Aviation Administration shall establish and implement a safety assessment system for all part 145 repair stations based on the type, scope, and complexity of work being performed. The system shall—

“(1) ensure that repair stations outside the United States are subject to appropriate inspections based on identified risk and consistent with existing United States requirements;

“(2) consider inspection results and findings submitted by foreign civil aviation authorities operating under a maintenance safety or maintenance implementation agreement with the United States in meeting the requirements of the safety assessment system; and

“(3) require all maintenance safety or maintenance implementation agreements to provide an

opportunity for the Federal Aviation Administration to conduct independent inspections of covered part 145 repair stations when safety concerns warrant such inspections.

“(b) NOTICE TO CONGRESS OF NEGOTIATIONS.—The Administrator shall notify the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure within 30 days after initiating formal negotiations with foreign aviation authorities or other appropriate foreign government agencies on a new maintenance safety or maintenance implementation agreement.

“(c) ANNUAL REPORT.—The Administrator shall publish an annual report on the Federal Aviation Administration’s oversight of part 145 repair stations and implementation of the safety assessment system required by subsection (a). The report shall—

“(1) describe in detail any improvements in the Federal Aviation Administration’s ability to identify and track where part 121 air carrier repair work is performed;

“(2) include a staffing model to determine the best placement of inspectors and the number of inspectors needed;

“(3) describe the training provided to inspectors; and

“(4) include an assessment of the quality of monitoring and surveillance by the Federal Aviation Administration of work provided by its inspectors and the inspectors of foreign authorities operating under a maintenance safety or implementation agreement.

“(d) ALCOHOL AND CONTROLLED SUBSTANCE TESTING PROGRAM REQUIREMENTS.—

“(1) IN GENERAL.—The Secretaries of State and Transportation jointly shall request the governments of foreign countries that are members of the International Civil Aviation Organization to establish international standards for alcohol and controlled substances testing of persons that perform safety sensitive maintenance functions upon commercial air carrier aircraft.

“(2) APPLICATION TO PART 121 AIRCRAFT WORK.—Within 1 year after the date of enactment of the FAA Air Transportation Modernization and Safety Improvement Act the Administrator shall promulgate a proposed rule requiring that all part 145 repair station employees responsible for safety-sensitive functions on part 121 air carrier aircraft are subject to an alcohol and controlled substance testing program determined acceptable by the Administrator and consistent with the applicable laws of the country in which the repair station is located.

“(e) BIENNIAL INSPECTIONS.—The Administrator shall require part 145 repair stations to be inspected twice each year by Federal Aviation Administration safety inspectors, regardless of where the station is located, in a manner consistent with United States obligations under international agreements.

“(f) DEFINITIONS.—In this section:

“(1) PART 121 AIR CARRIER.—The term ‘part 121 air carrier’ means an air carrier that holds a certificate issued under part 121 of title 14, Code of Federal Regulations.

“(2) PART 145 REPAIR STATION.—The term ‘part 145 repair station’ means a repair station that holds a certificate issued under part 145 of title 14, Code of Federal Regulations.”.

(b) CONFORMING AMENDMENT.—The table of contents for chapter 447 is amended by adding at the end thereof the following:

“44730. Inspection of foreign repair stations”.

SEC. 522. NON-CERTIFICATED MAINTENANCE PROVIDERS.

(a) REGULATIONS.—Not later than 3 years after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall issue regulations requiring that all covered maintenance work on aircraft used to

provide air transportation under part 121 of title 14, Code of Federal Regulations, be performed by individuals in accordance with subsection (b).

(b) **PERSONS AUTHORIZED TO PERFORM CERTAIN WORK.**—No individual may perform covered maintenance work on aircraft used to provide air transportation under part 121 of title 14, Code of Federal Regulations unless that individual is employed by—

(1) a part 121 air carrier;

(2) a part 145 repair station or a person authorized under section 43.17 of title 14, Code of Federal Regulations;

(3) a person that provides contract maintenance workers or services to a part 145 repair station or part 121 air carrier, and the individual—

(A) meets the requirements of the part 121 air carrier or the part 145 repair station;

(B) performs the work under the direct supervision and control of the part 121 air carrier or the part 145 repair station directly in charge of the maintenance services; and

(C) carries out the work in accordance with the part 121 air carrier's maintenance manual;

(4) by the holder of a type certificate, production certificate, or other production approval issued under part 21 of title 14, Code of Federal Regulations, and the holder of such certificate or approval—

(A) originally produced, and continues to produce, the article upon which the work is to be performed; and

(B) is acting in conjunction with a part 121 air carrier or a part 145 repair station.

(d) **DEFINITIONS.**—In this section:

(1) **COVERED MAINTENANCE WORK.**—The term "covered maintenance work" means maintenance work that is essential maintenance, regularly scheduled maintenance, or a required inspection item, as determined by the Administrator.

(2) **PART 121 AIR CARRIER.**—The term "part 121 air carrier" has the meaning given that term in section 44730(f)(1) of title 49, United States Code.

(3) **PART 145 REPAIR STATION.**—The term "part 145 repair station" has the meaning given that term in section 44730(f)(2) of title 49, United States Code.

SUBTITLE B—FLIGHT SAFETY

SEC. 551. FAA PILOT RECORDS DATABASE.

(a) **RECORDS OF EMPLOYMENT OF PILOT APPLICANTS.**—Section 44703(h) is amended by adding at the end the following:

"(16) **APPLICABILITY.**—This subsection shall cease to be effective on the date specified in regulations issued under subsection (i)."

(b) **ESTABLISHMENT OF FAA PILOT RECORDS DATABASE.**—Section 44703 is amended—

(1) by redesignating subsections (i) and (j) as subsections (j) and (k), respectively; and

(2) by inserting after subsection (h) the following:

"(i) **FAA PILOT RECORDS DATABASE.**—

"(I) **IN GENERAL.**—Before allowing an individual to begin service as a pilot, an air carrier shall access and evaluate, in accordance with the requirements of this subsection, information pertaining to the individual from the pilot records database established under paragraph (2).

"(2) **PILOT RECORDS DATABASE.**—The Administrator shall establish an electronic database (in this subsection referred to as the 'database') containing the following records:

"(A) **FAA RECORDS.**—From the Administrator—

"(i) records that are maintained by the Administrator concerning current airman certificates, including airman medical certificates and associated type ratings and information on any limitations to those certificates and ratings;

"(ii) records that are maintained by the Administrator concerning any failed attempt of an

individual to pass a practical test required to obtain a certificate or type rating under part 61 of title 14, Code of Federal Regulations; and

"(iii) summaries of legal enforcement actions resulting in a finding by the Administrator of a violation of this title or a regulation prescribed or order issued under this title that was not subsequently overturned.

"(B) **AIR CARRIER AND OTHER RECORDS.**—From any air carrier or other person (except a branch of the Armed Forces, the National Guard, or a reserve component of the Armed Forces) that has employed an individual as a pilot of a civil or public aircraft, or from the trustee in bankruptcy for such air carrier or person—

"(i) records pertaining to the individual that are maintained by the air carrier (other than records relating to flight time, duty time, or rest time), including records under regulations set forth in—

"(I) section 121.683 of title 14, Code of Federal Regulations;

"(II) paragraph (A) of section VI, appendix I, part 121 of such title;

"(III) paragraph (A) of section IV, appendix J, part 121 of such title;

"(IV) section 125.401 of such title; and

"(V) section 135.63(a)(4) of such title; and

"(ii) other records pertaining to the individual's performance as a pilot that are maintained by the air carrier or person concerning—

"(I) the training, qualifications, proficiency, or professional competence of the individual, including comments and evaluations made by a check airman designated in accordance with section 121.411, 125.295, or 135.337 of such title;

"(II) any disciplinary action taken with respect to the individual that was not subsequently overturned; and

"(III) any release from employment or resignation, termination, or disqualification with respect to employment.

"(C) **NATIONAL DRIVER REGISTER RECORDS.**—In accordance with section 30305(b)(8) of this title, from the chief driver licensing official of a State, information concerning the motor vehicle driving record of the individual.

"(3) **WRITTEN CONSENT; RELEASE FROM LIABILITY.**—An air carrier—

"(A) shall obtain the written consent of an individual before accessing records pertaining to the individual under paragraph (1); and

"(B) may, notwithstanding any other provision of law or agreement to the contrary, require an individual with respect to whom the carrier is accessing records under paragraph (1) to execute a release from liability for any claim arising from accessing the records or the use of such records by the air carrier in accordance with this section (other than a claim arising from furnishing information known to be false and maintained in violation of a criminal statute).

"(4) **REPORTING.**—

"(A) **REPORTING BY ADMINISTRATOR.**—The Administrator shall enter data described in paragraph (2)(A) into the database promptly to ensure that an individual's records are current.

"(B) **REPORTING BY AIR CARRIERS AND OTHER PERSONS.**—

"(i) **IN GENERAL.**—Air carriers and other persons shall report data described in paragraphs (2)(B) and (2)(C) to the Administrator promptly for entry into the database.

"(ii) **DATA TO BE REPORTED.**—Air carriers and other persons shall report, at a minimum, under clause (i) the following data described in paragraph (2)(B):

"(I) Records that are generated by the air carrier or other person after the date of enactment of the FAA Air Transportation Modernization and Safety Improvement Act.

"(II) Records that the air carrier or other person is maintaining, on such date of enactment, pursuant to subsection (h)(4).

"(5) **REQUIREMENT TO MAINTAIN RECORDS.**—The Administrator—

"(A) shall maintain all records entered into the database under paragraph (2) pertaining to an individual until the date of receipt of notification that the individual is deceased; and

"(B) may remove the individual's records from the database after that date.

"(6) **RECEIPT OF CONSENT.**—The Administrator shall not permit an air carrier to access records pertaining to an individual from the database under paragraph (1) without the air carrier first demonstrating to the satisfaction of the Administrator that the air carrier has obtained the written consent of the individual.

"(7) **RIGHT OF PILOT TO REVIEW CERTAIN RECORDS AND CORRECT INACCURACIES.**—Notwithstanding any other provision of law or agreement, the Administrator, upon receipt of written request from an individual—

"(A) shall make available, not later than 30 days after the date of the request, to the individual for review all records referred to in paragraph (2) pertaining to the individual; and

"(B) shall provide the individual with a reasonable opportunity to submit written comments to correct any inaccuracies contained in the records.

"(8) **REASONABLE CHARGES FOR PROCESSING REQUESTS AND FURNISHING COPIES.**—The Administrator may establish a reasonable charge for the cost of processing a request under paragraph (1) or (7) and for the cost of furnishing copies of requested records under paragraph (7).

"(9) **PRIVACY PROTECTIONS.**—

"(A) **USE OF RECORDS.**—An air carrier that accesses records pertaining to an individual under paragraph (1) may use the records only to assess the qualifications of the individual in deciding whether or not to hire the individual as a pilot. The air carrier shall take such actions as may be necessary to protect the privacy of the individual and the confidentiality of the records accessed, including ensuring that information contained in the records is not divulged to any individual that is not directly involved in the hiring decision.

"(B) **DISCLOSURE OF INFORMATION.**—

"(i) **IN GENERAL.**—Except as provided by clause (ii), information collected by the Administrator under paragraph (2) shall be exempt from the disclosure requirements of section 552 of title 5.

"(ii) **EXCEPTIONS.**—Clause (i) shall not apply to—

"(I) de-identified, summarized information to explain the need for changes in policies and regulations;

"(II) information to correct a condition that compromises safety;

"(III) information to carry out a criminal investigation or prosecution;

"(IV) information to comply with section 44905, regarding information about threats to civil aviation; and

"(V) such information as the Administrator determines necessary, if withholding the information would not be consistent with the safety responsibilities of the Federal Aviation Administration.

"(10) **PERIODIC REVIEW.**—Not later than 18 months after the date of enactment of the FAA Air Transportation Modernization and Safety Improvement Act, and at least once every 3 years thereafter, the Administrator shall transmit to Congress a statement that contains, taking into account recent developments in the aviation industry—

"(A) recommendations by the Administrator concerning proposed changes to Federal Aviation Administration records, air carrier records, and other records required to be included in the database under paragraph (2); or

"(B) reasons why the Administrator does not recommend any proposed changes to the records referred to in subparagraph (A).

“(11) REGULATIONS FOR PROTECTION AND SECURITY OF RECORDS.—The Administrator shall prescribe such regulations as may be necessary—

“(A) to protect and secure—

“(i) the personal privacy of any individual whose records are accessed under paragraph (1); and

“(ii) the confidentiality of those records; and

“(B) to preclude the further dissemination of records received under paragraph (1) by the person who accessed the records.

“(12) GOOD FAITH EXCEPTION.—Notwithstanding paragraph (1), an air carrier may allow an individual to begin service as a pilot, without first obtaining information described in paragraph (2)(B) from the database pertaining to the individual, if—

“(A) the air carrier has made a documented good faith attempt to access the information from the database; and

“(B) has received written notice from the Administrator that the information is not contained in the database because the individual was employed by an air carrier or other person that no longer exists or by a foreign government or other entity that has not provided the information to the database.

“(13) LIMITATIONS ON ELECTRONIC ACCESS TO RECORDS.—

“(A) ACCESS BY INDIVIDUALS DESIGNATED BY AIR CARRIERS.—For the purpose of increasing timely and efficient access to records described in paragraph (2), the Administrator may allow, under terms established by the Administrator, an individual designated by an air carrier to have electronic access to the database.

“(B) TERMS.—The terms established by the Administrator under subparagraph (A) for allowing a designated individual to have electronic access to the database shall limit such access to instances in which information in the database is required by the designated individual in making a hiring decision concerning a pilot applicant and shall require that the designated individual provide assurances satisfactory to the Administrator that—

“(i) the designated individual has received the written consent of the pilot applicant to access the information; and

“(ii) information obtained using such access will not be used for any purpose other than making the hiring decision.

“(14) REGULATIONS.—

“(A) IN GENERAL.—The Administrator shall issue regulations to carry out this subsection.

“(B) EFFECTIVE DATE.—The regulations shall specify the date on which the requirements of this subsection take effect and the date on which the requirements of subsection (h) cease to be effective.

“(C) EXCEPTIONS.—Notwithstanding subparagraph (B)—

“(i) the Administrator shall begin to establish the database under paragraph (2) not later than 90 days after the date of enactment of the FAA Air Transportation Modernization and Safety Improvement Act;

“(ii) the Administrator shall maintain records in accordance with paragraph (5) beginning on the date of enactment of that Act; and

“(iii) air carriers and other persons shall maintain records to be reported to the database under paragraph (4)(B) in the period beginning on such date of enactment and ending on the date that is 5 years after the requirements of subsection (h) cease to be effective pursuant to subparagraph (B).

“(15) SPECIAL RULE.—During the one-year period beginning on the date on which the requirements of this section become effective pursuant to paragraph (15)(B), paragraph (7)(A) shall be applied by substituting ‘45 days’ for ‘30 days’.”

(c) CONFORMING AMENDMENTS.—

(1) LIMITATION ON LIABILITY; PREEMPTION OF STATE LAW.—Section 44703(j) (as redesignated by subsection (b)(1) of this section) is amended—

(A) in the subsection heading by striking “LIMITATION” and inserting “LIMITATIONS”; and

(B) in paragraph (1)—

(i) in the matter preceding subparagraph (A) by striking “paragraph (2)” and inserting “subsection (h)(2) or (i)(3)”; and

(ii) in subparagraph (A) by inserting “or accessing the records of that individual under subsection (i)(1)” before the semicolon; and

(iii) in the matter following subparagraph (D) by striking “subsection (h)” and inserting “subsection (h) or (i)”; and

(C) in paragraph (2) by striking “subsection (h)” and inserting “subsection (h) or (i)”; and

(D) in paragraph (3), in the matter preceding subparagraph (A), by inserting “or who furnished information to the database established under subsection (i)(2)” after “subsection (h)(1)”; and

(E) by adding at the end the following:

“(4) PROHIBITION ON ACTIONS AND PROCEEDINGS AGAINST AIR CARRIERS.—

“(A) HIRING DECISIONS.—An air carrier may refuse to hire an individual as a pilot if the individual did not provide written consent for the air carrier to receive records under subsection (h)(2)(A) or (i)(3)(A) or did not execute the release from liability requested under subsection (h)(2)(B) or (i)(3)(B).

“(B) ACTIONS AND PROCEEDINGS.—No action or proceeding may be brought against an air carrier by or on behalf of an individual who has applied for or is seeking a position as a pilot with the air carrier if the air carrier refused to hire the individual after the individual did not provide written consent for the air carrier to receive records under subsection (h)(2)(A) or (i)(3)(A) or did not execute a release from liability requested under subsection (h)(2)(B) or (i)(3)(B).”

(2) LIMITATION ON STATUTORY CONSTRUCTION.—Section 44703(k) (as redesignated by subsection (b)(1) of this section) is amended by striking “subsection (h)” and inserting “subsection (h) or (i)”.

SEC. 552. AIR CARRIER SAFETY MANAGEMENT SYSTEMS.

(a) IN GENERAL.—Within 60 days after the date of enactment of this Act, the Administrator shall initiate and complete a rulemaking to require part 121 air carriers—

(1) to implement, as part of their safety management systems—

(A) an Aviation Safety Action Program;

(B) a Flight Operations Quality Assurance Program;

(C) a Line Operational Safety Audit Program; and

(D) a Flight Crew Fatigue Risk Management Program;

(2) to implement appropriate privacy protection safeguards with respect to data included in such programs; and

(3) to provide appropriate collaboration and operational oversight of regional/commuter air carriers by affiliated major air carriers that include—

(A) periodic safety audits of flight operations;

(B) training, maintenance, and inspection programs; and

(C) provisions for the exchange of safety information.

(b) EFFECT ON ADVANCED QUALIFICATION PROGRAM.—Implementation of the programs under subsection (a)(1) neither limits nor invalidates the Federal Aviation Administration’s advanced qualification program.

(c) LIMITATIONS ON DISCIPLINE AND ENFORCEMENT.—The Administrator shall require that each of the programs described in subsection

(a)(1)(A) and (B) establish protections for an air carrier or employee submitting data or reports against disciplinary or enforcement actions by any Federal agency or employer. The protections shall not be less than the protections provided under Federal Aviation Administration Advisory Circulars governing those programs, including Advisory Circular AC No. 120-66 and AC No. 120-82.

(d) CVR DATA.—The Administrator, acting in collaboration with aviation industry interested parties, shall consider the merits and feasibility of incorporating cockpit voice recorder data in safety oversight practices.

(e) ENFORCEMENT CONSISTENCY.—Within 9 months after the date of enactment of this Act, the Administrator shall—

(1) develop and implement a plan that will ensure that the FAA’s safety enforcement plan is consistently enforced; and

(2) ensure that the FAA’s safety oversight program is reviewed periodically and updated as necessary.

SEC. 553. SECRETARY OF TRANSPORTATION RESPONSES TO SAFETY RECOMMENDATIONS.

(a) IN GENERAL.—The first sentence of section 1135(a) is amended by inserting “to the National Transportation Safety Board” after “shall give”.

(b) AIR CARRIER SAFETY RECOMMENDATIONS.—Section 1135 is amended—

(1) by redesignating subsections (c) and (d) as subsections (d) and (e), respectively; and

(2) by inserting after subsection (b) the following:

“(c) ANNUAL REPORT ON AIR CARRIER SAFETY RECOMMENDATIONS.—

“(1) IN GENERAL.—The Secretary shall submit an annual report to the Congress and the Board on the recommendations made by the Board to the Secretary regarding air carrier operations conducted under part 121 of title 14, Code of Federal Regulations.

“(2) RECOMMENDATIONS TO BE COVERED.—The report shall cover—

“(A) any recommendation for which the Secretary has developed, or intends to develop, procedures to adopt the recommendation or part of the recommendation, but has yet to complete the procedures; and

“(B) any recommendation for which the Secretary, in the preceding year, has issued a response under subsection (a)(2) or (a)(3) refusing to carry out all or part of the procedures to adopt the recommendation.

“(3) CONTENTS.—

“(A) PLANS TO ADOPT RECOMMENDATIONS.—For each recommendation of the Board described in paragraph (2)(A), the report shall contain—

“(i) a description of the recommendation;

“(ii) a description of the procedures planned for adopting the recommendation or part of the recommendation;

“(iii) the proposed date for completing the procedures; and

“(iv) if the Secretary has not met a deadline contained in a proposed timeline developed in connection with the recommendation under subsection (b), an explanation for not meeting the deadline.

“(B) REFUSALS TO ADOPT RECOMMENDATIONS.—For each recommendation of the Board described in paragraph (2)(B), the report shall contain—

“(i) a description of the recommendation; and

“(ii) a description of the reasons for the refusal to carry out all or part of the procedures to adopt the recommendation.”

SEC. 554. IMPROVED FLIGHT OPERATIONAL QUALITY ASSURANCE, AVIATION SAFETY ACTION, AND LINE OPERATIONAL SAFETY AUDIT PROGRAMS.

(a) LIMITATION ON DISCLOSURE AND USE OF INFORMATION.—

(1) *IN GENERAL.*—Except as provided by this section, a party in a judicial proceeding may not use discovery to obtain—

(A) an Aviation Safety Action Program report;

(B) Flight Operational Quality Assurance Program data; or

(C) a Line Operations Safety Audit Program report.

(2) *FOIA NOT APPLICABLE.*—Section 522 of title 5, United States Code, shall not apply to reports or data described in paragraph (1).

(3) *EXCEPTIONS.*—Nothing in paragraph (1) or (2) prohibits the FAA from disclosing information contained in reports or data described in paragraph (1) if withholding the information would not be consistent with the FAA's safety responsibilities, including—

(A) a summary of information, with identifying information redacted, to explain the need for changes in policies or regulations;

(B) information provided to correct a condition that compromises safety, if that condition continues uncorrected; or

(C) information provided to carry out a criminal investigation or prosecution.

(b) *PERMISSIBLE DISCOVERY FOR SUCH REPORTS AND DATA.*—Except as provided in subsection (c), a court may allow discovery by a party of an Aviation Safety Action Program report, Flight Operational Quality Assurance Program data, or a Line Operations Safety Audit Program report if, after an in camera review of the information, the court determines that a party to a claim or defense in the proceeding shows a particularized need for the report or data that outweighs the need for confidentiality of the report or data, considering the confidential nature of the report or data, and upon a showing that the report or data is both relevant to the preparation of a claim or defense and not otherwise known or available.

(c) *PROTECTIVE ORDER.*—When a court allows discovery, in a judicial proceeding, of an Aviation Safety Action Program report, Flight Operational Quality Assurance Program data, or a Line Operations Safety Audit Program report, the court shall issue a protective order—

(1) to limit the use of the information contained in the report or data to the judicial proceeding;

(2) to prohibit dissemination of the report or data to any person that does not need access to the report for the proceeding; and

(3) to limit the use of the report or data in the proceeding to the uses permitted for privileged self-analysis information as defined under the Federal Rules of Evidence.

(d) *SEALED INFORMATION.*—A court may allow an Aviation Safety Action Program report, Flight Operational Quality Assurance Program data, or a Line Operations Safety Audit Program report to be admitted into evidence in a judicial proceeding only if the court places the report or data under seal to prevent the use of the report or data for purposes other than for the proceeding.

(e) *SAFETY RECOMMENDATIONS.*—This section does not prevent the National Transportation Safety Board from referring at any time to information contained in an Aviation Safety Action Program report, Flight Operational Quality Assurance Program data, or a Line Operations Safety Audit Program report in making safety recommendations.

(f) *WAIVER.*—Any waiver of the privilege for self-analysis information by a protected party, unless occasioned by the party's own use of the information in presenting a claim or defense, must be in writing.

SEC. 555. RE-EVALUATION OF FLIGHT CREW TRAINING, TESTING, AND CERTIFICATION REQUIREMENTS.

(a) *TRAINING AND TESTING.*—The Administrator shall develop and implement a plan for

reevaluation of flight crew training regulations in effect on the date of enactment of this Act, including regulations for—

(1) classroom instruction requirements governing curriculum content and hours of instruction;

(2) crew leadership training; and

(3) initial and recurrent testing requirements for pilots, including the rigor and consistency of testing programs such as check rides.

(b) *BEST PRACTICES.*—The plan shall incorporate best practices in the aviation industry with respect to training protocols, methods, and procedures.

(c) *CERTIFICATION.*—The Administrator shall initiate a rulemaking to re-evaluate FAA regulations governing the minimum requirements—

(1) to become a commercial pilot;

(2) to receive an Air Transport Pilot Certificate to become a captain; and

(3) to transition to a new type of aircraft.

(d) *REMEDIATION TRAINING PROGRAMS.*—

(1) *IN GENERAL.*—The Administrator shall initiate a rulemaking to require part 121 air carriers to establish remedial training programs for flightcrew members who have demonstrated performance deficiencies or experienced failures in the training environment.

(2) *DEADLINES.*—The Administrator shall—

(A) not later than 180 days after the date of enactment of this Act, issue a notice of proposed rulemaking under paragraph (1); and

(B) not later than 24 months after the date of enactment of this Act, issue a final rule for the rulemaking.

(e) *STICK PUSHER TRAINING AND WEATHER EVENT TRAINING.*—

(1) *MULTIDISCIPLINARY PANEL.*—Not later than 120 days after the date of enactment of this Act, the Administrator shall convene a multidisciplinary panel of specialists in aircraft operations, flightcrew member training, human factors, and aviation safety to study and submit to the Administrator a report on methods to increase the familiarity of flightcrew members with, and improve the response of flightcrew members to, stick pusher systems, icing conditions, and microburst and windshear weather events.

(2) *REPORT TO CONGRESS.*—Not later than one year after the date on which the Administrator convenes the panel, the Administrator shall—

(A) submit a report to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation based on the findings of the panel; and

(B) with respect to stick pusher systems, initiate appropriate actions to implement the recommendations of the panel.

SEC. 556. FLIGHTCREW MEMBER MENTORING, PROFESSIONAL DEVELOPMENT, AND LEADERSHIP.

(a) *AVIATION RULEMAKING COMMITTEE.*—

(1) *IN GENERAL.*—The Administrator of the Federal Aviation Administration shall conduct an aviation rulemaking committee proceeding with stakeholders to develop procedures for each part 121 air carrier to take the following actions:

(A) Establish flightcrew member mentoring programs under which the air carrier will pair highly experienced flightcrew members who will serve as mentor pilots and be paired with newly employed flightcrew members. Mentor pilots should be provided, at a minimum, specific instruction on techniques for instilling and reinforcing the highest standards of technical performance, airmanship, and professionalism in newly employed flightcrew members.

(B) Establish flightcrew member professional development committees made up of air carrier management and labor union or professional association representatives to develop, administer, and oversee formal mentoring programs of the

carrier to assist flightcrew members to reach their maximum potential as safe, seasoned, and proficient flightcrew members.

(C) Establish or modify training programs to accommodate substantially different levels and types of flight experience by newly employed flightcrew members.

(D) Establish or modify training programs for second-in-command flightcrew members attempting to qualify as pilot-in-command flightcrew members for the first time in a specific aircraft type and ensure that such programs include leadership and command training.

(E) Ensure that recurrent training for pilots in command includes leadership and command training.

(F) Such other actions as the aviation rulemaking committee determines appropriate to enhance flightcrew member professional development.

(2) *COMPLIANCE WITH STERILE COCKPIT RULE.*—Leadership and command training described in paragraphs (1)(D) and (1)(E) shall include instruction on compliance with flightcrew member duties under part 121.542 of title 14, Code of Federal Regulations.

(3) *STREAMLINED PROGRAM REVIEW.*—

(A) *IN GENERAL.*—As part of the rulemaking required by subsection (a), the Administrator shall establish a streamlined process for part 121 air carriers that have in effect, as of the date of enactment of this Act, the programs required by paragraph (1).

(B) *EXPEDITED APPROVALS.*—Under the streamlined process, the Administrator shall—

(i) review the programs of such part 121 air carriers to determine whether the programs meet the requirements set forth in the final rule referred to in subsection (b)(2); and

(ii) expedite the approval of the programs that the Administrator determines meet such requirements.

(b) *DEADLINES.*—The Administrator shall issue—

(1) not later than 180 days after the date of enactment of this Act, a notice of proposed rulemaking under subsection (a); and

(2) not later than 24 months after such date of enactment, a final rule under subsection (a).

SEC. 557. FLIGHTCREW MEMBER SCREENING AND QUALIFICATIONS.

(a) *REQUIREMENTS.*—The Administrator of the Federal Aviation Administration shall conduct a rulemaking proceeding to require part 121 air carriers to develop and implement means and methods for ensuring that flightcrew members have proper qualifications and experience.

(b) *MINIMUM EXPERIENCE REQUIREMENT.*—

(1) *IN GENERAL.*—The final rule prescribed under subsection (a) shall, among any other requirements established by the rule, require that a pilot—

(A) have not less than 800 hours of flight time before serving as a flightcrew member for a part 121 air carrier; and

(B) demonstrate the ability to—

(i) function effectively in a multipilot environment;

(ii) function effectively in an air carrier operational environment;

(iii) function effectively in adverse weather conditions, including icing conditions if the pilot is expected to be operating aircraft in icing conditions;

(iv) function effectively during high altitude operations; and

(v) adhere to the highest professional standards.

(2) *HOURS OF FLIGHT EXPERIENCE IN DIFFICULT OPERATIONAL CONDITIONS.*—The total number of hours of flight experience required by the Administrator under paragraph (1) for pilots shall include a number of hours of flight experience in difficult operational conditions that may be

encountered by an air carrier that the Administrator determines to be sufficient to enable a pilot to operate an aircraft safely in such conditions.

(c) **DEADLINES.**—The Administrator shall issue—

(1) not later than 180 days after the date of enactment of this Act, a notice of proposed rulemaking under subsection (a); and

(2) not later than December 31, 2011, a final rule under subsection (a).

(d) **DEFAULT REQUIREMENTS.**—If the Administrator fails to meet the deadline established by subsection (c)(2), then all flightcrew members for part 121 air carriers shall meet the requirements established by subpart G of part 61 of the Federal Aviation Administration's regulations (14 C.F.R. 61.151 et seq.).

(e) **DEFINITIONS.**—In this section:

(1) **FLIGHTCREW MEMBER.**—The term “flightcrew member” has the meaning given that term in section 1.1 of the Federal Aviation Administration's regulations (14 C.F.R. 1.1).

(2) **PART 121 AIR CARRIER.**—The term “part 121 air carrier” has the meaning given that term by section 41720(d)(1) of title 49, United States Code.

SEC. 558. PROHIBITION ON PERSONAL USE OF CERTAIN DEVICES ON FLIGHT DECK.

(a) **IN GENERAL.**—Chapter 447, as amended by section 521 of this Act, is further amended by adding at the end thereof the following:

“§44731. Use of certain devices on flight deck

“(a) **IN GENERAL.**—It is unlawful for any member of the flight crew of an aircraft used to provide air transportation under part 121 of title 14, Code of Federal Regulations, to use a personal wireless communications device or laptop computer while at the crew member's duty station on the flight deck of such an aircraft while the aircraft is being operated.

“(b) **EXCEPTIONS.**—Subsection (a) shall not apply to the use of a personal wireless communications device or laptop computer for a purpose directly related to operation of the aircraft, or for emergency, safety-related, or employment-related communications, in accordance with procedures established by the air carrier or the Federal Aviation Administration.

“(c) **ENFORCEMENT.**—In addition to the penalties provided under section 46301 of this title applicable to any violation of this section, the Administrator of the Federal Aviation Administration may enforce compliance with this section under section 44709.

“(d) **PERSONAL WIRELESS COMMUNICATIONS DEVICE DEFINED.**—The term ‘personal wireless communications device’ means a device through which personal wireless services (as defined in section 332(c)(7)(C)(i) of the Communications Act of 1934 (47 U.S.C. 332(c)(7)(C)(i))) are transmitted.”.

(b) **PENALTY.**—Section 44711(a) is amended—

(1) by striking “or” after the semicolon in paragraph (8);

(2) by striking “title.” in paragraph (9) and inserting “title; or”; and

(3) by adding at the end the following:

“(10) violate section 44730 of this title or any regulation issued thereunder.”.

(c) **CONFORMING AMENDMENT.**—The table of contents for chapter 447 is amended by adding at the end thereof the following:

“44731. Use of certain devices on flight deck”.

(d) **REGULATIONS.**—Within 30 days after the date of enactment of this Act, the Secretary of Transportation shall initiate a rulemaking procedure for regulations under section 44730 of title 49, United States Code, and shall issue a final rule thereunder within 1 year after the date of enactment of this Act.

(e) **STUDY.**—

(1) **IN GENERAL.**—The Administrator of the Federal Aviation Administration shall review

relevant air carrier data and carry out a study—

(A) to identify common sources of distraction for the cockpit flight crew on commercial aircraft; and

(B) to determine the safety impacts of such distractions.

(2) **REPORT.**—Not later than 6 months after the date of the enactment of this Act, the Administrator shall submit a report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives that contains—

(A) the findings of the study conducted under paragraph (1); and

(B) recommendations about ways to reduce distractions for cockpit flight crews.

SEC. 559. SAFETY INSPECTIONS OF REGIONAL AIR CARRIERS.

The Administrator shall, not less frequently than once each year, perform random, unannounced, on-site inspections of air carriers that provide air transportation pursuant to a contract with a part 121 air carrier to ensure that such air carriers are complying with all applicable safety standards of the Administration.

SEC. 560. ESTABLISHMENT OF SAFETY STANDARDS WITH RESPECT TO THE TRAINING, HIRING, AND OPERATION OF AIRCRAFT BY PILOTS.

(a) **IN GENERAL.**—Not later than 180 days after the date of enactment of this Act, the Administrator shall issue a final rule with respect to the Notice of Proposed Rulemaking published in the Federal Register on January 12, 2009 (74 Fed. Reg. 1280), relating to training programs for flight crew members and aircraft dispatchers.

(b) **EXPERT PANEL TO REVIEW PART 121 AND PART 135 TRAINING HOURS.**—

(1) **ESTABLISHMENT.**—Not later than 60 days after the date of enactment of this Act, the Administrator shall convene a multidisciplinary expert panel comprised of, at a minimum, air carrier representatives, training facility representatives, instructional design experts, aircraft manufacturers, safety organization representatives, and labor union representatives.

(2) **ASSESSMENT AND RECOMMENDATIONS.**—The panel shall assess and make recommendations concerning—

(A) the best methods and optimal time needed for flightcrew members of part 121 air carriers and flightcrew members of part 135 air carriers to master aircraft systems, maneuvers, procedures, take offs and landings, and crew coordination;

(B) the optimal length of time between training events for such crewmembers, including recurrent training events;

(C) the best methods to reliably evaluate mastery by such crewmembers of aircraft systems, maneuvers, procedures, take offs and landings, and crew coordination; and

(D) the best methods to allow specific academic training courses to be credited pursuant to section 11(d) toward the total flight hours required to receive an airline transport pilot certificate.

(3) **REPORT.**—Not later than one year after the date of enactment of this Act, the Administrator shall submit a report to the House of Representatives Committee on Transportation and Infrastructure and the Senate Committee on Commerce, Science, and Transportation based on the findings of the panel.

SEC. 561. OVERSIGHT OF PILOT TRAINING SCHOOLS.

(a) **IN GENERAL.**—Not later than 1 year after the date of the enactment of this Act, the Administrator shall submit to Congress a plan for overseeing pilot schools certified under part 141 of title 14, Code of Federal Regulations, that includes—

(1) ensuring that the curriculum and course outline requirements for such schools under subpart C of such part are being met; and

(2) conducting on-site inspections of each such school not less frequently than once every 2 years.

(b) **GAO STUDY.**—The Comptroller General shall conduct a comprehensive study of flight schools, flight education, and academic training requirements for certification of an individual as a pilot.

(c) **REPORT.**—Not later than 180 days after the date of enactment of this Act, the Comptroller General shall submit a report to the House of Representatives Committee on Transportation and Infrastructure and the Senate Committee on Commerce, Science, and Transportation on the results of the study.

SEC. 562. ENHANCED TRAINING FOR FLIGHT ATTENDANTS AND GATE AGENTS.

(a) **IN GENERAL.**—Chapter 447, as amended by section 558 of this Act, is further amended by adding at the end the following:

“§44732. Training of flight attendants and gate agents

“(a) **TRAINING REQUIRED.**—In addition to other training required under this chapter, each air carrier shall provide initial and annual recurring training for flight attendants and gate agents employed or contracted by such air carrier regarding—

“(1) serving alcohol to passengers;

“(2) recognizing intoxicated passengers; and

“(3) dealing with disruptive passengers.

“(b) **SITUATIONAL TRAINING.**—In carrying out the training required under subsection (a), each air carrier shall provide situational training to flight attendants and gate agents on the proper method for dealing with intoxicated passengers who act in a belligerent manner.

“(c) **DEFINITIONS.**—In this section:

“(1) **AIR CARRIER.**—The term ‘air carrier’ means a person or commercial enterprise that has been issued an air carrier operating certificate under section 44705.

“(2) **FLIGHT ATTENDANT.**—The term ‘flight attendant’ has the meaning given the term in section 44728(f).

“(3) **GATE AGENT.**—The term ‘gate agent’ means an individual working at an airport whose responsibilities include facilitating passenger access to commercial aircraft.

“(4) **PASSENGER.**—The term ‘passenger’ means an individual traveling on a commercial aircraft, from the time at which the individual arrives at the airport from which such aircraft departs until the time the individual leaves the airport to which such aircraft arrives.”.

(b) **CLERICAL AMENDMENT.**—The table of contents for chapter 447 is amended by adding at the end the following:

“44732. Training of flight attendants and gate agents”.

(c) **RULEMAKING.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of Transportation shall issue regulations to carry out section 44730 of title 49, United States Code, as added by subsection (a).

SEC. 563. DEFINITIONS.

In this subtitle:

(1) **AVIATION SAFETY ACTION PROGRAM.**—The term “Aviation Safety Action Program” means the program described under Federal Aviation Administration Advisory Circular No. 120-66B that permits employees of participating air carriers and repair station certificate holders to identify and report safety issues to management and to the Administration for resolution.

(2) **ADMINISTRATOR.**—The term “Administrator” means the Administrator.

(3) **AIR CARRIER.**—The term “air carrier” has the meaning given that term by section 40102(2) of title 49, United States Code.

(4) FAA.—The term “FAA” means the Federal Aviation Administration.

(5) FLIGHT OPERATIONAL QUALITY ASSURANCE PROGRAM.—The term “Flight Operational Quality Assurance Program” means the voluntary safety program authorized under section 13.401 of title 14, Code of Federal Regulations, that permits commercial air carriers and pilots to share confidential aggregate information with the Administration to permit the Administration to target resources to address operational risk issues.

(6) LINE OPERATIONS SAFETY AUDIT PROGRAM.—The term “Line Operations Safety Audit Program” has the meaning given that term by Federal Aviation Administration Advisory Circular Number 120–90.

(7) PART 121 AIR CARRIER.—The term “part 121 air carrier” has the meaning given that term by section 41719(d)(1) of title 49, United States Code.

SEC. 564. STUDY OF AIR QUALITY IN AIRCRAFT CABINS.

(a) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, the Administrator of the Federal Aviation Administration shall initiate a study of air quality in aircraft cabins to—

(1) assess bleed air quality on the full range of commercial aircraft operating in the United States;

(2) identify oil-based contaminants, hydraulic fluid toxins, and other air toxins that appear in cabin air and measure the quantity and prevalence, or absence of those toxins through a comprehensive sampling program;

(3) determine the specific amount and duration of toxic fumes present in aircraft cabins that constitutes a health risk to passengers;

(4) develop a systematic reporting standard for smoke and fume events in aircraft cabins;

(5) identify the potential health risks to individuals exposed to toxic fumes during flight; and

(6) determine the extent to which the installation of sensors and air filters on commercial aircraft would provide a public health benefit.

(b) AUTHORITY TO MONITOR AIR IN AIRCRAFT CABINS.—For purposes of conducting the study required by subsection (a), the Administrator of the Federal Aviation Administration shall require domestic air carriers to allow air quality monitoring on their aircraft in a manner that imposes no significant costs on the air carrier and does not interfere with the normal operation of the aircraft.

TITLE VI—AVIATION RESEARCH

SEC. 601. AIRPORT COOPERATIVE RESEARCH PROGRAM.

(a) IN GENERAL.—Section 44511(f) is amended—

(1) by striking “establish a 4-year pilot” in paragraph (1) and inserting “maintain an”; and

(2) by inserting “pilot” in paragraph (4) before “program” the first time it appears; and

(3) by striking “program, including recommendations as to the need for establishing a permanent airport cooperative research program.” in paragraph (4) and inserting “program.”.

(b) AIRPORT COOPERATIVE RESEARCH PROGRAM.—Not more than \$15,000,000 per year for fiscal years 2010 and 2011 may be appropriated to the Secretary of Transportation from the amounts made available each year under subsection (a) for the Airport Cooperative Research Program under section 44511 of this title, of which not less than \$5,000,000 per year shall be for research activities related to the airport environment, including reduction of community exposure to civil aircraft noise, reduction of civil aviation emissions, or addressing water quality issues.

SEC. 602. REDUCTION OF NOISE, EMISSIONS, AND ENERGY CONSUMPTION FROM CIVILIAN AIRCRAFT.

(a) ESTABLISHMENT OF RESEARCH PROGRAM.—From amounts made available under section 48102(a) of title 49, United States Code, the Administrator of the Federal Aviation Administration shall establish a research program related to reducing civilian aircraft energy use, emissions, and source noise with equivalent safety through grants or other measures, which may include cost-sharing, authorized under section 106(l)(6) of such title, including reimbursable agreements with other Federal agencies.

(b) ESTABLISHMENT OF CONSORTIUM.—

(1) DESIGNATION AS CONSORTIUM.—Not later than 180 days after the date of the enactment of this Act, the Administrator shall designate, using a competitive process, one or more institutions or entities described in paragraph (2) as a Consortium for Continuous Low Energy, Emissions, and Noise (CLEEN) to perform research in accordance with this section.

(2) PARTICIPATION.—The Administrator shall include educational and research institutions or private sector entities that have existing facilities and experience for developing and testing noise, emissions and energy reduction engine and aircraft technology, and developing alternative fuels in the research program required by subsection (a).

(3) COORDINATION MECHANISMS.—In conducting the research program, the Consortium designated under paragraph (1) shall—

(A) coordinate its activities with the Department of Agriculture, the Department of Energy, the National Aeronautics and Space Administration, and other relevant Federal agencies; and

(B) consult on a regular basis with the Commercial Aviation Alternative Fuels Initiative.

(c) PERFORMANCE OBJECTIVES.—Not later than January 1, 2016, the research program shall accomplish the following objectives:

(1) Certifiable aircraft technology that reduces fuel burn 33 percent compared to current technology, reducing energy consumption and carbon dioxide emissions.

(2) Certifiable engine technology that reduces landing and takeoff cycle nitrogen oxide emissions by 60 percent, at a pressure ratio of 30 over the International Civil Aviation Organization standard adopted at the 6th Meeting of the Committee on Aviation Environmental Protection, with commensurate reductions over the full pressure ratio range, while limiting or reducing other gaseous or particle emissions.

(3) Certifiable aircraft technology that reduces noise levels by 32 Effective Perceived Noise in decibels (EPNdb) cumulative, relative to Stage 4 standards.

(4) Advance qualification and environmental assurance of alternative aviation fuels to support a goal of having 20 percent of the jet fuel available for purchase by United States commercial airlines and cargo carriers be alternative fuels.

(5) Determination of the extent to which new engine and aircraft technologies may be used to retrofit or re-engine aircraft so as to increase the level of penetration into the commercial fleet.

SEC. 603. PRODUCTION OF ALTERNATIVE FUEL TECHNOLOGY FOR CIVILIAN AIRCRAFT.

(a) IN GENERAL.—From amounts made available under section 48102(a) of title 49, United States Code, the Secretary of Transportation shall establish a research program related to developing jet fuel from natural gas, biomass and other renewable sources through grants or other measures authorized under section 106(l)(6) of such title, including reimbursable agreements with other Federal agencies.

(b) PARTICIPATION IN PROGRAM.—The Secretary shall—

(1) include educational and research institutions that have existing facilities and experience in the research, small-scale development, testing, or evaluation of technologies related to the creation, processing, and production of a variety of feedstocks into aviation fuel under the program required by subsection (a); and

(2) consider utilizing the existing capacity in Aeronautics research at Langley Research Center of the National Aeronautics and Space Administration to carry out the program required by subsection (a).

(c) DESIGNATION OF INSTITUTION AS A CENTER OF EXCELLENCE.—Not later than 180 days after the date of the enactment of this Act, the Administrator of the Federal Aviation Administration shall designate an institution described in subsection (b) as a Center of Excellence for Alternative Jet-Fuel Research in Civil Aircraft. The Center of Excellence shall be a member of the CLEEN Consortium established under section 602(b), and shall be part of a Joint Center of Excellence with the Partnership for Air Transportation Noise and Emission Reduction FAA Center of Excellence.

SEC. 604. PRODUCTION OF CLEAN COAL FUEL TECHNOLOGY FOR CIVILIAN AIRCRAFT.

(a) ESTABLISHMENT OF RESEARCH PROGRAM.—From amounts made available under section 48102(a) of title 49, United States Code, the Secretary of Transportation shall establish a research program related to developing jet fuel from clean coal through grants or other measures authorized under section 106(l)(6) of such title, including reimbursable agreements with other Federal agencies. The program shall include participation by educational and research institutions that have existing facilities and experience in the development and deployment of technology that processes coal to aviation fuel.

(b) DESIGNATION OF INSTITUTION AS A CENTER OF EXCELLENCE.—Within 6 months after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall designate an institution described in subsection (a) as a Center of Excellence for Coal-to-Jet-Fuel Research.

SEC. 605. ADVISORY COMMITTEE ON FUTURE OF AERONAUTICS.

(a) ESTABLISHMENT.—There is established an advisory committee to be known as the “Advisory Committee on the Future of Aeronautics”.

(b) MEMBERSHIP.—The Advisory Committee shall consist of 7 members appointed by the President from a list of 15 candidates proposed by the Director of the National Academy of Sciences.

(c) CHAIRPERSON.—The Advisory Committee members shall elect 1 member to serve as chairperson of the Advisory Committee.

(d) FUNCTIONS.—The Advisory Committee shall examine the best governmental and organizational structures for the conduct of civil aeronautics research and development, including options and recommendations for consolidating such research to ensure continued United States leadership in civil aeronautics. The Committee shall consider transferring responsibility for civil aeronautics research and development from the National Aeronautics and Space Administration to other existing departments or agencies of the Federal Government or to a non-governmental organization such as academic consortia or not-for-profit organizations. In developing its recommendations, the Advisory Committee shall consider, as appropriate, the aeronautics research policies developed pursuant to section 101(d) of Public Law 109–155 and the requirements and priorities for aeronautics research established by title IV of Public Law 109–155.

(e) REPORT.—Not later than 12 months after the date on which the full membership of the Advisory Committee is appointed, the Advisory

Committee shall submit a report to the Senate Committee on Commerce, Science, and Transportation and the House Committees on Science and Technology and on Transportation and Infrastructure on its findings and recommendations. The report may recommend a rank ordered list of acceptable solutions.

(f) **TERMINATION.**—The Advisory Committee shall terminate 60 days after the date on which it submits the report to the Congress.

SEC. 606. RESEARCH PROGRAM TO IMPROVE AIRFIELD PAVEMENTS.

(a) **CONTINUATION OF PROGRAM.**—The Administrator of the Federal Aviation Administration shall continue the program to consider awards to nonprofit concrete and asphalt pavement research foundations to improve the design, construction, rehabilitation, and repair of airfield pavements to aid in the development of safer, more cost effective, and more durable airfield pavements.

(b) **USE OF GRANTS OR COOPERATIVE AGREEMENTS.**—The Administrator may use grants or cooperative agreements in carrying out this section.

SEC. 607. WAKE TURBULENCE, VOLCANIC ASH, AND WEATHER RESEARCH.

Within 60 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall—

(1) initiate evaluation of proposals that would increase capacity throughout the air transportation system by reducing existing spacing requirements between aircraft of all sizes, including research on the nature of wake vortices;

(2) begin implementation of a system to improve volcanic ash avoidance options for aircraft, including the development of a volcanic ash warning and notification system for aviation; and

(3) establish research projects on—

(A) ground de-icing/anti-icing, ice pellets, and freezing drizzle;

(B) oceanic weather, including convective weather;

(C) en route turbulence prediction and detection; and

(D) all hazards during oceanic operations, where commercial traffic is high and only rudimentary satellite sensing is available, to reduce the hazards presented to commercial aviation.

SEC. 608. INCORPORATION OF UNMANNED AIRCRAFT SYSTEMS INTO FAA PLANS AND POLICIES.

(a) **RESEARCH.**—

(1) **EQUIPMENT.**—Section 44504, as amended by section 216 of this Act, is further amended—

(A) by inserting “unmanned and manned” in subsection (a) after “improve”;

(B) by striking “and” after the semicolon in subsection (b)(7);

(C) by striking “emitted.” in subsection (b)(8) and inserting “emitted; and”;

(D) by adding at the end of subsection (b) the following:

“(9) in conjunction with other Federal agencies as appropriate, to develop technologies and methods to assess the risk of and prevent defects, failures, and malfunctions of products, parts, and processes, for use in all classes of unmanned aircraft systems that could result in a catastrophic failure.”.

(2) **HUMAN FACTORS; SIMULATIONS.**—Section 44505(b) is amended—

(A) by striking “and” after the semicolon in paragraph (4);

(B) by striking “programs.” in paragraph (5)(C) and inserting “programs; and”;

(C) by adding at the end thereof the following:

“(6) to develop a better understanding of the relationship between human factors and unmanned aircraft systems air safety; and

“(7) to develop dynamic simulation models of integrating all classes of unmanned aircraft systems into the National Airspace System.”.

(b) **NATIONAL ACADEMY OF SCIENCES ASSESSMENT.**—

(1) **IN GENERAL.**—Within 3 months after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall enter into an arrangement with the National Academy of Sciences for an assessment of unmanned aircraft systems that may include consideration of—

(A) human factors regarding unmanned aircraft systems operation;

(B) “detect, sense and avoid technologies” with respect to both cooperative and non-cooperative aircraft;

(C) spectrum issues and bandwidth requirements;

(D) operation in suboptimal winds and adverse weather conditions;

(E) mechanisms such as the use of transponders for letting other entities know where the unmanned aircraft system is flying;

(F) airworthiness and system redundancy;

(G) flight termination systems for safety and security;

(H) privacy issues;

(I) technologies for unmanned aircraft systems flight control;

(J) technologies for unmanned aircraft systems propulsion;

(K) unmanned aircraft systems operator qualifications, medical standards, and training requirements;

(L) unmanned aircraft systems maintenance requirements and training requirements; and

(M) any other unmanned aircraft systems-related issue the Administrator believes should be addressed.

(2) **REPORT.**—Within 12 months after initiating the study, the National Academy shall submit its report to the Administrator, the Senate Committee on Commerce, Science, and Transportation, and the House of Representatives Committee on Transportation and Infrastructure containing its findings and recommendations.

(c) **PILOT PROJECTS.**—

(1) **IN GENERAL.**—Not later than 6 months after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall establish 3 2-year cost-shared pilot projects in sparsely populated, low-density Class G air traffic airspace new test sites to conduct experiments and collect data in order to accelerate the safe integration of unmanned aircraft systems into the National Airspace System as follows:

(A) 1 project shall address operational issues required for integration of Category 1 unmanned aircraft systems defined as analogous to RC models covered in the FAA Advisory Circular AC 91–57.

(B) 1 project shall address operational issues required for integration of Category 2 unmanned aircraft systems defined as non-standards aircraft that perform special purpose operations. Operators must provide evidence of airworthiness and operator qualifications.

(C) 1 project shall address operational issues required for integration of Category 3 unmanned aircraft systems defined as capable of flying throughout all categories of airspace and conforming to part 91 of title 14, Code of Federal Regulations.

(D) All 3 pilot projects shall be operational no later than 6 months after being established.

(2) **USE OF CONSORTIA.**—In conducting the pilot projects, the Administrator shall encourage the formation of participating consortia from the public and private sectors, educational institutions, and non-profit organization.

(3) **REPORT.**—Within 90 days after completing the pilot projects, the Administrator shall transmit a report to the Senate Committee on Commerce, Science, and Transportation and the

House of Representatives Committee on Transportation and Infrastructure setting forth the Administrator's findings and conclusions concerning the projects.

(4) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated to the Administrator for fiscal years 2010 and 2011 such sums as may be necessary to conduct the pilot projects.

(d) **UNMANNED AIRCRAFT SYSTEMS ROADMAP.**—Within 30 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall approve and make available in print and on the Administration's website a 5-year “roadmap” for the introduction of unmanned aircraft systems into the National Airspace System being coordinated by its Unmanned Aircraft Program Office. The Administrator shall update the “roadmap” annually.

(e) **UPDATED POLICY STATEMENT.**—Not later than 90 days after the date of enactment of this Act, the Administrator shall issue a notice of proposed rulemaking to update the Administration's most recent policy statement on unmanned aircraft systems, Docket No. FAA–2006–25714.

(f) **EXPANDING THE USE OF UAS IN THE ARCTIC.**—Within 6 months after the date of enactment of this Act, the Administrator, in consultation with the National Oceanic and Atmospheric Administration, the Coast Guard, and other Federal agencies as appropriate, shall identify permanent areas in the Arctic where small unmanned aircraft may operate 24 hours per day from 2000 feet to the surface and beyond line-of-sight for research and commercial purposes. Within 12 months after the date of enactment of this Act, the Administrator shall have established and implemented a single process for approving unmanned aircraft use in the designated arctic regions regardless of whether the unmanned aircraft is used as a public aircraft, a civil aircraft, or as a model aircraft.

(g) **DEFINITIONS.**—In this section:

(1) **ARCTIC.**—The term “Arctic” means the United States zone of the Chukchi, Beaufort, and Bering Sea north of the Aleutian chain.

(2) **PERMANENT AREAS.**—The term “permanent areas” means areas on land or water that provide for terrestrial launch and recovery of small unmanned aircraft.

SEC. 609. REAUTHORIZATION OF CENTER OF EXCELLENCE IN APPLIED RESEARCH AND TRAINING IN THE USE OF ADVANCED MATERIALS IN TRANSPORT AIRCRAFT.

Section 708(b) of the Vision 100—Century of Aviation Reauthorization Act (49 U.S.C. 44504 note) is amended by striking “\$500,000 for fiscal year 2004” and inserting “\$1,000,000 for each of fiscal years 2008 through 2012”.

SEC. 610. PILOT PROGRAM FOR ZERO EMISSION AIRPORT VEHICLES.

(a) **IN GENERAL.**—Subchapter I of chapter 471 is amended by inserting after section 47136 the following:

“§47136A. Zero emission airport vehicles and infrastructure

“(a) **IN GENERAL.**—The Secretary of Transportation shall establish a pilot program under which the sponsor of a public-use airport may use funds made available under section 47117 or section 48103 for use at such airports or passenger facility revenue (as defined in section 40117(a)(6)) to carry out activities associated with the acquisition and operation of zero emission vehicles (as defined in section 88.120–94 of title 40, Code of Federal Regulations), including the construction or modification of infrastructure to facilitate the delivery of fuel and services necessary for the use of such vehicles. Any use of funds authorized by the preceding sentence shall be considered to be an authorized use of

funds under section 47117 or section 48103, or an authorized use of passenger facility revenue (as defined in section 40117(a)(6)), as the case may be.

“(b) LOCATION IN AIR QUALITY NONATTAINMENT AREAS.—

“(1) IN GENERAL.—A public-use airport shall be eligible for participation in the pilot program only if the airport is located in an air quality nonattainment area (as defined in section 171(2) of the Clean Air Act (42 U.S.C. 7501(2))).

“(2) SHORTAGE OF CANDIDATES.—If the Secretary receives an insufficient number of applications from public-use airports located in such areas, then the Secretary may consider applications from public-use airports that are not located in such areas.

“(c) SELECTION CRITERIA.—In selecting from among applicants for participation in the program, the Secretary shall give priority consideration to applicants that will achieve the greatest air quality benefits measured by the amount of emissions reduced per dollar of funds expended under the program.

“(d) FEDERAL SHARE.—Notwithstanding any other provision of this subchapter, the Federal share of the costs of a project carried out under the program shall be 50 percent.

“(e) TECHNICAL ASSISTANCE.—

“(1) IN GENERAL.—The sponsor of a public-use airport carrying out activities funded under the program may not use more than 10 percent of the amounts made available under the program in any fiscal year for technical assistance in carrying out such activities.

“(2) ELIGIBLE CONSORTIUM.—To the maximum extent practicable, participants in the program shall use an eligible consortium (as defined in section 5506 of this title) in the region of the airport to receive technical assistance described in paragraph (1).

“(f) MATERIALS IDENTIFYING BEST PRACTICES.—The Secretary may develop and make available materials identifying best practices for carrying out activities funded under the program based on projects carried out under section 47136 and other sources.”.

(b) REPORT ON EFFECTIVENESS OF PROGRAM.—Not later than 18 months after the date of enactment of the FAA Air Transportation Modernization and Safety Improvement Act, the Secretary of Transportation shall transmit a report to the Senate Committee on Commerce, Science, and Transportation the House of Representatives Committee on Transportation and Infrastructure containing—

(1) an evaluation of the effectiveness of the pilot program;

(2) an identification of all public-use airports that expressed an interest in participating in the program; and

(3) a description of the mechanisms used by the Secretary to ensure that the information and know-how gained by participants in the program is transferred among the participants and to other interested parties, including other public-use airports.

(c) CONFORMING AMENDMENT.—The table of contents for chapter 471 is amended by inserting after the item relating to section 47136 the following:

“47136A. Zero emission airport vehicles and infrastructure”.

SEC. 611. REDUCTION OF EMISSIONS FROM AIRPORT POWER SOURCES.

(a) IN GENERAL.—Subchapter I of chapter 471 is amended by inserting after section 47140 the following:

“§47140A. Reduction of emissions from airport power sources

“(a) IN GENERAL.—The Secretary of Transportation shall establish a program under which the sponsor of each airport eligible to receive grants under section 48103 is encouraged to as-

sess the airport's energy requirements, including heating and cooling, base load, back-up power, and power for on-road airport vehicles and ground support equipment, in order to identify opportunities to reduce harmful emissions and increase energy efficiency at the airport.

“(b) GRANTS.—The Secretary may make grants under section 48103 to assist airport sponsors that have completed the assessment described in subsection (a) to acquire or construct equipment, including hydrogen equipment and related infrastructure, that will reduce harmful emissions and increase energy efficiency at the airport. To be eligible for such a grant, the sponsor of such an airport shall submit an application to the Secretary, at such time, in such manner, and containing such information as the Secretary may require.”.

(b) CONFORMING AMENDMENT.—The table of contents for chapter 471 is amended by inserting after the item relating to section 47140 the following:

“47140A. Reduction of emissions from airport power sources”.

SEC. 612. SITING OF WINDFARMS NEAR FAA NAVIGATIONAL AIDES AND OTHER ASSETS.

(a) SURVEY AND ASSESSMENT.—

(1) IN GENERAL.—In order to address safety and operational concerns associated with the construction, alteration, establishment, or expansion of wind farms in proximity to critical FAA facilities, the Administrator shall, within 60 days after the date of enactment of this Act, complete a survey and assessment of leases for critical FAA facility sites, including—

(A) an inventory of the leases that describes, for each such lease—

(i) the periodic cost, location, site, terms, number of years remaining, and lessor;

(ii) other Administration facilities that share the leasehold, including surveillance and communications equipment; and

(iii) the type of transmission services supported, including the terms of service, cost, and support contract obligations for the services; and

(B) a list of those leases for facilities located in or near areas suitable for the construction and operation of wind farms, as determined by the Administrator in consultation with the Secretary of Energy.

(2) REPORT.—Upon completion of the survey and assessment, the Administrator shall submit a report to the Senate Committee on Commerce, Science, and Transportation, the House of Representatives Committee on Transportation and Infrastructure, and the Comptroller General containing the Administrator's findings, conclusions, and recommendations.

(b) GAO ASSESSMENT.—

(1) IN GENERAL.—Within 180 days after receiving the Administrator's report under subsection (a)(2), the Comptroller General, in consultation with the Administrator, shall report on—

(A) the current and potential impact of wind farms on the national airspace system;

(B) the extent to which the Department of Defense and the Federal Aviation Administration have guidance, processes, and procedures in place to evaluate the impact of wind farms on the implementation of the Next Generation air traffic control system; and

(C) potential mitigation strategies, if necessary, to ensure that wind farms do not have an adverse impact on the implementation of the Next Generation air traffic control system, including the installation of navigational aides associated with that system.

(c) ISSUANCE OF GUIDELINES; PUBLIC INFORMATION.—

(1) GUIDANCE.—Within 60 days after the Administrator receives the Comptroller's recommendations, the Administrator shall publish

guidelines for the construction and operation of wind farms to be located in proximity to critical Federal Aviation Administration facilities. The guidelines may include—

(A) the establishment of a zone system for wind farms based on proximity to critical FAA assets;

(B) the establishment of turbine height and density limitations on such wind farms;

(C) requirements for notice to the Administration under section 44718(a) of title 49, United States Code, before the construction, alteration, establishment, or expansion of a such a wind farm; and

(D) any other requirements or recommendations designed to address Administration safety or operational concerns related to the construction, alteration, establishment, or expansion of such wind farms.

(2) PUBLIC ACCESS TO INFORMATION.—To the extent feasible, taking into consideration security, operational, and public safety concerns (as determined by the Administrator), the Administrator shall provide public access to information regarding the planning, construction, and operation of wind farms in proximity to critical FAA facilities on, or by linkage from, the homepage of the Federal Aviation Administration's public website.

(d) CONSULTATION WITH OTHER FEDERAL AGENCIES.—In carrying out this section, the Administrator and the Comptroller General shall consult, as appropriate, with the Secretaries of the Army, the Navy, the Air Force, Homeland Security, and Energy—

(1) to coordinate the requirements of each department for future air space needs;

(2) to determine what the acceptable risks are to the existing infrastructure of each department; and

(3) to define the different levels of risk for such infrastructure.

(e) REPORTS.—The Administrator and the Comptroller General shall provide a copy of reports under subsections (a) and (b), respectively, to the Senate Committee on Homeland Security and Governmental Affairs, the Senate Committee on Armed Services, the House of Representatives Committee on Homeland Security, the House of Representatives Committee on Armed Services, and the House of Representatives Committee on Science and Technology, as appropriate.

(f) DEFINITIONS.—In this section:

(1) ADMINISTRATION.—The term “Administration” means the Federal Aviation Administration.

(2) ADMINISTRATOR.—The term “Administrator” means the Administrator of the Federal Aviation Administration.

(3) CRITICAL FAA FACILITIES.—The term “critical FAA facilities” means facilities on which are located navigational aides, surveillance systems, or communications systems used by the Administration in administration of the national airspace system.

(4) WIND FARM.—The term “wind farm” means an installation of 1 or more wind turbines used for the generation of electricity.

SEC. 613. RESEARCH AND DEVELOPMENT FOR EQUIPMENT TO CLEAN AND MONITOR THE ENGINE AND APU BLEED AIR SUPPLIED ON PRESSURIZED AIRCRAFT.

(a) IN GENERAL.—Not later than 60 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall, to the degree practicable, implement a research program for the identification or development of appropriate and effective air cleaning technology and sensor technology for the engine and auxiliary power unit (APU) bleed air supplied to the passenger cabin and flight deck of all pressurized aircraft.

(b) **TECHNOLOGY REQUIREMENTS.**—The technology referred to in subsection (a) should, at a minimum, have the capacity—

(1) to remove oil-based contaminants from the bleed air supplied to the passenger cabin and flight deck; and

(2) to detect and record oil-based contaminants in the portion of the total air supplied to the passenger cabin and flight deck from bleed air.

(c) **REPORT.**—Not later than 1 year after the date of enactment of this Act, the Administrator shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the results of the research and development work carried out under this section.

(d) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated such sums as are necessary to carry out this section.

TITLE VII—MISCELLANEOUS

SEC. 701. GENERAL AUTHORITY.

(a) **THIRD PARTY LIABILITY.**—Section 44303(b) is amended by striking “December 31, 2009,” and inserting “December 31, 2012.”

(b) **EXTENSION OF PROGRAM AUTHORITY.**—Section 44310 is amended by striking “December 31, 2013.” and inserting “October 1, 2017.”

(c) **WAR RISK.**—Section 44302(f)(1) is amended—

(1) by striking “September 30, 2009,” and inserting “September 30, 2011,”; and

(2) by striking “December 31, 2009,” and inserting “December 31, 2011.”

SEC. 702. HUMAN INTERVENTION MANAGEMENT STUDY.

Within 6 months after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall develop a Human Intervention Management Study program for cabin crews employed by commercial air carriers in the United States.

SEC. 703. AIRPORT PROGRAM MODIFICATIONS.

The Administrator of the Federal Aviation Administration—

(1) shall establish a formal, structured certification training program for the airport concessions disadvantaged business enterprise program; and

(2) may appoint 3 additional staff to implement the programs of the airport concessions disadvantaged business enterprise initiative.

SEC. 704. MISCELLANEOUS PROGRAM EXTENSIONS.

(a) **MARSHALL ISLANDS, FEDERATED STATES OF MICRONESIA, AND PALAU.**—Section 47115(j) is amended by striking “2009,” and inserting “2011.”

(b) **MIDWAY ISLAND AIRPORT.**—Section 186(d) of the Vision 100—Century of Aviation Reauthorization Act (117 Stat. 2518) is amended by striking “2009,” and inserting “2011.”

SEC. 705. EXTENSION OF COMPETITIVE ACCESS REPORTS.

Section 47107(s) is amended by striking paragraph (3).

SEC. 706. UPDATE ON OVERFLIGHTS.

(a) **IN GENERAL.**—Section 45301(b) is amended to read as follows:

“(b) **LIMITATIONS.**—

“(1) **IN GENERAL.**—In establishing fees under subsection (a), the Administrator shall ensure that the fees required by subsection (a) are reasonably related to the Administration’s costs, as determined by the Administrator, of providing the services rendered. Services for which costs may be recovered include the costs of air traffic control, navigation, weather services, training, and emergency services which are available to facilitate safe transportation over the United States, and other services provided by the Administrator or by programs financed by the Ad-

ministrator to flights that neither take off nor land in the United States. The determination of such costs by the Administrator is not subject to judicial review.

“(2) **ADJUSTMENT OF FEES.**—The Administrator shall adjust the overflight fees established by subsection (a)(1) by expedited rulemaking and begin collections under the adjusted fees by October 1, 2010. In developing the adjusted overflight fees, the Administrator shall seek and consider the recommendations, if any, offered by the Aviation Rulemaking Committee for Overflight Fees that are intended to ensure that overflight fees are reasonably related to the Administrator’s costs of providing air traffic control and related services to overflights. In addition, the Administrator may periodically modify the fees established under this section either on the Administrator’s own initiative or on a recommendation from the Air Traffic Control Modernization Board.

“(3) **COST DATA.**—The adjustment of overflight fees under paragraph (2) shall be based on the costs to the Administration of providing the air traffic control and related activities, services, facilities, and equipment using the available data derived from the Administration’s cost accounting system and cost allocation system to users, as well as budget and operational data.

“(4) **AIRCRAFT ALTITUDE.**—Nothing in this section shall require the Administrator to take into account aircraft altitude in establishing any fee for aircraft operations in en route or oceanic airspace.

“(5) **COSTS DEFINED.**—In this subsection, the term ‘costs’ means those costs associated with the operation, maintenance, debt service, and overhead expenses of the services provided and the facilities and equipment used in such services, including the projected costs for the period during which the services will be provided.

“(6) **PUBLICATION; COMMENT.**—The Administrator shall publish in the Federal Register any fee schedule under this section, including any adjusted overflight fee schedule, and the associated collection process as a proposed rule, pursuant to which public comment will be sought and a final rule issued.”

(b) **ADMINISTRATIVE PROVISION.**—Section 45303(c)(2) is amended to read as follows:

“(2) shall be available to the Administrator for expenditure for purposes authorized by Congress for the Federal Aviation Administration, however, fees established by section 45301(a)(1) of this title shall be available only to pay the cost of activities and services for which the fee is imposed, including the costs to determine, assess, review, and collect the fee; and”

SEC. 707. TECHNICAL CORRECTIONS.

Section 40122(g), as amended by section 307 of this Act, is further amended—

(1) by striking “section 2302(b), relating to whistleblower protection,” in paragraph (2)(A) and inserting “sections 2301 and 2302,”;

(2) by striking “and” after the semicolon in paragraph (2)(H);

(3) by striking “Plan.” in paragraph (2)(I)(iii) and inserting “Plan;”;

(4) by adding at the end of paragraph (2) the following:

“(J) section 5596, relating to back pay; and

“(K) sections 6381 through 6387, relating to Family and Medical Leave.”; and

(5) by adding at the end of paragraph (3) “Notwithstanding any other provision of law, retroactive to April 1, 1996, the Board shall have the same remedial authority over such employee appeals that it had as of March 31, 1996.”

SEC. 708. FAA TECHNICAL TRAINING AND STAFFING.

(a) **STUDY.**—

(1) **IN GENERAL.**—The Comptroller General shall conduct a study of the training of airway transportation systems specialists of the Federal Aviation Administration that includes—

(A) an analysis of the type of training provided to such specialists;

(B) an analysis of the type of training that such specialists need to be proficient in the maintenance of the latest technologies;

(C) actions that the Administration has undertaken to ensure that such specialists receive up-to-date training on such technologies;

(D) the amount and cost of training provided by vendors for such specialists;

(E) the amount and cost of training provided by the Administration after developing in-house training courses for such specialists;

(F) the amount and cost of travel required of such specialists in receiving training; and

(G) a recommendation regarding the most cost-effective approach to providing such training.

(2) **REPORT.**—Within 1 year after the date of enactment of this Act, the Comptroller General shall transmit a report on the study containing the Comptroller General’s findings and recommendations to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure.

(b) **STUDY BY NATIONAL ACADEMY OF SCIENCES.**—

(1) **IN GENERAL.**—Not later than 90 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall contract with the National Academy of Sciences to conduct a study of the assumptions and methods used by the Federal Aviation Administration to estimate staffing needs for Federal Aviation Administration air traffic controllers, system specialists, and engineers to ensure proper maintenance, certification, and operation of the National Airspace System. The National Academy of Sciences shall consult with the Exclusive Bargaining Representative certified under section 7111 of title 5, United States Code, and the Administration (including the Civil Aeronautical Medical Institute) and examine data entailing human factors, traffic activity, and the technology at each facility.

(2) **CONTENTS.**—The study shall include—

(A) recommendations for objective staffing standards that maintain the safety of the National Airspace System; and

(B) the approximate length of time for developing such standards.

(3) **REPORT.**—Not later than 24 months after executing a contract under subsection (a), the National Academy of Sciences shall transmit a report containing its findings and recommendations to the Congress.

(c) **AVIATION SAFETY INSPECTORS.**—

(1) **SAFETY STAFFING MODEL.**—Within 12 months after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall develop a staffing model for aviation safety inspectors. In developing the model, the Administrator shall consult with representatives of the aviation safety inspectors and other interested parties.

(2) **SAFETY INSPECTOR STAFFING.**—The Federal Aviation Administration aviation safety inspector staffing requirement shall be no less than the staffing levels indicated as necessary in the staffing model described under subsection (a).

(d) **ALASKA FLIGHT SERVICE STATIONS.**—Not later than 180 days after the date of the enactment of this Act, the Administrator, in conjunction with flight service station personnel, shall submit a report to Congress on the future of flight service stations in Alaska, which includes—

(1) an analysis of the number of flight service specialists needed, the training needed by such personnel, and the need for a formal training and hiring program for such personnel;

(2) a schedule for necessary inspection, upgrades, and modernization of stations and equipment; and

(3) a description of the interaction between flight service stations operated by the Administration and flight service stations operated by contractors.

SEC. 709. COMMERCIAL AIR TOUR OPERATORS IN NATIONAL PARKS.

(a) SECRETARY OF THE INTERIOR AND OVERFLIGHTS OF NATIONAL PARKS.—

(1) Section 40128 is amended—

(A) by striking paragraph (8) of subsection (f);
(B) by striking “Director” each place it appears and inserting “Secretary of the Interior”;
(C) by striking “National Park Service” in subsection (a)(2)(B)(vi) and inserting “Department of the Interior”; and

(D) in subsection (b)—

(i) in paragraph (1)—

(I) in subparagraph (A)—

(aa) by striking “, in cooperation with” and inserting “and”; and

(bb) by striking “The air tour” and all that follows; and

(II) by redesignating subparagraph (B) as subparagraph (C);

(III) by inserting after subparagraph (A) the following:

“(B) PROCESS AND APPROVAL.—The Federal Aviation Administration has sole authority to control airspace over the United States. The National Park Service has the sole responsibility for conserving the scenery and natural resources in National Parks and providing for the enjoyment of the National Parks unimpaired for future generations. Each air tour management plan shall be—

“(i) developed through a public process that complies with paragraph (4); and

“(ii) approved by the Administrator and the Director.”; and

(IV) by adding at the end the following:

“(D) EXCEPTION.—An application to begin commercial air tour operations at Crater Lake National Park may be denied without the establishment of an air tour management plan by the Director of the National Park Service if the Director determines that such operations would unacceptably impact park resources or visitor experiences.”; and

(ii) in paragraph (4)(C), by striking “National Park Service” and inserting “Department of the Interior”.

(2) The National Parks Air Tour Management Act of 2000 (49 U.S.C. 40128 note) is amended—

(A) by striking “Director” in section 804(b) and inserting “Secretary of the Interior”;
(B) in section 805—

(i) by striking “Director of the National Park Service” in subsection (a) and inserting “Secretary of the Interior”;
(ii) by striking “Director” each place it appears and inserting “Secretary of the Interior”;
(iii) by striking “National Park Service” each place it appears in subsection (b) and inserting “Department of the Interior”;
(iv) by striking “National Park Service” in subsection (d)(2) and inserting “Department of the Interior”; and

(C) in section 807—

(i) by striking “National Park Service” in subsection (a)(1) and inserting “Department of the Interior”; and
(ii) by striking “Director of the National Park Service” in subsection (b) and inserting “Secretary of the Interior”.

(b) ALLOWING OVERFLIGHTS IN CASE OF AGREEMENT.—Paragraph (1) of subsection (a) of section 40128 is amended—

(1) by striking “and” after the semicolon in subparagraph (B);

(2) by striking “lands,” in subparagraph (C) and inserting “lands; and”; and

(3) by adding at the end the following:

“(D) in accordance with a voluntary agreement between the commercial air tour operator

and appropriate representatives of the national park or tribal lands, as the case may be.”.

(c) MODIFICATION OF INTERIM OPERATING AUTHORITY.—Section 40128(c)(2)(I) is amended to read as follows:

“(I) may allow for modifications of the interim operating authority without further environmental process, if—

“(i) adequate information on the existing and proposed operations of the commercial air tour operator is provided to the Administrator and the Secretary by the operator seeking operating authority;

“(ii) the Administrator determines that the modifications would not adversely affect aviation safety or the management of the national airspace system; and

“(iii) the Secretary agrees that the modifications would not adversely affect park resources and visitor experiences.”.

(d) REPORTING REQUIREMENTS FOR COMMERCIAL AIR TOUR OPERATORS.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, and annually thereafter, each commercial air tour conducting commercial air tour operations over a national park shall report to the Administrator of the Federal Aviation Administration and the Secretary of the Interior on—

(A) the number of commercial air tour operations conducted by such operator over the national park each day;

(B) any relevant characteristics of commercial air tour operations, including the routes, altitudes, duration, and time of day of flights; and

(C) such other information as the Administrator and the Secretary may determine necessary to administer the provisions of the National Parks Air Tour Management Act of 2000 (49 U.S.C. 40128 note).

(2) FORMAT.—The report required by paragraph (1) shall be submitted in such form as the Administrator and the Secretary determine to be appropriate.

(3) EFFECT OF FAILURE TO REPORT.—The Administrator shall rescind the operating authority of a commercial air tour operator that fails to file a report not later than 180 days after the date for the submittal of the report described in paragraph (1).

(4) AUDIT OF REPORTS.—Not later than 2 years after the date of the enactment of this Act, and at such times thereafter as the Inspector General of the Department of Transportation determines necessary, the Inspector General shall audit the reports required by paragraph (1).

(e) COLLECTION OF FEES FROM AIR TOUR OPERATIONS.—

(1) IN GENERAL.—The Secretary of the Interior shall assess a fee in an amount determined by the Secretary under paragraph (2) on a commercial air tour operator conducting commercial air tour operations over a national park.

(2) AMOUNT OF FEE.—In determining the amount of the fee assessed under paragraph (1), the Secretary shall collect sufficient revenue, in the aggregate, to pay for the expenses incurred by the Federal Government to develop air tour management plans for national parks.

(3) EFFECT OF FAILURE TO PAY FEE.—The Administrator of the Federal Aviation Administration shall revoke the operating authority of a commercial air tour operator conducting commercial air tour operations over any national park, including the Grand Canyon National Park, that has not paid the fee assessed by the Secretary under paragraph (1) by the date that is 180 days after the date on which the Secretary determines the fee shall be paid.

(f) FUNDING FOR AIR TOUR MANAGEMENT PLANS.—The Secretary of the Interior shall use the amounts collected under subsection (e) to develop air tour management plans under section 40128(b) of title 49, United States Code, for

the national parks the Secretary determines would most benefit from such a plan.

(g) GUIDANCE TO DISTRICT OFFICES ON COMMERCIAL AIR TOUR OPERATORS.—The Administrator of the Federal Aviation Administration shall provide to the Administration’s district offices clear guidance on the ability of commercial air tour operators to obtain—

(1) increased safety certifications;

(2) exemptions from regulations requiring safety certifications; and

(3) other information regarding compliance with the requirements of this Act and other Federal and State laws and regulations.

(h) OPERATING AUTHORITY OF COMMERCIAL AIR TOUR OPERATORS.—

(1) TRANSFER OF OPERATING AUTHORITY.—

(A) IN GENERAL.—Subject to subparagraph (B), a commercial air tour operator that obtains operating authority from the Administrator under section 40128 of title 49, United States Code, to conduct commercial air tour operations may transfer such authority to another commercial air tour operator at any time.

(B) NOTICE.—Not later than 30 days before the date on which a commercial air tour operator transfers operating authority under subparagraph (A), the operator shall notify the Administrator and the Secretary of the intent of the operator to transfer such authority.

(C) REGULATIONS.—Not later than 180 days after the date of the enactment of this Act, the Administrator shall prescribe regulations to allow transfers of operating authority described in subparagraph (A).

(2) TIME FOR DETERMINATION REGARDING OPERATING AUTHORITY.—Notwithstanding any other provision of law, the Administrator shall determine whether to grant a commercial air tour operator operating authority under section 40128 of title 49, United States Code, not later than 180 days after the earlier of the date on which—

(A) the operator submits an application; or

(B) an air tour management plan is completed for the national park over which the operator seeks to conduct commercial air tour operations.

(3) INCREASE IN INTERIM OPERATING AUTHORITY.—The Administrator and the Secretary may increase the interim operating authority while an air tour management plan is being developed for a park if—

(A) the Secretary determines that such an increase does not adversely impact park resources or visitor experiences; and

(B) the Administrator determines that granting interim operating authority does not adversely affect aviation safety or the management of the national airspace system.

(4) ENFORCEMENT OF OPERATING AUTHORITY.—The Administrator is authorized and directed to enforce the requirements of this Act and any agency rules or regulations related to operating authority.

SEC. 710. PHASEOUT OF STAGE 1 AND 2 AIRCRAFT.

(a) IN GENERAL.—Subchapter II of chapter 475 is amended by adding at the end the following:

“§47534. Prohibition on operating certain aircraft weighing 75,000 pounds or less not complying with Stage 3 noise levels

“(a) PROHIBITION.—Except as provided in subsection (b), (c), or (d), a person may not operate a civil subsonic turbojet with a maximum weight of 75,000 pounds or less to or from an airport in the United States unless the Secretary of Transportation finds that the aircraft complies with stage 3 noise levels.

“(b) EXCEPTION.—Subsection (a) shall not apply to aircraft operated only outside the 48 contiguous States.

“(c) OPT-OUT.—Subsection (a) shall not apply at an airport where the airport operator has notified the Secretary that it wants to continue to

permit the operation of civil subsonic turbojets with a maximum weight of 75,000 pounds or less that do not comply with stage 3 noise levels. The Secretary shall post the notices received under this subsection on its website or in another place easily accessible to the public.

“(d) **LIMITATION.**—The Secretary shall permit a person to operate Stage 1 and Stage 2 aircraft with a maximum weight of 75,000 pounds or less to or from an airport in the contiguous 48 States in order—

“(1) to sell, lease, or use the aircraft outside the 48 contiguous States;

“(2) to scrap the aircraft;

“(3) to obtain modifications to the aircraft to meet stage 3 noise levels;

“(4) to perform scheduled heavy maintenance or significant modifications on the aircraft at a maintenance facility located in the contiguous 48 States;

“(5) to deliver the aircraft to an operator leasing the aircraft from the owner or return the aircraft to the lessor;

“(6) to prepare or park or store the aircraft in anticipation of any of the activities described in paragraphs (1) through (5); or

“(7) to divert the aircraft to an alternative airport in the 48 contiguous States on account of weather, mechanical, fuel air traffic control or other safety reasons while conducting a flight in order to perform any of the activities described in paragraphs (1) through (6).

“(e) **STATUTORY CONSTRUCTION.**—Nothing in the section may be construed as interfering with, nullifying, or otherwise affecting determinations made by the Federal Aviation Administration, or to be made by the Administration, with respect to applications under part 161 of title 14, Code of Federal Regulations, that were pending on the date of enactment of the Aircraft Noise Reduction Act of 2006.”

(b) **CONFORMING AMENDMENTS.**—

(1) Section 47531 is amended by striking “47529, or 47530” and inserting “47529, 47530, or 47534”.

(2) Section 47532 is amended by striking “47528–47531” and inserting “47528 through 47531 or 47534”.

(3) The table of contents for chapter 475 is amended by inserting after the item relating to section 47533 the following:

“47534. Prohibition on operating certain aircraft weighing 75,000 pounds or less not complying with Stage 3 noise levels”.

(c) **EFFECTIVE DATE.**—The amendments made by this section shall take effect 5 years after the date of enactment of this Act.

SEC. 711. WEIGHT RESTRICTIONS AT TETERBORO AIRPORT.

On and after the date of the enactment of this Act, the Administrator of the Federal Aviation Administration is prohibited from taking actions designed to challenge or influence weight restrictions or prior permission rules at Teterboro Airport in Teterboro, New Jersey, except in an emergency.

SEC. 712. PILOT PROGRAM FOR REDEVELOPMENT OF AIRPORT PROPERTIES.

(a) **IN GENERAL.**—Within 1 year after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall establish a pilot program at up to 4 public-use airports for local airport operators that have submitted a noise compatibility program approved by the Federal Aviation Administration under section 47504 of title 49, United States Code, under which such airport operators may use funds made available under section 47117(e) of that title, or passenger facility revenue collected under section 40117 of that title, in partnership with affected neighboring local jurisdictions, to support joint planning, engineering design, and environmental permitting for the assembly and

redevelopment of property purchased with noise mitigation funds or passenger facility charge funds, to encourage airport-compatible land uses and generate economic benefits to the local airport authority and adjacent community.

(b) **NOISE COMPATIBILITY MEASURES.**—Section 47504(a)(2) is amended—

(1) by striking “and” after the semicolon in subparagraph (D);

(2) by striking “operations.” in subparagraph (E) and inserting “operations; and”; and

(3) by adding at the end the following:

“(F) joint comprehensive land use planning including master plans, traffic studies, environmental evaluation and economic and feasibility studies, with neighboring local jurisdictions undertaking community redevelopment in the area where the land or other property interest acquired by the airport operator pursuant to this subsection is located, to encourage and enhance redevelopment opportunities that reflect zoning and uses that will prevent the introduction of additional incompatible uses and enhance redevelopment potential.”

(c) **GRANT REQUIREMENTS.**—The Administrator may not make a grant under subsection (a) unless the grant is made—

(1) to enable the airport operator and local jurisdictions undertaking the community redevelopment effort to expedite redevelopment efforts;

(2) subject to a requirement that the local jurisdiction governing the property interests in question has adopted zoning regulations that permit airport compatible redevelopment; and

(3) subject to a requirement that, in determining the part of the proceeds from disposing of the land that is subject to repayment or reinvestment under section 47107(c)(2)(A) of title 49, United States Code, the total amount of the grant issued under this section shall be added to the amount of any grants issued for acquisition of land.

(d) **DEMONSTRATION GRANTS.**—

(1) **IN GENERAL.**—The Administrator shall provide grants for up to 4 pilot property redevelopment projects distributed geographically and targeted to airports that demonstrate—

(A) a readiness to implement cooperative land use management and redevelopment plans with the adjacent community; and

(B) the probability of clear economic benefit to the local community and financial return to the airport through the implementation of the redevelopment plan.

(2) **FEDERAL SHARE.**—

(A) Notwithstanding any other provision of law, the Federal share of the allowable costs of a project carried out under the pilot program shall be 80 percent.

(B) In determining the allowable costs, the Administrator shall deduct from the total costs of the activities described in subsection (a) that portion of the costs which is equal to that portion of the total property to be redeveloped under this section that is not owned or to be acquired by the airport operator pursuant to the noise compatibility program or that is not owned by the affected neighboring local jurisdictions or other public entities.

(3) **MAXIMUM AMOUNT.**—Not more than \$5,000,000 in funds made available under section 47117(e) of title 49, United States Code, may be expended under the pilot program at any single public-use airport.

(4) **EXCEPTION.**—Amounts paid to the Administrator under subsection (c)(3)—

(A) shall be in addition to amounts authorized under section 48203 of title 49, United States Code;

(B) shall not be subject to any limitation on grant obligations for any fiscal year; and

(C) shall remain available until expended.

(e) **USE OF PASSENGER REVENUE.**—An airport sponsor that owns or operates an airport par-

ticipating in the pilot program may use passenger facility revenue collected under section 40117 of title 49, United States Code, to pay any project cost described in subsection (a) that is not financed by a grant under the program.

(f) **SUNSET.**—This section, other than the amendments made by subsections (b), shall not be in effect after September 30, 2011.

(g) **REPORT TO CONGRESS.**—The Administrator shall report to Congress within 18 months after making the first grant under this section on the effectiveness of this program on returning part 150 lands to productive use.

SEC. 713. TRANSPORTING MUSICAL INSTRUMENTS.

(a) **IN GENERAL.**—Subchapter I of chapter 417 is amended by adding at the end thereof the following:

“§41724. Musical instruments

“(a) **IN GENERAL.**—

“(1) **SMALL INSTRUMENTS AS CARRY-ON BAGGAGE.**—An air carrier providing air transportation shall permit a passenger to carry a violin, guitar, or other musical instrument in the aircraft cabin without charge if—

“(A) the instrument can be stowed safely in a suitable baggage compartment in the aircraft cabin or under a passenger seat; and

“(B) there is space for such stowage at the time the passenger boards the aircraft.

“(2) **LARGER INSTRUMENTS AS CARRY-ON BAGGAGE.**—An air carrier providing air transportation shall permit a passenger to carry a musical instrument that is too large to meet the requirements of paragraph (1) in the aircraft cabin without charge if—

“(A) the instrument is contained in a case or covered so as to avoid injury to other passengers;

“(B) the weight of the instrument, including the case or covering, does not exceed 165 pounds;

“(C) the instrument can be secured by a seat belt to avoid shifting during flight;

“(D) the instrument does not restrict access to, or use of, any required emergency exit, regular exit, or aisle;

“(E) the instrument does not obscure any passenger's view of any illuminated exit, warning, or other informational sign;

“(F) neither the instrument nor the case contains any object not otherwise permitted to be carried in an aircraft cabin because of a law or regulation of the United States; and

“(G) the passenger wishing to carry the instrument in the aircraft cabin has purchased an additional seat to accommodate the instrument.

“(3) **LARGE INSTRUMENTS AS CHECKED BAGGAGE.**—An air carrier shall transport as baggage, without charge, a musical instrument that is the property of a passenger traveling in air transportation that may not be carried in the aircraft cabin if—

“(A) the sum of the length, width, and height measured in inches of the outside linear dimensions of the instrument (including the case) does not exceed 150 inches; and

“(B) the weight of the instrument does not exceed 165 pounds.

“(b) **REGULATIONS.**—The Secretary may prescribe such regulations as may be necessary or appropriate to implement subsection (a).”

(b) **CONFORMING AMENDMENT.**—The table of contents for chapter 417 is amended by inserting after the item relating to section 41723 the following:

“41724. Musical instruments”.

(c) **EFFECTIVE DATE.**—The amendments made by this section shall take effect 30 days after the date of enactment of this Act.

SEC. 714. RECYCLING PLANS FOR AIRPORTS.

(a) **AIRPORT PLANNING.**—Section 47102(5) is amended by striking “planning.” and inserting

"planning and a plan for recycling and minimizing the generation of airport solid waste, consistent with applicable State and local recycling laws, including the cost of a waste audit."

(b) MASTER PLAN.—Section 47106(a) is amended—

(1) by striking "and" in paragraph (4);

(2) by striking "proposed." in paragraph (5) and inserting "proposed; and"; and

(3) by adding at the end the following:

"(6) if the project is for an airport that has an airport master plan, the master plan addresses—

"(A) the feasibility of solid waste recycling at the airport;

"(B) minimizing the generation of solid waste at the airport;

"(C) operation and maintenance requirements;

"(D) the review of waste management contracts;

"(E) the potential for cost savings or the generation of revenue; and

"(F) training and education requirements."

SEC. 715. DISADVANTAGED BUSINESS ENTERPRISE PROGRAM ADJUSTMENTS.

(a) PURPOSE.—It is the purpose of the airport disadvantaged business enterprise program (49 U.S.C. 47107(e) and 47113) to ensure that minority- and women-owned businesses do not face barriers because of their race or gender and so that they have a fair opportunity to compete in Federally assisted airport contracts and concessions.

(b) FINDINGS.—The Congress finds the following:

(1) While significant progress has occurred due to the enactment of the airport disadvantaged business enterprise program (49 U.S.C. 47107(e) and 47113), discrimination continues to be a barrier for minority- and women-owned businesses seeking to do business in airport-related markets. This continuing barrier merits the continuation of the airport disadvantaged business enterprise program.

(2) The Congress has received recent evidence of discrimination from numerous sources, including congressional hearings and roundtables, scientific reports, reports issued by public and private agencies, news stories, reports of discrimination by organizations and individuals, and discrimination lawsuits. This evidence also shows that race- and gender-neutral efforts alone are insufficient to address the problem.

(3) This evidence demonstrates that discrimination across the nation poses a barrier to full and fair participation in airport related businesses of women business owners and minority business owners in the racial groups detailed in parts 23 and 26 of title 49, Code of Federal Regulations, and has impacted firm development and many aspects of airport related business in the public and private markets.

(4) This evidence provides a strong basis for the continuation of the airport disadvantaged business enterprise program and the airport concessions disadvantaged business enterprise program.

(c) IN GENERAL.—Section 47107(e) is amended—

(1) by redesignating paragraph (8) as paragraph (9); and

(2) by inserting after paragraph (7) the following:

"(8) MANDATORY TRAINING PROGRAM FOR AIRPORT CONCESSIONS.—

"(A) IN GENERAL.—Not later than one year after the date of enactment of the FAA Air Transportation Modernization and Safety Improvement Act, the Secretary shall establish a mandatory training program for persons described in subparagraph (C) on the certification of whether a small business concern in airport concessions qualifies as a small business concern

owned and controlled by a socially and economically disadvantaged individual for purposes of paragraph (1).

"(B) IMPLEMENTATION.—The training program may be implemented by one or more private entities approved by the Secretary.

"(C) PARTICIPANTS.—A person referred to in paragraph (1) is an official or agent of an airport owner or operator who is required to provide a written assurance under paragraph (1) that the airport owner or operator will meet the percentage goal of paragraph (1) or who is responsible for determining whether or not a small business concern in airport concessions qualifies as a small business concern owned and controlled by a socially and economically disadvantaged individual for purposes of paragraph (1).

"(D) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary such sums as may be necessary to carry out this paragraph."

(d) REPORT.—Not later than 24 months after the date of enactment of this Act, the Secretary shall submit a report to the Senate Committee on Commerce, Science, and Transportation, the House of Representatives Committee on Transportation and Infrastructure, and other appropriate committees of Congress on the results of the training program conducted under section 47107(e)(8) of title 49, United States Code, as added by subsection (a).

(e) DISADVANTAGED BUSINESS ENTERPRISE PERSONAL NET WORTH CAP; BONDING REQUIREMENTS.—Section 47113 is amended by adding at the end the following:

"(e) PERSONAL NET WORTH CAP.—Not later than 180 days after the date of enactment of the FAA Air Transportation Modernization and Safety Improvement Act, the Secretary shall issue final regulations to adjust the personal net worth cap used in determining whether an individual is economically disadvantaged for purposes of qualifying under the definition contained in subsection (a)(2) and under section 47107(e). The regulations shall correct for the impact of inflation since the Small Business Administration established the personal net worth cap at \$750,000 in 1989.

"(f) EXCLUSION OF RETIREMENT BENEFITS.—

"(1) IN GENERAL.—In calculating a business owner's personal net worth, any funds held in a qualified retirement account owned by the business owner shall be excluded, subject to regulations to be issued by the Secretary.

"(2) REGULATIONS.—Not later than one year after the date of enactment of the FAA Air Transportation Modernization and Safety Improvement Act, the Secretary shall issue final regulations to implement paragraph (1), including consideration of appropriate safeguards, such as a limit on the amount of such accounts, to prevent circumvention of personal net worth requirements.

"(g) PROHIBITION ON EXCESSIVE OR DISCRIMINATORY BONDING REQUIREMENTS.—

"(1) IN GENERAL.—The Secretary shall establish a program to eliminate barriers to small business participation in airport-related contracts and concessions by prohibiting excessive, unreasonable, or discriminatory bonding requirements for any project funded under this chapter or using passenger facility revenues under section 40117.

"(2) REGULATIONS.—Not later than one year after the date of enactment of the FAA Air Transportation Modernization and Safety Improvement Act, the Secretary shall issue a final rule to establish the program under paragraph (1)."

SEC. 716. FRONT LINE MANAGER STAFFING.

(a) STUDY.—Not later than 45 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall initiate a study on front line manager staffing requirements in air traffic control facilities.

(b) CONSIDERATIONS.—In conducting the study, the Administrator may take into consideration—

(1) the number of supervisory positions of operation requiring watch coverage in each air traffic control facility;

(2) coverage requirements in relation to traffic demand;

(3) facility type;

(4) complexity of traffic and managerial responsibilities;

(5) proficiency and training requirements; and

(6) such other factors as the Administrator considers appropriate.

(c) DETERMINATIONS.—The Administrator shall transmit any determinations made as a result of the study to the Chief Operating Officer for the air traffic control system.

(d) REPORT.—Not later than 180 days after the date of enactment of this Act, the Administrator shall submit to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure a report on the results of the study and a description of any determinations submitted to the Chief Operating Officer under subsection (c).

SEC. 717. STUDY OF HELICOPTER AND FIXED WING AIR AMBULANCE SERVICES.

(a) IN GENERAL.—The Comptroller General shall conduct a study of the helicopter and fixed-wing air ambulance industry. The study shall include information, analysis, and recommendations pertinent to ensuring a safe air ambulance industry.

(b) REQUIRED INFORMATION.—In conducting the study, the Comptroller General shall obtain detailed information on the following aspects of the air ambulance industry:

(1) A review of the industry, for part 135 certificate holders and indirect carriers providing helicopter and fixed-wing air ambulance services, including—

(A) a listing of the number, size, and location of helicopter and fixed-wing aircraft and their flight bases;

(B) affiliations of certificate holders and indirect carriers with hospitals, governments, and other entities;

(C) coordination of air ambulance services, with each other, State and local emergency medical services systems, referring entities, and receiving hospitals;

(D) nature of services contracts, sources of payment, financial relationships between certificate holders and indirect carriers providing air ambulance services and referring entities, and costs of operations; and

(E) a survey of business models for air ambulance operations, including expenses, structure, and sources of income.

(2) Air ambulance request and dispatch practices, including the various types of protocols, models, training, certifications, and air medical communications centers relating to part 135 certificate holders and indirect carriers providing helicopter and fixed-wing air ambulance services, including—

(A) the practices that emergency and medical officials use to request an air ambulance;

(B) information on whether economic or other nonmedical factors lead to air ambulance transport when it is not medically needed, appropriate, or safe; and

(C) the cause, occurrence, and extent of delays in air ambulance transport.

(3) Economic and medical issues relating to the air ambulance industry, including—

(A) licensing;

(B) certificates of need;

(C) public convenience and necessity requirements;

(D) assignment of geographic coverage areas;

(E) accreditation requirements;

(F) compliance with dispatch procedures; and
(G) requirements for medical equipment and personnel onboard the aircraft.

(4) Such other matters as the Comptroller General considers relevant to the purpose of the study.

(c) **ANALYSIS AND RECOMMENDATIONS.**—Based on information obtained under subsection (b) and other information the Comptroller General considers appropriate, the report shall also include an analysis and specific recommendations, as appropriate, related to—

(1) the relationship between State regulation and Federal preemption of rates, routes, and services of air ambulances;

(2) the extent to which Federal law may impact existing State regulation of air ambulances and the potential effect of greater State regulation—

(A) in the air ambulance industry, on the economic viability of air ambulance services, the availability and coordination of service, and costs of operations both in rural and highly populated areas;

(B) on the quality of patient care and outcomes; and

(C) on competition and safety; and

(3) whether systemic or other problems exist on a statewide, regional, or national basis with the current system governing air ambulances.

(d) **REPORT.**—Not later than June 1, 2010, the Comptroller General shall submit a report to the Secretary of Transportation, the Senate Committee on Commerce, Science, and Transportation, and the House of Representatives Committee on Transportation and Infrastructure containing the Government Accountability Office's findings and recommendations regarding the study under this section.

(e) **ADOPTION OF RECOMMENDED POLICY CHANGES.**—Not later than 60 days after the date of receipt of the report under subsection (d), the Secretary shall issue a report to the Senate Committee on Commerce, Science, and Transportation, and the House of Representatives Committee on Transportation and Infrastructure that—

(1) specifies which, if any, policy changes recommended by the Comptroller General and any other policy changes with respect to air ambulances the Secretary will adopt and implement; and

(2) includes recommendations for legislative change, if appropriate

(f) **PART 135 CERTIFICATE HOLDER DEFINED.**—In this section, the term “part 135 certificate holder” means a person holding a certificate issued under part 135 of title 14, Code of Federal Regulations.

SEC. 718. REPEAL OF CERTAIN LIMITATIONS ON METROPOLITAN WASHINGTON AIRPORTS AUTHORITY.

(a) **IN GENERAL.**—Section 49108 is repealed.

(b) **CONFORMING REPEAL.**—The table of sections for chapter 491 is amended by striking the item relating to section 49108.

SEC. 719. STUDY OF AERONAUTICAL MOBILE TELEMETRY.

Not later than 180 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration, in consultation with other Federal agencies, shall submit a report to the Senate Committee on Commerce, Science, and Transportation, the House of Representatives Committee on Science and Technology, and the House of Representatives Committee on Energy and Commerce that identifies—

(1) the current and anticipated need over the next decade by civil aviation, including equipment manufacturers, for aeronautical mobile telemetry services; and

(2) the potential impact to the aerospace industry of the introduction of a new radio service

operating in the same spectrum allocated to the aeronautical mobile telemetry service.

SEC. 720. FLIGHTCREW MEMBER PAIRING AND CREW RESOURCE MANAGEMENT TECHNIQUES.

(a) **STUDY.**—The Administrator of the Federal Aviation Administration shall conduct a study on aviation industry best practices with regard to flightcrew member pairing, crew resource management techniques, and pilot commuting.

(b) **REPORT.**—Not later than one year after the date of enactment of this Act, the Administrator shall submit a report to the House of Representatives Committee on Transportation and Infrastructure and the Senate Committee on Commerce, Science, and Transportation on the results of the study.

SEC. 721. CONSOLIDATION OR ELIMINATION OF OBSOLETE, REDUNDANT, OR OTHERWISE UNNECESSARY REPORTS; USE OF ELECTRONIC MEDIA FORMAT.

(a) **CONSOLIDATION OR ELIMINATION OF REPORTS.**—No later than 2 years after the date of enactment of this Act, and every 2 years thereafter, the Administrator of the Federal Aviation Administration shall submit a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure containing—

(1) a list of obsolete, redundant, or otherwise unnecessary reports the Administration is required by law to submit to the Congress or publish that the Administrator recommends eliminating or consolidating with other reports; and
(2) an estimate of the cost savings that would result from the elimination or consolidation of those reports.

(b) **USE OF ELECTRONIC MEDIA FOR REPORTS.**—

(1) **IN GENERAL.**—Notwithstanding any other provision of law, the Federal Aviation Administration—

(A) may not publish any report required or authorized by law in printed format; and

(B) shall publish any such report by posting it on the Administration's website in an easily accessible and downloadable electronic format.

(2) **EXCEPTION.**—Paragraph (1) does not apply to any report with respect to which the Administrator determines that—

(A) its publication in printed format is essential to the mission of the Federal Aviation Administration; or

(B) its publication in accordance with the requirements of paragraph (1) would disclose matter—

(i) described in section 552(b) of title 5, United States Code; or

(ii) the disclosure of which would have an adverse impact on aviation safety or security, as determined by the Administrator.

SEC. 722. LINE CHECK EVALUATIONS.

Section 44729(h) is amended—

(1) by striking paragraph (2); and

(2) by redesignating paragraph (3) as paragraph (2).

SEC. 723. REPORT ON NEWARK LIBERTY AIRPORT AIR TRAFFIC CONTROL TOWER.

Not later than 90 days after the date of the enactment of this Act, the Administrator of the Federal Aviation Administration shall report to the Committee on Commerce, Science, and Transportation of the Senate, and the Committee on Transportation and Infrastructure of the House of Representatives, on the Federal Aviation Administration's plan to staff the Newark Liberty Airport air traffic control tower at negotiated staffing levels within 1 year after such date of enactment.

SEC. 724. PRIORITY REVIEW OF CONSTRUCTION PROJECTS IN COLD WEATHER STATES.

The Administrator of the Federal Aviation Administration shall, to the maximum extent

practicable, schedule the Administrator's review of construction projects so that projects to be carried out in States in which the weather during a typical calendar year prevents major construction projects from being carried out before May 1 are reviewed as early as possible.

SEC. 725. AIR-RAIL CODESHARE STUDY.

(a) **CODESHARE STUDY.**—Not later than 180 days after the date of the enactment of this Act, the GAO shall conduct a study of—

(1) the current airline and intercity passenger rail codeshare arrangements;

(2) the feasibility and costs to taxpayers and passengers of increasing intermodal connectivity of airline and intercity passenger rail facilities and systems to improve passenger travel.

(b) **CONSIDERATIONS.**—The study shall consider—

(1) the potential benefits to passengers and costs to taxpayers from the implementation of more integrated scheduling between airlines and Amtrak or other intercity passenger rail carriers achieved through codesharing arrangements;

(2) airport operations that can improve connectivity to intercity passenger rail facilities and stations.

(c) **REPORT.**—Not later than 1 year after commencing the study required by subsection (a), the Comptroller shall submit the report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives. The report shall include any conclusions of the Comptroller resulting from the study.

SEC. 726. ON-GOING MONITORING OF AND REPORT ON THE NEW YORK/NEW JERSEY/PHILADELPHIA METROPOLITAN AREA AIRSPACE REDESIGN.

Not later than 270 days after the date of the enactment of this Act and every 180 days thereafter until the completion of the New York/New Jersey/Philadelphia Metropolitan Area Airspace Redesign, the Administrator of the Federal Aviation Administration shall, in conjunction with the Port Authority of New York and New Jersey and the Philadelphia International Airport—

(1) monitor the air noise impacts of the New York/New Jersey/Philadelphia Metropolitan Area Airspace Redesign; and

(2) submit to Congress a report on the findings of the Administrator with respect to the monitoring described in paragraph (1).

SEC. 727. STUDY ON AVIATION FUEL PRICES.

(a) **IN GENERAL.**—Not later than 180 days after the date of the enactment of this Act, the Comptroller General of the United States shall conduct a study and report to Congress on the impact of increases in aviation fuel prices on the Airport and Airway Trust Fund and the aviation industry in general. The study shall include the impact of increases in aviation fuel prices on—

(1) general aviation;

(2) commercial passenger aviation;

(3) piston aircraft purchase and use;

(4) the aviation services industry, including repair and maintenance services;

(5) aviation manufacturing;

(6) aviation exports; and

(7) the use of small airport installations.

(b) **ASSUMPTIONS ABOUT AVIATION FUEL PRICES.**—In conducting the study required by subsection (a), the Comptroller General shall use the average aviation fuel price for fiscal year 2010 as a baseline and measure the impact of increases in aviation fuel prices that range from 5 percent to 200 percent over the 2010 baseline.

SEC. 728. LAND CONVEYANCE FOR SOUTHERN NEVADA SUPPLEMENTAL AIRPORT.

(a) **DEFINITIONS.**—In this section:

(1) **COUNTY.**—The term “County” means Clark County, Nevada.

(2) **PUBLIC LAND.**—The term “public land” means the land located at—

(A) sec. 23 and sec. 26, T. 26 S., R. 59 E., Mount Diablo Meridian;

(B) the NE $\frac{1}{4}$ and the N $\frac{1}{2}$ of the SE $\frac{1}{4}$ of sec. 6, T. 25 S., R. 59 E., Mount Diablo Meridian, together with the SE $\frac{1}{4}$ of sec. 31, T. 24 S., R. 59 E., Mount Diablo Meridian; and

(C) sec. 8, T. 26 S., R. 60 E., Mount Diablo Meridian.

(3) **SECRETARY.**—The term “Secretary” means the Secretary of the Interior.

(b) **LAND CONVEYANCE.**—

(1) **IN GENERAL.**—As soon as practicable after the date described in paragraph (2), subject to valid existing rights, and notwithstanding the land use planning requirements of sections 202 and 203 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712, 1713), the Secretary shall convey to the County, without consideration, all right, title, and interest of the United States in and to the public land.

(2) **DATE ON WHICH CONVEYANCE MAY BE MADE.**—The Secretary shall not make the conveyance described in paragraph (1) until the later of the date on which the Administrator of the Federal Aviation Administration has—

(A) approved an airport layout plan for an airport to be located in the Ivanpah Valley; and

(B) with respect to the construction and operation of an airport on the site conveyed to the County pursuant to section 2(a) of the Ivanpah Valley Airport Public Lands Transfer Act (Public Law 106–362; 114 Stat. 1404), issued a record of decision after the preparation of an environmental impact statement or similar analysis required under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(3) **WITHDRAWAL.**—Subject to valid existing rights, the public land to be conveyed under paragraph (1) is withdrawn from—

(A) location, entry, and patent under the mining laws; and

(B) operation of the mineral leasing and geothermal leasing laws.

(4) **USE.**—The public land conveyed under paragraph (1) shall be used for the development of flood mitigation infrastructure for the Southern Nevada Supplemental Airport.

SEC. 729. CLARIFICATION OF REQUIREMENTS FOR VOLUNTEER PILOTS OPERATING CHARITABLE MEDICAL FLIGHTS.

In administering part 61.113(c) of title 14, Code of Federal Regulations, the Administrator of the Federal Aviation Administration shall allow an aircraft owner or aircraft operator who has volunteered to provide transportation for an individual or individuals for medical purposes to accept reimbursement to cover all or part of the fuel costs associated with the operation from a volunteer pilot organization.

SEC. 730. CYLINDERS OF COMPRESSED OXYGEN, NITROUS OXIDE, OR OTHER OXIDIZING GASES.

(a) **IN GENERAL.**—The transportation within Alaska of cylinders of compressed oxygen, nitrous oxide, or other oxidizing gases aboard aircraft shall be exempt from compliance with the requirements, under sections 173.302(f)(3) and (f)(4) and 173.304(f)(3) and (f)(4) of the Pipeline and Hazardous Material Safety Administration’s regulations (49 C.F.R. 173.302(f)(3) and (f)(4) and 173.304(f)(3) and (f)(4)), that oxidizing gases transported aboard aircraft be enclosed in outer packaging capable of passing the flame penetration and resistance test and the thermal resistance test, without regard to the end use of the cylinders, if—

(1) there is no other practical means of transportation for transporting the cylinders to their destination and transportation by ground or vessel is unavailable; and

(2) the transportation meets the requirements of subsection (b).

(b) **EXEMPTION REQUIREMENTS.**—Subsection (a) shall not apply to the transportation of cylinders of compressed oxygen, nitrous oxide, or other oxidizing gases aboard aircraft unless the following requirements are met:

(1) **PACKAGING.**—

(A) **SMALLER CYLINDERS.**—Each cylinder with a capacity of not more than 116 cubic feet shall be—

(i) fully covered with a fire or flame resistant blanket that is secured in place; and

(ii) placed in a rigid outer packaging or an ATA 300 Category I shipping container.

(B) **LARGER CYLINDERS.**—Each cylinder with a capacity of more than 116 cubic feet but not more than 281 cubic feet shall be—

(i) secured within a frame;

(ii) fully covered with a fire or flame resistant blanket that is secured in place; and

(iii) fitted with a securely attached metal cap of sufficient strength to protect the valve from damage during transportation.

(2) **OPERATIONAL CONTROLS.**—

(A) **STORAGE; ACCESS TO FIRE EXTINGUISHERS.**—Unless the cylinders are stored in a Class C cargo compartment or its equivalent on the aircraft, crew members shall have access to the cylinders and at least 2 fire extinguishers shall be readily available for use by the crew members.

(B) **SHIPMENT WITH OTHER HAZARDOUS MATERIALS.**—The cylinders may not be transported in the same aircraft with other hazardous materials other than Division 2.2 materials with no subsidiary risk, Class 9 materials, and ORM-D materials.

(3) **AIRCRAFT REQUIREMENTS.**—

(A) **AIRCRAFT TYPE.**—The transportation shall be provided only aboard a passenger-carrying aircraft or a cargo aircraft.

(B) **PASSENGER-CARRYING AIRCRAFT.**—

(i) **SMALLER CYLINDERS ONLY.**—A cylinder with a capacity of more than 116 cubic feet may not be transported aboard a passenger-carrying aircraft.

(ii) **MAXIMUM NUMBER.**—Unless transported in a Class C cargo compartment or its equivalent, no more than 6 cylinders in each cargo compartment may be transported aboard a passenger-carrying aircraft.

(C) **CARGO AIRCRAFT.**—A cylinder may not be transported aboard a cargo aircraft unless it is transported in a Class B cargo compartment or a Class C cargo compartment or its equivalent.

(c) **DEFINITIONS.**—Terms used in this section shall have the meaning given those terms in parts 106, 107, and 171 through 180 of the Pipeline and Hazardous Material Safety Administration’s regulations (49 C.F.R. parts 106, 107, and 171–180).

SEC. 731. TECHNICAL CORRECTION.

Section 159(b)(2)(C) of title I of division A of the Consolidated Appropriations Act, 2010, is amended by striking clauses (i) and (ii) and inserting the following:

“(i) requiring inspections of any container containing a firearm or ammunition; and

“(ii) the temporary suspension of firearm carriage service if credible intelligence information indicates a threat related to the national rail system or specific routes or trains.”.

SEC. 732. PLAN FOR FLYING SCIENTIFIC INSTRUMENTS ON COMMERCIAL FLIGHTS.

(a) **PLAN DEVELOPMENT.**—Not later than 270 days after the date of the enactment of this Act, the Secretary of Transportation and the Secretary of Commerce, in consultation with interested representatives of the aviation industry and other relevant agencies, shall develop a plan and process to allow Federal agencies to fly scientific instruments on commercial flights with airlines who volunteer, for the purpose of taking measurements to improve weather forecasting.

TITLE VIII—AIRPORT AND AIRWAY TRUST FUND PROVISIONS AND RELATED TAXES

SEC. 800. AMENDMENT OF 1986 CODE.

Except as otherwise expressly provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

SEC. 801. EXTENSION OF TAXES FUNDING AIRPORT AND AIRWAY TRUST FUND.

(a) **FUEL TAXES.**—Subparagraph (B) of section 4081(d)(2) is amended by striking “March 31, 2010” and inserting “September 30, 2013”.

(b) **TICKET TAXES.**—

(1) **PERSONS.**—Clause (ii) of section 4261(j)(1)(A) is amended by striking “March 31, 2010” and inserting “September 30, 2013”.

(2) **PROPERTY.**—Clause (ii) of section 4271(d)(1)(A) is amended by striking “March 31, 2010” and inserting “September 30, 2013”.

(c) **EFFECTIVE DATE.**—The amendments made by this section shall take effect on April 1, 2010.

SEC. 802. EXTENSION OF AIRPORT AND AIRWAY TRUST FUND EXPENDITURE AUTHORITY.

(a) **IN GENERAL.**—Paragraph (1) of section 9502(d) is amended—

(1) by striking “April 1, 2010” in the matter preceding subparagraph (A) and inserting “October 1, 2013”; and

(2) by striking the semicolon at the end of subparagraph (A) and inserting “or the FAA Air Transportation Modernization and Safety Improvement Act.”.

(b) **CONFORMING AMENDMENT.**—Paragraph (2) of section 9502(e) is amended by striking “April 1, 2010” and inserting “October 1, 2013”.

(c) **EFFECTIVE DATE.**—The amendments made by this section shall take effect on April 1, 2010.

SEC. 803. MODIFICATION OF EXCISE TAX ON KEROSENE USED IN AVIATION.

(a) **RATE OF TAX ON AVIATION-GRADE KEROSENE.**—

(1) **IN GENERAL.**—Subparagraph (A) of section 4081(a)(2) (relating to rates of tax) is amended by striking “and” at the end of clause (ii), by striking the period at the end of clause (iii) and inserting “, and”, and by adding at the end the following new clause:

“(iv) in the case of aviation-grade kerosene, 35.9 cents per gallon.”.

(2) **FUEL REMOVED DIRECTLY INTO FUEL TANK OF AIRPLANE USED IN NONCOMMERCIAL AVIATION.**—Subparagraph (C) of section 4081(a)(2) is amended to read as follows:

“(C) **TAXES IMPOSED ON FUEL USED IN COMMERCIAL AVIATION.**—In the case of aviation-grade kerosene which is removed from any refinery or terminal directly into the fuel tank of an aircraft for use in commercial aviation by a person registered for such use under section 4101, the rate of tax under subparagraph (A)(iv) shall be 4.3 cents per gallon.”.

(3) **EXEMPTION FOR AVIATION-GRADE KEROSENE REMOVED INTO AN AIRCRAFT.**—Subsection (e) of section 4082 is amended—

(A) by striking “kerosene” and inserting “aviation-grade kerosene”;

(B) by striking “section 4081(a)(2)(A)(iii)” and inserting “section 4081(a)(2)(A)(iv)”, and

(C) by striking “KEROSENE” in the heading and inserting “AVIATION-GRADE KEROSENE”.

(4) **CONFORMING AMENDMENTS.**—

(A) Clause (iii) of section 4081(a)(2)(A) is amended by inserting “other than aviation-grade kerosene” after “kerosene”.

(B) The following provisions are each amended by striking “kerosene” and inserting “aviation-grade kerosene”:

(i) Section 4081(a)(3)(A)(ii).

(ii) Section 4081(a)(3)(A)(iv).

(iii) Section 4081(a)(3)(D).

(C) Section 4081(a)(3)(D) is amended—
 (i) by striking “paragraph (2)(C)(i)” in clause (i) and inserting “paragraph (2)(C)”, and
 (ii) by striking “paragraph (2)(C)(ii)” in clause (ii) and inserting “paragraph (2)(A)(iv)”.

(D) Section 4081(a)(4) is amended—
 (i) in the heading by striking “KEROSENE” and inserting “AVIATION-GRADE KEROSENE”, and
 (ii) by striking “paragraph (2)(C)(i)” and inserting “paragraph (2)(C)”.

(E) Section 4081(d)(2) is amended by striking “(a)(2)(ii)” and inserting “(a)(2)(A)(iv)”.

(b) RETAIL TAX ON AVIATION FUEL.—
 (1) EXEMPTION FOR PREVIOUSLY TAXED FUEL.—Paragraph (2) of section 4041(c) is amended by inserting “at the rate specified in subsection (a)(2)(A)(iv) thereof” after “section 4081”.

(2) RATE OF TAX.—Paragraph (3) of section 4041(c) is amended to read as follows:

“(3) RATE OF TAX.—The rate of tax imposed by this subsection shall be the rate of tax in effect under section 4081(a)(2)(A)(iv) (4.3 cents per gallon with respect to any sale or use for commercial aviation).”.

(c) REFUNDS RELATING TO AVIATION-GRADE KEROSENE.—

(1) KEROSENE USED IN COMMERCIAL AVIATION.—Clause (ii) of section 6427(l)(4)(A) is amended by striking “specified in section 4041(c) or 4081(a)(2)(A)(iii), as the case may be,” and inserting “so imposed”.

(2) KEROSENE USED IN AVIATION.—Paragraph (4) of section 6427(l) is amended—

(A) by striking subparagraph (B) and redesignating subparagraph (C) as subparagraph (B), and

(B) by amending subparagraph (B), as redesignated by subparagraph (A), to read as follows:

“(B) PAYMENTS TO ULTIMATE, REGISTERED VENDOR.—With respect to any kerosene used in aviation (other than kerosene to which paragraph (6) applies), if the ultimate purchaser of such kerosene waives (at such time and in such form and manner as the Secretary shall prescribe) the right to payment under paragraph (1) and assigns such right to the ultimate vendor, then the Secretary shall pay (without interest) the amount which would be paid under paragraph (1) to such ultimate vendor, but only if such ultimate vendor—
 “(i) is registered under section 4101, and
 “(ii) meets the requirements of subparagraph (A), (B), or (D) of section 6416(a)(1).”.

(3) AVIATION-GRADE KEROSENE NOT USED IN AVIATION.—Subsection (l) of section 6427 is amended by redesignating paragraph (5) as paragraph (6) and by inserting after paragraph (4) the following new paragraph:

“(5) REFUNDS FOR AVIATION-GRADE KEROSENE NOT USED IN AVIATION.—If tax has been imposed under section 4081 at the rate specified in section 4081(a)(2)(A)(iv) and the fuel is used other than in an aircraft, the Secretary shall pay (without interest) to the ultimate purchaser of such fuel an amount equal to the amount of tax imposed on such fuel reduced by the amount of tax that would be imposed under section 4041 if no tax under section 4081 had been imposed.”.

(4) CONFORMING AMENDMENTS.—

(A) Section 4082(d)(2)(B) is amended by striking “6427(l)(5)(B)” and inserting “6427(l)(6)(B)”.

(B) Section 6427(i)(4) is amended—
 (i) by striking “(4)(C)” the first two places it occurs and inserting “(4)(B)”, and
 (ii) by striking “, (l)(4)(C)(ii), and” and inserting “and”.

(C) The heading of section 6427(l) is amended by striking “DIESEL FUEL AND KEROSENE” and inserting “DIESEL FUEL, KEROSENE, AND AVIATION FUEL”.

(D) Section 6427(l)(1) is amended by striking “paragraph (4)(C)(i)” and inserting “paragraph (4)(B)”.

(E) Section 6427(l)(4) is amended—

(i) by striking “KEROSENE USED IN AVIATION” in the heading and inserting “AVIATION-GRADE KEROSENE USED IN COMMERCIAL AVIATION”, and
 (ii) in subparagraph (A)—

(I) by striking “kerosene” and inserting “aviation-grade kerosene”,

(II) by striking “KEROSENE USED IN COMMERCIAL AVIATION” in the heading and inserting “IN GENERAL”.

(d) TRANSFERS TO THE AIRPORT AND AIRWAY TRUST FUND.—

(1) IN GENERAL.—Subparagraph (C) of section 9502(b)(1) is amended to read as follows:

“(C) section 4081 with respect to aviation gasoline and aviation-grade kerosene, and”.

(2) TRANSFERS ON ACCOUNT OF CERTAIN REFUNDS.—

(A) IN GENERAL.—Subsection (d) of section 9502 is amended—

(i) in paragraph (2) by striking “(other than subsection (l)(4) thereof)”, and

(ii) in paragraph (3) by striking “(other than payments made by reason of paragraph (4) of section 6427(l))”.

(B) CONFORMING AMENDMENTS.—

(i) Section 9503(b)(4) is amended by striking “or” at the end of subparagraph (C), by striking the period at the end of subparagraph (D) and inserting a comma, and by inserting after subparagraph (D) the following:

“(E) section 4081 to the extent attributable to the rate specified in clause (ii) or (iv) of section 4081(a)(2)(A), or
 “(F) section 4041(c).”.

(ii) Section 9503(c) is amended by striking paragraph (6).

(iii) Section 9502(a) is amended—

(I) by striking “appropriated, credited, or paid into” and inserting “appropriated or credited to”, and

(II) by striking “, section 9503(c)(7).”.

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to fuels removed, entered, or sold after June 30, 2010.

(f) FLOOR STOCKS TAX.—

(1) IMPOSITION OF TAX.—In the case of aviation fuel which is held on July 1, 2010, by any person, there is hereby imposed a floor stocks tax on aviation fuel equal to—

(A) the tax which would have been imposed before such date on such fuel had the amendments made by this section been in effect at all times before such date, reduced by
 (B) the sum of—

(i) the tax imposed before such date on such fuel under section 4081 of the Internal Revenue Code of 1986, as in effect on such date, and
 (ii) in the case of kerosene held exclusively for such person's own use, the amount which such person would (but for this clause) reasonably expect (as of such date) to be paid as a refund under section 6427(l) of such Code with respect to such kerosene.

(2) LIABILITY FOR TAX AND METHOD OF PAYMENT.—

(A) LIABILITY FOR TAX.—A person holding aviation fuel on July 1, 2010, shall be liable for such tax.

(B) TIME AND METHOD OF PAYMENT.—The tax imposed by paragraph (1) shall be paid at such time and in such manner as the Secretary of the Treasury shall prescribe.

(3) TRANSFER OF FLOOR STOCK TAX REVENUES TO TRUST FUNDS.—For purposes of determining the amount transferred to the Airport and Airway Trust Fund, the tax imposed by this subsection shall be treated as imposed by section 4081(a)(2)(A)(iv) of the Internal Revenue Code of 1986.

(4) DEFINITIONS.—For purposes of this subsection—

(A) AVIATION FUEL.—The term “aviation fuel” means aviation-grade kerosene and aviation

gasoline, as such terms are used within the meaning of section 4081 of the Internal Revenue Code of 1986.

(B) HELD BY A PERSON.—Aviation fuel shall be considered as held by a person if title thereto has passed to such person (whether or not delivery to the person has been made).

(C) SECRETARY.—The term “Secretary” means the Secretary of the Treasury or the Secretary's delegate.

(5) EXCEPTION FOR EXEMPT USES.—The tax imposed by paragraph (1) shall not apply to any aviation fuel held by any person exclusively for any use to the extent a credit or refund of the tax is allowable under the Internal Revenue Code of 1986 for such use.

(6) EXCEPTION FOR CERTAIN AMOUNTS OF FUEL.—

(A) IN GENERAL.—No tax shall be imposed by paragraph (1) on any aviation fuel held on July 1, 2010, by any person if the aggregate amount of such aviation fuel held by such person on such date does not exceed 2,000 gallons. The preceding sentence shall apply only if such person submits to the Secretary (at the time and in the manner required by the Secretary) such information as the Secretary shall require for purposes of this subparagraph.

(B) EXEMPT FUEL.—For purposes of subparagraph (A), there shall not be taken into account any aviation fuel held by any person which is exempt from the tax imposed by paragraph (1) by reason of paragraph (5).

(C) CONTROLLED GROUPS.—For purposes of this subsection—

(i) CORPORATIONS.—

(I) IN GENERAL.—All persons treated as a controlled group shall be treated as 1 person.

(II) CONTROLLED GROUP.—The term “controlled group” has the meaning given to such term by subsection (a) of section 1563 of the Internal Revenue Code of 1986; except that for such purposes the phrase “more than 50 percent” shall be substituted for the phrase “at least 80 percent” each place it appears in such subsection.

(ii) NONINCORPORATED PERSONS UNDER COMMON CONTROL.—Under regulations prescribed by the Secretary, principles similar to the principles of subparagraph (A) shall apply to a group of persons under common control if 1 or more of such persons is not a corporation.

(7) OTHER LAWS APPLICABLE.—All provisions of law, including penalties, applicable with respect to the taxes imposed by section 4081 of the Internal Revenue Code of 1986 on the aviation fuel involved shall, insofar as applicable and not inconsistent with the provisions of this subsection, apply with respect to the floor stock taxes imposed by paragraph (1) to the same extent as if such taxes were imposed by such section.

SEC. 804. AIR TRAFFIC CONTROL SYSTEM MODERNIZATION ACCOUNT.

(a) IN GENERAL.—Section 9502 (relating to the Airport and Airway Trust Fund) is amended by adding at the end the following new subsection:

“(f) ESTABLISHMENT OF AIR TRAFFIC CONTROL SYSTEM MODERNIZATION ACCOUNT.—

“(1) CREATION OF ACCOUNT.—There is established in the Airport and Airway Trust Fund a separate account to be known as the ‘Air Traffic Control System Modernization Account’ consisting of such amounts as may be transferred or credited to the Air Traffic Control System Modernization Account as provided in this subsection or section 9602(b).

“(2) TRANSFERS TO AIR TRAFFIC CONTROL SYSTEM MODERNIZATION ACCOUNT.—On October 1, 2010, and annually thereafter the Secretary shall transfer \$400,000,000 to the Air Traffic Control System Modernization Account from amounts appropriated to the Airport and Airway Trust Fund under subsection (b) which are attributable to taxes on aviation-grade kerosene.

“(3) EXPENDITURES FROM ACCOUNT.—Amounts in the Air Traffic Control System Modernization Account shall be available subject to appropriation for expenditures relating to the modernization of the air traffic control system (including facility and equipment account expenditures).”.

(b) CONFORMING AMENDMENT.—Section 9502(d)(1) is amended by striking “Amounts” and inserting “Except as provided in subsection (f), amounts”.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.

SEC. 805. TREATMENT OF FRACTIONAL AIRCRAFT OWNERSHIP PROGRAMS.

(a) FUEL SURTAX.—

(1) IN GENERAL.—Subchapter B of chapter 31 is amended by adding at the end the following new section:

“SEC. 4043. SURTAX ON FUEL USED IN AIRCRAFT PART OF A FRACTIONAL OWNERSHIP PROGRAM.

“(a) IN GENERAL.—There is hereby imposed a tax on any liquid used during any calendar quarter by any person as a fuel in an aircraft which is—

“(1) registered in the United States, and

“(2) part of a fractional ownership aircraft program.

“(b) AMOUNT OF TAX.—The rate of tax imposed by subsection (a) is 14.1 cents per gallon.

“(c) FRACTIONAL OWNERSHIP AIRCRAFT PROGRAM.—For purposes of this section—

“(1) IN GENERAL.—The term ‘fractional ownership aircraft program’ means a program under which—

“(A) a single fractional ownership program manager provides fractional ownership program management services on behalf of the fractional owners,

“(B) 2 or more airworthy aircraft are part of the program,

“(C) there are 1 or more fractional owners per program aircraft, with at least 1 program aircraft having more than 1 owner,

“(D) each fractional owner possesses at least a minimum fractional ownership interest in 1 or more program aircraft,

“(E) there exists a dry-lease exchange arrangement among all of the fractional owners, and

“(F) there are multi-year program agreements covering the fractional ownership, fractional ownership program management services, and dry-lease aircraft exchange aspects of the program.

“(2) MINIMUM FRACTIONAL OWNERSHIP INTEREST.—

“(A) IN GENERAL.—The term ‘minimum fractional ownership interest’ means, with respect to each type of aircraft—

“(i) a fractional ownership interest equal to or greater than $\frac{1}{16}$ of at least 1 subsonic, fixed wing or powered lift program aircraft, or

“(ii) a fractional ownership interest equal to or greater than $\frac{1}{32}$ of at least 1 rotorcraft program aircraft.

“(B) FRACTIONAL OWNERSHIP INTEREST.—The term ‘fractional ownership interest’ means—

“(i) the ownership of an interest in a program aircraft,

“(ii) the holding of a multi-year leasehold interest in a program aircraft, or

“(iii) the holding of a multi-year leasehold interest which is convertible into an ownership interest in a program aircraft.

“(3) DRY-LEASE EXCHANGE ARRANGEMENT.—A ‘dry-lease aircraft exchange’ means an agreement, documented by the written program agreements, under which the program aircraft are available, on an as needed basis without crew, to each fractional owner.

“(d) TERMINATION.—This section shall not apply to liquids used as a fuel in an aircraft after September 30, 2013.”.

(2) CONFORMING AMENDMENT.—Section 4082(e) is amended by inserting “(other than an aircraft described in section 4043(a))” after “an aircraft”.

(3) TRANSFER OF REVENUES TO AIRPORT AND AIRWAY TRUST FUND.—Section 9502(b)(1) is amended by redesignating subparagraphs (B) and (C) as subparagraphs (C) and (D), respectively, and by inserting after subparagraph (A) the following new subparagraph:

“(B) section 4043 (relating to surtax on fuel used in aircraft part of a fractional ownership program).”.

(4) CLERICAL AMENDMENT.—The table of sections for subchapter B of chapter 31 is amended by adding at the end the following new item:

“Sec. 4043. Surtax on fuel used in aircraft part of a fractional ownership program.”.

(b) FRACTIONAL OWNERSHIP PROGRAMS TREATED AS NON-COMMERCIAL AVIATION.—Subsection (b) of section 4083 is amended by adding at the end the following new sentence: “For uses of aircraft before October 1, 2013, such term shall not include the use of any aircraft which is part of a fractional ownership aircraft program (as defined by section 4043(c)).”.

(c) EXEMPTION FROM TAX ON TRANSPORTATION OF PERSONS.—Section 4261, as amended by this Act, is amended by redesignating subsection (j) as subsection (k) and by inserting after subsection (i) the following new subsection:

“(j) EXEMPTION FOR AIRCRAFT IN FRACTIONAL OWNERSHIP AIRCRAFT PROGRAMS.—No tax shall be imposed by this section or section 4271 on any air transportation provided before October 1, 2013, by an aircraft which is part of a fractional ownership aircraft program (as defined by section 4043(c)).”.

(d) EFFECTIVE DATES.—

(1) SUBSECTION (a).—The amendments made by subsection (a) shall apply to fuel used after June 30, 2010.

(2) SUBSECTION (b).—The amendment made by subsection (b) shall apply to uses of aircraft after June 30, 2010.

(3) SUBSECTION (c).—The amendments made by subsection (c) shall apply to taxable transportation provided after June 30, 2010.

SEC. 806. TERMINATION OF EXEMPTION FOR SMALL AIRCRAFT ON NONESTABLISHED LINES.

(a) IN GENERAL.—Section 4281 is amended to read as follows:

“SEC. 4281. SMALL AIRCRAFT OPERATED SOLELY FOR SIGHTSEEING.

“The taxes imposed by sections 4261 and 4271 shall not apply to transportation by an aircraft having a maximum certificated takeoff weight of 6,000 pounds or less at any time during which such aircraft is being operated on a flight the sole purpose of which is sightseeing. For purposes of the preceding sentence, the term ‘maximum certificated takeoff weight’ means the maximum such weight contained in the type certificate or airworthiness certificate.”.

(b) CONFORMING AMENDMENT.—The item relating to section 4281 in the table of sections for part III of subchapter C of chapter 33 is amended by striking “on nonestablished lines” and inserting “operated solely for sightseeing”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable transportation provided after June 30, 2010.

SEC. 807. TRANSPARENCY IN PASSENGER TAX DISCLOSURES.

(a) IN GENERAL.—Section 7275 (relating to penalty for offenses relating to certain airline tickets and advertising) is amended—

(1) by redesignating subsection (c) as subsection (d),

(2) by striking “subsection (a) or (b)” in subsection (d), as so redesignated, and inserting “subsection (a), (b), or (c)”, and

(3) by inserting after subsection (b) the following new subsection:

“(c) NON-TAX CHARGES.—

“(1) IN GENERAL.—In the case of transportation by air for which disclosure on the ticket or advertising for such transportation of the amounts paid for passenger taxes is required by subsection (a)(2) or (b)(1)(B), it shall be unlawful for the disclosure of the amount of such taxes on such ticket or advertising to include any amounts not attributable to the taxes imposed by subsection (a), (b), or (c) of section 4261.

“(2) INCLUSION IN TRANSPORTATION COST.—Nothing in this subsection shall prohibit the inclusion of amounts not attributable to the taxes imposed by subsection (a), (b), or (c) of section 4261 in the disclosure of the amount paid for transportation as required by subsection (a)(1) or (b)(1)(A), or in a separate disclosure of amounts not attributable to such taxes.”.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable transportation provided after June 30, 2010.

TITLE IX—BUDGETARY EFFECTS

SEC. 901. BUDGETARY EFFECTS.

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go-Act of 2010, shall be determined by reference to the latest statement titled “Budgetary Effects of PAYGO Legislation” for this Act, submitted for printing in the Congressional Record by the Chairman of the Senate Budget Committee, provided that such statement has been submitted prior to the vote on passage.

TITLE X—RESCISSION OF UNUSED TRANSPORTATION EARMARKS AND GENERAL REPORTING REQUIREMENT

SEC. 1001. DEFINITION.

In this title, the term “earmark” means the following:

(1) A congressionally directed spending item, as defined in Rule XLIV of the Standing Rules of the Senate.

(2) A congressional earmark, as defined for purposes of Rule XXI of the Rules of the House of Representatives.

SEC. 1002. RESCISSION.

Any earmark of funds provided for the Department of Transportation with more than 90 percent of the appropriated amount remaining available for obligation at the end of the 9th fiscal year following the fiscal year in which the earmark was made available is rescinded effective at the end of that 9th fiscal year, except that the Secretary of Transportation may delay any such rescission if the Secretary determines that an additional obligation of the earmark is likely to occur during the following 12-month period.

SEC. 1003. AGENCY WIDE IDENTIFICATION AND REPORTS.

(a) AGENCY IDENTIFICATION.—Each Federal agency shall identify and report every project that is an earmark with an unobligated balance at the end of each fiscal year to the Director of OMB.

(b) ANNUAL REPORT.—The Director of OMB shall submit to Congress and publically post on the website of OMB an annual report that includes—

(1) a listing and accounting for earmarks with unobligated balances summarized by agency including the amount of the original earmark, amount of the unobligated balance, and the year when the funding expires, if applicable;

(2) the number of rescissions resulting from this title and the annual savings resulting from this title for the previous fiscal year; and

(3) a listing and accounting for earmarks provided for the Department of Transportation scheduled to be rescinded at the end of the current fiscal year.

Amend the title so as to read: "An Act to modernize the air traffic control system, improve the safety, reliability, and availability of transportation by air in the United States, provide for modernization of the air traffic control system, reauthorize the Federal Aviation Administration, and for other purposes."

MOTION TO CONCUR

Mr. OBERSTAR. Mr. Speaker, I have a motion at the desk.

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Motion offered by Mr. OBERSTAR of Minnesota:

Mr. Oberstar moves that the House concur in the Senate amendment to the title and that the House concur in the Senate amendment to the text with an amendment.

The text of the House amendment to the Senate amendment is as follows:

House amendment to Senate amendment:

In lieu of the matter proposed to be inserted by the amendment of the Senate to the text of the bill, insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) **SHORT TITLE.**—This Act may be cited as the "Aviation Safety and Investment Act of 2010".

(b) **TABLE OF CONTENTS.**—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

Sec. 2. Amendments to title 49, United States Code.

Sec. 3. Effective date.

TITLE I—AUTHORIZATIONS

Subtitle A—Funding of FAA Programs

Sec. 101. Airport planning and development and noise compatibility planning and programs.

Sec. 102. Air navigation facilities and equipment.

Sec. 103. FAA operations.

Sec. 104. Research, engineering, and development.

Sec. 105. Funding for aviation programs.

Subtitle B—Passenger Facility Charges

Sec. 111. PFC authority.

Sec. 112. PFC eligibility for bicycle storage.

Sec. 113. Award of architectural and engineering contracts for airside projects.

Sec. 114. Intermodal ground access project pilot program.

Sec. 115. Participation of disadvantaged business enterprises in contracts, subcontracts, and business opportunities funded using passenger facility revenues and in airport concessions.

Sec. 116. Impacts on airports of accommodating connecting passengers.

Subtitle C—Fees for FAA Services

Sec. 121. Update on overflights.

Sec. 122. Registration fees.

Subtitle D—AIP Modifications

Sec. 131. Amendments to AIP definitions.

Sec. 132. Solid waste recycling plans.

Sec. 133. Amendments to grant assurances.

Sec. 134. Government share of project costs.

Sec. 135. Amendments to allowable costs.

Sec. 136. Preference for small business concerns owned and controlled by disabled veterans.

Sec. 137. Airport disadvantaged business enterprise program.

Sec. 138. Training program for certification of disadvantaged business enterprises.

Sec. 139. Calculation of State apportionment fund.

Sec. 140. Reducing apportionments.

Sec. 141. Minimum amount for discretionary fund.

Sec. 142. Marshall Islands, Micronesia, and Palau.

Sec. 143. Use of apportioned amounts.

Sec. 144. Sale of private airport to public sponsor.

Sec. 145. Airport privatization pilot program.

Sec. 146. Airport security program.

Sec. 147. Sunset of pilot program for purchase of airport development rights.

Sec. 148. Extension of grant authority for compatible land use planning and projects by State and local governments.

Sec. 149. Repeal of limitations on Metropolitan Washington Airports Authority.

Sec. 150. Midway Island Airport.

Sec. 151. Puerto Rico minimum guarantee.

Sec. 152. Miscellaneous amendments.

Sec. 153. Airport Master Plans.

TITLE II—NEXT GENERATION AIR TRANSPORTATION SYSTEM AND AIR TRAFFIC CONTROL MODERNIZATION

Sec. 201. Mission statement; sense of Congress.

Sec. 202. Next Generation Air Transportation System Joint Planning and Development Office.

Sec. 203. Next Generation Air Transportation Senior Policy Committee.

Sec. 204. Automatic dependent surveillance-broadcast services.

Sec. 205. Inclusion of stakeholders in air traffic control modernization projects.

Sec. 206. GAO review of challenges associated with transforming to the Next Generation Air Transportation System.

Sec. 207. GAO review of Next Generation Air Transportation System acquisition and procedures development.

Sec. 208. DOT inspector general review of operational and approach procedures by a third party.

Sec. 209. Expert review of enterprise architecture for Next Generation Air Transportation System.

Sec. 210. NextGen technology testbed.

Sec. 211. Clarification of authority to enter into reimbursable agreements.

Sec. 212. Definition of air navigation facility.

Sec. 213. Improved management of property inventory.

Sec. 214. Clarification to acquisition reform authority.

Sec. 215. Assistance to foreign aviation authorities.

Sec. 216. Front line manager staffing.

Sec. 217. Flight service stations.

Sec. 218. NextGen Research and Development Center of Excellence.

Sec. 219. Airspace redesign.

TITLE III—SAFETY

Subtitle A—General Provisions

Sec. 301. Judicial review of denial of airman certificates.

Sec. 302. Release of data relating to abandoned type certificates and supplemental type certificates.

Sec. 303. Inspection of foreign repair stations.

Sec. 304. Runway safety.

Sec. 305. Improved pilot licenses.

Sec. 306. Flight crew fatigue.

Sec. 307. Occupational safety and health standards for flight attendants on board aircraft.

Sec. 308. Aircraft surveillance in mountainous areas.

Sec. 309. Off-airport, low-altitude aircraft weather observation technology.

Sec. 310. Noncertificated maintenance providers.

Sec. 311. Aircraft rescue and firefighting standards.

Sec. 312. Cockpit smoke.

Sec. 313. Safety of helicopter air ambulance operations.

Sec. 314. Feasibility of requiring helicopter pilots to use night vision goggles.

Sec. 315. Study of helicopter and fixed wing air ambulance services.

Subtitle B—Unmanned Aircraft Systems

Sec. 321. Commercial unmanned aircraft systems integration plan.

Sec. 322. Special rules for certain unmanned aircraft systems.

Sec. 323. Public unmanned aircraft systems.

Sec. 324. Definitions.

Subtitle C—Safety and Protections

Sec. 331. Aviation safety whistleblower investigation office.

Sec. 332. Modification of customer service initiative.

Sec. 333. Post-employment restrictions for flight standards inspectors.

Sec. 334. Assignment of principal supervisory inspectors.

Sec. 335. Headquarters review of air transportation oversight system database.

Sec. 336. Improved voluntary disclosure reporting system.

Subtitle D—Airline Safety and Pilot Training Improvement

Sec. 341. Short title.

Sec. 342. Definitions.

Sec. 343. FAA Task Force on Air Carrier Safety and Pilot Training.

Sec. 344. Implementation of NTSB flight crewmember training recommendations.

Sec. 345. Secretary of Transportation responses to safety recommendations.

Sec. 346. FAA pilot records database.

Sec. 347. FAA rulemaking on training programs.

Sec. 348. Aviation safety inspectors and operational research analysts.

Sec. 349. Flight crewmember mentoring, professional development, and leadership.

Sec. 350. Flight crewmember screening and qualifications.

Sec. 351. Airline transport pilot certification.

Sec. 352. Flight schools, flight education, and pilot academic training.

Sec. 353. Voluntary safety programs.

Sec. 354. ASAP and FOQA implementation plan.

Sec. 355. Safety management systems.

Sec. 356. Disclosure of air carriers operating flights for tickets sold for air transportation.

Sec. 357. Pilot fatigue.

Sec. 358. Flight crewmember pairing and crew resource management techniques.

TITLE IV—AIR SERVICE IMPROVEMENTS

Sec. 401. Smoking prohibition.

Sec. 402. Monthly air carrier reports.

Sec. 403. Flight operations at Reagan National Airport.

Sec. 404. EAS contract guidelines.

Sec. 405. Essential air service reform.

Sec. 406. Small community air service.

Sec. 407. Air passenger service improvements.

Sec. 408. Contents of competition plans.

Sec. 409. Extension of competitive access reports.

Sec. 410. Contract tower program.

Sec. 411. Airfares for members of the Armed Forces.

Sec. 412. Repeal of essential air service local participation program.

Sec. 413. Adjustment to subsidy cap to reflect increased fuel costs.

- Sec. 414. Notice to communities prior to termination of eligibility for subsidized essential air service.
- Sec. 415. Restoration of eligibility to a place determined by the Secretary to be ineligible for subsidized essential air service.
- Sec. 416. Office of Rural Aviation.
- Sec. 417. Adjustments to compensation for significantly increased costs.
- Sec. 418. Review of air carrier flight delays, cancellations, and associated causes.
- Sec. 419. European Union rules for passenger rights.
- Sec. 420. Establishment of advisory committee for aviation consumer protection.
- Sec. 421. Denied boarding compensation.
- Sec. 422. Compensation for delayed baggage.
- Sec. 423. Schedule reduction.
- Sec. 424. Expansion of DOT airline consumer complaint investigations.
- Sec. 425. Prohibitions against voice communications using mobile communications devices on scheduled flights.
- Sec. 426. Antitrust exemptions.
- Sec. 427. Musical instruments.

TITLE V—ENVIRONMENTAL STEWARDSHIP AND STREAMLINING

- Sec. 501. Amendments to air tour management program.
- Sec. 502. State block grant program.
- Sec. 503. Airport funding of special studies or reviews.
- Sec. 504. Grant eligibility for assessment of flight procedures.
- Sec. 505. Determination of fair market value of residential properties.
- Sec. 506. Soundproofing of residences.
- Sec. 507. CLEEN research, development, and implementation partnership.
- Sec. 508. Prohibition on operating certain aircraft weighing 75,000 pounds or less not complying with stage 3 noise levels.
- Sec. 509. Environmental mitigation pilot program.
- Sec. 510. Aircraft departure queue management pilot program.
- Sec. 511. High performance and sustainable air traffic control facilities.
- Sec. 512. Regulatory responsibility for aircraft engine noise and emissions standards.
- Sec. 513. Cabin air quality technology.
- Sec. 514. Sense of Congress.
- Sec. 515. Airport noise compatibility planning study, Port Authority of New York and New Jersey.
- Sec. 516. GAO study on compliance with FAA record of decision.
- Sec. 517. Westchester County Airport, New York.
- Sec. 518. Aviation noise complaints.

TITLE VI—FAA EMPLOYEES AND ORGANIZATION

- Sec. 601. Federal Aviation Administration personnel management system.
- Sec. 602. Merit system principles and prohibited personnel practices.
- Sec. 603. Applicability of back pay requirements.
- Sec. 604. FAA technical training and staffing.
- Sec. 605. Designee program.
- Sec. 606. Staffing model for aviation safety inspectors.
- Sec. 607. Safety critical staffing.
- Sec. 608. FAA air traffic controller staffing.
- Sec. 609. Assessment of training programs for air traffic controllers.
- Sec. 610. Collegiate training initiative study.
- Sec. 611. FAA Task Force on Air Traffic Control Facility Conditions.

TITLE VII—AVIATION INSURANCE

- Sec. 701. General authority.
- Sec. 702. Extension of authority to limit third party liability of air carriers arising out of acts of terrorism.
- Sec. 703. Clarification of reinsurance authority.
- Sec. 704. Use of independent claims adjusters.
- Sec. 705. Extension of program authority.

TITLE VIII—MISCELLANEOUS

- Sec. 801. Air carrier citizenship.
- Sec. 802. Disclosure of data to Federal agencies in interest of national security.
- Sec. 803. FAA access to criminal history records and database systems.
- Sec. 804. Clarification of air carrier fee disputes.
- Sec. 805. Study on national plan of integrated airport systems.
- Sec. 806. Express carrier employee protection.
- Sec. 807. Consolidation and realignment of FAA facilities.
- Sec. 808. Accidental death and dismemberment insurance for National Transportation Safety Board employees.
- Sec. 809. GAO study on cooperation of airline industry in international child abduction cases.
- Sec. 810. Lost Nation Airport, Ohio.
- Sec. 811. Pollock Municipal Airport, Louisiana.
- Sec. 812. Human intervention and motivation study program.
- Sec. 813. Washington, DC, Air Defense Identification Zone.
- Sec. 814. Merrill Field Airport, Anchorage, Alaska.
- Sec. 815. 1940 Air Terminal Museum at William P. Hobby Airport, Houston, Texas.

- Sec. 816. Duty periods and flight time limitations applicable to flight crewmembers.
- Sec. 817. Pilot program for redevelopment of airport properties.
- Sec. 818. Helicopter operations over Long Island and Staten Island, New York.
- Sec. 819. Cabin temperature and humidity standards study.
- Sec. 820. Civil penalties technical amendments.
- Sec. 821. Study and report on alleviating congestion.
- Sec. 822. Airline personnel training enhancement.
- Sec. 823. Study on Feasibility of Development of a Public Internet Web-based Search Engine on Wind Turbine Installation Obstruction.
- Sec. 824. FAA radar signal locations.
- Sec. 825. Wind turbine lighting.
- Sec. 826. Prohibition on use of certain funds.
- Sec. 827. Limiting access to flight decks of all-cargo aircraft.
- Sec. 828. Whistleblowers at FAA.
- Sec. 829. College Point Marine Transfer Station, New York.
- Sec. 830. Pilot training and certification.
- Sec. 831. St. George, Utah.
- Sec. 832. Replacement of terminal radar approach control at Palm Beach International Airport.
- Sec. 833. Santa Monica Airport, California.

TITLE IX—FEDERAL AVIATION RESEARCH AND DEVELOPMENT

- Sec. 901. Short title.
- Sec. 902. Definitions.
- Sec. 903. Interagency research initiative on the impact of aviation on the climate.
- Sec. 904. Research program on runways.
- Sec. 905. Research on design for certification.
- Sec. 906. Centers of excellence.
- Sec. 907. Airport cooperative research program.
- Sec. 908. Unmanned aircraft systems.
- Sec. 909. Research grants program involving undergraduate students.

- Sec. 910. Aviation gas research and development program.
- Sec. 911. Review of FAA's Energy- and Environment-Related Research Programs.
- Sec. 912. Review of FAA's aviation safety-related research programs.
- Sec. 913. Research program on alternative jet fuel technology for civil aircraft.
- Sec. 914. Center for excellence in aviation employment.

TITLE X—AIRPORT AND AIRWAY TRUST FUND FINANCING

- Sec. 1001. Short title.
- Sec. 1002. Extension and modification of taxes funding airport and airway trust fund.

TITLE XI—COMPLIANCE WITH STATUTORY PAY-AS-YOU-GO-ACT OF 2010

- Sec. 1101. Compliance provision.

SEC. 2. AMENDMENTS TO TITLE 49, UNITED STATES CODE.

Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or a repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title 49, United States Code.

SEC. 3. EFFECTIVE DATE.

Except as otherwise expressly provided, this Act and the amendments made by this Act shall apply only to fiscal years beginning after September 30, 2008.

TITLE I—AUTHORIZATIONS

Subtitle A—Funding of FAA Programs

SEC. 101. AIRPORT PLANNING AND DEVELOPMENT AND NOISE COMPATIBILITY PLANNING AND PROGRAMS.

(a) AUTHORIZATION.—Section 48103 is amended—

(1) by striking “September 30, 2003” and inserting “September 30, 2008”; and

(2) by striking paragraphs (1) through (6) and inserting the following:

“(1) \$4,000,000,000 for fiscal year 2010;

“(2) \$4,100,000,000 for fiscal year 2011; and

“(3) \$4,200,000,000 for fiscal year 2012.”.

(b) ALLOCATIONS OF FUNDS.—Section 48103 is amended—

(1) by striking “The total amounts” and inserting “(a) AVAILABILITY OF AMOUNTS.—The total amounts”; and

(2) by adding at the end the following:

“(b) AIRPORT COOPERATIVE RESEARCH PROGRAM.—Of the amounts made available under subsection (a), \$15,000,000 for each of fiscal years 2010 through 2012 may be used for carrying out the Airport Cooperative Research Program.

“(c) AIRPORTS TECHNOLOGY RESEARCH.—Of the amounts made available under subsection (a), \$19,348,000 for each of fiscal years 2010 through 2012 may be used for carrying out airports technology research.”.

(c) OBLIGATIONAL AUTHORITY.—Section 47104(c) is amended by striking “September 30, 2009” and inserting “September 30, 2012”.

(d) RESCISSION OF UNOBLIGATED BALANCES.—Of the amounts authorized under sections 48103 and 48112 of title 49, United States Code, for fiscal year 2009, \$305,500,000 are hereby rescinded. Of the unobligated balances from funds available under such sections for fiscal years prior to fiscal year 2009, \$102,000,000 are hereby rescinded.

SEC. 102. AIR NAVIGATION FACILITIES AND EQUIPMENT.

(a) AUTHORIZATION OF APPROPRIATIONS.—Section 48101(a) is amended by striking paragraphs (1) through (5) and inserting the following:

“(1) \$3,259,000,000 for fiscal year 2010.

“(2) \$3,353,000,000 for fiscal year 2011.

“(3) \$3,506,000,000 for fiscal year 2012.”.

(b) USE OF FUNDS.—Section 48101 is amended by striking subsections (c) through (i) and inserting the following:

“(c) WAKE VORTEX MITIGATION.—Of amounts appropriated under subsection (a), such sums as may be necessary for each of fiscal years 2010 through 2012 may be used for the development and analysis of wake vortex mitigation, including advisory systems.

“(d) WEATHER HAZARDS.—

“(1) IN GENERAL.—Of amounts appropriated under subsection (a), such sums as may be necessary for each of fiscal years 2010 through 2012 may be used for the development of in-flight and ground-based weather threat mitigation systems, including ground de-icing and anti-icing systems and other systems for predicting, detecting, and mitigating the effects of certain weather conditions on both airframes and engines.

“(2) SPECIFIC HAZARDS.—Weather conditions referred to in paragraph (1) include—

“(A) ground-based icing threats such as ice pellets and freezing drizzle;

“(B) oceanic weather, including convective weather, and other hazards associated with oceanic operations (where commercial traffic is high and only rudimentary satellite sensing is available) to reduce the hazards presented to commercial aviation, including convective weather ice crystal ingestion threats; and

“(C) en route turbulence prediction.

“(e) SAFETY MANAGEMENT SYSTEMS.—Of amounts appropriated under subsection (a) and section 106(k)(1), such sums as may be necessary for each of fiscal years 2010 through 2012 may be used to advance the development and implementation of safety management systems.

“(f) RUNWAY INCURSION REDUCTION PROGRAMS.—Of amounts appropriated under subsection (a), \$12,000,000 for fiscal year 2010, \$12,000,000 for fiscal year 2011, and \$12,000,000 for fiscal year 2012 may be used for the development and implementation of runway incursion reduction programs.

“(g) RUNWAY STATUS LIGHTS.—Of amounts appropriated under subsection (a), \$125,000,000 for fiscal year 2010, \$100,000,000 for 2011, and \$50,000,000 for fiscal year 2012 may be used for the acquisition and installation of runway status lights.

“(h) NEXTGEN SYSTEMS DEVELOPMENT PROGRAMS.—Of amounts appropriated under subsection (a), \$102,900,000 for fiscal year 2010, \$104,000,000 for fiscal year 2011, and \$105,300,000 for fiscal year 2012 may be used for systems development activities associated with NextGen.

“(i) NEXTGEN DEMONSTRATION PROGRAMS.—Of amounts appropriated under subsection (a), \$30,000,000 for fiscal year 2010, \$30,000,000 for fiscal year 2011, and \$30,000,000 for fiscal year 2012 may be used for demonstration activities associated with NextGen.

“(j) CENTER FOR ADVANCED AVIATION SYSTEM DEVELOPMENT.—Of amounts appropriated under subsection (a), \$79,000,000 for fiscal year 2010, \$79,000,000 for fiscal year 2011, and \$80,800,000 for fiscal year 2012 may be used for the Center for Advanced Aviation System Development.

“(k) ADDITIONAL PROGRAMS.—Of amounts appropriated under subsection (a), \$22,500,000 for fiscal year 2010, \$22,500,000 for fiscal year 2011, and \$22,500,000 for fiscal year 2012 may be used for—

“(1) system capacity, planning, and improvement;

“(2) operations concept validation;

“(3) NAS weather requirements; and

“(4) Airspace Management Lab.”.

SEC. 103. FAA OPERATIONS.

(a) IN GENERAL.—Section 106(k)(1) is amended by striking subparagraphs (A) through (E) and inserting the following:

“(A) \$9,531,272,000 for fiscal year 2010;

“(B) \$9,936,259,000 for fiscal year 2011; and

“(C) \$10,350,155,000 for fiscal year 2012.”.

(b) AUTHORIZED EXPENDITURES.—Section 106(k)(2) is amended—

(1) by striking subparagraph (A) and inserting the following:

“(A) Such sums as may be necessary for fiscal years 2010 through 2012 to support development and maintenance of helicopter approach procedures, including certification and recertification of instrument flight rule, global positioning system, and point-in-space approaches to heliports necessary to support all weather, emergency services.”;

(2) by striking subparagraphs (B), (C), and (D);

(3) by redesignating subparagraphs (E), (F), and (G) as subparagraphs (B), (C), and (D), respectively; and

(4) in subparagraphs (B), (C), and (D) (as so redesignated) by striking “2004 through 2007” and inserting “2010 through 2012”.

(c) AIRLINE DATA AND ANALYSIS.—There is authorized to be appropriated to the Secretary of Transportation out of the Airport and Airway Trust Fund established by section 9502 of the Internal Revenue Code of 1986 (26 U.S.C. 9502) to fund airline data collection and analysis by the Bureau of Transportation Statistics in the Research and Innovative Technology Administration of the Department of Transportation \$6,000,000 for each of fiscal years 2010, 2011, and 2012.

SEC. 104. RESEARCH, ENGINEERING, AND DEVELOPMENT.

Section 48102(a) is amended—

(1) in paragraph (11)—

(A) in subparagraph (K) by inserting “and” at the end; and

(B) in subparagraph (L) by striking “and” at the end;

(2) in paragraph (12)(L) by striking “and” at the end; and

(3) by striking paragraph (13) and inserting the following:

“(13) for fiscal year 2010, \$214,587,000, including—

“(A) \$8,546,000 for fire research and safety;

“(B) \$4,075,000 for propulsion and fuel systems;

“(C) \$2,965,000 for advanced materials and structural safety;

“(D) \$4,921,000 for atmospheric hazards and digital system safety;

“(E) \$14,688,000 for aging aircraft;

“(F) \$2,153,000 for aircraft catastrophic failure prevention research;

“(G) \$11,000,000 for flightdeck maintenance, system integration, and human factors;

“(H) \$12,589,000 for aviation safety risk analysis;

“(I) \$15,471,000 for air traffic control, technical operations, and human factors;

“(J) \$8,699,000 for aeromedical research;

“(K) \$23,286,000 for weather program;

“(L) \$6,236,000 for unmanned aircraft systems research;

“(M) \$18,100,000 for the Next Generation Air Transportation System Joint Planning and Development Office;

“(N) \$10,412,000 for wake turbulence;

“(O) \$10,400,000 for NextGen—Air ground integration;

“(P) \$8,000,000 for NextGen—Self separation;

“(Q) \$7,567,000 for NextGen—Weather technology in the cockpit;

“(R) \$20,278,000 for environment and energy;

“(S) \$19,700,000 for NextGen—Environmental research—Aircraft technologies, fuels, and metrics;

“(T) \$1,827,000 for system planning and resource management; and

“(U) \$3,674,000 for the William J. Hughes Technical Center Laboratory Facility;

“(14) for fiscal year 2011, \$225,993,000, including—

“(A) \$8,815,000 for fire research and safety;

“(B) \$4,150,000 for propulsion and fuel systems;

“(C) \$2,975,000 for advanced materials and structural safety;

“(D) \$4,949,000 for atmospheric hazards and digital system safety;

“(E) \$14,903,000 for aging aircraft;

“(F) \$2,181,000 for aircraft catastrophic failure prevention research;

“(G) \$12,000,000 for flightdeck maintenance, system integration, and human factors;

“(H) \$12,497,000 for aviation safety risk analysis;

“(I) \$15,715,000 for air traffic control, technical operations, and human factors;

“(J) \$8,976,000 for aeromedical research;

“(K) \$23,638,000 for weather program;

“(L) \$6,295,000 for unmanned aircraft systems research;

“(M) \$18,100,000 for the Next Generation Air Transportation System Joint Planning and Development Office;

“(N) \$10,471,000 for wake turbulence;

“(O) \$10,600,000 for NextGen—Air ground integration;

“(P) \$8,300,000 for NextGen—Self separation;

“(Q) \$8,345,000 for NextGen—Weather technology in the cockpit;

“(R) \$27,075,000 for environment and energy;

“(S) \$20,368,000 for NextGen—Environmental research—Aircraft technologies, fuels, and metrics;

“(T) \$1,836,000 for system planning and resource management; and

“(U) \$3,804,000 for the William J. Hughes Technical Center Laboratory Facility; and

“(15) for fiscal year 2012, \$244,860,000, including—

“(A) \$8,957,000 for fire research and safety;

“(B) \$4,201,000 for propulsion and fuel systems;

“(C) \$2,986,000 for advanced materials and structural safety;

“(D) \$4,979,000 for atmospheric hazards and digital system safety;

“(E) \$15,013,000 for aging aircraft;

“(F) \$2,192,000 for aircraft catastrophic failure prevention research;

“(G) \$12,000,000 for flightdeck maintenance, system integration, and human factors;

“(H) \$12,401,000 for aviation safety risk analysis;

“(I) \$16,000,000 for air traffic control, technical operations, and human factors;

“(J) \$9,267,000 for aeromedical research;

“(K) \$23,800,000 for weather program;

“(L) \$6,400,000 for unmanned aircraft systems research;

“(M) \$18,100,000 for the Next Generation Air Transportation System Joint Planning and Development Office;

“(N) \$10,471,000 for wake turbulence;

“(O) \$10,800,000 for NextGen—Air ground integration;

“(P) \$8,500,000 for NextGen—Self separation;

“(Q) \$8,569,000 for NextGen—Weather technology in the cockpit;

“(R) \$44,409,000 for environment and energy;

“(S) \$20,034,000 for NextGen—Environmental research—Aircraft technologies, fuels, and metrics;

“(T) \$1,840,000 for system planning and resource management; and

“(U) \$3,941,000 for the William J. Hughes Technical Center Laboratory Facility.”.

SEC. 105. FUNDING FOR AVIATION PROGRAMS.

(a) AIRPORT AND AIRWAY TRUST FUND GUARANTEE.—Section 48114(a)(1)(A) is amended to read as follows:

“(A) IN GENERAL.—The total budget resources made available from the Airport and Airway

Trust Fund each fiscal year through fiscal year 2012 pursuant to sections 48101, 48102, 48103, and 106(k) shall—

“(i) in fiscal year 2010, be equal to 90 percent of the estimated level of receipts plus interest credited to the Airport and Airway Trust Fund for that fiscal year; and

“(ii) in each of fiscal years 2011 and 2012, be equal to the sum of—

“(I) 90 percent of the estimated level of receipts plus interest credited to the Airport and Airway Trust Fund for that fiscal year; and

“(II) the actual level of receipts plus interest credited to the Airport and Airway Trust Fund for the second preceding fiscal year minus the total amount made available for obligation from the Airport and Airway Trust Fund for the second preceding fiscal year.

Such amounts may be used only for aviation investment programs listed in subsection (b).”.

(b) **ADDITIONAL AUTHORIZATIONS OF APPROPRIATIONS FROM THE GENERAL FUND.**—Section 48114(a)(2) is amended by striking “2007” and inserting “2012”.

(c) **ESTIMATED LEVEL OF RECEIPTS PLUS INTEREST DEFINED.**—Section 48114(b)(2) is amended—

(1) in the paragraph heading by striking “LEVEL” and inserting “ESTIMATED LEVEL”; and

(2) by striking “level of receipts plus interest” and inserting “estimated level of receipts plus interest”.

(d) **ENFORCEMENT OF GUARANTEES.**—Section 48114(c)(2) is amended by striking “2007” and inserting “2012”.

Subtitle B—Passenger Facility Charges

SEC. 111. PFC AUTHORITY.

(a) **PFC DEFINED.**—Section 40117(a)(5) is amended to read as follows:

“(5) **PASSENGER FACILITY CHARGE.**—The term ‘passenger facility charge’ means a charge or fee imposed under this section.”.

(b) **INCREASE IN PFC MAXIMUM LEVEL.**—Section 40117(b)(4) is amended by striking “\$4.00 or \$4.50” and inserting “\$4.00, \$4.50, \$5.00, \$6.00, or \$7.00”.

(c) **PILOT PROGRAM FOR PFC AT NONHUB AIRPORTS.**—Section 40117(l) is amended—

(1) by striking paragraph (7); and

(2) by redesignating paragraph (8) as paragraph (7).

(d) **CORRECTION OF REFERENCES.**—

(1) **SECTION 40117.**—Section 40117 is amended—
(A) in the section heading by striking “fees” and inserting “charges”;

(B) in the heading for subsection (e) by striking “FEES” and inserting “CHARGES”;

(C) in the heading for subsection (l) by striking “FEE” and inserting “CHARGE”;

(D) in the heading for paragraph (5) of subsection (l) by striking “FEE” and inserting “CHARGE”;

(E) in the heading for subsection (m) by striking “FEES” and inserting “CHARGES”;

(F) in the heading for paragraph (1) of subsection (m) by striking “FEES” and inserting “CHARGES”;

(G) by striking “fee” each place it appears (other than the second sentence of subsection (g)(4)) and inserting “charge”; and

(H) by striking “fees” each place it appears and inserting “charges”.

(2) **OTHER REFERENCES.**—Subtitle VII is amended by striking “fee” and inserting “charge” each place it appears in each of the following sections:

(A) Section 47106(f)(1).

(B) Section 47110(e)(5).

(C) Section 47114(f).

(D) Section 47134(g)(1).

(E) Section 47139(b).

(F) Section 47524(e).

(G) Section 47526(2).

SEC. 112. PFC ELIGIBILITY FOR BICYCLE STORAGE.

(a) **IN GENERAL.**—Section 40117(a)(3) is amended by adding at the end the following:

“(H) A project to construct secure bicycle storage facilities that are to be used by passengers at the airport and that are in compliance with applicable security standards.”.

(b) **REPORT TO CONGRESS.**—Not later than one year after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall submit to Congress a report on the progress being made by airports to install bicycle parking for airport customers and airport employees.

SEC. 113. AWARD OF ARCHITECTURAL AND ENGINEERING CONTRACTS FOR AIRSIDE PROJECTS.

(a) **IN GENERAL.**—Section 40117(d) is amended—

(1) by striking “and” at the end of paragraph (3);

(2) by striking the period at the end of paragraph (4) and inserting “; and”; and

(3) by adding at the end the following:

“(5) in the case of an application to finance a project to meet the airside needs of the airport, the application includes written assurances, satisfactory to the Secretary, that each contract and subcontract for program management, construction management, planning studies, feasibility studies, architectural services, preliminary engineering, design, engineering, surveying, mapping, and related services will be awarded in the same way that a contract for architectural and engineering services is negotiated under chapter 11 of title 40 or an equivalent qualifications-based requirement prescribed for or by the eligible agency.”.

(b) **APPLICABILITY.**—The amendment made by subsection (a) shall apply to an application submitted to the Secretary of Transportation by an eligible agency under section 40117 of title 49, United States Code, after the date of enactment of this Act.

SEC. 114. INTERMODAL GROUND ACCESS PROJECT PILOT PROGRAM.

Section 40117 is amended by adding at the end the following:

“(n) **PILOT PROGRAM FOR PFC ELIGIBILITY FOR INTERMODAL GROUND ACCESS PROJECTS.**—

“(1) **PFC ELIGIBILITY.**—Subject to the requirements of this subsection, the Secretary shall establish a pilot program under which the Secretary may authorize, at no more than 5 airports, a passenger facility charge imposed under subsection (b)(1) or (b)(4) to be used to finance the eligible cost of an intermodal ground access project.

“(2) **INTERMODAL GROUND ACCESS PROJECT DEFINED.**—In this section, the term ‘intermodal ground access project’ means a project for constructing a local facility owned or operated by an eligible agency that is directly and substantially related to the movement of passengers or property traveling in air transportation.

“(3) **ELIGIBLE COSTS.**—

“(A) **IN GENERAL.**—For purposes of paragraph (1), the eligible cost of an intermodal ground access project shall be the total cost of the project multiplied by the ratio that—

“(i) the number of individuals projected to use the project to gain access to or depart from the airport; bears to

“(ii) the total number of the individuals projected to use the facility.

“(B) **DETERMINATIONS REGARDING PROJECTED PROJECT USE.**—

“(i) **IN GENERAL.**—Except as provided by clause (ii), the Secretary shall determine the projected use of a project for purposes of subparagraph (A) at the time the project is approved under this subsection.

“(ii) **PUBLIC TRANSPORTATION PROJECTS.**—In the case of a project approved under this section

to be financed in part using funds administered by the Federal Transit Administration, the Secretary shall use the travel forecasting model for the project at the time such project is approved by the Federal Transit Administration to enter preliminary engineering to determine the projected use of the project for purposes of subparagraph (A).”.

SEC. 115. PARTICIPATION OF DISADVANTAGED BUSINESS ENTERPRISES IN CONTRACTS, SUBCONTRACTS, AND BUSINESS OPPORTUNITIES FUNDED USING PASSENGER FACILITY REVENUES AND IN AIRPORT CONCESSIONS.

Section 40117 (as amended by this Act) is further amended by adding at the end the following:

“(o) **PARTICIPATION BY DISADVANTAGED BUSINESS ENTERPRISES.**—

“(1) **APPLICABILITY OF REQUIREMENTS.**—Except to the extent otherwise provided by the Secretary, requirements relating to disadvantaged business enterprises, as set forth in parts 23 and 26 of title 49, Code of Federal Regulations (or a successor regulation), shall apply to an airport collecting passenger facility revenue.

“(2) **REGULATIONS.**—The Secretary shall issue any regulations necessary to implement this subsection, including—

“(A) goal setting requirements for an eligible agency to ensure that contracts, subcontracts, and business opportunities funded using passenger facility revenues, and airport concessions, are awarded consistent with the levels of participation of disadvantaged business enterprises and airport concessions disadvantaged business enterprises that would be expected in the absence of discrimination;

“(B) provision for an assurance that requires that an eligible agency will not discriminate on the basis of race, color, national origin, or sex in the award and performance of any contract funded using passenger facility revenues; and

“(C) a requirement that an eligible agency will take all necessary and reasonable steps to ensure nondiscrimination in the award and administration of contracts funded using passenger facility revenues.

“(3) **EFFECTIVE DATE.**—Paragraph (1) shall take effect on the day following the date on which the Secretary issues final regulations under paragraph (2).

“(4) **DEFINITIONS.**—In this subsection, the following definitions apply:

“(A) **AIRPORT CONCESSIONS DISADVANTAGED BUSINESS ENTERPRISE.**—The term ‘airport concessions disadvantaged business enterprise’ has the meaning given that term in part 23 of title 49, Code of Federal Regulations (or a successor regulation).

“(B) **DISADVANTAGED BUSINESS ENTERPRISE.**—The term ‘disadvantaged business enterprise’ has the meaning given that term in part 26 of title 49, Code of Federal Regulations (or a successor regulation).”.

SEC. 116. IMPACTS ON AIRPORTS OF ACCOMMODATING CONNECTING PASSENGERS.

(a) **STUDY.**—Not later than 90 days after the date of enactment of this Act, the Secretary of Transportation shall initiate a study to evaluate—

(1) the impacts on airports of accommodating connecting passengers; and

(2) the treatment of airports at which the majority of passengers are connecting passengers under the passenger facility charge program authorized by section 40117 of title 49, United States Code.

(b) **CONTENTS OF STUDY.**—In conducting the study, the Secretary shall review, at a minimum, the following:

(1) the differences in facility needs, and the costs for constructing, maintaining, and operating those facilities, for airports at which the

majority of passengers are connecting passengers as compared to airports at which the majority of passengers are originating and destination passengers;

(2) whether the costs to an airport of accommodating additional connecting passengers differs from the cost of accommodating additional originating and destination passengers;

(3) for each airport charging a passenger facility charge, the percentage of passenger facility charge revenue attributable to connecting passengers and the percentage of such revenue attributable to originating and destination passengers;

(4) the potential effects on airport revenues of requiring airports to charge different levels of passenger facility charges on connecting passengers and originating and destination passengers; and

(5) the added costs to air carriers of collecting passenger facility charges under a system in which different levels of passenger facility charges are imposed on connecting passengers and originating and destination passengers.

(c) REPORT TO CONGRESS.—

(1) **IN GENERAL.**—Not later than one year after the date of initiation of the study, the Secretary shall submit to Congress a report on the results of the study.

(2) CONTENTS.—The report shall include—

(A) the findings of the Secretary on each of the subjects listed in subsection (b); and

(B) recommendations, if any, of the Secretary based on the results of the study for any changes to the passenger facility charge program, including recommendations as to whether different levels of passenger facility charges should be imposed on connecting passengers and originating and destination passengers.

Subtitle C—Fees for FAA Services

SEC. 121. UPDATE ON OVERFLIGHTS.

(a) **ESTABLISHMENT AND ADJUSTMENT OF FEES.**—Section 45301(b) is amended to read as follows:

“(b) **ESTABLISHMENT AND ADJUSTMENT OF FEES.**—

“(1) **IN GENERAL.**—In establishing and adjusting fees under subsection (a), the Administrator shall ensure that the fees are reasonably related to the Administration’s costs, as determined by the Administrator, of providing the services rendered. Services for which costs may be recovered include the costs of air traffic control, navigation, weather services, training, and emergency services which are available to facilitate safe transportation over the United States and the costs of other services provided by the Administrator, or by programs financed by the Administrator, to flights that neither take off nor land in the United States. The determination of such costs by the Administrator, and the allocation of such costs by the Administrator to services provided, are not subject to judicial review.

“(2) **ADJUSTMENT OF FEES.**—The Administrator shall adjust the overflight fees established by subsection (a)(1) by expedited rulemaking and begin collections under the adjusted fees by May 1, 2010. In developing the adjusted overflight fees, the Administrator may seek and consider the recommendations offered by an aviation rulemaking committee for overflight fees that are provided to the Administrator by September 1, 2009, and are intended to ensure that overflight fees are reasonably related to the Administrator’s costs of providing air traffic control and related services to overflights.

“(3) **AIRCRAFT ALTITUDE.**—Nothing in this section shall require the Administrator to take into account aircraft altitude in establishing any fee for aircraft operations in en route or oceanic airspace.

“(4) **COSTS DEFINED.**—In this subsection, the term ‘costs’ includes those costs associated with the operation, maintenance, leasing costs, and

overhead expenses of the services provided and the facilities and equipment used in such services, including the projected costs for the period during which the services will be provided.

“(5) **PUBLICATION; COMMENT.**—The Administrator shall publish in the Federal Register any fee schedule under this section, including any adjusted overflight fee schedule, and the associated collection process as an interim final rule, pursuant to which public comment will be sought and a final rule issued.”.

(b) **ADJUSTMENTS.**—Section 45301 is amended by adding at the end the following:

“(e) **ADJUSTMENTS.**—In addition to adjustments under subsection (b), the Administrator may periodically adjust the fees established under this section.”.

SEC. 122. REGISTRATION FEES.

(a) **IN GENERAL.**—Chapter 453 is amended by adding at the end the following:

“§ 45305. Registration, certification, and related fees

“(a) **GENERAL AUTHORITY AND FEES.**—Subject to subsection (b), the Administrator of the Federal Aviation Administration shall establish the following fees for services and activities of the Administration:

“(1) \$130 for registering an aircraft.

“(2) \$45 for replacing an aircraft registration.

“(3) \$130 for issuing an original dealer’s aircraft certificate.

“(4) \$105 for issuing an aircraft certificate (other than an original dealer’s aircraft certificate).

“(5) \$80 for issuing a special registration number.

“(6) \$50 for issuing a renewal of a special registration number.

“(7) \$130 for recording a security interest in an aircraft or aircraft part.

“(8) \$50 for issuing an airman certificate.

“(9) \$25 for issuing a replacement airman certificate.

“(10) \$42 for issuing an airman medical certificate.

“(11) \$100 for providing a legal opinion pertaining to aircraft registration or recordation.

“(b) **LIMITATION ON COLLECTION.**—No fee may be collected under this section unless the expenditure of the fee to pay the costs of activities and services for which the fee is imposed is provided for in advance in an appropriations Act.

“(c) **FEES CREDITED AS OFFSETTING COLLECTIONS.**—

“(1) **IN GENERAL.**—Notwithstanding section 3302 of title 31, any fee authorized to be collected under this section shall—

“(A) be credited as offsetting collections to the account that finances the activities and services for which the fee is imposed;

“(B) be available for expenditure only to pay the costs of activities and services for which the fee is imposed; and

“(C) remain available until expended.

“(2) **CONTINUING APPROPRIATIONS.**—The Administrator may continue to assess, collect, and spend fees established under this section during any period in which the funding for the Federal Aviation Administration is provided under an Act providing continuing appropriations in lieu of the Administration’s regular appropriations.

“(3) **ADJUSTMENTS.**—The Administrator shall periodically adjust the fees established by subsection (a) when cost data from the cost accounting system developed pursuant to section 45303(e) reveal that the cost of providing the service is higher or lower than the cost data that were used to establish the fee then in effect.”.

(b) **CLERICAL AMENDMENT.**—The analysis for chapter 453 is amended by adding at the end the following:

“45305. Registration, certification, and related fees.”.

(c) **FEES INVOLVING AIRCRAFT NOT PROVIDING AIR TRANSPORTATION.**—Section 45302(e) is amended—

(1) by striking “A fee” and inserting the following:

“(1) **IN GENERAL.**—A fee”; and

(2) by adding at the end the following:

“(2) **EFFECT OF IMPOSITION OF OTHER FEES.**—A fee may not be imposed for a service or activity under this section during any period in which a fee for the same service or activity is imposed under section 45305.”.

Subtitle D—AIP Modifications

SEC. 131. AMENDMENTS TO AIP DEFINITIONS.

(a) **AIRPORT DEVELOPMENT.**—Section 47102(3) is amended—

(1) in subparagraph (B)(iv) by striking “20” and inserting “9”; and

(2) by adding at the end the following:

“(M) construction of mobile refueler parking within a fuel farm at a nonprimary airport meeting the requirements of section 112.8 of title 40, Code of Federal Regulations.

“(N) terminal development under section 47119(a).

“(O) acquiring and installing facilities and equipment to provide air conditioning, heating, or electric power from terminal-based, non-exclusive use facilities to aircraft parked at a public use airport for the purpose of reducing energy use or harmful emissions as compared to the provision of such air conditioning, heating, or electric power from aircraft-based systems.”.

(b) **AIRPORT PLANNING.**—Section 47102(5) is amended by inserting before the period at the end the following: “, developing an environmental management system”.

(c) **GENERAL AVIATION AIRPORT.**—Section 47102 is amended—

(1) by redesignating paragraphs (23) through (25) as paragraphs (25) through (27), respectively;

(2) by redesignating paragraphs (8) through (22) as paragraphs (9) through (23), respectively; and

(3) by inserting after paragraph (7) the following:

“(8) ‘general aviation airport’ means a public airport that is located in a State and that, as determined by the Secretary—

“(A) does not have scheduled service; or

“(B) has scheduled service with less than 2,500 passenger boardings each year.”.

(d) **REVENUE PRODUCING AERONAUTICAL SUPPORT FACILITIES.**—Section 47102 is amended by inserting after paragraph (23) (as redesignated by subsection (c)(2) of this section) the following:

“(24) ‘revenue producing aeronautical support facilities’ means fuel farms, hangar buildings, self-service credit card aeronautical fueling systems, airplane wash racks, major rehabilitation of a hangar owned by a sponsor, or other aeronautical support facilities that the Secretary determines will increase the revenue producing ability of the airport.”.

(e) **TERMINAL DEVELOPMENT.**—Section 47102 is further amended by adding at the end the following:

“(28) ‘terminal development’ means—

“(A) development of—

“(i) an airport passenger terminal building, including terminal gates;

“(ii) access roads servicing exclusively airport traffic that leads directly to or from an airport passenger terminal building; and

“(iii) walkways that lead directly to or from an airport passenger terminal building; and

“(B) the cost of a vehicle described in section 47119(a)(1)(B).”.

SEC. 132. SOLID WASTE RECYCLING PLANS.

(a) **AIRPORT PLANNING.**—Section 47102(5) (as amended by section 131(b) of this Act) is amended by inserting before the period at the end the

following: “, and planning to minimize the generation of, and to recycle, airport solid waste in a manner that is consistent with applicable State and local recycling laws”.

(b) MASTER PLAN.—Section 47106(a) is amended—

(1) by striking “and” at the end of paragraph (4);

(2) by striking the period at the end of paragraph (5) and inserting “; and”; and

(3) by adding at the end the following:

“(6) in any case in which the project is for an airport that has an airport master plan, the master plan addresses the feasibility of solid waste recycling at the airport and minimizing the generation of solid waste at the airport.”.

SEC. 133. AMENDMENTS TO GRANT ASSURANCES.

(a) GENERAL WRITTEN ASSURANCES.—Section 47107(a)(16)(D)(ii) is amended by inserting before the semicolon at the end the following: “, except in the case of a relocation or replacement of an existing airport facility that meets the conditions of section 47110(d)”.

(b) WRITTEN ASSURANCES ON ACQUIRING LAND.—

(1) USE OF PROCEEDS.—Section 47107(c)(2)(A)(iii) is amended by striking “paid to the Secretary” and all that follows before the semicolon and inserting “reinvested in another project at the airport or transferred to another airport as the Secretary prescribes under paragraph (4)”.

(2) ELIGIBLE PROJECTS.—Section 47107(c) is amended by adding at the end the following:

“(4) PRIORITIES FOR REINVESTMENT.—In approving the reinvestment or transfer of proceeds under subsection (c)(2)(A)(iii), the Secretary shall give preference, in descending order, to the following actions:

“(A) Reinvestment in an approved noise compatibility project.

“(B) Reinvestment in an approved project that is eligible for funding under section 47117(e).

“(C) Reinvestment in an approved airport development project that is eligible for funding under section 47114, 47115, or 47117.

“(D) Transfer to a sponsor of another public airport to be reinvested in an approved noise compatibility project at such airport.

“(E) Payment to the Secretary for deposit in the Airport and Airway Trust Fund.”.

(c) CLERICAL AMENDMENT.—Section 47107(c)(2)(B)(iii) is amended by striking “the Fund” and inserting “the Airport and Airway Trust Fund established under section 9502 of the Internal Revenue Code of 1986 (26 U.S.C. 9502)”.

SEC. 134. GOVERNMENT SHARE OF PROJECT COSTS.

Section 47109 is amended—

(1) in subsection (a) by striking “provided in subsection (b) or subsection (c) of this section” and inserting “otherwise specifically provided in this section”; and

(2) by adding at the end the following:

“(e) SPECIAL RULE FOR TRANSITION FROM SMALL HUB TO MEDIUM HUB STATUS.—If the status of a small hub airport changes to a medium hub airport, the Government’s share of allowable project costs for the airport may not exceed 90 percent for the first 2 fiscal years following such change in hub status.

“(f) SPECIAL RULE FOR ECONOMICALLY DEPRESSED COMMUNITIES.—The Government’s share of allowable project costs shall be 95 percent for a project at an airport that—

“(1) is receiving subsidized air service under subchapter II of chapter 417; and

“(2) is located in an area that meets one or more of the criteria established in section 301(a) of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3161(a)), as determined by the Secretary of Commerce.”.

SEC. 135. AMENDMENTS TO ALLOWABLE COSTS.

(a) ALLOWABLE PROJECT COSTS.—Section 47110(b)(2)(D) is amended to read as follows:

“(D) if the cost is for airport development and is incurred before execution of the grant agreement, but in the same fiscal year as execution of the grant agreement, and if—

“(i) the cost was incurred before execution of the grant agreement due to the short construction season in the vicinity of the airport;

“(ii) the cost is in accordance with an airport layout plan approved by the Secretary and with all statutory and administrative requirements that would have been applicable to the project if the project had been carried out after execution of the grant agreement;

“(iii) the sponsor notifies the Secretary before authorizing work to commence on the project; and

“(iv) the sponsor’s decision to proceed with the project in advance of execution of the grant agreement does not affect the priority assigned to the project by the Secretary for the allocation of discretionary funds;”.

(b) RELOCATION OF AIRPORT-OWNED FACILITIES.—Section 47110(d) is amended to read as follows:

“(d) RELOCATION OF AIRPORT-OWNED FACILITIES.—The Secretary may determine that the costs of relocating or replacing an airport-owned facility are allowable for an airport development project at an airport only if—

“(1) the Government’s share of such costs will be paid with funds apportioned to the airport sponsor under section 47114(c)(1) or 47114(d);

“(2) the Secretary determines that the relocation or replacement is required due to a change in the Secretary’s design standards; and

“(3) the Secretary determines that the change is beyond the control of the airport sponsor.”.

(c) NONPRIMARY AIRPORTS.—Section 47110(h) is amended—

(1) by inserting “construction of” before “revenue producing”; and

(2) by striking “, including fuel farms and hangars,”.

SEC. 136. PREFERENCE FOR SMALL BUSINESS CONCERNS OWNED AND CONTROLLED BY DISABLED VETERANS.

Section 47112(c) is amended by adding at the end the following:

“(3) A contract involving labor for carrying out an airport development project under a grant agreement under this subchapter must require that a preference be given to the use of small business concerns (as defined in section 3 of the Small Business Act (15 U.S.C. 632)) owned and controlled by disabled veterans.”.

SEC. 137. AIRPORT DISADVANTAGED BUSINESS ENTERPRISE PROGRAM.

(a) PURPOSE.—It is the purpose of the airport disadvantaged business program to ensure that minority- and women-owned businesses have a full and fair opportunity to compete in federally assisted airport contracts and concessions and to ensure that the Federal Government does not subsidize discrimination in private or locally funded airport-related industries.

(b) FINDINGS.—Congress finds the following:

(1) While significant progress has occurred due to the enactment of the airport disadvantaged business enterprise program (49 U.S.C. 47107(e) and 47113), discrimination continues to be a significant barrier for minority- and women-owned businesses seeking to do business in airport-related markets. This continuing discrimination merits the continuation of the airport disadvantaged business enterprise program.

(2) Discrimination poses serious barriers to the full participation in airport-related businesses of women business owners and minority business owners, including African Americans, Hispanic Americans, Asian Americans, and Native Americans.

(3) Discrimination impacts minority and women business owners in every geographic region of the United States and in every airport-related industry.

(4) Discrimination has impacted many aspects of airport-related business, including—

(A) the availability of venture capital and credit;

(B) the availability of bonding and insurance;

(C) the ability to obtain licensing and certification;

(D) public and private bidding and quoting procedures;

(E) the pricing of supplies and services;

(F) business training, education, and apprenticeship programs; and

(G) professional support organizations and informal networks through which business opportunities are often established.

(5) Congress has received voluminous evidence of discrimination against minority and women business owners in airport-related industries, including—

(A) statistical analyses demonstrating significant disparities in the utilization of minority- and women-owned businesses in federally and locally funded airport related contracting;

(B) statistical analyses of private sector disparities in business success by minority- and women-owned businesses in airport related industries;

(C) research compiling anecdotal reports of discrimination by individual minority and women business owners;

(D) individual reports of discrimination by minority and women business owners and the organizations and individuals who represent minority and women business owners;

(E) analyses demonstrating significant reductions in the participation of minority and women businesses in jurisdictions that have reduced or eliminated their minority- and women-owned business programs;

(F) statistical analyses showing significant disparities in the credit available to minority- and women-owned businesses;

(G) research and statistical analyses demonstrating how discrimination negatively impacts firm formation, growth, and success;

(H) experience of airports and other localities demonstrating that race- and gender-neutral efforts alone are insufficient to remedy discrimination; and

(I) other qualitative and quantitative evidence of discrimination against minority- and women-owned businesses in airport-related industries.

(6) All of this evidence provides a strong basis for the continuation of the airport disadvantaged business enterprise program and the airport concessions disadvantaged business enterprise program.

(7) Congress has received and reviewed recent comprehensive and compelling evidence of discrimination from many different sources, including congressional hearings and roundtables, scientific reports, reports issued by public and private agencies, news stories, reports of discrimination by organizations and individuals, and discrimination lawsuits.

(c) DISADVANTAGED BUSINESS ENTERPRISE PERSONAL NET WORTH CAP; BONDING REQUIREMENTS.—Section 47113 is amended by adding at the end the following:

“(e) PERSONAL NET WORTH CAP.—

“(1) REGULATIONS.—Not later than 180 days after the date of enactment of this subsection, the Secretary shall issue final regulations to adjust the personal net worth cap used in determining whether an individual is economically disadvantaged for purposes of qualifying under the definition contained in subsection (a)(2) and under section 47107(e). The regulations shall correct for the impact of inflation since the Small Business Administration established the personal net worth cap at \$750,000 in 1989.

“(2) ANNUAL ADJUSTMENT.—Following the initial adjustment under paragraph (1), the Secretary shall adjust, on June 30 of each year

thereafter, the personal net worth cap to account for changes, occurring in the preceding 12-month period, in the Consumer Price Index of All Urban Consumers (United States city average, all items) published by the Secretary of Labor.

“(f) EXCLUSION OF RETIREMENT BENEFITS.—

“(1) IN GENERAL.—In calculating a business owner's personal net worth, any funds held in a qualified retirement account owned by the business owner shall be excluded, subject to regulations to be issued by the Secretary.

“(2) REGULATIONS.—Not later than one year after the date of enactment of this subsection, the Secretary shall issue final regulations to implement paragraph (1), including consideration of appropriate safeguards, such as a limit on the amount of such accounts, to prevent circumvention of personal net worth requirements.

“(g) PROHIBITION ON EXCESSIVE OR DISCRIMINATORY BONDING REQUIREMENTS.—

“(1) IN GENERAL.—The Secretary shall establish a program to eliminate barriers to small business participation in airport-related contracts and concessions by prohibiting excessive, unreasonable, or discriminatory bonding requirements for any project funded under this chapter or using passenger facility revenues under section 40117.

“(2) REGULATIONS.—Not later than one year after the date of enactment of this subsection, the Secretary shall issue a final rule to establish the program under paragraph (1).”

SEC. 138. TRAINING PROGRAM FOR CERTIFICATION OF DISADVANTAGED BUSINESS ENTERPRISES.

(a) MANDATORY TRAINING PROGRAM.—Section 47113 (as amended by this Act) is further amended—

(1) in subsection (b) by striking “Secretary” and inserting “Secretary of Transportation”; and

(2) by adding at the end the following:

“(h) MANDATORY TRAINING PROGRAM.—

“(1) IN GENERAL.—Not later than one year after the date of enactment of this subsection, the Secretary shall establish a mandatory training program for persons described in paragraph (3) on certifying whether a small business concern qualifies as a small business concern owned and controlled by socially and economically disadvantaged individuals under this section and section 47107(e).

“(2) IMPLEMENTATION.—The training program may be implemented by one or more private entities approved by the Secretary.

“(3) PARTICIPANTS.—A person referred to in paragraph (1) is an official or agent of an airport sponsor—

“(A) who is required to provide a written assurance under this section or section 47107(e) that the airport owner or operator will meet the percentage goal of subsection (b) or section 47107(e)(1); or

“(B) who is responsible for determining whether or not a small business concern qualifies as a small business concern owned and controlled by socially and economically disadvantaged individuals under this section or section 47107(e).

“(4) AUTHORIZATION OF APPROPRIATIONS.—Out of amounts appropriated under section 106(k), not less than \$2,000,000 for each of fiscal years 2010, 2011, and 2012 shall be used to carry out this subsection and to support other programs and activities of the Secretary related to the participation of small business concerns owned and controlled by socially and economically disadvantaged individuals in airport related contracts or concessions.”

(b) REPORT.—Not later than 24 months after the date of enactment of this Act, the Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representa-

tives, the Committee on Commerce, Science, and Transportation of the Senate, and other appropriate committees of Congress a report on the results of the training program conducted under the amendment made by subsection (b).

SEC. 139. CALCULATION OF STATE APPORTIONMENT FUND.

Section 47114(d) is amended—

(1) in paragraph (2)—

(A) by striking “Except as provided in paragraph (3), the Secretary” and inserting “The Secretary”; and

(B) by striking “18.5 percent” and inserting “10 percent”; and

(2) by striking paragraph (3) and inserting the following:

“(3) ADDITIONAL AMOUNT.—

“(A) IN GENERAL.—In addition to amounts apportioned under paragraph (2), and subject to subparagraph (B), the Secretary shall apportion to each airport, excluding primary airports but including reliever and nonprimary commercial service airports, in States the lesser of—

“(i) \$150,000; or

“(ii) 1/5 of the most recently published estimate of the 5-year costs for airport improvement for the airport, as listed in the national plan of integrated airport systems developed by the Federal Aviation Administration under section 47103.

“(B) REDUCTION.—In any fiscal year in which the total amount made available for apportionment under paragraph (2) is less than \$300,000,000, the Secretary shall reduce, on a prorated basis, the amount to be apportioned under subparagraph (A) and make such reduction available to be apportioned under paragraph (2), so as to apportion under paragraph (2) a minimum of \$300,000,000.”

SEC. 140. REDUCING APPORTIONMENTS.

Section 47114(f)(1) is amended—

(1) by striking “and” at the end of subparagraph (A);

(2) in subparagraph (B)—

(A) by inserting “except as provided by subparagraph (C),” before “in the case”; and

(B) by striking the period at the end and inserting “; and”; and

(3) by adding at the end the following:

“(C) in the case of a charge of more than \$4.50 imposed by the sponsor of an airport explaining at least one percent of the total number of boardings each year in the United States, 100 percent of the projected revenues from the charge in the fiscal year but not more than 100 percent of the amount that otherwise would be apportioned under this section.”

SEC. 141. MINIMUM AMOUNT FOR DISCRETIONARY FUND.

Section 47115(g)(1) is amended by striking “sum of—” and all that follows through the period at the end of subparagraph (B) and inserting “sum of \$520,000,000.”

SEC. 142. MARSHALL ISLANDS, MICRONESIA, AND PALAU.

Section 47115(j) is amended by striking “fiscal years 2004 through 2009,” and inserting “fiscal years 2010 through 2012.”

SEC. 143. USE OF APPORTIONED AMOUNTS.

Section 47117(e)(1)(A) is amended—

(1) in the first sentence—

(A) by striking “35 percent” and inserting “\$300,000,000”; and

(B) by striking “and” after “47141,”; and

(C) by inserting before the period at the end the following: “, and for water quality mitigation projects to comply with the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.) as approved in an environmental record of decision for an airport development project under this title”; and

(2) in the second sentence by striking “such 35 percent requirement is” and inserting “the requirements of the preceding sentence are”.

SEC. 144. SALE OF PRIVATE AIRPORT TO PUBLIC SPONSOR.

(a) IN GENERAL.—Section 47133(b) is amended—

(1) by striking “Subsection (a) shall not apply if” and inserting the following:

“(1) PRIOR LAWS AND AGREEMENTS.—Subsection (a) shall not apply if”; and

(2) by adding at the end the following:

“(2) SALE OF PRIVATE AIRPORT TO PUBLIC SPONSOR.—In the case of a privately owned airport, subsection (a) shall not apply to the proceeds from the sale of the airport to a public sponsor if—

“(A) the sale is approved by the Secretary;

“(B) funding is provided under this subtitle for any portion of the public sponsor's acquisition of airport land; and

“(C) an amount equal to the remaining unamortized portion of any airport improvement grant made to that airport for purposes other than land acquisition, amortized over a 20-year period, plus an amount equal to the Federal share of the current fair market value of any land acquired with an airport improvement grant made to that airport on or after October 1, 1996, is repaid to the Secretary by the private owner.

“(3) TREATMENT OF REPAYMENTS.—Repayments referred to in paragraph (2)(C) shall be treated as a recovery of prior year obligations.”

(b) APPLICABILITY TO GRANTS.—The amendments made by subsection (a) shall apply to grants issued on or after October 1, 1996.

SEC. 145. AIRPORT PRIVATIZATION PILOT PROGRAM.

(a) APPROVAL REQUIREMENTS.—Section 47134 is amended in subsections (b)(1)(A)(i), (b)(1)(A)(ii), (c)(4)(A), and (c)(4)(B) by striking “65 percent” each place it appears and inserting “75 percent”.

(b) PROHIBITION ON RECEIPT OF FUNDS.—

(1) SECTION 47134.—Section 47134 is amended by adding at the end the following:

“(n) PROHIBITION ON RECEIPT OF CERTAIN FUNDS.—An airport receiving an exemption under subsection (b) shall be prohibited from receiving apportionments under section 47114 or discretionary funds under section 47115.”

(2) CONFORMING AMENDMENTS.—Section 47134(g) is amended—

(A) in the subsection heading by striking “APPORTIONMENTS”; and

(B) in paragraph (1) by striking the semicolon at the end and inserting “; or”; and

(C) by striking paragraph (2); and

(D) by redesignating paragraph (3) as paragraph (2).

(c) FEDERAL SHARE OF PROJECT COSTS.—Section 47109(a) is amended—

(1) by striking the semicolon at the end of paragraph (3) and inserting “; and”; and

(2) by striking paragraph (4); and

(3) by redesignating paragraph (5) as paragraph (4).

SEC. 146. AIRPORT SECURITY PROGRAM.

(a) GENERAL AUTHORITY.—Section 47137(a) is amended by inserting “, in consultation with the Secretary of Homeland Security,” after “Transportation”.

(b) IMPLEMENTATION.—Section 47137(b) is amended to read as follows:

“(b) IMPLEMENTATION.—

“(1) IN GENERAL.—In carrying out this section, the Secretary of Transportation shall provide funding through a grant, contract, or another agreement described in section 106(l)(6) to a nonprofit consortium that—

“(A) is composed of public and private persons, including an airport sponsor; and

“(B) has at least 10 years of demonstrated experience in testing and evaluating anti-terrorist technologies at airports.

“(2) PROJECT SELECTION.—The Secretary shall select projects under this subsection that—

“(A) evaluate and test the benefits of innovative aviation security systems or related technology, including explosives detection systems, for the purpose of improving aviation and aircraft physical security, access control, and passenger and baggage screening; and

“(B) provide testing and evaluation of airport security systems and technology in an operational, testbed environment.”.

(c) **MATCHING SHARE.**—Section 47137(c) is amended by inserting after “section 47109” the following: “or any other provision of law”.

(d) **ADMINISTRATION.**—Section 47137(e) is amended by adding at the end the following: “The Secretary may enter into an agreement in accordance with section 106(m) to provide for the administration of any project under the program.”.

(e) **ELIGIBLE SPONSOR.**—Section 47137 is amended by striking subsection (f) and redesignating subsection (g) as subsection (f).

(f) **AUTHORIZATION OF APPROPRIATIONS.**—Section 47137(f) (as so redesignated) is amended by striking “\$5,000,000” and inserting “\$8,500,000”.

SEC. 147. SUNSET OF PILOT PROGRAM FOR PURCHASE OF AIRPORT DEVELOPMENT RIGHTS.

Section 47138 is amended by adding at the end the following:

“(f) **SUNSET.**—This section shall not be in effect after September 30, 2008.”.

SEC. 148. EXTENSION OF GRANT AUTHORITY FOR COMPATIBLE LAND USE PLANNING AND PROJECTS BY STATE AND LOCAL GOVERNMENTS.

Section 47141(f) is amended by striking “September 30, 2009” and inserting “September 30, 2012”.

SEC. 149. REPEAL OF LIMITATIONS ON METROPOLITAN WASHINGTON AIRPORTS AUTHORITY.

Section 49108, and the item relating to such section in the analysis for chapter 491, are repealed.

SEC. 150. MIDWAY ISLAND AIRPORT.

Section 186(d) of the Vision 100—Century of Aviation Reauthorization Act (117 Stat. 2518) is amended by striking “October 1, 2009,” and inserting “October 1, 2012,”.

SEC. 151. PUERTO RICO MINIMUM GUARANTEE.

Section 47114(e) is amended—

(1) in the subsection heading by inserting “AND PUERTO RICO” after “ALASKA”; and

(2) by adding at the end the following:

“(5) **PUERTO RICO MINIMUM GUARANTEE.**—In any fiscal year in which the total amount apportioned to airports in Puerto Rico under subsections (c) and (d) is less than 1.5 percent of the total amount apportioned to all airports under subsections (c) and (d), the Secretary shall apportion to the Puerto Rico Ports Authority for airport development projects in such fiscal year an amount equal to the difference between 1.5 percent of the total amounts apportioned under subsections (c) and (d) in such fiscal year and the amount otherwise apportioned under subsections (c) and (d) to airports in Puerto Rico in such fiscal year.”.

SEC. 152. MISCELLANEOUS AMENDMENTS.

(a) **TECHNICAL CHANGES TO NATIONAL PLAN OF INTEGRATED AIRPORT SYSTEMS.**—Section 47103 is amended—

(1) in subsection (a)—

(A) by striking “each airport to—” and inserting “the airport system to—”;

(B) in paragraph (1) by striking “system in the particular area;” and inserting “system, including connection to the surface transportation network; and”;

(C) in paragraph (2) by striking “; and” and inserting a period; and

(D) by striking paragraph (3);

(2) in subsection (b)—

(A) in paragraph (1) by striking the semicolon and inserting “; and”;

(B) by striking paragraph (2) and redesignating paragraph (3) as paragraph (2); and

(C) in paragraph (2) (as so redesignated) by striking “, Short Takeoff and Landing/Very Short Takeoff and Landing aircraft operations,”; and

(3) in subsection (d) by striking “status of the”.

(b) **UPDATE VETERANS PREFERENCE DEFINITION.**—Section 47112(c) is amended—

(1) in paragraph (1)—

(A) in subparagraph (B) by striking “separated from” and inserting “discharged or released from active duty in”; and

(B) by adding at the end the following:

“(C) ‘Afghanistan-Iraq war veteran’ means an individual who served on active duty (as defined by section 101 of title 38) in the Armed Forces for a period of more than 180 consecutive days, any part of which occurred during the period beginning on September 11, 2001, and ending on the date prescribed by presidential proclamation or by law as the last date of Operation Iraqi Freedom, and who was separated from the Armed Forces under honorable conditions.”; and

(2) in paragraph (2) by striking “veterans and” and inserting “veterans, Afghanistan-Iraq war veterans, and”.

(c) **CONSOLIDATION OF TERMINAL DEVELOPMENT PROVISIONS.**—Section 47119 is amended—

(1) by redesignating subsections (a), (b), (c), and (d) as subsections (b), (c), (d), and (e), respectively; and

(2) by inserting before subsection (b) (as so redesignated) the following:

“(a) **TERMINAL DEVELOPMENT PROJECTS.**—

“(1) **IN GENERAL.**—The Secretary may approve a project for terminal development (including multimodal terminal development) in a nonrevenue-producing public-use area of a commercial service airport—

“(A) if the sponsor certifies that the airport, on the date the grant application is submitted to the Secretary, has—

“(i) all the safety equipment required for certification of the airport under section 44706;

“(ii) all the security equipment required by regulation; and

“(iii) provided for access by passengers to the area of the airport for boarding or exiting aircraft that are not air carrier aircraft;

“(B) if the cost is directly related to moving passengers and baggage in air commerce within the airport, including vehicles for moving passengers between terminal facilities and between terminal facilities and aircraft; and

“(C) under terms necessary to protect the interests of the Government.

“(2) **PROJECT IN REVENUE-PRODUCING AREAS AND NONREVENUE-PRODUCING PARKING LOTS.**—In making a decision under paragraph (1), the Secretary may approve as allowable costs the expenses of terminal development in a revenue-producing area and construction, reconstruction, repair, and improvement in a nonrevenue-producing parking lot if—

“(A) except as provided in section 47108(e)(3), the airport does not have more than .05 percent of the total annual passenger boardings in the United States; and

“(B) the sponsor certifies that any needed airport development project affecting safety, security, or capacity will not be deferred because of the Secretary’s approval.”;

(3) in paragraphs (3) and (4)(A) of subsection (b) (as redesignated by paragraph (1) of this subsection) by striking “section 47110(d)” and inserting “subsection (a)”;

(4) in paragraph (5) of subsection (b) (as redesignated by paragraph (1) of this subsection) by striking “subsection (b)(1) and (2)” and inserting “subsections (c)(1) and (c)(2)”;

(5) in paragraphs (2)(A), (3), and (4) of subsection (c) (as redesignated by paragraph (1) of

this subsection) by striking “section 47110(d) of this title” and inserting “subsection (a)”;

(6) in paragraph (2)(B) of subsection (c) (as redesignated by paragraph (1) of this subsection) by striking “section 47110(d)” and inserting “subsection (a)”;

(7) in subsection (c)(5) (as redesignated by paragraph (1) of this subsection) by striking “section 47110(d)” and inserting “subsection (a)”;

(8) by adding at the end the following:

“(f) **LIMITATION ON DISCRETIONARY FUNDS.**—The Secretary may distribute not more than \$20,000,000 from the discretionary fund established under section 47115 for terminal development projects at a nonhub airport or a small hub airport that is eligible to receive discretionary funds under section 47108(e)(3).”.

(d) **ANNUAL REPORT.**—Section 47131(a) is amended—

(1) by striking “April 1” and inserting “June 1”; and

(2) by striking paragraphs (1), (2), (3), and (4) and inserting the following:

“(1) a summary of airport development and planning completed;

“(2) a summary of individual grants issued;

“(3) an accounting of discretionary and apportioned funds allocated;

“(4) the allocation of appropriations; and”.

(e) **CORRECTION TO EMISSION CREDITS PROVISION.**—Section 47139 is amended—

(1) in subsection (a) by striking “47102(3)(F),”;

(2) in subsection (b)—

(A) by striking “47102(3)(F),”;

(B) by striking “47103(3)(F),”.

(f) **CONFORMING AMENDMENT TO CIVIL PENALTY ASSESSMENT AUTHORITY.**—Section 46301(d)(2) is amended by inserting “46319,” after “46318,”.

(g) **OTHER CONFORMING AMENDMENTS.**—

(1) Sections 40117(a)(3)(B) is amended by striking “section 47110(d)” and inserting “section 47119(a)”.

(2) Section 47108(e)(3) is amended—

(A) by striking “section 47110(d)(2)” and inserting “section 47119(a)”;

(B) by striking “section 47110(d)” and inserting “section 47119(a)”.

(h) **CORRECTION TO SURPLUS PROPERTY AUTHORITY.**—Section 47151(e) is amended by striking “(other than real property)” and all that follows through “(10 U.S.C. 2687 note)”.

(i) **AIRPORT CAPACITY BENCHMARK REPORTS.**—Section 47175(2) is amended by striking “Airport Capacity Benchmark Report 2001” and inserting “2001 and 2004 Airport Capacity Benchmark Reports or table 1 of the Federal Aviation Administration’s most recent airport capacity benchmark report”.

SEC. 153. AIRPORT MASTER PLANS.

Section 47101 is amended by adding at the end the following:

“(i) **ADDITIONAL GOALS FOR AIRPORT MASTER PLANS.**—In addition to the goals set forth in subsection (g)(2), the Secretary shall encourage airport sponsors and State and local officials, through Federal Aviation Administration advisory circulars, to consider customer convenience, airport ground access, and access to airport facilities in airport master plans.”.

TITLE II—NEXT GENERATION AIR TRANSPORTATION SYSTEM AND AIR TRAFFIC CONTROL MODERNIZATION

SEC. 201. MISSION STATEMENT; SENSE OF CONGRESS.

(a) **FINDINGS.**—Congress finds the following:

(1) The United States faces a great national challenge as the Nation’s aviation infrastructure is at a crossroads.

(2) The demand for aviation services, a critical element of the United States economy, vital in supporting the quality of life of the people of

the United States, and critical in support of the Nation's defense and national security, is growing at an ever increasing rate. At the same time, the ability of the United States air transportation system to expand and change to meet this increasing demand is limited.

(3) The aviation industry accounts for more than 11,000,000 jobs in the United States and contributes approximately \$741,000,000,000 annually to the United States gross domestic product.

(4) The United States air transportation system continues to drive economic growth in the United States and will continue to be a major economic driver as air traffic triples over the next 20 years.

(5) The Next Generation Air Transportation System (in this section referred to as the "NextGen System") is the system for achieving long-term transformation of the United States air transportation system that focuses on developing and implementing new technologies and that will set the stage for the long-term development of a scalable and more flexible air transportation system without compromising the unprecedented safety record of United States aviation.

(6) The benefits of the NextGen System, in terms of promoting economic growth and development, are enormous.

(7) The NextGen System will guide the path of the United States air transportation system in the challenging years ahead.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) modernizing the air transportation system is a national priority and the United States must make a commitment to revitalizing this essential component of the Nation's transportation infrastructure;

(2) one fundamental requirement for the success of the NextGen System is strong leadership and sufficient resources;

(3) the Joint Planning and Development Office of the Federal Aviation Administration and the Next Generation Air Transportation System Senior Policy Committee, each established by Congress in 2003, will lead and facilitate this important national mission to ensure that the programs and capabilities of the NextGen System are carefully integrated and aligned;

(4) Government agencies and industry must work together, carefully integrating and aligning their work to meet the needs of the NextGen System in the development of budgets, programs, planning, and research;

(5) the Department of Transportation, the Federal Aviation Administration, the Department of Defense, the Department of Homeland Security, the Department of Commerce, and the National Aeronautics and Space Administration must work in cooperation and make transformational improvements to the United States air transportation infrastructure a priority; and

(6) due to the critical importance of the NextGen System to the economic and national security of the United States, partner departments and agencies must be provided with the resources required to complete the implementation of the NextGen System.

SEC. 202. NEXT GENERATION AIR TRANSPORTATION SYSTEM JOINT PLANNING AND DEVELOPMENT OFFICE.

(a) ESTABLISHMENT.—

(1) ASSOCIATE ADMINISTRATOR FOR THE NEXT GENERATION AIR TRANSPORTATION SYSTEM.—Section 709(a) of Vision 100—Century of Aviation Reauthorization Act (49 U.S.C. 40101 note; 117 Stat. 2582) is amended—

(A) by redesignating paragraphs (2), (3), and (4) as paragraphs (3), (4), and (5), respectively; and

(B) by inserting after paragraph (1) the following:

“(2) The director of the Office shall be the Associate Administrator for the Next Generation Air Transportation System, who shall be appointed by the Administrator of the Federal Aviation Administration. The Associate Administrator shall report to the Administrator.”.

(2) RESPONSIBILITIES.—Section 709(a)(3) of such Act (as redesignated by paragraph (1) of this subsection) is amended—

(A) in subparagraph (G) by striking “; and” and inserting a semicolon;

(B) in subparagraph (H) by striking the period at the end and inserting a semicolon; and

(C) by adding at the end the following:

“(I) establishing specific quantitative goals for the safety, capacity, efficiency, performance, and environmental impacts of each phase of Next Generation Air Transportation System implementation activities and measuring actual operational experience against those goals, taking into account noise pollution reduction concerns of affected communities to the greatest extent practicable in establishing the environmental goals;

“(J) working to ensure global interoperability of the Next Generation Air Transportation System;

“(K) working to ensure the use of weather information and space weather information in the Next Generation Air Transportation System as soon as possible;

“(L) overseeing, with the Administrator of the Federal Aviation Administration, the selection of products or outcomes of research and development activities that would be moved to the next stage of a demonstration project; and

“(M) maintaining a baseline modeling and simulation environment for testing and evaluating alternative concepts to satisfy Next Generation Air Transportation enterprise architecture requirements.”.

(3) COOPERATION WITH OTHER FEDERAL AGENCIES.—Section 709(a)(4) of such Act (as redesignated by paragraph (1) of this subsection) is amended—

(A) by striking “(4)” and inserting “(4)(A)”;

and

(B) by adding at the end the following:

“(B) The Secretary of Defense, the Administrator of the National Aeronautics and Space Administration, the Secretary of Commerce, the Secretary of Homeland Security, and the head of any other Federal agency from which the Secretary of Transportation requests assistance under subparagraph (A) shall designate a senior official in the agency to be responsible for—

“(i) carrying out the activities of the agency relating to the Next Generation Air Transportation System in coordination with the Office, including the execution of all aspects of the work of the agency in developing and implementing the integrated work plan described in subsection (b)(5);

“(ii) serving as a liaison for the agency in activities of the agency relating to the Next Generation Air Transportation System and coordinating with other Federal agencies involved in activities relating to the System; and

“(iii) ensuring that the agency meets its obligations as set forth in any memorandum of understanding executed by or on behalf of the agency relating to the Next Generation Air Transportation System.

“(C) The head of a Federal agency referred to in subparagraph (B) shall ensure that—

“(i) the responsibilities of the agency relating to the Next Generation Air Transportation System are clearly communicated to the senior official of the agency designated under subparagraph (B); and

“(ii) the performance of the senior official in carrying out the responsibilities of the agency relating to the Next Generation Air Transportation System is reflected in the official's an-

nual performance evaluations and compensation.

“(D) The head of a Federal agency referred to in subparagraph (B) shall—

“(i) establish or designate an office within the agency to carry out its responsibilities under the memorandum of understanding under the supervision of the designated official; and

“(ii) ensure that the designated official has sufficient budgetary authority and staff resources to carry out the agency's Next Generation Air Transportation System responsibilities as set forth in the integrated plan under subsection (b).

“(E) Not later than 6 months after the date of enactment of this subparagraph, the head of each Federal agency that has responsibility for carrying out any activity under the integrated plan under subsection (b) shall execute a memorandum of understanding with the Office obligating that agency to carry out the activity.”.

(4) COORDINATION WITH OMB.—Section 709(a) of such Act (117 Stat. 2582) is further amended by adding at the end the following:

“(6)(A) The Office shall work with the Director of the Office of Management and Budget to develop a process whereby the Director will identify projects related to the Next Generation Air Transportation System across the agencies referred to in paragraph (4)(A) and consider the Next Generation Air Transportation System as a unified, cross-agency program.

“(B) The Director, to the maximum extent practicable, shall—

“(i) ensure that—

“(I) each Federal agency covered by the plan has sufficient funds requested in the President's budget, as submitted under section 1105(a) of title 31, United States Code, for each fiscal year covered by the plan to carry out its responsibilities under the plan; and

“(II) the development and implementation of the Next Generation Air Transportation System remains on schedule;

“(ii) include, in the President's budget, a statement of the portion of the estimated budget of each Federal agency covered by the plan that relates to the activities of the agency under the Next Generation Air Transportation System initiative; and

“(iii) identify and justify as part of the President's budget submission any inconsistencies between the plan and amounts requested in the budget.

“(7) The Associate Administrator of the Next Generation Air Transportation System shall be a voting member of the Joint Resources Council of the Federal Aviation Administration.”.

(b) INTEGRATED PLAN.—Section 709(b) of such Act (117 Stat. 2583) is amended—

(1) in the matter preceding paragraph (1)—

(A) by striking “meets air” and inserting “meets anticipated future air”; and

(B) by striking “beyond those currently included in the Federal Aviation Administration's operational evolution plan”;

(2) by striking “and” at the end of paragraph (3);

(3) by striking the period at the end of paragraph (4) and inserting “; and”; and

(4) by adding at the end the following:

“(5) a multiagency integrated work plan for the Next Generation Air Transportation System that includes—

“(A) an outline of the activities required to achieve the end-state architecture, as expressed in the concept of operations and enterprise architecture documents, that identifies each Federal agency or other entity responsible for each activity in the outline;

“(B) details on a year-by-year basis of specific accomplishments, activities, research requirements, rulemakings, policy decisions, and other milestones of progress for each Federal agency

or entity conducting activities relating to the Next Generation Air Transportation System;

“(C) for each element of the Next Generation Air Transportation System, an outline, on a year-by-year basis, of what is to be accomplished in that year toward meeting the Next Generation Air Transportation System’s end-state architecture, as expressed in the concept of operations and enterprise architecture documents, as well as identifying each Federal agency or other entity that will be responsible for each component of any research, development, or implementation program;

“(D) an estimate of all necessary expenditures on a year-by-year basis, including a statement of each Federal agency or entity’s responsibility for costs and available resources, for each stage of development from the basic research stage through the demonstration and implementation phase;

“(E) a clear explanation of how each step in the development of the Next Generation Air Transportation System will lead to the following step and of the implications of not successfully completing a step in the time period described in the integrated work plan;

“(F) a transition plan for the implementation of the Next Generation Air Transportation System that includes date-specific milestones for the implementation of new capabilities into the national airspace system;

“(G) date-specific timetables for meeting the environmental goals identified in subsection (a)(3)(I); and

“(H) a description of potentially significant operational or workforce changes resulting from deployment of the Next Generation Air Transportation System.”

(c) **NEXTGEN IMPLEMENTATION PLAN.**—Section 709(d) of such Act (117 Stat. 2584) is amended to read as follows:

“(d) **NEXTGEN IMPLEMENTATION PLAN.**—The Administrator of the Federal Aviation Administration shall develop and publish annually the document known as the ‘NextGen Implementation Plan’, or any successor document, that provides a detailed description of how the agency is implementing the Next Generation Air Transportation System.”

(d) **AUTHORIZATION OF APPROPRIATIONS.**—Section 709(e) of such Act (117 Stat. 2584) is amended by striking “2010” and inserting “2012”.

(e) **CONTINGENCY PLANNING.**—The Associate Administrator for the Next Generation Air Transportation System shall, as part of the design of the System, develop contingency plans for dealing with the degradation of the System in the event of a natural disaster, major equipment failure, or act of terrorism.

SEC. 203. NEXT GENERATION AIR TRANSPORTATION SENIOR POLICY COMMITTEE.

(a) **MEETINGS.**—Section 710(a) of Vision 100—Century of Aviation Reauthorization Act (49 U.S.C. 40101 note; 117 Stat. 2584) is amended by inserting before the period at the end the following “and shall meet at least twice each year”.

(b) **ANNUAL REPORT.**—Section 710 of such Act (117 Stat. 2584) is amended by adding at the end the following:

“(e) **ANNUAL REPORT.**—

“(1) **SUBMISSION TO CONGRESS.**—Not later than one year after the date of enactment of this subsection, and annually thereafter on the date of submission of the President’s budget request to Congress under section 1105(a) of title 31, United States Code, the Secretary shall submit to the Committee on Transportation and Infrastructure and the Committee on Science and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report summarizing the progress made in carrying out the integrated work plan required by section 709(b)(5) and any changes in that plan.

“(2) **CONTENTS.**—The report shall include—

“(A) a copy of the updated integrated work plan;

“(B) a description of the progress made in carrying out the integrated work plan and any changes in that plan, including any changes based on funding shortfalls and limitations set by the Office of Management and Budget;

“(C) a detailed description of—

“(i) the success or failure of each item of the integrated work plan for the previous year and relevant information as to why any milestone was not met; and

“(ii) the impact of not meeting the milestone and what actions will be taken in the future to account for the failure to complete the milestone;

“(D) an explanation of any change to future years in the integrated work plan and the reasons for such change; and

“(E) an identification of the levels of funding for each agency participating in the integrated work plan devoted to programs and activities under the plan for the previous fiscal year and in the President’s budget request.”

SEC. 204. AUTOMATIC DEPENDENT SURVEILLANCE-BROADCAST SERVICES.

(a) **REPORT ON FAA PROGRAM AND SCHEDULE.**—

(1) **IN GENERAL.**—The Administrator of the Federal Aviation Administration shall prepare a report detailing the program and schedule for integrating automatic dependent surveillance-broadcast (in this section referred to as “ADS-B”) technology into the national airspace system.

(2) **CONTENTS.**—The report shall include—

(A) a description of segment 1 and segment 2 activity to acquire ADS-B services;

(B) a description of plans for implementation of advanced operational procedures and ADS-B air-to-air applications;

(C) a description of possible options for expanding surveillance coverage beyond the ground stations currently under contract, including enhanced ground signal coverage at airports; and

(D) a detailed description of the protections that the Administration will require as part of any contract or program in the event of a contractor’s default, bankruptcy, acquisition by another entity, or any other event jeopardizing the uninterrupted provision of ADS-B services.

(3) **SUBMISSION TO CONGRESS.**—Not later than 90 days after the date of enactment of this Act, the Administrator shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate the report prepared under paragraph (1).

(b) **REQUIREMENTS OF FAA CONTRACTS FOR ADS-B SERVICES.**—Any contract entered into by the Administrator with an entity to acquire ADS-B services shall contain terms and conditions that—

(1) require approval by the Administrator before the contract may be assigned to or assumed by another entity, including any successor entity, subsidiary of the contractor, or other corporate entity;

(2) provide that the assets, equipment, hardware, and software used in the performance of the contract be designated as critical national infrastructure for national security and related purposes;

(3) require the contractor to provide continued broadcast services for a reasonable period, as determined by the Administrator, until the provision of such services can be transferred to another vendor or to the Government in the event of a termination of the contract;

(4) require the contractor to provide continued broadcast services for a reasonable period, as determined by the Administrator, until the pro-

vision of such services can be transferred to another vendor or to the Government in the event of material nonperformance, as determined by the Administrator; and

(5) permit the Government to acquire or utilize for a reasonable period, as determined by the Administrator, the assets, equipment, hardware, and software necessary to ensure the continued and uninterrupted provision of ADS-B services and to have ready access to such assets, equipment, hardware, and software through its own personnel, agents, or others, if the Administrator provides reasonable compensation for such acquisition or utilization.

(c) **REVIEW BY DOT INSPECTOR GENERAL.**—

(1) **IN GENERAL.**—The Inspector General of the Department of Transportation shall conduct a review concerning the Federal Aviation Administration’s award and oversight of any contract entered into by the Administration to provide ADS-B services for the national airspace system.

(2) **CONTENTS.**—The review shall include, at a minimum—

(A) an examination of how program risks are being managed;

(B) an assessment of expected benefits attributable to the deployment of ADS-B services, including the implementation of advanced operational procedures and air-to-air applications as well as to the extent to which ground radar will be retained;

(C) a determination of whether the Administration has established sufficient mechanisms to ensure that all design, acquisition, operation, and maintenance requirements have been met by the contractor;

(D) an assessment of whether the Administration and any contractors are meeting cost, schedule, and performance milestones, as measured against the original baseline of the Administration’s program for providing ADS-B services;

(E) an assessment of whether security issues are being adequately addressed in the overall design and implementation of the ADS-B system; and

(F) any other matters or aspects relating to contract implementation and oversight that the Inspector General determines merit attention.

(3) **REPORTS TO CONGRESS.**—The Inspector General shall periodically, on at least an annual basis, submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the results of the review conducted under this subsection.

SEC. 205. INCLUSION OF STAKEHOLDERS IN AIR TRAFFIC CONTROL MODERNIZATION PROJECTS.

(a) **IN GENERAL.**—The Administrator of the Federal Aviation Administration shall establish a process for including in the planning, development, and deployment of air traffic control modernization projects (including the Next Generation Air Transportation System) and collaborating with qualified employees selected by each exclusive collective bargaining representative of employees of the Administration who are likely to be impacted by such planning, development, and deployment.

(b) **PARTICIPATION.**—

(1) **BARGAINING OBLIGATIONS AND RIGHTS.**—Participation in the process described in subsection (a) shall not be construed as a waiver of any bargaining obligations or rights under section 40122(a)(1) or 40122(g)(2)(C) of title 49, United States Code.

(2) **CAPACITY AND COMPENSATION.**—Exclusive collective bargaining representatives and selected employees participating in the process described in subsection (a) shall—

(A) serve in a collaborative and advisory capacity; and

(B) receive appropriate travel and per diem expenses in accordance with the travel policies of the Administration in addition to any regular compensation and benefits.

(c) **REPORT.**—Not later than 180 days after the date of enactment of this Act, the Administrator shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the implementation of this section.

SEC. 206. GAO REVIEW OF CHALLENGES ASSOCIATED WITH TRANSFORMING TO THE NEXT GENERATION AIR TRANSPORTATION SYSTEM.

(a) **IN GENERAL.**—The Comptroller General shall conduct a review of the progress and challenges associated with transforming the Nation's air traffic control system into the Next Generation Air Transportation System (in this section referred to as the "NextGen System").

(b) **REVIEW.**—The review shall include the following:

(1) An evaluation of the continued implementation and institutionalization of the processes that are key to the ability of the Air Traffic Organization to effectively maintain management structures and systems acquisitions procedures utilized under the current air traffic control modernization program as a basis for the NextGen System.

(2) An assessment of the progress and challenges associated with collaboration and contributions of the partner agencies working with the Joint Planning and Development Office of the Federal Aviation Administration (in this section referred to as the "JPDO") in planning and implementing the NextGen System.

(3) The progress and challenges associated with coordinating government and industry stakeholders in activities relating to the NextGen System, including an assessment of the contributions of the NextGen Institute.

(4) An assessment of planning and implementation of the NextGen System against established schedules, milestones, and budgets.

(5) An evaluation of the recently modified organizational structure of the JPDO.

(6) An examination of transition planning by the Air Traffic Organization and the JPDO.

(7) Any other matters or aspects of planning and coordination of the NextGen System by the Federal Aviation Administration and the JPDO that the Comptroller General determines appropriate.

(c) **REPORTS.**—

(1) **REPORT TO CONGRESS ON PRIORITIES.**—Not later than one year after the date of enactment of this Act, the Comptroller General shall determine the priority of topics to be reviewed under this section and report such priorities to the Committee on Transportation and Infrastructure and the Committee on Science and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.

(2) **PERIODIC REPORTS TO CONGRESS ON RESULTS OF THE REVIEW.**—The Comptroller General shall periodically submit to the committees referred to in paragraph (1) a report on the results of the review conducted under this section.

SEC. 207. GAO REVIEW OF NEXT GENERATION AIR TRANSPORTATION SYSTEM ACQUISITION AND PROCEDURES DEVELOPMENT.

(a) **STUDY.**—The Comptroller General shall conduct a review of the progress made and challenges related to the acquisition of designated technologies and the development of procedures for the Next Generation Air Transportation System (in this section referred to as the "NextGen System").

(b) **SPECIFIC SYSTEMS REVIEW.**—The review shall include, at a minimum, an examination of the acquisition costs, schedule, and other relevant considerations for the following systems:

(1) En Route Automation Modernization (ERAM).

(2) Standard Terminal Automation Replacement System/Common Automated Radar Terminal System (STARS/CARTS).

(3) Automatic Dependent Surveillance-Broadcast (ADS-B).

(4) System Wide Information Management (SWIM).

(5) Traffic Flow Management Modernization (TFM-M).

(c) **REVIEW.**—The review shall include, at a minimum, an assessment of the progress and challenges related to the development of standards, regulations, and procedures that will be necessary to implement the NextGen System, including required navigation performance, area navigation, the airspace management program, and other programs and procedures that the Comptroller General identifies as relevant to the transformation of the air traffic system.

(d) **PERIODIC REPORTS TO CONGRESS ON RESULTS OF THE REVIEW.**—The Comptroller General shall periodically submit to the Committee on Transportation and Infrastructure and the Committee on Science and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the results of the review conducted under this section.

SEC. 208. DOT INSPECTOR GENERAL REVIEW OF OPERATIONAL AND APPROACH PROCEDURES BY A THIRD PARTY.

(a) **REVIEW.**—The Inspector General of the Department of Transportation shall conduct a review regarding the effectiveness of the oversight activities conducted by the Federal Aviation Administration in connection with any agreement with or delegation of authority to a third party for the development of flight procedures, including public use procedures, for the national airspace system.

(b) **ASSESSMENTS.**—The Inspector General shall include, at a minimum, in the review—

(1) an assessment of the extent to which the Federal Aviation Administration is relying or intends to rely on a third party for the development of new procedures and a determination of whether the Administration has established sufficient mechanisms and staffing to provide safety oversight functions, which may include quality assurance processes, flight checks, integration of procedures into the National Aviation System, and operational assessments of procedures developed by third parties; and

(2) an assessment regarding whether the Administration has sufficient existing personnel and technical resources or mechanisms to develop such flight procedures in a safe and efficient manner to meet the demands of the national airspace system without the use of third party resources.

(c) **REPORT.**—Not later than one year after the date of enactment of this Act, the Inspector General shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the results of the review conducted under this section, including the assessments described in subsection (b).

SEC. 209. EXPERT REVIEW OF ENTERPRISE ARCHITECTURE FOR NEXT GENERATION AIR TRANSPORTATION SYSTEM.

(a) **REVIEW.**—The Administrator of the Federal Aviation Administration shall enter into an arrangement with the National Research Council to review the enterprise architecture for the Next Generation Air Transportation System.

(b) **CONTENTS.**—At a minimum, the review to be conducted under subsection (a) shall—

(1) highlight the technical activities, including human-system design, organizational design, and other safety and human factor aspects of

the system, that will be necessary to successfully transition current and planned modernization programs to the future system envisioned by the Joint Planning and Development Office of the Administration;

(2) assess technical, cost, and schedule risk for the software development that will be necessary to achieve the expected benefits from a highly automated air traffic management system and the implications for ongoing modernization projects; and

(3) include judgments on how risks with automation efforts for the Next Generation Air Transportation System can be mitigated based on the experiences of other public or private entities in developing complex, software-intensive systems.

(c) **REPORT.**—Not later than one year after the date of enactment of this Act, the Administrator shall submit to Congress a report containing the results of the review conducted pursuant to subsection (a).

SEC. 210. NEXTGEN TECHNOLOGY TESTBED.

Of amounts appropriated under section 48101(a) of title 49, United States Code, the Administrator of the Federal Aviation Administration shall use such sums as may be necessary for each of the fiscal years 2010 through 2012 to contribute to the establishment by a public-private partnership (including a university component with significant aviation expertise in air traffic management, simulation, meteorology, and engineering and aviation business) an airport-based testing site for existing Next Generation Air Transport System technologies. The Administrator shall ensure that next generation air traffic control integrated systems developed by private industries are installed at the site for demonstration, operational research, and evaluation by the Administration. The testing site shall serve a mix of general aviation and commercial traffic.

SEC. 211. CLARIFICATION OF AUTHORITY TO ENTER INTO REIMBURSABLE AGREEMENTS.

Section 106(m) is amended in the last sentence by inserting "with or" before "without reimbursement".

SEC. 212. DEFINITION OF AIR NAVIGATION FACILITY.

Section 40102(a)(4) is amended—

(1) by redesignating subparagraph (D) as subparagraph (E);

(2) by striking subparagraphs (B) and (C) and inserting the following:

"(B) runway lighting and airport surface visual and other navigation aids;

"(C) aeronautical and meteorological information to air traffic control facilities or aircraft;

"(D) communication, navigation, or surveillance equipment for air-to-ground or air-to-air applications";

(3) in subparagraph (E) (as redesignated by paragraph (1) of this section)—

(A) by striking "another structure" and inserting "any structure, equipment,"; and

(B) by striking the period at the end and inserting "; and"; and

(4) by adding at the end the following:

"(F) buildings, equipment, and systems dedicated to the national airspace system."

SEC. 213. IMPROVED MANAGEMENT OF PROPERTY INVENTORY.

Section 40110(a)(2) is amended by striking "compensation" and inserting "compensation, and the amount received shall be credited as an offsetting collection to the account from which the amount was expended and shall remain available until expended".

SEC. 214. CLARIFICATION TO ACQUISITION REFORM AUTHORITY.

Section 40110(c) is amended—

(1) by striking the semicolon at the end of paragraph (3) and inserting "; and";

(2) by striking paragraph (4); and
 (3) by redesignating paragraph (5) as paragraph (4).

SEC. 215. ASSISTANCE TO FOREIGN AVIATION AUTHORITIES.

Section 40113(e) is amended—

(1) in paragraph (1)—

(A) by inserting “public and private” before “foreign aviation authorities”; and

(B) by striking the period at the end of the first sentence and inserting “or efficiency. The Administrator may participate in, and submit offers in response to, competitions to provide such services and may contract with foreign aviation authorities to provide such services consistent with section 106(l)(6). Notwithstanding any other provision of law or policy, the Administrator may accept payments received under this subsection in arrears.”; and

(2) in paragraph (3) by striking “credited” and all that follows through the period at the end and inserting “credited as an offsetting collection to the account from which the expenses were incurred in providing such services and shall remain available until expended.”.

SEC. 216. FRONT LINE MANAGER STAFFING.

(a) **STUDY.**—Not later than 90 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall initiate a study on front line manager staffing requirements in air traffic control facilities.

(b) **CONSIDERATIONS.**—In conducting the study, the Administrator shall take into consideration—

(1) the number of supervisory positions of operation requiring watch coverage in each air traffic control facility;

(2) coverage requirements in relation to traffic demand;

(3) facility type;

(4) complexity of traffic and managerial responsibilities;

(5) proficiency and training requirements; and

(6) such other factors as the Administrator considers appropriate.

(c) **DETERMINATIONS.**—The Administrator shall transmit any determinations made as a result of the study to the Chief Operating Officer for the air traffic control system.

(d) **REPORT.**—Not later than one year after the date of enactment of this Act, the Administrator shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the results of the study and a description of any determinations submitted to the Chief Operating Officer under subsection (c).

SEC. 217. FLIGHT SERVICE STATIONS.

(a) **ESTABLISHMENT OF MONITORING SYSTEM.**—Not later than 60 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall develop and implement a monitoring system for flight service specialist staffing and training under service contracts for flight service stations.

(b) **COMPONENTS.**—At a minimum, the monitoring system shall include mechanisms to monitor—

(1) flight specialist staffing plans for individual facilities;

(2) actual staffing levels for individual facilities;

(3) the initial and recurrent certification and training of flight service specialists on the safety, operational, and technological aspects of flight services, including any certification and training necessary to meet user demand; and

(4) system outages, excessive hold times, dropped calls, poor quality briefings, and any other safety or customer service issues under a contract for flight service station services.

(c) **REPORT TO CONGRESS.**—Not later than 90 days after the date of enactment of this Act, the

Administrator shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report containing—

(1) a description of monitoring system;

(2) if the Administrator determines that contractual changes or corrective actions are required for the Administration to ensure that the vendor under a contract for flight service station services provides safe and high quality service to consumers, a description of the changes or actions required; and

(3) a description of the contingency plans of the Administrator and the protections that the Administrator will have in place to provide uninterrupted flight service station services in the event of—

(A) material non-performance of the contract;

(B) a vendor's default, bankruptcy, or acquisition by another entity; or

(C) any other event that could jeopardize the uninterrupted provision of flight service station services.

SEC. 218. NEXTGEN RESEARCH AND DEVELOPMENT CENTER OF EXCELLENCE.

(a) **ESTABLISHMENT.**—Of the amount appropriated under section 48101(a) of title 49, United States Code, the Administrator of the Federal Aviation Administration shall use such sums as may be necessary for each of fiscal years 2010 through 2012 to contribute to the establishment of a center of excellence for the research and development of Next Generation Air Transportation System technologies.

(b) **FUNCTIONS.**—The center established under subsection (a) shall—

(1) leverage the centers of excellence program of the Federal Aviation Administration, as well as other resources and partnerships, to enhance the development of Next Generation Air Transportation System technologies within academia and industry; and

(2) provide educational, technical, and analytical assistance to the Federal Aviation Administration and other Federal agencies with responsibilities to research and develop Next Generation Air Transportation System technologies.

SEC. 219. AIRSPACE REDESIGN.

(a) **FINDINGS.**—Congress finds the following:

(1) The airspace redesign efforts of the Federal Aviation Administration will play a critical near-term role in enhancing capacity, reducing delays, transitioning to more flexible routing, and ultimately saving money in fuel costs for airlines and airspace users.

(2) The critical importance of airspace redesign efforts is underscored by the fact that they are highlighted in strategic plans of the Administration, including Flight Plan 2009–2013 and the document known as the “NextGen Implementation Plan”.

(3) Funding cuts have led to delays and deferrals of critical capacity enhancing airspace redesign efforts.

(4) Several new runways planned for the period of fiscal years 2010 to 2012 will not provide estimated capacity benefits without additional funds.

(b) **AUTHORIZATION OF APPROPRIATIONS.**—In addition to amounts authorized by section 106(k) of title 49, United States Code, there are authorized to be appropriated to the Administrator of the Federal Aviation Administration \$20,000,000 for each of fiscal years 2010, 2011, and 2012 to carry out such airspace redesign initiatives as the Administrator determines appropriate.

(c) **ADDITIONAL AMOUNTS.**—Of the amounts appropriated under section 48101(a) of such title, the Administrator may use \$5,000,000 for each of fiscal years 2010, 2011, and 2012 to carry out such airspace redesign initiatives as the Administrator determines appropriate.

TITLE III—SAFETY

Subtitle A—General Provisions

SEC. 301. JUDICIAL REVIEW OF DENIAL OF AIRMAN CERTIFICATES.

(a) **JUDICIAL REVIEW OF NTSB DECISIONS.**—Section 44703(d) is amended by adding at the end the following:

“(3) **JUDICIAL REVIEW.**—A person who is substantially affected by an order of the Board under this subsection, or the Administrator if the Administrator decides that an order of the Board will have a significant adverse impact on carrying out this subtitle, may seek judicial review of the order under section 46110. The Administrator shall be made a party to the judicial review proceedings. The findings of fact of the Board in any such case are conclusive if supported by substantial evidence.”.

(b) **CONFORMING AMENDMENT.**—Section 1153(c) is amended by striking “section 44709 or” and inserting “section 44703(d), 44709, or”.

SEC. 302. RELEASE OF DATA RELATING TO ABANDONED TYPE CERTIFICATES AND SUPPLEMENTAL TYPE CERTIFICATES.

(a) **RELEASE OF DATA.**—Section 44704(a) is amended by adding at the end the following:

“(5) **RELEASE OF DATA.**—

“(A) **IN GENERAL.**—Notwithstanding any other provision of law, the Administrator may make available upon request to a person seeking to maintain the airworthiness of an aircraft, engine, propeller, or appliance, engineering data in the possession of the Administration relating to a type certificate or a supplemental type certificate for such aircraft, engine, propeller, or appliance, without the consent of the owner of record, if the Administrator determines that—

“(i) the certificate containing the requested data has been inactive for 3 or more years;

“(ii) after using due diligence, the Administrator is unable to find the owner of record, or the owner of record's heir, of the type certificate or supplemental certificate; and

“(iii) making such data available will enhance aviation safety.

“(B) **ENGINEERING DATA DEFINED.**—In this section, the term ‘engineering data’ as used with respect to an aircraft, engine, propeller, or appliance means type design drawing and specifications for the entire aircraft, engine, propeller, or appliance or change to the aircraft, engine, propeller, or appliance, including the original design data, and any associated supplier data for individual parts or components approved as part of the particular certificate for the aircraft engine, propeller, or appliance.”.

(b) **DESIGN ORGANIZATION CERTIFICATES.**—Section 44704(e)(1) is amended by striking “Beginning 7 years after the date of enactment of this subsection,” and inserting “Beginning January 1, 2014,”.

SEC. 303. INSPECTION OF FOREIGN REPAIR STATIONS.

(a) **IN GENERAL.**—Chapter 447 is amended by adding at the end the following:

“§44730. Inspection of foreign repair stations

“(a) **IN GENERAL.**—Not later than one year after the date of enactment of this section, and annually thereafter, the Administrator of the Federal Aviation Administration shall—

“(1) submit to Congress a certification that each foreign repair station that is certified by the Administrator under part 145 of title 14, Code of Federal Regulations, and performs work on air carrier aircraft or components has been inspected by safety inspectors of the Administration not fewer than 2 times in the preceding calendar year;

“(2) modify the certification requirements under such part to include testing for the use of alcohol or a controlled substance in accordance with section 45102 of any individual performing

a safety-sensitive function at a foreign aircraft repair station, including an individual working at a station of a third-party with whom an air carrier contracts to perform work on air carrier aircraft or components; and

“(3) continue to hold discussions with countries that have foreign repair stations that perform work on air carrier aircraft and components to ensure harmonization of the safety standards of such countries with those of the United States, including standards governing maintenance requirements, education and licensing of maintenance personnel, training, oversight, and mutual inspection of work sites.

“(b) REGULATORY AUTHORITY WITH RESPECT TO CERTAIN FOREIGN REPAIR STATIONS.—With respect to repair stations that are located in countries that are party to the agreement entitled “Agreement between the United States of America and the European Community on Cooperation in the Regulation of Civil Aviation Safety”, dated June 30, 2008, the requirements of subsection (a) are an exercise of the rights of the United States under paragraph A of Article 15 of the Agreement, which provides that nothing in the Agreement shall be construed to limit the authority of a party to determine through its legislative, regulatory, and administrative measures, the level of protection it considers appropriate for civil aviation safety.”

(b) CLERICAL AMENDMENT.—The analysis for such chapter is amended by adding at the end the following:

“44730. Inspection of foreign repair stations.”.

SEC. 304. RUNWAY SAFETY.

(a) STRATEGIC RUNWAY SAFETY PLAN.—

(1) IN GENERAL.—Not later than 6 months after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall develop and submit to Congress a report containing a strategic runway safety plan.

(2) CONTENTS OF PLAN.—The strategic runway safety plan—

(A) shall include, at a minimum—

(i) goals to improve runway safety;

(ii) near- and longer-term actions designed to reduce the severity, number, and rate of runway incursions;

(iii) timeframes and resources needed for the actions described in clause (ii); and

(iv) a continuous evaluative process to track performance toward the goals referred to in clause (i); and

(B) shall address the increased runway safety risk associated with the expected increased volume of air traffic.

(b) PLAN FOR INSTALLATION AND DEPLOYMENT OF SYSTEMS TO PROVIDE ALERTS OF POTENTIAL RUNWAY INCURSIONS.—Not later than December 31, 2009, the Administrator of the Federal Aviation Administration shall submit to Congress a report containing a plan for the installation and deployment of systems the Administration is installing to alert controllers or flight crews, or both, of potential runway incursions. The plan shall be integrated into the annual NextGen Implementation Plan document of the Administration or any successor document.

SEC. 305. IMPROVED PILOT LICENSES.

(a) IN GENERAL.—Not later than 6 months after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall begin to issue improved pilot licenses consistent with the requirements of title 49, United States Code, and title 14, Code of Federal Regulations.

(b) REQUIREMENTS.—Improved pilots licenses issued under subsection (a) shall—

(1) be resistant to tampering, alteration, and counterfeiting;

(2) include a photograph of the individual to whom the license is issued; and

(3) be capable of accommodating a digital photograph, a biometric identifier, or any other

unique identifier that the Administrator considers necessary.

(c) TAMPERING.—To the extent practical, the Administrator shall develop methods to determine or reveal whether any component or security feature of a license issued under subsection (a) has been tampered, altered, or counterfeited.

(d) USE OF DESIGNEES.—The Administrator may use designees to carry out subsection (a) to the extent feasible in order to minimize the burdens on pilots.

(e) REPORT.—Not later than 9 months after the date of enactment of this Act and every 6 months thereafter until September 30, 2012, the Administrator shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the issuance of improved pilot licenses under this section.

SEC. 306. FLIGHT CREW FATIGUE.

(a) IN GENERAL.—Not later than 3 months after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall conclude arrangements with the National Academy of Sciences for a study of pilot fatigue.

(b) STUDY.—The study shall include consideration of—

(1) research on pilot fatigue, sleep, and circadian rhythms;

(2) sleep and rest requirements of pilots recommended by the National Aeronautics and Space Administration and the National Transportation Safety Board; and

(3) Federal Aviation Administration and international standards regarding flight limitations and rest for pilots.

(c) REPORT.—Not later than 18 months after initiating the study, the National Academy of Sciences shall submit to the Administrator a report containing its findings and recommendations regarding the study under subsections (a) and (b), including recommendations with respect to Federal Aviation Administration regulations governing flight time limitations and rest requirements for pilots.

(d) RULEMAKING.—After the Administrator receives the report of the National Academy of Sciences, the Administrator shall consider the findings in the report and update as appropriate based on scientific data Federal Aviation Administration regulations governing flight time limitations and rest requirements for pilots.

(e) FLIGHT ATTENDANT FATIGUE.—

(1) STUDY.—The Administrator, acting through the Civil Aerospace Medical Institute, shall conduct a study on the issue of flight attendant fatigue.

(2) CONTENTS.—The study shall include the following:

(A) A survey of field operations of flight attendants.

(B) A study of incident reports regarding flight attendant fatigue.

(C) Field research on the effects of such fatigue.

(D) A validation of models for assessing flight attendant fatigue.

(E) A review of international policies and practices regarding flight limitations and rest of flight attendants.

(F) An analysis of potential benefits of training flight attendants regarding fatigue.

(3) REPORT.—Not later than June 30, 2010, the Administrator shall submit to Congress a report on the results of the study.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section.

SEC. 307. OCCUPATIONAL SAFETY AND HEALTH STANDARDS FOR FLIGHT ATTENDANTS ON BOARD AIRCRAFT.

(a) IN GENERAL.—Chapter 447 (as amended by section 303 of this Act) is further amended by adding at the end the following:

“§44731. Occupational safety and health standards for flight attendants on board aircraft

“(a) IN GENERAL.—The Administrator of the Federal Aviation Administration shall prescribe and enforce standards and regulations to ensure the occupational safety and health of individuals serving as flight attendants in the cabin of an aircraft of an air carrier.

“(b) STANDARDS AND REGULATIONS.—Standards and regulations issued under this section shall require each air carrier operating an aircraft in air transportation—

“(1) to provide for an environment in the cabin of the aircraft that is free from hazards that could cause physical harm to a flight attendant working in the cabin; and

“(2) to meet minimum standards for the occupational safety and health of flight attendants who work in the cabin of the aircraft.

“(c) RULEMAKING.—In carrying out this section, the Administrator shall conduct a rulemaking proceeding to address, at a minimum, the following areas:

“(1) Record keeping.

“(2) Blood borne pathogens.

“(3) Noise.

“(4) Sanitation.

“(5) Hazard communication.

“(6) Anti-discrimination.

“(7) Access to employee exposure and medical records.

“(8) Temperature standards for the aircraft cabin.

“(d) REGULATIONS.—

“(1) DEADLINE.—Not later than 3 years after the date of enactment of this section, the Administrator shall issue final regulations to carry out this section.

“(2) CONTENTS.—Regulations issued under this subsection shall address each of the issues identified in subsection (c) and others aspects of the environment of an aircraft cabin that may cause illness or injury to a flight attendant working in the cabin.

“(3) EMPLOYER ACTIONS TO ADDRESS OCCUPATIONAL SAFETY AND HEALTH HAZARDS.—Regulations issued under this subsection shall set forth clearly the circumstances under which an air carrier is required to take action to address occupational safety and health hazards.

“(e) ADDITIONAL RULEMAKING PROCEEDINGS.—After issuing regulations under subsection (c), the Administrator may conduct additional rulemaking proceedings as the Administrator determines appropriate to carry out this section.

“(f) OVERSIGHT.—

“(1) CABIN OCCUPATIONAL SAFETY AND HEALTH INSPECTORS.—The Administrator shall establish the position of Cabin Occupational Safety and Health Inspector within the Federal Aviation Administration and shall employ individuals with appropriate qualifications and expertise to serve in the position.

“(2) RESPONSIBILITIES.—Inspectors employed under this subsection shall be solely responsible for conducting proper oversight of air carrier programs implemented under this section.

“(g) CONSULTATION.—In developing regulations under this section, the Administrator shall consult with the Administrator of the Occupational Safety and Health Administration, labor organizations representing flight attendants, air carriers, and other interested persons.

“(h) SAFETY PRIORITY.—In developing and implementing regulations under this section, the Administrator shall give priority to the safe operation and maintenance of an aircraft.

“(i) *FLIGHT ATTENDANT DEFINED.*—In this section, the term ‘flight attendant’ has the meaning given that term by section 44728.

“(j) *AUTHORIZATION OF APPROPRIATIONS.*—There is authorized to be appropriated such sums as may be necessary to carry out this section. Such sums shall remain available until expended.”.

(b) *CLERICAL AMENDMENT.*—The analysis for chapter 447 is amended by adding at the end the following:

“44731. Occupational safety and health standards for flight attendants on board aircraft.”.

SEC. 308. AIRCRAFT SURVEILLANCE IN MOUNTAINOUS AREAS.

(a) *ESTABLISHMENT.*—The Administrator of the Federal Aviation Administration may establish a pilot program to improve safety and efficiency by providing surveillance for aircraft flying outside of radar coverage in mountainous areas.

(b) *AUTHORIZATION OF APPROPRIATIONS.*—There is authorized to be appropriated such sums as may be necessary to carry out this section. Such sums shall remain available until expended.

SEC. 309. OFF-AIRPORT, LOW-ALTITUDE AIRCRAFT WEATHER OBSERVATION TECHNOLOGY.

(a) *STUDY.*—The Administrator of the Federal Aviation Administration shall conduct a review of off-airport, low-altitude aircraft weather observation technologies.

(b) *SPECIFIC REVIEW.*—The review shall include, at a minimum, an examination of off-airport, low-altitude weather reporting needs, an assessment of technical alternatives (including automated weather observation stations), an investment analysis, and recommendations for improving weather reporting.

(c) *REPORT.*—Not later than one year after the date of enactment of this Act, the Administrator shall submit to Congress a report containing the results of the review.

SEC. 310. NONCERTIFICATED MAINTENANCE PROVIDERS.

(a) *ISSUANCE OF REGULATIONS.*—Not later than 3 years after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall issue regulations requiring that all covered maintenance work on aircraft used to provide air transportation under part 121 of title 14, Code of Federal Regulations, be performed by individuals in accordance with subsection (b).

(b) *PERSONS AUTHORIZED TO PERFORM CERTAIN WORK.*—Covered maintenance work for a part 121 air carrier shall only be performed by—

- (1) an individual employed by the air carrier;
- (2) an individual employed by another part 121 air carrier;
- (3) an individual employed by a part 145 repair station; or
- (4) an individual employed by a company that provides contract maintenance workers to a part 145 repair station or part 121 air carrier, if the individual—

- (A) meets the requirements of the part 145 repair station or the part 121 air carrier;
- (B) works under the direct supervision and control of the part 145 repair station or part 121 air carrier; and
- (C) carries out the work in accordance with the part 121 air carrier's maintenance manual and, if applicable, the part 145 certificate holder's repair station and quality control manuals.

(c) *PLAN.*—

(1) *DEVELOPMENT.*—The Administrator shall develop a plan to—

- (A) require air carriers to identify and provide to the Administrator a complete listing of all noncertificated maintenance providers that perform, before the effective date of the regulations

to be issued under subsection (a), covered maintenance work on aircraft used to provide air transportation under part 121 of title 14, Code of Federal Regulations;

(B) validate the lists that air carriers provide under subparagraph (A) by sampling air carrier records, such as maintenance activity reports and general vendor listings; and

(C) include surveillance and oversight by field inspectors of the Federal Aviation Administration for all noncertificated maintenance providers that perform covered maintenance work on aircraft used to provide air transportation in accordance with such part 121.

(2) *REPORT TO CONGRESS.*—Not later than 6 months after the date of enactment of this Act, the Administrator shall transmit to Congress a report containing the plan developed under paragraph (1).

(d) *DEFINITIONS.*—In this section, the following definitions apply:

(1) *COVERED MAINTENANCE WORK.*—The term “covered maintenance work” means maintenance work that is essential, regularly scheduled, or a required inspection item, as determined by the Administrator.

(2) *PART 121 AIR CARRIER.*—The term “part 121 air carrier” means an air carrier that holds a certificate issued under part 121 of title 14, Code of Federal Regulations.

(3) *PART 145 REPAIR STATION.*—The term “part 145 repair station” means a repair station that holds a certificate issued under part 145 of title 14, Code of Federal Regulations.

(4) *NONCERTIFICATED MAINTENANCE PROVIDER.*—The term “noncertificated maintenance provider” means a maintenance provider that does not hold a certificate issued under part 121 or part 145 of title 14 Code of Federal Regulations.

(e) *AUTHORIZATION OF APPROPRIATIONS.*—There is authorized to be appropriated such sums as may be necessary for the Administrator to hire additional field safety inspectors to ensure adequate and timely inspection of maintenance providers that perform covered maintenance work.

SEC. 311. AIRCRAFT RESCUE AND FIREFIGHTING STANDARDS.

(a) *RULEMAKING PROCEEDING.*—Not later than 180 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall initiate a rulemaking proceeding for the purpose of issuing a proposed and final rule that revises the aircraft rescue and firefighting standards (“ARFF”) under part 139 of title 14, Code of Federal Regulations, to improve the protection of the traveling public, other persons, aircraft, buildings, and the environment from fires and hazardous materials incidents.

(b) *CONTENTS OF PROPOSED AND FINAL RULE.*—The proposed and final rule to be issued under subsection (a) shall address the following:

- (1) The mission of aircraft rescue and firefighting personnel, including responsibilities for passenger egress in the context of other Administration requirements.
- (2) The proper level of staffing.
- (3) The timeliness of a response.
- (4) The handling of hazardous materials incidents at airports.
- (5) Proper vehicle deployment.
- (6) The need for equipment modernization.

(c) *CONSISTENCY WITH VOLUNTARY CONSENSUS STANDARDS.*—The proposed and final rule issued under subsection (a) shall be, to the extent practical, consistent with national voluntary consensus standards for aircraft rescue and firefighting services at airports.

(d) *ASSESSMENTS OF POTENTIAL IMPACTS.*—In the rulemaking proceeding initiated under subsection (a), the Administrator shall assess the potential impact of any revisions to the fire-

fighting standards on airports and air transportation service.

(e) *INCONSISTENCY WITH STANDARDS.*—If the proposed or final rule issued under subsection (a) is not consistent with national voluntary consensus standards for aircraft rescue and firefighting services at airports, the Administrator shall submit to the Office of Management and Budget an explanation of the reasons for such inconsistency in accordance with section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note; 110 Stat. 783).

(f) *FINAL RULE.*—Not later than 24 months after the date of enactment of this Act, the Administrator shall issue the final rule required by subsection (a).

SEC. 312. COCKPIT SMOKE.

(a) *STUDY.*—The Comptroller General shall conduct a study on the effectiveness of oversight activities of the Federal Aviation Administration relating to preventing or mitigating the effects of dense continuous smoke in the cockpit of a commercial aircraft.

(b) *REPORT.*—Not later than one year after the date of enactment of this Act, the Comptroller General shall submit to Congress a report on the results of the study.

SEC. 313. SAFETY OF HELICOPTER AIR AMBULANCE OPERATIONS.

(a) *IN GENERAL.*—Chapter 447 (as amended by this Act) is further amended by adding at the end the following:

“§44732. Helicopter air ambulance operations

“(a) *RULEMAKING.*—The Administrator of the Federal Aviation Administration shall conduct a rulemaking proceeding to improve the safety of flight crewmembers, medical personnel, and passengers onboard helicopters providing helicopter air ambulance services under part 135 of title 14, Code of Federal Regulations.

“(b) *MATTERS TO BE ADDRESSED.*—In conducting the rulemaking proceeding under subsection (a), the Administrator shall address the following:

“(1) Flight request and dispatch procedures, including performance-based flight dispatch procedures.

“(2) Pilot training standards, including—

“(A) mandatory training requirements, including a minimum time for completing the training requirements;

“(B) training subject areas, such as communications procedures and appropriate technology use;

“(C) establishment of training standards in—

“(i) crew resource management;

“(ii) flight risk evaluation;

“(iii) preventing controlled flight into terrain;

“(iv) recovery from inadvertent flight into instrument meteorological conditions;

“(v) operational control of the pilot in command; and

“(vi) use of flight simulation training devices and line oriented flight training.

“(3) Safety-enhancing technology and equipment, including—

“(A) helicopter terrain awareness and warning systems;

“(B) radar altimeters;

“(C) devices that perform the function of flight data recorders and cockpit voice recorders, to the extent feasible; and

“(D) safety equipment that should be worn or used by flight crewmembers and medical personnel on a flight, including the possible use of shoulder harnesses, helmets, seatbelts, and fire resistant clothing to enhance crash survivability.

“(4) Such other matters as the Administrator considers appropriate.

“(c) *MINIMUM REQUIREMENTS.*—In issuing a final rule under subsection (a), the Administrator, at a minimum, shall provide for the following:

“(1) **FLIGHT RISK EVALUATION PROGRAM.**—The Administrator shall ensure that a part 135 certificate holder providing helicopter air ambulance services—

“(A) establishes a flight risk evaluation program, based on FAA Notice 8000.301 issued by the Administration on August 1, 2005, including any updates thereto;

“(B) as part of the flight risk evaluation program, develops a checklist for use by pilots in determining whether a flight request should be accepted; and

“(C) requires the pilots of the certificate holder to use the checklist.

“(2) **OPERATIONAL CONTROL CENTER.**—The Administrator shall ensure that a part 135 certificate holder providing helicopter air ambulance services using 10 or more helicopters has an operational control center that meets such requirements as the Administrator may prescribe.

“(3) **COMPLIANCE.**—The Administrator shall ensure that a part 135 certificate holder providing helicopter air ambulance services complies with applicable regulations under part 135 of title 14, Code of Federal Regulations, including regulations on weather minima and flight and duty time whenever medical personnel are onboard the aircraft.

“(d) **DEADLINES.**—The Administrator shall—

“(1) not later than 180 days after the date of enactment of this section, issue a notice of proposed rulemaking under subsection (a); and

“(2) not later than 16 months after the close of the comment period on the proposed rule, issue a final rule.

“(e) **PART 135 CERTIFICATE HOLDER DEFINED.**—In this section, the term ‘part 135 certificate holder’ means a person holding a certificate issued under part 135 of title 14, Code of Federal Regulations.

“§ 44733. Collection of data on helicopter air ambulance operations

“(a) **IN GENERAL.**—The Administrator of the Federal Aviation Administration shall require a part 135 certificate holder providing helicopter air ambulance services to submit to the Administrator, not later than one year after the date of enactment of this section, and annually thereafter, a report containing, at a minimum, the following data:

“(1) The number of helicopters that the certificate holder uses to provide helicopter air ambulance services and the base locations of the helicopters.

“(2) The number of flights and hours flown, by registration number, during which helicopters operated by the certificate holder were providing helicopter air ambulance services.

“(3) The number of flight requests for a helicopter providing helicopter air ambulance services that were accepted or declined by the certificate holder and the type of each such flight request (such as scene response, inter-facility transport, organ transport, or ferry or repositioning flight).

“(4) The number of accidents involving helicopters operated by the certificate holder while providing helicopter air ambulance services and a description of the accidents.

“(5) The number of flights and hours flown under instrument flight rules by helicopters operated by the certificate holder while providing helicopter air ambulance services.

“(6) The time of day of each flight flown by helicopters operated by the certificate holder while providing helicopter air ambulance services.

“(b) **REPORTING PERIOD.**—Data contained in a report submitted by a part 135 certificate holder under subsection (a) shall relate to such reporting period as the Administrator determines appropriate.

“(c) **DATABASE.**—Not later than 6 months after the date of enactment of this section, the

Administrator shall develop a method to collect and store the data collected under subsection (a), including a method to protect the confidentiality of any trade secret or proprietary information provided in response to this section.

“(d) **REPORT TO CONGRESS.**—Not later than 24 months after the date of enactment of this section, and annually thereafter, the Administrator shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report containing a summary of the data collected under subsection (a).

“(e) **PART 135 CERTIFICATE HOLDER DEFINED.**—In this section, the term ‘part 135 certificate holder’ means a person holding a certificate issued under part 135 of title 14, Code of Federal Regulations.”.

(b) **CLERICAL AMENDMENT.**—The analysis for chapter 447 (as amended by this Act) is further amended by adding at the end the following:

“Sec. 44732. Helicopter air ambulance operations.

“Sec. 44733. Collection of data on helicopter air ambulance operations.”.

SEC. 314. FEASIBILITY OF REQUIRING HELICOPTER PILOTS TO USE NIGHT VISION GOGGLES.

(a) **STUDY.**—The Administrator of the Federal Aviation Administration shall carry out a study on the feasibility of requiring pilots of helicopters providing helicopter air ambulance services under part 135 of title 14, Code of Federal Regulations, to use night vision goggles during nighttime operations.

(b) **CONSIDERATIONS.**—In conducting the study, the Administrator shall consult with owners and operators of helicopters providing helicopter air ambulance services under such part 135 and aviation safety professionals to determine the benefits, financial considerations, and risks associated with requiring the use of night vision goggles.

(c) **REPORT TO CONGRESS.**—Not later than one year after the date of enactment of this Act, the Administrator shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the results of the study.

SEC. 315. STUDY OF HELICOPTER AND FIXED WING AIR AMBULANCE SERVICES.

(a) **IN GENERAL.**—The Comptroller General shall conduct a study of the helicopter and fixed-wing air ambulance industry. The study shall include information, analysis, and recommendations pertinent to ensuring a safe air ambulance industry.

(b) **REQUIRED INFORMATION.**—In conducting the study, the Comptroller General shall obtain detailed information on the following aspects of the air ambulance industry:

(1) A review of the industry, for part 135 certificate holders and indirect carriers providing helicopter and fixed-wing air ambulance services, including—

(A) a listing of the number, size, and location of helicopter and fixed-wing aircraft and their flight bases;

(B) affiliations of certificate holders and indirect carriers with hospitals, governments, and other entities;

(C) coordination of air ambulance services, with each other, State and local emergency medical services systems, referring entities, and receiving hospitals;

(D) nature of services contracts, sources of payment, financial relationships between certificate holders and indirect carriers providing air ambulance services and referring entities, and costs of operations; and

(E) a survey of business models for air ambulance operations, including expenses, structure, and sources of income.

(2) Air ambulance request and dispatch practices, including the various types of protocols, models, training, certifications, and air medical communications centers relating to part 135 certificate holders and indirect carriers providing helicopter and fixed-wing air ambulance services, including—

(A) the practices that emergency and medical officials use to request an air ambulance;

(B) information on whether economic or other nonmedical factors lead to air ambulance transport when it is not medically needed, appropriate, or safe; and

(C) the cause, occurrence, and extent of delays in air ambulance transport.

(3) Economic and medical issues relating to the air ambulance industry, including—

(A) licensing;

(B) certificates of need;

(C) public convenience and necessity requirements;

(D) assignment of geographic coverage areas;

(E) accreditation requirements;

(F) compliance with dispatch procedures; and

(G) requirements for medical equipment and personnel onboard the aircraft.

(4) Such other matters as the Comptroller General considers relevant to the purpose of the study.

(c) **ANALYSIS AND RECOMMENDATIONS.**—Based on information obtained under subsection (b) and other information the Comptroller General considers appropriate, the report shall also include an analysis and specific recommendations, as appropriate, related to—

(1) the relationship between State regulation and Federal preemption of rates, routes, and services of air ambulances;

(2) the extent to which Federal law may impact existing State regulation of air ambulances and the potential effect of greater State regulation—

(A) in the air ambulance industry, on the economic viability of air ambulance services, the availability and coordination of service, and costs of operations both in rural and highly populated areas;

(B) on the quality of patient care and outcomes; and

(C) on competition and safety; and

(3) whether systemic or other problems exist on a statewide, regional, or national basis with the current system governing air ambulances.

(d) **REPORT.**—Not later than June 1, 2010, the Comptroller General shall submit to the Secretary of Transportation and the appropriate committees of Congress a report containing its findings and recommendations regarding the study under this section.

(e) **ADOPTION OF RECOMMENDED POLICY CHANGES.**—Not later than 60 days after the date of receipt of the report under subsection (d), the Secretary shall issue a report to the appropriate committees of Congress, that—

(1) specifies which, if any, policy changes recommended by the Comptroller General and any other policy changes with respect to air ambulances the Secretary will adopt and implement; and

(2) includes recommendations for legislative change, if appropriate.

(f) **PART 135 CERTIFICATE HOLDER DEFINED.**—In this section, the term “part 135 certificate holder” means a person holding a certificate issued under part 135 of title 14, Code of Federal Regulations.

Subtitle B—Unmanned Aircraft Systems

SEC. 321. COMMERCIAL UNMANNED AIRCRAFT SYSTEMS INTEGRATION PLAN.

(a) **INTEGRATION PLAN.**—

(1) **COMPREHENSIVE PLAN.**—Not later than 9 months after the date of enactment of this Act, the Secretary, in consultation with representatives of the aviation industry, shall develop a

comprehensive plan to safely integrate commercial unmanned aircraft systems into the national airspace system.

(2) **MINIMUM REQUIREMENTS.**—In developing the plan under paragraph (1), the Secretary shall, at a minimum—

(A) review technologies and research that will assist in facilitating the safe integration of commercial unmanned aircraft systems into the national airspace system;

(B) provide recommendations or projections for the rulemaking to be conducted under subsection (b) to—

(i) define the acceptable standards for operations and certification of commercial unmanned aircraft systems;

(ii) ensure that any commercial unmanned aircraft system includes a detect, sense, and avoid capability; and

(iii) develop standards and requirements for the operator, pilot, and programmer of a commercial unmanned aircraft system, including standards and requirements for registration and licensing;

(C) recommend how best to enhance the technologies and subsystems necessary to effect the safe and routine operations of commercial unmanned aircraft systems in the national airspace system; and

(D) recommend how a phased-in approach to the integration of commercial unmanned aircraft systems into the national airspace system can best be achieved and a timeline upon which such a phase-in shall occur.

(3) **DEADLINE.**—The plan to be developed under paragraph (1) shall provide for the safe integration of commercial unmanned aircraft systems into the national airspace system as soon as possible, but not later than September 30, 2013.

(4) **REPORT TO CONGRESS.**—Not later than one year after the date of enactment of this Act, the Secretary shall submit to Congress a copy of the plan developed under paragraph (1).

(b) **RULEMAKING.**—Not later than 18 months after the date on which the integration plan is submitted to Congress under subsection (a)(4), the Administrator of the Federal Aviation Administration shall publish in the Federal Register a notice of proposed rulemaking to implement the recommendations of the integration plan.

(c) **AUTHORIZATION.**—There are authorized to be appropriated such sums as may be necessary to carry out this section.

SEC. 322. SPECIAL RULES FOR CERTAIN UNMANNED AIRCRAFT SYSTEMS.

(a) **IN GENERAL.**—Notwithstanding the requirements of sections 321 and 323, and not later than 6 months after the date of enactment of this Act, the Secretary shall determine if certain unmanned aircraft systems may operate safely in the national airspace system before completion of the plan and rulemaking required by section 321 or the guidance required by section 323.

(b) **ASSESSMENT OF UNMANNED AIRCRAFT SYSTEMS.**—In making the determination under subsection (a), the Secretary shall determine, at a minimum—

(1) which types of unmanned aircraft systems, if any, as a result of their size, weight, speed, operational capability, proximity to airports and population areas, and operation within visual line-of-sight do not create a hazard to users of the national airspace system or the public or pose a threat to national security; and

(2) whether a certificate of authorization or an airworthiness certification under section 44704 of title 49, United States Code, is required for the operation of unmanned aircraft systems identified under paragraph (1).

(c) **REQUIREMENTS FOR SAFE OPERATION.**—If the Secretary determines under this section that certain unmanned aircraft systems may operate

safely in the national airspace system, the Secretary shall establish requirements for the safe operation of such aircraft systems in the national airspace system.

SEC. 323. PUBLIC UNMANNED AIRCRAFT SYSTEMS.

Not later than 9 months after the date of enactment of this Act, the Secretary shall issue guidance regarding the operation of public unmanned aircraft systems to—

(1) expedite the issuance of a certificate of authorization process;

(2) provide for a collaborative process with public agencies to allow for an incremental expansion of access to the national airspace system as technology matures and the necessary safety analysis and data become available and until standards are completed and technology issues are resolved; and

(3) facilitate the capability of public agencies to develop and use test ranges, subject to operating restrictions required by the Federal Aviation Administration, to test and operate unmanned aircraft systems.

SEC. 324. DEFINITIONS.

In this subtitle, the following definitions apply:

(1) **CERTIFICATE OF AUTHORIZATION.**—The term “certificate of authorization” means a Federal Aviation Administration grant of approval for a specific flight operation.

(2) **DETECT, SENSE, AND AVOID CAPABILITY.**—The term “detect, sense, and avoid capability” means the technical capability to perform separation assurance and collision avoidance, as defined by the Federal Aviation Administration.

(3) **PUBLIC UNMANNED AIRCRAFT SYSTEM.**—The term “public unmanned aircraft system” means an unmanned aircraft system that meets the qualifications and conditions required for operation of a public aircraft, as defined by section 40102 of title 49, United States Code.

(4) **SECRETARY.**—The term “Secretary” means the Secretary of Transportation.

(5) **TEST RANGE.**—The term “test range” means a defined geographic area where research and development are conducted.

(6) **UNMANNED AIRCRAFT.**—The term “unmanned aircraft” means an aircraft that is operated without the possibility of direct human intervention from within or on the aircraft.

(7) **UNMANNED AIRCRAFT SYSTEM.**—The term “unmanned aircraft system” means an unmanned aircraft and associated elements (such as communication links and a ground control station) that are required to operate safely and efficiently in the national airspace system.

Subtitle C—Safety and Protections

SEC. 331. AVIATION SAFETY WHISTLEBLOWER INVESTIGATION OFFICE.

Section 106 is amended by adding at the end the following:

“(s) **AVIATION SAFETY WHISTLEBLOWER INVESTIGATION OFFICE.**—

“(1) **ESTABLISHMENT.**—There is established in the Federal Aviation Administration (in this subsection referred to as the ‘Agency’) an Aviation Safety Whistleblower Investigation Office (in this subsection referred to as the ‘Office’).”

“(2) **DIRECTOR.**—

“(A) **APPOINTMENT.**—The head of the Office shall be the Director, who shall be appointed by the Secretary of Transportation.

“(B) **REPORTS AND RECOMMENDATIONS TO SECRETARY.**—The Director shall provide regular reports to the Secretary of Transportation. The Director may recommend that the Secretary take any action necessary for the Office to carry out its functions, including protection of complainants and witnesses.

“(C) **QUALIFICATIONS.**—The Director shall have a demonstrated ability in investigations and knowledge of or experience in aviation.

“(D) **TERM.**—The Director shall be appointed for a term of 5 years.

“(E) **VACANCY.**—Any individual appointed to fill a vacancy in the position of the Director occurring before the expiration of the term for which the individual’s predecessor was appointed shall be appointed for the remainder of that term.

“(3) **COMPLAINTS AND INVESTIGATIONS.**—

“(A) **AUTHORITY OF DIRECTOR.**—The Director shall—

“(i) receive complaints and information submitted by employees of persons holding certificates issued under title 14, Code of Federal Regulations, and employees of the Agency concerning the possible existence of an activity relating to a violation of an order, regulation, or standard of the Agency or any other provision of Federal law relating to aviation safety;

“(ii) assess complaints and information submitted under clause (i) and determine whether a substantial likelihood exists that a violation of an order, regulation, or standard of the Agency or any other provision of Federal law relating to aviation safety may have occurred; and

“(iii) based on findings of the assessment conducted under clause (ii), make recommendations to the Secretary and Administrator in writing for—

“(I) further investigation by the Office, the Inspector General of the Department of Transportation, or other appropriate investigative body; or

“(II) corrective actions.

“(B) **DISCLOSURE OF IDENTITIES.**—The Director shall not disclose the identity or identifying information of an individual who submits a complaint or information under subparagraph (A)(i) unless—

“(i) the individual consents to the disclosure in writing; or

“(ii) the Director determines, in the course of an investigation, that the disclosure is unavoidable, in which case the Director shall provide the individual with reasonable advance notice.

“(C) **INDEPENDENCE OF DIRECTOR.**—The Secretary, the Administrator, or any officer or employee of the Agency may not prevent or prohibit the Director from initiating, carrying out, or completing any assessment of a complaint or information submitted under subparagraph (A)(i) or from reporting to Congress on any such assessment.

“(D) **ACCESS TO INFORMATION.**—In conducting an assessment of a complaint or information submitted under subparagraph (A)(i), the Director shall have access to, and can order the retention of, all records, reports, audits, reviews, documents, papers, recommendations, and other material necessary to determine whether a substantial likelihood exists that a violation of an order, regulation, or standard of the Agency or any other provision of Federal law relating to aviation safety may have occurred. The Director may order sworn testimony from appropriate witnesses during the course of an investigation.

“(E) **PROCEDURE.**—The Office shall establish procedures equivalent to sections 1213(d) and 1213(e) of title 5 for investigation, report, employee comment, and evaluation by the Secretary for any investigation conducted pursuant to paragraph (3)(A).

“(4) **RESPONSES TO RECOMMENDATIONS.**—The Administrator shall—

“(A) respond within 60 days to a recommendation made by the Director under paragraph (3)(A)(iii) in writing and retain records related to any further investigations or corrective actions taken in response to the recommendation, in accordance with established record retention requirements; and

“(B) ensure that the findings of all referrals for further investigation or corrective actions taken are reported to the Director.

“(5) **INCIDENT REPORTS.**—If the Director determines there is a substantial likelihood that a

violation of an order, regulation, or standard of the Agency or any other provision of Federal law relating to aviation safety may have occurred that requires immediate corrective action, the Director shall report the potential violation expeditiously to the Secretary, the Administrator, and the Inspector General of the Department of Transportation.

“(6) REPORTING OF CRIMINAL VIOLATIONS TO INSPECTOR GENERAL.—If the Director has reasonable grounds to believe that there has been a violation of Federal criminal law, the Director shall report the violation expeditiously to the Inspector General.

“(7) RETALIATION AGAINST AGENCY EMPLOYEES.—Any retaliatory action taken or threatened against an employee of the Agency for good faith participation in activities under this subsection is prohibited. The Director shall make all policy recommendations and specific requests to the Secretary for relief necessary to protect employees of the Agency who initiate or participate in investigations under this subsection. The Secretary shall respond in a timely manner and shall share the responses with the appropriate committees of Congress.

“(8) DISCIPLINARY ACTIONS.—The Secretary shall exercise the Secretary’s authority under section 2302 of title 5 for the prevention of prohibited personnel actions in any case in which the prohibited personnel action is taken against an employee of the Agency who, in good faith, has reported the possible existence of an activity relating to a violation of an order, regulation, or standard of the Agency or any other provision of Federal law relating to aviation safety. In exercising such authority, the Secretary may subject an employee of the Agency who has taken or failed to take, or threatened to take or fail to take, a personnel action in violation of such section to a disciplinary action up to and including termination.

“(9) ANNUAL REPORTS TO CONGRESS.—Not later than October 1 of each year, the Director shall submit to Congress a public report containing—

“(A) information on the number of submissions of complaints and information received by the Director under paragraph (3)(A)(i) in the preceding 12-month period;

“(B) summaries of those submissions;

“(C) summaries of further investigations, corrective actions recommended, and referrals in response to the submissions;

“(D) summaries of the responses of the Administrator to such recommendations; and

“(E) an evaluation of personnel and resources necessary to effectively support the mandate of the Office.”.

SEC. 332. MODIFICATION OF CUSTOMER SERVICE INITIATIVE.

(a) FINDINGS.—Congress finds the following:

(1) Subsections (a) and (d) of section 40101 of title 49, United States Code, directs the Federal Aviation Administration (in this section referred to as the “Agency”) to make safety its highest priority.

(2) In 1996, to ensure that there would be no appearance of a conflict of interest for the Agency in carrying out its safety responsibilities, Congress amended section 40101(d) of such title to remove the responsibilities of the Agency to promote airlines.

(3) Despite these directives from Congress regarding the priority of safety, the Agency issued a vision statement in which it stated that it has a “vision” of “being responsive to our customers and accountable to the public” and, in 2003, issued a customer service initiative that required aviation inspectors to treat air carriers and other aviation certificate holders as “customers” rather than regulated entities.

(4) The initiatives described in paragraph (3) appear to have given regulated entities and Agency inspectors the impression that the man-

agement of the Agency gives an unduly high priority to the satisfaction of regulated entities regarding its inspection and certification decisions and other lawful actions of its safety inspectors.

(5) As a result of the emphasis on customer satisfaction, some managers of the Agency have discouraged vigorous enforcement and replaced inspectors whose lawful actions adversely affected an air carrier.

(b) MODIFICATION OF INITIATIVE.—Not later than 90 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall modify the customer service initiative, mission and vision statements, and other statements of policy of the Agency—

(1) to remove any reference to air carriers or other entities regulated by the Agency as “customers”;

(2) to clarify that in regulating safety the only customers of the Agency are individuals traveling on aircraft; and

(3) to clarify that air carriers and other entities regulated by the Agency do not have the right to select the employees of the Agency who will inspect their operations.

(c) SAFETY PRIORITY.—In carrying out the Administrator’s responsibilities, the Administrator shall ensure that safety is given a higher priority than preventing the dissatisfaction of an air carrier or other entity regulated by the Agency with an employee of the Agency.

SEC. 333. POST-EMPLOYMENT RESTRICTIONS FOR FLIGHT STANDARDS INSPECTORS.

(a) IN GENERAL.—Section 44711 of title 49, United States Code, is amended by adding at the end the following:

“(d) POST-EMPLOYMENT RESTRICTIONS FOR FLIGHT STANDARDS INSPECTORS.—

“(1) PROHIBITION.—A person holding an operating certificate issued under title 14, Code of Federal Regulations, may not knowingly employ, or make a contractual arrangement which permits, an individual to act as an agent or representative of the certificate holder in any matter before the Federal Aviation Administration (in this subsection referred to as the ‘Agency’) if the individual, in the preceding 2-year period—

“(A) served as, or was responsible for oversight of, a flight standards inspector of the Agency; and

“(B) had responsibility to inspect, or oversee inspection of, the operations of the certificate holder.

“(2) WRITTEN AND ORAL COMMUNICATIONS.—For purposes of paragraph (1), an individual shall be considered to be acting as an agent or representative of a certificate holder in a matter before the Agency if the individual makes any written or oral communication on behalf of the certificate holder to the Agency (or any of its officers or employees) in connection with a particular matter, whether or not involving a specific party and without regard to whether the individual has participated in, or had responsibility for, the particular matter while serving as a flight standards inspector of the Agency.”.

(b) APPLICABILITY.—The amendment made by subsection (a) shall not apply to an individual employed by a certificate holder as of the date of enactment of this Act.

SEC. 334. ASSIGNMENT OF PRINCIPAL SUPERVISORY INSPECTORS.

(a) IN GENERAL.—An individual serving as a principal supervisory inspector of the Federal Aviation Administration (in this section referred to as the “Agency”) may not be responsible for overseeing the operations of a single air carrier for a continuous period of more than 5 years.

(b) TRANSITIONAL PROVISION.—An individual serving as a principal supervisory inspector of the Agency with respect to an air carrier as of the date of enactment of this Act may be responsible for overseeing the operations of the carrier

until the last day of the 5-year period specified in subsection (a) or last day of the 2-year period beginning on such date of enactment, whichever is later.

(c) ISSUANCE OF ORDER.—Not later than 30 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall issue an order to carry out this section.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Administrator such sums as may be necessary to carry out this section.

SEC. 335. HEADQUARTERS REVIEW OF AIR TRANSPORTATION OVERSIGHT SYSTEM DATABASE.

(a) REVIEWS.—The Administrator of the Federal Aviation Administration shall establish a process by which the air transportation oversight system database of the Federal Aviation Administration (in this section referred to as the “Agency”) is reviewed by a team of employees of the Agency, including at least one employee selected by the exclusive bargaining representative for aviation safety inspectors, on a monthly basis to ensure that—

(1) any trends in regulatory compliance are identified; and

(2) appropriate corrective actions are taken in accordance with Agency regulations, advisory directives, policies, and procedures.

(b) MONTHLY TEAM REPORTS.—

(1) IN GENERAL.—The team of employees conducting a monthly review of the air transportation oversight system database under subsection (a) shall submit to the Administrator, the Associate Administrator for Aviation Safety, and the Director of Flight Standards a report on the results of the review.

(2) CONTENTS.—A report submitted under paragraph (1) shall identify—

(A) any trends in regulatory compliance discovered by the team of employees in conducting the monthly review; and

(B) any corrective actions taken or proposed to be taken in response to the trends.

(c) QUARTERLY REPORTS TO CONGRESS.—The Administrator, on a quarterly basis, shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the results of reviews of the air transportation oversight system database conducted under this section, including copies of reports received under subsection (b).

SEC. 336. IMPROVED VOLUNTARY DISCLOSURE REPORTING SYSTEM.

(a) VOLUNTARY DISCLOSURE REPORTING PROGRAM DEFINED.—In this section, the term “Voluntary Disclosure Reporting Program” means the program established by the Federal Aviation Administration through Advisory Circular 00-58A, dated September 8, 2006, including any subsequent revisions thereto.

(b) VERIFICATION.—The Administrator of the Federal Aviation Administration shall modify the Voluntary Disclosure Reporting Program to require inspectors to—

(1) verify that air carriers implement comprehensive solutions to correct the underlying causes of the violations voluntarily disclosed by such air carriers; and

(2) confirm, before approving a final report of a violation, that the violation, or another violation occurring under the same circumstances, has not been previously discovered by an inspector or self-disclosed by the air carrier.

(c) SUPERVISORY REVIEW OF VOLUNTARY SELF DISCLOSURES.—The Administrator shall establish a process by which voluntary self-disclosures received from air carriers are reviewed and approved by a supervisor after the initial review by an inspector.

(d) INSPECTOR GENERAL STUDY.—

(1) IN GENERAL.—The Inspector General of the Department of Transportation shall conduct a study of the Voluntary Disclosure Reporting Program.

(2) REVIEW.—In conducting the study, the Inspector General shall examine, at a minimum, whether—

(A) there is evidence that voluntary disclosure is resulting in regulated entities discovering and correcting violations to a greater extent than would otherwise occur if there was no program for immunity from enforcement action;

(B) the voluntary disclosure program makes the Federal Aviation Administration (FAA) aware of violations that the FAA would not have discovered if there was not a program, and if a violation is disclosed voluntarily, whether the FAA insists on stronger corrective actions than would have occurred if the regulated entity knew of a violation, but FAA did not;

(C) the information the FAA gets under the program leads to fewer violations by other entities, either because the information leads other entities to look for similar violations or because the information leads FAA investigators to look for similar violations at other entities; and

(D) there is any evidence that voluntary disclosure has improved compliance with regulations, either for the entities making disclosures or for the industry generally.

(3) REPORT.—Not later than one year after the date of enactment of this Act, the Inspector General shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and Committee on Commerce, Science, and Transportation of the Senate a report on the results of the study conducted under this section.

Subtitle D—Airline Safety and Pilot Training Improvement

SEC. 341. SHORT TITLE.

This subtitle may be cited as the “Airline Safety and Pilot Training Improvement Act of 2010”.

SEC. 342. DEFINITIONS.

(a) DEFINITIONS.—In this subtitle, the following definitions apply:

(1) ADVANCED QUALIFICATION PROGRAM.—The term “advanced qualification program” means the program established by the Federal Aviation Administration in Advisory Circular 120–54A, dated June 23, 2006, including any subsequent revisions thereto.

(2) AIR CARRIER.—The term “air carrier” has the meaning given that term in section 40102 of title 49, United States Code.

(3) AVIATION SAFETY ACTION PROGRAM.—The term “aviation safety action program” means the program established by the Federal Aviation Administration in Advisory Circular 120–66B, dated November 15, 2002, including any subsequent revisions thereto.

(4) FLIGHT CREWMEMBER.—The term “flight crewmember” has the meaning given that term in part 1.1 of title 14, Code of Federal Regulations.

(5) FLIGHT OPERATIONAL QUALITY ASSURANCE PROGRAM.—The term “flight operational quality assurance program” means the program established by the Federal Aviation Administration in Advisory Circular 120–82, dated April 12, 2004, including any subsequent revisions thereto.

(6) LINE OPERATIONS SAFETY AUDIT.—The term “line operations safety audit” means the procedure referenced by the Federal Aviation Administration in Advisory Circular 120–90, dated April 27, 2006, including any subsequent revisions thereto.

(7) PART 121 AIR CARRIER.—The term “part 121 air carrier” means an air carrier that holds a certificate issued under part 121 of title 14, Code of Federal Regulations.

(8) PART 135 AIR CARRIER.—The term “part 135 air carrier” means an air carrier that holds a

certificate issued under part 135 of title 14, Code of Federal Regulations.

SEC. 343. FAA TASK FORCE ON AIR CARRIER SAFETY AND PILOT TRAINING.

(a) ESTABLISHMENT.—The Administrator of the Federal Aviation Administration shall establish a special task force to be known as the FAA Task Force on Air Carrier Safety and Pilot Training (in this section referred to as the “Task Force”).

(b) COMPOSITION.—The Task Force shall consist of members appointed by the Administrator and shall include air carrier representatives, labor union representatives, and aviation safety experts with knowledge of foreign and domestic regulatory requirements for flight crewmember education and training.

(c) DUTIES.—The duties of the Task Force shall include, at a minimum, evaluating best practices in the air carrier industry and providing recommendations in the following areas:

(1) Air carrier management responsibilities for flight crewmember education and support.

(2) Flight crewmember professional standards.

(3) Flight crewmember training standards and performance.

(4) Mentoring and information sharing between air carriers.

(d) REPORT.—Not later than 180 days after the date of enactment of this Act, and before the last day of each 180-day period thereafter until termination of the Task Force, the Task Force shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report detailing—

(1) the progress of the Task Force in identifying best practices in the air carrier industry;

(2) the progress of air carriers and labor unions in implementing the best practices identified by the Task Force;

(3) recommendations of the Task Force, if any, for legislative or regulatory actions;

(4) the progress of air carriers and labor unions in implementing training-related, non-regulatory actions recommended by the Administrator; and

(5) the progress of air carriers in developing specific programs to share safety data and ensure implementation of the most effective safety practices.

(e) TERMINATION.—The Task Force shall terminate on September 30, 2012.

(f) APPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Task Force.

SEC. 344. IMPLEMENTATION OF NTSB FLIGHT CREWMEMBER TRAINING RECOMMENDATIONS.

(a) RULEMAKING PROCEEDINGS.—

(1) STALL AND UPSET RECOGNITION AND RECOVERY TRAINING.—The Administrator of the Federal Aviation Administration shall conduct a rulemaking proceeding to require part 121 air carriers to provide flight crewmembers with ground training and flight training or flight simulator training—

(A) to recognize and avoid a stall of an aircraft or, if not avoided, to recover from the stall; and

(B) to recognize and avoid an upset of an aircraft or, if not avoided, to execute such techniques as available data indicate are appropriate to recover from the upset in a given make, model, and series of aircraft.

(2) REMEDIAL TRAINING PROGRAMS.—The Administrator shall conduct a rulemaking proceeding to require part 121 air carriers to establish remedial training programs for flight crewmembers who have demonstrated performance deficiencies or experienced failures in the training environment.

(3) DEADLINES.—The Administrator shall—

(A) not later than 180 days after the date of enactment of this Act, issue a notice of proposed rulemaking under each of paragraphs (1) and (2); and

(B) not later than 24 months after the date of enactment of this Act, issue a final rule for the rulemaking under each of paragraphs (1) and (2).

(b) STICK PUSHER TRAINING AND WEATHER EVENT TRAINING.—

(1) MULTIDISCIPLINARY PANEL.—Not later than 120 days after the date of enactment of this Act, the Administrator shall convene a multidisciplinary panel of specialists in aircraft operations, flight crewmember training, human factors, and aviation safety to study and submit to the Administrator a report on methods to increase the familiarity of flight crewmembers with, and improve the response of flight crewmembers to, stick pusher systems, icing conditions, and microburst and windshear weather events.

(2) REPORT TO CONGRESS AND NTSB.—Not later than one year after the date on which the Administrator convenes the panel, the Administrator shall—

(A) submit to the Committee on Transportation and Infrastructure of the House of Representatives, the Committee on Commerce, Science, and Transportation of the Senate, and the National Transportation Safety Board a report based on the findings of the panel; and

(B) with respect to stick pusher systems, initiate appropriate actions to implement the recommendations of the panel.

(c) DEFINITIONS.—In this section, the following definitions apply:

(1) FLIGHT TRAINING AND FLIGHT SIMULATOR.—The terms “flight training” and “flight simulator” have the meanings given those terms in part 61.1 of title 14, Code of Federal Regulations (or any successor regulation).

(2) STALL.—The term “stall” means an aerodynamic loss of lift caused by exceeding the critical angle of attack.

(3) STICK PUSHER.—The term “stick pusher” means a device that, at or near a stall, applies a nose down pitch force to an aircraft’s control columns to attempt to decrease the aircraft’s angle of attack.

(4) UPSET.—The term “upset” means an unusual aircraft attitude.

SEC. 345. SECRETARY OF TRANSPORTATION RESPONSES TO SAFETY RECOMMENDATIONS.

(a) IN GENERAL.—The first sentence of section 1135(a) of title 49, United States Code, is amended by inserting “to the National Transportation Safety Board” after “shall give”.

(b) AIR CARRIER SAFETY RECOMMENDATIONS.—Section 1135 of such title is amended—

(1) by redesignating subsections (c) and (d) as subsections (d) and (e), respectively; and

(2) by inserting after subsection (b) the following:

“(c) ANNUAL REPORT ON AIR CARRIER SAFETY RECOMMENDATIONS.—

“(1) IN GENERAL.—The Secretary shall submit to Congress and the Board, on an annual basis, a report on the recommendations made by the Board to the Secretary regarding air carrier operations conducted under part 121 of title 14, Code of Federal Regulations.

“(2) RECOMMENDATIONS TO BE COVERED.—The report shall cover—

“(A) any recommendation for which the Secretary has developed, or intends to develop, procedures to adopt the recommendation or part of the recommendation, but has yet to complete the procedures; and

“(B) any recommendation for which the Secretary, in the preceding year, has issued a response under subsection (a)(2) or (a)(3) refusing

to carry out all or part of the procedures to adopt the recommendation.

“(3) CONTENTS.—

“(A) PLANS TO ADOPT RECOMMENDATIONS.—For each recommendation of the Board described in paragraph (2)(A), the report shall contain—

“(i) a description of the recommendation;

“(ii) a description of the procedures planned for adopting the recommendation or part of the recommendation;

“(iii) the proposed date for completing the procedures; and

“(iv) if the Secretary has not met a deadline contained in a proposed timeline developed in connection with the recommendation under subsection (b), an explanation for not meeting the deadline.

“(B) REFUSALS TO ADOPT RECOMMENDATIONS.—For each recommendation of the Board described in paragraph (2)(B), the report shall contain—

“(i) a description of the recommendation; and

“(ii) a description of the reasons for the refusal to carry out all or part of the procedures to adopt the recommendation.”.

SEC. 346. FAA PILOT RECORDS DATABASE.

(a) RECORDS OF EMPLOYMENT OF PILOT APPLICANTS.—Section 44703(h) of title 49, United States Code, is amended by adding at the end the following:

“(16) APPLICABILITY.—This subsection shall cease to be effective on the date specified in regulations issued under subsection (i).”.

(b) ESTABLISHMENT OF FAA PILOT RECORDS DATABASE.—Section 44703 of such title is amended—

(1) by redesignating subsections (i) and (j) as subsections (j) and (k), respectively; and

(2) by inserting after subsection (h) the following:

“(i) FAA PILOT RECORDS DATABASE.—

“(1) IN GENERAL.—Before allowing an individual to begin service as a pilot, an air carrier shall access and evaluate, in accordance with the requirements of this subsection, information pertaining to the individual from the pilot records database established under paragraph (2).

“(2) PILOT RECORDS DATABASE.—The Administrator shall establish an electronic database (in this subsection referred to as the ‘database’) containing the following records:

“(A) FAA RECORDS.—From the Administrator—

“(i) records that are maintained by the Administrator concerning current airman certificates, including airman medical certificates and associated type ratings and information on any limitations to those certificates and ratings;

“(ii) records that are maintained by the Administrator concerning any failed attempt of an individual to pass a practical test required to obtain a certificate or type rating under part 61 of title 14, Code of Federal Regulations; and

“(iii) summaries of legal enforcement actions resulting in a finding by the Administrator of a violation of this title or a regulation prescribed or order issued under this title that was not subsequently overturned.

“(B) AIR CARRIER AND OTHER RECORDS.—From any air carrier or other person (except a branch of the Armed Forces, the National Guard, or a reserve component of the Armed Forces) that has employed an individual as a pilot of a civil or public aircraft, or from the trustee in bankruptcy for such air carrier or person—

“(i) records pertaining to the individual that are maintained by the air carrier (other than records relating to flight time, duty time, or rest time), including records under regulations set forth in—

“(I) section 121.683 of title 14, Code of Federal Regulations;

“(II) paragraph (A) of section VI, appendix I, part 121 of such title;

“(III) paragraph (A) of section IV, appendix J, part 121 of such title;

“(IV) section 125.401 of such title; and

“(V) section 135.63(a)(4) of such title; and

“(ii) other records pertaining to the individual’s performance as a pilot that are maintained by the air carrier or person concerning—

“(I) the training, qualifications, proficiency, or professional competence of the individual, including comments and evaluations made by a check airman designated in accordance with section 121.411, 125.295, or 135.337 of such title;

“(II) any disciplinary action taken with respect to the individual that was not subsequently overturned; and

“(III) any release from employment or resignation, termination, or disqualification with respect to employment.

“(C) NATIONAL DRIVER REGISTER RECORDS.—In accordance with section 30305(b)(8) of this title, from the chief driver licensing official of a State, information concerning the motor vehicle driving record of the individual.

“(3) WRITTEN CONSENT; RELEASE FROM LIABILITY.—An air carrier—

“(A) shall obtain the written consent of an individual before accessing records pertaining to the individual under paragraph (1); and

“(B) may, notwithstanding any other provision of law or agreement to the contrary, require an individual with respect to whom the carrier is accessing records under paragraph (1) to execute a release from liability for any claim arising from accessing the records or the use of such records by the air carrier in accordance with this section (other than a claim arising from furnishing information known to be false and maintained in violation of a criminal statute).

“(4) REPORTING.—

“(A) REPORTING BY ADMINISTRATOR.—The Administrator shall enter data described in paragraph (2)(A) into the database promptly to ensure that an individual’s records are current.

“(B) REPORTING BY AIR CARRIERS AND OTHER PERSONS.—

“(i) IN GENERAL.—Air carriers and other persons shall report data described in paragraphs (2)(B) and (2)(C) to the Administrator promptly for entry into the database.

“(ii) DATA TO BE REPORTED.—Air carriers and other persons shall report, at a minimum, under clause (i) the following data described in paragraph (2)(B):

“(I) Records that are generated by the air carrier or other person after the date of enactment of this paragraph.

“(II) Records that the air carrier or other person is maintaining, on such date of enactment, pursuant to subsection (h)(4).

“(5) REQUIREMENT TO MAINTAIN RECORDS.—The Administrator—

“(A) shall maintain all records entered into the database under paragraph (2) pertaining to an individual until the date of receipt of notification that the individual is deceased; and

“(B) may remove the individual’s records from the database after that date.

“(6) RECEIPT OF CONSENT.—The Administrator shall not permit an air carrier to access records pertaining to an individual from the database under paragraph (1) without the air carrier first demonstrating to the satisfaction of the Administrator that the air carrier has obtained the written consent of the individual.

“(7) RIGHT OF PILOT TO REVIEW CERTAIN RECORDS AND CORRECT INACCURACIES.—Notwithstanding any other provision of law or agreement, the Administrator, upon receipt of written request from an individual—

“(A) shall make available, not later than 30 days after the date of the request, to the individual for review all records referred to in paragraph (2) pertaining to the individual; and

“(B) shall provide the individual with a reasonable opportunity to submit written comments to correct any inaccuracies contained in the records.

“(8) REASONABLE CHARGES FOR PROCESSING REQUESTS AND FURNISHING COPIES.—The Administrator may establish a reasonable charge for the cost of processing a request under paragraph (1) or (7) and for the cost of furnishing copies of requested records under paragraph (7).

“(9) PRIVACY PROTECTIONS.—

“(A) USE OF RECORDS.—An air carrier that accesses records pertaining to an individual under paragraph (1) may use the records only to assess the qualifications of the individual in deciding whether or not to hire the individual as a pilot. The air carrier shall take such actions as may be necessary to protect the privacy of the individual and the confidentiality of the records accessed, including ensuring that information contained in the records is not divulged to any individual that is not directly involved in the hiring decision.

“(B) DISCLOSURE OF INFORMATION.—

“(i) IN GENERAL.—Except as provided by clause (ii), information collected by the Administrator under paragraph (2) shall be exempt from the disclosure requirements of section 552 of title 5.

“(ii) EXCEPTIONS.—Clause (i) shall not apply to—

“(I) de-identified, summarized information to explain the need for changes in policies and regulations;

“(II) information to correct a condition that compromises safety;

“(III) information to carry out a criminal investigation or prosecution;

“(IV) information to comply with section 44905, regarding information about threats to civil aviation; and

“(V) such information as the Administrator determines necessary, if withholding the information would not be consistent with the safety responsibilities of the Federal Aviation Administration.

“(10) PERIODIC REVIEW.—Not later than 18 months after the date of enactment of this paragraph, and at least once every 3 years thereafter, the Administrator shall transmit to Congress a statement that contains, taking into account recent developments in the aviation industry—

“(A) recommendations by the Administrator concerning proposed changes to Federal Aviation Administration records, air carrier records, and other records required to be included in the database under paragraph (2); or

“(B) reasons why the Administrator does not recommend any proposed changes to the records referred to in subparagraph (A).

“(11) REGULATIONS FOR PROTECTION AND SECURITY OF RECORDS.—The Administrator shall prescribe such regulations as may be necessary—

“(A) to protect and secure—

“(i) the personal privacy of any individual whose records are accessed under paragraph (1); and

“(ii) the confidentiality of those records; and

“(B) to preclude the further dissemination of records received under paragraph (1) by the person who accessed the records.

“(12) GOOD FAITH EXCEPTION.—Notwithstanding paragraph (1), an air carrier may allow an individual to begin service as a pilot, without first obtaining information described in paragraph (2)(B) from the database pertaining to the individual, if—

“(A) the air carrier has made a documented good faith attempt to access the information from the database; and

“(B) has received written notice from the Administrator that the information is not contained in the database because the individual

was employed by an air carrier or other person that no longer exists or by a foreign government or other entity that has not provided the information to the database.

“(13) LIMITATIONS ON ELECTRONIC ACCESS TO RECORDS.—

“(A) ACCESS BY INDIVIDUALS DESIGNATED BY AIR CARRIERS.—For the purpose of increasing timely and efficient access to records described in paragraph (2), the Administrator may allow, under terms established by the Administrator, an individual designated by an air carrier to have electronic access to the database.

“(B) TERMS.—The terms established by the Administrator under subparagraph (A) for allowing a designated individual to have electronic access to the database shall limit such access to instances in which information in the database is required by the designated individual in making a hiring decision concerning a pilot applicant and shall require that the designated individual provide assurances satisfactory to the Administrator that—

“(i) the designated individual has received the written consent of the pilot applicant to access the information; and

“(ii) information obtained using such access will not be used for any purpose other than making the hiring decision.

“(14) AUTHORIZED EXPENDITURES.—Out of amounts appropriated under section 106(k)(1), there is authorized to be expended to carry out this subsection such sums as may be necessary for each of fiscal years 2010, 2011, and 2012.

“(15) REGULATIONS.—

“(A) IN GENERAL.—The Administrator shall issue regulations to carry out this subsection.

“(B) EFFECTIVE DATE.—The regulations shall specify the date on which the requirements of this subsection take effect and the date on which the requirements of subsection (h) cease to be effective.

“(C) EXCEPTIONS.—Notwithstanding subparagraph (B)—

“(i) the Administrator shall begin to establish the database under paragraph (2) not later than 90 days after the date of enactment of this paragraph;

“(ii) the Administrator shall maintain records in accordance with paragraph (5) beginning on the date of enactment of this paragraph; and

“(iii) air carriers and other persons shall maintain records to be reported to the database under paragraph (4)(B) in the period beginning on such date of enactment and ending on the date that is 5 years after the requirements of subsection (h) cease to be effective pursuant to subparagraph (B).

“(16) SPECIAL RULE.—During the one-year period beginning on the date on which the requirements of this section become effective pursuant to paragraph (15)(B), paragraph (7)(A) shall be applied by substituting ‘45 days’ for ‘30 days’.”

(c) CONFORMING AMENDMENTS.—

(1) LIMITATION ON LIABILITY; PREEMPTION OF STATE LAW.—Section 44703(j) (as redesignated by subsection (b)(1) of this section) is amended—

(A) in the subsection heading by striking “LIMITATION” and inserting “LIMITATIONS”;

(B) in paragraph (1)—

(i) in the matter preceding subparagraph (A) by striking “paragraph (2)” and inserting “subsection (h)(2) or (i)(3)”;

(ii) in subparagraph (A) by inserting “or accessing the records of that individual under subsection (i)(1)” before the semicolon; and

(iii) in the matter following subparagraph (D) by striking “subsection (h)” and inserting “subsection (h) or (i)”;

(C) in paragraph (2) by striking “subsection (h)” and inserting “subsection (h) or (i)”;

(D) in paragraph (3), in the matter preceding subparagraph (A), by inserting “or who fur-

nished information to the database established under subsection (i)(2)” after “subsection (h)(1)”;

and

(E) by adding at the end the following:

“(4) PROHIBITION ON ACTIONS AND PROCEEDINGS AGAINST AIR CARRIERS.—

“(A) HIRING DECISIONS.—An air carrier may refuse to hire an individual as a pilot if the individual did not provide written consent for the air carrier to receive records under subsection (h)(2)(A) or (i)(3)(A) or did not execute the release from liability requested under subsection (h)(2)(B) or (i)(3)(B).

“(B) ACTIONS AND PROCEEDINGS.—No action or proceeding may be brought against an air carrier by or on behalf of an individual who has applied for or is seeking a position as a pilot with the air carrier if the air carrier refused to hire the individual after the individual did not provide written consent for the air carrier to receive records under subsection (h)(2)(A) or (i)(3)(A) or did not execute a release from liability requested under subsection (h)(2)(B) or (i)(3)(B).”

(2) LIMITATION ON STATUTORY CONSTRUCTION.—Section 44703(k) (as redesignated by subsection (b)(1) of this section) is amended by striking “subsection (h)” and inserting “subsection (h) or (i)”.

SEC. 347. FAA RULEMAKING ON TRAINING PROGRAMS.

(a) COMPLETION OF RULEMAKING ON TRAINING PROGRAMS.—Not later than 14 months after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall issue a final rule with respect to the notice of proposed rulemaking published in the Federal Register on January 12, 2009 (74 Fed. Reg. 1280; relating to training programs for flight crewmembers and aircraft dispatchers).

(b) EXPERT PANEL TO REVIEW PART 121 AND PART 135 TRAINING HOURS.—

(1) ESTABLISHMENT.—Not later than 60 days after the date of enactment of this Act, the Administrator shall convene a multidisciplinary expert panel comprised of, at a minimum, air carrier representatives, training facility representatives, instructional design experts, aircraft manufacturers, safety organization representatives, and labor union representatives.

(2) ASSESSMENT AND RECOMMENDATIONS.—The panel shall assess and make recommendations concerning—

(A) the best methods and optimal time needed for flight crewmembers of part 121 air carriers and flight crewmembers of part 135 air carriers to master aircraft systems, maneuvers, procedures, take offs and landings, and crew coordination;

(B) the optimal length of time between training events for such crewmembers, including recurrent training events;

(C) the best methods to reliably evaluate mastery by such crewmembers of aircraft systems, maneuvers, procedures, take offs and landings, and crew coordination; and

(D) the best methods to allow specific academic training courses to be credited pursuant to section 11(d) toward the total flight hours required to receive an airline transport pilot certificate.

(3) REPORT.—Not later than one year after the date of enactment of this Act, the Administrator shall submit to the Committee on Transportation and Infrastructure of the House of Representatives, the Committee on Commerce, Science, and Transportation of the Senate, and the National Transportation Safety Board a report based on the findings of the panel.

SEC. 348. AVIATION SAFETY INSPECTORS AND OPERATIONAL RESEARCH ANALYSTS.

(a) REVIEW BY DOT INSPECTOR GENERAL.—Not later than 9 months after the date of enact-

ment of this Act, the Inspector General of the Department of Transportation shall conduct a review of aviation safety inspectors and operational research analysts of the Federal Aviation Administration assigned to part 121 air carriers and submit to the Administrator of the Federal Aviation Administration a report on the results of the review.

(b) PURPOSES.—The purpose of the review shall be, at a minimum—

(1) to review the level of the Administration's oversight of each part 121 air carrier;

(2) to make recommendations to ensure that each part 121 air carrier is receiving an equivalent level of oversight;

(3) to assess the number and level of experience of aviation safety inspectors assigned to such carriers;

(4) to evaluate how the Administration is making assignments of aviation safety inspectors to such carriers;

(5) to review various safety inspector oversight programs, including the geographic inspector program;

(6) to evaluate the adequacy of the number of operational research analysts assigned to each part 121 air carrier;

(7) to evaluate the surveillance responsibilities of aviation safety inspectors, including en route inspections;

(8) to evaluate whether inspectors are able to effectively use data sources, such as the Safety Performance Analysis System and the Air Transportation Oversight System, to assist in targeting oversight of air carriers;

(9) to assess the feasibility of establishment by the Administration of a comprehensive repository of information that encompasses multiple Administration data sources and allowing access by aviation safety inspectors and operational research analysts to assist in the oversight of part 121 air carriers; and

(10) to conduct such other analyses as the Inspector General considers relevant to the purpose of the review.

(c) REPORT TO CONGRESS.—Not later than 90 days after the date of receipt of the report submitted under subsection (a), the Administrator shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report—

(1) that specifies which, if any, policy changes recommended by the Inspector General under this section the Administrator intends to adopt and implement;

(2) that includes an explanation of how the Administrator plans to adopt and implement such policy changes; and

(3) in any case in which the Administrator does not intend to adopt a policy change recommended by the Inspector General, that includes an explanation of the reasons for the decision not to adopt and implement the policy change.

SEC. 349. FLIGHT CREWMEMBER MENTORING, PROFESSIONAL DEVELOPMENT, AND LEADERSHIP.

(a) RULEMAKING PROCEEDING.—

(1) IN GENERAL.—The Administrator of the Federal Aviation Administration shall conduct a rulemaking proceeding to require each part 121 air carrier to take the following actions:

(A) Establish flight crewmember mentoring programs under which the air carrier will pair highly experienced flight crewmembers who will serve as mentor pilots and be paired with newly employed flight crewmembers. Mentor pilots shall receive, at a minimum, specific instruction on techniques for instilling and reinforcing the highest standards of technical performance, airmanship, and professionalism in newly employed flight crewmembers.

(B) Establish flight crewmember professional development committees made up of air carrier

management and labor union or professional association representatives to develop, administer, and oversee formal mentoring programs of the carrier to assist flight crewmembers to reach their maximum potential as safe, seasoned, and proficient flight crewmembers.

(C) Establish or modify training programs to accommodate substantially different levels and types of flight experience by newly employed flight crewmembers.

(D) Establish or modify training programs for second-in-command flight crewmembers attempting to qualify as pilot-in-command flight crewmembers for the first time in a specific aircraft type and ensure that such programs include leadership and command training.

(E) Ensure that recurrent training for pilots in command includes leadership and command training.

(F) Such other actions as the Administrator determines appropriate to enhance flight crewmember professional development.

(2) **COMPLIANCE WITH STERILE COCKPIT RULE.**—Leadership and command training described in paragraphs (1)(D) and (1)(E) shall include instruction on compliance with flight crewmember duties under part 121.542 of title 14, Code of Federal Regulations.

(3) **STREAMLINED PROGRAM REVIEW.**—

(A) **IN GENERAL.**—As part of the rulemaking required by subsection (a), the Administrator shall establish a streamlined process for part 121 air carriers that have in effect, as of the date of enactment of this Act, the programs required by paragraph (1).

(B) **EXPEDITED APPROVALS.**—Under the streamlined process, the Administrator shall—

(i) review the programs of such part 121 air carriers to determine whether the programs meet the requirements set forth in the final rule referred to in subsection (b)(2); and

(ii) expedite the approval of the programs that the Administrator determines meet such requirements.

(b) **DEADLINES.**—The Administrator shall issue—

(1) not later than 180 days after the date of enactment of this Act, a notice of proposed rulemaking under subsection (a); and

(2) not later than 24 months after such date of enactment, a final rule under subsection (a).

SEC. 350. FLIGHT CREWMEMBER SCREENING AND QUALIFICATIONS.

(a) **REQUIREMENTS.**—

(1) **RULEMAKING PROCEEDING.**—The Administrator of the Federal Aviation Administration shall conduct a rulemaking proceeding to require part 121 air carriers to develop and implement means and methods for ensuring that flight crewmembers have proper qualifications and experience.

(2) **MINIMUM REQUIREMENTS.**—

(A) **PROSPECTIVE FLIGHT CREWMEMBERS.**—Rules issued under paragraph (1) shall ensure that prospective flight crewmembers undergo comprehensive pre-employment screening, including an assessment of the skills, aptitudes, airmanship, and suitability of each applicant for a position as a flight crewmember in terms of functioning effectively in the air carrier's operational environment.

(B) **ALL FLIGHT CREWMEMBERS.**—Rules issued under paragraph (1) shall ensure that, after the date that is 3 years after the date of enactment of this Act, all flight crewmembers—

(i) have obtained an airline transport pilot certificate under part 61 of title 14, Code of Federal Regulations; and

(ii) have appropriate multi-engine aircraft flight experience, as determined by the Administrator.

(b) **DEADLINES.**—The Administrator shall issue—

(1) not later than 180 days after the date of enactment of this Act, a notice of proposed rulemaking under subsection (a); and

(2) not later than 24 months after such date of enactment, a final rule under subsection (a).

SEC. 351. AIRLINE TRANSPORT PILOT CERTIFICATION.

(a) **RULEMAKING PROCEEDING.**—The Administrator of the Federal Aviation Administration shall conduct a rulemaking proceeding to amend part 61 of title 14, Code of Federal Regulations, to modify requirements for the issuance of an airline transport pilot certificate.

(b) **MINIMUM REQUIREMENTS.**—To be qualified to receive an airline transport pilot certificate pursuant to subsection (a), an individual shall—

(1) have sufficient flight hours, as determined by the Administrator, to enable a pilot to function effectively in an air carrier operational environment; and

(2) have received flight training, academic training, or operational experience that will prepare a pilot, at a minimum, to—

(A) function effectively in a multipilot environment;

(B) function effectively in adverse weather conditions, including icing conditions;

(C) function effectively during high altitude operations;

(D) adhere to the highest professional standards; and

(E) function effectively in an air carrier operational environment.

(c) **FLIGHT HOURS.**—

(1) **NUMBERS OF FLIGHT HOURS.**—The total flight hours required by the Administrator under subsection (b)(1) shall be at least 1,500 flight hours.

(2) **FLIGHT HOURS IN DIFFICULT OPERATIONAL CONDITIONS.**—The total flight hours required by the Administrator under subsection (b)(1) shall include sufficient flight hours, as determined by the Administrator, in difficult operational conditions that may be encountered by an air carrier to enable a pilot to operate safely in such conditions.

(d) **CREDIT TOWARD FLIGHT HOURS.**—The Administrator may allow specific academic training courses, beyond those required under subsection (b)(2), to be credited toward the total flight hours required under subsection (c). The Administrator may allow such credit based on a determination by the Administrator that allowing a pilot to take specific academic training courses will enhance safety more than requiring the pilot to fully comply with the flight hours requirement.

(e) **RECOMMENDATIONS OF EXPERT PANEL.**—In conducting the rulemaking proceeding under this section, the Administrator shall review and consider the assessment and recommendations of the expert panel to review part 121 and part 135 training hours established by section 7(b) of this Act.

(f) **DEADLINE.**—Not later than 36 months after the date of enactment of this Act, the Administrator shall issue a final rule under subsection (a).

SEC. 352. FLIGHT SCHOOLS, FLIGHT EDUCATION, AND PILOT ACADEMIC TRAINING.

(a) **GAO STUDY.**—The Comptroller General shall conduct a comprehensive study of flight schools, flight education, and academic training requirements for certification of an individual as a pilot.

(b) **MINIMUM CONTENTS OF STUDY.**—The study shall include, at a minimum—

(1) an assessment of the Federal Aviation Administration's oversight of flight schools;

(2) an assessment of the Administration's academic training requirements in effect on the date of enactment of this Act as compared to flight education provided to a pilot by accredited 2- and 4-year universities;

(3) an assessment of the quality of pilots entering the part 121 air carrier workforce from all

sources after receiving training from flight training providers, including Aviation Accreditation Board International, universities, pilot training organizations, and the military, utilizing the training records of part 121 air carriers, including consideration of any relationships between flight training providers and air carriers;

(4) a comparison of the academic training requirements for pilots in the United States to the academic training requirements for pilots in other countries;

(5) a determination and description of any improvements that may be needed in the Administration's academic training requirements for pilots;

(6) an assessment of student financial aid and loan options available to individuals interested in enrolling at a flight school for both academic and flight hour training;

(7) an assessment of the Federal Aviation Administration's oversight of general aviation flight schools that offer or would like to offer training programs under part 142 of title 14, Code of Federal Regulations; and

(8) an assessment of whether compliance with the English speaking requirements applicable to pilots under part 61 of such title is adequately tested and enforced.

(c) **REPORT.**—Not later than 120 days after the date of enactment of this Act, the Comptroller General shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the results of the study.

SEC. 353. VOLUNTARY SAFETY PROGRAMS.

(a) **REPORT.**—Not later than 180 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science and Transportation of the Senate a report on the aviation safety action program, the flight operational quality assurance program, the line operations safety audit, and the advanced qualification program.

(b) **CONTENTS.**—The report shall include—

(1) a list of—

(A) which air carriers are using one or more of the voluntary safety programs referred to in subsection (a); and

(B) the voluntary safety programs each air carrier is using;

(2) if an air carrier is not using one or more of the voluntary safety programs—

(A) a list of such programs the carrier is not using; and

(B) the reasons the carrier is not using each such program;

(3) if an air carrier is using one or more of the voluntary safety programs, an explanation of the benefits and challenges of using each such program;

(4) a detailed analysis of how the Administration is using data derived from each of the voluntary safety programs as safety analysis and accident or incident prevention tools and a detailed plan on how the Administration intends to expand data analysis of such programs;

(5) an explanation of—

(A) where the data derived from such programs is stored;

(B) how the data derived from such programs is protected and secured; and

(C) what data analysis processes air carriers are implementing to ensure the effective use of the data derived from such programs;

(6) a description of the extent to which aviation safety inspectors are able to review data derived from such programs to enhance their oversight responsibilities;

(7) a description of how the Administration plans to incorporate operational trends identified under such programs into the air transport

oversight system and other surveillance databases so that such system and databases are more effectively utilized;

(8) other plans to strengthen such programs, taking into account reviews of such programs by the Inspector General of the Department of Transportation; and

(9) such other matters as the Administrator determines are appropriate.

SEC. 354. ASAP AND FOQA IMPLEMENTATION PLAN.

(a) **DEVELOPMENT AND IMPLEMENTATION PLAN.**—The Administrator of the Federal Aviation Administration shall develop and implement a plan to facilitate the establishment of an aviation safety action program and a flight operational quality assurance program by all part 121 air carriers.

(b) **MATTERS TO BE CONSIDERED.**—In developing the plan under subsection (a), the Administrator shall consider—

(1) how the Administration can assist part 121 air carriers with smaller fleet sizes to derive benefit from establishing a flight operational quality assurance program;

(2) how part 121 air carriers with established aviation safety action and flight operational quality assurance programs can quickly begin to report data into the aviation safety information analysis sharing database; and

(3) how part 121 air carriers and aviation safety inspectors can better utilize data from such database as accident and incident prevention tools.

(c) **REPORT.**—Not later than 180 days after the date of enactment of this Act, the Administrator shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Science, Commerce, and Transportation of the Senate a copy of the plan developed under subsection (a) and an explanation of how the Administration will implement the plan.

(d) **DEADLINE FOR BEGINNING IMPLEMENTATION OF PLAN.**—Not later than one year after the date of enactment of this Act, the Administrator shall begin implementation of the plan developed under subsection (a).

SEC. 355. SAFETY MANAGEMENT SYSTEMS.

(a) **RULEMAKING.**—The Administrator of the Federal Aviation Administration shall conduct a rulemaking proceeding to require all part 121 air carriers to implement a safety management system.

(b) **MATTERS TO CONSIDER.**—In conducting the rulemaking under subsection (a), the Administrator shall consider, at a minimum, including each of the following as a part of the safety management system:

(1) An aviation safety action program.

(2) A flight operational quality assurance program.

(3) A line operations safety audit.

(4) An advanced qualification program.

(c) **DEADLINES.**—The Administrator shall issue—

(1) not later than 90 days after the date of enactment of this Act, a notice of proposed rulemaking under subsection (a); and

(2) not later than 24 months after the date of enactment of this Act, a final rule under subsection (a).

(d) **SAFETY MANAGEMENT SYSTEM DEFINED.**—In this section, the term “safety management system” means the program established by the Federal Aviation Administration in Advisory Circular 120–92, dated June 22, 2006, including any subsequent revisions thereto.

SEC. 356. DISCLOSURE OF AIR CARRIERS OPERATING FLIGHTS FOR TICKETS SOLD FOR AIR TRANSPORTATION.

Section 4172 of title 49, United States Code, is amended by adding at the end the following:

“(c) **DISCLOSURE REQUIREMENT FOR SELLERS OF TICKETS FOR FLIGHTS.**—

“(1) **IN GENERAL.**—It shall be an unfair or deceptive practice under subsection (a) for any ticket agent, air carrier, foreign air carrier, or other person offering to sell tickets for air transportation on a flight of an air carrier to not disclose, whether verbally in oral communication or in writing in written or electronic communication, prior to the purchase of a ticket—

“(A) the name (including any business or corporate name) of the air carrier providing the air transportation; and

“(B) if the flight has more than one flight segment, the name of each air carrier providing the air transportation for each such flight segment.

“(2) **INTERNET OFFERS.**—In the case of an offer to sell tickets described in paragraph (1) on an Internet Web site, disclosure of the information required by paragraph (1) shall be provided on the first display of the Web site following a search of a requested itinerary in a format that is easily visible to a viewer.”.

SEC. 357. PILOT FATIGUE.

(a) **FLIGHT AND DUTY TIME REGULATIONS.**—

(1) **IN GENERAL.**—In accordance with paragraph (3), the Administrator of the Federal Aviation Administration shall issue regulations, based on the best available scientific information—

(A) to specify limitations on the hours of flight and duty time allowed for pilots to address problems relating to pilot fatigue; and

(B) to require part 121 air carriers to develop and implement fatigue risk management plans.

(2) **MATTERS TO BE ADDRESSED.**—In conducting the rulemaking proceeding under this subsection, the Administrator shall consider and review the following:

(A) Time of day of flights in a duty period.

(B) Number of takeoff and landings in a duty period.

(C) Number of time zones crossed in a duty period.

(D) The impact of functioning in multiple time zones or on different daily schedules.

(E) Research conducted on fatigue, sleep, and circadian rhythms.

(F) Sleep and rest requirements recommended by the National Transportation Safety Board and the National Aeronautics and Space Administration.

(G) International standards regarding flight schedules and duty periods.

(H) Alternative procedures to facilitate alertness in the cockpit.

(I) Scheduling and attendance policies and practices, including sick leave.

(J) The effects of commuting, the means of commuting, and the length of the commute.

(K) Medical screening and treatment.

(L) Rest environments.

(M) Any other matters the Administrator considers appropriate.

(3) **DEADLINES.**—The Administrator shall issue—

(A) not later than 180 days after the date of enactment of this Act, a notice of proposed rulemaking under subsection (a); and

(B) not later than one year after the date of enactment of this Act, a final rule under subsection (a).

(b) **FATIGUE RISK MANAGEMENT PLAN.**—

(1) **SUBMISSION OF FATIGUE RISK MANAGEMENT PLAN BY PART 121 AIR CARRIERS.**—Not later than 90 days after the date of enactment of this section, each part 121 air carrier shall submit to the Administrator for review and approval a fatigue risk management plan.

(2) **CONTENTS OF PLAN.**—A fatigue risk management plan submitted by a part 121 air carrier under paragraph (1) shall include the following:

(A) Current flight time and duty period limitations.

(B) A rest scheme that enables the management of fatigue, including annual training to increase awareness of—

(i) fatigue;

(ii) the effects of fatigue on pilots; and

(iii) fatigue countermeasures.

(C) Development and use of a methodology that continually assesses the effectiveness of the program, including the ability of the program—

(i) to improve alertness; and

(ii) to mitigate performance errors.

(3) **PLAN UPDATES.**—A part 121 air carrier shall update its fatigue risk management plan under paragraph (1) every 2 years and submit the update to the Administrator for review and approval.

(4) **APPROVAL.**—

(A) **INITIAL APPROVAL OR MODIFICATION.**—Not later than 9 months after the date of enactment of this section, the Administrator shall review and approve or require modification to fatigue risk management plans submitted under this subsection to ensure that pilots are not operating aircraft while fatigued.

(B) **UPDATE APPROVAL OR MODIFICATION.**—Not later than 9 months after submission of a plan update under paragraph (3), the Administrator shall review and approve or require modification to such update.

(5) **CIVIL PENALTIES.**—A violation of this subsection by a part 121 air carrier shall be treated as a violation of chapter 447 of title 49, United States Code, for purposes of the application of civil penalties under chapter 463 of that title.

(6) **LIMITATION ON APPLICABILITY.**—The requirements of this subsection shall cease to apply to a part 121 air carrier on and after the effective date of the regulations to be issued under subsection (a).

(c) **EFFECT OF COMMUTING ON FATIGUE.**—

(1) **IN GENERAL.**—Not later than 60 days after the date of enactment of this Act, the Administrator shall enter into appropriate arrangements with the National Academy of Sciences to conduct a study of the effects of commuting on pilot fatigue and report its findings to the Administrator.

(2) **STUDY.**—In conducting the study, the National Academy of Sciences shall consider—

(A) the prevalence of pilot commuting in the commercial air carrier industry, including the number and percentage of pilots who commute;

(B) information relating to commuting by pilots, including distances traveled, time zones crossed, time spent, and methods used;

(C) research on the impact of commuting on pilot fatigue, sleep, and circadian rhythms;

(D) commuting policies of commercial air carriers (including passenger and all-cargo air carriers), including pilot check-in requirements and sick leave and fatigue policies;

(E) post-conference materials from the Federal Aviation Administration's June 2008 symposium entitled “Aviation Fatigue Management Symposium: Partnerships for Solutions”;

(F) Federal Aviation Administration and international policies and guidance regarding commuting; and

(G) any other matters as the Administrator considers appropriate.

(3) **PRELIMINARY FINDINGS.**—Not later than 90 days after the date of entering into arrangements under paragraph (1), the National Academy of Sciences shall submit to the Administrator its preliminary findings under the study.

(4) **REPORT.**—Not later than 6 months after the date of entering into arrangements under paragraph (1), the National Academy of Sciences shall submit to the Administrator a report containing its findings under the study and any recommendations for regulatory or administrative actions by the Federal Aviation Administration concerning commuting by pilots.

(5) **RULEMAKING.**—Following receipt of the report of the National Academy of Sciences under paragraph (4), the Administrator shall—

(A) consider the findings and recommendations in the report; and

(B) update, as appropriate based on scientific data, regulations required by subsection (a) on flight and duty time.

(6) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated such sums as may be necessary to carry out this subsection.

SEC. 358. FLIGHT CREWMEMBER PAIRING AND CREW RESOURCE MANAGEMENT TECHNIQUES.

(a) **STUDY.**—The Administrator of the Federal Aviation Administration shall conduct a study on aviation industry best practices with regard to flight crewmember pairing and crew resource management techniques.

(b) **REPORT.**—Not later than one year after the date of enactment of this Act, the Administrator shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the results of the study.

TITLE IV—AIR SERVICE IMPROVEMENTS

SEC. 401. SMOKING PROHIBITION.

(a) **IN GENERAL.**—Section 41706 is amended—

(1) in the section heading by striking “**scheduled**” and inserting “**passenger**”; and

(2) by striking subsections (a) and (b) and inserting the following:

“(a) **SMOKING PROHIBITION IN INTRASTATE AND INTERSTATE TRANSPORTATION BY AIRCRAFT.**—An individual may not smoke in an aircraft—

“(1) in scheduled passenger interstate air transportation or scheduled passenger intrastate air transportation; and

“(2) in nonscheduled intrastate or interstate transportation of passengers by aircraft for compensation, if a flight attendant is a required crewmember on the aircraft (as determined by the Administrator of the Federal Aviation Administration).”

“(b) **SMOKING PROHIBITION IN FOREIGN AIR TRANSPORTATION.**—The Secretary of Transportation shall require all air carriers and foreign air carriers to prohibit smoking in an aircraft—

“(1) in scheduled passenger foreign air transportation; and

“(2) in nonscheduled passenger foreign air transportation, if a flight attendant is a required crewmember on the aircraft (as determined by the Administrator or a foreign government).”

(b) **CLERICAL AMENDMENT.**—The analysis for chapter 417 is amended by striking the item relating to section 41706 and inserting the following:

“41706. Prohibitions against smoking on flights.”

SEC. 402. MONTHLY AIR CARRIER REPORTS.

(a) **IN GENERAL.**—Section 41708 is amended by adding at the end the following:

“(c) **DIVERTED AND CANCELLED FLIGHTS.**—

“(1) **MONTHLY REPORTS.**—The Secretary shall require an air carrier referred to in paragraph (2) to file with the Secretary a monthly report on each flight of the air carrier that is diverted from its scheduled destination to another airport and each flight of the air carrier that departs the gate at the airport at which the flight originates but is cancelled before wheels-off time.

“(2) **APPLICABILITY.**—An air carrier that is required to file a monthly airline service quality performance report under subsection (b) shall be subject to the requirement of paragraph (1).

“(3) **CONTENTS.**—A monthly report filed by an air carrier under paragraph (1) shall include, at a minimum, the following information:

“(A) For a diverted flight—

“(i) the flight number of the diverted flight;

“(ii) the scheduled destination of the flight;

“(iii) the date and time of the flight;

“(iv) the airport to which the flight was diverted;

“(v) wheels-on time at the diverted airport;

“(vi) the time, if any, passengers deplaned the aircraft at the diverted airport; and

“(vii) if the flight arrives at the scheduled destination airport—

“(I) the gate-departure time at the diverted airport;

“(II) the wheels-off time at the diverted airport;

“(III) the wheels-on time at the scheduled arrival airport; and

“(IV) the gate arrival time at the scheduled arrival airport.

“(B) For flights cancelled after gate departure—

“(i) the flight number of the cancelled flight;

“(ii) the scheduled origin and destination airports of the cancelled flight;

“(iii) the date and time of the cancelled flight;

“(iv) the gate-departure time of the cancelled flight; and

“(v) the time the aircraft returned to the gate.

“(4) **PUBLICATION.**—The Secretary shall compile the information provided in the monthly reports filed pursuant to paragraph (1) in a single monthly report and publish such report on the website of the Department of Transportation.”

(b) **EFFECTIVE DATE.**—The Secretary of Transportation shall require monthly reports pursuant to the amendment made by subsection (a) beginning not later than 90 days after the date of enactment of this Act.

SEC. 403. FLIGHT OPERATIONS AT REAGAN NATIONAL AIRPORT.

(a) **BEYOND PERIMETER EXEMPTIONS.**—Section 41718(a) is amended by striking “24” and inserting “34”.

(b) **LIMITATIONS.**—Section 41718(c)(2) is amended by striking “3 operations” and inserting “5 operations”.

(c) **ALLOCATION OF BEYOND-PERIMETER EXEMPTIONS.**—Section 41718(c) is amended—

(1) by redesignating paragraphs (3) and (4) as paragraphs (4) and (5), respectively; and

(2) by inserting after paragraph (2) the following:

“(3) **SLOTS.**—The Administrator of the Federal Aviation Administration shall reduce the hourly air carrier slot quota for Ronald Reagan Washington National Airport in section 93.123(a) of title 14, Code of Federal Regulations, by a total of 10 slots that are available for allocation. Such reductions shall be taken in the 6:00 a.m., 10:00 p.m., or 11:00 p.m. hours, as determined by the Administrator, in order to grant exemptions under subsection (a).”

(d) **SCHEDULING PRIORITY.**—Section 41718 is amended—

(1) by redesignating subsections (e) and (f) as subsections (f) and (g), respectively; and

(2) by inserting after subsection (d) the following:

“(e) **SCHEDULING PRIORITY.**—Operations conducted by new entrant air carriers and limited incumbent air carriers shall be afforded a scheduling priority over operations conducted by other air carriers granted exemptions pursuant to this section, with the highest scheduling priority to be afforded to beyond-perimeter operations conducted by new entrant air carriers and limited incumbent air carriers.”

SEC. 404. EAS CONTRACT GUIDELINES.

(a) **COMPENSATION GUIDELINES.**—Section 41737(a)(1) is amended—

(1) by striking “and” at the end of subparagraph (B);

(2) in subparagraph (C) by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following:

“(D) include provisions under which the Secretary may encourage an air carrier to improve air service for which compensation is being paid under this subchapter by incorporating financial incentives in an essential air service con-

tract based on specified performance goals, including goals related to improving on-time performance, reducing the number of flight cancellations, establishing reasonable fares (including joint fares beyond the hub airport), establishing convenient connections to flights providing service beyond hub airports, and increasing marketing efforts; and

“(E) include provisions under which the Secretary may execute a long-term essential air service contract to encourage an air carrier to provide air service to an eligible place if it would be in the public interest to do so.”

(b) **DEADLINE FOR ISSUANCE OF REVISED GUIDANCE.**—Not later than 90 days after the date of enactment of this Act, the Secretary of Transportation shall issue revised guidelines governing the rate of compensation payable under subchapter II of chapter 417 of title 49, United States Code, that incorporate the amendments made by subsection (a).

(c) **REPORT.**—Not later than 2 years after the date of issuance of revised guidelines pursuant to subsection (b), the Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the extent to which the revised guidelines have been implemented and the impact, if any, such implementation has had on air carrier performance and community satisfaction with air service for which compensation is being paid under subchapter II of chapter 417 of title 49, United States Code.

SEC. 405. ESSENTIAL AIR SERVICE REFORM.

(a) **AUTHORIZATION OF APPROPRIATIONS.**—Section 41742(a)(2) of title 49, United States Code, is amended by striking “there is authorized to be appropriated \$77,000,000” and inserting “there is authorized to be appropriated out of the Airport and Airway Trust Fund \$150,000,000”.

(b) **DISTRIBUTION OF EXCESS FUNDS.**—

(1) **IN GENERAL.**—Section 41742(a) is amended by adding at the end the following:

“(4) **DISTRIBUTION OF EXCESS FUNDS.**—Of the funds, if any, credited to the account established under section 45303 in a fiscal year that exceed the \$50,000,000 made available for such fiscal year under paragraph (1)—

“(A) one-half shall be made available immediately for obligation and expenditure to carry out section 41743; and

“(B) one-half shall be made available immediately for obligation and expenditure to carry out subsection (b).”

(2) **CONFORMING AMENDMENT.**—Section 41742(b) is amended—

(A) in the first sentence by striking “moneys credited” and all that follows before “shall be used” and inserting “amounts made available under subsection (a)(4)(B)”; and

(B) in the second sentence by striking “any amounts from those fees” and inserting “any of such amounts”.

SEC. 406. SMALL COMMUNITY AIR SERVICE.

(a) **PRIORITIES.**—Section 41743(c)(5) is amended—

(1) by striking “and” at the end of subparagraph (D);

(2) in subparagraph (E) by striking “fashion.” and inserting “fashion; and”; and

(3) by adding at the end the following:

“(F) multiple communities cooperate to submit a regional or multistate application to improve air service.”

(b) **EXTENSION OF AUTHORIZATION.**—Section 41743(e)(2) is amended by striking “2009” and inserting “2012”.

SEC. 407. AIR PASSENGER SERVICE IMPROVEMENTS.

(a) **IN GENERAL.**—Subtitle VII is amended by inserting after chapter 421 the following:

“CHAPTER 423—AIR PASSENGER SERVICE IMPROVEMENTS

“Sec.

"42301. Emergency contingency plans.

"42302. Consumer complaints.

"42303. Use of insecticides in passenger aircraft.

"42304. Notification of flight status by text message or email.

"§42301. Emergency contingency plans

"(a) SUBMISSION OF AIR CARRIER AND AIRPORT PLANS.—Not later than 90 days after the date of enactment of this section, each air carrier providing covered air transportation at a large hub airport or medium hub airport and each operator of a large hub airport or medium hub airport shall submit to the Secretary of Transportation for review and approval an emergency contingency plan in accordance with the requirements of this section.

"(b) COVERED AIR TRANSPORTATION DEFINED.—In this section, the term 'covered air transportation' means scheduled passenger air transportation provided by an air carrier using aircraft with more than 30 seats.

"(c) AIR CARRIER PLANS.—

"(1) PLANS FOR INDIVIDUAL AIRPORTS.—An air carrier shall submit an emergency contingency plan under subsection (a) for—

"(A) each large hub airport and medium hub airport at which the carrier provides covered air transportation; and

"(B) each large hub airport and medium hub airport at which the carrier has flights for which it has primary responsibility for inventory control.

"(2) CONTENTS.—An emergency contingency plan submitted by an air carrier for an airport under subsection (a) shall contain a description of how the air carrier will—

"(A) provide food, water that meets the standards of the Safe Drinking Water Act (42 U.S.C. 300f et seq.), restroom facilities, cabin ventilation, and access to medical treatment for passengers onboard an aircraft at the airport that is on the ground for an extended period of time without access to the terminal;

"(B) allow passengers to deplane following excessive delays; and

"(C) share facilities and make gates available at the airport in an emergency.

"(d) AIRPORT PLANS.—An emergency contingency plan submitted by an airport operator under subsection (a) shall contain—

"(1) a description of how the airport operator, to the maximum extent practicable, will provide for the deplanement of passengers following excessive delays and will provide for the sharing of facilities and make gates available at the airport in an emergency; and

"(2) in the case of an airport that is used by an air carrier or foreign air carrier for flights in foreign air transportation, a description of how the airport operator will provide for use of the airport's terminal, to the maximum extent practicable, for the processing of passengers arriving at the airport on such a flight in the case of an excessive tarmac delay.

"(e) UPDATES.—

"(1) AIR CARRIERS.—An air carrier shall update the emergency contingency plan submitted by the air carrier under subsection (a) every 3 years and submit the update to the Secretary for review and approval.

"(2) AIRPORTS.—An airport operator shall update the emergency contingency plan submitted by the airport operator under subsection (a) every 5 years and submit the update to the Secretary for review and approval.

"(f) APPROVAL.—

"(1) IN GENERAL.—Not later than 9 months after the date of enactment of this section, the Secretary shall review and approve or require modifications to emergency contingency plans submitted under subsection (a) and updates submitted under subsection (e) to ensure that the plans and updates will effectively address emergencies and provide for the health and safety of passengers.

"(2) CIVIL PENALTIES.—The Secretary may assess a civil penalty under section 46301 against an air carrier or airport that does not adhere to an emergency contingency plan approved under this subsection.

"(g) MINIMUM STANDARDS.—The Secretary may establish, as necessary or desirable, minimum standards for elements in an emergency contingency plan required to be submitted under this section.

"(h) PUBLIC ACCESS.—An air carrier or airport required to submit emergency contingency plans under this section shall ensure public access to such plan after its approval under this section on the Internet website of the carrier or airport or by such other means as determined by the Secretary.

"§42302. Consumer complaints

"(a) CONSUMER COMPLAINTS HOTLINE TELEPHONE NUMBER.—The Secretary of Transportation shall establish a consumer complaints hotline telephone number for the use of passengers in air transportation.

"(b) PUBLIC NOTICE.—The Secretary shall notify the public of the telephone number established under subsection (a).

"(c) NOTICE TO PASSENGERS OF AIR CARRIERS.—An air carrier providing scheduled air transportation using aircraft with 30 or more seats shall include on the Internet Web site of the carrier and on any ticket confirmation and boarding pass issued by the air carrier—

"(1) the hotline telephone number established under subsection (a);

"(2) the email address, telephone number, and mailing address of the air carrier; and

"(3) the email address, telephone number, and mailing address of the Aviation Consumer Protection Division of the Department of Transportation for the submission of reports by passengers about air travel service problems.

"(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section. Such sums shall remain available until expended.

"§42303. Use of insecticides in passenger aircraft

"(a) INFORMATION TO BE PROVIDED ON THE INTERNET.—The Secretary of Transportation shall establish, and make available to the general public, an Internet Web site that contains a listing of countries that may require an air carrier or foreign air carrier to treat an aircraft passenger cabin with insecticides prior to a flight in foreign air transportation to that country or to apply an aerosol insecticide in an aircraft cabin used for such a flight when the cabin is occupied with passengers.

"(b) REQUIRED DISCLOSURES.—An air carrier, foreign air carrier, or ticket agent selling, in the United States, a ticket for a flight in foreign air transportation to a country listed on the Internet Web site established under subsection (a) shall—

"(1) disclose, on its own Internet Web site or through other means, that the destination country may require the air carrier or foreign air carrier to treat an aircraft passenger cabin with insecticides prior to the flight or to apply an aerosol insecticide in an aircraft cabin used for such a flight when the cabin is occupied with passengers; and

"(2) refer the purchaser of the ticket to the Internet Web site established under subsection (a) for additional information.

"§42304. Notification of flight status by text message or email

"Not later than 180 days after the date of enactment of this section, the Secretary of Transportation shall issue regulations to require that each air carrier that has at least 1 percent of total domestic scheduled-service passenger revenue provide each passenger of the carrier—

"(1) an option to receive a text message or email or any other comparable electronic service, subject to any fees applicable under the contract of the passenger for the electronic service, from the air carrier a notification of any change in the status of the flight of the passenger whenever the flight status is changed before the boarding process for the flight commences; and

"(2) the notification if the passenger requests the notification."

(b) CLERICAL AMENDMENT.—The analysis for subtitle VII is amended by inserting after the item relating to chapter 421 the following:

"423. Air Passenger Service Improvements 42301".

(c) PENALTIES.—Section 46301 is amended in subsections (a)(1)(A) and (c)(1)(A) by inserting "chapter 423," after "chapter 421,".

(d) APPLICABILITY OF REQUIREMENTS.—Except as otherwise specifically provided, the requirements of chapter 423 of title 49, United States Code, as added by this section, shall begin to apply 60 days after the date of enactment of this Act.

SEC. 408. CONTENTS OF COMPETITION PLANS.

Section 47106(f)(2) is amended—

(1) by striking "patterns of air service,";

(2) by inserting "and" before "whether"; and

(3) by striking "and airfare levels" and all that follows before the period.

SEC. 409. EXTENSION OF COMPETITIVE ACCESS REPORTS.

Section 47107(s)(3) is amended by striking "October 1, 2009" and inserting "September 30, 2012".

SEC. 410. CONTRACT TOWER PROGRAM.

(a) COST-BENEFIT REQUIREMENT.—Section 47124(b) is amended—

(1) by striking "(1) The Secretary" and inserting the following:

"(1) CONTRACT TOWER PROGRAM.—

"(A) CONTINUATION AND EXTENSION.—The Secretary";

(2) by adding at the end of paragraph (1) the following:

"(B) SPECIAL RULE.—If the Secretary determines that a tower already operating under the program continued under this paragraph has a benefit to cost ratio of less than 1.0, the airport sponsor or State or local government having jurisdiction over the airport shall not be required to pay the portion of the costs that exceeds the benefit for a period of 18 months after such determination is made.

"(C) USE OF EXCESS FUNDS.—If the Secretary finds that all or part of an amount made available to carry out the program continued under this paragraph is not required during a fiscal year, the Secretary may use, during such fiscal year, the amount not so required to carry out the program established under paragraph (3)."; and

(3) by striking "(2) The Secretary" and inserting the following:

"(2) GENERAL AUTHORITY.—The Secretary".

(1) Section 47124(b)(3)(E) is amended to read as follows:

"(E) FUNDING.—Of the amounts appropriated pursuant to section 106(k), not more than \$9,500,000 for fiscal year 2010, \$10,000,000 for fiscal year 2011, and \$10,000,000 for fiscal year 2012 may be used to carry out this paragraph."

(2) USE OF EXCESS FUNDS.—Section 47124(b)(3) is amended—

(A) by redesignating subparagraph (E) (as amended by paragraph (1) of this subsection) as subparagraph (F); and

(B) by inserting after subparagraph (D) the following:

"(E) USE OF EXCESS FUNDS.—If the Secretary finds that all or part of an amount made available under this subparagraph is not required during a fiscal year to carry out this paragraph,

the Secretary may use, during such fiscal year, the amount not so required to carry out the program continued under paragraph (1).”.

(c) **FEDERAL SHARE.**—Section 47124(b)(4)(C) is amended by striking “\$1,500,000” and inserting “\$2,000,000”.

(d) **SAFETY AUDITS.**—Section 47124 is amended by adding at the end the following:

“(c) **SAFETY AUDITS.**—The Secretary shall establish uniform standards and requirements for safety assessments of air traffic control towers that receive funding under this section.”.

SEC. 411. AIRFARES FOR MEMBERS OF THE ARMED FORCES.

(a) **FINDINGS.**—Congress finds that—

(1) the Armed Forces is comprised of approximately 1,400,000 members who are stationed on active duty at more than 6,000 military bases in 146 different countries;

(2) the United States is indebted to the members of the Armed Forces, many of whom are in grave danger due to their engagement in, or exposure to, combat;

(3) military service, especially in the current war against terrorism, often requires members of the Armed Forces to be separated from their families on short notice, for long periods of time, and under very stressful conditions;

(4) the unique demands of military service often preclude members of the Armed Forces from purchasing discounted advance airline tickets in order to visit their loved ones at home and require members of the Armed Forces to travel with heavy bags; and

(5) it is the patriotic duty of the people of the United States to support the members of the Armed Forces who are defending the Nation’s interests around the world at great personal sacrifice.

(b) **SENSE OF CONGRESS.**—It is the sense of Congress that each United States air carrier should—

(1) establish for all members of the Armed Forces on active duty reduced air fares that are comparable to the lowest airfare for ticketed flights; and

(2) offer flexible terms that allow members of the Armed Forces on active duty to purchase, modify, or cancel tickets without time restrictions, fees, and penalties and waive baggage fees for a minimum of 3 bags.

SEC. 412. REPEAL OF ESSENTIAL AIR SERVICE LOCAL PARTICIPATION PROGRAM.

(a) **REPEAL.**—Section 41747 of title 49, United States Code, and the item relating to such section in the analysis for chapter 417 of such title, are repealed.

(b) **APPLICABILITY.**—Title 49, United States Code, shall be applied as if section 41747 of such title had not been enacted.

SEC. 413. ADJUSTMENT TO SUBSIDY CAP TO REFLECT INCREASED FUEL COSTS.

(a) **IN GENERAL.**—The \$200 per passenger subsidy cap initially established by Public Law 103–122 (107 Stat. 1198; 1201) and made permanent by section 332 of Public Law 106–69 (113 Stat. 1022) shall be increased by an amount necessary to account for the increase, if any, in the cost of aviation fuel in the 24 months preceding the date of enactment of this Act, as determined by the Secretary.

(b) **ADJUSTMENT OF CAP.**—Not later than 60 days after the date of enactment of this Act, the Secretary shall publish in the Federal Register the increased subsidy cap as an interim final rule, pursuant to which public comment will be sought and a final rule issued.

(c) **LIMITATION ON ELIGIBILITY.**—A community that has been determined, pursuant to a final order issued by the Department of Transportation before the date of enactment of this Act, to be ineligible for subsidized air service under subchapter II of chapter 417 of title 49, United States Code, shall not be eligible for the in-

creased subsidy cap established pursuant to this section.

SEC. 414. NOTICE TO COMMUNITIES PRIOR TO TERMINATION OF ELIGIBILITY FOR SUBSIDIZED ESSENTIAL AIR SERVICE.

Section 41733 of title 49, United States Code, is amended by adding at the end the following:

“(f) **NOTICE TO COMMUNITIES PRIOR TO TERMINATION OF ELIGIBILITY.**—

“(1) **IN GENERAL.**—The Secretary shall notify each community receiving basic essential air service for which compensation is being paid under this subchapter on or before the 45th day before issuing any final decision to end the payment of such compensation due to a determination by the Secretary that providing such service requires a rate of subsidy per passenger in excess of the subsidy cap.

“(2) **PROCEDURES TO AVOID TERMINATION.**—The Secretary shall establish, by order, procedures by which each community notified of an impending loss of subsidy under paragraph (1) may work directly with an air carrier to ensure that the air carrier is able to submit a proposal to the Secretary to provide essential air service to such community for an amount of compensation that would not exceed the subsidy cap.

“(3) **ASSISTANCE PROVIDED.**—The Secretary shall provide, by order, to each community notified under paragraph (1) information regarding—

“(A) the procedures established pursuant to paragraph (2); and

“(B) the maximum amount of compensation that could be provided under this subchapter to an air carrier serving such community that would comply with the subsidy cap.

“(4) **SUBSIDY CAP DEFINED.**—In this subsection, the term ‘subsidy cap’ means the subsidy cap established by section 332 of Public Law 106–69, including any increase to that subsidy cap established by the Secretary pursuant to the Aviation Safety and Investment Act of 2010.”.

SEC. 415. RESTORATION OF ELIGIBILITY TO A PLACE DETERMINED BY THE SECRETARY TO BE INELIGIBLE FOR SUBSIDIZED ESSENTIAL AIR SERVICE.

Section 41733 (as amended by section 413 of this Act) is further amended by adding at the end the following:

“(g) **PROPOSALS OF STATE AND LOCAL GOVERNMENTS TO RESTORE ELIGIBILITY.**—

“(1) **IN GENERAL.**—If the Secretary, after the date of enactment of this subsection, ends payment of compensation to an air carrier for providing basic essential air service to an eligible place because the Secretary has determined that providing such service requires a rate of subsidy per passenger in excess of the subsidy cap (as defined in subsection (f)), a State or local government may submit to the Secretary a proposal for restoring compensation for such service. Such proposal shall be a joint proposal of the State or local government and an air carrier.

“(2) **DETERMINATION BY SECRETARY.**—If a State or local government submits to the Secretary a proposal under paragraph (1) with respect to an eligible place, and the Secretary determines that—

“(A) the rate of subsidy per passenger under the proposal does not exceed the subsidy cap (as defined in subsection (f)); and

“(B) the proposal is consistent with the legal and regulatory requirements of the essential air service program,

the Secretary shall issue an order restoring the eligibility of the otherwise eligible place to receive basic essential air service by an air carrier for compensation under subsection (c).”.

SEC. 416. OFFICE OF RURAL AVIATION.

(a) **IN GENERAL.**—Subchapter II of chapter 417 is amended by adding at the end the following:

“§ 41749. Office of Rural Aviation

“(a) **ESTABLISHMENT.**—The Secretary of Transportation shall establish within the Department of Transportation an office to be known as the ‘Office of Rural Aviation’ (in this section referred to as the ‘Office’).

“(b) **FUNCTIONS.**—The Office shall—

“(1) monitor the status of air service to small communities;

“(2) develop proposals to improve air service to small communities; and

“(3) carry out such other functions as the Secretary considers appropriate.”.

(b) **CLERICAL AMENDMENT.**—The analysis for subchapter II of chapter 417 is amended by adding at the end the following:

“41749. Office of Rural Aviation.”.

SEC. 417. ADJUSTMENTS TO COMPENSATION FOR SIGNIFICANTLY INCREASED COSTS.

(a) **EMERGENCY ACROSS-THE-BOARD ADJUSTMENT.**—Subject to the availability of funds, the Secretary may increase the rates of compensation payable to air carriers under subchapter II of chapter 417 of title 49, United States Code, to compensate such carriers for increased aviation fuel costs, without regard to any agreement or requirement relating to the renegotiation of contracts or any notice requirement under section 41734 of such title.

(b) **EXPEDITED PROCESS FOR ADJUSTMENTS TO INDIVIDUAL CONTRACTS.**—

(1) **IN GENERAL.**—Section 41734(d) of title 49, United States Code, is amended by striking “continue to pay” and all that follows through “compensation sufficient—” and inserting “provide the carrier with compensation sufficient—”.

(2) **EFFECTIVE DATE.**—The amendment made by paragraph (1) shall apply to compensation to air carriers for air service provided after the 30th day following the date of enactment of this Act.

SEC. 418. REVIEW OF AIR CARRIER FLIGHT DELAYS, CANCELLATIONS, AND ASSOCIATED CAUSES.

(a) **REVIEW.**—The Inspector General of the Department of Transportation shall conduct a review regarding air carrier flight delays, cancellations, and associated causes to update its 2000 report numbered CR–2000–112 and entitled “Audit of Air Carrier Flight Delays and Cancellations”.

(b) **ASSESSMENTS.**—In conducting the review under subsection (a), the Inspector General shall assess—

(1) the need for an update on delay and cancellation statistics, such as number of chronically delayed flights and taxi-in and taxi-out times;

(2) air carriers’ scheduling practices;

(3) the need for a re-examination of capacity benchmarks at the Nation’s busiest airports;

(4) the impact of flight delays and cancellations on air travelers, including recommendations for programs that could be implemented to address the impact of flight delays on air travelers; and

(5) the effect that limited air carrier service options on routes have on the frequency of delays and cancellations on such routes.

(c) **REPORT.**—Not later than one year after the date of enactment of this Act, the Inspector General shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the results of the review conducted under this section, including the assessments described in subsection (b).

SEC. 419. EUROPEAN UNION RULES FOR PASSENGER RIGHTS.

(a) **IN GENERAL.**—The Comptroller General shall conduct a study to evaluate and compare the regulations of the European Union and the

United States on compensation and other consideration offered to passengers who are denied boarding or whose flights are cancelled or delayed.

(b) **SPECIFIC STUDY REQUIREMENTS.**—The study shall include an evaluation and comparison of the regulations based on costs to the air carriers, preferences of passengers for compensation or other consideration, and forms of compensation. In conducting the study, the Comptroller General shall also take into account the differences in structure and size of the aviation systems of the European Union and the United States.

(c) **REPORT.**—Not later than one year after the date of enactment of this Act, the Comptroller General shall submit a report to Congress on the results of the study.

SEC. 420. ESTABLISHMENT OF ADVISORY COMMITTEE FOR AVIATION CONSUMER PROTECTION.

(a) **IN GENERAL.**—The Secretary of Transportation shall establish an advisory committee for aviation consumer protection (in this section referred to as the “advisory committee”) to advise the Secretary in carrying out air passenger service improvements, including those required by chapter 423 of title 49, United States Code.

(b) **MEMBERSHIP.**—The Secretary shall appoint 8 members to the advisory committee as follows:

(1) Two representatives of air carriers required to submit emergency contingency plans pursuant to section 42301 of title 49, United States Code.

(2) Two representatives of the airport operators required to submit emergency contingency plans pursuant to section 42301 of such title.

(3) Two representatives of State and local governments who have expertise in aviation consumer protection matters.

(4) Two representatives of nonprofit public interest groups who have expertise in aviation consumer protection matters.

(c) **VACANCIES.**—A vacancy in the advisory committee shall be filled in the manner in which the original appointment was made.

(d) **TRAVEL EXPENSES.**—Members of the advisory committee shall serve without pay but shall receive travel expenses, including per diem in lieu of subsistence, in accordance with subchapter I of chapter 57 of title 5, United States Code.

(e) **CHAIRPERSON.**—The Secretary shall designate, from among the individuals appointed under subsection (b), an individual to serve as chairperson of the advisory committee.

(f) **DUTIES.**—The duties of the advisory committee shall include the following:

(1) Evaluating existing aviation consumer protection programs and providing recommendations for the improvement of such programs, if needed.

(2) Providing recommendations to establish additional aviation consumer protection programs, if needed.

(g) **REPORT.**—Not later than February 1 of each year beginning after the date of enactment of this Act, the Secretary shall transmit to Congress a report containing—

(1) each recommendation made by the advisory committee during the preceding calendar year; and

(2) an explanation of how the Secretary has implemented each recommendation and, for each recommendation not implemented, the Secretary's reason for not implementing the recommendation.

SEC. 421. DENIED BOARDING COMPENSATION.

Not later than May 19, 2010, and every 2 years thereafter, the Secretary shall evaluate the amount provided for denied boarding compensation and issue a regulation to adjust such compensation as necessary.

SEC. 422. COMPENSATION FOR DELAYED BAGGAGE.

(a) **STUDY.**—The Comptroller General shall conduct a study to—

(1) examine delays in the delivery of checked baggage to passengers of air carriers; and

(2) make recommendations for establishing minimum standards to compensate a passenger in the case of an unreasonable delay in the delivery of checked baggage.

(b) **CONSIDERATION.**—In conducting the study, the Comptroller General shall take into account the additional fees for checked baggage that are imposed by many air carriers and how the additional fees should improve an air carrier's baggage performance.

(c) **REPORT.**—Not later than 180 days after the date of enactment of this Act, the Comptroller General shall transmit to Congress a report on the results of the study.

SEC. 423. SCHEDULE REDUCTION.

(a) **IN GENERAL.**—If the Administrator of the Federal Aviation Administration determines that: (1) the aircraft operations of air carriers during any hour at an airport exceeds the hourly maximum departure and arrival rate established by the Administrator for such operations; and (2) the operations in excess of the maximum departure and arrival rate for such hour at such airport are likely to have a significant adverse effect on the national or regional airspace system, the Administrator shall convene a conference of such carriers to reduce pursuant to section 41722, on a voluntary basis, the number of such operations to less than such maximum departure and arrival rate.

(b) **NO AGREEMENT.**—If the air carriers participating in a conference with respect to an airport under subsection (a) are not able to agree to a reduction in the number of flights to and from the airport to less than the maximum departure and arrival rate, the Administrator shall take such action as is necessary to ensure such reduction is implemented.

(c) **QUARTERLY REPORTS.**—Beginning 3 months after the date of enactment of this Act and every 3 months thereafter, the Administrator shall submit to Congress a report regarding scheduling at the 35 airports that have the greatest number of passenger enplanements, including each occurrence in which hourly scheduled aircraft operations of air carriers at such an airport exceed the hourly maximum departure and arrival rate at any such airport.

SEC. 424. EXPANSION OF DOT AIRLINE CONSUMER COMPLAINT INVESTIGATIONS.

(a) **IN GENERAL.**—Subject to the availability of appropriations, the Secretary of Transportation shall investigate consumer complaints regarding—

(1) flight cancellations;

(2) compliance with Federal regulations concerning overbooking seats on flights;

(3) lost, damaged, or delayed baggage, and difficulties with related airline claims procedures;

(4) problems in obtaining refunds for unused or lost tickets or fare adjustments;

(5) incorrect or incomplete information about fares, discount fare conditions and availability, overcharges, and fare increases;

(6) the rights of passengers who hold frequent flier miles or equivalent redeemable awards earned through customer-loyalty programs; and

(7) deceptive or misleading advertising.

(b) **BUDGET NEEDS REPORT.**—The Secretary shall provide, as an annex to its annual budget request, an estimate of resources which would have been sufficient to investigate all such claims the Department of Transportation received in the previous fiscal year. The annex shall be transmitted to Congress when the President submits the budget of the United States to

the Congress under section 1105 of title 31, United States Code.

SEC. 425. PROHIBITIONS AGAINST VOICE COMMUNICATIONS USING MOBILE COMMUNICATIONS DEVICES ON SCHEDULED FLIGHTS.

(a) **IN GENERAL.**—Subchapter I of chapter 417 of title 49, United States Code, is amended by adding at the end the following:

“§41724. Prohibitions against voice communications using mobile communications devices on scheduled flights

“(a) INTERSTATE AND INTRASTATE AIR TRANSPORTATION.—

“(1) IN GENERAL.—An individual may not engage in voice communications using a mobile communications device in an aircraft during a flight in scheduled passenger interstate air transportation or scheduled passenger intrastate air transportation.

“(2) EXCEPTIONS.—The prohibition described in paragraph (1) shall not apply to—

“(A) a member of the flight crew or flight attendants on an aircraft; or

“(B) a Federal law enforcement officer acting in an official capacity.

“(b) FOREIGN AIR TRANSPORTATION.—

“(1) IN GENERAL.—The Secretary of Transportation shall require all air carriers and foreign air carriers to adopt the prohibition described in subsection (a) with respect to the operation of an aircraft in scheduled passenger foreign air transportation.

“(2) ALTERNATE PROHIBITION.—If a foreign government objects to the application of paragraph (1) on the basis that paragraph (1) provides for an extraterritorial application of the laws of the United States, the Secretary may waive the application of paragraph (1) to a foreign air carrier licensed by that foreign government until such time as an alternative prohibition on voice communications using a mobile communications device during flight is negotiated by the Secretary with such foreign government through bilateral negotiations.

“(c) DEFINITIONS.—In this section, the following definitions apply:

“(1) FLIGHT.—The term ‘flight’ means the period beginning when an aircraft takes off and ending when an aircraft lands.

“(2) VOICE COMMUNICATIONS USING A MOBILE COMMUNICATIONS DEVICE.—

“(A) INCLUSIONS.—The term ‘voice communications using a mobile communications device’ includes voice communications using—

“(i) a commercial mobile radio service or other wireless communications device;

“(ii) a broadband wireless device or other wireless device that transmits data packets using the Internet Protocol or comparable technical standard; or

“(iii) a device having voice override capability.

“(B) EXCLUSION.—Such term does not include voice communications using a phone installed on an aircraft.

“(d) SAFETY REGULATIONS.—This section shall not be construed to affect the authority of the Secretary to impose limitations on voice communications using a mobile communications device for safety reasons.

“(e) REGULATIONS.—The Secretary shall prescribe such regulations as are necessary to carry out this section.”

(b) **CLERICAL AMENDMENT.**—The analysis for such subchapter is amended by adding at the end the following:

“41724. Prohibitions against voice communications using mobile communications devices on scheduled flights.”

SEC. 426. ANTITRUST EXEMPTIONS.

(a) **STUDY.**—The Comptroller General shall conduct a study of the legal requirements and

policies followed by the Department in deciding whether to approve international alliances under section 41309 of title 49, United States Code, and grant exemptions from the antitrust laws under section 41308 of such title in connection with such international alliances.

(b) **ISSUES TO BE CONSIDERED.**—In conducting the study under subsection (a), the Comptroller General, at a minimum, shall examine the following:

(1) Whether granting exemptions from the antitrust laws in connection with international alliances has resulted in public benefits, including an analysis of whether such benefits could have been achieved by international alliances not receiving exemptions from the antitrust laws.

(2) Whether granting exemptions from the antitrust laws in connection with international alliances has resulted in reduced competition, increased prices in markets, or other adverse effects.

(3) Whether international alliances that have been granted exemptions from the antitrust laws have implemented pricing or other practices with respect to the hub airports at which the alliances operate that have resulted in increased costs for consumers or foreclosed competition by rival (nonalliance) air carriers at such airports.

(4) Whether increased network size resulting from additional international alliance members will adversely affect competition between international alliances.

(5) The areas in which immunized international alliances compete and whether there is sufficient competition among immunized international alliances to ensure that consumers will receive benefits of at least the same magnitude as those that consumers would receive if there were no immunized international alliances.

(6) The minimum number of international alliances that is necessary to ensure robust competition and benefits to consumers on major international routes.

(7) Whether the different regulatory and antitrust responsibilities of the Secretary and the Attorney General with respect to international alliances have created any significant conflicting agency recommendations, such as the conditions imposed in granting exemptions from the antitrust laws.

(8) Whether, from an antitrust standpoint, requests for exemptions from the antitrust laws in connection with international alliances should be treated as mergers, and therefore be exclusively subject to a traditional merger analysis by the Attorney General and be subject to advance notification requirements and a confidential review process similar to those required under section 7A of the Clayton Act (15 U.S.C. 18a).

(9) Whether the Secretary should amend, modify, or revoke any exemption from the antitrust laws granted by the Secretary in connection with an international alliance.

(10) The effect of international alliances on the number and quality of jobs for United States air carrier flight crew employees, including the share of alliance flying done by those employees.

(c) **REPORT.**—Not later than one year after the date of enactment of this Act, the Comptroller General shall submit to the Secretary of Transportation, the Committee on Transportation and Infrastructure of the House of Representatives, and the Committee on Commerce, Science, and Transportation of the Senate a report on the results of the study under subsection (a), including any recommendations of the Comptroller General as to whether there should be changes in the authority of the Secretary under title 49, United States Code, or policy changes that the Secretary can implement administratively, with respect to approving international alliances and granting exemptions from the antitrust laws in connection with such international alliances.

(d) **ADOPTION OF RECOMMENDED POLICY CHANGES.**—Not later than one year after the date of receipt of the report under subsection (c), and after providing notice and an opportunity for public comment, the Secretary shall issue a written determination as to whether the Secretary will adopt the policy changes, if any, recommended by the Comptroller General in the report or make any other policy changes with respect to approving international alliances and granting exemptions from the antitrust laws in connection with such international alliances.

(e) **SUNSET PROVISION.**—

(1) **IN GENERAL.**—An exemption from the antitrust laws granted by the Secretary on or before the last day of the 3-year period beginning on the date of enactment of this Act in connection with an international alliance, including an exemption granted before the date of enactment of this Act, shall cease to be effective after such last day unless the exemption is renewed by the Secretary.

(2) **TIMING FOR RENEWALS.**—The Secretary may not renew an exemption under paragraph (1) before the date on which the Secretary issues a written determination under subsection (d).

(3) **STANDARDS FOR RENEWALS.**—The Secretary shall make a decision on whether to renew an exemption under paragraph (1) based on the policies of the Department in effect after the Secretary issues a written determination under subsection (d).

(f) **DEFINITIONS.**—In this section, the following definitions apply:

(1) **EXEMPTION FROM THE ANTITRUST LAWS.**—The term “exemption from the antitrust laws” means an exemption from the antitrust laws granted by the Secretary under section 41308 of title 49, United States Code.

(2) **IMMUNIZED INTERNATIONAL ALLIANCE.**—The term “immunized international alliance” means an international alliance for which the Secretary has granted an exemption from the antitrust laws.

(3) **INTERNATIONAL ALLIANCE.**—The term “international alliance” means a cooperative agreement between an air carrier and a foreign air carrier to provide foreign air transportation subject to approval or disapproval by the Secretary under section 41309 of title 49, United States Code.

(4) **DEPARTMENT.**—The term “Department” means the Department of Transportation.

(5) **SECRETARY.**—The term “Secretary” means the Secretary of Transportation.

SEC. 427. MUSICAL INSTRUMENTS.

(a) **IN GENERAL.**—Subchapter I of chapter 417 (as amended by this Act) is further amended by adding at the end the following:

“§41725. Musical instruments

“(a) **IN GENERAL.**—

“(1) **INSTRUMENTS IN THE PASSENGER COMPARTMENT.**—An air carrier providing air transportation shall permit a passenger to carry a musical instrument in the aircraft passenger compartment in a closet, baggage, or cargo stowage compartment approved by the Administrator without charge if—

“(A) the instrument can be stowed in accordance with the requirements for carriage of carry-on baggage or cargo set forth by the Administrator of the Federal Aviation Administration; and

“(B) there is space for such stowage on the aircraft.

“(2) **LARGE INSTRUMENTS IN THE PASSENGER COMPARTMENT.**—An air carrier providing air transportation shall permit a passenger to carry a musical instrument in the aircraft passenger compartment that is too large to be secured in a closet, baggage, or cargo stowage compartment approved by the Administrator, if—

“(A) the instrument can be stowed in a seat, in accordance with the requirements for car-

riage of carry-on baggage or cargo set forth by the Administrator for such stowage; and

“(B) the passenger wishing to carry the instrument in the aircraft cabin has purchased a seat to accommodate the instrument.

“(3) **INSTRUMENTS AS CHECKED BAGGAGE.**—An air carrier shall transport as baggage a musical instrument that is the property of a passenger on a flight and that may not be carried in the aircraft passenger compartment if—

“(A) the sum of the length, width, and height measured in inches of the outside linear dimensions of the instrument (including the case) does not exceed 150 inches and the size restrictions for that aircraft;

“(B) the weight of the instrument does not exceed 165 pounds and the weight restrictions for that aircraft; and

“(C) the instrument can be stowed in accordance with the requirements for carriage of baggage or cargo set forth by the Administrator for such stowage.

“(4) **AIR CARRIER TERMS.**—Nothing in this section shall be construed as prohibiting an air carrier from limiting its liability for carrying a musical instrument or requiring a passenger to purchase insurance to cover the value of a musical instrument transported by the air carrier.

“(b) **REGULATIONS.**—The Secretary may prescribe such regulations as may be necessary or appropriate to implement subsection (a).”

(b) **CLERICAL AMENDMENT.**—The analysis for such subchapter is amended by adding at the end the following:

“41725. Musical instruments.”

(c) **EFFECTIVE DATE.**—The amendments made by this section shall take effect 30 days after the date of enactment of this Act.

TITLE V—ENVIRONMENTAL STEWARDSHIP AND STREAMLINING

SEC. 501. AMENDMENTS TO AIR TOUR MANAGEMENT PROGRAM.

Section 40128 is amended—

(1) in subsection (a)(1)(C) by inserting “or voluntary agreement under subsection (b)(7)” before “for the park”;

(2) in subsection (a) by adding at the end the following:

“(5) **EXEMPTION.**—

“(A) **IN GENERAL.**—Notwithstanding paragraph (1), a national park that has 50 or fewer commercial air tour flights a year shall be exempt from the requirements of this section, except as provided in subparagraph (B).

“(B) **WITHDRAWAL OF EXEMPTION.**—If the Director determines that an air tour management plan or voluntary agreement is necessary to protect park resources and values or park visitor use and enjoyment, the Director shall withdraw the exemption of a park under subparagraph (A).

“(C) **LIST OF PARKS.**—The Director shall inform the Administrator, in writing, of each determination under subparagraph (B). The Director and Administrator shall publish an annual list of national parks that are covered by the exemption provided by this paragraph.

“(D) **ANNUAL REPORT.**—A commercial air tour operator conducting commercial air tours in a national park that is exempt from the requirements of this section shall submit to the Administrator and the Director an annual report regarding the number of commercial air tour flights it conducts each year in such park.”

(3) in subsection (b) by adding at the end the following:

“(7) **VOLUNTARY AGREEMENTS.**—

“(A) **IN GENERAL.**—As an alternative to an air tour management plan, the Director and the Administrator may enter into a voluntary agreement with a commercial air tour operator (including a new entrant applicant and an operator that has interim operating authority) that

has applied to conduct air tour operations over a national park to manage commercial air tour operations over such national park.

“(B) **PARK PROTECTION.**—A voluntary agreement under this paragraph with respect to commercial air tour operations over a national park shall address the management issues necessary to protect the resources of such park and visitor use of such park without compromising aviation safety or the air traffic control system and may—

“(i) include provisions such as those described in subparagraphs (B) through (E) of paragraph (3);

“(ii) include provisions to ensure the stability of, and compliance with, the voluntary agreement; and

“(iii) provide for fees for such operations.

“(C) **PUBLIC.**—The Director and the Administrator shall provide an opportunity for public review of a proposed voluntary agreement under this paragraph and shall consult with any Indian tribe whose tribal lands are, or may be, flown over by a commercial air tour operator under a voluntary agreement under this paragraph. After such opportunity for public review and consultation, the voluntary agreement may be implemented without further administrative or environmental process beyond that described in this subsection.

“(D) **TERMINATION.**—A voluntary agreement under this paragraph may be terminated at any time at the discretion of the Director or the Administrator if the Director determines that the agreement is not adequately protecting park resources or visitor experiences or the Administrator determines that the agreement is adversely affecting aviation safety or the national aviation system. If a voluntary agreement for a national park is terminated, the operators shall conform to the requirements for interim operating authority under subsection (c) until an air tour management plan for the park is in effect.”;

(4) in subsection (c) by striking paragraph (2)(I) and inserting the following:

“(I) may allow for modifications of the interim operating authority without further environmental review beyond that described in this section if—

“(i) adequate information regarding the operator's existing and proposed operations under the interim operating authority is provided to the Administrator and the Director;

“(ii) the Administrator determines that there would be no adverse impact on aviation safety or the air traffic control system; and

“(iii) the Director agrees with the modification, based on the Director's professional expertise regarding the protection of the park resources and values and visitor use and enjoyment.”;

(5) in subsection (c)(3)(A) by striking “if the Administrator determines” and all that follows through the period at the end and inserting “without further environmental process beyond that described in this paragraph if—

“(i) adequate information on the operator's proposed operations is provided to the Administrator and the Director by the operator making the request;

“(ii) the Administrator agrees that there would be no adverse impact on aviation safety or the air traffic control system; and

“(iii) the Director agrees, based on the Director's professional expertise regarding the protection of park resources and values and visitor use and enjoyment.”;

(6) by redesignating subsections (d), (e), and (f) as subsections (e), (f), and (g), respectively; and

(7) by inserting after subsection (c) the following:

“(d) **COMMERCIAL AIR TOUR OPERATOR REPORTS.**—

“(1) **REPORT.**—Each commercial air tour operator providing a commercial air tour over a national park under interim operating authority granted under subsection (c) or in accordance with an air tour management plan under subsection (b) shall submit a report to the Administrator and Director regarding the number of its commercial air tour operations over each national park and such other information as the Administrator and Director may request in order to facilitate administering the provisions of this section.

“(2) **REPORT SUBMISSION.**—Not later than 3 months after the date of enactment of the Aviation Safety and Investment Act of 2010, the Administrator and Director shall jointly issue an initial request for reports under this subsection. The reports shall be submitted to the Administrator and Director on a frequency and in a format prescribed by the Administrator and Director.”.

SEC. 502. STATE BLOCK GRANT PROGRAM.

(a) **GENERAL REQUIREMENTS.**—Section 47128(a) is amended—

(1) in the first sentence by striking “prescribe regulations” and inserting “issue guidance”; and

(2) in the second sentence by striking “regulations” and inserting “guidance”.

(b) **APPLICATIONS AND SELECTION.**—Section 47128(b)(4) is amended by inserting before the semicolon the following: “, including the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), State and local environmental policy acts, Executive orders, agency regulations and guidance, and other Federal environmental requirements”.

(c) **ENVIRONMENTAL ANALYSIS AND COORDINATION REQUIREMENTS.**—Section 47128 is amended by adding at the end the following:

“(d) **ENVIRONMENTAL ANALYSIS AND COORDINATION REQUIREMENTS.**—A Federal agency, other than the Federal Aviation Administration, that is responsible for issuing an approval, license, or permit to ensure compliance with a Federal environmental requirement applicable to a project or activity to be carried out by a State using amounts from a block grant made under this section shall—

“(1) coordinate and consult with the State;

“(2) use the environmental analysis prepared by the State for the project or activity if such analysis is adequate; and

“(3) supplement such analysis, as necessary, to meet applicable Federal requirements.”.

SEC. 503. AIRPORT FUNDING OF SPECIAL STUDIES OR REVIEWS.

Section 47173(a) is amended by striking “services of consultants in order to” and all that follows through the period at the end and inserting “services of consultants—

“(1) to facilitate the timely processing, review, and completion of environmental activities associated with an airport development project;

“(2) to conduct special environmental studies related to an airport project funded with Federal funds;

“(3) to conduct special studies or reviews to support approved noise compatibility measures described in part 150 of title 14, Code of Federal Regulations; or

“(4) to conduct special studies or reviews to support environmental mitigation in a record of decision or finding of no significant impact by the Federal Aviation Administration.”.

SEC. 504. GRANT ELIGIBILITY FOR ASSESSMENT OF FLIGHT PROCEDURES.

Section 47504 is amended by adding at the end the following:

“(e) **GRANTS FOR ASSESSMENT OF FLIGHT PROCEDURES.**—

“(1) **IN GENERAL.**—In accordance with subsection (c)(1), the Secretary may make a grant to an airport operator to assist in completing en-

vironmental review and assessment activities for proposals to implement flight procedures at such airport that have been approved as part of an airport noise compatibility program under subsection (b).

“(2) **ADDITIONAL STAFF.**—The Administrator may accept funds from an airport operator, including funds provided to the operator under paragraph (1), to hire additional staff or obtain the services of consultants in order to facilitate the timely processing, review, and completion of environmental activities associated with proposals to implement flight procedures at such airport that have been approved as part of an airport noise compatibility program under subsection (b).

“(3) **RECEIPTS CREDITED AS OFFSETTING COLLECTIONS.**—Notwithstanding section 3302 of title 31, any funds accepted under this section—

“(A) shall be credited as offsetting collections to the account that finances the activities and services for which the funds are accepted;

“(B) shall be available for expenditure only to pay the costs of activities and services for which the funds are accepted; and

“(C) shall remain available until expended.”.

SEC. 505. DETERMINATION OF FAIR MARKET VALUE OF RESIDENTIAL PROPERTIES.

Section 47504 (as amended by this Act) is further amended by adding at the end the following:

“(g) **DETERMINATION OF FAIR MARKET VALUE OF RESIDENTIAL PROPERTIES.**—In approving a project to acquire residential real property using financial assistance made available under this section or chapter 471, the Secretary shall ensure that the appraisal of the property to be acquired disregards any decrease or increase in the fair market value of the real property caused by the project for which the property is to be acquired, or by the likelihood that the property would be acquired for the project, other than that due to physical deterioration within the reasonable control of the owner.”.

SEC. 506. SOUNDPROOFING OF RESIDENCES.

(a) **SOUNDPROOFING AND ACQUISITION OF CERTAIN RESIDENTIAL BUILDINGS AND PROPERTIES.**—Section 47504(c)(2)(D) is amended to read as follows:

“(D) to an airport operator and unit of local government referred to in paragraph (1)(A) or (1)(B) to soundproof—

“(i) a building in the noise impact area surrounding the airport that is used primarily for educational or medical purposes and that the Secretary decides is adversely affected by airport noise; and

“(ii) residential buildings located on residential properties in the noise impact area surrounding the airport that the Secretary decides is adversely affected by airport noise, if—

“(I) the residential properties are within airport noise contours prepared by the airport owner or operator using the Secretary's methodology and guidance, and the noise contours have been found acceptable by the Secretary;

“(II) the residential properties cannot be removed from airport noise contours for at least a 5-year period by changes in airport configuration or flight procedures;

“(III) the land use jurisdiction has taken, or will take, appropriate action, including the adoption of zoning laws, to the extent reasonable to restrict the use of land to uses that are compatible with normal airport operations; and

“(IV) the Secretary determines that the project is compatible with the purposes of this chapter; and”

(b) **REQUIREMENTS APPLICABLE TO CERTAIN GRANTS.**—Section 44705 (as amended by this Act) is further amended by adding at the end the following:

“(f) **REQUIREMENTS APPLICABLE TO CERTAIN GRANTS.**—

“(1) **ESTABLISHMENT OF CRITERIA.**—Before awarding a grant under subsection (c)(2)(D), the Secretary shall establish criteria to determine which residences in the 65 DNL area suffer the greatest noise impact.

“(2) **ANALYSIS FROM COMPTROLLER GENERAL.**—Prior to making a final decision on the criteria required by paragraph (1), the Secretary shall develop proposed criteria and obtain an analysis from the Comptroller General as to the reasonableness and validity of the criteria.

“(3) **PRIORITY.**—If the Secretary determines that the grants likely to be awarded under subsection (c)(2)(D) in fiscal years 2010 through 2012 will not be sufficient to soundproof all residences in the 65 DNL area, the Secretary shall first award grants to soundproof those residences suffering the greatest noise impact under the criteria established under paragraph (1).”

SEC. 507. CLEEN RESEARCH, DEVELOPMENT, AND IMPLEMENTATION PARTNERSHIP.

(a) **COOPERATIVE AGREEMENT.**—Subchapter I of chapter 475 is amended by adding at the end the following:

“§47511. CLEEN research, development, and implementation partnership

“(a) **IN GENERAL.**—The Administrator of the Federal Aviation Administration, in coordination with the Administrator of the National Aeronautics and Space Administration, shall enter into a cooperative agreement, using a competitive process, with an institution, entity, or consortium to carry out a program for the development, maturing, and certification of CLEEN engine and airframe technology for aircraft over the next 10 years.

“(b) **CLEEN ENGINE AND AIRFRAME TECHNOLOGY DEFINED.**—In this section, the term ‘CLEEN engine and airframe technology’ means continuous lower energy, emissions, and noise engine and airframe technology.

“(c) **PERFORMANCE OBJECTIVE.**—The Administrator of the Federal Aviation Administration, in coordination with the Administrator of the National Aeronautics and Space Administration, shall establish the following performance objectives for the program, to be achieved by September 30, 2016:

“(1) Development of certifiable aircraft technology that reduces fuel burn by 33 percent compared to current technology, reducing energy consumption and greenhouse gas emissions.

“(2) Development of certifiable engine technology that reduces landing and takeoff cycle nitrogen oxide emissions by 60 percent, at a pressure ratio of 30, over the International Civil Aviation Organization standard adopted at the 6th Meeting of the Committee on Aviation Environmental Protection, with commensurate reductions over the full pressure ratio range, while limiting or reducing other gaseous or particulate emissions.

“(3) Development of certifiable aircraft technology that reduces noise levels by 32 Effective Perceived Noise Level in Decibels cumulative, relative to Stage 4 standards.

“(4) Determination of the feasibility of the use of alternative fuels in aircraft systems, including successful demonstration and quantification of the benefits of such fuels.

“(5) Determination of the extent to which new engine and aircraft technologies may be used to retrofit or re-engine aircraft to increase the integration of retrofitted and re-engined aircraft into the commercial fleet.

“(d) **FUNDING.**—Of amounts appropriated under section 48102(a), not more than the following amounts may be used to carry out this section:

“(1) \$25,000,000 for fiscal year 2010.

“(2) \$33,000,000 for fiscal year 2011.

“(3) \$50,000,000 for fiscal year 2012.

“(e) **REPORT.**—Beginning in fiscal year 2010, the Administrator of the Federal Aviation Ad-

ministration shall publish an annual report on the program established under this section until completion of the program.”

(b) **CLERICAL AMENDMENT.**—The analysis for such subchapter is amended by adding at the end the following:

“47511. CLEEN research, development, and implementation partnership.”

SEC. 508. PROHIBITION ON OPERATING CERTAIN AIRCRAFT WEIGHING 75,000 POUNDS OR LESS NOT COMPLYING WITH STAGE 3 NOISE LEVELS.

(a) **IN GENERAL.**—Subchapter II of chapter 475 is amended by adding at the end the following:

“§47534. Prohibition on operating certain aircraft weighing 75,000 pounds or less not complying with stage 3 noise levels

“(a) **PROHIBITION.**—Except as provided in subsection (b), (c), or (d), after December 31, 2013, a person may not operate a civil subsonic jet airplane with a maximum weight of 75,000 pounds or less, and for which an airworthiness certificate (other than an experimental certificate) has been issued, to or from an airport in the United States unless the Secretary of Transportation finds that the aircraft complies with stage 3 noise levels.

“(b) **EXCEPTION.**—Subsection (a) shall not apply to aircraft operated only outside the 48 contiguous States.

“(c) **EXCEPTIONS.**—The Secretary may allow temporary operation of an airplane otherwise prohibited from operation under subsection (a) to or from an airport in the contiguous United States by granting a special flight authorization for one or more of the following circumstances:

“(1) To sell, lease, or use the aircraft outside the 48 contiguous States.

“(2) To scrap the aircraft.

“(3) To obtain modifications to the aircraft to meet stage 3 noise levels.

“(4) To perform scheduled heavy maintenance or significant modifications on the aircraft at a maintenance facility located in the contiguous 48 States.

“(5) To deliver the aircraft to an operator leasing the aircraft from the owner or return the aircraft to the lessor.

“(6) To prepare, park, or store the aircraft in anticipation of any of the activities described in paragraphs (1) through (5).

“(7) To provide transport of persons and goods in the relief of emergency situations.

“(8) To divert the aircraft to an alternative airport in the 48 contiguous States on account of weather, mechanical, fuel, air traffic control, or other safety reasons while conducting a flight in order to perform any of the activities described in paragraphs (1) through (7).

“(d) **STATUTORY CONSTRUCTION.**—Nothing in the section may be construed as interfering with, nullifying, or otherwise affecting determinations made by the Federal Aviation Administration, or to be made by the Administration, with respect to applications under part 161 of title 14, Code of Federal Regulations, that were pending on the date of enactment of this section.”

(b) **CONFORMING AMENDMENTS.**—

(1) Section 47531 is amended—

(A) in the section heading by striking “for violating sections 47528–47530”; and

(B) by striking “47529, or 47530” and inserting “47529, 47530, or 47534”.

(2) Section 47532 is amended by inserting “or 47534” after “47528–47531”.

(3) The analysis for chapter 475 is amended—

(A) by striking the item relating to section 47531 and inserting the following:

“47531. Penalties.”;

and

(B) by inserting after the item relating to section 47533 the following:

“47534. Prohibition on operating certain aircraft weighing 75,000 pounds or less not complying with stage 3 noise levels.”.

SEC. 509. ENVIRONMENTAL MITIGATION PILOT PROGRAM.

(a) **ESTABLISHMENT.**—The Secretary of Transportation shall establish a pilot program to carry out not more than 6 environmental mitigation demonstration projects at public-use airports.

(b) **GRANTS.**—In implementing the program, the Secretary may make a grant to the sponsor of a public-use airport from funds apportioned under section 47117(e)(1)(A) of title 49, United States Code, to carry out an environmental mitigation demonstration project to measurably reduce or mitigate aviation impacts on noise, air quality, or water quality in the vicinity of the airport.

(c) **ELIGIBILITY FOR PASSENGER FACILITY FEES.**—An environmental mitigation demonstration project that receives funds made available under this section may be considered an eligible airport-related project for purposes of section 40117 of such title.

(d) **SELECTION CRITERIA.**—In selecting among applicants for participation in the program, the Secretary shall give priority consideration to applicants proposing to carry out environmental mitigation demonstration projects that will—

(1) achieve the greatest reductions in aircraft noise, airport emissions, or airport water quality impacts either on an absolute basis or on a per dollar of funds expended basis; and

(2) be implemented by an eligible consortium.

(e) **FEDERAL SHARE.**—Notwithstanding any provision of subchapter I of chapter 471 of such title, the United States Government share of allowable project costs of an environmental mitigation demonstration project carried out under this section shall be 50 percent.

(f) **MAXIMUM AMOUNT.**—The Secretary may not make grants for a single environmental mitigation demonstration project under this section in a total amount that exceeds \$2,500,000.

(g) **PUBLICATION OF INFORMATION.**—The Secretary may develop and publish information on the results of environmental mitigation demonstration projects carried out under this section, including information identifying best practices for reducing or mitigating aviation impacts on noise, air quality, or water quality in the vicinity of airports.

(h) **DEFINITIONS.**—In this section, the following definitions apply:

(1) **ELIGIBLE CONSORTIUM.**—The term “eligible consortium” means a consortium of 2 or more of the following entities:

(A) A business incorporated in the United States.

(B) A public or private educational or research organization located in the United States.

(C) An entity of a State or local government.

(D) A Federal laboratory.

(2) **ENVIRONMENTAL MITIGATION DEMONSTRATION PROJECT.**—The term “environmental mitigation demonstration project” means a project that—

(A) demonstrates at a public-use airport environmental mitigation techniques or technologies with associated benefits, which have already been proven in laboratory demonstrations;

(B) utilizes methods for efficient adaptation or integration of innovative concepts to airport operations; and

(C) demonstrates whether a technique or technology for environmental mitigation identified in research is—

(i) practical to implement at or near multiple public-use airports; and

(ii) capable of reducing noise, airport emissions, greenhouse gas emissions, or water quality impacts in measurably significant amounts.

SEC. 510. AIRCRAFT DEPARTURE QUEUE MANAGEMENT PILOT PROGRAM.

(a) **IN GENERAL.**—The Secretary of Transportation shall carry out a pilot program at not more than 5 public-use airports under which the Federal Aviation Administration shall use funds made available under section 48101(a) to test air traffic flow management tools, methodologies, and procedures that will allow air traffic controllers of the Administration to better manage the flow of aircraft on the ground and reduce the length of ground holds and idling time for aircraft.

(b) **SELECTION CRITERIA.**—In selecting from among airports at which to conduct the pilot program, the Secretary shall give priority consideration to airports at which improvements in ground control efficiencies are likely to achieve the greatest fuel savings or air quality or other environmental benefits, as measured by the amount of reduced fuel, reduced emissions, or other environmental benefits per dollar of funds expended under the pilot program.

(c) **MAXIMUM AMOUNT.**—Not more than a total of \$5,000,000 may be expended under the pilot program at any single public-use airport.

(d) **REPORT TO CONGRESS.**—Not later than 3 years after the date of the enactment of this section, the Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report containing—

(1) an evaluation of the effectiveness of the pilot program, including an assessment of the tools, methodologies, and procedures that provided the greatest fuel savings and air quality and other environmental benefits, and any impacts on safety, capacity, or efficiency of the air traffic control system or the airports at which affected aircraft were operating;

(2) an identification of anticipated benefits from implementation of the tools, methodologies, and procedures developed under the pilot program at other airports;

(3) a plan for implementing the tools, methodologies, and procedures developed under the pilot program at other airports or the Secretary's reasons for not implementing such measures at other airports; and

(4) such other information as the Secretary considers appropriate.

SEC. 511. HIGH PERFORMANCE AND SUSTAINABLE AIR TRAFFIC CONTROL FACILITIES.

(a) **IN GENERAL.**—The Administrator of the Federal Aviation Administration shall implement, to the maximum extent practicable, sustainable practices for the incorporation of energy-efficient design, equipment, systems, and other measures in the construction and major renovation of air traffic control facilities of the Administration in order to reduce energy consumption and improve the environmental performance of such facilities.

(b) **AUTHORIZATION.**—Of amounts appropriated under section 48101(a) of title 49, United States Code, such sums as may be necessary may be used to carry out this section.

SEC. 512. REGULATORY RESPONSIBILITY FOR AIRCRAFT ENGINE NOISE AND EMISSIONS STANDARDS.

(a) **INDEPENDENT REVIEW.**—The Administrator of the FAA shall make appropriate arrangements for the National Academy of Public Administration or another qualified independent entity to review, in consultation with the FAA and the EPA, whether it is desirable to locate the regulatory responsibility for the establishment of engine noise and emissions standards for civil aircraft within one of the agencies.

(b) **CONSIDERATIONS.**—The review shall be conducted so as to take into account—

(1) the interrelationships between aircraft engine noise and emissions;

(2) the need for aircraft engine noise and emissions to be evaluated and addressed in an integrated and comprehensive manner;

(3) the scientific expertise of the FAA and the EPA to evaluate aircraft engine emissions and noise impacts on the environment;

(4) expertise to interface environmental performance with ensuring the highest safe and reliable engine performance of aircraft in flight;

(5) consistency of the regulatory responsibility with other missions of the FAA and the EPA;

(6) past effectiveness of the FAA and the EPA in carrying out the aviation environmental responsibilities assigned to the agency; and

(7) the international responsibility to represent the United States with respect to both engine noise and emissions standards for civil aircraft.

(c) **REPORT TO CONGRESS.**—Not later than 6 months after the date of enactment of this Act, the Administrator of the FAA shall submit to Congress a report on the results of the review. The report shall include any recommendations developed as a result of the review and, if a transfer of responsibilities is recommended, a description of the steps and timeline for implementation of the transfer.

(d) **DEFINITIONS.**—In this section, the following definitions apply:

(1) **EPA.**—The term “EPA” means the Environmental Protection Agency.

(2) **FAA.**—The term “FAA” means the Federal Aviation Administration.

SEC. 513. CABIN AIR QUALITY TECHNOLOGY.

(a) **IN GENERAL.**—Not later than 180 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall initiate research and development work on effective air cleaning and sensor technology for the engine and auxiliary power unit for bleed air supplied to the passenger cabin and flight deck of a pressurized aircraft.

(b) **TECHNOLOGY REQUIREMENTS.**—The technology should, at a minimum, be capable of—

(1) removing oil-based contaminants from the bleed air supplied to the passenger cabin and flight deck; and

(2) detecting and recording oil-based contaminants in the bleed air fraction of the total air supplied to the passenger cabin and flight deck.

(c) **REPORT.**—Not later than 3 years after the date of enactment of this Act, the Administrator shall transmit to Congress a report on the results of the research and development work carried out under this section.

(d) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated such sums as may be necessary to carry out this section.

SEC. 514. SENSE OF CONGRESS.

It is the sense of Congress that—

(1) the European Union directive extending the European Union's emissions trading proposal to international civil aviation without working through the International Civil Aviation Organization (in this section referred to as the “ICAO”) in a consensus-based fashion is inconsistent with the Convention on International Civil Aviation, done at Chicago on December 7, 1944 (TIAS 1591; commonly known as “Chicago Convention”), and other relevant air services agreements and antithetical to building international cooperation to address effectively the problem of greenhouse gas emissions by aircraft engaged in international civil aviation; and

(2) the European Union and its member states should instead work with other contracting states of the ICAO to develop a consensual approach to addressing aircraft greenhouse gas emissions through the ICAO.

SEC. 515. AIRPORT NOISE COMPATIBILITY PLANNING STUDY, PORT AUTHORITY OF NEW YORK AND NEW JERSEY.

It is the sense of the House of Representatives that the Port Authority of New York and New

Jersey should undertake an airport noise compatibility planning study under part 150 of title 14, Code of Federal Regulations, for the airports that the Port Authority operates as of November 2, 2009. In undertaking the study, the Port Authority should pay particular attention to the impact of noise on affected neighborhoods, including homes, businesses, and places of worship surrounding LaGuardia Airport, Newark Liberty Airport, and JFK Airport.

SEC. 516. GAO STUDY ON COMPLIANCE WITH FAA RECORD OF DECISION.

(a) **STUDY.**—The Comptroller General shall conduct a study to determine whether the Federal Aviation Administration and the Massachusetts Port Authority are complying with the requirements of the Federal Aviation Administration's record of decision dated August 2, 2002.

(b) **REPORT.**—Not later than one year after the date of the enactment of this Act, the Comptroller General shall submit to Congress a report on the results of the study.

SEC. 517. WESTCHESTER COUNTY AIRPORT, NEW YORK.

(a) **RULEMAKING.**—The Administrator of the Federal Aviation Administration shall conduct a rulemaking proceeding to determine whether Westchester County Airport should be authorized to limit aircraft operations between the hours of 12 a.m. and 6:30 a.m.

(b) **DEADLINES.**—The Administrator shall—

(1) not later than 180 days after the date of enactment of this Act, issue a notice of proposed rulemaking under subsection (a); and

(2) not later than 16 months after the close of the comment period on the proposed rule, issue a final rule.

SEC. 518. AVIATION NOISE COMPLAINTS.

(a) **TELEPHONE NUMBER POSTING.**—Not later than 3 months after the date of enactment of this Act, each owner or operator of a large hub airport (as defined in section 40102(a) of title 49, United States Code) shall publish on an Internet Web site of the airport a telephone number to receive aviation noise complaints related to the airport.

(b) **SUMMARIES AND REPORTS.**—Not later than one year after the last day of the 3-month period referred to in subsection (a), and annually thereafter, an owner or operator that receives one or more noise complaints under subsection (a) shall submit to the Administrator of the Federal Aviation Administration a report regarding the number of complaints received and a summary regarding the nature of such complaints. The Administrator shall make such information available to the public by print and electronic means.

TITLE VI—FAA EMPLOYEES AND ORGANIZATION**SEC. 601. FEDERAL AVIATION ADMINISTRATION PERSONNEL MANAGEMENT SYSTEM.**

(a) **DISPUTE RESOLUTION.**—Section 40122(a) is amended—

(1) by redesignating paragraphs (3) and (4) as paragraphs (5) and (6), respectively; and

(2) by striking paragraph (2) and inserting the following:

“(2) **DISPUTE RESOLUTION.**—

“(A) **MEDIATION.**—If the Administrator does not reach an agreement under paragraph (1) or the provisions referred to in subsection (g)(2)(C) with the exclusive bargaining representative of the employees, the Administrator and the bargaining representative—

“(i) shall use the services of the Federal Mediation and Conciliation Service to attempt to reach such agreement in accordance with part 1425 of title 29, Code of Federal Regulations (as in effect on the date of enactment of the Aviation Safety and Investment Act of 2010); or

“(ii) may by mutual agreement adopt alternative procedures for the resolution of disputes

or impasses arising in the negotiation of the collective-bargaining agreement.

“(B) BINDING ARBITRATION.—

“(i) ASSISTANCE FROM FEDERAL SERVICE IMPASSES PANEL.—If the services of the Federal Mediation and Conciliation Service under subparagraph (A)(i) do not lead to an agreement, the Administrator and the exclusive bargaining representative of the employees (in this subparagraph referred to as the ‘parties’) shall submit their issues in controversy to the Federal Service Impasses Panel. The Panel shall assist the parties in resolving the impasse by asserting jurisdiction and ordering binding arbitration by a private arbitration board consisting of 3 members.

“(ii) APPOINTMENT OF ARBITRATION BOARD.—The Executive Director of the Panel shall provide for the appointment of the 3 members of a private arbitration board under clause (i) by requesting the Director of the Federal Mediation and Conciliation Service to prepare a list of not less than 15 names of arbitrators with Federal sector experience and by providing the list to the parties. Within 10 days of receiving the list, the parties shall each select one person from the list. The 2 arbitrators selected by the parties shall then select a third person from the list within 7 days. If either of the parties fails to select a person or if the 2 arbitrators are unable to agree on the third person within 7 days, the parties shall make the selection by alternately striking names on the list until one arbitrator remains.

“(iii) FRAMING ISSUES IN CONTROVERSY.—If the parties do not agree on the framing of the issues to be submitted for arbitration, the arbitration board shall frame the issues.

“(iv) HEARINGS.—The arbitration board shall give the parties a full and fair hearing, including an opportunity to present evidence in support of their claims and an opportunity to present their case in person, by counsel, or by other representative as they may elect.

“(v) DECISIONS.—The arbitration board shall render its decision within 90 days after the date of its appointment. Decisions of the arbitration board shall be conclusive and binding upon the parties.

“(vi) COSTS.—The parties shall share costs of the arbitration equally.

“(3) RATIFICATION OF AGREEMENTS.—Upon reaching a voluntary agreement or at the conclusion of the binding arbitration under paragraph (2)(B), the final agreement, except for those matters decided by an arbitration board, shall be subject to ratification by the exclusive bargaining representative of the employees, if so requested by the bargaining representative, and approval by the head of the agency in accordance with the provisions referred to in subsection (g)(2)(C).

“(4) ENFORCEMENT.—

“(A) ENFORCEMENT ACTIONS IN UNITED STATES COURTS.—Each United States district court and each United States court of a place subject to the jurisdiction of the United States shall have jurisdiction of enforcement actions brought under this section. Such an action may be brought in any judicial district in the State in which the violation of this section is alleged to have been committed, the judicial district in which the Federal Aviation Administration has its principal office, or the District of Columbia.

“(B) ATTORNEY FEES.—The court may assess against the Federal Aviation Administration reasonable attorney fees and other litigation costs reasonably incurred in any case under this section in which the complainant has substantially prevailed.”.

(b) APPLICATION.—On and after the date of enactment of this Act, any changes implemented by the Administrator of the Federal Aviation Administration on and after July 10, 2005, under section 40122(a) of title 49, United States Code

(as in effect on the day before such date of enactment), without the agreement of the exclusive bargaining representative of the employees of the Administration certified under section 7111 of title 5, United States Code, shall be null and void and the parties shall be governed by their last mutual agreement before the implementation of such changes. The Administrator and the bargaining representative shall resume negotiations promptly, and, subject to subsection (c), their last mutual agreement shall be in effect until a new contract is adopted by the Administrator and the bargaining representative. If an agreement is not reached within 45 days after the date on which negotiations resume, the Administrator and the bargaining representative shall submit their issues in controversy to the Federal Service Impasses Panel in accordance with section 7119 of title 5, United States Code, for binding arbitration in accordance with paragraphs (2)(B), (3), and (4) of section 40122(a) of title 49, United States Code (as amended by subsection (a) of this section).

(c) SAVINGS CLAUSE.—All cost of living adjustments and other pay increases, lump sum payments to employees, and leave and other benefit accruals implemented as part of the changes referred to in subsection (b) may not be reversed unless such reversal is part of the calculation of back pay under subsection (d). The Administrator shall waive any overpayment paid to, and not collect any funds for such overpayment, from former employees of the Administration who received lump sum payments prior to their separation from the Administration.

(d) BACK PAY.—

(1) IN GENERAL.—Employees subject to changes referred to in subsection (b) that are determined to be null and void under subsection (b) shall be eligible for pay that the employees would have received under the last mutual agreement between the Administrator and the exclusive bargaining representative of such employees before the date of enactment of this Act and any changes were implemented without agreement of the bargaining representative. The Administrator shall pay the employees such pay subject to the availability of amounts appropriated to carry out this subsection. If the appropriated funds do not cover all claims of the employees for such pay, the Administrator and the bargaining representative, pursuant to negotiations conducted in accordance with section 40122(a) of title 49, United States Code (as amended by subsection (a) of this section), shall determine the allocation of the appropriated funds among the employees on a pro rata basis.

(2) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated \$20,000,000 to carry out this subsection.

(e) INTERIM AGREEMENT.—If the Administrator and the exclusive bargaining representative of the employees subject to the changes referred to in subsection (b) reach a final and binding agreement with respect to such changes before the date of enactment of this Act, such agreement shall supersede any changes implemented by the Administrator under section 40122(a) of title 49, United States Code (as in effect on the day before such date of enactment), without the agreement of the bargaining representative, and subsections (b) and (c) shall not take effect.

SEC. 602. MERIT SYSTEM PRINCIPLES AND PROHIBITED PERSONNEL PRACTICES.

Section 40122(g)(2)(A) is amended to read as follows:

“(A) sections 2301 and 2302, relating to merit system principles and prohibited personnel practices, including the provisions for investigation and enforcement as provided in chapter 12 of title 5;”.

SEC. 603. APPLICABILITY OF BACK PAY REQUIREMENTS.

(a) APPLICABILITY OF BACK PAY REQUIREMENTS.—Section 40122(g)(2) is amended—

(1) by striking “and” at the end of subparagraph (G);

(2) by striking the period at the end of subparagraph (H) and inserting “; and”; and

(3) by adding at the end the following:

“(I) section 5596, relating to back pay.”.

(b) APPLICABILITY.—

(1) IN GENERAL.—The amendment made by subsection (a) shall apply to—

(A) all proceedings pending on, or commenced after, the date of enactment of this Act in which an employee of the Federal Aviation Administration is seeking relief under section 5596 of title 5, United States Code, that was available as of March 31, 1996; and

(B) subject to paragraph (2), personnel actions of the Federal Aviation Administration under section 5596 of such title occurring before the date of enactment of this Act.

(2) SPECIAL RULE.—The authority of the Merit Systems Protection Board to provide a remedy under section 5596 of such title, with respect to a personnel action of the Federal Aviation Administration occurring before the date of enactment of this Act, shall be limited to cases in which—

(A) the Board, before such date of enactment, found that the Federal Aviation Administration committed an unjustified or unwarranted personnel action but ruled that the Board did not have the authority to provide a remedy for the personnel action under section 5596 of such title; and

(B) a petition for review is filed with the clerk of the Board not later than 6 months after such date of enactment.

SEC. 604. FAA TECHNICAL TRAINING AND STAFFING.

(a) STUDY.—

(1) IN GENERAL.—The Comptroller General shall conduct a study on the training of the airway transportation systems specialists of the Federal Aviation Administration (in this section referred to as “FAA systems specialists”).

(2) CONTENTS.—The study shall—

(A) include an analysis of the type of training provided to FAA systems specialists;

(B) include an analysis of the type of training that FAA systems specialists need to be proficient on the maintenance of latest technologies;

(C) include a description of actions that the Administration has undertaken to ensure that FAA systems specialists receive up-to-date training on the latest technologies;

(D) identify the amount and cost of FAA systems specialists training provided by vendors;

(E) identify the amount and cost of FAA systems specialists training provided by the Administration after developing courses for the training of such specialists;

(F) identify the amount and cost of travel that is required of FAA systems specialists in receiving training; and

(G) include a recommendation regarding the most cost-effective approach to providing FAA systems specialists training.

(3) REPORT.—Not later than 1 year after the date of enactment of this Act, the Comptroller General shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the results of the study.

(b) WORKLOAD OF SYSTEMS SPECIALISTS.—

(1) STUDY BY NATIONAL ACADEMY OF SCIENCES.—Not later than 90 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall make appropriate arrangements for the National

Academy of Sciences to conduct a study of the assumptions and methods used by the Federal Aviation Administration to estimate staffing needs for FAA systems specialists to ensure proper maintenance and certification of the national airspace system.

(2) **CONTENTS.**—The study shall be conducted so as to provide the following:

(A) A suggested method of modifying FAA systems specialists staffing models for application to current local conditions or applying some other approach to developing an objective staffing standard.

(B) The approximate cost and length of time for developing such models.

(3) **CONSULTATION.**—In conducting the study, the National Academy of Sciences shall consult with the exclusive bargaining representative of employees of the Federal Aviation Administration certified under section 7111 of title 5, United States Code, and the Administrator of the Federal Aviation Administration.

(4) **REPORT.**—Not later than one year after the initiation of the arrangements under subsection (a), the National Academy of Sciences shall submit to Congress a report on the results of the study.

SEC. 605. DESIGNEE PROGRAM.

(a) **REPORT.**—Not later than 18 months after the date of enactment of this Act, the Comptroller General shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the status of recommendations made by the Government Accountability Office in its October 2004 report, "Aviation Safety: FAA Needs to Strengthen Management of Its Designee Programs" (GAO-05-40).

(b) **CONTENTS.**—The report shall include—

(1) an assessment of the extent to which the Federal Aviation Administration has responded to recommendations of the Government Accountability Office referred to in subsection (a);

(2) an identification of improvements, if any, that have been made to the designee programs referred to in the report of the Office as a result of such recommendations;

(3) an identification of further action that is needed to implement such recommendations, improve the Administration's management control of the designee programs, and increase assurance that designees meet the Administration's performance standards; and

(4) an assessment of the Administration's organizational delegation and designee programs and a determination as to whether the Administration has sufficient monitoring and surveillance programs in place to properly oversee these programs.

SEC. 606. STAFFING MODEL FOR AVIATION SAFETY INSPECTORS.

(a) **IN GENERAL.**—Not later than October 31, 2009, the Administrator of the Federal Aviation Administration shall develop a staffing model for aviation safety inspectors. In developing the model, the Administrator shall follow the recommendations outlined in the 2007 study released by the National Academy of Sciences entitled "Staffing Standards for Aviation Safety Inspectors" and consult with interested persons, including the exclusive collective bargaining representative of the aviation safety inspectors.

(b) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated such sums as may be necessary to carry out this section.

SEC. 607. SAFETY CRITICAL STAFFING.

(a) **SAFETY INSPECTORS.**—The Administrator of the Federal Aviation Administration shall increase the number of safety critical positions in the Flight Standards Service and Aircraft Certification Service for a fiscal year commensurate with the funding levels provided in subsection

(b) for the fiscal year. Such increases shall be measured relative to the number of persons serving in safety critical positions as of September 30, 2008.

(b) **AUTHORIZATION OF APPROPRIATIONS.**—In addition to amounts authorized by section 106(k) of title 49, United States Code, there is authorized to be appropriated to carry out subsection (a)—

(1) \$45,000,000 for fiscal year 2010;

(2) \$138,000,000 for fiscal year 2011; and

(3) \$235,000,000 for fiscal year 2012.

Such sums shall remain available until expended.

(c) **IMPLEMENTATION OF STAFFING STANDARDS.**—Notwithstanding any other provision of this section, upon completion of the flight standards service staffing model under section 605 of this Act, and validation of the model by the Administrator, there are authorized to be appropriated such sums as may be necessary to support the number of aviation safety inspectors, safety technical specialists, and operation support positions that such model determines are required to meet the responsibilities of the Flight Standards Service.

(d) **SAFETY CRITICAL POSITIONS DEFINED.**—In this section, the term "safety critical positions" means—

(1) aviation safety inspectors, safety technical specialists, and operations support positions in the Flight Standards Service (as such terms are used in the Administration's fiscal year 2009 congressional budget justification); and

(2) manufacturing safety inspectors, pilots, engineers, Chief Scientist Technical Advisors, safety technical specialists, and operational support positions in the Aircraft Certification Service (as such terms are used in the Administration's fiscal year 2009 congressional budget justification).

SEC. 608. FAA AIR TRAFFIC CONTROLLER STAFFING.

(a) **STUDY BY NATIONAL ACADEMY OF SCIENCES.**—Not later than 90 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall enter into appropriate arrangements with the National Academy of Sciences to conduct a study of the assumptions and methods used by the Federal Aviation Administration (in this section referred to as the "FAA") to estimate staffing needs for FAA air traffic controllers to ensure the safe operation of the national airspace system.

(b) **CONSULTATION.**—In conducting the study, the National Academy of Sciences shall consult with the exclusive bargaining representative of employees of the FAA certified under section 7111 of title 5, United States Code, the Administrator of the Federal Aviation Administration, and representatives of the Civil Aeronautical Medical Institute.

(c) **CONTENTS.**—The study shall include an examination of representative information on human factors, traffic activity, and the technology and equipment used in air traffic control.

(d) **RECOMMENDATIONS AND ESTIMATES.**—In conducting the study, the National Academy of Sciences shall develop—

(1) recommendations for the development by the FAA of objective staffing standards to maintain the safety and efficiency of the national airspace system with current and future projected air traffic levels; and

(2) estimates of cost and schedule for the development of such standards by the FAA or its contractors.

(e) **REPORT.**—Not later than 18 months after the date of enactment of this Act, the National Academy of Sciences shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee

on Commerce, Science, and Transportation of the Senate a report on the results of the study.

SEC. 609. ASSESSMENT OF TRAINING PROGRAMS FOR AIR TRAFFIC CONTROLLERS.

(a) **STUDY.**—The Administrator of the Federal Aviation Administration shall conduct a study to assess the adequacy of training programs for air traffic controllers.

(b) **CONTENTS.**—The study shall include—

(1) a review of the current training system for air traffic controllers;

(2) an analysis of the competencies required of air traffic controllers for successful performance in the current air traffic control environment;

(3) an analysis of competencies required of air traffic controllers as the Federal Aviation Administration transitions to the Next Generation Air Transportation System; and

(4) an analysis of various training approaches available to satisfy the controller competencies identified under paragraphs (2) and (3).

(c) **REPORT.**—Not later than 180 days after the date of enactment of this Act, the Administrator shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the results of the study.

SEC. 610. COLLEGIATE TRAINING INITIATIVE STUDY.

(a) **STUDY.**—The Administrator of the Federal Aviation Administration shall conduct a study on training options for graduates of the Collegiate Training Initiative program conducted under section 44506(c) of title 49 United States Code. The study shall analyze the impact of providing as an alternative to the current training provided at the Mike Monroney Aeronautical Center of the Administration a new controller orientation session for graduates of such programs at the Mike Monroney Aeronautical Center followed by on-the-job training for newly hired air traffic controllers who are graduates of such program and shall include—

(1) the cost effectiveness of such an alternative training approach; and

(2) the effect that such an alternative training approach would have on the overall quality of training received by graduates of such programs.

(b) **REPORT.**—Not later than 180 days after the date of enactment of this Act, the Administrator shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and to the Committee on Commerce, Science, and Transportation of the Senate a report on the results of the study.

SEC. 611. FAA TASK FORCE ON AIR TRAFFIC CONTROL FACILITY CONDITIONS.

(a) **ESTABLISHMENT.**—The Administrator of the Federal Aviation Administration shall establish a special task force to be known as the "FAA Task Force on Air Traffic Control Facility Conditions" (in this section referred to as the "Task Force").

(b) **MEMBERSHIP.**—

(1) **COMPOSITION.**—The Task Force shall be composed of 12 members of whom—

(A) 8 members shall be appointed by the Administrator; and

(B) 4 members shall be appointed by labor unions representing employees who work at field facilities of the Administration.

(2) **QUALIFICATIONS.**—Of the members appointed by the Administrator under paragraph (1)(A)—

(A) 4 members shall be specialists on toxic mold abatement, "sick building syndrome," and other hazardous building conditions that can lead to employee health concerns and shall be appointed by the Administrator in consultation with the Director of the National Institute for Occupational Safety and Health; and

(B) 2 members shall be specialists on the rehabilitation of aging buildings.

(3) **TERMS.**—Members shall be appointed for the life of the Task Force.

(4) **VACANCIES.**—A vacancy in the Task Force shall be filled in the manner in which the original appointment was made.

(5) **TRAVEL EXPENSES.**—Members shall serve without pay but shall receive travel expenses, including per diem in lieu of subsistence, in accordance with subchapter I of chapter 57 of title 5, United States Code.

(c) **CHAIRPERSON.**—The Administrator shall designate, from among the individuals appointed under subsection (b)(1), an individual to serve as chairperson of the Task Force.

(d) **TASK FORCE PERSONNEL MATTERS.**—

(1) **STAFF.**—The Task Force may appoint and fix the pay of such personnel as it considers appropriate.

(2) **STAFF OF FEDERAL AGENCIES.**—Upon request of the Chairperson of the Task Force, the head of any department or agency of the United States may detail, on a reimbursable basis, any of the personnel of that department or agency to the Task Force to assist it in carrying out its duties under this section.

(3) **OTHER STAFF AND SUPPORT.**—Upon request of the Task Force or a panel of the Task Force, the Administrator shall provide the Task Force or panel with professional and administrative staff and other support, on a reimbursable basis, to the Task Force to assist it in carrying out its duties under this section.

(e) **OBTAINING OFFICIAL DATA.**—The Task Force may secure directly from any department or agency of the United States information (other than information required by any statute of the United States to be kept confidential by such department or agency) necessary for the Task Force to carry out its duties under this section. Upon request of the chairperson of the Task Force, the head of that department or agency shall furnish such information to the Task Force.

(f) **DUTIES.**—

(1) **STUDY.**—The Task Force shall undertake a study of—

(A) the conditions of all air traffic control facilities across the Nation, including towers, centers, and terminal radar air control;

(B) reports from employees of the Administration relating to respiratory ailments and other health conditions resulting from exposure to mold, asbestos, poor air quality, radiation and facility-related hazards in facilities of the Administration;

(C) conditions of such facilities that could interfere with such employees' ability to effectively and safely perform their duties;

(D) the ability of managers and supervisors of such employees to promptly document and seek remediation for unsafe facility conditions;

(E) whether employees of the Administration who report facility-related illnesses are treated fairly;

(F) utilization of scientifically approved remediation techniques in a timely fashion once hazardous conditions are identified in a facility of the Administration; and

(G) resources allocated to facility maintenance and renovation by the Administration.

(2) **FACILITY CONDITION INDICIES (FCI).**—The Task Force shall review the facility condition indices of the Administration (in this section referred to as the "FCI") for inclusion in the recommendations under subsection (g).

(g) **RECOMMENDATIONS.**—Based on the results of the study and review of the FCI under subsection (f), the Task Force shall make recommendations as it considers necessary to—

(1) prioritize those facilities needing the most immediate attention in order of the greatest risk to employee health and safety;

(2) ensure that the Administration is using scientifically approved remediation techniques in all facilities; and

(3) assist the Administration in making programmatic changes so that aging air traffic control facilities do not deteriorate to unsafe levels.

(h) **REPORT.**—Not later than 6 months after the date on which initial appointments of members to the Task Force are completed, the Task Force shall submit to the Administrator, the Committee on Transportation and Infrastructure of the House of Representatives, and the Committee on Commerce, Science, and Transportation of the Senate a report on the activities of the Task Force, including the recommendations of the Task Force under subsection (g).

(i) **IMPLEMENTATION.**—Within 30 days of the receipt of the Task Force report under subsection (h), the Administrator shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report that includes a plan and timeline to implement the recommendations of the Task Force and to align future budgets and priorities of the Administration accordingly.

(j) **TERMINATION.**—The Task Force shall terminate on the last day of the 30-day period beginning on the date on which the report under subsection (h) was submitted.

(k) **APPLICABILITY OF THE FEDERAL ADVISORY COMMITTEE ACT.**—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Task Force.

(l) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated to the Secretary of Transportation \$250,000 to carry out this section.

TITLE VII—AVIATION INSURANCE

SEC. 701. GENERAL AUTHORITY.

(a) **EXTENSION OF POLICIES.**—Section 44302(f)(1) is amended—

(1) by striking "September 30, 2009" and inserting "September 30, 2012"; and

(2) by striking "December 31, 2009" and inserting "December 31, 2019".

(b) **SUCCESSOR PROGRAM.**—Section 44302(f) is amended by adding at the end the following:

“(3) **SUCCESSOR PROGRAM.**—

“(A) **IN GENERAL.**—After December 31, 2019, coverage for the risks specified in a policy that has been extended under paragraph (1) shall be provided in an airline industry sponsored risk retention or other risk-sharing arrangement approved by the Secretary.

“(B) **TRANSFER OF PREMIUMS.**—

“(i) **IN GENERAL.**—On December 31, 2019, and except as provided in clause (ii), premiums that are collected by the Secretary from the airline industry after September 22, 2001, for any policy under this subsection, and interest earned thereon, as determined by the Secretary, shall be transferred to an airline industry sponsored risk retention or other risk-sharing arrangement approved by the Secretary.

“(ii) **DETERMINATION OF AMOUNT TRANSFERRED.**—The amount transferred pursuant to clause (i) shall be less—

“(I) the amount of any claims paid out on such policies from September 22, 2001, through December 31, 2019;

“(II) the amount of any claims pending under such policies as of December 31, 2019; and

“(III) the cost, as determined by the Secretary, of administering the provision of insurance policies under this chapter from September 22, 2001, through December 31, 2019.”.

SEC. 702. EXTENSION OF AUTHORITY TO LIMIT THIRD PARTY LIABILITY OF AIR CARRIERS ARISING OUT OF ACTS OF TERRORISM.

Section 44303(b) is amended by striking “December 31, 2009” and inserting “December 31, 2012”.

SEC. 703. CLARIFICATION OF REINSURANCE AUTHORITY.

Section 44304 is amended in the second sentence by striking “the carrier” and inserting “any insurance carrier”.

SEC. 704. USE OF INDEPENDENT CLAIMS ADJUSTERS.

Section 44308(c)(1) is amended in the second sentence by striking “agent” and inserting “agent, or a claims adjuster who is independent of the underwriting agent,”.

SEC. 705. EXTENSION OF PROGRAM AUTHORITY.

Section 44310 is amended by striking “December 31, 2013” and inserting “December 31, 2019”.

TITLE VIII—MISCELLANEOUS

SEC. 801. AIR CARRIER CITIZENSHIP.

Section 40102(a)(15) is amended by adding at the end the following:

“For purposes of subparagraph (C), an air carrier shall not be deemed to be under the actual control of citizens of the United States unless citizens of the United States control all matters pertaining to the business and structure of the air carrier, including operational matters such as marketing, branding, fleet composition, route selection, pricing, and labor relations.”.

SEC. 802. DISCLOSURE OF DATA TO FEDERAL AGENCIES IN INTEREST OF NATIONAL SECURITY.

Section 40119(b) is amended by adding at the end the following:

“(3) **LIMITATION ON APPLICABILITY OF FREEDOM OF INFORMATION ACT.**—Section 552a of title 5, United States Code, shall not apply to disclosures that the Administrator of the Federal Aviation Administration may make from the systems of records of the Administration to any Federal law enforcement, intelligence, protective service, immigration, or national security official in order to assist the official receiving the information in the performance of official duties.”.

SEC. 803. FAA ACCESS TO CRIMINAL HISTORY RECORDS AND DATABASE SYSTEMS.

(a) **IN GENERAL.**—Chapter 401 is amended by adding at the end the following:

“§40130. **FAA access to criminal history records or databases systems**

“(a) **ACCESS TO RECORDS OR DATABASES SYSTEMS.**—

“(1) **ACCESS TO INFORMATION.**—Notwithstanding section 534 of title 28, and regulations issued to implement such section, the Administrator of the Federal Aviation Administration may access a system of documented criminal justice information maintained by the Department of Justice or by a State but may do so only for the purpose of carrying out civil and administrative responsibilities of the Administration to protect the safety and security of the national airspace system or to support the missions of the Department of Justice, the Department of Homeland Security, and other law enforcement agencies.

“(2) **RELEASE OF INFORMATION.**—In accessing a system referred to in paragraph (1), the Administrator shall be subject to the same conditions and procedures established by the Department of Justice or the State for other governmental agencies with access to the system.

“(3) **LIMITATION.**—The Administrator may not use the access authorized under paragraph (1) to conduct criminal investigations.

“(b) **DESIGNATED EMPLOYEES.**—The Administrator shall designate, by order, employees of the Administration who shall carry out the authority described in subsection (a). The designated employees may—

“(1) have access to and receive criminal history, driver, vehicle, and other law enforcement information contained in the law enforcement databases of the Department of Justice, or any jurisdiction of a State, in the same manner as a

police officer employed by a State or local authority of that State who is certified or commissioned under the laws of that State;

“(2) use any radio, data link, or warning system of the Federal Government, and of any jurisdiction in a State, that provides information about wanted persons, be-on-the-lookout notices, warrant status, or other officer safety information to which a police officer employed by a State or local authority in that State who is certified or commissioned under the laws of that State has access and in the same manner as such police officer; or

“(3) receive Federal, State, or local government communications with a police officer employed by a State or local authority in that State in the same manner as a police officer employed by a State or local authority in that State who is commissioned under the laws of that State.

“(c) **SYSTEM OF DOCUMENTED CRIMINAL JUSTICE INFORMATION DEFINED.**—In this section, the term ‘system of documented criminal justice information’ means any law enforcement database, system, or communication containing information concerning identification, criminal history, arrests, convictions, arrest warrants, wanted or missing persons, including the National Crime Information Center and its incorporated criminal history databases and the National Law Enforcement Telecommunications System.”

(b) **CLERICAL AMENDMENT.**—The analysis for chapter 401 is amended by adding at the end the following:

“40130. FAA access to criminal history records or databases systems.”

SEC. 804. CLARIFICATION OF AIR CARRIER FEE DISPUTES.

(a) **IN GENERAL.**—Section 47129 is amended—
(1) in the section heading by striking “**air carrier**” and inserting “**carrier**”;

(2) in subsection (a) by striking “(as defined in section 40102 of this title)” and inserting “(as such terms are defined in section 40102)”;

(3) in the heading for subsection (d) by striking “**AIR CARRIER**” and inserting “**AIR CARRIER AND FOREIGN AIR CARRIER**”;

(4) in the heading for paragraph (2) of subsection (d) by striking “**AIR CARRIER**” and inserting “**AIR CARRIER AND FOREIGN AIR CARRIER**”;

(5) by striking “air carriers” each place it appears and inserting “air carriers or foreign air carriers”;

(6) by striking “air carrier” each place it appears and inserting “air carrier or foreign air carrier”;

(7) by striking “air carrier’s” each place it appears and inserting “air carrier’s or foreign air carrier’s”.

(b) **CLERICAL AMENDMENT.**—The analysis for chapter 471 is amended by striking the item relating to section 47129 and inserting the following:

“47129. Resolution of airport-carrier disputes concerning airport fees.”

SEC. 805. STUDY ON NATIONAL PLAN OF INTEGRATED AIRPORT SYSTEMS.

(a) **IN GENERAL.**—Not later than 90 days after the date of enactment of this Act, the Secretary of Transportation shall initiate a study to evaluate the formulation of the National Plan of Integrated Airport Systems (in this section referred to as the “plan”) under section 47103 of title 49, United States Code.

(b) **CONTENTS OF STUDY.**—The study shall include a review of the following:

(1) The criteria used for including airports in the plan and the application of such criteria in the most recently published version of the plan.

(2) The changes in airport capital needs between fiscal years 2003 and 2008, as reported in the plan, as compared with the amounts appor-

tioned or otherwise made available to individual airports over the same period of time.

(3) A comparison of the amounts received by airports under the airport improvement program in airport apportionments, State apportionments, and discretionary grants during such fiscal years with capital needs as reported in the plan.

(4) The effect of transfers of airport apportionments under title 49, United States Code.

(5) Any other matters pertaining to the plan that the Secretary determines appropriate.

(c) **REPORT TO CONGRESS.**—

(1) **SUBMISSION.**—Not later than 36 months after the date of initiation of the study, the Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the results of the study.

(2) **CONTENTS.**—The report shall include—

(A) the findings of the Secretary on each of the subjects listed in subsection (b);

(B) recommendations for any changes to policies and procedures for formulating the plan; and

(C) recommendations for any changes to the methods of determining the amounts to be apportioned or otherwise made available to individual airports.

SEC. 806. EXPRESS CARRIER EMPLOYEE PROTECTION.

(a) **IN GENERAL.**—Section 201 of the Railway Labor Act (45 U.S.C. 181) is amended—

(1) by striking “All” and inserting “(a) **IN GENERAL.**—All”;

(2) by inserting “and every express carrier” after “common carrier by air”; and

(3) by adding at the end the following:

“(b) **SPECIAL RULES FOR EXPRESS CARRIERS.**—

“(1) **IN GENERAL.**—An employee of an express carrier shall be covered by this Act only if that employee is in a position that is eligible for certification under part 61, 63, or 65 of title 14, Code of Federal Regulations, and only if that employee performs duties for the express carrier that are eligible for such certification. All other employees of an express carrier shall be covered by the provisions of the National Labor Relations Act (29 U.S.C. 151 et seq.).

“(2) **AIR CARRIER STATUS.**—Any person that is an express carrier shall be governed by paragraph (1) notwithstanding any finding that the person is also a common carrier by air.

“(3) **EXPRESS CARRIER DEFINED.**—In this section, the term ‘express carrier’ means any person or persons affiliated through common control or ownership whose primary business is the express shipment of freight or packages through an integrated network of air and surface transportation.”

(b) **CONFORMING AMENDMENT.**—Section 1 of such Act (45 U.S.C. 151) is amended in the first paragraph by striking “, any express company that would have been subject to subtitle IV of title 49, United States Code, as of December 31, 1995,”.

SEC. 807. CONSOLIDATION AND REALIGNMENT OF FAA FACILITIES.

(a) **ESTABLISHMENT OF WORKING GROUP.**—Not later than 9 months after the date of enactment of this Act, the Secretary of Transportation shall establish within the Federal Aviation Administration (in this section referred to as the “FAA”) a working group to develop criteria and make recommendations for the realignment of services and facilities (including regional offices) of the FAA to assist in the transition to next generation facilities and to help reduce capital, operating, maintenance, and administrative costs in instances in which cost reductions can be implemented without adversely affecting safety.

(b) **MEMBERSHIP.**—The working group shall be composed of—

(1) the Administrator of the FAA;

(2) 2 representatives of air carriers;

(3) 2 representatives of the general aviation community;

(4) 2 representatives of labor unions representing employees who work at regional or field facilities of the FAA; and

(5) 2 representatives of the airport community.

(c) **REPORT TO CONGRESS CONTAINING RECOMMENDATIONS OF THE WORKING GROUP.**—

(1) **SUBMISSION.**—Not later than 6 months after convening the working group, the Administrator shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report containing the criteria and recommendations developed by the working group under this section.

(2) **CONTENTS.**—The report shall include a justification for each recommendation to consolidate or realign a service or facility (including a regional office) and a description of the costs and savings associated with the consolidation or realignment.

(d) **PUBLIC NOTICE AND COMMENT.**—The Administrator shall publish the report submitted under subsection (c) in the Federal Register and allow 45 days for the submission of public comments. In addition, the Administrator upon request shall hold a public hearing in a community that would be affected by a recommendation in the report.

(e) **OBJECTIONS.**—Any interested person may file with the Administrator a written objection to a recommendation of the working group.

(f) **REPORT TO CONGRESS CONTAINING RECOMMENDATIONS OF THE ADMINISTRATOR.**—Not later than 60 days after the last day of the period for public comment under subsection (d), the Administrator shall submit to the committees referred to in subsection (c)(1) a report containing the recommendations of the Administrator on realignment of services and facilities (including regional offices) of the FAA and copies of any public comments and objections received by the Administrator under this section.

(g) **LIMITATION ON IMPLEMENTATION OF REALIGNMENTS AND CONSOLIDATIONS.**—The Administrator may not realign or consolidate any services or facilities (including regional offices) of the FAA before the Administrator has submitted the report under subsection (f).

(h) **DEFINITIONS.**—In this section, the following definitions apply:

(1) **FAA.**—The term “FAA” means the Federal Aviation Administration.

(2) **REALIGNMENT; CONSOLIDATION.**—

(A) **IN GENERAL.**—The terms “realignment” and “consolidation” include any action that—

(i) relocates functions, services, or personnel positions;

(ii) severs existing facility functions or services; or

(iii) any combination thereof.

(B) **EXCLUSION.**—The term does not include a reduction in personnel resulting from workload adjustments.

SEC. 808. ACCIDENTAL DEATH AND DISMEMBERMENT INSURANCE FOR NATIONAL TRANSPORTATION SAFETY BOARD EMPLOYEES.

Section 1113 is amended by adding at the end the following:

“(i) **ACCIDENTAL DEATH AND DISMEMBERMENT INSURANCE.**—

“(1) **AUTHORITY TO PROVIDE INSURANCE.**—The Board may procure accidental death and dismemberment insurance for an employee of the Board who travels for an accident investigation or other activity of the Board outside the United States or inside the United States under hazardous circumstances, as defined by the Board.

“(2) **CREDITING OF INSURANCE BENEFITS TO OFFSET UNITED STATES TORT LIABILITY.**—Any

amounts paid to a person under insurance coverage procured under this subsection shall be credited as offsetting any liability of the United States to pay damages to that person under section 1346(b) of title 28, chapter 171 of title 28, chapter 163 of title 10, or any other provision of law authorizing recovery based upon tort liability of the United States in connection with the injury or death resulting in the insurance payment.

“(3) **TREATMENT OF INSURANCE BENEFITS.**—Any amounts paid under insurance coverage procured under this subsection shall not—

“(A) be considered additional pay or allowances for purposes of section 5536 of title 5; or

“(B) offset any benefits an employee may have as a result of government service, including compensation under chapter 81 of title 5.

“(4) **ENTITLEMENT TO OTHER INSURANCE.**—Nothing in this subsection shall be construed as affecting the entitlement of an employee to insurance under section 8704(b) of title 5.”

SEC. 809. GAO STUDY ON COOPERATION OF AIRLINE INDUSTRY IN INTERNATIONAL CHILD ABDUCTION CASES.

(a) **STUDY.**—The Comptroller General shall conduct a study to help determine how the Federal Aviation Administration (in this section referred to as the “FAA”) could better ensure the collaboration and cooperation of air carriers and foreign air carriers providing air transportation and relevant Federal agencies to develop and enforce child safety control for adults traveling internationally with children.

(b) **CONTENTS.**—In conducting the study, the Comptroller General shall examine—

(1) the nature and scope of exit policies and procedures of the FAA, air carriers, and foreign air carriers and how the enforcement of such policies and procedures is monitored, including ticketing and boarding procedures;

(2) the extent to which air carriers and foreign air carriers cooperate in the investigations of international child abduction cases, including cooperation with the National Center for Missing and Exploited Children and relevant Federal, State, and local agencies;

(3) any effective practices, procedures, or lessons learned from the assessment of current practices and procedures of air carriers, foreign air carriers, and operators of other transportation modes that could improve the ability of the aviation community to ensure the safety of children traveling internationally with adults and, as appropriate, enhance the capability of air carriers and foreign air carriers to cooperate in the investigations of international child abduction cases; and

(4) any liability issues associated with providing assistance in such investigations.

(c) **REPORT.**—Not later than one year after the date of the enactment of this Act, the Comptroller General shall submit to Congress a report on the results of the study.

SEC. 810. LOST NATION AIRPORT, OHIO.

(a) **APPROVAL OF SALE.**—The Secretary of Transportation may approve the sale of Lost Nation Airport from the city of Willoughby, Ohio, to Lake County, Ohio, if—

(1) Lake County meets all applicable requirements for sponsorship of the airport; and

(2) Lake County agrees to assume the obligations and assurances of the grant agreements relating to the airport executed by the city of Willoughby under chapter 471 of title 49, United States Code, and to operate and maintain the airport in accordance with such obligations and assurances.

(b) **GRANTS.**—

(1) **IN GENERAL.**—The Secretary may make a grant, from funds made available under section 48103 of title 49, United States Code, to Lake County to assist in Lake County’s purchase of the Lost Nation Airport under subsection (a).

(2) **FEDERAL SHARE.**—The Federal share of the grant under this subsection shall be for 90 percent of the cost of Lake County’s purchase of the Lost Nation Airport, but in no event may the Federal share of the grant exceed \$1,220,000.

(3) **APPROVAL.**—The Secretary may make a grant under this subsection only if the Secretary receives such written assurances as the Secretary may require under section 47107 of title 49, United States Code, with respect to the grant and Lost Nation Airport.

(c) **TREATMENT OF PROCEEDS FROM SALE.**—The Secretary may grant to the city of Willoughby an exemption from the provisions of sections 47107 and 47133 of such title, any grant obligations of the city of Willoughby, and regulations and policies of the Federal Aviation Administration to the extent necessary to allow the city of Willoughby to use the proceeds from the sale approved under subsection (a) for any purpose authorized by the city of Willoughby.

SEC. 811. POLLOCK MUNICIPAL AIRPORT, LOUISIANA.

(a) **FINDINGS.**—Congress finds that—

(1) Pollock Municipal Airport located in Pollock, Louisiana (in this section referred to as the “airport”), has never been included in the National Plan of Integrated Airport Systems pursuant to section 47103 of title 49, United States Code, and is therefore not considered necessary to meet the current or future needs of the national aviation system; and

(2) closing the airport will not adversely affect aviation safety, aviation capacity, or air commerce.

(b) **REQUEST FOR CLOSURE.**—

(1) **APPROVAL.**—Notwithstanding any other provision of law, requirement, or agreement and subject to the requirements of this section, the Administrator of the Federal Aviation Administration shall—

(A) approve a request from the town of Pollock, Louisiana, to close the airport as a public airport; and

(B) release the town from any term, condition, reservation, or restriction contained in a surplus property conveyance or transfer document, and from any order or finding by the Department of Transportation on the use and repayment of airport revenue applicable to the airport, that would otherwise prevent the closure of the airport and redevelopment of the facilities to non-aeronautical uses.

(2) **CONTINUED AIRPORT OPERATION PRIOR TO APPROVAL.**—The town of Pollock shall continue to operate and maintain the airport until the Administrator grants the town’s request for closure of the airport.

(3) **USE OF PROCEEDS FROM SALE OF AIRPORT.**—Upon the approval of the request to close the airport, the town of Pollock shall obtain fair market value for the sale of the airport property and shall immediately upon receipt transfer all such proceeds from the sale of the airport property to the sponsor of a public airport designated by the Administrator to be used for the development or improvement of such airport.

(4) **RELOCATION OF AIRCRAFT.**—Before closure of the airport, the town of Pollock shall provide adequate time for any airport-based aircraft to relocate.

SEC. 812. HUMAN INTERVENTION AND MOTIVATION STUDY PROGRAM.

(a) **IN GENERAL.**—Not later than 6 months after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall develop a human intervention and motivation study program for pilots and flight attendants involved in air carrier operations in the United States under part 121 of title 14, Code of Federal Regulations.

(b) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated to carry

out this section such sums as may be necessary for each of fiscal years 2010 through 2012. Such sums shall remain available until expended.

SEC. 813. WASHINGTON, DC, AIR DEFENSE IDENTIFICATION ZONE.

(a) **SUBMISSION OF PLAN TO CONGRESS.**—Not later than 90 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration, in consultation with Secretary of Homeland Security and Secretary of Defense, shall submit to the Committee on Transportation and Infrastructure and Committee on Homeland Security of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a plan for the Washington, DC, Air Defense Identification Zone.

(b) **CONTENTS OF PLAN.**—The plan shall outline specific changes to the Washington, DC, Air Defense Identification Zone that will decrease operational impacts and improve general aviation access to airports in the National Capital Region that are currently impacted by the zone.

SEC. 814. MERRILL FIELD AIRPORT, ANCHORAGE, ALASKA.

(a) **IN GENERAL.**—Notwithstanding any other provision of law, including the Federal Airport Act (as in effect on August 8, 1958), the United States releases, without monetary consideration, all restrictions, conditions, and limitations on the use, encumbrance, or conveyance of certain land located in the municipality of Anchorage, Alaska, more particularly described as Tracts 22 and 24 of the Fourth Addition to the Town Site of Anchorage, Alaska, as shown on the plat of U.S. Survey No. 1456, accepted June 13, 1923, on file in the Bureau of Land Management, Department of Interior.

(b) **GRANTS.**—Notwithstanding any other provision of law, the municipality of Anchorage shall be released from the repayment of any outstanding grant obligations owed by the municipality to the Federal Aviation Administration with respect to any land described in subsection (a) that is subsequently conveyed to or used by the Department of Transportation and Public Facilities of the State of Alaska for the construction or reconstruction of a federally subsidized highway project.

SEC. 815. 1940 AIR TERMINAL MUSEUM AT WILLIAM P. HOBBY AIRPORT, HOUSTON, TEXAS.

It is the sense of Congress that the Nation—

(1) supports the goals and ideals of the 1940 Air Terminal Museum located at William P. Hobby Airport in the city of Houston, Texas;

(2) congratulates the city of Houston and the 1940 Air Terminal Museum on the 80-year history of William P. Hobby Airport and the vital role of the airport in Houston’s and the Nation’s transportation infrastructure; and

(3) recognizes the 1940 Air Terminal Museum for its importance to the Nation in the preservation and presentation of civil aviation heritage and recognizes the importance of civil aviation to the Nation’s history and economy.

SEC. 816. DUTY PERIODS AND FLIGHT TIME LIMITATIONS APPLICABLE TO FLIGHT CREWMEMBERS.

Not later than 180 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall initiate a rulemaking proceeding for the following purposes:

(1) To require a flight crewmember who is employed by an air carrier conducting operations under part 121 of title 14, Code of Federal Regulations, and who accepts an additional assignment for flying under part 91 of such title from the air carrier or from any other air carrier conducting operations under part 121 or 135 of such title, to apply the period of the additional assignment (regardless of whether the assignment is performed by the flight crewmember before or

after an assignment to fly under part 121 of such title) toward any limitation applicable to the flight crewmember relating to duty periods or flight times under part 121 of such title.

(2) To require a flight crewmember who is employed by an air carrier conducting operations under part 135 of title 14, Code of Federal Regulations, and who accepts an additional assignment for flying under part 91 of such title from the air carrier or any other air carrier conducting operations under part 121 or 135 of such title, to apply the period of the additional assignment (regardless of whether the assignment is performed by the flight crewmember before or after an assignment to fly under part 135 of such title) toward any limitation applicable to the flight crewmember relating to duty periods or flight times under part 135 of such title.

SEC. 817. PILOT PROGRAM FOR REDEVELOPMENT OF AIRPORT PROPERTIES.

(a) **IN GENERAL.**—Not later than one year after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall establish a pilot program at up to 4 public-use airports (as defined in section 47102 of title 49, United States Code) that have a noise compatibility program approved by the Administrator under section 47504 of such title.

(b) **GRANTS.**—Under the pilot program, the Administrator may make a grant in a fiscal year, from funds made available under section 47117(e)(1)(A) of such title, to the operator of an airport participating in the pilot program—

(1) to support joint planning (including planning described in section 47504(a)(2)(F) of such title), engineering design, and environmental permitting for the assembly and redevelopment of real property purchased with noise mitigation funds made available under section 48103 or passenger facility revenues collected for the airport under section 40117 of such title; and

(2) to encourage compatible land uses with the airport and generate economic benefits to the airport operator and an affected local jurisdiction.

(c) **GRANT REQUIREMENTS.**—The Administrator may not make a grant under this section unless the grant is made—

(1) to enable the airport operator and an affected local jurisdiction to expedite their noise mitigation redevelopment efforts with respect to real property described in subsection (b)(1);

(2) subject to a requirement that the affected local jurisdiction has adopted zoning regulations that permit compatible redevelopment of real property described in subsection (b)(1); and

(3) subject to a requirement that funds made available under section 47117(e)(1)(A) with respect to real property assembled and redeveloped under subsection (b)(1) plus the amount of any grants made for acquisition of such property under section 47504 of such title are repaid to the Administrator upon the sale of such property.

(d) **COOPERATION WITH LOCAL AFFECTED JURISDICTION.**—An airport operator may use funds granted under this section for a purpose described in subsection (b) only in cooperation with an affected local jurisdiction.

(e) **UNITED STATES GOVERNMENT SHARE.**—

(1) **IN GENERAL.**—The United States Government share of the allowable costs of a project carried out under the pilot program shall be 80 percent.

(2) **DETERMINATION.**—In determining the allowable project costs of a project carried out under the pilot program for purposes of this subsection, the Administrator shall deduct from the total costs of the project that portion of the total costs of the project that are incurred with respect to real property that is not owned or to be acquired by the airport operator pursuant to the noise compatibility program for the airport or that is not owned by an affected local jurisdiction or other public entity.

(3) **MAXIMUM AMOUNT.**—Not more than \$5,000,000 in funds made available under section 47117(e) of title 49, United States Code, may be expended under this pilot program at any single public-use airport.

(f) **SPECIAL RULES FOR REPAID FUNDS.**—The amounts repaid to the Administrator with respect to an airport under subsection (c)(3)—

(1) shall be available to the Administrator for the following actions giving preference to such actions in descending order:

(A) reinvestment in an approved noise compatibility project at the airport;

(B) reinvestment in another project at the airport that is available for funding under section 47117(e) of title 49, United States Code;

(C) reinvestment in an approved airport development project at the airport that is eligible for funding under section 47114, 47115, or 47117 of such title;

(D) reinvestment in approved noise compatibility project at any other public airport; and

(E) deposit in the Airport and Airway Trust Fund established under section 9502 of the Internal Revenue Code of 1986 (26 U.S.C. 9502);

(2) shall be in addition to amounts authorized under section 48103 of title 49, United States Code; and

(3) shall remain available until expended.

(g) **USE OF PASSENGER FACILITY REVENUE.**—An operator of an airport participating in the pilot program may use passenger facility revenue collected for the airport under section 40117 of title 49, United States Code, to pay the portion of the total cost of a project carried out by the operator under the pilot program that are not allowable under subsection (e)(2).

(h) **SUNSET.**—The Administrator may not make a grant under the pilot program after September 30, 2012.

(i) **REPORT TO CONGRESS.**—Not later than the last day of the 30th month following the date on which the first grant is made under this section, the Administrator shall report to Congress on the effectiveness of the pilot program on returning real property purchased with noise mitigation funds made available under section 47117(e)(1)(A) or 47505 or passenger facility revenues to productive use.

(j) **NOISE COMPATIBILITY MEASURES.**—Section 47504(a)(2) is amended—

(1) by striking “and” at the end of subparagraph (D);

(2) by striking the period at the end of subparagraph (E) and inserting “; and”; and

(3) by adding at the end the following:

“(F) joint comprehensive land use planning, including master plans, traffic studies, environmental evaluation and economic and feasibility studies, with neighboring local jurisdictions undertaking community redevelopment in the area where any land or other property interest acquired by the airport operator under this subsection is located, to encourage and enhance redevelopment opportunities that reflect zoning and uses that will prevent the introduction of additional incompatible uses and enhance redevelopment potential.”.

SEC. 818. HELICOPTER OPERATIONS OVER LONG ISLAND AND STATEN ISLAND, NEW YORK.

(a) **STUDY.**—The Administrator of the Federal Aviation Administration shall conduct a study on helicopter operations over Long Island and Staten Island, New York.

(b) **CONTENTS.**—In conducting the study, the Administrator shall examine, at a minimum, the following:

(1) The effect of helicopter operations on residential areas, including—

(A) safety issues relating to helicopter operations;

(B) noise levels relating to helicopter operations and ways to abate the noise levels; and

(C) any other issue relating to helicopter operations on residential areas.

(2) The feasibility of diverting helicopters from residential areas.

(3) The feasibility of creating specific air lanes for helicopter operations.

(4) The feasibility of establishing altitude limits for helicopter operations.

(c) **EXCEPTIONS.**—Any determination under this section on the feasibility of establishing limitations or restrictions for helicopter operations over Long Island and Staten Island, New York, shall not apply to helicopters performing operations for news organizations, the military, law enforcement, or providers of emergency services.

(d) **LIMITATION ON STATUTORY CONSTRUCTION.**—Nothing in this section shall be construed to interfere with the Federal Aviation Administration's authority to ensure the safe and efficient use of the national airspace system.

(e) **REPORT.**—Not later than 6 months after the date of the enactment of this Act, the Administrator shall submit to Congress a report on the results of the study, including information and recommendations concerning the issues examined under subsection (b).

SEC. 819. CABIN TEMPERATURE AND HUMIDITY STANDARDS STUDY.

(a) **STUDY.**—Not later than 6 months after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall conduct a study to determine whether onboard temperature standards are necessary to protect cabin and cockpit crew members and passengers on an aircraft of an air carrier used to provide air transportation from excessive heat and humidity onboard such aircraft during standard operations or during an excessive flight delay.

(b) **TEMPERATURE REVIEW.**—In conducting the study under subsection (a), the Administrator shall—

(1) survey onboard cabin and cockpit temperature and humidity of a representative sampling of different aircraft types and operations;

(2) address the appropriate placement of temperature monitoring devices onboard the aircraft to determine the most accurate measurement of onboard temperature and humidity and develop a system for the reporting of excessive temperature and humidity onboard passenger aircraft by cockpit and cabin crew members; and

(3) review the impact of implementing such onboard temperature and humidity standards on the environment, fuel economy, and avionics and determine the costs associated with such implementation and the feasibility of using ground equipment or other mitigation measures to offset any such costs.

(c) **REPORT TO CONGRESS.**—Not later than 18 months after the date of enactment of this Act, the Administrator shall submit to Congress a report on the findings of the study.

SEC. 820. CIVIL PENALTIES TECHNICAL AMENDMENTS.

Section 46301 is amended—

(1) in subsection (a)(1)(A) by inserting “chapter 451,” before “section 47107(b)”;

(2) in subsection (a)(5)(A)(i)—

(A) by striking “or chapter 449” and inserting “chapter 449”; and

(B) by inserting after “44909” the following: “, or chapter 451”; and

(3) in subsection (d)(2)—

(A) by inserting after “44723” the following: “, chapter 451 (except section 45107)”; and

(B) by inserting after “44909,” the following: “section 45107 or”.

SEC. 821. STUDY AND REPORT ON ALLEVIATING CONGESTION.

Not later than 18 months after the date of enactment of this Act, the Comptroller General shall conduct a study and submit a report to Congress regarding effective strategies to alleviate congestion in the national airspace at airports during peak travel times, by evaluating

the effectiveness of reducing flight schedules and staggering flights, developing incentives for airlines to reduce the number of flights offered, and instituting slots and quotas at airports. In addition, the Comptroller General shall compare the efficiency of implementing the strategies in the preceding sentence with redesigning airspace and evaluate any legal obstacles to implementing such strategies.

SEC. 822. AIRLINE PERSONNEL TRAINING ENHANCEMENT.

Not later than one year after the date of enactment of this Act, the Secretary of Transportation shall issue regulations under chapter 447 of title 49, United States Code, that require air carriers to provide initial and annual recurring training for flight attendants and gate attendants regarding serving alcohol, dealing with disruptive passengers, and recognizing intoxicated persons. The training shall include situational training on methods of handling an intoxicated person who is belligerent.

SEC. 823. STUDY ON FEASIBILITY OF DEVELOPMENT OF A PUBLIC INTERNET WEB-BASED SEARCH ENGINE ON WIND TURBINE INSTALLATION OBSTRUCTION.

(a) **STUDY.**—The Administrator of the Federal Aviation Administration shall carry out a study on the feasibility of developing a publicly searchable, Internet Web-based resource that provides information regarding the acceptable height and distance that wind turbines may be installed in relation to aviation sites and the level of obstruction such turbines may present to such sites.

(b) **CONSIDERATIONS.**—In conducting the study, the Administrator shall consult, if appropriate, with the Secretaries of the Army, Navy and Air Force, Homeland Security, Agriculture, and Energy to coordinate the requirements of each agency for future air space needs, determine what the acceptable risks are to existing infrastructure of each agency, and define the different levels of risk for such infrastructure.

(c) **IMPACT OF WIND TURBINES ON RADAR SIGNALS.**—In conducting the study, the Administrator shall consider the impact of the operation of wind turbines, individually and in collections, on radar signals and evaluate the feasibility of providing quantifiable measures of numbers of turbines and distance from radars that are acceptable.

(d) **REPORT.**—Not later than one year after the date of enactment of this Act, the Secretary shall submit a report on the results of the study to the Committee on Transportation and Infrastructure, Committee on Homeland Security, Committee on Armed Services, Committee on Agriculture, and Committee on Science and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation, Committee on Homeland Security and Governmental Affairs, Committee on Agriculture, Nutrition, and Forestry, and Committee on Armed Services of the Senate.

SEC. 824. FAA RADAR SIGNAL LOCATIONS.

(a) **STUDY.**—The Administrator of the Federal Aviation Administration shall conduct a study on the locations of Federal Aviation Administration radar signals (in this section referred to as “FAA radars”) in the United States, including the impact of such locations on—

(1) the development and installation of renewable energy technologies, including wind turbines; and

(2) the ability of State and local authorities to identify and plan for the location of such renewable energy technologies.

(b) **CONSULTATION.**—In conducting the study, the Administrator may consult with the heads of appropriate agencies as needed.

(c) **REPORT.**—Not later than 18 months after the date of enactment of this Act, the Adminis-

trator shall transmit to Congress a report on the results of the study.

(d) **ADMINISTRATIVE PROCESS.**—The Administrator shall develop an effective administrative process for relocation of FAA radars, when appropriate, and testing and deployment of alternate solutions, as necessary.

(e) **LIMITATION ON STATUTORY CONSTRUCTION.**—Nothing in this section shall be construed to affect the authority of the Administrator to issue hazard determinations.

SEC. 825. WIND TURBINE LIGHTING.

(a) **STUDY.**—The Administrator of the Federal Aviation Administration shall conduct a study on wind turbine lighting systems.

(b) **CONTENTS.**—In conducting the study, the Administrator shall examine the following:

(1) The effect of wind turbine lighting on residential areas.

(2) The safety issues associated with alternative lighting strategies, technologies, and regulations.

(3) Potential energy savings associated with alternative lighting strategies, technologies, and regulations.

(4) The feasibility of implementing alternative lighting strategies or technologies.

(5) Any other issue relating to wind turbine lighting.

(c) **REPORT.**—Not later than 180 days after the date of enactment of this Act, the Administrator shall submit to Congress a report on the results of the study, including information and recommendations concerning the issues examined under subsection (b).

SEC. 826. PROHIBITION ON USE OF CERTAIN FUNDS.

The Secretary may not use any funds authorized in this Act to name, rename, designate, or redesignate any project or program under this act for an individual then serving as a Member, Delegate, Resident Commissioner, or Senator of the United States Congress.

SEC. 827. LIMITING ACCESS TO FLIGHT DECKS OF ALL-CARGO AIRCRAFT.

(a) **STUDY.**—Not later than 180 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration, in consultation with appropriate air carriers, aircraft manufacturers, and air carrier labor representatives, shall conduct a study to identify a physical means, or a combination of physical and procedural means, of limiting access to the flight decks of all-cargo aircraft to authorized flight crew members.

(b) **REPORT.**—Not later than one year after the date of enactment of this Act, the Administrator shall submit to Congress a report on the results of the study.

SEC. 828. WHISTLEBLOWERS AT FAA.

It is the sense of Congress that whistleblowers at the Federal Aviation Administration be granted the full protection of the law.

SEC. 829. COLLEGE POINT MARINE TRANSFER STATION, NEW YORK.

(a) **FINDING.**—Congress finds that the Federal Aviation Administration, in determining whether the proposed College Point Marine Transfer Station in New York City, New York, if constructed, would constitute a hazard to air navigation, has not followed published policy statements of the Federal Aviation Administration, including—

(1) Advisory Circular Number 150/5200-33B 2, entitled “Hazardous Wildlife Attractants on or Near Airports”;

(2) Advisory Circular Number 150/5300-13, entitled “Airport Design”; and

(3) the publication entitled “Policies and Procedures Memorandum—Airports Division”, Number 5300.1B, dated Feb. 5, 1999.

(b) **DESIGNATION OF TRANSFER STATION AS HAZARD TO AIR NAVIGATION.**—The Administrator of the Federal Aviation Administration

shall take such actions as may be necessary to designate the proposed College Point Marine Transfer Station in New York City, New York, as a hazard to air navigation.

SEC. 830. PILOT TRAINING AND CERTIFICATION.

(a) **INITIATION OF STUDY.**—Not later than 3 months after the date of enactment of this Act, the Comptroller General shall initiate a study on commercial airline pilot training and certification programs. The study shall include the data collected under subsection (b).

(b) **DATA COLLECTED.**—In conducting the study, the Comptroller General shall collect data on—

(1) commercial pilot training and certification programs at United States air carriers, including regional and commuter air carriers;

(2) the number of training hours required for pilots operating new aircraft types before assuming pilot in command duties;

(3) how United States air carriers update and train pilots on new technologies in aircraft types in which they hold certifications;

(4) what remedial actions are taken in cases of repeated unsatisfactory check-rides by commercial airline pilots;

(5) what stall warning systems are included in flight simulator training compared to classroom instruction; and

(6) the information required to be provided by pilots on their job applications and the ability of United States air carriers to verify the information provided.

(c) **CONTENTS OF STUDY.**—The study shall include, at a minimum—

(1) a review of Federal Aviation Administration and international standards regarding commercial airline pilot training and certification programs;

(2) the results of interviews that the Comptroller General shall conduct with United States air carriers, pilot organizations, the National Transportation Safety Board, the Federal Aviation Administration, and such other parties as the Comptroller General determines appropriate; and

(3) such other matters as the Comptroller General determines are appropriate.

(d) **REPORT.**—Not later than 12 months after the date of initiation of the study, the Comptroller General shall submit to the Administrator, the Committee on Transportation and Infrastructure of the House of Representatives, and the Committee on Commerce, Science, and Transportation of the Senate a report on the results of the study, together with the findings and recommendations of the Comptroller General regarding the study.

SEC. 831. ST. GEORGE, UTAH.

(a) **IN GENERAL.**—Notwithstanding section 16 of the Federal Airport Act (as in effect on August 28, 1973) or sections 47125 and 47153 of title 49, United States Code, the Secretary of Transportation is authorized, subject to subsection (b), to grant releases from any of the terms, conditions, reservations, and restrictions contained in the deed of conveyance dated August 28, 1973, under which the United States conveyed certain property to the city of St. George, Utah, for airport purposes.

(b) **CONDITION.**—Any release granted by the Secretary under the subsection (a) shall be subject to the following conditions:

(1) The city of St. George shall agree that in conveying any interest in the property that the United States conveyed to the city by deed dated August 28, 1973, the city will receive an amount for such interest that is equal to the fair market value.

(2) Any such amount so received by the city of St. George shall be used by the city for the development, improvement, operation, or maintenance of a replacement public airport.

SEC. 832. REPLACEMENT OF TERMINAL RADAR APPROACH CONTROL AT PALM BEACH INTERNATIONAL AIRPORT.

The Administrator of the Federal Aviation Administration shall take such actions as may be necessary to ensure that any air traffic control tower or facility placed into operation at Palm Beach International Airport after September 30, 2009, to replace an air traffic control tower or facility placed into operation before September 30, 2009, includes an operating terminal radar approach control.

SEC. 833. SANTA MONICA AIRPORT, CALIFORNIA.

It is the sense of Congress that the Administrator of the Federal Aviation Administration should enter into good faith discussions with the city of Santa Monica, California, to achieve runway safety area solutions consistent with Federal Aviation Administration design guidelines to address safety concerns at Santa Monica Airport.

TITLE IX—FEDERAL AVIATION RESEARCH AND DEVELOPMENT

SEC. 901. SHORT TITLE.

This title may be cited as the “Federal Aviation Research and Development Reauthorization Act of 2010”.

SEC. 902. DEFINITIONS.

As used in this title, the following definition apply:

(1) **ADMINISTRATOR.**—The term “Administrator” means the Administrator of the Federal Aviation Administration.

(2) **FAA.**—The term “FAA” means the Federal Aviation Administration.

(3) **NASA.**—The term “NASA” means the National Aeronautics and Space Administration.

(4) **NATIONAL RESEARCH COUNCIL.**—The term “National Research Council” means the National Research Council of the National Academies of Science and Engineering.

(5) **NOAA.**—The term “NOAA” means the National Oceanic and Atmospheric Administration.

(6) **NSF.**—The term “NSF” means the National Science Foundation.

(7) **SECRETARY.**—The term “Secretary” means the Secretary of Transportation.

SEC. 903. INTERAGENCY RESEARCH INITIATIVE ON THE IMPACT OF AVIATION ON THE CLIMATE.

(a) **IN GENERAL.**—The Administrator, in coordination with NASA and the United States Climate Change Science Program, shall carry out a research initiative to assess the impact of aviation on the climate and, if warranted, to evaluate approaches to mitigate that impact.

(b) **RESEARCH PLAN.**—Not later than one year after the date of enactment of this Act, the participating Federal entities shall jointly develop a plan for the research program that contains the objectives, proposed tasks, milestones, and 5-year budgetary profile.

SEC. 904. RESEARCH PROGRAM ON RUNWAYS.

(a) **RESEARCH PROGRAM.**—The Administrator shall maintain a program of research grants to universities and nonprofit research foundations for research and technology demonstrations related to—

- (1) improved runway surfaces; and
- (2) engineered material restraining systems for runways at both general aviation airports and airports with commercial air carrier operations.

(b) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated such sums as may be necessary for each of the fiscal years 2010 through 2012 to carry out this section.

SEC. 905. RESEARCH ON DESIGN FOR CERTIFICATION.

(a) **ESTABLISHMENT OF PROGRAM.**—Not later than 6 months after the date of enactment of this Act, the FAA, in consultation with other agencies as appropriate, shall establish a re-

search program on methods to improve both confidence in and the timeliness of certification of new technologies for their introduction into the national airspace system.

(b) **RESEARCH PLAN.**—Not later than 1 year after the date of enactment of this Act, as part of the activity described in subsection (a), the FAA shall develop a plan for the research program that contains the objectives, proposed tasks, milestones, and five-year budgetary profile.

(c) **REVIEW.**—The Administrator shall have the National Research Council conduct an independent review of the research program plan and provide the results of that review to the Committee on Science and Technology and the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate not later than 18 months after the date of enactment of this Act.

SEC. 906. CENTERS OF EXCELLENCE.

(a) **GOVERNMENT’S SHARE OF COSTS.**—Section 44513(f) is amended to read as follows:

“(f) **GOVERNMENT’S SHARE OF COSTS.**—The United States Government’s share of establishing and operating the center and all related research activities that grant recipients carry out shall not exceed 75 percent of the costs. The United States Government’s share of an individual grant under this section shall not exceed 90 percent of the costs.”

(b) **ANNUAL REPORT.**—The Administrator shall transmit annually to the Committee on Science and Technology and the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate at the time of the President’s budget request a report that lists—

- (1) the research projects that have been initiated by each Center of Excellence in the preceding year;
- (2) the amount of funding for each research project and the funding source;
- (3) the institutions participating in each project and their shares of the overall funding for each research project; and
- (4) the level of cost-sharing for each research project.

SEC. 907. AIRPORT COOPERATIVE RESEARCH PROGRAM.

Section 44511(f) is amended—

(1) in paragraph (1) by striking “establish a 4-year pilot” and inserting “maintain an”; and

(2) in paragraph (4)—
(A) by striking “expiration of the program” and inserting “expiration of the pilot program”; and

(B) by striking “program, including recommendations as to the need for establishing a permanent airport cooperative research program” and inserting “program”.

SEC. 908. UNMANNED AIRCRAFT SYSTEMS.

(a) **RESEARCH INITIATIVE.**—Section 44504(b) is amended—

- (1) in paragraph (6) by striking “and” after the semicolon;
- (2) in paragraph (7) by striking the period at the end and inserting “; and”; and
- (3) by adding at the end the following:

“(8) in conjunction with other Federal agencies, as appropriate, to develop technologies and methods to assess the risk of and prevent defects, failures, and malfunctions of products, parts, and processes, for use in all classes of unmanned aircraft systems that could result in a catastrophic failure of the unmanned aircraft that would endanger other aircraft in the national airspace system.”

(b) **SYSTEMS, PROCEDURES, FACILITIES, AND DEVICES.**—Section 44505(b) is amended—

- (1) in paragraph (4) by striking “and” after the semicolon;

(2) in paragraph (5)(C) by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following:

“(6) to develop a better understanding of the relationship between human factors and unmanned aircraft systems safety; and

“(7) to develop dynamic simulation models for integrating all classes of unmanned aircraft systems into the national airspace system without any degradation of existing levels of safety for all national airspace system users.”

SEC. 909. RESEARCH GRANTS PROGRAM INVOLVING UNDERGRADUATE STUDENTS.

(a) **IN GENERAL.**—The Administrator shall establish a program to utilize colleges and universities, including Historically Black Colleges and Universities, Hispanic serving institutions, tribally controlled colleges and universities, and Alaska Native and Native Hawaiian serving institutions in conducting research by undergraduate students on subjects of relevance to the FAA. Grants may be awarded under this section for—

(1) research projects to be carried out primarily by undergraduate students;

(2) research projects that combine undergraduate research with other research supported by the FAA;

(3) research on future training requirements related to projected changes in regulatory requirements for aircraft maintenance and power plant licensees; and

(4) research on the impact of new technologies and procedures, particularly those related to aircraft flight deck and air traffic management functions, and on training requirements for pilots and air traffic controllers.

(b) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated \$5,000,000 for each of the fiscal years 2010 through 2012, for research grants under this section.

SEC. 910. AVIATION GAS RESEARCH AND DEVELOPMENT PROGRAM.

(a) **CONTINUATION OF PROGRAM.**—The Administrator, in coordination with the NASA Administrator, shall continue research and development activities into technologies for modification of existing general aviation piston engines to enable their safe operation using unleaded aviation fuel.

(b) **ROADMAP.**—Not later than 120 days after the date of enactment of this Act, the Administrator shall develop a research and development roadmap for the program continued in subsection (a), containing the specific research and development objectives and the anticipated timetable for achieving the objectives.

(c) **REPORT.**—Not later than 130 days after the date of enactment of this Act, the Administrator shall provide the roadmap specified in subsection (b) to the Committee on Science and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.

(d) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated \$750,000 for each of the fiscal years 2010 through 2012 to carry out this section.

SEC. 911. REVIEW OF FAA’S ENERGY- AND ENVIRONMENT-RELATED RESEARCH PROGRAMS.

(a) **STUDY.**—The Administrator shall enter into an arrangement with the National Research Council for a review of the FAA’s energy- and environment-related research programs. The review shall assess whether—

(1) the programs have well-defined, prioritized, and appropriate research objectives;

(2) the programs are properly coordinated with the energy- and environment-related research programs of NASA, NOAA, and other relevant agencies;

(3) the programs have allocated appropriate resources to each of the research objectives; and

(4) there exist suitable mechanisms for transitioning the research results into the FAA's operational technologies and procedures and certification activities.

(b) **REPORT.**—A report containing the results of the review shall be provided to the Committee on Science and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate within 18 months of the enactment of this Act.

SEC. 912. REVIEW OF FAA'S AVIATION SAFETY-RELATED RESEARCH PROGRAMS.

(a) **REVIEW.**—The Administrator shall enter into an arrangement with the National Research Council for an independent review of the FAA's aviation safety-related research programs. The review shall assess whether—

- (1) the programs have well-defined, prioritized, and appropriate research objectives;
- (2) the programs are properly coordinated with the safety research programs of NASA and other relevant Federal agencies;
- (3) the programs have allocated appropriate resources to each of the research objectives; and
- (4) there exist suitable mechanisms for transitioning the research results from the programs into the FAA's operational technologies and procedures and certification activities in a timely manner.

(b) **AVIATION SAFETY-RELATED RESEARCH PROGRAMS TO BE ASSESSED.**—The FAA aviation safety-related research programs to be assessed under the review shall include, at a minimum, the following:

- (1) Air traffic control/technical operations human factors.
- (2) Runway incursion reduction.
- (3) Flightdeck/maintenance system integration human factors.
- (4) Airports technology research—safety.
- (5) Airport cooperative research program—safety.
- (6) Weather program.
- (7) Atmospheric hazards/digital system safety.
- (8) Fire research and safety.
- (9) Propulsion and fuel systems.
- (10) Advanced materials/structural safety.
- (11) Aging aircraft.
- (12) Aircraft catastrophic failure prevention research.
- (13) Aeromedical research.
- (14) Aviation safety risk analysis.
- (15) Unmanned aircraft systems research.

(c) **REPORT.**—Not later than 14 months after the date of enactment of this Act, the Administrator shall submit to Congress a report on the results of the review.

(d) **AUTHORIZATION OF APPROPRIATIONS.**—In addition to amounts authorized to be appropriated by the amendments made by this Act, there is authorized to be appropriated \$700,000 for fiscal year 2010 to carry out this section.

SEC. 913. RESEARCH PROGRAM ON ALTERNATIVE JET FUEL TECHNOLOGY FOR CIVIL AIRCRAFT.

(a) **ESTABLISHMENT OF RESEARCH PROGRAM.**—Using amounts made available under section 48102(a) of title 49, United States Code, the Secretary of Transportation shall conduct a research program related to developing jet fuel from alternative sources (such as coal, natural gas, biomass, ethanol, butanol, and hydrogen) through grants or other measures authorized under section 106(l)(6) of such title, including reimbursable agreements with other Federal agencies.

(b) **PARTICIPATION BY EDUCATIONAL AND RESEARCH INSTITUTIONS.**—In conducting the program, the Secretary shall provide for participation by educational and research institutions that have existing facilities and experience in the development and deployment of technology for alternative jet fuels.

(c) **DESIGNATION OF INSTITUTE AS A CENTER OF EXCELLENCE.**—Not later than 6 months after the

date of enactment of this Act, the Administrator of the Federal Aviation Administration shall designate an institution described in subsection (a) as a Center of Excellence for Alternative Jet Fuel Research.

SEC. 914. CENTER FOR EXCELLENCE IN AVIATION EMPLOYMENT.

(a) **ESTABLISHMENT.**—The Administrator shall establish a Center for Excellence in Aviation Employment (in this section referred to as the "Center").

(b) **APPLIED RESEARCH AND TRAINING.**—The Center shall conduct applied research and training on—

- (1) human performance in the air transportation environment;
- (2) air transportation personnel, including air traffic controllers, pilots, and technicians; and
- (3) any other aviation human resource issues pertinent to developing and maintaining a safe and efficient air transportation system.

(c) **DUTIES.**—The Center shall—

- (1) in conjunction with the Collegiate Training Initiative and other air traffic controller training programs, develop, implement, and evaluate a comprehensive, best-practices based training program for air traffic controllers;
- (2) work with the Office of Human Resource Management of the FAA as that office develops and implements a strategic recruitment and marketing program to help the FAA compete for the best qualified employees and incorporate an employee value proposition process that results in attracting a broad-based and diverse aviation workforce in mission critical positions, including air traffic controller, aviation safety inspector, airway transportation safety specialist, and engineer;
- (3) through industry surveys and other research methodologies and in partnership with the "Taskforce on the Future of the Aerospace Workforce" and the Secretary of Labor, establish a baseline of general aviation employment statistics for purposes of projecting and anticipating future workforce needs and demonstrating the economic impact of general aviation employment;
- (4) conduct a comprehensive analysis of the airframe and powerplant technician certification process and employment trends for maintenance repair organization facilities, certificated repair stations, and general aviation maintenance organizations;
- (5) establish a best practices model in aviation maintenance technician school environments; and
- (6) establish a workforce retraining program to allow for transition of recently unemployed and highly skilled mechanics into aviation employment.

(d) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated to the Administrator such sums as may be necessary to carry out this section. Such sums shall remain available until expended.

TITLE X—AIRPORT AND AIRWAY TRUST FUND FINANCING

SEC. 1001. SHORT TITLE.

This title may be cited as the "Airport and Airway Trust Fund Financing Act of 2010".

SEC. 1002. EXTENSION AND MODIFICATION OF TAXES FUNDING AIRPORT AND AIRWAY TRUST FUND.

(a) **RATE OF TAX ON AVIATION-GRADE KEROSENE AND AVIATION GASOLINE.**—

- (1) **AVIATION-GRADE KEROSENE.**—Subparagraph (A) of section 4081(a)(2) of the Internal Revenue Code of 1986 (relating to rates of tax) is amended by striking "and" at the end of clause (ii), by striking the period at the end of clause (iii) and inserting "and", and by adding at the end the following new clause:

"(iv) in the case of aviation-grade kerosene, 35.9 cents per gallon."

(2) **AVIATION GASOLINE.**—Clause (ii) of section 4081(a)(2)(A) of such Code is amended by striking "19.3 cents" and inserting "24.1 cents".

(3) **FUEL REMOVED DIRECTLY INTO FUEL TANK OF AIRPLANE USED IN NONCOMMERCIAL AVIATION.**—Subparagraph (C) of section 4081(a)(2) of such Code is amended to read as follows:

"(C) **TAXES IMPOSED ON FUEL USED IN COMMERCIAL AVIATION.**—In the case of aviation-grade kerosene which is removed from any refinery or terminal directly into the fuel tank of an aircraft for use in commercial aviation by a person registered for such use under section 4101, the rate of tax under subparagraph (A)(iv) shall be 4.3 cents per gallon."

(4) **CONFORMING AMENDMENTS.**—

(A) Clause (iii) of section 4081(a)(2)(A) of such Code is amended by inserting "other than aviation-grade kerosene" after "kerosene".

(B) The following provisions of such Code are each amended by striking "kerosene" and inserting "aviation-grade kerosene":

- (i) Section 4081(a)(3)(A)(ii).
- (ii) Section 4081(a)(3)(A)(iv).
- (iii) Section 4081(a)(3)(D).
- (C) Section 4081(a)(3)(D) of such Code is amended—

(i) by striking "paragraph (2)(C)(i)" in clause (i) and inserting "paragraph (2)(C)", and

(ii) by striking "paragraph (2)(C)(ii)" in clause (ii) and inserting "paragraph (2)(A)(iv)".

(D) Section 4081(a)(4) of such Code is amended—

(i) by striking "paragraph (2)(C)(i)" and inserting "paragraph (2)(C)", and

(ii) by striking "KEROSENE" in the heading and inserting "AVIATION-GRADE KEROSENE".

(E) Section 4081(d)(2) of such Code is amended by inserting ", (a)(2)(A)(iv)," after "subsections (a)(2)(A)(ii)".

(b) **EXTENSION.**—

(1) **FUELS TAXES.**—Paragraph (2) of section 4081(d) of such Code is amended by striking "gallon—" and all that follows and inserting "gallon after September 30, 2012".

(2) **TAXES ON TRANSPORTATION OF PERSONS AND PROPERTY.**—

(A) **PERSONS.**—Clause (ii) of section 4261(j)(1)(A) of such Code is amended by striking "September 30, 2009" and inserting "September 30, 2012".

(B) **PROPERTY.**—Clause (ii) of section 4271(d)(1)(A) of such Code is amended by striking "September 30, 2009" and inserting "September 30, 2012".

(c) **EXEMPTION FOR AVIATION-GRADE KEROSENE REMOVED INTO AN AIRCRAFT.**—Subsection (e) of section 4082 of such Code is amended—

(1) by striking "kerosene" and inserting "aviation-grade kerosene",

(2) by striking "section 4081(a)(2)(A)(iii)" and inserting "section 4081(a)(2)(A)(iv)", and

(3) by striking "KEROSENE" in the heading and inserting "AVIATION-GRADE KEROSENE".

(d) **RETAIL TAX ON AVIATION FUEL.**—

(1) **EXEMPTION FOR PREVIOUSLY TAXED FUEL.**—Paragraph (2) of section 4041(c) of such Code is amended by inserting "at the rate specified in subsection (a)(2)(A)(iv) thereof" after "section 4081".

(2) **RATE OF TAX.**—Paragraph (3) of section 4041(c) of such Code is amended to read as follows:

"(3) **RATE OF TAX.**—The rate of tax imposed by this subsection shall be the rate of tax in effect under section 4081(a)(2)(A)(iv) (4.3 cents per gallon with respect to any sale or use for commercial aviation)."

(e) **REFUNDS RELATING TO AVIATION-GRADE KEROSENE.**—

(1) **KEROSENE USED IN COMMERCIAL AVIATION.**—Clause (ii) of section 6427(l)(4)(A) of such Code is amended by striking "specified in section 4041(c) or 4081(a)(2)(A)(iii), as the case may be," and inserting "so imposed".

(2) KEROSENE USED IN AVIATION.—Paragraph (4) of section 6427(l) of such Code is amended—
 (A) by striking subparagraph (B) and redesignating subparagraph (C) as subparagraph (B), and

(B) by amending subparagraph (B), as redesignated by subparagraph (A), to read as follows:

“(B) PAYMENTS TO ULTIMATE, REGISTERED VENDOR.—With respect to any kerosene used in aviation (other than kerosene to which paragraph (6) applies), if the ultimate purchaser of such kerosene waives (at such time and in such form and manner as the Secretary shall prescribe) the right to payment under paragraph (1) and assigns such right to the ultimate vendor, then the Secretary shall pay (without interest) the amount which would be paid under paragraph (1) to such ultimate vendor, but only if such ultimate vendor—
 “(i) is registered under section 4101, and
 “(ii) meets the requirements of subparagraph (A), (B), or (D) of section 6416(a)(1).”.

(3) AVIATION-GRADE KEROSENE NOT USED IN AVIATION.—Subsection (l) of section 6427 of such Code is amended by redesignating paragraph (5) as paragraph (6) and by inserting after paragraph (4) the following new paragraph:

“(5) REFUNDS FOR AVIATION-GRADE KEROSENE NOT USED IN AVIATION.—If tax has been imposed under section 4081 at the rate specified in section 4081(a)(2)(A)(iv) and the fuel is used other than in an aircraft, the Secretary shall pay (without interest) to the ultimate purchaser of such fuel an amount equal to the amount of tax imposed on such fuel reduced by the amount of tax that would be imposed under section 4041 if no tax under section 4081 had been imposed.”.

(4) CONFORMING AMENDMENTS.—

(A) Section 6427(i)(4) of such Code is amended—

(i) by striking “paragraph (4)(C) or (5)” both places it appears and inserting “paragraph (4)(B) or (6)”, and

(ii) by striking “, (l)(4)(C)(ii), and (l)(5)” and inserting “and (l)(6)”.

(B) Section 6427(l)(1) of such Code is amended by striking “paragraph (4)(C)(i)” and inserting “paragraph (4)(B)(i)”.

(C) Section 4082(d)(2)(B) of such Code is amended by striking “6427(l)(5)(B)” and inserting “6427(l)(6)(B)”.

(f) AIRPORT AND AIRWAY TRUST FUND.—

(1) EXTENSION OF TRUST FUND AUTHORITIES.—

(A) EXPENDITURES FROM TRUST FUND.—Paragraph (1) of section 9502(d) of such Code is amended—

(i) by striking “October 1, 2009” in the matter preceding subparagraph (A) and inserting “October 1, 2012”, and

(ii) by inserting “or the Aviation Safety and Investment Act of 2010” before the semicolon at the end of subparagraph (A).

(B) LIMITATION ON TRANSFERS TO TRUST FUND.—Paragraph (2) of section 9502(e) of such Code is amended by striking “October 1, 2009” and inserting “October 1, 2012”.

(2) TRANSFERS TO TRUST FUND.—Subparagraph (C) of section 9502(b)(1) of such Code is amended to read as follows:

“(C) section 4081 with respect to aviation gasoline and aviation-grade kerosene, and”.

(3) TRANSFERS ON ACCOUNT OF CERTAIN FUNDS.—

(A) IN GENERAL.—Subsection (d) of section 9502 of such Code is amended—

(i) by striking “(other than subsection (l)(4) thereof)” in paragraph (2), and

(ii) by striking “(other than payments made by reason of paragraph (4) of section 6427(l))” in paragraph (3).

(B) CONFORMING AMENDMENTS.—

(i) Section 9503(b)(4) of such Code is amended by striking “or” at the end of subparagraph (C), by striking the period at the end of subpara-

graph (D) and inserting a comma, and by inserting after subparagraph (D) the following:

“(E) section 4081 to the extent attributable to the rate specified in clause (ii) or (iv) of section 4081(a)(2)(A), or

“(F) section 4041(c).”.

(ii) Section 9503(c) of such Code is amended by striking the last paragraph (relating to transfers from the Trust Fund for certain aviation fuel taxes).

(iii) Section 9502(a) of such Code is amended by striking “, section 9503(c)(7).”.

(4) TRANSFERS ON ACCOUNT OF AVIATION-GRADE KEROSENE NOT USED IN AVIATION.—Section 9502(d) of such Code is amended by adding at the end the following new paragraph:

“(7) TRANSFERS FROM AIRPORT AND AIRWAY TRUST FUND ON ACCOUNT OF AVIATION-GRADE KEROSENE NOT USED IN AVIATION.—The Secretary of the Treasury shall pay from time to time from the Airport and Airway Trust Fund into the Highway Trust Fund amounts as determined by the Secretary of the Treasury equivalent to amounts transferred to the Airport and Airway Trust Fund with respect to aviation-grade kerosene not used in aviation.”.

(5) EXPENDITURES FOR AIR TRAFFIC CONTROL MODERNIZATION.—Section 9502(d) of such Code, as amended by this title, is amended by adding at the end the following new paragraph:

“(8) EXPENDITURES FOR AIR TRAFFIC CONTROL MODERNIZATION.—The following amounts may be used only for making expenditures to carry out air traffic control modernization:

“(A) So much of the amounts appropriated under subsection (b)(1)(C) as the Secretary estimates are attributable to—

“(i) 14.1 cents per gallon of the tax imposed at the rate specified in section 4081(a)(2)(A)(iv) in the case of aviation-grade kerosene used other than in commercial aviation (as defined in section 4083(b)), and

“(ii) 4.8 cents per gallon of the tax imposed at the rate specified in section 4081(a)(2)(A)(ii) in the case of aviation gasoline used other than in commercial aviation (as so defined).

“(B) Any amounts credited to the Airport and Airway Trust Fund under section 9602(b) with respect to amounts described in this paragraph.”.

(g) EFFECTIVE DATE.—

(1) MODIFICATIONS.—Except as provided in paragraph (2), the amendments made by this section shall apply to fuels removed, entered, or sold after December 31, 2009.

(2) EXTENSIONS.—The amendments made by subsections (b) and (f)(1) shall take effect on the date of the enactment of this Act.

(h) FLOOR STOCKS TAX.—

(1) IMPOSITION OF TAX.—In the case of aviation fuel which is held on January 1, 2010, by any person, there is hereby imposed a floor stocks tax on aviation fuel equal to—

(A) the tax which would have been imposed before such date on such fuel had the amendments made by this section been in effect at all times before such date, reduced by

(B) the sum of—

(i) the tax imposed before such date on such fuel under section 4081 of the Internal Revenue Code of 1986, as in effect on such date, and

(ii) in the case of kerosene held exclusively for such person's own use, the amount which such person would (but for this clause) reasonably expect (as of such date) to be paid as a refund under section 6427(l) of such Code with respect to such kerosene.

(2) LIABILITY FOR TAX AND METHOD OF PAYMENT.—

(A) LIABILITY FOR TAX.—A person holding aviation fuel on January 1, 2010, shall be liable for such tax.

(B) TIME AND METHOD OF PAYMENT.—The tax imposed by paragraph (1) shall be paid on April

30, 2010, and in such manner as the Secretary of the Treasury shall prescribe.

(3) TRANSFER OF FLOOR STOCK TAX REVENUES TO TRUST FUNDS.—For purposes of determining the amount transferred to the Airport and Airway Trust Fund, the tax imposed by this subsection shall be treated as imposed by the provision of section 4081 of the Internal Revenue Code of 1986 which applies with respect to the aviation fuel involved.

(4) DEFINITIONS.—For purposes of this subsection—

(A) AVIATION FUEL.—The term “aviation fuel” means aviation-grade kerosene and aviation gasoline, as such terms are used within the meaning of section 4081 of the Internal Revenue Code of 1986.

(B) HELD BY A PERSON.—Aviation fuel shall be considered as held by a person if title thereto has passed to such person (whether or not delivery to the person has been made).

(C) SECRETARY.—The term “Secretary” means the Secretary of the Treasury or the Secretary's delegate.

(5) EXCEPTION FOR EXEMPT USES.—The tax imposed by paragraph (1) shall not apply to any aviation fuel held by any person exclusively for any use to the extent a credit or refund of the tax is allowable under the Internal Revenue Code of 1986 for such use.

(6) EXCEPTION FOR CERTAIN AMOUNTS OF FUEL.—

(A) IN GENERAL.—No tax shall be imposed by paragraph (1) on any aviation fuel held on January 1, 2010, by any person if the aggregate amount of such aviation fuel held by such person on such date does not exceed 2,000 gallons. The preceding sentence shall apply only if such person submits to the Secretary (at the time and in the manner required by the Secretary) such information as the Secretary shall require for purposes of this subparagraph.

(B) EXEMPT FUEL.—For purposes of subparagraph (A), there shall not be taken into account any aviation fuel held by any person which is exempt from the tax imposed by paragraph (1) by reason of paragraph (6).

(C) CONTROLLED GROUPS.—For purposes of this subsection—

(i) CORPORATIONS.—

(I) IN GENERAL.—All persons treated as a controlled group shall be treated as 1 person.

(II) CONTROLLED GROUP.—The term “controlled group” has the meaning given to such term by subsection (a) of section 1563 of such Code; except that for such purposes the phrase “more than 50 percent” shall be substituted for the phrase “at least 80 percent” each place it appears in such subsection.

(ii) NONINCORPORATED PERSONS UNDER COMMON CONTROL.—Under regulations prescribed by the Secretary, principles similar to the principles of subparagraph (A) shall apply to a group of persons under common control if 1 or more of such persons is not a corporation.

(7) OTHER LAWS APPLICABLE.—All provisions of law, including penalties, applicable with respect to the taxes imposed by section 4081 of such Code on the aviation fuel involved shall, insofar as applicable and not inconsistent with the provisions of this subsection, apply with respect to the floor stock taxes imposed by paragraph (1) to the same extent as if such taxes were imposed by such section.

TITLE XI—COMPLIANCE WITH STATUTORY PAY-AS-YOU-GO-ACT OF 2010

SEC. 1101. COMPLIANCE PROVISION.

The budgetary effects of this Act, for purposes of complying with the Statutory Pay-As-You-Go-Act of 2010, shall be determined by reference to the latest statement titled “Budgetary Effects of PAYGO Legislation” for this Act, jointly submitted for printing in the Congressional Record by the Chairmen of the House and Senate Budget Committees, provided that such statement has

been submitted prior to the vote on passage in the House acting first on this conference report or amendments between the Houses.

The SPEAKER pro tempore. Pursuant to House Resolution 1212, the motion shall be debatable for 1 hour equally divided and controlled by the chair and the ranking minority member of the Committee on Transportation and Infrastructure. The gentleman from Minnesota (Mr. OBERSTAR) and the gentleman from Wisconsin (Mr. PETRI) each will control 30 minutes.

The Chair recognizes the gentleman from Minnesota.

GENERAL LEAVE

Mr. OBERSTAR. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 1586.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. OBERSTAR. Mr. Speaker, I yield myself such time as I may consume.

This procedure under which we are acting on this bill is complex and has raised some concerns both in the Rules Committee and in discussion of the rule, so I just want to clarify some things.

The rule states in part: to concur in the Senate amendment to the title of H.R. 1586 which deals with additional tax bonuses on TARP recipients. This is a tax bill that the House had passed and sent to the Senate. The Senate is amending that tax bill, taking everything out and substituting its version of the FAA authorization bill. We then, under the rule, concur in the Senate amendment to the text with the amendment printed in the report of the Committee on Rules which is the text of the bill that we have twice passed in this House in two Congresses.

It is not something new. It is not a freestanding bill coming to the floor for the first time and should not be nor has it been subjected to an open rule which was requested in the Rules Committee and which was again debated on the House floor during consideration of the rule.

This is the bill we passed first in September, on September 20, 2007, by a vote of 267-151, including four Republican and four Democratic amendments. It was not adopted in that Congress.

We took it up again in 2009, passed the bill May 21 last year by an even bigger vote, 277-136, including seven Democratic and four Republican amendments. We also include in this bill the Airline Safety and Pilot Training Act of 2009, overwhelmingly approved in the House by a vote of 409-11, not acted upon by the other body. So we are combining these bills and sending them back to the Senate which then we expect will ask for a conference.

Now, we have heard discussion and I heard some rather fomenting sounds during consideration of the rule about, well, we haven't passed this aviation authorization bill in years. We would have passed it in 2007 but for the Statement of Administration Policy September 19, 2007, from the Bush administration that said: Accordingly, if H.R. 2881 were presented to the President, his senior advisers would recommend that he veto the bill.

It passed the House notwithstanding.

But because of the threat of the administration veto, the other body, narrowly divided, didn't even take it up. We did our work in good order, in reasonable order, very quick from the time the gavel was handed over to Speaker PELOSI at the beginning of the 110th Congress and we regained the majority. We picked up where we left off in the previous Congress with the Republican members of our committee and moved the bill with bipartisan support except for three issues. And on one of those, the administration threatened a veto, the negotiation/renegotiation of the air traffic controller contract.

The new administration came in and settled that issue. It is gone. It is done. The language is still in the bill because we passed that bill before the administration settled the air traffic controller contract. So the language stays in the bill, but it will come out in conference, at least that part of it.

So I don't understand this revisionism that I heard on the House floor during the debate on the rule. It is wrong. It doesn't represent the issues properly. It doesn't put them into focus. We are going to pass this legislation today. The Senate will then ask us for a conference in due course, and we will go to conference on this bill. And we will resolve whatever the differences are, and there are several of them, between our version and the Senate version. That is the process.

I just want to make it very clear that is what we are here discussing today.

I reserve the balance of my time.

Mr. PETRI. Mr. Speaker, I yield myself such time as I may consume.

Today we are considering an amendment to H.R. 1586, the Senate-passed FAA reauthorization bill which will substitute two previously considered and passed House bills: H.R. 915, the FAA Reauthorization Act of 2009 and H.R. 3371, the Airline Safety and Pilot Training Improvement Act of 2009.

This is a procedural process deemed necessary in order for the House and Senate to enter into negotiations to reconcile the differences in each Chamber's FAA reauthorization bill.

While I support the process moving forward, I cannot support the House amendment to H.R. 1586 due to the inclusion of several controversial provisions in the House FAA reauthorization bill being inserted by the amendment.

Certainly we all agree that we need a final bipartisan and bicameral FAA reauthorization bill, and we need it sooner rather than later. With the latest of 13 extensions having passed the House just yesterday, the FAA is still working under the 2003 FAA reauthorization. This is a very untenable situation, so the urgency of this legislation remains.

The American Society of Civil Engineers periodically issues an infrastructure report card, and its 2009 report card gives aviation a grade of only a D. This was actually a lower grade than the D-plus earned in its 2005 report card. So the condition of our aviation infrastructure in the United States is getting worse, not better.

The amendment includes a provision from H.R. 915 that increases Federal investment in aviation infrastructure with funding for the Airport Improvement Program increased to a total of \$12.3 billion over 3 years. The facilities and equipment program is increased to \$10.1 billion.

The amendment, through a H.R. 915 provision, also increases the cap on the level of passenger facility charges that an airport can impose for capacity and safety improvements. The cap was last raised 10 years ago, and the \$4.50 maximum charge is now worth far less due to the passage of time, as well as high construction cost inflation.

One of the most important initiatives under way at the FAA is the modernization of our air traffic control system known as NextGen. We must transition from the 50-year-old ground-based technology to a modern satellite-based system in order to increase capacity, lower costs and increase safety and efficiency in our system. The legislation before us seeks to move this process along while instilling accountability. Congress will need to provide effective oversight to be sure the program stays on track and that we have the financial resources for the \$15 billion-\$20 billion in government costs for this multi-year program to keep moving forward. Our chairman of the subcommittee, Mr. COSTELLO, has been very active in providing oversight.

The amendment, with the inclusion of H.R. 915 provisions, also improves safety, provides noise mitigation and enhances environmental initiatives. Passenger rights would be addressed by ensuring that airlines and airports plan for the care of passengers who are trapped in long delays on tarmacs.

□ 1530

It also mandates the establishment of a process to avoid airline overscheduling that inevitably leads to delay.

The House amendment also includes H.R. 3371, the Airline Safety and Pilot Training Improvement Act of 2009, a comprehensive, bipartisan bill that passed the House last year. H.R. 3371

improves access and review of pilots' records, requires more extensive pilot training, improves pilot professionalism, addresses pilot fatigue, and increases the minimum certification standards for commercial airline pilots. I look forward to working on finalizing these provisions with the Senate during a conference committee to improve airline safety.

Unfortunately, despite the inclusion of important safety provisions, the amendment also includes a number of controversial provisions in H.R. 915, the same provisions that delayed consideration of the FAA reauthorization in the Senate. Therefore, it's impossible for me to support the amendment in its current form.

One provision regarding air traffic controllers provides for changes in future impasse procedures, which I don't object to, but it also includes costly rollback and backpay requirements under terms of the 1998 contract. According to the Congressional Budget Office, the cost of this provision in budget year 2009 was \$83 million, and about \$1 billion over the life of the bill. With the arbitrated controller contract agreed to last year, I would have thought this provision would no longer be necessary. However, since it remains as it did in H.R. 915 in the amendment, the provision remains problematic.

H.R. 915 also includes a provision that would move express carriers from being covered by the Railway Labor Act to the National Labor Relations Act. This is really targeted at one company, FedEx Express. FedEx Express was organized as, and still is, an air carrier, in particular, an express carrier. As such, it's been covered by the Railway Labor Act since its creation in 1971.

It has trucks, but it is a fully integrated system, and the trucks would not operate without the planes, which was reaffirmed by the Ninth Circuit Court of Appeals several years ago. I'd note that other companies within the FedEx family, such as FedEx Freight, are rightly covered by the National Labor Relations Act.

Other provisions included in the amendment from H.R. 915 raise concerns, such as the foreign repair station language, which may have the unintended consequences of leading to retaliation by the European Union. This will result in the loss of jobs here in the U.S., as European customers may no longer send planes to the U.S. and the Europeans may impose costly certification and inspection processes on U.S. repair stations.

Also, H.R. 915 included a provision that would automatically sunset airline alliance antitrust immunity agreements 3 years after enactment. We are told this could threaten approximately 15,000 airline jobs in the United States. Considering U.S.-based airlines have already been forced to cut a staggering

41,000 jobs, nearly 10 percent of their work force in the last 2 years, further job loss resulting from this provision raises obvious concerns.

I'd like to thank Chairman OBERSTAR, Chairman COSTELLO, and Ranking Member JOHN MICA and other members of the committee for their continued dedication in working to pass an FAA bill. Many thanks also to our hardworking staff for the effort they've put in over the last 3 years.

And in conclusion, I support the general goals and the majority of this bill in terms of increasing infrastructure investment, advancing NextGen, improving safety and the environment, and increasing passenger protections. There are a few specific provisions that will preclude me from voting for the House amendment to H.R. 1586. Nevertheless, I'm pleased we're considering this bill today and, after it passes, I look forward to continuing to work with my colleagues in a conference committee with the Senate so that we can get a bipartisan, bicameral FAA reauthorization in place.

Mr. OBERSTAR. Before the gentleman concludes, Mr. Speaker, would the gentleman yield for just a moment?

Mr. PETRI. Yes.

Mr. OBERSTAR. The gentleman referred, Mr. Speaker, to the provision in the bill that covers the air traffic controller contract. The gentleman is aware that has been resolved and settled, and in my remarks I said that is a provision that we have already agreed that would be dropped because it's no longer necessary.

Mr. PETRI. That was my observation, and I'm happy with that assurance.

Mr. Speaker, I reserve the balance of my time.

Mr. OBERSTAR. I now yield such time as he may consume to the Chair of our subcommittee, the gentleman from Illinois (Mr. COSTELLO), who has ushered this bill through two Congresses, two successful votes on the House floor, and we're now about to go to conference and have the crowning achievement.

Mr. COSTELLO. Mr. Speaker, I rise in strong support of the House amendment to H.R. 1586. This comprehensive bill includes two bills passed by the House, H.R. 915, the Federal Aviation Administration Reauthorization Act, and H.R. 3371, the Bipartisan Airline Safety and Pilot Training Improvement Act of 2009. Together, these bills are a product of over 20 hearings of our subcommittee, of the Aviation Subcommittee, many roundtable discussions on a whole host of topics in the aviation industry, and let me say that we also had the input and worked with the Federal Aviation Administration and every group and organization in the aviation community.

Mr. Speaker, the other body passed the FAA Reauthorization bill, H.R.

1586, using an unrelated House-passed tax bill, as Chairman OBERSTAR stated. The Senate amended H.R. 1586 and inserted the language from S. 1451, the FAA Air Transportation Modernization and Safety Improvement Act.

In response to the action taken by the Senate, today the House will be amending H.R. 1586 with language that has already been passed by the House to ensure many important provisions included in both bills, H.R. 915 and H.R. 3371, that they're maintained throughout conference with the Senate.

There are provisions that are very important that are not included in the Senate bill that were included in H.R. 915, in the legislation that the House is amending today that I want to highlight.

First, the House bill increases the cap on the passenger facility charge from \$4.50 to \$7 to help airports that choose to participate in the PFC program to meet capital needs. According to the FAA, if every airport currently collecting a \$4 or \$4.50 PFC raises its PFC to \$7, that increase would generate approximately \$1.3 billion in additional revenue for airport capital needs each year. This increase in the PFC will allow airports to improve and expand their facilities, while creating jobs at a time when jobs are critically needed in this country.

Second, H.R. 1586, as amended, provides consistency in collective bargaining rights throughout the express carrier industry by allowing employees working on the ground and driving trucks to organize under the National Labor Relations Act, which enables employees to organize at the local level as opposed to the national level. Workers who are directly involved with the aircraft operation portion of those companies, like pilots and mechanics, would continue to be under the jurisdiction of the Railway Labor Act.

In addition, this legislation also includes one of the strongest aviation safety bills in decades, H.R. 3371, the Airline Safety and Pilot Training Act of 2009. This bipartisan legislation was written and introduced by Chairman OBERSTAR, Ranking Member MICA, Mr. PETRI, and myself last year. The legislation was introduced after many hearings and roundtable discussions and with the input of the families of those who perished in the Colgan accident in Buffalo, the pilot groups, airlines, the National Safety Transportation Board, and the Department of Transportation Inspector General, as well as many Members of this body.

Let me say, Mr. Speaker, that the Aviation Subcommittee also held hearings and roundtables on safety issues related to the Colgan accident, culminating in the introduction of H.R. 3371.

Regional airlines have been involved in the last seven fatal U.S. airline accidents, and pilot performance has been implicated in four of these accidents.

Our bill, the action that we take today, and the action that we took in the legislation before us will strengthen pilot training requirements and qualifications.

There are five important provisions that I want to highlight very quickly that were originally included in H.R. 3371 and in the bill before us.

First, to address pilot qualification, the bill increases the minimum number of flight hours required to be hired as an airline pilot. Currently, the first officer only needs a commercial pilot's license to be a pilot, which requires a minimum of 250 flight hours. There is a consensus that 250 hours is simply not enough to be an airline pilot and that safety would be improved by raising the standard.

Under our legislation, all airline pilots must obtain an airline transport pilot license, which is currently only mandatory for an airline captain. The ATP requires a minimum of 1,500 flight hours and additional aeronautical knowledge, crew resource management training, and greater flight proficiency testing.

The legislation also strengthens the ATP qualitative minimum requirements, such as demonstrating the ability to function effectively in a multi-pilot environment and in training to fly in adverse weather conditions, including icing.

Second, we mandate several outstanding NTSB recommendations related to pilot training that were discussed at our hearings, such as those on stall and upset recovery and remedial training.

Third, to ensure that airlines can make informed hiring decisions, the bill requires the FAA to create and maintain an electronic pilot records database. The database will allow an airline to quickly assess an applicant's comprehensive record for hiring purposes only.

Fourth, fatigue has been on the NTSB's most wanted list since 1990. The bill directs the FAA to implement a new pilot flight and duty time rule, taking into account the operating environment of today's pilots and the scientific research on fatigue. As part of the rulemaking, the National Academy of Sciences is tasked with studying the effects of commuting on pilot fatigue. In addition, the bill requires air carriers to create fatigue risk management systems to proactively mitigate fatigue.

Finally, the bill requires all Internet Web sites that sell airline tickets to show, on the first page of the Web display, the name of the air carrier operating each flight segment of a proposed itinerary.

Although there are a few contentious issues that you heard about today, I believe that we have discussed many of these issues and that they can be resolved in conference with the Senate.

Virtually the entire aviation community, the airlines, the airports, general aviation, State aviation officials have communicated to us in a unified voice the need to get a multiyear reauthorization done as soon as possible.

Mr. Speaker, the House has already passed these bills separately. Incorporated together as the Aviation Safety and Investment Act of 2010, this legislation provides important stability for NextGen and the needed capacity improvements, while also strengthening aviation safety.

I urge my colleagues to support this legislation.

Mr. PETRI. Mr. Speaker, I yield 1½ minutes to our colleague from the State of Texas, KEVIN BRADY.

Mr. BRADY of Texas. Mr. Speaker, I appreciate the leadership of Chairmen OBERSTAR and COSTELLO, as well as our ranking leaders, Mr. MICA and Mr. PETRI, on the aviation infrastructure, but I rise in opposition to the bill which includes a number of provisions which would hurt our Nation's airlines, especially when many are suffering losses.

By sunseting in 3 years the antitrust immunity for airlines participating in international alliances, this bill puts at risk the global competitiveness of U.S. airlines, and reduces benefits for consumers.

International alliances help better serve Americans when traveling abroad. When airlines partner together, consumers benefit from the enhanced competition. They get greater access to lower fares, better online services, and more connecting options. And if airlines are at risk of losing their immunity, airlines may not enter into alliances and may cut back on cooperation with foreign air carriers. And consumer benefits would be put at risk, along with 15,000 American jobs supported by the industry.

Oversight has been raised as an issue, but there is more than adequate oversight already and review of these alliances by both the Department of Justice and the Department of Transportation. The Transportation Department may amend or revoke any existing immunity grant, and the Department of Justice is able to investigate antitrust concerns.

Mr. Speaker, alliances often require significant and long-term investments for U.S. carriers. Unnecessarily sunseting them would compromise the viability of the industry, benefits to consumers, and American jobs in a weakened economy.

Mr. OBERSTAR. Mr. Speaker, I would like to inquire of the time remaining on both sides.

The SPEAKER pro tempore. The gentleman from Minnesota has 18 minutes remaining. The gentleman from Wisconsin has 20 minutes remaining.

Mr. OBERSTAR. I now yield 3 minutes to the gentleman from Oregon (Mr. DEFAZIO).

Mr. DEFAZIO. I thank the chairmen of the full committee and the subcommittee and the ranking member for their excellent work on this.

There are a number of issues that are extraordinarily important to the public, the traveling public, in these two pieces of legislation.

The pilot training requirement, something I've been talking about since the early 1990s, I was shocked to find out that for those airlines who don't have higher standards, that they can hire someone with 250 hours of experience and put them up there on the flight deck. This didn't become apparent to a lot of the American public until after the horrible tragedy of the Comair crash last year, but it has been something that has been going on for years.

□ 1545

These low-budget sorts of carriers are trying to drag down the industry. Instead of hiring people with higher qualifications, paying them an actual decent working wage, when you have someone working for a little bit over minimum wage flying your airplane, do you feel good about that? I don't. With very inadequate training and someone who's been up overnight because they can't afford to have their own apartment and they have to commute across the United States of America to go home and sleep in their mom's house? That's a heck of a way to run an industry.

By raising the bar and raising the standard, we will not disadvantage anybody except those who are dragging down the system. We will have a new, higher standard, which the good airlines are already meeting, and those who are not meeting are going to be forced to meet and they're going to be forced to pay competitive wages to get people who are trained to that level. This will make the American traveling public safer.

In addition to that, I first introduced with now-Senator BEN CARDIN a bill on passenger rights in 1987. We've never quite gotten there until this legislation. We have some critical and basic passenger rights embedded in this FAA reauthorization—something that has been decades in the making. We came close a number of years ago but the then-Republican majority cut a deal for some voluntary standards which haven't been exactly subscribed to by some members in the industry. The industry is variable. Some are much better than others. This will make them all go to the same level of protections for consumers.

Again, we're putting a floor in there. If someone wants to exceed it, that's great. But let's move the floor up and go after those who are abusing passengers.

Then, finally, in terms of the overall system, this FAA bill will move us to a

21st century system for air traffic control, one that will allow the airlines much more use of our airspace, much more efficiently avoid storms, fly more fuel-efficient routes, avoid delays. That will be of tremendous benefit both to the industry and the traveling public, that additional predictability with NextGen.

I would recommend to our colleagues that we unanimously pass this legislation.

Mr. PETRI. Mr. Speaker, I yield 2 minutes to our colleague from Texas, Lamar Smith.

Mr. SMITH of Texas. Mr. Speaker, first of all, I want to thank my friend from Wisconsin for yielding me time. I would also like to thank Chairman OBERSTAR and Ranking Member PETRI for their hard work on this legislation.

Mr. Speaker, I have one concern about section 426 of the House amendment to H.R. 1586, which I hope will be addressed. Section 426 does two main things: it requires the Government Accountability Office to study the effect of Department of Transportation grants of antitrust exemptions on consumer welfare; and sunsets the existing antitrust exemptions after 3 years.

These grants of antitrust immunity allow airlines to "codeshare" with international partner airlines. This in turn allows the airlines to offer more flight options to consumers. It also means that consumers can accrue and use frequent flier miles on many airlines. Having more flight options and more ways to spend miles is certainly a boon for the consumer. In addition, the airlines contend that these alliances make for healthier airlines, which is good news for the thousands of workers that these companies employ.

As ranking member of the House Judiciary Committee which has jurisdiction over the antitrust laws, I have concerns that under current law, only the Secretary of Transportation can grant these immunities. The Department of Justice's antitrust division does not have a formal role in that process. That is something that I think needs to be examined. I understand that the Senate version of this bill does not have a similar provision. It is my hope that the House Judiciary Committee will be included in any conference on this legislation so that we can offer our antitrust perspective on this particular issue.

Mr. OBERSTAR. I yield myself 1 minute to respond to a repeated misunderstanding of and misconstruction of the language referring to antitrust immunity.

Airlines are free to engage in alliances and have been ever since the Deregulation Act of 1978. The threat to competition and to airline prices and fairness in the marketplace is to bless that relationship, codesharing, with immunity from the antitrust laws so that the airlines in the alliance can

collude on market and pricing and on scheduling. They should not have antitrust immunity.

The alliance is a fair and equitable competition device, but it should not be free from the antitrust laws of the United States.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. OBERSTAR. I yield myself 30 seconds.

If I had my way, I would eliminate the antitrust altogether, but we're providing a process by which the benefits of alliances that have been given antitrust immunity can be evaluated, determined whether there was a balance of benefits to the traveling public; if so, if they prove their case, they show that there are benefits, then the antitrust immunity continues in place.

I yield 3 minutes to the distinguished gentlewoman from the District of Columbia (Ms. NORTON).

Ms. NORTON. Mr. Speaker, I want to thank the chairman of the full committee and Chairman COSTELLO. These two chairs have done what can only be called heroic work twice. To do heroic work once, perhaps we'll say that's what chairs do. But this bill through two Congresses has only been improved by what they have done. The merits are not so much what this amendment is about, although there is a very important amendment in this bill.

I do want to say that this is a real jobs bill because it's an infrastructure bill at heart about updating our airline and airport infrastructure. But the bill is full of what the country yearns for and why it was so popular here and in the other body. It's just got the whole panoply of what is necessary to update the FAA: consumer protections that people yearn for, especially as the summer months approach; very much improved safety for the flying public, including the number of training hours for commercial pilots, and we've learned that one the hard way, with airline accidents, while this bill has been winding its way through both Houses.

We have a very aged air traffic control system. This bill brings all of these moving parts together and the committee chairs and the ranking members deserve very special praise for putting together so complicated a bill.

I want to comment on one matter that still is in conference and that has to do with the perennial matter of the slots and the perimeter and the desire of some in the other body, certainly, to save a few minutes by coming to overcrowded Reagan Airport rather than to Dulles or to BWI. For two decades, there was a statutory limit on the number of slots, and then there began to be inroads into it. This has to do with the perimeter where planes can arrive or depart to this airport, in order to even out the air traffic with

the three airports in this region and to abate noise and traffic congestion on the ground.

Since 2000, we have had to fight every time this bill came up in order to save the perimeter rule. The perimeter appears to have been saved, and I appreciate the way the chairman worked on this; no modification in the perimeter, although there are going to be more flights, it looks like, with big planes coming in. We have offset the flights from beyond the perimeter by using 10 slots within the perimeter that were unused.

The SPEAKER pro tempore. The time of the gentlewoman has expired.

Mr. OBERSTAR. I yield the gentlewoman an additional minute.

Ms. NORTON. We have been very fair in trying to keep this an even system on the air and on the ground. I understand that, in the other body, Mr. WARNER and Mr. WEBB are working still on this issue in conference. What has given them the best head start, Mr. Chairman, is what you did here to save the perimeter rule. I think by the time it got there, they knew that that could not be overcome. And if we work together, I think we can finally call this the year of the FAA bill.

I thank both sides for how well you've worked together on this very important bill.

Mr. PETRI. Mr. Speaker, I have only one request for time, and I reserve the balance of my time.

Mr. OBERSTAR. How much time remains on both sides?

The SPEAKER pro tempore. The gentleman from Minnesota has 16 minutes remaining. The gentleman from Wisconsin has 18½ minutes remaining.

Mr. OBERSTAR. I yield 2 minutes to the distinguished gentleman from Illinois (Mr. LIPINSKI).

Mr. LIPINSKI. Mr. Speaker, I rise today in strong support of this motion from Chairman OBERSTAR. I would like to commend Chairman JIM OBERSTAR and Chairman JERRY COSTELLO for their leadership and for making FAA reauthorization and aviation safety top priorities of our committee and of this House. We've held over 20 hearings and five roundtables on the FAA reauthorization in the last couple of years.

The House-passed FAA reauthorization will not only modernize our Nation's air transportation system—which is crucially needed right now—but will also significantly boost safety and enhance protections for consumers and the environment.

I was especially pleased to work with the chairman to incorporate a number of pro-consumer/pro-environment provisions into the bill, including holding airlines more accountable for delayed passenger bags; requiring airports to consider the implementation of recycling programs; establishing a Federal research center to develop alternative jet fuel; funding research to eliminate

the use of lead in aviation gas; and requiring an open, competitive process for airport projects with the use of QBS.

I look forward to continuing to work with Chairman OBERSTAR, Chairman COSTELLO, and the ranking member as we move to conference with the Senate. Right now we have to continue to look forward, especially with NextGen. We need to get this done for the American flying public, and I urge my colleagues to support this amendment.

Mr. PETRI. I continue to reserve the balance of my time.

Mr. OBERSTAR. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from California (Ms. RICHARDSON).

Ms. RICHARDSON. Mr. Speaker, I rise today in strong support of the Oberstar amendment, Subcommittee Chair COSTELLO, and the FAA Authorization Act as passed by the Senate. The Oberstar amendment makes a number of necessary fixes, one of which is to assure that the bill is in compliance with PAYGO rules. I want to thank Chairman OBERSTAR for his unrelenting leadership in bringing this amendment and the original FAA Authorization Act to the floor.

The FAA Authorization Act represents our commitment to safety in general aviation, commercial, cargo, and many other areas, especially the innovative programs to come. This is important to our economy, but also to our quality of life. I fly two times a week, 3,000 miles each way. So I can tell you as a passenger that all of the work that we do in our committee is important.

In the committee hearings, we have discussed issues from safety, to programs, to what's going on with the pilots. I can assure you that Subcommittee Chairman COSTELLO has made every effort to ensure that this authorization is a good bill and meets the needs of the public.

□ 1600

This authorization is a step in the right direction to the total modernization that is needed and that has been long awaited.

Transportation experts and those who work in the airline industry agree that this is the time for a bold, new transportation vision. Many Members have already spoken so far about the upcoming awaited implementation of NextGen, but this bill is much more than that.

That is why I am proud to provide support to the FAA Reauthorization Act as it comes before the House today, and not only today, but as Chairman OBERSTAR brought it to us before.

I urge my colleagues' support in this effort.

Mr. PETRI. I have only one request and continue to reserve the balance of my time.

Mr. OBERSTAR. Mr. Speaker, we have only one speaker left on our side, and so since it is our responsibility to close, I would ask the distinguished gentleman from Wisconsin to acknowledge his remaining speaker.

Mr. PETRI. I thank the chairman.

I yield such time as he may consume to my colleague, JOHN MICA, from Florida.

Mr. MICA. I thank the gentleman for yielding.

Mr. PETRI has done a great job as our Republican leader of the Aviation Subcommittee. I admire his work. Mr. COSTELLO, who chairs that committee, Mr. OBERSTAR, the former Chair of that subcommittee, myself, as a former Chair of that subcommittee, a tremendous amount of expertise out here today.

Our committee is pretty bipartisan, and we try to get things done, not just in the interest of our committee, not in the interest of a partisan position, but in the interest of the country. I am particularly frustrated today, and I expressed some of that frustration when the rule came up. And the rule, as Members know, Mr. Speaker, is the manner in which we consider a bill and amendments.

Most Members may not be aware, Mr. Speaker, of the little quandary that we are in right now or how we got in this position. This, in fact, is an FAA reauthorization. It would be for a number of years. This is the full bill. The bill that I worked on in 2003 that expired in 2007, we have done 13 extensions as of, I think, this past week.

We have heard that, you know, it may be Bush's fault that we didn't pass something during the first 2 years that the Democrats controlled in overwhelming majority numbers both the House and 60 votes, until about a month ago, in the other body.

But you can't tell me, of all people, that we couldn't deal with President Bush on an issue that affects 11 percent of our economy. This is 11 percent of our economy.

I stood on the floor and led the fight to override a Bush veto. I think it was the 107th veto in the entire history of the Congress.

Mr. OBERSTAR happened to be in the hospital at the time, but they were in the majority, and we did the right thing on a water resources bill. I took on my administration—and I would do the same thing then on Federal aviation authorization because it is in the interest of the people that we move this forward. When we don't have policy relating to how we operate the Federal Aviation Administration or aviation safety, legislation up to date, there is something wrong.

So please don't tell me it's Bush's fault. The Bush that I know of didn't have a vote here. We had the vote. We

had the responsibility to get this done years ago.

Now, what really frustrates me even more is the position that we find ourselves in. We are engaged in, I said during the Rules debate, a huge ping-pong ballgame with this bill and with this legislation. The 13th expiration of the legislation and extension we had to do is now sitting over in the other body, I am told.

Now, listen to this, it may expire next week, the 31st. We offered an extension through the beginning of July. It has a provision in there that Mr. OBERSTAR got, an agreement; we agreed together that we should correct a formula for distribution of highway funds for major infrastructure projects, projects of national significance, so that four States wouldn't hog the money, get 58 percent of it. We put that provision in there, and now it's being held hostage. What the other body did, they sent another bill over here, not our bill, they sent on a Ways and Means measure, their bill, so that basically it wouldn't be conferenced.

Now Mr. OBERSTAR is putting his bill that we passed last May for an extension, a full extension, on this measure. The sad part about that is that's not going to pass right away, so we need the measure, and we could have an expiration of our authorization for FAA next week.

This is absolutely unbelievable, inexcusable.

Now I said in the Rules Committee, and that's water over the dam, but I would rather have taken the Senate bill, made the corrections. I can tell you now that when we pass an FAA bill that some provisions are not going to be in it. You have heard opposition to the antitrust immunity sunset. That has the potential for killing 15,000 American jobs, 15,000 American jobs at a time when unemployment is at its highest rate in the United States in decades.

The foreign repair station provision that we are adding back in, we are adding these things back in today to go back over there to ping-pong back and forth, and they aren't going to pass. They aren't going to pass. The foreign repair station provision, which just happens to violate international treaties, would also threaten 130,000 good-paying jobs in the United States of America. How sad today that we are playing games when people need good-paying jobs and with the potential of passing this. Now, people are going to vote for this in a few minutes.

Mr. Speaker, I would submit for the RECORD the list of certified repair stations in House Aviation Subcommittee members' districts.

U.S. BASED EASA CERTIFICATED REPAIR STATIONS IN HOUSE AVIATION SUBCOMMITTEE MEMBER DISTRICTS

Member	Name	Location	EASA?	Employees
Democratic Member:				
Costello	Midcoast Aviation	Cahokia, IL	Yes—#4676	1,339
Filner	Rohr Inc	Chula Vista, CA	Yes—#4831	1,339
Larsen	Goodrich Interiors Seattle Service Center	Everett, WA	Yes—#4265	613
	Messier Bugatti Systems Inc	Everett, WA	Yes—#5403	13
	Precision Engines LLC	Everett, WA	Yes—#4781	26
Carnahan	Ameron Global Product Support	St. Louis, MO	Yes—#4712	84
	Essex PB & R Corporation	St. Louis, MO	Yes—#5184	10
Griffith	BASF Catalysts LLC	Huntsville, AL	Yes—#5314	9
	PPG Industries	Huntsville, AL	Yes—#4755	19
Johnson	Associated Air Center LP	Dallas, TX	Yes—#4173	20
	Chromalloy Gas Turbine LLC	Dallas, TX	Yes—#4320	636
	Dallas Airmotive Inc	Dallas, TX	Yes—#4368	656
	Flite Components LLC	Dallas, TX	Yes—#5303	208
	Gulfstream Aerospace Services Corporation	Dallas, TX	Yes—#5384	200
	Learjet Inc	Dallas, TX	Yes—#5311	525
	National Aircraft Services Inc	Dallas, TX	Yes—#5209	19
	Pratt and Whitney Services Inc	Dallas, TX	Yes—#6066	80
	Premier Air Center Inc	Dallas, TX	Yes—#6049	12
Mitchell	Arinc Inc	Scottsdale, AZ	Yes—#5987	19
	Copper State Turbine Engine Company	Scottsdale, AZ	Yes—#6056	43
Cohen	Aeroframe Airepairs	Memphis, TN	Yes—#4134	45
	Aerospace Products International	Memphis, TN	Yes—#5220	88
	Avionics Specialists Inc	Memphis, TN	Yes—#4220	76
	Floats and Fuel Cells Service Center	Memphis, TN	Yes—#4448	9
	Intersky Precision Instrument	Memphis, TN	Yes—#4576	80
	T-Aerospace LLC	Memphis, TN	Yes—#5628	13
Richardson	Belt Makers Inc	Torrance, CA	Yes—#6065	15
	Cupery Corporation	Torrance, CA	Yes—#4359	25
	Honeywell International	Torrance, CA	Yes—#4135	218
	IPECO	Torrance, CA	Yes—#5366	7
	MOOG Inc	Torrance, CA	Yes—#4684	10
	Plasma Technology Inc	Torrance, CA	Yes—#4751	111
	Robinson Helicopter Company	Torrance, CA	Yes—#5073	17
	Shimadzu Precision Instruments Inc	Torrance, CA	Yes—#5693	107
Brown	Flightstar Aircraft Services	Jacksonville, FL	Yes—#5370	45
	JAS Services Inc	Jacksonville, FL	Yes—#5386	1,015
	Unison Industries LLC	Jacksonville, FL	Yes—#4976	8
	Cessna Aircraft Company	Orlando, FL	Yes—#4303	1,320
	Chase Aerospace Inc	Orlando, FL	Yes—#5226	513
	Hawk Aviation Services	Orlando, FL	Yes—#6015	9
	Live TV	Orlando, FL	Yes—#6030	42
	Swissport USA Inc	Orlando, FL	Yes—#5642	156
Cummings	Avdyne Aeroservices LLC	Baltimore, MD	Yes—#6038	7
Ortiz	MC Turbine Inc	Corpus Christi, TX	Yes—#5625	33
Total EASA Active Certificated Jobs in Democratic Aviation Subcommittee Member Districts.				100
Republican Members:				100
Petri	Gulfstream Aerospace Services Corporation	Appleton, WI	Yes—#4607	7,140
Coble	Cessna Aircraft Company	Greensboro, NC	Yes	850
	Genesis Aviation	Greensboro, NC	Yes	850
	GSO Aviation	Greensboro, NC	Yes	100
	Triad International Maintenance Corporation	Greensboro, NC	Yes	51
Ehlers	Eaton Aerospace LLC	Grand Rapids, MI	Yes	4
	GE Aviation Systems LLC	Grand Rapids, MI	Yes	1,391
	L3 Communications Avionics Systems	Grand Rapids, MI	Yes	1,546
Gerlach	Innovative Solutions and Support	Exton, PA	Yes	72
Mack	Air Technology Engines, Inc	Naples, FL	Yes	38
Schmidt	Cincinnati Thermal Spray, Inc	Cincinnati, OH	Yes	139
	CTL Aerospace Inc	Cincinnati, OH	Yes	249
	TSS Aviation, Inc	Cincinnati, OH	Yes	156
Fallin	AAR Services Inc	Oklahoma City, OK	Yes	156
	Dow Aerospace	Oklahoma City, OK	Yes	13
Buchanan	Baker Electronics Inc	Sarasota, FL	Yes	802
	L3 Communications Corporation	Sarasota, FL	Yes	45
	Radiant Power Corporation	Sarasota, FL	Yes	196
				40
				281

U.S. BASED EASA CERTIFICATED REPAIR STATIONS IN HOUSE AVIATION SUBCOMMITTEE MEMBER DISTRICTS—Continued

Member	Name	Location	EASA?	Employees
Total EASA Active Certificated Jobs in Republican Aviation Subcommittee Member Districts.				4,302
Total EASA Active Certificated Jobs in ALL Aviation Subcommittee Member Districts.				11,442

At least 13 EASA Active Certificated Jobs in 20 of 44 Aviation Subcommittee Member Districts.

These are just members of the Transportation and Infrastructure Committee who will lose jobs. I saw Ms. RICHARDSON speak; she will lose about 1,300 jobs in Torrance, California. I heard Mr. COSTELLO speak, the chairman of the Aviation Subcommittee; he has the potential for losing 1,339 jobs.

The FedEx provision, which will allow local strikes, everybody knows what this is about. The other body has said, no, they will not accept it. Our side of the aisle has said, no, we will not accept it. It's not going to be in a final bill. Wake up to reality and pass the legislation that has been lacking now for 3 years.

We have not set the policy, the projects, the funding formula at a time in when this Nation needs jobs—j-o-b-s, jobs. It's that simple. So why are we playing this obscene, kabuki game with the other body?

The aircraft rescue and fire mandates one-size-fits-all will actually close down some of our airports to require and mandate some of the provisions that we are going to send back over there—one-size-fits-all for little airports. Little airports don't need the same requirement as La Guardia, JFK, LAX, MCO. They don't need the same requirements. So why would we impose those expensive, unworthy requirements on all of our airports across the land that's opposed by the airports.

So here we are, we are going home. We have to face people who have lost their jobs, people who have lost their homes, people who come to you with tears in their eyes because they can't provide for their families.

And what are we going to tell them? We are going to tell them with a straight face, folks, we played this little game with 11 percent of our economy, and we have no policy. We haven't approved the projects, now, for some 3 years. We could blame it on Bush, we could blame it on whoever. But the fact is, we are responsible. We had the ability to do this now rather than later, and we didn't do it. So we should be embarrassed.

Now, I know Mr. OBERSTAR has done as much as he can do. But at some point you have to face reality and see some of these provisions are not going to be in any final reauthorization. So I am not a happy camper. I am going to oppose this. If it came down to one vote, and it required my vote to go forward, it won't happen. But if it did, I would vote to pass it even though I am in opposition right now, because I have to move the process forward, and that's

my responsibility. But many will vote against it because they opposed it before, and here we are again doing the same thing.

This is like Groundhog Day. We are repeating it over and over all to the detriment of the American people. Folks, the American people don't want a Groundhog Day. They want us to get the job done, and they want jobs out there.

Mr. OBERSTAR. I yield such time as he may consume to the chairman of the subcommittee, Mr. COSTELLO.

Mr. COSTELLO. I thank the gentleman for yielding.

Mr. Speaker, let me thank Chairman OBERSTAR for not only all of his hard work—I think everyone in this body recognizes that no one knows more about aviation and transportation issues, not only in the Congress, but I would venture to say in this country, than the chairman of our full committee, Mr. OBERSTAR.

Both of these bills, both the reauthorization bill and the pilot safety bill, are very good bills. Both have gone through extensive hearings. As I said, we had over 20 safety hearings on the reauthorization bill. We had many roundtable discussions. We had the input of everyone that you can think of in the industry. We heard from all sides. No one was shut out of the process.

The airlines, the airports, the pilots, the flight attendants, the mechanics, the family members of those who perished in the Colgan tragedy, we heard from all of them. We had Captain Sullenberger in to talk to us about the pilot safety bill to seek his opinion about what needed to be done as far as increasing standards and improving safety.

So both of these bills, both the reauthorization bill and the pilot safety bill, they also—not only did we go through extensive hearings but they passed the committee overwhelmingly and passed this body overwhelmingly. There are no surprises in either one of those bills, in the FAA reauthorization bill or in the pilot training bill. All of the issues, all of the provisions that are in both of these bills have gone through extensive hearings and through extensive discussions. There were no surprises.

My friend from Florida makes reference to the bill that he passed as chairman of the Aviation Subcommittee in 2003, and I think it's worth noting that we, as chairman of the Aviation Subcommittee and Mr.

OBERSTAR as chairman of the full committee, we started negotiations on the reauthorization bill back in 2007, in the spring of 2007. We met with our friends on the other side of the aisle. We talked about the reauthorization bill, what needed to be in it, and it was the Bush administration.

My friend from Florida knows because he told me over and over again that if we passed the bill that we were putting together, that the Bush administration would veto the bill. In addition to that, it was the Bush administration administrator of the FAA at the time, Ms. Blakey, who was the administrator of the FAA, who, in fact, we had a difficult time negotiating with her concerning some provisions in the bill, in particular, the contract problems with the air traffic controllers.

And then after she left the position and an acting administrator, Mr. Sturgell, was appointed, he, in fact, dragged negotiations out. And finally, when we got to the point where we thought we had an agreement, there was only one pending problem with the agreement, and the FAA demanded some concessions on the part of the air traffic controllers. And the air traffic controllers came into a meeting with all of us and said, if that's what it takes to get a contract and get this dispute settled, we will give it up. We will make these concessions.

And Mr. Sturgell, in that room, said, well, there are other issues. We thought we had an agreement but for one item. And when the air traffic controllers said we will make those concessions, we are all in to get this solved, it was the Bush administration that said, we have more problems and other issues that we have to discuss.

□ 1615

So let me just say that I am not here to point fingers. But when my friend from Florida says that the Democrats control the House and the Senate and the White House, the fact of the matter is what I just said: we were ready to go with the bill in the spring and summer of 2007, and the reason that it was held up is because we continued to try and negotiate and try and get the Bush administration and the FAA under the Bush administration to reach agreements with us and, unfortunately, it did not happen. We came to the floor, and we passed the bill in 2007 with very strong support.

Again, I would just remind Members, there are no surprises in this bill

today. Every provision in the FAA reauthorization bill, every provision in the pilot safety and training bill, all of those provisions were aired out with everyone in the industry and, in fact, were discussed by the leadership of the committee and the members of the committee when these bills were marked up in committee. We had extensive discussions. There are no surprises. Nothing has been added to either one of these bills that we have before us today.

Let me conclude, Mr. Speaker, by saying, Mr. MICA says this is a job killer and in fact has read off from a list of how many jobs that each Member could potentially lose in their district. Let me tell you what the FAA says.

The FAA says that this is not a job killer, but it will create jobs. And what they say is, in the short term, the bill will immediately create good construction and technology jobs, giving local economies the jump-start they need. So the economics will improve, the economy will improve. According to the FAA, the bill will allow billions to be spent on upgrading and expanding airports throughout the country. It is expected to create 125,000 jobs annually.

That comes from the FAA. This is not a job killer. This is a job creator. It is investing in our infrastructure at our airports, it will reduce congestion, it will reduce delays. It has a consumer protection provision in these bills to protect passengers.

Let me just conclude by saying that I would hope my friend from Florida and my friends on the other side of the aisle would in fact vote in favor of this legislation. And whatever differences that we may have in the provisions that they may not like, that's why we have a conference, that's why we go to conference, to work out our differences.

So I would urge my colleagues to vote "yes" on this legislation.

Mr. PETRI. Mr. Speaker, I would just observe that we are talking past each other a little bit. I think the bill overall, I certainly would not dispute the estimate of the Department of Transportation or the FAA that increasing the funding available for construction of new airports and for operating the system and for putting in the NextGen and so on will create jobs within the airline system.

But I think the ranking member, Mr. MICA, was speaking about some other provisions of the bill and the impact it might have under certain interpretations, on, for example, repair stations or on airline jobs in this country. So there would be gains in one area, but there are potential losses in another area. That was the concern.

Mr. MICA. Will the gentleman yield?

Mr. PETRI. I yield to the gentleman.

Mr. MICA. To that point, I did say I would be willing to cast, if it came to

one vote, a vote to move this process forward, because I have always tried to work in a bipartisan manner, and I appreciate the manner in which, Mr. Speaker, both Mr. COSTELLO and Mr. OBERSTAR work on this.

One of the things that does concern me—and it's my understanding, Mr. Speaker, that this came over on a Ways and Means measure. We are sending it back. We won't necessarily get a chance to even conference this in the normal manner. So I am concerned about also the process.

I am concerned, too, that we aren't passing a final bill today. This has many good provisions in it. There are some differences that need to be resolved.

In fact, what really irritates me, too, is the safety provision. The safety bill that is added on by the other body, we agreed in a bipartisan manner, and it is sinful that that is not enacted on the President's desk almost immediately. That's in this measure and I support that strongly, and we worked together to get that on there. But we do have differences and we do have to face reality, and we need to get the job done.

Mr. PETRI. I yield back the balance of my time.

Mr. OBERSTAR. Mr. Speaker, how much time remains on our side?

The SPEAKER pro tempore. The gentleman has 9½ minutes remaining.

Mr. OBERSTAR. I yield myself such time as I may consume.

First, I have made it clear from the outset that the process in which we find ourselves on the House floor is due to the means by which the Senate brought their bill through the Senate and sent it over to us, and one aspect of that is that the aviation bill reported by the Senate includes a tax provision, which the Senate cannot initiate. Under the Constitution, it must be initiated by the House.

So in order to keep faith with the Constitution, the Senate amended an already-passed House tax bill to which they added their aviation bill. The tax provision has now been vacated, and we send back to the Senate an aviation bill on which there will be a conference.

We have insisted on it. Our leadership has concurred and said there will be a conference; they agreed with the Senate leadership, and there will be a conference. And these issues that have been discussed of the provisions of the House bill have twice passed the House already, will be matters to be discussed with our colleagues in the Senate in the conference in an open conference session, period. It is a complex process to get us there, but it is a process by which we will get to conference with the Senate.

Now, never did I say in my remarks that the inability to pass this bill in 2007 was the fault of President Bush. I did not say that. I said, and I read from

the Statement of Administration Policy, that if our 2007 bill, H.R. 2881, were presented to the President, his senior advisers would recommend that he veto the bill. That is quite plain on its face a statement recited from the administration's Statement of Administration Policy.

We moved, as Mr. COSTELLO already explained and laid out the time line, very promptly in our committee, preceded by consultations with our Republican colleagues. We had discussions in February, March, and April, into May. We had a markup in committee in May. And then we withheld going to the floor in an attempt to reach an agreement with the FAA, the Bush administration, and the air traffic controllers.

And I must compliment the gentleman from Florida (Mr. MICA), the ranking member, for his participation, his ready willingness to engage personally, not just send minions, but to engage personally in that process. He participated in numerous meetings with Mr. COSTELLO and me, Secretary Peters, Marion Blakey, administrator of FAA, and a person from the Office of Management and Budget to speak authoritatively for the administration on the budget and expenditure issues. We talked extensively in June and in July. We had several meetings through July and the first week of August.

We came back the first week of September after the August recess, and again, Mr. MICA in the room, we had discussions. I give him great credit for engaging himself personally. We could not reach the—not "we"—the air traffic controllers and the administration could not reach agreement. At that point we said we do have a responsibility to move this bill, and on September 20 it passed the House 267–151.

There was no comparable bill in the Senate. The Senate was wrestling with the administration's proposals for taxes that Senators objected to, financing agreements that the Senate objected to that they found that they could not reach agreement internally nor could they reach agreement with the administration. Therefore, we had to pass finally an extension of current law, the bill that Mr. MICA authored as Chair of the Aviation Subcommittee in 2003 and which we all supported.

Since then, we have had a Presidential election, the administration moved in, and we moved promptly on our bill. We did all the right things to reach agreement, starting from our point in 2007 and 2008. Meanwhile, the administration addressed the issue of the air traffic controller contract. Secretary LaHood made it his first responsibility: bring the controllers in, bring the FAA, bring the Office of Management and Budget into discussions. Find what the points of agreement were, points of disagreement, and resolve the matter, as it should be done.

With good will and willingness on both sides, some 600 items were resolved, including the very crucial ones of pay and pay grades and pay scales, and a starting point of next negotiation for the follow-on contract. It was a remarkable achievement, and the end result was that 94 percent of controllers voted in favor of it.

I am very mystified by the comment that I heard about the aircraft rescue and firefighting standards. Section 311 requires the FAA to begin a rule-making to update aircraft rescue and firefighting standards and bring them into compliance with existing national voluntary consensus standards for response time, deployment, staffing, hazardous materials training only if such standards are found to be practical.

That is not a one-size-fits-all. That is not a straitjacket. That is not imposing something arbitrarily. That is a process by which these issues can be resolved. It is a rational response. It was agreed upon in our committee. FAA, airport authorities, International Association of Firefighters participated in developing the standards and support them. The rulemaking will provide a process by which all those who have an interest in air crash fire and rescue will have the opportunity to have a say in and shape the final standards.

We are not doing it by law. We are not saying this is the standard. We are not shoving something down somebody's throat. We are creating a process by which that standard can be established.

I know a good deal about air crash rescue and firefighting because we have a facility in Duluth, not at the airport, but operated by the community college, Lake Superior College. It's no longer a community college, it's a full-fledged university-level operation, and they train firefighters. They were training over 2,000 a year from all over the United States, from 14 foreign countries that came to this facility. They know a good deal about standards and about equipment and training of personnel.

□ 1630

They have, in fact, the hull of a DC-10 that is used as training. They put it on fire a couple of times a week. They train people in how to deal with fire and to rescue people from burning aircraft. And so what we've created in this legislation is a process by which standards will be set for the whole country to save lives.

The pure speculation and the scare tactics that the airlines have engaged in—they've sent talking points to people around the country and to various airport authorities and had them send this false information on. That's pure scare tactics. I already used time to explain this with the gentleman from Texas.

This bill needs to pass.

Mr. POMEROY. Mr. Speaker, I rise today to express concern with certain provisions of H.R. 1586, the FAA Air Transportation Modernization and Safety Improvement Act of 2010.

I am pleased that the Senate has taken action on the Federal Aviation Administration, FAA, reauthorization bill, and that we are a step closer to enacting meaningful legislation that will advance airline safety and improve pilot training. While I strongly support the goals of the bill, I continue to have concerns about the pilot training provision in H.R. 1586, the FAA Air Transportation Modernization and Safety Improvement Act of 2010.

The pilot training provision requires an airline pilot to hold an Airline Transport Pilot, ATP, certificate, which necessitates a minimum of 1,500 flight hours. The new focus on total flight hours rather than the quality of those hours will not provide the increased safety and pilot quality that is the goal of this legislation. It could in practice have the opposite effect, by driving students to undertake low value flying at the expense of high quality directed flight training.

By dramatically increasing the costs of training we will drive our most qualified potential pilots out of accredited flight schools such as the John D. Odegard School of Aerospace Sciences at the University of North Dakota that have produced exceptional pilots for decades. Graduates of these programs receive high quality flight instruction that is much more valuable than a pilot who might just be racking up straight and level flight time that has no increased educational or safety benefits.

I am concerned that these increased costs could encourage pilots to seek less costly training alternatives and potentially be counter to the bill's intended goal of increasing safety. I believe that as this legislation moves forward some consideration must be given to Collegiate Aviation Programs that have been accredited by the Aviation Accreditation Board International, AABI. This will help to increase the focus of these requirements on quality of training rather than quantity of flight hours.

While I will be voting in favor of this legislation in order to move forward the important process of increasing the safety of commercial aviation, I do so with reservations. Before this legislation becomes law I believe that it is important that the bill be modified to recognize the tremendous benefits that our nation's accredited flight schools provide.

Mr. RAHALL. Mr. Speaker, as we all know, aviation is a critical component of our Nation's transportation system. Aviation not only supports the quick and efficient delivery of goods and services it is essential to the health and success of our Nation's commerce.

While moving goods and people is a major aspect of aviation, we must not overlook the role aviation and our airports play in the well-being of our small communities. In many cases, they act as the economic engine that powers our local economies.

Essential Air Services has assisted our small communities in kick starting the promise of economic development. In fact, businesses often cite proximity to air service as one of their top requirements in choosing a location.

Throughout my career I have taken steps to not only ensure increased EAS funding, but to

ensure on-time regularly scheduled air service is a priority for small communities, as well as large communities.

My March 8, 2010, letter to the U.S. Government Accountability Office, with signed support from Chairman OBERSTAR and Subcommittee Chairman COSTELLO, requests an investigation into delays and cancellations in small communities. This request initiates the process of narrowing down what changes we can make to increase air service reliability at our rural airports. The FAA Air Transportation Modernization and Safety Improvement Act renews our commitment to the Essential Air Service program.

As the Representative elected nearly 34 years ago by the great people of southern West Virginia, I know just how crucial EAS is to the survival of many rural airports.

The last FAA reauthorization bill made the Small Community Air Service Development, SCASD, Program a permanent program and increased authorized EAS funding to ensure the continuation of air service for rural businesses and residents that otherwise would find local air service too expensive.

This bill today improves our commitment to rural communities, brings stability to rural air service and encourages small communities to build relationships with air carriers that serve them. As importantly, this bill increases the authorized funding level for Essential Air Service, EAS, from \$127 million to \$200 million per year through FY 2012 and extends the Small Community Air Services Development, SCASD, program through FY 2012 at the current authorized funding level of \$35 million per year.

Airports have a vital role in our communities serving as both direct and indirect employers of our citizens—from the aircraft mechanics and airport managers who support the safety and on-time performance of flights, to the cooks and custodians who provide comfort and convenience for weary travelers.

Airports attract business development to communities and ensure local businesses remain robust and have opportunity for growth. For these reasons and more, businesses are drawn to those communities that can boast of a strong local airport.

To stay competitive in an ever-changing global marketplace, airports are constantly faced with pressures to modernize their operations. Often, local communities take it upon themselves to come up with the necessary funds and make improvements themselves. That is a crucial, and often difficult, goal.

Essential Air Service funding can make the difference between a community having access to aviation or not. The program has kept many airports operational and, in many cases, made lasting improvements to the services offered.

We must take it upon ourselves to do more to ensure that local airports, like the ones in my State of West Virginia, can continue to operate and provide much needed air service and jobs.

In closing, I just want to reiterate my strong belief that the EAS program provides rural areas with a vital link to our national air transportation system and promotes business development in our local communities.

Mr. VAN HOLLEN. Mr. Speaker, I rise to support the FAA Air Transportation Modernization and Safety Act. This important legislation

will modernize our air traffic control systems, improve safety, and protect passenger rights.

This bill will provide historic funding levels to improve airports, streamline operations, and update our air traffic control system to make it safer and more efficient. It strengthens air carrier oversight and revises training requirements to ensure that all the pilots in the cockpit have the most advanced certification. Finally, it provides vital consumer protections to make sure that when there are long delays on the tarmac, passengers have the option to leave the plane.

I hope my colleagues will join me to support this bill and that we move quickly to reconcile differences with the Senate and enact this much-needed legislation.

The SPEAKER pro tempore. All time for debate has expired.

Pursuant to clause 1(c) of rule XIX, further consideration of the motion will be postponed.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote incurs objection under clause 6 of rule XX.

Record votes on postponed questions will be taken later.

EXPRESSING SUPPORT FOR BANGLADESH'S RETURN TO DEMOCRACY

Mr. CROWLEY. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1215) expressing support for Bangladesh's return to democracy, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1215

Whereas March 26 is the anniversary of Bangladesh's independence;

Whereas the Constitution of Bangladesh, ratified in 1972 following a war of independence, established a democracy ruled by and for the people of Bangladesh;

Whereas Bangladesh has a population of approximately 160,000,000 people, is the world's fourth most populated Muslim country, and is a moderate and democratic Muslim nation;

Whereas before elections in December 2008, Bangladesh held what the international community viewed as three free and fair elections in 1991, 1996, and 2001, respectively;

Whereas in October 2006, power was handed over to a caretaker government before the January 22, 2007, scheduled election and the caretaker government subsequently imposed a state of emergency on January 11, 2007;

Whereas the United States House of Representatives passed a resolution in September 2008 calling for the return of democracy in Bangladesh;

Whereas the caretaker government of Bangladesh returned the country to democracy

through an election held on December 29, 2008;

Whereas the December 29, 2008, election was monitored by numerous international election observers that declared the election credible;

Whereas the United States Department of State welcomed "the success of Bangladesh's parliamentary elections" and congratulated the "Bangladesh Election Commission and the thousands of government officials involved in organizing this successful election";

Whereas the Awami League, led by former Prime Minister Sheikh Hasina Wajed, won over two-thirds of the 300 seats in Parliament and formed a new government in January 2009;

Whereas President Barack Obama awarded Muhammad Yunus the Presidential Medal of Freedom in August 2009;

Whereas the United States Agency for International Development reports that 49 percent of Bangladeshis live below the poverty line;

Whereas Bangladesh's economy grew at an estimated rate of 5.7 percent in 2009;

Whereas the Anti-Corruption Commission in Bangladesh has commenced serious efforts to address corruption; and

Whereas Bangladesh's long-term political stability and economic progress are critical to the security of the South Asian region: Now, therefore, be it

Resolved, That the House of Representatives—

(1) expresses its strong support for the people of Bangladesh;

(2) encourages the strengthening and consolidation of democracy in Bangladesh one year after the election;

(3) urges the Government of Bangladesh to work together with all political leaders to continue and deepen reconciliation;

(4) appreciates the Government of Bangladesh for making progress in meeting the selection criteria of the Millennium Challenge Corporation;

(5) urges the Government of Bangladesh to protect the rights of religious and ethnic minorities in Bangladesh, including the Hindus, Christians, Buddhists, Ahmadis, and non-Muslim tribal peoples;

(6) urges the Anti-Corruption Commission in Bangladesh to continue its efforts to eradicate corruption;

(7) urges the Secretary of State to coordinate with Bangladesh on matters pertaining to security, economic progress, and human rights in South Asia; and

(8) encourages the Secretary of State and the Administrator of the United States Agency for International Development to continue supporting the building of a strong civil society and eradicating poverty in Bangladesh.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. CROWLEY) and the gentleman from Arkansas (Mr. BOOZMAN) each will control 20 minutes.

The Chair recognizes the gentleman from New York.

GENERAL LEAVE

Mr. CROWLEY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous materials on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. CROWLEY. I yield myself such time as I may consume.

I rise in strong support of House Resolution 1215, a measure to honor Bangladesh's return to democracy. I'd like to thank the chairman of the House Foreign Relations Committee, Chairman BERMAN, and Ranking Member ROS-LEHTINEN for their support of this resolution. I'd also like to thank the gentleman from California (Mr. ROYCE) for leading this effort with me, along with other members of the House Caucus on Bangladesh.

Just 18 months ago, this House passed a resolution urging a return to democracy in Bangladesh. At the time, we were concerned that Bangladesh was creeping toward totalitarianism and authoritarianism, especially after the ruling caretaker government postponed national elections. The 160 million people of Bangladesh faced an uncertain future.

Instead of succumbing to the temptations of permanent power, the caretaker government ultimately scheduled nationwide elections. They invited international election monitors into the country and created an independent anticorruption commission. The elections were deemed credible by numerous international observers, and, most importantly, by the people of Bangladesh.

Today, the day before Bangladesh celebrates their Independence Day, it is an opportunity for this House to honor the Bangladesh people and their democracy. Bangladesh has made important strides towards reaching the qualification requirements of the Millennium Challenge Corporation. It has taken steps to create a path into government for women, and, not least, the Bangladeshis have worked very hard to fight extremism.

Bangladesh has become an important partner of the United States. Even as it faces challenges with serious poverty, threats from climate change, and extremism, the Bangladeshi people have shown remarkable resilience, creativity, and principle. This is exactly the kind of country the United States ought to work with and do more to support, not because the situation on the ground is perfect, but because by working together we have clearly created a better path forward.

In the coming months, I hope the Bangladeshi authorities will make every possible effort to deepen and strengthen political reconciliation within their country. I also hope the Bangladeshi people and their government will work with us to identify stronger mechanisms to improve assistance and protection for refugees fleeing from neighboring countries. Inside Bangladesh, the protection of minorities must remain a high priority for its government. At the same time, I hope the international community

will more quickly wake up to the positive changes Bangladesh has made thus far.

The fact is, Bangladesh is a moderate Muslim nation of 160 million people that wants to work with the United States of America. I hope that our government can find more ways to work alongside Bangladesh to support good governance, human rights, and development. There's clearly much more that we can do to work together.

For today, though, we honor Bangladesh, the Bangladeshi people, and the many hardworking Bangladeshi Americans on their national day, a day that I know that they treasure. As an independent, moderate, and democratic nation, Bangladesh deserves no less.

With that, Mr. Speaker, I wish to reserve the balance of my time.

Mr. BOOZMAN. I yield myself such time as I may consume.

I rise in support of H. Res. 1215, a measure expressing the support of the American people for Bangladesh's return to democracy.

Mr. Speaker, the United States and Bangladesh have been friends for more than a half a century. We have worked together to build a strong and lasting democracy. The United States welcomed the free, fair, and transparent elections that occurred in December 2008. The United States is proud to have supported that effort, and we will continue to support efforts to improve and promote development, democracy, social harmony, and mutual tolerance.

The United States attaches a great importance to South Asia. In this context, the good news coming out of Bangladesh related to democratic development, economic progress, and rejection of violent extremism. All of this is being strongly welcomed in Washington. In this regard, we are all pleased that ties between our two countries continue to deepen. Our two governments are working closely to address global challenges, including climate change, food security, terrorism, and pandemic disease.

I would particularly like to highlight longstanding U.S. efforts to empower women at the grassroots level, including through helping local governments be more transparent and accountable to the Bangladeshi people. Meanwhile, the growing voice of the Bangladeshi American community in Arkansas and elsewhere around the country is helping to strengthen and extend people-to-people ties between our two vibrant societies.

In conclusion, I support the adoption of the resolution.

Having no further speakers, I yield back the balance of our time.

Mr. CROWLEY. Mr. Speaker, I thank the gentleman from Arkansas for his being here in support of this resolution and the minority for supporting this resolution and the timely manner in which you allowed this to come to the

floor. I appreciate it tremendously. I know all the members of the Bangladeshi Caucus appreciate it as well.

Mr. Speaker, I have had the opportunity to visit Bangladesh on several occasions, and I have tremendous respect for the people of Bangladesh. They're hardworking, good people, and they love America. It's amazing the outpouring of affection that I experience when I go to that country.

I also want to say that post-9/11, on my first visit to Bangladesh, the desire for the Bangladeshi people to strengthen the ties between our two nations was palpable then. I know in this new government, the post-caretaker government, it is as strong today as it was after 9/11. And for a country of 160 million Muslim people with a considerable minority population within that population, as well, of Hindu and Christian and other religions, that bond between our nations is as strong as ever. I also recognize that not everything is perfect in Bangladesh and that they're working towards making it a stronger and a better democracy for its people, but also for the region in which Bangladesh lies.

So, Mr. Speaker, with that, I just want to thank, again, the minority for this opportunity to congratulate Bangladesh as they celebrate their Independence Day, and the people of Bangladesh and Bangladeshi Americans who hold very dear March 26 as Bangladeshi Independence Day.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. CROWLEY) that the House suspend the rules and agree to the resolution, H. Res. 1215, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. BOOZMAN. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

EXTENDING THE SMALL BUSINESS LOAN GUARANTEE PROGRAM

Mr. SERRANO. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4938) to permit the use of previously appropriated funds to extend the Small Business Loan Guarantee Program, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 4938

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EXTENSION OF SMALL BUSINESS LOAN GUARANTEE PROGRAM.

(a) AUTHORITY TO USE FUNDS.—Up to \$40,000,000 of the amount made available under the heading “Small Business Administration—Business Loans Program Account” in title V of division C of the Consolidated Appropriations Act, 2010 (Public Law 111-117) also may be utilized for fee reductions and eliminations under section 501 of title V of division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111-5) and for the cost of guaranteed loans under section 502 of such title. Such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974.

(b) EXTENSION OF SUNSET DATE.—Section 502(f) of title V of division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111-5) is amended by striking “March 28, 2010” and inserting “April 30, 2010”.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. SERRANO) and the gentlewoman from Missouri (Mrs. EMERSON) each will control 20 minutes.

The Chair recognizes the gentleman from New York.

□ 1645

GENERAL LEAVE

Mr. SERRANO. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks on H.R. 4938.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. SERRANO. I yield myself as much time as I may consume.

Mr. Speaker, the bill before us provides for a 1-month extension of the Recovery Act small business lending program and provides an additional \$40 million for this program. Through March 12 of this year, the small business lending program has supported nearly \$23 billion in small business lending which helped create or retain over 560,000 jobs. The program eliminated the fees that borrowers and certain lenders are normally charged for loans through the Small Business Administration's 7(a) and 504 loan programs. The Recovery Act also increased the government's guarantees on the 7(a) loans from 75 percent to 90 percent.

Mr. Speaker, 7(a) is the SBA's primary program for helping startup and existing small businesses with financing guaranteed for a variety of general business purposes. SBA does not make loans itself but rather guarantees loans made by participating private lending institutions. Like most commercial loans, these loans are typically variable rate.

The 504 program provides growing businesses with long-term, fixed-rate financing for major fixed assets, such as land and buildings, through Certified Development Companies. A Certified Development Company, CDC, is a private, nonprofit corporation set up to contribute to the economic development of the community it serves.

When credit markets froze in late 2008, credit markets that service small businesses froze as well and have continued to be hard hit. These provisions have been working to loosen up the credit market for small businesses so they can stay in business, keep people employed, and make new hires.

As we know, in a very bipartisan way, we have all felt that there is nothing more important we could do right now but to allow for small businesses to thrive as we move to create jobs in our economy. And so I would hope that everybody in a unanimous fashion, Mr. Speaker, can support this bill.

I reserve the balance of my time.

Mrs. EMERSON. Mr. Speaker, I yield myself such time as I may consume.

All Members, all of us, have been hearing from our constituents that banks are not lending to small businesses. The Financial Services Appropriations Subcommittee has heard testimony that this is the result of banks' unwillingness to take risks or reduce their capital reserves. In addition, bank regulators have increased scrutiny on lending practices. The funding and language included in this bill attempts to address this problem by increasing the SBA loan guarantee to 90 percent for certain small business loans and eliminating, as the chairman said, certain borrower fees associated with SBA's business loans. I greatly appreciate that my chairman, JOSÉ SERRANO, has not increased spending in this bill but is allowing SBA to use other available resources to continue funding these programs.

With unemployment at almost 10 percent, now is not the time to make it harder for small businesses to get credit, and these programs should and must be continued. However, I have to say that I am a bit troubled with the manner in which this bill is being considered. Just yesterday, the House passed the Disaster Relief and Summer Jobs Act that includes funding and language to continue these SBA programs through April. So my question is, which bill does the majority intend the Senate to act on? If yesterday's bill was not so controversial, perhaps today's bill would not be necessary.

Neither the disaster bill nor the SBA bill was marked up by the Appropriations Committee. The majority did not seek input from the minority in either of these bills. We've known since the enactment of the stimulus bill over a year ago that SBA did not have sufficient funding to continue these programs through fiscal year 2010. Yet instead of dealing with it in a more comprehensive manner either in the fiscal year 2010 omnibus or in a committee markup earlier this year, we're now only providing SBA with enough funding to continue these programs for one additional month. We could have marked up a bill in committee that

provides SBA with sufficient funding for the rest of the fiscal year and come up with a spending offset that both sides of the aisle could agree to. Instead, we'll continue to create anxiety for small businesses, lenders, and the SBA that borrower fees will increase and guarantees will decrease at the end of April.

I have great, great respect for Chairman SERRANO, and I'm sure he would also like to deal with this problem in a comprehensive manner as opposed to on a month-to-month basis. Mr. Speaker, I support Chairman SERRANO's proposed legislation because of its importance in providing credit to small businesses. However, I am disappointed that we are only temporarily addressing this program. I am also disappointed that we didn't consider this legislation in regular order.

I reserve the balance of my time.

Mr. SERRANO. Mr. Speaker, first of all, I want to thank my ranking member, Mrs. JO ANN EMERSON, who is a true partner in the work we do in our committee. We are an example of how to work together. I want to also thank her, Mr. Speaker, for the fact that she noted that I'm not spending one extra dollar here. This is not raising the deficit at all.

Mrs. EMERSON. Will the chairman yield?

Mr. SERRANO. I will yield.

Mrs. EMERSON. I am very proud of you, and I just wanted you to know that.

Mr. SERRANO. Well, I am very happy that you're proud of me. Mr. Speaker, I am very happy that she's proud of me.

Mr. Speaker, I do want to clarify something, and the question that Mrs. EMERSON asked is a very legitimate question: Why are we doing this the way we're doing it? Simply because we have not been able to get the other body, if I'm allowed to refer to them, to accept anything other than these kinds of bills at this point. And in answer to her second question, Which bill will we give the Senate, the one that we passed, or the one hopefully we'll pass today, the answer is, whichever one they'll take to deal with the issue. So that is really the problem here. Hopefully it will be resolved very soon.

I reserve the balance of my time.

Mrs. EMERSON. Mr. Speaker, I would just like to, once again, thank Chairman SERRANO. I know he feels very strongly, as I do, that we have to find a way to make this permanent rather than force people to be anxious on a month-to-month basis. Hopefully in the next few months we'll be able to create some kind of bill or be able to satisfy all of the people who are so desperate to take the risk and become entrepreneurs and really make a difference in putting people back to work. So with that, I thanks the chairman, I thank the Speaker.

I yield back the balance of my time.

Mr. SERRANO. Mr. Speaker, I am in total agreement with my ranking member. It is our desire to make this permanent. We will continue to work on this. In the meantime, this provides the assistance that small businesses need in this country.

Ms. RICHARDSON. Mr. Speaker, I rise in strong support of H.R. 4938, which extends the Small Business Loan Guarantee Program.

I support this legislation because in these difficult economic times, extending the Small Business Loan Guarantee Program to extend opportunities to 26.8 million small businesses is a critical component of our economic recovery.

H.R. 4938 permits the use of \$40 million of the funds provided in the FY 2010 Omnibus Appropriations Act for fee reductions and eliminations under the Small Business Administration section 7(a) loan program and the section 504 certified development company program, as well as for the cost of guaranteed loans for qualifying small businesses. The measure also extends through April 30 the ability of the SBA to guarantee up to 90 percent of qualifying small business loans originating under the 504 program, and to refinance such loans.

Small businesses employ just over half of all private sector employees, with a payroll of about \$175 billion, and create many of the new jobs we need.

In my district, the 37th Congressional District of California, there are approximately 16,300 small businesses.

But in the global economy of the 21st century, small businesses, very much like the banks and the auto industry, need sound fiscal options to remain competitive, especially in difficult economic times for them and their customers.

This is where the Small Business Administration can help.

The SBA exists to aid and protect the interests of small business concerns, to preserve free competitive enterprise and to maintain and strengthen the overall economy of our Nation.

The SBA was established in 1953 by the Federal Government to aid, counsel, assist and protect the interests of small business concerns, to preserve free competitive enterprise and to maintain and strengthen the overall economy of our Nation.

The SBA's Office of Business Development assists firms owned and controlled by economically and socially disadvantaged individuals enter the economic mainstream by providing firm-specific analyses, counseling, management training, professional consulting and monitoring services, and access to business development opportunities under section 8(a) of the Small Business Act.

Much like the loan guarantee program, the Section 8(a) program is well intended. But one of its problems is that too often program participants are "graduated" before they are sufficiently prepared to compete for contracts with large and established companies in the private sector.

This has resulted in a large number of former 8(a) companies failing to remain in business shortly after leaving the development program.

I have introduced legislation that can build upon the loan guarantee program extended by H.R. 493 and which would eliminate the problem of “graduating” Section 8(a) program participants before they are sufficiently prepared to compete for contracts with large and established companies in the private sector.

My legislation, H.R. 4897, the “Not Too Small To Succeed in Business Act,” reforms and modernizes the Section 8(a) program to help more small and disadvantaged business enterprises (DBE) remain in business and hire more workers by doing the following:

1. Amending the Small Business Act to increase the net worth limits—to \$750,000—used by SBA in determining whether an applicant satisfies the “economically disadvantaged” requirement for admission to the program and increases to \$2.25 million the net worth required for early graduation from the program.

2. Extending the Section 8(a) program period to 11 years, from the current 9 years.

3. Granting a one-time 2-year reinstatement in the Section 8(a) program for companies who were graduated from the program at the expiration of the 9 year term.

Mr. Speaker, extending the SBA Loan Guarantee Program and amending the Section 8(a) Small and Disadvantaged Business Enterprise Program are a necessary part of strengthening our SBA programs to help small business succeed and provide jobs for our people. I urge all Members to join me in voting for H.R. 4938.

Mr. SERRANO. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. SERRANO) that the House suspend the rules and pass the bill, H.R. 4938.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

TAX ON BONUSES RECEIVED FROM CERTAIN TARP RECIPIENTS

The SPEAKER pro tempore. Pursuant to clause 1(c) of rule XIX, further consideration of the motion offered by the gentleman from Minnesota relating to the Senate amendments to H.R. 1586 will now resume.

Pursuant to House Resolution 1212, the previous question is ordered on the motion.

The question is on the motion by the gentleman from Minnesota.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mrs. EMERSON. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, this 15-minute vote on adoption of the motion will be followed by 5-minute votes on motions to suspend the rules relating to House Resolution 1125 and H.R. 4360.

The vote was taken by electronic device, and there were—yeas 276, nays 145, not voting 8, as follows:

[Roll No. 190]

YEAS—276

Ackerman	Giffords	Miller, Gary
Adler (NJ)	Gonzalez	Miller, George
Altmire	Gordon (TN)	Mitchell
Andrews	Grayson	Mollohan
Arcuri	Green, Al	Moore (KS)
Baca	Green, Gene	Moore (WI)
Baird	Griffith	Moran (VA)
Baldwin	Grijalva	Murphy (CT)
Barrow	Gutierrez	Murphy (NY)
Bean	Hall (NY)	Murphy, Patrick
Becerra	Halvorson	Murphy, Tim
Berkley	Hare	Nadler (NY)
Berman	Harman	Napolitano
Berry	Hastings (FL)	Nye
Biggert	Heinrich	Oberstar
Bilbray	Hereth Sandlin	Obey
Bishop (GA)	Higgins	Oliver
Bishop (NY)	Hill	Ortiz
Blumenauer	Himes	Owens
Boccieri	Hinchee	Pallone
Bono Mack	Hinojosa	Pascarell
Boren	Hirono	Pastor (AZ)
Boswell	Hodes	Payne
Boucher	Holden	Perlmutter
Boyd	Holt	Perriello
Brady (PA)	Honda	Peters
Braley (IA)	Hoyer	Peterson
Brown, Corrine	Insee	Pingree (ME)
Butterfield	Israel	Platts
Cao	Jackson (IL)	Polis (CO)
Capito	Jackson Lee	Pomero
Capps	(TX)	Price (NC)
Capuano	Jenkins	Quigley
Cardoza	Johnson (GA)	Rahall
Carmahan	Johnson (IL)	Rangel
Carney	Johnson, E. B.	Reyes
Carson (IN)	Kagen	Richardson
Castle	Kanjorski	Rodriguez
Castor (FL)	Kennedy	Ross
Chandler	Kildee	Rothman (NJ)
Childers	Kilpatrick (MI)	Roybal-Allard
Chu	Kilroy	Ruppersberger
Clarke	Kind	Rush
Clay	King (NY)	Ryan (OH)
Cleaver	Kirk	Salazar
Clyburn	Kirkpatrick (AZ)	Sanchez, Linda
Cole	Kissell	T.
Connolly (VA)	Klein (FL)	Sanchez, Loretta
Conyers	Kosmas	Sarbanes
Costa	Kratovil	Schakowsky
Costello	Kucinich	Schauer
Courtney	Lance	Schiff
Crowley	Langevin	Schrader
Cuellar	Larsen (WA)	Schwartz
Cummings	Larson (CT)	Scott (GA)
Dahlkemper	LaTourette	Scott (VA)
Davis (CA)	Lee (CA)	Serrano
Davis (IL)	Lee (NY)	Sestak
Davis (TN)	Levin	Shea-Porter
DeFazio	Lewis (GA)	Sherman
DeGette	Lipinski	Shimkus
Delahunt	LoBiondo	Shuler
DeLauro	Loeb sack	Sires
Dent	Lofgren, Zoe	Skelton
Diaz-Balart, L.	Lowe	Slaughter
Diaz-Balart, M.	Lujan	Smith (NJ)
Dicks	Lynch	Smith (WA)
Dingell	Maffei	Snyder
Doggett	Maloney	Space
Donnelly (IN)	Markey (CO)	Speier
Doyle	Markey (MA)	Spratt
Driehaus	Marshall	Stark
Duncan	Matheson	Stupak
Edwards (MD)	Matsui	Sutton
Edwards (TX)	McCarthy (NY)	Taylor
Ehlers	McCollum	Teague
Ellison	McCotter	Thompson (CA)
Ellsworth	McDermott	Thompson (MS)
Eshoo	McGovern	Thompson (PA)
Etheridge	McIntyre	Tiahrt
Farr	McMahon	Titus
Fattah	McNerney	Tonko
Filner	Meek (FL)	Towns
Foster	Meeks (NY)	Tsongas
Frank (MA)	Melancon	Van Hollen
Fudge	Michaud	Velázquez
Garamendi	Miller (MI)	Visclosky
Gerlach	Miller (NC)	Walz

Wasserman
Schultz
Waters
Watson
Watt

Waxman
Weiner
Welch
Wilson (OH)
Wittman

Wolf
Woolsey
Wu
Yarmuth
Young (AK)

NAYS—145

Aderholt	Franks (AZ)	Neugebauer
Akin	Frelinghuysen	Nunes
Alexander	Gallely	Olson
Austria	Garrett (NJ)	Paul
Bachmann	Gingrey (GA)	Paulsen
Bachus	Gohmert	Pence
Barrett (SC)	Goodlatte	Petri
Bartlett	Granger	Pitts
Barton (TX)	Graves	Poe (TX)
Bilirakis	Guthrie	Posey
Bishop (UT)	Hall (TX)	Price (GA)
Blackburn	Harper	Putnam
Blunt	Hastings (WA)	Rehberg
Boehner	Heller	Roe (TN)
Bonner	Hensarling	Rogers (AL)
Boozman	Herger	Rogers (KY)
Boustany	Hoekstra	Rogers (MI)
Brady (TX)	Hunter	Rohrabacher
Bright	Inglis	Rooney
Broun (GA)	Issa	Ros-Lehtinen
Brown (SC)	Johnson, Sam	Roskam
Brown-Waite,	Jones	Royce
Ginny	Jordan (OH)	Ryan (WI)
Buchanan	King (IA)	Scalise
Burgess	Kingston	Schmidt
Burton (IN)	Kline (MN)	Schock
Calvert	Lamborn	Sensenbrenner
Camp	Latham	Sessions
Campbell	Latta	Shadegg
Cantor	Lewis (CA)	Shuster
Carter	Linder	Simpson
Cassidy	Lucas	Smith (NE)
Chaffetz	Luetkemeyer	Smith (TX)
Coble	Lummis	Souder
Coffman (CO)	Lungren, Daniel	Stearns
Cohen	E.	Sullivan
Conaway	Mack	Tanner
Cooper	Marchant	Terry
Crenshaw	McCarthy (CA)	Thornberry
Culberson	McCaul	Tiberi
Davis (KY)	McClintock	Turner
Dreier	McHenry	Upton
Emerson	McKeon	Walden
Engel	McMorris	Wamp
Fallin	Rodgers	Westmoreland
Flake	Mica	Whitfield
Fleming	Miller (FL)	Wilson (SC)
Forbes	Minnick	Young (FL)
Fortenberry	Moran (KS)	
Fox	Myrick	

NOT VOTING—8

Buyer	Manzullo	Reichert
Davis (AL)	Neal (MA)	Tierney
Kaptur	Radanovich	

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining in this vote.

□ 1721

Messrs. SIMPSON and TERRY and Mrs. SCHMIDT changed their vote from “yea” to “nay.”

Messrs. WALZ, COLE, and TIAHRT changed their vote from “nay” to “yea.”

So the motion to concur was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

NATIONAL PUBLIC WORKS WEEK

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution, H. Res. 1125, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Virginia (Mr. PERRIELLO) that the House suspend the rules and agree to the resolution, H. Res. 1125, as amended.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 249, nays 172, not voting 8, as follows:

[Roll No. 191]

YEAS—249

Ackerman	Fudge	Melancon
Adler (NJ)	Garamendi	Michaud
Altmire	Giffords	Miller (NC)
Andrews	Gonzalez	Miller, George
Arcuri	Gordon (TN)	Minnick
Baca	Grayson	Mitchell
Baird	Green, Al	Mollohan
Baldwin	Green, Gene	Moore (KS)
Barrow	Grijalva	Moore (WI)
Bean	Gutierrez	Moran (VA)
Becerra	Hall (NY)	Murphy (CT)
Berkley	Halvorson	Murphy (NY)
Berman	Hare	Murphy, Patrick
Berry	Harman	Nadler (NY)
Bishop (GA)	Hastings (FL)	Napolitano
Bishop (NY)	Heinrich	Neal (MA)
Blumenauer	Herseht Sandlin	Nye
Bocieri	Higgins	Oberstar
Boren	Hill	Obey
Boswell	Himes	Oliver
Boucher	Hinchev	Ortiz
Boyd	Hinojosa	Owens
Brady (PA)	Hirono	Pallone
Braley (IA)	Hodes	Pascarell
Bright	Holden	Pastor (AZ)
Brown, Corrine	Holt	Payne
Butterfield	Honda	Perlmutter
Capps	Hoyer	Perriello
Capuano	Inslee	Peters
Cardoza	Israel	Peterson
Carnahan	Jackson (IL)	Pingree (ME)
Carney	Jackson Lee	Polis (CO)
Carson (IN)	(TX)	Pomeroy
Castor (FL)	Johnson (GA)	Price (NC)
Chandler	Johnson, E. B.	Quigley
Childers	Kagen	Rahall
Chu	Kanjorski	Rangel
Clarke	Kaptur	Reyes
Clay	Kennedy	Richardson
Cleaver	Kildee	Rodriguez
Clyburn	Kilpatrick (MI)	Ross
Cohen	Kilroy	Rothman (NJ)
Connolly (VA)	Kind	Roybal-Allard
Conyers	Kirkpatrick (AZ)	Ruppersberger
Cooper	Kissell	Rush
Costa	Klein (FL)	Ryan (OH)
Costello	Kosmas	Salazar
Courtney	Kratovil	Sanchez, Linda
Crowley	Kucinich	T.
Cuellar	Langevin	Sanchez, Loretta
Cummings	Larsen (WA)	Sarbanes
Dahlkemper	Larson (CT)	Schakowsky
Davis (CA)	Lee (CA)	Schauer
Davis (IL)	Levin	Schiff
Davis (TN)	Lewis (GA)	Schrader
DeFazio	Lipinski	Schwartz
DeGette	Loeb sack	Scott (GA)
Delahunt	Lofgren, Zoe	Scott (VA)
DeLauro	Lowey	Serrano
Dicks	Lujan	Sestak
Dingell	Lynch	Shea-Porter
Doggett	Maffei	Sherman
Donnelly (IN)	Maloney	Shuler
Doyle	Markey (CO)	Sires
Driehaus	Markey (MA)	Skelton
Edwards (MD)	Marshall	Slaughter
Edwards (TX)	Matheson	Smith (WA)
Ellison	Matsui	Snyder
Ellsworth	McCarthy (NY)	Space
Engel	McCollum	Speier
Eshoo	McDermott	Spratt
Etheridge	McGovern	Stark
Farr	McIntyre	Stupak
Fattah	McMahon	Sutton
Filner	McNerney	Tanner
Foster	Meek (FL)	Teague
Frank (MA)	Meeks (NY)	Thompson (CA)

Thompson (MS)
Tierney
Titus
Tonko
Towns
Tsongas
Van Hollen

Velázquez
Visclosky
Walz
Wasserman
Schultz
Waters
Watson

Watt
Waxman
Weiner
Welch
Wilson (OH)
Wu
Yarmuth

NAYS—172

Aderholt	Gallegly	Murphy, Tim
Akin	Garrett (NJ)	Myrick
Alexander	Gerlach	Neugebauer
Austria	Gingrey (GA)	Nunes
Bachmann	Gohmert	Olson
Bachus	Goodlatte	Paul
Barrett (SC)	Granger	Paulsen
Bartlett	Graves	Pence
Barton (TX)	Griffith	Petri
Biggart	Guthrie	Pitts
Bilbray	Hall (TX)	Platts
Bilirakis	Harper	Poe (TX)
Bishop (UT)	Hastings (WA)	Posey
Blackburn	Heller	Price (GA)
Blunt	Hensarling	Putnam
Bonner	Herger	Rehberg
Bono Mack	Hoekstra	Roe (TN)
Boozman	Hunter	Rogers (AL)
Boustany	Inglis	Rogers (KY)
Brady (TX)	Issa	Rogers (MI)
Broun (GA)	Jenkins	Rohrabacher
Brown (SC)	Johnson (IL)	Rooney
Brown-Waite,	Johnson, Sam	Ros-Lehtinen
Ginny	Jones	Roskam
Buchanan	Jordan (OH)	Royce
Burgess	King (IA)	Ryan (WI)
Burton (IN)	King (NY)	Scalise
Calvert	Kingston	Schmidt
Camp	Kirk	Schock
Campbell	Kline (MN)	Sensenbrenner
Cantor	Lamborn	Sessions
Cao	Lance	Shimkus
Capito	Latham	Shuster
Carter	LaTourette	Simpson
Cassidy	Latta	Smith (NE)
Castle	Lee (NY)	Smith (NJ)
Chaffetz	Lewis (CA)	Smith (TX)
Coble	Linder	Souder
Coffman (CO)	LoBiondo	Stearns
Cole	Lucas	Sullivan
Conaway	Luetkemeyer	Taylor
Crenshaw	Lummis	Terry
Culberson	Lungren, Daniel	Thompson (PA)
Davis (KY)	E.	Thornberry
Dent	Mack	Tiahrt
Diaz-Balart, L.	Marchant	Tiberi
Diaz-Balart, M.	McCarthy (CA)	Turner
Dreier	McCaull	Upton
Duncan	McClintock	Walden
Ehlers	McCotter	Wamp
Emerson	McHenry	Westmoreland
Fallin	McKeon	Whitfield
Flake	McMorris	Wilson (SC)
Fleming	Rodgers	Wittman
Forbes	Mica	Wolf
Fortenberry	Miller (FL)	Young (AK)
Fox	Miller (MI)	Young (FL)
Franks (AZ)	Miller, Gary	
Frelinghuysen	Moran (KS)	

NOT VOTING—8

Boehner	Manzullo	Shadegg
Buyer	Radanovich	Woolsey
Davis (AL)	Reichert	

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members have 2 minutes to record their votes.

□ 1730

Messrs. JOHNSON of Illinois and PLATTS and Mrs. LUMMIS changed their vote from “yea” to “nay.”

So (two-thirds not being in the affirmative) the motion was rejected.

The result of the vote was announced as above recorded.

MAJOR CHARLES R. SOLTES, JR.,
O.D. DEPARTMENT OF VETERANS
AFFAIRS BLIND REHABILITA-
TION CENTER

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill, H.R. 4360, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. FILNER) that the House suspend the rules and pass the bill, H.R. 4360.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 417, nays 0, not voting 12, as follows:

[Roll No. 192]

YEAS—417

Ackerman	Castle	Fudge
Aderholt	Castor (FL)	Gallegly
Adler (NJ)	Chaffetz	Garamendi
Akin	Childers	Garrett (NJ)
Alexander	Chu	Gerlach
Altmire	Clarke	Giffords
Andrews	Clay	Gingrey (GA)
Arcuri	Cleaver	Gohmert
Austria	Clyburn	Gonzalez
Baca	Coble	Goodlatte
Bachmann	Coffman (CO)	Gordon (TN)
Bachus	Cohen	Granger
Baird	Cole	Graves
Baldwin	Conaway	Grayson
Barrett (SC)	Connolly (VA)	Green, Al
Barrow	Conyers	Green, Gene
Bartlett	Cooper	Griffith
Barton (TX)	Costa	Grijalva
Bean	Costello	Guthrie
Becerra	Courtney	Gutierrez
Berkley	Crenshaw	Hall (NY)
Berman	Crowley	Hall (TX)
Berry	Cuellar	Halvorson
Biggart	Culberson	Hare
Bilirakis	Cummings	Harman
Bishop (GA)	Dahlkemper	Harper
Bishop (NY)	Davis (CA)	Hastings (FL)
Bishop (UT)	Davis (IL)	Hastings (WA)
Blackburn	Davis (KY)	Heinrich
Blumenauer	Davis (TN)	Heller
Blunt	DeFazio	Hensarling
Bocieri	DeGette	Herger
Bonner	Delahunt	Herseht Sandlin
Bono Mack	DeLauro	Higgins
Boozman	Dent	Hill
Boren	Diaz-Balart, L.	Himes
Boswell	Diaz-Balart, M.	Hinchev
Boucher	Dicks	Hinojosa
Boustany	Dingell	Hirono
Boyd	Doggett	Hodes
Brady (PA)	Donnelly (IN)	Hoekstra
Brady (TX)	Doyle	Holden
Braley (IA)	Dreier	Holt
Bright	Driehaus	Honda
Broun (GA)	Duncan	Hoyer
Brown (SC)	Edwards (MD)	Hunter
Brown, Corrine	Edwards (TX)	Inglis
Brown-Waite,	Ehlers	Inslee
Ginny	Ellison	Israel
Buchanan	Ellsworth	Issa
Burgess	Emerson	Jackson (IL)
Burton (IN)	Engel	Jackson Lee
Butterfield	Eshoo	(TX)
Calvert	Etheridge	Jenkins
Camp	Fallin	Johnson (GA)
Campbell	Farr	Johnson (IL)
Cantor	Fattah	Johnson, E. B.
Cao	Filner	Johnson, Sam
Capito	Flake	Jones
Capps	Fleming	Jordan (OH)
Capuano	Forbes	Kagen
Cardoza	Fortenberry	Kanjorski
Carnahan	Foster	Kaptur
Carney	Fox	Kennedy
Carson (IN)	Frank (MA)	Kildee
Carter	Franks (AZ)	Kilpatrick (MI)
Cassidy	Frelinghuysen	Kilroy

Kind	Moore (WI)	Schrader
King (IA)	Moran (KS)	Schwartz
King (NY)	Moran (VA)	Scott (GA)
Kingston	Murphy (CT)	Scott (VA)
Kirk	Murphy (NY)	Sensenbrenner
Kirkpatrick (AZ)	Murphy, Patrick	Serrano
Kissell	Murphy, Tim	Sessions
Klein (FL)	Myrick	Sestak
Kline (MN)	Nadler (NY)	Shadegg
Kosmas	Napolitano	Shea-Porter
Kratovil	Neugebauer	Sherman
Kucinich	Nunes	Shimkus
Lamborn	Nye	Shuler
Lance	Oberstar	Shuster
Langevin	Obey	Simpson
Larsen (WA)	Olson	Sires
Larson (CT)	Olver	Skelton
Latham	Ortiz	Slaughter
LaTourette	Pallone	Smith (NE)
Latta	Pascarell	Smith (NJ)
Lee (CA)	Pastor (AZ)	Smith (TX)
Lee (NY)	Paul	Smith (WA)
Levin	Paulsen	Snyder
Lewis (CA)	Payne	Souder
Lewis (GA)	Pence	Space
Linder	Perlmutter	Speier
Lipinski	Perriello	Spratt
LoBiondo	Peters	Stark
Loeback	Peterson	Stearns
Lofgren, Zoe	Petri	Stupak
Lowe	Pingree (ME)	Sullivan
Lucas	Pitts	Sutton
Luetkemeyer	Platts	Tanner
Lujan	Poe (TX)	Taylor
Lummis	Polis (CO)	Teague
Lungren, Daniel	Pomeroy	Terry
E.	Posey	Thompson (CA)
Mack	Price (GA)	Thompson (MS)
Maffei	Price (NC)	Thompson (PA)
Maloney	Putnam	Thornberry
Marchant	Quigley	Tiahrt
Markey (CO)	Rahall	Tiberi
Markey (MA)	Rangel	Tierney
Marshall	Rehberg	Titus
Matheson	Reyes	Tonko
Matsui	Richardson	Towns
McCarthy (CA)	Rodriguez	Tsongas
McCarthy (NY)	Roe (TN)	Turner
McCaul	Rogers (AL)	Upton
McClintock	Rogers (KY)	Van Hollen
McCollum	Rogers (MI)	Velázquez
McCotter	Rohrabacher	Visclosky
McDermott	Rooney	Walden
McGovern	Ros-Lehtinen	Walz
McHenry	Roskam	Wamp
McIntyre	Ross	Wasserman
McKeon	Rothman (NJ)	Schultz
McMahon	Roybal-Allard	Waters
McMorris	Royce	Watson
Rodgers	Ruppersberger	Watt
McNerney	Rush	Waxman
Meek (FL)	Ryan (OH)	Weiner
Melancon	Ryan (WI)	Welch
Mica	Salazar	Westmoreland
Michaud	Sánchez, Linda	Whitfield
Miller (FL)	T.	Wilson (OH)
Miller (MI)	Sanchez, Loretta	Wilson (SC)
Miller (NC)	Sarbanes	Wittman
Miller, Gary	Scalise	Wolf
Miller, George	Schakowsky	Woolsey
Minnick	Schauer	Wu
Mitchell	Schiff	Yarmuth
Molloy	Schmidt	Young (AK)
Moore (KS)	Schock	Young (FL)

NOT VOTING—12

Bilbray	Davis (AL)	Neal (MA)
Boehner	Lynch	Owens
Buyer	Manzullo	Radanovich
Chandler	Meeks (NY)	Reichert

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Two minutes remain in this vote.

□ 1736

So (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. MANZULLO. Mr. Speaker, on Thursday, March 25, 2010, I missed a series of votes because of a health emergency. If I was here, I would have voted "no" on rollcall No. 190, "no" on rollcall No. 191, and "yea" on rollcall No. 192.

NATIONAL PUBLIC WORKS WEEK

(Mr. OBERSTAR asked and was given permission to address the House for 1 minute.)

Mr. OBERSTAR. Mr. Speaker, I rise to express my astonishment and disappointment that the entire Republican Conference voted against H. Res. 1125 for the observance of National Public Works Week. I want to restate the resolved clause: Supports the goals and ideals of National Public Works Week; recognizes and celebrates the 50th anniversary of National Public Works Week.

There were three items in the "whereas" clauses that referred to the investment of funds under the Recovery Act. Those are figures drawn from information reported to our committee by the States and reported every 30 days by this committee and distributed to every Member of this House. For some reason, the other side of the aisle chose to vote against that. They didn't like that reference in this resolution. That's the only conclusion I can draw from this unanimous act of voting against Public Works Week.

Tomorrow, our committee will hold the 15th in its series of hearings on the performance under the Recovery Act on the programs under our committee's jurisdiction, and we will show that direct, indirect, and induced jobs reached 1.2 million.

ELECTING A MINORITY MEMBER TO A STANDING COMMITTEE

Mr. PENCE. Mr. Speaker, by direction of the Republican Conference, I send to the desk a privileged resolution and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 1223

Resolved, That the following-named Member be, and is hereby, elected to the following standing committee of the House of Representatives:

COMMITTEE ON ENERGY AND COMMERCE: Mr. Latta.

The resolution was agreed to.

A motion to reconsider was laid on the table.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair

declares the House in recess subject to the call of the Chair.

Accordingly (at 5 o'clock and 39 minutes p.m.), the House stood in recess subject to the call of the Chair.

□ 1837

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Ms. EDWARDS of Maryland) at 6 o'clock and 37 minutes p.m.

PROVIDING FOR CONSIDERATION OF SENATE AMENDMENTS TO H.R. 4872, HEALTH CARE AND EDUCATION RECONCILIATION ACT OF 2010

Ms. SLAUGHTER, from the Committee on Rules, submitted a privileged report (Rept. No. 111-458) on the resolution (H. Res. 1225) providing for consideration of the Senate amendments to the bill (H.R. 4872) to provide for reconciliation pursuant to Title II of the concurrent resolution on the budget for fiscal year 2010 (S. Con. Res. 13), which was referred to the House Calendar and ordered to be printed.

Ms. SLAUGHTER. Madam Speaker, by direction of the Committee on Rules, I call up House Resolution 1225 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 1225

Resolved, That upon adoption of this resolution, it shall be in order to take from the Speaker's table the bill (H.R. 4872) to provide for reconciliation pursuant to Title II of the concurrent resolution on the budget for fiscal year 2010 (S. Con. Res. 13), with the Senate amendments thereto, and to consider in the House, without intervention of any point of order except those arising under clause 10 of rule XXI, a single motion offered by the chair of the Committee on Education and Labor or his designee that the House concur in the Senate amendments. The Senate amendments and the motion shall be considered as read. The motion shall be debatable for 10 minutes equally divided and controlled by the chair and ranking minority member of the Committee on Education and Labor. The previous question shall be considered as ordered on the motion to final adoption without intervening motion or demand for division of the question.

The SPEAKER pro tempore. The gentlewoman from New York is recognized for 1 hour.

Ms. SLAUGHTER. Madam Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from California (Mr. DREIER). All time yielded during consideration of the rule is for debate only.

GENERAL LEAVE

Ms. SLAUGHTER. I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks and insert extraneous materials into the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Ms. SLAUGHTER. I yield myself such time as I may consume.

Madam Speaker, the rule provides for consideration of the Senate amendments to H.R. 4872. It shall be in order to take from the Speaker's table H.R. 4872, with the Senate amendments thereto, and to consider in the House, without intervention of any point of order except those arising under clause 10 of rule XXI, a single motion offered by the Chair of the Education Committee that the House concur in the Senate amendments. The Senate amendments and the motion shall be considered as read. The rule provides 10 minutes of debate equally divided and controlled by the Chair and the ranking minority member of the Committee on Education and Labor. Finally, the previous question shall be considered as ordered on the motion to final adoption without intervening motion or demand for division of the question.

Madam Speaker, the disturbing atmosphere that we've seen around the Capitol recently is alarming. The rash of ominous threats, voice mails, letters, brick throwing, and other sordid acts of protests is downright despicable and marks a low point in the Nation's history. I say this in part from firsthand experience. As many of you know, my Niagara Falls office was the target of attack last week when someone hurled a brick through the window in the dark of night. Separately, I received a phone call on my campaign office phone line that referenced 16 sniper teams and an attempt that would be made to target the children of Members of Congress who voted for the health care legislation.

Each day my four offices give me a careful log of phone calls and emails from people who have taken the time to share their opinions with me, and I read each of those comments because I value that input and want to hear from everyone, not just the people who agree with me. I daresay there isn't a single elected official in the country who has not had a heated run-in with someone who felt strongly that they had voted the wrong way on an issue. In fact, it is part of this country's great tradition that we not only tolerate dissent but we encourage it.

To speak up and to take part in democracy is a noble and treasured part of the American way. But all that changed last year when suddenly town hall meetings across the country turned into vicious shouting matches. Persons who had taken the time to go to the town meeting to learn about the health care bill were oftentimes harassed and frightened and unable to learn anything except that they felt somewhat under siege. I remember that someone arrived at a meeting with a

handgun holstered to his leg, and he could not have been more than 50 yards away from the President of the United States.

Spirited debate has become negative. All of us have noticed that in our offices. As I mentioned, I have four offices. The calls that came in—I thank my staff, and I'm sure all of you do, too, for simply tolerating it. It was all day. One day the calls came in so quickly that not another piece of work could be done in all my offices. We were threatened. We were cajoled. We were told—mostly by people from Texas and Oklahoma—that they would never vote for me again, which would be very unlikely in New York anyway.

But I am happy to tell you that as of Sunday night and the passage of this bill, all of those calls are gone. We were getting up to—I would say totaling in the four offices nearly 100 a day. It's all gone now, and the people who call express sorrow for the trouble that has been put upon me, saying that their America does not do that to anyone, particularly someone that they have put their trust in.

But this week, the leader of the national Republican Party said that Speaker PELOSI should be put "on the firing line." Another Republican leader and former national party candidate placed rifle site targets on a national map showing congressional districts of Democrats who supported health care for all Americans, and that same leader urged her supporters, "Don't retreat, reload." And even worse were the remarks made here by the minority leader, who recently said that one of my colleagues who backed the legislation was politically a "dead man" back home. Taken together with the incidents around the country, these episodes might prompt a quick and forceful repudiation of comments that would endorse violence, but instead, we get just the opposite.

□ 1845

When Republican Members went out onto the balcony off the Speaker's lobby Sunday to shout to and encourage rowdy protesters, they were implicitly encouraging a discourse that had already soured. In fact, I was dismayed to learn—not dismayed, dismayed doesn't cover it—I was angry. I was concerned. It terrified me, the thought that we would have to live through any of that again. When I found out that some of my colleagues were the victims of racial epithets, spitting, homophobic slurs, this sort of display is shocking even to someone who has seen some pretty terrible things over the years.

Despite all this, Democrats move forward with hope and optimism. It is my sense that as more Americans learn about the provisions of the health care reform legislation, they will in increasing numbers support the vote over the

weekend, and the polls show this already happening.

It is a surprise to me today that with the passage of reconciliation by a 56-43 margin in the Senate, that the other side would continue to try to throw up petty roadblocks or complain that they haven't had time to read the bill.

Do you want to know what we are debating here today? We are debating two sentences. That's it, two sentences. Does it make sense to anyone that the other side is demonizing a bill that has already been approved by both the House and Senate and signed into law? No, instead we should celebrate the incredible accomplishment of finally passing this legislation after a struggle of more than a hundred years.

I won't even bother reciting all of the ways in which ordinary Americans will gain as we shift the balance of power away from insurance companies and back to patients, because they will know very shortly. I have already spoken at length about how under our bill families will no longer feel trapped by their coverage or fearful about children with preexisting conditions. Health care reform, I am happy to say, is now the law of the land. I encourage my colleagues to join me today in quickly adopting these small technical fixes to the legislation so we may move on to more pressing challenges.

I reserve the balance of my time.

PARLIAMENTARY INQUIRY

Mr. TIAHRT. Parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. TIAHRT. Madam Speaker, this rule is to amend a reconciliation bill that is amending a bill that no longer exists. The bill has been signed into law. Therefore, the references in the reconciliation bill are no longer accurate. Is it possible for us to wait until the bill that has been signed into law has been codified so we can have accurate references in the reconciliation bill? Otherwise wouldn't the House be voting on an inaccurate piece of legislation?

The SPEAKER pro tempore. The gentleman has not stated a proper parliamentary inquiry. The issue he raises is a matter of debate.

Mr. TIAHRT. Madam Speaker, further parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry. The issue he raises is a matter for debate.

Mr. TIAHRT. Madam Speaker, I believe this bill will be inaccurate. The reconciliation bill is inaccurate in its current form, and the rule should be withdrawn until proper references can be made because an inaccurate bill will be voted upon.

The SPEAKER pro tempore. The gentleman will suspend. The gentleman has not stated a proper parliamentary inquiry.

Mr. TIAHRT. Madam Speaker, once again, doesn't it require that the legislation presented to the floor of the House has to be accurate in order for us to vote on it?

The SPEAKER pro tempore. The Chair will not interpret the pending resolution.

Mr. TIAHRT. Madam Speaker, parliamentary inquiry. Is it not true that when a bill becomes law it is no longer a bill; therefore, when we amend a non-existing bill, we cannot vote on an accurate piece of legislation? Is it not in the rules of the House that we have to vote on accurate legislation?

The SPEAKER pro tempore. The gentleman will suspend. The gentleman has not stated a proper parliamentary inquiry. The Chair will not entertain debate under the guise of a parliamentary inquiry at this time.

Mr. TIAHRT. I'm not trying to debate; I'm simply trying to understand the rules. My question was not answered on the parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will suspend.

The Chair recognizes the gentleman from California.

Mr. DREIER. Madam Speaker, let me first extend my appreciation to my good friend from Rochester, New York, Ms. SLAUGHTER, for yielding me the customary 30 minutes, and I yield myself such time as I may consume.

Madam Speaker, last Sunday when we opened debate here on the rule, I opened by condemning the attacks that have been made on Members of this institution, their families and their staffs. Unfortunately, it is something which all of us who have been privileged to serve in elective office and as Members of Congress in particular have had to face for many years. I will reiterate, Madam Speaker, violence or the threat of violence is simply unconscionable, and we all join together in calling for an immediate end to these types of utterly unacceptable acts.

Madam Speaker, last Sunday I also predicted that we would be back here voting once again on the reconciliation bill. And here we are.

The need for another vote is further demonstration of just how flawed the tactics of the Democrats in charge of Congress have been. It shouldn't surprise anyone, Madam Speaker, that the reconciliation bill was found to violate Senate rules, as traditionally has been the case with the only exception in 1983. No legislation of this magnitude can be slapped together at the last minute and then withstand scrutiny. Our revote today is just further evidence of the perils of the refusal of the Democrats in charge to act in a bipartisan and open way.

We have been debating the issue of health care reform in the Congress for a long period of time. As a Nation, we have been struggling with the very serious issue of increasing access to qual-

ity care for many, many, many years. We all want to expand coverage and improve quality for the American people. There are a number of key reforms that enjoy broad bipartisan support that would bring us much, much closer to that goal.

Yet, despite these opportunities for bipartisanship, Madam Speaker, the Democrats in charge insisted on forcing through the most partisan and costly bill possible. And despite all the time that has been spent on this issue, they insisted on forcing through a reconciliation bill that was largely written the night before we voted on it. Again, Madam Speaker, this was written in large part the night before we voted on it. That is why it should be no surprise, and there were those of us last Sunday who predicted that we would be back here.

Less than a week after that vote, serious mistakes in the legislative package have already been discovered, as I have said. Today's underlying package, as I said at the outset, has been returned to the House because it contained provisions that violated Senate rules.

Far more significant, however, are the mistakes that have been uncovered relating to a key provision in the Senate health care bill that is now law, mistakes that will not be fixed today; and I underscore, mistakes that will not be fixed today. One of the centerpieces of that legislation was a provision to ensure that no child is denied coverage for a preexisting condition. This is an issue that again enjoys overwhelming bipartisan support. I believe very passionately in the need to ensure that no one is denied coverage for preexisting conditions.

Madam Speaker, had we taken a responsible, step-by-step approach to reform, this provision dealing with preexisting conditions could have been signed into law months ago; but because the Democrats in charge shunned bipartisan cooperation and an open, transparent process, forcing through a hyper-partisan bill with no opportunity for open debate or any amendment, their \$1 trillion bill passed Congress without any real accountability.

The result? They botched the language on preexisting conditions and we now know, Madam Speaker, that children will not get the coverage that they were promised. This is the inevitable result of a closed, partisan process.

Even the good ideas that are put out there that both Democrats and Republicans alike can come to an agreement on are undermined by a lack of scrutiny and transparency. Their bill was certainly filled with a lot of terrible ideas. Spending \$1 trillion we don't have and hiring tens of thousands of new IRS agents to investigate hard-working Americans ranks at the very top of that list. But even the provisions

like preexisting conditions that had bipartisan support are being undermined by shoddy work.

While the legal experts sort out the mess that was made of the legislative language, job creators are assessing just how much damage has been done to them. Today, The Wall Street Journal pointed out that companies large and small are taking stock of the new taxes that have been imposed and what the impact will be.

Now, we had an exchange upstairs about the fact that we have seen the stock market go up, and we all know that the stock market has gone up. But that does not belie the fact that Caterpillar will face \$100 million in new taxes in the first year alone. The medical device company Medtronic fears it may have to lay off 1,000 workers in order to pay the new taxes.

Madam Speaker, with the national unemployment rate as we all know hovering just under 10 percent, this could not be a worse time to impose job-killing tax increases. The prospect of crippling new taxes and further job losses is not acceptable. We should focus on creating, not losing, good private sector jobs.

The process of reforming the so-called reform bill and undoing the damage that has been done will take years, wasting untold taxpayer dollars we cannot afford. Wasting precious time while the American people wait for real reform that actually improves access to quality health care is a waste. It shouldn't be done, and this is a tragically missed opportunity.

To the many Americans who are outraged by this bill and the process by which it was considered, and by the way, we are here under what is known as martial law rule. We just completed our meeting in the Rules Committee a few minutes ago, and without any consideration we have come right down to the House floor. People are outraged with this process. That has played a role in creating the anger that is there. I can only say there are still some Members of Congress, and I am one of them, who believe in bipartisan cooperation—in bipartisan cooperation, and we believe, as was promised in a new direction for America that then-Minority Leader PELOSI put forth for the American people and said she would have when she took the oath in January of 2007, an open, transparent process. To many Americans who had high hopes for a true reform bill, I will say there are still some Members of Congress who will fight for real reform even if the Democrats in charge will not do that.

We will fight to ensure that all Americans have effective guarantees of coverage despite preexisting conditions. We will fight for meaningful lawsuit abuse reform, and we will work to allow small businesses and States to band together to offer better and more affordable coverage.

We will work to ensure that government bureaucrats never come between patients and doctors. We will make sure that no one will be forced to give up their current coverage if they do not so choose, and that those who have diligently saved in their health savings accounts are not in any way punished.

If we can abandon the failed tactics that the Democrats in charge have put forward and work in an bipartisan and open fashion, these are the kind of real reforms that can be enacted so all Americans will have access to quality, affordable health insurance.

I reserve the balance of my time.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair reminds Members and staff they should not traffic the well while a Member is under recognition.

PARLIAMENTARY INQUIRY

Mr. TIAHRT. Madam Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. TIAHRT. Madam Speaker, is it within the rules for the majority manager to withdraw a rule at this stage in the debate?

The SPEAKER pro tempore. The gentleman is correct.

Mr. TIAHRT. Is it also true that since the legislation that will be amended is inaccurate and does not have correct references to existing law, that we should not have a vote on it, that the rule should be withdrawn?

The SPEAKER pro tempore. The gentleman has not stated a proper parliamentary inquiry.

Mr. TIAHRT. Madam Speaker, since the bill that is being amended no longer exists, the references are inaccurate. How can we possibly have a vote on an inaccurate bill?

The SPEAKER pro tempore. The gentleman will suspend. The gentleman is engaging in debate and has not stated a proper parliamentary inquiry. The Chair will not entertain debate under the guise of a parliamentary inquiry.

□ 1900

Ms. SLAUGHTER. Madam Speaker, I yield 3 minutes to the gentleman from Massachusetts (Mr. MCGOVERN), a member of the Rules Committee.

Mr. MCGOVERN. Madam Speaker, the time is now. On the issue of health insurance reform, just about everything has been said and just about everyone has said it.

On Sunday, this House passed the most meaningful health care bill in over 40 years. We voted to end the most abusive practices of the insurance companies, to provide coverage to millions of hardworking families, to bring down the costs of health care for families and small businesses, and to pass the biggest deficit reduction package in 25 years. That reform is now the law of the land.

Already, we hear from our friends on the other side of the aisle saying that they want to repeal that law. They want to allow insurance companies to once again discriminate against people because of preexisting conditions. They want to take away help for small businesses to purchase insurance for their workers. They want to continue to let families go bankrupt because of their medical bills. That doesn't make much sense to me, Madam Speaker.

The bill before us today provides important improvements to the law by improving affordability for working families. It strengthens provisions to attack waste, fraud, and abuse in Medicare and Medicaid. It strengthens consumer protections, including prohibiting lifetime limits and the practice of dropping people when they get sick. It closes the doughnut hole in Medicare and extends the solvency of that vital program, and it removes the special fixes for Nebraska and Florida.

This has been a contentious debate, and we have spent a lot of time arguing about things that don't matter a whole lot to people in their everyday lives; things like reconciliation and filibuster and CBO and parliamentarians. So I'd like to close by focusing this debate back where it belongs, on the American people.

Last week, a letter to the editor appeared in the Orlando Sentinel, and I'd like to read it. And I quote:

"Three months ago, my wife became pregnant. Two months ago, she miscarried. Today, the insurance company refuses to insure her for at least 5 years because the company classifies a miscarriage as a preexisting condition. This is the only reason insurance is being denied.

"If life is to be truly valued in America, then we must all pull together to make health care available for all our citizens. This is the greatest moral issue facing our Nation today."

Signed, Blake Harrington, Orlando.

Well, Mr. Harrington, your voice has been heard, and because of this Congress and this President, no family will have to go through what you did.

The time is now, and I urge my colleagues to support this rule and the underlying bill.

Mr. DREIER. Madam Speaker, at this time, I'm happy to yield 2 minutes to a very hardworking new Member who's an expert on TennCare, an obstetrician from Johnson City, Tennessee (Mr. ROE).

Mr. ROE of Tennessee. Madam Speaker, a recent news article posed a question that gets at the heart of this debate: Will the law as the Democrats have planned spur economic growth by lowering health care costs and allowing companies to expand and hire new employees or, as many business advocates have argued, will the opposite occur? It's a good question. It is a fair question. So let's look at the evidence that we have.

In Massachusetts, they passed a plan with broad mandates and an exchange-like health care marketplace. The plan has resulted in the highest insurance premiums in America, rising faster than anywhere else in America as a percent, and a large number of individuals forego insurance until they get sick, then they show up and get the care and pay a relatively low penalty.

In Tennessee, where we've expanded our State's Medicaid program, we saw employers shift the cost to the public sector and then watch as our program tripled in costs. Now, before any of these expansions go into law, our State's being forced to limit enrollment and ration care.

And nothing in this bill helps control costs like tort reform, and it's nowhere to be seen. And trust me, as an OB-GYN doctor, one of the things you could do for our patients is to work on this very needed bill, apart from this bill, and we could do it separately, and yet we haven't done that.

What's being proposed now is combining the worst part of both State systems, and I think the evidence clearly shows that costs will be higher and with the decreased access and lower quality. The American people deserve to know that this bill flies in the face of real-world experience and it deserves to be defeated.

Another comment, Madam Speaker, I'd like to make is that, in my years of experience, I have not seen a patient's health care denied or a preexisting condition because of a miscarriage. I have personally not seen that, and I'd like to see reference to that if I could.

Ms. SLAUGHTER. Madam Speaker, I am pleased to yield 2 minutes to the gentlewoman from California (Ms. MATSUI), a member of the Rules Committee.

Ms. MATSUI. Madam Speaker, I rise today in support of the rule and underlying legislation.

The health care package that we passed on Sunday and have the opportunity to finalize today represents years and sometimes decades of work put in by many of my colleagues here in the House, and it also represents the hopes and dreams of millions of Americans who live one accident away from bankruptcy, one paycheck short of making ends meet.

I've heard from many of the families and seniors who live in my district who've been terrified as they see their insurance rates go up, and fearful of losing their insurance and high quality of care.

But in between the time this House passed one of the most important legislative initiatives in our lifetime and today, I have started to hear from many Sacramentans with a simple message: Thank you. Thank you to this Congress for having the courage to stand up for what's right. Thank you to the Speaker for her leadership in delivering this bill to the American public.

And I would like to say thank you back to the millions of Americans who voiced their strong support of the health care bill. You may not have always been the loudest voice in the room, but that doesn't mean we don't hear you.

Thank you to my colleagues for standing up for the American people in the many hearings, markups, town halls, and floor debates we've had on this issue. I look forward to standing with you today as we pass these improvements on the historic legislation passed on Sunday.

I urge my colleagues to support this rule and the underlying legislation as we stand together and ensure the quality health care Americans deserve at a cost they can afford.

Mr. DREIER. Madam Speaker, I yield myself such time as I might consume, and I would like to engage in a discussion, if I might, with my good friend from Johnson City, Tennessee, who, as we say, appears to be the only medical doctor here on the House floor at the moment.

He was just discussing his role and many years he's served, worked as an obstetrician, and one of the things that we have found, reports are—and this is before this bill was even considered—that there are many people who are in a position where they are being told, people who are under Medicare, that they are being refused an opportunity to have the kind of physician choice that they want.

We regularly have heard throughout this debate that you'll be able to choose your own doctor. But, Madam Speaker, I ask the question: Will your doctor choose you? What kind of incentive do we have at this juncture for people to get into the medical profession?

And I'd like to yield, if I might, to my friend from Johnson City, if he might respond to this notion of, well, you may be able to choose your doctor, but will your doctor choose you. And I am happy to yield to my friend.

Mr. ROE of Tennessee. In our State right now, let me just give you some real-world experience as to what's going on in our State-run plan, TennCare, which is the State Medicaid plan.

Right now, we're discussing limiting patient visits to eight per year, no matter how many times you may need to go to the doctor.

Number 2, the State's considering paying only \$10,000 in total for a patient visit to the hospital, no matter what the cost is, meaning that those costs are going to get shifted to private insurers. And over time, if that occurs, and we expand massively the Medicaid system around the country, you're going to shift more and more cost to the private insurers, and when that happens, eventually they're going to fail. And I think that may be the purpose here.

The other thing is that I had a friend of mine visit this week from home, and right now, to get an orthopedic surgeon to see you, you're going to have to drive 100 miles to see this orthopedic surgeon.

The State of Tennessee, as of the 1st of July of this year, will no longer cover rehabilitative services for a patient who's operated on or any rehabilitative services for an injury. That's what we have now. And we're asking our State to take on more and more cost.

And what concerns me—it's not about the good things that are in this bill, and there are some things I agree with very much. But the other things are how do we pay for it, and how do we then find someone to pay for the care?

The other little caveat is that these plans never pay for the cost of the care. TennCare, right now, pays about 60 percent of the cost and going down. Medicare, as you know, pays about 80 to 90 percent of physician cost.

Mr. DREIER. I thank my friend for his remarks. And let me just say, this notion of you may choose your doctor but your doctor may not choose you, is that a fair assessment?

I'm happy to further yield to my friend.

Mr. ROE of Tennessee. It is a fair assessment. And now, countrywide, 40 percent of our primary care physicians choose not to see a Medicaid patient, and 60 percent of specialists. It's estimated that it will be, when this plan goes into effect, 60 percent of primary care physicians won't see these patients and 80 percent of specialists won't see these patients.

Mr. DREIER. And that's why I was arguing that it is really difficult to imagine why it is that people will pursue the medical profession, as the gentleman has done so ably over the years.

And I am happy to further yield to my friend.

Mr. ROE of Tennessee. Thank you for yielding.

One of the things that is disturbing, and I have taught medical school and taught medical students, only 2 percent of our graduates now are going into primary care. And I'm in a group with 70 primary care doctors. I was in a group until I came to Congress. And we can't get our best and brightest to go into primary care. And it's a real quality issue, because what concerns me about our Medicare plan is this: At the time I came up here, I was having problems finding primary care doctors, internists, family practice to see my patients that I'd operated on.

Mr. DREIER. I thank my friend.

Madam Speaker, I reserve the balance of my time.

Ms. SLAUGHTER. Madam Speaker, I feel I need to introduce Dr. DONNA CHRISTENSEN, who is a medical doctor from the Virgin Islands, for 15 seconds.

Mrs. CHRISTENSEN. The legislation that we have before us will take insur-

ance companies out of the doctor/patient relationship. There will be more incentives for doctors. There will be more National Health Service Corps positions, more loan repayments to bring doctors into the system, and doctors will go into neighborhoods where they've never gone before because Medicaid will pay more and Medicare will pay more.

Mr. DREIER. Madam Speaker, I reserve the balance of my time.

Ms. SLAUGHTER. Madam Speaker, I yield 2 minutes to the gentleman from Colorado (Mr. PERLMUTTER), a member of the Rules Committee.

Mr. PERLMUTTER. Madam Speaker, this morning I was at a meeting, a breakfast of the Epilepsy Foundation of America. I have a daughter who has epilepsy, and she and one of my other daughters and I attended this breakfast.

And the relief that people feel, particularly parents, about us having passed this bill, us working to advance, really, freedom by doing away with the discrimination against people who have prior illnesses was palpable in that room. And as a dad, I can tell you, we have advanced the cause of millions of people across this country.

Everybody in this room has somebody who's close to them. It could be a family member, could be a friend, a neighbor who has a prior illness, has some kind of condition, suffered in some accident, and what we've done is given those people the freedom to have some health care so they can seize the opportunities that this Nation provides.

It's relief. It's freedom. It's civil rights that we passed in this last couple of days. And I know it's been contentious and I know there are strong philosophical differences, but when the rubber hits the road, for parents, for kids, for people who have these kinds of preexisting conditions, we really advanced the ball for them, and we advanced the cause of freedom.

Mr. DREIER. Madam Speaker, I yield myself such time as I might consume, and I would like to engage in a discussion, if I might, with my friend and argue that I totally concur. We totally concur with the need to work on this issue of preexisting conditions.

The problem, Madam Speaker, has been that while this was extraordinarily well-intentioned, we've already found that this shoddily put together bill has denied the addressing of preexisting conditions. There are people out there who unfortunately believe, Madam Speaker, that the issue of preexisting conditions has been taken care of. One needs to look at the news reports right now of the problems that exist with our shared bipartisan goal of addressing that issue.

I reserve the balance of my time.

□ 1915

Ms. SLAUGHTER. Madam Speaker, I yield 2 minutes to the gentleman from California (Mr. STARK).

Mr. STARK. I thank the gentlelady for yielding.

Madam Speaker, since 1985, I have worked for today as we finish our job to enact health care reform in America. This reconciliation bill provides affordability of insurance premiums for low- and middle-income Americans. We've delayed the impact of the Cadillac tax plan on health benefits and ensured that changes are financed in a fair manner.

The reform bill signed into law by President Obama is a historic step for our Nation. These bills provide health security for all families. The people with no coverage are guaranteed affordable coverage. Those who currently have insurance will find that coverage improved and more secure.

I am honored to have helped to get us to this point. I look forward to working with all of my colleagues and the administration as we implement this vital new law. Today, we join all modern countries in providing quality, affordable health care to all. It's a great day for America.

If I didn't think they'd take down my words, I would want to say "yippee."

Madam Speaker, the staff of the Committee on Ways and Means, as well as staff from the other Committees, leadership offices and support agencies, logged countless hours to make this legislation a reality. We owe them our thanks for their efforts to bring us to this day.

Current and former staff from my office and from the Committee on Ways and Means who worked on this legislation over the past year include: Janice Mays, John Buckley, Cybele Bjorklund, Debbie Curtis, Chiquita Brooks-LaSure, Jennifer Friedman, Geoff Gerhardt, Tiffany Swygert, Drew Crouch, Marci Harris, Tom Tsang, Drew Dawson, Ruth Brown, John Barkett, Mark Schwartz, Matthew Beck, Lauren Bloomberg, Brian Cook and Cameron Branchley.

Because this legislation was really a product of three committees, I'd like to also recognize the health staff of the Committees on Energy & Commerce and Education & Labor.

We are truly indebted to the staff of the House Office of Legislative Counsel—Ed Grossman, Jessica Shapiro, Megan Renfrew, Henry Christrup, Wade Ballou, Lawrence Johnston and others in the office that I may have missed—who turn our ideas into legislative language.

Finally, I'd like to recognize and thank the very capable analysts at the Congressional Budget Office and Joint Committee on Taxation. Doug Elmendorf, Phil Ellis, Holly Harvey and the rest of the CBO team, as well as Tom Barthold and the JCT professional staff, have worked tirelessly to provide guidance, technical assistance and key analyses of the costs and effects of the various proposals during consideration of health reform legislation over the past 15 months.

On behalf of the Committee on Ways and Means, thank you all.

Mr. DREIER. May I inquire of the Chair how much time is remaining on each side?

The SPEAKER pro tempore. The gentleman from California has 14¼ minutes remaining. The gentlewoman from New York has 15½ minutes remaining.

Mr. DREIER. I will reserve the balance of my time, Madam Speaker.

Ms. SLAUGHTER. I yield 2 minutes to the gentleman from New Jersey (Mr. PALLONE).

Mr. PALLONE. This is the last step that we must take to make health insurance reform a reality in this country for millions of Americans. For far too long, the Federal Government has allowed insurance companies to get away with the most abusive practices that prevent people from getting the medical treatment that they need to be healthy.

Earlier this week, we said "no more." Just as the leaders of the civil rights movement did before us, this House took the courageous step to put an end to the blatant discrimination that millions of Americans suffer from every year at the hands of insurance companies. We said that we aren't going to let insurance companies put profits before people anymore. We've said that we're going to put patients and their doctors back in charge.

I know already I'm hearing from the other side of the aisle, Let's repeal and replace this bill. What I want to know is what do they want to repeal first? Closing the doughnut hole in Medicare so that seniors can afford their medicines? Or stopping insurance companies from dropping people's health insurance when they get sick and need it most? Or letting dependents stay on their parents' health care policy until the age of 26, especially amid a recession when it's hard for people to even find a job? Or maybe even providing small businesses with tax credits to help them afford health insurance for their employees.

Madam Speaker, in the last few days I have heard from so many people here in Washington as well as at home about how important this bill is and makes a difference in their lives on a daily basis and is going to be good for them and their families.

We've already taken a great step forward on behalf of the American people. Republicans shouldn't let us take it back. We can't let that happen. Let's just keep moving forward. Let's take this last step. Let's finish the job and pass this bill on behalf of America's families. Vote "yes."

Mr. DREIER. Madam Speaker, at this time I am happy to yield 1½ minutes to a very hardworking member of the Committee on Rules, the latest recipient of the Ronald Reagan award, our friend from Grandfather Community, North Carolina (Ms. FOXX).

Ms. FOXX. I thank my colleague from California for yielding time.

I want to say that it has been said over and over again that Republicans want to block health care reform. We don't want to block health care reform. We want commonsense health care reform—not an overhaul of the system that is a government takeover of health insurance and health care in our country.

One of the things that people tell me they dislike the most about the way the Congress operates is when the Democrats put together two bills that are totally unrelated because one of those bills cannot get passed on its own. That is what happened in the reconciliation bill, a bill totally unrelated to health care where the government is going to take over the student loan program in this country making the Federal Government the fifth largest bank. That is reprehensible to the people of this country. We shouldn't have done that.

I offered an amendment in the Rules Committee to separate those two. The bill on student loans should have stood on its own but it can't and so it got attached to this bill. These are minor technical amendments, but we were denied major amendments. One hundred nine amendments were offered in the Rules Committee on Saturday. We had 13 hours of debate. Some of our amendments were excellent amendments and should have been accepted.

We want reform. Republicans want to change many things. We want to take care of preexisting conditions; we want to lower the cost. The problem with this bill is it doesn't lower costs; it makes them larger.

Ms. SLAUGHTER. Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. WAXMAN).

Mr. WAXMAN. Mr. Speaker, earlier this week history was made with the enactment into law of the comprehensive access to quality affordable health insurance for all Americans. Tonight we complete action on this legislation and cement for all Americans their sense of security that they will always be able to afford and access health care for themselves and their families.

Since our passage of the underlying legislation last weekend, the American people are beginning to fully appreciate the benefits that we have written into law. When fully implemented, reform will bring 32 million uninsured Americans into the health insurance system, seniors will see immediate help with the cost of their prescription drugs, and people who have preexisting medical conditions will not be denied health insurance or charged more for that insurance. If you lose your job, you will not lose access to health care.

Our vote tonight improves on what President Obama signed into law on Tuesday. This includes closing the gap in Medicare prescription drug coverage, including the rebate this year to eligible seniors; improving affordability for those with income up to 400

percent of the poverty level; eliminating the special Medicaid deal for Nebraska; and increasing matching rates to States for the costs of services to newly eligible individuals to 100 percent for the first 3 years of coverage expansions.

Increasing Medicaid payments. The rates will be increased for primary care physicians so that new Medicaid beneficiaries will have access to primary care and a greater investment into community health centers. These initiatives are fully funded and paid for.

The reconciliation bill reduces the deficit by more than \$1 trillion over the next two decades.

Health security is a fundamental right for every American, and we remain faithfully committed to that objective.

I want to use my time here to give special thanks to our health team on our staff. First of all I want to single out Karen Nelsen, who has been director of the health staff going back to the time I was chairman of the Health and Environment Subcommittee and during the time we were over at the Oversight and Government Reform Committee. With her able assistance, we have Jack Ebeler, Tim Gronniger, Andy Schneider, Purvee Kempf, Brian Cohen, Ruth Katz, Anne Morris, Tim Westmoreland, Stephen Cha, Virgil Miller, Katie Campbell, Bobbie Clark, Sarah Dupres and Naomi Seiler.

I want to just close by saying I wish the Republicans would have worked with us instead of fighting this bill every step of the way. They're complaining now they didn't get amendments, but when we called on them to help us, they said no. They wouldn't work with us on the stimulus bill, they wouldn't work with us on the energy bill, they wouldn't work with us on the health bill, but we got it done anyway.

Mr. Speaker, the bill is to be commended as a model of cooperative federalism. Under the new law, "a State is free to establish a health insurance exchange if it so chooses. But if it declines, the Secretary will establish an exchange." This is a strong example of what the Supreme Court has recognized as an appropriate exercise of federal power to encourage State participation in important federal programs. "[W]here Congress has the authority to regulate private activity under the Commerce Clause, we have recognized Congress' power to offer States the choice of regulating that activity according to federal standards or having state law pre-empted by federal regulation. *Hodel v. Virginia Surface Mining & Reclamation Assn., Inc.*, supra, 452 U.S., at 288, 101 S.Ct., at 2366. See also *FERC v. Mississippi*, supra, 456 U.S., at 764–765, 102 S.Ct., at 2140. This arrangement, which has been termed "a program of cooperative federalism," *Hodel*, supra, 452 U.S., at 289, 101 S.Ct., at 2366, is replicated in numerous federal statutory schemes." *New York v. United States*, 505 U.S. 144, 165 (1992).

INDIVIDUAL RESPONSIBILITY

The individual responsibility requirement requires individuals to pay a tax on their indi-

vidual tax filings or provide information documenting they fulfill the requirements for having essential minimum coverage over the past year. Congress makes the following findings to support this requirement, these are in addition to those made on Sunday, March 21, 2010:

(1) The requirement is necessary to achieve near-universal coverage while maintaining the current private-public system. It builds upon and strengthens private employer-based health insurance, which covers 176,000,000 Americans nationwide. In Massachusetts, a similar requirement has strengthened employer-based coverage: despite the economic downturn, the number of workers offered employer-based coverage has actually increased. Sharon K. Long and Karen Stockley, *Massachusetts Health Reform: Employer Coverage from Employees' Perspective*, Health Affairs, October 1, 2009.

(2) Under the Patient Protection and Affordable Care Act, if there were no requirement, many individuals would wait to purchase health insurance until they needed care. Those individuals would then get the benefit of the lower premiums that are a direct result of the Act's reforms, even though those lower premiums result in part from the fact that other younger and healthier people bought insurance at an earlier point. Higher-risk individuals would be more likely to enroll in coverage, increasing premiums and costs to the government. The Urban Institute, January 2008. The requirement will broaden the private health insurance risk pool to include healthy individuals, which will spread risk, stabilize the market, and lower premiums. Congressional Budget Office, *An Analysis of Health Insurance Premiums Under the Patient Protection and Affordable Care Act*, November 30, 2009. It is necessary to create effective private health insurance markets throughout the country in which improved health insurance products that are guaranteed issue and do not exclude coverage of pre-existing conditions can be sold.

(3) Administrative costs for private health insurance, which were \$90,000,000,000 in 2006, are 26 to 30 percent of premiums in the current individual and small group markets. Congressional Budget Office, December 2008. The requirement is necessary to create effective private health insurance markets throughout the country that do not require underwriting, eliminating its associated administrative costs. By significantly increasing health insurance coverage and the size of purchasing pools, which will increase economies of scale, the requirement, together with the other provisions of the Patient Protection and Affordable Care Act, will significantly reduce administrative costs and lower health insurance premiums.

(4) Health insurance and health care services are a substantial part of the national economy. National health spending is projected to increase from \$2,500,000,000,000, or 17.6 percent of the economy, in 2009 to \$4,700,000,000,000 in 2019. Centers for Medicare & Medicaid Services, Office of the Actuary, National Health Expenditure Projections, 2008–2018. Private health insurance spending is projected to be \$854,000,000,000 in 2009, and pays for medical supplies, drugs, and equipment that are shipped in interstate com-

merce. Centers for Medicare & Medicaid Services, Office of the Actuary. Since most health insurance is sold by national or regional health insurance companies, health insurance is sold in interstate commerce and claims payments flow through interstate commerce.

(5) The requirement, together with the other provisions of the Patient Protection and Affordable Care Act, will add more than 30,000,000 consumers to the health insurance market. Congressional Budget Office, Patient Protection and Affordable Care Act, Incorporating the Manager's Amendment, December 19, 2009. In doing so, it will increase the demand for, and the supply of, health care services. According to one estimate, the use of health care by the currently uninsured could increase by 25 to 60 percent. Congressional Budget Office, December 2008.

(6) Under the Employee Retirement Income Security Act of 1974, the Public Health Service Act, and the Patient Protection and Affordable Care Act, the Federal Government has a significant role in regulating health insurance. The requirement is an essential part of this larger regulation of economic activity, and the absence of the requirement would undercut Federal regulation of the health insurance market.

(7) Payments collected from individuals who fail to maintain minimum essential coverage will contribute revenue that will help the Federal government finance a reformed health insurance system that ensures the availability of health insurance to all Americans.

The preceding 7 points cite numerous studies and papers which illustrate the extensive evidence that the Patient Protection and Affordable Care Act, as amended by Section 1002 of the Health Care and Education Reconciliation Act, substantially affects interstate commerce. These citations are included as hyperlinks or in their written entirety for the record.

Mr. DREIER. Mr. Speaker, it's nice to see you, but I should say for the record I did enjoy seeing Ms. EDWARDS in the chair more than I am enjoying seeing you here. But it's always good to see you.

The SPEAKER pro tempore (Mr. OBEY). The Chair thanks the gentleman.

Mr. DREIER. With that, I would like to yield 1½ minutes to our very hard-working colleague from Bainbridge Township, Ohio (Mr. LATOURETTE).

Mr. LATOURETTE. I thank the gentleman for yielding.

Mr. Speaker, I served 14 years on the Transportation and Infrastructure Committee and was proud of the wastewater treatment plants that we were able to install in my district. But I have to tell you on a busy Friday night, I saw less sewage go through those facilities than I've heard here this evening.

The President invited people down to this big powwow down at Blair House. It reminded me of my favorite movie, "Braveheart," where the king has all the Scottish nobles down and gonna talk peace, and winds up hanging them all in the barn. The takeaway from

that meeting, however, was the President said, These are the things that I agree with you Republicans on.

So it really surprises me to hear my friend from California say that the Republicans didn't want to work together.

One of the things the President said he thought was horrendous were the special deals in this bill. I've heard my friends proudly talk about Florida and Nebraska. Unless I am misunderstanding it, Connecticut, still a hundred million dollars for a hospital; Montana miners are treated differently than everybody else; North Dakota frontier counties get an enhanced physician payment; Massachusetts and Vermont get higher Medicaid reimbursement rates; and Nebraska and Michigan—I thought the health care insurance companies were evil around here—they don't have to pay the tax. And the pharmaceutical companies, I thought they were bad, but if they're in New Jersey, they get a billion dollars.

Mr. Speaker, I'd like to take the gentleman from California at his word. I want to work together, and I would like to offer an amendment to this bill.

So I would ask the distinguished chairwoman of the Rules Committee if she would yield to me for the purposes of a unanimous consent request so that I could offer an amendment.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. DREIER. I yield my friend an additional 15 seconds.

Mr. LATOURETTE. I would ask the gentlelady from New York, would you yield to me for the purposes of a unanimous consent request so I could amend this bill simply by keeping the President's word to remove these special deals.

Ms. SLAUGHTER. I cannot yield for that purpose.

Mr. LATOURETTE. You can't or you won't? Of course you can.

Ms. SLAUGHTER. I cannot.

Mr. LATOURETTE. You will not.

The SPEAKER pro tempore. The time of the gentleman has again expired.

Ms. SLAUGHTER. I am happy to yield 3 minutes to the gentleman from South Carolina (Mr. SPRATT).

Mr. SPRATT. I thank the gentlewoman for yielding.

Mr. Speaker, the reconciliation bill before us does more than advance the cause of health care. It makes a landmark investment in education, one that will make college more affordable for millions of students, and all without adding a dime to the deficit.

Under this bill, Federal student loans will now be made through the Direct Loan Program. That means the elimination of \$61 billion in bank subsidies over the next 10 years. This bill then takes that \$61 billion and reinvests \$36 billion out of it in Pell Grants, raising the value of Pell Grants and making

college a reality, a possibility, for more than 8 million students.

The bill takes other steps to improve access to college and helps students graduate from college. For example, it includes more than \$2 billion for historically black colleges and universities, and it invests \$2 billion in community colleges which are increasingly important in our economy as well as in our educational system because our economy more and more demands skilled and educated workers. Finally, it helps students after they graduate by lowering the amount they will have to repay.

As we switch to making student loans through the less costly Direct Loan Program, I am pleased to see that this bill doesn't try to fix what ain't broke. It leaves the current Perkins Loan Program by which colleges provide low-interest loans from a revolving fund to low-income students, and it makes it easier for colleges to pursue public service by canceling loans, the debt incrementally, if they're employed in public service.

Mr. Speaker, a productive economy demands an educated workforce, and this reconciliation bill moves us towards that goal at no additional cost to the American taxpayer and no impact on the deficit. It's a win-win solution.

I urge support for this bill.

Mr. DREIER. Mr. Speaker, at this time, I am happy to yield 2 minutes to the gentleman from Ennis, Texas (Mr. BARTON), the hardworking ranking minority member on the Committee of Energy and Commerce.

Mr. BARTON of Texas. I think it's time for us to take a deep breath, take a timeout and go home and listen, Mr. Speaker. So I asked the Rules Committee this evening to not move this package tonight, but let us go home for the next 2 weeks and then come back week after next or week after 2 weeks and actually fix what needs to be fixed.

I listened when my chairman, Mr. WAXMAN of California, talked about the reconciliation package before us fixes the Nebraska problem. Well, the way they fix it, Mr. Speaker, is by giving every other State the same sweet deal they gave to Nebraska but only for 4 years.

□ 1930

After 2014, that deal goes away for Nebraska and every other State. I don't think that's much of a fix.

No one on the majority side, Mr. Speaker, has talked about the Medicaid trap. When this fully kicks in in 2014, everybody that's eligible for Medicaid in the country, that is below 133 percent of poverty, has to be in Medicaid and that's their only choice. They cannot be in a private sector plan. And obviously we all know they don't have the option of not taking the coverage.

Some of us think that that may be unconstitutional. Even if it's not un-

constitutional, I don't think it's fair to our low-income Americans to say that the only health insurance plan you can have is Medicaid.

We have talked about the preexisting conditions, Mr. Speaker. This bill does require that preexisting conditions be covered. That's a good thing, not a bad thing. But it's not funded. They have only got \$5 billion in this bill for 4 years. That's a little over a billion dollars a year. You can't cover 8 to 10 million Americans that have preexisting conditions and no insurance today for \$1.25 billion a year. I call that the preexisting short sheet.

And, finally, this reconciliation package doesn't do anything to prevent the requirement in the original Senate bill that's now the law that elective funding of abortion be offered in at least one plan in each State. I really believe if there was an up-or-down vote on that again in this body, that that would be voted down.

Please vote against this reconciliation package rule. Let us go home and listen to our constituents.

"Unorthodox Process": My friend from California Mr. DREIER coined the process and procedure that has been forced upon as "at best, unorthodox." But it doesn't have to be that way, Mr. Speaker. There is no deadline that says we need to push this through tonight. Let's do it right.

Hoping for similar luck to have I had last Saturday when I asked that Rules drop the "deem and pass" scheme and they did, I asked this afternoon in the Rules Committee for an extension on this reconciliation vote until after the two-week recess. We could talk to our constituents, hear their thoughts. We could look for more issues that will need fixing and then fix them. There is no deadline that says we need to push this through tonight. Let's do it right.

The new version of the reconciliation package that we vote on today reflects two relatively minor changes made by the Senate to education program provisions in the bill. We had to strike these provisions because they violated the Byrd Rule that governs budget reconciliation bills in the Senate. But that's the point, Mr. Speaker. We rushed, rushed, rushed and made mistakes. I shudder at the thought of the additional mistakes we'll need to fix as we finally have time to digest this massive law.

My Democrat colleagues insist that the Senate bill is law, signed by the President, and that there should be no more debate on the policy. But just because it received an entirely partisan majority, and just because it was signed by the President, doesn't mean it's good law. This was a partisan process, a partisan bill, with bipartisan opposition.

This Act increases the penalty on individuals who fail to comply with the new requirement to maintain Washington-bureaucrat-approved insurance coverage:

Modifies the individual mandate penalty in three ways: (1) exempts income below the filing threshold from the calculation of the penalty, (2) lowers the flat dollar penalty from \$495 to \$325 in 2015, and from \$750 to \$695

in 2016, and (3) for individuals paying a penalty based on family income, changes the penalty from 0.5% to 1.0% of family income in 2014, from 1.0% to 2.0% of family income in 2015, and from 2.0% to 2.5% of family income for 2016 and later years.

This Act increases the penalty on employers who fail to comply with the new requirement to buy their employees Washington-bureaucrat-approved insurance coverage:

Increases the annual per-employer penalty from \$750 per employee to \$2,000 per employee, and subtracts 30 full-time employees from the penalty calculation (e.g., a firm with 100 employees would have to pay the \$2,000 annual penalty on 70 employees; $(100 - 30) \times \$2,000 = \$140,000$ total annual penalty).

This Act adds even more federal-mandates on all insurance plans:

Makes health insurance more expensive by requiring grandfathered health insurance plans—those in existence today—to (1) eliminate lifetime limits on benefits; (2) restrict annual limits on benefits within six months of enactment; and (3) cover certain married and unmarried adult “children” up to age 26. Group plans may no longer exclude coverage for a pre-existing condition for any child under 19.

This Act traps 90 million people into Medicaid, a broken welfare program that half of doctors refuse to accept:

Increases federal outlays on the Medicaid program by \$434 billion during 2010–2019, \$48 billion more than the enacted bill. The bill eliminates the “Cornhusker Kickback,” (permanent 100% federal financing for Nebraska’s newly eligible Medicaid populations) but it still includes the “Louisiana Purchase” (increased federal funding for the State of Louisiana) and other special deals for certain states.

Ms. SLAUGHTER. I yield 1 minute to the gentleman from New York (Mr. BISHOP).

Mr. BISHOP of New York. Mr. Speaker, it has now been just 2 days since President Obama signed historic health care legislation into law, and it is already evident that the massive effort to frighten and mislead the American people is losing steam. Just since the bill passed, new polls indicate Americans see through the scare tactics and doomsday rhetoric and are growing in their enthusiasm about health care reform.

Had reform been the economic disaster it was portrayed to be, why then did the stock market climb nearly 200 points in the day since the law was enacted? In a town hall meeting I held on Monday, it was evident that my constituents are rejecting the misinformation campaigns that have surrounded our efforts for reform and are instead focusing on what the bill will do for them both in the short term and the long term.

The bill before us today is a huge step towards ensuring that Americans who get sick or injured can focus on their recovery rather than worrying about their coverage. Because of this legislation, my constituents are assured that they are in control of their own health care, not a government

agency or a faceless insurance agency representative.

Mr. Speaker, I commend the Senate for acting so quickly on this vital legislation. I urge my colleagues to support this rule and the underlying legislation.

Mr. DREIER. Mr. Speaker, at this time I am happy to yield 1 minute to our hardworking colleague from Indianapolis, Indiana (Mr. BURTON).

Mr. BURTON of Indiana. I thank the gentleman for yielding.

My wife’s a doctor, and she and a lot of her colleagues have been talking, and they have seen these statistics that show that almost half of the doctors say they will leave their practices if this bill becomes law. Now let’s just say that only 10 percent of that is accurate. That would be 5 percent of the doctors.

And with 32 million people that you are adding to the rolls, how in the world can you say that you are going to save a trillion dollars over the next couple of decades? I mean, come on, nobody in America is going to believe that. You are adding 32 million people, you are going to have fewer doctors, and we are already short on doctors, and the cost is going to go down, and you are going to save money, and you are going to save a trillion dollars. Nobody in America believes it.

And Medicaid, in the State of Indiana, we are going to pick up 500,000 new people on Medicaid, and you are going to shift the burden to Indiana for 500,000 people? It’s going to cost an arm and a leg. We are going to have to raise taxes there. You are going to have to end up raising a lot of taxes here. There is no question about it. You can’t do what you say you are going to do, and the American people know it.

Ms. SLAUGHTER. Mr. Speaker, I yield 1 minute to the gentleman from Connecticut (Mr. COURTNEY).

Mr. COURTNEY. Mr. Speaker, it has been 2 days since President Obama signed this bill into law. And after all the overheated, over-the-top rhetoric about government takeover, you would expect that the health insurance industry would have collapsed in the wake of that act.

Well, what have we seen from the stock market in the last few days? Aetna’s stock is up, CIGNA’s stock is up, United Health Care stock is flat. The fact of the matter is is what we have done is tried to reshape a private health insurance market so that people will have a coherent, understandable benefit that has a minimum level of consumer protection in a provision to make it affordable for working Americans, which will be a healthy, prosperous future for our health insurance industry, which the minority side indicates that that is something that they care about.

All they have to do is look at their own benefits, their own purchasing ex-

change, which, as Members of Congress, they participate in, with a choice of private health insurance plans, comprehensive benefits, no rescissions, no lifetime limits, no annual limits. That’s what we are giving to the American people, what Members of Congress have. It’s time to move forward and create an end to the days of have and have not.

Mr. DREIER. Mr. Speaker, I yield 1 minute to the gentleman from Athens, Georgia (Mr. BROWN), another one of our very able medical doctors.

Mr. BROWN of Georgia. I thank the gentleman for yielding.

This bill, as well as the underlying bill is a farce, just two big farces. Let me tell you a couple of things that they won’t do and some things that they will do.

The first thing that it will do is it’s going to drive millions of people out of work. Also, besides that, it’s going to drive many doctors out of business, as Mr. BURTON was just talking about. When people have that free health care insurance card issued by the Federal Government in their pocket, it’s going to be about as worthless as the Confederate dollar was after the Civil War because you are not going to find any doctors who are going to be willing to take the government insurance card.

So access is going to be worse. It’s going to be worse for the people who can least afford it to be, and that’s the poor people in this country as well as senior citizens.

We need to repeal this bill. We need to stop this reconciliation process farce tonight. We need to repeal ObamaCare, and we need to replace it with policy that will create more access, create jobs, which will lower the cost of health care and not be a government takeover of the health care system.

Ms. SLAUGHTER. Mr. Speaker, I yield 1 minute to the gentleman from New York (Mr. HALL).

Mr. HALL of New York. I thank the gentlewoman for yielding.

Mr. Speaker, critics are still screaming at the top of their lungs that this health reform is tyranny, an end to private hospitals and doctors, as we just heard, a government takeover of health care. These attacks are drowning out the truth, and I would like to set the record straight.

Nothing in this law, not even that dreaded Washington bureaucrat, will come between you and your doctor. The law does keep insurance company bureaucrats from denying you care. Secondly, we are actually increasing access to private health insurance. In return for those millions of new customers, however, insurance companies must end abusive practices like dropping you when you get sick.

Finally, since this bill has been passed, not one hospital or doctor’s office has been taken over by the government, and I doubt that one will. There

is nothing to suggest that that will happen. That is overblown rhetoric, deceptive and wrong. It is time to start telling the truth and stop spreading fear. I urge my colleagues to support the rule and pass the final piece of health reform.

Mr. DREIER. Mr. Speaker, I yield 1 minute to our friend from Goddard, Kansas (Mr. TIAHRT).

Mr. TIAHRT. I thank the gentleman for yielding.

Mr. Speaker, this rule should be withdrawn. The Senate bill is now law, and it's the greatest intrusion into our private lives that we have seen under this Congress. It's going to hurt our economy, it's going to cost us jobs. Plus, there are special provisions within the bill that's been signed into law that should have been corrected in the reconciliation bill, but this rule fails to address those corrections that need to be taken.

The Louisiana purchase is still law today. It should have been corrected. The University of Connecticut hospital that received the earmark should have been corrected by this underlying legislation. The Hawaiian disproportionate share hospital program is exempt from cuts. Other States aren't.

Tennessee is also exempt from the DSH. The frontier funding in counties in some rural areas is exempt and other rural areas are not. Montana received special benefits for asbestos, those workers who were exposed to asbestos. What about the other 49 States?

Connecticut and Michigan have got a handful of hospitals that are going to get higher Medicare payments because of the legislation, and this rule fails to address it and change the underlying bill so that we can correct these improper measures.

So I would request that we withdraw the rule and get a proper bill before us.

Ms. SLAUGHTER. Mr. Speaker, may I inquire as to the time remaining?

The SPEAKER pro tempore. The gentlewoman from New York has 5½ minutes remaining, and the gentleman from California has 6½ minutes remaining.

Ms. SLAUGHTER. I reserve the balance of my time.

Mr. DREIER. Mr. Speaker, may I inquire of my friend how many speakers she has remaining?

Ms. SLAUGHTER. Yes, I have three.

Mr. DREIER. We don't have that many.

I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I yield 1 minute to the gentleman from Texas (Mr. HINOJOSA).

Mr. HINOJOSA. Mr. Speaker, I rise today in support of this rule and the underlying legislation on health and higher education. I thank my colleagues in the Senate for their courage in passing this historic legislation this afternoon by making the single largest investment in financial aid in history.

Our Nation is taking bold steps to ensure accessibility and affordability in higher education for years to come and lead us to prosperity, more affordable student loans, and investments of \$36 billion in Pell Grants, scholarships which will help students and families pay for college. I am proud that the investments of \$2 billion in community colleges and \$2.55 billion in minority-serving institutions will move us closer to building a world-class higher education system for all students.

Over the next 10 years, it is estimated that Texas will receive at least \$2.4 billion in Pell Grants and a total of at least \$2.8 billion from the higher education programs funded in this reconciliation package.

HBCUs and HSIs such as the University of Texas-Pan American, South Texas College, and Texas Southern University will greatly benefit from this legislation.

This Federal funding will prepare a new generation of minority scientists, mathematicians, and innovators in Texas and across our Nation.

I urge my colleagues to vote in favor of the rule and the underlying bill.

Mr. DREIER. Mr. Speaker, at this time I yield 3 minutes to my very good friend, another medical doctor who is with us here, the gentleman from Lewisville, Texas (Mr. BURGESS).

Mr. BURGESS. I thank the gentleman for the recognition.

You know, it's ironic, isn't it? Two days ago a bill was signed that is going to fundamentally change the way health care is delivered in this country for the next three generations, and 48 hours later we are back on the floor of this House trying to fix the problems in this bill because, Mr. Speaker, we all know when the Senate passed this bill Christmas Eve, they didn't intend for this bill to become law. This was never the vehicle that was intended to be passed through this House.

This was a bill that was passed to get the Senate out of town before a snowstorm on Christmas Eve. They always planned to come back and fix it in conference, but because of an election in Massachusetts those plans went by the wayside.

The Speaker of the House said in January, I don't have a hundred Members who will vote for this bill and yet, somehow, the line being the shortest distance between two points, we ended up passing this bill on Sunday night when we hoped, we hoped the American people were not looking at us.

But we did pass it, and now we have got to come back tonight and fix the problems. We will be back next week. We will be back the week after that. This bill is going to require significant fixes, probably for the remainder of my lifetime on this Earth. This was probably the worst product we could have put out there for the American people.

And what about the insurance companies, their stock prices going up? Of

course they went up. They got everything they wanted. What did they want when this year started? They wanted an individual mandate and no public option.

Guess what, ladies and gentlemen, that's exactly what they got. Who is standing on the side of the insurance companies? Who is standing on the side of the people? I think you have got that wrong.

What about PhRMA? They got everything they want. Yeah, you can close the doughnut hole but you have got to buy brand-name drugs, and, oh, yeah, you can't import drugs from overseas.

□ 1945

They got exactly what they want and their stock prices have gone up this week. Let's not kid ourselves about who is fooling who here.

I have asked for the White House to give me information on these special deals that were cut down at the White House, but we can't get that information. We get copies of press releases; we get copies of Web pages. The White House has no interest in being transparent in this process because they have so much to hide about this bill. This is a bad bill for America, it's a bad bill for medicine, it's a bad bill for patients. We should do the right thing, come back and try to fix these problems in a real way.

And don't tell me Republicans didn't try, weren't there to help. I reached out my hand to the transition team and got it slapped. I reached out my hand to my committee chairman and got it slapped. We were there and ready to work, but you weren't interested in working with us.

What was the bipartisan nature of this bill? We'll throw it over the transom on July 15. Read it quick, because we've got a markup in full committee the next day.

This bill was never intended to pass this House. The Senate passed this bill as a last-ditch effort on Christmas Eve to get out of town. And what have we done? What have we done? We delivered this bill as the law of the land to the American people, and they are correctly outraged by what they see.

You know, you had some experience back in 1988 or 1989; you passed a very bad catastrophic care bill. Seniors across this country said this will not stand. The former chairman of the Ways and Means got run out of his town hall. And we had to repeal that bill. I think we should follow that same trajectory here.

Ms. SLAUGHTER. Mr. Speaker, I yield 1 minute to the gentlewoman from Texas (Ms. JACKSON LEE).

Ms. JACKSON LEE of Texas. Mr. Speaker, I have good news, and I thank the gentlewoman from New York. While my colleagues are talking about process, which has been approved by our Parliamentarians, and while profanity reigns on our phones, we are

saving lives: 45,000 who have died every year because they have not had insurance.

No doctors' offices have closed. The hospitals are open. And the attorney generals are filing frivolous lawsuits, because if they would look at what the bill stands for and the present bill, they will know that the seniors' doughnut hole will be closed, that the special deals have been taken out, that community health centers that will allow you to come out of your house, walk down the street, and go to a physician's office is expanded by \$11 billion.

They will understand that Medicaid has been expanded and right now individuals, 133 percent or 400 percent of poverty, can actually go and see a doctor. Maybe the mother who has insurance that only covers the emergency rooms can now get her children preventative care. Vote for this reconciliation bill to save lives.

Mr. DREIER. Mr. Speaker, may I inquire how much time is remaining on each side.

The SPEAKER pro tempore. Both sides have 3½ minutes remaining.

Mr. DREIER. May I inquire of the distinguished Chair of the Committee on Rules how many speakers she has remaining.

Ms. SLAUGHTER. I have one more speaker.

Mr. DREIER. And then you plan to close?

Ms. SLAUGHTER. As soon as you have.

Mr. DREIER. So then no more speakers other than your close. Is that it?

Ms. SLAUGHTER. I have one more speaker, then I hope that you will close and then I will close.

Mr. DREIER. I reserve the balance of my time.

Ms. SLAUGHTER. I am pleased to yield 2 minutes to the gentleman from New Jersey (Mr. ANDREWS).

Mr. ANDREWS. I thank the Speaker. I thank the gentlelady.

The American people very clearly want bipartisanship, but equally clearly they don't want paralysis. They have had 40 years of talk about solving this problem, and now they want it solved.

At the Blair House summit, the minority said it would be a good idea to have new ways to cut back on fraud and abuse in Medicare, so it's in the law the President signed on Monday and in this underlying bill as well.

The minority said that they would like a way for small businesses to pool together and make it easier to buy health insurance, so it's in the law the President signed on Tuesday and it's in the bill tonight.

The minority said that they would like to find a way that people could buy insurance across State lines, so the bill tonight says that the exchanges that are created can be regional across State lines so people can buy and sell that way.

The minority said they would like to see a way to cut back on nuisance lawsuits, so it's in the bill the President signed on Tuesday.

There are many good ideas from both sides in this bill and on the law signed on Tuesday, but the best idea is to finally act. After 40 years of promises, 40 years of politics, 40 years of paralysis, 40 years of inaction, isn't it time that people can't get turned away because they have preexisting conditions? Isn't it time that hardworking Americans can afford health insurance? Isn't it time that seniors can finally get the prescription drug coverage?

The question tonight is, Whose time is it? It's time for the working families and seniors of America. It is time to end the paralysis, end the politics and vote "yes."

Ms. SLAUGHTER. I did misspeak. Mr. RANGEL has come in, and I would like to give him 1½ minutes.

Mr. DREIER. I reserve the balance of my time.

Ms. SLAUGHTER. Let me yield 1 minute to Mr. RANGEL, the gentleman from New York.

Mr. RANGEL. Thank you, Madam Chairperson. And on this historic occasion, I guess those of us who have served so long in the Congress hope and prayed that this day, this night will come. And, of course, a lot of us are concerned how we will be remembered. When you reach my age, that seems to be a little more important.

And on this bill, when you just talk about health care and health reform, it seems to me that now is an opportunity even for those who fought this concept over the years and fought all the concepts such as Medicare and Social Security, to think about how they would like to be remembered. And I hope that that memory would be that even though the bill was not as perfect as they would want it to be, that they did vote for health reform, because that means Congresses that follow us, the same way we followed those that created Social Security, those that created Medicare, will have the opportunity to improve upon it.

So we are not saying that this is the best legislation ever. We are saying this is the best and only opportunity that we have now.

So I do hope that when the final vote is taken, that we will have it as a bipartisan vote.

Mr. DREIER. Mr. Speaker, now may I inquire of the distinguished Chair of the Committee on Rules if she has three or four more speakers? I don't know, Mr. Speaker, if the distinguished Chair on the Committee on Rules has anymore speakers.

Ms. SLAUGHTER. I have no further speakers.

Mr. DREIER. I just wanted to clarify that.

Mr. Speaker, I yield myself the balance of my time.

The SPEAKER pro tempore. The gentleman is recognized for 3½ minutes.

Mr. DREIER. Mr. Speaker, I am going to close the debate as I had begun, by denouncing the charges and smears that we have seen over the past several weeks. Tragically, those of us who serve as Members of Congress for years have dealt with that. It is unacceptable and outrageous, and we all join together in decrying the things that we have seen.

Mr. Speaker, there is a high level of frustration over the process through which we have gone, and there is an understandable outrage from people all across this country for the final work product that we have.

The process has been, at very best—I am trying to be generous—unorthodox. The notion of utilizing reconciliation, which is designed to reconcile budget discrepancies, for this, is not the right thing to do. And it has never, ever, since passage of the 1974 Budget Entitlement Act, been used for such a monumental piece of legislation.

We have tried desperately to work in a bipartisan way, and everyone talks about this. But, Mr. Speaker, we have reached out, as Mr. BURGESS said, time and time again, and we have been rebuffed. The only thing bipartisan about this legislation and the vote that we will see tonight, Mr. Speaker, is not the support for it but the opposition to it.

Our colleagues on the other side of the aisle have a 70-seat majority, and yet many of their Members will be joining us, as they did last Sunday night, in opposing this. Why? Because they know that this is badly flawed legislation. It's badly flawed legislation, because, as we listened to so many medical doctors point out, we are told that you can choose your own doctor. We constantly hear that refrain from the President and others. But the question is, With the decrease in the numbers of doctors out there, will your doctor choose you?

And then, Mr. Speaker, we get to the question of, Will we or will we not be able to pay for this? Well, \$1 trillion, 569.2 billion in tax increases, and tremendous uncertainty is not going to adequately address the challenges that we have.

We all want to ensure that no one is denied access to health care because of preexisting conditions. We can do that in a bipartisan way. But, Mr. Speaker, unfortunately, this bill doesn't do that.

There are people out there who today believe that they will not be denied access to insurance because of preexisting conditions. But, guess what? Because this bill was so poorly put together, right now they are denied access. We want to make sure, and we are happy to work in a bipartisan way, to address that concern.

As we look at the fact that we are back here tonight because of those two

amendments that were problems in the Senate, the fact that we already have announced problems with the goal of ensuring that everyone has access, is not denied access because of pre-existing conditions, and when we look at the challenges that have been put forward time and time again, we simply ask our colleagues: When we work to clean this up, Mr. Speaker, I hope very much we will be able to work in a bipartisan way.

I urge a “no” vote.

The SPEAKER pro tempore. The gentleman from New York is recognized for 30 seconds.

Ms. SLAUGHTER. Mr. Speaker, let me just remind us that we have been all this time debating about three lines in the bill. If you want to take the nastiness out of the Senate bill, this is the bill you have to vote for.

I ask a “yes” vote from all my colleagues on both the previous question and on the rule.

I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. DREIER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 225, nays 199, not voting 5, as follows:

[Roll No. 193]

YEAS—225

Ackerman	Dahlkemper	Himes
Andrews	Davis (CA)	Hinchey
Baca	Davis (IL)	Hinojosa
Baird	DeFazio	Hirono
Baldwin	DeGette	Hodes
Bean	Delahunt	Holt
Becerra	DeLauro	Honda
Berkley	Dicks	Hoyer
Berman	Dingell	Inslee
Berry	Doggett	Israel
Bishop (GA)	Donnelly (IN)	Jackson (IL)
Bishop (NY)	Doyle	Jackson Lee
Blumenauer	Driehaus	(TX)
Boccheri	Edwards (MD)	Johnson (GA)
Boswell	Ellison	Johnson, E. B.
Boyd	Ellsworth	Kagen
Brady (PA)	Engel	Kanjorski
Braley (IA)	Eshoo	Kaptur
Brown, Corrine	Etheridge	Kennedy
Butterfield	Farr	Kildee
Capps	Fattah	Kilpatrick (MI)
Capuano	Filner	Kilroy
Cardoza	Foster	Kind
Carnahan	Frank (MA)	Kirkpatrick (AZ)
Carney	Fudge	Kissell
Carson (IN)	Garamendi	Klein (FL)
Castor (FL)	Giffords	Kosmas
Chu	Gonzalez	Kucinich
Clarke	Gordon (TN)	Langevin
Clay	Grayson	Larsen (WA)
Cleaver	Green, Al	Larson (CT)
Clyburn	Green, Gene	Lee (CA)
Cohen	Grijalva	Levin
Connolly (VA)	Gutierrez	Lewis (GA)
Conyers	Hall (NY)	Lipinski
Cooper	Halvorson	Loebach
Costa	Hare	Lofgren, Zoe
Costello	Harman	Lowey
Courtney	Hastings (FL)	Lujan
Crowley	Heinrich	Lynch
Cuellar	Higgins	Maffei
Cummings	Hill	Maloney

Markey (CO)	Perriello	Sires
Markey (MA)	Peters	Slaughter
Matsui	Peterson	Smith (WA)
McCarthy (NY)	Pingree (ME)	Snyder
McCollum	Polis (CO)	Speier
McDermott	Pomeroy	Spratt
McGovern	Price (NC)	Stark
McMahon	Quigley	Stupak
McNerney	Rahall	Sutton
Meek (FL)	Rangel	Tanner
Meeks (NY)	Reyes	Teague
Michaud	Richardson	Thompson (CA)
Miller (NC)	Rodriguez	Thompson (MS)
Miller, George	Rothman (NJ)	Tierney
Mollohan	Roybal-Allard	Titus
Moore (KS)	Ruppersberger	Tonko
Moore (WI)	Rush	Towns
Moran (VA)	Ryan (OH)	Tsongas
Murphy (CT)	Salazar	Van Hollen
Murphy (NY)	Sanchez, Linda	Velázquez
Murphy, Patrick	T.	Visclosky
Nadler (NY)	Sanchez, Loretta	Walz
Napolitano	Sarbanes	Wasserman
Neal (MA)	Schakowsky	Schultz
Oberstar	Schauer	Waters
Obey	Schiff	Watson
Oliver	Schrader	Watt
Ortiz	Schwartz	Waxman
Owens	Scott (GA)	Weiner
Pallone	Scott (VA)	Welch
Pascarella	Serrano	Wilson (OH)
Pastor (AZ)	Sestak	Woolsey
Payne	Shea-Porter	Wu
Perlmutter	Sherman	Yarmuth

NAYS—199

Aderholt	Edwards (TX)	Manzullo
Adler (NJ)	Ehlers	Marchant
Akin	Emerson	Marshall
Alexander	Fallin	Matheson
Altmire	Flake	McCarthy (CA)
Arcuri	Fleming	McCauley
Austria	Forbes	McClintock
Bachmann	Fortenberry	McCotter
Bachus	Fox	McHenry
Barrett (SC)	Franks (AZ)	McIntyre
Barrow	Frelinghuysen	McKeon
Bartlett	Gallegly	McMorris
Barton (TX)	Garrett (NJ)	Rodgers
Biggart	Gerlach	Melancon
Bilbray	Gingrey (GA)	Mica
Bilirakis	Gohmert	Miller (FL)
Bishop (UT)	Goodlatte	Miller (MI)
Blackburn	Granger	Miller, Gary
Blunt	Graves	Minnick
Boehner	Griffith	Mitchell
Bonner	Guthrie	Moran (KS)
Bono Mack	Hall (TX)	Murphy, Tim
Boozman	Harper	Myrick
Boren	Hastings (WA)	Neugebauer
Boucher	Heller	Nunes
Boustany	Hensarling	Nye
Bright	Herger	Olson
Broun (GA)	Herseeth Sandlin	Paul
Brown (SC)	Hoekstra	Paulsen
Brown-Waite,	Holden	Pence
Ginny	Hunter	Petri
Buchanan	Inglis	Pitts
Burgess	Issa	Platts
Burton (IN)	Jenkins	Poe (TX)
Calvert	Johnson (IL)	Posey
Camp	Johnson, Sam	Price (GA)
Campbell	Jones	Putnam
Cantor	Jordan (OH)	Radanovich
Cao	King (IA)	Rehberg
Capito	King (NY)	Roe (TN)
Carter	Kingston	Rogers (AL)
Cassidy	Kirk	Rogers (KY)
Castle	Kline (MN)	Rogers (MI)
Chaffetz	Kratovil	Rohrabacher
Chandler	Lamborn	Rooney
Childers	Lance	Ros-Lehtinen
Coble	Latham	Roskam
Coffman (CO)	LaTourette	Ross
Cole	Latta	Royce
Conaway	Lee (NY)	Ryan (WI)
Crenshaw	Lewis (CA)	Scalise
Culberson	Linder	Schmidt
Davis (KY)	LoBiondo	Shock
Davis (TN)	Lucas	Sensenbrenner
Dent	Luetkemeyer	Sessions
Diaz-Balart, L.	Lummis	Shadegg
Diaz-Balart, M.	Lungren, Daniel	Shimkus
Dreier	E.	Shuler
Duncan	Mack	Shuster

Simpson	Terry	Westmoreland
Skelton	Thompson (PA)	Whitfield
Smith (NE)	Thornberry	Wilson (SC)
Smith (NJ)	Tiahrt	Wittman
Smith (TX)	Tiberi	Wolf
Souder	Turner	Young (AK)
Stearns	Upton	Young (FL)
Sullivan	Walden	
Taylor	Wamp	

NOT VOTING—5

Brady (TX)	Davis (AL)	Space
Buyer	Reichert	

□ 2023

Mr. ALTMIRE changed his vote from “yea” to “nay.”

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated against:

Mr. SPACE. Mr. Speaker, during the recorded vote on H. Res. 1225, a resolution providing for the consideration of Senate amendments to the bill (H.R. 4872), I attempted to cast a vote in opposition. Due to a malfunction of my voting card, my vote was not recorded. I wish to express that my intention was to vote in opposition to the resolution.

HEALTH CARE AND EDUCATION RECONCILIATION ACT OF 2010

Mr. GEORGE MILLER of California. Mr. Speaker, pursuant to House Resolution 1225, I call up the bill (H.R. 4872) to provide for reconciliation pursuant to Title II of the concurrent resolution on the budget for fiscal year 2010 (S. Con. Res. 13), with the Senate amendments thereto, and ask for its immediate consideration.

The Clerk read the title of the bill.

The SPEAKER pro tempore (Mr. CAPUANO). The Clerk will designate the Senate amendments.

The text of the Senate amendments is as follows:

Senate amendments:

On page 118, strike lines 15 through 25 (and redesignate subsequent subsections accordingly).

On page 120, strike lines 3 through 5.

MOTION TO CONCUR

Mr. GEORGE MILLER of California. Mr. Speaker, I have a motion at the desk.

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Motion offered by Mr. GEORGE MILLER of California:

Mr. George Miller of California moves that the House concur in the Senate amendments.

The SPEAKER pro tempore. Pursuant to House Resolution 1225, the motion shall be debatable for 10 minutes equally divided and controlled by the chair and ranking minority member of the Committee on Education and Labor.

The gentleman from California (Mr. GEORGE MILLER) and the gentleman from Minnesota (Mr. KLINE) each will control 5 minutes.

The Chair recognizes the gentleman from California.

GENERAL LEAVE

Mr. GEORGE MILLER of California. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and insert extraneous material on H.R. 4872.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. GEORGE MILLER of California. Mr. Speaker, at this time I yield 2 minutes to the gentleman from New Jersey (Mr. ANDREWS).

Mr. ANDREWS. Mr. Speaker, I thank my chairman for yielding.

When you take your son or daughter to the emergency room, and you're sitting and waiting in the emergency room, you have a lump in your throat, and you're hoping and praying that when the doctor comes back, the news will be that it's just food poisoning and not a malignancy in your son or daughter's stomach. For many Americans, that joyous moment is followed by another lump in their throat, because even though you've got the joyous news that your child is okay, you can't pay her bill because you have no health insurance. And so many of those Americans for so very long, since the days of Theodore Roosevelt, have looked for the answer. What the President signed on Tuesday and what we do tonight will finally give them that answer.

We will finally say that Americans who wait on tables and pump gas and clean our offices at night will finally have the ability to go home and not only thank God for the fact that their child is better but be thankful for the fact that they live in this country where every American finally has affordable access to health insurance. That is our mission here tonight. Vote "yes."

Mr. GEORGE MILLER of California. I reserve the balance of my time.

Mr. KLINE of Minnesota. Mr. Speaker, at this time I yield myself 2 minutes.

It has been suggested that today's action will be the final word on the health care debate that has consumed the attention of Washington and America for more than a year. I would suggest instead that much remains to be said and seen. The ink is hardly dry on the Democrats' government takeover of health care, but already we are seeing its devastating real-life consequences.

We discovered a loophole that leaves many young adults out of the reach of their parents' insurance coverage, despite the President's pledge that they will receive care today. We learned there is a gap in the law that allows insurance companies to continue denying care to children with preexisting conditions. Again, despite the President's claim to the contrary. And reports continue to document what this legisla-

tion has in store for workers at companies like Caterpillar, John Deere, Verizon, and many others. Here's what they're telling us to expect: \$100 million or more in compliance costs this year alone for just one of these companies, major changes to workers' current health care coverage, and higher taxes, which will mean higher costs for consumers.

These announcements arrived just days after the President signed his health care plan into law. We can only imagine what's in store for the American people as the weeks and months unfold and we begin to experience the full impact of the government control over one-sixth of our economy. These revelations are the obvious consequences of jamming a flawed bill through a flawed process. Mr. Speaker, a flawed bill jammed through a flawed process guarantees the health care debate will go on.

□ 2030

The American people have rejected a government takeover of health care, so let's reject this latest fix of the bill. Let's show the American people we will not accept even more job-killing tax hikes at a time when almost 15 million Americans, 15 million Americans are looking for work.

Let's show the American people we will not accept even steeper cuts to Medicare that will leave millions of seniors less secure.

Let's show the American people we will not exploit this economic crisis to launch a government takeover of student loans or take \$9 billion from students to help fund government-run health care.

Let's show the American people we're ready to do better. Let's vote "no."

And now, Mr. Speaker, I am pleased to yield 2 minutes to the Chair of the Republican Conference, the gentleman from Indiana (Mr. PENCE).

Mr. PENCE. Well, here we go again. Last Sunday, defying the will of a majority of the American people, House Democrats rammed their health care bill through the Congress chock full of Big Government spending mandates and backroom deals. Now we're being asked to fix the bill by passing some sort of reconciliation measure.

But, Mr. Speaker, the bill before us tonight doesn't fix anything. It doesn't fix the fact that this is a government takeover of health care that's going to mandate that every American buy health insurance whether they want it or need it or not. It doesn't fix the fact that it includes about \$600 billion in job-killing tax increases in the worst economy in 30 years. It doesn't fix the fact this bill provides public funding for elective abortion for the first time in American history.

Mr. Speaker, the American people know there's no fix for ObamaCare. We need to repeal this law and start over.

If we repeal ObamaCare, we can start over with commonsense solutions at a lower cost and create jobs. If we repeal ObamaCare, we can enact medical malpractice reform, use the savings to cover Americans with preexisting conditions, and promote pro-life protections in the law. If we repeal ObamaCare, we can reform health care in this country without putting our Nation on a pathway towards socialized medicine.

I urge my colleagues in both parties, heed the voice of the American people. Reject this attempt to fix a government takeover of health care. Work with us to repeal and start over on health care reform that reflects the common sense and the common values of the American people.

Mr. GEORGE MILLER of California. Mr. Speaker, I continue to reserve.

Mr. KLINE of Minnesota. Mr. Speaker, before I yield to the distinguished Republican leader, can I ask the chairman of the committee to confirm that he is the last speaker and will be closing? All right.

Then, at this time, I am very pleased to yield the remainder of our time to the distinguished Republican leader, the gentleman from Ohio (Mr. BOEHNER).

Mr. BOEHNER. Mr. Speaker, the American people are asking: Where are the jobs? But as we see today, the issue of government-run health care will continue to be the focus of this body. It will remain the focus of this body because of the unilateral, secretive, rushed process that's been used to force this bill on the American people.

Today we're passing legislation to correct major errors in the massive bill that was signed less than 72 hours ago. It removes some, just some of the special interest deals that were loaded into that bill as it moved through Congress.

And to meet the majority's targets for deficit reduction, it adds more tax hikes on the American people and cuts more money from Medicare to pay for a new entitlement program. We could have given the American people a more commonsense bill that lowers the cost of health insurance in America without all of this mess.

If you had wanted to pass reforms to ensure coverage for Americans with preexisting conditions and ensure that parents can keep their children on their health plans through age 25, you could have done so in a bipartisan fashion. Instead, you decided to jam through more than the system could handle, leaving us a sloppy mess that the majority of the American people believe should be repealed and replaced.

And mark my word, we will be back to this bill over and over again in the next 6 months. You all know what's going to happen. We'll be back here to correct the mistakes that we didn't do

right the first time because of the rush that we were in to approve this massive spending bill that was hidden from the original bill.

And I'll guarantee you, you all know we'll be back here to do a "doc fix" that will cost \$250 to \$300 billion. And the question is: Will we find the money to pay for it?

We'll be back here to appropriate money for a new IRS group of individuals that we're going to need to hire to enforce this law on the American people.

We'll be back to borrow money to lend to the States to pay for increased costs as their Medicaid rolls begin to swell.

And then we're going to find the empty promises that were made to the American people, because most doctors don't take Medicaid patients. And so we're going to put all these new people on Medicaid, yet, how are they ever going to find a doctor?

We'll be back to fix the protections for TRICARE benefits for active duty and retired servicemembers, veterans and their families that somehow got left on the cutting floor.

And we'll be back to deal with the unintended, but certainly anticipated, consequences of people losing their health care because this bill makes it too expensive for employers to keep employees on their health plan.

Several weeks ago, more than 130 economists signed a letter to President Obama warning that the health care bill that was being pushed through Congress would cost Americans jobs, and sadly, we're already seeing evidence that those economists were right.

In just the last 3 days, we've seen the stories. Major employers like Caterpillar and John Deere talking about increases of \$250 million in their health care costs. Medical device companies in Massachusetts talking about thousands of jobs being wiped out. The tourism industry in New Hampshire facing millions of dollars of fines because it hires seasonal workers.

We're going to have to come back and fix this bill time and time again in the coming weeks and months to correct all the flaws and all of the mistakes.

What we should be doing is working together to create a better environment for America's small businesses to invest, to save, and to rehire American workers. But, no, instead we're going to keep coming back here fixing the flaws in this very flawed bill.

Mr. Speaker, when are we going to address the number one issue on the minds of our fellow citizens, and that is the question of where are the jobs? When are we going to focus on the economy and getting people back to work instead of all of the job-killing policies that we're seeing move through this Congress? When are we

going to begin to listen, once again, to the American people who sent us here to do their work?

Because the American people are asking the question: Where are the jobs?

Mr. GEORGE MILLER of California. I yield myself the balance of my time.

Mr. Speaker, I rise today in support of this legislation, the last leg of a long journey to bring historic health insurance and student loan reforms to the American people.

Two days ago President Obama made our first piece of groundbreaking health reforms the law of the land, a remarkable moment that will benefit millions of American families and small businesses. Our health insurance reforms and student loan reforms are truly historic.

But the benefits for Americans start right now. And with this law, we make college more affordable and health care available to all Americans. That's what we promised we would do, and that's what we did.

We voted to do what's right for the American people, not for the insurance companies. Our reforms responded directly to what we have been hearing from families and small businesses who are getting crushed by today's broken and unsustainable health insurance system.

Our reforms respond to what we've been hearing from millions of students and families, working very, very hard to try and pay for college. And that's what we're voting on today. We're voting to make student loan payments more manageable for new borrowers, to strengthen community colleges, to invest in minority-serving institutions, to embolden the programs to help students succeed at gaining a college degree, and to reduce the deficit by \$10 billion.

We're voting to restore faith in the American Dream, to ensure quality affordable insurance for all Americans, and to invest in students and in our economy's future strength. That's what Democrats in Congress and President Obama are doing for the American people this year.

I want to thank Speaker PELOSI, Majority Leader HOYER, Majority Whip CLYBURN, and our entire leadership team for their tremendous work on this matter.

I want to thank Chairmen WAXMAN, LEVIN, and SLAUGHTER; the Dean of the House, JOHN DINGELL; Representatives RANGEL, ANDREWS, PALLONE, and STARK for their outstanding contributions to this effort. And I want to thank my counterpart in the Senate, Senator TOM HARKIN, for joining me on insisting on doing what's right for our families and our students.

Tonight we have the ability to put in the hands of every American family health security and a more affordable opportunity to have their children

achieve a college education. That's the road to prosperity. That's the road to freedom for America's families, for our students, for our economy, and for the future of this country.

Join me tonight to vote "aye" for our families, for our small businesses, and for America. Vote "aye" tonight.

Mr. CONAWAY. Mr. Speaker, today may well mark a great victory for President Obama and the Democratic Leadership of Congress. After months of bitterly partisan debates, massive protests, and wrenching arguments, it appears as though they finally have the votes to bend an unyielding electorate to their will and pass the most massive expansion of the Federal Government in two generations. Yet, a victory today would be a pyrrhic victory; the costs of implementing their vision for the future of American health care will bankrupt our treasury and rob us of our liberty.

Make no mistake, the Democrat's plan pushes our Nation down a path from which there is no easy retreat. The changes imposed by this plan fundamentally renegotiate the relationship between the Federal Government and the citizens of our country, making Americans look first to Washington to secure their health care. This bill is sweeping in law, but revolutionary in spirit. I believe that this legislation will be the beginning of the end of our grand American Experiment.

Many of my colleagues and I have discussed the staggering costs imposed by this legislation. In fact, it might be the single most expensive piece of legislation ever passed in the history of our country. Although supporters like to point out that the Congressional Budget Office scores this bill as one that reduces the deficit, more realistic Members will note that CBO does not have particularly good marks in predicting the cost of legislation. Most recently, the CBO was off by almost 10% on the final cost of the Stimulus bill, underestimating its final cost by some \$80 billion.

This bill, like Social Security, Medicare, and Medicaid before it, creates yet another massive expansion of government without a definitive price tag. One need not do complex arithmetic to see how underestimating the cost of this bill by 10% would cost us at least an extra \$100 billion over ten years. Unfortunately, by the time we discover our error, it will be too late: the promises will have been made, the money will have been borrowed, and the checks will have been drawn.

It should come as a surprise to no one that we will pay for this bill by borrowing. With massive deficits projected far into the future, the cupboard is bare. We have no money to pay for this spending. We will borrow it and continue to help ourselves to the fruits of our children's future.

Yet, even the vast scale at which this bill borrows money and transfers wealth, this pales in comparison to the rate at which this legislation borrows our liberties and transfers authority to Washington. With each new board, commission, mandate, and tax, we surrender a small part of the authority we each hold over our own affairs to Washington.

The Majority's bill will raise taxes, hand down mandates, and further our culture of dependency on Washington. Granting ever more authority to the Federal Government will continue to sever the community bonds that hold

America together. Each time we make Washington responsible for part of our welfare, we become just a little less concerned about the plight of our neighbors. Their trials and tribulations become something someone in the Federal Government should do something about. Unfortunately, it turns out that in Washington someone and something too often means no one and nothing.

My constituents understand that a full accounting of the costs of this bill cannot be made unless we include the intangible costs. While many before me have recounted the massive financial charge this bill will toll, our freedoms and our liberty will also be diminished by this bill.

The Majority's plan offers a pathologically Washington-centered vision of America and its passage forces us to look not first to ourselves, our families, and our communities for support, but rather to the Federal bureaucracy. This bill will force Americans to lobby the Federal Government on every aspect of their health care. We will lobby in Washington for access to medicine, procedures, and tests; our doctors will lobby in Washington for better payments for services rendered; our insurance companies will lobby in Washington for the right to charge higher rates; and our families will beg in Washington for more subsidies.

No one on my side of the aisle disputes that individuals have a moral obligation to help those around who are less fortunate than they are. In fact in 2008, private individuals and American companies gave over \$300 billion dollars—over 2% of GDP—to charitable causes, \$21 billion of which went to organizations involved in health care. This personal, private giving is one of the hallmarks of our unique American ethos—we take care of our own.

The Democrat's sweeping health care plan will destroy this core American value and replace it with one of subservience and deference to the governing elites. This bill goes well beyond simply assisting the poor among us. It subsidizes middle class families with billions of their own tax dollars. It is a vast engine of good intentions that transfers wealth from one pocket to the other, all while binding us ever tighter to a bureaucracy that will care for itself before the American People.

Undoing the wrongs unleashed by this legislation will consume the American People and this body far into the future. This November, each Member of this House will appear before their constituents to be judged on how well they have represented their constituents over the past two years. Without a doubt, this health care vote will be forefront in their minds. Some of my Democratic colleagues have said they relish the idea of being judged on their support for this legislation. I suspect that the American people will be all too happy to oblige them.

Mrs. CHRISTENSEN. Mr. Speaker, this is the last leg of the health care triathlon—three committees over here; our bill, the Senate bill and the White House plan; our passing ours, the Senate theirs and here we are for the finish.

And for me this is a very important part.

The Senate bill has many important provisions, some like no exclusion for preexisting disease for children, building our health care

workforce and its diversity, expanding community health centers and community health workers, a strong CER provision, and very importantly the expansion of the Office of Minority Health, and the elevation of the Center on Minority Health and Health Disparity Research to an Institute at NIH.

But it is here that Medicaid is expanded, the exchange is set up and the subsidies provided. It is here that we really begin to close the donut hole and that all of the insurance reforms are finalized.

Very importantly for me and my constituents and all of the Territorial Americans, this is where our Medicaid cap is greatly and finally lifted, and that we are given access to the exchange.

This is not full parity but it is a major step forward towards inclusion of loyal American citizens who live in the off shore areas that are an integral part of the United States. It will give access to many more of our constituents and enable us to provide prevention and services that we intend to use to create a healthier community and a better quality of life.

Thank you again to our President, Speaker PELOSI, Leader HOYER, Whip CLYBURN and chairmen RANGEL, WAXMAN and MILLER, as well as my fellow territorial delegates who all worked so hard and together to make this day a reality.

As has been said, this bill is not perfect, and this is a major step but just a first step in all that has to be done to create equity and justice in our health care system. We ask our colleagues to give the reconciliation bill a big yea vote, and begin a new, better day for our citizens and our country.

Mr. HASTINGS of Florida. Mr. Speaker, when President Harry Truman first lobbied for health care reform, he could not have envisioned that it would take six decades for Congress to finally have the courage to make health care reform more than a cliché in the American lexicon.

If this bill passes, it will mean that the 46 million Americans who have zero health care or who cannot afford what they do have, or who suffer at the mercy of chronic illnesses like diabetes, will finally be able to see a doctor. The over 30 percent of my constituents in South Florida who have no health insurance will no longer have to choose between buying food and purchasing their medicine.

This historic legislation will mean improving Medicare benefits with lower prescription drug costs for those in the "donut hole;" providing better chronic care and free preventive care—including prenatal care for working mothers; making significant new investments in comparative effectiveness research and health information technology; and reducing the deficit by \$138 billion over the next ten years.

In the words of Dave Snow, CEO of Medco, whose subsidiary Liberty Medical, a health care company near my district that helps Americans manage their diabetes, so eloquently stated: "Forty-six million Americans live every day without the security and peace-of-mind that come with having health insurance." This bill ends that now.

Mr. Speaker, after months of discussion and indecision, the moment that matters is now. I applaud my colleagues who refuse to yield to the fear-mongering tactics that many have

used to scare us out of doing the right thing at the right time.

Mr. LANGEVIN. Mr. Speaker, I rise in support of the Patient Protection and Affordable Health Care Act (H.R. 3590), with the accompanying changes in the reconciliation bill. This Congress is being given a once-in-a-lifetime opportunity to fix a broken health care system that has left millions of families without the coverage and care they deserve.

If we seize this opportunity tonight, we can ensure that tomorrow, a working mom in West Warwick will wake up knowing she can afford her family's health coverage; a dad in Providence will wake up knowing he can take his daughter to the doctor when she is sick; a small business owner in Westerly will wake up knowing he can finally give his employees the coverage he always intended; and a cancer survivor in Narragansett will wake up knowing she won't lose her insurance because of a pre-existing condition or a lifetime cap.

Since coming to Congress in 2001, I have tirelessly advocated for fundamental changes to our health care system, and my constituents have demanded solutions. I have heard from Rhode Islanders who are struggling to pay their health care premiums, and from small business owners that can no longer afford to cover their employees. Families who are fortunate enough to have access to health insurance continue to face ever-increasing costs, while many of them are afraid they will lose their benefits altogether.

Tonight, we begin to institute the changes necessary to provide security and stability to Rhode Islanders who have health insurance, guarantee coverage to the thousands who don't, and lower health care costs for our families, businesses and taxpayers.

Beginning immediately in 2010, this landmark legislation will end abusive health insurance practices that prevent people from purchasing and maintaining their coverage when they are sick; it will ban yearly and lifetime insurance caps, so individuals with chronic, disabling conditions don't lose coverage and end up in bankruptcy; and it will require all insurers to reinvest more of our premiums back into health coverage through a "medical loss ratio" of at least 80 percent, ensuring that no more than 20 percent of our premiums go toward administrative expenses and windfall profits for insurance executives.

After this bill is signed into law, it will strengthen coverage for young people by allowing them to remain on their parents' insurance policy until they are 26 years old. It will help our seniors by starting to close the Medicare prescription drug "donut hole" so they can afford their medications. It will also provide immediate tax credits for small businesses to make optional employee coverage more affordable. These are only some of the changes that will take effect this year to make insurance coverage more accessible and affordable for everyone.

Over the longer term, this legislation will build on the strengths of our current employer-based system by offering tax benefits to small employers and encouraging businesses who offer their own coverage to continue doing so. Rhode Islanders who don't have coverage through their employer will be able to shop for their choice of a health plan through a new

"health insurance exchange," modeled after the tried and true Federal Employees Health Benefits Program, which has successfully provided coverage for over 9 million federal employees, retirees and their dependents, including members of Congress.

Unlike the limited options that are available to most consumers today, the exchange will provide a more convenient, transparent and affordable way to choose among a variety of health plans that meets individual needs. People who cannot afford to purchase coverage within the exchange will receive financial assistance to ensure that they can obtain the coverage that meets their needs.

Small business owners will reap significant benefits from this measure, both through immediate tax relief and the insurance exchange, which will allow them to band together and get the same lower rates as big companies. Small businesses are the back bone of the Rhode Island economy, and preventing triple-digit rate hikes is important to jumpstarting employment in our state.

Improving access to coverage will also require investments in our health care workforce. Currently, our system is strained by a lack of nurses and primary care physicians, particularly in underserved areas. That is why this bill strengthens important workforce development initiatives like new scholarships and loan repayment programs, increased reimbursements and grant programs for primary care training, as well as immediate financial support for community health centers. These new programs and resources will allow us to build the network of nurses, doctors and other health care professionals necessary to meet the increased demand for services.

Since the cost of medical malpractice is a longstanding concern for both doctors and patients, this bill establishes new grant programs designed to encourage states to implement alternatives to traditional medical malpractice litigation with the goal of reducing frivolous lawsuits while allowing legitimate cases to be heard.

But this debate is not just about expanding coverage and reducing costs for families and employers; it is also about putting our country on a fiscally sustainable path. This bill, which is completely paid for, will reduce our nation's deficit by \$138 billion over the next 10 years and \$1.2 trillion over the following decade—the largest deficit reduction in 17 years. I cannot overlook the impact that these numbers have on our communities, and how critical they are to moving our state forward.

Finally, I have stated from the beginning that I would not support a bill that funds taxpayer-subsidized abortions. I have worked tirelessly with my friends and colleagues—both Democrat and Republican, pro-life and pro-choice—to reach a common ground on this issue. After much dialogue, counsel, reflection and prayer, I have concluded that the Senate language does meet the longstanding Hyde standard of prohibiting federal funding of abortion. This position is reaffirmed by the Catholic Health Association, and many of my pro-life colleagues in Congress who support this bill.

Furthermore, I remain mindful that we must not lose sight of the big picture. Being pro-life means more than being anti-abortion. It also means protecting the 45,000 people who die

every year because they lack proper health care. Nothing could be more pro-life than ensuring access to lifesaving and life-improving treatments for every American, not just those who can afford it. That is what this bill begins to accomplish.

Mr. Speaker, after an injury left me paralyzed nearly thirty years ago, the members of my community rallied behind me and my family when we needed them the most. That support and encouragement changed my life forever. I made myself a promise that I would devote my life to public service so I could give back to them all that they gave to me. Tonight, I know that by passing this legislation, which makes health care a right, not a privilege, I am fulfilling that promise.

Mr. VAN HOLLEN. Mr. Speaker, once again the House is voting on legislation that strengthens the new health care reform law that was enacted earlier this week which will bring quality, affordable, and accessible health care for all Americans.

Tonight, we bring this exhaustive, year-long process to a close. The new health reform law will bring down health care costs for American families and small businesses, expand health coverage to an additional 32 million Americans, and end the abusive practices of insurance companies. By the end of this year, children with pre-existing conditions will no longer be denied coverage, health plans will be prohibited from placing lifetime caps on coverage, young people will be able to remain on their parents' health insurance policies up to their 26th birthday, small businesses will get tax credits so that they can provide affordable health coverage to their employees, and seniors will get help in paying for their high prescription drug costs.

Mr. Speaker, I'm glad we finally got the job done on a very important issue that so many people have fighting for over so many decades.

Mr. REYES. Mr. Speaker, today's historic passage of health care reform legislation marks a great victory for the El Paso community. This landmark legislation will significantly improve the quality of life for so many residents by providing access to affordable health care coverage to those who currently have none. It will also provide peace of mind to those families with insurance, who will no longer have to worry about the prospect of financial ruin due to a catastrophic illness or accident.

Every day, thousands of families are being forced to forgo health insurance due to rising costs, and now more than 46 million people lack basic health coverage. This disturbing trend is particularly evident in Texas, a state with the highest percentage of children and adults without insurance. More than 6.1 million adults and 1.4 million children are without basic coverage.

Sadly, Texas border communities fare even worse, and all of Texas' congressional districts along the border rank among the top 20 districts in the nation with the highest percentage without coverage. In El Paso alone, 230,000—1 in 3—people are without coverage.

Unfortunately, when it comes to meeting the health care needs of predominately Hispanic communities along the border, our state has failed. Our Governor would rather waste mil-

lions on cameras and helicopters than on health care for border communities that need it most.

The health care reform legislation that passed today is expected to provide coverage to 95 percent of Americans, while lowering health care costs over the long term. For the first time in history, insurance companies will be prohibited from denying health coverage due to pre-existing conditions, health status, and gender.

This legislation will provide tax credits to help individuals and small businesses purchase private health insurance. It also sets caps on out-of-pocket expenses for the first time ever, so families will never have to experience financial ruin due to a serious illness. Without these reforms, health care costs will continue to consume more of Americans' paychecks in the years ahead. The annual average cost of family coverage more than doubled between 1999 and 2009, from \$5,800 to \$13,400, and is expected to double again over the next decade without reform. Meanwhile, insurance companies are raising out-of-pocket expenses for families, and covering less in health care costs.

America now spends \$2.2 trillion on health care annually, more than twice the amount per person than other nations, yet Americans aren't any healthier for it. Without action, health care costs will consume over 20 percent of the American economy in the next decade. This landmark bill will significantly reduce health care costs over the long term and will decrease the federal deficit by \$143 billion over the next 10 years and an additional \$1.2 trillion in deficit reduction in the following 10 years.

Many Americans living in the U.S.-Mexico border region used to depend on Mexico to access cheaper medical care and prescription drugs. For decades, El Pasoans have sought cheaper health care and prescription drugs across the border in Ciudad Juárez, Chihuahua. A recent study concluded that 1 in 3 people traveled to Mexico for prescription drugs, and 7 percent sought health care in Juárez. But the devastating drug-related violence that has ravaged Mexico for two years has prevented many families without insurance from accessing care across the border.

While our community is spending a greater share of property taxes to pay for individuals without health coverage, insurance companies have continued to engage in practices that protect their bottom lines. For too long, insurers have been the gatekeepers to our health care system, with the power to dictate who receives health coverage and who does not. Americans with preexisting conditions and serious illnesses are too often denied coverage or are dropped from their existing insurance plans for developing a serious illness or reaching their cap on coverage, and are denied access to the medical care they need.

When people lack access to quality affordable preventative care, they end up in our emergency rooms for ailments that could have been treated by a family doctor or seek treatment for conditions that should have been diagnosed earlier. When these patients fail to pay their medical bills from publicly-financed hospitals such as University Medical Center, local property taxes are used to cover these

expenses. Since 1998, El Paso property tax payers have spent over \$400 million to pay for treatment and services for those patients who could not afford to pay their medical bills.

As Congress debated this legislation last summer, I heard from many El Pasoans who shared their struggles under the current broken health insurance system. One of the stories that had the greatest impact on me was that of Mr. and Mrs. Jacob Lopez. Their lives were forever changed when their daughter, Danika, was born with a long list of ailments and birth defects that required over 80 days of intensive care treatment.

While the Lopez's had insurance through their employer, the co-pay for their daughter's treatment was more than the mortgage on their home. They exceeded their insurer's coverage limits, and were left with no other way to cover their daughter's medical expenses. No other insurance company wanted to insure the Lopez family due to Danika's pre-existing conditions. In desperation, the Lopez's had to quit their jobs to fall into poverty so their daughter could receive the treatment she needed under Medicaid. Last week, Mr. Lopez called my office to tell me that his family was forced into bankruptcy.

As a grandfather, I would never want my grandchildren to endure the hardships that Danika and her family have endured. It is for children like Danika, and my grandchildren, Amelia, Mateo, Julian, and Orlando, that I am proud to vote in favor of this bill.

Our local community leaders have expressed their support for health insurance reform, and both the City and the County have passed unanimous resolutions in support of reform. The Patient Protection and Affordable Care Act is endorsed by over 325 national organizations and associations, including the AARP, the American Medical Association, the American Cancer Society, the American Heart Association, the Consumers Union, the Catholic Health Association, the National Association of Public Hospitals and Health Systems, the American Nurses Association, and many other medical professional organizations.

The passage of this landmark legislation by the House of Representatives is an historic achievement and reflects the commitment and determined leadership of President Obama, Speaker PELOSI, and the Democratic Congress to follow through on a key promise to help middle class families, who have endured years of rising medical costs. I commend my colleagues for their determination to pass this truly historic legislation that will lower health care costs for all Americans, and strengthen our country's financial future.

Mr. SERRANO. Mr. Speaker, I want to raise an important issue that is affecting millions of people on the island of Puerto Rico. This issue deserves attention; the four million residents of the Island are U.S. citizens that pay Social Security and Medicare taxes.

However, despite this fact, senior citizens living in Puerto Rico are not treated fairly and do not have the same benefits that a senior living in New York, Florida, California, or any of the other States enjoy. Under Medicare in Puerto Rico, senior citizens are not automatically enrolled in Medicare Part B. As a result, it is more beneficial for seniors to enroll in a Medicare Advantage plan to receive all of their

Medicare services. Compared to the 50 States where the Medicare Advantage participation plan is 25 percent, in Puerto Rico approximately 83 percent of eligible senior citizens opt for Medicare Advantage.

However, the fee-for-service, FFS, cost calculation for Puerto Rico is troubling. In fact, the Medicare Payment Advisory Commission, MedPAC, reported to Congress that the Centers for Medicare & Medicaid Services (CMS) "should expeditiously use its authority to employ an alternative calculation method . . ."

I couldn't agree more with that statement or the report language included in the House Report for H.R. 4872, the Health Care and Education Reconciliation Act of 2010. The language clearly stated:

The county FFS expenditures calculated by the Secretary are artificially low and unstable from year-to-year. Therefore, the Committee expects that when calculating county FFS rates for Puerto Rico, the Secretary will use utilization and expenditure data from MA plans under current authority and adjust these rates and risk scores appropriately.

Mr. Speaker, I support the House Report language because the senior citizens of Puerto Rico deserve nothing less than fair and equitable treatment in Medicare.

Mr. CUMMINGS. Mr. Speaker, this week, I had the honor and privilege of joining my Democratic colleagues at the White House, to witness President Barack Obama sign into law, the Patient Protection and Affordable Care Act (H.R. 3590)—the most significant piece of health care legislation since the enactment of Medicare in 1965.

This legislation fulfills one of the most basic tenets of the Declaration of Independence—the provision of our natural unalienable rights of life, liberty and the pursuit of happiness. H.R. 3590 secures these rights for every American by ensuring them access to quality, affordable healthcare.

While waiting for President Obama to sign the legislation, I thought about the thousands of families and friends who have lost loved ones because they lacked access to basic health care coverage.

I also thought about the generations of activists and policy makers who fought to make this monumental achievement a reality.

I have always been proud to be a Member of Congress but voting in favor H.R. 3590 and being present at the signing ceremony was by far my proudest moment.

By signing this legislation into law, President Obama ensured that the United States remains a leader among industrialized nations, and that the American people can now take comfort in knowing that an illness will no longer wipeout their life savings and lead to bankruptcy.

Although the idea of providing people with access to quality, affordable health care has been around since the early 1900s, it was the Democratic-led 111th Congress that made the historic statement that healthcare is in fact a right, not a privilege.

We affirmed to millions of Americans that we are aware of their struggles and that we are willing to fight for them and do what is morally and fundamentally right.

During the November 2008 election, Americans overwhelmingly voted for change.

They demanded a government willing to stand up to big business, and that is transparent in its actions.

But above all else, people demanded a government that is willing to be responsive to their needs—and we affirmed their trust in us by passing this legislation.

Is the legislation perfect? No!

I still favor a single payer system and I was a strong supporter of the public option.

That being said, H.R. 3590 is 100 percent better than what was previously available in this nation.

Prior to the enactment of this legislation:

Over 47 million Americans were uninsured. In 2008, 23 million uninsured were employed adults and 7.3 million were children;

Nearly 41 thousand people died each year because they lacked access to quality, affordable healthcare insurance; and

Every minute, 8 people were denied coverage, charged a higher rate, or otherwise discriminated against because of a pre-existing condition.

If Congress had not successfully passed this legislation:

Employers would be unable to afford rising health care costs, and an additional 3.5 million people would be unemployed and without benefits in the next 4 years.

Small businesses would lose \$52.1 billion in profits to high health care costs over the next ten years; and

By 2019, national health care expenditures would reach \$4.5 trillion—more than double 2007 spending.

The American people have waited for over 100 years for this legislation and this is what they will get immediately:

We provide tax credits to small businesses to make employee coverage more affordable; \$250 will be provided to Medicare beneficiaries who hit the "donut hole" in 2010;

Within 90 days, Americans who are uninsured because of a pre-existing condition will be able to obtain insurance through a temporary high-risk pool;

Within 6 months, insurance companies will be prohibited from denying coverage to children with pre-existing conditions;

Health plans will be required to allow young people up to their 26th birthday to remain on their parents' insurance policy;

Health plans will be prohibited from dropping people from coverage when they get sick;

Health plans will be prohibited from placing lifetime caps on coverage; and

Beginning January 2011, preventive services under Medicare will be free.

To put it simply, Congress met its moral obligation in passing healthcare reform. With our historic vote, we told future generations that no American will suffer and die because of a lack of insurance.

We told insurance companies that, while they are a valuable part of our nation, they will be held accountable for delivering on their promises.

We told our elderly that our commitment to them remains strong, and that the programs they have come to trust will continue to be deserving of that trust.

The reform we passed will help millions of Americans.

In addition to providing access to health care coverage, H.R. 3590 goes far in addressing health care disparities in our nation's minority communities.

Specifically, it includes language that I introduced with Representative JESSE JACKSON, Jr., (D-Ill.) H.R. 2778, the Health Equity and Accountability Through Research Act.

This legislation sought to elevate the National Center on Minority Health and Health Disparities (NCMHD) to the level of Institute, giving it the authority to better address the appalling health disparities that are plaguing our nation's minority communities.

NCMHD was created to promote minority health and to lead, coordinate, and assess the efforts of the National Institutes of Health (NIH) in reducing and to ultimately eliminate health disparities.

Unfortunately, the previous structure of NCMHD created confusion regarding who has the responsibility for the coordinated minority health disparities research conducted or supported by NIH.

Additionally, NCMHD lacked real input into and authority over all NIH-supported health disparities activities and funds.

H.R. 3590 addressed these concerns by elevating the Center to the level of Institute, and clarifies the role of the Director as coordinator and manager of the NIH-wide minority health and health disparities portfolio.

The bill also provides the new Institute with professional judgment over NIH-wide minority health and health disparities budgets as well as management over NIH-wide minority health and health disparities allocations.

However, this is not the only improvement that minority and underserved communities will see.

This comprehensive healthcare package also includes \$11 billion for community health centers, which offer comprehensive primary care and mental health services to underserved populations. These health centers are a critical stopgap, allowing better care for chronic conditions, while preventing unnecessary trips to the emergency room.

Last but certainly not least, H.R. 3590 honors the life of Deamonte Driver—a 12-year-old boy from Maryland whose life was cut drastically short three years ago when an untreated tooth infection spread to his brain.

Deamonte's tragic death haunts me to this day. Eighty dollars worth of dental care might have saved his life, but he never got that care because he lacked access to a dentist.

The health care bill that we passed will prevent others from dying in such a tragic fashion. Under the new law:

Pediatric dentistry is covered as an essential health benefit;

Funds will be provided to launch a dental campaign to new parents and traditionally underserved areas;

Workforce Training Grants will be available to provide technical assistance to pediatric training programs in developing and implementing instruction regarding the oral health status, dental care needs, and risk-based clinical disease management of all pediatric populations with an emphasis on underserved children; and

H.R. 3590 also includes a loan repayment program with preference given to qualified applicants who have a record of training individuals who are from a rural or disadvantaged background.

However, minorities and underserved communities will not be the only populations that

will benefit from our actions. Millions will be touched by healthcare reform in their daily lives in marked, measurable ways.

Thirty-one million Americans will have the opportunity to protect themselves from the fear that a small injury could lead to bankruptcy; and

147,000 families and 14,000 small businesses in my District will receive tax credits to help cover their employees with health insurance; and 56,000 young people in my District will be able to get insurance, at fair prices, through policies currently owned by their parents.

To quote the great poet Virgil, "The greatest wealth is health."

By passing and signing this legislation, Congress and President Obama have provided the citizens of this nation with immeasurable wealth, comfort and security.

We have firmly put the power back into the hands of the people, and this is an experience that I will cherish long after I leave Congress.

Mr. HASTINGS of Washington. Mr. Speaker, it's past time for this Congress to stop jamming through massive expansions of the federal government and instead support commonsense reforms that will lower health care costs and increase choices for all Americans.

A bipartisan coalition in Congress and a vast majority of the American people today rejected the premise that government knows best how to run our American health care system. While it was impossible to stop the liberal majority from pushing through their government takeover of health care, House Republicans will lead the effort to repeal this legislation and replace it with real solutions to improve our health care system, without driving our nation deeper into debt.

House Democrats today went around the regular lawmaking process and pushed through their government takeover of health care using a closed approach that blocked consideration of any Republican amendments.

Improvements must be made to our health care system, but I reject the premise of this bill that government knows best how to run our health care.

I am disappointed that House Democrats voted for the very backroom deals and political payoffs that the American people are so tired of and for a massive health care plan that most Americans simply don't want.

This bill is about more spending, higher taxes, and more government control, all without lowering health care costs. This Congress is going in exactly the wrong direction by forcing every American to purchase government-approved insurance only, cutting Medicare, limiting who can own and operate hospitals, and eliminating health care choices.

There is something very wrong when this Congress is passing a bill that arbitrarily restricts the ability of doctor-owned hospitals like the Wenatchee Valley Medical and its clinics to grow, rather than working to expand access to health care in areas like Central Washington.

In the past 14 months, Democrats have given the federal government control of our banks, our car companies, our loans for college, and now our health care. I rejected those bills, and I oppose this government takeover of health care because I'm deeply concerned

about the consequences that will be felt by every American.

I am committed to doing everything possible to undo this bill and get to work on commonsense reforms that will actually lower health care costs and increase choices.

Mr. KENNEDY. Mr. Speaker, today is a long awaited day for the millions of tireless champions in America who have paved the way towards health care reform. It is since Teddy Roosevelt in 1912, that the people of this country have fought to provide quality, affordable health care for all Americans. Today is a long awaited day for the many tireless champions of health care reform. My father, of course, was but one of them, committed to fight for those whose voices would not be heard. Today is a long awaited day for people like Martin Luther King, Jr., who stood up to remind us, "of all forms of inequality, injustice in health care is the most shocking and inhumane." But most importantly, today is the long awaited day for each and every American who will now be treated with the dignity and respect that comes with the equality of opportunity that affordable access to quality health care provides.

It is the long awaited day for the estimated 32 million of our friends and neighbors who will now have access to health care because of this legislation. It is the long awaited day for the millions of Americans who have been discriminated against in the past, denied coverage by an insurance company because they have a pre-existing condition. It is the long awaited day for the millions who are dropped from their policy when they got sick. It is the long awaited day for the millions who face bankruptcy and financial turmoil even though they had health insurance, because they reach an annual or lifetime cap. It is the long awaited day for the small business owners who have been unable to provide their workers with health insurance or remain competitive, and who will now receive tax credits to help them afford to provide coverage for their employees.

I am pleased that the reconciliation package resolves a number of the issues that are especially important to Rhode Islanders. It increases the affordability assurances for Rhode Island families. It delays and changes the so-called "Cadillac tax" to more appropriately target high-end plans and minimizes the adverse effect on middle-class families, older Americans, and high-risk professions. It closes the Medicare prescription drug "doughnut hole" completely. It ensures our primary care physicians are paid Medicaid rates that match Medicare rates, and our hospitals are taking less cuts for the costs they incur treating the uninsured. It eliminates lifetime and annual caps for all health care plans, including grandfathered plans. And it removes special deals for states when it comes to Medicaid costs, so that Rhode Island will be fully reimbursed for the first two years to cover the costs of Medicaid expansion.

A key aspect of this legislation that is of particular importance to me is the extension of the mental health parity protections established into law last year by my legislation, the Paul Wellstone and Pete Domenici Mental Health Parity and Addiction Equity Act. Not only are these protections extended to all

plans in the Exchange, but mental health and substance use benefits are a part of the essential benefits package created by this legislation. For the 67 percent of adults and 80 percent of children who need mental health care that do not receive it, this victory cannot be understated. Today our Nation takes a giant leap forward towards our transition from a "sick care" system to one which is preventive, collaborative, and patient-centered.

The Patient Protection and Affordable Care Act also includes a number of other essential components which will dramatically improve the quality and access to behavioral health care. This legislation includes workforce development provisions by providing mental health and behavioral health education and training grants to assist providers specializing in and providing services to children, adolescents, and adults and loan forgiveness to child mental health professionals. This legislation also establishes a national network of a National Center for Excellence in Depression, for the treatment of depression and bipolar disorder.

I have been proud to serve the people of Rhode Island the last 16 years, helping to lead the effort in the House of Representatives to take control of our nation's health care system away from insurance companies and put it back the hands of patients and their doctors. Though I wish my father could be here in body as well as spirit, I could not be more pleased that this effort, to reform our nation's health care system, is on the cusp of complication today, during my tenure here.

I urge my colleagues to join me in providing quality, affordable health care to all Americans.

Mr. CRENSHAW. Mr. Speaker, the argument has been made by my colleagues on the other side of the aisle that the government must take over our health care system to help control costs. Against the will of the American people and in the dark of the night later on this evening, the Democrat Majority is forcing a vote on a bill that will cost American taxpayers nearly a trillion dollars.

The Democrat Majority plans to pay for their plan by cutting half a trillion dollars in Medicare and raising taxes on American families by over \$400 billion. By taking a step back and reviewing the historical involvement of the government in health care, we can draw two relevant lessons.

First, government involvement in health care raises the cost of health care. Prior to the creation of Medicare and Medicaid in 1965, health-care inflation ran slightly faster than overall inflation. In the years since, medical inflation has climbed 2.3 times faster than cost increases elsewhere in the economy.

Second, more often than not, government programs exceed their expected cost. When initially considered, the House Ways and Means Committee estimated Medicaid's first year costs at approximately \$238 million. The actual cost? Over \$1 billion. Today, even after you adjust for inflation, Medicaid costs 37 times more than it did when it was launched.

What about Medicare? In 1965, Congressional budgeters said that it would cost \$12 billion in 1990. Its actual cost that year was \$90 billion. The rate of increase in Medicare spending has outpaced overall inflation in nearly every year (up 9.8% in 2009), so a pro-

gram that began at \$4 billion now costs \$428 billion.

We must take to heart that Congress historically grossly underestimates the cost of an entitlement program. And now we are faced with one of the newest/biggest entitlement programs in the history of our great nation.

Any Member who votes in favor of this bill, casts a vote in favor of increasing our national debt and inflicting higher taxes on our children and grandchildren. That is why I will vote against H.R. 3590 and will do everything in my power to repeal and replace it with commonsense reforms that will lower health care costs, increase access, maintain Medicare benefits, end lawsuit abuse, and preserve the doctor/patient relationship without raising taxes.

Mr. CASTLE. Mr. Speaker, the debate about how to reshape health insurance in order to reduce skyrocketing costs, and increase access, has dominated the attention of Congress for the past year. While there are many areas of agreement, Congress and the American public remain divided and it is easy to see why. While I am glad the "deem and pass" procedure was abandoned, and the House of Representatives allowed an actual vote on the bill, I feel strongly that Congressional leaders and the President have missed a real opportunity to take incremental, bipartisan steps that recognized the concerns of Americans who feel as though they will foot the bill for widespread reforms that they do not embrace.

To expand access, H.R. 3590 will enact mandates for both individuals and employers, with hefty fines for non-compliance, at a time when our economy has already challenged cash-strapped small businesses across the nation. This new mandate to acquire health insurance will greatly expand the bankrolls of insurance companies without any new standards against price fixing, or steps to encourage competition across state lines—both of which would create vast incentives to drive down costs. Such giveaways to the insurance companies only reward the rising costs of health care with higher taxpayer subsidies to cover them.

Throughout the debate, I have advocated for commonsense policies that aim to lower costs and expand access, without compromising the quality of American medicine or raising taxes on the American people. I have urged leaders to consider legislation to drive down the costs of care first, in order to increase access and coverage through affordability. According to the Congressional Budget Office, the legislation would cost nearly a trillion dollars, the cost of health insurance premiums would actually rise, and it would be paid for through new taxes and fees and nearly \$500 billion in reductions in spending on Medicare. What CBO can't accurately report, is that the bill is also littered with budget gimmicks to cover the actual, long-term cost of the bill.

This bill pays for six years of coverage with 10 years of tax increases and back-loads the cost in the years ahead in order to disguise the true costs.

The proposed cuts to Medicare are unlikely to ever occur; Congress is likely to override them.

\$70 billion for the new long-term care program is spent before any benefits are paid out.

\$53 billion is taken from the Social Security Trust Fund to offset new health care spending.

Punts the fix for Medicare reimbursements to doctors, costing \$371 billion, which Congress has committed to passing.

Uses the revenues from an expansion in federally financed student loans as offsets, instead of putting those savings back into education or for lower payments from students.

There are many commonsense steps we could be taking, some of which are in this bill and have widespread support: Reforms that forbid insurance companies from denying coverage based on a pre-existing condition or disability, and ban lifetime and annual spending caps that put patients at risk for bankruptcy when faced with a serious illness; allowing unmarried children to remain on their parents' insurance through age 26; incentives for Americans to seek preventive care; helping seniors afford prescription drugs through closing the donut hole, and development of lifesaving drugs and therapies that protect patient safety and innovation; an increase in support for community health centers that provide routine care for thousands of patients in Delaware; and provisions to address physician and nursing shortages. These are steps we could have taken, and they should have been coupled with increases in competition and cost-controlling measures.

Additional policies absent from the plan that deserve an up or down vote:

Making health insurance more portable and affordable by allowing patients to shop for health insurance plans across state lines;

Small business pooling and tax credits without mandates that threaten jobs and productivity;

Eliminating the \$60 billion in Medicare fraud each year;

Increasing efforts to enroll the 4.3 million who already qualify into existing programs like Medicaid and SCHIP; and

Limiting abusive lawsuits, which would reduce costs of care.

While there are policies embedded in this legislation that have bipartisan support, they are buried under budget gimmicks that threaten the long-term solvency of Medicare, Medicaid and Social Security—the existing entitlement programs that are draining the federal budget based on their current obligations. Health care reform will impact the lives of every American, our federal budget, and 1/6 of our economy. Reform should hold insurance companies accountable, eliminate barriers to competition and quality care, promote prevention, and drive down health care costs. To ignore the costs and enact unrealistic and misleading legislation will only prolong our health care challenges for generations to come.

Mr. BILBRAY. Mr. Speaker, this week, each of us cast the most historic vote any of us is likely to ever make. With it, revolutionary changes have been made to the American health care system that will forever alter its very nature. This vote was a long time coming and much needed, unfortunately, what we did pass is long on promises of improved care, but preciously short on reforms that the American people really need for better and more affordable care.

It is no secret that the health care system is in need of reform. In 2007, the latest year that figures were available, total health expenditures reached \$2.2 trillion, which translates to \$7,421 for every man, woman and child; millions of Americans are without health insurance and San Diego doctors are finding it increasingly difficult to care for our city's most vulnerable residents. This week's debate was full of passion over many issues and arguments over the proper answer to health reform. While we can argue over many points, there is one issue where there is no debate: we need health care reform.

Studies have shown that the visit rates to emergency rooms for patients with no insurance are twice that of those with private insurance. While I support insuring all Americans can access health insurance and believe it must be the first priority of any health care reform legislation, I cannot support a bureaucratic system dictated and controlled by the Federal Government. Congress, just like the medical profession, must adhere to the Hippocratic Oath of: "Above all, do no harm."

Throughout the past year, I have supported many bipartisan issues that will increase health quality and access for not just San Diegans but all Americans without limiting our choice of health care options—many of which were in the legislation we passed Sunday night. We must first allow Americans to have the same insurance as the Congress of the United States. It is not fair to stand here today and pontificate on the benefits of health care if we do not allow hard working Americans to have the same health care choices we enjoy. Citizens of this great country must be allowed to shop wherever they want in the United States for health insurance, free from the barriers of state lines. If New Jersey offers a plan that is cheaper than California, Californians should have the ability to purchase that plan. We must enact strong medical tort reforms that can save billions of dollars—\$54 billion to be exact according to Congress' own Congressional Budget Office, CBO. Finally, I support strong enforcement mechanisms to prevent illegal immigrants from receiving taxpayer subsidized health care.

It is important to remember that American health care is in many ways the envy of the world. From our first class medical facilities to our world renowned life science enterprise, we are the leader in innovative care and solutions. These innovations are allowing Americans suffering from major illnesses to live longer, healthier lives. For instance, in a single decade, from 1993–2003 U.S. heart disease deaths dropped by 22 percent. However, for all these benefits there is work to be done but not at the expense of destroying the entire health care system.

The health care bill that was signed into law will destroy our already fragile economy and lead to government control of health care. Under this new law, there will be more than \$520 billion in tax increases, including a \$27 billion employer mandate tax and \$15 billion individual mandate tax. With 1 in 9 San Diegans out of work, this will exacerbate the problem.

There are many examples in this legislation of government control but one striking example is the Independent Medicare Advisory

Commission. The creation of the so-called Independent Payment Advisory Board (IPAB,) which for the first time will give unelected and unaccountable bureaucrats the mandate to make important decisions about the future of the Medicare program. The cuts they propose would be in addition to the over half trillion dollars of Medicare and Medicaid cuts already in this bill.

We all agree that Medicare reform is needed but the IPAB actually carves out large areas of the Medicare budget from potential savings, leaving draconian cuts in the reimbursement of life saving and life enhancing drugs as a likely outcome. As Co-Chair of the House Biomedical Research Caucus, I have seen the great promise that developments in medical technology can mean for American seniors. Just last summer, the existing Preventive Services Task Force changed its recommendations on mammograms, confusing millions of Americans in the process. Can you imagine if those recommendations had the force of law? As science progresses to further embrace the benefits of personalized medicine, we need to make sure that the unchecked decisions of a federal board in Washington do not unwittingly sabotage the doctor-patient relationship. I am very troubled by this provision, and I want to work with my colleagues on both sides of the aisle to fix it or repeal it before it becomes effective.

In order to pass this legislation, many back room deals were cut. From the "Cornhusker Kickback" to the "Louisiana Purchase," many states were taken care of in order to secure support. However, California was once again left on the outside looking in. This bill does nothing to fix the Geographic Practice Cost Index (GPCI), which to date finds San Diego doctors being paid at a rate of rural practitioners; all the while they continue to practice in a high cost area. Additionally, this legislation does nothing to fix the sustainable growth rate problem that finds California doctors facing continuing cuts in Medicare payment rates year after year and threatens patient's access to care.

I was in favor of rejecting this plan and coming back to the table and develop a proposal that fully addresses medical malpractice awards so we can save health care costs, allow United States citizens to purchase their health care across state lines and provide tax credits so hard working Americans, not Washington D.C., are in charge of their health care.

A strong and accessible health care system is one of the most fundamental components of a strong economy. I am committed to working in a bipartisan manner with my colleagues to put in place real reform that will protect the doctor-patient relationship but will not bankrupt our economy in the process. American families deserve better than socialized health care and I plan on helping to deliver it. I will continue to work with my colleagues to reform a broken health care system in a way that is sustainable, protects the promises we have already made to our nation's seniors and does not infringe on our liberties.

Mr. COURTNEY. Mr. Speaker, I rise today to express concerns about three outstanding issues in the final health care reform package: an excise tax on high-cost insurance plans which will be implemented in 2018, cuts to

home health care, and the formation of an Independent Payment Advisory Board (IPAB).

Since introduction of the America's Affordable Health Choices Act in July of 2009, my colleagues in Congress and I have been working to craft a health insurance reform bill that creates affordable insurance coverage, lowers costs, and improves access to stable health care that is there when you need it. These efforts have been reflected in the Affordable Health Care for America Act, and Senate-passed Patient Protection and Affordable Care Act (H.R. 3590) as modified by the Health Care and Education Reconciliation Act (H.R. 4872).

The final reform package reflects significant progress in terms of limiting the negative impact of an excise tax on high-cost plans on middle class Americans. The 40 percent excise tax on high-cost plans included in the Patient Protection and Affordable Care Act included cost thresholds that were inadequate to account for premium cost factors independent of generosity of benefits, such as age, gender, and region. I authored a letter, with support from 192 of my Democratic colleagues who opposed this proposal. The Health Care and Education Reconciliation Act made significant improvements to the excise tax, such as adopting higher thresholds for age and gender. More importantly, the bill delays the implementation of the tax until 2018, which will allow ample time to better understand its impact—especially in high-cost regions—and mitigate potential negative consequences.

Another deficit mitigation component that I have concerns about in the reform package includes Medicare "market basket updates" for home health providers. While the Patient Protection and Affordable Care Act includes more modest cuts than what was included in the House-passed Affordable Health Care for America Act, I remain concerned about the aggregate size of the cuts to home health care providers. Safeguards in H.R. 3590 such as payment adjustment review authority by the Health and Human Services Secretary should be utilized if "market basket updates" prove to be unsustainable for home health care providers in the future. H.R. 3590 also includes provisions that guarantee Medicare home health benefits will not be reduced, which further reiterates the obligation of the Secretary to ensure fair reimbursements.

While I supported passing H.R. 3590 as modified by H.R. 4872 to make significant progress in extending and strengthening current health care coverage, I also maintain concerns about the establishment of the IPAB. Over the course of the health care debate, the IPAB—along with the similar proposals of the Independent Medicare Advisory Council, IMAC, Act (H.R. 2718) and the Medicare Payment Advisory Commission, MedPAC—have garnered attention as a mechanism to reduce aggregate health care costs.

However, I believe that the solidification of IPAB would be a move in the wrong direction in terms of broad health care reform. Congress has played an integral role in shaping a Medicare system that reflects unique care needs of varying demographics as well as need differences between regions and states. Further, this system has been developed with

transparency and accountability in congressional debates. Redirecting control of Medicare to the Executive branch would limit the strengths of the current system, and would continue a disturbing trend of ceding Congressional authority to the Executive branch.

That is why I cosigned letters in July and December 2009 opposing the establishment of a Payment Advisory Commission. While I did not support the inclusion of IPAB in the H.R. 3590, I am reassured that the bill does not empower the Board to override Medicare laws. Going forward, I urge that the IPAB conducts business transparently, with public input. I also urge that the Board reach out to all Medicare stakeholders and take seriously the role of the Consumer Advisory Council in the future.

Mr. KUCINICH. Mr. Speaker, each generation has had to take up the question of how to provide for the health of the people of our nation. And each generation has grappled with difficult questions of how to meet the needs of our people. I believe health care is a civil right. Each time as a nation we have reached to expand our basic rights, we have witnessed a slow and painful unfolding of a democratic pageant of striving, of resistance, of breakthroughs, of opposition, of unrelenting efforts and of eventual triumph.

I have spent my life struggling for the rights of working class people and for health care. I grew up understanding first hand what it meant for families who did not get access to needed care. I lived in 21 different places by the time I was 17, including in a couple of cars. I understand the connection between poverty and poor health care, the deeper meaning of what Native Americans have called "hole in the body, hole in the spirit." I struggled with Crohn's disease much of my adult life, to discover sixteen years ago a near-cure in alternative medicine and following a plant-based diet. I have learned with difficulty the benefits of taking charge personally of my own health care. On those few occasions when I have needed it, I have had access to the best allopathic practitioners. As a result I have received the blessings of vitality and high energy. Health and health care is personal for each one of us. As a former surgical technician I know that there are many people who dedicate their lives to helping others improve theirs. I also know their struggles with an insufficient health care system.

There are some who believe that health care is a privilege based on ability to pay. This is the model President Obama is dealing with, attempting to open up health care to another 30 million people, within the context of a system run by insurance companies who make money by denying care. There are others who believe that health care is a basic right and ought to be provided through a not-for-profit plan. This is what I have tirelessly advocated.

I have carried the banner of national health care in two presidential campaigns, in party platform meetings, and as co-author of H.R. 676, Medicare for All. I have worked to expand the health care debate beyond the current unsustainable system, to include a robust public option and my amendment to free the states to pursue single-payer. An early version of the health care bill, while badly flawed, contained these provisions which I believed made the bill worth supporting when it was consid-

ered by the Committee on Education and Labor. I voted for it. The provisions were taken out of the bill after it passed the Committee.

I joined with the Congressional Progressive Caucus in saying that I would not support the bill unless it had a strong public option and unless it protected the right of people to pursue single payer at a state level. It did not. I kept my pledge and voted against the bill when it was considered by the full House of Representatives. Since then, I have continued to oppose it while trying to get the provisions back into the bill. Some have speculated that, as the final vote on this health care package drew closer, I might have been in a position of casting the deciding vote. The President's visit to my district on Monday underscored the urgency of this moment.

I have taken this fight further than many in Congress cared to carry it because I know what my constituents experience on a daily basis. Come to my district in Cleveland and you will understand.

The people of Ohio's 10th district have been hard hit by an economy where wealth has accelerated upwards through plant closings, massive unemployment, small business failings, lack of access to credit, foreclosures and the high cost of health care and limited access to care. I take my responsibilities to the people of my district personally. The focus of my district office is constituent service, which more often than not involves social work to help people survive economic perils. It also involves intervening with insurance companies.

In the two weeks before the vote on the final health care package, it became clear that the vote would be very close. I take this vote with the utmost seriousness. I am quite aware of the historic fight that has lasted the better part of the last century to bring America in line with so many other modern democracies in providing single-payer health care. I have seen the political pressure and the financial pressure being asserted to prevent a real challenge to a highly profitable system dominated by private insurance companies.

I know I have to make a decision, not on the bill as I would like to see it, but the bill as it is. My criticisms of the legislation have been well reported. I do not retract them. I incorporate them in this statement. They still stand as legitimate and cautionary. I still have doubts about the bill. I do not think it is a first step toward anything I have supported in the past. This is not the bill I wanted to support, even as I continue efforts until the last minute to modify the bill.

However after careful discussions with President Obama, Speaker PELOSI, my wife Elizabeth, the frequently personal and tragic stories of my constituents and close friends, I have decided to cast a vote in favor of the legislation. If my vote is to be counted, let it now count for passage of the bill, hopefully in the direction of comprehensive health care reform. We must include coverage for those excluded from this bill. We must free the states. We must have control over private insurance companies and the cost their very existence imposes on American families. We must strive to provide a significant place for alternative and complementary medicine, religious health science practice, and the personal responsi-

bility aspects of health care which include diet, nutrition, and exercise.

The health care debate has been severely hampered by fear, myths, and by hyper-partisanship. The President clearly does not advocate socialism or a government takeover of health care. The fear that this legislation has engendered has deep roots, not in foreign ideology but in a lack of confidence, a timidity, mistrust and fear which post 911 America has been unable to shake.

This fear has so infected our politics, our economics and our international relations that as a nation we are losing sight of the expanded vision, the electrifying potential we caught a glimpse of with the election of Barack Obama. The transformational potential of his presidency, and of ourselves, can still be courageously summoned in ways that will reconnect America to our hopes for expanded opportunities for jobs, housing, education, peace, and yes, health care.

I want to thank those who have supported me personally and politically as I have struggled with this decision. I ask for continued support in our ongoing efforts to bring about meaningful change. I have taken a detour through supporting this bill, but I know the destination I will continue to seek, for as long as it takes, whatever it takes, is an America where health care will be firmly established as a civil right.

EMPOWERING INDIVIDUALS

Smart personal choices in areas like diet, nutrition, and exercise are essential to a healthier world. At the same time, we must remove the barriers and change the incentives that discourage or prevent responsible behavior. The Institute of Medicine estimates that in 2004 approximately \$10 billion was spent on food advertising directed at children, using every method available—television, radio, the internet, even embedded in video games. Simply put, marketing to children works—companies would not make such a substantial investment if it were ineffective.

Marketing directed at youth is extremely well constructed and relies heavily on behavioral science. The developing brain of the child can not discriminate fact from opinion and can not think critically; it is no match for a \$10 billion industry that exploits this vulnerability using cartoons, cross branding with popular toys, giveaways, and myriad other methods to develop brand loyalty and shape judgment as early as possible. Established early, these affinities are the most enduring.

Astonishingly, the Federal Government subsidizes this methodical preying on children by granting a tax write-off for expenses associated with it. This must stop. The government must take action to protect American children and ensure that they grow up in a healthy environment. My bill, H.R. 4310, would eliminate the tax deductibility of fast food and junk food advertising directed at children. H.R. 4310 has the potential to raise billions of dollars in revenue to fund child nutrition and anti-obesity initiatives.

There is precedent: approximately 50 countries, including Sweden, Norway, Australia, and Great Britain, have limited or prohibited food advertising directed at youth. Additionally, recent research has concluded that eliminating the tax deductibility of food advertising directed at youth would reduce obesity rates.

Long-term health care reform must address the personal responsibility, the corporate responsibility, and the government's fair share of the responsibility for improved health. I will work to ensure that is the case.

Each generation has had to take up the question of how to provide for the health of the people of our nation. And each generation has grappled with difficult questions of how to meet the needs of our people. I believe health care is a civil right. Each time as a nation we have reached to expand our basic rights, we have witnessed a slow and painful unfolding of a democratic pageant of striving, of resistance, of breakthroughs, of opposition, of unrelenting efforts and of eventual triumph.

I have spent my life struggling for the rights of working class people and for health care. I grew up understanding first hand what it meant for families who did not get access to needed care. I lived in 21 different places by the time I was 17, including in a couple of cars. I understand the connection between poverty and poor health care, the deeper meaning of what Native Americans have called "hole in the body, hole in the spirit." I struggled with Crohn's disease much of my adult life, to discover sixteen years ago a near-cure in alternative medicine and following a plant-based diet. I have learned with difficulty the benefits of taking charge personally of my own health care. On those few occasions when I have needed it, I have had access to the best allopathic practitioners. As a result I have received the blessings of vitality and high energy. Health and health care is personal for each one of us. As a former surgical technician I know that there are many people who dedicate their lives to helping others improve theirs. I also know their struggles with an insufficient health care system.

There are some who believe that health care is a privilege based on ability to pay. This is the model President Obama is dealing with, attempting to open up health care to another 30 million people, within the context of the for-profit insurance system. There are others who believe that health care is a basic right and ought to be provided through a not-for-profit plan. This is what I have tirelessly advocated.

I have carried the banner of national health care in two presidential campaigns, in party platform meetings, and as co-author of H.R. 676, Medicare for All. I have worked to expand the health care debate beyond the current unsustainable system, to include a robust public option and my amendment to free the states to pursue single-payer. An early version of the health care bill, while badly flawed, contained these provisions which I believed made the bill worth supporting when it was considered by the Committee on Education and Labor. I voted for it. The provisions were taken out of the bill after it passed the Committee.

I joined with the Congressional Progressive Caucus in saying that I would not support the bill unless it had a strong public option and unless it protected the right of people to pursue single payer at a state level. It did not. I kept my pledge and voted against the bill when it was considered by the full House of Representatives. Since then, I have continued to oppose it while trying to get the provisions back into the bill. Some have speculated that, as the final vote on this health care package

drew closer, I might have been in a position of casting the deciding vote. The President's visit to my district on Monday underscored the urgency of this moment.

I have taken this fight further than many in Congress cared to carry it because I know what my constituents experience on a daily basis. Come to my district in Cleveland and you will understand.

The people of Ohio's 10th district have been hard hit by an economy where wealth has accelerated upwards through plant closings, massive unemployment, small business failings, lack of access to credit, foreclosures and the high cost of health care and limited access to care. I take my responsibilities to the people of my district personally. The focus of my district office is constituent service, which more often than not involves social work to help people survive economic perils. It also involves intervening with insurance companies.

In the two weeks before the vote on the final health care package, it became clear that the vote would be very close. I take this vote with the utmost seriousness. I am quite aware of the historic fight that has lasted the better part of the last century to bring America in line with so many other modern democracies in providing single-payer health care. I have seen the political pressure and the financial pressure being asserted to prevent a real challenge to a highly profitable system dominated by private insurance companies.

I know I have to make a decision, not on the bill as I would like to see it, but the bill as it is. My criticisms of the legislation have been well reported. I do not retract them. I incorporate them into this statement. They still stand as legitimate and cautionary. I still have doubts about the bill. I do not think it is a first step toward anything I have supported in the past. This is not the bill I wanted to support, even as I continue efforts until the last minute to modify the bill.

However after careful discussions with the President Obama, Speaker PELOSI, my wife Elizabeth, and in consideration of the frequently personal and tragic stories of my constituents, I have decided to cast a vote in favor of the legislation. If my vote is to be counted, let it now count for passage of the bill, hopefully in the direction of comprehensive health care reform. We must include coverage for those excluded from this bill. We must free the states. We must have control over private insurance companies and the cost their very existence imposes on American families. We must strive to provide a significant place for alternative and complementary medicine, religious health science practice, and the personal responsibility aspects of health care which include diet, nutrition, and exercise.

The health care debate has been severely hampered by fear, myths, and by hyper-partisanship. The President clearly does not advocate socialism or a government takeover of health care. The fear that this legislation has engendered has deep roots, not in foreign ideology but in a lack of confidence, a timidity, mistrust and fear which post 911 America has been unable to shake.

This fear has so infected our politics, our economics and our international relations that

as a nation we are losing sight of the expanded vision, the electrifying potential we caught a glimpse of with the election of Barack Obama. The transformational potential of his presidency, and of ourselves, can still be courageously summoned in ways that will reconnect America to our hopes for expanded opportunities for jobs, housing, education, peace, and yes, health care.

I want to thank those who have supported me personally and politically as I have struggled with this decision. I ask for continued support in our ongoing efforts to bring about meaningful change. As this bill passes I will renew my efforts to help those state organizations which are aimed at stirring a single payer movement which eliminates the predatory role of private insurers who make money not providing health care. I have taken a detour through supporting this bill, but I know the destination I will continue to seek, for as long as it takes, whatever it takes, is an America where health care will be firmly established as a civil right.

MOVING TOWARD TRUE HEALTH CARE REFORM

In pursuing meaningful change in the health care system, there can be no better investment than to remove federal barriers to allowing states to implement the only model of health care proven to cover everyone, lower costs and increase quality: single-payer.

Systems that remove the insurance companies from care are well tested and consistently outperform systems that rely on private insurance. Their costs are lower, their access is universal, the coverage is comprehensive, and their systems are far more equitable. Such a single-payer health care system would also provide major economic stimulus. Half of all bankruptcies in the U.S. are the result of the failure of an insurance plan to do the very thing that drives us to buy health insurance—protect us from catastrophic financial burdens that arise from health care needs. Only single-payer health care can rid us of the economic drag of medical bankruptcies by providing truly comprehensive coverage—for less money than we are currently paying.

It is no wonder then that states are demanding single payer. Not only does it help people stay out of poverty, but it would provide major relief for states facing budget difficulties. The Lewin Group's financial analysis of the California single payer bill that recently passed the legislature twice found that "the net cost of the program to state and local governments is a savings of about \$900 million" in 2006 alone. There are also strong single payer movements in Pennsylvania, New York, Illinois, Colorado, and New Mexico. In fact, the savings to a state from a single-payer plan have been well documented. Fourteen states are listed below, along with their savings and the year of the applicable study. The worst-case scenario is Maine, which would break even.

State: Annual Single-payer Savings—Year
New Mexico (Lewin Group): \$151,800,000—1994
Delaware (Solutions for Progress): \$229,000,000—1995
Minnesota (Lewin Group): \$718,000,000—1995
Massachusetts (Lewin Group, Solutions for Progress/Boston University School of Public Health): \$1,800,000,000—\$3,600,000,000—1998
Maryland (Lewin Group): \$345,000,000—2000
Vermont (Lewin Group): \$118,000,000—2001

California (Lewin Group): \$7,500,000,000—2002

Maine (Mathematica Policy): \$0—2002
Rhode Island (Solutions for Progress/Boston University School of Public Health): \$270,000,000—2002

Missouri (Missouri Foundation for Health): \$1,700,000,000—2003

Georgia (Lewin Group): \$716,000,000—2004

California (Lewin Group): \$8,000,000,000—2005

Colorado (Lewin Group): \$1,400,000,000—2007

Kansas (Lewin Group): \$869,000,000—2007

The Employee Retirement Income Security Act (ERISA) has been used to thwart efforts at the state and regional level to improve health care. Though the law was intended to protect the integrity and quality of employee benefit plans including health care, ERISA has been used in courts to stop or make impractical health care reform efforts in Maryland, San Francisco, and Suffolk County, New York. It is the most difficult federal barrier a single-payer state will face, though there will be others.

I will continue to work to help these states. We must yield to the wishes of those in a state who demand a health care system that is proven to work well. It would be entirely voluntary. If a state wants better health care than can be provided by the federal government, the federal government should not stand in their way.

PUBLIC OPTION

A robust public option is not sufficient to control costs, cover everyone, and increase quality of care. However, it is a good interim option for those who do not want to be subject to the abuses of the insurance companies but are required to purchase health insurance under the health care bill we are passing today. The extreme inefficiency of the private health insurance companies and the inefficiency they cause throughout the health care system are well documented. Americans need refuge because the health insurance companies are ruthlessly efficient at one thing: denying care. They have to be because that is how they make money.

In the short term, I will continue to fight for a strong public option until a single payer plan is in place.

INTEGRATIVE MEDICINE AND RELIGIOUS HEALTH CARE

A 2008 study by the National Center for Complementary and Alternative Medicine at the National Institutes of Health and the National Center for Health Statistics revealed that 38% of American adults used some form of integrative medicine to meet their health care needs. However, access to these services is limited because of lack of insurance coverage of these safe, cost-effective and clinically effective medical approaches. Some of those modalities include chiropractic care, acupuncture and many others under study at the National Institutes of Health.

However, some insurance companies are starting to realize that it is beneficial to their bottom line if they cover some integrative medicine approaches. More and more plans are covering chiropractic and acupuncture, for example. The medical literature abounds with studies showing that the cost-effectiveness of interventions like transcendental meditation for hypertension and heart disease is far better than that for conventional pharmaceutical interventions.

An early version of the health care overhaul bill included my amendment that would guarantee that a practitioner of integrative medicine is one of the people that decides the minimum required benefit package. It also created a task force of integrative medicine practitioners to help inform the decision makers about what should be covered. Finally, it required that when a patient goes to the Exchange website and looks up doctors, practitioners of integrative medicine are easily identifiable. Though the language was removed before a vote on the bill was taken by the full House of Representatives, I will continue to work to advance integrative medicine by increasing its accessibility and safety.

Under this bill, most Americans, including people who practice other distinctive approaches to health care, are forced to buy private health insurance. I recognize the difficult position for Christian Scientists and others similarly situated. Millions opt for spiritual care that coincides with their religion. But as of today, even though the care they prefer is covered by Medicare, Medicaid, TRICARE and some plans available to federal government employees, few private insurance plans cover it. The new healthcare legislation we are considering today does not prevent insurance companies from covering their care; it also does not create a pathway for its serious consideration by insurance companies. I look forward to helping to identify a way to ensure that spiritual and integrative care get a fair chance at coverage by insurance companies.

Mrs. MALONEY. Mr. Speaker, this is a historic vote. With passage of health care reform, 32 million people without insurance will now be covered and 94 percent of Americans will now be guaranteed health care coverage. In New York State, close to 2.5 million people who are currently uninsured will have health care coverage once this bill is passed. The reforms we are considering today will help improve the lives of millions of Americans—starting immediately, and continuing over the course of their implementation in the next ten years.

Starting immediately: No insurance company can deny coverage for pre-existing conditions or gender; Young people can stay on their parents' coverage until age 26; If you're self-employed or a small-business owner you'll be able to buy health coverage on competitive exchanges; If you've taken early retirement over age 55 but before you're eligible for Medicare, you'll be able to continue your employers' coverage until age 65; And if you're over 65 and have Medicare's Part D drug coverage, the "donut hole" has been eliminated.

The reconciliation bill we are voting on vastly improves the Senate bill's impact for states like New York who will not be penalized for having served New Yorkers and having an expansive Medicaid program. This provision will give more federal Medicaid funding support for New York State, which would have suffered a loss under the Senate-passed bill. Instead of costing millions, New York State will now save hundreds of millions in the first full year of implementation.

New York's public hospital system is the leading provider of uncompensated care to the uninsured and underinsured. Though this bill lowers the ten-year reduction in Medicaid and

Medicare Disproportionate Share Hospital (DSH) payments by \$3 billion, I remain concerned these cuts will weaken our health care safety net in New York. After all, while significant coverage expansions will be achieved through health care reform, there will still be populations that will remain uncovered or underinsured, and our hospitals will continue to bear the burden and cost of their health care. It seems like the best approach would have been that DSH cuts would be made contingent upon reductions in the uninsured. Instead of expansion triggers in the Senate bill, the reconciliation bill is improved with set levels of reductions per year and require the Secretary of Health and Human Service to develop a methodology to reduce states' Medicaid DSH allotments to achieve mandated savings.

More broadly, I support this bill because of the positive impact it will have on women's lives. As Chair of the Joint Economic Committee, I prepared a report that looked at the specific health care challenges facing women and how women would benefit from comprehensive health care reform. More than two million women have lost their health insurance since the recession began due to their own job loss or their spouse's job loss. 1.3 million women lost their health coverage when their spouse lost his job and an additional 800,000 women lost their health care as a result of their own job loss. More than two million women have faced the brutal double-whammy of a lost job and lost health care. While job losses during this recession were much greater for men than women, women have fared worse than men in recent months. And this has had real consequences for women's health care coverage: in the last six months, the number of women losing health insurance benefits due to their own job losses has increased by nearly 50 percent. Over one quarter (28%) of women ages 19–24 have no health insurance at all. Part of that number is likely explained by the economic challenges facing young women. Young women have been hit hard in the recession, facing an unemployment rate of 13.1 percent, significantly higher than the national rate of 9.7 percent, and making it less likely that they will have job-based coverage. Health care reform will help us to overcome inequities at the center of the current system—where women pay more than men for the same coverage, or even, where women who are not smokers pay more for coverage than men who are smokers. My report and the reality is that the health care system is serving women poorly, the recession has made the situation worse, and now more than ever, we need health care reform.

While I am speaking of women's health care, I must mention my opposition to the restrictive language on abortion included in the Senate bill which remains in reconciliation. While not as onerous as the Stupak language that was part of the final House bill, this language will directly impact a woman's right to legal reproductive health services and I oppose it. But the value to women and American families of finally achieving health care reform is far too important to risk losing it.

Mr. Speaker, a great deal of the discussion today focuses on the moral reasons for extending health care coverage. While I agree

with the moral imperative, the fiscal necessity is clear. This bill cuts the deficit by \$143 billion in the first ten years and then cuts the deficit by \$1.2 trillion in the second ten years. The bill is fully paid for and will not add a dime to the deficit. While it will cost \$938 billion over a decade, it is critical to note that Americans spend nearly \$2.5 trillion every single year on health care now and nearly two-thirds of the bill is paid for by reducing health care costs.

We must not let this moment pass without recognizing its historic nature. Today, millions of Americans will win basic rights—the right to health care, the right to live without the fear of chronic disease, and the right to never having to worry about losing insurance coverage because of a pre-existing condition or exceeding a lifetime cap. While not perfect, this bill will hold insurance companies accountable; provide billions of dollars in tax breaks for small businesses to help them insure their employees; and, above all, expand access to quality, secure, affordable health care coverage for millions of Americans.

I'd like to thank and commend the leadership of Speaker PELOSI, Majority Leader HOYER, Chairmen WAXMAN, MILLER and RANGEL and of course, Chairman Emeritus DINGELL who has been working on health care reform since he first came to Congress.

The time is now. Our current system is broken. Costs continue to increase at unsustainable rates and too many families and businesses are feeling the debilitating burdens brought on by these expenses. Too many Americans have inadequate coverage or lack coverage entirely and are suffering or dying as a result.

I am grateful for the opportunity to be a part of this momentous reform. I urge my colleagues to reach beyond the rhetoric and the politics. Instead, recognize that today we will make a lasting difference in people's lives. Today we change the health of our nation for ourselves, for our children, and for our grandchildren.

Mr. Speaker, today we will cast a series of historic votes.

The outcome of the votes will result in 32 million people without health insurance gaining coverage and 94 percent of Americans with guaranteed health care coverage.

In New York State, close to 2.5 million people who are currently uninsured will have health care coverage once the day is over.

To get to this point, the House had to first vote on the Senate passed health care bill and then vote on a bill that makes important changes that have been negotiated by the House to dramatically improve the Senate bill—this is called the reconciliation bill.

Without a promise of these important fixes, like taking out several of these "special deals" I would not vote for the Senate bill. However, with the guarantee of these improvements, today I will cast my vote in favor of the Senate health care bill.

I appreciate the opportunity to outline some of my concerns with the Senate passed health care reform bill.

Most importantly, the Senate bill would have cost New York close to a billion of dollars in Medicaid funding. Unlike the House bill which saves New York billions, the Senate bill penalizes States like New York for its expanded

coverage of its citizens under Medicaid. Under the Senate bill, States that have not significantly expanded their Medicaid programs would receive a large influx of Federal funding, but States like New York are penalized for doing the right thing. The House bill contained a more equitable solution to sharing the costs of Medicaid expansion under health care reform by providing increased Federal funding for Medicaid expansion regardless of existing State eligibility levels. FMAP provisions in the Senate bill would result in a significant loss to New York State as a significant number of uninsured New Yorkers who are eligible for Medicaid enroll, while the House bill fairly shares in the costs for currently enrolled and newly enrolled childless adults and parents. Fortunately, the reconciliation bill that we will be voting on, fixes this problem, and the distribution of Federal Medicaid funding is more equitable and saves money for New York.

The Senate bill similarly penalized New York in terms of its treatment of payments to Disproportionate Share Hospitals, DSH. Historically, Medicaid hospital reimbursement rates, on average, have been lower than the cost of providing care, and DSH payments were instituted to cover reimbursement shortfalls and uncompensated care costs. The need for DSH reimbursement will remain even after health care reform is passed since there will millions of newly eligible individuals who will receive care through Medicaid.

The Senate bill reduced Federal funding for Medicaid DSH payments by \$19 billion and Medicare DSH payments by \$24 billion over 10 years; reductions to DSH payments of this magnitude will jeopardize the stability and the services provided by our safety net system. The original House bill which I supported had included more reasonable reductions of \$10 billion each from Medicaid and Medicare DSH and similarly, the reconciliation bill, while not as good as the original House bill, reduces the cuts that the Senate bill would have imposed.

I am also opposed to the restrictive abortion language contained in the Senate bill. The Senate bill is significantly onerous, stigmatizing abortion services and creating obstacles for those consumers who would like to purchase this coverage and to those insurance companies would like to provide this coverage. Though I am strongly opposed to these restrictions, I am voting for the final bill because overall, reforming our current health care system dramatically and positively impacts women. As Chair of the Joint Economic Committee, I prepared a report that looked at the specific health care challenges facing women and how women would benefit from comprehensive health care reform. More than 2 million women have lost their health insurance since the recession began due to their own job loss or their spouse's job loss. 1.3 million women lost their health coverage when their spouse lost his job and an additional 800,000 women lost their health care as a result of their own job loss. More than 2 million women have faced the brutal double-whammy of a lost job and lost health care. While job losses during this recession were much greater for men than women, women have fared worse than men in recent months. And this has had real consequences for women's health care coverage: in the last 6 months, the number of

women losing health insurance benefits due to their own job losses has increased by nearly 50 percent. Over one quarter, 28 percent of women ages 19–24 have no health insurance at all. Part of that number is likely explained by the economic challenges facing young women. Young women have been hit hard in the recession, facing an unemployment rate of 13.1 percent, significantly higher than the national rate of 9.7 percent, and making it less likely that they will have job-based coverage. Health care reform will help us to overcome inequities at the center of the current system—where women pay more than men for the same coverage, or even, where women who are not smokers pay more for coverage than men who are smokers. My report and the reality is that the current health care system is serving women poorly, the recession has made the situation worse, and now more than ever, we need health care reform.

I have been a strong supporter of the public option and voted for the House bill in large part because it contained a public option. I believed then and I believe now that a public insurance option will increase competition and reform our current system. Every day, 14,000 Americans lose their health care coverage. A public option would have brought down costs and expanded access. Unfortunately, the Senate was unable to pass a bill with a public option, though many Senators supported the provision. While I am disappointed that the final bill that will go to the President for signature will not include it, I feel confident that the end product will achieve the goals of covering the vast majority of Americans, reduce health care costs, and reduce our deficit by trillions of dollars.

Mr. Speaker, it is clear that the Senate bill had flaws and as passed was not as good of a bill for the State of New York as it should have been. If I was just casting one vote today, it would be a no vote on this bill. However, we are being given the opportunity to fix and improve the Senate bill with the upcoming reconciliation bill which is why I am able to vote in favor of this bill. With this vote, I am voting in favor of helping Americans gain affordable, quality health care they both need and deserve, I am voting in favor of dramatically reducing the Federal deficit by \$143 billion in the first 10 years, and I am voting in favor of improving coverage by removing denials of coverage based on preexisting conditions or gender. I am voting in favor of a strong and healthy future for all Americans and for our great country.

The SPEAKER pro tempore. All time for debate has expired.

Pursuant to House Resolution 1225, the previous question is ordered.

The question is on the motion by the gentleman from California.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. GEORGE MILLER of California. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, this 15-minute vote on the motion to concur will be followed by a 5-minute vote on

the motion to suspend the rules on House Resolution 1215.

The vote was taken by electronic device, and there were—yeas 220, nays 207, not voting 3, as follows:

[Roll No. 194]

YEAS—220

Ackerman	Halvorson	Ortiz
Andrews	Hare	Owens
Baca	Harman	Pallone
Baird	Hastings (FL)	Pascrell
Baldwin	Heinrich	Pastor (AZ)
Bean	Higgins	Payne
Becerra	Hill	Pelosi
Berkley	Himes	Perlmutter
Berman	Hinche	Perriello
Bishop (GA)	Hinojosa	Peters
Bishop (NY)	Hirono	Pingree (ME)
Blumenauer	Hodes	Polis (CO)
Bocchieri	Holt	Pomeroy
Boswell	Honda	Price (NC)
Boyd	Hoyer	Quigley
Brady (PA)	Inslee	Rahall
Braley (IA)	Israel	Rangel
Brown, Corrine	Jackson (IL)	Reyes
Butterfield	Jackson Lee	Richardson
Capps	(TX)	Rodriguez
Capuano	Johnson (GA)	Rothman (NJ)
Cardoza	Johnson, E. B.	Roybal-Allard
Carnahan	Kagen	Ruppersberger
Carney	Kanjorski	Rush
Carson (IN)	Kaptur	Ryan (OH)
Castor (FL)	Kennedy	Salazar
Chu	Kildee	Sánchez, Linda
Clarke	Kilpatrick (MI)	T.
Clay	Kilroy	Sanchez, Loretta
Cleaver	Kind	Sarbanes
Clyburn	Kirkpatrick (AZ)	Schakowsky
Cohen	Klein (FL)	Schauer
Connolly (VA)	Kosmas	Schiff
Conyers	Kucinich	Schrader
Costa	Langevin	Schwartz
Costello	Larsen (WA)	Scott (GA)
Courtney	Larson (CT)	Scott (VA)
Crowley	Lee (CA)	Serrano
Cuellar	Levin	Sestak
Cummings	Lewis (GA)	Shea-Porter
Dahlkemper	Lipinski	Sherman
Davis (CA)	Loeb	Sires
Davis (IL)	Loefgren, Zoe	Slaughter
DeFazio	Lowey	Smith (WA)
DeGette	Lujan	Snyder
Delahunt	Lynch	Speier
DeLauro	Maffei	Spratt
Dicks	Maloney	Stark
Dingell	Markey (CO)	Stupak
Doggett	Markey (MA)	Sutton
Donnelly (IN)	Matsui	Thompson (CA)
Doyle	McCarthy (NY)	Thompson (MS)
Driehaus	McCollum	Tierney
Edwards (MD)	McDermott	Titus
Ellison	McGovern	Tonko
Ellsworth	McNerney	Towns
Engel	Meek (FL)	Tsongas
Eshoo	Meeks (NY)	Van Hollen
Etheridge	Michaud	Velázquez
Farr	Miller (NC)	Visclosky
Fattah	Miller, George	Walz
Filner	Mitchell	Wasserman
Foster	Mollohan	Schultz
Frank (MA)	Moore (KS)	Waters
Fudge	Moore (WI)	Watson
Garamendi	Moran (VA)	Watt
Giffords	Murphy (CT)	Waxman
Gonzalez	Murphy (NY)	Weiner
Gordon (TN)	Murphy, Patrick	Welch
Grayson	Nadler (NY)	Wilson (OH)
Green, Al	Napolitano	Woolsey
Green, Gene	Neal (MA)	Wu
Grijalva	Oberstar	Yarmuth
Gutierrez	Obey	
Hall (NY)	Oliver	

NAYS—207

Aderholt	Barrett (SC)	Blackburn
Adler (NJ)	Barrow	Blunt
Akin	Bartlett	Boehner
Alexander	Barton (TX)	Bonner
Altmire	Berry	Bono Mack
Arcuri	Biggart	Boozman
Austria	Bilbray	Boren
Bachmann	Bilirakis	Boucher
Bachus	Bishop (UT)	Boustany

Brady (TX)	Herger	Paul
Bright	Herseth Sandlin	Paulsen
Broun (GA)	Hoekstra	Pence
Brown (SC)	Holden	Peterson
Brown-Waite,	Hunter	Petri
Ginny	Inglis	Pitts
Buchanan	Issa	Platts
Burgess	Jenkins	Poe (TX)
Burton (IN)	Johnson (IL)	Posey
Calvert	Johnson, Sam	Price (GA)
Camp	Jones	Putnam
Campbell	Jordan (OH)	Radanovich
Cantor	King (IA)	Rehberg
Cao	King (NY)	Roe (TN)
Capito	Kingston	Rogers (AL)
Carter	Kirk	Rogers (KY)
Cassidy	Kissell	Rogers (MI)
Castle	Kline (MN)	Rohrabacher
Chaffetz	Kratovil	Rooney
Chandler	Lamborn	Ros-Lehtinen
Childers	Lance	Roskam
Coble	Latham	Ross
Coffman (CO)	LaTourette	Royce
Cole	Latta	Ryan (WI)
Conaway	Lee (NY)	Scalise
Cooper	Lewis (CA)	Schmidt
Crenshaw	Linder	Schock
Culberson	LoBiondo	Sensenbrenner
Davis (KY)	Lucas	Sessions
Davis (TN)	Luetkemeyer	Shadegg
Dent	Lummis	Shimkus
Diaz-Balart, L.	Lungren, Daniel	Shuler
Diaz-Balart, M.	E.	Shuster
Dreier	Mack	Simpson
Duncan	Manzullo	Skelton
Edwards (TX)	Marchant	Smith (NE)
Ehlers	Marshall	Smith (NJ)
Emerson	Matheson	Smith (TX)
Fallin	McCarthy (CA)	Souder
Flake	McCaul	Space
Fleming	McClintock	Stearns
Forbes	McCotter	Sullivan
Fortenberry	McHenry	Tanner
Fox	McIntyre	Taylor
Franks (AZ)	McKeon	Teague
Frelinghuysen	McMahon	Terry
Gallely	McMorris	Thompson (PA)
Garrett (NJ)	Rodgers	Thornberry
Gerlach	Melancon	Tiahrt
Gingrey (GA)	Mica	Tiberi
Gohmert	Miller (FL)	Turner
Goodlatte	Miller (MI)	Upton
Granger	Miller, Gary	Walden
Graves	Minnick	Wamp
Griffith	Moran (KS)	Westmoreland
Guthrie	Murphy, Tim	Whitfield
Hall (TX)	Myrick	Wilson (SC)
Harper	Neugebauer	Wittman
Hastings (WA)	Nunes	Wolf
Heller	Nye	Young (AK)
Hensarling	Olson	Young (FL)

NOT VOTING—3

Buyer Davis (AL) Reichert

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 5 minutes remaining in this vote.

□ 2102

So the motion to concur was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. WEINER). The Chair will remind all persons in the gallery that they are here as guests of the House and that any manifestation of approval or disapproval of the proceedings or other audible conversation is in violation of the rules of the House.

EXPRESSING SUPPORT FOR BANGLADESH'S RETURN TO DEMOCRACY

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution, H. Res. 1215, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. CROWLEY) that the House suspend the rules and agree to the resolution, H. Res. 1215, as amended.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 380, nays 7, not voting 42, as follows:

[Roll No. 195]

YEAS—380

Ackerman	Clarke	Green, Al
Aderholt	Clay	Green, Gene
Adler (NJ)	Cleaver	Griffith
Akin	Clyburn	Grijalva
Alexander	Coble	Guthrie
Altmire	Cohen	Hall (NY)
Andrews	Cole	Hall (TX)
Arcuri	Connolly (VA)	Halvorson
Bachmann	Conyers	Hare
Bachus	Cooper	Harman
Baird	Costa	Harper
Baldwin	Costello	Hastings (FL)
Barrett (SC)	Courtney	Hastings (WA)
Barrow	Crenshaw	Heinrich
Bartlett	Crowley	Heller
Barton (TX)	Cuellar	Hensarling
Bean	Culberson	Herger
Becerra	Cummings	Herseth Sandlin
Berkley	Dahlkemper	Higgins
Berry	Davis (CA)	Hill
Biggart	Davis (IL)	Himes
Bilbray	Davis (KY)	Hinche
Bilirakis	Davis (TN)	Hinojosa
Bishop (GA)	DeFazio	Hirono
Bishop (NY)	Dent	Hodes
Bishop (UT)	Diaz-Balart, M.	Hoekstra
Blackburn	Dicks	Holden
Blumenauer	Dingell	Holt
Blunt	Doggett	Honda
Bocchieri	Donnelly (IN)	Hoyer
Bonner	Doyle	Hunter
Bono Mack	Dreier	Inglis
Boozman	Driehaus	Inslee
Boren	Duncan	Israel
Boswell	Edwards (MD)	Issa
Boucher	Edwards (TX)	Jackson (IL)
Boustany	Ehlers	Jackson Lee
Boyd	Ellison	(TX)
Brady (PA)	Ellsworth	Jenkins
Brady (TX)	Emerson	Johnson (GA)
Braley (IA)	Engel	Johnson (IL)
Bright	Eshoo	Johnson, E. B.
Brown (SC)	Etheridge	Johnson, Sam
Brown, Corrine	Fallin	Jones
Brown-Waite,	Farr	Kagen
Ginny	Fattah	Kanjorski
Buchanan	Filner	Kaptur
Burgess	Flake	Kennedy
Burton (IN)	Fleming	Kildee
Butterfield	Forbes	Kilroy
Camp	Fortenberry	Kind
Campbell	Foster	King (IA)
Cantor	Fox	King (NY)
Capito	Frank (MA)	Kingston
Capuano	Franks (AZ)	Kirk
Cardoza	Frelinghuysen	Kirkpatrick (AZ)
Carnahan	Garamendi	Kissell
Carney	Garrett (NJ)	Klein (FL)
Carson (IN)	Gerlach	Kline (MN)
Cassidy	Giffords	Kratovil
Castle	Gonzalez	Kucinich
Chaffetz	Goodlatte	Lamborn
Chandler	Granger	Lance
Childers	Graves	Langevin
Chu	Grayson	Larsen (WA)

Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Loeb sack
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Lujan
Lungren, Daniel
E.
Lynch
Mack
Maffei
Maloney
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McKeon
McMahon
McMorris
Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Myrick

Nadler (NY)
Neal (MA)
Neugebauer
Nunes
Nye
Oberstar
Olson
Oliver
Ortiz
Owens
Pallone
Pascrell
Pastor (AZ)
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Petri
Pingree (ME)
Pitts
Platts
Polis (CO)
Pomeroy
Posey
Price (NC)
Quigley
Rahall
Rangel
Rehberg
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rooney
Ros-Lehtinen
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda
T.
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano

Sessions
Sestak
Shadegg
Shea-Porter
Sherman
Shuster
Simpson
Sires
Skeltton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sullivan
Tanner
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Visclosky
Walden
Walz
Wamp
Wasserman
Waters
Schultz
Watson
Watt
Waxman
Weiner
Welch
Westmoreland
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NAYS—7

Broun (GA)
Carter
Conaway

NOT VOTING—42

Austria
Baca
Berman
Boehner
Buyer
Calvert
Cao
Capps
Castor (FL)
Coffman (CO)
Davis (AL)
DeGette
Delahunt
DeLauro

Diaz-Balart, L.
Fudge
Gallegly
Gingrey (GA)
Gordon (TN)
Gutierrez
Jordan (OH)
Kilpatrick (MI)
Kosmas
Linder
McIntyre
Miller, Gary
Murphy (NY)
Napolitano

Obey
Peterson
Price (GA)
Putnam
Radanovich
Reichert
Rohrabacher
Roskam
Sanchez, Loretta
Shimkus
Shuler
Sutton
Tiberi
Velázquez

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining in this vote.

□ 2111

Mr. BRIGHT changed his vote from “nay” to “yea.”

So (two-thirds being in the affirmative) the rules were suspended and the resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

CORRECTING THE ENGROSSMENT OF H.R. 4360, MAJOR CHARLES R. SOLTES, JR., O.D. DEPARTMENT OF VETERANS AFFAIRS BLIND REHABILITATION CENTER

Mr. WALZ. Mr. Speaker, I ask unanimous consent that in the engrossment of the bill (H.R. 4360) to designate the Department of Veterans Affairs blind rehabilitation center in Long Beach, California, as the “Major Charles R. Soltes, Jr., O.D. Department of Veterans Affairs Blind Rehabilitation Center”, the Clerk be directed to make the following correction in both the text and the title:

In each place it appears, strike “Major Charles R. Soltes” and insert in lieu thereof “Major Charles Robert Soltes.”

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has agreed to without amendment a concurrent resolution of the House of the following title:

H. Con. Res. 257. Concurrent resolution providing for a conditional adjournment of the House of Representatives and a conditional recess or adjournment of the Senate.

CORRECTING THE ENGROSSMENT OF H.R. 1612, PUBLIC LANDS SERVICE CORPS ACT OF 2009

Mr. HEINRICH. Mr. Speaker, I ask unanimous consent that in the engrossment of the bill (H.R. 1612) to amend the Public Lands Corps Act of 1993 to expand the authorization of the Secretaries of Agriculture, Commerce, and the Interior to provide service-learning opportunities on public lands, help restore the nation's natural, cultural, historic, archaeological, recreational, and scenic resources, train a new generation of public land managers and enthusiasts, and promote the value of public service, the Clerk be directed to execute the sixth instruction in the amendment conveyed by the motion to recommit in the form I have placed at the desk.

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

In section 3(n) by striking paragraphs (1) and (2) (and redesignating subsequent para-

graphs accordingly) and inserting the following:

(1) by amending subsection (a) to read as follows:

“(a) IN GENERAL.—There is authorized to be appropriated to carry out this title \$12,000,000 for each of fiscal years 2011, 2012, 2013, 2014, and 2015, of which no less than three-quarters of the sums shall be made available for healthy forests restoration priority projects under section 204(e)(1)(B)(vi).”;

Mr. HEINRICH (during the reading). Mr. Speaker, I ask unanimous consent to dispense with the reading.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Mexico?

There was no objection.

The SPEAKER pro tempore. Is there objection to the original request of the gentleman from New Mexico?

There was no objection.

□ 2115

ST. MARY'S BASKETBALL

(Mr. GARAMENDI asked and was given permission to address the House for 1 minute.)

Mr. GARAMENDI. Mr. Speaker, I rise today in recognition of the St. Mary's basketball team of Moraga and their trailblazing NCAA tournament run. They have inspired basketball fans across this country with their teamwork and determination.

The St. Mary Gaels earned a berth in the tournament with a remarkable season capped with a west coast championship and their victory in the first round NCAA tournament. They tossed aside a half century of tournament setbacks and showed that they are a force to be reckoned with. In the second round, St. Mary's went head to head with the number two seed, Villanova, a perennial basketball powerhouse, and with a gutsy performance they prevailed.

And I will add that many of these young men that are on these teams will be able to stay on their parents' health insurance as a result of the action and the President's signature on the health care bill, up to the age of 26.

In the meantime, we look forward to Saturday's game and another victory by these outstanding players.

HEALTH CARE REFORM

(Mr. THOMPSON of Pennsylvania asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. THOMPSON of Pennsylvania. Mr. Speaker, under the new health care reform law, we find the Internal Revenue Service has been appointed as the health insurance police.

The Ways and Means Committee reports the following: IRS agents will have to verify that you have acceptable health care coverage, which has yet to be defined. That used to be your decision. Now, it's a decision to be made by

an appointed Federal official. If they don't find your coverage acceptable or if you don't have coverage, the IRS can fine you up to \$2,250, or 2 percent of your income.

One of the rubs is that the fine is much cheaper than buying health care coverage; and when you get sick, you can still buy coverage that will apply.

Now, if you can't pay the fine the IRS assesses, they have the power to confiscate your tax refund.

This new police force will require about \$1 billion a year and more than 16,000 new Federal employees. But, of course, the new law did not include money to pay for this vast expansion of power for the IRS. It's just one more example of the Democrats' deficit spending.

HEALTH CARE REFORM

(Mr. MORAN of Kansas asked and was given permission to address the House for 1 minute.)

Mr. MORAN of Kansas. The National Right to Life Committee and Planned Parenthood don't agree on much, but over the past few days they both agree that the executive order regarding abortion that President Obama signed is meaningless. This order states that no public funds will be used to pay for abortions in the health care insurance exchanges set up under the plan. But an executive order cannot change law, and the bill President Obama signed into law on Tuesday allows taxpayer money to fund abortion.

Directing taxpayer dollars to fund abortion is a violation of many Americans' deeply held beliefs, and we should not be forced to compromise our core moral principles as a means to health care reform.

This new law represents a retreat from the Hyde amendment, which has banned the use of taxpayer funds for abortions since 1976.

Republicans and Democrats in the House have agreed on little during the health care debate. The one amendment that passed with bipartisan support was eliminated in the rush to pass health care reform using reconciliation.

Expediency replaced principle.

ISRAEL AND PEACE IN THE MIDDLE EAST

(Mr. MAFFEI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MAFFEI. Mr. Speaker, I rise after the recent public statements made by Vice President BIDEN and Secretary Clinton on the subject of new Israeli housing in east Jerusalem.

While it is important for our country to play a mediating role in the Middle East peace process, it is also important that any disagreements be dealt with

as friends would deal with disagreements, behind the scenes first and working them out in private before they are aired in public.

The President and this administration clearly care deeply about peace in the Middle East and made it a priority for our country to play an active role in these negotiations, and I applaud the emphasis. However, using these tactics, which distance us from a long-time ally, doesn't serve the purpose of furthering these peace negotiations.

When two allies with such a strategically close relationship as Israel and the United States air their disagreements in public, whatever those disagreements are, it puts all parties in an awkward position, including the Palestinian leaders who do want to engage in a peace process with Israel.

I think airing these disagreements in public was a setback to the peace process. Instead, as we go forward, we should draw on the special relationship that endures between the United States and Israel to move forward.

ISRAEL AND AMERICA

(Mr. POE of Texas asked and was given permission to address the House for 1 minute.)

Mr. POE of Texas. Mr. Speaker, from its beginning, Israel, the lone free and democratic country in the Middle East, has had to fight for its very existence against enemies on all sides.

Historically, the only language its neighbors spoke was the voice of violence.

In the war of independence, Israel fought Lebanon and Syria in the north, Iraq and Jordan in the east, Egypt to the south. Now, over 60 years later, not much has changed. Israel still is the target for annihilation by Hamas in the south and Hezbollah in the north. In the pathway to the east lies Israel's greatest threat, Iran, who celebrates an anti-Israel day every September.

Israel's enemies are bent on the destruction of this nation and her values, such as democracy, freedom, justice, liberty. These are also American values. Those who kill innocent Israeli citizens also seek the murder of the American way of life.

We should make it clear to the world that the beacon of democracy in the Middle East, Israel, is our friend and our ally, and together we two nations are a force to be reckoned with.

And that's just the way it is.

SISTERS NETWORK

(Ms. JACKSON LEE of Texas asked and was given permission to address the House for 1 minute.)

Ms. JACKSON LEE of Texas. Mr. Speaker, I rise to give tribute and congratulate Sisters Network, a national organization of African American women who have come together to

stamp out breast cancer. Proudly, they will hold their first walk against breast cancer and seeking a cure this April 10, 2010, in Houston, Texas. They will be holding their national convention. Karen Jackson is their president and a survivor. I have had the pleasure of speaking to these wonderful women who go and reach out to others to help them secure an opportunity for preventative care.

I am glad we have just recently passed a health care bill that will provide mammograms and preventative care for women so that we can stop this horrible disease. And the only way we can do it is to be preventative, to have testing, and to ensure that you are seeing a doctor.

We will be walking to save lives on April 10, but this health care bill will be a partner in saving lives and helping these women who suffer. Now they will have a reason to know that there is hope.

OBAMA MORATORIUM

(Mr. HASTINGS of Washington asked and was given permission to address the House for 1 minute.)

Mr. HASTINGS of Washington. Mr. Speaker, in 2008, when gas prices reached \$4 a gallon, Republicans took to this House floor demanding that Congress take action.

The good news for Americans is that Congress responded by lifting the ban on offshore drilling, opening up over 500 million new acres to energy production.

The bad news is that immediately when President Obama took office, he completely halted this potential production. Now his Interior Secretary has announced a new Obama moratorium, a delay on leasing any new offshore areas for drilling until 2012.

That means that Americans will have to wait 4 years for a plan to open up new areas for offshore energy production. That means that no new drilling will occur during President Obama's entire term in office. And this means that Americans will lose out on new jobs while this administration keeps dragging its feet.

Mr. Speaker, it is time to end the delays and say "no" to the Obama moratorium and implement the 2010 plan to expand offshore drilling.

THE GOALS OF NASA

(Mr. BISHOP of Utah asked and was given permission to address the House for 1 minute.)

Mr. BISHOP of Utah. Mr. Speaker, Lori Garver is the number two administrator at NASA, who is a political appointee that has been given credit as the prime author of the program to cut the Constellation.

In a speech in Maryland a fortnight ago, she said, "NASA has changed their

goals," and seemed to indicate that the new goals of NASA will be to end poverty and hunger, create world peace, education, save the environment, and, in a note of bitter irony, create new jobs.

It would seem that Ms. Garver perhaps should look at her door and realize that, since 1958, the goal of NASA has been space: to be first in space science, first in space exploration, first in man flights. And the Constellation program is the program that works, with an emphasis on human safety to accomplish this.

Ms. Garver's plan would cede control of the heavens to the Russians and the Chinese, probably for most our lifetime, and has the unintended consequence of hurting education, aerospace, ironically enough defense, and jobs.

Mr. Speaker, we can and should do better.

RETIREMENT OF BERT V. MASSEY II

(Mr. CONAWAY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CONAWAY. Mr. Speaker, I rise today to pay a small tribute to one of the finest public servants in all of Texas.

For over 25 years, Bert V. Massey II, has been mayor of Brownwood, Texas, a city of 20,000, in central Texas.

Later this year, Mayor Massey is set to retire; and when he does, he will leave a great void in the public discourse of Brownwood. Before he takes leave of public office for good, though, I want to take a moment to brag on his tireless work for the people of Brownwood.

Mayor Massey has been involved in public life since he first ran for the Brownwood City Council in 1978. Since then, he has been a voice of fairness, integrity, and honesty in city hall. He is a man with a big heart and a deep love for the people of Brownwood.

It is with heavy hearts that we see Mayor Massey retire, but I know that he will remain a fixture in Brownwood, happily measuring out his advice to his successor, encouragement to his friends, and history lessons to all.

On behalf of the people of central Texas, I thank Mayor Massey for all his years spent in service to his neighbors. I would be remiss if I failed to thank his wife, Melinda Brooks Massey, as well, for being so willing to share her husband with us all these years.

As Bert retires, I wish both my friends all the happiness and good health that God can grant two people. May God bless you both.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. TONKO). The Chair will recognize Members for Special Order speeches without prejudice to the resumption of legislative business.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

□ 2130

THIRD FRONT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. POE) is recognized for 5 minutes.

Mr. POE of Texas. I bring you news from the third front. The first front is in Iraq. The second front is in Afghanistan. And the third front, which we don't talk much about, is the front of the border; the border wars in south Texas on the border between Texas and Mexico.

We have heard a lot about the fact that there is violence on the border, especially the southern border. On the border where Mexico meets the United States, on the Mexican side, the drug cartels are fighting for turf. They are violent. They are vicious, and murder is a way of life against those good Mexican nationals that live just south of the U.S.-Mexico border.

Recently, the Zetas cartel and the Gulf cartel have engaged in violent acts in the town of Guerrero, Mexico. That is over here in the south Texas area on the other side of the Rio Grande River where Falcon Lake is the border between Mexico and Texas. People in that town have taken cover. In fact, the police department of Guerrero, Mexico, has told people of that town of 6,000, Do not come out of your homes because the drug cartels will take your life. They are fighting to take that turf, that entry into the United States, to bring that cancer and to sell it.

But there are those that say that the border war on the southern side of the U.S. border doesn't affect us. Well, of course, those people are wrong. Let's take one example. There are 14 counties on the border of Texas and Mexico. So, yesterday, I called the sheriffs of these counties and I asked them this question: How many people do you have in your county jail who are foreign nationals who have been arrested for a crime in the United States? Most of those sheriffs were quick to tell us. Some of them did not tell me. But, overall, of the 14 counties that border Mexico from Texas, 37 percent of the people in those county jails are foreign

nationals charged with crimes in the United States.

Yes, the violence on the border and the failure of the United States Government to secure our southern border affects people who live in those border communities. These are not wealthy counties. These are poor counties where people have day jobs on both sides of the border. These counties are so poor, and I'll give you an example.

Over here in Hudspeth County where 63 percent of the people are foreign nationals in Arvin West's jail, the county commissioners don't even have enough money to give Arvin West, Sheriff West and his deputy sheriffs a motor pool. They have no vehicles. So what do they do to obtain vehicles in the sheriff's department? They have to confiscate drug vehicles that have been captured and turned over to the United States and then turned over to the county. So the sheriff of this county only drives vehicles that he's confiscated from the drug cartels. You see, the sheriffs along the border say that they are outfinanced by the drug cartels, they're outmanned, and they are outgunned by these drug cartels.

The crime that occurs in the United States by foreign nationals crossing our porous border affects counties along the border but also affects counties throughout the United States. I think we would be shocked to find out how many foreign nationals are in county jails throughout the country charged with crimes that they have committed here, both legal and illegals who have come across our border.

Once again, 37 percent of the people in the county jails on the Texas-Mexico border on the Texas side are foreign nationals. It goes all the way from 1 percent—and I don't think that is correct—over in Webb County all the way up to 100 percent in Terrell County. In Terrell County, the sheriff said, Everybody in my county jail is a foreign national charged with a crime in my county.

It is the duty of the Federal Government to secure America's borders. This is the third front, yet we are blissfully ignorant up here in Washington, D.C., about what is taking place on this entire border. There are good people who live on both sides of this international border and there are good people who live in fear on both sides because of the violence that is created by the drug cartels. We need to do whatever is necessary to prevent crime from occurring and coming across our border, and that includes sending the National Guard down to the Texas-Mexico border. The Governor of the State has requested it. We need to do it.

We need to secure the border. It is the first duty of government to protect Americans citizens. And we better get with the program and start protecting these good Americans or these county

jails will continue to fill up with foreign nationals who have committed crime in our country.

And that's just the way it is.

HARDER YET MAY BE THE FIGHT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. AL GREEN) is recognized for 5 minutes.

Mr. AL GREEN of Texas. Mr. Speaker, many years ago I heard Dr. Benjamin Hooks, who at the time was the executive director of the National NAACP, proclaim in the words of C.A. Tinsley, "Harder yet may be the fight." I thought I understood what he meant at the time; however, events as of late have provided additional ocularity and given me greater clarity with reference to this statement, "Harder yet may be the fight."

First, a brief vignette. On Sunday, prior to voting on the health care bill that was signed by the President, as I was leaving the Cannon Office Building, I had a friend to share with me what was thought to be some sage advice. My friend indicated that it might be prudent—not necessarily in these words—or judicious to make my way to the Capitol Building by way of the tunnel because there were persons who were saying ugly things and doing ugly things in the area that I would have to traverse.

I thought. And as I thought, I reflected on Rosa Parks, a lone African American female in the segregated South, who concluded on one evening that she was going to stand up for justice and do what was right by taking a seat on a bus. And little did she know that, by taking that seat, she would ignite a spark that would start a civil rights movement. I would add that it was Virginia Durr, an Anglo female, who posted the bail for Rosa Parks to get out of jail.

I reflected on 1965 and what we now know as Bloody Sunday, when there were persons who wanted to peacefully march from Selma to Montgomery, and they knew that as they crossed the Edmund Pettus Bridge there were members of the constabulary waiting on the other side of the bridge prepared to do them harm under the color of law. And they did. I would also remind us that it was Frank Johnson, an Anglo Federal judge, who signed the law that allowed the march to continue. He signed an order.

And as I reflected on these incidents, I realized that if Rosa Parks could take that seat by herself, surely I could cross that street and come over to vote. And I realized that if those marchers, including JOHN LEWIS, could march into the constabulary armed with clubs, I could surely cross that street with a constabulary out to protect me.

And so I bring these thoughts to the attention of this House because this

truly is a fight. C.A. Tinsley was right. The fight is not yet over. Harder yet may be the fight. But I want to commend those persons of good will who have stood up and spoken up against the behavior that was exhibited by the persons who were out on the streets. I commend every person, Republican, Democrat. It doesn't matter your party affiliation. This kind of behavior merits its condemnation.

I would simply close with this. As we move forward and as these kinds of ugly incidents take place, I beg that we would continue to condemn this behavior, because C.A. Tinsley was right:

Harder yet may be the fight. Might may often yield to right. Wickedness awhile may seem to reign, and Satan's cause may seem to gain. But there's a God that rules above, with a hand of power and a heart of love. And when we're right, he will help us fight. Harder yet may be the fight.

CONCERN FOR ISRAEL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. BURTON) is recognized for 5 minutes.

Mr. BURTON of Indiana. First of all, let me say to my colleague who just spoke, we all abhor racial epithets and we all abhor prejudice, but one of the things that concerns me is that we have an awful lot of people who are upset about what is going on here in Washington, the Tea Party people and others, who really feel like they're not being listened to by the Congress of the United States. I don't want to see them tarred by the same brush as a few people who got out of line.

Obviously, we hate racial prejudice or anybody that says things like we've heard have been said, but all the people who are fighting against what's been taking place here and legislation like this national health care bill, they should not be condemned for coming to Washington and fighting for what they believe in because a few people got out of order. Obviously, we're concerned about people that say those things, and they shouldn't be saying those. They should be condemned.

But we should listen to the people who are here who are fighting for their rights and the things they believe in as far as health care is concerned. They don't want the government coming between them and their doctor. They don't want socialized medicine. And that's why they were out here. If a few got out of order, they should be condemned. But we should not tar all the people in this country—over 60 percent who didn't want that bill passed—with the same brush, and sometimes I think that's what's happening.

But that's not why I came down here tonight. I was just responding to my colleague who just spoke, who's a very good friend of mine. What I came down

here to talk about was the shabby treatment that Benjamin Netanyahu from Israel has gotten when he has been here twice now to visit with the President. We met with Bibi Netanyahu, the Prime Minister of Israel, this week, the Foreign Affairs Committee on which I serve, and we talked to him about the threat of Iran, which is a threat not only to Israel and the Middle East, but it's a threat to the entire world. We get about 30 or 40 percent of our energy from the Middle East, and if that goes up in smoke because of the war, we're going to suffer economically because we are not energy independent.

One of my colleagues was down here talking about not being able to drill offshore or in the ANWR to move toward energy independence, and we're not. We're still dependent on the Middle East and South America and Mr. Chavez and Venezuela, people that don't like us at all; yet, we still depend on them and we're not moving toward energy independence.

So what happens if Israel is forced into doing something about Iran and a war breaks out in that whole area? The whole world will suffer and we will suffer economically because we won't have the energy with which to run our country and our economy. So this is very important.

Now, when the President meets with Bibi Netanyahu, it's obvious by his body language and the way he treats the Prime Minister of Israel that he doesn't agree with him on Israel's goals to preserve and protect their country. And that's not the way it should be, because right now Iran is not only trying to develop a nuclear weapon—and we think they're very close—but they're also trying to develop a delivery system that will not only hit targets in the Middle East like Israel, but targets in parts of Europe. And they're trying to develop an intercontinental ballistic missile that could hit parts of the United States. And if Iran gets nuclear weapons, all those countries around them are going to want to have nuclear weapons and this world is going to be put on the precipice of a nuclear holocaust that nobody wants.

This isn't baloney folks. This is what's really going to happen, Mr. Speaker.

So we need to do everything we can to stop Iran from developing nuclear weapons. They are a terrorist state that has waged war along with al Qaeda and the Taliban against us and our freedoms and against Israel as well. We need to do everything we can to make sure that they do not succeed. Those people are terrorists, and we're at war against terrorism. And so we have to be absolutely committed to stopping them from developing that nuclear capability, and that means we have to work with Israel, our only really strong ally in the Middle East, who wants to do something about this.

Bibi Netanyahu knows what's at stake. The millions of lives of Israelis that are there will be the first target, and they will be blown up and attacked if Iran gets nuclear weapons. And Israel's going to have to take action. If they take action by themselves, it could be a catastrophic situation. They need our help, and the President of the United States should know that the majority of this Congress supports Israel's right to exist and supports them in their effort to stop Iran from developing nuclear capabilities.

So, if the President were listening tonight, I would say this to him, Mr. Speaker: Mr. President, listen. The majority of both the House and the Senate supports giving Israel the ability to defend itself and to defend our interests in the Middle East, to work with us to stop Iran from developing nuclear weapons that will threaten not only the Middle East, but the entire world. I think, Mr. President, you ought to go out on the lawn of the White House and declare your support for Israel, their right to exist, their right to survive, and that we're with them to stop Iran from developing nuclear capability.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed without amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 4938. An act to permit the use of previously appropriated funds to extend the Small Business Loan Guarantee Program, and for other purposes.

The message also announced that the Senate has passed bills of the following titles in which the concurrence of the House is requested:

S. 3186. An act to reauthorize the Satellite Home Viewer Extension and Reauthorization Act of 2004 through April 30, 2010, and for other purposes.

S. 3187. An act to amend the Internal Revenue Code of 1986 to extend the funding and expenditure authority of the Airport and Airway Trust Fund, to amend title 49, United States Code, to extend authorizations for the airport improvement program, and for other purposes.

□ 2145

HEALTH CARE REFORM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Colorado (Mr. POLIS) is recognized for 5 minutes.

Mr. POLIS. A key part of the historic health care reforms that this Congress has now passed is the way that it empowers people to rise from poverty and reduce their reliance on government for providing their health care. Medicaid provides health care as an entitlement to the very poorest Americans.

For a family of four, the Federal poverty line is about \$22,000. For an individual, it's just under \$11,000. So your earnings have to be below that to qualify for Medicaid. Now one thing that our health care reform package does is it increases that dollar amount to 130 percent of poverty, but the other thing it does is it provides a way out of poverty, a way to earn more money without losing your health care.

Currently, many people who hover just around the poverty line can't accept a raise, can't take a second job. If they take a raise of 10 cents an hour from \$8.50 to \$8.60, if they work 50 or 60 hours a week instead of 40, they lose their eligibility. Their income puts them slightly above the poverty line. And what they lose in health care benefits is far more than the money that they earn if they earn an additional \$500 or \$800, which could make all the difference in their lives.

With health care reform, we're replacing that with a sliding scale. No more does all that aid cut off right when you hit poverty or 130 percent of the poverty level. You have an incentive to get out and earn that extra dollar to better yourself, to work that extra hour because the Federal assistance for your health care will decrease on a sliding scale. This will provide an incentive and help lead people off of government health care.

It's rather ironic. I've heard people on the other side of the aisle talk about a government takeover of health care. Of course the government isn't taking over any part of health care with this bill. Not only that, we finally will help people get off of government assistance for health care by giving them the incentive to work more and have individual responsibility to pay their own premiums for their own policy with their own money. No more will people lose all of their health care benefits as a perverse incentive not to work that existed prior to this historic law being signed by President Obama. I am confident that over time, this law will lead to less people relying on government for their health care, more individual responsibility. People will have an incentive to get themselves and their families out of a life of poverty, to break the vicious cycle of poverty that has held too many families and too many generations in chains.

The government needs to encourage people to better themselves, and with this historic health care, we are doing that by allowing a sliding scale of subsidies all the way up to a couple hundred percent of the poverty level. So as that family earns \$25,000, \$30,000 a year, is working their way up, climbing on up the ladder of opportunity that this country offers, so too will their aid decline that they are given to afford health care, but it will decline on a sliding scale so that when they earn that extra dollar, they may lose 40, 50,

60 cents of Federal Government assistance. But there is an incentive to earn that extra dollar because, by golly, they get to keep part of it and spend it for themselves and their family. And that can make all the difference in lifting Americans out of poverty and encouraging the American value of individual responsibility for all American families.

VACATING 5-MINUTE SPECIAL ORDER

The SPEAKER pro tempore. Without objection, the 5-minute Special Order in favor of Mr. FRANKS of Arizona is vacated.

There was no objection.

IN SUPPORT OF MEMBERS OF ILWU LOCAL 30 IN BORON, CALIFORNIA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Ms. RICHARDSON) is recognized for 5 minutes.

Ms. RICHARDSON. I rise today to something that's very personal to me and important, and that's advocating for working people. You see, you're looking at a Member of Congress who had the opportunity to have a mother who was part of a bargaining unit, who was a member of a union. She had an opportunity to have someone advocate on behalf of not only herself but her two daughters as well. And because my mother had that advocate, she was able to send her daughters to good schools, she was able to put braces on our teeth, and she was able to ensure that, yes, that little girl back in Los Angeles, California, would have an opportunity to one day become a Member of Congress.

You know, it wasn't that long ago when we had elections, and we saw things that were happening out in America where working people had worked all their lives for these companies, and yet they were finding that they were being sent out the door. Let me tell you about a story that I heard about this last week. I rise today to speak in support of the hardworking miners of Local 30 of the International Longshore and Warehouse Union, ILWU, in Boron, California. Since January 31, 2010, approximately 560 mine workers, 560 families have found themselves locked out of their jobs by their employer Rio Tinto, leaving them scrambling to provide for their families and to pay for health care benefits—what we've been talking about these last couple of weeks, to have to pay through the nose premiums of COBRA which many of them cannot afford. So they've had to choose between putting food on their tables and providing benefits for their families, something no one in America should have to choose. Days before the lockout, the miners

were presented with a contract that called for cutting benefits, converting full-time jobs to part-time jobs, and reserving to itself the right to outsource all of their jobs.

Mr. Speaker, this style and approach to hardworking Americans is not operating in good faith. This isn't what we signed up to do, and neither did we sign up to support it. Leaving 560 hardworking men and women forced to choose between their job and benefits is happening too often to too many workers these days. Companies that come to this Congress to ask us to approve and authorize assistance so that they can have concessions and then to refuse to turn around and pass those same benefits on to the American people is wrong. I believe it's time for this Congress—not other Congresses, but this Congress right now—to stand up, this administration and the agencies, and support legislation and funding that helps the workers, the companies, and our economy. All of them should be viewed at the same level.

This Congress helped with TARP legislation. We helped with the American Recovery Act. We did all that, and many on Wall Street benefited, and we see that today. My message today is, isn't it time for us to also do the same for Main Street, for those 560 locked-out mine workers in California who deserve at least the same?

THE DANGER OF IRAN

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentleman from Arizona (Mr. FRANKS) is recognized for 60 minutes as the designee of the minority leader.

Mr. FRANKS of Arizona. You know, Mr. Speaker, it is sad that the chains of bondage are often too light to be felt until they are too strong to be broken. History has shown humanity to be susceptible to malignant dangers that approach inaudibly and nestle among us until the day of sudden calamity comes and finds us empty-handed, broken-hearted, and without excuse. The ominous intersection of jihadist terrorism and nuclear proliferation has been inextricably and relentlessly rolling toward America and the free world for decades. Mr. Speaker, this menace is now nearly upon us, and it represents the gravest short-term threat to the peace and security of the human family in the world today.

The Islamic Republic of Iran, due to the jihadist ideology of its leaders, represents a particularly significant danger to America and her allies. It was 31 years ago that the Iranian Revolution occurred, and that nation's relentless march to jihad was born. Shortly thereafter, Mahmoud Ahmadinejad and a few other Islamic revolutionaries led a student revolt that shocked and defied the world when they kidnapped

and held 53 American hostages for 444 days. Then during the Iraq-Iran war, Mr. Speaker, the Iranian regime again shocked the entire world with its brazen barbarity when reports surfaced that Iran was clearing the way for its tanks by using a force they referred to as the Basij. This was a phalanx formation of child soldiers and old men that they would recruit from the streets with promises of glorious rewards for their self-sacrifice. This was signified by plastic keys that were given to the children to wear around their necks in order for them to unlock the gates of heaven as they marched to their own bloody deaths.

Between 1980 and 1988, Mr. Speaker, Iran's radical leaders sacrificed an estimated 100,000 innocent Iranian children in this gruesome process. Row upon row would be marched into battle, falling under the rapid fire of the enemy's machine guns and clearing minefields with their own bodies to make way for Iranian tanks. This, Mr. Speaker, is the ideology that gives rise to Iran's now-President Mahmoud Ahmadinejad. Those radicalized, brainwashed, Basij forces have now come of age and are among Mr. Ahmadinejad's strongest supporters. And today the President of the Islamic Republic of Iran has now led his Nation to become the world's largest sponsor of terrorism.

President Ahmadinejad was speaking to the whole world when he said, "And you for your part, if you would like to have good relations with the Iranian nation in the future, recognize the Iranian nation's greatness and bow down before the greatness of the Iranian nation and surrender. If you don't accept to do this, the Iranian nation will later force you to surrender and bow down."

How can we possibly trust such a man to have his finger on a button that could launch nuclear missiles aimed at our families? And how would we negotiate with a nuclear Iran when their jihadist ideology considers Armageddon a good thing and believes that it is God's will for them to annihilate America and Israel? Despite claiming to desire peace, Ahmadinejad has consistently undermined every advancement toward peace in the Middle East by supporting terrorist groups such as Hezbollah, Hamas, and Shiite insurgents, and militias in Iraq responsible for killing and maiming U.S. and coalition forces and countless innocent citizens.

What possesses us, Mr. Speaker, to believe that they would not do the very same with nuclear weapons? Mr. Speaker, Iran has recently begun to enrich uranium to beyond 20 percent, which is four times the amount necessary for peaceful domestic energy production. It also means that they are 70 percent of the way to weapons-grade uranium capable of fueling nuclear warheads. Iran's leaders still claim that they're just enriching uranium for

solely peaceful intentions, Mr. Speaker. But the IAEA put it this way: "We are being asked to believe that Iran is building uranium enrichment capacity to make fuel for reactors that do not exist."

Over the last several years, Iran has shifted its stories with each well-documented discovery about its enrichment efforts by the IAEA. First it claimed it had no centrifuge program whatsoever. Then it claimed it had only done a limited amount of centrifuge testing. And now we know, in fact, that Iran possesses not a few but thousands of centrifuges. Mr. Speaker, if the Iranian enrichment program is only for producing nuclear power plants for fuel, why have they continuously deceived the world and hidden it for three decades?

With its languishing economy and literally centuries worth of natural gas reserves, Iran's claim that it seeks nuclear capability solely for peaceful purpose is ridiculous beyond my ability to express, Mr. Speaker. Iran has disregarded three previous rounds of security council sanctions and has repeatedly misled the IAEA.

□ 2200

They have built underground enrichment facilities at that Natanz and the newly discovered underground facility at Qom, and they've continued to test the long-range ballistic missiles that could be used to deliver a nuclear payload.

Mr. Speaker, back in 2005, I stood on this floor and called for Iran to be referred to the United Nations Security Council. At that time Iran had fewer than 150 centrifuges. Today the Iranian program now includes over 8,000 centrifuges. And only a total of maybe 3,000, Mr. Speaker, is the commonly accepted figure for a nuclear enrichment program that can be used as a platform for a full scale industrial program capable of churning out enough enriched uranium for dozens of nuclear warheads.

The IAEA reports that Iran has already manufactured enough uranium hexafluoride to ultimately manufacture at least 20 nuclear warheads.

It's also been reported that Iran has experimented with polonium, Mr. Speaker. Now, Mr. Speaker, polonium is a radioactive isotope with only one known purpose on this entire Earth, and that is to trigger a nuclear explosion.

Iran has a multiple medium-range ballistic missile program. Based on the success of their medium range Shahab III, Iran is now attempting to develop intercontinental ballistic missiles, the Shahab IV, the Shahab V and the Shahab VI, and the Simorgh two-stage rocket.

The regime only last year successfully launched its first satellite. Mr. Speaker, this is the same technology necessary to integrate a nuclear warhead and an intercontinental ballistic missile.

Now, Mr. Speaker, this brings me to something even more ominous. There is growing evidence that Iran is pursuing a nuclear high altitude electromagnetic pulse weapon, or an EMP, capability. An EMP attack on America, Mr. Speaker, would consist of a nuclear blast detonated at high altitude which would instantaneously generate an electromagnetic pulse that would be spread out over our homeland at the speed of light with devastating effect. In evidence of this, Iran has practiced launching a mobile ballistic missile from a vessel in the Caspian Sea. It has also tested high altitude explosions using the Shahab III, a test mode consistent with an EMP attack and described the tests as successful. Experts have no other explanation for this type of test than that it was an effort to develop an EMP capability.

Now, Mr. Speaker, it would only take one such weapon properly designed and delivered to critically damage our country's electrical grid. According to some experts in such a scenario, an estimated percentage of 70 to 90 percent of the population of the United States would become unsustainable.

Mr. Speaker, it is impossible for me to even wrap my mind around that figure or that scenario. Now, for those who are unfamiliar with the high altitude electromagnetic pulse threat, let me extensively quote for a moment Dr. William Graham, the chairman of the EMP Commission who testified before the House Armed Services Committee on the threat to the United States from an EMP attack. He states: "EMP is one of a small number of threats that can hold our society at risk of catastrophic consequences. The electromagnetic fields produced by EMP weapons deployed with the intent to produce EMP have a high likelihood of damaging electrical power systems, electronics and information systems upon which American society depends. Their effects on critical infrastructures could be sufficient to qualify as catastrophic to the Nation."

A determined adversary can achieve an EMP attack without really having a high level of sophistication. For example, an adversary would not have to have long-range ballistic missiles to conduct an EMP attack against the United States. Such an attack could be launched from a freighter off the U.S. coast using a short- or medium-range missile to loft a nuclear warhead to high altitude.

Mr. Speaker, I just don't know how to put it any clearer. Terrorists sponsored by a rogue state could potentially execute such an attack, and they could do so without even revealing their identity.

Mr. Speaker, an effective EMP attack on America would send this Nation back to the horse and buggy era without the horse and buggy. For terrorists, this is their ultimate goal. An

EMP, I am afraid, could be the ultimate asymmetric weapon.

Now, Mr. Speaker, there are two things in history that have supercharged worldwide recruitment and incitement for jihad. First was the taking of our hostages in Iran. And second was the tragedy that occurred on 9/11.

A nuclear attack on Israel or America would activate and accelerate jihad worldwide in ways that we can only begin to imagine. If Iran is allowed to develop nuclear weapons, our entire world reality changes, Mr. Speaker.

First, containing nuclear proliferation becomes almost hopeless. President Obama's idyllic vision of working toward a nuclear-free world would be absolutely dead. Iran is a threshold state, and its nuclear program is already on the brink of catalyzing nuclear proliferation throughout the entire Middle East. Egypt, Saudi Arabia, Turkey all have signaled their interest or intent to become a nuclear power if Iran does. Ahmadinejad is in fact quoted as saying, "Iran is ready to transfer nuclear know-how to other Islamic nations due to their need."

A nuclear Iran also means the Arab-Israeli peace process would be dead. Our security assurances to our allies in the region would be drastically weakened, and America might well be forced to extend its nuclear umbrella, Mr. Speaker.

Moreover, any leverage over the Iranian dictatorship that we might once have possessed will now be completely lost.

Mr. Speaker, if Iran attains nuclear weapons capability despite our demands that its nuclear program be dismantled, what reason will that regime ever have again to believe America's word actually means anything?

Unfortunately, Mr. Speaker, there is more. Iran is the world's largest state sponsor of terrorism, and it continues to brazenly provide support, whether finances, weapons or warfighters, to its proxies, including Hamas, Hezbollah and other jihadist terror groups.

It should send a chill down our spines to consider that the same willingness Iran has demonstrated to proliferate missile technology to its terrorist proxies would undoubtedly also become a willingness to proliferate nuclear weapons technology to those same terrorists.

Mr. Speaker, in 1988, Osama bin Laden called it a religious duty for al Qaeda to acquire nuclear weapons. Admiral Mike Mullen, the Chairman of the Joint Chiefs of Staff has said, "My worst nightmare is terrorists with nuclear weapons. Not only do I know they are trying to get them, but I know they will use them."

This is the greatest danger of all, Mr. Speaker. If Iran does step over that nuclear threshold, rogue regimes and terrorists world over will then have the access to these monstrous weapons. No wonder the State of Israel is concerned.

Mr. Speaker, Israel remains the truest friend America has in this world. And yet, in recent days, Israel has received more open rebuke from the Obama administration for plans to build houses in Jerusalem than Iran has received for building a secret uranium enrichment facility to build nuclear weapons that would threaten the entire world. It astonishes me, Mr. Speaker. And may I remind this administration that Jerusalem is not a settlement. It is the capital of the nation of Israel founded and built by the ancient people of Israel 3,000 years ago. And when this administration criticizes Israel, do they not understand that Israel's enemies and ours see it as weakening of the Israeli-American alliance and an opportunity to boldly advance violence against Israel and the hegemony of our common enemies in the Middle East.

Israel and America need each other now as much as we ever have, Mr. Speaker, because nuclear Iran presents a threat to the paradigm of freedom for the entire world, and it truly represents a fundamental existential threat to the State of Israel.

A Jewish author, Primo Levi, was once asked what he had learned from the Holocaust. He replied, When a man with a gun says he's going to kill you, believe him.

At this moment, Iranian President Mahmoud Ahmadinejad, a man who, in the same breath, both denies the Holocaust ever occurred and then threatens to make it happen again, is arrogantly holding a gun with which he vows to wipe the State of Israel off the map.

In June of 2008, Ahmadinejad again made clear where he stands. "Israel," he declared, "is about to die and will soon be erased from the geographical scene."

□ 2210

Ahmadinejad has also said, "Anybody who recognizes Israel will burn in the fire of the Islamic nation's fury."

Sheik Hassan Nasrallah, the leader of Hezbollah, said, "We have discovered how to hit the Jews, where they are most vulnerable. The Jews love life, so that is what we will take away from them. We are going to win because they love life and we love death."

Mr. Speaker, indeed it seems that Hitler's ghost still walks through the streets of Tehran.

In December 2001, former Iranian President Ali Akbar Rafsanjani was commenting on the possibility of an Israeli retaliation after an Iranian nuclear strike. He said, "The use of an atomic bomb against Israel would destroy Israel completely while the same against the Islamic world would only cause damages. Such a scenario is not inconceivable."

Mr. Speaker, the small nation of Israel could fit geographically into my congressional district almost three

times. An Iranian Shahab III missile can reach Israel in 12 minutes. If Iran can develop and attach a medium-size nuclear warhead to that missile, Tel Aviv or Jerusalem could be ashes within 15 minutes after the missile was launched from Iran. If the warhead was detonated above the atmosphere over Israel in an EMP attack, the entire Jewish nation could be completely incapacitated. Israel missile defenses would only have about a 50-50 chance of knocking down even just the first of such missiles.

Mr. Speaker, Israeli Prime Minister Golda Meir said many years ago: "In our long war with the Arabs, Israel has always had a secret weapon: no alternative."

Mr. Speaker, Israel has very few options and no margin for error.

Israel understands that Iran is currently ruled by a regime whose present leaders embrace an evil, poisonous ideology that causes mothers to leap for joy when their children blow themselves to pieces so they can kill other innocent human beings. And a responsible Israeli leader facing a mortal threat from a nuclear armed terrorist state will do whatever is necessary to defend his people.

Mr. Speaker, Israel will not be made to walk silently into the gas chambers again.

And when the day comes when the head of Israeli intelligence tells the prime minister that Iran is on the brink of an operational nuclear weapons capability, Israel will act, and in their own self-defense, and no one will have any right to blame them.

So let me say this, Mr. Speaker: If and when the people of Israel find themselves with no time left and no choice but to defend themselves by taking preemptive military action to prevent Iran from gaining nuclear weapons, the Obama administration will owe an apology to the whole world for failing to act, but especially to Israel for leaving them with no choice but to act on behalf of all of us.

America and the western world will then have a moral responsibility to stand with Israel in whatever follows.

Mr. Speaker, there is a moment in the life of every problem when it is big enough to be seen by a reasonable person and still small enough to be solved. Almost 5 years ago, I stood at this podium and called upon the United States to recognize that Iran was pursuing nuclear weapons and should be referred to the Security Council. Soon thereafter, Iran announced it had enriched uranium using an array of 164 centrifuges. Today, Iran has over 8,000 centrifuges.

Mr. Speaker, our predictive time-tables have also often been wrong altogether. Both North Korea and Iran stunned the international community with the extent and rapidity of their development of missile capabilities. In 1998, the intelligence community said

North Korea was years away from developing long range missiles. And then on August 31 of that same year, North Korea launched a Taepodong-1 missile that landed between Japan and Hawaii. And of course, Mr. Speaker, North Korea now has nuclear weapons.

Today it is also clear that the 2007 NIE report on Iran woefully underestimated the urgency of the Iranian nuclear threat. My point, Mr. Speaker, is so very simple. We are running out of time to prevent Iran from gaining nuclear weapons.

But where is the Obama administration? While some of the greatest security threats in a generation are rushing upon this one, the Obama administration has been busy insulting our friends and emboldening our enemies, all the while taxing and borrowing and spending our economy into such a place of vulnerability that our capacity to respond to these threats in the future will be demonstrably diminished. And when it comes to the growing incontrovertible danger of a nuclear armed Iran, this administration has been asleep at the wheel, Mr. Speaker.

During Mr. Obama's entire tenure, the administration's policy toward Iran has been appeasement, denial, broken deadlines, and talk of sanctions. And now just today—just today—the Wall Street Journal reports that the administration actually plans to soften its position on sanctions toward Iran.

Mr. Speaker, it is becoming very clear that the Obama administration has now embraced an unspoken policy of allowing Iran to develop nuclear weapons and is even now preparing to embrace a policy of containment afterwards. This administration's refusal to make the hard choices now translates into capitulation and acquiescence to Iran's fanatical goal. What an inexplicably naive and inexpressibly dangerous policy.

Whatever challenges there are in dealing with Iran today, Mr. Speaker, they will pale in comparison to the dangers of dealing with them after they have gained nuclear weapons. Because once that threshold is crossed, Mr. Speaker, Iran will be able to pass that technology and those weapons on to the most dangerous terrorists in the world. And this administration and so many to come will face the horrifying reality of nuclear jihad. And those of us who have been blessed to walk in the sunlight of freedom in this day will be consigning our children to walk in the minefield of nuclear terrorism tomorrow. If the Obama administration allows this to happen, Mr. Speaker, future generations will remember it as a treacherous betrayal of the entire human family.

Seven decades ago, a murderous ideology arose in the world. The dark shadow of the Nazi swastika fell first upon the Jewish people of Germany. And because the world did not respond

in time to such an evil, it began to spread across Europe until it lit the fires of World War II and the hell on earth that followed. It saw atomic bombs fall on cities and over 50 million people dead worldwide. All because, Mr. Speaker, the world's free people did not respond in time.

History has taught us that evil ideologies must ultimately be defeated in the minds of human beings, but in the meantime they must often be defeated upon the battlefield.

Mr. Speaker, our choice with Iran is no longer a choice between the way the world is now and the way the world might be after a military strike to prevent them from gaining nuclear weapons. No, our ultimate choice now is between what the world will be like after a preemptive strike on Iran or what the world will be like after Iran gains nuclear weapons.

Mr. Speaker, we are out of time. America must absolutely make the necessary decision to impede Iran's nuclear program through the immediate imposition of comprehensive, coordinated and crippling economic sanctions, both unilaterally and in concert with our allies, to strike at Iran's petroleum trade and its finances. These actions must be taken regardless of our success or failure within the United Nations Security Council.

We must also actively work to support Iran's courageous and noble dissidents and assure them that America stands with them in their quest for democracy and freedom. Their protests represent what may be one of the very last remaining hopes for peacefully destabilizing the regime and sending it toppling into the dust of history once and for all.

But finally, Mr. Speaker, let there be no mistake. It must be unequivocally clear to the radical leaders of Iran that military action will occur if they continue in their maniacal pursuit of nuclear weapons.

For these reasons, I have introduced a bill called the Peace Through Strength Act which would express support for the Iranian dissidents and would significantly expand economic sanctions against Iran and those nations that continue to do business with Iran including in banking and in oil. My bill would also require that the Secretary of Defense would be required to develop and maintain viable military options to prevent the successful development or deployment of a nuclear weapons capability by the Government of Iran.

□ 2220

So in closing, Mr. Speaker, may I remind us all that we face an enemy in jihad that's even more insidious than Soviet communism and we live in a time when a terrorist state is on the brink of developing nuclear weapons. I think Brink Lindsey said it best. He

said, "Here is the grim truth. We are only one act of madness away from a social cataclysm unlike anything our country has ever known. After a handful of such acts, who knows what kind of civilizational breakdown might be in store?"

Mr. Speaker, I am afraid that the last window we will ever have to stop Iran from gaining nuclear weapons is very rapidly closing.

So I end my comments tonight with Winston Churchill's prescient warning to the leaders of his day. He said, "If you will not fight for the right when you can easily win without blood shed, if you will not fight when your victory will be sure and not too costly, you may come to a moment when you have to fight, with all the odds against and only a precarious chance of survival. There may be a worse moment. You may have to fight when there is no hope of victory because it is still better to perish than to live as slaves."

Mr. Speaker, let us resolve for the sake of our children and for future generations that we of this generation will do all within our power to prevent a dark chapter in history being written on our watch and to hasten a day when Iran and its proxies will no longer be able to threaten the world with nuclear jihad, and when the persecuted and repressed and noble citizens of Iran can walk together with free peoples across this world in the sunlight of human liberty. God let it be, Mr. Speaker.

SATELLITE TELEVISION EXTENSION ACT OF 2010

Mr. MAFFEI. Madam Speaker, I ask unanimous consent to take from the Speaker's table the bill (S. 3186) to authorize the Satellite Home Viewer Extension and Reauthorization Act of 2004 through April 30, 2010, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

The text of the bill is as follows:

S. 3186

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

This Act may be cited as the "Satellite Television Extension Act of 2010".

SEC. 2. SATELLITE TELEVISION EXTENSION.

(a) AMENDMENTS TO SECTION 119 OF TITLE 17, UNITED STATES CODE.—

(1) IN GENERAL.—Section 119 of title 17, United States Code, is amended—

(A) in subsection (c)(1)(E), by striking "March 28, 2010" and inserting "April 30, 2010"; and

(B) in subsection (e), by striking "March 28, 2010" and inserting "April 30, 2010".

(2) TERMINATION OF LICENSE.—Section 1003(a)(2)(A) of Public Law 111-118 is amended by striking "March 28, 2010", and inserting "April 30, 2010".

(b) AMENDMENTS TO COMMUNICATIONS ACT OF 1934.—Section 325(b) of the Communications Act of 1934 (47 U.S.C. 325(b)) is amended—

(1) in paragraph (2)(C), by striking "March 28, 2010" and inserting "April 30, 2010"; and

(2) in paragraph (3)(C), by striking "March 29, 2010" each place it appears in clauses (ii) and (iii) and inserting "May 1, 2010".

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

HEALTH REFORM

The SPEAKER pro tempore (Ms. PINGREE of Maine). Under the Speaker's announced policy of January 6, 2009, the gentleman from Texas (Mr. GOHMERT) is recognized for 60 minutes.

Mr. GOHMERT. Madam Speaker, it is always and ever an honor to get to speak in this body. It touches the soul when you think about the freedoms that have been afforded to people in so many places that have been discussed right here on this floor.

Apparently, this is the last that we will be addressing the House before we break for what's considered the Easter break, and so it's time to pause for a moment and think about what we have been doing. We just passed the most incredible bill, not in a good way, that most Americans, a much bigger majority of Americans than voted for President Obama, had made clear that they did not want passed. We didn't pay attention to them. I say, "we," collectively. I thought it was a big mistake, especially the more I read.

For example, this body, our friends across the aisle, pride themselves, they constantly talk about helping the little guy. Well, how about the little guy who is working, working, trying to get by. He doesn't make all that much, he doesn't make all that much, but they make just under 133 percent of the poverty level.

That means under the bill that has now been signed into law, that person, that person's family, are eligible for Medicaid, which means under this law that person, their family, will have to do one of two things, and this begins in about 3 or so years. They will either go on Medicare, which has got to be scary for them because, you know, Walgreens came out—I read somewhere that they were not going to be accepting Medicaid to pay for prescription drugs. Doctors all over the country have complained that Medicaid does not pay them for their own out-of-pocket expenses so they can no longer accept it. So doctors across the country are saying we are not going to take Medicaid.

Under this bill that has been passed, signed into law, even with the so-called reconciliation, what a misnomer. That poor working man, woman, family, they either go on Medicaid, with more and more people refusing to accept it, or get nothing in the way of insurance.

□ 2230

If their employer is providing it, they cannot accept it. They have to say, I am not allowed, under this punitive so-called health care bill, to accept the wonderful insurance that you have been providing. The law now says I take Medicaid or I take nothing. There is no in between. So much for helping the working poor.

And, heaven forbid, if you are working as hard as you can and you are not quite making enough to buy the level of health care that will now be mandated by the Federal Government. Well, we are going to help you. We are going to pop you with a fee or tax to teach you a lesson. That makes no sense. That just makes no sense.

So you have 14 States, as I last heard, who have said, We are filing suit. We are going to do what we can to stop it. Twenty-five other States that are looking into it, looking at whether they should pass a bill in their State to nullify or stop it or say we are not going to take it, see what they should do.

For the State of Texas, for example, we have been frugal. Our State leaders have done an admirable job. We have got, I think, \$8 billion or \$9 billion in reserve for a rainy day. You have States like California that are in the tank. You have other States that are just barely hanging in there. Well, I know it's Easter time, but it's time to say, Merry Christmas. You States, guess what you just got. You just got billions of dollars that you are going to have to pay in Medicaid in this bill.

Now, what we have done, since the country is about broke and we are selling bonds, printing money to try to keep from announcing that we are broke, we have decided, You know what? To try to keep BEN NELSON from looking bad, we're just going to pay all of the State portion of the Medicaid expense for a while, for a few years, and then you are going to have it. And the States will not be prepared for it.

You know, when Art Laffer was the economic adviser for President Reagan, he advised him when Reagan asked, How do we get out of double-digit inflation? They had way over 10 percent inflation, double-digit inflation; they had over double-digit employment, worse than it is now, coming out of the Carter years. There was double-digit interest rates. My wife and I, our first home we bought just off of post there at Fort Benning when I was in the Army and we had a 12¾ loan and some people were envious that we had such a low interest loan. Interest rates, some have told me they had 15 percent, 18 percent, just crazy. It was an economy that was a disaster.

So Reagan asked Art Laffer, What do we do to come out of this terrible economic mess? And Laffer said, You have got to cut taxes by 30 percent. That's how you stimulate the economy.

Well, the Democratic-controlled Congress at that time refused to do an

automatic 30 percent tax cut the first year, 1981, so they phased it in, 5 percent the first year, 10 percent the second year, 15 percent the third year.

As time went on, Art Laffer became prophetic, because when President Reagan had called him, President Reagan said, Great news, Art. We've got the 30 percent tax cut, just what you asked. And he said, Well, that's great. And he said, Well, you ought to be ecstatic. This was your idea. He said, Well, I am happy. Fine.

He says, Why aren't you happy? He said words to the effect that, Look, I understand you are going to phase this in over 3 years: a 5 percent cut the first year, 10 percent cut the second year, 15 percent cut the third year. And President Reagan said, Well, that's right. The Democratic-controlled Congress said that's the only way they would do it. They weren't going to give us a 30 percent tax cut the first year.

And Art said, Well, Mr. President, let me put it to you this way. If you are going to buy something from the store and you heard they had a 5 percent sale this month, 10 percent sale next month, 15 percent sale the third month, when would you go buy it? And President Reagan responded after a pause, Are we going to have a bad couple of years, Art? He said, Exactly. And that's exactly what happened because they did not cut taxes 30 percent off the bat.

But once the 30 percent taxes kicked in, the economy turned around in such a dramatic and short period of time that President Reagan was elected to a second term, when in 1982 people didn't think that was going to be happening; but it did because he cut taxes.

Well, let's look at what the economic forecast is for the United States. We know that, come January of next year, we are going to have the biggest tax increase in the history of the country. The biggest tax increase in the history of the country.

Now, we know that when the Republicans had the majority, they didn't have 60 votes in the Senate, and so they were pushing and pushing trying to get the tax cuts to be permanent. But they didn't have the 60 votes in the Senate. The only way they could get it passed because of the Democratic obstruction was to agree to have the tax cuts go away at the end of 2010.

I wasn't here. It was a year or so before I got here, but I personally believe they should have pushed, they should have gotten it done, they should have made sure those tax cuts were permanent so that nobody could come in here and have what we are going to have the end of this year, the biggest tax increase in the whole American history without even having a vote, just letting the tax cuts expire.

Well, since we know capital gains rates are going to shoot up, we know the marginal rates income tax are

going to shoot up, we know that the estate tax is going to go from zero, shoot back up to 55 percent. Talk about socialist.

The estate tax, the death tax says: you've accumulated too much and you don't deserve it, so we are going to give you a little exemption and then we are going to take over half of everything else you have accumulated through the blood, sweat, and tears of you and your family.

That just doesn't seem right. It seems like some law that you would find in the old Soviet Union before they went broke because it does so much to discourage a family business or a family farm. But that's what is coming.

And now, on top of that, we have just had, as somebody said, the mother of all unfunded mandates on the States. Texas has done so well; it is going to have to come up with \$25 billion under this bill over the next 10 years. So much for the money they had saved and tried to make sure was there for the rainy day. Here came a flood, and not from nature, not from nature's God, but from the hand of the President signing a bill that was rammed through against the will of the American people, through this House and through the body at the end of the Hall. Can you think of a worse time to increase taxes?

You know, we heard from Caterpillar this week; \$100 million it's going to cost them just this year.

You wonder, well, why did they make that announcement? If you are a corporation and you know there is bad news coming, then you have got to get it out there; otherwise, somebody may come after you and say you artificially inflated your stock prices by keeping bad news secret. So we find out. I believe we saw John Deere may lose \$150 million this year. I mean, devastating these businesses.

Well, perhaps there are people here in this body or down the Hall that thought Caterpillar, John Deere, these other companies just had too many employees, so they said it's time to go ahead and lay more people off. Let's put them on unemployment, let's extend unemployment, let's have more and more people without a job. Because that is what has happened.

I know I am being sarcastic. I know people across the aisle and down the Hall do not want to see more people lose their jobs. I understand that. But that is the effect of what is happening by the senseless stuff we are passing the last week, the last two weeks. And now we are going to take up cap-and-trade. As our friend, former Chairman Dingell, had said, It's not just a tax, it's a big tax. That's exactly what cap-and-trade is.

It's heartbreaking. People are going to lose their jobs right here around Easter time because of the senseless,

hardheaded acts of this body and the one down the Hall: we don't care if the country doesn't want it; we don't care that the States can't afford it. We don't care that you couldn't pass the same bill right now through the Senate or through the House the way it was sent down here. We don't care. We are just going to pass it.

□ 2240

We're just going to pass it. It's unbelievable. Just unbelievable. We had friends here who thought that the Executive order would prevent and stabilize things so that you couldn't pry Federal money from people's hands; take their money, make it Federal money, and pay for abortions. But there are at least three ways under this bill that that's going to happen. Terribly unfortunate.

It was amazing, because it was as if someone was trying to trick America so you couldn't tell what was going to happen with abortion. Because I don't have the bill with me. I've got my copy back there in the cloakroom, but I've been through it. And you look, and at page 119, subparagraph B(i) it says, basically, you can't fund abortion with Federal tax dollars. If you had done a word search for "abortion," you would not see page 122 come up, just three pages over. It wouldn't come up because "abortion" is not in that paragraph.

What it says is that people are required to make available health insurance policies that will cover abortions, but it doesn't say abortions. It says cover what is mentioned in B(i), that subparagraph, which is abortion. So you won't find it if you're doing a word search for "abortion." Sure enough, that's what's required.

And then—I'm sure it's just out of ignorance—people didn't know what the Hyde amendment really did. It prevented appropriations through the Labor-Health and Human Services appropriations bill from being used for abortion. But some people were bound to know. They're just bound to know. Somebody's staff. Somebody. Surely it just can't be me. There are bound to have been people who knew that this bill appropriated money. That money was appropriated, therefore, outside the Labor and HHS appropriations bill. Therefore, the Hyde amendment did not apply to it.

For those of us that know something about Executive orders, we know that an Executive order cannot be used—for one thing, you can't use to legislate. Another thing, you cannot use an Executive order to impound money that's appropriated in a bill that the House and Senate had passed. Number three, you can't use it for a line item veto to strike something you don't like. There's money in the bill for community health centers.

The SPEAKER pro tempore. The gentleman will suspend.

FEDERAL AVIATION ADMINISTRATION EXTENSION ACT OF 2010

Ms. RICHARDSON. Madam Speaker, I ask unanimous consent that the Committee on Transportation and Infrastructure and the Committee on Ways and Means be discharged from further consideration of the bill (H.R. 4957) to amend the Internal Revenue Code of 1986 to extend the funding and expenditure authority of the Airport and Airway Trust Fund, to amend title 49, United States Code, to extend authorizations for the airport improvement program, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 4957

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Federal Aviation Administration Extension Act of 2010".

SEC. 2. EXTENSION OF TAXES FUNDING AIRPORT AND AIRWAY TRUST FUND.

(a) FUEL TAXES.—Subparagraph (B) of section 4081(d)(2) of the Internal Revenue Code of 1986 is amended by striking "March 31, 2010" and inserting "April 30, 2010".

(b) TICKET TAXES.—

(1) PERSONS.—Clause (ii) of section 4261(j)(1)(A) of the Internal Revenue Code of 1986 is amended by striking "March 31, 2010" and inserting "April 30, 2010".

(2) PROPERTY.—Clause (ii) of section 4271(d)(1)(A) of such Code is amended by striking "March 31, 2010" and inserting "April 30, 2010".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on April 1, 2010.

SEC. 3. EXTENSION OF AIRPORT AND AIRWAY TRUST FUND EXPENDITURE AUTHORITY.

(a) IN GENERAL.—Paragraph (1) of section 9502(d) of the Internal Revenue Code of 1986 is amended—

(1) by striking "April 1, 2010" and inserting "May 1, 2010"; and

(2) by inserting "or the Federal Aviation Administration Extension Act of 2010" before the semicolon at the end of subparagraph (A).

(b) CONFORMING AMENDMENT.—Paragraph (2) of section 9502(e) of such Code is amended by striking "April 1, 2010" and inserting "May 1, 2010".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on April 1, 2010.

SEC. 4. EXTENSION OF AIRPORT IMPROVEMENT PROGRAM.

(a) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—Section 48103(7) of title 49, United States Code, is amended to read as follows:

"(7) \$2,333,333,333 for the 7-month period beginning on October 1, 2009."

(2) OBLIGATION OF AMOUNTS.—Sums made available pursuant to the amendment made by paragraph (1) may be obligated at any time through September 30, 2010, and shall remain available until expended.

(3) PROGRAM IMPLEMENTATION.—For purposes of calculating funding apportionments and meeting other requirements under sections 47114, 47115, 47116, and 47117 of title 49,

United States Code, for the 7-month period beginning on October 1, 2009, the Administrator of the Federal Aviation Administration shall—

(A) first calculate funding apportionments on an annualized basis as if the total amount available under section 48103 of such title for fiscal year 2010 were \$4,000,000,000; and

(B) then reduce by 42 percent—

(i) all funding apportionments calculated under subparagraph (A); and

(ii) amounts available pursuant to sections 47117(b) and 47117(f)(2) of such title.

(b) PROJECT GRANT AUTHORITY.—Section 47104(c) of such title is amended by striking "March 31, 2010," and inserting "April 30, 2010,".

SEC. 5. EXTENSION OF EXPIRING AUTHORITIES.

(a) Section 40117(1)(7) of title 49, United States Code, is amended by striking "April 1, 2010." and inserting "May 1, 2010.".

(b) Section 44302(f)(1) of such title is amended—

(1) by striking "March 31, 2010," and inserting "April 30, 2010,"; and

(2) by striking "June 30, 2010," and inserting "July 31, 2010,".

(c) Section 44303(b) of such title is amended by striking "June 30, 2010," and inserting "July 31, 2010,".

(d) Section 47107(s)(3) of such title is amended by striking "April 1, 2010." and inserting "May 1, 2010.".

(e) Section 47115(j) of such title is amended by striking "April 1, 2010," and inserting "May 1, 2010,".

(f) Section 47141(f) of such title is amended by striking "March 31, 2010," and inserting "April 30, 2010,".

(g) Section 49108 of such title is amended by striking "March 31, 2010," and inserting "April 30, 2010,".

(h) Section 161 of the Vision 100—Century of Aviation Reauthorization Act (49 U.S.C. 47109 note) is amended by striking "April 1, 2010," and inserting "May 1, 2010,".

(i) Section 186(d) of such Act (117 Stat. 2518) is amended by striking "April 1, 2010," and inserting "May 1, 2010,".

(j) The amendments made by this section shall take effect on April 1, 2010.

SEC. 6. FEDERAL AVIATION ADMINISTRATION OPERATIONS.

Section 106(k)(1)(F) of title 49, United States Code, is amended to read as follows:

"(F) \$5,454,183,000 for the 7-month period beginning on October 1, 2009."

SEC. 7. AIR NAVIGATION FACILITIES AND EQUIPMENT.

Section 48101(a)(6) of title 49, United States Code, is amended to read as follows:

"(6) \$1,712,785,083 for the 7-month period beginning on October 1, 2009."

SEC. 8. RESEARCH, ENGINEERING, AND DEVELOPMENT.

Section 48102(a)(14) of title 49, United States Code, is amended to read as follows:

"(14) \$111,125,000 for the 7-month period beginning on October 1, 2009."

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

HEALTH REFORM

The SPEAKER pro tempore. The gentleman from Texas may proceed.

Mr. GOHMERT. That was what we were fixing to do. It's now done, and so are so many American jobs because of what we have passed this week.

There's a line from a movie, "Broadcast News," where Holly Hunter is telling an executive that he's making a wrong decision. And he says, in essence, It must be wonderful to always know what should happen. She says, basically, No, it's horrible.

The fact is, it must be wonderful for those who don't realize the human suffering that's going to come out of this bill—the people that lose their jobs, who don't realize that down the road we are going to devastate this thing that we used to call the free market system as government approaches taking control and, in some cases, ownership of 50 percent or so of the American economy. Who would have thought? When you can see where this goes, it's horrible, just like she said. It's horrible.

Community health centers have done wonderful jobs. They have helped so many people that needed it, but now they're being appropriated money that can be used for abortions. And there's nothing that can stop that; certainly not a flimsy Executive order that cannot impound money that's dedicated for something else. Besides that, an Executive order can also be changed on a whim. It happens all the time.

So, as I struggled and thought about how did we get to this point in history, because there was a time if you went against the will of the State and you went against what you were sent up here to do, and that is serve and defend the Constitution, then your legislature, your State legislature that elected you, could yank you back. Because there's an amendment, number nine, that says: The enumeration in the Constitution of certain rights shall not be construed to deny or disparage others retained by the people.

This is the Tenth Amendment: The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people. If it's not specifically enumerated in the Constitution, it's reserved to the State and the people. It's probably the most violated provision in the Constitution.

As some Justices have pointed out in speeches before, in 1913, we had the 17th Amendment. Because, apparently, some State legislatures had actually abused that system, sending State individuals up here to be U.S. Senators with an agenda that wasn't necessarily helpful to the country. So the 17th Amendment changed the ability of the State legislature to select a U.S. Senator, and it became a popular vote.

All week as I have talked about Article V of the Constitution, I've been very careful not to ever say that we should repeal the 17th Amendment, because I'm not sure that's a good idea.

It needs more study, more looking. It needs the collective concentration of 50 States' best thinkers. We have heard other potential solutions to what happened when the elimination occurred of the only real check to this body and the Senate body usurping rights reserved to the States and the people. Once that was eliminated, then you began to have real unfunded mandates. States come up with money and do this. States come up with money and do that.

It was not supposed to be that way. This Federal Government was never supposed to be able to dictate unfunded mandates to States. It was never supposed to be allowed to usurp authority reserved to the States and the people by the 10th Amendment. But that's what has occurred because there was no check and balance to do that.

□ 2250

You've got the Supreme Court, but they are appointed by the highest elected Federal official, the President. They're confirmed by high U.S. Federal elected officials. So why would anybody think they would be out to protect the rights reserved to the States and the people? They should. It's what the Constitution said. They have an obligation to uphold the Constitution. They should. But that's not what has been occurring.

So what hit me was article V because I really believe, you know, that God can work things together for good. And through such a terrible thing, like this health care bill that's going to cause so many people to lose their jobs, many people to have their pay reduced, many people to not have the insurance they had before. We're already hearing tons of employers saying, Well, in this bill, it's actually cheaper for us to drop the health care insurance we're providing, let them go get the lesser government insurance, the Federal insurance exchange federal program, and we save money even though we're having to pay this extra tax. Well, somebody that designed this bill knew that would happen, and that's what they intended to do, drive them away from their better private insurance to the government's awaiting coverage.

Did anybody really know all that was in here? Perhaps somebody did. I mean, in the bill, the staff of the leadership of the House and Senate were exempted so they don't have to participate. They can keep the good insurance they have right now, where all the rest of us in Congress on our staffs, we have to go under the Federal insurance exchange program. And ultimately, I lose what I think is the greatest hope for getting us off the road to socialized medicine because that's just the next step. This was the first. That's the next, just like President Obama—then-Senator Obama laid out previously when he was running for the Presidency. This is the

first step. Then you have the transition into the single payer, the socialized medicine. It's where it goes.

So how do you go about stopping that? What in the world really good could come from such a bad bill where pharmaceutical companies—man, they're going to get rich out of this thing. Yeah, they're going to get back some billions. But my HSA, for the short time I may be able to keep it, for a little longer, I can't buy my hay fever pills for under \$3 anymore with my HSA. I'll have to buy prescription drugs, which will help the pharmaceutical companies. Good job.

And I remember the President saying, We're going to televise our debates on C-SPAN so you can see who's really looking out for the pharmaceuticals and who's looking out for the people. Well, you know what, it turns out we didn't need C-SPAN after all. When we read the bill and we see the sweetheart bills that were done for pharmaceutical companies, the massive number of new clients initially—until we go to a full government takeover, a short-sight on the part of insurance companies that bought in. But they're going to have a bunch more money. AARP, they're going to sell a lot more insurance because provisions in there are going to allow them to kill Medicare Advantage. So that means AARP, they don't care that they've lost so many members because they're going to make a lot more than that in the insurance that they'll get to sell. The plaintiffs' bar got a deal in here. There are just all kinds of deals for everybody.

So we found out who's looking out for the little guy. It was nobody that was in those negotiations. But somebody was sure looking out for the pharmaceuticals. And since there wasn't any Republican in any of those negotiations where the deals were cut, we know there was nobody there looking out for the little guy. They were looking out for the pharmaceuticals, the big companies, the unions, plaintiffs' lawyers. They just came out great. Happy Easter. Somebody laid an egg.

We look at article V. This is what it came back to. You look at article V. This may be the real good that could come out of the disaster that's gone on here lately and the abuses of the process, it seems. Article V has been used many times for the first part that says, "Congress, whenever two thirds of both Houses shall deem it necessary, shall propose Amendments to this Constitution." That's been used many times. And once they propose those amendments, passed by two-thirds of the House and the Senate, then it took three-fourths of the States to ratify. But here is the part that has not been used—I can't find that it's ever been used. It almost was for the repeal of the prohibition, but when the Congress saw that the States were about to get to 34, which is two-thirds or—there

weren't that many then. When the States were about to get to two-thirds, then Congress acted quickly, jumped in, had two-thirds of the House and Senate and had a repeal of the prohibition.

But here's the part, that Congress "on the Application of the Legislatures of two-thirds of the several States, shall call a Convention for proposing Amendments, shall be valid to all Intents and Purposes, as part of this Constitution, when ratified by the Legislatures of three-fourths of the several States, or by Conventions in three-fourths." So the thing is, the legislatures, two-thirds of the States' legislatures can apply and say, Congress, we want a convention—not a Constitutional convention; it's not a Constitutional convention. That's what occurred in 1787. This is an amendment convention. That's what is called for. Not a rewrite of the Constitution. An amendment convention.

And I know there are differences among some constitutional scholars who say, Well, Congress can actually limit the amendment convention, okay? You have asked for an amendment convention. Perhaps the States could say, We want a convention to fix the lack of checks and balances between the Federal Government and the State government. I think you could limit it to that. You know, just like the Constitution provides for impeachment, it doesn't provide the rules of procedure, right? You can't have a trial in the Senate for impeachment without promulgating rules of procedure. But the Supreme Court, as always, appropriately kept hands off when it comes to rules of procedure. You know, that's your guys' business in the legislature when it comes to setting up rules of procedure for impeachment. You decide how you're going to run the trial, and then we can review the overall result. Well, I think that's possible as well with an amendment convention.

And think about it too. Even if those who say, Well, they could do amendments that might just rewrite most of the Constitution, think about it. It requires three-fourths of the States to ratify it. You're not going to have three-fourths of the States ratify, rewrite a Constitution. I mean, we may do some crazy things in this Congress, like we've done in the last week, but we're not going to rewrite the greatest document governing mankind in the history of the world. But it does need tweaking from time to time. And it's awfully tough for a Federal Government to see when it's being at its worst, most abusive of States' rights, and rein them in.

But that's why there's this balance. That's the genius of this document. We can come in and fix when something gets abused too much. It's why the 17th Amendment came into being. But I have not once ever proposed that we

eliminate the ability of the people of any State to elect a U.S. Senate, and yet that was a headline in one paper that that's what I was proposing because there were liberal blogs that were going nuts. They seem to do that from time to time without regard for the truth.

But if you look at what I've said, it's very simple. We have got to put back some kind of check or balance on this runaway abuse of States' rights. Now I know there's some people in Texas or some other States that say, Well, we just need to secede. Give me a break. We do not need to secede. There is strength and power when we are the United States of America, and that's what we need to stay. But we need to get back to the common sense of the Founders that gave us the opportunity to have such a great country.

I have article V blown up here. Here is article V from the Constitution. The Congress—skip to the second part after the “or,” the disjunctive, on the application of legislatures, two-thirds of the several States—that's what we're talking about—“shall call a Convention for proposing Amendments”—not a rewrite of the Constitution, because that's not going to happen, and it wouldn't be ratified. So get real. I know there are some who say, We're headed for a cliff. We're going to fall into the abyss. We have got to do something, and I think they're right.

□ 2300

Proposing a budget with \$1.5 trillion deficit this year?

Man, my first year here I was hearing all the screams and hollering about how abusive a \$160 billion deficit was, how mean spirited could George W. Bush be.

And by the way, I really appreciate the sensitivity of my colleagues on the other side of the aisle. We shouldn't be making death threats. I've had plenty of those as a judge. I know what that's like. It never bothered me until they started threatening my family. But I know what that's like.

I know what it's like to be abused, as I was out here on Saturday, because of my position on the hate crimes bill. I don't go running to the media about it. But I appreciate the fact that we should all be able to agree there is no place for bigotry, there's no place for racism. We should be able to disagree without being extremely disagreeable. We can disagree, that is important. Unless one person in this body has a 100 percent lock on God's truth, all the time, we really ought to listen to each other. And yet today we had 10 minutes, 5 minutes on either side, to debate the reconciliation, so-called misnomer regarding the health care plan.

We've got to get back to some sanity before we ruin this place.

Now, I know some people get scared when you talk about amending the

Constitution and letting the States have a convention to propose an amendment. But that could be the thing that gets us back on track so this body and down the Hall can't continue to run up a \$1.5 trillion deficit a year. I mean, good night. Ten times what I heard Bush getting beat up for? Give me a break. Goodness.

We've got to get back to some fiscal sanity. I think this could do it. I think it could rein things in, get the check and balance in place so that we could look back one day and say, as bad as this was, as upset as most of Americans have been about this abusive process by which this disastrous health care “deform” bill was passed, it led to a greater good if we amend the Constitution, we preserve the check and balance so that this body and the Senate can't come together and a majority in the House or Senate, cram a bad bill down the minority's throat, say, tough, even though, in this case, you represent the will of the vast majority of the people in America, we don't care. We're smarter than you. We're going to do this anyway. You wouldn't be able to do it.

One proposal is an amendment that might allow the States within, say, 30 days, 45 days, something like that, after a bill that affected the States could come back in and three-fourths could vote to veto the bill and that would veto the bill. End of it. It's dead and it couldn't be overridden by the House and Senate. That would put a check and balance in place.

Some, and I'm not sure I like this idea, but it may have possibilities if the right restraints were put on—some have said, well, we don't want to go back to the legislatures selecting, in some back-room deal, a U.S. Senator, because that just seems kind of tawdry. But perhaps, if a Senator was hurting their State, you could set some kind of recall system up so the State could recall a Senator that got too far afield and too far beyond the Constitution itself.

There are all kinds of proposals. This country is composed of brilliant people who could come together and make something very, very special. That's how we were founded. We were founded as a special country.

Going back to an act that had never occurred in the history of mankind, and I doubt will ever occur in the history of mankind again, and that was, in 1783, it's depicted in a huge painting down the Hall in the rotunda, of George Washington with his hand outstretched, as he tendered his resignation. He said, in effect, I did what you asked. I've won the revolution. Now I'm going home. Nobody had ever done that in the history of mankind. Never. When King George III was told that George Washington was going to, after having defeated the British, resign and go home, he just didn't believe it. He

said, nobody would do that. In fact, he said if Washington were to do that, he would be the greatest man alive. He probably was. Nobody had ever done it before or done it since.

At times, when the military, when the Articles of Confederation were falling apart, they were calling upon Washington, please, we'll let you be King if you'll just come rule. The country's falling apart. He wouldn't do it. But Washington, in tendering that resignation, ended it with something very special. He ended it with what appears to be a prayer. The whole resignation was so moving that it was printed and distributed all over the country. They loved George Washington.

His resignation, at the end, and I quote, toward the end, said, “I now make it my earnest prayer that God would have you and the state over which you preside in His holy protection. He'd incline the hearts of the citizens to cultivate a spirit of subordination and obedience to government to entertain a brotherly affection and love for one another, for their fellow citizens of the United States, and particularly for their brethren who have served in the field.

And, finally, that he would most graciously be pleased to dispose us all to do justice, to love mercy, to demean ourselves with that charity, humility and specific temper of mind which were the characteristics of the divine author of our blessed religion, and without a humble imitation of whose example in these things we can never hope to be a happy Nation.

Then he signed it by saying, I have the honor to be with great respect and esteem, Your Excellency's most obedient and very humble servant, George Washington.

That's how we got started. That kind of humility, that kind of selflessness. And yet we just passed a bill that exempts the leader's staff, White House, White House staff, except the President says he's going to go under it. But what happened to that kind of humility and selflessness by those in government? Well, I know what it is to sleep on an air mattress three or four nights a week for the honor of getting to serve here, and it's nothing compared to what those valiant Founders and those who fought over the years for our freedoms have given up.

So article V, that's a possibility. Maybe that gets back some sanity. Maybe it does.

What have we got to lose? We can't keep running up this kind of debt. We can't; we will lose this Nation. You know, you think it can't happen. Look at Greece, the way they're struggling. Go back to the Soviet Union. They spent so much in Afghanistan, so much on missile defense. They couldn't borrow enough, they couldn't print

enough, and they finally had to announce, 'We're broke. China wasn't buying their debt. They couldn't get anybody to buy enough debt, loan them enough money. They couldn't print it fast enough so they went out of business. It happens. There is no nation in the history of the world that has ever gone on indefinitely. Every nation comes to an end. It is up to the vigilance of those in government of that country to ensure that future generations are protected.'

I have the liberties and freedoms I do in this country, all of us here do, not because of something we did. I didn't deserve to be born here and have this kind of liberty. It was because of the generations that went before us, generations of people like George Washington and John Adams and Thomas Jefferson and John Hancock. So many of these guys that just were willing to sacrifice their lives, their fortunes, their sacred honor. I have been blessed because of their faithfulness in those prior generations.

You want to read a beautiful theological monologue, read Lincoln's second inaugural address as he struggled to deal with how a just God could allow the kind of suffering that had gone on, and he deals with it beautifully.

□ 2310

In that second inaugural that's inscribed on the north wall inside the Lincoln Memorial, trying to deal with how this could happen, he said, you know, we all read the same Bible, we all pray to the same God, yet the prayers of both could not be answered. He struggled and he came through and he recognized that a wonderful God has blessed this country.

You go back to the speech of Benjamin Franklin, to the Constitutional Convention, when he said, "In the beginning contest with Great Britain when we were sensible of danger, we had daily prayer in this room for divine protection. Our prayers, sir, were heard and they were graciously answered. All of us who were engaged in the struggle must have observed frequent instances of a superintending Providence in our favor." By the way, that's not the words of a deist. "To that kind Providence we owe this happy opportunity of consulting in peace on the means of establishing our future national felicity. And have we now forgotten that powerful friend? Or do we imagine we no longer need His assistance? I have lived, sir, a long time and the longer I live the more convincing proofs I see of this truth—that God governs in the affairs of men. And if a sparrow cannot fall to the ground without His notice, is it probable that an empire can rise without His aid? We have been assured, sir, in the sacred writings that 'except the Lord build the house, they labor in vain that build it.'"

Franklin went on and said, "I firmly believe this; and I also believe that

without His concurring aid, we shall succeed in this political building no better than the builders of Babel."

I want to finish, Madam Speaker, tonight with a radio address that was given on April 2, 1983, by Ronald Reagan. He has been talked about so much lately, and it seemed appropriate on this occasion as we wrap up before we recess and go home and see what our constituents have to say about us. He said:

"This week as American families draw together in worship, we join with millions upon millions of others around the world also celebrating the traditions of their faiths. During these days, at least, regardless of nationality, religion, or race, we are united by faith in God and the barriers between us seem less significant.

"Observing the rites of Passover and Easter, we're linked in time to the ancient origins of our values and to the unborn generations who will still celebrate them long after we're gone. As Paul explained in his Epistle to the Ephesians, 'He came and preached peace to you who were far away and peace to those who were near. So then you were no longer strangers and aliens, but you were fellow citizens of God's household.'

"This is a time of hope and peace, when our spirits are filled and lifted. It's a time when we give thanks for our blessings—chief among them, freedom, peace, and the promise of eternal life.

"This week Jewish families and friends have been celebrating Passover, a tradition rich in symbolism and meaning. Its observance reminds all of us that the struggle for freedom and the battle against oppression waged by Jews since ancient times is one shared by people everywhere. And Christians have been commemorating the last momentous days leading to the crucifixion of Jesus 1,950 years ago. Tomorrow, as morning spreads around the planet, we will celebrate the triumph of life over death, the resurrection of Jesus. Both observances tell of sacrifice and pain but also of hope and triumph.

"As we look around us today, we still find human pain and suffering, but we also see it answered with individual courage and spirit, strengthened by faith. For example, the brave Polish people, despite the oppression of a godless tyranny, still cling to their faith and their belief in freedom. Shortly after Palm Sunday mass this week, Lech Walesa faced a cheering crowd of workers outside a Gdansk church. He held up his hand in a sign of victory and predicted, 'The time will come when we will win.'

"Recently, an East German professor, his wife, and two daughters climbed into a 7-foot rowboat and crossed the freezing, wind-whipped Baltic to escape from tyranny. Arriving in West Germany after a harrowing 7-

hour, 31-mile journey past East German border patrols, the man said he and his family had risked everything so that the children would have the chance to grow up in freedom.

"In Central America, Communist-inspired revolution still spreads terror and instability, but it's no match for the much greater force of faith that runs so deep among the people. We saw this during Pope John Paul II's recent visit there. As he conducted a mass in Nicaragua, state police jeered and led organized heckling by Sandinista supporters. But the Pope lifted a crucifix above his head and waved it at the crowd before him, then turned and symbolically held it up before the massive painting of Sandinista soldiers that loomed behind. The symbol of good prevailed. In contrast, everywhere else the Holy Father went in the region, spreading a message that only love can build, he was met by throngs of enthusiastic believers, eager for Papal guidance and blessing.

"In this Easter season when so many of our young men and women in the Armed Forces are stationed so very far from their homes, I can't resist recounting at least one example of their sacrifice and heroism. Every day I receive reports that would make you very proud, and today I would like to share just one with you.

"While the San Diego-based USS *Hoel* was steaming toward Melbourne, Australia, on Ash Wednesday, its crew heard of terrible brush fires sweeping two Australian states. More than 70 people were killed and the destruction was great. Well, the crew of this American ship raised \$4,000 from their pockets to help, but they felt that it wasn't enough. So, leaving only a skeleton crew aboard, the 100 American sailors gave up a day's shore leave, rolled up their sleeves, and set to work rebuilding a ruined community on the opposite end of the Earth. Just Americans being Americans, but something for all of us to be proud of.

"Stories like these—of men and women around the world who love God and freedom—bear a message of world hope and brotherhood like the rites of Passover and Easter that we celebrate this weekend.

"A grade school class in Somerville, Massachusetts, recently wrote me to say, 'We studied about countries and found out that each country in our world is beautiful and we need each other. People may look a little different but we're still people who need the same things.' They said, 'We want peace. We want to take care of one another. We want to be able to get along with one another. We want to be able to share. We want freedom and justice. We want to be friends. We want no wars. We want to be able to talk to one another. We want to be able to travel around the world without fear.'

"They then asked, 'Do you think that we can have these things one

day?" Well, I do," Reagan said. "I really do. Nearly 2,000 years after the coming of the Prince of Peace, such simple wishes may still seem far from fulfillment. But we can achieve them. We must never stop trying.

"The generations of Americans now growing up in schools across our country can make sure the United States will remain a force for good, the champion of peace and freedom as their parents and grandparents before them have done. And if we live our lives and dedicate our country to truth, to love, and to God, we will be a part of something much stronger and much more enduring than any negative power here on Earth. That's why this weekend is a celebration and why there is hope for us all.

"Thanks for listening, and God bless you."

That was Ronald Reagan, 1983. There is wisdom among the States. It all doesn't reside here in Washington, D.C. It can be found in brilliance, in schools, in workplaces, in coffee klatches, in places all over this God blessed country. Let's trust them. If we have 34 States say, and next January would be a good time to work toward them and have momentum toward January of 2011 and in January of 2011, 34 States say, you know what, Speaker of the House of Representatives, Leader of the Senate, it's time to have an amendment to the Constitution to preserve the rights reserved to the States under the 9th and 10th amendment and the genius of this country as it has come together through the different amendments to ensure the rights and to ensure the ongoing of this blessed country can go on.

That is the message I leave with you as I yield back, Madam Speaker.

HOUSE BILLS AND JOINT RESOLUTION APPROVED BY THE PRESIDENT

The President notified the Clerk of the House that on the following dates he had approved and signed bills and a joint resolution of the following titles:

January 22, 2010:

H.R. 4462. An Act to accelerate the income tax benefits for charitable cash contributions for the relief of victims of the earthquake in Haiti.

January 29, 2010:

H.R. 1817. An Act to designate the facility of the United States Postal Service located at 116 North West Street in Somerville, Tennessee, as the "John S. Wilder Post Office Building".

H.R. 2877. An Act to designate the facility of the United States Postal Service located at 76 Brookside Avenue in Chester, New York, as the "1st Lieutenant Louis Allen Post Office".

H.R. 3072. An Act to designate the facility of the United States Postal Service located at 9810 Halls Ferry Road in St. Louis, Missouri, as the "Coach Jodie Bailey Post Office Building".

H.R. 3319. An Act to designate the facility of the United States Postal Service located

at 440 South Gullwing Street in Portola, California, as the "Army Specialist Jeremiah Paul McCleery Post Office Building".

H.R. 3539. An Act to designate the facility of the United States Postal Service located at 427 Harrison Avenue in Harrison, New Jersey, as the "Patricia D. McGinty-Juhl Post Office Building".

H.R. 3667. An Act to designate the facility of the United States Postal Service located at 16555 Springs Street in White Springs, Florida, as the "Clyde L. Hillhouse Post Office Building".

H.R. 3767. An Act to designate the facility of the United States Postal Service located at 170 North Main Street in Smithfield, Utah, as the "W. Hazen Hillyard Post Office Building".

H.R. 3788. An Act to designate the facility of the United States Postal Service located at 3900 Darrow Road in Stow, Ohio, as the "Corporal Joseph A. Tomci Post Office Building".

H.R. 4508. An Act to provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1968, and for other purposes.

February 1, 2010:

H.R. 1377. An Act to amend title 38, United States Code, to expand veteran eligibility for reimbursement by the Secretary of Veterans Affairs for emergency treatment furnished in a non-Department facility, and for other purposes.

February 12, 2010:

H.J. Res. 45. A joint resolution increasing the statutory limit on the public debt.

February 16, 2010:

H.R. 730. An Act to strengthen efforts in the Department of Homeland Security to develop nuclear forensics capabilities to permit attribution of the source of nuclear material and for other purposes.

February 27, 2010:

H.R. 3961. An Act to extend expiring provisions of the USA PATRIOT Improvement and Reauthorization Act of 2005 and Intelligence Reform and Terrorism Prevention Act of 2004 until February 28, 2011.

H.R. 4532. An Act to provide for permanent extension of the attorney fee withholding procedures under title II of the Social Security Act to title XVI of such Act, and to provide for permanent extension of such procedures under titles II and XVI of such Act to qualified non-attorney representatives.

March 2, 2010:

H.R. 4691. An Act to provide a temporary extension of certain programs, and for other purposes.

March 4, 2010:

H.R. 1299. An Act to make technical corrections to the laws affecting certain administrative authorities of the United States Capitol Police, and for other purposes.

March 18, 2010:

H.R. 2847. An Act making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2010, and for other purposes.

March 23, 2010:

H.R. 3590. An Act entitled The Patient Protection and Affordable Care Act.

SENATE BILLS APPROVED BY THE PRESIDENT

The President notified the Clerk of the House that on the following dates he had approved and signed bills of the Senate of the following titles:

January 27, 2010:

S. 2949. An Act to amend section 1113 of the Social Security Act to provide authority for increased fiscal year 2010 payments for temporary assistance to United States citizens returned from foreign countries, to provide necessary funding to avoid shortfalls in the Medicare cost-sharing program for low-income qualifying individuals, and for other purposes.

February 1, 2010:

S. 692. An Act to provide that claims of the United States to certain documents relating to Franklin Delano Roosevelt shall be treated as waived and relinquished in certain circumstances.

March 1, 2010:

S. 2950. An Act to extend the pilot program for volunteer groups to obtain criminal history background checks.

March 17, 2010:

S. 2968. An Act to make certain technical and conforming amendments to the Lanham Act.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. POLIS) to revise and extend their remarks and include extraneous material:)

Mr. AL GREEN of Texas, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Mr. POLIS, for 5 minutes, today.

Mr. MAFFEL, for 5 minutes, today.

Ms. RICHARDSON, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

(The following Members (at the request of Mr. BURTON of Indiana) to revise and extend their remarks and include extraneous material:)

Mr. POSEY, for 5 minutes, today.

ADJOURNMENT

Mr. GOHMERT. Madam Speaker, pursuant to House Concurrent Resolution 257, 111th Congress, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 21 minutes p.m.), the House adjourned until Tuesday, April 13, 2010, at 2 p.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

6787. A letter from the Under Secretary, Department of Defense, transmitting a letter on the approved retirement of General Victor E. Renuart, Jr., United States Air Force, and his placement on the retired list in the grade of general to the Committee on Armed Services.

6788. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Federal Motor

Vehicle Safety Standards; Door Locks and Door Retention Components [Docket No.: NHTSA-2010-0015] (RIN: 2127-AK60) received March 4, 2010 to the Committee on Energy and Commerce.

6789. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 10-012 Certification of proposed issuance of an export license, pursuant to sections 36(c) and 36(d) of the Arms Export Control Act to the Committee on Foreign Affairs.

6790. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 10-018 Certification of proposed issuance of an export license, pursuant to sections 36(c) and 36(d) of the Arms Export Control Act to the Committee on Foreign Affairs.

6791. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 10-025 Certification of proposed issuance of an export license, pursuant to sections 36(c) and 36(d) of the Arms Export Control Act to the Committee on Foreign Affairs.

6792. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 10-022, certification of a proposed technical assistance agreement to include the export of technical data, and defense services, pursuant to section 36(c) of the Arms Export Control Act to the Committee on Foreign Affairs.

6793. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 10-013, certification of a proposed manufacturing license agreement for the manufacture of significant military equipment abroad, pursuant to section 36(d) of the Arms Export Control Act to the Committee on Foreign Affairs.

6794. A letter from the Chair, J. William Fulbright Foreign Scholarship Board, transmitting the annual report of the J. William Fulbright Foreign Scholarship Board for 2008-2009 to the Committee on Foreign Affairs.

6795. A letter from the Acting Director, Office of Financial Management, United States Capitol Police, transmitting the semiannual report of receipts and expenditures of appropriations and other funds for the period April 1, 2009 through September 30, 2009 to the Committee on House Administration and ordered to be printed.

6796. A letter from the Deputy Chief Financial Officer and Director for Financial Management, Department of Commerce, transmitting the Department's final rule — Civil Monetary Penalties; Adjustment for Inflation [Docket No.: 080731957-8958-01] (RIN: 0605-AA27) received March 4, 2010 to the Committee on the Judiciary.

6797. A letter from the Paralegal Specialist, Department of Homeland Security, transmitting the Department's final rule — Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments [Docket No.: 30707 Amdt. No 3358] received March 4, 2010 to the Committee on Transportation and Infrastructure.

6798. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Certification of Aircraft and Airmen for Operation of Light-Sport Aircraft; Modifications to Rules for Sport Pilots and Flight Instructors with a Sport Pilot Rating [Docket No.: FAA-2007-29015; Amdt. Nos. 43-44, 61-125, 91-311, and 141-13] (RIN: 2120-AJ10) received

March 4, 2010 to the Committee on Transportation and Infrastructure.

6799. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Turbomeca Arriel 2B and 2B1 Turboshift Engines [Docket No.: FAA-2009-0889; Directorate Identifier 2009-NE-35-AD; Amendment 39-16189; AD 2010-03-06] (RIN: 2120-AA64) received March 4, 2010 to the Committee on Transportation and Infrastructure.

6800. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Lifesavings Systems Corp., D-Lok Hook Assembly [Docket No.: FAA-2009-1148; Directorate Identifier 2009-SW-36-AD; Amendment 39-16185; AD 2010-03-02] (RIN: 2120-AA64) received March 4, 2010 to the Committee on Transportation and Infrastructure.

6801. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Eurocopter France Model SE3160, SA315B, SA316B, SA316C, and SA319B Helicopters [Docket No.: FAA-2010-0047; Directorate Identifier 2009-SW-28-AD; Amendment 39-16177; AD 2010-02-07] (RIN: 2120-AA64) received March 4, 2010 to the Committee on Transportation and Infrastructure.

6802. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Fokker Services B.V. Model F.28 Mark 0070 and 0100 Airplanes [Docket No.: FAA-2009-0793; Directorate Identifier 2009-NM-051-AD; Amendment 39-16183; AD 2010-02-12] (RIN: 2120-AA64) received March 4, 2010 to the Committee on Transportation and Infrastructure.

6803. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A330-201, -202, -203, -223, -243, -301, -302, -303, -321, -322, -323, -341, -342, and -343 Series Airplanes; Model A340-211, -212, -213, -311, -312, and -313 Series Airplanes; and Model A340-541 and -642 Airplanes [Docket No.: FAA-2009-0782; Directorate Identifier 2009-NM-011-AD; Amendment 39-16181; AD 2010-02-10] (RIN: 2120-AA64) received March 4, 2010 to the Committee on Transportation and Infrastructure.

6804. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; BAE SYSTEMS (Operations) Limited Model BAe 146 and Avro 146-RJ Airplanes [Docket No.: FAA-2009-0912; Directorate Identifier 2009-NM-047-AD; Amendment 39-16182; AD 2010-02-11] (RIN: 2120-AA64) received March 4, 2010 to the Committee on Transportation and Infrastructure.

6805. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Eurocopter France Model AS332L1, AS332L2, and EC225LP Helicopters [Docket No.: FAA-2009-1146; Directorate Identifier 2008-SW-38-AD; Amendment 39-16184; AD 2010-03-01] (RIN: 2120-AA64) received March 4, 2010 to the Committee on Transportation and Infrastructure.

6806. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Filtered Flight Data [Docket No.: FAA-2006-26135; Amendment Nos. 121-347, 125-59, and 135-120] (RIN: 2120-AI79) received March 4, 2010 to the Committee on Transportation and Infrastructure.

6807. A letter from the Program Manager, Department of Health and Human Services, transmitting the Department's final rule — Computerized Tribal IV-D Systems and Office Automation (RIN: 0970-AC32) received February 25, 2010 to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. BRADY of Pennsylvania: Committee on House Administration. H.R. 3489. A bill to amend the Help America Vote Act of 2002 to prohibit State election officials from accepting a challenge to an individual's eligibility to register to vote in an election for Federal office or to vote in an election for Federal office in a jurisdiction on the grounds that the individual resides in a household in the jurisdiction which is subject to foreclosure proceedings or that the jurisdiction was adversely affected by a hurricane or other major disaster, and for other purposes (Rept. 111-457). Referred to the Committee of the Whole House on the State of the Union.

Ms. SLAUGHTER. Committee on Rules. House Resolution 1225. Resolution providing for consideration of the Senate amendments to the bill (H.R. 4872) to provide for reconciliation pursuant to Title II of the concurrent resolution on the budget for fiscal year 2010 (S. Con. Res. 13) (Rept. 111-458). Referred to the House Calendar.

TIME LIMITATION OF REFERRED BILL

Pursuant to clause 2 of rule XII the following action was taken by the Speaker:

H.R. 3376. Referral to the Committees on the Judiciary and Homeland Security extended for a period ending not later than May 28, 2010.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. SERRANO:

H.R. 4938. A bill to permit the use of previously appropriated funds to extend the Small Business Loan Guarantee Program, and for other purposes; to the Committee on Small Business; considered and passed.

By Mr. TIM MURPHY of Pennsylvania:

H.R. 4939. A bill to establish a procedure to safeguard the surpluses of the Social Security and Medicare hospital insurance trust funds; to the Committee on the Budget, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. POMEROY (for himself, Mr.

SHIMKUS, Ms. HERSETH SANDLIN, Mr. JOHNSON of Illinois, Mr. LATHAM, Mr. HARE, Mr. PETERSON, Mr. BRALEY of Iowa, Mr. LOEBSACK, Mr. BOSWELL, Mr. KING of Iowa, Mr. WALZ, Mr. SCHOCK, Mr. LEE of New York, Ms. MARKEY of Colorado, Mr. MOORE of

Kansas, Mr. SALAZAR, Mrs. HALVORSON, Mr. GRAVES, Mr. ELLSWORTH, Mr. DAVIS of Illinois, Mrs. EMERSON, Mr. DAVIS of Alabama, Mr. LUETKEMEYER, Mr. TERRY, Ms. KAPTUR, Mr. COSTELLO, Mr. HILL, Mr. FOSTER, and Mr. KIRK):

H.R. 4940. A bill to amend the Internal Revenue Code of 1986 to extend certain tax incentives for alcohol used as fuel and to amend the Harmonized Tariff Schedule of the United States to extend additional duties on ethanol; to the Committee on Ways and Means.

By Mrs. KIRKPATRICK of Arizona (for herself, Mr. FILNER, Ms. TITUS, Mr. RODRIGUEZ, and Mrs. LUMMIS):

H.R. 4941. A bill to amend title 31, United States Code, to include means of access to funds or the value of funds in certain records and reports on monetary instrument transactions, and for other purposes; to the Committee on Financial Services.

By Mr. GOODLATTE (for himself, Mr. WOLF, Mr. WITTMAN, Mr. NYE, Mr. CANTOR, Mr. FORBES, Mr. BOUCHER, and Mr. PERRIELLO):

H.R. 4942. A bill to require the Secretary of the Interior to conduct proposed oil and gas Lease Sale 220 for areas of the outer Continental Shelf at least 50 miles beyond the coastal zone of Virginia, and for other purposes; to the Committee on Natural Resources, and in addition to the Committees on Energy and Commerce, and Science and Technology, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MCCARTHY of California (for himself, Mr. CANTOR, Mr. CAMP, Mr. RYAN of Wisconsin, and Mr. BRADY of Texas):

H.R. 4943. A bill to require the Internal Revenue Service to include in the Form 1040 instruction booklet information relating to Federal Government revenues, spending, and public debt; to the Committee on Ways and Means.

By Mr. WILSON of South Carolina:

H.R. 4944. A bill to repeal the Patient Protection and Affordable Care Act and to replace such Act with incentives to encourage health insurance coverage, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committees on the Budget, Oversight and Government Reform, Ways and Means, Education and Labor, the Judiciary, Natural Resources, Rules, House Administration, and Appropriations, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. MALONEY (for herself, Mr. DENT, Mr. TOWNS, and Mr. PASCRELL):

H.R. 4945. A bill to amend title 13 of the United States Code to provide for a 5-year term of office for the Director of the Census and to provide for the authority and duties of the Director and Deputy Director of the Census, and for other purposes; to the Committee on Oversight and Government Reform.

By Mr. COLE (for himself and Mr. ROONEY):

H.R. 4946. A bill to protect 10th Amendment rights by providing special standing for State government officials to challenge proposed regulations, and for other purposes; to the Committee on the Judiciary.

By Mr. LATHAM (for himself and Mr. BOREN):

H.R. 4947. A bill to amend title 10, United States Code, to eliminate the per-fiscal year calculation of days of certain active duty or active service used to reduce the minimum age at which a member of a reserve component of the uniformed services may retire for non-regular service; to the Committee on Armed Services.

By Mr. BOREN (for himself and Mr. COLE):

H.R. 4948. A bill to amend the Water Resources Development Act of 1986 to clarify the role of the Cherokee Nation of Oklahoma in maintaining the W.D. Mayo Lock and Dam in Oklahoma; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Natural Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. DAVIS of California (for herself, Mr. ORTIZ, and Mr. WILSON of South Carolina):

H.R. 4949. A bill to establish within the Office of the Secretary of Defense an office responsible for implementing all recommendations and requirements regarding military medical facilities in the National Capital Region, and for other purposes; to the Committee on Armed Services.

By Mr. COHEN (for himself, Mr. WHITFIELD, and Mr. CONYERS):

H.R. 4950. A bill to provide for improvements to the administration of bankruptcy in cases under chapter 7 of title 11 of the United States Code; to the Committee on the Judiciary.

By Mr. BURGESS (for himself, Mr. HERGER, Mr. CARTER, Mr. BOEHNER, Mr. KIRK, Mr. ISSA, Mr. PLATTS, Mr. CULBERSON, Mr. POE of Texas, Mr. YOUNG of Alaska, Mr. THOMPSON of Pennsylvania, Mr. MICA, Mr. CALVERT, Mr. NEUGEBAUER, Mr. GINGREY of Georgia, Mr. WILSON of South Carolina, Mr. ROGERS of Michigan, Mrs. BACHMANN, Mrs. BLACKBURN, Mr. ROE of Tennessee, Mr. PAUL, Mr. SCALISE, Mr. SAM JOHNSON of Texas, Mr. HELLER, Mr. SMITH of Texas, Mr. HALL of Texas, Mr. CAMPBELL, and Mr. FORTENBERRY):

H.R. 4951. A bill to amend the Patient Protection and Affordable Care Act to provide for participation in the Exchange of the President, Vice-President, Members of Congress, political appointees, and congressional staff; to the Committee on Oversight and Government Reform, and in addition to the Committees on House Administration, and Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. ROS-LEHTINEN (for herself, Mr. MACK, Mr. MARIO DIAZ-BALART of Florida, and Mr. LINCOLN DIAZ-BALART of Florida):

H.R. 4952. A bill to establish the Office of the Special Coordinator for Assistance to Haiti, to establish the Office of the Special Inspector General for Assistance to Haiti, and for other purposes; to the Committee on Foreign Affairs.

By Mr. MILLER of North Carolina (for himself and Mr. ELLISON):

H.R. 4953. A bill to amend the Truth in Lending Act to prohibit the servicer of a home mortgage, or any affiliate of the servicer, from holding any other mortgage on the property; to the Committee on Financial Services.

By Mr. ISSA (for himself, Mr. BOUCHER, Mr. SMITH of Texas, Mr. CONYERS, Mr. COBLE, Mr. COHEN, Mr. FRANKS of Arizona, and Mr. DANIEL E. LUNGREN of California):

H.R. 4954. A bill to amend title 35, United States Code, to provide recourse under the patent law for persons who suffer competitive injury as a result of false markings; to the Committee on the Judiciary.

By Ms. KOSMAS:

H.R. 4955. A bill to authorize the National Science Foundation to provide grants for implementing or expanding research-based reforms in undergraduate STEM education for the purpose of increasing the number and quality of students studying toward and completing baccalaureate degrees in STEM; to the Committee on Science and Technology, and in addition to the Committee on Education and Labor, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. BONO MACK (for herself, Mr. ROGERS of Kentucky, Mr. TERRY, Mr. DUNCAN, Mr. MACK, Mr. WHITFIELD, and Mr. LYNCH):

H.R. 4956. A bill to direct the Commissioner of Food and Drugs to modify the approval of any drug containing controlled-release oxycodone hydrochloride to limit such approval to use for the relief of severe-only instead of moderate-to-severe pain, and for other purposes; to the Committee on Energy and Commerce.

By Ms. RICHARDSON:

H.R. 4957. A bill to amend the Internal Revenue Code of 1986 to extend the funding and expenditure authority of the Airport and Airway Trust Fund, to amend title 49, United States Code, to extend authorizations for the airport improvement program, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned. Considered and passed.

By Mr. BACA (for himself, Mr. SIRES, Mr. TOWNS, and Ms. NORTON):

H.R. 4958. A bill to amend section 204 of the Child Nutrition and WIC Reauthorization Act of 2004 (42 U.S.C. 1751 note) to require each local educational agency participating in a program authorized by the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.) or the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.) to include under the local wellness policy established by the agency a requirement that students receive 50 hours of school nutrition education per school year; to the Committee on Education and Labor.

By Mr. CARNAHAN (for himself, Mr. FORTENBERRY, Mr. REICHERT, Mr. MORAN of Virginia, Mr. SIRES, Mr. EHLERS, Mrs. BIGGERT, Mrs. MALONEY, and Mr. DICKS):

H.R. 4959. A bill to strengthen the capacity of the United States to lead the international community in reversing renewable natural resource degradation trends around the world that threaten to undermine global prosperity and security and eliminate the diversity of life on Earth; to the Committee on Foreign Affairs.

By Mr. BUCHANAN (for himself, Mr. JONES, Mr. CARTER, Mr. PLATTS, Mr. GARY G. MILLER of California, Mr. POSEY, Mr. WESTMORELAND, Mr.

BROUN of Georgia, Mr. WILSON of South Carolina, Mr. MILLER of Florida, Mr. BISHOP of Utah, Mr. FORBES, Mr. ISSA, Mr. CALVERT, Mr. BURGESS, Mr. ROONEY, Mr. CHAFFETZ, Mr. PRICE of Georgia, Mr. PENCE, Mr. BRADY of Texas, Mr. KINGSTON, Mr. CASTLE, Mr. GINGREY of Georgia, Mr. HALL of Texas, and Mrs. BIGGERT):

H.R. 4960. A bill to eliminate sweetheart deals under the Patient Protection and Affordable Care Act; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. CLARKE (for herself, Mr. MEEKS of New York, Ms. FUDGE, and Mr. MEEK of Florida):

H.R. 4961. A bill to provide for the establishment of the Haitian-American Enterprise Fund; to the Committee on Foreign Affairs.

By Ms. CLARKE (for herself, Mr. THOMPSON of Mississippi, Mr. KING of New York, Ms. LORETTA SANCHEZ of California, Mr. WEINER, and Ms. RICHARDSON):

H.R. 4962. A bill to require reporting on certain information and communications technologies of foreign countries, to develop action plans to improve the capacity of certain countries to combat cybercrime, and for other purposes; to the Committee on Foreign Affairs, and in addition to the Committees on Ways and Means, and Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. COURTNEY (for himself, Ms. DELAUNO, Mr. HARE, Ms. EDWARDS of Maryland, and Mr. YARMUTH):

H.R. 4963. A bill to amend the child nutrition laws to require that milk served in school lunch programs be consistent with the Dietary Guidelines for Americans and to expand eligibility for the Special Milk Program, and to establish a pilot program providing low-fat cheeses for school breakfast and lunch programs, and for other purposes; to the Committee on Education and Labor.

By Mr. MARIO DIAZ-BALART of Florida:

H.R. 4964. A bill to amend the Internal Revenue Code of 1986 to provide individuals a deduction for commuting expenses; to the Committee on Ways and Means.

By Mr. DONNELLY of Indiana:

H.R. 4965. A bill to amend the Internal Revenue Code of 1986 to reduce the employer portion of payroll taxes in the case of employers who expand payroll in 2010 and 2011 in areas with high unemployment and to make permanent the research and development credit, bonus depreciation, and increased expensing limitations; to the Committee on Ways and Means.

By Ms. GIFFORDS:

H.R. 4966. A bill to amend section 5316 of title 31, United States Code, to establish a reporting requirement for any stored value device carried out of, into, or through the United States, to establish registration requirements for stored value device businesses, and for other purposes; to the Committee on Financial Services.

By Ms. GIFFORDS (for herself, Mr. THOMPSON of California, Mrs. BONO MACK, Mr. GRIJALVA, Mr. LUJÁN, Mr. BLUMENAUER, and Mr. CARNAHAN):

H.R. 4967. A bill to amend the Internal Revenue Code of 1986 to provide an exception to

the arbitrage rules for prepayments for electricity generated from renewable resources; to the Committee on Ways and Means.

By Ms. GIFFORDS:

H.R. 4968. A bill to authorize the National Science Foundation to award grants for implementing or expanding research-based reforms in master's and doctoral level STEM education that emphasize preparation for diverse careers in the STEM workforce; to the Committee on Science and Technology, and in addition to the Committee on Education and Labor, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. INSLEE (for himself, Mr. SMITH of Washington, and Mr. REICHERT):

H.R. 4969. A bill to require the Attorney General to make recommendations to the Interstate Commission for Adult Offender Supervision on policies and minimum standards to better protect public and officer safety; to the Committee on the Judiciary.

By Mr. INSLEE (for himself, Mr. SMITH of Washington, and Mr. REICHERT):

H.R. 4970. A bill to further the mission of the Global Justice Information Sharing Initiative Advisory Committee by continuing its development of policy recommendations and technical solutions on information sharing and interoperability, and enhancing its pursuit of benefits and cost savings for local, State, tribal, and Federal justice agencies; to the Committee on the Judiciary.

By Ms. KAPTUR (for herself, Ms. KILPATRICK of Michigan, Ms. FUDGE, Mr. JACKSON of Illinois, Ms. MOORE of Wisconsin, Ms. VELÁZQUEZ, Ms. LEE of California, Mr. CUMMINGS, Mr. NEAL of Massachusetts, Ms. ROYBAL-ALLARD, Mr. CLAY, Mr. RUSH, Mr. DAVIS of Illinois, Mr. RYAN of Ohio, Mr. MCGOVERN, Mr. KUCINICH, Mr. KILDEE, Mr. HARE, Ms. SUTTON, Mr. TONKO, Mr. KANJORSKI, Mr. PATRICK J. MURPHY of Pennsylvania, Mr. SHERMAN, and Mrs. DAHLKEMPER):

H.R. 4971. A bill to increase the emphasis on urban agricultural issues in the Department of Agriculture through the establishment of a new office to ensure that Department authorities are used to effectively encourage local agricultural production and increase the availability of fresh food in urban areas, particularly underserved communities experiencing hunger, poor nutrition, obesity, and food insecurity, and for other purposes; to the Committee on Agriculture, and in addition to the Committee on Education and Labor, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KING of Iowa (for himself, Mr. ADERHOLT, Mr. AKIN, Mrs. BACHMANN, Mr. BARRETT of South Carolina, Mr. BISHOP of Utah, Mr. BONNER, Mr. BURTON of Indiana, Mr. BUYER, Mr. CAMPBELL, Mr. CARTER, Mr. COBLE, Mr. DUNCAN, Mr. FLEMING, Mr. GOMMERT, Mr. GOODLATTE, Mr. GRIFFITH, Mr. HENSARLING, Mr. INGLIS, Mr. ISSA, Mr. JOHNSON of Illinois, Mr. JONES, Mr. KINGSTON, Mr. LAMBORN, Mr. LATTA, Mr. MARCHANT, Mr. MCHENRY, Mr. GARY G. MILLER of California, Mr. NEUGEBAUER, Mr. PENCE, Mr. SMITH of New Jersey, Mr. SMITH of Texas, Mr. SOUDER, Mr. TIAHRT, Mr. WAMP, Mr. WESTMORELAND, Mr. ROGERS of Alabama, Mr. OLSON, Ms. JENKINS, Mr. BROUN of Georgia, and Mrs. LUMMIS):

H.R. 4972. A bill to repeal the Patient Protection and Affordable Care Act; to the Committee on Energy and Commerce, and in addition to the Committees on Ways and Means, Education and Labor, the Judiciary, Natural Resources, Rules, House Administration, and Appropriations, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KRATOVIL:

H.R. 4973. A bill to amend the Fish and Wildlife Act of 1956 to reauthorize volunteer programs and community partnerships for national wildlife refuges, and for other purposes; to the Committee on Natural Resources.

By Mr. LANGEVIN (for himself, Mr. THORNBERRY, Mr. SKELTON, Ms. HARMAN, Mr. GONZALEZ, Mr. DAVIS of Kentucky, Mr. WALZ, Mr. REYES, Mr. OWENS, Mr. ROTHMAN of New Jersey, Mr. THOMPSON of Mississippi, and Mr. CARTER):

H.R. 4974. A bill to provide for quadrennial national security reviews, and for other purposes; to the Committee on Armed Services.

By Mr. DANIEL E. LUNGREN of California (for himself, Mr. SMITH of Texas, Mr. SENSENBRENNER, Mr. CARTER, Mr. FRANKS of Arizona, Mrs. MILLER of Michigan, Mr. COBLE, and Mr. LINDER):

H.R. 4975. A bill to provide for habeas corpus review for unprivileged enemy belligerents; to the Committee on the Judiciary.

By Mr. MCDERMOTT (for himself, Mr. LARSON of Connecticut, Mr. FRANK of Massachusetts, and Mr. BLUMENAUER):

H.R. 4976. A bill to amend the Internal Revenue Code of 1986 to regulate and tax Internet gambling; to the Committee on Ways and Means, and in addition to the Committee on Education and Labor, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MITCHELL:

H.R. 4977. A bill to amend the Noyce Teacher Scholarship Program to reduce the cost-sharing requirement for colleges and universities and to provide incentives for Noyce scholars to teach in high-needs schools; to the Committee on Science and Technology.

By Ms. MOORE of Wisconsin (for herself and Mr. STARK):

H.R. 4978. A bill to require States to take certain steps to address domestic and sexual violence among individuals receiving assistance under the program of block grants to States for temporary assistance for needy families; to the Committee on Ways and Means.

By Mr. MORAN of Virginia (for himself, Mr. WOLF, Mr. CONNOLLY of Virginia, and Ms. NORTON):

H.R. 4979. A bill to amend chapters 83 and 84 of title 5, United States Code, to provide for the indexation of deferred annuities; to provide that a survivor annuity be provided to the widow or widower of a former employee who dies after separating from Government service with title to a deferred annuity under the Civil Service Retirement System but before establishing a valid claim therefor, and for other purposes; to the Committee on Oversight and Government Reform, and in addition to the Committee on House Administration, for a period to be subsequently determined by the Speaker, in

each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PATRICK J. MURPHY of Pennsylvania (for himself and Mr. FLAKE):

H.R. 4980. A bill to terminate the authorities of the Overseas Private Investment Corporation; to the Committee on Foreign Affairs.

By Mr. PETERSON (for himself, Mr. WALZ, Mr. PENCE, Mr. PITTS, Mr. LOEBSACK, and Mr. LUETKEMEYER):

H.R. 4981. A bill to amend the Internal Revenue Code of 1986 to provide a religious exception to the requirement that certain tax return preparers file returns on magnetic media; to the Committee on Ways and Means.

By Mr. POSEY (for himself, Mr. LINDER, Mr. KIRK, Mr. PITTS, Mr. OLSON, Mr. BARTLETT, Mr. FLEMING, Mr. PAULSEN, Ms. FALLIN, Mr. GRIFFITH, Mr. NEUGEBAUER, Mrs. BACHMANN, Mr. GOHMERT, Mr. BROUN of Georgia, Mr. BONNER, Mr. AKIN, Mr. WESTMORELAND, Mr. PAUL, Mrs. MYRICK, and Mr. SOUDER):

H.R. 4982. A bill to amend the Patient Protection and Affordable Care Act to clarify the coverage for congressional employees through Exchanges under title I of such Act; to the Committee on House Administration, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. QUIGLEY:

H.R. 4983. A bill to amend the Ethics in Government Act of 1978, the Rules of the House of Representatives, the Lobbying Disclosure Act of 1995, and the Federal Funding Accountability and Transparency Act of 2006 to improve access to information in the legislative and executive branches of the Government, and for other purposes; to the Committee on Oversight and Government Reform, and in addition to the Committees on Rules, House Administration, the Judiciary, and Standards of Official Conduct, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. REYES:

H.R. 4984. A bill to amend the Ysleta del Sur Pueblo and Alabama and Coushatta Indian Tribes of Texas Restoration Act to allow the Ysleta del Sur Pueblo tribe to determine blood quantum requirement for membership in that Tribe; to the Committee on Natural Resources.

By Mr. ROE of Tennessee (for himself, Mr. POSEY, Mr. FLEMING, Mr. LUETKEMEYER, Mr. WAMP, Mr. WESTMORELAND, Mr. OLSON, Mrs. MCMORRIS RODGERS, Mr. CHAFFETZ, Mrs. BLACKBURN, Mr. GRIFFITH, Mrs. LUMMIS, Mr. SHADEGG, Mr. LINDER, Mr. DUNCAN, Mr. TIAHRT, Mr. JONES, Mr. SOUDER, Mr. HALL of Texas, Mrs. BACHMANN, Mr. MICA, Ms. FALLIN, Mr. PENCE, Mr. BURGESS, Mr. KING of Iowa, Mr. COFFMAN of Colorado, Mr. SCHOCK, Mr. ROONEY, Mr. THOMPSON of Pennsylvania, and Mr. PAUL):

H.R. 4985. A bill to repeal the provisions of the Patient Protection and Affordable Care Act providing for the Independent Payment Advisory Board; to the Committee on Ways and Means, and in addition to the Committees on Rules, and Energy and Commerce, for a period to be subsequently determined by

the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ROYCE (for himself, Ms. WATSON, and Ms. ROS-LEHTINEN):

H.R. 4986. A bill to develop a strategy for assisting stateless children from North Korea, and for other purposes; to the Committee on Foreign Affairs.

By Mr. SCHOCK (for himself and Mrs. LUMMIS):

H.R. 4987. A bill to use unexpended stimulus funds to replenish the Highway Trust Fund; to the Committee on Appropriations.

By Mr. SESTAK:

H.R. 4988. A bill to amend the Fair Housing Act to prohibit discrimination on the basis of sexual orientation and gender identity, and for other purposes; to the Committee on the Judiciary.

By Mr. SESTAK:

H.R. 4989. A bill to require consideration of the life-cycle cost of a building during the construction of certain Federal buildings, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. SESTAK:

H.R. 4990. A bill to amend the Internal Revenue Code of 1986 to modify and extend the credit for alternative motor vehicles, and for other purposes; to the Committee on Ways and Means.

By Mr. YOUNG of Alaska:

H.R. 4991. A bill to amend the Omnibus Budget Reconciliation Act of 1993 to require the Bureau of Land Management to provide a claimant of a small miner waiver from claim maintenance fees with a period of 60 days after written receipt of 1 or more defects is provided to the claimant by registered mail to cure the 1 or more defects or pay the claim maintenance fee, and for other purposes; to the Committee on Natural Resources.

By Mr. COURTNEY (for himself, Mr. MICHAUD, Ms. HIRONO, Mr. COBLE, Mr. MURPHY of Connecticut, Mr. LARSON of Connecticut, Mr. MICA, Ms. DELAUNO, Mr. BRADY of Pennsylvania, Ms. BORDALLO, Mr. BARTLETT, Mr. WITTMAN, Ms. SHEA-PORTER, Mr. LAMBORN, Mr. TAYLOR, Mr. HALL of New York, Ms. ROYBAL-ALLARD, Mr. BISHOP of New York, Mr. BUTTERFIELD, Ms. LORETTA SANCHEZ of California, Mr. CONAWAY, Mr. LANDEVIN, and Ms. KILPATRICK of Michigan):

H. Con. Res. 258. Concurrent resolution congratulating the Commandant of the Coast Guard and the Superintendent of the Coast Guard Academy and its staff for 100 years of operation of the Coast Guard Academy in New London, Connecticut, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. PASCRELL (for himself and Mr. TIBERI):

H. Con. Res. 259. Concurrent resolution recognizing the 500th anniversary of the birth of Italian architect Andrea Palladio; to the Committee on Foreign Affairs.

By Mr. CALVERT (for himself and Ms. LORETTA SANCHEZ of California):

H. Res. 1219. A resolution expressing support for designation of September as National Child Awareness Month; to the Committee on Education and Labor.

By Mr. FLAKE:

H. Res. 1220. A resolution raising a question of the privileges of the House; to the Committee on Standards of Official Conduct.

By Mr. CHAFFETZ:

H. Res. 1221. A resolution amending the Rules of the House of Representatives to in-

crease openness and transparency in the annual appropriations process as it relates to earmarks; to the Committee on Rules, and in addition to the Committee on Standards of Official Conduct, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. EHLERS (for himself and Mr. GRIJALVA):

H. Res. 1222. A resolution supporting the goals and ideals of National Library Week; to the Committee on Education and Labor.

By Mr. PENCE:

H. Res. 1223. A resolution electing a Minority member to a standing committee; considered and agreed to.

By Mr. JOHNSON of Georgia (for himself, Ms. LEE of California, Mr. MCGOVERN, Mr. PAYNE, Ms. MOORE of Wisconsin, Mr. RUSH, Mr. GRIJALVA, Mr. HONDA, Mr. MORAN of Virginia, Mr. LEWIS of Georgia, Ms. SCHAKOWSKY, Mr. ELLISON, Ms. WOOLSEY, Ms. NORTON, Mr. SERRANO, Ms. WATSON, Mr. DAVIS of Illinois, Mr. HASTINGS of Florida, Mr. JACKSON of Illinois, Ms. LINDA T. SANCHEZ of California, Mr. MICHAUD, Mr. FARR, and Ms. RICHARDSON):

H. Res. 1224. A resolution recognizing and honoring the important work that Colombia's Constitutional Court has done on behalf of Colombia's internally displaced persons, especially indigenous peoples, Afro-Colombians, and women; to the Committee on Foreign Affairs.

By Mr. GENE GREEN of Texas (for himself, Mr. WHITFIELD, Ms. BALDWIN, Mr. SESSIONS, Mr. SCOTT of Georgia, Mr. SCHRADER, Mr. NEAL of Massachusetts, Mr. GRIJALVA, and Mr. KENNEDY):

H. Res. 1226. A resolution commending EyeCare America for its work over the last 25 years; to the Committee on Energy and Commerce.

By Ms. FALLIN:

H. Res. 1227. A resolution remembering the victims of the attack on the Alfred P. Murrah Federal Building in Oklahoma City, Oklahoma, and supporting the goals and ideals of the National Week of Hope; to the Committee on Oversight and Government Reform.

By Mr. BOOZMAN:

H. Res. 1228. A resolution honoring the veterans of Helicopter Attack Light Squadron Three and their families; to the Committee on Veterans' Affairs, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BURTON of Indiana (for himself, Mrs. NAPOLITANO, Mr. KENNEDY, Ms. BERKLEY, Mr. HINCHAY, Ms. RICHARDSON, Mr. YOUNG of Alaska, Mr. INGLIS, Mr. ROTHMAN of New Jersey, Mr. CARSON of Indiana, Ms. KILROY, Mr. LOEBSACK, Mr. TONKO, Mr. WOLF, Mr. PENCE, Ms. MOORE of Wisconsin, Mr. SMITH of New Jersey, Mr. GRIJALVA, Mr. WAXMAN, Mr. FRANK of Massachusetts, Mr. OLVER, Mr. HASTINGS of Florida, Ms. SHEA-PORTER, Mr. RUSH, Mr. MICHAUD, Mr. MCCAUL, Mr. GRIFFITH, Ms. JACKSON LEE of Texas, Mr. KAGEN, Mr. THOMPSON of Pennsylvania, Ms. BORDALLO, Mrs. SCHMIDT, Mr. LUJÁN, Mr. GONZALEZ, Mr. HINOJOSA, Mr. ORTIZ, Mr. PASTOR

of Arizona, Mr. PIERLUISI, Ms. ROY-BAL-ALLARD, Mr. SERRANO, Mr. LAN-GEVIN, and Mr. GUTIERREZ);

H. Res. 1229. A resolution expressing the sense of the House of Representatives that the President should overturn the policy that prohibits sending a presidential letter of condolence to the family of a member of the Armed Forces who has died by suicide; to the Committee on Armed Services.

By Mr. GARRETT of New Jersey (for himself, Mr. CULBERSON, Mrs. BLACKBURN, Mr. JONES, Mr. BISHOP of Utah, Mr. GOHMERT, and Mr. GARY G. MILLER of California).

H. Res. 1230. A resolution commending the efforts of State legislatures, Attorneys General, and citizens to resist the implementation of the Patient Protection and Affordable Care Act; to the Committee on the Judiciary.

By Mr. HOLT:

H. Res. 1231. A resolution celebrating the 50th anniversary of the United States Television Infrared Observation Satellite, the world's first meteorological satellite, launched by the National Aeronautics and Space Administration on April 1, 1960, and fulfilling the promise of President Eisenhower to all nations of the world to promote the peaceful use of space for the benefit of all mankind; to the Committee on Science and Technology.

By Mr. LATTA:

H. Res. 1232. A resolution congratulating the six-time Defending Mid-American Conference Champion Bowling Green State University women's basketball team on another outstanding and record-setting season; to the Committee on Education and Labor.

By Mr. LOEBSACK:

H. Res. 1233. A resolution congratulating the University of Iowa Hawkeyes wrestling team on winning the 2010 NCAA Division I National Wrestling Championships; to the Committee on Education and Labor.

By Mr. MAFFEI:

H. Res. 1234. A resolution congratulating the Town of Penfield, New York, on the occasion of its bicentennial anniversary; to the Committee on Oversight and Government Reform.

By Mr. TEAGUE:

H. Res. 1235. A resolution amending the Rules of the House of Representatives to require chairs and ranking minority members of committees and subcommittees to indicate whether they have any financial interest in the employer of any witness at a hearing, any person retaining a witness, or any person represented by a witness; to the Committee on Rules.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 24: Mr. CHANDLER, Mr. LEE of New York, Ms. BERKLEY, Ms. VELÁZQUEZ, and Mr. SCHRADER.

H.R. 177: Mr. GRIJALVA.

H.R. 197: Mr. ELLSWORTH.

H.R. 211: Mr. FRANK of Massachusetts and Mr. OLVER.

H.R. 275: Mr. HONDA.

H.R. 333: Mr. MCGOVERN, Mr. TONKO, Ms. BERKLEY, Mr. MANZULLO, Mr. SIMPSON, and Mr. ROSS.

H.R. 510: Mr. ETHERIDGE.

H.R. 537: Mr. DELAHUNT.

H.R. 571: Mr. ETHERIDGE.

H.R. 668: Mr. TIAHRT.

H.R. 734: Mr. THOMPSON of Mississippi, Mr. CALVERT, and Mrs. DAVIS of California.

H.R. 796: Mr. KILDEE, Mr. BACA, and Mr. FILNER.

H.R. 886: Mr. PASTOR of Arizona and Mr. COBLE.

H.R. 948: Mr. DENT.

H.R. 1074: Mr. ELLSWORTH and Mr. TIAHRT.

H.R. 1093: Mr. CLEAVER.

H.R. 1132: Mr. HUNTER.

H.R. 1177: Mr. AKIN, Mr. BONNER, Mr. BOUTSANY, Mr. BUCHANAN, Mr. COBLE, Mr. CRENSHAW, Mr. FRANKS of Arizona, Ms. GRANGER, Mr. KING of New York, Mr. LINDER, Mr. LUCAS, Mr. DANIEL E. LUNGREN of California, Mr. MACK, Mr. GARY G. MILLER of California, Mr. NUNES, Mr. PETRI, Mr. RADANOVICH, Mr. SENSENBRENNER, Mr. SHUSTER, and Mr. SIMPSON.

H.R. 1189: Mr. TIAHRT.

H.R. 1205: Mrs. RICHARDSON and Mrs. CAPITO.

H.R. 1294: Mr. TIAHRT.

H.R. 1352: Mr. PETERS and Mr. DAVIS of Tennessee.

H.R. 1362: Mr. CHAFFETZ.

H.R. 1426: Mr. NUNES.

H.R. 1443: Mr. COSTELLO.

H.R. 1549: Mr. BISHOP of New York.

H.R. 1623: Mr. UPTON and Mr. HALL of New York.

H.R. 1643: Mr. YOUNG of Alaska and Mr. BRADY of Pennsylvania.

H.R. 1646: Mr. TIAHRT.

H.R. 1691: Mr. TIAHRT.

H.R. 1818: Mr. ISRAEL.

H.R. 1826: Mrs. CAPPS.

H.R. 1894: Mr. TIAHRT.

H.R. 1908: Mrs. MALONEY.

H.R. 1912: Mr. YOUNG of Florida.

H.R. 2000: Mr. SERRANO, Mr. GRAYSON, Mr. YOUNG of Alaska, Mr. NADLER of New York, Mrs. EMERSON, Ms. KILPATRICK of Michigan, Mr. WALZ, Mr. BARTLETT, Mr. LYNCH, Mr. SARBANES, and Ms. SHEA-PORTER.

H.R. 2038: Mr. MCCLINTOCK.

H.R. 2054: Mr. WILSON of Ohio.

H.R. 2057: Mr. WILSON of Ohio.

H.R. 2067: Mr. GRIJALVA.

H.R. 2104: Mr. STARK.

H.R. 2105: Mr. DENT.

H.R. 2122: Mr. BROWN of South Carolina and Ms. ROS-LEHTINEN.

H.R. 2160: Mrs. MCMORRIS RODGERS.

H.R. 2214: Mr. PRICE of North Carolina.

H.R. 2220: Ms. HERSETH SANDLIN.

H.R. 2262: Mr. KLEIN of Florida.

H.R. 2275: Mr. RAHALL, Mr. STARK, and Ms. KOSMAS.

H.R. 2296: Mr. BURGESS and Mr. KISSELL.

H.R. 2319: Mr. GRIJALVA.

H.R. 2328: Ms. LINDA T. SÁNCHEZ of California.

H.R. 2378: Mr. BOCCIERI, Mr. CUMMINGS, Mr. LARSON of Connecticut, Mr. GUTIERREZ, Mr. LYNCH, Mr. DELAHUNT, Mr. ANDREWS, Ms. SHEA-PORTER, Ms. LORETTA SANCHEZ of California, Mr. CONNOLLY of Virginia, Mr. BARROW, and Mrs. MCCARTHY of New York.

H.R. 2472: Mr. WHITFIELD, Mr. POSEY, Mr. WAMP, Mr. MILLER of Florida, and Mr. ROYCE.

H.R. 2520: Mr. DANIEL E. LUNGREN of California.

H.R. 2542: Mr. LARSON of Connecticut, Mrs. MILLER of Michigan, and Mr. TIM MURPHY of Pennsylvania.

H.R. 2578: Mr. CHAFFETZ.

H.R. 2584: Ms. BALDWIN.

H.R. 2597: Mr. TONKO.

H.R. 2625: Ms. GIFFORDS, Mr. FILNER, and Ms. SUTTON.

H.R. 2697: Mr. ARCURI.

H.R. 2720: Mr. SHADEGG.

H.R. 2746: Ms. CLARKE, Mr. DELAHUNT, and Mr. RUSH.

H.R. 2866: Mr. BISHOP of Utah.

H.R. 3012: Mrs. CAPPS.

H.R. 3070: Mr. HARE, Mr. SHERMAN, Ms. SPEIER, Mr. PALLONE, Ms. WOOLSEY, Mr. HINCHAY, Mr. COSTA, Mr. CARDOZA, Mr. ENGEL, and Ms. WASSERMAN SCHULTZ.

H.R. 3116: Mr. DAVIS of Tennessee.

H.R. 3148: Mr. WU.

H.R. 3173: Ms. SUTTON.

H.R. 3186: Mr. GALLEGLY and Mr. DELAHUNT.

H.R. 3243: Mr. PLATTS.

H.R. 3308: Mrs. EMERSON.

H.R. 3393: Mr. CUELLAR and Mr. MCINTYRE.

H.R. 3408: Ms. WASSERMAN SCHULTZ, Ms. RICHARDSON, Ms. WOOLSEY, Ms. MCCOLLUM, Mr. MCGOVERN, Mr. ARCURI, Mr. HIMES, and Mr. SIRES.

H.R. 3595: Mr. SHADEGG, Mr. BISHOP of Utah, Mr. MARCHANT, Mr. BURTON of Indiana, Mr. MCHENRY, Mr. CAMPBELL, Mr. GOHMERT, Ms. FOXX, Mr. ROYCE, Mr. MARIO DIAZ-BALART of Florida, Mr. CHAFFETZ, Mrs. MYRICK, Mr. MCCARTHY of California, and Mr. WESTMORELAND.

H.R. 3749: Mr. SESTAK.

H.R. 3790: Mr. HELLER.

H.R. 3943: Ms. BERKLEY, Mr. LUJÁN, and Mrs. KIRKPATRICK of Arizona.

H.R. 3995: Mr. MELANCON.

H.R. 4051: Mr. UPTON, Mr. WOLF, Mr. BOREN, and Mr. DELAHUNT.

H.R. 4054: Mr. BERMAN.

H.R. 4070: Mr. KING of Iowa.

H.R. 4128: Mr. SHERMAN.

H.R. 4179: Ms. FUDGE.

H.R. 4197: Mr. BOREN.

H.R. 4226: Mr. CALVERT and Ms. SCHWARTZ.

H.R. 4241: Mr. SPACE.

H.R. 4278: Mr. REICHERT.

H.R. 4296: Mr. DELAHUNT and Mr. KIRK.

H.R. 4306: Mr. PUTNAM, Mr. GUTHRIE, and Mr. CALVERT.

H.R. 4322: Mr. SPRATT.

H.R. 4371: Ms. GINNY BROWN-WAITE of Florida and Mr. KLEIN of Florida.

H.R. 4376: Mr. HIGGINS.

H.R. 4394: Ms. NORTON.

H.R. 4399: Mr. PAYNE, Mr. BISHOP of New York, Mr. ROTHMAN of New Jersey, and Mr. DELAHUNT.

H.R. 4405: Mr. CASTLE.

H.R. 4430: Mr. TIAHRT.

H.R. 4436: Mrs. MILLER of Michigan.

H.R. 4494: Mr. BOUCHER.

H.R. 4502: Mr. HONDA.

H.R. 4520: Mr. MOORE of Kansas.

H.R. 4530: Mr. SESTAK, Mr. SIRES, and Ms. SUTTON.

H.R. 4533: Mr. CLEAVER.

H.R. 4564: Mr. JOHNSON of Georgia.

H.R. 4588: Mr. SCHOCK.

H.R. 4594: Mr. SIRES, Mr. BISHOP of Georgia, Ms. ZOE LOFGREN of California, Mr. KILDEE, and Mr. DOGGETT.

H.R. 4596: Mr. HASTINGS of Florida and Mr. ENGEL.

H.R. 4603: Mr. SESTAK.

H.R. 4619: Mr. DOYLE.

H.R. 4653: Mr. BARRETT of South Carolina.

H.R. 4676: Mr. BLUNT, Mr. ROTHMAN of New Jersey, Ms. BORDALLO, Ms. BERKLEY, and Ms. TITUS.

H.R. 4677: Mr. CARSON of Indiana.

H.R. 4678: Ms. MCCOLLUM, Mr. VISCLOSKEY, Mr. BRIGHT, and Mr. SHERMAN.

H.R. 4689: Mr. STARK, Ms. LEE of California, and Mr. MITCHELL.

H.R. 4694: Mr. MAFFEI and Mr. HONDA.

H.R. 4705: Mr. MCCLINTOCK.

H.R. 4710: Mr. LOEBSACK.

H.R. 4711: Mr. PAYNE.

H.R. 4717: Mr. WALDEN, Mr. KING of Iowa, and Mrs. KIRKPATRICK of Arizona.

H.R. 4722: Mr. RYAN of Ohio and Mr. DELAHUNT.

H.R. 4732: Mr. FARR.

H.R. 4735: Mr. PAUL.

H.R. 4746: Ms. FALLIN, Mr. GERLACH, Mr. SOUDER, Mr. BURTON of Indiana, Mr. DUNCAN, Mr. SCHOCK, Mrs. BLACKBURN, and Mr. LAMBORN.

H.R. 4755: Mrs. DAHLKEMPER.

H.R. 4788: Mr. ISRAEL, Mr. GRIJALVA, and Mr. CAPUANO.

H.R. 4790: Mr. CUMMINGS, Mr. HEINRICH, Ms. WATERS, Mr. WEINER, and Mr. GRIJALVA.

H.R. 4797: Mr. KIRK.

H.R. 4800: Mr. RUSH.

H.R. 4804: Mr. PIERLUISI and Mr. GENE GREEN of Texas.

H.R. 4806: Mr. NADLER of New York, Mr. FRANK of Massachusetts, and Ms. SPEIER.

H.R. 4807: Mr. MILLER of Florida.

H.R. 4812: Mr. WEINER, Mr. SARBANES, Mr. KISSELL, Mr. ROTHMAN of New Jersey, Mr. GRAYSON, Mr. BUTTERFIELD, Mr. HONDA, Mr. BRALEY of Iowa, Mr. MARKEY of Massachusetts, Mr. WAXMAN, Ms. WATERS, Mr. BISHOP of Georgia, and Mr. WU.

H.R. 4850: Mr. HELLER and Mr. LUETKEMEYER.

H.R. 4869: Ms. BERKLEY, Mr. COHEN, Ms. RICHARDSON, Mr. BISHOP of Georgia, Ms. CORRINE BROWN of Florida, Mrs. CHRISTENSEN, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. MEEKS of New York, Mr. RANGEL, and Mr. GRIJALVA.

H.R. 4879: Mr. SIREs, Ms. SPEIER, Mr. MORAN of Virginia, Ms. SCHAKOWSKY, Mr. FRANK of Massachusetts, Mr. CLAY, Mr. HOLT, Mr. PASCRELL, and Ms. MCCOLLUM.

H.R. 4886: Mr. WOLF and Mr. KIRK.

H.R. 4889: Mr. BACHUS, Mr. MCCLINTOCK, and Mr. JONES.

H.R. 4894: Mr. WILSON of South Carolina and Mr. ROHRBACHER.

H.R. 4896: Mr. FORTENBERRY and Mr. MILLER of Florida.

H.R. 4901: Mr. GOODLATTE and Mr. GARY G. MILLER of California.

H.R. 4903: Mr. BISHOP of Utah, Mr. BONNER, Mr. BROUN of Georgia, Mr. CAMPBELL, Mr. FLEMING, Ms. GRANGER, Mr. HERGER, Mr. MARCHANT, Mr. SMITH of New Jersey, Mr. HENSARLING, Mr. MCCLINTOCK, Mr. WESTMORELAND, Mr. LAMBORN, and Mr. ADERHOLT.

H.R. 4905: Mr. GARAMENDI, Ms. FUDGE, Mr. CARNAHAN, Mr. LIPINSKI, Mr. WU, Mr. TONKO, Mr. LUJÁN, and Mr. COSTELLO.

H.R. 4906: Mr. GARAMENDI, Ms. FUDGE, Mr. CARNAHAN, Mr. LIPINSKI, Mr. WU, Mr. TONKO, Mr. LUJÁN, and Mr. COSTELLO.

H.R. 4907: Mr. GARAMENDI, Ms. FUDGE, Mr. LIPINSKI, Mr. WU, Mr. LUJÁN, and Mr. COSTELLO.

H.R. 4908: Mr. BISHOP of Georgia.

H.R. 4910: Mr. FRANKS of Arizona, Mr. HUNTER, Mr. GARY G. MILLER of California, Mr. WESTMORELAND, Mr. ADERHOLT, Mr. ROE of Tennessee, Mr. FLEMING, Mr. MILLER of Florida, Ms. FALLIN, Mrs. BLACKBURN, and Mr. PRICE of Georgia.

H.R. 4913: Mr. BURTON of Indiana.

H.R. 4919: Mr. DUNCAN, Mr. TIAHRT, Mr. SOUDER, and Mr. JONES.

H.R. 4923: Mr. OWENS, Mr. KISSELL, Ms. BORDALLO, Ms. RICHARDSON, Mr. TEAGUE, Mr. BERMAN, Mr. AL GREEN of Texas, Ms. GIFFORDS, Mr. COURTNEY, Mr. ORTIZ, Mr. JOHNSON of Georgia, and Ms. SHEA-PORTER.

H.R. 4934: Mr. CAMPBELL.

H. J. Res. 42: Mrs. MILLER of Michigan.

H. Con. Res. 98: Mr. RUSH.

H. Con. Res. 128: Mr. MEEK of Florida, Mr. TOWNS, Mr. JOHNSON of Georgia, and Mr. THOMPSON of Mississippi.

H. Con. Res. 143: Mr. GRIJALVA.

H. Con. Res. 201: Mr. GERLACH and Mr. MCCOTTER.

H. Con. Res. 230: Mr. MILLER of Florida.

H. Con. Res. 241: Mr. MCCARTHY of California, Mr. BISHOP of Georgia, Mr. BROUN of Georgia, Mr. FARR, Mr. LINDER, Mrs. BLACKBURN, Mr. ANDREWS, Mr. ROE of Tennessee, Mr. GINGREY of Georgia, Mr. WESTMORELAND, Mr. STARK, Mr. TANNER, Mr. ROYCE, Mr. DAVIS of Tennessee, and Mr. ROONEY.

H. Con. Res. 250: Mr. SOUDER, Mr. POLIS of Colorado, Mr. SCHOCK, Mr. ROE of Tennessee, and Mr. TURNER.

H. Res. 173: Mr. ROTHMAN of New Jersey, Mr. HARE, Mr. ROE of Tennessee, Mr. HALL of New York, Mr. LOEBSACK, Mr. REHBERG, Mr. HIMES, Mr. GARAMENDI, Mr. FRELINGHUYSEN, and Mr. TEAGUE.

H. Res. 443: Mr. GRIJALVA.

H. Res. 855: Ms. SHEA-PORTER, Mr. WITTMAN, Mr. BRADY of Pennsylvania, and Ms. FALLIN.

H. Res. 949: Mr. TIAHRT.

H. Res. 982: Mr. DANIEL E. LUNGREN of California and Mr. MCKEON.

H. Res. 989: Mr. HALL of New York.

H. Res. 996: Mr. WU, Ms. SUTTON, and Mr. SPACE.

H. Res. 1033: Mr. ROGERS of Alabama, Mr. JOHNSON of Georgia, Mr. BRIGHT, Mr. ROSKAM, Mr. BONNER, Mr. GARRETT of New Jersey, and Mr. TIAHRT.

H. Res. 1052: Mr. ALEXANDER, Mr. QUIGLEY, Mr. BOUSTANY, Mr. ETHERIDGE, Mr. BAIRD, Mr. BERRY, Mr. SPRATT, Mr. MELANCON, Mr. SMITH of Washington, Mr. TANNER, Mr. MINNICK, Mr. BARROW, Mr. CHILDERS, Mr. KLEIN of Florida, Mr. SALAZAR, Mr. SIREs, Ms. GIFFORDS, Mr. RODRIGUEZ, Mr. MAFFEI, Ms. WASSERMAN SCHULTZ, Mr. HONDA, Mr. CUELLAR, Ms. BEAN, Mr. SARBANES, Mr. BACA, Mr. KIND, Mr. FOSTER, Mr. VAN HOLLEN, Mr. HILL, Mr. MITCHELL, Mr. BLUMENAUER, Ms. MARKEY of Colorado, Mr. DUNCAN, Mr. ROGERS of Kentucky, Mr. CAPUANO, and Mr. TIAHRT.

H. Res. 1057: Mr. JACKSON of Illinois.

H. Res. 1063: Mr. MCCLINTOCK.

H. Res. 1116: Mr. BRADY of Pennsylvania and Mr. HARE.

H. Res. 1121: Mr. SCHOCK, Mr. CAO, Mr. BONNER, Mr. HEINRICH, Mr. BAIRD, and Ms. FALLIN.

H. Res. 1122: Mr. KENNEDY, Mr. MOORE of Kansas, Mr. NEAL of Massachusetts, Mr. PATRICK J. MURPHY of Pennsylvania, Mr. EHLERS, and Ms. BALDWIN.

H. Res. 1132: Mr. CAO, Mr. BROUN of Georgia, Mr. COFFMAN of Colorado, Mr. HARPER, Mr. MCKEON, Mr. FORBES, Mr. LANCE, Mr. INGLIS, Mr. AUSTRIA, Mr. SCHOCK, Mr. FRANKS of Arizona, Mr. LOBIONDO, Mr. LAMBORN, Mr. PAULSEN, Mr. LUETKEMEYER, Mr. SHUSTER, Mr. ADLER of New Jersey, Mr. SALAZAR, Mrs. DAHLKEMPER, Mr. BRALEY of Iowa, Ms. WASSERMAN SCHULTZ, Mr. JOHNSON of Georgia, Mr. WILSON of South Carolina, Mr. FLEMING, Mrs. LUMMIS, Mr. TURNER, Mr. SIREs, Ms. FALLIN, and Mr. ROONEY.

H. Res. 1139: Mrs. BLACKBURN.

H. Res. 1143: Mr. LINCOLN DIAZ-BALART of Florida, Mr. HIGGINS, Mr. ACKERMAN, Mr. ENGEL, Mr. DELAHUNT, Mr. SIREs, Mr. CONNOLLY of Virginia, Mr. MCMAHON, Mr. FLAKE, and Ms. GIFFORDS.

H. Res. 1162: Mr. GRIJALVA, Mr. TONKO, Ms. LEE of California, Mr. BISHOP of Georgia, Ms. FUDGE, Ms. CLARKE, Ms. MOORE of Wisconsin, Ms. TITUS, Mr. KISSELL, Ms. SPEIER, Mr. POMEROY, Ms. LINDA T. SANCHEZ of California, Mr. BRADY of Pennsylvania, Mr. HIGGINS, Mr. ARCURI, Ms. HARMAN, Ms. KILROY, Mr. MCKEON, Mr. FARR, Mr. PETERS, Mr. BERRY, Ms. LORETTA SANCHEZ of California, Mr. GENE GREEN of Texas, Mr. PASTOR of Arizona, Mrs. NAPOLITANO, Mr. BACA, Mr. SALAZAR, Mr. BOSWELL, Ms. WOOLSEY, Ms. ZOE LOFGREN of California, Ms. HIRONO, Ms. MATSUI, Mr. HINCHEY, Ms. BALDWIN, Mr. REYES, Mr. GONZALEZ, Mr. RODRIGUEZ, Mr. GUTIERREZ, Mr. McDERMOTT, Mrs. CAPPS, Ms. SHEA-PORTER, Mrs. LOWEY, Mr. OLVER, Mr. WAXMAN, Mr. PRICE of North Carolina, Ms. CHU, Mr. SCHAUER, Mr. SCOTT of Georgia, Mr. BARROW, Mr. SCHIFF, Mr. CROWLEY, Mr. CUMMINGS, Ms. ESHOO, Ms. SCHAKOWSKY, Mr. NADLER of New York, Mr. BECERRA, Mr. BOYD, Mr. GRAYSON, Mr. WEINER, Mr. TOWNS, Mrs. DAVIS of California, Ms. EDWARDS of Maryland, Mr. ENGEL, Ms. DEGETTE, Mrs. DAHLKEMPER, Mr. FOSTER, Mr. CARDOZA, and Mr. DOYLE.

H. Res. 1181: Mr. KIRK.

H. Res. 1187: Mr. SERRANO and Ms. BORDALLO.

H. Res. 1206: Mr. ROGERS of Alabama, Mr. OLSON, Mr. GUTHRIE, Ms. BORDALLO, Mr. GRAVES, Mr. OBERSTAR, Mr. BURGESS, Mr. WESTMORELAND, Mr. MARCHANT, Mr. CAO, Mr. CONAWAY, Mr. WAMP, Mr. KING of Iowa, Mr. CHAFFETZ, Mr. RYAN of Wisconsin, Mr. POSEY, Mr. FORTENBERRY, Mr. AKIN, Mr. NEUGEBAUER, Mr. GARRETT of New Jersey, Mr. HENSARLING, Mrs. BLACKBURN, Mr. TIM MURPHY of Pennsylvania, Mr. PENCE, Mrs. BACHMANN, Mr. PITTS, Mr. GRIFFITH, Mr. BARTLETT, Mr. BONNER, Mr. THOMPSON of Pennsylvania, Mr. GOHMERT, Mr. BROUN of Georgia, Mrs. MILLER of Michigan, Mr. SIMPSON, Mrs. LUMMIS, Mr. DANIEL E. LUNGREN of California, Mr. BILBRAY, Mr. BACA, Mr. BARTON of Texas, Mr. TURNER, Mr. BRADY of Pennsylvania, Mr. ROE of Tennessee, Mr. WALDEN, Mrs. SCHMIDT, Mr. TERRY, Mr. FLAKE, and Mr. HOEKSTRA.

H. Res. 1211: Mr. BISHOP of Georgia, Ms. MOORE of Wisconsin, Mr. BRADY of Pennsylvania, Ms. KILPATRICK of Michigan, and Mr. LEWIS of Georgia.

H. Res. 1215: Mr. SNYDER and Mr. McDERMOTT.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 4269: Mr. KILDEE.

DISCHARGE PETITIONS—ADDITIONS OR DELETIONS

The following Member added his name to the following discharge petition:

Petition 10, by Mr. JONES on H.R. 775: Henry E. Brown, Jr.

EXTENSIONS OF REMARKS

RECOGNITION OF MADISON
COUNTY ON ITS BICENTENNIAL

HON. MARY JO KILROY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 25, 2010

Ms. KILROY. Madam Speaker, I rise today to honor the 200th anniversary of Madison County. This central Ohio county has reached its bicentennial milestone, during which we reflect on the history of the region and pay tribute to the proud and industrious families who live and work in Madison County today.

On February 16, 2010, Madison County residents celebrated two centuries of accomplishments, challenges, and growth. Established in 1810, Madison County was named after America's fourth president, James Madison and encompasses 467 square miles in central Ohio. Whether they are members of close-knit communities such as Mount Sterling, Plain City, West Jefferson, London, Midway, and South Solon, or part of the larger agricultural heritage of the surrounding homesteads, roughly 43,000 Ohioans call Madison County home. The county also offers a diverse workforce. From innovators that develop breakthroughs in research at Battelle Labs in West Jefferson, to the Amish farming tradition around Plain City, residents are both forward-thinking and grounded by their strong work ethic.

Madison County has been one of America's agricultural leaders. To this day, 88% of the land in the county is utilized for farming, ranking fourth in soybean and corn production in the state of Ohio. Because of the critical position agriculture holds in Madison County agricultural industry, it annually hosts The Ohio State University's Farm Science Review, one of the largest farm exhibitions in the world.

Madison County is home to Ohio's only natural plains, smaller versions of the Great Plains found in the West. They are dotted by family cemeteries of original settlers, often studied by genealogists across the state. Numerous attractions—such as the Madison Lake State Park, Lake Choctaw, the Red Brick Tavern, the Jonathan Alder Cabin, and Big Darby Creek State and National Scenic River—as well as many local parks and segments of the Prairie Grass Trail make Madison County a great place to live, work, and visit.

For two hundred years, Madison residents have played a vital role in the growth of central Ohio and particularly to Ohio's 15th Congressional District. I am proud to represent the residents of Madison County and to honor them as they celebrate two hundred years of history and achievement.

HONORING DR. SARAH MESSIAH

HON. MARIO DIAZ-BALART

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 25, 2010

Mr. MARIO DIAZ-BALART of Florida. Madam Speaker, I rise today to honor a talented and hardworking physician from South Florida, Dr. Sarah Messiah.

As a member of the University of Miami's Miller School of Medicine, Dr. Messiah is taking part in ground-breaking research on childhood obesity and how to best prevent childhood diseases through healthy eating, more exercising and overall changes in lifestyle habits. She has testified before the Senate, and her work has been reviewed by the White House. As a mother of three and a former Olympic athlete, Dr. Messiah understands the need for ensuring that children lead a healthy lifestyle starting at a young age. One of her daughters is even a participant in an awareness campaign throughout Washington, DC, calling for healthier eating habits and foods for children.

I commend Dr. Messiah for her commitment and dedication to the wellbeing of our community's children and thank her for the work she continues to do each day, as a mother and as a professional. As we celebrate Women's History Month, I ask that you join me in congratulating Dr. Messiah for her accomplishments in medicine and her commitment to excellence.

INTRODUCTION OF A BILL TO RE-
QUIRE INDEXATION OF DE-
FERRED ANNUITIES FOR DE-
PARTING EMPLOYEES

HON. JAMES P. MORAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 25, 2010

Mr. MORAN of Virginia. Madam Speaker, I rise today to introduce a bill to require indexation of deferred annuities for departing federal employees.

Federal employees who leave the U.S. Government before age 62 must either defer their retirement annuity until they turn 62, or immediately withdraw the amount they have contributed to the Civil Service Retirement and Disability Fund (CSRDF) for retirement. The amount of their annuity is not indexed for inflation, so younger employees have little incentive to opt for a deferred annuity that will lose real value over time.

Paradoxically, changing the law to index deferred annuities would reduce the federal budget deficit for the first several years following enactment, as many more federal employees opt for a deferred annuity and outlays from the Treasury to pay departing employees an immediate lump sum decrease significantly.

The long-term effect on the budget is likely to be neutral. Outlays for annuities to retirees several years in the future will increase, but because employees' contributions to the CSRDF must, by law, be invested in U.S. Treasury bonds, the interest will offset future increased outlays.

At a time when the Federal Government is facing the challenge of an aging workforce and federal employees are paid 26 percent less than their counterparts in the private sector, the excellent benefits package the Federal Government offers is a key recruiting tool. Indexing federal employees' deferred annuities will improve that package, and at the same time reduce the deficit in the short term.

I urge my colleagues to support this bill.

RECOGNITION OF THE COLUMBUS
CHAPTER OF THE MOLES ON ITS
50TH ANNIVERSARY

HON. MARY JO KILROY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 25, 2010

Ms. KILROY. Madam Speaker, I rise today to honor the Columbus Chapter of the MOLES on its 50th Anniversary. The MOLES, an acronym for Maturity, Optimism, Loyalty, Enthusiasm, and Sparkle, is a social organization consisting of nearly 1,000 women in 30 chapters across the United States.

The MOLES was chartered in Norfolk, Virginia, in 1950. Although the original purpose of the group was to foster fun, pleasure and fellowship, the members soon realized that some in their respective communities needed a helping hand. Chapters across the country have contributed to the health and physical needs of the less fortunate, provided scholarships, assisted the aged, blind and underprivileged, and encouraged racial equality in their communities. In 1960, fourteen women dedicated to the ideals and goals of the MOLES organization formed the Columbus Chapter. This sisterhood of joyful and compassionate women has remained a steadfast component in Franklin County.

On February 27, 2010, the Columbus Chapter of the MOLES celebrated its 50th year of fellowship and service to others. In attendance that night was Eleanor DeLoache, one of the original members of the Columbus chapter. The Columbus MOLES has been an exemplary social and service organization for 50 years, and I am proud to offer them my congratulations and wish them the best of luck in their future endeavors.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

HANNA BOYS CENTER

HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 25, 2010

Mr. THOMPSON of California. Madam Speaker, I rise today along with my colleague, Congresswoman LYNN WOOLSEY, to recognize and honor Hanna Boys Center, which has been providing a home and education to students in Northern California for 60 years.

The school began as an experimental program for neglected and troubled boys in 1944 in Menlo Park, south of San Francisco. The 25 original students were referred to the new school by social service agencies and parish priests. The demand quickly outweighed the physical resources of the small school and after a very successful speaking tour, enough funds were raised to purchase 157 acres in the Sonoma Valley, the school's home today.

By 1949, classrooms, an administration building, a chapel, gymnasium, swimming pool and one residence hall had been completed. The first students entered the Sonoma Valley campus by the end of that year. Today 109 boys ages 13 to 18 call the campus home.

Although Hanna students come to the school from throughout the country, most are from our combined Congressional districts. Many are from troubled homes.

There is a fully accredited high school on campus and all students can participate in woodshop, choir, soccer, baseball, track and basketball. Football is provided at nearby Sonoma Valley High School.

Thirty-four Hanna graduates are currently serving in the military. Graduates include very successful businessmen and civic leaders or simply men who live quiet lives of contribution and contentment.

Only three directors have piloted the school in its 60-year history, founder Monsignor O'Connor for 23 years, Father James Pulskamp for 12 years and Father John Crews for the past 25 years, a testament itself to the loyalty the school inspires.

Madam Speaker, Hanna Boys Center changes lives. It has been a stabilizing influence on hundreds of young men who have passed through its doors. It is therefore, appropriate that we honor the school for 60 years of dedicated service to our community.

HONORING DR. EDGAR WAYBURN

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 25, 2010

Ms. WOOLSEY. Madam Speaker, I rise today to honor our mutual friend and advocate emeritus for the environment, Dr. Edgar Wayburn, who died March 5th in San Francisco after more than a century walking this Earth that he so loved.

"He has saved more of the wilderness than anyone alive," said President Clinton in 1999 when he awarded Dr. Wayburn the Presidential Medal of Freedom, the Nation's highest civilian honor.

Born in Macon, Georgia, in 1906, at the age of 21 he trekked to California where he followed in John Muir's steps and was awed by the magnificence of Yosemite and the Sierra Nevada. He returned east to earn a medical degree at Harvard, and then in 1933 he moved to San Francisco to practice medicine and to fall in love with the sparkling waters of the bay and the golden hills surrounding it. In 1939 Ed joined the Sierra Club—in order to go on a burro trip, he claimed in his memoirs. He never left the organization, serving five terms as president, and ultimately honored as the club's Honorary Lifetime President.

Ed served four years in the Air Force during World War II and returned to San Francisco in 1946. There on the slopes of Mt. Tamalpais, he met his future wife, the stylish Peggy Elliot, an ad agency staffer and a former Vogue editor. Together they formed a formidable team for conservation, Ed the persistent, quiet spoken persuader of the powerful; Peggy, the brilliant wordsmith and organizer. And together they raised four children, William, Cynthia, Laurie and Diana—whose education included being packed into the family station wagon for summer rambles across the vast West.

Mt. Tamalpais, one of the couple's favorite hiking spots, was also the inspiration for Ed's first foray into conservation. With the Bay Area sprawling during the post-war boom, he wondered how much longer the signature peak of Marin County could remain green and undisturbed. Joining with Sierra Club activists and local residents, he began buttonholing State legislators and pressed for a series of acquisitions that expanded Mt. Tamalpais State Park from 870 acres to 6,300 acres over a period of 24 years.

In the early 60s developers set their sites on the Marin Headlands, quiet hills and valleys along the Marin Coast, just 15 minutes from the Golden Gate Bridge, a perfect place for a new suburb of the city, population 25,000. While local conservationists rallied to stop this kind of development in Marin County, Dr. Wayburn headed a movement to make the Headlands, along with Alcatraz Island, Muir Woods, the Presidio and Ocean Beach into a new national Park. Through his alliance with Congressman Phil Burton and his persuasive touch with Nixon administration officials, including the President himself, Dr. Wayburn was instrumental in establishing a whole new entity, the Golden Gate National Recreational Area, an "urban" national park.

During much of the time period, he worked tirelessly to establish the GGNRA's spectacular neighbor, the Pt. Reyes National Seashore. Together these two jewels have brought into public ownership lands rich in forests, meadows, marshes and rocky shores, bursting with wildlife on the urban edge of 12 million people.

In 1968, despite the opposition of much of the timber industry and the angry buzzing of chainsaw vigilantes, he convinced Congress to establish Redwood National Park in Humboldt County and to double its size ten years later.

He continued his quiet and persistent leadership of the Sierra Club, even while conducting a full-time medical practice and teaching at Stanford University and UC San Francisco. Then in 1980 after thirteen years of an intense lobbying campaign led by Dr.

Wayburn, and aided by Peggy Wayburn's two books on Alaska wilderness, Congress passed the Alaska National Interest Lands Conservation Act. The legislation added 104 million acres to our national parks and refuge systems and effectively doubled our nation's parkland.

"I have loved medicine and conservation," he is quoted in the Journal of the San Francisco Medical Society. "In one sense, my involvement with both might be summed up in a single word: survival. Medicine is concerned with the short term survival of the human species, conservation with the long term survival of the human and other species as well. We are all related."

Several years ago, Madam Speaker, we both joined Dr. Wayburn in a small redwood grove in the Presidio of San Francisco as it was being dedicated to honor Peggy and Edgar Wayburn. The redwood is a survivor of millions of years of evolution, fire, changing climate and the chainsaw. It is nature's tallest tree and can live for two thousand years. It is fitting that Edgar Wayburn will be remembered among our planet's natural wonders.

RECOGNITION OF LONNIE CARMON
FOR HIS CONTRIBUTIONS TO
AVIATION**HON. MARY JO KILROY**

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 25, 2010

Ms. KILROY. Madam Speaker, I rise today to honor Lonnie Carmon, who in 1926 became the first African American to fly a plane in central Ohio. Through his persistence, creativity, and ingenuity, Lonnie contributed to the evolution of aviation as well as the advancement of African Americans. The Ohio Historical Society has honored Lonnie Carmon for his role in the history of aviation in Ohio with a tribute to aviators who lived and flew out of Columbus.

Lonnie Carmon was affectionately referred to as the "junk man" for his recycling business, in which he would take discarded goods and sell them to people who could use them. Lonnie was a creative and inventive man who built his aircraft himself with little guidance, using materials he came across in his recycling business. His ability to turn what others considered trash into a working airplane has made him a pioneer in the field and for this reason he is celebrated during National Aviation Month every November.

Lonnie Carmon was recognized in 2004 by the Columbus Regional Airport Authority, which dedicated its 2003 Annual Report to the celebration of the History of Aviation in Central Ohio during the 75th anniversary of Port Columbus International Airport. The Annual Report included a photograph of Lonnie and the aircraft he built and flew.

Lonnie Carmon was honored by his granddaughter and other members of the Columbus community on February 20, 2010, at the Ohio Historical Center where he received a Citation of Achievement from Mayor Michael Coleman. State Representative and House Majority Floor Leader Tracy Maxwell Heard also issued

a resolution of recognition in celebration of Lonnie's accomplishments. Lonnie Carmon, along with all those who contributed to the history of flight in Ohio, will continue to be honored and recognized for his impact on aviation. I am proud to honor Lonnie Carmon, for his drive, innovation, and ability as a pioneer in Ohio aviation history.

I STAND IN HONOR OF A REAL AMERICAN HERO, SSG JAMES S. CLARK, U.S. ARMY

HON. CHARLES A. GONZALEZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 25, 2010

Mr. GONZALEZ. Madam Speaker, I rise today in honor of a real American hero, SSG James S. Clark of Aco 1/17 IN. I ask that this poetic tribute penned by Albert Caswell of the Capitol Guide Service, be placed in the RECORD in honor of Staff Sergeant Clark. On October 15, 2009, James lost his leg and almost his life, in an IED explosion in Khandahar Afghanistan. Like many of our fine sons and daughters, who have been injured, he has, and will continue to, inspire us all with his faith, courage and determination during his recovery. James plans to move to San Antonio, Texas to live with his wife Kae-c and their children Samarra and Izeyah and their family to receive treatment. We welcome another great American veteran and his family with open arms, to our community of heroic heroes—patriots who have served our Nation over the years.

I STAND

I STAND!

I stood, so you can sleep . . .

While, out across our nation so many fine families weep . . .

For all of my Brothers and Sisters In Arms, who but their promises did so keep!

As I raised my hand, and swore with all my heart . . . for something true!

To live and die, and not ask why . . . all for that Old Red, White, and Blue!

As I cried, as I watched my Brothers die!

As they stood and so did I, to protect you . . . the reasons why . . .

Yes, my fine leg I have lost . . .

But, such things are but the high price . . . of freedom's cost!

And now, I must rebuild . . . and oh yes . . . yes I will!

For, I Will Stand . . . And I Will Run!

For all my Fallen Brothers, I will live to see the new day's sun!

For what I have lost, so much more I've gained . . .

As now my new war's just begun!

As I work through all of this heartache, and pain . . .

Until I'm done!

For I'm not half the man I used to be . . .

For the sum, is far much more greater inside of me!

For I'd rather stand for something, than nothing at all!

I won't moan, and I won't crawl . . .

As I will run again, standing tall . . .

For I am, an Army Man!

Like all of my Brothers, Army Strong I So Stand!

In life, there's only so much time!

To Stand For Something, To Heaven Find!

I'd rather stand for something than nothing at all!

Can you but not hear, my heart call?

For such men of such worth, as James . . .

Are put upon this earth, to stand . . . and in our souls remain . . .

To Teach Us . . . To Reach Us . . . to All of Our Hearts . . .

To So Beseech Us . . .

And if I ever have a son, I but hope and pray . . . he could be like this one!

Who Stands!

NASA'S CONSTELLATION PROGRAM

HON. JASON CHAFFETZ

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 25, 2010

Mr. CHAFFETZ. Madam Speaker, the most fundamental responsibility of the Federal Government is to "provide for the common defence."

America's national defense strategy fundamentally depends on supremacy in space. Our troops on the battlefields in Afghanistan and Iraq depend on crucial intelligence-gathering and communication capabilities, which in turn rely on a robust space program.

But the current Administration proposal would cancel the Constellation program, NASA's safest and most proven means to return to space.

We've spent billions to build an International Space Station. Do we want to rely upon the Russians whenever we need to return? Under the Administration's proposal, we would.

Do we want to be buying rocket parts from China because we have decimated our national industrial base? Or do we want to maintain the strong industrial sector on our own?

Do we want our military to rely on others to send vital navigation and communication satellites into orbit? Or do we want our country to decide when and how those vital coordination satellites are launched into space?

We need to restore the Constellation program and maintain our superiority in space.

HONORING OLIVIA PERRY FOR WINNING THE LESSONS OF THE AFRICAN-AMERICAN EXPERIENCE WRITING CONTEST

HON. JOE COURTNEY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 25, 2010

Mr. COURTNEY. Madam Speaker, I rise today to recognize Olivia Perry as a winner of the first annual "Lessons of the African-American Experience" Creative Writing Contest. Olivia is currently in the fourth grade at Woodstock Elementary School, which is located in Woodstock, Connecticut.

In celebration of Black History Month, I sponsored a creative writing contest for all third through eighth grade students within the Second District. As we know, Black History Month is a time to reflect on the struggles and triumphs of our nation's past. The lessons

learned during this month continue to serve as the stepping stones of our nation's future. Olivia's essay "Perseverance" eloquently embraces this belief.

Olivia's essay shows a remarkable enthusiasm for learning that is inspiring to all. She identified the values that she learned during Black History Month and creatively discussed how those values affect her life and the lives of others. For this, her essay was among the four winners selected.

RECOGNITION OF NATHAN ELFRINK

HON. MARY JO KILROY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 25, 2010

Ms. KILROY. Madam Speaker, I rise today to honor Nathan Elfrink, an energetic, passionate young man. Despite having spent most of his life fighting a brain tumor, Nate never let his illness diminish his thirst for adventure. He passed away at the age of seven on February 26, 2010. My heart goes out to his family, friends, and all those who have been touched by Nate's kindness and bravery.

Nate never complained about his illness, the doctor's appointments, or the difficult treatments. Instead, he often asked his mom when he could go play on his way to appointments. He was a caring boy who would bake cookies for his teachers and friends. Nate was active in various community events around central Ohio and he led a group, known as "Nate's Mates," at a local Relay For Life to raise money for the American Cancer Society.

Nate's favorite holiday was Christmas. Last year, Nate's mother posted an online update about his condition and said that he would enjoy receiving Christmas cards. A subsequent Facebook group was initiated asking for one million Christmas cards for Nate. As cards poured in from all 50 states and 63 countries, the town of West Jefferson came together to open all the cards and read the most notable to Nate.

Nate always had a passion for sports and despite his worsening condition, Nate watched the entire Winter Olympics opening ceremony and enjoyed pointing out all the countries from which he received cards.

Nate enjoyed his life the best he could. His family plans to keep the cards Nate received and hold a Christmas in July celebration on what would have been Nate's eighth birthday. I am proud to honor Nate Elfrink for his courage and optimism throughout his illness; this inspirational member of our community will be sincerely missed.

RECOGNIZING JEFFREY BAUGUS AS THE HURLBURT AFA CHAPTER 398 MIDDLE SCHOOL TEACHER OF THE YEAR

HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 25, 2010

Mr. MILLER of Florida. Madam Speaker, I rise today to recognize Mr. Jeffrey Baugus

upon receiving the Hurlburt Air Force Association Chapter 398's Middle School Teacher of the Year Award for 2010. Mr. Baugus is an innovator and an inspiration to his students, and I am honored to venerate his achievement.

Jeff is an 8th Grade Math and Advanced Algebra 1 Honors Teacher at Woodlawn Beach Middle School in Santa Rosa County, in my district in Northwest Florida. In only his second year of educating, Jeff is rapidly becoming known as an innovative thinker. He uses real world techniques such as crime scene investigations, sports, and cooking to explore math concepts. Jeff also created an educational math blog entitled "Mr Bloggus' Mathlete Corner" for his Algebra students that contains video lessons on the skills learned in the classroom. The blog concept has proven so popular that other math courses in the school and throughout the school district have used Jeff's work as a model for their classrooms. Additionally, he introduced Google Sketchup into his math instruction, allowing his students to visualize three-dimensional objects manipulated live on the computer. For his innovation, Jeff received the 2009 Woodlawn Beach "Rookie of the Year" Award.

Madam Speaker, on behalf of the United States Congress, I am privileged to acknowledge Jeffrey Baugus as the Hurlburt AFA Chapter 398 Middle School Teacher of the Year. He is a dedicated educator, an inspiration to his students, and an honorable public servant. Vicki and I wish Jeff and his family all the best for the future.

TRIBUTE TO ADALISSA ORTIZ

HON. TOM LATHAM

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 25, 2010

Mr. LATHAM. Madam Speaker, I rise today to recognize my constituent Adalissa Ortiz, of Marshalltown, Iowa, and congratulate her on her acceptance to the People to People World Leadership Forum held in Washington, D.C. from the 21st through the 26th of June 2010.

Chosen for her academic excellence, community involvement and leadership potential, this forum will provide Adalissa with daily leadership oriented curriculum, as well as allow her to visit the historic sights of Washington, D.C. and its surrounding areas.

The People to People Ambassador Programs, founded by President Eisenhower in 1956 to promote cross cultural and political understanding, currently operates on all seven continents, has over 400,000 alumni and provides students with the opportunity to learn and establish the necessary tools to become an effective leader.

Madam Speaker, I commend Adalissa Ortiz for her commitment to academic and personal development. She is a future leader of this country of whom Iowa is very proud. I am honored to represent Adalissa and her family in the United States Congress and I wish her the best in her future endeavors.

HONORING SUSIE LEVAN

HON. MARIO DIAZ-BALART

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 25, 2010

Mr. MARIO DIAZ-BALART of Florida. Madam Speaker, I rise today to honor one of our community's most unique entrepreneurs, Susie Levan, who for years has been inspiring women in South Florida and beyond to achieve personal growth.

Susie is the founder of the Work-Life Balance Institute for Women and Balance Magazine, non-for-profit organizations that have been helping women in South Florida achieve a healthy balance between work and family life for more than ten years. "Health, wealth and happenings" are three guiding principles that Susie uses to empower women. She focuses on creating workshops, conferences, seminars, and forums to help women empower themselves and their families, lead better and healthier lives, and promote their businesses. She is also one of the hosts of Be(e) You Radio, a weekly radio program airing Sundays on 101.5 Lite FM in South Florida.

As we celebrate Women's History Month, I ask that you join me in thanking and congratulating Susie Levan for her success in motivating women to change their lives and her commitment to helping others.

PERSONAL EXPLANATION

HON. RON KLEIN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 25, 2010

Mr. KLEIN of Florida. Madam Speaker, I rise today to submit a record of how I would have voted on Sunday, March 21, 2010 when I was unavoidably detained. Had I voted, I would have voted "yes" on rollcall No. 159 and rollcall No. 168.

PERSONAL EXPLANATION

HON. JERROLD NADLER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 25, 2010

Mr. NADLER of New York. Madam Speaker, due to other business, I missed votes on March 20, 2010. Had I been able to, I would have voted "no" on rollcall vote No. 148, an amendment offered by Mr. Bishop (UT); "aye" on rollcall vote No. 149, an amendment offered by Mr. Cole (OK); "aye" on rollcall vote No. 151, final passage of the Public Lands Service Corps Act of 2009; "aye" on rollcall vote No. 152, the TRICARE Affirmation Act; "aye" on rollcall vote No. 153, approving the Journal; and "aye" on rollcall vote No. 154, Honoring the Life and Accomplishments of Donald Harington.

TRIBUTE TO RYAN GUERRA

HON. TOM LATHAM

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 25, 2010

Mr. LATHAM. Madam Speaker, I rise today to recognize my constituent Ryan Guerra, of Perry, Iowa, and congratulate him on his acceptance to the People to People World Leadership Forum held in Washington, D.C. from the 21st through the 26th of June 2010.

Chosen for his academic excellence, community involvement and leadership potential, this forum will provide Ryan with daily leadership oriented curriculum, as well as allow him to visit the historic sights of Washington, D.C. and its surrounding areas.

The People to People Ambassador Programs, founded by President Eisenhower in 1956 to promote cross cultural and political understanding, currently operates on all seven continents, has over 400,000 alumni and provides students with the opportunity to learn and establish the necessary tools to become an effective leader.

Madam Speaker, I commend Ryan Guerra for his commitment to academic and personal development. He is a future leader of this country of whom Iowa is very proud. I am honored to represent Ryan and his family in the United States Congress and I wish him the best in his future endeavors.

HONORING DEANE BONNER

HON. PHIL GINGREY

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 25, 2010

Mr. GINGREY of Georgia. Madam Speaker, I rise today to commemorate the dedication and years of service that Deane Bonner has provided for Cobb County. Since 1997, Ms. Bonner has served as the Cobb County NAACP President, and she has chosen to step down from that post at the end of the year.

On Friday, February 12, members of the Cobb County community gathered at Chattahoochee Technical College to present Ms. Bonner with the inaugural "Celebrating Diversity in Cobb County Award." In an outpouring of support, Ms. Bonner was praised by countless numbers of people for her kind spirit, generosity, and years of service to the community.

Madam Speaker, I can personally speak to Ms. Bonner's commitment to Cobb County. I am fortunate to be able to call her a friend, and I know how her hard work to improve the community has gained her a wealth of respect from everyone with whom she has served.

Madam Speaker, as Ms. Bonner steps away from the public spotlight at the end of the year, she will have very large—and difficult—shoes to fill. I would like to personally thank Ms. Bonner for her years of service to the NAACP and to Cobb County as a whole.

CELEBRATING THE LIFE OF HARLEM'S ICON, BROTHER CLAUDE A. SHARRIEFF FRAZIER, FONDLY KNOWN AS CHIEF FISCAL OFFICER OF WINDOWS OVER HARLEM AND THE HOST OF NEWS & VIEWS AT 9:30 A.M., WPAT RADIO

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 25, 2010

Mr. RANGEL. Madam Speaker, I rise with the utmost humility, respect and admiration as I pay tribute to my dear friend, Brother Claude A. Sharrieff Frazier. As I speak with pride and honor for my friend Sharrieff, I ask us all to celebrate a life that was lived to the fullest and also to remember his love for life and community involvement and all the remarkable contributions he made to Harlem.

Claude Sharrieff Frazier, a veteran of World War II, a scholar, and one of Harlem's devoted townsmen and radio personalities, was born in Harlem, New York on December 13, 1925. He was raised from infancy by his grandmother, a native of Jamaica, a stern disciplinarian and a member of the historic St. Philip's Church at 134th Street in Harlem and also by his grandfather who was a respected elder of St. Mark's United Methodist Church. He was reared and obtained his primary and secondary education in Harlem. He spent most of his childhood and adolescent years in St. Philip's learning about history and culture from the priests, curates, deacons, and lay readers. In the early 1960's, he visited Mosque No. 7 and shortly thereafter accepted the teaching and leadership of the Honorable Elijah Muhammad.

Brother Claude Sharrieff, a well known Harlem icon served his Nation during World War II at the age of 16 with the mighty 784th Black Battalion Tank Unit. Proud and active, Claude dedicated his life-work to celebrating and supporting the contributions and sacrifices made by Black Veterans of all wars. He was a life member of the fighting 369th Harlem Hellfighters, the Colonel Charles Young American Legion Post 398 and the 784th Tank Battalion Association, Inc., to name just a few. I always look forward to participating in his regular annual salute to veterans that occurs each and every year at his beloved Windows Over Harlem Restaurant and Catering establishment.

Upon his return after World War II, Claude enrolled in and eventually graduated from College of New Rochelle with a Bachelor's in Arts in Social Science degree. He went on to hold the position of Deputy Director for the Institute for Mediation and Conflict Resolution, eventually also earning a Paralegal Certificate from Bronx Community College in 1987.

Claude loved his beloved Harlem and contributed greatly to many important historic episodes of this world renowned community. From the early days of the struggle for the right to own and work in businesses along 125th Street to the rise of Black Nationalism and Islam, Claude Sharrieff bore witness and stood on the front line. So proud of his military achievements and African heritage, Claude's discipline led him to Mosque No. 7 and the

teachings of the Honorable Elijah Muhammad. As a servant of Allah, he was so proud when he was able to bring Windows Over Harlem to the community of Harlem, especially housed in the building of his beloved idol and close friend, Congressman Adam Clayton Powell, Jr. Sharrieff also rendered bookkeeping and tax services to small businesses in the Harlem community.

Windows became an international gathering place where he catered to many luminaries, entertainers and personalities like me. He also used Windows to host News & Views at 9:30 a.m. on WPAT Radio, for 11 years, keeping the community informed by tackling issues that affected New York City as a whole and Harlem in particular. Claude used Window's to embrace the entire African Diaspora from the Middle East, North, West, Central and southern regions of the continent to the shores of our great Nation. His Windows Over Harlem bridged and united communities from West Africa to Asia, becoming a place where you could express who you are, where you come from and gain employment.

Sharrieff spent the last years of his life as the Chief Fiscal Officer for Windows Over Harlem Restaurant and Catering. Windows Over Harlem was his dream come true as it allowed him to serve and cater to the people of Harlem, in the spirit of his great idol and close personal friend. Sharrieff would sometimes say, "We're doing what Adam would want to see done in Harlem." Even in hard times and doubting moments, he would remain unfazed, sidestepping worries with a simple, "I have a plan."

Claude Sharrieff Frazier was also an active member in the Harlem Republican Club, where he eventually became President, yet he never waived in his support for me. On Friday, March 19th, 2010, Sharrieff was called home to Allah after a short illness. He will be remembered in a very special Harlem world salute on Thursday, March 25, 2010 at his grandfather's beloved landmark, St. Mark's United Methodist Church in Harlem.

Madam Speaker. I consider myself fortunate to have had the opportunity to observe and experience his example as a personal inspiration. Though Sharrieff is no longer with us, his memory will remain alive in our hearts and minds behind a great written legacy summed up in his own words: "Freedom of Spirit and the interaction with humanity remain my focus in life. I love the history of our ancestors for their sacrifices and the contributions that they made towards the growth and development of America, even during slavery and unto this day."

We are all blessed to have known Claude A. Sharrieff Frazier, a titan of a man who gave us all life.

TRIBUTE TO MORGAN SMITH

HON. TOM LATHAM

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 25, 2010

Mr. LATHAM. Madam Speaker, I rise today to recognize my constituent Morgan Smith, of Nevada, Iowa, and congratulate her on her ac-

ceptance to the People to People World Leadership Forum held in Washington, D.C. from the 21st through the 26th of June 2010.

Chosen for her academic excellence, community involvement and leadership potential, this forum will provide Morgan with daily leadership oriented curriculum, as well as allow her to visit the historic sights of Washington, D.C. and its surrounding areas.

The People to People Ambassador Programs, founded by President Eisenhower in 1956 to promote cross cultural and political understanding, currently operates on all seven continents, has over 400,000 alumni and provides students with the opportunity to learn and establish the necessary tools to become an effective leader.

Madam Speaker, I commend Morgan Smith for her commitment to academic and personal development. She is a future leader of this country of whom Iowa is very proud. I am honored to represent Morgan and her family in the United States Congress and I wish her the best in her future endeavors.

TRIBUTE TO MR. RANDY YARNOLD

HON. MARION BERRY

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 25, 2010

Mr. BERRY. Madam Speaker, I rise here today to pay tribute to Randy Yarnold. His accomplishments are numerous, but his service to the students of Wynne High School and the community of Wynne over the past four decades is what warrants our recognition and our thanks today.

Randall Mitchell Yarnold was born in Malvern, Arkansas on March 8, 1948, the second of four children of Clyde and Velma Yarnold. In 1966, he graduated as commencement speaker from Malvern High and enrolled at Henderson State University, where he graduated with a BSE in Speech and Debate four years later. That fall, he began his teaching career at Wynne High School. Sponsorship of the Drama Club was included in his duties, and so began a legacy that would lead him to direct 60 plays and touch thousands of lives over his 40-year career.

Yarnold is retiring from his profession after having taught over 13,000 students in the classroom, including every graduating student at Wynne High School since 1994. He also served as the voice of Yellowjacket football as the school's stadium announcer. Between 1975 and 2006, he never missed a home game, and due in part to his personality, Yellowjacket Stadium was named the fourth best place to see an Arkansas high school football game.

His patient guidance and passion for theatre have inspired many of his students to pursue successful careers on stage over the years, while his contagious enthusiasm for all the things he did—teaching, directing, and community service—moved many of his peers, including his creative partner, Ms. Sherry Phillians, to volunteer their time towards achieving whatever goal he pursued.

Yarnold is truly devoted to his students—supporting them at games, recitals, and pep-

rallies. It is his dedication to his home, however, that moves me to speak today. The values of service to others and commitment to community are rarely seen with such distinction and dedication. His impact was good and great. On behalf of the United States Congress I ask my colleagues to join me in celebrating and honoring the lifetime and career achievements of Randy Yarnold.

DR. FRANK S. GREENE, JR.

HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 25, 2010

Ms. LEE of California. Madam Speaker, I rise today to honor the extraordinary life of Dr. Frank S. Greene, Jr., technology professional, electrical engineer, venture capitalist, entrepreneur, philanthropist, parent, grandparent and friend. With his passing, December 26, 2009, at the age of 71, we are reminded of his life's journey, his prolific career and the joyful legacy he has inspired.

Dr. Greene was born on October 19, 1938, in Washington, DC, to Frank S. Green, Sr. and Irma Olivia Swygert. He was raised in St. Louis, Missouri, where, in 1961, he became one of the first African-American students to graduate from Washington University. He was also among the first cohort of black students to complete the university's U.S. Air Force ROTC Program, and was ultimately promoted to the rank of Air Force Captain, helping to develop high performance computers for the National Security Agency.

An avid and industrious scholar, Dr. Greene earned a master's degree in electrical engineering from Purdue University, and his Ph.D. from Santa Clara University, where he was later elected as the first African-American Trustee. As Dr. Greene began a career in the private sector, he maintained close ties to academia and academic pursuits, teaching university courses in electrical engineering and computer science at prestigious universities across the country.

In 1965, Dr. Greene joined a research and development team at Fairchild Semiconductor that won the fastest memory chip design patent of the time. In 1971, he founded Technology Development Corporation, a fast-growing computer software and technical services company, which led to the founding of ZeroOne Systems in 1985. In 1993, he co-founded New Vista Capital, a venture capital firm that specialized in funding women-owned and minority-owned businesses. Throughout his career, Dr. Greene earned many accolades, including receiving Washington University's Black Alumni Achievement Award, Santa Clara University's Distinguished Engineering Alumni Award, Purdue University's Outstanding Electrical and Computer Engineer Award, and, in 2002, induction as the first African American into the Silicon Valley Engineering Hall of Fame.

All the while, Dr. Greene kept in mind the critical importance of instilling in youth a love of learning and an indomitable belief in the ability to succeed. He began the GO-Positive Foundation to encourage life skills through,

"Vision, Relationships, and Execution," with his VRE Leadership Model. Additionally, the Dr. Frank S. Greene Scholars Program is a science, technology, engineering and math initiative contributing to the academic success of African-American students. He was also an active member of many local organizations.

I met Dr. Greene years ago while working on the former congressional staff for current mayor, Ron Dellums. Dr. Greene was always a kind and forthright man whose business acumen impressed me tremendously. We worked on many business issues together and, as an elected official, I enjoyed his gracious and consistent support over the years. Frank did so much for young people in the Bay Area and beyond. He was a good friend, and I will miss him.

Today, California's 9th Congressional District salutes and honors a wonderful human being, Dr. Frank S. Greene, Jr. Our community is indebted to his life's contribution in countless ways. Dr. Greene was truly a great man and he will be deeply missed by an extended group of family, friends and loved ones. May his soul rest in peace.

TRIBUTE TO BALLARD JUNIOR AND SENIOR HIGH SCHOOL

HON. TOM LATHAM

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 25, 2010

Mr. LATHAM. Madam Speaker, I rise today to recognize and congratulate students at Ballard Junior and Senior High School in Ballard, Iowa, for their efforts in raising money for St. Damien Hospital, the only free pediatric hospital in Haiti.

St. Damien Hospital is facing many struggles with the devastation caused by the earthquake in Haiti. Jeriann McLaughlin, the service/mentoring/tutoring coordinator at Ballard Junior and Senior High, learned of the struggles from Annie Kautza, who is a native of Iowa and the regional medical coordinator for NPH International, who runs St. Damien. Annie explained the severe structural damage the hospital sustained during the earthquake and the need for financial assistance to get back to business as usual and serve the additional children in need of care.

Jeriann initiated a fun and competitive fundraising project called "Penny War" which took place for one week in February. This school-wide contest was implemented to see which advisor group could collect the most pennies. Containers for each advisor group were filled with pennies, and students could add other coins and dollar bills to their opposing advisor groups' to reduce that group's overall penny count in the Penny War competition. The advisor group with the highest penny credit and the group raising the most money earned a pizza party. In total, the Penny War raised over \$2000.00, and the National Honor Society raised an additional \$121.00.

This collective effort at Ballard Junior and Senior High School is characteristic of what Iowa is all about—citizens motivated and dedicated to improving the daily life of people in need. I commend all the students, their fami-

lies, and especially Jeriann McLaughlin who generated this heartwarming effort. I consider it an honor to represent Jeriann and all of those involved in the Penny War in the United States Congress and again I congratulate them for their great act of kindness and charity.

HONORING CHRISTIANE LEE FOR WINNING THE LESSONS OF THE AFRICAN-AMERICAN EXPERIENCE WRITING CONTEST

HON. JOE COURTNEY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 25, 2010

Mr. COURTNEY. Madam Speaker, I rise today to recognize Christiane Lee as a winner of the first annual "Lessons of the African-American Experience" Creative Writing Contest. Christiane is currently in the eighth grade at Vernon Center Middle School, which is located in Vernon, Connecticut.

In celebration of Black History Month, I sponsored a creative writing contest for all third through eighth grade students within the Second District. As we know, Black History Month is a time to reflect on the struggles and triumphs of our nation's past. The lessons learned during this month continue to serve as the stepping stones of our nation's future. Christiane's essay "Facing History with Courage" eloquently embraces this belief.

Christiane's essay shows a remarkable enthusiasm for learning that is inspiring to all. She identified the values that she learned during Black History Month and creatively discussed how those values affect her life and the lives of others. For this, her essay was among the four winners selected.

PERSONAL EXPLANATION

HON. J. GRESHAM BARRETT

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 25, 2010

Mr. BARRETT of South Carolina. Madam Speaker, unfortunately, I missed the following recorded votes on the House floor the week of Monday, March 15, 2010.

For Monday, March 15, 2010, had I been present I would have voted "aye" on rollcall vote No. 112 (on motion to suspend the rules and agree to H. Res. 1145), "aye" on rollcall vote No. 113 (on motion to suspend the rules and agree to H. Res. 1170), "aye" on rollcall vote No. 114 (on motion to suspend the rules and agree to H. Res. 1163), "aye" on rollcall vote No. 115 (on motion to suspend the rules and agree to H. Res. 267).

For Tuesday, March 16, 2010, had I been present I would have voted "aye" on rollcall vote No. 116 (on motion to suspend the rules and agree to H.R. 4628), "aye" on rollcall vote No. 117 (on motion to suspend the rules and agree to H. Res. 311), "aye" on rollcall vote No. 118 (on motion to suspend the rules and agree to H. Res. 605), "aye" on rollcall vote No. 119 (on motion to suspend the rules and agree to H. Res. 1128).

For Wednesday, March 17, 2010, had I been present I would have voted "aye" on rollcall vote No. 120 (on motion to suspend the rules and agree to H. Res. 1089), "aye" on rollcall vote No. 121 (on motion to suspend the rules and agree to H. Res. 1167), "no" on rollcall vote No. 122 (on motion to suspend the rules and agree to H. Res. 1184), "aye" on rollcall vote No. 123 (on motion to suspend the rules and agree to H. Res. 1141), "aye" on rollcall vote No. 124 (on motion to suspend the rules and agree to S. 1147), "aye" on rollcall vote No. 125 (on motion to suspend the rules and agree to H.R. 3954), "aye" on rollcall vote No. 126 (on motion to suspend the rules and agree to H.R. 946), "aye" on rollcall vote No. 127 (on motion to suspend the rules and agree to H.R. 4825).

For Thursday, March 18, 2010, had I been present I would have voted "aye" on rollcall vote No. 131 (on motion to refer H. Res. 1193, raising a question of the privileges of the House), "no" on rollcall vote No. 132 (on motion to table H. Res. 1193, raising a question of the privileges of the House), "aye" on rollcall vote No. 133 (on motion to suspend the rules and agree to H.R. 3542), "aye" on rollcall vote No. 134 (on motion to suspend the rules and agree to H.R. 3509), "aye" on rollcall vote No. 135 (on motion to suspend the rules and agree to H. Res. 1173).

TRIBUTE TO COLLINS-MAXWELL
HIGH SCHOOL AND MIDDLE
SCHOOL

HON. TOM LATHAM

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 25, 2010

Mr. LATHAM. Madam Speaker, I rise today to recognize and congratulate the students at Collins-Maxwell High School and Middle School in Central Iowa for their efforts in raising money to help those devastated by the earthquake in Haiti.

Lanie Crouse, president of the high school student council, and student council members Josh Benton and Jameson Hudson implemented a plan to raise money for the Story County Chapter of the American Red Cross for relief in Haiti by selling T-shirts. The more than 240 T-shirts sold have a Haitian-style design with their school Raider logo. In addition, the middle school students organized a coin drive which raised \$242. Local community members also chipped in with monetary contributions. This entire fundraising relief effort raised a grand total of over \$1,700.

This collective effort at Collins-Maxwell High School and Middle School is characteristic of what Iowa is all about—citizens motivated and dedicated to improving the daily life of people in need, and in this case those who have lost everything. I commend Lanie Crouse, Josh Benton, Jameson Hudson, and all the students and community members who participated in this fundraiser, as well as Jessica Allen, the school counselor, who facilitated this heartwarming effort. I consider it an honor to represent all of those at Collins-Maxwell Schools involved in this great act of kindness and charity on behalf of Haiti in the United

States Congress and again I congratulate them on their successful efforts.

HONORING THE NATIONAL URBAN
LEAGUE

HON. ALBIO SIRE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 25, 2010

Mr. SIRE. Madam Speaker, I rise today to honor the National Urban League and celebrate their 100 years of service. Since 1910, the National Urban League has grown to have more than 100 affiliates in 36 states and the District of Columbia. Their work impacts the lives of more than 2 million across the nation and I applaud their contributions in fighting for historically underserved urban communities.

In my district, which is 100 percent urban, there are active National Urban League affiliates who work hard to provide vital sources such as delivering social services and programs. New Jersey's 13th Congressional district is incredibly diverse and is made up of 47.6 percent Latinos, 12.8 percent African Americans, and 5.6 percent Asians. Among my constituents, 39.6 percent are foreign born, and this diversity enriches our communities. Through the hard work of the National Urban League, many of my constituents are becoming empowered to gain better access to education, employment, housing, and health care.

The 100th Anniversary of the National Urban League also coincides with the publication of their 34th edition of *The State of Black America*. This riveting report features contributions from our nation's brightest scholars, politicians, and professionals and demonstrates just how severely our urban and minority communities are being impacted in the areas of economics, education, health, civic engagement, and social justice. For the very first time, *The State of Black America*, included a Hispanic index. In the report, an Equality Index of 100 percent would signify that minorities are on par with Caucasians; however, this report found that African-Americans received an overall Equality Index of 71.8 percent and Hispanics received an overall score of 75.5 percent. Clearly, there is more progress to be made.

The area of economics represents the greatest disparity between minorities and whites, and the unemployment statistics were the most disconcerting. In 2009, African-American unemployment was 14.8 percent, Hispanic unemployment was 12.1 percent, and white unemployment was 8.5 percent. Further, for adult black men, the unemployment rate was 17.8 percent as compared to 8.8 percent for white men. For adult black women, the unemployment rate is 12.1 percent as compared to 7.3 percent for white women. The high rate of national unemployment is impacting all Americans, but is having a particularly devastating effect on African-Americans.

In an effort to combat these sobering numbers, the National Urban League introduced *The National Urban League's Plan for Putting America Back to Work*. This six point plan targets \$168 billion in spending over two years through: (1) direct create job creation, (2) ex-

pansion of the Youth Summer Jobs program, (3) creation of urban jobs academies, (4) creation of green empowerment zones, (5) expansion of the hiring of housing counselors nationwide, and (6) expansion of the Small Business Administration's Community Express Loan Program. Together, these recommendations will address the jobs crisis that our urban communities are facing. The National Urban League's Centennial initiative is, "I AM EMPOWERED," and sets a goal for every American to achieve access to a quality job which includes a living wage and good benefits by 2025. Let us all work together and make this goal a reality.

Madam Speaker, I applaud the National Urban League for their dedication in serving our communities and ask my colleagues to join me in recognizing their 100 years of achievements.

IN RECOGNITION OF WORLD TB
DAY

HON. GENE GREEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 25, 2010

Mr. GENE GREEN of Texas. Madam Speaker, I rise today to recognize the importance of World TB Day. Tuberculosis is the second leading global infectious disease killer behind HIV/AIDS, claiming approximately 1.8 million lives each year. It is estimated that 1/3 of the world's population is infected with TB. This disease kills people of all races and ages around the world.

The global TB pandemic and spread of drug resistant TB presents a persistent public health threat to the U.S. The WHO reports that 5 percent of all new TB cases are drug resistant, with estimates of up to 28 percent drug resistant reported in some parts of Russia. Of these numbers, it is estimated that only 7 percent are receiving treatment.

Although drugs, diagnostics and vaccines for TB exist, these technologies are antiquated and are increasingly inadequate for controlling the global epidemic. The most commonly used TB diagnostic in the world, sputum microscopy, is more than 100 years old and lacks sensitivity to detect TB in most HIV/AIDS patients and in children.

Drug susceptibility tests for drug resistant TB take 2–4 weeks to complete, during which time a drug resistant TB patient in a developing country may die. The TB vaccine, BCG, provides some protection to children, but has little or no efficacy in preventing pulmonary TB in adults. We will never be able to defeat TB without the introduction of new identification, treatment and prevention tools.

World TB Day provides us with an opportunity to celebrate the significant gains made in the fight against TB and reminds of us the challenges ahead. Since 1995, 36 million people around the world have successfully been treated for TB and 9 million lives have been saved.

Less than 2 years ago, this Congress passed two historic laws to combat TB. The Comprehensive TB Elimination Act authorizes the tools to put the U.S. on the path to TB

elimination and the Lantos-Hyde Act, with multi-lateral commitment, aims to reduce the global TB burden by half within a decade.

Both of these laws would support an increased research investment to get us the new TB diagnostic, treatment and prevention tools that we urgently need. With enactment of these 2 laws, we have the power to combat TB effectively and reduce the human misery that this disease wreaks around the world.

I urge my colleagues to work with me and our colleagues on the Appropriations Committee to fully fund these measures.

HONORING NATALIE MYERSON

HON. LOIS CAPPS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 25, 2010

Mrs. CAPPS. Madam Speaker, today I rise to honor Natalie Myerson, an exceptional woman and a dear friend.

Born in Chelsea, Massachusetts, in 1920, Natalie Anita Salter grew up in nearby Newton, MA and attended Goucher College in Baltimore, MD. In the fall of 1942, she was introduced to Raymond King Myerson, who was a naval officer stationed in Cambridge. After a brief courtship, Natalie and Raymond were married on February 20, 1943. They had 63 wonderful years together until Raymond's death in 2006.

While Raymond was in the Navy during World War II, Natalie lived with his parents in Chicago. When Raymond returned from the war in 1945, the young couple moved into their own apartment in Chicago. Their daughter Bette Kay was born in 1946, and 3 years after that, in 1949, son Toby came along. Shortly after Toby's birth the family moved to Highland Park, Illinois where they lived for 15 years. In Highland Park Natalie was an active volunteer with the Brandeis National Women's Committee, Hadassah, and a number of other organizations.

On July 4, 1964 the family moved to Los Angeles and in 1974 came to Santa Barbara. Natalie has lived longer in Santa Barbara than any other city; she and Raymond became very active members of the community. Natalie served on the Board of Directors and was treasurer of the Santa Barbara Symphony for many years. She and Raymond were great supporters of the Anti-Defamation League of B'nai B'rith. They were honored at the ADL annual dinner in 2001.

Natalie has also served on the Advisory Board of the Hillel Foundation of the University of California, Santa Barbara. Natalie and Raymond were honored by that organization in 2006. They were also involved with the Affiliates of University of California, Santa Barbara. Natalie was an active member of the Santa Barbara Arts Council for many years. She is currently one of the mainstays and most loyal and celebrated members of Santa Barbara's Congregation B'nai B'rith. Natalie was honored as a "Woman of Valor" by the Women's Division of the Santa Barbara Jewish Federation in 2009.

Natalie is the matriarch of the Myerson and Salter families and is most beloved by her

family. In addition, she has "adopted" 39 "courtesy daughters" who consider her their second mother.

Natalie is sought after as a speaker, emcee, and presenter. She is an elegant, beautifully dressed, kind, and caring woman, and a gracious hostess. I can speak with authority that it is a privilege to call her a friend. Natalie is an instrumental pillar of our central coast community, and I'm humbled to honor her this month as she celebrates her 90th birthday. I wish her continued good health!

PERSONAL EXPLANATION

HON. JEFF FORTENBERRY

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 25, 2010

Mr. FORTENBERRY. Madam Speaker, on Friday, March 19, and Saturday, March 20, 2010, I was absent due to family obligations and thus I missed rollcall votes Nos. 136 through 154. Had I been present, I would have voted "aye" on Nos. 137, 138, 139, 141, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, and 154 and "nay" on Nos. 136, 140, 142, and 153.

TRIBUTE TO PAGE AND LINCOLN ELEMENTARY SCHOOLS

HON. TOM LATHAM

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 25, 2010

Mr. LATHAM. Madam Speaker, I rise today to recognize and congratulate the students at Page and Lincoln elementary schools in Boone, Iowa, for their efforts in raising money to help those devastated by the earthquake in Haiti.

The devastation in Haiti hit close to home for Page Elementary kindergarten teacher Heidi McPartland. In 2009 she traveled to Haiti for a mission trip to assist in painting and completing work on a medical facility. Heidi put her heart and compassion into motion by initiating a "Hearts for Haiti" fundraising project to help the American Red Cross's relief efforts. During the entire month of February, students at Page and Lincoln elementary schools raised money for this humanitarian cause. Not only did it raise money for people in need, but it taught the children the importance of caring for others and how their efforts can really benefit those who are less fortunate.

This collective effort at Lincoln and Page elementary schools is a characteristic of what Iowa is all about—citizens motivated and dedicated to improving the daily life of people in need, and in this case those who have lost everything. I commend all the students, their families and especially Heidi McPartland, who generated this heartwarming effort. I consider it an honor to represent Heidi and all of those involved in this mission for Haiti in the United States Congress and again I congratulate them for their great act of kindness and charity.

HONORING ANGELA BRUSCATO

HON. RODNEY ALEXANDER

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 25, 2010

Mr. ALEXANDER. Madam Speaker, I rise today to honor and recognize Angela Bruscatto for 35 years of volunteer service to St. Francis Medical Center. Angie has continually demonstrated the mission of St. Francis Medical Center through her commitment to reaching out to others in their time of need. She has brought comfort and hope to patients and their families with her sincere concern for their welfare.

Angie joined the St. Francis Medical Center volunteer program in May of 1975, and as of March 17, 2010, she has volunteered 19,696 hours of service. With her many talents, Angie has held many positions as a volunteer and on the Auxiliary Executive Board, and has helped raise \$450,000 to benefit the health care facility.

Angie is a shining example of how one person can change the world for many. Justly, Angie has been recognized for her caring service over the years. In 1990, she was awarded the Auxilian of the Year. In 1993, St. Francis Medical Center awarded her a Certificate of Merit for Dedicated Auxiliary Service. In 2004, she received the Volunteer of the Year award.

I ask my colleagues to join me in honoring Angela Bruscatto. This truly amazing and selfless individual has continued to bring joy to the patients and employees of the St. Francis Medical Center for 35 years.

24TH ANNIVERSARY OF BROTHERS' KEEPER

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 25, 2010

Mr. VISCLOSKY. Madam Speaker, it is with great pleasure that I stand before you to recognize one of Northwest Indiana's most generous and valued organizations, Brothers' Keeper, Incorporated. Brothers' Keeper, a non-profit organization located in Gary, Indiana, celebrates its twenty-fourth anniversary this month. In honor of its anniversary, a celebratory banquet, which will also help raise funds for the continued operation of Brothers' Keeper, will take place on Thursday, March 25, 2010, at the Genesis Convention Center in Gary, Indiana.

The anniversary banquet will feature a keynote speech by Harry Porterfield, who is well known in Chicago media and is the creator and host of "People You Should Know." The banquet will also feature the inspirational music of The Winslett Family Singers.

Founded by the late Reverend James Anderson of Washington Street Church of God on March 16, 1986, Brothers' Keeper is the oldest and only full service men's homeless shelter in Northwest Indiana. Throughout the years, thousands of lives have been improved through the many services and programs offered by Brothers' Keeper. Brothers' Keeper

offers not only food, clothing, and shelter to the men it serves, but also counseling services, information and referral services, job placement assistance, and weekly motivational sessions, as well as a new computer room for members of the community to utilize.

While many people have benefited from these services and from the generosity of the Brothers' Keeper staff, the organization has also made extraordinary efforts to reach out to the surrounding community. In addition to the services offered at the shelter, Brothers' Keeper also operates a soup kitchen, food pantry, clothing bank, recycling program, community service work site, and a senior aid work site.

Madam Speaker, at this time, I ask that you and my other distinguished colleagues join me in recognizing the tireless efforts of Brothers' Keeper's Executive Director, Mary Edwards, and the many staff members and volunteers whose generosity and selflessness have touched thousands of lives throughout the last twenty-four years. Their efforts are to be commended, and they are to be honored for their unwavering commitment to their community.

HONORING THE LIFE OF DEAMONTE DRIVER AND CHILDREN'S DENTAL HEALTH MONTH

HON. ELIJAH E. CUMMINGS

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 25, 2010

Mr. CUMMINGS. Madam Speaker, I rise today to recognize the life of a young Maryland boy, Deamonte Driver, whose life was cut drastically short when an untreated tooth infection spread to his brain. I also rise to recognize Children's Dental Health Month with hope in my heart and a renewed steadfast commitment to ensuring that all children across this great nation will have access to quality dental healthcare.

Deamonte's tragic death haunts me to this day.

Eighty dollars worth of dental care might have saved his life, but he never got that care.

As many of you know, I have made it my personal mission to ensure that from this boy's untimely death, we will bring hope and life.

With the passage of the Children's Health Insurance Program Reauthorization Act of 2009 (H.R. 2/PL 111-3) and the American Recovery and Reinvestment Act of 2009 (H.R. 1/PL 111-5), we have made significant progress to provide dental care to children.

Notably, the SCHIP Reauthorization mandated for the first time that children eligible for the program receive dental coverage.

It also included several critical provisions aimed at improving children's access to dental care, each of which was included in a bill I introduced, H.R. 462, the Medicaid-SCHIP Dental Benefits Improvement Act of 2009.

Specifically the bill:

Guarantees a dental benefit for children covered by SCHIP that includes preventive, restorative, and emergency dental care;

Provides dental education for parents of newborns;

Allows community health centers to contract with private dentists for the purpose of providing dental care under Medicaid and SCHIP;

Requires states to report the status of children's oral health for children covered by Medicaid and SCHIP;

Improves access to dental provider information for Medicaid and SCHIP patients through the Insure Kids Now website (www.insurekidsnow.gov) and hotline (1-877-KIDS-NOW);

Requires the GAO to conduct a study assessing children's access to dental care within 18 months of the bill's enactment; and

Directs the Secretary of Health and Human Services to establish a core set of child health quality measures for assessing states' Medicaid and SCHIP programs, including measures for the availability of dental services and the quality of pediatric dental care.

I was also extremely pleased that we included language in the bill to provide "wrap around" dental benefits to children who are eligible for SCHIP but have private medical insurance that does not include dental insurance.

The Recovery Act included an estimated \$87 billion over two years in additional federal matching funds to help states maintain their Medicaid programs which provide dental health services to low-income children.

I rise today with a renewed commitment to oral health which is an integral component of overall health.

Hundreds of thousands of Deamonte Drivers are walking the streets of America every day in unbearable pain—unable to concentrate in school, unable to eat and speak properly, and at risk for serious disease or even death.

We simply cannot relent until every single one of those children gets the care he or she needs to end this needless suffering—and to prevent it in future generations.

During Children's Dental Health Month, I thank the many partners who have joined me in this effort, specifically the Children's Dental Health Project, the American Dental Association, the National Dental Association, the American Academy of Pediatric Dentists, the American Dental Education Association, the American Hygienists Association, and the UnitedHealth Group.

It is through sound legislative initiatives and partnerships like these that give me hope:

Hope that we can prevent the single most common childhood chronic disease which is tooth decay.

Hope that our children, regardless of race or economic status will have access to proper dental care.

Hope that as we pledge never to forget the life of Deamonte Driver, we strive to ensure that not one more child will suffer his fate.

RECOGNIZING THE CUB SCOUT PACK 1364 BLUE AND GOLD BANQUET

HON. GERALD E. CONNOLLY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 25, 2010

Mr. CONNOLLY of Virginia. Madam Speaker, I rise today to recognize the 2010 Blue and Gold Banquet for Cub Scout Pack 1364 and the 100th anniversary of the Boy Scouts of America.

The Boy Scouts were founded in the United States on February 8, 1910, by William D. Boyce. The following year, the Boy Scouts of America adopted the Scout Oath and the Scout Law. After 100 years of scouting, these founding principles have guided more than 100 million youth to be trustworthy, loyal, helpful, friendly, courteous, kind, obedient, cheerful, thrifty, brave, clean and reverent.

Each year, Cub Scout packs commemorate scouting and its enduring principles with a Blue and Gold Banquet. They celebrate scouts, pack leaders and other adults who have contributed to the pack's health and vibrancy. I would like to extend my personal congratulations to the following Cub Scouts in Pack 1364 who will be recognized at the 2010 Blue and Gold Banquet for advancing to the next level of scouting.

Den 2 Tigers: Michael Chargualaf, Beau Donner, Michael Mottern, Samuel Neher, Kage Policello, Tony Simmons, Terrell Warner, Ki Williams;

Den 3 Tigers: Brian Andres, Leo Blaes, Tyler Lipscomb, Andrew Martin, Justin Santaw, Luke Smallwood;

Den 6 Wolves: Nick Bradford, Erik Caballero, Jacob Chesonis, Benjamin Clark, Liam Dunlap, Joshua Forrest, Jason Green, Colin Meeley, Ahmed Mohammed, Isaac Morlu, Joseph Peters, Kieran Weldon;

Den 5 Bears: Adam Frank, Andrew Hartshorn, Benjamin Hodges, Brian Kim, Logan MacDonald, Justin Martis, Henry Moore, Brett Segal, Daniel Smith, Michael Teister, Nathan Villanueva, Malik Williams, Sean Zylch;

Den 1 Webelos I: Archie Blaes, Jacob Chartier, Matthew Kaiser, Jordan Rice, Zack Scites, Michael Storm, Sebastian Villanueva;

Den 7 Webelos I: DeTrell Bailey, Will Salmon, Derek Siegrist, Alex Stone, Sean Teister, Norman Warner;

Den 4, Webelos II: Grayden Brock, Ryan Crow, Joseph Friend, Caven Kennedy, Jimmy Kettl, Christian Majchowitz, Andrew Perkins-McDuffie, Michael Stroup.

Madam Speaker, I ask that my colleagues join me in celebrating the Boy Scouts of America on its 100th anniversary and recognizing Cub Scout Pack 1364. The Boy Scouts of America sets a high standard for integrity and strength of character. I admire all scouts who seek to uphold its core principles, and I extend my best wishes to the Cub Scouts of Pack 1364 as they strive to realize their scouting potential.

CELEBRATING THE INSTALLATION OF REV. KEVIN WILLIAMS AS PASTOR IN THE SECOND BAPTIST CHURCH OF WHEATON

HON. PETER J. ROSKAM

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 25, 2010

Mr. ROSKAM. Madam Speaker, I rise today to congratulate the Reverend Kevin Williams, who has been installed as a new Pastor in the Second Baptist Church of Wheaton, which is located in my Congressional district.

The Second Baptist Church is the oldest African American Church in DuPage County.

Ever since it opened its doors to worshippers in 1907, this church has worked diligently to glorify God, build up the saved, and win the lost. Through private and collective study groups, as well as public preaching, the Second Baptist Church has strengthened our community by bringing people together through faith.

Reverend Williams is a loving husband and father. He believes that his greatest privilege and joy has been to share the grace of God with others. From the early age of 27, he has used his talents and gifts to spread the glory of God and help congregants of the Second Baptist Church experience the love of Jesus.

Madam Speaker and Distinguished Colleagues, please join me in recognizing the installation of the Reverend Kevin Williams as Pastor of the Second Baptist Church of Wheaton. I believe that Reverend Williams will bring people together in faith and fellowship and help make our local communities a wonderful place to live, work, and raise a family.

**HONORING CARNEGIE MEDAL
RECIPIENT, DEREK CREEL**

HON. SPENCER BACHUS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 25, 2010

Mr. BACHUS. Madam Speaker, it is an honor to bring to the attention of my colleagues the heroism of a constituent, Derek J. Creel of Warrior, Alabama. Guided by his faith, Derek put his own life at risk to save the life of a young child during a tragic outing on raging waters.

In recognition of his courageous and selfless action, Derek has been awarded the Carnegie Medal by the Carnegie Hero Fund Commission.

The criteria for this prestigious award was established by the philanthropist Andrew Carnegie in 1904, when he wrote on the Commission's founding Deed of Trust that, "We live in a heroic age. Not seldom are we thrilled by deeds of heroism where men or women are injured or lose their lives in attempting to preserve or rescue their fellows."

Derek Creel displayed extraordinary heroism in swimming to a father and son who had been overtaken by a strong current in the Black Warrior River on March 27, 2009. Excruciatingly, he could not save the father from the cold and swift waters. But he both saved and comforted the frightened young boy while rescue help arrived. Derek's spiritual strength was every bit as important to their survival during that challenging time as his physical strength.

Warrior Police Chief Raymond Horn, who was at the scene, wrote a gripping account of Derek's heroism in nominating him for the Carnegie Medal. It is a description of an exceptional action by a prayerful man that I commend to your reading.

On 03/27/09 the Warrior River, Locust Branch, was well above normal depth from recent rain storms. The currents were very strong and swift with a lot of debris, i.e.; stumps, trees and rocks in this river. There were more storms moving into the area later

that night with flash flood warnings being posted.

The rescuer, Derek Creel, was at the river fishing. He witnessed a canoe, with an adult male and a male child, capsized. The two victims were caught in the swift currents and very rapidly being pulled down stream while holding onto the canoe. At this point Derek Creel with total disregard for his own life or safety jumped into the cold water and swam towards the victims. After reaching the victims and the canoe he attempted to get them to the shore, but the currents were too strong and they were washed down river about half a mile from the boat launch.

At this point Derek was able to steer the canoe into a downed tree in the river. He then had to physically hold onto both victims. He soon became exhausted and had to make a very difficult decision. Let one victim go and save the child and himself. The father, Tim Sagafoose was injured and was unable to help or respond. Derek was unable to hold onto the father any longer and turned him loose into the current. Derek then had to calm the young boy and explain what he had to just do. He had the presence of mind to witness to the young boy about God and salvation, all while holding onto him in the cold swift water for over for over thirty minutes before they were rescued by Warrior Firefighters Lee Kilgore and Luke Ahl.

I personally spoke with Derek at the scene and he was visibly shaken, and extremely apologetic about not being able to save the father. And he was very humble about his rescue efforts on this night.

After days of refusing media interviews, he finally did an interview on the day Tim Sagafoose's body was recovered. During this interview, Derek credited his actions to God and his Savior Jesus Christ for putting him there that day and giving him the strength to hold on.

After 34 years of Law Enforcement experience I walked away from this incident with not only amazement at the actions of Derek Creel, but true respect for him. He is a remarkable young man with strength and conviction and truly humble demeanor. I am very proud of Derek for not only his heroism, but his witness of the Lord in this difficult moment. He is truly a hero in my opinion in more ways than one.

In closing, I congratulate Derek and the entire Creel family.

**TRIBUTE TO JEFFREY SPEARS, ON
RECEIVING THE RABBI NORMAN
F. FELDHEYMAN AWARD FOR LOY-
ALTY AND SERVICE TO THE
SYNAGOGUE AND COMMUNITY
OF THE CONGREGATION EMANU
EL**

HON. JOE BACA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 25, 2010

Mr. BACA. Madam Speaker, the Rabbi Norman F. Feldheim Award was established to pay tribute to those members of Congregation Emanu El, who have conspicuously and exceptionally reflected Rabbi Feldheim's quali-

ties of love for and loyalty to the synagogue, and service to the community.

Today, I rise to congratulate Jeffrey Spears for receiving the distinguished Rabbi Norman F. Feldheim Award for loyalty and service to the Community and the Congregation of Emanu El. Jeffrey Spears has served his congregation selflessly and faithfully, with uncompromising integrity, candor and generosity.

Jeffrey has been an extraordinarily devoted community leader. His family now marks five generations at Congregation Emanu El. Jeffrey has given evidence of his deep love for Judaism through strong contribution to worship and education, an exemplary commitment to Jewish values, and their application to contemporary society.

Jeffrey has served the surrounding community as member of the San Bernardino City Library Foundation Board, the American Water Works Association, the Mueller Water Products Advisory Council, the California State University San Bernardino School of Education Friends of the College, and the Community Advisory Board of Security Bank of California.

Jeffrey has demonstrated his devotion to Jewish learning and practice by serving on the faculty of Congregation Emanu El's School for Jewish learning, attending Judaism Conventions and traveling to Israel.

Jeffrey has made familial commitment central to his life, continuing to work in the family business founded by his grandfather Julius. Jeffrey and his wife, Heidi Nimmo, have raised their two children, Neil and Sarah, exemplifying commitments to scholastic achievement, community involvement and leadership.

Jeffrey is respected and beloved by our community for his honesty, courage, kindness and compassion. The success of his extraordinary citizenship is best summarized in the receipt of the prestigious Rabbi Norman F. Feldheim Award.

I join today with public leaders throughout my State to express our gratitude to Jeffrey and Congregation Emanu El for reflecting the late Rabbi Feldheim's qualities of service to community, as well as humility, care and loving-kindness.

Madam Speaker, Jeffrey Spears will be honored with the prestigious Rabbi Norman F. Feldheim Award on Saturday, June 2, 2010, marking the 119th Anniversary of the chartering of Congregation Emanu El. It is fitting, on such a momentous occasion, that we stand here today to honor Jeffrey Spears, for his humble and outstanding service.

**RECOGNIZING THE DUMFRIES
FIRST MOUNT ZION BAPTIST
CHURCH HEALTH FAIR**

HON. GERALD E. CONNOLLY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 25, 2010

Mr. CONNOLLY of Virginia. Madam Speaker, I rise today to recognize the "Healthy Living/Healthy Lifestyle Conference" sponsored by First Mount Zion Baptist Church in Dumfries, Va., and the Northern Virginia Chapter of the National Coalition of 100 Black Women, Inc.

The health fair focuses on HIV/AIDS and hosts workshops on hypertension-diabetes, cholesterol, obesity in children and adults, prostate cancer, breast cancer, domestic violence and mental health. Community partners have made it possible to provide free health screenings and HIV/AIDS testing to fair attendees. I would like to extend my personal appreciation to the fair's community partners for their charity and good stewardship of a healthy Prince William community.

Prince William County Health Department
NOVAM AIDS Ministry
National Institutes of Health—
Prince William County Area Churches
Ezra Nehemiah Solomon Foundation
(ENS)—

Women In Community Action (WICA)
K I Services—
Affairs Remembered, LLC

Madam Speaker, I ask that my colleagues join me in commending First Mount Zion Baptist Church and the Northern Virginia Chapter of the National Coalition of 100 Black Women, Inc. for extending this educational service to the Prince William community. With so many citizens medically underserved and uninformed on healthy lifestyle practices, a free health fair is an opportunity to face these challenges head on and address the threat they pose to our nation's health.

HONORING THE LIFE OF WILROY SANDERS

HON. STEVE COHEN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 25, 2010

Mr. COHEN. Madam Speaker, I rise to pay tribute to the life of Mr. Wilroy Sanders, a Korean War Veteran, legendary blues musician, and beloved Memphian. Mr. Sanders was born Willie Roy Sanders in Byhalia, Mississippi and moved to Memphis in the early 1930's. From an early age, he demonstrated a remarkable gift for music—teaching himself to play guitar and even making his own guitars. His unique musical style was developed from a combination of his church upbringing and traditional blues music.

After serving in the U.S. Army from 1953–1955, Mr. Sanders returned home to Memphis to pursue his passion for music. In the early 1960s, he played in a series of bands including the Binghampton Blues Boys which became renowned for their song, "Crosscut Saw." Many blues musicians, including Albert King and Eric Clapton, have since covered this hit.

Wilroy Sanders went on to form the Fieldstones, a blues band known for the songs "Blues at Nightfall" and "Dirt Road." In the 1990s, The Fieldstones became the house band for the popular Green's Lounge in Memphis. Soon afterwards, Mr. Sanders and his wife, Dorothy Mae Tucker Sanders, became owners of Green's Lounge, which they owned until it was destroyed by fire in 1997.

Memphis music label Shangri-La produced a 1999 documentary celebrating the life and work of Wilroy Sanders entitled Will Roy Sanders: The Last Living Bluesman. The doc-

umentary noted that Mr. Sanders was, like Rufus Thomas, "a total entertainer" and dubbed the Fieldstones "one of the hottest blues bands ever from Memphis."

Mr. Sanders touched the lives of many in Memphis and across the nation. He passed away on Tuesday, February 16, 2010, at the age of 76. We are truly honored for his service in the U.S. Army and for his contributions to the Memphis blues community. Wilroy Sanders' legacy lives on through his wife, children and his music.

HONORING CARMENZA JARAMILLO

HON. MARIO DIAZ-BALART

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 25, 2010

Mr. MARIO DIAZ-BALART of Florida. Madam Speaker I rise today to honor an exceptional leader and dignitary, the Honorable Carmenza Jaramillo, former Consul General of Colombia to the U.S. and current President of the Colombian American Chamber of Commerce in Miami.

Ms. Jaramillo has served around the world in various posts, including Ambassador of Colombia to India, representing her native Colombia and advancing the needs of her people. Most recently, she served as Consul General in Miami, ensuring that the U.S. and Colombia strengthen their partnership as allies and their presence as the hemisphere's leading democracies. Ms. Jaramillo has also been very much involved in working to promote and advance Colombian American small businesses in our community and has been engaged in issues like trade and commerce, serving as a leading voice in urging the passage of a Free Trade Agreement between the U.S. and Colombia.

Ms. Jaramillo is also dedicated to serving the needs of others and is involved in various community organizations and non-profits and has received numerous recognitions for her work. She serves with professionalism and has dedicated her life to her country. She truly embodies the ideals of liberty and democracy. She is a friend to the U.S. and stands prepared to serve not only her country, but ours as well.

As we celebrate Women's History Month, I ask you to join me in honoring and thanking Ms. Carmenza Jaramillo, for her dedication to her country, her countrymen and to the cause of freedom and democracy.

HONORING REAR ADMIRAL DOUGLASS T. BIESEL, COMMANDER, JOINT REGION MARIANAS, U.S. NAVY, FOR HIS SERVICE TO OUR COMMUNITY

HON. MADELEINE Z. BORDALLO

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 25, 2010

Ms. BORDALLO. Madam Speaker, I rise today to honor the exemplary community service and leadership of Rear Admiral Douglass

T. Biesel, Commander, U.S. Naval Forces Marianas; and Commander, Joint Region Marianas. RDML Biesel has been an outstanding leader for the men and women under his command and he has encouraged his troops to be active in our community. RDML Biesel has been a supporter of programs that enhance and promote the Chamorro culture on Guam, and he recently directed the transfer of two historic Latte Stones from the headquarters of Joint Region Marianas to the Governor's Complex in Adelup, Guam. The Latte Stone is an important symbol of Chamorro identity in Guam and the Marianas and represents the cultural heritage of the indigenous people of our islands. RDML Biesel's efforts to return these ancient symbols of Chamorro culture to the people of Guam are sincerely appreciated by the Chamorro people and our whole community.

RDML Biesel is from Coudersport, Pennsylvania, and was raised in Newtown, Connecticut. A graduate of the U.S. Naval Academy in 1980, RDML Biesel was assigned to serve as Commander of Joint Region Marianas in Guam in May 2009 and was reassigned to serve as Commander of Navy Region Northwest in Silverdale, Washington in March 2010. It is on the occasion of Rear Admiral Biesel's departure from Joint Region Marianas that I join the people of Guam in acknowledging his leadership, outstanding contributions to our community and cultural awareness.

RECOGNIZING THE RECIPIENT OF THE 2010 PRINCE WILLIAM AMERICAN RED CROSS AWARDS

HON. GERALD E. CONNOLLY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 25, 2010

Mr. CONNOLLY of Virginia. Madam Speaker, I rise today to recognize the recipients of the 2010 Prince William American Red Cross Awards. These individuals and their work with the Red Cross stand as an example of dedication and service for the benefit and safety of the community.

The Elizabeth Smith Davies award is presented to a volunteer in recognition of 25 years of service. This year's recipient, Ruth Stroaker, began volunteering for the Red Cross in the 1980s while her husband was serving in the military in the Pacific. She has done everything from data entry, typing, filing, volunteering in the base medical and dental clinic, to leading volunteer orientation classes, and handling disaster services case work. In 1989 she became a military and international services case worker. During her tenure, she has reconnected families separated by war and other calamities, helped arrange compassionate leave for the military, and provided special support to those who have suffered devastating disasters and other emergencies. Ruth is a beloved member of the Prince William team, always handling her casework with compassion and kindness. Her clients become her family, and she is tenacious in helping them get the help they need.

Tony Boone is the recipient of the 2010 Dr. Gail Kettlewell Award. Tony is a long-standing

member of the Prince William Red Cross Board of Directors and is always willing to do whatever needs to be done to support the chapter. He has been the chair of the Finance Committee for the past three years. During his time on the Building Committee, he donated many hours of his time to negotiating and developing a letter of agreement for land donated by Lockheed Martin. This included helping the chapter sort through many pages of county regulations and eventually applying for various city permits. He is the chapter's goodwill ambassador and you can always find him at various events telling his Red Cross story.

Chuck Mudd has volunteered with the Prince William Chapter for a little more than a year, but he has quickly become a treasured member of the team. In the last 12 months, Chuck has been involved with numerous local fire responses, worked daily on the renovation of the new chapter facility, cleaned out the attic and garage of the old chapter house, attended a winter field day exercise to learn tent operations and managed a shelter during one of the big snowstorms. He also uses his expertise and leadership skills in representing the chapter on the disaster services committee and various regional working groups. In addition, Chuck is a major financial donor to the chapter. His attitude, great personality, and willingness to work in rain, sleet, and lots of snow, make him invaluable to the chapter.

Madam Speaker, I ask that my colleagues join me in honoring the staff and volunteers of the Prince William American Red Cross. When a community is hit by disaster, the Red Cross is often the first on the scene to provide comfort and assistance. The efforts of individual members are responsible for the organization's outstanding reputation, and I am honored to recognize Ruth Stroaker, Tony Boone,

and Chuck Mudd for contributing to this tradition of excellence.

HONORING HOOSIER PEACE CORPS VOLUNTEERS

HON. DAN BURTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 25, 2010

Mr. BURTON of Indiana. Madam Speaker, I rise today to honor 21 young Hoosiers who are currently serving our country overseas as members of the Peace Corps.

The Peace Corps was an initiative started by President John F. Kennedy. It was established by Executive Order 1924 on March 1, 1961, and later authorized by Congress on September 22, 1961, through passage of the Peace Corps Act (Public Law 87-293). The Peace Corps Act declares the purpose of the Peace Corps to be:

To promote world peace and friendship through a Peace Corps, which shall make available to interested countries and areas men and women of the United States qualified for service abroad and willing to serve, under conditions of hardship if necessary, to help the peoples of such countries and areas in meeting their needs for trained manpower.

The Peace Corps has pursued its legislative mandate of promoting world peace and friendship by sending volunteers to serve at the grassroots level in villages and towns in across the globe. Living and working with ordinary people, Peace Corps volunteers have offered their expertise in a variety of areas—such as teachers, environmental specialists, health promoters, and small business advis-

ers—to help improve the lives of those they work with and in turn help them better understand the American people and American culture. To date, nearly 200,000 Peace Corps volunteers have served in 139 countries; and about 7,671 volunteers are currently serving in 76 nations.

Beginning this spring, for the first time, Peace Corps volunteers will serve in Indonesia working as English teachers in high schools and at teacher training institutions. Later in the year, the Peace Corps will return to Sierra Leone after a 16-year absence and focus on secondary education and work with their host communities on grassroots initiatives and community developments.

The first week in March has traditionally been set aside to honor the history and accomplishments of the Peace Corps. This year's festivities took place March 1, 2010 through March 7, 2010 and commemorated the 49th anniversary of the Peace Corps.

Madam Speaker, the Peace Corps is perhaps our country's most important public diplomacy programs. The sight of ordinary Americans volunteering to serve the world's most disadvantaged populations has never failed to elevate good will toward our country. I ask unanimous consent to include in the CONGRESSIONAL RECORD the names of the 21 Hoosiers from my District who are currently serving their tours with the Peace Corps in countries ranging from Ukraine and Moldova in Europe, to Botswana, Tanzania, and Zambia in Africa, to Guatemala and Costa Rica in Central America. I ask all of my colleagues to join me in honoring these outstanding young men and women and in wishing them well in their endeavors.

SWORN-IN VOLUNTEERS IN THE DISTRICT OF IN-05

[Representative: Dan Burton]

Volunteer name	Country of service	Start of svc date	Projected cos date
Adenrele, Adeyemi O	Cape Verde	20-Sep-2008	25-Sep-2010
Bagley, Zachary P	Uganda	15-Oct-2009	14-Oct-2011
Brooks, Meredith L	Swaziland	27-Aug-2009	26-Aug-2011
Caito, Laura M	Botswana	18-Jun-2009	17-Jun-2011
Carpenter, Stacy M	Kazakhstan	31-Oct-2009	30-Oct-2011
Coe, David M	Armenia	13-Aug-2009	13-Aug-2011
Elliott, Joel C	South Africa	03-Apr-2008	27-Mar-2010
Garvey, Jack E	Armenia	14-Aug-2008	14-Aug-2010
Houghton, Travis S	Guatemala	17-Jul-2009	16-Jul-2011
Jefferson, Matthew P	Botswana	18-Jun-2009	17-Jun-2011
Lutz, Isaac D	Moldova	18-Aug-2009	18-Aug-2011
Miller, Christopher J	Guyana	23-Apr-2009	24-Apr-2011
Myers, Emilia A	Tanzania	20-Aug-2008	19-Aug-2010
Ready, Lauren E	Albania	28-May-2009	27-May-2011
Roberts, Sarah R	Dominican Republic	28-Oct-2009	28-Oct-2011
Rosensteele, Matthew J	Costa Rica	16-May-2008	21-May-2010
Rulon, Jennifer A	Mali	10-Sep-2009	11-Sep-2011
Sather, Made R	Zambia	25-Sep-2009	05-Feb-2011
Sather, Robert O	Zambia	25-Sep-2009	05-Feb-2011
Theibert, Julie E	Namibia	16-Oct-2009	14-Oct-2011
Umstead, Andrew D	Ukraine	09-Dec-2008	09-Dec-2010

Total Volunteers: 21.

HONORING THE RESCUE EFFORTS AT THE HOTEL MONTANA

HON. ZACH WAMP

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 25, 2010

Mr. WAMP. Madam Speaker, when the catastrophic earthquake devastated the island nation of Haiti in January, Americans from coast to coast rallied together in the spirit of compassion and generosity to help those in

need. Several emergency organizations including Virginia's Fairfax County Urban Search and Rescue teams and the U.S. Army Corps of Engineers responded to the crisis. They took on the daunting task of searching for survivors and recovering the remains of our fellow Americans from the Hotel Montana, a bustling hotel where many U.S. citizens were staying at the time of the deadly quake.

The heroic efforts of these patriots went far above the call of duty. For more than a month, Fairfax County Urban Search and Rescue teams braved extremely dangerous conditions,

retrieving victims from the hotel ruins. The Army Corps of Engineers used heavy equipment to move mountains of rubble while the search and rescue teams simultaneously looked for survivors. They selflessly returned to the site each day facing the imminent threat of aftershocks and deadly structural collapse.

Together, these men and women, led by U.S. Army COL Norberto Cintron, worked tirelessly from dawn to dusk in suffocating humidity and in temperatures that soared above 90 degrees to bring our missing fellow Americans home.

Colonel Cintron is a man of exceptional honor and dignity who answered the emergency call to duty without hesitation. He provided an invaluable service to the families of the missing Americans, speaking with them at length on daily conference calls to explain the status of recovery efforts and answer all of their questions.

Colonel Cintron broke from bureaucratic rhetoric to give family members straightforward, compassionate updates on their missing loved ones. He conveyed a sense of urgency and strong determination to find both the living and the dead trapped beneath the rubble of the Hotel Montana. With two daughters deployed to the Middle East, Colonel Cintron treated all of the missing persons as if they were a part of his own family. His heartfelt empathy and willingness to go the extra mile for those awaiting news back home brought humanity and hope to families suffering unimaginable loss.

My thoughts and prayers are with the people of Haiti and all of those who lost loved ones. I am grateful for the tenacity of leaders like Colonel Cintron, the volunteer spirit of the Fairfax County Urban Search and Rescue teams and the tireless work of the Army Corps of Engineers at the Hotel Montana. Their unwavering commitment brought a measure of closure to the families in the midst of this horrific situation.

INTRODUCING THE VIRGINIA ACCESS TO ENERGY ACT (VA ENERGY ACT)

HON. BOB GOODLATTE

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 25, 2010

Mr. GOODLATTE. Madam Speaker, for many years the Commonwealth of Virginia has seriously been considering the potential positive impact that Outer Continental Shelf (OCS) development off Virginia's coast would have on the Commonwealth. In 2008, it seemed that the Commonwealth would be able to make OCS development a reality when we in Congress, and then President George Bush, removed hurdles that had previously blocked access to energy resources located on the OCS. However, since that point, Virginia has been confronted with a series of regulatory road blocks. Although a lease sale has been proposed in Virginia's OCS, the first scheduled lease sale for energy development in the Atlantic, Interior Secretary Ken Salazar has continued to postpone this Virginia lease sale. This delay is happening despite the strong support for the lease sale by the Virginia Congressional Delegation, the Governor of Virginia, the Virginia General Assembly, and the citizens of Virginia. Madam Speaker, the voices of Virginians must be heard.

To allow the Virginia lease sale to proceed we must remove the regulatory road blocks that are impeding development of Virginia's OCS, so I rise today with a bipartisan group of members of the Virginia Congressional Delegation to introduce the "Virginia Access (VA) to Energy Act." This legislation would require that the Department of the Interior, at the re-

quest of Virginia's governor, proceed with the Virginia lease sale no later than one year after passage of this legislation. This will remove the regulatory hurdles that have impeded development and create a path for Virginia to become "the Energy Capital of the East Coast."

Passage of this legislation and development of VA's OCS will significantly boost the economy of the Commonwealth of Virginia. In fact, some estimates have shown that development of Virginia's OCS will create 2,578 full-time equivalent positions on an annual basis, induce capital investment of \$7.84 billion, yield \$644 million in direct and indirect payroll, and result in \$271 million in State and local taxes. While exploration activities alone will infuse the Virginia economy with a significant amount of new capital, this legislation will also authorize any qualified revenues generated by the lease sales to be shared between the federal government and the Commonwealth of Virginia.

Virginians understand that a major component in lessening energy costs is to produce more energy. I believe that Virginia should have every tool available to access its energy supplies, while at the same time creating thousands of jobs for Virginians and infusing the Commonwealth with new capital growth. I urge Congress to pass this legislation to allow Virginia to move towards a path of energy independence.

RECOGNIZING SEA SCOUT SHIP 7916

HON. GERALD E. CONNOLLY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 25, 2010

Mr. CONNOLLY of Virginia. Madam Speaker, I rise today to recognize Sea Scout Ship 7916, "Blue Heron," of Occoquan, VA.

Sea Scout Ship 7916 is a young but very active unit in the Boy Scouts of America National Capital Area Council (NCAC). The Ship hosts regular sailing ventures, service projects, training courses, fundraisers and social activities.

Ship 7916 has excelled in obtaining a significant number of awards in a short period, including the NCAC's "Wardroom Award" for achievement only four months after being formed. I would like to extend my personal congratulations to the Sea Scouts who have received awards in the past calendar year.

NCAC Commodore's Award—Shay Seaborne, Skipper—For devotion and enthusiasm given to Sea Scouting and assistance in the furtherance of the Sea Scout program as the initiator and driving force of the Save der PeLiKan Campaign, which aims to raise \$20,000 needed to repair the regional training vessel; NCAC Boatswain of the Year Award—Rebecca Siegal, Boatswain—For outstanding participation in Sea Scouting activities, for conducting training, for enthusiasm, loyalty, team spirit, and leadership given, for a positive attitude, ability to live up to responsibilities, and promoting Sea Scouting in the community; Venturing Advisor Award of Merit—Shay Seaborne, Skipper—For tenure, training, and providing a quality program; NCAC Out-

standing Contribution—Karl and Stella Kent—For their generous financial contribution to the Save der PeLiKan fund. NCAC Outstanding Contribution—Skipper's Mate Dr. Rosemary Enright and Don Coulter—For their generous financial contribution to the Save der PeLiKan fund. Catherine A. Mullikan Sea Scout Volunteer of the Year—Rebecca Siegal, Boatswain—For significant service to the community, both inside and outside of Sea Scouting. Sea Scout of the Year Award—Rebecca Siegal, Boatswain—For excellence in advancement, citizenship, leadership and seamanship skills.

Madam Speaker, I ask my colleagues to join me in recognizing Sea Scout Ship 7916 and congratulating its highly decorated membership. They are responsible community partners and uphold the well-respected traditions and principles of scouting.

CONGRATULATING GEORGIA'S MOCK TRIAL TEAMS

HON. DAVID SCOTT

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 25, 2010

Mr. SCOTT of Georgia. Madam Speaker, I rise today to honor two exceptional high school teams from my district. The Jonesboro High School and Morrow High School Mock Trial teams have had an unprecedented record of success. Collectively, both teams have surpassed expectations and are on their way to another record breaking year for the State of Georgia.

Jonesboro High School will compete for its seventeenth State Bar of Georgia Championship. No other school in the State of Georgia's history has ever reached this level of consummation. In addition to this record breaking endeavor, Jonesboro High School has already accomplished two national championships. This is a testament that hard work and discipline truly yield enormous results.

Morrow High School has also achieved ground breaking success. Morrow High School was the runner up in the State of Georgia region eight competition. The irony of this team's success is that Morrow High lost several team members just days before the competition. Nevertheless, this team expeditiously put together a new team which led to two of the three replacements winning state awards. While this team's cohesive bond was tested, their determination prevailed, which led them to another notable year. In addition to this year's success, it has been nine years since any other school in Clayton County has become the region champion.

With the help of the faculty advisors and community mentors, these two teams have displayed the passion and integrity that we, as members of Congress, continuously encourage. These teams represent the very essence of America as it has displayed its dedication, passion, and integrity throughout the competition in the courtroom and throughout the community.

HONORING MICHAELA MEYERHOFF
FOR WINNING THE LESSONS OF
THE AFRICAN-AMERICAN EXPERIENCE
WRITING CONTEST

HON. JOE COURTNEY

OF CONNECTICUT
IN THE HOUSE OF REPRESENTATIVES

Thursday, March 25, 2010

Mr. COURTNEY. Madam Speaker, I rise today to recognize Michaela Meyerhoff as a winner of the first annual "Lessons of the African-American Experience" Creative Writing Contest. Michaela is currently in the sixth grade at Preston Plains Middle School, which is located in Preston, Connecticut.

In celebration of Black History Month, I sponsored a creative writing contest for all third through eighth grade students within the Second District. As we know, Black History Month is a time to reflect on the struggles and triumphs of our Nation's past. The lessons learned during this month continue to serve as the stepping stones of our Nation's future. Michaela's poem "What Black History Month Means to Me!" eloquently embraces this belief.

Michaela's poem shows a remarkable enthusiasm for learning that is inspiring to all. She identified the values that she learned during Black History Month and creatively discussed how those values affect her life and the lives of others. For this, her poem was among the four winners selected.

INTRODUCTION OF THE CENSUS
OVERSIGHT EFFICIENCY AND
MANAGEMENT REFORM ACT OF
2010

HON. CAROLYN B. MALONEY

OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES

Thursday, March 25, 2010

Mrs. MALONEY. Madam Speaker, today I am introducing legislation, with my colleagues, Mr. DENT, Mr. TOWNS, and Mr. PASCRELL, and with a companion bill being introduced in the Senate by Senators CARPER and COBURN, that would ensure that the Census Bureau has the independence and transparency it needs to carry out its essential, constitutionally-mandated function. This bill would ensure the Bureau is focused on the ten-year process of preparing for the Census despite the four-year cycles of Presidential administrations.

This bill would mandate the Director at Census report directly to the Secretary so there is clear responsibility for supervision of the Census and to submit his or her own opinion in testimony to Congress even if it differs from the administration. It would make the Director of the Census Bureau a Presidential term appointment of five years, with the ten-year decennial cycle split into two, five-year phases—planning and operational, creating continuity across administrations. And it would require that the Director, when submitting the Bureau's budget request to the Secretary, also share that request with Congress increasing transparency and oversight.

The time to start worrying about the 2020 Census is now. Currently, the 2010 Census

seems to be on a path to success, but if we are going to stop the repeated operational crises that have plagued each of the last four censuses, we need to change how we administer the census. I am confident the bill we are introducing today will move us toward that goal. And I want to thank my colleagues for joining me in starting the process for 2020 now.

LINKAGE IN THE MIDDLE EAST

HON. SHELLEY BERKLEY

OF NEVADA
IN THE HOUSE OF REPRESENTATIVES

Thursday, March 25, 2010

Ms. BERKLEY. Madam Speaker, I rise today to call my colleagues' attention to a recent blog post on the Jerusalem Post website, written by Abraham Foxman, the National Director of the Anti-Defamation League, ADL. Mr. Foxman challenges the idea that there is "linkage" between the Israeli-Palestinian conflict and other conflicts in the Middle East. It is both unrealistic and dangerous to believe that solving the Israeli-Palestinian conflict will somehow solve our problems in Iran, Iraq, Afghanistan, Lebanon and everywhere else in the Middle East. Distinct conflicts require distinct solutions and lumping them all together serves no one's interests, least of all our own. I highly recommend this excellent article.

[From the Jerusalem Post, Mar. 21, 2010]

A POINT OF VIEW: LINKAGE AND THE ISRAELI-PALESTINIAN CONFLICT
(By Abraham Foxman)

No matter how many times it is proven to have no validity, the theme of linking the Israeli-Palestinian conflict to broader issues in the region rears its head over and over again. Zbigniew Brzezinski did it in the 1970s, trying to blame Soviet influence in the region on the absence of a solution to the Arab-Israeli conflict. Prior to the first Gulf War, there were those who opposed the war on the grounds that we needed first to address the Palestinian issue before we could credibly confront Saddam Hussein. And early on in the Obama administration, reports were circulating suggesting that American interests throughout the Middle East were dependent on progress on the Palestinian-Israeli front.

Henry Kissinger, in his magisterial two-volume memoir, dealt with this matter head on. He demonstrated during the Cold War that America's ability to further its broader regional interests was connected not to a need to resolve the Palestinian issue, but to showing America's moderate allies in the region—Egypt, Saudi Arabia, Jordan, the Gulf States—that it paid to be allied with America. The best way to prove that? When Israel was under attack by regional extremists supported by the Soviets, it was vital for the US to make sure that Israel triumphed. By doing so, the moderates would absorb the truth that the future lay with the US and its allies. Standing up against radicals and with one's allies, rather than blaming one's friends for problems in the region, continues to be the best formula for serving US interests in the Middle East.

Now we are hearing the linkage theme once again. After the brouhaha between the administration and the Israeli government surfaced, a story emerged indicating that a

military team under General David Petraeus's CENTCOM command reported to the Chairman of the Joint Chiefs of Staff Adm. Michael Mullen in January that Israel was jeopardizing US standing in the region. And then Petraeus himself, speaking before the Senate Armed Services Committee on March 16, reinforced this message. He stated that the Israeli-Palestinian conflict "fosters anti-American sentiment, due to a perception of US favoritism for Israel." He went on to say that "Arab anger over the Palestinian question limits the strength and depth of US partnerships with governments and peoples in the AOR (Area of Responsibility) and weakens the legitimacy of moderate regimes in the Arab world."

Once again, an illusion is at work here, one that will, if pursued, invariably result in no real progress being made in the region. We all want peace between Israel and the Arabs. And putting more effort toward such a goal is a good thing. What is not real, and is dangerous, is putting most of America's eggs in the region in this basket.

The Arab-Israeli conflict has never responded to such a heavy emphasis. Progress is made when Arab leaders decide it's time for peace. Maybe Assad of Syria is considering this, and it should be explored. But that's very different from placing this conflict at the center of everything. Disappointment, as always, will follow since the gap between what the Arabs want and Israel wants is substantial. Moreover, Arab willingness to accept Israel's legitimacy as a "Jewish State" is belied by everything that comes from Arab leaders and Arab media.

What inevitably happens if such unrealistic weight in the region is given to the Israeli-Arab conflict is that Israel comes to be seen as the problem. If only Israel would stop settlements, if only Israel would talk with Hamas, if only Israel would make concessions on refugees, if only it would share Jerusalem, everything in the region would be fine. Iraq would be fine. Afghanistan would be fine. Pakistan would be fine. Iran would be fine. Lebanon would be fine.

Of course, this is nonsense. These problems would remain even if Israel did not exist. The result of such an approach would be no progress on America's interests and great stress in US-Israel relations.

The Kissinger approach of strengthening moderates may be tainted in some minds because it may be associated with Bush's policy—but it doesn't have to be. One doesn't have to be a Bush supporter to understand that the greatest need in the region today is for victories by the moderates over the radicals. In Israel's case, radical challenges exist from Hamas in the south, Hizbullah and Syria in the north, and Iran. All are complicated challenges. US support for a strong and wise Israeli policy in response to these challenges will provide the best opportunity to strengthen American interests. Holding off Hamas, weakening Hizbullah, or preventing Iran from gaining nuclear weapons will provide the biggest boost to moderates throughout the Middle East. If the Obama administration can help bring about one or more of these accomplishments, it will go a long way to restoring American influence in the region and, by the way, make Israeli-Arab peace far more likely.

This linkage trend, if continued, is dangerous and counterproductive. It could undermine the historic bipartisan support for Israel in America, a support based on moral and strategic grounds, that has been—and still is—good for both countries. It will reduce whatever incentive the Palestinians

have to reach a compromise peace with Israel; if America is backing away from Israel, the Palestinians would reason, then hopes of Israel's disappearance will be strengthened. It will raise questions about American loyalty and credibility among the Arabs who, despite their rhetoric criticizing US support for Israel, would be far more distressed about the US abandoning an ally.

It diverts attention away from the larger challenges in the region—Iran's nuclear program, and the challenge of Islamic extremism and terrorism. Finally, it has the smell about it of blaming the Jews for everything. The notion that al-Qaida's hatred of America or Iran's pursuit of nuclear weapons or the ongoing threat of extremist terrorist groups in the region is based on Israel's announcement of building apartments is absurd on its face and smacks of scapegoating.

It's time for the administration to step back not only from the harsh rhetoric but also from the illusionary thinking about Israel hurting American interests. America and Israel can have their differences, but the US has no better ally than Israel. The administration needs to recognize this and find ways to reassure those who are raising concerns.

OUR UNCONSCIONABLE NATIONAL DEBT

HON. MIKE COFFMAN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 25, 2010

Mr. COFFMAN of Colorado. Madam Speaker, today our National debt is \$12,662,466,657,519.82.

On January 6, 2009, the start of the 111th Congress, the national debt was \$10,638,425,746,293.80.

This means the national debt has increased by \$2,024,040,911,226.02 so far this Congress.

This debt and its interest payments we are passing to our children and all future Americans.

HONORING MARIA COSTA SMITH

HON. MARIO DIAZ-BALART

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 25, 2010

Mr. MARIO DIAZ-BALART of Florida. Madam Speaker, I rise today to honor Maria Costa Smith, successful horticulturalist, businesswoman and agricultural engineer in South Dade, Florida.

Maria currently serves as the color division president of Costa Farms. She is part of the third generation of the Costa family to run the farm. Started in 1961 by her grandfather, Jose Costa, and father, Tony Costa, Costa farms is one of South Dade's largest small businesses, now employing 2,200 and owning over 2,600 acres of land. In addition to its thriving foliage and plant divisions, Costa Farms operates merchandising and transportation companies in south Florida, North Carolina, the Dominican Republic and Costa Rica. Maria runs the farm with her husband, Chief Executive Officer

Jose Smith, and her brother, Jose, who is vice president of the foliage division.

Recently, the Dade County Farm Bureau Women's Committee recognized Maria Costa Smith as the 2010 Woman of Distinction in Agriculture. She was recognized for her valuable contributions to the South Dade agriculture and agribusiness. Today I honor her for those reasons and many more, including her commitment to seeing through the dream of her grandfather, helping others in the community and ensuring that South Florida's local economy continues to flourish.

As we celebrate Women's History Month, I ask you to join me in congratulating and thanking Maria Costa Smith for her outstanding dedication, work ethic and desire to see her community prosper.

PRESIDENT MORE POPULAR IN THE NEWS THAN AMERICANS

HON. LAMAR SMITH

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 25, 2010

Mr. SMITH of Texas. Madam Speaker, President Obama is far more popular in the news than he is among American people.

Sixty percent of national media mentions of the President were positive over the past week while 40 percent were negative, according to Rasmussen Reports' new "Media Meter."

In contrast, just 48 percent of Americans approve of the job the President is doing.

By a 10-point margin, more Americans "strongly disapprove" of the President's job than "strongly approve." And just one-quarter say the country is "on the right track."

Wouldn't it be nice if the national media reflected the views of the American people?

The national media should give Americans the facts, not tell them what to think.

INTRODUCTION OF THE INFORMED TAXPAYERS' FEDERAL GOVERNMENT ANNUAL REPORTING ACT OF 2010

HON. KEVIN MCCARTHY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 25, 2010

Mr. MCCARTHY of California. Madam Speaker, I rise today in support of legislation I introduced, along with my colleagues Congressman ERIC CANTOR, Congressman DAVE CAMP, Congressman PAUL RYAN, and Congressman KEVIN BRADY, that would require the Internal Revenue Service, IRS, to publish certain fiscal information on the Federal government each year and make it available to taxpayers online and when they prepare their taxes.

Just like publicly-owned companies in the United States provide information on their finances in annual shareholder reports, I believe the Federal government ought to provide important transparency about the state of our

Nation's finances. Taxpayers are like shareholders of the Federal government and ought to have access to similar information on their government.

Unfortunately, statistics on Federal government tax revenue, spending, deficits, and debt are often buried in random reports or on government websites and presented in a confusing manner with technical jargon or confusing formats. Why must it be that difficult for Americans to learn about what their government is doing with their money? It should not be, and this is the purpose of the Informed Taxpayers' Federal Government Annual Reporting Act.

Specifically, this bill would require the IRS to publish a chart on government finances to be included in the instruction booklets taxpayers use when filing their income taxes each April and post this chart on the IRS online homepage. The chart would be broken down into three sections. The first section, "Current Federal Government Finances," would be required to include current Federal tax revenue, spending, deficits, and public debt statistics. "Federal Government Finances & You," the second section, would include per capita data, such as each taxpayer's share of the national debt. And the last section, "Projected Federal Government Finances," would be required to include estimated Federal tax revenue, spending, deficits, and debt over the next ten years as put together by the Congressional Budget Office, CBO.

With enactment of the Federal government takeover of health care and the \$1 trillion stimulus bill—including interest—it is all the more important for the American people to know what their government is doing and how this impacts our nation as whole. These policies have contributed to the current amount of taxes, spending, deficit, and debt, which are all in the trillions of dollars. Unfortunately, it seems in Washington that trillion has become the new billion.

The Federal government takes in over \$2 trillion in tax revenue annually, but even with that incredible amount of taxpayer dollars flowing into the government, this Congress and the President continue to spend with borrowed money—\$1.4 trillion last year. This means Washington spent almost \$3.5 trillion. And this year, it does not look that much better with deficits projected to be \$1.5 trillion, according to the Office of Management and Budget. With all this runaway spending, the Federal debt continues to grow, and CBO projects it to be \$13.2 trillion this year.

These numbers are not only shocking, but unsustainable.

The Informed Taxpayers' Federal Government Annual Reporting Act is designed to build upon fundamental tenets of American democracy of transparency and openness in government by helping ensure that all Americans have access to easy-to-understand information on how their tax dollars are being used by their government.

TRIBUTE TO WAREHAM HIGH SCHOOL—THE 2010 MASSACHUSETTS DIVISION III BASKETBALL STATE CHAMPIONS

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 25, 2010

Mr. FRANK of Massachusetts. Madam Speaker, today, I would like to pay tribute to the Wareham High School Basketball team who just captured the first Division III State Championship Title for the town of Wareham, Massachusetts. This was their first state title since 1956. This impressive team is led by Coach Kevin Brogioli and includes Jules Tavares, who scored a game-high 25 points and Pat Murphy, who scored 11 points, including his 1,000th career point.

This season, the Vikings have scored 100 points or more in four games, beating Cardinal Spellman 78–71 to clinch the Division III South Sectional Championship, besting Bedford at the TD Bank Boston Garden 63–49 to become the Division III Eastern Championship and defeating New Leadership of Springfield 80–57 at the DCU Center in Worcester to capture the Division III State Championship Title.

Congratulations to Coach Brogioli, Assistant Coach Steve Faniel, Assistant Coach Mike Ponte and the Vikings team, listed here in alphabetical order: Darien Fernandez, Sheldon Frye, Jowaun Gamble, Marcus Gomes, Darren Gray, Jeff Houde, Harry Irving, Dylan Marcal, Mike Mendes, Pat Murphy, Ryan Pina, Jordan Rezendes, Dwight Senna, Jules Tavares, and Nikko Vasconcellos. We are very proud of their teamwork, dedication, and sportsmanship.

I am enclosing a proclamation by the town of Wareham and an article that further describes this important achievement.

TOWN OF WAREHAM—PROCLAMATION BY THE BOARD OF SELECTMEN

Whereas, the Wareham High School Boys' Varsity Basketball team, known as the Vikings, have demonstrated exemplary sportsmanship and teamwork, and

Whereas, their coach, Kevin Brogioli, along with the assistant coaches, parents and supporters, showed great faith and encouragement to the Vikings, and

Whereas, the Vikings had scored 100 points or more in four games, averaging 87.8 points per game in the regular season, and had three players to reach 1,000 or more points scoring, and,

Whereas, the Vikings beat Cardinal Spellman 78–71 to clinch the Division III South Sectional Championship, and

Whereas, the Vikings defeated Bedford at the TD Bank Boston Garden 63–49 to become the Division III Eastern Champions, and

Whereas, the Vikings defeated New Leadership of Springfield 80–57 at the DCU Center in Worcester; to capture the first Division III State Championship title for Wareham,

Now, therefore, We, the Wareham Board of Selectmen, do hereby proclaim Saturday, March 13, 2010 through Saturday, March 20, 2010 as:

“STATE CHAMPION WAREHAM VIKINGS WEEK”

In Wareham, culminating with a Parade on Saturday March 20, 2010, to honor the young men and the coaches of Wareham Vikings

Basketball team that have made this town so proud.

[From SouthCoastToday.com, March 14, 2010]

WAREHAM BOYS BRING HOME FIRST STATE BASKETBALL CHAMPIONSHIP

(By Ed Collins)

WORCESTER.—Having gotten all the way to the Division 3 State championship game and needing 32 good minutes to win it all, the Wareham boys basketball team left nothing to chance Saturday afternoon.

The Vikings saved their best game of the season for their last, digging deep on defense, flying high on offense and even finding time to help senior Pat Murphy reach an elusive milestone en route to an 80–57 win over New Leadership Charter School of Springfield at the DCU Center.

“We executed our game plan to near perfection,” a smiling Wareham coach Kevin Brogioli said after bringing home the first state basketball championship in school history. “We got the job done on defense and we played some good Wareham fast-break basketball.”

“We came here expecting to win, but we thought it would be a last-second game,” junior Jules Tavares said. “It didn’t work out that way though, because we played great. To play like that in our biggest game of the season says a lot about the kind of team we have. This was a dream game for us.”

New Leadership certainly wasn’t expecting the kind of defense it saw from Wareham.

“We’re known for our offense and that’s been a key for us all season,” Brogioli said. “But, we also take a lot of pride in our defense. Our kids always work hard on defense and that gets overlooked sometimes.”

In comments made before the game, Wildcats coach Capus Gee talked about how his team planned to beat the Vikings by pounding the ball into the paint and shutting down their fast break.

Wareham’s Ryan Pina, a 6-foot-3 senior center, took offense at the remarks and came out fired up to play his best defensive game of the season.

“I read what he said and took it as a personal challenge. I wasn’t going to let them push us around,” Pina said. “Our offense gets all the headlines, but we can play defense against anyone and we proved that today.”

Senior guard Darren Gray set a good tone right away for Wareham with some tough man-to-man defense against New Leadership point guard Phillip Warrick, who ended up scoring 18 points, three below his average.

“Defense wins championships and coach (Brogioli) has been preaching that to us all season,” Gray said. “We knew we had to get the job done on defense. We never have to worry about scoring points, but you don’t win games at this level if you don’t play good team defense.”

The Vikings made some early stops, hit the boards hard, and shifted into overdrive on offense after the first of two thunderous dunks by Tavares lit a fire under them.

Wareham, which had two shots blocked by the athletic Wildcats (21–4) in the opening minute, took the lead for good at 10–8 and never looked back after building a 22–13 lead in the first quarter.

Tavares finished with a game-high 25 points for the Vikings, who led 42–22 at half-time and kept pulling away in the second half en route to building several 28-point leads.

Senior forward Jordan Rezendes also had a big game, finishing with 21 points and three of the team’s four 3-pointers. Pina chipped in

with 10 points and some big rebounds on the defensive glass that kept the Wildcats from getting second shots.

With the game out of hand late, the Vikings made a concerted effort to help Murphy reach the 1,000-point mark for his career. After not scoring in the first half, Murphy made a 3-pointer and finished with five points in the third quarter to hit 995 for his career. A pair of layups in the fourth quarter set the stage for Murphy’s milestone basket, a baseline drive with 1:48 left to play that came as a big relief to Murphy—and the large Wareham crowd that lived and died with every shot he took down the stretch.

“I didn’t know if I was going to get there, but I did and I have my teammates to thank, because they kept passing me the ball,” Murphy said. “Those last six points were the hardest ones of my career. I’m glad I was able to get it done in my last game and help the team win the biggest game in school history.”

After Murphy’s final basket, the celebration began in earnest for the Vikings. Brogioli pulled his starters with 1:46 remaining and there were a lot of hugs and high fives up and down the team’s bench.

“It feels great to win this game for the people of Wareham and my father (Jim Brogioli), who coached this team for a long time,” Brogioli said. “Our fans were great all season and they stepped it up in the state tournament. We fed off their energy and we thank them for their support. It’s been a great ride, a historical ride, and this team has left its mark on Wareham High School forever.”

HONORING CORPORAL JONATHAN DANIEL PORTO

HON. C.A. DUTCH RUPPERSBERGER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 25, 2010

Mr. RUPPERSBERGER. Madam Speaker, I rise before you today to honor the life of Cpl Jonathan Daniel Porto, who died honorably serving his country as a part of Operation Enduring Freedom.

Corporal Porto enlisted in the U.S. Marine Corps in March 2008. An honor graduate from Paris Island, he received two meritorious promotions. Corporal Porto served as a Small Arms Repair Technician and was assigned under 1st Battalion 6th Marine Regiment, 2nd Marine Division, II Marine Expeditionary Force, Camp Lejeune, North Carolina.

In March 2010, at the age of 26, Corporal Porto was killed in action while supporting combat operations in the Helmand province of southern Afghanistan. For his superior leadership skills, Porto was promoted to Corporal in December 2009.

His awards include the Afghanistan Campaign Medal, National Defense Service Medal, Global War on Terrorism Service Medal, and NATO International Security Assistance Force Medal.

I commend Corporal Porto for his utmost dedication and devotion to preserving the freedom of our Nation. His commitment and bravery gives his widow and infant daughter, Rachel and Ariana Porto, of Edgewood, Maryland, immense pride.

Madam Speaker, I ask that you join with me today to honor the life of Cpl Jonathan Daniel

Porto. It gives me great pride to honor one of our Nation's fallen heroes.

PERSONAL EXPLANATION

HON. TODD TIAHRT

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 25, 2010

Mr. TIAHRT. Madam Speaker, on March 23, I missed six rollcall votes numbered 172, 173, 174, 175, 176, and 177.

Rollcall No. 172 was a vote on Ordering the Previous Question. Had I been present I would have voted "no."

Rollcall No. 173 was a vote on Agreeing to the Resolution, H. Res. 1205. Had I been present I would have voted "no."

Rollcall No. 174 was a vote On Motion to Suspend the Rules and Pass H.J. Res. 80. Had I been present I would have voted "aye."

Rollcall No. 175 was a vote On Motion to Suspend the Rules and Pass H. Res. 1186. Had I been present I would have voted "aye."

Rollcall No. 176 was a vote On Motion to Suspend the Rules and Pass H.R. 3976. Had I been present I would have voted "aye."

Rollcall No. 177 was a vote On Motion to Suspend the Rules and Pass H.R. 4592. Had I been present I would have voted "aye."

PERSONAL EXPLANATION

HON. JOE DONNELLY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 25, 2010

Mr. DONNELLY of Indiana. Madam Speaker, on rollcall #185, I was not present to vote; however, had I been present, I would have voted "yea".

COMMEMORATING THE VISIT TO CUBA OF THE FREEDOM SCHOONER AMISTAD IN RECOGNITION OF U.N. DAY OF REMEMBRANCE FOR SLAVERY VICTIMS

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 25, 2010

Ms. DeLAURO. Madam Speaker, it is with enormous pride that I wish to inform my colleagues that the Freedom Schooner *Amistad*, a national human rights icon moored in New Haven, CT, is making history this week. As part of the United Nations commemoration of March 25 as the global Day of Remembrance for the victims of the Atlantic slave trade, the *Amistad* arrived Monday in Matanzas, Cuba, and today will sail for Havana.

The *Amistad* entered Cuban waters on March 22, 2010 for a 10-day, two city Cuba tour that will culminate its recent Caribbean Heritage Voyage. The ship first visited Matanzas, site of a new UNESCO-affiliated slavery museum. Today, the *Amistad* will sail into Havana Harbor to commemorate the his-

toric "triangle of trade" connections between America, Europe, Africa and the Caribbean. Tomorrow, the vessel will host a three-hour simulcast about the shared slave trade heritage, connecting Cuban students to classrooms across the Atlantic Ocean and at the U.N. in New York. In addition to public tours of the boat and academic panels on its history, the Cuba visits will focus on the impact of the slave trade on our transatlantic cultural heritage—including religious ritual, film, music, dance, poetry and visits to former plantations. The sale of the *Amistad* captives in Havana was a small transaction in the thriving international slave trade. But the resulting events arguably turned the tide against slavery itself—and the historical connections across the modern African Diaspora are direct and profound.

This visit is especially poignant because *Amistad's* own story began in Cuba. The original ship was built in Cuba. In 1839, the *Amistad* sailed from Havana, the center of the illegal slave trade. This will be the replica's first visit to Cuba—and it coincides with the tenth anniversary of its launch at Mystic Seaport Museum on March 25, 2000.

The *Amistad* is a 140-foot replica of the two-masted black schooner that was at the center of the 1841 slave rebellion case argued successfully by John Quincy Adams, leading to the first U.S. Supreme Court case freeing African captives. The replica *Amistad* has visited 70 domestic and international ports as a symbol of this human rights milestone.

In 2008, the *Amistad* undertook a 14,000-mile transatlantic sail to Africa. On March 25 of that year, the *Amistad* was linked via satellite directly to the U.N. as the General Assembly voted to commemorate that date as the bicentennial of the pioneering British act that first outlawed the slave trade. Students from six countries sailed legs of the Africa voyage. Soon thereafter, the *Amistad* was designated as floating ambassador for the U.N. Permanent Memorial to Honour the Victims of Slavery and the Atlantic Slave Trade. The boat's most recent port of call was Santo Domingo, for a week of programs for youths from the Dominican Republic and Haiti.

During the two months after the current Caribbean tour, the vessel will visit five cities historically linked to the 19th century slave trade: Savannah, Charleston, Norfolk, Washington, DC and Baltimore. The next heritage tour will include visits this summer to Boston, Halifax and seven Great Lakes ports, culminating in Chicago. In December, the *Amistad* sails back to Africa, including for celebrations of the 50th anniversary of the independence of Senegal. But for now, all eyes are on Cuba.

THE RUNAWAY SCRAPE

HON. TED POE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 25, 2010

Mr. POE of Texas. Madam Speaker, today I would like to recognize a large group of heroines who played a great role in Texas' history—the strong and brave women who contributed to the successful escape from their

hometowns as Santa Anna and his troops barreled forward after conquering the Alamo.

After the fall of the Alamo, word began to spread like wildfire across the territory. The horrific tales of the massacre at Goliad had proven that Santa Anna and his army would show no mercy, even for the women and children. While many families had already begun to flee as early as January 1836, the March 6 slaughter prompted widespread terror and the historic Runaway Scrape began.

Families wasted no time in gathering essentials and setting out towards the Sabine River and into the safe haven of Louisiana or Galveston Island. Many families left with food on the table, clothes on the line, and ran for their lives with little more than the clothes on their back. Most of the treacherous journey was led by women with their small children, as only the elderly and boys deemed by their mamas as too young to fight were still at home.

General Sam Houston and his boys were on the eastward move as well. By early April, Washington-on-the-Brazos was deserted and as General Sam marched on towards the Sabine, there was rarely a sole left behind him. With these areas unprotected, Texans that stayed behind faced certain death as Santa Anna pressed forward—if the Indians didn't get there first.

The only solace that the runaways had was that General Sam was between them and death. At the last meeting in the Alamo, Travis said: "If we hold the Alamo, it is a deed well done! If we fall with it, it is still a deed well done! We pledge our lives to give Houston and Fannin time to get between Santa Anna and the settlements!"

A deed well done indeed. But assured as they were that General Sam was bringing up the rear, they were faced with another unforeseen obstacle—the always unpredictable Texas weather. The cold and rainy spring wreaked havoc along the Runaway Scrape. The runways lacked the bare essentials of survival and many, mostly children, succumbed to the cold, disease and hunger.

I often talk about the heroes of our independence, but no finer example of heroics was displayed than on this historic exodus. This was the harshest journey of our fight for independence and it was only made possible by the sheer will and determination of the remarkable women that led the way.

There are countless stories of women who cared for the sick and diseased, sacrificed for the hungry, buried the dead, including their own children, and kept pressing on—never giving up. They were relentless in their mission and just as much a part of our independence as were their counterparts. As my grandmother always said, there is nothing more powerful than a woman that has made up her mind. And these women, these mothers of freedom, had made up their mind.

General Thomas Jefferson Rusk understood Texas women well: "The men of Texas deserved much credit, but more was due the women. Armed men facing a foe could not but be brave; but the women, with their little children around them, without means of defense or power to resist, faced danger and death with unflinching courage."

One such story recounts how one mother strapped a feather mattress to the back of a

horse, tied her three young children on and led that horse by foot while carrying a baby on her hip. This was a prettier picture than most. As food and supplies were sparse, they also couldn't afford to have anything extra weigh them down. The muddied trails to safety were littered with feathers from mattresses and discarded items too burdensome to carry.

As far as the eye could see, this was the scene along the Runaway Scrape. Most were starving, sick, and barely clothed. Make-shift graves lined the way and areas of high ground offered the only reprieve from the mud-soaked misery.

As General Sam and the boys crossed the San Jacinto, many of the runaways a step ahead faced a rising Trinity River to the east. The flooded waterway and river-bottoms forced them to seek shelter in the Liberty and Dayton settlements. Today, a historical marker along Highway 90 recognizes this historical part of our Texas history.

On the afternoon of April 21, 1836, the runaways taking refuge along the banks of the Trinity heard the faint sounds of cannon fire in the distance. Fearing the worst, the runaways wasted no time in ferrying the river and making their escape. Little did they know at the time, but General Sam and his rag-tag bunch of freedom fighters whipped a vastly larger Mexican army that was caught napping, captured Santa Anna and a new Republic of Texas was won.

Just as terror and panic had raged throughout the land, the news of victory and independence did as well. The cries from the battlefield: "Remember the Alamo!" "Remember Goliad!" were echoed along the now abandoned Runaway Scrape and met with: "San Jacinto!" "San Jacinto!"

Texas—one and indivisible.
And that's just the way it is.

HONORING CITY OF MADEIRA,
OHIO

HON. JEAN SCHMIDT

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 25, 2010

Mrs. SCHMIDT. Madam Speaker, I rise today to honor the centennial anniversary of the city of Madeira. Like most of Hamilton County, Madeira was part of the 248,000 acres of land that comprised the "Symmes Purchase" in the late 1700s.

The growth, history, and development of the Madeira was shaped by the completion of a rail line extension and the opening of a freight office in the heart of downtown Madeira in 1866. The Marietta and Cincinnati Railroad named the stop after its treasurer and local landowner, John Madeira. This freight station still stands and is home to Choo-Choo's Restaurant.

In 1910, Madeira was home to 500 residents and was incorporated as a village. Samuel K. Druce was the first Mayor, and the village council held its first meeting on August 10th of that same year.

By 1959, the Village of Madeira had grown to 6,500 and became a city. It adopted a charter form of government. In 1970, Madeira dou-

bled in size and filled out its current geographical boundaries when the South Kenwood area was annexed.

Today, Madeira is home to more than 9,250 residents. Its vibrant downtown area is home to countless niche businesses, including fine dining and shopping. Its schools have earned an "Excellent" rating on the State Report Card for 10 consecutive years, including the highest ranking of "Excellent with Distinction" in 2009. And in 2007, the Madeira City School District was awarded a Silver Medal by U.S. News and World Report, recognizing the high school as one of the best in the country.

Over the past 100 years, the city of Madeira has become one of the finest suburban communities in the Cincinnati region. It truly lives up to its motto, "Oppidum Amicum"—friendly town. Madam Speaker, please join me in celebrating this historic milestone and wish the city of Madeira continued success.

ALAMANCE CHRISTIAN WINS IT
ALL

HON. HOWARD COBLE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 25, 2010

Mr. COBLE. Madam Speaker, on behalf of the citizens of the Sixth District of North Carolina, we wish to extend our congratulations to the Alamance Christian School's boys basketball team for winning its second State championship in 3 years. This team not only won the North Carolina Christian School Association 3A State championship, but they also broke a school record for wins in a season with 25.

Alamance Christian defeated Gospel Light 61–55 in overtime last month. The championship game featured resilience and a determination to win. With the game in overtime, Blake Marley made a clutch 3-point shot, while his teammates Will Shepherd and Brandyn Burns also came through for the team by excelling at the free throw line. The championship game win, as well as their phenomenal record, required great skill and athleticism, but Head Coach Jerry Bailey pointed to the boys love and care for each other as the secret to their success.

The championship team members are: Brandyn Burns, Jonathan Racke, Bud Hursey, Will Shepherd, Benton Tuck, Tyler VanNostrand, Anthony Winston, Thomas Klarr, Blake Marley, Kevin Avery, Philip Barker, Alan Barker, Cole Johnson, and Ethan Massey. The coaching staff was led by Coach Bailey and his able assistants Josh Howard and Brad Prentice.

Again on behalf of the Sixth District of North Carolina, we would like to congratulate the Alamance Christian School boys basketball team, the faculty, staff, students, and fans for an outstanding championship season. This team will be remembered in the history books for its record-breaking year and resilient win in the NCCSA championship game.

175TH ANNIVERSARY OF
HIGHLAND TOWNSHIP, MICHIGAN

HON. THADDEUS G. MCCOTTER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 25, 2010

Mr. MCCOTTER. Madam Speaker, I rise today to commemorate the 175th anniversary of Highland Township, Michigan on April 6, 2010.

On April 6, 1835, Highland Township held its first township meeting at a schoolhouse on Jesse Tenny's farm. Since its founding, Highland Township has had a diverse history. Highland boasts a once-thriving cider, vinegar, and pickle industry and with the coming of railroads in Michigan, the unique Highland Station. More recently, Highland Township has constructed many resort cottages on area lakes. Also, due to the construction of highway M–59, residential and commercial development has grown in Highland Township.

Importantly, the residents of Highland Township have played an instrumental role in promoting and maintaining awareness of "Highland heritage" through their work with several historical and conservation groups such as the Highland Township Historical Society, Highland Land Conservancy, and Highland Beautification Committee.

Madam Speaker, as Highland Township celebrates its 175th anniversary, I ask my colleagues to join me in honoring its residents and thanking them for their contributions to our community and our country.

RECOGNIZING THE CONTRIBUTIONS OF THE VIRGINIA NATIONAL GUARD ON THE 66TH ANNIVERSARY OF THE NORMANDY INVASION

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 25, 2010

Mr. WOLF. Madam Speaker, I rise today to recognize the contributions of the members of the Virginia-Maryland-District of Columbia National Guard on the occasion of the 66th anniversary of the Normandy Invasion and D-Day which will occur this June 6. I ask that my colleagues join me in recognizing the service and sacrifice of the members of this National Guard unit.

The Virginia-Maryland-District of Columbia National Guard unit was the only one from the United States to serve in the first wave of the Normandy Invasion on D-Day. Over 3,100 soldiers from this unit courageously served their country in Normandy, and there were 1,107 casualties in the invasion.

The 29th Infantry Division of the Virginia National Guard joined the 116th Infantry Regiment, also known as Virginia's "Stonewall Brigade," and the 111th Field Artillery Battalion in the assault on the Nazis on Omaha Beach on June 6, 1944. The Headquarters Company, 3rd Battalion, 116th Infantry Regiment is still based in Winchester, Virginia, and continues to send its troops to serve their country in Afghanistan and Iraq. A new National Guard Armory opened last year in Frederick County

and was named in honor of Staff Sgt. Craig W. Cherry and Sgt. Bobby E. Beasley, two local National Guardsmen who lost their lives in Afghanistan in 2004.

I submit for the RECORD the text of a joint resolution passed in the Virginia General Assembly in February, honoring this heroic unit of the National Guard:

HOUSE JOINT RESOLUTION NO. 292

OFFERED FEBRUARY 16, 2010

Commending the 29th Infantry Division of the Virginia-Maryland-District of Columbia National Guard and the Virginia communities represented in the Normandy Invasion on the 66th anniversary of D-Day.

Patrons—Sherwood, Abbott, Albo, Alexander, Anderson, Armstrong, Athey, BaCote, Barlow, Bell, Richard P., Bell, Robert B., Brink, Bulova, Byron, Carr, Carrico, Cleveland, Cline, Cole, Comstock, Cosgrove, Cox, J.A., Cox, M.K., Crockett-Stark, Dance, Ebbin, Edmunds, Englin, Garrett, Gear, Gilbert, Greason, Griffith: Herring, Hope, Howell, A.T., Howell, W.J., Hugo, Iaquinto, Ingram, James, Janis, Joannou, Johnson, Jones, Keam, Kilgore, Knight, Kory, Landes, LeMunyon, Lewis, Lingamfelter, Lohr, Loupassi, Marshall, D.W., Marshall, R.G., Massie, May, McClellan, McQuinn, Merricks, Miller, J.H., Miller, P.J., Morefield, Morgan, Morrissey, Nixon, Nutter, O'Bannon, Oder, Orrock, Peace, Phillips, Plum, Pogge, Poindexter, Pollard, Purkey, Putney, Rust, Scott, E.T., Scott, J.M., Shuler, Sickles, Spruill, Stolle, Surovell, Tata, Torian, Toscano, Tyler, Villanueva, Ward, Ware, O., Ware, R.L., Watts and Wright

Whereas, June 6, 2010, is the 66th anniversary of the Normandy Invasion, commonly known as D-Day; this epic and decisive moment in World War II helped defeat Nazi rule in Europe and was the most massive military operation in world history; and

Whereas, the only National Guard division of the United States Army selected to participate in the initial assault on the coast of France was the 29th Infantry Division of the Virginia-Maryland-District of Columbia National Guard; this division was assigned as its objective that beach sector designated Omaha, which because of the fierce resistance encountered there soon became known as "Bloody Omaha"; and

Whereas, Virginia's historic "Stonewall Brigade," the 116th Infantry Regiment, was chosen to be in the first wave at Omaha and, after a bloody battle on the beach, finally succeeded in taking the high ground above it, and thus secured a beachhead in France; when "the Longest Day" ended, the courageous regiment of over 3,100 soldiers had suffered 1,107 casualties; and

Whereas, joining the 116th Infantry Regiment in the assault was Virginia's 111th Field Artillery Battalion and other smaller units from the Virginia National Guard, all elements of the 29th Infantry Division. and

Whereas, the Virginia communities represented in the D-Day Invasion were:

116TH INFANTRY REGIMENT (STONEWALL BRIGADE)

Headquarters and Headquarters Company—Roanoke

Anti-Tank Platoon—Roanoke
Medical Department Detachment—Staunton & Wytheville

Service Company—Roanoke

Headquarters Company, 1st Battalion—Roanoke

Company A—Bedford
Company B—Lynchburg

Company C—Harrisonburg
Company D—Roanoke

Headquarters Company, 2nd Battalion—Altavista

Company E—Chase City
Company F—South Boston
Company G—Farmville
Company H—Martinsville

Headquarters Company, 3rd Battalion—Winchester

Company I—Winchester
Company K—Charlottesville
Company L—Staunton
Company M—Emporia

29th Infantry Division Band (Virginia portion)—Roanoke

29th Signal Company—Norfolk

29th Cavalry Reconnaissance Troop—Berryville

Headquarters and Headquarters Battery, 29th Infantry Division Artillery—Richmond

111TH FIELD ARTILLERY BATTALION (FIRST VIRGINIA ARTILLERY)

Headquarters and Headquarters Battery—Norfolk

Service Battery—Newport News
Battery A—Richmond
Battery B—Norfolk
Battery C—Portsmouth

227TH FIELD ARTILLERY BATTALION (FORMERLY 2ND BATTALION, 111TH FIELD ARTILLERY)

Headquarters and Headquarters Battery—Richmond

Service Battery—post mobilization organization—no Virginia community
Battery A—Hampton
Battery B—Richmond
Battery C—Fredericksburg

Whereas, many brave individuals participated in the Normandy Invasion and all who worked so hard and fought so valiantly are honored as heroes; and

Whereas, General George C. Marshall, U.S. Army Chief of Staff, helped plan the Allied invasion of France; he graduated from the Virginia Military Institute as First Captain of the Corps of Cadets in 1901; and

Whereas, a former commander of the 29th Infantry Division, Lieutenant General Leonard Gerow was promoted to command the V Corps (Fifth Corps), made up of the 1st and 29th Infantry Divisions, which were the first troops to land on Omaha Beach; he was a native of Petersburg and a graduate of the Virginia Military Institute, Class of 1911; and

Whereas, on June 8, 1944, Technical Sergeant Frank D. Peregory of Charlottesville's Company K, from the 116th Infantry Regiment, single-handedly killed or captured over 25 enemy soldiers, earning the Congressional Medal of Honor, only to be killed in action six days later; and

Whereas, a graduate of The Citadel's Class of 1929 and a teacher and coach at Staunton Military Academy, Major Thomas D. Howie of Staunton's Company L, best known as "the Major of St Lo," was killed in action on July 17, 1944, while in command of the 3rd Battalion, 116th Infantry, during its final drive to capture the strategic city of Saint-Lô; and

Whereas, commander of the 111th Field Artillery Battalion, Lieutenant Colonel Thornton L. Mullins of Richmond, after his unit lost all of its guns but one in the English Channel when its landing craft were either swamped or destroyed by enemy fire, was killed in action while leading a band of survivors and destroying several enemy positions; he was awarded the Distinguished

Service Cross, the U.S. Army's second highest award for valor; and

Whereas, today, the 116th Infantry Regiment and other Virginia National Guard units of soldiers and airmen maintain a proud tradition with troops deployed in harm's way in the War on Terrorism, such as the mobilization to Iraq of the 1st Battalion, 116th Infantry on January 6, 2010, and two deployments to Afghanistan of the 3rd Battalion, 116th Infantry accompanied by several Embedded Transition Teams drawn from across the Virginia Army Guard, including the 116th Infantry's Brigade Combat Team; and

Whereas, since the start of the current wars in Afghanistan and Iraq, nearly 10,000 men and women of the Virginia National Guard have served in one or both conflicts, many on multiple tours, and a total of 13 members have died on active duty protecting our liberties, and it is fitting we honor and remember their service and sacrifices; and

Whereas, the Commonwealth of Virginia and its citizens are indebted to and thankful for the D-Day soldiers, their successors in the ranks of the Virginia National Guard today, and their families for their valiant service and enormous sacrifice; now, therefore, be it

Resolved by the House of Delegates, the Senate concurring, That the General Assembly commend the 29th Infantry Division of the Virginia-Maryland-District of Columbia National Guard and the Virginia communities represented in the Normandy Invasion on the 66th anniversary of D-Day that occurred on June 6, 1944, honoring the brave troops who served there, especially the soldiers of the Stonewall Brigade, 116th Infantry Regiment who fought in the first wave of attack and the 111th Field Artillery Battalion, both of which are a part of the 29th Infantry Division; and, be it

Resolved further, That the General Assembly acknowledge the efforts of the Virginia National Guard to commemorate the Normandy Invasion with a Day of Awareness to remind Virginians of the sacrifices made to preserve their freedoms by those who fought on D-Day and by the men and women of the Virginia National Guard who continue to fight around the world to protect liberty for their countrymen; and, be it

Resolved finally, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Major General Robert B. Newman, Jr., the Adjutant General of Virginia, on behalf of the General Assembly in recognition of the soldiers of the 29th Infantry Division of the Virginia-Maryland-District of Columbia National Guard and the Virginia communities represented in the Normandy Invasion who fought at Normandy and on into the heart of Germany to help bring about the final victory over Nazi tyranny.

ON THE PASSAGE OF NEW MEXICO'S HISPANIC EDUCATION ACT

HON. MARTIN HEINRICH

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 25, 2010

Mr. HEINRICH. Madam Speaker, I rise today to pay tribute to New Mexico's Hispanic Education Act.

Signed by the governor on March 10, 2010, this law sets into motion a multi-pronged approach to bring the community together to

tackle the growing achievement gap that exists between Hispanic students and their peers. It is the first such law of its kind anywhere in the country, and it is my hope that it will not be the last.

I believe that the single greatest challenge facing New Mexico's educational achievement is the fact that though 56 percent of our state's students are Hispanic, barely half of them graduate from high school. Given that education is the key to achieving our full potential as individuals and as a country, we must realize that not all education is equal. We must look at the challenges that face all our students. This disparity is too great to do nothing. The time has come to confront this disparity head on, and this is exactly what the Hispanic Education Act will do.

I would like to congratulate New Mexico Governor Bill Richardson, State Senator Bernadette Sanchez, State Representative Rick Miera, and Education Secretary Veronica Garcia for having the courage to champion the Hispanic Education Act. But they certainly were not alone in shepherding this bill through the state legislature. Indeed, this legislation was initiated by the countless parents, community advocates, business leaders, school administrators, and policy makers who gave their time and energy to this effort. It was their advocacy, in concert with the Latino/Hispanic Education Improvement Task Force, which made passage possible.

It is my hope that the goals set forth in this landmark legislation are achieved quickly. It is also my hope that other states follow New Mexico's lead. And it will be my intention to work with my colleagues here in Congress to find ways on a national level to promote Hispanic educational success. For if we are to excel in a 21st Century economy, then all students of all backgrounds must have the chance to finish high school, attend college, and go on to be productive, successful Americans.

HONORING JEANNE JACOBS

HON. MARIO DIAZ-BALART

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 25, 2010

Mr. MARIO DIAZ-BALART of Florida. Madam Speaker, I rise today to honor Jeanne Jacobs, accomplished educator and President of Miami Dade College's Homestead Campus.

As administrator of the College, she has advanced the mission of the institution and brought national attention to South Dade. In addition to her leadership role at Miami Dade College, Jeanne serves on the Board of Directors of Homestead Hospital and in several community organizations, including the Executive Council of the Homestead/Florida City Chamber of Commerce, the Senior Advisory Council of the Red Cross, and the Vision Council of Homestead. She holds a Doctor of Philosophy degree in Administration of Higher Education with a minor in English from the University of Alabama.

This month, Miami Dade County Mayor Carlos Alvarez, the Miami Dade Commission for Women, and Miami-Dade Parks and Recre-

ation honored Jeanne at their annual "In the Company of Women" Awards Ceremony, a well-known recognition and high distinction in the South Florida community.

As we celebrate Women's History Month, I too honor and recognize Jeanne for her contributions to and achievements in the fields of education and research. Her leadership has truly made a difference in the lives of students and has taken this fine institution of higher learning on a continued path of excellence.

HONORING ELLA SECCHIAROLI FOR WINNING THE LESSONS OF THE AFRICAN-AMERICAN EXPERIENCE WRITING CONTEST

HON. JOE COURTNEY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 25, 2010

Mr. COURTNEY. Madam Speaker, I rise today to recognize Ella Secchiaroli as a winner of the first annual "Lessons of the African-American Experience" Creative Writing Contest. Ella is currently in the fifth grade at North Stonington Elementary School, which is located in North Stonington, Connecticut.

In celebration of Black History Month, I sponsored a creative writing contest for all third through eighth grade students within the Second District. As we know, Black History Month is a time to reflect on the struggles and triumphs of our nation's past. The lessons learned during this month continue to serve as the stepping stones of our nation's future. Ella's poem eloquently embraces this belief.

Ella's poem shows a remarkable enthusiasm for learning that is inspiring to all. She identified the values that she learned during Black History Month and creatively discussed how those values affect her life and the lives of others. For this, her poem was among the four winners selected.

MR. DICK BUNCE

HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 25, 2010

Ms. LEE of California. Madam Speaker, I rise today to honor Mr. Dick Bunce for more than three decades of tireless work to advance the causes of peace, nuclear disarmament, democracy and conservation. Today, we recognize the quality and excellence of Mr. Bunce's career on the occasion of his retirement.

Known for his invaluable leadership and service to organizations here, and around the globe, Mr. Bunce's early life took place in New Orleans, Louisiana. After graduate work in sociology at the University of Wisconsin, Mr. Bunce began accumulating a breadth of media experience. His long career in fundraising, marketing, media and research includes a book, "Television in the Corporate Interest," as well as leadership posts at Bay Area stalwarts such as Mother Jones magazine, Pacifica Radio and the Center for Social Re-

search and Education at the University of California, Berkeley.

In addition to his media savvy, Mr. Bunce's skillful fundraising efforts have both enriched worthy organizations, and changed the face of the Bay Area. In fact, San Francisco residents and visitors from around the world enjoy the beautiful result of one of Mr. Bunce's most ambitious fundraising projects. His management of a \$35 million campaign transformed a former military airstrip and ordnance dump in San Francisco's Presidio into a popular urban national park site known as Crissy Field.

Following that endeavor, Mr. Bunce joined the Ploughshares Fund, founded by legendary San Franciscan Sally Lienthal. His work included expanding Ploughshares Fund annual fundraising efforts, planned giving and endowment campaigns.

As Deputy Director, Mr. Bunce implemented the first-ever capital campaigns for both Ploughshares Fund and the Golden Gate National Parks Conservancy, overshooting his goals and raising more than \$60 million to reduce nuclear threats and enhance park lands.

As friends and colleagues know, Mr. Bunce's profound dedication to peace and conservation efforts extends beyond his fundraising prowess. In his free time, he has served on a number of boards, including the Pesticide Action Network and, currently, the Point Reyes National Seashore Association.

In all of his many vocations, Mr. Bunce has been praised for his strategic brilliance, strong leadership, tenacity and thoughtfulness. His work has created innumerable opportunities for organizations and communities to continue the work of building a better, safer future for generations to come.

On behalf of the residents of California's 9th Congressional District, Mr. Dick Bunce, I salute you. I congratulate you on your many achievements, and I wish you and your family all the best in this next chapter of your life.

PERSONAL EXPLANATION

HON. JERROLD NADLER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 25, 2010

Mr. NADLER of New York. Madam Speaker, due to official business, I missed a vote on March 10, 2010. Had I been able to, I would have voted "aye" on rollcall vote No. 100, expressing condolences to the families of the victims of the February 27, 2010, earthquake in Chile, as well as solidarity with and support for the people of Chile as they plan for recovery and reconstruction.

HONORING ANDREA IVORY

HON. MARIO DIAZ-BALART

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 25, 2010

Mr. MARIO DIAZ-BALART of Florida. Madam Speaker, I rise today to honor Andrea Ivory of Miami Lakes, the Founder and Executive Director of the Florida Breast Health Initiative and a breast cancer survivor.

In late 2006, Mrs. Ivory, along with her husband Willie Ivory, started the organization, which is dedicated to educating women about the importance of breast health and provides them with the resources to battle the disease. The group works to reach out to uninsured women in low-income areas who cannot afford mammograms. Staff and volunteers have knocked on more than 20,000 doors in neighborhoods throughout Miami including Miami Gardens, Opa-locka, Hialeah and Northwest Miami-Dade and have offered women the opportunity to be screened in mobile mammogram units and receive other low-cost services. To date, they have facilitated over 600 free or low-cost mammograms, and as a result, discovered four cases of cancer.

Today, Andrea has been cancer free for five years and her work and dedication to serving others in the community has been recognized by several news outlets and organizations. In 2009, she was selected as one of CNN's Top 10 Heroes of 2009 and was also featured in our home town newspaper, the Miami Herald.

As we celebrate Women's History Month, I ask you to join me in thanking Andrea Ivory for her commitment to creating awareness about breast cancer and ensuring that other women have access to care. I also congratulate her on her personal strength and willingness to overcome breast cancer.

GEORGE GREEOTT

HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 25, 2010

Mr. THOMPSON of California. Madam Speaker, I rise today to celebrate the life of George Greeott, who in his 100th year in Sonoma County, California, has made innumerable contributions to his community and has unquestionably left his mark on the history of this part of my district.

He has earned many titles, Sonoma County's Renaissance Man—farmer, inventor, artist, blacksmith, school board member, collector of Native American artifacts, horseshoe champion, loving husband and devoted father—and the Duke of (the Town of) Windsor in 2007 among them.

Mr. Greeott was born in Santa Rosa, the county seat of Sonoma County, on April 30, 1910, the son of Italian immigrants. He began ranching with his father in the Chalk Hill Valley in 1928 and raised prunes, apples and grapes, as well as sheep and horses over the following 70 years. He met and married his wife Isabel Sicco, the daughter of a local chicken farmer, in the 1930s and together they had four children.

Mr. Greeott owned several patents that made ranching life easier for his family and his neighbors. His "Fence-Tight" helped crimp and tighten wire fencing and was a big seller in the Thorson Tool Company catalogue. One of his non-farming inventions, the "Greeott Grabber," helped him win numerous horseshoe tournaments before he retired from competition at the age of 93, while he was still on top.

His unique metal sculptures and woodcarvings are permanently housed in the

Windsor Museum, for which he established the Windsor Historical Society Endowment Fund. His collections of Pomo Indian artifacts and vintage tools and bottles used in the early days of the wine industry have been donated to other museums throughout Sonoma County.

Madam Speaker, George Greeott is loved and respected by his community, who will help him celebrate his 100th birthday. It is appropriate that we send our best wishes to this truly remarkable man.

HONORING MARIA CRISTINA
ANDREU REGUEIRO

HON. MARIO DIAZ-BALART

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 25, 2010

Mr. MARIO DIAZ-BALART of Florida. Madam Speaker, I rise today to honor Maria Cristina Andreu Regueiro, Co-Founder and President of Florida National College in Hialeah.

Maria Cristina Andreu Regueiro was born in Havana, Cuba. After living in New York for 10 years, she moved to Palm Springs North in 1973. She attended the University of Miami, and after graduating, joined her late husband Jose in carrying out his dream of providing educational opportunities to the growing Hispanic community in South Florida. In 1986, they opened Florida National College in Hialeah. Today, the College serves more than 3,000 students, has more than 20,000 graduates, and is spread across Miami-Dade County with three locations and a distance learning program online.

Maria Christina has been instrumental in assisting minority students achieve their educational goals. What began as her husband's dream, has become a reality and an opportunity for thousands. She currently serves on the Mayor's Educational Advisory Board for the city of Hialeah and is a member of the Board of the South Florida Workforce. She has also been a member of the State of Florida Community Hospital Education Council, a commissioner for the Commission for Independent Education of the Florida Department of Education, and various other community organizations that promote education.

As we celebrate Women's History Month, I ask you to join me in thanking Maria Cristina Regueiro for her commitment to serving others, and her determination and hard work, which have allowed her to achieve her dreams. I also ask that you join me in remembering her late husband, Jose Regueiro, who also made a commitment to our community and dedicated his life to making education and opportunity a reality for many.

RECOGNIZING AMY DAVIS AS THE
HURLBURT AFA CHAPTER 398
ELEMENTARY SCHOOL TEACHER OF
THE YEAR

HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 25, 2010

Mr. MILLER of Florida. Madam Speaker, I rise today to recognize Ms. Amy Davis upon receiving the Hurlburt Air Force Association Chapter 398's Elementary School Teacher of the Year Award for 2010. Ms. Davis' students have truly benefited from her inventive lessons and the passion she exudes for her profession. I am honored to acknowledge her contributions today.

Amy teaches third grade at Kenwood Elementary School in Okaloosa County, Florida. In her six years of teaching she has enthusiastically pursued opportunities to develop lessons that motivate student learning. For instance, Amy was inspired to introduce aviation sciences into her classroom after attending a Teacher Workshop hosted by the Hurlburt Air Force Association. Amy thoughtfully incorporated flight charts into her lessons in order to teach her students how to measure distances and angles. Likewise, Amy enhances her lessons with space-related material inspired by a Space Camp for Teachers she attended in Huntsville, Alabama. Her method of combining tangible materials and advanced concepts in every lesson has greatly promoted student success. Amy has recently received her certification as a Gifted Instructor and is working toward her National Board Certification, with which I wish her the best of luck.

Madam Speaker, on behalf of the United States Congress, I proudly recognize Amy Davis as the Hurlburt AFA Chapter 398 Elementary School Teacher of the Year. Her passion for learning truly makes her a great asset to her students and colleagues. Vicki and I wish Amy and her family all the best for the future.

HONORING LOIS JONES

HON. MARIO DIAZ-BALART

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 25, 2010

Mr. MARIO DIAZ-BALART of Florida. Madam Speaker, I rise today to honor a remarkable woman who has dedicated her life to public service and political activism, Ms. Lois Jones.

Educated in Kingston, Jamaica, Ms. Jones then made California her home, serving 23 years in the California Legislature. During her tenure, she was a liaison to the African American Community and played an active role in exposing high school and college students to the legislative process through internships. Years later she moved to Florida where she has been involved in a number of issues ranging from small business development to public relations and international trade. She is very active in our community, always engaging with minority groups, religious groups and civic

leaders, and working to help advance their priorities.

For nine years, Ms. Jones served as Jamaican Honorary Consul in California. She was appointed by the Prime Minister of Jamaica and worked on several issues including international trade. Ms. Jones is also a featured writer, frequenting opinion pages in newspapers across the country and expressing her views on community empowerment and public policy issues.

Currently Ms. Jones serves as a member of the City of Homestead Charter Review Committee and is involved in various community organizations including the City of Homestead Education Committee, the City of Homestead Mayor's Youth Council, the State Partnership for School Safety & Security, the Greater Miami Chamber of Commerce, and the Association of Women Business Owners, to name a few.

As we celebrate Women's History Month, I ask you to join me in congratulating Ms. Lois Jones for her invaluable contributions, dedication to and leadership in our community.

ON THE PASSING OF SAM HAMILTON, 15TH DIRECTOR OF THE U.S. FISH AND WILDLIFE SERVICE

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 25, 2010

Mr. DINGELL. Madam Speaker, I rise today to honor Sam Hamilton, the Director of the United States Fish and Wildlife Service, who we lost on February 20, 2010. Sam's work was that of a champion—the guardians of our environment are the stewards of what we leave to our descendants and they deserve unending praise. I never knew or needed to ask if Sam was a Democrat, Republican, or Independent because he worked with everyone and was a biologist first. If I can try to sum up his character, I will have to quote the man himself when he said:

My greatest challenge is to help bring conservationists, hunters, anglers, landowners, state and federal agencies, and business people together to help us conserve and enhance what makes America great—our treasured wildlife resources.

His work for conservation and collaboration was driven by sound science, and his affection for the environment was unrivaled. Sam Hamilton devoted his career and over 30 years of his life to service within the United States Fish and Wildlife Service. In fact, Sam's first involvement with the agency came when he was 15 years old as a member of the Youth Conservation Corps in Mississippi. Near Starkville, Mississippi, where he grew up, Sam learned the importance of managing a wildlife habitat while banding wood ducks and Canadian geese to build waterfowl pens.

In 1991, Sam became the first Fish and Wildlife Service State Administrator in Austin, Texas. While there, Sam held strong in his commitment to protect the golden-cheeked warbler from further endangerment. Years later, Sam went on to work on the restoration

of the coastal wetlands and wildlife habitats along the Gulf Coast after hurricanes Katrina and Rita. Sam was nominated in June 2009 by President Obama to be the 15th director of the Service. Three months later, as he was being sworn in, he reaffirmed his commitment to addressing the threat of climate change, habitat fragmentation, invasive species, limited water supplies, and the illicit trade of wildlife. Perhaps he put it best when he said, "as wildlife goes, so goes the nation."

Sam Hamilton was loved by all conservationists. He leaves behind his wife, Becky; two sons, Sam, Jr. and Clay; and grandson Davis. I am proud to have known Sam D. Hamilton, and to be able to help carry on his vision here in Congress. I ask my colleagues to stand and join me in celebrating his achievements and remembering his legacy as a person who embodied the very best of the American spirit.

HONORING THE MEMORY OF
COMMISSIONER DUPONT L. DAVIS

HON. G.K. BUTTERFIELD

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 25, 2010

Mr. BUTTERFIELD. Madam Speaker, I rise today to honor the memory of DuPont L. Davis who served the people of Hertford County, North Carolina for many years as County Commissioner and civic leader. Well known for his passion, deep caring and unapologetically speaking his mind, DuPont Davis helped make a difference in the lives of countless citizens.

Commissioner Davis was first elected to the Hertford County Board of Commissioners in November of 1988. Since that time he has often served as Chairman of the Board, been recognized as North Carolina Commissioner of the Year and served as President of the North Carolina Association of County Commissioners.

Commissioner Davis was a person of faith. He was an active member of Zion Grove Missionary Baptist Church of Aulander, North Carolina. He was also a member of Jerusalem Lodge No. 96 of Prince Hall Masons, Ahoskie, North Carolina and was past Master of the Lodge.

Commissioner Davis was my dear friend of many years and I am saddened by his loss. Without question, he was a devoted public servant with an unsurpassed drive and passion to improve the lives of people in his community. He was an irreplaceable asset to Hertford County and to the state of North Carolina.

Commissioner Davis is survived by his wife Earline Powell Davis, and sons Derrick Davis and Dexter Davis, and daughters, Donica Davis Thompson and Dedria Davis King.

Madam Speaker, I ask my colleagues to join me in expressing remorse at the passing of one of North Carolina's finest public servants, a man who was one of the State's most admired and respected elected officials. His passion, perseverance and dedication should serve as an inspiration to us all.

AMISTAD SAILS TO HAVANA
HARBOR

HON. JOE COURTNEY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 25, 2010

Mr. COURTNEY. Madam Speaker, today is a proud day for the Mystic Seaport Museum and the city of New London, as our freedom schooner *Amistad* prepares to sail into Havana Harbor as a floating goodwill ambassador. The *Amistad's* visit to Cuba culminates its current Caribbean Heritage Tour to help commemorate the United Nations-designated date of March 25 as a Day of Remembrance for the victims of the Atlantic slave trade.

The 19th century *Amistad* Incident ultimately led to a profoundly important U.S. Supreme Court decision that arguably turned the tide against slavery itself. The ship serves as a global icon of racial tolerance and a platform for serious examination of shared history across Africa, Europe, the Caribbean and the United States. Today, the world is watching as the *Amistad* sails into Havana Harbor to set new milestones for diplomacy and remembrance. Today, from New London to the Caribbean, we honor our common heritage and wish the *Amistad* fair winds and following seas.

The following is a story from the New London Day:

AMISTAD IS SAILING BACK TO WHERE ITS
STORY BEGAN

(By Ted Mann Day)

HAVANA.—Over a breakfast of melon, eggs and thick, dark Cuban coffee, Quentin Snediker, Maureen Hennessy and William Pinkney seem barely able to stand the wait for the coasting schooner *Amistad* and its crew to arrive in Cuba.

It is a wait older than the ship itself, says Snediker, who was the project coordinator of the design and construction of the *Amistad* for Mystic Seaport.

"To complete the story, we always felt the vessel had to return here," he said on Sunday morning, as he and Pinkney, who was the first in command of the ship when it launched nearly 10 years ago, prepared for a press conference at the Museo Nacional de Bellas Artes to announce the *Amistad's* impending historic visit to Cuba.

"Here" means Havana, the Cuban capital and trading center, where the African captives who would make the *Amistad* famous were auctioned illegally in 1839 as slaves in violation of the Spanish and English treaties banning the international slave trade, and bound for the eastern agricultural districts that made Cuba a power in the sugar and coffee trade.

Brought to Havana on a slave ship after being taken captive in Sierra Leone, the 53 men and boys were transferred to the *Amistad*, a modest vessel that transported goods and freight along the Cuban coastline.

In an ornate, wood-paneled room at the Museo Nacional, Cuban historian Miguel Barnet, Pinkney and Snediker took turns reviewing the subsequent twists of the *Amistad* story for a crowd of about 45 journalists from the Cuban national press, American TV networks and the BBC.

Despite the 1807 passage of the Wilberforce Act—whose anniversary, now the United Nations' international day of commemoration

for victims of the slave trade, the Amistad will mark with its formal arrival in Havana on Thursday—Cuba's booming sugar and cattle businesses precipitated a dependence on human slavery.

It was a case of "negocios sucios," or "dirty business," Barnet said, but one into which leaders in Cuba and in its colonial patron, Spain, felt driven by necessity. "Both the Spaniards and the Cubans needed fresh hands," he said.

The Amistad never reached its destination. The leader of the captives, known as Cinque to his Spanish-speaking handlers, led a revolt that would change not just the history of slavery in Cuba and the Spanish empire, but also in the United States.

Picking the locks of their shackles with a nail, the captives seized the ship and killed most of the crew, including Captain Ramon Ferrer, with machetes. The remaining crew members were ordered to steer the Amistad back to Africa—away from the setting sun.

But as those crew members tried to sabotage Cinque and the Africans, the Amistad zig-zagged up the east coast of the United States until it was captured off Montauk and towed into the Custom House in New London.

The captives, initially put on trial for the killings, would eventually be freed, after the U.S. Supreme Court ruled that since they had been taken from Africa in contravention of international treaties banning the slave trade, they could not be property.

Instead, the court ruled, Cinque and his countrymen were necessarily men, with a right to defend themselves against those who kept them captive.

The Amistad's visit resonates not just with its historical legacy; it is also, Hennessy noted, a rare opportunity for open interchange between the Cuban and U.S. nations, at a time when their respective governments remain at uneasy odds. Hennessy, who, like Snediker, was taking time off from her work at the Mystic Seaport to meet the Amistad and its crew as they arrive in Matanzas today, said the group met over the weekend with officials from the Cuban Ministry of Culture.

The ministry plans to broadcast Steven Spielberg's 1997 film "Amistad" on one of the state-run television channels Tuesday night, in an attempt to drum up popular interest in the ship's visit.

As the press conference concluded Saturday morning, journalists descended on the Amistad representatives, particularly Pinkney, wanting to know if this combined diplomatic effort of the State Department, United Nations and Cuban officials represented a new thawing in mutual relations.

The visit comes months after the incoming Obama administration relaxed travel restrictions and other facets of the nearly 50-year U.S. embargo of Cuba, but significant tensions still persist. Billboards on the highway into Havana from Jose Marti International Airport depict the mug shots of Cuban prisoners held in the United States—without cause, according to the Cuban government. And U.S. commentators continue to raise questions about the Cuban government's policies, including its economic system and approach to dissidents.

But the Amistad represents shared strands of history, said Barnet, the Cuban historian and writer, and the American visitors agreed.

While interviewers continually asked him variations of the question "can this be a step" toward normalization, Pinkney said, this visit transcends the political considerations that have divided the two countries.

"Now they're completing the Amistad story by coming into Havana, where it all started," he said. "Here, we have nothing to express but the solidarity of humankind."

RECOGNIZING SANDY PALMER AS THE HURLBURT AFA CHAPTER 398 TEACHER OF THE YEAR

HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 25, 2010

Mr. MILLER of Florida. Madam Speaker, I rise today to honor Sandy Palmer upon receiving the Hurlburt Air Force Association Chapter 398's Overall Teacher of the Year Award for 2010. Ms. Palmer has been a dedicated educator for 27 years, and I am proud to recognize her achievement.

Currently teaching third grade at Shalimar Elementary School in Okaloosa County, Florida, Sandy has taught at every grade level and in a variety of subjects over the course of her illustrious career. She is known for her enthusiasm for and commitment to incorporating space and aviation into her daily classroom instruction. After attending Space Camp for Teachers in 2001, Sandy changed her way of thinking to integrate these ideas into math and science curricula. She uses paper airplane construction to introduce concepts such as distance, angles, and measurements. Sandy also thinks outside the box to keep her students involved, including an annual play that involves launching the International Space Station. The performance provides parents with the unique opportunity to learn what their children are doing in the classroom with Ms. Palmer's innovative teaching methods. For her outstanding efforts, Sandy is this year's AFA Hurlburt Chapter nominee to the Florida State/Regional Teacher of the Year Competition.

Madam Speaker, on behalf of the United States Congress, I am humbled to recognize Sandy Palmer as the Hurlburt AFA Chapter 398 Overall Teacher of the Year. For 27 years, she has inspired her students and her colleagues, and she is highly deserving of this honor. Vicki and I wish Sandy and her family all the best for the future.

CONGRATULATING THE WINNERS OF THE VALOR FOUNDATION'S NATIONAL FIRST RESPONDERS ESSAY COMPETITION

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 25, 2010

Mr. WOLF. Madam Speaker, I rise today to commend the winners of the Valor Foundation's essay contest. I am honored to recognize the achievements of these students from Loudoun County and this excellent program in the 10th District of Virginia.

The Valor Foundation is an organization dedicated to partnering with individuals and organizations to support local community fire, rescue, and law enforcement groups. The dedicated work of this foundation supports nu-

merous public safety officers and their families during their times of need. To recognize and celebrate these individuals, the foundation held a youth essay competition to honor the first responders.

To recognize the National First Responder Day, Loudoun County Middle School students were asked to submit essays describing, "Why We Should Have a National First Responder's Appreciation Day." The Valor Foundation collaborated with Randy Kelly, CEO of INOVA Loudoun Hospital, to award five essay winners with savings bonds. I ask that my colleagues join me in congratulating these outstanding students for their achievements, as well as the dedication of the first responders of Loudoun County.

I submit for the winning essays:

Tommy Mai, Belmont Ridge Middle School:

First responders are brave people. They sacrifice their lives just to save other lives at any cost. Whether it's a fire, medical emergency, or a shoot-out, they'll put anything and everything on the line. Think about a jailhouse without police guards, or a burning building without fire fighters coming to the rescue, or hospitals without doctors, nurses, and paramedics. Think about what would have happened during 9/11 without these brave people. Who can think of braver people. They sacrifice their lives for their families, for us, but more importantly, for America.

Ananda Bhatia, Eagle Ridge Middle School:

Every day a crime is committed. Every day a house catches on fire. Every day a person is hurt, a purse is stolen—someone risks their life for someone else! Emergency Responders help people when they need it most. When lives are at risk—they're there for you. Without them, thousands of people wouldn't be here right now. Someone who runs into burning buildings deserves equal respect as someone in the military. Fire fighters, police officers, medical responders, deputies—they deserve respect and a holiday of their own. I believe Emergency Responders Day would be perfect—and I'm sure many other thankful citizens agree.

Diego Loya, Farmwell Station Middle School:

Who was there to help the victims of 9/11 on that horrific day? Who were first to rescue and help others during and after that tragic event? These people are not the heroes we normally think of with swords, spears or protective armor. They are every day human beings doing what they love and putting themselves in harm's way for their country.

Police, ambulance workers, E. M. T's and firefighters are examples of first responders. They risk their lives to help others. Every day a fire starts or someone is hurt or the police are needed in our communities. Without their presence in our daily lives we would have so many worries. They deserve a day of honor. They desire to be honored and appreciated on First Responders' Day.

Maddie Klaff, Seneca Ridge Middle School:

Believe it or not, in 2007, a total of 181 law enforcement officers and 118 fire-fighters lost their lives while on duty. Because these people do their job, I can walk around feeling safe and protected. These first responders spend their time serving the public and are only minutes away in times of crisis. Many of them do this voluntarily and without pay.

I believe we should dedicate a holiday in honor of those who spend their days looking after us. Their lives are dedicated to protecting ours every day, so we should dedicate one day to recognize them.

Kyle Brown, Simpson Middle School:

Though situations like car accidents and medical emergencies bring grief and sorrow, it is good to know that there are people who are dedicated and trained to help. They are known as first responders. These heroes are committed to helping others who need them when they can't fend for themselves. These unselfish people know that their lives are sometimes at risk, but they care about the safety of others. I stand for everyone when I say that these first responders deserve a day on which their fellow Americans can show them how much they appreciate their commitment to helping others.

HONORING CAPTAIN JEANETTE SAID-JINETE

HON. MARIO DIAZ-BALART

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 25, 2010

Mr. MARIO DIAZ-BALART of Florida. Madam Speaker, I rise today to honor Captain Jeanette Said-Jinete, the first woman to be sworn in as a police officer and receive the rank of Captain in the Town of Medley Police Department.

Jeanette began her law enforcement career at the age of 19 with the city of Homestead Police Department. Years later, she joined the town of Medley and in 1984, was sworn in as the first female Medley Police Officer. In 1986 she became a detective and in 2002 was awarded Officer of the Year for her success in investigating and solving crimes. In 2004, Jeanette was assigned as the assistant to the mayor and a liaison for the police department and in June of last year, was promoted to captain, becoming the first female appointed to this rank and second in command of the police department.

Jeanette is also a member of the Police Honor Guard, the Miami Dade Association of Chiefs of Police, the Florida Police Chiefs Association, and the International Association of Chief of Police, and is a certified computer voice stress analyzer and a certified code enforcement officer.

Aside from her personal achievements in her career, Jeanette has been a driving force for Medley, obtaining numerous grants for public safety and homeland security equipment, and making possible funding for the town "Tot Lot", basketball court, and the Riverside Domino Park. She has also been instrumental in planning community events and ensuring the Town's participation and partnership with other local entities.

As we celebrate Women's History Month, I ask you to join me in thanking captain Jeanette Said-Jinete for her commitment to making the town of Medley a safe place to live, work and play, and congratulating her for her outstanding work ethic and personal achievements.

RECOGNIZING THE MIDLAND SCHOOL D.A.R.E. GRADUATES

HON. SCOTT GARRETT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 25, 2010

Mr. GARRETT of New Jersey. Madam Speaker, today the Rochelle Park Police Department will hold its D.A.R.E. graduation ceremony with the fifth graders of the Midland School. The young people participating in this important program have made a commitment to say no to drugs, underage drinking, and gang violence. They have done this with the support of Chief of Police Richard Zavinsky and D.A.R.E. Officer Douglas Arendacs.

Drug Abuse Resistance Education, or D.A.R.E., began as a small program in Los Angeles in 1983. Today, it is implemented in more than 75 percent of our Nation's school districts and in more than 43 other nations. This program allows children to defeat negative cultural influences by opening the lines of communication between law enforcement and youth, empowering students with confidence and courage to say no to drugs.

I am proud of the young men and women who participated in this program in Rochelle Park, and I would like to recognize them all for taking this step toward positive citizenship:

Jenna Alessi, Amna Bajwa, John Califano, Selena Cangialosi, Brittney Cappobianco, Britney Fischbach, John Gerber, Kevin Grieco, Karim Jassim, George Latko, Camron Mickens, Michael Palamara, Nire Rollins, Anthony Sorrentino, Gianni Veloz, Vraj Vyas, Lauren Abrams, Joshua Afocx, Yuna Chung, Jennifer Cichino, Lewyn Concepcion, Drew Every, Suraj Ghumwala, Matthew Kowalski, Alexandra Lehmbeck, Krishalei Locquiao, Samantha McElroy, Joseph Neu, Serena Nguyen, Kyle Ray, Ryan Lewis-Riley, Thadeja Richetts, Bruce Amundson, Kaitlyn Boylan, Heather Buse, Yusef Froogh, Cierra Gamble, T'Shawn Jennings, Owen Lapira, Lindsay Pacheco, Alyssa Poidomani, Steven Riley, Matthew Santana, Jesse Marie Sanzari, Christine Sawruk, Prince Seabrooks, Maicel Shenouda, Jason van der Wilt, Raymond Vasquez.

SUPPORTING THE PEOPLE OF PUERTO RICO AND THE U.S. VIRGIN ISLANDS

HON. DAN BURTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 25, 2010

Mr. BURTON of Indiana. Madam Speaker, I rise tonight to encourage my colleagues to support H.R. 2122, a bill introduced by our colleague Delegate PIERLUISI to ensure that the cover-over tax levied on the rum exports from Puerto Rico and the U.S. Virgin Islands are used for their original intended purpose; namely to promote the general welfare of the territories' citizens in addition to promoting overall economic development. Currently, the funds are being used, in my opinion, to unfairly support blatant corporate welfare for a

foreign-owned company. We do not need to be sending our tax dollars to foreign corporations when we have record unemployment in this country.

Rum that is produced in either Puerto Rico or the U.S. Virgin Islands, and that is sold in the continental United States, is subject to the same Federal tax as rum produced in the States—roughly \$13.50 for each proof-gallon. However, in the case of the territories, the majority of the revenue is returned by the Federal government to the respective territory, and then the remainder is retained by the Federal government. This so-called "cover-over" tax provision—which has enjoyed strong bipartisan support for many years—allows the territories to pay for important local programs.

Unfortunately, this provision is now being abused to award a sweetheart deal to the British alcohol distiller and importer Diageo. Under the terms of this sweetheart deal, London-based Diageo will receive 46 percent of the U.S. Virgin Islands' cover-over to pay for a new distillery. Madam Speaker, Diageo is worth roughly \$35 billion according to the latest figures. To give Diageo 46 percent of the funds intended for the general welfare of the people of the Virgin Islands, in my opinion, violates the spirit if not the letter of the law. If this type of manipulation is allowed, many experts believe, a race to the bottom will result, with the territories attempting to poach businesses from each other with larger and larger sweet-heart deals paid for by the cover-over funds.

For example, Puerto Rico currently receives about \$400 million in carry-over funds per year. From that pool of money, Puerto Rico pays about six percent to the company, Rums of Puerto Rico, and Puerto Rican law states that no more than 10 percent of the funds it receives from the rum cover-over program can be used to subsidize rum producers on the island. This is a reasonable approach. It ensures that Puerto Rico can attract businesses to the island while still having the resources to carry out public works projects.

H.R. 2122 carries forward this common-sense approach. Under the terms of the bill, either Puerto Rico or the U.S. Virgin Islands may use its cover-over funds to provide unfair subsidies to rum producers. Further, if it is determined by the Secretary of the Treasury that a territory has unfairly subsidized a rum producer, the Secretary can transfer some of the cover-over funds intended for that territory that provided the unfair subsidy to the territory that has been disadvantaged. The legislation defines "unfair" or "per se unreasonable" if the subsidy exceeds ten percent of the covered-over amount returned to the territory's treasury.

Madam Speaker, let us remember the original intent of the cover-over funds, which was to help the territories fund important civil programs for the benefit of the people of Puerto Rico and the Virgin Islands. The purpose was most certainly not to provide corporate welfare to large foreign-owned conglomerates. H.R. 2122 will ensure that the original purpose of the cover-over tax—to advance the general welfare of the citizens—is being carried out. I urge my colleagues to support this common-sense bill.

50TH ANNIVERSARY OF CITY OF
DAYTONA BEACH SHORES**HON. SUZANNE M. KOSMAS**

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 25, 2010

Ms. KOSMAS. Madam Speaker, I rise today to honor the City of Daytona Beach Shores on its 50th Anniversary. Since its founding on April 22, 1960, the City of Daytona Beach Shores has been a resort and retirement community located on the barrier island bordered on the east side by the Atlantic Ocean and on the west side by the Intercoastal Waterway (Halifax River).

The City of Daytona Beach Shores has a storied history, featuring a pristine beach where famed race car drivers once vied to set world speed records. The Legends Walk of Fame tribute features bricks dedicated to these famous drivers and the Otto Schultze Memorial is a tribute to the late City Councilman that includes the seven flags used in automobile racing. The City is also home to The Court of Flags, a rotating display of 12 flags representing the national originals of its residents and highlighting the cultural diversity that unifies our nation.

The citizens of Daytona Beach Shores also have a strong history of responsible governance and stewardship as evidenced most recently by the approval of a local tax to fund underground placement of all utility lines, thus mitigating damages from dangerous tropical storms.

To commemorate the 50th anniversary, the City will place items in a time capsule to be opened at the 75th anniversary of the City in 2035.

Living up to the City's motto of "a better life," the residents of Daytona Beach Shores truly have enjoyed "50 years of a better life" since its founding on April 22, 1960.

On April 22, 2010, the 50th Anniversary of the City of Daytona Beach Shores, I encourage all residents to recognize and show their appreciation for the many memories and contributions of the community over the years.

HONORING THE WORK OF BARRY
LUBOVISKI**HON. JOHN GARAMENDI**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 25, 2010

Mr. GARAMENDI. Madam Speaker, I wanted to take this opportunity to honor the great work of Barry Luboviski. After serving for fifteen years as Secretary-Treasurer of the Building and Construction Trades Council of Alameda Council, Barry is stepping down for some much deserved rest and relaxation.

Barry's commitment to the working men and women of this country began when he joined the Iron Workers Union, Local 378 as an Apprentice in 1965. He became an active participant in union activities, and in 1981, he started teaching evening classes for the Iron Workers Apprenticeship Program.

In 1979, Barry was elected as a Delegate to the Building and Construction Trades Council

of Alameda County, AFL-CIO, and he was later appointed to Chair the Political Action Committee of the Building Trades Council. There, he helped organize voter registration drives and membership education.

Soon he was elected to serve as an Executive Boardmember of the Iron Workers Union, Local 378 and continued to help lead his local union until being hired in 1991 by the California State Building and Construction Trades Council, AFL-CIO as an Organizer. After four years of effective service, he was elected in 1995 to the position of Secretary-Treasurer of the Building and Construction Trades Council of Alameda County, AFL-CIO.

It has been an honor to work with Barry these many decades, strengthening worker protections and forging a more just and equitable California. Let the record show that the working people of California are better off because of Barry's leadership.

HONORING MARTINA "TEENA"
BOREK**HON. MARIO DIAZ-BALART**

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 25, 2010

Mr. MARIO DIAZ-BALART of Florida. Madam Speaker, I rise today to honor Martina "Teena" Borek, one of South Dade's best known farmers, and a dedicated mother.

Teena grew up in a small fishing village in Newfoundland and would visit her aunt's farm in South Dade during summer breaks. It is there where she met her late husband, Steven Borek, who came from one of Homestead's oldest farming families. The two married and started their own farm, Steven Borek Farms. They also had two children, Steven Jr. and Michael. Unfortunately, Steven lost his life shortly thereafter in an accident on the family property and Teena was left to raise the children and run the farm. Despite the loss of her husband, and a lack of knowledge in farming, Teena managed to successfully continue the family business, which continues to thrive today. She has proven to be one of South Dade's most innovative farmers, being Homestead's first to use a linear irrigation system and a computer for her work. She does not shy away from using new technologies and products, has engaged in research efforts and has learned to follow the changing market, responding to demand and adapting her crop. Teena has also surpassed devastating freezes and the hit of Hurricane Andrew, which forced her to basically start from scratch.

Despite facing adversity on several occasions, Teena has not given up. Her hard work and passion coupled with her desire to succeed, have allowed her to be both a loving mother and savvy businesswoman. She is a leader in the agriculture industry and never fails to give back to our community. She has been involved with the Dade County Farm Bureau, the Florida Fruit and Vegetable Association, the Florida Tomato Growers Exchange, the Florida Heartland Heritage Foundation, the Florida Farm Bureau Labor Advisory Committee, South Dade High School Agricultural Advisory Council, Dade County Women in Ag-

riculture and the Everglades Community Association, to name a few.

As we celebrate Women's History Month, I ask you to join me in honoring Martina "Teena" Borek, a successful businesswoman, community leader and mother, who vowed to continue her husband's legacy. Her story and accomplishments should serve as inspiration to others.

MOURNING THE LOSS OF THE
HONORABLE THOMAS H. KELLY**HON. THADDEUS G. MCCOTTER**

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 25, 2010

Mr. MCCOTTER. Madam Speaker, today I rise to honor and mourn the extraordinary life of the honorable Thomas H. Kelly upon his passing at the age of 74.

Born on May 27, 1935, Tom Kelly was a man devoted to helping his fellow human beings through public service. In his lifetime, Tom served as a teacher, Wayne City Councilman, Michigan State Representative; and he worked closely with the Wayne County Commission.

Regrettably, on March 24, 2010, Thomas Kelly passed from this earthly world to his eternal reward. He is survived by his beloved wife of 50 years, Bridget, and their four sons Thomas, Patrick, Michael and Kevin; and five grandchildren, Emma, Joseph, Carl, Kalen and Ava. Tom will also be ever remembered as a loving brother by Sister Anne Kelly.

Madam Speaker, Thomas Kelly was a loving husband, father and grandfather; an honorable and effective leader; and a true friend to all blessed to know him. Therefore, I ask my colleagues to join his family and our entire community in mourning Tom Kelly's passing; and in honoring his exemplary service to Michigan and America.

RECOGNIZING MRS. ALICE JONES
NICKENS**HON. G.K. BUTTERFIELD**

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 25, 2010

Mr. BUTTERFIELD. Madam Speaker, on April 10, 2010, friends and family will gather to celebrate the birthday of Mrs. Alice Jones Nickens, a retired teacher who has had a tremendous impact on North Carolina's First Congressional District. Born on April 14, 1904 in Winton, North Carolina, Mrs. Nickens will be celebrating her 106th birthday.

Affectionately known as "Miss Alice," she earned a Bachelor's degree from Hampton Institute—now known as Hampton University—and a Master's degree from the University of Pennsylvania. Miss Alice taught second grade at C.S. Brown School in Winton, North Carolina for 47 years. And, after retiring, she served as a substitute teacher for 10 years.

She has been active in preserving the rich history of C.S. Brown School, formerly known as Chowan Academy and then Waters Training School. It was the State's first secondary

school for children of color, and Miss Alice's mother, Annie Walden Jones, was the school's first graduate. She has also played a key role in documenting and preserving the history of Winton, North Carolina and the surrounding communities.

Mrs. Nickens was a charter member of the C.S. Brown Cultural Arts Center. Along with her sister, Sally, Mrs. Nickens was instrumental in securing \$200,000 from the State to help restore the building.

She has long been a devoted member of Pleasant Plains Baptist Church, and served as a member of its trustee board.

Mrs. Nickens has also served as Vice President of the Democratic Women's Club of Hertford County, and as a volunteer of the Auxiliary of Roanoke Chowan Hospital.

Madam Speaker, I ask that my colleagues join me in recognizing Mrs. Alice Jones Nickens. She is truly a remarkable woman deserving of our deepest gratitude for the enormous contributions that she made in the lives of children in eastern North Carolina and to the entire community.

RECOGNIZING WALTER RICHARDSON UPON RECEIVING THE CONGRESSIONAL GOLD MEDAL

HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 25, 2010

Mr. MILLER of Florida. Madam Speaker, I rise today to recognize Mr. Walter Richardson, a veteran, a Tuskegee Airman, and a true American hero. Walt has spent his life dedicated to his country, his community, and his family, and I am proud to honor his achievements and life of service.

A Pensacola, Florida native, Walt Richardson is first and foremost an American patriot. During his thirty years with the United States Air Force, Walt served in many of our Nation's wars and conflicts. Walt joined the revered Tuskegee Airmen, training at Tuskegee Army Airfield in a variety of disciplines that would serve him throughout his entire career. During his time with the Tuskegee Airmen, Walt was part of "Operation Happiness," the first all-military troupe to entertain at air bases. His military service also took him to Vietnam, and while stationed at Dover Air Force Base, Walt became the first African-American to be promoted to master sergeant in the field maintenance squadron. He retired as a chief master sergeant, the highest enlisted rank in the Air Force.

Beyond his full-time career with the Air Force, Walt is a dedicated community servant in Northwest Florida. For the past 29 years, he has served as a permanent deacon of St. Mary Parish in Fort Walton Beach. He also recently completed a book about his life story entitled "How Great Thou Art: A Black Boy's Depression-era Success Story." In 2009, Walt traveled to Washington, DC, as a special guest of the President for the inauguration. For his service to his country as part of the Tuskegee Airmen, I have the honor of presenting Walter Richardson the Congressional Gold Medal, the highest civilian honor in the United States.

Madam Speaker, on behalf of the United States Congress, I am humbled to venerate Walt Richardson as an American hero and a community leader. Our Nation is proud and grateful for his courage, service, and patriotism. My wife Vicki and all wish all the best to Walt, his wife, Helen, his eight children, his grandchildren, and his entire extended family.

REMARKS ON THE PASSING OF COLONEL JOHN REES

HON. K. MICHAEL CONAWAY

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 25, 2010

Mr. CONAWAY. Madam Speaker, I rise tonight to pay tribute to a visionary man and true American hero, Colonel John Rees.

John Cliff Rees was born in 1922 on his family farm in Mason County, Kentucky. After graduating from high school and then Bowling Green Business University, he met and married the love of his life, Bess Anderson. Not long after that, John joined the Army Air Corps and was commissioned as a 2nd Lieutenant in 1944.

In time, John would serve in four wars: World War II, Korea, Vietnam, and the Cold War, eventually earning the rank of Colonel. While there are many men who have served with as much pride, honor, and distinction as Colonel Rees has, I remember him today specifically for the last stop on his tour of duty. As Colonel, he was appointed the Wing Commander at Goodfellow Air Force Base in San Angelo, Texas. In that position, both he and his wife came to be known and loved by the people of San Angelo. A kind man with a keen intellect, Colonel Rees worked relentlessly to forge a deeper bond between the Base and the City.

In one of his lasting legacies to the people of San Angelo, he was instrumental in bringing a linguistic training center to the base, breathing new life into its mission and ensuring that the base would remain a strategic asset in the community for years to come.

Colonel Rees passed away on October 12, 2009. Some weeks ago, Colonel Rees' wife Bess also passed away on March 3, 2010. They will be laid to rest together the Friday after Easter, April 9, 2010, in Arlington National Cemetery. Colonel Rees was a dedicated and faithful servant of the American people and has rightly earned his place in Arlington.

Death is always a heavy burden to bear for those of us who remain behind, but I know that Colonel Rees is with God in all his glory and has been reunited with the love of his life in heaven. On behalf of the people of San Angelo, the people of Texas, and all Americans, I offer his family my deepest condolences. Your father fought gallantly to protect the nation he loved. He was our commander, our friend, our mentor, and our inspiration.

As Colonel John Rees is laid to rest next month, I know that the lives of his family and friends will dim just a bit. However, they need only look up to the sky to see that the stars over Texas shine brighter because he looks down on us all.

HONORING IVONNE ALEXANDER

HON. MARIO DIAZ-BALART

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 25, 2010

Mr. MARIO DIAZ-BALART of Florida. Madam Speaker, I rise today to honor Ivonne Alexander, a leader in South Dade's agriculture industry, and Chief Financial Officer of Nature's Way Nursery.

A native of Havana, Cuba, Ivonne came to the U.S. with her family at the age of 12. She studied accounting and finance at Miami-Dade College and Florida International University and took her first job with Farm Credit in 1972 as an accounting clerk. She later became a loan officer, and went on to be Internal Auditor, Senior Vice President and Area Manager. In 1995, she left Farm Credit and became general manager for Mike Costa Foliage, while at the same time, building her own business, Happy Days Nursery, and offering consulting to others.

Today, Ivonne continues to guide the agribusiness community in South Dade, and is the leader on issues affecting the industry like labor, immigration, the environment and the economy. She was the first woman in the Nation to be a loan officer and certified appraiser with Farm Credit and was named Agriculturist of the Year by the Greater Homestead/Florida City Chamber of Commerce. She has paved the way for others, specifically women, to follow her in the agriculture industry, in both farming and business components. Ivonne has the right attitude and mind frame to get the job done, and does not stop until she achieves positive results. Her passion, commitment and hard work have allowed her to get as far as she has, despite the fact that she is a woman in what has historically been a man's industry, and has inspired others to do the same.

As we celebrate Women's History Month, I ask that you join me in thanking Ivonne Alexander for her contributions to the agriculture industry and honoring her work.

RECOGNIZING JEFFREY MICHAEL ROSS OF ROSEVILLE, CALIFORNIA

HON. TOM McCLINTOCK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 25, 2010

Mr. McCLINTOCK. Madam Speaker, I rise today to recognize Jeffrey Michael Ross of Roseville, California.

On July 12, 2009 Jeffrey witnessed a driver lose control of her vehicle and careen into the canal in Rancho Cordova. Running to the water's edge, Mr. Ross found the vehicle sinking quickly and the semiconscious driver trapped inside.

In a situation where some would feel helpless, Jeffrey took decisive action. He dove into the water and swam towards the car, forced open the window and started to pull the victim out. As water continued to rush inside the car, it slipped beneath the surface with the driver still inside. Ross continued to fight and freed the driver, bringing her safely to the surface.

Jeffrey's act of courage and kindness is an example of the highest values of citizenship, and a credit to himself, his family and our community. I am proud to rise today to honor Mr. Ross and recognize him for receiving the Congressional Medal of Honor Foundation's Citizen Service Above Self Honors award earlier today in a ceremony at Arlington National Cemetery.

IN RECOGNITION OF DR. DREW
EDWIN MARSHALL'S 5TH ANNI-
VERSARY AS SENIOR PASTOR OF
TRINITY MISSIONARY BAPTIST
CHURCH

HON. GARY C. PETERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 25, 2010

Mr. PETERS. Madam Speaker, I rise today to recognize the leadership of Dr. Drew Edwin Marshall on the occasion of his 5th Anniversary in ministry to the congregation of Trinity

Missionary Baptist Church. As a Member of Congress it is both my honor and privilege to recognize Dr. Marshall for achieving this milestone.

Trinity Missionary Baptist Church, which was founded as the City of Pontiac's first African-American church in 1917 with support from the Memorial Baptist Church in Pontiac, has a long, rich history as a pillar of spiritual fellowship in the community. Trinity's congregation and leadership, under Reverend Gulley, came together to endure turbulent beginnings in the face of a fuel shortage which initially closed the Church for a year, to continue their pursuit of spiritual well-being. Since its founding, Trinity's congregation and leadership have been devoted to creating a stronger, more vibrant Pontiac spiritual community. In its efforts to attain its goals, Trinity opened a child development center and a school in the early 1990s to provide better service to the Pontiac community.

This year marks an important milestone in the spiritual leadership Dr. Drew Marshall has provided as Senior Pastor to the congregation

of Trinity Missionary Baptist Church. Dr. Marshall, a Pontiac native, has devoted over three decades of his life to the study and practice of divinity. Dr. Marshall heard the call to service over 35 years ago, accepting his first ministerial position with Trinity shortly before graduating with a Bachelor of Arts from the University of Michigan. Dr. Marshall's journey led him from Pontiac, to Colgate Rochester Divinity School, where he obtained his Masters in Divinity, to Texas, where he served as Minister of Christian Education at New Faith Church. It is only fitting Dr. Marshall's recognition comes for his service with Trinity Missionary Baptist Church, as it is the very place he heard the call to serve over three decades ago.

Madam Speaker, I ask my colleagues to join me today in recognizing Trinity Missionary Baptist Church's Senior Pastor, Dr. Drew Edwin Marshall, on the occasion of his 5th Anniversary as the Church's spiritual leader and wish him, his family, and the congregation at Trinity many more years of happiness, health and service to the Pontiac community.

SENATE—Friday, March 26, 2010

(Legislative day of Thursday, March 25, 2010)

The Senate met at 9:30 a.m., on the expiration of the recess, and was called to order by the Honorable JEFF MERKLEY, a Senator from the State of Oregon.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Eternal and blessed God, amid the earthquakes, wind, and fire of this turbulent world, we thank You for seasonal reminders of new life and resurrection. Give our lawmakers the wisdom to wait until they hear Your whispers of healing and hope. Give them sensitive hearts to listen, teachable minds to learn, and humble wills to obey. When doubts assail them, may they remember that no night is endless but always followed by a new day. Inspire them to put all their plans in Your hands, trusting fully in the power of Your love.

We pray in Your sovereign Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable JEFF MERKLEY led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, March 26, 2010.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JEFF MERKLEY, a Senator from the State of Oregon, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. MERKLEY thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE ACTING MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The Senator from Michigan is recognized.

SCHEDULE

Ms. STABENOW. Mr. President, today there will be a period for the transaction of morning business, with the time until 12:30 p.m. equally divided and controlled between myself, Senator STABENOW, and Senator COBURN or our designees. Today we will continue work on reaching an agreement to consider the unemployment and COBRA extension legislation. The majority leader also asked me to alert Senators that Senator LEVIN will come to the floor this morning around 10:30 to ask unanimous consent to confirm the nomination of BG Michael J. Walsh to be Major General for the Army.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business, with the time until 12:30 p.m. equally divided and controlled between the Senator from Michigan and the Senator from Oklahoma.

ORDER OF BUSINESS

Ms. STABENOW. Mr. President, this morning Senator COBURN and I have agreed that the majority will take the first 30 minutes, and there will be additional agreements from there. We certainly will be going back and forth between both sides this morning, since the time is equally divided. We will proceed this morning.

Senator HARKIN is here. I am going to yield time first to Senator HARKIN. Senator HARKIN is our leader, of course, on the Health, Education, Labor, and Pensions Committee. He has been a champion of the health insurance reform bill we passed, as well as the new assistance for families for college loans and Pell grants.

He has been a champion for working men and women on so many issues. It is not a surprise that he is here today fighting on behalf of working men and women who have lost their jobs through no fault of their own and are asking that we provide some temporary assistance to them.

I yield 10 minutes to the distinguished Senator from Iowa.

The ACTING PRESIDENT pro tempore. The Senator from Iowa.

CONTINUING EXTENSION ACT OF 2010

Mr. HARKIN. Mr. President, I thank my colleague and dear friend, Senator STABENOW, for those kind words. I know no one who cares more deeply and works harder in this body for the average American family, for the workers of this country, than DEBBIE STABENOW. She is always there thinking about how we can make their lives better, what we can do to increase employment opportunities for working families. The fact she is here today leading the debate on extending unemployment insurance again shows her dedication to those hard-working men and women who make this country what it is. I thank the Senator from Michigan for her leadership in this crucial area.

I listened to the news this morning on the radio while driving in. The new figures are out for growth rate. We are growing now at about—last quarter was about 5 percent. That is a turnaround from a negative 6 percent 1 year ago. Also, in unemployment, about 1 year ago we were losing jobs at 750,000 each month. It came down to only 35,000 jobs we were losing a month in the last 3 months. Every expectation is that when we end March, we will actually be in the positive once again. It shows that President Obama's economic policies and programs and what we did in the Recovery Act are working.

This is encouraging news. However, there are still almost 15 million hard-working people who lost their jobs and still struggling to find work. For these people, the recession is still a reality and recovery seems far out of reach.

There have been 6.1 million people out of work for more than half a year. That is the highest number of long-term unemployed we have had since we started keeping track in 1948. The families of these long-term unemployed are hanging by a thread. Their savings are exhausted. The unemployment benefits they get are the lifeline that helps them pay the rent, put food on the table, and keep their kids in school.

Yet in the face of this unprecedented crisis and long-term unemployment, a short-term extension of unemployment insurance is being needlessly, needlessly—I would say cruelly—obstructed in the Senate. In a real case of *deja vu*, a few members of the minority party

are yet again stonewalling a piece of legislation that I think most people in this room and most of the people in this country would agree is vitally important.

Indeed, we know for a fact there is broad support for extending benefits in the Senate because we already passed a longer extension earlier this year. That is what is most illogical about this whole situation. We have already said we want to continue the Federal extended benefits program through the end of this year. We are now just waiting for the House to act. But now we cannot pass a 30-day extension to give the House the time they need to catch up. That does not make sense. We have already passed it for the year. We just need to fill in a small gap for 1 month. Those on the minority side are saying no.

As a result of this political gamesmanship, more than 37,000 unemployed Americans will be abruptly cut off from Federal unemployment benefits. They will lose their subsidized COBRA health insurance coverage during the first week of April. In my own State of Iowa, about 1,200 workers struggling with joblessness will see their safety net drop out from underneath them.

Blocking this bill may be a political game for some in the minority party, but it is not a game for millions of Americans who, in a matter of days, will lose their lifeline. For them, the obstruction of this bill, by just a few in this Chamber, is a personal and family crisis of the first magnitude.

It is interesting, we are going to be leaving here today. I guess this will be the last day before the Easter recess. We are out for 2 weeks. Senators will be going back to their States, probably traveling and doing different activities with their families. They will probably be having nice Easter dinners with all their families. Guess what. Not one Member of this Senate or the House will lose their pay or benefits during this period of time. How about all the people out there right now who are facing an April 5 cutoff of their unemployment benefits, a cutoff of their COBRA health benefits? These are not people who have a big bank vault with a lot of money on which they can draw. These are people hanging by a thread. They have been out of work at least for over half a year. It almost borders on the unconscionable that we would leave and not pass this bill.

I know those on the other side say we have to pay for it. I am all for paying for things, but I daresay, if a tornado wiped out a town in Oklahoma or we had a flood, as some are having in the Midwest, that wiped out a community and we needed to rush money in and rush items in to help people, would we stand here and say: Oh, no, we can't call that an emergency; that is not an emergency; somehow we have to come up with the pay-fors right away. No, it

would be an emergency. We would rush in to help.

For the thousands of Americans who are going to lose their unemployment on April 5, it is an emergency. It is as if a tornado hit their home or a flood wiped out their community. It is an emergency, and we respond to emergencies with emergency spending—that is all we are saying—for 30 days, short term. This is an emergency. Yet it is being obstructed by the minority, by the Republicans. Let's say it for what it is. The Republicans are stopping this legislation. It is simply inexplicable.

There is no reason to put millions of families through the stress and uncertainty of wondering whether their benefits are disappearing. There is no reason to put States through the trouble and administrative expense that comes with a lapse in the program. That is even going to cost more money.

The flood insurance program also needs to be extended or many people purchasing a home will not be able to close on their homes, causing major economic problems for them and the home seller.

Extending benefits is good for the families, workers, the States, and our economy. Economists calculate that every \$1 invested in the unemployment insurance safety net generates \$1.90 in economic activity. Unemployed households spend these dollars on immediate needs—to pay the rent or medical bill, buy groceries and school supplies, or repair the family car—all economic activities that quickly inject dollars into our communities.

I call on my colleagues to stop their obstruction and do the right thing. Do the right thing. Just think about those people out there who are going to lose these benefits on April 5. I know some people say we will come back on the 12th and maybe by the 15th of the month we will be able to take care of it and we will go retroactive and fill that in. These are not people who can just go down to the bank and have a line of credit. These are people who probably in desperation—in desperation—will go down to some loan shark, get some kind of payday loan, something like that, and pay 20 percent interest on it for a couple weeks because they are that desperate.

I think it is unconscionable that we would hold this up because a few say we have to pay for it. We will pay for it. They say we cannot put this off on our children and our grandchildren. I agree, we have to be careful. We have to start getting out of the hole we are in. We are in a hole economically. Don't put it all on the backs of the few who have been out of work for so long facing getting their money cut off on April 5. Let's have a little heart. Let's have a little compassion. Let's have a little understanding of what these people are going through every day in their lives, the stress they have. Let's

do the right thing and extend unemployment benefits for 1 month.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Oklahoma.

Mr. COBURN. Mr. President, I ask unanimous consent that Senator STABENOW control the time from 9:30 a.m. to 10 a.m.; that I control the time from 10 a.m. to 10:30 a.m.; that Senator STABENOW control the time from 10:30 a.m. to 11 a.m.; that I control the time from 11 a.m. to 12 p.m.; and that Senator STABENOW control the time from 12 p.m. to 12:30 p.m.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. COBURN. I yield to the Senator from Michigan.

The ACTING PRESIDENT pro tempore. The Senator from Michigan.

Ms. STABENOW. Mr. President, I thank my colleague from Oklahoma.

Mr. President, we are here today because Republicans are objecting again to critical legislation and critical problem-solving efforts that are going to help middle-class families, that are going to help move us forward as a country.

We have seen, over and over, a pattern in the last year and 2 years ago when they first began to move this kind of a strategy forward, of blocking, blocking, blocking, saying no, saying no, saying no, rather than working together to solve critical issues. People are facing some of the most daunting challenges right now, more than they ever have in their lifetime—either trying to hold on to their job, trying to find a job, trying to make sure they have medical care for their families—and we have taken a very critical step this week to be able to ease some of those challenges and fears. Americans are struggling in an economy they didn't create, and when we look over this pattern, I am compelled to speak for a moment about it.

Over the history of our country, we have never seen such obstruction, efforts to block what we are doing, as we are now seeing. In the last 2 years, there were a total of 139 filibusters and efforts to block. That was in a 2-year period. Today, barely into the new year, after a little over a year, we are at 130 different times that the other party has said no to doing things that would help middle-class families, that would help small businesses, and that would help us move this country forward. One hundred thirty times. Unheard of, never happened before.

I know for people watching, they probably wonder: What in the world is going on here, and why should we care about procedure? We just want you to solve problems. But it is the effort we saw in the past with the Senator from Kentucky, who blocked for days our effort to move forward and extend unemployment benefits for families who are

out of work through no fault of their own. People want to work, Mr. President, as you know, and they work hard. It is not their fault this economy went into a tailspin, which, quite frankly, in my judgment, was caused as a result of the policies of the previous administration that for 8 years chose to focus on just a few people. So the people in Michigan are saying: What about the rest of us? What about the rest of us? We are not the Wall Street fat cats. We are not the CEOs with the big bonuses or the people who got the big tax cuts. We are just working every day. We just want the American dream for our kids. We want to know things are going to be better. We want to know we can send our kids to college so they will have a great opportunity to be the best they can be.

That is who we are fighting for, and that is why we took subsidies from banks this week and gave the money directly to students, to create opportunities for those who want to go to college. That is why we have focused on lowering costs for middle-class families and small businesses on health insurance. But we are back here today because, unfortunately, our Republican colleagues are trying to score political points on the backs of people who have lost their jobs.

Now, I know a great way to bring down the deficit, and one that hasn't been tried. The 8 years that our colleagues were in control, along with President Bush, they focused on the people at the top and said that was going to do it. If it had worked, that would have been great, but unfortunately they left everybody else behind, and we saw what happened. So I have a great idea. Let's focus on putting everybody back to work so they can contribute to our economy by paying their taxes, and that will pay down the deficit. That is what President Clinton did. That is what the Democrats did when we were last in control. That is what we are focused on doing now—putting people back to work—because that is the formula for bringing down this deficit.

The challenge we have is that we have one job for every six people who are looking right now. So we aren't in a situation yet where we have the jobs available for every person who wants to work and is able to work. That is what we are laser-focused on here in the Congress. But we need to continue to understand, as Senator HARKIN has said, that too many families are caught in this economic tsunami. Whether it is a flood, a hurricane, or the fact that your community got wiped out because a plant closed, it is an economic emergency.

We have always stepped up and funded the extension of unemployment benefits as an emergency with emergency funding. We have always done that, and now we are being asked to change that.

We weren't asked to change it for Wall Street and the bailout. We weren't asked to change it for the tax cuts for the wealthiest Americans. But we are being asked to change it on the backs of working people, and I believe that is wrong.

We are still recovering from the worst economic situation since the Great Depression, but we are recovering. When President Obama took office, we were losing 800,000 jobs a month—too many of them in my great State of Michigan. We are now, at the end of the year, down to losing close to zero a month. That is better—not good enough, so we must stay focused, but we are hearing that we are going to have some pretty good numbers from March, where people are actually going back to work and jobs are being created. I don't want to stop and I know the Presiding Officer doesn't want to stop until every single person who is able to work and who wants a job has the dignity of work so that we give breadwinners the ability to bring the bread home. And that is what this is about.

So we are in a situation where we are in transition, and too many families are caught. In my great State, the unemployment rate is still the highest in the country—14.1 percent. It is coming down slowly, but it is still way too high. We have almost 700,000 people who have lost their jobs and are looking for work. But that is only the official number. That doesn't include the people who are working one part-time job, two part-time jobs, three part-time jobs trying to hold it together or people who have been out of work so long they no longer qualify for any kind of help. Those numbers are much bigger.

Every day, the unemployment insurance agency in Michigan gets 13,000 to 15,000 phone calls from people asking for help—every day. Every single day, up to 15,000 phone calls come in from people in Michigan who are desperate about what they are going to do in this situation. Well, we can help them. That is what this is about. That is what we are trying to do.

If this isn't an emergency, I don't know what is. The other side says: No, it is not an emergency. But for families who have lost their jobs and who are trying to find work, trying to put food on the table, I can assure you, this is an emergency. It is an economic disaster. When 14.9 million people around the country are unemployed, to me, that is a disaster. And those are the people we are fighting for today, yesterday, tomorrow. Those are the people who, when Wall Street got bailed out, said to us: What about us? Well, part of the answer is, to make sure they can keep a roof over their head and food on the table, to allow them to receive unemployment benefits. And these aren't huge numbers. They do not begin to

match the Wall Street bonuses. We are talking about \$250, \$300 a week. But it may be the difference between being able to keep your family going or not.

In this legislation, we have a very important provision on health care—on COBRA. When COBRA was put in place, it was a great idea. If you lost your job, you could pay to continue the health insurance your employer was providing. The problem is, it is way too expensive when you are paying both the employee and the employer side. So last year, in the Recovery Act, we put some help in place: 65 percent would be paid for by the Federal Government to help families keep their insurance going. That is also a part of this—to keep that going so families can keep their health care. That is extremely important.

We need to focus on the real challenges families are facing today and work together across the aisle to tackle those. People are so tired of the games. They are so tired of it. They watch what is happening here, and they say: What are these people thinking? What are they doing?

I know that politically folks may gain points by objecting, blocking, filibustering 130 times, but it makes the whole process look messy—terribly messy. It causes people to lose faith in their government. That may seem to have some short-term advantage, but I believe that is a disastrous direction for our country. People want to know we are going to work together. People are going to want to know we put priorities in the right place so that we are focusing on the majority of Americans, not an elite few.

The great thing about our country is the middle class. That is what has always differentiated us from other countries—the fact that we make things, we grow things, and we add value to it. And by the way, we make things and grow things very well in Michigan, Mr. President. We will take on any State. We will take on anybody. We know how to do things. We know how to work, we know how to make things.

But we have not had this focus over the last decade on strengthening that middle class. We are turning that around now, and I am very proud of the fact that we are seeing manufacturing begin to turn, that we are seeing efforts that we put in place through the Recovery Act putting people back to work.

Too many families are not yet feeling that economic recovery, and this is for them. This is about saying to the American people, middle-class families across the country: You know what, we get it. We are sorry you are having to go through this, and we are going to do our part. We are going to do whatever we can to make sure you have the resources to keep things together while you are going out and looking for that job or going back to job training and

holding things together with bits and pieces—odd jobs, part-time jobs—until this economy turns around.

We know, ultimately, that it is about jobs. We know, ultimately, it is about the private sector creating those jobs. But there is a partnership we need to have between the Federal Government and our industry so they can successfully compete in a global economy. Rather than focusing on Democrats versus Republicans, who can score the next short-term gain in the election, we should be coming together and realize that this is an economic race between the United States and China, it is the United States versus Japan, it is the United States versus Korea. We are in a global economic race. Instead of spending time objecting, playing games, filibustering at an unheard of rate in our history—absolutely unheard of; never before have we seen this kind of obstruction—we ought to be coming together and be laser-focused on China, which is spending \$288 million every day—\$288 million every day—to beat us on clean energy technology. Let's make that the fight. Let's make that the fight together.

This is the wrong place and time to be obstructing and playing games. It is the wrong place to say that suddenly we want to balance the deficit on the backs of people who are out of work through no fault of their own; that we are going to change the rules now; that it is no longer an emergency and no longer emergency spending. We shouldn't be changing the rules now and doing it to people who are out of work. That is not fair.

I say to my colleagues: Don't block democracy. Just vote—today. We can vote on this up or down. We can vote on it. Don't obstruct; just vote. You want to make a motion, you want to vote, a majority vote, fine. Let's vote. But don't force a filibuster and don't object and don't threaten a filibuster. Just vote. We are happy to vote.

UNANIMOUS-CONSENT REQUEST H.R. 4851

Mr. President, at this point, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 323, H.R. 4851, to provide a temporary extension of certain programs, and that the bill be read three times, passed, and the motion to reconsider be laid upon the table.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. COBURN. Reserving the right to object.

The ACTING PRESIDENT pro tempore. The Senator from Oklahoma.

Mr. COBURN. I think my colleague realizes that, in fact, this will add \$9.2 billion to the debt, and she also realizes, in spite of her claim that we could vote, that there is nobody in town to vote because there are only 10 or 11 of us still in town. And because every Republican voted against adjourning so that we could stay and work this out, I would object.

The ACTING PRESIDENT pro tempore. Objection is heard.

The Senator from Michigan.

Ms. STABENOW. Mr. President, could you indicate the time remaining on our side for this portion?

The ACTING PRESIDENT pro tempore. In this block of time, the Senator has no time remaining.

Ms. STABENOW. Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Oklahoma is recognized.

Mr. COBURN. Mr. President, let me set the record straight. Yesterday in this body we offered the same bill in a way that would not increase the debt. It was immediately tabled, with all Republicans voting not to table it and the majority voting to table it. So there is a little bit of confusion.

We worked out an agreement with Senator STABENOW and Senator LEVIN from Michigan where we came together with an agreement for 2 weeks where this would be paid for, so the reason this bill is not moving forward is because the House leadership rejected that compromise. In other words, we had a compromise. We developed a plan where our children will not pay for this, we will, by offsetting and not adding to the debt.

With that, I wish to recognize my colleague from Wyoming, Senator BARRASSO, for what time he might consume.

The ACTING PRESIDENT pro tempore. The Senator from Wyoming.

Mr. BARRASSO. Mr. President, it was fascinating to be here in the Senate Chamber this morning when first the Senator from Iowa made the statement, "I'm all for paying for things."

I am all for paying for things? But not for this. Not for that. Not for the next thing.

Watching the Senator's voting record, it seems that everything is an emergency. He certainly does not seem to want to be paying for anything, just add it to the debt.

Mr. COBURN. Will the Senator yield for a moment.

He talked about a tornado in Oklahoma. When the Oklahoma City bombing happened and we sent emergency funds to Oklahoma City, we paid for them. We decreased spending somewhere else to pay for that spending. His point falls on a flat wall because when we had an urgency such as that in 1995, we paid for it.

Mr. BARRASSO. I heard the Senator, my good friend from Michigan, a few minutes ago say it is the United States versus China. My good friend from Michigan said we are laser focused on China and that China is spending money every day to beat us.

I think the problem is the government in Washington is spending money every day—the taxpayers' money, money we do not have, and that is

what is going to beat us. It is money irresponsibly being spent by this government in this city, voted on time and time again by a Washington government that doesn't live within its means, doesn't do what the States in this country do, where we do live within our means. I served in the Wyoming Senate where we did balance the budget. The Governor had a line-item veto. We had to balance our budget. It is the spending by us in the United States that is going to lead to China beating us, not money being spent in China every day.

That is why on the front page of the Wall Street Journal today, above the fold, right there, Wall Street Journal, Friday, March 26, 2010, "Debt Fears Send Rates Up." The fear of the debt is sending rates up.

What it means is people do not think we are responsible in the way we are living. We are not living within our means. We are not doing what a family does in this country, where a family says we have to live within our means. When the Senator from Iowa says you can't go down and get an extended line of credit if you have already tapped your credit, this country continues to do it. Washington continues to overspend and not live within its means. The amount of spending being done, often under the guise of saying it is an emergency, has been irresponsible, unsustainable, and my concern is it will soon be irreversible.

I believe in this country. I believe in America. We are a strong nation. We are a resilient nation. We are a proud nation. And we are a nation that has faced down some of history's most vicious tyrants, we have faced down some of the most incredible obstacles, challenging obstacles, and we have risen to the occasion time and time again.

Today, here we are, faced with many challenges, none of which is too large or too difficult for the American people to overcome. But the President of the United States has determined the people cannot be trusted to overcome the obstacles we face. Instead, here in Washington, Democrats believe the government continues to be the answer. I am here to tell you that government is not the answer. The government is the problem.

Americans have been promised transparency, accountability, hope, and change. Instead, what the American people have been given is irresponsible and unsustainable spending, along with unthinkable government intervention into nearly every aspect of our lives. This country needs an economic environment where people, where individuals, where families, where businesses can recover and thrive. What the administration has done is give us more bureaucracy and more debt and it is going to get worse now that the health care bill has been signed into law. To

make matters worse, this government in Washington is sending the bill to our children and our grandchildren.

Look at the proposals that are ahead of us here—costly cap-and-trade proposals which are going to raise costs and raise energy prices for American families, government-run health care, irresponsible bailouts of every industry in sight, one takeover after another, where government says we know better than the American people.

Government is wrong. I have great concern that people here in Washington are completely out of touch with what is happening in the real world. I go home to Wyoming every weekend. I am going today. That is the best way to do it, to go home and listen to people who have to balance their checkbooks, people who have to live within their means, and then visit with State legislators who know when they go to the capitals of their respective States that the States have to live within their means, balance their budget, don't overspend, tighten the belt, cut spending if we need to.

Watching this debate in the last couple of weeks with health care, having practiced medicine for 25 years, we need to focus on the overall health of people as well as the economy, because if people cannot put food on the table or a roof over their head, no matter what additional bill is passed in Washington—which spends more money—that is not going to make it easier for the families of America. Spending billions to combat global warming—global warming—billions, it seems senseless for somebody who is retired and can't afford to heat their home in the Wyoming winter.

There was a time when our leaders recognized that America's most valuable asset was the American people. I continue to believe that. There is a reason the preamble to our Constitution begins with, "We the people," not "You, the people." Our forefathers created a system of government through which free Americans get to decide their own fate. Today the very fabric of America is in danger of being tattered beyond repair, and every time I go home, as I travel around the State of Wyoming, people continue to tell me we are losing our country. I am not the only one who is hearing it. When Senators, when Representatives go home—and many of us do go home every weekend—we are hearing it State by State. Those Members of Congress who choose to not go home, to not go visit with the people they represent, to not hold town meetings because they are told by leadership don't go listen to the people, listen to us—those are the kinds of people who continue to vote for irresponsible spending.

I am hoping Members go home over the upcoming Eastertime, go home and listen to people in their own home communities who will say Washington

needs to live by the same rules families in America live by—live within your means. American families know what it means to live within your means.

Since the beginning of this crisis, Americans have been forced to make some very difficult choices and to tighten our belts. Financially stressed Americans balance budgets for food, for gas, for electricity, for tuition, for clothing, rent, mortgage payments, and much more. When your neighbor maxes out the limit on their credit card they are keenly aware this is a clear indication of a spending problem. They cannot call the credit card company and simply say increase the credit limit. Unfortunately, we know Washington is not your average consumer. President Obama said it best. He said:

In the long run we can't continue to spend as if deficits don't have consequences, as if waste does not matter, as if the hard earned tax dollars of the American people can be treated like monopoly money.

Let me repeat that. This is President Obama who said last year, right before Christmas, "We can't continue to spend as if the hard earned tax dollars of the American people can be treated like monopoly money. That's what we have seen time and time again." He said "Washington has become more concerned about the next election than the next generation."

Those on this side of the aisle are most concerned about our economy, our Nation, jobs, growth, opportunity, the families of this country. This is a long-term problem and it must be addressed in the short term. We cannot afford to wait. We cannot continue to call everything emergency spending without paying for it.

The American people are demanding action. Time and again Washington's insatiable appetite for spending is met with more of the same. Only in Washington can you max out the country's credit card at \$14 trillion and simply keep on spending. Unlike your average American, Washington has refused to make the tough choices needed to rein in unsustainable deficits we are now facing. Since we are not making the tough choices, the cost of handling the debt is continuing to go up. Interest rates are rising which means the amount of money that is going to go to pay that debt will continue to rise. Yet we are looking at a deficit that continues to rise, \$1 trillion a year, all the way through 2020, and a Presidential budget that will double the national debt in 5 years and triple it in 10.

The current national deficit for this fiscal year is \$1.4 trillion. That is three times the previous record high. As I said, according to the budget projections, the deficit is going to be close to \$1 trillion a year through 2020. This budget deficit is simply appalling. All you need to do is go home, have a townhall meeting, listen to people. People around the country are incensed

with this sort of reckless, wasteful Washington spending.

The worst part is people do not believe they are getting value for their money. In a recent poll, of every \$1 you send to Washington in taxes, how much do you think is being wasted? The American public said 50 cents on every dollar sent to Washington in taxes is being wasted. That is an all-time record high number. People are not seeing that Washington is being responsible in how taxpayer dollars are being used and the American people simply do not believe they are getting value for their money.

I agree, the people are not getting value for their money. All you need to do is look at the Washington wasteful spending and it is no surprise that the American people are incredibly upset. Year after year, monstrous deficits are leading us to a national debt crisis. In 2009 alone, the public debt grew 31 percent. It now is almost half of the gross domestic product. By 2020 it is expected to balloon to over 70 percent of the gross domestic product.

So when I look at this and I talk to people at home and I think about this and I look at the great threats, the great threats to our Nation, to me the debt is the threat. As a result, I take a look at this major spending bill, the so-called stimulus package—which was supposed to keep unemployment down below 9 percent and said if you didn't pass it, it might go to 9 percent—they passed it, and it still went to 10 percent. Do you know only 1 in 16 Americans believes it actually created jobs. The President is out there saying it created jobs, traveling around the country, and only 1 in 16 Americans believes it. That is how severe this problem is.

With that, I see my part of the time has expired and I wish to turn the remainder of this time over to Senator COBURN.

The ACTING PRESIDENT pro tempore. The Senator from Oklahoma.

Mr. COBURN. Mr. President, I want to set a little bit of a tone. First, I thank the Senator from Michigan. Yesterday, it was through her work and Senator LEVIN's work that we were able to come to an agreement on a compromise in the Senate. I think that shows when we get down to issues we can work together; when we get to the position. It was her efforts, along with several others, that allowed us to reach that compromise.

But I wanted to make a point—a couple of points. No. 1, there is nobody on our side who does not want to extend the unemployment benefits. The difference is we want to extend them without hurting her future. Whether you are a conservative, liberal, Democrat, Republican, or an Independent, the consequences of our actions are going to affect everybody. I used this last year, and this little girl is saying:

I am already \$38,375 in debt, and I only own a dollhouse.

Well, let me show you what is going to happen this year. This year alone, she is \$45,000 in debt. We moved from \$39,000 to \$45,000 for every man, woman, and child in this country. That only reflects the outstanding debt we do not owe ourselves, that we have stolen from Social Security and that we have stolen from other trust funds, that we put in an IOU.

There is another thing that is happening that Americans should be aware of. In the past year, the average interest rates on the debt obligations we are issuing have risen 1 percent. So we have \$12.8 trillion worth of debt. Multiply that by 1 percent, and in this next year we are going to pay an extra \$128 billion in interest just from that 1 percent.

So for every 1 percent interest rates go up, we have interest costs of \$128 billion. What will happen as we continue to project trillion-dollar deficits over the next 9 years is, that is going to rise and rise and rise.

She is the one that is going to pay for that, and this will not be \$45,000; it will be \$75,000. Then it will be \$85,000, and then pretty soon—and by the way, that only reflects the debt. That has no reflection on the unfunded commitments that we have made to veterans, social security benefits, Medicare, none.

If we add those in, we have another \$37 trillion that has to be accounted for just over the next four decades. So debt is a big problem for us. I would also make a point, the Senator from Michigan mentioned the long-term debt extender that we have. It is 12 months. It is going down each time we do it. We sent that to the House. You know what. It did not increase the debt because we offset it. We paid for it.

So the House has a bill the Senate has passed that was paid for, and they stole some of the pay-fors for the health care bill. So the House has not sent it back because the House refuses to make the hard choices to pay for the things that are necessary to be done right now. That is what happened yesterday. The Senate came to an agreement. We decided we would pay for 2 weeks so nobody will have any hitch in their unemployment, no hitch in their COBRA, no hitch anywhere. When it was sent over there, it was rejected.

Now, I want to posit something to you. The reason it was rejected is we do not want to create the precedent that when we spend money we have to pay for it. Where in the world is that a normal thinking process? In other words, we want to make sure we always have the option to spend money that is not paid for. There could be nothing more economically unreasonable than that.

So this is not a battle about not wanting to help the people who need our help today, this is a battle about

helping the people who need our help today without hurting the children of tomorrow, without rescuing them.

If we are talking about emergencies, the fact is, because we cannot control our appetite for spending, our interest costs have gone up another \$128 billion this year. That is an emergency. The other thing is that we have over \$300 billion worth of waste, of fraud, of duplication in the Federal Government every year. So if you dispute it, you can say there is only—let's say it is half that. Why would we not get rid of that and pay for this rather than charge this intermediate \$9.2 billion to those little children?

I actually had the pleasure of meeting this little girl in my office after I saw this photo. She has parents. They are worried. So what is her future going to be like? Is she going to have the same opportunity I have? So what I would posit forth is that we can do both. We can meet the needs of those who are dependent upon us now because of the economic downturn, and we can protect her and all of those of her generation.

To not do so says we are going to take the easy way out. We are not going to act responsibly. We are not going to act like every other family in America acts. They look at what is there, what is the priority, what we can do, and what we cannot do. Then they make a decision about what is most important.

The process the Senator from Michigan wants us to do, even though she agreed yesterday, is to not put a priority on it that considers both the short term and the long term; that cares both for the children as well as the unemployed; that considers both the future of our country and her opportunity to take advantage of the freest Nation in the world.

This is not a Republican-Democrat thing. Republicans have been irresponsible in spending too. It is a whole new era now. Everything has changed. It does not matter what party we are in. If we do not get hold of the debt in this country, everyone is going to suffer.

I spoke on the Senate floor yesterday, and I will reiterate it: Whether you call it a filibuster or whether you call it obstruction, as a grandfather of five children, truly reflective of tons of grandparents out there and tons of grandkids out there, I am not going to agree in the future to spend money we do not have until we get rid of the things that are not a priority, the \$300 billion, before we move. Someone has to start saying no to the addiction we have that every time we have a problem we will just spend money.

UNANIMOUS CONSENT REQUEST—H.R. 4915

I would like to make a unanimous consent request. I ask unanimous consent that the Senate now proceed to H.R. 4915, a revenue measure from the House; provided that the only amend-

ment in order be a substitute amendment, the text of which is the 2-week extension that we agreed on yesterday of unemployment benefits that is paid for, that will not increase the debt, with agreed-to offsets from the Finance Committee that was agreed to yesterday; proceeded further that the amendment be agreed to, the bill, as amended, be read a third time and passed, with a motion to reconsider laid upon the table.

The ACTING PRESIDENT pro tempore. Is there objection?

Ms. STABENOW. Reserving the right to object, I would just indicate to my colleague that from our perspective this is an emergency, an economic disaster for families right now. We need to do as we have done three other times in the Congress and extend this emergency spending to help families who are out of work.

Given that, I will object.

The ACTING PRESIDENT pro tempore. Objection is heard.

Mr. COBURN. Mr. President, I am sorry we have an objection. The fact is, we agreed to it. The fact is, the Senator from Michigan is having to protect the House of Representatives. She knows we are not going to go forward with this unless we pay for that, until we get back.

The only way to do that is through unanimous consent. The only way we are going to accomplish that is what we agreed to yesterday and send it to the House and let them do it by unanimous consent, even though they said they will not do it.

The fact is, we agreed in the Senate. We came to an agreement, and because the House has said they will not do it, they do not want to—they want to increase the debt to do it rather than to do it and not increase the debt. I think that speaks of where we are in the country.

We cannot do this. We have agreed on the way to do it in our body.

After we had an agreement yesterday that maybe the House did not like, it actually solved the problem and solved the problem for these little kids as well as those unemployed in Michigan and across the country. We now have the House saying: No, we cannot do it.

So I am sorry. I apologize to the Senator from Michigan for putting her in that position. I sincerely do. But I think we have to be recognizable of the fact that what looks like may be happening as both Houses recess is that it will not get done. It will not get done because we cannot get it done. It will not get done because the House refuses to take a position to not add to the debt as we solve this problem, as we meet both priorities—those people who are hurting and the priority of what is to come in the future. I think that is unfortunate for us.

I would yield the remaining time I have, which is only about 2 or 3 minutes, to the Senator from Georgia, and

then I hope he will join me when we come back.

The ACTING PRESIDENT pro tempore. The Senator from Georgia.

Mr. CHAMBLISS. I thank the Senator from Oklahoma. I will be here this morning to talk about this issue. I, too, just want to say to the Senator from Michigan, it is unfortunate that the Senate has tried to be responsible and react to the situation we are in from an unemployment insurance standpoint, and in a very responsible way, and, unfortunately, the House will not agree with us. I am one of the folks who has a great deal of sympathy for those folks who are unemployed, as do all other 99 Members of this body.

This is the fourth time we have sought to extend unemployment insurance for individuals across America. My State of Georgia has an unemployment rate of almost 10.5 percent. We have a lot of people who are hurting in a very significant way.

I voted last time, on March 2 I believe it was, to extend unemployment insurance without paying for it because I know the difficulties people are having. But I did it with the understanding that we had 30 days to fix it. We had 30 days to figure out a way to pay for it. Yet, instead of concentrating on ways to figure out a way to pay for it, last night, the Senator from Oklahoma was forced to raise an objection to the extension that is not paid for, so the majority decided: Well, maybe he is really serious about paying for it. Maybe the Republicans do want to see us pay for this rather than adding to the debt that our children and our grandchildren will inherit.

That is when serious discussions took place. I will come back with my colleague from Oklahoma and talk more about this later. I regret that the House has taken the action they have. It sends us down a continuing trail that we have been on in the Congress over the last several years. My colleague is right. Republicans have done this, just as Democrats have. Republicans have not been as egregious about it as we have seen in the last year and a half, but it is an issue we have to get under control. Now is the time to do it. If we can't find a way to pay for \$9 billion worth of expenses, then it is Katy bar the door.

Today we borrow 43 cents out of every dollar the Federal Government spends. That is spending that is out of control. I look forward to continuing this dialog as we turn the discussion over to the other side. We will come back in a little while and talk more about it.

The ACTING PRESIDENT pro tempore. The Senator from Michigan.

Ms. STABENOW. Mr. President, I yield 10 minutes to my distinguished colleague, the chairman of the Armed Services Committee, the terrific senior Senator from Michigan.

Mr. LEVIN. I wonder if Senator CHAMBLISS might stay for 1 second so I can inform my Republican colleagues, in about 10 minutes I will be asking unanimous consent to confirm a general who has been nominated—a brigadier general who has been nominated to be a major general, who has been stuck on this calendar since October because of the objection of Senator VITTER, who is not hiding that it is totally unrelated to the merits of this general. He acknowledges that. Senator VITTER has acknowledged that his problem is with the Corps of Engineers. This is a Corps of Engineers that has nothing to do with the projects Senator VITTER is trying to get funded. The Corps of Engineers has said it is illegal to proceed. They have written him back. The hold still stands. This is a uniformed officer of the U.S. Government. As chairman of the Armed Services Committee, I feel obligated—and the reason I interrupted your mission, forgive me, is because it is a Senate Armed Services Committee matter, where we have unanimously approved him 6 months ago or 5 months ago to be a major general.

I want to put folks on notice. I will be making a unanimous consent request in about 10 minutes that this matter be taken off the calendar and that it be confirmed. I wanted, as a courtesy, to make sure folks on that side of the aisle knew.

I thank my dear friend from Michigan, my colleague, Senator STABENOW, for yielding me this time. I know later on this morning or early this afternoon there will be a unanimous consent request that unemployment benefits be extended, that a bill be adopted. It is critically important that unanimous consent request be approved. I will speak now for a few minutes on that matter.

We have thousands of people in our State of Michigan who have lost jobs thanks to a crisis that was created in mortgage company boiler rooms and Wall Street board rooms. Now they are suffering because of the failure of our Republican colleagues to understand the emergency situation—I want to focus on the word “emergency”—of those who have lost their jobs because of that crisis. It should not be hard to deliver much needed aid to people who are facing an emergency crisis. We have an unemployment rate in the country that is approximating 10 percent. We have an unemployment rate in Michigan that is over 14 percent. People need us to do what is right and to extend these benefits.

Here we are, up against a wall of obstructionism again, while thousands of our constituents, people in every State, wonder what it is exactly we are doing that we would deny the extension of unemployment benefits when we have a deep recession. Hopefully, we may be coming out. There is some evidence we

may be coming out, but not for this record number of people who will lose their unemployment benefits if we don't act.

This is not an abstract policy debate. These are real lives which are hanging in the balance. We have more than a half million Michiganiens receiving unemployment benefits. We have 125,000 Michiganiens who will lose their unemployment benefits by the end of April, if we do not act. Unemployed breadwinners will continue to receive benefits only if we can find the will and the decency to act on their behalf—real people, real families coping with enormous problems. Denying this extension is simply inhumane. It is more than the families. We could talk about that. We can talk about the economy, which also benefits from these unemployment benefits. In fact, economists tell us—this has been extensively documented—that government payments, such as unemployment benefits, are among the most effective forms of economic stimulus. Not providing that stimulus has a negative effect on the entire economy. But that is not the point I wish to reinforce this morning. It is the fact that we have an emergency in millions of homes, and that emergency needs to be recognized as such. If it is—and I hope our Republican colleagues would agree—we then do not have to have the offsets which we would if it is not designated as an emergency.

Our Republican colleagues tell us they are in favor of an extension, but they argue it should be offset with cuts in other programs. In fact, one of the programs they look to for an offset is the American Recovery and Reinvestment Act or the stimulus package. It is a pretty ironic place to look since that package is a job creator. So in order to do the right thing and extend unemployment benefits, some of our Republican colleagues argue—and I guess continue to believe—we should take funds from a stimulus package, which most economists say is creating jobs, in order to pay for the extension of jobless benefits. If there is any wrong place to look for offsets, that would be it.

The main point is not that it is the wrong offset. The main point is, every single time we have extended benefits, we have seen in this body that it is an emergency.

On June 30, 2008, in a 2008 Supplemental Appropriations Act, we deemed the extension of unemployment benefits an emergency. It was designated as an emergency on June 30, 2008. Then when we funded unemployment benefits on February 17, 2009, we designated that extension cost as an emergency. December 19, 2009, when we extended benefits, this time in a Defense Appropriations Act, it was designated an emergency. On March 2, a few weeks ago, it was designated as an emergency. Is the emergency over? Is this

recession over? Is that what Republican objections are suggesting? It is no longer an emergency? It has been an emergency since 2008, but that is all over now?

I don't think the American people see it that way. I think the American people see what is happening in their families, in their homes, a crisis that continues to exist with record levels of unemployment.

I hope we will be able today to persuade our Republican colleagues they should not object to the extension of benefits and to continue to declare the situation in which we find ourselves as an emergency, since it so clearly is.

I ask the Presiding Officer how much time I have remaining.

The ACTING PRESIDENT pro tempore. The Senator has 2 minutes remaining.

Mr. LEVIN. May I have 2 additional minutes.

Ms. STABENOW. Yes.

UNANIMOUS CONSENT REQUEST—EXECUTIVE CALENDAR

Mr. LEVIN. Mr. President, back in October—to be precise, October 27, so we have now almost 5 months—almost 5 months ago, the Armed Services Committee unanimously approved the nomination of BG Michael Walsh to be a major general. This is a man who has had an exemplary career in the military. He has been there 30 years in the Corps of Engineers. He served in command assignments throughout the United States, throughout the world. In 2006–2008, Brigadier General Walsh served in Baghdad. He was commander of the Gulf Region Division of the Army Corps of Engineers. He was responsible for reconstruction projects managed by the corps throughout Iraq. Prior to that tour, Brigadier General Walsh served as commander of the Army Corps's South Atlantic Division. He served in places as far afield as Germany and Saudi Arabia.

We approved this unanimously in the committee. There is no doubt about this general's qualifications and his character. No one has raised the slightest issue as to whether he should be approved based on his own merits. Instead, the objection is, the Corps of Engineers has not approved a number of projects Senator VITTER wants the corps to approve.

It is inappropriate to stop a uniformed officer of the United States from having an advancement in his career because a Senator believes the Corps of Engineers, where this general served, should approve projects which the corps has said it cannot approve. Even if it wanted to, it can't approve them. The funds have not been appropriated. They have written Senator VITTER that it is illegal for them to approve these projects, as well as being against their policy. I don't want to get into the question of whether it is legal or whether it is the right policy

to approve three projects which Senator VITTER thinks are important. That is not the issue.

This general could not approve those projects if he wanted to. It is not his job. That comes from higher up. All he does is execute projects which the corps approves.

This is the situation. For 5 months, we have a uniformed officer of the United States whose career is being interfered with in this way, whose advancement is being interfered with because there is a hold on this nomination from one Republican Senator.

I have urged the leadership on the other side to weigh in on this. By the way, Senator MCCAIN, my ranking member on the Armed Services Committee, supports what I am doing. I want Republicans to realize this. The ranking member of the Armed Services Committee is joining me in making this unanimous consent request. This was a unanimously approved nomination. He loses pay. He loses rank. His career is interrupted. Why should this kind of unfairness be perpetrated on a uniformed member of the U.S. Army because one Republican Senator can't get the projects he thinks he should get for his State?

That is what it comes down to. This is one of the purest forms of inappropriate obstructionism I have seen here. As chairman of the committee, I am simply not going to stand by without trying my best to change this.

I hope my friends will not object, but I ask unanimous consent that the Senate proceed to executive session to consider the following nomination on the Executive Calendar, Calendar No. 526, BG Michael Walsh, to be major general; that the nomination be confirmed, the motion to reconsider be laid on the table, the President be immediately notified of the Senate's action, and the Senate then resume where it was.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. COBURN. Reserving the right to object.

The ACTING PRESIDENT pro tempore. The Senator from Oklahoma.

Mr. COBURN. I must say to my colleague, I agree with him—what he said—but under the conventions that we use, Senators can ask others to object on their behalf, and, regrettably, I have been asked to do that and will do that on Senator VITTER's behalf.

The ACTING PRESIDENT pro tempore. Objection is heard.

Mr. LEVIN. I deeply regret that, and I am going to continue to press forward on this. I hope the leadership on the Republican side will weigh in on this.

I yield the floor, and I thank my friend.

The ACTING PRESIDENT pro tempore. The Senator from Michigan.

Ms. STABENOW. Mr. President, I thank my colleague for his extraordinary leadership on the Armed Ser-

ices Committee and his efforts to make sure we have the staff, the leadership in our Department of Defense, our military, on behalf of our troops. It is very regrettable that once again we are seeing obstructionism, blocking us from moving forward.

I do not know the exact number now, but I know we have over 70 different positions that are being held up. They have been held up, many of them, for over a year now in the Obama administration—many related to jobs, to commerce, to trade, to the Department of Defense—and it continues to be part of what we are seeing over and over and over again in efforts to just function, have government be able to function.

Mr. President, for so long—I know there are all the politics of people believing they can gain points because of debating whether government is good or bad, whether it is the problem, whether it is the solution—I think the majority of the American people just want it to work well. They want us to work together, and they want the services that are to be provided, whether it is supporting our troops in the military, whether it is providing education for our children, whether it is police officers on the street, whether it is making sure the water our children drink is safe, or whatever it is. They want it to work well and make sure every dollar we are spending on their behalf is spent with them in mind and it is done well and we are doing it efficiently and effectively.

I do have to say, in looking at the beautiful picture of the child my friend from Oklahoma held up—talking about children and the future—this week, we completed a process that will make sure it is illegal to block that child from getting health insurance because of a preexisting condition. I wish our colleagues on the Republican side of the aisle had chosen to join with us in that very important effort to make sure every child can receive the health insurance they need, that every parent can have freedom from the fear that when they go to bed at night they are not going to have to say one more time: Dear God, please don't let the kids get sick because I don't know what I am going to do.

So we do care about those children. We have put into place a health insurance reform plan that is going to make sure every pregnant mom gets prenatal care and has maternity care, which in a majority of private-sector insurance plans you can go out and buy for yourself, they do not cover it. I am happy to have a discussion about children and about making sure they can afford to go to college, which was also in the bill we passed this week—providing more opportunity for children. I am happy to have that discussion.

But it is amazing to me we continue to be lectured by the people who got us into this mess because of their economic policies. We are now lectured on

probably a daily basis about the size of the deficit. We understand that. I was very proud to be in the House of Representatives when President Clinton and the Democrats balanced the budget for the first time in 30 years. When I came into the Senate, the big debate was what to do about the surplus. We were looking at almost a \$6 trillion surplus over 10 years. Well, unfortunately, under President Bush, under a Republican Congress, that went away pretty fast: by not paying for tax cuts for the wealthiest Americans—somehow that was OK—by not paying for two wars, by not paying for a prescription drug effort under Medicare. During those 8 years, somehow it did not matter there was a credit card being run up, that a huge surplus that had been accumulated through tough decisions, very tough choices, in the 1990s was somehow squandered away. So I have a hard time hearing over and over again about the deficit and being lectured as if somehow President Obama or the Democrats caused that deficit.

I am not saying we do not have a challenge right now and a huge hole, and that we are not in a situation where we need to do emergency spending because of this economic disaster that has gone on. I understand that. I understand we are currently in a situation to be forced into a position because there are no savings to help people. Now we are in a deficit position. But I find it interesting that all of a sudden, when we are in a situation where middle-class families need help—all of a sudden, when working people in this country need help—this is an issue, when it was not an issue for 8 years during the Bush administration. That is what I find difficult.

We have put back in place the budget rules that were in place during the Clinton years, and we are going to dig ourselves out of this deficit. We passed a health insurance reform bill that over the next two decades is going to decrease the deficit by over \$1.2 trillion. We know there is a hole. We understand that. But we also understand that middle-class families—who are under the crunch, who are losing their jobs, who are trying to figure out how to pay the bills—did not cause that, and the solutions being proposed now would put it right on their backs. That is what we say no to. Because it is about time, as people in my State say, we focus on the rest of us. What about the rest of us in this country—not just those in the privileged, few powerful positions, the people on Wall Street? That is what this is about. This is fundamentally a debate about that. That is what we are talking about today.

I also want to indicate what we are talking about is extending an emergency program put in place in 2008 because of the economic disaster that families are facing. It is not the regular unemployment program. It is

what was put in place in 2008 because of job loss, because of the fact that we got to a point where we are losing 600,000, 700,000, 800,000 jobs a month. That is a disaster as much as a hurricane, a flood, or anything else that could happen to families and communities.

Since that time, we have extended it—as we are asking to extend it—on four different occasions. We are asking right now for at least 2 weeks until the long-term extension gets passed by the House. For 2 weeks let us extend it, or 30 days. Let us extend it so there is not a gap in coverage, so we do not have families, who are feeling stress already, now reading in the papers that the unemployment extension is going to stop and trying to figure out what in the world they are going to do during this period of time. We are asking for 2 weeks, 3 weeks, 4 weeks to be able to extend it until the House is able to pass the long-term extension.

We are right back where we were again: objection, objection, objection on being able to do that—more objections than we have ever had in the history of our country in terms of process. We find ourselves in a situation where, even though we have not adjourned—I will emphasize that: Senator REID, the majority leader, did not adjourn. We could have votes. I realize people have left. We could have voted last night. We wanted to vote last night. Our only option to overcome this was to start a process to stop a filibuster, which takes 2 days and voting and 30 hours, and all of this, and they know that. So we could have voted last night: yes or no. We could have done that last night. But, once again, as we have had 130 different times, we are in a situation where there has been objection, objection, objection.

This is very much about priorities. My friends on the other side of the aisle talk about priorities. Yes, this is about priorities. It is about values. And it is about who you are fighting for. Fundamentally, it is about who you are fighting for. I can tell you, the people in Michigan—hard-working people, middle-class Americans, families who care deeply about this country; they love this country—are tired of decisions being made for a few at the top. They are tired of the games and the obstructionism that has gone on and on and on. They want us to get things done—real things that affect their lives. That is what they want to have us get done.

I see my distinguished friend from Rhode Island on the floor—a champion on this issue, a fighter for Rhode Island, working men and women, and someone who has been on this floor over and over again fighting to make sure people who are out of work through no fault of their own have the opportunity to receive some help, some short-term help.

I now yield to my friend from Rhode Island up to 10 minutes.

The ACTING PRESIDENT pro tempore. The Senator from Rhode Island.

Mr. REED. Mr. President, I thank Senator STABENOW.

We are here to attempt to extend unemployment benefits for a brief period of time so Americans do not get caught up in the expiration of these benefits on April 5. This has been a repeated struggle. We have had many incidents over the last several months where we have had to come down here and, at the last moment, attempt to project these benefits further. I hope we do not fail again today.

In 2009, when President Obama walked into office, we were losing 700,000 jobs per month. This is a crisis of epic proportions, rivaling, in some respect, in some regions of the country, the Great Depression. In my home State of Rhode Island, we have a 12.7-percent unemployment rate, and it has been persistent now for almost 2 years. We are seeing an unfortunate record of long-term unemployment. We have to help our colleagues, our neighbors, our friends, and we have to do it in a way that does not deny them the basic necessities to hang on in a difficult economy.

But this situation is not just as a result of the last several months or the last several years. If you look back across the past decade—from 2000 to 2010—it has been an extraordinarily unproductive one for working Americans. There has been zero net job creation since December 1999. We have had no decade since the 1940s where job growth was less than 20 percent. This is the culmination of a decade in which people could not find the kind of work they typically found in America. We saw middle-income households' earning power decline. They were making less in 2008 than they were in 1999. Two-thirds of the Nation's total income from 2002 to 2007 flowed to the top 1 percent.

So middle-income families have been losing out persistently, and now they have hit the skids because so many of them now are seeing their jobs go, seeing their house threatened with foreclosure, seeing the dream of sending their children to college evaporate. At least the minimum we can do is provide the kind of assistance they need.

We routinely, when there is a natural disaster, provide assistance. In the last 20 years, an estimated \$336 billion in disaster assistance and \$61.8 billion in agricultural assistance has flowed to the States. This is a disaster in the same respect. It is a disaster to individual families who have lost their employment.

The irony here is, if a flood had washed through a State in the Union and destroyed the work of 12 percent of the population, we would be here with disaster relief to get the funds to give loans, to give support, et cetera. Well, this is a disaster. We must move.

In that respect, seeing my time is coming to a close, the time I have—

Mr. COBURN. Mr. President, I would be happy to give the Senator some additional time, and we will roll the time off of your later time, if you would like time now, I say to the Senator.

Mr. REED. Mr. President, I thank the Senator from Oklahoma. Let me take 1 or 2 more minutes. That is extremely thoughtful. I thank the Senator.

We have an opportunity to act today, and we should. The proposal is to go ahead and to extend through the next several days the existing benefits so we have time to come back. We have already sent to the House an extension of unemployment benefits that will carry through to the end of this calendar year. It also includes FMAP provisions, which are extremely important to States. I think in the spirit of letting us continue to support these Americans while we debate and finally conclude, I hope successfully, a longer term solution is the best thing to do.

UNANIMOUS CONSENT REQUEST—H.R. 4501

My colleague Senator STABENOW an hour ago propounded a unanimous consent request, only to receive an objection. I will once again ask unanimous consent that the Senate proceed to the immediate consideration of Calendar 323, H.R. 4501, to provide a temporary extension of certain programs, that the bill be read three times, passed, and the motion to reconsider be laid upon the table.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. COBURN. Mr. President, reserving the right to object, again, I would note this is the fourth time I have done this and, regrettably, because we had an agreement yesterday that the House would not go along with, I have to object because we will be adding to the debt.

The ACTING PRESIDENT pro tempore. Objection is heard.

Mr. REED. Mr. President, I appreciate the Senator's objection. Additionally, I appreciate his consideration in allowing me to speak.

Let me conclude. We have a huge debt at the moment. I think if you look at the major contributing factors of that debt, they would include tax cuts that were unpaid for, supported strongly by the Republicans, which went dramatically to the richest Americans, and two wars that have been unpaid for. In fact, I think in a few weeks we are going to have to consider another supplemental Defense budget which at this point I do not believe is paid for and which I do not feel will engender any objection by the Republican side. It will include, given the nature of counterinsurgency operations, monies that will be used, ironically, to help develop productive jobs and build clinics and do things our soldiers must do to secure the peace in Afghanistan and Iraq. Yet at the same time we can't

find that kind of money here without on offset to help Americans.

So there is a question of priorities. There is a question of the deficit. Again, repeating something my colleague said, I too recall when we had a surplus. That was under the leadership of President Clinton. There were tough votes by my colleagues and myself. That surplus has dissipated. We are now in a severe situation with the deficit. The compelling priorities of Americans who need to work and can't find it yet are extremely persuasive and should be responded to by the success of the bill.

I again thank the Senator from Oklahoma. He is extraordinarily kind.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Oklahoma.

Mr. COBURN. Mr. President, I ask unanimous consent, since the majority took an additional 5 minutes of our time, that our original unanimous consent be changed to give us the time from 11:05 to 12:05, and the majority from 12:05 to 12:30.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. COBURN. Mr. President, I yield to Senator CHAMBLISS at this time.

The ACTING PRESIDENT pro tempore. The Senator from Georgia.

Mr. CHAMBLISS. Mr. President, first, let me thank my colleague from Oklahoma for highlighting this issue and for reaching a point where the American people have wanted us to be for some time, and that is to simply look at the spending that is going on in Washington and say enough is enough. That if we are going to continue down the road of increasing Federal spending, then we have to offset that additional Federal spending that is over and above the amount of revenues coming in.

I also wish to say to my friend from Michigan, the chairman of the Armed Services Committee, who made the request on the approval of the promotion of a general that, as he knows, I have already voted in favor of doing that one time within the committee. I regret we are having to stand up and object. However, as he well knows, that is part of the process here, so Senator COBURN had to object on behalf of another Member of the Senate.

I can't help but note, as we are talking about spending here, an article that appeared in this morning's Washington Times. The caption in the article is "CBO Report: Debt Will Rise to 90 Percent of GDP."

The article reads:

President Obama's fiscal 2011 budget will generate nearly \$10 trillion in cumulative budget deficits over the next 10 years, \$1.2 trillion more than the administration projected, and raise the Federal debt to 90 percent of the Nation's economic output by 2020, according to the Congressional Budget Office. In its 2011 budget, which the White

House Office of Management and Budget released February 1, the administration projected a 10-year deficit total of \$8.53 trillion. After looking it over, CBO said in its final analysis released Thursday that the President's budget would generate a combined \$9.75 trillion in deficits over the next decade.

This is exactly why, with the leadership of the Senator from Oklahoma, we have to address this issue of spending and why we have to get this issue of spending under control. No time is better suited to do this than now. We are looking at a deficit, according to the independent Congressional Budget Office, of \$10 trillion over the next 10 years.

The majority is saying we can't find \$9 billion to offset this particular bill that everybody agrees is needed and that everybody on both sides of the aisle wishes to see enacted. Very simply stated, the Republicans want to see the bill paid for. If we can't find \$9 billion in Federal spending that is out there today to offset this bill, how in the world are we going to be able to do anything other than, under the current leadership, go down this road of seeing nearly \$10 trillion in budget deficits accumulate over the next 10 years?

Congress has an obligation to serve as custodian of the American taxpayer dollar. When we engage in unchecked deficit spending, it has a long-lasting, negative impact on all Americans.

I understand times are tough across the country. As I said earlier, in my home State of Georgia, the unemployment rate announced last month was 10.4 percent. There is a new number coming out today. I suspect it is going to be at least that high. Georgians are hurting, and I am concerned about that. That is why I wish to make sure we can extend this unemployment insurance but to do so without paying for it, in my opinion, is reckless at this point in time and it would not be in the best interests of all Americans to extend it without paying for it.

The fact is, as I said earlier, I voted to extend it without paying for it back in the early part of March. The reason I did was because it was with the understanding that the majority had 30 days to work with the minority to try to find the offsets. When did the discussions on what those offsets would be begin? They began last night about 2 hours before we finally decided it was time to go home. To the credit of the Presiding Officer as well as others on the Majority side in a leadership role, they agreed with the Republican party, the Republican Members of this Senate, that we should offset it and we could offset it. That was objected to by Speaker PELOSI. So, unfortunately, here we are today in a situation where we are arguing about \$9 billion and looking at a proposed deficit from this administration of \$10 trillion over the next 10 years.

The American people are as upset as they can be with Congress, and rightfully so. The main reason they are

upset with us is because of this very issue. When I am back home, which is where I go every weekend, and I visit with folks, whether it is in the grocery store, whether it is at church or within the business community, every constituent at some point in the conversation about what is happening in Washington will bring up the issue of Federal spending and why in the world Members of Congress don't take some action to get this spending under control. There has never been a better time to do it than with this particular bill, and there has never been an easier time to do it. We are not talking about \$1 trillion; we are talking about \$9 billion in offsets, in reductions in Federal spending, in waste, fraud, and abuse that we all know is out there, in whatever area we can agree on that the money would come from. As we know, we have already identified some areas where we can reduce Federal spending to pay this.

Now is the time to do it. I would simply say to my colleague from Oklahoma, I commend him for being firm. I commend him for being in a leadership role on this issue. I am very pleased to stand with him to say that now is the time to do it. I think we should find that \$9 billion.

Mr. COBURN. Mr. President, I thank the Senator from Georgia. I ask unanimous consent to have a colloquy on our side between the Members who are here. If there is no objection, I wish to proceed with that.

The PRESIDING OFFICER (Ms. STABENOW). Without objection, it is so ordered.

Mr. COBURN. I recognize the Senator from Florida and the Senator from Alabama to start that off. I yield to the Senator from Alabama.

Mr. SESSIONS. Madam President, I appreciate the leadership Senator COBURN has shown. We need to focus on the seriousness of the issue and all that is at stake—why it is important and how it can be done. It's not impossible to pay for this bill and provide these benefits without adding to the debt of the country by containing other spending. There is no reason we can't do this. I thought last night we had reached an agreement that would actually have achieved that, but we were not able to.

Let me briefly restate the posture we are in. Senator GRASSLEY offered an amendment a few days ago to extend unemployment insurance for 30 days. It also would include a doctors payment so they don't get cut for their Medicare work; COBRA benefits, FMAP benefits, and other things. He offered that measure, but our Democratic colleagues blocked it. Now, the amendment was paid for. He had an offset, which was I think mostly unspent stimulus money that still remains available to us to spend on this kind of activity. Then yesterday Senator MCCONNELL reintro-

duced it. He sought to have the Grassley amendment come up for a vote that would have extended unemployment insurance and would have paid for it. That was voted down by our Democratic colleagues.

What I first wish to say to my colleagues who have been so vigorous—almost excessively so—in attacking the Republican side for not dealing with this issue is that we have offered two proposals to do so and they have been blocked. So it is not fair to say Republicans don't want to do unemployment insurance. It is not fair to say that. To do it in an attacking fashion, and to attack those of us who are simply saying let's pay for it, as if we don't care about people who are unemployed, is offensive to me and I object.

I know what the deal is. Last night I thought we could reach an agreement on this but it fell apart. The Democratic leadership and Senator REID decided they will let it lapse, and then they will attack and blame Republicans for it.

I just do not think that is fair.

Let's get back to the critical issues that are at stake.

Senator CHAMBLISS mentioned that according to the Washington Times today, the Congressional Budget Office—the group we employ to help us understand these issues—says the publicly held debt of the United States will reach 90 percent of the gross domestic product by 2020. Why is that significant? First of all, it is above what Europe expects. They will not allow a country to enter the European Union if it has debt exceeding 60 percent of GDP.

More importantly, the Budget Committee had a professor testify from the University of Maryland who has written a book on this subject testify. She was asked by the Democratic chairman to provide expertise to the Budget Committee a couple of weeks ago. What she said is that when your debt reaches 90 percent of GDP, it impacts economic growth adversely. She said that with debt at 90 percent of GDP, the growth of our economy will be reduced by at least 1 percent. That is not a small amount.

As we know, 2-percent growth is not a bad thing to have. If you get 3 or 4 percent of GDP growth, you are moving along at a pretty good pace. In a mature economy you almost never get growth exceeding 3 or 4 percent of GDP on a sustained basis. If you are losing 1 percent of your growth, it could be 50 percent or 30 percent of the entire national growth that is being eliminated, pulled down. Why? Because we excessively spending money today, putting our debt off on our children and grandchildren into the future. That is going to make them less able to have a robust economy than they otherwise would have. People will pay. Nothing is created from nothing, as Julie Andrews

taught us in that great song. Nothing comes from nothing, nothing ever could. Somebody is going to pay for this.

We are enjoying and celebrating today by spending money that is not ours. We do not have it in our bank account. We are having to go out and borrow. That is the problem that I believe is of great importance.

Get this, it has also been reported in the press that Berkshire Hathaway, Warren Buffett's company—I say to Senator LEMIEUX—can borrow money cheaper than the U.S. Government. The insurance, for those who want to insure the money they loan to the government in case the U.S. Government does not pay it back, has tripled. Our annual deficit, as a percentage of GDP, is about 9.9 percent. The Greeks are in great trouble. Theirs is 12.9 percent of their economy. We are moving too close to that level. Remember, there are people who, when they buy a U.S. Treasury bond, insure themselves against the U.S. Treasury's failure to pay. They are paying three times today what they were paying just a few years ago because the U.S. Government's debt is not sound. Moody's, the company that rates the debt, continues to suggest they may downgrade our debt. This is because we are borrowing too much. It is time for us to put a stop to this and bring it under control.

We have offered several amendments that would fix the unemployment insurance and pay for it. Last night, a series of offsets were provided—offsets being things you could do to get the money out of current resources and expenditures instead of borrowing it.

Also, it is well known that all the money has not been expended in the \$800 billion stimulus plan. A lot of that money is not spent. The stimulus bill, when we passed it, was supposed to do a number of things. One was to deal with our crumbling bridges, our infrastructure, and one was unemployment insurance. That money has not been spent. Why don't we use it? If you don't use it, it allows that unspent money in the stimulus pot to be used as a slush fund to finance whatever other idea on which our leadership desires to spend it. That is what it is. Why won't we use it? Because they still want to use it on other things they have in their minds, of which I have not been fully informed.

I will say that I have a lot of county commissioners—and I assume the Senator from Florida has also—talking about roads and highways. I have to tell them how heartbroken I am that the stimulus legislation, which spent an incredible amount of money—\$800 billion—only spent 3 or 4 percent on highways and bridges. They are not feeling any growth of a significant nature in their infrastructure improvements. The advantages of money being spent on infrastructure are twofold. It

absolutely creates a certain number of jobs. Perhaps not a huge number, but a certain number of jobs are absolutely created to do the construction work, to replace a bridge, to pave a road, or to fix a water sewer system.

Those are real jobs. But, more important, when you do that, you have accomplished something. You have obtained a tangible asset that benefits the people in that community and makes that community more productive. It also helps make our Nation more competitive because we have either built new infrastructure we needed or restored infrastructure we were going to have to restore anyway to keep up our productivity. Having so little of the money in the stimulus package go to that sort of thing is one reason we have not seen growth in jobs.

It is particularly disheartening to me to think of how little permanent benefit we have gotten from the bill.

I see my colleague from Florida, Senator LEMIEUX, is here. One of the things he and I have talked about a lot—and I think it has been a bit of a shock to him since he has been here—is the extent to which our Nation is increasing our debt. I know he deeply, as a citizen legislator, cares about this situation. In his conversations with me, he has shared with me that is what he thinks is the biggest threat to our country. I know he wants to do everything he can to help us right this ship that is going in the wrong direction.

I am pleased to yield the floor at this time to Senator LEMIEUX.

The ACTING PRESIDENT pro tempore. The Senator from Florida.

Mr. LEMIEUX. Mr. President, I thank my friend and colleague from Alabama. Senator SESSIONS has been an outstanding leader on many issues but specifically on this issue of fighting against this debt. He and I often talk about these concerns. He comes to the floor, and he articulates these concerns so the American people can understand how dangerous this situation is. But he does not just come and talk about the problem; he offers real solutions to cap our spending, to find mechanisms to get this Congress on the right course.

As my friend mentioned, I am new to the Senate. I was appointed and came here in September of last year. My experience is in business and my experience is in State government back home in Florida. The comparisons to how Congress manages its money—your money—versus how a family does or a business does or even a State government does, those comparisons are striking because this is the only institution I have ever been a part of where we do not have to make ends meet, where we just spend money we do not have, where we never have a discussion about, well, if we raise this budget for this particular part of the money we spend, how much are we going to have

to lower this budget. That discussion does not happen in the U.S. Congress.

In 2011, we are going to take in an estimated \$2.2 trillion in revenue from taxes—money that is coming from you, the American people—but we are going to spend \$3.8 trillion. That is like a family in my home State, say, in Ocala, who makes \$22,000 a year and they are going to spend \$38,000. Oh, by the way, they have \$1 million in debt. It is unsustainable.

The way the American people run their families, the way businesses have to run their budgets, the way State governments that are constitutionally required to balance their budgets have to cut spending in tough times—we do not have those mechanisms in this body, and we do not have enough people, such as Senator SESSIONS, Senator CHAMBLISS, my friend from Georgia, and Senator COBURN from Oklahoma, who come to the floor and bring forth good ideas to talk about this spending problem.

This current bill to extend unemployment insurance and add money for doctors who give Medicare services—a lot of those folks in my State in Florida—and for money for COBRA, which is health care when you are unemployed, so government can put in that portion your employer would normally pay for—these are all good things. Every Member of this body, all 100 Senators, all 41 Members of the Republican side want to vote for this bill.

Last night, as my friend from Alabama said, we had a deal worked out with my colleagues on the other side of the aisle to pay for this. What a novel idea: We are going to spend new money, and we are actually going to cut money from someplace else in the budget so we do not add to the deficit and the debt—shockingly good idea in Washington. But the deal fell apart because our friends in the House of Representatives, the Democratic leadership, would not agree to it.

Let me tell you, there is probably no State in the Union that needs this money more than Florida. I want to vote for it, but I cannot vote for it because it is not paid for.

My friend from Georgia just talked about the unemployment number that came out—more than 10 percent unemployment in Georgia. He has a new number coming out today. The number came out in Florida. We are at 12.2 percent unemployment announced today—12.2 percent, the worst unemployment in the history of keeping records in Florida. The second worst time was in 1973 to 1975, during that recession. There are 1,126,000 Floridians out of work. By the way, that is just the unemployed number. We know those who are underemployed—people who lost their jobs and now have to work part time and cannot get full-time employment—we know that number, if you add it with those who are unemployed,

is probably 17, 18, 19 percent of the people.

When I go home to Florida and I am walking down the street, one out of every five people I see of working age and ability either does not have a job or does not have enough work. That is the issue on which we should be focused. But we cannot continue to pay for things here that we cannot afford. We cannot continue to burden our kids and the next generation with debt they will not be able to pay.

The hour of awakening and the hour we will be responsible and feel the impact for this spending is not just 5 or 10 years from now; it is now, it is today. Let me give an example.

Today in the Wall Street Journal, there is an article by Tom Lauricella. I ask unanimous consent to have printed in the RECORD this article in the Wall Street Journal.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Wall St. Journal, Mar. 26, 2010]
DEBT FEARS SEND RATES UP
UNEASE AT DEFICIT HURTS DEMAND FOR
TREASURYS; MORTGAGE COSTS ON THE RISE
(By Tom Lauricella)

A sudden drop-off in investor demand for U.S. Treasury notes is raising questions about whether interest rates will finally begin a march higher—a climb that would jack up the government's borrowing costs and spell trouble for the fragile housing market.

For months, investors have focused their attention on the debt crisis in Europe, but there are signs the spotlight is turning to the ability of the U.S. to finance its own budget deficit.

This week, some investors turned up their noses at three big U.S. Treasury offerings. Demand was weak for a \$44 billion 2-year-note auction on Tuesday, a \$42 billion sale of 5-year debt on Wednesday and a \$32 billion 7-year-note sale Thursday.

The poor demand, especially from foreign investors, sent the bonds' prices sharply lower and yields higher. It lifted the yield on the 10-year note to 3.9%—its highest since last June, and approaching the psychologically important 4% mark. That mark has been pierced only briefly since the financial crisis in 2008.

Investors' response marked a big shift from auctions in recent months in which major foreign buyers, such as central banks, had snapped up Treasuries. It could spell trouble for the U.S. housing market; the rates on many mortgages are linked to the yield on the 10-year note.

The move up in its yield coincides with the impending end of the Federal Reserve's program to support the mortgage market. The Fed has bought \$1.25 trillion of mortgage-backed securities, bolstering their prices and thus holding down their yields.

In just the past two days, the rate on 30-year Fannie Mae mortgage securities has risen to 4.5% from 4.3%. Once fees by lenders are tacked on, this means mortgage rates above 5%. Thomas Lawler, a housing economist, says some bigger lenders have already raised rates. Some were quoting 30-year mortgages at 5.125% Thursday morning, up from 4.875% earlier in the week, he said in a note to clients.

Concerns about the U.S. budget deficit are beginning to hurt the Treasury market, said Steve Rodosky, head of Treasury and derivatives trading at bond giant Pacific Investment Management Co. He said he is increasingly worried about the U.S. fiscal outlook.

In all, the U.S. government is expected to sell \$1.6 trillion in debt this year, including the \$118 billion sold this week.

There are some temporary factors behind the week's lackluster demand, such as a reluctance by Japanese investors to make new investments ahead of their fiscal year-end March 31.

While this could be just "noise" in the markets, "I think it involves a greater, long-term concern about deficits in the U.S., about Social Security being in a deficit," said Brian Fabbri, chief economist North America at BNP Paribas. "And all of the concerns about the U.S. have been heightened by concerns about Greece."

The jitters in Treasuries haven't spread to other markets. Stocks remain near 18-month highs. The Dow Jones Industrial Average came within 45 points of the 11000 mark on Thursday before falling back. It closed up 5.06 points at 10841.21.

Bruce Bittles, a strategist at R.W. Baird & Co., said he remains bullish on stocks for now. But he said if the yield on 10-year Treasuries creeps above 4%, that would be a signal to start dialing back his clients' stock holdings.

"In a debt-based economy like we have in the U.S., it doesn't take much of a hit from bond yields to cause some real pain," by raising costs to finance economic activity, he said.

The dollar has rallied, even as Treasuries have sold off. Usually, concerns about budget deficits send a currency lower. But investors appear to be betting on better prospects for a recovery in the U.S. than in Europe.

Adding to the focus on the Treasuries' woes has been an unusual development in an important, but usually ignored, market: interest-rate swaps. These common derivatives entail contracts that typically involve trading one stream of interest income for another. And in the past week, investors are being paid more to own U.S. Treasuries than U.S. corporate bonds.

This development "is causing a lot of people to start scratching their heads, trying to understand what's going on," said BNP's Mr. Fabbri. One explanation, he said, may be investors are more comfortable with the risks of owning bonds backed by U.S. corporations than the government. The big question is whether this slippage in demand for Treasuries will prove temporary or is the start of a trend.

For the most part, investors have taken at face value statements from Federal Reserve officials, including Chairman Ben Bernanke on Thursday, that the Fed isn't about to start raising the short-term rate it controls. But a growing number of investors expect that at its next policy-making meeting in late April, the Fed may step back from its pledge to keep short-term rates low for an "extended period."

Longer-term interest rates aren't set by the Fed but move on their own, in response to supply and demand. And some argue that the bond market has been too confident about these longer-term rates remaining low, at a time when the economy is slowly improving and the government is running huge budget deficits.

Mr. LEMIEUX. Mr. President, the article talks about the fact that when we are selling our debt, which is what the

Federal Government does when we do not have enough money to pay for our expenditures, when we spend more than we have, we borrow and we issue debt instruments—bonds, Treasury notes. Now we find out in today's Wall Street Journal that the demand for our debt is falling. As my friend, Senator SESSIONS from Alabama, said, Warren Buffett now is a better investment than the U.S. Treasury. What an important statement that is for us to think about, that we no longer are the best investment, that an individual in this country is a more worthy investment.

Now Treasury note demand is down. What happens when less people want to buy our debt? When they turn their nose up at our Treasury offerings, the bond prices go down and the yield goes higher. The interest rate goes up. That does a couple things. One is that we have to spend more money on interest payments. That means more of our spending in the year will go to pay for our debt. The third or fourth—depending on how you count it—biggest expenditure every year in our budget is our interest payments. There is more than \$200 billion a year in interest payments alone. That is money that could be sent back to you, the taxpayer, or could be used to pave roads or hire teachers or send kids to college, and we are sending it to finance bad decisions we have already made. But now, with the interest rates, the yield rates going higher on the debt we are offering, guess what it is going to do. It is going to increase the cost of borrowing money, which is going to increase the cost of mortgages.

So here I am from Florida, and I sure want to extend unemployment insurance to folks who are suffering, but I also don't want to do any more damage to our real estate market. We have some of the worst foreclosure rates in the country. So what is going to happen when that family of four in Naples, FL, who has been struggling through this economy, has a problem keeping a job? Maybe mom lost a job and now she is underemployed and dad is unemployed, and they are trying to make their mortgage payments. They have an adjustable rate mortgage and their interest rates are going to go up. What happens if someone wants to buy a new house in our struggling real estate economy? They can't go buy that house because that house is now more expensive because the interest rates have gone up.

So the problems of our debt and our deficit are not just going to be visited on our kids, they are being visited now. Other countries around the world, their economies are booming. Their growth is coming back—places such as Brazil are on fire. Their stock market is up incredibly because the world is finding it a better place to invest than the United States. Our debt is making us a

bad investment. So not just for our kids or our grandkids, right now this economy is going to have problems recovering because of the debt we have now.

But let's talk a second about the future. Sometime between now and Monday my wife and I are going to have our fourth child. I have the cell phone in my pocket. If it rings, I have to go. That baby is going to be born in a country where he or she will be responsible for about \$40,000 in debt. What is the future of our baby, along with our other three sons who are 6, 4 and 2, going to be like in this country with all of this crushing debt, with \$10 trillion more in debt expected by the end of this decade?

We are going to pay \$800 billion in interest payments by the end of this decade if this spending continues. That is more than we spend on the defense of the United States, more than our Defense Department budget. More and more will go to interest; less and less will go to spending. Then what will happen? Taxes are going to have to go up, and by the way, 70 million people are going to retire and they are going to go into Medicare. Those two programs right now don't have enough money in them.

So while I am high on the American people, and I am optimistic this country can do anything, I am seriously worried about this government. I am seriously worried about the fact that we spend money we don't have, and I am seriously worried about the fact that there are too few Members of this body and the body down the hall who want to make the tough decisions to start cutting our spending now to save our future.

By the way, it wouldn't be that hard to do. It wouldn't be that hard to do for us to come together, Democrats and Republicans alike. The American people should know we have colleagues on the other side of the aisle who want to do this. We talk to them. They are concerned too. But we have to come together and address this, and we are going to have to make, as the President would say, grownup decisions about the future of this country. Some things are going to have to get cut, and we are going to have to spend less.

Let me give an example of the framework—for when we come back from the break—of a piece of legislation I will introduce to give us the mechanism for doing this. If we went back to the spending that we had in 2007, which is just 3 years ago, and we froze spending at that level for the next 10 years—until 2020—we would balance the budget in 2013, and we would cut the deficit of \$12 trillion in half by 2020.

Now, the question I ask when I am back in Florida talking to constituents is—as my friend from Georgia said—whether at a supermarket, at a town-hall meeting, or at a church—would

you be able to live off the money you made in 2007? Well, the answer unanimously is, yes; it is more than I am making now. The economy didn't go into recession until December of 2007. So why can't government go back to what we spent in 2007 and cap it? Then we could do something we don't do in this Congress: We could look at the money we are spending now as opposed to trying to spend new money and find out whether we are doing it efficiently.

We could cut the wasteful programs. My colleague from Oklahoma has already been identifying hundreds of duplicative programs in government. We could go and find ways to combat waste, fraud, and abuse. For example, we know there is \$60 billion to \$100 billion a year in Medicare fraud—health care for seniors. My State, unfortunately, is the leading place for health care fraud in the country.

I have a proposal I have talked to my friend, the chairman of the Finance Committee, about—Chairman BAUCUS—and other Democrats, and I think we are going to get some bipartisan support to pass that this year, and that may save us \$20 billion by stopping waste, fraud, and abuse in Medicare. Does anyone think there is not waste and fraud and abuse throughout the spending of government? When is the last time someone went and looked under the hood of one of these agencies and said: Could we do the same work with less? Do we need to spend as much money as we spent last year?

Businesses do this every year. They are doing it right now, just as families are doing it. They are saying: Do we really need to do what we did last year? We have less money; what do we cut? Government doesn't do that.

Our friends on the other side are more interested in new programs. We should all spend a year or two focusing on the programs we have. My friend from Oklahoma, Senator COBURN, is a champion at oversight and gets under the hood of these agencies and looks at the spending. It is not just in the social services agencies, it is in all the agencies—in the Defense Department and everywhere.

We have a duty to the American people to make sure that every dollar we spend, we spend wisely. Let's spend a couple of years questioning the money we are spending now. Let's have our agency heads, our Secretaries, our Cabinet members, instead of devising new programs, go into the programs they have and see whether they are helping the American people. If they are not, let's cut them. Let's freeze hiring across the Federal Government. A lot of folks are going to retire out of the Federal Government when the baby boomers retire. It is an easy way to shrink the size of government, to let those folks retire and not replace them. Technology in the private sector gives us great opportunities to do more

with less. In government, we do less with more.

So I am appreciative of my friend from Oklahoma for bringing up this point and objecting. It is not politically popular to do. None of us wants to stand in the way of unemployment compensation. I need it in Florida for my folks who are out of work. But we are impacting our way of life now, and we are going to impact our children's lives. When my baby is born this weekend, or on Monday, I am going to be extremely happy—and I know my wife is—about bringing a fourth child into the world, but it will still be in the back of my mind: Is he or she going to inherit the same America I have, with all the same opportunities I was able to enjoy? I hope so.

With that, I yield the floor to my friend from Oklahoma.

The ACTING PRESIDENT pro tempore. The Senator from Oklahoma.

Mr. COBURN. I thank the Senators from Alabama and Florida for their comments.

Many have heard us use the word "pay-for" sometimes. When we say that, what we are actually saying is, we don't want the debt increased. So we don't want to get that confused.

I also want to make one comment in relation to what Senator REED from Rhode Island said earlier today. He said nobody on the other side of the aisle will be objecting to the supplemental coming for the military if it is not paid for. I want to state for the record that I voted against it the last two times. It is not because I don't want to support the military, but it wasn't paid for. We didn't make the hard choices. I will vote against it again, and I will try to make that a pay-for. So it is an unfair characterization to say "nobody." I am pretty consistent on that. If we are going to spend new money, we should cut some of the money we are spending now that isn't as important.

Under the Constitution, the No. 1 responsibility for us is defending the country. One of the reasons we are in trouble is we have ignored the enumerated powers clause of the Constitution, which sets out a very limited role for the Federal Government and reserves the rest of the programs we are talking about to the States and to the people.

With that, Mr. President, I would like to recognize the senior—the Senator from Arizona, Mr. KYL. I started to say senior, but that is not so.

Mr. KYL. It is easier just to say the "other" Senator from Arizona, given who my colleague is. First of all, I want to say that my colleague, JOHN MCCAIN, has been a leader in this battle for fiscal responsibility for as long as I have been in the Senate. So as long as we are talking about the senior Senator from Arizona, let me get in that plug.

But the Senator from Oklahoma, who just yielded the time to me, has been

the leader in the fight here to ensure that we pay for the things on which we spend money. I would like to get back to that critical point because I heard both the Senator from Oklahoma and the Senator from Alabama, who is on the Senate floor, and was last night, make this very point.

Let's be clear about what this debate is about and what it is not about. There are a lot of things the government must do. National defense is No. 1. We have to do it. Then we figure out what we have enough money for with regard to everything else.

There are other very important obligations or responsibilities of the Federal Government. We finally get down the list of priorities of the things that it would sure be nice to do, if we could, because of various needs of the American people. But a lot of times this gets into conflict with what families can do to help each other, what communities can do, what churches and religious institutions can do. So it is not just a responsibility of government, let alone the United States Government in Washington.

The reason I make that point is that for every dollar that is sent back to Washington, the amount of money that gets sent back to help people is usually measured in cents rather than dollars. So it is not the best way for us to take care of our fellow citizens. But one of the programs we have decided we want to have some Federal assistance in is to support our States when they provide unemployment compensation to people who have been out of work for a long time and just can't find work.

If we have relatively low unemployment, in the 5- or 6-percent range—5 percent is relatively low; 6 percent is beginning to be something where we begin to pay attention to it—we can let that go for a little while. But before long, we have citizens out there who can't find work and, therefore, are having a hard time supplying what they need for their families. Again, for a while, their families and communities and churches and so on can help them, but there comes a point when government has said: We need to help them, and it is best done at the State level. But in the last many decades the Federal Government has provided support for that unemployment compensation as well.

What we are talking about is a situation where we are now close to 10 percent unemployment, and it has been that way now for a couple of years. So we keep extending the Federal Government's support for people who can't find jobs. That is a legitimate thing for the Federal Government to do. It is not the most important thing, but I will tell you, for everybody who needs the help, it is important.

So we have tried to do that, and I have voted for every one of these temporary extensions of unemployment

benefits. But there also comes a point in time, because this has gone on now for a couple of years and we keep voting time after time for these extensions, that you have to ask the question: OK, compared to what? Who is paying for this or who is going to have to pay for it?

As between someone who is looking for a job and needs some help for their family right now, and my grandchild—and I don't know the circumstances of my grandchild. My grandchild may be smart and get a good job and never have to worry about things in life or, as happens to every family, my grandchild might have a tough time—so I am asking myself—and I heard Senator COBURN on the floor last night make this point—as between what we are spending money on today and my grandchild and your grandchild, should we maybe be thinking about the burden we are placing on them to pay for this money we are spending today? It is easy for us to say we feel sorry for people who cannot find a job right now, let's help them out. It is harder when you say, who is paying the bill? If it is my grandkids, and I am not sure what their circumstances will be, I have to think that through.

What Senator COBURN has led is an effort to say, since we cannot say what kind of a burden they will have, although we know it is huge based upon what we have already spent and deferred for them to pay for, we ought to be making the tougher decision right now: If this is a worthwhile goal, if we want to extend this unemployment compensation, then let's find a way to pay for it now rather than putting more of that burden on our children and on our grandchildren. That is what is at issue, not whether we want to do it, not whether it is a good idea to do it, not whether there are people suffering. All of that is conceded. The question is, Should we put that burden on our children and grandchildren continuously, without even bothering to ask whether we can pay for it now? Maybe there is something else we could give up now or delay in order to pay for this so we are not adding to the burden of our kids and our grandkids.

Last night, we came to a very important conclusion in the Senate, informally, and that conclusion was, since there is a 1-week period of time between the time April 5 that these benefits run out and the time April 12 that we come back into session from the Easter recess, that these, the unemployment benefits, are not paid for here, that we do not have the money to extend the benefits, that what we should do is extend those benefits for that week period of time and pay for it. That is to say, Democratic Senators and Republican Senators agreed, let's extend it for that week and let's make sure we are paying for it right now. So at least that week's benefits are not

going to be an added burden on our kids and grandkids—a very important agreement and precedent that we established, for about 45 minutes.

When our colleagues on the Democratic side who had agreed with us that this should be done ran that up the flag pole with our Democratic leadership colleagues in the House of Representatives, apparently the Democratic leadership said: No, we do not want this paid for. In other words, we want that put off in the future so somebody else will pay for it, our kids and grandkids. So our Democratic friends in the Senate came back to us and said we thought we had an agreement to extend this for a week and to pay for it, but our leadership in the House would not agree and, therefore, we have to go back to what we did before, which is we are not going to have those benefits available for the week between April 5 and April 12.

That is too bad because I think what it showed is, first of all, Democrats and Republicans in the Senate can work in a bipartisan way. We established a good principle. We can both lead with our heart and help people who need help today but also act with our heads and make sure we pay for it rather than just sending the bill to our kids. That was a good precedent, that was a good agreement.

But when people out in America say: Why can't they ever work together, why can't they put politics aside, you have to ask the leadership in the House of Representatives because I think we had a pretty good agreement last night.

But what I think we also have established is, over time, more and more of our colleagues are coming to realize it is not a choice between doing something we want to do to help people who need help right now and doing nothing, it is a choice between our paying for it or asking our kids to pay for it. I think most of us are beginning to come to the realization that from now on, as much as we have gone into debt accumulating this huge amount of debt in the past, thinking it would be OK for our kids and grandkids to pay for it, we now realize we have put entirely too much debt on their shoulders. Their standard of living is not going to be as good as ours.

Do you know—I will close with this—public opinion surveys going all the way back to just after World War II asked Americans: Do you think the next generation will be better off than our generation? Do you think we will leave it better for our kids than it was left for us?

Every generation has been able to say: Yes, our kids will have a better standard of living and better future than we did—except now. If you look at the surveys, they all say we believe we have it better than our kids will; that we have put too much of the burden of

what we have spent onto our kids and grandkids. For the first time in history, Americans believe their kids, our kids, will not be as well off as we were. Why? Because we wanted to spend, we wanted to help people by spending a lot of money in Washington, but we were not willing to make the tough decisions to figure out how to pay for it.

That is a real shocking testament because we have always said we are the land of opportunity, and the American dream is every generation that succeeds will be better off than the generation before. To think about the fact that Americans do not believe that is true anymore is bothersome. But we have an ability to do something about it, and it started last night right here in the Senate. It started with Senator COBURN saying: No, we need to pay for this, and everybody else finally saying you are right and coming together in a bipartisan way, Democrats and Republicans saying we can at least start with 1 week where we do something we all want to do, help people who are unemployed, and pay for it ourselves rather than sending the bill to our kids.

That is a start and we ought to build on that. Even though that fell apart, I think it represents the beginning. If we can continue to seek the advice of our constituents, ask the American people: What do you think about this, do you think we are right about this, I think they will tell us that is exactly what they want us to do, and I think they will thank us this week for beginning to take the small steps to get to that point. Rather than casting aspersions or making political arguments or getting into partisan politics, I am going to assume we have kind of turned a corner and all of us can agree this is what we aspire to do. We may stumble along the way a little bit. But if we can now take two steps forward and only one step back rather than one step forward and two steps back, digging the debt hole deeper and deeper, then maybe in a few years we will be able to answer those public opinion questions and say: I think we have turned it around. I think our kids will have a better future than we did. That is the best legacy of all that we could leave for them.

The ACTING PRESIDENT pro tempore. The Senator from Oklahoma.

Mr. COBURN. I comment on the Senator's point, there is not anybody in this body, Republican or Democrat, liberal or conservative, who does not want a great future for our kids. Everybody does. The Senator from Oregon has a set of twins, beautiful kids. He wants the best for them. What we want is the same thing other Americans want.

I showed this little sign earlier. I actually got to meet this girl because I thought it was so unique that she had the wisdom or somebody in her family had the wisdom to make the contrast.

She doesn't even have a home yet, and when she had this her share of the debt was \$38,375. That is just external debt. That does not include what we borrowed and stole from Social Security and all the other trust funds. If we included that, she would have been about \$42,000. I marked through that this morning because it is now at the end of this year, September 30 of this year, every man, woman and little girl and little boy will be responsible for \$45,000. It is going to grow \$6,000 per man, woman, and child this year alone. That is just talking about the external debt. That is not talking about what we are stealing from other people.

Is there a point in time when we are on a downslope, where we get to a point in time where there is no return? We know that. Senator SESSIONS talked about it in terms of 90 percent of GDP, and how that has a depression. I made the point earlier. We saw a 1-percent increase in interest rates last year. We owe \$12.8 trillion. That is \$128 billion we are going to pay more in interest in this next year than we paid in the last year, as you float through all the bonds and recognize that 1 percent increase. What was 2.4 percent 1½ years ago on 10-year Treasury bonds is 3.88 percent right now, this morning. I checked it before I came over here. That is 1.48. As our debt balloons, that interest cost is going to go up.

You heard Senator SESSIONS say in 2019 we will spend \$850 billion on interest. We are going to spend \$850 billion on interest. Of the \$9.8 trillion we are going to borrow over the next 9 years, \$5.6 trillion of that is going to be interest. So now we are borrowing trillions of dollars to pay the interest on trillions of dollars.

It has to stop. My colleagues on the other side of the aisle recognize that. It is not that they do not want to fix it too. I agree with the Senator from Arizona. I think we will come to that realization across party lines. I was proud of the Senate yesterday because we actually worked together and came to a compromise that we could all agree to, and we got shot down by those who are thinking short term.

I am not doing this to score political points, as the Senator from Michigan alluded. I am not doing anything that I have not believed all the time I have been here, and my colleagues all across this body know that. The problem right now in our country is the debt. It is the debt.

If, in fact, we want a future—I have a 7-month old new one. I have five grandchildren. She is as cute as she can be. Her name is Katie Rose. I got to see her a couple weeks ago as my daughter came through. She hadn't seen me in a couple months and didn't like what she saw. I can't blame her for that. But the fact is, everybody has a Katie Rose. If this is your child, the new birth we are going to celebrate, Senator LEMIEUX's

this weekend—everybody has one. So the contrast is, Can we do both? Can we take care of the Katie Roses of this world and take care of the unemployed or do we just say: No, it is too hard. If it is too hard, we are over. And I believe it is not over. It does not have to be. We can come together and solve both the debt problem and the needs of our country. We can do that.

I wish to give one little example. In the month of December, I had my staff search through programs that are duplicative. In 2 weeks, my staff found 640 duplicative programs—640. Let me just give one example. In our Federal Government, we have 105 programs run by nine different agencies to encourage people to study math, science, engineering and technology. One hundred five? So after that experience in December on one of the bills out here we put through, that passed, my colleagues on both sides of the aisle agreed we should have GAO do that study for us to give us all of them. That is just what we found in 2 weeks—there are thousands—because that tells us where to start eliminating duplication, start asking for metrics on what you are doing. If you have a program for math, engineering, science and technology, we ought to measure whether it is effective. We might only want to have one program instead of 105.

In the Judiciary Committee in the past 2 months, we have had two different bills that have come forward to solve problems. When the bills were offered, we didn't even know we had agencies out there and a program ready to do it.

There were some positive things with the health care bill. There are tons of negatives in my experience as a doctor who has practiced 27 years. But one of the negatives is, we are going to have 88 new government programs and we are probably going to add about 50,000 or 60,000 or 70,000 people to that. I know we are going to add 16,500 to the IRS to make sure you bought your health insurance. Why would we do that?

It is time for us to make the difficult choices. The choice does not have to be do nothing or pay for it. The choice can be we can take care of both.

I will close with this discussion. This is what we did last year—43 cents of everything the Government spent we borrowed from Katie Roses. That is who is going to pay it back. We are not going to pay it back. This year it is going to be over 45 cents, maybe 46 or 47 cents this year, because when you take the real projections for what our addition to the debt this year is—in terms of recognizing all the debt such as an accountant would do, not like the Government does—we are going to have a \$1.8 trillion deficit.

This means, externally and internally, we are going to borrow \$1.5 trillion externally, but internally we are

going to borrow \$300 billion from trust funds and programs and everything else we have.

Let me give you a little example people never think about. It is called the Inland Waterway Trust Fund. It is the trust fund that has paid for all of our inland waterways. There is no money in it because we have taken it all out. We cannot do what we need to do on our navigable waters where we haul freight and barges because we have stolen all of the money. There are hundreds of those trust funds where we have emptied the coffers.

I will end with this last request. When we come back, my pledge is to work with anybody in this body who will seriously work with me on making the appropriate tradeoffs of what is important and what is not in terms of priorities.

You know that our nature as elected officials is not to offend anybody. If we continue with that process—I am talking about those who support programs we cannot afford—we are all going to be offended because every Katie Rose in the world, in our country, will have her future squelched.

And the last set of numbers you should pay attention to: If you are under 25 years of age today—that means from 25 to 1—20 years from now, you plus everybody who is born in that 20 years will be responsible for debt and unfunded liabilities of \$1,113,000. Think about that. In the next 20 years, those under 25 and below and everybody born will be responsible for \$1,113,000. Think about what that costs. If you apply a 6-percent interest rate to that, let's round it at \$60,000—it is more than that; \$66,000—something—you are going to have to pay \$66,000 in carry costs either through interest on the national debt or through direct taxes before you ever pay the first income tax to run anything for the Federal Government. What does that mean in terms of opportunity for those Katie Roses and this little girl? It means they will have trouble buying a home. They will have trouble educating their kids to give them opportunity.

So I believe we are at a point where we have to start making the hard decisions. My pledge to my colleagues is that I will work with you in a way that is positive to make sure we do not put these people at risk. But I also will work with you to make sure you understand that I am going stand up every time, including the supplemental that is coming forward, and say that we must pay for it rather than charge it to our children.

With that, I yield our time to the Senator from Oregon. I would note that we have until 12:30 to finish this discussion.

The ACTING PRESIDENT pro tempore. The Senator from Oregon is recognized.

Mr. WYDEN. Mr. President, when I have come to the floor over the last

few months, I have always tried to focus on ways to bring parties together, both sides to work for common solutions—whether it's health care, the new tax reform bill Senator GREGG and I have introduced, or the Build America Bonds program put together by Senator THUNE and I, which has clearly been a huge success in terms of revolutionizing the system for funding transportation and infrastructure. Senator CORNYN and I are working on a significant crime bill. So I am always going to come to this floor and try to be bipartisan and bring both sides together.

On this question of helping folks who are so desperately hurting today—including so many in my State, where we have a very high unemployment rate—I want to suggest a bipartisan path forward that I hope we can look at in the days ahead. I see my friend from Georgia here, who also wants to work on these major economic issues in a bipartisan way.

When you listened to colleagues last night and this morning, it seems to me there is agreement on two fundamental principles. One is that it is absolutely essential to help folks who are hurting now. We have millions of Americans walking on an economic tightrope; balancing their food bill against their fuel bill; trying to pay for essentials; going to bed every night, whether in Colorado, Oregon, or Georgia, figuring out if they are going to be able to pay the bills when they wake up in the morning. So there is agreement on both sides that you have to help folks who are hurting now. There is also agreement that we have to deal with this deficit, and the spending issue which is contributing to the deficit for the long term. So, in effect, we start the possibility of a bipartisan strategy around agreement in two key areas: We have to help folks now who are hurting, and we have to deal with those major deficits, the revenue and spending problems, in the long term.

What there is disagreement on, it seems to me, is the timing of these particular debates. I and others feel very strongly that it is just not right to compound the hurt Americans are suffering, even for a few weeks, even for a few days. That is why we very much want, before we go home, to have this worked out and to get this unemployment benefits extension to them.

We also recognize that getting at this long-term budget issue quickly is a matter of national urgency. I sit on the Budget Committee. We are going to have a chance to do that in April, within 30 days.

So what you see is, in effect, all of the various ideas with respect to extending unemployment so that folks who are hurting so badly do not go without for a short period of time—a week, 2 weeks, 30 days—a variety of different approaches. All of those time periods are shorter than the time pe-

riod for when we will have an our opportunity to make tough decisions for the long term that we have heard Democrats and Republicans talking about this morning.

So I hope that we can get back to working in a bipartisan way around those two areas of agreement that will help folks who are hurting now, help them quickly, not have them suffer any more, even for a few additional days, and that we recognize that in April, on the Budget Committee on which I serve, we will have the opportunity to tackle the larger budget issues. We have very strong bipartisan leadership between Senator CONRAD and Senator GREGG. A lot of us thought they were right on their debt commission. I supported that, supported it for a long time. So we have an opportunity to make those long-term budget decisions Democrats and Republicans rightly have said are so important, beginning next month. So let's do both. Let's help people who are hurting now and recognize how serious the challenge is with respect to the long term as well.

The only other point I would make with respect to the unemployment extension is a point made by a number of our country's leading economists who are advising both Republicans and Democrats, again, in a bipartisan fashion. Mark Zandi, for example, one of our leading economists who is relied on by individuals of both political parties, has pointed out that for every dollar of unemployment, our country gets \$1.64 in return. The folks who are unemployed spend their benefits as quickly as they can get them. They spend them only on essentials. They spend them on the essentials of life.

It is pretty obvious that consumer spending is a very significant part of economic recovery. The economic recovery is obviously fragile. We have so many folks out of work, and those folks and the folks who are worried about losing their jobs put off spending on anything but the most basic needs. So obviously that slowdown in consumer spending also takes a toll on our economy. If we are going to make up for the decline in consumer spending, one obvious way, it seems to me, is to get this extra help to folks who are hurting so badly today in our country.

So it strikes me that the decision to not get help to people immediately is simply illogical. It is bad from the standpoint of economic recovery. It is obviously going to compound the hurt Americans who are out of work are experiencing now, and colleagues on both sides of the aisle have said they don't want that to happen.

So I am very hopeful that even before the end of the day, for the folks who are out of work, who are exhausting their unemployment and COBRA benefits—that there will be discussions here in the Senate to try to make sure folks

are not denied the bare minimums that are needed to just get by and not denied even for just a few days. The fact is, these are folks who are making \$250, \$300 a week. None of them are living a life of leisure. No one can say these folks are somehow, as a result of their benefits, disinclined to find work. They are not part of "Lifestyles of the Rich and Famous." They are the millions who today walk that economic tightrope, always feeling that another big bill is going to push them into the abyss where they cannot afford to pay the rent, cannot afford to pay the utility bill, cannot afford food. It is not right to let these folks suffer.

I would submit that on a matter such as this, which is, in my view, a question of right and wrong, that is what extending unemployment benefits for a short period of time to prevent human suffering is all about, that we stay at this effort so folks who are hurting so badly in our country do not lose out, if even for only a few days. I will be at my post to continue to work and talk with colleagues of both political parties toward that end. We have to stay at it to ensure there is no break in the essential benefits the most vulnerable of our country so desperately needs.

FEDERAL AVIATION ADMINISTRATION EXTENSION ACT OF 2010

Mr. WYDEN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 4957, which was received from the House and is at the desk.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. CHAMBLISS. Reserving the right to object, let me say that the Senator from Oregon has made some very good points, and he is exactly right. They are points we agree with on this side of the aisle.

I do not object.

The ACTING PRESIDENT pro tempore. The clerk will report the bill by title.

The bill clerk read as follows:

A bill (H.R. 4957) to amend the Internal Revenue Code of 1986 to extend the funding and expenditure authority of the Airport and Airway Trust Fund, to amend title 49, United States Code, to extend authorizations for the airport improvement program, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. WYDEN. I ask unanimous consent that the bill be read three times and passed, the motion to reconsider be laid upon the table, with no intervening action or debate, and that any statements be printed in the RECORD.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The bill (H.R. 4957) was ordered to a third reading, was read the third time, and passed.

Mr. WYDEN. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BROWN of Ohio. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. UDALL of Colorado). Without objection, it is so ordered.

CONTINUING EXTENSION ACT, 2010

Mr. BROWN of Ohio. Mr. President, I have listened to the debate in the last few hours, yesterday, and today. I have heard these debates for years about unemployment compensation, unemployment insurance. In the end, some of my colleagues vote for extension of unemployment benefits for hard-working Americans, Americans who have had jobs and are trying to find jobs but have lost their jobs.

When I saw what happened a month ago when Senator BUNNING, time and time again, single-handedly for a period of time—because of the peculiar rules of this institution, one Senator representing a State that has less than 1 percent of the population, one Senator representing a State which makes up less than 1 percent of the country—granted the minority leader is in that State too—one Senator can block the extension of unemployment compensation to millions of Americans, to people in Youngstown, Lima, Mansfield, or Chillicothe and Toledo. Now we have a handful of his colleagues doing the same thing.

Sometimes I think they don't understand unemployment compensation. They believe unemployment is welfare. It is called unemployment insurance. That doesn't mean people are looking for a handout. It means workers, as virtually everyone does who is working, pay into an insurance fund when they are working. The whole point is, if they lose their job they collect unemployment insurance.

It is like you buy car insurance, hoping you don't have to use it. But if you get in a car accident, you use the insurance to pay for it. Many people don't ever have to collect unemployment insurance. They are the lucky ones. It is the same with health insurance. You buy health insurance and you hope to not use it, but if you get sick, then you use your health insurance. Whether you are a worker in Boulder or Pueblo or Trinidad or Columbus or Dayton, you need that unemployment insurance as a backup.

So many of my colleagues on the other side of the aisle, so many conservatives think it is a welfare program: I got laid off. I can draw unemployment and stay on it, and I don't have to work. I can enjoy my time off.

It is not vacation. The New York Times had some articles the other day

about the number of people who can't find jobs and how it affects their health. It affects their mental health, their relationships with their children and spouses. It affects their views of themselves and their self-worth. It is not a welfare program. It is not enough money to get by comfortably. It is enough to keep them going with the hopes that they will find a job pretty soon.

There are, of course, requirements too. They don't just sit home and draw unemployment. They are required to actively seek work in most States. I know of people in my State, as does the Presiding Officer, in Colorado, who have sent out 20, 30, 50 résumés a week. Most of them are not even answered or the answers are curt and negative over and over.

My colleagues, all of whom dress up, men and women both, wear decent clothes, are paid \$170,000 a year. Many more come from great wealth. They probably don't experience what unemployment compensation is like. I will not be personal, and I will not mention any names, but for them to stand on the Senate floor—I know what they really think sometimes—for them to come up with all kinds of reasons to block the extension of unemployment benefits—not to mention COBRA, the program, the government helps people continue to get health insurance after they have lost their job, when they have almost no money to spend on it—don't know how important that is to people's lives. I hear some of my colleagues say: I am voting against an unemployment extension because we are not paying for it.

First, unemployment insurance is considered emergency spending. This is a little bit too much beltway talk, but it has always been considered emergency spending. We don't have to find a way to compensate for it, to pay for it, any more than when there is a flood in North Dakota or there is a hurricane in Louisiana or, unfortunately, there is a war in Iraq which had always historically been paid for. Senator Simpson, a former Republican Senator from Wyoming, said the Iraq war is the first time he ever knew about in American history when we didn't pay for a war. I hear these lectures—and that is what they are—from our conservative colleagues, preaching to us, talking to us like we are children because we are not paying for an unemployment extension.

In the last 10 years, they voted for a war that they refused to pay for. Only \$1 trillion it has cost. They voted for the giveaway for drug companies and insurance companies, all in the name of Medicare privatization. That was \$100 billion or more. They didn't pay for it. Then they voted for tax cuts that went to the richest Americans. They just forgot to pay for that too.

We do tax cuts for the rich; we do giveaways to the drug companies and

insurance companies. Tax cuts for the rich, not paid for; giveaway to the insurance companies and the drug companies, not paid for; a war in Iraq, not paid for. Yet they are all of a sudden shrinking it down to: We are not going to let workers in this country who are laid off get their sustenance—just a few dollars for rent, for food, kids' school supplies—we are going to block that. That is, frankly, why people around the country are angry at Congress.

They say: Why can't you just do the right thing here instead of making it political? They have made it political by saying: This is where we are drawing the line. We are not paying for unemployment insurance extension. If you are not going to pay for it, we are not going to do it.

It is the same over and over. Offer another drug company giveaway or tax cuts for the rich, they will say: Where do I sign up? That will help the country. Their way of thinking is a bit peculiar.

Senator KAUFMAN, who has such insight on preventing another disaster on Wall Street—if people would have listened to him a few years earlier, we would be in a better situation. He is waiting to speak. I will read a few letters I have received.

Marianne from Lorain County, the county I live in, says: I am a single mom of a 4-year-old. I have been unemployed for over a year. I have never been unemployed before. I have worked since I was 15. It is a terribly difficult situation. I am at the end of my rope, not knowing what do I have to give up next. Do I have to give up my home, my car, my son's preschool. I am writing to ask you to push another unemployment extension, please.

How can that not be an emergency. How can they stand on this floor and say: Sorry, can't do it, just can't do the unemployment extension? This is exactly the kind of person who is so often afflicted by this situation. She works and she has worked since she was 15. She has a 4-year-old. She is making a choice: Do I give up my home? Do I give up my car?

I live in Lorain County. Unless you are lucky and you live in exactly the right place, you have a lot of trouble getting to work if you don't have a car. So we are going to say: You get rid of your car, but we want you to find work. Or if she gives up preschool, we know, by any measurement, if we are going to get this country competitive economically, internationally, and do what we need to do, we need to do better with education. The Presiding Officer understands that preschool education is such an important component for children for preparing for the future.

Let me read a second letter from Stephen from Tuscarawas County, a county south of Canton, west of Youngstown, a fairly small county.

Stephen writes:

I am a union electrician who started my apprenticeship in 1992. I have been an electrician ever since. I have never been at a loss for work until September 2009. As much as I wish I didn't have to collect unemployment, I am terrified it will run out. I will have no means to take care of my family of five. I will have no idea what to do if that happens. I am the sole breadwinner for my family. My wife has had to have surgery twice in the past year and a half. She broke her knee and currently can't walk.

She is a mother of five and busy doing what she is doing taking care of this family. For many families, there are two breadwinners. In Stephen's case, with electrician's wages, he has had enough income for a wife and three children.

He continues:

I just ask that you take into consideration our situation. We need this extension.

I will not share other letters. I wanted to share those two from a single mother who has worked all her life, and an electrician in Tuscarawas County who has, for more than 20 years, been a well-paid union electrician. We know those are good jobs with good benefits and contribute a lot to our country.

I will close with this: Again, I plead with my colleagues, my conservative colleagues, put aside your ideology for a minute. Put aside your ideology that says that unemployment is welfare because it is not; it is insurance. People have paid into it. They should collect when they have paid into it and when they have done well; they collect from it when they have done badly. It is an American concept of insurance, social insurance, private insurance, whatever. Put aside your ideology, put aside your politics that you want to score points by saying: We will not do this because we have to "pay for it."

If they had shown us they cared a little more about the budget deficit 10 years ago, when we had a huge budget surplus, soon after the Presiding Officer came to the House—he was part of the effort that put a budget together and we had economic growth and we had a budget surplus. They took that surplus and put all that money to their contractor friends in Iraq and put all that money into drug companies and insurance company subsidies, put all that money into tax cuts for the richest Americans. Now they want to take it out on those people who have lost their jobs. It is unconscionable. It is not what the American people stand for. It is not American values.

I ask them to reconsider what they are doing.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. KAUFMAN. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

TOO BIG TO FAIL

Mr. KAUFMAN. Mr. President, I have spoken twice on the floor in the past few weeks on the problem of "too big to fail." This is a critical issue for any financial reform legislation. Each Senator must ask whether this issue is effectively addressed in landmark legislation the Senate will soon consider. I will limit my remarks today to the central aspect of the challenge we face, "too big to fail." In particular, does this bill take the necessary steps to reduce the size, complexity, and concentrated power of the behemoths that currently dominate our financial industry and our economy?

If not, what is the justification for maintaining their status quo, what is the risk that one might fail, and—if that were to occur—what is the likelihood that the American taxpayer will once again have to bail them out?

The answer is that there is little in the current legislation that would change the behavior or reduce the size of the Nation's six megabanks.

Instead, this bill invests its hopes in two ideas: First, that chastened regulators—who, we must remember, failed miserably in preventing the crisis—will this time control these megabanks more effectively—today, tomorrow, and decades into the future. And, second, that a resolution authority designed to shield the taxpayers from yet another bailout will be able successfully to unwind incredibly complex megabanks that are engaged across the globe.

In the midst of the Great Depression, Congress built laws that maintained financial stability for nearly 60 years.

Through the Glass-Steagall Act, which included the establishment of the Federal Deposit Insurance Corporation, Congress separated investment banks, which were free to engage in risky behavior, and commercial banks, whose deposits were federally insured.

As I described in a previous speech, during the last 30 years, that division was methodically disassembled by a deregulatory mindset, leading to the reckless Wall Street behavior that caused the greatest financial crisis and economic downturn since the 1930s.

What walls will this bill erect? None. On what bedrock does this bill rest if the Nation is to hope for another 60 years of financial stability? Better and smarter regulators, plain and simple.

No great statutory walls, no hard divisions or limits on regulatory discretion, only a reshuffled set of regulatory powers that already exist. Remember, it was the regulators who abdicated their responsibilities and helped cause this crisis.

Thus far, on the central aspect of "too big to fail," financial reform con-

sists of giving regulators the authority to supervise institutions that are too big, and then the ability to resolve those banks when they are about to fail.

Upon closer examination, however, the former is virtually the same authority regulators currently possess, while the latter—an orderly resolution of a failing megabank—I believe, is an illusion.

Unless Congress breaks up the megabanks that are "too big to fail," the American taxpayer will remain the ultimate guarantor in an almost certain-to-repeat-itself cycle of boom, bust, and bailout.

The first question is how big must a financial institution be to be "too big to fail"?

Let us examine how concentrated some of our giant financial institutions have become.

Only 15 years ago, the six largest U.S. banks had assets equal to 17 percent of overall gross domestic product.

The six largest banks today in the United States now have total assets estimated to be in excess of 63 percent of our gross domestic product.

Three of these megabanks have close to \$2 trillion of assets on their balance sheets.

Their gigantic size, and the perception in the marketplace that they are indeed too big for the government ever to permit them to fail, gives these megabanks a competitive advantage over smaller financial institutions. It also instills a dangerous willingness to engage in excessive risk taking.

As Federal Reserve Chairman Ben Bernanke recently stated,

[I]f a firm is publicly perceived as too big, or interconnected, or systemically critical for the authorities to permit its failure, its creditors and counterparties have less incentive to evaluate the quality of the firm's business model, its management, and its risk-taking behavior.

As a result, such firms face limited market discipline, allowing them to obtain funding on better terms than the quality or riskiness of their business would merit and giving them incentives to take on excessive risks.

In other words, with a taxpayer safety net beneath them, these Wall Street firms will continue to have an irresistible incentive to keep walking across a financial high-wire of speculative investments in search of ever greater profits.

Some might say that Canada and other countries also have large banks and didn't encounter serious problems. But this ignores the obvious facts that our economy is about 10 times the size of Canada's and our financial ecosystem is far more complex.

It also ignores that Canada's largest banks rest on a bedrock of government-guaranteed mortgages and a social compact between those banks and their regulators.

To adopt a Canadian-type model in the U.S., we would need to merge our

banks into even fewer banking giants, and then re-inflate Fannie Mae and Freddie Mac to guarantee some of the riskiest parts of the banks' portfolios.

Moreover, for every example of a country—usually far smaller than ours—that has coped with megabanks, there are at least as many where this system has failed, and failed spectacularly.

Take Ireland, for example, whose largest banks went on a credit binge that ended in disaster. Now Ireland's citizens are paying the price through draconian pay cuts and higher taxes, to say nothing of the country's lost economic growth.

Ireland provides a cautionary tale. These megabanks, whether they are legally domiciled in our borders or beyond, are simply too big to manage and too complicated to regulate.

There are also those who argue that we have had financial crises caused largely by small institutions. That is absolutely true. But those problems were managed without bringing our entire financial system to the brink of disaster, the signature and near-cataclysmic event of the last crisis.

In the savings and loan crisis, more than 700 thrifts—both large and small—failed, many wrongdoers were sent to prison, and the Resolution Trust Corporation was created to liquidate the assets of failed institutions. In short, the crisis was managed and our financial system absorbed the blows.

Compare that to the last crisis when our financial system barely recovered from a black hole that threatened to suck into oblivion our entire financial system after the failure of just one large investment bank.

The legislation proposes that we must improve the regulation of institutions that are "too big." The reform proposals would put in place a systemic risk council to monitor for such risks and to identify financial institutions that should be subject to enhanced supervision. Next, they would have the Federal Reserve act as the *de facto* regulator of these systemically significant financial institutions.

The truth is, we have had a *de facto* systemic risk council for decades. It is called the President's Working Group on Financial Markets. Chaired by the Treasury Secretary, it includes the heads of the Federal Reserve, the Securities and Exchange Commission, and the Commodities Futures Trading Commission, and it was established by President Reagan following the 1987 stock market crash.

Its track record in spotting incipient financial risks has been abysmal. Notably, Treasury Secretary Paulson used the President's Working Group as a form of a systemic risk council, but it achieved essentially nothing—nothing—to reduce those risks. While adding additional members and providing some additional powers, the new sys-

temic risk council is the President's Working Group by another name.

The reform proposals would also give the Federal Reserve the authority to supervise institutions that the council deems are systemically significant. Under the proposed legislation, the Federal Reserve would have specific powers to impose higher leverage, capital, liquidity, and other requirements upon these institutions.

The Federal Reserve already has the power to impose such standards on most of these institutions. The proposed regulatory reforms are mainly a redundant statement of the Fed's existing powers.

Just this week, a Moody's report stated:

... the proposed regulatory framework doesn't appear to be significantly different from what exists today.

Moody's went on to explain that:

The current regulatory regime is already authorized to protect the soundness of banks and the financial system as a whole. In addition, the current banking laws give bank regulators the power to have banks cease and desist from activities and to require banks to have higher capital ratios.

No doubt the bill does contain some expanded tools for the Fed. For the first time, the Fed will have direct supervisory authority for not just bank holding companies, but for their large nonbank subsidiaries as well. In addition, the Fed will also have authority over nonbank financial institutions that the council deems are systemically risky.

But as Moody's has recognized, the powers resemble the current regulatory framework. Federal bank regulators, which had the responsibility to ensure financial stability before the crisis, will again bear the responsibility after the crisis.

And bank regulators will continue to dance the tango with the big banks, interrupted briefly by new legislation which, in fact, includes few substantive changes in safety and soundness banking practices.

It is true that under the current Senate bill, regulators could—could—potentially invoke the Volcker Rule, which would prohibit commercial banks from owning or sponsoring "hedge funds, private equity funds, and purely proprietary trading in securities, derivatives or commodity markets."

I applaud former Federal Reserve Chairman Paul Volcker for his critical leadership on these issues, which the administration has endorsed.

Unfortunately, the legislation now being considered by the Senate requires the council first to study the Volcker rule before deciding whether to enforce it. In the end, it could issue a recommendation not to enforce the Volcker rule at all.

Or the council might recommend simply that regulators mandate capital

requirements that are adequate for any risky proprietary activities a particular bank might undertake—a power regulators already have. The reality is that regulators have long had the authority to prohibit speculative activities at banks, but never opted to do so.

Under the Bank Holding Company Act, the Federal Reserve may require a bank holding company to terminate an activity or control of a nonbank subsidiary—such as a broker-dealer or an insurance company—if that activity or subsidiary poses serious risk to the safety, soundness or stability of the holding company.

As we all know too well, in the past, these very same bank regulators failed utterly. Indeed, as the "umbrella regulator" for all bank holding companies, the Federal Reserve could have increased capital and other requirements for these institutions, but instead farmed out this function to credit rating agencies and the banks themselves.

Meanwhile, as the consolidated supervisor of major investment banks, the SEC had similar powers to those of the Fed. And it goes without saying that its track record of regulatory enforcement was littered with colossal failures.

Chastened regulators may try in the coming years to be harder on the megabanks, to increase their capital requirements, and to keep a close eye on their liquidity levels, liabilities, and leverage ratios.

But even if they do, history has shown us that the tango will reach the end of the dance floor, and the big banks will execute the turn and lead again, leaving our regulators hopelessly aside in understanding the complex and opaque transactions that interconnect the giant banks.

In sum, little in these reforms is really new, and nothing in these reforms will change the size of our megabanks.

That is why I believe we must impose these changes by statute—by statute. I would go beyond even statutorily requiring banks to live under the Volcker rule, by reinstating by statute the firewall between commercial and investment banking activities. Unless we break the megabanks apart, they will remain too large and interconnected for regulators to effectively control them. And once the next inevitable financial crisis occurs, and the contagion spreads too quickly for the government to believe that a failing firm won't take down others as well, the American taxpayer—the American taxpayer—the American taxpayer—will again be forced into the breach.

The proposed plan calls for a resolution authority to deal with these institutions when they inevitably get into trouble. An early resolution, we are promised, guided by a systemic council looking into its crystal ball, will prevent the taxpayer from ever again needing to save the day.

It is true that the existing mechanism, which tasks the FDIC with resolving failing depository institutions, has worked well—but only worked well up to a point. The problem is that our experience with resolving banks—highlighted by the 140 bank failures that occurred last year and their cost to the deposit insurance fund—has shown us that prompt corrective action is almost always too late.

As many commentators have noted, no matter how well Congress crafts a resolution mechanism, there can never be an orderly winddown of a \$2 trillion financial institution that has hundreds of billions of dollars of off-balance-sheet assets, relies heavily on wholesale funding, and has more than a toe-hold in over 100 countries.

A backstop of a \$50 billion or even a \$100 billion resolution fund would come nowhere close to being big enough to resolve a \$2 trillion financial institution.

As the Economist notes:

[Resolution authority] may prove unworkable, of course. The threat of being wiped out in bankruptcy could cause creditors to flee both the troubled firm and any firms like it, precisely the sort of panic the resolution regime is meant to avoid.

“In a severe financial crisis it will be too terrifying for politicians and bureaucrats to use” the new process, predicts Douglas Elliott of the Brookings Institution.

Instead, he says, they will resort to ad hoc measures as they did in 2008.

Not surprisingly, there are many barriers to resolving large and complex financial institutions. Most notably, there are international dimensions to the problem, depending on resolution authority.

Following the collapse of Lehman Brothers, there was an intense and disruptive dispute between regulators in the U.S. and U.K. over how to handle customer claims and liabilities. While U.S. bankruptcy protection allowed Lehman Brothers’ U.S. operations to continue for days as a going concern, Lehman’s operations in the U.K. were halted in accordance with British bankruptcy law.

Given that there apparently were more than 600,000 open derivatives contracts in the U.K. on the day that Lehman failed, many counterparties and clients were stranded, consequently hampering bankruptcy efforts in the U.S. as well.

To those who promote resolution authority as a solution, I ask: Exactly what would have happened differently if Lehman had been in receivership during those harrowing days in September?

Moreover, the reluctance last spring to nationalize these banks, to place them in a form of resolution receivership, was because it would have been too costly to the taxpayer to take over or put into bankruptcy the megabanks.

Why would it not be costly with a U.S.-only resolution authority? The

truth is: It would be. The taxpayer will remain the ultimate guarantor.

The international difficulty of acting quickly before contagion spreads is almost impossible to overcome without a cross-border resolution agreement. Unfortunately, there is nothing in the resolution authority that the Senate will consider that would help address this problem. We all know that it is a problem that will only get worse given the inevitability of further financial globalization.

In coming years, the U.S. megabanks will extend their reach into global markets, relying on their funding advantages as too-big-to-fail U.S. banks to profit from increasingly sophisticated transactions in countries around the world.

The problems with resolution authority for the megabanks aren’t just international in nature. These institutions use short-term collateralized loans called repurchase agreements, or repos, to finance a significant portion of their balance sheet and have massive counterparty exposures that arise out of their roles as derivatives dealers.

Both repos and derivatives are qualified financial contracts, meaning that exposures that arise from them are effectively super senior to the claims of all other creditors. By giving these trading exposures such a privileged position under the bankruptcy code, we have allowed a major part of our financial system—called the shadow banking system—to grow completely unchecked without any market or regulatory discipline whatsoever.

As Peter Fisher, former Under Secretary of the Treasury and former head of the markets desk at the Federal Reserve Bank of New York, has stated:

[these changes to the bankruptcy code] transformed the ‘too-big-to-fail’ problem of our largest deposit takers into the ‘too-interconnected-to-fail’ problem of our major financial institutions.

The proof of that statement is borne out by the data.

One report by researchers at the Bank of International Settlements estimated that the size of the overall repo market in the U.S., Euro region and the U.K. totaled approximately \$11 trillion at the end of 2007.

Meanwhile, the total notional value of OTC derivatives contracts is equal to \$605 trillion, as of June, 2009.

Large financial institutions that rely chiefly upon wholesale financing and have massive counterparty exposures from their derivatives positions are combustible. The case studies of Lehman and the other investment banks show how quickly and violently these institutions can implode. When they do, their interconnected nature inevitably causes a contagion, leading to a collapse in confidence and the classic patterns of a bank run.

As the Moody’s report summarizes the question, We must:

try to assess whether or not the law could be effective in its stated objective: allowing a troubled, systemically important financial institution to default on selected obligations, while avoiding the larger effects that such a default might have on the financial system and on the broader economy.

That is a challenging objective to accomplish in reality, given contagion risk and the high degree of connectedness among such institutions, both domestically and cross border (where any such resolution authority would have no authority).

Resolution authority is therefore a slender reed upon which to lean when it comes to institutions as large, complex and interconnected as these.

The truth is that we need to split up and break down the largest and most complex financial institutions.

As President of the Federal Reserve Bank of Dallas Richard Fisher stated on March 3rd:

I think the disagreeable but sound thing to do regarding institutions that are [‘too big to fail’] is to dismantle them over time into institutions that can be prudently managed and regulated across borders. And this should be done before the next financial crisis, because it surely cannot be done in the middle of a crisis.

The first step is to separate federally insured banks from risky investment banks. As Senators MARIA CANTWELL, JOHN MCCAIN and others have urged, we should break up the largest banks and resign to history “too big to fail” banks. This worked for nearly 60 years, and would once again ensure the soundness of commercial banks while placing risky investment bank activities far beyond any government safety net.

Second, we also need statutory size and leverage limits on banks and nonbanks. We should set a hard cap on the liabilities of banks and other financial institutions as a percentage of GDP.

The size limit should constrain the amount of non-deposit liabilities at large mega-banks, which rely heavily on short-term financing like repos and commercial paper.

In addition, we should institute a simple statutory leverage requirement to limit how much firms can borrow relative to how much their shareholders have on the line.

Finally, we must put in place reforms for derivatives and other qualified financial contracts.

Get this: The five largest banks control 95 percent of the OTC derivatives market.

We must require derivatives to be centrally cleared, which will reduce the complex web of counterparty credit risks throughout our system.

CFTC Chairman Gary Gensler underscores that point by stating:

Central clearing would greatly reduce both the size of dealers as well as the interconnectedness between Wall Street banks, their customers and the economy.

In addition, we should reconsider the legal treatment of qualified financial contract exposures under the bankruptcy code, and therefore under a resolution regime, as well.

Given the sheer size of cross exposures arising from derivatives and repos that financial firms have with each other, it makes sense to allow derivative and repo exposures to be netted out prior to any automatic stay.

It is not apparent why that net credit exposure should come ahead of the claims of other secured creditors. This is special treatment, not market discipline.

All of these changes taken together would reduce risk in the system, impose discipline in the market, and break the cycle of obligatory booms, busts and bailouts. In short, they eliminate the problem of having institutions that are both too big and interconnected to fail.

If instead our solution is to depend on regulators, and to wait with an impractical plan to resolve failing institutions, the financial system will continue on its inexorable path, growing bigger, more complex and more concentrated. And we will only be laying the groundwork for an even greater crisis the next time.

In the midst of the Great Depression, we built strong walls that lasted for generations. The devastation of our most recent crisis challenges us to do so again.

These megabanks are too big to manage, too big to regulate, too big to fail, and too interconnected to resolve when the next crisis hits. We must break up these banks and separate again those commercial banking activities that are guaranteed by the government from those investment banking activities that are speculative and reflect greater risk.

We must limit the size, liabilities, and leverage of any systemically significant financial institution.

Given the ever-increasing rate of financial innovation, the need for Congress—not the regulators—to impose these time-honored principles has never been greater. The stakes have never been higher.

It is time to follow in the footsteps of those great Senators who made the tough decision in the 1930s to pass the Glass-Steagall Act and other landmark reform bills, which paved the way for almost 60 years without a major financial meltdown. Once again, we must ensure that government guarantees of commercial bank deposits do not enable financial institutions to engage in the risky activities of investment banks.

Finally we must guarantee that there are no banks that are too big to manage too big to regulate, and too big to fail. The American people deserve no less.

Mr. President, I yield the floor.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

The PRESIDING OFFICER (Mr. KAUFMAN). The Senator from Connecticut.

Mr. DODD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

FINANCIAL SERVICES REFORM

Mr. DODD. Mr. President, I wish to take a few minutes, if I can. I know we are in the waning minutes of going out of session and Members have, I think by and large, probably left the city for their respective States—as I will be doing in a day or so, going back to Connecticut to spend time with my family and constituents over the Easter-Passover break.

I wish to take a couple of minutes to talk briefly about my responsibilities as chairman of the Senate Banking, Housing, and Urban Affairs Committee on which I serve with 22 others of our colleagues. Almost a quarter of this institution sits on that committee. Senator RICHARD SHELBY of Alabama is my ranking Republican member and former chairman of the committee, I might point out.

We finished our work, at least in our committee, last Monday—a rather abbreviated markup. I might point out. I didn't plan it to be that way, but we ended up with a pretty short markup of a fairly complicated bill.

A week ago today, at about this time or a little after this time, we received amendments. Almost 400 amendments were filed, so I anticipated a rather elongated markup, but members decided they weren't going to offer their amendments in the committee, which is their right. I had a responsibility as chairman of the committee to consider those amendments if they were offered, and we were prepared to accept some, modify some, and reject others. But the conclusion of the committee was to take what changes we had made and move forward. So it is my hope that shortly after our return in the second week of April, we will come to the floor of the Senate to debate—hopefully a full-throated debate—about how we reform the financial services sector of our Nation.

In light of the events over the last several years, this is a compelling issue that mandates our involvement and participation. We can hardly allow this Congress to leave the door wide open again to the kind of abuses that brought our Nation to the brink of financial collapse. Those were the words used by the Chairman of the Federal Reserve, Mr. Ben Bernanke, on September 18 of 2008, as they were the words of the former Treasury Secretary, Henry Paulson, when they met with the leadership of the House and the Senate and the respective leaderships of the committees of jurisdiction.

They predicted that had we not acted in the remaining weeks of that session before the adjournment in 2008, in fact, we might very well be looking at a very different country today. Certainly we avoided the collapse they talked about but at great cost. The fact that this country and its taxpayers had to write a check for \$700 billion, resources of which went to a handful of financial institutions to “bail them out” in order to preserve the safety and soundness of a fragile financial system is something that still causes remarkable levels of anger and frustration—understandable levels of frustration and anger—of the American people all across the country, regardless of where one lives. The idea is that a firm on Wall Street could get near the brink of disaster and get massive resources poured into them and then we have to watch someone's home in Connecticut or Delaware or Colorado, Tennessee or Alabama foreclosed, a business closed, a retirement account evaporating within a matter of hours, despite the fact these larger institutions were getting the resources from the American taxpayers.

We made an effort—I don't claim by any stretch of the imagination perfection—to try to deal with the reforms. Obviously, it is a complicated matter and complications are added to it. We have 23 members of a committee, not to mention 100 Members of this body who all have various views on what ought to be done, not to mention the other body, the White House, stakeholders, and others, trying to fashion legislation, not saying we are going to stop all financial problems in the future—that would be ludicrous to make such a suggestion—but there will be other financial problems.

What we are going to try and do with this bill and what we think we have done to a large extent with this bill is to say there may be other financial problems but never again should a financial problem of a major financial institution put the rest of the country at risk. That is what happened. Because of their abuses, their greed, the failure of regulators, or the failure of the government to regulate certain institutions, we saw a system go haywire.

I do not mind if some firm wants to go to the casino and gamble with their money. I understand that. But the idea that they would do that with the taxpayers' money or with the well-being of our economy has to stop. Our legislation is designed to do that.

First and foremost, never, ever again should a financial institution get so large, so interconnected, and produce products that put the rest of us at risk. Our legislation shuts that door, we believe, firmly.

Others are arguing because, frankly, they do not want to admit what the real argument is about, they do not

like the fact we have a consumer protection agency for the first time in the history of our country, so people who buy a mortgage, buy stock, buy an insurance policy, whatever else it may be, will have someplace to go if, in fact, they are being abused. That is exactly what happened. They were abused in too many instances. Rather than focus their criticism on that, they are focusing on other things that, frankly, we are dealing with very effectively in the legislation.

We also set up an early warning system to the largest extent possible so we know what is going on out there with products and firms that bring us to the brink of disaster as they did only a few short months ago.

We are looking at some of these exotic instruments—credit default swaps, derivatives, over the counter—an industry that went from about \$90 billion and within the space of 6 or 7 years, to close to \$600 billion. It exploded in large measure because it was in the shadow economy. That ends with this bill. They are going to have the glaring light of sunshine on them through exchanges so the American people can know exactly what these instruments are and how much risk is being taken with their use.

There are elements of this country that do not like that idea because they would rather not have the light shone on them to examine what they are, but we are determined to see to it that is going to be the case in our legislation as well.

There are a lot of other provisions in a 1,400-page bill that deal with other matters related to all of this business. I wanted to inform my colleagues that we have a strong bill coming out of our committee—a fully independent consumer protection agency, bureau or division. It is housed in the Federal Reserve in our bill, which has caused some people to wonder how independent it can be. It is totally independent. Its head will be appointed by the President of the United States. That head would then have to be confirmed by the Senate. The budget this agency would have is going to be separate from other budgets. It will have its own line of funding to go forward. It has independent authority on rule-making, examination, and enforcement with institutions that have assets in excess of \$10 billion. And for those that are smaller than that, the examination and enforcement will be done at the State level or others will be responsible.

Many are concerned this would reach down to the community banks. We separated that out. I know my colleagues expressed that view. That we have finally someone watching out is going to be very important. We were told for years our system was safe and sound because they were making a lot of money. As we learned painfully, that is

not the only criteria to determine whether a financial institution is safe or sound. In fact, they were anything but safe and sound, despite their earnings reports. We subsequently learned that people were put into homes they never could afford, did not understand because these institutions were securitizing those mortgages, bundling them together and then selling them to unwitting investors because they had ratings on them that never reflected the reality of what those instruments were worth in our country. Our legislation deals with that as well in a very strong and effective manner.

My only purpose in sharing a few thoughts this afternoon before adjournment occurs is to say I hope my colleagues in their visits back to their States, in talking with their constituents, will talk about these issues. Listen to your businesses on Main Street. Listen to the borrowers. Listen to the users and the customers of financial institutions.

The institutions are going to call you. They are going to write you. They are going to find you, believe me, because many of them do not like what I have done in this bill. They would like the status quo to be maintained. You are going to hear from them, I promise you. You are going to have to work a little harder to listen to the voices out there who may not contact you about this but will tell you what it is like to try to borrow money, make an investment, get credit, buy a home, get a student loan in order to afford the cost of higher education. I urge my colleagues to listen to those voices as well. They deserve to be heard in this debate. Then I hope we will have the kind of full-throated debate when we get back, meet with the other body with a final product, and hopefully give the President of the United States a bill worthy of the challenge before us.

This is the single largest reform of financial services since the thirties. It is long overdue. We must not fail in our obligation to meet the challenges. If we leave here failing to do this, we will expose our economy, and the American public will never, ever again write a check as they did in the fall of 2008. You can forget about that. We need to make sure these firms that get into trouble understand the presumption is bankruptcy, receivership. Shareholders will pay a price, and management goes. The idea that you are going to be able to count somehow on the American taxpayer pulling your chestnuts out of the fire is over within the “too big to fail” concept.

The importance of achieving that goal along with these other reforms I think will have the desired effect. Failure to do that leaves us exposed to the kinds of financial challenges we have witnessed over the last several years.

Again, a business, I say respectfully, in Connecticut, Delaware, or Colorado,

a homeowner in those States should not have to pay the price because a handful of financial institutions got too greedy, too risky, and were unwilling to examine what they were doing or did, recognizing the Federal Government would bail them out if they made a bad choice, which they did.

I look forward to that debate and presenting the bill our committee marked up on Monday of this past week.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Colorado.

HEALTH CARE

Mr. UDALL of Colorado. Mr. President, I rise today to speak on behalf of the millions of Americans who know our Nation is desperately in need of health care reform. Traveling across Colorado this past year, a common theme surfaced as I spoke with families, health care providers, and businesses alike. They all want a health care system that tackles costs, improves quality, and puts their needs first.

I have heard, as I know the Presiding Officer has in his home State of Delaware, stories of Coloradans who paid a lifetime of health care premiums in order to provide for their families, all to have an insurance company drop their coverage because a wife or a husband or a child became ill.

Visiting with health care providers, I heard about the waste and abuse in our system. They have all pleaded with me to have commonsense reforms that get them back to the business they thought they were entering years ago—the business of caring for their fellow Americans beset by illness and disease.

I heard from small business owners who continue to see double-digit increases in insurance costs, in many cases for the ninth or the tenth or even more years in a row. These small business owners want to see relief, not for themselves but because they do not want to have to choose between laying off workers and leaving their workers vulnerable to medical bankruptcies.

Decade after decade, we see how the fine print of insurance company policies puts shareholder interests above those of American families and how partisanship has prevented the kind of progress everyone agrees is sorely needed.

I have good news. Despite all the ugly rhetoric, distortions, and misrepresentations we have heard, Coloradans and the rest of the country can finally rest assured that someone has put their interests first.

This week, I watched as President Obama signed into law the kind of reforms that will free Americans from the shackles of never-ending cost increases, dropped coverage, and unfair practices that put profits above the provision of care.

Throughout this past fall and winter, I joined you, Mr. President, and the rest of our freshman class in the Chamber repeatedly to talk about the urgent need for health care reform. We shot down false claims, challenged the phony reasoning that was out there, and pointed out where the rhetoric ends and reality begins.

Over the past few days, many more of our colleagues from this side of the aisle have compellingly and eloquently explained how important the new health reform law is to both the American people and the American economy. The fact is that this historic bill signed by the President saves lives, saves money, and it saves Medicare.

Bringing this long debate to a close, I wish to speak directly to the people of Colorado. It is important that they know how these health insurance reforms will benefit their families and the rest of our great State.

As a result of the President signing the Patient Protection and Affordable Care Act into law, the parents of Colorado's 1.2 million children can sleep easy starting this year knowing that insurance companies no longer have the right to deny their kids health care coverage because of a preexisting condition.

Also starting in 2010, almost half a million, 500,000 young adults in Colorado who would otherwise be kicked off their parents' health care policies can maintain that coverage through to their 27th birthday. This is particularly welcome to me, as I know it is for many Coloradans, because I have two college-age kids who fit into the category I just described.

We have 575,000 seniors in our Medicare Program, and for every single one of them, this new law will protect—I want to emphasize that—will protect their guaranteed benefits and immediately allow them to get preventive care with absolutely no copay or out-of-pocket costs. This added benefit, contrary to what we have heard, will increase their health care coverage under the Medicare Program so that our seniors can continue to live happy and healthy lives.

This new law goes to great lengths to help slow the growth of health care costs and, by doing so, it is projected that these lower costs will allow Colorado's employers to hire up to 6,500 new employees in our State. And for as many as 68,000 small businesses, health reform will begin providing millions of dollars in tax credits so they can afford to offer health insurance to their employees.

Yesterday, we sat here and cast 56 votes as Democrats to make final improvements to the Patient Protection and Affordable Care Act. That reconciliation measure we passed yesterday will provide prescription drug relief as well for our Colorado seniors. More than 100,000 Colorado seniors,

such as my friend Frank Blakely in Colorado Springs, will pay less for prescription drugs.

Right now, these seniors hit what we all know here as the Medicare part D doughnut hole, which means they have to pay thousands of dollars directly out of pocket for their medicines. But beginning this year, every one of these seniors will receive a \$250 check to help them offset those costs, and we will begin to close the overall gap in Medicare coverage so that we completely fill this doughnut hole by the year 2020. I know this will be welcome relief to those on fixed incomes all across the United States, because it will free up scarce retirement dollars to visit family members, help pay a grandchild's college tuition or even to help, in some cases, put food on the table.

I think one of the overriding features of health reform is the freedom it will give to Coloradans and hard-working Americans—the freedom to change jobs, to launch a business, to even start a family while knowing that health care coverage will be there for them when they need it. Americans need to know their country won't leave them to fend for themselves when an insurance company denies or drops their coverage. They deserve peace of mind to know that someone is on their side.

Over the last few days we have heard a lot of the same misleading rhetoric that we did back in August by those who were dead set on levying accusations rather than working on real reform. Well, health reform has become the law of the land and the American people don't have to wait any longer for these important reforms. The legislation we passed will establish a sturdy foundation upon which we will build, improve, and strengthen access to health care in America. Will there be mistakes made along the way? I don't doubt it.

I am a lifelong mountain climber, and I know from experience that any difficult climb includes storms, and you make a mistake finding your route along the way. But what matters is that you dust yourself off and you move forward. I think there have been a lot of storms on this journey so far, and it hasn't been perfectly smooth. But it has been in the right direction. Despite our stumbles and twists and turns along the way, we kept our eye on the summit in front of us, where providing quality affordable coverage for every American is a reality.

Every successful expedition, in my experience, has a leader, and I want to take a moment to recognize our leader, Senate Majority Leader REID. He has literally had the health and well-being of millions of Americans on his shoulders—some would say the weight of the world. That is a heavy backpack. But at the same time he has shouldered that load, been an unwavering advocate for reform, and he has exemplified

the American resiliency which has helped make our Nation the greatest Nation on Earth.

I would also like to thank my staff, especially Jake Swanton and John Rayburn, who have worked tirelessly to fight for Colorado and make quality affordable health coverage a reality for millions of Americans.

As I close, I want to say how proud I am that the health care bills we passed this week will modernize our health care delivery system, increase much-needed choice and competition within the health insurance industry, and help put our economy back on track, while clearly improving the financial security of middle-class working families.

This has been an historic week for Colorado and for the American people. The victory, of course, isn't for the Senate or the House, or the President, or for our political parties, it is for the American people. I have certainly been humbled to have been given the opportunity to serve my great State during this unforgettable, long, and sustained debate, and I look forward to the important climbs that still await us as we implement this very important piece of legislation.

Mr. President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. KAUFMAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. UDALL of Colorado). Without objection, it is so ordered.

PATIENT PROTECTION AND AFFORDABLE CARE ACT

Mr. REID. Mr. President, the signing of the Patient Protection and Affordable Care Act was historic. In addition to providing coverage and lowering health insurance costs for millions of Americans, the legislation will truly transform how care is delivered in the United States. As part of this new law, we are improving Medicare for the seniors and people with disabilities who depend on the program, extending the solvency of the program, and closing the prescription drug doughnut hole.

The Patient Protection and Affordable Care Act creates the Independent Payment Advisory Board, IPAB. The Finance Committee, led by Chairman BAUCUS and Senator ROCKEFELLER, devised the board to provide reason and expertise to Medicare payment policy. Experts have concluded that the board will in fact bend the cost curve, achieving key goals of health reform: lowering costs overall and increasing Medicare's longevity.

Built into the IPAB are protections for beneficiaries from limits on care and increased costs. The Senate will

ensure that the new board operates in a transparent way with input from patients, providers, and experts to guarantee the best outcomes and continued access to care. Moreover, we in the Senate will oversee Medicare and the IPAB to protect the seniors and people with disabilities. Medicare is one of our most treasured programs, and the IPAB will only improve the program for beneficiaries in the future.

COWBOY POETRY WEEK

Mr. REID. Mr. President, I rise today to recognize the ninth annual Cowboy Poetry Week, which will be celebrated from April 18 to 24, 2010. Across the Western States, in public libraries, museums, and over the airwaves, cowboy poets and cowboy poetry enthusiasts will come together to celebrate the spirit of the West through this unique art form. What began as storytelling over the campfire has evolved into both a way to preserve the history and culture of the West, as well as a modern art form that embraces the cowboy way of life.

The National Cowboy Poetry Gathering, in Elko, NV, celebrated its 26th anniversary this January. Through events like this, cowboy poetry has experienced a resurgence in recent years, at once preserving recitation traditions that are a central form of artistry in communities throughout the West and promoting popular poetry and literature to the general public. At cowboy poetry gatherings, urban populations are able to glimpse a way of life that continues to exist on rangelands across the West.

As someone from a small town in Nevada, I have seen firsthand how the West has changed since I was young, but thanks to cowboy poets, among others, we will never lose the true spirit of the West. For this reason, I would like to thank the thousands of people out there in a few short weeks celebrating Cowboy Poetry Week, and I wish them all an enjoyable and successful week.

RECONCILIATION

Ms. STABENOW. Mr. President, over the last several days, the Senate voted on a number of amendments to H.R. 4872, the Health Care and Education Reconciliation Act of 2010. This important legislation makes changes to the Patient Protection and Affordable Care Act, which President Obama signed into law on Tuesday. In short, it makes a good bill better.

Now, at the very last minute, my colleagues on the other side have offered a number of amendments designed to play games with Americans' health care and to cause delays and obstructions as we reach final passage of this bill. I voted against the long list of amendments offered by the other side—

as did the majority of the Senate—not because some weren't good amendments but because this was not the appropriate legislation to attach them to. I have been and will continue to be a champion of many of these issues, but I will not vote to play games with the health care of American families. Trying to tackle these issues at the last minutes of the health care debate is not appropriate or wise or responsible. Instead, I look forward to working with my colleagues in the coming months to find bipartisan solutions to these problems.

WOMEN'S HISTORY MONTH

Mr. BURR. Mr. President, today I rise to speak on the important occasion of Women's History Month. Since 1987, the month of March has been dedicated not only to remembering and appreciating the distinguished accomplishments of women, but also to commending their continued positive influence on society. I would like to call particular attention to the contributions of North Carolina women, as they have consistently proven themselves to be revolutionary in their thoughts and actions and have contributed immensely to the development of our Nation since its conception.

Our way of life has been bettered in countless ways by women revolutionaries, crusaders, politicians, athletes, and everyday citizens of North Carolina. From the 51 patriotic women who organized the Edenton Tea Party to Dolley Madison, whose social grace and political acumen helped create the modern White House; from Harriet Jacobs, a North Carolina escaped slave who exposed the injustices of slavery in her "Incidents in the Life of a Slave Girl," to Mary Jane Patterson, the first African-American woman to receive a bachelor of arts degree; from Tabitha Ann Holton, the first licensed female attorney in North Carolina and the South, to Dr. Annie Lowrie Alexander, the State's first female physician; from Sallie Walker Stockard, the first woman to graduate from the University of North Carolina to Kay Yow, the great North Carolina State University women's basketball coach who led American women to gold at the 1988 Seoul Olympics; from Eliza Jane Pratt, the first woman to represent North Carolina in the United States Congress to Elizabeth Dole, the first female U.S. Senator from North Carolina and dedicated public servant, the history of North Carolina's women is America's history, and it is truly remarkable.

During Women's History Month, we honor the generations of women who have achieved notoriety in the past, however, we must do more than remember. It is imperative that we reflect on the present and prepare for the future. It is the hardworking North Carolina women who are continuing to

serve our society as parents, doctors, teachers, nurses, businesswomen, soldiers, marines, and in countless other capacities that will impact our Nation's history in a powerful and positive way. We must build on the legacy of these great North Carolina women, especially those who serve anonymously and who have preserved the American way of life while contributing so much to the strength and character of our Nation. The women of our great State have triumphed throughout our history, and I know that they will play a leading role in our future.

CLOSING THE GUN SHOW LOOPHOLE

Mr. LEVIN. Mr. President, on March 4, 2010, John Patrick Bedell, a 36-year-old Californian with a history of mental illness, arrived at the Pentagon after a manic, cross-country journey. At 6:40 pm, Mr. Bedell, armed with two 9mm handguns, walked to the security checkpoint at the Pentagon entrance and started shooting. Three Pentagon security officers, Colin Richards, Jeffrey Amos and Marvin Carraway, returned fire and brought down Mr. Bedell, who later died from his injuries. Mr. Amos and Mr. Carraway were wounded in the exchange, but thankfully have fully recovered. If not for the decisive action taken by these brave officers, this apparently random attack could have claimed more victims. And while I am pleased the Pentagon's security system worked in this instance, I remain deeply troubled by the fact that Mr. Bedell was able to acquire firearms in the first place.

Since the shooting, law enforcement officials have been able to partially trace the firearms used by Mr. Bedell. One handgun was sold last year to a private individual at a Las Vegas gun show, and that person later resold the gun to a third person. At that point, according to authorities, they were not able to further trace the gun's ownership history until Mr. Bedell opened fire on March 4. This murky trail perfectly illustrates the danger of unregulated, private firearm transactions.

Under the Brady Law, before an individual can purchase a gun from a licensed dealer, they must pass a background check to ensure they are not legally prohibited from purchasing a firearm. In 2008, 9.9 million background checks were conducted for firearm purchases, 147,000 of which were rejected. The majority of these denials were the consequence of a prior conviction, indictment or a history of mental illness. However, when an individual purchases a handgun from a private citizen, who is not a licensed gun dealer, there are no requirements to ensure that the purchaser is not in a prohibited category. Neither the Las Vegas gun show sale, nor the subsequent private transactions that ultimately resulted in Mr.

Bedell acquiring the firearm, were regulated. Due to this “gun show loophole” in federal law, authorities were not aware of, or able to block this string of private sales, which led to Mr. Bedell purchasing the weapon and using it to attack the Pentagon. In fact, according to news reports, Mr. Bedell attempted to buy a gun from a licensed firearm dealer in California, but the sale was blocked because he fell into a prohibited category.

Because private party transactions account for approximately 40 percent of all gun sales, current Federal background check requirements have a limited impact on the overall rates of gun related violent crime. To better protect our communities from gun related violence, background checks should be required for all prospective firearm transactions, including private transactions. To that end, I am a cosponsor of the Gun Show Background Check Act of 2009, S.843, which was introduced by Senator FRANK LAUTENBERG. This bill would extend the protections of the Brady Law to purchases made at gun shows, thereby closing the loophole that currently permits gun sales without criminal background checks. I urge my colleagues to take up and pass this commonsense legislation.

PASSAGE OF S. 3186

Mr. LEAHY. Mr. President, I am pleased that the Senate acted to pass legislation that will extend key provisions of the Satellite Home Viewer Act through the end of April. The statutory licenses and Communications Act authorizations that are contained in this act allow consumers to receive broadcast network stations by satellite. These consumers are otherwise unable to receive these signals over-the-air, and ensuring that they continue to have access to network programming is critical. I understand that the House of Representatives also took up and passed the Senate measure last night. By passing this short-term extension, we can be sure that nobody will be left in the dark while Congress is away. I look forward to a full reauthorization of this act being signed into law once we return from Easter recess.

RED CROSS MONTH

Mr. BROWNBACK. Mr. President, I wish today to join with the American Red Cross and celebrate March as American Red Cross Month. Throughout the history of this organization, the American Red Cross has demonstrated not only their fierce and patriotic loyalty to this country and our needs but to those abroad as well.

This year, many of our brothers and sisters worldwide have experienced extreme devastation. The earthquakes in Haiti and Chile showed us not only how fragile life can be but the importance

of humanitarian response to those in need.

Alexander Solzhenitsyn, a Russian novelist, historian, and Nobel Laureate for literature knew the power of our interconnectedness as it relates to our own humanity. He said, “The salvation of mankind lies only in making everything the concern of all.”

No other organization embodies this philosophy more than the American Red Cross and of the vision articulated by Clara Barton, founder of this wonderful organization that has helped countless individuals—both domestic and abroad—in times of crisis.

Whether comforting a wounded soldier during battle, assisting those who are recovering from a natural disaster, or administering life-saving blood to a sick patient, the American Red Cross is there, never wavering but standing steadfast in the service to humanity.

This year especially, they have been ever vigilant in remaining true to the humanitarian nature of their organization. In Haiti, the Red Cross distributions of food and relief supplies continue throughout urban settlements and are reaching approximately 12,500 people each day. To date, nearly 27,000 people have been vaccinated in the coordinated immunization campaign, in which the Red Cross health care units and the Haitian National Red Cross Society are participating. The American Red Cross has provided approximately \$375,000 in operational funding for this campaign.

In Chile, the American Red Cross has increased the funds committed from its International Response Fund to \$250,000 in support of Red Cross response operations. It will be contributing these funds toward the International Federation's emergency appeal. Additionally, the International Federation has announced a disaster plan of action and funding in the amount of \$6.4 million to support Chilean Red Cross relief operations to assist 75,000 people for 6 months in the areas of shelter, water and sanitation, health and telecommunications. This is in addition to \$280,000 released from its Disaster Response Emergency Fund.

Like the national headquarters of the American Red Cross, I am extremely proud of our Kansas chapters of the American Red Cross organizations and volunteers. From responding to our own State's natural disasters, to providing programs to our troops such as the Holiday Mail for Heroes Program to providing much needed health and wellness courses—these individuals are the bedrock upon our local Kansas communities.

Since 1943, every President of the United States has proclaimed March as American Red Cross Month and in turn, the organization uses this month to promote the services provided to the public each and every day. Communities depend on the Red Cross in times

of need, the Red Cross depends on the support of the public to achieve its mission.

I am pleased to join with the Red Cross and highlight the courageous work that this organization has accomplished for more than 128 years and continues to accomplish this day. I would also like to take this opportunity to salute all of the tireless volunteers of this organization known as “Red Crossers” who for many, have been involved in their communities for 10, 20, even 80 years.

It is very fitting that we celebrate March as American Red Cross Month and continue to advance the principles of this very essential organization.

ADDITIONAL STATEMENTS

TRIBUTE TO SENATOR J. BENNETT JOHNSTON

• Ms. LANDRIEU. Mr. President, I wish to congratulate the former senior Senator from Louisiana, Senator J. Bennett Johnston, on receiving the prestigious Centennial Leadership Award. As chairman and ranking member of the Senate Energy and Natural Resources Committee, Senator Johnston oversaw the enactment of two decades' worth of legislation involving our Nation's national parks. It is most appropriate that my former colleague is being honored with this award, and I congratulate him on receiving it.

The Centennial Leadership Award is an appreciation of Senator Johnston's leadership in advancing the National Parks Second Century Commission. In 2008, the National Parks and Conservation Association established an independent commission to develop a 21st century vision for the National Park Service. This Commission was comprised of over 30 national leaders and experts with substantial knowledge of the Nation's National Park System. This Commission met several times, held public meetings, and produced a report recommending expansion of the National Park idea through educational opportunities, community conservation, and local partnerships to preserve our national heritage.

In 2016, this country will celebrate the centennial of the National Park Service. As we get ready to celebrate these breathtaking landscapes and historic treasures, I am especially grateful to Senator Johnston for his leadership over the years in preserving these areas. Senator Johnston's leadership created the Jean Lafitte National Historical Park, the Cane River Creole National Historical Park and National Heritage Area, and the New Orleans Jazz National Historical Park. In addition, he also championed passage of the National Historic Preservation Act Amendments of 1990, the California Desert Protection Act, and has always

been a staunch advocate of the Land and Water Conservation Fund. Without his forethought and perseverance, Americans might not have many of these magnificent parks to visit and recreate with their families each year.

Again, I congratulate the former Senator from Louisiana on receiving this award. I think Senator Johnston said it best: "The national parks truly are America's best idea." I couldn't agree more.●

UNIVERSITY OF MICHIGAN'S MEN'S GLEE CLUB

● Mr. LEVIN. Mr. President, I would like to call attention to the 150th anniversary of the Men's Glee Club at the University of Michigan, the second oldest collegiate chorus in the Nation. Long recognized as one of the world's best male choruses, the Men's Glee Club is a talented and highly entertaining group. This impressive milestone will be marked by a series of events in early April. Alumni from across the Nation will gather in Ann Arbor to commemorate this occasion, celebrating 150 years of outstanding musical achievement.

The Men's Glee Club, which currently numbers more than 100 and is led by director Paul Rardin, was started by a handful of students in 1859. This chorus has evolved from its early years when it was divided into groups by academic year and some of those groups were accompanied by instruments. Ultimately, these groups would unite, and ever since, the chorus has enjoyed steady and growing success.

In the 1920s, the Glee Club began to venture beyond Michigan's border to tour the Nation, often by train. After World War II, the Glee Club sought to widen its audience through the use of radio, television and recordings. In 1955, the Glee Club decided to venture internationally, touring Western Europe. In 1959, the chorus won its first international competition, the International Musical Eisteddfod in Llangollen, Wales. This accomplishment was especially gratifying because the Glee Club was the first American group to do so. Since then, the Men's Glee Club has won this prestigious competition on three more occasions.

In the ensuing years, the U-M Men's Glee Club has continued to travel internationally, cementing an international reputation for excellence. In 1967, the Glee Club embarked on an 8-week, around the world tour to mark the University of Michigan's 150th anniversary of its founding. In the 1980s, the Glee Club performed at Avery Fisher Hall in New York and at Tiger Stadium in Detroit prior to a World Series game.

Among the group's notable alumni are individuals such as former New York governor Thomas Dewey, Metropolitan Opera star Russell Christopher,

CNN medical reporter Sanjay Gupta, and Bob McGrath, a tenor who sang on the Mitch Miller Show before becoming a star on Sesame Street.

The University of Michigan is renowned for excellence across many disciplines, so it is no surprise the Men's Glee Club has had such a rich history. I know my colleagues join me in paying tribute to the University of Michigan Men's Glee Club on their 150th anniversary. I look forward to another 150 years of harmony and outreach.●

MESSAGES FROM THE HOUSE

At 9:38 a.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 1612. An act to amend the Public Lands Corps Act of 1993 to expand the authorization of the Secretaries of Agriculture, Commerce, and the Interior to provide service opportunities for young Americans; help restore the nation's natural, cultural, historic, archaeological, recreational and scenic resources; train a new generation of public land managers and enthusiasts; and promote the value of public service.

H.R. 4360. An act to designate the Department of Veterans Affairs blind rehabilitation center in Long Beach, California, as the "Major Charles Robert Soltes, Jr., O.D. Department of Veterans Affairs Blind Rehabilitation Center".

H.R. 4957. An act to amend the Internal Revenue Code of 1986 to extend the funding and expenditure authority of the Airport and Airway Trust Fund, to amend title 49, United States Code, to extend authorizations for the airport improvement program, and for other purposes.

The message also announced that the House has passed the following bill, without amendment:

S. 3186. An act to reauthorize the Satellite Home Viewer Extension and Reauthorization Act of 2004 through April 30, 2010, and for other purposes.

The message further announced that the House agrees to the amendment of the Senate to the title of the bill (H.R. 1586) to impose an additional tax on bonuses received from certain TARP recipients, and that the House agrees to the amendment of the Senate to the text of the aforesaid bill, with an amendment, in which it requests the concurrence of the Senate.

ENROLLED BILL SIGNED

At 10:54 a.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

H.R. 4872. An act to provide for reconciliation pursuant to Title II of the concurrent resolution on the budget for fiscal year 2010 (S. Con. Res. 13).

The enrolled bill was subsequently signed by the Acting President pro tempore (Mr. REID).

ENROLLED BILL SIGNED

At 11:11 a.m., a message from the House of Representatives, delivered by

Mr. Novotny, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

S. 3186. An act to reauthorize the Satellite Home Viewer Extension and Reauthorization Act of 2004 through April 30, 2010, and for other purposes.

The enrolled bill was subsequently signed by the Acting President pro tempore (Mr. REID).

ENROLLED BILL SIGNED

At 12:45 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

H.R. 4938. An act to permit the use of previously appropriated funds to extend the Small Business Loan Guarantee Program, and for other purposes.

ENROLLED BILL SIGNED

At 1:22 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

H.R. 4957. An act to amend the Internal Revenue Code of 1986 to extend the funding and expenditure authority of the Airport and Airway Trust Fund, to amend title 49, United States Code, to extend authorizations for the airport improvement program, and for other purposes.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 1612. An act to amend the Public Lands Corps Act of 1993 to expand the authorization of the Secretaries of Agriculture, Commerce, and the Interior to provide service opportunities for young Americans; help restore the nation's natural, cultural, historic, archaeological, recreational and scenic resources; train a new generation of public land managers and enthusiasts; and promote the value of public service; to the Committee on Energy and Natural Resources.

H.R. 4360. An act to designate the Department of Veterans Affairs blind rehabilitation center in Long Beach, California, as the "Major Charles Robert Soltes, Jr., O.D. Department of Veterans Affairs Blind Rehabilitation Center"; to the Committee on Veterans' Affairs.

H.R. 4783. An act to accelerate the income tax benefits for charitable cash contributions for the relief of victims of the earthquake in Chile, and to extend the period from which such contributions for the relief of victims of the earthquake in Haiti may be accelerated; to the Committee on Finance.

H.R. 4786. An act to provide authority to compensate Federal employees for the 2-day period in which authority to make expenditures from the Highway Trust Fund lapsed, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

H.R. 4849. An act to amend the Internal Revenue Code of 1986 to provide tax incentives for small business job creation, extend the Build America Bonds program, provide other infrastructure job creation tax incentives, and for other purposes; to the Committee on Finance.

H.R. 4915. An act to amend the Internal Revenue Code of 1986 to extend the funding

and expenditure authority of the Airport and Airway Trust Fund, to amend title 49, United States Code, to extend authorizations for the airport improvement program, and for other purposes; to the Committee on Finance.

MEASURES PLACED ON THE CALENDAR

The following bills were read the first and second times by unanimous consent, and placed on the calendar:

H.R. 725. An act to protect Indian arts and crafts through the improvement of applicable criminal proceedings, and for other purposes.

H.R. 1065. An act to resolve water rights claims of the White Mountain Apache Tribe in the State of Arizona, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-5213. A communication from the Assistant Secretary for Export Administration, Bureau of Industry and Security, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Implementation of both the Understandings Reached at the 2009 Australia Group (AG) Plenary Meeting and a Decision Adopted under the AG Interseasonal Silent Approval Procedures" (RIN0694-AE85) received in the Office of the President of the Senate on March 23, 2010; to the Committee on Banking, Housing, and Urban Affairs.

EC-5214. A communication from the Acting Under Secretary for Industry and Security, Department of Commerce, transmitting, pursuant to law, a report relative to the Department's intent to impose new foreign policy-based export controls on certain concealed object detection equipment and related software and technology; to the Committee on Banking, Housing, and Urban Affairs.

EC-5215. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Illinois; NO_x Budget Trading Program; Correction" (FRL No. 9129-9) received in the Office of the President of the Senate on March 24, 2010; to the Committee on Environment and Public Works.

EC-5216. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Michigan; PSD Regulations" (FRL No. 9129-5) received in the Office of the President of the Senate on March 24, 2010; to the Committee on Environment and Public Works.

EC-5217. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Texas; Revision to Control Volatile Organic Compound Emissions in the Houston/Galveston/Brazoria

8-Hour Ozone Nonattainment Area" (FRL No. 9130-8) received in the Office of the President of the Senate on March 24, 2010; to the Committee on Environment and Public Works.

EC-5218. A communication from the Assistant Administrator for Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Taking of Marine Mammals Incidental to Commercial Fishing Operations; Harbor Porpoise Take Reduction Plan Regulations" (RIN0648-AW51) received in the Office of the President of the Senate on March 24, 2010; to the Committee on Environment and Public Works.

EC-5219. A communication from the Assistant Secretary for Export Administration, Bureau of Industry and Security, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Wassenaar Arrangement 2008 Plenary Agreements Implementation: Categories 1, 2, 3, 4, 5 Parts I and II, 6, 7, 8 and 9 of the Commerce Control List, Definitions, Reports; Correction" (RIN0694-AE58) received in the Office of the President of the Senate on March 23, 2010; to the Committee on Commerce, Science, and Transportation.

EC-5220. A communication from the Assistant Secretary for Export Administration, Bureau of Industry and Security, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Revisions to the Export Administration Regulations to Enhance U.S. Homeland Security: Addition of Three Export Control Classification Numbers (ECCNs) and License Review Policy" (RIN0694-AE58) received in the Office of the President of the Senate on March 23, 2010; to the Committee on Commerce, Science, and Transportation.

EC-5221. A communication from the Acting Director of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 630 in the Gulf of Alaska" (RIN0648-XV12) received in the Office of the President of the Senate on March 24, 2010; to the Committee on Commerce, Science, and Transportation.

EC-5222. A communication from the Director of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Sablefish Managed Under the Individual Fishing Quota Program" (RIN0648-XV03) received in the Office of the President of the Senate on March 24, 2010; to the Committee on Commerce, Science, and Transportation.

EC-5223. A communication from the Director of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Snapper-Grouper Fishery of the South Atlantic; Closure" (RIN0648-XU86) received in the Office of the President of the Senate on March 24, 2010; to the Committee on Commerce, Science, and Transportation.

EC-5224. A communication from the Director of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Atlantic Highly Migratory Species; Inseason Action to Close the Commercial Gulf of Mexico Non-Sandbar Large Coastal Shark Fishery" (RIN0648-XU90) received in the Office of the President

of the Senate on March 24, 2010; to the Committee on Commerce, Science, and Transportation.

EC-5225. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Magnuson-Stevens Fishery Conservation and Management Act Provisions; Fisheries of the Northeastern United States; Monkfish Fishery" (RIN0648-XU90) received in the Office of the President of the Senate on March 24, 2010; to the Committee on Commerce, Science, and Transportation.

EC-5226. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Northeastern United States; Atlantic Mackerel, Squid, and Butterfish Fisheries; Amendment 10" (RIN0648-AY00) received in the Office of the President of the Senate on March 24, 2010; to the Committee on Commerce, Science, and Transportation.

EC-5227. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries Off West Coast States; Coastal Pelagic Species Fisheries; Annual Specifications" (RIN0648-XT32) received in the Office of the President of the Senate on March 24, 2010; to the Committee on Commerce, Science, and Transportation.

EC-5228. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Gulf of Alaska; Final 2010 and 2011 Harvest Specifications for Groundfish" (RIN0648-XS43) received in the Office of the President of the Senate on March 24, 2010; to the Committee on Commerce, Science, and Transportation.

EC-5229. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Bering Sea and Aleutian Islands; Final 2010 and 2011 Harvest Specifications for Groundfish" (RIN0648-XS44) received in the Office of the President of the Senate on March 24, 2010; to the Committee on Commerce, Science, and Transportation.

EC-5230. A communication from the Assistant Secretary for Administration, Department of Commerce, transmitting, pursuant to law, a report relative to the Department of Commerce's use of category rating; to the Committee on Commerce, Science, and Transportation.

EC-5231. A communication from the Deputy Director of Regulations and Policy Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "New Animal Drug Applications; Confirmation of Effective Date" (Docket Nos. FDA-2009-N-0436) received in the Office of the President of the Senate on March 23, 2010; to the Committee on Health, Education, Labor, and Pensions.

EC-5232. A communication from the Director, Office of Personnel Management, transmitting, pursuant to law, a report relative to the Government Accountability Office recommendations in "Results-Oriented Cultures: Office of Personnel Management

Should Review Administrative Law Judge Program to Improve Hiring and Performance"; to the Committee on Homeland Security and Governmental Affairs.

EC-5233. A communication from the Deputy Assistant Administrator of Diversion Control, Drug Enforcement Administration, Department of Justice, transmitting, pursuant to law, the report of a rule entitled "Changes to Consolidation of DEA Mailing Addresses" (RIN1117-AB19) received in the Office of the President of the Senate on March 24, 2010; to the Committee on the Judiciary.

EC-5234. A communication from the Deputy Assistant Administrator of Diversion Control, Drug Enforcement Administration, Department of Justice, transmitting, pursuant to law, the report of a rule entitled "Information on Foreign Chain of Distribution for Ephedrine, Pseudoephedrine, and Phenylpropanolamine" (RIN1117-AB07) received in the Office of the President of the Senate on March 24, 2010; to the Committee on the Judiciary.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. LEAHY, from the Committee on the Judiciary, with an amendment in the nature of a substitute:

S. 2960. A bill to exempt aliens who are admitted as refugees or granted asylum and are employed overseas by the Federal Government from the 1-year physical presence requirement for adjustment of status to that of aliens lawfully admitted for permanent residence, and for other purposes.

By Mr. LEAHY, from the Committee on the Judiciary, with an amendment in the nature of a substitute and an amendment to the title:

S. 2974. A bill to establish the Return of Talent Program to allow aliens who are legally present in the United States to return temporarily to the country of citizenship of the alien if that country is engaged in post-conflict or natural disaster reconstruction, and for other purposes.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. BROWN of Ohio (for himself and Mr. WYDEN):

S. 3189. A bill to amend title 49, United States Code, to allow for additional transportation assistance grants; to the Committee on Banking, Housing, and Urban Affairs.

By Ms. LANDRIEU (for herself and Mr. DURBIN):

S. 3190. A bill to reaffirm that the Small Business Reauthorization Act of 1997 does not limit a contracting officer's discretion regarding whether to make a contract available for award pursuant to any of the restricted competition programs authorized by the Small Business Act; to the Committee on Small Business and Entrepreneurship.

By Mrs. HUTCHISON:

S. 3191. A bill to reauthorize the Satellite Home Viewer Extension and Reauthorization Act of 2004, and for other purposes; considered and passed.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. COCHRAN (for himself and Mr. WICKER):

S. Res. 471. A resolution recognizing the University of Southern Mississippi for 100 years of service and excellence in higher education; considered and agreed to.

By Mr. LAUTENBERG (for himself, Mr. THUNE, and Mr. ROCKEFELLER):

S. Res. 472. A resolution in recognition and support of National Safe Digging Month; considered and agreed to.

By Mrs. LINCOLN (for herself and Mr. WICKER):

S. Res. 473. A resolution designating April 4, 2010, as "National Association of Junior Auxiliaries Day"; considered and agreed to.

By Ms. STABENOW (for herself, Mr. ISAACSON, Mr. JOHANNES, and Mr. UDALL of Colorado):

S. Res. 474. A resolution supporting the designation of April as Parkinson's Awareness Month; considered and agreed to.

By Ms. MURKOWSKI (for herself, Ms. LANDRIEU, Mrs. HUTCHISON, Ms. SNOWE, and Ms. MIKULSKI):

S. Res. 475. A resolution recognizing March 2010 as National Women's History Month; to the Committee on the Judiciary.

ADDITIONAL COSPONSORS

S. 649

At the request of Mr. KERRY, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 649, a bill to require an inventory of radio spectrum bands managed by the National Telecommunications and Information Administration and the Federal Communications Commission.

S. 1019

At the request of Mr. HARKIN, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 1019, a bill to amend the Internal Revenue Code of 1986 to allow a credit against income tax for the purchase of hearing aids.

S. 1021

At the request of Mrs. LINCOLN, the name of the Senator from Wisconsin (Mr. KOHL) was added as a cosponsor of S. 1021, a bill to amend the Internal Revenue Code of 1986 to provide an enhanced credit for research and development by companies that manufacture products in the United States.

S. 2974

At the request of Mr. LEAHY, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 2974, a bill to establish the Return of Talent Program to allow aliens who are legally present in the United States to return temporarily to the country of citizenship of the alien if that country is engaged in post-conflict or natural disaster reconstruction, and for other purposes.

S. 3165

At the request of Ms. LANDRIEU, the name of the Senator from New Hamp-

shire (Mrs. SHAHEEN) was added as a cosponsor of S. 3165, a bill to authorize the Administrator of the Small Business Administration to waive the non-Federal share requirement under certain programs.

S. 3166

At the request of Mr. SCHUMER, the name of the Senator from Missouri (Mrs. MCCASKILL) was added as a cosponsor of S. 3166, a bill to amend the Internal Revenue Code of 1986 to provide tax relief for persons with investment losses due to fraud or embezzlement.

S. 3180

At the request of Mr. LEMIEUX, the names of the Senator from Texas (Mrs. HUTCHISON) and the Senator from Alabama (Mr. SHELBY) were added as cosponsors of S. 3180, a bill to prohibit the use of funds for the termination of the Constellation Program of the National Aeronautics and Space Administration, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Ms. LANDRIEU (for herself and Mr. DURBIN):

S. 3190. A bill to reaffirm that the Small Business Reauthorization Act of 1997 does not limit a contracting officer's discretion regarding whether to make a contract available for award pursuant to any of the restricted competition programs authorized by the Small Business Act; to the Committee on Small Business and Entrepreneurship.

Ms. LANDRIEU. Mr. President, I am pleased to introduce the Small Business Parity Programs Act of 2010. As the Chair of the Committee on Small Business and Entrepreneurship, I have held a number of hearings and roundtables on the issues affecting small businesses that contract with the Federal Government. The legislation I am introducing today represents the second of several steps the Committee is taking to address some of the disparities and inequalities that prevent our small businesses from receiving their fair share of government contracts.

As the largest purchaser in the world, the Federal Government is uniquely positioned to offer new and reliable business opportunities for our Main Street businesses. Government contracts are perhaps one of the easiest and most inexpensive ways the government can help immediately increase sales for America's entrepreneurs, giving them the tools they need to keep our economy strong and create jobs. When large businesses get government contracts, they can potentially absorb that new work into their workforce. When small businesses get government work they must "staff up" to meet the increased demand. By increasing contracts to small businesses by just 1 percent, we can create more than 100,000

new jobs—and today, we need those jobs more than ever.

But small businesses face significant challenges in competing for these contracts, including a maze of complicated regulations, contract bundling, size standards with loopholes for big businesses and a lack of protections for sub-contractors. Despite the fact that federal agencies have a statutory goal to spend 23 percent of their contract dollars on contracts to small firms, and to ensure fair participation by women-owned firms, small disadvantaged firms, service-disabled veteran firms, and HUBZone businesses, the agencies often fall short of these goals.

The Small Business Parity Programs Act of 2010 is just the second of several steps that I am undertaking to ensure that all small businesses have fair access to government contracting opportunities. This particular legislation will reaffirm Congress's intent that government contracting officers have the discretion to choose among any of the small business development and contracting programs when deciding to make a contract award. This legislation makes clear that small businesses that participate in the 8(a), service-disabled veterans, women, and HUBZone programs all have a fair opportunity to win these contracts.

Two recent decisions by the Government Accountability Office misinterpreted Congress's long-standing intent with regard to the operation of the current laws governing these programs. The decisions stated that the HUBZone program had preference over all other small business contracting programs. The decisions were also relied upon in a recent opinion issued by a judge of the Court of Federal Claims, in a case called *Mission Critical Solutions v. United States*.

I was disappointed by these decisions because they misinterpret the intent of Congress in passing the Small Business Reauthorization Act of 1997. For this reason, along with the Small Business Committee's Ranking Member, Senator OLYMPIA SNOWE of Maine, I filed an amendment containing the provisions included in this bill to S. 1390, the Department of Defense Authorization Act for Fiscal Year 2010. The amendment was accepted and passed the full Senate on July 24, 2009 with overwhelming and bipartisan support. To my disappointment, it did not make it through conference Committee with the House and was left out of the final bill. The Conference Report accompanying that bill did include, however, explicit language reaffirming Congress' intent that "contracting officers of the Department of Defense and other federal agencies have the discretion whether or not to award contracts pursuant to the HUBZone program" or any of the other small business procurement programs.

As Chair of the Committee on Small Business and Entrepreneurship, I have

focused a considerable amount of energy on promoting the interests of small businesses in the federal contracting arena. The legislation I am introducing will, quite simply, make clear that it has always been Congress' intent to allow contracting officers to accord parity to each restricted competition program authorized by the Small Business Act.

This legislation will have an immediate, positive impact for small businesses seeking fair access to federal contracts. It will reaffirm contracting officers' flexibility to award contracts to HUBZone businesses, which provide important benefits for hard-hit communities. At the same time, it also will reaffirm Congress's intent to ensure robust implementation of the 8(a), SDVO and Women-Owned small business development and procurement programs. Among other things, programs such as these are crucial to enable the government to address the significant discriminatory barriers that evidence submitted to us shows still limit the opportunities available for minority-owned businesses, women-owned businesses, and SDVO businesses to participate in the marketplace.

The language of our bill is intended to make clear that no single restricted competition program has priority over any other, contrary to the misinterpretation of Congress' intent by the GAO and one decision of the Court of Federal Claims. However, nothing in the bill is intended to change the current requirement that, where a contracting officer chooses to make an award pursuant to the HUBZone program, that award must be made on the basis of restricted competition if the contracting officer has a reasonable expectation that at least two qualified HUBZone small business concerns will submit offers and that the award can be made at a fair market price.

It is well past time to provide greater opportunities for the thousands of small business owners who wish to do business with the Federal Government. I believe that this legislation is a good step toward opening those doors.

I hope my colleagues will join me in supporting this simple yet common-sense bill and I look forward to working with them as we move this legislation forward.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 3190

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Small Business Programs Parity Act of 2010".

SEC. 2. SMALL BUSINESS CONTRACTING PROGRAMS PARITY.

Section 31(b)(2)(B) of the Small Business Act (15 U.S.C. 657a(b)(2)(B)) is amended by striking "shall" and inserting "may".

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 471—RECOGNIZING THE UNIVERSITY OF SOUTHERN MISSISSIPPI FOR 100 YEARS OF SERVICE AND EXCELLENCE IN HIGHER EDUCATION

Mr. COCHRAN (for himself and Mr. WICKER) submitted the following resolution; which was considered and agreed to:

S. RES. 471

Whereas classes began at The University of Southern Mississippi (referred to in this preamble as "the University"), originally named Mississippi Normal College, on March 30, 1910;

Whereas throughout a century of growth, expansion, and changes of name, first to State Teachers College, in 1924, then Mississippi Southern College, in 1940, and ultimately The University of Southern Mississippi, in 1962, the institution has been dedicated to engaging and empowering the citizens of Mississippi to transform lives and communities;

Whereas the University is the only dual-campus university in Mississippi, and the innovative faculty of the University continues to cultivate intellectual development and creativity through the generation, dissemination, application, and preservation of knowledge by annually educating more than 16,000 students from over 100 countries;

Whereas the University is the home of numerous innovative and internationally recognized programs that contribute to the successful research enterprise of the University, which generates more than \$90,000,000 annually;

Whereas the University has more than 125,000 graduates, whose talents and skills have reflected favorably on the State of Mississippi and who have served as trailblazers in the areas of politics, entertainment, law, business, professional athletics, and volunteerism, improving the lives of all they have touched;

Whereas the University is looking ahead as it enters its second century as a premier research university of the Gulf South, with programs in academics, athletics, community service, and the arts that are competitive in the State and region, and throughout the Nation and around the world; and

Whereas the significance of this centennial in the development of the University, and the State of Mississippi, cannot be over-emphasized: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes The University of Southern Mississippi for 100 years of service and excellence in higher education; and

(2) proudly shares this commemorative occasion with the administration, faculty, students, and alumni of The University of Southern Mississippi.

SENATE RESOLUTION 472—IN RECOGNITION AND SUPPORT OF NATIONAL SAFE DIGGING MONTH

Mr. LAUTENBERG (for himself, Mr. THUNE, and Mr. ROCKEFELLER) submitted the following resolution; which was considered and agreed to:

S. RES. 472

Whereas each year the Nation's underground utility infrastructure—including pipelines and electric, gas, telecommunications, water, sewer, and cable television lines—is jeopardized by unintentional damage due to those who fail to have underground lines located prior to digging;

Whereas some lines are buried only a few inches underground, making them easy to strike even during shallow digging projects;

Whereas such digging often has unintended consequences such as service interruption, environmental damage, personal injury, and even death;

Whereas April is the beginning of the peak of excavation projects around the Nation;

Whereas in 2002 Congress required the Department of Transportation and the Federal Communications Commission to establish a 3-digit, nationwide toll-free number to be used by State "One-Call" systems;

Whereas in 2005 the Federal Communications Commission designated "811" as the nationwide "One Call" number for homeowners and all excavators to call before conducting excavation activities;

Whereas the "One-Call" system has helped reduce the number of digging damages caused by failure to call before digging from 57 percent in 2004 to 37.5 percent in 2009;

Whereas the 1,400 members of the Common Ground Alliance, who are dedicated to ensuring public safety, environmental protection, and the integrity of services, promote the national "Call Before You Dig" campaign to increase public awareness about the importance, for homeowners and excavators, of calling 811 to find out the exact location of underground lines;

Whereas the Common Ground Alliance has designated April as National Safe Digging Month in order to increase awareness of safe digging practices across the country and to celebrate the anniversary of 811, the national "Call Before You Dig" number: Now, therefore, be it

Resolved, That the Senate supports the goals of National Safe Digging Month and encourages homeowners and all excavators throughout the country to call 811 before digging.

SENATE RESOLUTION 473—DESIGNATING APRIL 4, 2010, AS "NATIONAL ASSOCIATION OF JUNIOR AUXILIARIES DAY"

Mrs. LINCOLN (for herself and Mr. WICKER) submitted the following resolution; which was considered and agreed to:

S. RES. 473

Whereas the National Association of Junior Auxiliaries and the members of the National Association of Junior Auxiliaries provide valuable service and leadership opportunities for women who wish to take an active role in their communities;

Whereas the mission of the National Association of Junior Auxiliaries is to encourage member chapters to render charitable services that—

(1) are beneficial to the general public; and

(2) place a particular emphasis on providing for the needs of children; and

Whereas, since the founding of the National Association of Junior Auxiliaries in 1941, the organization has provided strength and inspiration to women who want to effect positive change in their communities: Now, therefore, be it

Resolved, That the Senate—

(1) designates April 4, 2010, as "National Association of Junior Auxiliaries Day";

(2) recognizes the great contributions made by members of the National Association of Junior Auxiliaries to their communities and to the people of the United States; and

(3) especially commends the work of the members of the National Association of Junior Auxiliaries to better the lives of children in the United States.

SENATE RESOLUTION 474—SUPPORTING THE DESIGNATION OF APRIL AS PARKINSON'S AWARENESS MONTH

Ms. STABENOW (for herself, Mr. ISAKSON, Mr. JOHANNIS, and Mr. UDALL of Colorado) submitted the following resolution; which was considered and agreed to:

S. RES. 474

Whereas Parkinson's disease is the second most common neurodegenerative disease in the United States, second only to Alzheimer's disease;

Whereas even though there is inadequate comprehensive data on the incidence and prevalence of Parkinson's disease, as of 2010, it is estimated that the disease affects over 1,000,000 people in the United States;

Whereas although research suggests the cause of Parkinson's disease is a combination of genetic and environmental factors, the exact cause and progression of the disease is still unknown;

Whereas there is no objective test for Parkinson's disease and the rate of misdiagnosis can be high;

Whereas symptoms of Parkinson's disease vary from person to person and include tremor, slowness, difficulty with balance, swallowing, chewing, and speaking, rigidity, cognitive problems, dementia, mood disorders, such as depression and anxiety, constipation, skin problems, and sleep disruptions;

Whereas medications mask some symptoms of Parkinson's disease for a limited amount of time each day, often with dose-limiting side-effects;

Whereas ultimately the medications and treatments lose their effectiveness, generally after 4 to 8 years, leaving the person unable to move, speak, or swallow;

Whereas there is no cure, therapy, or drug to slow or halt the progression of Parkinson's disease;

Whereas increased education and research are needed to help find more effective treatments with fewer side effects and, ultimately, an effective treatment or cure for Parkinson's disease;

Whereas the Federal Government, through the National Institutes of Health, the Department of Defense Neurotoxin Exposure Treatment Parkinson's Research Program, the Veterans Affairs Parkinson's Disease Research, Education and Clinical Centers, and other agencies, supports vital work to better understand Parkinson's disease and to find new treatments; and

Whereas the Parkinson's community will gather in Central Park on April 24, 2010, for

the Parkinson's Unity Walk, an annual gathering inspiring people with Parkinson's, their friends, and their families: Now, therefore, be it

Resolved, That the Senate—

(1) supports the designation of April as Parkinson's Awareness Month;

(2) supports the goals and ideals of Parkinson's Awareness Month;

(3) continues to support research to find better treatments, and eventually, a cure for Parkinson's disease;

(4) recognizes the people living with Parkinson's who participate in vital clinical trials to advance our knowledge of this disease; and

(5) commends the dedication of local and regional organizations, volunteers, and millions of Americans across the country working to improve the quality of life of persons living with Parkinson's disease and their families.

SENATE RESOLUTION 475—RECOGNIZING MARCH 2010 AS NATIONAL WOMEN'S HISTORY MONTH

Ms. MURKOWSKI (for herself, Ms. LANDRIEU, Mrs. HUTCHISON, Ms. SNOWE, and Ms. MIKULSKI) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 475

Whereas the purpose of National Women's History Month is to increase awareness and knowledge of women's involvement in history;

Whereas as recently as the 1970s, women's history was rarely included in the kindergarten through grade 12 curriculum and was not part of public awareness;

Whereas in 1981, responding to the growing popularity of women's history celebrations, Congress enacted a joint resolution designating the week beginning March 7, 1982, as "Women's History Week" (Public Law 97-28; 95 Stat. 148);

Whereas during the week of March 7, 1982, thousands of schools and communities joined in the commemoration of National Women's History Week, with support and encouragement from governors, city councils, school boards, and Congress;

Whereas in 1987, the National Women's History Project petitioned Congress to expand the national celebration to include the entire month of March;

Whereas educators, workplace program planners, parents, and community organizations in thousands of communities in the United States, have turned National Women's History Month into a major local learning experience and celebration;

Whereas the popularity of women's history celebrations has sparked a new interest in uncovering women's forgotten heritage;

Whereas the President's Commission on the Celebration of Women in American History was established to consider how best to acknowledge and celebrate the roles and accomplishments of women in the history of the United States;

Whereas the National Women's History Museum was founded in 1996 as an institution dedicated to preserving, interpreting, and celebrating the diverse historic contributions of women, and integrating this rich heritage fully into the Nation's teachings and history books; and

Whereas the theme of National Women's History Month for 2010 is writing women back into history: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes March 2010 as National Women's History Month;

(2) supports the goals and ideals of National Women's History Month; and

(3) recognizes and honors the women and organizations in the United States that have fought for and continue to promote the teaching of women's history.

AMENDMENTS SUBMITTED AND PROPOSED

SA 3718. Mr. KAUFMAN (for Mr. DODD) proposed an amendment to the bill H.R. 4573, to urge the Secretary of the Treasury to instruct the United States Executive Directors at the International Monetary Fund, the World Bank, the Inter-American Development Bank, and other multilateral development institutions to use the voice, vote, and influence of the United States to cancel immediately and completely Haiti's debts to such institutions, and for other purposes.

SA 3719. Mr. KAUFMAN (for Mr. BAUCUS) proposed an amendment to the resolution S. Res. 427, designating the first week of April 2010 as "National Asbestos Awareness Week".

TEXT OF AMENDMENTS

SA 3718. Mr. KAUFMAN (for Mr. DODD) proposed an amendment to the bill H.R. 4573, to urge the Secretary of the Treasury to instruct the United States Executive Directors at the International Monetary Fund, the World Bank, the Inter-American Development Bank, and other multilateral development institutions to use the voice, vote, and influence of the United States to cancel immediately and completely Haiti's debts to such institutions, and for other purposes; as follows:

On page 3, line 4, insert " , before February 1, 2015," after "provision".

On page 3, lines 18 and 19, strike "relief" and all that follows through "Haiti." and insert "relief and debt service relief for Haiti and, before February 1, 2015, to provide grants for Haiti."

On page 4, line 7, insert "and future generations" after "Haiti's future".

SA 3719. Mr. KAUFMAN (for Mr. BAUCUS) proposed an amendment to the resolution S. Res. 427, designating the first week of April 2010 as "National Asbestos Awareness Week"; as follows:

Strike the 8th whereas clause of the preamble.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Ms. STABENOW. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on March 26, 2010, at 9 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Ms. STABENOW. Mr. President, I ask unanimous consent that Randy

Aussenberg and Ivie English of the Finance Committee staff be accorded the privilege of the floor for today's session.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

CLARIFYING MINIMUM ESSENTIAL COVERAGE

Mr. KAUFMAN. Mr. President, I ask unanimous consent that the Veterans Affairs Committee be discharged from further consideration of S. 3162 and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the bill by title. The assistant legislative clerk read as follows:

A bill (S. 3162) to clarify the health care provided by the Secretary of Veterans Affairs that constitutes minimum essential coverage.

There being no objection, the Senate proceeded to consider the bill.

Mr. KAUFMAN. I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, with no intervening action or debate, and any statements related to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 3162) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 3162

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CLARIFICATION OF HEALTH CARE PROVIDED BY THE SECRETARY OF VETERANS AFFAIRS THAT CONSTITUTES MINIMUM ESSENTIAL COVERAGE.

(a) IN GENERAL.—Clause (v) of section 5000A(f)(1)(A) of the Internal Revenue Code of 1986, as added by section 1501(b) of the Patient Protection and Affordable Care Act, is amended to read as follows:

"(v) chapter 17 or 18 of title 38, United States Code, or otherwise under the laws administered by the Secretary of Veterans Affairs, of an individual entitled to coverage under such chapter or laws for essential health benefits (as defined by the Secretary for purposes of section 1302(b) of the Patient Protection and Affordable Care Act) insofar as such benefits are available under such chapter or laws; or".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect as if included in section 1501(b) of the Patient Protection and Affordable Care Act and shall be executed immediately after the amendments made by such section 1501(b).

PROTECTING THE INTEGRITY OF THE CENSUS ACT

Mr. KAUFMAN. Mr. President, I ask unanimous consent that the Homeland Security and Governmental Affairs Committee be discharged from further

consideration of H.R. 4621, and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 4621) to protect the integrity of the constitutionality mandated United States census and prohibit deceptive mail practices that attempt to exploit the decennial census.

There being no objection, the Senate proceeded to consider the bill.

Mr. KAUFMAN. I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, with no intervening action or debate, and any statements related to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 4621) was ordered to be read a third time, was read the third time, and passed.

HAITI DEBT RELIEF AND EARTHQUAKE RECOVERY ACT OF 2010

Mr. KAUFMAN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 4573, which was received from the House.

The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 4573) to urge the Secretary of the Treasury to instruct the United States Executive Directors at the International Monetary Fund, the World Bank, the Inter-American Development Bank, and other multilateral development institutions to use the voice, vote, and influence of the United States to cancel immediately and completely Haiti's debts to such institutions, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. KAUFMAN. Mr. President, I ask unanimous consent that a Dodd amendment, which is at the desk, be agreed to; the bill, as amended, be read a third time and passed; the motion to reconsider be laid upon the table, with no intervening action or debate, and any statements related to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 3718) was agreed to, as follows:

On page 3, line 4, insert " , before February 1, 2015," after "provision".

On page 3, lines 18 and 19, strike "relief" and all that follows through "Haiti." and insert "relief and debt service relief for Haiti and, before February 1, 2015, to provide grants for Haiti."

On page 4, line 7, insert "and future generations" after "Haiti's future".

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill (H.R. 4573), as amended, was read the third time, and passed.

RECOGNIZING AND HONORING THE BLINDED VETERANS ASSOCIATION

Mr. KAUFMAN. Mr. President, I ask unanimous consent the Senate proceed to the immediate consideration of H.J. Res. 80, which was received from the House and is at the desk.

The PRESIDING OFFICER. The clerk will report the joint resolution by title.

The assistant legislative clerk read as follows:

A joint resolution (H.J. Res. 80) recognizing and honoring the Blinded Veterans Association on its 65th anniversary of representing blinded veterans and their families.

There being no objection, the Senate proceeded to consider the joint resolution.

Mr. AKAKA. Mr. President, today I ask our colleagues to support a joint resolution honoring and recognizing the Blinded Veterans Association for its 65 years of dedication to blinded veterans, and their families.

On March 28, 1945, during the closing stages of World War II, a group of nearly 100 blinded veterans were recuperating at the Old Farms Army Convalescent Hospital near Avon, Connecticut. These men discussed the challenges they had faced and those they were yet to experience, and decided to form an organization with the express purpose of helping other fellow blinded veterans. It was on that day that the Blinded Veterans Association was born.

The war-blinded population is one with unique needs and as such, requires specialized care and support. BVA has filled an essential role, serving as an ardent advocate and engaging in outreach efforts, to ensure these men and women regain independence and confidence, and experience a smooth transition into civilian life.

After 65 years of service, BVA continues to actively contribute to the betterment of blinded veterans' lives. BVA conducts two programs that help to reintegrate newly blinded veterans of our current wars back into their communities. The Field Service Program strategically places legally blind veteran representatives in different geographical areas, to ensure newly blinded veterans are aware of what health care services they qualify for, and are equipped with the necessary skills and tools to deal with life after sight loss. Operation Peer Support links returning blinded OEF/OIF veterans with blinded veterans of previous wars who faced similar challenges, thereby providing role models and necessary support. BVA further supports this important community by offering academic scholarships each year to a limited number of blinded veteran dependents.

Blinded veterans have sacrificed much for this nation and deserve the best care and support. As their voice, BVA has helped Congress ensure we are doing everything within our reach to assist these brave men and women as they adapt to a new life after service.

Mr. President, I urge passage of this joint resolution honoring BVA on its 65th anniversary of advocacy on behalf of blinded veterans, on March 28, 2010.

Mr. KAUFMAN. I ask unanimous consent the joint resolution be read three times and passed, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The joint resolution (H.J. Res. 80) was ordered to a third reading, was read the third time, and passed.

The preamble was agreed to.

COMMEMORATING THE 80TH ANNIVERSARY OF THE DAUGHTERS OF PENELOPE

DESIGNATING SEPTEMBER 2010 AS "NATIONAL CHILDHOOD OBESITY AWARENESS MONTH"

Mr. KAUFMAN. Mr. President, I ask unanimous consent the Judiciary Committee be discharged from further consideration of S. Res. 117 and S. Res. 412 en bloc, and the Senate proceed to their immediate consideration en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the resolutions by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 117) commemorating the 80th anniversary of the Daughters of Penelope, a preeminent international women's association and affiliate organization of the American Hellenic Educational Progressive Association (AHEPA).

A resolution (S. Res. 412) designating September 2010 as "National Childhood Obesity Awareness Month".

There being no objection, the Senate proceeded to consider the resolutions.

Mr. KAUFMAN. I ask unanimous consent the resolutions be agreed to, the preambles be agreed to, and the motions to reconsider be laid upon the table, with no intervening action or debate en bloc, and any statements related to the resolutions be printed in the RECORD at the appropriate place.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolutions (S. Res. 117) and (S. Res. 412) were agreed to en bloc.

The preambles were agreed to en bloc.

The resolutions, with their preambles, read as follows:

S. RES. 117

Whereas the Daughters of Penelope is a leading international organization of women

of Hellenic descent and Philhellenes, founded November 16, 1929, in San Francisco, California, to improve the status and well-being of women and their families and to provide women the opportunity to make significant contributions to their community and country;

Whereas the mission of the Daughters of Penelope is to promote the ideals of ancient Greece, philanthropy, education, civic responsibility, good citizenship, and family and individual excellence, through community service and volunteerism;

Whereas the chapters of the Daughters of Penelope sponsor affordable and dignified housing to the Nation's senior citizen population by participating in the Department of Housing and Urban Development's section 202 housing program (12 U.S.C. 1701q);

Whereas Penelope House, a domestic violence shelter for women and their children sponsored by the Daughters of Penelope, is the first of its kind in the State of Alabama and is recognized as a model shelter for others to emulate throughout the United States;

Whereas the Daughters of Penelope Foundation, Inc. supports the educational objectives of the Daughters of Penelope by providing tens of thousands of dollars annually for scholarships, sponsoring educational seminars, and donating children's books to libraries, schools, shelters, and churches through the "Open Books" program;

Whereas the Daughters of Penelope is the first ethnic organization to submit oral history tapes to the Library of Congress, providing an oral history of first generation Greek-American women in the United States;

Whereas the Daughters of Penelope promotes awareness of cancer research, such as thalassemia (Cooley's anemia), lymphangioleiomyomatosis (LAM), Alzheimer's disease, muscular dystrophy, and others;

Whereas the Daughters of Penelope provides financial support for many medical research and charitable organizations such as the University of Miami Sylvester Comprehensive Cancer Center (formerly the Papanicolaou Cancer Center), the Alzheimer's Foundation of America, the American Heart Association, the Special Olympics, the Barbara Bush Foundation for Family Literacy, the Children's Wish Foundation International, the United Nations Children's Fund (UNICEF), Habitat for Humanity, St. Basil Academy, and others; and

Whereas the Daughters of Penelope provides support and financial assistance to victims and communities affected by natural disasters such as hurricanes, earthquakes, and forest fires: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the significant contributions of people of Greek ancestry, and of Philhellenes, to the United States; and

(2) commemorates the 80th anniversary of the Daughters of Penelope in 2009, applauds its mission, and commends the many charitable contributions of its members to organizations and communities around the world.

S. RES. 412

Whereas during the past 4 decades, obesity rates have soared among all age groups, increasing more than four-fold among children ages 6 to 11;

Whereas 31.8 percent or 23,000,000 children and teenagers ages 2 to 19 are obese or overweight, a statistic that health and medical experts consider an epidemic;

Whereas significant disparities exist among the obesity rates of children based on race and poverty;

Whereas the financial implications of childhood obesity pose a tremendous financial threat to our economy and health care system, carrying up to \$14,000,000,000 per year in direct health care cost, with people in the United States spending about 9 percent of their total medical costs on obesity-related illnesses;

Whereas obese young people have an 80 percent chance of being obese adults and are more likely than children of normal weight to become overweight or obese adults, and therefore more at risk for associated adult health problems, including heart disease, type 2 diabetes, sleep apnea, stroke, several types of cancer, and osteoarthritis;

Whereas in part due to the childhood obesity epidemic, 1 in 3 children (and nearly 1 in 2 minority children) born in the year 2000 will develop type 2 diabetes at some point in their lifetime if current trends continue;

Whereas some consequences of childhood and adolescent obesity are psychosocial and obese children and adolescents are targets of early and systematic social discrimination, leading to low self-esteem which, in turn, can hinder academic and social functioning and persist into adulthood;

Whereas participating in physical activity is important for children and teens as it may have beneficial effects not only on body weight, but also on blood pressure and bone strength;

Whereas proper nutrition is important for children before birth and through their lifespan as nutrition has beneficial effects for health and body weight, and is key in the prevention of various chronic diseases;

Whereas childhood obesity is preventable yet does not appear to be declining;

Whereas public, community-based, and private sector organizations and individuals throughout the United States, including First Lady Michelle Obama, are working to decrease childhood obesity rates for people in the United States of all races through a range of efforts, including educational presentations, media campaigns, Web sites, policies, healthier food options, and greater opportunities for physical activity; and

Whereas Members of Congress have championed legislation to reduce and bring awareness to the issue of childhood obesity: Now, therefore, be it

Resolved, That the Senate—

(1) designates September 2010 as “National Childhood Obesity Awareness Month” in order to raise public awareness and mobilize the country to address childhood obesity;

(2) recognizes the importance of preventing childhood obesity and decreasing its prevalence in the United States; and

(3) requests that the President issue a proclamation calling on the Federal Government, States, tribes and tribal organizations, localities, schools, nonprofit organizations, businesses, other entities, and the people of the United States to observe the month with appropriate programs and activities with the goal of promoting healthy eating and physical activity and increasing awareness of childhood obesity among individuals of all ages and walks of life.

NATIONAL ASBESTOS AWARENESS WEEK

Mr. KAUFMAN. I ask unanimous consent the Judiciary Committee be discharged from further consideration

of S. Res. 427, and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 427) designating the first week of April, 2010 as “National Asbestos Awareness Week.”

There being no objection, the Senate proceeded to consider the resolution.

Mr. KAUFMAN. I ask unanimous consent the resolution be agreed to; a Baucus amendment to the preamble be agreed to, the preamble, as amended, be agreed to; the motions to reconsider be laid upon the table, with no intervening action or debate, and any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 427) was agreed to.

The amendment to the preamble (No. 3719) was agreed to, as follows:

Strike the 8th whereas clause of the preamble.

The preamble, as amended, was agreed to.

The resolution, with its preamble, as amended reads as follows:

S. RES. 427

Whereas dangerous asbestos fibers are invisible and cannot be smelled or tasted;

Whereas the inhalation of airborne asbestos fibers can cause significant damage;

Whereas asbestos fibers can cause mesothelioma, asbestosis, and other health problems; Whereas asbestos-related diseases can take 10 to 50 years to present themselves;

Whereas the expected survival time for those diagnosed with mesothelioma is between 6 and 24 months;

Whereas generally, little is known about late-stage treatment of asbestos-related diseases, and there is no cure for such diseases;

Whereas early detection of asbestos-related diseases may give some patients increased treatment options and might improve their prognoses;

Whereas the United States has reduced its consumption of asbestos substantially, yet continues to consume almost 2,000 metric tons of the fibrous mineral for use in certain products throughout the Nation;

Whereas asbestos-related diseases have killed thousands of people in the United States;

Whereas exposure to asbestos continues, but safety and prevention of asbestos exposure already has significantly reduced the incidence of asbestos-related diseases and can further reduce the incidence of such diseases;

Whereas asbestos has been a cause of occupational cancer;

Whereas thousands of workers in the United States face significant asbestos exposure;

Whereas thousands of people in the United States die from asbestos-related diseases every year;

Whereas a significant percentage of all asbestos-related disease victims were exposed to asbestos on naval ships and in shipyards;

Whereas asbestos was used in the construction of a significant number of office buildings and public facilities built before 1975;

Whereas people in the small community of Libby, Montana, have asbestos-related dis-

eases at a significantly higher rate than the national average and suffer from mesothelioma at a significantly higher rate than the national average; and

Whereas the establishment of a “National Asbestos Awareness Week” will raise public awareness about the prevalence of asbestos-related diseases and the dangers of asbestos exposure: Now, therefore, be it

Resolved, That the Senate—

(1) designates the first week of April 2010 as “National Asbestos Awareness Week”;

(2) urges the Surgeon General to warn and educate people about the public health issue of asbestos exposure, which may be hazardous to their health; and

(3) respectfully requests that the Secretary of the Senate transmit a copy of this resolution to the Office of the Surgeon General.

RECOGNIZING THE UNIVERSITY OF SOUTHERN MISSISSIPPI

NATIONAL SAFE DIGGING MONTH

NATIONAL ASSOCIATION OF JUNIOR AUXILIARIES DAY

PARKINSON'S AWARENESS MONTH

Mr. KAUFMAN. Mr. President, I ask unanimous consent that the Senate now proceed to the en bloc consideration of the following resolutions: S. Res. 471, S. Res 472, S. Res. 473, and S. Res. 474.

There being no objection, the Senate proceeded to consider the resolutions en bloc.

Mr. KAUFMAN. I ask unanimous consent the resolutions be agreed to, the preambles be agreed to, and the motions to reconsider be laid upon the table en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolutions were agreed to.

The preambles were agreed to.

The resolutions, with their preambles, read as follows:

S. RES. 471

Whereas classes began at The University of Southern Mississippi (referred to in this preamble as “the University”), originally named Mississippi Normal College, on March 30, 1910;

Whereas throughout a century of growth, expansion, and changes of name, first to State Teachers College, in 1924, then Mississippi Southern College, in 1940, and ultimately The University of Southern Mississippi, in 1962, the institution has been dedicated to engaging and empowering the citizens of Mississippi to transform lives and communities;

Whereas the University is the only dual-campus university in Mississippi, and the innovative faculty of the University continues to cultivate intellectual development and creativity through the generation, dissemination, application, and preservation of knowledge by annually educating more than 16,000 students from over 100 countries;

Whereas the University is the home of numerous innovative and internationally recognized programs that contribute to the successful research enterprise of the University,

which generates more than \$90,000,000 annually;

Whereas the University has more than 125,000 graduates, whose talents and skills have reflected favorably on the State of Mississippi and who have served as trailblazers in the areas of politics, entertainment, law, business, professional athletics, and volunteerism, improving the lives of all they have touched;

Whereas the University is looking ahead as it enters its second century as a premier research university of the Gulf South, with programs in academics, athletics, community service, and the arts that are competitive in the State and region, and throughout the Nation and around the world; and

Whereas the significance of this centennial in the development of the University, and the State of Mississippi, cannot be over-emphasized: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes The University of Southern Mississippi for 100 years of service and excellence in higher education; and

(2) proudly shares this commemorative occasion with the administration, faculty, students, and alumni of The University of Southern Mississippi.

S. RES. 472

Whereas each year the Nation's underground utility infrastructure—including pipelines and electric, gas, telecommunications, water, sewer, and cable television lines—is jeopardized by unintentional damage due to those who fail to have underground lines located prior to digging;

Whereas some lines are buried only a few inches underground, making them easy to strike even during shallow digging projects;

Whereas such digging often has unintended consequences such as service interruption, environmental damage, personal injury, and even death;

Whereas April is the beginning of the peak of excavation projects around the Nation;

Whereas in 2002 Congress required the Department of Transportation and the Federal Communications Commission to establish a 3-digit, nationwide toll-free number to be used by State "One-Call" systems;

Whereas in 2005 the Federal Communications Commission designated "811" as the nationwide "One Call" number for homeowners and all excavators to call before conducting excavation activities;

Whereas the "One-Call" system has helped reduce the number of digging damages caused by failure to call before digging from 57 percent in 2004 to 37.5 percent in 2009;

Whereas the 1,400 members of the Common Ground Alliance, who are dedicated to ensuring public safety, environmental protection, and the integrity of services, promote the national "Call Before You Dig" campaign to increase public awareness about the importance, for homeowners and excavators, of calling 811 to find out the exact location of underground lines;

Whereas the Common Ground Alliance has designated April as National Safe Digging Month in order to increase awareness of safe digging practices across the country and to celebrate the anniversary of 811, the national "Call Before You Dig" number: Now, therefore, be it

Resolved, That the Senate supports the goals of National Safe Digging Month and encourages homeowners and all excavators throughout the country to call 811 before digging.

S. RES. 473

Whereas the National Association of Junior Auxiliaries and the members of the Na-

tional Association of Junior Auxiliaries provide valuable service and leadership opportunities for women who wish to take an active role in their communities;

Whereas the mission of the National Association of Junior Auxiliaries is to encourage member chapters to render charitable services that—

(1) are beneficial to the general public; and

(2) place a particular emphasis on providing for the needs of children; and

Whereas, since the founding of the National Association of Junior Auxiliaries in 1941, the organization has provided strength and inspiration to women who want to effect positive change in their communities: Now, therefore, be it

Resolved, That the Senate—

(1) designates April 4, 2010, as "National Association of Junior Auxiliaries Day";

(2) recognizes the great contributions made by members of the National Association of Junior Auxiliaries to their communities and to the people of the United States; and

(3) especially commends the work of the members of the National Association of Junior Auxiliaries to better the lives of children in the United States.

S. RES. 474

Whereas Parkinson's disease is the second most common neurodegenerative disease in the United States, second only to Alzheimer's disease;

Whereas even though there is inadequate comprehensive data on the incidence and prevalence of Parkinson's disease, as of 2010, it is estimated that the disease affects over 1,000,000 people in the United States;

Whereas although research suggests the cause of Parkinson's disease is a combination of genetic and environmental factors, the exact cause and progression of the disease is still unknown;

Whereas there is no objective test for Parkinson's disease and the rate of misdiagnosis can be high;

Whereas symptoms of Parkinson's disease vary from person to person and include tremor, slowness, difficulty with balance, swallowing, chewing, and speaking, rigidity, cognitive problems, dementia, mood disorders, such as depression and anxiety, constipation, skin problems, and sleep disruptions;

Whereas medications mask some symptoms of Parkinson's disease for a limited amount of time each day, often with dose-limiting side-effects;

Whereas ultimately the medications and treatments lose their effectiveness, generally after 4 to 8 years, leaving the person unable to move, speak, or swallow;

Whereas there is no cure, therapy, or drug to slow or halt the progression of Parkinson's disease;

Whereas increased education and research are needed to help find more effective treatments with fewer side effects and, ultimately, an effective treatment or cure for Parkinson's disease;

Whereas the Federal Government, through the National Institutes of Health, the Department of Defense Neurotoxin Exposure Treatment Parkinson's Research Program, the Veterans Affairs Parkinson's Disease Research, Education and Clinical Centers, and other agencies, supports vital work to better understand Parkinson's disease and to find new treatments; and

Whereas the Parkinson's community will gather in Central Park on April 24, 2010, for the Parkinson's Unity Walk, an annual gathering inspiring people with Parkinson's, their friends, and their families: Now, therefore, be it

Resolved, That the Senate—

(1) supports the designation of April as Parkinson's Awareness Month;

(2) supports the goals and ideals of Parkinson's Awareness Month;

(3) continues to support research to find better treatments, and eventually, a cure for Parkinson's disease;

(4) recognizes the people living with Parkinson's who participate in vital clinical trials to advance our knowledge of this disease; and

(5) commends the dedication of local and regional organizations, volunteers, and millions of Americans across the country working to improve the quality of life of persons living with Parkinson's disease and their families.

APPOINTMENT AUTHORITY

Mr. KAUFMAN. Mr. President, I ask unanimous consent that notwithstanding the upcoming recess or adjournment of the Senate, the President of the Senate, the President of the Senate pro tempore, and the majority and minority leaders be authorized to make appointments to commissions, committees, boards, conferences or inter-parliamentary conferences authorized by law, by concurrent resolution of the two Houses or by order of the Senate.

The PRESIDING OFFICER. Without objection, it is so ordered.

AUTHORITY FOR COMMITTEES TO REPORT

Mr. KAUFMAN. I ask unanimous consent that notwithstanding an adjournment of the Senate, the Senate committees may file reported legislative and Executive Calendar business on Thursday, April 1, 2010, from 11 a.m. to 1 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KAUFMAN. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. KAUFMAN. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS CONSENT AGREEMENT—H.R. 4851

Mr. KAUFMAN. I ask unanimous consent that the vote on the motion to invoke cloture on the motion to proceed to H.R. 4851 occur at 5:30 p.m., Monday, April 12, and that the time from 5 until 5:30 p.m. be equally divided and controlled between the leaders or their designees, with the majority leader controlling the final 15 minutes prior to the vote, and that the Senate resume the motion to proceed at 3 p.m. Monday, April 12; further, that the mandatory quorum be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KAUFMAN. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. KAUFMAN. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

SATELLITE HOME VIEWER EXTENSION AND REAUTHORIZATION ACT OF 2010

Mr. KAUFMAN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. 3191, introduced earlier today.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 3191) to reauthorize the Satellite Home Viewer Extension and Reauthorization Act of 2004, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. LEAHY. Mr. President, as the Senate prepares to break for Easter recess, I am pleased that it has acted to pass two pieces of legislation that will allow for the extension and reauthorization of the Satellite Home Viewer Act. Yesterday, the Senate passed a bill that will extend key provisions of

the Act through the end of April. Passing this short-term extension is necessary to ensure that consumers across the country retain access to network television content. Without it, these consumers would have no way to receive these signals. I understand that the House of Representatives also acted on this short-term extension last night.

Today, the Senate passed the Satellite Television Extension and Localism Act of 2010—STELA—which is a full, 10-year reauthorization. Since the inception of the distant signal license, the license has been reauthorized for 5-year periods, giving all stakeholders an opportunity to revisit it and Congress the opportunity to improve it. Reauthorizing the law for 10 years is not my preferred course of action. In fact, the Senate previously passed a 5-year version of STELA that makes significant improvements to current law, as part of H.R. 4213, which is currently pending in the House of Representatives.

The version of STELA passed by unanimous consent in the Senate today contains all of the improvements from the 5-year version. Nonetheless, it is my view that enacting a 5-year extension is preferable, given the rate at which technology is altering the marketplace. I urge the House of Representatives to enact STELA as swiftly as possible once Congress returns from Easter recess, and I look forward to working with them to accomplish that goal.

Mr. KAUFMAN. I ask unanimous consent that the bill be read for a third time.

The PRESIDING OFFICER. Without objection, it is so ordered. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read the third time.

Mr. KAUFMAN. I understand there is a statement regarding the pay-go effects of the legislation, which I ask unanimous consent to have printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

BUDGETARY EFFECTS OF PAYGO LEGISLATION FOR S. 3191

Mr. Conrad: This is the Statement of Budgetary Effects of PAYGO Legislation for S. 3191. This statement has been prepared pursuant to Section 4 of the Statutory Pay-As-You-Go Act of 2010 (Public Law 111-139), and is being submitted for printing in the Congressional Record prior to passage of S. 3191 by the Senate.

Total Budgetary Effects of S. 3191 for the 5-year Statutory PAYGO Scorecard:

\$354 million decrease in the deficit.

Total Budgetary Effects of S. 3191 for the 10-year Statutory PAYGO Scorecard:

\$278 million decrease in the deficit.

Also submitted for the Record as part of this statement is a table prepared by the Congressional Budget Office, which provides additional information on the budgetary effects of this Act.

CBO ESTIMATE OF THE STATUTORY PAY-AS-YOU-GO EFFECTS FOR THE SATELLITE TELEVISION EXTENSION AND LOCALISM ACT OF 2010

By fiscal year, in millions of dollars—

	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2010–2015	2010–2020
Net Increase or Decrease (–) in the Deficit	–21	–92	–100	–80	–49	–12	13	17	16	15	15	–354	–278
Statutory Pay-As-You-Go Impact													

Source: Congressional Budget Office.

Mr. KAUFMAN. I now ask that the bill be passed and the motion to reconsider be laid upon the table and any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 3191) was passed, as follows:

S. 3191

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the “Satellite Television Extension and Localism Act of 2010”.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—STATUTORY LICENSES

Sec. 101. Reference.

Sec. 102. Modifications to statutory license for satellite carriers.

Sec. 103. Modifications to statutory license for satellite carriers in local markets.

Sec. 104. Modifications to cable system secondary transmission rights under section 111.

Sec. 105. Certain waivers granted to providers of local-to-local service for all DMAs.

Sec. 106. Copyright Office fees.

Sec. 107. Termination of license.

Sec. 108. Construction.

TITLE II—COMMUNICATIONS PROVISIONS

Sec. 201. Reference.

Sec. 202. Extension of authority.

Sec. 203. Significantly viewed stations.

Sec. 204. Digital television transition conforming amendments.

Sec. 205. Application pending completion of rulemakings.

Sec. 206. Process for issuing qualified carrier certification.

Sec. 207. Nondiscrimination in carriage of high definition digital signals of noncommercial educational television stations.

Sec. 208. Savings clause regarding definitions.

Sec. 209. State public affairs broadcasts.

TITLE III—REPORTS AND SAVINGS PROVISION

Sec. 301. Definition.

Sec. 302. Report on market based alternatives to statutory licensing.

Sec. 303. Report on communications implications of statutory licensing modifications.

Sec. 304. Report on in-state broadcast programming.

Sec. 305. Local network channel broadcast reports.

Sec. 306. Savings provision regarding use of negotiated licenses.

Sec. 307. Effective date; Noninfringement of copyright.

TITLE IV—SEVERABILITY

Sec. 401. Severability.

TITLE I—STATUTORY LICENSES

SEC. 101. REFERENCE.

Except as otherwise provided, whenever in this title an amendment is made to a section or other provision, the reference shall be considered to be made to such section or provision of title 17, United States Code.

SEC. 102. MODIFICATIONS TO STATUTORY LICENSE FOR SATELLITE CARRIERS.

(a) HEADING RENAMED.—

(1) IN GENERAL.—The heading of section 119 is amended by striking “**superstations and network stations for private home viewing**” and inserting “**distant television programming by satellite**”.

(2) TABLE OF CONTENTS.—The table of contents for chapter 1 is amended by striking the item relating to section 119 and inserting the following:

“119. Limitations on exclusive rights: Secondary transmissions of distant television programming by satellite.”.

(b) UNSERVED HOUSEHOLD DEFINED.—

(1) IN GENERAL.—Section 119(d)(10) is amended—

(A) by striking subparagraph (A) and inserting the following:

“(A) cannot receive, through the use of an antenna, an over-the-air signal containing the primary stream, or, on or after the qualifying date, the multicast stream, originating in that household’s local market and affiliated with that network of—

“(i) if the signal originates as an analog signal, Grade B intensity as defined by the Federal Communications Commission in section 73.683(a) of title 47, Code of Federal Regulations, as in effect on January 1, 1999; or

“(ii) if the signal originates as a digital signal, intensity defined in the values for the digital television noise-limited service contour, as defined in regulations issued by the Federal Communications Commission (section 73.622(e) of title 47, Code of Federal Regulations), as such regulations may be amended from time to time;”;

(B) in subparagraph (B)—

(i) by striking “subsection (a)(14)” and inserting “subsection (a)(13);”;

(ii) by striking “Satellite Home Viewer Extension and Reauthorization Act of 2004” and inserting “Satellite Television Extension and Localism Act of 2010”; and

(C) in subparagraph (D), by striking “(a)(12)” and inserting “(a)(11)”.

(2) QUALIFYING DATE DEFINED.—Section 119(d) is amended by adding at the end the following:

“(14) QUALIFYING DATE.—The term ‘qualifying date’, for purposes of paragraph (10)(A), means—

“(A) July 1, 2010, for multicast streams that exist on December 31, 2009; and

“(B) January 1, 2011, for all other multicast streams.”.

(c) FILING FEE.—Section 119(b)(1) is amended—

(1) in subparagraph (A), by striking “and” after the semicolon at the end;

(2) in subparagraph (B), by striking the period and inserting “; and”; and

(3) by adding at the end the following:

“(C) a filing fee, as determined by the Register of Copyrights pursuant to section 708(a).”.

(d) DEPOSIT OF STATEMENTS AND FEES; VERIFICATION PROCEDURES.—Section 119(b) is amended—

(1) by amending the subsection heading to read as follows: “(b) DEPOSIT OF STATEMENTS AND FEES; VERIFICATION PROCEDURES.—”;

(2) in paragraph (1), by striking subparagraph (B) and inserting the following:

“(B) a royalty fee payable to copyright owners pursuant to paragraph (4) for that 6-month period, computed by multiplying the total number of subscribers receiving each secondary transmission of a primary stream or multicast stream of each non-network station or network station during each calendar year month by the appropriate rate in effect under this subsection; and”;

(3) by redesignating paragraphs (2), (3), and (4) as paragraphs (3), (4), and (5), respectively;

(4) by inserting after paragraph (1) the following:

“(2) VERIFICATION OF ACCOUNTS AND FEE PAYMENTS.—The Register of Copyrights shall issue regulations to permit interested parties to verify and audit the statements of account and royalty fees submitted by satellite carriers under this subsection.”;

(5) in paragraph (3), as redesignated, in the first sentence—

(A) by inserting “(including the filing fee specified in paragraph (1)(C))” after “shall receive all fees”; and

(B) by striking “paragraph (4)” and inserting “paragraph (5)”;

(6) in paragraph (4), as redesignated—

(A) by striking “paragraph (2)” and inserting “paragraph (3)”;

(B) by striking “paragraph (4)” each place it appears and inserting “paragraph (5)”;

(7) in paragraph (5), as redesignated, by striking “paragraph (2)” and inserting “paragraph (3)”.

(e) ADJUSTMENT OF ROYALTY FEES.—Section 119(c) is amended as follows:

(1) Paragraph (1) is amended—

(A) in the heading for such paragraph, by striking “ANALOG”;

(B) in subparagraph (A)—

(i) by striking “primary analog transmissions” and inserting “primary transmissions”; and

(ii) by striking “July 1, 2004” and inserting “July 1, 2009”;

(C) in subparagraph (B)—

(i) by striking “January 2, 2005, the Librarian of Congress” and inserting “May 1, 2010, the Copyright Royalty Judges”; and

(ii) by striking “primary analog transmission” and inserting “primary transmissions”;

(D) in subparagraph (C), by striking “Librarian of Congress” and inserting “Copyright Royalty Judges”;

(E) in subparagraph (D)—

(i) in clause (i)—

(I) by striking “(i) Voluntary agreements” and inserting the following:

“(i) VOLUNTARY AGREEMENTS; FILING.—Voluntary agreements”; and

(II) by striking “that a parties” and inserting “that are parties”; and

(ii) in clause (ii)—

(I) by striking “(ii)(I) Within” and inserting the following:

“(ii) PROCEDURE FOR ADOPTION OF FEES.—

“(I) PUBLICATION OF NOTICE.—Within”;

(II) in subclause (I), by striking “an arbitration proceeding pursuant to subparagraph (E)” and inserting “a proceeding under subparagraph (F)”;

(III) in subclause (II), by striking “(II) Upon receiving a request under subclause (I), the Librarian of Congress” and inserting the following:

“(II) PUBLIC NOTICE OF FEES.—Upon receiving a request under subclause (I), the Copyright Royalty Judges”; and

(IV) in subclause (III)—

(aa) by striking “(III) The Librarian” and inserting the following:

“(III) ADOPTION OF FEES.—The Copyright Royalty Judges”;

(bb) by striking “an arbitration proceeding” and inserting “the proceeding under subparagraph (F)”;

(cc) by striking “the arbitration proceeding” and inserting “that proceeding”;

(F) in subparagraph (E)—

(i) by striking “Copyright Office” and inserting “Copyright Royalty Judges”; and

(ii) by striking “April 30, 2010” and inserting “December 31, 2020”; and

(G) in subparagraph (F)—

(i) in the heading, by striking “COMPULSORY ARBITRATION” and inserting “COPYRIGHT ROYALTY JUDGES PROCEEDING”;

(ii) in clause (i)—

(I) in the heading, by striking “PROCEEDINGS” and inserting “THE PROCEEDING”;

(II) in the matter preceding subclause (I)—

(aa) by striking “May 1, 2005, the Librarian of Congress” and inserting “July 1, 2010, the Copyright Royalty Judges”;

(bb) by striking “arbitration proceedings” and inserting “a proceeding”;

(cc) by striking “fee to be paid” and inserting “fees to be paid”;

(dd) by striking “primary analog transmission” and inserting “the primary transmissions”; and

(ee) by striking “distributors” and inserting “distributors—”;

(III) in subclause (II)—

(aa) by striking “Librarian of Congress” and inserting “Copyright Royalty Judges”; and

(bb) by striking “arbitration”; and

(IV) by amending the last sentence to read as follows: “Such proceeding shall be conducted under chapter 8.”;

(iii) in clause (ii), by amending the matter preceding subclause (I) to read as follows:

“(ii) ESTABLISHMENT OF ROYALTY FEES.—In determining royalty fees under this subparagraph, the Copyright Royalty Judges shall establish fees for the secondary transmissions of the primary transmissions of network stations and non-network stations that most clearly represent the fair market value of secondary transmissions, except that the Copyright Royalty Judges shall adjust royalty fees to account for the obligations of the parties under any applicable voluntary agreement filed with the Copyright Royalty Judges in accordance with subparagraph (D). In determining the fair market value, the Judges shall base their decision on economic, competitive, and programming information presented by the parties, including—”;

(iv) by amending clause (iii) to read as follows:

“(iii) EFFECTIVE DATE FOR DECISION OF COPYRIGHT ROYALTY JUDGES.—The obligation to pay the royalty fees established under a determination that is made by the Copyright Royalty Judges in a proceeding under this paragraph shall be effective as of January 1, 2010.”;

(v) in clause (iv)—

(I) in the heading, by striking “FEE” and inserting “FEES”; and

(II) by striking “fee referred to in (iii)” and inserting “fees referred to in clause (iii)”.

(2) Paragraph (2) is amended to read as follows:

“(2) ANNUAL ROYALTY FEE ADJUSTMENT.—Effective January 1 of each year, the royalty fee payable under subsection (b)(1)(B) for the secondary transmission of the primary transmissions of network stations and non-network stations shall be adjusted by the Copyright Royalty Judges to reflect any changes occurring in the cost of living as determined by the most recent Consumer Price Index (for all consumers and for all items) published by the Secretary of Labor before December 1 of the preceding year. Notification of the adjusted fees shall be published in the Federal Register at least 25 days before January 1.”.

(f) DEFINITIONS.—

(1) SUBSCRIBER.—Section 119(d)(8) is amended to read as follows:

“(8) SUBSCRIBER; SUBSCRIBE.—

“(A) SUBSCRIBER.—The term ‘subscriber’ means a person or entity that receives a secondary transmission service from a satellite carrier and pays a fee for the service, directly or indirectly, to the satellite carrier or to a distributor.

“(B) SUBSCRIBE.—The term ‘subscribe’ means to elect to become a subscriber.”.

(2) LOCAL MARKET.—Section 119(d)(11) is amended to read as follows:

“(11) LOCAL MARKET.—The term ‘local market’ has the meaning given such term under section 122(j).”.

(3) LOW POWER TELEVISION STATION.—Section 119(d) is amended by striking paragraph (12) and redesignating paragraphs (13) and (14) as paragraphs (12) and (13), respectively.

(4) MULTICAST STREAM.—Section 119(d), as amended by paragraph (3), is further amended by adding at the end the following new paragraph:

“(14) MULTICAST STREAM.—The term ‘multicast stream’ means a digital stream containing programming and program-related material affiliated with a television network, other than the primary stream.”.

(5) PRIMARY STREAM.—Section 119(d), as amended by paragraph (4), is further amended by adding at the end the following new paragraph:

“(15) PRIMARY STREAM.—The term ‘primary stream’ means—

“(A) the single digital stream of programming as to which a television broadcast station has the right to mandatory carriage with a satellite carrier under the rules of the Federal Communications Commission in effect on July 1, 2009; or

“(B) if there is no stream described in subparagraph (A), then either—

“(i) the single digital stream of programming associated with the network last transmitted by the station as an analog signal; or

“(ii) if there is no stream described in clause (i), then the single digital stream of programming affiliated with the network that, as of July 1, 2009, had been offered by the television broadcast station for the longest period of time.”.

(6) CLERICAL AMENDMENT.—Section 119(d) is amended in paragraphs (1), (2), and (5) by striking “which” each place it appears and inserting “that”.

(g) SUPERSTATION REDESIGNATED AS NON-NETWORK STATION.—Section 119 is amended—

(1) by striking “superstation” each place it appears in a heading and each place it appears in text and inserting “non-network station”; and

(2) by striking “superstations” each place it appears in a heading and each place it appears in text and inserting “non-network stations”.

(h) REMOVAL OF CERTAIN PROVISIONS.—

(1) REMOVAL OF PROVISIONS.—Section 119(a) is amended—

(A) in paragraph (2), by striking subparagraph (C) and redesignating subparagraph (D) as subparagraph (C);

(B) by striking paragraph (3) and redesignating paragraphs (4) through (14) as paragraphs (3) through (13), respectively; and

(C) by striking paragraph (15) and redesignating paragraph (16) as paragraph (14).

(2) CONFORMING AMENDMENTS.—Section 119 is amended—

(A) in subsection (a)—

(i) in paragraph (1), by striking “(5), (6), and (8)” and inserting “(4), (5), and (7)”;

(ii) in paragraph (2)—

(I) in subparagraph (A), by striking “subparagraphs (B) and (C) of this paragraph and paragraphs (5), (6), (7), and (8)” and inserting

“subparagraph (B) of this paragraph and paragraphs (4), (5), (6), and (7)”;

(II) in subparagraph (B)(i), by striking the second sentence; and

(III) in subparagraph (C) (as redesignated), by striking clauses (i) and (ii) and inserting the following:

“(i) INITIAL LISTS.—A satellite carrier that makes secondary transmissions of a primary transmission made by a network station pursuant to subparagraph (A) shall, not later than 90 days after commencing such secondary transmissions, submit to the network that owns or is affiliated with the network station a list identifying (by name and address, including street or rural route number, city, State, and 9-digit zip code) all subscribers to which the satellite carrier makes secondary transmissions of that primary transmission to subscribers in unserved households.

“(ii) MONTHLY LISTS.—After the submission of the initial lists under clause (i), the satellite carrier shall, not later than the 15th of each month, submit to the network a list, aggregated by designated market area, identifying (by name and address, including street or rural route number, city, State, and 9-digit zip code) any persons who have been added or dropped as subscribers under clause (i) since the last submission under this subparagraph.”; and

(iii) in subparagraph (E) of paragraph (3) (as redesignated)—

(I) by striking “under paragraph (3) or”;

(II) by striking “paragraph (12)” and inserting “paragraph (11)”;

(B) in subsection (b)(1), by striking the final sentence.

(i) MODIFICATIONS TO PROVISIONS FOR SECONDARY TRANSMISSIONS BY SATELLITE CARRIERS.—

(1) PREDICTIVE MODEL.—Section 119(a)(2)(B)(ii) is amended by adding at the end the following:

“(III) ACCURATE PREDICTIVE MODEL WITH RESPECT TO DIGITAL SIGNALS.—Notwithstanding subclause (I), in determining presumptively whether a person resides in an unserved household under subsection (d)(10)(A) with respect to digital signals, a court shall rely on a predictive model set forth by the Federal Communications Commission pursuant to a rulemaking as provided in section 339(c)(3) of the Communications Act of 1934 (47 U.S.C. 339(c)(3)), as that model may be amended by the Commission over time under such section to increase the accuracy of that model. Until such time as the Commission sets forth such model, a court shall rely on the predictive model as recommended by the Commission with respect to digital signals in its Report to Congress in ET Docket No. 05-182, FCC 05-199 (released December 9, 2005).”.

(2) MODIFICATIONS TO STATUTORY LICENSE WHERE RETRANSMISSIONS INTO LOCAL MARKET AVAILABLE.—Section 119(a)(3) (as redesignated) is amended—

(A) by striking “analog” each place it appears in a heading and text;

(B) by striking subparagraphs (B), (C), and (D), and inserting the following:

“(B) RULES FOR LAWFUL SUBSCRIBERS AS OF DATE OF ENACTMENT OF 2010 ACT.—In the case of a subscriber of a satellite carrier who, on the day before the date of the enactment of the Satellite Television Extension and Localism Act of 2010, was lawfully receiving the secondary transmission of the primary transmission of a network station under the statutory license under paragraph (2) (in this subparagraph referred to as the ‘distant sig-

nal’), other than subscribers to whom subparagraph (A) applies, the statutory license under paragraph (2) shall apply to secondary transmissions by that satellite carrier to that subscriber of the distant signal of a station affiliated with the same television network, and the subscriber’s household shall continue to be considered to be an unserved household with respect to such network, until such time as the subscriber elects to terminate such secondary transmissions, whether or not the subscriber elects to subscribe to receive the secondary transmission of the primary transmission of a local network station affiliated with the same network pursuant to the statutory license under section 122.

“(C) FUTURE APPLICABILITY.—

“(i) WHEN LOCAL SIGNAL AVAILABLE AT TIME OF SUBSCRIPTION.—The statutory license under paragraph (2) shall not apply to the secondary transmission by a satellite carrier of the primary transmission of a network station to a person who is not a subscriber lawfully receiving such secondary transmission as of the date of the enactment of the Satellite Television Extension and Localism Act of 2010 and, at the time such person seeks to subscribe to receive such secondary transmission, resides in a local market where the satellite carrier makes available to that person the secondary transmission of the primary transmission of a local network station affiliated with the same network pursuant to the statutory license under section 122.

“(ii) WHEN LOCAL SIGNAL AVAILABLE AFTER SUBSCRIPTION.—In the case of a subscriber who lawfully subscribes to and receives the secondary transmission by a satellite carrier of the primary transmission of a network station under the statutory license under paragraph (2) (in this clause referred to as the ‘distant signal’) on or after the date of the enactment of the Satellite Television Extension and Localism Act of 2010, the statutory license under paragraph (2) shall apply to secondary transmissions by that satellite carrier to that subscriber of the distant signal of a station affiliated with the same television network, and the subscriber’s household shall continue to be considered to be an unserved household with respect to such network, until such time as the subscriber elects to terminate such secondary transmissions, but only if such subscriber subscribes to the secondary transmission of the primary transmission of a local network station affiliated with the same network within 60 days after the satellite carrier makes available to the subscriber such secondary transmission of the primary transmission of such local network station.”.

(C) by redesignating subparagraphs (E), (F), and (G) as subparagraphs (D), (E), and (F), respectively;

(D) in subparagraph (E) (as redesignated), by striking “(C) or (D)” and inserting “(B) or (C)”;

(E) in subparagraph (F) (as redesignated), by inserting “9-digit” before “zip code”.

(3) STATUTORY DAMAGES FOR TERRITORIAL RESTRICTIONS.—Section 119(a)(6) (as redesignated) is amended—

(A) in subparagraph (A)(ii), by striking “\$5” and inserting “\$250”;

(B) in subparagraph (B)—

(i) in clause (i), by striking “\$250,000 for each 6-month period” and inserting “\$2,500,000 for each 3-month period”; and

(ii) in clause (ii), by striking “\$250,000” and inserting “\$2,500,000”; and

(C) by adding at the end the following flush sentences:

"The court shall direct one half of any statutory damages ordered under clause (i) to be deposited with the Register of Copyrights for distribution to copyright owners pursuant to subsection (b). The Copyright Royalty Judges shall issue regulations establishing procedures for distributing such funds, on a proportional basis, to copyright owners whose works were included in the secondary transmissions that were the subject of the statutory damages."

(4) TECHNICAL AMENDMENT.—Section 119(a)(4) (as redesignated) is amended by striking "and 509".

(5) CLERICAL AMENDMENT.—Section 119(a)(2)(B)(iii)(II) is amended by striking "In this clause" and inserting "In this clause,".

(j) MORATORIUM EXTENSION.—Section 119(e) is amended by striking "April 30, 2010" and inserting "December 31, 2020".

(k) CLERICAL AMENDMENTS.—Section 119 is amended—

(1) by striking "of the Code of Federal Regulations" each place it appears and inserting ", Code of Federal Regulations"; and

(2) in subsection (d)(6), by striking "or the Direct" and inserting ", or the Direct".

SEC. 103. MODIFICATIONS TO STATUTORY LICENSE FOR SATELLITE CARRIERS IN LOCAL MARKETS.

(a) HEADING RENAMED.—

(1) IN GENERAL.—The heading of section 122 is amended by striking "**by satellite carriers within local markets**" and inserting "**of local television programming by satellite**".

(2) TABLE OF CONTENTS.—The table of contents for chapter 1 is amended by striking the item relating to section 122 and inserting the following:

"122. Limitations on exclusive rights: Secondary transmissions of local television programming by satellite."

(b) STATUTORY LICENSE.—Section 122(a) is amended to read as follows:

"(a) SECONDARY TRANSMISSIONS INTO LOCAL MARKETS.—

"(1) SECONDARY TRANSMISSIONS OF TELEVISION BROADCAST STATIONS WITHIN A LOCAL MARKET.—A secondary transmission of a performance or display of a work embodied in a primary transmission of a television broadcast station into the station's local market shall be subject to statutory licensing under this section if—

"(A) the secondary transmission is made by a satellite carrier to the public;

"(B) with regard to secondary transmissions, the satellite carrier is in compliance with the rules, regulations, or authorizations of the Federal Communications Commission governing the carriage of television broadcast station signals; and

"(C) the satellite carrier makes a direct or indirect charge for the secondary transmission to—

"(i) each subscriber receiving the secondary transmission; or

"(ii) a distributor that has contracted with the satellite carrier for direct or indirect delivery of the secondary transmission to the public.

"(2) SIGNIFICANTLY VIEWED STATIONS.—

"(A) IN GENERAL.—A secondary transmission of a performance or display of a work embodied in a primary transmission of a television broadcast station to subscribers who receive secondary transmissions of primary transmissions under paragraph (1) shall be subject to statutory licensing under this paragraph if the secondary transmission is of the primary transmission of a network station or a non-network station to a subscriber who resides outside the station's

local market but within a community in which the signal has been determined by the Federal Communications Commission to be significantly viewed in such community, pursuant to the rules, regulations, and authorizations of the Federal Communications Commission in effect on April 15, 1976, applicable to determining with respect to a cable system whether signals are significantly viewed in a community.

"(B) WAIVER.—A subscriber who is denied the secondary transmission of the primary transmission of a network station or a non-network station under subparagraph (A) may request a waiver from such denial by submitting a request, through the subscriber's satellite carrier, to the network station or non-network station in the local market affiliated with the same network or non-network where the subscriber is located. The network station or non-network station shall accept or reject the subscriber's request for a waiver within 30 days after receipt of the request. If the network station or non-network station fails to accept or reject the subscriber's request for a waiver within that 30-day period, that network station or non-network station shall be deemed to agree to the waiver request.

"(3) SECONDARY TRANSMISSION OF LOW POWER PROGRAMMING.—

"(A) IN GENERAL.—Subject to subparagraphs (B) and (C), a secondary transmission of a performance or display of a work embodied in a primary transmission of a television broadcast station to subscribers who receive secondary transmissions of primary transmissions under paragraph (1) shall be subject to statutory licensing under this paragraph if the secondary transmission is of the primary transmission of a television broadcast station that is licensed as a low power television station, to a subscriber who resides within the same designated market area as the station that originates the transmission.

"(B) NO APPLICABILITY TO REPEATERS AND TRANSLATORS.—Secondary transmissions provided for in subparagraph (A) shall not apply to any low power television station that retransmits the programs and signals of another television station for more than 2 hours each day.

"(C) NO IMPACT ON OTHER SECONDARY TRANSMISSIONS OBLIGATIONS.—A satellite carrier that makes secondary transmissions of a primary transmission of a low power television station under a statutory license provided under this section is not required, by reason of such secondary transmissions, to make any other secondary transmissions.

"(4) SPECIAL EXCEPTIONS.—A secondary transmission of a performance or display of a work embodied in a primary transmission of a television broadcast station to subscribers who receive secondary transmissions of primary transmissions under paragraph (1) shall, if the secondary transmission is made by a satellite carrier that complies with the requirements of paragraph (1), be subject to statutory licensing under this paragraph as follows:

"(A) STATES WITH SINGLE FULL-POWER NETWORK STATION.—In a State in which there is licensed by the Federal Communications Commission a single full-power station that was a network station on January 1, 1995, the statutory license provided for in this paragraph shall apply to the secondary transmission by a satellite carrier of the primary transmission of that station to any subscriber in a community that is located within that State and that is not within the first 50 television markets as listed in the regula-

tions of the Commission as in effect on such date (47 C.F.R. 76.51).

"(B) STATES WITH ALL NETWORK STATIONS AND NON-NETWORK STATIONS IN SAME LOCAL MARKET.—In a State in which all network stations and non-network stations licensed by the Federal Communications Commission within that State as of January 1, 1995, are assigned to the same local market and that local market does not encompass all counties of that State, the statutory license provided under this paragraph shall apply to the secondary transmission by a satellite carrier of the primary transmissions of such station to all subscribers in the State who reside in a local market that is within the first 50 major television markets as listed in the regulations of the Commission as in effect on such date (section 76.51 of title 47, Code of Federal Regulations).

"(C) ADDITIONAL STATIONS.—In the case of that State in which are located 4 counties that—

"(i) on January 1, 2004, were in local markets principally comprised of counties in another State, and

"(ii) had a combined total of 41,340 television households, according to the U.S. Television Household Estimates by Nielsen Media Research for 2004,

the statutory license provided under this paragraph shall apply to secondary transmissions by a satellite carrier to subscribers in any such county of the primary transmissions of any network station located in that State, if the satellite carrier was making such secondary transmissions to any subscribers in that county on January 1, 2004.

"(D) CERTAIN ADDITIONAL STATIONS.—If 2 adjacent counties in a single State are in a local market comprised principally of counties located in another State, the statutory license provided for in this paragraph shall apply to the secondary transmission by a satellite carrier to subscribers in those 2 counties of the primary transmissions of any network station located in the capital of the State in which such 2 counties are located, if—

"(i) the 2 counties are located in a local market that is in the top 100 markets for the year 2003 according to Nielsen Media Research; and

"(ii) the total number of television households in the 2 counties combined did not exceed 10,000 for the year 2003 according to Nielsen Media Research.

"(E) NETWORKS OF NONCOMMERCIAL EDUCATIONAL BROADCAST STATIONS.—In the case of a system of three or more noncommercial educational broadcast stations licensed to a single State, public agency, or political, educational, or special purpose subdivision of a State, the statutory license provided for in this paragraph shall apply to the secondary transmission of the primary transmission of such system to any subscriber in any county or county equivalent within such State, if such subscriber is located in a designated market area that is not otherwise eligible to receive the secondary transmission of the primary transmission of a noncommercial educational broadcast station located within the State pursuant to paragraph (1).

"(5) APPLICABILITY OF ROYALTY RATES AND PROCEDURES.—The royalty rates and procedures under section 119(b) shall apply to the secondary transmissions to which the statutory license under paragraph (4) applies."

(c) REPORTING REQUIREMENTS.—Section 122(b) is amended—

(1) in paragraph (1), by striking "station a list" and all that follows through the end and inserting the following: "station—

“(A) a list identifying (by name in alphabetical order and street address, including county and 9-digit zip code) all subscribers to which the satellite carrier makes secondary transmissions of that primary transmission under subsection (a); and

“(B) a separate list, aggregated by designated market area (by name and address, including street or rural route number, city, State, and 9-digit zip code), which shall indicate those subscribers being served pursuant to paragraph (2) of subsection (a).”; and

(2) in paragraph (2), by striking “network a list” and all that follows through the end and inserting the following: “network—

“(A) a list identifying (by name in alphabetical order and street address, including county and 9-digit zip code) any subscribers who have been added or dropped as subscribers since the last submission under this subsection; and

“(B) a separate list, aggregated by designated market area (by name and street address, including street or rural route number, city, State, and 9-digit zip code), identifying those subscribers whose service pursuant to paragraph (2) of subsection (a) has been added or dropped since the last submission under this subsection.”.

(d) NO ROYALTY FEE FOR CERTAIN SECONDARY TRANSMISSIONS.—Section 122(c) is amended—

(1) in the heading, by inserting “FOR CERTAIN SECONDARY TRANSMISSIONS” after “REQUIRED”; and

(2) by striking “subsection (a)” and inserting “paragraphs (1), (2), and (3) of subsection (a)”.

(e) VIOLATIONS FOR TERRITORIAL RESTRICTIONS.—

(1) MODIFICATION TO STATUTORY DAMAGES.—Section 122(f) is amended—

(A) in paragraph (1)(B), by striking “\$5” and inserting “\$250”; and

(B) in paragraph (2), by striking “\$250,000” each place it appears and inserting “\$2,500,000”.

(2) CONFORMING AMENDMENTS FOR ADDITIONAL STATIONS.—Section 122 is amended—

(A) in subsection (f), by striking “section 119 or” each place it appears and inserting the following: “section 119, subject to statutory licensing by reason of paragraph (2)(A), (3), or (4) of subsection (a), or subject to”; and

(B) in subsection (g), by striking “section 119 or” and inserting the following: “section 119, paragraph (2)(A), (3), or (4) of subsection (a), or”.

(f) DEFINITIONS.—Section 122(j) is amended—

(1) in paragraph (1), by striking “which contracts” and inserting “that contracts”;

(2) by redesignating paragraphs (4) and (5) as paragraphs (6) and (7), respectively;

(3) in paragraph (3)—

(A) by redesignating such paragraph as paragraph (4);

(B) in the heading of such paragraph, by inserting “NON-NETWORK STATION;” after “NETWORK STATION;”; and

(C) by inserting “‘non-network station,’” after “‘network station,’”

(4) by inserting after paragraph (2) the following:

“(3) LOW POWER TELEVISION STATION.—The term ‘low power television station’ means a low power TV station as defined in section 74.701(f) of title 47, Code of Federal Regulations, as in effect on June 1, 2004. For purposes of this paragraph, the term ‘low power television station’ includes a low power television station that has been accorded primary status as a Class A television licensee

under section 73.6001(a) of title 47, Code of Federal Regulations.”;

(5) by inserting after paragraph (4) (as redesignated) the following:

“(5) NONCOMMERCIAL EDUCATIONAL BROADCAST STATION.—The term ‘noncommercial educational broadcast station’ means a television broadcast station that is a noncommercial educational broadcast station as defined in section 397 of the Communications Act of 1934, as in effect on the date of the enactment of the Satellite Television Extension and Localism Act of 2010.”; and

(6) by amending paragraph (6) (as redesignated) to read as follows:

“(6) SUBSCRIBER.—The term ‘subscriber’ means a person or entity that receives a secondary transmission service from a satellite carrier and pays a fee for the service, directly or indirectly, to the satellite carrier or to a distributor.”.

SEC. 104. MODIFICATIONS TO CABLE SYSTEM SECONDARY TRANSMISSION RIGHTS UNDER SECTION 111.

(a) HEADING RENAMED.—

(1) IN GENERAL.—The heading of section 111 is amended by inserting at the end the following: “**of broadcast programming by cable**”.

(2) TABLE OF CONTENTS.—The table of contents for chapter 1 is amended by striking the item relating to section 111 and inserting the following:

“111. Limitations on exclusive rights: Secondary transmissions of broadcast programming by cable.”.

(b) TECHNICAL AMENDMENT.—Section 111(a)(4) is amended by striking “; or” and inserting “or section 122;”.

(c) STATUTORY LICENSE FOR SECONDARY TRANSMISSIONS BY CABLE SYSTEMS.—Section 111(d) is amended—

(1) in paragraph (1)—

(A) in the matter preceding subparagraph (A)—

(i) by striking “A cable system whose secondary” and inserting the following: “STATEMENT OF ACCOUNT AND ROYALTY FEES.—Subject to paragraph (5), a cable system whose secondary”; and

(ii) by striking “by regulation—” and inserting “by regulation the following;”;

(B) in subparagraph (A)—

(i) by striking “a statement of account” and inserting “A statement of account”; and

(ii) by striking “; and” and inserting a period; and

(C) by striking subparagraphs (B), (C), and (D) and inserting the following:

“(B) Except in the case of a cable system whose royalty fee is specified in subparagraph (E) or (F), a total royalty fee payable to copyright owners pursuant to paragraph (3) for the period covered by the statement, computed on the basis of specified percentages of the gross receipts from subscribers to the cable service during such period for the basic service of providing secondary transmissions of primary broadcast transmitters, as follows:

“(i) 1.064 percent of such gross receipts for the privilege of further transmitting, beyond the local service area of such primary transmitter, any non-network programming of a primary transmitter in whole or in part, such amount to be applied against the fee, if any, payable pursuant to clauses (ii) through (iv);

“(ii) 1.064 percent of such gross receipts for the first distant signal equivalent;

“(iii) 0.701 percent of such gross receipts for each of the second, third, and fourth distant signal equivalents; and

“(iv) 0.330 percent of such gross receipts for the fifth distant signal equivalent and each distant signal equivalent thereafter.

“(C) In computing amounts under clauses (ii) through (iv) of subparagraph (B)—

“(i) any fraction of a distant signal equivalent shall be computed at its fractional value;

“(ii) in the case of any cable system located partly within and partly outside of the local service area of a primary transmitter, gross receipts shall be limited to those gross receipts derived from subscribers located outside of the local service area of such primary transmitter; and

“(iii) if a cable system provides a secondary transmission of a primary transmitter to some but not all communities served by that cable system—

“(I) the gross receipts and the distant signal equivalent values for such secondary transmission shall be derived solely on the basis of the subscribers in those communities where the cable system provides such secondary transmission; and

“(II) the total royalty fee for the period paid by such system shall not be less than the royalty fee calculated under subparagraph (B)(i) multiplied by the gross receipts from all subscribers to the system.

“(D) A cable system that, on a statement submitted before the date of the enactment of the Satellite Television Extension and Localism Act of 2010, computed its royalty fee consistent with the methodology under subparagraph (C)(iii), or that amends a statement filed before such date of enactment to compute the royalty fee due using such methodology, shall not be subject to an action for infringement, or eligible for any royalty refund or offset, arising out of its use of such methodology on such statement.

“(E) If the actual gross receipts paid by subscribers to a cable system for the period covered by the statement for the basic service of providing secondary transmissions of primary broadcast transmitters are \$263,800 or less—

“(i) gross receipts of the cable system for the purpose of this paragraph shall be computed by subtracting from such actual gross receipts the amount by which \$263,800 exceeds such actual gross receipts, except that in no case shall a cable system’s gross receipts be reduced to less than \$10,400; and

“(ii) the royalty fee payable under this paragraph to copyright owners pursuant to paragraph (3) shall be 0.5 percent, regardless of the number of distant signal equivalents, if any.

“(F) If the actual gross receipts paid by subscribers to a cable system for the period covered by the statement for the basic service of providing secondary transmissions of primary broadcast transmitters are more than \$263,800 but less than \$527,600, the royalty fee payable under this paragraph to copyright owners pursuant to paragraph (3) shall be—

“(i) 0.5 percent of any gross receipts up to \$263,800, regardless of the number of distant signal equivalents, if any; and

“(ii) 1 percent of any gross receipts in excess of \$263,800, but less than \$527,600, regardless of the number of distant signal equivalents, if any.

“(G) A filing fee, as determined by the Register of Copyrights pursuant to section 708(a).”;

(2) in paragraph (2), in the first sentence—

(A) by striking “The Register of Copyrights” and inserting the following “HANDLING OF FEES.—The Register of Copyrights”; and

(B) by inserting “(including the filing fee specified in paragraph (1)(G))” after “shall receive all fees”;

(3) in paragraph (3)—

(A) by striking “The royalty fees” and inserting the following: “DISTRIBUTION OF ROYALTY FEES TO COPYRIGHT OWNERS.—The royalty fees”;

(B) in subparagraph (A)—

(i) by striking “any such” and inserting “Any such”; and

(ii) by striking “; and” and inserting a period;

(C) in subparagraph (B)—

(i) by striking “any such” and inserting “Any such”; and

(ii) by striking the semicolon and inserting a period; and

(D) in subparagraph (C), by striking “any such” and inserting “Any such”;

(4) in paragraph (4), by striking “The royalty fees” and inserting the following: “PROCEDURES FOR ROYALTY FEE DISTRIBUTION.—The royalty fees”; and

(5) by adding at the end the following new paragraphs:

“(5) 3.75 PERCENT RATE AND SYNDICATED EXCLUSIVITY SURCHARGE NOT APPLICABLE TO MULTICAST STREAMS.—The royalty rates specified in sections 256.2(c) and 256.2(d) of title 37, Code of Federal Regulations (commonly referred to as the ‘3.75 percent rate’ and the ‘syndicated exclusivity surcharge’, respectively), as in effect on the date of the enactment of the Satellite Television Extension and Localism Act of 2010, as such rates may be adjusted, or such sections redesignated, thereafter by the Copyright Royalty Judges, shall not apply to the secondary transmission of a multicast stream.

“(6) VERIFICATION OF ACCOUNTS AND FEE PAYMENTS.—The Register of Copyrights shall issue regulations to provide for the confidential verification by copyright owners whose works were embodied in the secondary transmissions of primary transmissions pursuant to this section of the information reported on the semiannual statements of account filed under this subsection on or after January 1, 2010, in order that the auditor designated under subparagraph (A) is able to confirm the correctness of the calculations and royalty payments reported therein. The regulations shall—

“(A) establish procedures for the designation of a qualified independent auditor—

“(i) with exclusive authority to request verification of such a statement of account on behalf of all copyright owners whose works were the subject of secondary transmissions of primary transmissions by the cable system (that deposited the statement) during the accounting period covered by the statement; and

“(ii) who is not an officer, employee, or agent of any such copyright owner for any purpose other than such audit;

“(B) establish procedures for safeguarding all non-public financial and business information provided under this paragraph;

“(C)(i) require a consultation period for the independent auditor to review its conclusions with a designee of the cable system;

“(ii) establish a mechanism for the cable system to remedy any errors identified in the auditor’s report and to cure any underpayment identified; and

“(iii) provide an opportunity to remedy any disputed facts or conclusions;

“(D) limit the frequency of requests for verification for a particular cable system and the number of audits that a multiple system operator can be required to undergo in a single year; and

“(E) permit requests for verification of a statement of account to be made only within 3 years after the last day of the year in which the statement of account is filed.

“(7) ACCEPTANCE OF ADDITIONAL DEPOSITS.—Any royalty fee payments received by the Copyright Office from cable systems for the secondary transmission of primary transmissions that are in addition to the payments calculated and deposited in accordance with this subsection shall be deemed to have been deposited for the particular accounting period for which they are received and shall be distributed as specified under this subsection.”

(d) EFFECTIVE DATE OF NEW ROYALTY FEE RATES.—The royalty fee rates established in section 111(d)(1)(B) of title 17, United States Code, as amended by subsection (c)(1)(C) of this section, shall take effect commencing with the first accounting period occurring in 2010.

(e) DEFINITIONS.—Section 111(f) is amended—

(1) by striking the first undesignated paragraph and inserting the following:

“(1) PRIMARY TRANSMISSION.—A ‘primary transmission’ is a transmission made to the public by a transmitting facility whose signals are being received and further transmitted by a secondary transmission service, regardless of where or when the performance or display was first transmitted. In the case of a television broadcast station, the primary stream and any multicast streams transmitted by the station constitute primary transmissions.”;

(2) in the second undesignated paragraph—

(A) by striking “A ‘secondary transmission’” and inserting the following:

“(2) SECONDARY TRANSMISSION.—A ‘secondary transmission’; and

(B) by striking “‘cable system’” and inserting “‘cable system’”;

(3) in the third undesignated paragraph—

(A) by striking “A ‘cable system’” and inserting the following:

“(3) CABLE SYSTEM.—A ‘cable system’; and

(B) by striking “Territory, Trust Territory, or Possession” and inserting “territory, trust territory, or possession of the United States”;

(4) in the fourth undesignated paragraph, in the first sentence—

(A) by striking “The ‘local service area of a primary transmitter’, in the case of a television broadcast station, comprises the area in which such station is entitled to insist” and inserting the following:

“(4) LOCAL SERVICE AREA OF A PRIMARY TRANSMITTER.—The ‘local service area of a primary transmitter’, in the case of both the primary stream and any multicast streams transmitted by a primary transmitter that is a television broadcast station, comprises the area where such primary transmitter could have insisted”;

(B) by striking “76.59 of title 47 of the Code of Federal Regulations” and inserting the following: “76.59 of title 47, Code of Federal Regulations, or within the noise-limited contour as defined in 73.622(e)(1) of title 47, Code of Federal Regulations”; and

(C) by striking “as defined by the rules and regulations of the Federal Communications Commission,”;

(5) by amending the fifth undesignated paragraph to read as follows:

“(5) DISTANT SIGNAL EQUIVALENT.—

“(A) IN GENERAL.—Except as provided under subparagraph (B), a ‘distant signal equivalent’—

“(i) is the value assigned to the secondary transmission of any non-network television

programming carried by a cable system in whole or in part beyond the local service area of the primary transmitter of such programming; and

“(ii) is computed by assigning a value of one to each primary stream and to each multicast stream (other than a simulcast) that is an independent station, and by assigning a value of one-quarter to each primary stream and to each multicast stream (other than a simulcast) that is a network station or a noncommercial educational station.

“(B) EXCEPTIONS.—The values for independent, network, and noncommercial educational stations specified in subparagraph (A) are subject to the following:

“(i) Where the rules and regulations of the Federal Communications Commission require a cable system to omit the further transmission of a particular program and such rules and regulations also permit the substitution of another program embodying a performance or display of a work in place of the omitted transmission, or where such rules and regulations in effect on the date of the enactment of the Copyright Act of 1976 permit a cable system, at its election, to effect such omission and substitution of a nonlive program or to carry additional programs not transmitted by primary transmitters within whose local service area the cable system is located, no value shall be assigned for the substituted or additional program.

“(ii) Where the rules, regulations, or authorizations of the Federal Communications Commission in effect on the date of the enactment of the Copyright Act of 1976 permit a cable system, at its election, to omit the further transmission of a particular program and such rules, regulations, or authorizations also permit the substitution of another program embodying a performance or display of a work in place of the omitted transmission, the value assigned for the substituted or additional program shall be, in the case of a live program, the value of one full distant signal equivalent multiplied by a fraction that has as its numerator the number of days in the year in which such substitution occurs and as its denominator the number of days in the year.

“(iii) In the case of the secondary transmission of a primary transmitter that is a television broadcast station pursuant to the late-night or specialty programming rules of the Federal Communications Commission, or the secondary transmission of a primary transmitter that is a television broadcast station on a part-time basis where full-time carriage is not possible because the cable system lacks the activated channel capacity to retransmit on a full-time basis all signals that it is authorized to carry, the values for independent, network, and noncommercial educational stations set forth in subparagraph (A), as the case may be, shall be multiplied by a fraction that is equal to the ratio of the broadcast hours of such primary transmitter retransmitted by the cable system to the total broadcast hours of the primary transmitter.

“(iv) No value shall be assigned for the secondary transmission of the primary stream or any multicast streams of a primary transmitter that is a television broadcast station in any community that is within the local service area of the primary transmitter.”;

(6) by striking the sixth undesignated paragraph and inserting the following:

“(6) NETWORK STATION.—

“(A) TREATMENT OF PRIMARY STREAM.—The term ‘network station’ shall be applied to a

primary stream of a television broadcast station that is owned or operated by, or affiliated with, one or more of the television networks in the United States providing nationwide transmissions, and that transmits a substantial part of the programming supplied by such networks for a substantial part of the primary stream's typical broadcast day.

“(B) TREATMENT OF MULTICAST STREAMS.—The term ‘network station’ shall be applied to a multicast stream on which a television broadcast station transmits all or substantially all of the programming of an interconnected program service that—

“(i) is owned or operated by, or affiliated with, one or more of the television networks described in subparagraph (A); and

“(ii) offers programming on a regular basis for 15 or more hours per week to at least 25 of the affiliated television licensees of the interconnected program service in 10 or more States.”;

(7) by striking the seventh undesignated paragraph and inserting the following:

“(7) INDEPENDENT STATION.—The term ‘independent station’ shall be applied to the primary stream or a multicast stream of a television broadcast station that is not a network station or a noncommercial educational station.”;

(8) by striking the eighth undesignated paragraph and inserting the following:

“(8) NONCOMMERCIAL EDUCATIONAL STATION.—The term ‘noncommercial educational station’ shall be applied to the primary stream or a multicast stream of a television broadcast station that is a noncommercial educational broadcast station as defined in section 397 of the Communications Act of 1934, as in effect on the date of the enactment of the Satellite Television Extension and Localism Act of 2010.”; and

(9) by adding at the end the following:

“(9) PRIMARY STREAM.—A ‘primary stream’ is—

“(A) the single digital stream of programming that, before June 12, 2009, was substantially duplicating the programming transmitted by the television broadcast station as an analog signal; or

“(B) if there is no stream described in subparagraph (A), then the single digital stream of programming transmitted by the television broadcast station for the longest period of time.

“(10) PRIMARY TRANSMITTER.—A ‘primary transmitter’ is a television or radio broadcast station licensed by the Federal Communications Commission, or by an appropriate governmental authority of Canada or Mexico, that makes primary transmissions to the public.

“(11) MULTICAST STREAM.—A ‘multicast stream’ is a digital stream of programming that is transmitted by a television broadcast station and is not the station's primary stream.

“(12) SIMULCAST.—A ‘simulcast’ is a multicast stream of a television broadcast station that duplicates the programming transmitted by the primary stream or another multicast stream of such station.

“(13) SUBSCRIBER; SUBSCRIBE.—

“(A) SUBSCRIBER.—The term ‘subscriber’ means a person or entity that receives a secondary transmission service from a cable system and pays a fee for the service, directly or indirectly, to the cable system.

“(B) SUBSCRIBE.—The term ‘subscribe’ means to elect to become a subscriber.”.

(f) TIMING OF SECTION 111 PROCEEDINGS.—Section 804(b)(1) is amended by striking “2005” each place it appears and inserting “2015”.

(g) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) CORRECTIONS TO FIX LEVEL DESIGNATIONS.—Section 111 is amended—

(A) in subsections (a), (c), and (e), by striking “clause” each place it appears and inserting “paragraph”;

(B) in subsection (c)(1), by striking “clauses” and inserting “paragraphs”; and

(C) in subsection (e)(1)(F), by striking “subclause” and inserting “subparagraph”.

(2) CONFORMING AMENDMENT TO HYPHENATE NONNETWORK.—Section 111 is amended by striking “nonnetwork” each place it appears and inserting “non-network”.

(3) PREVIOUSLY UNDESIGNATED PARAGRAPH.—Section 111(e)(1) is amended by striking “second paragraph of subsection (f)” and inserting “subsection (f)(2)”.

(4) REMOVAL OF SUPERFLUOUS ANDS.—Section 111(e) is amended—

(A) in paragraph (1)(A), by striking “and” at the end;

(B) in paragraph (1)(B), by striking “and” at the end;

(C) in paragraph (1)(C), by striking “and” at the end;

(D) in paragraph (1)(D), by striking “and” at the end; and

(E) in paragraph (2)(A), by striking “and” at the end.

(5) REMOVAL OF VARIANT FORMS REFERENCES.—Section 111 is amended—

(A) in subsection (e)(4), by striking “, and each of its variant forms,”; and

(B) in subsection (f), by striking “and their variant forms”.

(6) CORRECTION TO TERRITORY REFERENCE.—Section 111(e)(2) is amended in the matter preceding subparagraph (A) by striking “three territories” and inserting “five entities”.

(h) EFFECTIVE DATE WITH RESPECT TO MULTICAST STREAMS.—

(1) IN GENERAL.—Subject to paragraphs (2) and (3), the amendments made by this section, to the extent such amendments assign a distant signal equivalent value to the secondary transmission of the multicast stream of a primary transmitter, shall take effect on the date of the enactment of this Act.

(2) DELAYED APPLICABILITY.—

(A) SECONDARY TRANSMISSIONS OF A MULTICAST STREAM BEYOND THE LOCAL SERVICE AREA OF ITS PRIMARY TRANSMITTER BEFORE 2010 ACT.—In any case in which a cable system was making secondary transmissions of a multicast stream beyond the local service area of its primary transmitter before the date of the enactment of this Act, a distant signal equivalent value (referred to in paragraph (1)) shall not be assigned to secondary transmissions of such multicast stream that are made on or before June 30, 2010.

(B) MULTICAST STREAMS SUBJECT TO PRE-EXISTING WRITTEN AGREEMENTS FOR THE SECONDARY TRANSMISSION OF SUCH STREAMS.—In any case in which the secondary transmission of a multicast stream of a primary transmitter is the subject of a written agreement entered into on or before June 30, 2009, between a cable system or an association representing the cable system and a primary transmitter or an association representing the primary transmitter, a distant signal equivalent value (referred to in paragraph (1)) shall not be assigned to secondary transmissions of such multicast stream beyond the local service area of its primary transmitter that are made on or before the date on which such written agreement expires.

(C) NO REFUNDS OR OFFSETS FOR PRIOR STATEMENTS OF ACCOUNT.—A cable system

that has reported secondary transmissions of a multicast stream beyond the local service area of its primary transmitter on a statement of account deposited under section 111 of title 17, United States Code, before the date of the enactment of this Act shall not be entitled to any refund, or offset, of royalty fees paid on account of such secondary transmissions of such multicast stream.

(3) DEFINITIONS.—In this subsection, the terms “cable system”, “secondary transmission”, “multicast stream”, and “local service area of a primary transmitter” have the meanings given those terms in section 111(f) of title 17, United States Code, as amended by this section.

SEC. 105. CERTAIN WAIVERS GRANTED TO PROVIDERS OF LOCAL-INTO-LOCAL SERVICE FOR ALL DMAS.

Section 119 is amended by adding at the end the following new subsection:

“(g) CERTAIN WAIVERS GRANTED TO PROVIDERS OF LOCAL-INTO-LOCAL SERVICE TO ALL DMAS.—

“(1) INJUNCTION WAIVER.—A court that issued an injunction pursuant to subsection (a)(7)(B) before the date of the enactment of this subsection shall waive such injunction if the court recognizes the entity against which the injunction was issued as a qualified carrier.

“(2) LIMITED TEMPORARY WAIVER.—

“(A) IN GENERAL.—Upon a request made by a satellite carrier, a court that issued an injunction against such carrier under subsection (a)(7)(B) before the date of the enactment of this subsection shall waive such injunction with respect to the statutory license provided under subsection (a)(2) to the extent necessary to allow such carrier to make secondary transmissions of primary transmissions made by a network station to unserved households located in short markets in which such carrier was not providing local service pursuant to the license under section 122 as of December 31, 2009.

“(B) EXPIRATION OF TEMPORARY WAIVER.—A temporary waiver of an injunction under subparagraph (A) shall expire after the end of the 120-day period beginning on the date such temporary waiver is issued unless extended for good cause by the court making the temporary waiver.

“(C) FAILURE TO PROVIDE LOCAL-INTO-LOCAL SERVICE TO ALL DMAS.—

“(i) FAILURE TO ACT REASONABLY AND IN GOOD FAITH.—If the court issuing a temporary waiver under subparagraph (A) determines that the satellite carrier that made the request for such waiver has failed to act reasonably or has failed to make a good faith effort to provide local-into-local service to all DMAs, such failure—

“(I) is actionable as an act of infringement under section 501 and the court may in its discretion impose the remedies provided for in sections 502 through 506 and subsection (a)(6)(B) of this section; and

“(II) shall result in the termination of the waiver issued under subparagraph (A).

“(ii) FAILURE TO PROVIDE LOCAL-INTO-LOCAL SERVICE.—If the court issuing a temporary waiver under subparagraph (A) determines that the satellite carrier that made the request for such waiver has failed to provide local-into-local service to all DMAs, but determines that the carrier acted reasonably and in good faith, the court may in its discretion impose financial penalties that reflect—

“(I) the degree of control the carrier had over the circumstances that resulted in the failure;

“(II) the quality of the carrier's efforts to remedy the failure; and

“(III) the severity and duration of any service interruption.

“(D) SINGLE TEMPORARY WAIVER AVAILABLE.—An entity may only receive one temporary waiver under this paragraph.

“(E) SHORT MARKET DEFINED.—For purposes of this paragraph, the term ‘short market’ means a local market in which programming of one or more of the four most widely viewed television networks nationwide as measured on the date of the enactment of this subsection is not offered on the primary stream transmitted by any local television broadcast station.

“(3) ESTABLISHMENT OF QUALIFIED CARRIER RECOGNITION.—

“(A) STATEMENT OF ELIGIBILITY.—An entity seeking to be recognized as a qualified carrier under this subsection shall file a statement of eligibility with the court that imposed the injunction. A statement of eligibility must include—

“(i) an affidavit that the entity is providing local-into-local service to all DMAs;

“(ii) a request for a waiver of the injunction; and

“(iii) a certification issued pursuant to section 342(a) of Communications Act of 1934.

“(B) GRANT OF RECOGNITION AS A QUALIFIED CARRIER.—Upon receipt of a statement of eligibility, the court shall recognize the entity as a qualified carrier and issue the waiver under paragraph (1).

“(C) VOLUNTARY TERMINATION.—At any time, an entity recognized as a qualified carrier may file a statement of voluntary termination with the court certifying that it no longer wishes to be recognized as a qualified carrier. Upon receipt of such statement, the court shall reinstate the injunction waived under paragraph (1).

“(D) LOSS OF RECOGNITION PREVENTS FUTURE RECOGNITION.—No entity may be recognized as a qualified carrier if such entity had previously been recognized as a qualified carrier and subsequently lost such recognition or voluntarily terminated such recognition under subparagraph (C).

“(4) QUALIFIED CARRIER OBLIGATIONS AND COMPLIANCE.—

“(A) CONTINUING OBLIGATIONS.—

“(i) IN GENERAL.—An entity recognized as a qualified carrier shall continue to provide local-into-local service to all DMAs.

“(ii) COOPERATION WITH GAO EXAMINATION.—An entity recognized as a qualified carrier shall fully cooperate with the Comptroller General in the examination required by subparagraph (B).

“(B) QUALIFIED CARRIER COMPLIANCE EXAMINATION.—

“(i) EXAMINATION AND REPORT.—The Comptroller General shall conduct an examination and publish a report concerning the qualified carrier’s compliance with the royalty payment and household eligibility requirements of the license under this section. The report shall address the qualified carrier’s conduct during the period beginning on the date on which the qualified carrier is recognized as such under paragraph (3)(B) and ending on December 31, 2011.

“(ii) RECORDS OF QUALIFIED CARRIER.—Beginning on the date that is one year after the date on which the qualified carrier is recognized as such under paragraph (3)(B), but not later than October 1, 2011, the qualified carrier shall provide the Comptroller General with all records that the Comptroller General, in consultation with the Register of Copyrights, considers to be directly pertinent to the following requirements under this section:

“(I) Proper calculation and payment of royalties under the statutory license under this section.

“(II) Provision of service under this license to eligible subscribers only.

“(iii) SUBMISSION OF REPORT.—The Comptroller General shall file the report required by clause (i) not later than March 1, 2012, with the court referred to in paragraph (1) that issued the injunction, the Register of Copyrights, the Committees on the Judiciary and on Energy and Commerce of the House of Representatives, and the Committees on the Judiciary and on Commerce, Science, and Transportation of the Senate.

“(iv) EVIDENCE OF INFRINGEMENT.—The Comptroller General shall include in the report a statement of whether the examination by the Comptroller General indicated that there is substantial evidence that a copyright holder could bring a successful action under this section against the qualified carrier for infringement. The Comptroller General shall consult with the Register of Copyrights in preparing such statement.

“(v) SUBSEQUENT EXAMINATION.—If the report includes the Comptroller General’s statement that there is substantial evidence that a copyright holder could bring a successful action under this section against the qualified carrier for infringement, the Comptroller General shall, not later than 6 months after the report under clause (i) is published, initiate another examination of the qualified carrier’s compliance with the royalty payment and household eligibility requirements of the license under this section since the last report was filed under clause (iii). The Comptroller General shall file a report on such examination with the court referred to in paragraph (1) that issued the injunction, the Register of Copyrights, the Committees on the Judiciary and on Energy and Commerce of the House of Representatives, and the Committees on the Judiciary and on Commerce, Science, and Transportation of the Senate. The report shall include a statement described in clause (iv), prepared in consultation with the Register of Copyrights.

“(vi) COMPLIANCE.—Upon motion filed by an aggrieved copyright owner, the court recognizing an entity as a qualified carrier shall terminate such designation upon finding that the entity has failed to cooperate with the examinations required by this subparagraph.

“(C) AFFIRMATION.—A qualified carrier shall file an affidavit with the district court and the Register of Copyrights 30 months after such status was granted stating that, to the best of the affiant’s knowledge, it is in compliance with the requirements for a qualified carrier.

“(D) COMPLIANCE DETERMINATION.—Upon the motion of an aggrieved television broadcast station, the court recognizing an entity as a qualified carrier may make a determination of whether the entity is providing local-into-local service to all DMAs.

“(E) PLEADING REQUIREMENT.—In any motion brought under subparagraph (D), the party making such motion shall specify one or more designated market areas (as such term is defined in section 122(j)(2)(C)) for which the failure to provide service is being alleged, and, for each such designated market area, shall plead with particularity the circumstances of the alleged failure.

“(F) BURDEN OF PROOF.—In any proceeding to make a determination under subparagraph (D), and with respect to a designated market area for which failure to provide service is alleged, the entity recognized as a

qualified carrier shall have the burden of proving that the entity provided local-into-local service with a good quality satellite signal to at least 90 percent of the households in such designated market area (based on the most recent census data released by the United States Census Bureau) at the time and place alleged.

“(5) FAILURE TO PROVIDE SERVICE.—

“(A) PENALTIES.—If the court recognizing an entity as a qualified carrier finds that such entity has willfully failed to provide local-into-local service to all DMAs, such finding shall result in the loss of recognition of the entity as a qualified carrier and the termination of the waiver provided under paragraph (1), and the court may, in its discretion—

“(i) treat such failure as an act of infringement under section 501, and subject such infringement to the remedies provided for in sections 502 through 506 and subsection (a)(6)(B) of this section; and

“(ii) impose a fine of not less than \$250,000 and not more than \$5,000,000.

“(B) EXCEPTION FOR NONWILLFUL VIOLATION.—If the court determines that the failure to provide local-into-local service to all DMAs is nonwillful, the court may in its discretion impose financial penalties for non-compliance that reflect—

“(i) the degree of control the entity had over the circumstances that resulted in the failure;

“(ii) the quality of the entity’s efforts to remedy the failure and restore service; and

“(iii) the severity and duration of any service interruption.

“(6) PENALTIES FOR VIOLATIONS OF LICENSE.—A court that finds, under subsection (a)(6)(A), that an entity recognized as a qualified carrier has willfully made a secondary transmission of a primary transmission made by a network station and embodying a performance or display of a work to a subscriber who is not eligible to receive the transmission under this section shall reinstate the injunction waived under paragraph (1), and the court may order statutory damages of not more than \$2,500,000.

“(7) LOCAL-INTO-LOCAL SERVICE TO ALL DMAS DEFINED.—For purposes of this subsection:

“(A) IN GENERAL.—An entity provides ‘local-into-local service to all DMAs’ if the entity provides local service in all designated market areas (as such term is defined in section 122(j)(2)(C)) pursuant to the license under section 122.

“(B) HOUSEHOLD COVERAGE.—For purposes of subparagraph (A), an entity that makes available local-into-local service with a good quality satellite signal to at least 90 percent of the households in a designated market area based on the most recent census data released by the United States Census Bureau shall be considered to be providing local service to such designated market area.

“(C) GOOD QUALITY SATELLITE SIGNAL DEFINED.—The term ‘good quality signal’ has the meaning given such term under section 342(e)(2) of Communications Act of 1934.”

SEC. 106. COPYRIGHT OFFICE FEES.

Section 708(a) is amended—

(1) in paragraph (8), by striking “and” after the semicolon;

(2) in paragraph (9), by striking the period and inserting a semicolon;

(3) by inserting after paragraph (9) the following:

“(10) on filing a statement of account based on secondary transmissions of primary transmissions pursuant to section 119 or 122; and

“(11) on filing a statement of account based on secondary transmissions of primary transmissions pursuant to section 111.”; and

(4) by adding at the end the following new sentence: “Fees established under paragraphs (10) and (11) shall be reasonable and may not exceed one-half of the cost necessary to cover reasonable expenses incurred by the Copyright Office for the collection and administration of the statements of account and any royalty fees deposited with such statements.”.

SEC. 107. TERMINATION OF LICENSE.

Section 1003(a)(2)(A) of Public Law 111-118 is amended by striking “April 30, 2010” and inserting “December 31, 2020”.

SEC. 108. CONSTRUCTION.

Nothing in section 111, 119, or 122 of title 17, United States Code, including the amendments made to such sections by this title, shall be construed to affect the meaning of any terms under the Communications Act of 1934, except to the extent that such sections are specifically cross-referenced in such Act or the regulations issued thereunder.

TITLE II—COMMUNICATIONS PROVISIONS

SEC. 201. REFERENCE.

Except as otherwise provided, whenever in this title an amendment is made to a section or other provision, the reference shall be considered to be made to such section or provision of the Communications Act of 1934 (47 U.S.C. 151 et seq.).

SEC. 202. EXTENSION OF AUTHORITY.

Section 325(b) is amended—

(1) in paragraph (2)(C), by striking “April 30, 2010” and inserting “December 31, 2020”; and

(2) in paragraph (3)(C), by striking “May 1, 2010” each place it appears in clauses (ii) and (iii) and inserting “January 1, 2021”.

SEC. 203. SIGNIFICANTLY VIEWED STATIONS.

(a) IN GENERAL.—Paragraphs (1) and (2) of section 340(b) are amended to read as follows:

“(1) SERVICE LIMITED TO SUBSCRIBERS TAKING LOCAL-INTO-LOCAL SERVICE.—This section shall apply only to retransmissions to subscribers of a satellite carrier who receive retransmissions of a signal from that satellite carrier pursuant to section 338.

“(2) SERVICE LIMITATIONS.—A satellite carrier may retransmit to a subscriber in high definition format the signal of a station determined by the Commission to be significantly viewed under subsection (a) only if such carrier also retransmits in high definition format the signal of a station located in the local market of such subscriber and affiliated with the same network whenever such format is available from such station.”.

(b) RULEMAKING REQUIRED.—Within 240 days after the date of the enactment of this Act, the Federal Communications Commission shall take all actions necessary to promulgate a rule to implement the amendments made by subsection (a).

SEC. 204. DIGITAL TELEVISION TRANSITION CONFORMING AMENDMENTS.

(a) SECTION 338.—Section 338 is amended—

(1) in subsection (a), by striking “(3) EFFECTIVE DATE.—No satellite” and all that follows through “until January 1, 2002.”; and

(2) by amending subsection (g) to read as follows:

“(g) CARRIAGE OF LOCAL STATIONS ON A SINGLE RECEPTION ANTENNA.—

“(1) SINGLE RECEPTION ANTENNA.—Each satellite carrier that retransmits the signals of local television broadcast stations in a local market shall retransmit such stations in such market so that a subscriber may receive such stations by means of a single reception antenna and associated equipment.

“(2) ADDITIONAL RECEPTION ANTENNA.—If the carrier retransmits the signals of local television broadcast stations in a local market in high definition format, the carrier shall retransmit such signals in such market so that a subscriber may receive such signals by means of a single reception antenna and associated equipment, but such antenna and associated equipment may be separate from the single reception antenna and associated equipment used to comply with paragraph (1).”.

(b) SECTION 339.—Section 339 is amended—

(1) in subsection (a)—

(A) in paragraph (1)(B), by striking “Such two network stations” and all that follows through “more than two network stations.”; and

(B) in paragraph (2)—

(i) in the heading for subparagraph (A), by striking “TO ANALOG SIGNALS”; and

(ii) in subparagraph (A)—

(I) in the heading for clause (i), by striking “ANALOG”; and

(II) in clause (i)—

(aa) by striking “analog” each place it appears; and

(bb) by striking “October 1, 2004” and inserting “October 1, 2009”; and

(III) in the heading for clause (ii), by striking “ANALOG”; and

(IV) in clause (ii)—

(aa) by striking “analog” each place it appears; and

(bb) by striking “2004” and inserting “2009”; and

(iii) by amending subparagraph (B) to read as follows:

“(B) RULES FOR OTHER SUBSCRIBERS.—

“(i) IN GENERAL.—In the case of a subscriber of a satellite carrier who is eligible to receive the signal of a network station under this section (in this subparagraph referred to as a ‘distant signal’), other than subscribers to whom subparagraph (A) applies, the following shall apply:

“(I) In a case in which the satellite carrier makes available to that subscriber, on January 1, 2005, the signal of a local network station affiliated with the same television network pursuant to section 338, the carrier may only provide the secondary transmissions of the distant signal of a station affiliated with the same network to that subscriber if the subscriber’s satellite carrier, not later than March 1, 2005, submits to that television network the list and statement required by subparagraph (F)(i).

“(II) In a case in which the satellite carrier does not make available to that subscriber, on January 1, 2005, the signal of a local network station pursuant to section 338, the carrier may only provide the secondary transmissions of the distant signal of a station affiliated with the same network to that subscriber if—

“(aa) that subscriber seeks to subscribe to such distant signal before the date on which such carrier commences to carry pursuant to section 338 the signals of stations from the local market of such local network station; and

“(bb) the satellite carrier, within 60 days after such date, submits to each television network the list and statement required by subparagraph (F)(ii).

“(ii) SPECIAL CIRCUMSTANCES.—A subscriber of a satellite carrier who was lawfully receiving the distant signal of a network station on the day before the date of enactment of the Satellite Television Extension and Localism Act of 2010 may receive both such distant signal and the local signal of a network station affiliated with the same

network until such subscriber chooses to no longer receive such distant signal from such carrier, whether or not such subscriber elects to subscribe to such local signal.”;

(iv) in subparagraph (C)—

(I) by striking “analog”; and

(II) in clause (i), by striking “the Satellite Home Viewer Extension and Reauthorization Act of 2004; and” and inserting the following: “the Satellite Television Extension and Localism Act of 2010 and, at the time such person seeks to subscribe to receive such secondary transmission, resides in a local market where the satellite carrier makes available to that person the signal of a local network station affiliated with the same television network pursuant to section 338 (and the retransmission of such signal by such carrier can reach such subscriber); or”; and

(III) by amending clause (ii) to read as follows:

“(ii) lawfully subscribes to and receives a distant signal on or after the date of enactment of the Satellite Television Extension and Localism Act of 2010, and, subsequent to such subscription, the satellite carrier makes available to that subscriber the signal of a local network station affiliated with the same network as the distant signal (and the retransmission of such signal by such carrier can reach such subscriber), unless such person subscribes to the signal of the local network station within 60 days after such signal is made available.”;

(v) in subparagraph (D)—

(I) in the heading, by striking “DIGITAL”; and

(II) by striking clauses (i), (iii) through (v), (vii) through (ix), and (xi);

(III) by redesignating clause (vi) as clause (i) and transferring such clause to appear before clause (ii);

(IV) by amending such clause (i) (as so redesignated) to read as follows:

“(i) ELIGIBILITY AND SIGNAL TESTING.—A subscriber of a satellite carrier shall be eligible to receive a distant signal of a network station affiliated with the same network under this section if, with respect to a local network station, such subscriber—

“(I) is a subscriber whose household is not predicted by the model specified in subsection (c)(3) to receive the signal intensity required under section 73.622(e)(1) or, in the case of a low-power station or translator station transmitting an analog signal, section 73.683(a) of title 47, Code of Federal Regulations, or a successor regulation;

“(II) is determined, based on a test conducted in accordance with section 73.686(d) of title 47, Code of Federal Regulations, or any successor regulation, not to be able to receive a signal that exceeds the signal intensity standard in section 73.622(e)(1) or, in the case of a low-power station or translator station transmitting an analog signal, section 73.683(a) of such title, or a successor regulation; or

“(III) is in an unserved household, as determined under section 119(d)(10)(A) of title 17, United States Code.”;

(V) in clause (ii)—

(aa) by striking “DIGITAL” in the heading;

(bb) by striking “digital” the first two places such term appears;

(cc) by striking “Satellite Home Viewer Extension and Reauthorization Act of 2004” and inserting “Satellite Television Extension and Localism Act of 2010”; and

(dd) by striking “, whether or not such subscriber elects to subscribe to local digital signals”;

(VI) by inserting after clause (ii) the following new clause:

“(iii) TIME-SHIFTING PROHIBITED.—In a case in which the satellite carrier makes available to an eligible subscriber under this subparagraph the signal of a local network station pursuant to section 338, the carrier may only provide the distant signal of a station affiliated with the same network to that subscriber if, in the case of any local market in the 48 contiguous States of the United States, the distant signal is the secondary transmission of a station whose prime time network programming is generally broadcast simultaneously with, or later than, the prime time network programming of the affiliate of the same network in the local market.”; and

(VII) by redesignating clause (x) as clause (iv); and

(vi) in subparagraph (E), by striking “distant analog signal or” and all that follows through “(B), or (D))” and inserting “distant signal”;

(2) in subsection (c)—

(A) by amending paragraph (3) to read as follows:

“(3) ESTABLISHMENT OF IMPROVED PREDICTIVE MODEL AND ON-LOCATION TESTING REQUIRED.—

“(A) PREDICTIVE MODEL.—Within 240 days after the date of the enactment of the Satellite Television Extension and Localism Act of 2010, the Commission shall develop and prescribe by rule a point-to-point predictive model for reliably and presumptively determining the ability of individual locations, through the use of an antenna, to receive signals in accordance with the signal intensity standard in section 73.622(e)(1) of title 47, Code of Federal Regulations, or a successor regulation, including to account for the continuing operation of translator stations and low power television stations. In prescribing such model, the Commission shall rely on the Individual Location Longley-Rice model set forth by the Commission in CS Docket No. 98–201, as previously revised with respect to analog signals, and as recommended by the Commission with respect to digital signals in its Report to Congress in ET Docket No. 05–182, FCC 05–199 (released December 9, 2005). The Commission shall establish procedures for the continued refinement in the application of the model by the use of additional data as it becomes available.

“(B) ON-LOCATION TESTING.—The Commission shall issue an order completing its rulemaking proceeding in ET Docket No. 06–94 within 240 days after the date of enactment of the Satellite Television Extension and Localism Act of 2010. In conducting such rulemaking, the Commission shall seek ways to minimize consumer burdens associated with on-location testing.”;

(B) by amending paragraph (4)(A) to read as follows:

“(A) IN GENERAL.—If a subscriber’s request for a waiver under paragraph (2) is rejected and the subscriber submits to the subscriber’s satellite carrier a request for a test verifying the subscriber’s inability to receive a signal of the signal intensity referenced in clause (i) of subsection (a)(2)(D), the satellite carrier and the network station or stations asserting that the retransmission is prohibited with respect to that subscriber shall select a qualified and independent person to conduct the test referenced in such clause. Such test shall be conducted within 30 days after the date the subscriber submits a request for the test. If the written findings and conclusions of a test conducted in accordance with such clause demonstrate that the subscriber does not receive a signal that

meets or exceeds the requisite signal intensity standard in such clause, the subscriber shall not be denied the retransmission of a signal of a network station under section 119(d)(10)(A) of title 17, United States Code.”;

(C) in paragraph (4)(B), by striking “the signal intensity” and all that follows through “United States Code” and inserting “such requisite signal intensity standard”; and

(D) in paragraph (4)(E), by striking “Grade B intensity”.

(c) SECTION 340.—Section 340(i) is amended by striking paragraph (4).

SEC. 205. APPLICATION PENDING COMPLETION OF RULEMAKINGS.

(a) IN GENERAL.—During the period beginning on the date of the enactment of this Act and ending on the date on which the Federal Communications Commission adopts rules pursuant to the amendments to the Communications Act of 1934 made by section 203 and section 204 of this title, the Federal Communications Commission shall follow its rules and regulations promulgated pursuant to sections 338, 339, and 340 of the Communications Act of 1934 as in effect on the day before the date of the enactment of this Act.

(b) TRANSLATOR STATIONS AND LOW POWER TELEVISION STATIONS.—Notwithstanding subsection (a), for purposes of determining whether a subscriber within the local market served by a translator station or a low power television station affiliated with a television network is eligible to receive distant signals under section 339 of the Communications Act of 1934, the rules and regulations of the Federal Communications Commission for determining such subscriber’s eligibility as in effect on the day before the date of the enactment of this Act shall apply until the date on which the translator station or low power television station is licensed to broadcast a digital signal.

(c) DEFINITIONS.—As used in this subtitle:

(1) LOCAL MARKET; LOW POWER TELEVISION STATION; SATELLITE CARRIER; SUBSCRIBER; TELEVISION BROADCAST STATION.—The terms “local market”, “low power television station”, “satellite carrier”, “subscriber”, and “television broadcast station” have the meanings given such terms in section 338(k) of the Communications Act of 1934.

(2) NETWORK STATION; TELEVISION NETWORK.—The terms “network station” and “television network” have the meanings given such terms in section 339(d) of such Act.

SEC. 206. PROCESS FOR ISSUING QUALIFIED CARRIER CERTIFICATION.

Part I of title III is amended by adding at the end the following new section:

“SEC. 342. PROCESS FOR ISSUING QUALIFIED CARRIER CERTIFICATION.

“(a) CERTIFICATION.—The Commission shall issue a certification for the purposes of section 119(g)(3)(A)(iii) of title 17, United States Code, if the Commission determines that—

“(1) a satellite carrier is providing local service pursuant to the statutory license under section 122 of such title in each designated market area; and

“(2) with respect to each designated market area in which such satellite carrier was not providing such local service as of the date of enactment of the Satellite Television Extension and Localism Act of 2010—

“(A) the satellite carrier’s satellite beams are designed, and predicted by the satellite manufacturer’s pre-launch test data, to provide a good quality satellite signal to at least 90 percent of the households in each such designated market area based on the most recent census data released by the United States Census Bureau; and

“(B) there is no material evidence that there has been a satellite or sub-system failure subsequent to the satellite’s launch that precludes the ability of the satellite carrier to satisfy the requirements of subparagraph (A).

“(b) INFORMATION REQUIRED.—Any entity seeking the certification provided for in subsection (a) shall submit to the Commission the following information:

“(1) An affidavit stating that, to the best of the affiant’s knowledge, the satellite carrier provides local service in all designated market areas pursuant to the statutory license provided for in section 122 of title 17, United States Code, and listing those designated market areas in which local service was provided as of the date of enactment of the Satellite Television Extension and Localism Act of 2010.

“(2) For each designated market area not listed in paragraph (1):

“(A) Identification of each such designated market area and the location of its local receive facility.

“(B) Data showing the number of households, and maps showing the geographic distribution thereof, in each such designated market area based on the most recent census data released by the United States Census Bureau.

“(C) Maps, with superimposed effective isotropically radiated power predictions obtained in the satellite manufacturer’s pre-launch tests, showing that the contours of the carrier’s satellite beams as designed and the geographic area that the carrier’s satellite beams are designed to cover are predicted to provide a good quality satellite signal to at least 90 percent of the households in such designated market area based on the most recent census data released by the United States Census Bureau.

“(D) For any satellite relied upon for certification under this section, an affidavit stating that, to the best of the affiant’s knowledge, there have been no satellite or sub-system failures subsequent to the satellite’s launch that would degrade the design performance to such a degree that a satellite transponder used to provide local service to any such designated market area is precluded from delivering a good quality satellite signal to at least 90 percent of the households in such designated market area based on the most recent census data released by the United States Census Bureau.

“(E) Any additional engineering, designated market area, or other information the Commission considers necessary to determine whether the Commission shall grant a certification under this section.

“(c) CERTIFICATION ISSUANCE.—

“(1) PUBLIC COMMENT.—The Commission shall provide 30 days for public comment on a request for certification under this section.

“(2) DEADLINE FOR DECISION.—The Commission shall grant or deny a request for certification within 90 days after the date on which such request is filed.

“(d) SUBSEQUENT AFFIRMATION.—An entity granted qualified carrier status pursuant to section 119(g) of title 17, United States Code, shall file an affidavit with the Commission 30 months after such status was granted stating that, to the best of the affiant’s knowledge, it is in compliance with the requirements for a qualified carrier.

“(e) DEFINITIONS.—For the purposes of this section:

“(1) DESIGNATED MARKET AREA.—The term ‘designated market area’ has the meaning given such term in section 122(j)(2)(C) of title 17, United States Code.

“(2) GOOD QUALITY SATELLITE SIGNAL.—

“(A) IN GENERAL.—The term “good quality satellite signal” means—

“(i) a satellite signal whose power level as designed shall achieve reception and demodulation of the signal at an availability level of at least 99.7 percent using—

“(I) models of satellite antennas normally used by the satellite carrier’s subscribers; and

“(II) the same calculation methodology used by the satellite carrier to determine predicted signal availability in the top 100 designated market areas; and

“(ii) taking into account whether a signal is in standard definition format or high definition format, compression methodology, modulation, error correction, power level, and utilization of advances in technology that do not circumvent the intent of this section to provide for non-discriminatory treatment with respect to any comparable television broadcast station signal, a video signal transmitted by a satellite carrier such that—

“(I) the satellite carrier treats all television broadcast stations’ signals the same with respect to statistical multiplexer prioritization; and

“(II) the number of video signals in the relevant satellite transponder is not more than the then current greatest number of video signals carried on any equivalent transponder serving the top 100 designated market areas.

“(B) DETERMINATION.—For the purposes of subparagraph (A), the top 100 designated market areas shall be as determined by Nielsen Media Research and published in the Nielsen Station Index Directory and Nielsen Station Index United States Television Household Estimates or any successor publication as of the date of a satellite carrier’s application for certification under this section.”.

SEC. 207. NONDISCRIMINATION IN CARRIAGE OF HIGH DEFINITION DIGITAL SIGNALS OF NONCOMMERCIAL EDUCATIONAL TELEVISION STATIONS.

(a) IN GENERAL.—Section 338(a) is amended by adding at the end the following new paragraph:

“(5) NONDISCRIMINATION IN CARRIAGE OF HIGH DEFINITION SIGNALS OF NONCOMMERCIAL EDUCATIONAL TELEVISION STATIONS.—

“(A) EXISTING CARRIAGE OF HIGH DEFINITION SIGNALS.—If, before the date of enactment of the Satellite Television Extension and Localism Act of 2010, an eligible satellite carrier is providing, under section 122 of title 17, United States Code, any secondary transmissions in high definition format to subscribers located within the local market of a television broadcast station of a primary transmission made by that station, then such satellite carrier shall carry the signals in high-definition format of qualified noncommercial educational television stations located within that local market in accordance with the following schedule:

“(i) By December 31, 2010, in at least 50 percent of the markets in which such satellite carrier provides such secondary transmissions in high definition format.

“(ii) By December 31, 2011, in every market in which such satellite carrier provides such secondary transmissions in high definition format.

“(B) NEW INITIATION OF SERVICE.—If, on or after the date of enactment of the Satellite Television Extension and Localism Act of 2010, an eligible satellite carrier initiates the provision, under section 122 of title 17, United States Code, of any secondary transmissions in high definition format to sub-

scribers located within the local market of a television broadcast station of a primary transmission made by that station, then such satellite carrier shall carry the signals in high-definition format of all qualified noncommercial educational television stations located within that local market.”.

(b) DEFINITIONS.—Section 338(k) is amended—

(1) by redesignating paragraphs (2) through (8) as paragraphs (3) through (9), respectively;

(2) by inserting after paragraph (1) the following new paragraph:

“(2) ELIGIBLE SATELLITE CARRIER.—The term ‘eligible satellite carrier’ means any satellite carrier that is not a party to a carriage contract that—

“(A) governs carriage of at least 30 qualified noncommercial educational television stations; and

“(B) is in force and effect within 120 days after the date of enactment of the Satellite Television Extension and Localism Act of 2010.”;

(3) by redesignating paragraphs (6) through (9) (as previously redesignated) as paragraphs (7) through (10), respectively; and

(4) by inserting after paragraph (5) (as so redesignated) the following new paragraph:

“(6) QUALIFIED NONCOMMERCIAL EDUCATIONAL TELEVISION STATION.—The term ‘qualified noncommercial educational television station’ means any full-power television broadcast station that—

“(A) under the rules and regulations of the Commission in effect on March 29, 1990, is licensed by the Commission as a noncommercial educational broadcast station and is owned and operated by a public agency, nonprofit foundation, nonprofit corporation, or nonprofit association; and

“(B) has as its licensee an entity that is eligible to receive a community service grant, or any successor grant thereto, from the Corporation for Public Broadcasting, or any successor organization thereto, on the basis of the formula set forth in section 396(k)(6)(B) of this title.”.

SEC. 208. SAVINGS CLAUSE REGARDING DEFINITIONS.

Nothing in this title or the amendments made by this title shall be construed to affect—

(1) the meaning of the terms “program related” and “primary video” under the Communications Act of 1934; or

(2) the meaning of the term “multicast” in any regulations issued by the Federal Communications Commission.

SEC. 209. STATE PUBLIC AFFAIRS BROADCASTS.

Section 335(b) is amended—

(1) by inserting “STATE PUBLIC AFFAIRS,” after “EDUCATIONAL,” in the heading;

(2) by striking paragraph (1) and inserting the following:

“(1) CHANNEL CAPACITY REQUIRED.—

“(A) IN GENERAL.—Except as provided in subparagraph (B), the Commission shall require, as a condition of any provision, initial authorization, or authorization renewal for a provider of direct broadcast satellite service providing video programming, that the provider of such service reserve a portion of its channel capacity, equal to not less than 4 percent nor more than 7 percent, exclusively for noncommercial programming of an educational or informational nature.

“(B) REQUIREMENT FOR QUALIFIED SATELLITE PROVIDER.—The Commission shall require, as a condition of any provision, initial authorization, or authorization renewal for a qualified satellite provider of direct broad-

cast satellite service providing video programming, that such provider reserve a portion of its channel capacity, equal to not less than 3.5 percent nor more than 7 percent, exclusively for noncommercial programming of an educational or informational nature.”;

(3) in paragraph (5), by striking “For purposes of the subsection—” and inserting “For purposes of this subsection.”; and

(4) by adding at the end of paragraph (5) the following:

“(C) The term ‘qualified satellite provider’ means any provider of direct broadcast satellite service that—

“(i) provides the retransmission of the State public affairs networks of at least 15 different States;

“(ii) offers the programming of State public affairs networks upon reasonable prices, terms, and conditions as determined by the Commission under paragraph (4); and

“(iii) does not delete any noncommercial programming of an educational or informational nature in connection with the carriage of a State public affairs network.

“(D) The term ‘State public affairs network’ means a non-commercial non-broadcast network or a noncommercial educational television station—

“(i) whose programming consists of information about State government deliberations and public policy events; and

“(ii) that is operated by—

“(I) a State government or subdivision thereof;

“(II) an organization described in section 501(c)(3) of the Internal Revenue Code of 1986 that is exempt from taxation under section 501(a) of such Code and that is governed by an independent board of directors; or

“(III) a cable system.”.

TITLE III—REPORTS AND SAVINGS PROVISION

SEC. 301. DEFINITION.

In this title, the term “appropriate Congressional committees” means the Committees on the Judiciary and on Commerce, Science, and Transportation of the Senate and the Committees on the Judiciary and on Energy and Commerce of the House of Representatives.

SEC. 302. REPORT ON MARKET BASED ALTERNATIVES TO STATUTORY LICENSING.

Not later than 1 year after the date of the enactment of this Act, and after consultation with the Federal Communications Commission, the Register of Copyrights shall submit to the appropriate Congressional committees a report containing—

(1) proposed mechanisms, methods, and recommendations on how to implement a phase-out of the statutory licensing requirements set forth in sections 111, 119, and 122 of title 17, United States Code, by making such sections inapplicable to the secondary transmission of a performance or display of a work embodied in a primary transmission of a broadcast station that is authorized to license the same secondary transmission directly with respect to all of the performances and displays embodied in such primary transmission;

(2) any recommendations for alternative means to implement a timely and effective phase-out of the statutory licensing requirements set forth in sections 111, 119, and 122 of title 17, United States Code; and

(3) any recommendations for legislative or administrative actions as may be appropriate to achieve such a phase-out.

SEC. 303. REPORT ON COMMUNICATIONS IMPLICATIONS OF STATUTORY LICENSING MODIFICATIONS.

(a) STUDY.—The Comptroller General shall conduct a study that analyzes and evaluates

the changes to the carriage requirements currently imposed on multichannel video programming distributors under the Communications Act of 1934 (47 U.S.C. 151 et seq.) and the regulations promulgated by the Federal Communications Commission that would be required or beneficial to consumers, and such other matters as the Comptroller General deems appropriate, if Congress implemented a phase-out of the current statutory licensing requirements set forth under sections 111, 119, and 122 of title 17, United States Code. Among other things, the study shall consider the impact such a phase-out and related changes to carriage requirements would have on consumer prices and access to programming.

(b) **REPORT.**—Not later than 1 year after the date of the enactment of this Act, the Comptroller General shall report to the appropriate Congressional committees the results of the study, including any recommendations for legislative or administrative actions.

SEC. 304. REPORT ON IN-STATE BROADCAST PROGRAMMING.

Not later than 1 year after the date of the enactment of this Act, the Federal Communications Commission shall submit to the appropriate Congressional committees a report containing an analysis of—

(1) the number of households in a State that receive the signals of local broadcast stations assigned to a community of license that is located in a different State;

(2) the extent to which consumers in each local market have access to in-state broadcast programming over the air or from a multichannel video programming distributor; and

(3) whether there are alternatives to the use of designated market areas, as defined in section 122 of title 17, United States Code, to define local markets that would provide more consumers with in-state broadcast programming.

SEC. 305. LOCAL NETWORK CHANNEL BROADCAST REPORTS.

(a) **REQUIREMENT.**—

(1) **IN GENERAL.**—On the 180th day after the date of the enactment of this Act, and on each succeeding anniversary of such 180th day, each satellite carrier shall submit an annual report to the Federal Communications Commission setting forth—

(A) each local market in which it—

(i) retransmits signals of 1 or more television broadcast stations with a community of license in that market;

(ii) has commenced providing such signals in the preceding 1-year period; and

(iii) has ceased to provide such signals in the preceding 1-year period; and

(B) detailed information regarding the use and potential use of satellite capacity for the retransmission of local signals in each local market.

(2) **TERMINATION.**—The requirement under paragraph (1) shall cease after each satellite carrier has submitted 5 reports under such paragraph.

(b) **FCC STUDY; REPORT.**—

(1) **STUDY.**—If no satellite carrier files a request for a certification under section 342 of

the Communications Act of 1934 (as added by section 206 of this title) within 180 days after the date of the enactment of this Act, the Federal Communications Commission shall initiate a study of—

(A) incentives that would induce a satellite carrier to provide the signals of 1 or more television broadcast stations licensed to provide signals in local markets in which the satellite carrier does not provide such signals; and

(B) the economic and satellite capacity conditions affecting delivery of local signals by satellite carriers to these markets.

(2) **REPORT.**—Within 1 year after the date of the initiation of the study under paragraph (1), the Federal Communications Commission shall submit a report to the appropriate Congressional committees containing its findings, conclusions, and recommendations.

(c) **DEFINITIONS.**—In this section—

(1) the terms “local market” and “satellite carrier” have the meaning given such terms in section 339(d) of the Communications Act of 1934 (47 U.S.C. 339(d)); and

(2) the term “television broadcast station” has the meaning given such term in section 325(b)(7) of such Act (47 U.S.C. 325(b)(7)).

SEC. 306. SAVINGS PROVISION REGARDING USE OF NEGOTIATED LICENSES.

(a) **IN GENERAL.**—Nothing in this Act, title 17, United States Code, the Communications Act of 1934, regulations promulgated by the Register of Copyrights under this title or title 17, United States Code, or regulations promulgated by the Federal Communications Commission under this Act or the Communications Act of 1934 shall be construed to prevent a multichannel video programming distributor from retransmitting a performance or display of a work pursuant to an authorization granted by the copyright owner or, if within the scope of its authorization, its licensee.

(b) **LIMITATION.**—Nothing in subsection (a) shall be construed to affect any obligation of a multichannel video programming distributor under section 325(b) of the Communications Act of 1934 to obtain the authority of a television broadcast station before retransmitting that station's signal.

SEC. 307. EFFECTIVE DATE; NONINFRINGEMENT OF COPYRIGHT.

(a) **EFFECTIVE DATE.**—Unless specifically provided otherwise, this Act, and the amendments made by this Act, shall take effect on February 27, 2010, and with the exception of the reference in subsection (b), all references to the date of enactment of this Act shall be deemed to refer to February 27, 2010, unless otherwise specified.

(b) **NONINFRINGEMENT OF COPYRIGHT.**—The secondary transmission of a performance or display of a work embodied in a primary transmission is not an infringement of copyright if it was made by a satellite carrier on or after February 27, 2010, and prior to enactment of this Act, and was in compliance with the law as in existence on February 27, 2010.

TITLE IV—SEVERABILITY

SEC. 401. SEVERABILITY.

If any provision of this Act, an amendment made by this Act, or the application of such

provision or amendment to any person or circumstance is held to be unconstitutional, the remainder of this Act, the amendments made by this Act, and the application of such provision or amendment to any person or circumstance shall not be affected thereby.

TITLE V—DETERMINATION OF BUDGETARY EFFECTS

SEC. 501. DETERMINATION OF BUDGETARY EFFECTS.

(a) **IN GENERAL.**—The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled “Budgetary Effects of PAYGO Legislation” for this Act, submitted for printing in the Congressional Record by the Chairman of the Senate Budget Committee, provided that such statement has been submitted prior to the vote on passage.

ORDERS FOR MONDAY, APRIL 12, 2010

Mr. KAUFMAN. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn under the provisions of H. Con. Res. 257 until 2 p.m. on Monday, April 12; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate proceed to a period of morning business until 3 p.m., with the time equally divided and controlled between the two leaders or their designees; that following morning business, the Senate resume consideration of the motion to proceed to H.R. 4851, the Continuing Extension Act of 2010, as provided for under the previous order.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. KAUFMAN. Mr. President, under a previous order, the cloture vote on the motion to proceed to H.R. 4851 will occur at 5:30 p.m. on Monday, April 12.

ADJOURNMENT UNTIL MONDAY, APRIL 12, 2010, AT 2 P.M.

Mr. KAUFMAN. If there is no further business to come before the Senate, I ask unanimous consent that it adjourn under the previous order.

There being no objection, the Senate, at 1:49 p.m., adjourned until Monday, April 12, 2010, at 2 p.m.

SENATE—Monday, April 12, 2010

The Senate met at 2 p.m. and was called to order by the Honorable MARK R. WARNER, a Senator from the Commonwealth of Virginia.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Almighty and everlasting God, You have revealed Your glory among the nations. Increase in our Senators the gifts of faith, hope, and perseverance, enabling them to obtain what You promise. Lord, infuse them with a passion to do Your will so that this Nation will fulfill Your purposes in our world. Deliver our lawmakers from discouraged thoughts, as they remember Your mighty acts in our Nation's history.

Pour eternity into these brief lives of ours, and open to us the gates of a new and deeper fellowship with You. Today, we lift our prayers for those who mourn in West Virginia and Poland. We pray in Your merciful Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable MARK R. WARNER led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, April 12, 2010.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable MARK R. WARNER, a Senator from the Commonwealth of Virginia, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. WARNER thereupon assumed the chair as Acting President pro tempore.

The ACTING PRESIDENT pro tempore. The majority leader.

Mr. REID. I suggest the absence of a quorum.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

COURT OF IMPEACHMENT

Mr. REID. Mr. President, I ask unanimous consent the Senate convene as a Court of Impeachment to process the answer of Judge G. Thomas Porteous, Jr.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Pursuant to rule IX of the Rules and Procedures in the Senate when sitting on impeachment trials, the Secretary of the Senate will now swear the Sergeant at Arms.

The SECRETARY of the SENATE. Do you, Drew Willison, solemnly swear that the return made by you upon the process issued on the 19th of March, 2010, by the Senate of the United States against G. Thomas Porteous, Jr., is truly made and that you have performed such service as therein described, so help you God?

The DEPUTY SERGEANT at ARMS. I do.

Mr. President, I send to the desk the return of service I executed upon service of the summons upon Judge G. Thomas Porteous, Jr., Friday, March 19, 2010, at 8:55 a.m.

The ACTING PRESIDENT pro tempore. The return of service will be spread upon the Journal and printed in the RECORD.

The return of service is as follows:

The foregoing writ of summons, addressed to G. Thomas Porteous, Jr., United States District Judge for the Eastern District of Louisiana and the foregoing precept, addressed to me, were duly served upon the said G. Thomas Porteous, Jr. by my delivering true and attested copies of the same to G. Thomas Porteous, Jr., at his home, 4801 Neyrey Drive, Metairie, LA, on the 19th day of March 2010, at 8:55 a.m.

TERRANCE W. GAINER,
Sergeant at Arms.

Witness: ANDREW B. WILLISON,
Deputy Sergeant at Arms.

Dated 23 March 2010.

Mr. REID. Mr. President, I ask that the Secretary of the Senate communicate to the House of Representatives an attested copy of the answer of G. Thomas Porteous, Jr., Judge of the United States District Court for the Eastern District of Louisiana, to the articles of impeachment.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. REID. I further ask that the answer be referred to the Impeachment Trial Committee on the Articles Against Judge G. Thomas Porteous, Jr., established by the Senate on March 17, 2010; and that the answer of the respondent, G. Thomas Porteous, Jr., to the Articles of Impeachment ex-

hibited against him by the House of Representatives be printed for the use of the Senate sitting in the trial of said impeachment.

The ACTING PRESIDENT pro tempore. It is so ordered.

The Answer to the Articles of Impeachment is as follows:

IN THE SENATE OF THE UNITED STATES
SITTING FOR THE TRIAL OF AN
IMPEACHMENT

In re:

Impeachment of G. Thomas Porteous, Jr.,
United States District Judge for the Eastern
District of Louisiana

ANSWER OF JUDGE G. THOMAS PORTEOUS, JR.
TO THE ARTICLES OF IMPEACHMENT

The Honorable G. Thomas Porteous, Jr., a Judge of the United States District Court for the Eastern District of Louisiana, as commanded by the summons of the Senate of the United States, answers the accusations made by the House of Representatives of the United States in the four Articles of Impeachment it has exhibited to the Senate as follows:

PREAMBLE

THE HOUSE OF REPRESENTATIVES' IMPEACHMENT OF JUDGE PORTEOUS IS UNPRECEDENTED AND UNJUSTIFIED

For the first time in modern history, the House of Representatives has impeached a sitting Article III Judge who has never been charged with a crime. Indeed, it has been more than 74 years since the House of Representatives has brought Articles of Impeachment against a judge that were not preceded by that judge's indictment in the criminal courts. The Articles of Impeachment brought against Judge Porteous are also unprecedented in two additional ways. First, this is the only time since the ratification of the Constitution that the House of Representatives has brought Articles of Impeachment against a judge after the Executive Branch, having conducted a thorough investigation, has declined to prosecute. Second, it is the only time in the same period that the House of Representatives has based an Article of Impeachment against a judge, or any other officer, upon allegations that pre-date his or her entry into federal office.

These actions are unprecedented and they are also unjustified by the facts of this case. The four Articles of Impeachment do not allege a single offense that supports the conviction and removal of a sitting Article III Judge under the impeachment clause of the Constitution. Article II, Section 4 of the Constitution provides that the civil officers shall be removed from office only upon "Impeachment for, and Conviction of, Treason, Bribery or other high Crimes and Misdemeanors." The charges in the articles against Judge Porteous do not rise to the constitutionally required level of "high Crimes and Misdemeanors." Indeed, in some instances, the Articles allege violations of the canons of judicial ethics or criticize Judge Porteous' handling of matters before the Court. While Judge Porteous vehemently denies violating those canons or mishandling matters, noncriminal ethical violations or incorrect decisions have never been found to

be a sufficient basis for conviction and removal from office. Such issues simply do not rise to the level of "high Crimes and Misdemeanors" as contemplated by the Framers. To the extent that a trial on the Articles in this case is permitted to convert—in contravention of both the Constitution and impeachment precedent—such acts into grounds for removal of an Article III Judge, it will set a new standard. A standard that treads deeply and dangerously into the realm of an independent judiciary that was at the very core of the Framers' vision of three co-equal branches of government.

In devising the three branches, the Framers divided the ability to impeach and remove Executive and Judicial Branch officers between the House of Representatives and the Senate. By doing so, the Framers, through the Constitution, empowered the House to allege the standard for impeachment based upon the language of the impeachment clause. But history has shown the power to impeach is not the power to remove. The power to try impeachments and remove officers upon conviction was vested solely in the Senate. It is the Senate—a uniquely deliberative body, free from the passions and prejudices of the majority—that sits in judgment and determines whether a given Article of Impeachment is sufficient, both legally and factually, to justify the removal of an Article III Judge.

In striking this careful balance, the Framers made clear that the trial and removal process is not one that should embrace unprecedented or novel impeachments. In vesting the power in the Senate, the Framers' intent was that the process would not be exercised easily or quickly, but carefully and deliberately. The Framers, through the Constitution, positioned the Senate along the path between the possibility of ill-considered and novel uses of the power to impeach and the decision to remove, confident that the Senate would stand as a safeguard against removal when constitutional standards had not been met. The Articles of Impeachment returned by the House are unprecedented, unjustified, and fail to meet the constitutionally required standard. Accordingly, Judge Porteous, in answer, asks the Senate to fulfill its constitutionally mandated role by dismissing the articles or, alternatively, acquitting him of the charges.

GENERAL DENIAL OF FACTS NOT ADMITTED

Judge Porteous denies each and every material allegation of the four Articles of Impeachment not specifically admitted in this ANSWER.

ARTICLE I

ANSWER TO ARTICLE I

Without waiving his affirmative defenses, Judge Porteous admits that he presided as a United States District Judge over the Lifemark Hospitals of Louisiana, Inc. v. Liljeberg Enterprises litigation and that on October 17, 1996 he denied a motion seeking to recuse him from presiding over the case. Judge Porteous denies that he engaged in any corrupt conduct in connection with his handling of the litigation or in denying the motion for recusal. Judge Porteous denies that he intentionally made any misleading statements during the recusal hearing. Judge Porteous also denies engaging in a corrupt scheme of any sort with Jacob Amato, Jr. and Robert Creely and that he, at any time, deprived the parties or the public of the right to the honest services of his office. Judge Porteous further denies that he engaged in any corrupt conduct after the bench trial in Lifemark Hospitals of Lou-

isiana, Inc. v. Liljeberg Enterprises or at any time while the case was under advisement.

FIRST AFFIRMATIVE DEFENSE TO ARTICLE I

Article I does not allege an offense that supports the conviction and removal of a sitting Article III United States District Judge under the impeachment clause of the Constitution. Article II, Section 4 of the Constitution provides that the civil officers shall be removed from office only upon "Impeachment for, and Conviction of, Treason, Bribery or other high Crimes and Misdemeanors." The charges in the articles against Judge Porteous do not rise to the constitutionally required level of "high Crimes and Misdemeanors." Because Article I does not meet the rigorous constitutional standard for conviction and removal, it should be dismissed.

SECOND AFFIRMATIVE DEFENSE TO ARTICLE I

Article I is unconstitutionally vague. No reasonable person could know what specific charges are being leveled against Judge Porteous or what allegations rise to the level of "high Crimes and Misdemeanors" as required by the Constitution. In essence, Article I alleges that Judge Porteous took several judicial actions while presiding as a United States District Judge in Lifemark Hospitals of Louisiana, Inc. v. Liljeberg Enterprises, including failing to grant a recusal motion and failing to disclose certain facts. In doing so, the Article alleges that Judge Porteous "deprived the parties and the public of the right to the honest services of his office." This "deprivation of the right to honest services" language is borrowed from Title 18, United States Code, Section 1346, a statute that is fraught with vagueness concerns. Indeed, its constitutional viability is currently pending before the United States Supreme Court in a series of cases. See *Weyhrauch v. United States*, No. 08-1196; *Black v. United States*, No. 08-876; and *Skilling v. United States*, No. 08-1394. The inclusion of this standard, as well as the non-specific allegations regarding the allegedly improper judicial actions taken by Judge Porteous, render Article I unconstitutionally vague.

It is a fundamental principle of our law and the Constitution that a person has a right to know what specific charges he is facing. Without such notice, no one can prepare the defense to which every person is entitled. The law and the Constitution also require that the charges provide adequate notice to jurors so they may know the basis for the vote they must make. Without a definite and specific identification of specific "high Crime and Misdemeanor" upon which the Article of Impeachment is grounded, a trial becomes a moving target for the accused.

Article I fails to provide the required definite and specific identification. As an article of impeachment, it is constitutionally defective and should be dismissed.

THIRD AFFIRMATIVE DEFENSE TO ARTICLE I

Article I is fatally flawed because it charges multiple instances of allegedly corrupt conduct in a single article. The Constitution provides that "no person shall be convicted without the Concurrence of two thirds of the Members present." Senate Rule XXIII provides that "an article of impeachment shall not be divisible for the purpose of voting thereon at any time during the trial."

Despite these clear pronouncements, the House of Representatives, in Article I, has alleged a series of allegedly wrongful acts. In doing so, the House of Representatives has returned an Article of Impeachment which might permit a Senator to vote for impeach-

ment if he or she finds that Judge Porteous committed even a single allegedly wrongful act, even where two-thirds of the Senators do not agree on which wrongful act was committed. This creates the very real possibility that conviction could occur even though Senators were in wide disagreement as to the alleged wrong committed. The structure of Article I presents the possibility that Judge Porteous could be convicted even though he would have been acquitted if separate votes were taken on each allegedly wrongful acts included in the article. As written, Article I does not require the constitutionally required number of Senators to agree on the specific conduct forming the basis for conviction and removal. By charging multiple wrongs in one article, the House of Representatives has made it impossible for the Senate to comply with the Constitutional mandate that any conviction be by the concurrence of two-thirds of the members. Accordingly, Article I should fail.

FOURTH AFFIRMATIVE DEFENSE TO ARTICLE I

Article I was returned by the House of Representatives in violation of Judge Porteous' constitutional rights in that it is based, in part, upon his compelled testimony provided under a grant of immunity. Because the process of impeachment, conviction and removal is a quasi-criminal one and under the circumstances here, Judge Porteous has constitutional rights that are violated by the use of his prior compelled, immunized testimony, Article I must be dismissed. Further, because the immunity grant by Judge Edith Jones, Chief Judge of the Fifth Circuit Court of Appeals and Chair of the Special Committee of the Judicial Conference of the Fifth Circuit, was not proper under the immunity statute, the compelled testimony was wrongly procured and any Article of Impeachment based upon that testimony must be dismissed.

ARTICLE II

ANSWER TO ARTICLE II

Without waiving his affirmative defenses, Judge Porteous denies that he engaged in a longstanding pattern of corrupt conduct demonstrating his unfitness to serve as a United States District Court Judge as alleged in Article II. Judge Porteous further denies that he improperly set aside or expunged felony convictions for two Marcotte employees. Judge Porteous also denies that he at any time took any action in his capacity as a United States District Judge that related in any way to the Marcottes or their business interests.

FIRST AFFIRMATIVE DEFENSE TO ARTICLE II

Article II does not allege an offense that supports the conviction and removal of a sitting Article III United States District Judge under the impeachment clause of the Constitution. Article II, Section 4 of the Constitution provides that the civil officers shall be removed from office only upon "Impeachment for, and Conviction of, Treason, Bribery or other high Crimes and Misdemeanors." The charges in the articles against Judge Porteous do not rise to the constitutionally required level of "high Crimes and Misdemeanors." Because Article II does not meet the rigorous constitutional standard for conviction and removal, it should be dismissed.

SECOND AFFIRMATIVE DEFENSE TO ARTICLE II

Article II is unconstitutionally vague. No reasonable person could know what specific charges are being leveled against Judge Porteous or what allegations rise to the level of "high Crimes and Misdemeanors" as required by the Constitution. Article II alleges

that Judge Porteous engaged in certain corrupt actions prior to his appointment and confirmation to the position of United States District Judge. Article II makes no specific allegations concerning actions taken by Judge Porteous while on the federal bench. Indeed, the only allegations concerning Judge Porteous tenure on the federal bench is that he in some unidentified way "used the power and prestige of his office to assist the Marcottes in forming relationships with State judicial officers and individuals important to the Marcottes' business." The vagueness problem here cannot be overstated. It is simply not possible to begin to defend against this type of allegation. It is wholly lacking in any factual basis and clearly fails to frame a set of facts that amount to "high Crimes and Misdemeanors."

As we set forth in the SECOND AFFIRMATIVE DEFENSE TO ARTICLE I, it is a fundamental principle of our law and the Constitution that a person has a right to know what specific charges he is facing. Without such notice, no one can prepare the defense to which every person is entitled. The law and the Constitution also require that the charges provide adequate notice to jurors so they may know the basis for the vote they must make. Without a definite and specific identification of specific "high Crime and Misdemeanor" upon which the Article of Impeachment is grounded, a trial becomes a moving target for the accused.

Article II fails to provide the required definite and specific identification. As an article of impeachment, it is constitutionally defective and should be dismissed.

THIRD AFFIRMATIVE DEFENSE TO ARTICLE II

For the reasons set forth in the THIRD AFFIRMATIVE DEFENSE TO ARTICLE I, Article II is constitutionally defective because it charges multiple alleged wrongs in a single article, which makes it impossible for the Senate to comply with the Constitutional mandate that any conviction be by the concurrence of the two-thirds of the members. Accordingly, Article II should fail.

FOURTH AFFIRMATIVE DEFENSE TO ARTICLE II

Article II cannot support the conviction and removal of an Article III United States District Judge because the alleged conduct preceded Judge Porteous' service as a United States District Judge. The constitutional impeachment mechanism provides a procedure to remove a judge for the commission of "high Crimes and Misdemeanors" while in federal office. The impeachment precedents do not provide a single example of an Article of Impeachment that has ever been based upon conduct that allegedly occurred prior to the impeached officer's entry into federal office. In contrast, the precedents suggest that while the House of Representatives may have investigated such allegations, that such conduct has never provided the basis for an impeachment and, significantly, the House has, on occasion, refused to take action because the allegations preceded the officer's entry into federal service. Moreover, while Judge Porteous contends that any attempt to use Article III's "good behaviour" clause to lower the standard necessary to impeach a federal judge is unsupported by the Constitution's impeachment clause, the House has clearly applied that lower standard in returning the four Articles of Impeachment. To the extent that the House has relied on the "good behaviour" clause, that clause states that judges "shall hold their offices during good behaviour" and clearly relates to a judge's conduct while in federal judicial office. Because the allegations of Article II

relate to a period prior to Judge Porteous taking the federal bench, Article II must be dismissed.

ARTICLE III

ANSWER TO ARTICLE III

Without waiving his affirmative defenses, Judge Porteous denies that he knowingly and intentionally made material false statements and representatives in connection with his personal bankruptcy or that he knowingly and intentionally repeatedly violated a court order in his bankruptcy case.

FIRST AFFIRMATIVE DEFENSE TO ARTICLE III

Article III does not allege an offense that supports the conviction and removal of a sitting Article III United States District Judge under the impeachment clause of the Constitution. Article II, Section 4 of the Constitution provides that the civil officers shall be removed from office only upon "Impeachment for, and Conviction of, Treason, Bribery or other high Crimes and Misdemeanors." The charges in the articles against Judge Porteous do not rise to the constitutionally required level of "high Crimes and Misdemeanors." Because Article III does not meet the rigorous constitutional standard for conviction and removal, it should be dismissed.

SECOND AFFIRMATIVE DEFENSE TO ARTICLE III

Article III is unconstitutionally vague. No reasonable person could know what specific charges are being leveled against Judge Porteous or what allegations rise to the level of "high Crimes and Misdemeanors" as required by the Constitution. In essence, Article III alleges a number of actions taken by Judge Porteous in connection with his personal bankruptcy, but it unclear as to the specific acts are claimed to violate the constitutional standard. Moreover, it is also does not clearly state the specific allegations regarding what transaction Judge Porteous concealed during the bankruptcy process or what new debts he allegedly incurred.

As we set forth in the SECOND AFFIRMATIVE DEFENSE TO ARTICLE I, it is a fundamental principle of our law and the Constitution that a person has a right to know what specific charges he is facing. Without such notice, no one can prepare the defense to which every person is entitled. The law and the Constitution also require that the charges provide adequate notice to jurors so they may know the basis for the vote they must make. Without a definite and specific identification of specific "high Crime and Misdemeanor" upon which the Article of Impeachment is grounded, a trial becomes a moving target for the accused.

Article III fails to provide the required definite and specific identification. As an article of impeachment, it is constitutionally defective and should be dismissed.

THIRD AFFIRMATIVE DEFENSE TO ARTICLE III

For the reasons set forth in the THIRD AFFIRMATIVE DEFENSE TO ARTICLE I, Article II is constitutionally defective because it charges multiple alleged wrongs in a single article, which makes it impossible for the Senate to comply with the Constitutional mandate that any conviction be by the concurrence of the two-thirds of the members. Accordingly, Article II should fail.

FOURTH AFFIRMATIVE DEFENSE TO ARTICLE III

For the reasons set forth in the FOURTH AFFIRMATIVE DEFENSE TO ARTICLE I, Article III was returned by the House of Representatives in violation of Judge Porteous' constitutional rights in that it is based, in part, upon his compelled testimony provided

under a grant of immunity. Because the process of impeachment, conviction and removal is a quasi-criminal one and under the circumstances here, Judge Porteous has constitutional rights that are violated by the use of his prior compelled, immunized testimony, Article I must be dismissed. Further, because the immunity grant by Judge Edith Jones, Chief Judge of the Fifth Circuit Court of Appeals and Chair of the Special Committee of the Judicial Conference of the Fifth Circuit, was not proper under the immunity statute, the compelled testimony was wrongly procured and any Article of Impeachment based upon that testimony must be dismissed.

FIFTH AFFIRMATIVE DEFENSE TO ARTICLE III

The allegations in Article III do not rise to the level of "high Crimes and Misdemeanors" because they address purely personal conduct that is not criminal. Prior impeachment precedent has never before sought to convict and remove a judge from office based upon personal non-criminal conduct. The very nature of the impeachment process is focused first and foremost upon the official actions of judges. Where allegations in the Articles of Impeachment address non-official personal acts by judges, long-standing precedent has limited "high Crimes and Misdemeanors" to those personal acts that are also indictable offenses. Article III ignores this precedent in seeking to convict and remove Judge Porteous from office for non-official, non-criminal acts. While it is possible that the House of Representatives would claim that the actions taken in relation to the personal bankruptcy were indictable offenses, this claim would conflict with the multi-year investigation of the United States Department of Justice which concluded that prosecution was not warranted in light of the concern that the issues related to the bankruptcy were not material. It would also conflict with the criminal bankruptcy statutes, which require that any alleged false statement not be made simply knowingly or willfully, but fraudulently, before criminal liability may attach to such conduct. In framing Article III, the House of Representatives is seeking to convict and remove a sitting United States District Judge based upon a lowered standard, one that does not constitute "high Crimes and Misdemeanors," and one that has never before provided a basis for impeachment, much less conviction and removal from office. Article III of the Articles of Impeachment should be dismissed.

ARTICLE IV

ANSWER TO ARTICLE IV

Without waiving his affirmative defenses, Judge Porteous denies that he knowingly made material false statements in order to obtain the office of United States District Court Judge.

FIRST AFFIRMATIVE DEFENSE TO ARTICLE IV

Article IV does not allege an offense that supports the conviction and removal of a sitting Article III United States District Judge under the impeachment clause of the Constitution. Article II, Section 4 of the Constitution provides that the civil officers shall be removed from office only upon "Impeachment for, and Conviction of, Treason, Bribery or other high Crimes and Misdemeanors." The charges in the articles against Judge Porteous do not rise to the constitutionally required level of "high Crimes and Misdemeanors." Because Article IV does not meet the rigorous constitutional standard for conviction and removal, it should be dismissed.

SECOND AFFIRMATIVE DEFENSE TO ARTICLE IV

Article IV is unconstitutionally vague. No reasonable person could know what specific charges are being leveled against Judge Porteous or what allegations rise to the level of "high Crimes and Misdemeanors" as required by the Constitution. In essence, Article IV alleges that Judge Porteous gave false answers on various forms that were presented in connection with the background investigation that was used to evaluate his appointment and confirmation as a United States District Judge. However, it is not clear whether Article IV contends that simply providing a single one of the alleged false statements is a "high Crime or Misdemeanor" or whether the "high Crime or Misdemeanor" is based upon all of the acts alleged, i.e., several alleged false statements and other conduct alleged. Moreover, the nature of the questions on the forms that are the focus of this Article themselves add to the vagueness problem.

As we set forth in the SECOND AFFIRMATIVE DEFENSE TO ARTICLE I, it is a fundamental principle of our law and the Constitution that a person has a right to know what specific charges he is facing. Without such notice, no one can prepare the defense to which every person is entitled. The law and the Constitution also require that the charges provide adequate notice to jurors so they may know the basis for the vote they must make. Without a definite and specific identification of specific "high Crime and Misdemeanor" upon which the Article of Impeachment is grounded, a trial becomes a moving target for the accused.

Article IV fails to provide the required definite and specific identification. As an article of impeachment, it is constitutionally defective and should be dismissed.

THIRD AFFIRMATIVE DEFENSE TO ARTICLE IV

For the reasons set forth in the THIRD AFFIRMATIVE DEFENSE TO ARTICLE I, Article IV is constitutionally defective because it charges multiple instances of alleged acts of making false statements in one article, which makes it impossible for the Senate to comply with the Constitutional mandate that any conviction be by the concurrence of the two-thirds of the members. Accordingly, Article IV should fail.

FOURTH AFFIRMATIVE DEFENSE TO ARTICLE IV

Article IV cannot support the conviction and removal of an Article III United States District Judge because the alleged conduct preceded Judge Porteous' service as a United States District Judge. The constitutional impeachment mechanism provides a procedure to remove a judge for the commission of "high Crimes and Misdemeanors" while in federal office. The impeachment precedents do not provide a single example of an Article of Impeachment that has ever been based upon conduct that allegedly occurred prior to the impeached officer's entry into federal office. In contrast, the precedents suggest that while the House of Representatives may have investigated such allegations, that such conduct has never provided the basis for an impeachment and, significantly, the House has, on occasion, refused to take action because the allegations preceded the officer's entry into federal service. Moreover, while Judge Porteous contends that any attempt to use Article III's "good behaviour" clause to lower the standard necessary to impeach a federal judge is unsupported by the Constitution's impeachment clause, the House has clearly applied that lower standard in returning the four Articles of Impeachment. To the extent that the House has relied on

the "good behaviour" clause, that clause states that judges "shall hold their offices during good behaviour" and clearly relates to a judge's conduct while in federal judicial office. Because the allegations of Article IV relate to a period prior to Judge Porteous taking the federal bench, Article IV must be dismissed.

Respectfully submitted,

RICHARD W. WESTLING,
CHELSEA S. RICE,
JACKSON B. BOYD,
ANTHONY J BURBA,
*Ober, Kaler, Grimes &
Shriver, P.C.*
SAMUEL S. DALTON,
Attorney at Law.
RÉMY VOISIN STARNES,
*Attorney At Law
PLLC.*
*Counsel for G. Thomas
Porteous, Jr., United
States District Judge
for the Eastern Dis-
trict of Louisiana.*

Submitted: April 7, 2010.

The ACTING PRESIDENT pro tempore. The Court of Impeachment is adjourned.

SCHEDULE

Mr. REID. Mr. President, today, the Senate convened at 2 p.m. and will be in a period of morning business until 3 p.m., with the time equally divided and controlled between the two leaders or their designees.

At 3 p.m., the Senate will resume the motion to proceed to H.R. 4851. The Republican leader will control the time between 5 p.m. and 5:15 p.m. and the majority leader will control the time from 5:15 p.m. until 5:30 p.m.

At 5:30 p.m., the Senate will proceed to a rollcall vote on the motion to invoke cloture on the motion to proceed to H.R. 4851. That will be the first vote of the day.

At 3:30 p.m., we will interrupt debate for a moment of silence to honor the coal miners killed in last week's explosion at Upper Big Branch Mine in West Virginia.

MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that we proceed to morning business as previously outlined and that Senators be permitted to speak for up to 10 minutes each.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER FOR MOMENT OF SILENCE

Mr. REID. Mr. President, I ask unanimous consent that at 3:30 p.m., the Senate observe a moment of silence in solidarity with the people of West Virginia regarding the mining accident.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

RECENT TRAGEDIES

Mr. REID. Mr. President, I wish to extend my personal condolences to those who suffered the two tragedies while we were back home—one here in America and one halfway around the world.

The mining tragedy in West Virginia hit home for me. It brought back a lot of memories. When I was less than 1 week old, my dad was working in a mine in a place called Chloride, AZ, which was just over the Colorado River from Searchlight. He and another man were sinking a shaft, and in those days you didn't have all the protections you have today. They had drilled some holes—seven to be exact—and always, when the holes are lit, both miners don't stay there. They leave and one remains to light the hole. So Carl Myers, who was working with my dad, went to the next level, as a matter of fact, and waited until the holes were lit, and then my dad would come up and meet him and the holes would go off.

What happened was that one of the pieces of fuse was defective, and it set off one of the holes prematurely. It blew my dad's light out and blew one of the soles off his shoe. He was hurt and in a state of shock. What the miners did in those days, in a shaft, is they would have a sinking ladder about 10 feet long and they would take it up before the holes went off and then they would climb out on that ladder. My dad, even though he was hurt, knew he had to get out of that mine because he knew there were six other holes burning. They were covered with muck. He had to get out of there, so he put the ladder down and tried to climb out, but it kept falling over. His mind wasn't working well and he couldn't understand why that was, but the blast had blown one of the legs off the ladder, so it kept tipping over.

The man that was on the next level, knowing how many holes had been drilled and knowing only one had gone off and that there were six more to go, in spite of that, came down and helped carry my dad, who was much bigger than he was, out of that mine. He got a medal for heroism, and the incident was written up by the great journalist Lowell Thomas.

I can remember as a boy my mother still picking rocks out of my dad's back as a result of that blast. In a book I wrote about Searchlight, I talk about a number of the deaths in the mines at Searchlight. My dad worked quite a bit at Blossom, and the dad of one of my friends I grew up with was killed in that mine. My dad carried him out of that hole. So I have some knowledge about how people feel when these mining accidents occur.

As I said, this tragedy brought back a lot of memories, and I extend my condolences to all the people of West Virginia, through Governor Manchin,

Senator BYRD, and Senator ROCKEFELLER. I sympathize with the people of West Virginia for their loss.

I also extend my condolences to the people of Poland. That plane carried 96 souls—parents, husbands, wives, and friends. It carried that nation's President, its First Lady, its Deputy Foreign Minister, lawmakers, their military chief of staff, and so many other military and civilian leaders. The tragic loss is unthinkable, and America grieves alongside our friends in Poland, especially when you understand where they were going and why they were going there—20,000 Poles had been killed by the Russians even before war on Germany was declared by us.

EXPRESSION OF APPRECIATION TO CHAPLAIN BLACK

Mr. REID. Mr. President, I wish to welcome back my colleagues. I know each of us cherishes the time we get to spend at home and the face-to-face conversations we have with our neighbors and constituents.

Prior to beginning my remarks, because he is in the Chamber, I wish to extend my appreciation to our Chaplain, Admiral Black. He has been so concerned about my family as a result of the accident that occurred in the Presiding Officer's State. He has communicated with my wife personally, he has prayed for her personally and publicly and in different groups, and it just indicates what a family we are in the Senate. I personally appreciate the thoughts and more than one personal conversation with Chaplain Black about Landra.

HEALTH CARE REFORM

Mr. REID. Mr. President, last December, just minutes before the Senate passed the health care reform bill that President Obama signed into law last month, my friend, the Republican leader, predicted we would get an earful when we got home, and he was right. Everywhere I went in Nevada, from the two big cities of Reno and Las Vegas, to Elko and Carson City and my hometown of Searchlight, Nevadans, young and old—people, in general—came up to me and said: Thank you—numerous people, without any exaggeration.

One mother told me how grateful she was she could finally cover her child's health care. Her child has juvenile diabetes. Parents such as she told me how grateful they were that they would be able to keep their kids on their insurance until they are 26 years old. Out-of-work Nevadans—and there is more than one I would like to acknowledge—explained to me how grateful they were that finally they will be able to afford their own health care while they try to find a full-time job.

Seniors, individually and in groups, told me how grateful they are now that

they will not have to worry about whether they are going to have to split a pill or take a pill because the doughnut hole has been filled. Everyone—every senior citizen in America, every Social Security recipient—understands what the doughnut hole was and isn't anymore.

Many small businesses told me that because of the tax cuts this Congress passed and our President signed into law because of the health care bill this year, they will be able to afford health insurance for the first time in their lives for their employees—24,000 of those small businesses in Nevada.

These people haven't been fooled by the opposition's strategy of myths and misinformation. They aren't frightened by the campaign of fear and false cries of socialism.

I know I am not the only one who got an earful of thanks from constituents whose lives are changing for the better because of this historic reform. I also heard one other thing everywhere I went: This law should not be repealed.

A week ago this Sunday, I returned from Salt Lake City to Las Vegas, and the front page of the Salt Lake Tribune had a story, which I will paraphrase, but basically it said that those people in Utah are no longer talking about repealing the bill; they are talking about trying to improve the bill.

It is hard for people to talk about repealing this bill which gives such immediate benefits to the American people. It is difficult to try to have someone say I would like this bill repealed because I do not agree with the \$1.3 trillion by which this legislation is going to reduce the debt of this country in the second 10 years—\$142 billion in the first 10 years.

I explained to people at home, if you have a fight in a ring, you have a referee, a referee there to be as fair as they can to make sure it is a fair fight. In this health care debate, we had such an entity in the ring with us as we battled, Democrats and Republicans. It was set up many years ago, this referee; it was called the Congressional Budget Office. It is not run by Republicans or Democrats. It is there to be fair. It is their determination this legislation over the first 10 years would save \$142 billion, the second 10 years would reduce the debt by a further \$1.3 trillion.

People all over America, and Nevadans, now have more control than ever over their health, more protection from insurance companies, and more opportunity than ever before to have a healthy life.

As it relates to the economy, Nevadans know that health reform is economic reform. It will save families money in the short run and save our country money in the long run. But they also know we have to do more. We have to make more investments today to help our economy run better tomorrow.

One of the best ways to do that is by creating green jobs, and that has worked so well, jobs right here at home that can never be outsourced, jobs that strengthen our Nation's economic, environmental and national safety and security.

Boulder City is a city in Nevada. It was built because of the Boulder Dam, now Hoover Dam. It is a great and beautiful little city. It is the only city in Nevada that has a growth ordinance. But they have also been very farsighted. I extend my appreciation to Mayor Tobler and all the city council. They have set up a zone where they are creating green jobs, and lots of green jobs. I went there. It is between Railroad Pass and Searchlight and part of it is Boulder City. It was amazing what we saw there. For acre after acre, workers, men and women in their hard hats and their orange vests, were placing 1 million solar panels in place—1 million in the desert to produce enough electricity for about 45,000 homes. It is the largest plant of its type in the world. There may be one in Spain that may be a tiny bit bigger, but let's assume it is not. It is a huge plant. We have this going on all over Nevada as a result of the economic recovery package and tax incentives we give people to build green energy—clean energy jobs. That vast array in the middle of the desert, dotted by countless hard hats worn by people working very hard, was truly an impressive sight.

This afternoon at 5:30 we are going on to something extremely important, especially for people who have been struggling in America. We need to continue supporting projects such as, of course, the solar plant in Boulder City and continue moving toward a clean energy economy. They demand critical long-term investments and we have a long way to go. But there are additional things we can do right now this afternoon at 5:30 to help millions of hard-working Nevadans and Americans struggling to find work. These are not deadbeats; these are not bums; these are people who are out of work and have been out of work for a long time and have struggled to find a job. If we pass this emergency extension of unemployment and health benefits, we can give those unemployed families the help they need to put food on the table or go to the doctor.

Some on the other side flatly refuse to do so. To them it doesn't matter that these people lost their jobs through no fault of their own or that they are desperate to find a new full-time job and that this is an emergency, not only for our families but for our country. Many of those who oppose this extension voted to give tax breaks to rich chief executive officers who shipped American jobs overseas. Now that their constituents are trying to find jobs of their own, I hope they will consider giving them at least the

short-term help they need and need critically. If Republicans continue blocking unemployment assistance, 1 million Americans will lose that lifeline by the end of this month.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

WEST VIRGINIA MINE DISASTER

Mr. MCCONNELL. Mr. President, while we were in recess, the people of West Virginia experienced a very difficult mine safety experience. Our neighbors in West Virginia, like Kentucky, are big coal producers. We have had our share, in the Commonwealth of Kentucky, over the years of mining disasters, and our hearts and prayers go out to our neighbors in West Virginia as they attempt to recover from the latest tragedy in what is obviously a very dangerous profession, and that is mining of coal.

POLISH TRAGEDY

We also witnessed a great tragedy overseas, the death of the Polish President Lech Kaczynski, his wife, and so many other Polish leaders over the weekend. This is obviously a terrible tragedy for Poland and a great loss for us as well. Poland is a great friend of the United States and we send our heartfelt condolences and every expression of solidarity to the Polish people and the families of the dead at this very difficult time.

LONG-TERM FISCAL SECURITY

Turning back to home now, I want to welcome everybody back. I hope everyone had a restful and productive break. My constituents have never been shy about sharing their views on what we are doing here in Washington. These past 2 weeks were no different. To be perfectly blunt: Kentuckians are concerned about the direction of our country. They are overwhelmingly opposed to the health spending bill, what it will cost, and the process used to pass it. And more generally, Kentuckians, and Americans everywhere, are concerned about the consequences of the endless borrowing and spending here in Washington.

Americans worry that we are on the cusp or maybe even past the cusp of a debt crisis. And they are frustrated. They don't understand how lawmakers in Washington can ignore this looming disaster after just narrowly averting the last one. Americans know that this is one crisis no bailout could ever prevent. We could borrow a trillion dollars to dig the country out of a mess that was created on Wall Street, but once the government maxes out its own credit card, there is nowhere to turn—except to the citizens themselves.

So the time to act is now. The deficit this year alone is projected to be more than \$1.4 trillion. Social Security recently started paying out more than it is taking in. Interest payments alone on the national debt are approaching \$1 trillion a year. Interest rates on mortgages, student loans, and small business loans are threatening to rise. There is no reason to think the problems we are seeing in Europe won't strike here at home if we do nothing to reverse current trends.

Those who continue to use the taxpayer credit card with reckless abandon threaten not only our chances of a quick recovery and the jobs it would create but also the nation's long-term fiscal security—and a safety net that has been built up over the decades precisely for moments like this. Democrats can no longer hide behind the argument of good intentions when the results threaten our very stability as a nation.

We must get a handle on the deficit and the debt. This is the issue that will focus our attention in the weeks and months ahead. And over the coming weeks, I assure you, Republicans will continue to give our colleagues across the aisle and our President the opportunity to live up to the President's commitment on February 13: "Now, Congress will have to pay for what it spends, just like everybody else." Americans will not tolerate another crisis of Washington's making.

SUPREME COURT VACANCY

Another issue we will be focused on, of course, is the Supreme Court. Justice Stevens' decision last week to retire from the Court gives us another opportunity to discuss the proper role of our Federal courts and our Constitution.

Last year, during the debate over Justice Sotomayor's nomination, Americans saw the Senate debate and discuss the President's "empathy" standard for judicial appointments. At the end of that debate, most Americans—and indeed Justice Sotomayor herself, along with Senators of the President's own party—rejected that standard and agreed with Republicans that judges ought to apply the law, not their own feelings and personal preferences.

We are hopeful that this time around the President will select someone with extensive real-world legal experience and a demonstrated commitment to the rule of law. That is what Americans expect from their judges, whether it is small claims court or the Supreme Court. They do not expect us to select judges based upon whose side the judge is on, as one Democrat on the Judiciary Committee once suggested.

Once the President submits his nominee, Senate Republicans will diligently review his or her record so the American people can be confident that they will be able to fulfill the judicial oath;

namely, to administer "justice without respect to persons and to do right by the poor and by the rich." I am hopeful that at the end of the day, I and other Republicans will be convinced that the nominee will be able to do so.

I yield the floor.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. There will now be a period of morning business until 3 p.m., with time equally divided and controlled between the two leaders or their designees, with Senators permitted to speak for up to 10 minutes each.

The Senator from Illinois.

EXPRESSING SORROW TO WEST VIRGINIA AND POLAND

Mr. DURBIN. Mr. President, I join my colleagues in expressing my sorrow to the families of West Virginia for the coal miners who were lost in that disaster. Illinois is a coal mining State. Throughout our history we have had terrible mine disasters and the loss of life. I hope we can not only bring them consolation but that we can learn from this disaster. When we find that only a small portion of the fines that have been imposed on coal companies for safety violations have been paid, it clearly calls for a much more aggressive approach by our Federal Government and the agencies that are entrusted with the responsibility of protecting the safety of these coal miners. We can do better.

One of the saddest comments, but I am afraid true comments, came from my colleague Senator JAY ROCKEFELLER, who said these tragedies are likely to occur again no matter how much we do.

Congressman NICK RAHALL said: unfortunately, reform, when it comes to coal mine safety, is written in the blood of dead coal miners. But let us use their lives as an inspiration to do a better job of writing the laws and enforcing the laws so that the men and women who work in this perilous trade have the protection of their government.

Second, I will be speaking at length at a later time, but I want to join with those who expressed their sorrow over the death of the President and First Lady of Poland and so many of the government leaders. It is said there are more Polish Americans living in Chicago, IL, than in any other city than Warsaw, Poland. We have a proud, strong Polish population in and around the city of Chicago. They have been

through much in their lives. Many of them came to this country to escape the horrors of World War II. They have built their families, their neighborhoods, their churches, their parishes—they have built our city, the city of Chicago, and many others in my State. They were in grief and mourning as they gathered over the weekend at a Polish cemetery to express their sorrow for the loss of their President and First Lady.

The people of Poland have been inspired by faith and family in times of adversity. They will be again. I will have more remarks to make on that subject at a later point.

HEALTH CARE REFORM

The minority leader, Senator McCONNELL, Republican of Kentucky, before we left, said, wait until you go home and listen to people about health care reform.

So I did. I went all across Illinois, and I spent 2 weeks. I went right into the teeth of the most conservative parts of Illinois, held meetings, answered questions, and by and large people had some impressions of what the bill did but did not know the details on what it was going to do and how it was going to change their lives.

I talked to them about the fact that there are literally people working today in our State of Illinois—1.4 million of them—without health insurance. Many times, these people and their children have lived a whole life without health insurance.

On the Senate floor, I spoke of a lady I met in a Hampton Inn in Marion, IL. Her name is Judy. What a sweetheart. She is there every morning cleaning off the tables, greeting everyone with a smile. She has become my buddy because we stop there, and we talk about southern Illinois and what is going on. On the last trip there, I talked to her about health care reform. She was worried about it.

What is it going to do to me? Is it going to mandate that I buy health insurance? I do not make a lot of money, Senator.

I said: Do you have health insurance?

She said: Senator, come on. I have never had health insurance in my life. I am a waitress.

Never had health insurance in her life.

How old are you, Judy?

Fifty-nine.

Never had health insurance.

Never, she said. When you saved up enough money, you went to the doctor and you had to make do.

Well, how is your health, I asked her.

She said: Well, I have high blood sugar.

I said: How high?

She said: I do not know. I cannot get to the doctor regularly, but when it gets very bad, I get checked out. He says: I have to do something about it.

That is what she told me on the last trip. When I saw her on this trip, I al-

most did not recognize her. She had dropped 25 pounds, and she looked pretty weak. But she came to me and she said: Well, my blood sugar is acting up again. I have lost 25 pounds. But I never missed a day of work. I came in here every day.

Judy would be covered by this health care reform bill. She will have health insurance for the first time in her life, under Medicaid. She will be able to be taken care of. She will have a doctor looking at her blood sugar to make sure she does not go blind or lose a limb. That is what this health care reform bill does.

Before we left town, I had one of my staff call a local doctor and ask him, as a personal favor, to see her. He said he would. I thanked him so much for doing that. I hope he can help her along.

As we left town, though, I went by Carbondale, IL, home of Southern Illinois University. There is a baseball coach there named Danny Callahan. I have known him since he was 6 years old. He is a great guy; probably in his forties now; two or three kids. He was diagnosed with melanoma 6 or 8 years ago from a sunburn he got as a baseball player, and it had spread. He has been battling cancer ever since. He has had tumors removed, his lower jaw removed, and he is trying to hang on. His doctor came up with a therapy for him, a cancer therapy for him, that works, that slows down the progress of the cancer. When they turned in the bill for the cancer therapy, the health insurance company said: No, we do not cover that. Well, it cost \$14,000 a month. Danny cannot afford that. He has been in court in a battle with this health insurance company to get the drugs his doctor wants to give him to save his life. Sadly, that battle still goes on.

The health reform bill we passed will give Danny and his family and others like him a fighting chance against health insurance companies. So when I hear the Republican leader come to the floor and tell us we are going to catch this firestorm of opposition, I think of these cases, of those people, and how, if we did nothing, their lives could not be as good. In fact, some of them may suffer as a result of the current system and the law.

We are going to have a vote this afternoon, for those who follow the Senate. It is a vote about unemployment benefits. You see, many of us believe we are in an economic emergency in this country with about 8 million people unemployed, another 6 million under long-term unemployment—almost 15 million Americans unemployed, looking for work. For some of them, we have been extending unemployment benefits so they can get by. It is about \$300 a week. For families who have been going through this for a long time, with unemployment that

has lasted over a year, we know what they have been through. They have lost their life savings, and they have nowhere to turn. So on an emergency basis, we have been extending unemployment benefits and health insurance coverage for the unemployed in this country. We tried to do it again before we left for this 2-week Easter break, and there was an objection from the Republican side of the aisle. Senator COBURN of Oklahoma has objected. What it means is that as of 1 week ago, we started cutting people off from coverage for unemployment benefits in America because of the objection of one Senator. How many people? Over 200,000 lost their unemployment benefits across America in the first week; another 200,000 will lose their benefits this week; and by the end of the month, 1 million Americans will lose their unemployment benefits because 1 Senator objected and they do not want to bring this to a vote.

If you want to know why a Senator who is, like myself, drawing a paycheck and living a pretty comfortable life would want to cut off unemployment benefits for those who are struggling, the argument was mentioned earlier by the Republican leader: It is time to fight the deficit. Let's fight the deficit when it comes to unemployment benefits in America. That is the stand they are taking. It is interesting to me that many of these same Senators thought nothing of an \$800 billion bailout for the banks when they were in trouble. That was not paid for. Mr. President, \$800 billion for banks—oh, we have to do that—but when it comes to helping the unemployed in this country, oh, that is going to break the bank. When are we ever going to learn?

I am getting a little tired of being preached to by the other said of the aisle about fiscal conservatism. It was their President, the last President, who more than doubled the national debt in this country, from \$5 trillion to \$12 trillion. It was under their watch that we engaged in two wars and did not pay for any of it, added it to the national debt. It was under their watch that they called for tax breaks for the wealthiest people in America in the midst of a war and added it directly to the debt. Now when we come to the floor and say, for goodness' sake, give the unemployed in this country the basics of life to get by, they say we cannot afford it; we have this deficit. When it came to the bank bailout, we did not hear a word about the deficit. When it came to paying for these wars, which we did not do, we did not hear these deficit hawks. When it came to a prescription drug benefit that cost \$400 billion, they did not pay for it. The list goes on.

I look at my State and think, 16,000 people in Illinois lost their health insurance because 1 Republican Senator objected; 2,600 from his home State of

Oklahoma. And the number grows by the week. What are we going to do about this? They want to pay for this by taking the money out of programs we are going to use to put people to work, taking the money away from projects that are going to be built across America to put construction workers back to work. Construction trades have one of the highest unemployment rates in America, over 25 percent. They are talking about cutting the money from the projects to pay for unemployment benefits. That is not going to bring us out of the recession; it is going to create more unemployment in the process. That is what this debate is all about.

There are ways we can address this deficit, and should. There is a Presidential commission which I am going to serve on with a number of Republicans and Democrats. It will not be easy. But why in the world do we want to fight this battle today on the backs of those who are unemployed and losing their benefits? It literally means that thousands across America are going to have to do without.

What do you do when you have exhausted your savings, you have no job, you are about to lose your home, and it is a real question about whether you can keep going down to the food pantry or the soup kitchen? If you don't think that is happening, check out your hometown. That is exactly what is happening. The Republican answer is, cut off the benefits and tell them we have to cut the projects to build the roads, to build the bridges, and make more unemployment in the construction trade sector in order to pay for this. That, to me, is not a good approach. It is not a humane approach. If we can just get as much compassion from the other side of the aisle for unemployed workers as we had for bank bailouts, we would have a chance of feeding those people and keeping their families together during one of the worst economic turns we have seen in America.

The vote later on today—we will need 60 votes in order to continue to move forward on unemployment benefits. We do not have those votes on this side of the aisle. We will need Republican votes. The last time we dealt with this a month or so ago, a number of Republicans stepped forward and helped. I hope we do the same this afternoon.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Arizona.

JOBS IMPACT

Mr. KYL. Mr. President, last week I traveled around my State of Arizona to large towns and small, and I heard from many of my constituents. Arizonians have very serious concerns about what is happening here in Washington. They are worried about the direction in which our country has moved and

about the kind of Nation their kids and their grandkids will inherit. They are unhappy about the tremendous levels of spending and debt and about how new taxes and regulations threaten jobs and our economy. It is not an overstatement to say that people are outraged about what they perceive as irresponsible behavior in Washington. Many are frustrated because they feel as if they have lost control of their government. Today, I wish to focus on three specific concerns I heard, and they all relate to how taxes and regulations are impacting jobs in my home State.

First is the health spending bill. If anyone thinks the American people will have forgotten about this in a few months, I can assure you they will not have. They are overwhelmingly opposed to this law, and they are frustrated that it was passed despite widespread opposition. They are upset about the high cost, the new taxes, the massive regulations, and the manner in which it was passed.

Arizona's employers and the unemployed workers are both affected by the new taxes and mandates in the bill that will prevent hiring. How? Well, many small business owners in Arizona are wondering how they are supposed to hire new employees when they are about to be slapped with a new payroll tax. Of course, a payroll tax is a direct tax on hiring.

Arizona employers with more than 50 workers face a second problem: they will face steep fines if they do not comply with the new mandate that they provide health insurance to all of their employees. It is another disincentive to create a job or even to retain current employees.

The refrain I heard from employers and other Arizonians over and over again is: You have to repeal this bill. And I agree.

The second concern I heard a lot about was unemployment insurance and its impact on jobs. I will discuss in just a moment the concern the employers have about their share of the expense of unemployment insurance. But first of all, let me address comments just made by my colleague from Illinois, who suggested that Republicans wanted to leave people who are unemployed out in the lurch, that we did not support extending unemployment benefits. That, of course, is not true. I voted for every extension of benefits, as have the majority of my colleagues. The question is, Who should pay for the extension? My colleague suggests that it is not a question of who but whether it should be paid for. It is said over and over again: The question is whether it should be paid for. Well, it is not a matter of whether. It will have to be paid for. That is to say, we are borrowing the money. We have to pay that money back. It is a question of whether we pay for it or we simply say: Put it

on the tab for our kids and our grandkids to pay for it.

So the question is, to extend unemployment benefits again to folks alongside us, who have the misfortune of having lost their job, until they can get another job, who is going to pay to extend their unemployment benefits? It seems to me that is an obligation of this generation.

My kids and grandkids are going to have plenty to worry about in their generations. They will probably face the prospect of some unemployment, too, and they are probably going to have to extend unemployment benefits, and somebody will have to pay for that. The question is, Who? Are we going to make them pay not only for what happens on their watch but also what happened on our watch that we were not able to pay for?

That is the question: Are we able to? To extend these benefits for the period of time we were taking about just before the recess was \$9.5 billion. And I don't think one could contend that somewhere in the Federal budget we can't find \$9.5 billion over the course of the year which could be used to pay for these benefits. If they are a top priority, then that is what should be used to pay for the benefits. It is a 30-day period of time.

Interestingly, during the debate before the Easter recess, we actually had an agreement for about 45 minutes in this Chamber where Republicans and Democrats alike agreed that to ensure there would not be a hiatus where benefits would not be extended—and by the way, the physicians would be reimbursed for the care they provide to Medicare patients—we agreed on a set of revenue measures that would pay for a week of these benefits so that there would be no period of time that there would be a hiatus, that they would not be paid for. But someone from the other side had to call the Speaker of the House to make sure that was OK with the House of Representatives.

I am told it was the Speaker who said: No, we will not pay for the extension of benefits. We will not do that.

It is not a question of whether we are for extending unemployment benefits. It is not a question of whether they have to be paid for. It is a question of who pays for them. For my money, if we can't find \$9.5 billion somewhere in this government and say it is a higher priority to extend unemployment benefits and pay for it than whatever that money is used for, then we are not doing our jobs.

My colleague from Illinois suggested that Republicans were responsible for taking us to war and not paying for it. That needs to be responded to. This body voted to go to war. This body supports the troops who are fighting. I assume this body wants to pay them and to buy them the appropriate equipment and that is a top priority of our government. Under the Constitution, the

first obligation of government is to protect its citizens. That is the No. 1 priority. We have to spend that money. There are other priorities, but there comes a point when we have to begin setting priorities and say to go to war, we have to do that. That has to be paid for. To do this and this and this, that has to be paid for. But at a certain point in time, we are entitled to ask: Now that we have run out of money, do we want to keep spending or do we find a way for this generation to pay for that spending? That is what we are talking about with the extension of unemployment benefits.

Of course, they need to be extended. We will support that. The question will be, will my colleagues on the other side of the aisle support finding the funds to offset the cost.

This is not without cost. The Coalition of Arizona Business Organizations reinforced the point in a recent letter to my office. They pointed out: The Arizona Department of Economic Security estimates that my State will have to borrow \$300 to \$400 million from the U.S. Department of Labor between 2010 and 2013 to keep the unemployment fund solvent so they can continue to make payments to beneficiaries.

To make matters more difficult, Arizona employers have already been hit with an average increase of 50 percent in unemployment insurance taxes. This increase has occurred at the very time that businesses are trying to recover. Of course, it can delay economic recovery, and more hiring for businesses the more they have to pay. The message I got from small businesses was, if you want them to start hiring, Congress needs to waive the Federal Unemployment Tax Act penalties, also known as FUTA.

This is a tax that currently averages \$56 per employee. But if Arizona were to fail to repay the money the State has borrowed from the Federal Government, it could rise as high as \$308 per employee. Obviously, that does not portend more hiring, and it is not what employers need.

The third and final concern relates to lending. Senator McCain and I met with representatives of some of Arizona's smaller banks, community banks. They are being crushed because regulators have been forcing them to raise more capital than they are required to hold, and that undermines economic recovery because they then have less money to lend.

In addition, regulatory guidelines, especially on commercial real estate lending, are hindering new loans as well as the refinancing of existing loans, and existing regulations are discouraging banks from working with borrowers to avoid foreclosure. These banks are being forced to increase capital in an environment in which capital is very scarce for community banks. A more sensible course would be having

banks retain more capital when times are good and easing up on those requirements when times are bad.

The effect of the bank regulators' actions is not just denial of loans to those who should not get them—and there are some who should not be refinanced—but even to more creditworthy individuals and businesses. As a result, businesses can't invest and grow, which is what they need to do to create jobs and improve the economy.

The bottom line is a lot of things Washington is doing have hurt small businesses, the engines of job creation. Americans are not happy about this. Jobs should be our No. 1 priority. Congress has the tools to create a better environment for job creation. I am not talking about labeling every spending bill that comes up as a jobs bill. It means listening to what job creators are saying, not punishing them with a tidal wave of new taxes and regulations.

The ACTING PRESIDENT pro tempore. The Senator from Florida.

Mr. NELSON of Florida. I ask unanimous consent to speak for 15 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

EXTENDING UNEMPLOYMENT BENEFITS

Mr. NELSON of Florida. Mr. President, the American people are asking: Why can't those guys get together up there and get something done? They are asking: Whatever happened to common sense? They say: People are out of work. Why can't you extend their unemployment benefits? All of this is what the vast majority of the American people are saying. Yet we allowed, over 2 weeks ago, unemployment compensation to cease for certain people hurting in this country. It is important for us now to temporarily extend unemployment benefits, as well as the ability for someone who is out of work to continue their health insurance coverage through what is known as the COBRA program. These important programs expired. We are going to have a procedural vote later today.

As is typical in the Senate, we don't get to the actual, substantive vote today. We vote on a motion to proceed, and we have to cut off debate with a motion to cut off debate, called a motion for cloture, just to get to the motion to proceed to get to the bill. But that is what has taken place today. We will get it done. We will use the better part of this week going through all of this parliamentary faldral. When they call the final roll, we will get it extended.

But why can't we get together? Why did one Senator, over 2 weeks ago, hold up the whole works on something so obvious? Folks are hurting in most of the country. They certainly are in my

State. Over 40 percent of Florida homeowners are under water on their mortgage. The banks are pulling back on credit to small businesses. When you get right down to it, the blame for failing to temporarily extend this eleemosynary help, this commonsense help to people who are hurting, falls solely at the feet of the Congress because we couldn't get it together, through our parliamentary rules.

Our people are hurting. It is our responsibility to extend these programs to provide some little pittance for people who can't get work and financially have a desperate need. Unfortunately, for many Americans these benefits are the only thing keeping food on the table as they struggle to find a job and make financial ends meet.

I certainly hope we are not going to let these programs lapse again. There are encouraging signs in the economy, but unemployment always lags the recovery of other parts of the economy. Therefore, we need to give some little measure of stability to these people, these poor families out of work, instead of us continuing to have partisan gamesmanship that we have seen so often over the course of the last couple months.

FINANCIAL REFORM

Mr. NELSON of Florida. Mr. President, after the extension of unemployment benefits is accomplished—and we will get it done—we will take on financial reform. Remember back, the failure of Lehman Brothers and the near collapse of our financial system and, as a result, the passage of \$700 billion of taxpayer money to bail out Wall Street? Back in the fall of 2008, the break down in our financial system fueled one of the worst economic downturns since the early part of the last century. The stock market plunged. The credit and capital markets froze, and real economic activity took a nosedive.

While we are seeing some slight improvement in both the markets and the economy as a whole, too many people remain unemployed and underemployed. In Florida, the unemployment rate has surpassed 12 percent. The unemployment rate in Florida is now the sixth highest in the country. Since the crisis began in the fall of 2008, a lot has happened. We elected a new President. We passed an economic recovery bill. We passed health reform. We passed an enhanced home buyer tax credit. We passed several measures of tax relief for small businesses. But there is one thing we have yet to do that is at the top of the list; that is, to try to help clean up Wall Street and our excesses in the financial system. We owe it to taxpayers so they do not face another \$700 billion bailout in the future. Never again should we use taxpayer money to bail out reckless and freewheeling Wall Street bankers.

Our colleagues on the Banking Committee have put forth one proposal. It includes a new consumer financial watchdog. It also includes new rules for the regulation of derivatives—those things that have fancy names such as credit default swaps, which are insurance policies on losses that you would have in other investments. Listen to what one of the richest people in the world, the sage of Omaha, Warren Buffett, says. He refers to all of those very clever financial instruments as “financial weapons of mass destruction.” That is Warren Buffett. If there is one lesson from the former Goliath insurance company, AIG, it is that we better get serious about regulating derivatives.

The Banking Committee bill includes new rules for liquidating large financial institutions when they become insolvent. It tightens rules related to capital requirements, liquidity, and the use of leverage. But when the Banking Committee bill comes to the floor, we must strengthen and improve the legislation to rein in the greed that ran amok, that nearly brought down our entire financial system altogether. Of course, we can expect a vast army of lobbyists who will descend to protect various financial fiefdoms from these new transparency and accountability rules.

I will offer a number of amendments on the floor. I want to mention one today, the Wall Street Compensation Reform Act. This bill I have already introduced, and which I will offer as an amendment, hopefully will restore some sanity and common sense to executive pay practices on Wall Street.

The legislation is simple. It encourages large banks and financial institutions to adopt widely accepted compensation practices. Banks that fail to adopt those standards would lose the benefit of certain tax deductions. They could no longer deduct the large compensation payments they make to highly paid employees.

I have read with astonishment the recent reports that Wall Street banks continue to pay outlandish bonuses to undeserving executives. Many of these institutions—and this is what gets your blood pressure going up—are still living on taxpayer-funded life support.

In most business professions, executive pay will follow performance. Managers and executives usually are rewarded for creating lasting value. Unsuccessful managers and executives are shown the door. But apparently these basic commonsense principles have been lost on a lot of the Wall Street firms. This year, Wall Street bonuses were in the range of \$150 billion. Eighteen months after the fall of Lehman Brothers, it is back to business as usual for the major banks.

We have been here before. We had the same debate last spring when AIG paid those absurd bonuses to the financial

traders who managed one major accomplishment: They drove their company into the ground. Although we had lots of legislation introduced, Congress again failed to act. The army of lobbyists descended to make sure that was the case, and here we are again.

I daresay there is almost a unanimous recognition that poorly crafted executive pay practices at major financial institutions contributed to the near collapse of the financial system—what ultimately brought about the \$700 billion taxpayer-funded bailout.

The general counsel of the Federal Reserve Board has testified that compensation practices in the banking sector were a contributing cause to the crisis. In January, the Federal Deposit Insurance Corporation found that “excessive and imprudent risk taking remains a contributing factor in financial institution failures and losses to the Deposit Insurance Fund.”

Current pay practices encourage excessive risk taking because short-term gains are heavily rewarded even if they are unsustainable. The negative consequences of severe losses in a company are often externalized and shifted to the shareholders or to the public.

The Federal safety net for financial institutions encourages traders and executives to take unnecessary risks. The most obvious example is the \$700 billion Wall Street bailout. Executives who should have left without their shirts instead left with golden parachutes.

Real and meaningful financial reform must include changes to the existing compensation culture in the finance industry. And, oh, are we going to get resistance as we put forward this idea.

Under the amendment I am going to offer, major banks and financial institutions could only deduct their large executive compensation payments if the pay complies with rules that focus on rewarding long-term performance. The principles were developed by the Financial Stability Board, the council of major central banks. The Federal Reserve was instrumental in developing these compensation principles.

Under the amendment I will offer, tax deductions for major banks and financial institutions are going to be conditioned on the following: compensation payments over \$1 million must be performance based and at least half of the performance-based compensation must vest over an extended period of 5 years or more. This is going to tie compensation not only to performance but to long-term performance.

Another part of this amendment requires that, for executives at public companies, at least half of the performance-based compensation must be paid in employer stock. Compensation agreements for top executives must include a claw-back provision that retracts the deferred compensation in the

event of ethical misconduct. Also in the amendment, compensation agreements must prohibit employees from engaging in personal hedging strategies, such as compensation insurance, that undermine the very risk alignment principles we are creating.

This amendment creates a new and meaningful executive compensation disclosure requirement in order to empower the company's shareholders and the company's investors to hold banks accountable for what they pay their senior executives.

The special interests certainly are going to argue that Congress should not get involved in compensation decisions. They are going to say the private marketplace knows best. They are going to argue if Congress passes measures like this, Wall Street is going to pack up its bags and move to greener pastures abroad.

Unfortunately, right now, what the market knows is that big, short-term gains lead to big bonuses, and big losses lead to taxpayer-funded bailouts. Enough of this. We are going to have the opportunity to take real steps to reform compensation practices. It is my hope—perhaps naively so—that the Senate would unanimously approve this concept. It will not be unanimous, but I believe we can get 60 votes to break a filibuster, and I think we can pass it. The American taxpayers' funds are at stake.

Mr. President, I yield the floor.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

MOMENT OF SILENCE

Under the previous order, there will now be a moment of silence in solidarity with the people of West Virginia on the loss of the miners in the Massey Energy mine disaster last week.

(Moment of silence.)

Mr. REID. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. COBURN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is now closed.

CONTINUING EXTENSION ACT OF
2010—MOTION TO PROCEED

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of the motion to proceed to H.R. 4851, which the clerk will report.

The assistant legislative clerk read as follows:

Motion to proceed to H.R. 4851, an act to provide a temporary extension of certain programs, and for other purposes.

The ACTING PRESIDENT pro tempore. The Senator from Oklahoma.

Mr. COBURN. Mr. President, it has been 2 weeks since we last spoke on the floor on this issue. There has been a lot written in the press and a lot of things that have been said. I will reiterate what I said earlier in that debate before we took an inappropriate spring break, and that is the fact that everybody thinks those who are unemployed and are eligible should be getting unemployment checks. That is not a partisan issue. It is a fact we want to support those who need our help right now.

The real question, however, is what will we do to make sure that effort is an effort that has some real meaning behind it and that these are not hollow words. The debate around here becomes partisan and labels get applied, and I admit that I am partisan—but not from a party standpoint; I am partisan for our children.

The question isn't whether we should make sure that unemployment benefits are there. The question isn't whether people can get health insurance under COBRA. The question isn't whether we ought to do the right thing for those who are depending on us. The question is, where do we get the money?

It is simple. We have two options. One option says: Time out; this is so important that it doesn't matter where we get the money; we have to supply it. The other option is—and by the way, the first option belies the fact that we have any waste in the Federal Government. I don't think we can do a poll that would come so close to unanimity as a poll on which we would ask the American people whether the Federal Government is efficient and effective. I doubt that we would get anybody on the "yes" ledger side on that.

The real question, then, becomes do we have the goodwill and the presence of mind to do this in a way that doesn't jeopardize our children? You see, we are not just fighting about unemployment benefits. We are not debating the issue of unemployment benefits. We are debating the issue of whether we take from those who come after us and give to those today.

Many times I have used this poster of this young lady. Her name is Madeline. Madeline was caught in DC wearing this poster. I have gone over the numbers. When she wore the poster, her debt was \$38,375. Her debt today, with-

out us extending this bill after last year, is over \$45,000. So the question is competing priorities. We have the priority of making sure that we help those who need our help in a time of economic decline. And then we have the priority of making sure we have not mortgaged the opportunity of freedom for children such as Madeline.

Who will fight for the Madelines? Who will stand up for our grandchildren and say we can find \$9.2 billion out of an almost \$4 trillion budget and pay for it and not charge it to the Madelines of this world? That is what we are doing when we declare something an emergency.

I would also make the point that we passed a 9-month extension for many of these programs. It was paid for. In other words, we didn't add to the debt when we passed a bill that would extend this for 9 months. The Senate did its work. That bill hasn't come back because the House is unlikely to pass it with the pay-fors in it and, frankly, several were used to pay for the health care bill that passed.

Who will protect the Madelines of the world? Since the beginning of this year and the famed passage of a statute called pay-go, which says we will no longer create new spending without cutting the spending somewhere else, we have spent \$120 billion of Madeline's future, and every Madeline who is out there—every 3-year-old and 4-year-old who is out there. We have done it by waiving the new statute that says you have to pay as you go. Congress—and the Senate specifically—increased our budget 5.6 percent this year. In a year where true costs were down we increased our own budget. Yet, we refuse to look at the hard choices that are necessary for us to make a future for the Madelines of this world.

What happens if we continue this? What happens if we continue to say we will borrow from the future instead of making the tough choices now? I will tell you what happens. Madeline's future—her opportunity for prosperity—is mortgaged. We tend to think in the short run, and the vision our Founders had was thinking in the long term.

So where do we find \$9.2 billion? If I get an opportunity, I will offer five amendments that will pay for that. I wager that nary a person would ever miss the money. We could find \$9.2 billion in the Defense Department. They have at least \$50 billion worth of waste. But, no, we won't go there. We have \$700 billion in unobligated balances of which well over 20 percent has been sitting there for 2 years. That is \$140 billion. We can pay for this for a year, but we won't go there. We have ineffective spending in the stimulus bill that hasn't been rolled out yet that I will put forward as a greater priority than the money intended left in the stimulus bill is for. But we are not going to go there. What we are going to do—and

we will pass a motion to proceed today to this bill. But what we are going to do is take the easy, the soft road of not paid for. We cannot continue to do that.

Last year—and we will continue this year—out of every dollar the Federal Government spent we borrowed 43 percent. So 43 cents out of every dollar the Federal Government spent last year we borrowed. We ended up with a real deficit of close to \$1.6 trillion by the time you get out of the accounting gimmicks that Washington uses. That is what we added to the Madelines of the world. We are going to do that this year again.

The February deficit was the highest on record ever for the Federal Government. So we are going to have an excessive \$1.4 billion or \$1.5 billion or probably a \$1.6 trillion deficit this year, and we are going to add another \$9.2 billion with this bill.

How is it fair? How is it right that in this country we cannot do two right things, we can only do one right and one wrong thing? I posit that stealing money from our kids' future and mortgaging their future is morally wrong. I posit that helping people who need our help on unemployment benefits is morally right. Why can we not do both? We ought to be able to do both.

I sent a letter to the minority and majority leaders when the bill first came up. I will read it because I think it is important to understand the thinking on why we should pay for this—realizing that we passed a 9-month extension that was paid for, and because the House hasn't acted, we don't feel an obligation to protect the Madelines of the world. The letter says this:

I am writing to notify you that I would like to be consulted on any unanimous consent agreements regarding the consideration of H.R. 4851, the Continuing Extension Act of 2010, which would extend the number of federal programs for one month.

No one is arguing that Americans who are currently unemployed should not have their unemployment insurance payments extended. But once again, Congress is refusing to find a way to offset the \$9.15 billion cost of the bill with cuts to less important federal spending.

Time and time again, Congress intentionally waits until the last minute to consider important legislation and then declares the billions of dollars in foreseeable costs as "emergency" spending in order to avoid having to find a way to pay for the bills' price tags.

In the last 6 months, Congress has passed four major extension bills. H.R. 4851 would be the fifth such bill. The total cost of these bills is almost \$30 billion. Additionally, over the last year Congress has increased funding totaling \$64.9 billion for the Highway and Unemployment Insurance Trust Funds without offsets.

This shortsightedness sticks taxpayers with billions of dollars in additional debt and treats the unemployed, doctors and Medicare patients, hard working men and women who help make our roads and bridges safe, and others relying on federal funds as pawns in Congress' borrowing and spending game.

When the previous last-minute one month extension (H.R. 4692) was brought up days before the funding authority for numerous federal programs, including Unemployment Insurance and the Highway Trust Fund, which expired at the end of February, 2010, a United States Senator was attacked for objecting to passing the bill without any debate or amendments because the bill was unpaid for and added \$10 billion to our nation's debt.

In other words, there is something wrong with Senator BUNNING raising the question of whether we ought to pay for it.

As always, those who prefer to borrow to avoid making the tough budget decisions won out, and the taxpayers were stuck with another \$10 billion in debt.

The Madelines of the world.

Congress has continually resisted the need to act like every family in the United States of America and to budget and live within their means. Our debt is now over \$12.6 trillion. The 2010 deficit is projected to amount to \$1.3 trillion and we are borrowing 43 cents on every dollar; yet, Congress continues to increase spending without any correlating spending cuts.

Congress' inability to prioritize and manage national needs results in real consequences for Americans, whether it be furloughs, market uncertainty that leads to lower investment and job losses, or Americans being saddled with higher debt and taxes.

If Congress keeps approving temporary extension bills throughout the calendar year without finding offsets, Congress will have added almost \$120 billion to our national debt. Additionally, the Senate has already approved more than \$120 billion in new federal spending not offset, even though it passed Pay-Go legislation just over one month ago claiming to prohibit such activity.

In the House, Appropriations Chairman David Obey has indicated that some new spending needs to be offset with unused, unobligated funds. Chairman Obey suggested rescinding \$362 million in reserve stimulus funds for the Women, Infants and Children nutrition program; \$112 million from a Commerce Department program designed to provide coupons to households to help buy analog-to-digital converter boxes; \$103 million from USDA rural development programs; and \$44 million from the Transportation Department's Consumer Assistance to Recycle and Save Program . . . to offset the cost of a different spending bill. The Senate should likewise find a way to offset this one-month extension bill and create a sustainable precedent.

The Senate can start with federal unobligated balances. According to the White House, in Fiscal Year 2011, 33 percent of all federal funds were unused and obligated. The total dollar amount of these unobligated balances was estimated at \$703 billion. Rescinding only discretionary funding that has been available for more than two years would likely result in roughly \$100 billion in offset spending. The Senate could also tap into \$228 billion in unobligated stimulus funds as Chairman Obey has suggested.

At the very least, Congress should reconsider transferring the almost \$100 million budget increase it approved for itself for 2010 to offset the cost of additional spending. Congress should not be increasing its budget by 4.5 percent when our economy shrunk by 2.4 percent and inflation was at less than 1 percent.

I have also detailed through numerous oversight hearings, reports, and legislation how the federal government wastes more than \$300 billion every year. I have suggested hundreds of offsets to new spending, including consolidating duplicative programs, and eliminating federal programs that address parochial concerns.

We all think our Americans in need of financial assistance are worth the \$9 billion bill cost, but do we think our children and grandchildren are worth paying for these costs up front, rather than passing the cost to them? . . .

Thank you for protecting my rights regarding this legislation.

I ask unanimous consent to have this letter printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

MARCH 23, 2010.

Hon. MITCH MCCONNELL,
Senate Minority Leader,
U.S. Senate, Washington, DC.

DEAR SENATOR MCCONNELL: I am writing to notify you that I would like to be consulted on any unanimous consent agreements regarding the consideration of H.R. 4851, the Continuing Extension Act of 2010, which would extend a number of federal programs for one month.

No one is arguing that Americans who are currently unemployed should not have their unemployment insurance payments extended. But once again, Congress is refusing to find a way to offset the \$9.15 billion cost of the bill with cuts to less important federal spending.

Time and time again, Congress intentionally waits until the last minute to consider important legislation and then declares the billions of dollars in foreseeable costs as "emergency" spending in order to avoid having to find a way to pay for the bills' price tags.

In the last 6 months, Congress has passed four major extension bills. H.R. 4851 would be the fifth such bill. The total cost of these bills is almost \$30 billion. Additionally, over the last year Congress has increased funding totaling \$64.9 billion for the Highway and Unemployment Insurance Trust Funds without offsets.

This short sightedness sticks taxpayers with billions of dollars in additional debt and treats the unemployed, doctors and Medicare patients, hard working men and women who help make our roads and bridges safe, and others relying on federal funds as pawns in Congress' borrowing and spending game.

When the previous last-minute one-month extension (H.R. 4691) was brought up days before the funding authority for numerous federal programs, including Unemployment Insurance and the Highway Trust Fund, expired at the end of February, 2010, a United States Senator was attacked for objecting to passing the bill without any debate or amendments because the bill was unpaid for and added \$10 billion to our nation's debt.

As always, those who prefer to borrow to avoid making tough budget decisions won out, and the taxpayers were stuck with another \$10 billion of debt.

Congress has continually resisted the need to act like every family in the United States of America and to budget and live within their means. Our debt is now over \$12.6 trillion. The 2010 deficit is projected to amount to \$1.3 trillion and we are borrowing 43 cents on every dollar; yet, Congress continues to increase spending without any correlating spending cuts.

Congress' inability to prioritize and manage national needs results in real consequences for Americans, whether it be furloughs, market uncertainty that leads to lower investment and job losses, or Americans being saddled with higher debt and taxes.

If Congress keeps approving temporary extension bills throughout the calendar year without finding offsets, Congress will have added almost \$120 billion to our national debt. Additionally, the Senate has already approved more than \$120 billion in new federal spending not offset, even though it passed Pay-Go legislation just over one month ago claiming to prohibit such activity.

In the House, Appropriations Chairman David Obey has indicated that some new spending needs to be offset with unused, unobligated funds. Chairman Obey suggested rescinding \$362 million in reserved stimulus funds for the Women, Infants and Children nutrition program; \$112 million from a Commerce Department program designed to provide coupons to households to help buy analog-to-digital converter boxes; \$103 million from USDA rural development programs; and \$44 million from the Transportation Department's Consumer Assistance to Recycle and Save Program (also known as the "Cash for Clunkers" program) to offset the cost of a different spending bill. The Senate should likewise find a way to offset this one-month extension bill and create a sustainable precedent.

The Senate could start with federal unobligated balances. According to the White House, in Fiscal Year 2011, 33 percent of all federal funds were unused and obligated. The total dollar amount of these unobligated balances was estimated at \$703 billion. Rescinding only discretionary funding that has been available for more than two years would likely result in roughly \$100 billion in offset spending. The Senate could also tap into \$228 billion in unobligated stimulus funds as Chairman Obey has suggested.

At the very least, Congress should reconsider transferring the almost \$100 million budget increase it approved for itself for 2010 to offset the cost of additional spending. Congress should not be increasing its budget by 4.5 percent when our economy shrunk by 2.4 percent and inflation was at less than 1 percent.

I have also detailed through numerous oversight hearings, reports, and legislation how the federal government wastes more than \$300 billion every year. I have suggested hundreds of offsets to new spending, including consolidating duplicative programs, and eliminating federal programs that address parochial concerns.

We all think our Americans in need of financial assistance are worth the \$9 billion bill cost, but do we think our children and grandchildren are worth paying for these costs up front, rather than passing the cost to them? I am willing to accept a unanimous consent agreement to pass the bill with my amendment included to offset the full amount. I am open to all other offset suggestions.

Thank you for protecting my rights regarding this legislation.

Sincerely,

TOM A. COBURN.

Mr. COBURN. Mr. President, so what are we going to do? We have before us a need. It is a good need. It is something we ought to do. We are going to borrow 43 cents out of every dollar we spend this year. We are going to put

the Madelines of this world in a position that by 2020, this number is not going to be \$45,000; it is going to be \$95,000. That is where she is going to be. That is every man, woman, and child in terms of what they owe in terms of the direct national debt.

Can we continue on this pace? We hear we will fix it later. Later is not good enough for the Madelines of this world. Later is today. Now is the time for us to do the very hard work. It is not easy to come up with spending offsets. It is not easy to not increase the national debt. It is very easy to simply put the credit card into the machine and say: Because they are out of sight, out of mind—the Madelines of the world—we will just charge it to them.

That is what is being proposed here. If you oppose that, all of a sudden you do not care about the people who are unemployed. I cannot tell you how many times I have heard that in the last 2 weeks; that it is obstruction that you want to pay for it. Should we be working hard to secure the future of the children such as Madeline?

We are told that over the next 9 years, we are going to borrow an additional \$9.8 trillion, based on the budget projections that are out there. Of that \$9.8 trillion, almost half of it is money we are going to borrow and turn around to pay interest on what we already owe. That is eerily close to those of us who get into trouble with credit cards. We get another credit card, borrow the max on it to pay off the other credit cards. Then we get in trouble with that one and get another one. Pretty soon, we cannot pay anything.

The Chinese own over \$900 billion of our bonds, the Russians \$800 billion. Have we considered the fact that our problems, in terms of our foreign policy with Iran and our ability to put sharp, tough sanctions on somebody who wants to use and develop nuclear weapons could possibly be inhibited by the fact that two of the countries opposing those strong, tough sanctions own a lot of our bonds and that we are dependent on them? Could it also be that the week before last, when the Treasury option was very soft because the Chinese did not participate, that is a warning shot across our bow? We are in waters this country has never seen before. If we pass this bill and we continue to pass more bills, not having made the tough choices, we are steaming toward a catastrophe.

What will that look like? It is not that we cannot fix the problem. It is not as if we could not go and find \$9.2 billion out of a nearly \$4 trillion budget. It is that we refuse to. It is not that it is impossible. We refuse to. We refuse to do the same things families across this country do every day; that is, make a choice about priorities.

My office just last week, with the help of the Congressional Research Service and the GAO, identified 70 du-

plicate programs on nutrition across three Federal Departments. We now have 70 programs for food and nutrition across three departments, with thousands upon thousands of Federal employees, thousands upon thousands of pages of bureaucratic gobbledygook and regulations. I would propose probably we ought to have one good program on food and nutrition. We do not address that. The authorizing committees do not. The appropriating committees do not.

We have 105 programs that encourage people to go into math, science, technology, and engineering across six different agencies—105 programs. There is not one agency that does not have considerable waste in it, and there is probably not one American who would not think that we could not cut 1 or 2 or 3 percent from every agency and drive efficiency. But we will not do that.

The real question is: Why won't we? We will beat up people because they will not agree to spend Madeline's money and her future, but we will not agree to trim the waste, the fat, duplication, and fraud out of the Federal Government. It is no wonder the public has such a poor image of Congress because we are actually not doing what they are asking us to do.

It would be different if there was not waste in the Federal Government. If everything was fine-tuned, effective, and efficient, one could make an argument for borrowing this money. But nobody I know of believes the Federal Government is efficient and effective throughout its myriad departments and agencies. If the majority might feel that way, that it is not, why would we not do the hard work of paying for this bill?

What does it mean to borrow \$9.2 billion this month and \$10 billion last month and \$10 billion before and the \$120 billion we passed in the first 3 months of the second session of the 111th Congress? What does it mean? It means we do not think we have to play by the same rules as the rest of the American public. We have a tilted sense of reality. There is no obligation on us to eliminate waste to provide a good for those people who are depending on us.

We will go forward this evening on a motion to proceed to this bill unpaid for, charged to the Madelines of this world, and all you have to do is take \$9.2 billion—it is not much in Washington speak; it is twice the size of Oklahoma's budget for a year—and we will charge it to a credit card to our kids.

Ultimately, what we are doing is stealing a college education from our kids. We are stealing a job opportunity from our kids. We are stealing the ability for our kids to own a home and to provide for their children what was provided for them. You see, the heritage we have that built this country was

one of sacrifice, where we make decisions that require us to make a sacrifice to create opportunity. When you turn that upside down, the American experiment fails. When we steal opportunity from the future so we can benefit for today, we eliminate the genius that made this country great. It is time we reversed that.

It is not really a partisan issue. I know the press is going to say that. It is partisan for our future. It is partisan for our kids. And we can do both. We can find \$9.2 billion that isn't as effectively spent as will be spent on COBRA or unemployment insurance or on flood insurance or on fixing the SGR for a short period of time. We can do that, but we won't because we are in the habit of not making hard choices. We are in the habit of doing the least best thing rather than the best thing.

The best thing for our budget, the best thing for our future, the best thing for our children's future is for us to say X, Y, and Z are not nearly as important as unemployment insurance benefits, are not as important as COBRA benefits, are not as important as fixing the SGR for a short period of time. When will we muscle up the courage to start making those kinds of decisions?

We can't continue doing what we are doing. We can't grow to \$20 trillion worth of debt—over 100 percent of our GDP. At the rate we are going, in 2010, we will have \$24 trillion worth of debt, and \$24 trillion, at 6 percent interest, is \$1.5 trillion a year in interest payments. We can't make it. We cannot handle that. And the reality will only come home when it is too late.

Senator REID, when we passed the pay-go bill, said it was a new start. He said we are going to open our billfold, and if the money is there we will spend it but we are not going to spend money that is not in our billfold—to paraphrase his quote. Well, this bill goes to an empty billfold. The money is not there. So we can either increase our debt, which will make life for the Madelines of this world tougher or we can actually take on some tough decisionmaking as a body and actually eliminate lower priority programs. Would that have some impact on some programs? Yes. I mean, we could actually take a 1-percent across-the-board cut and come up with \$30 billion easily. Americans know we could get 1 percent out of the Federal agencies. But we are not going to do that either.

The question is, When will we start acting in the responsible role with which we are charged? When will we start thinking with a long-term perspective about what is going to happen to our country if, in fact, we don't start making the hard choices now? No matter how much scorn, no matter how many derisive statements are made, the Madelines of the world are worth it. When we sit and relax and think this is not as big a problem as we hear

described, we fall into the same trap as every other republic in history. And they all collapsed. No republic has survived more than 250 years, and they all collapsed for the same reason. They all collapsed ultimately because they lost control of their fiscal policy—taxes, spending, priorities.

So we have a choice in front of us. This isn't the first time we are going to have this choice, and it won't be the last. But a question that I think the American people ought to be asking is, When is the Congress going to start acting in a responsible manner? When are they going to start following the guidelines every other prudent financial decisionmaker makes, whether it be the head of a household, a wage earner, a small business, or a small nonprofit? They all live within a budget, and what they do is they say: Here is the most important priority and here is the least, and they go down the line. When the money runs out, they either generate efficiency to allow that money to be more effective and more efficient in how it is spent or they eliminate the lower priority items.

It would be a wonderful search for people to go on thomas.gov to find out the number of programs that have been eliminated versus the number of programs that have been created in the last 2 years. I guarantee you they will outnumber 200 or 300 to 1. In the Judiciary Committee this week, we will have two bills up that duplicate existing programs. I will have the same fight in the Judiciary Committee, and I will lose. We will extend new programs that are doing the same thing other programs are doing, and yet I will lose the battle and we will create new programs to do the same thing we already have government programs doing. Why is that? Because you cannot manage what you do not measure. We don't put metrics on hardly anything in the Federal Government programs, and conveniently so. Therefore, we can say: Well, we can't know whether they are efficient.

The time for our comfort with where we find ourselves financially is over. The American people already understand that because 72 percent of them, in a recent poll, said their No. 1 issue is debt and spending. They already get it. They are wondering when we are going to catch up with them. They are for supporting unemployment insurance benefits but not charging them to their children. They are for us making the hard choices.

So as we go forward, the hope would be that we would get out of the short-term thinking we find ourselves in and start looking down the road of what is coming. I have been quoted as saying that I think we have less than 5 years to fix our ship. I think that is probably generous. I don't think there is one problem in front of our country that we can't fix. However, if we ignore the

realities of our financial situation, if the elected leaders in this country fail to make priority decisions, which means you are going to offend some of the supporters of the lower priority programs, then we are not going to solve the problems that are in front of us. If our focus is parochial only—in other words, only the concerns within our own States—rather than that of our Nation as a whole, we are not going to fix the problems in front of us.

I have five grandchildren, and in thinking of the future, I often wonder what things will be like for them.

Thinking backward, when I was 17 and 18 and going to college for the first year, there was this tremendous vision on the horizon that I saw in front of me. I could go to school because I had parents who could afford to pay for my college, and wherever I wanted to go, whatever I wanted to do was out there on that horizon. That is a limited possibility today for our kids. Is it going to be a possibility for the Madelines of the world?

Thinking forward, if you take everyone who is 25 years of age and younger in this country and go out 20 years, here is where they will be: That group, 45 and younger, will be responsible for \$1,113,000—each and every one of them will be responsible for \$1,113,000 worth of debt and unfunded liabilities, every one of them, if we are on the same course we are on today. Take 6 percent of that, and you will see they are going to have to come up with about \$67,000 a year just to pay the interest costs on that debt. That is before they pay income taxes. That is before they pay rent or pay a mortgage. That is before they pay for a car or a car payment. That is before they put food on the table. That is before they clothe their kids and themselves. That is before they give to a charity or their church.

We are stealing the American dream every time we fail to be cognizant of what the future holds, if we don't change course. So the debate really isn't about unemployment insurance; it is about when are we going to change course? When are we going to start recognizing the need to live within our means?

We are going to hear that we have always done it this way, that we have passed three other short-term extensions and that we call them emergencies so we don't have to pay for them. I would say it is time that we not always do it the way we have always done it because the way we have always done it has gotten us \$12.6 trillion in debt and is sending us out to sea without a rudder and without enough fuel oil to get back to shore.

My hope is that our debate will focus on what the real problems are in this country, the real long-term problems, because you really solve short-term problems when you start attacking the long-term problems and when you really start making the tough decisions.

I say to my colleague from Montana, as head of the Finance Committee, he knows what would happen if we sent a signal that we were really going to start getting tough about our budget. He knows what would happen to bond rates. He knows what would happen to our ability to lead in the world if we all of a sudden became cognizant and acted in a way that was fiscally responsible. Investment would come flowing back into this country, bond yields would go down, not up, and the cost of our debt would go down. It would be a home run every way we look at it. It would be a home run for the Madelines of this country, and it would be a home run for those who are unemployed.

If you read the financial news, you have been seeing what is happening to Greece. Greece got rescued just in the last week, partly through the IMF, but mainly the money is going to come from Germany and France. They are going to get to borrow for a short period of time at 5 percent instead of the 7½ percent the market reflects.

I would say that there is no Germany or France to bail us out. There is no one who will come to bail America out. It is highly doubtful that Greece has the political will to do what it has to do to solve its own problem. The question is, In 2 or 3 years, are they going to be saying the same thing about our country? Do we have the political will to dig out of the hole we have, in fact, dug for ourselves? When I say "we," I am not talking about the American public, I am talking about the Congress of the United States. You can't blame it on any President. You can't blame it on the courts. The blame for our financial situation lies solely with the U.S. Congress. Whether it is lack of oversight of financial firms or Freddie Mac and Fannie Mae; whether it is the lack of oversight of the SEC; whether it is the tremendous amount of waste, fraud, and abuse in the Federal Government—\$300 billion, at least, per year—it lies with us.

We are going to hear a lot of reasons why we should pass this—just pass the charges on to our kids. My hope is that the American people will reject that because when they accept that it is OK to just charge it to our kids, what they are doing is conditioning us to continue doing the same thing—continuing to spend the future opportunities of our children and grandchildren. Our heritage is much greater than that. Our kids and grandkids are worth much more than that. Let it not be said of this Congress that we failed to act in the time when the tough get going and that we made the tough decisions about not increasing the debt, streamlining the government, eliminating some of the \$300 billion worth of waste, fraud, abuse, and duplication that is in the Federal Government.

I yield the floor.

THE PRESIDING OFFICER (Mr. KAUFMAN). The Senator from Montana.

Mr. BAUCUS. Mr. President, we are starting to come out of the worst recession since the Great Depression.

A little more than a year ago, in the fourth quarter of 2008, the economy declined at an annual rate of more than 5 percent. A year later, in the fourth quarter of 2009, the gross domestic product grew at an annual rate of nearly 6 percent.

Last month, manufacturing activity increased at the fastest rate in 5½ years. Last month, the service sector expanded at the fastest rate in more than 2 years. And last month, the economy added 162,000 jobs.

The economy has taken its first steps toward recovery.

The economists say that part of the reason why the economy is starting to come back is what we did here. One of the first things that President Obama did in office was to press for bold action to prevent another Great Depression. And one of the first bills that Congress enacted in the new administration was the Recovery Act.

The economists say that it's working. The nonpartisan Congressional Budget Office says that in the fourth quarter of 2009, the Recovery Act increased the number of full-time-equivalent jobs by between 1.4 million and 3 million. And CBO also estimates that real gross domestic product was 1½ percent to 3½ percent higher in the fourth quarter than it would have been without the Recovery Act.

So there are some encouraging signs.

But we still face major challenges in the economy. There is still work to do creating jobs.

The unemployment rate stands at 9.7 percent. Almost a tenth of the labor force is unemployed. More than 15 million Americans are out of work.

First-time claims for unemployment benefits rose the week before last. Businesses are still laying off workers. And companies remain tentative in hiring new employees.

The economists call unemployment "a lagging indicator." Employers can be slow to rehire, when business begins to pick up.

The Congressional Budget Office expects the unemployment rate to remain above 8 percent until 2012. CBO does not expect unemployment to reach what they call its "natural state" of 5 percent until 2016.

CBO does not expect that the gap between actual output and potential output will close until the end of 2014.

That is why we need to pass a temporary extension of unemployment benefits.

Jobless benefits are a powerful way to bolster demand during times of high unemployment.

Households receiving unemployment benefits spend their additional benefits right away. That spurs demand for goods and services. That boosts production. And that leads businesses to hire more employees.

The Congressional Budget Office looked at the different ways that we can help the economy to grow, and CBO says that extending additional unemployment benefits would have one of the largest effects on economic output and employment per dollar spent.

Because benefits are often spent quickly, extending unemployment benefits will provide a timely boost to the economy.

A temporary extension will also provide immediate assistance to millions of Americans struggling to feed their families and pay the bills.

According to officials in my home State of Montana, if we do not pass this extension, then thousands of Montanans could lose their unemployment benefits and will have significant difficulties. That is a significant number when you consider the population of my State.

An extension of unemployment benefits is essential, but it is not enough. We must also consider unemployment insurance reforms that could help to create more jobs.

That is why I plan to hold a hearing in the Finance Committee on Wednesday to explore ways to use unemployment insurance to help Americans to get back to work.

States and experts have ideas for how we can improve the unemployment insurance system. They have ideas about how it can save and create more jobs.

Wednesday, the Finance Committee will discuss possible commonsense innovations with a panel of experts, while also addressing the challenge of State solvency.

But right now, it is essential that we pass a temporary extension of unemployment benefits. An extension will help workers to get by as they search or retrain for a new job. And an extension will also provide a much-needed boost to the economy.

So, let us help the families who are struggling in this difficult economic time. Let us help to spur demand and economic growth. Let us vote to invoke cloture on this vital legislation.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DORGAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. Mr. President, we are going to have a cloture vote this evening at 5:30. It is about a subject that is very important. Yet I have been listening to the floor today and hearing the discussion about saving our country, about the issue of large Federal budget deficits, and the things that threaten our country's future.

I wanted to talk a little bit about some of those issues because I have

been reading a book recently, quite an interesting book, called "Too Big to Fail." I was listening this afternoon to some of the debate and thinking about too big to fail and too small to matter.

Interesting dichotomy: Too big to fail is talking about the biggest institutions in this country, the largest financial institutions in America, are too big to fail. So they run themselves into serious trouble. They get the benefit of no-fault capitalism. We are told if they fail, it will be a disaster for America's economy; therefore, we will have the taxpayers pony up \$700 billion to make sure they do not fail. I am talking about the people at the top.

The question is, What about the people at the bottom, the people who work for a living, who like their jobs, want to have a better future for themselves and their children, but who discovered that as we sailed into this economic storm, while the people at the top got a big old parachute and they were lifted gently to the ground or allowed to get gently grounded, the folks at the bottom were just pushed off a cliff.

We ran into this serious economic trouble, and a whole lot of people lost their jobs. We have had millions and millions of people lose their jobs. We estimate somewhere around 17 million Americans woke up this morning without a job. They went looking today, as they do every day, but they have not found a job. They, their spouse, their children, they are all victims of this economy.

So then the question is, the difference between too big to fail—those institutions, by the way, which for some of our colleagues, they could not be quick enough to get the pillow and the aspirin to say: Can we help you to bed? Is there any way we can be of help? Here is \$700 billion on the too-big-to-fail side. But on the too-small-to-matter side—it is the person who lost their job—we had folks in here saying: You are just out of luck. We do not have the ability or willingness to deal with you.

I taught a little economics a couple of years in college. We always understood the basic lessons on economics are simple enough when you run into a very severe recession or depression. But let's talk about recession, a deep recession, and in this case the deepest since the Great Depression. The government's revenues dried up; we have lost somewhere around \$400 billion a year in revenue. The economic stabilizers that are required in a recession would be unemployment insurance, food stamps, and those kinds of things to try to help people out, help them through some difficult periods. I am talking now about helping people at the bottom of the economic ladder. Those things automatically go up.

So the revenue goes down, that goes up, and your deficit balloons. There is no question about that. Everybody understands that. I understand why the

deficit has gone out of sight. I also understand it is a very serious problem for our country. But I think we should all understand we should not do the things that would move us right back into a recession. The economic stabilizers and the expenditures on them is very important in order to get us out of this problem and in order to help those at the bottom of the economic ladder who cannot help themselves.

What bothers me is we have people coming to the floor of the Senate saying: I am the champion to try to reduce the Federal budget deficit. I am the person who is going to solve this.

Well, I would say to those folks: Where were you? Where have you been? It has been a decade and you were not around. I recall nearly 10 years ago when President Bush came into office, and he said: We have a budget surplus. Yes, they did. The first budget surplus in three decades under the last year of President Clinton's Presidency, a budget surplus at the Federal level, the first one. By the way, that resulted from a series of fiscal policy judgments that were made beginning in 1993. I voted for it. It passed by one vote in the Senate. It passed by one vote in the House. Senators such as—I guess I will name him because he was proud of it—Senator Phil Gramm from Texas stood up and said: You pass this, you will bankrupt the country. No, it did not bankrupt the country. It actually led us out of the problems we were in to a budget surplus in the year 2000.

President George Bush came to town and said: You know what. We have this budget surplus. It looks as though we are going to have budget surpluses for the next 10 years. Let's give very large tax cuts to people, but the largest tax cuts to the highest income people in America.

Well, I stood on this floor and said: I do not support that. What if we do not have these surpluses for 10 years. These are just economic predictions by economists who cannot remember their phone numbers for 3 days, and they are telling us what is going to happen in 3, 5, and 10 years. Let's be a little bit conservative.

President Bush and his colleagues on the floor of the Senate said: Katey, bar the door. We are pushing this. They did, and they had the votes. They passed it, and all of a sudden we substantially cut the revenue that was coming into the Treasury.

Then what happened almost immediately? Then we were hit with 9/11, a terrorist attack in this country. Then we were at war in Afghanistan. Then we went to war in Iraq, and year after year after year the President brought to this Congress proposals for emergency spending for the war. This President said—I am talking about President George W. Bush—we do not intend to pay for a penny of it. Every single penny for the war is going to be on an

emergency basis, put on top of the Federal debt.

I did not hear those folks who now say they are going to stand between us and catastrophe come to the Senate floor then to say that did not make any sense. I did. I said: Why don't we pay for some of this?

The President said: If you try to pay for it, I will veto the bill.

There we were for 8 years spending money we did not have on a war we probably should not have fought, borrowing every single penny of it. Now the folks who speak the loudest these days about these issues are the ones who decided: Oh, that made a lot of sense: cut the government's revenue, fight a war without paying for any of it.

By the way, many of them, 10 years ago when we voted on the floor of this Senate to repeal the restrictions that were put in place after the Great Depression to protect our country, they were the ones who voted for the repeal to say: You know what. Let's let these big financial companies create holding companies, and you can put them all together. You can put real estate and securities and banks and investment banks, FDIC-insured banks, put them all in one big holding company. It will be just fine.

Well, I was on the floor of the Senate saying: This will not be just fine. It will be a catastrophe. I said 10 years ago—I did not know for sure, but I said: Within 10 years we are going to see big taxpayer bailouts if we do this.

Some of the same people on the floor of the Senate back then were saying: Look, let's create these big financial behemoths so we can compete. It will be good.

Then the President, George W. Bush, brought in regulators who boasted they were willing to be willfully blind for almost a decade: It does not matter what you do, you can do that. We will not watch. They said: There is a new sheriff in town. We are business friendly.

So in all of these agencies where we were supposed to have regulators to make sure the free market worked, regulators who were the referees with a striped shirt to blow the whistle to call the foul when the free market was the victim of a foul, they were not around. They were just in a Rip Van Winkle sleep for nearly a decade.

Meanwhile, Wall Street went out to play, and they created the most unbelievable instruments of deception: credit default swaps, synthetic credit default swaps, CDOs. I mean it is unbelievable. The circumstances that developed, the subprime scandal, the creation of these exotic financial instruments, the development of substantially more lending approved by regulatory agencies—all of this set us up for an unbelievable fall.

Some of the same people who were cheerleading for these very activities

are now telling us they are going to protect America. And you know where they are going to make their last stand? Their last stand on these deficit issues is to deal with the poor people by saying: No, you cannot get that unemployment insurance extension.

By the way, unemployment insurance is something that people pay for out of their paychecks. Unemployment insurance is something we pay for out of our paychecks. Extending it during a recession is certainly the thing to do. It is something we have always done. Yet this is the last stand.

What about making the last stand when it comes to bailing out Wall Street? How about making the last stand a couple of weeks from now when we have Wall Street reform on the floor of the Senate, when we have a real fight about trying to do reform that is necessary on Wall Street?

In 2008, the financial firms on Wall Street—I am just talking about the Wall Street firms now—the biggest financial firms lost \$36 billion and paid \$18 billion in bonuses.

I have an MBA. I went to graduate business school. There is nowhere they teach in graduate school that if you go out and lose \$35 or \$36 billion, you ought to expect to be able to pay \$17 or \$18 billion in bonuses to those who helped you do it. Yet that is exactly the kind of carnival that existed in this country at the top of the financial food chain.

So we are going to have a big fight about that in a couple of weeks. How do we plug the holes? How do we solve this problem of Wall Street reform? We are going to have a lot of votes, and it will be interesting to see whether those who now speak the loudest about being able to protect the American taxpayer, standing up on the issue of debt and deficits, whether those are the people who are going to join us in taking the action to try to make sure that cannot happen again because, when we talk about what has contributed to this country's debt and deficit, the largest contribution by far are the supportive votes of those who were friends of Wall Street, and in the last 10 years have given them every single opportunity to do what they have done—that is, to create a casino-like economy and to have FDIC-insured banks trading on their own proprietary accounts.

They may just as well have had a blackjack table in the lobby. I mean, it is unbelievable. To fuse together inherently risky investment banks with FDIC-insured banks and having both of them, instead of providing the kinds of things banks used to provide—that is, doing lending—and having both of them trading securities on their own proprietary accounts in order to make big fees and big money. It is unbelievable.

The question is, Who will stand up for our economic interests? Spending

on someone who is out of work in a deep recession, is that where you want to take your last stand?

Let me help with a couple other suggestions. How about making a last stand in asking people, like one person who made \$3.6 billion in one year, to pay their fair share of taxes to the government. My calculation says that is a \$300 million-a-month paycheck. When that person comes home and the spouse asks, Honey, how are we doing? Every single day he can say: We are doing really well. Ten million we earned today. But even better than that, he can now say: And by the way, we paid one of the lowest income tax rates in America. We get to pay a 15-percent income tax. People who work with their hands for a living can't do that. People who take a shower in the morning and after work can't do that. People who work hard all day pay tax rates far higher than 15 percent. We have some of the biggest income earners paying just a 15-percent tax rate on carried interest.

I say to my friends: If you want to do something about the deficit, join me. Let's get rid of that nonsense.

Or I wish they would have joined me the dozen times I have been here talking about the tax dodges that allow people to avoid paying taxes by creating shams. I have shown pictures of American banks that buy German sewer systems. You can't actually touch them. You wouldn't want to feel them. You can't move them. But American banks buy a sewer system in a German city and then lease it back to the city so the city keeps using the system, and the bank gets to write off a sewer system to reduce its American tax obligation. They want all the benefits of being American, but they don't want the responsibility of paying taxes. I say to somebody who comes to the floor and wants to reduce the Federal budget deficit: How about joining me and getting rid of these things?

Or perhaps you could have joined me on the floor when I have shown the picture of the Ugly House, now reasonably famous, a 5-story white building on Church Street in the Cayman Islands. When I showed the photograph, it was an enterprising piece of reporting by a man named David Evans from Bloomberg News who went to the Cayman Islands and found a 5-story white building that in 2004 was the official home to 12,748 corporations. No, they don't all fit in that building. I understand that. It was a legal dodge by companies setting up an address in order to funnel revenue through that address to avoid paying taxes to the United States. By the way, since that time, since 12,748 corporations used that little 5-story house to avoid paying taxes, it has now grown to over 18,000 corporate addresses, as I understand. I say to my friends talking about dealing with budget deficits, how

about helping me on that? How about helping me close those loopholes? Those are unbelievably ridiculous loopholes that allow some of the people and companies who make a great deal of money to pay almost no income tax.

That is the tax side. I could talk forever about that, but I won't. But if we got a little help on that, we would reduce the budget deficit.

On the spending side, I have held 20 hearings on spending dealing with contracting in the wars in Iraq and Afghanistan. There is a place in Iraq. If somebody ever gets there, I suggest they drive by and take a look at it. It is American taxpayer dollars sitting in the desert. It is called Kahn Bani Sa'ad. We paid for it. We built it. We tried to build it. I think we spent \$20 to \$30 million for the first contractor and then fired the contractor and brought in another one. When the other one was finished, the money was gone. But there is a prison sitting on the sands of Iraq that the Iraqi Government said they didn't want and would never use that our Federal Government insisted be built. It is now sitting unused, and it doesn't even look like a finished building. It is huge. Millions, tens of millions of dollars were spent, poured down a hole in the desert. I held 20 hearings on the most unbelievable waste, fraud, and abuse on war contracting in Iraq and Afghanistan that I think has occurred in the history of the country. There is an area of spending we can tackle. We ought to tackle. There are so many areas for us to decide to do something about.

Yet the last stand on the floor of the Senate on a Monday is to say: We have ratcheted up all the strength, the muscle, the courage we have to say we don't think those at the bottom of the economic ladder, those who have lost jobs, those who are out of work, those who feel hopeless and helpless, those whose families are victimized, we don't think they ought to get unemployment insurance extended or we will put enough conditions on it to delay it. The same folks rushed to the altar to say: We can give \$700 billion to the biggest financial firms in the country that ran this country into a ditch.

My point is not that we don't have a very serious economic problem. We do. The budget deficits are unsustainable. We have to fix them. My point is, there are some Johnnies-come-lately going on in this Chamber by people who have never come to the floor of the Senate on these issues in the last decade and now believe this budget deficit problem began to emerge on January 1 a year ago. That is not the case. This budget deficit problem, which is serious, results, in significant part, because this country ran into a very serious economic recession. It was not some natural disaster such as a flood, a fire, or tornado we couldn't do anything about. This was manmade. I warned about it

10 years ago. Those warnings were largely ignored.

Bad choices and bad policies have brought us to this position. Now it is required of us to make good choices. One of the good choices would be to recognize our responsibility to those at the bottom of the economic ladder, the folks who have, millions of them, lost their jobs in this recession and didn't do anything wrong. They weren't underperformers at work. They just were swept away by a very substantial recession. They paid for unemployment insurance in their paychecks. We all do.

My hope is we will get some cooperation on this vote today. It is a vote by which an effort to extend unemployment insurance for those who are the most vulnerable in the country has been blocked so we have a cloture petition. It ripens today at 5:30. My hope is we can do that and then move ahead.

There are plenty of us who are anxious to work on reducing the Federal budget deficit. This government needs to tighten its belt in a wide range of areas. There is no question about it. The spending side is important. We need to tackle the spending side and do it seriously. But it is not the only side. There is a whole series of folks who are not paying taxes who should pay. There are some of the biggest corporations in the country avoiding taxes that they should be paying. We ought to bring in the revenue we are required to bring in, ask some to pay what everybody else is paying, and we also ought to tighten our belt. All of that can help us address this very serious economic problem.

Let me look forward again 2 weeks to say if this is the last stand by those who are worried about the Federal budget deficit; that is, trying to make those at the bottom of the economic ladder, the most vulnerable Americans, wait and wonder whether they will get help from this Congress—if that is their last stand, 2 weeks from now, when we take on Wall Street reform and decide to do the things that are necessary to fix what caused this economic problem, fix what caused a substantial portion of the Federal budget deficits and fix what caused this deepest recession we have been in since the Great Depression, will we not get some help in 2 weeks? By the way, the bill that came out of the Banking Committee is a good first step. It needs to be strengthened in a number of areas. But even that bill didn't get any Republican support, not one vote in the Banking Committee. There are a lot of people here who support making sure that we are not too aggressive in trying to deal with the Wall Street folks and Wall Street interests. If we are not aggressive enough to make sure we have closed the loopholes and make sure we have tightened the reins so the American people have some confidence

this will not happen again, we will rue the day if we end with a result that doesn't measure up in the minds of the American people.

Again, my point is to suggest we have a very serious, unsustainable budget deficit. It ought not to be surprising to anybody in this Chamber, moving along for a decade, fighting wars without paying for them, running into a very deep recession with revenues drying up when expenditures increase for economic stabilization. That is not surprising. But we need to come together and work together to find ways to not only get the taxes paid that are owed while at the same time we reduce the Federal budget deficit through those means, tighten our belts, and do the things that are necessary to move away from a decade of irresponsibility. If we are going to fight a war, send men and women off to war but don't have the courage to pay for it along the way, that is unbelievable to me. I have been to so many sendoffs, and every one of my colleagues has.

We are prepared to take people away from their families and send them off. I was just at Camp Bondsteel in Kosovo last week visiting the troops. They are away from home for a year. They have courage. When the country asks, they go. When they are called, they don't ask why. Shouldn't this Congress have the same courage to say: If we are going to send people to war, we will pay for it; we will have to ask the American people to pay the cost of that war? That is another significant part of this debate about how to deal with Federal budget deficits.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SPECTER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SPECTER. Mr. President, I ask unanimous consent that I may speak for up to 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROSPECTIVE SUPREME COURT VACANCY

Mr. SPECTER. Mr. President, I have sought recognition to comment briefly about the prospective vacancy in the Supreme Court of the United States with the resignation of Justice Stevens. I do so to urge the President to select a nominee without regard to any threats of a filibuster. I urge the President to make his selection of whom-ever he believes to be the best qualified to handle the responsibilities with a view to academic excellence, professional experience, and intellect to carry on the battle, where we have seen the Supreme Court veer very sharply to the right.

Let's be candid about the Supreme Court being an ideological battleground today. That happens to be the fact. When some decry judicial activism, what could be more judicial activism than reversing the 100-year precedent that corporations may not engage in political advertising, as the Supreme Court did in *Citizens United*, in a contortion of procedural maneuverings to take a case with an isolated issue with a predetermined obvious purpose of changing the law on that very vital subject for the operation of our democracy?

We had Chief Justice Roberts, in the confirmation proceedings, under oath, swear he would not, quote, "jolt the system." Well, there have been quite a number of jolts in the system with his key vote. We had a very extensive questioning and commentary about Chief Justice Roberts' deference to congressional fact-finding. Only Congress has hearings, hears witnesses, and makes determinations of fact-finding. When the voting rights came up, all of that seemed to have been forgotten.

We have a situation where it is obvious the Supreme Court makes the cutting-edge decisions on the law of the land. The Supreme Court, it turns out, decides who will be President in *Bush v. Gore*—a decision strictly along political partisan lines.

The Supreme Court of the United States decides what will be the law with respect to campaign finance reform, as we seek to make a determination as to how we can limit the expenditures in political campaigns—the very core of the democratic process.

In *Buckley v. Valeo*, in 1976, the Supreme Court said that, under the First Amendment, speech equals money. It seemed to me at the time that was a farfetched decision. Now, with *Citizens United*, we find that corporations are somehow persons, somehow entitled to first amendment rights and can advertise in political campaigns.

The Supreme Court decides who will live and who will die, decides what is the extent of the death penalty. The Supreme Court decides the extent of a woman's right to choose—*Casey v. Planned Parenthood*. The Supreme Court decides about the power of the State to take private property in eminent domain. And so the cases go on and on and on.

I have sought, for more than a decade now, to have the Supreme Court televised, and twice during my tenure as chairman or ranking member of the Judiciary Committee the committee reported out favorably legislation to require the Supreme Court to be televised, unless there was some extraordinary circumstance invoked by the Court. More recently, in this Congress, I have modified that effort with legislation which recommends that the Supreme Court televise its proceedings.

When *Bush v. Gore* came up, then-Senator BIDEN and I wrote to Chief Justice Rehnquist urging that the Court allow that monumental case to be televised so the public could see it, considering the very limited number of people who could gain access.

When I went over to the Court that day—being one of the few who could gain access to the Court—the block was surrounded with television cameras because of so much public interest. But the cameras could not go inside. That day the Supreme Court, with the Chief Justice's order, did change practice and allowed an audio transcript to be released immediately thereafter.

I believe Congress has the authority, should it choose to do so, to direct the Supreme Court to permit its proceedings to be televised. The Supreme Court, in a series of cases, has said the public has a right to know what is going on inside the courtroom, and that was the case which involved *Richmond Newspapers*. Well, in an electronic era, where the public gets so much of its information via television or via radio, there ought to be that access.

But the Congress has the authority to determine when the Court starts to function each year: the first Monday in October. Congress sets a quorum for the Court: six. Congress can set the number of Justices on the Court, as evidenced by the effort by President Franklin Roosevelt in the mid to late 1930s to increase the number of the Supreme Court to some 15.

Obviously, we cannot tell the Supreme Court what to decide, how to decide, but we can tell them about administrative matters. And the Congress has the authority to tell the Court which cases to take. So there is a broad range of matters where the Congress cannot act.

I modified the effort I had to have the Supreme Court televised—instead of "requiring it" to "recommending it"—because in the final analysis the Court can make a determination on separation of powers if Congress imposes a requirement that can be overruled by the Court.

But if the public had access to what was going on in the Supreme Court, it seems to me there would be a clamor to have more openness, more transparency, and greater public appreciation of the fact that the Supreme Court is a battleground.

When considerations are made about—as the Sunday talk shows have filled the airwaves just yesterday—a number of Senators from the other side of the aisle left the filibuster on the table, would not rule it out, the question of what is judge-made law. Well, that is very much in the eye of the beholder as to what is judge-made law.

But I would urge the President not to pay any heed to that. When we start to

engage in the subtleties of a nominee who will be among the five instead of the four, I suggest that is a stretch beyond making any determination. That is, I believe—well, it was candidly said trying to persuade Justice Kennedy to be among five, as it is speculated with some pretty solid foundation that Justice Stevens succeeded in persuading Justice Kennedy to side on the issue of habeas corpus.

We had *Rasul v. Bush*, where Justice Stevens—in a very learned opinion, tracing the authority of detention from the Magna Carta down through habeas corpus—made a determination that habeas corpus was a constitutional right. The case then came to the Court of Appeals for the District of Columbia, and in a contorted opinion—at least contorted in my judgment—the Circuit Court for the District of Columbia said it was on statutory grounds and not constitutional grounds. But reading *Rasul v. Bush*, starting with the Magna Carta and tracing the constitutional evolution, it certainly, as a fair reading would say, was on constitutional grounds.

Then *Boumediene v. Bush* came up, and on the petition for cert, only three Justices voted to hear the case, and Justice Stevens was not among them. Had Justice Stevens voted to hear the case, there would have been four Justices to take up the case and it would have been docketed and it would have been heard. But Justice Stevens voted not to hear the case. It was speculated at that time widely that Justice Stevens felt if the Court took the case habeas corpus would be rejected.

We had the long fight on the floor of this body, and I offered an amendment to restore habeas corpus, which was defeated 51 to 48 on the military commissions act. I predicted at that time the Supreme Court would eventually overrule the congressional determination and reinstate habeas corpus as a constitutional right.

Then there came to light information in the military commissions about some very questionable practices, and there was a subsequent petition for reconsideration for a grant of cert. On a petition for reconsideration on a grant of cert, it takes five votes. Four votes are insufficient. You have to have five votes to have cert granted and cert was granted. Justice Stevens and Justice Kennedy joined the other three Justices in the petition for reconsideration to grant cert.

In *Boumediene v. Bush*, the Supreme Court said that habeas corpus, in fact, was a right. Well, those are speculative and those are subtleties. But my own thinking on the subject is the President ought to appoint somebody who can be in a sense a warrior in this ideological battle which is going on across the green in the Supreme Court. That is what is happening.

If a new nominee is only a fourth, well, there may be an opportunity for a

fifth. President Obama is not halfway through his second year. Who knows what the future will hold on the electoral process or who knows what the future may hold with respect to Supreme Court vacancies. But there may well be an opportunity for subsequent appointments to the Supreme Court.

It is my hope there will be a nominee whom the President feels comfortable with ideologically. Interestingly, when President Obama was Senator Obama, as the record shows, he voted against Chief Justice Roberts for confirmation. In his statement he pretty much acknowledged Chief Justice Roberts'—then Judge Roberts—competency and qualifications but disagreed with him on philosophical and ideological grounds.

But what goes on inside that conference room is known only to the Justices. It is very small, very simple, situated right behind where the Chief Justice sits in court, if you walk right in back of that. I think relatively few people have had an opportunity to see that conference room. It is written about as a place where only the Justices can go. If there is a knock on the door, as is frequently reported, it is the junior Justice who answers the door. But what goes on inside that conference room decides the cutting-edge questions of the day. It is my hope that the replacement will be someone with solid academic credentials, solid professional credentials, the intellect and really the ability to carry on that battle, which is an ideological battleground within that Supreme Court conference room.

I urge further that the President look beyond certain judges. Today, the nine Justices, including Justice Stevens, all come from the courts of appeals from the circuits. Well, there is great talent beyond the circuits. When *Brown v. Board of Education* was decided, I believe only one had been a circuit judge. Why not look for an ex-Governor like Earl Warren? Why not look for an ex-Attorney General like Robert Jackson? Why not look for an ex-Senator or a current Senator, like Hugo Black, who was a Senator when he was selected for the Court, or perhaps even an ex-President? William Howard Taft had been President of the United States and later served as Chief Justice of the Supreme Court of the United States.

So I believe we ought not to be concerned about it. As divisive as the Senate has become and as partisan and as gridlocked as the Senate has become, I believe there are 60 votes in this Chamber to reject the concept of a filibuster and that the President ought to have a free hand in selecting his choice in accordance with the considerations which I have outlined.

I thank the Chair, and in the absence of any Senator seeking recognition, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REED. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REED. Mr. President, we are here to move forward on extending unemployment benefits, which is long overdue. They expired April 5. We have thousands and indeed hundreds of thousands of our fellow citizens across the Nation who need this assistance.

In my State of Rhode Island, it has become even more necessary. Not only are we seeing unemployment rates ranging around 12 percent, but last week we endured the worst flooding in the history of our State. It has swept through a large portion of our State. Senator WHITEHOUSE and I have been going from town to town and neighborhood to neighborhood. People's homes have been engulfed in water, up through the first floor. They have lost their utilities. They have lost their appliances. They have lost their precious mementoes—everything. We have also had commercial operations that have been flooded. Our largest mall in the State, Warwick Mall, has been completely inundated. It has been closed now for almost 2 weeks. Literally hundreds and hundreds of employees have not been able to work. They are now eligible, through no fault of their own, for unemployment compensation. So we have to do this. This is an example of one State, but it is throughout this whole country.

What is also adding further necessity to the legislation before us is that—what we have found is that our Federal, State, and local officials have been extraordinarily prompt in responding to the disaster. I thank the President. He very quickly issued a Presidential disaster declaration for Rhode Island and parts of Massachusetts, as well as other areas of New England. FEMA has been on the ground. They are doing a very good job. But for someone who has lost their home and all of their possessions, someone who also may have lost their business simultaneously, every moment is precious. Despite the extraordinary efforts of the men and women of FEMA, the Small Business Administration, EPA, the Corps of Engineers, State officials, and local officials, we have to do much more for these people.

One of the ironies is that—one of the benefits of the Small Business Administration is essentially providing loans to households and to businesses; however, they are limited unless these businesses can get flood insurance. Private flood insurance is out of sight financially.

Public flood insurance has been without authorization. In this legislation,

we will have a temporary extension of the National Flood Insurance Program. Let me translate that into practical terms. SBA in Rhode Island could go to a business and say: You have had physical damage. We can lend up to \$2 million to you. Unfortunately, because you can't get flood insurance, we are limited to giving you \$14,000. When you offer that to someone who is desperate, who is seeing hundreds of employees without work, who is trying their best—in fact, even the idea of taking another loan is a very great leap forward. To say: You need \$100,000 or \$500,000; we can give it to you, but—it is the classic catch-22. In this legislation, we can extend this program, even for several weeks, but allow individuals in these affected areas to qualify for what they need.

In terms of home loans, the limit is not that high, but it could be up around \$40,000 for personal property and \$200,000 for real estate. I have been in homes where the damage is excessive. Yesterday, I walked into a home in Cranston, RI, and a father and his two grown sons were ripping up the tiles. The whole first floor has to be gutted and replaced. They may just try to do it on their own, they may try to seek bank lending, but it would be nice if they could get the full support of the Federal Government, as we intended when we passed the SBA laws and disaster relief laws.

In terms of economic injury, if there is a business that has lost all of its inventory, that has to close, that has just lost business because of the flood, they, too, can qualify for loans—and again, the total is up to \$2 million. However, without flood insurance, the cap is \$5,000. So going to someone who has lost all of this and saying to them: Well, let me explain the intricacies. You can get this, but you can't get this. If Congress acts, you can get this. We have to do much more for our citizens. If these programs are available, we have to make them truly available.

One of the consequences, frankly, of this political jousting back and forth is we lose sight of the effect on our constituents, the effect on real people and real problems. As a result, they are looking at us here and saying: What is going on? You have authorized the program. You have the money to loan me up to \$2 million, but you can't because you can't authorize another program. We might understand that procedurally. We might understand the delays we see here, et cetera. But the American public doesn't understand it. They have a problem; they expect their government to respond, particularly when the programs are already authorized, when the programs are there, and we have done it in the past. I would hazard a guess that every Member in this Chamber has used—or their constituents have used Federal flood relief programs, agriculture relief programs.

I supported every one of them because when Americans are facing a natural disaster, they need all of us to rally behind them and support them.

Well, now is the time in Rhode Island and Massachusetts. We need that support. For people to oppose it—oh, we object to this or that—that is not what we are called upon to do. We have people who are desperate because of a natural disaster. We need unemployment compensation for those people and for the thousands who are still looking without success for jobs, and we also need it to assure the people that their welfare is our goal. That is what we do. We can sort out the nuances of conflicting programs and conditions, et cetera, so that they get the help they need.

So I hope we can move through this motion to proceed and get on to a serious debate. I personally believe we have to extend unemployment compensation through the end of the year. This "Perils of Pauline" every 30 days leaves people to wondering what is happening to them.

I was in a diner yesterday in Rhode Island, and a woman stopped me and said: When are you going to extend unemployment insurance? I don't know if I am going to get it. I am running out of resources.

This is a woman who has worked all of her life. In fact, she told me she had been laid off once before because she didn't have the training, and then she went and got education through a Federal program, moved into administration, and was just let go by her company because of the downsizing. She played by the rules, she has done everything asked of her as a citizen, and she is just waiting there.

We have to do more. So I hope the logic of our constituents might overwhelm the logic of this Chamber at the moment.

Mr. President, with that, I yield the floor.

CLOTURE MOTION

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the motion to proceed to Calendar No. 323, H.R. 4851, an act to provide a temporary extension of certain programs, and for other purposes.

Harry Reid, Richard J. Durbin, Patty Murray, Patrick J. Leahy, Jack Reed, Christopher J. Dodd, Mark Udall, Debbie Stabenow, Amy Klobuchar, Sheldon Whitehouse, Max Baucus, Dianne Feinstein, Kirsten E. Gillibrand, Kent Conrad, Byron L. Dorgan, John D. Rockefeller, IV, Jeff Bingaman, Robert Menendez.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call is waived.

The question is, Is it the sense of the Senate that the debate on the motion to proceed to H.R. 4851, the Continuing Extension Act of 2010, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Iowa (Mr. HARKIN), the Senator from New Jersey (Mr. MENENDEZ), and the Senator from West Virginia (Mr. ROCKEFELLER) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Utah (Mr. BENNETT), the Senator from New Hampshire (Mr. GREGG), and the Senator from Missouri (Mr. BOND).

The PRESIDING OFFICER (Mrs. SHAHEEN). Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 60, nays 34, as follows:

[Rollcall Vote No. 109 Leg.]

YEAS—60

Akaka	Feingold	Murray
Baucus	Feinstein	Nelson (NE)
Bayh	Franken	Nelson (FL)
Begich	Gillibrand	Pryor
Bennet	Hagan	Reed
Bingaman	Inouye	Reid
Boxer	Johnson	Sanders
Brown (MA)	Kaufman	Schumer
Brown (OH)	Kerry	Shaheen
Burris	Klobuchar	Snowe
Byrd	Kohl	Specter
Cantwell	Landrieu	Stabenow
Cardin	Lautenberg	Tester
Carper	Leahy	Udall (CO)
Casey	Levin	Udall (NM)
Collins	Lieberman	Voinovich
Conrad	Lincoln	Warner
Dodd	McCaskill	Webb
Dorgan	Merkley	Whitehouse
Durbin	Mikulski	Wyden

NAYS—34

Alexander	Ensign	McCain
Barraso	Enzi	McConnell
Brownback	Graham	Murkowski
Bunning	Grassley	Risch
Burr	Hatch	Roberts
Chambliss	Hutchison	Sessions
Coburn	Inhofe	Shelby
Cochran	Isakson	Thune
Corker	Johanns	Vitter
Cornyn	Kyl	Wicker
Crapo	LeMieux	
DeMint	Lugar	

NOT VOTING—6

Bennett	Gregg	Menendez
Bond	Harkin	Rockefeller

The PRESIDING OFFICER. On this vote, the yeas are 60, the nays are 34. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

Mr. BAUCUS. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Madam President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. I now ask unanimous consent that on Tuesday, April 13, following a period of morning business,

the Senate resume postcloture debate on the motion to proceed to H.R. 4851; that at 2:15 p.m., all postcloture time be yielded back, the motion to proceed be agreed to, and the Senate proceed to consideration of H.R. 4851.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. I would say I have had a number of conversations with the majority leader and Senator COBURN and I think we have a way to move forward tomorrow afternoon.

Madam President, I was talking to the distinguished Senator from Ohio and we were saying, he and I, how much Lula Davis knows. She even recognized I made a mistake. I don't do it very often. I was referring to the Republican leader, not the majority leader. I would like the RECORD to reflect that.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. BROWN of Ohio. I would agree about the part about Lula Davis, for sure.

We have all been back in our State for the last 2 weeks. I have been everywhere from Marietta to Cleveland to Toledo to Defiance to Youngstown to Columbus to Dayton—all over my State. There are a lot of things I hear. Of course there is a lot of pain. There are a lot of people who are looking for work, a lot of people who believe they are about to lose their health care or they have lost their health care.

I heard a lot, frankly, of gratitude that Congress moved on this health insurance bill so that now, immediately, small business people in Ohio, whether they are in Marion or Mansfield, whether they are in Warren or Wapakoneta, have a much better chance because of these tax breaks that take effect immediately to insure their employees, something that most small businesses I know, whether they are in New Hampshire or Ohio, want to do.

Also, we did not hear much of this during this debate, but the number of people who came up to me—and the majority leader was talking to me and he sees this in Nevada too—the number of people who came up to me in Youngstown or Cleveland or Bay Village or different places who have 22-year-old daughters or 20-year-old sons who might be home from the Army or home from college, finished college, finished their time in the Army and they do not have insurance and they cannot find a job with insurance. As a 23-year-old, it is pretty hard to find a job with decent health insurance. They like this new law because it means they can stay on their parents' health insurance until the age of 26. I heard people all over the State, in the 2 weeks I traveled in Ohio in the time since we have been talking here, talking with senior citizens in senior centers, talk about closing the doughnut

hole. So the bill President Bush pushed through more than anything gave huge subsidies and giveaways to the drug companies and the insurance industry but now we are taking care of the seniors by closing the doughnut hole at the same time this health care bill will provide the seniors once a year an opportunity to get a physical with no copay.

In spite of the difficulties people face, there is good news that way. There is some light at the end of the tunnel.

When I was at a GM plant in Defiance, they are beginning to hire people to build the engine for the Cruise. The Cruise will be assembled in Lorantville, OH. They are hiring 1,100 people on the third shift. That was a decision President Obama made at the urging of many of us in the Senate—Senator CASEY, Governor Strickland in Ohio, many others—to enforce U.S. trade laws on oil country tubular steel which we use for piping for oil and gas lines—oil and gas drilling. That company in Youngstown, V&M Star Steel, is hiring 400 people and probably more in the future.

We are hearing some pieces of good news. That doesn't mean anyone thinks this recession is over. It does not mean there is yet that much good news. It means people are still struggling and it shows how important it is to do what we did today. In spite of 34 Republicans opposed to the bill, we were able to get 4 Republican votes. I applaud the four of them: the newest Senator here, Senator BROWN from Massachusetts; Senators COLLINS and SNOWE from Maine, the neighboring State of the Presiding Officer; and Senator VOINOVICH, the senior Senator from my State—Senator VOINOVICH, who is retiring at the end of the year. They all voted to move forward on unemployment compensation.

It is too bad that Senator COBURN and Senator BUNNING, day after day, tried to block the extension of unemployment. It looks as though we are going to be able to move forward now.

There seems to be some misunderstanding about what unemployment is. It is not called unemployment welfare, it is called unemployment insurance. That means all of us who are lucky enough, in this economy we have been in in the last couple or 3 years, to have jobs, all pay into an unemployment fund, we pay into an insurance fund. If we lose our jobs, the money we have paid in as insurance, we get assistance. Many people never receive unemployment insurance, just as some people don't use their health insurance if they are healthy. But those who are sick sometimes get more money out of their health insurance than they put in. Some people put into unemployment insurance, get more out if they lose their jobs and they are unemployed for a long time. That is why this bill is so

important, because it is unemployment insurance.

That means if people lose their jobs, they should get some help. It is the right thing to do morally. It is also the right thing to do for the economy because if people are getting unemployment insurance, they are spending that money in Zanesville at the local drugstore, they are spending that money in Cambridge at the local grocery store, in Springfield and Xenia, OH, to buy books and to buy clothes for their kids for school. So unemployment insurance gives the economy a bump and some help and some stimulus. It goes back into the economy quicker than anything else government can do—unemployment insurance. That is the other reason it is important.

Then I heard my colleagues say we are for unemployment insurance extension and we are for helping with COBRA, the health care subsidy, so people can stay in their health care plan after they have lost their job and get some assistance from the government to do that because it is expensive. My colleagues say we want—we are OK with that, we think it is all right, but we have to pay for it.

There are certain emergency situations over the years that government has made a decision that you need to respond to quickly. You don't have to cut spending somewhere else or increase taxes to pay for it.

That is what I hear my colleagues say, but they never talk about how, when they voted for tax cuts for the richest Americans, that was added to the budget deficit. So a few rich people got huge tax cuts and my kids and grandchildren pay for it. They don't mention that.

They don't mention this war in Iraq which they enthusiastically supported, costing us \$1 trillion in terms of the costs of war and the costs of veterans' benefits and the costs of veterans' health care. They did not pay for that.

They don't talk about the Medicare privatization bill, the giveaway to the drug companies and the insurance companies and how they did that and didn't pay for that.

It is only unemployment. It is only unemployed workers. Now they get some fiscal religion. All of a sudden they are for a balanced budget. They are not for a balanced budget in paying for the war, not for a balanced budget in paying for tax cuts for the rich, not for a balanced budget when they are shoveling subsidies to the insurance companies and drug companies, but all of a sudden it is unemployed workers, people who are struggling, people who have paid into this insurance fund, people who send out—listen to them in your State in Hanover or in Mansfield, OH, listen to people say how they are sending out 10 and 20 and 30 and 50 résumés a week to try to find jobs and they still can't find them. We are going

to penalize them and say we are not going to pay for it, but they will not on the cost of war or the cost of veterans' benefits or the cost of tax cuts for the rich and the cost of the giveaways to the drug and insurance companies.

Let me close with this. As we were home the last 2 weeks—most of us were back in our States. Some were elsewhere. We talked to people more, but we also get letters when we get back. We see the kinds of letters that I am getting all the time from people at home. Let me read two of these letters. James from Franklin County, OH—that is the middle of the State where Columbus is, the State capital.

At this point in my life my future is uncertain. I have been unemployed for almost a year. Along with my other former co-workers from the optical lab, we continue to look for jobs.

I am an American to the bone. I have worked nearly every day of my life. I am now 55 years old.

Like many thousands of fellow Ohioans, our current unemployment benefits are about to expire.

I can make it financially with two or three part-time jobs to make sure I can pay for my daughter's nursing school. I will live in my car if I lose my apartment, but I will make sure my daughter continues her education. Please help the hard-working people of Ohio.

"I will live in my car if I lose my apartment, but I will make sure my daughter continues her education." How can you say those people do not matter as much as giving tax cuts to the rich? How can anybody in this institution stand and with a good conscience and a straight face say that James from Franklin County is not doing everything right in order to provide for his family and for the future?

Do not blame James for this budget deficit that this crowd in this body voted for; the war, unpaid for; the tax cuts, unpaid for; the drug company subsidies, unpaid for; that James is not trying to do the right thing to provide for the future for his daughter to get her through nursing school.

Derek from Cuyahoga County, the State's largest county on Lake Erie, the Cleveland area, writes:

I have just exhausted my unemployment benefits. I have been sending resumes like crazy, but there is just no work in this part of Northeastern Ohio. Pretty soon I won't be able to afford my bills—or anything for that matter. I'm 26 years old, don't have health insurance, and need help while I look for a job. We bailed out large corporations when they were in a financial jam. Why can't we help the American people who are in their own financial struggle?

Unemployment benefits do not make you comfortable. They do not make you rich. They are not what you plan for in the future. They are not something anybody wants to live on for very long. But they help people while they are trying to find a job. Unemployment insurance gives people that helping hand. It may be another week, it may be another month or 3 months. At least

four of my colleagues today voted to extend unemployment for a month. It should have been longer. I wish we could do better. I wish we could get some Republican votes to do this right and to help get us on the track so people can plan better in their lives and can continue to go out and try to get jobs. That is what we need to do. It is what this economy needs.

I urge my colleagues to do the right thing this week with the unemployment extension and to do the right thing with the jobs bill to begin to put more people in this country back to work.

I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BROWN of Ohio. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. BROWN of Ohio. Madam President, I ask unanimous consent that the Senate proceed to a period of morning business, with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

EARLY CHILDHOOD EDUCATION

Mr. REID. Madam President, I rise today to call attention to the importance of quality early childhood education programs throughout our country that promote and support the growth and development of our Nation's youngest citizens.

Research has shown that the quality of early relationships and experiences contributes to school success, overall health, and future workforce productivity. During a young child's life, there are 700 new neural connections formed every second, thus creating the foundation for learning and more complex brain development. In fact, more than 85 percent of the foundation for communication: critical thinking, problem solving and team work, is developed by age 5—before children enter kindergarten.

To reach their full potential, these connections need to be nurtured with positive and developmentally appropriate cognitive and social-emotional stimuli. Quality prekindergarten programs reduce placement in special education, lower the risk of grade retention, and decrease incidences of juvenile crime. Improving the success rate of high school graduation and adult earning potential is critical for our Nation's children. The implementation of quality early childhood education programs results in both social and eco-

nomie benefits for the child into adulthood, as well as for the community and the Nation as a whole. Even conservative estimates yield a benefit/cost ratio of 2.36 and a significant long term increase in the gross national product.

Quality early childhood programs require the commitment and dedication of a professional early childhood education work force. Today, I recognize not only the importance of quality early childhood education programs throughout our country but also the professionals who have dedicated their careers to ensuring the highest levels of achievement in early learning for our Nation's children, thus creating lifelong benefits for the child, family, community, and country.

SCHOOL SAFETY PATROL LIFESAVING AWARD

Mr. REID. Madam President, I rise today to show my profound appreciation for the actions of five young Americans who comprise this year's School Safety Patrol Lifesaving Award recipients as chosen by the American Automobile Association.

In 1920, the American Automobile Association, AAA, began the School Safety Patrol Program in hopes of promoting traffic safety amongst school children. The AAA School Safety Patrol Program has been awarding its highest honor, the Lifesaving Award, to those patrollers who have acted to save the life of another since 1949. This year, five heroic school safety patrollers are receiving this award, and it is my great honor to recognize their courageous actions.

Ian Valles, a sixth grader from Heights-Murray Elementary School in Wilkes-Barre, PA, bore witness to a tragic accident the morning of January 9, 2009. While standing at a busy intersection, Ian witnessed a van strike adult crossing guard Edward Martin, who jumped in front of the van to save a mother and child in its way. Ian stayed calm and called 911 with a cell phone, staying by Mr. Martin's side until he was safely taken to the hospital by paramedics. Ian's heroism along with his calm composure saved the life of Mr. Edward Martin.

On April 20, 2009, Lauren Micolichek prevented a young girl at South View Elementary in Chippewa Falls from being struck by a fast approaching car about to make a left turn into the crosswalk. Lauren thought quickly when she saw the student walking toward the crosswalk and saved her life by shouting "wait." Her immediate response to the situation prevented the young girl from being hit by the vehicle.

Charles Tate, a fifth grade safety patroller from Second District Elementary School in Meadville, PA, also demonstrated quick action when he saved a kindergarten student from

crossing an intersection. The kindergarten began to cross the intersection while a large truck came down the road. Charles ran into the middle of the road and swiftly grabbed the student by his shirt, keeping him out of harm's way.

Michael Grady, a student at Defer Elementary School in Grosse Pointe Park, MI, responsibly checked both intersections before allowing a group of students to cross. He noticed a car moving toward the students and courageously placed himself in front of the group with his arms outstretched, diligently responding to the incident before the car reached them. Thanks to his prompt actions, Michael prevented a tragedy.

Jerome Manning was patrolling at the same elementary school in Michigan the morning of January 12, 2010. Jerome had been assisting the children as they crossed the intersection when he spotted a vehicle speeding toward a student. Jerome's alertness enabled him to grab the boy by his backpack before the car could hit him. His alertness saved the child from the car by about 6 inches. Jerome's quick actions have made him a hero in his community.

These five heroic individuals epitomize values of leadership qualities such as courage, alertness, and a commitment to safety. Moreover, these traits are what the AAA School Safety Patrol Program embodies as an institution. Patrollers exemplify the kind of services that are needed so that young people safely navigate traffic hazards to and from school. I applaud their commitment to positively impacting our community.

HOLOCAUST

Mr. COCHRAN. Madam President, it is my pleasure to be able to recognize an important project being undertaken by students at Horn Lake Middle School in Horn Lake, MS, to learn lessons from the Holocaust.

This project was brought to my attention by Miss Sadie Hopkins who, with her seventh grade classmates, has worked months to collect 1.5 million pennies—each coin representing one child lost in the Holocaust. Led by their teacher Susan Powell, these young people plan to use the pennies to understand the tragic and significant impact the Holocaust had on Jewish children during World War II and the ripple effects of that terrible time on families today.

I am pleased that Miss Hopkins made me aware of this project, which should be viewed as an innovative endeavor in making history more real for our youth today. It has opened these students' minds to an important era in history and put them in touch with some of those whose lives were directly affected by the Holocaust. I commend

the Horn Lake community for supporting this ongoing educational effort.

Madam President, I ask unanimous consent to have printed in the RECORD an article titled, "Horn Lake Middle School students collecting pennies for Holocaust project," from the DeSoto Appeal.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Commercial Appeal, Nov. 25, 2009]

HORN LAKE MIDDLE SCHOOL STUDENTS
COLLECTING PENNIES FOR HOLOCAUST PROJECT
(By Chris Van Tuyl)

A teaching wall just inside the front entrance of Horn Lake Middle School is really doing its job.

Posted squares urge those passing by to consider this: "The estimated population of DeSoto County is 154,748. If each person gave 10 pennies, we would have 1.5 million pennies."

It would be an awful lot of coinage for an awfully worthwhile cause. It's a school project spearheaded by seventh-grade Spotlight students currently studying World War II—with a significant focus on the Holocaust. Each penny would stand for one child lost in the Holocaust.

"The pennies will be used in an online museum," Horn Lake Spotlight teacher Susan Powell said. "We will host a (virtual) room, and this is being done through an organization (Christian Friends of Israel) in Memphis. We are going to assist them. The kids are brainstorming on what to do with the pennies."

Seventh-grade language arts teacher Melissa Swartz has an idea, and it involves her artistic husband.

"We've talked about getting enormous frames built, lay the pennies out side by side, have Michael come in and help the kids create some kind of Holocaust scene," Swartz said. "It's about getting the kids involved because we want them to have the biggest part of this."

On Monday, students were on the receiving end of a speech from an 81-year-old Holocaust survivor.

"Lovely lady," Powell said. "Many of the children are the same age (12) that the survivor was when she was taken from her home. They would feel her pain if they were moved and their family members were killed. She knew immediately that her parents were sent to the concentration camp."

Added Swartz: "They were just entranced. I've never had a group of students as involved as mine are this year. They've totally embraced everything about it."

Studying this part of history hits home for Melissa and Michael, as both are Jewish.

"My husband's family cannot be traced back past World War II," said Melissa, "and I have wonderful and not-so-wonderful stories that I relay to the kids. Some have happy endings and some don't."

"So many of our kids have extended family right here with them—a grandmother, a great-grandmother—they have all of that. My husband doesn't."

As part of the penny project, the Horn Lake students are writing letters to community leaders and to President Barack Obama.

"We would like for this to be something that all the students in DeSoto County help us with," Powell said. "We know we can reach our goal."

Swartz is also attempting to contact Jewish celebrities such as Whoopi Goldberg,

Jerry Seinfeld, Ben Stiller and David Beckham.

"I'm going to get their fan mail addresses or whatever," she said. "We're going to send (letters) and tell them, 'We want your pennies!'"

Pennies from the community can be dropped off at the school, 6125 Hurt Road.

JOINT COMMITTEE ON TAXATION HEALTH CARE EXPLANATION

Mr. BAUCUS. Madam President, I want colleagues and those who read the RECORD to know that the nonpartisan Joint Committee on Taxation has made available to the public a technical explanation of the revenue provisions of the Health and Education Reconciliation Act, as amended, in combination with the Patient Protection and Affordable Care Act. This technical explanation provides information on the committees' understanding and legislative intent behind those provisions. It is available on the Joint Committee's Web site at www.jct.gov under the title "Technical Explanation of the Revenue Provisions of the 'Reconciliation Act of 2010,' as Amended, in Combination with the 'Patient Protection and Affordable Care Act,'" and is listed as document number JCX—18—10.

RECOGNIZING THE CENTER FOR EXCELLENCE IN EDUCATION'S LAUNCHING OF NATIONAL LAB SKILLS SYMPOSIUM

Mr. LIEBERMAN. Madam President, I rise today to honor the Center for Excellence in Education, CEE, for launching the first National Lab Skills Symposium. As an honorary member of the board of trustees for the center, I have witnessed firsthand the important work CEE had undertaken, and I could not be more impressed and excited about its newest endeavor.

Improving science education is an essential investment toward the future of our Nation and world. Since it was founded in 1983 by Joann DiGennaro and the late ADM H.G. Rickover, CEE has been an influential leader in championing efforts to provide science, technology, engineering, and mathematics initiatives for this Nation's top achieving students.

With over 25 years of experience as a leader in STEM academic programs for high school students, CEE understands exactly what it takes to prepare future innovators for the 21st century; and it is prepared to take further steps to ensure that students develop the skills they need. Consequently, after data from both of CEE's world-renowned scientific enrichment programs, the Research Science Institute and the USA Biology Olympiad, demonstrated that even our Nation's best and brightest students are receiving inadequate training in laboratory skills and practices, CEE initiated the National Lab Skills Symposium to address the poor

quality of instruction and learning in our Nation's science and technology labs.

CEE held its first such symposium from April 8-9, in Washington, DC, to discuss best practices in laboratory education and to determine the ways in which high school teachers throughout the country can use these best practices for the teaching of laboratory skills to students for success in STEM careers.

Before holding the symposium, CEE examined laboratory education programs across the United States, seeking those programs that follow the most cost-effective, sustainable, and replicable models for teaching students practical lab skills. CEE found six programs it deemed exemplary, which were recognized at the symposium. These programs also served as a framework that attendees, which included influential members of academia at the high school and university levels, non-governmental organizations, governmental agency representatives, and corporate leaders, could evaluate and reference when developing a set of best practices for laboratory education. CEE plans to implement the symposium's best practice recommendations in several States within 2 years and hopes to eventually adopt them nationwide.

I applaud the efforts of CEE to address the crisis in lab skills, and I am confident that this new initiative will help us to ensure that the United States fields a talented and diverse workforce in science and technology for years to come. I commend CEE's president, Joann DiGennaro, for the leadership and vision she has demonstrated in putting together the National Lab Skills Symposium. I have no doubt that Admiral Rickover is saluting this latest effort.

I ask that all of my colleagues join me in recognizing the Center for Excellence in Education for all it has done to assure the Nation's economic growth and national security.

TRIBUTE TO JOYCE REVELL

Mr. CARDIN. Madam President, I would like my colleagues to join me in thanking Joyce Revell for 21 years of exemplary service to the U.S. Senate and on wishing her well during her retirement.

Joyce Revell has dedicated her life to the service of our Nation and to the citizens of Maryland. At age 18, she joined the U.S. Army, where she served for 2 years. In 1977, she joined the staff of Senator Paul Sarbanes, where she became an integral part of his State office staff, providing information and service to constituents. In 2007, I was fortunate and privileged when Joyce agreed to join my staff when I was sworn into the U.S. Senate.

Joyce is one of the most outstanding caseworkers I have ever met, and she

has developed an expertise in a field that is often difficult and heart-breaking. Joyce's knowledge of immigration law rivals any attorney in the field, and thousands of Marylanders over the years have sought her advice and counsel when navigating our Nation's immigration process. Her advocacy on behalf of those who need a voice has often resulted in new American citizens, reunited families and helped place adopted babies and children in loving homes.

Through her years of service to the Senate, Joyce has become familiar with a number of Federal agencies and departments and she has been more than willing to share her considerable institutional knowledge. In fact, her expertise and knowledge is so extensive that employees of the U.S. Customs and Immigration Service, as well as other congressional and Senate offices, often look to Joyce for guidance and information.

I also want to take a moment to mention Joyce's professional skills and her approach to her cases. She has an emotional connection to the constituents who contact her, but she is always calm, professional and informative, even in the face of the most severe hardship. She will provide constituents with the right answer, even if it is not the one they want to hear.

I urge my colleagues to join me in congratulating Joyce on her many years of dedicated service to our Nation. I also want to take this opportunity to thank Joyce's husband Paul, daughter Kate, and son Paul Michael for sharing Joyce with the U.S. Senate. I wish her the all best in her future endeavors. She will be greatly missed.

TRIBUTE TO LIEUTENANT COLONEL MARC HOFFMEISTER

Mr. BEGICH. Madam President, I wish to recognize a fine Alaskan, brave warrior, dedicated military leader, and inspiration to all who know him. LTC Marc Hoffmeister is an Army engineer and wounded warrior currently serving on the staff of Alaska Command on Elmendorf AFB, AK. Lieutenant Colonel Hoffmeister may well be one of the most outstanding and motivational military leaders I have had the pleasure of knowing.

Wounded by a roadside bomb while deployed to Iraq in 2007, he suffered both traumatic brain injury and a very serious physical injury to the left side of his body, injuries that threatened possible long-term disability and a possible end to his military career. Lieutenant Colonel Hoffmeister had long been committed to his career as well as a life focused on the outdoors. He and his wife Gayle had a long reputation of intense physical training and extreme outdoor adventure. Now he was facing the very real possibility of a life without either.

Today Lieutenant Colonel Hoffmeister, through sheer determination, dedication, and the help of his wife Gayle, is still serving our country and still taking on the most extreme outdoor challenges. This fact did not happen overnight and came at a cost—a long stay in the hospital, intense rehabilitation, and much physiological effort to come to grips with a life that would be different but not debilitated.

During his recovery Lieutenant Colonel Hoffmeister came in touch with scores of other wounded warriors all dealing with life-changing challenges and the need to rise above them and continue living. His ability to help these young warriors who had made selfless sacrifices in service to our country turned out to be a significant motivation for his own recovery.

Recently Lieutenant Colonel Hoffmeister completed climbing the tallest mountain in North America. At 20,320 feet, Mount McKinley, Denali, is referred to as "The Great One" and is located about 150 miles north of Anchorage. On this climb, Lieutenant Colonel Hoffmeister took other wounded warriors, two of whom were amputees. Three members of this team, including Lieutenant Colonel Hoffmeister, made the summit. The climb, called Operation Denali, was planned and lead by Lieutenant Colonel Hoffmeister and was designed to show wounded warriors around the country their physical and mental injuries are not the end but rather a beginning of a new life.

Marc and his wife recently went to South Africa and climbed Mount Kilimanjaro in Tanzania as another example of "anything is possible," even in the face of extreme physical adversity. They both continue to be involved in the wounded warrior program and are routinely asked to provide motivational speeches to organizations around Alaska. Lieutenant Colonel Hoffmeister was recently chosen as the National Geographic Readers Choice Adventurer of the Year for 2009.

Madam President and colleagues, please join me in recognizing the efforts of true warrior, hero, leader, and humanitarian, LTC Marc Hoffmeister, U.S. Army Alaska. We thank him for his dedication, drive, and selfless service both to his fellow wounded warriors as well as the United States of America.

2010 ALASKA WINTER OLYMPIANS

Mr. BEGICH. Madam President, I wish to recognize the athleticism of the Alaska members of the 2010 U.S. Winter Olympic team. These six outstanding Alaskans represent not only some of the finest and most skilled athletes in the United States but are also incredible examples of Alaska's grit and determination. Alaska is very proud to have these six outstanding

athletes competing in this year's Winter Olympics.

Callan Chythlook Sifsof of Girdwood, AK, competed in the snowboard cross competition. Callan is the first Alaska Native to make the U.S. Winter Olympic team. She grew up in a part of Alaska known as "the Bush" and spent her first years in a village along the Bering Sea. Before moving to Girdwood, Callan never imagined herself as an Olympian. She holds the double title of 2007 U.S. national champion and junior national champion in boardercross.

Jeremy Teela's home town is Anchorage, AK. He finished ninth in the 10-kilometer biathlon sprint during the 2010 Winter Olympics, the best American result to date in biathlon. A member of the 2002, 2006, and 2010 U.S. Olympic teams, Teela's career has spanned more than a decade of impressive finishes. He has been a member of the U.S. national team since 1996.

Jay Hakkinen, of Kasilof, AK, is a three-time Olympian, and his 10th place finish in the Olympic 20-kilometer individual biathlon competition in 2006 solidified his reputation as one of the top biathletes in the United States. Jay's career began when he spent his junior year of high school in Norway as a foreign exchange student. There he found a biathlon club; it was then he decided to focus on biathlon and began pursuing the sport.

Kikkan Randall, from Anchorage, AK, made her Olympic debut in the 2002 Winter Olympics. At the 2006 Winter Olympics, Kikkan finished ninth in the Olympic sprint, the best Olympic result in cross-country skiing by an American woman. She topped that in 2010, finishing eighth in individual sprint classic. Kikkan helped her team finish in sixth place in the 2010 Winter Olympics women's team sprint freestyle race.

James Southam is from Anchorage, AK. He started racing in high school, and, after training for 10 years, he won his first ski race at age 25. Since then, James has been one of the top distance racers in the country, representing the United States in the 2006 Olympic winter games and the past three world championships. In the 2010 Olympic winter games he placed 34th in the men's 30-kilometer pursuit.

Holly Brooks moved to Alaska in 2004. Upon her arrival, she started her second coaching job as the head ski coach for West Anchorage High School and worked part time at a ski shop and for a local consulting firm. In 2006, she was offered a full-time ski coaching position at Alaska Pacific University Nordic Ski Center. In 2010, Holly competed in the 10-kilometer freestyle and 15-kilometer pursuit at the Olympics.

Kerry Weiland is originally from Palmer, AK. Kerry started playing hockey at age 5 and later excelled on the Palmer High School boys' hockey team and continued on at the Univer-

sity of Wisconsin, where she was a two-time All-American. Kerry scored a key goal in the game against Sweden, which moved the United States onto the gold medal round. She is now a proud member of the 2010 U.S. Winter Olympic silver medal hockey team.

Madam President and colleagues, please join me in recognizing the efforts of Alaska's finest winter athletes. We thank them for their dedication, hard work, and representation of the United States and Alaska at the 2010 Winter Olympics.

ADDITIONAL STATEMENTS

REMEMBERING DOUGLAS L. SHRIVER AND RAYMOND BRETT WRIGHT

• Mr. BENNET. Madam President, on March 19, 2010, Colorado lost two great public servants dedicated to protecting Colorado's water. Douglas L. Shriver, 53, and Raymond Brett Wright, 56, both of Colorado's San Luis Valley, lost their lives in an accident near Creede, CO. These men were active leaders in their communities and particularly engaged in water-related issues across Colorado and in the San Luis Valley.

Water is a scarce and precious resource in Colorado. In working to protect Colorado's water, Doug and Raymond also worked to protect public health, sustain agriculture, support Colorado's economic interests, and maintain the vast parks, wildlife, and wilderness for which Colorado is world-renowned. Our State is forever indebted to Doug and Ray, for their hard and generous work has been to the benefit of all who live in Colorado.

Doug served as chairman of the Rio Grande Water Users Association and as the vice chair for the Rio Grande Basin Roundtable. He was an avid outdoorsman who enjoyed golf, boating, fishing, hunting, sporting clays, snow machining, and cross country skiing. Beyond his leadership in protecting Colorado's water supply, he gave back to his community by tutoring fourth and fifth graders at the Bill Metz Elementary School. He is survived by his wife Karla, his mother Zola, and siblings Deanna, Larry, Kay, Randy, Jean, and David.

Ray served as board president for the Rio Grande Water Conservation District. He also had a strong passion for the outdoors and enjoyed hunting, fishing, skiing, and building and flying his own bamboo fly fishing rods. A keen intellect and sharp memory made Ray stand out, and he will be remembered by those who love him as an affectionate man who lived life to its fullest. He is survived by his daughters Susan, Sara, and Lauren, granddaughter Brynn, and siblings Diana and Greg.

Doug and Ray were well respected for their hard work, intelligence, and con-

geniality. I join Coloradans in grieving the loss of these public servants, and my prayers go out to their families. Colorado is a better place as a result of these two men. The works of Doug Shriver and Ray Wright will affect Coloradans for generations to come.●

REMEMBERING EDWARD EUGENE CLAPLANHOO

• Ms. CANTWELL. Madam President, today I wish to remember and pay tribute to a beloved and revered tribal leader, Edward Eugene Claplanhoo, who died on March 14, 2010.

Mr. Claplanhoo served three terms as chairman of the Makah Tribe, and many years on the Tribal Council, the tribe's Whaling Commission, higher education and election boards. Mr. Claplanhoo was also chair of the United Indians of All Tribes Foundation Board for 5 years. He was known for his ability to build consensus with his calm and steady leadership.

Mr. Claplanhoo was chair of the tribe in the 1970s when the Ozette archaeological dig was underway in the Makah village of Ozette. He worked with Dr. Richard Dougherty of Washington State University to ensure that the artifacts from the site remained on the reservation, and was instrumental in the foundation of the Makah Cultural and Research Center, a museum which now displays the heritage of the community.

A proud graduate of Washington State University, Mr. Claplanhoo believed strongly in the power of education and encouraged young people to seek advance degrees. He was also an Army veteran and last year donated land to establish a monument to veterans and to the Spanish influence at Neah Bay.

Mr. Claplanhoo will always be remembered for his many contributions to the Makah Tribe and all the tribes of Washington State, as well as the many others in the State whose lives he touched. His legacy will be cherished for years to come.●

50TH ANNIVERSARY OF NĀ HAUMĀNA O HAWAII

• Mr. MERKLEY. Madam President, today I recognize the 50th anniversary of Nā Haumāna O Hawai'i and its annual lu'au. The Nā Haumāna O Hawai'i is a culture club at Pacific University in Forest Grove, OR. For half a century, Nā Haumāna O Hawai'i has been spreading the culture and traditions of Hawaii to Pacific University, enriching the school and surrounding communities.

Nā Haumāna O Hawai'i was founded in 1959 by 16 students from the islands of Hawaii. Since then, it has expanded its membership to more than 200 students and includes Native Hawaiians as well as those interested in learning

more about Hawaiian culture. One of the ways that Nā Haumāna O Hawai'i shares the Hawaiian culture with the local community is through its annual lu'au. It is the only completely student-run and student-directed lu'au in the Northwest. Each year, about 2,000 people attend the lu'au and celebrate the Island heritage, which includes an authentic lu'au meal and traditional Polynesian dance, music and entertainment.

Nā Haumāna O Hawai'i has made a tremendous impact on Pacific University, Oregon, and our Nation. By bringing to the mainland a taste of Hawai'i's cultural tapestry, Oregonians and Americans have been able to enjoy the State's rich Aloha spirit. I know that all Oregonians will join me in congratulating Nā Haumāna O Hawai'i on the occasion of its 50th anniversary and annual lu'au.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mrs. Neiman, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations and withdrawals which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MEASURES READ THE FIRST TIME

The following bill was read the first time:

S. 3194. A bill to provide collective bargaining rights for public safety officers employed by States or their political subdivisions.

ENROLLED BILL PRESENTED

The Secretary of the Senate announced that on March 26, 2010, during the adjournment of the Senate, she had presented to the President of the United States the following enrolled bill:

S. 3186. An act to reauthorize the Satellite Home Viewer Extension and Reauthorization Act of 2004 through April 30, 2010, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-5235. A communication from the Director of Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Defense Federal Acquisition Regula-

tion Supplement; Research and Development Contract Type Determination" (DFARS Case 2006-D053) received in the Office of the President of the Senate on March 26, 2010; to the Committee on Armed Services.

EC-5236. A communication from the Secretary of the Air Force, transmitting, pursuant to law, the report of an Average Procurement Unit Cost (APUC) breach relative to the Joint Strike Fighter (JSF); to the Committee on Armed Services.

EC-5237. A communication from the Assistant Secretary of Defense (Reserve Affairs), Department of Defense, transmitting, pursuant to law, a report relative to the modernization priority assessments provided by the Chiefs of the Reserve and National Guard Components; to the Committee on Armed Services.

EC-5238. A communication from the Under Secretary of Defense (Personnel and Readiness), Department of Defense, transmitting, pursuant to law, a report relative to waiving the minimum notification of 30 days provided to reserve component service members prior to mobilization in support of humanitarian assistance and disaster relief to the victims of the earthquake in Haiti; to the Committee on Armed Services.

EC-5239. A communication from the Assistant Chief Counsel for Hazardous Materials Safety, Pipeline and Hazardous Materials Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Hazardous Materials: Risk-Based Adjustment of Transportation Security Plan Requirements" (RIN2137-AE22) received in the Office of the President of the Senate on March 26, 2010; to the Committee on Commerce, Science, and Transportation.

EC-5240. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Damage Tolerance Data for Repairs and Alterations" ((RIN2120-AI32)(Docket No. FAA-2005-21693)) received in the Office of the President of the Senate on March 26, 2010; to the Committee on Commerce, Science, and Transportation.

EC-5241. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Extended Operations (ETOPS) of Multi-Engine Airplanes; Technical Amendment" ((RIN2120-AI03)(Docket No. FAA-2002-6717)) received in the Office of the President of the Senate on March 26, 2010; to the Committee on Commerce, Science, and Transportation.

EC-5242. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment of Jet Routes and VOR Federal Airways in the Vicinity of Gage, OK" ((RIN2120-AA66)(Docket No. FAA-2010-0004)) received in the Office of the President of the Senate on March 26, 2010; to the Committee on Commerce, Science, and Transportation.

EC-5243. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment of VOR Federal Airway V-422 in the Vicinity of Wolf Lake, IN" ((RIN2120-AA66)(Docket No. FAA-2010-0006)) received in the Office of the President of the Senate on March 26, 2010; to the Committee on Commerce, Science, and Transportation.

EC-5244. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment of Restricted Area R-2204 High and R-2204 Low; Oliktok Point, AK" ((RIN2120-AA66)(Docket No. FAA-2009-0693)) received in the Office of the President of the Senate on March 26, 2010; to the Committee on Commerce, Science, and Transportation.

EC-5245. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures (44); Amdt. No. 3365" (RIN2120-AA65) received in the Office of the President of the Senate on March 26, 2010; to the Committee on Commerce, Science, and Transportation.

EC-5246. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures (96); Amdt. No. 3364" (RIN2120-AA65) received in the Office of the President of the Senate on March 26, 2010; to the Committee on Commerce, Science, and Transportation.

EC-5247. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class D and Class E Airspace; Panama City, FL" ((RIN2120-AA66)(Docket No. FAA-2009-0710)) received in the Office of the President of the Senate on March 26, 2010; to the Committee on Commerce, Science, and Transportation.

EC-5248. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E Airspace; Koyukuk, AK" ((RIN2120-AA66)(Docket No. FAA-2009-0692)) received in the Office of the President of the Senate on March 26, 2010; to the Committee on Commerce, Science, and Transportation.

EC-5249. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E Airspace; Skaktoolik, AK" ((RIN2120-AA66)(Docket No. FAA-2009-0142)) received in the Office of the President of the Senate on March 26, 2010; to the Committee on Commerce, Science, and Transportation.

EC-5250. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E Airspace; Battle Mountain, NV" ((RIN2120-AA66)(Docket No. FAA-2009-1057)) received in the Office of the President of the Senate on March 26, 2010; to the Committee on Commerce, Science, and Transportation.

EC-5251. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E Airspace; Hailey, ID" ((RIN2120-AA66)(Docket No. FAA-2009-0954)) received in the Office of the President of the Senate on March 26, 2010; to the Committee on Commerce, Science, and Transportation.

EC-5252. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation,

transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E Airspace; West Bend, WI" ((RIN2120-AA66)(Docket No. FAA-2009-1149)) received in the Office of the President of the Senate on March 26, 2010; to the Committee on Commerce, Science, and Transportation.

EC-5253. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment and Modification of Class E Airspace; Gunnison, CO" ((RIN2120-AA66)(Docket No. FAA-2009-0949)) received in the Office of the President of the Senate on March 26, 2010; to the Committee on Commerce, Science, and Transportation.

EC-5254. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment of Class E Airspace; Rawlins, WY" ((RIN2120-AA66)(Docket No. FAA-2009-0880)) received in the Office of the President of the Senate on March 26, 2010; to the Committee on Commerce, Science, and Transportation.

EC-5255. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment of Class E Airspace; Cedar Rapids, IA" ((RIN2120-AA66)(Docket No. FAA-2009-0916)) received in the Office of the President of the Senate on March 26, 2010; to the Committee on Commerce, Science, and Transportation.

EC-5256. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment of Class E Airspace; Huntingburg, IN" ((RIN2120-AA66)(Docket No. FAA-2009-0736)) received in the Office of the President of the Senate on March 26, 2010; to the Committee on Commerce, Science, and Transportation.

EC-5257. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment of Class E Airspace; Georgetown, TX" ((RIN2120-AA66)(Docket No. FAA-2009-0934)) received in the Office of the President of the Senate on March 26, 2010; to the Committee on Commerce, Science, and Transportation.

EC-5258. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment of Class E Airspace; Gadsden, AL" ((RIN2120-AA66)(Docket No. FAA-2009-0955)) received in the Office of the President of the Senate on March 26, 2010; to the Committee on Commerce, Science, and Transportation.

EC-5259. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment of Class E Airspace; Dumas, TX" ((RIN2120-AA66)(Docket No. FAA-2009-1151)) received in the Office of the President of the Senate on March 26, 2010; to the Committee on Commerce, Science, and Transportation.

EC-5260. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Revision of Class E Airspace; Scammon Bay, AK" ((RIN2120-AA66)(Docket No. FAA-2009-1038)) received in the Office of

the President of the Senate on March 26, 2010; to the Committee on Commerce, Science, and Transportation.

EC-5261. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Revision of Class E Airspace; Dillingham, AK" ((RIN2120-AA66)(Docket No. FAA-2009-1055)) received in the Office of the President of the Senate on March 26, 2010; to the Committee on Commerce, Science, and Transportation.

EC-5262. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Revision of Class E Airspace; Iliamna, AK" ((RIN2120-AA66)(Docket No. FAA-2009-1036)) received in the Office of the President of the Senate on March 26, 2010; to the Committee on Commerce, Science, and Transportation.

EC-5263. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Honeywell International Inc. TFE731 Series Turbofan Engines" ((RIN2120-AA64)(Docket No. FAA-2009-0331)) received in the Office of the President of the Senate on March 26, 2010; to the Committee on Commerce, Science, and Transportation.

EC-5264. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; General Electric Company CF6-45 and CF6-50 Series Turbofan Engines" ((RIN2120-AA64)(Docket No. FAA-2009-0331)) received in the Office of the President of the Senate on March 26, 2010; to the Committee on Commerce, Science, and Transportation.

EC-5265. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Eurocopter France Model AS 332 C, L, LL, and L2; AS 350 B3, AS355 F, F1, F2, and N; SA 365N and N1; AS 365 N2 and N3; SA 366G1; EC 130 B4; and EC 155B and B1 Helicopters" ((RIN2120-AA64)(Docket No. FAA-2009-0663)) received in the Office of the President of the Senate on March 26, 2010; to the Committee on Commerce, Science, and Transportation.

EC-5266. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; The Boeing Company Model 777-200, -200LR, -300, -300ER, and 777F Series Airplanes" ((RIN2120-AA64)(Docket No. FAA-2010-0221)) received in the Office of the President of the Senate on March 26, 2010; to the Committee on Commerce, Science, and Transportation.

EC-5267. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; The Boeing Company Model 767 Airplanes" ((RIN2120-AA64)(Docket No. FAA-2009-0642)) received in the Office of the President of the Senate on March 26, 2010; to the Committee on Commerce, Science, and Transportation.

EC-5268. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives;

Thielert Aircraft Engines GmbH (TAE) Models TAE 125-02-99 and TAE 125-01 Reciprocating Engines" ((RIN2120-AA64)(Docket No. FAA-2009-0948)) received in the Office of the President of the Senate on March 26, 2010; to the Committee on Commerce, Science, and Transportation.

EC-5269. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; MD Helicopters, Inc. Model MD-900 Helicopters" ((RIN2120-AA64)(Docket No. FAA-2009-0953)) received in the Office of the President of the Senate on March 26, 2010; to the Committee on Commerce, Science, and Transportation.

EC-5270. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Eurocopter France Model AS355E, AS355F, AS355F1, AS355F2, and AS355N Helicopters" ((RIN2120-AA64)(Docket No. FAA-2009-1090)) received in the Office of the President of the Senate on March 26, 2010; to the Committee on Commerce, Science, and Transportation.

EC-5271. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Learjet Inc. Model 45 Airplanes" ((RIN2120-AA64)(Docket No. FAA-2010-0226)) received in the Office of the President of the Senate on March 26, 2010; to the Committee on Commerce, Science, and Transportation.

EC-5272. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Sikorsky Aircraft Corporation Model S-76C Helicopters" ((RIN2120-AA64)(Docket No. FAA-2010-0242)) received in the Office of the President of the Senate on March 26, 2010; to the Committee on Commerce, Science, and Transportation.

EC-5273. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; International Aero Engines (IAE) V2500-A1, V2522-A5, V2524-A5, V2525-D5, V2527-A5, V2527E-A5, V2527M-A5, V2528-D5, V2530-A5, and V2533-A5 Turbofan Engines" ((RIN2120-AA64)(Docket No. FAA-2007-29060)) received in the Office of the President of the Senate on March 26, 2010; to the Committee on Commerce, Science, and Transportation.

EC-5274. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Pratt & Whitney JT8D-209, -217, -217C, and -219 Turbofan Engines" ((RIN2120-AA64)(Docket No. FAA-2009-0883)) received in the Office of the President of the Senate on March 26, 2010; to the Committee on Commerce, Science, and Transportation.

EC-5275. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; The Boeing Company Model 737-100, -200, -200C, 300, 400, and 500 Series Airplanes" ((RIN2120-AA64)(Docket No. FAA-2009-0452)) received in the Office of the President of the Senate on March 26, 2010; to the Committee on Commerce, Science, and Transportation.

EC-5276. A communication from the Assistant Secretary of Legislative Affairs, U.S. Department of State, transmitting, pursuant to law, a report certifying for fiscal year 2010 that no United Nations agency or United Nations affiliated agency grants any official status, accreditation, or recognition to any organization which promotes and condones or seeks the legalization of pedophilia, or which includes as a subsidiary or member any such organization; to the Committee on Foreign Relations.

EC-5277. A communication from the Acting Associate Administrator for Acquisition Policy, General Services Administration, transmitting, pursuant to law, the report of a rule entitled "Federal Acquisition Regulation; FAR Case 2008-027, Federal Awardee Performance and Integrity Information System" ((RIN9000-AL38)(FAC 2005-40)) received in the Office of the President of the Senate on March 25, 2010; to the Committee on Homeland Security and Governmental Affairs.

EC-5278. A communication from the Acting Senior Procurement Executive, Office of Acquisition Policy, General Services Administration, transmitting, pursuant to law, the report of a rule entitled "Federal Acquisition Regulation; Federal Acquisition Circular 2005-40; Introduction" (FAC 2005-40) received in the Office of the President of the Senate on March 25, 2010; to the Committee on Homeland Security and Governmental Affairs.

EC-5279. A communication from the Deputy Director, Court Services and Offender Supervision Agency for the District of Columbia, transmitting, pursuant to law, the Agency's Fiscal Year 2009 annual report relative to the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002; to the Committee on Homeland Security and Governmental Affairs.

EC-5280. A communication from the Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting, pursuant to law, the quarterly report of the Department of Justice's Office of Privacy and Civil Liberties for the first quarter of fiscal year 2010; to the Committee on the Judiciary.

EC-5281. A communication from the Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting, pursuant to law, a quarterly report to Congress relative to complaint referrals under the Uniformed Services Employment and Reemployment Rights Act of 1994; to the Committee on the Judiciary.

EC-5282. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Prevention of Significant Deterioration (PSD) and Nonattainment New Source Review (NSR): Inclusion of Fugitive Emissions; Final Rule; Stay" (FRL No. 9131-9) received in the Office of the President of the Senate on March 26, 2010; to the Committee on Environment and Public Works.

EC-5283. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; Texas; Revisions to Chapter 116 Which Relate to the Voting Permits and Extension of Permits" (FRL No. 9132-3) received in the Office of the President of the Senate on March 26, 2010; to the Committee on Environment and Public Works.

EC-5284. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "1—Propene, 2,3,3,3—tetrafluoro—; Withdrawal of Significant New Use Rule" (FRL No. 8816-9) received in the Office of the President of the Senate on March 26, 2010; to the Committee on Environment and Public Works.

EC-5285. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Revisions to the General Conformity Regulations" (FRL No. 9131-7) received in the Office of the President of the Senate on March 26, 2010; to the Committee on Environment and Public Works.

EC-5286. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, a report entitled "Regulatory Impact Analysis: Changes to Renewable Fuel Standard Program"; to the Committee on Environment and Public Works.

EC-5287. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Regulation of Fuels and Fuel Additives: Changes to Renewable Fuel Standard Program" (FRL No. 9112-3) received in the Office of the President of the Senate on March 26, 2010; to the Committee on Environment and Public Works.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. LIEBERMAN, from the Committee on Homeland Security and Governmental Affairs:

Report to accompany S. 1830, a bill to establish the Chief Conservation Officers Council to improve the energy efficiency of Federal agencies, and for other purposes (Rept. No. 111-167).

By Mr. LIEBERMAN, from the Committee on Homeland Security and Governmental Affairs, without amendment:

S. 469. A bill to amend chapter 83 of title 5, United States Code, to modify the computation for part-time service under the Civil Service Retirement System.

By Mr. LIEBERMAN, from the Committee on Homeland Security and Governmental Affairs, with an amendment in the nature of a substitute:

S. 629. A bill to facilitate the part-time reemployment of annuitants, and for other purposes.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. SPECTER:

S. 3192. A bill to amend title 38, United States Code, to provide for the tolling of the timing of review for appeals of final decisions of the Board of Veterans' Appeals, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. KERRY (for himself and Mrs. GILLIBRAND):

S. 3193. A bill to establish within the office of the Secretary of State a Coordinator for Cyberspace and Cybersecurity Issues; to the Committee on Foreign Relations.

By Mr. REID:

S. 3194. A bill to provide collective bargaining rights for public safety officers employed by States or their political subdivisions; read the first time.

By Mr. CARDIN (for himself and Ms. LANDRIEU):

S. 3195. A bill to prohibit air carriers from charging fees for carry-on baggage and to require disclosure of passenger fees, and for other purposes; to the Committee on Commerce, Science, and Transportation.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. LUGAR:

S. Res. 476. A resolution honoring the lives of President of Poland Lech Kaczynski, his wife, and 94 others who perished on April 10, 2010, in a plane crash while en route to memorialize those Polish officers, officials, and civilians who were massacred by the Soviet Union 70 years ago; to the Committee on Foreign Relations.

By Mr. MENENDEZ (for himself, Mr. REID, Ms. STABENOW, Mr. DURBIN, Mrs. BOXER, Mr. UDALL of Colorado, Mr. SCHUMER, Mrs. GILLIBRAND, Mr. BINGAMAN, Mr. BROWN of Ohio, Mr. UDALL of New Mexico, and Mr. WYDEN):

S. Res. 477. A resolution honoring the accomplishments and legacy of Cesar Estrada Chavez; to the Committee on the Judiciary.

ADDITIONAL COSPONSORS

S. 46

At the request of Mr. ENSIGN, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 46, a bill to amend title XVIII of the Social Security Act to repeal the Medicare outpatient rehabilitation therapy caps.

S. 624

At the request of Mr. DURBIN, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 624, a bill to provide 100,000,000 people with first-time access to safe drinking water and sanitation on a sustainable basis by 2015 by improving the capacity of the United States Government to fully implement the Senator Paul Simon Water for the Poor Act of 2005.

S. 678

At the request of Mr. LEAHY, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of S. 678, a bill to reauthorize and improve the Juvenile Justice and Delinquency Prevention Act of 1974, and for other purposes.

S. 696

At the request of Mr. CARDIN, the name of the Senator from Ohio (Mr.

BROWN) was added as a cosponsor of S. 696, a bill to amend the Federal Water Pollution Control Act to include a definition of fill material.

S. 729

At the request of Mr. DURBIN, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 729, a bill to amend the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 to permit States to determine State residency for higher education purposes and to authorize the cancellation of removal and adjustment of status of certain alien students who are long-term United States residents and who entered the United States as children, and for other purposes.

S. 732

At the request of Mr. AKAKA, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of S. 732, a bill to amend the National Dam Safety Program Act to establish a program to provide grant assistance to States for the rehabilitation and repair of deficient dams.

S. 752

At the request of Mr. DURBIN, the names of the Senator from Vermont (Mr. LEAHY) and the Senator from New Jersey (Mr. MENENDEZ) were added as cosponsors of S. 752, a bill to reform the financing of Senate elections, and for other purposes.

S. 841

At the request of Mr. KERRY, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 841, a bill to direct the Secretary of Transportation to study and establish a motor vehicle safety standard that provides for a means of alerting blind and other pedestrians of motor vehicle operation.

S. 866

At the request of Mr. REED, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 866, a bill to amend the Elementary and Secondary Education Act of 1965 regarding environmental education, and for other purposes.

S. 941

At the request of Mr. CRAPO, the name of the Senator from Alaska (Mr. BEGICH) was added as a cosponsor of S. 941, a bill to reform the Bureau of Alcohol, Tobacco, Firearms, and Explosives, modernize firearm laws and regulations, protect the community from criminals, and for other purposes.

S. 1425

At the request of Mr. DURBIN, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 1425, a bill to increase the United States financial and programmatic contributions to promote economic opportunities for women in developing countries.

S. 1442

At the request of Mr. BINGAMAN, the name of the Senator from Minnesota

(Ms. KLOBUCHAR) was added as a cosponsor of S. 1442, a bill to amend the Public Lands Corps Act of 1993 to expand the authorization of the Secretaries of Agriculture, Commerce, and the Interior to provide service-learning opportunities on public lands, establish a grant program for Indian Youth Service Corps, help restore the Nation's natural, cultural, historic, archaeological, recreational, and scenic resources, train a new generation of public land managers and enthusiasts, and promote the value of public service.

S. 1481

At the request of Mr. MENENDEZ, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 1481, a bill to amend section 811 of the Cranston-Gonzalez National Affordable Housing Act to improve the program under such section for supportive housing for persons with disabilities.

S. 1549

At the request of Mr. MENENDEZ, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 1549, a bill to protect United States citizens from unlawful arrest and detention.

S. 1550

At the request of Mr. MENENDEZ, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 1550, a bill to ensure that individuals detained by the Department of Homeland Security are treated humanely, provided adequate medical care, and granted certain specified rights.

S. 1553

At the request of Mr. GRASSLEY, the name of the Senator from Tennessee (Mr. CORKER) was added as a cosponsor of S. 1553, a bill to require the Secretary of the Treasury to mint coins in commemoration of the National Future Farmers of America Organization and the 85th anniversary of the founding of the National Future Farmers of America Organization.

S. 1596

At the request of Mrs. BOXER, the name of the Senator from Hawaii (Mr. INOUE) was added as a cosponsor of S. 1596, a bill to authorize the Secretary of the Interior to acquire the Gold Hill Ranch in Coloma, California.

S. 1933

At the request of Mr. BINGAMAN, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of S. 1933, a bill to establish an integrated Federal program that protects, restores, and conserves natural resources by responding to the threats and effects of climate change, and for other purposes.

S. 2816

At the request of Mr. BUNNING, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 2816, a bill to repeal the sunset of the Economic Growth and Tax Relief

Reconciliation Act of 2001 with respect to the expansion of the adoption credit and adoption assistance programs and to allow the adoption credit to be claimed in the year expenses are incurred, regardless of when the adoption becomes final.

S. 2920

At the request of Mr. LAUTENBERG, the name of the Senator from Alaska (Mr. BEGICH) was added as a cosponsor of S. 2920, a bill to amend chapter 1 of title 23, United States Code, to condition the receipt of certain highway funding by States on the enactment and enforcement by States of certain laws to prevent repeat intoxicated driving.

S. 2993

At the request of Mr. SANDERS, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 2993, a bill to increase the quantity of solar photovoltaic electricity by providing rebates for the purchase and installation of an additional 10,000,000 solar roofs and additional solar water heating systems with a cumulative capacity of 10,000,000 gallons by 2019.

S. 3020

At the request of Ms. SNOWE, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. 3020, a bill to direct the Administrator of the Small Business Administration to reform and improve the HUBZone program for small business concerns, and for other purposes.

S. 3036

At the request of Mr. BAYH, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 3036, a bill to establish the Office of the National Alzheimer's Project.

S. 3039

At the request of Mr. UDALL of New Mexico, the name of the Senator from Alaska (Mr. BEGICH) was added as a cosponsor of S. 3039, a bill to prevent drunk driving injuries and fatalities, and for other purposes.

S. 3058

At the request of Mr. DORGAN, the names of the Senator from New Jersey (Mr. MENENDEZ), the Senator from Michigan (Mr. LEVIN) and the Senator from Pennsylvania (Mr. SPECTER) were added as cosponsors of S. 3058, a bill to amend the Public Health Service Act to reauthorize the special diabetes programs for Type I diabetes and Indians under that Act.

S. 3062

At the request of Mr. CARPER, the name of the Senator from North Carolina (Mrs. HAGAN) was added as a cosponsor of S. 3062, a bill to extend credits related to the production of electricity from offshore wind, and for other purposes.

S. 3111

At the request of Mr. LEAHY, the name of the Senator from Wisconsin

(Mr. FEINGOLD) was added as a cosponsor of S. 3111, a bill to establish the Commission on Freedom of Information Act Processing Delays.

S. 3165

At the request of Ms. LANDRIEU, the name of the Senator from Delaware (Mr. CARPER) was added as a cosponsor of S. 3165, a bill to authorize the Administrator of the Small Business Administration to waive the non-Federal share requirement under certain programs.

S. 3172

At the request of Mr. MENENDEZ, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 3172, a bill to support counter-narcotics and related efforts in the Inter-American region.

S. RES. 409

At the request of Mr. GRASSLEY, his name was added as a cosponsor of S. Res. 409, a resolution calling on members of the Parliament in Uganda to reject the proposed "Anti-Homosexuality Bill", and for other purposes.

At the request of Mr. FEINGOLD, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. Res. 409, *supra*.

S. RES. 410

At the request of Mr. BAYH, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S. Res. 410, a resolution supporting and recognizing the goals and ideals of "RV Centennial Celebration Month" to commemorate 100 years of enjoyment of recreation vehicles in the United States.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. SPECTER:

S. 3192. A bill to amend title 38, United States Code, to provide for the tolling of the timing of review for appeals of final decisions of the Board of Veterans' Appeals, and for other purposes; to the Committee on Veterans' Affairs.

Mr. SPECTER. Mr. President, I have sought recognition to urge passage of the bill I have just introduced, the Fair Access to Veterans Benefits Act of 2010. Its main provision would require the United States Court of Appeals for Veterans Claims, known as the Veterans Court, to hear appeals by veterans of administrative decisions denying them benefits when circumstances beyond their control—sometimes the very service-related disabilities that entitle them to benefits—render them unable to meet the deadline for filing an appeal. Let me briefly explain why this legislation is so urgently needed.

Until 1988, veterans denied benefits by the administrative Board of Veterans' Appeals had no right to appeal their cases to any court. Congress responded that year with legislation es-

tablishing the Veterans Court. The legislation's purpose was to "ensure that all veterans are served with compassion, fairness, and efficiency and that each individual veteran receives . . . every benefit and service to which he or she is entitled under law", S. Rep. 100-418, 110th Cong., 2d Sess. 30-31. Proceedings of the Veterans Court were to be "informal, efficient, and fair" rather than "formalized", H.R. Rep. No. 100-963, 110th Cong., 2d Sess. 26, 1988. This was important because most veterans handle their own appeals without a lawyer.

Veterans Court has, by and large, served its intended function well. It regularly corrects many erroneous denials of benefits. The court's last-published annual report notes that, in 2008, veterans prevailed in about eighty percent of the appeals.

A recent court decision, however, will close the Veterans Court to too many deserving veterans. I refer to last year's decision of the United States Court of Appeals for the Federal Circuit, which hears appeals from Veterans Court, in *Henderson v. Shinseki*, 589 F.3d 1201. Mr. Henderson suffered from paranoid schizophrenia as a result of his active-duty service in the Korean War. His appeal of an administrative denial of benefits to the Veterans Court was filed just 15 days late. He asked the Veterans Court to excuse his late filing—in legal parlance, to "equitably toll" the filing period—because it was caused by his service-related disability. The Veterans Court refused to do so, and a divided Federal Circuit affirmed its decision. Like the Veterans Court, the Federal Circuit held that this unjust result was compelled by a controversial 2007 decision of the Supreme Court, *Bowles v. Russell*, 551 U.S. 205, which held that the deadline for filing a notice of appeal from a district court's order is "jurisdictional" and hence not waivable. Three judges dissented in *Henderson* on the ground that *Bowles* was distinguishable.

Whether or not correctly decided in the wake of *Bowles*, *Henderson* cannot stand. It creates, in the words of the three dissenting judges, a "Kafkaesque adjudicatory process in which those veterans who are most deserving of service-connected benefits will frequently be those least likely to obtain benefits. It is the veteran who incurs the most devastating service-related injury who will often be least able to comply with rigidly enforced deadlines." Even two of the judges in the majority felt constrained to note, in a concurring opinion, "that the deadline of the existing statute can and does lead to unfairness. This is particularly so in many cases where the veteran is not represented by counsel . . . and/or is suffering from a mental disability. These circumstances can make it extremely difficult for a veteran to navigate the system and meet the statu-

tory deadlines." Mr. Henderson's situation is not unique. Already a disturbing number of veterans just like him have been denied their day in court.

The two concurring judges in *Henderson* called upon Congress to "amend the statute to provide for a good cause exception. My bill would do just that. It would require the Veterans Court to excuse late filings upon a showing by the veteran of "good cause." This simple amendment will ensure that each year upwards of a hundred of veterans will receive the benefits to which they are so justly entitled.

My bill will also require the Veterans Court to reinstate untimely appeals already dismissed as a result of that court's failure to equitably toll the filing period. The veterans who filed those appeals should also have their day in court.

There are no countervailing policy considerations. As the dissenting judges in *Henderson* persuasively noted, "because it takes many years—in some cases several decades—to obtain service-connected benefits, the government is hardly in a position to complain that equitable tolling will result in inordinate delays."

I urge my colleagues on both sides of the aisle, whatever their views on the issue addressed in *Bowles*, to support our veterans by passing my bill without delay.

By Mr. REID:

S. 3194. A bill to provide collective bargaining rights for public safety officers employed by States or their political subdivisions; read the first time.

Mr. REID. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 3194

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Public Safety Employer-Employee Cooperation Act of 2009".

SEC. 2. DECLARATION OF PURPOSE AND POLICY.

The Congress declares that the following is the policy of the United States:

(1) Labor-management relationships and partnerships are based on trust, mutual respect, open communication, bilateral consensual problem solving, and shared accountability. Labor-management cooperation fully utilizes the strengths of both parties to best serve the interests of the public, operating as a team, to carry out the public safety mission in a quality work environment. In many public safety agencies, it is the union that provides the institutional stability as elected leaders and appointees come and go.

(2) State and local public safety officers play an essential role in the efforts of the United States to detect, prevent, and respond to terrorist attacks, and to respond to natural disasters, hazardous materials, and other mass casualty incidents. State and

local public safety officers, as first responders, are a component of our Nation's National Incident Management System, developed by the Department of Homeland Security to coordinate response to and recovery from terrorism, major natural disasters, and other major emergencies. Public safety employer-employee cooperation is essential in meeting these needs and is, therefore, in the National interest.

(3) The Federal Government needs to encourage conciliation, mediation, and voluntary arbitration to aid and encourage employers and the representatives of their employees to reach and maintain agreements concerning rates of pay, hours, and working conditions, and to make all reasonable efforts through negotiations to settle their differences by mutual agreement reached through collective bargaining or by such methods as may be provided for in any applicable agreement for the settlement of disputes.

(4) The absence of adequate cooperation between public safety employers and employees has implications for the security of employees and can affect interstate and intrastate commerce. The lack of such labor-management cooperation can detrimentally impact the upgrading of police and fire services of local communities, the health and well-being of public safety officers, and the morale of the fire and police departments. Additionally, these factors could have significant commercial repercussions. Moreover, providing minimal standards for collective bargaining negotiations in the public safety sector can prevent industrial strife between labor and management that interferes with the normal flow of commerce.

(5) Many States and localities already provide public safety officers with collective bargaining rights comparable to or greater than the rights and responsibilities set forth in this Act, and such State and local laws should be respected.

SEC. 3. DEFINITIONS.

In this Act:

(1) **AUTHORITY.**—The term “Authority” means the Federal Labor Relations Authority.

(2) **CONFIDENTIAL EMPLOYEE.**—The term “confidential employee” has the meaning given such term under applicable State law on the date of enactment of this Act. If no such State law is in effect, the term means an individual, employed by a public safety employer, who—

(A) is designated as confidential; and

(B) is an individual who routinely assists, in a confidential capacity, supervisory employees and management employees.

(3) **EMERGENCY MEDICAL SERVICES PERSONNEL.**—The term “emergency medical services personnel” means an individual who provides out-of-hospital emergency medical care, including an emergency medical technician, paramedic, or first responder.

(4) **EMPLOYER; PUBLIC SAFETY AGENCY.**—The terms “employer” and “public safety agency” mean any State, or political subdivision of a State, that employs public safety officers.

(5) **FIREFIGHTER.**—The term “firefighter” has the meaning given the term “employee engaged in fire protection activities” in section 3(y) of the Fair Labor Standards Act of 1938 (29 U.S.C. 203(y)).

(6) **LABOR ORGANIZATION.**—The term “labor organization” means an organization composed in whole or in part of employees, in which employees participate, and which represents such employees before public safety agencies concerning grievances, conditions of employment, and related matters.

(7) **LAW ENFORCEMENT OFFICER.**—The term “law enforcement officer” has the meaning given such term in section 1204 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796b).

(8) **MANAGEMENT EMPLOYEE.**—The term “management employee” has the meaning given such term under applicable State law in effect on the date of enactment of this Act. If no such State law is in effect, the term means an individual employed by a public safety employer in a position that requires or authorizes the individual to formulate, determine, or influence the policies of the employer.

(9) **PERSON.**—The term “person” means an individual or a labor organization.

(10) **PUBLIC SAFETY OFFICER.**—The term “public safety officer”—

(A) means an employee of a public safety agency who is a law enforcement officer, a firefighter, or an emergency medical services personnel;

(B) includes an individual who is temporarily transferred to a supervisory or management position; and

(C) does not include a permanent supervisory, management, or confidential employee.

(11) **STATE.**—The term “State” means each of the several States of the United States, the District of Columbia, and any territory or possession of the United States.

(12) **SUBSTANTIALLY PROVIDES.**—The term “substantially provides”, when used with respect to the rights and responsibilities described in section 4(b), means compliance with each right and responsibility described in such section.

(13) **SUPERVISORY EMPLOYEE.**—The term “supervisory employee” has the meaning given such term under applicable State law in effect on the date of enactment of this Act. If no such State law is in effect, the term means an individual, employed by a public safety employer, who

(A) has the authority in the interest of the employer to hire, direct, assign, promote, reward, transfer, furlough, lay off, recall, suspend, discipline, or remove public safety officers, to adjust their grievances, or to effectively recommend such action, if the exercise of the authority is not merely routine or clerical in nature but requires the consistent exercise of independent judgment; and

(B) devotes a majority of time at work to exercising such authority.

SEC. 4. DETERMINATION OF RIGHTS AND RESPONSIBILITIES.

(a) **DETERMINATION.**—

(1) **IN GENERAL.**—Not later than 180 days after the date of enactment of this Act, the Authority shall make a determination as to whether a State substantially provides for the rights and responsibilities described in subsection (b).

(2) **CONSIDERATION OF ADDITIONAL OPINIONS.**—In making the determination described in paragraph (1), the Authority shall consider the opinions of affected employers and labor organizations. In the case where the Authority is notified by an affected employer and labor organization that both parties agree that the law applicable to such employer and labor organization substantially provides for the rights and responsibilities described in subsection (b), the Authority shall give such agreement weight to the maximum extent practicable in making the Authority's determination under this subsection.

(3) **LIMITED CRITERIA.**—In making the determination described in paragraph (1), the Authority shall be limited to the application

of the criteria described in subsection (b) and shall not require any additional criteria.

(4) **SUBSEQUENT DETERMINATIONS.**—

(A) **IN GENERAL.**—A determination made pursuant to paragraph (1) shall remain in effect unless and until the Authority issues a subsequent determination, in accordance with the procedures set forth in subparagraph (B).

(B) **PROCEDURES FOR SUBSEQUENT DETERMINATIONS.**—Upon establishing that a material change in State law or its interpretation has occurred, an employer or a labor organization may submit a written request for a subsequent determination. If satisfied that a material change in State law or its interpretation has occurred, the Authority shall issue a subsequent determination not later than 30 days after receipt of such request.

(5) **JUDICIAL REVIEW.**—Any person or employer aggrieved by a determination of the Authority under this section may, during the 60-day period beginning on the date on which the determination was made, petition any United States Court of Appeals in the circuit in which the person or employer resides or transacts business or in the District of Columbia circuit, for judicial review. In any judicial review of a determination by the Authority, the procedures contained in subsections (c) and (d) of section 7123 of title 5, United States Code, shall be followed.

(b) **RIGHTS AND RESPONSIBILITIES.**—In making a determination described in subsection (a), the Authority shall consider a State's law to substantially provide the required rights and responsibilities unless such law fails to provide rights and responsibilities comparable to or greater than the following:

(1) Granting public safety officers the right to form and join a labor organization, which may exclude management employees, supervisory employees, and confidential employees, that is, or seeks to be, recognized as the exclusive bargaining representative of such employees.

(2) Requiring public safety employers to recognize the employees' labor organization (freely chosen by a majority of the employees), to agree to bargain with the labor organization, and to commit any agreements to writing in a contract or memorandum of understanding.

(3) Providing for the right to bargain over hours, wages, and terms and conditions of employment.

(4) Making available an interest impasse resolution mechanism, such as fact-finding, mediation, arbitration, or comparable procedures.

(5) Requiring enforcement of all rights, responsibilities, and protections provided by State law and enumerated in this section, and of any written contract or memorandum of understanding between a labor organization and a public safety employer, through—

(A) a State administrative agency, if the State so chooses; and

(B) at the election of an aggrieved party, the State courts.

(c) **COMPLIANCE WITH REQUIREMENTS.**—If the Authority determines, acting pursuant to its authority under subsection (a), that a State substantially provides rights and responsibilities described in subsection (b), then this Act shall not preempt State law.

(d) **FAILURE TO MEET REQUIREMENTS.**—

(1) **IN GENERAL.**—If the Authority determines, acting pursuant to its authority under subsection (a), that a State does not substantially provide for the rights and responsibilities described in subsection (b), then such State shall be subject to the regulations and procedures described in section 5 beginning on the later of—

(A) the date that is 2 years after the date of enactment of this Act;

(B) the date that is the last day of the first regular session of the legislature of the State that begins after the date of the enactment of this Act; or

(C) in the case of a State receiving a subsequent determination under subsection (a)(4), the date that is the last day of the first regular session of the legislature of the State that begins after the date the Authority made the determination.

(2) **PARTIAL FAILURE.**—If the Authority makes a determination that a State does not substantially provide for the rights and responsibilities described in subsection (b) solely because the State law substantially provides for such rights and responsibilities for certain categories of public safety officers covered by the Act but not others, the Authority shall identify those categories of public safety officers that shall be subject to the regulations and procedures described in section 5, pursuant to section 8(b)(3) and beginning on the appropriate date described in paragraph (1), and those categories of public safety officers that shall remain subject to State law.

SEC. 5. ROLE OF FEDERAL LABOR RELATIONS AUTHORITY.

(a) **IN GENERAL.**—Not later than 1 year after the date of enactment of this Act, the Authority shall issue regulations in accordance with the rights and responsibilities described in section 4(b) establishing collective bargaining procedures for employers and public safety officers in States which the Authority has determined, acting pursuant to section 4(a), do not substantially provide for such rights and responsibilities.

(b) **ROLE OF THE FEDERAL LABOR RELATIONS AUTHORITY.**—The Authority, to the extent provided in this Act and in accordance with regulations prescribed by the Authority, shall—

(1) determine the appropriateness of units for labor organization representation;

(2) supervise or conduct elections to determine whether a labor organization has been selected as an exclusive representative by a voting majority of the employees in an appropriate unit;

(3) resolve issues relating to the duty to bargain in good faith;

(4) conduct hearings and resolve complaints of unfair labor practices;

(5) resolve exceptions to the awards of arbitrators;

(6) protect the right of each employee to form, join, or assist any labor organization, or to refrain from any such activity, freely and without fear of penalty or reprisal, and protect each employee in the exercise of such right; and

(7) take such other actions as are necessary and appropriate to effectively administer this Act, including issuing subpoenas requiring the attendance and testimony of witnesses and the production of documentary or other evidence from any place in the United States, and administering oaths, taking or ordering the taking of depositions, ordering responses to written interrogatories, and receiving and examining witnesses.

(c) **ENFORCEMENT.**—

(1) **AUTHORITY TO PETITION COURT.**—The Authority may petition any United States Court of Appeals with jurisdiction over the parties, or the United States Court of Appeals for the District of Columbia Circuit, to enforce any final orders under this section, and for appropriate temporary relief or a restraining order. Any petition under this section shall be conducted in accordance with

subsections (c) and (d) of section 7123 of title 5, United States Code.

(2) **PRIVATE RIGHT OF ACTION.**—Unless the Authority has filed a petition for enforcement as provided in paragraph (1), any party has the right to file suit in any appropriate district court of the United States to enforce compliance with the regulations issued by the Authority pursuant to subsection (b), and to enforce compliance with any order issued by the Authority pursuant to this section. The right provided by this subsection to bring a suit to enforce compliance with any order issued by the Authority pursuant to this section shall terminate upon the filing of a petition seeking the same relief by the Authority.

SEC. 6. STRIKES AND LOCKOUTS PROHIBITED.

(a) **IN GENERAL.**—Subject to subsection (b), an employer, public safety officer, or labor organization may not engage in a lockout, sickout, work slowdown, strike, or any other organized job action that will measurably disrupt the delivery of emergency services and is designed to compel an employer, public safety officer, or labor organization to agree to the terms of a proposed contract.

(b) **NO PREEMPTION.**—Nothing in this section shall be construed to preempt any law of any State or political subdivision of any State with respect to strikes by public safety officers.

SEC. 7. EXISTING COLLECTIVE BARGAINING UNITS AND AGREEMENTS.

A certification, recognition, election-held, collective bargaining agreement or memorandum of understanding which has been issued, approved, or ratified by any public employee relations board or commission or by any State or political subdivision or its agents (management officials) and is in effect on the day before the date of enactment of this Act shall not be invalidated by the enactment of this Act.

SEC. 8. CONSTRUCTION AND COMPLIANCE.

(a) **CONSTRUCTION.**—Nothing in this Act shall be construed—

(1) to preempt or limit the remedies, rights, and procedures of any law of any State or political subdivision of any State that provides greater or comparable rights and responsibilities than the rights and responsibilities described in section 4(b);

(2) to prevent a State from enforcing a right-to-work law that prohibits employers and labor organizations from negotiating provisions in a labor agreement that require union membership or payment of union fees as a condition of employment;

(3) to preempt or limit any State law in effect on the date of enactment of this Act that provides for the rights and responsibilities described in section 4(b) solely because such State law permits an employee to appear on the employee's own behalf with respect to the employee's employment relations with the public safety agency involved;

(4) to preempt or limit any State law in effect on the date of enactment of this Act that provides for the rights and responsibilities described in section 4(b) solely because such State law excludes from its coverage employees of a State militia or national guard;

(5) to permit parties in States subject to the regulations and procedures described in section 5 to negotiate provisions that would prohibit an employee from engaging in part-time employment or volunteer activities during off-duty hours;

(6) to prohibit a State from exempting from coverage under this Act a political subdivision of the State that has a population of less than 5,000 or that employs less than 25 full-time employees; or

(7) to preempt or limit the laws or ordinances of any State or political subdivision of a State that provide for the rights and responsibilities described in section 4(b) solely because such law or ordinance does not require bargaining with respect to pension, retirement, or health benefits.

For purposes of paragraph (6), the term “employee” includes each and every individual employed by the political subdivision except any individual elected by popular vote or appointed to serve on a board or commission.

(b) **COMPLIANCE.**—

(1) **ACTIONS OF STATES.**—Nothing in this Act or the regulations promulgated under this Act shall be construed to require a State to rescind or preempt the laws or ordinances of any of the State's political subdivisions if such laws provide rights and responsibilities for public safety officers that are comparable to or greater than the rights and responsibilities described in section 4(b).

(2) **ACTIONS OF THE AUTHORITY.**—Nothing in this Act or the regulations promulgated under this Act shall be construed to preempt—

(A) the laws or ordinances of any State or political subdivision of a State, if such laws provide collective bargaining rights for public safety officers that are comparable to or greater than the rights enumerated in section 4(b);

(B) the laws or ordinances of any State or political subdivision of a State that provide for the rights and responsibilities described in section 4(b) with respect to certain categories of public safety officers covered by this Act solely because such rights and responsibilities have not been extended to other categories of public safety officers covered by this Act; or

(C) the laws or ordinances of any State or political subdivision of a State that provide for the rights and responsibilities described in section 4(b), solely because such laws or ordinances provide that a contract or memorandum of understanding between a public safety employer and a labor organization must be presented to a legislative body as part of the process for approving such contract or memorandum of understanding.

(3) **LIMITED ENFORCEMENT POWER.**—In the case of a law described in paragraph (2)(B), the Authority shall only exercise the powers provided in section 5 with respect to those categories of public safety officers who have not been afforded the rights and responsibilities described in section 4(b).

(4) **EXCLUSIVE ENFORCEMENT PROVISION.**—Notwithstanding any other provision of the Act, and in the absence of a waiver of a State's sovereign immunity, the Authority shall have the exclusive power to enforce the provisions of this Act with respect to employees of a State.

SEC. 9. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 476—HONORING THE LIVES OF PRESIDENT OF POLAND LECH KACZYNSKI, HIS WIFE, AND 94 OTHERS WHO PERISHED ON APRIL 10, 2010, IN A PLANE CRASH WHILE EN ROUTE TO MEMORIALIZE THOSE POLISH OFFICERS, OFFICIALS, AND CIVILIANS WHO WERE MASSACRED BY THE SOVIET UNION 70 YEARS AGO

Mr. LUGAR submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 476

Whereas, on April 10, 2010, the President of the Republic of Poland Lech Kaczynski, his wife Maria, and a cadre of current and former Polish statesmen, family members, and others departed Warsaw by plane to the Russian region of Smolensk;

Whereas the purpose of the delegation's visit was to hold a ceremony in solemn remembrance of the more than 22,000 Polish military officers, police officers, judges, other government officials, and civilians who were executed by the Soviet secret police, the NKVD, 70 years ago, between April 3 and the end of May 1940;

Whereas more than 14,500 Polish victims have been documented at 3 sites in Katyn (in present day Belarus), in Miednoye (in present day Russia), and in Kharkiv (in present day Ukraine), while the remains of an estimated 7,000 Polish victims have yet to be precisely located;

Whereas the Soviet Union failed to acknowledge responsibility for the massacres until President Mikhail Gorbachev's statement on April 13, 1990;

Whereas, on April 7, 2010, Russian Prime Minister Vladimir Putin became the first Russian or Soviet leader to join Polish officials in commemorating the anniversary of the murders;

Whereas the plane carrying the Polish delegation on April 10, 2010, crashed in Smolensk, tragically killing all 96 persons on board, including President Kaczynski, his wife, and other current and former Polish statesmen;

Whereas President Kaczynski was a steadfast proponent of consolidating freedom and prosperity in Poland and advancing them throughout Central and Eastern Europe and was a close friend of the United States of America; and

Whereas the deep friendship between the Governments and people of Poland and the United States is grounded in our mutual respect, shared values, and common priorities on nuclear nonproliferation, counterterrorism, human rights, regional cooperation in Eastern Europe, democratization, and international development: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the terrible tragedy that took place on April 10, 2010, when an aircraft carrying a delegation of current and former Polish officials, family members, and others crashed en route from Warsaw to Smolensk to memorialize the 1940 massacres, killing all 96 passengers;

(2) honors the life and legacy of the late President of Poland Lech Kaczynski and the lives and legacies of all Poles who perished in the plane crash on April 10, 2010;

(3) honors the lives and legacies of the more than 22,000 Polish government officials, military officers, and civilians who were executed by the NKVD 70 years ago, between April and May 1940;

(4) expresses deep sympathy for the surviving family members of those who perished at the hands of the NKVD in 1940 and for the surviving family members of those who perished in the tragic plane crash of April 10, 2010;

(5) supports the people of Poland as they restore leadership in the institutions of the Government of Poland that were impacted by the crash of April 10, 2010; and

(6) requests that the Secretary of the Senate transmit an enrolled copy of this resolution to the Ambassador of Poland to the United States.

Mr. LUGAR. Mr. President, I rise to honor the lives of President Lech Kaczynski, his wife, and 94 others who perished in a plane crash on April 10, 2010. President Kaczynski was a steadfast supporter of advancing freedom and prosperity in Poland and throughout Central and Eastern Europe and was a close friend of the United States. It is with tragic irony that this devastation has occurred at a time of solemn remembrance of the massacre of Polish officers and civilians in the Katyn Forest and elsewhere 70 years ago. Together with the Polish nation and friends of Poland worldwide, I mourn this unbelievably tragic loss. With these sentiments in mind, I am introducing this resolution honoring the lives of President of Poland Lech Kaczynski, his wife, and 94 others who perished on April 10, 2010 in a plane crash while en route to memorialize those Polish officers, officials, and civilians who were massacred by the Soviet Union 70 years ago.

SENATE RESOLUTION 477—HONORING THE ACCOMPLISHMENTS AND LEGACY OF CÉSAR ESTRADA CHÁVEZ

Mr. MENENDEZ (for himself, Mr. REID, Ms. STABENOW, Mr. DURBIN, Mrs. BOXER, Mr. UDALL of Colorado, Mr. SCHUMER, Mrs. GILLIBRAND, Mr. BINGAMAN, Mr. BROWN of Ohio, Mr. UDALL of New Mexico, and Mr. WYDEN) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 477

Whereas César Estrada Chávez was born on March 31, 1927, near Yuma, Arizona;

Whereas César Estrada Chávez spent his early years on a family farm;

Whereas, at the age of 10, César Estrada Chávez joined the thousands of migrant farmworkers laboring in fields and vineyards throughout the Southwest, when a bank foreclosure resulted in the loss of the family farm;

Whereas César Estrada Chávez, after attending more than 30 elementary and middle schools and achieving an 8th grade education, left school to work full-time as a farmworker to help support his family;

Whereas, at the age of 17, César Estrada Chávez entered the United States Navy and

served the United States with distinction for 2 years;

Whereas, in 1948, César Estrada Chávez returned from military service to marry Helen Fabela, whom he had met while working in the vineyards of central California;

Whereas César Estrada Chávez and Helen Fabela had 8 children;

Whereas, as early as 1949, César Estrada Chávez was committed to organizing farmworkers to campaign for—

- (1) safe and fair working conditions;
- (2) reasonable wages;
- (3) livable housing; and
- (4) the outlawing of child labor;

Whereas, in 1952, César Estrada Chávez joined the Community Service Organization, a prominent Latino civil rights group, and worked with the organization—

- (1) to coordinate voter registration drives; and
- (2) to conduct campaigns against discrimination in East Los Angeles;

Whereas César Estrada Chávez served as the national director of the Community Service Organization;

Whereas, in 1962, César Estrada Chávez left the Community Service Organization to found the National Farm Workers Association, which eventually became the United Farm Workers of America;

Whereas César Estrada Chávez was a strong believer in the principles of non-violence practiced by Mahatma Gandhi and Dr. Martin Luther King, Jr.;

Whereas César Estrada Chávez effectively used peaceful tactics that included fasting for 25 days in 1968, 25 days in 1972, and 38 days in 1988, to call attention to the terrible working and living conditions of farmworkers in the United States;

Whereas under the leadership of César Estrada Chávez, the United Farm Workers of America organized thousands of migrant farmworkers to fight for—

- (1) fair wages;
- (2) health care coverage;
- (3) pension benefits;
- (4) livable housing; and
- (5) respect;

Whereas, through his commitment to non-violence, César Estrada Chávez—

- (1) brought dignity and respect to the organized farmworkers; and
- (2) became an inspiration and a resource to individuals engaged in human rights struggles throughout the world;

Whereas the influence of César Estrada Chávez extends far beyond agriculture and provides inspiration for those working—

- (1) to better human rights;
- (2) to empower workers; and
- (3) to advance the American Dream that includes all inhabitants of the United States;

Whereas César Estrada Chávez died on April 23, 1993, at the age of 66 in San Luis, Arizona, only miles from his birthplace;

Whereas more than 50,000 people attended the funeral services of César Estrada Chávez in Delano, California;

Whereas César Estrada Chávez was laid to rest at the headquarters of the United Farm Workers of America, known as Nuestra Señora de La Paz, located in the Tehachapi Mountains at Keene, California;

Whereas since the death of César Estrada Chávez, schools, parks, streets, libraries, and other public facilities, as well as awards and scholarships, have been named in his honor;

Whereas since the death of César Estrada Chávez, 10 States and dozens of communities across the United States honor the life and legacy of César Estrada Chávez on March 31 of each year;

Whereas César Estrada Chávez was a recipient of the Martin Luther King, Jr. Peace Prize during his lifetime;

Whereas, on August 8, 1994, César Estrada Chávez was posthumously awarded the Presidential Medal of Freedom; and

Whereas the United States should continue efforts to ensure equality, justice, and dignity for all people of the United States: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the accomplishments and example of César Estrada Chávez, a great hero of the United States;

(2) pledges to promote the legacy of César Estrada Chávez; and

(3) encourages the people of the United States to commemorate the legacy of César Estrada Chávez and to always remember his great rallying cry, “*¡Sí, se puede!*”.

NOTICES OF HEARINGS

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that the hearing before the Subcommittee on Public Lands and Forests previously announced for March 23, has been rescheduled and will now be held on Wednesday, April 21, 2010, at 2:30 p.m., in room SD-366 of the Dirksen Senate Office

S. 1546, to provide for the conveyance of certain parcels of land to the town of Mantua, Utah;

S. 2798, to reduce the risk of catastrophic wildfire through the facilitation of insect and disease infestation treatment of the National Forest System and adjacent land, and for other purposes;

S. 2830, to amend the Surface Mining Control and Reclamation Act of 1977 to clarify that uncertified States and Indian tribes have the authority to use certain payments for certain noncoal reclamation projects; and

S. 2963, to designate certain land in the State of Oregon as wilderness, to provide for the exchange of certain Federal land and non-Federal land, and for other purposes.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send it to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510-6150, or by email to: allison_seyferth@energy.senate.gov.

For further information, please contact Scott Miller at (202) 224-5488 or Allison Seyferth at (202) 224-4905.

PERMANENT SUBCOMMITTEE ON INVESTIGATIONS

Mr. LEVIN. Mr. President, I would like to announce for the information of the Senate and the public that the Permanent Subcommittee on Investigations of the Committee on Homeland Security and Governmental Affairs has scheduled a hearing entitled, “Wall Street and the Financial Crisis: The

Role of Bank Regulators.” This hearing will be the second in a series of Subcommittee hearings examining some of the causes and consequences of the recent financial crisis. This second hearing will focus on the role of bank regulators in the financial crisis, using as a case history oversight efforts by the Office of Thrift Supervision (OTS) and the Federal Deposit Insurance Corporation (FDIC) with respect to Washington Mutual Bank and its affiliate, Long Beach Mortgage Company. Washington Mutual Bank, the nation’s largest thrift with \$300 billion in assets, \$188 billion in deposits and 43,000 employees, was closed by OTS on September 25, 2008, and immediately sold by FDIC to JPMorgan Chase, resulting in the largest bank failure in U.S. history.

The Subcommittee hearing has been scheduled for Friday, April 16, 2010, at 9:30 a.m., in Room 106 of the Dirksen Senate Office Building. For further information, please contact Elise Bean of the Permanent Subcommittee on Investigations at 202-224-9505.

NOTICE: REGISTRATION OF MASS MAILINGS

The filing date for 2010 first quarter Mass Mailings is Monday, April 26, 2010. If your office did no mass mailings during this period, please submit a form that states “none.”

Mass mailing registrations, or negative reports, should be submitted to the Senate Office of Public Records, 232 Hart Building, Washington, DC 20510-7116.

The Public Records office will be open from 9:00 a.m. to 6:00 p.m. on the filing date to accept these filings. For further information, please contact the Public Records office at (202) 224-0322.

TRICARE AFFIRMATION ACT

Mr. BROWN of Ohio. Madam President, I ask unanimous consent the Finance Committee be discharged of H.R. 4887, the TRICARE Affirmation Act, and the Senate proceed to its consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the bill by title. The assistant legislative clerk read as follows:

A bill (H.R. 4887) to amend the Internal Revenue Code of 1986 to ensure that health coverage provided by the Department of Defense is treated as minimal essential coverage.

There being no objection, the Senate proceeded to consider the bill.

Mr. BROWN of Ohio. I ask unanimous consent the bill be read three times, passed, and the motion to reconsider be laid upon the table; that any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 4887) was ordered to a third reading, was read the third time, and passed.

MEASURE READ THE FIRST TIME—S. 3194

Mr. BROWN of Ohio. I understand that S. 3194, introduced earlier today by Senator REID, is at the desk. I ask for its first reading.

The PRESIDING OFFICER. The clerk will read the bill by title for the first time.

The assistant legislative clerk read as follows:

A bill (S. 3194) to provide collective bargaining rights for public safety officers employed by States or their political subdivisions.

Mr. BROWN of Ohio. I now ask for its second reading and I object to my own request.

The PRESIDING OFFICER. Objection having been heard, the bill will receive a second reading on the next legislative day.

ORDERS FOR TUESDAY, APRIL 13, 2010

Mr. BROWN of Ohio. Madam President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 10 a.m., Tuesday, April 13; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate proceed to a period of morning business for 1 hour, with Senators permitted to speak therein for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees, with the majority controlling the first half and the Republicans controlling the final half; that following morning business, the Senate resume the motion to proceed to H.R. 4851, as provided for under the previous order, with the time during any period of morning business, adjournment, and recess count postcloture; finally, I ask that the Senate recess from 12:30 until 2:15 p.m. tomorrow to allow for the weekly caucus luncheons.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. BROWN of Ohio. Under the previous order, the Senate will adopt the motion to proceed to the bill after the caucus luncheons. Votes are possible tomorrow afternoon in relation to amendments to the bill.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. BROWN of Ohio. If there is no further business to come before the

Senate, I ask unanimous consent that it adjourn under the previous order.

There being no objection, the Senate, at 6:37 p.m., adjourned until Tuesday, April 13, 2010, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate:

ELECTION ASSISTANCE COMMISSION

THOMAS HICKS, OF VIRGINIA, TO BE A MEMBER OF THE ELECTION ASSISTANCE COMMISSION FOR A TERM EXPIRING DECEMBER 12, 2013, VICE GRACIA M. HILLMAN, TERM EXPIRED.

DEPARTMENT OF THE TREASURY

S. LESLIE IRELAND, OF MASSACHUSETTS, TO BE ASSISTANT SECRETARY FOR INTELLIGENCE AND ANALYSIS, DEPARTMENT OF THE TREASURY, VICE JANICE B. GARDNER, RESIGNED.

FEDERAL HOUSING FINANCE AGENCY

STEVE A. LINICK, OF VIRGINIA, TO BE INSPECTOR GENERAL OF THE FEDERAL HOUSING FINANCE AGENCY. (NEW POSITION)

DEPARTMENT OF DEFENSE

TERESA TAKAI, OF CALIFORNIA, TO BE AN ASSISTANT SECRETARY OF DEFENSE, VICE JOHN G. GRIMES.

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral

REAR ADM. (LH) ALTON L. STOCKS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral

REAR ADM. (LH) ELIZABETH S. NIEMYER

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral

REAR ADM. (LH) WILLIAM A. BROWN

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral (lower half)

CAPT. MARGARET G. KIBBEN

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral (lower half)

CAPT. DAVID M. BOONE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral (lower half)

CAPT. ELAINE C. WAGNER

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral (lower half)

CAPT. COLIN G. CHINN

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral (lower half)

CAPT. ROBERT J. A. GILBEAU

CAPT. GLENN C. ROBILLARD

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL IN THE

UNITED STATES MARINE CORPS WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

L.T. GEN. DENNIS J. HEJLIK

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES MARINE CORPS TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be major general

BRIGADIER GENERAL RONALD L. BAILEY
BRIGADIER GENERAL JON M. DAVIS
BRIGADIER GENERAL DAVID C. GARZA
BRIGADIER GENERAL TIMOTHY C. HANIFEN
BRIGADIER GENERAL JAMES A. KESSLER
BRIGADIER GENERAL RICHARD M. LAKE
BRIGADIER GENERAL JAMES B. LASTER
BRIGADIER GENERAL KENNETH F. MCKENZIE, JR.
BRIGADIER GENERAL ANGELA SALINAS
BRIGADIER GENERAL PETER J. TALLERI
BRIGADIER GENERAL ROBERT S. WALSH

WITHDRAWALS

Executive Message transmitted by the President to the Senate on April 12, 2010 withdrawing from further Senate consideration the following nominations:

DAWN ELIZABETH JOHNSON, OF INDIANA, TO BE AN ASSISTANT ATTORNEY GENERAL, VICE JACK LANDMAN GOLDSMITH III, RESIGNED, WHICH WAS SENT TO THE SENATE ON JANUARY 20, 2010.

MAJOR GENERAL ROBERT A. HARDING, UNITED STATES ARMY (RETIRED), OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF HOMELAND SECURITY, VICE EDMUND S. HAWLEY, RESIGNED, WHICH WAS SENT TO THE SENATE ON MARCH 8, 2010.

EXTENSIONS OF REMARKS

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, April 13, 2010 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

APRIL 14

9:30 a.m.

Judiciary

To hold an oversight hearing to examine the Department of Justice.

SD-226

Appropriations

Labor, Health and Human Services, Education, and Related Agencies Subcommittee

To hold hearings to examine proposed budget estimates for fiscal year 2011 for the Department of Education and the education jobs crisis.

SD-138

10 a.m.

Environment and Public Works

To hold hearings to examine opportunities to improve transportation safety.

SD-406

Finance

To hold hearings to examine using unemployment insurance to help Americans get back to work, focusing on creating opportunities and overcoming challenges.

SD-215

Joint Economic Committee

To hold hearings to examine the economic outlook.

SD-106

10:30 a.m.

Armed Services

To hold hearings to examine United States policy towards the Islamic Republic of Iran; to be immediately followed by a closed hearing in SVC-217.

SR-253

Appropriations

Defense Subcommittee

To hold closed hearings to examine proposed budget estimates for fiscal year

2011 for national and military intelligence.

SVC-217

2:30 p.m.

Commerce, Science, and Transportation

To hold hearings to examine reviewing the national broadband plan.

SR-253

Foreign Relations

European Affairs Subcommittee

To hold hearings to examine Southeast Europe, focusing on opportunities and challenges in the Western Balkans.

SD-419

Appropriations

Financial Services and General Government Subcommittee

To hold hearings to examine proposed budget estimates for fiscal year 2011 for the Consumer Product Safety Commission.

SD-138

Homeland Security and Governmental Affairs

Oversight of Government Management, the Federal Workforce, and the District of Columbia Subcommittee

To hold hearings to examine deployed Federal civilians, focusing on advancing security and opportunity in Afghanistan.

SD-342

Armed Services

Readiness and Management Support Subcommittee

To hold hearings to examine the current readiness of United States forces.

SD-562

Armed Services

Strategic Forces Subcommittee

To hold hearings to examine strategic forces programs of the National Nuclear Security Administration in review of the Defense Authorization request for fiscal year 2011.

SR-222

APRIL 15

9:30 a.m.

Armed Services

To hold hearings to examine the nominations of Vice Admiral James A. Winnefeld, Jr., United States Navy, to be admiral and Commander, United States Northern Command, and to be Commander, North American Aerospace Defense Command, and Lieutenant General Keith B. Alexander, United States Army, to be general and Director, National Security Agency, to be Chief, Central Security Service, and to be Commander, United States Cyber Command, both of the Department of Defense; with the possibility of a closed session in SVC-217 following the open session.

SD-G50

Banking, Housing, and Urban Affairs

To hold hearings to examine legislative proposals in the Department of Housing and Urban Development's fiscal year 2011 budget request.

SD-538

10 a.m.

Appropriations

Commerce, Justice, Science, and Related Agencies Subcommittee

To hold hearings to examine proposed budget estimates for fiscal year 2011 for the Federal Bureau of Investigation; to be immediately followed by a closed hearing in SVC-217.

SD-192

Finance

To hold hearings to examine filing season update, focusing on current IRS issues.

SD-215

Health, Education, Labor, and Pensions

To hold hearings to examine Elementary and Secondary Education Act (ESEA) reauthorization, focusing on teachers and leaders.

SD-430

Judiciary

Business meeting to consider S. 1624, to amend title 11 of the United States Code, to provide protection for medical debt homeowners, to restore bankruptcy protections for individuals experiencing economic distress as caregivers to ill, injured, or disabled family members, and to exempt from means testing debtors whose financial problems were caused by serious medical problems, S. 3111, to establish the Commission on Freedom of Information Act Processing Delays, S. 3031, to authorize Drug Free Communities enhancement grants to address major emerging drug issues or local drug crises, S. 1346, to penalize crimes against humanity and for other purposes, and the nominations of Sharon Johnson Coleman, and Gary Scott Feinerman, both to be United States District Judge for the Northern District of Illinois, and William Joseph Martinez, to be United States District Judge for the District of Colorado, and Loretta E. Lynch, to be United States Attorney for the Eastern District of New York, Noel Culver March, to be United States Marshal for the District of Maine, George White, to be United States Marshal for the Southern District of Mississippi, Brian Todd Underwood, to be United States Marshal for the District of Idaho, and Kerry B. Harvey, to be United States Attorney for the Eastern District of Kentucky, all of the Department of Justice.

SD-226

Commerce, Science, and Transportation

Oceans, Atmosphere, Fisheries, and Coast Guard Subcommittee

To hold hearings to examine S. 817, to establish a Salmon Stronghold Partnership program to conserve wild Pacific salmon.

SR-253

Rules and Administration

To hold hearings to examine the nomination of Stephen T. Ayers, of Maryland, to be Architect of the Capitol.

SR-301

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Small Business and Entrepreneurship
To hold hearings to examine assessing access, focusing on obstacles and opportunities for minority small business owners in today's capital markets.

SD-562

11 a.m.

Foreign Relations
East Asian and Pacific Affairs Subcommittee

To hold hearings to examine United States and Japan relations.

SD-419

Commission on Security and Cooperation in Europe

To receive a briefing on a new international convention aimed at helping resource-rich developing countries make the best economic and social use of their natural resources.

2325, Rayburn Building

2 p.m.

Armed Services

Airland Subcommittee

To hold hearings to examine Army modernization in review of the Defense Authorization request for fiscal year 2011 and the Future Years Defense Program.

SR-222

Appropriations

Military Construction and Veterans Affairs, and Related Agencies Subcommittee

To hold hearings to examine proposed budget estimates for fiscal year 2011 for the Department of Veterans Affairs.

SD-124

2:30 p.m.

Homeland Security and Governmental Affairs

Contracting Oversight Subcommittee

To hold hearings to examine contracts for Afghan National Police training.

SD-342

Intelligence

To hold closed hearings to consider certain intelligence matters.

SH-219

3:15 p.m.

Appropriations

Legislative Branch Subcommittee

To hold hearings to examine proposed budget estimates for fiscal year 2011 for the Government Accountability Office (GAO), the Government Printing Office (GPO), and the Congressional Budget Office (CBO).

SD-138

APRIL 16

9:30 a.m.

Homeland Security and Governmental Affairs

Investigations Subcommittee

To resume hearings to examine Wall Street and the financial crisis, focusing on the role of bank regulators.

SD-106

10 a.m.

Judiciary

To hold hearings to examine the nominations of Goodwin Liu, of California, to be United States Circuit Judge for the Ninth Circuit, Kimberly J. Mueller, to be United States District Judge for the Eastern District of California, Richard Mark Gergel, and J. Michelle Childs, both to be United States District Judge for the District of South Carolina, and Catherine C. Eagles, to be United States District Judge for the Middle District of North Carolina.

SD-226

9:30 a.m.

Armed Services

To hold hearings to examine ballistic missile defense policies and programs in review of the Defense Authorization request for fiscal year 2011 and the Future Years Defense Program; with the possibility of a closed session in SVC-217 following the open session.

SD-G50

10 a.m.

Energy and Natural Resources

To hold hearings to examine S. 1856, to amend the Energy Policy Act of 2005 to clarify policies regarding ownership of pore space, and S. 1134, to ensure the energy independence and economic viability of the United States by promoting the responsible use of coal through accelerated carbon capture and storage and through advanced clean coal technology research, development, demonstration, and deployment programs.

SD-366

Judiciary

To hold an oversight hearing to examine the Department of Justice, Civil Rights Division.

SD-226

2 p.m.

Homeland Security and Governmental Affairs

To hold hearings to examine the nominations of Michael D. Kennedy, of Georgia, and Dana Katherine Bilyeu, of Nevada, both to be a Member of the Federal Retirement Thrift Investment Board, Dennis P. Walsh, of Maryland, to be Chairman of the Special Panel on Appeals, and Milton C. Lee, Jr., Judith Anne Smith, and Todd E. Edelman, all to be an Associate Judge of the Superior Court of the District of Columbia.

SD-342

4 p.m.

Homeland Security and Governmental Affairs

To hold hearings to examine border security.

SD-342

APRIL 21

9:30 a.m.

Veterans' Affairs

To hold an oversight hearing to examine implementation of the new post-9/11 Government Issue (GI) Bill.

SR-418

10 a.m.

Armed Services

Emerging Threats and Capabilities Subcommittee

To hold hearings to examine non-proliferation programs at the Departments of Defense and Energy in review of the Defense Authorization request for fiscal year 2011 and the Future Years Defense Program.

SR-222

Judiciary

To hold hearings to examine combating cyber crime and identity theft in the digital age.

SD-226

2:30 p.m.

Energy and Natural Resources

Public Lands and Forests Subcommittee

To hold hearings to examine S. 1546, to provide for the conveyance of certain parcels of land to the town of Mantua, Utah, S. 2798, to reduce the risk of catastrophic wildfire through the facilitation of insect and disease infestation

treatment of National Forest System and adjacent land, S. 2830, to amend the Surface Mining Control and Reclamation Act of 1977 to clarify that uncertified States and Indian tribes have the authority to use certain payments for certain noncoal reclamation projects, and S. 2963, to designate certain land in the State of Oregon as wilderness, to provide for the exchange of certain Federal land and non-Federal land.

SD-366

Armed Services

Strategic Forces Subcommittee

To hold hearings to examine environmental management funding in review of the Defense Authorization request for fiscal year 2011 and funding under the American Recovery and Reinvestment Act.

SR-222

APRIL 22

9:30 a.m.

Armed Services

To hold hearings to examine the Nuclear Posture Review.

SD-G50

10 a.m.

Appropriations

Commerce, Justice, Science, and Related Agencies Subcommittee

To hold hearings to examine proposed budget estimates for fiscal year 2011 for the National Aeronautics and Space Administration.

SD-192

APRIL 28

2 p.m.

Health, Education, Labor, and Pensions

To hold hearings to examine Elementary and Secondary Education Act (ESEA) reauthorization, focusing on standards and assessments.

SD-430

MAY 5

9:30 a.m.

Veterans' Affairs

To hold an oversight hearing to examine Veterans Affairs (VA) Disability Compensation, focusing on presumptive disability decision-making.

SR-418

10 a.m.

United States Senate Caucus on International Narcotics Control

To hold hearings to examine violence in Mexico and Ciudad Juarez and its implications for the United States.

SD-124

MAY 19

9:30 a.m.

Veterans' Affairs

To hold hearings to examine pending legislation.

SR-418

POSTPONEMENTS

APRIL 14

9:30 a.m.

Armed Services

SeaPower Subcommittee

To hold hearings to examine Navy shipbuilding programs in review of the Defense Authorization request for fiscal year 2011 and the Future Years Defense Program.

SD-562

SENATE—Tuesday, April 13, 2010

The Senate met at 10 a.m. and was called to order by the Honorable JEANNE SHAHEEN, a Senator from the State of New Hampshire.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Lord of all power and might, the Author and Giver of all good things, nourish us with Your goodness. Lead our lawmakers to trust You with all their hearts, for You resist the proud who confide in their own strength. May our Senators be honest with You about their insufficiencies and discover the sufficiency of Your wisdom that can meet their deepest needs. In these challenging days, embolden them with new confidence in the ultimate triumph of Your providence.

We pray in Your sovereign Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable JEANNE SHAHEEN led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, April 13, 2010.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JEANNE SHAHEEN, a Senator from the State of New Hampshire, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mrs. SHAHEEN thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Madam President, today in the Senate, there will be a period of

morning business for 1 hour. Senators will be allowed to speak for up to 10 minutes each. The majority will control the first 30 minutes and the Republicans will control the final 30 minutes. Following morning business, the Senate will resume consideration of the motion to proceed to H.R. 4851, the Extension Act. We will recess from 12:30 until 2:15 p.m. today for our caucus luncheons. By a previous unanimous consent agreement, at 2:15 p.m. all postcloture time will be yielded back and the Senate will adopt the motion to proceed. The bill will then be open to amendments, and Senators should expect rollcall votes this afternoon.

MEASURE PLACED ON THE CALENDAR—S. 3194

Mr. REID. Madam President, I am told that S. 3194 is at the desk and due for a second reading.

The ACTING PRESIDENT pro tempore. The clerk will report the bill by title for the second time.

The assistant legislative clerk read as follows:

A bill (S. 3194) to provide collective bargaining rights for public safety officers employed by States or their political subdivisions.

Mr. REID. Madam President, I object to any further proceedings with respect to this bill at this time.

The ACTING PRESIDENT pro tempore. Objection is heard. The bill will be placed on the calendar.

ACKNOWLEDGEMENT OF STAFF

Mr. REID. Madam President, things were very hectic when the health care legislation passed. At the end of that work period, I acknowledged the contribution of several staff members to helping Congress pass health care reform—the most significant domestic policy legislation in a long time. There were so many valuable players on this team that it was inevitable, in the haste of things, that perhaps I would forget someone who was very important. I did that extemporaneously and tried to go over all my staff, but I had many things running through my mind, and I inadvertently left off one of the key players on my staff who worked so hard; that is, a man by the name of Bruce King, who worked so actively on health care, especially as it related to reconciliation. More importantly, he is a good person, a fine human being, and the American public is fortunate that people as talented and as selfless as he have chosen public service.

Bruce came to my office after, among other things, serving in a senior role for two distinguished Senators from New Jersey—Senators LAUTENBERG and CORZINE. He did that for more than a decade. He also served as staff director for the Senate Budget Committee. He graduated from Tulane University and Stanford School of Law and attended the prestigious London School of Economics, so his academic background is really sensational. He was one of the first people I hired when I became Democratic leader, and it turned out to be one of the best decisions I made for the people of Nevada and the country. He is very easy to work with, very bright, and very helpful all of the time.

He has staffed me so well on so many issues in the last 6 years. He did an especially exceptional job on the reconciliation bill we put together to make improvements on the Senate-passed health care bill. Reconciliation is perhaps the most complicated process the Senate undertakes, and thanks to Bruce and the staff of the Senate Budget Committee, we produced a reconciliation bill that both helped millions of Americans and remained consistent with arcane and complex Senate rules.

I wish to publicly acknowledge Bruce and thank him for all he has done on health care and countless other issues for the people of Nevada and the people of America.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

FINANCIAL REGULATION REFORM

Mr. MCCONNELL. Madam President, a lot of smart people have thought about how to prevent a repeat of the kind of financial crisis we saw in the fall of 2008. We have heard plenty of ideas. But if there is one thing Americans agree on when it comes to financial reform, it is absolutely certain they agree on this: Never again—never again—should taxpayers be expected to bail out Wall Street from its own mistakes. We cannot allow endless taxpayer-funded bailouts for big Wall Street banks. That is why we must not pass the financial reform bill that is about to hit the floor.

The fact is, this bill wouldn't solve the problems that led to the financial crisis; it would make them worse. The American people have been telling us for nearly 2 years that any solution

must do one thing—one thing: It must put an end to taxpayer-funded bailouts for Wall Street banks. It must put an end to taxpayer-funded bailouts for Wall Street banks. This bill not only allows for taxpayer-funded bailouts of Wall Street banks, it institutionalizes them. Let me say that again. This bill not only allows for taxpayer-funded bailouts for Wall Street banks, it actually institutionalizes them. The bill gives the Federal Reserve enhanced emergency lending authority that is far too open to abuse. It also gives the Federal Deposit Insurance Corporation and the Treasury broad authority over troubled financial institutions without requiring them to assume real responsibility for their mistakes. In other words, it gives the government a backdoor mechanism for propping up failing or failed institutions.

A new \$50 billion fund would be set up as a backstop for financial emergencies. But no one honestly thinks—no one honestly thinks—that \$50 billion would be enough to cover the kinds of crises we are talking about. During the last crisis, AIG alone received more than three times that from the taxpayers—three times that. Moreover, the mere existence of this fund will ensure that it gets used. The mere existence of the fund will ensure that it gets used. And once it is used up, taxpayers will be asked to cover the balance. This is precisely the wrong approach.

Far from protecting consumers from Wall Street excess, this bill would provide endless protection—endless protection—for the biggest banks on Wall Street. This bill would provide endless protection for the biggest banks on Wall Street. It also directs the Fed to oversee 35 to 50 of the biggest firms, replicating on an even larger scale the same distortions that plagued the housing market and helped trigger a massive bubble we will be suffering from for years. So imagine this: If you thought Freddie and Fannie were dangerous, how about 35 to 50 of them?

Everyone agrees on the need to protect taxpayers from being on the hook for future Wall Street bailouts, but this bill would all but guarantee that the pattern continues. We need to end the worst abuses on Wall Street without forcing the taxpayer to pick up the tab. I repeat: We need to end the worst abuses on Wall Street without forcing the taxpayer to pick up the tab. That is what Republicans will be fighting for in this debate. The taxpayers have paid enough already. Taxpayers have paid enough already. We are not going to expose them to even more pain down the road.

The way to solve this problem is to let the people who made the mistakes pay for them. The way to solve the problem is to let the people who made the mistakes pay for them. We won't solve this problem until the biggest banks are allowed to fail.

Madam President, I yield the floor.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period of morning business for 1 hour, with Senators permitted to speak therein for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees, with the majority controlling the first half and the Republicans controlling the final half.

EXTENDING UNEMPLOYMENT COMPENSATION

The ACTING PRESIDENT pro tempore. The Senator from Illinois.

Mr. DURBIN. Madam President, pending before the Senate is the question of whether we are going to extend unemployment compensation to the unemployed across our Nation. It is an issue which recurs in the Senate with some frequency, and it baffles me why we continue to argue over this question. We have 8 million people actively unemployed and another 6 million long-term unemployed people. We know many of them have lost their jobs because of this recession through no fault of their own.

If my colleagues have taken the time, as I have, to meet with these people, they know they are in desperate straits. There are approximately 4 or 5 unemployed people in America for every available job. When I sit down and listen to the stories of how they are applying online for job after job after job—a great week for them is if one or two potential employers even follow through with an e-mail of inquiry about their background. It is a frustrating, fearful existence, and it is one that is made no easier by the actions of the Senate.

We have been lurching from month to month, creating uncertainty as to whether we are going to send these people a check to live on—a basic unemployment benefit check of some \$300 a week. Consider how any of us could survive, and even some with families, with that meager amount of money. The argument is made on the other side of the aisle by many that when you give people \$300 a week—\$1,200 a month—it just makes them lazy and they stop looking for jobs. I wonder how many in this Chamber could live on \$300 a week for everything—rent, utilities, maybe a mortgage payment, school clothing, kids' shoes, food—the basics. And don't forget that most of these people, when they lost their jobs,

also lost their health insurance. So they live not only in fear of not finding a job but in fear that tomorrow morning a diagnosis or an accident can devastate everything they have ever saved for in their lives. Yet every 4 or 5 weeks we go through this drill on the floor of the Senate about whether we are going to help these people.

Some on the other side of the aisle say this is all about the deficit. We have to get serious about this deficit, and here is our opportunity: unemployment benefits for those unemployed across America. This is where we will make our stand for fiscal sanity. Where were they when the last President asked us for a bank bailout of \$800 billion? How many on that side of the aisle were saying to President Bush: I am sorry, we can't bail out banks because we have a deficit. I don't remember hearing that argument. When it came to bank bailouts, the other side of the aisle, by and large—not all of them but by and large—voted for hundreds of billions of dollars for banks in distress. But when it comes to unemployment compensation to help families in distress, then we have to really consider this deficit.

I am troubled by this. We know that when natural disasters strike our States, we rally to the victims. We rally to their needs and we say: Take care of the immediate challenge. We will deal with the budgetary issues at the appropriate time, but let's take care of the emergency. Yet when it comes to unemployment compensation and health insurance for the unemployed, many on the other side of the aisle don't consider that an emergency. It would be an emergency if they had to live on \$300 a week and it was cut off. It would be an emergency if they had no health insurance. Why do we do this? I think we are a better Nation. We should be a better Senate than to turn our backs on people truly in need, and that is what is going on here.

We have to urge our colleagues to come forward with amendments, if that is what they want, offer the amendments and debate them, which is their right in the Senate.

But then let's get on with it. Let's have a final vote. Let's give some security and peace of mind to the people who have lost their unemployment benefits because of the objections of one Senator. That is right. One Senator stood and objected and 21,000 Americans lost their unemployment benefits last week; 21,000 will lose them this week, and in my State 16,000 a week are falling off unemployment, 16,000 people who will not receive that \$300 check.

What are they going to do? Well, I think we should respond to this need immediately, and we ought to take into consideration the fact that when it comes to this recession, there are some positive things, some good news,

not nearly enough of it. Too many people still unemployed.

The unemployment figures, though very slightly better, show at least we are moving on the positive side of the ledger. We need to do so much more. Every single Senator on the other side of the aisle who is voting against unemployment benefits also voted against President Barrack Obama's efforts to put money into our economy and bring us out of this recession. It is starting to work. I hope it works soon.

We know what this devastation did to us. We lost some \$17 trillion in value across America because of this recession. That is more than 1 year's gross domestic product, the sum total value of all the goods and services produced in America in 1 year. We lost that in this recession. Many of us felt it personally in our savings accounts and retirement accounts. A lot of people felt it as their businesses strained and some failed. Others felt it when they lost their jobs and had no place to turn—\$17 trillion dragged out of this economy.

The President came in and said: Let's put a stimulus bill in, a bill for reinvestment in America. First, let's give a tax cut, the largest tax cut to working families that we have seen in recent times. Then let's provide a safety net for those who lost the jobs and State and local governments still struggling and, finally, let's invest in some projects that we will build for America's future: school construction and highways and airports and a variety of things.

I went to Spring Valley, IL, over the break. It is a small town. But they were celebrating because \$4½ million from the President's stimulus package was going to make it to Spring Valley, IL, to build sewer lines which they have needed for decades.

As we had a press conference in this tiny town, where a weekly newspaper and radio station showed up, there were people lining the streets in front of their homes saying: Thank you. Our homes have been flooded out every time we have had a serious rainfall in this town. Now we are going to have storm sewers here, and local people are going to work to build them. The jobs are not going to be exported. The jobs are going to be right here in America, good-paying jobs.

So those investments are going to pay off for Spring Valley, for Illinois, and for this Nation for a long time to come. When it came right down to it, only a handful of Republican Senators would even help us pass that important measure.

After this, we are going to have the financial regulatory reform bill. It is going to be a fight because, you see, the very banks and financial institutions which dragged us into this recession are fighting tooth and nail to stop the reform and regulation we need to avoid a repeat of this crisis.

Shame on us if, at the end of the day, we do not put enough oversight and regulation into law to protect Americans from another recession such as this one. A lot of mistakes were made. Some were made by government, but a lot were made by the private sector which, in their excitement and greed, got involved in some policies which were indefensible.

We have read now—there are more and more books coming out analyzing this situation—that many financial institutions took advantage of the opportunities presented to them. They took advantage of a lot of people.

One of the important parts of financial regulation is to make sure we are going to have a cop on the beat, a consumer protection agency. Oh, the business interests are howling over this. The banks are howling over this notion that we would have an agency that literally looks out for the consumers of America. Have you ever been through a real estate closing with a stack of papers about this tall and they turn the corner of each of the pages and say: Keep signing. About 20 minutes from now, we are going to hand you a check and that home will be yours.

About halfway through you pause and you say: What am I signing?

Oh, standard forms. The government requires it. Just a lot of paperwork. Keep rolling.

Off you go. Buried in one of those papers may be language that could destroy you financially. I am not making this up, because prepayment penalties on mortgages trapped a lot of people into these exploding subprime mortgages and they could not get out. They lost their homes, they lost their savings, they lost everything, and they filed for bankruptcy because of one sentence in one form in a stack of papers pushed at you at a real estate closing.

Is it too much to ask that we have one agency of government, one agency that keeps an eye out for those tricks and traps which lure people in and can destroy them financially? How many of us have taken the time with our monthly credit card statement to flip it over and read the back page, that faint print, tiny line after tiny line that is almost impossible, even for someone who went to law school, to understand?

Virtually none of us do that. How many of us take a careful look at those letters you get from the credit card companies which kind of announce maybe the interest rate is going up?

Well, the fact is, even those with good education, even with business backgrounds, we might struggle to understand what all this means. The terms keep changing. Is it not appropriate we have at least one agency of government that steps back and says: This should not be allowed. This violates public policy.

The Consumer Product Safety Commission makes sure the toaster you bought at the store is not going to catch fire in your kitchen. The Food and Drug Administration makes sure the food you buy at the store is safe to eat. They make sure the pills you bought through the pharmacy are going to be safe and effective. Is it too much to ask that we have one agency, one watchdog oversight agency, that takes a look at all the financial information that is thrown at American families and businesses every single day?

My old friend, Dale Bumpers, former Senator from Arkansas, had a saying that applies here. They say, of the financial institutions and consumer protection, they hate this like the devil hates Holy water.

The notion that there would be one agency looking out for consumers and families across America when it comes to financial instruments, credit card applications and mortgages, that, to me, is very basic. I am working on several amendments with my colleagues on financial regulatory reform that Senator KAY HAGAN from North Carolina and I are interested in. She is going to take the lead on an issue she worked on in North Carolina in the legislature; that is, these payday loans, title loans, same day loans. These are awful.

The States that try to regulate them find that no matter how they write the law, within a matter of days, these organizations and companies find a way to scoot around it, to charge people outrageous interest rates for small loans which most of them default on because it is impossible to pay back. They roll over and roll over and finally they cannot pay them. Then they face foreclosures and the kind of seizures of property that many of us are aware of. That, to me, is an outrage.

Years ago, Senator Talent, a Republican from Missouri, heard from the Pentagon that these payday loan operations, those fly-by-night loan operations, were undermining our military because they were parking themselves outside military installations and making these loans. When our men and women in uniform got dragged into them, they became financially insolvent to the point where some had to leave the military, they were so broke.

So we made it a matter of policy across the United States that these predatory lenders could not lend money to military families. We said: As a matter of law and national security, we were going to stop their business with military families. But we did not protect the rest of America, and we should.

Senator HAGAN has an amendment to deal with that. Senator SANDERS of Vermont is going to address the issue of what is a fair interest rate in America. Should there be a limit? I think

there should. I do believe there should be. I have my own bill. He has his. Between us, we hope one of them will pass, to establish that at least there is a limit to how much you can be charged in interest on a loan you take out.

This is a critically important bill that is going to come up soon. Senator DODD, of Connecticut, has done a great job. He is the chairman of the Banking Committee. He will be bringing this bill to the floor. So far we have had no Republican support. There have been some indications in the media recently that they are now interested in the bill. We welcome them if they want to come on board and help us pass it.

But if they do not, if they want to stand for these financial institutions, to just say no when it comes to reform and regulation, then that is a debate worth engaging in.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Rhode Island.

RHODE ISLAND FLOODING

Mr. WHITEHOUSE. I rise to describe the catastrophic flood damage in my home State of Rhode Island and to ask all my colleagues, to appeal to my colleagues, for swift action to deliver to our families and businesses badly needed aid.

Rhode Island saw more rain last month than any month on record: over 16 inches, with over 5 inches of rain falling on March 30 alone. The devastation wrought by these storms exceeds anything in living memory.

Meteorologists who have reviewed this are calling it the most damaging storm to hit the "Ocean State" since the Great September Gale of 1815, a monstrosity of a storm that tossed ships through the streets of Providence and carried out to sea the shops on Newport's Long Wharf.

Rhode Island's floods of March 2010 could not have come at a worse time. They struck a Rhode Island already weakened by the worst recession we have seen since the Great Depression. Even before the recent flooding, unemployment in our State stood near 13 percent and homelessness was on the rise. We have already experienced 27 months of severe recession. For a year, we have been in the top three States for unemployment.

It is too soon yet to estimate the full economic impact of the March flooding, but it is clear the flooding's economic damage will be prolonged and severe.

The peak storm of March 30 and 31 brought commerce in the entire region to a halt. Route I-95, the main artery that connects the major cities of the New England and Middle Atlantic States, was closed for 2 full days, flooded out, following a surge of the Pawtuxet River.

The river, which has a flood level of 9 feet, crested at its alltime high, almost 21 feet on March 31. It is hard to overstate the importance of this highway to Rhode Island's economy because it is not only a regional artery, but it is the main commuter artery for our home State.

Similarly, Amtrak's Northeast service was closed for 5 days due to flooding of the track in our State.

This next picture shows the Warwick Mall. It is one of the largest shopping centers in the State. It was completely flooded following the unprecedented rainfall of March 30 and 31. You can see the top of a car right up to the hood. You can see the entry is completely flooded. There are thousands of Rhode Islanders who work at the mall, others use the mall, many have kiosks who sell within the mall. Suddenly, with very little warning, they are temporarily unemployed.

I toured this complex with its owner, Aram Garabedian, just after the water had gone down. The water was only about an inch deep when we were there. You could still see—it says "Food Court." You could still, in the food court, some of the flooding was vanilla and some of the flooding was chocolate because of the ice cream stores that had lost their power and melted into the flood.

Mr. Garabedian and his workers are in the middle of a heroic job cleaning up, and they are determined to reopen as soon as possible. But it could be weeks or even months until all those stores are back in business. Those, of course, are weeks and months when families who depend on paychecks from this mall will need to survive on unemployment benefits; unemployment benefits, I might add, with which our friends on the other side are trying to interfere.

Some store owners doubt whether they will be able to reopen at all. I recently held a telephone townhall during which a store owner named Kathleen told me about the damage to her store in the mall which had been in business for 25 years. Her payment counter and her register were destroyed. The drywall in her store was ruined. Little if any of the merchandise or fixtures appear to be salvageable. Kathleen's flood insurance company has claimed that her damage is not covered. She said if she doesn't receive some grant assistance from the government, she will not be able to reopen, after 25 years.

We can see from this picture the scale of hardship that business owners are facing as they begin to clean up their stores. It is difficult to relay in a single speech the extent of the devastation wrought by the floodwaters. Flooding in places where, as I went around the State, the thing I heard more than anything else was: 35 years I have lived here, never even water in the basement, and now look at this.

I wish to take a few more minutes to show some pictures that represent the damage. These were taken as I toured throughout the State in the immediate aftermath of the storms. This is the Natick pumping station which sits near a river bank in west Warwick. It is the sewage treatment plant overwhelmed by the floodwaters and largely submerged. The flooding crippled the station's ability to process sewage and caused essentially all of the untreated waste that would have gone through it to flow out into local waterways. This station was submerged. The Warwick sewage treatment plant was submerged, and Bristol's sewage treatment plant was also inundated. The Warwick treatment plant became really part of the river. It just flowed right through and across it. So for days Rhode Island's floodwaters were contaminated with raw sewage.

On March 30, I visited Glen Rock Reservoir in south Kingstown with town manager Steve Alfred. As we can see, the reservoir has overflowed the banks of this dam and has washed out this section of Old Usquepaugh Road. This is a very typical photograph of the sort of road damage we are going to see from the flooding in Rhode Island. When we have water like that flowing as white water over a road, one can imagine what damage it does to the road. Our infrastructure requirements to rebuild from this are going to be very considerable.

At the height of the rains, Providence Street, a main road in west Warwick, a small, largely working class, great Rhode Island town which was probably, per capita, hardest hit of any of the towns, its main street looked more like a river than a road. This picture shows local emergency workers out rescuing people who had been flooded into their homes and apartments, driving them through the street with a boat and a jet ski. It is not often that one sees local emergency workers driving down the streets of Rhode Island towns on boats and jet skis, but that is what it took to get the residents out who had been trapped by the unprecedented floodwaters.

The day after the rain subsided, the flooding was still substantial. This is the scene behind a local mechanic's shop on Elmwood Avenue in Cranston. As we can see, the garage building is almost entirely underwater. Nearby I was able to see cars and trailers for this mechanic's shop just under the surface. Later on when the water came down, I could see that under this were cars. The water is right over the roof of the cars and so they are not visible now, but what I thought was an empty parking lot was filled with cars. I went back and saw it later when the waters had gone down.

Here is a different shot of Elmwood Avenue, looking across to an old mill complex filled up through the ground

floor. The floodwaters are not only covering the road itself but the entire parking lot and into the mill building itself. The local residents obviously were distraught by this kind of damage. The bridge that is down below this, the Wellington Avenue bridge, thankfully, held against the pressure of the water rushing past and over it. But two other bridges in Coventry and North Providence were so damaged by the flow of the water past and over them, they have been condemned and have to be completely rebuilt.

I went up to Cumberland to visit Mayor Dan McKee and to see some of the damage there. His first responders took us in this boat out to Hope Global, which is a company on the banks of the river. It is the Blackstone River this time, not the Pawtuxet. This river was the cradle of the Industrial Revolution. The famous Slater Mill in Rhode Island, a true spark that lit off America's Industrial Revolution, was a riverside mill that used the rivers for power. Historically, Rhode Island's working waterfront has been a riverfront where mills up and down the Blackstone, up and down the Pawtuxet, up and down other rivers took advantage of water power. Then, as we moved from water power to electric power, they stayed. But they stayed very vulnerable to the rivers. So from Hope Global down to Ashaway Line and Twine Manufacturing Company and Bradford Printing and Finishing, down near Westerly, the riverside businesses in Rhode Island were swamped and flooded.

Now businesses that had existed for generations, that employed many hundreds in each plant, lie submerged and silent and out of work.

One of the things that impressed me during the course of my visit was the resilience and courage shown by Rhode Islanders. We took this picture at the Okonite Company. It was also covered by the floodwaters, but it was nice to see both the American and the Rhode Island flags flying high, notwithstanding the devastation that surrounded them. This struck me as a fitting example of the perseverance and resilience of Rhode Islanders responding to this crisis. It is often true that trying times bring out the best in people. Certainly this flood brought out the best in many folks in Rhode Island.

Everywhere I have traveled in the days since the floods began, I have seen neighbors helping neighbors, and I have witnessed the extraordinary diligence and courage of the municipal workers, the first responders, the police and fire folks, public works, literally all municipal employees who worked long hours, wet hours, cold hours, tired hours helping their communities.

A couple in Westerly had to evacuate their home in 30 minutes as the floodwaters picked their house up off its foundation. Amazingly, after all they

had been through, they were still more concerned for their neighbors than for themselves. They wrote to me:

... as tough as things are for now, we see so many of our neighbors that had no insurance and they lost everything. Many of the people who were renting apartments were given five minutes to evacuate. As we were leaving, we took all of the food from our fridge and were able to distribute it to some of the folks running for cover. Life seems to throw lots of curveballs and you never anticipate when you get up in the morning that you will be homeless by the afternoon but Mother Nature has a mind much her own.

I want to point out that the word on the Rhode Island State flag is "hope." As I look at this picture and see the flag flying high amidst the devastation from the flood below, I am reminded of countless acts of kindness and generosity, indeed hope, which have accompanied the troubling, sad, and difficult events of recent weeks. The flooding has destroyed homes, closed businesses, and ended jobs, but the people of Rhode Island have stood up remarkably well. Spirits are strong. But the job of rebuilding roads, bridges, sewage treatment plants, public facilities, homes, and businesses is a colossal and daunting task for a State 27 months into severe recession.

Now we in Rhode Island need help from the Federal Government to fulfill that hope and to help us rebuild. Just as Congress was quick to respond in the wake of Hurricane Katrina in 2005 and following the flooding in Iowa and North Dakota in 2008 and 2009, I ask my colleagues to work with my senior Senator, JACK REED, and I to bring needed assistance to Rhode Island as quickly as possible.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Arizona.

Mr. KYL. Madam President, may I be advised when I have spoken for 7 minutes.

The ACTING PRESIDENT pro tempore. Yes.

JUDICIAL CONFIRMATION PROCESS

Mr. KYL. Madam President, I rise to talk about the judicial confirmation process, given the fact that President Obama will soon be nominating someone for the Supreme Court to replace retiring Justice Stevens. There has been a lot written about this subject. It would be useful, at least from my standpoint, to clarify or elucidate how I view this and how I think a lot of my colleagues do on both sides of the aisle.

The question of a filibuster arises. The best way to put into context what folks mean when they talk about judicial activism as potentially bringing about a filibuster is to at least describe what I think about that. All of us in the Senate, whether we have supported a filibuster or not, would agree that all else being equal, it is not something we

should do for judicial nominations, especially for a Supreme Court nomination. There has not been a successful filibuster of a Supreme Court nomination, thankfully, despite the fact that the last two nominees—especially the last nominee to the Court by President Bush, there was an attempt to filibuster, and even then-Senator Obama, now President Obama, participated in that attempt.

What would cause Senators to not just vote against a nominee but actually go so far as to try to prevent the nominee from receiving a vote up or down?

There is this concept of extraordinary circumstance that evolved about 4 years ago when the so-called Gang of 14, seven Republicans and seven Democrats, agreed that it would not be appropriate to filibuster a judicial nominee except in extraordinary circumstances. That is where that phrase "extraordinary circumstance" came about.

There are a lot of Members of the Senate who believe one of those extraordinary circumstances could be a situation where a nominee is particularly activist in the sense that it would appear that he or she goes on to the bench with preconceived notions about specific kinds of societal issues or questions that may come before the Court and a bias toward resolving those matters one way or the other, as opposed to simply taking the facts of each case and reading the law to see what the precedents of the Court are, what the statute is, if there is a law involved, and deciding the case on the merits of that specific case irrespective of the judge's views about the question from a political or philosophical standpoint.

There are a couple of recent examples I wanted to bring to the attention of my colleagues which illustrate the kind of activism to which I and some of my colleagues would object.

The chairman of the Judiciary Committee, the Senator from Vermont, was quoted in Politico today as making a statement which I think illustrates the issue well. Senator LEAHY is quoted as saying this, that he thinks one of the questions to the potential nominees is going to be this: "Do you share our concern about the fact that the court always seems to side with the big corporate interests against the average American?"

Aside from the fact that I think that is not a fact, that the Court always sides with big corporate interests against the average American—that is, obviously, a very politically charged statement—the question is, Is it really appropriate to ask a potential judicial nominee whether that nominee is going to side with big corporate interests or whether the nominee would want to side with some other kind of interest in the litigation? Well, I think it is appropriate to ask whether the nominee has

biases one way or the other that would preclude him or her from deciding a specific case on the merits of that case as opposed to whether, from a general philosophical standpoint, that nominee would be on the side of big corporate interests or always against the big corporate interests.

When Chief Justice Roberts was before our committee, he was asked a question like this, a question about whether he thinks it would be appropriate to rule for the big guy or the little guy, and I think he said it correctly. He said: If the law supports the big guy, then the big guy should win the case. If the law supports the little guy, then the little guy should win the case. You do not go on the bench with an idea that: I am always going to rule against the big guy or—commenting on Senator LEAHY's statement here—I am going to rule against big corporate interests. That presents a dilemma, by the way, where you have corporation A suing corporation B. I do not know how you are going to resolve that if you are always going to rule against big corporate interests.

But the point is, to go on the bench with that attitude would be wrong. The big corporation might have the right law and facts in a particular case. In another case, the person suing or being sued by the big corporate interest might have the law and the facts on their side. That should be the determination of how the case comes out, not your preconceived notions—for example, your intention to always rule against “big corporate interests.”

Here is another example: One of my colleagues on the Judiciary Committee on a television program said he wanted to see a nominee who would be hard on Executive power. We have three branches of government: the executive, the legislative, and the judicial. The Constitution sets up a delicate balance among those three branches of government, and there is a constant tension between the powers exerted by the branches and against the branches. Those tensions result in litigation sometimes.

Sometimes there is a claim that the Executive is taking too much power unto himself. That charge was made against virtually every President who, in my memory, has ever served. It certainly is being made against the President today. But you do not go on the bench with the notion that: If a case ever comes before me involving a contest of whether the Executive has the power to do something versus the legislature, for example, I am going to rule against the Executive, I am going to be hard on Executive power. That would be wrong. You do not even know what the facts of the case are and what the precedents might be relating to those particular facts.

The ACTING PRESIDENT pro tempore. The Senator has used 7 minutes.

Mr. KYL. Thank you, Madam President. I appreciate it.

I will conclude with this particular example: You want a judge who is going to be on the Court to say: I understand the balance of power. I have read the law, and I understand the precedents that relate to this particular kind of fact pattern. And based on the law and based on these facts in this particular case, I believe that either the Executive should have the power or not. But I do not come to that conclusion based upon a preconceived political, ideological notion that we need to rein in Executive power any more than I believe we should rein in legislative power or judicial power.

This is what a lot of us mean when we talk about judicial activism. It is the difference between someone who comes to the Court with firmly held philosophical beliefs that would cause that individual to be more predisposed to rule on the basis of those beliefs than on the facts of the case or the law in any particular situation. So when my colleagues on the Democratic side say they are looking for a nominee who will have a penchant for ruling in a particular way in particular cases, you will see objections from people like me who will say: No, that is wrong. That is activism. That is basing decisions on ideology rather than on what the law is.

I will conclude by saying this: The President has it fully within his power to nominate a candidate for Supreme Court Justice who generally has been seen as deciding cases based on their merits rather than from an ideological perspective. But to the extent the President chooses someone who has been very active politically and has expressed strong political views or who from the bench has seemingly made decisions based upon a preconceived ideological notion rather than on the basis of the facts and law to come before him or her, in that situation, then, you would tempt opposition and potentially even a filibuster depending upon how serious the situation was or how extraordinary it was, to cite the particular phrase.

So I hope that sort of sets the groundwork here for our evaluation of the President's nominee and for a public understanding of the circumstances under which some of us would oppose a nominee and under which perhaps even, in an extraordinary situation, a filibuster would result. I certainly hope that is not the case, that that does not happen.

I am sure the President realizes that if he nominates someone who does come clearly to the attention of the Senate from a perspective of evenhanded justice, that nominee will be treated fairly, that the process could move much more quickly, and that the outcome can be much more favorable.

The ACTING PRESIDENT pro tempore. The Senator from Texas.

NASA

Mr. CORNYN. Madam President, this week President Obama is scheduled to visit the Kennedy Space Center in Florida. Many Americans expect the President to explain his vision for human space flight in the decades ahead. I would say this vision is long overdue.

One year after celebrating its 50th anniversary, as well as the 40th anniversary of the first Moon landing, the White House has proposed a budget that will force NASA to abandon its historic role in space exploration. The administration has stated its intention to terminate NASA's Constellation Program, our Nation's flagship endeavor to return Americans to the Moon and beyond. After \$9 billion invested over 7 years, the President would leave NASA adrift and without a mission. I hope the President will announce that he has thought better of that initial decision, and this morning I would like to take a few minutes to explain why I think he should do so.

Texas is proud of our close connection with NASA's human space flight program, and we recognize how it has helped transform the greater Houston area into a high-tech leader. Johnson Space Center has helped send astronauts into space for nearly four decades. We would love for the President to visit the Johnson Space Center and see how we have helped our astronauts complete their missions and return home safely.

We remember the region endured several years of challenges following the termination of the Apollo Program in 1974. We saw some of the brightest minds at the Johnson Space Center end their careers. The future of the entire industry seemed uncertain.

NASA Administrator Charles Bolden was recently quoted as saying:

With all due respect to everybody who opposes the budget—

In other words, the cut of the Constellation Program—

a very serious and real concern is the jobs.

Now, he was correct in one way: the cancellation of Constellation, combined with the retirement of the space shuttle, could cost the region as many as 7,000 direct jobs, according to the Bay Area Houston Economic Partnership. With all due respect to General Bolden, Texas support for human space flight is not merely based on parochial concerns. We understand the local economic impact would be nothing compared to the strategic opportunity cost for the United States of America.

For one thing, the end of the Constellation Program will increase our dependence on Russia to transport Americans to the International Space Station—a space station built with billions of American taxpayer dollars. Earlier this month, NASA signed a \$335 million contract with Russia that will

cost our country nearly \$56 million per seat on Russian spacecraft—or about \$8 million more per seat than what NASA paid in 2007. So we are literally having to depend on Russia to transport American astronauts to the International Space Station. Many Americans are already concerned about this arrangement. Many Americans suspect the Russians will raise the price once the shuttle program is ended because we will be completely dependent on them to transport our astronauts. Indeed, the head of the Russian space agency recently stated his eagerness to renegotiate costs to access the International Space Station following the retirement of the space shuttle.

Soon, Russia will not be the only nation to surpass the United States in human space flight. The governments of China and India have also accelerated their investments. All of these nations are investing in human space flight not only because they want their flags to be the first on Mars but also because they know those investments will generate a good return.

Innovations that will help humans survive and thrive in space will likely create as many spinoff technologies in the 21st century as we saw in the first decades of the space age. If we do not incubate these life-supporting technologies here in America, our children will have no choice but to import them from other countries. Apollo 13 astronaut Jim Lovell put it this way. He said the end of the Constellation Program “will have catastrophic consequences on our ability to explore space and the spin-offs we get from space technology.” He said: “They haven’t thought through”—talking about the administration’s proposed cut in the Constellation Program—“the consequences.” I think that is correct.

The White House has said it believes the private sector can play a larger role in space exploration, and I would say they are right—to a point. We certainly want to encourage private investment and public-private partnerships in the development of space technologies. We want to help NASA become an even better partner with aerospace entrepreneurs. Leveraging the potential of the private sector is no less an imperative in space exploration than it is in other fields of innovation. But NASA cannot pass the baton of human space flight to a runner who is still trying on its shoes. The private sector requires years of further development before it can send a human being to the Moon or compete with America’s international rivals.

The Aerospace Safety Advisory Panel—a group of independent experts created by Congress—reported in January that:

No manufacturer of Commercial Orbital Transportation Services is currently qualified for human-rating requirements, despite some claims and beliefs to the contrary.

The panel has warned:

To abandon the [Constellation program] for an alternative without demonstrated capability or proven superiority is unwise and probably not cost effective.

NASA was assigned the constellation mission for the same reason it took on Apollo: It remains the only entity in our country capable of getting the job done.

So what should President Obama say when he visits the Kennedy Space Center this week? I would like to offer just a few thoughts.

First, I hope President Obama would recognize the tremendous uncertainty his administration has created by proposing to end the Constellation Program without identifying a viable alternative.

Second, he should make clear that Congress has the last word on the Constellation Program—which we do—and that NASA will follow the current law during this fiscal year and every year Congress continues to fund the program.

Third, I hope he would articulate a clear vision for the future of human space flight in our country, and that vision would include a clear exploration mission, a timeline, goals, and a destination. And I hope his vision would include a new commitment to the Constellation Program, which remains America’s best bet to ensure America’s continued leadership in human space exploration.

Fourth, I hope he would make a budget request that will fund this vision and that it will carefully be aligned with this exploration plan.

Just yesterday, a number of American heroes made clear what a vision for American space flight should look like. More than two dozen former astronauts and flight directors, as well as a former NASA Administrator, wrote an open letter to the President. They wrote, in part:

America’s greatness lies in her people: she will always have men and women willing to ride rockets into the heavens.

America’s challenge is to match their bravery and acceptance of risk with specific plans and goals worthy of their commitment.

NASA must continue [to be] at the frontiers of human space exploration in order to develop the technology and set the standards of excellence that will enable commercial space ventures to eventually succeed.

I hope President Obama listens to those words. I hope the President listens to Congress, which has given broad bipartisan support to the Constellation Program over many years. And I hope he listens to the millions of Americans who understand that human space flight represents our Nation’s future, not merely its past.

Madam President, I yield the floor.

The PRESIDING OFFICER (Mr. UDALL of New Mexico). The Senator from Texas.

Mrs. HUTCHISON. Mr. President, President Obama is going to travel to

Florida where many expect him to discuss the adverse reaction to his proposed budget for NASA and possible alternative options for the future of America’s manned space exploration capability. I know members of the NASA family and everyone living in communities that directly support the space program—from Maryland to Utah to Florida to Alabama to Louisiana and Texas—are, at the very least, uncertain about the President’s budget proposal and how it would affect America’s leadership role in space exploration. I share those concerns. Every American should share those concerns, because it will determine our role in science, space, research, exploration, and so much that will determine our future economically and in security.

I hope the President has heard the concerns that have been raised since the budget was proposed and that he will take the opportunity to meet with the individuals who have worked hard to keep America in the forefront of space exploration for the last four decades. I also hope the President will recognize that he has an opportunity to reach out on a truly bipartisan basis for a new plan for NASA’s future that prioritizes scientific research, protects our \$100 billion investment in the International Space Station, and ensures that America retains independent human space flight capability.

Last month, I introduced legislation that would provide such a framework. Identical companion legislation has been introduced in the House of Representatives by SUZANNE KOSMAS, a Democrat from Florida, BILL POSEY, a Republican from Florida, and others. This can be a starting point for bridging the differences between the President’s proposal and the views of many in Congress. We may miss this opportunity to work together to build on America’s legacy of space leadership unless the administration looks at its current approach and makes some alterations.

The budget proposal put forward by the administration has created an unnecessary choice between the President’s plans for increased research and development and the necessary transition to the next generation of technology on the one hand and maintaining a viable space station and an American human space flight capability over the next few years on the other. We can do both.

Let me be clear why I believe the President should make his visit to Florida the beginning of a renewed discussion on the country’s civil space program. I believe the President’s advisers, in reaching for a bold new direction for NASA, failed to take into account some very important realities of our space program. The decision made in 2004 to discontinue the shuttle program at the end of 2010 was based on an International Space Station service

end date of 2015. Two years ago this Congress, in an overwhelming bipartisan vote, enacted the NASA authorization bill of 2008, which stated that the space station should be kept in service until at least the year 2020. In the bill, we also required NASA to ensure that the capability to continue shuttle flights in support of the space station should be preserved for a period of time to give the new administration a chance to consider its plan for NASA.

The Obama administration ordered a full review of U.S. human space flight plans as part of its 2010 budget request and eventually deferred a final proposal until the 2011 budget request. One of the important points made by the review committee, chaired by the eminently qualified Norman Augustine, was that the space station should be extended until 2020, which is what Congress has already said is the policy of our country. The President's proposal accepts the recommendation which is consistent with the 2008 bill and which I believe is vital to making full use of the scientific research capacity that is only just now being made available with the completion of the space station assembly. However, I remind my colleagues that the space station was designed and built with the idea that the shuttle would be available to keep it supplied and maintained, and to be able to bring large replacement or spare parts up should they be needed in order to keep the space station functioning. The parts and equipment being flown on the last three remaining shuttle flights were selected from over 1,400 total items based on what would be needed for the station to be extended until 2015.

So while I commend the decision to extend the life of the station until 2020, flying the remaining shuttles scheduled for this year before completing an analysis of the station's needs based on a 2020 service date would surely be a mistake. We need to determine the parts and equipment needed to extend the station's life and ensure we have the capability to deliver them to the station. If we were to end the shuttle program as scheduled this year, we would be dependent on the Russian Soyuz vehicle and other possible cargo vehicles which lack the capability that the shuttle provides. Now let me remind all of those who are interested in the cost that using the Soyuz costs over \$50 million per person. Probably a minimum of six per year—well, six over a 2-year period, so at least three per year—would be about \$150 million a year. This is \$150 million that we could be using to extend America's capabilities for its crewed vehicle that we have on the drawing boards—the Constellation program. We could be putting that money to our use rather than paying the Russians for the Soyuz, for using their vehicle. The President's proposal fails to recognize this, thereby endan-

gering our ability to sustain the station until 2020. My legislation would address this deficiency by keeping the shuttles as an option at a reduced rate of two flights per year, but only until it can be determined that the station has parts and equipment on hand to keep functioning until 2020 in the absence of the shuttle's capability.

The President's proposal also relies on a still emerging commercial space industry to develop the launch and crew-carrying capability to replace the shuttle. I support the development of a commercial capability, but as a supplement to a NASA capability, and with the development—and proving out—of a cargo capability. We should take this first step in commercial development before committing our entire national human space flight effort to launch systems that would be another generation beyond the cargo capabilities currently being developed.

I remind my colleagues that much of the "business case" for a commercial system is based on the assumption of a viable space station. If the risk to station survivability presented by the President's proposal is not addressed, the case for investment in a commercial sector may weaken and the development of these capabilities may not even materialize. If this happens, America would have no long-term space flight capability and would need to rely completely on other nations for access to space. If an accident or technical issue results in the Russian Soyuz being unavailable for any extended period of time, the space station would very likely have to be abandoned and deorbited within a matter of months. Taking that level of risk is entirely unacceptable for a nation with our history of space leadership.

A nation with our heritage of stretching beyond the possible and reaching for the heavens deserves more. We need an approach that ensures the sustainability of the station, facilitates the transition to a replacement for the shuttle, and reduces the gap in our Nation's ability to reach space. My legislation would address these issues by allowing for the extension of shuttle if needed for station sustainability and authorizing the accelerated development of a NASA-owned replacement to the shuttle such as a shuttle-derived design using existing systems and capabilities and the current contractor workforce, which might be available in time to shorten our reliance on other nations for access to space after the shuttle is retired. All of this can be done while allowing for the change in NASA's long-term mission and the increase in scientific research and technology funding envisioned in the President's proposal. Simply moving—and this is how we can do it within a budget that does not increase spending—we can move the remaining shuttle flights scheduled for

this year into 2011 and 2012, and adding the backup flight already prepared as a contingency would provide enough flexibility to complete the analysis of station needs and guarantee a cargo capability for an additional 2 years. It is possible to accomplish even this modest but critical goal while holding the line on spending at the level in the President's budget. That is key, that we can do this within the President's own budget, yet extend our capabilities to have our control over the shuttles that would provide the space station what it needs to continue as we assess the needs to go on until 2020.

The principles necessary to bridge the gap between the President and Members of Congress have been set forward by my legislation that has also been introduced in the House. All that is needed to align these principles with the President's goals and existing budget realities is a willingness to make the effort and take the same risks that have been hallmarks of our Nation's commitment to space exploration. The bipartisan foundation is there to make a cooperative effort.

I stand ready to work with the President to bridge the differences between his budget proposal and the views of many in our Nation and many in Congress that the proposal places too much faith in unproven private sector alternatives to a NASA-managed replacement for the space shuttle and does not address the critical need to ensure the full and complete utilization and return on the investment in the International Space Station. For the sake of our Nation's space program and future generations of space pioneers, I hope when the President returns from his trip to Florida, he will accept my invitation to work together on a comprehensive space flight proposal that is worthy of our Nation and one that I think all of us who have worked on this issue for years—I am the ranking member of the Commerce Committee and I have been the chairman of the Space Subcommittee. I know we can do this. Senator NELSON of Florida, Senator LEMIEUX of Florida know this issue so well. We can do this if the President will work with us to come forward with a plan that is budget responsible and has the capability to extend our shuttles and make sure we utilize the investment we have already made in the space station.

Thank you, Mr. President. I yield the floor.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Mr. President, I ask unanimous consent to proceed as in morning business for 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

FINANCIAL REFORM

Mr. GREGG. Mr. President, I rise to speak a little bit about one of the

major issues which we are about to take up here in the Senate and which has been discussed at considerable length throughout this country, and especially here in Washington, over the past 2 years as we have dealt with the financial crisis, and that is the issue of fiscal reform and financial reform.

The country went through a traumatic experience of inordinate proportions.

We were on the verge in the fall of 2008 of having our entire financial industry implode, and not only the big financial systems in New York City and around the country, but Main Street America was clearly at risk and had the potential to suffer massive damage.

That cataclysmic event didn't occur because we as a Congress and the administrations of President Bush and of President Obama took some very bold and aggressive action in the way of coming in and stabilizing the financial industry of this country. As a result, we did not have the type of events that were predicted.

Some had said if the financial institutions had been allowed to unravel, we would have been into another Depression-like period. One former Secretary of the Treasury projected that unemployment could have gone as high as 25 percent. Obviously, we have been through a difficult time. The recession has caused great harm. Americans have been under tremendous financial stress. But the damage that might have occurred has been muted to some degree by the actions we took. Now we are at least getting the TARP money back with interest from the banking industry. We are not getting it back from the automobile industry or AIG, but from the banking industry we are getting it back with interest, and we are going to actually make money for the American taxpayer, the stockholders in these various entities we had to support.

The question remains, how do we avoid this type of event occurring again. That involves a lot of different actions that should be taken, because the causes of this event were multiple. One of the causes was clearly that the Federal Reserve kept interest rates too low for too long and made money too readily available. Another cause was the Congress's own decision throughout the 1990s and the early part of this decade to basically promote—and in some instances force—lending for the purpose of buying homes, when the people buying the homes didn't have the wherewithal to support the obligation they were undertaking. The homes in many instances didn't have the value at which they were assessed. There was an assumption of appreciation that would occur that never occurred.

A third cause was plain, old-fashioned, horrible, and sometimes illegal underwriting, where people were essen-

tially putting out loans in a totally inappropriate manner. Then those loans were being securitized. I have described it as an inverted pyramid, where possibly the person who was giving the loan was just interested in the servicing fees of making the loan, in the origination fees of making the loan, not in the actual obligations of the loan, and then the loan ending up being securitized out in the market. You had all sorts of counterparty liability and multiple structure built on top of this one loan that basically didn't have either the asset value or the capacity of the individual to pay it back. That was the systemic event that was a function of bad underwriting.

So what can we do to correct this? Well, one thing we can do, obviously, is reform our financial structure in this country. It clearly wasn't up to the regulatory needs that were necessary, and there was clearly a lot of activity occurring in the financial markets that was wrong and inappropriate. There is this huge discussion going on now, bills have made their way through the House, and there has been a proposal from the administration—in outline form at least—and there is one from Senator DODD and specifics that have been brought forward in the Banking Committee. There is going to be a major attempt to reorganize our financial institutions.

I think that as we go down this path we have to be thoughtful and constructive. There is this fervor of populism sweeping across our Nation on this issue. The fires have been fanned by the White House and a lot of other people in a very inappropriate way. Populism isn't a good way to try to address something as complex as this type of issue. It is sort of like a beach ball bouncing down the beach that is caught up in the wind. That is the way this financial reform effort seems to be going forward. There is not a lot of thought behind it—just a lot of energy and talk, with ideas that may be politically attractive but in the end will probably do more harm than good.

Our goal should be three things: One, we should reform the systems. We need to put into place, to the fullest extent we can, changes in the way we regulate the financial structure so we avoid a future systemic event. It is pretty hard to project what the next systemic event will be, but we know what the last one was and we should be able to correct those problems. We can anticipate to some degree what the next events may be, and we should try to do that.

Second, we should recognize that we are in a competitive world, and that what we do in the United States to structure our financial system is going to determine whether the United States remains competitive with other nations that have sophisticated financial systems. It is very important that

in doing this we not push offshore American jobs and American capital, because it becomes too onerous to manage capital and create jobs in the United States in the financial sector. We, in fact, should have as one of our goals—the first goal being addressing the system's risk—the desire to make America the best place in the world and the soundest place in the world to create capital and credit, so that the engine that drives our economy—remember, our economy is driven not by the government. I know the President says the more you grow government, the more prosperity you get, and he is certainly trying to prove it, but that is not what drives our economy. What drives our economy is entrepreneurs, people willing to take risks, the initiatives by Americans to create jobs. You cannot do that unless you have credit, and you cannot do it unless you can get capital.

One of the great geniuses of our system, which has made us more competitive than the rest of the world, is that we have always been a place where capital and credit have been readily available to responsible people and risk-takers. We need to keep that atmosphere. When we are finished with this process, we should have a regulatory regime that addresses the issue of systemic risk and at the same time says to the world: bring your capital here; this is the best place to make a loan and underwrite entrepreneurial spirit.

Third—and this is tied to the second—we need to remember this is about Main Street, about making sure that on Main Street in America people have the wherewithal to take that risk, and to get that job, and to buy that house, but that they have it in a context of a sound banking system, one that is a supportive and strong one, and a sound financial system—not one that has been forced to retract as a result of excessive regulations being put on it here in Washington.

If we approach this in a thoughtful way, a pragmatic and constructive way, rather than this populist fervor, where we say everybody on Wall Street is evil, and everybody in banking is evil, and everybody who makes loans is evil—which seems to be the philosophy or theme around here—if we take a more constructive and thoughtful way, we will actually end up with a much stronger and better nation. Often these periods of populist fervor—and we have had a lot of them—Huey Long, William Jennings Bryan—the list is long. Those folks usually end up cutting off their nose to spite their face. These ideas sound good and have a nice jingoistic ring to them, but in the end it undermines the ability to do the basic purpose, which is to make America more prosperous and create more opportunity for Americans and create more jobs.

This is not an issue that needs to be partisan. We have a lot of big, complex

questions here to address. With the exception of one, as far as I can tell, none of them has any partisan flavor to them of any significance. First, of course, is what do you do about "too big to fail." First, it should not exist. There should be no business in this country that is too big to fail. Basically, any company, any business that makes bad decisions should not have some implied guarantee that it is going to be bailed out by the Federal Government or the American taxpayer. If you make a bad decision and put your financial house at risk, your stockholders should pay the price; your secured bondholders should pay the price, not the American taxpayers. I think there is agreement on that.

On our side of the aisle we have some good ideas on how you end "too big to fail." As a practical matter, they are better ideas than have been put out by anybody else so far. But they are not partisan ideas. They are just good, sound policies as to how you accomplish this. It could be done. The best ideas have been put forward in a bipartisan way, by Senator WARNER from Virginia and Senator CORKER from Tennessee. That is the first issue. We should be able to reach a comprehensive agreement on that.

Second, of course, is how do you manage risk and structure our regulatory regime so they can see that risk coming and take action. I think there is consensus on both sides of the aisle. Basically, you set up some sort of risk council, where you bring key regulators in and make sure there is communication, you try to end the stovepipes, and you try to cross-fertilize the information, and you don't allow arbitraging regulators so people don't go out and hire the cheapest or weakest regulator. There is not much difference of opinion on that. We can reach agreement on that.

Third, of course—which is huge here—is the question of derivatives, which are very complex. There is no simple answer to this question, on this issue, when you look at the detailed language. What is the purpose of derivatives? It is to basically give the market liquidity, to make sure you have the ability to put out the credit, to make sure that when some business in America needs to protect itself from a downside risk it sees coming at it, it has the capacity to buy that type of protection in the market, that type of insurance. They are extremely important instruments for the purpose of basically being the insurance and the oil that makes the American machinery of entrepreneurship and job creation work. Big companies and smaller companies need them, but especially big companies need these instruments. They need to have them readily available in a way and in a form that makes them usable.

I have been working with Senator REED from Rhode Island for a number

of months on almost all the technical issues of how to make the derivatives market stronger, better, and more sound, basically get more liquidity and transparency. On almost all issues we have a pretty good agreement and sense of where we can go. If we continue to work on it, hopefully, we can reach a complete agreement. We do have an issue on the question of mandated exchange treatment of derivatives, which I think can be resolved—I hope. It is not a partisan question. It is a question of how you do it best. That is the approach we should take.

Last is the issue of regulatory structure. Who should regulate what? That is a question of how best you line up the regulators to make sure there isn't regulatory arbitrage where people try to shop for the best regulator. I strongly believe the Fed needs to be a major player in the regulatory structure. The Fed has shown itself to have the depth and professionalism and the resources to regulate effectively. I hope we would end up with a structure that would recognize that fact. I think there is general agreement on structure that can be reached here. Again, I think we can reach an understanding.

The issue where we have significant differences is consumer protection and how you deal with that. On our side, most of the folks strongly believe you cannot separate consumer protection from safety and soundness. The regulators who have the responsibility for safety and soundness should have the responsibility for consumer protection, and it should be at the same level so there is no question that the consumer receives the same type of attention and support that the regulators put into trying to make sure the banks the consumers get their loans from are safe and sound. When you separate the two and set up a freestanding, autonomous consumer agency, you create significant issues on safety and soundness. The purpose is to make our financial system stronger, not weaker. A separate independent consumer agency with potentially a political agenda or social justice agenda, which has nothing to do with safety or soundness, could easily undermine safety and soundness of the banking industry, especially the community banks—remember, these are the folks on Main Street—essentially creating an atmosphere where loans have to be made to people not based on safety and soundness but based on a social or political agenda of whoever runs the consumer agency that is independent and autonomous. It makes no sense. But, again, this is an issue that can be resolved.

There have been good ideas put forward by Senator SHELBY. At one time, we almost had an understanding between Senator SHELBY and Senator REID on this issue. So this is no reason, in my opinion, to stop the progress on getting a bipartisan, comprehensive

bill. The only thing that stands between us getting a bipartisan, comprehensive bill, stopping that progress, is this political issue; the fact that the administration has two paths it can take. It can take the path where we reach a comprehensive, thoughtful, constructive bill that basically does what we need to do in the area of protecting the financial structure of this country from systemic risk and make sure we have the most competitive financial markets in the world and protect Main Street and make Main Street viable, allow people to get loans on Main Street, it can pursue a bill such as that or it can pursue a political bill, carrying the banner of populism forward on the theory that somehow they win points by doing that.

They may win short-term political points. I don't think they do, actually. But in the long term, the effect that will have on our capacity to produce credit in this country for Americans who need credit in order to do things such as buy houses, send their kids to colleges, or basically just start a business and create jobs, it will be dramatically chilling, to be kind.

We will see a lot of the institutions which compete in this Nation having to go overseas. We will see a lot of companies that need to use derivatives in order to make their products salable and make sure they are not hit with unexpected cost increases or events which are out of their control unable to buy those instruments or obtain those instruments in the United States, so they will have to go overseas. We will see credit markets where consumers will end up paying higher interest rates because they are basically paying for people who are not paying back their loans at a much higher rate, so the good performers end up paying for the bad performers, which inevitably ends up costing the good performers much more in the way of their credit.

These are the results of a populist tact, and they are not good results, in my opinion. They are not constructive. They are so unnecessary because we really have within our grasp the capacity to reach an agreement, pretty much across the board, on all the major issues that affect the question of financial stability and to try to address what happened in late 2008 in a constructive way.

I am hopeful that will be the course that is taken, that we do have a consensus approach rather than a confrontational approach, and that we do have an approach which understands that our first obligation is not to get votes, not to win a political fight, not to have a jingoistic saying that resonates at election time but, rather, to make America stronger, more economically sound, more vibrant, and a place where when one wants to create a job, one has the capacity to get the

credit to do it. That should be our goal. I hope we will pursue this regulatory reform effort in that manner.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MINING TRAGEDY IN WEST VIRGINIA

Mr. ROCKEFELLER. Mr. President, as the Presiding Officer would well understand from his own experience, West Virginia is mourning the loss of 29 brave miners who died last week—most of whom never knew what hit them—when a devastating explosion tore through the Upper Big Branch Mine in Montcoal, WV. It has brought the whole State to a dead halt. Even though it may never be possible to fully grasp the magnitude of this tragedy or to ease the pain of this devastating loss, we in West Virginia believe strongly in the power of prayer and in the grace of God. That has been important this week and will be in the weeks to come. We hold onto it—that feeling—and we offer it to one another and to the families, friends, and fellow miners who are grieving.

We revere our miners—the men and women who put their lives on the line every single day to provide for their families and bring light and heat to millions. They live in obscurity. They work underground. Nobody knows much about it around the rest of the country, but it is heroic living, and they make this country work.

We offer a heartfelt thanks to the rescue workers who risked their own lives. Our rescue teams, and the entire West Virginia community, never gave up hope and continued to forge ahead in their mission. They know and understand when they volunteer for this dangerous work that at some point in time they will be called upon to put their own lives on the line in the mine. That is what a rescue worker is all about—pushing the edges. How much methane is there, how far can you get in, how much dust is there, what can you see, does he or she have enough oxygen? They did so selflessly and fearlessly, and they have, as you can imagine, my deepest respect.

Even in one of our darkest hours, America has seen the very best of West Virginia—binding together, drawing solace from each other with tears and with mutual love. This is who we are. This is Appalachia. It is the sense of oneness, always against so many odds. The odds are always stacked against us. Maybe that is why I am so proud to

represent them—always fighting uphill, others not knowing much about you, not necessarily paying a lot of attention to you but strong, good people. So it is this sense of oneness that sets us apart, in my mind, and why I am so proud to be a West Virginian.

We are all too familiar with this agony. I know the Presiding Officer is. We have been here before—with Sago, with Aracoma. When our worst fears are realized, as they were in this terrible tragedy, we know we must find a way through the searing pain and the loss because that is the way it is in our Appalachia—central Appalachia.

Everybody understands that mining has always been risky, but it can be made safer by people who want to make it safer. That will often start with the person who is in charge of the company. Safety is about a company doing the right thing. Safety is also about the State and Federal Government stepping in and toughening up our laws where that needs to be done. It is about providing the resources and the people to enforce those laws.

Let me give an example. Currently, the Federal Mine Safety and Health Review Commission has 14 administrative law judges. If this year's budget request is enacted, they will have 18. They will go from 14 to 18. Those 18—and right now those 14—administrative law judges, together, face a backlog of more than 16,000 cases, containing 82,000 violations. That is incomprehensible to me. It is ridiculous, but it is true and it is unacceptable.

In the aftermath of Sago, I was proud to coauthor the MINER Act, along with Senator BYRD, Senator Kennedy, and Senator MIKE ENZI from Wyoming. This was, in fact, the only significant Federal mine legislation since 1977, which meant that we had gone 30 years without passing significant mine safety legislation. That doesn't tell the whole story, but it certainly tells some part of the story.

The bill was not perfect, but it did tackle the core problems we faced at Sago, which was a different kind of mine. It was a very rural mine, a much smaller mine than this huge mine in Raleigh County, WV. Because of this bill, we now require that mines have flame-resistant lifelines to guide miners out in an emergency. If you have an explosion. There is dust everywhere. You cannot see anything. So you put in sort of like a handrail, and you hold on to it and you just follow that because you cannot see where you are going. That will lead you to the mine mouth or perhaps to an elevator, if it is still working, that will allow you to get out.

We require refuge chambers that are now located in mines to protect miners if they cannot evacuate. Those are safe havens that have oxygen and food. There are stores of breathing devices along the escape routes—part of the law now.

We have new flammability requirements for new belt equipment. I know that is mining jargon, but I lay it before the Senate. Yet despite these important improvements, we mourn now another disaster of a very different kind. More lives were lost. We ask: How can this be? Again?

Everything we know at this time tells us this accident did not have to happen. This explosion could have and should have been prevented. If you are asked by a coal miner: Does an explosion have to happen? The answer is, no; it is preventable. Yes, that is easy to say and hard to do. But in the real world of serious work in mine safety, it is preventable. Miners do not have to lose their lives.

So our responsibility now is to learn from this new and terrible incident. We have to look at it carefully. We cannot rush to judgment. I am going to explain a couple of things that are being done. We do not know exactly what went wrong at Upper Big Branch mine but I promise you we will demand answers, and we will get answers.

MSHA, which is the Mine Health and Safety Administration, will conduct a complete investigation into this tragedy, and that will tell us a lot. The agency's quick response and leadership after this explosion has been, in my judgment, highly commendable.

Right now, what we do know is we need to enforce aggressively the provisions of the MINER Act that we passed several years ago in 2006 at all mines. Where they are needed, we must put new laws in place, understanding that mine operations are different. Some mines try to do the right thing, others try less hard. It is a hard job.

I am concerned that the enforcement process today moves much too slowly, and that hurts the good operators as well as helping the bad ones, even when the circumstances demand the most urgent response.

Today, mine safety operators can stop operations in a mine or part of a mine whenever they see imminently dangerous violations. That is in the eye of the beholder, of the inspector, which means they have to be good people and well trained.

Once the operator has addressed that problem, then there is no longer a violation and mining can continue. But these inspectors also look for a very interesting phenomena called "patterns of violations." For that they have to look back over the last several years in a particular mine or a particular part of a mine to find out if there has been a pattern of violation, which, in and of itself, might not rise to the level of imminent danger, but could indicate that the mine needs to improve its safety.

If they find a pattern, these Federal inspectors, they should be able to impose higher fines. If it is not corrected, they should be able to, as they are now, shut down a mine or just part of a mine

where there is a particular problem. This mine where the explosion occurred was huge. It had numerous double-digit entrances into different parts of the mine. It was huge.

But, anyway, closing down a mine or part of a mine does not always work that way because companies have found a loophole in this part of the law, the part dealing with so-called "patterns of violations." They just keep contesting and appealing. They appeal and they appeal right on up to Federal court. They appeal the decisions to prevent the finding of a pattern. That is why they do it. If you do not want something to happen, if you do not want to pay a fine, you have been cited for a violation, you have been cited for a fine. But if you appeal it, if you appeal it long and keep appealing, then, if you get a judgment against you, you go to the next court higher up, you do not have to either pay a fine or change the way you operate.

The number of appeals has increased dramatically from just 6 percent of total violations in 2005 to 27 percent last year. With such a tremendous backlog of cases and limited manpower, the average appeal took 587 days to finalize last year, which is bad for everybody. Some operators have taken advantage of this loophole, preventing government action and imposing a serious risk to the miners' safety.

West Virginians can rest assured that I plan to press this issue aggressively. We are already taking steps to get to the bottom of this. I am glad that President Obama has been involved, and he has called a lot of folks, including miners' families. He has requested a full report to him on what Federal investigators have learned about the disaster, and it is going to happen this week.

Now, maybe that is too early. They may not know everything yet. But he wants to be kept abreast of what is happening. I have asked, and others, for a full briefing on the findings for West Virginia's Congressional Delegation. I decided that was not selfish; I decided that was the right thing to do. I want to know what the President knows, and that is going to happen.

I have requested that MSHA conduct a top-to-bottom review of all mine safety violations all across the country so that we can get a sense of perspective of where we are in this mine and others in other States. And I have also requested hearings and oversight investigations from the Senate Committee on Health, Education, Labor and Pensions. They were kind enough to allow me to sit with them during the hearings regarding the MINER Act so that I could contribute what I know.

In closing, I wish to say our coal miners have lost too many brothers and too many sisters. Coal mining has always been dangerous, and it is a common story in West Virginia—southern

West Virginia particularly—which is where I first went, where there is so much coal mining that mothers do not want their sons to go into coal mining. But there they are living up a hollow, up a creek. No other work is available, and they can get paid \$60 to \$70,000 for doing this job after some training.

What are they meant to do? What if it is a mine which does not have any kind of representation which allows people to tell somebody in authority that something is not being done safely?

Well, we have mines where the operators use intimidation. If somebody tries to do something like that, they are out of a job. There are all kinds of ways to do that. And while we all know their journey is a dangerous one, our coal miners must know that everything is being done to keep them safe. That is why I am standing here, simply to say that.

We have a solemn, urgent and, I think, sacred obligation in Congress to find the truth, do it fairly and carefully, and take action in their honor. These men have given us all they can, and we must honor this sacrifice.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ROCKEFELLER. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS

Mr. ROCKEFELLER. I ask unanimous consent that the Senate now be in recess until 2:15 p.m. this afternoon.

The PRESIDING OFFICER. Without objection, it is so ordered.

Under the previous order, the Senate stands in recess until 2:15 p.m.

Thereupon, at 12:22 p.m., the Senate recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. BEGICH).

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

CONTINUING EXTENSION ACT OF 2010

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of the motion to proceed to H.R. 4851, which the clerk will report by title.

The legislative clerk read as follows: Motion to proceed to the bill (H.R. 4851) to provide a temporary extension of certain programs, and for other purposes.

The PRESIDING OFFICER. Under the previous order, the motion to pro-

ceed is agreed to and the Senate will proceed to the consideration of H.R. 4851, which the clerk will report by title.

The legislative clerk read as follows:

A bill (H.R. 4851) to provide a temporary extension of certain programs, and for other purposes.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, we are now on the temporary extension of unemployment insurance benefits. This bill will help millions of Americans who are struggling to feed their families, struggling to pay the bills.

Take, for example, a single father from Missoula, MT. He has been out of work for weeks. He exhausted his State benefits, and he is now receiving Federal extended benefits. He called the Montana Unemployment Insurance Claims Processing Center, and he said if his unemployment insurance benefits are not extended, he does not know how in the world he is going to take care of his daughters. He continues to search for a job. But for now, unemployment insurance benefits are the lifeline for him and for his family.

Unemployment benefits help him to pay the bills for his daughters. Unemployment benefits help the single dad from Missoula and also help millions of Americans who, through no fault of their own, have fallen victim to this Great Recession.

As we meet today, benefits have lapsed for 200,000 Americans. Another 200,000 Americans could lose their benefits, too, if we do not pass this bill this week.

Unemployment benefits help our unemployed neighbors. In helping our neighbors, we also help to keep open the neighborhood grocery store and the neighborhood gas station. In helping our unemployed neighbors, we also help to keep houses out of foreclosure. In helping our unemployed neighbors, we also help the economy.

The nonpartisan Congressional Budget Office says that extending additional unemployment benefits would have one of the largest effects on economic output and unemployment per dollar spent of any option. The CBO chart behind me tells us how effective increasing aid to the unemployed can be.

The CBO analyzed the effectiveness of a number of job creation proposals. For each policy, the CBO estimated the number of jobs created for each dollar of budgetary cost. You will see on the chart behind me, there are 11 policies the CBO analyzed. Increasing aid to the unemployed is ranked first. It is No. 1, at the top of the chart. You can see it with the blue line. Among all these policies, increasing aid to the unemployed is the most effective. The Congressional Budget Office says it will create the most jobs per dollar of budgetary cost. It is the most efficient and creates more jobs. Other policy options are much less cost effective.

CBO also says each dollar spent in increasing aid to the unemployed could increase the gross domestic product by up to \$1.90. That is almost double per dollar spent. Why is increasing aid to the unemployed so effective? Let's ask ourselves that question. Well, households receiving unemployment benefits spend their benefits right away. They have to. They are spent. That spurs demand for goods, demand for services. That boosts production, and that leads businesses to hire more employees.

Unemployment benefits are essential to bridging the gap between losing one job and finding another, and it has become increasingly difficult to find that next job. In February, there were 2.7 million job openings. In the same month, there were 15 million Americans out of work. That means there are about five and one-half job seekers for every job opening—over five.

It is no wonder it is hard for people who are unemployed to find jobs. This chart behind me tells the story. Prior to the Great Recession, there were fewer than two job seekers for every open position. Now there are five and one-half. Let me repeat that. Prior to the Great Recession—you can see it on this chart with the red line over to the left—there were fewer than two job seekers for every job that was open, every position that was open. That was back in December 2007. Now, if you look at the red line that goes to the right, there are five and one-half.

It is important we extend unemployment benefits. We need to bridge that gap between jobs. Getting unemployment benefits is not living high on the hog by any stretch of the imagination. The average unemployment benefit is \$335 a week. The average cost of a loaf of bread is \$2.97. The average cost of a gallon of milk is \$2.72. Diapers for just one baby can cost up to \$85 a month. These days, \$335 only stretches so far.

We need to keep our unemployed neighbors from falling into poverty. We need to figure out how best to create new jobs for unemployed workers. One way we could do that is to help foster job growth, and that is by using the unemployment insurance program to create the right conditions for job creation. In that vein, I am holding a hearing in the Finance Committee tomorrow to explore ways to use the unemployment insurance system to help Americans get back to work. Let's reform this system. Let's modernize it. Let's make it work better.

States and experts have great ideas for how we can improve the unemployment insurance system. They have ideas about how it can save and create more jobs. For example, some States are creating new jobs through subsidy programs. Montana has a job subsidy program and has put hundreds of people back to work. Using funds from the Recovery Act, this program helps employers to pay for the cost of creating

new jobs. Across the country, thousands of people are benefiting from job subsidy programs.

But right now, it is essential we pass a temporary extension of unemployment benefits. It is essential we help Americans put food on the table. It is essential to pay the bills while they continue to look for work. It is essential for people such as Jeremy from Flathead County, MT.

Jeremy is a wildland firefighter. He is receiving unemployment benefits for the first time in his life. Fighting wildfires is seasonal work. Typically, Jeremy can find another job during the off-season, but this year he has been unable to find employment. Jeremy's benefits lapsed on February 28. That is when Congress failed to extend unemployment benefits. Jeremy has been left hanging. It is not right to leave Americans in this position.

So let us extend unemployment insurance benefits for Jeremy the firefighter. Let us extend this vital lifeline for this single dad from Missoula and for his daughters who depend on him. Let us enact this temporary extension of unemployment insurance without delay.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CARDIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CARDIN. Mr. President, I rise in strong support of the bill that is currently before the Senate which would provide for a temporary extension of unemployment benefits, COBRA coverage, and prevent a severe cut to provider reimbursements under Medicare. The bill would also extend the National Flood Insurance Program, which expired on March 28 at midnight. Each of these provisions is important in its own right, and each will help our economy to move forward.

The long-term unemployment rate is defined as the percentage of people in the workforce who have been out of work for more than 6 months and are still looking for jobs. That rate reached 4.3 percent of the workforce in March; that is, 4.3 percent are out of work for 6 months and cannot find employment. Our Nation's overall unemployment rate is still at 10 percent.

Maryland's unemployment rate continues to rise, reaching 8.3 percent in February statewide, up from 7 percent in February 2009. In 11 of our counties, nearly one-half of the counties in Maryland, the unemployment rate exceeds the national rate. In Baltimore City, it is 11.2 percent. In Dorchester County, it is 12.9. In Worcester County, it is an astonishing 18.8 percent—more than double the statewide percentage.

In these counties, the situation is urgent. We must act to help keep these families' heads above water. Each of the thousands of families who depend upon extended unemployment benefits needs our help. In Maryland, it is 16,000 families. They need our help in order to be able to feed their families, pay the rent and utilities on their homes, and to keep their houses literally out of foreclosure.

I hear from heads of households every day who are trying to find work, but the jobs just aren't there. In fact, the Labor Department statistics tell us that for every job opening, there are five individuals actively seeking employment. Those odds are not very good for somebody who is trying to find employment today. That is why we have the long-term unemployment and why we need to extend the benefits to those who are in need today. We are emerging from the most severe and prolonged economic downturn since the Great Depression.

For those of my colleagues who are insisting that the unemployment compensation extension be paid for, I point out that for every dollar we spend in unemployment compensation, we are generating more than \$1.50 back into our economy. In other words, this is a stimulus. This helps job growth. When people have unemployment insurance, they spend it immediately. It helps our retail establishments, our food stores, and our economy. It is the definition of stimulus spending, and it is immediate.

I also add that it is not a handout. Employment insurance is just that—an insurance program. It is an insurance program to which employers and employees contribute so that in difficult times such as these, they can receive benefits. We are in these times now. That is why we paid the unemployment insurance benefits taxes. These funds should now be available to help the people who need it.

Equally essential are COBRA benefits, which allow people who lose their jobs to continue health insurance coverage for themselves and their families. I cannot tell you the number of people who are shocked when they lose their jobs and go to pay for their COBRA and find out it is prohibitive and they cannot afford it. They cannot afford to continue their health insurance protection in the most critical time of their lives. That is why Congress passed help for people during this economic time with their COBRA protection. But that has expired. We need to extend that so families can continue to maintain their health insurance. The extension of COBRA benefits will allow us to get affordable health care to those who are in the most desperate need.

I want to mention the expiration of the National Flood Insurance Program. In my State, over 60,000 homes are covered by the National Flood Insurance

Program, and half of those are on Maryland's Eastern Shore. This program was authorized, but it expired on March 28, 2010. Since then, no new policies have been issued, no policies have been renewed, and there has been no increased coverage on existing policies that could be issued. So Marylanders who wish to purchase a home in a flood plain cannot do so during this period.

We need to act now. We literally have frozen the market, which is not good for our economy, for our families, and it is certainly something we need to correct. The bill before us will retroactively make up for the past 2 weeks, but we need to act quickly in order that this important program continues.

Finally, I wish to stress the urgency of fixing the Medicare physician reimbursement, an area on which I have worked for many years to try to repeal the flawed sustainable growth rate payment system that makes no sense. As of April 1, there is a 21.2-percent across-the-board cut in Medicare reimbursement for physicians and other providers who are paid according to the fee schedule—physical, occupational, and speech language therapists, nurse practitioners, and others. The Centers for Medicare and Medicaid Services is holding claims until Wednesday, April 14. At that time, claims will be paid at the lower reimbursement rate. We must stop that from happening.

Today, my office received nearly a dozen calls from constituents who were told by their doctors that they are not accepting new Medicare patients at this time. This is no longer a hypothetical; there is a denial of access to care. Seniors are being made to suffer because of obstructionism in this body of not allowing this bill to move forward in a prompt way.

I come to the floor today to urge immediate passage of this legislation and urge my colleagues to work together to pass a long-term extension of these essential benefits. Ensuring that American families are able to weather this economic storm should not be a partisan issue. We need to work together to debate the merits of this bill and provide the American people with the help they need and the economy with the boost it needs while we are working on long-term recovery of our Nation.

With that, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Mrs. GILLIBRAND). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BAUCUS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BURRIS). Without objection, it is so ordered.

AMENDMENT NO. 3721

Mr. BAUCUS. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Montana [Mr. BAUCUS] proposes an amendment numbered 3721.

Mr. BAUCUS. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: In the nature of a substitute)

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Continuing Extension Act of 2010".

SEC. 2. EXTENSION OF UNEMPLOYMENT INSURANCE PROVISIONS.

(a) IN GENERAL.—(1) Section 4007 of the Supplemental Appropriations Act, 2008 (Public Law 110-252; 26 U.S.C. 3304 note) is amended—

(A) by striking "April 5, 2010" each place it appears and inserting "June 2, 2010";

(B) in the heading for subsection (b)(2), by striking "APRIL 5, 2010" and inserting "JUNE 2, 2010"; and

(C) in subsection (b)(3), by striking "September 4, 2010" and inserting "November 6, 2010".

(2) Section 2002(e) of the Assistance for Unemployed Workers and Struggling Families Act, as contained in Public Law 111-5 (26 U.S.C. 3304 note; 123 Stat. 438), is amended—

(A) in paragraph (1)(B), by striking "April 5, 2010" and inserting "June 2, 2010";

(B) in the heading for paragraph (2), by striking "APRIL 5, 2010" and inserting "JUNE 2, 2010"; and

(C) in paragraph (3), by striking "October 5, 2010" and inserting "December 7, 2010".

(3) Section 2005 of the Assistance for Unemployed Workers and Struggling Families Act, as contained in Public Law 111-5 (26 U.S.C. 3304 note; 123 Stat. 444), is amended—

(A) by striking "April 5, 2010" each place it appears and inserting "June 2, 2010"; and

(B) in subsection (c), by striking "September 4, 2010" and inserting "November 6, 2010".

(4) Section 5 of the Unemployment Compensation Extension Act of 2008 (Public Law 110-449; 26 U.S.C. 3304 note) is amended by striking "September 4, 2010" and inserting "November 6, 2010".

(b) FUNDING.—Section 4004(e)(1) of the Supplemental Appropriations Act, 2008 (Public Law 110-252; 26 U.S.C. 3304 note) is amended—

(1) in subparagraph (C), by striking "and" at the end;

(2) by inserting after subparagraph (D) the following new subparagraph:

"(E) the amendments made by section 101(a)(1) of the Continuing Extension Act of 2010; and"

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the enactment of the Temporary Extension Act of 2010 (Public Law 111-144).

SEC. 3. EXTENSION AND IMPROVEMENT OF PREMIUM ASSISTANCE FOR COBRA BENEFITS.

(a) EXTENSION OF ELIGIBILITY PERIOD.—Subsection (a)(3)(A) of section 3001 of division B of the American Recovery and Reinvestment Act of 2009 (Public Law 111-5), as amended by section 3(a) of the Temporary Extension Act of 2010 (Public Law 111-144), is amended by striking "March 31, 2010" and inserting "May 31, 2010".

(b) RULES RELATING TO 2010 EXTENSION.—Subsection (a) of section 3001 of division B of

the American Recovery and Reinvestment Act of 2009 (Public Law 111-5), as amended by section 3(b) of the Temporary Extension Act of 2010 (Public Law 111-144), is amended by adding at the end the following:

"(18) RULES RELATED TO APRIL AND MAY 2010 EXTENSION.—In the case of an individual who, with regard to coverage described in paragraph (10)(B), experiences a qualifying event related to a termination of employment on or after April 1, 2010 and prior to the date of the enactment of this paragraph, rules similar to those in paragraphs (4)(A) and (7)(C) shall apply with respect to all continuation coverage, including State continuation coverage programs."

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the provisions of section 3001 of division B of the American Recovery and Reinvestment Act of 2009.

SEC. 4. INCREASE IN THE MEDICARE PHYSICIAN PAYMENT UPDATE.

Paragraph (10) of section 1848(d) of the Social Security Act, as added by section 1011(a) of the Department of Defense Appropriations Act, 2010 (Public Law 111-118) and as amended by section 5 of the Temporary Extension Act of 2010 (Public Law 111-144), is amended—

(1) in subparagraph (A), by striking "March 31, 2010" and inserting "May 31, 2010"; and

(2) in subparagraph (B), by striking "April 1, 2010" and inserting "June 1, 2010".

SEC. 5. EHR CLARIFICATION.

(a) QUALIFICATION FOR CLINIC-BASED PHYSICIANS.—

(1) MEDICARE.—Section 1848(o)(1)(C)(ii) of the Social Security Act (42 U.S.C. 1395w-4(o)(1)(C)(ii)) is amended by striking "setting (whether inpatient or outpatient)" and inserting "inpatient or emergency room setting".

(2) MEDICAID.—Section 1903(t)(3)(D) of the Social Security Act (42 U.S.C. 1396b(t)(3)(D)) is amended by striking "setting (whether inpatient or outpatient)" and inserting "inpatient or emergency room setting".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall be effective as if included in the enactment of the HITECH Act (included in the American Recovery and Reinvestment Act of 2009 (Public Law 111-5)).

(c) IMPLEMENTATION.—Notwithstanding any other provision of law, the Secretary of Health and Human Services may implement the amendments made by this section by program instruction or otherwise.

SEC. 6. EXTENSION OF USE OF 2009 POVERTY GUIDELINES.

Section 1012 of the Department of Defense Appropriations Act, 2010 (Public Law 111-118), as amended by section 7 of the Temporary Extension Act of 2010 (Public Law 111-144), is amended by striking "March 31, 2010" and inserting "May 31, 2010".

SEC. 7. EXTENSION OF NATIONAL FLOOD INSURANCE PROGRAM.

(a) EXTENSION.—Section 129 of the Continuing Appropriations Resolution, 2010 (Public Law 111-68), as amended by section 8 of Public Law 111-144, is amended by striking "by substituting" and all that follows through the period at the end and inserting "by substituting May 31, 2010, for the date specified in each such section."

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall be considered to have taken effect on February 28, 2010.

SEC. 8. COMPENSATION AND RATIFICATION OF AUTHORITY RELATED TO LAPSE IN HIGHWAY PROGRAMS.

(a) COMPENSATION FOR FEDERAL EMPLOYEES.—Any Federal employees furloughed as a

result of the lapse in expenditure authority from the Highway Trust Fund after 11:59 p.m. on February 28, 2010, through March 2, 2010, shall be compensated for the period of that lapse at their standard rates of compensation, as determined under policies established by the Secretary of Transportation.

(b) **RATIFICATION OF ESSENTIAL ACTIONS.**—All actions taken by Federal employees, contractors, and grantees for the purposes of maintaining the essential level of Government operations, services, and activities to protect life and property and to bring about orderly termination of Government functions during the lapse in expenditure authority from the Highway Trust Fund after 11:59 p.m. on February 28, 2010, through March 2, 2010, are hereby ratified and approved if otherwise in accord with the provisions of the Continuing Appropriations Resolution, 2010 (division B of Public Law 111-68).

(c) **FUNDING.**—Funds used by the Secretary to compensate employees described in subsection (a) shall be derived from funds previously authorized out of the Highway Trust Fund and made available or limited to the Department of Transportation by the Consolidated Appropriations Act, 2010 (Public Law 111-117) and shall be subject to the obligation limitations established in such Act.

(d) **EXPENDITURES FROM HIGHWAY TRUST FUND.**—To permit expenditures from the Highway Trust Fund to effectuate the purposes of this section, this section shall be deemed to be a section of the Continuing Appropriations Resolution, 2010 (division B of Public Law 111-68), as in effect on the date of the enactment of the last amendment to such Resolution.

SEC. 9. SATELLITE TELEVISION EXTENSION.

(a) **AMENDMENTS TO SECTION 119 OF TITLE 17, UNITED STATES CODE.**—

(1) **IN GENERAL.**—Section 119 of title 17, United States Code, is amended—

(A) in subsection (c)(1)(E), by striking “April 30, 2010” and inserting “May 31, 2010”; and

(B) in subsection (e), by striking “April 30, 2010” and inserting “May 31, 2010”.

(2) **TERMINATION OF LICENSE.**—Section 1003(a)(2)(A) of Public Law 111-118 is amended by striking “April 30, 2010”, and inserting “May 31, 2010”.

(b) **AMENDMENTS TO COMMUNICATIONS ACT OF 1934.**—Section 325(b) of the Communications Act of 1934 (47 U.S.C. 325(b)) is amended—

(1) in paragraph (2)(C), by striking “April 30, 2010” and inserting “May 31, 2010”; and

(2) in paragraph (3)(C), by striking “May 1, 2010” each place it appears in clauses (ii) and (iii) and inserting “June 1, 2010”.

SEC. 10. DETERMINATION OF BUDGETARY EFFECTS.

(a) **IN GENERAL.**—The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled “Budgetary Effects of PAYGO Legislation” for this Act, submitted for printing in the Congressional Record by the Chairman of the Senate Budget Committee, provided that such statement has been submitted prior to the vote on passage.

(b) **EMERGENCY DESIGNATION FOR CONGRESSIONAL ENFORCEMENT.**—This Act, with the exception of section 4, is designated as an emergency for purposes of pay-as-you-go principles. In the Senate, this Act is designated as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

(c) **EMERGENCY DESIGNATION FOR STATUTORY PAYGO.**—This Act, with the exception of section 4, is designated as an emergency requirement pursuant to section 4(g) of the Statutory Pay-As-You-Go Act of 2010 (Public Law 111-139; 2 U.S.C. 933(g)).

Mr. BAUCUS. Mr. President, on March 10, the Senate passed a bill to extend unemployment insurance and a number of other provisions through the end of this year. We are currently working with the House of Representatives to agree on a package of offsets for a portion of that bill.

In the meantime, Congress needs to act on the pending bill to ensure that Americans can receive their much needed unemployment benefits. This bill would extend benefits to the end of this month.

My amendment, which I just offered, will extend the programs in the bill before us today for one more month, until the end of May. Why? What is the purpose of this? The answer is that this further short-term extension would ensure that Congress has enough time to resolve its differences over the long-term extension.

It is now April 13. The end of the month is not too long away. It is not sufficient time to work out an agreement with the relevant Senators on both sides of the aisle as to how to pay for this and what portions of the unemployment/COBRA bill. It is going to take a little more time than 2 weeks. This amendment will extend the unemployment benefits and all the provisions in the current bill for one more month to give us time to work out a solid understanding so that in the end we can pass the bigger, longer term extenders bill, which would extend the tax provisions, as well as the SGR, COBRA, UI, FMAP, and other provisions until the end of the calendar year.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DORGAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. Mr. President, we invoked cloture last evening on a motion to proceed to legislation that will extend unemployment benefits during what has been the deepest recession since the Great Depression. We have had objections from the other side to extending unemployment benefits as an emergency, saying these cannot be extended because they will cost too much and add to the deficit and this and that.

It is interesting to me that in this country, when our country has experienced an economic downturn, we have always dealt on an emergency basis with the most vulnerable Americans by

extending unemployment insurance benefits. Why? For two reasons. No. 1, when you work for a living in this country, you actually pay premiums for an unemployment insurance plan that then kicks in when you lose your job. This is not as if somebody is getting something for nothing. People who are working in this country are actually paying into a plan that provides for unemployment insurance. And, No. 2, extending unemployment insurance during a severe economic downturn is just the right thing to do for the most vulnerable Americans.

I find it interesting that the very people who have been standing in the way of doing this, saying it is the Federal budget deficits, that they are too big—I agree they are too big. But I have not seen any of these folks out here when it really matters. This is taking on the most vulnerable Americans. They are out here taking on that issue.

How about the big issues? How about fighting a war and not paying for one penny of it over a 10-year period? In the 8 years of the previous administration, we went to war, and we were told by President George W. Bush: You are not going to pay for a penny of this; and if you try to pay for it, I will veto the bill. It is all going to be emergency spending. The fact is, we should have seen the same folks out here complaining about that issue.

Or how about going back 10 or 11 years when legislation was passed that built these huge corporate financial pyramids that got engaged in all kinds of unbelievable risky speculation and ran the country into the economic ditch and caused \$15 trillion of American wealth to vanish and cause these unbelievable increases in deficits? I did not see them out here on that issue either. In fact, many of them voted for the legislation that repealed the protections that were put in place after the Great Depression and actually allowed to happen what has happened in the last 10 years that caused this collapse.

I don't know. It seems to me this last stand on the budget deficit, to say let's have the last stand when it comes to the most vulnerable Americans, that is our last stand—how about a last stand, for example, on some of the affluent Americans? How about a last stand on carried interest? I encourage my colleagues who have been out here worried about the budget deficit to come out here while I am here and talk about changing the carried interest rules.

What does that mean? It sounds like a foreign language to some. It means some in this country are earning more income than anybody in America and paying the lowest income tax rates. Why is that the case? That is what the law allows them to do. We have been trying to change the law, but some of my colleagues do not want to change

the law. That would be increasing taxes.

Let me give an example of increasing taxes. How about increasing taxes on a person who made \$3.6 billion in a year—which, by the way, is about \$10 million a day—and pays 15 percent income taxes? How about if we say to that person and others like him or her: How about you pay the same kind of taxes everybody else in this country pays? That will reduce the Federal budget deficit.

I ask my colleagues, do you want to join me to do that? I am all for reducing the Federal budget deficit. Tighten our belts, reduce spending—I am all for that. But, also, how about asking people to pay their fair share of taxes?

I said yesterday, as I said before, that we have some of the biggest financial institutions in this country that in the last decade decided to buy sewer systems from foreign cities in order to avoid paying U.S. taxes. How about let's make sure we close all loopholes, such as that loophole, that say: You want all the benefits America has to offer? How about paying the taxes and being responsible as an American citizen for things that you are required to do?

If we want to reduce the Federal budget deficit let's take some real big hunks at doing that by, yes, reducing some spending, and there is plenty of waste. I chaired 20 hearings on the biggest waste, fraud, and abuse in the history of this country; that is, the contracting in Iraq and Afghanistan. I will not go through it in detail today. I am telling you, it is the biggest waste in American history in these contracts.

Let's cut some of that spending. Let's raise some taxes on those who are not paying their fair share, those who are doing everything they can to avoid paying taxes in this country. Let's cut the deficit, but let's not come out here and pretend that the last stand is to take on the most vulnerable Americans at a time when we should extend unemployment insurance. That makes no sense.

Mr. President, if you know much about economics, you understand during a steep economic downturn there is substantially less revenue coming into the Federal Government. We have lost something like \$400 billion a year in revenue. At exactly the same time when we have a steep economic downturn, the economic stabilizers kick in—unemployment insurance, food stamps, and other programs for people who have been laid off, out of work, in trouble. That is exactly what we do during an economic downturn. We have less revenue and more spending. That is temporary because the minute we come out of this and restore economic health, then we do the things necessary to get rid of those budget deficits and put the country back on track to a better course.

I don't know, this has been a Byzantine circumstance to see who comes to the floor of the Senate and say: You know what. Now we are going to make our last stand, and it is going to be when you want to give some unemployment insurance to the most vulnerable Americans, those who have lost their jobs.

Someplace in this country, all around the country today, about 17 million people or so woke up jobless. They have lost their jobs. They do not have work. They got dressed and went out with some hope in their hearts that maybe they could find a job. But tonight will come and they will not have found a job. The question they ask is, Am I going to get the funding I was told would exist, for which I paid insurance premiums for unemployment insurance? Am I going to get that help during this period of time? This was not my fault. I was laid off because of a very steep economic recession.

The answer should be from this Congress: Yes, you are going to get that help. We understand the obligation and the need to do that during this economic recession.

My hope is we will get a little cooperation and see if we can do that. Again, I am very interested in tackling this Federal budget deficit. Let's tackle it in big ways in the areas where substantial additional revenue that should come in is now not coming in because people are avoiding paying their taxes, some of those who are the wealthiest Americans.

Let's also tighten our belt and cut spending in areas I just described. Let's not decide the last stand is to take on the most vulnerable Americans who woke up this morning jobless and, in some cases, hopeless and helpless if they do not have money to buy food, pay rent, and buy medicine.

We can do better than that. There is a moral imperative for this Congress to at long last do the right thing.

I did not come to the floor to say that, but because that is the business of the day, I wanted to, on behalf of Senator BAUCUS and Senator REID and others, say that we have an obligation, and we are trying to work through this issue.

Last night by one vote we were able to invoke cloture with almost no help—we got a little help to get cloture invoked. Now we will get on with the business of seeing if we can, during a very deep economic downturn, extend unemployment insurance as we are required to do and as we have an obligation to do.

I hope the answer is yes. That is our responsibility. That is our obligation. If there are those who come to the floor later wanting to join me in dealing with the issues I just described—spending cuts, revenue increases from those who are not paying their fair share, some of the biggest financial

companies in the country—let's join and do that. I am here and very happy to do it.

ENERGY

Mr. President, there are many things on the agenda for this country that need doing. We are trying to work through this list. We worked on a health care reform bill that I understand was very controversial. The fact is, health care is such a significant part of our economy and the costs are growing so rapidly that we have to try to address it, and we did.

There is another issue, however, that I want to talk about today, and that is the issue of energy. We do not think much about energy because it becomes kind of second nature to the way we live. We get up in the morning and the first thing we do is turn off an electric alarm clock, perhaps, and then flick a switch and lights go on. We do almost everything without thinking, and that reflects on our use of energy. Someone makes coffee. They turn on a stove to make coffee or plug in a toaster to make toast. They get in their car to drive to work, perhaps take a shower beforehand with hot water from a hot water heater. All of those, even before they get started, reflect the prodigious use of energy in our country.

Almost two-thirds of the oil that we use in this country comes from other countries outside our shores. I have spoken often about this fact. But we stick straws in this planet and suck oil out of it. We suck out about 85 million barrels of oil a day and one-fourth is destined to come to the United States because that is how much we need and how much we use. The problem is that about two-thirds of it comes from other countries. Some of it comes from countries that do not like us very much.

The question is, How do we provide greater energy security for our country, more energy security so we are less vulnerable? Second, and just as important, how do we change our mix of energy and our use of energy to protect our planet with respect to the issue of climate change?

Let me talk about this for a moment and say the following: First, climate change is important. There is something happening to our climate, and we ought to address it. Even the skeptics should at least be in support of a series of no-regret steps that if 50 years from now you decide that climate change was not happening, at least you have done something you don't have regrets doing because they were the right things to do. Even the skeptics should agree about that. But, yes, something is happening to our climate and we ought to take some steps to address them. I am in favor of capping carbon. The use of carbon and emitting it into the airshed is a serious problem. We need to have a lower-carbon future. I am in favor of capping carbon emissions. But it has to be done in a smart

way and an appropriate way, and I am in favor of that. I am also in favor of putting a price on carbon.

There are some people who I think that I and others who want to bring the Energy bill to the floor of the Senate—which came from the Energy Committee and the work we did last year—don't support addressing climate change. I support the effort to address climate change. I support a cap on carbon, and I support the opportunity to decide that we are going to not only lower carbon emissions, but put a price on carbon, which is a way to accomplish all that. What I don't support is what is called "cap and trade" as the mechanism to do that because I don't have any interest or willingness to consign a \$1 trillion carbon securities market to Wall Street to speculate on. There are other ways to do this.

Let me just say that the issue of restraining carbon and putting a price on carbon can be done in many different ways. Some of my colleagues say: Well, the only way to do it is what we call cap and trade. I don't believe that, and I don't support that for the reasons I have described. There could be a carbon fee, a straightforward carbon fee, which is much less complicated. There is the cap-and-dividend approach, which has some advantages as well. There is a sector-by-sector approach. There are a number of hybrid approaches being discussed. There is the command-and-control approach, where you simply say: Here is the restriction. So, there are many different approaches to this issue of restricting carbon and trying to price carbon.

But here is what is happening. We passed an energy bill out of the energy committee last June. It was bipartisan. Republicans and Democrats joined together and we passed an energy bill and here is what it does: It will reduce the amount of carbon emitted into the airshed, it will maximize the production of energy from wind and solar sources, which are carbon free, and it will build the transmission capability around the country, a superhighway of transmission so you can gather energy from where the sun shines and the wind blows and put it on the wire to move the energy where it is needed to a load center. We also have a renewable electricity standard, called an RES, requiring 15 percent of all electricity be done from renewables. I would offer an amendment to take that to 20 percent, if we can get the bill to the floor of the Senate.

That is just an example of what is in the bill. In fact, this is a chart reflecting that it will reduce our dependence on foreign energy and it will increase domestic production. It was my amendment that opens the eastern Gulf of Mexico for production. It is the only area that is not now open and has substantial reserves of both oil and natural gas. We establish a renewability

electricity standard, create a transmission superhighway. We electrify and diversify the vehicle fleet in our country. Seventy percent of the oil used in this country is used in the vehicle fleet. So that is very important. The bill contains substantial provisions dealing with energy efficiency and new green energy technology.

All those things are exactly what we would do if we had already passed a climate change bill to say: All right. Now how do you implement it? What are the provisions you develop in order to implement this, to have less carbon emitted? This is what you would do.

So many of us have been impatient about trying to get this bill to the floor of the Senate, but here is what I understand. I understand that those who say they want climate change legislation first have said they don't want an energy bill to come to the floor of the Senate because they want there to be some agreement on climate change, and until they get that, they don't want the Energy bill to come to the floor of the Senate. My view is, we should bring the Energy bill to the floor of the Senate. Let's all of us decide this is a priority. When the bill comes to the floor of the Senate, let's reach an agreement on some kind of climate change amendment to this bill and move ahead.

I wouldn't support cap and trade, but there are other things I will support that will put a price on carbon. But why would we end this Congress not having achieved some very substantial achievements in a bipartisan energy bill that will actually reduce the emission of carbon in the atmosphere? That makes no sense to me.

As we go forward, I know this is an issue that requires it fit into a broader set of issues—immigration reform is discussed these days, Wall Street reform or financial reform is going to come to the floor at some point, which will take some time, appropriations bills, and there are many other things—but I still believe it is very important that we diversify America's energy supply, that we maximize the production of renewable energy, and that we produce more here at home and, yes, that includes oil and natural gas. The use of coal is also very important, the use of coal using new technology to decarbonize. We can do all these things. Our legislation includes the provisions that will accomplish that.

So, what we need to have happen is to have our legislation come to the floor of the Senate from the Energy Committee. I would say to all those who wish to work on the broader piece of climate change to add to it as an amendment. I support a carbon cap, and I will support pricing carbon. That does not include support for cap and trade. If we haven't learned anything from the last decade or so about what Wall Street would do with a \$1 trillion

securities market, then we are pretty ill-prepared to legislate on these issues.

There are not a lot of weeks left in this legislative session, and my fervent hope, I would say to those who have been working on climate change and blocking our ability to bring an energy bill to the floor of the Senate, is that we can perhaps find a way to work together to bring the Energy bill to the floor. That is the way the Senate works. The Senate works by running things through a committee and working hard to achieve compromise. We did that on a bipartisan basis and passed a piece of legislation that is a Democratic-Republican energy bill that reduces carbon, maximizes renewable energy, opens additional areas of drilling in the eastern gulf, builds an interstate highway of transmission capability, has the first ever RES, renewable electricity standard, and all those things are important to this country. We should not leave them at the starting gate. Let's at least decide that this, too, is a priority for our country. Yes, health care is a priority, but so is energy.

Let me make one final point. If tomorrow morning, instead of flicking that switch, shutting off the alarm clock, taking a shower with the use of an electric water heater, putting a piece of bread in the toaster, taking something out of your refrigerator and using all that energy even before you get in your car to go to work, if, God forbid, somehow terrorists interrupted the pipeline of foreign oil coming to this country—and there are a lot of points where that possibility exists—this country's economy would be flat on its back. We are, in my judgment, far too vulnerable with the percentage of our economy that runs on foreign oil and there is a way to respond to that and a way to address it and much of that is included in this legislation that has already passed the Energy Committee on a bipartisan vote.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER (Mrs. HAGAN). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. KAUFMAN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KAUFMAN. Madam President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mr. KAUFMAN pertaining to the introduction of S. 3196 are printed in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. KAUFMAN. I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. UDALL of Colorado. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

NASA BUDGET

Mr. UDALL of Colorado. Madam President, I rise today to discuss President Obama's proposed fiscal year 2011 budget and the proposed path forward for the National Aeronautics and Space Administration which we all know as NASA. Even though Colorado doesn't have a NASA facility, this proposed budget and the major changes to NASA's direction included in it have major implications for thousands of Coloradans. I was the chairman on the House side of the Space Subcommittee and I know what space means to Colorado and I know what it means to our Nation.

Yesterday, Senator BENNET and I had the opportunity to meet with former General and now NASA Administrator Charlie Bolden to urge him to reevaluate the decision included in the President's budget request for NASA to terminate the Constellation Program. This program is developing the successor to the retiring space shuttle known as the Orion capsule and Ares rocket. Those two technologies will be teamed up in the planning that was brought together.

We had a frank and productive discussion with Administrator Bolden. Senator BENNET and I impressed upon him the importance of this program—especially the development of the Orion capsule—to thousands of jobs in Colorado and, frankly, to America's leadership more broadly in space. General Bolden assured us that he wants to be flexible and work with Congress on this NASA budget and that he is committed to human space flight. In other words, the President's budget request is the beginning of a long process, and I was pleased to hear General Bolden is set on working with Congress to chart a future course for NASA and America's leadership in space. I look forward to working with General Bolden as this unfolds.

If I might, I will take a few moments to describe the aerospace community in Colorado. Although we don't host a NASA facility, Colorado has the second largest aerospace economy in the Nation, behind only California. We have a talented and educated workforce and our colleges and universities have deep ties to NASA, private aerospace companies, and Federal research laboratories. We have many businesses that partner with NASA and the military to provide launch services and satellite

development as well as a number of startup companies that are pushing the boundaries of what is possible in privately financed access to space. We can also in Colorado boast of the two key military space commands—NORAD and the Air Force Space Command—and three Air Force bases with strong space missions: Buckley, Peterson, and Schriever.

In short, Colorado's aerospace enterprise brings together the government and commercial sectors as well as the military and civil sectors. For all of these reasons, I pay close attention to NASA and to the administration's vision for the agency, and the significant changes in the President's fiscal 2011 budget request demand an especially hard look. I know many of my Senate colleagues feel the same way.

I have been reviewing the President's NASA budget since it was released in February and, as I noted earlier, Senator BENNET and I shared our concerns with General Bolden yesterday.

Let me start by saying there is much to like in the President's budget. First, it supports an extension of the International Space Station until 2020 and possibly beyond. Completing this station has been a long time coming and I am pleased to see that this administration's commitment to fully utilizing it past the previous end date of 2015.

Second, the budget includes important new investments in science and aeronautics research. My goal is to balance each of NASA's four mission priorities: earth science, space science, space exploration, and aeronautics. The President's request for nonexploration priorities represented a far-sighted investment that should pay large dividends.

Also, the budget includes an additional \$6 billion over 5 years, which is especially notable at a time when many agencies are seeing flat or declining budgets. Much of this investment will go toward developing transformative technologies and propulsion systems that will help NASA cross into new frontiers.

However, the elephant in the room is understandably the proposed cancellation of the Constellation Program, which is to be supplanted by commercial development of human space flight. A purely commercial approach to human space flight may be the future, but I am concerned that it also runs the risk of diminishing American leadership in space. If that happens, that would be a great shame. It would be penny wise, but I fear it would be pound foolish. Let me be frank. This move would hit Colorado especially hard. Well over 1,000 Coloradans work directly on one aspect or another of Constellation. In addition, the Jefferson County Economic Council estimates that work on Constellation supports nearly 4,000 additional Colorado jobs and \$300 million worth of economic

activity in the Metro Denver area. As the Presiding Officer can imagine, those kinds of numbers give me real pause. They are especially worrisome in today's economic conditions.

The budget proposal leaves broader questions unanswered as well. After the planned retirement of the space shuttle next year, the United States will be without the capacity to launch humans into space, including to the International Space Station. At that point, we will be forced to purchase access to space on Russian Soyuz spacecraft. Constellation was supposed to minimize the gap in our ability to access Low Earth Orbit, otherwise known as LEO, and now the President is proposing to rely on the commercial sector to minimize the gap instead.

I strongly support development of commercial launch capabilities and space services, and I look forward to the day when the commercial sector can provide these services for NASA to focus on development of new exploration technologies and human missions beyond Low Earth Orbit.

I am confident that day will come. However, I have not seen sufficient proof from the administration that day is close at hand. The commercial sector has yet to prove it can safely put a human into orbit.

Should the commercial sector fail to deliver human access to space, America will be reliant on Russian-procured launch services to the space station and LEO for the foreseeable future. In my opinion, that is an unacceptable position for our Nation.

The United States and Russia have enjoyed a very productive partnership in space. It has been good for our country and good for space exploration. We should cooperate and share resources wherever possible. But I am concerned about what an indefinite reliance on Russian launch services will mean for our leadership in space.

Cancelling Constellation has other important implications for our national security. NASA is a prime customer for the U.S. space launch industrial base, which we rely on to sustain our strategic deterrence mission and to ensure access to space. These issues are especially important to me, as I sit on the Armed Services Committee.

Department of Defense officials have stated that Constellation's cancellation could increase the current price of propulsion systems for our launch vehicles. The Department of Defense is looking at the cost impacts, but we will not have clear answers until this summer. Congress needs this information before deciding whether to approve the President's budget request.

I do not want to appear naive about the problems this administration faced in crafting a NASA budget and direction for the future. The Constellation Program, as currently resourced, is clearly "unsustainable," in the words

of the Review of Human Spaceflight Plans Committee—more commonly known as the Augustine Committee. The committee went on to say that we are “perpetrating the perilous practice of pursuing goals that do not match allocated resources.” That is simply not a recipe for U.S. leadership in space either.

In the midst of crafting this budget for NASA, the administration also faced the worst economic conditions in a generation. I can appreciate the difficulty of designing a sustainable plan for NASA with today’s fiscal constraints.

We cannot and should not ask NASA to do more with less. Transferring routine space operations to the commercial sector appears to be an attractive, potentially money-saving alternative.

I know I am not alone in believing that Congress should not support this budget based on what we know now. Terminating Constellation does not make sense. But we should be open to restructuring the program in a way that preserves American leadership in space and protects jobs.

Madam President, where do we go from here? The President will be speaking later this week in Florida. It will be his first set of comments on the proposed NASA budget. I appreciate the fact that the President is tackling the problems with Constellation head on. However, he needs to explain his plan better.

I hope the President will begin to answer the questions that I and many of my colleagues in Congress have asked. I hope he will begin to articulate a plan for NASA that is, in the words of the Augustine Committee, “worthy of a great nation.” I do not believe we are there yet, but we will get there.

One of the lessons I learned as a mountaineer came on the 10th day of what was supposed to be a 7-day climb of Mount McKinley. At that critical moment in our climb, I learned that when you are all the way in, you will find a way. I believe the American people are all the way in with NASA. I know this Congress is.

NASA’s mission of exploration resonates with each of us. That mission transcends programs, budgets, and politics. It has endured the end of Mercury, Gemini, and Apollo, and it will soon endure the end of the space shuttle.

Unfortunately, the history of NASA is littered with canceled programs with little to show for them. I don’t want to see the same happen with Constellation, nor do I want to continue on an unsustainable course.

The challenge before us is to ensure that NASA’s programs and budgets are worthy of its mission.

Over the coming weeks and months, I will be working with my colleagues in Congress and the administration to find the right way to further NASA’s mission.

I believe there is a sweet spot to be found that includes many of the positive aspects of the President’s proposal. But the American people deserve answers on the President’s vision for our Nation’s leadership in human space travel.

While some changes need to be made, I believe the Constellation Program has advanced an important mission. It would be highly disappointing to leave behind the significant investments we have made in Constellation without anything to show for them.

We will find a budget that works for NASA, for Congress, and for Colorado. We have to because we are in all the way.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. UDALL of Colorado). Without objection, it is so ordered.

Mr. REID. Mr. President, there will be no more votes today.

I ask unanimous consent that on April 14, tomorrow, following morning business, the Senate resume consideration of H.R. 4851, with the time until 12 noon equally divided and controlled between the leaders or their designees; that during this time, it be in order for the Republican leader or his designee to make a relevant Budget Act point of order against the pending Baucus amendment No. 3721, to be modified as specified below; that after the point of order is made, Senator BAUCUS or his designee be recognized to move to waive the applicable point of order; that the vote on the motion to waive the budget point of order occur at 12 noon; that no intervening motions or amendments be in order during this period of debate; further, that it be in order to modify the Baucus amendment with provisions which cover the extension of small business programs.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant editor of the Daily Digest (Joe Johnston) proceeded to call the roll.

Mr. VOINOVICH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS APPOINTMENT

Mr. VOINOVICH. Mr. President, I rise to speak about one of the recess appointments President Obama made when the Senate was not in session. Before I get into my concern about

this, I wish to emphasize the fact that I have been the ranking member or the chairman of the Oversight of Government Management and the District of Columbia and then several years ago the Federal Workforce. Working with Senator AKAKA, we have conscientiously tried to make the most significant improvements in the Federal service, in terms of human capital and looking at title V of the code that deals with our Federal workers.

If we look at the past and determine why we have had some real bad situations in the Federal Government, it is we have not had the right people with the right knowledge and skills at the right time in the right place. The whole effort has been to try to improve the management of our government, to work with Senator AKAKA to try to get Federal agencies off the high-risk list. The high-risk list is agencies subject to waste, fraud, abuse, and mismanagement.

I first share that with you because I think it may cast a little bit of a light on what I am going to talk about this evening.

The President nominated Rafael Borras to serve as the Department of Homeland Security Under Secretary for Management on June 24, 2009. That is June of last year. I met with Mr. Borras to discuss his experience, qualifications, and goals for the Department of Homeland Security and also served as the ranking member when the Homeland Security and Governmental Affairs Committee held his nomination hearing on July 29, 2009.

I carefully reviewed Mr. Borras’s background and resume and stated qualifications and heard what people he worked for and what people who worked for him said about him. Based on all that, I placed a hold on Mr. Borras’s nomination because I believe he is unqualified to be the DHS Under Secretary for Management.

On March 27 of this year, the President ignored my concerns and my hold and made Mr. Borras 1 of his 15 recess appointments, and I want to know why. I want to know why. I do not generally oppose nominees, and I do not put holds on lightly. When I do, I explain why I put on holds. I do not hide out. I let people know why I put on a hold.

I am extremely concerned about the management challenges the Department of Homeland Security faces, which are wide ranging and far reaching.

When Congress established the Department of Homeland Security in 2002, we initiated the Federal Government’s largest restructuring since the Department of Defense was created in 1947. What is more, we told the Department to protect us from terrorism and natural disasters, while addressing the organizational, operational, and cultural challenges associated with merging 22 agencies and 170,000 employees into one

entity. It is probably the biggest management challenge in the history of the world. The Government Accountability Office cautioned about the challenges the merger would cause and placed the Department of Homeland Security on its high-risk list in January of 2003.

Today, DHS is the third largest Cabinet department with about 230,000 employees and an annual budget of \$50 billion. Management challenges persist and the Department remains on GAO's high-risk list. Additionally, the DHS inspector general, the DHS Chief Financial Officer, and the Homeland Security Advisory Council's Cultural Task Force have also identified management challenges at the DHS. They recognize they have some big problems.

DHS is too big an entity, spending too much money, with too important a job to be deemed susceptible to waste, fraud, abuse, and mismanagement year after year, and it is imperative that the right person be put in place to address those challenges. I do not believe Mr. Borrás is the person, and I do not think he will move the Department forward toward getting off the Government Accountability Office's high-risk list.

My concerns about Mr. Borrás's qualifications and the hold on the nomination, as I mentioned, were not secret. I wrote to the majority leader, I wrote to Secretary Napolitano, and I also wrote to the President to outline my concerns.

I announced at a Homeland Security and Governmental Affairs hearing on DHS management challenges that I was holding the nomination because of those concerns, but no one approached me to discuss those concerns. The Senate did not debate Mr. Borrás's qualifications. No cloture motion was filed. Rather, my concerns were ignored, and this recess appointment was made.

I would like for someone in the administration to explain why things were done this way. I assume because it is everyone knows Mr. Borrás is not the best person to manage our third largest department, and any debate we had would have made his lack of qualifications plainly apparent. So we did not debate it.

If the Senate had taken the time to debate this nomination, I would have explained in 2007, Congress set statutory requirements for the DHS Under Secretary for Management. By the way, we helped create that special Under Secretary for Management because we believed the Department needed someone who would get up early in the morning and go to bed late at night and move on the transformation that is needed in the Department to get it off the high-risk list.

We required the Under Secretary to have extensive executive-level leadership and management experience, a demonstrated ability to manage large and complex organizations, and a proven

record in achieving positive operational results. Mr. Borrás did not meet those statutory requirements because he does not have the appropriate executive-level leadership experience or demonstrated ability to manage an organization as large and complex as DHS.

The administration and Mr. Borrás point to his experience as one of several vice presidents in one region of a Fortune 500 company, as a regional administrator for one region of the General Services Administration, and as a Deputy Assistant Secretary at the Department of Commerce. I do not believe, and most people do not believe, these experiences are in any way comparable to the challenges Mr. Borrás will face at DHS.

Mr. Borrás has never overseen a budget anywhere near as large as the DHS budget. His own assertions indicate that the largest budget he ever was involved with was \$4.5 billion at the Department of Commerce. That is roughly one-tenth the size of the DHS \$50 billion budget, and Mr. Borrás was never directly responsible for the Commerce Department budget. He was just one of those who worked at the Department.

Additionally, Mr. Borrás has never managed hundreds of thousands of employees, such as the 230,000 he will be responsible for at DHS. At most, he asserts he was directly responsible for managing 1,500 employees while a GSA regional administrator.

He has also never overseen a procurement budget similar to that at DHS, where in 2005, \$10 billion was spent on 63,000 contracts. Mr. Borrás asserts that the largest procurement budget he has been involved with was one-quarter of that, \$2.5 billion, while he was at the General Services Administration.

Given the vast difference between Mr. Borrás's experience and the requirements of the job, I agree with two of his former supervisors who told me this job is a big leap from what he has done in the public and private sector. In other words, they said this is a big leap from what he has done.

Further, when you compare Mr. Borrás's qualifications with the qualifications of past nominees for this position, it is even more concerning.

For example, Paul Schneider had over 38 years of Federal service when he was nominated to be the DHS Under Secretary for Management, and much of that experience was with the Navy, a large, complicated organization such as DHS.

Similarly, Elaine Duke had more than 25 years of progressively difficult Federal Government experience, primarily within the Department of Defense, when she was nominated to be DHS Under Secretary for Management.

I do not mean to imply only career civil servants are appropriate for this role, but Mr. Borrás's resume does not

include high-level managerial positions in organizations that are similarly complex to DHS. I think the Department of Homeland Security Under Secretary for Management needs a proven record in that regard.

I emphasize again, we set this up specifically to be responsible for transformation and to deal with the management problems of the Department. We laid it out: This is the kind of person we ought to be putting into this position.

Additionally and unfortunately, Mr. Borrás demonstrated a lack of attention to detail on two separate occasions in his personal life, which makes me wonder whether he is prepared to successfully undertake all the responsibilities required of the DHS Under Secretary for Management, such as addressing DHS's low rank on the "Best Places to Work in the Federal Government" study and overseeing the billions of dollars the DHS spends on hard-to-manage projects such as SBInet.

I feel so strongly about Mr. Borrás's lack of qualifications that I am no longer seeking to work to enact a 5-year term for the person who holds this position. The thought was, when we put this position together, we would give it a 5-year term because we knew that if we were going to do transformation, it was going to take more than 1 year. We would give that individual 5 years to go forward and work on nothing but transformation, transformation, transformation, so this Department would come together and get it off the high-risk list.

The Government Accountability Office suggested that such a term would help improve the management function at DHS, and I have been advocating for such legislation for the last couple years. My bill has bipartisan support and has passed the Senate before, but now I don't want it enacted because I am afraid of having Mr. Borrás in this position for 5 years. I don't think he has the skills necessary to get the job done. So that is gone.

I know I am not alone in my concerns. Mr. Borrás was passed out of the Homeland Security and Governmental Affairs Committee largely on a party-line vote, but it should be noted that two Democratic members of the committee expressed concern about his qualifications when we were debating his nomination.

In fact, one of the Democrats who voted for the nomination said she was doing so to send the nomination to the floor, but that she wanted the committee to take a closer look at Mr. Borrás's qualifications to make sure he had the management skills necessary to manage the Department of Homeland Security.

I wonder, did such a review ever occur? If it did, it did not include me even though I am the ranking member

on the committee's Oversight of Government Management Subcommittee. I should have asked Senator AKAKA if he had ever been consulted, but a dime will get you a dollar that they didn't talk to him at all.

I wasn't a strong supporter in creating the Department of Homeland Security. Standing it up created real challenges, and those challenges remain. But the Department exists, and we owe it to the United States and our children and grandchildren to ensure that the Department is as good as it can be. I think we need to ask our President why he made this recess appointment when doubt existed on both sides of the aisle about Mr. Borrás's qualifications. What was the stated reason for the appointment? Will somebody explain why the appointment was made?

I sat with the Secretary, and we talked about it. Never in all of my conversations did anyone come forward and say he should get the job; that he is qualified for the job. The fact that no one in the administration defended Mr. Borrás or explained why they thought he was qualified to be a DHS Under Secretary for Management still remains a puzzlement to me. I think somebody owes it to me, to Senator AKAKA, and to the Members of this Senate to explain why they put this man in this position under a recess appointment, particularly when we have an agency that, if we don't have the kind of attention given to it, will never be in a position where it can get off the high-risk list.

Mr. President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant editor of the Daily Digest proceeded to call the roll.

Mr. BROWN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BROWN of Ohio. Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BROWN of Ohio. Mr. President, I noticed the senior Senator from Ohio, my colleague, was in the Chamber, and I wanted to thank him publicly for his vote yesterday, joining with three other Republican Senators—Senators COLLINS, SNOWE, and BROWN, the new Senator from Massachusetts—in their vote to extend unemployment benefits.

There is simply no reason this shouldn't be bipartisan—this extension of unemployment benefits. It is not solving all our Nation's problems, but it certainly stimulates the economy. It is the best use of public dollars to help the economy because when we extend unemployment benefits, we pay unemployment benefits to a family in Ash-

tabula or a family in Yellow Springs who ends up putting money into their community. They spend it at the local grocery store, the hardware store, or the department store. They are able to pay their property tax, which is money that goes to schools, and all of those things. So it clearly has a stimulative effect on the local economy.

Even more than that, it is what we owe to people who are working hard, playing by the rules, and who can't find a job. We don't call it unemployment welfare. We call it unemployment insurance. I think all of us on both sides of the aisle, even though 30 of my colleagues worked against passing this legislation to extend unemployment benefits to people who are now unemployed but who were employed, understand, though maybe we need to have a little more instruction around here, that when people are employed, they pay into the system as insurance. When they are unemployed, they get assistance from the government to keep bread on the table, to keep their families fed. It is a pretty simple concept, and it has worked well for us for decades.

I hear from my Republican colleagues who voted against the extension of unemployment benefits that the reason they did so is because it is not paid for and that it will blow a hole in the budget. I know the Presiding Officer, when he represented Boulder in his congressional district in Colorado before he came to the Senate—he was down the hall from me, and he remembers, as I do the time when we opposed the war in Iraq, and the Republicans who supported it, all but, I believe, three in the House and one in the Senate didn't think then about paying for that war. They didn't think about what that meant in terms of cost to their children and grandchildren when they passed that.

We were both in the House, Senator UDALL of Colorado and myself, and they didn't think about the cost when we passed the Medicare giveaway to the drug and insurance companies, which Senator UDALL and I—then congressmen—opposed. They didn't say anything about paying for it in those days. They just added it to the credit card for our children and grandchildren.

When they gave tax cuts to the richest Americans—hundreds of billions of dollars over 10 years to the wealthiest Americans—that was just added to the credit card of the future.

It is only now they object to the cost, when it is unemployed workers—people whose lifestyle, people whose quality of life isn't close to the quality of life and the lifestyle and the standard of living that we enjoy, dressed like this, working in a place like this, this august body, with the privileges that surround us. It is only when we talk about people who have lost their jobs, who don't

have privileges that we do now—and generally through no doing of their own, but simply because they lost their jobs because their company closed or they got laid off—that they object to the cost.

Most of these workers were efficient workers who did what their employer asked. Yet we are going to be so stingy as to deny them unemployment compensation.

It is not like they are sitting around with nothing to do and should be out working. I talked to dozens of people, as I am sure Senator UDALL, the Presiding Officer, has, talked to dozens of people who tell me they send out 10 or 15, sometimes 25, sometimes 50 resumes every week or so to try to get a job. Usually these resumes go unanswered and possibly barely even looked at because these companies are not even hiring.

It is a question of fairness. It is a question of good economics. It is a question, in some sense, of the privilege we enjoy here that they are denying even a shred of that same advantage, by refusing to extend their unemployment benefits and refusing to extend the assistance they could get for health care with the so-called COBRA program which allows them to keep the health insurance they had. It is at high cost—but not so prohibitively high a cost since we have been helping with that since the stimulus package and legislation I had written before the stimulus bill that included it in it that gave assistance to people who lost their insurance when they signed up for COBRA to keep what they had.

I do not know what to think about their opposition. I hear them say it is about the budget deficit but I really wonder if it is because they didn't say it before when it was the tax cuts for the rich, the drug and insurance company giveaway, billions of taxpayer dollars, and the Iraq war. They never thought about paying for those things but they want to do it on the backs of unemployed workers. I do not get that.

Let me make it more personal. I have two letters today. I talked to a lady from Painesville, OH, east of Cleveland, in Lake County right along Lake Erie. She wrote and then I actually called her today and talked to her. Her name is Barbara. She said:

My son-in-law just got his last unemployment check. He has 2 kids, a \$1,000 house payment, car insurance, gas is \$3 a gallon, food bills, school clothes, school supplies, car maintenance.

She writes:

Oh yes, the kids like to eat. . . . They turn off the utilities when you do not pay them. . . . [P]lease vote to extend unemployment until jobs are available that pay more than minimum wage.

She goes on to write:

[We] need good paying jobs or unemployment right now. [My] daughter has bills she wants to pay.

She said:

[My] husband wants to work for money.

She said:

My kids don't want welfare.

Again, I think perhaps the Republicans who voted en masse—with the exception again of four courageous Republicans, including my seatmate, Senator VOINOVICH, the senior Senator from my State, including the two Maine Senators and the Massachusetts Senator—perhaps they do not understand the difference between welfare and unemployment insurance. I wish they would pay more attention so that they did. This is again unemployment insurance. These people are not taking welfare. These are people who earned it.

The second and last letter I will read—Janet from Toledo in northwest Ohio writes:

I have been working since I was 14. I am going on 65.

So Janet has worked 50 years or so.

I had to take early retirements and I am [at] risk of losing my home. . . . Thank the Lord I kept my car, but I can't afford much else like health insurance.

People like me are struggling. Giving unemployment . . . is giving money to people who have already earned it and paid into the system.

She is not asking for herself but she is asking for the many people she sees in Oregon, OH, and Wauseon and Bryan and Toledo and Sylvania and all over northwest Ohio, people who again, as most Americans, play by the rules, work hard and simply ask for a fair shake. They want this unemployment insurance available, payments available to them. It is not a lot of money. It is not anything most of us would want to live on, on any kind of decent standard of living. It is enough to get them to pay their bills through the week, through the month, so their house will not be foreclosed on, so they can feed their children or whatever the basic needs of life are that are so important to them.

I again thank the four Republicans who joined the Democrats in extending this legislation. I hope we can move forward this week, pass this legislation and get it to the President so we can get on with the job of figuring out how to put more people to work in this country.

I spoke today, I did a conference call with several Ohio highway contractors to talk about what this meant to them, what we can do to get money so they can build more highways and bridges and water and sewer systems so they can help companies that want to expand do what they need to do to modernize and expand their plants so they can begin hiring people. That is our mission, extend unemployment benefits and figure out, working with the private sector, how we help them create jobs and get this economy back on track.

I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BROWN of Ohio. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BROWN of Ohio. Mr. President, I ask unanimous consent the order with respect to H.R. 4851 and the Baucus amendment No. 3721 be modified to provide the vote on the motion to waive the Budget Act occur at 12:30 p.m., the additional time be divided as previously ordered, and the remaining provisions of the previous order still in effect.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. BROWN of Ohio. I ask unanimous consent the Senate proceed to a period of morning business with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

HEALTH CARE AND EDUCATION RECONCILIATION ACT OF 2010

SPIRITUAL AND RELIGIOUS CARE

Mr. KERRY. Mr. President, the recently enacted health reform law will extend quality, affordable health coverage to 32 million Americans and cover 95 percent of legal residents within the next decade.

Many Americans, including Christian Scientists, rely on provisions in current law that recognize spiritual care as a medical expense eligible for a medical care tax deduction. Nothing in the recently enacted health reform law prevents insurance companies from covering care that is currently recognized by the Internal Revenue Service as eligible for a medical care tax deduction through health insurance plans in the exchanges. Further, the new health reform law does not reduce existing provisions in the law that recognize spiritual care.

As we work to implement comprehensive health reform, I believe it is important to ensure that the needs of Americans relying on religious and spiritual care are addressed. I know these views are shared by my colleagues, Chairman HARKIN and Senator SHERROD BROWN, and I look forward to continue working with them on this issue.

Mr. BROWN of Ohio. I would like to associate myself with the remarks of Senator KERRY. We share an interest in providing appropriate accommodation for spiritual and religious care in a reformed health insurance market.

No American should be left worse off as a result of health reform. Some spiritual care—including that which is provided by Christian Science practitioners and Christian Science nurses—has been covered by certain health insurance policies for decades.

For example, four plans under the Federal Employees Health Benefits Program cover religious nonmedical nursing care and/or Christian Science practitioner services. They are the Government Employees' Health Association, the Mail Handlers Benefit Plan, the Special Agents Mutual Benefit Association, and the Association Benefit Plan.

Religious nonmedical nursing services are also covered under the Medicare and Medicaid Programs—42 U.S.C. §1395x(ss) and §1395i-5. TRICARE covers care in Christian Science nursing facilities, private duty Christian Science nursing services, and Christian Science practitioner services (10 U.S.C. §1079(a)(4)). And under section 223 of the Internal Revenue Code, funds contained in a health savings account may be used to pay for spiritual care (26 U.S.C. § 223(d)(2)(A)).

I have an interest in identifying a statutory way to affirm that health insurance companies may still cover this mode of care as part of their policies.

Chairman HARKIN has shown great leadership throughout health reform.

Mr. HARKIN. I thank the Senator from Ohio. Nothing in health reform legislation would cut existing benefits or restrict the ability of private insurance carriers from covering spiritual care. Further, spiritual care will continue to be recognized as a medical expense eligible for a medical care tax deduction.

Mr. BROWN of Ohio. I thank the Senator for his assistance and look forward to working with him and Senator KERRY to ensure that appropriate protections for spiritual care are provided as health reform is implemented.

Mr. KERRY. I thank the Senator.

REMEMBERING CAPTAIN JOHN LONERGAN

Mr. LEAHY. Mr. President, it is with great pride that I bring to the attention of the Senate the bravery and sacrifice of a great American, CPT John Loneragan, who was awarded the Medal of Honor for gallantry at the Battle of Gettysburg during the Civil War. His memory will be commemorated on May 8, 2010, with the dedication of a monument in his hometown of Carrick on Suir, County Tipperary, Ireland.

Amid severe famine and the 1848 rebellion against British rule, the Loneragan family was forced to flee Ireland and made their way to Vermont. In 1862, as the American Civil War erupted, John Loneragan mobilized Company A of the 13th Vermont Volunteer Infantry Regiment, the so-called

"Irish Company." His unit served 9 months of active duty in Virginia as part of the 2nd Vermont Brigade guarding the outer defenses of Washington, DC. As General Lee and General Grant maneuvered the armies of the South and North during the summer of 1863, Lonergan's Company A was sent on a forced march to Pennsylvania for what would be the Battle of Gettysburg.

On July 2, 1863, at Gettysburg, Lonergan, now a captain, and his company successfully recaptured a Union cannon lost to the rebels and took prisoner more than 80 Confederate soldiers. Captain Lonergan was later awarded the Medal of Honor for his leadership and gallantry during this battle. The next day, he led his company of Vermont soldiers in an attack against the right flank of a massive Confederate assault on Cemetery Ridge. Company A made an invaluable contribution to drive back the Confederate charge at a crucial moment in the Battle of Gettysburg.

After the War, Captain Lonergan worked to overcome existing prejudice against Americans of Irish descent by organizing the first public celebrations of St. Patrick's Day in Vermont. He never lost his love for Ireland, and he was apparently a passionate advocate for liberation from British rule. Captain Lonergan continued serving his new country as a U.S. Customs officer, assigned to duty in Montreal, Canada. He died in 1902 and was buried in Burlington, VT.

We Vermonters are proud to recognize the bravery of Captain Lonergan, those of Irish descent who fought alongside him, and the thousands of other Vermonters who fought in the Civil War. Vermont, per capita, had more of its sons die fighting in the Civil War than any other State.

For their service, bravery and sacrifice, we thank all of them, and all those who continue this proud tradition as they serve the Nation today in Afghanistan, Iraq and other outposts across the globe.

ADDITIONAL STATEMENTS

REMEMBERING JOAN MARJORIE KOCH STIVERS

• Mr. BUNNING. Mr. President, it is with great admiration and respect that I take this time to memorialize one of Kentucky's most outstanding citizens, Mrs. Joan Marjorie Koch Stivers.

Mrs. Stivers was born on June 19, 1921, in Greenfield, MA. After graduating from high school she attended Simmons College where she received a bachelor of science in dietetics. She then attended Harvard University where she received a master's degree in public health. After graduating from Harvard, Mrs. Stivers relocated to Manchester, KY, as a single young

woman, upon taking a position with the Kentucky Public Health Department.

In 1948 she married Bertram Robert Stivers of Manchester, KY. Mr. Stivers would go on to serve Kentucky as a judge of the circuit court. Their marriage lasted 57 years and produced four children and numerous grandchildren. All of their four children are accomplished and include daughters Louise and Mary Beth, who have had outstanding careers in higher education, and one son Robert, who is a State senator and another, Franklin, who is an appellate judge.

However, Mrs. Stivers is perhaps best known for her service to Sue Bennett College, which she joined in 1957 as a faculty member. Her career at Sue Bennett spanned 34 years in which time Mrs. Stivers held numerous positions both inside and outside of the classroom. In addition to her teaching duties, Mrs. Stivers served the college as dean of women, dean of students, academic dean, and finally president of the college.

After her retirement, Mrs. Stivers remained active in the community. She volunteered at the Federal Correctional Institute in Manchester, was active in the Presbyterian Church, and served on the Cumberland Valley Area Development District Commission on Aging and on the Governor's Commission on Aging.

The life of Mrs. Stivers made a tremendous impact on both her local community and the entire Commonwealth of Kentucky. I am honored to bring her accomplishments to the attention of the Senate, and I wish to extend my heartfelt condolences to her friends and family. •

TRIBUTE TO FRANKIE MANNING

• Mrs. MURRAY. Mr. President, I would like to take a moment today to recognize Mrs. Frankie Manning of the VA Puget Sound Health Care System in Seattle, WA. After over 40 years of service in the U.S. Army and the Department of Veterans Affairs, Mrs. Manning is retiring from government service. A pioneer in championing the needs of women veterans, she helped create the Women Veterans' Program for the Western Region in the 1980s. This program developed standards of care for women in the VA system and is still in place today. She was also instrumental in ensuring that the rural areas of our State received equal access and care from the VA system. My office worked closely with Mrs. Manning to establish the Veteran-Virtual Clinic in Port Angeles, a project that allows 3,000 veterans living on the Olympic Peninsula to access specialty care at the VA in Seattle.

Mrs. Manning has filled many roles within the VA system and served most recently as the nurse executive, over-

seeing the nursing operations at the Seattle and Tacoma facilities. Mrs. Manning also had a distinguished career in the U.S. Army Nurse Corps, spanning 23 years that included a deployment to Saudi Arabia during the gulf war. Mrs. Manning retired from the Army with the rank of lieutenant colonel.

These decades of service to our country demonstrate a dedication to public service matched by few. Mrs. Manning worked tirelessly to ensure the men and women serving in our armed services received the best health care possible and that this care continued for the rest of their lives. I would like to thank Mrs. Manning for her years of service to our country and to the people of Washington State. Her career is a tremendous example of public service, and her commitment to our veterans is truly appreciated. I wish her all the best in her future endeavors and know that her many talents will be missed at the VA Puget Sound Health Care System. •

NOTIFICATION OF THE ISSUANCE OF AN EXECUTIVE ORDER BLOCKING THE PROPERTY OF CERTAIN PERSONS CONTRIBUTING TO THE CONFLICT IN SOMALIA—PM 50

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs:

To the Congress of the United States:

Consistent with subsection 204(b) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(b) (IEEPA), and section 301 of the National Emergencies Act, 50 U.S.C. 1631 (NEA), I hereby report that I have issued an Executive Order (the "order") blocking the property of certain persons contributing to the conflict in Somalia. In that order, I declared a national emergency to deal with the unusual and extraordinary threat to the national security and foreign policy of the United States posed by that conflict, as described below.

The United Nations Security Council, in Resolution 1844 of November 20, 2008, reaffirmed its condemnation of all acts of violence in Somalia and incitement to violence inside Somalia, and expressed its concern at all acts intended to prevent or block a peaceful political process. United Nations Security Council Resolution (UNSCR) 1844 also expressed grave concern over the recent increase in acts of piracy and armed robbery at sea against vessels off the coast of Somalia, and noted the role piracy may play in financing violations of the arms embargo on Somalia imposed by UNSCR 733 of January 23,

1992. In UNSCR 1844, the United Nations Security Council determined that the situation in Somalia poses a threat to international peace and security in the region and called on member States to apply certain measures against persons responsible for the continuing conflict. The United Nations Security Council has continued to express grave concern about the crisis in Somalia in UNSCR 1846 of December 2, 2008, UNSCR 1851 of December 16, 2008, and UNSCR 1872 of May 26, 2009.

Pursuant to the IEEPA and the NEA, I have determined that the deterioration of the security situation and the persistence of violence in Somalia, and acts of piracy and armed robbery at sea off the coast of Somalia, constitute an unusual and extraordinary threat to the national security and foreign policy of the United States. The order declares a national emergency to deal with this threat.

The order is not targeted at the entire country of Somalia, but rather is intended to target those who threaten peace and stability in Somalia, who inhibit the delivery of humanitarian assistance to Somalia or the distribution of such assistance in Somalia, or who supply arms or related materiel in violation of the arms embargo. The order blocks the property and interests in property in the United States, or in the possession or control of United States persons, of the persons listed in the Annex to the order, as well as of any person determined by the Secretary of the Treasury, in consultation with the Secretary of State:

to have engaged in acts that directly or indirectly threaten the peace, security, or stability of Somalia, including but not limited to (1) acts that threaten the Djibouti Agreement of August 18, 2008, or the political process, or (2) acts that threaten the Transitional Federal Institutions, the African Union Mission in Somalia (AMISOM), or other international peacekeeping operations related to Somalia;

to have obstructed the delivery of humanitarian assistance to Somalia, or access to, or distribution of, humanitarian assistance in Somalia; or

to have directly or indirectly supplied, sold, or transferred to Somalia, or to have been the recipient in the territory of Somalia of, arms or any related materiel, or any technical advice, training, or assistance, including financing and financial assistance, related to military activities.

The designation criteria will be applied in accordance with applicable Federal law including, where appropriate, the First Amendment to the United States Constitution. The designation criteria will also be applied taking into consideration the arms embargo on Somalia imposed by UNSCR 733 of January 23, 1992, as elaborated upon and amended by subsequent resolutions.

The order also authorizes the Secretary of the Treasury, in consultation with the Secretary of State, to designate for blocking any person determined to have materially assisted, sponsored, or provided financial, material, logistical, or technical support for, or goods or services in support of, the activities described above or any person whose property and interests in property are blocked pursuant to the order. I determined that, among other threats to the peace, security, or stability of Somalia, acts of piracy or armed robbery at sea off the coast of Somalia threaten the peace, security, or stability of Somalia. I further authorized the Secretary of the Treasury, in consultation with the Secretary of State, to designate for blocking any person (defined as an individual or entity) determined to be owned or controlled by, or to have acted or purported to act for or on behalf of, directly or indirectly, any person whose property and interests in property are blocked pursuant to the order.

I delegated to the Secretary of the Treasury, in consultation with the Secretary of State, the authority to take such actions, including the promulgation of rules and regulations, and to employ all powers granted to the President by IEEPA and the United Nations Participation Act, as may be necessary to carry out the purposes of the order. All executive agencies are directed to take all appropriate measures within their authority to carry out the provisions of the order.

The order, a copy of which is enclosed, became effective at 12:01 a.m. eastern daylight time on April 13, 2010.

BARACK OBAMA.

THE WHITE HOUSE, April 13, 2010.

MESSAGE FROM THE HOUSE RECEIVED DURING ADJOURNMENT

ENROLLED BILL AND JOINT RESOLUTION SIGNED

Under the authority of the order of the Senate of January 6, 2009, the Secretary of the Senate, on March 31, 2010, during the adjournment of the Senate, received a message from the House of Representatives announcing that the Speaker has signed the following enrolled bill and joint resolution:

H.R. 4621. An act to protect the integrity of the constitutionally mandated United States census and prohibit deceptive mail practices that attempt to exploit the decennial census.

H.J. Res. 80. Joint resolution recognizing and honoring the Blinded Veterans Association on its 65th anniversary of representing blinded veterans and their families.

Under the authority of the order of the Senate of January 6, 2009, the enrolled bill and joint resolution were signed on April 1, 2010, during the adjournment of the Senate by the President pro tempore (Mr. BYRD).

MESSAGES FROM THE HOUSE

ENROLLED BILL SIGNED

The PRESIDENT pro tempore (Mr. BYRD) announced that on Friday, March 26, 2010, he had signed the following enrolled bill, which was previously signed by the Speaker of the House:

H.R. 4938. An act to permit the use of previously appropriated funds to extend the Small Business Loan Guarantee Program, and for other purposes.

ENROLLED BILL SIGNED

The PRESIDENT pro tempore (Mr. BYRD) announced that on Friday, March 26, 2010, he had signed the following enrolled bill:

H.R. 4957. An act to amend the Internal Revenue Code of 1986 to extend the funding and expenditure authority of the Airport and Airway Trust Fund, to amend title 49, United States Code, to extend authorizations for the airport improvement program, and for other purposes.

MEASURES PLACED ON THE CALENDAR

The following bill was read the second time, and placed on the calendar:

S. 3194. A bill to provide collective bargaining rights for public safety officers employed by States or their political subdivisions.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-5288. A communication from the Secretary of the Air Force, transmitting, pursuant to law, a report relative to the Average Procurement Unit Cost for the Wideband Global SATCOM (WGS) program satellites; to the Committee on Armed Services.

EC-5289. A communication from the Secretary of the Army, transmitting, pursuant to law, a report relative to the Average Procurement Unit Cost for the Advanced Threat Infrared Countermeasure and Common Missile Warning System (ATRRCM/CMWS) program; to the Committee on Armed Services.

EC-5290. A communication from the Assistant Secretary of the Navy (Financial Management and Comptroller), Department of Defense, transmitting, pursuant to law, a report relative to meals sold by messes for the United States Navy and Naval Auxiliary vessels; to the Committee on Armed Services.

EC-5291. A communication from the Assistant Secretary of the Army (Acquisition, Logistics and Technology), Department of Defense, transmitting, pursuant to law, a report relative to the Army's intent to enter into a contract in support of depot maintenance programs performed at Corpus Christi Army Depot, Texas, for the AH-64 and CH-47 Systems; to the Committee on Armed Services.

EC-5292. A communication from the Administrator of the Fruit and Vegetable Programs, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Potato Research and Promotion Plan" (Docket Nos. AMS-FV-09-0024; FV-09-706C)

received during adjournment of the Senate in the Office of the President of the Senate on March 31, 2010; to the Committee on Agriculture, Nutrition, and Forestry.

EC-5293. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a six-month periodic report on the national emergency declared in Executive Order 13224 of September 23, 2001, with respect to persons who commit, threaten to commit, or support terrorism; to the Committee on Banking, Housing, and Urban Affairs.

EC-5294. A communication from the Chairman, Federal Financial Institutions Examination Council, transmitting, pursuant to law, the Council's 2009 Annual Report to Congress; to the Committee on Banking, Housing, and Urban Affairs.

EC-5295. A communication from the Chairman, Board of Governors of the Federal Reserve System, transmitting, pursuant to law, a report relative to the Buy American Act; to the Committee on Banking, Housing, and Urban Affairs.

EC-5296. A communication from the Deputy to the Chairman for Legal Affairs, Federal Deposit Insurance Corporation, transmitting, pursuant to law, the report of a rule entitled "Transitional Safe Harbor Protection for Treatment by the Federal Deposit Insurance Corporation as Conservator or Receiver of Financial Assets Transferred by an Insured Depository Institution in Connection With a Securitization or Participation" (RIN3064-AD55) received during adjournment of the Senate in the Office of the President of the Senate on April 1, 2010; to the Committee on Banking, Housing, and Urban Affairs.

EC-5297. A communication from the Assistant to the Board of Governors, Division of Consumer and Community Affairs, Federal Reserve System, transmitting, pursuant to law, the report of a rule entitled "Electronic Fund Transfers" (FRS Docket No. R-1377) received in the Office of the President of the Senate on March 26, 2010; to the Committee on Banking, Housing, and Urban Affairs.

EC-5298. A communication from the Assistant General Counsel for Legislation and Regulatory Law, Office of Energy Efficiency and Renewable Energy, Department of Energy, transmitting, pursuant to law, the report of a rule entitled "Energy Conservation Program: Energy Conservation Standards for Small Electric Motors" (RIN1904-AB70) received during adjournment of the Senate in the Office of the President of the Senate on April 1, 2010; to the Committee on Energy and Natural Resources.

EC-5299. A communication from the Assistant Secretary for Fish and Wildlife Parks, National Wildlife Refuge Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Refuge Specific Regulations; Public Use; Kodiak National Wildlife Refuge" (RIN1018-AW15) as received during adjournment of the Senate in the Office of the President of the Senate on April 1, 2010; to the Committee on Environment and Public Works.

EC-5300. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Delegation of New Source Performance Standards and National Emission Standards for Hazardous Air Pollutants for the State of Louisiana" (FRL No. 9137-2) received in the Office of the President of the Senate on April 12, 2010; to the Committee on Environment and Public Works.

EC-5301. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Wyoming; Revisions to the Wyoming Air Quality Standards and Regulations; Direct Final Rule" (FRL No. 9136-6) received in the Office of the President of the Senate on April 12, 2010; to the Committee on Environment and Public Works.

EC-5302. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Stripping Transactions for Qualified Tax Credit Bonds" (Notice No. 2010-28) received during adjournment of the Senate in the Office of the President of the Senate on March 31, 2010; to the Committee on Finance.

EC-5303. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "American Recovery and Reinvestment Tax Act of 2009 Clarifications" (Notice No. 2010-18) received during adjournment of the Senate in the Office of the President of the Senate on March 31, 2010; to the Committee on Finance.

EC-5304. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Issuance of Opinion and Advisory Letters and Opening of the EGTRRA Determination Letter Program for Pre-Approved Defined Benefit Plans" (Announcement 2010-20) received during adjournment of the Senate in the Office of the President of the Senate on March 31, 2010; to the Committee on Finance.

EC-5305. A communication from the Assistant Secretary of Legislative Affairs, U.S. Department of State, transmitting, pursuant to law, a report relative to the waiver of the restrictions contained in Section 907 of the FREEDOM Support Act of 1992; to the Committee on Foreign Relations.

EC-5306. A communication from the Assistant Secretary of Legislative Affairs, U.S. Department of State, transmitting, pursuant to law, a report relative to the withdrawal of certification granted to Mexico in relation to the incidental capture of sea turtles in commercial shrimping operations; to the Committee on Foreign Relations.

EC-5307. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to the waiver of the restrictions contained in Section 907 of the FREEDOM Support Act of 1992; to the Committee on Foreign Relations.

EC-5308. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to the justification for the President's waiver of the restrictions on the provision of funds to the Palestinian Authority; to the Committee on Foreign Relations.

EC-5309. A communication from the Assistant Secretary, Bureau of Legislative Affairs,

Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed manufacturing license agreement for the export of defense articles, including, technical data, and defense services for the manufacture of Combat Identification System Products, Subsystems, and Ancillary Equipment for the Italian Ministry of Defense; to the Committee on Foreign Relations.

EC-5310. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed manufacturing license agreement for the export of defense articles, including, technical data, and defense services to Israel for the manufacture of the Video Matrix Switch with Quad Processor (VMS-Q) in the amount of \$50,000,000 or more; to the Committee on Foreign Relations.

EC-5311. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed technical assistance agreement for the export of defense articles, including, technical data, and defense services to support the Proton launch of the Astra 1N Commercial Communication Satellite from the Baikonur Cosmodrome in Kazakhstan in the amount of \$50,000,000 or more; to the Committee on Foreign Relations.

EC-5312. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed amendment to a technical assistance agreement for the export of defense articles, including, technical data, and defense services to develop, integrate, and manufacture the Integrated Color Display System for modernization of the Republic of China (Taiwan) Air Force Indigenous Defense Fighter in the amount of \$50,000,000 or more; to the Committee on Foreign Relations.

EC-5313. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed manufacturing license agreement for the export of defense articles, including, technical data, and defense services for the continued manufacture of the T55-L712 and 55-L714A engines powering the Japanese Ministry of Defense's CH-47J Helicopter in the amount of \$100,000,000 or more; to the Committee on Foreign Relations.

EC-5314. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to U.S. support for Taiwan's participation as an observer at the 63rd World Health Assembly and in the work of the World Health Organization; to the Committee on Foreign Relations.

EC-5315. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to the justification for the President's waiver of the restrictions on the provision of funds to the Palestinian Authority; to the Committee on Foreign Relations.

EC-5316. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Federal Civil Penalties Inflation Adjustment Act—2009 Implementation" (RIN1625-AB40) received during adjournment of the

Senate in the Office of the President of the Senate on April 9, 2010; to the Committee on Health, Education, Labor, and Pensions.

EC-5317. A communication from the Assistant General Counsel for Regulatory Services, Office of Elementary and Secondary Education, Department of Education, transmitting, pursuant to law, the report of a rule entitled "Race to the Top Fund" (RIN1810-AB10) received during adjournment of the Senate in the Office of the President of the Senate on April 8, 2010; to the Committee on Health, Education, Labor, and Pensions.

EC-5318. A communication from the Acting Director, Legislative and Regulatory Department, Pension Benefit Guaranty Corporation, transmitting, pursuant to law, the report of a rule entitled "Allocation of Assets in Single-Employer Plans; Benefits Payable in Terminated Single-Employer Plans; Interest Assumptions for Valuing and Paying Benefits" (29 CFR Parts 4022 and 4044) received during adjournment of the Senate in the Office of the President of the Senate on March 29, 2010; to the Committee on Health, Education, Labor, and Pensions.

EC-5319. A communication from the Deputy Director of Regulations and Policy Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Listing of Color Additives Exempt From Certification; Bismuth Citrate" (Docket No. FDA-2008-C-0098) received during adjournment of the Senate in the Office of the President of the Senate on April 8, 2010; to the Committee on Health, Education, Labor, and Pensions.

EC-5320. A communication from the Deputy Director of Regulations and Policy Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Advisory Committees; Technical Amendment" (Docket No. FDA-2010-N-0001) received during adjournment of the Senate in the Office of the President of the Senate on April 8, 2010; to the Committee on Health, Education, Labor, and Pensions.

EC-5321. A communication from the Deputy Director of Regulations and Policy Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Medical Devices; Technical Amendment" (Docket No. FDA-2010-N-0010) received during adjournment of the Senate in the Office of the President of the Senate on April 9, 2010; to the Committee on Health, Education, Labor, and Pensions.

EC-5322. A communication from the Deputy Director of Regulations and Policy Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Administrative Practices and Procedures; Good Guidance Practices; Technical Amendment" (Docket No. FDA-1999-N-3539) received during adjournment of the Senate in the Office of the President of the Senate on April 9, 2010; to the Committee on Health, Education, Labor, and Pensions.

EC-5323. A communication from the Deputy Director of Regulations and Policy Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "New Animal Drugs; Removal of Obsolete and Redundant Regulations" (Docket No. FDA-2003-N-0446) received during adjournment of the Senate in the Office of the President of the Senate on

April 9, 2010; to the Committee on Health, Education, Labor, and Pensions.

EC-5324. A communication from the Deputy Director of Regulations and Policy Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Revision of Organization and Conforming Changes to Regulations" (Docket No. FDA-2010-N-0148) received during adjournment of the Senate in the Office of the President of the Senate on April 9, 2010; to the Committee on Health, Education, Labor, and Pensions.

EC-5325. A communication from the Deputy Director of Regulations and Policy Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Medical Devices; Pediatric Uses of Devices; Requirement for Submission of Information on Pediatric Subpopulations That Suffer From a Disease or Condition That a Device is Intended to Treat, Diagnose, or Cure; Direct Final Rule" (Docket No. FDA-2009-N-0458) received during adjournment of the Senate in the Office of the President of the Senate on April 9, 2010; to the Committee on Health, Education, Labor, and Pensions.

EC-5326. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the report of a petition to add workers from the Nevada Test Site, Mercury, Nevada, to the Special Exposure Cohort; to the Committee on Health, Education, Labor, and Pensions.

EC-5327. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the report of a petition to add workers from the Lawrence Livermore National Laboratory, Livermore, California, to the Special Exposure Cohort; to the Committee on Health, Education, Labor, and Pensions.

EC-5328. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the report of a petition to add workers from the Lawrence Berkeley National Laboratory in Berkeley, California, to the Special Exposure Cohort; to the Committee on Health, Education, Labor, and Pensions.

EC-5329. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the report of a petition to add workers from the Westinghouse Electric Corp., Bloomfield, Illinois, to the Special Exposure Cohort; to the Committee on Health, Education, Labor, and Pensions.

EC-5330. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the report of a petition to add workers from the Area IV of Santa Susana Field, Santa Susana, California, to the Special Exposure Cohort; to the Committee on Health, Education, Labor, and Pensions.

EC-5331. A communication from the Director of the Office of Standards, Regulations, and Variances, Mine Safety and Health Administration, Department of Labor, transmitting, pursuant to law, the report of a rule entitled "High-Voltage Continuous Mining Machine Standard for Underground Coal Miners" (RIN1219-AB34) received in the Office of the President of the Senate on April 12, 2010; to the Committee on Health, Education, Labor, and Pensions.

EC-5332. A communication from the Director of the Office of Standards, Regulations, and Variances, Mine Safety and Health Administration, Department of Labor, transmitting, pursuant to law, the report of a rule

entitled "Coal Mine Dust Sampling Devices" (RIN1219-AB61) received in the Office of the President of the Senate on April 12, 2010; to the Committee on Health, Education, Labor, and Pensions.

EC-5333. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18-329, "Service Animal Amendment Act of 2010"; to the Committee on Homeland Security and Governmental Affairs.

EC-5334. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18-330, "Uniform Interstate Depositions and Discovery Act of 2010"; to the Committee on Homeland Security and Governmental Affairs.

EC-5335. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18-331, "Closing of a Portion of an Unimproved Public Alley in Square 5795, S.O. 08-7766, Act of 2010"; to the Committee on Homeland Security and Governmental Affairs.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. KERRY, from the Committee on Foreign Relations, without amendment and with a preamble:

S. Res. 409. A resolution calling on members of the Parliament in Uganda to reject the proposed "Anti-Homosexuality Bill", and for other purposes.

By Mr. KERRY, from the Committee on Foreign Relations, with an amendment in the nature of a substitute and with an amended preamble:

S. Res. 446. A resolution commemorating the 40th anniversary of the Treaty on the Non-Proliferation of Nuclear Weapons.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mr. KERRY for the Committee on Foreign Relations.

*Carolyn Hessler Radelet, of the District of Columbia, to be Deputy Director of the Peace Corps.

*Elizabeth L. Littlefield, of the District of Columbia, to be President of the Overseas Private Investment Corporation.

*Lana Pollack, of Michigan, to be a Commissioner on the part of the United States on the International Joint Commission, United States and Canada.

*Victor H. Ashe, of Tennessee, to be a Member of the Broadcasting Board of Governors for a term expiring August 13, 2010.

*Walter Isaacson, of Louisiana, to be a Member of the Broadcasting Board of Governors for a term expiring August 13, 2012.

*Walter Isaacson, of Louisiana, to be Chairman of the Broadcasting Board of Governors.

*Michael Lynton, of California, to be a Member of the Broadcasting Board of Governors for a term expiring August 13, 2012.

*Susan McCue, of Virginia, to be a Member of the Broadcasting Board of Governors for a term expiring August 13, 2011.

*Dennis Mulhaupt, of California, to be a Member of the Broadcasting Board of Governors for a term expiring August 13, 2011.

*S. Enders Wimbush, of Virginia, to be a Member of the Broadcasting Board of Governors for a term expiring August 13, 2010.

*Bisa Williams, of New Jersey, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Niger.

Nominee: Bisa Williams.

Post: Ambassador to Niger.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, amount, date, donee:

1. Self: \$1,505, 2008, Barack Obama.
2. Spouse: N/A.
3. Children and Spouses: Michael Stephen Manigault, Jr., N/A.
4. Parents: Paul Towbin Williams, M.D.—deceased, N/A; Eloise Owens Williams—deceased, N/A.
5. Grandparents: Frank E. Owens—deceased, N/A; Viola B. Owens—deceased, N/A; Charles C. Williams—deceased, N/A; Mrs. Ida B. Williams—deceased, N/A.
6. Brothers and Spouses: Paul T. Williams, Jr., \$2,300, 2008, Hillary R. Clinton; Ammie Felder-Williams, \$2,200, 2008, Hillary R. Clinton.
7. Sisters and Spouses: Ntozake Shange, N/A; Ifa Bayeza, N/A.

*Raul Yzaguirre, of Maryland, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Dominican Republic.

Nominee: Raul Yzaguirre.

Post: Dominican Republic.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, donee, amount, and date:

- Self: Hillary for President, \$1,500, 2/2008; Rick Noriega for Senate (TX), \$1,000, 11/2008; Democratic Senatorial Committee, \$1,000, 5/2009; Gil Cedillo for Congress (CA), \$500, 6/2007; Bill Winter for Congress (CO), \$250, 10/2006; Ciro Rodriguez, \$250, 02/02/2006.
2. Spouse: N/A.
 3. Children and Spouses: N/A.
 4. Parents: N/A.
 5. Grandparents: N/A.
 6. Brothers and Spouses: N/A.
 7. Sisters and Spouses: N/A.

*Theodore Sedgwick, of Virginia, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Slovak Republic.

Nominee: Theodore Sedgwick.

Post: Ambassador to Slovak Republic.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, amount, date and donee:

1. Theodore Sedgwick: \$1,000, 2006, Harold Ford Jr. for US Senate; \$1,000, 2006, Harris N. Miller, Miller for US Senate; \$1,000, 2006, Heath Shuler for Congress; \$2,100, 2006, James Webb for US Senate; \$1,000, 2006, Leonard C. Boswell, Boswell for Congress; \$1,000, 2006, Forward Together South Caro-

lina; \$500, 2006, Maria Cantwell for US Senate; \$5,000, 2006, Mark Warner, Forward Together PAC; \$5,000, 2006, New Democrat Network; \$1,000, 2006, Phil Kellam for Congress; \$1,000, 2006, Sheldon Whitehouse for Congress; \$1,000, 2007, Chellie N. Pingree for Congress; \$4,600, 2007, Obama For America; \$4,500, 2007, Dem Senatorial Campaign Committee; \$2,500, 2007, Democratic Congressional Campaign Committee; \$500, 2007, Democratic Leadership Council; \$1,000, 2007, Friends of Jim Clyburn—US Congress; \$4,600, 2007, Friends of Mark Warner, US Senate; \$4,600, 2007, Friends of US Senator Mary Landrieu; \$4,600, 2007, James Webb for US Senate; \$5,000, 2007, New Democrat Network; \$1,000, 2007, Tennessee Democratic Party; \$5,000, 2008, Committee for Change—Per FEC website, Recipients include: \$657, Democratic Executive Committee of FL, \$221, Colorado Democratic Party, \$329, Missouri Democratic State Committee, \$443, North Carolina Democratic Party, \$606, Ohio Democratic Party, \$368, Democratic Party of Virginia, \$347, Georgia Federal Elections Committee, \$323, Indiana Democratic Congressional, Victory Committee, \$583, Pennsylvania Democratic Party; \$1,000, 2008, Democratic Senatorial Campaign Committee; \$28,500, 2008, Democratic National Committee; \$2,100, 2008, Democratic Party of Virginia; \$2,300, 2008, Ethan Berkowitz, Berkowitz for Congress; \$1,000, 2008, Hillary Clinton for Pres; \$350, 2008, Joint Action Committee for Political Affairs; \$1,000, 2008, Tennessee Democratic Party; \$1,000, 2008, Udall for Colorado; \$100, 2009, Al Franken for US Senate, MN; \$1,000, 2009, Democracy In Action now called Wired for Change; \$17,700, 2009, Democratic National Committee (\$489) Michigan Democratic State Central Committee was partial recipient per FEC; \$1,000, 2009, Friends of Mark Warner.

2. Kate Sedgwick (Spouse): \$5,000, 2006, Mark Warner, Forward Together PAC; \$2,300, 2007, Obama For America; \$4,600, 2007, Friends of Mark Warner.

3. Caroline Sedgwick (Daughter): \$2,300, 2007, Barack Obama, Obama for America.

Elizabeth Brunson (Daughter): \$2,500, 2006, Forward Together PAC (Mark Warner); \$2,300, 2007, Barack Obama, Obama for America.

Stuart Brunson (Son-in-Law): \$250, 2006, Heath Shuler for Congress; \$2,500, 2006, Forward Together PAC; \$1,000, 2007, Tennessee Democratic Party; \$1,000, 2008, Tennessee Democratic Party; \$1,000, 2008, Robert Tuke for US Senate; \$1,000, 2009, Roy Herron for Congress, TN.

Elizabeth Sedgwick (Mother): \$1,000, 2006, Robert N. Shamansky for Congress; \$5,000, 2006, Mark R. Warner, Forward Together PAC; \$2,300, 2007, Barack Obama, Obama for America; \$28,500, 2008, Barack Obama, Obama Victory Fund; \$26,200, 2008, Democratic National Committee; \$2,300, 2008, Barack Obama, Obama for America.

Grandparents: (N/A).

Ellery Sedgwick (Brother): \$1,000, 2006, Mark R. Warner, Forward Together PAC; \$1,000, 2007, Barack Obama, Obama for America; \$1,300, 2008, Barack Obama, Obama for America; \$1,000, 2008, Thomas Stuart Price Perriello for Congress.

Walter Sedgwick (Brother): \$2,500, 2006, Democratic Congressional Campaign Committee; \$1,000, 2007, Democratic Congressional Campaign Committee; \$1,000, 2007, William G. Shafroth, Shafroth for Congress; \$1,000, 2007, Democratic Senatorial Campaign Committee; \$2,300, 2008, Barack Obama, Obama for America; \$2,000, 2008, Democratic Senatorial Campaign Committee; \$500, 2008,

Charles Brown, Brown for Congress; \$250, 2008, Darcy Burner, Burner for Congress; \$2,500, 2008, Democratic Congressional Campaign Committee; \$2,400, 2009, Harry Reid for Senate.

Jeanne Sedgwick (Sister-in-Law): \$1,000, 2005, Evan Bayh, Evan Bayh Committee; \$2,300, 2008, Barack Obama, Obama for America; \$2,400, 2009, Harry Reid for Senate.

Irene Briedis (Sister): \$600, 2006, Democratic Congressional Campaign Committee; \$250, 2006, Democratic Senatorial Campaign Committee; \$2,100, 2007, Barack Obama, Obama for America; \$250, 2007, Democratic Senatorial Campaign Committee; \$2,300, 2008, Barack Obama, Obama for America; \$250, 2009, Democratic Senatorial Campaign Committee.

*Robert Stephen Ford, of Maryland, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Syrian Arab Republic.

Nominee: Robert S. Ford.

Post: U.S. Embassy, Damascus, Syria.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Contributions, amount, date, and donee:

1. Self.
2. Spouse: Clare Alison Barkley: none.
3. Children and Spouses: none.
4. Parents: William Jack Ford: none; Marian Ford: none.
5. Grandparents: deceased.
6. Brothers and Spouses: William E. Ford: none; Brian J. Ford: none.
7. Sisters and Spouses: none.

Mr. KERRY. Mr. President, for the Committee on Foreign Relations I report favorably the following nomination list which was printed in the RECORD on the date indicated, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar that this nomination lie at the Secretary's desk for the information of Senators.

The PRESIDING OFFICER. Without objection, it is so ordered.

*Foreign Service nominations beginning with Karen L. Zens and ending with Richard Steffens, which nominations were received by the Senate and appeared in the Congressional Record on January 26, 2010.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. KAUFMAN (for himself, Mr. VOINOVICH, Mr. AKAKA, and Mr. LIEBERMAN):

S. 3196. A bill to amend the Presidential Transition Act of 1963 to provide that certain

transition services shall be available to eligible candidates before the general election; to the Committee on Homeland Security and Governmental Affairs.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mrs. HAGAN:

S. Res. 478. A resolution expressing support for designation of March as "National Whole Child Month"; to the Committee on Health, Education, Labor, and Pensions.

ADDITIONAL COSPONSORS

S. 211

At the request of Mrs. MURRAY, the names of the Senator from Delaware (Mr. CARPER) and the Senator from Colorado (Mr. UDALL) were added as cosponsors of S. 211, a bill to facilitate nationwide availability of 2-1-1 telephone service for information and referral on human services and volunteer services, and for other purposes.

S. 362

At the request of Mr. ROCKEFELLER, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 362, a bill to amend title 38, United States Code, to improve the collective bargaining rights and procedures for review of adverse actions of certain employees of the Department of Veterans Affairs, and for other purposes.

S. 435

At the request of Mr. CASEY, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 435, a bill to provide for evidence-based and promising practices related to juvenile delinquency and criminal street gang activity prevention and intervention to help build individual, family, and community strength and resiliency to ensure that youth lead productive, safe, healthy, gang-free, and law-abiding lives.

S. 450

At the request of Mr. BAUCUS, the name of the Senator from Colorado (Mr. BENNET) was added as a cosponsor of S. 450, a bill to understand and comprehensively address the oral health problems associated with methamphetamine use.

S. 535

At the request of Mr. NELSON of Florida, the name of the Senator from Nebraska (Mr. NELSON) was added as a cosponsor of S. 535, a bill to amend title 10, United States Code, to repeal requirement for reduction of survivor annuities under the Survivor Benefit Plan by veterans' dependency and indemnity compensation, and for other purposes.

S. 732

At the request of Mr. AKAKA, the name of the Senator from Rhode Island

(Mr. WHITEHOUSE) was added as a cosponsor of S. 732, a bill to amend the National Dam Safety Program Act to establish a program to provide grant assistance to States for the rehabilitation and repair of deficient dams.

S. 753

At the request of Mr. SCHUMER, the name of the Senator from Minnesota (Mr. FRANKEN) was added as a cosponsor of S. 753, a bill to prohibit the manufacture, sale, or distribution in commerce of children's food and beverage containers composed of bisphenol A, and for other purposes.

S. 781

At the request of Mr. SPECTER, his name was added as a cosponsor of S. 781, a bill to amend the Internal Revenue Code of 1986 to provide for collegiate housing and infrastructure grants.

S. 1233

At the request of Ms. LANDRIEU, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 1233, a bill to reauthorize and improve the SBIR and STTR programs and for other purposes.

S. 1275

At the request of Mr. WARNER, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 1275, a bill to establish a National Foundation on Physical Fitness and Sports to carry out activities to support and supplement the mission of the President's Council on Physical Fitness and Sports.

S. 1352

At the request of Mr. DODD, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 1352, a bill to provide for the expansion of Federal efforts concerning the prevention, education, treatment, and research activities related to Lyme and other tick-borne diseases, including the establishment of a Tick-Borne Diseases Advisory Committee.

S. 1382

At the request of Mr. DODD, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 1382, a bill to improve and expand the Peace Corps for the 21st century, and for other purposes.

S. 1492

At the request of Ms. MIKULSKI, the name of the Senator from Wisconsin (Mr. KOHL) was added as a cosponsor of S. 1492, a bill to amend the Public Health Service Act to fund breakthroughs in Alzheimer's disease research while providing more help to caregivers and increasing public education about prevention.

S. 1789

At the request of Mr. DURBIN, the names of the Senator from Alabama (Mr. SESSIONS), the Senator from Utah (Mr. HATCH), the Senator from South Carolina (Mr. GRAHAM) and the Senator

from Oklahoma (Mr. COBURN) were added as cosponsors of S. 1789, a bill to restore fairness to Federal cocaine sentencing.

S. 1939

At the request of Mrs. GILLIBRAND, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 1939, a bill to amend title 38, United States Code, to clarify presumptions relating to the exposure of certain veterans who served in the vicinity of the Republic of Vietnam, and for other purposes.

S. 2962

At the request of Mr. DODD, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 2962, a bill to amend title II of the Social Security Act to apply an earnings test in determining the amount of monthly insurance benefits for individuals entitled to disability insurance benefits based on blindness.

S. 2989

At the request of Ms. LANDRIEU, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 2989, a bill to improve the Small Business Act, and for other purposes.

S. 3039

At the request of Mr. UDALL of New Mexico, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 3039, a bill to prevent drunk driving injuries and fatalities, and for other purposes.

S. 3068

At the request of Mrs. HUTCHISON, the name of the Senator from Florida (Mr. LEMIEUX) was added as a cosponsor of S. 3068, a bill to reauthorize the National Aeronautics and Space Administration Human Space Flight Activities, and for other purposes.

S. 3122

At the request of Mr. ENSIGN, the name of the Senator from South Dakota (Mr. THUNE) was added as a cosponsor of S. 3122, a bill to require the Attorney General of the United States to compile, and make publicly available, certain data relating to the Equal Access to Justice Act, and for other purposes.

S. 3165

At the request of Ms. LANDRIEU, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 3165, a bill to authorize the Administrator of the Small Business Administration to waive the non-Federal share requirement under certain programs.

S. 3180

At the request of Mr. LEMIEUX, the name of the Senator from Utah (Mr. BENNETT) was added as a cosponsor of S. 3180, a bill to prohibit the use of funds for the termination of the Constellation Program of the National Aeronautics and Space Administration, and for other purposes.

S. RES. 477

At the request of Mr. MENENDEZ, the names of the Senator from Wisconsin (Mr. FEINGOLD), the Senator from California (Mrs. FEINSTEIN), the Senator from Vermont (Mr. LEAHY) and the Senator from Pennsylvania (Mr. CASEY) were added as cosponsors of S. Res. 477, a resolution honoring the accomplishments and legacy of Cesar Estrada Chavez.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. KAUFMAN (for himself, Mr. VOINOVICH, Mr. AKAKA, and Mr. LIEBERMAN):

S. 3196. A bill to amend the Presidential Transition Act of 1963 to provide that certain transition services shall be available to eligible candidates before the general election; to the Committee on Homeland Security and Governmental Affairs.

Mr. KAUFMAN. Mr. President, I rise to discuss a bill I am introducing today, the Pre-Election Presidential Transition Act of 2010, bipartisan legislation that concerns both our national security and America's democratic institutions.

I am proud to be joined by my colleague from Ohio, Senator VOINOVICH in introducing this bill. I also want to thank our cosponsors, Chairman AKAKA of the Oversight of Government Management Subcommittee as well as Chairman LIEBERMAN of the Homeland Security and Governmental Affairs Committee.

I am appreciative of their support and for their input while drafting this bill.

I also would like to thank the Partnership for Public Service, a leading nonpartisan, nonprofit organization in the area of government accountability and reform. Their recent "Ready to Govern" report on the 2008-2009 transition made a number of important recommendations that are included in our bill.

As the strong, bipartisan support for this bill demonstrates, this is not a political issue.

After the attacks of September 11, we face new security challenges that require close cooperation between outgoing and incoming administrations, and the recent economic crisis underscores the importance of a smooth handoff on domestic policy as well.

This was highlighted in a recent article by Martha Kumar, a respected political scientist at Towson University and Director of the nonpartisan White House Transition Project. As Professor Kumar recounts in her December 2009 article in *Presidential Studies Quarterly*, a threat to President Obama's inauguration brought together the incoming and outgoing senior national security personnel in the White House Situation Room the morning of his swearing-in.

In the hours before then-President-elect Obama was to take office, intelligence sources had indicated a possible plot to attack the National Mall during the ceremony. Thankfully, this threat proved a false alarm.

But, as Kumar explains, that Situation Room meeting between advisers to President Bush and President-elect Obama was a powerful example of why transition planning is so important.

In their meeting that morning, those on both sides worked well together as a team. This was so because they had met frequently in the weeks beforehand and had undergone joint emergency preparedness exercises together.

This occurred in no small part because the administration of former President George W. Bush made it a high priority. The former President and his White House staff deserve great credit for their work during their final months in office. By appointing his chief of staff, Joshua Bolton, as his transition point-person and convening a formal Transition Coordinating Council, President Bush created a successful model for a 21st century transfer of power.

Presidential inaugurations have always been moments of celebration for Americans, as we reaffirm the elective nature of our government. But they also represent moments of potential vulnerability.

In the earliest years of our history, that vulnerability inhabited the untested nature of our institutions. In an era when elected government was rare, the transition from one executive administration to another, particularly those between parties, brought fears of political or social unrest.

The primary example of such a transition remains that from the administration of John Adams to that of Thomas Jefferson, the first between opponents of different parties to contest the Presidency.

The peaceful nature of the 1801 transition came as a welcome surprise to some. The early American writer and novelist, Margaret Bayard Smith, whose brother, James Bayard, held the Senate seat from Delaware I now occupy, attended that inauguration. In a letter to her daughter, she described it thus:

I have this morning witnessed one of the most interesting scenes a free people can ever witness. The changes of administration, which in every government and in every age have most generally been epochs of confusion, villainy, and bloodshed, in this our happy country take place without any species of distraction or disorder.

It is also notable that the greatest political crisis in our history occurred during the period between election day in November 1860 and Abraham Lincoln's inauguration the following March. The States that seceded did so amid a palpable uncertainty of national leadership.

Today, however, our concern is less with political stability than with national security.

During the Cold War, when fears of a power vacuum caused a renewed focus on continuity of government, Congress passed the Presidential Transition Act of 1963. It formalized several important elements of a successful transition, including public funds for transition staff, use of office space and equipment from the General Services Administration, reimbursement for travel by the President-elect and Vice President-elect, and their use of franked mail. It was amended in 1998 to permit the President-elect and Vice President-elect to supplement public transition funding with private donations and laid out requirements for disclosing their sources.

In 2004, Congress took an important step by including provisions in the Intelligence Reform and Terrorism Prevention Act that allow transition personnel to request FBI background checks for potential appointees. This helps ensure that, on January 20 when the new President is sworn in, the most critical national security positions are immediately filled.

While some aspects of a successful Presidential transition process have been formalized by these acts, much of what has become necessary for a safe and smooth transition is still left to chance.

Fortune favors the prepared.

We were very lucky that the first transition of the post-September 11 era was carried out smoothly and with great preparation by both the outgoing and incoming administrations.

As I said a few moments ago, we owe great thanks to former President Bush for making this a priority and committing staff and resources to the process.

I also commend those who worked on both the Obama transition team as well as those from Senator MCCAIN's campaign who engaged in some transition planning before election day.

Most importantly, our bill will go a long way in removing the stigma that has historically caused candidates to hide or even delay important transition planning until after election day.

We all recognize that the first priority of any Presidential campaign is to win the election. I certainly understand why, in the past, candidates have been wary of revealing that they have engaged in pre-election transition planning.

But we cannot afford to lose critical planning time because of fears that a candidate might be accused by a rival of "measuring the drapes" prematurely. We must also ensure that incumbents make the necessary preparations in case they lose bids for reelection.

Candidate transition planning is an act of responsibility, not presumptuousness.

With the security and domestic policy challenges we face today, it must become the norm for any major party nominee to begin making arrangements for a transition long before election day.

The bill my colleagues and I are introducing will both formalize many of the recent transition's successes and provide additional resources to help nominees begin their transition efforts earlier.

The Pre-Election Presidential Transition Act of 2010 encourages eligible Presidential candidates to accept transition office space and a broad array of services from the General Services Administration immediately after their nominating conventions.

Presently, candidates must wait until after election day before these resources become available. We know that this is too late, since both campaigns in 2008, and others in recent years, began informal transition planning months in advance.

Under our bill, salaries for candidates' transition staff, travel expenses, and allowances are funded exclusively by separate funds raised by their campaigns prior to the election.

Eligible candidates would be authorized to set up a separate account to support these activities. They would be able to transfer money from their campaign accounts into this transition account as well as raise funds separately.

Those candidates eligible to receive GSA-provided services and access to facilities include major party candidates. Third-party candidates would be eligible if they met the same criteria used by the Commission on Presidential Debates to participate in general election debates.

The GSA would distribute to candidates a report on modern transitions, including a bibliography of resources. This report would also be released to the public and posted on the Internet to educate the press and public on the importance of early transition planning.

Of course, under the bill services and information to candidates would be provided on an equal basis and without regard to political affiliation, and they would have to be used only for transition purposes.

Because a transition depends on the careful attention of those both preparing to assume power and those leaving it, our bill also authorizes appropriations for the outgoing administration to use in planning and coordinating transition activities across departments and agencies. It recommends adopting the Bush model of a transition coordinating council, staffed by both outgoing appointees and career managers from each agency. This council would meet regularly with representatives from the major nominees and update them on transition matters.

The bill also encourages the outgoing administration to prepare comprehensive briefing materials for incoming officials on a range of issues and potential areas of concern.

My colleagues and I approach this as pragmatists, and our goal is not to tie the hands of an administration. It is to inspire responsible preparation. This bill is not about telling an outgoing President what to do; rather, it lays out a strongly suggested model for how to do the right thing.

The only new requirement it sets for the outgoing President is the submission of two reports to Congress in the months before election day describing the activities being undertaken to prepare for the transfer of power.

But the model it suggests has worked and can serve as a blueprint for transitions to come.

My first job in politics after JOE BIDEN was elected to the Senate in 1972 was to help him set up his Senate office in Delaware. My last job, before I was appointed to his Senate seat was as co-chair of his Vice Presidential Transition Team.

I can tell you from experience, setting up a Senate office is tough, but it is nothing like setting up a White House.

I was there in the room when then-President-elect Obama and Vice President-elect Biden convened their first transition meetings right after election day. I cannot stress more forcefully how important it was in those meetings that the Obama-Biden transition had begun much earlier.

There simply is not enough time between November and January to get everything done that needs to be done.

These are the reasons why I hope my colleagues will join us in supporting this legislation to make our presidential transitions smoother and safer.

We cannot afford to leave something this important to chance.

Again, I want to thank my friend and colleague from Ohio, Senator VOINOVICH, for his help in pulling this bill together as well as Senators AKAKA and LIEBERMAN for their support and leadership.

I look forward to working with them on the Homeland Security and Governmental Affairs Committee to move this measure through the Congress.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 3196

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Pre-Election Presidential Transition Act of 2010".

SEC. 2. CERTAIN PRESIDENTIAL TRANSITION SERVICES MAY BE PROVIDED TO ELIGIBLE CANDIDATES BEFORE GENERAL ELECTION.

(a) IN GENERAL.—Section 3 of the Presidential Transition Act of 1963 (3 U.S.C. 102 note) is amended by adding at the end the following new subsection:

"(h)(1)(A) In the case of an eligible candidate, the Administrator—

"(i) shall notify the candidate of the candidate's right to receive the services and facilities described in paragraph (2) and shall provide with such notice a description of the nature and scope of each such service and facility; and

"(ii) upon notification by the candidate of which such services and facilities such candidate will accept, shall, notwithstanding subsection (b), provide such services and facilities to the candidate during the period beginning on the date of the notification and ending on the date of the general elections described in subsection (b)(1).

The Administrator shall also notify the candidate of the services provided under sections 7601(c) and 8403(b) of the Intelligence Reform and Terrorism Prevention Act of 2004.

"(B) The Administrator shall provide the notice under subparagraph (A)(i) to each eligible candidate—

"(i) in the case of a candidate of a major party (as defined in section 9002(6) of the Internal Revenue Code of 1986), on one of the first 3 business days following the last nominating convention for such major parties; and

"(ii) in the case of any other candidate, as soon as practicable after an individual becomes an eligible candidate (or, if later, at the same time as notice is provided under clause (i)).

"(C)(i) The Administrator shall, not later than January 1 of 2012 and of every 4th year thereafter, prepare a report summarizing modern presidential transition activities, including a bibliography of relevant resources.

"(ii) The Administrator shall promptly make the report under clause (i) generally available to the public (including through electronic means) and shall include such report with the notice provided to each eligible candidate under subparagraph (A)(i).

"(2)(A) Except as provided in subparagraph (B), the services and facilities described in this paragraph are the services and facilities described in subsection (a) (other than paragraphs (2), (3), (4), and (7) thereof), but only to the extent that the use of the services and facilities is for use in connection with the eligible candidate's preparations for the assumption of official duties as President or Vice-President.

"(B) The Administrator—

"(i) shall determine the location of any office space provided to an eligible candidate under this subsection;

"(ii) shall, as appropriate, ensure that any computers or communications services provided to an eligible candidate under this subsection are secure;

"(iii) shall offer information and other assistance to eligible candidates on an equal basis and without regard to political affiliation; and

"(iv) may modify the scope of any services to be provided under this subsection to reflect that the services are provided to eligible candidates rather than the President-elect or Vice-President-elect, except that any such modification must apply to all eligible candidates.

"(C) An eligible candidate, or any person on behalf of the candidate, shall not use any

services or facilities provided under this subsection other than for the purposes described in subparagraph (A), and the candidate or the candidate's campaign shall reimburse the Administrator for any unauthorized use of such services or facilities.

“(3)(A) Notwithstanding any other provision of law, an eligible candidate may establish a separate fund for the payment of expenditures in connection with the eligible candidate's preparations for the assumption of official duties as President or Vice-President, including expenditures in connection with any services or facilities provided under this subsection (whether before such services or facilities are available under this section or to supplement such services or facilities when so provided). Such fund shall be established and maintained in such manner as to qualify such fund for purposes of section 501(c)(4) of the Internal Revenue Code of 1986.

“(B)(i) The eligible candidate may—

“(I) transfer to any separate fund established under subparagraph (A) contributions (within the meaning of section 301(8) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(8))) the candidate received for the general election for President or Vice-President or payments from the Presidential Election Campaign Fund under chapter 95 of the Internal Revenue Code of 1986 the candidate received for the general election; and

“(II) solicit and accept amounts for receipt by such separate fund.

“(ii) Any expenditures from the separate fund that are made from such contributions or payments described in clause (i)(I) shall be treated as expenditures (within the meaning of section 301(9) of such Act (2 U.S.C. 431(9))) or qualified campaign expenses (within the meaning of section 9002(11) of such Code), whichever is applicable.

“(iii) An eligible candidate establishing a separate fund under subparagraph (A) shall (as a condition for receiving services and facilities described in paragraph (2)) comply with all requirements and limitations of section 5 in soliciting or expending amounts in the same manner as the President-elect or Vice-President-elect, including reporting on the transfer and expenditure of amounts described in subparagraph (B)(i) in the disclosures required by section 5.

“(4)(A) In this subsection, the term ‘eligible candidate’ means, with respect to any presidential election (as defined in section 9002(10) of the Internal Revenue Code of 1986)—

“(i) a candidate of a major party (as defined in section 9002(6) of such Code) for President or Vice-President of the United States; and

“(ii) any other candidate who has been determined by the Administrator to be among the principal contenders for the general election to such offices.

“(B) In making a determination under subparagraph (A)(ii), the Administrator shall—

“(i) ensure that any candidate determined to be an eligible candidate under such subparagraph—

“(I) meets the requirements described in Article II, Section 1, of the United States Constitution for eligibility to the office of President;

“(II) has qualified to have his or her name appear on the ballots of a sufficient number of States such that the total number of electors appointed in those States is greater than 50 percent of the total number of electors appointed in all of the States; and

“(III) has demonstrated a significant level of public support in national public opinion polls, so as to be realistically considered

among the principal contenders for President or Vice-President of the United States; and

“(ii) consider whether other national organizations have recognized the candidate as being among the principal contenders for the general election to such offices, including whether the Commission on Presidential Debates has determined that the candidate is eligible to participate in the candidate debates for the general election to such offices.”

(b) ADMINISTRATOR REQUIRED TO PROVIDE TECHNOLOGY COORDINATION UPON REQUEST.—Section 3(a)(10) of the Presidential Transition Act of 1963 (3 U.S.C. 102 note) is amended to read as follows:

“(10) Notwithstanding subsection (b), consultation by the Administrator with any President-elect, Vice-President-elect, or eligible candidate (as defined in subsection (h)(4)) to develop a systems architecture plan for the computer and communications systems of the candidate to coordinate a transition to Federal systems if the candidate is elected.”

(c) COORDINATION WITH OTHER TRANSITION SERVICES.—

(1) SECURITY CLEARANCES.—Section 7601(c) of the Intelligence Reform and Terrorism Prevention Act of 2004 (50 U.S.C. 435b note) is amended—

(A) by striking paragraph (1) and inserting:

“(1) DEFINITION.—In this section, the term ‘eligible candidate’ has the meaning given such term by section 3(h)(4) of the Presidential Transition Act of 1963 (3 U.S.C. 102 note).”, and

(B) by striking “major party candidate” in paragraph (2) and inserting “eligible candidate”.

(2) PRESIDENTIALLY APPOINTED POSITIONS.—Section 8403(b)(2)(B) of such Act (5 U.S.C. 1101 note) is amended to read as follows:

“(B) OTHER CANDIDATES.—After making transmittals under subparagraph (B), the Office of Personnel Management shall transmit such electronic record to any other candidate for President who is an eligible candidate described in section 3(h)(4)(B) of the Presidential Transition Act of 1963 (3 U.S.C. 102 note) and may transmit such electronic record to any other candidate for President.”

(d) CONFORMING AMENDMENTS.—Section 3 of the Presidential Transition Act of 1963 (3 U.S.C. 102 note) is amended—

(1) in subsection (a)(8)(B), by striking “President-elect” and inserting “President-elect or eligible candidate (as defined in subsection (h)(4)) for President”; and

(2) in subsection (e), by inserting “, or eligible candidate (as defined in subsection (h)(4)) for President or Vice-President,” before “may designate”.

SEC. 3. AUTHORIZATION OF TRANSITION ACTIVITIES BY THE OUTGOING ADMINISTRATION.

(a) IN GENERAL.—The President of the United States, or the President's delegate, may take such actions as the President determines necessary and appropriate to plan and coordinate activities by the Executive branch of the Federal Government to facilitate an efficient transfer of power to a successor President, including—

(1) the establishment and operation of a transition coordinating council comprised of—

(A) high-level officials of the Executive branch selected by the President, which may include the Chief of Staff to the President, any Cabinet officer, the Director of the Office of Management and Budget, the Administrator of the General Services Administra-

tion, and the Director of the Office of Personnel Management, and

(B) any other persons the President determines appropriate;

(2) the establishment and operation of an agency transition directors council which includes career employees designated to lead transition efforts within Executive Departments or agencies;

(3) the development of guidance to Executive Departments and agencies regarding briefing materials for an incoming administration, and the development of such materials; and

(4) the development of computer software, publications, contingency plans, issue memoranda, memoranda of understanding, training and exercises (including crisis training and exercises), programs, lessons learned from previous transitions, and other items appropriate for improving the effectiveness and efficiency of a Presidential transition that may be disseminated to eligible candidates (as defined in section 3(h)(4) of the Presidential Transition Act of 1963, as added by section 2(a)) and to the President-elect and Vice-President-elect.

Any information and other assistance to eligible candidates under this subsection shall be offered on an equal basis and without regard to political affiliation.

(b) REPORTS.—

(1) IN GENERAL.—The President of the United States, or the President's delegate, shall provide to the Committee on Oversight and Government Reform of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate reports describing the activities undertaken by the President and the Executive Departments and agencies to prepare for the transfer of power to a new President.

(2) TIMING.—The reports under paragraph (1) shall be provided six months and three months before the date of the general election for the Office of President of the United States.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this section.

Mr. VOINOVICH. Mr. President, every 4 to 8 years our country achieves a feat that is very much the exception to the rule when placed in the context of the long roll of history: through universal suffrage the people select a new president, and the president-elect assumes power in a peaceful manner.

It is a testament to the dedication and professionalism of past presidents, presidents-elect, civil servants and private citizens that this latter task, the presidential transition, is now seen by many Americans as routine; a new president is selected in November, and in January, he or she swaps places with the incumbent president. Life goes on as normal.

Of course, the task of transferring command of an organization with more than 5 million employees and a \$3.7 trillion annual budget is a bit more complex than our recent successful track record may suggest. Domestic and international threats further complicate this process.

Perhaps more than any of its counterparts, the Bush-Obama transition

was dealt the longest odds for attaining the uneventful standard our country has come to expect from transfers of power. As my colleagues well know, the Bush-Obama transition was the first of the modern era to occur during wartime, and the first to follow a general election in which the incumbent president or vice-president did not vie for the presidency. The Bush-Obama transition was also the first to occur in the post-September 11th world, and the first since the largest reorganization of government in over 6 decades. As the candidates entered the last week of the campaign season, the second worst month in the history for the Standard & Poor's 500 was drawing to a close after that index had plunged 27 percent in 4 weeks' time.

These challenges would be more than enough for any well-disciplined transition effort to confront. Yet in January 2010, shortly before the anniversary of President Obama's inauguration, the American public learned through press accounts of still another threat confronted by the outgoing and incoming administrations. In the days preceding the Presidential Inauguration, intelligence reports surfaced that al-Shabaab, a Somali terrorist organization with ties to al-Qaeda, was planning an attack on the crowds that would gather to witness the administration of the oath of office to the 44th President of the U.S. The threat was taken so seriously that the Secretary of Defense did not attend the inaugural ceremonies in order to ensure continuity of the Nation's national security apparatus.

Fortunately this plot did not materialize. But threats like these emphasize the importance of a new president being ready to govern from day one.

Despite the challenges faced by the Bush-Obama transition, this most recent transfer of power most closely approached our transition ideal. Both the President and President-elect understood the gravity of the tasks before them, and undertook early and robust planning efforts. President Bush began preparing his administration for the transition earlier than any other presidency when he directed then White House Chief of Staff Joshua Bolten in late 2007 to ensure "that the transition is as effective as possible, especially in the national security area." For his part, President-elect Obama established the largest transition organization to date. At its peak, the Obama-Biden Transition Project's staff numbered 450, with a total budget of more than \$12 million, \$7 million of which came from private contributions.

In many ways, this most recent transition effort was the best case scenario. The transition succeeded because of the character and values of those tasked with leading the effort, individuals like Gail Lovelace, Joshua Bolten, Clay Johnson, John Podesta, and Christopher Lu.

But for critical events like a presidential transition, we cannot always be assured that such productive organizations and working relationships will develop. One need look no further than the acrimonious relationship between the outgoing Clinton administration and the incoming Bush administration, or the internal dissension in President-elect Carter's transition team, to find examples of dysfunctional transitions.

Of course, presidential personalities and uncontrollable circumstances will always be a driving factor in the success of future presidential transitions. But we in Congress can contribute to future successes by providing sufficient assistance and formal avenues to more robust transition planning, and by working to address the stigma that has unfortunately been associated with so-called "presumptuous" transition planning before the general election.

As my colleagues know, the formal mechanisms used by the federal government to transfer power were established in March 1964 with enactment of the Presidential Transition Act, PTA. The Presidential Transition Act of 1963 extends certain government services to the president-elect, including staff salaries, travel expenses, office space, postal reimbursement, and communications equipment. With the exception of substantive amendments in 2000 to provide for a transition directory and activities designed to "acquaint key prospective Presidential appointees with the types of problems and challenges that most typically confront new political appointees," and a provision of the Intelligence Reform and Terrorism Prevention Act of 2004 to provide for expedited security clearances for transition team members and prospective presidential appointees, the architecture our country uses to achieve a successful transition remains largely the same almost a half-century on.

So I am pleased to today join the distinguished junior Senator from Delaware, Senator EDWARD KAUFMAN, in introducing legislation to contribute to the future success of presidential transitions. Prior to returning to the U.S. Senate as a Member, Senator KAUFMAN served as one of the Obama-Biden Transition Project's twelve board members, where he gained first-hand experience in the challenges associated with transitioning the Federal Government.

I am happy to also be joined by two of the U.S. Senate's most ardent champions of good governance: the Chairman and of the Committee on Homeland Security and Governmental Affairs, Senator JOSEPH LIEBERMAN, and my longtime friend and colleague on the Subcommittee on Oversight of Government Management, the Federal Workforce, and the District of Columbia, Senator DANIEL AKAKA.

The Pre-Election Presidential Transition Act of 2010 would extend to the

major party candidates and certain third-party candidates a select list of the services currently provided to the president-elect under the PTA. These benefits include office space, communications services, printing and binding expenses, and briefings and workshops designed to acquaint key potential administration staff with the problems and challenges they are likely to face. The bill would also provide candidates with assistance from the General Services Administration in designing systems architecture compatible with federal systems.

To encourage more deliberate transition preparation in the executive branch, the Pre-Election Presidential Transition Act also authorizes funding for the establishment of a transition coordinating council and an agency transition directors council modeled on the coordinating bodies that functioned so successfully during the Bush-Obama transition. The assistance extended to the candidates by these authorized functions would be provided on the same terms as those employed during the last transition, on an equal basis and without regard to a candidate's political affiliation. The bill would also require the President, or the President's designee, to report to Congress in presidential election years on the preparations being made to ensure a smooth transition.

We in Congress cannot, and should not, dictate the roles and decision-making processes employed by the outgoing and incoming administrations; as a former mayor and governor, I know how fluid and dynamic transfers of power can be. So I am especially pleased that Senator KAUFMAN's bill is not prescriptive. Rather, the Pre-Election Presidential Transition Act provides assistance that candidates can reject or accept at their discretion, and the authorized activities included in the bill for coordinating bodies in the executive branch respect separation of powers issues by allowing, but not requiring, the use of these best practices.

Perhaps most importantly, the Pre-Election Presidential Transition Act provides valuable transition assistance to candidates at an earlier time than ever before. Regardless of the various unique obstacles a president-elect faces, each transition since the Nixon administration has been provided formal assistance for a very short period of time—76 days during the most recent transition. Of course, candidates can begin preparing for the transition before the general election. But in the home stretch of a presidential election, every spare dollar and body are employed to help the candidate win, and preparing to govern often falls by the wayside.

Senator KAUFMAN's bill will contribute to earlier, more robust transition planning by providing candidates with the means, the architecture, and

the sanction associated with an equitable and impartial assistance mechanism to combat unfortunate dispersions of the transition planning process, like the comments directed at then Senator Obama's transition activities during the campaign.

Candidates taking deliberate steps to ensure a smooth transition should not be criticized as presumptuously "measuring the White House drapes" before the election; they should be encouraged and supported. The Pre-Election Presidential Transition Act seeks to achieve that goal.

I urge my colleagues to join in supporting the Pre-Election Presidential Transition Act.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 478—EXPRESSING SUPPORT FOR DESIGNATION OF MARCH AS "NATIONAL WHOLE CHILD MONTH"

Mrs. HAGAN submitted the following resolution; which was referred to the Committee on Health, Education, Labor, and Pensions:

S. RES. 478

Whereas each student should be able to enter school healthy and learn about and practice a healthy lifestyle;

Whereas, according to the Institute of Medicine of the National Academies, the percentage of overweight children ages 6 to 11 years has doubled and the number of overweight adolescents has tripled over the last 2 decades;

Whereas each student should be able to learn in an intellectually challenging environment that is physically and emotionally safe;

Whereas according to the Indicators of School Crime and Safety report of 2009, 32 percent of middle and high school students reported being bullied during the 2007 school year;

Whereas each student should be able to be actively engaged in learning and connected to the school and broader community;

Whereas a study on high school student engagement conducted by the Center for Evaluation & Education Policy at the Indiana University School of Education found that half of high school students feel they are an important part of their school community;

Whereas each student deserves access to personalized learning and to be supported by qualified, caring adults;

Whereas the Indiana University study found that more than 20 percent of students reported that there is no adult at their school who cares about them and knows them well;

Whereas each graduate deserves to be challenged academically and prepared for success in college or further study and for employment in a global economy;

Whereas according to the most recently published information from the Condition of Education on the availability of advanced courses in high schools in United States, more than 25 percent of students do not have access to a single advanced course in mathematics, English, science, or foreign language in their high school;

Whereas another student drops out every 9 seconds in the United States;

Whereas the objective of the ASCD whole child approach to education ensures that every child is healthy, safe, engaged, supported, and challenged; and

Whereas March would be an appropriate month to designate as "National Whole Child Month": Now, therefore, be it

Resolved, That the Senate—

(1) supports the designation of March as "National Whole Child Month";

(2) recognizes that ensuring all children are healthy, safe, engaged, supported, and challenged is a national priority; and

(3) encourages parents, educators, and community members to support and provide a whole child approach to education for each student.

AMENDMENTS SUBMITTED AND PROPOSED

SA 3720. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill H.R. 4851, to provide a temporary extension of certain programs, and for other purposes; which was ordered to lie on the table.

SA 3721. Mr. BAUCUS proposed an amendment to the bill H.R. 4851, *supra*.

SA 3722. Mr. BROWN of Ohio (for Mrs. FEINSTEIN) proposed an amendment to the bill S. 1749, to amend title 18, United States Code, to prohibit the possession or use of cell phones and similar wireless devices by Federal prisoners.

TEXT OF AMENDMENTS

SA 3720. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill H.R. 4851, to provide a temporary extension of certain programs, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place insert the following:

SEC. ____ . POINT OF ORDER ON LEGISLATION THAT IMPOSES A VALUE-ADDED TAX.

(a) IN GENERAL.—It shall not be in order in the Senate to consider any bill, resolution, amendment between Houses, motion, or conference report that would cause the imposition of a value-added tax.

(b) SUPERMAJORITY WAIVER AND APPEAL.—

(1) WAIVER.—This section may be waived or suspended in the Senate only by an affirmative vote of three-fifths of the Members, duly chosen and sworn.

(2) APPEAL.—An affirmative vote of three-fifths of the Members, duly chosen and sworn, shall be required in the Senate to sustain an appeal of the ruling of the Chair on a point of order raised under this section.

SA 3721. Mr. BAUCUS proposed an amendment to the bill H.R. 4851, to provide a temporary extension of certain programs, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Continuing Extension Act of 2010".

SEC. 2. EXTENSION OF UNEMPLOYMENT INSURANCE PROVISIONS.

(a) IN GENERAL.—(1) Section 4007 of the Supplemental Appropriations Act, 2008 (Public Law 110-252; 26 U.S.C. 3304 note) is amended—

(A) by striking "April 5, 2010" each place it appears and inserting "June 2, 2010";

(B) in the heading for subsection (b)(2), by striking "APRIL 5, 2010" and inserting "JUNE 2, 2010"; and

(C) in subsection (b)(3), by striking "September 4, 2010" and inserting "November 6, 2010".

(2) Section 2002(e) of the Assistance for Unemployed Workers and Struggling Families Act, as contained in Public Law 111-5 (26 U.S.C. 3304 note; 123 Stat. 438), is amended—

(A) in paragraph (1)(B), by striking "April 5, 2010" and inserting "June 2, 2010";

(B) in the heading for paragraph (2), by striking "APRIL 5, 2010" and inserting "JUNE 2, 2010"; and

(C) in paragraph (3), by striking "October 5, 2010" and inserting "December 7, 2010".

(3) Section 2005 of the Assistance for Unemployed Workers and Struggling Families Act, as contained in Public Law 111-5 (26 U.S.C. 3304 note; 123 Stat. 444), is amended—

(A) by striking "April 5, 2010" each place it appears and inserting "June 2, 2010"; and

(B) in subsection (c), by striking "September 4, 2010" and inserting "November 6, 2010".

(4) Section 5 of the Unemployment Compensation Extension Act of 2008 (Public Law 110-449; 26 U.S.C. 3304 note) is amended by striking "September 4, 2010" and inserting "November 6, 2010".

(b) FUNDING.—Section 4004(e)(1) of the Supplemental Appropriations Act, 2008 (Public Law 110-252; 26 U.S.C. 3304 note) is amended—

(1) in subparagraph (C), by striking "and" at the end;

(2) by inserting after subparagraph (D) the following new subparagraph:

"(E) the amendments made by section 101(a)(1) of the Continuing Extension Act of 2010; and".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the enactment of the Temporary Extension Act of 2010 (Public Law 111-144).

SEC. 3. EXTENSION AND IMPROVEMENT OF PREMIUM ASSISTANCE FOR COBRA BENEFITS.

(a) EXTENSION OF ELIGIBILITY PERIOD.—Subsection (a)(3)(A) of section 3001 of division B of the American Recovery and Reinvestment Act of 2009 (Public Law 111-5), as amended by section 3(a) of the Temporary Extension Act of 2010 (Public Law 111-144), is amended by striking "March 31, 2010" and inserting "May 31, 2010".

(b) RULES RELATING TO 2010 EXTENSION.—Subsection (a) of section 3001 of division B of the American Recovery and Reinvestment Act of 2009 (Public Law 111-5), as amended by section 3(b) of the Temporary Extension Act of 2010 (Public Law 111-144), is amended by adding at the end the following:

"(18) RULES RELATED TO APRIL AND MAY 2010 EXTENSION.—In the case of an individual who, with regard to coverage described in paragraph (10)(B), experiences a qualifying event related to a termination of employment on or after April 1, 2010 and prior to the date of the enactment of this paragraph, rules similar to those in paragraphs (4)(A) and (7)(C) shall apply with respect to all continuation coverage, including State continuation coverage programs."

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the provisions of section 3001 of division B of the American Recovery and Reinvestment Act of 2009.

SEC. 4. INCREASE IN THE MEDICARE PHYSICIAN PAYMENT UPDATE.

Paragraph (10) of section 1848(d) of the Social Security Act, as added by section 1011(a) of the Department of Defense Appropriations

Act, 2010 (Public Law 111-118) and as amended by section 5 of the Temporary Extension Act of 2010 (Public Law 111-144), is amended—

(1) in subparagraph (A), by striking “March 31, 2010” and inserting “May 31, 2010”; and

(2) in subparagraph (B), by striking “April 1, 2010” and inserting “June 1, 2010”.

SEC. 5. EHR CLARIFICATION.

(a) QUALIFICATION FOR CLINIC-BASED PHYSICIANS.—

(1) MEDICARE.—Section 1848(o)(1)(C)(ii) of the Social Security Act (42 U.S.C. 1395w-4(o)(1)(C)(ii)) is amended by striking “setting (whether inpatient or outpatient)” and inserting “inpatient or emergency room setting”.

(2) MEDICAID.—Section 1903(t)(3)(D) of the Social Security Act (42 U.S.C. 1396b(t)(3)(D)) is amended by striking “setting (whether inpatient or outpatient)” and inserting “inpatient or emergency room setting”.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall be effective as if included in the enactment of the HITECH Act (included in the American Recovery and Reinvestment Act of 2009 (Public Law 111-5)).

(c) IMPLEMENTATION.—Notwithstanding any other provision of law, the Secretary of Health and Human Services may implement the amendments made by this section by program instruction or otherwise.

SEC. 6. EXTENSION OF USE OF 2009 POVERTY GUIDELINES.

Section 1012 of the Department of Defense Appropriations Act, 2010 (Public Law 111-118), as amended by section 7 of the Temporary Extension Act of 2010 (Public Law 111-144), is amended by striking “March 31, 2010” and inserting “May 31, 2010”.

SEC. 7. EXTENSION OF NATIONAL FLOOD INSURANCE PROGRAM.

(a) EXTENSION.—Section 129 of the Continuing Appropriations Resolution, 2010 (Public Law 111-68), as amended by section 8 of Public Law 111-144, is amended by striking “by substituting” and all that follows through the period at the end and inserting “by substituting May 31, 2010, for the date specified in each such section.”.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall be considered to have taken effect on February 28, 2010.

SEC. 8. COMPENSATION AND RATIFICATION OF AUTHORITY RELATED TO LAPSE IN HIGHWAY PROGRAMS.

(a) COMPENSATION FOR FEDERAL EMPLOYEES.—Any Federal employees furloughed as a result of the lapse in expenditure authority from the Highway Trust Fund after 11:59 p.m. on February 28, 2010, through March 2, 2010, shall be compensated for the period of that lapse at their standard rates of compensation, as determined under policies established by the Secretary of Transportation.

(b) RATIFICATION OF ESSENTIAL ACTIONS.—All actions taken by Federal employees, contractors, and grantees for the purposes of maintaining the essential level of Government operations, services, and activities to protect life and property and to bring about orderly termination of Government functions during the lapse in expenditure authority from the Highway Trust Fund after 11:59 p.m. on February 28, 2010, through March 2, 2010, are hereby ratified and approved if otherwise in accord with the provisions of the Continuing Appropriations Resolution, 2010 (division B of Public Law 111-68).

(c) FUNDING.—Funds used by the Secretary to compensate employees described in subsection (a) shall be derived from funds pre-

viously authorized out of the Highway Trust Fund and made available or limited to the Department of Transportation by the Consolidated Appropriations Act, 2010 (Public Law 111-117) and shall be subject to the obligation limitations established in such Act.

(d) EXPENDITURES FROM HIGHWAY TRUST FUND.—To permit expenditures from the Highway Trust Fund to effectuate the purposes of this section, this section shall be deemed to be a section of the Continuing Appropriations Resolution, 2010 (division B of Public Law 111-68), as in effect on the date of the enactment of the last amendment to such Resolution.

SEC. 9. SATELLITE TELEVISION EXTENSION.

(a) AMENDMENTS TO SECTION 119 OF TITLE 17, UNITED STATES CODE.—

(1) IN GENERAL.—Section 119 of title 17, United States Code, is amended—

(A) in subsection (c)(1)(E), by striking “April 30, 2010” and inserting “May 31, 2010”; and

(B) in subsection (e), by striking “April 30, 2010” and inserting “May 31, 2010”.

(2) TERMINATION OF LICENSE.—Section 1003(a)(2)(A) of Public Law 111-118 is amended by striking “April 30, 2010”, and inserting “May 31, 2010”.

(b) AMENDMENTS TO COMMUNICATIONS ACT OF 1934.—Section 325(b) of the Communications Act of 1934 (47 U.S.C. 325(b)) is amended—

(1) in paragraph (2)(C), by striking “April 30, 2010” and inserting “May 31, 2010”; and

(2) in paragraph (3)(C), by striking “May 1, 2010” each place it appears in clauses (ii) and (iii) and inserting “June 1, 2010”.

SEC. 10. DETERMINATION OF BUDGETARY EFFECTS.

(a) IN GENERAL.—The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled “Budgetary Effects of PAYGO Legislation” for this Act, submitted for printing in the Congressional Record by the Chairman of the Senate Budget Committee, provided that such statement has been submitted prior to the vote on passage.

(b) EMERGENCY DESIGNATION FOR CONGRESSIONAL ENFORCEMENT.—This Act, with the exception of section 4, is designated as an emergency for purposes of pay-as-you-go principles. In the Senate, this Act is designated as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

(c) EMERGENCY DESIGNATION FOR STATUTORY PAYGO.—This Act, with the exception of section 4, is designated as an emergency requirement pursuant to section 4(g) of the Statutory Pay-As-You-Go Act of 2010 (Public Law 111-139; 2 U.S.C. 933(g)).

SA 3722. Mr. BROWN of Ohio (for Mrs. FEINSTEIN) proposed an amendment to the bill S. 1749, to amend title 18, United States Code, to prohibit the possession or use of cell phones and similar wireless devices by Federal prisoners; as follows:

At the end of the bill, insert the following:
SEC. ____ . GAO STUDY.

Not later than 90 days after the date of enactment of this Act, the Comptroller General shall submit a report to Congress with research and findings on the following issues:

(1) A study of telephone rates within State and Federal prisons and jails to include information on interstate, intrastate and collect calls made by prisoners, including—

(A) the costs of operating inmate telephone services;

(B) the revenue obtained from inmate telephone systems;

(C) how the revenue from these systems is used by State governments and the Bureau of Prisons; and

(D) recommendations to lower telephone costs to inmates and their families, while still maintaining sufficient security.

(2) A study of State and Federal efforts to prevent the smuggling of cell phones and other wireless devices into prisons and jails, including efforts that State and Federal authorities are making to minimize trafficking of cell phones by guards and other prison officials and recommendations to reduce the number of cell phones that are trafficked into prisons and jails.

(3) A study of cell phone use by inmates in State and Federal prisons and jails, including—

(A) the cost that inmates pay for cell phones trafficked into prisons;

(B) the quantity of cell phones that are located in State and Federal prisons and jails; and

(C) the quantity of illegal activity that is conducted or facilitated as a result of inmate cell phone use.

NOTICES OF HEARINGS

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Senate Committee on Energy and Natural Resources. The hearing will be held on Tuesday, April 20, 2010, at 10 a.m., in room SD-366 of the Dirksen Senate Office Building.

The purpose of the hearing is to receive testimony on carbon capture and sequestration legislation, including S. 1856, S. 1134, and other draft legislative text.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record may do so by sending it to the Committee on Energy and Natural Resources, United States Senate, Washington, D.C. 20510-6150, or by e-mail to Rosemarie_Calabro@energy.senate.gov.

For further information, please contact Allyson Anderson at (202) 224-7143 or Rosemarie Calabro at (202) 224-5039.

COMMITTEE ON RULES AND ADMINISTRATION

Mr. SCHUMER. Mr. President, I wish to announce that the Committee on Rules and Administration will meet on Thursday, April 15, 2010, at 10 a.m. to hear testimony on the nomination of Stephen T. Ayers to be Architect of the Capitol for the term of 10 years.

For further information regarding this hearing, please contact Lynden Armstrong at the Rules and Administration Committee on 202-224-6352.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON FOREIGN RELATIONS

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on April 13, 2010, at 2:15 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet, during the session of the Senate, to conduct a hearing entitled "ESEA Reauthorization: School Turnaround" on April 13, 2010. The hearing will commence at 2 p.m. in room 430 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

PERMANENT SUBCOMMITTEE ON INVESTIGATIONS

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent that the Permanent Subcommittee on Investigations of the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on April 13, 2010, at 9:30 a.m., to conduct a hearing entitled, "Wall Street and the Financial Crisis: The Role of High Risk Home Loans."

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on April 13, 2010, at 2:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON AIRLAND

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent that the Subcommittee on Airland of the Committee on Armed Services be authorized to meet during the session of the Senate on April 13, 2010, at 9:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON FEDERAL FINANCIAL MANAGEMENT, GOVERNMENT INFORMATION, FEDERAL SERVICE, AND INTERNATIONAL SECURITY

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs' Subcommittee on Federal Financial Management, Government Information, Federal Services, and International Security be authorized to meet during the session of the Senate on April 13, 2010, at 2:30 p.m. to conduct a hearing entitled, "Removing the Shroud of Secrecy: Making Government More Transparent and Accountable Part II."

The PRESIDING OFFICER. Without objection, it is so ordered.

IMPEACHMENT TRIAL COMMITTEE

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent that the Im-

peachment Trial Committee on the Articles against Judge G. Thomas Porteous, Jr. be authorized to meet during the session of the Senate on April 13, 2010, at 4 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

CELL PHONE CONTRABAND ACT OF 2010

Mr. BROWN of Ohio. Mr. President, I ask unanimous consent the Senate proceed to the immediate consideration of Calendar No. 269, S. 1749.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 1749) to amend title 18, United States Code, to prohibit the possession or use of cell phones and similar wireless devices by Federal prisoners.

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on the Judiciary with amendments; as follows:

(The parts of the bill intended to be stricken are shown in boldface brackets and the parts of the bill intended to be inserted are shown in *italic*.)

S. 1749

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Cell Phone Contraband Act of [2009]2010".

SEC. 2. WIRELESS DEVICES IN PRISON.

Section [1971]1791 of title 18, United States Code, is amended—

(1) in subsection (b)—

(A) in paragraph (4), by striking "(d)(1)(E)" and inserting "(d)(1)(E), or (d)(1)(F)"; and

(B) in paragraph (5), by striking "(d)(1)(F)" and inserting "(d)(1)(G)"; and

(2) in subsection (d)(1)—

(A) in subparagraph (E), by striking "and" at the end;

(B) by redesignating subparagraph (F) as subparagraph (G); and

(C) by inserting after subparagraph (E) the following:

"(F) a phone or other device used by a user of commercial mobile service (as defined in section 332(d) of the Communications Act of 1934 (47 U.S.C. 332(d))) in connection with such service; and"

Mr. BROWN of Ohio. I ask unanimous consent the committee-reported amendments be agreed to, that the Feinstein amendment which is at the desk be agreed to, the bill, as amended, be read a third time and passed, the motions to reconsider be laid upon the table, with no intervening action or debate, and any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee amendments were agreed to.

The amendment (No. 3722) was agreed to, as follows:

(Purpose: To require a GAO study of cell phone use in prisons)

At the end of the bill, insert the following:

SEC. ____ . GAO STUDY.

Not later than 90 days after the date of enactment of this Act, the Comptroller General shall submit a report to Congress with research and findings on the following issues:

(1) A study of telephone rates within State and Federal prisons and jails to include information on interstate, intrastate and collect calls made by prisoners, including—

(A) the costs of operating inmate telephone services;

(B) the revenue obtained from inmate telephone systems;

(C) how the revenue from these systems is used by State governments and the Bureau of Prisons; and

(D) recommendations to lower telephone costs to inmates and their families, while still maintaining sufficient security.

(2) A study of State and Federal efforts to prevent the smuggling of cell phones and other wireless devices into prisons and jails, including efforts that State and Federal authorities are making to minimize trafficking of cell phones by guards and other prison officials and recommendations to reduce the number of cell phones that are trafficked into prisons and jails.

(3) A study of cell phone use by inmates in State and Federal prisons and jails, including—

(A) the cost that inmates pay for cell phones trafficked into prisons;

(B) the quantity of cell phones that are located in State and Federal prisons and jails; and

(C) the quantity of illegal activity that is conducted or facilitated as a result of inmate cell phone use.

The bill (S. 1749), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 1749

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Cell Phone Contraband Act of 2010".

SEC. 2. WIRELESS DEVICES IN PRISON.

Section 1791 of title 18, United States Code, is amended—

(1) in subsection (b)—

(A) in paragraph (4), by striking "(d)(1)(E)" and inserting "(d)(1)(E), or (d)(1)(F)"; and

(B) in paragraph (5), by striking "(d)(1)(F)" and inserting "(d)(1)(G)"; and

(2) in subsection (d)(1)—

(A) in subparagraph (E), by striking "and" at the end;

(B) by redesignating subparagraph (F) as subparagraph (G); and

(C) by inserting after subparagraph (E) the following:

"(F) a phone or other device used by a user of commercial mobile service (as defined in section 332(d) of the Communications Act of 1934 (47 U.S.C. 332(d))) in connection with such service; and"

SEC. 3. GAO STUDY.

Not later than 90 days after the date of enactment of this Act, the Comptroller General shall submit a report to Congress with research and findings on the following issues:

(1) A study of telephone rates within State and Federal prisons and jails to include information on interstate, intrastate and collect calls made by prisoners, including—

(A) the costs of operating inmate telephone services;

(B) the revenue obtained from inmate telephone systems;

(C) how the revenue from these systems is used by State governments and the Bureau of Prisons; and

(D) recommendations to lower telephone costs to inmates and their families, while still maintaining sufficient security.

(2) A study of State and Federal efforts to prevent the smuggling of cell phones and other wireless devices into prisons and jails, including efforts that State and Federal authorities are making to minimize trafficking of cell phones by guards and other prison officials and recommendations to reduce the number of cell phones that are trafficked into prisons and jails.

(3) A study of cell phone use by inmates in State and Federal prisons and jails, including—

(A) the cost that inmates pay for cell phones trafficked into prisons;

(B) the quantity of cell phones that are located in State and Federal prisons and jails; and

(C) the quantity of illegal activity that is conducted or facilitated as a result of inmate cell phone use.

CALL TO UGANDA TO REJECT THE PROPOSED ANTI-HOMOSEXUALITY BILL

Mr. BROWN of Ohio. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 344, S. Res. 409.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 409) calling on members of the Parliament in Uganda to reject the proposed "Anti-Homosexuality Bill," and for other purposes.

There being no objection, the Senate proceeded to consider the resolution.

Mr. BROWN of Ohio. I ask unanimous consent the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 409) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 409

Whereas a bill introduced on October 14, 2009, by a member of Parliament in Uganda

would expand penalties for homosexuality to include the death penalty and requires citizens to report information about homosexuality to the police or face imprisonment;

Whereas many countries criminalize homosexuality, and in some countries, such as Iran, Nigeria, Saudi Arabia, and Sudan, the penalty for homosexuality includes the death penalty;

Whereas the United States, in seeking to promote the core American principles of equality and "Life, Liberty, and the pursuit of Happiness," has long championed the universality of human rights;

Whereas religious leaders in the United States, along with representatives from the Vatican and the Anglican Church, have stated that laws criminalizing homosexuality are unjust; and

Whereas the people and Government of the United States recognize that such laws undermine our commitment to combating HIV/AIDS globally through the President's Emergency Plan for AIDS Relief (PEPFAR) by stigmatizing and criminalizing vulnerable communities: Now, therefore, be it

Resolved, That the Senate—

(1) calls on members of the Parliament in Uganda to reject the "Anti-Homosexuality Bill" recently proposed in that country;

(2) urges the governments of all countries to reject and repeal similar criminalization laws; and

(3) encourages the Secretary of State to closely monitor human rights abuses that occur because of sexual orientation and to encourage the repeal or reform of laws such as the proposed "Anti-Homosexuality Bill" in Uganda that permit such abuses.

ORDERS FOR WEDNESDAY, APRIL 14, 2010

Mr. BROWN of Ohio. I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m. Wednesday, April 14; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate then observe a moment of silence in solidarity with the people of Poland; that following the moment of silence, the Senate proceed to a period of morning business with Senators permitted to speak on the topic of Poland; that following those statements, there be a period of morning business for 1 hour with Senators permitted to speak therein for up to 10 minutes each, with the Republicans controlling the first 30 minutes and the majority controlling the final 30 minutes; that

following morning business, the Senate resume consideration of H.R. 4851, the Continuing Extension Act, as provided for under the previous order.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BROWN of Ohio. Before finalizing the end of the day, I would add that in support of this resolution we will discuss tomorrow, in 1991, working for Ohio State University, I spent some time in Poland working with their government to transition from communism to democracy. And my friend Tomaz, who is a Polish academician, later rose to be the Minister of Culture in Poland. He was on that plane. I miss him. I had not seen him in years. But I miss him and the contribution he made to Poland and to our country in the work we did together on cultural issues, and certainly support this moment of silence and ask that we all remember the terrible thing that happened to so many of the leaders in Poland and what that means for how we have to come together and assist that country as it moves forward in another crisis that the great 38 million people of Poland face day after day.

PROGRAM

Mr. BROWN of Ohio. Mr. President, when the Senate convenes tomorrow, we will observe a moment of silence to express the Senate's solidarity with the people of Poland.

Following morning business, the Senate will resume consideration of the Continuing Extensions Act. Under a previous order, if a point of order is raised against the pending Baucus amendment, then at 12:30 p.m. the Senate will proceed to a rollcall vote on the motion to waive the applicable point of order.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. BROWN of Ohio. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it adjourn under the previous order.

There being no objection, the Senate, at 7:12 p.m., adjourned until Wednesday, April 14, 2010, at 9:30 a.m.

HOUSE OF REPRESENTATIVES—Tuesday, April 13, 2010

The House met at 2 p.m. and was called to order by the Speaker pro tempore (Mr. JACKSON of Illinois).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
April 13, 2010.

I hereby appoint the Honorable JESSE L. JACKSON, Jr. to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

PRAYER

Reverend Dr. Alan Keiran, Office of the Chaplain, United States Senate, offered the following prayer:

Lord of the nations and King of all kings, You alone deserve our worship, You alone are the most high God. Heavenly Father, You ask us to trust in You with all our heart and lean not on our own understanding; and in all our ways to acknowledge You. And in so doing, You promise to make our paths straight. That is why we call on Your Mighty Name today, Lord God.

Many are looking for straight paths but cannot find them. Grant them grace to seek and find Your path to a meaningful life. Show right paths to Your every Member of this body so they may skillfully and cheerfully labor for the good of all.

May You, Lord, have mercy on those in harm's way and their families. Meet those in lonely places and comfort them with Your amazing grace.

I pray in the Name that is above all names. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentlewoman from California (Ms. CHU) come forward and lead the House in the Pledge of Allegiance.

Ms. CHU led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Repub-

lic for which it stands, one nation under God, indivisible, with liberty and justice for all.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, March 26, 2010.

Hon. NANCY PELOSI,
The Speaker, House of Representatives,
Washington, DC.

DEAR MADAM SPEAKER: Pursuant to the permission granted in clause 2(h) of rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on March 26, 2010 at 12:30 p.m.:

That the Senate passed without amendment H.R. 4957.

With best wishes, I am
Sincerely,

LORRAINE C. MILLER,
Clerk of the House.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, March 26, 2010.

Hon. NANCY PELOSI,
The Speaker, House of Representatives,
Washington, DC.

DEAR MADAM SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on March 26, 2010 at 4:09 p.m.:

That the Senate passed without amendment H.R. 4621.

That the Senate passed with amendments H.R. 4573.

That the Senate agreed to without amendment H.J. Res. 80.

That the Senate passed S. 3162.

That the Senate passed S. 3191.

With best wishes, I am

Sincerely,

LORRAINE C. MILLER,
Clerk of the House.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, April 12, 2010.

Hon. NANCY PELOSI,
The Speaker, House of Representatives,
Washington, DC.

DEAR MADAM SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on April 12, 2010 at 3:11 p.m.:

Notifying the House of the filing of the answer by G. Thomas Porteous Jr., District Judge for the Eastern District of Louisiana, and providing a copy of his answer to the House of Representatives.

With best wishes, I am

Sincerely,

LORRAINE C. MILLER,
Clerk of the House.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, April 13, 2010.

Hon. NANCY PELOSI,
The Speaker, House of Representatives,
Washington, DC.

DEAR MADAM SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on April 13, 2010 at 9:50 a.m.:

That the Senate passed without amendment H.R. 4887.

With best wishes, I am

Sincerely,

LORRAINE C. MILLER,
Clerk of the House.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 4 of rule I, the following enrolled bills and joint resolution were signed by the Speaker on Friday, March 26, 2010:

H.R. 4872, to provide for reconciliation pursuant to Title II of the concurrent resolution on the budget for fiscal year 2010 (S. Con. Res. 13);

H.R. 4957, to amend the Internal Revenue Code of 1986 to extend the funding and expenditure authority of the Airport and Airway Trust Fund, to amend title 49, United States Code, to extend authorizations for the airport improvement program, and for other purposes;

H.R. 4938, to permit the use of previously appropriated funds to extend the Small Business Loan Guarantee Program, and for other purposes;

S. 3186, to reauthorize the Satellite Home Viewer Extension and Reauthorization Act of 2004 through April 30, 2010, and for other purposes; and the Speaker signed on Thursday, March 29, 2010:

H.J. Res. 80, recognizing and honoring the Blinded Veterans Association on its 65th anniversary of representing blinded veterans and their families;

H.R. 4621, to protect the integrity of the constitutionally mandated United States census and prohibit deceptive mail practices that attempt to exploit the decennial census.

COMMUNICATION FROM THE HONORABLE GREGORY W. MEEKS, MEMBER OF CONGRESS

The SPEAKER pro tempore laid before the House the following communication from the Honorable GREGORY W. MEEKS, Member of Congress:

HOUSE OF REPRESENTATIVES,
Washington, DC, March 30, 2010.

Hon. NANCY PELOSI,
Speaker, House of Representatives,
Washington, DC.

DEAR MADAM SPEAKER: This is to notify you formally, pursuant to rule VIII of the Rules of the House of Representatives, that my district office has been served with a subpoena for documents issued by the U.S. District Court for the Southern District of New York.

After consultation with counsel, I have determined that compliance with the subpoena is consistent with the privileges and rights of the House.

Sincerely,

GREGORY W. MEEKS,
Member of Congress.

COMMUNICATION FROM THE HONORABLE THOMAS J. ROONEY, MEMBER OF CONGRESS

The SPEAKER pro tempore laid before the House the following communication from the Honorable THOMAS J. ROONEY, Member of Congress:

HOUSE OF REPRESENTATIVES,
Washington, DC, April 5, 2010.

Hon. NANCY PELOSI,
Speaker, House of Representatives,
Washington, DC.

DEAR MADAM SPEAKER: This is to notify you formally, pursuant to rule VIII of the Rules of the House of Representatives, that I have been served with a subpoena for documents issued by the Circuit Court for St. Lucie County, Florida, in connection with a civil case pending there.

After consultation with the Office of General Counsel, I have determined that compliance with the subpoena is consistent with the privileges and rights of the House.

Sincerely,

THOMAS J. ROONEY,
Member of Congress.

REPEAL AND REPLACE RALLIES

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, over the past 2 weeks I have heard about the job-killing effect the recently passed government health care takeover will have from concerned citizens across South Carolina. I've heard from small business owners, the primary providers of jobs in America, how they will face a \$2,000 fine for each employee without insurance. I've heard from seniors who are afraid that their former employers will drop their drug benefits. I've heard from people currently looking for work that the creation of 16,500 new IRS agents isn't what they had in mind when it came to job creation. And I've heard from just about everyone about the concern that their insurance premiums will rise dramatically.

The message I bring back from South Carolinians is clear: repeal the job-killing takeover and replace it with an affordable solution that is centered around the patient and not the government, the SWAP bill.

In conclusion, God bless our troops and we will never forget September 11th in the Global War on Terrorism. Best wishes for the success of the Heritage Golf Classic at Hilton Head Island, South Carolina.

SUPPORT FOR HEALTH CARE REFORM

(Mr. DAVIS of Illinois asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DAVIS of Illinois. Mr. Speaker, during the recess, I spent 3 nights with residents of the Seventh Congressional District at three town hall meetings in Oak Park, Illinois; River Forest, Illinois; Forest Park, Illinois, and last evening, Westchester. Overwhelmingly, all of the individuals who were present extolled the virtues of the health reform legislation that was passed. And I was vindicated because I voted for it. So I want to thank the residents of my congressional district, because we were on the same page.

AMERICANS SAY MEDIA BIAS IS BIGGER PROBLEM THAN CAMPAIGN CONTRIBUTIONS

(Mr. SMITH of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Texas. Mr. Speaker, Americans continue to see the national media as too biased, too liberal, and too powerful. By almost a two-to-one margin, Americans say that media bias is a bigger problem in politics today than big campaign contributions, according to a new Rasmussen public opinion poll. By a three-to-one margin, Americans describe the average reporter as more liberal than they are rather than more conservative. And al-

most seven out of ten Americans believe the news media have too much power and influence over government decisions. Other recent polls have shown similar results.

If the national media want to restore Americans' trust, they should report the facts, not tell the people what to think.

TAX FAIRNESS

(Mr. SAM JOHNSON of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SAM JOHNSON of Texas. Mr. Speaker, tax day is a dreaded deadline for millions of Americans. But according to the Associated Press, for nearly half of the U.S. households it is simply somebody else's problem. This April, 47 percent of Americans will pay no Federal income tax at all. According to a new report, the top 10 percent of earners will pay roughly 73 percent of the income taxes collected by the Federal Government. That is just not fair.

Being an American is a privilege, not a right. Out of fairness, everyone should have to pay some tax, even if it is just a buck a month, to help pay to live in this great democracy. By pushing more and more people off the tax rolls and having just a few foot the bill for the many, we are punishing hard work, thrift, and sacrifice.

This is America, where prosperity and helping your fellow man should mean more than just paying your neighbors' taxes. It's about fairness and freedom.

SYMPATHIES TO THE UPPER BIG BRANCH MINERS

(Mrs. CAPITO asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. CAPITO. Mr. Speaker, I rise today to extend my deepest sympathies to the 29 victims of the Upper Big Branch mine explosion, their families, loved ones, and their community. Last Monday's tragedy occurred in Montcoal, West Virginia, and it was the worst mine disaster in over 40 years. It has been gut-wrenching for our entire State.

In the wake of this horrific tragedy, the citizens of West Virginia, including our outstanding emergency and rescue workers, and our Governor, pulled together to support the communities and families devastated by this explosion. As we grieve this loss of life, we must also honor the victims of the accident by taking the appropriate steps to ensure that this never happens again. Never again in West Virginia or in any other State can we let safety slip through the cracks. We will not let this happen again.

Now is the time to band together and do everything we can to protect our

citizens. I hope you will join me in praising our miners for the difficult and dangerous work that they do, and I ask that you keep all of the workers, their families, and their communities in your thoughts and prayers.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote incurs objection under clause 6 of rule XX.

Record votes on postponed questions will be taken after 6:30 p.m. today.

SUPPORTING NATIONAL LIBRARY WEEK

Ms. CHU. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1222) supporting the goals and ideals of National Library Week.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1222

Whereas the Nation's school, academic, public, and special libraries make a difference in the lives of millions of people in the United States, today, more than ever;

Whereas librarians are trained professionals, helping people of all ages and backgrounds find and interpret the information they need to live, learn, and work in a challenging economy;

Whereas libraries are part of the American Dream, places for opportunity, education, self-help, and lifelong learning;

Whereas according to a December 2008 National Center for Education Statistics (NCES) report, public library use increased to 1,400,000 visits nationwide during fiscal year 2006, among all types of library users, continuing a long term trend of increased library usage;

Whereas libraries play a vital role in supporting the quality of life in their communities;

Whereas libraries help people of all ages discover a world of knowledge, both in person and online, as well as provide personal service and assistance in finding needed information;

Whereas libraries are a key player in the national discourse on intellectual freedom and equity of access;

Whereas libraries are narrowing the "digital divide", by providing no-fee public computer and Internet access to accommodate the growing need for access to digital and online information, including e-government, continuing education, and employment opportunities;

Whereas in 71 percent of communities, libraries have the only no-fee public computers; and

Whereas libraries, librarians, library workers, and supporters across the United States will celebrate National Library Week, April 11-17, 2010: Now, therefore, be it

Resolved, That the House of Representatives—

(1) supports the goals and ideals of National Library Week;

(2) encourages all residents to visit a library to take advantage of the wonderful library resources available, and to thank their librarians and library workers for making information accessible to all who walk through the library's doors; and

(3) supports librarians' efforts to ensure that all Americans can continue to access 21st century library services in school, public, academic, and special libraries.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from California (Ms. CHU) and the gentleman from Tennessee (Mr. ROE) each will control 20 minutes.

The Chair recognizes the gentlewoman from California.

GENERAL LEAVE

Ms. CHU. Mr. Speaker, I request 5 legislative days during which Members may revise and extend and insert extraneous material on House Resolution 1222 into the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

Ms. CHU. Mr. Speaker, I yield myself as much time as I may consume.

I rise today in support of House Resolution 1222, which encourages all Americans to take advantage of the numerous resources libraries make available. Across the country, libraries help develop communities by bringing people of all nationalities, ages, and socioeconomic backgrounds together to enjoy the pleasures of literature, media, and new technology. Libraries foster national discourse on intellectual freedom, and provide informational equity across the Nation. Libraries not only provide free resources to adults and children, but they also preserve historical artifacts and information, highlighting societal achievements.

Today we have nearly 123,000 libraries nationwide playing a vital role in creating vibrant, energized communities. Our very own Library of Congress sponsors the annual National Book Festival. Authors, illustrators, and poets gather at the Nation's Capitol to promote reading and literacy in all 50 States.

□ 1415

In fact, President Obama and First Lady Michelle Obama helped sponsor this event as honorary chairs. Last September, the annual National Book Festival was a huge success. With 80 best-selling authors and over 1,000 volunteers, scores of people gathered to promote reading to children.

The Library of Congress is also a great resource for the public. As the largest library in the world, the Library of Congress holds more than 120 million items on approximately 530 miles of bookshelves. The collections include more than 18 million books, 2.5 million recordings, 12 million photo-

graphs, 4.5 million maps, and 54 million manuscripts.

National Library Week continues to commend librarians who help the public interpret the information they need to live, learn, and navigate their way into today's challenging and complicated economy. By providing free educational opportunities and a safe place for lifelong learning, libraries help people to explore their curiosities and to foster community involvement in education.

I want to thank Representative EHLERS for his leadership and for bringing this important resolution forward.

Again, I want to extend my gratitude towards libraries for their work in our communities, and I ask my colleagues to support this important resolution.

Mr. Speaker, I reserve the balance of my time.

Mr. ROE of Tennessee. I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of House Resolution 1222, supporting the goals and ideals of National Library Week. I also would like to associate my remarks with the gentlewoman from California.

First sponsored in 1958, National Library Week is a national observance sponsored by the American Library Association and libraries across the country each year in April. It is a time to celebrate the contributions of our Nation's libraries and librarians and to promote library use and support.

In 1957, the National Book Committee developed a plan for National Library Week based on the idea that, once people were motivated to read, they would support and use libraries. With cooperation from various organizations, the first National Library Week was observed in 1958 with the theme "Wake Up and Read!"

Libraries play a vital role in supporting the quality of life in their communities. The digital divide has narrowed because libraries provide no-fee public computer and Internet access to meet the growing need for access to digital and online information, including eGovernment, continuing education and employment opportunities. Libraries help us discover a world of knowledge, both in person and online, and are a key player in the national discourse on intellectual freedom and equity of access. According to the National Center for Education Statistics' December 2008 report, library use was up to 1.4 billion visits nationwide among all types of library users, continuing a long-term trend of increased library usage.

By recognizing National Library Week, we show our appreciation to libraries, librarians, and staff across America. I am honored to support this resolution, and I ask my colleagues to join me.

Just as an aside, Mr. Speaker, I would like to encourage everyone,

whether they are parents, aunts, uncles, or just mentors, to take children to a library and to read and mentor them. It's a great place to do it. It's a great place to meet, to learn, and to educate yourself.

I would like to thank Congressman VERNON EHLERS for introducing this.

I reserve the balance of my time.

Ms. CHU. Mr. Speaker, I am pleased to recognize for 3 minutes the gentleman from Illinois (Mr. DAVIS).

Mr. DAVIS of Illinois. I want to thank the gentlewoman from California for yielding time.

Mr. Speaker, I rise to express strong support for H. Res. 1222, supporting the goals and ideals of National Library Week.

The science fiction novelist Frank Herbert stated, "The beginning of knowledge is the discovery of something we do not understand." Our national libraries serve as a much needed conduit by which we, as American citizens, gain more understanding of the world around us.

First sponsored in 1958, National Library Week is a national observance sponsored by the American Library Association and libraries across the country each April. It is a time to celebrate the contributions of our Nation's libraries and librarians and to promote library use and support. All types of libraries—school, public, and academic—participate. The City of Chicago is home to exactly 79 public libraries and to many private libraries with information ranging from cultural specific research to academic.

In my congressional district, the Seventh Congressional District of Illinois, we serve as the home of the headquarters for the American Library Association. I am proud to have this great organization in my district, and I am pleased that many of its staff members are my constituents. We have libraries that are renowned, both public and private, such as the Harold Washington Library and the Newberry Library.

Last evening, at a town hall meeting in Westchester, Illinois, one of the trustees of the library board made it known to everybody present that libraries are vitally important, and I was very pleased to agree with him.

I also want to congratulate Robert Morris College, one of the academic institutions in my congressional district, for their installation of a new library that recently opened. It is magnificent.

Mr. JOHNSON of Georgia. Mr. Speaker, I rise today to applaud the actions of the House of Representatives in recognizing the importance of National Library Week. I strongly support H. Res. 1222, which recognizes the significant contributions of libraries, librarians, and library workers to our nation's communities.

In my home state of Georgia, public library usage has increased more than 10 percent from 2008 to 2009. Libraries are narrowing the

digital divide by providing no-fee public computer and Internet access to accommodate the growing need for access to digital and online information. In 2009, the number of public access computer sessions at Georgia libraries topped 15 million.

The services provided by public libraries are in greater demand in this economy. Americans use their public library's free Internet access to assist in their job search. When people economize, they check out books, magazines, and DVDs instead of buying them. In 2009, more than 68 percent of Americans had library cards, which is the greatest number of Americans with library cards since the American Library Association began measuring library card usage in 1990.

Libraries make a difference in the lives of millions of people in the United States. They are places for opportunity, education, and lifelong learning. Libraries allow those who may not be able to afford books to read and explore other cultures. Libraries are a key player in the national discourse on intellectual freedom and equity of access.

During the District Work Period, I was able to tour the Embury Hills Branch Library in Chamblee for the dedication ceremony. I also met with the DeKalb County Library Director, Darro Willey, and Ted Rinehart of the CEO's administration, to hear about the programs and educational activities that are taking place.

Libraries in the Fourth District are doing great work. The DeKalb County Library offers tax assistance. It also gets the community involved by using designs from DeKalb County residents for its library cards. The Gwinnett County Library allows patrons to improve their language skills by practicing conversational English.

Libraries are vital in helping their communities find and use information and are essential to supporting student achievement. They are essential institutions because they provide information that allows citizens to make informed decisions. They level the playing field by making the world of information available to anyone seeking it.

During National Library Week, I am especially pleased to celebrate the libraries, librarians, and library workers. I will continue to encourage residents in the Fourth District of Georgia to take advantage of the tremendous public service libraries and librarians provide.

I strongly support H. Res. 1222 and urge my colleagues to do the same.

Ms. JACKSON LEE of Texas. Mr. Speaker, I rise before you today in support of H. Res. 1222, Supporting the goals and ideals of National Library Week. I would like to thank my colleague, Rep. VERNON EHLERS, for introducing this resolution.

I support this legislation because on National Library Week, April 11th through the 17th, communities across the U.S. will recognize the contributions made by all library workers including librarians, support staff, and others who make library services possible. It also promotes increased public awareness of the significant contributions made by libraries to further the academic achievement and lifelong learning of our students. In addition National Library Week strengthens a belief in the value of libraries and positions librarianship as a desirable career opportunity.

This year's theme, "Communities thrive at your library," illustrates how the library is at the root of a thriving community, reminding individuals and informing others that the library is the place where people of all backgrounds learn and grow together. America's libraries and their workers remain valuable community assets during tough economic times. Also, with more businesses requiring online job applications, job-seeking resources are among the most critical and popular resources available in U.S. public libraries. Libraries provide not only the hardware and software applications, but they also offer skilled librarians who help teach people how to use the Internet and find the information they need quickly. As the wave of technology has changed the way we receive and transmit information, the Nation's libraries and their staffs have met those changes head on!

I would also like to take this time to emphasize the need for pay equity for library workers, even in this economy. Women librarian salaries continue to be lower than male library employees. The wage gap for the Nation remains with women earning 77 cents for every dollar a man earns. Library employees also continue to receive lower salaries in comparison with traditionally male occupations with comparable education requirements and job responsibilities.

In recognizing the valuable contributions to our Nation and citizens across this country, from libraries, we must not forget the hard-working individuals who provide such services. Such services will enable us to educate our citizens and bring them into the era of technology. This week will also bring to light the need to adequately compensate the staffers which provide these services.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise today in support of National Libraries Week. The foundation of our learning and literacy is based in books and the written word. Our Nation's libraries offer access to books, newspapers, magazines, the Internet and other informational materials. There is no other place where any individual who owns a library card can go in and access materials free of charge that promotes learning, discovery, opportunity, and self improvement. It is our libraries and librarians that provide this to millions of Americans each year.

While our libraries hold the materials, it is our librarians that often hold the key. Librarians are the caring and accessible individuals who lead us on that adventure to knowledge.

Lady Bird Johnson once said, "Perhaps no place in any community is so totally democratic as the town library. The only entrance requirement is interest." Libraries reach across barriers of age, ethnicity, and income to offer a world of learning, discovery and access to millions of Americans each year.

For those who are trapped in the digital divide, libraries are on the front line in providing computer and Internet access free of charge and the resources on how to properly use that technology.

I am especially proud of our many Dallas Public and School Libraries. In addition to standard library services they offer events to benefit the community, including everything from classes of song and reading for infants and their parents to tax preparation for senior

citizens. They are truly committed to the people of Dallas, their well-being, and their access to learning, and I commend their service.

I am a proud supporter of National Libraries Week and thank all of those individuals who serve inquisitive minds both young and old in our nation's libraries.

Mr. BLUMENAUER. Mr. Speaker, in Oregon, we pride ourselves on our strong community and a commitment to quality of life and education. Public libraries are a vital piece of this fabric and, in fact, Oregon has the second highest circulation of public library materials in the nation and the only 5-star library in the Northwest. As the economic downturn has pushed family budgets to the brink, these resources are more important than ever. In addition to public reading and visual materials, libraries offer Internet and computer access for all, free of charge. Many also serve as vibrant community spaces for gatherings and events.

Another library that deserves particular recognition is our very own Library of Congress. To highlight the world-class work of this institution, in 2008 I formed the Library of Congress Caucus, now nearly 70 Members strong. My friend Congressman ZACH WAMP serves as co-chair and our goal is to draw further attention to the nation's library, its collections and curators, and to encourage further use by Members of Congress and the public.

The Library of Congress not only houses the outstanding Congressional Research Service, it also offers 1.6 million visitors access to 15 million primary-source documents and operates the Veteran's History Project. One of my favorite programs, the Surplus Books Program, is an innovative service through which Members may send extra books from the Library of Congress to schools and libraries in their home district. At a time when funding for public schools and libraries is scarce, this is a simple way to reduce waste and distribute excess resources to our communities and schools where they are critically needed.

I strongly encourage members to take advantage of these extraordinary programs and resources, and congratulate all our nation's libraries, librarians, and library-enthusiasts.

Mr. ROE of Tennessee. Mr. Speaker, I yield back the balance of my time.

Ms. CHU. Mr. Speaker, I urge passage of House Resolution 1222.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Ms. CHU) that the House suspend the rules and agree to the resolution, H. Res. 1222.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Ms. CHU. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

CONGRATULATING UNIVERSITY OF IDAHO FOOTBALL TEAM FOR WINNING HUMANITARIAN BOWL

Ms. CHU. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1041) congratulating and commending the University of Idaho's football team for winning the 2009 Humanitarian Bowl in Boise, Idaho.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1041

Whereas the University of Idaho's football team won the 2009 Humanitarian Bowl in Boise, Idaho, on December 30, 2009, its first bowl game in more than a decade;

Whereas Coach Robb Akey led the team to significantly improve its win-loss record to 8-5 this past season, the first winning record since 1999;

Whereas the University of Idaho beat Bowling Green University 43-42 after successfully executing a nail-biting 2-point play in the final seconds of the game;

Whereas senior guard Mike Iupati was named to the Senior Bowl and as an All-American and Outland Trophy finalist for best college football interior lineman;

Whereas teammates visited Saint Luke's Regional Medical Hospital to visit with children patients as part of the Humanitarian Bowl outreach; and

Whereas University of Idaho supporters look forward to seeing the team build its promising momentum next season: Now, therefore, be it

Resolved, That the House of Representatives—

(1) congratulates and commends the University of Idaho's football team for winning the 2009 Humanitarian Bowl in Boise, Idaho; and

(2) recognizes the achievements of the players, coaches, students, alumni, and staff who were instrumental in helping to secure the University of Idaho's Humanitarian Bowl win.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from California (Ms. CHU) and the gentleman from Tennessee (Mr. ROE) each will control 20 minutes.

The Chair recognizes the gentlewoman from California.

GENERAL LEAVE

Ms. CHU. Mr. Speaker, I request 5 legislative days during which Members may revise and extend their remarks and insert extraneous material on House Resolution 1041 into the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

Ms. CHU. I yield myself such time as I may consume.

Mr. Speaker, I rise today to congratulate the University of Idaho football team for their victory in the 2009 Humanitarian Bowl.

On December 30, football fans nationwide witnessed a thrilling game as the University of Idaho Vandals defeated the Bowling Green State University Falcons to win the Humanitarian Bowl title. Both teams showcased their of-

fense talents, but when the final whistle blew, the University of Idaho edged out a victory over Bowling Green State University by a score of 43-42.

The bowl game featured plenty of offense as the two teams traded touchdowns in one of the most exciting bowl games of the season. The game was tied and less than a minute left when Bowling Green scored a go-ahead touchdown. With only 28 seconds left in the game, the University of Idaho pieced together a 66-yard game-winning drive, and capped it off with a dramatic two-point conversion, going for the win instead of a tie and overtime.

In the past 3 years, head coach Robb Akey has challenged his athletes to become better young men both on and off the field. In 2009, the University of Idaho earned a winning record for the first time in 10 years, along with a spot in the Humanitarian Bowl. The team closed the year with the second bowl victory in school history. The only other time they appeared at the bowl game, they defeated the Southern Mississippi Golden Eagles in the 1998 Humanitarian Bowl.

Congratulations to running back DeMaundray Woolridge, a senior, who was named a co-MVP of the game. Woolridge carried Idaho with 126 rushing yards and two third quarter touchdowns.

Congratulations are also due to wide receiver Max Komar for making the game-winning touchdown catch, which was his only reception of the game. Komar was the leading University of Idaho receiver and offensive player of the year during the regular season.

Congratulations to quarterback Nathan Enderle, a junior, who threw for 240 passing yards and four touchdowns, including the epic game winner. Enderle finished the season with the seventh best passer efficiency rating, and was named the team's most valuable player.

Last but not least, congratulations to offensive guard Mike Iupati, who was the team's offensive captain and a consensus All-American selection. He is the first University of Idaho player to receive this honor since 1957. Iupati is considered one of the top prospects available at his position in the 2010 NFL draft.

The outstanding players and coaches at the University of Idaho produced a great turnaround season, and their accomplishments are a testament to their skill and perseverance. The support of students, alumni, and fans helped bring great pride to the school. Finishing the season with a winning record and a bowl victory will only push the team further as fans look forward to a successful 2010 season.

Mr. Speaker, once again, I congratulate the University of Idaho football team for their success.

I reserve the balance of my time.

Mr. ROE of Tennessee. I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of House Resolution 1041, congratulating and commending the University of Idaho's football team for winning the 2009 Humanitarian Bowl in Boise, Idaho.

On December 30, 2009, the University of Idaho's football team won the 2009 Humanitarian Bowl in Boise. The University of Idaho Vandals ended their outstanding season with a victory over Bowling Green State University. The Vandals won the game in the closing seconds to take a 43–42 victory for their second Humanitarian Bowl.

Head coach Robb Akey led the team to victory and to its first winning season since 1999. Senior guard Mike Iupati—and Mike, I apologize if I mess that up since he is an Outland Trophy finalist—was named to the Senior Bowl and was named an All-American and Outland Trophy finalist. The contributions of this outstanding player and coach were a large part of the Vandals' success this past season. While athletic success is what brings us here today, we should take time to highlight academics as well.

The University of Idaho was founded in 1889, and it is the State of Idaho's flagship institution. Located in Moscow, Idaho, it is the State's oldest public university and the State's land-grant university. University programs are organized into 10 different colleges, which have graduated Olympic medalists, NFL coaches, CEOs of Fortune 500 companies, and, of course, Congressmen.

I extend my congratulations to University of Idaho president Duane Nellis, athletic director Dr. Rob Spear, head coach Robb Akey and his staff, the hardworking players, and the fans. I wish all continued success, and I ask my colleagues to support this resolution.

I reserve the balance of my time.

Ms. CHU. Mr. Speaker, I am pleased to recognize for 3 minutes the gentleman from Idaho (Mr. MINNICK).

Mr. MINNICK. I am delighted that my colleagues from the States of Tennessee and California recognize that we do play football in Idaho and at a rather outstanding level, and I would ask that they might take back, particularly the gentlewoman from California, that word to the Pac-10 Conference commissioners, and both of you might mention our strong performance to the BCS, which currently grants teams from my State second-class status.

The University of Idaho, in particular, is the turnaround story of the year in football in my part of the country. What coach Robb Akey has done is taken a mediocre team and, through superior recruiting and force of leadership, has turned it into its first winning season and its first Humanitarian Bowl victory in many years.

It's fair to say, with the strong leadership of the coach in his producing

outstanding student athletes like Mike Iupati, who went from the WAC and this bowl to the Senior Bowl as an All-American, that there are great things ahead. This league is very competitive, and the word from Idaho to all of our colleagues in the other 49 States is: The Vandals are back.

□ 1430

Mr. ROE of Tennessee. Mr. Speaker, I yield back the balance of my time.

Ms. CHU. Mr. Speaker, I urge passage of House Resolution 1041, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Ms. CHU) that the House suspend the rules and agree to the resolution, H. Res. 1041.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Ms. CHU. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

CONGRATULATING BOISE STATE UNIVERSITY FOOTBALL TEAM FOR WINNING 2010 FIESTA BOWL

Ms. CHU. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1042) commending the Boise State University Broncos football team for winning the 2010 Fiesta Bowl.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1042

Whereas the Boise State University Broncos football team won the 2010 Tostitos Fiesta Bowl, defeating the Texas Christian University Horned Frogs by a score of 17–10 at the University of Phoenix Stadium in Glendale, Arizona, on January 4, 2010;

Whereas the Broncos finished their 2009 season with a flawless 14–0 record and have gone undefeated 3 of their last 4 regular seasons;

Whereas the Broncos' only loss in 2008 was against Texas Christian University in a 1-point nail-biter, making the 2010 Fiesta Bowl victory all the more gratifying for the team;

Whereas Broncos head coach Chris Petersen called for a courageous fake punt play with less than 10 minutes remaining in the game that led to the game-winning touchdown;

Whereas Broncos head coach Chris Petersen received the Paul "Bear" Bryant Award for the second time in just 4 years, which recognizes the best college football coach in the Nation;

Whereas sophomore quarterback Kellen Moore threw 39 touchdown passes this season, the most for a single season in school history;

Whereas the 2010 Fiesta Bowl victory comes just 3 years after the Broncos' historic Fiesta Bowl victory in 2007;

Whereas the entire Broncos team should be commended for its steadfast resolve, tireless work ethic, and solid sportsmanship;

Whereas the Broncos should be considered serious National Championship contenders next year with 21 of its 22 starters returning to the field, ready to pick up from where they left off; and

Whereas the Broncos have brought great honor to themselves, their university, the city of Boise, and the State of Idaho: Now, therefore, be it

Resolved, That the House of Representatives—

(1) commends the Boise State University Broncos football team for winning the 2010 Fiesta Bowl; and

(2) congratulates the team for completing an undefeated, 14–0 season.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from California (Ms. CHU) and the gentleman from Tennessee (Mr. ROE) each will control 20 minutes.

The Chair recognizes the gentlewoman from California.

GENERAL LEAVE

Ms. CHU. Mr. Speaker, I request 5 legislative days during which Members may revise and extend and insert extraneous material on House Resolution 1042 into the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

Ms. CHU. Mr. Speaker, I yield myself such time as I may consume.

I rise today to congratulate the Boise State University football team for their victory in the 2010 Fiesta Bowl.

On January 4, football fans were treated to a much-anticipated game between the Boise State University Broncos and the Texas Christian University Horned Frogs. Boise State prevailed and narrowly defeated TCU by a score of 17–10 to win the Fiesta Bowl.

Both teams came into the Fiesta Bowl undefeated in the regular season; and this game was essentially a rematch of the 2008 Poinsettia Bowl, in which Boise State lost to TCU by just one point. The game featured two of the premier offensive teams in the country, as Boise State led the Nation in points per game while TCU finished fourth in the Nation in points per game. While many expected TCU's dominant defense to play the deciding role, Boise State's defense excelled when it mattered most. Boise State's defense only allowed one third down conversion while forcing three turnovers.

Congratulations to Head Coach Chris Petersen, who was the Conference Coach of the Year for the second year in a row and won the Paul "Bear" Bryant Award for National Coach of the Year for the second time. Since Coach Petersen took over the reins in 2006, Boise State has gone 49–4 with two perfect seasons and two Fiesta Bowl victories.

Congratulations to Kyle Efaw, a sophomore tight end, and Brandyn

Thompson, a junior cornerback, who were named co-MVPs. Thompson had two interceptions in the game and one for a touchdown.

Congratulations to quarterback Kellen Moore, a sophomore, who broke the Boise State single-season touchdown pass record with 39 touchdowns and only three interceptions. Moore was also named the Western Athletic Conference Offensive Player of the Year.

Six Broncos were named to the all-conference first team, which included Moore, junior wide receivers Austin Pettis and Titus Young, sophomore offensive lineman Nate Potter, junior defensive end Ryan Winterswyk, senior defensive back Kyle Wilson. Young was honored on the first team for his special teams performance as well.

The extraordinary accomplishments by the Boise State Broncos are no doubt because of their tireless determination and outstanding work ethic. They have consistently been a formidable team over the last 4 years and have brought national acclaim and great pride to the school. The fans of the University will certainly look forward to another successful 2010 season as the Broncos continue to fight for a spot in the National Championship game.

Once again, I congratulate the Boise State football team for their success.

Mr. Speaker, I reserve the balance of my time.

Mr. ROE of Tennessee. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of House Resolution 1042, commending the Boise State University Broncos football team for winning the 2010 Fiesta Bowl.

The Boise State University Broncos won the 2010 Tostitos Fiesta Bowl against the Texas Christian University's Horned Frogs on January 4, 2010. The game was very competitive with a final score of 17-10. With less than 10 minutes left in the game, Head Coach Chris Petersen called a gutsy fake punt play that led to the game-winning touchdown. The Broncos finished their 2009 season with an undefeated 14-0 record. Sophomore quarterback Kellen Moore threw 39 total touchdown passes during the season, setting the single-season school record. Coach Petersen received the Paul "Bear" Bryant Award, recognizing the best college football coach in the Nation, for the second time in 4 years. The team could not have had such an outstanding season without his excellent coaching.

The Broncos football team has been a consistent winner, particularly on their signature home blue turf. In 2008, the Broncos' only loss was a one-point loss to Texas Christian University. In 2007, Boise State was victorious in the Fiesta Bowl with an historic 56-7 win.

I stand before the House today to recognize the significant achievements of

the players, coaches, and students whose dedication and hard work have led to the success of the Boise State University Broncos football team and congratulate them on their victory in the 2010 Fiesta Bowl. I ask my colleagues to support this resolution.

Also, to my good friend Congressman MINNICK, being a huge SEC fan, you do play some football in Idaho now.

Mr. Speaker, I reserve the balance of my time.

Ms. CHU. Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from Idaho (Mr. MINNICK).

Mr. MINNICK. Mr. Speaker, Idaho produced two outstanding football teams last year; and the premier one from national ratings comes from my hometown, Boise, Idaho.

As my colleague, the esteemed gentleman from Tennessee, recognizes, we do play national class football; and, as he also stated, we're not only good but we can be tricky when the circumstance requires.

Coach Petersen is a coach's coach. Not only did he produce three undefeated conference champions in the past 4 years, he did go to the Fiesta Bowl twice and on that national stage made Idaho proud. He is, in addition to being a skilled technician and student of the game, a superb leader in another sense as well. His students graduate from college. His students are properly disciplined, and he manages to go through a winning season hardly ever having to raise his voice. He is the epitome of the good things that college athletics stand for, and I would like to salute him for his success in my State in bringing the Broncos among the top five rated preseason teams this year and a team that has an outstanding chance of becoming, even with the BCS rules, next year's national champion.

The success of Coach Petersen and the Boise State Broncos demonstrates why, above everything else, if we are going to be fair to schools that come from outside the major BCS conferences, we need to revise the way the BCS championship system works. We need a playoff system. We need to give every team, including the two from my home State, a fair opportunity to compete for and win the national championship.

I am proud of what Boise State has accomplished. It's an extraordinary tale of success, a tribute to an excellent coach, and I think it is clear to everyone in this country that the Broncos are a world-class football team. And for everyone in Idaho, I would say 2010 is going to be another spectacular year.

Go, Broncos, go.

Mr. ROE of Tennessee. Mr. Speaker, I yield myself such time as I may consume.

Just a quick comment. We do these suspensions and we talk about them and vote on them and so forth, but

there's a real lesson in college athletics that I think Congressman MINNICK brought up that's very important. Not just a resolution congratulating a football team but young athletes, and I know I certainly learned these lessons, as an athlete, you learn to show up on time, you learn to be a team player, and you learn to give your very best. And if you take those attributes into the world of business and your life, you are going to have a pretty successful life if you take those lessons that you have learned. So congratulations once again.

I would like to associate my comments. We just saw in the last week one of the greatest athletic events in this Nation, which was the NCAA basketball tournament. We saw what happened there, and a football team should be allowed the same opportunity.

Mr. Speaker, I yield back the balance of my time.

Ms. CHU. Mr. Speaker, I urge passage of House Resolution 1042, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Ms. CHU) that the House suspend the rules and agree to the resolution, H. Res. 1042.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Ms. CHU. Mr. Speaker, on that, I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

CONGRATULATING LOCK HAVEN UNIVERSITY OF PENNSYLVANIA ON 140TH ANNIVERSARY

Ms. CHU. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1198) congratulating Lock Haven University of Pennsylvania for 140 years of excellence in higher education, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1198

Whereas Lock Haven University of Pennsylvania was founded in 1870 as Central State Normal School;

Whereas Lock Haven University of Pennsylvania, located in Lock Haven, Pennsylvania has 4,665 undergraduate students enrolled at the main campus and 440 students enrolled at the Clearfield campus;

Whereas Lock Haven University of Pennsylvania competes in 10 women's and 8 men's intercollegiate NCAA sports;

Whereas students attending Lock Haven University of Pennsylvania can obtain degrees and certificates from 60 different undergraduate programs and 3 different graduate programs;

Whereas Lock Haven University of Pennsylvania has 17,000 living alumni; and

Whereas 97 percent of recent Lock Haven University of Pennsylvania graduates are employed or continuing their education and 84 percent of employed graduates are working in their field of study or chosen field: Now, therefore, be it

Resolved, That the House of Representatives congratulates Lock Haven University of Pennsylvania for 140 years of excellence in higher education.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from California (Ms. CHU) and the gentleman from Tennessee (Mr. ROE) each will control 20 minutes.

The Chair recognizes the gentlewoman from California.

GENERAL LEAVE

Ms. CHU. Mr. Speaker, I request 5 legislative days during which Members may revise and extend and insert extraneous material on House Resolution 1198 into the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

Ms. CHU. Mr. Speaker, I yield myself such time as I may consume.

I rise today in support of House Resolution 1198, which celebrates Lock Haven University of Pennsylvania for 140 years of service and leadership.

Located along the Susquehanna River, Lock Haven University of Pennsylvania was founded in 1870 as the Central State Normal School. By 1983, the school joined the Pennsylvania State System of Higher Education and was renamed Lock Haven University of Pennsylvania.

The University features a gorgeous 200-acre main campus in central Pennsylvania and an additional 13-acre branch campus in Clearfield, Pennsylvania, which was established in 1989. Lock Haven offers a small college lifestyle to over 5,100 undergraduates, along with more than 60 undergraduate programs and three graduate programs.

The school has an outstanding athletic program, which offers 10 women's and eight men's NCAA teams, boasts 13 Division II championships, and has many active club sports teams. Students also have the opportunity to participate in over 120 clubs, activities, and organizations on and off campus.

Lock Haven demonstrates leadership in serving the community and was named to the Presidential Honor Roll for Community Service in 2009. Every year its students perform over 40,000 hours of community service through the Mountain Serve Center, focusing on programs for disadvantaged youth.

This year, Lock Haven will celebrate 140 years of broadening the minds and horizons of its students, and it will mark a significant milestone in the University's history.

Mr. Speaker, once again, I express my support for Lock Haven University of Pennsylvania and thank Representa-

tive THOMPSON for bringing this bill forward. I urge my colleagues to join me in support of this resolution.

Mr. Speaker, I reserve the balance of my time.

Mr. ROE of Tennessee. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of House Resolution 1198, congratulating Lock Haven University of Pennsylvania for 140 years of excellence in higher education.

On the banks of the Susquehanna River in central Pennsylvania is a university where students receive excellent career preparation, develop lifelong friendships, and never feel like they are just another number. Lock Haven University prides itself on having a small college lifestyle with a big university education. With an enrollment of 5,000 students, classes are student centered and there are unlimited opportunities to become involved.

Lock Haven University was founded in 1870 as the Central State Normal School. By 1927, it was known as the State Teachers College of Lock Haven; and in 1960 the name was changed to Lock Haven State College. In 1983, the school joined with the Pennsylvania State System of Higher Education and became known as Lock Haven University of Pennsylvania. The Clearfield campus in Clearfield, Pennsylvania, was established in 1989.

LHU has more than 60 undergraduate programs and three graduate programs. The student-to-faculty ratio is 19:1. Its athletics department offers eight women's Division II teams as well as seven men's Division II programs. Division I men's wrestling and women's field hockey programs round out the athletic offerings.

LHU has an outstanding international mission, offering exchange programs on six continents. It has approximately 580 full-time employees, which includes 270 full-time instructional faculty.

□ 1445

There are more than 120 clubs, activities and organizations on campus. And it is also one of the few public institutions in the United States to require laptop computers of freshmen and transfer students. The requirement is complemented by a wireless technology infrastructure that will encompass virtually the entire campus in the near future.

LHU's students have numerous opportunities to learn outside of the classroom through internships and field placement. In addition, LHU students can study abroad a semester in England, France, Japan, Australia or one of 24 other countries. Armed with the tools to succeed, 97 percent of recent graduates are either employed or continuing their education.

Today, we honor Lock Haven University for 140 years of excellence in high-

er education. Congratulations to its president, Dr. Keith Miller, and the faculty of one of the most noble endeavors, preparing future leaders for every sector of our society. I would also like to congratulate the students and staff as well.

I support this resolution, and ask my colleagues to do the same.

I yield back the balance of my time.

Ms. CHU. I urge passage of House Resolution 1198, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Ms. CHU) that the House suspend the rules and agree to the resolution, H. Res. 1198, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution, as amended, was agreed to.

A motion to reconsider was laid on the table.

REMEMBERING VICTIMS OF OKLAHOMA CITY BOMBING

Mr. CONNOLLY of Virginia. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1206) remembering the victims of the attack on the Alfred P. Murrah Federal Building in Oklahoma City, Oklahoma, and supporting the goals and ideals of the National Week of Hope, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1206

Whereas, on April 19, 1995, at 9:02 a.m., a terrorist detonated a truck bomb at the Alfred P. Murrah Federal Building in Oklahoma City, Oklahoma;

Whereas this was one of the worst terrorist attacks ever to occur on United States soil, taking the lives of 168 people and injuring more than 850 others, many of them United States Government employees who worked in the Alfred P. Murrah Federal Building;

Whereas this cowardly act of domestic terrorism directly affected thousands of families and horrified millions of people across the State of Oklahoma and the United States;

Whereas the people of Oklahoma and the United States responded to this tragedy through the remarkable efforts of local, State, and Federal law enforcement personnel, firefighters, search and rescue teams, public and private medical personnel, other emergency services personnel, and thousands of volunteers from the community who saved lives, assisted the injured and wounded, comforted the bereaved, and provided meals and support to those who came to Oklahoma City to offer assistance;

Whereas this courageous response set what has come to be known as the "Oklahoma Standard", which was later emulated by many Americans following the terrorist attacks of September 11, 2001;

Whereas, following the 1995 attack, the people of Oklahoma and the United States pledged to build and maintain a permanent

national memorial to remember those who were killed, those who survived, and those changed forever;

Whereas this pledge was fulfilled by establishing the Oklahoma City National Memorial, which draws hundreds of thousands of visitors from around the world every year to the site of the attack;

Whereas the inscription on the wall of the Oklahoma City National Memorial reads: "We come here to remember those who were killed, those who survived, and those changed forever. May all who leave here know the impact of violence. May this memorial offer comfort, strength, peace, hope, and serenity.";

Whereas the National Memorial Institute for the Prevention of Terrorism was established to educate the Nation's emergency responders about preventing and mitigating the effects of terrorist attacks;

Whereas the Alfred P. Murrah Federal Building has been replaced with a new, safe, secure, and functional Federal building in downtown Oklahoma City that houses many of the offices once housed in the Murrah Building, sending a message that the people and Government of the United States will not be cowed by terrorists; and

Whereas the 15th anniversary of the terrorist bombing of the Alfred P. Murrah Federal Building is April 19, 2010: Now, therefore, be it

Resolved, That the House of Representatives—

(1) joins with the people of the United States in sending best wishes and prayers to the families, friends, and neighbors of the 168 people killed in the terrorist bombing of the Alfred P. Murrah Federal Building in Oklahoma City, Oklahoma; and

(2) sends its best wishes and prayers to those injured in the bombing and expresses gratitude to the thousands of first responders, rescue workers, medical personnel, and volunteers from the community and across the Nation who answered the call for help on the morning of the attack and in the days and weeks thereafter.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Virginia (Mr. CONNOLLY) and the gentleman from Tennessee (Mr. ROE) each will control 20 minutes.

The Chair recognizes the gentleman from Virginia.

GENERAL LEAVE

Mr. CONNOLLY of Virginia. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. CONNOLLY of Virginia. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to commend Congresswoman MARY FALLIN and our colleagues from Oklahoma for introducing this resolution. This resolution commemorates the lives of the Federal employees and other victims of this savage terrorist attack and reminds us of the ongoing terrorist threat in our borders.

House Resolution 1206 was introduced by the gentlewoman from Oklahoma,

Representative MARY FALLIN, on March 23 of this year and was referred to the Committee on Oversight and Government Reform. It comes to the floor today with the bipartisan support of over 50 cosponsors.

Over the last year, we've witnessed a rise in violent rhetoric by extremist groups in America. In the most recent incident, Andrew Joseph Stack intentionally crashed his small plane into a Federal building in Austin, Texas, that included offices of the Internal Revenue Service, among others.

According to the Southern Poverty Law Center, there have been over 75 violent attacks by domestic terrorists since 1995, Mr. Speaker. The resolution before us today is especially poignant because it is but the most destructive example of a recent frightening trend in domestic terrorism, that is to say, the incident in Oklahoma City.

At 9:02 a.m. on April 19, 1995, Timothy McVeigh and Terry Nichols used a truck full of explosives to attack the Alfred P. Murrah Federal Building in Oklahoma City. Their vicious attack, conducted at a time when most of the building's employees were at work and their children at a day care center, killed 168 people and wounded 850 others. The explosion was so powerful it reduced much of the building to rubble and damaged at least six adjacent buildings, including an apartment building, a church, and a YMCA. Some of the victims of the Murrah Federal Building were children who were in the day care center for building employees.

McVeigh and Nichols appear to have been motivated by similar anti-government ideology as the dozens of domestic terrorist who have attacked America in 15 years subsequent to that bombing.

Seven emergency response crews responded to the attack after receiving a call reporting it in at 9:03 a.m., with Fire Station One's crew arriving first at the scene. Oklahoma City's police force set up an incident command system to manage a massive search and rescue operation. Average citizens, as well as the Civil Air Patrol, American Red Cross, and other organizations assisted with responses to the attack.

After the attack, Oklahomans and other Americans responded with generous offers of assistance. Immediately after McVeigh detonated the explosives in the truck, many bystanders ran to the building to try to save people who were still in it. Oklahoma City restaurant owners gave first responders free meals. Blood drives were so overwhelmed with volunteers that long lines forced the city to ask blood donors to wait for the next drive.

Workers actually left their boots on-site after response crews ran out of work boots. This collective sacrifice and outpouring of support earned the moniker "Oklahoma Standard," which describes an extraordinary, sponta-

neous outpouring of community support in times of tragedy.

Thank you again, Congresswoman FALLIN, our colleague, for introducing this legislation which I'm a proud cosponsor of.

I reserve the balance of my time.

Mr. ROE of Tennessee. Mr. Speaker, I yield myself as much time as I may consume.

Mr. Speaker, I rise today in support of House Resolution 1206, remembering the victims of the attack on the Alfred P. Murrah Federal Building in Oklahoma City, Oklahoma.

Fifteen years ago, domestic terrorists set off a truck bomb in front of the Alfred P. Murrah Federal Building in Oklahoma City in what would become one of the worst terrorist attacks to happen on American soil. In a matter of moments, the lives of 168 people, including 19 children, were cruelly brought to an end. In the aftermath, we learned that more than 850 people were injured, and 30 children were orphaned; 219 children lost at least one parent in the tragedy.

To those there, it seemed as if no one in Oklahoma escaped unscathed. Indeed, it has been said that "at 9:02 a.m. on April 19, 1995, every American became an Oklahoman." The outpouring of support for the people of Oklahoma in the hours, days, weeks and months following this attack revealed the depth of character of the citizens of this great Nation.

Many of those killed and injured were Federal employees or the families of Federal employees. It is important that we take time to remember the civil servants who served our country honorably and perished in this tragedy. All of these employees' service to our country deserve recognition and distinction.

I want to extend my sincerest gratitude to local, State and Federal law enforcement, firefighters and emergency response teams from Oklahoma and across the United States; the servicemen and -women, the medical personnel, and the thousands of volunteers who donated their time to help save lives and assist the injured and provide meals to those that came to help the people of Oklahoma. Without these brave men and women, countless more lives may have been lost that day.

Oklahomans have demonstrated the depth of their own character by rebuilding in the wake of the bombing. This tragedy could have devastated the future of Oklahoma City; but in the 15 years since the bombing, the city and all Oklahomans have undergone profound healing. I commend them for their strength and for the continued commitment to triumph over such senseless violence, and I stand with them as they persevere.

Rather than allowing fear to hinder them, the people of Oklahoma City determined to continue the city's growth

while keeping alive the memory of those lost.

Nowhere is that determination more beautifully exhibited than at the Oklahoma City National Memorial and Museum. This facility has attracted hundreds of thousands of visitors from all over the world each year since its opening. It serves as a reminder of not only the tragic event that took place 15 years ago, but also the way that all Americans came together to pick up the pieces and move on. It provides Oklahomans and all Americans with a sense of hope that we truly are able to rise from the ashes of terrorism and come out a stronger community and Nation.

The Memorial Institute for the Prevention of Terrorism was also created to help educate the Nation's emergency responders and law enforcement about preventing and mitigating the effects of terrorist attacks.

Before I close, I will quote the inscription on the wall of the memorial which sums up the lessons learned from this senseless tragedy. It reads: "We come here to remember those who were killed, those who survived, and those who changed forever. May all who leave here know the impact of violence. May this memorial offer comfort, strength, peace, hope and serenity."

As we near the 15th anniversary of the bombing of the Murrah Federal Building in Oklahoma City, I hope we will keep those impacted by this in our minds and heed these important words.

I am proud to be a cosponsor of this resolution, and I urge all of my colleagues to support this resolution.

And, Mr. Speaker, I think this speaks volumes about what we are as a Nation. We're not a Nation of political parties. We're all Americans, and we come together in a tragedy like this to help heal. And I extend my condolences from the great State of Tennessee to Oklahoma. And I thank my friend from Virginia here today for helping us commemorate this.

I yield back the balance of my time.

Mr. CONNOLLY of Virginia. I thank my friend from Tennessee for his kind words. And now I am pleased to recognize our colleague and friend from Minnesota (Ms. McCOLLUM) for 4 minutes.

Ms. McCOLLUM. Mr. Speaker, today I rise to remember the victims of the 1995 terrorist attack on Oklahoma City that killed 168 people. This act of terrorism was committed by a man who viewed the Federal Government as such a threat it justified mass murder.

I applaud my colleague from Oklahoma for her resolution because it serves as a reminder that right-wing anti-government extremist groups are on the rise today. Only 2 weeks ago, members of a so-called Christian militia in Michigan were arrested by the FBI for plotting to kill law enforcement officers in the hopes of inciting an anti-government uprising.

A national civil rights organization has documented a growing number of hate groups in America and states they are "driven largely by an angry backlash against non-white immigration, economic meltdown and the climb to power of an African American President." In one word: racism.

Mark Potok of the Southern Poverty Law Center states: "Individuals associated with the Patriot movement during its heydays in the 1990s produced an enormous amount of violence, most dramatically the Oklahoma City bombing."

Today Mr. Potok states: "As the movement has exploded, so has the reaches of its ideas, aided and abetted by commentators and politicians."

Only last month a Fox News media commentator, with Members of Congress next to him, rallied a tea party crowd by disparaging Congress and calling the crowd "all these Tim McVeigh wannabes here." To that, the crowds cheered and applauded.

When Members of Congress compare health care legislation to "government tyranny," "socialism" or "totalitarianism" in the hopes of scoring political points, it's like pouring gas on the fire of extremism.

Members of this House, Democrats and Republicans, have a duty and obligation to end the dangerous name-calling that can only inspire extremist militias and phony patriots. In the most free, prosperous and greatest democracy on Earth, it is time to return to civil, decent debate of public policy.

I don't want another "Oklahoma City" to ever take place again. And just as we would not give aid and comfort to al Qaeda, let us not allow the words of elected leaders to give comfort and comfortable excuses to extremists bent on violence. Words have power for both good and evil, and I implore my colleagues to temper their rhetoric and not allow the words of a Member of Congress to ever be used by a violent militia or phony, hate-filled patriot to cause violence.

The victims of the Oklahoma City bombing were women at work, men in line for government services, and children in a day care center. And these families were torn apart, and they struggle to heal. A community was devastated, but it is again filled with hope and memories.

And I hope with this resolution every Member of Congress will reflect upon the victims of Oklahoma City, as well as our duty as elected leaders in a proud and free country.

[From the Southern Poverty Law Center, Apr. 2010]

RAGE ON THE RIGHT—THE YEAR IN HATE AND EXTREMISM

(By Mark Potok)

The radical right caught fire last year, as broad-based populist anger at political, demographic and economic changes in America ignited an explosion of new extremist groups and activism across the nation.

Hate groups stayed at record levels—almost 1,000—despite the total collapse of the second largest neo-Nazi group in America. Furious anti-immigrant vigilante groups soared by nearly 80%, adding some 136 new groups during 2009. And, most remarkably of all, so-called "Patriot" groups—militias and other organizations that see the federal government as part of a plot to impose "one-world government" on liberty-loving Americans—came roaring back after years out of the limelight.

The anger seething across the American political landscape—over racial changes in the population, soaring public debt and the terrible economy, the bailouts of bankers and other elites, and an array of initiatives by the relatively liberal Obama Administration that are seen as "socialist" or even "fascist"—goes beyond the radical right. The "tea parties" and similar groups that have sprung up in recent months cannot fairly be considered extremist groups, but they are shot through with rich veins of radical ideas, conspiracy theories and racism.

"We are in the midst of one of the most significant right-wing populist rebellions in United States history," Chip Berlet, a veteran analyst of the American radical right, wrote earlier this year. "We see around us a series of overlapping social and political movements populated by people [who are] angry, resentful, and full of anxiety. They are raging against the machinery of the federal bureaucracy and liberal government programs and policies including health care, reform of immigration and labor laws, abortion, and gay marriage."

Sixty-one percent of Americans believe the country is in decline, according to a recent NBC News/Wall Street Journal poll. Just a quarter think the government can be trusted. And the anti-tax tea party movement is viewed in much more positive terms than either the Democratic or Republican parties, the poll found.

The signs of growing radicalization are everywhere. Armed men have come to Obama speeches bearing signs suggesting that the "tree of liberty" needs to be "watered" with "the blood of tyrants." The Conservative Political Action Conference held this February was co-sponsored by groups like the John Birch Society, which believes President Eisenhower was a Communist agent, and Oath Keepers, a Patriot outfit formed last year that suggests, in thinly veiled language, that the government has secret plans to declare martial law and intern patriotic Americans in concentration camps. Politicians pandering to the antigovernment right in 37 states have introduced "Tenth Amendment Resolutions," based on the constitutional provision keeping all powers not explicitly given to the federal government with the states. And, at the "A Well Regulated Militia" website, a recent discussion of how to build "clandestine safe houses" to stay clear of the federal government included a conversation about how mass murderers like Timothy McVeigh and Olympics bomber Eric Rudolph were supposedly betrayed at such houses.

DOING THE NUMBERS

The number of hate groups in America has been going up for years, rising 54% between 2000 and 2008 and driven largely by an angry backlash against non-white immigration and, starting in the last year of that period, the economic meltdown and the climb to power of an African American president.

According to the latest annual count by the Southern Poverty Law Center (SPLC), these groups rose again slightly in 2009—

from 926 in 2008 to 932 last year—despite the demise of a key neo-Nazi group. The American National Socialist Workers Party, which had 35 chapters in 28 states, imploded shortly after the October 2008 arrest of founder Bill White for making threats against his enemies.

At the same time, the number of what the SPLC designates as “nativist extremist” groups—organizations that go beyond mere advocacy of restrictive immigration policy to actually confront or harass suspected immigrants—jumped from 173 groups in 2008 to 309 last year. Virtually all of these vigilante groups have appeared since the spring of 2005.

But the most dramatic story by far has been with the antigovernment Patriots.

The militias and the larger Patriot movement first came to Americans’ attention in the mid-1990s, when they appeared as an angry reaction to what was seen as a tyrannical government bent on crushing all dissent. Sparked most dramatically by the death of 76 Branch Davidians during a 1993 law enforcement siege in Waco, Texas, those who joined the militias also rallied against the Democratic Clinton Administration and initiatives like gun control and environmental regulation. Although the Patriot movement included people formerly associated with racially based hate groups, it was above all animated by a view of the federal government as the primary enemy, along with a fondness for antigovernment conspiracy theories. By early this decade, the groups had largely disappeared from public view.

But last year, as noted in the SPLC’s August report, “The Second Wave: Return of the Militias,” a dramatic resurgence in the Patriot movement and its paramilitary wing, the militias, began. Now, the latest SPLC count finds that an astonishing 363 new Patriot groups appeared in 2009, with the totals going from 149 groups (including 42 militias) to 512 (127 of them militias)—a 244% jump.

That is cause for grave concern. Individuals associated with the Patriot movement during its 1990s heyday produced an enormous amount of violence, most dramatically the Oklahoma City bombing that left 168 people dead.

Already there are signs of similar violence emanating from the radical right. Since the installation of Barack Obama, right-wing extremists have murdered six law enforcement officers. Racist skinheads and others have been arrested in alleged plots to assassinate the nation’s first black president. One man from Brockton, Mass.—who told police he had learned on white supremacist websites that a genocide was under way against whites—is charged with murdering two black people and planning to kill as many Jews as possible on the day after Obama’s inauguration. Most recently, a rash of individuals with antigovernment, survivalist or racist views have been arrested in a series of bomb cases.

As the movement has exploded, so has the reach of its ideas, aided and abetted by commentators and politicians in the ostensible mainstream. While in the 1990s, the movement got good reviews from a few lawmakers and talk-radio hosts, some of its central ideas today are being plugged by people with far larger audiences like FOX News’ Glenn Beck and U.S. Rep. Michele Bachmann (R-Minn). Beck, for instance, re-popularized a key Patriot conspiracy theory—the charge that FEMA is secretly running concentration camps—before finally “debunking” it.

Last year also experienced levels of cross-pollination between different sectors of the radical right not seen in years. Nativist activists increasingly adopted the ideas of the Patriots; racist rants against Obama and others coursed through the Patriot movement; and conspiracy theories involving the government appeared in all kinds of right-wing venues. A good example is the upcoming Second Amendment March in Washington, D.C. The website promoting the march is topped by a picture of a colonial militiaman, and key supporters include Larry Pratt, a long-time militia enthusiast with connections to white supremacists, and Richard Mack, a conspiracy-mongering former sheriff associated with the Patriot group Oath Keepers.

What may be most noteworthy about the march, however, is its date—April 19. That is the date of the first shots fired at Lexington in the Revolutionary War. And it is also the anniversary of the fiery end of the government siege in Waco and the 1995 Oklahoma City bombing.

Mr. CONNOLLY of Virginia. Mr. Speaker, I again offer my deepest sympathies to the victims of the attack on the Alfred P. Murrah Federal Building, as well as to the families and friends of those victims. Fifteen years later, we remember and mourn their tragic loss.

I urge my colleagues to vote in favor of H. Res. 1206.

Ms. FALLIN. Mr. Speaker, fifteen years ago next Monday, America was shocked and saddened by a murderous attack in our heartland. 168 Oklahomans died and hundreds others injured when a homegrown terrorist detonated a bomb outside the Oklahoma City Federal Building.

Today I offer a resolution to commemorate that tragedy, but it is also a resolution of hope.

On April 19, 1995, Oklahoma City, the State of Oklahoma and our Nation saw the face of evil. But rather than cower in fear we came together. From the very first moments after the blast, neighbors rushed forward to help neighbors. They lined up around the block to give blood. They became volunteer rescuers—and one, a nurse, gave her life in that effort.

As our wounds began to heal, we vowed always to remember those we lost, those who were injured and those who were changed forever. Five years after the bombing, in 2000, a beautiful and peaceful outdoor memorial was dedicated on the same block that was once marked by blood and tears.

That memorial includes 168 empty chairs in memory of those who died—19 of them children. It contains a reflecting pool and a tough old tree that survived the blast. We call it the Survivor Tree, and it is the emblem of our memorial.

A year later, we added a museum where visitors come each day to learn more about the bombing, and to absorb the lesson that in our free Nation, free speech is honorable, but violence is not.

Those are the physical symbols of hope. There are others just as vital. Dozens of children lost one or more parent in the bombing, or were themselves injured. Today a special fund is sending some of those children to college.

And each year, as we will next Monday, we gather again at the Oklahoma City National Memorial to pause for 168 seconds of silence,

to honor memories, to see old friends with whom we share an unbreakable bond forged of both tragedy and hope. And we also come to renew that vow we made in 1995—we will never forget.

Fifteen years ago this Congress and the Clinton administration stepped forward to bring the help and the justice the events of that day demanded. Subsequent laws made it easier to prosecute terrorists and bring them to final justice.

This resolution continues the commitment of this Congress to stand with and for Oklahoma City. In memory of all those touched by the events of April 19, 1995, I urge its unanimous passage.”

Mr. BOREN. Mr. Speaker, at 9:02 a.m. on the morning of April 19th, 1995, a truck bomb detonated outside the Alfred P. Murrah Federal Building in downtown Oklahoma City killing 168 individuals—all of them unsuspecting women, children, and men—thereby becoming one of the most abhorrent acts of violence ever undertaken against the American people. Fifteen years after the bombing, we recognize on this day—April 19th, 2010—all those both in Oklahoma and across the United States who were touched by this inexplicable articulation of violence, violence which signaled an irrevocable act of domestic terrorism. Our recollections of that nascent dawn are consequently entombed within these words as a small yet vital elegy to the mid-April daylight a decade and a half ago when our world exploded.

We cannot and we must not allow the events from 15 years past to lapse in our memories. The actions of that day still scar the surrounding landscape like the ghosts of an enduring trauma, latent but ever present behind the unyielding advances of time. Within a 16-block radius of the blast site where 850 individuals were injured, where 19 of the 168 killed were under the age of 6, where 324 structures were either damaged or destroyed, where 86 cars were utterly incinerated and where the window panes of 258 buildings were thoroughly shattered, the scorched earth campaign of Tim McVeigh and Terry Nichols permanently impacted not only the existence of each and every Oklahoman but of all Americans. Yet, the remarkable efforts of local, State, and Federal law enforcement, fire and emergency services, search and rescue teams from near and far, medical personnel both public and private, as well as vast numbers of volunteers who willingly endangered themselves to save others, assist the injured, support the grieving, and provide amenities to those endangered or otherwise altered by this act of terrorism all attest to the irrepressible character of Oklahoma and of America as a whole.

Today, after the chaos of tragedy unexpected, after the initial anguish of the moment, after the exposure of a malice which rocked us to our very core, the Oklahoma City National Memorial stands resilient in the downtown area as a sobering reminder of the attack on America’s heartland 15 years previous. The memorial itself—set on the grounds of the incendiary assault, in the solitary shadow of an elm known as the Survivor Tree—bears the following inscription: “We come here to remember those who were killed, those who

survived and those changed forever. May all who leave here know the impact of violence. May this memorial offer comfort, strength, peace, hope and serenity." And, may we as Americans, never permit ourselves to forget the pilfered vitality those 168 empty chairs signify, especially the 16 smaller seats—each one a life, literally in its infancy, extinguished by the unmitigated cruelty of a terrorist plot planted and brought to fruition on American soil.

Moreover, we cannot dismiss the somber relevance the beloved departed lend to the grievous affairs of that morning. We cannot dismiss the 580 injured. Nor can we dismiss the countless number of volunteers from every corner of this country who came from near and far to aid in Oklahoma City's continued recovery. April 19th must remain firmly in our minds as the day America was altered permanently, as the day I urge us to recognize and to never forget.

Ms. JACKSON LEE of Texas. Mr. Speaker, I rise in strong support of H. Res. 1206, "Remembering the victims of the attack on the Alfred P. Murrah Federal Building in Oklahoma City, Oklahoma, and supporting the goals and ideals of the National Week of Hope."

Let me begin by thanking my colleague Representative MARY FALLIN for introducing this important piece of legislation into the House of Representatives as it is important that we always remember the men, women and children who lost their lives in the tragic bombing of the Oklahoma City Federal Building. I would also like to recognize Congresswoman FALLIN for her bravery and leadership in the aftermath of the 1995 Oklahoma City bombing.

Just four months after taking her initial oath of office as Lieutenant Governor of Oklahoma, Representative FALLIN was faced with this horrible attack. Through her courage and dedication to the people of Oklahoma however, Representative FALLIN successfully worked toward the recovery and reconstruction of ground-zero and also formed a task force to rebuild the childcare center lost in the disaster.

In one of the most shocking and horrifying terrorist attacks ever directed against the United States homeland, the Alfred P. Murrah Federal Building in Oklahoma City, Oklahoma was bombed by homegrown terrorist Timothy McVeigh, leading to the deaths of over one-hundred citizens and Federal employees.

Timothy McVeigh detonated his homemade bomb in front of the Federal building on the morning of April 19, 1995, just as employees and citizens were arriving at work for the day. The large explosion took the lives of 168 people and injured more than 850 others in the area around ground-zero.

I deplore in the strongest terms possible this cowardly act of terrorism against the men, women and children in a Federal building. This type of senseless violence is not welcome in our democratic society and we must work to see that this type of action is never allowed to take place again.

I would especially like to recognize the fine men and women of the police, fire department and other first responders who provided immediate assistance in the aftermath of the bombing. Because of their courageous actions that day, many lives were able to be saved.

As the Chairwoman of the Subcommittee on Transportation Security and Infrastructure protection I have consistently worked towards increasing the security in and around Federal buildings most notably through my sponsorship of H.R. 3225. I introduced H.R. 3225 right after 9/11 and pushed for the implementation of a uniform Federal alert standard that would go into effect in the event of an emergency or threat against a Federal or private facility.

We must always ensure that the safety of the American people remains our top priority. Furthermore it is vitally important that we continue to work together to protect Federal infrastructure from future attack. Through the passage of this bill, we will help to ensure that the horrible bombing on the Oklahoma City Federal building, and those lost in the attack are never forgotten. We will also ensure that a strong emphasis is put on the protection of Federal infrastructure across the nation and across the globe.

I would like to again thank my colleague Representative MARY FALLIN for introducing H. Res. 1206. I ask my colleagues for their support of this legislation as well as their continued support for the families of those lost in the Oklahoma City Bombing and other acts of terrorism.

Mr. Speaker, I strongly support H. Res. 1206.

Mr. CONNOLLY of Virginia. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Virginia (Mr. CONNOLLY) that the House suspend the rules and agree to the resolution, H. Res. 1206, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution, as amended, was agreed to.

The title was amended so as to read: "Resolution remembering the victims of the attack on the Alfred P. Murrah Federal Building in Oklahoma City, Oklahoma."

A motion to reconsider was laid on the table.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until approximately 6:30 p.m. today.

Accordingly (at 3 p.m.), the House stood in recess until approximately 6:30 p.m.

□ 1831

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mrs. HALVORSON) at 6 o'clock and 31 minutes p.m.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings

will resume on motions to suspend the rules previously postponed.

Votes will be taken in the following order:

House Resolution 1222, by the yeas and nays;

House Resolution 1041, by the yeas and nays;

House Resolution 1042, by the yeas and nays.

The first electronic vote will be conducted as a 15-minute vote. Remaining electronic votes will be conducted as 5-minute votes.

SUPPORTING NATIONAL LIBRARY WEEK

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution, H. Res. 1222, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Ms. CHU) that the House suspend the rules and agree to the resolution, H. Res. 1222.

The vote was taken by electronic device, and there were—yeas 397, nays 0, not voting 32, as follows:

[Roll No. 196]

YEAS—397

Ackerman	Buyer	Dicks
Aderholt	Calvert	Dingell
Adler (NJ)	Camp	Doggett
Akin	Cantor	Donnelly (IN)
Alexander	Cao	Doyle
Altmire	Capito	Dreier
Andrews	Capps	Driehaus
Arcuri	Capuano	Duncan
Austria	Cardoza	Edwards (MD)
Baca	Carnahan	Edwards (TX)
Bachmann	Carson (IN)	Ehlers
Bachus	Cassidy	Ellison
Baird	Castle	Ellsworth
Baldwin	Castor (FL)	Emerson
Barrow	Chandler	Engel
Bartlett	Childers	Eshoo
Barton (TX)	Chu	Etheridge
Bean	Clarke	Farr
Becerra	Clay	Fattah
Berkley	Cleaver	Filner
Berman	Clyburn	Flake
Berry	Coble	Fleming
Biggert	Coffman (CO)	Forbes
Bilirakis	Cohen	Fortenberry
Bishop (GA)	Cole	Foster
Bishop (NY)	Conaway	Fox
Blackburn	Connolly (VA)	Frank (MA)
Blumenauer	Conyers	Franks (AZ)
Bocciari	Cooper	Frelinghuysen
Boehner	Costa	Fudge
Bonner	Costello	Garamendi
Bono Mack	Courtney	Garrett (NJ)
Boozman	Crenshaw	Gerlach
Boren	Crowley	Giffords
Boswell	Cuellar	Gingrey (GA)
Boucher	Culberson	Goodlatte
Boustany	Cummings	Gordon (TN)
Boyd	Dahlkemper	Granger
Brady (PA)	Davis (CA)	Graves
Brady (TX)	Davis (IL)	Grayson
Braley (IA)	Davis (KY)	Green, Al
Bright	Davis (TN)	Green, Gene
Brown (GA)	DeFazio	Griffith
Brown (SC)	DeGette	Guthrie
Buchanan	DeLauro	Hall (NY)
Burgess	Dent	Hall (TX)
Burton (IN)	Diaz-Balart, L.	Halvorson
Butterfield	Diaz-Balart, M.	Hare

Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Hunter
Israel
Issa
Jackson (IL)
Jackson Lee
(TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (IA)
King (NY)
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Loeback
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel
E.
Lynch
Mack
Maffei
Maloney
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
Matheson
Matsui
McCarthy (CA)

McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McIntyre
McMahon
McMorris
Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Nunes
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Owens
Pallone
Pascarell
Pastor (AZ)
Paul
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Putnam
Quigley
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam

Ross
Rothman (NJ)
Roybal-Allard
Royce
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda
T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shea-Porter
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Stearns
Sullivan
Sutton
Tanner
Taylor
Teague
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Viscosky
Walden
Walz
Wamp
Wasserman
Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Westmoreland
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (FL)

Inslee
Jordan (OH)
Kingston
Lee (NY)

McKeon
Ruppersberger
Scott (GA)
Sherman

Souder
Stupak
Terry
Young (AK)

□ 1903

So (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

MOMENT OF SILENCE IN MEMORY OF FORMER REPRESENTATIVE BOB FRANKS OF NEW JERSEY

(Mr. LANCE asked and was given permission to address the House for 1 minute.)

Mr. LANCE. Madam Speaker, it is with deep regret that I inform the House of the passing of a former Member, Robert D. Franks of New Jersey. Bob Franks died late Friday at Memorial Sloan-Kettering in Manhattan at the age of 58.

His distinguished career of public service included membership in the New Jersey General Assembly, where we were colleagues, chairman of the State Republican Party, and from 1992 until 2000, as a Member of Congress from New Jersey's Seventh Congressional District where he was succeeded by Mike Ferguson.

In this decade, Bob has served extremely ably as the president of the Health Care Institute of New Jersey. A graduate of DePauw University in Green Castle, Indiana, and Southern Methodist University Law School in Dallas, he is survived by his wonderful wife, Fran, and their beautiful young daughters, Kelly, Sara and Abigail.

A devoted friend, colleague and mentor to me, Bob's passing at such a young age is particularly poignant, but his shining example as a public servant will burn brightly for decades and serve as an example to us all.

Mr. PASCARELL. Will the gentleman yield?

Mr. LANCE. I yield to the gentleman from New Jersey.

Mr. PASCARELL. Bob Franks was a great friend. I served with him in the New Jersey legislature. We served on opposite sides, but it did not matter; he was a gentleman, a professional in every sense of the word. We are going to miss him. His beautiful wife and three young children are going to miss him. And the State of New Jersey will miss him.

This body was made better when Bob Franks walked through this Chamber, served on major committees, and contributed to the security of this Nation. May he rest in peace, and may we remember what he stood for as a model of civility and bipartisanship. God bless him.

MOMENT OF SILENCE IN MEMORY OF FORMER REPRESENTATIVE STAN PARRIS OF VIRGINIA

(Mr. MORAN of Virginia asked and was given permission to address the House for 1 minute.)

Mr. MORAN of Virginia. Madam Speaker, I rise to honor former Congressman Stan Parris, who passed away on March 27. Mr. Parris represented the Eighth District in Virginia in the House from 1973 to 1974, and then again throughout the 1980s, from 1981 to 1990.

He was a very hardworking advocate for Northern Virginia and his constituents. He was a fighter pilot, a veteran of the Korean War. He earned the Distinguished Flying Cross, the Purple Heart, and an Air Medal for his service.

He was known for giving out his home phone number, for listening to people regardless of their views; I'm not sure his successor has given out his home phone as often. Mr. Parris had a major impact on Northern Virginia by supporting flood control projects and bridges. He laid the groundwork for the Four Mile Run project. He put carpool lanes on Interstate 395. He transferred control of the airports from the Federal Aviation Administration to a regional airport authority. He led an effort to move the D.C. prison from Lorton. When the National Football League blacked out broadcasts of games that were sold out, he got the league to change its policy.

As a member of the Banking and Finance Committee, he proved prescient in cautioning about the looming savings and loan crisis in the 1980s. He graduated from George Washington University Law School. He owned several car dealerships. He was a State Delegate and was on the Fairfax County Board of Supervisors. He is survived by his wife of 28 years, Martha Harper Parris of Mathews, Virginia, his three children, and his two grandchildren.

I would now like to yield to my colleague, the dean of the Virginia delegation, Congressman FRANK WOLF.

Mr. WOLF. I thank the gentleman.

Madam Speaker, this is a sad occasion as we inform the House of the passing of a former colleague, Representative Stan Parris, who died on March 27 at the age of 80.

Stan loved the people's House and proudly served Virginia's Eighth District for six terms. I had the privilege of serving with Stan for 10 of those 12 years. He was a good friend. He had many legislative accomplishments for the people in northern Virginia, in addition to the ones my colleagues, Mr. MORAN, said. I think many would agree that one most significant accomplishment was the transfer of Dulles and National Airports from the FAA to a regional airports authority, an effort that consumed several years, but eventually led to two of the finest airports in the region.

NOT VOTING—32

Barrett (SC)
Billbray
Bishop (UT)
Blunt
Brown, Corrine
Brown-Waite,
Ginny

Campbell
Carney
Carter
Chaffetz
Davis (AL)
Delahunt
Fallin

Galleghy
Gohmert
Gonzalez
Grijalva
Gutierrez
Hoekstra
Inglis

He was not only an outstanding Member of Congress, but he was a Korean War hero. Someone said if you wanted to understand Stan Parris, you should read the book "The Right Stuff" because he had the right stuff. He was a pilot, had been shot down during the Korean War. His airplane landed on power lines, and he was later rescued in North Korea. He received a Distinguished Flying Cross, the Purple Heart and the Air Medal.

He graduated from George Washington University law school in 1958, settled in Fairfax County and practiced law. He later owned car dealerships in Woodbridge and Manassas.

After serving on the Fairfax County Board of Supervisors, he was elected to the Virginia House of Delegates in 1969, as one of nine Republicans in the body. He was Virginia's secretary of the commonwealth in 1978.

Mr. Parris unsuccessfully sought the Republican nomination for governor in 1985 and 1989 and failed in a bid for the Virginia state Senate in 1995. After losing his congressional seat to James P. Moran Jr. (D) in 1990, he was administrator of the St. Lawrence Seaway Development Corp. and was of counsel to the law firm of Dickstein Shapiro.

He was also a founder of the Flying Circus Aerodrome in Bealeton, where he took part in aerobatic demonstrations.

In recent years, Mr. Parris lived in Matthews County and Melbourne, Fla.

His marriages to Jane McCullough Parris and Sonja Parris ended in divorce.

Survivors include his wife of 28 years, Martha Harper Parris of Matthews County and Melbourne; three children from his first marriage, Michael Parris of Los Angeles, Ann Parris of Culpeper and Susan Parris Littlewood of Mount Airy; and two grandsons.

[From the Washington Post, Mar. 29, 2010]

STANFORD E. PARRIS, 80, DIES; N. VA.
MEMBER OF CONGRESS

(By Matt Schudel)

Stanford E. Parris, 80, who served six terms in the U.S. House of Representatives as a Republican from Northern Virginia's Eighth District, died March 27 of heart disease at his home in Matthews County, Va.

Mr. Parris, who was a lawyer and car dealer before entering politics, was first elected in 1972, then returned to Congress from 1981 to 1991. A onetime Air Force fighter pilot, he survived several hard-fought campaigns and was among the first Republicans to gain a foothold in modern-day Virginia politics.

During his first term in Congress, he won the gratitude of football fans by introducing a bill prohibiting the National Football League from imposing television blackouts of sold-out games. He supported efforts to improve transportation in Northern Virginia, including carpool lanes on Interstate 395, and helped transfer control of Dulles and National airports from the Federal Aviation Administration to a regional airport authority.

As ranking Republican on the House District Committee, he was a persistent critic of the D.C. government and often quarreled with then-Mayor Marion Barry. Mr. Parris also led an effort to move the D.C. prison from Lorton, which was finally accomplished after he left Congress.

Mr. Parris possessed a blunt, direct style that served him well on the campaign trail. He had three epic electoral battles with Democratic Rep. Herbert E. Harris II, losing in 1974 before ousting Harris from Congress in 1980. Mr. Parris defeated Harris in a rematch in 1982, spending \$700,000 in Virginia's most expensive congressional campaign up to that point.

"They were tough campaigns," recalled U.S. Rep. Frank R. Wolf (R-Va.), who served in Congress with Mr. Parris. "They were almost like the Lincoln-Douglas debates."

Describing his political approach to The Washington Post in 1989, Mr. Parris said: "Somewhere along the line, I learned the best thing to do was to simply stand up and say what you mean, mean what you say, and do what you commit to."

Stanford Elmer Parris was born Sept. 9, 1929, in Champaign, Ill., and was a graduate of the University of Illinois.

During the Korean War, he piloted fighter jets and was once rescued after being shot down over North Korea. He received the Distinguished Flying Cross, Purple Heart and Air Medal.

He graduated from George Washington University law school in 1958, settled in Fairfax County and practiced law. He later owned car dealerships in Woodbridge and Manassas.

After serving on the Fairfax County Board of Supervisors, he was elected to the Virginia House of Delegates in 1969, as one of nine Republicans in the body. He was Virginia's secretary of the commonwealth in 1978.

Mr. Parris unsuccessfully sought the Republican nomination for governor in 1985 and 1989 and failed in a bid for the Virginia state Senate in 1995. After losing his congressional seat to James P. Moran Jr. (D) in 1990, he was administrator of the St. Lawrence Seaway Development Corp. and was of counsel to the law firm of Dickstein Shapiro.

He was also a founder of the Flying Circus Aerodrome in Bealeton, where he took part in aerobatic demonstrations.

In recent years, Mr. Parris lived in Matthews County and Melbourne, Fla.

His marriages to Jane McCullough Parris and Sonja Parris ended in divorce.

Survivors include his wife of 28 years, Martha Harper Parris of Matthews County and Melbourne; three children from his first marriage, Michael Parris of Los Angeles, Ann Parris of Culpeper and Susan Parris Littlewood of Mount Airy; and two grandsons.

Mr. MORAN of Virginia. I thank the gentleman. Perhaps now we could have a few moments of silence for both departed colleagues.

The SPEAKER pro tempore. The House will observe a moment of silence in memory of our two former colleagues from New Jersey and Virginia.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Without objection, 5-minute voting will continue.

There was no objection.

CONGRATULATING UNIVERSITY OF IDAHO FOOTBALL TEAM FOR WINNING HUMANITARIAN BOWL

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution, H. Res. 1041, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Ms. CHU) that the House suspend the rules and agree to the resolution, H. Res. 1041.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 394, nays 1, answered "present" 2, not voting 32, as follows:

[Roll No. 197]

YEAS—394

Ackerman	Diaz-Balart, M.	Klein (FL)
Aderholt	Dicks	Kline (MN)
Adler (NJ)	Dingell	Kosmas
Akin	Doggett	Kratovil
Alexander	Donnelly (IN)	Kucinich
Andrews	Doyle	Lamborn
Arcuri	Dreier	Lance
Austria	Driebeaus	Langevin
Baca	Duncan	Larsen (WA)
Bachmann	Edwards (MD)	Larson (CT)
Bachus	Ehlers	Latham
Baird	Ellison	LaTourette
Baldwin	Ellsworth	Latta
Barrow	Emerson	Lee (CA)
Bartlett	Engel	Levin
Barton (TX)	Eshoo	Lewis (CA)
Bean	Etheridge	Lewis (GA)
Becerra	Farr	Linder
Berkley	Fattah	Lipinski
Berman	Filner	LoBiondo
Berry	Flake	Loeb sack
Biggert	Fleming	Lofgren, Zoe
Bilirakis	Forbes	Lowey
Bishop (GA)	Fortenberry	Lucas
Bishop (NY)	Foster	Luetkemeyer
Blackburn	Fox	Lujan
Blumenauer	Frank (MA)	Lummis
Bocieri	Franks (AZ)	Lungren, Daniel
Boehner	Frelinghuysen	E.
Bonner	Fudge	Lynch
Bono Mack	Garamendi	Mack
Boozman	Garrett (NJ)	Maffei
Boren	Gerlach	Maloney
Boswell	Giffords	Manzullo
Boucher	Gingrey (GA)	Marchant
Boustany	Goodlatte	Markey (CO)
Boyd	Gordon (TN)	Markey (MA)
Brady (PA)	Granger	Marshall
Brady (TX)	Graves	Matheson
Braley (IA)	Grayson	Matsui
Bright	Green, Al	McCarthy (CA)
Brown (GA)	Green, Gene	McCarthy (NY)
Brown (SC)	Griffith	McCauley
Buchanan	Guthrie	McClintock
Burgess	Hall (NY)	McCollum
Burton (IN)	Hall (TX)	McCotter
Butterfield	Halvorson	McDermott
Buyer	Hare	McGovern
Calvert	Harman	McHenry
Camp	Harper	McIntyre
Cao	Hastings (FL)	McMahon
Capito	Hastings (WA)	McMorris
Capps	Heinrich	Rodgers
Capuano	Heller	McNerney
Cardoza	Hensarling	Meek (FL)
Carnahan	Herger	Meeks (NY)
Carson (IN)	Herseth Sandlin	Melancon
Cassidy	Higgins	Mica
Castle	Hill	Michaud
Castor (FL)	Himes	Miller (FL)
Chandler	Hinchey	Miller (MI)
Childers	Hinojosa	Miller (NC)
Chu	Hirono	Miller, Gary
Clarke	Hodes	Miller, George
Clay	Holden	Minnick
Cleaver	Holt	Mitchell
Clyburn	Honda	Mollohan
Coble	Hoyer	Moore (KS)
Coffman (CO)	Hunter	Moore (WI)
Cohen	Israel	Moran (KS)
Cole	Issa	Moran (VA)
Conaway	Jackson (IL)	Murphy (CT)
Connolly (VA)	Jackson Lee	Murphy (NY)
Conyers	(TX)	Murphy, Patrick
Cooper	Jenkins	Murphy, Tim
Costa	Johnson (GA)	Myrick
Costello	Johnson (IL)	Nadler (NY)
Courtney	Johnson, E. B.	Napolitano
Crenshaw	Johnson, Sam	Neal (MA)
Crowley	Jones	Neugebauer
Cuellar	Kagen	Nunes
Culberson	Kanjorski	Nye
Cummings	Kaptur	Obey
Dahlkemper	Kennedy	Olson
Davis (CA)	Kildee	Olver
Davis (IL)	Kilpatrick (MI)	Ortiz
Davis (KY)	Kilroy	Owens
Davis (TN)	Kind	Pallone
DeGette	King (IA)	Pascrell
DeLauro	King (NY)	Pastor (AZ)
Dent	Kirk	Paul
Diaz-Balart, L.	Kirkpatrick (AZ)	Paulsen
	Kissell	Payne

Pence	Salazar	Tanner
Perlmutter	Sánchez, Linda	Taylor
Perriello	T.	Teague
Peters	Sanchez, Loretta	Thompson (CA)
Peterson	Sarbanes	Thompson (MS)
Petri	Scalise	Thompson (PA)
Pingree (ME)	Schakowsky	Thornberry
Pitts	Schauer	Tiahrt
Platts	Schiff	Tiberi
Poe (TX)	Schmidt	Tierney
Polis (CO)	Schock	Titus
Pomeroy	Schrader	Tonko
Posey	Schwartz	Towns
Price (GA)	Scott (VA)	Tsongas
Price (NC)	Sensenbrenner	Turner
Putnam	Serrano	Upton
Quigley	Sessions	Van Hollen
Radanovich	Sestak	Velázquez
Rahall	Shadegg	Visclosky
Rangel	Shea-Porter	Walden
Rehberg	Shimkus	Walz
Reichert	Shuler	Wamp
Reyes	Shuster	Wasserman
Richardson	Simpson	Schultz
Rodriguez	Sires	Waters
Roe (TN)	Skelton	Watson
Rogers (AL)	Slaughter	Watt
Rogers (KY)	Smith (NE)	Waxman
Rogers (MI)	Smith (NJ)	Weiner
Rohrabacher	Smith (TX)	Welch
Rooney	Smith (WA)	Westmoreland
Ros-Lehtinen	Snyder	Whitfield
Roskam	Space	Wilson (OH)
Ross	Speier	Wilson (SC)
Rothman (NJ)	Spratt	Wittman
Roybal-Allard	Stark	Wolf
Royce	Stearns	Woolsey
Rush	Stupak	Wu
Ryan (OH)	Sullivan	Yarmuth
Ryan (WI)	Sutton	Young (FL)

NAYS—1

Altmire

ANSWERED “PRESENT”—2

DeFazio Oberstar

NOT VOTING—32

Barrett (SC)	Chaffetz	Inslee
Bilbray	Davis (AL)	Jordan (OH)
Bishop (UT)	Edwards (TX)	Kingston
Blunt	Fallin	Lee (NY)
Brown, Corrine	Galleghy	McKeon
Brown-Waite,	Gohmert	Ruppersberger
Ginny	Gonzalez	Scott (GA)
Campbell	Grijalva	Sherman
Cantor	Gutierrez	Souder
Carney	Hoekstra	Terry
Carter	Inglis	Young (AK)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Less than 2 minutes remain in this vote.

□ 1918

So (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

MOMENT OF SILENCE IN MEMORY OF VICTIMS OF WEST VIRGINIA MINE DISASTER

(Mr. RAHALL asked and was given permission to address the House for 1 minute.)

Mr. RAHALL. Madam Speaker, it was 1 week and 1 day ago that a devastating blast in a coal mine outside of my hometown took the lives of 29 courageous coal miners. One more is hanging in the hospital.

I ask that the House have a moment of silent prayer for those who have lost their lives in this tragedy.

The SPEAKER pro tempore. The House will observe a moment of silence in respect of the memory of those victimized by the tragedy in West Virginia.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Without objection, 5-minute voting will continue.

There was no objection.

CONGRATULATING BOISE STATE UNIVERSITY FOOTBALL TEAM FOR WINNING 2010 FIESTA BOWL

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution, H. Res. 1042, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Ms. CHU) that the House suspend the rules and agree to the resolution, H. Res. 1042.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 385, nays 1, answered “present” 3, not voting 40, as follows:

[Roll No. 198]

YEAS—385

Ackerman	Buchanan	Davis (IL)
Aderholt	Burgess	Davis (KY)
Adler (NJ)	Burton (IN)	Davis (TN)
Akin	Butterfield	DeGette
Alexander	Buyer	Delahunt
Andrews	Clavert	DeLauro
Arcuri	Camp	Dent
Austria	Cao	Diaz-Balart, L.
Baca	Capito	Diaz-Balart, M.
Bachmann	Capps	Dicks
Bachus	Capuano	Dingell
Baird	Cardoza	Doggett
Baldwin	Carnahan	Donnelly (IN)
Barrow	Carson (IN)	Doyle
Bartlett	Cassidy	Dreier
Barton (TX)	Castle	Driehaus
Bean	Castor (FL)	Duncan
Becerra	Chandler	Edwards (MD)
Berkley	Childers	Ehlers
Berman	Chu	Ellison
Berry	Clarke	Ellsworth
Biggert	Clay	Emerson
Bilirakis	Cleaver	Engel
Bishop (GA)	Clyburn	Eshoo
Bishop (NY)	Coble	Etheridge
Blackburn	Coffman (CO)	Farr
Blumenauer	Cohen	Fattah
Boccieri	Cole	Filmer
Bonner	Conaway	Flake
Bono Mack	Connolly (VA)	Fleming
Boozman	Conyers	Forbes
Boren	Cooper	Fortenberry
Boswell	Costa	Foster
Boucher	Costello	Fox
Boustany	Courtney	Fox (MA)
Boyd	Crenshaw	Franks (AZ)
Brady (PA)	Crowley	Frelinghuysen
Brady (TX)	Cuellar	Fudge
Braley (IA)	Culberson	Garamendi
Bright	Cummings	Garrett (NJ)
Broun (GA)	Dahlkemper	Gerlach
Brown (SC)	Davis (CA)	Giffords

Gingrey (GA)	Markey (CO)	Ros-Lehtinen
Goodlatte	Markey (MA)	Roskam
Graves	Marshall	Ross
Grayson	Matheson	Rothman (NJ)
Green, Al	Matsui	Roybal-Allard
Green, Gene	McCarthy (CA)	Royce
Griffith	McCarthy (NY)	Rush
Guthrie	McCaul	Ryan (OH)
Hall (NY)	McClintock	Ryan (WI)
Hall (TX)	McCollum	Salazar
Halvorson	McCotter	Sánchez, Linda
Hare	McDermott	T.
Harman	McGovern	Sanchez, Loretta
Harper	McHenry	Sarbanes
Hastings (FL)	McIntyre	Scalise
Hastings (WA)	McMahon	Schakowsky
Heinrich	McMorris	Schauer
Heller	Rodgers	Schiff
Hensarling	McNerney	Schmidt
Herger	Meek (FL)	Schock
Herseth Sandlin	Meeks (NY)	Schrader
Higgins	Melancon	Schwartz
Hill	Mica	Scott (VA)
Himes	Michaud	Sensenbrenner
Hinchee	Miller (FL)	Serrano
Hinojosa	Miller (MI)	Sessions
Hirono	Miller (NC)	Sestak
Holden	Miller, Gary	Shadegg
Holt	Miller, George	Shea-Porter
Honda	Minnick	Shimkus
Hoyer	Mitchell	Shuler
Hunter	Mollohan	Shuster
Israel	Moore (KS)	Simpson
Issa	Moore (WI)	Sires
Jackson (IL)	Moran (KS)	Skelton
Jackson Lee	Moran (VA)	Slaughter
(TX)	Murphy (CT)	Smith (NE)
Jenkins	Murphy (NY)	Smith (NJ)
Johnson (GA)	Murphy, Patrick	Smith (TX)
Johnson (IL)	Murphy, Tim	Snyder
Johnson, E. B.	Myrick	Space
Johnson, Sam	Nadler (NY)	Speier
Jones	Napolitano	Spratt
Kagen	Neal (MA)	Stark
Kanjorski	Neugebauer	Stearns
Kaptur	Nunes	Stupak
Kennedy	Nye	Sullivan
Kildee	Obey	Sutton
Kilpatrick (MI)	Olson	Tanner
Kilroy	Olver	Taylor
Kind	Ortiz	Teague
King (IA)	Owens	Thompson (CA)
King (NY)	Pallone	Thompson (MS)
Kirk	Pastor (AZ)	Thompson (PA)
Kirkpatrick (AZ)	Paul	Thornberry
Kissell	Paulsen	Tiahrt
Klein (FL)	Payne	Tiberi
Kline (MN)	Pence	Tierney
Kosmas	Perlmutter	Titus
Kratovil	Perriello	Tonko
Kucinich	Peters	Towns
Lamborn	Peterson	Tsongas
Lance	Petri	Turner
Langevin	Pingree (ME)	Upton
Larson (CT)	Pitts	Van Hollen
Latham	Platts	Velázquez
Latta	Poe (TX)	Visclosky
Lee (CA)	Polis (CO)	Walden
Levin	Pomeroy	Walz
Lewis (CA)	Posey	Wamp
Lewis (GA)	Price (GA)	Wasserman
Lipinski	Price (NC)	Schultz
LoBiondo	Putnam	Waters
Loeb sack	Quigley	Watson
Lofgren, Zoe	Radanovich	Watt
Lowey	Rahall	Waxman
Lucas	Rangel	Weiner
Luetkemeyer	Rehberg	Welch
Luján	Reichert	Westmoreland
Lummis	Reyes	Whitfield
Lungren, Daniel	Richardson	Wilson (OH)
E.	Rodriguez	Wilson (SC)
Lynch	Roe (TN)	Wittman
Mack	Rogers (AL)	Wolf
Maffei	Rogers (KY)	Woolsey
Maloney	Rogers (MI)	Wu
Manzullo	Rohrabacher	Yarmuth
Marchant	Rooney	Young (FL)

NAYS—1

Altmire

ANSWERED “PRESENT”—3

DeFazio Granger Oberstar

NOT VOTING—40

Barrett (SC)	Edwards (TX)	Larsen (WA)
Bilbray	Fallin	LaTourette
Bishop (UT)	Gallegly	Lee (NY)
Blunt	Gohmert	Linder
Boehner	Gonzalez	McKeon
Brown, Corrine	Gordon (TN)	Pascarell
Brown-Waite,	Grijalva	Ruppersberger
Ginny	Gutierrez	Scott (GA)
Campbell	Hodes	Sherman
Cantor	Hoekstra	Smith (WA)
Carney	Inglis	Souder
Carter	Inslee	Terry
Chaffetz	Jordan (OH)	Young (AK)
Davis (AL)	Kingston	

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Less than 2 minutes remain in this vote.

□ 1927

So (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. INSLEE. Madam Speaker, today, I was attending to official business in my district, and missed votes on the following three bills considered under suspension of the rules: H. Res. 1222, H. Res. 1041, and H. Res. 1042.

On H. Res. 1222, supporting the goals and ideals of National Library Week, I would have voted "aye."

On H. Res. 1041, congratulating and commending the University of Idaho's football team for winning the 2009 Humanitarian Bowl in Boise, Idaho, I would have voted "aye."

On H. Res. 1042, commending the Boise State University Broncos football team for winning the 2010 Fiesta Bowl, I would have voted "aye."

REMOVAL OF NAME OF MEMBER
AS COSPONSOR OF H.R. 413

Mr. WAMP. Madam Speaker, I ask unanimous consent that my name be removed as a cosponsor of H.R. 413.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

COMMUNICATION FROM THE
CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, April 13, 2010.

Hon. NANCY PELOSI,
The Speaker, House of Representatives,
Washington, DC.

DEAR MADAM SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, I have the honor to transmit a sealed envelope received from the White House on Tuesday, April 13, 2010 at 3:24 p.m., and said

to contain a message from the President whereby he submits to the Congress a copy of an Executive Order, with an annex attached, he has issued with respect to Somalia.

With best wishes, I am
Sincerely,

LORRAINE C. MILLER,
Clerk of the House.

EXECUTIVE ORDER WITH RESPECT
TO SOMALIA—MESSAGE FROM
THE PRESIDENT OF THE UNITED
STATES (H. DOC. NO. 111-103)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Foreign Affairs and ordered to be printed:

To the Congress of the United States:

Consistent with subsection 204(b) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(b) (IEEPA), and section 301 of the National Emergencies Act, 50 U.S.C. 1631 (NEA), I hereby report that I have issued an Executive Order (the "order") blocking the property of certain persons contributing to the conflict in Somalia. In that order, I declared a national emergency to deal with the unusual and extraordinary threat to the national security and foreign policy of the United States posed by that conflict, as described below.

The United Nations Security Council, in Resolution 1844 of November 20, 2008, reaffirmed its condemnation of all acts of violence in Somalia and incitement to violence inside Somalia, and expressed its concern at all acts intended to prevent or block a peaceful political process. United Nations Security Council Resolution (UNSCR) 1844 also expressed grave concern over the recent increase in acts of piracy and armed robbery at sea against vessels off the coast of Somalia, and noted the role piracy may play in financing violations of the arms embargo on Somalia imposed by UNSCR 733 of January 23, 1992. In UNSCR 1844, the United Nations Security Council determined that the situation in Somalia poses a threat to international peace and security in the region and called on member States to apply certain measures against persons responsible for the continuing conflict. The United Nations Security Council has continued to express grave concern about the crisis in Somalia in UNSCR 1846 of December 2, 2008, UNSCR 1851 of December 16, 2008, and UNSCR 1872 of May 26, 2009.

Pursuant to the IEEPA and the NEA, I have determined that the deterioration of the security situation and the persistence of violence in Somalia, and acts of piracy and armed robbery at sea off the coast of Somalia, constitute an unusual and extraordinary threat to the national security and foreign policy of the United States. The order de-

clares a national emergency to deal with this threat.

The order is not targeted at the entire country of Somalia, but rather is intended to target those who threaten peace and stability in Somalia, who inhibit the delivery of humanitarian assistance to Somalia or the distribution of such assistance in Somalia, or who supply arms or related materiel in violation of the arms embargo. The order blocks the property and interests in property in the United States, or in the possession or control of United States persons, of the persons listed in the Annex to the order, as well as of any person determined by the Secretary of the Treasury, in consultation with the Secretary of State:

to have engaged in acts that directly or indirectly threaten the peace, security, or stability of Somalia, including but not limited to (1) acts that threaten the Djibouti Agreement of August 18, 2008, or the political process, or (2) acts that threaten the Transitional Federal Institutions, the African Union Mission in Somalia (AMISOM), or other international peacekeeping operations related to Somalia;

to have obstructed the delivery of humanitarian assistance to Somalia, or access to, or distribution of, humanitarian assistance in Somalia; or

to have directly or indirectly supplied, sold, or transferred to Somalia, or to have been the recipient in the territory of Somalia of, arms or any related materiel, or any technical advice, training, or assistance, including financing and financial assistance, related to military activities.

The designation criteria will be applied in accordance with applicable Federal law including, where appropriate, the First Amendment to the United States Constitution. The designation criteria will also be applied taking into consideration the arms embargo on Somalia imposed by UNSCR 733 of January 23, 1992, as elaborated upon and amended by subsequent resolutions.

The order also authorizes the Secretary of the Treasury, in consultation with the Secretary of State, to designate for blocking any person determined to have materially assisted, sponsored, or provided financial, material, logistical, or technical support for, or goods or services in support of, the activities described above or any person whose property and interests in property are blocked pursuant to the order. I determined that, among other threats to the peace, security, or stability of Somalia, acts of piracy or armed robbery at sea off the coast of Somalia threaten the peace, security, or stability of Somalia. I further authorized the Secretary of the Treasury, in consultation with the Secretary of State, to designate for blocking any

person (defined as an individual or entity) determined to be owned or controlled by, or to have acted or purported to act for or on behalf of, directly or indirectly, any person whose property and interests in property are blocked pursuant to the order.

I delegated to the Secretary of the Treasury, in consultation with the Secretary of State, the authority to take such actions, including the promulgation of rules and regulations, and to employ all powers granted to the President by IEEPA and the United Nations Participation Act, as may be necessary to carry out the purposes of the order. All executive agencies are directed to take all appropriate measures within their authority to carry out the provisions of the order.

The order, a copy of which is enclosed, became effective at 12:01 a.m. eastern daylight time on April 13, 2010.

BARACK OBAMA.

THE WHITE HOUSE, April 13, 2010.

CONDOLENCES FOR POLAND

(Mr. QUIGLEY asked and was given permission to address the House for 1 minute.)

Mr. QUIGLEY. Madam Speaker, I stand here today to join my Polish American constituents, the Polish nation, and the world in mourning those who perished in this weekend's tragic plane crash. The crash that killed President Lech Kaczynski of Poland, his First Lady, and many ranking military and civilian officers was aptly described by one paper as "literally a nation colliding with its past."

Poland is and has been a true friend and ally of the United States. Our two nations just recently celebrated 90 years of diplomatic relations. The contributions of Polish Americans to the United States are numerous. From the families who lost loved ones in the plane crash to the nation of Poland and to Chicago's own shaken Polish American community, this loss will be felt around the world for years to come.

We will stand with our friends as they find the resilience to emerge stronger, as they have before, following this unimaginable tragedy. I look forward to Poland's recovery and reemergence as a country that can and will overcome.

REMARKS ON TOM OOSTERHOUDT'S 60TH BIRTHDAY

(Ms. ROS-LEHTINEN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. ROS-LEHTINEN. Madam Speaker, I am delighted to wish a happy birthday to my good friend and Key West community leader Tom Oosterhoudt. This Thursday night, the 15th, Tom will be surrounded by many community activists from the Keys to

celebrate. Tom will be turning 60. He has done so much to improve the Keys way of life. He is always a positive and an energetic person. He is a wonderful part of Keys life.

He is the editor and publisher of Conch Color, a magazine for the Florida Keys. Tom covers a multitude of events going on every day in the Keys, like the annual Ernest Hemingway look-alike contest, the Harry Truman Symposium at the Little White House.

Tom, thanks for covering all the many positive folks who work every day to improve the daily woes that Keys residents face: the housing shortage, the high cost of living, the unemployment problem, downstairs enclosures, high insurance rates. But with your help, with working together with leaders like Tom, we can work to improve paradise every day.

Tom, I hope you have a great celebration. I wish that I could be with your many friends and family members. You are an outstanding part of what makes the Florida Keys such an incredible place. Congratulations.

INTRODUCING THE CARRY-ON FAIRNESS ACT

(Mr. BISHOP of New York asked and was given permission to address the House for 1 minute.)

Mr. BISHOP of New York. Madam Speaker, flying the friendly skies for a commercial passenger is about to get even more expensive. Adding insult to travel delays, fees for checked-in luggage, and taxes already added to airfares, Spirit Airlines announced last week that it will be the first to charge fees for carry-on bags.

I am introducing a bill this evening to block Spirit and any other airline from ever being allowed to impose this unfair and completely unnecessary carry-on tax. If Spirit has its way, this fee could cost every passenger up to \$45 per item. Such nickel-and-diming the flying public has got to stop.

America should know that this tax would not pay for airport security or better infrastructure. One hundred percent of it would be kept by the airlines. If you are a family with young children or a senior who puts your medicine in a carry-on, this fee will hit you the hardest.

Madam Speaker, I urge my colleagues to cosponsor this bill to spare Americans from yet another tax on flying and discourage other airlines from ever considering charging it.

WE ALL GRIEVE WITH THE PEOPLE OF POLAND

(Mrs. MILLER of Michigan asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. MILLER of Michigan. Madam Speaker, this past Saturday, April 10,

2010, the people of Poland suffered an unspeakable tragedy. The world lost a great leader and the United States lost a true friend with the death of Polish President Lech Kaczynski, and much of the Polish leadership as well, that died in that plane crash in Russia.

President Kaczynski was a staunch supporter of freedom. Early in his life, he was a leader in the fight against communism. As a lawyer in Gdansk, he became an adviser to the Solidarity movement in the late 1970s. During martial law in 1981, he was jailed because the government thought he was an antisocialist element.

When Poland shed the yoke of communism, Lech Kaczynski continued to serve Poland until his death. He served as a senator, as the vice chair of Solidarity, as a member of Parliament, as the mayor of Warsaw, as the Minister of Justice, and Attorney General, and finally as President of Poland for the last 5 years.

He was a true friend of America, Madam Speaker. He fought corruption because he believed it was an impediment to justice and freedom. And we all mourn with the people of Poland at the loss of this true Polish patriot. May our great friend rest in peace.

EIGHTEEN STATES SAY "NO" TO THE FEDS

(Mr. POE of Texas asked and was given permission to address the House for 1 minute.)

Mr. POE of Texas. Madam Speaker, the States are fighting back and saying "no" to the government's oppressive takeover of health care. Eighteen States, including Texas, have joined in suing the government. Never before in American history have so many States banded together to claim a Federal law is unconstitutional.

The Constitution does not permit the Federal Government to force citizens to buy a government-ordained product like health insurance or face a penalty. The unconstitutional law also hires 16,000 more IRS agents to rifle through the financial records of citizens to make sure they are buying that mandated government product. Now, isn't that lovely?

Madam Speaker, the 10th Amendment states, in part, the powers not delegated to the United States are reserved to the States or the people. An objective reading of the Constitution seems to indicate the States have a legitimate complaint. These 18 States should be commended for protecting their citizens from the Federal Government's unlawful, unwarranted intrusion into the private lives of the citizens.

And that's just the way it is.

RED BULLS WELCOME HOME CEREMONY

(Mr. PAULSEN asked and was given permission to address the House for 1 minute.)

Mr. PAULSEN. Madam Speaker, this past weekend, Minnesota officially said "Welcome Home" to over 1,000 citizen soldiers who had been serving in Iraq. Today, I ask Congress to join me in also saying thank you to these men and women of the Minnesota National Guard's 34th Infantry Division, also known as the Red Bulls.

These brave servicemembers were among the longest-serving National Guard units in all of Iraq. They endured long deployments away from family, away from friends, and they even faced bureaucratic delays in receiving the bonus pay that they had been promised and earned, an unacceptable mistake that was finally addressed in recent weeks. All the while, they did what they always do: they fulfilled their mission to the very best of their abilities. The Red Bulls' accomplishments have been vital to ensuring safety for both Iraqis and Americans serving.

And on behalf of a grateful station and a grateful Nation, I say thank you for a job well done.

HEALTH CARE REFORM AND SOCIALISM

(Mr. BURTON of Indiana asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BURTON of Indiana. Madam Speaker, a lot of people in this country thought that the health care bill was a move toward socialism, toward government control over the entire health care industry. But, you know, we went ahead and passed it anyhow, even though probably 60-some percent of the American people opposed it.

But I just want to say tonight to my Democratic colleagues who pushed so hard for it, who said it wasn't a move toward government control and socialism, there is one foreign leader who really thinks it was a great move in the right direction, and that is the Communist leader from Cuba, Fidel Castro, who contacted the President of the United States and said it was a giant step in the right direction. That ought to tell us something.

□ 1945

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

HONORING THE LIFE AND SERVICE OF ELYRIA POLICE OFFICER JAMES KERSTETTER

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Ohio (Ms. SUTTON) is recognized for 5 minutes.

Ms. SUTTON. Madam Speaker, I rise today with a heavy heart to honor the life and service of Elyria Police Officer James Kerstetter.

On March 15, Officer Kerstetter was tragically shot and killed in the line of duty while responding to a domestic call. He made the ultimate sacrifice, putting his life on the line to protect another.

Officer Kerstetter was a committed public servant. He was a member of the department for 15 years. He was a member of the SWAT team and taught the rookie officers at the department. He was the lead crash investigator, and prior to joining the police force he served with the Lorain County Sheriff's Department.

But even more importantly, he was the loving and devoted husband of wife Tammy and the proud father of three daughters—Misty, Shelby, and Bailey.

James Kerstetter was known as "Sponge" to his fellow officers and was affectionately called "Jimmy" by his family. Jimmy was a humble family man, a loving husband, father, son, brother, and uncle. He never wished for the spotlight, but he touched the lives of people all across the community with his outgoing spirit. His death has been a shock to his family, the city of Elyria, and numerous communities throughout Ohio.

Over the past weeks, we have seen just how much he meant to so very many. Jimmy knew that his family and the city of Elyria are worth the service that he dedicated himself to, a community he grew up in, he served in, and he embraced. His memory will live on in the hearts of family, friends, and the community of Elyria that he touched so very deeply. He is and always will be a community hero, a national hero.

RECOGNIZING FRED S. ZEIDMAN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. NEUGEBAUER) is recognized for 5 minutes.

Mr. NEUGEBAUER. Madam Speaker, I rise today to recognize Fred Zeidman. Fred is a man of remarkable character and passion who has dedicated his work to remembering the Holocaust and educating future generations on the many lessons learned from this tragedy.

In March, 2002, Fred was appointed chairman of the United States Holocaust Memorial Council by President George W. Bush. The museum is a living memorial to the Holocaust and serves as a point of inspiration for countless numbers worldwide to pro-

mote human dignity, confront hatred, and prevent genocide. Since 1993, the museum has welcomed nearly 30 million visitors.

As chairman, Fred is leading the museum's plans for a promising future, including building the institution's endowment campaign and increasing educational opportunities for students. He has worked tirelessly at the helm of the museum to broaden the focus beyond just telling the story of the Holocaust to thoroughly examining the tragedy's lessons and legacy. One of Fred's greatest accomplishments as chairman of the museum has been developing the profile and influence of the Committee on Conscience and, in turn, calling increased attention to genocide around the world.

This week, the U.S. Holocaust Memorial Museum is honoring Fred at its National Tribute Dinner. I can't think of anybody that deserves this any more. Fred is a dedicated and visionary leader who has guided the transformation of the museum into a global institution that challenges people everywhere to remember, to learn, and to act. Inspired by the survivors and their legacy, Fred has helped place the museum at the forefront of Holocaust education and worked tirelessly to empower leaders and citizens alike to create a more just world. The Holocaust Museum today is stronger because of his leadership and dedication.

Not only is Fred Zeidman known for his work here in Washington but also he's a fellow Texan and a leader in the business and Jewish communities in Houston.

I have had the great opportunity of working with Fred through AIPAC for several years now and have seen firsthand his tireless devotion to this great American institution. Today, I am proud to honor Fred upon his recognition at the National Tribute Dinner and the many successes the Holocaust Museum has seen in recent years.

Fred, thank you for your service as chairman of the Holocaust Museum. I look forward to your continued leadership in the future.

RECOGNIZING VIRGINIA SHELTON

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. HARE) is recognized for 5 minutes.

Mr. HARE. Madam Speaker, I rise today to recognize my chief caseworker, Virginia Shelton, who will retire at the end of this month after 25 years of service to the Illinois 17th Congressional District and our Nation.

Ginny, as she is known by her friends and colleagues, handled one of the most important jobs in any congressional office: outreach to veterans.

My predecessor, Lane Evans, had a great reputation for fighting for our Nation's heroes. I have sought to continue that legacy. But the constant behind both of our efforts has always

been Ginny, who has dedicated not just her career but her entire life to the men and women who served our Nation in uniform. She is known for spending countless hours explaining each and every right to veterans who are looking to exercise them. She built invaluable relationships with VA staff, putting herself in the best position to advocate for the constituents who sought her help. She studied hard and made herself an expert on VA disability, health care, and other crucial benefits.

For Ginny, serving our veterans was a labor of love. Whether it was on the phone or over a drink at a VFW, Ginny listened and learned about the lives of our veterans. She knew them personally. She was not only an advocate, she was their friend. Their struggle was her struggle. She recognized that behind every case file was a human being, and she understood that when it comes to our veterans, justice delayed is justice denied.

Ginny was passionate about the issues of veterans' homelessness. Each and every year, she was active in the local Stand Down, an event where our homeless heroes are provided haircuts, food, medical care, a place to stay for the night, and counseling. She believed that our Nation should have a Stand Down 365 days a year. Inspired by her efforts, I introduced a bill last year to reduce veterans' homelessness.

Ginny was instrumental in helping me secure a VA outpatient clinic for Whiteside County. The VA predicts approximately 2,500 veterans will use this facility during its first year of operation. Thanks to Ginny, many veterans will no longer have to travel hours upon hours just to receive basic care.

Ginny also managed my nominations to America's service academies, fully investing herself in the process to ensure our young people get the best opportunities possible. She always made sure students filled out their applications fully and got them in on time. She treated each applicant as if they were one of her own kids. I know one her favorite things to do is visit the academies and see firsthand the young men and women who will be our future warriors.

Ginny has been a wonderful friend to my wife, Beckie, and me for many years. I know her late husband, Jack, himself a Marine, is very proud of her today. There are many things I will miss about Ginny: her sense of humor, that unmistakable voice, her invaluable advice and guidance. But it is our veterans who will miss her the most. Her retirement is the end of an era, but I know she will continue her great work going forward. She leaves a legacy marked by selfless service to our Nation and its heroes. And for all the work she has done for our veterans, Ginny Shelton is a hero in her own right.

Ginny, thank you. Thank you so much for 25 years of wonderful work.

MEDICARE FRAUD

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Florida (Ms. ROS-LEHTINEN) is recognized for 5 minutes.

Ms. ROS-LEHTINEN. Madam Speaker, this morning, my good friend and Florida colleague Congressman RON KLEIN and I held a press conference at the Little Havana Activity and Nutrition Center where we unveiled our bipartisan anti-Medicare fraud bill.

Medicare fraud is a problem that hurts our most vulnerable citizens. Our South Florida community knows firsthand the hardship that it creates. In 2008, approximately \$703 million in false Medicare claims originated from South Florida. Last year, that figure rose to \$952 million from South Florida.

Our community needs to say in no uncertain terms that fraud and abuse in Medicare will not be tolerated and that our seniors will not be preyed upon by opportunistic vandals. That is why Congressman RON KLEIN and I filed the Medicare Fraud Enforcement and Prevention Act. This legislation will help curb the fraud in the Medicare system. It will not only toughen the penalties on those individuals who engage in fraud but it will also help implement new screening procedures and biometric checks for all Medicare claims and services.

Medicare fraud is not isolated to cases that involve rogue individuals. Unfortunately, the reality is that more and more Medicare fraud is being perpetrated by groups that are organized and are sophisticated in their technique. This bipartisan bill will help catch up existing rules and regulations with the reality of today's threats.

Fraud and abuse costs the Medicare system billions of dollars each year. It costs the system, in fact, \$60 billion every year. It harms the health care industry as a whole, and it undermines the market for legitimate health care products. It hurts legitimate suppliers who cannot compete with illegitimate suppliers who pad their income by billing for services that they never rendered. Fraud undermines public confidence in health care providers.

The Klein-Ros-Lehtinen bill will create a strong deterrent for would-be criminals by doubling the fines and jail time for those convicted of scamming the Medicare system. It creates a new offense for illegally distributing a Medicare or Medicaid beneficiary ID and establishes a penalty of 3 years in prison and a fine equivalent to the dollar amount stolen from Medicare. The Klein-Ros-Lehtinen bill doubles the criminal penalty for making false statements and for violating the anti-kickback statute from 5 to 10 years in prison and from \$25,000 to a \$50,000 fine. The Klein-Ros-Lehtinen bill will also create a pilot program that will implement biometric technology to ensure

that Medicare beneficiaries are physically present to receive those services. This bill mandates strict background checks for Medicare suppliers that would be carried out before they start cashing those taxpayer checks.

Since its inception in the year 2007, Miami-Dade County's interagency Medicare Strike Force has helped stem the tide of Medicare fraud in our South Florida community. It has gotten more than \$220 million in court-ordered restitution to Medicare from defendants in 87 separate cases. The task force has saved Medicare approximately \$1.75 billion in phony claim submissions. But, Madam Speaker, lamentably there is so much more that needs to be done.

The bill that RON KLEIN and I have filed today will help give law enforcement the tools necessary to make even more arrests and to crack down on fraud in a more efficient and effective manner. It will direct the Secretary of Health and Human Services to provide real-time access to data regarding fraud that will then be given to local law enforcement officials. The Klein-Ros-Lehtinen bill also directs the GAO, the Government Accountability Office, to follow up with Medicare contractors and report back to us in Congress with recommendations to make this system work even better for seniors all across the country.

STOP THE FREELANCE SPYING AT THE PENTAGON

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

Ms. WOOLSEY. Madam Speaker, a war that is illegitimate with no continued justification inevitably will be managed irresponsibly. But sometimes the excesses and the incompetence continue to shock me.

The Pentagon is now investigating a rogue spy operation that allegedly used private contractors to carry out attacks on militants and paid them inappropriately using a legitimate information-gathering program as a cover. It seems a Pentagon official named Michael Furlong was hiring private firms to gather intelligence about the whereabouts of top insurgents with the goal of hunting them down and killing them.

□ 2000

And the whole time he was claiming simply to be involved in an above-board project to give us a better understanding of Afghan society and culture.

The CIA, the United States Government's legitimate intelligence-gathering agency, felt that its work was undermined by Mr. Furlong's freelance shenanigans. And it was the CIA's complaints that finally shut Mr. Furlong down and prompted the investigation. You know you've gone off the deep end

when the CIA thinks your covert operation is beyond the pale.

No one can say for sure who was supervising or approving Mr. Furlong's operation, and apparently some of the money he was given control over has gone missing.

Mr. Furlong was something of a cowboy, actually. According to news accounts, he liked to brag about having a notorious Iran Contra figure on the payroll, and he likened his contractors to fictional movie assassins.

But this isn't a movie, Madam Speaker. It's not like we can all go home with a clear conscience after the lights come up and the credits roll. There are grave life-and-death consequences to the decisions made inside the Pentagon. And while a movie costs us maybe \$12, this war in Afghanistan is costing us millions every single day.

It's bad enough that this Congress is repeatedly asked to sign another check to pay for a war that is bankrupting our country and failing to advance our national security interests. But then we learn that the money being authorized, which I have consistently voted against, is being used on secret and illegal operations for which there is no transparency or accountability. And this is just the latest example of private contractors being used to carry out questionable wartime activities to get around the rules governing military operations.

It's an encouraging sign, however, that the Pentagon has begun to look into Furlong's operation, and this episode has prompted Secretary Gates to order a review of all the military's information operations programs to make sure everything is on the up-and-up. I'm expecting the oversight committee of this body to ask some tough questions. I can't imagine how we can debate another supplemental unless we've demanded and received answers about Mr. Furlong's spy ring and other possible wrongdoing.

It has to stop, Madam Speaker. It's time to rein in the contractors, and it's time to bring our valiant troops home.

We know there is a better way to fight terrorism and rebuild Afghanistan. It's time to turn our approach to national security upside down. We need a smarter strategy. We need to show American compassion, not American aggression.

We need a humanitarian surge, not a military surge. Instead of troops, we need to send aid workers and other civilian experts. That is the best counterterrorism approach of all. That is what will give Afghan people hope for a better life. That is what will build a durable peace.

THE THIRD FRONT—PAGE II

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. POE) is recognized for 5 minutes.

Mr. POE of Texas. Madam Speaker, I bring you news from the third front, and that's the war for this Nation's national security on our southern border with Mexico.

We are engaged in three conflicts, three wars: the one in Afghanistan, the one in Iraq, and the border war on our southern border.

The \$40 billion a year illicit drug trade in Mexico has resulted in a vicious wave of violence in northern Mexico. Over 18,000 Mexican nationals have been killed in recent years by the criminal drug cartels, most of those, innocent civilians; but also many of them are the competition among the drug cartels. And they're fighting for control of the routes that lead into the United States where those drug cartels can sell their wares.

Just a few days ago there was a bombing at the United States Embassy in Nuevo Laredo, just on the border. Recently, a pregnant U.S. Embassy employee and her husband were murdered in Juarez, Mexico, right in front of their young daughter and other witnesses.

And in 2008 there were 1,500 murders in Juarez, Mexico alone; and this year, over 500 people have been killed. To put it in perspective, in 2008 there were only 300 murders in all of Houston, a city that dwarfs the size of Juarez, Mexico. And the violence is escalating.

Good people are abandoning the border cities in Mexico and fleeing further into the interior, and some are fleeing to the United States to stay with relatives, all because of the violence on the U.S.-Mexico border.

And people in this country who say that the violence on the border won't come into the United States live in blissful ignorance of reality. It's already here.

In the El Paso sector of the Border Patrol in Texas, our agents are being targeted by the Azteca hitmen for the Juarez drug cartel. The Azteca gang is a group of individuals who work for the drug cartel, the Juarez drug cartel, and their primary mission is to enforce the ability to bring drugs into the United States. And now we understand our Border Patrol agents in the El Paso sector are being targeted to be shot and kidnapped and murdered by these hitmen. They're after our Border Patrol agents.

And recently, as recently as today, we've learned that there is a \$250,000 bounty on our Border Patrol agents for their murder and for their kidnapping. The drug cartels are putting out these hits on our Border Patrol agents because they are enforcing the rule of law and keeping the drug cartels out of this country to the best of their ability.

This is serious. This is violence. And it's being perpetrated by the drug cartels against Americans, both in Mexico, Mexicans in Mexico, and Americans in the United States.

Unfortunately, too many people in Washington, D.C. are closing their eyes to reality. They don't see that the violence has already spread into the United States.

Madam Speaker, there are 14 counties in Texas that border Mexico. And recently I called each of those 14 sheriffs and asked them this question: How many people in your county jail are foreign nationals charged with crimes in the United States, other than immigration violations? How many are charged with felonies, misdemeanors, crimes of violence? And they told me that 37 percent of the people in the border county jails in Texas are foreign nationals charged with crimes, not immigration violations. So we see that the crime in Mexico on the border is coming into the United States and affecting our border counties.

And these counties are not rich, wealthy counties. They don't have the money to try, prosecute and house these individuals.

We shouldn't wait till something tragic happens before we do something about it. There are border incursions every day by these criminal drug cartels, and now there are reports that the drug cartels are cloning Border Patrol vehicles so that they can bring drugs into the United States. Recently, there were two incursions by Mexican military helicopters across the Texas-Mexico border into the United States, and their intentions are still unknown.

So it's important, Madam Speaker, that we do what is necessary to protect the dignity of our Nation. The first duty of government is the national security to protect the people.

The Texas Governor and other Governors asked for the National Guard to go to the border to help secure and protect the dignity of our Nation. I think we should send the National Guard to the border. We need to do what is necessary because it is the duty of government to protect the people. And that protection starts at the border. And it's time we wake up to the reality of the way the world is, that the drug cartels are serious about being violent and about being criminals.

And that's just the way it is.

HONORING THE LEADERS OF POLAND KILLED IN THE PLANE CRASH OF APRIL 10, 2010

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Ohio (Ms. KAPTUR) is recognized for 5 minutes.

Ms. KAPTUR. Madam Speaker, this past Saturday, one of America's longest and strongest allies, the Republic of Poland, suffered a horrendous loss. A plane carrying 97 passengers crashed in Russia, including Polish President Lech Kaczynski; First Lady Maria Kaczynski; Ryszard Kaczorowski, who led a government in exile during the

Communist era; Jerzy Szmajdzinski, the Deputy Speaker of Poland's Parliament; Aleksander Szczygło, the head of the National Security Bureau; Andrzej Kremer, the Deputy Minister of foreign affairs; Franciszek Gągor, the Army Chief of Staff; along with the president of Poland's National Bank, and a host of other public servants, including Anna Walentynowicz, the brave worker and opposition activist whose dismissal at the Gdansk shipyard in 1980 started the strike that led to the formation of solidarity.

All modern leaders of the Polish nation, they were mothers and fathers, brothers and sisters, sons and daughters, proud Poles all, now lost to this life but not to history.

But yet again, the Katyn forest embraces the collective tragedy of Poland's precious leaders. In the most morbid of ironies, the doomed plane was flying to Russia to commemorate the 70th anniversary of the Katyn massacre, when more than 22,000 Polish officers and leaders were murdered at the hands of Joseph Stalin and the Soviet Army in and around that forest during World War II. Their bodies were buried and the truth hidden for seven decades. That is the truth of their slaughter. That history still must be made whole.

As the former President of Poland, Lech Wałęsa, stated, the crash marked "the second disaster after Katyn. They wanted to cut off our head there, and here the flower of our nation has already perished," he said.

"Buttons," a poem by Polish poet Zbigniew Herbert, written in memoriam of the Katyn massacre, contains one stanza which captures this modern-day tragedy as it does this Polish tragedy of 70 years ago for which it was originally penned.

"When only the metal buttons of the soldiers remain as they work their way to the Earth's surface from below, after decades where history has been masked. Now again a bird flew over, a cloud is passing, a leaf is dropping, a mallow grows, heavens above are filled with silence; the Katyn forest smokes with fog."

However, as the smoke and fog clears the Katyn forest this time, Poland will stand and prevail as a stable democracy. After this tragedy, Poland again will be led by valiant Poles and will not be occupied by foreign nations.

After an unimaginable loss of leadership such as this, a lesser country would crumble, but not Poland. As the Polish expression reminds us, "So long as we are alive, there will be a Poland."

The nation of Poland is free and strong today. Against a backdrop of oppression, partition and heartbreak, it has emerged as one of the most freedom-loving, vibrant countries in Europe.

The United States stands in solidarity and support of her ally during

this time of sorrow and mourning. The House of Representatives will honor the souls who were lost last week and remember those who were killed 70 years ago with a Special Order tomorrow.

We extend our condolences to the friends and families of those who perished, to the people of Poland, to the nation of Poland, and to the people of Polish heritage throughout the world.

This is a terrible catastrophe that brings to mind the many tragedies that have befallen Poland in the past. Yet, as we mourn, we must remember and honor what the Polish people have endured and overcome. They will do so again. We hold them in highest respect. And even through our tears, we can see clearly that Poland's best days are still ahead.

HONORING TARA SCHIPHOF, JUNIOR MISS NORTH CAROLINA

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from North Carolina (Ms. Foxx) is recognized for 5 minutes.

Ms. FOXX. Madam Speaker, I rise today to honor the hard work and dedication of a young woman I recently met back home in North Carolina. Tara Schiphof was crowned the 2009/2010 Junior Miss North Carolina last summer at the age of 11.

When I met Tara over the Easter break, I was impressed by her poise, intelligence, and talent. Tara's a sixth-grader at Chestnut Grove Middle School in Stokes County and a student at the University of the North Carolina School of the Arts in the preparatory dance program.

What impressed me most about Tara was that in the midst of her busy life of dancing festivals, volunteering and giving back to her community, she remains dedicated to her studies and being a strong positive role model to her classmates.

So not only is Tara an award-winning competitive dancer; this sixth-grade girl is a real North Carolina role model.

□ 2015

She's very committed to her studies and is an honor student at Chestnut Grove. She's also raised money and volunteered for many organizations, including the Masonic Home for Children in Oxford, North Carolina, the Stokes County Arts Council, and the American Heart Association.

I'm proud to represent a fine citizen like Tara. Tara's family and friends should be proud of her hard work and accomplishments. I salute her today for working so hard at making her life about serving others and working in her community.

TAX CUTS

The SPEAKER pro tempore. Under the Speaker's announced policy of Jan-

uary 6, 2009, the gentleman from California (Mr. GARAMENDI) is recognized for 60 minutes as the designee of the majority leader.

Mr. GARAMENDI. Madam Speaker, thank you so very much for the opportunity to address the House on a rather important matter.

I got a call from my accountant, and he said, Are you going to get your tax information in so we can actually get you filed by the 15th? I said, I will do my best.

So we're in the process of doing that. So I suspect most Americans are also thinking seriously about taxes. And what I want to talk about tonight and share with my colleagues from Wisconsin, Ohio, and New York is the tax issues that have come about over these last 15 months.

I left California this morning to fly here to Washington, D.C., and this session, and as I picked up the Sacramento Bee, on the front page was a headline that said, Tax refunds the largest ever, 2,600 and some dollars per family in California. I said, Whoa, how did that happen? I thought taxes had gone up. I looked into it and asked my staff to dig out some information, and, in fact, taxes have actually gone down in a very, very serious way here as a result of the stimulus bill that was passed.

Now, one of my, I guess, sad situations is I wasn't here to vote for the stimulus bill. I was just elected in November of 2009, so I didn't have the opportunity to really vote for what turns out to be one of the largest middle class tax cuts in American history. So when I arrived here in Washington, I asked some of my friends and colleagues help me understand and explain how it came to be that these incredible and important tax cuts actually happened.

The first thing they said was, Yes, the stimulus bill did it. We voted for these tax cuts, I think over \$300 billion, and not one Republican voted for the tax cuts. I'm going, That is not true. All they talk about is tax cuts. You mean they didn't vote for the tax cuts?

No. Not one Republican voted for the tax cuts.

I asked my colleague, Dr. KAGEN from Wisconsin, to share his insights and his perspective on what took place with the stimulus bill, which was 14 months ago.

Dr. KAGEN.

Mr. KAGEN. Thank you for yielding and thank you for bringing up this subject about tax cuts. But really the American people have to pay attention, because they have to ask the question, Whose side are you on? Whose side are we on, and how did we get into this mess?

We fell into an economic ditch. We were driven into it by a number of different factors, but, first and foremost, it was a failed economic policy. It was

a policy wherein we had two wars at the same time and haven't paid a single dime for them. We have had two tax cuts to the very rich; haven't paid a penny for those either. We also had, in the last administration, a \$400 billion handout to big drug companies, not paying for a penny of that either. All deficit spending, not paying our way.

And then we fell into this terrible situation of the mortgage fiasco where people were buying things that didn't really exist. Fell into another \$10 trillion hole. And at the tail end of the last administration, their friends asked them, in the administration, to open up the door to the Treasury, and the Wall Street banks looted our Treasury for nearly a trillion dollars. Again, we haven't paid a dime for that.

And then came a great recession. Not just here in the United States, but this great recession took us all the way around the globe. It wasn't just the United States that began to see the tremendous loss of jobs. Last year, January, over 700,000 people lost their job. This year, much less.

So we're beginning to move up, but we are moving up, first and foremost, by living within our means. We didn't have, during the Bush administration, the laws we did have on the books during President Clinton. We handed over to the Republican Party a surplus, a budget surplus that would amount to over \$5 trillion. And what did they do? They spent us into a ditch. We have re-instated pay-as-you-go rules so we can't bring a bill to the House floor and consider it for anything unless we show how we're going to pay for it by either raising revenue or reducing other programs.

So along came the Recovery Act, the American Recovery and Reinvestment Act of 2009, and in February, we passed it through the House, the Senate, and the President signed it. And this \$787 billion investment in America was aimed at providing middle class families—the hardworking people who have really created prosperity in the past—the biggest tax cut in American history. And I thought tonight we should have a conversation about eight of these tax cuts that are available right here and right now giving the American people an opportunity to see that we are on their side.

Mr. GARAMENDI. Let's do that. We will go through those eight specific tax cuts that really helped American families, middle class families. And I would like to have our colleague from New York, Mr. PAUL TONKO, take up and tell us the New York piece of it. And then in a few minutes, our colleague from Ohio, BETTY SUTTON, will join us.

So, Mr. TONKO.

Mr. TONKO. I think the important thing here with the tax situation is that, you know, Representative KAGEN is exactly right. What we were targeting, what we were focusing, is the

bulk of American workers out there, middle-income Americans who were requiring some kind of relief. And as we made it our task in a laser-sharp, focused way to stop the bleeding of this recession, we wanted to make certain that there was some more purchase power for America's working families.

And one of the very first measures was the Making Work Pay tax credit, which we will speak to, at least a \$400 benefit for an individual or, for those filing jointly as a couple, \$800. Now, this an incremental benefit that began in 2009 and continues through 2010. And I think it's important for us so as to get that buying power out there to encourage people to perhaps pick up some of the purchasing that they wanted to do that they were not able to do.

It's important for us to make certain that if you've done your taxes, if you missed this opportunity in 2009, make certain you're asking those who may prepare these taxes for you to check out these benefits. You should file under Schedule M of the 1090 form to make certain that this particular credit is taken advantage of. It is putting a great benefit out there for some 110 million working families.

And I believe that the working Americans who are going to be benefiting from this, the dollars that are saved, the benefit that is provided here, was nearly a hundred billion dollars into the pockets of our Americans that are of that category. So I think this is an important benefit that comes at a time when we needed to strengthen that purchase power.

And I think that you're absolutely right that we need to share this message with Americans out there, especially as they come to the close of their tax prep work. Be mindful also that you can further amend if you miss some of these benefits, because they were geared specifically for those categories of individuals we address here this evening.

Mr. GARAMENDI. There's a heads-up for all of the taxpayers, all the working men and women out there that may not have taken advantage of this \$400 per person or \$800 per family, to make sure that in their tax return they actually reach out and get that benefit. So that's a significant reduction in their taxes.

Mr. TONKO. Absolutely. And Representative GARAMENDI, I would commend you for bringing us together tonight so as to alert people to these benefits. They are part of the Recovery Act. The Recovery Act has been, you know, driving a very strong outcome for so many American families out there, and we just want them to know of the benefits associated with the act.

Mr. GARAMENDI. Thank you, Mr. TONKO.

I know the normal greeting on the floor is "the gentlewoman from Ohio," but I've watched this Representative

work on the floor and on the committees, and while she's extraordinarily polite, I'm not sure that—well, let's just say tenacious and determined.

Thank you for joining us, Representative SUTTON from Ohio.

Ms. SUTTON. Thank you very much, Mr. GARAMENDI, and thank you for leading us here on the floor tonight to talk about such important things, you know, what we're doing to help the American people in this time of challenge as we pull together and pull forward.

And I guess I appreciate that introduction. I think that the point is I, like you, my colleagues who are here on the floor tonight, am willing to do what it takes to make things work for the people I'm honored to represent in the 13th Congressional District of Ohio.

Mr. GARAMENDI. Would that be the Cleveland area?

Ms. SUTTON. Well, it's outside of Cleveland. I represent Lorain County, Summit County, Medina County and part of Cuyahoga County as well. So it is the salt of the Earth.

Mr. GARAMENDI. Now, there's a piece of information I'm going to carry with me the rest of my life, four counties.

Ms. SUTTON. That's right. And you should visit. We'd love to have you. Come out and see all of the great things and all of the potential that those who I am so privileged to serve have and what our area has to offer.

But thank you for bringing us to the floor tonight to talk a little bit about some of the tax benefits that exist in the American Recovery and Reinvestment Act and just in general to talk about the American Recovery Act, because we all know that it was critically important at the time it was passed back in the early part of last year, that all the economists from across the board were saying that we have to keep our economy from going off of the edge, and we stepped up to the plate and we acted. And it's really important that people understand what it is that this bill actually did.

You know, it was all about fostering our Nation's economic recovery, creating and saving jobs, providing services to people affected by the recession. And, of course, as you point out, part of that was about these tax credits and these tax benefits. And we all know that this was a huge middle class tax cut, families getting up to \$800.

Certainly in Ohio, I would just share with you in the 13th Congressional District, many of our families were beneficiaries of these tax cuts. So the mission to improve the lives of the families in northeast Ohio who I serve during these challenging times continues.

But it is worth noting that the Council of Economic Advisers has reported that the Recovery Act created or saved as many as 2.4 million jobs nationally and up to 79,000 in Ohio. And for me,

probably like all of you here tonight, jobs, jobs, jobs is what I am most interested in delivering to the American people and facilitating opportunity for them to go to work and be able to raise a family and have the kind of life that makes this country so very great.

So I know we're just getting started in our discussion. I look forward to talking more about the tax benefits and the other great things that were in this bill and all of the other pieces along the way that we are putting into place for the near term and to generate that sustainable growth that we need in both our economy and in the job market out there, because far too many people are, unfortunately, still hurting.

Mr. GARAMENDI. I want to come back to you in a few moments and pick up something that really did stimulate the American economy, not directly on tax policy but something that was very, very important. And we'll just let people be curious about what it was that created the highest monthly volume of automobile sales in the most recent years.

Mr. KAGEN, we were talking earlier about some of these eight principal things, and I know you wanted to pick up another one. We started to talk about the Making Work Pay, \$400 per person and \$800 per couple.

Why don't you talk about another one and carry it for a while.

Mr. KAGEN. Aside from Making Work Pay, which really focuses on middle class families, let me step back a little bit and remind everybody that back in Wisconsin we don't call it the Recovery Act. We call it the stimulus bill. That is just the slang of where we are in northeast Wisconsin. But we look at the stimulus bill, it didn't meet everybody's expectations in terms of all of the jobs we were hoping to see because we were in such a deep economic hole, but we focused on those people who needed help the most, in particular, the unemployed.

□ 2030

Now, today, in northeast Wisconsin, there are about 35,000 people who are underemployed and unemployed. They are looking for work. We are hard-working people. Give us a level playing field. We can compete and outwork anybody anywhere in the world.

For unemployed workers, immediately the Recovery Act gave \$25 a week in additional spending power to help them get through the week. We also covered 65 percent of COBRA, which is when you fall out of work, you now need some insurance, but you get COBRA insurance. And the Federal Government stepped up to cover 65 percent of that cost of guaranteeing you have got insurance.

Mr. GARAMENDI. Everybody that I talk to about COBRA says, well, wait a minute, nobody can afford COBRA.

They are unemployed. How could they possibly afford COBRA? And you are telling us that in the stimulus bill, in the Recovery Act, that 55 percent of the cost of COBRA—you lose your job, you want to continue your health insurance, that is covered?

Mr. KAGEN. Sixty-five percent is covered by the Federal Government. We went beyond that, because we made sure that there was money there for stabilization of State governments. So we helped the States to stabilize their State governments, help unemployed and made sure that people had their own money that they have earned in their own pockets. You know, the old idea is, you have earned the money. It ought to be yours. Keep it in your pocket. You are going to be a better investor of that revenue than the Federal Government. Well, we have done that.

We also did it for students in the American Opportunity Credit Act, where we gave up to \$2,500 back to the parent or parents or to the student for their educational expenses.

Mr. GARAMENDI. Now, that's a very important one. All of the economists that look to the future of this Nation and our ability to compete say that we have to have a well-educated workforce. And so in the stimulus bill there is a \$2,500 tax credit for the family or for the student.

Mr. KAGEN. That wasn't in the stimulus bill. That was in the American Opportunity Act. In the stimulus bill for students, we had tax credits of up to \$2,500 for 25,000 students in my district. So 25,000 students benefited from having that tax credit immediately available.

We also increased the Pell Grant amounts up to \$5,350 in the stimulus bill. Stafford loans were increased to \$2,000. So we made it possible for students who want to move up to have that higher education become more affordable. The best time to be in college or technical school is during an economic slowdown or a recession, because then, when the jobs are available, you will have moved up and can step out into a higher payment level.

Mr. GARAMENDI. This is a very, very important piece of getting ready for the recovery and preparing our students and our workers for the opportunities out ahead.

Mr. TONKO, you wanted to pick up another piece of this, so have at it.

Mr. TONKO. Yes. Well, one of my favorite topics is energy. No matter where we live, whether it's California, Ohio, Wisconsin, those representatives hear what I hear, that we need to understand that we can control our destiny when it comes to energy as consumers. We are the most gluttonous in the world. And whether that resource is developed here in a domestic fashion, which I believe ought to be our thrust, or whether it's done through imports that are just not, I think, the choice

for Americans as we move forward. But, regardless, whatever that base of supply is, we need to strive for energy efficiency and conservation.

And what I like about a number of the tax situations that we are doing in the Recovery Act or in general policy format is that we are looking at the big picture. We are putting it into a context that promotes sound policy.

So as we expand or continue tax credits for renewables, we make certain that we are providing that production tax credit that really ignites the efforts to build our supply here domestically. I think that is so critically important to not only our energy independence and our energy security but our national security.

Just recently I hosted, during our recess for Passover and Easter, the only stop in the State of New York made by the bus tour with Veterans for American Power. And three veterans just recently doing a tour in Iraq and Afghanistan spoke at that event. They call it Operation FREE, and they talk about the wisdom of transitioning our energy needs to domestic produced, American power. They call this Veterans for American Power. They talked about the ravaging on our troops done by dollars sent to the treasuries of those unfriendly nations that are supplying our fossil-based needs.

So this production tax credit will take us along the message that the veterans are sharing. Veterans who have served us in uniform, in Iraq and Afghanistan, have said we are not doing the right energy policy. This will encourage it with these production tax credits.

Then we provide households—American residents will be benefited by these tax credits that will enable them to get as much as 30 percent of a tax credit up to \$1,500 based on the work that they have done on their homes with energy efficient furnaces, with the replacement of windows or doors, with insulation. This will be a smart move that will enable them through the years to reduce the cost of operating that home.

I think this is wise policy and a great tax benefit for our American taxpayers.

Mr. GARAMENDI. So for somebody that goes into their home and puts in energy efficient windows or a solar system or solar hot water, they can get 30 percent tax credit on that.

It is very interesting that, again, during the recess, the number of new businesses that come about as a direct result of that tax credit, advertising all over the radio about this company or that company going to be putting in new windows or a solar system, so businesses are actually coming about because of the tax credit that's available to homeowners.

Mr. TONKO. I would also mention, if I might, the jobs associated with the

production tax credit, be it wind or solar or geothermal, waste energy projects. All of these efforts are critically important to providing that capacity that we need as a Nation and providing for that capacity with American jobs. As we transition to these renewables, I think that this is a great way to grow jobs and to strengthen our energy security in the process.

Mr. GARAMENDI. So here is a tax credit, part of the stimulus bill, that actually provides up to 30 percent credit on the cost of one of these new energy systems, windows or solar.

Mr. TONKO. Furnaces.

Mr. GARAMENDI. And, at the same time, it creates new businesses. That's a win/win in a green economy if there ever was one.

I am looking over here at our representative from those four marvelous counties outside of Cleveland, and I was thinking about the automobile industry and the energy that is, I think, some 80 percent of our oil is actually consumed in automobiles. You have had a great deal to do with the automobile industry, Representative SUTTON. Could you share with us some of your experience and some of what was in this tax bill?

Ms. SUTTON. Absolutely, I will be honored to do so; and I appreciate, Representative TONKO, your bringing up the tax credit. I want to point back, before I get to what we have teased about a little bit here—

Mr. GARAMENDI. Go anywhere you would like.

Ms. SUTTON. We are not going there quite yet, but what I want to talk about first is that, in the recovery stimulus bill, one of the things that was put to use where I live in Elyria, Ohio, was a Department of Energy investment to create a BASF catalyst plant. So we are now creating the largest lithium ion facility in North America right in that district outside of Cleveland, Ohio, in Elyria, Ohio, positioning Ohio to be a leader as we move to the next generation of vehicles powered by lithium ion batteries, because that's the biggest market for the future.

So we get the jobs to build the factory, then we get the jobs to work in the factory, and then we get all the jobs down the road that are sustainable as we develop this. And we, in the meantime, of course, are producing cars. They were going to produce these batteries that are going to be good for consumers because they are going to be more cost-effective and efficient for them.

It's going to improve, obviously, our environment, but it puts us ahead. This is what America is about. It's about innovation. It's about moving forward with new products and ways but powered by American workers.

So I definitely come from a part of the country where the domestic auto

industry is a very important piece of our puzzle. We have a lot of families that depend upon the domestic auto and related industries for their livelihood, and, okay, we will finally get to it. One of the things that I was so proud of and that was actually in some ways funded in part, at least, by the recovery stimulus bill was the CARS Act, more commonly referred to as the Cash for Clunkers Program.

Mr. GARAMENDI. Whoa, the Cash for Clunkers, I thought you might want to talk about that. You were the author of that piece of legislation.

Ms. SUTTON. I was indeed. And, as I indicated, it was called the CARS program, but it was really about people. It was about our friends and our neighbors that number in the tens of thousands in every State, not just Ohio or Michigan but across the country, those people who rely upon the auto and related industries for their livelihood, to put food on the table, to reach the middle class and stay in the middle class.

With the CARS Act, the Cash for Clunkers Program, the goal was multiple, the goals were multiple. What we did was, obviously, the results are in. We have seen study after study. What we did is we put about 60,000 or so people back to work because of the CARS Act, because of Cash for Clunkers in the auto and related industries. We moved the GDP as a result of the program from a range of \$3.8 billion to \$6.8 billion, an increase in GDP just due to that one very limited program of less than a month, less than a month.

What we also did, we just got another study back with the program that provided incentives to consumers to, of course, trade in their old gas-guzzling cars, to get more fuel-efficient cars, gave them incentives to do that, helping them in this time of need to get something they needed but couldn't afford, get those jobs shored up, get the improvements in the environment.

We saw an environmental gain in the cars turned in from the ones that were turned in to purchase of 60 percent. So those consumers are going to continue to save for years to come, somewhere in the neighborhood of a thousand dollars a year. Seven hundred to a thousand dollars a year is the estimate. So this was a program that was win/win/win.

And we saw a recent study, if that wasn't good enough.

Mr. GARAMENDI. Well, I am going to interrupt you for a moment. Because I wasn't yet in Congress when this piece of legislation went into law. So I immediately started looking around and seeing about the clunkers that I have on my ranch. And I have this old beat-up Bronco, and I thought, oh, oh, there is my clunker. I am going to trade that thing in for a new efficient model.

And it turned out because it wasn't running, I had it on the not-for-the-

highway license, in other words, it was just on storage, and your bill was written in such a way that I couldn't take advantage of this. So I have got a little problem with the way in which you wrote that bill, but for the rest of America it was a great idea.

Mr. KAGEN. Well, from the people of Wisconsin, the Wisconsin auto dealers want to thank Representative SUTTON and the House of Representatives dominated by the Democrats at the current time, because you emptied half of the inventory of all of our sales lots. Not only did we empty the inventory, because of that we started several steel plants up and going. So we generated jobs.

The whole idea of the American Recovery and Reinvestment Act, the stimulus act, was to do what? It was to stabilize State governments, provide the biggest tax cut in American history, and save or create millions of jobs. By that measure, it was a success. Yes, we would like it to have done more. We think we need to do more now. That's what we are working on.

But let me bring your attention back away from the cars to the homebuyers. The First-Time Homebuyers Tax Credit, which expires in a few days, if you are thinking about getting a home, you can get an \$8,000 tax credit back. We have just lowered the cost of getting into your first home. If you have been in a home for a while, I think it's 5 years, you get \$6,500 back by getting into another home.

You don't have a lot of time left. Get the paperwork going. Visit your real estate office in Wisconsin. Look, come to live in northeast Wisconsin. You don't have to go to California. We have got a lower overhead there, lower cost of living.

Mr. GARAMENDI. We want those homes bought in California.

Mr. KAGEN. Well, the whole idea is this is not just a stand-alone. This is a whole cadre, a whole way in which we are trying to lower your cost of doing business to keep you in your home. Whether it's the making work pay, whether it's American Opportunity Tax Credit or the First-Time Homebuyer Tax Credit, the Democrats are on your side helping you to stay in your home, helping you to get employed at that higher-wage job, to make sure we can work our way through this recession back into prosperity.

□ 2045

The First-Time Home Buyers Tax Credit is soon to expire, so I would urge everyone listening, talk to your family, maybe this is the time you want to move into your first home.

Mr. GARAMENDI. Once again, most of these tax reductions came about through the stimulus bill, the American Recovery and Reinvestment Act, which was February of 2009. And I will

point out, as I did at the opening, that not one Republican voted for these extraordinarily important tax reductions that are great for individuals, for families, for working men and women, for middle class America, and at the same time, are creating new jobs in the green economy and the automobile industry, and even for those folks that are selling cars in Wisconsin.

Mr. TONKO, you had something you wanted to add here?

Mr. TONKO. Yes. I was just going to indicate that when we look at the impact of the Recovery Act, the stimulus package on our State economies, Dr. KAGEN, Representative KAGEN, is very correct that the whole effort here was to provide that job growth, it was to provide stability, it was to really boost the buying power of the American public. That largest tax cut in American history for working families is something that has obviously worked.

When we look at the record now in New York State, 98 percent of working families in New York were benefited in 2009. They were getting, on average, a benefit of \$1,340—nearly \$1,340. That's a tremendous boost to the economy of our State. And there are public efforts that were made for education and relief to government so that we would not see additional cuts; we could retain jobs along with create jobs.

We are also benefited by the fact that just about all income levels receive some sort of tax relief. There are those from the administration of Ronald Reagan, very conservative thinkers, who are saying this is a very good outcome that we're looking at now with the Obama administration. This was a great bit of leadership that saved us from this ever-deep, ever-long recession.

It was pointed out by my colleague, Representative SUTTON, that this stimulus package enabled the growth of jobs that came via factory manufacturing. Well, in my district in Schenectady, which is the birthplace of electricity with GE's headquarters, we are now transitioning into something different than a lithium ion battery. And the diversity that we're encouraging here is important. They're looking at a sodium-based battery that will enable us not only to utilize that innovation for the generation of energy and for heavy vehicle fleets, heavy-weighted vehicle fleets, but also for the storage of intermittent power. Now, there is the lynchpin; the battery is that lynchpin that takes us to a new realm, a new plateau in job creation with an innovation economy.

And, again, what I like about the focus here is that we look at the big picture. We don't thrust throw a tax cut for the sake of a tax cut, but we incorporate the thinking of how it ripples into the economy with the policy impact that it makes. And if we can invest in a way that finds us growing jobs

with technology with the innovation economy, we are then creating that smart outcome that will allow our industries here that are American based and our businesses to compete effectively and to win those contracts in a global marketplace. It doesn't have to be cheaper; it needs to be smarter.

And while I have the mic here, I just have to mention to Representative SUTTON that repeatedly, as Representative KAGEN indicated, I will have people ask me if I was part of that effort promoted by Representative SUTTON. And I said, look, she's not only a colleague, she's a friend. And I appreciate the fact that as we strengthen the American auto industry we are able to, again, see all the subcontracting that is part of that. It has a way of spreading the concentric circles out; it is the pebble-and-the-pond outcome. And we have all been made stronger because of that investment through the auto industry that came through Cash for Clunkers that again triggered a lot of reaction.

Mr. GARAMENDI. I'd call it a boulder that she threw into the pond, and the ripples that came from that actually touched a family that my wife works with. She was at the California State fair, and this lady works with her at the State fair. The lady's husband is a salesman. In the fall, or in August, he was about to lose his job, but then the Cash for Clunkers came along, and sales shot up at his shop. And he was able to sustain his employment and continues to this day to continue to be employed. It got him past that hurdle.

Representative KAGEN, surely there are things going on in Wisconsin that you're going to share with us here in the next few moments about these tax cuts and the way in which they work.

Mr. KAGEN. I would put it into two categories. When we talk about restoring our economy—or to use a medical phrase, “resuscitating our economy”—it will be small business owners that drive the job creation. Small businesses are 93 percent of all employers in the country. When we do create jobs, eight out of 10 new jobs are coming from small business owners. And we produce, in small business, 52 percent of our Nation's gross domestic product.

So take a look just for a moment at what the Recovery Act, the stimulus bill, did for small business. First, we had the Small Business Administration, section 7A and 504 loans, where the guarantee by the Federal Government moved up from 75 to 90 percent. That 90 percent guarantee made it possible for many small businesses to get access to credit that they needed to continue to survive.

Another small business advantage was a 3-year extension to the production tax credit, the PTC. Thirty percent investment tax credit, or ITC, for renewable energy, helping our wind,

our non-fossil fuel base, non-Saudi Arabian outside-of-our-country energy. Renewable energy bonds, which are now becoming available, extension of depreciation loans, 50 percent of the purchase price expensed right away; 5-year carryback net operating loss. For a small business operator, this is a tremendous boom. You can survive this economy recession by this—

Mr. GARAMENDI. That is actually a tax reduction in the early years in allowing those expenses to be spread out.

Mr. KAGEN. And you can allow up to \$250,000 of depreciation on something you've invested in right away.

So we understand the importance of small business. Now, I'm co-chairperson of the Congressional Business Owners Caucus. We came up with some wonderful ways in which the President could begin to lower the cost of labor. Lowered cost of labor means we can compete on a better playing field with our foreign competition. We had come up with a very simple way to do it on form 940 by reducing the amount of taxes you will pay. We give you a tax credit back if you simply increase the amount of money that you're paying to your employees, whether you hire more people, rehire people that have been laid off, or simply pay your existing workforce more money. That was converted into the Hiring Act. So the Hiring Act now and the HIRE Act really has a tax credit available for small business. So we're helping small business and we've got to do more.

What we've done so far has got us to this point, but we've got to do more. And we are working with the SBA Director, Karen Mills, to do just that. That's on the business end of it. But right now, in northeast Wisconsin, business owners are telling me, KAGEN, we don't want more credit necessarily; we need more customers coming in the door, we need more contracts. Then we can really go to the bank and say we've got somebody here that wants us to produce something for them. That's why we focused not only on small business, but on tax cuts for working families.

The next one I would mention is the residential energy tax credit, up to \$1,500 for weatherization improvements on your home that you did in 2009. You still have a few days to claim that credit on your tax return for 2009. Take advantage of that opportunity. Take a look with your tax preparer or your accountant if you have one. Talk to somebody who is in your family that is preparing your taxes. Take a look at what you've done for your home, because you can get up to \$1,500 back in your pocket straightaway.

The other one I'd like you to take advantage of is the sales tax deduction for vehicle purchases.

Mr. GARAMENDI. Maybe we will pass that to Representative SUTTON.

Ms. SUTTON. Sure. Absolutely. Part of the recovery stimulus act also provided that taxpayers can deduct the State and local sales tax they paid for new vehicles purchased from February 17 of 2009 all the way through December 31 of 2009 under the vehicle sales tax deduction. And then in those States that don't have a sales tax, there are other taxes and fees that may be deducted. So you have to ask your tax preparer or look into that if you're in a State that doesn't have sales tax.

So not only did we offer the incentives that were very effective in shoring up jobs, improving our environment, getting older, unsafe cars off the road; we also provided the opportunity to deduct that sales tax.

And I just can't let this go, Representative GARAMENDI, because a moment ago when you were talking about going to the dealership and trying to trade in your car and it wouldn't qualify—

Mr. GARAMENDI. Well, it just wasn't running, that was the problem. It was a real clunker.

Ms. SUTTON. But what we did find out—and this is really welcome news and it's pretty recent, and I'm not sure that all of you have had a chance to look at it—but according to the Maritz Automotive Research Group, they concluded that Cash for Clunkers created significantly more incremental car sales than previously estimated—and this is the important part—without negatively impacting future automotive sales. About 90 percent of the cars purchased under the program, about 542,000 consumers bought vehicles specifically because of the program. And, further, they reported that people like you, perhaps, another 223,000 people came to dealerships after hearing about the program to see if they qualified. They discovered they didn't qualify, and they bought cars anyway, sending those ripple effects out there to the benefit of us all.

Mr. GARAMENDI. You said 213,000?

Ms. SUTTON. 223,000.

Mr. GARAMENDI. And one. That one was my wife and I.

Ms. SUTTON. Well, thank you for supporting the economy.

Mr. GARAMENDI. We couldn't get rid of that old, broken-down Bronco, but we were in the market for a new car and we did buy one.

We've gone through several parts of the tax policy and the stimulus program. And a lot of folks out there think the stimulus program didn't do any good. Well, we know that in terms of the macroeconomics of the Nation, that it actually did. Together with the bank bailout—which I've got a lot of problems about the way that was done, and that was in the previous administration, in the years of the Bush administration—but together it stopped the collapse. Other nations did their piece of it too, but it stopped the col-

lapse. And just this last month in March we actually saw job growth in America; we actually saw jobs growing, net increase in the number of employed people. Whether that's going to continue month to month in the future, we hope so, but the stimulus program actually has worked. It has reduced the tax burden for American families, for the middle class, the largest middle class tax cut in anybody's memory, and at the same time has created a lot of new jobs.

Mr. TONKO, you talked about the holistic approach, that this wasn't just about tax cuts for this and tax cuts for that, but there was a larger program that was envisioned here.

Mr. TONKO. Well, I think in New York, obviously, the benefit that comes via the child tax credit or the earned income tax credit is something that needs to be paid strict attention to. We are helping, we are empowering some of the—well, in this case, the poorest three-fifths of taxpayers out. The tax credit for children is stretched to at least \$1,000—up to \$1,000. The earned income tax credit—

Mr. GARAMENDI. That's \$1,000 per child. That is the child tax credit.

Mr. TONKO. Exactly. And then with the earned income tax credit we stretch the eligibility, and we further reduce the marriage penalty. And so there is an awful lot here that speaks to many, many people who have benefited. That's why it is historic in nature. It's the largest such tax cut for working families in America. And this is a major plus. This is an empowerment to these families that when given this opportunity were able to make these purchases out there from American businesses that then called in more people, were beginning to see the job count rise.

We have to remember the last 4 or 5 months of the previous administration was recording somewhere between a 700,000 and 800,000 job loss per month, per month. Now we saw in January, was it 22,000, climbed a little with the tough weather and climate and impacts out there across the country to some 36,000 in February, and now in March we see this 126,000-plus job count. We are seeing the swing go upward.

Representative KAGEN and I talked earlier this evening about that graph, that linear graph that was just plummeting downward for several months and hit its lowest point in December of 2008 and then began to swing up so that we dropped, was it 17? The American families' wealth dropped by some \$16 trillion. Now it's swinging up beyond \$5 trillion, \$6 trillion as we climb upward. Is it going to happen overnight? Not necessarily. It most likely won't. But this was coming for a long time. It was failed economic policies that were driving down this country's economy that impacted the world economy. And the question here is, do we want to go back

to those failed policies or do we advance the agenda of progressive policies that will now make us join together in that climb upward where we're seeing the wealth of American families beginning to crawl back, climb back? We're on a good course, and we need to stay the course. And the four of us here this evening are on that message of looking at what's happening here, tax credits that will benefit, investment in job creation, and a turning around of the economy.

And Representative GARAMENDI, for bringing us together I say thank you again because this message needs to be heard.

□ 2100

Mr. GARAMENDI. Mr. KAGEN, I think you want to have some final words here, and then the remaining two of us, and then we will wrap this up.

Mr. KAGEN. Well, when it comes to asking the question who is on your side, the answer is clearly we are on your side. We are delivering tax cuts to the middle class like never before. We are making certain that you will be in your house if you get sick, not the poorhouse. We are delivering earned income tax credits. In northeast Wisconsin, 61,500 people benefited from that.

With regard to the stimulus bill, in my home county of Outagamie County, we delivered \$50 million of tax cuts and millions more in educational support. Without that life's breath, we wouldn't have an economy to talk about any longer.

Mr. GARAMENDI. You were telling me earlier that you have some 50,000 college students in your district?

Mr. KAGEN. Exactly. We have got 53,000 college students who can take advantage—

Mr. GARAMENDI. So this tax credit for families and students—

Mr. KAGEN. Is very significant. We really do believe in higher education in northeast Wisconsin. All of Wisconsin is progressive-minded socially and fiscally responsible, just like this House of Representatives is today.

Mr. GARAMENDI. And we have seen the advantage of these tax credits in the stimulus bill in the manufacturing heart of America, which is just outside Cleveland, represented by Congresswoman SUTTON.

Congresswoman?

Ms. SUTTON. Thank you, Representative GARAMENDI, and thank you for getting us down here to the floor to talk about these important points.

The question really is do we want to continue that path towards positive job growth. We started last year. Eight hundred thousand jobs a month we were bleeding because of the failed economic policies of the past administration, but now we are at a place where we are seeing that positive growth. We

also saw a headline today in our local paper entitled "Deficit Falls Dramatically in March."

So the bottom line is this. We have to act responsibly to take us from those failed policies to a place of renewal and an economy that doesn't just work for the privileged few who enjoyed those tax cuts, the top 2 percent who enjoyed those deficit-funded tax cuts under the Bush era. We have to take us to a place where it is an economy that the folks that I am proud to represent in Lorain and Akron and Barberton will indeed join in the vitality of this Nation, of our communities, of our economy, of the opportunity, all that we have to represent in this country.

So I am glad to be here. I am glad to do the work that it takes every day to put one foot in front of the other and fight with the spirit of the people that I represent to take us responsibly to a place that is positive not just for us here in the Capitol, but most importantly, for them at their homes.

Mr. GARAMENDI. Thank you very, very much.

For me, having arrived just 3 months ago in a special election and not being able to vote on this extraordinary stimulus bill as the three of you did, I really want to congratulate you and thank you for the work that you have done here. And to be able to join in the continuing process of growing the American economy, using very wise and targeted tax cuts to help working men and women, working families and middle class, focusing there, which is really the heart of America, and to see what you have done and then the new follow-up legislation that we worked on in December, January, and February and through the rest of this year, it is a great privilege for me to be able to work with you on that.

Then to find that these tax cuts are actually creating new businesses. The green economy, it is actually happening. I hear the advertisements on the radio in California and in the newspaper, new businesses starting up to install the solar panels, to do the caulking, to do the windows, to move us into energy independence. This is really a great moment in which we are transitioning the American economy, and, frankly, it is the Democrats that are doing that.

Most of the work, the heavy lifting this last year was done without any Republican support. It was done by the Democrats. We don't want to be too partisan here, but we also need to point out the real facts of who it is that voted for \$300 billion of tax cuts for middle-income Americans. It was the Democrats. We need to understand who it is that's moving forward with the green economy. It was the Democrats that did that. And we have got more to do.

And we are going to come back on the floor in the days ahead and we are

going to talk about some of the specific tax cuts that went to businesses to stimulate the small businesses—we covered mostly working families today, but we need to do that—and then the jobs bills that have been passed.

It is a great privilege to work with you, and I want to thank you for the opportunity to share this evening. Thank you very much.

Madam Speaker, I yield back my time.

HEALTH CARE REFORM

The SPEAKER pro tempore (Ms. PINGREE of Maine). Under the Speaker's announced policy of January 6, 2009, the gentleman from Georgia (Mr. GINGREY) is recognized for 60 minutes as the designee of the minority leader.

Mr. GINGREY of Georgia. Madam Speaker, I thank my leadership for allowing me to speak to my colleagues over the next hour in regard to guess what? Health care reform, Madam Speaker. And I am going to be joined by several colleagues on the Republican side of the aisle who are physician Members, as I am, as you know, Madam Speaker, a physician Member.

And we are all just returning to Washington after the 2-week Easter recess, a time that I think Members on both sides of the aisle hopefully enjoyed with their constituents. I know certainly that I did. Also a little bit of family time celebrating Easter and the Passover. And now we are, of course, back here in Washington inside the beltway, and the wars, as we say, begin again.

But the time that I spent, these 2 weeks, in my district, the 11th of Georgia, northwest Georgia, in my nine counties that I represented, gave me, once again, an opportunity to meet with my constituents. We did that in a one-on-one format, and we did it in a town hall meeting format, several of those, and we did the tele-town hall meetings, I think a couple of those.

But I can tell you, Madam Speaker, the people in my district, the 11th of Georgia and the State of Georgia, are not happy. They are not happy with the Health Care Reform Act, the patient, whatever the acronym is for this bill. The people didn't want it. They made that very clear in every poll taken over the past year as we led up to the unfortunate passage of this massive takeover of one-sixth of our economy. Folks did not want that, and they still don't. And I think they're expressing that to Members on both sides of the aisle as they go home, and Members are going to be held accountable. I know, Madam Speaker, that Members on both sides of the aisle understood that when they either voted for or against this bill. And the American people are no happier today than they were 3 weeks ago.

I would like, at this point, to yield to my colleague from Tennessee, Dr. PHIL ROE, a fellow physician and also a fellow OB/GYN specialist. Dr. ROE, being from Tennessee and practicing a number of years and delivering a lot of babies there in that State, knows all too well what happened with TennCare and had said the whole time that he has been in this 111th Congress—this is his first term—that you had the perfect pilot program for this bill that the Democratic majority insisted on passing against the will of the American people right in his home State of Tennessee.

And I would like to yield to him now, Madam Speaker. And maybe he can yield some light on what that experiment showed over an 8- or 10-year period in the Volunteer State.

Mr. ROE of Tennessee. Dr. GINGREY, thank you, and it is good to be back.

I, as you, enjoyed being with family, as I am sure most of our Members on both sides of the aisle did. And I also got the opportunity to view one of the greatest basketball games that has ever been, which is the Final Four in Indianapolis, and my hat's off to the Duke Blue Devils and to the Butler team that played such a great basketball game.

□ 2110

One of the reasons I had for running for Congress, I was very happy in a medical practice in Tennessee. I was mayor of our local community, the largest one, Johnson City, Tennessee, the largest community in our district. But I knew that this health care debate was going to occur, and I wanted to be part of that debate.

Unfortunately, none of us on the Republican side were consulted, so we were only in the debate in a peripheral way. And the reason that I wanted to be a part of the debate was to share some experiences that we had had in Tennessee over the past 17 years or so in our attempt to not only manage health care costs but to cover more of our people.

Tennessee is not a wealthy State. We certainly have one of the lower per capita incomes in the country, and we have a lot of uninsured people. So there was a good reason to try to do something for this.

We have several major medical centers in our State both in Memphis and Nashville, Knoxville, and the Tri-Cities area, where I live; and the idea was that we were going to have a plan in Tennessee that was going to have a competition, much like we heard in the public option, which this plan does not have, where various insurance companies would compete for your business, and when they would compete for your business, this would help drive costs down.

Well, what we did was we actually provided a massive expansion of a Medicaid plan. TennCare is our exemption

for Medicaid. What this current health care bill does is massively expand Medicaid.

Now, remember, Medicare is a plan that has premiums which fund it. So there are premium dollars that a recipient gets now who has paid in just like you would for any other insurance plan, whereas Medicaid is not. It's an entitlement. So we massively expanded our entitlements. And how did we do that?

We had about eight plans that would compete for your business. In 1993, we had about a \$2.6 billion program in our State. Ten budget years later, that has exploded to an \$8 billion program; and in our State that was at that point taking up in 2004 about 35 percent of the State budget. Now, since that time, everyone realized that we couldn't continue on this pathway. Here we were in a plan that we would have been happy with 17 percent of our budget. It was 35 percent of our State budget.

So what did the governor and the legislature do?

And, by the way, our governor is Governor Phil Bredesen, who is a Democrat. He has dealt with this. He has a business background and also has been in the health care business himself.

What we did initially was cut the rolls. We cut about 200,000 people from the rolls of TennCare. And when that didn't prove enough, this particular year during this recession, we have had to resort to some more drastic measures. It hasn't been completely worked out yet.

But we also found out, Dr. GINGREY, that during this time—and I am going to, during this hour, predict what I believe will happen with this plan that we've just passed. I have seen it happen in Tennessee, and I believe it will happen again with this plan. What happened was 45 percent of the people who ended up on TennCare had private health care insurance and dropped it and got on TennCare. Why did they do that? Why did they go on the government entitlement?

Well, it was a perfectly logical reason why they did that. They did it because it was cheaper and it offered first-dollar coverage. It offered prescription drug coverage, unlimited doctor visits.

And what did we get for spending this much money? We got the highest prescription drug use in America, number one in prescription drugs and 47th in health outcomes. So if we had spent the money and had gotten better health outcomes and better usage of those dollars, I would have supported it in a heartbeat.

The other thing that's not known and never discussed, you never hear it discussed on this House floor, are the payors. And as you as a physician know this, and we're willing to do this especially in OB/GYN because pregnancy is one of those things that you either are or you're not. So we accepted TennCare

in our practice and always did because the patients needed the care and had to go somewhere.

What happened was that at the point that it started, it paid the providers, that is, the hospitals and the doctors, about 60 percent of the cost of actually providing the care. So those other costs, that other 40 percent was shifted to private insurers.

An example I will give you is, I don't know, 8 or 10, 12 years ago, our local hospital put an implantable defibrillator in. You know that's where if you have a heart irregularity and you have an arrest, this will restart your heart. The TennCare plan paid, I think, \$800 to the hospital, and the device costs \$40,000, just the piece itself, not the care to put it in, the doctors and so forth. So those costs were shifted.

What I predict will happen with this plan when you massively expand the Medicaid entitlement and those costs are not paid, those costs are going to be shifted to private insurers, and over time those costs will be so expensive that the private insurers are going to say, look, we can't pay that, we're going to have to drop it, drop private health insurance. And you're going to hear the other side say, see, we told you so. We need to take over the whole plan. That is exactly what is going to happen. This particular plan right here is designed to fail, and it will fail financially.

Now, will there be some good out of it? Sure, there will be. I mean, you can't spend a trillion dollars and not do some good. The question is, is this the right way to do it? And I believe that is the discussion that we have had this year.

And as you well know, the bipartisan vote on this bill was "no." There were 34 of our Democratic colleagues who elected to vote against this bill and all of the Republicans voted against this bill. And it's not that Republicans don't have ideas. I came here, you came here, Dr. BROUN, who has joined us, came with numerous ideas. The problem was we never got to share those ideas with anyone.

Mr. GINGREY of Georgia. I thank the gentleman from Tennessee, and I think he brought up some extremely good points. And, Madam Speaker, I agree completely with what he said in regard to this system, this health care reform act, being designed to fail. I think it was.

I think that from the very beginning—Madam Speaker, I serve on the Energy and Commerce Committee; and, as you know, that is the committee that has so much jurisdiction over health care, all of Medicaid, which the gentleman from Tennessee was just speaking of, and part B of Medicare, the Children's Health Insurance Program. So it is one of three committees in the House that has jurisdiction over

health care but probably the most important committee.

The committee, Madam Speaker, as you and all of my colleagues know, has been chaired for many years in the past by the distinguished gentleman from Michigan, the Honorable JOHN DINGELL, a great Member, but a Member who for years and years, as his father also before him, was pushing and has continued to push for a single-payer national health insurance plan for this country, not unlike what exists in some Western European countries and other countries around the world, but certainly Canada and the U.K. are two very good examples of how national health insurance works.

But I truly believe, Madam Speaker, and I am basing this not just on my belief but on comments that were made in the Energy and Commerce Committee, as this original bill that was called H.R. 3200 at the time—and this was before the August recess of last summer, and when that bill was marked up in committee and amendments were submitted, there were so many amendments, Madam Speaker, from your side of the aisle, the majority side, that would ask to make this a national health insurance plan, a single payer, as it's described. And in that bill, of course, was a robust—that's the way the progressive wing of the Democratic Caucus described it—a robust public option.

Madam Speaker, just as the Democratic majority when President Clinton was the President of this country with the HillaryCare, they weren't able to get that bill passed. And this administration under President Obama and this Democratic majority realized that they could not initially get a single-payer plan through this Congress and past the American people, but they felt that they could get so close, one step away, by having this robust public option to compete with the private market and virtually squeeze the private market out of any hope of profitability such that eventually everybody would be in the public plan and eventually they would take that one additional step in maybe the 112th or 113th Congress, if the Democratic majority continued and President Obama sought and got a second term, that they would get to that goal that so many Members on the Democratic side of the aisle who have been here for years and years and years, the ultimate goal of passing a single-payer national health insurance plan.

□ 2120

And so I think the gentleman from Tennessee is absolutely right in regard to what the overall plan was to accomplish, and that's a great fear that we continue to have.

I want to yield back to the gentleman from Tennessee. I know we've been joined by my colleague from the

State of Georgia, family practitioner PAUL BROWN, and I'll call on him in just a few minutes for his comments as well. I yield back to the gentleman from Tennessee at this point.

Mr. ROE of Tennessee. I thank the gentleman for yielding. And I think what we need to do, Dr. GINGREY and Dr. BROWN, is, why is that a concern? You formed this very well. Why are we concerned about this?

And as I said, I believe this is designed to fail because we saw what it did to our local private insurers in the State of Tennessee, where we had about \$1,800 per year shifted in costs. So those costs, it's a hidden tax.

What will happen is businesses now are struggling. And you know that the number one issue in this Nation right now should be jobs; number two, jobs; and, number three, jobs. Everywhere I went in the district this weekend people were fearful and worried about losing their jobs. They were underemployed or either not employed whatsoever.

So we have a system, when this Medicaid expansion occurs, what will happen is private businesses will get, not in addition to all of the taxes that are in here we'll talk about later; but this is absolutely designed to fail. And we're worried about it for what reason?

As physicians we're worried about rationing care.

I attended a conference at East Tennessee State University College of Medicine while I was home, and we had a look at the Canadian health care system, we had a look at the English health care system, we had a look at the VA, and we had a look at our system. All have plusses, all have minuses, all have problems.

One of the things that I listened and summarized in that is that our concern as a physician is that you will eventually, when you have this many dollars and you have more demand for services than you have dollars to pay for it, there is no other option but rationing care. It's happened in every system around the world, and it will happen here.

And my prediction is by 2020 is when we're going to really hit, about 10 years because this plan is phased in, if we don't repeal it and replace it, it's phased in over a period of years. And the reason I believe this is that's what I've seen in Tennessee.

The other part of this plan that's so similar that we've tried also is in Massachusetts. We have no preexisting conditions, and the Republicans had a perfectly good way to solve that problem. It isn't even difficult if you do this. Preexisting conditions are only a problem for the small group market, small business market and an individual.

And when I retired from my medical practice, I had a single insurance plan. If it had been tax deductible, it would

have been 35 percent cheaper for me to own health insurance coverage; and high-risk pools, and let you go across State lines and form large groups. You can solve the preexisting conditions without mandates.

In Massachusetts they have a mandate, and there's a tax for a fine if you don't purchase health insurance. And without subsidies, without Federal subsidies, that plan in Massachusetts would be in terrible problems, terrible shape.

So what have we done? We have taken the Tennessee plan, which hasn't worked. And by the way, this year, Dr. GINGREY, we're going to limit patient visits to eight doctor visits per year in the State because that's all we can pay for. And all the TennCare plan will pay for your hospitalization is \$10,000. I don't care what the bill is.

So you've got both. We're already rationing care with that system. You've got the Massachusetts plan that's also doing exactly the same thing. And those two together.

One other thing I want to mention before we get Dr. BROWN in, actually two things—

Mr. GINGREY of Georgia. If the gentleman will yield back to me, and I will yield back to you before, we, Madam Speaker, call on Dr. BROWN.

But you know, you mentioned about jobs. And certainly, I felt very strongly. I've said it from this dais on this House floor, I say it back in the district every opportunity I can, that the number one priority, the number one priority when President Obama was inaugurated last January, over a year ago now, was the creation of jobs.

Now, you know, I heard our colleagues that were on the floor in the previous hour, Madam Speaker, Democratic Members from California, Wisconsin, Ohio and New York, touting the economic stimulus package, ARRA, the acronym, and how wonderful it was, and how—

And the gentleman from California said, I think he, Madam Speaker, he said coming from California back to Washington today he picked up the Sacramento Bee and the newspaper, his newspaper said that the average tax refund for this year was going to be \$2,400 a family. And the group of Members went on to explain, well, that was because of the economic stimulus package, and that these people were going to get this nice tax return.

Madam Speaker, I would suggest that it's very likely that the average tax return out there in Sacramento, California, is because maybe during the last calendar year, that many of these people only got to work 6 or 7 months, and then they joined the ranks of the unemployed. They had filled out a W-9 at the beginning of the year, and so much money was taken out of their pay check to pay their estimated Federal income tax, if they had been em-

ployed for a full year and, God help them, they weren't employed, they lost their jobs, they joined the ranks of the 16 million, they became part of the 10 percent in this country of unemployed. And whoopie doo, they got a \$2,400 tax return. Now, isn't that great?

And, Madam Speaker, I heard these same colleagues talk about, I think it was the gentlewoman maybe from Ohio, talking about all the jobs that were saved. Well, it must have been a heck of a lot of them. I think she said 2.5 million, because 3.3 million were lost. Maybe they saved 5 million. I don't know how you figure that.

But I do know, Madam Speaker, that when that bill was passed, the pledge to the American people for borrowing \$787 billion worth of additional, I guess, borrowed money from China that we will use to stimulate the economy, the pledge was that the unemployment rate, which was 7.6 percent at the time, was not going to go above 8 percent and we were going to save all these jobs.

And no matter what the group said, and all the things that they tried to tout in regard to the economic stimulus package, I feel, Madam Speaker, and the American people feel it was a dismal failure. I guarantee you those 16 million that have been out of work for six or more months feel like it was a dismal failure.

And so, you know, here again, somebody, one of the other Members said, hopefully the American people understand who's on your side. I think that was a quote from the gentleman from Wisconsin.

Well, I would suggest the American people ought to think, well, who's your nanny? Who's creating the nanny state? Who's building your hammock that much bigger so that you depend on the Federal Government?

So as we talk about our concerns about the health care reform act with the Federal Government taking over one-sixth of our economy, it's not just about health care. We're pretty passionate about it, Madam Speaker, because the three Members on the floor on the Republican side of the aisle tonight are members of the Doctors Caucus, the GOP House Doctors Caucus. We're physicians.

In the aggregate, I bet you the three of us, Madam Speaker, have spent 75 or 80 years practicing medicine. So we're very passionate about that, the government taking over; not just the fact that it's one-sixth of the economy, but coming between us and our patients, the doctor-patient relationship.

But it's a much bigger issue than that, Madam Speaker. And the gentleman from Tennessee referred to it. I know the gentleman from Georgia, my colleague from the great district that he represents in Georgia, including the University of Georgia and Athens and my hometown of Augusta, they're going to talk about that.

But we're concerned about much more than this egregious health care reform bill. We're concerned about the Federal Government taking over every aspect of our lives.

And, Madam Speaker, I will just make this comment before yielding to Dr. ROE: the bigger the nanny gets, the smaller we get.

□ 2130

The bigger the Federal Government becomes, the smaller each individual becomes, and our rights are eroded inevitably.

And I will yield back to the gentleman from Tennessee.

Mr. ROE of Tennessee. I thank the gentleman for yielding.

I think the comment is a government large enough to give you anything you want is powerful enough to take away everything you have.

Just briefly on jobs before I go on with health care, three counties at least in my district of 12 have unemployment rates of 16 percent. I left one yesterday, spending the day there before I came back last night. And 87 percent of the people in the First Congressional District of Tennessee don't think the stimulus package has done them any good, and the reason they don't think it's done them any good is it hasn't done them any good. Their own view of it is it hasn't helped them, and I think they're right.

I know that we had a lot of discussions and a lot of jokes were made about death panels and so on. There is a provision—I would encourage my colleagues to read this bill, and I've already introduced legislation already. There is a panel. In this Senate bill—not in the House bill. The House did not pass this. But the Senate bill did in reconciliation. It's basically the Senate bill with a few tweaks is what got to the President for his signature.

There is a panel in Medicare called an Independent Payment Advisory Board. And before—you know, in this particular plan, the way we fund this, we're cutting \$500 billion out of the Medicare plan over the next 10 years. And during the next 10 years, beginning next year, the baby boomers hit Medicare age. We're going to add 3 million baby boomers per year for the next 20 years. Actually, 78 million are estimated to be at Medicare age in the next 20 years. So in 10 years, about 35 million people will reach that age with 500 billion less dollars. And what we did as a Congress was we gave up our purse strings, our control of the purse strings on how Medicare dollars are spent for this Independent Payment Advisory Board.

Well, let me tell you what happens. When you have 35 million more people chasing 500 billion less dollars, this panel will use something called comparative effectiveness research. And we know what that is. We've already seen

just the beginnings of it when we talk about, Well, you really don't need to have your mammogram until age 50.

Let me look the camera in the eye and tell people, Dr. GINGREY—and Dr. BROWN knows this very well—I cannot tell you how many patients I have seen over the past years less than 40 years of age with no family history with breast cancer. And right now we begin screening mammograms at age 35, and almost every insurance company in the world pays for screening mammograms at age 35 and repeated at 40 and so on. If you have a family history, you get them more than that.

That's what they're going to begin using, and that's what's done in England right now, because they can't afford to pay for the screening mammograms. And you and I both know that we can feel a lump in a breast when it gets about 2 centimeters. And for those of you who don't deal in metric, that is about three-fourths of an inch. You can palpate that. Once a lump gets that big, some of those have actually spread.

So that's a panel that will decide whether you get a hip replacement, whether you have heart bypass surgery when you reach a certain age. We need to relook at that very seriously. And that's something that's not known to almost anyone, but I've already introduced legislation to repeal this.

And, by the way, there was a letter with 50 Democrats on this that also agreed with this before this bill was passed, and I urge my colleagues on the other side of the aisle to help us to replace this current piece of legislation.

I yield back.

Mr. GINGREY of Georgia. The gentleman from Tennessee, Madam Speaker, talking about this preventative services task force that came out with this recommendation, their timing couldn't have been worse, I think, in regard to the Democratic majority wanting to get this health care reform bill passed. But this was several months ago, and they actually came before the Energy and Commerce Committee and testified and said, Well, you know, we're just an advisory committee. I mean, this doesn't have the force of law, this preventative services task force. It's just making recommendations of what preventive services are good for patients and, indeed, are cost effective.

And, Madam Speaker, that's what Dr. ROE, the OB/GYN from Tri-Cities, Tennessee, is talking about. They came out and said that it was not necessary; in fact, indeed, it was a waste of money to do a mammogram screening for breast cancer in women during their forties. And then they went on to say it was really questionable whether it was cost effective or beneficial to do them in women over 65 and scared the bejesus out of all of our moms and grandmoms and sisters and, in some cases, daughters of this country.

And the scary thing about this, Madam Speaker, is this will become, this preventative services task force that's an advisory group will become part of this massive bureaucracy of the new health care delivery system, and what they say will be law and will be gospel.

Now, a physician who is advised by his specialty—so, say like mine and Dr. ROE, the American College of OB/GYN, we're both proud Fellows, and we get these best practices clinical bulletins on a monthly basis in regard to what is the best care. They continue to recommend that screening and the importance of that screening during the decade of the forties.

So, Madam Speaker, we're in a situation now where the OB/GYN doctors decide, I don't care what ObamaCare says, I'm going to continue to do those self-breast exams and I am going to look for that 2-centimeter lump that the patient is unlikely to find herself, and I'm going to do that screening mammogram. And let's say the screening mammogram shows something, something a little suspicious. And then the doctor takes the next step, the next logical and recommended step by the ACOG, and orders a needle biopsy. And maybe, Madam Speaker, that needle biopsy, thank God, comes back benign and it comes back not to be a malignancy. It was suspicious but turned out not to be a malignancy.

But lo and behold, that patient develops an abscess, an infection from that needle biopsy—which is certainly a risk, a very low risk that that could occur. That doctor would probably—he or she would be sued out of their practice for doing the right thing. But yet the provision of ObamaCare would allow this preventative services task force to make it appear that they had done the wrong thing and they would not be able to defend themselves.

So these are just some of the things that I guess Madam Speaker was talking about, the Speaker—Madam Speaker, I know you are the Speaker pro tem, as it were, tonight. But Speaker PELOSI was quoted as saying, I don't know, just maybe a week or so before the bill passed, that we need to hurry up and pass this bill so people can find out what's in it. Well, people indeed, Madam Speaker, are finding out what's in it, and it's not pretty. It's not pretty.

I think the gentleman from Tennessee wants to make one more point, and then I will quickly refer to Dr. BROWN. And also Dr. CASSIDY has joined us, and I look forward to yielding to him as well.

Mr. ROE of Tennessee. I thank the gentleman for yielding.

Just some real-world experience, not textbook and not in academia. I'm talking about out in my office practicing. The last year I was in practice—and something strange happened over

31 years. My patients got older with me, and they started developing things. I saw 15 breast cancers myself the last year I was in my medical practice. I could feel one of them. The rest of them were picked up on. I could not palpate the mass. They were picked up on screening mammograms. Now, that's something that will be done—and you know if you find that disease that early—it's one of the great stories, Dr. GINGREY, that I like to tell.

When I began practice—and all of us here are pretty close to the same vintage. When I began practice, 50 percent of the patients with breast cancer had a 50 percent 5-year survival rate.

□ 2140

Today, an early diagnosed breast cancer like that has a 95 percent survival rate. It's a wonderful story to tell. There is no reason for us to go backwards. I mean, it would be a tragedy of unbelievable proportions if we did that.

Mr. GINGREY of Georgia. Thank you, Dr. ROE.

I now yield to Dr. PAUL BROWN from Athens and Augusta.

Mr. BROWN of Georgia. Thank you.

I am asked frequently by my constituents, Dr. BROWN, what does ObamaCare mean for me? And what I explain to my constituents that ask that is that, number one, if they have private health insurance today they can't keep it because it's going to change. In fact, I will respectfully disagree with my learned colleague from Tennessee really on the semantics of what Dr. ROE was saying when he said this bill was designed to fail.

Well, actually, it's designed to fail for what it was promoted to be, and that's to provide free health care for people all over this country. Well, some people are going to get free health care, but the reality is it was designed so that we wouldn't stay in this current system. So it, according to the designers, it's going to be successful, because it's going to push everybody out of private insurance onto one single government policy.

So it is designed to be successful in what this President and what the leadership here in Congress wanted it to do, and that's to go to what President Obama said during his dog-and-pony show at the Blair House just a few weeks ago. He said he wanted everybody in this country under one pool, one insurance plan administered by the Federal Government, which means every American citizen is going to have socialized medicine, everybody.

That's what their plan is. That's what it was designed to do. So it won't fail in the respect of what they designed the plan to do, because it's going to be very successful. If it stays in place, everybody in this country is going to be under a socialized medicine system.

The second thing we were told that it was going to lower the cost of health care. But American citizens need to know it's not going to lower the cost to anybody. In fact, private health insurance is going to go up.

We are told by our Democrat colleagues that the doctor-patient relationship is going to be maintained. But that's hogwash. A Federal bureaucrat, as Dr. ROE was just talking about, about preventive care but really for all care, there is going to be a bureaucrat in Washington, D.C., that's going to be making decisions for every single patient, for every single doctor in this country.

So the American citizens need to know that if you want to make health care decisions, and what I tell them, is if you want to make health care decisions with you and your doctor making those decisions, you are not going to be able to do that anymore, and there is going to be ration of care for everybody, whether you are currently under private insurance or whether you are under the government insurance program.

If you have that card, if you are given free insurance, even under this plan, given that free health care insurance card or if you are on Medicare or Medicaid, you may have the card in your pocket, but there aren't going to be any doctors that are going to accept it because they can't from a financial perspective.

Another thing the American people need to understand, that I keep telling my patients, is that, particularly in small rural communities, there won't be any hospitals and doctors there anymore because they can't afford to stay in business. They are just going to be some huge regional hospitals that eventually are going to be government hospitals like the VA.

Now, there are some good VA hospitals. We have the luxury of having a great VA health care center in Augusta, Georgia, the Charlie Norwood VA Medical Center, which actually has two hospitals there. And the veterans are very fortunate, blessed, to have Rebecca Wiley in the VA system there in Augusta. But even there, there is ration of care and there are a lot of problems.

It's going to get worse at the Charlie Norwood VA Medical Center for the veterans that are there, but it's going to get worse for everybody. So the quality of health care is going to go down for everybody in this country. The cost is going to go up.

One other thing I tell my constituents, when they ask, Dr. BROWN, what's this going to mean for me? If they are small businesses I am going to tell them that they are going to cut jobs because they are going to have to do so because of the financial burden that the extra taxes is going to put on them.

That means that many millions, actually, of American citizens are going to lose their jobs because of this bill. They are going to lose their jobs, but strictly because of this bill.

Another thing is we are going to have cost controls, or it's going to break this Nation financially, and it can cause an economic collapse to America.

Mr. GINGREY of Georgia. On his point in regard to the loss of jobs, I want to ask my colleagues to refer to this poster that I have. Because in the first week after this bill passed, these companies like AT&T, Verizon, John Deere, Caterpillar, these are companies that are, of course, household names, everybody recognizes before I mention them, but there are some 3,500 companies, other companies, smaller, medium-sized companies, some large as well as these four I mentioned, that are going to have to take charges against their future earnings. They are required, Madam Speaker, to do this by law, to file with the SEC, so the that the moms and pops across this country, retirees on fixed incomes who may have a few shares of AT&T, Verizon or John Deere and Caterpillar, in the interest of full disclosure, the companies are required to make those reports of charges against future earnings.

And in the aggregate, Madam Speaker, these companies have taken \$14 billion worth of charges against future earnings because of a provision in the health reform act in regard to providing prescription benefits to their retirees, and that's exactly what my colleague from the 10th District of Georgia, Dr. BROWN, is referring to when he says it is going to cost jobs. Because the only way these companies can continue to provide those benefits is to cut back on their employment base or simply say to the new hires, we are not going to be able to provide a prescription drug benefit to you in your retirement years. You just need to go sign up for Medicare Part D.

So you have got everybody losing. The company is losing, the retiree is losing, and the Federal Government and John Q. Taxpayer is losing. Because more and more people are getting the benefit for Medicare Part D rather than from these companies who wanted to give it to them, but the provisions in this bill snatched that opportunity away from them.

Mr. BROWN of Georgia. Well, thank you, Dr. GINGREY.

In fact, there is a John Deere plant in Columbia County, Georgia, just north of Augusta. That's a great plant. It hires hundreds of my constituents and citizens in the State of Georgia, and people are going to be put out of work from John Deere in my district. And then people can look at your chart there, I hope that the camera will focus upon it and look at it just for a moment or two, and just see the amount

of money that these companies are going to lose. Well, how can they lose that and continue in business? Well, the only way they could do so is by cutting jobs.

The people who are going to be hurt most in this country are the poor people and senior citizens on limited incomes. The Medicare folks are going to be hurt because of loss of their doctors. The doctors are not going to be able to take their Medicare anymore. We already see doctors, primary care doctors like me who practice medicine are going to have to quit because they can't afford to continue to see Medicare or Medicaid patients anymore.

In fact, I talked to a lot of my medical colleagues in the 10th Congressional District in northeast Georgia, and they are quitting seeing patients on government insurance. Why? Because they absolutely cannot afford to do so anymore because their reimbursement rate, what they are paid is less than what it costs them to give those services.

I will give you one example out of my own practice. Medicaid, I used to be in an office. As the gentleman from Marietta knows, I did a full-time house-call medical practice. I still practice medicine today. I still see patients, still do house calls, did that full time before coming here. But when I was in the office as a primary care doctor, I saw patients from cradle to grave; and some of my most favorite patients were the pediatric patients.

We would give childhood immunizations. But Medicaid cut the reimbursement rate to us, in our office, below the level it cost us to buy the serum. And that didn't count the cost of the syringe or the nurse's time or the liability coverage and all the other things and my time, anything else. So we had to stop giving childhood immunizations in my office and had to send patients over to the health department.

□ 2150

And, actually, they could go to Kroger and get a flu shot cheaper than I could buy the flu shot serum and be reimbursed by Medicaid or Medicare at less than what the serum cost me just to buy it. I couldn't afford to do that. And that is the kind of thing that doctors all over the country are facing, this kind of a dilemma. They want to deliver those services, they want to take care of their patients, but they just cannot afford continuing to do so. And I think, coming back to the "designed to fail," what I think that our colleagues on the other side of the aisle and the administration have put in place is something so that it's going to fail, and they can establish a socialized medicine program.

Before I yield back to Dr. GINGREY, I want to just say one more thing. Last August, I spent a few days up in Can-

ada and I talked to patients just to find out about the Canadian health care system. I talked to one man who makes \$50,000 a year. He told me that he spends 60 percent, 60 percent of his income in Canadian federal and provincial taxes primarily to pay for the health care system; 60 percent of \$50,000. That doesn't give him much to live off of. And that's exactly where we're headed in this country. So particularly lower-income, middle class folks and low-income people are going to be hit the hardest. And then the senior citizens who are on a limited income are really going to be hit hard because of the cuts in Medicare.

Mr. GINGREY of Georgia. I thank the gentleman. And, Madam Speaker, I want to yield time now to another member of the House GOP Doctors Caucus, the gentleman from the Sixth District of Louisiana, Dr. BILL CASSIDY.

Mr. CASSIDY. Thank you, Dr. GINGREY. You know, I like the focus of this conversation. And if you will, I want to point out that oftentimes when we speak about losing a job, unless you've lost your job, you assume it's someone else that is losing their job. But I think it's important for the American people to understand that this has the potential to affect people at all strata.

Let's start off with the tax on Medicare, the increased Medicare tax. This is going to be on the people who earn over \$200,000 a year. Many of these folks don't consider themselves wealthy. If they're small business people, he or she is trying to make a payroll and expand a business, and this is going to hit them. And inevitably, when you tax, you are going to lose money that would otherwise be available to create jobs.

One of our famous Chief Justices said that the power to tax is the power to destroy. When you increase taxes on these folks that are job creators, you destroy their ability to create jobs. Now, folks say, well, that doesn't relate to me because those are the folks who are small business people, and I'm not a small business person. Well, as it turns out, let's go to the other end of the spectrum. As it turns out, this plan levies a \$2,000 penalty upon an employer whose employees will get a tax credit from the Federal Government. Now, the Congressional Budget Office—not the Republicans, not the Democrats, but the objective arm of Congress, the Congressional Budget Office—says that because of this there will be less hiring of lower-income people. When you are a small business person hiring entry-level wage earners and you are levied a tax of \$2,000 per person, you're not going to hire. You're going to find a way to increase productivity where you don't have to hire those folks.

I caught a fellow who owns a string of Taco Bells, and he has 20 employees

per place. He said, if I have to put a \$2,000 tax on each of my employees—he has about 500 total—in a very price-sensitive market where someone makes a decision to buy or not to buy fast food depending on price, I'm going to have to lay people off. So now we have the small business person who is going to pay the increased tax. Therefore, it destroys the ability to create as many jobs, and now we have the tax, if you will, the employment tax on the person who is at the entry-level job.

Let's go to a different person, someone who works for a large corporation. Well, again, in the effort to grab enough revenue to look like this is cost neutral, there is now a tax levied upon medical device makers. There was a great article in *realclearmarkets.com* where they kind of go through what you're posing here, that the health care bill that we just passed is going to be terrible for the job market. So in this bill there is levied a 2.9, I think, percent tax on medical devices. Well, it turns out you can ship those things to Ireland, according to this article, and you're still taxed. It isn't just those that are being marketed in the United States, but, rather, it's those that you would be selling overseas, incredibly competitive market where people in Ireland, China, the United States are all manufacturing these devices.

Well, if you manufacture it here, there is a tax apparently even if you export. But if you manufacture it in another country, you are only taxed on those that you bring to the United States. So let's say your shop is in India and you're producing artificial hips and you send 100 to the United States. Well, there is a little bit of tax in that hundred; but if you send 1,000 elsewhere in the world, there is no tax whatsoever. If you build those same artificial hips in the United States, you are taxed wherever they go. So if you're working in the manufacturing unit of that medical equipment maker, you lose your job. If you are the person designing it, they're going to offshore it to another country. If you're the owner, you may say, why am I doing my manufacturing here and taking a 3 percent hit on whatever I do? Why don't I set up my shop in another country and only pay the tax if I import it to the United States?

Again, in a desperate desire for revenue to make this look neutral, we've taxed jobs. And going back to what Supreme Court Justice John Marshall said, the power to tax is the power to destroy. When you raise \$500 billion of taxes in the economy, you are going to destroy jobs.

I yield back.

Mr. GINGREY of Georgia. The gentleman, Madam Speaker, is absolutely accurate in what he just presented to our colleagues.

And there is another point in this bill that I think the Speaker, Speaker

PELOSI, may have been referring to when she said we need to pass it so folks can find out what's in it. The law before this was passed in regard to what people could take in the way of a tax deduction for health care expenditures was limited to that amount above 7.5 percent of their adjusted gross income. Well, you would have to be a low-income person to take advantage of that tax break, if you will. This existed for a number of years. And most people's adjusted gross income, if they're in the middle class or upper middle class, their medical expenditures in 1 year, Madam Speaker, are not going to be more than 7.5 percent of their adjusted gross income unless they got into a catastrophic situation. So there is no advantage there except for our low-income taxpayers.

That 7.5 percent of their adjusted gross income kicks in pretty quickly, and that's been heretofore an advantage to them. And yet in this bill that threshold has been raised to 10 percent, 10 percent of their adjusted gross income. This is just ripping the heart out of our low-income folks who are not on a safety net program. They have rejected the nanny state; they have gotten out of the hammock. They're working, they have pride in having a job and supporting their families, but we're making it that much harder on them, Madam Speaker. And this might be small potatoes to some people, but it's real to our low-income people who are working—the working poor, as we sometimes refer to them—and I wanted to make sure we pointed that out.

At this point, my colleagues, I will start with Dr. ROE from Tennessee, and then we will go back to Dr. BROWN from Georgia.

Mr. ROE of Tennessee. I think what we were told—and you saw lots of manipulations during this particular, incredibly complex bill about the pay-fors and how this is going to be budget neutral. Well, let's just go over some history of these estimates by the government.

Number one, when Medicare was established in 1965, it was a \$3 billion program. It was estimated by the government—there was no CBO then—but it was estimated by the government that in 25 years it would be a \$15 billion program. The real number, \$90 billion, and today, over \$500 billion.

□ 2200

Some of the pay-fors are the CLASS Act. I think this would make Bernie Madoff grin from ear to ear, and he probably is right now. The CLASS Act, unless you exempt yourself out of it, it is a payroll deduction to pay for long-term health care services, maybe a nurse in your home or assisted living or that type thing. Probably not a bad idea. And over the next 10 years, this bucket of money will be about \$70 billion.

What this plan pays for is it is—have you heard this before? You are going to borrow the money out and spend it on health care, have a \$70 billion liability out here that you call an asset, and leave that liability for future generations. We are also doing that with about \$54 billion in Social Security. No money there. It is all spent. But my grandchild, who will be 17 in 10 years, will get the bill for that.

The student loan program; it was touted as a savings. And let me just take a minute, because I don't have much time, to let people know why is the student loan program in the health care bill? I mean, you should ask that question.

Well, the Federal Government took over the student loan program. There were two programs, of which 80 percent used the private sector. In the private sector, Dr. GINGREY, 80 percent of the loans were made for students. Eighty percent. I talked to the chancellor at Vanderbilt University in Nashville, Tennessee, a great university. He much preferred the private program, but it has been taken over by the Federal program.

They are going to borrow the money at 2.8 percent, lend it to our students at 6.8, call this interest that they make a savings, spend that on health care. They are not doing that to lower the costs for students to make their education less expensive. In Tennessee, it is going to cost our students about \$1,600 to \$1,800 over the duration of the loan in more interest payments.

Mr. GINGREY of Georgia. If the gentleman would yield back, Madam Speaker, and I know we are getting toward the end of our hour. And I really appreciate him bringing that out, because in the process of doing that, I think it is important for all of our colleagues to know that taking over, the government taking over, first it was a public option, and as Dr. ROE just pointed out, Madam Speaker, now it is a complete government takeover of the student loan industry, and I think it is instructive, as I said at the outset of the hour, of what the intention is in regard to the health care system.

And, oh, by the way, in the process of the Federal Government taking away student loan lending from Sallie Mae and a lot of banks across this country, they destroyed about 70,000 jobs in the private market.

I want to yield to the gentleman from Georgia for a couple of minutes, and then if he will yield back to me to conclude.

Mr. BROWN of Georgia. Certainly, Dr. GINGREY. I appreciate it.

Some of our colleagues keep saying we are just being sore losers. We have lost, that the bill is now law, and that we need to just move on. Well, that is what our colleagues who would very much like to see us have socialized medicine in America would like for us

to do. But we cannot do that because this bill is going to be a killer. It is going to kill our economy. It is going to kill jobs. It is going to kill the quality of health care in this country. We are going to have rationing of care so that people who need services are not going to be able to get those services.

It is going to kill unborn babies because the taxpayers are going to be paying now for greater abortion services. We are going to have, because of this bill, a greater expansion of abortion services, and the taxpayers are going to pay for it. Even a lot of pro-choice people in this country believe it is just fundamentally wrong for taxpayers to pay for elective abortions. So it is going to be a killer bill.

But what we need to do, and we all heard during the time that many of the grass roots were here, they kept saying, "Kill the bill." Well, we unfortunately weren't able to kill the bill, but what we can do is we can repeal it, and we can replace it with policy that makes sense for the American people.

Mr. GINGREY of Georgia. If the gentleman would yield back me, and I just want to continue on that theme as we conclude. And I thank my colleagues from Louisiana and from Tennessee and from Georgia.

But the gentleman from Georgia just said it so well. We are going to repeal this bill. That is the pledge. The Republican minority party now, but hopefully soon to be the majority party on November the 3rd of this year, our pledge is to repeal this bill and to replace it. And I think it is very important that the American people understand that that is part of the pledge.

I read an article, Madam Speaker, today in the National Review by Jeff Anderson, this week's issue, and he described something he called a Republican small bill. And I will just quickly list about six things that would be in that replacement bill:

Number one, medical malpractice reform;

Number two, allowing people to buy health insurance across State lines;

Number three, incentivize folks for healthy lifestyles in the workplace, working out, stopping smoking, losing weight, and giving them a break on their health insurance premiums or the deductible or their copay to incentivize these people over a 30-year career in a job so that when they get on Medicare they are healthier, and that we indeed save a tremendous amount of money as a result of that;

Number four, equalize the tax treatment for individuals that are purchasing in the individual market or the small group market. Give them the same tax break that you give to employees and employers of large companies;

Number five, increase Federal support, Federal support for State-run high-risk pools that we can do in every

one of our 50 States so that folks with preexisting conditions wouldn't have to pay an arm and a leg, three or four times what the standard rates were;

And, last but not least, get the uninsured out of the emergency room and into less expensive routine care and this expansion of community health centers. I agree with that part of the bill.

But there are so many things that are wrong in this bill. It doesn't lower costs. You know, it doesn't. It fails in the number one goal of the President, to lower the cost of health care. This bill absolutely does not do it. The small Republican bill would do it, and it would not cost a trillion dollars to do it in the first 10 years and \$2.5 trillion to do it in the second 10 years. So that is what we say to the American people, give us a chance.

Madam Speaker, we want the American people to give us a chance, give us an opportunity to regain the majority. We will repeal this bill and we will replace it with something that really truly does bring down the costs and insure so many of those 10 to 15 million that today do not have health insurance because they can't afford it.

I yield back.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. INSLEE (at the request of Mr. HOYER) for today on account of official business in the district.

Mr. RUPPERSBERGER (at the request of Mr. HOYER) for today and the balance of the week on account of medical reasons.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Ms. SUTTON) to revise and extend their remarks and include extraneous material:)

Ms. SUTTON, for 5 minutes, today.

Mr. HARE, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Mr. DEFazio, for 5 minutes, today.

(The following Members (at the request of Ms. FOXX) to revise and extend their remarks and include extraneous material:)

Mr. POE of Texas, for 5 minutes, today and April 14, 15, 16, and 20.

Mr. BURTON of Indiana, for 5 minutes, today and April 14, 15, and 16.

Mr. JONES, for 5 minutes, today and April 14, 15, 16, and 20.

Mr. MORAN of Kansas, for 5 minutes, today and April 14, 15, and 20.

Mr. NEUGEBAUER, for 5 minutes, today.

Ms. ROS-LEHTINEN, for 5 minutes, today and April 14 and 15.

Ms. FOXX, for 5 minutes, today and April 14, 15, 16.

ENROLLED BILLS AND JOINT RESOLUTION SIGNED

Lorraine C. Miller, Clerk of the House, reported and found truly enrolled bills and a joint resolution of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 4957. An act to amend the Internal Revenue Code of 1986 to extend the funding and expenditure authority of the Airport and Airway Trust Fund, to amend title 49, United States Code, to extend authorizations for the airport improvement program, and for other purposes.

H.R. 4938. An act to permit the use of previously appropriated funds to extend the Small Business Loan Guarantee Program, and for other purposes.

H.R. 4872. An act to provide for reconciliation pursuant to Title II of the concurrent resolution on the budget for fiscal year 2010 (S. Con. Res. 13).

H.R. 4621. An act to protect the integrity of the constitutionally mandated United States census and prohibit deceptive mail practices that attempt to exploit the decennial census.

H.J. Res. 80. Joint Resolution recognizing and honoring the Blinded Veterans Association on its 65th anniversary of representing blinded veterans and their families.

SENATE ENROLLED BILL SIGNED

The Speaker announced her signature to an enrolled bill of the Senate of the following title:

S. 3186. An act to reauthorize the Satellite Home Viewer Extension and Reauthorization Act of 2004 through April 30, 2010, and for other purposes.

BILLS PRESENTED TO THE PRESIDENT

Lorraine C. Miller, Clerk of the House reports that on March 26, 2010 she presented to the President of the United States, for his approval, the following bills.

H.R. 4957. To amend the Internal Revenue Code of 1986 to extend the funding and expenditure authority of the Airport and Airway Trust Fund, to amend title 49, United States Code, to extend authorizations for the airport improvement program, and for other purposes.

H.R. 4938. To permit the use of previously appropriated funds to extend the Small Business Loan Guarantee Program, and for other purposes.

Lorraine C. Miller, Clerk of the House reports that on March 30, 2010 she presented to the President of the United States, for his approval, the following bill.

H.R. 4872. To provide for reconciliation pursuant to Title II of the concurrent resolution on the budget for fiscal year 2010 (S. Con. Res. 13).

Lorraine C. Miller, Clerk of the House reports that on April 01, 2010 she presented the President of the United States, for his approval, the following bills.

H.R. 4621. To protect the integrity of the constitutionally mandated United States census and prohibit deceptive mail practices that attempt to exploit the decennial census.

H.J. Res. 80. Recognizing and honoring the Blinded Veterans Association on its 65th anniversary of representing blinded veterans and their families.

ADJOURNMENT

Mr. GINGREY of Georgia. Madam Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 10 o'clock and 8 minutes p.m.), the House adjourned until tomorrow, Wednesday, April 14, 2010, at 10 a.m.

EXPENDITURE REPORTS CONCERNING OFFICIAL FOREIGN TRAVEL

Reports concerning the foreign currencies and U.S. dollars utilized for Speaker-authorized official travel during the fourth quarter of 2009 and the first quarter of 2010, pursuant to Public Law 95-384 are as follows:

(AMENDED) REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO DENMARK, EXPENDED BETWEEN DEC. 10 AND DEC. 21, 2009

Name of Member or employee	Date		Country	Per diem ¹		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²
Hon. Sander Levin	12/17	12/19	Denmark		4,005.71		(³)				4,005.71
Alex. Barron	12/10	12/21	Denmark		10,951.00		8,333.00				19,284.00
Lorie Schmitt	12/10	12/21	Denmark		10,951.00		8,333.00				19,284.00
Greg Dotson	12/12	12/21	Denmark		10,505.00		7,963.00				18,468.00
Phil Barnett	12/17	12/19	Denmark		4,123.00		(³)				4,123.00

(AMENDED) REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO DENMARK, EXPENDED BETWEEN DEC. 10 AND DEC. 21, 2009—Continued

Name of Member or employee	Date		Country	Per diem ¹		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²
Committee total											

¹ Per diem constitutes lodging and meals.² If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.³ Military air transportation.

HON. NANCY PELOSI, Mar. 18, 2010.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO BOSNIA-HERZEGOVINA, KOSOVO, MACEDONIA, SERBIA, AND GERMANY, EXPENDED BETWEEN FEB. 14 AND FEB. 22, 2010

Name of Member or employee	Date		Country	Per diem ¹		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²
Hon. Earl Pomeroy	2/14	2/16	Bosnia-Herzegovina		117.00						117.00
	2/16	2/17	Kosovo		73.00						73.00
	2/17	2/18	Macedonia		93.00						93.00
	2/18	2/21	Serbia		99.00						99.00
	2/21	2/22	Germany		79.00						79.00
Committee totals											

¹ Per diem constitutes lodging and meals.² If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

HON. EARL POMEROY, Mar. 19, 2010.

EXECUTIVE COMMUNICATIONS,
ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

6808. A letter from the Office of Research and Analysis, Department of Agriculture, transmitting the Department's final rule — Food Distribution Program on Indian Reservations: Resource Limits and Exclusions, and Extended Certification Periods [FNS-2007-0042] (RIN: 0584-AD12) received March 5, 2010 to the Committee on Agriculture.

6809. A letter from the Chief, Office of Research and Analysis, Department of Agriculture, transmitting the Department's final rule — Commodity Supplemental Food Program (CSFP): Amendment Removing Priority Given to Women, Infants and Children Before the Elderly in Program Participation [FNS-2009-0015] (RIN: 0584-AD93) received March 5, 2010 to the Committee on Agriculture.

6810. A letter from the Acting Director, NRCS Legislative Affairs Division, Department of Agriculture, transmitting the Department's final rule — Compliance with NEPA (RIN: 0578-AA55) received March 8, 2010 to the Committee on Agriculture.

6811. A letter from the Congressional Review Coordinator, Department of Agriculture, transmitting the Department's final rule — Agricultural Inspection and AQI User Fees Along the U.S./Canada Border [Docket No.: APHIS-2006-0096] (RIN: 0579-AC06) received March 11, 2010 to the Committee on Agriculture.

6812. A letter from the Congressional Review Coordinator, Department of Agriculture, transmitting the Department's final rule — Low Pathogenic Avian Influenza; Voluntary Control Program and Payment of Indemnity [Docket No.: APHIS-2005-0109] (RIN: 0579-AB99) received March 11, 2010 to the Committee on Agriculture.

6813. A letter from the Congressional Review Coordinator, Department of Agriculture, transmitting the Department's final rule — Regulation of the Interstate Move-

ment of Lemons from Areas Quarantined for Mediterranean Fruit Fly [Docket No.: APHIS-2009-0002] received March 22, 2010 to the Committee on Agriculture.

6814. A letter from the Department Director, Regulations Policy and Management Staff, Department of Health and Human Services, transmitting the Department's final rule — Listing of Color Additives Exempt From Certification; Paracoccus Pigment; Confirmation of Effective Date [Docket No.: FDA-2007-C-0456] (formerly Docket No. 2007C-0245) to the Committee on Agriculture.

6815. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Spiromesifen; Pesticide Tolerances [EPA-HQ-OPP-2008-0262; FRL-8436-9] received March 16, 2010 to the Committee on Agriculture.

6816. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Hexythiazox; Pesticide Tolerances for Emergency Exemptions [EPA-HQ-OPP-2009-0540; FRL-8808-4] received March 16, 2010 to the Committee on Agriculture.

6817. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Dithianon; Pesticide Tolerances [EPA-HQ-OPP-2007-0460; FRL-8808-8] received March 16, 2010 to the Committee on Agriculture.

6818. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Chlorantraniliprole; Pesticide Tolerances [EPA-HQ-OPP-2009-0261; FRL-8809-3] received March 16, 2010 to the Committee on Agriculture.

6819. A letter from the Director, Office of National Drug Control Policy, transmitting a proposed FY 2010 budget for High Intensity Drug Trafficking Areas (HIDTA) Program to the Committee on Appropriations.

6820. A letter from the Director, Office of Management and Budget, transmitting a request of FY 2011 emergency supplemental

funding, totaling \$1.5 billion for the Federal Emergency Management Agency (FEMA) Disaster Relief Fund (DRF) to the Committee on Appropriations and ordered to be printed.

6821. A communication from the President of the United States, transmitting FY 2011 Budget Amendments for the Departments of Defense, Agriculture, Health and Human Services, the Treasury, Homeland Security, and State as well as the United States Agency for International Development and the Broadcasting Board of Governors to the Committee on Appropriations and ordered to be printed.

6822. A letter from the Under Secretary, Department of Defense, transmitting report on the Family Subsistence Supplemental Allowance (FSSA) program, covering the period October 1, 2008, through September 30, 2009 to the Committee on Armed Services.

6823. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Payment of Costs Prior to Definition-Definition of Contract Action (DFARS Case 2009-D035) received March 3, 2010 to the Committee on Armed Services.

6824. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement (DFARS); DFARS Case 2009-D017, Continuation of Essential Contractor Services (RIN: 0750-AG52) received March 3, 2010 to the Committee on Armed Services.

6825. A letter from the Assistant Secretary, Department of Defense, transmitting a quarterly report on withdrawals or diversions of equipment from Reserve component units for the period of October 1, 2009 through December 31, 2009 to the Committee on Armed Services.

6826. A letter from the Assistant Secretary, Department of Defense, transmitting the annual National Guard and Reserve Component Equipment Report for fiscal year (FY) 2010 to the Committee on Armed Services.

6827. A letter from the Under Secretary, Department of Defense, transmitting the Selected Acquisition Reports (SARs) for the December 2009 reporting period to the Committee on Armed Services.

6828. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Export-Controlled Items (DFARS Case 2004-D010) (RIN: 0750-AF13) received March 22, 2010 to the Committee on Armed Services.

6829. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Acquisitions in Support of Operations in Iraq or Afghanistan (DFARS Case 2008-D002) (RIN: 0750-AG02) received March 22, 2010 to the Committee on Armed Services.

6830. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 09-142, certification of a proposed manufacturing license agreement for the manufacture of significant military equipment abroad, pursuant to section 36(d) of the Arms Export Control Act to the Committee on Foreign Affairs.

6831. A letter from the Chair, Congressional Oversight Panel, transmitting the Panel's monthly report pursuant to Section 125(b)(1) of the Emergency Economic Stabilization Act of 2008, Pub. L. 110-343 to the Committee on Financial Services.

6832. A letter from the Chief Counsel, Department of Homeland Security, transmitting the Department's final rule — Suspension of Community Eligibility [Docket ID: FEMA-2010-0003; Internal Agency Docket No. FEMA-8121] received March 19, 2010 to the Committee on Financial Services.

6833. A letter from the Chief Counsel, Department of Homeland Security, transmitting the Department's final rule — Suspension of Community Eligibility [Docket ID: FEMA-2008-0020; Internal Agency Docket No. FEMA-8111] received March 19, 2010 to the Committee on Financial Services.

6834. A letter from the Chief Counsel, Department of Homeland Security, transmitting the Department's final rule — Final Flood Elevation Determinations [Docket ID: FEMA-2010-0003] received March 19, 2010 to the Committee on Financial Services.

6835. A letter from the Chief Counsel, Department of Homeland Security, transmitting the Department's final rule — Changes in Flood Elevation Determinations [Docket ID: FEMA-2010-0003; Internal Agency Docket No. FEMA-B-1073] received March 18, 2010 to the Committee on Financial Services.

6836. A letter from the Chief Counsel, Department of Homeland Security, transmitting the Department's final rule — Changes in Flood Elevation Determinations [Docket ID: FEMA-2010-0003; Internal Agency Docket No. FEMA-B-1077] received March 17, 2010 to the Committee on Financial Services.

6837. A letter from the General Counsel, Department of the Treasury, transmitting a draft bill "To authorize United States participation in, and appropriations for the United States contribution to, the ninth replenishment of the resources of the Asian Development Fund and to authorize United States participation in, and appropriations for the United States subscription to, the fifth general capital increase of the Asian Development Bank" to the Committee on Financial Services.

6838. A letter from the Chairman and President, Export-Import Bank, transmitting a

report on transactions involving U.S. exports to Turkey pursuant to Section 2(b)(3) of the Export-Import Bank Act of 1945, as amended to the Committee on Financial Services.

6839. A letter from the Secretary of the Commission, Federal Trade Commission, transmitting the Commission's final rule — Final Model Privacy Form Under the Gramm-Leach-Bliley Act [Project No.: 034815] (RIN: 3084-AA94) received January 27, 2010 to the Committee on Financial Services.

6840. A letter from the General Counsel, National Credit Union Administration, transmitting the Administration's final rule — Secondary Capital Accounts (RIN: 3133-AD67) received March 17, 2010 to the Committee on Financial Services.

6841. A letter from the General Counsel, National Credit Union Administration, transmitting the Administration's final rule — Unfair or Deceptive Acts or Practices (RIN: 3133-AD47) received March 18, 2010 to the Committee on Financial Services.

6842. A letter from the Secretary, Securities and Exchange Commission, transmitting the Commission's final rule — Amendments to Regulation SHO (RIN: 3235-AK35) received March 3, 2010 to the Committee on Financial Services.

6843. A letter from the Secretary, Department of Health and Human Services, transmitting the Department's "Report to Congress on a Plan for an Indian Head Start Study" to the Committee on Education and Labor.

6844. A letter from the Acting Director, Office of Communications and Legislative Affairs, Equal Employment Opportunity Commission, transmitting the Commission's final rule — Age Discrimination in Employment Act; Retiree Health Benefits (RIN: 3046-AA72) received March 16, 2010 to the Committee on Education and Labor.

6845. A letter from the Assistant General Counsel for Legislation, Regulation and Energy Efficiency, Department of Energy, transmitting the Department's final rule — Energy Conservation Program for Certain Commercial and Industrial Equipment: Test Procedure for Metal Halide Lamp Ballasts (Active and Standby Modes) and Proposed Information Collection; Comment Request; Certification, Compliance, and Enforcement Requirements for Consumer Products and Certain Commercial and Industrial Equipment; Final Rule and Notice [Docket No.: EERE-2008-BT-TP-0017] (RIN: 1904-AB87) received March 15, 2010 to the Committee on Energy and Commerce.

6846. A letter from the Assistant General Counsel for Legislation, Regulation and Energy Efficiency, Department of Energy, transmitting the Department's final rule — Weatherization Assistance for Low-Income Persons: Maintaining the Privacy of Applicants for and Recipients of Services (RIN: 1904-AC16) received March 15, 2010 to the Committee on Energy and Commerce.

6847. A letter from the Program Manager, Department of Health and Human Services, transmitting the Department's final rule — Interim Final Rules under the Paul Wellstone and Pete Domenici Mental Health Parity and Addiction Equity Act of 2008 [CMS-4140-IFC] (RIN: 0938-AP65) received March 3, 2010 to the Committee on Energy and Commerce.

6848. A letter from the Department Director, Regulations Policy and Management Staff, Department of Health and Human Services, transmitting the Department's final rule — Classification of Benzoyl Peroxide as Safe and Effective and Revision of Labeling to Drug Facts Format; Topical

Acne Drug Products for Over-The-Counter Human Use; Final Rule [Docket Nos.: FDA-1981-N-0114 and FDA-1992-N-0049] (formerly Docket Nos. 1981N-0114A and 1992N-0311) (RIN: 0910-AG00) received March 11, 2010 to the Committee on Energy and Commerce.

6849. A letter from the Department Director, Regulations and Policy and Management Staff, Department of Health and Human Services, transmitting the Department's final rule — New Animal Drug Applications; Confirmation of Effective Date [Docket No.: FDA-2009-N-0436] received March 19, 2010 to the Committee on Energy and Commerce.

6850. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Notice of Availability of Class Deviation; Disputes Resolution Procedures Related to Clean Water and Drinking Water State Revolving Fund (CWSRF and DWSRF, respectively) Reallocation Under the American Reinvestment and Recovery Act of 2009 (ARRA) [FRL-9115-1] received March 16, 2010 to the Committee on Energy and Commerce.

6851. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans and Designation of Areas for Air Quality Planning Purposes; Arkansas; Redesignation of the Crittenden County, Arkansas Portion of the Memphis, Tennessee-Arkansas 1997 8-Hour Ozone Non-attainment Area to Attainment [EPA-R06-OAR-2009-0202; FRL-9129-2] received March 18, 2010 to the Committee on Energy and Commerce.

6852. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of State Implementation Plans; Alaska [EPA-R10-OAR-2008-0690; FRL-9091-5] received March 18, 2010 to the Committee on Energy and Commerce.

6853. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — National Emission Standards for Hazardous Air Pollutants for Area Sources: Asphalt Processing and Asphalt Roofing Manufacturing; Technical Correction [EPA-HQ-OAR-2009-0027; FRL-9128-1] (RIN: 2060-AO84) received March 18, 2010 to the Committee on Energy and Commerce.

6854. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Indiana; Correction [EPA-R05-OAR-2009-0771; FRL-9108-7] received March 16, 2010 to the Committee on Energy and Commerce.

6855. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; Albuquerque-Bernalillo County, New Mexico; Excess Emissions [EPA-R06-OAR-2009-0745; FRL-9110-2] received March 16, 2010 to the Committee on Energy and Commerce.

6856. A letter from the Chief of Staff, Media Bureau, Federal Communication Commission, transmitting the Commission's final rule — Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Markham, Ganado, and Victoria, Texas) [MB Docket No.: 07-163] received March 3, 2010 to the Committee on Energy and Commerce.

6857. A letter from the Chief, Policy and Rules Division, OET, Federal Communications Commission, transmitting the Commission's final rule — Facilitating Opportunities for Flexible, Efficient, and Reliable Spectrum Use Employing Cognitive Radio Technologies [ET Docket No.: 03-108] received March 9, 2010 to the Committee on Energy and Commerce.

6858. A letter from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.622(i), Final DTV Table of Allotments, Television Broadcast Stations. (Birmingham, Alabama) [MB Docket No. 10-21] received March 11, 2010 to the Committee on Energy and Commerce.

6859. A letter from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Port Angeles, Washington) [MB Docket No. 08-228] received March 11, 2010 to the Committee on Energy and Commerce.

6860. A letter from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Irvington, Kentucky and French Lick, Indiana) [MB Docket No.: 07-296] received March 3, 2010 to the Committee on Energy and Commerce.

6861. A letter from the Assistant Bureau Chief, WTB, Federal Communications Commission, transmitting the Commission's final rule — Congressional Review Act [WT Docket No.: 08-166, WT Docket No. 08-167, ET Docket No. 10-24, FCC 10-16] received January 26, 2010 to the Committee on Energy and Commerce.

6862. A letter from the Office of Managing Director, AMD-PERM, Federal Communications Commission, transmitting the Commission's final rule—Revisions to Rules Authorizing the Operation of Low Power Auxiliary Stations in the 698-806 MHz Band; Public Interest Spectrum Coalition, Petition for Rulemaking Regarding Low Power Auxiliary Stations, Including Wireless Microphones, and the Digital Television Transition; Amendment of Parts 15, 74 and 90 of the Commission's Rules Regarding Low Power Auxiliary Stations, Including Wireless Microphones [WT Docket No.: 08-166, WT Docket No. 08-167, ET Docket No. 10-24] received January 26, 2010 to the Committee on Energy and Commerce.

6863. A letter from the Office of Managing Director, AMD-PERM, Federal Communications Commission, transmitting the Commission's final rule — Revisions to Rules Authorizing the Operation of Low Power Auxiliary Stations in the 698-806 MHz Band; Public Interest Spectrum Coalition, Petition for Rulemaking Regarding Low Power Auxiliary Stations, Including Wireless Microphones, and the Digital Television Transition; Amendment of Parts 15, 74 and 90 of the Commission's Rules Regarding Low Power Auxiliary Stations, Including Wireless Microphones [WT Docket No.: 08-166, WT Docket No. 08-167, ET Docket No. 10-24] received January 26, 2010 to the Committee on Energy and Commerce.

6864. A letter from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.622(i), Final DTV Table of Allotments, Television Broadcast Stations (Oklahoma City, Oklahoma) [MB Docket No.: 10-19] received March 18, 2010 to the Committee on Energy and Commerce.

6865. A letter from the Principal Deputy General Counsel, Federal Energy Regulatory Commission, transmitting the Commission's final rule — Revisions to Form, Procedures, and Criteria for Certification of Qualifying Facility Status for a Small Power Production or Cogeneration Facility [Docket No.: RM09-23-000; Order No. 732] received March 22, 2010 to the Committee on Energy and Commerce.

6866. A letter from the Secretary of the Commission, Federal Trade Commission, transmitting the Commission's final rule — Trade Regulation Rule Relating to Power Output Claims for Amplifiers Utilized in Home Entertainment Products received March 11, 2010 to the Committee on Energy and Commerce.

6867. A letter from the Secretary of the Commission, Federal Trade Commission, transmitting the Commission's final rule — Free Annual File Disclosures (RIN: 3084-AA94) received March 12, 2010 to the Committee on Energy and Commerce.

6868. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting the Department's report on gifts given in Fiscal Year 2009 to the Committee on Foreign Affairs.

6869. A letter from the Assistant Secretary For Export Administration, Department of Commerce, transmitting the Department's final rule — Implementation of both the Understandings Reached at the 2009 Australia Group (AG) Plenary Meeting and a Decision Adopted under the AG Intersessional Silent Approval Procedures [Docket No.: 100119033-0042-01] (RIN: 0694-AE85) received March 19, 2010 to the Committee on Foreign Affairs.

6870. A letter from the Assistant Secretary for Export Administration, Department of Commerce, transmitting the Department's final rule — Wassenaar Arrangement 2008 Plenary Agreements Implementation: Categories 1, 2, 3, 4, 5 Parts I and II, 6, 7, 8 and 9 of the Commerce Control List, Definitions, Reports; Correction [Docket No.: 0908041218-91220-01] (RIN: 0694-AE58) received March 19, 2010 to the Committee on Foreign Affairs.

6871. A letter from the Acting Under Secretary, Department of Commerce, transmitting revision to the Export Administration Act of 1979 to the Committee on Foreign Affairs.

6872. A letter from the Director, U.S. Census Bureau, Department of Commerce, transmitting the Department's final rule — Foreign Trade Regulations (FTR): Eliminate the Social Security Number (SSN) as an identification number in the Automated Export System (AES) [Docket Number: 090422707-91445-02] (RIN: 0607-AA48) received March 23, 2010 to the Committee on Foreign Affairs.

6873. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 10-004, certification of a proposed technical assistance agreement to include the export of technical data, and defense services, pursuant to section 36(c) of the Arms Export Control Act to the Committee on Foreign Affairs.

6874. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 10-006, certification of a proposed technical assistance agreement to include the export of technical data, and defense services, pursuant to section 36(c) of the Arms Export Control Act to the Committee on Foreign Affairs.

6875. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting report prepared by the

Department of State concerning international agreements other than treaties entered into by the United States to be transmitted to the Congress within the sixty-day period specified in the Case-Zablocki Act to the Committee on Foreign Affairs.

6876. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 10-010 Certification of proposed issuance of an export license, pursuant to sections 36(c) and 36(d) of the Arms Export Control Act to the Committee on Foreign Affairs.

6877. A letter from the Associate Director, Department of the Treasury, transmitting the Department's final rule — Cuban Assets Control Regulations; Sudanese Sanctions Regulations; Iranian Transactions Regulations received March 9, 2010 to the Committee on Foreign Affairs.

6878. A letter from the Associate Director, Department of the Treasury, transmitting the Department's final rule — Cuban Assets Control Regulations received March 9, 2010 to the Committee on Foreign Affairs.

6879. A letter from the Special Inspector General for Iraq Reconstruction, transmitting fifth lessons learned report entitled "Applying Iraq's Hard Lessons to the Reform of Stabilization and Reconstruction Operations" to the Committee on Foreign Affairs.

6880. A communication from the President of the United States, transmitting report on the U.S. efforts to ensure the free flow of information to Iran and to enhance the abilities of Iranians to exercise their universal rights to the Committee on Foreign Affairs.

6881. A letter from the Chairman, Consumer Product Safety Commission, transmitting the Commission's annual report for FY 2009 prepared in accordance with the Notification and Federal Employee Anti-discrimination and Retaliation Act of 2002 (No FEAR Act), Pub. L. 107-174 to the Committee on Oversight and Government Reform.

6882. A letter from the Chief Human Capital Officer, Corporation for National and Community Service, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998 to the Committee on Oversight and Government Reform.

6883. A letter from the Deputy Assistant Secretary for Administration, Department of Commerce, transmitting the Department's final rule — Commerce Acquisition Regulation (CAR) [Document No.: 080730954-0033-02] (RIN: 0605-AA26) received March 9, 2010 to the Committee on Oversight and Government Reform.

6884. A letter from the Chairman, Federal Communications Commission, transmitting the Commission's Fiscal Year 2009 Annual Performance Report to the Committee on Oversight and Government Reform.

6885. A letter from the Acting Senior Procurement Executive, General Services Administration, transmitting the Administration's final rule—Federal Acquisition Regulation; Technical Amendment [FAC 2005-39; Item VII; Docket FAR 2010-0078; Sequence 1] received March 19, 2010 to the Committee on Oversight and Government Reform.

6886. A letter from the Acting Senior Procurement Executive, General Services Administration, transmitting the Administration's final rule — Federal Acquisition Regulation; Technical Amendment [FAC 2005-39; Item VII; Docket FAR 2010-0078; Sequence 1] received March 19, 2010 to the Committee on Oversight and Government Reform.

6887. A letter from the Acting Senior Procurement Executive, General Services Administration, transmitting the Administration's final rule — Federal Acquisition Regulation; FAR Case 2008-015, Payments Under

Fixed-Price Architect-Engineer Contracts [FAC 2005-39; FAR Case 2008-015; Item VI; Docket 2009-0015, Sequence 1] (RIN: 9000-AL26) received March 19, 2010 to the Committee on Oversight and Government Reform.

6888. A letter from the Acting Senior Procurement Executive, General Services Administration, transmitting the Administration's final rule — Federal Acquisition Regulation; FAR Case 2008-040, Use of Standard Form 26 — Award/Contract [FAC 2005-39; FAR Case 2008-040; Item III; Docket 2010-0081, Sequence 1] (RIN: 9000-AL48) received March 19, 2010 to the Committee on Oversight and Government Reform.

6889. A letter from the Acting Senior Procurement Executive, General Services Administration, transmitting the Administration's final rule — Federal Acquisition Regulation; FAR Case 2009-035, Extend Use of Simplified Acquisition Procedures for Certain Commercial Items [FAC 2005-39; FAR Case 2009-035; Item I; Docket 2010-0080, Sequence 1] (RIN: 9000-AL52) received March 19, 2010 to the Committee on Oversight and Government Reform.

6890. A letter from the Acting Senior Procurement Executive, General Services Administration, transmitting the Administration's final rule — Federal Acquisition Regulation; FAR Case 2008-012, Clarification of Submission of Cost or Pricing Data on Non-Commercial Modifications of Commercial Items [FAC 2005-39; FAR Case 2008-012; Item II; Docket 2008-0001, Sequence 23] (RIN: 9000-AL12) received March 19, 2010 to the Committee on Oversight and Government Reform.

6891. A letter from the Acting Senior Procurement Executive, General Services Administration, transmitting the Administration's final rule — Federal Acquisition Regulation; FAR Case 2008-006, Enhanced Competition for Task- and Delivery-Order Contracts-Section 843 of the Fiscal Year 2008 National Defense Authorization Act [FAC 2005-39; FAR Case 2008-006; Item IV; Docket 2008-0001, Sequence 25] (RIN: 9000-AL05) received March 19, 2010 to the Committee on Oversight and Government Reform.

6892. A letter from the Acting Senior Procurement Executive, General Services Administration, transmitting the Administration's final rule — Federal Acquisition Regulation; Federal Acquisition Circular 2005-39; Introduction [Docket FAR 2010-0076, Sequence 1] received March 19, 2010 to the Committee on Oversight and Government Reform.

6893. A letter from the Acting Senior Procurement Executive, General Services Administration, transmitting the Administration's final rule — Federal Acquisition Regulation; FAR Case 2008-036, Trade Agreements-Costa Rica, Oman, and Peru [FAC 2005-39; FAR Case 2008-036, Item V; Docket 2009-019, Sequence 1] (RIN: 9000-AL23) received March 19, 2010 to the Committee on Oversight and Government Reform.

6894. A letter from the Commissioner, International Boundary and Water Commission, transmitting the Commission's annual report for FY 2009 prepared in accordance with the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 (No FEAR Act), Pub. L. 107-174 to the Committee on Oversight and Government Reform.

6895. A letter from the Director, Office of Personnel Management, transmitting response to the recommendations made by the Government Accountability Office in "Results-Oriented Cultures: Office of Personnel

Management Should Review Administrative Law Judge Program to Improve Hiring and Performance" to the Committee on Oversight and Government Reform.

6896. A letter from the Chairman, Postal Regulatory Commission, transmitting Advisory Opinion Concerning the Process for Evaluating Closing Stations and Branches to the Committee on Oversight and Government Reform.

6897. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 18-329, "Service Animal Amendment Act of 2010" to the Committee on Oversight and Government Reform.

6898. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 18-330, "Uniform Interstate Depositions and Discovery Act of 2010" to the Committee on Oversight and Government Reform.

6899. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 18-331, "Closing of a Portion of an Unimproved Public Alley in Square 5795, S.O. 08-7766, Act of 2010" to the Committee on Oversight and Government Reform.

6900. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 18-332, "Office on Latino Affairs Grant-Making Authority Temporary Amendment Act of 2010" to the Committee on Oversight and Government Reform.

6901. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 18-333, "Rhode Island Place Shopping Center Working Group Temporary Act of 2010" to the Committee on Oversight and Government Reform.

6902. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 18-334, "Rent Administrator Hearing Authority Temporary Amendment Act of 2010" to the Committee on Oversight and Government Reform.

6903. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 18-335, "Legalization of Marijuana for Medical Treatment Initiative Applicability Temporary Amendment Act of 2010" to the Committee on Oversight and Government Reform.

6904. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 18-336, "Real Property Tax Reform Temporary Amendment Act of 2010" to the Committee on Oversight and Government Reform.

6905. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 18-337, "Healthy DC Equal Access Fund and Hospital Stabilization Temporary Amendment Act of 2010" to the Committee on Oversight and Government Reform.

6906. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 18-338, "Haiti Earthquake Relief Drug and Medical Supply Assistance Temporary Act of 2010" to the Committee on Oversight and Government Reform.

6907. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 18-339, "Energy Efficiency Financing Temporary Act of 2010" to the Committee on Oversight and Government Reform.

6908. A letter from the Assistant General Counsel, Federal Election Commission, transmitting the Commission's final rule —

Funds received in Response to Solicitations; Allocation of Expenses by Separate Segregated Funds and Nonconnected Committees [Notice 2010-08] received March 15, 2010 to the Committee on House Administration.

6909. A letter from the Chief Administrative Officer, transmitting the quarterly report of receipts and expenditures of appropriations and other funds for the period January 1, 2010 through March 31, 2010 as compiled by the Chief Administrative Officer to the Committee on House Administration and ordered to be printed.

6910. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Atka Mackerel in the Bering Sea and Aleutian Islands Management Area [Docket No.: 0810141351-9087-02] (RIN: 0648-XU59) received March 17, 2010 to the Committee on Natural Resources.

6911. A letter from the Assistant Administrator for Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Reef Fish Fishery of the Gulf of Mexico; Amendment 29 Supplement [Docket No.: 090206140-91414-04] (RIN: 0648-AX39) received March 18, 2010 to the Committee on Natural Resources.

6912. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Catcher Vessels Less Than 60 feet (18.3m) Length Overall Using Jig or Hook-and-Line Gear in the Bogoslof Pacific Cod Exemption Area in the Bering Sea and Aleutian Islands Management Area [Docket No.: 0810141351-9087-02] (RIN: 0648-XU64) received March 17, 2010 to the Committee on Natural Resources.

6913. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Reef Fish Fishery of the Gulf of Mexico; Reopening of the Gulf Group King Mackerel East Coast Subzone [Docket No.: 040205043-4043-01] (RIN: 0648-XU38) received March 17, 2010 to the Committee on Natural Resources.

6914. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Catcher/Processors Using Pot Gear in the Bering Sea and Aleutian Islands Management Area [Docket No.: 0810141351-9087-02] (RIN: 0648-XU65) received March 17, 2010 to the Committee on Natural Resources.

6915. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Vessels Catching Pacific Cod for Processing by the Inshore Component in the Western Regulatory Area of the Gulf of Alaska [Docket No.: 09100091344-9056-02] (RIN: 0648-XU51) received March 18, 2010 to the Committee on Natural Resources.

6916. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final

rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 610 in the Gulf of Alaska [Docket No.: 0910091344-9056-02] (RIN: 0648-XU79) received March 17, 2010 to the Committee on Natural Resources.

6917. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Vessels Catching Pacific Cod for Processing by the Offshore Component in the Central Regulatory Area of the Gulf of Alaska [Docket No.: 09100091344-9056-02] (RIN: 0648-XU63) received March 18, 2010 to the Committee on Natural Resources.

6918. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Non-American Fisheries Act Crab Vessels Catching Pacific Cod for Processing by the Inshore Component in the Western Regulatory Area of the Gulf of Alaska [Docket No.: 09100091344-9056-02] (RIN: 0648-XU37) received March 18, 2010 to the Committee on Natural Resources.

6919. A letter from the Assistant Administrator for Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Magnuson-Stevens Act Provisions; Correction [Docket No.: 071220872-0093-04] (RIN: 0648-AS71 and 0648-AU71) received March 19, 2010 to the Committee on Natural Resources.

6920. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Magnuson-Stevens Act Provisions; Fisheries Off West Coast States; Pacific Coast Groundfish Fishery; Biennial Specifications and Management Measures; Inseason Adjustments [Docket No.: 0809121213-9221-02] (RIN: 0648-AY40) received March 17, 2010 to the Committee on Natural Resources.

6921. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Atka Mackerel in the Bering Sea and Aleutian Islands Management Area [Docket No.: 0810141351-9087-02] (RIN: 0648-XU59) received March 18, 2010 to the Committee on Natural Resources.

6922. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Northeastern United; Black Sea Bass Fishery; 2010 Black Sea Bass Specifications; Emergency Rule [Docket No.: 100120036-0038-01] (RIN: 0648-XT99) received March 18, 2010 to the Committee on Natural Resources.

6923. A letter from the Director Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 630 in the Gulf of Alaska [Docket No.: 0910091344-9056-02] (RIN: 0648-XU27) received March 18, 2010 to the Committee on Natural Resources.

6924. A letter from the Director Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone

Off Alaska; Pollock for American Fisheries Act Catcher Vessels in the Inshore Open Access Fishery in the Bering Sea and Aleutian Islands Management Area [Docket No.: 0810141351-9087-02] (RIN: 0648-XU30) received March 18, 2010 to the Committee on Natural Resources.

6925. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Bering Sea and Aleutian Islands Crab Rationalization Program; Emergency Rule [Docket No.: 100106010-0074-01] (RIN: 0648-AY52) received March 18, 2010 to the Committee on Natural Resources.

6926. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Atka Mackerel in the Bering Sea and Aleutian Islands Management Area [Docket No.: 0810141351-9087-02] (RIN: 0648-XU22) received March 18, 2010 to the Committee on Natural Resources.

6927. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries Off West Coast States; Pacific Coast Groundfish Fishery; Data Collection for the Trawl Rationalization Program [Docket No.: 0907281183-91427-02] (RIN: 0648-AX98) received March 18, 2010 to the Committee on Natural Resources.

6928. A letter from the Assistant Administrator for Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Reef Fish Fishery of the Gulf of Mexico; Amendment 29 Supplement [Docket No.: 090206140-91414-04] (RIN: 0648-AX39) received March 17, 2010 to the Committee on Natural Resources.

6929. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Catcher/Processors Using Hook-and-Line Gear in the Bering Sea and Aleutian Islands Management Area [Docket No.: 0810141351-9087-02] (RIN: 0648-XU36) received March 18, 2010 to the Committee on Natural Resources.

6930. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries in the Western Pacific; Pelagic Fisheries; Vessel Identification Requirements; Correction [Docket No.: 090218199-91223-02] (RIN: 0648-AX38) received March 17, 2010 to the Committee on Natural Resources.

6931. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod for American Fisheries Act Catcher-Processors Using Trawl Gear in the Bering Sea and Aleutian Islands Management Area [Docket No.: 0810141351-9087-02] (RIN: 0648-XU52) received March 18, 2010 to the Committee on Natural Resources.

6932. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric

Administration, transmitting the Administration's final rule — International Fisheries; Western and Central Pacific Fisheries for Highly Migratory Species; Initial Implementation of the Western and Central Pacific Fisheries Convention; Correction [Docket No.: 070717350-9936-02] (RIN: 0648-AV63) received March 18, 2010 to the Committee on Natural Resources.

6933. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Coastal Migratory Pelagic Resources of the Gulf of Mexico and South Atlantic; Closure [Docket No.: 001005281-0369-02] (RIN: 0648-XU33) received March 18, 2010 to the Committee on Natural Resources.

6934. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Bering Sea and Aleutian Islands Trawl Limited Access Fishery in the C. opilio Bycatch Limitation Zone of the Bering Sea and Aleutian Islands Management Area [Docket No.: 0810141351-9087-02] (RIN: 0648-XU34) received March 18, 2010 to the Committee on Natural Resources.

6935. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Bering Sea and Aleutian Islands; Final 2009 and 2010 Harvest Specifications for Groundfish; Correction [Docket No.: 0810141351-0040-03] (RIN: 0648-XL28) received March 18, 2010 to the Committee on Natural Resources.

6936. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Northeastern United States; Reporting Requirement for Midwater Trawl Vessels Fishing in Closed Area I [Docket No.: 0907281181-0040-03] (RIN: 0648-AX93) received March 18, 2010 to the Committee on Natural Resources.

6937. A letter from the Director Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Coastal Migratory Pelagic Resources of the Gulf of Mexico and South Atlantic; Trip Limit Reduction [Docket No.: 001005281-0369-02] (RIN: 0648-XU24) received March 18, 2010 to the Committee on Natural Resources.

6938. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Vessels Catching Pacific Cod for Processing by the Inshore Component in the Central Regulatory Area of the Gulf of Alaska [Docket No.: 09100091344-9056-02] (RIN: 0648-XU20) received March 18, 2010 to the Committee on Natural Resources.

6939. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Northeastern United States; Summer Flounder Fishery; Quota Transfer [Docket No.: 0908191244-91427-02] (RIN: 0648-XT93) received March 18, 2010 to the Committee on Natural Resources.

6940. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Atka Mackerel in the Bering Sea and Aleutian Islands Management Area [Docket No.: 0810141351-9087-02] (RIN: 0648-XU11) received March 18, 2010 to the Committee on Natural Resources.

6941. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Coastal Migratory Pelagic Resources of the Gulf of Mexico and South Atlantic; Closure [Docket No.: 001005281-0369-02] (RIN: 0648-XU12) received March 18, 2010 to the Committee on Natural Resources.

6942. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Catcher Vessels Greater Than or Equal to 60 Feet (18.3 Meters) Length Overall Using Pot Gear in the Bering Sea and Aleutian Islands Management Area [Docket No.: 0810141351-9087-02] (RIN: 0648-XU15) received March 17, 2010 to the Committee on Natural Resources.

6943. A letter from the Staff Director, Commission on Civil Rights, transmitting a copy of the charter of the Nevada State Advisory Committee to the Commission on Civil Rights to the Committee on the Judiciary.

6944. A letter from the Staff Director, Commission on Civil Rights, transmitting notification that the Commission recently appointed members to the Missouri Advisory Committee to the Committee on the Judiciary.

6945. A letter from the Deputy Assistant Administrator, Office of Diversion Control, Department of Justice, transmitting the Department's final rule — Registration Requirements for Importers and Manufacturers of Prescription Drug Products Containing Ephedrine, Pseudoephedrine, or Phenylpropanolamine [Docket No.: DEA-294F] (RIN: 1117-AB09) received March 5, 2010 to the Committee on the Judiciary.

6946. A letter from the Chairman, Department of Transportation, transmitting the Department's final rule — Annual Submission of Tax Information for use in the Revenue Shortfall Allocation Method received [STB Ex Parte No. 682] received March 19, 2010 to the Committee on Transportation and Infrastructure.

6947. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bombardier, Inc. Model CL-600-2B19 (Regional Jet Series 100 & 440) Airplanes [Docket No.: FAA-2010-0178; Directorate Identifier 2010-NM-039-AD; Amendment 39-16224; AD 2010-05-14] (RIN: 2120-AA64) received March 17, 2010 to the Committee on Transportation and Infrastructure.

6948. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bombardier Model DHC-8-102, DHC-8-103, DHC-8-106, DHC-8-201, and DHC-8-202 Series Airplanes [Docket No.: FAA-2009-0609; Directorate Identifier 2009-NM-037-AD; Amendment 39-16222; AD 2010-05-12] (RIN: 2120-AA64) March 17, 2010 to the Committee on Transportation and Infrastructure.

6949. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; The Boeing Company Model 747-100, 747-200B, 747-300, and 747SR Series Airplanes [Docket No.: FAA-2008-0376; Directorate Identifier 2007-NM-322-AD; Amendment 39-16221; AD 2010-05-11] (RIN: 2120-AA64) received March 17, 2010 to the Committee on Transportation and Infrastructure.

6950. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Relief for U.S. Military and Civilian Personnel Who are Assigned Outside the United States in Support of U.S. Armed Forces Operations [Docket No.: FAA-2009-0923; Special Federal Aviation Regulation No. 100-2] (RIN: 2120-AJ54) received March 17, 2010 to the Committee on Transportation and Infrastructure.

6951. A letter from the FMCSA Regulatory Ombudsman, Department of Transportation, transmitting the Department's final rule — Safety Requirements for Operators of Small Passenger-Carrying Commercial Motor Vehicles Used in Interstate Commerce [Docket No.: FMCSA-2009-0127] (RIN: 2126-AA98) received March 17, 2010 to the Committee on Transportation and Infrastructure.

6952. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — IFR Altitudes; Miscellaneous Amendments [Docket No.: 30713; Amdt. No. 486] received March 17, 2010 to the Committee on Transportation and Infrastructure.

6953. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule—Aircraft Noise Certification Documents for International Operations [Docket No.: FAA-2008-1097; Amendment No. 91-312] (RIN: 2120-AJ31) received March 17, 2010 to the Committee on Transportation and Infrastructure.

6954. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Hawker Beechcraft Corporation (Type Certificate Previously Held by Raytheon Aircraft Company) Model B300 and B300C Airplanes [Docket No.: FAA-2009-1180; Directorate Identifier 2009-CE-060-AD; Amendment 39-16220; AD 2010-05-10] (RIN: 2120-AA64) received March 17, 2010 to the Committee on Transportation and Infrastructure.

6955. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Amendment of Class E Airspace; Lima, OH [Docket No.: FAA-2009-0929; Airspace Docket No. 09-AGL-32] received March 17, 2010, pursuant to 5 U.S.C. 801(a)(1)(A) to the Committee on Transportation and Infrastructure.

6956. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Amendment of Class E Airspace; Stamford, TX [Docket No.: FAA-2009-0876; Airspace Docket No. 09-ASW-24] received March 17, 2010 to the Committee on Transportation and Infrastructure.

6957. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Amendment of Class E Airspace; Llano, TX [Docket No.: FAA-2009-0858; Airspace Docket No. 09-ASW-22] received March 17, 2010 to the Committee on Transportation and Infrastructure.

6958. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Revocation of Class D and E Airspace; Brunswick, ME [Docket No.: FAA-2009-0981; Airspace Docket No.: 09-ANE-105] received March 17, 2010 to the Committee on Transportation and Infrastructure.

6959. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Langdon, ND [Docket No.: FAA-2009-0535; Airspace Docket No. 09-AGL-11] received March 17, 2010 to the Committee on Transportation and Infrastructure.

6960. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Pilatus Aircraft LTD. Model PC-12/47E Airplanes [Docket No.: FAA-2009-1158; Directorate Identifier 2009-CE-063-AD; Amendment 39-16211; AD 2010-05-02] (RIN: 2120-AA64) received March 17, 2010 to the Committee on Transportation and Infrastructure.

6961. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; McDonnell Douglas Corporation Model MD-90-30 Airplanes [Docket No.: FAA-2009-0783; Directorate Identifier 2009-NM-081-AD; Amendment 39-16213; AD 2010-05-04] (RIN: 2120-AA64) received March 17, 2010 to the Committee on Transportation and Infrastructure.

6962. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bombardier, Inc. Model CL-600-1A11 (CL-600), CL-600-2A12 (CL-601), and CL-600-2B16 (CL-601-3A, CL-601-3R, and CL-604) Airplanes [Docket No.: FAA-2009-1021; Directorate Identifier 2009-NM-054-AD; Amendment 39-16217; AD 2009-06-05 R1] (RIN: 2120-AA64) received March 17, 2010 to the Committee on Transportation and Infrastructure.

6963. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; BAE SYSTEMS (Operations) Limited Model ATP Airplanes [Docket No.: FAA-2010-0130; Directorate Identifier 2009-NM-087-AD; Amendment 39-16214; AD 2010-05-05] (RIN: 2120-AA64) received March 17, 2010 to the Committee on Transportation and Infrastructure.

6964. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; ATR-GIE Avions de Transport Regional Model ATR42 and ATR72 Airplanes [Docket No.: FAA-2010-0155; Directorate Identifier 2010-NM-026-AD1 Amendment 39-16210; AD 2010-05-01] (RIN: 2120-AA64) received March 17, 2010 to the Committee on Transportation and Infrastructure.

6965. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A340-541 and -642 Airplanes [Docket No.: FAA-2010-0128; Directorate Identifier 2009-NM-136-AD; Amendment 39-16215; AD 2010-05-06] (RIN: 2120-AA64) received March 17, 2010 to the Committee on Transportation and Infrastructure.

6966. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A340-200 and A340-300 Series Airplanes [Docket No.: FAA-2010-0131; Directorate Identifier 2009-

NM-132-AD; Amendment 39-16216; AD 2010-05-07] (RIN: 2120-AA64) received March 17, 2010 to the Committee on Transportation and Infrastructure.

6967. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments [Docket No.: 30712; Amdt. No. 3363] received March 17, 2010 to the Committee on Transportation and Infrastructure.

6968. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departures; Miscellaneous Amendments [Docket No.: 30711; Amdt. No. 3362] received March 17, 2010 to the Committee on Transportation and Infrastructure.

6969. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Dowty Propellers Models R354/4-123-F/13, R354/4-123-F/20, R375/4-123-F/21, R389/4-123-F/25, R389/4-123-F/26, and R390/4-123-F/27 Propellers [Docket No.: FAA-2008-0545; Directorate Identifier 2008-NE-16-AD; Amendment 39-16219; AD 2010-05-09] (RIN: 2120-AA64) received March 17, 2010 to the Committee on Transportation and Infrastructure.

6970. A letter from the Chief Counsel, Department of Transportation, transmitting the Department's final rule — Seaway Regulations and Rules Periodic Update, Various Categories [Docket No.: SLSDC-2010-0001] (RIN: 2135-AA30) received March 17, 2010 to the Committee on Transportation and Infrastructure.

6971. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; The Boeing Company Model 737-100, -200, -200C, -300, -400, and -500 Series Airplanes [Docket No.: FAA-2009-0452; Directorate Identifier 2007-NM-326-AD; Amendment 39-16223; AD 2010-05-13] (RIN: 2120-AA64) received March 17, 2010 to the Committee on Transportation and Infrastructure.

6972. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. (EMBRAER) Model ERJ 190-100 LR, -100 IGW, -100 STD, -200 STD, -200 LR, and -200 IGW Airplanes [Docket No.: FAA-2009-0418; Directorate Identifier 2009-NM-020-AD; Amendment 39-16201; AD 2010-04-08] (RIN: 2120-AA64) received March 18, 2010 to the Committee on Transportation and Infrastructure.

6973. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; The Boeing Company Model 747-100, 747-100B, 747-100B SUD, 747-200B, 747-200C, 747-200F, 747-300, 747-400, 747-400D, 747-400F, 747SR, and 747SP Series Airplanes [Docket No.: FAA-2009-0718; Directorate Identifier 2009-NM-025-AD; Amendment 39-16212; AD 2010-05-03] (RIN: 2120-AA64) received March 17, 2010 to the Committee on Transportation and Infrastructure.

6974. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bombardier, Inc. Model DHC-8-100 and DHC-8-200 Series Airplanes, and Model DHC-8-301, -311, and -315 Airplanes [Docket No.: FAA-2009-0712; Direc-

torate Identifier 2009-NM-152-AD; Amendment 39-16205; AD 2010-04-12] (RIN: 2120-AA64) received March 17, 2010 to the Committee on Transportation and Infrastructure.

6975. A letter from the Federal Regulatory Officer, Department of Agriculture, transmitting the Department's final rule — Trade Adjustment Assistance for Farmers (RIN: 0551-AA80) received March 19, 2010 to the Committee on Ways and Means.

6976. A letter from the Chief, Trade and Commercial Regulations Branch, Department of Homeland Security, transmitting the Department's final rule — Extension of Import Restrictions Imposed on Certain Categories of Archaeological Material from the Pre-Hispanic Cultures of the Republic of El Salvador [CBP Dec.: 10-01] (RIN: 1505-AC23) received March 3, 2010 to the Committee on Ways and Means.

6977. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Chile Earthquake Occurring in February 2010 Designated as a Qualified Disaster Under Section 139 of the Internal Revenue Code [Notice 2010-26] received March 16, 2010 to the Committee on Ways and Means.

6978. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Deemed Dispositions by Individuals Emigrating from Canada (Rev. Proc. 2010-19) received March 16, 2010 to the Committee on Ways and Means.

6979. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Update for Weighted Average Interest Rates, Yield Curves, and Segment Rates [Notice 2010-24] received March 16, 2010 to the Committee on Ways and Means.

6980. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — James R. Thompson v. United States Court of Federal Claims No. 06-211 T [IRB No.: 2009-22] received March 17, 2010 to the Committee on Ways and Means.

6981. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Qualified School Construction Bond Allocations for 2010 [Notice 2010-17] received March 19, 2010 to the Committee on Ways and Means.

6982. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Reduced 2009 Estimated Income Tax Payments for Individuals with Small Business Income [TD 9480] (RIN: 1545-B189) received March 3, 2010 to the Committee on Ways and Means.

6983. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Qualified Research Expenses-Extraordinary Expenditures for Utilities (UIL 41.51-01) received March 19, 2010 to the Committee on Ways and Means.

6984. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Examination of returns and claims for refund, credit, or abatement determination of correct tax liability (Rev. Proc. 2010-20) received March 19, 2010 to the Committee on Ways and Means.

6985. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Determination of Issue Price in the Case of Certain Debt Instruments Issued for Property (Rev. Rul. 2010-11) received March 19, 2010 to the Committee on Ways and Means.

6986. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Interim Guidance on Measurement of Continuity of Interest in Reorganizations [Notice 2010-25] received March 19, 2010 to the Committee on Ways and Means.

6987. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — 2010 Calander Year Resident Population Estimates [Notice 2010-21] received March 22, 2010 to the Committee on Ways and Means.

6988. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Tier II Issue — Non-Performing Loans Directive #1 [LMSB Control No: LMSB-4-0110-003] received March 22, 2010 to the Committee on Ways and Means.

6989. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Determination of Housing Cost Amounts Eligible for Exclusion or Deduction for 2010 [Notice 2010-27] received March 22, 2010 to the Committee on Ways and Means.

6990. A letter from the Chief, Trade and Commercial Regulations Branch, Department of Homeland Security, transmitting the Department's final rule — Name Change of Two DHS Components [CBP Dec. 10-13] received March 10, 2010 to the Committee on Homeland Security.

6991. A letter from the Chief, Trade and Commercial Regulations Branch, Department of Homeland Security, transmitting the Department's final rule — Prohibitions and Conditions for Importation of Burmese and Non-Burmese Covered Articles of Jadeite, Rubies, and Articles of Jewelry Containing Jadeite or Rubies [CBP Dec. 10-04] (RIN: 1505-AC06) received March 18, 2010 jointly to the Committees on Foreign Affairs and Ways and Means.

6992. A letter from the Secretary, Department of Agriculture, transmitting proposal to implement the settlement of a case involving claims of alleged discrimination jointly to the Committees on the Judiciary and Agriculture.

6993. A letter from the Chief Counsel, Economic Development Administration, Department of Commerce, transmitting the Department's final rule — Revisions to the EDA Regulations [Docket No.: 080213181-91417-02] (RIN: 0610-AA64) received March 17, 2010 jointly to the Committees on Transportation and Infrastructure and Financial Services.

6994. A letter from the Administrator, FEMA, Department of Homeland Security, transmitting the Department's report on the Preliminary Damage Assessment information on FEMA-1871-DR for the State of North Carolina jointly to the Committees on Transportation and Infrastructure, Appropriations, and Homeland Security.

REPORTS ON COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. OBERSTAR: Committee on Transportation and Infrastructure. H.R. 1174. A bill to establish the Federal Emergency Management Agency as a cabinet-level independent agency in the executive branch, and for other purposes; with an amendment (Rept. 111-459, Pt. 1). Ordered to be printed.

Mr. OBERSTAR: Committee on Transportation and Infrastructure. House Resolution

197. Resolution to commend the American Sail Training Association for its advancement of character building under sail and for its advancement of international goodwill; with an amendment (Rept. 111-460, Pt. 1). Referred to the House Calendar and ordered to be printed.

Mr. WAXMAN: Committee on Energy and Commerce. H.R. 1258. A bill to amend the Communications Act of 1934 to prohibit manipulation of caller identification information, and for other purposes; with amendments (Rept. 111-461). Referred to the Committee of the Whole House on the State of the Union.

Mr. WAXMAN: Committee on Energy and Commerce. H.R. 3125. A bill to require an inventory of radio spectrum bands managed by the National Telecommunications and Information Administration and the Federal Communications Commission; with an amendment (Rept. 111-462). Referred to the Committee of the Whole House on the State of the Union.

DISCHARGE OF COMMITTEE

Pursuant to clause 2 of rule XIII, the Committee on Foreign Affairs discharged from further consideration. House Resolution 197 referred to the House Calendar and ordered to be printed.

TIME LIMITATION OF REFERRED BILL

Pursuant to clause 2 of rule XII the following action was taken by the Speaker:

[The following action occurred on March 26, 2010]

H.R. 2989. Referral to the Committee on Ways and Means extended for a period ending not later than April 30, 2010.

[The following action occurred on April 13, 2010]

H.R. 1174. Referral to the Committee on Homeland Security extended for a period ending not later than September 30, 2010.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. WAMP:

H.R. 4992. A bill to require employers of first responders to pay for certain judgments against, and other costs incurred by, those first responders that arise out of their conduct in the course of official duty; to the Committee on Education and Labor.

By Ms. SCHWARTZ (for herself, Mrs.

CAPPS, Mrs. MCCARTHY of New York, Ms. BALDWIN, Ms. SHEA-PORTER, Mr. BRALEY of Iowa, Mr. COURTNEY, Ms. HARMAN, Mr. FARR, Mr. BLUMENAUER, Mr. GARAMENDI, Ms. WATSON, Ms. SCHAKOWSKY, Ms. PINGREE of Maine, Mrs. DAHLKEMPER, Mr. GRIJALVA, Mr. PERLMUTTER, Ms. DELAURO, and Mr. DEFazio):

H.R. 4993. A bill to amend title XVIII of the Social Security Act to ensure more timely access to home health services for Medicare beneficiaries under the Medicare Program; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall with-

in the jurisdiction of the committee concerned.

By Mr. LEWIS of Georgia (for himself, Mr. LEVIN, Mr. RANGEL, Mr. STARK, Mr. McDERMOTT, Mr. NEAL of Massachusetts, Mr. TANNER, Mr. POMEROY, Mr. LARSON of Connecticut, Mr. KIND, Mr. PASCRELL, Ms. BERKLEY, Mr. CROWLEY, Mr. VAN HOLLEN, Mr. MEEK of Florida, Ms. SCHWARTZ, Mr. DAVIS of Illinois, Ms. LINDA T. SANCHEZ of California, Mr. HIGGINS, Mr. YARMUTH, and Mr. BECERRA):

H.R. 4994. A bill to amend the Internal Revenue Code of 1986 to reduce taxpayer burdens and enhance taxpayer protections, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PAUL:

H.R. 4995. A bill to restore the American people's freedom to choose the health insurance that best meets their individual needs by repealing the mandate that all Americans obtain government-approved health insurance; to the Committee on Ways and Means, and in addition to the Committee on Education and Labor, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. FOXX (for herself, Mr. MCCLINTOCK, Mrs. McMORRIS RODGERS, Mr. LAMBORN, Mr. FRANKS of Arizona, Mr. BROWN of Georgia, Mr. BISHOP of Utah, Mr. CHAFFETZ, Mr. ROHRBACHER, Mr. GARRETT of New Jersey, Mr. FLAKE, Mrs. LUMMIS, and Mr. DUNCAN):

H.R. 4996. A bill to provide for congressional approval of national monuments and restrictions on the use of national monuments; to the Committee on Natural Resources.

By Mr. LIPINSKI:

H.R. 4997. A bill to authorize appropriations for fiscal years 2011 through 2015 for the National Science Foundation, and for other purposes; to the Committee on Science and Technology.

By Mr. HILL:

H.R. 4998. A bill to establish and to expand partnerships that promote innovation and increase the economic and social impact of research by developing tools and resources to connect new scientific discoveries to practical uses; to the Committee on Science and Technology.

By Mr. GARRETT of New Jersey (for himself, Mr. PITTS, Mr. POSEY, and Mr. DUNCAN):

H.R. 4999. A bill to amend the Internal Revenue Code of 1986 to repeal the mandate that individuals purchase health insurance; to the Committee on Ways and Means.

By Mr. ANDREWS:

H.R. 5000. A bill to amend the Employee Retirement Income Security Act of 1974 to ensure health care coverage value and transparency for dental benefits under group health plans; to the Committee on Education and Labor.

By Mr. BACA:

H.R. 5001. A bill to amend title II of the Social Security Act to provide that an individual's entitlement to any benefit thereunder shall continue through the month of his or her death (without affecting any other person's entitlement to benefits for that month)

and that such individual's benefit shall be payable for such month only to the extent proportionate to the number of days in such month preceding the date of such individual's death; to the Committee on Ways and Means.

By Mr. BURTON of Indiana:

H.R. 5002. A bill to end the cycle of illegal immigration in the United States and withdraw Federal funds from States and political subdivisions of States that interfere with the enforcement of Federal immigration law; to the Committee on the Judiciary, and in addition to the Committees on Homeland Security, and Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. CAPITO:

H.R. 5003. A bill to increase the loan guarantee fee for rural housing loans guaranteed under section 502(h) of the Housing Act of 1949; to the Committee on Financial Services.

By Mr. CONNOLLY of Virginia:

H.R. 5004. A bill to amend section 1004 of title 39, United States Code, to include that it is a policy of the Postal Service to ensure reasonable and sustainable workloads and schedules for supervisory and management employees and to clarify provisions relating to consultation and changes or terminations in certain proposals; to the Committee on Oversight and Government Reform.

By Mr. GRIFFITH (for himself, Mr.

INGLIS, Mr. JONES, Mr. ROGERS of Alabama, Mr. SOUDER, Mr. OLSON, Ms. JENKINS, Mrs. BACHMANN, Mr. BISHOP of Utah, Mr. TIAHRT, Mr. KING of Iowa, Mr. WAMP, Mr. BROWN of Georgia, Mr. CAMPBELL, Mr. GOMERT, Mr. BONNER, Mr. GARY G. MILLER of California, Mr. ADERHOLT, and Mr. DUNCAN):

H.R. 5005. A bill to repeal the Patient Protection and Affordable Care Act; to the Committee on Energy and Commerce, and in addition to the Committees on Ways and Means, Education and Labor, the Judiciary, Natural Resources, House Administration, Appropriations, and Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HASTINGS of Florida (for him-

self, Mr. CONYERS, Mr. MEEK of Florida, Ms. ROS-LEHTINEN, Mr. TOWNS, Ms. CORRINE BROWN of Florida, Ms. SCHAKOWSKY, Ms. CLARKE, Mr. RANGEL, Ms. WASSERMAN SCHULTZ, Ms. WATSON, Ms. FUDGE, Mr. JACKSON of Illinois, Mr. LEWIS of Georgia, Mrs. CHRISTENSEN, Mr. GRIJALVA, Ms. NORTON, Ms. RICHARDSON, Mr. RUSH, Mr. SABLON, and Mr. CAO):

H.R. 5006. A bill to require the President to call a White House Conference on Haiti; to the Committee on Foreign Affairs, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LANGEVIN (for himself and Mr. KENNEDY):

H.R. 5007. A bill to authorize the Administrator of the Small Business Administration to make grants to assist small business concerns located in areas affected by a major disaster and high unemployment, and for other purposes; to the Committee on Small Business.

By Ms. MARKEY of Colorado (for herself, Mr. BACA, Mr. BERRY, Mr. BOREN, Mr. BOYD, Mr. BRIGHT, Mr. CHILDERS, Mr. COOPER, Mr. DAVIS of Tennessee, Ms. GIFFORDS, Ms. HERSETH SANDLIN, Mr. HILL, Mr. KRATOVIL, Mr. MARSHALL, Mr. MATHESON, Mr. MCINTYRE, Mr. MELANCON, Mr. MINNICK, Mr. MURPHY of New York, Mr. NYE, Mr. ROSS, Mr. SCHIFF, Mr. SCHRADER, Mr. SHULER, Mr. SPACE, Mr. TANNER, and Mr. WILSON of Ohio):

H.R. 5008. A bill to amend the Congressional Budget Act of 1974 to require annual progress toward meeting fiscally responsible 5- and 10-year deficit and debt targets; to the Committee on Rules, and in addition to the Committee on the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MATHESON:

H.R. 5009. A bill to designate certain lands in the Wasatch Mountains of Salt Lake County, Utah, as wilderness, and for other purposes; to the Committee on Natural Resources.

By Ms. MOORE of Wisconsin:

H.R. 5010. A bill to amend title 49, United States Code, to require that not less than 10 percent of the amounts made available for certain high-speed rail projects be expended through small business concerns owned and controlled by socially and economically disadvantaged individuals, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Small Business, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. OWENS:

H.R. 5011. A bill to amend the Food Security Act of 1985 to support State and tribal government efforts to encourage owners and operators of privately held farm, ranch, and forest land containing maple trees to make their land available for access by the public for maple-tapping activities under programs administered by States and tribal governments; to the Committee on Agriculture.

By Ms. TITUS:

H.R. 5012. A bill to amend the Richard B. Russell National School Lunch to establish a weekend and holiday feeding program to provide nutritious food to at-risk school children on weekends and during extended school holidays during the school year; to the Committee on Education and Labor.

By Ms. ROS-LEHTINEN (for herself, Mr. KLEIN of Florida, Mr. BOEHNER, Mr. MOORE of Kansas, Mr. CANTOR, Mr. TOWNS, Mr. PENCE, Mr. ROTHMAN of New Jersey, Mr. BURTON of Indiana, Mr. PETERS, Mr. HOEKSTRA, Ms. CORBINE BROWN of Florida, Mr. KING of New York, Mr. HIMES, Mr. MCKEON, Mr. ADLER of New Jersey, Mr. WILSON of South Carolina, Mr. PATRICK J. MURPHY of Pennsylvania, Mr. GARRETT of New Jersey, Ms. RICHARDSON, Mr. PRICE of Georgia, Mr. ELLSWORTH, Mr. MARIO DIAZ-BALART of Florida, and Ms. WASSERMAN SCHULTZ):

H. Con. Res. 260. Concurrent resolution recognizing the 62nd anniversary of the independence of the State of Israel, and reaffirming unequivocal support for the alliance and friendship between the United States and Israel; to the Committee on Foreign Affairs.

By Mr. RAHALL (for himself, Mr. MOLONAN, Mrs. CAPITO, Mr. GEORGE MILLER of California, and Ms. WOOLSEY):

H. Res. 1236. A resolution honoring the coal miners who perished in the Upper Big Branch Mine-South in Raleigh County, West Virginia, extending condolences to their families and recognizing the valiant efforts of emergency response workers at the mine disaster; to the Committee on Education and Labor.

By Mr. BOREN (for himself, Mr. COLE, Mr. RAHALL, Ms. FALLIN, Mr. SULLIVAN, Mr. KILDEE, Mr. LUCAS, Ms. RICHARDSON, Ms. MCCOLLUM, Mr. HONDA, Ms. HERSETH SANDLIN, Mr. MORAN of Virginia, and Mr. BACA):

H. Res. 1237. A resolution honoring the life of Wilma Pearl Mankiller and expressing condolences of the House of Representatives on her passing; to the Committee on Natural Resources.

By Mr. HASTINGS of Washington (for himself and Mr. BISHOP of Utah):

H. Res. 1238. A resolution directing the Secretary of the Interior to transmit to the House of Representatives certain information relating to the Secretary's Treasured Landscape Initiative, designation of National Monuments, and high priority land-rationalization efforts; to the Committee on Natural Resources.

By Mr. COURTNEY (for himself, Mr. LARSON of Connecticut, Ms. DELAURO, Mr. HIMES, Mr. MURPHY of Connecticut, Mr. MEEKS of New York, Ms. NORTON, Mr. PUTNAM, and Mr. SESTAK):

H. Res. 1239. A resolution commending the University of Connecticut Huskies for their historic win in the 2010 NCAA Division I Women's Basketball Tournament; to the Committee on Education and Labor.

By Ms. DELAURO (for herself, Mr. EHLERS, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. MATSUI, Mr. PLATTS, Mr. McDERMOTT, Mr. COURTNEY, Mr. KENNEDY, Ms. NORTON, Mr. PRICE of North Carolina, Mr. SIRE, Mr. LOEBACK, Mr. LARSON of Connecticut, Ms. RICHARDSON, Mr. RYAN of Ohio, and Ms. SLAUGHTER):

H. Res. 1240. A resolution supporting the goals and ideals of Global Youth Service Day; to the Committee on Education and Labor.

By Mr. GARRETT of New Jersey:

H. Res. 1241. A resolution supporting the right of Israel to defend itself against terrorists and the Israeli construction of new security fences along the border of Egypt; to the Committee on Foreign Affairs.

By Mr. PRICE of North Carolina (for himself, Mr. JONES, Mr. KISSELL, Mrs. MYRICK, Mrs. CAPITO, Mr. LIPINSKI, Mr. CLYBURN, Mr. CAPUANO, Mr. COBLE, Mr. SHULER, Mr. CONNOLLY of Virginia, Mr. WATT, Mr. ETHERIDGE, Mr. WALDEN, Mr. McHENRY, Ms. RICHARDSON, Mr. OLSON, Mr. RYAN of Ohio, Mr. BUTTERFIELD, Ms. LINDA T. SANCHEZ of California, Ms. FOX, Mr. INGLIS, Mr. MCINTYRE, Mr. MILLER of North Carolina, Ms. MATSUI, Mr. RAHALL, Mr. BLUMENAUER, Mr. HOLDEN, and Mr. HOYER):

H. Res. 1242. A resolution congratulating the Duke University men's basketball team for winning the 2010 NCAA Division I Men's Basketball National Championship; to the Committee on Education and Labor.

By Mr. QUIGLEY:

H. Res. 1243. A resolution expressing sympathy for the people of the Republic of Po-

land in the aftermath of the devastating plane crash that killed the country's President, First Lady, and 94 other high ranking government, military, and civic leaders on April 10, 2010; to the Committee on Foreign Affairs.

By Mr. RODRIGUEZ (for himself, Mr. MICHAUD, Mr. LIPINSKI, Mrs. NAPOLITANO, Mr. McDERMOTT, and Mr. CAPUANO):

H. Res. 1244. A resolution recognizing the National Collegiate Cyber Defense Competition for its now five-year effort to promote cyber security curriculum in institutions of higher learning; to the Committee on Education and Labor.

By Mr. TIAHRT:

H. Res. 1245. A resolution expressing the sense of the House of Representatives that the Value Added Tax is a massive tax increase that will cripple families on fixed income and only further push back America's economic recovery; to the Committee on Ways and Means.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

250. The SPEAKER presented a memorial of the Legislature of the State of Virgin Islands, relative to Resolution No. 1734 urging the United States Congress to enact Employee Free Choice Act, pursuant to; to the Committee on Education and Labor.

251. Also, a memorial of the Legislature of the State of Virgin Islands, relative to Resolution No. 1742 urging the Congress to make St. Croix a National Heritage Area; to the Committee on Natural Resources.

252. Also, a memorial of the Senate of the State of Washington, relative to Senate Joint Memorial 8026 memorializing that the Interstate Commission for Adult Offender Supervision immediately initiate its emergency rule-making process; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 197: Mr. ROYCE, Mr. BRADY of Texas, and Mr. THORNBERRY.

H.R. 208: Mr. JOHNSON of Georgia and Mr. ROGERS of Michigan.

H.R. 211: Mr. POLIS, Mr. HIMES, Mr. GUTHRIE, Mr. NEAL of Massachusetts, Mr. LYNCH, Mr. SALAZAR, Mr. COBLE, Ms. GRANGER, and Mr. HOEKSTRA.

H.R. 223: Mr. GARAMENDI.

H.R. 235: Mr. TEAGUE and Mr. MEEKS of New York.

H.R. 272: Mr. COBLE.

H.R. 275: Mr. JOHNSON of Georgia, Mr. LEWIS of Georgia, and Ms. BALDWIN.

H.R. 413: Mr. PASTOR of Arizona, Mrs. HALVORSON, Mr. BURTON of Indiana, Mr. CUMMINGS, Mr. ELLISON, and Mr. HILL.

H.R. 422: Ms. RICHARDSON, Mr. ARCURI, Mrs. BLACKBURN, and Mr. CHAFFETZ.

H.R. 442: Mr. ROYCE, Mr. BISHOP of Utah, Mr. KRATOVIL, Mr. BRADY of Texas, and Mr. THORNBERRY.

H.R. 444: Mrs. MALONEY.

H.R. 476: Mr. BRADY of Pennsylvania, Mr. KUCINICH, and Mr. RYAN of Ohio.

H.R. 537: Mr. COSTA.

H.R. 544: Mr. KINGSTON.

H.R. 635: Ms. WATSON.

- H.R. 667: Ms. SHEA-PORTER.
H.R. 690: Mr. KINGSTON, Ms. HERSETH SANDLIN, and Mr. CUELLAR.
H.R. 704: Mr. ACKERMAN.
H.R. 707: Mr. PALLONE.
H.R. 723: Ms. SUTTON.
H.R. 745: Ms. WOOLSEY.
H.R. 832: Mr. MCDERMOTT.
H.R. 878: Mr. WAMP.
H.R. 914: Mr. FORBES.
H.R. 930: Mr. PITTS.
H.R. 943: Mr. FORBES.
H.R. 978: Mr. LATOURETTE.
H.R. 1032: Mr. TIAHRT.
H.R. 1067: Mr. WAMP.
H.R. 1074: Mr. ROYCE, Mr. BRADY of Texas, and Mr. THORNBERRY.
H.R. 1137: Ms. NORTON.
H.R. 1177: Mr. HONDA, Ms. RICHARDSON, Mr. KISSELL, and Mr. WITTMAN.
H.R. 1191: Ms. ZOE LOFGREN of California.
H.R. 1210: Mr. TIAHRT, Mr. INSLEE, Mr. CAPUANO, and Mr. KISSELL.
H.R. 1229: Mr. WAMP.
H.R. 1310: Mr. ADLER of New Jersey and Mr. LYNCH.
H.R. 1311: Mr. JONES.
H.R. 1403: Mr. FORBES.
H.R. 1458: Mr. MCKEON and Mr. MICHAUD.
H.R. 1483: Mr. BLUMENAUER.
H.R. 1521: Mr. HUNTER.
H.R. 1547: Mr. JOHNSON of Georgia and Mr. SIMPSON.
H.R. 1549: Ms. RICHARDSON.
H.R. 1578: Mr. RYAN of Ohio.
H.R. 1587: Mr. BOSWELL.
H.R. 1588: Mrs. BACHMANN.
H.R. 1625: Mr. HIGGINS, Mr. SCHIFF, Ms. LEE of California, Mr. ROYCE, and Ms. TITUS.
H.R. 1806: Mrs. HALVORSON.
H.R. 1818: Mr. WALZ, Mr. COSTELLO, and Mr. FORTENBERRY.
H.R. 1831: Mr. HELLER.
H.R. 1835: Mr. SESSIONS.
H.R. 1956: Mr. BLUMENAUER.
H.R. 2067: Ms. SUTTON, Mr. LYNCH, Ms. RICHARDSON, and Mr. LEWIS of Georgia.
H.R. 2110: Ms. JACKSON LEE of Texas.
H.R. 2135: Mr. TIAHRT.
H.R. 2136: Mr. KENNEDY and Mr. FORBES.
H.R. 2149: Mr. GARAMENDI, Mr. SABLAN, Mr. NADLER of New York, and Mr. SIRES.
H.R. 2156: Mr. PASTOR of Arizona.
H.R. 2255: Mr. FORBES.
H.R. 2262: Ms. BERKLEY and Mr. HINCHEY.
H.R. 2305: Mr. WAMP.
H.R. 2324: Mr. DOYLE, Mr. MCDERMOTT, and Mr. BERMAN.
H.R. 2373: Mr. TIAHRT, Mr. PETERS, and Ms. HERSETH SANDLIN.
H.R. 2378: Mr. WELCH, Mr. BRADY of Pennsylvania, Mr. DUNCAN, and Mr. PATRICK J. MURPHY of Pennsylvania.
H.R. 2381: Ms. LEE of California, Mr. KUCINICH, and Ms. CHU.
H.R. 2406: Mr. WAMP.
H.R. 2433: Mr. PLATTS.
H.R. 2472: Mr. TAYLOR.
H.R. 2478: Mr. WALZ, Mr. TEAGUE, Mr. ADERHOLT, Mr. SHUSTER, Mr. LANGEVIN, and Mr. DAVIS of Tennessee.
H.R. 2485: Mr. MICHAUD.
H.R. 2553: Mr. JONES.
H.R. 2555: Mr. DAVIS of Illinois.
H.R. 2672: Mr. GERLACH.
H.R. 2817: Mr. JOHNSON of Georgia.
H.R. 2850: Ms. ZOE LOFGREN of California, Ms. NORTON, and Mr. CONNOLLY of Virginia.
H.R. 2866: Ms. ROS-LEHTINEN and Mr. EHLERS.
H.R. 2900: Mr. BURTON of Indiana.
H.R. 2906: Mr. NYE.
H.R. 3012: Mr. ELLSWORTH.
H.R. 3017: Mr. MAFFEI.
H.R. 3059: Ms. BORDALLO.
H.R. 3077: Mr. RYAN of Ohio and Ms. RICHARDSON.
H.R. 3099: Mrs. HALVORSON.
H.R. 3116: Mr. HOLDEN, Mr. WILSON of South Carolina, and Mr. BARROW.
H.R. 3125: Mr. JOHNSON of Georgia, Mrs. BLACKBURN, and Mr. SCOTT of Georgia.
H.R. 3164: Ms. ZOE LOFGREN of California.
H.R. 3186: Mr. HALL of New York, Mr. STARK, Mr. RAHALL, Ms. SHEA-PORTER, Mr. SCOTT of Virginia, Ms. WOOLSEY, and Mr. HEINRICH.
H.R. 3202: Mr. MORAN of Virginia and Mr. SIRES.
H.R. 3243: Ms. SHEA-PORTER.
H.R. 3266: Mr. MORAN of Virginia.
H.R. 3286: Mr. BOREN, Mr. PETERS, Mr. GARAMENDI, and Mr. GUTIERREZ.
H.R. 3287: Mr. CARNAHAN.
H.R. 3315: Mr. CARNAHAN and Mr. HINCHEY.
H.R. 3335: Mr. TOWNS.
H.R. 3380: Mr. DAVIS of Illinois, Mr. WAMP, Mr. BLUMENAUER, Mr. HARE, Mr. HUNTER, Mr. CONYERS, and Mr. ROONEY.
H.R. 3400: Mr. SMITH of New Jersey and Mr. RADANOVICH.
H.R. 3407: Mr. HALL of New York.
H.R. 3454: Mr. BACHUS.
H.R. 3487: Mr. MCGOVERN, Ms. NORTON, and Mr. SIRES.
H.R. 3488: Mrs. LOWEY.
H.R. 3491: Mr. HOLT.
H.R. 3512: Mr. ROONEY.
H.R. 3636: Mr. COSTA.
H.R. 3652: Mr. MATHESON, Mr. SMITH of Washington, Ms. FUDGE, Mr. HILL, Mr. RYAN of Ohio, Mr. BRADY of Pennsylvania, Mr. NYE, Mr. SCOTT of Virginia, Mr. CAPUANO, Mrs. MYRICK, and Ms. ROS-LEHTINEN.
H.R. 3653: Mr. ISRAEL.
H.R. 3655: Mr. MOLLOHAN.
H.R. 3668: Mrs. LUMMIS, Mr. TIBERI, Mr. MITCHELL, Mr. SMITH of Washington, and Mr. PATRICK J. MURPHY of Pennsylvania.
H.R. 3715: Mr. GUTIERREZ and Mr. GRIJALVA.
H.R. 3720: Mr. DUNCAN, Mr. MCINTYRE, and Mr. PETERSON.
H.R. 3731: Mr. SERRANO.
H.R. 3734: Mr. CARNAHAN.
H.R. 3745: Mr. BAIRD.
H.R. 3757: Mr. CONNOLLY of Virginia.
H.R. 3790: Mr. MATHESON, Mr. MARSHALL, Mr. HALL of New York, Mr. DAVIS of Alabama, Mr. PETERSON, Mr. CARTER, Mr. JACKSON of Illinois, Mr. HOLDEN, Mr. CASTLE, Mr. TIAHRT, Mr. SESTAK, Mr. CARNAHAN, Mr. CROWLEY, and Mr. BACHUS.
H.R. 3931: Mr. SHADEGG.
H.R. 3939: Mrs. DAVIS of California.
H.R. 3943: Mrs. MCCARTHY of New York and Mr. RAHALL.
H.R. 3990: Mr. RYAN of Ohio.
H.R. 3995: Ms. NORTON, Mr. GRIJALVA, and Ms. WATSON.
H.R. 4000: Mr. HASTINGS of Florida, Mr. HARE, and Mr. MEEKS of New York.
H.R. 4004: Mr. RANGEL.
H.R. 4021: Mr. PASTOR of Arizona and Mr. GEORGE MILLER of California.
H.R. 4037: Mr. ETHERIDGE and Mr. CARNAHAN.
H.R. 4054: Mr. CASTLE and Mr. CARNAHAN.
H.R. 4091: Mr. HALL of New York.
H.R. 4107: Mr. PAUL, Ms. FOXX, and Mr. BURTON of Indiana.
H.R. 4109: Mr. GUTIERREZ, Ms. RICHARDSON, and Mr. BACA.
H.R. 4116: Mr. COSTA, Mr. MORAN of Virginia, Mrs. NAPOLITANO, Ms. CHU, and Ms. GRANGER.
H.R. 4149: Mr. POMEROY.
H.R. 4195: Ms. WOOLSEY, Mr. STARK, Ms. LEE of California, Ms. MCCOLLUM, Ms. BORDALLO, Mr. MCGOVERN, and Mr. PAYNE.
H.R. 4197: Mr. DELAHUNT.
H.R. 4223: Mr. BOUCHER.
H.R. 4239: Ms. SHEA-PORTER.
H.R. 4241: Mr. MCINTYRE and Mr. LEE of New York.
H.R. 4256: Ms. SCHWARTZ, Mr. ETHERIDGE, Mr. BOUSTANY, and Mr. PASCRELL.
H.R. 4274: Ms. KILROY.
H.R. 4278: Mr. HOLDEN, Mr. ETHERIDGE, Mr. THOMPSON of California, Mr. LEWIS of Georgia, Mr. BARTLETT, Ms. SCHWARTZ, Mr. WAMP, Mr. YARMUTH, and Mr. CASTLE.
H.R. 4286: Ms. JACKSON LEE of Texas.
H.R. 4302: Mr. PETERSON, Mr. PETERS, Mr. HOLDEN, Mr. DELAHUNT, Mr. ROTHMAN of New Jersey, Mr. WILSON of Ohio, Mr. MATHESON, Mr. HIMES, Mr. REYES, Mr. SIRES, Mr. LIPINSKI, and Mr. CARNAHAN.
H.R. 4306: Mr. MORAN of Kansas, Mr. MACK, and Mr. WELCH.
H.R. 4322: Ms. RICHARDSON, Ms. BALDWIN, and Ms. FUDGE.
H.R. 4325: Ms. RICHARDSON and Ms. WOOLSEY.
H.R. 4347: Mr. KILDEE.
H.R. 4378: Mr. MORAN of Virginia.
H.R. 4386: Mr. LANGEVIN.
H.R. 4391: Mr. QUIGLEY.
H.R. 4400: Mr. STUPAK and Mr. DAVIS of Tennessee.
H.R. 4402: Mr. COHEN, Ms. RICHARDSON, Mr. PRICE of North Carolina, and Mr. OWENS.
H.R. 4443: Mr. MURPHY of New York and Ms. JACKSON LEE of Texas.
H.R. 4486: Mr. JOHNSON of Georgia and Ms. GIFFORDS.
H.R. 4525: Mr. ROGERS of Alabama, Mr. WITTMAN, and Mr. MARSHALL.
H.R. 4530: Ms. RICHARDSON, Mr. CLAY, Mr. PALLONE, and Ms. WATSON.
H.R. 4538: Ms. SUTTON.
H.R. 4541: Mr. KILDEE and Mr. BERMAN.
H.R. 4543: Ms. PELOSI.
H.R. 4568: Mr. TIM MURPHY of Pennsylvania.
H.R. 4580: Ms. NORTON, Mr. PASCRELL, and Ms. RICHARDSON.
H.R. 4594: Ms. BERKLEY, Mr. MICHAUD, Mr. HINCHEY, Mr. GARAMENDI, Mr. CUMMINGS, Mr. STARK, Mr. GEORGE MILLER of California, Mr. SESTAK, and Ms. SPEIER.
H.R. 4598: Mr. HILL and Mr. CARNEY.
H.R. 4601: Mr. DEFazio, Ms. SHEA-PORTER, Mr. CONNOLLY of Virginia, Mr. WELCH, and Ms. NORTON.
H.R. 4616: Mr. NADLER of New York, Mr. RUSH, Mr. HINCHEY, Mr. FRANK of Massachusetts, Ms. CORRINE BROWN of Florida, Mr. SIRES, Mr. CAO, and Mr. MEEKS of New York.
H.R. 4640: Mr. FORBES and Ms. KILROY.
H.R. 4649: Ms. CORRINE BROWN of Florida, Mr. CAO, Mr. LANCE, Mr. GERLACH, Mr. MACK, Mrs. McMORRIS RODGERS, Mr. BILIRAKIS, Mr. SCHOCK, Mr. MORAN of Kansas, Mrs. MILLER of Michigan, Mr. BLUNT, Ms. JENKINS, Mr. LINDER, Mr. FORTENBERRY, Mrs. MYRICK, Mr. LAMBORN, Mr. FORBES, Mr. PENCE, Mr. BURGESS, Mr. CRENSHAW, Mr. THORNBERRY, Mr. OLSON, Mr. KAGEN, Mr. CAMPBELL, Mr. ELLSWORTH, Mr. MCCOTTER, Mr. COFFMAN of Colorado, Mrs. CAPITO, Mr. YOUNG of Alaska, Mrs. BACHMANN, and Ms. GINNY BROWN-WAITE of Florida.
H.R. 4662: Mr. HONDA, Mr. COBLE, Mr. FRANK of Massachusetts, and Mr. HOEKSTRA.
H.R. 4677: Mrs. CAPPS, Mr. BERMAN, Ms. WASSERMAN SCHULTZ, Mr. PASTOR of Arizona, Ms. MCCOLLUM, and Mr. CARNAHAN.
H.R. 4678: Mr. HOLDEN, Mr. JOHNSON of Georgia, Ms. SPEIER, Mr. FILNER, Ms. FUDGE, Mr. HEINRICH, Mr. CARNEY, and Mr. SIRES.
H.R. 4689: Mr. BOREN, Mr. ISRAEL, Mr. LOBIONDO, Mr. GARAMENDI, Ms. NORTON, Mr. THOMPSON of Mississippi, Mr. COHEN, Mr. ROE of Tennessee, and Mr. CARNAHAN.

H.R. 4693: Mr. McMAHON, Mr. WILSON of Ohio, Mr. MEEK of Florida, and Mr. LUJÁN.
H.R. 4697: Mr. SCOTT of Virginia.

H.R. 4701: Ms. KILROY.
H.R. 4709: Mr. LYNCH, Mr. BOUCHER, and Mr. CAPUANO.

H.R. 4710: Mr. ROSS.
H.R. 4711: Mr. DELAHUNT, Mr. ROTHMAN of New Jersey, Mr. BISHOP of New York, and Mr. POLIS.

H.R. 4722: Ms. NORTON, Mr. WELCH, Mr. SCHIFF, Mr. CLEAVER, Mr. BRALEY of Iowa, Mr. HINCHEY, and Mr. PASTOR of Arizona.

H.R. 4732: Mr. HALL of New York.

H.R. 4733: Mr. ACKERMAN and Ms. LEE of California.

H.R. 4734: Ms. BERKLEY, Mr. TONKO, Mr. FILNER, Mr. CONYERS, Ms. KILROY, Ms. KILPATRICK of Michigan, Mr. COURTNEY, Mr. BRADY of Pennsylvania, Mr. BLUMENAUER, Mr. GRIJALVA, Ms. RICHARDSON, and Ms. NORTON.

H.R. 4748: Mrs. DAHLKEMPER.

H.R. 4755: Ms. MCCOLLUM, Mr. PETERS, Mr. RYAN of Ohio, and Mr. KUCINICH.

H.R. 4796: Mr. SIREs, Mr. COURTNEY, Mr. MOORE of Kansas, and Mr. BRALEY of Iowa.

H.R. 4800: Mr. JOHNSON of Georgia and Ms. MOORE of Wisconsin.

H.R. 4806: Mr. JACKSON of Illinois and Ms. NORTON.

H.R. 4812: Mr. DOYLE, Mr. KENNEDY, Mr. SCOTT of Georgia, Mr. SESTAK, Ms. WASSERMAN SCHULTZ, Mr. LANGEVIN, Mr. ISRAEL, Mr. ENGEL, Mr. ACKERMAN, Mr. KAGEN, Mr. CARNAHAN, Mr. MEEK of Florida, Ms. ZOE LOFGREN of California, Mr. PASCRELL, Mr. RODRIGUEZ, Mrs. LOWEY, Mrs. CAPPS, Mrs. NAPOLITANO, Ms. KAPTUR, Ms. SHEA-PORTER, Mrs. MCCARTHY of New York, Mr. GENE GREEN of Texas, and Mr. WILSON of Ohio.

H.R. 4830: Ms. ROYBAL-ALLARD.

H.R. 4842: Ms. RICHARDSON, Mr. LUJÁN, Mr. AL GREEN of Texas, and Mr. PASCRELL.

H.R. 4844: Mr. BROWN of South Carolina, Ms. RICHARDSON, and Mr. MCCAUL.

H.R. 4869: Ms. NORTON, Mr. CLEAVER, and Ms. JACKSON LEE of Texas.

H.R. 4870: Mr. BERMAN, Mr. RYAN of Ohio, Mr. BACA, and Mr. SCOTT of Virginia.

H.R. 4876: Mr. KIND, Mr. RYAN of Ohio, Ms. SUTTON, Mr. KIRK, Mr. QUIGLEY, Mr. LEE of New York, and Mr. EHLERS.

H.R. 4883: Mr. HENSARLING.

H.R. 4886: Mr. ACKERMAN and Mr. SMITH of New Jersey.

H.R. 4890: Mr. FILNER.

H.R. 4894: Mr. SOUDER, Mr. JONES, Mr. MCCARTHY of California, Mr. ALEXANDER, Mr. ISSA, Mr. LEE of New York, Mr. THOMPSON of Pennsylvania, Mrs. MYRICK, and Ms. GINNY BROWN-WAITE of Florida.

H.R. 4896: Mrs. BACHMANN.

H.R. 4901: Mr. SOUDER, Mrs. BACHMANN, Mr. MCCLINTOCK, Mr. PITTS, Mrs. MILLER of Michigan, and Mr. SIMPSON.

H.R. 4903: Mr. MORAN of Kansas, Mr. UPTON, Mrs. MILLER of Michigan, Mr. YOUNG of Florida, Mr. MACK, Mr. PITTS, Mr. RADANOVICH, and Mrs. SCHMIDT.

H.R. 4904: Mr. TIAHRT, Mr. SAM JOHNSON of Texas, Mr. SOUDER, Mr. KINGSTON, Mr. DUNCAN, Mr. BURTON of Indiana, Mr. WILSON of South Carolina, and Mr. BURGESS.

H.R. 4908: Mr. HOLT and Mrs. CHRISTENSEN.

H.R. 4909: Mr. PAULSEN.

H.R. 4920: Ms. JACKSON LEE of Texas, Ms. MOORE of Wisconsin, Ms. RICHARDSON, Mr. RANGEL, Mr. LEWIS of Georgia, Ms. FUDGE, Ms. KAPTUR, Ms. CASTOR of Florida, Mr. SIREs, Ms. CLARKE, Ms. KILPATRICK of Michigan, Ms. DELAURO, Mr. CONYERS, Mr. BUTTERFIELD, Mr. ELLISON, Mr. GRIJALVA, and Mr. SERRANO.

H.R. 4923: Mr. FARR, Mrs. DAVIS of California, Mr. SPRATT, Ms. KILPATRICK of Michigan, Mr. RODRIGUEZ, Mr. CONNOLLY of Virginia, Ms. JACKSON LEE of Texas, Mr. RAHALL, Ms. MARKEY of Colorado, Ms. TSONGAS, Mr. SCOTT of Virginia, Mr. BACA, Mr. LANGEVIN, Mr. EDWARDS of Texas, Mr. CUMMINGS, Mr. HALL of New York, Mr. GORDON of Tennessee, Ms. PINGREE of Maine, Mr. LARSEN of Washington, Mr. GRIJALVA, Mr. SNYDER, Mr. MURPHY of Connecticut, and Mr. ROSS.

H.R. 4925: Mr. FRANK of Massachusetts, Ms. LEE of California, Ms. NORTON, Mr. SCOTT of Virginia, Mr. TONKO, Mr. CARNAHAN, and Mrs. DAVIS of California.

H.R. 4934: Mr. BISHOP of Utah.

H.R. 4947: Mr. SABLAN, Mr. WILSON of South Carolina, Mr. BOSWELL, Mr. BRALEY of Iowa, Mr. COURTNEY, and Mr. POMEROY.

H.R. 4951: Mr. WALDEN, Mr. SESSIONS, Mr. UPTON, Mr. MCCAUL, Mr. INGLIS, Mr. KLINE of Minnesota, and Mr. BURTON of Indiana.

H.R. 4958: Mr. ORTIZ, Mr. CUELLAR, Mr. CLAY, Mr. CONNOLLY of Virginia, Mr. RYAN of Ohio, and Mr. CARNAHAN.

H.R. 4959: Mr. BLUMENAUER and Mr. ENGEL.

H.R. 4961: Ms. CORRINE BROWN of Florida, Mr. RUSH, Ms. JACKSON LEE of Texas, Mr. RANGEL, and Ms. KILPATRICK of Michigan.

H.R. 4972: Mr. MCCLINTOCK, Mr. POE of Texas, Mr. PITTS, and Mrs. MILLER of Michigan.

H.R. 4982: Ms. JENKINS, Mr. FORBES, and Mr. WITTMAN.

H.R. 4990: Mr. CONYERS.

H.J. Res. 1: Ms. MARKEY of Colorado.

H.J. Res. 11: Mr. MCCOTTER.

H.J. Res. 63: Mr. INGLIS.

H.J. Res. 67: Mr. INGLIS.

H.J. Res. 76: Mr. ORTIZ.

H.J. Res. 77: Mr. PUTNAM, Mr. LEE of New York, Mr. CAMPBELL, Mr. COLE, Mr. SCHOCK, and Mr. KINGSTON.

H. Con. Res. 94: Ms. NORTON and Mr. WALZ.

H. Con. Res. 200: Mr. HOLT.

H. Con. Res. 230: Mr. ORTIZ and Mr. PLATTS.

H. Con. Res. 232: Mr. SHULER.

H. Con. Res. 241: Mr. BOOZMAN, Mr. CANTOR, Mr. THOMPSON of Pennsylvania, Mr. PLATTS, Mr. DAVIS of Kentucky, Mr. WAMP, Mr. JOHNSON of Georgia, Mr. GALLEGLY, Mr. McKEON, Mr. WILSON of South Carolina, Mr. BILBRAY, Mr. BOREN, Mr. SHIMKUS, Mr. KINGSTON, Mr. CARTER, Mrs. BONO MACK, Mr. BROWN of South Carolina, Mr. SULLIVAN, Ms. FALLIN, Mr. NUNES, Mr. SMITH of Nebraska, Ms. JENKINS, Mr. PRICE of Georgia, Mr. ROSKAM, Mr. WALDEN, Mr. SCHOCK, and Mr. DELAHUNT.

H. Con. Res. 252: Mr. PIERLUISI and Mr. HARE.

H. Con. Res. 258: Ms. JACKSON LEE of Texas.

H. Res. 173: Mr. LATHAM, Ms. TITUS, Mr. HINCHEY, Mr. CARDOZA, Ms. ROYBAL-ALLARD, Mr. BERMAN, Mr. SALAZAR, Ms. WATERS, Mr. BOREN, Ms. SPEIER, Mr. COHEN, Ms. SCHAKOWSKY, Ms. RICHARDSON, Mr. CALVERT, Mr. DAVIS of Tennessee, Mr. WESTMORELAND, Mr. CARNEY, Ms. SUTTON, Mr. BOOZMAN, Mr. SHULER, and Mr. BRALEY of Iowa.

H. Res. 200: Mr. SIREs.

H. Res. 213: Ms. ROYBAL-ALLARD and Mr. JOHNSON of Georgia.

H. Res. 375: Mr. WALZ, Ms. NORTON, Ms. DELAURO, Ms. CORRINE BROWN of Florida, Mr. RYAN of Ohio, Ms. SPEIER, Mr. DAVIS of Illinois, Ms. FUDGE, Mr. ELLISON, Mr. DEFazio, Ms. BALDWIN, Mr. CONYERS, and Ms. WOOLSEY.

H. Res. 394: Mr. WAMP.

H. Res. 443: Mr. HODES.

H. Res. 763: Mr. SENSENBRENNER.

H. Res. 767: Mrs. NAPOLITANO and Mr. CONNOLLY of Virginia.

H. Res. 855: Mr. SOUDER, Mr. CANTOR, Mr. ORTIZ, Mrs. DAVIS of California, Mr. HOEKSTRA, Ms. RICHARDSON, Mr. WALZ, Ms. NORTON, Mr. RYAN of Ohio, Mr. COURTNEY, Mr. ROONEY, Mr. LOBIONDO, Mr. TAYLOR, Mr. BISHOP of Utah, Mr. FOSTER, Mrs. McMORRIS RODGERS, Mr. MORAN of Kansas, Mr. COOPER, and Mr. BUYER.

H. Res. 898: Mr. HALL of New York.

H. Res. 919: Ms. NORTON.

H. Res. 928: Mr. SIREs, Mr. GRIJALVA, Ms. MCCOLLUM, and Mr. RYAN of Ohio.

H. Res. 992: Mr. CRENSHAW, Mr. SCOTT of Georgia, Mr. CROWLEY, and Mr. BURTON of Indiana.

H. Res. 996: Mr. SARBANES, Mr. BRALEY of Iowa, Ms. LEE of California, Mr. DRIEHAUS, Mr. MATHESON, Ms. KAPTUR, Mr. SERRANO, Mr. BARROW, Ms. WASSERMAN SCHULTZ, Mr. DINGELL, Ms. HARMAN, Mr. FORBES, Mr. THOMPSON of California, Ms. SCHAKOWSKY, and Mrs. CAPPS.

H. Res. 1006: Mr. CULBERSON.

H. Res. 1019: Mr. PLATTS, Mr. SHUSTER, and Mr. MAFFEI.

H. Res. 1033: Mr. ROE of Tennessee, Mr. LOEBSACK, Mr. WAMP, Mrs. CHRISTENSEN, Mr. SHIMKUS, Mr. ROGERS of Michigan, Mr. McMAHON, and Mr. BOOZMAN.

H. Res. 1104: Mr. LAMBORN, Mr. SCHOCK, and Mr. MCCAUL.

H. Res. 1106: Mr. CLEAVER and Mr. RYAN of Ohio.

H. Res. 1121: Mr. ROE of Tennessee.

H. Res. 1132: Mr. CARNEY, Mr. CHILDERS, Mr. HUNTER, Ms. LORETTA SANCHEZ of California, Mr. SESTAK, and Mr. WU.

H. Res. 1138: Mr. CONYERS and Mr. HODES.

H. Res. 1153: Mr. BISHOP of Utah, Mr. NADLER of New York, Mr. SPACE, Mr. WITTMAN, Mr. BOUCHER, Mr. SABLAN, Ms. NORTON, Mr. PIERLUISI, Ms. EDDIE BERNICE JOHNSON of Texas, Mrs. CHRISTENSEN, Mr. MCCLINTOCK, Mr. HINCHEY, Ms. DEGETTE, Mr. DEFazio, Mr. WILSON of Ohio, Ms. MOORE of Wisconsin, Mr. LAMBORN, Ms. BORDALLO, Mr. CONAWAY, Mr. BRADY of Pennsylvania, Ms. CORRINE BROWN of Florida, Mr. YOUNG of Alaska, Mr. GRIJALVA, Mr. INSLEE, Mr. HOLDEN, Ms. RICHARDSON, Mr. SIREs, Mr. CARNEY, Mr. HALL of New York, Mr. WALZ, Mr. SHULER, Mr. CAO, Mr. TAYLOR, Mr. ARCURI, and Mr. BUCHANAN.

H. Res. 1161: Mr. SIREs, Mr. BOUCHER, Mr. CAO, and Ms. HIRONO.

H. Res. 1166: Mr. MURPHY of New York.

H. Res. 1187: Mr. ALEXANDER, Ms. DELAURO, Mr. FILNER, Mr. GRIJALVA, Mr. JOHNSON of Georgia, Ms. HIRONO, Mr. REYES, Mr. NADLER of New York, Ms. MCCOLLUM, Mr. WALZ, Mr. LARSON of Connecticut, Mrs. MALONEY, Mr. COHEN, Ms. BERKLEY, Ms. SHEA-PORTER, Mr. BLUMENAUER, and Mr. SCOTT of Georgia.

H. Res. 1196: Mr. SMITH of Nebraska, Mr. CONAWAY, Ms. MARKEY of Colorado, Mr. NUNES, Mr. NEUGEBAUER, Mr. BISHOP of Georgia, Mr. SIMPSON, Ms. JENKINS, Mr. PUTNAM, Mr. POMEROY, Mr. LINDER, Mr. OLSON, and Mr. FORTENBERRY.

H. Res. 1206: Ms. GIFFORDS, Mrs. McMORRIS RODGERS, Mr. BLUNT, Mr. LAMBORN, and Mr. PERRIELLO.

H. Res. 1211: Mr. JOHNSON of Georgia, Mr. LEWIS of California, Mr. THOMPSON of Mississippi, Ms. NORTON, Mr. CAO, and Ms. JACKSON LEE of Texas.

H. Res. 1224: Mr. GARAMENDI, Ms. JACKSON LEE of Texas, and Ms. BALDWIN.

H. Res. 1229: Mr. COBLE, Ms. SCHAKOWSKY, Mr. SABLAN, Ms. LEE of California, Mr. BARTLETT, and Mr. HARPER.

H. Res. 1230: Mr. TIAHRT, Mr. JORDAN of Ohio, Mr. SOUDER, Mr. PAUL, Mr. LAMBORN, Mr. GOODLATTE, Mr. HALL of Texas, and Mr. CARTER.

CONGRESSIONAL EARMARKS, LIMITED TAX BENEFITS, OR LIMITED TARIFF BENEFITS

Under clause 9 of rule XXI, lists or statements on congressional earmarks, limited tax benefits, or limited tariff benefits were submitted as follows:

The Amendment to be offered by Mr. OBERSTAR of Minnesota, or his designee, to H.R. 4715, the "Clean Estuaries Act of 2010", does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9 of rule XXI.

DELETION OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 413: Mr. WAMP.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the clerk's desk and referred as follows:

112. The SPEAKER presented a petition of City of North Miami Beach, Florida, relative to Resolution No. R2010-12 urging the Florida State Legislature to pass legislation to advocate for and encourage governmental entities to go "green"; to the Committee on Energy and Commerce.

113. Also, a petition of Wilton Manors, Island City, Florida, relative to Resolution No. 3518 supporting The Broward League of Cities 2010 State Legislative Action Plan; to the Committee on Oversight and Government Reform.

114. Also, a petition of Wilton Manors, Island City, Florida, relative to Resolution No. 3520 urging the repeal of Chapter 2009-125, Laws of Florida; to the Committee on House Administration.

115. Also, a petition of City of Fort Lauderdale, Florida, relative to Resolution No. 10-55 expressing the City's opposition to permitting offshore oil drilling within the waters of the State of Florida; to the Committee on Natural Resources.

116. Also, a petition of Wilton Manors, Island City, Florida, relative to Resolution No. 3522 urging the Legislature of Florida to support SB 1354; to the Committee on the Judiciary.

117. Also, a petition of The Legislature of Rockland County, New York, relative to Resolution No. 86 urging the Secretary of Health and Human Services to provide additional financial aid to school districts facing an influx of Haitian refugees, Haitian immigrants, and Haitian-Americans returning to the U.S. because of the recent earthquake; jointly to the Committees on the Judiciary and Education and Labor.

EXTENSIONS OF REMARKS

HONORING MS. DIANE LAWSON

HON. BRIAN HIGGINS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 13, 2010

Mr. HIGGINS. Madam Speaker, I rise today to pay tribute to the years of service given to the people of Chautauqua County by Ms. Diane Lawson. Ms. Lawson served her constituency faithfully and justly during her tenure as the Ripley Town Assessor.

Public service is a difficult and fulfilling career. Any person with a dream may enter but only a few are able to reach the end. Ms. Lawson served her term with her head held high and a smile on her face the entire way. I have no doubt that her kind demeanor left a lasting impression on the people of Chautauqua County.

We are truly blessed to have such strong individuals with a desire to make this county the wonderful place that we all know it can be. Ms. Lawson is one of those people and that is why Madam Speaker I rise in tribute to her today.

A TRIBUTE TO MICHAEL KELLER

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 13, 2010

Mr. TOWNS. Madam Speaker, I rise today in recognition of Michael Keller and his tremendous impact on the community.

Mr. Keller has been an important part of the Brooklyn community in many ways. Through his participation at the YMCA, Mr. Keller has strengthened our community and reminded us of the importance of investing in our youth. Mr. Keller has been a part of the YMCA since 1977 when he volunteered in a youth swim program. Since then, his roles have included Day Camp Director, Program Director, Membership Director and for the last 14 years, Executive Director of the East Orange (NJ) YMCA, Flatbush YMCA and later the Long Island City YMCA.

When he isn't spending time at the Y, Mike volunteers his time in other youth related programs and activities. He is a coach in the Gioia YMCA baseball and basketball leagues, and has served as an Assistant Scoutmaster for his local Boy Scout Troop. Additionally, Mike is currently a member of the Queensborough Rotary Club and has served as president of a number of Rotary and Kiwanis Clubs as well as other community organizations. Mike is a native of the Bronx and has a BA in English from Brooklyn College. He resides in Harlem with his wife, four children and grandson.

Madam Speaker, I urge my colleagues to join me in recognizing Michael Keller.

HONORING NELSON SMOTHERMAN
ON A LIFETIME OF SERVICE**HON. BART GORDON**

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 13, 2010

Mr. GORDON of Tennessee. Madam Speaker, I rise today to honor Nelson Smotherman, who is retiring after 60 years as a sports statistician in middle Tennessee.

Nelson began keeping statistics for sports broadcasts in 1950. His first broadcast was for a Murfreesboro Central football game for WGNS radio. This March, Nelson worked his 4,000th game.

He has been called a legend and a walking encyclopedia, whose remarkable mind for sports statistics and 60 years of experience in the field have made him a pillar of our State's athletic programs.

Nelson's institutional memory has been an invaluable asset for the athletes of middle Tennessee. In his time in the booth, Nelson witnessed the integration of high school sports teams. He saw women's basketball shift from a 6-on-6 half-court game to 5-on-5 full-court play. He had a chance to work with some 50 different broadcasters. He maintains basketball records that go back to when the game was new, and has kept stats at State tournaments in four different sports. Nelson has been inducted into the Hall of Fame of the Tennessee Secondary School Athletic Association and has a softball field named in his honor in Murfreesboro.

Nelson's impact on the lives of young people in our community reaches well beyond the broadcast booth. He has served as Sunday School Secretary at the First Presbyterian Church in Murfreesboro for more than 50 years, and he continues to help coach the Oakland High School girls' softball team.

Nelson, your involvement in middle Tennessee sports will be missed, but I wish you all the best. I hope you enjoy a long and happy retirement.

HONORING BRYAN JOHN KUNZE

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 13, 2010

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Bryan John Kunze of Fayette, Missouri, who is retiring this year after serving 24 years as Police Chief; the longest service in the history of the city of Fayette.

Mr. Kunze is a lifelong resident of Fayette, Missouri, graduating from Fayette High School in 1976. He went on to graduate from the University of Missouri Law Enforcement Training Institute and the FBI Law Enforcement Execu-

tive Development Course. He has completed more than 3,000 hours of law enforcement training throughout his prestigious career.

Mr. Kunze has also vigorously served his community by going above and beyond his responsibilities as a deputy and as Police Chief. He has been an active volunteer fireman for the Fayette and Howard County rural fire department for more than 32 years; four of which he served as Fire Chief. Mr. Kunze was instrumental in spearheading the 911 Committee which established the emergency procedure for his county. In addition, he was also appointed to the 911 board several times. Furthermore, he has maintained active service and memberships in the Missouri Police Chiefs Association, the Missouri Federation of Police Chiefs, the International Association of Police Chiefs, and the Mid-Missouri Major Case Squad. He also serves the community as a deacon in his home church and current President of the Fayette City Cemetery.

Madam Speaker, I proudly ask you to join me in honoring Bryan John Kunze, who not only fulfilled his duties of service and leadership to his county and surrounding communities, but also set the bar for deputies and police chiefs across the nation. It is my privilege to represent such a deserving individual in the United States Congress.

HONORING MRS. MARY FOLEY
REILLY**HON. FRANK PALLONE, JR.**

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 13, 2010

Mr. PALLONE. Madam Speaker, I rise today to honor Mrs. Mary Foley Reilly of Spring Lake, New Jersey. Mrs. Reilly will be honored as the 2010 Citizen of the Year by the Greater Spring Lake Chamber of Commerce at a celebration on Thursday, April 29, 2010. Her reception of this prestigious honor is well-deserved in light of her contributions to the retail business community in Spring Lake and the greater Monmouth County area.

Mrs. Reilly owns and operates The Irish Centre, a destination store at the Jersey Shore that has specialized in the sales of Irish merchandise for the past thirty years. The Irish Centre, now located at two separate locations in the Irish-dominated town of Spring Lake, is known for dealing in high end, "heirloom quality" merchandise. As an active entrepreneur, Mrs. Reilly hand selects much of the merchandise in her store, and specializes in handmade, authentic Irish products. Her achievement as a successful businesswoman brings great pride and joy to Spring Lake Township and the State of New Jersey.

Mrs. Reilly has also made great strides in bringing our Irish-American citizens closer to their ancestral homeland. Over the years The

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Irish Centre has sponsored concerts, lecture series, fine art shows, and readings run by the finest Irish talent. Furthermore, Mrs. Reilly has continuously supported and publicized numerous parades, festivals, and fundraisers in promotion of Irish heritage. Her attempts to remain connected with her ancestral homeland helps to preserve the Irish heritage in our culturally diverse state and nation.

Madam Speaker, I sincerely hope that my colleagues will join me in congratulating Mrs. Reilly for her reception of the 2010 Citizen of the Year recognition, and also for her leadership and service to the Irish-American community.

HONORING SHARON K. BARKER

HON. PATRICK J. MURPHY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 13, 2010

Mr. PATRICK J. MURPHY of Pennsylvania. Madam Speaker, I rise today to honor Sharon K. Barker and her unending commitment to our community.

Sharon Barker has been serving Bucks County for over 30 years and has been a leader in our community, fighting for those who need our help the most. Through her leadership and her volunteer involvement, she has made fundamental contributions to the lives of women in Bucks County. It's fitting that she will receive the Bucks County Women's History Month Award.

Sharon is an inspiration to anyone who knows her, and continually finds ways to improve the community around her. She is a role model and a mentor. Her hard work and dedication are a testament to the great State of Pennsylvania, and I am proud to say she calls the 8th District home.

Currently, Sharon Barker is Senior Vice President of the United Way of Bucks County, and still she finds time to bring together others interested in serving their community. She has even established a community service organization of knitters and crocheters who make and donate crafts to other nonprofit organizations. She has worked tirelessly for these causes, and deserves recognition for her significant accomplishments, which improve the lives of those around her.

Madam Speaker, I am proud to recognize and to honor Sharon K. Barker for her incredible service to our community, and am extremely honored to serve as her Congressman.

HONORING THE LIFE OF JOSEPH F. SLAVIN

HON. BILL PASCRELL, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 13, 2010

Mr. PASCRELL. Madam Speaker, I rise to pay tribute to the life of Mr. Joseph Slavin, a beloved husband, father, and grandfather, and dedicated worker in the field of health care. Joseph was known for standing up for public

health and for the consumer in the community in his effort to carry out and interpret good policies. Those who knew him can attest that Joseph was one of those unique men who was able to accomplish much, while maintaining perfect integrity and concern for others.

Mr. Slavin was born and raised in Trenton, NJ as the son of Edward and Anna M. Slavin. As an academic he graduated at Trenton Catholic High School, earned an undergraduate degree at Villanova University, a master's degree in public administration from Rutgers University and was a graduate of Harvard University's Healthcare Leadership Program.

Joseph's work began as an administrator for the late Trenton mayor, Arthur Holland, before embarking on a career in health care as an administrator at Donnelly Memorial Hospital. He also worked in the New Jersey Department of Health, served as executive director of the Regional Health Planning Council in Newark, NJ, and was the vice president of planning and regulatory affairs at the New Jersey Hospital Association.

Joseph was the initial executive director of the Catholic Healthcare Partnership of New Jersey and also served as director of planning for St. Lawrence Rehabilitation Center. Throughout his career he always carried out professional matters with a fair and intelligent hand.

Joseph Slavin passed away at age 75 on February 11, 2010. He is survived by his loving wife of 51 years, Katherine C. Slavin; four sons and three daughters-in-law: Kevin and Wendy Slavin, of Hackettstown, NJ; Tim Slavin and Ami Leaming of Dover, DE; Al Slavin and Catherine Johnson, of Clarks Summit, PA, and Peter Slavin of Port Orange, FL. Survivors also include 11 grandchildren, one great grandchild and 18 nieces and nephews.

Madam Speaker, I ask that you join our colleagues, Joseph's family and friends, and me, in recognizing a great man, Joseph Slavin.

HONORING JEFFREY W. MEISENHEIMER

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 13, 2010

Mr. GRAVES. Madam Speaker, I proudly pause to recognize the outstanding achievement of Jeffrey W. Meisenheimer of Lee's Summit, Missouri. Jeffrey is the assistant principal of Lee's Summit High School in Lee's Summit, Missouri, and has been nominated by the National Association of Secondary School Principals (NASSP) as a finalist for the 2010 NASSP/Vicro National Assistant Principal of the Year. This prestigious nomination recognizes Jeffrey's ability to excel in the ever-demanding role of assistant principal in all aspects of education.

Madam Speaker, Jeffrey is a major contributing factor to the collaborating leadership success at Lee's Summit High School by promoting participation and teamwork through high-functioning teams. Jeffrey's goal is to improve the educational environment for his students through nurturing positive relationships

and creating individual plans for academically struggling students. Jeffrey is a true asset to Lee's Summit School District with his commitment to students, relationship building and long-range goals for students, teachers, and Lee's Summit High School.

Madam Speaker, I ask that you join me in applauding Jeffrey W. Meisenheimer's outstanding professionalism and commitment to educating the American youth. I join with Jeffrey's colleagues, family, friends, and students in congratulating Jeffrey on his outstanding achievement, and wish him good luck in his future endeavors.

IN HONOR OF OCEAN COUNTY CHAMBER OF COMMERCE 47TH ANNUAL GALA AWARD WINNERS

HON. JOHN H. ADLER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 13, 2010

Mr. ADLER of New Jersey. Madam Speaker, I rise today to recognize and congratulate this year's Ocean County Chamber of Commerce honorees, Mr. and Mrs. Stephan and Judi Leone and The J. Phillip Citta Regional Cancer Center at Community Medical Center.

Mr. and Mrs. Leone have rightfully earned this year's "Distinguished Citizens of the Year" award. Mr. Stephan Leone co-founded the Toms River law firm Carluccio, Leone, Dimon, Doyle, and Sacks and was recently included in New Jersey Magazine's list of Super Lawyers. He serves as a member of the Ocean County College Board of trustees, is Director of the Toms River Business Improvement District, and has served on the Nature Conservancy of New Jersey. Mrs. Judith Leone serves as the vice Chair of the New Jersey State Council on the Arts, and serves as a trustee for several organizations including the Garden State Philharmonic, Ocean's Harbor House Foundation, and the Shelter, Inc. She has earned several awards for her work with various community organizations, and was named Ocean County College's Humanitarian of the Year along with her husband.

Earning the honor of this year's "Organization of the Year" award is The J. Phillip Citta Regional Cancer Center at Community Medical Center. As the leading provider of cancer services in the region, they have provided the people of Ocean County with high quality care and innovative programs in all areas of cancer prevention, detection, and treatment.

The honorees will be recognized at the Ocean County Chamber of Commerce's 47th annual gala on April 29, 2010 in Lakewood, NJ. In recognition of their outstanding contributions and service to the community, I urge my colleagues to join me in congratulating Mr. and Mrs. Leone and the J. Phillip Citta Regional Cancer Center at Community Medical Center.

ENHANCING COMPETITION IN HEALTH INSURANCE MARKETS

HON. GWEN MOORE

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 13, 2010

Ms. MOORE of Wisconsin. Madam Speaker, with a large number of concentrated health insurance markets across the country, it is imperative that health care reform initiatives focus on enhancing competition among insurers and providing American consumers with affordable health care coverage. Many health insurance markets in the United States appear to have one dominant insurer, and in many other markets, the top two insurers serve most enrollees. According to the American Medical Association, in 2007, at least one insurer had a combined HMO/PPO market share of 50 percent or greater in 64 percent (200) of the local markets (or Metropolitan Statistical Areas) of the United States. And the two top insurers accounted for at least 60 percent of enrollment in almost 75 percent of these markets.

Moreover, it can be extremely difficult for new firms, even large national health insurance firms, to enter these markets. A new health insurer in an area will have difficulty attracting customers until a large number of health care providers have signed up. But providers may be reluctant to sign up at competitive rates without assurance that the plan can offer a volume of patients. And both consumers and providers may be skeptical of a new health plan with which they have little experience.

As a recent Congressional Research Service report states: "The health insurance market has many features that can hinder markets, lead to concentrated markets, and produce inefficient outcomes." Dominant insurers may raise premiums or reduce quality of service. They may also reduce or prevent innovations that could benefit consumers or engage in exclusionary practices to make entry more difficult.

HHS or the Exchange Controller, therefore, must take steps to encourage the entry of new, credible insurance companies and prevent dominant insurers from hampering competition. This includes seeking the advice and counsel of the U.S. Department of Justice, Antitrust Division, regarding practices that may cause or continue undue market concentration. This will be achieved in part by ensuring that the antitrust laws remain intact through a savings clause, which was included in both the House-passed and Senate-passed bills. However, improving competition in health insurance markets requires a one-two punch. It also must include seeking the advice and counsel of the U.S. Department of Justice, Antitrust Division, regarding practices that may cause or continue undue market concentration. More competitive health insurance markets will generate significant benefits for American consumers. It is the best way to ensure that all consumers, including individuals who will now be required to purchase health insurance, will be able to obtain quality care at affordable prices.

AMERICAN GATHERING OF JEWISH HOLOCAUST SURVIVORS AND THEIR DESCENDANTS

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 13, 2010

Mrs. MALONEY. Madam Speaker, I rise today to share a resolution conveyed to Attorney General Eric Holder, from the American Gathering of Jewish Holocaust Survivors and Their Descendants in recognition of the outstanding work of the Office of Special Investigations at the United States Department of Justice.

RESOLUTION OF THE GOVERNING BOARD OF THE AMERICAN GATHERING OF JEWISH HOLO- CAUST SURVIVORS AND THEIR DESCENDANTS

Whereas the American Gathering of Jewish Holocaust Survivors and Their Descendants is the umbrella organization of Holocaust survivor groups and Landsmannschaften in North America, representing some 80,000 Holocaust survivors and their family members;

Whereas the Office of Special Investigations (OSI) was created in the Criminal Division of the United States Department of Justice in 1979 in the wake of the shocking public exposure by the then-Representative Elizabeth Holtzman and others of decades of U.S. government inaction in the face of the documented presence in the United States of numerous perpetrators of Nazi crimes;

Whereas, most unconscionably of all, some of those Nazi war criminals were brought to this country by U.S. government agencies that were aware of the Nazi crimes that they had committed;

Whereas OSI recently marked the 30th anniversary of its establishment by Attorney General order;

Whereas, under the courageous and tenacious leadership of Eli Rosenbaum and his predecessors, OSI has been, for the past three decades, by far the most dedicated and successful government agency in the world in tracking down, investigating, prosecuting, and obtaining law enforcement justice in cases of fugitive Nazi war criminals and has accordingly won bipartisan praise from the Congress, awards from Jewish organizations, and plaudits from the media;

Whereas OSI has won more court cases against Nazi criminals than have authorities in all of the other governments of the world combined during the period of OSI's thirty-year existence;

Whereas OSI has prevailed in its crucial mission despite (1) daunting investigative obstacles rarely if ever encountered by other American prosecutors, (2) determined efforts made over many years by former White House Communications Director and later presidential candidate Patrick Buchanan, then-Attorney General Edwin Meese, former Rep. James Traficant, organizations of Nazi supporters, and others to undermine, disable and even close that office, (3) threats of violence directed at OSI personnel by Nazi criminals' supporters, (4) the immoral and ongoing refusal of European governments to accept the return of Nazi criminals against whom OSI has won deportation orders in U.S. courts, and (5) receiving funding that is but a tiny fraction of the moneys allocated by the U.S. government to support international efforts to prosecute a smaller number of perpetrators of atrocity crimes in Rwanda and the former Yugoslavia;

Whereas OSI launched the only law enforcement effort in postwar world history to

identify suspected Axis perpetrators systematically in order both to identify them for investigation and to prevent their entry as immigrants or visitors, with the result that nearly 200 such persons have been stopped and turned away at U.S. airports—a world-leading program from which our government might learn much as it struggles to identify terrorist and bar them from entering this country;

Whereas the fruits of OSI's extensive efforts to assist other nations in pursuing justice in the Nazi cases may be seen around the world, including in the ongoing Munich trial of former Nazi death camp guard John Demjanjuk;

Whereas OSI has done more than has any other component of the federal government to restore the honor of the United States government in the Nazi cases and to secure a measure of law enforcement justice on behalf of the Holocaust's victims;

Whereas OSI's efforts have also succeeded in obtaining a great measure of historical and remunerative justice on behalf of Holocaust victims and survivors, especially in (1) conducting investigations and prosecutions involving genocidal crimes committed in the former Soviet Union that were previously little known in the West and whose perpetrators had not previously been identified; (2) proving and publicly disclosing the fact that Gestapo archcriminal Klaus Barbie, Nazi V-2 program slave master Arthur Rudolph, Eichmann cohort Otto Albrecht von Bolschwing, and other Nazi war criminals were employed by U.S. intelligence and military agencies after World War II and were assisted by those agencies in escaping postwar justice; (3) proving, for the first time, and in direct contradiction of more than half a century of Swiss government denials, that looted gold, some of it ripped from the mouths of murdered Jewish victims in the Nazi camps, was melted down by the Reichsbank and traded to the Swiss National Bank; (4) discovering that certain artwork stolen by the Nazis from European Jews was in the possession of the National Gallery of Art in Washington, D.C.; (5) laboring indefatigably from 1999 to 2007 to locate, declassify, and disclose to the public, despite the opposition of some other federal agencies, fully eight million pages of classified documents in the U.S. government possession relating to Axis war crimes; (6) successfully leading the U.S. government's effort, in conjunction with Israeli and German authorities, to trace the fate of the infamous Auschwitz selector and experimenter Dr. Josef Mengele; and (7) undertaking a worldwide investigation that confirmed the allegations first made by the World Jewish Congress that former United Nations Secretary General Kurt Waldheim took part in Nazi crimes against humanity and persuading the Reagan Administration to bar him forever from reentering the United States;

Whereas, as a result of the expansion of OSI's mission in 2004, the unit has also won acclaim for its efforts in pursuit of justice on behalf of the victims of atrocities in Rwanda, Bosnia and elsewhere, while it continues to investigate and prosecute Nazi criminals;

Whereas the Department of Justice has announced that OSI is soon to be merged with Criminal Division's Domestic Security Section in order to consolidate the Justice Department's human rights enforcement efforts;

Now therefore be it Resolved by the Governing Board of the American Gathering of Jewish Holocaust Survivors and Their Descendants, meeting in Washington, D.C., this 14th day of February 2010, That the Governing Board:

(1) Praises and expresses deep gratitude for the matchless dedication and unique accomplishments of the prosecutors, historians, and other professional staff, both past and present, of the Office of Special Investigations, and especially its remarkable director, Eli Rosenbaum, who devoted his storied career to bringing justice and hope to Holocaust survivors, the families of those who perished in the Shoah, and the families of the hundreds of thousands of American soldiers, sailors, and airmen who gave their lives in the historic battle to end the nightmare of Nazi inhumanity;

(2) Expresses abiding gratitude to Eli Rosenbaum, the longest-serving investigator and prosecutor of Nazi criminals in postwar world history, for his courageous, tenacious, and extraordinarily successful efforts, undertaken at great personal sacrifice and risk, to pursue justice—and historical truth—on behalf of those Jewish men, women and children whose blessed memory was summoned by Israeli Attorney General Gideon Hausner in his opening address in the Eichmann case in Jerusalem when he declared that he did not stand alone to present the case, because he was joined by “six million accusers” who “cannot rise to their feet and point their finger at the man in the dock and cry ‘J’accuse’ . . . for they are now only ashes—ashes piled high on the hills of Aushchwitz and the fields of Treblinka and strewn in the forests of Poland”;

(3) Thanks Eli Rosenbaum and his predecessor Neal Sher for being among the first to expose and publicly refute the Holocaust calumnies of Patrick Buchanan, long before such criticism became a mainstream phenomenon;

(4) Considers OSI’s landmark work to have been the key post-Nuremberg American realization of the solemn commitment to justice made to the Third Reich’s surviving victims 55 years ago by former Attorney General and Supreme Court Justice Robert H. Jackson when he first stood at the podium before the judges of the International Military Tribunal;

(5) Deems the Justice Department’s continued pursuit of justice in the Nazi cases to be an undeniable moral imperative notwithstanding the lateness of the date;

(6) Very strongly supports OSI’s continuing efforts to identify, investigate, and prosecute the perpetrators of Nazi crimes and also postwar crimes against humanity;

(7) Calls on the Department of Justice to ensure that its personnel will continue to leave no stone unturned in the effort to pursue justice on behalf of the victims of Nazi crimes; and

(8) Urges those nations of Europe that, despite having provided the henchmen who massacred a third of the world’s Jews, continue to violate their moral obligation to accept the return of Nazi criminals whom the United States seeks to deport to observe that time is short in the Nazi cases and therefore to desist at once from their obstructionist conduct.

IN HONOR OF THE 50TH ANNIVERSARY OF THE WILLINGBORO FIRE COMPANY AND THE WILLINGBORO EMERGENCY SQUAD

HON. JOHN H. ADLER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 13, 2010

Mr. ADLER of New Jersey. Madam Speaker, in my State of New Jersey, we have a rich heritage of local fire companies and emergency responders serving our communities, a tradition of neighbors helping neighbors.

I rise today to honor the Willingboro Volunteer Fire Company and the Willingboro Emergency Squad, two separate organizations, which will be jointly celebrating their 50th anniversary of service in 2010.

Originally founded in January 1960, the Willingboro Fire Company began as a local VFW group recognized the need for a Fire Company in the growing town. Throughout the past 50 years, the Fire Company has grown substantially and become a vital institution serving the Willingboro community. As the integration of Willingboro was taking place in 1969, their Constitution was changed to reflect that race, color, or creed would not affect the member’s application to join the Fire Company. They received their first minority fire fighter, Lt. Ray Holden in 1970. Ever since, they began to receive regular applications from minority residents who were fully integrated into the Company. As the Willingboro community continued to grow, so did the Willingboro Fire Company. As of 2005, there were 16 members of the Career Staff, 12 fire fighters, three captains, and a Chief.

The Willingboro Emergency Squad started as the Levittown Emergency Squad in April 1960, after Mr. Charles Van Kirk, who recognized the need for an ambulance service in the growing town, put an ad in the paper for people interested in starting a local service. By 1975, they had grown to more than 100 members strong to serve what had become one of the largest suburban communities in South Jersey. Throughout the years, the Willingboro Squad has been considered an innovator at the forefront of changes in medical services in Burlington County. They were one of the first squads in the area to embrace females and minorities, not only as members, but as leaders as well. The Willingboro Emergency Services squad continues to serve the community with the high-quality, compassionate care that was established in 1960.

It is my privilege to share some of the history and hopefully some of the spirit of the Willingboro Fire Company and Willingboro Emergency Squad with my colleagues and with our fellow citizens today. We honor their 50th anniversary, and the extraordinary commitment and service they represent. Congratulations to all the officers, members and friends of the Willingboro Fire Company and Willingboro Emergency Squad again, with great respect and with thanks.

TRIBUTE TO ARLIS KINSETH-BODE

HON. TOM LATHAM

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 13, 2010

Mr. LATHAM. Madam Speaker, I rise today to recognize Arlis Kinseth-Bode for being the recipient of the Humboldt-Dakota City Chamber of Commerce President’s Award at the 2010 Humboldt County Spirit Awards.

The Humboldt County Spirit Awards were established to recognize and honor outstanding groups and individuals who have worked for the benefit of all citizens of Humboldt County, to celebrate the accomplishments and activities of our communities, to acknowledge the value of volunteerism in the county, and to have a positive impact on community spirit.

Annually included in the Spirit Awards, the Humboldt-Dakota City Chamber of Commerce President’s Award is presented to an individual or group for their longtime achievement of community support or for a superior effort on behalf of the community.

Madam Speaker, I am honored to represent Arlis Kinseth-Bode in the United States Congress. I know that my colleagues join me in commending him for his sincere dedication to establishing a better community and wish him continued success well into the future.

HONORING SHEILA JOHNSON

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 13, 2010

Ms. NORTON. Madam Speaker, I rise today to ask the House of Representatives to join me, as we celebrate Women’s History Month, by honoring Sheila Johnson, who has used her historic business achievements in sports and entertainment to empower and energize communities and people of all backgrounds, especially women, throughout the United States and other parts of the world.

Sheila Johnson has been called “a great American success story,” and continues to be a history-maker and a special inspiration to girls and women. She first made history as co-founder of the first African American owned cable network, providing entertainment and news to a primarily African American audience.

No woman in American history has simultaneously cracked open two supercharged, male-dominated fields: sports ownership and entertainment. Sheila Johnson is the first African American woman to have ownership in three professional sports franchises: the Washington Mystics, the Washington Wizards, and the Washington Capitals. She’s the first African American woman to purchase a major, luxury golf resort, Innisbrook, a Salamander Golf and Spa Resort, which hosts the PGA Tour’s Transition Championships and the LPGA Legends Tour’s Open Championship.

Sheila Johnson also has been a leader in supporting great neglected issues, many involving women. She was executive producer

of "A Powerful Noise," a documentary that examines the lives of three women living with HIV/AIDS in different parts of the world; "She Is the Matador," a movie depicting the history of women's challenges to male-only bullfighting laws in Spain; and "The Other City," about the HIV/AIDS crisis in Washington, D.C. She invested in the film "Kicking It," a documentary that illuminated the Annual Homeless World Cup, which attracts homeless men from around the world to raise awareness and funds to end homelessness.

Sheila Johnson's life has also been about service and the arts. She funded a \$4 million CARE campaign to fight global poverty, focusing on women, and was named a global ambassador for CARE. President Barack Obama appointed her to serve on the President's Committee on the Arts and Humanities.

Sheila Johnson has set a different course for young women of all backgrounds in pursuit of excellence, through her living example. Madam Speaker, I ask that the House of Representatives join me in honoring Sheila Johnson.

COMMEMORATION OF THE 70TH ANNIVERSARY OF KATYN

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 13, 2010

Mr. HASTINGS of Florida. Madam Speaker, I rise today to commemorate the 70th anniversary of Katyn—a word that has come to symbolize the brutal murder of over 20,000 Polish military officers and other intellectual elite by Stalin's secret police in the spring of 1940 and the subsequent lies told about this horrific crime. These men, and one woman, were taken as prisoners by the Soviets in their undeclared war against Poland that began a mere 17 days after the Nazis invaded Poland and started World War II.

The tragic crash this past Saturday that took the lives of so many of Poland's most senior leaders has focused worldwide attention on the Katyn massacre, which has come to symbolize Stalin's brutal repression of the Poles and others. People of goodwill everywhere extend the hand of sympathy and friendship to the Polish people who once again have suffered a great national tragedy, ironically in the very place where one of the last century's most sordid deeds was carried out.

It is my hope that the victims—from President Lech Kaczynski and his wife Maria to prominent leaders of the armed forces, the parliament, other institutions, and relatives of those shot in 1940—will not have died in vain, that this horrible crash will somehow give strength to those in Poland who must go on and continue to lead their great nation, a nation that has been a stalwart ally of the United States and a beacon of freedom and prosperity in Eastern Europe.

I also hope that these sad events may in some way help bring Russia and Poland a new and stronger relationship based on a shared history and suffering and characterized by mutual respect and trust.

Further, I would like to express my admiration for the manner in which Russia's Prime

Minister Vladimir Putin handled this disaster, flying immediately to Smolensk, the site of the crash and taking personal responsibility for the investigation. Mr. Putin acted decisively, but more than that he reinforced the positive signals he and Polish Prime Minister Donald Tusk had given at their joint ceremony in Katyn last Wednesday. No Russian Prime Minister—in fact no Russian of Mr. Putin's stature and standing—had ever been to Katyn. Mr. Tusk graciously expressed his appreciation to Mr. Putin by quoting the great Russian writer, Alexander Solzhenitsyn: "But let us not forget that violence does not live alone and is not capable of living alone: it is necessarily interwoven with falsehood. Between them lies the most intimate, the deepest of natural bonds. Violence finds its only refuge in falsehood, falsehood its only support in violence. Any man who has once acclaimed violence as his method must inexorably choose falsehood as his principle."

I hope that Mr. Putin will also embrace these words in practical ways, most importantly by assisting the Poles in finding still missing information about those who were executed on Stalin's orders in 1940.

HONORING REVEREND RUFUS C. GOODMAN

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 13, 2010

Mr. PALLONE. Madam Speaker, I rise today to honor Reverend Rufus C. Goodman in recognition of his retirement as Pastor of Mt. Carmel Baptist Church in Neptune, New Jersey. Reverend Goodman will be honored by his parishioners, colleagues, and dear friends at his retirement celebration on Friday, April 9, 2010. This celebration is well-deserved in light of the Reverend's 49 years of service to Mt. Carmel and Neptune Township.

As Pastor of Mt. Cannel Baptist Church, Reverend Goodman conveyed the power of faith and hope to his parishioners through countless sermons and counseling sessions. During this time period, the church witnessed tremendous growth in membership and public service endeavors. With the Reverend's support, the church developed the Community Room for worship services, town meetings, and various social events. His tremendous dedication to his followers has served to promote faith, peace, and harmony throughout his community.

In addition to serving his parishioners, Reverend Goodman has made lasting contributions to his local community. As president of the Asbury Park-Neptune Interdenominational Ministerial Alliance, Reverend Goodman oversaw the awarding of scholarship awards to graduating high school students for their academic achievements. While serving as secretary of the Neptune Township Welfare Board, Reverend Goodman generously offered assistance to families in need of food, shelter, and clothing. Furthermore, he provided counseling for unemployed parents seeking employment to care for their families. During local riots in the late 1960s and early 1970s, the

courageous Reverend met with participants to listen to their complaints and convey his words of peace and harmony. Finally, Reverend Goodman was instrumental in the development of the Motivational Center, a center that works with various organizations to offer referral services, clean clothing, showers, and meals for the poor and underprivileged. His years of work with such community initiatives have had a profound impact on numerous families across several generations.

Madam Speaker, I sincerely hope that my colleagues will join me in congratulating Reverend Goodman on his retirement, and for his years of dedicated leadership to the American people.

HONORING WILLIAM A. MCKENTY

HON. PATRICK J. MURPHY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 13, 2010

Mr. PATRICK J. MURPHY of Pennsylvania. Madam Speaker, I rise today to honor William A. McKenty of Ottsville, Pennsylvania.

Mr. McKenty, who will be receiving the much-deserved "Man of the Year" award from the Feasterville Business Association, has been an integral part of our community and an outstanding businessman.

For 36 years, Mr. McKenty has worked in the industrial battery industry, and for the last 13 years, Mr. McKenty has owned and operated his own battery business in Trevose, Pennsylvania. He has been involved in the shaping of our business community and has helped raise thousands of dollars for local charities. He has been involved in Special People in Northeast, and the Special Olympics. In addition, he has also been a Little League and softball coach. William McKenty is an inspiration to our community.

Madam Speaker, I am proud to recognize and honor William A. McKenty not only for being an upstanding businessman, but also for his commitment to charity work and giving back to the community. I am honored to serve as his Congressman.

TRIBUTE TO RON RASMUSSEN

HON. TOM LATHAM

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 13, 2010

Mr. LATHAM. Madam Speaker, I rise today to recognize Ron Rasmussen for being the recipient of the Youth Champion Award at the 2010 Humboldt County Spirit Awards.

The Humboldt County Spirit Awards were established to recognize and honor outstanding groups and individuals who have worked for the benefit of all citizens of Humboldt County, to celebrate the accomplishments and activities of our communities, to acknowledge the value of volunteerism in the county, and to have a positive impact on community spirit.

Annually included in the Spirit Awards, the Youth Champion Award is presented to an

adult individual who has generously given time, talent and energy to promote activities for youth in the community.

Madam Speaker, I am honored to represent Ron Rasmussen in the United States Congress. I know that my colleagues join me in commending him for his sincere dedication to establishing a better community and wish him continued success well into the future.

HONORING THE 3RD U.S. INFANTRY REGIMENT OF THE UNITED STATES ARMY

HON. SUE WILKINS MYRICK

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 13, 2010

Mrs. MYRICK. Madam Speaker, I rise today to recognize the dedication and service of the 3rd U.S. Infantry Regiment of the United States Army, also known as the Old Guard.

The oldest active duty infantry unit in the U.S. Army, the Old Guard conducts all memorial affairs honoring fallen soldiers, escorts the President at official events, and has the high honor of guarding the Tomb of the Unknown Soldier at Arlington National Cemetery.

For 62 years this month, since April 6, 1948, the Old Guard has held watch over the Tomb of the Unknown Soldier 24 hours a day, 365 days a year, rain or shine. When they're not on guard, members of the 3rd Infantry Regiment study the history of the Cemetery, clean weapons and provide assistance to their fellow guardsmen going on or coming off duty, also known as The Changing of the Guard, one of the most sacred and awe-inspiring ceremonies within our military.

Madam Speaker, we owe thanks to all members of our armed services and their families, who daily serve our country with honor and dignity. We especially owe thanks to the 3rd U.S. Infantry Regiment, the Old Guard, for their dedication and commitment to honoring those servicemembers who are "Known But To God."

TRIBUTE TO MARTHA SCHMIDT

HON. TOM LATHAM

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 13, 2010

Mr. LATHAM. Madam Speaker, I rise today to recognize Martha Schmidt for being the recipient of the Inspiration Award at the 2010 Humboldt County Spirit Awards.

The Humboldt County Spirit Awards were established to recognize and honor outstanding groups and individuals who have worked for the benefit of all citizens of Humboldt County, to celebrate the accomplishments and activities of our communities, to acknowledge the value of volunteerism in the county, and to have a positive impact on community spirit.

Annually included in the Spirit Awards, the Inspiration Award is presented to an individual with a "can do" attitude who is involved in all facets of the community both as a leader and team player.

Madam Speaker, I am honored to represent Martha Schmidt in the United States Congress. I know that my colleagues join me in commending her for her sincere dedication to establishing a better community and wish her continued success well into the future.

HONORING BRUCE STARKWEATHER FOR HIS CIVIC LEADERSHIP

HON. DORIS O. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 13, 2010

Ms. MATSUI. Madam Speaker, I rise today to recognize Mr. Bruce Starkweather as he retires as Chairman of Lionakis. For twenty-five years Bruce has served the Sacramento community as a leading architect and civic leader. As his friends, family and colleagues gather together to pay tribute to his hard work and dedication, I ask my colleagues to join me in honoring this truly inspirational individual.

In 1972, Bruce graduated from the University of Oregon, School of Architecture. After graduation, he practiced architecture for five years in Oregon before moving to California. He ran his own firm for eight years in Auburn, and then accepted a position on March 15, 1985 with the prestigious Sacramento-based structural and design firm Lionakis, Liske, Engberg and Beaumont, now known as Lionakis.

Bruce's contributions to the Sacramento community have not gone unnoticed. He has received several awards and certificates over the past twenty-five years for his exceptional achievements. Some of those awards include: Certificate of Appreciation from the City of Sacramento in recognition of his exceptional performance in the City of Sacramento's General Plan Advisory Committee; the Sacramento Old City Association Architectural Achievement Awards for his contributions to the Sacramento River Water Intake Structure; the American Institute of Architects (AIA) Presidential Citation in recognition of his efforts to bring together the American Institute of Architects (AIA) Central Valley Chapter and the City of Sacramento and many more. His impact on Sacramento can be seen in many local buildings including the Sacramento River Water Intake Structure, the Lionakis Office, Kaiser Permanente Medical Office Building, Foothill Oaks Elementary School, Lucy & Company Office Building and many, many others.

Bruce has a true civic mind and has been a leader who I am honored to call my friend. His involvement in the Sacramento community is never-ending outside of the office. He has served as the Board of Directors of Valley Vision and the Sacramento Metro Chamber of Commerce, Principal-in-Charge of the Sacramento Water Intake Structure, as well as Vice Chair of the General Plan Advisory Committee (GPAC) and the Development Oversight Commission with the City of Sacramento.

Madam Speaker, as Bruce Starkweather, his wife DonnaLee and children Fred, Jennifer, Stephen, and Ryan, along with his many friends and colleagues gather to celebrate his retirement, I ask all my colleagues to join me in saluting a truly remarkable individual.

TRIBUTE TO THE HUMBOLDT AREA ARTS COUNCIL

HON. TOM LATHAM

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 13, 2010

Mr. LATHAM. Madam Speaker, I rise today to recognize the Humboldt Area Arts Council for being the recipients of the Cooperation Award at the 2010 Humboldt County Spirit Awards.

The Humboldt County Spirit Awards were established to recognize and honor outstanding groups and individuals who have worked for the benefit of all citizens of Humboldt County, to celebrate the accomplishments and activities of our communities, to acknowledge the value of volunteerism in the county, and to have a positive impact on community spirit.

Annually included in the Spirit Awards, the Cooperation Award is presented to an organization or entity which led an effort or event that benefited and filled a need in the community through volunteerism.

Madam Speaker, I am honored to represent the Humboldt Area Arts Council in the United States Congress. I know that my colleagues join me in commending them for their sincere dedication to establishing a better community and wish them continued success well into the future.

HONORING THE UNITED STATES' WHEELCHAIR CURLING TEAM

HON. MICHAEL A. ARCURI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 13, 2010

Mr. ARCURI. Madam Speaker, it is with great pleasure that I rise today in honor of the United States' Wheelchair Curling Team's 4th place finish at the 2010 Paralympic Winter Games, and the Sitrin Health Care Center, an innovative regional provider of health and rehabilitative services, which is located in my Congressional District in Upstate New York.

In 2001, the Sitrin Health Care Center created the Sitrin STARS, an adaptive sports program that provides individuals with physical disabilities opportunities to engage in a variety of sports on a recreational or competitive basis.

Every member of the United States' Curling Team is a Sitrin STARS athlete, a true testament to the outstanding work and dedication of the Sitrin staff.

I would also like to specifically thank Augusto "Goose" Perez, James Pierce, James "Jimmy Jam" Joseph, Jacqueline Kapinowski and Patrick McDonald. Through their sportsmanship, dignity and character they proudly represented our country.

Madam Speaker, I call on my colleagues to join me in recognizing the United States' Wheelchair Curling Team, and the Sitrin Health Care Center for defying the odds, and providing inspiration and hope to all athletes with physical disabilities.

TRIBUTE TO THE GARGANO
FAMILY

HON. TOM LATHAM

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 13, 2010

Mr. LATHAM. Madam Speaker, I rise today to recognize the Gargano family for being the recipients of the Family Tradition Award at the 2010 Humboldt County Spirit Awards.

The Humboldt County Spirit Awards were established to recognize and honor outstanding groups and individuals who have worked for the benefit of all citizens of Humboldt County, to celebrate the accomplishments and activities of our communities, to acknowledge the value of volunteerism in the county, and to have a positive impact on community spirit.

Annually included in the Spirit Awards, the Family Tradition Award is presented to a family who demonstrates support and devotion to the community through volunteerism.

Madam Speaker, I am honored to represent the Gargano family in the United States Congress. I know that my colleagues join me in commending them for their sincere dedication to establishing a better community and wish them continued success well into the future.

COMMEMORATING HOLOCAUST
REMEMBRANCE DAY

HON. RUSS CARNAHAN

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 13, 2010

Mr. CARNAHAN. Madam Speaker, on Sunday, April 11, 2010, the world paused to remember the Holocaust, which took the lives of six million Jews across Europe along with six million other victims of Nazi persecution, devastated societies, destroyed families, and forever left an unconscionable mark upon humanity.

Holocaust Remembrance Day is an opportunity to solemnly reflect upon this historic tragedy and memorialize the millions of innocent lives lost in the greatest campaign of terror the world has ever seen. It is an opportunity to remember the atrocities of the past, but also a chance to recall that we must never forget.

Holocaust Remembrance Day pays tribute to the unbreakable will of human beings to live in freedom and oppose despotism wherever it appears. It is a reminder of that pledge to never forget and never allow the unchecked cruelty of the Holocaust to be repeated by firmly recommitting ourselves to the fight against anti-Semitism, as well as all forms of persecution, bigotry, discrimination and hatred.

In 1993, on the 50th Anniversary of the Warsaw Ghetto Uprising, for which Holocaust Remembrance Day was designated, then-Israeli Prime Minister Yitzhak Rabin noted that despite the fall of Hitler "his successors have arisen in various corners of the world." Sadly this statement remains true today.

In too many regions of the world today we are still witnessing terrible mass violence, de-

struction and murder against women, children, ethnic and religious minorities, and lesbian, gay and transgender individuals, and many other groups of people. Reprehensibly, this violence and hatred is too often deeply institutionalized.

Holocaust Remembrance Day serves as an opportunity to put on notice the brutal regimes carrying out these crimes that our resolve to defend universal human rights is profound and unwavering. As long as it is necessary we will continue to fight to end intolerance and work toward a more just future for all of mankind, and we stand with supreme confidence that we will be triumphant.

The statesman and philosopher, Edmund Burke, famously said that "The only thing necessary for the triumph of evil is for good men to do nothing." Today we remember the Holocaust because many good men and women stood up for justice and acted to stop Nazi cruelty, and their sacrifice must forever be honored. We remember because the spirit of humanity refused to succumb to evil and be dominated by hatred. And we remember because in remembering the past we can work toward a better future; a future of equality, freedom, peace and prosperity.

TRIBUTE TO M.D. PRODUCTS

HON. TOM LATHAM

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 13, 2010

Mr. LATHAM. Madam Speaker, I rise today to recognize M.D. Products for being the recipients of the Horizon Award at the 2010 Humboldt County Spirit Awards.

The Humboldt County Spirit Awards were established to recognize and honor outstanding groups and individuals who have worked for the benefit of all citizens of Humboldt County, to celebrate the accomplishments and activities of our communities, to acknowledge the value of volunteerism in the county, and to have a positive impact on community spirit.

Annually included in the Spirit Awards, the Horizon Award is presented to a business or entity that has brightened the county's horizon through building improvements.

Madam Speaker, I am honored to represent M.D. Products in the United States Congress. I know that my colleagues join me in commending them for their sincere dedication to establishing a better community and wish them continued success well into the future.

CONGRATULATING THE UNIVERSITY OF WISCONSIN-GREEN BAY
WOMEN'S BASKETBALL TEAM

HON. STEVE KAGEN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 13, 2010

Mr. KAGEN. Madam Speaker, I would like to take a moment here to honor the University of Wisconsin-Green Bay women's basketball team for their historic at-large bid to the NCAA

tournament. Now, this may not seem like a big deal to folks from the big cities or from the East or West Coast, but in northeast Wisconsin, we could not be prouder of our Phoenix being the first team from the Horizon League to earn an NCAA at-large bid. I want to commend Head Coach Matt Bollant and his team for their remarkable achievement this year. They entered the tournament with 27 wins and launch into the second round today after upsetting the Virginia Cavaliers over the weekend. I also want to point out most of Coach Bollant's team is homegrown in Wisconsin. For the lady Phoenix players, most of them spent their lifetime growing up in northeast Wisconsin. I want to thank the entire UWGB team for making Wisconsin proud, and I wish them good luck tonight in their road to the Final Four.

University of Wisconsin-Green Bay 2009-10 Roster: #4 Celeste Hoewisch, Junior, Hortonville, WI; #10 Hannah Quilling, Sophomore, Eau Claire, WI; #13 Adrian Ritchie, Freshman, De Pere, WI; #20 Sam Zastrow, Freshman, Algoma, WI; #22 Lydia Bauer, Freshman, Lake Zurich, IL; #24 Heather Golden, Junior, De Pere, WI; #25 Jenny Gilbertson, Sophomore, Wabasha, MN; #30 Katie Bushman, Sophomore, Phillips, WI; #32 Julie Wojta, Sophomore, Mishicot, WI; #33 Morgan Faase, Junior, Green Bay, WI; #42 Kayla Tetschlag, Junior, Sheboygan, WI; #43 Sarah Eichler, Freshman, Grafton, WI; #45 Stephanie Sension, Freshman, Hopkins, MN; #52 Breannah Ranger, Freshman, Skokie, IL.

Coaching Staff: Head Coach: Matt Bollant; Assistant Coaches: Mike Divilbiss, Amanda Leonhard, Sarah Bronk; Director of Operations: Kari Flunker.

TRIBUTE TO DEAN AND JUDY
HARKLAU

HON. TOM LATHAM

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 13, 2010

Mr. LATHAM. Madam Speaker, I rise today to recognize Dean and Judy Harklau for being the recipients of the Good Neighbor Award at the 2010 Humboldt County Spirit Awards.

The Humboldt County Spirit Awards were established to recognize and honor outstanding groups and individuals who have worked for the benefit of all citizens of Humboldt County, to celebrate the accomplishments and activities of our communities, to acknowledge the value of volunteerism in the county, and to have a positive impact on community spirit.

Annually included in the Spirit Awards, the Good Neighbor Award is presented to an individual who exemplifies true neighborhood spirit by lending a helping hand in a time of need.

Madam Speaker, I am honored to represent Dean and Judy Harklau in the United States Congress. I know that my colleagues join me in commending them for their sincere dedication to establishing a better community and wish them continued success well into the future.

HONORING ST. LUKE'S HOSPITAL

HON. PATRICK J. MURPHY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 13, 2010

Mr. PATRICK J. MURPHY of Pennsylvania. Madam Speaker, I rise today to honor St. Luke's Quakertown Hospital for receiving the 2010 Distinguished Community Service Award from the Bucks County Council, Boy Scouts of America.

Madam Speaker, this worthy recognition was earned by St. Luke's for its tremendous contribution to our community and the positive example that service has set for the 13,000 young men and women served by Scouting and Learning for Life programs in Bucks County.

The leadership exhibited by St. Luke's and its dedicated staff is inspiring and truly sets the bar in their field. St. Luke's is one of the premier health networks in the region, and the Quakertown facility is the fastest growing hospital in Southeastern Pennsylvania, a testament to the great work being done there.

St. Luke's is dedicated to providing the community with quality care. By extending that mission beyond its walls through community days and health and safety awareness programs, St. Luke's has shown it will stop at nothing to ensure the health and well-being of the community.

This dedication to service is exactly what it means to be a Scout, and as we celebrate the 100th Anniversary of the Boy Scouts, it is fitting that we recognize St. Luke's.

Madam Speaker, once again I would like to thank St. Luke's Quakertown Hospital for its contribution to the community and especially to the youth of Bucks County.

TRIBUTE TO MERLIN FORT

HON. TOM LATHAM

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 13, 2010

Mr. LATHAM. Madam Speaker, I rise today to recognize Merlin Fort for being the recipient of the Neighborhood Restoration/Beautification Award at the 2010 Humboldt County Spirit Awards.

The Humboldt County Spirit Awards were established to recognize and honor outstanding groups and individuals who have worked for the benefit of all citizens of Humboldt County, to celebrate the accomplishments and activities of our communities, to acknowledge the value of volunteerism in the county, and to have a positive impact on community spirit.

Annually included in the Spirit Awards, the Neighborhood Restoration/Beautification is presented to an individual or group who has set an example by improving, beautifying and restoring their neighborhood.

Madam Speaker, I am honored to represent Merlin Fort in the United States Congress. I know that my colleagues join me in commending him for his sincere dedication to establishing a better community and wish him continued success well into the future.

HONORING MRS. SYLVIA YVONNE DRAKEFORD

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 13, 2010

Mr. PALLONE. Madam Speaker, I rise today in commemoration of the life of Mrs. Sylvia Yvonne Drakeford. Mrs. Drakeford, a resident of Englewood, New Jersey, passed away on March 6, 2010 after decades of public service with the Englewood City Department of Education and Department of Recreation.

During the past 30 years, Mrs. Drakeford served as the Playground Supervisor for the Department of Recreation. As supervisor, she was instrumental in restructuring the city's camping trip program to include affordable, package deals for the city's children. Prior to her time at the Department of Recreation, Mrs. Drakeford served as a teacher's aide at Cleveland and Quarles Schools in the City of Englewood for 27 years. For 15 of these years, she spent the first half of the day educating schoolchildren, and the second half entertaining them as the coordinator of the schools' After-School Program. Mrs. Drakeford's contributions to the city touched generations of Englewood residents.

Mrs. Drakeford leaves behind a loving and adoring family. Her son Teddy Drakeford, whom I have known for nearly two decades, was a valued staffer in my office from 1996 until last year. He recently left my office to continue his mother's proud legacy of working with children.

Madam Speaker, I sincerely hope that my colleagues will join me in honoring Mrs. Drakeford for her lifetime of dedicated support to the children and residents of Englewood.

TRIBUTE TO THE HEAVENLY HATS PROJECT-TRV

HON. TOM LATHAM

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 13, 2010

Mr. LATHAM. Madam Speaker, I rise today to recognize the Heavenly Hats Project-TRV students for being the recipients of the Young Leaders Award at the 2010 Humboldt County Spirit Awards.

The Humboldt County Spirit Awards were established to recognize and honor outstanding groups and individuals who have worked for the benefit of all citizens of Humboldt County, to celebrate the accomplishments and activities of our communities, to acknowledge the value of volunteerism in the county, and to have a positive impact on community spirit.

Annually included in the Spirit Awards, the Young Leaders Award is presented to an individual or group of young people who have made their community a better place through volunteer efforts.

Madam Speaker, I am honored to represent the Heavenly Hats Project-TRV students in the United States Congress. I know that my colleagues join me in commending them for their

sincere dedication to establishing a better community and wish them continued success well into the future.

IN HONOR AND RECOGNITION OF MELVIN S. SCHWARZWALD AND PHILIP M. ZANNELLA, JR.

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 13, 2010

Mr. KUCINICH. Madam Speaker, I rise today in honor and recognition of Melvin S. Schwarzwald and Philip M. Zannella, Jr., as they are being honored by the State of Israel Bonds, Cleveland Chapter, Cleveland, Ohio.

Melvin S. Schwarzwald is a managing partner with the law firm Schwarzwald, McNair & Fusco LLP. The firm represents the interests of labor unions, especially in the areas of labor-sponsored pension, health and welfare plans. Mr. Schwarzwald, a graduate of Harvard Law School, launched his legal career working for the late U.S. Senator Howard M. Metzenbaum. Mr. Schwarzwald has worked on behalf of numerous labor organizations, steel workers, machinists, food workers, musicians, printing trades and many others. In addition to serving on the Cleveland Israel Bonds Cabinet, he continues to volunteer his expertise and time by serving on many boards that protect the rights of workers, including the National Labor Advisory Committee and the Board of Directors of the AFL-CIO.

Mr. Philip M. Zannella, Jr., is the Directing Business Representative for the International Association of Machinists & Aerospace Workers, Local #1363. Mr. Zannella learned first hand the critical role of labor representation when he joined the International Association of Machinists and Aerospace Workers in 1971, where he first worked as a garage-man, apprentice and journeyman mechanic for Transamerica Freight Lines. In 1975, while working as a journeyman mechanic at Marshall Ford, he was appointed Business Representative for Local #1363. For nearly thirty years, Mr. Zannella perfected his trade as an aerospace machinist, learning new elements of the trade as technology evolved. Promoted to Directing Business Representative in 2004, Mr. Zannella incorporates his labor expertise and passion on behalf of workers' rights to successfully negotiate labor contracts, arbitrations and grievances. An active community volunteer, he is a member and leader on several labor boards. He also volunteers on behalf of conservation and farm organizations, including the Northern Ohio Chapter of Guide Dogs of America.

Madam Speaker and colleagues, please join me in honor and recognition of Melvin S. Schwarzwald and Philip M. Zannella, Jr., for their unwavering commitment and work on behalf of protecting the rights, safety and benefits of the laboring men and women throughout our community and our nation. Their accomplishments and leadership, honored by the State of Israel Bonds, has strengthened the rights of workers and continues to strengthen the bonds of friendship between American labor and the State of Israel.

CELEBRATING THE JEWISH NAMING CEREMONY OF RACHEL ESTHER LAULOM

HON. JOHN GARAMENDI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 13, 2010

Mr. GARAMENDI. Madam Speaker, I rise today on behalf of my good friend, Dr. Sol Lizerbram, to honor and recognize the birth of his granddaughter Rachel Esther Laulom in a baby naming ceremony officiated by Rabbi Matthew Earne at Congregation Beth Am on Sunday, April 18, 2010 in San Diego, California.

Rachel Esther Laulom was born on February 3, 2010 to parents Marci and Corey Laulom. She joins her big brother Jacob Laulom; proud grandparents Dr. Sol and Lauren Lizerbram, and paternal grandparents Danny and Carol Laulom.

The baby has been given the name Rachel Esther in honor of her great-grandmothers; maternal great-grandmother, Esther Lizerbram, and her paternal great-grandmother, Rachel Addi.

This centuries-old ceremony is considered to be one of the most important and recognized Jewish rituals. It signifies the importance of the Jewish faith, introduces the baby to the community for their support and commitment to the physical and spiritual well being of baby Rachel. It is a time of dedication and benediction, and will allow Marci and Corey to enlighten the family and community to the significance of her chosen name.

Madam Speaker, I have the pleasure of asking my colleagues to join me in recognizing the traditions of the Jewish faith and the significance of this ceremony.

REMEMBERING THE SACRIFICE OF OUR NATION'S PRISONERS OF WAR

HON. CATHY McMORRIS RODGERS

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 13, 2010

Mrs. McMORRIS RODGERS. Madam Speaker, I rise today to recognize POW Remembrance Day. As a nation, we must always honor and remember all of the brave men and women who have placed themselves in harm's way in order to protect liberty and freedom. However, special recognition is warranted for those selfless individuals who confronted our enemies as prisoners of war. It is fitting that we honor the commitment and the sacrifices made by this nation's prisoners of war.

April 9th commemorates the date during World War II when the single largest number of Americans were captured and forced to undergo the infamous Bataan Death March. Today we remember those Soldiers, Sailors, Marines, and Airmen and the many others since then that have fallen captive while valiantly fighting to preserve our great nation.

Madam Speaker, in recognition of Prisoner of War Remembrance Day, today citizens and veterans alike are gathered at the Veterans Administration Hospital in Spokane, Wash-

ington, to honor and pay respect to these brave souls. I ask my colleagues to join me in offering my most heartfelt thanks and appreciation to this nation's prisoners of war for their enduring sacrifices.

IN HONOR OF EDWARD D. TEARE

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 13, 2010

Mr. KUCINICH. Madam Speaker, I rise today in honor of Edward D. Teare, dedicated father and paramedic for the Fire Department in Independence, Ohio. A family man who believed in tradition, he lived his life in service of others and he will never be forgotten by his friends, colleagues and loved ones.

Mr. Teare was born in Cleveland, but grew up in Independence. As a student at Independence High School, he worked in public service during the summer. He continued as a college student at Kent State University. After college, Mr. Teare studied to become a paramedic at Marymount Hospital. He joined the Independence Fire Department in 1979 and worked his way up to the rank of lieutenant.

Mr. Teare was a beloved husband of Janet (nee Boyd), and a devoted father to Katherine, Edward and Linda. Mr. Teare and his wife were members of the Church of Assumption, where they played pinocle. An outdoorsman, Mr. Teare enjoyed running as well as boating and fishing on Lake Erie. An annual fishing trip with family and friends, which became a rite of passage for his son and his friends, will continue this year in his honor.

Madam Speaker and colleagues, please join me in recognition of Edward D. Teare, a family man and outstanding public servant. He will be greatly missed by all who knew and loved him.

HONORING ELWOOD AND PATRICIA TREADWELL'S 50TH WEDDING ANNIVERSARY

HON. GINNY BROWN-WAITE

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 13, 2010

Ms. GINNY BROWN-WAITE of Florida. Madam Speaker, I rise today to honor Elwood and Patricia Treadwell of Groveland, FL. On April 2, 2010, Mr. and Mrs. Elwood celebrated 50 years of marriage.

Elwood Treadwell, better known by his friends and family as "Woody", attained the rank of colonel while serving in the military. In his civilian life, his career has taken him as far north as Niagara, New York where he worked as a structural engineer, to sunny Florida where he currently works for the Walt Disney World Transportation Department, in the Magic Kingdom's ferry boat section.

Patricia Treadwell's passion for animals and devotion to those in need also took her to Niagara, New York. She devoted countless hours to training dogs for the Guiding Eyes program.

So far, Woody and Patricia's marriage has spanned 5 decades, 10 presidents, a moon landing and the *Challenger* explosion. They can remember where they were when Martin Luther King Junior gave his famous address on the steps of the Lincoln Memorial and on the day President Kennedy was assassinated. In the past 50 years, technology has also evolved in ways that few could have imagined: the invention of the Internet and cell phones has made it easier than ever to connect with loved ones.

Over the span of their lives together, they have raised two children, and are the proud grandparents of four grandchildren. They have supported them with their love and have given them the tools to take on our ever changing world.

Madam Speaker, please join me in congratulating the Treadwells on 50 years of wedded bliss. I wish them the best over the next 50 years as they continue to walk through life together.

IN HONOR AND RECOGNITION OF THE 75TH ANNIVERSARY OF THE CLEVELAND WOMEN'S ORCHESTRA

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 13, 2010

Mr. KUCINICH. Madam Speaker, I rise today in honor and recognition of the 75th anniversary of the Cleveland Women's Orchestra, the oldest women's orchestra in the United States. I also rise in recognition of its founder, Mr. Hyman Schandler. With the help of his beloved wife Rebecca, Mr. Schandler created an opportunity for women musicians to perform professionally.

Mr. Schandler was a violin teacher who became inspired by the exceptional talent of his female students. He rallied the support of his friends and colleagues and founded the Cleveland Women's Orchestra in 1935. After receiving rave reviews by all three local newspapers for its debut concert at Severance Hall, the Women's Orchestra became a fixture of the community.

Mr. Schandler served as both the conductor and the music director at the orchestra for 55 years until he passed in 1990 at the age of 90. Subsequently, Robert L. Conquist was named Music Director and has held the position ever since. Mr. Conquist, a life-long friend of Mr. Schandler, has maintained the rich traditions of the Cleveland Women's Orchestra.

Madam Speaker, please join me in honor and celebration of the Cleveland Women's Orchestra. After 75 years, the orchestra still provides talented women musicians with performance opportunities; provides the community with special events programs; provides free "Gift of Music" concerts on a regular basis; and plays an anniversary concert at Severance Hall every year. The Cleveland Women's Orchestra is a vibrant organization that enriches all our lives through the universal language of music.

IN HONOR OF BURLINGTON COUNTY CHAMBER OF COMMERCE VOICE OF BUSINESS AWARD WINNERS

HON. JOHN H. ADLER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 13, 2010

Mr. ADLER of New Jersey. Madam Speaker, I rise today to recognize and congratulate this year's Burlington County Chamber of Commerce Voice of Business award recipients for their outstanding contributions to the Burlington County business community. Having strong, local business communities is vital to the well-being of our nation and I commend these individuals and companies who have demonstrated excellence in commitment to South Jersey through extraordinary efforts. I would also like to thank the Chamber, which itself is such an integral part of this community, for taking the opportunity to draw attention to the outstanding contributions of these individuals and organizations.

Mr. John C. Hall has rightfully earned this year's "Voice of Business" award. For more than 34 years, Mr. Hall has been a vital component to the economic development in Burlington County. He helped co-found the "Committee of 50," a local organization focused on the economic development of Burlington County. He was President of Mt. Holly State Bank for more than 17 years and currently serves as the Vice President of Government Banking at Beneficial Bank.

Beneficial Bank and Pro Computer Service have earned this year's "Business Excellence" award for their commitment to the economic development of Burlington County through increasing local employment opportunities, leadership in the community, and entrepreneurial spirit.

This year's "Economic Development" award is given to the Maple Shade Business Association, an organization of more than 100 active entrepreneurs. The MSBA is an integral part of the local community, helping to foster local job creation and strengthen the small business community.

Earning this year's "New Voice" award is SNJ Business People, a monthly business publication that focuses on local business leaders and their work throughout South Jersey.

The "Community Enrichment" award will go to Crossroads Programs, Inc, a non-profit that has provided residential and community based services to the region's most vulnerable youth for more than 31 years.

The Honorable William Haines Jr. is the recipient of this year's "Public Voice" award. Mr. Haines, a former Burlington County freeholder, was an aggressive advocate of land preservation whose legacy has been the preservation of thousands of acres of farmland and open space in Burlington County. His efforts led to the creation of the county parks department in 1999 and the recognition by the Victorian Society in America for the county's restoration efforts at historic Smithville Park in Eastampton.

Earning this year's "Chairman's Award of Excellence" is Mr. Mark Morgan who serves as President of the Moorestown Business As-

sociation and Director of the Moorestown Theatre Company. Under his leadership, both groups have thrived and become integral community organizations.

The honorees will be recognized at Burlington County's Chamber of Commerce Voice of Business dinner on April 19, 2010. I applaud these outstanding individuals and businesses who have worked hard to achieve the American dream of free enterprise and serve our community by ensuring small businesses remain the job engine of America.

NATIONAL MEDIA FAIL TO HOLD PRESIDENT ACCOUNTABLE

HON. LAMAR SMITH

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 13, 2010

Mr. SMITH of Texas. Madam Speaker, recently, a woman named Doris asked President Obama why his health care legislation includes more taxes when, as she put it, "we are overtaxed as it is."

Here's what The Wall Street Journal had to say about the President's 17-minute, 2,500-word answer, and the media's failure to hold him accountable:

[The President's] filibuster had only served to avoid addressing her concern. He never explained why his health care bill ended up raising taxes on those making under \$200,000 a year—a violation of his explicit 2008 campaign pledge.

President Obama is clearly avoiding any forum where he can be pinned down with tough questions.

So far, Washington journalists have been quite passive in letting the White House choose the terms of its interaction with the public.

Would a conservative president get such an obliging ride from the normally aggressive Washington press corps? Probably not.

The national media should hold the President accountable, not give him a free pass.

HONORING THE MIGNONI SISTERS

HON. PATRICK J. MURPHY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 13, 2010

Mr. PATRICK J. MURPHY of Pennsylvania. Madam Speaker, I rise today to honor Carol Mignoni Ferguson, Rosemarie Mignoni Szczucki, and Ann Mignoni Mundy.

The Mignoni family name has been synonymous with quality jewelry in Bristol, Pennsylvania for over 60 years. They have been intertwined with the Irish community for almost as many years, with their love for Irish jewelry and art on clear display in their Bristol store.

Recently, the Mignoni sisters were again recognized by the Irish community for their contribution to the culture, the tradition, and the general welfare of Irish heritage. They truly embody the ideals of the Irish community, and their charity and support of friends and family inspire those around them.

These three sisters led the Bucks County St. Patrick's Day parade on March 13, 2010,

as exemplary members of the Bucks County community and as representatives of the Irish spirit. Long after the parade is over, they will continue to be leaders throughout the community, and their love and compassion will continue to be a beacon in the 8th district of Pennsylvania.

Madam Speaker, I am proud to honor Carol, Ann, and Rose Mignoni for their incredible service to our community. I am honored to serve as their Congressman and humbled to call them my friends.

IN HONOR AND RECOGNITION OF THE 100TH ANNIVERSARY OF THE CITY OF FAIRVIEW PARK

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 13, 2010

Mr. KUCINICH. Madam Speaker, I rise today in honor and recognition of the 100th anniversary of the City of Fairview Park. Residents, business owners and city officials have occasion to celebrate the rich history of this vibrant community.

One hundred years ago, the land southwest of Cleveland was a combination of farmland and woodland. Some of the earliest settlers of the area include families with surnames that are still recognizable today: Mastick, Anthony, Bassett, Eaton and Spencer.

Independence appears to be the main catalyst for the creation of Fairview Park (originally Fairview Village). Many residents of the Fairview-Parkview area of the newly incorporated Village of Rocky River wanted their own community. Seventy-five families submitted petitions in less than a year. On September 10, 1910, Fairview Village received its official charter.

As the city grew, Fairview Park continued to be an important part of the Cleveland-area community. Truck farming, a way of life for many families living outside Cleveland, strengthened ties between communities. Throughout the growing season, farmers would "truck" their produce and poultry to the city of Cleveland to sell at local markets such as the popular West Side Market.

Madam Speaker and colleagues, please join me in honor and recognition of the people of the City of Fairview Park, Ohio as they celebrate their 100th anniversary. The city has overcome challenges and ensured progress over the last century and it has always remained an integral part of the Greater Cleveland community.

HONORING JAMES B. VENTANTONIO, ESQ.

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 13, 2010

Mr. PALLONE. Madam Speaker, I rise today to recognize James B. Ventantonio, the Somerset County Business Partnership's 60th Annual Outstanding Citizen of the Year. Mr.

Ventantonio will be presented with this award on May 5, 2010, in Martinsville, New Jersey.

The Somerset County Business Partnership is comprised of talented community leaders, volunteers and employees dedicated to developing a thriving economy and enhancing Somerset County's quality of life. Based in Bridgewater, New Jersey, the SCBP is committed to providing leadership on key business and community initiatives, assuring the opportunity to attain business and personal goals, and achieving results that benefit and assure prosperity in Somerset County.

Mr. Ventantonio has held a leadership position in nearly every quality of life initiative in Somerset County for more than two decades. He served as Chair of a number of organizations in Somerset County, including the Somerset County Chamber of Commerce, the Blue Ribbon Task Force on the Somerset County Ballpark, and the Somerset County Business Partnership. Mr. Ventantonio continues to be a member of numerous non-profit and municipal boards and agencies. Mr. Ventantonio began his career with the Somerset/Sussex Legal Services, and continues to be a staunch supporter of providing legal services for those who cannot afford representation.

Madam Speaker, I sincerely hope my colleagues will join me in honoring Mr. James B. Ventantonio for his commitment to my constituency, as well as congratulate him on receiving the 60th Annual Outstanding Citizen Award.

HONORING THE RED CROSS

HON. ANH "JOSEPH" CAO

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 13, 2010

Mr. CAO. Madam Speaker, I rise today in honor of the American Red Cross. Since its founding in 1881 by Clara Barton, the American Red Cross has provided assistance and comfort to communities where disaster has struck.

Every year, at home and abroad, one in five Americans is in some way touched by the Red Cross. My district, which includes New Orleans, was one of the hardest hit by Hurricane Katrina.

The American Red Cross' response was immediate and 20 times bigger than any previous response effort. While they provided sheltering, hot meals, and assistance in purchasing essential items such as food and clothing, they also provided something much greater: compassion, promise, and hope. And, for that I am extremely grateful.

In addition to responding to disasters, the Red Cross also helps prepare individuals to lead safe and healthy lives by offering baby-sitting, safety, and CPR classes and coordinating blood donations.

Madam Speaker, whether it is an earthquake or a single family home fire, a call for blood or a call for help, the American Red Cross will be there.

I ask that my colleagues join me in applauding the dedication and efforts of the American Red Cross staff and volunteers and in celebrating March as American Red Cross Month.

INTRODUCING WHITE HOUSE CONFERENCE ON HAITI ACT OF 2010

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 13, 2010

Mr. HASTINGS of Florida. Madam Speaker, I rise today to introduce the White House Conference on Haiti Act of 2010. This important piece of legislation would call on the President of the United States to convene a White House Conference on Haiti before the end of this calendar year.

As we are all well aware, this past January, a 7.0 magnitude earthquake rocked the already struggling nation of Haiti. Approximately 3 million people were affected and 230,000 are estimated to have died. Those that survived are facing unimaginable conditions with a crumbling infrastructure that has hindered the delivery of humanitarian aid.

If there is a silver lining to this unimaginable tragedy, it is that out of this, the Haitian people have been given the incredible opportunity to right the wrongs of the past and rebuild their nation stronger than ever before. Millions of dollars in aid have flooded into the country and thousands of aid organizations are committed to building a sustainable recovery.

Immediately following the earthquake, we all witnessed countless foreign governments and aid organizations pledging to stand with Haiti, and I have been inspired by the countless individuals throughout the globe who have donated their talents and services to the recovery and the many more who are eager to help, but simply don't know how.

We cannot let this opportunity go to waste. However, with the possibility to do good comes the very real possibility of waste, duplication, and inefficiencies in the rebuilding and recovery process.

Under this bill, the major stakeholders in the rebuilding, along with other interested parties, will come together to share their knowledge and best practices and identify gaps in the recovery process. It is my hope that out of this Conference, opportunities for collaboration and coordination in projects big and small will emerge.

The Conference will also highlight innovative ideas for rebuilding and redevelopment in Haiti, from inexpensive hurricane- and earthquake-proof housing and green building techniques to sustainable economic practices and urban development. There are countless companies and individuals who have developed groundbreaking concepts in response to this tragedy, but they have yet to be connected with those who can put these ideas into practices or with others pursuing similar goals who may be able to improve upon their initiatives. Innovation does not happen in a bubble; great things can happen when great minds come together.

Further, Haitians living abroad are eager to help their brothers and sisters in Haiti, but many simply do not know where to begin. The White House Conference on Haiti will tap the immense resource that is the Haitian Diaspora by bringing their abilities together with those who are in a position to use them.

Most importantly however, the White House Conference on Haiti will help ensure that the

challenges facing the Haitian people remain in the public eye and in the minds of all Americans.

While the United States has been instrumental in the recovery and rebuilding from countless natural and man-made disasters throughout the world, few international tragedies have had as deep an impact on the United States, and particularly the State of Florida, as this one.

Helping our Haitian neighbors is not only the right thing to do; it is also in our own Nation's best interests. Just a stone's throw from our shores, instability in Haiti impacts our own economy and immigration levels.

Our nation's rapid, comprehensive response, from our Government down to everyday Americans, has been commendable, but the President and this administration are in a position to do more. This legislation would not be a costly endeavor, but could stand to save millions of dollars that could be used to improve the lives of the Haitian people for generations to come.

At a time of extreme instability and crisis, the United States must do all within its power to help ensure a long-term sustainable recovery for Haiti.

I ask my colleagues to support this legislation and urge the House leadership to bring it swiftly to the House floor for consideration.

HONORING MRS. FAYE CAIN SEARS

HON. HAROLD ROGERS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 13, 2010

Mr. ROGERS of Kentucky. Madam Speaker, I rise today to honor Mrs. Faye Cain Sears of Somerset, Kentucky on the occasion of her 100th birthday.

Mrs. Sears has long been admired by her community. The mother of four children and blessed with many grandchildren, great grandchildren, nieces and nephews, she has been a wonderful Christian example to them and the numerous friends and acquaintances she has known over the years. Her devotion to God, her family, and her community have been the driving force of her long life.

While her husband, Goebel Sears, served our nation in the Navy during World War Two, Faye moved to New York City, where she worked at the Woolworth Company in Brooklyn. Upon returning to Kentucky, she worked tirelessly in the community as an election officer, precinct chairwoman, and attended the inauguration of several Kentucky governors. She has also been awarded the prestigious "Kentucky Colonel" award for her involvement. During her spare time she is active in the Senior Friends organization, enjoys gardening and, of course, University of Kentucky basketball.

Madam Speaker, I ask my colleagues to join with me in honoring Mrs. Faye Cain Sears who throughout her life has continued to bless all those who know her and cherish her friendship and love. I am proud to have her in my home community and honored to serve her in

the House of Representatives. Her 100th birthday is only the latest in a long list of milestones in her life, and I am sure there will be many more.

RECOGNIZING DR. MARTIN LUTHER LUTHERAN CHURCH OF BROOKLYN, OHIO

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 13, 2010

Mr. KUCINICH. Madam Speaker, I rise today in recognition of Dr. Martin Luther Lutheran Church of Brooklyn, Ohio as they celebrate one hundred years of service to the community.

The legacy of Dr. Martin Luther Lutheran Church began in 1910 with the faith of several immigrant families who came to Cleveland from Czechoslovakia in search of a better life. The original church was built on West 14th Street in the Tremont neighborhood of Cleveland. In the 1960s, the church was demolished to make way for interstate highway construction, including Interstate 71. Thanks to the dedication and generous contributions of church members, a new home was found in Brooklyn, Ohio, where the church has remained for more than forty years.

Today, the church provides social activities and events for all ages. Church members are brought together by the musical talents of the Praise Band, as well as programs such as the weekly Children's Sermon. Many members volunteer time at fish fries and other events, including fund raising projects to help people in need.

Madam Speaker and colleagues, please join me in recognizing Dr. Martin Luther Lutheran Church of Brooklyn, Ohio as they celebrate their one hundred year anniversary. Although the church has evolved in many ways over the past century, its mission has remained the same: to provide a warm and friendly place for families and individuals of all backgrounds to worship; to support each other; and to reach out and help others in need.

A TRIBUTE TO MARY HATWOOD FUTRELL

HON. JAMES P. MORAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 13, 2010

Mr. MORAN of Virginia. Madam Speaker, I rise today to congratulate Mary Hatwood Futrell on her remarkable career as the Dean of the Graduate School of Education and Human Development at The George Washington University. Many in this body will remember Dr. Futrell from her decades of involvement and leadership at the National Education Association, where she was president from 1983 to 1989.

Throughout her entire distinguished career, Dr. Futrell has been a trailblazer in Virginia and the national education debate. Born and raised in Altavista, Virginia, she graduated

from Dunbar High School in Lynchburg and received a Business Education Degree from Virginia State University. In 1965, she helped integrate the teaching staff at George Washington High School in Alexandria, where she would continue to teach until 1980—becoming chair of her department and an active participant in the Alexandria and Virginia Education Associations.

In 1968, Dr. Futrell became the first African American president of the Virginia Education Association. She fought hard for teachers' rights, and in that same year she led a march of 7,000 teachers and public school employees on Richmond to protest a Virginia Supreme Court ruling striking down collective bargaining rights for public employees. At the time, it was one of the largest marches ever to take place in the history of Virginia.

Dr. Futrell became president of the National Education Association in 1983. There she served an unprecedented three terms. She worked tirelessly to strengthen and grow the association, move it to take forceful positions on collective bargaining rights, and to bring a higher profile to important issues like drop-out rates and changing school curriculum needs.

After stepping down as president of the NEA, Dr. Futrell joined The George Washington University as a fellow, earned her PhD, and quickly became a faculty member and the Dean of the Graduate School of Education and Human Development. In her role as Dean she contributed greatly to education both nationally and locally. Under her leadership the School's prominence has grown dramatically; its enrollments have increased 45 percent and it is now more selective than ever before. The Graduate School has raised more than \$200 million in funding for research and educational efforts during her tenure and has started 10 centers of excellence that help guide education policy on the national stage and in local school districts across the country.

Throughout that time, Dr. Futrell has always kept her close ties to the Commonwealth. She makes sure that her faculty teaches in all of GW's Virginia locations—Arlington, Alexandria, Ashburn and Hampton Roads. Indeed, Dr. Futrell herself drives to the university's Hampton Roads Center to teach classes each semester. She has built a strong following and has personally educated many of the great principals, superintendents and education leaders in Virginia today.

As she relinquishes her deanship, I want to wish Dr. Futrell many more successful years of teaching and thank her for her lifetime of dedication to her profession and to the students and teachers of the Commonwealth of Virginia.

HONORING THE HAJDAK-MOKAN CHAPTER OF THE 82ND AIRBORNE ASSOCIATION

HON. PATRICK J. MURPHY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 13, 2010

Mr. PATRICK J. MURPHY of Pennsylvania. Madam Speaker, I rise today to honor the Hajdak-Mokan Chapter of the 82nd Airborne

Association as an exemplary organization for its membership's history of commitment to service, to community, and to our Nation.

The 82nd Airborne Division, the division in which I am proud to have served, has had a long and distinguished history in the United States Army. Formed on August 25, 1917, at Camp Gordon, Georgia, the unit was given the nickname "All-Americans," since members of the Division called all 48 States home. This is showcased in its famous "AA" shoulder patch.

First deployed for combat in World War I, the 82nd Infantry Division fought for five grueling months in France. After the war ended, the Division was demobilized; when the dual threats of Fascist Germany and Imperial Japan threatened the very survival of the free world and democratic government, the 82nd was reactivated in 1942 to defend our Nation. That same year, the 82nd became the first airborne division in the U.S. Army, and was redesignated the 82nd Airborne Division. Over the course of the war, paratroopers from the 82nd Airborne Division saw action in North Africa, Italy, and as part of Operation Overlord. On the night of June 5th–6th, 1944, just before Allied transports landed on the beaches of Normandy, paratroopers from the 82nd Airborne Division began the largest airborne assault in history, and were among the first to fight for the liberation of Europe. The 82nd Airborne would go on to fight in Operation Market Garden in the Netherlands, and would brave the German counteroffensive in the Ardennes forest in the frigid winter of 1944.

After the war, the 82nd Airborne Division assisted in the occupation of Berlin, and then upon its return to the United States made its permanent home at Ft. Bragg in North Carolina. Since then, the brave paratroopers of the 82nd have seen action in Korea, have helped keep order in the Dominican Republic, have fought in the dense jungles of Vietnam, and have defended American interests in Grenada. The paratroopers participated in interventions in Honduras and Panama, and in 1990 assisted in the liberation of Kuwait from Saddam Hussein's brutal dictatorship. After 9/11, the 82nd Airborne was one of the first American units to see action in Afghanistan. When the U.S. launched Operation Iraqi Freedom, the 82nd Airborne was there.

The Hajdak-Mokan Chapter of the 82nd Airborne Association honors veterans, raises money for wounded warriors, provides honor guards for funerals, marches in parades, and supports community events. The men and women of the Hajdak-Mokan Chapter embody the spirit of the 82nd Airborne. They prove that love of country, commitment to one another and to community, and a respect for duty are all still integral parts of American society. This spirit also manifests itself in the life and work of Mr. Dan Bosak. Mr. Bosak was a founding member of the Hajdak-Mokan Chapter. He served as its chairman for 13 years of its 15-year history.

Madam Speaker, I am proud to recognize the Hajdak-Mokan Chapter of the 82nd Airborne Association for its outstanding dedication to service, and its longtime chairman and one of its founding members, Mr. Dan Bosak, for his years of steadfast commitment and loyalty to his fellow paratroopers, to his community, and to his Nation. I am extremely honored to serve as his Congressman.

PACIFIC UNIVERSITY LU'AU 50TH
ANNIVERSARY

HON. DAVID WU

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 13, 2010

Mr. WU. Madam Speaker, today I rise to congratulate Pacific University's Na Haumana 'O Hawai'i Club for their 50 years of service and support for the student body and surrounding communities in Forest Grove, Oregon.

Pacific University, founded in 1849, is one of the oldest schools in the Pacific Northwest. It prides itself on its community of intellectually curious and highly motivated faculty, staff, and students who are committed to educational excellence and the maintenance and expansion of an open worldview. Pacific is a comprehensive liberal arts and health care university with more than 3,200 graduate and undergraduate students attending classes at campuses in Forest Grove, Eugene, Hillsboro, and Portland, Oregon.

Na Haumana 'O Hawai'i, which was founded in the fall of 1959, is an integral part of Pacific's vibrant and diverse community. It began as a group of sixteen students from Hawaii under the guidance of Dr. Fred Scheller and Dr. A.C. "Hap" Hingston and has now grown into a campus-wide organization with over 200 members.

Through social functions and community projects, active members of the club become a part of a family of students, or 'Ohana, and are integrated into a network that ensures a memorable college experience. For the group, family means more than blood relations; it means a collection of people who have strong community ties and are focused on building positive relationships.

One of Na Haumana 'O Hawai'i's most successful activities, the Big Brother-Big Sister program, pairs new students with upperclassmen from the same high school or hometown, allowing the new students to adjust to their surroundings using peers as a resource and further capitalizing the concept of 'Ohana. Club members are also given the opportunity to participate in intramural sports, which afford them the opportunity to engage in the competitive spirit while meeting new people and fostering a deeper sense of community and loyalty to one another.

In addition, the Na Haumana 'O Hawai'i club facilitates a variety of activities throughout the year to enrich the student body and wider community. The most well-known of these events, the annual spring lu'au, is a culmination of many hours of hard work and months of planning. The lu'au allows the community to share in a unique aspect of Hawaiian heritage, culture, and family, or 'Ohana. This event is the only completely student-run and student-directed lu'au in the Northwest and attracts over 2,000 attendees every year.

On April 10, 2010, Na Haumana 'O Hawai'i will celebrate its 50th annual lu'au at Pacific University. I wish to recognize Na Haumana 'O Hawai'i for its accomplishments, legacy, and importance in the university community. Congratulations to Pacific University's Na Haumana 'O Hawai'i club for having reached

its 50th anniversary lu'au celebration. Mahalo and best wishes.

HONORING BOTH REGIONAL CONTRACTING SERVICES, LLC, IN WASHINGTON, D.C., AS THE 2010 SMALL BUSINESS OF THE YEAR, AND ITS FOUNDER, BEVERLY THOMAS

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 13, 2010

Ms. NORTON. Madam Speaker, I rise today to ask the House of Representatives to join me in honoring Regional Contracting Services, LLC, in Washington, D.C., as the 2010 D.C. Small Business of the Year, and its founder, Beverly Thomas. Regional Contracting Services is a woman-owned, minority D.C. business that specializes in rough carpentry, fire-stopping, insulation, and building supplies. The company recently received a significant contract to do work at the U.S. Department of Homeland Security (DHS) headquarters construction project, the largest federal construction project underway in the United States today, where 100 percent of the pre-construction contracts were awarded to small, minority-owned, and disadvantaged businesses, and 40 percent of these contracts were awarded to businesses in the District of Columbia, where the project is located.

Regional Contracting Services began in July 2001 with a \$7,000 investment and has grown significantly, reporting annual sales revenue of \$16 million last year, with a bonding capacity of \$2 million per job, and \$10 million in total. Regional Contracting Services has 60 employees, and has been rated among the top 500 "Fastest Growing Companies in America" by Entrepreneur magazine.

Regional Contracting Services has worked on some of the Washington area's top projects, including the Children's National Medical Center, the Mandarin Hotel, the Pentagon, the National Museum of the American Indian, the Walter Washington Convention Center, the Washington Nationals' Baseball Stadium, and the Washington Metro Area Transit Authority—Brentwood Yard Expansion.

Receiving a contract for the DHS headquarters construction project is a testament to Regional Contracting Services' success and motivation for other D.C. small businesses in competition for a share of the DHS headquarters project. The early success of Regional Contracting Services stands as an example to our local businesses, that in a fair competition, they can win. Madam Speaker, I ask the House of Representatives to join me in honoring both Regional Contracting Services, LLC, in Washington, D.C., as the 2010 D.C. Small Business of the Year, and its founder, Beverly Thomas.

OUR UNCONSCIONABLE NATIONAL
DEBT

HON. MIKE COFFMAN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 13, 2010

Mr. COFFMAN of Colorado. Madam Speaker, today our national debt is \$12,826,379,456,286.85.

On January 6th, 2009, the start of the 111th Congress, the national debt was \$10,638,425,746,293.80.

This means the national debt has increased by \$2,187,953,709,993.00 so far this Congress.

This debt and its interest payments we are passing to our children and all future Americans.

IN SUPPORT OF THE GOALS OF A
NATIONAL SIBLINGS DAY

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 13, 2010

Mrs. MALONEY. Madam Speaker, I rise today in support of establishing a National Siblings Day, a day in which we all reflect upon the ways siblings have enriched our lives. We have a Mother's Day to celebrate our mothers, and a Father's Day to celebrate our fathers. Establishing a Siblings Day would allow us an opportunity to celebrate and honor our siblings and would give every family member a day to be celebrated.

Claudia Evart is a constituent of mine in New York. She has worked tirelessly over the past several years to make April 10th the official day we reflect upon the importance of our siblings.

April 10th would mark the birthday of Ms. Evart's sister, Lisette, who died tragically in an accident that also took the life of her father in 1972. Lisette was only 19 years old. Just 14 years later, in 1986, Ms. Evart's older brother, Alan, died in an accident in his home at the young age of 36.

Siblings significantly affect our lives and shape who we are. Siblings are a major part of our family, and often when our parents are gone our siblings are the only family we have left. And sometimes we lose our siblings at an early age, as with Ms. Evart's tragic experience. A National Siblings Day would help us honor and celebrate siblings and aid us in remembering the siblings that we have lost.

I applaud Ms. Evart's hard work over the past 14 years to create a National Siblings Day, and with it a loving tribute to her deceased siblings. Her dedicated efforts are inspirational. Since 1998, 33 governors have issued gubernatorial proclamations in their states for Siblings Day: AL, AR, AZ, CO, CT, FL, IL, IA, IN, KS, KY, LA, ME, MD, MA, MI, MS, MO, NE, NH, NJ, NM, NY, OK, PA, RI, SC, VT, VA, WV, WA, WI and WY. I urge my colleagues to recognize the importance of siblings by adding their support to Ms. Evart's endeavors, and to the goals of a National Siblings Day.

HONORING THE LIFE OF DORIS
MARIE THOMPSON

HON. TED POE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 13, 2010

Mr. POE of Texas. Madam Speaker, today I commemorate the life and service of Doris Marie Thompson, a tireless victims' rights advocate from San Antonio, Texas, who passed away on March 18, 2010.

Doris began her life of service to the cause of victims' rights following the murder of her 26-year-old daughter, J'Anna Marie Tebbs. Over the course of two decades, Doris spent countless hours counseling fellow parents and using her own tragedy to discourage other violent crimes.

In 1999, Doris worked with Raven Kazen Hauge to establish the first Victim Services Division in the Texas Department of Criminal Justice. The division allows a victim's family and friends to be notified of the offender's parole hearings and to directly petition parole board members. Doris was also heavily involved with a branch of the division known as the Victim Impact Panel. There, she would retell the story of her daughter's murder to groups of probationers in hopes that hearing it would dissuade them from committing violent crimes.

Doris Marie Thompson dedicated her life to pursuing justice and care for victims. These are the values that the Victims' Rights Caucus seeks to emulate and celebrate. I thank Doris for her work and honor her life as a shining example of tireless advocacy for victims.

IN HONOR OF STATE REPRESENTATIVE V. GEORGE CAREY

HON. MICHAEL N. CASTLE

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 13, 2010

Mr. CASTLE. Madam Speaker, it is with great honor that I rise today to recognize the career of The Honorable State Representative V. George Carey. A member of Delaware's House of Representatives for the past 26 years and president of Carey Farms, Inc., Representative Carey is a man who has given much to his community and his state, but most of all, has served his constituents of the 36th District with honor and humility. Representative Carey is retiring after an accomplished and unique career in the General Assembly, and his presence in the State House will be greatly missed.

George was elected in 1984 to the State House of Representatives; the same year I was first elected Governor of the State of Delaware. I had the privilege of working with George for eight years while I was in Dover, and have fond memories of that time. George will leave behind an indelible legacy in the General Assembly for his efforts with land conservation, tax-ditch reform, and most of all, an outstanding commitment to the constituents he represented.

As one of only two active farmers serving in the General Assembly, George has built a rep-

utation in the State House as an authority on agricultural issues, and has used that expertise to be a positive force on behalf of farmers throughout Delaware. He has been a member of the Agriculture Committee for more than two decades, and his retirement will leave a void of leadership and knowledge that will be extremely difficult to fill. Representative Carey helped create the Delaware Agricultural Lands Preservation Program, noted to be among the most successful initiatives of its kind in the nation. His leadership with the program extended beyond the halls of the General Assembly, when he became one of the first farmers in the state to enter his farmland into the program. Last year, George was given the Delaware Association of Conservation Districts' Legislative Award for his career service and devotion to conservation efforts. In addition to land conservation, George was instrumental in reforming Delaware's tax-ditch system. He served on the Tax Ditch Right-of-Way Task Force, and sponsored House Bill 452, which addressed and corrected many issues that had resulted from a confusing and archaic system.

Throughout the past two and half decades as the Representative for the 36th District, George has worked diligently as a delegate for his constituents, ensuring that they have a voice in the General Assembly. He has pushed for reform when needed, as shown by his efforts to develop a solution for the tax-ditch issue. And when common sense calls for conservation, he has tirelessly advocated for such measures. As a long-time member of the Joint Bond Bill Committee, he has been instrumental in improving and enhancing the community he serves. George has secured funding to bring a variety of projects to his district, such as the Milford and Milton Riverwalks, the Milford Library, the Greater Milford Boys & Girls Club, and the Milton Museum.

State Representative V. George Carey has had an exemplary career of public service. I am proud to have served with him for the eight years that I did, and relish this opportunity to honor him on the occasion of his retirement. He was steadfast in his mission to champion the wellbeing of his district, and will be remembered for his contributions to Sussex County, and the State of Delaware.

RECOGNIZING MICHELLE ALYSSA CARILLI AS THE NATIONAL VOLUNTEER FIRE COUNCIL JUNIOR FIREFIGHTER OF THE YEAR

HON. JOE COURTNEY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 13, 2010

Mr. COURTNEY. Madam Speaker, I rise today to recognize Michelle Alyssa Carilli, the recipient of the National Volunteer Fire Council's Junior Firefighter of the Year Award. Michelle is currently a senior at Coventry High School, which is located in Coventry, Connecticut.

Each year the National Volunteer Fire Council conducts a national search to honor a junior firefighter who has gone above and beyond the normal call of duty in his or her commit-

ment to the fire and emergency services. Michelle's outstanding contributions to the Coventry Volunteer Fire Association truly embody what it means to be a junior firefighter. Michelle's family is no stranger to public service, with her father serving as chief of the Coventry Volunteer Fire Department, alongside numerous other relatives.

For almost four years, Michelle has dedicated herself to public service in her community. During that time, she raised almost \$2,000 so that the Coventry Fire Department could sponsor the Coventry Special Olympics, organized the Volunteer for Life program for her fellow high school students to become first aid certified and led a recruitment campaign to get more students involved with the department which resulted in many of their parents becoming volunteer firefighters and EMTs. She holds the rank of Junior Firefighter Captain and was the first junior firefighter to be named the Coventry Volunteer Fire Association's Emergency Medical Service Provider of the Year.

Michelle's performance as a Junior Firefighter is mirrored by her success as a scholar and an athlete. She is an honor roll student at Coventry High School and a captain of the school's State Champion volleyball team. She is also a Varsity basketball player and track athlete.

Madam Speaker, public safety in our communities is dependent on outstanding volunteers like Michelle Carilli. Her selfless service to her town, her department, and her school makes her truly deserving of the distinction of Junior Firefighter of the Year. I ask my colleagues to join with me and my constituents in recognizing Michelle's contributions and celebrating her award.

REVEREND DR. HENRY L. FULLER, JR. AND MARILYN W. FULLER

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 13, 2010

Mr. KILDEE. Madam Speaker, I rise today to honor the Reverend Dr. Henry L. Fuller, Jr. and his wife Marilyn W. Fuller as they celebrate 12 years leading the congregation of Mt. Calvary Missionary Baptist Church in my hometown of Flint, Michigan. A dinner was held on Saturday, April 10 to honor the occasion.

Pastor Fuller received his Bachelor's degree from the United Bible Institute of the United Theological Seminary—Flint Branch. He received an honorary doctorate from United Bible Institute of the United Theological Seminary in Monroe, Louisiana. He preached his first sermon on December 12, 1971 at Mt. Calvary Missionary Baptist Church. He was inspired to organize a Mission in Holly, Michigan in 1973. The Mission became Faith Baptist Church. Between the years 1983 to 1998, Pastor Fuller headed the Calvary Missionary Baptist Church in Muncie, Indiana.

On April 18, 1998, Pastor Fuller returned to his roots and became the Pastor at Mt. Calvary Missionary Baptist Church. In addition to leading the congregation, Pastor Fuller has

held several positions with the church and in the community. He has served as president of the Northeastern District Sunday School and BTU Congress of Christian Education of the Northeastern District Missionary Baptist Association in Muncie; president of Indiana Consolidated Congress of Christian Education of the Indiana Consolidated State Convention; served on the Finance Board of the National Baptist Convention of America, Inc.; was a writer with the Publishing Board Sunday School and BTU Literature National Baptist Convention of America, Inc.; as an instructor at the Central Baptist Theological Seminary of Indiana; and served as moderator of the Great Lakes Baptist District Association 2000–2007.

Marilyn W. Fuller has worked by her husband's side in the Flint community and at Mt. Calvary Missionary Baptist Church. A retired registered nurse specializing in substance abuse and addictions counseling, Mrs. Fuller currently serves on the Board of Managers of Hurley Medical Center. She works with the Genesee County focus group for the National Coalition of Pastors' Spouses committed to decreasing HIV/AIDS infection in African American Women. She is active in several ministries at Mt. Calvary and at the Great Lakes District level, the Wolverine State Congress level and the National Baptist Congress level. Pastor and Mrs. Fuller have 4 children and 7 grandchildren.

Madam Speaker, I ask the House of Representatives to rise with me and honor the work of Reverend Dr. Henry L. Fuller, Jr., and his wife, Marilyn W. Fuller. Their enthusiasm and witness have inspired the Mt. Calvary family. May Our Lord, Jesus Christ, continue to bless our community with their service for many, many more years.

IN HONOR OF MR. RICHARD S.
CITRON, FACHE

HON. MICHAEL N. CASTLE

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 13, 2010

Mr. CASTLE. Madam Speaker, it is with great honor that I rise today to recognize the career of Mr. Richard Citron, who is retiring after 42 years of federal service. Mr. Citron has developed a reputation of expertise in delivering state-of-the-art healthcare throughout his 38 years working in Veterans Affairs, and his well-earned retirement will leave a void in the field.

Mr. Citron has served as the Director of the Philadelphia Veterans Affairs Medical Center since August of 2007. Richard served in the United States Army from 1968 to 1971, and began his career in healthcare by working for a year at a Mobile Army Surgical Hospital in Chu Lai, Vietnam during the war. His career has taken him all over America, including stints as Assistant Director of the University Drive VA Medical Center in Pittsburgh, Pennsylvania, and terms as Director of both the Jesse Brown VAMC in Chicago, Illinois, and VAMC in Wilmington, Delaware. In addition to his nearly four decades working as a Veterans healthcare professional, Mr. Citron is a Fellow in the American College of Healthcare Execu-

tives, a defining credential for those in his profession.

As Director of the Philadelphia VAMC, Richard oversaw operations of the medical facilities that serve the sixth largest metropolitan area in the nation, including the city of Philadelphia and surrounding six counties in Pennsylvania and New Jersey. He was responsible for a staff of more than 2,000 dedicated individuals working at the main campus in West Philadelphia and community-based outpatient clinics at Fort Dix, in Gloucester County and Camden, New Jersey, as well as Center City Philadelphia, and Horsham, Pennsylvania. Richard takes particular pride in the advancements made within the Behavioral Health and Women's programs instituted or strengthened during his time as Director at the Philadelphia VAMC.

Having left an indelible legacy in Veterans healthcare, Richard can rest assured that we are indebted to him for his service to our country. I wish him the best in retirement, and thank him for his dedication to assisting those who have sacrificed so much in defense of this great nation.

IN RECOGNITION OF THE 2010
VALOR AWARD RECIPIENT IN
THE VIRGINIA STATE POLICE

HON. GERALD E. CONNOLLY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 13, 2010

Mr. CONNOLLY of Virginia. Madam Speaker, I rise today to recognize an outstanding member of the Virginia State Police. This individual has demonstrated superior dedication to public safety and has been awarded the prestigious Valor Award by the Prince William Regional Chamber of Commerce.

The Valor Awards recognize remarkable heroism and bravery in the line of duty exemplified by our public safety agencies and their commitment to the community. Our public safety and law enforcement personnel put their lives on the line everyday to keep our families and neighborhoods safe.

One member of the Virginia State Police is being honored this year for his exceptional service. It is with great pride that I submit his name into the CONGRESSIONAL RECORD:

Recipient of the 2010 Investigative Merit Award is: Trooper Edward J. Miskin.

Madam Speaker, in closing, I would like to take this opportunity to thank all of the men and women who serve in the Virginia State Police. Their efforts, made on behalf of the citizens of Virginia, are selfless acts of heroism and truly merit our highest praise. I ask my colleagues to join me in applauding this group of remarkable citizens.

COMMEMORATING HOLOCAUST
REMEMBRANCE DAY

HON. JIM COSTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 13, 2010

Mr. COSTA. Madam Speaker, I rise today to commemorate Holocaust Remembrance Day,

the 65th anniversary of the liberation of Nazi concentration camps. I would like to specifically recognize the Yom HaShoah observation being held in Bakersfield, California on April 11, 2010 by Temple Beth El and B'Nai Jacob Synagogue.

The Holocaust was the state-sponsored, systematic persecution and annihilation of European Jewry by Nazi Germany. Over six million Jews were murdered and millions of others were slaughtered including the handicapped and those targeted for racial, ethnic or national reasons. During one of the darkest moments in human history, we experienced the human capacity for evil and the catastrophic consequences of indifference in the face of evil.

This year's theme Stories of Freedom: What You Do Matters compels us to remember the victims of the Holocaust and honor the survivors, rescuers and liberators. Their stories of freedom remind us that individuals have the power to make a difference. William Harvey, a Holocaust Survivor, will share his personal testimony during Bakersfield's commemoration service. We must also pay tribute to the U.S. soldiers whose valiant efforts helped defeat Nazi Germany and liberate Holocaust survivors from years of suffering.

To preserve human freedom, we must choose to uphold the moral responsibilities of individuals, societies and governments. Madam Speaker, I urge all of our colleagues to recognize the importance of Holocaust Remembrance Day and actively rededicate ourselves to the principles of individual freedom in a just society and the need of respect for all people.

IN RECOGNITION OF THE 2010
VALOR AWARD RECIPIENTS IN
THE PRINCE WILLIAM COUNTY
DEPARTMENT OF FIRE AND RES-
CUE

HON. GERALD E. CONNOLLY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 13, 2010

Mr. CONNOLLY of Virginia. Madam Speaker, I rise today to recognize outstanding members of the Prince William County Department of Fire and Rescue. These individuals have demonstrated superior dedication to public safety and have been awarded the prestigious Valor Award by the Prince William Regional Chamber of Commerce.

The Valor Awards recognize remarkable heroism and bravery in the line of duty exemplified by our public safety agencies and their commitment to the community. Our public safety and law enforcement personnel put their lives on the line everyday to keep our families and neighborhoods safe. The individuals are receiving awards at the 2010 ceremony in three categories: The Bronze Valor Award, the Lifesaving Merit Award, and the Lifesaving Award.

Thirty members of the Prince William County Department of Fire and Rescue are being honored this year for their exceptional service. It is with great pride that I submit their names into the CONGRESSIONAL RECORD:

Recipients of the 2010 Bronze Valor Award are: Technician II Daniel Beck, Technician I Allan Kehrer, Captain Kim Pumphrey, Technician I Shane Barnett, Technician II Michael Moore and Technician II Michael Mishler

Recipients of the 2010 Lifesaving Award are: Technician II Michael Moore, Technician II Jonathan Moore, Technician II Jeremy Moore, Technician II Rob Ardaiole, Captain Kim Pumphrey, Technician I Shane Barnett, Technician II Scott Coloe, Technician I Andrew Marsh, Captain Scott Dixon, Technician II Sean Trainum, Technician II Jason Scott, Technician I Mike Shannon, Lieutenant Ed McNally and Technician II Michael Mishler

Recipients of the 2010 Certificate of Valor are: Technician II Walt Hunt, Technician II Dan McCleese, Technician I Matt Livingston, Technician I Steve King, Technician II Michael Mishler, Technician II Michael Moore, Technician I Cameron Malone, Technician I Chris Klahr, Technician II Clarence Voundy, Technician II Matt Norman

Madam Speaker, in closing, I would like to take this opportunity to thank all of the men and women who serve in the Prince William County Department of Fire and Rescue. Their efforts, made on behalf of the citizens of Prince William County, are selfless acts of heroism and truly merit our highest praise. I ask my colleagues to join me in applauding this group of remarkable citizens.

HONORING MARGARET MARSH
FOR HER INDUCTION INTO THE
RUTGERS HALL OF DISTIN-
GUISHED ALUMNI

HON. ROBERT E. ANDREWS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 13, 2010

Mr. ANDREWS. Madam Speaker, I rise today to pay tribute to Margaret Marsh, Dean of the Faculty of Arts and Sciences, for being chosen by the Rutgers University Alumni Association for induction into the Rutgers Hall of Distinguished Alumni in 2010. Ms. Marsh is one of 195 individuals who have received this award out of 380,000 Alumni. It is the highest honor given to any Rutgers University graduate.

Ms. Marsh earned her undergraduate from Rutgers-Camden University and later received her PhD. in history from Rutgers-New Brunswick in 1974. After becoming Dean of the Faculty of Arts and Sciences in 1998, Ms. Marsh earned a reputation as a renowned expert in women's history, gender history, American cultural history, and the connections between gender and medicine. She has shared her vast knowledge having written several books, articles, and essays on these subjects.

Ms. Marsh has shown immense dedication to the success of her institution, and with her leadership, Rutgers' ability to serve the citizens of New Jersey has grown. Ms. Marsh is both a dedicated administrator and gifted faculty member teaching both undergraduate and graduate students as a Distinguished Professor of History.

Madam Speaker, please join me in congratulating Margaret Marsh on this achieve-

ment. Her accomplishments represent the very definition of Rutgers pride and should not go unnoticed.

IN RECOGNITION OF THE 2010
VALOR AWARD RECIPIENT, THE
MANASSAS PARK/MANASSAS
CITY/PRINCE WILLIAM COUNTY
REGIONAL NARCOTICS TASK
FORCE

HON. GERALD E. CONNOLLY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 13, 2010

Mr. CONNOLLY of Virginia. Madam Speaker, I rise today to recognize the Manassas Park/Manassas City/Prince William County Regional Narcotics Task Force. The Task Force demonstrated superior dedication to public safety and has been awarded the prestigious Valor Award by the Prince William Regional Chamber of Commerce.

The Valor Awards recognize remarkable heroism and bravery in the line of duty exemplified by our public safety agencies and their commitment to the community. Our public safety and law enforcement personnel put their lives on the line every day to keep our families and neighborhoods safe.

The Regional Narcotics Task Force is being honored this year for its exceptional service with an Investigative Merit Award. It is with great pride that I submit the Task Force into the CONGRESSIONAL RECORD.

Madam Speaker, in closing, I would like to take this opportunity to thank all of the men and women who serve on the Manassas Park/Manassas City/Prince William County Regional Narcotics Task Force. Their efforts, made on behalf of the citizens of Northern Virginia, are selfless acts of heroism and truly merit our highest praise. I ask my colleagues to join me in applauding this group of remarkable citizens.

COMMENDING TO THE HOUSE MR.
EDWARD O. ELLIOTT, II

HON. JIM JORDAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 13, 2010

Mr. JORDAN of Ohio. Madam Speaker, I rise to recognize and congratulate Mr. Edward O. Elliott II for his dedication, commitment, and service to the restaurant industry as the 85th Chairman of the Ohio Restaurant Association. Ed was born in Mt. Victory, Ohio, the only son of five children. He is a graduate of Bowling Green State University where he earned a degree in industrial personnel management. Upon graduation, he served our country in the United States Army at Fort Lee in Virginia and also in Frankfurt, Germany.

When he returned from the service, he worked on his family's 2,000 acre farm and helped manage the family's restaurant, the Plaza Inn Family Restaurant. Under his stewardship, the restaurant has received numerous awards, including induction into the Restaurant

Hall of Fame, the Best Family-Owned Restaurant in Ohio, and the "Best Cream Pies" and "Best Breakfast" by the readers of Country Living.

Prior to his 2-year term as chairman, Ed served the Ohio Restaurant Association as chair of its Education, Government Affairs and Political Action Committees, and as secretary, and vice-chairman. Ed follows in the footsteps of his father, Ed, who was chairman in 1972, and his sister, Joan, who was chairwoman in 1987.

In addition to being a restaurateur, Ed is currently serving as president of the Ohio Federation of Soil and Water Conservation Districts, and is a 2-term Hardin County Commissioner.

I would like to thank Ed, his wife Rosalie, their three children and three grandchildren, for their service to their community.

IN RECOGNITION OF THE 2010
VALOR AWARD RECIPIENTS IN
THE PRINCE WILLIAM COUNTY
POLICE DEPARTMENT

HON. GERALD E. CONNOLLY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 13, 2010

Mr. CONNOLLY of Virginia. Madam Speaker, I rise today to recognize outstanding members of the Prince William County Police Department. These individuals have demonstrated superior dedication to public safety and have been awarded the prestigious Valor Award by the Prince William Regional Chamber of Commerce.

The Valor Awards recognize remarkable heroism and bravery in the line of duty exemplified by our public safety agencies and their commitment to the community. Our public safety and law enforcement personnel put their lives on the line every day to keep our families and neighborhoods safe. The individuals are receiving awards at the 2010 ceremony in a variety of categories: The Silver Valor Award, the Lifesaving Merit Award, the Lifesaving Award, the Hillary Robinette Award, and Investigative Merit Award.

Seventeen members of the Prince William County Police Department and the Department's Street Crimes Unit are being honored this year for their exceptional service. It is with great pride that I submit their names into the CONGRESSIONAL RECORD:

Recipient of the 2010 Silver Valor Award is: Officer Gary Mendoza.

Recipients of the 2010 Lifesaving Merit Award are: Officer Joseph Westerman, Officer Tiffany Hill, Officer Brandon Fields, and Officer Heath C. Oyler.

Recipients of the 2010 Lifesaving Award are: Officer Daniel Carton, Officer Adam Gardner, Officer Mark Depatie, Officer Jennifer Ingraham, and Officer Nelson Rocha.

Recipients of the 2010 Hillary Robinette Award are: Officer Donald A. Hoffman, Officer Juan Sanchez, Detective Melvin Negron, Detective Victor Cordero, and Detective William Colindres.

Recipients of the 2010 Investigative Merit Award are: Detective Cameron B. Crouch, Officer William E. Whited, and the PWCPD Street Crimes Unit.

Madam Speaker, in closing, I would like to take this opportunity to thank all of the men and women who serve in the Prince William County Police Department. Their efforts, made on behalf of the citizens of Prince William County, are selfless acts of heroism and truly merit our highest praise. I ask my colleagues to join me in applauding this group of remarkable citizens.

RECOGNIZING THE CITY OF KINGS-
PORT FOR OBSERVING NA-
TIONAL DAY OF PRAYER

HON. DAVID P. ROE

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 13, 2010

Mr. ROE of Tennessee. Madam Speaker, I rise today to commend the city of Kingsport, Tennessee for observing the National Day of Prayer on May 6, 2010.

Since the first call to prayer in 1775, when the Continental Congress asked the colonies to pray for wisdom in forming a nation, the call to prayer has continued through our history. In 1952, a joint resolution by Congress, signed by President Truman, declared an annual national day of prayer. In 1988, the law was amended and signed by President Reagan, permanently setting the day as the first Thursday of every May.

I am very proud of Mayor Phillips and the city of Kingsport for observing this important day.

A PROCLAMATION RECOGNIZING
THE NATIONAL ASSOCIATION
FOR THE EDUCATION OF YOUNG
CHILDREN'S WEEK OF THE
YOUNG CHILD FROM APRIL 12
THROUGH 16, 2010

HON. ZACHARY T. SPACE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 13, 2010

Mr. SPACE. Madam Speaker,

Whereas, the National Association for the Education of Young Children has declared the week of April 12 through 16, 2010, The Week of the Young Child; and

Whereas, the Ross County O.U. Chillicothe Child Development and Family Services Center acknowledges and celebrates The Week of the Young Child and furthers awareness of the need for early-childhood support through family, community, and particularly through education; and

Whereas, the theme of The Week of the Young Child in 2010 is "Early Years are Learning Years;" and

Whereas, The National Association for the Education of Young Children has advocated for the improved well-being of young children since 1926, including through the events of The Week of the Young Child: Now, therefore, be it

Resolved, That along with The National Association for the Education of Young Children, participating schools and families, and the

community of Ohio's 18th District at large, I strongly support the Ross County O.U. Chillicothe Child Development and Family Services Center celebration of The Week of the Young Child from April 12 through 16, 2010.

IN RECOGNITION OF THE 2010
VALOR AWARD RECIPIENTS IN
THE OCCOQUAN-WOODBRIDGE-
LORTON VOLUNTEER FIRE DE-
PARTMENT

HON. GERALD E. CONNOLLY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 13, 2010

Mr. CONNOLLY of Virginia. Madam Speaker, I rise today to recognize outstanding members of the Occoquan-Woodbridge-Lorton Volunteer Fire Department. These individuals have demonstrated superior dedication to public safety and have been awarded the prestigious Valor Award by the Prince William Regional Chamber of Commerce.

The Valor Awards recognize remarkable heroism and bravery in the line of duty exemplified by our public safety agencies and their commitment to the community. Our public safety and law enforcement personnel put their lives on the line everyday to keep our families and neighborhoods safe.

Eight members of the Occoquan-Woodbridge-Lorton Volunteer Fire Department are being honored this year for their exceptional service. It is with great pride that I submit their names into the CONGRESSIONAL RECORD:

Recipients of the 2010 Bronze Valor Award are: Rescue Chief Ed Craig, Chief James McAllister, Captain Richard Slusher, Assistant Chief John M. McGovern III, Lieutenant Steve Godin, Captain John Roberts, Technician Jason Lowery, and Technician Michael Skeele.

Madam Speaker, in closing, I would like to take this opportunity to thank all of the men and women who serve in the Occoquan-Woodbridge-Lorton Volunteer Fire Department. Their efforts, made on behalf of the citizens of Prince William County, are selfless acts of heroism and truly merit our highest praise. I ask my colleagues to join me in applauding this group of remarkable citizens.

HONORING SISTERS OF CHARITY
OF SAINT ELIZABETH IN CON-
VENT STATION, MORRIS TOWN-
SHIP, NEW JERSEY

HON. RODNEY P. FRELINGHUYSEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 13, 2010

Mr. FRELINGHUYSEN. Madam Speaker, I rise today to honor the Sisters of Charity of Saint Elizabeth in Convent Station, Morris Township, New Jersey, which is celebrating its 150th Anniversary this year.

The Sisters of Charity were founded under the authority of the first American Catholic bishop, John Carroll, Bishop of Baltimore by

Saint Elizabeth Ann Seton, in the spirit of Saint Vincent de Paul and Saint Louise de Marillac, in Emmitsburg, Maryland, in 1809. In 1859, Mother Mary Xavier Mehegan founded the New Jersey community known as the Sisters of Charity of Saint Elizabeth.

For fifty-six years, from 1859 until her death June 24, 1915, Mother Xavier headed the Sisters of Charity. Parish schools, academies, hospitals, a day nursery, orphanages, a home for the incurably ill, and a residence for working women were established. In 1899, a time when New Jersey had no baccalaureate-degree-granting college for women, Mother Xavier founded the College of Saint Elizabeth, New Jersey's oldest four-year college for women and one of the first colleges for women in the United States.

Since 1859, the Morristown location, now known as Convent Station, has become a center of learning, of spirituality, and of service to others and to the community as a whole. Convent Station is home to the Academy of St. Elizabeth, the Convent of St. Elizabeth, the College of Saint Elizabeth, Saint Anne Villa, and the Xavier Center.

Today the Sisters of Charity of Saint Elizabeth are engaged in over 100 education, health care, pastoral and social service ministries in 15 states, and in the U.S. Virgin Islands, El Salvador, Central America, Juarez, Mexico and Haiti. These ministries include: Education, Diocesan and Parish Ministry, Hospitals, Homes for the Aged, Health Care, Community Centers and Social Services.

Madam Speaker, I ask you and my colleagues to join me in congratulating the Sisters of Charity of Saint Elizabeth as they celebrate 150 dedicated years of service.

INTRODUCTION OF THE END THE
MANDATE ACT

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 13, 2010

Mr. PAUL. Madam Speaker, today I am introducing the End the Mandate Act. This legislation repeals the sections of the recently-passed health reform bill that force all Americans to purchase federally-approved health insurance plans.

Forcing every American to obtain health insurance is a blatant violation of the Constitution. Defenders of this provision claim the Congress's constitutional authority to regulate "interstate commerce" gives Congress the power to mandate every American obtain a federally-approved health insurance plan. However, as Judge Andrew Napolitano and other distinguished legal scholars and commentators have pointed out, even the broadest definition of "regulating interstate commerce" cannot reasonably encompass forcing Americans to engage in commerce by purchasing health insurance.

Forcing every American to obtain a congressionally-approved health insurance plan is not just unconstitutional; it is a violation of the basic freedom to make our own decisions regarding how best to meet the health care needs of ourselves and our families.

Madam Speaker, the new law requires Americans to have what is defined as "minimum essential coverage." Some people may claim that the requirement to have "minimal essential coverage" does not impose an unreasonable burden on Americans. There are two problems with this claim.

First, the very imposition of a health insurance mandate, no matter how "minimal" violates the principles of individual liberty upon which this country was founded.

Second, the mandate is unlikely to remain "minimal" for long. The experience of states that allow their legislatures to mandate what benefits health insurance plans must cover has shown that politicizing health insurance inevitably makes health insurance more expensive. As the cost of government-mandated health insurance rises, Congress will likely respond by increasingly subsidizing health insurance for an ever increasing number of Americans.

When the cost of government-mandated insurance proves to be an unsustainable burden on individuals, small employers, and the government, Congress will likely impose price controls on medical treatments, and even go so far as to limit what procedures and treatments mandatory insurance will reimburse.

Madam Speaker, Congress made a grave error by forcing all Americans to purchase health insurance. The mandate violates fundamental principles of individual liberty, and will lead to further government involvement in health care. I therefore ask all of my colleagues to join me in correcting this mistake by cosponsoring the End the Mandate Act.

HONORING AWREY BAKERIES

HON. THADDEUS G. McCOTTER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 13, 2010

Mr. McCOTTER. Madam Speaker, today I rise to honor and acknowledge Awrey Bakeries, upon its 100th anniversary. Awrey Bakeries stands in my hometown of Livonia, Michigan, as a true model of the American Dream and the persevering spirit of those bent on attaining that dream. From its humble beginnings as a one woman shop Awrey's has grown to a more than 200,000 square foot facility employing 400 people, grossing \$90 million in sales.

As Canadian farming foundered in the early 1900s, Fletcher Awrey chose to immigrate to Detroit, Michigan, in hopes of finding work in the burgeoning auto industry. To supplement the family income Fletcher's wife, Elizabeth, baked breads and pastries in her wood-fired stove and sold them to her neighbors. As demand for the baked goods grew, her sons sold them door to door.

The Awrey family opened a retail outlet in 1914 and installed mechanized baking equipment in 1929. In 1930 the company operated 32 stores. Expansion was not slowed by the Great Depression but the sugar shortage due to rationing during World War II put growth on hold. However, by 1950 Awrey's expanded to 120 locations and operated a home delivery service. The company introduced a line of fro-

zen baked goods aimed at the food service market in 1968 and continued to experience growth for several decades after moving its present location in Livonia in the 1970s. In 2002, Awrey's was one of the first companies in the United States to receive the prestigious Bakers Seal Award from the American Institute of Baking.

After 95 years of family ownership, Awrey's Bakeries was purchased by Hilco Equity and Monomoy Capital Partners who have taken great pride in continuing the tradition of high quality baked goods that have placed the Awrey's name among Detroit's homegrown favorites.

Madam Speaker, for 100 years Awrey Bakeries has stood as a tribute to the hard work of Fletcher and Elizabeth Awrey and their family. As the company celebrates this enormous milestone, it personifies a legacy of excellence, ingenuity, and the irrepressible spirit of the American entrepreneur. Today, I ask my colleagues to join me in congratulating Awrey Bakeries and recognizing their years of loyal service to our community and country.

IN RECOGNITION OF THE 2010 VALOR AWARD RECIPIENTS IN THE FAIRFAX COUNTY POLICE DEPARTMENT

HON. GERALD E. CONNOLLY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 13, 2010

Mr. CONNOLLY of Virginia. Madam Speaker, I rise today to recognize outstanding members of the Fairfax County Police Department. These individuals have demonstrated superior dedication to public safety and have been awarded the prestigious Valor Award by the Prince William Regional Chamber of Commerce.

The Valor Awards recognize remarkable heroism and bravery in the line of duty exemplified by our public safety agencies and their commitment to the community. Our public safety and law enforcement personnel put their lives on the line everyday to keep our families and neighborhoods safe.

Three members of the Fairfax County Police Department are being honored this year for their exceptional service. It is with great pride that I submit their names into the CONGRESSIONAL RECORD:

Recipients of the 2010 Bronze Valor Award are: Pilot Chuck Angle, Officer Tim Schilling and Officer Jon Karninski.

Madam Speaker, in closing, I would like to take this opportunity to thank all of the men and women who serve in the Fairfax County Police Department. Their efforts, made on behalf of the citizens of Fairfax County, are selfless acts of heroism and truly merit our highest praise. I ask my colleagues to join me in applauding this group of remarkable citizens.

HONORING RONALD J. KELTY

HON. MIKE QUIGLEY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 13, 2010

Mr. QUIGLEY. Madam Speaker, I rise today to recognize the long and distinguished career of Ronald J. Kelty. Mr. Kelty, a Citizen of the Ojibwe and Potawatomie Tribes of Wisconsin, and Native Veteran of the United States Army, has dedicated his life to serving the nation, the American Indian Center of Chicago, and our local community.

Mr. Kelty began his work at the American Indian Center by taking on the important leadership role of running a social service food pantry with only the help of a few volunteers. He has played a key role in expanding the American Indian Center, which today provides 14 programs that provide resources, foster economic and educational advancement, and sustain the cultural values of all American Indians. He has also been instrumental in building the AIC team of over 30 employees.

Mr. Kelty served as a Board Member of the American Indian Center for 17 consecutive years. He was Board President for 14 of those years. Mr. Kelty has also been a Traditional Native Dancer for over 40 years, performing for the Native American community countless times.

Mr. Kelty, a loving husband, father and grandfather, served in the United States Army. His service in the U.S. Army further demonstrates his tireless dedication to servicing the nation and the people of the United States.

Madam Speaker, I ask my colleagues to join me in recognizing Ronald J. Kelty for his outstanding and invaluable service to the community. He exemplifies the values of compassion and service, and I thank him for his many years of dedication to our community.

STATEMENT IN SUPPORT OF H. RES. 1041 AND H. RES. 1042

HON. MICHAEL K. SIMPSON

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 13, 2010

Mr. SIMPSON. Madam Speaker, I rise today to offer my support for H. Res. 1041 and H. Res. 1042, both offered by my colleague from Idaho, Congressman WALT MINNICK.

The resolutions honor the successes of two excellent college football programs in Idaho and commend them on their historic 2009 seasons.

H. Res. 1041 congratulates the University of Idaho's football team, led by head coach Rob Akey, for their remarkable season, capped by their thrilling come from behind victory in the Roady's Humanitarian Bowl. The success of this team marked an exceptional turnaround for a program that has struggled in the past and now is amongst the best in the conference after a stellar 2009. It can be expected that Coach Akey and his staff will continue to succeed in Moscow, where they have developed a mindset that expects to win.

H. Res. 1042 commends Boise State University for another fantastic football season in 2009. Coach Chris Peterson has developed BSU into one of the most prestigious programs in the nation. Indeed, 2009 was perhaps the most successful in Boise, with the Broncos posting a 14-0 undefeated record, culminating in a convincing victory in the Tostitos Fiesta Bowl and a number four national ranking to end the season. Coach Peterson was also awarded the Paul 'Bear' Bryant Award, as the NCAA college football national coach of the year, a deserved honor. Enough cannot be said about the work of Coach Peterson and the players to transform BSU into a national powerhouse in only a few years.

As we look ahead to 2010, we can expect more good things from both of these programs, and both of these universities. The people of Idaho are truly blessed to have such world class universities in their state.

IN MEMORY OF BOB FRANKS

HON. RUSH D. HOLT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 13, 2010

Mr. HOLT. Madam Speaker, it is with great sadness that I rise to honor the life of an outstanding Member of Congress from New Jersey, Bob Franks, who passed away on Friday after a battle with cancer.

During his 14 years in the General Assembly and eight years as a member of this body, Bob was dedicated to bettering the lives of New Jerseyans.

Principled, relentless, genial and magnanimous, Bob, like few others, had the ability to work across the aisle and earn the trust and respect of political allies and opponents alike—a skill regrettably in short supply these days.

After leaving Congress, Bob remained active in public affairs—while spending more time with family than the Congressional schedule would permit—leading the HealthCare Institute of New Jersey. It was during his time as president of the HealthCare Institute of New Jersey that I worked closely with Bob and was able to know his good nature and policy acumen first-hand. I feel fortunate to have had such an opportunity.

I ask that the Members of the House extend sympathy to Bob's wife Fran, his family and friends. He will be missed.

IN RECOGNITION OF THE 2010 VALOR AWARD RECIPIENTS IN THE DALE CITY VOLUNTEER FIRE DEPARTMENT

HON. GERALD E. CONNOLLY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 13, 2010

Mr. CONNOLLY of Virginia. Madam Speaker, I rise today to recognize outstanding members of the Dale City Volunteer Fire Department. These individuals have demonstrated

superior dedication to public safety and have been awarded the prestigious Valor Award by the Prince William Regional Chamber of Commerce.

The Valor Awards recognize remarkable heroism and bravery in the line of duty exemplified by our public safety agencies and their commitment to the community. Our public safety and law enforcement personnel put their lives on the line everyday to keep our families and neighborhoods safe.

Two members of the Dale City Volunteer Fire Department are being honored this year for their exceptional service. It is with great pride that I submit their names into the CONGRESSIONAL RECORD:

Recipients of the 2010 Bronze Valor Award are: Sergeant Joe McCann and Firefighter Aaron Kollmorgen.

Madam Speaker, in closing, I would like to take this opportunity to thank all of the men and women who serve in the Dale City Volunteer Fire Department. Their efforts, made on behalf of the citizens of Prince William County, are selfless acts of heroism and truly merit our highest praise. I ask my colleagues to join me in applauding this group of remarkable citizens.

PERSONAL EXPLANATION

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 13, 2010

Ms. WOOLSEY. Madam Speaker, on March 25, 2010, I was unavoidably detained and was unable to record my vote for rollcall No. 191. Had I been present I would have voted:

Rollcall No. 191: "yes"—Supporting the goals and ideals of National Public Works Week, and for other purposes.

HONORING GERALD GAJEWSKI

HON. THADDEUS G. MCCOTTER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 13, 2010

Mr. MCCOTTER. Madam Speaker, today I rise to honor and mourn the extraordinary life of Gerald Gajewski upon his passing at the age of 68.

Born on October 12, 1941, Gerry Gajewski dedicated his life to serving his community and his country. After honorably serving his country as a member of the United States Air Force, Gerry came home to serve Redford Township as Recreation Commissioner and Township Trustee. He also was an active member of the Redford Township Rotary Club, serving as president five times.

Regrettably, on April 8, 2010, Gerry Gajewski passed from this earthly world to his eternal reward. He is survived by his beloved wife, Gloria and his son, Jeffrey. A devoted brother to sisters Gloria Jean and Christina, Gerry leaves a legacy of 17 nieces and nephews. A courageous and honorable man, Gerry will be sorely missed.

Madam Speaker, Gerald Gajewski is remembered as a compassionate father, a dedi-

cated husband, a leader, a soldier and a friend. Gerry was a man who deeply treasured his family, friends, community and his country. Today, as we bid Gerry farewell, I ask my colleagues to join me in mourning his passing and honoring his unwavering patriotism and legendary service to our country and community.

TRIBUTE TO MAYOR JAMES ROBERTS

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 13, 2010

Mr. PAUL. Madam Speaker, on April 15, 2010, the City of Fulshear, Texas, which is in my congressional district, will host a reception honoring Mayor James Roberts, who is stepping down this year. It is my pleasure to join the people of Fulshear in thanking Mayor Roberts for his years of service.

Mayor Roberts was first elected mayor in 1977, shortly after Fulshear was incorporated. James Roberts was a logical choice to serve as Fulshear's first mayor, as his efforts were instrumental in incorporating Fulshear. Mayor Roberts served as Mayor until 1984. In 2006, he returned to the Mayor's office.

A graduate of Baylor University, James Roberts has worked as a textbook publisher representative, a world history teacher and a coach. In 1973, he founded J.W. Roberts and Company, a wholesale outlet for industrial hoses, clamps, ducting, fittings and tubings. In addition to building a business, working to incorporate Fulshear, and then serving as mayor, James Roberts has also been involved in a variety of community activities, including 20 years on the Board of the Fort Bend County Library, 2 years on the Lamar Consolidated School Board, nine of which he spent as School Board President. Mayor Roberts has also served as the Deacon of Youth of the Graeber Road Church of Christ. Mayor Roberts is currently a member of the Board of Directors of the American Heart Association.

Madam Speaker, I once again wish to express my pleasure in joining the people of Fulshear in thanking James Roberts for his work to incorporate Fulshear, his service as Mayor, and all of his work to better the lives of the people of his community.

IN RECOGNITION OF THE 2010 VALOR AWARD RECIPIENTS IN THE MANASSAS CITY POLICE DEPARTMENT

HON. GERALD E. CONNOLLY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 13, 2010

Mr. CONNOLLY of Virginia. Madam Speaker, I rise today to recognize outstanding members of the Manassas City Police Department. These individuals have demonstrated superior dedication to public safety and have been awarded the prestigious Valor Award by the Prince William Regional Chamber of Commerce.

The Valor Awards recognize remarkable heroism and bravery in the line of duty exemplified by our public safety agencies and their commitment to the community. Our public safety and law enforcement personnel put their lives on the line everyday to keep our families and neighborhoods safe. The individuals are receiving awards at the 2010 ceremony in two categories: The Lifesaving Award and the Investigative Merit Award.

Three members of the Manassas City Police Department are being honored this year for their exceptional service. It is with great pride that I submit their names into the CONGRESSIONAL RECORD:

Recipient of the 2010 Lifesaving Award is: Officer Donald W. Hylton.

Recipients of the 2010 Investigative Merit Award are: Senior Detective David E. Abbott, Jr. and Darwin A. Guyton.

Madam Speaker, in closing, I would like to take this opportunity to thank all of the men and women who serve in the Manassas City Police Department. Their efforts, made on behalf of the citizens of Manassas City, are selfless acts of heroism and truly merit our highest praise. I ask my colleagues to join me in applauding this group of remarkable citizens.

RECOGNIZING THE NATIONAL TREASURY EMPLOYEES UNION

HON. MIKE QUIGLEY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 13, 2010

Mr. QUIGLEY. Madam Speaker, I rise today in support of America's front-line government workers from Maine to Montana, Spokane to Sarasota and everywhere in between—especially Austin, Texas.

On February 18, an angry and misguided individual took out his personal frustrations and his own failures when he flew a plane into a federal government building outside Austin. The impetus for his deplorable and heinous act: settling a grudge against tax authorities and a government he deemed un-American. But his weapon of choice, mimicking the greatest American tragedy of this generation, shows how confused and simply wrong he was.

His plane took the life of a member of the National Treasury Employees Union, Vernon Hunter. Vernon was a victim of the worst kind—an innocent bystander in the worst place at the worst time. But economic hardship is the fertilizer that grows fear-mongering and from those depths despair can be a dangerous weapon. We must take the time to educate the public, stand with our friends at the Treasury, and bridge the divide between ignorance and understanding so that we may never again mourn a friend at the NTEU.

Our largest federal employees union, the NTEU is an eclectic and dedicated group that does everything from print our money to guard our borders. Its members can be scientists searching for a cure for cancer or working to preserve our national parks and historical sites. The NTEU has a hand in agriculture, commerce, finance, and health care, and, above all, is a vital part of every community across the country.

It is with a heavy heart that I offer my condolences to all who were touched by February's tragedy, but with a renewed spirit that I pledge my support to the NTEU and each and every one of its members.

HONORING COMMUNITY SOUP KITCHEN AND OUTREACH CENTER IN MORRISTOWN, NEW JERSEY

HON. RODNEY P. FRELINGHUYSEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 13, 2010

Mr. FRELINGHUYSEN. Madam Speaker, I rise today to honor the Community Soup Kitchen and Outreach Center in Morristown, New Jersey, which is celebrating its 25th anniversary this year.

Twenty-five years ago, a small group of people opened the doors of their church armed with chicken noodle soup and a determination to feed the hungry in Morristown. Since then, much has changed in our community, but the primary mission of the Community Soup Kitchen and Outreach Center of Morristown has remained the same: They are committed to providing nutritious meals in a warm, safe, and caring environment.

The Community Soup Kitchen of Morristown was established in 1984 at St. Peter's Episcopal Church to serve the community by serving meals and providing support to the homeless, working poor, and elderly of Morristown and the surrounding towns. Over the past 25 years, the Community Soup Kitchen has developed from an establishment serving people only on Saturday's to one that is open 365 days a year, serving approximately 250 guests per day in a welcoming and safe environment.

Last year alone, the Community Soup Kitchen of Morristown served 53,278 meals. The kitchen has continued to expand, and now has the ability of serving 300 people per day. Recently, the kitchen has incorporated the Healthy Choices . . . Healthy Lives! program, which teaches individuals the importance of eating healthy food and maintaining a well balanced diet. The newly created outreach program provides assistance to guests by encouraging and assisting people to access community resources, services, and educational programs. By providing people with this support, the kitchen is creating countless opportunities for people to succeed and live a better life.

The Community Soup Kitchen and Outreach Center of Morristown has continuously provided valuable support to those in our community, and has achieved the selfless goal of improving our society by providing individuals with much needed food and opportunity.

Madam Speaker, I ask you and my colleagues to join me in congratulating the Community Soup Kitchen of Morristown and Outreach Center as they celebrate 25 dedicated years of service.

IN SUPPORT OF NATIONAL ARTS IN THE SCHOOL DAY

HON. NITA M. LOWEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 13, 2010

Mrs. LOWEY. Madam Speaker, I rise today to pay tribute to National Arts in the School Day. This great program gives young people the opportunity to experience and be exposed to art of all kinds. Last year, six schools in Port Chester, New York opened their doors to 35 guest artists who shared their work with students from kindergarten through 12th grade, and I am pleased that schools will be participating again this year on April 15th.

Research has shown that arts education is closely linked to academic achievement, social and emotional development, civic engagement, and equitable opportunity. Experiencing art can connect people more deeply to the world around them, encourage students to be open to new perceptions of the world, and create foundations for social bonds and community cohesion.

I encourage all schools around the country to celebrate the arts on National Arts in the School Day. Through projects large or small—school-wide performances or even inviting local artists to help children appreciate art in all forms—we can raise awareness of the importance of art and art appreciation and renew our commitment to arts education.

IN RECOGNITION OF THE 10TH ANNIVERSARY OF GIRLS ON THE RUN OF NORTHERN VIRGINIA

HON. GERALD E. CONNOLLY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 13, 2010

Mr. CONNOLLY of Virginia. Madam Speaker, I rise today to recognize Girls on the Run of Northern Virginia and to congratulate them on the occasion of their 10th Anniversary.

All of us who have a daughter or niece, or even know a young or pre-teen girl, understand very well the difficulties that many experience on their journey to adulthood. Peer pressure, the media, and other external influences can often cause our young daughters to feel inadequate or simply not good enough. Girls on the Run seeks to address this issue by encouraging healthy choices and instilling confidence that all girls belong "just the way they are."

Girls on the Run was originally founded in 1996 by Molly Barker, a four-time Hawaii Ironman triathlete to celebrate the gifts of girlhood and fight what she calls "Girl-Box" issues. Girl-Box is a place where girls and young teens are valued more for their outward appearance than their character inside. This can result in low self-esteem and a distorted body image which have been linked to eating disorders, teen pregnancy and substance abuse. Girls on the Run focuses on the development of a healthy, positive self-image and strives to empower all girls to have a strong sense of identity, resist peer pressure, stand

up for themselves in a healthy manner, and understand their importance as individuals and as part of the larger community. In just 15 years, Girls on the Run now serves over 60,000 girls annually throughout the United States and into Canada.

Girls on the Run came to Northern Virginia in 2001 and initially had only 2 sites serving 27 girls. In 2010, Girls on the Run of NOVA, as the largest chapter in the national organization, will offer over 200 programs in 172 locations and serve more than 6,000 girls. Based out of public and private schools in Arlington, Fairfax, Loudoun and Prince William counties as well as the cities of Alexandria, Manassas, Manassas Park, Fairfax City and Falls Church, Girls on the Run NOVA reaches across all ethnic, racial and socio-economic lines. No girl is ever denied because of inability to pay the modest fees assessed for this program—financial aid is offered to qualifying individuals. In 2008 over one-third of all participants received financial assistance.

Madam Speaker, I ask that my colleagues join me in congratulating Girls on the Run of Northern Virginia on the occasion of their 10th Anniversary and also in thanking them for their commitment to instilling self-respect and dignity to all of our daughters in Northern Virginia.

INTRODUCTION OF H.R. 4992

HON. ZACH WAMP

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 13, 2010

Mr. WAMP. Madam Speaker, today I introduced the First Responders Protection Act to better protect the men and women who risk their lives every day on our behalf from the financial hardship related to potentially frivolous lawsuits. Too often, first responders can be forced to deplete their savings, put their own homes in jeopardy or sacrifice their retirement to pay for legal counsel to defend themselves.

The First Responders Protection Act gives employers the authority to provide financial assistance for employees facing litigation after certain events that occur when performing their jobs. This bill would not override the comparable policies that some States already have in place, and it would offer assistance to any States to implement one.

Upon review by attorneys and law enforcement experts, H.R. 413, which I previously supported, simply went too far without fully addressing this real issue affecting these men and women. My legislation, the First Responders Protection Act, is more narrowly crafted to keep first responders and their families from being financially drained as a result of frivolous lawsuits. I urge its passage in lieu of the previous bill.

A PROCLAMATION HONORING THE AMERICAN HELLENIC INSTITUTE

HON. ZACHARY T. SPACE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 13, 2010

Mr. SPACE. Madam Speaker,

Whereas, the American Hellenic Institute was founded in 1974 with a commitment to upholding fairness and justice for the people of Greece and Cyprus;

Whereas, the American Hellenic Institute has sponsored education initiatives to promote peace and mutual understanding between peoples;

Whereas, the American Hellenic Institute has increased cultural awareness and preservation for Greek-Americans and Hellenic people across the world;

Whereas, the American Hellenic Institute has steadfastly worked for the reunification of Cyprus;

Whereas, the American Hellenic Institute has stood by the Ecumenical Patriarchate in Constantinople;

Whereas, the American Hellenic Institute has worked tirelessly to improve U.S. foreign relations with the people of Greece and Cyprus: Now, therefore, be it

Resolved, That as a proud Greek American, I commend the American Hellenic Institute for its principled commitment to the causes important to Hellenic people across the world, and in honor of the 189th year of Greek Independence, I stand firmly behind the American Hellenic Institute's efforts to represent the interests and values of Hellenic people everywhere.

LADYWOOD HIGH SCHOOL

HON. THADDEUS G. MCCOTTER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 13, 2010

Mr. MCCOTTER. Madam Speaker, today I rise to honor and acknowledge Ladywood High School, Catholic college preparatory school in the Felician/Franciscan tradition, as they celebrate their 60 years of educating young women in my hometown of Livonia, Michigan.

Named for the beautiful wooded property on which it is located, Ladywood was dedicated to Our Lady under her title Our Lady of the Woods and opened its doors to 45 students on September 11, 1950. The first commencement was celebrated on June 7, 1953, with a graduating class of 12 young women. Having been continually accredited since 1951, Ladywood now educates young ladies from 40 communities, 5 counties and 50 zip codes.

Ladywood was chosen as an "Outstanding American High School" by U.S. News and World Report and is recognized by the American College Testing Education Division for exceeding national performance scores while matriculating 99 to 100 percent of her graduates to colleges and universities. The State of Michigan and the Wayne County Department of Environment have designated the Ladywood High School as an Official Michigan Green School.

Madam Speaker, for 60 years Ladywood High School has maintained a prominent presence in the Metropolitan Detroit area as a national leader for excellence in education by honoring the pledge made by the Felician Sisters not only to ensure academic distinction but to provide for the spiritual and personal

formation of the young ladies entrusted to them. Today, I ask my colleagues to join me in congratulating the administration, faculty, staff and students of Ladywood High School and recognizing their years of loyal service to our youth, our community and our country.

IN RECOGNITION OF HELEN CRAM

HON. GERALD E. CONNOLLY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 13, 2010

Mr. CONNOLLY of Virginia. Madam Speaker, I rise today to recognize Helen Cram and her substantial contributions to political and civic life in Prince William County.

Ms. Cram's political career began when she spent the fall of 1952 handing out "grip cards" for her father's successful candidacy for North Dakota State Secretary. The family's victory launched Ms. Cram into a political career that spanned over four decades and consisted of positions in the offices of local, state and federal elected officials.

After two sessions as a Page in the North Dakota House of Representatives and six years in the personal office of a Public Service Commissioner, Ms. Cram moved to Virginia. She joined the staff of the late U.S. Senator from North Dakota, Quentin Burdick, in 1962 and remained in his office for six years. She spent the rest of her time in the federal government working for U.S. Senator Harry F. Byrd, Jr. until she retired in 1982. Discovering that retirement life was not for her, Ms. Cram ended her retirement one month later when she went to work for Delegate David Brickley in the Virginia General Assembly. Ms. Cram served as Delegate Brickley's legislative assistant until 1998.

Throughout her time as a public servant Ms. Cram has remained active in Democratic politics. Ms. Cram became a member of the Prince William County Democratic Committee in 1970 and served seventeen years as secretary of that committee. She was Campaign Manager many times for David Brickley for Delegate; served as Campaign Manager for Chuck Colgan for Senate in 1988; was co-campaign manager with Charlie Gnadt for Prince William County for Senator Harry Byrd; managed five magisterial districts for Paul Ebert for Commonwealth's Attorney; she was the campaign treasurer for Leo Harrison and Lyle Cram when they each ran for Woodbridge District Board of County Supervisors, and served as campaign manager for the Prince William County Road Bond Committee in 1985. She also served for a short time as the aide to the late Coles Magisterial District Supervisor, G. Richard Pfitzner, when he was on the Prince William Board of County Supervisors.

Somehow Ms. Cram also found time to volunteer for several community organizations in Prince William County. She served on the Board of Directors for the American Red Cross; held every office of the Woodbridge Little League Ladies Auxiliary; was District Director for the Little League Ladies Auxiliaries for District 9 (Prince William and part of Fairfax Counties); and was a volunteer for the Boy

Scouts of America Troop 1357. Ms. Cram has been the IRS Volunteer Income Tax Assistance Program coordinator at Potomac Library for thirty-one years. She currently serves as secretary to the Prince William County Board of Elections and has been on the Board nine years.

Madam Speaker, I ask that my colleagues join me in commending Helen Cram; a truly dedicated community activist. I would like to extend my personal appreciation to Ms. Cram for her immeasurable impact on the Prince William community.

THE PATIENT PROTECTION AND
AFFORDABLE CARE ACT OF 2010

HON. ALAN GRAYSON

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 13, 2010

Mr. GRAYSON. Madam Speaker, the Patient Protection and Affordable Care Act of 2010 is a triumph for American consumers of health insurance and health care. When fully implemented, it will extend health care insurance to 32 million uninsured Americans, covering 95 percent of American citizens and legal residents. It will extend premium affordability tax credits to 20 million Americans and help 4 million small businesses provide health insurance for their workers. By the end of this year it will end some of the worst insurance company abuses such as post-claims underwriting or lifetime limits on coverage. When fully implemented it will ban even more, including health status underwriting and exclusions of pre-existing conditions. This legislation will “bend the curve” in the unsustainable growth in health care costs while improving the quality of American health care. It encourages wellness and prevention and will help Americans become among the best informed health insurance consumers in the world.

Such sweeping legislation cannot explicitly address every issue that will arise under its provisions. In the near term, the legislation must be implemented through regulations promulgated by the federal executive agencies—in particular Health and Human Services, Labor, and Treasury—and by the states. Ultimately, the courts may need to interpret some of the provisions of the statute.

It is important, therefore, to set down the intention of Congress as to the principles of construction that should be applied in implementing and interpreting the law. The first and foremost of these is captured in the title of the bill. This legislation should always be construed to protect patients and to make health insurance and health care more affordable for consumers. Whenever the bill is silent or ambiguous on a particular issue it should be construed by a federal or state agency or court to accomplish this goal.

Many of the provisions of this bill, including the premium tax credits and cost-sharing assistance, the individual and employer responsibility provisions, and the Medicare and Medicaid reforms and expansions, must be implemented by the federal agencies. In drafting regulations, the agencies must first and foremost attend to the interests of patients, consumers, and beneficiaries. Many other provisions will ultimately be implemented by the states. The general interpretive principle of the insurance reform legislation in relation to the states is found in section 1321(d), which states “Nothing in this title shall be construed to preempt any State law that does not prevent the application of the provisions of this title.” In other words, state laws more protective of consumers are preserved; state laws less protective of consumers are preempted.

Several issues raised by the legislation illustrate the application of these principles. First, nowhere does section 2719, which prescribes internal and external review procedures that insurance plans must follow when consumers appeal coverage determinations, explicitly state that all state and federal judicial remedies remain available if an appeal is denied both internally and externally. Every state, however, provides for judicial review of insurance claims denials in the nongroup market and 29 U.S.C. sec. 1132 offers judicial review of group health claims. These remedies are not expressly displaced by the law, and it is the intention of Congress that they continue to be available to aggrieved consumers.

Second, grandfathering of insurance plans that pre-date the legislation is not forever. A principle announced repeatedly by the President throughout the debate was that “if you like the insurance coverage you have, you can keep it.” Congress never intended, however, that if you had insurance coverage you did not like, you would be stuck with it forever. Section 1251 of the PPACA, therefore, should not

be interpreted to mean that an insured who is enrolled in a group health plan will never be extended the consumer protections found in the legislation. If coverage under the plan changes significantly, for example through increased cost-sharing for members, the plan’s grandfathered status should be lost and the full protections of the legislation apply.

Third, the ban on pre-existing condition exclusions for children under sec. 10103(e) does not merely mean that plans cannot exclude pre-existing conditions from coverage, but also that they cannot exclude children with pre-existing conditions from coverage. The law must be interpreted broadly to achieve its purposes, not narrowly to encourage evasion.

Fourth, the provisions of sec. 2714 of the Public Health Services Act added by sec. 1001 of the PPACA extending coverage to adult children up to age 26 should be interpreted to require the extension of family coverage to cover adult children, not to permit insurers to separately underwrite such children or to require them to pay the full cost of adult coverage.

Fifth, the provisions of sec. 1332 of the PPACA allowing state waivers for innovation are intended to provide maximum flexibility for the Secretary of the Treasury and the Secretary of Health and Human Services so long as the state plan is at least as comprehensive and affordable, and so long as it covers at least as many people as the law would provide otherwise.

Finally, the provisions of sec. 715 of ERISA added by 1562 of the PPACA should be understood to fully extend all of the protections of the PPACA that apply to group health plans to all employment-related health plans, including self-insured plans. The law should also be understood to intend that the full authority of the Departments of Labor and Treasury in regulating and enforcing the law against ERISA plans is available to enforce the terms of the PPACA.

These are only a few examples of many issues that will no doubt arise in implementing and interpreting the law. The general principles that they illustrate, however, must be applied throughout by the federal agencies, by the states, and by the courts. This law is intended to protect patients and consumers, and whenever it is silent or unclear, it must be construed toward these ends.

SENATE—Wednesday, April 14, 2010

The Senate met at 9:31 a.m. and was called to order by the Honorable TOM UDALL, a Senator from the State of New Mexico.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Today, O God, bring our Senators' hearts and minds into harmony with Your will, so that they may be assured that their lives are fulfilling Your high purpose. Give them the incentives they need, the trust that is essential, and the joy that is possible as they face the duties and opportunities that lie ahead. Lord, inspire them with the wisdom to correctly use the great power You have given them, so that they and others may be blessed. Bless them with Your maximizing power for the challenges, decisions, and responsibilities of this day. We pray in Your holy Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable TOM UDALL led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, April 14, 2010.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable TOM UDALL, a Senator from the State of New Mexico, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. UDALL of New Mexico thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

MOMENT OF SILENCE

Mr. REID. Today, with this moment of silence, we are going to honor the

people of Poland because of the tragedy that occurred there a few days ago. I extend my deepest condolences to the people of Poland. That plane carried 96 souls—parents, husbands, wives, and friends. It carried that nation's President, its First Lady, its Deputy Foreign Minister, lawmakers, and so many other military and civilian leaders. It is hard to comprehend. The tragedy and loss is unthinkable, and America grieves alongside our friends in Poland.

I also want to commend Senators DURBIN and JOHANNIS for taking the lead on a resolution expressing sympathy for the people of Poland. With this resolution, the Senate formally states our condolences for the people of Poland.

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will now observe a moment of silence in solidarity with the people of Poland.

(Moment of silence.)

The ACTING PRESIDENT pro tempore. I thank the Members of the Senate.

Who seeks recognition? The majority leader is recognized.

SCHEDULE

Mr. REID. Mr. President, today, following the remarks by Senators regarding the tragedy in Poland—and we appreciate very much their being here—there will be a period of morning business for 1 hour, with Senators permitted to speak for up to 10 minutes each. The Republicans will control the first 30 minutes, and the majority will control the final 30 minutes.

Following morning business, the Senate will resume consideration of H.R. 4851, the Continuing Extension Act, with the time until 12:30 p.m. equally divided and controlled between the two leaders or their designees. If a point of order is raised against the pending Baucus amendment, at 12:30 p.m. the Senate will proceed to a vote on the motion to waive the Budget Act.

REFLECTION ON POLAND

Mr. REID. Mr. President, I would like to say, recognizing that she is here, that one of the remarkable moments of my career was a time a number of years ago when we were in Poland. The delegation was led by Senator John Glenn, and we were meeting with a number of dissidents in Poland—people who were fighting against the repression coming from the Soviet Union. Senator Glenn said a few words, and then I asked that Senator MIKULSKI,

who is so proud of her Polish heritage, be recognized to say a few words to these freedom fighters in Poland, and it was one of the most remarkable speeches I have ever heard.

She was so powerful, talking about her background in Baltimore, her heritage, and I have never, ever forgotten that speech made by the Senator from Maryland. It was one of the most remarkable statements I have ever heard in my professional career.

EXPRESSING SYMPATHY FOR THE PEOPLE OF POLAND

The ACTING PRESIDENT pro tempore. The Senator from Illinois is recognized.

Mr. DURBIN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 479, submitted earlier today.

The ACTING PRESIDENT pro tempore. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 479) expressing sympathy for the people of Poland in the aftermath of the devastating plane crash that killed the country's President, First Lady, and 94 other high ranking government, military, and civic leaders on April 10, 2010.

There being no objection, the Senate proceeded to consider the resolution.

Mr. DURBIN. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and any statements related to the resolution be printed in the RECORD.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The resolution (S. Res. 479) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 479

Whereas the United States and Poland are close allies, with a shared bond of history, friendship, and international cooperation;

Whereas Polish immigrants were among the first Jamestown settlers, and Casimir Pulaski immigrated to the United States to fight in the Revolutionary War;

Whereas more than 9,000,000 Americans of Polish descent now reside in the United States, bringing vitality to major metropolitan areas such as Chicago, Detroit, and New York City;

Whereas Polish-Americans have been leaders in all walks of American life;

Whereas the American people stood in support of the Solidarity movement as it fought

against the oppression of the communist government of Poland through peaceful means, eventually leading to Solidarity members being elected to office in open democratic elections held on June 4, 1989, events that helped spark the movement to democracy throughout eastern Europe;

Whereas Poland joined the North Atlantic Treaty Organization (NATO) in 1999, joined the European Union in 2004, and has contributed to United States and NATO operations in Iraq and Afghanistan;

Whereas Poland has enjoyed a thriving and prosperous free market democracy since the end of the Cold War;

Whereas the President of Poland Lech Kaczynski and 95 other people, including Poland's First Lady, the deputy foreign minister, dozens of members of Parliament, the chiefs of the army and navy, and the president of the national bank, were tragically killed in a plane crash in western Russia on April 10, 2010;

Whereas President Kaczynski and his colleagues were traveling to Katyn, Russia for a memorial service to mark the 70th anniversary of the Soviet secret police killing of more than 20,000 Polish officers, prisoners, and intellectuals who were captured after the Soviet Union invaded Poland in 1939;

Whereas Anna Walentynowicz, the former dock worker whose firing in 1980 sparked the Solidarity strike that ultimately overthrew the communist government of Poland, was also killed in the crash;

Whereas Ryszard Kaczorowski, who served as Poland's final president in exile before the country's return to democracy, also perished in the crash;

Whereas Chicago suffered the loss of a respected artist when Wojciech Seweryn, whose father was killed in Katyn, died in the crash;

Whereas Mr. Seweryn recently completed a memorial to the victims of Katyn at St. Adalbert Cemetery in Niles, Illinois, which President Kaczynski planned to visit in May;

Whereas President Barack Obama said, the "loss is devastating to Poland, to the United States, and to the world. President Kaczynski was a distinguished statesman who played a key role in the Solidarity movement, and he was widely admired in the United States as a leader dedicated to advancing freedom and human dignity.";

Whereas Former Solidarity leader and ex-president Lech Walesa said, "Today, we lost part of our intellectual elite in a plane crash. It will take a long time until the wounds of our democracy are healed."; and

Whereas thousands of Poles gathered in the center of Warsaw and elsewhere around the world on Saturday to mourn those killed in the crash and affirm their continued solidarity with the people of Poland: Now, therefore, be it

Resolved, That the Senate—

(1) expresses its deepest sympathies to the people of Poland and the families of those who perished for their profound loss;

(2) expresses strong and continued solidarity with the people of Poland and Polish-American communities in the United States; and

(3) expresses unwavering support for the Government of Poland as it works to address the loss of many key public officials.

Mr. DURBIN. Mr. President, I also want to join Senator REID in acknowledging the cosponsors of this resolution, and I am sure this list will grow as our colleagues come forward and ask to be added, but I thank Senator

JOHANNIS for joining me in this effort. I give special thanks to Senator MIKULSKI. We know of her pride in her Polish heritage and we know of her deep respect for the people of Poland and our shared grief over the loss to that great nation. Senators KERRY, VOINOVICH, BROWN of Ohio, CARDIN, and others have also joined me in considering this resolution.

I come to the floor of the Senate, Mr. President, with a heavy heart. I express my sympathy to the people of Poland and to Ambassador Kupiecki who is here representing them. I shared a moment with him earlier this morning and mentioned that when I heard the news of this tragic loss, my thoughts went back immediately to 47 years ago when we lost our President, John Kennedy, and what it meant to our Nation and how devastating it was. This city ground to a halt on that day, and the bells began to peal in the church towers all across Washington every hour on the hour as our Nation reflected on its great loss. It was a time of great sadness, as it should have been in our history, and as I am sure it is now in Poland, as people reflect on the morning of Saturday, April 10, when a plane carrying Polish President Lech Kaczynski, his wife Maria, and 94 other high-ranking government, military and civilian leaders crashed while traveling to a memorial service in Russia that was to recognize and memorialize the dreadful Katyn massacre.

The tragic accident is a devastating loss to the Nation of Poland and to their friends around the world. This photo I brought to the floor shows literally thousands of Poles who gathered in Warsaw on Saturday evening to remember those who died. They were outside St. John's Cathedral in Warsaw grieving for the loss of their President and so many leaders of their nation.

The pain of this sad moment is felt around the world but especially in the city of Chicago, which I am honored to represent. It is home to more Polish American families than anywhere else in the United States. And what a proud heritage they bring to our city, our State, and our Nation; what a contribution they have made. The grief they feel today is a grief we share.

Yesterday, as I mentioned, my fellow Senators joined me in offering this resolution. The United States and Poland share a strong bond of history, friendship, and international cooperation. Polish Americans have become leaders in all walks of life. In the Senate, Senator MIKULSKI and others of Polish heritage have shown that their contribution to America continues to this day. We joined with Poland in our Revolutionary War, and we are so grateful for those Poles who, like Casimir Pulaski and others, stepped forward and joined us in our effort to gain independence. When the time came many decades later, and Poland was seeking its own

independence after the Solidarity movement, the United States stood by their side.

We know President Kaczynski was part of that effort, and we know he was in fact interred in prison because he fought for democracy in Poland. He was respected throughout his country for the role he played and the leadership he brought to this modern, free, democratic Poland today. We have stood by Poland as the Solidarity movement grew into a strong, vibrant democracy. We have supported Poland's membership in NATO, so that we are joint allies in an effort to defend the values we share and in the European Union where they have become a modern economy and a major leader in Europe. Poland also stood by the United States as well in our efforts in Iraq and Afghanistan.

As Poles struggle to come to terms with this week's tragedy, the United States will stand with them and will support their government as it works to overcome the loss of so many of its great leaders.

President and Mrs. Kaczynski and their delegation were on a mission to try, so many years later, to close a deep wound to the Polish people of the Katyn massacre of World War II, where more than 20,000 Poles were executed by Soviet secret police and buried in mass graves in that forest. As the Ambassador said to me this morning, that Katyn Forest is a holy and a cursed place because now this tragedy is added onto the memory of the loss that took place so many years ago.

Russia and Poland have begun to deal with this tragedy, and that is a positive thing. Russian Prime Minister Vladimir Putin recently joined Polish Prime Minister Donald Tusk at a ceremony marking that tragedy. Prime Minister Putin—the first Russian leader to attend that memorial service—said:

We bow our heads to those who bravely met death here.

This was the beginning of the closure of a critical chapter in the history of those two nations. This is the beginning of healing, which is long overdue. Sadly, the Katyn tragedy has now been compounded by the loss of so many of Poland's leaders who were destined to head to this location in memory of those who had fallen.

Aboard the plane were some of Poland's highest military and civilian leaders—the Deputy Foreign Minister, the Chiefs of the Army and Navy, the president of the national bank, and dozens of Members of Parliament. Two prominent civilian leaders aboard the plane were Wojciech Seweryn and Anna Walentynowicz.

Seweryn was an artist from Chicago and an influential member of Chicago's Polish community. Mr. Seweryn's father died at Katyn, and it soon became his life's passion to honor his father's

memory with beautiful memorials that he had built in the United States and in the location of the Katyn Forest. What a bitter irony that he would lose his life journeying to this memorial occasion. Throughout his life he brought awareness to the Katyn tragedy. He led an effort in the Chicago area to construct a memorial in remembrance of the Katyn massacre at St. Adalbert Cemetery, which Poland's President Kaczynski was planning to visit in just a few weeks.

Anna Walentynowicz was a famous civilian leader and a former dock worker whose firing in 1980 sparked the Solidarity strike that ultimately overthrew the Polish Communist government. Due in part to her inspiration, Poland has emerged as a thriving and prosperous free market democracy since the end of the Cold War.

Poland shares a state partnership program with my home State's National Guard, a partnership that has been in place since shortly after the fall of the Berlin Wall. It is one of the many partnerships our Illinois National Guard has with former Warsaw Pact member nations. Since 1993, hundreds of Illinois National Guard members have participated in exchanges with Polish forces in cooperative efforts supporting the conflicts in Iraq and Afghanistan and in other military training and exchanges.

Among those killed in last week's tragedy are officers who were well known to the Illinois National Guard. Several troops in the Illinois Guard have served under the officers who were on President Kaczynski's aircraft. These fine soldiers are in the thoughts of all the people of Illinois and the 13,000 men and women of the Illinois National Guard today.

On Saturday I visited the Polish Consulate in Chicago to pay my respects and leave my regards in the condolence book. People were starting to flock to this site, people in Chicago, driving with Polish flags proudly displayed over their vehicles, to come to this consulate to express their own sorrow for this loss, to join in the long line signing the condolence book, and to leave flowers at the flagpole bearing the Polish flag right outside of the consulate.

I have such admiration for the people of Poland who have endured so many trials and struggles. What has brought them through time and again is faith and family, and those two enduring qualities will help them as they try to cope with this massive crisis that is facing their country.

As the ambassador said to me this morning, there is no doubt that Poland will emerge strong; that this government is going to be stable; that it is going to move forward. He can count as well that we will be at his side and the side of the people of Poland as they rebuild their government and their nation from this tragedy.

I urge my colleagues to join me in co-sponsoring of this measure and support passage of the resolution which we just considered on the floor of the Senate.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Nebraska is recognized.

Mr. JOHANNIS. Mr. President, let me start my comments today by thanking the senior Senator from Illinois. It has been an honor to join with him on this important resolution.

I rise today to pay my respects to the people of Poland, to acknowledge the great work of their President, President Lech Kaczynski, to acknowledge the death of his wife and 94 other Poles who died in the plane crash in western Russia this last Saturday, April 10.

They were traveling to Katyn, Russia for a memorial service to mark the 70th anniversary of the Soviet killing of more than 20,000 Polish officers in 1940.

Among the Polish leaders killed in the plane crash last Saturday were dozens of members of Parliament, revolutionary heroes from 1989, senior military commanders, and the president of the national bank. This is a terrible, heartbreaking loss, not just for Poland but for its close friend and ally, the United States.

The tight bond that has been forged between Poland and this country has been one of the most welcome results of the end of the Cold War. Since the fall of communism, in which the Polish Solidarity movement played a major role, Poland has led the way in building a pro-United States free market democracy. Poland's access to NATO in 1999 has led to invaluable Polish contributions to peace and stability around our world. Polish soldiers have fought side by side with Americans in Iraq and Afghanistan, including in key coalition leadership positions. We have suffered together when our troops took casualties, and today we grieve together.

The foundation of our close partnership was laid by many Polish immigrants to America. Today, over 9 million Americans of Polish descent reside in the United States, including the State of Nebraska. I am very proud to be one of them. My grandparents immigrated here from Poland many decades ago.

The Polish are an important part of this great country and have been since the earliest days of our Nation when they helped settle Jamestown, VA. I am very pleased to introduce this resolution along with the senior Senator from Illinois. The senior Senator may not know this, but he represents some of my relatives in Chicago, and represents them well. I joined with him and all of our colleagues in a moment of silence, as we have done today. I want to pay our respects to the Poles, both in this part of the country and

across this great Nation, as well as in Poland. I also acknowledge the great contributions they have made to our country.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Maryland is recognized.

Ms. MIKULSKI. Mr. President, I, too, join with my colleagues to rise to express my deep and heartfelt condolences to the people of Poland on this unbelievable and tragic loss. I thank my colleague Senator DURBIN for organizing this time, joined by Senator JOHANNIS of Nebraska.

As one who notes the Senate floor today, I see we stand here not as Democrats and not as Republicans but as Americans who want to extend our heartfelt sympathy to the people of Poland. I thank my colleague for organizing this resolution and for all of his efforts in support of Poland—from the years of trying to get the truth out about the Katyn Forest, to his very able and unstinting efforts to bring Poland into NATO and to advance Polish democracy. I thank him.

I rise here today as a granddaughter of a woman who came from Poland over 100 years ago, when women did not even have the right to vote. When she got off of that boat at Fells Point in Baltimore she was a 16-year-old girl in search of the American dream. Little did she dream that less than 100 years later, her granddaughter would stand on the floor of the Senate, advocating for democracy in Poland, righting the wrongs of World War II. And little did I realize, with the great honor the people of Maryland have given to me, that I would stand on the floor of the Senate and express sympathy at this tragedy of unimaginable magnitude.

Poland has suffered a loss where the wounds might not ever heal. The facts are now well known. Poland lost their President, Lech Kaczynski, a great leader with a lifetime of service to this country.

The Polish people lost their First Lady, Maria, beloved by the people for her good works and her good deeds. More than 90 other dedicated Polish patriots perished that terrible Saturday morning—esteemed and decorated military officers, the equivalent of our Joint Chiefs; experienced diplomats; elected leaders; the head of their central bank, and citizens who have put their lives on the line for Poland. All were Polish patriots. My heart weeps for the terrible loss and for the people of Poland.

We know the terrible story of the Katyn massacre that brought them to this site, this unbelievable site for the last 70 years saturated with incredible melancholy. In the spring of 1940, the Soviet secret police executed over 20,000 Polish prisoners of war—20,000 Polish military officers. Then there were other intellectuals from law, from

science, from medicine. A whole generation of Polish patriots and lenders was murdered in that terrible place, people who died for Polish freedom.

Part of Stalin's efforts to destroy the Polish people was to destroy its leaders. The Nazis then continued what Stalin had begun. Then the world—after a brutal war, the terrible death camps—at Yalta and Potsdam the West abandoned Poland, and Poland, against its will, was forced behind the Iron Curtain.

What do we know about the Polish people? Their nation never dies because their nation does live not only in a government, not only now under a rule of law and a constitution that is serving them so well at this troubled time, but Poland lives within the hearts of its people. No massacre, no Iron Curtain, could ever take it away from them.

During those dark years when Poland continued to be under Soviet domination, there were those who worked to tell the story of what happened at Katyn. Joining with my colleagues in the Congress, I fought for many years to release the information about that horrific massacre, even contacting President Gorbachev, as part of his glasnost and perestroika, to at least release all the information. Finally, in 1990 they began to do it. But it was only now, last Wednesday, 1 week ago, at the site where the massacre occurred, the Prime Minister of Poland, Mr. Tusk, with Mr. Putin, met in that forest where Putin issued a formal apology to the Polish people and said all information and archives would be open.

We were so filled with joy. It was a time of great reconciliation. That is what Saturday was about, it was the continuation of a great and grand reconciliation between these nations.

Kaczynski traveled to bring the leadership there. In the leadership were people who had been trail blazers. Mr. Kaczynski himself had been a member of Solidarity, his wife solidly at his side. And now, as he was President of Poland, forging new relationships, mending the wounds with the Jewish community, it was a time of Polish leadership reaching out to the world in efforts of reconciliation. In this case, Russia reached back.

One of the people who died—it was so poignant—was a woman named Anna Walentynowicz. She was in many ways the Rosa Parks of Solidarity movements. She was a crane operator in the Gdansk shipyard. They fired her for trying to form a union and when Anna stood up, so did Lech Walesa, and Solidarity was born. When he leapt over that wall he took the whole world with him. Down it came, after years of martial law and occupation. We had Solidarity and then ultimately a free Poland.

At this time of great tragedy as we honor those who died in the forest in

1940, and those who died in the forest on Saturday, we can see that hopefully some good would come out of this. It has been a triple tragedy—the massacre of 1940, the coverup by the Soviet Union, and now the Saturday airplane crash. But out of this we hope would come a new sense of cooperation. I acknowledge that the Russian Government has been working with the Polish Government to recover the bodies and send them home with dignity and honor. Their promises of a complete investigation seem to be unfolding and they have invited Polish officials to join with them, side by side.

We hope out of this tragedy might further come other acts of great reconciliation. That is what we need to think about, how Poland continues to move the world to peace and to reconciliation.

I want to acknowledge the people from Poland and what they did for the United States. Pulaski helped fight in our Revolution. Kosciuszko built West Point, was one of the architects of the American Revolution. When he went back home to help Poland be free, he left money with Thomas Jefferson to fight for the abolition of slavery.

Through all of the wars, Poland has always been on the side of the West. During World War II, those who would escape from Poland led the armies in exile. They were at Monte Cassino, they flew in the Kosciuszko Squadron with the RAF, they have been at our side in Iraq and Afghanistan. Wherever there is a fight to be made for freedom, the Poles are there and they need to know, when they make those fights, the United States of America is with them.

For those who died on Saturday in that terrible, melancholy forest, our hearts go with them. To the people of Poland we express our sympathy, but we also express our pride in their stalwart, unrelenting, unflinching commitment to peace and justice in their own country and in the world.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Illinois is recognized.

Mr. DURBIN. Mr. President, I thank the Senator from Maryland. She is of proud Polish heritage. When she spoke of her grandmother coming to Fells Point in Baltimore, I couldn't help but think of my grandmother coming to that same place, 99 years go, from Lithuania, to become part of this American family. I would like to acknowledge, too, on behalf of many who followed her, our gratitude to Poland over the years. Poland was first to democracy in the region, and stood by the Baltic States, particularly Lithuania, their neighbor, as they reached their own level of democracy and freedom.

The Senator from Maryland will be heartened to know that we have just

been notified by the cloakrooms that all 100 Senators have asked to be added as cosponsors of this resolution, to show our solidarity with the people of Poland.

I thank the ambassador for his attendance this morning and hope he will express to his government and the people of his country our profound grief at his loss and our determination that our strong friendship with Poland continues.

I yield the floor and suggest the absence a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The minority leader is recognized.

FINANCIAL REFORM

Mr. MCCONNELL. Mr. President, yesterday morning I came to the floor to point out, regretfully, that the financial regulatory bill the Democratic majority plans to introduce in the coming days is fatally flawed. It not only allows endless bailouts for Wall Street, it institutionalizes them, making them official government policy. This is truly astonishing. For nearly 2 years, the American people have been telling us that any financial reform should have two goals: It should prevent the kind of crisis we experienced in the fall of 2008, and it should ensure that the biggest Wall Street banks pay for their own mistakes—the biggest Wall Street banks pay for their own mistakes. Yet the bill we are being asked to consider does not even begin to solve these fundamental problems. In fact, it exacerbates them. It is almost as if the people who wrote this bill took the pulse of the American people and then put together a bill that endorses the very things they found most repugnant about the first bailout.

The proponents of this bill will make a lot of claims about what this bill does and does not do. But the American people did not go through the financial crisis, did not put up their own collateral to bail out Wall Street only to be deceived about the contents of this Wall Street bill.

We need some truth in advertising here, so let's look at what this bill actually does. Its authors claim the bill gives the government the authority to wind down failing firms with no exposure to the taxpayer. But as a factual

matter the bill creates bailout funds, authorizes bailouts, allows for backdoor bailouts in the FDIC, Treasury, and the Fed, and even expands the scope of future bailouts.

It does this, first of all, by creating a new permanent bailout fund, a prepaid \$50 billion bailout fund, the very existence of which would, of course, immediately signal to everyone that the government is ready to bail out large banks the same way it bailed out Fannie Mae and Freddie Mac. So the same distortions—the very same distortions that developed within the housing market would inevitably develop in the financial sector. Didn't like Fannie Mae and Freddie Mac? How about 35 to 50 of them? That is what this bill would give us.

Second, it authorizes bailouts for creditors. In other words, it is not enough to bail out a bank; the people who invested in the bank would get a bailout too. Made a bad bet? No problem; the government will bail you out. Made a bad bet on a company that made a bad bet? No problem; the government will bail you out, too—provided, of course, that you are among the creditors favored by the White House. This is great if you are on Wall Street; it is not so great if you are on Main Street. It is great if you are in a union; it is not so great if you are not. This bill institutionalizes the picking of winners and losers and gives the government broad authority in choosing which creditors get paid in full and which ones do not.

Third, the bill gives the government a backdoor mechanism for bailouts by extending to the Federal Reserve an enhanced emergency lending authority that is wide open to abuse. It gives the Federal Deposit Insurance Corporation and Treasury broad authority over troubled financial institutions without requiring them to assume responsibility for their own mistakes. This means that unproductive firms which would otherwise go into bankruptcy would now be propped up by the government like zombies.

Fourth, this bill expands the scope of potential future bailouts—expands the scope of potential future bailouts. It does this by authorizing a financial stability oversight council to designate nonbank financial institutions as potential threats to financial stability and, hence, too big to fail. So a new government board based in Washington would determine which institutions would qualify for special treatment, giving unaccountable bureaucrats and self-appointed wise men in Washington even more power to protect, promote, or punish companies at whim. These favored firms would then have a funding advantage over their competitors, leading to outsized profits and the extension of enormous additional bailout risk for taxpayers even beyond the largest banks.

Fifth, the bill does nothing to correct the massive market distortions that we all know were created by Fannie Mae and Freddie Mac. Job 1 in writing this bill should have been to address the inherent problems caused by these massive government-sponsored entities. This bill ignores that issue entirely.

The American taxpayer has suffered enough as a result of the financial crisis and the recession it triggered. They have asked us for one thing: Whatever you do, they say, do not leave the door open to endless bailouts of Wall Street banks. Whatever you do, the American people have said, do not leave the door open for endless bailouts of Wall Street banks. This bill fails at that one fundamental test.

If there were two lessons we should have drawn from this crisis, one is that if investors are reckless, then they should pay for their recklessness. If investors are reckless, they should pay for their recklessness. The other thing we should have learned is that Washington bureaucrats are horrible at seeing these kinds of crises develop. It should be beyond obvious that more bureaucrats will not prevent the kinds of problems other bureaucrats overlooked.

If you need to know one thing about this bill, it is that it would make it official government policy—official government policy—to bail out the biggest Wall Street banks. This bill would make it official government policy to bail out the biggest Wall Street banks. So if the administration is looking for bipartisan support on this Wall Street bill, they can start by eliminating this aspect of the bill, not because Republicans are asking for it but because community bankers, community bankers all across the country, and American taxpayers are demanding it.

Unfortunately, the administration evidently is more interested in using this debate as a political issue than in actually addressing, on a bipartisan basis, the many weaknesses that are currently built into our economy. For example, it has been reported that the senior Democratic Senator from Arkansas was working on a bipartisan solution to one of the key areas where reform is needed but that she was told by the White House in no uncertain terms that it didn't approve of her efforts at forging a bipartisan deal. It has also been reported that the Democratic chairman of the Banking Committee backed out of bipartisan negotiations under pressure from the White House. The White House spokesman was even more explicit, saying late last month that the White House is not interested in compromising on this legislation. So the White House has been really quite clear. It plans to take the same approach on financial reform as it took on health care—put together a partisan bill, then jam it through on a strictly partisan basis. It should go without

saying that this is not the kind of approach most Americans want in Washington, and it is not the kind of approach they were told they could expect from this administration.

We can do better, and we must. Americans are still dealing with the fallout from the financial crisis. Getting this policy right should be our first priority. This bill gets it very, very wrong.

I yield the floor.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period of morning business for 1 hour, with Senators permitted to speak therein for up to 10 minutes each, with the Republicans controlling the first 30 minutes and the majority controlling the final 30 minutes.

The ACTING PRESIDENT pro tempore. The Senator from Florida is recognized.

FISCAL RESPONSIBILITY

Mr. LEMIEUX. Mr. President, I come to the floor today to speak on a topic I have addressed many times since I came to the Senate in the fall of last year. Having come from running a business and having worked in State government, every day it is still alarming to me the way Washington spends money. In no other place in America and perhaps no other place in the world is money spent by an organization without any reference to how much money is being taken in. Unfortunately, the situation has gotten to a point where it is completely unsustainable for this country.

We open our newspapers today and we read stories about Greece having to borrow money from the European Union, being so far in debt that the forecast of the country's viability is in question. Yet our country is headed on the same path, but few come to the floor of this Chamber and sound the alarm. I will continue to do that for the remainder of the time I have here in this body because the future of this country is at peril.

While we have spent too much for many years, the rate and pace of that spending now is beyond control. But it need not be. We need not continue in the ways of spending more money than we can possibly pay back. Let me set the table, if I may, of the financial situation we are in.

Here in 2010, we are about the business of setting up the budget for 2011.

You would think the first question we would ask would be, How much money do we expect to take in in 2011? Well, the number is about \$2.2 trillion. Yet the projected budget of how much we are going to spend is \$3.8 trillion. We will run a deficit in this year alone of \$1.6 trillion.

Now, these numbers are so big. Well, \$1 trillion—what is \$1 trillion? Well, \$1 trillion is \$1,000 billion—\$1,000 billion. A billion is 1,000 million. The numbers are so hard to fathom, but let me explain, if I can, in a way I have often talked about here on the floor. If you put dollar bills side to side, you could cover two football fields with \$1 million.

If one laid \$1 billion on the ground in one-dollar bills side by side, they could cover Key West, FL, which has a square area of more than 3 miles. They would blanket the city with one-dollar bills with \$1 billion. Mr. President, \$1 trillion will cover the State of Rhode Island twice. Every one of these dollars is a dollar taken from the American taxpayer, a dollar they could spend on families, on children's education, on homes, on needed repairs. We take those dollars and spend them. Now we spend them beyond an ability to pay them back. Right now, because of the money we borrow, more than \$200 billion a year goes to interest payments alone, paying for the money we should not have spent in the past. At our current rate of spending, according to this administration, by the end of this decade, we will have another almost \$10 trillion in debt, making our total debt \$22 trillion.

At that point, our interest payment each year will be \$900 billion. At that point, the budget breaks. At that point, what we call mandatory spending on entitlements, such as Social Security and Medicare and Medicaid, will be all of the budget plus the interest. There will be no money for defense, no money for homeland security, for any of the other programs in government.

If we have this impending crisis, if we are driving the car toward the wall, why aren't we making any changes? Today I am filing legislation to enact a change, enact a mechanism, an architecture to have a discussion on the floor in this Chamber and in the House to find a solution to put America back on a stable financial path. The bill is what I call the 2007 solution. In 2007, the economy was still going strong. It was not until December of that year that we found ourselves beginning the recession.

If I go home to Florida, as I did this past weekend, and talk to Floridians and ask: Could you live on what you had in 2007? Based on these difficult times, my constituents had more money in 2007 than they do in 2010. Why shouldn't the Federal Government be able to live on what we spent in 2007? Why can't that be enough? If we

did that, if we froze spending across the board at 2007 levels, when the economy was still going strong, before we injected all this stimulus money, if we go back to a place of normalcy—and, trust me, there was plenty of redundant and wasteful spending in 2007—let's go back to that as a framework. If we were to cap our spending at 2007 levels, by 2013, we would balance the budget and start running a surplus. By 2020, instead of having a \$22 trillion national debt that is unsustainable, we would have a \$6 trillion national debt. We would have cut it in half. We would have preserved the American dream for our children and grandchildren.

I have four small kids—we just had a baby 2 weeks ago—Max, Taylor, Chase, and Madeleine, 6, 4, 2, and 2 weeks. My greatest fear is, someday one of my kids is going to come to me, when they are an adult, after they have gone to school, and say: Dad, we are going to move to India or Brazil or Ireland or some other country. The opportunities in those countries are better than the ones in the United States. Dad, your generation and the generation before so mismanaged this government that you ruined the American dream. Our taxes now are so high to pay for the debt for things you spent in the past. Our entitlements are so weighty we can't afford them. We are going to leave.

The 2007 solution would solve that problem. How does it work? Every year under this bill, the majority leader of the Senate and the majority leader in the House would have to come to the floor and file a procedure to allow for 50 hours of debate on this floor and on the floor of the House of Representatives to decide how we are going to make cuts to stay within 2007 levels. If the majority leader doesn't do it, the minority leader has the opportunity. If the minority leader doesn't do it, any Senator can do it. Then we will have to, for the first time, have an adult conversation about priorities. Maybe then we would call in the agency heads of the different agencies of government who have had 10, 15, 20 percent-plus increases year after year in their budgets for more than a decade, and we would say: Can you make some cuts? Can you do things more efficiently?

American businesses for the past 3 years have been making tremendous cuts because they have to. We don't make cuts in our agencies. Our agency heads don't meet with the members of their organizations, the tens and thousands of workers who work in the different agencies, and say: Can we do things differently? Can we do things more efficiently?

This morning I had the opportunity to speak to a friend of mine who is about to become speaker of the house of the Florida House of Representatives, a man named Dean Cannon. Right now the Florida legislature is in

session. They have to balance their budget, a very unfamiliar notion in Washington, DC. They are cutting billions of dollars from the Florida budget, as they did last year and the year before, because revenues are down because the economy is hurting. They have three choices. They can make cuts, raise taxes, or find new sources of revenue. Right now they are going through the process of cutting because they have to. They are making responsible leadership decisions. That process does not happen in Washington, DC. Under this bill, a framework would be provided that would require that debate. It would require that focus.

The majority of my colleagues are more interested in new programs than making the programs we have run more efficiently and effectively. We cannot afford new programs. We cannot afford the programs we have now. If we keep blindly looking off and pretending we don't have this crisis, the car is going to hit the wall. Our children are going to be in a situation where they can't fulfill the American dream. The 2007 solution says we are going to have a debate for 50 hours on the floor of this Chamber every year about how we can get back to 2007 levels. It doesn't specify where the cuts should be. Shall we make cuts in the Defense Department? Do we need to reform our entitlement programs? Is there waste, fraud, and abuse in Medicare? We would have those discussions. It would be our governing, focusing principle for at least 50 hours. Do we not have 50 hours to figure out whether we can run government more efficiently and effectively?

There are hundreds of billions of dollars we could cut out of the Federal Government and not impact our constituents back home. I am convinced of it. Do we not think there is 10 percent waste in Federal agencies that have not made cuts for more than a decade? If we cut 10 percent across the board in Federal agencies, we would save more than \$100 billion a year; 20 percent gets us close to \$300 billion. Businesses, families, State governments are doing this right now and have been doing it for years. The 2007 solution, which I hope my colleagues on the other side of the aisle will embrace, says: Let's have a discussion. Let's have the architecture in place to get back to a level of sustainable spending. If we did that, if we were principled about it, we could save this country. It is to that point. The debt is cascading out of control.

I came to this body in September of last year. I stand on the floor of the Senate in April, and we have gone \$1 trillion more in debt since I arrived, \$1 trillion in a 6- or 7-month period. It took us until 1980, from 1789 to 1980, to go \$1 trillion in debt. We did it in 6 or 7 months. Our spending is out of control. We need a solution. We need a framework for a governing leadership

discussion. I believe the 2007 solution bill can do that.

I hope my colleagues will embrace this provision. I hope we can create an architecture to put America back on the right path. I know there are people of good conscience on both sides of the aisle, including the man who sits in the chair today, who care about this spending problem. If we could get past partisanship, if we could get past rhetoric and focus on this issue, we could save America.

I yield the floor and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mrs. MURRAY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mrs. MURRAY. Mr. President, I ask unanimous consent to speak under morning business on the Democratic side.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mrs. MURRAY. Thank you, Mr. President.

UNEMPLOYMENT AND JOB CREATION

Mrs. MURRAY. Mr. President, last Sunday at midnight thousands of people in my home State of Washington, who have lost their jobs through no fault of their own, had the rug pulled out from underneath them. That is because these men and women, who wake up each day to scan the classified ads and send out resumes and travel to interview after interview, had the unemployment benefits they count on suddenly cut off. In losing that critical support, they lost an important source of security they need to help them stay in their homes or make rent and the stability that allows them to continue to afford to look for work.

Over the last 2 weeks, I have traveled throughout my State, talking to my constituents and discussing our economy and working to support job-creation efforts, and I have to say the frustration is very clear. It is written on the faces of so many in my State who just cannot seem to get a break, who have come close to being hired but have been told the time is just not right, they should come back next month or next year. These are people who are struggling job seekers, and they do not hold back when describing what they continue to face. It is an emergency. It is an emergency that affects their ability to pay their bills, their ability to put food on the table, and their ability to keep their job search going. It is an emergency that

time and again we have worked hard here to respond to, but time and again we have faced opposition to do that.

Before we left for the recess, we had an opportunity to pass an extension of the unemployment benefits, to respond to that emergency in our job market, and to avoid the uncertainty job seekers across the country now face. Democrats put an unemployment extension out on the table. It was a proposal that was similar to extensions we have done routinely in difficult times, and, as we all know, times have seldom been more difficult. But it has become an all too familiar story now: Those on the other side of the aisle said no and put obstruction before assistance, politics before people, and point-scoring before the needs of those who have lost their jobs.

This week, we have a chance to make things right. The legislation we are trying so hard now to pass this week is very straightforward. This bill will get unemployment insurance to millions of struggling families who rely on it to meet their basic needs, to pay their mortgage, and afford school. It will restore the safety net that is critical to keeping our economy stable. It will give those people who are looking for jobs the means to afford to keep looking for them. And it will keep our economic turnaround on course. It is aimed at helping real families with the real problems they face every day.

But make no mistake, the consequences of not reaching a compromise and passing this bill are just as real. Today, families in every single one of our States are sitting around their kitchen table trying to figure out how they are going to make it through the weeks and months ahead without these payments. Oftentimes, they have spent their day calling employers and going to job fairs with long lines and very few opportunities, filling out more job applications. These families are now looking to us for the help they need in a time of crisis. But every evening these families are turning on the nightly news to hear another story about gridlock in our Nation's Capital. They see this Senate being forced to jump through procedural hoops and endure endless delay tactics to get even emergency legislation passed. They see politics clouding policy, obstruction impeding process, and, do you know what, they are really getting sick of it.

So today I urge all of us to come together and move forward with the same urgency those who have lost their unemployment have, that we join together the way we did to pass the Children's Health Insurance Program or fair pay for women in the workplace or small business tax cuts. We need to restore the faith of the American people and pass this critical extension.

But for those who are fighting to get back to work and support their families once again, unemployment obvi-

ously is not enough. We need to be taking every step we can to improve the job market unemployed workers wake up to face every morning because while there certainly have been signs of improvement, we have a lot of work left to do. I certainly believe that work starts with helping our small businesses, which are the heart and soul of our economy.

Growing up, my dad ran a five-and-ten-cent store on Main Street—actually Main Street—in Bothell, WA. All six of my brothers and sisters and I worked there. From an early age, we swept floors, we stocked the shelves, we worked the register. And when small businesses like ours struggled, we all knew the consequences. We saw it in the till at the end of the day. We saw it in the families who were coming to buy things from my dad. Small businesses really were the economic engine of Main Street then, and, do you know what, they still are today.

But what I hear time and again today is that while Wall Street is doing a whole lot better, Main Street is still really struggling and that the small community banks, which are a major source of capital in all of our communities, are not lending. When small banks, which are the lifelines of our small businesses, do not lend, then credit is not flowing, businesses are not hiring, and recovery is not coming to Main Street. That is exactly why I have introduced legislation that would redirect TARP dollars to buy toxic assets such as bad mortgages off the books of our community banks at home to help free up their credit and get them lending to our small businesses again. We have done enough for Wall Street. It is past time we concentrate on helping our small businesses and local employers.

Another way to help improve local job markets and all those who are looking for work is to, of course, lessen the tax burden on our small businesses so they can afford to hire new workers. Over the recess, I had the opportunity to talk to owners of local bakeries and motels and marketing companies and a lot more throughout my entire State, and, do you know what, they all told me the same thing. They want to hire and they want to expand. They even see new opportunities. But the risks for them now are just too great. What they need from us is certainty and security. I told them we are working to provide them with just that. I told them the health care reform bill we just passed includes a 35-percent tax credit that small business owners can receive immediately to help them cover their workers. I encouraged them to hire unemployed workers who have been out of work for more than 60 days because we now are giving them an exemption from their payroll taxes for those new employees. I told them now is the time

to make big purchases they want because we have worked to pass legislation that will allow them to write those purchases off immediately. I told them we have worked to ensure that the Small Business Administration is increasing its local lending efforts. But I also told them, of course, that we have more to accomplish and they, the small businesses, need to be the focus of recovery efforts from this point on.

Another central tenet of improving the job market is included in the historic health care reform legislation we passed into law last month. As we all know, that bill greatly expands access to care in communities across the Nation, but what has gone less noticed is that the bill also greatly expands access to health care careers to help meet that new demand.

I was the Senator in the HELP Committee who was responsible for the health care workforce section of the bill we passed, and I worked to make sure we made numerous investments to create and sustain good-paying health care jobs. Our bill that is now signed into law includes incentives such as loan repayment programs, scholarships, and grants, all to help encourage students to go into high-need fields and to work in underserved areas. It invests in education, training, and retention efforts, not just for new health care workers but for those who are already working to provide quality care in our country. Investments in our health care workforce create jobs. They ease the strain on overworked health care professionals. And it is going to keep Americans healthy so they can be productive on the job.

Finally, I believe we need to pay particular attention to our efforts to hire our Nation's heroes, and they, of course, are our veterans. Right now, the unemployment rate for veterans who are returning from Iraq and Afghanistan is over 21 percent. More than one in five of the men and women who went and fought for our country are returning home only to have to fight to find work. These are disciplined, technically skilled, determined workers who nonetheless have been left to stand at the back of the line or have their resumes lost in a stack somewhere.

Over the last 2 weeks, I talked to many unemployed veterans in my home State of Washington about just what it is that is keeping them from finding work, and, frankly, what they told me was shocking. Many veterans told me they sometimes leave off the fact they are veterans from their resume because employers are looking at it as a negative rather than a positive because of the stigma of the invisible wounds of war. National Guard members talked of coming home to find they have been laid off because their job no longer existed at the company they left behind when they went to

serve our country. Other veterans told me the Pentagon and VA transition programs just are not working for today. And they struggle to have employers understand how the technical skills they learned in the military will translate to help them in the civilian working world.

What I heard is unacceptable, and it has to change immediately. So next week I am going to be introducing a bill on the Senate floor that will take a look at why our military skills are not translating into skills that get them jobs when they come home. It will help our veterans get into apprenticeship programs and careers where I know they will excel. It will improve the military and civilian transition process. And we are going to set up a veterans business center within the Small Business Administration to help our veterans get the skills and resources to start their own businesses.

This week on the Senate floor, we have a chance to keep our unemployed workers afloat. It is an unemployment extension that is a lifeline. It is a lifeline that will help allow unemployed workers to continue looking for every job opportunity and to support their families in that process. But ultimately we need to get these workers into the boat. We need them to get good, stable jobs. That means supporting our community banks, reducing the tax burden on small businesses, and expanding opportunities for health care workers and our returning heroes—our veterans.

As I said earlier, the American people are watching us. They want us to have the same urgency they feel in their lives every day. They want to know their dinner table debates are our floor debates. They want to know that creating jobs is our No. 1 priority and that we will be at the back of those who are trying so hard to get back to work.

So I come to the floor to urge everyone to come together to pass this important extension of unemployment benefits, put politics aside for a couple weeks and months, and help us all work together to create job opportunities and get Americans back to work.

Thank you. I yield the floor, and I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

The ACTING PRESIDENT pro tempore. The Senator from Connecticut.

Mr. DODD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

FINANCIAL REFORM

Mr. DODD. Mr. President, I rise this morning to try and set the record

straight, if I can, on some of the rhetoric I have heard over the last 24 hours or so regarding the financial reform efforts I have been engaged in along with my colleagues on the Senate Banking Committee for the past 38 months.

I became chairman of the Banking Committee in January of 2007, about 38, 39 months ago. Since that time, of course, we have held countless hearings and meetings to deal with the financial crisis beginning in January and February of 2007. In fact, the very first hearings we held were on the foreclosure crisis in the Nation and trying to get the attention of the previous administration, Secretary Paulson and others, to pay attention to the situation that was emerging. Our economy was collapsing and too many people were losing their homes, an economic catastrophe was looming, and, frankly, there was not enough attention being paid initially to this issue by the previous administration. Nonetheless, we worked forward. So, today, we find ourselves on the brink of making an effort to deal with this problem.

After listening to some of the rhetoric of the last 24 hours, I wonder if we are in not only the same Chamber in the same city but on the same planet when it comes to the efforts that have been made to try and reach bipartisan agreement to deal with financial reform. I have almost unlimited patience, as many of my colleagues know, but that unlimited patience is being tested by some of the comments I have heard. So I felt incumbent to respond this morning to some of these accusations about the effort being made to achieve a proposal on financial reform that might attract broad support in this Chamber, unlike other efforts that have been made over the past several years, as I have said repeatedly during the many months we have been working on this important legislation.

These are complex issues. We have gone through the most serious financial crisis since the Great Depression. That is how serious this is. In the words of financial leaders in this country and elsewhere, we were on the brink of a meltdown of the entire financial system in this country, and we came perilously close to having that occur. For those 7 million who lost their homes or the 8.5 million who have lost their jobs, it might as well have been a financial meltdown, not to mention the retirement incomes that evaporated and, of course, the loss of confidence in our future, along with health care and a variety of other things that have happened to working families in this country.

During the course of this debate, as critical as it is, of these complex matters that make up the structure of the architecture of our financial system, it is critical to the future of our economy and the livelihoods of millions of middle-class Americans across this Nation

that this debate should not be sullied by misinformation or derailed by those who would try and make it just another partisan game. Playing politics with this issue is dangerous indeed. Unfortunately, the talking points deployed by the Wall Street lobbyists, in an effort to protect the status quo, leave my constituents and many Americans vulnerable to yet another economic crisis. Those arguments are littered with falsehoods—outright falsehoods—that I regret to say are now being repeated by people who should know better and, frankly, do know better.

So today and this morning I wish to set the record straight. I wish to start by attacking one of the wildest and, frankly, most dishonest objections to this legislation, which is the notion that it is somehow a partisan document. I consider the minority leader and the ranking member of the Banking Committee to be good friends. They are patriots, with whom I have worked over many years on many issues. Senator SHELBY and I have been working together for over 1 year on these issues, and I cannot, for the life of me, understand how anyone can claim with a straight face that what I have tried to achieve on this bill is a partisan effort. I have spent the last year seeking bipartisan consensus.

In February of 2009, over 1 year ago, with the new Obama administration freshly sworn in, I insisted from the very beginning that Senator SHELBY's staff be included in meetings with the White House and Treasury Department on all financial matters. When I had the opportunity to take over the chairmanship of the HELP Committee, the committee charged with the responsibility of writing the health care reform legislation, I chose to stay as chairman of the Banking Committee, in no small part because I received commitments from Senator SHELBY and others that we would work together on this financial reform legislation.

When I introduced a discussion draft of this proposal back in November—almost 6 months ago—Senator SHELBY indicated we had bipartisan consensus on at least 70 percent of the bill back in November. To get closer to a full agreement, I created four bipartisan working groups almost 6 months ago, each of which was charged with achieving real and meaningful progress in various sections of the bill. Even when Senator SHELBY and I found areas where we could not agree, I continued to reach out to other members of the committee, including my friend and colleague from Tennessee, Senator CORKER, and others, spending weeks working to try to achieve a consensus on financial reform. It is not even a slight exaggeration to say we spent countless hours—phone calls, meetings, e-mails, discussion drafts—day after day, week after week, month after

month, to try to get closer and closer to a proposal our colleagues could support.

We can see the results. The bill we marked up in our committee last month was much changed from the proposal I made in November, the initial discussion draft, to reflect the work that had gone on over those many weeks and months and the ideas brought to the table by colleagues of both parties from members of that committee and others. My friends on the other side of the aisle may not like every line in the bill that will now be before us in a few short days, but at the very least let us not pretend the bipartisan work that produced this legislation didn't happen. It did happen. That is a disservice to yourselves—those who make these allegations—and their good staffs who worked hard over these many weeks with my Democratic staff and others to produce this product.

If Members wish to vote against the bill, they can do that. That is their right to do so. They can go on record in support of leaving their constituents vulnerable to more lost jobs, more foreclosures, more shuttered small businesses, more wiped out retirement accounts. It is up to each individual Member to decide for themselves that is the vote they wish to cast when it comes to this effort. But the outcome of this debate will, mark my words, affect the economic security of ordinary Americans, and they deserve to know the truth of what has happened.

Today, I wish to talk about bailouts. Nobody likes them.

Under our proposal, they will never happen again. As the President said in his State of the Union Address, bailing out some of the large banks whose own mismanagement caused the crisis was “about as popular as a root canal.” That, of course, happened under the previous administration, I should note.

But serious legislators of both parties realized that we had no choice. Our system was so broken that these companies had become too big to fail. If we did nothing else, our entire economy could collapse, we were told.

You would think that if you wanted to avoid being backed into that corner again, if you wanted to avoid more bailouts, you would oppose efforts to protect the status quo. But Wall Street special interests needed a way to defend this broken system. After all, for many of them, the kind of mismanagement that costs us millions of jobs is the way they pad their profits and pay their lobbyists. So they turned to Frank Luntz, their political strategist. Let me tell you what he came up with. I will quote from Mr. Luntz's memo that was leaked, I will quote from his partisan memo:

The single best way to kill this legislation is to link it to the big bank bailout.

No matter what is proposed, no matter what is in the bill, no matter what

protections it includes, call it a bailout. It is a naked political strategy. If it succeeds and this legislation goes down, and another crisis sinks the American economy, then the next recession and all of the damage it will bring to the working families of this country will have happened for the sake of that false talking point that Mr. Luntz has been proposing. I don't expect Frank Luntz to care about the truth of what we are engaged in here. That is not his job. He is a political strategist. He is to provide political talking points to people when you want to defeat something. I don't expect the bank lobbyists and special interests to care about the truth; they don't seem to worry about that. But the American people deserve better from us in this Chamber.

That is why I have been so dismayed over these last 24 hours to hear Members of this body repeat the utter falsehood—concocted by special interests whose jobs and pensions are plenty secure, thank you very much—that this bill will lead to more bailouts.

Frank Luntz suggested that allies of the big banks say:

If there is one thing we can all agree on, it's that the bad decisions and harmful policies by Washington bureaucrats that in many ways led to the economic crash must never be repeated.

The minority leader, speaking yesterday, said:

If there's one thing Americans agree on when it comes to financial reform, it's this: Never again should taxpayers be expected to bail out Wall Street from its own mistakes. We cannot allow endless taxpayer-funded bailouts for big Wall Street banks. That's why we must not pass the financial reform bill that's about to hit the floor.

Remember what Frank Luntz said:

The single best way to kill any legislation is to link it to the big bank bailout.

It is straight from the Wall Street special interest talking points. That is what they are determined to do to defeat this bill—suggest somehow that there is a bailout provision in this bill. Nothing could be further from the truth.

The bill, as drafted, ends bailouts. Nothing can be more clear in the legislation. For the very first time, our Nation will have someone with the job of monitoring risks to the financial system and sounding the alarm before those risks can take down the entire system, as it almost did. The bill imposes sufficient standards on Wall Street firms that create those risks.

Our bill establishes a financial stability oversight council to monitor risks and requires the Federal Reserve to write strict rules, including stronger requirements regarding capital, leverage, liquidity, and risk management on the largest financial companies, making it hard for them to get too large and limiting the risk they represent. Cracking down on the biggest players is critical to ending bailouts.

If a Wall Street firm does become too large or too complex and poses a grave threat to our financial stability, the Federal Reserve has the power to restrict its risky activities, restrict its growth, and even to break up those institutions. I will repeat that. If a Wall Street firm becomes too large and too complex, the Federal Reserve has the power under our bill to prohibit those activities, including even breaking up those institutions.

Additionally, our bill extends oversight to dangerous nonbank financial companies, such as AIG, that could pose a risk to our financial stability, as it did.

It prohibits banks and other financial institutions that own banks from engaging in proprietary trading, making risky bets with money that doesn't even belong to them.

Second, our bill eliminates the Federal Reserve's ability to prop up individual institutions using what is called the 13(3) authority, another way to stop banks from thinking that they could be bailed out if in fact they engage in activities that cause them to begin to fail. The Fed's lending authority is strictly restricted, not expanded, as some have claimed.

Third, our bill sets up predictable, orderly, and safe processes for shutting down dangerous Wall Street firms that fail without endangering the entire economy. No financial firm will ever again be "too big to fail." Quite the opposite. We insist that the provisions be in place so that it can never again make the claim that they are too big to fail.

Large, complex financial companies will be required to submit plans for their own shutdown—we call them living wills—if the company goes under. Companies that fail to produce a realistic plan will be hit with tougher capital requirements, restricted in how much they can grow, and even can be broken up.

Most large financial companies would be resolved through the normal bankruptcy process. That is the presumption in our bill—receivership.

Where bankruptcy is not an option, the bill creates a mechanism for the FDIC to unwind those companies. The management will be fired, shareholders will be wiped out, and creditors will take their losses. Middle-income families on Main Street won't have to pay a penny. The largest Wall Street firms would have to put up money for a \$50 billion fund to cover the costs of liquidating the failed financial firm, and any shortfall will be made up by the largest and riskiest financial firms. Why should the American taxpayer have to pay for unwinding these companies? They should put up the money themselves. Let them pay for the unwinding that goes on. Don't charge it to the American taxpayer. Our bill includes those provisions.

Wall Street doesn't like this fund, and they are plenty content to let taxpayers continue to pay the price for industry mistakes. Let me be clear, despite what their apologists may claim, these funds can only be used by the FDIC and only used to liquidate the failed company, not prop it up.

To review, our bill imposes tougher standards on large, risky Wall Street firms. It eliminates the Federal Government's capacity to bail out individual companies. It requires that financial firms write their own shutdown plans and even pay for the liquidation process if it is needed.

Here is what I have to say to Wall Street. If you have a better idea, let's hear it. If you have other ideas, let's debate them. But if all you have is black-and-white talking points that bear no relation to reality, don't reflect the efforts that have gone on for months to try to produce a proposal that might gain broad support here in this Chamber, then get out of the way and let the serious legislators work. Don't write this off by quoting a political strategist's talking points, when all of this effort has been made over these many months.

I am told by my staff—and I have dealt with 42 pieces of legislation in 39 months—that about 37 have become the law of the land. I made a determination as chairman to work together, wherever possible, to achieve common points. So my history is to try to achieve that wherever possible, and I take great offense at the suggestion that it has been otherwise.

The outcome of this debate affects the economic security of every single American and every single American family. What we have been through, we should never have to go through again. Our bill takes steps to try to achieve that. It is not that we are going to stop every economic crisis in the future. That would be a foolish suggestion. But what we have done is fill in the gaps that allowed this crisis to occur and provide tools for the coming generation so they can address future economic crises and still allow for the vitality of a financial services sector to produce jobs, create wealth, allow credit to flow and capital to form so our economy can prosper again.

Trying to achieve those three goals has been the hallmark of what I have tried to put together with the bill, along with my colleagues on the committee. I believe we have done a good job in achieving that. I would be the last one to claim perfection. If people have other ideas, that is what the process is for. But to castigate it and label it as nothing more than a partisan debate and suggest that somehow what we have done here is to perpetuate "too big to fail" is poppycock. It is unfortunate that at this hour in this debate, that is all we hear from on the other side.

The door is still open. We are not yet on the floor debating this bill. I will have meetings with Senator SHELBY and others. My patience is running out. I have extended the hand, and I have written provisions in the bill to accommodate various interests. I will not continue doing this if all I am getting from the other side is a suggestion that this is a partisan effort. We have been through it over and over on the floor for the last year and a half. I think the American people are sick of it. They want to see us work together to achieve results that benefit them, not some political party, or narrow ideology, and certainly not the narrow interests on Wall Street.

In the coming days, I will give you a bill I think we can vote for and stand up and proudly support and, more importantly, one that we can say to the American people we will not have to go through what we have been through in the last 2 years, and never again should another generation face the kinds of risks we did because of the gaps that existed in our financial regulatory structure.

I ask unanimous consent that the entire Frank Luntz memo be printed in the RECORD. I want the public to read it so they will know what we are up against here with this political chicanery.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE LANGUAGE OF FINANCIAL REFORM

(By Dr. Frank Luntz, Jan. 2010)

THE FINANCIAL REFORM CLIMATE

SETTING THE CONTEXT

This document is based on polling results and an Instant Response dial session conducted after the House of Representatives passed "Financial Reform" legislation and prior to the Senate's consideration of the bill. The document helps capture not just how Americans feel about the "financial crisis" (they believe it still exists) and potential reform initiative (they're against)—and how they want to address the issue (carefully).

When it comes to the financial crisis, there is one clear consensus—the crisis is a stain on the fabric of America's economy that will linger for years to come. The impact of the crisis is real and has reverberated throughout every part of our society. Rule #1:

When addressing the crisis, never forget its impact on your audience. Above all else, never EVER minimize the pain.

1. Americans are divided on the cause of the crisis. The consequences of the crisis may be undeniable, but its cause is debatable.

—To conservatives: government policies caused the bubble and its ultimate crash. Fannie Mae, Freddie Mac, the Federal Reserve, and the Community Reinvestment Act all had a role in the catastrophe. The government inflated economic bubbles with easy credit policies. Interest rates were kept intentionally low. Low-income families were encouraged to become homeowners despite the knowledge that many would never be able to pay them back. Government bought and backed these subprime loans, essentially

encouraging brokers to find more subprime clients—risk be damned.

—To liberals: the roots of the crisis lie in Big Business and the marketplace. Mortgage companies peddled adjustable rate mortgages without ever explaining the future costs. Credit card companies flooded college campuses with high interest credit cards. Wall Street firms traded mortgage-backed securities and created credit default swaps that played key roles in the economic calamity. Contracts written in legalese, coupled with the risks of adjustable rate mortgages, were never explained to the average consumer—perhaps intentionally. Those that blame the market are passionate about the need for more reform.

—But to a majority of Americans believe that individuals who ran up their credit cards and took out mortgages they couldn't afford are also responsible for the calamity that ensued.

What industries bear the brunt of the blame? Home mortgage companies (33%) and banks (31%) are seen as primarily responsible. But it is not the companies so much as the leadership of the companies that are to blame. . .

But the largest percentage of Americans believes "all of them" played a role in today's economic conditions.

2. You must acknowledge the need for reform that ensures this NEVER happens again. Despite the different perspectives on the causes of the crash, there is an agreement that the crisis must be addressed—that changes must be made so the mistakes that led to this point are never repeated. The status quo is not an option. The system failed us—all of us—and the causes of the failure must be corrected.

3. Now, more than ever, the American people question the government's ability to effectively address the issue. Billions in hand-outs to Wall Street. A stimulus bill that isn't creating jobs. Cash for Clunkers. Health Care. A "Credit Card Bill of Rights" that increases fees and interest rates on consumers. The American people believe Washington has gone wrong, and these legislative initiatives have become symbols of Washington's inability to do anything right. A majority of both Republican and Democrats believe that. . .

WORDS THAT WORK

If there is one thing we can all agree on, it's that the bad decisions and harmful policies by Washington bureaucrats that in many ways led to the economic crash must never be repeated.

This is your critical advantage. Washington's incompetence is the common ground on which you can build support.

Ordinarily, calling for a new government program "to protect consumers" would be extraordinarily popular. But these are not ordinary times. The American people are not just saying "no." They are saying "hell no" to more government agencies, more bureaucrats, and more legislation crafted by special interests.

Incredibly, these results are PRIOR to efforts to educate voters about the inherent problems of the legislation. One reason why initial support for more government action is rooted in the simple belief that government cannot effectively regulate the financial markets at any level. . .

4. Public outrage about the bailout of banks and Wall Street is a simmering time bomb set to go off on Election Day. To put it mildly, the public dislikes taxpayer bailouts of private companies. Actually, they HATE it.

In fact, a vote in favor of creating a permanent bailout fund of private companies is

like committing political hari-kari. Frankly, the single best way to kill any legislation is to link it to the Big Bank Bailout.

WORDS THAT WORK

Taxpayer-funded bailouts reward bad behavior. Taxpayers should not be held responsible for the failure of big business any longer. If a business is going to fail, no matter how big, let it fail.

5. The public is angriest about lobbyist loopholes. Part of public perception that Washington cannot do anything right is the belief that lobbyists write most of the bills. The American people are tired of add-ons, earmarks, and backroom deals—but they are mad as hell at "lobbyist loopholes." This bill is riddled with such loopholes. You must put proponents of the legislation on the defensive, forcing them to attempt to justify the "lobbyist loopholes" and exemptions placed in the bill:

—Why were pawnbrokers exempted?

—What about car dealers?

—Vegas casinos and their credit lines?

The power of this argument cannot be underestimated. When participants in our dial sessions heard that the casinos and pawnbrokers were exempted from the legislation, someone remarked, "We have become the Roman Senate."

Highlight the exemptions. Broadcast them. Remind them, "The legislation is filled with lobbyist loopholes that exclude certain wealthy, powerful industries from regulations." As Churchill would say, that statement is the "soft white underbelly." When the participants were presented a list of nearly a dozen objections to the bill, the lobbyist loopholes blew away virtually every other argument against the legislation.

6. You must be an agent of change. We have spent so much time in this analysis on general economic perceptions because that's what you need to address. You have to be on the side of change. Always. The financial crisis is not a theoretical economic textbook concern. The pain felt by the crisis is real and omnipresent. Retirement funds were depleted. Homes were foreclosed. Jobs were eliminated. The status quo is unacceptable. However, it's wrong to assume government can correct the problem without addressing its role in the crisis, yet that is what Congress is trying to do. What to say? "It addresses market excesses but keeps government excesses in place." The American consumer wants more easily understood contract language so that consumers have all the information they need.

7. Demand accountability—government accountability. Despite creating economic conditions comparative to the Great Depression, it is important to ask some basic questions—What government regulator lost their job for their hand in the crisis? What government policies were changed? What laws were repealed? The obvious answer is none.

WORDS THAT WORK

We don't need another Federal government agency. We don't need bigger government. What we need is a better approach that promotes accountability, responsibility and effective oversight.

Yet, Congress is poised to add another Washington agency with more Washington bureaucrats on top of existing laws and regulations. In fact, the proponents of the new government agency and regulations are the same members of Congress who created and supported the housing bubble.

WORDS THAT WORK

The architects of failure are now designing the rescue. Many of the same members of

Congress responsible for the legislation that helped create the housing bubble and the Wall Street financial crisis are now attempting to create another new government agency with an unlimited budget and almost unlimited regulatory powers.

I'm sorry to say this but they don't know what they're doing. They have gotten it wrong time and time again and now they want to do it yet again.

The perceived incompetence of Washington extends to its leadership. Barney Frank, the Chairman of the House Financial Services Committee, is an example. Frank's favorable rating is 13%. His unfavorable rating is 30% (though a majority don't give him any rating at all—so don't make him the enemy. Washington is the enemy.)

8. More bloated government bureaucracy is not the solution. We're witnessing out-of-control federal spending. The Government takeover of health care and other industries has Americans questioning the competence of government. They want smarter solutions, not more of the same. "A new agency with new bureaucrats is not change we can believe in." It's not change at all. As our dial session participants agreed, "It's another agency to clean up a mess from a different agency."

WORDS THAT WORK

The financial crisis hurt all of us. Homes were lost. Jobs were destroyed. Businesses closed. There is enough blame to go around. We need a solution to the problem, not more of the same. Creating another costly government bureaucracy on top of existing bureaucracy isn't a solution—it helped cause the problem. This time, let's get it right.

9. Devil is in the details. Every bill passed by Congress is larded up with pork, hand-outs, and earmarks. The American people have lost faith in Congress, and no matter how good a bill sounds, they want to know "What is in the fine print?"

10. Caution: Unintended consequences ahead. The government caused the Savings and Loan crisis by changing the rules. Congress jacked up fees and interest rates on consumers after enacting the "Credit Card Bill of Rights." What will be the effects and impact of the CFPA? How will small business be affected? Will choices be limited? Will consumer fees be impacted? Evidence suggests the answer is definitely "yes".

LANGUAGE FINDINGS

11. Enforcement of current law trumps creation of new laws. Despite the need for reform, the public believes real reform means ensuring current laws are enforced rather than adding another layer of agencies, laws, regulations, and red tape on top of the existing agencies, laws, regulations, and red tape.

WORDS THAT WORK

We don't need more laws. We need better enforcement of current laws. We don't need more bureaucrats. We need the people in charge to do their jobs as they were meant to be done. We don't need layers and layers of additional federal bureaucracy. What we need is to instill accountability, responsibility and effective oversight to what is being done already.

12. The bailout provisions get the most visceral reaction. It is not often you come across an issue where people of all political stripes come together so stridently on an issue. Taxpayer bailouts of CEOs and companies are such an issue.

WORDS THAT WORK

Bailouts for Wall Street. Government takeovers of insurance companies. Trillions of taxpayer dollars to bail out CEOs and

their risky investment schemes. And now Congress is preparing to enact legislation to pass a law with \$4 trillion more for more bailouts. Should people who write the financial reform laws be the same ones who helped cause the crisis? Should taxpayers be punished and the big banks and credit card companies be rewarded? The time has come to take a stand. Oppose the big bank bailout bill.

13. "Bureaucrats" are worse than "bureaucracies." While Americans don't like bureaucracy, they loathe bureaucrats even more. In fact, America's disdain of bureaucrats is almost as high as Americans' dislike and mistrust of lobbyists.

14. Americans want to end the legalese and confusion in contracts. The strongest argument in favor of the CFPA is the claim the agency would somehow end confusing contracts written by lawyers in language only lawyers can understand. When was the last time a government agency made things easier to comprehend?

WORDS THAT WORK

We must require greater transparency and more easily understood contract language so that consumers have all the information they need.

15. Just the facts, ma'am. In the testing of the ads and other communications, it is clear that Americans want more than just red meat rhetoric. You have to give them two concrete facts to prove your case—or you will be just another special interest group playing politics with their lives. Two facts. Two statistics. Two clear-cut statements of evidence.

16. Personalize the impact. It's small business owners, and not small businesses, that will be harmed by this legislation. Yes, they recognize small business as a key component of the economy, but stronger arguments against creation of the CFPA lie elsewhere. Americans want to support small businesses, but are more willing to support a person who owns a small business. Make it personal.

17. It's not "reform."—This is not a reform bill. It is the "Stop the Big Bank Bailout bill." This is important.

18. Small business ownership is about the American Dream. The most popular images of small business owners both projected optimism with signs saying "grand opening" or "open."

WORDS THAT WORK

Owning a small business is part of the American Dream and Congress should make it easier to be an entrepreneur. But the Financial Reform bill and the creation of the CFPA makes it harder to be a small business owner because it will choke off credit options to small business owners. That will make it harder to start a new company and harder to expand an existing one.

19. No surprise here. The strongest image ad we tested pertained to the bailout provisions and the "lobbyist loopholes" for the casino industry.

20. The Final Word. The department store Syms used the slogan "an educated consumer is our best customer." We could easily say an educated citizen is the biggest opponent or, your biggest ally against the creation of the Financial Reform bill and the CFPA.

WORDS TO USE

Accountability, Transparency & Oversight, Lobbyist Loopholes, Enforcement of Current Laws, Bureaucrats, Wasteful Washington Spending, Never Again, Government Failures and Incompetence, Let's Help Small Businesses, Big Bank Bailout Bill, Bloated Bu-

reaucracy, Fine Print, Unintended Consequences, Special Interests, Hard Working Taxpayers, Another Washington Agency, Unlimited Regulatory Powers, Devil Is in the Details, Red Tape.

Mr. DODD. Mr. President, I suggest the absence of a quorum.

The assistant legislative clerk proceeded to call the roll.

Mr. KAUFMAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BURRIS). Without objection, it is so ordered.

EXTENSION OF MORNING BUSINESS

Mr. KAUFMAN. Mr. President, I ask unanimous consent to extend morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Delaware.

ENDING TOO BIG TO FAIL

Mr. KAUFMAN. Mr. President, I have come to the floor several times now to discuss the problem of too big to fail, which I believe is the most critical issue to be addressed in any financial reform bill.

Financial institutions that are too big to fail are so large, so complex, and so interconnected that they cannot be allowed to fail nor follow the normal corporate bankruptcy process because of the dire threat that would pose to the entire financial system.

The largest six bank holding companies—Bank of America, JPMorgan Chase, Citigroup, Wells Fargo, Goldman Sachs, and Morgan Stanley—are certainly too big to fail. The term may also cover a larger set of institutions.

After all, last year's most vaunted stress tests of the largest bank holding companies covered 19 institutions, and even that exercise did not include many other systemically significant nonbank financial institutions, including Fannie Mae and Freddie Mac, insurance companies, derivatives clearinghouses, and hedge funds.

While many in government and industry want to eliminate the term "too big to fail," the fact is these too-big-to-fail financial institutions are bigger, more powerful, and more interconnected now than ever before.

Only 15 years ago, the six largest U.S. banks had assets equal to 17 percent of overall gross domestic product. The six largest U.S. banks now have total assets estimated in excess of 63 percent of gross domestic product. That goes from 17 percent of GDP just 15 years ago to 63 percent of GDP now.

While some still argue there are benefits to having very large financial conglomerates—and I am sure there are—virtually everyone agrees the problem of too big to fail needs to be

address. The disagreement is how this be done.

I was interested to hear Senator MCCONNELL on the Senate floor yesterday say we must never use taxpayer money again to bail out too-big-to-fail institutions. But no one wants to do that. No one is thinking about that. No one is planning to do that.

The question is, What is the solution to prevent these institutions from failing in the first place? The other party has put forward no solution, and doing nothing is by far the worst solution of all.

The minority leader came to the floor today and said the bill before the Senate is good for Wall Street and bad for Main Street. That is simply an astounding statement to make. Main Street wants Congress to act. Main Street wants Congress to ensure that Wall Street never engages in reckless behavior again. Yet what does the minority leader offer?

Despite the experience of Lehman Brothers, the minority leader apparently believes we should do nothing and simply stand back in the future and let these megabanks fail when they take risks that go wrong.

The minority leader said yesterday:

The way to solve this problem is to let the people who made the mistakes pay for them. We won't solve this problem until the biggest banks are allowed to fail.

Astounding. His answer is, the resolution of too-big-to-fail banks needs to be dealt with through the bankruptcy process. In my view, that approach is dangerous and irresponsible.

If we do nothing and wait for another crisis, future Presidents—whether Republican or Democratic—will face the same choices as President Bush: Whether to let spiraling, interconnected, too-big-to-fail institutions, such as AIG, Citigroup, and others, collapse in a contagion, sending the economy into a depression or step in ahead of bankruptcy and save them with taxpayer money.

If that happens, the choice of allowing bankruptcy will mean tremendous economic pain on Main Street America. So some Congress in the future will similarly be faced with another TARP-like decision, which in the fall of 2008 many in both parties believed they had no choice but to support, including the minority leader.

Relying on bankruptcy law is not the answer. The approach by many conservatives and those on the other side of the aisle is to simply let them fail and let U.S. bankruptcy law—where shareholders get wiped out and creditors take a haircut—reimpose the discipline in the financial system that was lacking in the runup to the crisis.

For example, Peter Wallison and David Skeel have argued in the Wall Street Journal:

The real choice before the Senate is between the FDIC and the bankruptcy courts.

It should be no contest, because bankruptcy courts do have the experience and expertise to handle a large-scale financial failure. This was demonstrated most recently by the Lehman Brothers bankruptcy.

If bankruptcy was a cure in Lehman Brothers, it was one that almost killed the patient. When former Treasury Secretary Hank Paulson decided to let Lehman Brothers go into bankruptcy, our global credit markets froze and creditors and counterparties panicked and headed for the hills. Instead of imposing market discipline, it only prompted more bailouts and almost brought down the entire financial system. It ultimately took 18 months to close out the case on Lehman Brothers, an eternity for financial institutions that mark to market and fund their balance sheets on an interday basis.

Bankruptcy is an even more unattractive option when one considers that Lehman was an investment bank, while today's megabanks operate under the bank holding company umbrella. It is virtually impossible to have an integrated resolution of a large and complex bank holding company. The bank subsidiary would go into FDIC resolution, the insurance affiliates would go into State liquidation procedures, the securities affiliate would go into chapter 7, while other affiliates and overall holding companies would go into chapter 11.

A plan this unwieldy is no plan at all. In fact, the only way to truly eliminate the problem with too-big-to-fail banks is for Congress to act. It is true that I believe we should go further than the current bill. I would break these big banks apart, thus limiting their size and leverage. Given the consequences of failing to do enough to prevent another financial crisis, the safest thing to do today is for Congress to put an end to too big to fail. If you believe these megabanks are too big, if you reject the choice of bankruptcy that will lead to a recession or depression, then breaking them up is the logical answer. That is the only way that greatly diminishes the future probability of another financial disaster. The Great Depression of the 1930s must be avoided at all cost.

Two years ago, permitting Lehman Brothers to enter bankruptcy brought about the Great Recession, the most painful economic downturn this country has seen since the Great Depression. If we were to let other institutions fall into bankruptcy, adopting the minority leader's approach, the horrors our economy would have faced would make the realities of the past 2 years pale in comparison.

I certainly don't want to rely on bankruptcy to break the boom-bust-bailout cycle. I believe Congress should break the cycle today. We should not follow an abdication of regulatory responsibility with an abdication of democratic government. As representa-

tives of the people most hurt by the financial crisis, Congress should act decisively to ensure that we benefit again from decades of financial stability, not do nothing, which most assuredly would leave us to live on the precipice of financial disaster, as the minority leader would have us do.

We need a full and straightforward debate in the Senate about what Congress must do. In my view, the mere existence of too-big-to-fail institutions perpetuates a long cycle of boom, bust, bailout. Instead of hopelessly trying to impose order and discipline in a chaotic crisis, we need to clearly, decisively, and preemptively deal with the problem of too big to fail now.

As Senator LEVIN pointed out this week, when he kicked off the Permanent Subcommittee's hearings on its investigation of the financial crisis, there are many eerie parallels between this crisis and the one in the late 1920s and early 1930s. In both cases, bankers were derelict in their duties, while drawn to disruptive and excessive speculation, fueled in part by their compensation arrangements. Does that sound familiar? Bankers were derelict in their duties, while drawn to disruptive and excessive speculation, fueled in part by their compensation arrangements.

In the 1930s, in response to these problems, we built an enduring regulatory framework that put our entire financial system on stable footing for decades. We simply cannot afford another financial meltdown. The choice is clear. But it is also clear that the worst thing we can do is to take the dangerous risk of doing nothing. To me, the choice that is best for the American people is clear.

I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia is recognized.

Mr. WARNER. Mr. President, I also rise to discuss financial reform and, to be blunt, to try to set the record straight about some misleading statements that have been made on this floor about both the process and the substance of the bill that the Banking Committee reported out recently.

Under Chairman DODD's leadership and working with ranking minority member Senator SHELBY, I have worked hard, since coming to the Senate, to understand the root causes of the crisis we are only now beginning to emerge from economically but to recognize that we have to have a robust solution in place to make sure we are never again confronted with the type of crisis and the lack of preparation this Nation faced back in the fall of 2008.

I also come to this body, as you know, as someone who spent an awful lot of time around the capital markets. Quite candidly, I will put my free market, procapitalist credentials up against anybody's in this body. But I come to the floor as well as someone

who has tried to recognize that the financial crisis—perhaps more than any other issue we have addressed—doesn't have a Democratic or a Republican root of origin, nor does it have a partisan solution set. We have to recognize that, perhaps on this piece of legislation more than ever, we have to have a bipartisan basis to establish a long-term financial framework for the next hundred years.

I am very proud of the fact that we have worked so far in a bipartisan way. I have particularly appreciated, over the last year, the partnership I have built with Senator CORKER of Tennessee, where we both recognize that while we both have backgrounds in business and both have experience and exposure to the capital markets, there is a great deal of complexity in trying to rewrite the financial rules in the sense that it will be not only for this country but because the rest of the world will follow what America does, for the whole world. So it will require a great deal of humility and a recognition that we have more to learn.

Because of that, Senator CORKER and I, starting early in 2009, began holding a series of seminars, in fact, where we brought in established financial leaders and invited members of both parties to come and learn with us as we tried to put in place rules and regulations governing the financial system. While I have been disappointed, particularly by the Republican leader's comments yesterday, I am not naive. I still believe there is a path to a bipartisan bill. What we need to do is to simply lower the rhetoric and do what is needed for the American people.

Let's put in place a robust set of rules and a robust regime of reform that will ensure that never again will the American taxpayer have to bail out firms that are too big to fail. While there were differences that we had on how we approached health care reform, this is one area where—whether it is a liberal blogger group or a tea party convention—there is a unanimity of opinion that never again should the taxpayers be put at risk because of the financial interconnectedness of large firms.

Soon, the Senate will consider the bill Chairman DODD has put together. While there are bits and pieces that different folks will disagree with, this is a strong bill that vastly improves regulation and the structure of our financial markets. Let me repeat that Senator DODD has put together a strong bill. One part of the bill Senator CORKER and I have been particularly engaged in deals with systemic risk in ending the notion of too big to fail. That was the subject yesterday of some wildly inaccurate statements on this floor, which I am here to address.

I have to admit I am deeply invested in this section, and that investment comes in no small part because of the

months of work Senator CORKER and I put into this area. Let me acknowledge at the front end that there are parts of this section that both Senator CORKER and I will want to change and amend. Those changes and amendments we would probably reach agreement on in perhaps 5 or 10 minutes, but the basic structure we set up is one I believe will lead to meaningful financial reform.

Now, let's go to what we are talking about. We recognized at the outset that never again could we allow the financial system and the interconnectedness of this financial system to come to the brink of crisis and, in effect, the regulatory system and the legal system have no recourse and rules on how we deal with an impending crisis.

One of the things we recognized at the outset was that in the past there was very little collaboration and coordination between different regulators. You might have a Prudential supervisor who is looking at the depository institution and having one view of an institution; and you might have the regulator looking at the bank holding structure and having another view. Because these complex institutions may also have security aspects, the SEC is over here. But there was no coordinated place where this collaborative view, beyond the stovepipes and beyond the silos, could all come together and recognize that while the institution's single actions in a single sector might not pose a systemic risk, that in toto these risks, when aggregated together, put our financial system in jeopardy.

So what do we propose? Along with Senator CORKER and experts from the industry, we propose creating a Systemic Risk Council that would, in effect, be the early warning system for our overall financial system to spot these large, systematically important institutions and, in effect, put some speed bumps in their path.

I may not even agree with some of the Members of my own side of the aisle that we ought to go out proactively and break up these institutions just because they are too large. Size, in and of itself, was not the problem. It was the interconnectedness of their activities and the fact that if you started to pull on the string of some of these activities, the effect that had basically collapsed the whole house of cards. It was not size alone, it was interconnectedness and recognizing how to spot that interconnectedness at the front end, and putting some speed bumps on these systematically large institutions that is important.

One of the things we found was that oftentimes the regulators did not have current, real-time data on the extent of these transactions and this interconnectedness. So a part of the bill that has received very little attention is the creation of the Office of Financial Research, which will aggregate, on

a daily basis, all the status of transactions of all these institutions and allow us to have at least the transparency at the regulator level to know what is going on and allow the regulators never again to say: Well, the last piece of data we had was the last quarterly report. This information will flow up to the Systemic Risk Council, and the Systemic Risk Council will then be able to put in place what I call speed bumps on these systematically large institutions.

Increase capital. One of the questions that comes back time and again from financial experts, we need to increase the capital reserve levels of many of these large institutions. We have to look at their liquidity ability. In many cases the institutions that failed during the crisis were not insolvent but there was a rush because of fear in the system and the liquidity crisis this caused, so how do we be sure we use liquidity in a better way?

Leverage, traditional additional financial institutions—I look at our neighbors in Canada, about a 20-to-1 leverage ratio. We saw on some of the off-balance sheet operations not 10- or 20-to-1 traditional ratios, but 50- or 100-to-1 leverage ratios.

We put in place as well something that has been advocated by folks at New York Fed—it originally comes out of the University of Chicago—a whole new set of financial structure in these large institutions that will convert to equity in the precursor, before a crisis takes place. In effect, shareholders will be diluted by this contingent capital requirement, putting again more pressure on management not to make undue risks.

We believe these speed bumps, while they may not prevent any future crisis, will be huge impediments to these large systemically risky institutions taking undue risks and outrageous actions.

We have also put a new requirement in place, one that again has not gotten a lot of review. We will literally require the management of these large institutions to put in place their own funeral plans, their own plans on how they will unwind their institutions through an orderly bankruptcy process.

I believe there were large systemically important institutions in the fall of 2008 that in effect came to the regulators and in effect said we are so big and interconnected that we do not know how to unwind ourselves.

Never again should we allow that to happen. We allow the regulators to work, and in effect bless the funeral plans these systemically large institutions will put in place.

We think we have put in place these appropriate barriers that will restrict some of the unduly risky activities from these large institutions, but you cannot predict and cannot foresee

every crisis. So what we need to do is set a framework on how we would address the crisis if these speed bumps and this early warning system does not fully function. I do not, actually, candidly, completely agree with my colleague from Delaware. I do believe we need a strong, robust bankruptcy process that gives predictability to investors so they know what will happen through the normal dissolution of a firm that has made mistakes in the marketplace. We need to ensure that bankruptcy becomes the normal default process. Again, as I mentioned, having these large firms write their own funeral plans, write their own bankruptcy plans that have to be approved by the regulators, will give us guidance on that path.

But we also have to realize when there may be a management team that does not see the handwriting on the wall or when a firm is, even with all of these checks, falling into the potential of its failure causing systemic risk, we still have to have the ability to act.

Let me state very clearly, the resolution process that was put in the Dodd bill, no rational management team would ever elect to choose because resolution will not lead to conservatorship, resolution will lead to receivership and extermination of the firm. The firm's common share equity will be wiped out, the firm's management will be wiped out—resolution will never be chosen as a preferred route. Bankruptcy will be the preferred route.

Even in that case, we still put additional protections in place so that no future administration, having seen the blowback from the public on using resolution in 2008—I cannot imagine any future administration actually wanting to use this mechanism, but to ensure, again—Senator CORKER and I spent a great deal of time on this—that we have, again, protections so resolution is not misused, we put very strict criteria in before it can be implemented. We require three keys, in effect, to be turned simultaneously—in effect the nuclear option analogy of different keys being turned before this tool could be used.

We require the Chair of the Federal Reserve, the FDIC, and the Treasury Secretary in consultation with the President to all agree that we have to act, to move a firm into resolution rather than going through bankruptcy.

But that, again, is not all. Senator CORKER, I think rightfully, pointed out that we need, in case there were an overly aggressive administration, a judicial check as well. So we put an additional judicial check in place before resolution could be implemented—resolution only as the last resort, only as a path that makes sure that the parts of this systemically important firm can be transferred to some other existing entity, not preserved. The firm will be wiped out, but the functions that are

important do not bring down the overall financial system.

One of the most curious comments of the Republican leader yesterday was the critique that, if you invoke resolution, the question becomes where is the money going to come from and who is going to pay for it? What I found very curious in the Republican leader's comments yesterday was that we—and this was by no means set in stone—put in place a \$50 billion fund that would be prefunded by the industry; not the \$150 billion that was in the House bill that could rightfully create moral hazard, but in effect a dollar amount up front. It could go down lower. That would basically keep the lights on at these institutions until the FDIC could go out and, in effect, borrow against the unencumbered assets of this firm to get the real dollars in place to keep the resolution process going in an appropriately functioning way.

Is \$50 billion the right number? It may not be. Reasonable people can disagree; \$25 billion might be the right number. There might be other paths. Senator CORKER and I worked on the notion of a trust that could be created. But what I find curious is no one in the financial sector that we have spoken to thinks this dollar amount is a bailout. No one in the financial sector has said this will be an adequate amount of capital to resolve a whole crisis. The funding to resolve the whole crisis will come from the ability we give the FDIC to borrow against the unencumbered assets.

If there is a better way to get there, we are all for it. At least I can say for my side, I am willing to look at any other option. But what I find curious is, I believe if we had not put up this industry prefunded amount, in effect a bridge until we can actually get the FDIC process in place, we would hear criticisms, at least from some, saying not putting up any industry prefunding would allow taxpayer exposure. One of the things we want to make sure is that taxpayers, again, are never, ever exposed to the kind of risk that took place in 2008.

I would also add that whatever these prefunds, trust instruments, or even the funding that would come from borrowing against the unencumbered assets, we need to buy a little time so it is not done in a haphazard way so any of these funds will be ultimately recouped after the crisis from the industry based on those institutions that benefited, those institutions that also were part of the causation.

Again, let me stress all of these funds, whatever will be repaid—and again whatever funds that are invested in these institutions in the interim will not go in, as what happened in 2008, as common equity as an effort to, in effect, prop up the systemically important firms. But it will go in as, in effect, top in the creditor process, debt-or-in-possession financing.

Did we get this perfect? No, perhaps not. There are ways, again, that we can improve. But the framework we put in place, the almost uniform response we have received, has been we have taken a gigantic step toward ending too big to fail in a rational, thoughtful approach.

I see my colleague, the Senator from Tennessee, has arrived on the floor. I again compliment him for his work, for the fact both of us said at the outset for neither of us was this religion. We just need to get it right. If we have to ruffle a few feathers on both sides of the aisle so that never again are the American taxpayers put in the position they were in 2008, then so be it.

I appreciate the good work of the Senator from Tennessee on this effort. I appreciate our working together on the preference toward bankruptcy, on the recognition that we have to have that judicial check, that we cannot go out and grab firms willy-nilly that are not depository, that are systemically important. I think we have taken giant steps forward.

I ask my colleagues from both sides of the aisle to lower the rhetoric a bit, to recognize this can and still should be a place where this Senate can work in a bipartisan fashion to put in place a set of rules so we can, with the appropriate speed bumps in our financial system for those firms that are systemically important—that we do put in financial rules of the road for the 21st century, that we do allow America to continue to be the financial capital of the world and the innovation in financial products capital of the world. I think we can still get there.

I look forward to work not only with my friend from Tennessee but colleagues from both sides of the aisle to get it right.

I yield the floor.

ORDER OF PROCEDURE

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. CORKER. Mr. President, I wish to speak for a couple of minutes. I think I have permission to do that. Then I wonder if I can have permission from the Presiding Officer to enter into maybe a couple of minutes colloquy with my friend from Virginia?

The PRESIDING OFFICER. Is there objection?

Mr. BAUCUS. Reserving the right to object, might I inquire, under the current procedure, when is the bill expected to be reported?

The PRESIDING OFFICER. The bill is to be reported at this time.

Mr. BAUCUS. At this time?

The PRESIDING OFFICER. At this time.

Mr. BAUCUS. Mr. President, I suggest the regular order be followed.

The PRESIDING OFFICER. Is there objection to the request?

Mr. BAUCUS. That would allow the Senators to speak.

Mr. President, I ask the bill be reported and the Senator then be recognized to speak, Senator CORKER first and then Senator LEMIEUX.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. BAUCUS. I thank the Chair.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

CONTINUING EXTENSION ACT OF 2010

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of H.R. 4851, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 4851) to provide a temporary extension of certain programs, and for other purposes.

Pending:

Baucus amendment No. 3721, in the nature of a substitute.

The PRESIDING OFFICER. Under the previous order, the time until 12:30 will be equally divided between the two leaders or their designees.

The Senator from Tennessee is recognized.

Mr. CORKER. Mr. President, I appreciate it. I had not planned to come to the floor today, but my great friend, Senator WARNER from Virginia, is here. I did want to clarify a couple of things. I did not hear all of his comments.

I very much appreciate the partnership we have had, the work we have been able to do together. I think what is happening on this financial regulation bill is a lot like what happened during the health care debate in many ways. There is something that is being focused on. Some of it is sort of being blown out of proportion.

I did want to clarify something. Senator WARNER spent a lot of time talking about a couple of titles in the bill that Senator DODD has put forth. There are other places in this bill that do, in fact, create an opportunity for large institutions that fail to continue on. Treasury got involved in this bill a couple of weeks before—about a week before it came to committee. There are some loopholes in this bill that give Treasury and the FDIC the ability to allow large institutions to continue on without failing. My sense is the Senator from Virginia knows what those are. My sense is the Senator from Connecticut, who is the chairman of the committee, knows what those are. And my sense is that on those topics—and they do exist, so criticisms about the Dodd bill allowing potentially creation

of loopholes for large institutions not to go through an orderly liquidation or bankruptcy, are valid. But the fact is I think we can fix those in about 5 minutes.

My point is I think everyone understands what Treasury did. I think everyone understands what the FDIC did. I think we can come to a conclusion in solving that very quickly. But I wanted to clarify that was not part of the title that Senator WARNER came up with.

The focus, then, has been on this \$50 billion fund. I think Senator WARNER eloquently talked about the fact this was a lot of debate. The FDIC wanted \$50 billion as a debtor-in-possession fund to be operating, to figure out what the assets of these firms were worth before they sold them off. Treasury wanted no fund.

My guess is that at the end of the day, on one hand you are protecting taxpayers more fully, on the other hand you are not—but my guess is, the Senator from Virginia and the Senator from Connecticut might drop that in about 5 minutes—not that the Senator from Virginia is actually advocating, he is just trying to solve that problem. My point is I think that is something that in about 5 minutes could be solved.

So I do think what Senator WARNER has said is true; that is, the rhetoric around this, an issue that could be dealt with literally in about 5 minutes, is probably overheated. The fact is, what we need to do is figure out a way to focus on this issue in an intelligent way.

I think that, as the Senator from Virginia mentioned, people on both extremes want to make sure that if a large institution in this country fails, it is just like the small institutions in this country—they go out of business. And I think we are united on that. Are there some flaws that exist? Yes. Did the bill get a little sideways at the end? Yes. But do people understand the way we can deal with this in an intelligent, thoughtful way and fix that? Yes.

I wonder if the Senator from Virginia would wish to not maybe get into specifics but agree that there are some flaws that need to be corrected, but we know what they are, and they can be corrected pretty quickly, can they not?

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Let me just acknowledge that we may—the Senator from Tennessee and I may differ slightly on how large some of the things the Treasury and FDIC put in at the end—because clearly one of the things that I think the Senator from Tennessee—and we can very quickly get into the weeds, but the weeds are important on this—the so-called 13-3 authority of the Fed would no longer be used for specific institutions, but the ability to help supplement around a liquidity crisis so

that we don't have firms move from a liquidity crisis into a solvency crisis was an important tool, but it was perhaps misused in the past in terms of targeted at specific firms rather than issue-wide.

There are certain other aspects that I believe can be corrected, but the overriding point that I think Senator CORKER and I both want to make is I think we put together, at least in title I and title II—and I think there has been good work done in other parts of this bill as well, but in title I and title II, systemic risk, too big to fail resolution—we have put the framework in place that while some on both ends of the political extremes may be attacking, the overwhelming response has been that this is a good framework. Like any piece of legislation, it needs some fine-tuning, but the fine-tuning ought to be preserving this framework, perhaps moving back from some of the pieces the FDIC and Treasury put in place. But we can get there, and this is too important to allow this piece of legislation to be drawn by the aisle that separates this body into Republican and Democratic camps. We need to put a piece of legislation and solution in place that sets the financial framework and predictability for the next century, and I think we have gone a long way toward doing that.

Mr. CORKER. Mr. President, I want to speak for 60 more seconds and then stop. I thank the Senator from Montana and the Senator from Florida for allowing me to do this. I want to be clear and say we have had a great partnership, numbers of us have. Some of the claims in this bill about preserving too big to fail are legitimate because of some changes that occurred about 10 days before the bill came to committee, maybe a week. But the fact is, they can be very easily fixed, and I think we all know how to fix them, and they can be fixed very quickly.

The prefunding issue is an issue that, to me, is a legitimate debate. If it needs to go to zero, the framework, as Senator WARNER just talked about, is still intact. It still works exactly the same way. It is a debate as to whether you want to absolutely make sure taxpayers are protected. But if people think this prefund is something that looks like a bailout, let's drop it, let's get rid of it, let's end it. Let's let borrowing capacity at the FDIC be the only avenue.

But my point is, these are all—in the scope of things, they are being made into really big things, when, in essence, a couple of semithoughtful people could solve these things in just a few minutes and we could move on to other aspects of the bill that do need to be corrected.

The one place I think the Senator from Virginia and I might differ more greatly is that I do think there are other issues in this bill that create

problems that need to be resolved, and I hope the spirit we have shown with each other will emanate on both sides of the aisle—I think it will—and that we will work through those, too, and end up with a good bill.

I yield the floor.

The PRESIDING OFFICER. The Senator from Florida is recognized.

Mr. LEMIEUX. Mr. President, I rise to speak today on this extenders bill that we will vote on here on a point of order that I will make in just a few minutes. The purpose of this point of order is this: Not too long ago in this Congress, we passed legislation called pay-go, and what pay-go is supposed to mean is that we will pay as we go in this Congress; that when we create a new program, we extend a current program, we will pay for it; that we will not continue to borrow against our children's future. I was here in the Senate when we had that debate. It was a debate that came down to a purely party-line decision.

I am new to this body, and I wanted to vote for this because I believe pay-go might actually be something that limits the out-of-control spending of Washington. I talked to my colleagues, and some of my colleagues who have been around longer than I said: Look, Senator, it is not really going to do anything. They are just going to move to waive it every time it comes into effect. They are not going to play by the rules. They are not going to pay for things as you go. It is just cover.

I wanted to vote for it. I struggled with it. In the end, I did not vote for it. And here we are just a few months—2 months past February 12 when the President signed this pay-as-you-go legislation—only 19 days after that, we waived it on a bill very similar to this, and now we are going to seek to waive this legislation again to spend \$19 billion and put it on the tab of our children and our grandchildren.

Let's talk about what this bill is. It would extend unemployment compensation and it would extend COBRA, which is health care benefits for people who lose their jobs. If we were to vote on this and pay for it, I think 100 Senators would vote for it. Shortly before the recess for the holiday break, there was an agreement in this Chamber between Republicans and Democrats that we would find the money to pay for this so that we wouldn't have to put it on the backs of our children, so that we would not have to borrow the money from China, so that we wouldn't have to increase our growing debt and deficit.

Our national debt is now nearly \$13 trillion. It has gone up \$1 trillion in the short time I have been here in the Senate. To give you reference on that, it took until 1980, from the founding of this country until 1980 for us to amass our first trillion dollars in debt.

The system of spending is unsustainable. I spoke on the floor this

morning about it. But don't just take my word for it; take Ben Bernanke, the Chairman of the Federal Reserve, who testified today before the Joint Economic Committee of Congress and said this government must begin to make difficult choices to address its deficits and warned that postponing them will only make them more difficult. So here today we are going to spend another \$19 billion and put it off on our children, and they will have to pay for it because we are going to have to borrow this money.

We are not supposed to be able to waive this rule, this legislation, unless it is an emergency. This is no emergency, and that is the basis of my point of order I will make here in just a few minutes.

What is an emergency? Well, most of us think it is what Merriam-Webster says it is: an unforeseen combination of circumstances resulting in a state that calls for immediate action—an unforeseen combination of circumstances. Has it been unforeseen that we were going to have to extend unemployment compensation? Was it unforeseen that we were going to have to extend COBRA? Of course, it is not. We knew we were going to have to do this, but there is an unwillingness in this Congress to pay for things. There is a willingness to put the debt upon our children and our grandchildren.

The Budget Act of 1974 that we operate under says that an emergency is necessary, essential or vital, sudden, quick coming into being and not building up over time, urgent, pressing, compelling, unforeseen, unpredictable, not permanent, temporary in nature. None of those requirements are met by this attempt to waive the pay-as-you-go requirements. Why do we have pay-go if we are just going to waive it every time we think we need to spend more money?

This is no emergency. This is just part and parcel of the problem we have in Washington of continuing to spend in an unsustainable way. And when, 5 years or 10 years from now, we are in the same situation Greece is in; when we have failed this country for our children; when we have \$900 billion in interest payments alone in 2020 on our current course, which will not allow us to spend money on anything else because that plus mandatory spending will be all there is in the budget; when our economic system fails because we have failed to make the decisions to control our spending, you will know why—because of the decisions that are being made today, in 2010, in April, decisions to add another \$19 billion to our national debt.

I yield the floor. I reserve my right to speak shortly before the vote is called at 12:30.

The PRESIDING OFFICER. The Senator from Montana is recognized.

AMENDMENT NO. 3721, AS MODIFIED

Mr. BAUCUS. Mr. President, pursuant to the previous order, I have a modification to my amendment at the desk, and I so modify my amendment.

The PRESIDING OFFICER. The amendment is so modified.

The amendment, as modified, is as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Continuing Extension Act of 2010".

SEC. 2. EXTENSION OF UNEMPLOYMENT INSURANCE PROVISIONS.

(a) IN GENERAL.—(1) Section 4007 of the Supplemental Appropriations Act, 2008 (Public Law 110-252; 26 U.S.C. 3304 note) is amended—

(A) by striking "April 5, 2010" each place it appears and inserting "June 2, 2010";

(B) in the heading for subsection (b)(2), by striking "APRIL 5, 2010" and inserting "JUNE 2, 2010"; and

(C) in subsection (b)(3), by striking "September 4, 2010" and inserting "November 6, 2010".

(2) Section 2002(e) of the Assistance for Unemployed Workers and Struggling Families Act, as contained in Public Law 111-5 (26 U.S.C. 3304 note; 123 Stat. 438), is amended—

(A) in paragraph (1)(B), by striking "April 5, 2010" and inserting "June 2, 2010";

(B) in the heading for paragraph (2), by striking "APRIL 5, 2010" and inserting "JUNE 2, 2010"; and

(C) in paragraph (3), by striking "October 5, 2010" and inserting "December 7, 2010".

(3) Section 2005 of the Assistance for Unemployed Workers and Struggling Families Act, as contained in Public Law 111-5 (26 U.S.C. 3304 note; 123 Stat. 444), is amended—

(A) by striking "April 5, 2010" each place it appears and inserting "June 2, 2010"; and

(B) in subsection (c), by striking "September 4, 2010" and inserting "November 6, 2010".

(4) Section 5 of the Unemployment Compensation Extension Act of 2008 (Public Law 110-449; 26 U.S.C. 3304 note) is amended by striking "September 4, 2010" and inserting "November 6, 2010".

(b) FUNDING.—Section 4004(e)(1) of the Supplemental Appropriations Act, 2008 (Public Law 110-252; 26 U.S.C. 3304 note) is amended—

(1) in subparagraph (C), by striking "and" at the end;

(2) by inserting after subparagraph (D) the following new subparagraph:

"(E) the amendments made by section 2(a)(1) of the Continuing Extension Act of 2010; and"

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the enactment of the Temporary Extension Act of 2010 (Public Law 111-144).

SEC. 3. EXTENSION AND IMPROVEMENT OF PREMIUM ASSISTANCE FOR COBRA BENEFITS.

(a) EXTENSION OF ELIGIBILITY PERIOD.—Subsection (a)(3)(A) of section 3001 of division B of the American Recovery and Reinvestment Act of 2009 (Public Law 111-5), as amended by section 3(a) of the Temporary Extension Act of 2010 (Public Law 111-144), is amended by striking "March 31, 2010" and inserting "May 31, 2010".

(b) RULES RELATING TO 2010 EXTENSION.—Subsection (a) of section 3001 of division B of the American Recovery and Reinvestment Act of 2009 (Public Law 111-5), as amended by section 3(b) of the Temporary Extension Act

of 2010 (Public Law 111-144), is amended by adding at the end the following:

"(18) RULES RELATED TO APRIL AND MAY 2010 EXTENSION.—In the case of an individual who, with regard to coverage described in paragraph (10)(B), experiences a qualifying event related to a termination of employment on or after April 1, 2010 and prior to the date of the enactment of this paragraph, rules similar to those in paragraphs (4)(A) and (7)(C) shall apply with respect to all continuation coverage, including State continuation coverage programs."

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the provisions of section 3001 of division B of the American Recovery and Reinvestment Act of 2009.

SEC. 4. INCREASE IN THE MEDICARE PHYSICIAN PAYMENT UPDATE.

Paragraph (10) of section 1848(d) of the Social Security Act, as added by section 1011(a) of the Department of Defense Appropriations Act, 2010 (Public Law 111-118) and as amended by section 5 of the Temporary Extension Act of 2010 (Public Law 111-144), is amended—

(1) in subparagraph (A), by striking "March 31, 2010" and inserting "May 31, 2010"; and

(2) in subparagraph (B), by striking "April 1, 2010" and inserting "June 1, 2010".

SEC. 5. EHR CLARIFICATION.

(a) QUALIFICATION FOR CLINIC-BASED PHYSICIANS.—

(1) MEDICARE.—Section 1848(o)(1)(C)(ii) of the Social Security Act (42 U.S.C. 1395w-4(o)(1)(C)(ii)) is amended by striking "setting (whether inpatient or outpatient)" and inserting "inpatient or emergency room setting".

(2) MEDICAID.—Section 1903(t)(3)(D) of the Social Security Act (42 U.S.C. 1396b(t)(3)(D)) is amended by striking "setting (whether inpatient or outpatient)" and inserting "inpatient or emergency room setting".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall be effective as if included in the enactment of the HITECH Act (included in the American Recovery and Reinvestment Act of 2009 (Public Law 111-5)).

(c) IMPLEMENTATION.—Notwithstanding any other provision of law, the Secretary of Health and Human Services may implement the amendments made by this section by program instruction or otherwise.

SEC. 6. EXTENSION OF USE OF 2009 POVERTY GUIDELINES.

Section 1012 of the Department of Defense Appropriations Act, 2010 (Public Law 111-118), as amended by section 7 of the Temporary Extension Act of 2010 (Public Law 111-144), is amended by striking "March 31, 2010" and inserting "May 31, 2010".

SEC. 7. EXTENSION OF NATIONAL FLOOD INSURANCE PROGRAM.

(a) EXTENSION.—Section 129 of the Continuing Appropriations Resolution, 2010 (Public Law 111-68), as amended by section 8 of Public Law 111-144, is amended by striking "by substituting" and all that follows through the period at the end and inserting "by substituting May 31, 2010, for the date specified in each such section."

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall be considered to have taken effect on February 28, 2010.

SEC. 8. COMPENSATION AND RATIFICATION OF AUTHORITY RELATED TO LAPSE IN HIGHWAY PROGRAMS.

(a) COMPENSATION FOR FEDERAL EMPLOYEES.—Any Federal employees furloughed as a result of the lapse in expenditure authority from the Highway Trust Fund after 11:59

p.m. on February 28, 2010, through March 2, 2010, shall be compensated for the period of that lapse at their standard rates of compensation, as determined under policies established by the Secretary of Transportation.

(b) **RATIFICATION OF ESSENTIAL ACTIONS.**—All actions taken by Federal employees, contractors, and grantees for the purposes of maintaining the essential level of Government operations, services, and activities to protect life and property and to bring about orderly termination of Government functions during the lapse in expenditure authority from the Highway Trust Fund after 11:59 p.m. on February 28, 2010, through March 2, 2010, are hereby ratified and approved if otherwise in accord with the provisions of the Continuing Appropriations Resolution, 2010 (division B of Public Law 111–68).

(c) **FUNDING.**—Funds used by the Secretary to compensate employees described in subsection (a) shall be derived from funds previously authorized out of the Highway Trust Fund and made available or limited to the Department of Transportation by the Consolidated Appropriations Act, 2010 (Public Law 111–117) and shall be subject to the obligation limitations established in such Act.

(d) **EXPENDITURES FROM HIGHWAY TRUST FUND.**—To permit expenditures from the Highway Trust Fund to effectuate the purposes of this section, this section shall be deemed to be a section of the Continuing Appropriations Resolution, 2010 (division B of Public Law 111–68), as in effect on the date of the enactment of the last amendment to such Resolution.

SEC. 9. SATELLITE TELEVISION EXTENSION.

(a) **AMENDMENTS TO SECTION 119 OF TITLE 17, UNITED STATES CODE.**—

(1) **IN GENERAL.**—Section 119 of title 17, United States Code, is amended—

(A) in subsection (c)(1)(E), by striking “April 30, 2010” and inserting “May 31, 2010”; and

(B) in subsection (e), by striking “April 30, 2010” and inserting “May 31, 2010”.

(2) **TERMINATION OF LICENSE.**—Section 1003(a)(2)(A) of Public Law 111–118 is amended by striking “April 30, 2010”, and inserting “May 31, 2010”.

(b) **AMENDMENTS TO COMMUNICATIONS ACT OF 1934.**—Section 325(b) of the Communications Act of 1934 (47 U.S.C. 325(b)) is amended—

(1) in paragraph (2)(C), by striking “April 30, 2010” and inserting “May 31, 2010”; and

(2) in paragraph (3)(C), by striking “May 1, 2010” each place it appears in clauses (ii) and (iii) and inserting “June 1, 2010”.

SEC. 10. EXTENSION OF SMALL BUSINESS LOAN GUARANTEE PROGRAM.

(a) **APPROPRIATION.**—There is appropriated, out of any funds in the Treasury not otherwise appropriated, \$80,000,000, for an additional amount for “Small Business Administration—Business Loans Program Account”, to remain available until expended, for the cost of fee reductions and eliminations under section 501 of division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5; 123 Stat. 151) and loan guarantees under section 502 of division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5; 123 Stat. 152), as amended by this section: *Provided*, That such costs shall be as defined in section 502 of the Congressional Budget Act of 1974.

(b) **EXTENSION OF SUNSET DATE.**—Section 502(f) of division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5; 123 Stat. 153) is amended by striking “April 30, 2010” and inserting “May 31, 2010”.

SEC. 11. DETERMINATION OF BUDGETARY EFFECTS.

(a) **IN GENERAL.**—The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled “Budgetary Effects of PAYGO Legislation” for this Act, submitted for printing in the Congressional Record by the Chairman of the Senate Budget Committee, provided that such statement has been submitted prior to the vote on passage.

(b) **EMERGENCY DESIGNATION FOR CONGRESSIONAL ENFORCEMENT.**—This Act, with the exception of section 4, is designated as an emergency for purposes of pay-as-you-go principles. In the Senate, this Act is designated as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

(c) **EMERGENCY DESIGNATION FOR STATUTORY PAYGO.**—This Act, with the exception of section 4, is designated as an emergency requirement pursuant to section 4(g) of the Statutory Pay-As-You-Go Act of 2010 (Public Law 111–139; 2 U.S.C. 933(g)).

Mr. BAUCUS. Mr. President, shortly, the Senate will vote on the motion to waive the Budget Act for the consideration of my amendment and this important bill to extend unemployment insurance benefits and other vital safety net programs.

We need to waive the Budget Act to allow this bill to move forward. We need to waive the Budget Act for the people who depend on unemployment insurance benefits.

We need to waive the Budget Act for people like the Montanans from whom I have heard.

We need to waive the Budget Act for Bonnie from Whitefish, MT. Bonnie lost her job in property management last year, and has been scraping by on unemployment benefits ever since. Bonnie has already sacrificed much, but she is still falling behind on her rent. She is unable to afford many necessities. Unemployment benefits help her get by from day to day.

We need to waive the Budget Act for people like Richard from Bozeman. Unemployment insurance has helped keep Richard afloat as he searches for a job. So far, Richard has applied for more than 150—think of it! 150—jobs and has had only 2 temporary part-time positions to show for his effort. Though his financial situation is grim, it would be even more so without unemployment benefits.

We need to waive the Budget Act for people like the single father from Missoula. He has been out of work for weeks. He exhausted his State benefits, and is now receiving Federal extended benefits. He recently called the Montana Unemployment Insurance Claims Processing Center for additional help because he does not know how he can take care of his daughters.

Unemployment benefits help these Montanans to pay the bills. Unemployment benefits help these Montanans and millions of Americans who, through no fault of their own, have fallen victim to this Great Recession.

The average unemployment benefit is \$335 a week. These days, \$335 only stretches so far.

Benefits have lapsed for 200,000 Americans. Since Authority expired a few days ago. If we do not pass this bill this week, another 200,000 Americans could lose their benefits.

Responding to recessions is the very definition of an emergency. Responding to this kind of need is why the Budget Act built in motions to waive the budget in the first place. The budget needs to have flexibility to address truly unusual circumstances like today's economy.

Extending unemployment insurance benefits is a good investment to make now. It is an investment, in our economy.

Unemployment benefits help our unemployed neighbors. And in helping our neighbors, unemployment benefits also help to keep open the neighborhood grocery store, and the neighborhood gas station.

In helping our unemployed neighbors, unemployment benefits also help the economy. The nonpartisan Congressional Budget Office says that extending additional unemployment benefits would have one of the largest effects on economic output and employment per dollar spent compared with any other action we could take. CBO says for each dollar spent, increasing aid to the unemployed could increase the gross domestic product by up to \$1.90. That is 2 to 1. For every dollar spent on unemployment benefits, that could increase gross domestic product by \$1.90. Households receiving unemployment benefits spend their benefits right away. That is very important. They don't save it; they spend it. That spurs demand for goods and services. That boosts production and leads businesses to hire more employees.

Some critics insist that emergency spending to address the recession is busting the budget. Some critics blame emergency spending and the Recovery Act for the huge budget deficits we face today.

We do need to address our Nation's fiscal circumstances, of course, we do. We are currently laboring to reach an agreed-upon package of offsets to pay for much of the long-term extension in unemployment insurance and other programs the Senate passed on March 10.

And on a larger level, we also need to balance the Nation's revenues and outlays. The President's fiscal commission will begin its work a week from Tuesday. We will need to think about fundamental tax reform as part of that exercise. And we will need to make sure that we get a dollar's worth of value for every taxpayer dollar the government spends.

But let me set the record straight. Emergency spending like this bill and the Recovery Act is responsible for only a small share of the deficit.

In fact, the cost of the Recovery Act is projected to be less than 10 percent of the total deficit legacy over the next 10 years.

The chart behind me tells the story. The majority of the deficit we will face over the next 10 years stems from inherited policies. The tax cuts enacted under the previous administration, the wars in Afghanistan and Iraq, and the economic downturn itself explain nearly \$11 trillion of our deficit over the next 10 years.

These policies were enacted before the current administration and before this Congress. Because these policies were not paid for, we are now facing huge deficits.

Unemployment benefits are not the cause of the deficit. We should not balance the budget on the backs of the unemployed.

Right now, it is essential we pass a temporary extension of unemployment benefits. It is essential we help Americans put food on the table. It is essential to pay the bills, while they continue to look for work.

So let us waive the Budget Act for Bonnie from Whitefish.

Let us extend unemployment insurance benefits for Richard from Bozeman, MT.

Let us extend this vital lifeline for the single father from Missoula and for his daughters who depend on him.

And in this great recession, let us waive the Budget Act to enact this temporary extension of unemployment insurance for the hundreds of thousands of Americans struggling, through no fault of their own, just to get by.

It is true that very soon we must significantly address the budget deficit. The real test will be the degree to which this country, the President, and the Congress buckle down and start to reduce the budget deficit during times of prosperity; that is, after we get out of this recession and when unemployment levels start to reach sensible, lower levels. That is when we face the true test of whether we reduce the budget deficit. It is our responsibility to do so. We should let unemployment benefits be extended. We should not have to pay for those now. But soon, when the unemployment rate falls, when the country comes out of the recession, then it is up to us to go the extra mile to make sure we, in a responsible way, start to address the huge deficits. When we do, it will keep interest rates low, and other countries will have more confidence in the United States. I daresay they have confidence now, but they will have even more confidence. I very much expect and hope that this body will exercise that effort responsibly to begin to tackle huge deficits.

Now is not the time. Soon we will face the time. It is not now.

I suggest the absence of a quorum and ask unanimous consent that time

under the quorum be charged equally against both sides.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LEMIEUX. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEMIEUX. Mr. President, I thank my colleague, the chairman of the Finance Committee. I appreciate his comments about the need for this body to enter into a discussion about fiscal discipline. I offered legislation today to have a requirement that we would have a debate every year to talk about bringing spending back to 2007 levels, prior to the stimulus, prior to the recession, certainly a time when this country had a much better economy than now. If I asked Floridians if they could live off of what they had in 2007, they would be happy to have that much money. Whatever the architecture is, we need to get into that. Our budget deficit and the debt are cascading out of control.

I disagree with my colleague that we can wait until the recession is over. While I am optimistic that we will soon be turning the corner, times are very tough in my State. I don't know if it is going to be next year or the year after that we are out of this recession. We have the worst unemployment we have had since we have been keeping records in Florida, 12.2 percent. I don't know that we can wait, especially when we hear the Chairman of the Federal Reserve say we must act now.

Recently, we were in a situation where bonds went out to issue, and the Wall Street Journal reported that the yield rate the Federal Government had to offer on those bonds, the interest rate was more than Warren Buffett had to offer. Warren Buffett was a better investment than the United States. Why is that? It is because the world is beginning to believe the United States can't manage its debt. Places such as Brazil have had their stock market increase 100 percent in the last year because they are now seen as a better investment than this country.

We can't wait. We can't wait for 6 months or a year from now. Perhaps the time has already gone too far.

I raise a point of order pursuant to section 4(g) of the Statutory Pay-As-You-Go Act of 2010.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. LEMIEUX. I raise a point of order against the emergency designation in the pending substitute amendment and note this is not a budget point of order. It doesn't kill this provision. It only requires that it be paid for by the end of the year. Everybody is for extending unemployment com-

pensation. Everyone is for paying for COBRA. The point is, pay for it.

The PRESIDING OFFICER. Does the Senator wish to raise a point of order?

Mr. LEMIEUX. I have raised a point of order. I repeat, pursuant to section 4(g) of the Statutory Pay-As-You-Go Act of 2010, I raise a point of order against the emergency designation provision in the pending substitute amendment.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Pursuant to section 904 of the Congressional Budget Act and section 4(g)(3) of the Statutory Pay-As-You-Go Act, I move to waive all applicable provision of those acts and applicable budget resolutions for consideration of the pending amendment, No. 3721, as modified, and the underlying bill, and I ask for the yeas and nays on the motion to waive.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be.

The yeas and nays were ordered.

Mr. BAUCUS. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BAUCUS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question is on agreeing to the motion.

The yeas and nays have been previously ordered.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Vermont (Mr. LEAHY) is necessarily absent.

Mr. KYL. The following Senator is necessarily absent: the Senator from Utah (Mr. BENNETT).

The PRESIDING OFFICER (Mrs. HAGAN). Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 58, nays 40, as follows:

[Rollcall Vote No. 110 Leg.]

YEAS—58

Akaka	Franken	Nelson (NE)
Baucus	Gillibrand	Nelson (FL)
Bayh	Hagan	Pryor
Begich	Harkin	Reed
Bennet	Inouye	Rockefeller
Bingaman	Johnson	Sanders
Boxer	Kaufman	Schumer
Brown (OH)	Kerry	Shaheen
Burris	Klobuchar	Specter
Byrd	Kohl	Stabenow
Cantwell	Landrieu	Tester
Cardin	Lautenberg	Udall (CO)
Carper	Levin	Udall (NM)
Casey	Lieberman	Voinovich
Conrad	Lincoln	Warner
Dodd	McCaskill	Webb
Dorgan	Menendez	Whitehouse
Durbin	Merkley	Wyden
Feingold	Mikulski	
Feinstein	Murray	

NAYS—40

Alexander	DeMint	McCain
Barrasso	Ensign	McConnell
Bond	Enzi	Murkowski
Brown (MA)	Graham	Reid
Brownback	Grassley	Risch
Bunning	Gregg	Roberts
Burr	Hatch	Sessions
Chambliss	Hutchison	Shelby
Coburn	Inhofe	Snowe
Cochran	Isakson	Thune
Collins	Johanns	Vitter
Corker	Kyl	Wicker
Cornyn	LeMieux	
Crapo	Lugar	

NOT VOTING—2

Bennett	Leahy
---------	-------

The PRESIDING OFFICER. On this vote, the yeas are 58, the nays are 40.

Three-fifths of Senators duly chosen and sworn not having voted in the affirmative, the motion is not agreed to.

The emergency designation is stricken.

Mr. REID. Madam President, I enter a motion to reconsider.

The PRESIDING OFFICER. The motion is entered.

Mr. REID. Madam President, with the consent of the minority, I suggest we go into a period of morning business for 1 hour, and at 2 o'clock we go back on this bill. As soon as Senator COBURN comes—Chairman BAUCUS will be here around 2:15 and he will be ready to offer his first amendment. If there are any procedural issues, which there shouldn't be because this point of order was not well taken—so if there is anything we need to do, staff will be working on that so that procedurally we can get to him.

We all know that at 2:15 we will be back on the bill, and Senator COBURN will be offering his first amendment.

MORNING BUSINESS

Mr. REID. Madam President, I ask unanimous consent that we go into a period of morning business until 2 p.m., and at that time we go back on the bill, and that Senator COBURN be recognized to offer an amendment at 2:15.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. REID. Madam President, I ask unanimous consent that during the time of morning business, Senator WARNER and his colleagues be allowed to enter into a colloquy.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Virginia.

JUDICIAL NOMINEES

Mr. WARNER. Madam President, I appreciate the opportunity to get back into morning business. A number of my freshman and sophomore colleagues and I have come to the floor to discuss an important issue. We also came to the floor during the final throes of the health care debate. We are here to raise the issue that, while we are enor-

mously proud to be Members of the Senate and respect the traditions of the Senate, something seems a little strange when 15 months into this President's administration, we still have approaching 100 nominees who have not been voted up or down so that they can serve in these most important positions to make sure we get our country back on the right path.

We are going to reiterate these issues, and we will come back to try to urge Senators who have concerns about nominees to come to the floor and make their case against the nominees. They ought to be voted up or down, and if they are not approved, the administration can move on to someone else. But 15 months is a long time. As a former CEO in business and a former Governor, I think this President ought to have his team in place.

First, this is an issue that a number of us have raised over a period of time. We all have previous experience before coming on this body. I call on my colleague, the Senator from Minnesota, Senator KLOBUCHAR, to make a few comments.

The PRESIDING OFFICER. The Senator from Minnesota.

Ms. KLOBUCHAR. Madam President, I thank the Senator from Virginia.

As a member of the Judiciary Committee, I have seen what is going on here. We get these nominations through our committee, and then they vanish into thin air. You can look at the numbers with what is going on here. You have a situation where President Bush had 100 circuit and district court confirmations during the first 2 years of his Presidency. To date, President Obama has only 18. There are literally dozens of nominees waiting.

Why does this matter? We can spend the whole morning spouting numbers and talking about the times and differences between the months. Why does it matter? This is about a drug dealer who doesn't get prosecuted, someone who is running a drug ring, because there is not a judge to bring the case in front of. I was a prosecutor running an office of 400 people, and I saw what would happen if we didn't have judges. It is also about a felon in possession of a gun, and they can't bring up his case because they have a heavy docket of criminal, civil, and corporate cases, and because of this you cannot get criminals off the street. Or this is about complicated white-collar crimes such as the one with Bernie Madoff. In a recent case in Minnesota, there was a lengthy trial involving a guy who got a 50-year sentence. If we don't have the judges to handle these things, criminals will be out there committing crimes. That is what this is about.

I will say this before I turn it over to my colleague, the Senator from New Hampshire. President Bush had 100 circuit and district court confirmations during the first 2 years of his Presi-

dency. Today, President Obama has 18. If we are going to hit this hundred number and get 82 more judges confirmed, we are going to have to do nearly 3 per week.

The new Members of the Senate are here to say let's get this done because justice delayed is justice denied.

I turn this over to Senator SHAHEEN.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mrs. SHAHEEN. Madam President, I am here to join my colleagues to raise our concerns about what is undoubtedly a deliberate attempt to keep President Obama's nominees from getting through the Senate and taking over their jobs, regardless of whether it is a court justice or whether it is the Director of the Office of Violence Against Women. I was on the floor a couple months ago because the Director of the Office of Violence Against Women, from New Hampshire, had been held up 2 months after unanimously being approved in the committee. She was held up not because it had anything to do with her qualifications but because somebody objected to something else—who knows what. The person who objected never had to tell why they were objecting.

That is the situation we are in now. We have 94 nominees being held up by the other side of the aisle, and they are not telling us why they are holding up these nominees. They have to come forward and allow a vote. It is time for us to move forward on the judiciary nominees—on all of those 94 nominees—and get a vote and keep government moving.

Mr. WARNER. Madam President, I thank the Senator. She realizes the importance of getting a team in place, whether it is judicial or administrative.

Somebody who feels very passionate about this and a lot of other issues is the Senator from Vermont. He wishes to speak.

The PRESIDING OFFICER. The Senator from Vermont is recognized.

Mr. SANDERS. Madam President, I think most Americans understand that in the Senate, and in government in general, honest people will have honest differences of opinion. They debate issues, represent constituencies, and vote. Sometimes you win and sometimes you lose. I think there is a growing anger and frustration when a lot of what takes place on the floor has nothing to do with an honest debate on the issues but simply obstructionism, obstructionism, obstructionism.

The American people have a hard time understanding when you have well-qualified nominees for the judicial positions, when some of these nominees have gotten out of committee with unanimous or almost support, it takes months and months to get these nominees approved so they can do their job.

As the Senator from Minnesota said a moment ago, the issue is that justice

delayed is justice denied. We have some dangerous people out there who should be tried and found guilty and sent to jail. We have ordinary citizens who have claims before courts and they want their day in court. Right now, they cannot get that day because the courts are backed up because we don't have enough judges. So I hope very much that we can get moving and do what has to be done, and that is to appoint these judges. I hope we can get an up-or-down vote on them.

I yield the floor.

Mr. WARNER. Madam President, again, there are judicial nominees and there are administrative nominees. I ask my friend, the newest Member of the Senate, who comes from a different business than I—I came from the telecom business and he comes from a different business.

Mr. FRANKEN. I kind of came from telecom.

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

Mr. FRANKEN. Madam President, I am going to tie together judicial nominees and administrative nominees. You heard from my colleague, Senator KLOBUCHAR from Minnesota. She talked about how President Bush had, during his first two years in office, about 100 judicial nominees confirmed, and it is 18 judges so far for President Obama. The district court nominees who have been reported out of committee are waiting almost twice as long to be confirmed as during the Bush administration, and circuit court nominees are waiting five times longer. I have heard my colleagues from the other side say, well, the President isn't nominating judges as fast as President Bush did. First, you would think if that were the case, they would have to wait less time because there are fewer of them. The reason he has been nominating fewer is because they are holding up Christopher Schroeder, from the Office of Legal Policy at DOJ. He is the guy who vets nominees for judgeships. He was reported out of the Judiciary Committee in July of 2009. We could not get him a vote on the floor. Then he wasn't carried over. The Republicans objected, so now he has been renominated earlier this year and reported out again. We cannot get a vote on him. He is the guy who helps the President vet the people for the judgeships.

I don't want to hear complaints from my friends on the other side about the pace of the judgeships being nominated, when they are holding up the guy who helps the President vet the judgeships.

This is a perversion of the filibuster. The whole point of the filibuster was that our Founders said the Senate was the saucer to cool the passions of the House of Representatives, right? We wanted to prevent the tyranny of the majority. This isn't about that—not when you are holding somebody up,

and then when you have the vote, it is 99 to 0. That has nothing to do with what the purpose of the filibuster is. Do you know what this is? This is running out the clock. This is used to stop business before the Senate.

The American people ought to be incensed about this, because what this is doing is slowing down anything from getting done on jobs, on Wall Street reform, and on energy. That is what this is about. This is about not letting this President and this Congress achieve anything. This is about obstructionism.

I yield back to the Senator from Virginia.

Mr. WARNER. I thank my colleague from Minnesota. In his case in point, we had a judicial nominee endorsed by a Republican Governor, reported out unanimously, filibustered, and then she was confirmed 99 to 0.

I respect the traditions of the Senate, but something is broken. I now ask the Senator from Colorado to speak. He is actively talking with the people of Colorado who hired him for this position. He hears the frustration they express about why can't you get things done.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. BENNET. Madam President, there is not a person in this Chamber, I guarantee you, who does not go home at the end of the week and hear from people of their State—Democrats, Republicans, or unaffiliated voters—“what in the world are you guys doing back there? What's with all the political games being played? Why can't people act in a bipartisan way?”

I think it is important to say that we are talking about a bunch of nominations that actually have broad bipartisan support. Most of them passed out of committee by voice vote—certainly on a bipartisan basis.

As the Senator from Virginia was saying, there is instance after instance where there has been delay, delay, delay, only to see somebody pass 97 to 0 or 98 to 0. That is not about partisanship or about Republican versus Democrat. To me, that is about Washington being completely out of touch with the real world. The real world doesn't act this way. They don't use rules to make excuses for not getting their work done. The real world doesn't say we are frightened to debate these issues. The real world doesn't take people who are qualified for their jobs and prepared to serve this country at an enormously difficult time in our history and say: Let's put it off until next week or the week after that or the week after that. Nobody here is saying we should not have a vote. Nobody here is saying we should not have a debate. We are saying that the American people deserve better than that. By the way, people may not know this. In this institution, it is actually possible to put a hold on somebody and not say who you are.

I say to the Senator from Virginia, as the Governor of the Commonwealth of Virginia, how could you ever have gotten anything done if that were the case?

It is possible to put a hold on somebody in this institution and never explain why you did it. You do not know what the issue is. That is why we need to have this debate and move forward.

Everybody in this Chamber has an obligation, whether they are Democrat or Republican, to look at the merits of the nominees and to vote their conscience on those nominees. But the American people are enormously frustrated with the current state of affairs. They want an open and sensible conversation about the policy choices we face as a country, and I think they want an end to the political games.

It is important we are all here today. I hope there are others who will join us in the days ahead. I thank the Senator from Virginia for organizing this discussion.

Mr. WARNER. Madam President, again, this should not fall on partisan lines. We welcome those Senators on the other side of the aisle who are frustrated by this process and want to bring, while respecting the traditions of the Senate, rationality back to the process.

My good friend from Delaware, while he is a freshman Senator, has served in this institution longer than most of us and has watched the transformation of this institution. I would love to have Senator KAUFMAN's comments on this issue.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. KAUFMAN. Madam President, some things have changed. I came here in 1973 working for now-Vice President BIDEN. Back then, if you asked the American people what they most disliked about Washington, they would say partisan bickering, the back-and-forth. That is what they really do not like about what goes on.

My basic reaction is, and I have said to people that today what looks like a lot of partisanship—basically, Senators like each other. This is not about people not liking each other. There is not a Senator on the Republican side of the aisle whom I do not have a positive relationship with and feel good about. You can say that about the issues. What I say is there is a difference on the issues. Basically, we disagree about the issues. But I do have a hard time, when it comes to judicial nominations especially, on the rationale for the argument because it is not a matter of issues.

We have differences about some judges, but the vast majority of judges still being held are judges we all agree are competent judges. So why is it they are not being confirmed, especially when we talk about the two areas about which most Americans are so

concerned? One is crime, that we deal with crime and deal with it in a quick manner; that people are given a fair trial, but then if they are guilty, they are put in jail. All Americans agree to that. To do that, one of the key chokepoints for us is the judges. We need the judges to be confirmed in order to deal with crime.

The other area, as I know my friend from Virginia is so aware, is the business side. If you are a businessperson, you need certainty. You need the ability to know, if you have a dispute, that you can get it handled in a court and that you get prompt action. That is what everyone wants. With many of these things, it isn't as important that you win as it is that you get an answer. When we have vacancies in district and circuit courts, that holds up everything.

The final point is, there were always differences of opinion, but starting about the 1980s, the judges became a football. They just became a football. When I hear about the old wars—it is like the Hatfields and McCoys. Who was the first Senator to hold up the most number of judges and when did it happen? Our judge did this. You did this. We did that. It really sounds like the Hatfields and McCoys on the floor sometimes.

I am saying it is time to put that behind us. It is time to put that behind us, especially when it comes to these judges whom we know are competent; where there is agreement, there is no disagreement. I defend the right of the minority to hold up judges they think are not competent. We had three judges in a row who were confirmed by unanimous votes of the Senate.

What I am saying is it is time to put that behind us. The American people are looking to us to behave in a bipartisan manner. Again, we are going to have partisan differences on some judges, but when we have judges where there is bipartisan agreement, the American people are stymied to understand why in Washington we are behaving this way. I call on my colleagues to work together and see if we cannot get these judges confirmed.

I thank the distinguished Senator.

Mr. WARNER. I thank the Senator from Delaware for his comments and perspective.

Again, while many of my colleagues talk about this related to judges, we have, as the Senator from Minnesota said, members of the DOJ who are held up. We have a very qualified and talented individual up for Treasury Under Secretary for International Affairs. They are enormously important positions.

I know my friend and colleague, the Senator from Maryland, wishes to speak on this subject matter.

The PRESIDING OFFICER (Mr. UDALL of Colorado). The Senator from Maryland.

Mr. CARDIN. Mr. President, I thank Senator WARNER for taking this time to bring to the attention of our colleagues a very serious problem.

One of the most fundamental responsibilities for a Member of the Senate is to advise and consent on the President's nominations. There are literally hundreds of appointments that are going to require our confirmation—more than that; thousands, actually, that we have to confirm. Our responsibility is to take the appointments the President has given us, to evaluate them, and then to act, either to confirm or not confirm.

The American people depend on these individuals being in office to perform the services they need, whether it is services that come forward in the Department of the Treasury in dealing with the economic issues of this Nation, the regulatory functions that are important to protect consumers in America, to be able to give those who have been wronged an opportunity in our judicial system to have courts that can handle their dockets in a timely way. All that is dependent upon the Senate carrying out its responsibility to advise and consent to take up the nominations of the President.

Look at what has happened in this Congress. Let me point out the district court judges. District court judges are the judges who hear the overwhelming number of cases. If you have a problem and you go to Federal court, you go to district courts. That is where 99 percent of the cases are going to be heard.

In 2002, when George Bush became President, 35 of his district court appointments were confirmed. They waited on average 13 days after being reported by the Judiciary Committee for confirmation votes on the floor of the Senate. On this date, there were no further pending district court appointments that required the confirmation of the Senate. We had acted on every one of them.

Now let's take a look at the current situation. This Senate has only confirmed 11 of President Obama's district court nominations, and they waited on average 43 days. There are 17 district court nominations that have been reported out by the Judiciary Committee. Most have been reported by voice vote, by unanimous vote, no controversy at all with most of these nominations, and they have been pending on average 46 days.

This is an intentional action by the Republicans to block the ability of President Obama to place his appointees either in the courts or in his administration. That is just wrong. If you have a disagreement, let's debate it. If there is a legitimate concern, let's talk about it. But that is not what is happening here.

The people of Maryland, the people around this Nation are being denied essential services because of a partisan

strategy to block this body from timely considering the appointments by the President. That is just wrong. It is time we bring an end to it. It is time the Democrats and Republicans work together in the best interests of the American people.

I yield my time to the Senator from Virginia.

Mr. WARNER. Mr. President, I thank the Senator from Maryland for his comments. Again, we want to be respectful of Senate traditions, but it just seems at this moment in time, with so many issues our country is confronting, we need a rational process. We need to be able to explain, as the Senator from Colorado said, to the American folks why we are not getting business done. Part of the reason we are not getting business done is the President does not have his team in place, judges are not in place, and a lot of time is wasted on the Senate floor with needless filibusters.

There is another freshman Senator with whom I have had a number of conversations, my good friend from North Carolina. This is a little different from the way she operated as State senator in Raleigh, NC. I would love to hear her comments.

Mrs. HAGAN. Mr. President, I thank the Senator from Virginia for helping us come together to talk about this issue because it is of critical importance.

In North Carolina, we have two justices for the Fourth Circuit Court coming before this body. They were heard in the Judiciary Committee back in January. They are ready to go. However, once again, the individual who is to vet justices has not been heard, Chris Schroeder. We need to bring him up. Although both of these individuals, Judge Wynn and Judge Diaz, have come out of the Judiciary Committee, they are waiting to come up for a vote. They are behind in the queue from all the other district court judges who have not come forward. I will say that my colleague, Republican Senator BURR, is in total agreement with both of these nominees. We need to bring them forward for a vote. The interesting fact is that one of these positions has been open since 1994. Talk about justice delayed is justice denied. It is high time this body had an opportunity to vote to put forward Judge Diaz and Judge Wynn to represent our State on the Fourth Circuit Court of Appeals.

Mr. WARNER. Mr. President, I thank the Senator for her comments, again recognizing that some of the judges she is talking about have had bipartisan support. If this was a question of qualifications, it ought to be legitimately questioned and debated.

I know there are other colleagues showing a little bit of the radical transformation we are making. Having freshmen Senators speak is part of that.

I now call on my good friend from Pennsylvania to add his comments. I believe the Senator from Pennsylvania has judges in Pennsylvania and other appointees who have been pending.

Mr. CASEY. I thank the Senator from Virginia for getting us together to talk about something that is fundamental. Basically, we are talking about our system of justice. We heard the number of days, when we compare this administration to the prior administration, it takes to confirm a judge on the appellate court or on the district court.

It is important for people to realize that we are not talking about saying they on the other side should be voting for all of our judges or they should be endorsing them, even though when they come to the Judiciary Committee we have had tremendous bipartisan votes on a lot of these judges.

Here is a lot of what the American people do not understand. They can understand that when Senators are making their minds up about how to vote on a particular nominee to be on a district court or on an appeals court, we might have a difference of opinion as it relates to judicial philosophy, for example, or the experience of this particular individual or their character, their ability to serve with integrity. All of those basic considerations we have to weigh and I think by extension the American people weigh when they are deciding whether or not someone is fit to serve on a district court or appellate court. All of those considerations are considerations Democrats and Republicans will weigh, but we cannot do that unless we can get a vote, unless we can put a nominee in front of the Senate for an up-or-down vote based upon their record, based upon their views and philosophy. But this idea of obstructing purely for political reasons, sometimes to slow down the President's agenda for no good reason, sometimes to bottle up things in the Senate, makes no sense at all. Why don't our colleagues want these nominees for various positions in our system of justice to go before the Senate to have an up-or-down vote, and then we can have a debate as part of that about their qualifications or about their educational background or their ability. We can certainly do that. This idea of obstructing for political and partisan reasons makes no sense to us, and I am sure it makes no sense to the American people.

I yield the floor.

Mr. WARNER. What we have heard in the case of Pennsylvania, as we heard from all of us, is frustration. As the Senator from Colorado said, folks who have legitimate complaints about an individual, whether they are a judge or a Presidential appointee, ought to bring them to the floor and debate them. While we want to be respectful of Senate traditions, I think allowing the process to go along without using the

existing rules to try to force us to confront these issues does not make any sense when our country faces many enormous challenges.

I call on my good friend from Colorado who, while he served in the other body, has obviously had a longtime family tradition of public service. I am sure the folks in Colorado are scratching their heads about the rules under which we operate.

The PRESIDING OFFICER (Mrs. HAGAN). The Senator from Colorado.

Mr. UDALL of Colorado. Madam President, I thank Senator WARNER.

I did want to touch on the concerns of the people of Colorado with respect to the discussion we are having today. I want to start by saying that one of the fundamental roles of the Senate is to advise and consent the President of the United States. We do not even have a chance to advise the President, much less consent, because of the anonymous holds and the slowdown tactics that have been utilized when it comes to all these important nominees.

We ought to have a chance to debate on the floor of the Senate, which is the advisory role, and we may find some judges do not pass muster, but they deserve an up-or-down vote on the floor of the greatest deliberative body in the world, the U.S. Senate. That is not happening.

I note that some of my colleagues pointed out two cases where Judge Thompson from Rhode Island for months was stalled on the Executive Calendar. There was no reason given. When she was finally brought to the floor, there was a 98-to-0 vote, a unanimous vote. What was the problem? Why couldn't she be confirmed earlier?

With Judge Keene from the State of the Senator from Virginia, we had to have a cloture vote to bring her to the floor—4 months. She was approved 99 to 0. There was no objection expressed to her sitting on the circuit court. This is senseless. This is absurd.

In Colorado, we have had two vacancies on our district court for many months, going on years now. That bench is undermanned right now. Those judges are appealing to Senator BENNET and me to get two more judges for reinforcements so that docket can be reconsidered. Those district court judges are not being moved on the floor of the Senate so that we can advise and then, hopefully, consent.

We have a Federal attorney whom we need to see confirmed. There has been no movement there as well. So for me, the Senate is not keeping faith with the people of our respective States and not keeping faith with the people of the United States.

I know we can do better. I know the American people, when they look here to Washington right now, wonder why we are behaving like children. Children have an excuse, don't they, Senator? They are children. We are not. We have

greater responsibilities. I hope we can set aside our differences, bring these nominees to the floor, across the board, and have an up-or-down vote.

I would suggest that perhaps we ought to bring a block of nominees to the floor under a unanimous consent request. They have all been vetted. The President needs to have a full complement of people in his administration to do the work of the American people.

Again, I thank Senator WARNER. We will continue to beat these drums until these nominees have had a chance to be voted upon. This is crucial to me and to the challenges our country faces here today.

Mr. WARNER. I thank the Senator from Colorado for his comments and his great perspective on this issue, and again, part of what he is raising is that we want to consider the rules and traditions. Today, we have all these freshmen and sophomore Members coming to the floor and saying the process seems to be broken. We want to urge our colleagues on the other side to allow the process to move forward and to suggest that we are not going to let business as usual continue to go on. We want to give them appropriate notice. There is no attempt to ambush on process here, but we are saying enough is enough. We owe it to this body and we owe it to the folks across the country.

Madam President, someone who comes to this floor regularly to talk about health care and a series of other issues has these same issues facing him in his great State of Ohio, and he wishes to make some comments on this as well.

Mr. BROWN of Ohio. I appreciate the work Senator WARNER is doing, along with Senator HAGAN and Senator UDALL. I came to the Senate 3½ years ago. I am personally not a lawyer, and I have, obviously, never sat as a judge, but I understand the custom here is that, typically, if there is a Senator from a State with the same party affiliation as the President, that Senator makes a recommendation to the President for a Federal judgeship or a district Federal judgeship, and normally the President will accept that. My senior Senator, my colleague from Ohio, is a Republican. So rather than block him out of the appointment process, the confirmation process, I asked him to join with me and we put together a committee for the northern district in Ohio for a judge vacancy. Actually, there were two, one in the northern district and we did one in the southern district. We had a panel of, I believe 17 people. The northern district panel was actually majority Republican. I am a Democrat; the President is obviously a Democrat. The southern district was a majority Democrat, barely. The panel did lengthy interviews of about 20 potential judges each—Federal judges—for the one vacancy in the northern

district and the one in the southern district. In these interviews were people who were active in their communities, who donated their time and spent 2 or 3 full days.

The panel then submitted to me the top three candidates in both the northern and southern districts, and I interviewed each of the three and chose who I thought would be the best Federal district judges. I then spoke with Senator VOINOVICH and he signed off on them. Both of these candidates were then submitted to the President, who in turn submitted them to the Senate and the Judiciary Committee. The Judiciary Committee voted overwhelmingly for each of them. Yet they still haven't come to a vote on the Senate floor.

I couldn't have done this in a more bipartisan and fair way to make it happen, and I know Senator VOINOVICH wishes to move on these judges. He signed off on them, and on the day we announced them we put out a joint statement where we said these were important judgeships and that we had selected the right people.

As Senator CARDIN said, this is wrong. There are backlogs in these courts and, as Senator HAGAN of North Carolina said, we need to fill these positions. As has been said, justice delayed is justice denied. There are backlogs both in the northern and southern district and we have these two ready to be voted on. We could do it today. It could be done by unanimous consent request, as Senator UDALL of Colorado suggested. We could do that.

There are now two new vacancies in Ohio, and so we will start that process. But it doesn't make sense that President Obama's district court nominees have waited twice as long after being favorably reported by the Judiciary Committee to be voted upon. So in addition to the other judges who have been vetted by a whole process—from the State senator to the FBI, to the President, to the Senate Judiciary Committee—it is time now for a vote. And most of these will be unanimous or close to it.

I think there will be overwhelming support for Judge Pearson in the northern district and Judge Black in the southern district. They have proven they are ready to go and they would be good judges. Both are U.S. magistrates now, so they have gone through other vetting processes for those jobs. I hope my colleagues will decide to accept these and move on, because we have so many other things to do. This delay and obstructionism on judges is wrong and we need to move on.

Madam President, I thank Senator WARNER for his leadership on this issue.

Mr. WARNER. I thank the Senator from Ohio. A lot of my colleagues and I talk about judges, but this goes way beyond judges. As a matter of fact, a

Senator who has been a leader on this issue, my friend, the Senator from Montana, has come to this floor on other occasions by himself to talk about certain other nominees the President has put forward, and my understanding is that some of these nominees were held up because of totally unrelated issues.

I don't know about the folks in Montana, but the folks in Virginia are scratching their head and saying: What do Canadian tobacco laws have to do with a Presidential nominee for a totally different type of job that has nothing to do with Canada or tobacco? So I would like my good friend, Senator TESTER, to speak to these issues.

The PRESIDING OFFICER. The Senator from Montana.

Mr. TESTER. Madam President, I thank my colleague for the recognition and for his leadership and his ability to see through the fog that has been created here in the Senate.

You know I am a farmer. Most folks in this body know I am a farmer and I have been my entire life. One of the things farmers can't deal with is idle hands. When there is work to be done, you roll up your sleeves and you get out there and you get the work done. In Montana, right now it is planting season, and the folks there who are in agriculture—as with small businesses and working families, but in agriculture particularly—are looking at either getting their fields ready or they are in the field putting seeds in the ground because the work is there and it has to be done. You have an opportunity to do it, and you do it.

Well, it is planting season in the Senate all the time. Whether it is creating jobs or turning the economy around or fixing health care or whatever it may be, we have important work to do. The folks on the other side of the aisle, I guess, are watching the clouds roll by, because the fact is, it is time to go to work. Obstructionism is not something that takes a lot of skill, but getting things done requires hard work, and it is time to get things done.

These judicial appointments we have to do right now in the Senate are critically important. They are critically important for this country and for the process to work, and yet they are being held up for literally no reason whatsoever or just because they can be held up.

Let me give a quick statistic, because we always compare what goes on in past administrations. I can tell you that in the first 2 years of the Bush Presidency he had 10 circuit and district court nominations confirmed. To date, President Obama has had 18 over 2 years in. This is idle work. Idle hands get nothing done. It is time to go to work in the Senate, it is time to do away with the obstructionism, and it is time to put the Senate back on the side of the people.

Mr. WARNER. I thank the Senator for those comments, and in the interest of full disclosure, I might try to use that line about idle hands—as a matter of fact, in a speech later this afternoon.

I know we have been joined by one more of our freshman colleagues who may not have grown up as a farmer but who understands equally as well the importance of this body getting its work done, and that is my friend, the Senator from Illinois, Senator BURRIS.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. BURRIS. I thank my colleague from Virginia, Senator WARNER, who has taken a leadership role on this important and crucial issue in the Senate.

At a time when we are looking at trying to move all this major legislation and solve problems for the people of America, we find ourselves stymied with regard to our third branch of government. The upcoming vacancy on the Supreme Court has already started a lot of talk across the Nation, despite the fact that we don't even have a nominee as yet. But let's forget about that. We must still focus on a number of immediate judicial nominations.

My Republican friends continue to delay and obstruct, and for what reason, I have no idea. Take, for example, my home State of Illinois. There are currently five judicial vacancies, two in the central part of the State and three in the northern part, which is, of course, where we have Chicago. The caseload is tremendous on those current judges and so there are all these delays. If you want to know why it takes so long to bring someone to trial, that is because the judges there are overworked and the numbers there need to be brought up to par with what the requirements call for.

Illinois is not alone. This is happening all over the country. So the numbers are such that we have all of these nominees who have been nominated, and some have been cleared by the committee unanimously. On some of the other judges, whom we did get confirmed, we had to go through cloture. They cleared the committees, they were blocked, but then, when we got to vote on them, the result was 99 to 0. That is uncalled for. So we must do what we can in order to make sure that the judicial process is not being delayed. That is, after all, our third branch of government. That is where justice is rendered for individuals who have violated any of the Federal laws.

My Republican friends are holding these up. They are blocking these important nominations and stopping the Senate from performing its constitutional duty to advise and consent. We cannot consent because of the delay tactics they are using. As a former attorney general of my State, I have a deep understanding of how this obstructionism brings our justice system to a standstill, and justice delayed, of

course, is justice denied. It is simply inexcusable.

I urge my Republican colleagues to stop blocking these qualified nominees, stop playing political games at the expense of our court system—the third branch of our government—and let's bring all of those nominees to a vote.

I thank the Senator, and I yield to him.

Mr. WARNER. I thank the Senator from Illinois.

Madam President, I think we have had more than a dozen Senators speak this afternoon. I appreciate all of them coming out on relatively short notice.

We raised these issues before we went on recess, because we want to be respectful not only of traditions but to our colleagues on the other side. We recognize, as the Senator from Colorado has said, that there are rules that allow us to ask unanimous consent to bring these folks up, and in future days and weeks we will use those rules to try to urge a full-fledged debate, and not just on judicial nominees. As the former CEO of a business, and the former CEO of a State, I know there are a whole host of administrative nominees which are part of the administration that this President needs to get in place.

I thank the Presiding Officer for the time we have had to share our concerns about this process. Again, I encourage my colleagues and friends on the other side to allow us to get this fixed, to get back to the substantive debates that are so important—financial reregulation, energy, and jobs—and that the American people deserve and demand.

With that, Madam President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BURRIS. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CENSUS 2010

Mr. BURRIS. Madam President, in 1790, Secretary of State Thomas Jefferson became the first government official to perform the essential duties laid out in Article One Section Two of the U.S. Constitution.

He oversaw a team of marshals, who fanned out across all 13 United States to conduct the very first U.S. census.

In those days, it took quite a long time to gather an accurate count and certify the results.

But, in many ways, that first census laid the cornerstone of our democracy.

It codified the principle that our system of government depends upon accurate representation of the people.

And, even today, that's exactly what the census is all about.

It determines the size of the House of Representatives, and ensures that congressional districts and electoral votes are distributed accurately.

It helps target Federal funding for schools, hospitals, community centers, infrastructure projects, and a whole host of other programs.

In short, it helps our government work the way it is intended in each community, so everyone's voice can be heard.

It is about nothing less than who we are as a country.

It is about enfranchisement, and civic duty, and ensuring the success of the American system of self-government.

That is why our Constitution mandates that the census take place every 10 years.

And that is why, 220 years after Thomas Jefferson started this tradition, we are once again asking all Americans to stand up and be counted.

Our country has grown by leaps and bounds since Jefferson's time. Making sure we get an accurate count can be a complicated process, but it has never been more important, especially for low-income and minority communities, which are in the greatest need for the resources that will be allocated based on this census.

The problem is that many of these communities also have low participation rates—so they are often undercounted, and receive less funding than they deserve.

That is why we need make a special effort to reach out to these communities.

We need to let everyone know how important it is to participate, so we can get a clear, accurate snapshot.

Fortunately, unlike in Jefferson's day, the 2010 census will not take several months to complete—it will take about 10 minutes.

This year's form is one of the shortest in history—and it bears a close resemblance to the original questionnaire that was used in 1790.

Filling it out will be quick and easy—but it will make a world of difference.

I ask my fellow Americans to join me in doing their civic duty, as required by the Constitution. Take 10 minutes to fill out and return this census form. It could be the most productive 10 minutes of the decade. It will make your vote count for more on election day. It will make sure hospitals, fire departments, and police departments are up to the task of serving your community. It will secure adequate funding for roads, bridges, rail lines, and other important infrastructure. And it will help us reaffirm the unwavering commitment shared by all Americans—to a representative government—a government of the people, by the people, and for the people; a government that serves not only the best interests of this great country but of the world.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BROWN of Ohio. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BROWN of Ohio. Mr. President, I ask unanimous consent to speak as in morning business for no more than 5 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

TRIBUTE TO TOMASZ MERTA

Mr. BROWN of Ohio. Mr. President, I rise as a result of the resolution offered earlier today commemorating the tragic deaths of so many Polish leaders, especially the death of Tomasz Merta, who is the Minister of Culture in Poland.

I worked with Tomasz Merta a couple times over the last 25 years. In the early 1990s, he was a very young man, was still in his twenties, and he worked with Ohio State's Mershon Center, where I worked, helping his country's government transition from communism to democracy. We worked on everything from curricula writing to training teachers.

I worked with him again when I was a Member of Congress. This time I went to Ukraine, and he helped us train Ukrainian teachers, helped write curriculum, and help those Ukrainian teachers teach government courses on civic education in Kiev.

So Tomasz Merta, born in 1965, graduate of Warsaw University, got a Ph.D. His whole career was all about love of country, all about democracy, all about doing the right thing. He, in the nineties and since, was a prolific writer. He wrote articles about democracy, articles about teaching democracy, articles about building democracy. He was so important to this country. He was one of the youngest leaders who was killed on this terrible, tragic flight.

He had a terrific future. He was the Secretary of State and the Minister of Culture and National Heritage. We will all miss him. Tomasz, as his nickname was—Tomek is his real name. Tomasz is like Thomas and Tommy. Tomasz was a devoted husband, the father of three daughters.

I last saw him several years ago in Kiev. I so appreciate what he did. As I will say now in Polish: I offer my deep condolences to the people of Poland for this tragic loss.

Tomasz and some of his friends taught me some Polish. I must admit I read it, but the pronunciation he

helped me with—he and Alicija and others in Poland. I am so sad about his loss. I am so sad for his country. I am so sad for his wife and his three beautiful daughters. I know that country will mourn his loss as it mourns the loss of so many other Polish patriots.

I yield the floor and I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. COBURN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, morning business is closed.

CONTINUING EXTENSION ACT OF 2010—Continued

The ACTING PRESIDENT pro tempore. The Senate will resume consideration of H.R. 4851.

The Senator from Oklahoma is recognized.

AMENDMENT NO. 3723

Mr. COBURN. Mr. President, if anybody has been watching the Senate today, there was a point of order made that the spending we are going to pass to pay for unemployment insurance extension benefits and benefits for health insurance for those people, in terms of buying through their former employers, as well as the sustainable growth rate formula, failed to be overridden.

We will have another vote on that because the majority side was missing one Member, and they will eventually win on that. What that says is, we are once again back to the point where we refuse to make the hard choices to pay for things we need to do today by eliminating things that are not as important.

The point of order was on the fact that it is an emergency so, therefore, we can say: Time out. But those who voted to override it fail to recognize the other major emergency that is happening in our country. We have \$12.8 trillion worth of debt as of today. We are going to add another \$1.4 to \$1.5 trillion this year, this calendar year; that the increase in the cost of that debt over the last 12 months will require an additional, next year, \$125 billion worth of expenditures.

There has to come a point in time when we grow to the responsibility that has been given to us; that is, make hard choices. It is very easy to pass an unemployment insurance bill by charging it to our children. The majority

leader has graciously agreed to give me an opportunity to offer three different ways to pay for that. I am going to put those out today. One amendment now, which we will vote on, another amendment later, and then a third amendment later.

Most of the ideas for cutting spending, quite frankly, have come from my colleagues on the other side, and many of them you have already voted for. So it is going to be an interesting exercise today. The majority leader also spoke to me before lunch saying it did not matter because I was going to lose anyway.

That sends a signal. The leadership of our Senate today says: We do not have to pay for things.

Prior to leaving here, we agreed on a compromise of tax loophole closures that would have paid for this for a period of 30 days. The bill we voted on back then was for 30 days. We have now before us an identical bill before us for 60 days. It is going to cost \$18.2 billion. That is what CBO says. The question I have to ask is, is it morally right for us to steal that money from our children's future or make hard choices about wasteful spending today? The choices are not hard other than in our stubbornness that we don't want to agree.

When businesses are taken over, when a larger business buys a smaller business, the first thing they do is become great cash managers of the business. In other words, they make sure the money in the business is always working for the business. So if there is excess cash lying around in accounts, they take that money and reduce whatever outstanding debts they have or forgo borrowing money and use that cash in a more efficacious and serious manner. The first amendment I will offer is asking us to do nothing but the same.

At the end of last year, the Federal Government had on its books money it borrowed but had not spent of \$676 billion. That is what is sitting in accounts, money we have borrowed that is not being utilized efficiently. At the end of next year, at the end of fiscal 2011, according to the OMB, it will be \$614 billion. That is almost half of the debt we will borrow this year. This first amendment simply says: Let the administration utilize its executive prerogatives and instead of us borrowing \$18.2 billion from our children and then paying interest on that—and, by the way, the interest on that \$18.2 billion that will go on in perpetuity, because we are not retiring any debt, is about \$900 million, almost \$1 billion a year. Why would we borrow money when we have money sitting there that is not being utilized effectively and pay almost \$900 million every year? Why would we borrow again next year an extra billion to pay for the money we are going to borrow to fund this program?

Let me give an example of where this money lies. In our own accounts to run the legislature, we have \$1.450 billion sitting there. In other words, it has not been promised to do anything. It is sitting there. It was sitting at \$1.876 billion at the end of last fiscal year. It is projected to be \$1.481 billion next year. We are keeping that money in the bank and not using it.

The Department of Agriculture has \$20 billion and is estimated in 2011 to have still \$12 billion sitting in an account that we are paying interest on that is not being utilized, not obligated for anything at the time, unobligated.

What all these figures show when you total them up is that we are sending money so fast to agencies, they can't spend it. In other words, we are throwing money at the agencies far faster than they can spend it, and it would be wise and prudent of us to send less money—still with the same rules, still with the same instruction, to utilize their money better.

The chairman of the House Appropriations Committee, Congressman OBEY, has already agreed to do that on the summer jobs program in certain accounts.

The idea behind this amendment is to take some of the \$1 trillion that is sitting in accounts that is not obligated—in other words, it will not be utilized this year; it won't be utilized for at least 2 years—and utilize that rather than charge our children.

I have used Madeline's picture a lot, but I don't think you can overutilize this picture. This little girl was caught on the street outside of Washington protesting. Obviously, her parents put her up to it. At the time she was wearing a sign that says: I am already \$38,375 in debt and I only own a dollhouse. At the end of this fiscal year, she will be \$45,000 more in debt, and she will still only own a dollhouse. Why would we want to do that?

This bill adds \$500 for every man, woman, and child in this country. Why wouldn't we want to not charge it to them and utilize what we have in excess now, the inefficient use of the cash balances we have, to pay for something we all agree we want to pay for but the disagreement is over whether we should steal it from our children or actually make hard choices? These are not even hard choices. These are easy choices. We were told, when we came to an agreement prior to the April recess, that the reason this wasn't acceptable in the House is they didn't want to set the precedent of starting to pay for things when we are spending money. I would put forth that the American people are ready for us to start doing that. They are ready for us to start making tough choices. They think we need to make tough choices.

Out of every dollar we spend, we are borrowing 43 cents against the future. That is what happened last year. It will

actually be probably higher this year. Maybe not. But somewhere about 43 cents out of every dollar the Federal Government spends is borrowed. Is there a time that we should stop and pause and say: Maybe a review is in order of our priorities, looking at the priorities of the Federal Government? I know that builds a lot of resistance in this body. But what I would like somebody to tell me is, when is that time? Is it when the Chinese won't buy our bonds anymore? Do we wait for the firestorm to come where we are at critical mass and then the choices are limited and few? Or do we start making the proper decisions now and live up to the authority and responsibility given to us?

There is a saying that the easiest thing in the world is to spend somebody else's money. I also think it is the most addictive thing in the world. We can see that. It doesn't matter whether it is Republicans in charge or Democrats. We have not seen the kind of behavior in Congress that will get our Congress out of the financial problems we face.

In terms of an almost \$4 trillion budget, \$18 billion doesn't seem like a lot, but if you keep doing that every 60 days, in a year you have done over \$120 billion that you will add to the debt. Our kids will get to pay it back, but they will get to pay it back on compounded interest.

The interesting thing is what the OMB and CBO agree to. Actually, CBO came out with the latest numbers. We are going to borrow \$9.8 trillion if we don't change things over the next 9 years, and fully 50 percent of that will be borrowed money to pay interest on the money we have already borrowed. Should we not do what is right for the unemployed but also what is right for the Madelines of this world in terms of protecting their future?

I call up amendment No. 3723 and ask for its consideration.

The ACTING PRESIDENT pro tempore. The clerk will report.

The bill clerk read as follows:

The Senator from Oklahoma [Mr. COBURN] proposes an amendment No. 3723.

Mr. COBURN. I ask unanimous consent that reading of the amendment be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To pay for the full cost of extending additional unemployment insurance and other Federal programs by rescinding unspent federal funds not obligated for any purpose)

At the end of the amendment, insert the following:

SEC. ____ . RESCISSION OF UNSPENT AND UNCOMMITTED FEDERAL FUNDS.

(a) IN GENERAL.—Notwithstanding any other provision of law, of all available unobligated Federal funds, the greater of \$20,000,000,000 and the amount determined

necessary under the Statutory Pay-As-You-Go Act of 2010 (Public Law 111-139; 124 Stat. 8) to offset the budgetary effect of this Act, excluding this section, in appropriated discretionary unexpired funds are rescinded.

(b) IMPLEMENTATION.—Not later than 60 days after the date of enactment of this Act, the Director of the Office of Management and Budget shall—

(1) identify the accounts and amounts rescinded to implement subsection (a); and

(2) submit a report to the Secretary of the Treasury and Congress of the accounts and amounts identified under paragraph (1) for rescission.

Mr. COBURN. Here is a fairly painless way—just more efficient management of the money we have—of paying for this needed program without charging it to the children. We don't have to go to the bond market to borrow more. We don't have to incur an additional \$900 million a year of debt, a tremendous benefit to those who follow us. The question is, when will we decide to start being responsible?

I am going to be offering two other amendments, if this one is not agreed to, that will give specific choices. Wait to hear the howling. In other words, nothing is less important than unemployment insurance. Said the other way, everything is more important. In other words, we can't cut anything to pay for unemployment insurance.

Let's talk about that for a minute. Just through competitive bidding, if we had mandatory competitive bidding in the Federal Government—in other words, we will not buy things that are not competitively bid—we would save \$62 billion a year. But we have sweetheart deals out the kazoo. We have earmarks that have noncompetitive bidding. We have contracts that the government does without competitive bidding. We could save \$62 billion a year by instituting competitive bidding.

Here are examples. It was recently reported that the Defense Department rewards no-bid work to small contracts for repairs at military bases costing taxpayers \$148 million more than they were competed for. This is in 1 year on repair contracts. That is just on the repair of small items on military bases. We could save \$148 million a year. Federal funds were spent by the State of Wisconsin, \$47.5 million, on two Spanish-made passenger trains, no competitive bid. The Legal Services Corporation, 37 out of 38 consultant contracts had not been competitively bid. The Department of Interior inspector general issued a report on sole-source contracting within the Department of Interior total savings; \$44.5 million, had they used competitive bidding.

If we go through all of the agencies, what we come up with is a potential savings of billions and billions of dollars; as a matter of fact, enough to extend this same bill for 7 months, if we use competitive bidding. But that will not be considered important. It is going to be too important to do that so we will borrow the money from our children.

Let's look at ourselves. In 2010, the legislative branch received \$4.7 billion in discretionary funding, a 6-percent increase over last year. Do we know of any other people who got those kinds of increases who work in small business or private enterprise in a down economy? Last year and this year alone, every day without this bill we are adding \$4.3 billion to our debt a day. Is that an emergency? I think that is the real emergency, that we are absolutely stealing opportunity from our children and grandchildren.

When Members of the Senate or the House don't utilize all their funds—and I average turning back about \$600,000 a year—that money does not go back to the Treasury. It is consumed in other areas of the legislative branch. There is a disincentive for Members to be efficient with the dollars they are allotted as they represent their individual States. We ought to change that. There ought to be an incentive to be efficient. We ought to change it to where whatever we turn back goes to retire the debt, not goes back to spend on something that is not a priority.

If you look at the Department of Agriculture, for which one of my amendments will have some recommended eliminations, there are hundreds of millions of dollars that are wasted every year. But when we offer an amendment that is going to have a program that both the Bush administration and the Obama administration have recommended be removed, we are going to have people say: Oh, no, you can't do that because maybe 1,000 people or 1,500 people want that gravy train, when we have 10 million people unemployed. So we are going to keep the gravy train for the small numbers and borrow the money from our children and grandchildren to take care of unemployment benefits.

In 2009, the Department of Agriculture made errors in payments and overpaid by \$4.2 billion in that year alone. Think about that. That is just the Department of Agriculture. Should we not eliminate that to pay for unemployment insurance or should we borrow from our children? Which is it we should do? Should we make the hard choice and force the Department of Agriculture to clean up its act or should we borrow the money from our kids? It is a lot easier to just borrow it from our kids. Then we do not have to work. Oh, by the way, we do not get any of the complaints from the administration that: You are making our job too hard—let alone the fact that they are not efficient and oftentimes not effective.

In 2008, the Agriculture Department had 7,000 different employees attend conferences around this country. There was \$22 million of expenditures in 2005 alone. The USDA is ranked among the four worst Federal agencies in paying its travel credit bills on time. As a

matter of fact, they get charged interest because they cannot even pay their bills on time. Ten percent of their travel cards are in delinquent status. They have embezzlement cases on their credit cards. But have we done the work to clean that up? No. Have we gone after the \$4.5 billion in overpayments? No. Mr. President, \$4.5 billion a year for 10 years is \$45 billion. Just cleaning up one aspect of improper payments at only the Department of Agriculture will pay for this bill for 4 months. But we will not do the hard work. We do the easy work. And the easy work is to put the credit card into the machine and not think about how that is going to steal opportunity and potential from those who follow us.

The Department of Defense—everybody says: Well, you can't go after the Department of Defense. My question is, Why not? It is the only Federal Government agency that cannot even come close to an audit anywhere. We cannot even audit their books they are in such a mess. But what we do know is we can save at least \$36.5 billion from the Department of Defense by putting in competitive bidding, by making cogent management changes that every small business in this country runs on in the practices that are there. But it has not been changed. We have not insisted it be changed. We have not limited funding in areas that are noncritical to our troops to force the Department of Defense to come up and save this \$36.5 billion.

Mr. President, 10 to 15 percent of everything that is spent in the Pentagon is wasted. Why wouldn't we go after that? Because somebody will accuse us of not supporting our troops? Well, what are our troops fighting for? They are fighting for the future of their kids and our country. Yet we refuse to look where the payments can be made in a way that is more efficient in the elimination of waste and fraud, with the institution of competitive bidding so we are not borrowing \$18.2 billion against our kids and grandkids. Why do we refuse to do that? Is it too hard? Do we love our jobs so much that we love our jobs more than our children and our grandchildren? I do not think that is the case. I think the case is that we are focusing on the wrong emergency.

The emergency in front of us is that in 2020 we are going to have a debt-to-GDP ratio of 90 to 100 percent. Every economist in the world will agree that will suppress our potential growth by at least 2 percent a year. So we will go in a downward spiral. When you have that kind of a debt-to-GDP ratio, what happens is the debt service—the money that pays the interest—is not available to invest in capital and equipment to grow jobs, to improve efficiencies, to expand our Nation's economic base. We are adding to that problem by being irresponsible in terms of paying for an \$18.2 billion program.

Over the past 4 years, I have identified in the Federal Government waste, fraud, abuse, and duplication in excess of \$350 billion a year. When I bring those amendments to the floor, they get voted down—not because they disagree with them but because we do not have the political will to make the hard choices.

The Congress, in a historic move, passed the health care bill that is going to continue to allow \$150 billion of fraud a year to come out of Medicare and Medicaid. We did not do anything to fix it. There are no significant changes in the health care bill that will address a source of \$150 billion in losses. Why? Because it is too hard? Kids are not important?

We are at a turning point in our country like we have never been before. We have never been walking into a financial situation that will totally limit our ability to get out of a situation. We can come out of this recession. But if we do not change the trajectory of the way we spend money and put the government back within the limited role the Constitution says it is to have, then the future will not only be economically not bright but not bright from a standpoint of liberty.

I have told my colleagues—and we are going to have this on every bill that comes before the Senate—it does not matter if it is a supplemental spending bill for the war, we ought to be paying for it. Rather than borrowing it from our kids, we ought to be paying for it. We ought to be making the hard choices about what is not as important as supporting our troops rather than charging the extra funding to our grandkids. So we are going to go through at least three cycles of votes on every bill that comes to the floor that is not paid for, that will add to the debt. I am not going to serve my last year in the Senate and say I did not do everything I could to try to put us back on track. So when we vote that this is an emergency and we do not have to pay for it, we are not hurting us. You are not hurting TOM COBURN. You are hurting the generations that follow us.

It would be different if we had an efficient, effective, well-run Federal Government that was within the bounds of what the Constitution said we were supposed to be doing. But we are not anywhere close to that. There is so much fraud, so much waste, so many well-connected goodies going to the well-endowed and well-heeled in this country because they have a connection politically, and we need to clean it out.

Everything ought to be competitively bid. There is no reason for it not to be competitively bid. To pass up that \$65 billion a year because we do not do it—there is another thing we do. We spend \$8 billion a year maintaining properties the Federal Government

does not want. Think about that. For 3 years, I have tried to get through real property reform and cannot get it through. We either need to tear these structures down so we quit spending money on them or sell them, but we should not continue to spend \$8 billion a year on buildings and properties we do not need. We have not done a thing to solve that problem in the last 3 years.

I have a book full of further examples. Just think about this: We want people to go into math, engineering, science, and technology. Everybody agrees with that. We know if we can get our younger students going into those areas, that is where they are going to have their greatest benefits of having a wonderful living in utilizing those skills.

The Federal Government has 105 different programs through six different agencies to incentivize math, engineering, science, and technology. The administrative cost for 105 different programs is ridiculous, and not 1 of them has a metric on it of whether it is working. So every time somebody raises the issue, some Senator comes and creates another new program, and we pass it, and we never look at what we are doing already. We do not eliminate things that are not effective. We do not put metrics on it to say we are going to look at this every year, and if it is not working we are going to get rid of it or we are going to fix it, and we are not going to create another program. Yet we have 105 different programs.

In the month of December, my staff found 640 separate instances just like that where we have duplication of programs across government agencies. In the last debt limit extension, we passed one of my amendments that said the GAO must report to us a government-wide assessment of all the duplications in all the programs because Congress does not know it. We do not know what is out there. So we see another problem. It does not matter that we may have 105 programs working on it; we go create another one. That is called incompetence. It is also called laziness.

Just inside the Department of Education are 230 duplicative programs and \$10 billion in waste, fraud, and mismanagement—230. Why? Because we refuse to do the hard work of oversight.

So when we vote on this amendment, what we are going to be voting on is whether we have the courage to start making choices. If you vote to defeat this amendment, what you are saying is you lack the courage to do the hard work to pay for something out of waste today and mismanagement of Federal funds and you think the Madelines of this world ought to pay for that lack of integrity and lack of hard work. And there is not another reason for it.

We are going to hear why you should not vote for this. We are going to hear

why it is going to be hard if we take \$18.2 billion out of the management accounts of all these agencies. It is just going to be, out of what is there, about 3 percent of the cash that is sitting idle—about 3 percent of what will be idle in 2011. What is idle this year, it will be less than 3 percent; it will be about 2.5 percent. Yet we are going to vote it down. We are going to vote it down because we care more about making a political point than doing the hard work of getting our country back on track.

We do not have forever to get our country back on track. If we get to 90 to 100 percent of our GDP, the job of making these decisions becomes 3 and 4 and 5 and 6 and 7 times more difficult because we will have less growth. We have a precarious economy right now. It is coming out of a recession. We want that growth to boom. We want those jobs to be created. When we borrow more money, we are putting a brake on that.

So if we can utilize the money we already have, we get the stimulatory effect of getting people unemployment insurance that buys the necessities of life, but we are not adding to the debt, which depresses the economy.

I will close for right now on this amendment. I will ask for the yeas and nays at a time that is agreeable to the majority leader.

I note the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant editor of the Daily Digest proceeded to call the roll.

Mr. SESSIONS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. MERKLEY). Without objection, it is so ordered.

Mr. SESSIONS. Mr. President, we seem to be muddling along here with short-term extensions and incremental stimulus bills to deal with a failure as this Congress decides what we are going to do about unemployment insurance and physicians' pay and things of that matter that are in the bill.

I believe this is an important discussion, I do, and I am worried about where we are. This legislation before us would add another \$18.1 billion to the national debt. Just like that, another \$18 billion. Oddly, that is almost the same amount of money that was tacked on to the Defense bill last year, and I produced a chart about it and demonstrated what happens when we get into that mode of appropriating, when we forget what our budget is and we treat everything as an emergency and just ignore our budget and spend. The truth is, this cannot continue.

Every witness we have had before the Budget Committee—every one—two-thirds of which are usually called by our Democratic leader, and usually about one-third are Republican wit-

nesses—have all said our spending and our debt is at an unsustainable rate. They didn't say that lightly. What they meant was it is unsustainable. We cannot continue to spend like this and to borrow this amount of money on top of the \$800 billion that is now being spent that we appropriated last year—\$800 billion. Every penny of that \$800 billion is borrowed because we don't have the money. We are already in debt to fund another \$800 billion in stimulus, and we will have to, of course, borrow that.

I think a lot of people haven't understood that. People tell me, when I am in my State, that they are shocked, stunned, and worried about our spending. They know we are spending too much, but I don't think they know how much we actually are spending and how much we are adding to our debt and that it can threaten the future viability of the American economy for a short-term benefit.

I will just remind my colleagues that the history of stimulating an economy with borrowed money has not been too good. If it was, Japan would have a booming economy today. They have been trying this year after year and it has not worked for them.

We were told we would have an unemployment rate that would stop at 8 percent if we would just pass this \$800 billion and borrow the money and spend it today to stimulate the economy. It sounds so good. It sounds so tempting. But I didn't believe it was an appropriate allocation of that much money, No. 1; and No. 2, that the money we were being asked to spend was going to be spent in ways that would stimulate the economy and create jobs.

I cited here before the vote an op-ed in the Wall Street Journal by Gary Becker, the Nobel Prize winner from the University of Chicago. Mr. Becker said that, in his opinion, the bill fell far short of being the kind of stimulative spending that would create jobs and help this economy bounce back and, therefore, he had to oppose it. Mr. Becker is in his seventies and he was just sharing his experience. He had another person participate with him in the research that led them to that recommendation. Was Mr. Becker proven right or not?

The great tragedy—the biggest tragedy with the stimulus package—was what little stimulus we got. If you spend \$800 billion, it is breathtaking how much that can be done with it. The Alabama general fund budget for the entire State, including State government and State troopers and all of that is less than \$2 billion. But \$800 billion? That is huge. So I am worried about what we are doing.

At the time the legislation passed—this stimulus package that added so much to our debt—the Congressional Budget Office, whose Director is hired by our Democratic majority, had good

people working in that office. They try to do a good job. They have some economists who I think have been successful in years past at predicting things. They said: Yes, if you spend \$800 billion in the next 2 to 3 years, you will have an economic benefit during that period, there is no doubt. They didn't predict a lot—not nearly as much as a lot of people said it would do—but they predicted some benefit. But do you know what they said? They said over 10 years that this economic spending, this borrowing to spend, would actually weaken the economy and the total growth over 10 years would be less than if we did not pass the stimulus package at all. It does appear if they were in error, their error was that we did not get as much growth as they predicted in the short run. But when you spend \$800 billion, surely you are going to get some benefit—some, economically. But we have not gotten what we need. It was not crafted in that way.

It was a bill that said it was going to fix crumbling infrastructure, and what happened? We spent less than 4 percent of this money on bridges and roads. We spent it mostly on social spending, we spent it on State aid, we spent it on a lot of different things. But at least when you build a road you have a highway that is there and it will be there for another 50 or 100 years, making the Nation more productive and efficient. But this other kind of spending has produced so little for us. I express my concern about that.

All of this is where we are. The point is simply this. The spending track we are on is unsustainable because in 2008 our total public debt was \$5.8 trillion. It is more than that if you consider the gross debt, the internal debt, but this is what is held by private investors from around the world and in the United States—\$5.8 trillion. By 2013 it will double to \$11.8 trillion; by 2019 it will be \$17.3 trillion, and there is no plan to pay it down. But in 2019, 2020, we are talking about deficits of almost another \$1 trillion a year. So we are not even close to moving to a balanced budget, much less paying down this debt.

Where does the money come from? As I said, we borrow that. This chart shows what the borrowing costs are. When you borrow money, people pay interest, you pay them interest on the money they give you. They loan you money, you pay them rent on the money. They do not give you money for no good reason.

In 2009 we paid \$187 billion in interest that 1 year. Remember, Alabama's general fund budget is \$2 billion; the Federal highway bill a year or so ago was \$40 billion. We spent \$187 billion, almost five times the highway bill. But look what happens in 2020 after we spent all this money and run up our debt—\$840 billion in interest payments

in 1 year. That exceeds the Defense bill, it exceeds any other bill in our budget. It is a stunning number. These are Congressional Budget Office numbers based on the President's budget. Surely something will intervene. We will elect somebody, somewhere—in this Senate, probably—who is going to say no to this because the American people are getting hot about it. Some people are going to be wondering why they are no longer here, if they keep up with this kind of stuff.

They say don't worry about this, it is just \$18 billion, and after the \$800 billion, \$18 billion may look small. But let me show you what I demonstrated previously with \$18 billion when you cheat, or you add it and bust the budget by one \$18 billion expenditure.

In 2010 we slipped another \$18 billion on the Defense appropriations bill, and added it to the debt. People said don't worry, it is just \$18 billion. But it goes into the baseline. It goes into your basic funding of the government. So what happens next year when you say OK, we are not going to spend this \$18 billion. They say: You are cutting spending. We cannot do that. You can't cut spending. Besides, we need an increase in spending—inflation was 2 percent. We need at least 2 percent.

The State Department got a 30-percent increase in funding this past year. The Environmental Protection Agency got a 30-percent increase in funding.

Look at that. What if you do it another year? You come up with another \$18 billion. You got around the budget, you declared it an emergency event and you spent another \$18 billion. It is not just \$18 billion because you have \$18 billion in the first baseline, you add another to it and that year it has cost the taxpayers \$36 billion. Let's say the next year, 2013, now you are adding \$18 billion to \$36 billion and it is \$54 billion in your baseline. You have another budget gimmick to add \$18 billion and you end up with \$72 billion that year.

This is how we get out of control. And you end up, that \$18 billion, when it goes into the baseline and we do not understand how it occurred, increases our spending to a degree that we should not do. So that ends up, if you add it up, to \$990 billion from an \$18-billion-a-year gimmick, manipulation, violation of the budget.

What I want to say is this bill before us today violates the budget. It is for unemployment compensation, it is for other things that are not emergencies. They are part of our governmental operation that needs to be paid for. Luckily, we have some money to pay for it. We have it in an unspent stimulus package. We have some opportunities that our Democratic colleagues have said they could take money from in the past. If we put all those together we could pay for this, fund this bill without having to borrow it all.

I am at a point where I am not inclined to go along with this anymore. I

think the American people are of the same mind. What we have to do is we have to lead and we have to be responsible like our Governors. They are having to face challenges. Our mayors are having to face challenges. They are making tough decisions. But not us. We spend more, not less. We are spending more. I believe we have done enough. We have gone beyond what is logical and reasonable. We are in the realm of reckless and dangerous and it is time for us to begin having a national discussion in this country and in this Congress about how much we can borrow to spend today to make our life better today and then shift that debt to the future.

The reason CBO said that the \$800 billion would not advance the economy over 10 years, it actually would hurt the economy over 10 years, is that you crowd out investment. If the government borrows \$800 billion, it is not available for private people who need to go out and borrow money. It has already been loaned to the government. It crowds out, the economists said, private borrowing.

Also, we have an interest on it that we have to carry and pay every year that is a burden on every generation. Every young person after us will carry that interest burden. It hurts them and makes them less able to prosper and to have economic growth. So it is a moral question: How much can we afford to benefit ourselves this very day and shift it to our children and to what extent do we need to be responsible? I think it is time to get responsible, so reluctantly I feel an obligation to vote no to this legislation.

I yield the floor.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. VITTER. Mr. President, I stand in strong support of the comments of my distinguished colleague from Alabama. Of course I agree with virtually every single Member of the Senate that these programs need to be extended. But I also agree with many Members here, and the huge majority of the American people, that we need to pay for it. We cannot keep running up the deficit as though it had no consequence to us and our economy and our children and grandchildren. The American people get it. Certainly my constituents in Louisiana get it. They say of course you need to extend necessary programs and of course you cannot run up the deficit to do it every 2 months.

Mr. President, \$18 billion—the distinguished Senator from Alabama has used the figure over and over, and he is right, \$18 billion, but it is \$18 billion for 2 months of extension. So we are supposed to come back every 2 months and put another \$18 billion on our kids' and grandkids' tab? It is \$108 billion over a year of increasing deficit and debt that is already at historic levels. That is crazy.

We can do better. We can meet both of those commonsense objectives of the American people. We can extend necessary programs and we can do it in a way that does not add to deficit and debt. We have several ways to do that. We have a menu of proposals. We will have votes a little later on about doing that. In fact, before the recess we had discussions on the floor of the Senate and we had come to agreement here in the Senate about an extension without increasing the deficit and debt. Unfortunately it was rejected by the Speaker of the House. So it is not as though this goal of achieving both of those important objectives is impossible. It is absolutely possible and many different Members have laid out how to get there.

Let's follow the common sense of the American people. Let's follow the common sense of folks all across Louisiana who say of course you need to extend necessary programs and of course you cannot add to the deficit and debt every month, every 2 months that you need to do this, \$18 billion a pop, \$108 billion. That is a good part of \$1 trillion over 1 year.

I want to focus on a particular part of this package that is particularly galling, quite frankly, for someone such as me from Louisiana. A tiny part of this overall bill is extending the National Flood Insurance Program. Again, I hope everyone agrees we need to extend the National Flood Insurance Program. I certainly agree with that. I have certainly fought for that. It is about 1 percent of this bill.

Do you know what percent it is of the debt increase, the deficit increase? It is zero percent of that because that extension does not even increase the deficit or debt in any way. So it should not be held up by this debate in any way, shape, or form—a necessary program, 1 percent of the bill in terms of dollar figures, zero deficit and debt increase, zero impact on that central issue. Why can't we at least come together and extend that necessary program immediately and not have that held up at all? It never should have been held up before the recess. It should not be held up now. There is a simple way to fix that and the simple way is to take that portion of the bill out; to extend it immediately. I do not think there is any opposition to the underlying extension of the program. It has zero impact on the deficit and debt so there is no reason for it to be caught up in this other debate.

With that in mind, I ask unanimous consent that the Senate proceed to the immediate consideration of S. 3203. That is a bill I have introduced that extends the National Flood Insurance Program for the same amount of time as this underlying bill but does it separately. I ask that the bill be read a third time and passed, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER (Mr. FRANKEN.) Is there objection?

Mr. BAUCUS. Mr. President, reserving the right to object, I might note that the Senator seeks to take up and pass one of the specific provisions in the underlying bill, section 7 in the underlying bill. Since the Senator seems to be endorsing a part of the underlying bill, and the pending Baucus amendment, I might ask the Senator to amend his request to provide for the passage of all of the underlying bill and pending Baucus amendment.

Mr. VITTER. I will be happy to do that in a version that is paid for, incorporating the very sensible, common-sense objections that have been offered to pay for all of this extension. So I would be happy to amend my request in that manner if the Senator would agree to it.

Mr. BAUCUS. So the Senator is not willing to amend his request for passage of all of the underlying bill containing the section 7?

Mr. VITTER. Not if it increases the deficit and debt \$108 billion a year. No, sir, I am not. And the American people are not. And the American people are getting fed up with it.

Mr. BAUCUS. Mr. President, I am constrained to object.

The PRESIDING OFFICER. Objection is heard.

Mr. VITTER. Reclaiming my time, the suggestion was pretty simple. There is the one element of this bill which is a necessary program for all of the United States, particularly for flood-prone areas. It is 1 percent of the overall bill, but it is zero percent of the deficit and debt increase. It has no impact on deficit and debt. So the suggestion was pretty simple: Why don't we take that out? Why have that stalled because of this broader debate? Let's take that out and pass it. There should be no objection to that. Everybody is for the program. It does not increase the deficit and debt. Unfortunately, there is objection from the Democratic chairman.

I hope we have given the chairman and other Members of the majority the detailed proposal. It is, as the chairman said, taking section 7 out and passing it separately because it has no deficit and debt impact. I would urge the chairman and others to look at that and to hopefully agree to that because—I heard the objection. I don't understand the basis for the objection, and I would be happy to hear the basis for the objection because I just don't understand it.

Mr. BAUCUS. Mr. President, the Senator from Louisiana supports part of the bill. I would just ask the Senator to broaden his mind to support all of the bill. That way, we can get this done.

Mr. VITTER. Sort of like the "Louisiana purchase" with health care reform. Let's put one sweetener in the

bill to pass something really bad—a \$108 billion debt increase over a year. Let's take one hostage, including folks who are held hostage who need this insurance, to pass a debt increase that big because otherwise that is a stinker.

I get it. I have seen that deal played out over and over, including with the "Louisiana purchase" for health care reform. I am not taking that offer, no offense. I hope the Senator will reconsider my very reasonable proposal.

I yield the floor.

Mr. BAUCUS. Mr. President, there are a number of reasons to oppose the amendment offered by the Senator from Oklahoma. First, it would reverse the considered judgment of the Congress as expressed through the annual appropriations process. Congress has spoken on appropriations that are authorized and obligated, and his amendment defers that considered judgment. I will defer, frankly, to the chairman of the Appropriations Committee to address these concerns in greater detail when he arrives on the floor.

Second, the House of Representatives has made it clear that it views unemployment insurance and the other provisions in this bill as emergency provisions. The House has made clear that it would send the bill back to us again if we adopted the amendment by the Senator from Oklahoma. That is clear. I have had conversations with the House. It is clear that it would be sent back, and that would needlessly delay much needed aid to the people receiving unemployment insurance benefits. Let's not forget that there are so many people—200,000 people, in fact—who are not receiving benefits because we let the legislation expire. It has expired. So 200,000 people today who are entitled to unemployment insurance payments are not getting them, and if we send the bill back to the House again, that is further delay. It will not be long before that number of 200,000 is going to double to 400,000. That is just playing games with the lives of unemployed Americans.

Third, and perhaps most dramatically, the amendment would delegate powers to rescind \$20 billion to the unelected Director of the Office of Management and Budget. This would be a breathtaking abdication of Congress's power of the purse. In the Federalist Papers, the power of the purse is described as the most singular power to protect the rights of the free people. We should not quickly surrender that power, and the Senator's amendment would surrender that power to the tune of \$20 billion. The Senator's amendment would give the Director of the Office of Management and Budget a blank check. It would give him the power to cut whatever unobligated balances he should choose. This is truly a sweeping grant of power, and it is truly a dramatic surrender of that power.

The Senator from Oklahoma talked about budget deficits. He and I agree. We do, as a nation, need to address the budget deficits. As a rhetorical question, he asked: When is the time to make the changes to balance the budget? The Senator asked the question as if the answer were self-evident, but the answer is not self-evident.

A wise person once said: For every difficult question, there is usually a very simple answer and it is usually not true. This is an example of that maxim at work.

The simple answer in this case would be to require the government to balance the budget every year, year-in and year-out. That is pretty simple. That answer, even though it sounds nice, would be wrong. The Nation should balance the budget over the course of a business cycle. We should spend in a recession and exercise more discipline when the country is very prosperous to get the budget under control.

But the Nation should not attempt to balance the budget in the grips of a recession. Why is that? That is because in a recession, business slows down. People actually pay less tax revenue to the government. In a recession, spending on automatic stabilizer programs automatically increases, like unemployment benefits, food stamps, and many others. That is what should happen during a recession. To do otherwise would be economically disastrous.

To try to balance the budget in the grips of a recession would mean raising taxes or cutting spending even more than is automatically occurring. That would reduce the amount of demand in the economy, and that would further slow economic growth and put even more people out of work. So most reputable economists would say you should not try to balance the budget in a recession. There is pretty broad agreement on that point among reputable economists.

So that is why it does not make sense to try to balance the budget this year. Yes, we should balance the budget over the business cycle, but we should not try to raise taxes and cut spending even more to balance the budget right now. And that is why it does make sense to spend money on unemployment insurance benefits as an emergency matter.

As the nonpartisan Congressional Budget Office has said, spending on unemployment insurance benefits is one of the most effective things Congress can do to increase economic growth. It is one of the most effective things we can do to save and create jobs. For every dollar we spend on unemployment insurance benefits, the Congressional Budget Office says economic growth is increased by up to \$1.90; it is almost a 2-to-1 return on our investment. That is a pretty sound investment.

That is the economic reason why it makes sense to spend now on unemployment insurance benefits and to balance the budget over a longer period, but even more compelling is the human reason. The human reason is people such as the single dad in Missoula, MT, who depends on the extra unemployment insurance benefits to support his daughters and put food on the table. He called the Montana unemployment office, and we learned that this fellow said he honestly did not know how he was going to make ends meet without these benefits. The Senate should not be playing games with the lives of people like this man and his daughter in Missoula and all of the other men and women around the country who desperately depend on unemployment payments to make ends meet. Congress should not balance the budget on the backs of the unemployed.

Last of all, we must reject amendments like these. That is why we should pass the underlying bill.

I yield the floor.

The PRESIDING OFFICER. The Senator from Hawaii is recognized.

Mr. INOUE. Mr. President, this is the third time we find ourselves debating the same rescission amendment that sounds like good policy on first blush but in fact is not.

Members need to understand that this amendment is irresponsible governing, and causes harm to our national and international security, and to our economy.

Members on the other side of the aisle have frequently criticized the majority party for asking them to vote on measures that they have not had a chance to thoroughly read or comprehend.

But that is certainly what Members are being asked to do today.

It is irresponsible to vote in support of this amendment that indiscriminately cuts \$20 billion from discretionary projects and services given that we do not know what programs are impacted by such significant cuts.

On January 27 of this year I spoke at some length about an almost identical amendment offered by the junior Senator from Oklahoma, and again on March 3 about an almost identical amendment offered by the junior Senator from Kentucky. Today it is the junior Senator from Oklahoma's turn to offer the amendment again.

I would like to take just a few moments to remind my colleagues of why they voted against this amendment twice already, and why I hope they will again choose to vote against this financially irresponsible and harmful amendment.

The majority of unobligated balances are not eligible for rescission under this amendment because they are, in fact, mandatory funds.

Second, because of the small amount of unobligated funding eligible for re-

scission, this amendment indiscriminately rescinds prior year unobligated funding from certain critical programs, jeopardizing our national defense, and our homeland security.

I have mentioned this before, but need to mention it again because nothing has changed between January, March and today.

While we cannot say with certainty which programs are impacted by this amendment, here are some of the expected impacts based on current discretionary unobligated balances available.

We require the Department of Defense to budget up front for all the costs required to procure military equipment such as ships or aircraft. But it takes several years to complete construction.

For shipbuilding specifically, funds provided to the Department of Defense are available for obligation for 5 years.

Rescinding unobligated funds now could require the Navy to cancel contracts for ships under construction and layoff thousands of workers across our Nation's shipyards.

In terms of our veterans who have returned from war or have fought bravely in past wars, this amendment could impact the construction of new hospitals by the Veterans Administration. It takes a few years to build a hospital. The Veterans Administration requests full funding for a construction project in the first year. As a result, the VA has 43 active major construction projects at various stages of completion totaling over \$1.6 billion in unobligated balances. This could be wiped out. Over 49,000 construction jobs would be terminated with the loss of that funding, further delaying critical services to our brave men and women who have served. We made a solemn promise to them.

Rescinding unobligated balances in the Department of Homeland Security could stop the construction of the Coast Guard national security cutter and would rescind funding for the purchase of explosive detection systems. Rescinding unobligated balances in NOAA could create a minimum 6-month gap in coverage for the geostationary weather satellite system which focuses directly over the United States and constantly and accurately monitors storm conditions. Over 200 employees would lose their jobs.

The Senator from Oklahoma argues that if funding is not spent immediately, then it is not necessary. This reasoning is irresponsible when it comes to overseeing taxpayers' dollars and the capitalization of large projects such as ships, hospitals, and satellites. I am certain everyone in this Chamber knows that a ship is not built in a year. I hope everyone knows that a hospital is not built and equipped in a year. I hope everyone knows that satellites are not built and launched every year.

In addition to the potential impact on large procurements, this amend-

ment could impact the funding of programs the Congress voted on and agreed to provide only a few months ago. The impact of these cuts could have significant consequences for many critical services such as HUD programs providing affordable housing to our Nation's low-income citizens—we had a great debate on that here—or funding for climate change research or funding to purchase explosive detection equipment for airports.

This is a bad amendment with bad consequences. It is time for us, the Members of the Senate, to act responsibly. We have a well established process for funding the Federal Government. It involves the Budget Committee that sets our allocations. It involves the consideration and approval by the Senate of every appropriations bill. I can assure my colleagues in this Chamber that the Appropriations Committee takes this responsibility seriously. Every agency budget is reviewed and oversight provided throughout the year. Each year the Appropriations Committee recommends rescissions of funds that are not needed, but those rescissions are based on detailed oversight and understanding of the programs, not indiscriminate action such as this amendment.

This amendment is not based on careful review, would harm many worthwhile programs, and fails to meet the test of proper oversight.

Therefore, I urge my colleagues to oppose the amendment.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant editor of the Daily Digest proceeded to call the roll.

Mr. COBURN. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 3723, AS MODIFIED

Mr. COBURN. I send to the desk a modification of the pending amendment.

The PRESIDING OFFICER. The Senator has the right to modify his amendment at this time.

The amendment is so modified.

The amendment, as modified, is as follows:

At the end of the amendment, insert the following:

SEC. ____ . RESCISSION OF UNSPENT AND UNCOMMITTED FEDERAL FUNDS.

(a) IN GENERAL.—Notwithstanding any other provision of law, of all available unobligated Federal funds, the greater of \$40,000,000,000 the amount determined necessary under the Statutory Pay-As-You-Go Act of 2010 (Public Law 111-139; 124 Stat. 8) to offset the budgetary effect of this Act, excluding this section, in appropriated discretionary unexpired funds are rescinded.

(b) IMPLEMENTATION.—Not later than 60 days after the date of enactment of this Act, the Director of the Office of Management and Budget shall—

(1) identify the accounts and amounts rescinded to implement subsection (a); and

(2) submit a report to the Secretary of the Treasury and Congress of the accounts and amounts identified under paragraph (1) for rescission.

Mr. COBURN. Mr. President, I am prepared for the vote anytime the chairman of the Finance Committee is ready to proceed.

Mr. BAUCUS. Mr. President, I move to table the Coburn amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. BYRD), the Senator from Vermont (Mr. LEAHY), and the Senator from Rhode Island (Mr. WHITEHOUSE) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 51, nays 46, as follows:

[Rollcall Vote No. 111 Leg.]

YEAS—51

Akaka	Franken	Murray
Baucus	Gillibrand	Nelson (FL)
Begich	Hagan	Pryor
Bennet	Harkin	Reed
Bingaman	Inouye	Reid
Boxer	Johnson	Rockefeller
Brown (OH)	Kaufman	Sanders
Burr	Kerry	Schumer
Cantwell	Kohl	Shaheen
Cardin	Landrieu	Specter
Carper	Lautenberg	Stabenow
Casey	Levin	Tester
Conrad	Lieberman	Udall (CO)
Dodd	McCaskey	Udall (NM)
Dorgan	Menendez	Warner
Durbin	Merkley	Webb
Feinstein	Mikulski	Wyden

NAYS—46

Alexander	DeMint	Lugar
Barrasso	Ensign	McCain
Bayh	Enzi	McConnell
Bennett	Feingold	Murkowski
Bond	Graham	Nelson (NE)
Brown (MA)	Grassley	Risch
Brownback	Gregg	Roberts
Bunning	Hatch	Sessions
Burr	Hutchison	Shelby
Chambliss	Inhofe	Snowe
Coburn	Isakson	Thune
Cochran	Johanns	Vitter
Collins	Klobuchar	Voinovich
Corker	Kyl	Wicker
Cornyn	LeMieux	
Crapo	Lincoln	

NOT VOTING—3

Byrd	Leahy	Whitehouse
------	-------	------------

The motion was agreed to.

Mr. BAUCUS. Mr. President, I move to reconsider the vote, and I move to lay that motion on the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The motion to lay on the table was agreed to.

Mr. REID. Mr. President, we are not in a quorum call; is that right?

The PRESIDING OFFICER. That is correct.

Mr. REID. Mr. President, the Republican leader and I have discussed this

vote that will take place at 5:45, if the unanimous consent request is granted, and we are going to keep the vote open for a while. There are a number of things people have to do this evening, and there is one Senator, because of the funeral of his best friend, who is going to be getting here late, so we will keep the vote open until he returns from the funeral. Everyone knows that. I have spoken to the Republican leader and he is fine with that.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, I ask unanimous consent that at 5:45 p.m. today the motion to proceed to the motion to reconsider the vote by which the Budget Act was not waived be agreed to, the motion to reconsider be agreed to, and the Senate then proceed to a vote on the Baucus motion to waive all applicable Budget Act points of order.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. BAUCUS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DORGAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

COBELL V. SALAZAR SETTLEMENT

Mr. DORGAN. Mr. President, while we are waiting, I want to speak about two issues. First is something called the Cobell settlement, which perhaps many will not know about. It is the settlement of a class action lawsuit against the federal government for mismanaging the trust accounts of American Indians for well over a century.

The trust accounts for American Indians come from property that belonged to the Indians that the federal government holds in trust. The trust was managed by the U.S. Interior Department and many accounts over a long period of time were mismanaged. Revenue from oil wells, from extraction of minerals, and revenue from leasing lands for cattle never showed up in the accounts or mailboxes of the Indians who owned the property. Many of these Indians and members of the class action have long since passed away, not having survived the 14 years of this lawsuit. The lawsuit has been ongoing for some 14 years now, and the Federal court has become very impatient while waiting for Congressional approval.

At long last, the Interior Secretary, Secretary Salazar, negotiated an agreement to settle the Cobell suit. Friday, April 16th, is the third date which the court set for Congress to act on this settlement. We will miss this date just

as we missed the first two dates. The court has just now indicated that it will approve a fourth date by which the Congress must act to approve this settlement of Indian claims. The judge has also indicated that if Congress does not act, he will invite some Members of the Congress to his court to talk about why action was not taken. That would probably be an interesting constitutional issue.

In any event, the judge in this case is very impatient and wants to see the settlement approved by Congress.

The first Americans, Indians who are owed this money and for whom the settlement was acceptable and, the Interior Secretary, who has called me many times urging approval of the settlement, are also very impatient. I hope we will not miss a fourth deadline established by the Federal court.

Republicans and Democrats in this Chamber and in the House of Representatives have an obligation. Literally, money was stolen from American Indians, from property they owned and the income from that property that was supposed to go for their assistance and living conditions because it was owned by them, and in many cases these accounts were mismanaged, and in some cases the money was stolen.

This settlement, which will be paid from the United States Judgement Fund, is fair and is long overdue. It will settle a lawsuit that has languished for about 14 years. I hope, in working with the House of Representatives, we will not miss another deadline. Perhaps if we do, the judge will ask some Members of Congress to visit with him. We will see what happens as a result of that.

Mr. President, on another matter, I ask unanimous consent to speak for 5 more minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

BRIGADIER GENERAL MICHAEL J. WALSH

Mr. DORGAN. Mr. President, I would not criticize another Member of the Senate on the floor of the Senate—certainly not by name—unless I first had told the Senator I was intending to do so. I have done that, and I will shortly explain why.

There is a man named GEN Michael Walsh, a commander in the Corps of Engineers. He is an extraordinary general. He is a one-star general, a brigadier general, and he has been recommended for the rank of major general. That recommendation was made nearly 6 months ago.

Six months ago, the Armed Services Committee, with the support of Senator LEVIN, the chairman, and Senator JOHN MCCAIN, the ranking member, unanimously approved the promotion to major general for Michael Walsh. Six months ago that action was taken in the committee. There has been no major general rank for General Walsh because it has been held up on the Senate floor, with what is called a hold, by a Member of the Senate, Senator VITTER from Louisiana.

The fact is, this is an extraordinary general, a general who has been to war. This is a general who went to Iraq to fight for this country. This general has 30 years of distinguished service to America, a patriot. He doesn't make the policy at the Corps of Engineers. This is a commander who executes the policy at the Corps of Engineers.

My colleague, in letters to the Corps of Engineers, is upset with the Corps of Engineers and is demanding they do certain things that the Corps in some cases cannot and in other cases will not do because it is unwise. Some of the demands have been met where the Corps believed it was appropriate, although it has not been funded yet because that has to be done by the Appropriations Committee. The Corps cannot meet other demands. I opposed one of the significant ones brought to the Appropriations Committee, and upon my opposition, the full Appropriations Committee voted against it. So it is not going to happen.

But to hold up a general's rank to major general, hold up his promotion and have him now 6 months behind other generals both in pay and promotion and opportunity is just unfair. It is just not fair. This is not someone who can fix the aches and pains and ills and concerns of my colleague from Louisiana.

This is a general who is a patriot and has served this country for 30 years. I don't think he ought to be used as a pawn in some concerns about water policy or concerns about issues in New Orleans or Louisiana dealing with flood control and responding to the needs of that city and that State. As chairman of the committee that funds energy and water programs, I can tell you that we have sent billions and billions of dollars down to Louisiana and to New Orleans—I am proud to have done it—in order to say, after Hurricane Katrina and during the rebuilding, to the people of Louisiana: You are not alone, we are with you. We have spent a lot of money doing that. I am proud to have been a part of that.

But the demands that are required now by Senator VITTER in order for him to lift a hold on the move to the rank of major general for a one-star general who has served this country for 30 years and fought in Iraq, in my judgment, are unfair. We should not hold a general's promotion and career hostage to the demands of one Member of the Senate. That is exactly what has happened for 6 months.

I ask unanimous consent to have printed in the RECORD a January 13 letter from my colleague to the Corps of Engineers. It is a letter from my colleague, Senator VITTER; a March 12 letter in response to that letter by the Corps of Engineers to Senator VITTER; a March 16 letter to the Corps of Engineers from Senator VITTER; and, finally, a March 19 letter back to Sen-

ator VITTER from the Corps of Engineers.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,

Washington, DC, January 13, 2010.

Brigadier General MICHAEL J. WALSH,
Commander, Mississippi Valley Division, United States Army Corps of Engineers, Vicksburg, MS.

DEAR GENERAL WALSH: Here is a detailed brief of the issues I would like you to address for me to release my current nomination hold. This list was also hand delivered to you and your staff in our meeting November 5, 2009.

Issues for Resolution:

OUTFALL CANALS/PUMP TO THE RIVER

Request: Corps provide a formal commitment to complete a comprehensive risk analysis associated with the three options laid out in the Corps pumping station report within 18 months, suspend any activity unless the activity is consistent with options 2 and 2a described in the Corps report, and conduct a feasibility level of analysis (including a cost estimate) for the project.

OUACHITA LEVEES

Request: Corps performs bank stabilization or levee setbacks as needed to stabilize the flood control structures.

Cite past practice by the Corps in performing levee setbacks under FCA of 1928 and the MR&T Program, or,

Raise the issue that much of the bank caving has been caused by barge wakes, which are the result of the federal navigation channel project, or,

Use P.L. 84-99, 33 USC 701, Flood Emergencies.

AGMAC

* * *

DEPARTMENT OF THE ARMY, OFFICE
OF THE ASSISTANT SECRETARY,
CIVIL WORKS,

Washington, DC, March 12, 2010.

Hon. DAVID VITTER,

U.S. Senate, Hart Senate Office Building,
Washington, DC.

DEAR SENATOR VITTER: This letter is in response to your letter of January 13, 2010, and follow up to meetings held on November 19, 2009 and March 2, 2010, regarding issues that you would like the Army Corps Engineers to address in order for you to release your current nomination hold on Brigadier General (P) Michael J. Walsh. We have thoroughly analyzed all nine issues. Our response to each issue raised in your January 13, 2010 letter follows below. We have made every effort to provide you the best way forward within the limits of existing law, funding and policy for each of the nine issues.

ISSUE 1: OUTFALL CANALS/PUMP TO THE RIVER

REQUEST: Corps provide a formal commitment to complete a comprehensive risk analysis associated with the three options laid out in the Corps pumping station report within 18 months, suspend any activity unless the activity is consistent with options 2 and 2a described in the Corps report, and conduct a feasibility level of analysis (including a cost estimate) for the period.

In fulfillment of the requests of the Louisiana Coastal Protection and Restoration Authority (CPRA), the Southeast Louisiana Flood Protection Authority-East, Jefferson Parish, and the Sewerage and Water Board of New Orleans, which you have supported, the Corps previously agreed to construct the per-

manent structures and pump stations with adaptability measures that will facilitate addition of Options 2 or 2a features should either option be authorized and funded by Congress for construction or undertaken and funded by non-Federal interests in the future. In light of the limited service life of the existing temporary pumps (estimated to expire in 2011–2013), it is vitally important for the protection of the citizens of New Orleans that a permanent pumping solution be implemented as quickly as possible, and suspension of any activity not consistent with Options 2 and 2a would create an unacceptable risk to the citizens. The Corps will conduct a supplementary risk reduction analysis as part of the detailed engineering feasibility study, including the National Environmental Policy Act (NEPA) compliance documentation, for Options 2 and 2a, if Congress appropriates funds for the study. When completed we would transmit the study to the Office of Management and Budget for consideration of submission to Congress for appropriate action. This study would provide the information necessary to allow the Congress to make an informed decision on authorization of Option 2 or 2a. As we discussed, we estimate that it will cost \$15.6 million and take approximately 36 months to complete this study (including NEPA compliance).

ISSUE 2: OUACHITA RIVER LEVEES

REQUEST: Corps performs bank stabilization or levee setbacks as needed to stabilize the flood control structures.

At your urging, the Corps is using Public Law (PL) 84-99 to address bank caving associated with recent flood events. We have identified 8 to 9 discrete sites, addressing bank caving along approximately one percent of the Ouachita River and Tributaries project, where it appears that damages have occurred as a result of flood events during the period of October 2009 to January 2010. We anticipate that the cost of pursuing the repair work at these sites will cost approximately \$10–\$20 million.

The Corps' assessment indicates that the bank caving along the Ouachita River is not attributable to vessel wash. In addition, the bank caving is not associated with features of the Mississippi Rivers and Tributaries (MR&T) project. The authorization for the Ouachita River and Tributaries projects specifies that levee maintenance is a non-Federal responsibility. Congress has not enacted a general provision of law that would supplant this non-Federal responsibility or that would allow the Corps to correct levee damages that are not associated with flood events.

ISSUE 3: ACADIA GULF OF MEXICO ACCESS CHANNEL (AGMAC)

REQUEST: Corps work with the state (CPRA) using existing CWPPRA projects along Freshwater Bayou to develop a plan to build significant bank stabilization and spoils build-up within the 902 limit before January 1, 2010.

The AGMAC request envisions the placement of dredged material along the Freshwater Bayou and refers, directly or indirectly, to two distinct authorities: 1) the Port of Iberia navigation project authorized in Water Resources Development Act (WRDA) of 2007 at a total cost of \$131,250,000; and 2) the CWPPRA authorization that provides for the creation, protection, restoration, and/or enhancement of wetlands to provide for the long-term conservation of such wetlands and dependent fish and wildlife populations. The Port of Iberia authorization directs the Corps to "use available dredged

material . . . [on] the west bank of the Freshwater Bayou to provide incidental storm surge protection . . . This authorization would allow the Corps to place available dredged material from the Port of Iberia navigation project along the west bank of the Freshwater Bayou provided this work provides incidental storm surge protection and is within the applicable section 902 cost limitation. You are correct that CWPRA provides independent authority to create wetlands along the Freshwater Bayou. The Corps will work with the State and others to explore use of CWPRA authority to implement a project along the Freshwater Bayou. The CWPRA Task Force identifies and selects which projects will be pursued under this authority. If the project is selected as a nominee, then the CWPRA Technical Committee will consider it at an April 4, 2010 public meeting for further evaluation as a Priority Project List 20 Candidate Project.

ISSUE 4: MORGANZA TO THE GULF

REQUEST: Corps restart the lock design on the Houma Navigation Canal, provide separate authority for the Houma Navigation Lock project or the next WRDA bill, and help expedite the 404 permitting process on existing projects.

The Houma Lock is part of the Morganza to the Gulf hurricane and storm damage risk reduction project, which was authorized in WRDA 2007 at a total cost of \$886,700,000. Following Hurricanes Katrina and Rita, the levee design criteria for this project changed and, as a result, the project can no longer be built for the amount envisioned by the Congressional authorization. Some design work on the Houma Lock had been completed based on the design criteria used in the original project plan, but because this criteria had changed, the Corps halted further design work on the Lock pending the redesign of the overall project plan that takes the new criteria into account. The Corps is not authorized to construct the Houma Lock as an independent, freestanding project or as a separable element of the Morganza to the Gulf project in accordance with the new design criteria. The Post Authorization Change report required to support the request for additional authorization is scheduled to be completed by December 2012. The Corps is willing to resume design of the Houma Lock using the new criteria, but has insufficient funds to resume this effort and complete the overall project plan. The Corps will work with others to expedite the Section 404 permitting process. Additionally, enclosed, as a legislative drafting service, is draft legislation for separate authority for the Houma Navigation Lock.

ISSUE 5: WEST BANK AND VICINITY

REQUEST: Corps provide for O&M costs associated with proposed navigation project on the Algiers Canal. Corps policy states: (1) "If the waterway users are subject to fuel taxes paid into the IWTF, there are not any non-Federal cost sharing requirements in connection with the Federal project improvements to the waterway (not for LERRD, construction, or OMRR&R)"; (2) Section 206 of the Inland Waters Revenue Act of 1978, as amended, (33 U.S.C. Section 1804) contains the listing of inland waterways subject to fuel taxes paid in to the IWTF. The Gulf Intracoastal Waterway, from St. Mark's River, Florida, to Brownsville, Texas, is included on that list; and (3) The Corps' decision to provide, in lieu of raising the Algiers Canal Levees to 100-year level of

protection, works along the Algiers Canal and the construction of a navigation closure structure complex on the GIWW does not preclude this according to its internal policy associated with navigation and section 206 of the Inland Waters Revenue Act of 1978.

The Gulf Intracoastal Waterway (GIWW) closure structure across the Algiers Canal is part of the West Bank and Vicinity project. Its purpose is to provide hurricane and storm damage risk reduction. The GIWW closure structure will only be operated when needed to prevent damages from storm surge, or during maintenance exercises of the structure and pumps. When Congress authorized this project, it specified that the non-Federal Sponsor is responsible for the costs of operation and maintenance. Additional authority and funding would be required for the Corps to operate and maintain the hurricane and storm damage reduction closure structure across the Algiers canal.

ISSUE 6: NEW ORLEANS TO VENICE, JESUIT BEND 100-YEAR PROTECTION

REQUEST: Formal commitment to Local Preferred Plan (LPP), with milestone schedule, and a minimally visible closure at Oakville.

The Corps is receptive to implementing a LPP for Jesuit Bend as part of the incorporation of non-Federal levees into the Federal New Orleans to Venice project. To date, the State and Plaquemines Parish have not identified a specific LPP that they are certain they want to pursue. They have asked the Corps to assist them in the analytical effort necessary to determine the cost of the plan and whether or not it should be pursued at non-Federal expense. The State and Parish must enter into a written agreement with the Corps in which the State and Parish agree to pay for this analysis. Once the agreement is executed, the Corps will complete the analysis within four months. If the State and the Parish determine that they want to pursue a LPP, the LPP must be approved by the ASA(CW). Our offices will work expeditiously to approve an LPP when presented. The Corps plans to construct a swing gate for closure at Oakville for the West Bank and Vicinity project. This closure option was considered along with several other closure options, including a minimally visible closure option. The Corps has determined that the swing gate option was a superior closure option from a risk, reliability, and operation and maintenance standpoint.

ISSUE 7: LOWER ATCHAFALAYA BASIN BACKWATER FLOOD PROTECTION

REQUEST: Corps produce the study on the backwater flood issue, as committed in writing to Mayor Matte on Nov 2007 and Dec 2008. Because the issue pertains to the Atchafalaya River and the Floodway Basin, such a study clearly should be covered under MR&T. Furthermore, the original solution to the backwater flooding, the Avoca Island Levee Extension, was deemed to be under MR&T; so should any other solution to be studied or proposed.

The Corps has the authority to conduct a study addressing this backwater flooding issue and is working with the local representatives on scope and schedule. The study would determine if there is Federal interest and would determine if the recommended solution can be implemented within existing MR&T project authority or if additional authority would be required. The Corps is willing to pursue this study effort. However, since this study is a new activity, an appropriation is required to initiate this effort.

ISSUE 8: LOUISIANA HIGHWAY 3241

REQUEST: Corps create a significantly accelerated Environmental Impact Statement (EIS) or other timetable compared to the current timetable.

Similar EIS's typically take two to three years to complete. The Corps is working with the Louisiana Department of Transportation and Development to streamline this process and to expedite completion of the Louisiana Highway 3241 EIS. Significant progress has been made on this front and the current schedule for completing this effort already has been reduced to 18 months. The Corps will adopt other streamlining proposals provided they are acceptable under applicable law and regulation. The Corps will provide your office with monthly reports advising you of further schedule adjustments.

ISSUE 9: LOUISIANA WATER RESOURCES COUNCIL

REQUEST: Corps create and fund the Louisiana Water Resources Council, as mandated in WRDA 2007.

The Corps previously planned to establish the Louisiana Water Resources Council with appropriations specifically made available for this purpose. The Corps will now use existing appropriations. The Corps has developed a proposed draft charter that was forwarded to the State of Louisiana on February, 26, 2010, and has received initial comments that are under consideration.

We trust that it is evident the Corps and the Army have listened to you carefully and are providing the answers in this letter as our best attempt to address your concerns. We both look forward to resolving the nomination hold on a very able and deserving General Officer in the very near future.

Very truly yours,

JO-ELLEN DARCY,

Assistant Secretary of the Army (Civil Works).

R. L. VAN ANTWERP,

Lieutenant General, US Army,

Chief of Engineers.

U.S. SENATE,

Washington, DC, March 16, 2010.

Hon. JO-ELLEN DARCY,

Assistant Secretary of the Army (Civil Works),

Washington, DC.

Lieutenant General ROBERT VAN ANTWERP,

Commander, U.S. Army Corps of Engineers,

Washington, DC.

Re Brigadier General Walsh Issues.

DEAR SECRETARY DARCY AND LIEUTENANT GENERAL VAN ANTWERP: Thank you for our most recent meeting two weeks ago and the commitments you made, including to have the Louisiana Water Resources Council operating within four months of that meeting.

I identified a finite number of follow-up questions/requests at that meeting. Although you always underscore how time-sensitive Brigadier General Walsh's promotion is, you still have not responded to those questions/requests, including in your letter of March 12, 2010.

In one final effort to resolve this impasse, I offer the following very short list of three items, some of the details of which are different from our last discussion. Please indicate in writing if the Corps can honor all of these requests.

1. OUTFALL CAULS/PUMP TO THE RIVER

Request: Corps conduct within 18 months a formal cost/benefit analysis, using existing Corps' authority and money, of previously cited project options 1, 2, 2a, and any other options the Corps deems advisable to consider. This cost/benefit analysis to be peer reviewed by the soon-to-be operational Louisiana Water Resources Council. The Corps

clearly has the authority for this study under previous language and can find the money for it if it wants to. Regarding Lieutenant General Van Antwerp's suggestion at our last meeting that this must be a full feasibility-level analysis, the Corps was given broad authority to do post-Katrina work without full feasibility studies and in an expedited manner, and has not even performed feasibility-level analysis on Option 1.

2. AGMAC

Request:

Option A—Corps provide containment areas for the deposition of spoil material using O&M funds which should be constructed to provide embankment stabilization and reestablish the berm that historically provided storm surge attenuation benefits to Vermilion Parish. Thus, Corps O&M authority can be used to help solve the 902b cost issue. This would be directly analogous to O&M work done on the MRGO. If O&M funds are not available, the Corps/Administration would proactively request and support the appropriation of such O&M funds as are necessary.

Option B—Corps successfully obtain *final approval* at the state level of a CWPRA program which, when combined with the Corps' WRDA authority, accomplishes the bank build-up as authorized and intended in WRDA. This will require some type of special/emergency CWPRA meeting.

3. MORGANZA TO THE GULF

Request:

Option A—Corps restart the lock design on the Houma Navigation Canal using existing authority and move the lock forward as an independent project. In 1998, a Chiefs Report established authority to move the lock forward outside of the overall Morganza Project in response to a WRDA 1996-directed study. The Corps would either use this existing authority to move the lock forward independently or proactively support language in the next WRDA to do so. (The reason I am not pursuing Lieutenant General Van Antwerp's suggestion at our most recent meeting that we work on full project authorization language for a 2011 WRDA subject to a Chief's Report, is because the re-study of the project is not due until December 2012, and contingent authorizations for projects have only been granted up to December 31 of the year of a WRDA's passage.)

Option B—Corps outline any other way the entire Morganza to the Gulf project or a significant portion of it is authorized and moves forward under the new WRDA, assuming a new WRDA is passed in 2011. If Corps cannot do this, then you are admitting that you plan on our missing the next WRDA train yet again regarding this vital and long-suffering project, which is completely unacceptable.

These three goals can clearly be met under the Corps' significant existing authority and flexibility. If you truly want to do so but need to explore the above methods more fully before transmitting a written response, please have your staff contact Glen MacDonald of my office and Garrett Graves of the State of Louisiana. If, on the other hand, these three goals are not going to be met by the Corps, I look forward to moving on with an existing Major General for the position in question.

Sincerely,

DAVID VITTER,
U.S. Senator.

DEPARTMENT OF THE ARMY, OFFICE
OF THE ASSISTANT SECRETARY,
CIVIL WORKS,

Washington DC, March 19, 2010.

Hon. DAVID VITTER,
U.S. Senate, Hart Senate Office Building,
Washington, DC.

DEAR SENATOR VITTER: This letter is in response to your letter of March 16, 2010. On March 12, 2010, we responded to your previous letter and to questions raised in several meetings addressing nine specific issues. In your letter of March 16, you posed three follow-on questions, which are addressed below. In summary, the responses we provided on March 12, 2010 represent the best way forward within the existing law, funding and policy. The new requests in your most recent letter either require changes to law or changes to policy which, given current legal and fiscal constraints, we regretfully cannot support.

1: OUTFALL CANALS/PUMP TO THE RIVER

REQUEST: Corps conduct within 18 months a formal cost/benefit analysis using existing Corps' authority and money, of previously cited project options 1, 2, 2a, and any other options the Corps deems advisable to consider. This cost/benefit analysis to be peer reviewed by the soon-to-be operational Louisiana Water Resources Council. The Corps clearly has the authority for this study under previous language and can find the money for it if it wants to. Regarding Lieutenant General Van Antwerp's suggestion at our last meeting that this must be a full feasibility-level analysis, the Corps was given broad authority to do post-Katrina work without full feasibility studies and in an expedited manner, and has not even performed feasibility-level analysis on Option 1.

Following Hurricane Katrina, the Administration requested authorization and funding for the work referred to as Option 1 for the purpose of reducing exposure of the interior of the City of New Orleans to surge from Lake Pontchartrain. Congress authorized and funded Option 1 in the 4th Supplemental, P.L. 109-234 and the 6th Supplemental, P.L. 110-252. This construction work is being completed under a design/build contract, which incorporates ongoing planning and design while the project is being built.

Your new request is that the Corps complete a formal cost/benefit analysis of Options 1, 2, 2a, and other possible appropriate options, within 18 months. Determining whether and how the City's interior drainage facilities could be improved is a complex and extensive undertaking. As we have stated previously, the Corps is willing to proceed with such a study; however, we estimate that it will take approximately 36 months to produce a cost/benefit analysis that would provide Congress with adequate information to make an informed decision on whether to authorize construction of Option 2, 2a, or some other option.

You also suggested that we complete the study with existing appropriations. The appropriations provided by Congress were for the purpose of hurricane and storm damage risk reduction. Options 2 and 2a would address interior drainage issues without providing additional storm surge protection. The Administration's focus is on providing the storm surge protection for the City of New Orleans that Congress expected us to provide on a priority basis. It would not be appropriate to divert existing appropriations away from this high priority objective.

2: AGMAC

REQUEST:

Option A—Corps provide containment areas for the deposition of spoil material using O&M funds which should be constructed to provide embankment stabilization and reestablish the berm that historically provided storm surge attenuation benefits to Vermilion Parish. Thus, Corps O&M authority can be used to help solve the 902b cost issue. This would be directly analogous to O&M work done on the MRGO. If O&M funds are not available, the Corps/Administration would proactively request and support the appropriation of such O&M funds as are necessary.

Option B—Corps successfully obtain final approval at the state level of a CWPRA program which, when combined with the Corps' WRDA authority, accomplishes the bank build-up as authorized and intended in WRDA. This will require some type of special/emergency CWPRA meeting.

Your new AGMAC request envisions using Operation and Maintenance (O&M) funds to construct containment areas for the deposition of spoil materials to provide embankment stabilization and reestablishment of the berm that historically provided storm surge attenuation benefits to Vermilion Parish. You believe that this would help to solve the section 902 of WRDA 86 cost issue related to the Port of Iberia navigation project authorized in Water Resources Development Act (WRDA) of 2007 at a total cost of \$131,250,000. The Corps does not have authority to use O&M funds to construct projects or separable elements of projects, nor does the Army have authority to reprogram O&M or any other Civil Works funds to initiate a previously unfunded project. This is not analogous to O&M work done on the MRGO. In that case, Congress specified that the Corps undertake certain enumerated activities with appropriations made available for O&M.

There is an established nomination process under the CWPRA program, as outlined in the CWPRA project standard operating procedure manual dated June 3, 2009, whereby agencies, parishes, landowners, and other individuals may confer to further develop projects. The guidelines suggest that nominated projects should be developed to support one or more "Coast 2050" strategies to create, restore, protect or enhance coastal wetlands. Should this project make it through the CWPRA nomination process, the Corps, as a member of the Task Force, will support its inclusion in the CWPRA program.

3: MORGANZA TO THE GULF

REQUEST:

Option A—Corps restart the lock design on the Houma Navigation Canal using existing authority and move the lock forward as an independent project. In 1998, a Chief's Report established authority to move the lock forward outside of the overall Morganza Project in response to a WRDA 1996-directed study. The Corps would either use this existing authority to move the lock forward independently or proactively support language in the next WRDA to do so. (The reason I am not pursuing Lieutenant General Van Antwerp's suggestion at our most recent meeting that we work on full project authorization language for a 2011 WRDA subject to a Chief's Report, is because the re-study of the project is not due until December 2012, and contingent authorization for projects have only been granted up to December 31 of the year of a WRDA's passage.)

Option B—Corps outline any other way the entire Morganza to the Gulf project or a significant portion of it is authorized and

moves forward under the new WRDA, assuming a new WRDA is passed in 2011. If Corps cannot do this, then you are admitting that you plan on our missing the next WRDA train yet again regarding this vital and long-suffering project, which is completely unacceptable.

The Corps does not have authority to implement the Houma Navigation Lock as an independent project. Section 425 of WRDA 1996 authorized a study of an independent lock, but did not authorize construction. Section 425 in part reads . . . "The Secretary shall conduct a study of environmental, flood control, and navigation impacts associated with the construction of a lock structure in the Houma Navigation Canal as an independent feature of the overall damage prevention study being conducted under the Morganza, Louisiana, to the Gulf of Mexico feasibility study." The Corps conducted a study in response to Section 425, but that study did not recommend construction of an independent Houma Navigation Lock feature due to uncertainties of benefits and concerns over justification of an independent lock structure. As a result, a Chief's Report was not completed for the Houma Navigation Lock project.

The Army understands the importance of completing the Morganza to the Gulf project reanalysis, and will continue to look for ways to move forward as expeditiously as possible on the Post Authorization Change report required to support a request for additional authorization. As noted previously, our best estimate is this report will be completed by December 2012. You have our commitment that we will continue to seek ways to accelerate this schedule.

Very truly yours,

JO-ELLEN DARCY,
Assistant Secretary of the Army (Civil Works).

R. L. VAN ANTWERP,
*Lieutenant General, US Army,
Chief of Engineers.*

Mr. DORGAN. Simply, GEN Michael Walsh is someone I have known for a long time. He is an extraordinary soldier and a patriotic American who doesn't deserve, and never deserved, to have his promotion derailed for 6 months by one Member of the Senate. That is not fair. That is using this person, this patriot, as a pawn in trying to extract from the Corps of Engineers something the Appropriations Committee has already voted against, in one case.

In other cases, it is something that the Corps of Engineers cannot legally do without authorization from Congress. We cannot do that to soldiers who have served their country. That is not fair.

I am not going to ask consent today because my colleague, Senator LEVIN, previously asked consent, and Senator COBURN from Oklahoma, on behalf of Senator VITTER, the other day objected to this promotion. But I will ask my colleague from Louisiana to stand down on this and give this soldier the respect and honor and the due that is owed him by the Congress.

The Armed Services Committee, with its chairman and ranking Republican member, unanimously decided that this good soldier should be promoted to the rank of a two-star general. That

was 6 months ago. Six months later, he is a pawn on the floor of the Senate held by one person trying to extract from the Corps of Engineers some things that the Corps cannot possibly do, and some things that are not wise to do, and I would not support in any event.

As I said when I started, I would not come to the floor of the Senate and criticize a colleague without first informing him of that criticism. I did that. I don't take any measure of satisfaction in criticizing a colleague. But I will tell you this: What happened to this general is just flat wrong. There is no way for anybody in this Congress to justify holding this general hostage for 6 months in his promotion to major general.

I ask my colleague from Louisiana to end this hold, to give this soldier his due. This soldier has earned his second star, and 6 months ago this Congress should have voted in response to the unanimous vote by the Armed Services Committee to give this soldier his second star. I hope that soon my colleague will delete that hold so my colleague from Michigan can seek unanimous consent to do right by GEN Michael Walsh.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DORGAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. Mr. President, my colleague wishes to offer an amendment. I want to make sure there is time available to him.

Mr. COBURN. I am only going to take 5 minutes.

Mr. DORGAN. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. COBURN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 3726 TO AMENDMENT NO. 3721
(Purpose: To pay for the full cost of extending additional unemployment insurance and other Federal programs)

Mr. COBURN. Mr. President, I thank my colleague for giving me a short time to deal with these two amendments. I have an amendment at the desk that I call up.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Oklahoma [Mr. COBURN] proposes an amendment numbered 3726 to amendment No. 3721.

Mr. COBURN. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The amendment is printed in today's RECORD under "Text of Amendments.")

AMENDMENT NO. 3727 TO AMENDMENT NO. 3721
(Purpose: To pay for the full cost of extending additional unemployment insurance and other Federal programs)

Mr. COBURN. Mr. President, I ask unanimous consent that the pending amendment be set aside and my next amendment be called up.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Oklahoma [Mr. COBURN] proposes an amendment numbered 3727 to amendment No. 3721.

Mr. COBURN. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The amendment is printed in today's RECORD under "Text of Amendments.")

Mr. COBURN. Mr. President, I yield the floor to my colleague from North Dakota.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, I again ask unanimous consent to speak as in morning business for 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE INTERNET

Mr. DORGAN. Mr. President, we just completed a hearing moments ago in the Senate Commerce Committee on something that has received some headlines recently, although in the scheme of things, it is not ranking with health care or energy or education reform. It is the issue of a circuit court decision a week ago in the Comcast case dealing with the Federal Communications Commission and its ability or inability to be a referee with respect to the free market system and the Internet.

The Internet is an extraordinary innovation in our lives. We tend to take it for granted, I suppose, because it is so normal for all of us every day to use the Internet, whether it is a wireless device or a laptop computer, or whatever. We use the Internet in so many different ways.

The question is: What is the regulatory approach to the Internet? We know what we have done for telephones over the many years, the many decades of regulatory capability. What is it for the Internet?

What we have always had for the Internet from its origin is what is called a free and open Internet, the open architecture. Anybody can get on the Internet with their Web site, and anybody from the rest of the world who

has broadband capability or Internet capability can access that site.

A man named Larry and a man named Sergey in a dorm room in California conceived of something which 10 years later we know as Google. What if somebody had said to Larry and Sergey: You know what, you are in a dorm room, you are not much of a business; you only have two employees. We want to charge you for being able to get on our system so others can see you. There would not have been Google, would there?

Free and open architecture of the Internet means anybody, anyplace, any time can access anything. I told a story in the Commerce Committee about going to the home I grew up in in a town of slightly less than 300 people. I had not been back to my boyhood home since I was a teenager. I knocked on the door in my hometown and asked the woman if I could see the home I grew up in. She said: Of course.

In the shed where you walk in first, there was cardboard and tape. And in the kitchen just off the shed, the woman had a camera and a little arm that stuck out of a little appendage she had by the kitchen counter. She was taking a picture of a bracelet that was hanging from this arm. I said: What are you photographing?

She said: I am photographing a bracelet because I sell jewelry on the Internet.

From a town of 250 or 300 people in my little two-bedroom white house in that small town, this woman has an Internet business. Her Web site can be accessed by anybody in the world. She is not a big business person. She makes some money. It could not have happened years ago but can happen now in that small town. It can happen in any town. Anybody around the world can access her Web site. But what if somebody said: We are going to decide which Web sites are going to get on our system. That is a gatekeeper, a provider that is deciding we are going to pick winners and losers.

We do not do that. We let the marketplace pick winners and losers on the Internet. That is why the Internet grew. Its origin and growth was under something called a nondiscrimination rule. You cannot discriminate. Just like telephone service, you cannot discriminate.

The FCC, under former Chairman Powell, moved the Internet from a telephone service to an information service, and that is what the lawsuit was about. Comcast brought a lawsuit and said under Title I of the Communications Act, as an information service, the FCC does not have the authority with respect to Internet freedom as I call it, to impose net neutrality rules. The circuit court said the FCC does not have that authority under Title I. That gets very technical and very legal.

The question is: What does the FCC do now? The question is what should

we aspire to achieve for the Internet in the long term? Some say hands off, let's have what is called in the hearing today a light touch. I said: I am not interested in a light touch; I am interested in the right touch by regulators. I have just seen a decade in which regulators at the SEC and the CFTC and others who engaged in financial regulations said: We are engaged in light touch. In fact, we are engaged in no touch. We will be blind for 8 years. We will not even look. We are regulators, but we intend to get paid. We do not even care what you do. That is the ultimate light touch, but I have had a bellyful of that. I want regulators to regulate effectively to make sure the market remains open and free and fair. That is the job of a regulator. That is the job of the FCC.

We are going to have a big debate about this in the Congress. But first and foremost, I hope the Federal Communications Commission takes action under its own authority because it has plenty of authority to respond to this decision. It has authority under Title II of the Communications Act, and it has other authorities it can use. I encourage it to proceed. I hope that is the case.

Second, Senator SNOWE and I and others on a bipartisan basis will continue to press the Congress to enact net neutrality, what I call Internet freedom, legislation, because if the FCC does not do it, let's make sure we do it in law.

This is a very important issue. The issue of the Internet and the question of who controls the Internet, if anybody, is very important.

At town meetings when somebody says, The Federal Government cannot do anything right, I say there are a number of things it cannot do right, but answer the question, Who invented the Internet? Who created the Internet? The Federal Government did that. It started here. It is a wonderful innovation that has changed our lives in so many wonderful ways. I just described one with the woman living in my former boyhood home. It changed her life. But that is multiplied a billion times around this world.

We need to make certain the Internet remains open and free. The free market system is the best system I know with which to allocate goods and services. I know none better. But I also understand that the free market system needs referees to make sure it remains free and open, to call the fouls, to wear the striped shirt with the whistle and call the fouls when necessary. It did not happen in the financial area. It did not happen at all. When people traded things that did not exist, buying things from people who did not have them, making money on both sides, all of a sudden there should have been regulators saying: Wait, this is gambling. You can't do that. You are putting the

American people at risk. On the telecommunications side, we need effective regulatory capability, not to stifle or injure the free market but to protect it.

This is a very important issue in the wake of the circuit court decision. I believe Chairman Genachowski has the capability and authority to move forward in the Federal Communications Commission to do the right thing, and I encourage him to do that.

I know as well going forward that legislation, perhaps not this year but legislation in future Congresses will reaffirm the opportunity for the FCC to protect and nurture a free and open architecture of the Internet. I believe it is critically important.

Mr. BAUCUS. Mr. President, before the Senator yields, in the form of a question, I deeply appreciate the Senator's statement. He is on the right track. I believe the Internet should be free and open, too. I was stunned by the circuit court decision.

I ask the Senator if he could tell us how he thinks the FCC can remedy the situation now without legislation, and if the FCC cannot, we need legislation. But I am asking for the Senator's view again. He already stated it once. Maybe he can expand on it further.

Mr. DORGAN. Mr. President, I thank the Senator from Montana. Let me state the reason for the urgency. I described it today, but it has been said in other venues. Mr. Whitacre from AT&T most famously said it: These are my pipes. I want Google to pay for the use of my pipes. That was a famous statement by Mr. Whitacre. Yes, those pipes belong to the providers, but there is a requirement there be a nondiscrimination approach to the use of those pipes. We do not want providers to set up tollbooths or gates to say: OK, you are a big site out there. We are going to charge you to use this. Maybe that person cannot pay the charge. The billions of people who would access that site now will not have access because there is a gatekeeper who said: We are only going to allow these folks to be on our site. That is the point of it.

There is, it seems to me, a potential problem that could not have existed previously when the nondiscrimination rules existed. But now that the nondiscrimination rules were obliterated, we need to restore them.

The Senator from Montana asked the question how can the Federal Communications Commission do this. I believe there are general powers in the Federal Communications Commission Act, and I believe the Commission itself has general powers that will allow it to act in a manner that the court would view to be in compliance with the law.

The FCC is not interested in doing something that it does not have the legal authority to do. I believe they have the capability. They certainly have the capability to determine that

the Internet is regulated under Title II in which they would have the capability to enforce the nondiscrimination rule.

Again, this is not going to be one of those headline issues, but nonetheless it is a very important issue and one we need to get right. The last time we had a discussion about this issue in the Commerce Committee, it was a very contentious discussion. Senator SNOWE and I offered an amendment that lost on an 11-to-11 tie. This is not an easy issue. There are a lot of people who feel strongly on both sides, but I come down on the side of saying the way the Internet was conceived and the way it grew and the way it flourished was with nondiscrimination rules that say anybody—it is the ultimate democracy—anybody anywhere can set up a site and anyone in the world can access that site. That is the genius of this great innovation in our lives.

Mr. President, I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

Mr. BAUCUS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAUCUS. Mr. President, the Senate just rejected the previous Coburn amendment by a vote of 51 to 46. The Senate, I might say, rejected an attempt by the Senator from Oklahoma to give the Director of the Office of Management and Budget sweeping powers to cut unobligated balances by billions of dollars.

The Senator from Hawaii, Mr. INOUE, chairman of the Appropriations Committee, explained why that would be unwise. Essentially, there are many contracts which take more than 1 year to be fulfilled—building ships, for example, aircraft carriers, and so on. It takes a good number of years to build them, and it would make no sense to rescind all those unobligated balances.

The Senator from Oklahoma has two more amendments. One in particular is virtually the same amendment. It gives the Director of OMB powers to cut unobligated balances by billions of dollars, so the arguments of the Senator from Hawaii would apply there as well. So the same reasons given for opposing the Coburn amendment just a short while ago—and the one that was defeated—should be the same reasons that would apply with respect to this next Coburn amendment that we will be voting on in the not-too-distant future.

The Senator from Oklahoma has another amendment which would reverse decisions of the Congress through the appropriations process, and it also would, I might say, affect some tax

provisions that would be inappropriate if we were to pass them now.

I would remind my colleagues if the Coburn amendment were to be adopted, there is another problem with it; that is, the delay of the extension of unemployment benefits. Because if it were to pass, it would have to go over to the House, and I am not quite sure how quickly the House would accept the Coburn amendment. They have said many times they would not accept it; that they would send it back, probably as is, without the pay-fors on the extension of unemployment benefits. So we would just be delaying unemployment benefits to people who were cut off a few days ago because of the failure of Congress to act on the extension.

So I would suggest to my colleagues that the other two amendments the Senator from Oklahoma has offered are very similar to the first amendment he offered. The Senate defeated that first amendment by a vote of 51 to 46, and I suggest that these other two amendments be defeated when they are brought up because then we can give needed unemployment benefits to people who need it during this time of recession.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

Mr. BAUCUS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAUCUS. Mr. President, not to belabor the point, but at a hearing I held in the Finance Committee this morning, we heard from Mark Zandi, who is the chief economist and co-founder of Moody's Analytics, and he was talking about unemployment benefits.

In fact, part of the hearing was to determine ways to improve the efficiency and effectiveness of unemployment benefits. Actually, the panel came up with a lot of very interesting ideas. Different States are, frankly, using the unemployment program to help create jobs as well as make payments.

Anyway, at this hearing, Mr. Zandi volunteered, frankly, that now is not the time for extension of unemployment benefits to be paid for. He said that is self-defeating. It is unproductive. He said, now that we are in a recession, frankly, unemployment compensation benefits should not be paid for.

Who is Mark Zandi? Mark Zandi is a moderate economist, very well respected by Senators on both sides of the aisle. He also was the adviser for Presidential candidate JOHN MCCAIN—Mark Zandi was. The point is, clearly, he is not a liberal, leftwing economist. I don't know even now if he is a moderate economist. But whatever he is—

moderate, leftwing or liberal—he is an economist, and he has worked for Presidential candidate JOHN MCCAIN. He volunteered today on the record at the Finance Committee hearing that it would not be wise to pay for unemployment benefits at this time because that would be self-defeating.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CLOTURE MOTION

Mr. REID. Mr. President, I have at the desk two cloture motions.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the Baucus substitute amendment No. 3721 to H.R. 4851, a bill to provide a temporary extension of certain programs, and for other purposes.

John D. Rockefeller, IV, Benjamin L. Cardin, Jeanne Shaheen, Al Franken, Daniel K. Akaka, Kent Conrad, Sheldon Whitehouse, Patty Murray, Tom Udall, Bernard Sanders, Richard J. Durbin, Ron Wyden, Robert P. Casey, Jr., Edward E. Kaufman, Patrick J. Leahy, Mark L. Pryor, Byron L. Dorgan.

CLOTURE MOTION

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the second motion.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on H.R. 4851, a bill to provide a temporary extension of certain programs, and for other purposes.

John D. Rockefeller, IV, Benjamin L. Cardin, Jeanne Shaheen, Al Franken, Daniel K. Akaka, Kent Conrad, Sheldon Whitehouse, Patty Murray, Tom Udall, Bernard Sanders, Richard J. Durbin, Ron Wyden, Robert P. Casey, Jr., Edward E. Kaufman, Patrick J. Leahy, Mark L. Pryor, Byron L. Dorgan.

The PRESIDING OFFICER. Under the previous order, the motion to proceed to the motion to reconsider the vote by which the Budget Act was not waived was agreed to, and the motion to reconsider was agreed to. The question on reconsideration is on the Baucus motion to waive all applicable budget discipline for the consideration of amendment No. 3721, as modified, and the underlying bill.

The yeas and nays have been ordered.

The clerk will call the roll.

The assistant legislative clerk called the roll.

The yeas and nays resulted—yeas 60, nays 40, as follows:

[Rollcall Vote No. 112 Leg.]

YEAS—60

Akaka	Franken	Murray
Baucus	Gillibrand	Nelson (NE)
Bayh	Hagan	Nelson (FL)
Begich	Harkin	Pryor
Bennet	Inouye	Reed
Bingaman	Johnson	Reid
Boxer	Kaufman	Rockefeller
Brown (OH)	Kerry	Sanders
Burris	Klobuchar	Schumer
Byrd	Kohl	Shaheen
Cantwell	Landrieu	Specter
Cardin	Lautenberg	Stabenow
Carper	Leahy	Tester
Casey	Levin	Udall (CO)
Conrad	Lieberman	Udall (NM)
Dodd	Lincoln	Voinovich
Dorgan	McCaskill	Warner
Durbin	Menendez	Webb
Feingold	Merkley	Whitehouse
Feinstein	Mikulski	Wyden

NAYS—40

Alexander	Crapo	Lugar
Barraso	DeMint	McCain
Bennett	Ensign	McConnell
Bond	Enzi	Murkowski
Brown (MA)	Graham	Risch
Brownback	Grassley	Roberts
Bunning	Gregg	Sessions
Burr	Hatch	Shelby
Chambliss	Hutchison	Snowe
Coburn	Inhofe	Thune
Cochran	Isakson	Vitter
Collins	Johanns	Wicker
Corker	Kyl	
Cornyn	LeMieux	

The PRESIDING OFFICER (Mr. UDALL of Colorado). On this vote the yeas are 60, the nays are 40. Upon reconsideration, three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

The motion to waive the point of order made pursuant to section 4(g) of the Pay-As-You-Go Act having been reconsidered and agreed to, the Chair's previous action sustaining the point of order is annulled and the language previously stricken by the Chair is now restored to the amendment.

Mr. CASEY. Mr. President, I ask unanimous consent that the mandatory quorums, as required under rule XXII, be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

VOTE EXPLANATION

Mr. MENENDEZ. Mr. President, due to an official event in New Jersey, I was necessarily absent for rollcall vote No. 109. Had I been present, I would have voted "yea" on the motion to invoke cloture on the motion to proceed to H.R. 4851, the Continuing Extension Act of 2010.

Mr. CASEY. Mr. President, I ask consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

HONORING BILL GEORGE

Mr. CASEY. Mr. President, I rise tonight for a very specific purpose. It is

to speak about a person I have known a long time—25 years or more—who is currently the President of the Pennsylvania State AFL/CIO, a great labor leader in the Commonwealth of Pennsylvania. I will submit a longer statement for the RECORD due to the late hour, but I did wish to say a few words about him. His name is Bill George, and anyone who knows anything about organized labor in Pennsylvania, anyone who knows anything about the topic of battling on behalf of working men and women, knows the name Bill George. He has been the President of our State AFL/CIO since 1990, 20 years in that position. Prior to that, he was a great leader with the United Steelworkers of America and someone I came to know long before I was a candidate for public office, and certainly in the 15 years or so that I have been either a candidate or a public official he has been a source of great inspiration and a great friend.

Even beyond the work he has done for candidates and for causes, this is someone who understood, at a very young age, what it means to battle—to fight the battles for working men and women, to work together with people to collectively bargain for wages and benefits, making sure that working men and women have a voice, and someone who understood what an election means. At the end of the process of conducting an election, you elect someone to public office—or a group of candidates—and their votes and their actions have an impact on working men and women. Bill George has always understood that. He has always understood that those in our society who do not have a voice need people like him to stand and fight battles.

I know the Presiding Officer is well aware that organized labor—and I think Bill George has been a great example of this—often has been battling the hardest on issues from which they do not necessarily benefit directly. The case in point, the minimum wage. We know that those who are represented by unions in almost every circumstance have a pretty solid wage compared to those who may be making a minimum wage or less. We know organized labor, thankfully over many generations now, has been able to bargain collectively for health care benefits. But even despite that, they have battled for those who do not have health insurance. Bill George has been one of the leaders in Pennsylvania for 20 years, making sure the voice of working men and women have been heard but also making sure the poor had a voice, the vulnerable, the forgotten, the people who have been left out. To use a line from Scriptures, "The least, the last and the lost" have been beneficiaries of his great voice and his strength of personality, his commitment to fighting for justice and especially fighting for economic and social justice.

Tonight, as we are here in Washington and voting, there is a huge crowd of Pennsylvanians at the David L. Lawrence Convention Center, a convention center named in honor of one of our greater Governors, a native of Pittsburgh. The AFL/CIO tonight is paying tribute to Bill George and also Dan Rooney, the great owner of the six-time Super Bowl Pittsburgh Steelers and now the Ambassador to Ireland. So I wish to compliment both Dan Rooney and Bill George on their award tonight at the AFL/CIO dinner in Pittsburgh.

But in a very particular way, I wish to commend and salute the work Bill George has done over so many years in our Commonwealth of Pennsylvania, culminating in the last 20 years as President of the Pennsylvania AFL/CIO. Congratulations to Bill George. I know he will stay active in Pennsylvania and beyond, but we want to commend him especially tonight.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. UDALL of Colorado. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. CASEY). Without objection, it is so ordered.

Mr. UDALL of Colorado. Mr. President, I listened intently to the Presiding Officer's remarks just before I took the floor, and I, too, wanted to add my congratulations to Bill George and associate myself with his remarks.

I was particularly moved by the comments the Senator made about often organized labor in this country works on behalf of all Americans, all working Americans, and organized labor often does not receive acknowledgment. Sometimes it receives absolutely the opposite, slings and arrows that are often sent toward organized labor.

There is much that organized labor has done over the years that we take for granted in the workplace, everything from workplace safety to pension protection to the 40-hour workweek. Children do not work in our factories anymore because of what organized labor did for many decades.

So, again, that was very moving for me to hear. I salute Mr. George. I also took note of the mention of the six-time world champion Pittsburgh Steelers. In my State we have a two-time world champion football team, the Denver Broncos. It always seemed, though, we had to go through Pittsburgh. Often we fell short, but on two occasions we were able to make it to the Super Bowl itself. We also had to pass the test that the Steelers presented.

(The remarks of Mr. UDALL of Colorado pertaining to the introduction of

S. 3201 are printed in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

HONORING OUR ARMED FORCES

SERGEANT SEAN DURKIN

Mr. UDALL of Colorado. I want to close and take advantage of another minute or two to speak on a separate note but a related note.

I wish to talk about Sean Durkin. He was a soldier from Fort Carson whom we just lost from wounds that he suffered in Afghanistan in a roadside bomb attack. Those are the most casualty-ridden attacks that our forces have faced over and over, not only in Afghanistan but in Iraq.

Last week, Army SGT Sean Durkin died at Walter Reed because of his wounds. He had been one of three Fort Carson soldiers who were presented a Purple Heart from President Obama when he visited Kabul and went to the military hospital when he was there.

On his Facebook page, he included a quotation from an unnamed marine. This quotation said:

This is my charge to you. Tell everyone of the heroism of the soldiers who lost their lives and of the soldiers who are fighting to recover what they have lost.

I wanted to tell everyone here, everyone listening, everyone watching of Sergeant Durkin's heroism and ask that we keep in our prayers and our thoughts all of our service men and women and their families as they serve us all over the world.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CASEY. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. UDALL of Colorado). Without objection, it is so ordered.

MORNING BUSINESS

Mr. CASEY. I ask unanimous consent that the Senate proceed to a period of morning business with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

SEXUAL ASSAULT AWARENESS MONTH

Mr. REID. Mr. President, I rise today in recognition of Sexual Assault Awareness Month. During the month of April, I urge my colleagues and Americans around the country to reflect on the effects of sexual assault and domestic violence in their communities and to join me in making a commitment to

end this stain on our society. In conjunction with Sexual Assault Awareness Month, our country will observe National Crime Victims' Rights Week on April 18-24, 2010. This year's theme, Crime Victim's Rights: Fairness, Dignity, and Respect, is a reminder of the progress our country has made as well as the work that still must be accomplished.

As a former U.S. Capitol Police Officer, I understand the effects violent crime can have on a family and community. I recognize the significant role government and other supporting agencies must play in assisting victims of sexual assault and preventing violence. We must never forget that sexual assault is a violent crime with devastating implications.

One in six women and one in thirty-three men reported experiencing rape or attempted rape in the United States. In 2008, an estimated 222,000 rapes or sexual assaults on individuals age 12 and older were reported. One in four women will experience domestic violence from a partner in their lifetime. Each year, an estimated 1.3 million women are victims of physical assault by an intimate partner. These numbers, while terrible, grossly underestimate the problem. Many cases of sexual assault and domestic violence are not reported because victims are afraid to tell the police, their family, or their friends about the abuse.

Such violence affects not only the victims of abuse, but their families, communities, and, most unfortunately, their children. Women, men, and children throughout our country suffer the long-lasting effects of sexual assault and domestic violence through the emotional and physical scars they carry each day.

It is clear we must do more to prevent these crimes and help those who are victimized. I have long supported efforts to recognize, prevent, and combat violent crimes committed against women and children, and I am always seeking to improve Federal laws and programs regarding this issue. In 1990, I was a cosponsor of the original Violence Against Women Act, VAWA, proposal, and I supported passage of the bill when it became law in 1994. Additionally, I support the Family Violence Prevention and Services Act, FVPSA, and I am pushing for greater funding for FVPSA programs and grants.

Countless organizations throughout our country are helping victims of abuse every day, thanks in part to VAWA and FVPSA. It is essential to recognize the organizations committed to providing victims of abuse the assistance they need to overcome the trauma of violence. Please join me in commending the dedicated efforts of the individuals who work tirelessly to stop violence in our communities.

TRIBUTE TO MARK LEET

Mr. MCCONNELL. Mr. President, I rise to honor Mr. Mark Leet of Flemingsburg, KY, for recently receiving the middle school Teacher of the Year award presented by the Veterans of Foreign Wars of the United States, VFW. Mr. Leet was recognized by the VFW for his dedication to educating students about the importance of citizenship and patriotism.

Today, I wish to honor Mr. Leet's dedication to the children of the Commonwealth and congratulate him on this well deserved award.

TRIBUTE TO JESSICA K. VAUGHAN

Mr. MCCONNELL. Mr. President, I rise to congratulate Miss Jessica K. Vaughan of Bowling Green, KY. Miss Vaughan was recently selected by the Veterans of Foreign Wars of the United States to receive the Patriot's Pen scholarship award. This scholarship program is a youth essay contest that gives middle school students from across the Nation the opportunity to articulate their views on democracy.

Miss Vaughan, an eighth grade student, was selected to receive this award based on her essay entitled "Does Patriotism Still Matter?" I wish to congratulate Miss Vaughan on her hard work, perseverance and dedication.

TRIBUTE TO MISS SOPHIA BROWN

Mr. MCCONNELL. Mr. President, today I rise to honor Miss Sophia Brown of Louisville, KY. Miss Brown was recently selected by the Veterans of Foreign Wars of the United States to receive the National Voice of Democracy scholarship. This scholarship competition gives high school students from across the Nation the opportunity to write and then record a broadcast based on a selected theme.

I am particularly proud since Miss Brown is a sophomore at my alma mater, duPont Manual High School. She was awarded the scholarship based on her broadcast pertaining to American heroes. I wish to congratulate Miss Brown on her hard work, perseverance and dedication.

TRICARE DEPENDENT COVERAGE EXTENSION ACT

Ms. MIKULSKI. Mr. President, I rise to speak in favor of the TRICARE Dependent Coverage Extension Act.

Last month, President Obama signed the health care reform bill into law. It was a historic day. For the first time in American history we committed to ending the abuses of the insurance industry. We committed to covering every single American. It extends the solvency of Medicare for nearly a decade. It ends the punitive practices of insurance companies that deny coverage based on gender, age, or race. It

expands universal coverage to 32 million Americans who have been without insurance. And we pay for it with an emphasis on wellness and quality. We say goodbye to quantity medicine by emphasizing quality medicine. It was a very big deal. But there is more to do.

I voted for health care reform because I listened to the people of Maryland at diners and in the grocery store, at roundtables, tele-town halls, in hearings, and in letters and emails. Time and again I heard, "Save my Medicare." I heard, "Don't take my mammograms away." I heard, "They turned me down for health insurance because I had a C-Section." I voted for health care reform because I listened to the stories of the people. I know that the best ideas come from the people.

Over the recess I heard from another group in Maryland. I met with my wonderful Veterans Advisory Board. They represent Vets from World War Two to Desert Storm. They are my eyes and ears in the veterans' community. One of my board asked me a question. He said, "We think health care reform is great but we think there is a problem." The part of the health care bill that extends parents' health insurance to kids age 26 and younger left out military families. I promised him that if there was a problem, that I would fix it! Wow was he right. Military families in the TRICARE system were left out.

TRICARE is a critical benefit for our military and their families. It covers active duty military, retired military, Coast Guard, National Guard and Reservist in a certain status, and the uniform corps of the Public Health Service and the National Oceanographic and Atmospheric Administration. They were all left out. That is why I am here today—to right this wrong.

I am proud to join Senator UDALL and my colleagues in introducing the TRICARE Dependent Coverage Extension Act. This bill says that if military children can't get insurance through an employer that their parents can keep them on their TRICARE insurance until they reach age of 26. This is the right thing to do. If the kids of a hedge fund manager can stay on their parents' health care until they are 26, then kids in military families should be able to be covered to age 26 too.

I am so proud of the men and women of our military. I stand here today saluting them for their honor, courage, and commitment to our country. Make no mistake. I have my marching orders. I commit to making this right for them. I will fight to see this bill signed into law. Because promises made must be promises kept.

RECOGNIZING THE PETER M. GOODRICH MEMORIAL FOUNDATION

Mr. LEAHY. Mr. President, it is a great pleasure to call the Senate's at-

tention to the inspiring work of Donald and Sarah "Sally" Goodrich of Bennington, VT, through their efforts to turn their own devastating personal tragedy into new opportunity and hope for children and families a world away in Afghanistan.

Confronted by the death of their son Peter aboard the flight that struck the south tower of the World Trade Center on September 11, 2001, Don and Sally Goodrich channeled their grief and energy into a foundation established in his memory—a foundation with a unique and uplifting purpose.

The Peter M. Goodrich Foundation provides food, clean water, shelter and educational opportunities to Afghan children facing extreme hardship, dismal circumstances and little hope for the future. The foundation's mission is far broader than offering basic humanitarian services to a country torn by conflict; its work recognizes the untapped potential of a generation of Afghan children, helping them to rise above hate and to embrace values based on understanding, tolerance and respect.

With this vision and this goal, the Goodrich Foundation supports exchange programs that bring Afghan students to the United States and vocational programs that allow them to put their knowledge and skills to use upon their return to Afghanistan. The foundation also promotes the work of The Afghan Women's Writing Project, which helps Afghan women to be heard in their own right rather than solely through their male relatives. These are just a few examples of the tremendous amount of good the foundation has achieved in less than a decade. We can all be grateful to Sally and Don for opening their hearts, amid their personal grief, and lighting an enduring flame of hope after one of our Nation's darkest hours.

ADDITIONAL STATEMENTS

TRIBUTE TO WALTER J. BISHOP

• Mrs. BOXER. Mr. President, I am pleased to pay tribute to Walter "Wally" Bishop, general manager of the Contra Costa Water District—CCWD—as he retires after 18 years of dedicated service.

A native of Washington DC, Mr. Bishop started his career in 1973 as an engineer for the Washington Suburban Sanitary Commission. Upon arriving in California, he went to work as an engineer for the Ventura Regional County Sanitation District in 1975 before moving to northern California, where he worked for the East Bay Municipal Utility District from 1983 to 1992.

The CCWD serves over 550,000 people in Central and Eastern Contra Costa County and carries a large influence on the direction of California water pol-

icy, given its location on the Delta's edge. Starting as CCWD's general manager in 1992, Mr. Bishop continually advocated for a customer-first, entrepreneurial approach throughout the district. Under his leadership, CCWD's Los Vaqueros Reservoir Project was permitted, designed, and completed. It was the first major reservoir to be permitted and constructed in more than a decade.

A well-known leader in both State and national water issues, Mr. Bishop has been recognized by numerous organizations for his commitment to water issues and policy. He was recently awarded the Edward J. Cleary Award from the American Academy of Environmental Engineers for his leadership in environmental engineering and management. He has also been a two-term member of the National Drinking Water Advisory Council, which advises the Environmental Protection Agency Administrator on everything that EPA does relating to drinking water.

I commend Mr. Bishop for his 18 years of dedicated service to the CCWD. Along with his friends and colleagues throughout Contra Costa County and the San Francisco Bay Area, I thank him for his efforts and wish him the best as he embarks on the next phase of his life.●

RECOGNIZING THE ASSOCIATED: JEWISH COMMUNITY FEDERATION OF BALTIMORE

• Mr. CARDIN. Mr. President, I would like to take this opportunity to honor The Associated: Jewish Community Federation of Baltimore on its 90th anniversary. The Greater Baltimore Area is comprised of more than 90,000 Jews, many of whom rely on The Associated to provide support and resources to a vibrant Jewish community in the region. The Associated was officially formed in 1920 by the merger of two community organizations, the Federated Jewish Charities with the United Hebrew Charities. The Associated and its agencies have worked hard to better the lives of Jewish Baltimoreans for almost a century.

The talents, commitment, and compassion of Baltimore's Jewish community activists, philanthropists, volunteers, and professionals have created and sustained The Associated. From Harry Greenstein to Marc Terrill, from Jacob Epstein to Jimmy Berg, men and women have provided their experience and expertise to help turn the organization into one of the most powerful and cohesive Jewish federations in the country today.

Through its Jewish Community Services program, The Associated helps support and serve the needs of the entire Baltimore Jewish community. It provides a wide array of counseling programs to help with substance abuse, relationship problems, depression, and

grief. Its social workers also offer outstanding support for parents, caregivers, job seekers, teenagers, and senior citizens. All of these programs and initiatives have been vital in helping many Jewish individuals and families improve both their economic and mental health situations while still maintaining a positive connection to the Jewish community.

The Associated's international outreach also has been just as profound and important as its local impact. Since the early years of the federation, it has played an active role in the relocation of Jews to Baltimore. It helped more than 3,000 German Jews flee the Nazi regime and settle in the Baltimore area and has provided support for both Iranian Jews and Russian Jews to resettle in Baltimore in recent years as well.

The federation has also played an integral part in strengthening the bond between Baltimore and Israel through its new sister city partnership with the Israeli city, Ashkelon. This relationship has already spurred initiatives that will help educate Jewish leaders in both communities on economic and leadership development. A different partnership with the Ukrainian city of Odessa complements the one with Ashkelon by promoting cross-cultural exchange and education as well.

In honor of its 90th anniversary, the federation is doing what it does best: helping people. The Associated has called on its community to log 90,000 volunteer hours together—1,000 hours for every year of existence. This is just one more act of generosity among countless others. The Associated has sponsored throughout the years.

I ask my colleagues to join me in recognizing The Associated: Jewish Community Federation of Baltimore for its continued commitment to *tikkun olam*—repair of the world—and *gemilut chasadim*—acts of loving-kindness—as well as all the work it has done to better the lives of Baltimore Jews throughout the past 90 years.●

REMEMBERING CLIFFORD HARDIN

● Mr. JOHANNIS. Mr. President, I wish to pay tribute to a great Nebraskan and great American. Last week, we lost a visionary figure who, through years of service, made lasting contributions to our society: former University of Nebraska chancellor and later U.S. Secretary of Agriculture Clifford Hardin.

I was deeply saddened to hear of the passing of Cliff Hardin. His lifetime of service both in government and academia provides a shining example of the impact one person can have.

As chancellor of the University of Nebraska, Cliff was the steady hand that guided the University through a turbulent era. He was appointed to the position in 1954 at the age of 38—the

youngest university president in the country at the time. His tenure at Nebraska lasted 15 years.

In reading the many tributes to Cliff over the last week, I was touched by one particular story that showed his true colors. Upon learning that a rival university had plans to place Nebraska's Black football players in one hotel and the White players in a separate hotel, he refused to let the team even board the plane to go to the game. It wasn't long until the other school changed course and offered the same accommodations for all players.

As Secretary of Agriculture, Cliff was a results-oriented advocate for farmers and ranchers in my home State of Nebraska and across the country. He put a premium on bipartisanship, and his distinguished record of accomplishments set a wonderful example for me during my time as Secretary of Agriculture. As Congress works this year to reauthorize child nutrition programs, his impact is still felt. It was then-Secretary Hardin who established the Food and Nutrition Service within the Department of Agriculture to administer nutrition programs.

I extend my deepest condolences to the entire Hardin family. Cliff leaves behind a legacy of service and leadership. He will be missed but not forgotten.●

TRIBUTE TO DR. RICHARD J. PAPPAS

● Mr. LEVIN. Mr. President, I am proud to recognize Dr. Richard J. Pappas, who assumed the presidency of Davenport University in August 2009 and was formally installed in this role on March 31, 2010. This investiture ceremony was surely a significant milestone for Dr. Pappas and his family, and is the result of many years of dedication and hard work. Indeed, Dr. Pappas is poised to lead this fine institution to new heights as he builds on Davenport University's proud tradition.

With 14 campuses located across Michigan and an enrollment of more than 12,000 students, Davenport University is an important part of the educational landscape of Michigan. With his "Vision 2015," Dr. Pappas has embarked on an effort to reshape and sharpen the focus of the university. Vision 2015 emphasizes academic programming, market position, and financial strength, three aspects critical to the success of a college or university. This is a comprehensive plan, one that will position Davenport University for success for many years.

Throughout his career, Dr. Pappas has proven to be a talented administrator and leader in the field of higher education. Before assuming the presidency of Davenport University, Dr. Pappas served as president of three other institutions: National-Louis Uni-

versity, Lake Michigan College, and Harford Community College. With Dr. Pappas at the helm, Davenport University will benefit from a leader that brings more than three decades of experience in higher education to this position, including 20 years as the head of an institution of higher education. This broad knowledge of the needs of students at both 4-year and 2-year institutions will be especially helpful.

In addition to leading two institutions in Michigan, I am proud to say that Dr. Pappas is a native Michigander. After growing up in Michigan, he earned his undergraduate degree from Eastern Michigan University and his master's and doctoral degrees from the University of Michigan. He is committed to civic and community endeavors, which is evidenced by his years of involvement in charitable organizations and civic boards. As a result of his many efforts, Dr. Pappas has received several prestigious awards over the years, including the University of Michigan's Norman C. Harris Alumni Award and the National Council for Marketing and Public Relations Pacesetter Award. And above all, Dr. Pappas is a family man and is buoyed by his wife, Pam, and his three children.

Again, I am privileged to have an opportunity to honor Dr. Pappas as he embarks on a wonderful journey. There is no more noble cause than educating our next generation of leaders. His imprint on the lives of these young people will be tremendous, and I know he is well-suited and eager to undertake this challenge. I look forward to hearing about Davenport University's many successes in the years ahead.●

REMEMBERING BRANNON WOODHAM

● Mr. SESSIONS. Mr. President, Brannon Woodham was one of the finest people I have ever known. He combined a deep and mature Christian faith, a love of family that constantly showed itself in his conversations and actions, a rich appreciation of the exceptional nature of his country which he had faithfully served for so many years, and a loyalty to his friends and church.

We were in the same Sunday School class for over 30 years. Ever positive and welcoming, he was one of the constants—a rock really—that set the class's tone and direction. This fellowship and spiritual journey meant much to him and enriched his classmates.

That on this day Brannon would want no pomp and circumstance, there can be no doubt. But, if it were done, he would say better it be done quickly, and, importantly, honestly because he was indeed an honest man. In fact, I think he would want me to express his love to all of you and to note—that we already know—that if his honesty had

offended anyone, he would ask pardon, shaking his head ruefully saying he couldn't help it, that was just the way he was made.

In Sunday School class, he was a wise and perceptive participant. He had great spiritual depth, Scriptural knowledge, and mature beliefs. He did not speak too often but when he had something to say, he said it—in plain words. Often his wit brought a burst of laughter—usually because he had hit the nail on the head. As Jesus might say, “You are close to the kingdom, brother.” Importantly, those beliefs that he stated, he lived.

Mary and I were honored to be among his friends and were always pleased to have his invitation to his home in the woods when he hosted his storied church supper club. That was a special time of food and fellowship, on his bridge, getting a tour of his workshop—to be at “his place,” which he had shared with his beloved Ursula, his partner for 48 years, and to have a direct look into the heart of a great man who lived a good life.

Mary and I often enjoyed lunch with Brannon after church at the Whistle Stop or some such place. In those conversations, his principles shone through and he would talk with pride and joy of his children, grandchildren, the baseball games, going to Auburn, working together. They had a unique bond.

Brannon believed in honesty and hard work—the Protestant ethic, if you will, for which he made no apology.

Politically, he was not a party man, following, I suppose, the best traditions of good civil servants. But he was an encourager to me. He wanted me to be a “statesman,” not a politician. I would indeed feel very badly if I had failed him in this regard.

You may not know that he was an excellent writer. He wrote me many handwritten letters—long ones—that I cherish. They were filled with wisdom, good values, sound policy ideas, and what he was hearing from the community. A year or so ago, he gave me a copy of a plan he helped write some 40 years ago as part of a committee for the development of Mobile. He was proud of their work, and indeed their concepts and vision are still valid today.

His accomplishments are many. One of his most important was the critical role he played in the growth and character of Ashland Place United Methodist Church for four decades.

As a Southeastern Conference champion wrestler at Auburn, he demonstrated courage, strength, and discipline. There are just two in the ring and only one winner. He was a consistent winner.

I have come to understand the importance of our top civilian personnel at our military bases. Generals come and go but able civilians keep the bases

running. Our civilian leaders are crucial to our military's success, and they are promoted on merit and on performance. At Robbins Air Force Base, Brannon led the avionics section that consisted of some 2,300 personnel. A place where errors are not allowed.

I visited him in the hospital, not long after his heart surgery. I thought he looked good, and he felt confident. But Brannon was no Polyanna. He was a realist. His words and manner conveyed that he well knew that he had had serious surgery, that nothing was guaranteed, and in the scheme of things life is short—“but a vapor” the Scripture says.

Daughter Ursula says later on during his final illness, and as he weakened, he knew the end was near and he was at peace. Of that I have no doubt. See, he knew he had had a good life of family and friends. He had done his best to be true. He was confident in his salvation. He felt blessed. And right he was.

So we celebrate honestly this remarkable and good man: a champion and fearless wrestler; a great leader at one of our Nation's military bases; a pillar of his church; a faithful and loving husband; an example to all in love of family; a man of principles and conviction; a man of courage, honesty, and honor; but humble, encouraging, and loving.

His values represent the highest and best of our faith, and of our Nation. His family has received a great legacy—which to their credit they fully recognize—and we, his friends, a true lesson in how to live a “good” life.

Well done, good friend.●

RECOGNIZING VARNEY'S STORE

● Ms. SNOWE. Mr. President, we frequently hear stories of small businesses across our Nation that are struggling to survive, a trend which has only been exacerbated by the present economic recession. Facing numerous challenges, too many small firms simply end up closing their doors. Yet fortunately, thanks to the generosity of one man, the story has a different ending for one small business in my home State of Maine. Today I honor Varney's Store, a longstanding fixture in the central Maine town of Windsor, that recently reopened to the approval of the store's many loyal customers.

Shirley Varney has been running Varney's Store, a traditional, family-owned convenience store at the corner of Routes 17 and 32 in Windsor, for the past 73 years. Over these many years, she has experienced times of terrible burden and significant difficulty, such as when her husband and business partner sadly passed away 60 years ago. Additionally, Mrs. Varney suffered a stroke several years ago, which has left her confined to a wheelchair. As a result, it became difficult for Mrs.

Varney to run her store, which she recently had to close.

The closing of Varney's Store left a noticeable void in the community. Not long after, Mike Richardson, a Maine State trooper and local patron of the store for 35 years, stepped forward to offer a helping hand. Mr. Richardson had developed a lengthy relationship with the Varney family through his patronage of the store, and often came to Mrs. Varney's aid throughout the years. Displaying a true act of kindness, Mr. Richardson petitioned to become Mrs. Varney's legal guardian, committing to look after her and her son, who is also wheelchair bound.

Furthermore, Mr. Richardson had the desire to resurrect the fabled general store, and embarked on an ambitious plan to make significant renovations and reopen the establishment to its dedicated customers. Along with his son Corey, now the manager of the store, Mr. Richardson gutted and revamped the inside, adding new and improved hardware and furnishings. The duo also incorporated a brand new grill area, tables, coolers, counters, and restrooms, and added a new parking lot outside. Mr. Richardson insisted that the unique character and ambiance be maintained, and so the store contains the original wood interior, several old tools, pictures of the original store, and many of the notable antiques that have made this institution so famous in the eyes of its clients. The store still boasts its famous swinging doors, which have been standing for the past 73 years.

Thanks to the hard work and commitment of Mike Richardson, the new Varney's Store hosted a friends and family night on February 20 to celebrate the grand reopening of this famous locale, and the store was back in operation early the next morning, serving breakfast to longtime customers who had awaited its return.

For nearly three-quarters of a century, Varney's Store has offered the people of Windsor and surrounding towns the goods they need for everyday living, but more significantly, it has provided them with a feeling of hospitality. I thank Mrs. Varney for her numerous years of dedicated service to make her store such a welcoming environment. Additionally, the story of Varney's Store resurgence is exemplary of how a neighbor's kindness can give hope to a family and an entire community. It is through the compassionate and gracious deeds of Mike Richardson and his family that Varney's Store has been refurbished and reopened, and I wish him and everyone at Varney's Store much success as they aim to continue its tradition of excellence.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to

the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations and a withdrawal which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

ENROLLED BILL SIGNED

At 10:57 a.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

H.R. 4887. An act to amend the Internal Revenue Code of 1986 to ensure that health coverage provided by the Department of Defense is treated as minimal essential coverage.

The enrolled bill was subsequently signed by the President pro tempore (Mr. BYRD).

At 4:55 p.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the House agrees to the amendments of the Senate to the bill (H.R. 4573) to urge the Secretary of the Treasury to instruct the United States Executive Directors at the International Monetary Fund, the World Bank, the Inter-American Development Bank, and other multilateral development institutions to use the voice, vote, and influence of the United States to cancel immediately and completely Haiti's debts to such institutions, and for other purposes.

ENROLLED BILL SIGNED

At 6:59 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

H.R. 4573. An act to urge the Secretary of the Treasury to instruct the United States Executive Directors at the International Monetary Fund, the World Bank, the Inter-American Development Bank, and other multilateral development institutions to use the voice, vote, and influence of the United States to cancel immediately and completely Haiti's debts to such institutions, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-5336. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report

on D.C. Act 18-332, "Office on Latino Affairs Grant-Making Authority Temporary Amendment Act of 2010"; to the Committee on Homeland Security and Governmental Affairs.

EC-5337. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18-333, "Rhode Island Place Shopping Center Working Group Temporary Act of 2010"; to the Committee on Homeland Security and Governmental Affairs.

EC-5338. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18-334, "Rent Administrator Hearing Authority Temporary Amendment Act of 2010"; to the Committee on Homeland Security and Governmental Affairs.

EC-5339. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18-335, "Legalization of Marijuana for Medical Treatment Initiative Applicability Temporary Amendment Act of 2010"; to the Committee on Homeland Security and Governmental Affairs.

EC-5340. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18-336, "Real Property Tax Reform Temporary Amendment Act of 2010"; to the Committee on Homeland Security and Governmental Affairs.

EC-5341. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18-337, "Healthy DC Equal Access Fund and Hospital Stabilization Temporary Amendment Act of 2010"; to the Committee on Homeland Security and Governmental Affairs.

EC-5342. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18-338, "Haiti Earthquake Relief Drug and Medical Supply Assistance Temporary Act of 2010"; to the Committee on Homeland Security and Governmental Affairs.

EC-5343. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18-339, "Energy Efficiency Financing Temporary Act of 2010"; to the Committee on Homeland Security and Governmental Affairs.

EC-5344. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Flutolanil; Pesticide Tolerances" (FRL No. 8817-9) received during adjournment of the Senate in the Office of the President of the Senate on March 31, 2010; to the Committee on Agriculture, Nutrition, and Forestry.

EC-5345. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Thifensulfuron methyl; Pesticide Tolerances" (FRL No. 8818-9) received during adjournment of the Senate in the Office of the President of the Senate on April 8, 2010; to the Committee on Agriculture, Nutrition, and Forestry.

EC-5346. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule en-

titled "Kasugamycin; Pesticide Tolerances for Emergency Exemptions" (FRL No. 8808-7) received during adjournment of the Senate in the Office of the President of the Senate on April 8, 2010; to the Committee on Agriculture, Nutrition, and Forestry.

EC-5347. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Alkyl (C12-C16) Dimethyl Ammonio Acetate; Exemption from the Requirement of a Tolerance" (FRL No. 8816-5) received during adjournment of the Senate in the Office of the President of the Senate on April 8, 2010; to the Committee on Agriculture, Nutrition, and Forestry.

EC-5348. A communication from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Changes in Hourly Fee Rates for Science and Technology Laboratory Services—Fiscal Years 2010-2012" (Docket No. AMS-ST-09-0016) received during adjournment of the Senate in the Office of the President of the Senate on April 9, 2010; to the Committee on Agriculture, Nutrition, and Forestry.

EC-5349. A communication from the Administrator of the Fruit and Vegetable Programs, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Nectarines and Peaches Grown in California; Changes in Handling Requirements for Fresh Nectarines and Peaches" (Docket Nos. AMS-FV-09-0090; FV10-916/917-1 IFR) received during adjournment of the Senate in the Office of the President of the Senate on April 9, 2010; to the Committee on Agriculture, Nutrition, and Forestry.

EC-5350. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Citrus Seed Imports; Citrus Greening and Citrus Variegated Chlorosis" (Docket No. APHIS-2008-0052) received during adjournment of the Senate in the Office of the President of the Senate on April 9, 2010; to the Committee on Agriculture, Nutrition, and Forestry.

EC-5351. A communication from the Administrator of the Fruit and Vegetable Programs, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Irish Potatoes Grown in Colorado; Relaxation of the Handling Regulation for Area No. 3" (Docket Nos. AMS-FV-08-0115; FV09-948-2 IFR) received during adjournment of the Senate in the Office of the President of the Senate on April 9, 2010; to the Committee on Agriculture, Nutrition, and Forestry.

EC-5352. A communication from the Administrator of the Fruit and Vegetable Programs, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Grapes Grown in a Designated Area of Southeastern California and Imported Table Grapes; Relaxation of Handling Requirements" (Docket Nos. AMS-FV-09-0085; FV10-925-1 IFR) received during adjournment of the Senate in the Office of the President of the Senate on April 9, 2010; to the Committee on Agriculture, Nutrition, and Forestry.

EC-5353. A communication from the Chief of Research and Analysis, Food and Nutrition Services, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Special Supplemental Nutrition Program for Women, Infants and Children (WIC): Vendor Cost Containment"

(RIN0584-AD71) received during adjournment of the Senate in the Office of the President of the Senate on April 9, 2010; to the Committee on Agriculture, Nutrition, and Forestry.

EC-5354. A communication from the Administrator of the Fruit and Vegetable Programs, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Cranberries Grown in the States of Massachusetts, Rhode Island, Connecticut, New Jersey, Wisconsin, Michigan, Minnesota, Oregon, Washington, and Long Island in the State of New York; Revised Nomination and Balloting Procedures" (Docket Nos. AMS-FV-09-0070; FV09-929-1 FR) received in the Office of the President of the Senate on April 13, 2010; to the Committee on Agriculture, Nutrition, and Forestry.

EC-5355. A communication from the Administrator of the Fruit and Vegetable Programs, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "U.S. Honey Producer Research, Promotion, and Consumer Information Order; Referendum Procedures" (Docket Nos. AMS-FV-07-0091; FV-07-706 FR) received in the Office of the President of the Senate on April 13, 2010; to the Committee on Agriculture, Nutrition, and Forestry.

EC-5356. A communication from the Chief of Research and Analysis, Food and Nutrition Services, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Child and Adult Care Food Program: At-Risk Afterschool Meals in Eligible States" (RIN0584-AD15) received in the Office of the President of the Senate on April 13, 2010; to the Committee on Agriculture, Nutrition, and Forestry.

EC-5357. A communication from the Administrator, Risk Management Agency, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Common Crop Insurance Regulations; Florida Avocado Crop Insurance Provisions" (RIN0563-AC22) received in the Office of the President of the Senate on April 13, 2010; to the Committee on Agriculture, Nutrition, and Forestry.

EC-5358. A communication from the Administrator, Risk Management Agency, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Common Crop Insurance Regulations; Basic Provisions; and Various Crop Insurance Provisions" (RIN0563-AB96) received in the Office of the President of the Senate on April 13, 2010; to the Committee on Agriculture, Nutrition, and Forestry.

EC-5359. A communication from the Under Secretary of Defense (Acquisition, Technology and Logistics), transmitting, pursuant to law, (98) Selected Acquisition Reports (SARs) for the quarter ending December 31, 2009; to the Committee on Armed Services.

EC-5360. A communication from the Under Secretary of Defense, transmitting a report on the approved retirement of Vice Admiral Joseph Maguire, United States Navy, and his advancement to the grade of vice admiral on the retired list; to the Committee on Armed Services.

EC-5361. A communication from the Under Secretary of Defense, transmitting a report on the approved retirement of Vice Admiral Michael K. Loose, United States Navy, and his advancement to the grade of vice admiral on the retired list; to the Committee on Armed Services.

EC-5362. A communication from the Under Secretary of Defense, transmitting a report

on the approved retirement of General Charles C. Campbell, United States Army, and his advancement to the grade of general on the retired list; to the Committee on Armed Services.

EC-5363. A communication from the Secretary of the Army, transmitting, pursuant to law, a report relative to the Program Acquisition Unit Cost and the Average Procurement Unit Cost for the Longbow Apache Block III (AB3) program exceeding the Acquisition Program Baseline values by more than 25 percent; to the Committee on Armed Services.

EC-5364. A communication from the Secretary of the Army, transmitting, pursuant to law, a report relative to the man-portable and vehicle mounted guided missile systems to replace the current Javelin and Tube-launched, Optically tracked, Wire-guided missile (TOW) systems; to the Committee on Armed Services.

EC-5365. A communication from the Assistant Secretary of Defense (Reserve Affairs), transmitting, pursuant to law, the 2009 annual report relative to the STARBASE Program; to the Committee on Armed Services.

EC-5366. A communication from the Under Secretary of Defense (Personnel and Readiness), Department of Defense, transmitting, pursuant to law, a report relative to activities under the Secretary's personnel management demonstration project authorities for Department of Defense Science and Technology Reinvention Laboratories; to the Committee on Armed Services.

EC-5367. A communication from the Assistant Secretary of Defense (Special Operations/Low-Intensity Conflict and Interdependent Capabilities), Department of Defense, transmitting, pursuant to law, a report relative to the training of the U.S. Special Operations Forces with friendly foreign forces during fiscal year 2009; to the Committee on Armed Services.

EC-5368. A communication from the Regulatory Specialist, Office of the Comptroller of the Currency, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Freedom of Information Act" (RIN1557-AD22) received in the Office of the President of the Senate on April 12, 2010; to the Committee on Banking, Housing, and Urban Affairs.

EC-5369. A communication from the Director, Financial Crimes Enforcement Network, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Financial Crimes Enforcement Network; Amendment to the Bank Secrecy Act Regulations; Defining Mutual Funds as Financial Institutions" (RIN1506-AA93) received during adjournment of the Senate in the Office of the President of the Senate on April 9, 2010; to the Committee on Banking, Housing, and Urban Affairs.

EC-5370. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Final Flood Elevation Determinations" ((44 CFR Part 67)(Docket No. FEMA-2010-0003)) received during adjournment of the Senate in the Office of the President of the Senate on April 8, 2010; to the Committee on Banking, Housing, and Urban Affairs.

EC-5371. A communication from the Assistant Secretary, Department of the Treasury, transmitting, pursuant to law, a report relative to the acquisition of articles, materials, and supplies manufactured outside of the United States; to the Committee on Banking, Housing, and Urban Affairs.

EC-5372. A communication from the Chairman and President of the Export-Import Bank, transmitting, pursuant to law, a report relative to transactions involving U.S. exports to the Kingdom of Morocco; to the Committee on Banking, Housing, and Urban Affairs.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. FEINGOLD:

S. 3197. A bill to require a plan for the safe, orderly, and expeditious redeployment of United States Armed Forces from Afghanistan; to the Committee on Foreign Relations.

By Mr. NELSON of Nebraska:

S. 3198. A bill to provide that Members of Congress shall not receive a cost of living adjustment in pay during fiscal year 2011; to the Committee on Homeland Security and Governmental Affairs.

By Ms. SNOWE (for herself and Mr. HARKIN):

S. 3199. A bill to amend the Public Health Service Act regarding early detection, diagnosis, and treatment of hearing loss; to the Committee on Health, Education, Labor, and Pensions.

By Mrs. GILLIBRAND:

S. 3200. A bill to designate the facility of the United States Postal Service located at 23 Genesee Street in Hornell, New York, as the "Zachary Smith Post Office Building"; to the Committee on Homeland Security and Governmental Affairs.

By Mr. UDALL of Colorado (for himself, Mr. BEGICH, Mrs. MCCASKILL, Ms. LANDRIEU, Mr. WARNER, Mr. NELSON of Nebraska, Mr. BENNET, Mr. LEAHY, Ms. MIKULSKI, Mrs. MURRAY, Mr. KERRY, Mr. BAYH, Ms. KLOBUCHAR, Mrs. LINCOLN, Mr. CASEY, Mr. MENENDEZ, Mr. CARDIN, Mr. BROWN of Ohio, Mr. SANDERS, Mr. LAUTENBERG, Mr. WHITEHOUSE, and Mr. DURBIN):

S. 3201. A bill to amend title 10, United States Code, to extend TRICARE coverage to certain dependents under the age of 26; to the Committee on Armed Services.

By Mr. LUGAR (for himself and Mr. LEAHY):

S. 3202. A bill to promote the strengthening of the Haitian private sector; to the Committee on Foreign Relations.

By Mr. VITTER:

S. 3203. A bill to extend the National Flood Insurance Program through May 31, 2010; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. BROWN of Ohio:

S. 3204. A bill to authorize the Secretary of Education to award grants to improve access to, sharing of, and use of, education data to improve student outcomes, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. SCHUMER (for himself, Mr. MENENDEZ, Mr. LAUTENBERG, Mrs. LINCOLN, Mrs. SHAHEEN, Ms. KLOBUCHAR, Mr. CARDIN, Mr. BEGICH, Mrs. MCCASKILL, Mr. LEAHY, Mr. HARKIN, and Mr. SANDERS):

S. 3205. A bill to amend the Internal Revenue Code of 1986 to provide that fees charged for baggage carried into the cabin of an aircraft are subject to the excise tax imposed on transportation of persons by air; to the Committee on Finance.

By Mr. HARKIN (for himself, Mrs. BOXER, Mr. BEGICH, Mr. BINGAMAN, Mr. BROWN of Ohio, Mr. BURRIS, Mr. DODD, Mr. DURBIN, Mr. FRANKEN, Mrs. GILLIBRAND, Mr. KERRY, Mr. LAUTENBERG, Mr. MERKLEY, Ms. MIKULSKI, Mrs. MURRAY, Mr. SCHUMER, and Ms. STABENOW):

S. 3206. A bill to establish an Education Jobs Fund; to the Committee on Health, Education, Labor, and Pensions.

By Mr. MENENDEZ (for himself, Mrs. GILLIBRAND, and Mrs. MURRAY):

S. 3207. A bill to protect victims of crime or serious labor violations from deportation during Department of Homeland Security enforcement actions, and for other purposes; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. DURBIN (for himself, Mr. JOHANNIS, Mr. KERRY, Ms. MIKULSKI, Mr. VOINOVICH, Mr. BROWN of Ohio, Mr. CARDIN, Mr. REID, Mr. MCCONNELL, Mr. KYL, Mr. AKAKA, Mr. ALEXANDER, Mr. BARRASSO, Mr. BAUCUS, Mr. BAYH, Mr. BEGICH, Mr. BENNET, Mr. BENNETT, Mr. BINGAMAN, Mr. BOND, Mrs. BOXER, Mr. BROWN of Massachusetts, Mr. BROWNBACK, Mr. BUNNING, Mr. BURR, Mr. BURRIS, Mr. BYRD, Ms. CANTWELL, Mr. CARPER, Mr. CASEY, Mr. CHAMBLISS, Mr. COBURN, Mr. COCHRAN, Ms. COLLINS, Mr. CONRAD, Mr. CORKER, Mr. CORNYN, Mr. CRAPO, Mr. DEMINT, Mr. DODD, Mr. DORGAN, Mr. ENSIGN, Mr. ENZI, Mr. FEINGOLD, Mrs. FEINSTEIN, Mr. FRANKEN, Mrs. GILLIBRAND, Mr. GRAHAM, Mr. GRASSLEY, Mr. GREGG, Mrs. HAGAN, Mr. HARKIN, Mr. HATCH, Mrs. HUTCHISON, Mr. INHOFE, Mr. INOUE, Mr. ISAKSON, Mr. JOHNSON, Mr. KAUFMAN, Ms. KLOBUCHAR, Mr. KOHL, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. LEAHY, Mr. LEMIEUX, Mr. LEVIN, Mr. LIEBERMAN, Mrs. LINCOLN, Mr. LUGAR, Mr. MCCAIN, Mrs. MCCASKILL, Mr. MENENDEZ, Mr. MERKLEY, Ms. MURKOWSKI, Mrs. MURRAY, Mr. NELSON of Nebraska, Mr. NELSON of Florida, Mr. PRYOR, Mr. REED, Mr. RISCH, Mr. ROBERTS, Mr. ROCKEFELLER, Mr. SANDERS, Mr. SCHUMER, Mr. SESSIONS, Mrs. SHAHEEN, Mr. SHELBY, Ms. SNOWE, Mr. SPECTER, Ms. STABENOW, Mr. TESTER, Mr. THUNE, Mr. UDALL of Colorado, Mr. UDALL of New Mexico, Mr. VITTER, Mr. WARNER, Mr. WEBB, Mr. WHITEHOUSE, Mr. WICKER, and Mr. WYDEN):

S. Res. 479. A resolution expressing sympathy for the people of Poland in the aftermath of the devastating plane crash that killed the country's President, First Lady, and 94 other high ranking government, military, and civic leaders on April 10, 2010; considered and agreed to.

By Mr. GREGG (for himself, Mr. MCCONNELL, Mr. BENNETT, Mr. BROWNBACK, Ms. COLLINS, Mr. LIEBERMAN, and Mr. LEAHY):

S. Res. 480. A resolution condemning the continued detention of Burmese democracy leader Daw Aung San Suu Kyi and calling on the military regime in Burma to permit a credible and fair election process and the transition to civilian, democratic rule; to the Committee on Foreign Relations.

By Mr. AKAKA (for himself, Mr. VOINOVICH, Mr. LIEBERMAN, Ms. COLLINS, Mr. LEVIN, Mr. CARPER, Mr. LAUTENBERG, Mr. BURRIS, and Mr. KAUFMAN):

S. Res. 481. A resolution expressing the sense of the Senate that public servants should be commended for their dedication and continued service to the Nation during Public Service Recognition Week, May 3 through 9, 2010; to the Committee on Homeland Security and Governmental Affairs.

By Ms. KLOBUCHAR (for herself and Mr. BURR):

S. Res. 482. A resolution designating April 2010 as "National 9-1-1 Education Month"; considered and agreed to.

By Mr. LEMIEUX (for himself, Mr. RISCH, and Mr. DEMINT):

S. Con. Res. 57. A concurrent resolution establishing an expedited procedure for consideration of a bill returning spending levels to 2007 levels; to the Committee on the Budget.

ADDITIONAL COSPONSORS

S. 379

At the request of Mr. LEAHY, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 379, a bill to provide fair compensation to artists for use of their sound recordings.

S. 484

At the request of Mrs. FEINSTEIN, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 484, a bill to amend title II of the Social Security Act to repeal the Government pension offset and windfall elimination provisions.

S. 704

At the request of Mr. HARKIN, the names of the Senator from Idaho (Mr. CRAPO) and the Senator from Montana (Mr. TESTER) were added as cosponsors of S. 704, a bill to direct the Comptroller General of the United States to conduct a study on the use of Civil Air Patrol personnel and resources to support homeland security missions, and for other purposes.

S. 752

At the request of Mr. DURBIN, the name of the Senator from Delaware (Mr. KAUFMAN) was added as a cosponsor of S. 752, a bill to reform the financing of Senate elections, and for other purposes.

S. 891

At the request of Mr. BROWNBACK, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 891, a bill to require annual disclosure to the Securities and Exchange Commission of activities involving columbite—tantallite, cassiterite, and wolframite from the Democratic Republic of Congo, and for other purposes.

S. 1055

At the request of Mrs. BOXER, the name of the Senator from Idaho (Mr. RISCH) was added as a cosponsor of S. 1055, a bill to grant the congressional gold medal, collectively, to the 100th Infantry Battalion and the 442nd Regi-

mental Combat Team, United States Army, in recognition of their dedicated service during World War II.

S. 1674

At the request of Mr. WYDEN, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 1674, a bill to provide for an exclusion under the Supplemental Security Income program and the Medicaid program for compensation provided to individuals who participate in clinical trials for rare diseases or conditions.

S. 1743

At the request of Mrs. LINCOLN, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 1743, a bill to amend the Internal Revenue Code of 1986 to expand the rehabilitation credit, and for other purposes.

S. 2781

At the request of Ms. MIKULSKI, the name of the Senator from Illinois (Mr. BURRIS) was added as a cosponsor of S. 2781, a bill to change references in Federal law to mental retardation to references to an intellectual disability, and to change references to a mentally retarded individual to references to an individual with an intellectual disability.

S. 2882

At the request of Mr. KERRY, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 2882, a bill to amend the Internal Revenue Code of 1986 to modify the rules relating to the treatment of individuals as independent contractors or employees, and for other purposes.

S. 2919

At the request of Mr. UDALL of Colorado, the name of the Senator from Nebraska (Mr. NELSON) was added as a cosponsor of S. 2919, a bill to amend the Federal Credit Union Act to advance the ability of credit unions to promote small business growth and economic development opportunities, and for other purposes.

S. 2925

At the request of Mr. WYDEN, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 2925, a bill to establish a grant program to benefit victims of sex trafficking, and for other purposes.

S. 3031

At the request of Mr. LEAHY, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 3031, a bill to authorize Drug Free Communities enhancement grants to address major emerging drug issues or local drug crises.

S. 3106

At the request of Mrs. HAGAN, the names of the Senator from New Mexico (Mr. BINGAMAN) and the Senator from Minnesota (Ms. KLOBUCHAR) were added as cosponsors of S. 3106, a bill to authorize States to exempt certain non-profit housing organizations from the

licensing requirements of the S.A.F.E. Mortgage Licensing Act of 2008.

S. 3195

At the request of Mr. CARDIN, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 3195, a bill to prohibit air carriers from charging fees for carry-on baggage and to require disclosure of passenger fees, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. FEINGOLD:

S. 3197. A bill to require a plan for the safe, orderly, and expeditious redeployment of United States Armed Forces from Afghanistan; to the Committee on Foreign Relations.

Mr. FEINGOLD. Mr. President, today I am introducing legislation that would require the President to establish a flexible timetable for the responsible drawdown of U.S. troops from Afghanistan. Rep. MCGOVERN and Rep. JONES are also introducing companion legislation in the House.

This bicameral, bipartisan legislation would make clear our timeframe and our intention to focus on a global counterterrorism strategy that is essential to our efforts to combat al Qaeda. As we were reminded again by the nearly successful attack on Christmas day, al Qaeda is an agile enemy with affiliates operating and recruiting around the world. Sending more U.S. troops to Afghanistan this year will not help us deter or thwart attacks by al Qaeda's increasingly dangerous regional affiliates, nor will it eliminate al Qaeda's safe haven in Pakistan. The costly, military-centric, nation-building campaign currently underway in Afghanistan is unsustainable, unrealistic and unnecessary for our counterterrorism goals.

This bill would require the President to set a timetable for drawing down our forces in Afghanistan and identify any variables that would require an extension of that timetable. While I am disappointed by his decision to expand our military involvement in Afghanistan, I commend the President for setting a start-date for redeployment, namely July 2011. Our allies have stated that it has helped "focus the minds" of our partners in Afghanistan and around the world. Having a start date is essential, but alone it is insufficient—it should be accompanied by an end date, too. The President should convey to the American and Afghan people how long he anticipates it will take to complete his military objectives. So long as our large-scale military presence remains open-ended, al Qaeda will have a valuable recruiting tool and our partners in Afghanistan will have an incentive to take the back seat, leaving U.S. troops and U.S. taxpayers on the hook.

As our own ambassador to Afghanistan has reportedly stated, sending

more troops for an indefinite period of time will only increase Afghan dependency upon the international community, exacerbate misconceptions about why we are there and further enable Afghan leadership to shun responsibility. I do not know what led the ambassador to ultimately endorse the open-ended commitment of additional troops, but I believe his concerns remain valid today. Indeed, President Karzai's recent statements before a variety of audiences only raise more questions about his willingness to take the necessary steps to address corruption and security.

This bill does not itself set a specific date for the withdrawal of U.S. troops. Rather, it requires the President to set a timeline by which the redeployment of U.S. troops will be completed and to identify what variables, if any, would warrant the alteration of that timeline. While the President has set detailed objectives and metrics for Afghanistan, many of our objectives are dependent upon the conduct of officials in the Afghan and Pakistani governments, both of which have been unreliable partners for many years. We must make clear to our partners in both countries that our support is not unconditional and that we will not continue to bear the burden of our current military deployment indefinitely.

Some of my colleagues have suggested that we should give the President's new strategy in Afghanistan a "chance" to succeed. After over eight years of war, after so many lost lives and hundreds of billions of dollars spent, I think we need to ask ourselves instead to consider whether an open-ended military presence makes sense. To me, that answer is clearly "No." We will be putting at risk the lives of 100,000 U.S. troops and spending tens of billions of dollars on a military effort that is neither necessary for the national security imperative of pursuing al Qaeda's global network, nor likely to succeed in remaking the situation on the ground in Afghanistan to a meaningful extent.

Addressing the threat from al Qaeda and its affiliates around the world must be our top national security priority. The attempted terrorist attack on Christmas Day serves as a reminder that we have not put adequate resources into this priority, especially in safe havens such as Yemen. We are spending in Yemen only a tiny of a fraction of what we are spending in Afghanistan even though, according to the President's top terrorism advisor, "al Qaeda has several hundred members in Yemen." We need major adjustments in our global counterterrorism strategy if we hope to defeat our enemy. Rather than investing a disproportionate amount of our resources in Afghanistan, where al Qaeda has a minimal presence, we need to shift resources to the urgent need of pursuing al Qaeda's global network.

We do not need to maintain a massive military presence in Afghanistan in order to prevent al Qaeda from having freedom of movement in that country. Instead, we need a sustainable counterterrorism strategy for the region that will also enable us to target any members of al Qaeda that make the mistake of returning. Drawing down U.S. troops from Afghanistan and better investing some of the billions needed to support them there would allow us to increase our ability to pursue al Qaeda as it continues to establish footholds in other locations around the world.

I also continue to be concerned that our massive military presence in Afghanistan has a destabilizing effect, both there and in Pakistan, and that our current strategy is overly dependent on actions by these two partners that have often proved unreliable. As our own ambassador reportedly noted, the last time we substantially increased forces in Afghanistan, namely the deployment of 33,000 additional troops in 2008 and 2009, overall violence and instability increased.

Our troop presence in Afghanistan has also provoked greater militancy. The reality is, our presence has driven militants across the border into Pakistan, and may be driving militant groups which normally have tense relationships closer together, compromising our ability to divide al Qaeda from its hosts in Pakistan.

Furthermore, our current military strategy is unlikely to succeed in the face of the ongoing safe haven in Pakistan. The Director of National Intelligence recently testified that unless the Taliban's safe haven in Pakistan "... is greatly diminished, the Taliban insurgency can survive defeats in Afghanistan." He went on to state that "Islamabad has maintained relationships with other Taliban-associated groups that support and conduct operations against U.S. and ISAF forces in Afghanistan." Until this sanctuary problem is fully addressed, any gains from sending additional U.S. forces may be fleeting.

Some have argued that we must pursue an open-ended military campaign in Afghanistan if only to prevent instability in Afghanistan from spreading into Pakistan. I, too, am concerned about instability in Pakistan, but I strongly disagree that sending troops to Afghanistan has helped or will improve the situation. According to our intelligence community, instability in Pakistan is driven primarily by poor governance and lack of socioeconomic reform in Pakistan. Even if we increase stability in Afghanistan, Pakistan remains at risk if these issues are not addressed. We must convey to those in Pakistan who support reform that they have our long-term support. That doesn't mean spending many billions of dollars for several years on military

operations in Afghanistan. It means making a sustainable commitment to reforms in Pakistan.

We have to be realistic about our goals in Afghanistan. Without a legitimate Afghan partner, our tactical victories will likely be squandered. We may build outposts throughout Helmand and Kandahar but this has little meaning if we are unable to distinguish friend from foe and the Taliban is able to maintain shadow structures throughout the region. It does no good to “clear” an area of insurgents to be held by the Afghan police if the police are perceived to be corrupt or unreliable. Nor can military operations address the sense of alienation among the population in the South.

Indeed, such operations may actually undermine long-term stability as they contribute, despite our best efforts, to civilian casualties. In regards to casualties from operations related to things like checkpoints and convoys, for example, Gen. McChrystal recently acknowledged that “[w]e’ve shot an amazing number of people and killed a number and, to my knowledge, none ha[ve] proven to have been a real threat to the force.” This only reinforces the image of the United States as a hostile, occupying force.

Rather than spending \$100 billion in Afghanistan in one year, primarily on military operations, it would be far better to make a sustainable commitment to this country. Long-term, gradual change is far more realistic than attempts to radically transform Afghan society at the point of a gun, especially when we have lost the support of key sections of the population. We must also prioritize efforts to promote the rule of law. Without the rule of law, our development efforts are vulnerable to waste, fraud and abuse and will further feed into the corruption that is alienating the population from the government. Indeed, Secretary Clinton has testified that “siphoning off contractual money from the international community . . . [is] a major source of funding for the Taliban.”

For too long, we have prioritized short term security goals at the expense of the rule of law. We have prioritized quantity over quality in the Afghan National Security Forces. We have compromised the state’s monopoly over the use of violence by partnering with—in Gen. McChrystal’s words—“polarizing and predatory” powerbrokers. We have turned a blind eye to corruption and human rights abuses. If we get serious about these issues, it will do more to stabilize the situation than anything we can accomplish by conducting military operations. After so many years in which our military efforts have been short-changed by the focus on Iraq, we cannot simply turn back the clock and assume that what may have been achiev-

able militarily in Afghanistan years ago is still achievable today.

Even if my colleagues support the President’s strategy in Afghanistan, they should acknowledge the need to set a goal for when it should be brought to a close. While I have serious doubts about the wisdom of the current approach, as I have explained, and about pursuing an expansive nation-building agenda in the face of the economic problems facing our own country and the rising casualty rates in Afghanistan, this bill does not dictate a particular strategy for Afghanistan. Rather, it simply requires the President to inform the American people about how long his military strategy is expected to take.

I urge my colleagues to support this bill.

By Mr. UDALL of Colorado (for himself, Mr. BEGICH, Mrs. MCCASKILL, Ms. LANDRIEU, Mr. WARNER, Mr. NELSON of Nebraska, Mr. BENNET, Mr. LEAHY, Ms. MIKULSKI, Mrs. MURRAY, Mr. KERRY, Mr. BAYH, Ms. KLOBUCHAR, Mrs. LINCOLN, Mr. CASEY, Mr. MENENDEZ, Mr. CARDIN, Mr. BROWN of Ohio, Mr. SANDERS, Mr. LAUTENBERG, Mr. WHITEHOUSE, and Mr. DURBIN):

S. 3201. A bill to amend title 10, United States Code, to extend TRICARE coverage to certain dependents under the age of 26; to the Committee on Armed Services.

Mr. UDALL of Colorado. Mr. President, I rise to speak about health insurance reform. I wanted to remind all of us that last month we successfully passed health insurance reform, upon which I think we will have a very strong foundation to build, improve, and strengthen access to health care all across America.

Throughout the long and critically important debate on how best to fix our system, I came to the floor on many occasions, as did the Presiding Officer and a lot of my freshman Senators, to discuss the need for reform. I believe the bill that President Obama signed into law will help struggling Colorado families and hopefully our struggling economy as well.

So I think you and I agree there is a lot of work left to be done, and no bill of this magnitude and importance is perfect. To implement this new law is a major undertaking that will require us in the Congress to revisit and improve upon what we have already done.

In that spirit, I come to the Senate floor to introduce a bill that I believe is a great way to start making those improvements. I thank Senators BEGICH and MCCASKILL for working with me to develop a bill, and Senator MIKULSKI for her hard work and energy and support as well.

Our legislation is entitled “The TRICARE Dependent Coverage Extension Act.”

It would help fulfill this important goal of the health insurance reform that the Presiding Officer and I support; that is, giving young adults the opportunity to remain on their parents’ health care plan until the age of 26.

Young adults across our country are struggling to enter the job market as we get our economy back on track, and this legislation will ensure that the families of our military servicemembers are not left behind when this benefit goes into effect later this year for millions of civilian families and their children.

Currently, the TRICARE Program, which provides health insurance for military servicemembers, retirees, and their families, covers children up to the age of 21, or in some cases up to the age of 23 if they are full-time college students.

The TRICARE Dependent Coverage Extension Act will give young adults of these military families who have not been able to find health care insurance through an employer the opportunity to pay a reasonable premium and remain covered until their 26th birthday on their parents’ plan.

Health reform, I think we agree, is meant to ensure that all Americans have access to affordable health care coverage. I cannot think of any of our countrymen more deserving of the peace of mind envisioned by this new law than members of our Armed Forces and their families.

They, in countries all over the world, make tremendous sacrifices every day for our Nation. I think it is over 60 different countries that we have servicemembers serving around the world. They deserve benefits that will keep them healthy and secure.

In addition to the three Senators I mentioned, BEGICH, MCCASKILL, and MIKULSKI, there are 19 of our Democratic colleagues who have also joined in supporting this legislation. I think this outpouring of support on short notice is indicative of how beneficial the bill will be for the families of our armed servicemembers.

Now, we have had our disagreements with the other side of the aisle on how best to reform our health care system as a whole. But I think there are certain areas of common interest we can still find and come together on to improve the lives of the people we are here to serve. I think this is one of those instances, and I want to offer my hand to our Republican friends and hope they will join a group of us in co-sponsoring this important piece of legislation.

I sit on the Armed Services Committee in the Senate, and I served on the Armed Services Committee in the House. I would like to think I learned how to spot a good deal for our Nation’s soldiers and their families, and this is a good deal.

Again, I would encourage all 100 Senators to consider joining us in this important, straightforward, cost-efficient idea that I am presenting today.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 479—EXPRESSING SYMPATHY FOR THE PEOPLE OF POLAND IN THE AFTERMATH OF THE DEVASTATING PLANE CRASH THAT KILLED THE COUNTRY'S PRESIDENT, FIRST LADY, AND 94 OTHER HIGH RANKING GOVERNMENT, MILITARY, AND CIVIC LEADERS ON APRIL 10, 2010

Mr. DURBIN (for himself, Mr. JOHANNES, Mr. KERRY, Ms. MIKULSKI, Mr. VOINOVICH, Mr. BROWN of Ohio, Mr. CARDIN, Mr. REID, Mr. MCCONNELL, Mr. KYL, Mr. AKAKA, Mr. ALEXANDER, Mr. BARRASSO, Mr. BAUCUS, Mr. BAYH, Mr. BEGICH, Mr. BENNETT, Mr. BENNETT, Mr. BINGAMAN, Mr. BOND, Mrs. BOXER, Mr. BROWN of Massachusetts, Mr. BROWNBAC, Mr. BUNNING, Mr. BURR, Mr. BURRIS, Mr. BYRD, Ms. CANTWELL, Mr. CARPER, Mr. CASEY, Mr. CHAMBLISS, Mr. COBURN, Mr. COCHRAN, Ms. COLLINS, Mr. CONRAD, Mr. CORKER, Mr. CORNYN, Mr. CRAPO, Mr. DEMINT, Mr. DODD, Mr. DORGAN, Mr. ENSIGN, Mr. ENZI, Mr. FEINGOLD, Mrs. FEINSTEIN, Mr. FRANKEN, Mrs. GILLIBRAND, Mr. GRAHAM, Mr. GRASSLEY, Mr. GREGG, Mrs. HAGAN, Mr. HARKIN, Mr. HATCH, Mrs. HUTCHISON, Mr. INHOFE, Mr. INOUE, Mr. ISAKSON, Mr. JOHNSON, Mr. KAUFMAN, Ms. KLOBUCHAR, Mr. KOHL, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. LEAHY, Mr. LEMIEUX, Mr. LEVIN, Mr. LIEBERMAN, Mrs. LINCOLN, Mr. LUGAR, Mr. MCCAIN, Mrs. MCCASKILL, Mr. MENENDEZ, Mr. MERKLEY, Ms. MURKOWSKI, Mrs. MURRAY, Mr. NELSON of Nebraska, Mr. NELSON of Florida, Mr. PRYOR, Mr. REED, Mr. RISCH, Mr. ROBERTS, Mr. ROCKEFELLER, Mr. SANDERS, Mr. SCHUMER, Mr. SESSIONS, Mrs. SHAHEEN, Mr. SHELBY, Ms. SNOWE, Mr. SPECTER, Ms. STABENOW, Mr. TESTER, Mr. THUNE, Mr. UDALL of Colorado, Mr. UDALL of New Mexico, Mr. VITTER, Mr. WARNER, Mr. WEBB, Mr. WHITEHOUSE, Mr. WICKER, and Mr. WYDEN) submitted the following resolution; which was considered and agreed to:

S. RES. 479

Whereas the United States and Poland are close allies, with a shared bond of history, friendship, and international cooperation;

Whereas Polish immigrants were among the first Jamestown settlers, and Casimir Pulaski immigrated to the United States to fight in the Revolutionary War;

Whereas more than 9,000,000 Americans of Polish descent now reside in the United States, bringing vitality to major metropolitan areas such as Chicago, Detroit, and New York City;

Whereas Polish-Americans have been leaders in all walks of American life;

Whereas the American people stood in support of the Solidarity movement as it fought

against the oppression of the communist government of Poland through peaceful means, eventually leading to Solidarity members being elected to office in open democratic elections held on June 4, 1989, events that helped spark the movement to democracy throughout eastern Europe;

Whereas Poland joined the North Atlantic Treaty Organization (NATO) in 1999, joined the European Union in 2004, and has contributed to United States and NATO operations in Iraq and Afghanistan;

Whereas Poland has enjoyed a thriving and prosperous free market democracy since the end of the Cold War;

Whereas the President of Poland Lech Kaczynski and 95 other people, including Poland's First Lady, the deputy foreign minister, dozens of members of Parliament, the chiefs of the army and navy, and the president of the national bank, were tragically killed in a plane crash in western Russia on April 10, 2010;

Whereas President Kaczynski and his colleagues were traveling to Katyn, Russia for a memorial service to mark the 70th anniversary of the Soviet secret police killing of more than 20,000 Polish officers, prisoners, and intellectuals who were captured after the Soviet Union invaded Poland in 1939;

Whereas Anna Walentynowicz, the former dock worker whose firing in 1980 sparked the Solidarity strike that ultimately overthrew the communist government of Poland, was also killed in the crash;

Whereas Ryszard Kaczorowski, who served as Poland's final president in exile before the country's return to democracy, also perished in the crash;

Whereas Chicago suffered the loss of a respected artist when Wojciech Seweryn, whose father was killed in Katyn, died in the crash;

Whereas Mr. Seweryn recently completed a memorial to the victims of Katyn at St. Adalbert Cemetery in Niles, Illinois, which President Kaczynski planned to visit in May;

Whereas President Barack Obama said, the "loss is devastating to Poland, to the United States, and to the world. President Kaczynski was a distinguished statesman who played a key role in the Solidarity movement, and he was widely admired in the United States as a leader dedicated to advancing freedom and human dignity.";

Whereas Former Solidarity leader and ex-president Lech Walesa said, "Today, we lost part of our intellectual elite in a plane crash. It will take a long time until the wounds of our democracy are healed."; and

Whereas thousands of Poles gathered in the center of Warsaw and elsewhere around the world on Saturday to mourn those killed in the crash and affirm their continued solidarity with the people of Poland: Now, therefore, be it

Resolved, That the Senate—

(1) expresses its deepest sympathies to the people of Poland and the families of those who perished for their profound loss;

(2) expresses strong and continued solidarity with the people of Poland and Polish-American communities in the United States; and

(3) expresses unwavering support for the Government of Poland as it works to address the loss of many key public officials.

SENATE RESOLUTION 480—CONDEMNING THE CONTINUED DETENTION OF BURMESE DEMOCRACY LEADER DAW AUNG SAN SUU KYI AND CALLING ON THE MILITARY REGIME IN BURMA TO PERMIT A CREDIBLE AND FAIR ELECTION PROCESS AND THE TRANSITION TO CIVILIAN, DEMOCRATIC RULE

Mr. GREGG (for himself, Mr. MCCONNELL, Mr. BENNETT, Mr. BROWNBAC, Ms. COLLINS, Mr. LIEBERMAN, and Mr. LEAHY) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 480

Whereas the military regime in Burma, headed by General Than Shwe and the State Peace and Development Council, continues to persecute Burmese democracy leader Daw Aung San Suu Kyi and her supporters in the National League for Democracy, and ordinary citizens of Burma, including ethnic minorities, who publically and courageously speak out against the regime's many injustices;

Whereas Daw Aung San Suu Kyi has been imprisoned in Burma for 14 of the last 19 years and many members of the National League for Democracy have been similarly jailed, tortured, or killed;

Whereas the Constitution adopted in 2008 and the election laws recently promulgated effectively prohibit the National League for Democracy, Buddhist monks, ethnic minority leaders, and Daw Aung San Suu Kyi from participating in upcoming elections, and do not leave much opportunity for domestic dialogue among key stakeholders; and

Whereas the persecution of the people of Burma has continued even though the Department of State has pursued a policy of engagement with the military regime designed to secure the release of political prisoners, foster national reconciliation, and facilitate peaceful transition to civilian, democratic rule: Now, therefore, be it

Resolved, That the Senate—

(1) condemns the continued detention of Burmese democracy leader Daw Aung San Suu Kyi and all prisoners of conscience in Burma, and calls for their immediate and unconditional release;

(2) calls on the military regime in Burma to engage in dialogue with the National League for Democracy and other opposition groups, as well as with ethnic minorities, to broaden political participation in an environment free from fear and intimidation;

(3) calls upon the Secretary of State to assess the effectiveness of the policy of engagement with the military regime in Burma in furthering United States interests, and to maintain, and consider strengthening, sanctions against Burma if the military regime continues its systematic violation of human rights and fails to embrace the democratic aspirations of the people of Burma;

(4) calls upon the Secretary of State to engage regional governments and multilateral organizations (including the People's Republic of China, the Association of Southeast Asian Nations, and the United Nations Security Council) to push for the establishment of an environment in Burma that encourages the full and unfettered participation of the people of Burma in a democratic transition to civilian rule; and

(5) calls on the Secretary of State to support the National League for Democracy and the people of Burma in calling for significant

constitutional and election reforms by the military regime, which will broaden political participation, further democracy, accountability, and responsive governance, and improve human rights in Burma.

SENATE RESOLUTION 481—EXPRESSING THE SENSE OF THE SENATE THAT PUBLIC SERVANTS SHOULD BE COMMENDED FOR THEIR DEDICATION AND CONTINUED PUBLIC SERVICE TO THE NATION DURING PUBLIC SERVICE RECOGNITION WEEK, MAY 3 THROUGH 9, 2010

Mr. AKAKA (for himself, Mr. VOINOVICH, Mr. LIEBERMAN, Ms. COLLINS, Mr. LEVIN, Mr. CARPER, Mr. LAUTENBERG, Mr. BURRIS, and Mr. KAUFMAN) submitted the following resolution; which was referred to the Committee on Homeland Security and Governmental Affairs:

S. RES. 481

Whereas Public Service Recognition Week provides an opportunity to recognize and promote the important contributions of public servants and honor the diverse men and women who meet the needs of the Nation through work at all levels of government;

Whereas millions of individuals work in government service in every city, county, and State across America and in hundreds of cities abroad;

Whereas public service is a noble calling involving a variety of challenging and rewarding professions;

Whereas Federal, State, and local governments are responsive, innovative, and effective because of the outstanding work of public servants;

Whereas the United States of America is a great and prosperous Nation, and public service employees contribute significantly to that greatness and prosperity;

Whereas the Nation benefits daily from the knowledge and skills of these highly trained individuals;

Whereas public servants—

(1) defend our freedom and advance United States interests around the world;

(2) provide vital strategic support functions to our military and serve in the National Guard and Reserves;

(3) fight crime and fires;

(4) ensure equal access to secure, efficient, and affordable mail service;

(5) deliver Social Security and Medicare benefits;

(6) fight disease and promote better health;

(7) protect the environment and the Nation's parks;

(8) enforce laws guaranteeing equal employment opportunity and healthy working conditions;

(9) defend and secure critical infrastructure;

(10) help the Nation recover from natural disasters and terrorist attacks;

(11) teach and work in our schools and libraries;

(12) develop new technologies and explore the earth, moon, and space to help improve our understanding of how our world changes;

(13) improve and secure our transportation systems;

(14) promote economic growth; and

(15) assist our Nation's veterans;

Whereas members of the uniformed services and civilian employees at all levels of

government make significant contributions to the general welfare of the United States, and are on the front lines in the fight against terrorism and in maintaining homeland security;

Whereas public servants work in a professional manner to build relationships with other countries and cultures in order to better represent America's interests and promote American ideals;

Whereas public servants alert Congress and the public to government waste, fraud, abuse, and dangers to public health;

Whereas the men and women serving in the Armed Forces of the United States, as well as those skilled trade and craft Federal employees who provide support to their efforts, are committed to doing their jobs regardless of the circumstances, and contribute greatly to the security of the Nation and the world;

Whereas public servants have bravely fought in armed conflict in defense of this Nation and its ideals and deserve the care and benefits they have earned through their honorable service;

Whereas government workers have much to offer, as demonstrated by their expertise and innovative ideas, and serve as examples by passing on institutional knowledge to train the next generation of public servants;

Whereas May 3 through 9, 2010, has been designated Public Service Recognition Week to honor America's Federal, State, and local government employees; and

Whereas Public Service Recognition Week is celebrating its 26th anniversary through job fairs, student activities, and agency exhibits: Now, therefore, be it

Resolved, That the Senate—

(1) commends public servants for their outstanding contributions to this great Nation during Public Service Recognition Week and throughout the year;

(2) salutes government employees for their unyielding dedication and spirit for public service;

(3) honors those government employees who have given their lives in service to their country;

(4) calls upon all generations to consider a career in public service; and

(5) encourages efforts to promote public service careers at all levels of government.

Mr. AKAKA. Mr. President, today I rise to recognize America's public servants, who provide so many of the vital services upon which this nation relies. As the Chairman of the Senate Homeland Security and Governmental Affairs Subcommittee on Oversight of Government Management, the Federal Workforce, and the District of Columbia, I am pleased to once again introduce a resolution honoring these employees in celebration of Public Service Recognition Week.

Every day, Americans rely on our hardworking and talented government employees. Public servants deliver our mail, educate our children, care for our veterans, guard our prisons, protect our borders and communities, and defend our country and the principles of liberty and freedom that we hold dear. They influence the lives of people around the world as diplomats, promoting peace, prosperity, and democracy in conflicted regions, and providing critical assistance to developing and impoverished communities.

Just as President John F. Kennedy did in his 1961 inaugural address, President Obama has called on Americans to make a renewed commitment to public service. Public Service Recognition Week allows us not only to honor and celebrate the works of federal, state and local public employees, but also provides an opportunity for all Americans to explore the many possible careers in public service. Throughout the nation, public employees use the week to educate their fellow citizens on how government serves them, and how government services make life better for all of us. It is my hope that through these events, many young professionals will decide to pursue a career in public service.

As a former teacher and a life-long public servant, I am proud to highlight the importance of Public Service Recognition Week. The many domestic and global challenges we face make this a critical time for our Nation. Although we have designated a week to pay tribute to government employees, it is also important that we honor the invaluable service of public servants throughout the year. Our way of life—and the strength of our country—would not exist without the work of public employees.

This is the 26th year we have honored our public servants with Public Service Recognition Week during the first full week of May. Each year we use this week to recognize and honor the men and women who serve America as federal, state, and local government employees, and commend their dedication to serving others. I encourage my colleagues to recognize the public servants in their states and join me in this annual celebration.

SENATE RESOLUTION 482—DESIGNATING APRIL 2010 AS "NATIONAL 9-1-1 EDUCATION MONTH"

Ms. KLOBUCHAR (for herself and Mr. BURR) submitted the following resolution; which was considered and agreed to:

S. RES. 482

Whereas 9-1-1 is nationally recognized as the number to call in an emergency to receive immediate help from police, fire, emergency medical services, or other appropriate emergency response entities;

Whereas in 1967, the President's Commission on Law Enforcement and Administration of Justice recommended that a "single number should be established" nationwide for reporting emergency situations, and other Federal Government agencies and various governmental officials also supported and encouraged the recommendation;

Whereas in 1968, the American Telephone and Telegraph Company (AT&T) announced that it would establish the digits 9-1-1 as the emergency code throughout the United States;

Whereas 9-1-1 was designated by Congress as the national emergency call number under the Wireless Communications and Public

Safety Act of 1999 (Public Law 106-81; 113 Stat. 1286);

Whereas section 102 of the ENHANCE 911 Act of 2004 (47 U.S.C. 942 note) declared an enhanced 9-1-1 system to be "a high national priority" and part of "our Nation's homeland security and public safety";

Whereas it is important that policy makers at all levels of government understand the importance of 9-1-1, how the system works today, and the steps that are needed to modernize the 9-1-1 system;

Whereas the 9-1-1 system is the connection between the eyes and ears of the public and the emergency response system in the United States and is often the first place emergencies of all magnitudes are reported, making 9-1-1 a significant homeland security asset;

Whereas more than 6,000 9-1-1 public safety answering points serve more than 3,000 counties and parishes throughout the United States;

Whereas dispatchers at public safety answering points answer more than 200,000,000 9-1-1 calls each year in the United States;

Whereas a growing number of 9-1-1 calls are made using wireless and Internet Protocol-based communications services;

Whereas a growing segment of the population, including the deaf, hard of hearing, deaf-blind, and individuals with speech disabilities are increasingly communicating with nontraditional text, video, and instant messaging communications services and expect those services to be able to connect directly to 9-1-1;

Whereas the growth and variety of means of communication, including mobile and Internet Protocol-based systems, impose challenges for accessing 9-1-1 and implementing an enhanced 9-1-1 system and require increased education and awareness about the capabilities of different means of communication;

Whereas numerous other N-1-1 and 800 number services exist for nonemergency situations, including 2-1-1, 3-1-1, 5-1-1, 7-1-1, 8-1-1, poison control centers, and mental health hotlines, and the public needs to be educated on when to use those services in addition to or instead of 9-1-1;

Whereas international visitors and immigrants make up an increasing percentage of the United States population each year, and visitors and immigrants may have limited knowledge of our emergency calling system;

Whereas people of all ages use 9-1-1 and it is critical to educate those people on the proper use of 9-1-1;

Whereas senior citizens are at high risk for needing to access to 9-1-1 and many senior citizens are learning to use new technology;

Whereas thousands of 9-1-1 calls are made every year by children properly trained in the use of 9-1-1, which saves lives and underscores the critical importance of training children early in life about 9-1-1;

Whereas the 9-1-1 system is often misused, including by the placement of prank and nonemergency calls;

Whereas misuse of the 9-1-1 system results in costly and inefficient use of 9-1-1 and emergency response resources and needs to be reduced;

Whereas parents, teachers, and all other caregivers need to play an active role in 9-1-1 education for children, but will do so only after being first educated themselves;

Whereas there are many avenues for 9-1-1 public education, including safety fairs, school presentations, libraries, churches, businesses, public safety answering point tours or open houses, civic organizations, and senior citizen centers;

Whereas children, parents, teachers, and the National Parent Teacher Association contribute importantly to the education of children about the importance of 9-1-1 through targeted outreach efforts to public and private school systems;

Whereas we as a Nation should strive to host at least 1 educational event regarding the proper use of 9-1-1 in every school in the country every year;

Whereas programs to promote proper use of 9-1-1 during National 9-1-1 Education Month could include—

(1) public awareness events, including conferences and media outreach, training activities for parents, teachers, school administrators, other caregivers and businesses;

(2) educational events in schools and other appropriate venues; and

(3) production and distribution of information about the 9-1-1 system designed to educate people of all ages on the importance and proper use of 9-1-1; and

Whereas the people of the United States deserve the best education regarding the use of 9-1-1: Now, therefore, be it

Resolved, That the Senate—

(1) designates April 2010 as "National 9-1-1 Education Month"; and

(2) urges Government officials, parents, teachers, school administrators, caregivers, businesses, nonprofit organizations, and the people of the United States to observe the month with appropriate ceremonies, training events, and activities.

SENATE CONCURRENT RESOLUTION 57—ESTABLISHING AN EXPEDITED PROCEDURE FOR CONSIDERATION OF A BILL RETURNING SPENDING LEVELS TO 2007 LEVELS

Mr. LEMIEUX (for himself, Mr. RISCH, and Mr. DEMINT) submitted the following concurrent resolution; which was referred to the Committee on the Budget.

S. CON. RES. 57

Resolved by the Senate (the House of Representatives concurring),

SECTION 1. EXPEDITED CONSIDERATION.

(a) 2007 SPENDING BILL.—For purposes of this resolution, the term "2007 spending bill" means a bill that reduces outlays for the fiscal year beginning in the year in which the bill is considered to levels not exceeding the levels for fiscal year 2007. The bill may not increase revenues.

(b) EXPEDITED CONSIDERATION OF 2007 SPENDING BILL.—

(1) INTRODUCTION OF 2007 SPENDING BILL.—A 2007 spending bill may be introduced in the House of Representatives and in the Senate not later than July 12, 2010 or any time after the first day of a session for any year thereafter by the majority leader of each House of Congress. If 5 session days after July 12 in 2010 or after the first day of session any year thereafter the majority leader has not introduced a bill, the minority leader of each House of Congress may introduce a 2007 spending bill (during this time the majority leader may not introduce a 2007 spending bill). If a 2007 spending bill is not introduced in accordance with the preceding sentence in either House of Congress within 5 session days, then any Member of that House may introduce a 2007 spending bill on any day thereafter. Upon introduction, the 2007 spending bill shall be referred to the relevant committees of jurisdiction.

(2) COMMITTEE CONSIDERATION.—The committees to which the 2007 spending bill is referred shall report the 2007 spending bill without any revision and with a favorable recommendation, an unfavorable recommendation, or without recommendation, not later than 30 calendar days after the date of introduction of the bill in that House, or the first day thereafter on which that House is in session. If any committee fails to report the bill within that period, that committee shall be automatically discharged from consideration of the bill, and the bill shall be placed on the appropriate calendar.

(3) FAST TRACK CONSIDERATION IN HOUSE OF REPRESENTATIVES.—

(A) PROCEEDING TO CONSIDERATION.—It shall be in order, not later than 7 days of session after the date on which an 2007 spending bill is reported or discharged from all committees to which it was referred, for the majority leader of the House of Representatives or the majority leader's designee, to move to proceed to the consideration of the 2007 spending bill. It shall also be in order for any Member of the House of Representatives to move to proceed to the consideration of the 2007 spending bill at any time after the conclusion of such 7-day period. All points of order against the motion are waived. Such a motion shall not be in order after the House has disposed of a motion to proceed on the 2007 spending bill. The previous question shall be considered as ordered on the motion to its adoption without intervening motion. The motion shall not be debatable. A motion to reconsider the vote by which the motion is disposed of shall not be in order.

(B) CONSIDERATION.—The 2007 spending bill shall be considered as read. The previous question shall be considered as ordered on the 2007 spending bill to its passage without intervening motion except 50 hours of debate, equally divided and controlled by the proponent and an opponent. A motion to limit debate shall be in order during such debate. A motion to reconsider the vote on passage of the 2007 spending bill shall not be in order.

(C) APPEALS.—Appeals from decisions of the chair relating to the application of the Rules of the House of Representatives to the procedure relating to the 2007 spending bill shall be decided without debate.

(D) APPLICATION OF HOUSE RULES.—Except to the extent specifically provided in this paragraph, consideration of an 2007 spending bill shall be governed by the Rules of the House of Representatives. It shall not be in order in the House of Representatives to consider any 2007 spending bill introduced pursuant to the provisions of this subsection under a suspension of the rules pursuant to clause 1 of House Rule XV, or under a special rule reported by the House Committee on Rules.

(E) AMENDMENTS.—It shall be in order to offer amendments to the 2007 spending bill, provided that any such amendment is relevant and would not result in an overall outlay level exceeding the level included in the 2007 spending bill.

(F) VOTE ON PASSAGE.—Immediately following the conclusion of consideration of the 2007 spending bill, the vote on passage of the 2007 spending bill shall occur without any intervening action or motion and shall require an affirmative vote of three-fifths of the Members, duly chosen and sworn. If the 2007 spending bill is passed, the Clerk of the House of Representatives shall cause the bill to be transmitted to the Senate before the close of the next day of session of the House.

(4) FAST TRACK CONSIDERATION IN SENATE.—

(A) IN GENERAL.—Notwithstanding rule XXII of the Standing Rules of the Senate, it is in order, not later than 7 days of session after the date on which an 2007 spending bill is reported or discharged from all committees to which it was referred, for the majority leader of the Senate or the majority leader's designee to move to proceed to the consideration of the 2007 spending bill. It shall also be in order for any Member of the Senate to move to proceed to the consideration of the 2007 spending bill at any time after the conclusion of such 7-day period. A motion to proceed is in order even though a previous motion to the same effect has been disagreed to. All points of order against the motion to proceed to the 2007 spending bill are waived. The motion to proceed is not debatable. The motion is not subject to a motion to postpone. A motion to reconsider the vote by which the motion is agreed to or disagreed to shall not be in order. If a motion to proceed to the consideration of the 2007 spending bill is agreed to, the 2007 spending bill shall remain the unfinished business until disposed of.

(B) DEBATE.—Consideration of an 2007 spending bill and of all debatable motions and appeals in connection therewith shall not exceed a total of 50 hours. Debate shall be divided equally between the majority and minority leaders or their designees. A motion further to limit debate on the 2007 spending bill is in order. Any debatable motion or appeal is debatable for not to exceed 1 hour, to be divided equally between those favoring and those opposing the motion or appeal. All time used for consideration of the 2007 spending bill, including time used for quorum calls and voting, shall be counted against the total 50 hours of consideration.

(C) AMENDMENTS.—It shall be in order to offer amendments to the 2007 spending bill, provided that any such amendment is relevant and would not result in an overall outlay level exceeding the level included in the 2007 spending bill.

(D) VOTE ON PASSAGE.—The vote on passage shall occur immediately following the conclusion of the debate on the 2007 spending bill and a single quorum call at the conclusion of the debate if requested. Passage shall require an affirmative vote of three-fifths of the Members, duly chosen and sworn.

(E) RULINGS OF THE CHAIR ON PROCEDURE.—Appeals from the decisions of the Chair relating to the application of the rules of the Senate to the procedure relating to a 2007 spending bill shall be decided without debate.

(5) RULES TO COORDINATE ACTION WITH OTHER HOUSE.—

(A) REFERRAL.—If, before the passage by 1 House of an 2007 spending bill of that House, that House receives from the other House an 2007 spending bill, then such proposal from the other House shall not be referred to a committee and shall immediately be placed on the calendar.

(B) TREATMENT OF 2007 SPENDING BILL OF OTHER HOUSE.—If 1 House fails to introduce or consider a 2007 spending bill under this section, the 2007 spending bill of the other House shall be entitled to expedited floor procedures under this section.

(C) PROCEDURE.—

(i) 2007 SPENDING BILL IN THE SENATE.—If prior to passage of the 2007 spending bill in the Senate, the Senate receives an 2007 spending bill from the House, the procedure in the Senate shall be the same as if no 2007 spending bill had been received from the House except that—

(I) the vote on final passage shall be on the 2007 spending bill of the House if it is identical to the 2007 spending bill then pending for passage in the Senate; or

(II) if the 2007 spending bill from the House is not identical to the 2007 spending bill then pending for passage in the Senate and the Senate then passes the Senate 2007 spending bill, the Senate shall be considered to have passed the House 2007 spending bill as amended by the text of the Senate 2007 spending bill.

(ii) DISPOSITION OF THE 2007 SPENDING BILL.—Upon disposition of the 2007 spending bill received from the House, it shall no longer be in order to consider the 2007 spending bill originated in the Senate.

(D) TREATMENT OF COMPANION MEASURES IN THE SENATE.—If following passage of the 2007 spending bill in the Senate, the Senate then receives an 2007 spending bill from the House of Representatives that is the same as the 2007 spending bill passed by the House, the House-passed 2007 spending bill shall not be debatable. If the House-passed 2007 spending bill is identical to the Senate-passed 2007 spending bill, the vote on passage of the 2007 spending bill in the Senate shall be considered to be the vote on passage of the 2007 spending bill received from the House of Representatives. If it is not identical to the House-passed 2007 spending bill, then the Senate shall be considered to have passed the 2007 spending bill of the House as amended by the text of the Senate 2007 spending bill.

(E) CONSIDERATION IN CONFERENCE.—Upon passage of the 2007 spending bill, the Senate shall be deemed to have insisted on its amendment and requested a conference with the House of Representatives on the disagreeing votes of the two Houses, and the Chair be authorized to appoint conferees on the part of the Senate, without any intervening action.

(F) ACTION ON CONFERENCE REPORTS IN SENATE.—

(i) MOTION TO PROCEED.—A motion to proceed to the consideration of the conference report on the 2007 spending bill may be made even though a previous motion to the same effect has been disagreed to.

(ii) CONSIDERATION.—During the consideration in the Senate of the conference report (or a message between Houses) on the 2007 spending bill, and all amendments in disagreement, and all amendments thereto, and debatable motions and appeals in connection therewith, debate (or consideration) shall be limited to 30 hours, to be equally divided between, and controlled by, the majority leader and minority leader or their designees. Debate on any debatable motion or appeal related to the conference report (or a message between Houses) shall be limited to 1 hour, to be equally divided between, and controlled by, the mover and the manager of the conference report (or a message between Houses).

(iii) DEBATE IF DEFEATED.—If the conference report is defeated, debate on any request for a new conference and the appointment of conferees shall be limited to 1 hour, to be equally divided between, and controlled by, the manager of the conference report and the minority leader or his designee, and should any motion be made to instruct the conferees before the conferees are named, debate on such motion shall be limited to one-half hour, to be equally divided between, and controlled by, the mover and the manager of the conference report. Debate on any amendment to any such instructions shall be limited to 20 minutes, to be equally divided between and controlled by the mover and the manager of the conference report. In all cases when the manager of the conference re-

port is in favor of any motion, appeal, or amendment, the time in opposition shall be under the control of the minority leader or his designee.

(iv) AMENDMENTS IN DISAGREEMENT.—If there are amendments in disagreement to a conference report on the 2007 spending bill, time on each amendment shall be limited to 30 minutes, to be equally divided between, and controlled by, the manager of the conference report and the minority leader or his designee. No amendment that is not germane to the provisions of such amendments shall be received.

(G) VOTE ON CONFERENCE REPORT IN EACH HOUSE.—Passage of the conference in each House shall be by an affirmative vote of three-fifths of the Members of that House, duly chosen and sworn.

(H) VETO.—If the President vetoes the bill debate on a veto message in the Senate under this subsection shall be 1 hour equally divided between the majority and minority leaders or their designees.

(6) RULES OF THE SENATE AND HOUSE OF REPRESENTATIVES.—This subsection is enacted by Congress—

(A) as an exercise of the rulemaking power of the Senate and the House of Representatives, respectively, and is deemed to be part of the rules of each House, respectively but applicable only with respect to the procedure to be followed in that House in the case of bill under this section, and it supersedes other rules only to the extent that it is inconsistent with such rules; and

(B) with full recognition of the constitutional right of either House to change the rules (so far as they relate to the procedure of that House) at any time, in the same manner, and to the same extent as in the case of any other rule of that House.

SEC. 2. EFFECTIVE PERIOD.

This resolution shall be effective until fiscal year 2020 or the fiscal year spending levels are returned to fiscal year 2007 levels whichever date first occurs.

AMENDMENTS SUBMITTED AND PROPOSED

SA 3723. Mr. COBURN submitted an amendment intended to be proposed to amendment SA 3721 proposed by Mr. BAUCUS to the bill H.R. 4851, to provide a temporary extension of certain programs, and for other purposes.

SA 3724. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill H.R. 4851, supra; which was ordered to lie on the table.

SA 3725. Mr. COBURN submitted an amendment intended to be proposed to amendment SA 3721 proposed by Mr. BAUCUS to the bill H.R. 4851, supra; which was ordered to lie on the table.

SA 3726. Mr. COBURN proposed an amendment to amendment SA 3721 proposed by Mr. BAUCUS to the bill H.R. 4851, supra.

SA 3727. Mr. COBURN proposed an amendment to amendment SA 3721 proposed by Mr. BAUCUS to the bill H.R. 4851, supra.

TEXT OF AMENDMENTS

SA 3723. Mr. COBURN submitted an amendment intended to be proposed to amendment SA 3721 proposed by Mr. BAUCUS to the bill H.R. 4851, to provide a temporary extension of certain programs, and for other purposes; as follows:

At the end of the bill, insert the following:
SEC. ____ . RESCISSION OF UNSPENT AND UNCOMMITTED FEDERAL FUNDS.

(a) IN GENERAL.—Notwithstanding any other provision of law, of all available unobligated Federal funds, the greater of \$20,000,000,000 and the amount determined necessary under the Statutory Pay-As-You-Go Act of 2010 (Public Law 111-139; 124 Stat. 8) to offset the budgetary effect of this Act, excluding this section, in appropriated discretionary unexpired funds are rescinded.

(b) IMPLEMENTATION.—Not later than 60 days after the date of enactment of this Act, the Director of the Office of Management and Budget shall—

(1) identify the accounts and amounts rescinded to implement subsection (a); and

(2) submit a report to the Secretary of the Treasury and Congress of the accounts and amounts identified under paragraph (1) for rescission.

SA 3724. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill H.R. 4851, to provide a temporary extension of certain programs, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place insert the following:

SEC. ____ . SENSE OF THE SENATE REGARDING A VALUE ADDED TAX.

It is the sense of the Senate that the Value Added Tax is a massive tax increase that will cripple families on fixed income and only further push back America's economic recovery.

SA 3725. Mr. COBURN submitted an amendment intended to be proposed to amendment SA 3721 proposed by Mr. BAUCUS to the bill H.R. 4851, to provide a temporary extension of certain programs, and for other purposes; which was ordered to lie on the table; as follows:

At the end of the amendment, insert the following:

TITLE II—OFFSETS FOR THE ACT
Subtitle A—Discretionary Spending

SEC. 211. RESCISSION OF UNSPENT AND UNCOMMITTED FEDERAL FUNDS.

(a) IN GENERAL.—Notwithstanding any other provision of law, of all available unobligated Federal funds, the greater of \$10,000,000,000 and the amount determined necessary under the Statutory Pay-As-You-Go Act of 2010 (Public Law 111-139; 124 Stat. 8) to offset the budgetary effect of this Act, excluding this section, in appropriated discretionary unexpired funds are rescinded.

(b) IMPLEMENTATION.—Not later than 60 days after the date of enactment of this Act, the Director of the Office of Management and Budget shall—

(1) identify the accounts and amounts rescinded to implement subsection (a); and

(2) submit a report to the Secretary of the Treasury and Congress of the accounts and amounts identified under paragraph (1) for rescission.

Subtitle B—Revenue Offset Provisions

SEC. 221. AMENDMENT OF 1986 CODE.

Except as otherwise expressly provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

SEC. 222. INFORMATION REPORTING FOR RENTAL PROPERTY EXPENSE PAYMENTS.

(a) IN GENERAL.—Section 6041 is amended by adding at the end the following new subsection:

“(h) TREATMENT OF RENTAL PROPERTY EXPENSE PAYMENTS.—

“(1) IN GENERAL.—For purposes of subsection (a), a person receiving rental income from real estate (other than a qualified residence) shall be considered to be engaged in a trade or business of renting property.

“(2) QUALIFIED RESIDENCE.—For purposes of paragraph (1), the term ‘qualified residence’ means—

“(A) the principal residence (within the meaning of section 121) of the taxpayer, and

“(B) 1 other residence of the taxpayer which is selected by the taxpayer for purposes of this subsection for the taxable year and which is used by the taxpayer as a residence (within the meaning of section 280A(d)(1)).”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to payments made after December 31, 2010.

SEC. 223. CRUDE TALL OIL INELIGIBLE FOR CELLULOSIC BIOFUEL PRODUCER CREDIT.

(a) IN GENERAL.—Section 40(B)(6)(E) is amended by adding at the end the following new clause:

“(iv) EXCLUSION OF CERTAIN PROCESSED FUELS WITH A HIGH ACID CONTENT.—The term ‘cellulosic biofuel’ shall not include any processed fuel with an acid number greater than 25. For purposes of the preceding sentence, the term ‘processed fuel’ means any fuel other than a fuel—

“(I) more than 4 percent of which (determined by weight) is any combination of water and sediment, or

“(II) the ash content of which is more than 1 percent (determined by weight).”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to fuels sold or used on or after January 1, 2010.

SEC. 224. ELIMINATION OF ADVANCE REFUNDABILITY OF EARNED INCOME CREDIT.

(a) IN GENERAL.—Section 3507, subsection (g) of section 32, and paragraph (7) of section 6051(a) are repealed.

(b) CONFORMING AMENDMENTS.—

(1) Section 6012(a) is amended by striking paragraph (8) and by redesignating paragraph (9) as paragraph (8).

(2) Section 6302 is amended by striking subsection (i).

(c) EFFECTIVE DATE.—The repeals and amendments made by this section shall apply to taxable years beginning after December 31, 2010.

SEC. 225. UNEMPLOYMENT INSURANCE PROGRAM INTEGRITY.

(a) REPORTING OF FIRST DAY OF EARNINGS TO DIRECTORY OF NEW HIRES.—

(1) IN GENERAL.—Section 453A(b)(1)(A) of the Social Security Act (42 U.S.C. 653a(b)(1)(A)) is amended by inserting “the date services for remuneration were first performed by the employee,” after “of the employee.”.

(2) REPORTING FORMAT AND METHOD.—Section 453A(c) of the Social Security Act (42 U.S.C. 653a(c)) is amended by inserting “, to the extent practicable,” after “Each report required by subsection (b) shall”.

(3) EFFECTIVE DATE.—

(A) IN GENERAL.—Subject to subparagraph (B), the amendments made by this subsection shall take effect 6 months after the date of enactment of this Act.

(B) COMPLIANCE TRANSITION PERIOD.—If the Secretary of Health and Human Services de-

termines that State legislation (other than legislation appropriating funds) is required in order for a State plan under part D of title IV of the Social Security Act to meet the additional requirements imposed by the amendment made by paragraph (1), the plan shall not be regarded as failing to meet such requirements before the first day of the second calendar quarter beginning after the close of the first regular session of the State legislature that begins after the effective date of such amendment. If the State has a 2-year legislative session, each year of the session is deemed to be a separate regular session of the State legislature.

(b) EXTENSION AND MODIFICATION OF COLLECTION OF PAST-DUE DEBT FOR ERRONEOUS PAYMENT OF UNEMPLOYMENT COMPENSATION.—

(1) PERMANENT EXTENSION.—Subsection (f) of section 6402 is amended by striking paragraph (8).

(2) COLLECTION IN ALL STATES.—Subsection (f) of section 6402, as amended by paragraph (1), is amended by striking paragraph (3) and redesignating paragraphs (4) through (7) as paragraphs (3) through (6), respectively.

(3) COLLECTION FOR REASONS OTHER THAN FRAUD.—

(A) IN GENERAL.—Paragraph (4) of section 6402(f), as redesignated by paragraph (2), is amended by striking “due to fraud” each place it appears.

(B) CONFORMING AMENDMENTS.—Section 6402(f) is amended—

(i) in paragraph (3), as redesignated by paragraph (2)—

(I) by striking “or due to fraud” in subparagraph (B), and

(II) by striking “and due to fraud” in subparagraph (C), and

(ii) in the heading, by striking “RESULTING FROM FRAUD”.

(4) EFFECTIVE DATE.—The amendments made by this subsection shall apply to refunds payable on or after the date of the enactment of this Act.

SEC. 226. PARTICIPANTS IN GOVERNMENT SECTION 457 PLANS ALLOWED TO TREAT ELECTIVE DEFERRALS AS ROTH CONTRIBUTIONS.

(a) IN GENERAL.—Section 402A(e)(1) (defining applicable retirement plan) is amended by striking “and” at the end of subparagraph (A), by striking the period at the end of subparagraph (B) and inserting “, and”, and by adding at the end the following:

“(C) an eligible deferred compensation plan (as defined in section 457(b)) of an eligible employer described in section 457(e)(1)(A).”.

(b) ELECTIVE DEFERRALS.—Section 402A(e)(2) (defining elective deferral) is amended to read as follows:

“(2) ELECTIVE DEFERRAL.—The term ‘elective deferral’ means—

“(A) any elective deferral described in subparagraph (A) or (C) of section 402(g)(3), and

“(B) any elective deferral of compensation by an individual under an eligible deferred compensation plan (as defined in section 457(b)) of an eligible employer described in section 457(e)(1)(A).”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2010.

SEC. 227. INCREASE IN INFORMATION RETURN PENALTIES.

(a) FAILURE TO FILE CORRECT INFORMATION RETURNS.—

(1) IN GENERAL.—Subsections (a)(1), (b)(1)(A), and (b)(2)(A) of section 6721 are each amended by striking “\$50” and inserting “\$100”.

(2) AGGREGATE ANNUAL LIMITATION.—Subsections (a)(1), (d)(1)(A), and (e)(3)(A) of section 6721 are each amended by striking “\$250,000” and inserting “\$1,500,000”.

(b) REDUCTION WHERE CORRECTION WITHIN 30 DAYS.—

(1) IN GENERAL.—Subparagraph (A) of section 6721(b)(1) is amended by striking “\$15” and inserting “\$30”.

(2) AGGREGATE ANNUAL LIMITATION.—Subsections (b)(1)(B) and (d)(1)(B) of section 6721 are each amended by striking “\$75,000” and inserting “\$250,000”.

(c) REDUCTION WHERE CORRECTION ON OR BEFORE AUGUST 1.—

(1) IN GENERAL.—Subparagraph (A) of section 6721(b)(2) is amended by striking “\$30” and inserting “\$60”.

(2) AGGREGATE ANNUAL LIMITATION.—Subsections (b)(2)(B) and (d)(1)(C) of section 6721 are each amended by striking “\$150,000” and inserting “\$500,000”.

(d) AGGREGATE ANNUAL LIMITATIONS FOR PERSONS WITH GROSS RECEIPTS OF NOT MORE THAN \$5,000,000.—Paragraph (1) of section 6721(d) is amended—

(1) by striking “\$100,000” in subparagraph (A) and inserting “\$500,000”;

(2) by striking “\$25,000” in subparagraph (B) and inserting “\$75,000”; and

(3) by striking “\$50,000” in subparagraph (C) and inserting “\$200,000”.

(e) PENALTY IN CASE OF INTENTIONAL DISREGARD.—Paragraph (2) of section 6721(e) is amended by striking “\$100” and inserting “\$250”.

(f) ADJUSTMENT FOR INFLATION.—Section 6721 is amended by adding at the end the following new subsection:

“(f) ADJUSTMENT FOR INFLATION.—

“(1) IN GENERAL.—For each fifth calendar year beginning after 2012, each of the dollar amounts under subsections (a), (b), (d) (other than paragraph (2)(A) thereof), and (e) shall be increased by such dollar amount multiplied by the cost-of-living adjustment determined under section 1(f)(3) determined by substituting ‘calendar year 2011’ for ‘calendar year 1992’ in subparagraph (B) thereof.

“(2) ROUNDING.—If any amount adjusted under paragraph (1)—

“(A) is not less than \$75,000 and is not a multiple of \$500, such amount shall be rounded to the next lowest multiple of \$500, and

“(B) is not described in subparagraph (A) and is not a multiple of \$10, such amount shall be rounded to the next lowest multiple of \$10.”.

(g) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to information returns required to be filed on or after January 1, 2011.

SEC. 228. ROLLOVERS FROM ELECTIVE DEFERRED PLANS TO ROTH DESIGNATED ACCOUNTS.

(a) IN GENERAL.—Section 402A(c) is amended by adding at the end the following new paragraph:

“(4) TAXABLE ROLLOVERS TO DESIGNATED ROTH ACCOUNTS.—

“(A) IN GENERAL.—Notwithstanding sections 402(c), 403(b)(8), and 457(e)(16), in the case of any distribution to which this paragraph applies—

“(i) there shall be included in gross income any amount which would be includible were it not part of a qualified rollover contribution,

“(ii) section 72(t) shall not apply, and

“(iii) unless the taxpayer elects not to have this clause apply, any amount required to be included in gross income for any taxable year beginning in 2010 by reason of this paragraph shall be so included ratably over

the 2-taxable-year period beginning with the first taxable year beginning in 2011.

Any election under clause (iii) for any distributions during a taxable year may not be changed after the due date for such taxable year.

“(B) DISTRIBUTIONS TO WHICH PARAGRAPH APPLIES.—In the case of an applicable retirement plan which includes a qualified Roth contribution program, this paragraph shall apply to a distribution from such plan other than from a designated Roth account which is contributed in a qualified rollover contribution to the designated Roth account maintained under such plan for the benefit of the individual to whom the distribution is made.

“(C) OTHER RULES.—The rules of subparagraphs (D), (E), and (F) of section 408A(d)(3) (as in effect for taxable years beginning after 2009) shall apply for purposes of this paragraph.”.

(b) CONFORMING AMENDMENT.—Section 402A(d)(3)(A) is amended by striking “A” and inserting “Except as provided in paragraph (4), a”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to distributions in plan years beginning after December 31, 2009.

Subtitle C—Pension Funding Relief PART I—SINGLE EMPLOYER PLANS

SEC. 231. EXTENDED PERIOD FOR SINGLE-EMPLOYER DEFINED BENEFIT PLANS TO AMORTIZE CERTAIN SHORTFALL AMORTIZATION BASES.

(a) AMENDMENTS TO ERISA.—

(1) IN GENERAL.—Paragraph (2) of section 303(c) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1083(c)) is amended by adding at the end the following subparagraph:

“(D) SPECIAL ELECTION FOR ELIGIBLE PLAN YEARS.—

“(i) IN GENERAL.—If a plan sponsor elects to apply this subparagraph with respect to the shortfall amortization base of a plan for any eligible plan year (in this subparagraph and paragraph (7) referred to as an ‘election year’), then, notwithstanding subparagraphs (A) and (B)—

“(I) the shortfall amortization installments with respect to such base shall be determined under clause (ii) or (iii), whichever is specified in the election, and

“(II) the shortfall amortization installment for any plan year in the 9-plan-year period described in clause (ii) or the 15-plan-year period described in clause (iii), respectively, with respect to such shortfall amortization base is the annual installment determined under the applicable clause for that year for that base.

“(ii) 2 PLUS 7 AMORTIZATION SCHEDULE.—The shortfall amortization installments determined under this clause are—

“(I) in the case of the first 2 plan years in the 9-plan-year period beginning with the election year, interest on the shortfall amortization base of the plan for the election year (determined using the effective interest rate for the plan for the election year), and

“(II) in the case of the last 7 plan years in such 9-plan-year period, the amounts necessary to amortize the remaining balance of the shortfall amortization base of the plan for the election year in level annual installments over such last 7 plan years (using the segment rates under subparagraph (C) for the election year).

“(iii) 15-YEAR AMORTIZATION.—The shortfall amortization installments determined under this subparagraph are the amounts necessary to amortize the shortfall amortization base

of the plan for the election year in level annual installments over the 15-plan-year period beginning with the election year (using the segment rates under subparagraph (C) for the election year).

“(iv) ELECTION.—

“(I) IN GENERAL.—The plan sponsor of a plan may elect to have this subparagraph apply to not more than 2 eligible plan years with respect to the plan, except that in the case of a plan described in section 106 of the Pension Protection Act of 2006, the plan sponsor may only elect to have this subparagraph apply to a plan year beginning in 2011.

“(II) AMORTIZATION SCHEDULE.—Such election shall specify whether the amortization schedule under clause (ii) or (iii) shall apply to an election year, except that if a plan sponsor elects to have this subparagraph apply to 2 eligible plan years, the plan sponsor must elect the same schedule for both years.

“(III) OTHER RULES.—Such election shall be made at such time, and in such form and manner, as shall be prescribed by the Secretary of the Treasury, and may be revoked only with the consent of the Secretary of the Treasury. The Secretary of the Treasury shall, before granting a revocation request, provide the Pension Benefit Guaranty Corporation an opportunity to comment on the conditions applicable to the treatment of any portion of the election year shortfall amortization base that remains unamortized as of the revocation date.

“(v) ELIGIBLE PLAN YEAR.—For purposes of this subparagraph, the term ‘eligible plan year’ means any plan year beginning in 2008, 2009, 2010, or 2011, except that a plan year shall only be treated as an eligible plan year if the due date under subsection (j)(1) for the payment of the minimum required contribution for such plan year occurs on or after the date of the enactment of this subparagraph.

“(vi) REPORTING.—A plan sponsor of a plan who makes an election under clause (i) shall—

“(I) give notice of the election to participants and beneficiaries of the plan, and

“(II) inform the Pension Benefit Guaranty Corporation of such election in such form and manner as the Director of the Pension Benefit Guaranty Corporation may prescribe.

“(vii) INCREASES IN REQUIRED INSTALLMENTS IN CERTAIN CASES.—For increases in required contributions in cases of excess compensation or extraordinary dividends or stock redemptions, see paragraph (7).”.

(2) INCREASES IN REQUIRED INSTALLMENTS IN CERTAIN CASES.—Section 303(c) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1083(c)) is amended by adding at the end the following paragraph:

“(7) INCREASES IN ALTERNATE REQUIRED INSTALLMENTS IN CASES OF EXCESS COMPENSATION OR EXTRAORDINARY DIVIDENDS OR STOCK REDEMPTIONS.—

“(A) IN GENERAL.—If there is an installment acceleration amount with respect to a plan for any plan year in the restriction period with respect to an election year under paragraph (2)(D), then the shortfall amortization installment otherwise determined and payable under such paragraph for such plan year shall, subject to the limitation under subparagraph (B), be increased by such amount.

“(B) TOTAL INSTALLMENTS LIMITED TO SHORTFALL BASE.—Subject to rules prescribed by the Secretary of the Treasury, if a shortfall amortization installment with respect to any shortfall amortization base for an election year is required to be increased for any plan year under subparagraph (A)—

“(i) such increase shall not result in the amount of such installment exceeding the present value of such installment and all succeeding installments with respect to such base (determined without regard to such increase but after application of clause (ii)), and

“(ii) subsequent shortfall amortization installments with respect to such base shall, in reverse order of the otherwise required installments, be reduced to the extent necessary to limit the present value of such subsequent shortfall amortization installments (after application of this paragraph) to the present value of the remaining unamortized shortfall amortization base.

“(C) INSTALLMENT ACCELERATION AMOUNT.—For purposes of this paragraph—

“(i) IN GENERAL.—The term ‘installment acceleration amount’ means, with respect to any plan year in a restriction period with respect to an election year, the sum of—

“(I) the aggregate amount of excess employee compensation determined under subparagraph (D) with respect to all employees for the plan year, plus

“(II) the aggregate amount of extraordinary dividends and redemptions determined under subparagraph (E) for the plan year.

“(ii) ANNUAL LIMITATION.—The installment acceleration amount for any plan year shall not exceed the excess (if any) of—

“(I) the sum of the shortfall amortization installments for the plan year and all preceding plan years in the amortization period elected under paragraph (2)(D) with respect to the shortfall amortization base with respect to an election year, determined without regard to paragraph (2)(D) and this paragraph, over

“(II) the sum of the shortfall amortization installments for such plan year and all such preceding plan years, determined after application of paragraph (2)(D) (and in the case of any preceding plan year, after application of this paragraph).

“(iii) CARRYOVER OF EXCESS INSTALLMENT ACCELERATION AMOUNTS.—

“(I) IN GENERAL.—If the installment acceleration amount for any plan year (determined without regard to clause (ii)) exceeds the limitation under clause (ii), then, subject to subclause (II), such excess shall be treated as an installment acceleration amount with respect to the succeeding plan year.

“(II) CAP TO APPLY.—If any amount treated as an installment acceleration amount under subclause (I) or this subclause with respect to any succeeding plan year, when added to other installment acceleration amounts (determined without regard to clause (ii)) with respect to the plan year, exceeds the limitation under clause (ii), the portion of such amount representing such excess shall be treated as an installment acceleration amount with respect to the next succeeding plan year.

“(III) LIMITATION ON YEARS TO WHICH AMOUNTS CARRIED FOR.—No amount shall be carried under subclause (I) or (II) to a plan year which begins after the first plan year following the last plan year in the restriction period (or after the second plan year following such last plan year in the case of an election year with respect to which 15-year amortization was elected under paragraph (2)(D)).

“(IV) ORDERING RULES.—For purposes of applying subclause (II), installment acceleration amounts for the plan year (determined without regard to any carryover under this clause) shall be applied first against the limitation under clause (ii) and then carryovers

to such plan year shall be applied against such limitation on a first-in, first-out basis.

“(D) EXCESS EMPLOYEE COMPENSATION.—For purposes of this paragraph—

“(i) IN GENERAL.—The term ‘excess employee compensation’ means, with respect to any employee for any plan year, the excess (if any) of—

“(I) the aggregate amount includible in income under chapter 1 of the Internal Revenue Code of 1986 for remuneration during the calendar year in which such plan year begins for services performed by the employee for the plan sponsor (whether or not performed during such calendar year), over

“(II) \$1,000,000.

“(ii) AMOUNTS SET ASIDE FOR NONQUALIFIED DEFERRED COMPENSATION.—If during any calendar year assets are set aside or reserved (directly or indirectly) in a trust (or other arrangement as determined by the Secretary of the Treasury), or transferred to such a trust or other arrangement, by a plan sponsor for purposes of paying deferred compensation of an employee under a non-qualified deferred compensation plan (as defined in section 409A of such Code) of the plan sponsor, then, for purposes of clause (i), the amount of such assets shall be treated as remuneration of the employee includible in income for the calendar year unless such amount is otherwise includible in income for such year. An amount to which the preceding sentence applies shall not be taken into account under this paragraph for any subsequent calendar year.

“(iii) ONLY REMUNERATION FOR CERTAIN POST-2009 SERVICES COUNTED.—Remuneration shall be taken into account under clause (i) only to the extent attributable to services performed by the employee for the plan sponsor after February 28, 2010.

“(iv) EXCEPTION FOR CERTAIN EQUITY PAYMENTS.—

“(I) IN GENERAL.—There shall not be taken into account under clause (i)(I) any amount includible in income with respect to the granting after February 28, 2010, of service recipient stock (within the meaning of section 409A of the Internal Revenue Code of 1986) that, upon such grant, is subject to a substantial risk of forfeiture (as defined under section 83(c)(1) of such Code) for at least 5 years from the date of such grant.

“(II) SECRETARIAL AUTHORITY.—The Secretary of the Treasury may by regulation provide for the application of this clause in the case of a person other than a corporation.

“(v) OTHER EXCEPTIONS.—The following amounts includible in income shall not be taken into account under clause (i)(I):

“(I) COMMISSIONS.—Any remuneration payable on a commission basis solely on account of income directly generated by the individual performance of the individual to whom such remuneration is payable.

“(II) CERTAIN PAYMENTS UNDER EXISTING CONTRACTS.—Any remuneration consisting of nonqualified deferred compensation, restricted stock, stock options, or stock appreciation rights payable or granted under a written binding contract that was in effect on March 1, 2010, and which was not modified in any material respect before such remuneration is paid.

“(vi) SELF-EMPLOYED INDIVIDUAL TREATED AS EMPLOYEE.—The term ‘employee’ includes, with respect to a calendar year, a self-employed individual who is treated as an employee under section 401(c) of such Code for the taxable year ending during such calendar year, and the term ‘compensation’ shall include earned income of such individual with respect to such self-employment.

“(vii) INDEXING OF AMOUNT.—In the case of any calendar year beginning after 2010, the dollar amount under clause (i)(II) shall be increased by an amount equal to—

“(I) such dollar amount, multiplied by

“(II) the cost-of-living adjustment determined under section 1(f)(3) of such Code for the calendar year, determined by substituting ‘calendar year 2009’ for ‘calendar year 1992’ in subparagraph (B) thereof.

If the amount of any increase under clause (i) is not a multiple of \$1,000, such increase shall be rounded to the next lowest multiple of \$1,000.

“(E) EXTRAORDINARY DIVIDENDS AND REDEMPTIONS.—

“(i) IN GENERAL.—The amount determined under this subparagraph for any plan year is the excess (if any) of the sum of the dividends declared during the plan year by the plan sponsor plus the aggregate amount paid for the redemption of stock of the plan sponsor redeemed during the plan year over the greater of—

“(I) the adjusted net income (within the meaning of section 4043) of the plan sponsor for the preceding plan year, determined without regard to any reduction by reason of interest, taxes, depreciation, or amortization, or

“(II) in the case of a plan sponsor that determined and declared dividends in the same manner for at least 5 consecutive years immediately preceding such plan year, the aggregate amount of dividends determined and declared for such plan year using such manner.

“(ii) ONLY CERTAIN POST-2009 DIVIDENDS AND REDEMPTIONS COUNTED.—For purposes of clause (i), there shall only be taken into account dividends declared, and redemptions occurring, after February 28, 2010.

“(iii) EXCEPTION FOR INTRA-GROUP DIVIDENDS.—Dividends paid by one member of a controlled group (as defined in section 302(d)(3)) to another member of such group shall not be taken into account under clause (i).

“(iv) EXCEPTION FOR CERTAIN REDEMPTIONS.—Redemptions that are made pursuant to a plan maintained with respect to employees, or that are made on account of the death, disability, or termination of employment of an employee or shareholder, shall not be taken into account under clause (i).

“(v) EXCEPTION FOR CERTAIN PREFERRED STOCK.—

“(I) IN GENERAL.—Dividends and redemptions with respect to applicable preferred stock shall not be taken into account under clause (i) to the extent that dividends accrue with respect to such stock at a specified rate in all events and without regard to the plan sponsor’s income, and interest accrues on any unpaid dividends with respect to such stock.

“(II) APPLICABLE PREFERRED STOCK.—For purposes of subclause (I), the term ‘applicable preferred stock’ means preferred stock which was issued before March 1, 2010 (or which was issued after such date and is held by an employee benefit plan subject to the provisions of this title).

“(F) OTHER DEFINITIONS AND RULES.—For purposes of this paragraph—

“(i) PLAN SPONSOR.—The term ‘plan sponsor’ includes any member of the plan sponsor’s controlled group (as defined in section 302(d)(3)).

“(ii) RESTRICTION PERIOD.—The term ‘restriction period’ means, with respect to any election year—

“(I) except as provided in subclause (II), the 3-year period beginning with the election

year (or, if later, the first plan year beginning after December 31, 2009), and

“(II) if the plan sponsor elects 15-year amortization for the shortfall amortization base for the election year, the 5-year period beginning with the election year (or, if later, the first plan year beginning after December 31, 2009).

“(iii) ELECTIONS FOR MULTIPLE PLANS.—If a plan sponsor makes elections under paragraph (2)(D) with respect to 2 or more plans, the Secretary of the Treasury shall provide rules for the application of this paragraph to such plans, including rules for the ratable allocation of any installment acceleration amount among such plans on the basis of each plan's relative reduction in the plan's shortfall amortization installment for the first plan year in the amortization period described in subparagraph (A) (determined without regard to this paragraph).

“(iv) MERGERS AND ACQUISITIONS.—The Secretary of the Treasury shall prescribe rules for the application of paragraph (2)(D) and this paragraph in any case where there is a merger or acquisition involving a plan sponsor making the election under paragraph (2)(D).”.

(3) CONFORMING AMENDMENTS.—Section 303 of such Act (29 U.S.C. 1083) is amended—

(A) in subsection (c)(1), by striking “the shortfall amortization bases for such plan year and each of the 6 preceding plan years” and inserting “any shortfall amortization base which has not been fully amortized under this subsection”, and

(B) in subsection (j)(3), by adding at the end the following:

“(F) QUARTERLY CONTRIBUTIONS NOT TO INCLUDE CERTAIN INCREASED CONTRIBUTIONS.—Subparagraph (D) shall be applied without regard to any increase under subsection (c)(7).”.

(b) AMENDMENTS TO INTERNAL REVENUE CODE OF 1986.—

(1) IN GENERAL.—Paragraph (2) of section 430(c) is amended by adding at the end the following subparagraph:

“(D) SPECIAL ELECTION FOR ELIGIBLE PLAN YEARS.—

“(i) IN GENERAL.—If a plan sponsor elects to apply this subparagraph with respect to the shortfall amortization base of a plan for any eligible plan year (in this subparagraph and paragraph (7) referred to as an ‘election year’), then, notwithstanding subparagraphs (A) and (B)—

“(I) the shortfall amortization installments with respect to such base shall be determined under clause (ii) or (iii), whichever is specified in the election, and

“(II) the shortfall amortization installment for any plan year in the 9-plan-year period described in clause (ii) or the 15-plan-year period described in clause (iii), respectively, with respect to such shortfall amortization base is the annual installment determined under the applicable clause for that year for that base.

“(ii) 2 PLUS 7 AMORTIZATION SCHEDULE.—The shortfall amortization installments determined under this clause are—

“(I) in the case of the first 2 plan years in the 9-plan-year period beginning with the election year, interest on the shortfall amortization base of the plan for the election year (determined using the effective interest rate for the plan for the election year), and

“(II) in the case of the last 7 plan years in such 9-plan-year period, the amounts necessary to amortize the remaining balance of the shortfall amortization base of the plan for the election year in level annual installments over such last 7 plan years (using the

segment rates under subparagraph (C) for the election year).

“(iii) 15-YEAR AMORTIZATION.—The shortfall amortization installments determined under this subparagraph are the amounts necessary to amortize the shortfall amortization base of the plan for the election year in level annual installments over the 15-plan-year period beginning with the election year (using the segment rates under subparagraph (C) for the election year).

“(iv) ELECTION.—

“(I) IN GENERAL.—The plan sponsor of a plan may elect to have this subparagraph apply to not more than 2 eligible plan years with respect to the plan, except that in the case of a plan described in section 106 of the Pension Protection Act of 2006, the plan sponsor may only elect to have this subparagraph apply to a plan year beginning in 2011.

“(II) AMORTIZATION SCHEDULE.—Such election shall specify whether the amortization schedule under clause (ii) or (iii) shall apply to an election year, except that if a plan sponsor elects to have this subparagraph apply to 2 eligible plan years, the plan sponsor must elect the same schedule for both years.

“(III) OTHER RULES.—Such election shall be made at such time, and in such form and manner, as shall be prescribed by the Secretary, and may be revoked only with the consent of the Secretary. The Secretary shall, before granting a revocation request, provide the Pension Benefit Guaranty Corporation an opportunity to comment on the conditions applicable to the treatment of any portion of the election year shortfall amortization base that remains unamortized as of the revocation date.

“(v) ELIGIBLE PLAN YEAR.—For purposes of this subparagraph, the term ‘eligible plan year’ means any plan year beginning in 2008, 2009, 2010, or 2011, except that a plan year shall only be treated as an eligible plan year if the due date under subsection (j)(1) for the payment of the minimum required contribution for such plan year occurs on or after the date of the enactment of this subparagraph.

“(vi) REPORTING.—A plan sponsor of a plan who makes an election under clause (i) shall—

“(I) give notice of the election to participants and beneficiaries of the plan, and

“(II) inform the Pension Benefit Guaranty Corporation of such election in such form and manner as the Director of the Pension Benefit Guaranty Corporation may prescribe.

“(vii) INCREASES IN REQUIRED INSTALLMENTS IN CERTAIN CASES.—For increases in required contributions in cases of excess compensation or extraordinary dividends or stock redemptions, see paragraph (7).”.

(2) INCREASES IN REQUIRED CONTRIBUTIONS IF EXCESS COMPENSATION PAID.—Section 430(c) is amended by adding at the end the following paragraph:

“(7) INCREASES IN ALTERNATE REQUIRED INSTALLMENTS IN CASES OF EXCESS COMPENSATION OR EXTRAORDINARY DIVIDENDS OR STOCK REDEMPTIONS.—

“(A) IN GENERAL.—If there is an installment acceleration amount with respect to a plan for any plan year in the restriction period with respect to an election year under paragraph (2)(D), then the shortfall amortization installment otherwise determined and payable under such paragraph for such plan year shall, subject to the limitation under subparagraph (B), be increased by such amount.

“(B) TOTAL INSTALLMENTS LIMITED TO SHORTFALL BASE.—Subject to rules pre-

scribed by the Secretary, if a shortfall amortization installment with respect to any shortfall amortization base for an election year is required to be increased for any plan year under subparagraph (A)—

“(i) such increase shall not result in the amount of such installment exceeding the present value of such installment and all succeeding installments with respect to such base (determined without regard to such increase but after application of clause (ii)), and

“(ii) subsequent shortfall amortization installments with respect to such base shall, in reverse order of the otherwise required installments, be reduced to the extent necessary to limit the present value of such subsequent shortfall amortization installments (after application of this paragraph) to the present value of the remaining unamortized shortfall amortization base.

“(C) INSTALLMENT ACCELERATION AMOUNT.—For purposes of this paragraph—

“(i) IN GENERAL.—The term ‘installment acceleration amount’ means, with respect to any plan year in a restriction period with respect to an election year, the sum of—

“(I) the aggregate amount of excess employee compensation determined under subparagraph (D) with respect to all employees for the plan year, plus

“(II) the aggregate amount of extraordinary dividends and redemptions determined under subparagraph (E) for the plan year.

“(ii) ANNUAL LIMITATION.—The installment acceleration amount for any plan year shall not exceed the excess (if any) of—

“(I) the sum of the shortfall amortization installments for the plan year and all preceding plan years in the amortization period elected under paragraph (2)(D) with respect to the shortfall amortization base with respect to an election year, determined without regard to paragraph (2)(D) and this paragraph, over

“(II) the sum of the shortfall amortization installments for such plan year and all such preceding plan years, determined after application of paragraph (2)(D) (and in the case of any preceding plan year, after application of this paragraph).

“(iii) CARRYOVER OF EXCESS INSTALLMENT ACCELERATION AMOUNTS.—

“(I) IN GENERAL.—If the installment acceleration amount for any plan year (determined without regard to clause (ii)) exceeds the limitation under clause (ii), then, subject to subclause (II), such excess shall be treated as an installment acceleration amount with respect to the succeeding plan year.

“(II) CAP TO APPLY.—If any amount treated as an installment acceleration amount under subclause (I) or this subclause with respect to any succeeding plan year, when added to other installment acceleration amounts (determined without regard to clause (ii)) with respect to the plan year, exceeds the limitation under clause (ii), the portion of such amount representing such excess shall be treated as an installment acceleration amount with respect to the next succeeding plan year.

“(III) LIMITATION ON YEARS TO WHICH AMOUNTS CARRIED FOR.—No amount shall be carried under subclause (I) or (II) to a plan year which begins after the first plan year following the last plan year in the restriction period (or after the second plan year following such last plan year in the case of an election year with respect to which 15-year amortization was elected under paragraph (2)(D)).

“(IV) ORDERING RULES.—For purposes of applying subclause (II), installment acceleration amounts for the plan year (determined without regard to any carryover under this clause) shall be applied first against the limitation under clause (i) and then carryovers to such plan year shall be applied against such limitation on a first-in, first-out basis.

“(D) EXCESS EMPLOYEE COMPENSATION.—For purposes of this paragraph—

“(i) IN GENERAL.—The term ‘excess employee compensation’ means, with respect to any employee for any plan year, the excess (if any) of—

“(I) the aggregate amount includible in income under this chapter for remuneration during the calendar year in which such plan year begins for services performed by the employee for the plan sponsor (whether or not performed during such calendar year), over

“(II) \$1,000,000.

“(ii) AMOUNTS SET ASIDE FOR NON-QUALIFIED DEFERRED COMPENSATION.—If during any calendar year assets are set aside or reserved (directly or indirectly) in a trust (or other arrangement as determined by the Secretary), or transferred to such a trust or other arrangement, by a plan sponsor for purposes of paying deferred compensation of an employee under a nonqualified deferred compensation plan (as defined in section 409A) of the plan sponsor, then, for purposes of clause (i), the amount of such assets shall be treated as remuneration of the employee includible in income for the calendar year unless such amount is otherwise includible in income for such year. An amount to which the preceding sentence applies shall not be taken into account under this paragraph for any subsequent calendar year.

“(iii) ONLY REMUNERATION FOR CERTAIN POST-2009 SERVICES COUNTED.—Remuneration shall be taken into account under clause (i) only to the extent attributable to services performed by the employee for the plan sponsor after February 28, 2010.

“(iv) EXCEPTION FOR CERTAIN EQUITY PAYMENTS.—

“(I) IN GENERAL.—There shall not be taken into account under clause (i)(I) any amount includible in income with respect to the granting after February 28, 2010, of service recipient stock (within the meaning of section 409A) that, upon such grant, is subject to a substantial risk of forfeiture (as defined under section 83(c)(1)) for at least 5 years from the date of such grant.

“(II) SECRETARIAL AUTHORITY.—The Secretary may by regulation provide for the application of this clause in the case of a person other than a corporation.

“(v) OTHER EXCEPTIONS.—The following amounts includible in income shall not be taken into account under clause (i)(I):

“(I) COMMISSIONS.—Any remuneration payable on a commission basis solely on account of income directly generated by the individual performance of the individual to whom such remuneration is payable.

“(II) CERTAIN PAYMENTS UNDER EXISTING CONTRACTS.—Any remuneration consisting of nonqualified deferred compensation, restricted stock, stock options, or stock appreciation rights payable or granted under a written binding contract that was in effect on March 1, 2010, and which was not modified in any material respect before such remuneration is paid.

“(vi) SELF-EMPLOYED INDIVIDUAL TREATED AS EMPLOYEE.—The term ‘employee’ includes, with respect to a calendar year, a self-employed individual who is treated as an employee under section 401(c) for the taxable

year ending during such calendar year, and the term ‘compensation’ shall include earned income of such individual with respect to such self-employment.

“(vii) INDEXING OF AMOUNT.—In the case of any calendar year beginning after 2010, the dollar amount under clause (i)(II) shall be increased by an amount equal to—

“(I) such dollar amount, multiplied by

“(II) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year, determined by substituting ‘calendar year 2009’ for ‘calendar year 1992’ in subparagraph (B) thereof.

If the amount of any increase under clause (i) is not a multiple of \$1,000, such increase shall be rounded to the next lowest multiple of \$1,000.

“(E) EXTRAORDINARY DIVIDENDS AND REDEMPTIONS.—

“(i) IN GENERAL.—The amount determined under this subparagraph for any plan year is the excess (if any) of the sum of the dividends declared during the plan year by the plan sponsor plus the aggregate amount paid for the redemption of stock of the plan sponsor redeemed during the plan year over the greater of—

“(I) the adjusted net income (within the meaning of section 4043 of the Employee Retirement Income Security Act of 1974) of the plan sponsor for the preceding plan year, determined without regard to any reduction by reason of interest, taxes, depreciation, or amortization, or

“(II) in the case of a plan sponsor that determined and declared dividends in the same manner for at least 5 consecutive years immediately preceding such plan year, the aggregate amount of dividends determined and declared for such plan year using such manner.

“(ii) ONLY CERTAIN POST-2009 DIVIDENDS AND REDEMPTIONS COUNTED.—For purposes of clause (i), there shall only be taken into account dividends declared, and redemptions occurring, after February 28, 2010.

“(iii) EXCEPTION FOR INTRA-GROUP DIVIDENDS.—Dividends paid by one member of a controlled group (as defined in section 412(d)(3)) to another member of such group shall not be taken into account under clause (i).

“(iv) EXCEPTION FOR CERTAIN REDEMPTIONS.—Redemptions that are made pursuant to a plan maintained with respect to employees, or that are made on account of the death, disability, or termination of employment of an employee or shareholder, shall not be taken into account under clause (i).

“(v) EXCEPTION FOR CERTAIN PREFERRED STOCK.—

“(I) IN GENERAL.—Dividends and redemptions with respect to applicable preferred stock shall not be taken into account under clause (i) to the extent that dividends accrue with respect to such stock at a specified rate in all events and without regard to the plan sponsor's income, and interest accrues on any unpaid dividends with respect to such stock.

“(II) APPLICABLE PREFERRED STOCK.—For purposes of subclause (I), the term ‘applicable preferred stock’ means preferred stock which was issued before March 1, 2010 (or which was issued after such date and is held by an employee benefit plan subject to the provisions of title I of Employee Retirement Income Security Act of 1974).

“(F) OTHER DEFINITIONS AND RULES.—For purposes of this paragraph—

“(i) PLAN SPONSOR.—The term ‘plan sponsor’ includes any member of the plan spon-

sor's controlled group (as defined in section 412(d)(3)).

“(ii) RESTRICTION PERIOD.—The term ‘restriction period’ means, with respect to any election year—

“(I) except as provided in subclause (II), the 3-year period beginning with the election year (or, if later, the first plan year beginning after December 31, 2009), and

“(II) if the plan sponsor elects 15-year amortization for the shortfall amortization base for the election year, the 5-year period beginning with the election year (or, if later, the first plan year beginning after December 31, 2009).

“(iii) ELECTIONS FOR MULTIPLE PLANS.—If a plan sponsor makes elections under paragraph (2)(D) with respect to 2 or more plans, the Secretary shall provide rules for the application of this paragraph to such plans, including rules for the ratable allocation of any installment acceleration amount among such plans on the basis of each plan's relative reduction in the plan's shortfall amortization installment for the first plan year in the amortization period described in subparagraph (A) (determined without regard to this paragraph).

“(iv) MERGERS AND ACQUISITIONS.—The Secretary shall prescribe rules for the application of paragraph (2)(D) and this paragraph in any case where there is a merger or acquisition involving a plan sponsor making the election under paragraph (2)(D).”

(3) CONFORMING AMENDMENTS.—Section 430 is amended—

(A) in subsection (c)(1), by striking “the shortfall amortization bases for such plan year and each of the 6 preceding plan years” and inserting “any shortfall amortization base which has not been fully amortized under this subsection”, and

(B) in subsection (j)(3), by adding at the end the following:

“(F) QUARTERLY CONTRIBUTIONS NOT TO INCLUDE CERTAIN INCREASED CONTRIBUTIONS.—Subparagraph (D) shall be applied without regard to any increase under subsection (c)(7).”

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to plan years beginning after December 31, 2007.

SEC. 232. APPLICATION OF EXTENDED AMORTIZATION PERIOD TO PLANS SUBJECT TO PRIOR LAW FUNDING RULES.

(a) IN GENERAL.—Title I of the Pension Protection Act of 2006 is amended by redesignating section 107 as section 108 and by inserting the following after section 106:

“SEC. 107. APPLICATION OF EXTENDED AMORTIZATION PERIODS TO PLANS WITH DELAYED EFFECTIVE DATE.

“(a) IN GENERAL.—If the plan sponsor of a plan to which section 104, 105, or 106 of this Act applies elects to have this section apply for any eligible plan year (in this section referred to as an ‘election year’), section 302 of the Employee Retirement Income Security Act of 1974 and section 412 of the Internal Revenue Code of 1986 (as in effect before the amendments made by this subtitle and subtitle B) shall apply to such year in the manner described in subsection (b) or (c), whichever is specified in the election. All references in this section to ‘such Act’ or ‘such Code’ shall be to such Act or such Code as in effect before the amendments made by this subtitle and subtitle B.

“(b) APPLICATION OF 2 AND 7 RULE.—In the case of an election year to which this subsection applies—

“(1) 2-YEAR LOOKBACK FOR DETERMINING DEFICIT REDUCTION CONTRIBUTIONS FOR CERTAIN PLANS.—For purposes of applying section 302(d)(9) of such Act and section 412(l)(9)

of such Code, the funded current liability percentage (as defined in subparagraph (C) thereof) for such plan for such plan year shall be such funded current liability percentage of such plan for the second plan year preceding the first election year of such plan.

“(2) CALCULATION OF DEFICIT REDUCTION CONTRIBUTION.—For purposes of applying section 302(d) of such Act and section 412(l) of such Code to a plan to which such sections apply (after taking into account paragraph (1))—

“(A) in the case of the increased unfunded new liability of the plan, the applicable percentage described in section 302(d)(4)(C) of such Act and section 412(l)(4)(C) of such Code shall be the third segment rate described in sections 104(b), 105(b), and 106(b) of this Act, and

“(B) in the case of the excess of the unfunded new liability over the increased unfunded new liability, such applicable percentage shall be determined without regard to this section.

“(C) APPLICATION OF 15-YEAR AMORTIZATION.—In the case of an election year to which this subsection applies, for purposes of applying section 302(d) of such Act and section 412(l) of such Code—

“(1) in the case of the increased unfunded new liability of the plan, the applicable percentage described in section 302(d)(4)(C) of such Act and section 412(l)(4)(C) of such Code for any pre-effective date plan year beginning with or after the first election year shall be the ratio of—

“(A) the annual installments payable in each year if the increased unfunded new liability for such plan year were amortized over 15 years, using an interest rate equal to the third segment rate described in sections 104(b), 105(b), and 106(b) of this Act, to

“(B) the increased unfunded new liability for such plan year, and

“(2) in the case of the excess of the unfunded new liability over the increased unfunded new liability, such applicable percentage shall be determined without regard to this section.

“(d) ELECTION.—

“(1) IN GENERAL.—The plan sponsor of a plan may elect to have this section apply to not more than 2 eligible plan years with respect to the plan, except that in the case of a plan to which section 106 of this Act applies, the plan sponsor may only elect to have this section apply to 1 eligible plan year.

“(2) AMORTIZATION SCHEDULE.—Such election shall specify whether the rules under subsection (b) or (c) shall apply to an election year, except that if a plan sponsor elects to have this section apply to 2 eligible plan years, the plan sponsor must elect the same rule for both years.

“(3) OTHER RULES.—Such election shall be made at such time, and in such form and manner, as shall be prescribed by the Secretary of the Treasury, and may be revoked only with the consent of the Secretary of the Treasury.

“(e) DEFINITIONS.—For purposes of this section—

“(1) ELIGIBLE PLAN YEAR.—For purposes of this subparagraph, the term ‘eligible plan year’ means any plan year beginning in 2008, 2009, 2010, or 2011, except that a plan year beginning in 2008 shall only be treated as an eligible plan year if the due date for the payment of the minimum required contribution for such plan year occurs on or after the date of the enactment of this clause.

“(2) PRE-EFFECTIVE DATE PLAN YEAR.—The term ‘pre-effective date plan year’ means,

with respect to a plan, any plan year prior to the first year in which the amendments made by this subtitle and subtitle B apply to the plan.

“(3) INCREASED UNFUNDED NEW LIABILITY.—The term ‘increased unfunded new liability’ means, with respect to a year, the excess (if any) of the unfunded new liability over the amount of unfunded new liability determined as if the value of the plan’s assets determined under subsection 302(c)(2) of such Act and section 412(c)(2) of such Code equaled the product of the current liability of the plan for the year multiplied by the funded current liability percentage (as defined in section 302(d)(8)(B) of such Act and 412(l)(8)(B) of such Code) of the plan for the second plan year preceding the first election year of such plan.

“(4) OTHER DEFINITIONS.—The terms ‘unfunded new liability’ and ‘current liability’ shall have the meanings set forth in section 302(d) of such Act and section 412(l) of such Code.”

(b) ELIGIBLE CHARITY PLANS.—Section 104 of the Pension Protection Act of 2006 is amended—

(1) by striking “eligible cooperative plan” wherever it appears in subsections (a) and (b) and inserting “eligible cooperative plan or an eligible charity plan”, and

(2) by adding at the end the following new subsection:

“(d) ELIGIBLE CHARITY PLAN DEFINED.—For purposes of this section, a plan shall be treated as an eligible charity plan for a plan year if the plan is maintained by more than one employer (determined without regard to section 414(c) of the Internal Revenue Code) and 100 percent of the employers are described in section 501(c)(3) of such Code.”

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendment made by subsection (a) shall take effect as if included in the Pension Protection Act of 2006.

(2) ELIGIBLE CHARITY PLAN.—The amendments made by subsection (b) shall apply to plan years beginning after December 31, 2007, except that a plan sponsor may elect to apply such amendments to plan years beginning after December 31, 2008. Any such election shall be made at such time, and in such form and manner, as shall be prescribed by the Secretary of the Treasury, and may be revoked only with the consent of the Secretary of the Treasury.

SEC. 233. LOOKBACK FOR CERTAIN BENEFIT RESTRICTIONS.

(a) IN GENERAL.—

(1) AMENDMENT TO ERISA.—Section 206(g)(9) of the Employee Retirement Income Security Act of 1974 is amended by adding at the end the following:

“(D) SPECIAL RULE FOR CERTAIN YEARS.—Solely for purposes of any applicable provision—

“(i) IN GENERAL.—For plan years beginning on or after October 1, 2008, and before October 1, 2010, the adjusted funding target attainment percentage of a plan shall be the greater of—

“(I) such percentage, as determined without regard to this subparagraph, or

“(II) the adjusted funding target attainment percentage for such plan for the plan year beginning after October 1, 2007, and before October 1, 2008, as determined under rules prescribed by the Secretary of the Treasury.

“(ii) SPECIAL RULE.—In the case of a plan for which the valuation date is not the first day of the plan year—

“(I) clause (i) shall apply to plan years beginning after December 31, 2007, and before January 1, 2010, and

“(II) clause (i)(II) shall apply based on the last plan year beginning before November 1, 2007, as determined under rules prescribed by the Secretary of the Treasury.

“(iii) APPLICABLE PROVISION.—For purposes of this subparagraph, the term ‘applicable provision’ means—

“(I) paragraph (3), but only for purposes of applying such paragraph to a payment which, as determined under rules prescribed by the Secretary of the Treasury, is a payment under a social security leveling option which accelerates payments under the plan before, and reduces payments after, a participant starts receiving social security benefits in order to provide substantially similar aggregate payments both before and after such benefits are received, and

“(II) paragraph (4).”

(2) AMENDMENT TO INTERNAL REVENUE CODE OF 1986.—Section 436(j) of the Internal Revenue Code of 1986 is amended by adding at the end the following:

“(3) SPECIAL RULE FOR CERTAIN YEARS.—Solely for purposes of any applicable provision—

“(A) IN GENERAL.—For plan years beginning on or after October 1, 2008, and before October 1, 2010, the adjusted funding target attainment percentage of a plan shall be the greater of—

“(i) such percentage, as determined without regard to this paragraph, or

“(ii) the adjusted funding target attainment percentage for such plan for the plan year beginning after October 1, 2007, and before October 1, 2008, as determined under rules prescribed by the Secretary.

“(B) SPECIAL RULE.—In the case of a plan for which the valuation date is not the first day of the plan year—

“(i) subparagraph (A) shall apply to plan years beginning after December 31, 2007, and before January 1, 2010, and

“(ii) subparagraph (A)(ii) shall apply based on the last plan year beginning before November 1, 2007, as determined under rules prescribed by the Secretary.

“(C) APPLICABLE PROVISION.—For purposes of this paragraph, the term ‘applicable provision’ means—

“(i) subsection (d), but only for purposes of applying such paragraph to a payment which, as determined under rules prescribed by the Secretary, is a payment under a social security leveling option which accelerates payments under the plan before, and reduces payments after, a participant starts receiving social security benefits in order to provide substantially similar aggregate payments both before and after such benefits are received, and

“(ii) subsection (e).”

(b) INTERACTION WITH WRERA RULE.—Section 203 of the Worker, Retiree, and Employer Recovery Act of 2008 shall apply to a plan for any plan year in lieu of the amendments made by this section applying to sections 206(g)(4) of the Employee Retirement Income Security Act of 1974 and 436(e) of the Internal Revenue Code of 1986 only to the extent that such section produces a higher adjusted funding target attainment percentage for such plan for such year.

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to plan years beginning on or after October 1, 2008.

(2) SPECIAL RULE.—In the case of a plan for which the valuation date is not the first day of the plan year, the amendments made by this section shall apply to plan years beginning after December 31, 2007.

SEC. 234. LOOKBACK FOR CREDIT BALANCE RULE FOR PLANS MAINTAINED BY CHARITIES.

(a) AMENDMENT TO ERISA.—Paragraph (3) of section 303(f) of the Employee Retirement Income Security Act of 1974 is amended by adding the following at the end thereof:

“(D) SPECIAL RULE FOR CERTAIN YEARS OF PLANS MAINTAINED BY CHARITIES.—

“(i) IN GENERAL.—For purposes of applying subparagraph (C) for plan years beginning after August 31, 2009, and before September 1, 2011, the ratio determined under such subparagraph for the preceding plan year shall be the greater of—

“(I) such ratio, as determined without regard to this subparagraph, or

“(II) the ratio for such plan for the plan year beginning after August 31, 2007, and before September 1, 2008, as determined under rules prescribed by the Secretary of the Treasury.

“(ii) SPECIAL RULE.—In the case of a plan for which the valuation date is not the first day of the plan year—

“(I) clause (i) shall apply to plan years beginning after December 31, 2008, and before January 1, 2011, and

“(II) clause (i)(II) shall apply based on the last plan year beginning before September 1, 2007, as determined under rules prescribed by the Secretary of the Treasury.

“(iii) LIMITATION TO CHARITIES.—This subparagraph shall not apply to any plan unless such plan is maintained exclusively by one or more organizations described in section 501(c)(3) of the Internal Revenue Code of 1986.”.

(b) AMENDMENT TO INTERNAL REVENUE CODE OF 1986.—Paragraph (3) of section 430(f) of the Internal Revenue Code of 1986 is amended by adding the following at the end thereof:

“(D) SPECIAL RULE FOR CERTAIN YEARS OF PLANS MAINTAINED BY CHARITIES.—

“(i) IN GENERAL.—For purposes of applying subparagraph (C) for plan years beginning after August 31, 2009, and before September 1, 2011, the ratio determined under such subparagraph for the preceding plan year of a plan shall be the greater of—

“(I) such ratio, as determined without regard to this subsection, or

“(II) the ratio for such plan for the plan year beginning after August 31, 2007 and before September 1, 2008, as determined under rules prescribed by the Secretary.

“(ii) SPECIAL RULE.—In the case of a plan for which the valuation date is not the first day of the plan year—

“(I) clause (i) shall apply to plan years beginning after December 31, 2007, and before January 1, 2010, and

“(II) clause (i)(II) shall apply based on the last plan year beginning before September 1, 2007, as determined under rules prescribed by the Secretary.

“(iii) LIMITATION TO CHARITIES.—This subparagraph shall not apply to any plan unless such plan is maintained exclusively by one or more organizations described in section 501(c)(3).”.

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to plan years beginning after August 31, 2009.

(2) SPECIAL RULE.—In the case of a plan for which the valuation date is not the first day of the plan year, the amendments made by this section shall apply to plan years beginning after December 31, 2008.

PART II—MULTIEMPLOYER PLANS

SEC. 241. ADJUSTMENTS TO FUNDING STANDARD ACCOUNT RULES.

(a) ADJUSTMENTS.—

(1) AMENDMENT TO ERISA.—Section 304(b) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1084(b)) is amended by adding at the end the following new paragraph:

“(8) SPECIAL RELIEF RULES.—Notwithstanding any other provision of this subsection—

“(A) AMORTIZATION OF NET INVESTMENT LOSSES.—

“(i) IN GENERAL.—A multiemployer plan with respect to which the solvency test under subparagraph (C) is met may treat the portion of any experience loss or gain attributable to net investment losses incurred in either or both of the first two plan years ending after August 31, 2008, as an item separate from other experience losses, to be amortized in equal annual installments (until fully amortized) over the period—

“(I) beginning with the plan year in which such portion is first recognized in the actuarial value of assets, and

“(II) ending with the last plan year in the 30-plan year period beginning with the plan year in which such net investment loss was incurred.

“(ii) COORDINATION WITH EXTENSIONS.—If this subparagraph applies for any plan year—

“(I) no extension of the amortization period under clause (i) shall be allowed under subsection (d), and

“(II) if an extension was granted under subsection (d) for any plan year before the election to have this subparagraph apply to the plan year, such extension shall not result in such amortization period exceeding 30 years.

“(iii) NET INVESTMENT LOSSES.—For purposes of this subparagraph—

“(I) IN GENERAL.—Net investment losses shall be determined in the manner prescribed by the Secretary of the Treasury on the basis of the difference between actual and expected returns (including any difference attributable to any criminally fraudulent investment arrangement).

“(II) CRIMINALLY FRAUDULENT INVESTMENT ARRANGEMENTS.—The determination as to whether an arrangement is a criminally fraudulent investment arrangement shall be made under rules substantially similar to the rules prescribed by the Secretary of the Treasury for purposes of section 165 of the Internal Revenue Code of 1986.

“(B) EXPANDED SMOOTHING PERIOD.—

“(i) IN GENERAL.—A multiemployer plan with respect to which the solvency test under subparagraph (C) is met may change its asset valuation method in a manner which—

“(I) spreads the difference between expected and actual returns for either or both of the first 2 plan years ending after August 31, 2008, over a period of not more than 10 years,

“(II) provides that for either or both of the first 2 plan years beginning after August 31, 2008, the value of plan assets at any time shall not be less than 80 percent or greater than 130 percent of the fair market value of such assets at such time, or

“(III) makes both changes described in subsections (I) and (II) to such method.

“(ii) ASSET VALUATION METHODS.—If this subparagraph applies for any plan year—

“(I) the Secretary of the Treasury shall not treat the asset valuation method of the plan as unreasonable solely because of the changes in such method described in clause (i), and

“(II) such changes shall be deemed approved by such Secretary under section 302(d)(1) and section 412(d)(1) of such Code.

“(iii) AMORTIZATION OF REDUCTION IN UNFUNDED ACCRUED LIABILITY.—If this subparagraph and subparagraph (A) both apply for any plan year, the plan shall treat any reduction in unfunded accrued liability resulting from the application of this subparagraph as a separate experience amortization base, to be amortized in equal annual installments (until fully amortized) over a period of 30 plan years rather than the period such liability would otherwise be amortized over.

“(C) SOLVENCY TEST.—The solvency test under this paragraph is met only if the plan actuary certifies that the plan is projected to have sufficient assets to timely pay expected benefits and anticipated expenditures over the amortization period, taking into account the changes in the funding standard account under this paragraph.

“(D) RESTRICTION ON BENEFIT INCREASES.—If subparagraph (A) or (B) apply to a multiemployer plan for any plan year, then, in addition to any other applicable restrictions on benefit increases, a plan amendment increasing benefits may not go into effect during either of the 2 plan years immediately following such plan year unless—

“(i) the plan actuary certifies that—

“(I) any such increase is paid for out of additional contributions not allocated to the plan immediately before the application of this paragraph to the plan, and

“(II) the plan's funded percentage and projected credit balances for such 2 plan years are reasonably expected to be at least as high as such percentage and balances would have been if the benefit increase had not been adopted, or

“(ii) the amendment is required as a condition of qualification under part I of subchapter D of chapter 1 of the Internal Revenue Code of 1986 or to comply with other applicable law.

“(E) REPORTING.—A plan sponsor of a plan to which this paragraph applies shall—

“(i) give notice of such application to participants and beneficiaries of the plan, and

“(ii) inform the Pension Benefit Guaranty Corporation of such application in such form and manner as the Director of the Pension Benefit Guaranty Corporation may prescribe.”.

(2) AMENDMENT TO INTERNAL REVENUE CODE OF 1986.—Section 431(b) is amended by adding at the end the following new paragraph:

“(8) SPECIAL RELIEF RULES.—Notwithstanding any other provision of this subsection—

“(A) AMORTIZATION OF NET INVESTMENT LOSSES.—

“(i) IN GENERAL.—A multiemployer plan with respect to which the solvency test under subparagraph (C) is met may treat the portion of any experience loss or gain attributable to net investment losses incurred in either or both of the first two plan years ending after August 31, 2008, as an item separate from other experience losses, to be amortized in equal annual installments (until fully amortized) over the period—

“(I) beginning with the plan year in which such portion is first recognized in the actuarial value of assets, and

“(II) ending with the last plan year in the 30-plan year period beginning with the plan year in which such net investment loss was incurred.

“(ii) COORDINATION WITH EXTENSIONS.—If this subparagraph applies for any plan year—

“(I) no extension of the amortization period under clause (i) shall be allowed under subsection (d), and

“(II) if an extension was granted under subsection (d) for any plan year before the

election to have this subparagraph apply to the plan year, such extension shall not result in such amortization period exceeding 30 years.

“(iii) NET INVESTMENT LOSSES.—For purposes of this subparagraph—

“(I) IN GENERAL.—Net investment losses shall be determined in the manner prescribed by the Secretary on the basis of the difference between actual and expected returns (including any difference attributable to any criminally fraudulent investment arrangement).

“(II) CRIMINALLY FRAUDULENT INVESTMENT ARRANGEMENTS.—The determination as to whether an arrangement is a criminally fraudulent investment arrangement shall be made under rules substantially similar to the rules prescribed by the Secretary for purposes of section 165.

“(B) EXPANDED SMOOTHING PERIOD.—

“(i) IN GENERAL.—A multiemployer plan with respect to which the solvency test under subparagraph (C) is met may change its asset valuation method in a manner which—

“(I) spreads the difference between expected and actual returns for either or both of the first 2 plan years ending after August 31, 2008, over a period of not more than 10 years.

“(II) provides that for either or both of the first 2 plan years beginning after August 31, 2008, the value of plan assets at any time shall not be less than 80 percent or greater than 130 percent of the fair market value of such assets at such time, or

“(III) makes both changes described in subparagraphs (I) and (II) to such method.

“(ii) ASSET VALUATION METHODS.—If this subparagraph applies for any plan year—

“(I) the Secretary shall not treat the asset valuation method of the plan as unreasonable solely because of the changes in such method described in clause (i), and

“(II) such changes shall be deemed approved by the Secretary under section 302(d)(1) of the Employee Retirement Income Security Act of 1974 and section 412(d)(1).

“(iii) AMORTIZATION OF REDUCTION IN UNFUNDED ACCRUED LIABILITY.—If this subparagraph and subparagraph (A) both apply for any plan year, the plan shall treat any reduction in unfunded accrued liability resulting from the application of this subparagraph as a separate experience amortization base, to be amortized in equal annual installments (until fully amortized) over a period of 30 plan years rather than the period such liability would otherwise be amortized over.

“(C) SOLVENCY TEST.—The solvency test under this paragraph is met only if the plan actuary certifies that the plan is projected to have sufficient assets to timely pay expected benefits and anticipated expenditures over the amortization period, taking into account the changes in the funding standard account under this paragraph.

“(D) RESTRICTION ON BENEFIT INCREASES.—If subparagraph (A) or (B) apply to a multiemployer plan for any plan year, then, in addition to any other applicable restrictions on benefit increases, a plan amendment increasing benefits may not go into effect during either of the 2 plan years immediately following such plan year unless—

“(i) the plan actuary certifies that—

“(I) any such increase is paid for out of additional contributions not allocated to the plan immediately before the application of this paragraph to the plan, and

“(II) the plan's funded percentage and projected credit balances for such 2 plan years are reasonably expected to be at least as

high as such percentage and balances would have been if the benefit increase had not been adopted, or

“(ii) the amendment is required as a condition of qualification under part I of subchapter D or to comply with other applicable law.

“(E) REPORTING.—A plan sponsor of a plan to which this paragraph applies shall—

“(i) give notice of such application to participants and beneficiaries of the plan, and

“(ii) inform the Pension Benefit Guaranty Corporation of such application in such form and manner as the Director of the Pension Benefit Guaranty Corporation may prescribe.”.

(b) EFFECTIVE DATES.—

(1) IN GENERAL.—The amendments made by this section shall take effect as of the first day of the first plan year ending after August 31, 2008, except that any election a plan makes pursuant to this section that affects the plan's funding standard account for the first plan year beginning after August 31, 2008, shall be disregarded for purposes of applying the provisions of section 305 of the Employee Retirement Income Security Act of 1974 and section 432 of the Internal Revenue Code of 1986 to such plan year.

(2) RESTRICTIONS ON BENEFIT INCREASES.—Notwithstanding paragraph (1), the restrictions on plan amendments increasing benefits in sections 304(b)(8)(D) of such Act and 431(b)(8)(D) of such Code, as added by this section, shall take effect on the date of enactment of this Act.

SA 3726. Mr. COBURN proposed an amendment to amendment SA 3721 proposed by Mr. BAUCUS to the bill H.R. 4851, to provide a temporary extension of certain programs, and for other purposes; as follows:

At the end of the amendment, insert the following:

TITLE II—OFFSETS FOR THE ACT

Subtitle A—Discretionary Spending

SEC. 211. RESCISSION OF UNSPENT AND UNCOMMITTED FEDERAL FUNDS.

(a) IN GENERAL.—Notwithstanding any other provision of law, of all available unobligated Federal funds, the greater of \$20,000,000,000 or the amount determined necessary under the Statutory Pay-As-You-Go Act of 2010 (Public Law 111-139; 124 Stat. 8) to offset the budgetary effect of this Act, excluding this section, in appropriated discretionary unexpired funds are rescinded.

(b) IMPLEMENTATION.—Not later than 60 days after the date of enactment of this Act, the Director of the Office of Management and Budget shall—

(1) identify the accounts and amounts rescinded to implement subsection (a); and

(2) submit a report to the Secretary of the Treasury and Congress of the accounts and amounts identified under paragraph (1) for rescission.

Subtitle B—Revenue Offset Provisions

SEC. 221. AMENDMENT OF 1986 CODE.

Except as otherwise expressly provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

SEC. 222. INFORMATION REPORTING FOR RENTAL PROPERTY EXPENSE PAYMENTS.

(a) IN GENERAL.—Section 6041 is amended by adding at the end the following new subsection:

“(h) TREATMENT OF RENTAL PROPERTY EXPENSE PAYMENTS.—

“(1) IN GENERAL.—For purposes of subsection (a), a person receiving rental income from real estate (other than a qualified residence) shall be considered to be engaged in a trade or business of renting property.

“(2) QUALIFIED RESIDENCE.—For purposes of paragraph (1), the term ‘qualified residence’ means—

“(A) the principal residence (within the meaning of section 121) of the taxpayer, and

“(B) 1 other residence of the taxpayer which is selected by the taxpayer for purposes of this subsection for the taxable year and which is used by the taxpayer as a residence (within the meaning of section 280A(d)(1)).”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to payments made after December 31, 2010.

SEC. 223. CRUDE TALL OIL INELIGIBLE FOR CELLULOSIC BIOFUEL PRODUCER CREDIT.

(a) IN GENERAL.—Section 40(B)(6)(E) is amended by adding at the end the following new clause:

“(iv) EXCLUSION OF CERTAIN PROCESSED FUELS WITH A HIGH ACID CONTENT.—The term ‘cellulosic biofuel’ shall not include any processed fuel with an acid number greater than 25. For purposes of the preceding sentence, the term ‘processed fuel’ means any fuel other than a fuel—

“(I) more than 4 percent of which (determined by weight) is any combination of water and sediment, or

“(II) the ash content of which is more than 1 percent (determined by weight).”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to fuels sold or used on or after January 1, 2010.

SEC. 224. ELIMINATION OF ADVANCE REFUNDABILITY OF EARNED INCOME CREDIT.

(a) IN GENERAL.—Section 3507, subsection (g) of section 32, and paragraph (7) of section 6051(a) are repealed.

(b) CONFORMING AMENDMENTS.—

(1) Section 6012(a) is amended by striking paragraph (8) and by redesignating paragraph (9) as paragraph (8).

(2) Section 6302 is amended by striking subsection (i).

(c) EFFECTIVE DATE.—The repeals and amendments made by this section shall apply to taxable years beginning after December 31, 2010.

SEC. 225. UNEMPLOYMENT INSURANCE PROGRAM INTEGRITY.

(a) REPORTING OF FIRST DAY OF EARNINGS TO DIRECTORY OF NEW HIRES.—

(1) IN GENERAL.—Section 453A(b)(1)(A) of the Social Security Act (42 U.S.C. 653a(b)(1)(A)) is amended by inserting “the date services for remuneration were first performed by the employee,” after “of the employee.”.

(2) REPORTING FORMAT AND METHOD.—Section 453A(c) of the Social Security Act (42 U.S.C. 653a(c)) is amended by inserting “, to the extent practicable,” after “Each report required by subsection (b) shall”.

(3) EFFECTIVE DATE.—

(A) IN GENERAL.—Subject to subparagraph (B), the amendments made by this subsection shall take effect 6 months after the date of enactment of this Act.

(B) COMPLIANCE TRANSITION PERIOD.—If the Secretary of Health and Human Services determines that State legislation (other than legislation appropriating funds) is required in order for a State plan under part D of title IV of the Social Security Act to meet the additional requirements imposed by the

amendment made by paragraph (1), the plan shall not be regarded as failing to meet such requirements before the first day of the second calendar quarter beginning after the close of the first regular session of the State legislature that begins after the effective date of such amendment. If the State has a 2-year legislative session, each year of the session is deemed to be a separate regular session of the State legislature.

(b) EXTENSION AND MODIFICATION OF COLLECTION OF PAST-DUE DEBT FOR ERRONEOUS PAYMENT OF UNEMPLOYMENT COMPENSATION.—

(1) PERMANENT EXTENSION.—Subsection (f) of section 6402 is amended by striking paragraph (8).

(2) COLLECTION IN ALL STATES.—Subsection (f) of section 6402, as amended by paragraph (1), is amended by striking paragraph (3) and redesignating paragraphs (4) through (7) as paragraphs (3) through (6), respectively.

(3) COLLECTION FOR REASONS OTHER THAN FRAUD.—

(A) IN GENERAL.—Paragraph (4) of section 6402(f), as redesignated by paragraph (2), is amended by striking “due to fraud” each place it appears.

(B) CONFORMING AMENDMENTS.—Section 6402(f) is amended—

(i) in paragraph (3), as redesignated by paragraph (2)—

(I) by striking “or due to fraud” in subparagraph (B), and

(II) by striking “and due to fraud” in subparagraph (C), and

(ii) in the heading, by striking “RESULTING FROM FRAUD”.

(4) EFFECTIVE DATE.—The amendments made by this subsection shall apply to refunds payable on or after the date of the enactment of this Act.

SEC. 226. PARTICIPANTS IN GOVERNMENT SECTION 457 PLANS ALLOWED TO TREAT ELECTIVE DEFERRALS AS ROTH CONTRIBUTIONS.

(a) IN GENERAL.—Section 402A(e)(1) (defining applicable retirement plan) is amended by striking “and” at the end of subparagraph (A), by striking the period at the end of subparagraph (B) and inserting “, and”, and by adding at the end the following:

“(C) an eligible deferred compensation plan (as defined in section 457(b)) of an eligible employer described in section 457(e)(1)(A).”.

(b) ELECTIVE DEFERRALS.—Section 402A(e)(2) (defining elective deferral) is amended to read as follows:

“(2) ELECTIVE DEFERRAL.—The term ‘elective deferral’ means—

“(A) any elective deferral described in subparagraph (A) or (C) of section 402(g)(3), and

“(B) any elective deferral of compensation by an individual under an eligible deferred compensation plan (as defined in section 457(b)) of an eligible employer described in section 457(e)(1)(A).”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2010.

SEC. 227. INCREASE IN INFORMATION RETURN PENALTIES.

(a) FAILURE TO FILE CORRECT INFORMATION RETURNS.—

(1) IN GENERAL.—Subsections (a)(1), (b)(1)(A), and (b)(2)(A) of section 6721 are each amended by striking “\$50” and inserting “\$100”.

(2) AGGREGATE ANNUAL LIMITATION.—Subsections (a)(1), (d)(1)(A), and (e)(3)(A) of section 6721 are each amended by striking “\$250,000” and inserting “\$1,500,000”.

(b) REDUCTION WHERE CORRECTION WITHIN 30 DAYS.—

(1) IN GENERAL.—Subparagraph (A) of section 6721(b)(1) is amended by striking “\$15” and inserting “\$30”.

(2) AGGREGATE ANNUAL LIMITATION.—Subsections (b)(1)(B) and (d)(1)(B) of section 6721 are each amended by striking “\$75,000” and inserting “\$250,000”.

(c) REDUCTION WHERE CORRECTION ON OR BEFORE AUGUST 1.—

(1) IN GENERAL.—Subparagraph (A) of section 6721(b)(2) is amended by striking “\$30” and inserting “\$60”.

(2) AGGREGATE ANNUAL LIMITATION.—Subsections (b)(2)(B) and (d)(1)(C) of section 6721 are each amended by striking “\$150,000” and inserting “\$500,000”.

(d) AGGREGATE ANNUAL LIMITATIONS FOR PERSONS WITH GROSS RECEIPTS OF NOT MORE THAN \$5,000,000.—Paragraph (1) of section 6721(d) is amended—

(1) by striking “\$100,000” in subparagraph (A) and inserting “\$500,000”,

(2) by striking “\$25,000” in subparagraph (B) and inserting “\$75,000”, and

(3) by striking “\$50,000” in subparagraph (C) and inserting “\$200,000”.

(e) PENALTY IN CASE OF INTENTIONAL DISREGARD.—Paragraph (2) of section 6721(e) is amended by striking “\$100” and inserting “\$250”.

(f) ADJUSTMENT FOR INFLATION.—Section 6721 is amended by adding at the end the following new subsection:

“(f) ADJUSTMENT FOR INFLATION.—

“(1) IN GENERAL.—For each fifth calendar year beginning after 2012, each of the dollar amounts under subsections (a), (b), (d) (other than paragraph (2)(A) thereof), and (e) shall be increased by such dollar amount multiplied by the cost-of-living adjustment determined under section 1(f)(3) determined by substituting ‘calendar year 2011’ for ‘calendar year 1992’ in subparagraph (B) thereof.

“(2) ROUNDING.—If any amount adjusted under paragraph (1)—

“(A) is not less than \$75,000 and is not a multiple of \$500, such amount shall be rounded to the next lowest multiple of \$500, and

“(B) is not described in subparagraph (A) and is not a multiple of \$10, such amount shall be rounded to the next lowest multiple of \$10.”.

(g) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to information returns required to be filed on or after January 1, 2011.

SEC. 228. ROLLOVERS FROM ELECTIVE DEFERRAL PLANS TO ROTH DESIGNATED ACCOUNTS.

(a) IN GENERAL.—Section 402A(c) is amended by adding at the end the following new paragraph:

“(4) TAXABLE ROLLOVERS TO DESIGNATED ROTH ACCOUNTS.—

“(A) IN GENERAL.—Notwithstanding sections 402(c), 403(b)(8), and 457(e)(16), in the case of any distribution to which this paragraph applies—

“(i) there shall be included in gross income any amount which would be includible were it not part of a qualified rollover contribution,

“(ii) section 72(t) shall not apply, and

“(iii) unless the taxpayer elects not to have this clause apply, any amount required to be included in gross income for any taxable year beginning in 2010 by reason of this paragraph shall be so included ratably over the 2-taxable-year period beginning with the first taxable year beginning in 2011.

Any election under clause (iii) for any distributions during a taxable year may not be changed after the due date for such taxable year.

“(B) DISTRIBUTIONS TO WHICH PARAGRAPH APPLIES.—In the case of an applicable retirement plan which includes a qualified Roth contribution program, this paragraph shall apply to a distribution from such plan other than from a designated Roth account which is contributed in a qualified rollover contribution to the designated Roth account maintained under such plan for the benefit of the individual to whom the distribution is made.

“(C) OTHER RULES.—The rules of subparagraphs (D), (E), and (F) of section 408A(d)(3) (as in effect for taxable years beginning after 2009) shall apply for purposes of this paragraph.”.

(b) CONFORMING AMENDMENT.—Section 402A(d)(3)(A) is amended by striking “A” and inserting “Except as provided in paragraph (4), a”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to distributions in plan years beginning after December 31, 2009.

Subtitle C—Pension Funding Relief

PART I—SINGLE EMPLOYER PLANS

SEC. 231. EXTENDED PERIOD FOR SINGLE-EMPLOYER DEFINED BENEFIT PLANS TO AMORTIZE CERTAIN SHORTFALL AMORTIZATION BASES.

(a) AMENDMENTS TO ERISA.—

(1) IN GENERAL.—Paragraph (2) of section 303(c) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1083(c)) is amended by adding at the end the following subparagraph:

“(D) SPECIAL ELECTION FOR ELIGIBLE PLAN YEARS.—

“(i) IN GENERAL.—If a plan sponsor elects to apply this subparagraph with respect to the shortfall amortization base of a plan for any eligible plan year (in this subparagraph and paragraph (7) referred to as an ‘election year’), then, notwithstanding subparagraphs (A) and (B)—

“(I) the shortfall amortization installments with respect to such base shall be determined under clause (ii) or (iii), whichever is specified in the election, and

“(II) the shortfall amortization installment for any plan year in the 9-plan-year period described in clause (ii) or the 15-plan-year period described in clause (iii), respectively, with respect to such shortfall amortization base is the annual installment determined under the applicable clause for that year for that base.

“(ii) 2 PLUS 7 AMORTIZATION SCHEDULE.—The shortfall amortization installments determined under this clause are—

“(I) in the case of the first 2 plan years in the 9-plan-year period beginning with the election year, interest on the shortfall amortization base of the plan for the election year (determined using the effective interest rate for the plan for the election year), and

“(II) in the case of the last 7 plan years in such 9-plan-year period, the amounts necessary to amortize the remaining balance of the shortfall amortization base of the plan for the election year in level annual installments over the 15-plan-year period beginning with the election year (using the segment rates under subparagraph (C) for the election year).

“(iii) 15-YEAR AMORTIZATION.—The shortfall amortization installments determined under this subparagraph are the amounts necessary to amortize the shortfall amortization base of the plan for the election year in level annual installments over the 15-plan-year period beginning with the election year (using the segment rates under subparagraph (C) for the election year).

“(iv) ELECTION.—

“(I) IN GENERAL.—The plan sponsor of a plan may elect to have this subparagraph apply to not more than 2 eligible plan years with respect to the plan, except that in the case of a plan described in section 106 of the Pension Protection Act of 2006, the plan sponsor may only elect to have this subparagraph apply to a plan year beginning in 2011.

“(II) AMORTIZATION SCHEDULE.—Such election shall specify whether the amortization schedule under clause (i) or (iii) shall apply to an election year, except that if a plan sponsor elects to have this subparagraph apply to 2 eligible plan years, the plan sponsor must elect the same schedule for both years.

“(III) OTHER RULES.—Such election shall be made at such time, and in such form and manner, as shall be prescribed by the Secretary of the Treasury, and may be revoked only with the consent of the Secretary of the Treasury. The Secretary of the Treasury shall, before granting a revocation request, provide the Pension Benefit Guaranty Corporation an opportunity to comment on the conditions applicable to the treatment of any portion of the election year shortfall amortization base that remains unamortized as of the revocation date.

“(v) ELIGIBLE PLAN YEAR.—For purposes of this subparagraph, the term ‘eligible plan year’ means any plan year beginning in 2008, 2009, 2010, or 2011, except that a plan year shall only be treated as an eligible plan year if the due date under subsection (j)(1) for the payment of the minimum required contribution for such plan year occurs on or after the date of the enactment of this subparagraph.

“(vi) REPORTING.—A plan sponsor of a plan who makes an election under clause (i) shall—

“(I) give notice of the election to participants and beneficiaries of the plan, and

“(II) inform the Pension Benefit Guaranty Corporation of such election in such form and manner as the Director of the Pension Benefit Guaranty Corporation may prescribe.

“(vii) INCREASES IN REQUIRED INSTALLMENTS IN CERTAIN CASES.—For increases in required contributions in cases of excess compensation or extraordinary dividends or stock redemptions, see paragraph (7).”

(2) INCREASES IN REQUIRED INSTALLMENTS IN CERTAIN CASES.—Section 303(c) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1083(c)) is amended by adding at the end the following paragraph:

“(7) INCREASES IN ALTERNATE REQUIRED INSTALLMENTS IN CASES OF EXCESS COMPENSATION OR EXTRAORDINARY DIVIDENDS OR STOCK REDEMPTIONS.—

“(A) IN GENERAL.—If there is an installment acceleration amount with respect to a plan for any plan year in the restriction period with respect to an election year under paragraph (2)(D), then the shortfall amortization installment otherwise determined and payable under such paragraph for such plan year shall, subject to the limitation under subparagraph (B), be increased by such amount.

“(B) TOTAL INSTALLMENTS LIMITED TO SHORTFALL BASE.—Subject to rules prescribed by the Secretary of the Treasury, if a shortfall amortization installment with respect to any shortfall amortization base for an election year is required to be increased for any plan year under subparagraph (A)—

“(i) such increase shall not result in the amount of such installment exceeding the present value of such installment and all succeeding installments with respect to such base (determined without regard to such in-

crease but after application of clause (ii)), and

“(ii) subsequent shortfall amortization installments with respect to such base shall, in reverse order of the otherwise required installments, be reduced to the extent necessary to limit the present value of such subsequent shortfall amortization installments (after application of this paragraph) to the present value of the remaining unamortized shortfall amortization base.

“(C) INSTALLMENT ACCELERATION AMOUNT.—For purposes of this paragraph—

“(i) IN GENERAL.—The term ‘installment acceleration amount’ means, with respect to any plan year in a restriction period with respect to an election year, the sum of—

“(I) the aggregate amount of excess employee compensation determined under subparagraph (D) with respect to all employees for the plan year, plus

“(II) the aggregate amount of extraordinary dividends and redemptions determined under subparagraph (E) for the plan year.

“(ii) ANNUAL LIMITATION.—The installment acceleration amount for any plan year shall not exceed the excess (if any) of—

“(I) the sum of the shortfall amortization installments for the plan year and all preceding plan years in the amortization period elected under paragraph (2)(D) with respect to the shortfall amortization base with respect to an election year, determined without regard to paragraph (2)(D) and this paragraph, over

“(II) the sum of the shortfall amortization installments for such plan year and all such preceding plan years, determined after application of paragraph (2)(D) (and in the case of any preceding plan year, after application of this paragraph).

“(iii) CARRYOVER OF EXCESS INSTALLMENT ACCELERATION AMOUNTS.—

“(I) IN GENERAL.—If the installment acceleration amount for any plan year (determined without regard to clause (ii)) exceeds the limitation under clause (ii), then, subject to subclause (II), such excess shall be treated as an installment acceleration amount with respect to the succeeding plan year.

“(II) CAP TO APPLY.—If any amount treated as an installment acceleration amount under subclause (I) or this subclause with respect to any succeeding plan year, when added to other installment acceleration amounts (determined without regard to clause (ii)) with respect to the plan year, exceeds the limitation under clause (ii), the portion of such amount representing such excess shall be treated as an installment acceleration amount with respect to the next succeeding plan year.

“(III) LIMITATION ON YEARS TO WHICH AMOUNTS CARRIED FOR.—No amount shall be carried under subclause (I) or (II) to a plan year which begins after the first plan year following the last plan year in the restriction period (or after the second plan year following such last plan year in the case of an election year with respect to which 15-year amortization was elected under paragraph (2)(D)).

“(IV) ORDERING RULES.—For purposes of applying subclause (II), installment acceleration amounts for the plan year (determined without regard to any carryover under this clause) shall be applied first against the limitation under clause (ii) and then carryovers to such plan year shall be applied against such limitation on a first-in, first-out basis.

“(D) EXCESS EMPLOYEE COMPENSATION.—For purposes of this paragraph—

“(i) IN GENERAL.—The term ‘excess employee compensation’ means, with respect to

any employee for any plan year, the excess (if any) of—

“(I) the aggregate amount includible in income under chapter 1 of the Internal Revenue Code of 1986 for remuneration during the calendar year in which such plan year begins for services performed by the employee for the plan sponsor (whether or not performed during such calendar year), over

“(II) \$1,000,000.

“(ii) AMOUNTS SET ASIDE FOR NONQUALIFIED DEFERRED COMPENSATION.—If during any calendar year assets are set aside or reserved (directly or indirectly) in a trust (or other arrangement as determined by the Secretary of the Treasury), or transferred to such a trust or other arrangement, by a plan sponsor for purposes of paying deferred compensation of an employee under a non-qualified deferred compensation plan (as defined in section 409A of such Code) of the plan sponsor, then, for purposes of clause (i), the amount of such assets shall be treated as remuneration of the employee includible in income for the calendar year unless such amount is otherwise includible in income for such year. An amount to which the preceding sentence applies shall not be taken into account under this paragraph for any subsequent calendar year.

“(iii) ONLY REMUNERATION FOR CERTAIN POST-2009 SERVICES COUNTED.—Remuneration shall be taken into account under clause (i) only to the extent attributable to services performed by the employee for the plan sponsor after February 28, 2010.

“(iv) EXCEPTION FOR CERTAIN EQUITY PAYMENTS.—

“(I) IN GENERAL.—There shall not be taken into account under clause (i)(I) any amount includible in income with respect to the granting after February 28, 2010, of service recipient stock (within the meaning of section 409A of the Internal Revenue Code of 1986) that, upon such grant, is subject to a substantial risk of forfeiture (as defined under section 83(c)(1) of such Code) for at least 5 years from the date of such grant.

“(II) SECRETARIAL AUTHORITY.—The Secretary of the Treasury may by regulation provide for the application of this clause in the case of a person other than a corporation.

“(v) OTHER EXCEPTIONS.—The following amounts includible in income shall not be taken into account under clause (i)(I):

“(I) COMMISSIONS.—Any remuneration payable on a commission basis solely on account of income directly generated by the individual performance of the individual to whom such remuneration is payable.

“(II) CERTAIN PAYMENTS UNDER EXISTING CONTRACTS.—Any remuneration consisting of nonqualified deferred compensation, restricted stock, stock options, or stock appreciation rights payable or granted under a written binding contract that was in effect on March 1, 2010, and which was not modified in any material respect before such remuneration is paid.

“(vi) SELF-EMPLOYED INDIVIDUAL TREATED AS EMPLOYEE.—The term ‘employee’ includes, with respect to a calendar year, a self-employed individual who is treated as an employee under section 401(c) of such Code for the taxable year ending during such calendar year, and the term ‘compensation’ shall include earned income of such individual with respect to such self-employment.

“(vii) INDEXING OF AMOUNT.—In the case of any calendar year beginning after 2010, the dollar amount under clause (i)(II) shall be increased by an amount equal to—

“(I) such dollar amount, multiplied by

“(II) the cost-of-living adjustment determined under section 1(f)(3) of such Code for the calendar year, determined by substituting ‘calendar year 2009’ for ‘calendar year 1992’ in subparagraph (B) thereof. If the amount of any increase under clause (i) is not a multiple of \$1,000, such increase shall be rounded to the next lowest multiple of \$1,000.

“(E) EXTRAORDINARY DIVIDENDS AND REDEMPTIONS.—

“(i) IN GENERAL.—The amount determined under this subparagraph for any plan year is the excess (if any) of the sum of the dividends declared during the plan year by the plan sponsor plus the aggregate amount paid for the redemption of stock of the plan sponsor redeemed during the plan year over the greater of—

“(I) the adjusted net income (within the meaning of section 4043) of the plan sponsor for the preceding plan year, determined without regard to any reduction by reason of interest, taxes, depreciation, or amortization, or

“(II) in the case of a plan sponsor that determined and declared dividends in the same manner for at least 5 consecutive years immediately preceding such plan year, the aggregate amount of dividends determined and declared for such plan year using such manner.

“(ii) ONLY CERTAIN POST-2009 DIVIDENDS AND REDEMPTIONS COUNTED.—For purposes of clause (i), there shall only be taken into account dividends declared, and redemptions occurring, after February 28, 2010.

“(iii) EXCEPTION FOR INTRA-GROUP DIVIDENDS.—Dividends paid by one member of a controlled group (as defined in section 302(d)(3)) to another member of such group shall not be taken into account under clause (i).

“(iv) EXCEPTION FOR CERTAIN REDEMPTIONS.—Redemptions that are made pursuant to a plan maintained with respect to employees, or that are made on account of the death, disability, or termination of employment of an employee or shareholder, shall not be taken into account under clause (i).

“(v) EXCEPTION FOR CERTAIN PREFERRED STOCK.—

“(I) IN GENERAL.—Dividends and redemptions with respect to applicable preferred stock shall not be taken into account under clause (i) to the extent that dividends accrue with respect to such stock at a specified rate in all events and without regard to the plan sponsor's income, and interest accrues on any unpaid dividends with respect to such stock.

“(II) APPLICABLE PREFERRED STOCK.—For purposes of subclause (I), the term ‘applicable preferred stock’ means preferred stock which was issued before March 1, 2010 (or which was issued after such date and is held by an employee benefit plan subject to the provisions of this title).

“(F) OTHER DEFINITIONS AND RULES.—For purposes of this paragraph—

“(i) PLAN SPONSOR.—The term ‘plan sponsor’ includes any member of the plan sponsor's controlled group (as defined in section 302(d)(3)).

“(ii) RESTRICTION PERIOD.—The term ‘restriction period’ means, with respect to any election year—

“(I) except as provided in subclause (II), the 3-year period beginning with the election year (or, if later, the first plan year beginning after December 31, 2009), and

“(II) if the plan sponsor elects 15-year amortization for the shortfall amortization base for the election year, the 5-year period begin-

ning with the election year (or, if later, the first plan year beginning after December 31, 2009).

“(iii) ELECTIONS FOR MULTIPLE PLANS.—If a plan sponsor makes elections under paragraph (2)(D) with respect to 2 or more plans, the Secretary of the Treasury shall provide rules for the application of this paragraph to such plans, including rules for the ratable allocation of any installment acceleration amount among such plans on the basis of each plan's relative reduction in the plan's shortfall amortization installment for the first plan year in the amortization period described in subparagraph (A) (determined without regard to this paragraph).

“(iv) MERGERS AND ACQUISITIONS.—The Secretary of the Treasury shall prescribe rules for the application of paragraph (2)(D) and this paragraph in any case where there is a merger or acquisition involving a plan sponsor making the election under paragraph (2)(D).”

(3) CONFORMING AMENDMENTS.—Section 303 of such Act (29 U.S.C. 1083) is amended—

(A) in subsection (c)(1), by striking “the shortfall amortization bases for such plan year and each of the 6 preceding plan years” and inserting “any shortfall amortization base which has not been fully amortized under this subsection”, and

(B) in subsection (j)(3), by adding at the end the following:

“(F) QUARTERLY CONTRIBUTIONS NOT TO INCLUDE CERTAIN INCREASED CONTRIBUTIONS.—Subparagraph (D) shall be applied without regard to any increase under subsection (c)(7).”

(b) AMENDMENTS TO INTERNAL REVENUE CODE OF 1986.—

(1) IN GENERAL.—Paragraph (2) of section 430(c) is amended by adding at the end the following subparagraph:

“(D) SPECIAL ELECTION FOR ELIGIBLE PLAN YEARS.—

“(i) IN GENERAL.—If a plan sponsor elects to apply this subparagraph with respect to the shortfall amortization base of a plan for any eligible plan year (in this subparagraph and paragraph (7) referred to as an ‘election year’), then, notwithstanding subparagraphs (A) and (B)—

“(I) the shortfall amortization installments with respect to such base shall be determined under clause (ii) or (iii), whichever is specified in the election, and

“(II) the shortfall amortization installment for any plan year in the 9-plan-year period described in clause (ii) or the 15-plan-year period described in clause (iii), respectively, with respect to such shortfall amortization base is the annual installment determined under the applicable clause for that year for that base.

“(ii) 2 PLUS 7 AMORTIZATION SCHEDULE.—The shortfall amortization installments determined under this clause are—

“(I) in the case of the first 2 plan years in the 9-plan-year period beginning with the election year, interest on the shortfall amortization base of the plan for the election year (determined using the effective interest rate for the plan for the election year), and

“(II) in the case of the last 7 plan years in such 9-plan-year period, the amounts necessary to amortize the remaining balance of the shortfall amortization base of the plan for the election year in level annual installments over such last 7 plan years (using the segment rates under subparagraph (C) for the election year).

“(iii) 15-YEAR AMORTIZATION.—The shortfall amortization installments determined under this subparagraph are the amounts necessary

to amortize the shortfall amortization base of the plan for the election year in level annual installments over the 15-plan-year period beginning with the election year (using the segment rates under subparagraph (C) for the election year).

“(iv) ELECTION.—

“(I) IN GENERAL.—The plan sponsor of a plan may elect to have this subparagraph apply to not more than 2 eligible plan years with respect to the plan, except that in the case of a plan described in section 106 of the Pension Protection Act of 2006, the plan sponsor may only elect to have this subparagraph apply to a plan year beginning in 2011.

“(II) AMORTIZATION SCHEDULE.—Such election shall specify whether the amortization schedule under clause (ii) or (iii) shall apply to an election year, except that if a plan sponsor elects to have this subparagraph apply to 2 eligible plan years, the plan sponsor must elect the same schedule for both years.

“(III) OTHER RULES.—Such election shall be made at such time, and in such form and manner, as shall be prescribed by the Secretary, and may be revoked only with the consent of the Secretary. The Secretary shall, before granting a revocation request, provide the Pension Benefit Guaranty Corporation an opportunity to comment on the conditions applicable to the treatment of any portion of the election year shortfall amortization base that remains unamortized as of the revocation date.

“(v) ELIGIBLE PLAN YEAR.—For purposes of this subparagraph, the term ‘eligible plan year’ means any plan year beginning in 2008, 2009, 2010, or 2011, except that a plan year shall only be treated as an eligible plan year if the due date under subsection (j)(1) for the payment of the minimum required contribution for such plan year occurs on or after the date of the enactment of this subparagraph.

“(vi) REPORTING.—A plan sponsor of a plan who makes an election under clause (i) shall—

“(I) give notice of the election to participants and beneficiaries of the plan, and

“(II) inform the Pension Benefit Guaranty Corporation of such election in such form and manner as the Director of the Pension Benefit Guaranty Corporation may prescribe.

“(vii) INCREASES IN REQUIRED INSTALLMENTS IN CERTAIN CASES.—For increases in required contributions in cases of excess compensation or extraordinary dividends or stock redemptions, see paragraph (7).”

(2) INCREASES IN REQUIRED CONTRIBUTIONS IF EXCESS COMPENSATION PAID.—Section 430(c) is amended by adding at the end the following paragraph:

“(7) INCREASES IN ALTERNATE REQUIRED INSTALLMENTS IN CASES OF EXCESS COMPENSATION OR EXTRAORDINARY DIVIDENDS OR STOCK REDEMPTIONS.—

“(A) IN GENERAL.—If there is an installment acceleration amount with respect to a plan for any plan year in the restriction period with respect to an election year under paragraph (2)(D), then the shortfall amortization installment otherwise determined and payable under such paragraph for such plan year shall, subject to the limitation under subparagraph (B), be increased by such amount.

“(B) TOTAL INSTALLMENTS LIMITED TO SHORTFALL BASE.—Subject to rules prescribed by the Secretary, if a shortfall amortization installment with respect to any shortfall amortization base for an election year is required to be increased for any plan year under subparagraph (A)—

“(i) such increase shall not result in the amount of such installment exceeding the present value of such installment and all succeeding installments with respect to such base (determined without regard to such increase but after application of clause (ii)), and

“(ii) subsequent shortfall amortization installments with respect to such base shall, in reverse order of the otherwise required installments, be reduced to the extent necessary to limit the present value of such subsequent shortfall amortization installments (after application of this paragraph) to the present value of the remaining unamortized shortfall amortization base.

“(C) INSTALLMENT ACCELERATION AMOUNT.—For purposes of this paragraph—

“(i) IN GENERAL.—The term ‘installment acceleration amount’ means, with respect to any plan year in a restriction period with respect to an election year, the sum of—

“(I) the aggregate amount of excess employee compensation determined under subparagraph (D) with respect to all employees for the plan year, plus

“(II) the aggregate amount of extraordinary dividends and redemptions determined under subparagraph (E) for the plan year.

“(ii) ANNUAL LIMITATION.—The installment acceleration amount for any plan year shall not exceed the excess (if any) of—

“(I) the sum of the shortfall amortization installments for the plan year and all preceding plan years in the amortization period elected under paragraph (2)(D) with respect to the shortfall amortization base with respect to an election year, determined without regard to paragraph (2)(D) and this paragraph, over

“(II) the sum of the shortfall amortization installments for such plan year and all such preceding plan years, determined after application of paragraph (2)(D) (and in the case of any preceding plan year, after application of this paragraph).

“(iii) CARRYOVER OF EXCESS INSTALLMENT ACCELERATION AMOUNTS.—

“(I) IN GENERAL.—If the installment acceleration amount for any plan year (determined without regard to clause (ii)) exceeds the limitation under clause (ii), then, subject to subclause (II), such excess shall be treated as an installment acceleration amount with respect to the succeeding plan year.

“(II) CAP TO APPLY.—If any amount treated as an installment acceleration amount under subclause (I) or this subclause with respect to any succeeding plan year, when added to other installment acceleration amounts (determined without regard to clause (ii)) with respect to the plan year, exceeds the limitation under clause (ii), the portion of such amount representing such excess shall be treated as an installment acceleration amount with respect to the next succeeding plan year.

“(III) LIMITATION ON YEARS TO WHICH AMOUNTS CARRIED FOR.—No amount shall be carried under subclause (I) or (II) to a plan year which begins after the first plan year following the last plan year in the restriction period (or after the second plan year following such last plan year in the case of an election year with respect to which 15-year amortization was elected under paragraph (2)(D)).

“(IV) ORDERING RULES.—For purposes of applying subclause (II), installment acceleration amounts for the plan year (determined without regard to any carryover under this clause) shall be applied first against the limitation under clause (ii) and then carryovers

to such plan year shall be applied against such limitation on a first-in, first-out basis.

“(D) EXCESS EMPLOYEE COMPENSATION.—For purposes of this paragraph—

“(i) IN GENERAL.—The term ‘excess employee compensation’ means, with respect to any employee for any plan year, the excess (if any) of—

“(I) the aggregate amount includible in income under this chapter for remuneration during the calendar year in which such plan year begins for services performed by the employee for the plan sponsor (whether or not performed during such calendar year), over

“(II) \$1,000,000.

“(ii) AMOUNTS SET ASIDE FOR NON-QUALIFIED DEFERRED COMPENSATION.—If during any calendar year assets are set aside or reserved (directly or indirectly) in a trust (or other arrangement as determined by the Secretary), or transferred to such a trust or other arrangement, by a plan sponsor for purposes of paying deferred compensation of an employee under a nonqualified deferred compensation plan (as defined in section 409A) of the plan sponsor, then, for purposes of clause (i), the amount of such assets shall be treated as remuneration of the employee includible in income for the calendar year unless such amount is otherwise includible in income for such year. An amount to which the preceding sentence applies shall not be taken into account under this paragraph for any subsequent calendar year.

“(iii) ONLY REMUNERATION FOR CERTAIN POST-2009 SERVICES COUNTED.—Remuneration shall be taken into account under clause (i) only to the extent attributable to services performed by the employee for the plan sponsor after February 28, 2010.

“(iv) EXCEPTION FOR CERTAIN EQUITY PAYMENTS.—

“(I) IN GENERAL.—There shall not be taken into account under clause (i)(I) any amount includible in income with respect to the granting after February 28, 2010, of service recipient stock (within the meaning of section 409A) that, upon such grant, is subject to a substantial risk of forfeiture (as defined under section 83(c)(1)) for at least 5 years from the date of such grant.

“(II) SECRETARIAL AUTHORITY.—The Secretary may by regulation provide for the application of this clause in the case of a person other than a corporation.

“(v) OTHER EXCEPTIONS.—The following amounts includible in income shall not be taken into account under clause (i)(I):

“(I) COMMISSIONS.—Any remuneration payable on a commission basis solely on account of income directly generated by the individual performance of the individual to whom such remuneration is payable.

“(II) CERTAIN PAYMENTS UNDER EXISTING CONTRACTS.—Any remuneration consisting of nonqualified deferred compensation, restricted stock, stock options, or stock appreciation rights payable or granted under a written binding contract that was in effect on March 1, 2010, and which was not modified in any material respect before such remuneration is paid.

“(vi) SELF-EMPLOYED INDIVIDUAL TREATED AS EMPLOYEE.—The term ‘employee’ includes, with respect to a calendar year, a self-employed individual who is treated as an employee under section 401(c) for the taxable year ending during such calendar year, and the term ‘compensation’ shall include earned income of such individual with respect to such self-employment.

“(vii) INDEXING OF AMOUNT.—In the case of any calendar year beginning after 2010, the

dollar amount under clause (i)(II) shall be increased by an amount equal to—

“(I) such dollar amount, multiplied by

“(II) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year, determined by substituting ‘calendar year 2009’ for ‘calendar year 1992’ in subparagraph (B) thereof.

If the amount of any increase under clause (i) is not a multiple of \$1,000, such increase shall be rounded to the next lowest multiple of \$1,000.

“(E) EXTRAORDINARY DIVIDENDS AND REDEMPTIONS.—

“(i) IN GENERAL.—The amount determined under this subparagraph for any plan year is the excess (if any) of the sum of the dividends declared during the plan year by the plan sponsor plus the aggregate amount paid for the redemption of stock of the plan sponsor redeemed during the plan year over the greater of—

“(I) the adjusted net income (within the meaning of section 4043 of the Employee Retirement Income Security Act of 1974) of the plan sponsor for the preceding plan year, determined without regard to any reduction by reason of interest, taxes, depreciation, or amortization, or

“(II) in the case of a plan sponsor that determined and declared dividends in the same manner for at least 5 consecutive years immediately preceding such plan year, the aggregate amount of dividends determined and declared for such plan year using such manner.

“(ii) ONLY CERTAIN POST-2009 DIVIDENDS AND REDEMPTIONS COUNTED.—For purposes of clause (i), there shall only be taken into account dividends declared, and redemptions occurring, after February 28, 2010.

“(iii) EXCEPTION FOR INTRA-GROUP DIVIDENDS.—Dividends paid by one member of a controlled group (as defined in section 412(d)(3)) to another member of such group shall not be taken into account under clause (i).

“(iv) EXCEPTION FOR CERTAIN REDEMPTIONS.—Redemptions that are made pursuant to a plan maintained with respect to employees, or that are made on account of the death, disability, or termination of employment of an employee or shareholder, shall not be taken into account under clause (i).

“(v) EXCEPTION FOR CERTAIN PREFERRED STOCK.—

“(I) IN GENERAL.—Dividends and redemptions with respect to applicable preferred stock shall not be taken into account under clause (i) to the extent that dividends accrue with respect to such stock at a specified rate in all events and without regard to the plan sponsor’s income, and interest accrues on any unpaid dividends with respect to such stock.

“(II) APPLICABLE PREFERRED STOCK.—For purposes of subclause (I), the term ‘applicable preferred stock’ means preferred stock which was issued before March 1, 2010 (or which was issued after such date and is held by an employee benefit plan subject to the provisions of title I of Employee Retirement Income Security Act of 1974).

“(F) OTHER DEFINITIONS AND RULES.—For purposes of this paragraph—

“(i) PLAN SPONSOR.—The term ‘plan sponsor’ includes any member of the plan sponsor’s controlled group (as defined in section 412(d)(3)).

“(ii) RESTRICTION PERIOD.—The term ‘restriction period’ means, with respect to any election year—

“(I) except as provided in subclause (II), the 3-year period beginning with the election

year (or, if later, the first plan year beginning after December 31, 2009), and

“(II) if the plan sponsor elects 15-year amortization for the shortfall amortization base for the election year, the 5-year period beginning with the election year (or, if later, the first plan year beginning after December 31, 2009).

“(iii) ELECTIONS FOR MULTIPLE PLANS.—If a plan sponsor makes elections under paragraph (2)(D) with respect to 2 or more plans, the Secretary shall provide rules for the application of this paragraph to such plans, including rules for the ratable allocation of any installment acceleration amount among such plans on the basis of each plan's relative reduction in the plan's shortfall amortization installment for the first plan year in the amortization period described in subparagraph (A) (determined without regard to this paragraph).

“(iv) MERGERS AND ACQUISITIONS.—The Secretary shall prescribe rules for the application of paragraph (2)(D) and this paragraph in any case where there is a merger or acquisition involving a plan sponsor making the election under paragraph (2)(D).”

(3) CONFORMING AMENDMENTS.—Section 430 is amended—

(A) in subsection (c)(1), by striking “the shortfall amortization bases for such plan year and each of the 6 preceding plan years” and inserting “any shortfall amortization base which has not been fully amortized under this subsection”, and

(B) in subsection (j)(3), by adding at the end the following:

“(F) QUARTERLY CONTRIBUTIONS NOT TO INCLUDE CERTAIN INCREASED CONTRIBUTIONS.—Subparagraph (D) shall be applied without regard to any increase under subsection (c)(7).”

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to plan years beginning after December 31, 2007.

SEC. 232. APPLICATION OF EXTENDED AMORTIZATION PERIOD TO PLANS SUBJECT TO PRIOR LAW FUNDING RULES.

(a) IN GENERAL.—Title I of the Pension Protection Act of 2006 is amended by redesignating section 107 as section 108 and by inserting the following after section 106:

“SEC. 107. APPLICATION OF EXTENDED AMORTIZATION PERIODS TO PLANS WITH DELAYED EFFECTIVE DATE.

“(a) IN GENERAL.—If the plan sponsor of a plan to which section 104, 105, or 106 of this Act applies elects to have this section apply for any eligible plan year (in this section referred to as an ‘election year’), section 302 of the Employee Retirement Income Security Act of 1974 and section 412 of the Internal Revenue Code of 1986 (as in effect before the amendments made by this subtitle and subtitle B) shall apply to such year in the manner described in subsection (b) or (c), whichever is specified in the election. All references in this section to ‘such Act’ or ‘such Code’ shall be to such Act or such Code as in effect before the amendments made by this subtitle and subtitle B.

“(b) APPLICATION OF 2 AND 7 RULE.—In the case of an election year to which this subsection applies—

“(1) 2-YEAR LOOKBACK FOR DETERMINING DEFICIT REDUCTION CONTRIBUTIONS FOR CERTAIN PLANS.—For purposes of applying section 302(d)(9) of such Act and section 412(l)(9) of such Code, the funded current liability percentage (as defined in subparagraph (C) thereof) for such plan for such plan year shall be such funded current liability percentage of such plan for the second plan year preceding the first election year of such plan.

“(2) CALCULATION OF DEFICIT REDUCTION CONTRIBUTION.—For purposes of applying section 302(d) of such Act and section 412(l) of such Code to a plan to which such sections apply (after taking into account paragraph (1))—

“(A) in the case of the increased unfunded new liability of the plan, the applicable percentage described in section 302(d)(4)(C) of such Act and section 412(l)(4)(C) of such Code shall be the third segment rate described in sections 104(b), 105(b), and 106(b) of this Act, and

“(B) in the case of the excess of the unfunded new liability over the increased unfunded new liability, such applicable percentage shall be determined without regard to this section.

“(c) APPLICATION OF 15-YEAR AMORTIZATION.—In the case of an election year to which this subsection applies, for purposes of applying section 302(d) of such Act and section 412(l) of such Code—

“(1) in the case of the increased unfunded new liability of the plan, the applicable percentage described in section 302(d)(4)(C) of such Act and section 412(l)(4)(C) of such Code for any pre-effective date plan year beginning with or after the first election year shall be the ratio of—

“(A) the annual installments payable in each year if the increased unfunded new liability for such plan year were amortized over 15 years, using an interest rate equal to the third segment rate described in sections 104(b), 105(b), and 106(b) of this Act, to

“(B) the increased unfunded new liability for such plan year, and

“(2) in the case of the excess of the unfunded new liability over the increased unfunded new liability, such applicable percentage shall be determined without regard to this section.

“(d) ELECTION.—

“(1) IN GENERAL.—The plan sponsor of a plan may elect to have this section apply to not more than 2 eligible plan years with respect to the plan, except that in the case of a plan to which section 106 of this Act applies, the plan sponsor may only elect to have this section apply to 1 eligible plan year.

“(2) AMORTIZATION SCHEDULE.—Such election shall specify whether the rules under subsection (b) or (c) shall apply to an election year, except that if a plan sponsor elects to have this section apply to 2 eligible plan years, the plan sponsor must elect the same rule for both years.

“(3) OTHER RULES.—Such election shall be made at such time, and in such form and manner, as shall be prescribed by the Secretary of the Treasury, and may be revoked only with the consent of the Secretary of the Treasury.

“(e) DEFINITIONS.—For purposes of this section—

“(1) ELIGIBLE PLAN YEAR.—For purposes of this subparagraph, the term ‘eligible plan year’ means any plan year beginning in 2008, 2009, 2010, or 2011, except that a plan year beginning in 2008 shall only be treated as an eligible plan year if the due date for the payment of the minimum required contribution for such plan year occurs on or after the date of the enactment of this clause.

“(2) PRE-EFFECTIVE DATE PLAN YEAR.—The term ‘pre-effective date plan year’ means, with respect to a plan, any plan year prior to the first year in which the amendments made by this subtitle and subtitle B apply to the plan.

“(3) INCREASED UNFUNDED NEW LIABILITY.—The term ‘increased unfunded new liability’

means, with respect to a year, the excess (if any) of the unfunded new liability over the amount of unfunded new liability determined as if the value of the plan's assets determined under subsection 302(c)(2) of such Act and section 412(c)(2) of such Code equaled the product of the current liability of the plan for the year multiplied by the funded current liability percentage (as defined in section 302(d)(8)(B) of such Act and 412(l)(8)(B) of such Code) of the plan for the second plan year preceding the first election year of such plan.

“(4) OTHER DEFINITIONS.—The terms ‘unfunded new liability’ and ‘current liability’ shall have the meanings set forth in section 302(d) of such Act and section 412(l) of such Code.”

(b) ELIGIBLE CHARITY PLANS.—Section 104 of the Pension Protection Act of 2006 is amended—

(1) by striking “eligible cooperative plan” wherever it appears in subsections (a) and (b) and inserting “eligible cooperative plan or an eligible charity plan”, and

(2) by adding at the end the following new subsection:

“(d) ELIGIBLE CHARITY PLAN DEFINED.—For purposes of this section, a plan shall be treated as an eligible charity plan for a plan year if the plan is maintained by more than one employer (determined without regard to section 414(c) of the Internal Revenue Code) and 100 percent of the employers are described in section 501(c)(3) of such Code.”

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendment made by subsection (a) shall take effect as if included in the Pension Protection Act of 2006.

(2) ELIGIBLE CHARITY PLAN.—The amendments made by subsection (b) shall apply to plan years beginning after December 31, 2007, except that a plan sponsor may elect to apply such amendments to plan years beginning after December 31, 2008. Any such election shall be made at such time, and in such form and manner, as shall be prescribed by the Secretary of the Treasury, and may be revoked only with the consent of the Secretary of the Treasury.

SEC. 233. LOOKBACK FOR CERTAIN BENEFIT RESTRICTIONS.

(a) IN GENERAL.—

(1) AMENDMENT TO ERISA.—Section 206(g)(9) of the Employee Retirement Income Security Act of 1974 is amended by adding at the end the following:

“(D) SPECIAL RULE FOR CERTAIN YEARS.—Solely for purposes of any applicable provision—

“(i) IN GENERAL.—For plan years beginning on or after October 1, 2008, and before October 1, 2010, the adjusted funding target attainment percentage of a plan shall be the greater of—

“(I) such percentage, as determined without regard to this subparagraph, or

“(II) the adjusted funding target attainment percentage for such plan for the plan year beginning after October 1, 2007, and before October 1, 2008, as determined under rules prescribed by the Secretary of the Treasury.

“(ii) SPECIAL RULE.—In the case of a plan for which the valuation date is not the first day of the plan year—

“(I) clause (i) shall apply to plan years beginning after December 31, 2007, and before January 1, 2010, and

“(II) clause (i)(II) shall apply based on the last plan year beginning before November 1, 2007, as determined under rules prescribed by the Secretary of the Treasury.

“(iii) APPLICABLE PROVISION.—For purposes of this subparagraph, the term ‘applicable provision’ means—

“(I) paragraph (3), but only for purposes of applying such paragraph to a payment which, as determined under rules prescribed by the Secretary of the Treasury, is a payment under a social security leveling option which accelerates payments under the plan before, and reduces payments after, a participant starts receiving social security benefits in order to provide substantially similar aggregate payments both before and after such benefits are received, and

“(II) paragraph (4).”.

(2) AMENDMENT TO INTERNAL REVENUE CODE OF 1986.—Section 436(j) of the Internal Revenue Code of 1986 is amended by adding at the end the following:

“(3) SPECIAL RULE FOR CERTAIN YEARS.—Solely for purposes of any applicable provision—

“(A) IN GENERAL.—For plan years beginning on or after October 1, 2008, and before October 1, 2010, the adjusted funding target attainment percentage of a plan shall be the greater of—

“(i) such percentage, as determined without regard to this paragraph, or

“(ii) the adjusted funding target attainment percentage for such plan for the plan year beginning after October 1, 2007, and before October 1, 2008, as determined under rules prescribed by the Secretary.

“(B) SPECIAL RULE.—In the case of a plan for which the valuation date is not the first day of the plan year—

“(i) subparagraph (A) shall apply to plan years beginning after December 31, 2007, and before January 1, 2010, and

“(ii) subparagraph (A)(ii) shall apply based on the last plan year beginning before November 1, 2007, as determined under rules prescribed by the Secretary.

“(C) APPLICABLE PROVISION.—For purposes of this paragraph, the term ‘applicable provision’ means—

“(i) subsection (d), but only for purposes of applying such paragraph to a payment which, as determined under rules prescribed by the Secretary, is a payment under a social security leveling option which accelerates payments under the plan before, and reduces payments after, a participant starts receiving social security benefits in order to provide substantially similar aggregate payments both before and after such benefits are received, and

“(ii) subsection (e).”.

(b) INTERACTION WITH WRERA RULE.—Section 203 of the Worker, Retiree, and Employer Recovery Act of 2008 shall apply to a plan for any plan year in lieu of the amendments made by this section applying to sections 206(g)(4) of the Employee Retirement Income Security Act of 1974 and 436(e) of the Internal Revenue Code of 1986 only to the extent that such section produces a higher adjusted funding target attainment percentage for such plan for such year.

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to plan years beginning on or after October 1, 2008.

(2) SPECIAL RULE.—In the case of a plan for which the valuation date is not the first day of the plan year, the amendments made by this section shall apply to plan years beginning after December 31, 2007.

SEC. 234. LOOKBACK FOR CREDIT BALANCE RULE FOR PLANS MAINTAINED BY CHARITIES.

(a) AMENDMENT TO ERISA.—Paragraph (3) of section 303(f) of the Employee Retirement

Income Security Act of 1974 is amended by adding the following at the end thereof:

“(D) SPECIAL RULE FOR CERTAIN YEARS OF PLANS MAINTAINED BY CHARITIES.—

“(i) IN GENERAL.—For purposes of applying subparagraph (C) for plan years beginning after August 31, 2009, and before September 1, 2011, the ratio determined under such subparagraph for the preceding plan year shall be the greater of—

“(I) such ratio, as determined without regard to this subparagraph, or

“(II) the ratio for such plan for the plan year beginning after August 31, 2007, and before September 1, 2008, as determined under rules prescribed by the Secretary of the Treasury.

“(ii) SPECIAL RULE.—In the case of a plan for which the valuation date is not the first day of the plan year—

“(I) clause (i) shall apply to plan years beginning after December 31, 2008, and before January 1, 2011, and

“(II) clause (i)(II) shall apply based on the last plan year beginning before September 1, 2007, as determined under rules prescribed by the Secretary of the Treasury.

“(iii) LIMITATION TO CHARITIES.—This subparagraph shall not apply to any plan unless such plan is maintained exclusively by one or more organizations described in section 501(c)(3) of the Internal Revenue Code of 1986.”.

(b) AMENDMENT TO INTERNAL REVENUE CODE OF 1986.—Paragraph (3) of section 430(f) of the Internal Revenue Code of 1986 is amended by adding the following at the end thereof:

“(D) SPECIAL RULE FOR CERTAIN YEARS OF PLANS MAINTAINED BY CHARITIES.—

“(i) IN GENERAL.—For purposes of applying subparagraph (C) for plan years beginning after August 31, 2009, and before September 1, 2011, the ratio determined under such subparagraph for the preceding plan year of a plan shall be the greater of—

“(I) such ratio, as determined without regard to this subsection, or

“(II) the ratio for such plan for the plan year beginning after August 31, 2007 and before September 1, 2008, as determined under rules prescribed by the Secretary.

“(ii) SPECIAL RULE.—In the case of a plan for which the valuation date is not the first day of the plan year—

“(I) clause (i) shall apply to plan years beginning after December 31, 2007, and before January 1, 2010, and

“(II) clause (i)(II) shall apply based on the last plan year beginning before September 1, 2007, as determined under rules prescribed by the Secretary.

“(iii) LIMITATION TO CHARITIES.—This subparagraph shall not apply to any plan unless such plan is maintained exclusively by one or more organizations described in section 501(c)(3).”.

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to plan years beginning after August 31, 2009.

(2) SPECIAL RULE.—In the case of a plan for which the valuation date is not the first day of the plan year, the amendments made by this section shall apply to plan years beginning after December 31, 2008.

PART II—MULTIEMPLOYER PLANS

SEC. 241. ADJUSTMENTS TO FUNDING STANDARD ACCOUNT RULES.

(a) ADJUSTMENTS.—

(1) AMENDMENT TO ERISA.—Section 304(b) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1084(b)) is amended by adding at the end the following new paragraph:

“(8) SPECIAL RELIEF RULES.—Notwithstanding any other provision of this subsection—

“(A) AMORTIZATION OF NET INVESTMENT LOSSES.—

“(i) IN GENERAL.—A multiemployer plan with respect to which the solvency test under subparagraph (C) is met may treat the portion of any experience loss or gain attributable to net investment losses incurred in either or both of the first two plan years ending after August 31, 2008, as an item separate from other experience losses, to be amortized in equal annual installments (until fully amortized) over the period—

“(I) beginning with the plan year in which such portion is first recognized in the actuarial value of assets, and

“(II) ending with the last plan year in the 30-plan year period beginning with the plan year in which such net investment loss was incurred.

“(ii) COORDINATION WITH EXTENSIONS.—If this subparagraph applies for any plan year—

“(I) no extension of the amortization period under clause (i) shall be allowed under subsection (d), and

“(II) if an extension was granted under subsection (d) for any plan year before the election to have this subparagraph apply to the plan year, such extension shall not result in such amortization period exceeding 30 years.

“(iii) NET INVESTMENT LOSSES.—For purposes of this subparagraph—

“(I) IN GENERAL.—Net investment losses shall be determined in the manner prescribed by the Secretary of the Treasury on the basis of the difference between actual and expected returns (including any difference attributable to any criminally fraudulent investment arrangement).

“(II) CRIMINALLY FRAUDULENT INVESTMENT ARRANGEMENTS.—The determination as to whether an arrangement is a criminally fraudulent investment arrangement shall be made under rules substantially similar to the rules prescribed by the Secretary of the Treasury for purposes of section 165 of the Internal Revenue Code of 1986.

“(B) EXPANDED SMOOTHING PERIOD.—

“(i) IN GENERAL.—A multiemployer plan with respect to which the solvency test under subparagraph (C) is met may change its asset valuation method in a manner which—

“(I) spreads the difference between expected and actual returns for either or both of the first 2 plan years ending after August 31, 2008, over a period of not more than 10 years.

“(II) provides that for either or both of the first 2 plan years beginning after August 31, 2008, the value of plan assets at any time shall not be less than 80 percent or greater than 130 percent of the fair market value of such assets at such time, or

“(III) makes both changes described in subsections (I) and (II) to such method.

“(ii) ASSET VALUATION METHODS.—If this subparagraph applies for any plan year—

“(I) the Secretary of the Treasury shall not treat the asset valuation method of the plan as unreasonable solely because of the changes in such method described in clause (i), and

“(II) such changes shall be deemed approved by such Secretary under section 302(d)(1) and section 412(d)(1) of such Code.

“(iii) AMORTIZATION OF REDUCTION IN UNFUNDED ACCRUED LIABILITY.—If this subparagraph and subparagraph (A) both apply for

any plan year, the plan shall treat any reduction in unfunded accrued liability resulting from the application of this subparagraph as a separate experience amortization base, to be amortized in equal annual installments (until fully amortized) over a period of 30 plan years rather than the period such liability would otherwise be amortized over.

“(C) SOLVENCY TEST.—The solvency test under this paragraph is met only if the plan actuary certifies that the plan is projected to have sufficient assets to timely pay expected benefits and anticipated expenditures over the amortization period, taking into account the changes in the funding standard account under this paragraph.

“(D) RESTRICTION ON BENEFIT INCREASES.—If subparagraph (A) or (B) apply to a multiemployer plan for any plan year, then, in addition to any other applicable restrictions on benefit increases, a plan amendment increasing benefits may not go into effect during either of the 2 plan years immediately following such plan year unless—

“(i) the plan actuary certifies that—

“(I) any such increase is paid for out of additional contributions not allocated to the plan immediately before the application of this paragraph to the plan, and

“(II) the plan’s funded percentage and projected credit balances for such 2 plan years are reasonably expected to be at least as high as such percentage and balances would have been if the benefit increase had not been adopted, or

“(ii) the amendment is required as a condition of qualification under part I of subchapter D of chapter 1 of the Internal Revenue Code of 1986 or to comply with other applicable law.

“(E) REPORTING.—A plan sponsor of a plan to which this paragraph applies shall—

“(i) give notice of such application to participants and beneficiaries of the plan, and

“(ii) inform the Pension Benefit Guaranty Corporation of such application in such form and manner as the Director of the Pension Benefit Guaranty Corporation may prescribe.”.

(2) AMENDMENT TO INTERNAL REVENUE CODE OF 1986.—Section 431(b) is amended by adding at the end the following new paragraph:

“(8) SPECIAL RELIEF RULES.—Notwithstanding any other provision of this subsection—

“(A) AMORTIZATION OF NET INVESTMENT LOSSES.—

“(i) IN GENERAL.—A multiemployer plan with respect to which the solvency test under subparagraph (C) is met may treat the portion of any experience loss or gain attributable to net investment losses incurred in either or both of the first two plan years ending after August 31, 2008, as an item separate from other experience losses, to be amortized in equal annual installments (until fully amortized) over the period—

“(I) beginning with the plan year in which such portion is first recognized in the actuarial value of assets, and

“(II) ending with the last plan year in the 30-plan year period beginning with the plan year in which such net investment loss was incurred.

“(ii) COORDINATION WITH EXTENSIONS.—If this subparagraph applies for any plan year—

“(I) no extension of the amortization period under clause (i) shall be allowed under subsection (d), and

“(II) if an extension was granted under subsection (d) for any plan year before the election to have this subparagraph apply to the plan year, such extension shall not result in such amortization period exceeding 30 years.

“(iii) NET INVESTMENT LOSSES.—For purposes of this subparagraph—

“(I) IN GENERAL.—Net investment losses shall be determined in the manner prescribed by the Secretary on the basis of the difference between actual and expected returns (including any difference attributable to any criminally fraudulent investment arrangement).

“(II) CRIMINALLY FRAUDULENT INVESTMENT ARRANGEMENTS.—The determination as to whether an arrangement is a criminally fraudulent investment arrangement shall be made under rules substantially similar to the rules prescribed by the Secretary for purposes of section 165.

“(B) EXPANDED SMOOTHING PERIOD.—

“(i) IN GENERAL.—A multiemployer plan with respect to which the solvency test under subparagraph (C) is met may change its asset valuation method in a manner which—

“(I) spreads the difference between expected and actual returns for either or both of the first 2 plan years ending after August 31, 2008, over a period of not more than 10 years,

“(II) provides that for either or both of the first 2 plan years beginning after August 31, 2008, the value of plan assets at any time shall not be less than 80 percent or greater than 130 percent of the fair market value of such assets at such time, or

“(III) makes both changes described in subclauses (I) and (II) to such method.

“(ii) ASSET VALUATION METHODS.—If this subparagraph applies for any plan year—

“(I) the Secretary shall not treat the asset valuation method of the plan as unreasonable solely because of the changes in such method described in clause (i), and

“(II) such changes shall be deemed approved by the Secretary under section 302(d)(1) of the Employee Retirement Income Security Act of 1974 and section 412(d)(1).

“(iii) AMORTIZATION OF REDUCTION IN UNFUNDED ACCRUED LIABILITY.—If this subparagraph and subparagraph (A) both apply for any plan year, the plan shall treat any reduction in unfunded accrued liability resulting from the application of this subparagraph as a separate experience amortization base, to be amortized in equal annual installments (until fully amortized) over a period of 30 plan years rather than the period such liability would otherwise be amortized over.

“(C) SOLVENCY TEST.—The solvency test under this paragraph is met only if the plan actuary certifies that the plan is projected to have sufficient assets to timely pay expected benefits and anticipated expenditures over the amortization period, taking into account the changes in the funding standard account under this paragraph.

“(D) RESTRICTION ON BENEFIT INCREASES.—If subparagraph (A) or (B) apply to a multiemployer plan for any plan year, then, in addition to any other applicable restrictions on benefit increases, a plan amendment increasing benefits may not go into effect during either of the 2 plan years immediately following such plan year unless—

“(i) the plan actuary certifies that—

“(I) any such increase is paid for out of additional contributions not allocated to the plan immediately before the application of this paragraph to the plan, and

“(II) the plan’s funded percentage and projected credit balances for such 2 plan years are reasonably expected to be at least as high as such percentage and balances would have been if the benefit increase had not been adopted, or

“(ii) the amendment is required as a condition of qualification under part I of sub-

chapter D or to comply with other applicable law.

“(E) REPORTING.—A plan sponsor of a plan to which this paragraph applies shall—

“(i) give notice of such application to participants and beneficiaries of the plan, and

“(ii) inform the Pension Benefit Guaranty Corporation of such application in such form and manner as the Director of the Pension Benefit Guaranty Corporation may prescribe.”.

(b) EFFECTIVE DATES.—

(1) IN GENERAL.—The amendments made by this section shall take effect as of the first day of the first plan year ending after August 31, 2008, except that any election a plan makes pursuant to this section that affects the plan’s funding standard account for the first plan year beginning after August 31, 2008, shall be disregarded for purposes of applying the provisions of section 305 of the Employee Retirement Income Security Act of 1974 and section 432 of the Internal Revenue Code of 1986 to such plan year.

(2) RESTRICTIONS ON BENEFIT INCREASES.—Notwithstanding paragraph (1), the restrictions on plan amendments increasing benefits in sections 304(b)(8)(D) of such Act and 431(b)(8)(D) of such Code, as added by this section, shall take effect on the date of enactment of this Act.

SA 3727. Mr. COBURN proposed an amendment to amendment SA 3721 proposed by Mr. BAUCUS to the bill H.R. 4851, to provide a temporary extension of certain programs, and for other purposes; as follows:

At the end of the amendment, insert the following:

TITLE II—OFFSETS FOR ACT

Subtitle A—Revenue Offset Provisions

SEC. 201. AMENDMENT OF 1986 CODE.

Except as otherwise expressly provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

SEC. 202. INFORMATION REPORTING FOR RENTAL PROPERTY EXPENSE PAYMENTS.

(a) IN GENERAL.—Section 6041 is amended by adding at the end the following new subsection:

“(h) TREATMENT OF RENTAL PROPERTY EXPENSE PAYMENTS.—

“(1) IN GENERAL.—For purposes of subsection (a), a person receiving rental income from real estate (other than a qualified residence) shall be considered to be engaged in a trade or business of renting property.

“(2) QUALIFIED RESIDENCE.—For purposes of paragraph (1), the term ‘qualified residence’ means—

“(A) the principal residence (within the meaning of section 121) of the taxpayer, and

“(B) 1 other residence of the taxpayer which is selected by the taxpayer for purposes of this subsection for the taxable year and which is used by the taxpayer as a residence (within the meaning of section 280A(d)(1)).”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to payments made after December 31, 2010.

SEC. 203. CRUDE TALL OIL INELIGIBLE FOR CELLULOSIC BIOFUEL PRODUCER CREDIT.

(a) IN GENERAL.—Section 40(B)(6)(E) is amended by adding at the end the following new clause:

“(iv) EXCLUSION OF CERTAIN PROCESSED FUELS WITH A HIGH ACID CONTENT.—The term

'cellulosic biofuel' shall not include any processed fuel with an acid number greater than 25. For purposes of the preceding sentence, the term 'processed fuel' means any fuel other than a fuel—

“(I) the ash content of which (determined by weight) is any combination of water and sediment, or

“(II) the ash content of which is more than 1 percent (determined by weight).”.

(b) **EFFECTIVE DATE.**—The amendment made by this section shall apply to fuels sold or used on or after January 1, 2010.

SEC. 204. ELIMINATION OF ADVANCE REFUNDABILITY OF EARNED INCOME CREDIT.

(a) **IN GENERAL.**—Section 3507, subsection (g) of section 32, and paragraph (7) of section 6051(a) are repealed.

(b) **CONFORMING AMENDMENTS.**—

(1) Section 6012(a) is amended by striking paragraph (8) and by redesignating paragraph (9) as paragraph (8).

(2) Section 6302 is amended by striking subsection (i).

(c) **EFFECTIVE DATE.**—The repeals and amendments made by this section shall apply to taxable years beginning after December 31, 2010.

SEC. 205. UNEMPLOYMENT INSURANCE PROGRAM INTEGRITY.

(a) **REPORTING OF FIRST DAY OF EARNINGS TO DIRECTORY OF NEW HIRES.**—

(1) **IN GENERAL.**—Section 453A(b)(1)(A) of the Social Security Act (42 U.S.C. 653a(b)(1)(A)) is amended by inserting “the date services for remuneration were first performed by the employee,” after “of the employee.”.

(2) **REPORTING FORMAT AND METHOD.**—Section 453A(c) of the Social Security Act (42 U.S.C. 653a(c)) is amended by inserting “, to the extent practicable,” after “Each report required by subsection (b) shall”.

(3) **EFFECTIVE DATE.**—

(A) **IN GENERAL.**—Subject to subparagraph (B), the amendments made by this subsection shall take effect 6 months after the date of enactment of this Act.

(B) **COMPLIANCE TRANSITION PERIOD.**—If the Secretary of Health and Human Services determines that State legislation (other than legislation appropriating funds) is required in order for a State plan under part D of title IV of the Social Security Act to meet the additional requirements imposed by the amendment made by paragraph (1), the plan shall not be regarded as failing to meet such requirements before the first day of the second calendar quarter beginning after the close of the first regular session of the State legislature that begins after the effective date of such amendment. If the State has a 2-year legislative session, each year of the session is deemed to be a separate regular session of the State legislature.

(b) **EXTENSION AND MODIFICATION OF COLLECTION OF PAST-DUE DEBT FOR ERRONEOUS PAYMENT OF UNEMPLOYMENT COMPENSATION.**—

(1) **PERMANENT EXTENSION.**—Subsection (f) of section 6402 is amended by striking paragraph (8).

(2) **COLLECTION IN ALL STATES.**—Subsection (f) of section 6402, as amended by paragraph (1), is amended by striking paragraph (3) and redesignating paragraphs (4) through (7) as paragraphs (3) through (6), respectively.

(3) **COLLECTION FOR REASONS OTHER THAN FRAUD.**—

(A) **IN GENERAL.**—Paragraph (4) of section 6402(f), as redesignated by paragraph (2), is amended by striking “due to fraud” each place it appears.

(B) **CONFORMING AMENDMENTS.**—Section 6402(f) is amended—

(i) in paragraph (3), as redesignated by paragraph (2)—

(I) by striking “or due to fraud” in subparagraph (B), and

(II) by striking “and due to fraud” in subparagraph (C), and

(ii) in the heading, by striking “RESULTING FROM FRAUD”.

(4) **EFFECTIVE DATE.**—The amendments made by this subsection shall apply to refunds payable on or after the date of the enactment of this Act.

SEC. 206. PARTICIPANTS IN GOVERNMENT SECTION 457 PLANS ALLOWED TO TREAT ELECTIVE DEFERRALS AS ROTH CONTRIBUTIONS.

(a) **IN GENERAL.**—Section 402A(e)(1) (defining applicable retirement plan) is amended by striking “and” at the end of subparagraph (A), by striking the period at the end of subparagraph (B) and inserting “, and”, and by adding at the end the following:

“(C) an eligible deferred compensation plan (as defined in section 457(b)) of an eligible employer described in section 457(e)(1)(A).”.

(b) **ELECTIVE DEFERRALS.**—Section 402A(e)(2) (defining elective deferral) is amended to read as follows:

“(2) **ELECTIVE DEFERRAL.**—The term ‘elective deferral’ means—

“(A) any elective deferral described in subparagraph (A) or (C) of section 402(g)(3), and

“(B) any elective deferral of compensation by an individual under an eligible deferred compensation plan (as defined in section 457(b)) of an eligible employer described in section 457(e)(1)(A).”.

(c) **EFFECTIVE DATE.**—The amendments made by this section shall apply to taxable years beginning after December 31, 2010.

SEC. 207. INCREASE IN INFORMATION RETURN PENALTIES.

(a) **FAILURE TO FILE CORRECT INFORMATION RETURNS.**—

(1) **IN GENERAL.**—Subsections (a)(1), (b)(1)(A), and (b)(2)(A) of section 6721 are each amended by striking “\$50” and inserting “\$100”.

(2) **AGGREGATE ANNUAL LIMITATION.**—Subsections (a)(1), (d)(1)(A), and (e)(3)(A) of section 6721 are each amended by striking “\$250,000” and inserting “\$1,500,000”.

(b) **REDUCTION WHERE CORRECTION WITHIN 30 DAYS.**—

(1) **IN GENERAL.**—Subparagraph (A) of section 6721(b)(1) is amended by striking “\$15” and inserting “\$30”.

(2) **AGGREGATE ANNUAL LIMITATION.**—Subsections (b)(1)(B) and (d)(1)(B) of section 6721 are each amended by striking “\$75,000” and inserting “\$250,000”.

(c) **REDUCTION WHERE CORRECTION ON OR BEFORE AUGUST 1.**—

(1) **IN GENERAL.**—Subparagraph (A) of section 6721(b)(2) is amended by striking “\$30” and inserting “\$60”.

(2) **AGGREGATE ANNUAL LIMITATION.**—Subsections (b)(2)(B) and (d)(1)(C) of section 6721 are each amended by striking “\$150,000” and inserting “\$500,000”.

(d) **AGGREGATE ANNUAL LIMITATIONS FOR PERSONS WITH GROSS RECEIPTS OF NOT MORE THAN \$5,000,000.**—Paragraph (1) of section 6721(d) is amended—

(1) by striking “\$100,000” in subparagraph (A) and inserting “\$500,000”,

(2) by striking “\$25,000” in subparagraph (B) and inserting “\$75,000”, and

(3) by striking “\$50,000” in subparagraph (C) and inserting “\$200,000”.

(e) **PENALTY IN CASE OF INTENTIONAL DISREGARD.**—Paragraph (2) of section 6721(e) is

amended by striking “\$100” and inserting “\$250”.

(f) **ADJUSTMENT FOR INFLATION.**—Section 6721 is amended by adding at the end the following new subsection:

“(f) **ADJUSTMENT FOR INFLATION.**—

“(1) **IN GENERAL.**—For each fifth calendar year beginning after 2012, each of the dollar amounts under subsections (a), (b), (d) (other than paragraph (2)(A) thereof), and (e) shall be increased by such dollar amount multiplied by the cost-of-living adjustment determined under section 1(f)(3) determined by substituting ‘calendar year 2011’ for ‘calendar year 1992’ in subparagraph (B) thereof.

“(2) **ROUNDING.**—If any amount adjusted under paragraph (1)—

“(A) is not less than \$75,000 and is not a multiple of \$500, such amount shall be rounded to the next lowest multiple of \$500, and

“(B) is not described in subparagraph (A) and is not a multiple of \$10, such amount shall be rounded to the next lowest multiple of \$10.”.

(g) **EFFECTIVE DATE.**—The amendments made by this section shall apply with respect to information returns required to be filed on or after January 1, 2011.

SEC. 208. ROLLOVERS FROM ELECTIVE DEFERRAL PLANS TO ROTH DESIGNATED ACCOUNTS.

(a) **IN GENERAL.**—Section 402A(c) is amended by adding at the end the following new paragraph:

“(4) **TAXABLE ROLLOVERS TO DESIGNATED ROTH ACCOUNTS.**—

“(A) **IN GENERAL.**—Notwithstanding sections 402(c), 403(b)(8), and 457(e)(16), in the case of any distribution to which this paragraph applies—

“(i) there shall be included in gross income any amount which would be includible were it not part of a qualified rollover contribution,

“(ii) section 72(t) shall not apply, and

“(iii) unless the taxpayer elects not to have this clause apply, any amount required to be included in gross income for any taxable year beginning in 2010 by reason of this paragraph shall be so included ratably over the 2-taxable-year period beginning with the first taxable year beginning in 2011.

Any election under clause (iii) for any distributions during a taxable year may not be changed after the due date for such taxable year.

“(B) **DISTRIBUTIONS TO WHICH PARAGRAPH APPLIES.**—In the case of an applicable retirement plan which includes a qualified Roth contribution program, this paragraph shall apply to a distribution from such plan other than from a designated Roth account which is contributed in a qualified rollover contribution to the designated Roth account maintained under such plan for the benefit of the individual to whom the distribution is made.

“(C) **OTHER RULES.**—The rules of subparagraphs (D), (E), and (F) of section 408A(d)(3) (as in effect for taxable years beginning after 2009) shall apply for purposes of this paragraph.”.

(b) **CONFORMING AMENDMENT.**—Section 402A(d)(3)(A) is amended by striking “A” and inserting “Except as provided in paragraph (4), a”.

(c) **EFFECTIVE DATE.**—The amendments made by this section shall apply to distributions in plan years beginning after December 31, 2009.

Subtitle B—Pension Funding Relief
PART I—SINGLE EMPLOYER PLANS

SEC. 211. EXTENDED PERIOD FOR SINGLE-EMPLOYER DEFINED BENEFIT PLANS TO AMORTIZE CERTAIN SHORTFALL AMORTIZATION BASES.

(a) AMENDMENTS TO ERISA.—

(1) IN GENERAL.—Paragraph (2) of section 303(c) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1083(c)) is amended by adding at the end the following subparagraph:

“(D) SPECIAL ELECTION FOR ELIGIBLE PLAN YEARS.—

“(i) IN GENERAL.—If a plan sponsor elects to apply this subparagraph with respect to the shortfall amortization base of a plan for any eligible plan year (in this subparagraph and paragraph (7) referred to as an ‘election year’), then, notwithstanding subparagraphs (A) and (B)—

“(I) the shortfall amortization installments with respect to such base shall be determined under clause (ii) or (iii), whichever is specified in the election, and

“(II) the shortfall amortization installment for any plan year in the 9-plan-year period described in clause (ii) or the 15-plan-year period described in clause (iii), respectively, with respect to such shortfall amortization base is the annual installment determined under the applicable clause for that year for that base.

“(ii) 2 PLUS 7 AMORTIZATION SCHEDULE.—The shortfall amortization installments determined under this clause are—

“(I) in the case of the first 2 plan years in the 9-plan-year period beginning with the election year, interest on the shortfall amortization base of the plan for the election year (determined using the effective interest rate for the plan for the election year), and

“(II) in the case of the last 7 plan years in such 9-plan-year period, the amounts necessary to amortize the remaining balance of the shortfall amortization base of the plan for the election year in level annual installments over such last 7 plan years (using the segment rates under subparagraph (C) for the election year).

“(iii) 15-YEAR AMORTIZATION.—The shortfall amortization installments determined under this subparagraph are the amounts necessary to amortize the shortfall amortization base of the plan for the election year in level annual installments over the 15-plan-year period beginning with the election year (using the segment rates under subparagraph (C) for the election year).

“(iv) ELECTION.—

“(I) IN GENERAL.—The plan sponsor of a plan may elect to have this subparagraph apply to not more than 2 eligible plan years with respect to the plan, except that in the case of a plan described in section 106 of the Pension Protection Act of 2006, the plan sponsor may only elect to have this subparagraph apply to a plan year beginning in 2011.

“(II) AMORTIZATION SCHEDULE.—Such election shall specify whether the amortization schedule under clause (ii) or (iii) shall apply to an election year, except that if a plan sponsor elects to have this subparagraph apply to 2 eligible plan years, the plan sponsor must elect the same schedule for both years.

“(III) OTHER RULES.—Such election shall be made at such time, and in such form and manner, as shall be prescribed by the Secretary of the Treasury, and may be revoked only with the consent of the Secretary of the Treasury. The Secretary of the Treasury shall, before granting a revocation request, provide the Pension Benefit Guaranty Cor-

poration an opportunity to comment on the conditions applicable to the treatment of any portion of the election year shortfall amortization base that remains unamortized as of the revocation date.

“(v) ELIGIBLE PLAN YEAR.—For purposes of this subparagraph, the term ‘eligible plan year’ means any plan year beginning in 2008, 2009, 2010, or 2011, except that a plan year shall only be treated as an eligible plan year if the due date under subsection (j)(1) for the payment of the minimum required contribution for such plan year occurs on or after the date of the enactment of this subparagraph.

“(vi) REPORTING.—A plan sponsor of a plan who makes an election under clause (i) shall—

“(I) give notice of the election to participants and beneficiaries of the plan, and

“(II) inform the Pension Benefit Guaranty Corporation of such election in such form and manner as the Director of the Pension Benefit Guaranty Corporation may prescribe.

“(vii) INCREASES IN REQUIRED INSTALLMENTS IN CERTAIN CASES.—For increases in required contributions in cases of excess compensation or extraordinary dividends or stock redemptions, see paragraph (7).”.

(2) INCREASES IN REQUIRED INSTALLMENTS IN CERTAIN CASES.—Section 303(c) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1083(c)) is amended by adding at the end the following paragraph:

“(7) INCREASES IN ALTERNATE REQUIRED INSTALLMENTS IN CASES OF EXCESS COMPENSATION OR EXTRAORDINARY DIVIDENDS OR STOCK REDEMPTIONS.—

“(A) IN GENERAL.—If there is an installment acceleration amount with respect to a plan for any plan year in the restriction period with respect to an election year under paragraph (2)(D), then the shortfall amortization installment otherwise determined and payable under such paragraph for such plan year shall, subject to the limitation under subparagraph (B), be increased by such amount.

“(B) TOTAL INSTALLMENTS LIMITED TO SHORTFALL BASE.—Subject to rules prescribed by the Secretary of the Treasury, if a shortfall amortization installment with respect to any shortfall amortization base for an election year is required to be increased for any plan year under subparagraph (A)—

“(i) such increase shall not result in the amount of such installment exceeding the present value of such installment and all succeeding installments with respect to such base (determined without regard to such increase but after application of clause (ii)), and

“(ii) subsequent shortfall amortization installments with respect to such base shall, in reverse order of the otherwise required installments, be reduced to the extent necessary to limit the present value of such subsequent shortfall amortization installments (after application of this paragraph) to the present value of the remaining unamortized shortfall amortization base.

“(C) INSTALLMENT ACCELERATION AMOUNT.—For purposes of this paragraph—

“(i) IN GENERAL.—The term ‘installment acceleration amount’ means, with respect to any plan year in a restriction period with respect to an election year, the sum of—

“(I) the aggregate amount of excess employee compensation determined under subparagraph (D) with respect to all employees for the plan year, plus

“(II) the aggregate amount of extraordinary dividends and redemptions determined under subparagraph (E) for the plan year.

“(ii) ANNUAL LIMITATION.—The installment acceleration amount for any plan year shall not exceed the excess (if any) of—

“(I) the sum of the shortfall amortization installments for the plan year and all preceding plan years in the amortization period elected under paragraph (2)(D) with respect to the shortfall amortization base with respect to an election year, determined without regard to paragraph (2)(D) and this paragraph, over

“(II) the sum of the shortfall amortization installments for such plan year and all such preceding plan years, determined after application of paragraph (2)(D) (and in the case of any preceding plan year, after application of this paragraph).

“(iii) CARRYOVER OF EXCESS INSTALLMENT ACCELERATION AMOUNTS.—

“(I) IN GENERAL.—If the installment acceleration amount for any plan year (determined without regard to clause (ii)) exceeds the limitation under clause (ii), then, subject to subclause (II), such excess shall be treated as an installment acceleration amount with respect to the succeeding plan year.

“(II) CAP TO APPLY.—If any amount treated as an installment acceleration amount under subclause (I) or this subclause with respect to any succeeding plan year, when added to other installment acceleration amounts (determined without regard to clause (ii)) with respect to the plan year, exceeds the limitation under clause (ii), the portion of such amount representing such excess shall be treated as an installment acceleration amount with respect to the next succeeding plan year.

“(III) LIMITATION ON YEARS TO WHICH AMOUNTS CARRIED FOR.—No amount shall be carried under subclause (I) or (II) to a plan year which begins after the first plan year following the last plan year in the restriction period (or after the second plan year following such last plan year in the case of an election year with respect to which 15-year amortization was elected under paragraph (2)(D)).

“(IV) ORDERING RULES.—For purposes of applying subclause (II), installment acceleration amounts for the plan year (determined without regard to any carryover under this clause) shall be applied first against the limitation under clause (ii) and then carryovers to such plan year shall be applied against such limitation on a first-in, first-out basis.

“(D) EXCESS EMPLOYEE COMPENSATION.—For purposes of this paragraph—

“(i) IN GENERAL.—The term ‘excess employee compensation’ means, with respect to any employee for any plan year, the excess (if any) of—

“(I) the aggregate amount includible in income under chapter 1 of the Internal Revenue Code of 1986 for remuneration during the calendar year in which such plan year begins for services performed by the employee for the plan sponsor (whether or not performed during such calendar year), over

“(II) \$1,000,000.

“(ii) AMOUNTS SET ASIDE FOR NONQUALIFIED DEFERRED COMPENSATION.—If during any calendar year assets are set aside or reserved (directly or indirectly) in a trust (or other arrangement as determined by the Secretary of the Treasury), or transferred to such a trust or other arrangement, by a plan sponsor for purposes of paying deferred compensation of an employee under a non-qualified deferred compensation plan (as defined in section 409A of such Code) of the plan sponsor, then, for purposes of clause (i), the amount of such assets shall be treated as remuneration of the employee includible in

income for the calendar year unless such amount is otherwise includible in income for such year. An amount to which the preceding sentence applies shall not be taken into account under this paragraph for any subsequent calendar year.

“(iii) ONLY REMUNERATION FOR CERTAIN POST-2009 SERVICES COUNTED.—Remuneration shall be taken into account under clause (i) only to the extent attributable to services performed by the employee for the plan sponsor after February 28, 2010.

“(iv) EXCEPTION FOR CERTAIN EQUITY PAYMENTS.—

“(I) IN GENERAL.—There shall not be taken into account under clause (i)(I) any amount includible in income with respect to the granting after February 28, 2010, of service recipient stock (within the meaning of section 409A of the Internal Revenue Code of 1986) that, upon such grant, is subject to a substantial risk of forfeiture (as defined under section 83(c)(1) of such Code) for at least 5 years from the date of such grant.

“(II) SECRETARIAL AUTHORITY.—The Secretary of the Treasury may by regulation provide for the application of this clause in the case of a person other than a corporation.

“(v) OTHER EXCEPTIONS.—The following amounts includible in income shall not be taken into account under clause (i)(I):

“(I) COMMISSIONS.—Any remuneration payable on a commission basis solely on account of income directly generated by the individual performance of the individual to whom such remuneration is payable.

“(II) CERTAIN PAYMENTS UNDER EXISTING CONTRACTS.—Any remuneration consisting of nonqualified deferred compensation, restricted stock, stock options, or stock appreciation rights payable or granted under a written binding contract that was in effect on March 1, 2010, and which was not modified in any material respect before such remuneration is paid.

“(vi) SELF-EMPLOYED INDIVIDUAL TREATED AS EMPLOYEE.—The term ‘employee’ includes, with respect to a calendar year, a self-employed individual who is treated as an employee under section 401(c) of such Code for the taxable year ending during such calendar year, and the term ‘compensation’ shall include earned income of such individual with respect to such self-employment.

“(vii) INDEXING OF AMOUNT.—In the case of any calendar year beginning after 2010, the dollar amount under clause (i)(II) shall be increased by an amount equal to—

“(I) such dollar amount, multiplied by

“(II) the cost-of-living adjustment determined under section 1(f)(3) of such Code for the calendar year, determined by substituting ‘calendar year 2009’ for ‘calendar year 1992’ in subparagraph (B) thereof.

If the amount of any increase under clause (i) is not a multiple of \$1,000, such increase shall be rounded to the next lowest multiple of \$1,000.

“(E) EXTRAORDINARY DIVIDENDS AND REDEMPTIONS.—

“(i) IN GENERAL.—The amount determined under this subparagraph for any plan year is the excess (if any) of the sum of the dividends declared during the plan year by the plan sponsor plus the aggregate amount paid for the redemption of stock of the plan sponsor redeemed during the plan year over the greater of—

“(I) the adjusted net income (within the meaning of section 4043) of the plan sponsor for the preceding plan year, determined without regard to any reduction by reason of

interest, taxes, depreciation, or amortization, or

“(II) in the case of a plan sponsor that determined and declared dividends in the same manner for at least 5 consecutive years immediately preceding such plan year, the aggregate amount of dividends determined and declared for such plan year using such manner.

“(ii) ONLY CERTAIN POST-2009 DIVIDENDS AND REDEMPTIONS COUNTED.—For purposes of clause (i), there shall only be taken into account dividends declared, and redemptions occurring, after February 28, 2010.

“(iii) EXCEPTION FOR INTRA-GROUP DIVIDENDS.—Dividends paid by one member of a controlled group (as defined in section 302(d)(3)) to another member of such group shall not be taken into account under clause (i).

“(iv) EXCEPTION FOR CERTAIN REDEMPTIONS.—Redemptions that are made pursuant to a plan maintained with respect to employees, or that are made on account of the death, disability, or termination of employment of an employee or shareholder, shall not be taken into account under clause (i).

“(v) EXCEPTION FOR CERTAIN PREFERRED STOCK.—

“(I) IN GENERAL.—Dividends and redemptions with respect to applicable preferred stock shall not be taken into account under clause (i) to the extent that dividends accrue with respect to such stock at a specified rate in all events and without regard to the plan sponsor's income, and interest accrues on any unpaid dividends with respect to such stock.

“(II) APPLICABLE PREFERRED STOCK.—For purposes of subclause (I), the term ‘applicable preferred stock’ means preferred stock which was issued before March 1, 2010 (or which was issued after such date and is held by an employee benefit plan subject to the provisions of this title).

“(F) OTHER DEFINITIONS AND RULES.—For purposes of this paragraph—

“(i) PLAN SPONSOR.—The term ‘plan sponsor’ includes any member of the plan sponsor's controlled group (as defined in section 302(d)(3)).

“(ii) RESTRICTION PERIOD.—The term ‘restriction period’ means, with respect to any election year—

“(I) except as provided in subclause (II), the 3-year period beginning with the election year (or, if later, the first plan year beginning after December 31, 2009), and

“(II) if the plan sponsor elects 15-year amortization for the shortfall amortization base for the election year, the 5-year period beginning with the election year (or, if later, the first plan year beginning after December 31, 2009).

“(iii) ELECTIONS FOR MULTIPLE PLANS.—If a plan sponsor makes elections under paragraph (2)(D) with respect to 2 or more plans, the Secretary of the Treasury shall provide rules for the application of this paragraph to such plans, including rules for the ratable allocation of any installment acceleration amount among such plans on the basis of each plan's relative reduction in the plan's shortfall amortization installment for the first plan year in the amortization period described in subparagraph (A) (determined without regard to this paragraph).

“(iv) MERGERS AND ACQUISITIONS.—The Secretary of the Treasury shall prescribe rules for the application of paragraph (2)(D) and this paragraph in any case where there is a merger or acquisition involving a plan sponsor making the election under paragraph (2)(D).”.

(3) CONFORMING AMENDMENTS.—Section 303 of such Act (29 U.S.C. 1083) is amended—

(A) in subsection (c)(1), by striking “the shortfall amortization bases for such plan year and each of the 6 preceding plan years” and inserting “any shortfall amortization base which has not been fully amortized under this subsection”, and

(B) in subsection (j)(3), by adding at the end the following:

“(F) QUARTERLY CONTRIBUTIONS NOT TO INCLUDE CERTAIN INCREASED CONTRIBUTIONS.—Subparagraph (D) shall be applied without regard to any increase under subsection (c)(7).”.

(b) AMENDMENTS TO INTERNAL REVENUE CODE OF 1986.—

(1) IN GENERAL.—Paragraph (2) of section 430(c) is amended by adding at the end the following subparagraph:

“(D) SPECIAL ELECTION FOR ELIGIBLE PLAN YEARS.—

“(i) IN GENERAL.—If a plan sponsor elects to apply this subparagraph with respect to the shortfall amortization base of a plan for any eligible plan year (in this subparagraph and paragraph (7) referred to as an ‘election year’), then, notwithstanding subparagraphs (A) and (B)—

“(I) the shortfall amortization installments with respect to such base shall be determined under clause (ii) or (iii), whichever is specified in the election, and

“(II) the shortfall amortization installment for any plan year in the 9-plan-year period described in clause (ii) or the 15-plan-year period described in clause (iii), respectively, with respect to such shortfall amortization base is the annual installment determined under the applicable clause for that year for that base.

“(ii) 2 PLUS 7 AMORTIZATION SCHEDULE.—The shortfall amortization installments determined under this clause are—

“(I) in the case of the first 2 plan years in the 9-plan-year period beginning with the election year, interest on the shortfall amortization base of the plan for the election year (determined using the effective interest rate for the plan for the election year), and

“(II) in the case of the last 7 plan years in such 9-plan-year period, the amounts necessary to amortize the remaining balance of the shortfall amortization base of the plan for the election year in level annual installments over such last 7 plan years (using the segment rates under subparagraph (C) for the election year).

“(iii) 15-YEAR AMORTIZATION.—The shortfall amortization installments determined under this subparagraph are the amounts necessary to amortize the shortfall amortization base of the plan for the election year in level annual installments over the 15-plan-year period beginning with the election year (using the segment rates under subparagraph (C) for the election year).

“(iv) ELECTION.—

“(I) IN GENERAL.—The plan sponsor of a plan may elect to have this subparagraph apply to not more than 2 eligible plan years with respect to the plan, except that in the case of a plan described in section 106 of the Pension Protection Act of 2006, the plan sponsor may only elect to have this subparagraph apply to a plan year beginning in 2011.

“(II) AMORTIZATION SCHEDULE.—Such election shall specify whether the amortization schedule under clause (ii) or (iii) shall apply to an election year, except that if a plan sponsor elects to have this subparagraph apply to 2 eligible plan years, the plan sponsor must elect the same schedule for both years.

“(III) OTHER RULES.—Such election shall be made at such time, and in such form and manner, as shall be prescribed by the Secretary, and may be revoked only with the consent of the Secretary. The Secretary shall, before granting a revocation request, provide the Pension Benefit Guaranty Corporation an opportunity to comment on the conditions applicable to the treatment of any portion of the election year shortfall amortization base that remains unamortized as of the revocation date.

“(v) ELIGIBLE PLAN YEAR.—For purposes of this subparagraph, the term ‘eligible plan year’ means any plan year beginning in 2008, 2009, 2010, or 2011, except that a plan year shall only be treated as an eligible plan year if the due date under subsection (j)(1) for the payment of the minimum required contribution for such plan year occurs on or after the date of the enactment of this subparagraph.

“(vi) REPORTING.—A plan sponsor of a plan who makes an election under clause (i) shall—

“(I) give notice of the election to participants and beneficiaries of the plan, and

“(II) inform the Pension Benefit Guaranty Corporation of such election in such form and manner as the Director of the Pension Benefit Guaranty Corporation may prescribe.

“(vii) INCREASES IN REQUIRED INSTALLMENTS IN CERTAIN CASES.—For increases in required contributions in cases of excess compensation or extraordinary dividends or stock redemptions, see paragraph (7).”

(2) INCREASES IN REQUIRED CONTRIBUTIONS IF EXCESS COMPENSATION PAID.—Section 430(c) is amended by adding at the end the following paragraph:

“(7) INCREASES IN ALTERNATE REQUIRED INSTALLMENTS IN CASES OF EXCESS COMPENSATION OR EXTRAORDINARY DIVIDENDS OR STOCK REDEMPTIONS.—

“(A) IN GENERAL.—If there is an installment acceleration amount with respect to a plan for any plan year in the restriction period with respect to an election year under paragraph (2)(D), then the shortfall amortization installment otherwise determined and payable under such paragraph for such plan year shall, subject to the limitation under subparagraph (B), be increased by such amount.

“(B) TOTAL INSTALLMENTS LIMITED TO SHORTFALL BASE.—Subject to rules prescribed by the Secretary, if a shortfall amortization installment with respect to any shortfall amortization base for an election year is required to be increased for any plan year under subparagraph (A)—

“(i) such increase shall not result in the amount of such installment exceeding the present value of such installment and all succeeding installments with respect to such base (determined without regard to such increase but after application of clause (ii)), and

“(ii) subsequent shortfall amortization installments with respect to such base shall, in reverse order of the otherwise required installments, be reduced to the extent necessary to limit the present value of such subsequent shortfall amortization installments (after application of this paragraph) to the present value of the remaining unamortized shortfall amortization base.

“(C) INSTALLMENT ACCELERATION AMOUNT.—For purposes of this paragraph—

“(i) IN GENERAL.—The term ‘installment acceleration amount’ means, with respect to any plan year in a restriction period with respect to an election year, the sum of—

“(I) the aggregate amount of excess employee compensation determined under sub-

paragraph (D) with respect to all employees for the plan year, plus

“(II) the aggregate amount of extraordinary dividends and redemptions determined under subparagraph (E) for the plan year.

“(ii) ANNUAL LIMITATION.—The installment acceleration amount for any plan year shall not exceed the excess (if any) of—

“(I) the sum of the shortfall amortization installments for the plan year and all preceding plan years in the amortization period elected under paragraph (2)(D) with respect to the shortfall amortization base with respect to an election year, determined without regard to paragraph (2)(D) and this paragraph, over

“(II) the sum of the shortfall amortization installments for such plan year and all such preceding plan years, determined after application of paragraph (2)(D) (and in the case of any preceding plan year, after application of this paragraph).

“(iii) CARRYOVER OF EXCESS INSTALLMENT ACCELERATION AMOUNTS.—

“(I) IN GENERAL.—If the installment acceleration amount for any plan year (determined without regard to clause (ii)) exceeds the limitation under clause (ii), then, subject to subclause (II), such excess shall be treated as an installment acceleration amount with respect to the succeeding plan year.

“(II) CAP TO APPLY.—If any amount treated as an installment acceleration amount under subclause (I) or this subclause with respect to any succeeding plan year, when added to other installment acceleration amounts (determined without regard to clause (ii)) with respect to the plan year, exceeds the limitation under clause (ii), the portion of such amount representing such excess shall be treated as an installment acceleration amount with respect to the next succeeding plan year.

“(III) LIMITATION ON YEARS TO WHICH AMOUNTS CARRIED FOR.—No amount shall be carried under subclause (I) or (II) to a plan year which begins after the first plan year following the last plan year in the restriction period (or after the second plan year following such last plan year in the case of an election year with respect to which 15-year amortization was elected under paragraph (2)(D)).

“(IV) ORDERING RULES.—For purposes of applying subclause (II), installment acceleration amounts for the plan year (determined without regard to any carryover under this clause) shall be applied first against the limitation under clause (ii) and then carryovers to such plan year shall be applied against such limitation on a first-in, first-out basis.

“(D) EXCESS EMPLOYEE COMPENSATION.—For purposes of this paragraph—

“(i) IN GENERAL.—The term ‘excess employee compensation’ means, with respect to any employee for any plan year, the excess (if any) of—

“(I) the aggregate amount includible in income under this chapter for remuneration during the calendar year in which such plan year begins for services performed by the employee for the plan sponsor (whether or not performed during such calendar year), over

“(II) \$1,000,000.

“(ii) AMOUNTS SET ASIDE FOR NONQUALIFIED DEFERRED COMPENSATION.—If during any calendar year assets are set aside or reserved (directly or indirectly) in a trust (or other arrangement as determined by the Secretary), or transferred to such a trust or other arrangement, by a plan sponsor for purposes of paying deferred compensation of

an employee under a nonqualified deferred compensation plan (as defined in section 409A) of the plan sponsor, then, for purposes of clause (i), the amount of such assets shall be treated as remuneration of the employee includible in income for the calendar year unless such amount is otherwise includible in income for such year. An amount to which the preceding sentence applies shall not be taken into account under this paragraph for any subsequent calendar year.

“(iii) ONLY REMUNERATION FOR CERTAIN POST-2009 SERVICES COUNTED.—Remuneration shall be taken into account under clause (i) only to the extent attributable to services performed by the employee for the plan sponsor after February 28, 2010.

“(iv) EXCEPTION FOR CERTAIN EQUITY PAYMENTS.—

“(I) IN GENERAL.—There shall not be taken into account under clause (i)(I) any amount includible in income with respect to the granting after February 28, 2010, of service recipient stock (within the meaning of section 409A) that, upon such grant, is subject to a substantial risk of forfeiture (as defined under section 83(c)(1)) for at least 5 years from the date of such grant.

“(II) SECRETARIAL AUTHORITY.—The Secretary may by regulation provide for the application of this clause in the case of a person other than a corporation.

“(v) OTHER EXCEPTIONS.—The following amounts includible in income shall not be taken into account under clause (i)(I):

“(I) COMMISSIONS.—Any remuneration payable on a commission basis solely on account of income directly generated by the individual performance of the individual to whom such remuneration is payable.

“(II) CERTAIN PAYMENTS UNDER EXISTING CONTRACTS.—Any remuneration consisting of nonqualified deferred compensation, restricted stock, stock options, or stock appreciation rights payable or granted under a written binding contract that was in effect on March 1, 2010, and which was not modified in any material respect before such remuneration is paid.

“(vi) SELF-EMPLOYED INDIVIDUAL TREATED AS EMPLOYEE.—The term ‘employee’ includes, with respect to a calendar year, a self-employed individual who is treated as an employee under section 401(c) for the taxable year ending during such calendar year, and the term ‘compensation’ shall include earned income of such individual with respect to such self-employment.

“(vii) INDEXING OF AMOUNT.—In the case of any calendar year beginning after 2010, the dollar amount under clause (i)(II) shall be increased by an amount equal to—

“(I) such dollar amount, multiplied by

“(II) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year, determined by substituting ‘calendar year 2009’ for ‘calendar year 1992’ in subparagraph (B) thereof.

If the amount of any increase under clause (i) is not a multiple of \$1,000, such increase shall be rounded to the next lowest multiple of \$1,000.

“(E) EXTRAORDINARY DIVIDENDS AND REDEMPTIONS.—

“(i) IN GENERAL.—The amount determined under this subparagraph for any plan year is the excess (if any) of the sum of the dividends declared during the plan year by the plan sponsor plus the aggregate amount paid for the redemption of stock of the plan sponsor redeemed during the plan year over the greater of—

“(I) the adjusted net income (within the meaning of section 4043 of the Employee Retirement Income Security Act of 1974) of the plan sponsor for the preceding plan year, determined without regard to any reduction by reason of interest, taxes, depreciation, or amortization, or

“(II) in the case of a plan sponsor that determined and declared dividends in the same manner for at least 5 consecutive years immediately preceding such plan year, the aggregate amount of dividends determined and declared for such plan year using such manner.

“(ii) ONLY CERTAIN POST-2009 DIVIDENDS AND REDEMPTIONS COUNTED.—For purposes of clause (i), there shall only be taken into account dividends declared, and redemptions occurring, after February 28, 2010.

“(iii) EXCEPTION FOR INTRA-GROUP DIVIDENDS.—Dividends paid by one member of a controlled group (as defined in section 412(d)(3)) to another member of such group shall not be taken into account under clause (i).

“(iv) EXCEPTION FOR CERTAIN REDEMPTIONS.—Redemptions that are made pursuant to a plan maintained with respect to employees, or that are made on account of the death, disability, or termination of employment of an employee or shareholder, shall not be taken into account under clause (i).

“(v) EXCEPTION FOR CERTAIN PREFERRED STOCK.—

“(I) IN GENERAL.—Dividends and redemptions with respect to applicable preferred stock shall not be taken into account under clause (i) to the extent that dividends accrue with respect to such stock at a specified rate in all events and without regard to the plan sponsor's income, and interest accrues on any unpaid dividends with respect to such stock.

“(II) APPLICABLE PREFERRED STOCK.—For purposes of subclause (I), the term ‘applicable preferred stock’ means preferred stock which was issued before March 1, 2010 (or which was issued after such date and is held by an employee benefit plan subject to the provisions of title I of Employee Retirement Income Security Act of 1974).

“(F) OTHER DEFINITIONS AND RULES.—For purposes of this paragraph—

“(i) PLAN SPONSOR.—The term ‘plan sponsor’ includes any member of the plan sponsor's controlled group (as defined in section 412(d)(3)).

“(ii) RESTRICTION PERIOD.—The term ‘restriction period’ means, with respect to any election year—

“(I) except as provided in subclause (II), the 3-year period beginning with the election year (or, if later, the first plan year beginning after December 31, 2009), and

“(II) if the plan sponsor elects 15-year amortization for the shortfall amortization base for the election year, the 5-year period beginning with the election year (or, if later, the first plan year beginning after December 31, 2009).

“(iii) ELECTIONS FOR MULTIPLE PLANS.—If a plan sponsor makes elections under paragraph (2)(D) with respect to 2 or more plans, the Secretary shall provide rules for the application of this paragraph to such plans, including rules for the ratable allocation of any installment acceleration amount among such plans on the basis of each plan's relative reduction in the plan's shortfall amortization installment for the first plan year in the amortization period described in subparagraph (A) (determined without regard to this paragraph).

“(iv) MERGERS AND ACQUISITIONS.—The Secretary shall prescribe rules for the applica-

tion of paragraph (2)(D) and this paragraph in any case where there is a merger or acquisition involving a plan sponsor making the election under paragraph (2)(D).”

(3) CONFORMING AMENDMENTS.—Section 430 is amended—

(A) in subsection (c)(1), by striking “the shortfall amortization bases for such plan year and each of the 6 preceding plan years” and inserting “any shortfall amortization base which has not been fully amortized under this subsection”, and

(B) in subsection (j)(3), by adding at the end the following:

“(F) QUARTERLY CONTRIBUTIONS NOT TO INCLUDE CERTAIN INCREASED CONTRIBUTIONS.—Subparagraph (D) shall be applied without regard to any increase under subsection (c)(7).”

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to plan years beginning after December 31, 2007.

SEC. 212. APPLICATION OF EXTENDED AMORTIZATION PERIOD TO PLANS SUBJECT TO PRIOR LAW FUNDING RULES.

(a) IN GENERAL.—Title I of the Pension Protection Act of 2006 is amended by redesignating section 107 as section 108 and by inserting the following after section 106:

“SEC. 107. APPLICATION OF EXTENDED AMORTIZATION PERIODS TO PLANS WITH DELAYED EFFECTIVE DATE.

“(a) IN GENERAL.—If the plan sponsor of a plan to which section 104, 105, or 106 of this Act applies elects to have this section apply for any eligible plan year (in this section referred to as an ‘election year’), section 302 of the Employee Retirement Income Security Act of 1974 and section 412 of the Internal Revenue Code of 1986 (as in effect before the amendments made by this subtitle and subtitle B) shall apply to such year in the manner described in subsection (b) or (c), whichever is specified in the election. All references in this section to ‘such Act’ or ‘such Code’ shall be to such Act or such Code as in effect before the amendments made by this subtitle and subtitle B.

“(b) APPLICATION OF 2 AND 7 RULE.—In the case of an election year to which this subsection applies—

“(1) 2-YEAR LOOKBACK FOR DETERMINING DEFICIT REDUCTION CONTRIBUTIONS FOR CERTAIN PLANS.—For purposes of applying section 302(d)(9) of such Act and section 412(l)(9) of such Code, the funded current liability percentage (as defined in subparagraph (C) thereof) for such plan for such plan year shall be such funded current liability percentage of such plan for the second plan year preceding the first election year of such plan.

“(2) CALCULATION OF DEFICIT REDUCTION CONTRIBUTION.—For purposes of applying section 302(d) of such Act and section 412(l) of such Code to a plan to which such sections apply (after taking into account paragraph (1))—

“(A) in the case of the increased unfunded new liability of the plan, the applicable percentage described in section 302(d)(4)(C) of such Act and section 412(l)(4)(C) of such Code shall be the third segment rate described in sections 104(b), 105(b), and 106(b) of this Act, and

“(B) in the case of the excess of the unfunded new liability over the increased unfunded new liability, such applicable percentage shall be determined without regard to this section.

“(c) APPLICATION OF 15-YEAR AMORTIZATION.—In the case of an election year to which this subsection applies, for purposes of applying section 302(d) of such Act and section 412(l) of such Code—

“(1) in the case of the increased unfunded new liability of the plan, the applicable percentage described in section 302(d)(4)(C) of such Act and section 412(l)(4)(C) of such Code for any pre-effective date plan year beginning with or after the first election year shall be the ratio of—

“(A) the annual installments payable in each year if the increased unfunded new liability for such plan year were amortized over 15 years, using an interest rate equal to the third segment rate described in sections 104(b), 105(b), and 106(b) of this Act, to

“(B) the increased unfunded new liability for such plan year, and

“(2) in the case of the excess of the unfunded new liability over the increased unfunded new liability, such applicable percentage shall be determined without regard to this section.

“(d) ELECTION.—

“(1) IN GENERAL.—The plan sponsor of a plan may elect to have this section apply to not more than 2 eligible plan years with respect to the plan, except that in the case of a plan to which section 106 of this Act applies, the plan sponsor may only elect to have this section apply to 1 eligible plan year.

“(2) AMORTIZATION SCHEDULE.—Such election shall specify whether the rules under subsection (b) or (c) shall apply to an election year, except that if a plan sponsor elects to have this section apply to 2 eligible plan years, the plan sponsor must elect the same rule for both years.

“(3) OTHER RULES.—Such election shall be made at such time, and in such form and manner, as shall be prescribed by the Secretary of the Treasury, and may be revoked only with the consent of the Secretary of the Treasury.

“(e) DEFINITIONS.—For purposes of this section—

“(1) ELIGIBLE PLAN YEAR.—For purposes of this subparagraph, the term ‘eligible plan year’ means any plan year beginning in 2008, 2009, 2010, or 2011, except that a plan year beginning in 2008 shall only be treated as an eligible plan year if the due date for the payment of the minimum required contribution for such plan year occurs on or after the date of the enactment of this clause.

“(2) PRE-EFFECTIVE DATE PLAN YEAR.—The term ‘pre-effective date plan year’ means, with respect to a plan, any plan year prior to the first year in which the amendments made by this subtitle and subtitle B apply to the plan.

“(3) INCREASED UNFUNDED NEW LIABILITY.—The term ‘increased unfunded new liability’ means, with respect to a year, the excess (if any) of the unfunded new liability over the amount of unfunded new liability determined as if the value of the plan's assets determined under subsection 302(c)(2) of such Act and section 412(c)(2) of such Code equaled the product of the current liability of the plan for the year multiplied by the funded current liability percentage (as defined in section 302(d)(8)(B) of such Act and 412(l)(8)(B) of such Code) of the plan for the second plan year preceding the first election year of such plan.

“(4) OTHER DEFINITIONS.—The terms ‘unfunded new liability’ and ‘current liability’ shall have the meanings set forth in section 302(d) of such Act and section 412(l) of such Code.”

(b) ELIGIBLE CHARITY PLANS.—Section 104 of the Pension Protection Act of 2006 is amended—

(1) by striking “eligible cooperative plan” wherever it appears in subsections (a) and (b)

and inserting “eligible cooperative plan or an eligible charity plan”, and

(2) by adding at the end the following new subsection:

“(d) **ELIGIBLE CHARITY PLAN DEFINED.**—For purposes of this section, a plan shall be treated as an eligible charity plan for a plan year if the plan is maintained by more than one employer (determined without regard to section 414(c) of the Internal Revenue Code) and 100 percent of the employers are described in section 501(c)(3) of such Code.”.

(c) **EFFECTIVE DATE.**—

(1) **IN GENERAL.**—The amendment made by subsection (a) shall take effect as if included in the Pension Protection Act of 2006.

(2) **ELIGIBLE CHARITY PLAN.**—The amendments made by subsection (b) shall apply to plan years beginning after December 31, 2007, except that a plan sponsor may elect to apply such amendments to plan years beginning after December 31, 2008. Any such election shall be made at such time, and in such form and manner, as shall be prescribed by the Secretary of the Treasury, and may be revoked only with the consent of the Secretary of the Treasury.

SEC. 213. LOOKBACK FOR CERTAIN BENEFIT RESTRICTIONS.

(a) **IN GENERAL.**—

(1) **AMENDMENT TO ERISA.**—Section 206(g)(9) of the Employee Retirement Income Security Act of 1974 is amended by adding at the end the following:

“(D) **SPECIAL RULE FOR CERTAIN YEARS.**—Solely for purposes of any applicable provision—

“(i) **IN GENERAL.**—For plan years beginning on or after October 1, 2008, and before October 1, 2010, the adjusted funding target attainment percentage of a plan shall be the greater of—

“(I) such percentage, as determined without regard to this subparagraph, or

“(II) the adjusted funding target attainment percentage for such plan for the plan year beginning after October 1, 2007, and before October 1, 2008, as determined under rules prescribed by the Secretary of the Treasury.

“(ii) **SPECIAL RULE.**—In the case of a plan for which the valuation date is not the first day of the plan year—

“(I) clause (i) shall apply to plan years beginning after December 31, 2007, and before January 1, 2010, and

“(II) clause (i)(II) shall apply based on the last plan year beginning before November 1, 2007, as determined under rules prescribed by the Secretary of the Treasury.

“(iii) **APPLICABLE PROVISION.**—For purposes of this subparagraph, the term ‘applicable provision’ means—

“(I) paragraph (3), but only for purposes of applying such paragraph to a payment which, as determined under rules prescribed by the Secretary of the Treasury, is a payment under a social security leveling option which accelerates payments under the plan before, and reduces payments after, a participant starts receiving social security benefits in order to provide substantially similar aggregate payments both before and after such benefits are received, and

“(II) paragraph (4).”.

(2) **AMENDMENT TO INTERNAL REVENUE CODE OF 1986.**—Section 436(j) of the Internal Revenue Code of 1986 is amended by adding at the end the following:

“(3) **SPECIAL RULE FOR CERTAIN YEARS.**—Solely for purposes of any applicable provision—

“(A) **IN GENERAL.**—For plan years beginning on or after October 1, 2008, and before

October 1, 2010, the adjusted funding target attainment percentage of a plan shall be the greater of—

“(i) such percentage, as determined without regard to this paragraph, or

“(ii) the adjusted funding target attainment percentage for such plan for the plan year beginning after October 1, 2007, and before October 1, 2008, as determined under rules prescribed by the Secretary.

“(B) **SPECIAL RULE.**—In the case of a plan for which the valuation date is not the first day of the plan year—

“(i) subparagraph (A) shall apply to plan years beginning after December 31, 2007, and before January 1, 2010, and

“(ii) subparagraph (A)(ii) shall apply based on the last plan year beginning before November 1, 2007, as determined under rules prescribed by the Secretary.

“(C) **APPLICABLE PROVISION.**—For purposes of this paragraph, the term ‘applicable provision’ means—

“(i) subsection (d), but only for purposes of applying such paragraph to a payment which, as determined under rules prescribed by the Secretary, is a payment under a social security leveling option which accelerates payments under the plan before, and reduces payments after, a participant starts receiving social security benefits in order to provide substantially similar aggregate payments both before and after such benefits are received, and

“(ii) subsection (e).”.

(b) **INTERACTION WITH WRERA RULE.**—Section 203 of the Worker, Retiree, and Employer Recovery Act of 2008 shall apply to a plan for any plan year in lieu of the amendments made by this section applying to sections 206(g)(4) of the Employee Retirement Income Security Act of 1974 and 436(e) of the Internal Revenue Code of 1986 only to the extent that such section produces a higher adjusted funding target attainment percentage for such plan for such year.

(c) **EFFECTIVE DATE.**—

(1) **IN GENERAL.**—Except as provided in paragraph (2), the amendments made by this section shall apply to plan years beginning on or after October 1, 2008.

(2) **SPECIAL RULE.**—In the case of a plan for which the valuation date is not the first day of the plan year, the amendments made by this section shall apply to plan years beginning after December 31, 2007.

SEC. 214. LOOKBACK FOR CREDIT BALANCE RULE FOR PLANS MAINTAINED BY CHARITIES.

(a) **AMENDMENT TO ERISA.**—Paragraph (3) of section 303(f) of the Employee Retirement Income Security Act of 1974 is amended by adding the following at the end thereof:

“(D) **SPECIAL RULE FOR CERTAIN YEARS OF PLANS MAINTAINED BY CHARITIES.**—

“(i) **IN GENERAL.**—For purposes of applying subparagraph (C) for plan years beginning after August 31, 2009, and before September 1, 2011, the ratio determined under such subparagraph for the preceding plan year shall be the greater of—

“(I) such ratio, as determined without regard to this subparagraph, or

“(II) the ratio for such plan for the plan year beginning after August 31, 2007, and before September 1, 2008, as determined under rules prescribed by the Secretary of the Treasury.

“(ii) **SPECIAL RULE.**—In the case of a plan for which the valuation date is not the first day of the plan year—

“(I) clause (i) shall apply to plan years beginning after December 31, 2008, and before January 1, 2011, and

“(II) clause (i)(II) shall apply based on the last plan year beginning before September 1, 2007, as determined under rules prescribed by the Secretary of the Treasury.

“(iii) **LIMITATION TO CHARITIES.**—This subparagraph shall not apply to any plan unless such plan is maintained exclusively by one or more organizations described in section 501(c)(3) of the Internal Revenue Code of 1986.”.

(b) **AMENDMENT TO INTERNAL REVENUE CODE OF 1986.**—Paragraph (3) of section 430(f) of the Internal Revenue Code of 1986 is amended by adding the following at the end thereof:

“(D) **SPECIAL RULE FOR CERTAIN YEARS OF PLANS MAINTAINED BY CHARITIES.**—

“(i) **IN GENERAL.**—For purposes of applying subparagraph (C) for plan years beginning after August 31, 2009, and before September 1, 2011, the ratio determined under such subparagraph for the preceding plan year of a plan shall be the greater of—

“(I) such ratio, as determined without regard to this subsection, or

“(II) the ratio for such plan for the plan year beginning after August 31, 2007 and before September 1, 2008, as determined under rules prescribed by the Secretary.

“(ii) **SPECIAL RULE.**—In the case of a plan for which the valuation date is not the first day of the plan year—

“(I) clause (i) shall apply to plan years beginning after December 31, 2007, and before January 1, 2010, and

“(II) clause (i)(II) shall apply based on the last plan year beginning before September 1, 2007, as determined under rules prescribed by the Secretary.

“(iii) **LIMITATION TO CHARITIES.**—This subparagraph shall not apply to any plan unless such plan is maintained exclusively by one or more organizations described in section 501(c)(3).”.

(c) **EFFECTIVE DATE.**—

(1) **IN GENERAL.**—Except as provided in paragraph (2), the amendments made by this section shall apply to plan years beginning after August 31, 2009.

(2) **SPECIAL RULE.**—In the case of a plan for which the valuation date is not the first day of the plan year, the amendments made by this section shall apply to plan years beginning after December 31, 2008.

PART II—MULTIEMPLOYER PLANS **SEC. 221. ADJUSTMENTS TO FUNDING STANDARD ACCOUNT RULES.**

(a) **ADJUSTMENTS.**—

(1) **AMENDMENT TO ERISA.**—Section 304(b) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1084(b)) is amended by adding at the end the following new paragraph:

“(8) **SPECIAL RELIEF RULES.**—Notwithstanding any other provision of this subsection—

“(A) **AMORTIZATION OF NET INVESTMENT LOSSES.**—

“(i) **IN GENERAL.**—A multiemployer plan with respect to which the solvency test under subparagraph (C) is met may treat the portion of any experience loss or gain attributable to net investment losses incurred in either or both of the first two plan years ending after August 31, 2008, as an item separate from other experience losses, to be amortized in equal annual installments (until fully amortized) over the period—

“(I) beginning with the plan year in which such portion is first recognized in the actuarial value of assets, and

“(II) ending with the last plan year in the 30-plan year period beginning with the plan year in which such net investment loss was incurred.

“(ii) COORDINATION WITH EXTENSIONS.—If this subparagraph applies for any plan year—

“(I) no extension of the amortization period under clause (i) shall be allowed under subsection (d), and

“(II) if an extension was granted under subsection (d) for any plan year before the election to have this subparagraph apply to the plan year, such extension shall not result in such amortization period exceeding 30 years.

“(iii) NET INVESTMENT LOSSES.—For purposes of this subparagraph—

“(I) IN GENERAL.—Net investment losses shall be determined in the manner prescribed by the Secretary of the Treasury on the basis of the difference between actual and expected returns (including any difference attributable to any criminally fraudulent investment arrangement).

“(II) CRIMINALLY FRAUDULENT INVESTMENT ARRANGEMENTS.—The determination as to whether an arrangement is a criminally fraudulent investment arrangement shall be made under rules substantially similar to the rules prescribed by the Secretary of the Treasury for purposes of section 165 of the Internal Revenue Code of 1986.

“(B) EXPANDED SMOOTHING PERIOD.—

“(i) IN GENERAL.—A multiemployer plan with respect to which the solvency test under subparagraph (C) is met may change its asset valuation method in a manner which—

“(I) spreads the difference between expected and actual returns for either or both of the first 2 plan years ending after August 31, 2008, over a period of not more than 10 years,

“(II) provides that for either or both of the first 2 plan years beginning after August 31, 2008, the value of plan assets at any time shall not be less than 80 percent or greater than 130 percent of the fair market value of such assets at such time, or

“(III) makes both changes described in subclauses (I) and (II) to such method.

“(ii) ASSET VALUATION METHODS.—If this subparagraph applies for any plan year—

“(I) the Secretary of the Treasury shall not treat the asset valuation method of the plan as unreasonable solely because of the changes in such method described in clause (i), and

“(II) such changes shall be deemed approved by such Secretary under section 302(d)(1) and section 412(d)(1) of such Code.

“(iii) AMORTIZATION OF REDUCTION IN UNFUNDED ACCRUED LIABILITY.—If this subparagraph and subparagraph (A) both apply for any plan year, the plan shall treat any reduction in unfunded accrued liability resulting from the application of this subparagraph as a separate experience amortization base, to be amortized in equal annual installments (until fully amortized) over a period of 30 plan years rather than the period such liability would otherwise be amortized over.

“(C) SOLVENCY TEST.—The solvency test under this paragraph is met only if the plan actuary certifies that the plan is projected to have sufficient assets to timely pay expected benefits and anticipated expenditures over the amortization period, taking into account the changes in the funding standard account under this paragraph.

“(D) RESTRICTION ON BENEFIT INCREASES.—If subparagraph (A) or (B) apply to a multiemployer plan for any plan year, then, in addition to any other applicable restrictions on benefit increases, a plan amendment increasing benefits may not go into effect during either of the 2 plan years immediately following such plan year unless—

“(i) the plan actuary certifies that—

“(I) any such increase is paid for out of additional contributions not allocated to the plan immediately before the application of this paragraph to the plan, and

“(II) the plan's funded percentage and projected credit balances for such 2 plan years are reasonably expected to be at least as high as such percentage and balances would have been if the benefit increase had not been adopted, or

“(ii) the amendment is required as a condition of qualification under part I of subchapter D of chapter 1 of the Internal Revenue Code of 1986 or to comply with other applicable law.

“(E) REPORTING.—A plan sponsor of a plan to which this paragraph applies shall—

“(i) give notice of such application to participants and beneficiaries of the plan, and

“(ii) inform the Pension Benefit Guaranty Corporation of such application in such form and manner as the Director of the Pension Benefit Guaranty Corporation may prescribe.”

(2) AMENDMENT TO INTERNAL REVENUE CODE OF 1986.—Section 431(b) is amended by adding at the end the following new paragraph:

“(8) SPECIAL RELIEF RULES.—Notwithstanding any other provision of this subsection—

“(A) AMORTIZATION OF NET INVESTMENT LOSSES.—

“(i) IN GENERAL.—A multiemployer plan with respect to which the solvency test under subparagraph (C) is met may treat the portion of any experience loss or gain attributable to net investment losses incurred in either or both of the first two plan years ending after August 31, 2008, as an item separate from other experience losses, to be amortized in equal annual installments (until fully amortized) over the period—

“(I) beginning with the plan year in which such portion is first recognized in the actuarial value of assets, and

“(II) ending with the last plan year in the 30-plan year period beginning with the plan year in which such net investment loss was incurred.

“(ii) COORDINATION WITH EXTENSIONS.—If this subparagraph applies for any plan year—

“(I) no extension of the amortization period under clause (i) shall be allowed under subsection (d), and

“(II) if an extension was granted under subsection (d) for any plan year before the election to have this subparagraph apply to the plan year, such extension shall not result in such amortization period exceeding 30 years.

“(iii) NET INVESTMENT LOSSES.—For purposes of this subparagraph—

“(I) IN GENERAL.—Net investment losses shall be determined in the manner prescribed by the Secretary on the basis of the difference between actual and expected returns (including any difference attributable to any criminally fraudulent investment arrangement).

“(II) CRIMINALLY FRAUDULENT INVESTMENT ARRANGEMENTS.—The determination as to whether an arrangement is a criminally fraudulent investment arrangement shall be made under rules substantially similar to the rules prescribed by the Secretary for purposes of section 165.

“(B) EXPANDED SMOOTHING PERIOD.—

“(i) IN GENERAL.—A multiemployer plan with respect to which the solvency test under subparagraph (C) is met may change its asset valuation method in a manner which—

“(I) spreads the difference between expected and actual returns for either or both

of the first 2 plan years ending after August 31, 2008, over a period of not more than 10 years,

“(II) provides that for either or both of the first 2 plan years beginning after August 31, 2008, the value of plan assets at any time shall not be less than 80 percent or greater than 130 percent of the fair market value of such assets at such time, or

“(III) makes both changes described in subclauses (I) and (II) to such method.

“(ii) ASSET VALUATION METHODS.—If this subparagraph applies for any plan year—

“(I) the Secretary shall not treat the asset valuation method of the plan as unreasonable solely because of the changes in such method described in clause (i), and

“(II) such changes shall be deemed approved by the Secretary under section 302(d)(1) of the Employee Retirement Income Security Act of 1974 and section 412(d)(1).

“(iii) AMORTIZATION OF REDUCTION IN UNFUNDED ACCRUED LIABILITY.—If this subparagraph and subparagraph (A) both apply for any plan year, the plan shall treat any reduction in unfunded accrued liability resulting from the application of this subparagraph as a separate experience amortization base, to be amortized in equal annual installments (until fully amortized) over a period of 30 plan years rather than the period such liability would otherwise be amortized over.

“(C) SOLVENCY TEST.—The solvency test under this paragraph is met only if the plan actuary certifies that the plan is projected to have sufficient assets to timely pay expected benefits and anticipated expenditures over the amortization period, taking into account the changes in the funding standard account under this paragraph.

“(D) RESTRICTION ON BENEFIT INCREASES.—If subparagraph (A) or (B) apply to a multiemployer plan for any plan year, then, in addition to any other applicable restrictions on benefit increases, a plan amendment increasing benefits may not go into effect during either of the 2 plan years immediately following such plan year unless—

“(i) the plan actuary certifies that—

“(I) any such increase is paid for out of additional contributions not allocated to the plan immediately before the application of this paragraph to the plan, and

“(II) the plan's funded percentage and projected credit balances for such 2 plan years are reasonably expected to be at least as high as such percentage and balances would have been if the benefit increase had not been adopted, or

“(ii) the amendment is required as a condition of qualification under part I of subchapter D or to comply with other applicable law.

“(E) REPORTING.—A plan sponsor of a plan to which this paragraph applies shall—

“(i) give notice of such application to participants and beneficiaries of the plan, and

“(ii) inform the Pension Benefit Guaranty Corporation of such application in such form and manner as the Director of the Pension Benefit Guaranty Corporation may prescribe.”

(b) EFFECTIVE DATES.—

(1) IN GENERAL.—The amendments made by this section shall take effect as of the first day of the first plan year ending after August 31, 2008, except that any election a plan makes pursuant to this section that affects the plan's funding standard account for the first plan year beginning after August 31, 2008, shall be disregarded for purposes of applying the provisions of section 305 of the Employee Retirement Income Security Act of 1974 and section 432 of the Internal Revenue Code of 1986 to such plan year.

(2) RESTRICTIONS ON BENEFIT INCREASES.—Notwithstanding paragraph (1), the restrictions on plan amendments increasing benefits in sections 304(b)(8)(D) of such Act and 431(b)(8)(D) of such Code, as added by this section, shall take effect on the date of enactment of this Act.

Subtitle C—Discretionary Spending

SEC. 231. PURPOSE.

The purpose of this subtitle is to offset spending in this Act with discretionary spending.

SEC. 232. PAYMENTS TO DECEASED INDIVIDUALS AND ESTATES.

(a) IN GENERAL.—Notwithstanding any other provision of law, the Secretary of Agriculture shall not provide to any deceased individual or estate of such an individual any agricultural payment under Public Law 110-246, or any law amended by this law, after the date that is 1 program year (as determined by the Secretary with respect to the applicable payment program) after the date of death of the individual.

(b) REPORT.—As soon as practicable after the date of enactment of this Act, and annually thereafter, the Secretary of Agriculture shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate, and post on the website of the Department of Agriculture, a report that describes, for the period covered by the report—

(1) the number and aggregate amount of agricultural payments described in subsection (a) provided to deceased individuals and estates of deceased individuals; and

(2) for each such payment, the length of time the estate of the deceased individual that received the payment has been open.

SEC. 233. RESCINDING 9-YEAR OLD UNUSED EARMARKS.

(a) DEFINITION.—In this section, the term “earmark” means the following:

(1) A congressionally directed spending item, as defined in Rule XLIV of the Standing Rules of the Senate.

(2) A congressional earmark, as defined for purposes of Rule XXI of the Rules of the House of Representatives.

(b) RESCISSION.—Any earmark of funds provided for any Federal agency with more than 90 percent of the appropriated amount remaining available for obligation at the end of the 9th fiscal year following the fiscal year in which the earmark was made available is rescinded effective at the end of that 9th fiscal year, except that the agency head may delay any such rescission if the agency head determines that an additional obligation of the earmark is likely to occur during the following 12-month period.

(c) IDENTIFICATION AND REPORT.—

(1) AGENCY IDENTIFICATION.—Each Federal agency shall identify and report every project that is an earmark with an unobligated balance at the end of each fiscal year to the Director of OMB.

(2) ANNUAL REPORT.—The Director of OMB shall submit to Congress and publically post on the website of OMB an annual report that includes—

(A) a listing and accounting for earmarks with unobligated balances summarized by agency including the amount of the original earmark, amount of the unobligated balance, and the year when the funding expires, if applicable;

(B) the number of rescissions resulting from this section and the annual savings resulting from this section for the previous fiscal year; and

(C) a listing and accounting for earmarks provided for Federal agencies scheduled to be

rescinded at the end of the current fiscal year.

SEC. 234. OVER-THE-ROAD BUS SECURITY ASSISTANCE (PRESIDENTIAL TERMINATION).

(a) IN GENERAL.—Section 1532 of the Implementing Recommendations of the 9/11 Commission Act of 2007 (6 U.S.C. 1182) is repealed.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—The Implementing Recommendations of the 9/11 Commission Act of 2007 (Public Law 110-53; 121 Stat. 266) is amended—

(1) in the table of contents in section 1(b), by striking the item relating to section 1532;

(2) by redesignating sections 1533 through 1542 as sections 1532 through 1541, respectively;

(3) in section 1531(e)(1)(E), by striking “section 1534” and inserting “section 1533”; and

(4) in section 1534(c)(4) (6 U.S.C. 1185(c)(4)), as so redesignated, by striking “and eligible recipients under section 1532”.

(c) APPLICABILITY.—Notwithstanding the amendment made by subsection (a), any grant made under section 1532 of the Implementing Recommendations of the 9/11 Commission Act of 2007 (6 U.S.C. 1532) before the date of enactment of this Act shall remain in effect under the terms and for the duration of the grant.

SEC. 235. RESOURCE CONSERVATION AND DEVELOPMENT (PRESIDENTIAL TERMINATION).

Subtitle H of title XV of the Agriculture and Food Act of 1981 (16 U.S.C. 3451 et seq.) is repealed.

SEC. 236. BROWNFIELDS REVITALIZATION FUNDING (PRESIDENTIAL TERMINATION).

Section 104 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9604) is amended by striking subsection (k).

SEC. 237. ENVIRONMENTAL INFRASTRUCTURE CONSTRUCTION PROJECTS (PRESIDENTIAL TERMINATION).

The Water Resources Development Act of 2007 (Public Law 110-114) is amended by repealing the following sections:

(1) Section 5039 (121 Stat. 1206).

(2) Section 5061 (121 Stat. 1215).

(3) Section 5065 (121 Stat. 1217).

(4) Section 5082 (121 Stat. 1226).

(5) Section 5085 (121 Stat. 1228).

SEC. 238. CAPITAL GRANTS FOR RAIL LINE RELOCATION PROJECTS (PRESIDENTIAL TERMINATION).

Section 20154 of title 49, United States Code, is repealed.

SEC. 239. RESCISSIONS FROM THE DEPARTMENT OF COMMERCE (HOUSE PASSED).

There are rescinded \$111,500,000 from the Department of Commerce under the heading “NATIONAL TELECOMMUNICATIONS AND INFORMATION ADMINISTRATION”, under the subheading “DIGITAL-TO-ANALOG CONVERTER BOX PROGRAM” to be derived from unobligated balances made available under this heading in title II of division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111-5; 123 Stat. 128).

SEC. 240. RESCISSIONS FROM THE DEPARTMENT OF TRANSPORTATION (HOUSE PASSED).

There are rescinded \$44,000,000 from the Department of Transportation under the heading “NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION”, under the subheading “CONSUMER ASSISTANCE TO RECYCLE AND SAVE PROGRAM” to be derived from unobligated balances made available in title XIII of Public Law 111-32 and in Public Law 111-47.

SEC. 241. RESCISSIONS FROM THE FOOD AND NUTRITION SERVICE OF THE DEPARTMENT OF AGRICULTURE (HOUSE PASSED).

There are rescinded \$361,825,000 from the Department of Agriculture under the heading “FOOD AND NUTRITION SERVICE”, under the subheading “SPECIAL SUPPLEMENTAL NUTRITION PROGRAM FOR WOMEN, INFANTS, AND CHILDREN (WIC)” to be derived from unobligated balances available from amounts placed in reserve in title I of division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111-5; 123 Stat. 115).

SEC. 242. RESCISSION FROM THE RURAL DEVELOPMENT PROGRAM OF THE DEPARTMENT OF AGRICULTURE (HOUSE PASSED).

There are rescinded \$102,675,000 from the Department of Agriculture under the heading “RURAL DEVELOPMENT PROGRAMS” to be derived from the unobligated balances of funds that were provided for such accounts in prior appropriation Acts (other than Public Law 111-5) and that were designated by the Congress in such Acts as an emergency requirement pursuant to a concurrent resolution on the budget or the Balanced Budget and Emergency Deficit Control Act of 1985.

SEC. 243. DISPOSAL OF \$4 BILLION WORTH OF EXCESS, SURPLUS, UNDERPERFORMING, AND UNNEEDED FEDERAL PROPERTY.

(a) IN GENERAL.—The Director of the Office of Management and Budget, in consultation with the heads of executive agencies, before FY 2011, shall dispose of up to \$4,000,000,000 in real property that is—

(1) a parcel of real property under the administrative jurisdiction of the Federal Government that is—

(A) excess;

(B) surplus;

(C) underperforming; or

(D) otherwise not meeting the needs of the Federal Government, as determined by the Director; and

(2) a building or other structure located on real property described under paragraph (1).

(b) EXCLUSION.—The disposal of real property under this section excludes any parcel of real property or building or other structure located on such real property that is to be closed or realigned under the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2687 note).

(c) REPORTS.—The Director shall provide an itemized report to Congress of the real property disposed of, including the savings and revenues resulting from such disposals and the reasons each property was chosen and how it was disposed.

SEC. 244. ELIMINATION OF EXCESSIVE ADMINISTRATION AND WASTEFUL SPENDING, AND CONSOLIDATION OF DUPLICATIVE PROGRAMS, AT THE DEPARTMENT OF LABOR AND OTHER FEDERAL AGENCIES.

(a) IN GENERAL.—Notwithstanding any other provision of Federal law, the Secretary of Labor and the heads of other Federal agencies shall consolidate all job training and employment programs carried out through the Department of Labor or any of those Federal agencies. In carrying out the consolidated programs, the Secretary of Labor shall reduce the cost of administering such programs.

(b) DEFINITIONS.—In this section:

(1) FEDERAL AGENCY.—The term “Federal agency” includes the Department of Veterans Affairs, the Department of Education, the Department of Health and Human Services, the Department of Housing and Urban

Development, the Department of Commerce, the Department of Homeland Security, and the Department of the Interior.

(2) **JOB TRAINING AND EMPLOYMENT PROGRAM.**—The term “job training and employment program” includes the programs carried out under subtitle B of title I, section 167, and section 173A, of the Workforce Investment Act of 1998 (42 U.S.C. 2811 et seq., 2912, and 2918a).

SEC. 245. REPORT ON FUNDING FOR EXCESSIVE ADMINISTRATION, WASTEFUL PROJECTS, OR DUPLICATIVE PROJECTS AT THE DEPARTMENT OF LABOR AND OTHER FEDERAL AGENCIES.

(a) **PURPOSE.**—The purpose of this section is to identify accounts from which funds could be rescinded, to assist in offset the costs of labor spending programs such as unemployment insurance programs with a specific focus on the Department of Labor.

(b) **STUDY.**—The Secretary of Labor and the head of every other Federal agency shall conduct a study in which the head of the agency identifies—

(1) each account of the agency that the head estimates will have unobligated funds at the end of the program year ending after the date of enactment of this Act, and the amount of the unobligated funds estimated for each such account; and

(2) each account of the agency that the head determines is overfunded (due to funding for excessive administration, wasteful projects, or duplicative projects), and the amount of the overfunding for each such account.

(c) **REPORT.**—Not later than 30 days after the date of enactment of this Act, the head of each Federal agency shall submit to Congress a report containing the results of the study, and make the report publicly available on the Web site of the agency.

NOTICES OF HEARINGS

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Senate Committee on Energy and Natural Resources. The hearing will be held on Tuesday, April 27, 2010, at 10 a.m., in room SD-366 of the Dirksen Senate Office Building.

The purpose of the hearing is to consider the nominations of Philip D. Moeller and Cheryl A. LaFleur, to be Members of the Federal Energy Regulatory Commission.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record may do so by sending it to the Committee on Energy and Natural Resources, United States Senate, Washington, D.C. 20510-6150, or by e-mail to Amanda_kelly@energy.senate.gov.

For further information, please contact Sam Fowler or Amanda Kelly.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public

that a hearing has been scheduled before the Subcommittee on Public Lands and Forests. The hearing will be held on Wednesday, April 28, 2010, at 2:30 p.m., in room SD-366 of the Dirksen Senate Office Building.

The purpose of the hearing is to receive testimony on the following bills:

S. 1241, to amend Public Law 106-206 to direct the Secretary of the Interior and the Secretary of Agriculture to require annual permits and assess annual fees for commercial filming activities on Federal land for film crews of 5 persons or fewer;

S. 1571 and H.R. 1043, to provide for a land exchange involving certain National Forest System land in the Mendocino National Forest in the State of California, and for other purposes;

S. 2762, to designate certain lands in San Miguel, Ouray, and San Juan Counties, Colorado, as wilderness, and for other purposes;

S. 3075, to withdraw certain Federal land and interests in that land from location, entry, and patent under the mining laws and disposition under the mineral and geothermal leasing laws;

S. 3185, to require the Secretary of the Interior to convey certain Federal land to Elko County, Nevada, and to take land into trust for the Te-moak Tribe of Western Shoshone Indians of Nevada, and for other purposes; and

H.R. 86, to eliminate an unused light-house reservation, provide management consistency by incorporating the rocks and small islands along the coast of Orange County, California, into the California Coastal National Monument managed by the Bureau of Land Management, and meet the original Congressional intent of preserving Orange County's rocks and small islands, and for other purposes.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send it to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510-6150, or by e-mail to allison_seyferth@energy.senate.gov.

For further information, please contact David Brooks or Allison Seyferth.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. WARNER. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on April 14, 2010, at 10:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. WARNER. Mr. President, I ask unanimous consent that the Com-

mittee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on April 14, 2010, at 2:30 p.m., in room 253 of the Russell Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. WARNER. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet during the session of the Senate on April 14, 2010, at 10 a.m. in room 406 of the Dirksen Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. WARNER. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on April 14, 2010, at 10 a.m., in room 215 of the Dirksen Senate Office Building, to conduct a hearing entitled “Using Unemployment Insurance to Help Americans Get Back to Work: Creating Opportunities and Overcoming Challenges.”

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. WARNER. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate, on April 14, 2010, at 9:30 a.m., in room SD-226 of the Dirksen Senate Office Building, to conduct a hearing entitled “Oversight of the Department of Justice.”

The PRESIDING OFFICER. Without objection, it is so ordered.

EUROPEAN AFFAIRS SUBCOMMITTEE

Mr. WARNER. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on April 14, 2010, at 2:40 p.m., to hold a European Affairs subcommittee hearing entitled “Unfinished Business in Southeast Europe.”

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON OVERSIGHT OF GOVERNMENT MANAGEMENT, THE FEDERAL WORKFORCE, AND THE DISTRICT OF COLUMBIA

Mr. WARNER. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs' Subcommittee on Oversight of Government Management, the Federal Workforce, and the District of Columbia be authorized to meet during the session of the Senate on April 14, 2010, at 2:30 p.m. to conduct a hearing entitled “Deployed Federal Civilians: Advancing Security and Opportunity in Afghanistan.”

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON READINESS AND
MANAGEMENT SUPPORT

Mr. WARNER. Mr. President, I ask unanimous consent that the Subcommittee on Readiness and Management support of the Committee on Armed Services be authorized to meet during the session of the Senate on April 14, 2010, at 2:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON STRATEGIC FORCES

Mr. WARNER. Mr. President, I ask unanimous consent that the Subcommittee on Strategic Forces of the Committee on Armed Services be authorized to meet during the session of the Senate on April 14, 2010, at 2:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. BAUCUS. Mr. President, I ask unanimous consent that the following staff be allowed floor privileges during the consideration of the pending bill: Randy Aussenberg, Claire Green, and Dustin Stevens.

The PRESIDING OFFICER. Without objection, it is so ordered.

NATIONAL CONGENITAL DIA-
PHRAGMATIC HERNIA AWARE-
NESS DAY

Mr. CASEY. I ask unanimous consent that the Judiciary Committee be discharged from further consideration, and the Senate now proceed to S. Res. 204.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 204) designating March 31, 2010, as "National Congenital Diaphragmatic Hernia Awareness Day."

There being no objection, the Senate proceeded to consider the resolution.

Mr. CASEY. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 204) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 204

Whereas the congenital diaphragmatic hernia birth defect is one of the most prevalent, life-threatening birth defects in the United States;

Whereas the congenital diaphragmatic hernia birth defect is a severe, often deadly birth defect that has a devastating impact, in both human and economic terms, affecting equally people of all races, sexes, nationalities, geographic locations, and income levels;

Whereas the congenital diaphragmatic hernia birth defect occurs in 1 in every 2,000 live

births in the United States and accounts for 8 percent of all major congenital anomalies;

Whereas, in 2004, there were approximately 4,115,590 live births in the United States, and in approximately 1,800 of those live births, the congenital diaphragmatic hernia birth defect occurred, causing countless additional friends, loved ones, spouses, and caregivers to shoulder the physical, emotional, and financial burdens the congenital diaphragmatic hernia birth defect causes;

Whereas there is no genetic indicator or any other indicator available to predict the occurrence of the congenital diaphragmatic hernia birth defect, other than through the performance of an ultrasound during pregnancy;

Whereas there is no consistent treatment or cure for the congenital diaphragmatic hernia birth defect;

Whereas the congenital diaphragmatic hernia birth defect is a leading cause of neonatal death in the United States;

Whereas 50 percent of the patients who do survive the congenital diaphragmatic hernia birth defect have residual health issues, resulting in a severe strain on pediatric medical resources and on the delivery of health care services in the United States;

Whereas proactive diagnosis and the appropriate management and care of fetuses afflicted with the congenital diaphragmatic hernia birth defect minimize the incidence of emergency situations resulting from the birth defect and dramatically improve survival rates among people with the birth defect;

Whereas neonatal medical care is one of the most expensive types of medical care provided in the United States and patients with the congenital diaphragmatic hernia birth defect stay in intensive care for approximately 60 to 90 days, costing millions of dollars, utilizing blood from local blood banks, and requiring the most technically advanced medical care;

Whereas the congenital diaphragmatic hernia birth defect is a birth defect that causes damage to the lungs and the cardiovascular system;

Whereas patients with the congenital diaphragmatic hernia birth defect may have long-term health issues such as respiratory insufficiency, gastroesophageal reflux, poor growth, neurodevelopmental delay, behavior problems, hearing loss, hernia recurrence, and orthopedic deformities;

Whereas the severity of the symptoms and outcomes of the congenital diaphragmatic hernia birth defect and the limited public awareness of the birth defect cause many patients to receive substandard care, to forego regular visits to physicians, and not to receive good health or therapeutic management that would help avoid serious complications in the future, compromising the quality of life of those patients;

Whereas people suffering from chronic, life-threatening diseases and birth defects, similar to the congenital diaphragmatic hernia birth defect, and family members of those people are predisposed to depression and the resulting consequences of depression because of anxiety over the possible pain, suffering, and premature death that people with such diseases and birth defects may face;

Whereas the Senate and taxpayers of the United States want treatments and cures for disease and hope to see results from investments in research conducted by the National Institutes of Health and from initiatives such as the National Institutes of Health Roadmap to the Future;

Whereas the congenital diaphragmatic hernia birth defect is an example of how collaboration, technological innovation, scientific momentum, and public-private partnerships can generate therapeutic interventions that directly benefit the people and families suffering from the congenital diaphragmatic hernia birth defect;

Whereas collaboration, technological innovation, scientific momentum, and public-private partnerships can save billions of Federal dollars under Medicare, Medicaid, and other programs for therapies, and early intervention will increase survival rates among people suffering from the congenital diaphragmatic hernia birth defect;

Whereas improvements in diagnostic technology, the expansion of scientific knowledge, and better management of care for patients with the congenital diaphragmatic hernia birth defect already have increased survival rates in some cases;

Whereas there is still a need for more research and increased awareness of the congenital diaphragmatic hernia birth defect and for an increase in funding for that research in order to provide a better quality of life to survivors of the congenital diaphragmatic hernia birth defect, and more optimism for the families and health care professionals who work with children with the birth defect;

Whereas there are thousands of volunteers nationwide dedicated to expanding research, fostering public awareness and understanding, educating patients and their families about the congenital diaphragmatic hernia birth defect to improve their treatment and care, providing appropriate moral support, and encouraging people to become organ donors; and

Whereas volunteers engage in an annual national awareness event held on March 31, making that day an appropriate time to recognize National Congenital Diaphragmatic Hernia Awareness Day: Now, therefore, be it

Resolved, That the Senate—

(1) designates March 31, 2010, as "National Congenital Diaphragmatic Hernia Awareness Day";

(2) supports the goals and ideals of a national day to raise public awareness and understanding of the congenital diaphragmatic hernia birth defect;

(3) recognizes the need for additional research into a cure for the congenital diaphragmatic hernia birth defect; and

(4) encourages the people of the United States and interested groups to support National Congenital Diaphragmatic Hernia Awareness Day through appropriate ceremonies and activities, to promote public awareness of the congenital diaphragmatic hernia birth defect, and to foster understanding of the impact of the disease on patients and their families.

HONORING BLACKSTONE VALLEY
TOURISM COUNCIL

Mr. CASEY. I ask unanimous consent that the Judiciary Committee be discharged from further consideration of S. Res. 468, and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 468) honoring the Blackstone Valley Tourism Council on the celebration of its 25th anniversary.

There being no objection, the Senate proceeded to consider the resolution.

Mr. CASEY. I ask unanimous consent the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and any statements related to the resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 468) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 468

Whereas, on April 8, 2010, the Blackstone Valley Tourism Council will celebrate the 25th anniversary of its founding;

Whereas, since 1985, the Blackstone Valley Tourism Council has been at the forefront of sustainable destination development, community building, resiliency, education, and scholarly research;

Whereas the Blackstone Valley Tourism Council is a non-profit corporation registered as a 501(c)(3) educational organization and is authorized under Section 42-63.1-5 of the Rhode Island General Laws as the State-designated regional tourism development agency for the Blackstone Valley of Rhode Island;

Whereas the development region of the Blackstone Valley Tourism Council follows the length and width of the Blackstone River Watershed, from the many tributaries in southern Massachusetts, to the end of the river at the headwaters of the Narragansett Bay in Rhode Island;

Whereas the Blackstone Valley Tourism Council represents the Rhode Island cities of Pawtucket, Central Falls, and Woonsocket, and towns of Cumberland, Lincoln, North Smithfield, Smithfield, Glocester, and Burrillville;

Whereas the Blackstone Valley is the birthplace of the American Industrial Revolution that began in 1790 in Pawtucket, Rhode Island, when Samuel Slater began textile manufacturing in a wooden mill on the banks of the Blackstone River;

Whereas, since its beginning, the Blackstone Valley Tourism Council has worked to develop, promote, and expand the economic and community development base for the cities and towns in the Blackstone Valley to create a viable visitor and cultural destination that preserves the historic heritage of the region;

Whereas the Blackstone Valley Tourism Council works as an interpreter and educator of the history and ecology of the Blackstone River, initiates ongoing international relationships of major importance to the region, provides input on future riverfront and economic development, and develops various recreational activities;

Whereas the work that the Blackstone Valley Tourism Council accomplishes benefits from its partnerships with local social and community development organizations, municipalities, regional and State economic development organizations, educational institutions, and National and international entities;

Whereas the Blackstone Valley Tourism Council was the first recipient of the Ulysses Prize from the United Nations World Tourism Organization (UNWTO) that merits distinction for innovative contributions to tourism policy, sustainable tourism plan-

ning, environmental protection and new technologies, and in 2006, the Council received the UNWTO Sbest Certification in tourism governance, the only organization in the United States to earn this certification; and

Whereas, in 2008, the World Travel and Tourism Council (WTTC) recognized the Blackstone Valley Tourism Council with its Tourism for Tomorrow Destination Award, a prestigious sustainable tourism development award, in recognition of the integrated, community-centered, resilient approach of the Council to tourism development and community building: Now, therefore, be it

Resolved, That the Senate—

(1) honors the Blackstone Valley Tourism Council on the celebration of its 25th anniversary; and

(2) wishes the Council continued success.

NATIONAL 9-1-1 EDUCATION MONTH

Mr. CASEY. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 482 submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 482) designating April 2010 as “National 9-1-1 Education Month.”

There being no objection, the Senate proceeded to consider the resolution.

Mr. CASEY. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and any statements related to the resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 482) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 482

Whereas 9-1-1 is nationally recognized as the number to call in an emergency to receive immediate help from police, fire, emergency medical services, or other appropriate emergency response entities;

Whereas in 1967, the President's Commission on Law Enforcement and Administration of Justice recommended that a “single number should be established” nationwide for reporting emergency situations, and other Federal Government agencies and various governmental officials also supported and encouraged the recommendation;

Whereas in 1968, the American Telephone and Telegraph Company (AT&T) announced that it would establish the digits 9-1-1 as the emergency code throughout the United States;

Whereas 9-1-1 was designated by Congress as the national emergency call number under the Wireless Communications and Public Safety Act of 1999 (Public Law 106-81; 113 Stat. 1286);

Whereas section 102 of the ENHANCE 911 Act of 2004 (47 U.S.C. 942 note) declared an

enhanced 9-1-1 system to be “a high national priority” and part of “our Nation's homeland security and public safety”;

Whereas it is important that policy makers at all levels of government understand the importance of 9-1-1, how the system works today, and the steps that are needed to modernize the 9-1-1 system;

Whereas the 9-1-1 system is the connection between the eyes and ears of the public and the emergency response system in the United States and is often the first place emergencies of all magnitudes are reported, making 9-1-1 a significant homeland security asset;

Whereas more than 6,000 9-1-1 public safety answering points serve more than 3,000 counties and parishes throughout the United States;

Whereas dispatchers at public safety answering points answer more than 200,000,000 9-1-1 calls each year in the United States;

Whereas a growing number of 9-1-1 calls are made using wireless and Internet Protocol-based communications services;

Whereas a growing segment of the population, including the deaf, hard of hearing, deaf-blind, and individuals with speech disabilities are increasingly communicating with nontraditional text, video, and instant messaging communications services and expect those services to be able to connect directly to 9-1-1;

Whereas the growth and variety of means of communication, including mobile and Internet Protocol-based systems, impose challenges for accessing 9-1-1 and implementing an enhanced 9-1-1 system and require increased education and awareness about the capabilities of different means of communication;

Whereas numerous other N-1-1 and 800 number services exist for nonemergency situations, including 2-1-1, 3-1-1, 5-1-1, 7-1-1, 8-1-1, poison control centers, and mental health hotlines, and the public needs to be educated on when to use those services in addition to or instead of 9-1-1;

Whereas international visitors and immigrants make up an increasing percentage of the United States population each year, and visitors and immigrants may have limited knowledge of our emergency calling system;

Whereas people of all ages use 9-1-1 and it is critical to educate those people on the proper use of 9-1-1;

Whereas senior citizens are at high risk for needing to access to 9-1-1 and many senior citizens are learning to use new technology;

Whereas thousands of 9-1-1 calls are made every year by children properly trained in the use of 9-1-1, which saves lives and underscores the critical importance of training children early in life about 9-1-1;

Whereas the 9-1-1 system is often misused, including by the placement of prank and nonemergency calls;

Whereas misuse of the 9-1-1 system results in costly and inefficient use of 9-1-1 and emergency response resources and needs to be reduced;

Whereas parents, teachers, and all other caregivers need to play an active role in 9-1-1 education for children, but will do so only after being first educated themselves;

Whereas there are many avenues for 9-1-1 public education, including safety fairs, school presentations, libraries, churches, businesses, public safety answering point tours or open houses, civic organizations, and senior citizen centers;

Whereas children, parents, teachers, and the National Parent Teacher Association contribute importantly to the education of

children about the importance of 9-1-1 through targeted outreach efforts to public and private school systems;

Whereas we as a Nation should strive to host at least 1 educational event regarding the proper use of 9-1-1 in every school in the country every year;

Whereas programs to promote proper use of 9-1-1 during National 9-1-1 Education Month could include—

(1) public awareness events, including conferences and media outreach, training activities for parents, teachers, school administrators, other caregivers and businesses;

(2) educational events in schools and other appropriate venues; and

(3) production and distribution of information about the 9-1-1 system designed to educate people of all ages on the importance and proper use of 9-1-1; and

Whereas the people of the United States deserve the best education regarding the use of 9-1-1: Now, therefore, be it

Resolved, That the Senate—

(1) designates April 2010 as “National 9-1-1 Education Month”; and

(2) urges Government officials, parents, teachers, school administrators, caregivers, businesses, nonprofit organizations, and the people of the United States to observe the month with appropriate ceremonies, training events, and activities.

ORDERS FOR THURSDAY, APRIL 15, 2010

Mr. CASEY. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m., Thursday, April 15; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate proceed to a period of morning business for 1 hour, with Senators permitted to speak therein for up to 10 minutes each, with the majority controlling the first 30 minutes and the Republicans controlling the final 30 minutes; that following morning business, the Senate resume consideration of H.R. 4851, the Continuing Extension Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. CASEY. Mr. President, rollcall votes are expected to occur throughout the day in an effort to complete action on the bill. As a reminder, cloture motions were filed on the substitute and the bill. The filing deadline for first-degree amendments is 1 p.m. If we are unable to complete the bill tomorrow, we will have a cloture vote on the substitute amendment Friday morning.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. CASEY. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it adjourn under the previous order.

There being no objection, the Senate, at 8 p.m., adjourned until Thursday, April 15, 2010, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate:

THE JUDICIARY

EDWARD CARROLL DUMONT, OF THE DISTRICT OF COLUMBIA, TO BE UNITED STATES CIRCUIT JUDGE FOR THE FEDERAL CIRCUIT, VICE PAUL R. MICHEL, RETIRING.

JOHN A. GIBNEY, JR., OF VIRGINIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF VIRGINIA, VICE ROBERT E. PAYNE, RETIRED.

DEPARTMENT OF JUSTICE

DONALD J. CAZAYOUX, JR., OF LOUISIANA, TO BE UNITED STATES ATTORNEY FOR THE MIDDLE DISTRICT OF LOUISIANA FOR THE TERM OF FOUR YEARS, VICE DAVID R. DUGAS.

PAMELA COTHRAN MARSH, OF FLORIDA, TO BE UNITED STATES ATTORNEY FOR THE NORTHERN DISTRICT OF FLORIDA FOR THE TERM OF FOUR YEARS, VICE GREGORY ROBERT MILLER.

ZANE DAVID MEMEGER, OF PENNSYLVANIA, TO BE UNITED STATES ATTORNEY FOR THE EASTERN DISTRICT OF PENNSYLVANIA FOR THE TERM OF FOUR YEARS, VICE PATRICK LEO MEEHAN.

PETER J. SMITH, OF PENNSYLVANIA, TO BE UNITED STATES ATTORNEY FOR THE MIDDLE DISTRICT OF PENNSYLVANIA FOR THE TERM OF FOUR YEARS, VICE THOMAS A. MARINO, RESIGNED.

EDWARD L. STANTON, III, OF TENNESSEE, TO BE UNITED STATES ATTORNEY FOR THE WESTERN DISTRICT OF TENNESSEE FOR THE TERM OF FOUR YEARS, VICE DAVID F. KUSTOFF, RESIGNED.

JOHN F. WALSH, OF COLORADO, TO BE UNITED STATES ATTORNEY FOR THE DISTRICT OF COLORADO FOR THE TERM OF FOUR YEARS, VICE TROY A. EID, RESIGNED.

STEPHEN R. WIGGINTON, OF ILLINOIS, TO BE UNITED STATES ATTORNEY FOR THE SOUTHERN DISTRICT OF ILLINOIS FOR THE TERM OF FOUR YEARS, VICE RONALD J. TENPAS, RESIGNED.

HENRY LEE WHITEHORN, SR., OF LOUISIANA, TO BE UNITED STATES MARSHAL FOR THE WESTERN DISTRICT OF LOUISIANA FOR THE TERM OF FOUR YEARS, VICE WILLIAM R. WHITTINGTON, RESIGNED.

ARTHUR DARROW BAYLOR, OF ALABAMA, TO BE UNITED STATES MARSHAL FOR THE MIDDLE DISTRICT OF ALABAMA FOR THE TERM OF FOUR YEARS, VICE JESSE SEROYER, JR.

MICHAEL ROBERT BLADEL, OF IOWA, TO BE UNITED STATES MARSHAL FOR THE SOUTHERN DISTRICT OF IOWA FOR THE TERM OF FOUR YEARS, VICE CHARLES E. BEACH, SR.

KEVIN ANTHONY CARR, OF WISCONSIN, TO BE UNITED STATES MARSHAL FOR THE EASTERN DISTRICT OF WISCONSIN FOR THE TERM OF FOUR YEARS, VICE WILLIAM P. KRZUKI, RESIGNED.

DARRYL KEITH MCPHERSON, OF ILLINOIS, TO BE UNITED STATES MARSHAL FOR THE NORTHERN DISTRICT OF ILLINOIS FOR THE TERM OF FOUR YEARS, VICE KIM RICHARD WIDUP.

KEVIN CHARLES HARRISON, OF LOUISIANA, TO BE UNITED STATES MARSHAL FOR THE MIDDLE DISTRICT OF LOUISIANA FOR THE TERM OF FOUR YEARS, VICE WILLIAM CAREY JENKINS, RETIRED.

FOREIGN SERVICE

THE FOLLOWING—NAMED PERSONS OF THE AGENCIES INDICATED FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF THE CLASSES STATED.

FOR APPOINTMENT AS FOREIGN SERVICE OFFICER OF CLASS TWO, CONSULAR OFFICER AND SECRETARY IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA.

DEPARTMENT OF STATE

JUDITH HINSHAW SEMILOTA, OF ILLINOIS

FOR APPOINTMENT AS FOREIGN SERVICE OFFICER OF CLASS THREE, CONSULAR OFFICER AND SECRETARY IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA.

DEPARTMENT OF AGRICULTURE

ELIZABETH A. AUTRY, OF VIRGINIA

MICHAEL G. FRANCOM, OF MARYLAND

CARLOS A. GONZALEZ, OF VIRGINIA

ROBIN H. GRAY, OF VIRGINIA

M. MELINDA MEADOR, OF VIRGINIA

COREY W. J. PICKELSIMER, OF VIRGINIA

VALERIE RALPH, OF VIRGINIA

JORGE SANCHEZ, OF THE DISTRICT OF COLUMBIA

REY S. SANTELLA, OF VIRGINIA

GERALD H. SMITH, OF MARYLAND

KELLY A. STANGE, OF THE DISTRICT OF COLUMBIA

A. ELISABETH WAGNER, OF GEORGIA

FOR APPOINTMENT AS FOREIGN SERVICE OFFICER OF CLASS FOUR, CONSULAR OFFICER AND SECRETARY IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA.

DEPARTMENT OF STATE

EMILIA R. ADAMS, OF TENNESSEE

EMILY CALDWELL ANDERSON, OF NORTH CAROLINA
STEVEN W. ANDERSON, OF NORTH CAROLINA
DAVID E. ARNOLD, OF FLORIDA
QUENTIN R. BARBER, OF INDIANA
OLGA ELENA BASHBUSH, OF VIRGINIA
ALISON WILLIAMS BAUERLEIN, OF THE DISTRICT OF COLUMBIA

STEWART WILLIAM BEITZ, OF SOUTH CAROLINA
MONICA SUE BLAND, OF NEBRASKA
ASHLEY LORRAINE BRADY, OF TEXAS
KYLA LAUREN BROOKE, OF CALIFORNIA
MATTHEW K. BUNT, OF WASHINGTON
TODD V. CHRISTIANSEN, OF FLORIDA
MARISA NICOLE COHRS, OF WASHINGTON
KELLY ANN COHUN, OF VERMONT
ELLEN ANNE COLLIERAN, OF MASSACHUSETTS
BARBARA HERMINIA CORDERO, OF FLORIDA
CYNDEE J. CROOK, OF WASHINGTON
LYN DEBEVOISE, OF CALIFORNIA

ROBERT F. DOYLE III, OF THE DISTRICT OF COLUMBIA
JEFFREY W. DUFFY, OF PENNSYLVANIA
GOTTLIEB JOHANNES DUWAN, OF VIRGINIA
HEATHER JUNE FARRAR, OF MARYLAND
KANISHKA GANGOPADHYAY, OF MARYLAND
MATTHEW J. GARRETT, OF KANSAS
JEFFREY D. GRINGER, OF WASHINGTON
MATTHEW M. HABINOWSKI III, OF NEW HAMPSHIRE
PAMELA JANE HACK, OF NEW HAMPSHIRE
ANDREW HALUS, OF PENNSYLVANIA
SEAN R. HANTAK, OF ILLINOIS

ANN MCCAMISH HARDMAN, OF KENTUCKY
BRYAN RH. HARRISON, OF ILLINOIS
IAN HAYWARD, OF THE DISTRICT OF COLUMBIA
HENRY ALEXANDER HENEGAR III, OF GEORGIA
CHELSIA CHUNSA HETRICK, OF NEW MEXICO
MARILYN J. HOLLERAN, OF FLORIDA
BRANDON ALLEN HUDSPETH, OF TEXAS
LILIANE VERLAGE HUDSPETH, OF TEXAS
BRANDI N. JAMES, OF GEORGIA

GREGORY B. KELLER, OF ARIZONA
ABDUL-RAHMAN KENYATTA, OF FLORIDA
MICHELE ANN KIMPEL GUZMAN, OF CALIFORNIA
DAMON PATRICK KITTERMAN, OF VIRGINIA
SCOTT ERIC KOFMEHL, OF PENNSYLVANIA
JUSTIN LEE KOLBECK, OF CALIFORNIA
ADAM JESSE LENERT, OF TEXAS
AARON I. MARTZ, OF TEXAS
WOSSENYELES MZENGA, OF THE DISTRICT OF COLUMBIA

CAMERON DAVID MCGLOTHLIN, OF NORTH CAROLINA
LUIS F. MENDEZ, OF NEW JERSEY
JOHANNA R. MEREJO, OF NEW JERSEY
LORI J. MICHAELSON, OF THE DISTRICT OF COLUMBIA
ROYA MILLER, OF PENNSYLVANIA
BROOKE SUMMERS MOPPERT, OF FLORIDA
DAVID VAUGHAN MUEHLKE, OF NEW HAMPSHIRE
DAVID R. MYERS, OF THE DISTRICT OF COLUMBIA
CHRISTOPHER MARKLEY NYCE, OF CALIFORNIA
TULA CRUZ ORUM, OF CALIFORNIA
C. DARREN PERDUE, OF VIRGINIA
GREGORY WILLIAM PFLEGER, JR., OF VIRGINIA
SUSAN M. PLOTT, OF TEXAS
BRIANNA ELIZABETH POWERS, OF FLORIDA
ROBYN KATHERINE PRINZ, OF CALIFORNIA
ROBERT ERIC REEVES, OF VIRGINIA
AJ REI-PERRINE, OF WASHINGTON
VICTORIA CHARLOTTE REPERT, OF MASSACHUSETTS
JOHN V. RHATIGAN, OF NEW YORK
KEVIN J. ROSIER, OF LOUISIANA
MELISSA A. SAN MIGUEL, OF CALIFORNIA
AMY CHRISTINE SENNEKE, OF ILLINOIS
EMILY C. SHAFFER, OF VIRGINIA
BRIAN LOYD SHELBOURN, OF TEXAS
SHENOIA LIAN SIMPSON, OF VIRGINIA
ANNE M. SLACK, OF NEW HAMPSHIRE
ESTHER PAN SLOANE, OF VIRGINIA
JOSHUA TEMBLADOR, OF NEW YORK
KAREEM KAY-ANN THORPE, OF NEW YORK
VERONICA TORRES, OF ILLINOIS
PEI J. TSAI, OF WASHINGTON
MICHAEL JOHN WHIPPLE, OF TEXAS
DAVID W. WHITTED, OF GEORGIA
MATTHEW DOUGLAS WHITTON, OF VIRGINIA
ROSALYN NUNEZ WIESE, OF FLORIDA
ANGELINA MARIE WILKINSON, OF FLORIDA
KATHLEEN ANNE YU, OF MARYLAND

THE FOLLOWING—NAMED MEMBERS OF THE FOREIGN SERVICE TO BE CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

DEPARTMENT OF STATE

BENJAMIN J. ABBOTT, OF NEW YORK

VANESSA GRACE ACKER, OF TEXAS

AVERY ALPHA, OF THE DISTRICT OF COLUMBIA

MATTHEW J. ARMSTRONG, OF VIRGINIA

CASSANDRA L. BABILYA, OF VIRGINIA

GOLDEN BAKER, OF THE DISTRICT OF COLUMBIA

MEGAN A. BAKER, OF THE DISTRICT OF COLUMBIA

MORGAN COLLIN BAKER, OF VIRGINIA

BLAKE A. BALCH, OF VIRGINIA

PATRICK BALL, OF TEXAS

WILLIAM BARNA, OF WASHINGTON

SAMUEL M. BARRIENTOS, OF CALIFORNIA

STEVEN JAY BARTLETT, OF VIRGINIA

RICHARD E. BARTON, OF VIRGINIA

ALISON L. BEHLING, OF WEST VIRGINIA

JOSEPH STEPHEN BERNATH, OF THE DISTRICT OF COLUMBIA

ERICK W. BERTRAND, OF VIRGINIA

SOMER BESSIRE-BRIERS, OF VIRGINIA

RICHA SONI BHALA, OF ILLINOIS

ALISSA BIBB, OF VIRGINIA
 D. JAMES BJORKMAN, OF UTAH
 JANE BLAIR, OF THE DISTRICT OF COLUMBIA
 BENJAMIN B. BORAAS, OF VIRGINIA
 STEPHANIE R. BOVEN, OF KENTUCKY
 CYNTHIA BOWER, OF VIRGINIA
 ROYCE MELBERT BRANCH II, OF TEXAS
 ERIC G. BRAY, OF THE DISTRICT OF COLUMBIA
 CHERYL A. BREEDLOVE, OF VIRGINIA
 ALISON SARAH BROWN, OF WASHINGTON
 EDGAR A. BROWN, OF VIRGINIA
 IAN T. BROWN, OF TEXAS
 BARRETT BRYSON, OF CALIFORNIA
 LAUREN KAY BULCHER, OF MARYLAND
 THOMAS P. BURKE, OF THE DISTRICT OF COLUMBIA
 ALFRED JOHN CANIGLIA III, OF IOWA
 DANIEL M. CAPLAN, OF MARYLAND
 DAVID CARBAJAL, OF NEW YORK
 ANGELA K. CARSON, OF THE DISTRICT OF COLUMBIA
 MAUREEN CHAO, OF WASHINGTON
 ANDREW CHAPMAN, OF NORTH CAROLINA
 SAMUEL I. CHERNAWSKY, OF THE DISTRICT OF COLUMBIA
 WILLIAM D. CHRISTEN, OF VIRGINIA
 HAYLEE COHEN, OF VIRGINIA
 CHRISTOPHER COLLINGTON, OF FLORIDA
 JULIE MARIE CONGALTON, OF VIRGINIA
 JOHN W. CROCKER, OF VIRGINIA
 JENNIFER R. CUNNINGHAM, OF THE DISTRICT OF COLUMBIA
 PAUL B. DAVIS, OF CALIFORNIA
 FAUSTO P. DE GUZMAN, OF WASHINGTON
 NATHAN HIROYUKI DEKIEFFER, OF VIRGINIA
 SHAWN J. DILLES, OF VIRGINIA
 NANCY MARY DILLMAN, OF VIRGINIA
 DAISY A. DIX, OF COLORADO
 ANTHONY A. DONADI, OF VIRGINIA
 ADAM RICHARD DONAHUE, OF THE DISTRICT OF COLUMBIA
 GIDEON T. DONOHO, OF THE DISTRICT OF COLUMBIA
 EILEEN DOWE, OF CALIFORNIA
 MICHAEL S. DRUMMOND, OF VIRGINIA
 TIMOTHY J. DUNAWAY, OF FLORIDA
 RICHARD E. DYCKOFF, OF MARYLAND
 ALLISON D. DYESS, OF TEXAS
 HEIDI ELIZABETH HOLZ EATON, OF VIRGINIA
 JESSICA D. EL BECHIR, OF THE DISTRICT OF COLUMBIA
 EMILY C. ELLIOTT, OF THE DISTRICT OF COLUMBIA
 LISA N. EVANS, OF TEXAS
 YAYA J. FANUSIE, OF MARYLAND
 DANIEL DELANEY FILLEBROWN, OF VIRGINIA
 DANIEL F. FREEMAN, OF THE DISTRICT OF COLUMBIA
 CHERYL L. FRIEDLANDER, OF VIRGINIA
 SEAN MARIANO GARCIA, OF FLORIDA
 EMILY H. GRANT, OF MARYLAND
 MANISH GUPTA, OF VIRGINIA
 RENÉ GUTEL, OF ARIZONA
 CRISTINA-ASTRID HANSELL, OF CALIFORNIA
 MATTHEW HARDESTY, OF VIRGINIA
 JEFFREY MICHAEL HARMON, OF VIRGINIA
 EMILY ANNE HARTER, OF THE DISTRICT OF COLUMBIA
 JOHN TRYGVE HAS-ELLISON, OF TEXAS
 DOUGLAS M. HICKEY, OF VIRGINIA
 HENGAMEH V. HODA, OF VIRGINIA
 JONATHAN A. HOLLAND, OF GEORGIA
 BRAESON HOUSE, OF VIRGINIA
 SYLVIA HROCH, OF VIRGINIA
 GUY C. HUGHES, OF VIRGINIA
 CURTIS M. HYATT, OF VIRGINIA
 RACHAEL ANN ISENHART, OF THE DISTRICT OF COLUMBIA
 RYAN M. JANDA, OF MASSACHUSETTS
 DANA JENSEN, OF NEW YORK
 RIAN JENSEN, OF WASHINGTON
 JEREMY JEWETT, OF WISCONSIN
 ANNE DUDTE JOHNSON, OF THE DISTRICT OF COLUMBIA
 COURTNEY L. JONES, OF VIRGINIA
 KELLY OWEN JOSEPHSON, OF VIRGINIA
 TODD JUNGENSEN, OF ILLINOIS
 THEODORE M. KALMBACH, OF VIRGINIA
 JAYNA K. KELLNER, OF PENNSYLVANIA
 JASON MICHAEL KELLY, OF THE DISTRICT OF COLUMBIA
 MAX EDMUND KENDRICK, OF NEW YORK
 ANDREW Z. KERNITSKY, OF VIRGINIA
 SHANA LEE KIERAN, OF MAINE
 JEFFREY E. KING, OF FLORIDA
 CHRISTINA R. KINSELL, OF VIRGINIA
 JEREMY SHANE KINSELL, OF VIRGINIA
 CYNTHIA B. KNUITSEN, OF VIRGINIA
 TODD R. KONKEL, OF VIRGINIA
 DANIELLE J. KORSHAK, OF NEW YORK
 MICHAEL JEROME KRESSE, OF VIRGINIA
 ROBERT EDWARD KRIS, OF NEW YORK
 KAREN ANN KUZIS, OF IDAHO
 JEANNE MAE LAFLEUR, OF VIRGINIA
 JOE D. LAIRD, OF WASHINGTON
 BRANDON A. LANE, OF VIRGINIA
 JASON ERIC LANE, OF VIRGINIA
 ANDREW R. LEDERMAN, OF THE DISTRICT OF COLUMBIA
 JESSICA RUTH LEVY, OF NEW JERSEY
 SONAM LIBERMAN, OF THE DISTRICT OF COLUMBIA
 ELIZABETH LORD, OF VIRGINIA
 CLINTON G. LYONS, OF MARYLAND
 JARRET SCOTT MACDONALD, OF THE DISTRICT OF COLUMBIA
 ALEXANDER C. MACFARLANE, OF PENNSYLVANIA
 BRADLEY COLE MADORA, OF VIRGINIA
 MONA THERESE MARTINEAU, OF THE DISTRICT OF COLUMBIA

RACHEL M. MARTINEZ, OF FLORIDA
 EMMA OLWEN PAMELA MARWOOD, OF NEW YORK
 KRISTIN MASON, OF MARYLAND
 STEVEN DAVID MAYR, OF VIRGINIA
 MATTHEW R. MCALLISTER, OF PENNSYLVANIA
 WILLIAM APPLETON MCCUE, OF MAINE
 MICHAEL MCINERNEY, OF VIRGINIA
 KEVIN W. MCINTYRE, OF VIRGINIA
 SANDIP G. MEHTA, OF THE DISTRICT OF COLUMBIA
 JOHN DAVID MENICHETTI, OF VIRGINIA
 ADAM L. MICHELOW, OF ARIZONA
 ADAM H. MILLER, OF VIRGINIA
 RUSSELL DAVID MILLER, OF THE DISTRICT OF COLUMBIA
 SCOTT M. MILLER, OF TEXAS
 LEONEL GREENE MIRANDA, OF THE DISTRICT OF COLUMBIA
 MICHAEL JOSEPH MOODY, OF KANSAS
 KRISTINE O. MORRISSEY, OF MARYLAND
 KAITLIN D. MUENCH, OF CONNECTICUT
 THOMAS A. MULLIGAN, OF THE DISTRICT OF COLUMBIA
 ORLANDO JUAN NESBITT, OF MARYLAND
 MICHAEL JAMES NEUMANN, OF MARYLAND
 NUALA C. O'DONOHUE, OF VIRGINIA
 PATRICK F. O'NEILL, OF VIRGINIA
 JULIE S. OTTE, OF SOUTH CAROLINA
 MARK L. PADGETT, OF VIRGINIA
 REENA PATEL, OF TEXAS
 STEPHEN P. PAZAN, OF NEW JERSEY
 CRISTINA T. PETRISOR, OF VIRGINIA
 MARCUS TAYLOR PEVERILL, OF THE DISTRICT OF COLUMBIA
 DARIN A. PHAOVISAI, OF ILLINOIS
 GRANT G. PHILLIPP, OF ILLINOIS
 TONE P. PHOSAI, OF VIRGINIA
 BEVERLY R. PICACHE, OF VIRGINIA
 MICHAEL A. POINTER, OF LOUISIANA
 CHRISTOPHER THOMAS POLILLO, OF GEORGIA
 JOSHUA G. PRESSLEY, OF VIRGINIA
 ERIN FRANCINE PRICE, OF VIRGINIA
 AARON DAVID RADER, OF MARYLAND
 LUKE REYNOLDS, OF SOUTH CAROLINA
 RODNEY R. RIEBSAM, OF MARYLAND
 GLORIA P. RIGOR, OF VIRGINIA
 BENJAMIN PATRICK RINAKER, OF NEBRASKA
 KIMBERLY D. ROGERS, OF VIRGINIA
 MACKENZIE LAEL ROWE, OF WASHINGTON
 NOAH D. ROZMAN, OF VIRGINIA
 GIUSEPPE RUGGERI, JR., OF VIRGINIA
 JOSHUA ROBERT RUSHMAN, OF VIRGINIA
 AARON T. RUSSELL, OF VIRGINIA
 SUSAN A. RUSSELL, OF MASSACHUSETTS
 STEVEN CARL SCHARRE, OF THE DISTRICT OF COLUMBIA
 CASEY JAMES SCHMIDT, OF THE DISTRICT OF COLUMBIA
 MAURA L. NELSON SCHRAHEK, OF VIRGINIA
 MELVYN L. SCHRAHEK, OF VIRGINIA
 JEROME L. SHERMAN, OF NEW YORK
 MEGAN C. SHORTBRIDGE, OF VIRGINIA
 OSAMA EDWARD SHWAYHAT, OF THE DISTRICT OF COLUMBIA
 KRISTIN E. SIMERSON, OF VIRGINIA
 GREGORY D. SIMKISS, OF GEORGIA
 DENISE LEE SLIWINSKI, OF FLORIDA
 NATALIE SLOVIKOSKI, OF VIRGINIA
 ANNE THERESE SMEDINGHOFF, OF ILLINOIS
 BENJAMIN J. SMITH, OF ARIZONA
 GERALD M. SMITH, OF VIRGINIA
 LEVI RADMAN SMYLYE, OF NEW YORK
 SARA ELISABETH SNOW, OF MASSACHUSETTS
 NIMET SOYSALAN, OF VIRGINIA
 LANTA V. SPENCER, OF MASSACHUSETTS
 MARISA A. STARK, OF VIRGINIA
 TERIC WILLIAM STATON, OF VIRGINIA
 MATTHEW RYAN STEELE, OF KANSAS
 THEODORE R. STEHNEY, OF VIRGINIA
 MATTHEW B. STEPHENSON, OF VIRGINIA
 BRYAN GREGORY STEVINSON, OF VIRGINIA
 BRIAN J. STREET, OF FLORIDA
 ROBERT GREGORY SUTTON, OF VIRGINIA
 STACEY SUTTON, OF SOUTH CAROLINA
 CLAYTON R. SWOPE, OF VIRGINIA
 HUMZA TARAR, OF VIRGINIA
 DENISE M. TAYLOR, OF PENNSYLVANIA
 MORGAN C. TAYLOR, OF THE DISTRICT OF COLUMBIA
 RONALD M. TAYLOR, OF VIRGINIA
 KRISTIAN A. TEMPLETON, OF NORTH CAROLINA
 DARREN THIES, OF WISCONSIN
 CHAD TIMOTHY THOMPSON, OF VIRGINIA
 JUSTIN S. THOMS, OF VIRGINIA
 DINA MARIE TOLENTINO, OF WASHINGTON
 SERGEY S. TROITSKY, OF FLORIDA
 JAMES AUSTIN TURNER, OF VIRGINIA
 ADAM C. UTESCH, OF THE DISTRICT OF COLUMBIA
 DANIEL A. VOGEL, OF VIRGINIA
 ANNA WATSON VOTE, OF VIRGINIA
 MARY MARGARET WADSWORTH-SMITH, OF UTAH
 JOSHUA D. WAGGENER, OF TEXAS
 JASON M. WELLS, OF VIRGINIA
 DANIEL WHITEHALL, OF VIRGINIA
 GEORGE A. WHITNEY, OF VIRGINIA
 JOSEPH D. WILLIAMS, OF GEORGIA
 MCQUINZA U. WILLIAMS, OF VIRGINIA
 ROBERT WALTON WILLIAMS, OF VIRGINIA
 BRIAN K. WINGATE, OF WASHINGTON
 BENJAMIN ASHER WITORSCH, OF VIRGINIA
 SUZANNE Y. WONG, OF NEW JERSEY
 THOMAS T. WONG, OF NEW JERSEY
 GENEVIEVE ZAPIEN, OF VIRGINIA
 BENJAMIN ZEMEK, OF VIRGINIA
 THE FOLLOWING-NAMED CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE DEPARTMENT OF

STATE FOR PROMOTION WITHIN AND INTO THE SENIOR FOREIGN SERVICE TO THE CLASS INDICATED:
 CAREER MEMBER OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF MINISTER-COUNSELOR, EFFECTIVE JANUARY 17, 2010:
 GREGORY S. STANFORD, OF FLORIDA

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

SUBJECT TO QUALIFICATIONS PROVIDED BY LAW, THE FOLLOWING FOR PERMANENT APPOINTMENT TO THE GRADE INDICATED IN THE NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION:

To be lieutenant

REBECCA J. ALMEIDA
 PAUL S. HEMMICK
 LAUREL K. JENNINGS
 ALLISON R. MAHANAY
 MADELEINE M. ADLER
 JAMES L. BRINKLEY
 SEAN M. PINNEY
 KYLE W. RYAN
 DAVID M. GOTHAN
 WILLIAM G. WINNER
 MARY A. GILL
 VICTORIA E. ZALEWSKI
 MATTHEW C. DAVIS
 MATTHEW N. GLAZEWSKI
 CHRISTOPHER W. DANIELS
 SARAH A. T. HARRIS
 MEGHAN E. MCGOVERN
 FRANCISCO J. FUENMAYOR
 LECIA M. SALERNO
 OLIVER E. BROWN

IN THE NAVY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral (lower half)

CAPTAIN JOHN C. AQUILINO
 CAPTAIN SEAN S. BUCK
 CAPTAIN DAVID M. DURYEA
 CAPTAIN PETER J. PANTA
 CAPTAIN DAVID J. GALE
 CAPTAIN CHARLES M. GAOUETTE
 CAPTAIN MICHAEL M. GILDAY
 CAPTAIN PATRICK D. HALL
 CAPTAIN JEFFREY A. HARLEY
 CAPTAIN RONALD HORTON
 CAPTAIN PHILIP G. HOWE
 CAPTAIN KEVIN J. KOVACICH
 CAPTAIN DIETRICH H. KUHLMANN III
 CAPTAIN MARK C. MONTGOMERY
 CAPTAIN SCOTT P. MOORE
 CAPTAIN KENNETH J. NORTON
 CAPTAIN TILGHMAN D. PAYNE
 CAPTAIN JEFFREY R. PENFIELD
 CAPTAIN FREDERICK J. ROEGGE
 CAPTAIN PHILLIP G. SAWYER
 CAPTAIN JOHN W. SMITH, JR.
 CAPTAIN DAVID F. STEINDL
 CAPTAIN KEVIN M. SWEENEY
 CAPTAIN JOSEPH E. TOFALO
 CAPTAIN MICHAEL A. WALLLEY
 CAPTAIN MICHAEL S. WHITE

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral (lower half)

CAPT. BRETT C. HEIMBIGNER
 CAPT. MATTHEW J. KOHLER

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral (lower half)

CAPT. WILLIE L. METTS
 CAPT. JAN E. TIGHE

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral (lower half)

CAPT. JAMES D. SYRING
 CAPT. GREGORY R. THOMAS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral (lower half)

CAPT. THOMAS H. BOND, JR.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral (lower half)

CAPT. MATHIAS W. WINTER

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 531:

To be lieutenant commander

JOHN T. FOJUT

April 14, 2010

JESUS JIMENEZ
ANNE D. RESTREPO

CONGRESSIONAL RECORD—SENATE, Vol. 156, Pt. 4

5467

WITHDRAWAL

Executive Message transmitted by
the President to the Senate on April 14,
2010 withdrawing from further Senate

consideration the following nomination:

STEPHANIE VILLAFUERTE, OF COLORADO, TO BE
UNITED STATES ATTORNEY FOR THE DISTRICT OF COLORADO
FOR THE TERM OF FOUR YEARS, VICE TROY A. EID,
RESIGNED, WHICH WAS SENT TO THE SENATE ON SEPTEMBER
30, 2009.

HOUSE OF REPRESENTATIVES—Wednesday, April 14, 2010

The House met at 10 a.m. and was called to order by the Speaker.

PRAYER

Bishop Fred T. Simms, Heart of God Ministries, Beckley, West Virginia, offered the following prayer:

Father, bless, we pray You, the leaders of this Nation. Strengthen the courage of the Representatives in Congress—sincere men and women who want to do right, if only they can be sure what is right. Make it plain, Father. Release the same spirit of wisdom and unity that brought these 50 States together to form this great United States of America to fall fresh on this great governing body as they make decisions affecting over 300 million Americans.

Father, at this time we join our hearts, minds, and spirits for our fellow miners and families in West Virginia who have suffered great loss in the midst of tragedy. Out of the depths of our present grief and helplessness we cry unto Thee, praying that Thou will draw near unto us, and let the light of Thy countenance shine upon us during this dark hour of time. In Jesus' name, amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House her approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Alabama (Mr. GRIFFITH) come forward and lead the House in the Pledge of Allegiance.

Mr. GRIFFITH led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed a bill of the following title in which the concurrence of the House is requested:

S. 1749. An act to amend title 18, United States Code, to prohibit the possession or use of cell phones and similar wireless devices by Federal prisoners.

WELCOMING BISHOP FRED T. SIMMS

The SPEAKER. Without objection, the gentleman from West Virginia (Mr. RAHALL) is recognized for 1 minute.

There was no objection.

Mr. RAHALL. Madam Speaker, it is my pleasure to welcome to the House of Representatives our guest chaplain today, Bishop Fred T. Simms, D.D., pastor and founder of the Heart of God Ministries in my hometown of Beckley, West Virginia.

It is an honor to have such a distinguished West Virginian here with us today, and it is particularly fitting to have Bishop Simms join us in offering the morning prayer on behalf of our Congress and our Nation on this somber day. Today we will act on a congressional resolution honoring the courageous miners who lost their lives in the tragic explosion at the Upper Big Branch Mine and recognize the heroic actions of the rescue teams who also risked life and limb to search for the missing miners.

Bishop Simms was called to the ministry and preached his first message in December, 1977. Since that time, Bishop Simms has continued his Biblical studies through Aeon Bible College and the Institute of Biblical Studies in Lynchburg, Virginia. He received his doctorate of divinity degree from the St. Thomas Christian College in 2008. He has received numerous awards for his community service, which includes the Citizen of the Year award from the Mountain State Bar Association, Mountain State University's School of Leadership and Professional Development's Living Leadership award, and recognized by the Dr. Martin Luther King, Jr., Holiday Commission of the State of West Virginia with its "Sharing of Self" award.

Bishop Simms, one of eight children born to George Simms and Audrey Simms Totten, is married to Marilyn Staples Simms, and the father of five daughters and 11 grandchildren. His greatest strength perhaps may be his humbleness of heart and his ability to become less, so that God gets all the glory. He teaches his congregation by example, as he lives what he preaches.

Bishop Simms' two mottos are, "It's not about Fred T., but about God," and "Come on, let's have church."

Madam Speaker, I am pleased to honor Bishop Fred Simms today, and proud that he gave our invocation.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. JACKSON of Illinois). The Chair will remind all persons in the gallery that they are here as guests of the House and that any manifestation of approval or disapproval of proceedings or other audible conversation is in violation of the rules of the House.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain up to 15 further 1-minute requests from each side of the aisle.

TAX DAY TAX BREAKS

(Mrs. DAHLKEMPER asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. DAHLKEMPER. Mr. Speaker, Tax Day is tomorrow, and thanks to the American Recovery and Reinvestment Act middle class families in western Pennsylvania and throughout the country are seeing big tax returns this year. The Recovery Act provided tax cuts for 99 percent of working Pennsylvanians and resulted in a 10 percent increase in the average tax refund this year. That's a big help to families in my district who are working hard to pay their bills.

The Recovery Act extended the earned income tax credit, the child tax credit, and college tax credits for families and students. First-time homebuyers benefit from a tax credit of up to \$8,000, and businesses can write off new equipment purchases and increase bonus depreciation. Americans are saving an estimated \$222 billion in taxes this year thanks to the Recovery Act.

I am proud that through the work we have been doing here in Congress we have lowered the tax burden for my hardworking constituents.

AND THE BORDER WAR GOES ON

(Mr. POE of Texas asked and was given permission to address the House for 1 minute.)

Mr. POE of Texas. Mr. Speaker, the violence at our southern border with Mexico has escalated, resulting in murders, kidnappings, old west shootouts, Mexican military helicopter intrusions into the U.S., and criminal cartels cloning Border Patrol vehicles to smuggle the drugs.

An Arizona rancher was murdered at the border recently on his ranch. A California border agent was assassinated just a few months ago. In El Paso, Texas, our Border Patrol agents are being targeted by the Azteca hit men. These outlaws protect shipments of dope for the Juarez drug cartel.

Now these Mexican criminal cartels have put a \$250,000 bounty on our Border Patrol agents. In response, our Border Patrol agents have been told to wear bulletproof vests. Why do we wait for more tragedy before more boots are put on the ground? Our law enforcement agents need help. Doesn't Washington know that the border has become a violent war zone? National Guard troops should be deployed to the border immediately to protect us from the narcoterrorists.

And that's just the way it is.

CEREMONY HONORING VICTIMS RIGHTS WEEK

(Mr. COSTA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. COSTA. Mr. Speaker, I rise today to discuss the importance of National Crime Victims' Rights Week, which occurs from April 18 to April 24. As founders and co-chairs of the Congressional Victims' Rights Caucus, Congressman Ted Poe and I this evening are hosting the annual Victims' Rights Caucus Awards ceremony, honoring six individuals from around the country for their outstanding accomplishments in the field of victims services and victim advocacy.

National Crime Victims' Rights Week helps us all to celebrate and acknowledge the victim service providers and the criminal justice professionals who every day provide critical assistance to the victims of crimes. They do it on a 24-7 basis.

Crime victims are our sons, daughters, brothers, sisters, parents, and our friends. They are struggling to survive in the aftermath of a crime, and they deserve services and support to help them cope.

SUPPORT FOR NASA

(Mr. GRIFFITH asked and was given permission to address the House for 1 minute.)

Mr. GRIFFITH. Mr. Speaker, it is no coincidence that we have the most advanced manned space flight program on earth, attracting and inspiring the world's greatest minds. Our space program is a matter of great national pride and of great national security importance.

We are profoundly disappointed in the lack of vision coming from the administration, sending a message to our scientific community that indicates a lack of understanding and commit-

ment. This matter goes to the very essence of what makes America the greatest country on earth.

Lowering expectations for manned space flight is not compatible with the culture of America. Dr. Holdren's recent statement that we can't expect to be number one in everything indefinitely is shockingly, shockingly uninspiring. However, if we do not strive to maintain our primacy in manned space flight, we will be well on our way to mediocrity.

I and the entire NASA Caucus will do everything in our power to fund Constellation with a budget that is respectful of the investments we have made in our space program.

RECENT TAX CUTS

(Mr. COHEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. COHEN. Mr. Speaker, today is Tax Day, of course, and that is somewhat of a dreaded day in many people's minds. But the fact is in the past year we have had more tax cuts than almost any time in our Nation's history. But with President Obama and this Congress, they have been directed to the lower working class people, the lower income people, and not the top 2 or 3 percent, as happened during the Bush administration.

President Obama stood at the podium behind me in his State of the Union address and said, "Now let me repeat, we cut taxes. We cut taxes for 95 percent of working families. We cut taxes for small businesses. We cut taxes for first-time homebuyers. We cut taxes for parents trying to care for their children. We cut taxes for 8 million Americans paying for college. We put \$300 billion worth of tax cuts into people's pockets so there was demand and businesses had customers." I am proud to have supported the President in these measures.

A third of the stimulus package, the ARRA, was tax cuts. It is something the American people don't realize because of the false rhetoric that has been spread throughout this country. I appreciate the work of this Congress and President Obama, and I thank him for his leadership.

NEWSWEEK SHOULD REPORT FACTS ON ECONOMY

(Mr. SMITH of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Texas. Mr. Speaker, to my left is the Media Fairness Caucus' Newsweek Wall of Shame, a collection of the magazine's very biased cover articles. Previous covers have featured Vice President Al Gore with the caption, "The Thinking Man's Thinking

Man"; President Obama with the caption, "Yes, He Can"; and Vice President JOE BIDEN, "A Vice President to be Reckoned With." This week's cover reads, "America's Back! The Remarkable Tale of our Economic Turn-around".

Apparently Newsweek hasn't heard that the unemployment rate remains close to 10 percent, with 16 million Americans unemployed, that personal income has fallen over 3 percent since President Obama took office, and that the President's budget doubles the national debt in 5 years and triples it in 10.

The only way to bring America back is to reverse the administration's policies of higher taxes, runaway spending, government takeovers, and record debt. Newsweek should report the facts on the economy, not provide free and false advertising for the Obama administration.

□ 1015

CANCELING THE CONSTELLATION PROGRAM

(Mr. GENE GREEN of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GENE GREEN of Texas. Mr. Speaker, I rise today in strong opposition to the President's budget proposal to cancel our human space flight program. It's under the Constellation Program, which was authorized both by Democrat and Republican Congresses respectively, that NASA is currently developing new launch vehicles capable of traveling to the moon, Mars, and other destinations.

Not only does canceling the Constellation Program jeopardize America's leadership role in human space exploration, but it will have a detrimental effect on our economy, projecting job losses of 30,000 nationally.

Given our current economic downturn, we can't take the possibility of losing these jobs lightly. Our government has already invested literally years and billions of dollars in this program. We should build on these investments and not abandon them, especially considering the private sector will not be able to build a better, faster, cheaper rocket before the Constellation Program is slated to be finished because the technologies NASA proposed to use do not exist yet, nor has any destination been chosen.

Constellation is our only hope to close the current 5-year gap in U.S. access to space, and I encourage my colleagues to join me in opposition to the proposal to close Constellation.

COMMENDING MEDCAMPS

(Mr. FLEMING asked and was given permission to address the House for 1 minute.)

Mr. FLEMING. Mr. Speaker, I rise today to commend MedCamps for 23 years of outstanding service in the State of Louisiana.

Founded in 1987, MedCamps of Louisiana provides a summer camp experience to children with physical and mental disabilities such as spina bifida, cerebral palsy, autism, and epilepsy. Each week, free of charge, children come from across Louisiana to participate in a week-long, fun-filled camping experience at Camp Alabama in my district. Children participate in activities such as fishing, arts, crafts, nature hikes, canoeing, and many others. As a family physician for over 30 years, I know firsthand the important role that organizations such as MedCamps play in the lives of children with disabilities.

I congratulate MedCamps on their outstanding service to our State and wish them all the best as they continue to serve the children of Louisiana.

FEDERAL TAXES

(Mr. CARNAHAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CARNAHAN. Mr. Speaker, Federal taxes are very considerably lower by every measure since Obama became President. That's a quote from President Reagan's domestic policy adviser, Bruce Bartlett.

Congress and the President have enacted an array of tax cuts which are crucial for efforts to turn the economy around. Instead of a return to tax cuts focused only on the wealthy, these tax cuts are broad based and touch many aspects of American life, from investing in a small business, to buying a home or making it energy efficient, to sending your children to college, to buying a car. These tax cuts are helping families and businesses across the country and injecting consumer demand in the economy and spurring business activity, investments, and job creation.

All told, Congress has enacted over \$800 billion in tax cuts, including tax cuts hitting 95 percent of American families in the Recovery Act. Building on the Recovery Act's 25 tax cuts, we have enacted job-creating tax incentives to spur hiring for out-of-work Americans, strengthening small business and tax credits, accelerating write-offs to help grow this economy out of this deep economic hole.

SUPPORTING FUNDING FOR THE CONSTELLATION PROGRAM

(Mr. ADERHOLT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ADERHOLT. Mr. Speaker, since the President announced his budget on

February 1, disapproval of a plan to drastically change the current NASA human space exploration mission has been almost unanimous on both sides of the aisle. The President proposes to add \$6 billion to NASA's budget for the next 5 years, but over those first 4 years the exploration account decreases by \$5.7 billion.

Human space flight and exploration beyond Earth is the very reason that NASA was put into existence. The President's plan moves funds to unproven proposals and costs the government \$2.5 billion to shut down the Constellation Program. Ares I and Ares V overlap technologies, and there is zero budget proof that the administration's new plan will give us those capabilities with less money.

The innovative scientists and employees at the Marshall Space Flight Center in Huntsville, Alabama, have done a great job in leading space technology in the world.

Mr. Speaker, when the President speaks tomorrow at the Kennedy Space Center, both Democrat and Republican Members hope that he will make a commitment to properly fund the Constellation Program.

AMERICAN RECOVERY AND REINVESTMENT ACT

(Mr. SCHAUER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SCHAUER. Mr. Speaker, while many are quick to criticize the American Recovery and Reinvestment Act, the truth is that last month our economy created 162,000 jobs. But, of course, we have got a long way to go to get everyone back to work.

Since tomorrow is Tax Day, I wanted my constituents to know one of the reasons our economy is getting stronger is record tax cuts in the stimulus for middle-class families. Ninety-five percent of workers are receiving the Making Work Pay tax credit of up to \$400 per worker, \$800 per family. Expansion of the child tax credit has helped families of more than 16 million children. Four million more students are attending college as a result of the new \$2,500 tax credit; and tax credits and deductions are helping families stimulate the economy through purchases of homes, cars, trucks, and mobile homes.

As families file their taxes and get their refunds, I want them to understand that these benefits didn't happen by accident. They were the result of a strategy that I supported and Democrats supported, cutting taxes for middle-class families.

TAXES

(Mr. SMITH of Nebraska asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Nebraska. Mr. Speaker, tomorrow is Tax Day, a deadline dreaded by millions of Americans currently finishing up their tax returns.

Congress owes it to the American taxpayer to act in a fiscally responsible way. Unfortunately, this Congress has not lived up to this burden. At a time when 15 million Americans remain unemployed and many more are struggling to make ends meet, this administration and Democratic Congress continue to push through measures which increase taxes and add to government spending, which is already out of control. Strong-arm tactics and economic sleight of hand should not be used to jam through legislation which will impact the life of every American.

The solution is not taking more money from the American people. The answer is fiscal discipline in Washington and tax relief for working Americans. We can't tax and spend our way back to a growing economy, and we owe the American taxpayer better.

POLISH PLANE CRASH

(Ms. SCHAKOWSKY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. SCHAKOWSKY. Mr. Speaker, I rise this morning to express my sincere condolences to the people of Poland as they mourn the death of President Lech Kaczynski and his wife, Maria, and to the families and friends of the other 94 men and women who lost their lives in Saturday's airplane crash near Russia's Katyn Forest.

Chicago is the second largest Polish city in the world, second only to Warsaw, and among those killed was Wojciech Seweryn, a Chicago sculptor who emigrated from Poland over three decades ago. Seweryn's father was one of over 20,000 Poles killed in the Soviet Union in the Katyn Forest in 1940. He was traveling with the Polish President to mark the 70th anniversary of the massacre.

I join with Chicago's vibrant Polish American community and with Poland's friends around the world in mourning the loss of the 96 men and women who lost their lives on Saturday.

CONSTELLATION FISCAL YEAR 2011 BUDGET PROPOSAL

(Mr. CAO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CAO. Mr. Speaker, I am disappointed that the President's budget proposal for fiscal year 2011 recommends canceling NASA's Constellation Space Program. In agreement with Neil Armstrong, I am very concerned this proposal will leave our Nation with no means of transporting our astronauts to and from the International

Space Station and could set the U.S. space program back decades.

To this day, we enjoy countless practical benefits from Apollo technology in things that affect our everyday lives, such as improved weather forecasting, which is vitally important to those of us who live in Louisiana and on the gulf coast.

The Michoud Assembly Facility in my district was slated to build components of the Constellation Program. Michoud now faces the prospect of losing thousands of high-skilled jobs. This world-class manufacturing facility has been used to build the Saturn rockets for Apollo and the main fuel tanks for the Space Shuttle, among other notable achievements. If the President's proposal is adopted, we will lose all that experience and manufacturing know-how, along with 9 billion tax dollars already spent developing the Constellation Program.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair would ask Members to please heed the gavel.

AMERICANS AND THEIR FIRST AMENDMENT RIGHTS

(Mr. BARTON of Texas asked and was given permission to address the House for 1 minute.)

Mr. BARTON of Texas. Mr. Speaker, the First Amendment gives the American people the right to petition the Congress for redress of grievances and to express freedom of speech.

Several weeks ago, the chairman of the committee that I serve as a ranking member on, Energy and Commerce, Chairman HENRY WAXMAN, sent a letter to several U.S. corporations for having the temerity to express their displeasure with the health care bill and to inform their employees and stockholders of the consequences of that piece of legislation. He has opened an investigation into those companies, and we have a hearing next week.

Two days ago, Chairman WAXMAN sent a letter to the American Farm Bureau, opening an investigation into their activities expressing their displeasure with the EPA endangerment finding and the pending cap and trade legislation in the United States Senate.

Mr. Speaker, I am very concerned when one of the premier committee chairmen of our great House of Representatives appears to be using his power to intimidate Americans from expressing their First Amendment rights to petition the Congress for redress of grievances. I think that's a sad state of affairs, and I think that is something that maybe should be investigated.

TAX RELIEF FOR MIDDLE-CLASS FAMILIES

(Ms. TITUS asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. TITUS. Mr. Speaker, since coming to Congress, I have kept my promise to provide tax relief to middle-class families and small businesses in my district; and I am proud to report that on Tax Day millions of Americans will pay less in taxes and keep more of their hard-earned money in their own pockets, where it belongs.

In the past year, Congress has enacted over \$800 billion in tax cuts, including the largest package of tax cuts in history in the Recovery Act, leading Reagan's adviser Bruce Bartlett to say that Federal taxes are very considerably lower by every measure since Obama became President.

A recent report by Citizens for Tax Justice has found that, for 2009, 98 percent of working families and individuals in Nevada benefited from at least one of the tax cuts in the Recovery Act, saving an average of \$841. For folks in my district struggling to make ends meet, \$841 could be a mortgage payment that helps them avoid foreclosure and could make a real difference in their lives.

□ 1030

INTERNET GAMBLING

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Mr. Speaker, every day, dozens of Web sites entice Web surfers to bet online with free software offers. Online poker sites advertise openly on TV. Stores carry books on how to get rich by gambling online. The only problem is that online gambling is illegal. That is why Congress passed the unlawful Internet Gambling Enforcement Act of 2006, to provide the necessary tools and mechanisms to effectively enforce the law.

This year, Americans will send billions of dollars to offshore, unregulated, online casinos. The Justice Department has warned that many of these sites are fronts for money laundering, drug trafficking, and even terrorist financing.

At its core, the law is about protecting American families from addiction, bankruptcy, and crime. All you need is a computer, a credit card, and Internet access, and with that, players are able to play 24 hours a day from the privacy of their homes. Real lives, including those of minor children, are being affected by illegal online gambling, and it's time that this administration enforce the law on this issue.

TAX CUT FOR AMERICA AND THE ECONOMIC RECOVERY ACT

(Mr. PAYNE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PAYNE. Mr. Speaker, today I commend my colleagues and President Obama for working diligently to enact a variety of tax cuts totaling \$800 billion. These tax cuts are broad based and touch on many aspects of American life, from investing in small businesses, to buying a home, to sending your children to college, to buying a car.

I believe that tax cuts are helping American families and businesses across the country and injecting consumer demand into the economy and spurring business investment and job creation.

The Recovery Act provides immediate tax relief to 95 percent of American workers and their families. The Making Work Pay tax credit provides a tax credit of up to \$400 for working individuals and up to \$800 for couples filing jointly. This tax credit helps over 240,000 families in my congressional district.

In addition, the first-time home buyers tax credit was increased to \$8,000. An estimated 35,000 households in New Jersey have taken advantage of the tax credit. So I ask to keep America moving in the right direction.

FUNDING THE CONSTELLATION PROGRAM

(Mr. BISHOP of Utah asked and was given permission to address the House for 1 minute.)

Mr. BISHOP of Utah. Mr. Speaker, tomorrow the President moves to Florida to salvage or to attempt to salvage a deteriorating political situation caused by accepting NASA Deputy Director Garver's poor decision to cancel Constellation.

Constellation consists at least of two parts: the Orion capsule for the astronauts designed to be 10 times safer than the space shuttle, and the Aries rocket to send into space. But the alleged savings are more than offset by unintended consequences, because the industrial base that builds the rocket to put people towards the moon also builds the rockets to shoot down incoming missiles from North Korea, Iran, and other bad guys. And if you take the space component away, the defense side costs doubles, triples, maybe even more. And the Augustine report, which this administration is not following, noted this potential industrial-based problem, but NASA either refused to pay attention or chose to ignore the warning.

Regardless, the solution to escalating defense costs and to maintaining the dominance in space will be dependent upon fully funding the Constellation

program. And, Mr. President, anything less than that is totally unacceptable.

Alice in Wonderland

(Mr. YARMUTH asked and was given permission to address the House for 1 minute.)

Mr. YARMUTH. Mr. Speaker, "Alice in Wonderland" is in American theaters now, but not even my fellow Kentuckian Johnny Depp could argue that down is up when we're talking about Federal taxes.

As you've heard this morning, even President Reagan's domestic policy adviser has said that taxes are considerably lower by every measure since President Obama became President.

This Congress has done an incredible job in lowering taxes for the American people. This year, the average refund for working families will be \$3,000, which is a 10 percent increase over last year. We are taking less and less out of the American working family's paycheck. In fact, the Federal taxes as a percentage of the national economy is at its lowest rate in nearly two generations.

No, only in a fantasy world like "Alice in Wonderland" could you claim that this Congress has not done a great job in lowering taxes for the American public, and we will continue to make sure that American families have the best standard of living we can possibly create.

DUBOIS AREA MIDDLE SCHOOL LEVEL OF EXCELLENCE

(Mr. THOMPSON of Pennsylvania asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. THOMPSON of Pennsylvania. Mr. Speaker, I draw your attention today to the DuBois Area Middle School and its outstanding level of excellence. It has been awarded, for the second time, the designation of the Pennsylvania Don Eichhorn Schools: Schools to Watch program.

The National Forum sponsors this program, and schools are chosen for the honor of achieving academic excellence based on the rigorous 37 criteria established by the National Forum to Accelerate Middle-Grades Reform. They must be academically excellent, developmentally responsive, and socially equitable.

The school is one of 15 in the State and only 200 nationally ever to be honored as a School to Watch. It is the first school in the State to receive a redesignation for 2010 to 2013, and it first achieved the honor in 2007.

The National Forum looks at these schools as part of the effort to identify and learn from high-performing middle schools, and to have the Schools to Watch serve as resources for other schools. There are 18 States participating in the program.

To achieve this award, high-performing schools establish norms, structures, and organizational arrangements to support and sustain their path towards excellence. They have a sense of purpose that drives every facet of practice and decisionmaking.

And I want to congratulate Principal Mike Newman and the teachers, students, personnel, and parents that are responsible for this fine school.

LET'S PUT EVERY OPTION ON THE TABLE FOR BORDER SAFETY

(Mrs. KIRKPATRICK of Arizona asked and was given permission to address the House for 1 minute.)

Mrs. KIRKPATRICK of Arizona. Mr. Speaker, I just returned from a trip to Arizona's border, and I thank the men and women at Customs and Border Protection for allowing me an inside look into their operations.

One of the most striking things I saw is the toll that violence has taken on our border communities, and tensions are high. As the cartels become desperate to keep smuggling routes open, our border agents and their vehicles are hit with rocks, shot at, and assaulted on a nightly basis.

I am convinced that our border personnel need more equipment and manpower to prevent the violence and keep Americans safe. There is no silver bullet for fixing our border. A solution will require a comprehensive approach to security. We must put every option on the table, including the use of the National Guard.

TAX RELIEF FOR THE MIDDLE CLASS

(Mr. PERLMUTTER asked and was given permission to address the House for 1 minute.)

Mr. PERLMUTTER. Mr. Speaker, President Bush left this country with a \$1.3 trillion debt when President Obama came into office a year ago, and the economy was in free fall.

One of the things that was done over the course of the last year was to provide this country and working Americans with tax cuts across the board, \$800 billion in tax cuts, greatest tax cut for working Americans at any time in our history.

Now, the Republicans are complaining about everything under the sun, but they're not complaining about those tax cuts because they know they're real, whether it's earned income tax credits, college tax credits, accelerated depreciation for small businesses, net operating loss carryforwards all across the board. To this point, in Colorado, the average Coloradan receives \$1,096 in tax cuts this year above what they got before. That's to get this country back on track, not leave it in a financial disaster, as President Bush did.

We are moving in a new direction, and tax cuts are some of the things we're using to get this country back on track.

DON'T RETREAT FROM THE SPACE RACE

(Mr. SCALISE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SCALISE. Mr. Speaker, President Obama will be speaking this week at the Kennedy Space Center. And while the President's budget cancels the Constellation program, it also jeopardizes NASA's Michoud facility, which is the premiere manufacturing facility with the unique capabilities and skilled workforce that can't just be rebuilt again once it's wound down.

The United States should not retreat from the space race. It not only threatens our national security, but it also makes us beholden to foreign countries. In fact, just last week a Japanese newspaper said, "Once the leader in space development, the United States' space exploration policies are now drifting aimlessly." And they later went on to note that the clear winner from this retreat will be Russia.

Now, we should not cede our space exploration superiority to countries like Russia or anybody else. It jeopardizes our national security. It's a bad policy. The President needs to reconsider.

TAX RELIEF FOR THE MIDDLE CLASS

(Mr. WALZ asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WALZ. Mr. Speaker, last week I had the opportunity to travel around my southern Minnesota district talking to local business owners on the best ways to grow and revitalize our economy. Businesses, working families, including the Mayo Clinic centered in my district, talked about the improvements to the health care system was a good first step in moving that. They also explained to me that the policies on tax relief that you heard here help.

Now be very clear about this. If you think it's a game of he said, he said and back and forth and the pundits on TV can tell one way to think, this is a very simple proposition. This Congress has cut taxes for the middle class more than any Congress in history.

Go do your own taxes, compare them side by side, apples to apples, and you'll see that's true. What that means is 98 percent of southern Minnesota has benefited from the working class tax cuts.

Families and students are eligible for up to \$2,500 in tax savings. First-time home buyers got \$8,000 to buy their

homes—others, 6,500—revitalizing the housing market.

Taxpayers are eligible for making their homes energy efficient and growing the renewable economy. By enacting these job-saving incentives, small local businesses can grow and expand and inject consumer demand in the economy. Those are facts, not political myth.

WHO ARE YOU GOING TO BELIEVE?

(Mr. PENCE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PENCE. Mr. Speaker, you know, Groucho Marx said years ago, Who are you going to believe, me or your own eyes?

I just have to wonder, Mr. Speaker, about the American people looking in this morning to hear Democrats talking about having cut taxes more than any other Congress in history.

Let me see if we can do this. They passed a budget with record taxes and spending, will add \$1 trillion to the national debt in the next 10 years. They passed a national energy tax called the cap-and-trade that will cause utility rates to go up on small businesses and family farms and businesses across this country by hundreds of billions of dollars. And we just passed ObamaCare with \$600 billion of tax increases. So now they're standing in front of the American people on the day before Tax Day, on the day before tens of millions of Americans are going to take to the street and say enough is enough, and expect you to believe that they've been cutting taxes.

Well, I think the American people know better. I think the American people know what we really need here in Washington, DC, is less talk and more action. Let's cut taxes across the board for working families, small businesses, and family farms. Get government under control. Get government out of the way. This economy will come roaring back.

□ 1045

CONSTELLATION

(Mr. OLSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. OLSON. Mr. Speaker, before I left for the Easter district work period, the Space and Aeronautics Subcommittee held a hearing on the proposed changes to NASA's exploration program. The administration is advocating an extreme change by canceling the Constellation Program, which I feel would be a mistake especially since the Constellation Program has passed their preliminary design review, a significant technological milestone.

Back in 2008, the media portrayed thrust oscillation as a "serious concern," but the program design review, the team spent about a minute on the issue of thrust oscillation. Why? Because the problem had been solved.

To me, this is just another indication of why cancellation would be a mistake. It wouldn't just be throwing money, money already spent, \$9 billion, hardware already built, a workforce already in place, but a process in standard of doing business and fixing problems that NASA has developed for over 50 years.

America has been the leader in human space flight for half a century, and this administration's budget proposal puts that at risk.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote incurs objection under clause 6 of rule XX.

Record votes on postponed questions will be taken later.

HAITI DEBT RELIEF AND EARTHQUAKE RECOVERY ACT OF 2010

Ms. WATERS. Mr. Speaker, I move to suspend the rules and concur in the Senate amendments to the bill (H.R. 4573) to direct the Secretary of the Treasury to instruct the United States Executive Directors at the International Monetary Fund, the World Bank, the Inter-American Development Bank, and other multilateral development institutions to use the voice, vote, and influence of the United States to cancel immediately and completely Haiti's debts to such institutions, and for other purposes.

The Clerk read the title of the bill.

The text of the Senate amendments is as follows:

Senate amendments:

On page 3, line 4, after "provision" insert: "*, before February 1, 2015,*".

On page 3, lines 18 and 19, strike "relief" and all that follows through "Haiti." and insert: "*relief and debt service relief for Haiti and, before February 1, 2015, to provide grants for Haiti.*".

On page 4, line 7, after "Haiti's future" insert: "*and future generations*".

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from California (Ms. WATERS) and the gentleman from Minnesota (Mr. PAULSEN) each will control 20 minutes.

The Chair recognizes the gentlewoman from California.

GENERAL LEAVE

Ms. WATERS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within

which to revise and extend their remarks on this legislation and to insert extraneous material thereon.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

Ms. WATERS. Mr. Speaker, I yield myself as much time as I may consume.

I would like to thank the majority leader for bringing this bill to the floor promptly following its passage in the Senate, and I thank my colleagues on the Financial Services Committee, especially Chairman BARNEY FRANK, Ranking Member SPENCER BACHUS, and Subcommittee Chairman GREGORY MEEKS, for their support for this bill. I also thank my senior legislative assistant, Kathleen Sengstock, and the Financial Services Committee's senior professional staff member, Daniel McGlinchey, for their work on this bill.

I first introduced this bill after the terrible earthquake that struck Haiti on January 12. I have visited Haiti twice since the earthquake, and I have seen the widespread devastation it caused. According to the U.S. Agency for International Development, that is USAID, 230,000 people were killed and 1.3 million people were displaced from their homes. There is a desperate need for clean water, food, shelter, and basic sanitation. Three million people, one-third of the country's population, were affected by the quake.

According to the U.S. Treasury Department, as of March 1, Haiti owed \$828 million to multilateral development institutions. This included \$447 million to the Inter-American Development Bank, \$284 million to the IMF, \$39 million to World Bank Group's International Development Association, and \$58 million to the International Fund for Agricultural Development. In addition, Haiti owed approximately \$400 million to other individual countries.

H.R. 4573, the Debt Relief for Earthquake Recovery in Haiti Act of 2010, would free Haiti from the burden of international debt. The bill directs the Secretary of the Treasury to instruct the U.S. executive directors at multilateral development institutions to use the voice, vote, and influence of the United States to seek to achieve three things: number one, the immediate and complete cancellation of all debts owed by Haiti to these institutions; second, the suspension of Haiti's debt service payments until such time as the debts are canceled; and, three, the provision of emergency, humanitarian, and reconstruction assistance to Haiti in the form of grants so that Haiti does not accumulate additional debts.

The bill also directs the Secretary of the Treasury and Secretary of State to use all appropriate diplomatic influence to secure the cancellation of all remaining bilateral, multilateral, and private creditor debt owed by Haiti.

This bill passed the House on March 10, and the Senate passed it with an amendment on March 26. The amendment specified that Haiti should receive aid in the form of grants until February 1, 2015. After that time, multilateral development institutions may resume aid in the form of new loans. I believe 5 years is a reasonable amount of time for Haiti to be able to recover without the burden of debt service payments on new loans.

I therefore support the Senate amendments, and I reserve the balance of my time.

Mr. PAULSEN. Mr. Speaker, I yield myself as much time as I may consume.

Mr. Speaker, I also rise in support of H.R. 4573, the Debt Relief for Earthquake Recovery in Haiti Act of 2010.

H.R. 4573 takes a good first step towards the goal of eliminating Haiti's uncollectible debts so the country can start to rebuild. Removing this burden will also help Haiti begin the process of becoming a self-sustaining economy.

Nearly identical legislation has already been agreed to by the House under suspension of the rules. The Senate made only two minor changes to the bill to ensure that our commitment to Haiti remains unchanged and it stays focused. One change was that it sets an explicit time period for future grants for Haiti, and the other ensures that assistance provided helps not just today's Haitians but also ensures help for future generations. This is a very sensible, commonsense approach. I support these changes.

I also want to recognize the members of the International Monetary Policy and Trade Subcommittees and the staff of the committee for their bipartisan efforts on this legislation.

Mr. Speaker, I support this bill, and I reserve the balance of my time.

Ms. WATERS. Mr. Speaker, I yield to the gentleman from Kansas (Mr. MOORE) as much time as he may consume.

Mr. MOORE of Kansas. Mr. Speaker, I commend my colleagues, Representative MAXINE WATERS, Chairman FRANK, Representative GREG MEEKS, and Representative SPENCER BACHUS, for their bipartisan work on this important issue.

Mr. Speaker, as a result of the extraordinary results of January 12, 2010, 230,000 people were killed and more than 1.3 million people were displaced, unable to return to their homes in Haiti. And still today while things are getting better, a desperate need for food, water, and medical care exists. The people of Haiti are facing an enormous struggle to recover from an earthquake at a time when the country was already among the poorest in the world.

This bill supports a humanitarian need through fiscal assistance by allowing our Treasury to cancel the \$828

million debt owed by Haiti. This is the decent and humane thing to do, and I ask my colleagues to once again support this measure.

Mr. PAULSEN. Mr. Speaker, I encourage strong support of this legislation, and I yield back the balance of my time.

Ms. WATERS. Mr. Speaker, there's been considerable progress mobilizing international support for Haiti since the introduction of this bill. Multilateral development institutions have already begun to take steps to reduce or cancel Haiti's debts. And on March 31, the United Nations hosted the International Donors Conference for Haiti where leaders of the world's nations pledged \$9.9 billion in aid, including \$5.3 billion for the first 2 years. I'm encouraged by this progress, and I'm inspired by the outpouring of support for Haiti from the international community.

The people of Haiti are poor, but they are physically and spiritually resilient. I know with the support of the international community they will recover from this tragedy and create a better future for their children.

Mr. Speaker and Members, in fact, Haiti is the poorest nation in the Western Hemisphere, and Haiti has experienced extreme devastation for many years. It was just 2008 when they were hit with four hurricanes and they had not had the opportunity to even try to recover from those hurricanes. At that time, there were many deaths, many houses were destroyed, the roads and the bridges were destroyed. And coming on the heels of that, they were confronted with this most devastating earthquake.

There are those who look at Haiti and say we don't know whether or not this nation can survive. There are those who say, you know, they had problems with governance. They have lived under dictators. They have lived under a Catholic priest who practiced liberation theology where there was a coup d'etat that ousted him, and it goes on and on and on.

But there are many of us who look at this earthquake as opportunity. Despite the severe loss and the devastation, we believe that there is now a real commitment by the world community to come to the aid of Haiti. We believe that there is a real commitment to governance in a new way. We believe that there is a real commitment not only by USAID, the State Department, and the government of our own country, but by other governments around the world to include Haiti in the redevelopment.

And so despite the devastation, I think that many of us are looking forward to the opportunity to help Haiti become the country that it can become. This is going to be a lot of hard work, but this debt relief will go a long way toward helping in that redevelopment.

With this debt relief that means that Haiti will not have to repay debt. They can invest that money in health and education and infrastructure; and despite the fact that I spent many hours working not only on this debt relief bill but working with my colleagues on the other side of the aisle, I've learned a lot working with the Jubilee Committee and with Mr. BACHUS about what we can do if we cooperate. And that we have been doing.

And so we move forward to help redevelop Haiti, and I would appreciate the support and the vote of my colleagues for this debt relief legislation.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Ms. WATERS) that the House suspend the rules and concur in the Senate amendments to the bill, H.R. 4573.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the Senate amendments were concurred in.

A motion to reconsider was laid on the table.

□ 1100

ELIMINATE PRIVACY NOTICE CONFUSION ACT

Mr. MOORE of Kansas. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3506) to amend the Gramm-Leach-Bliley Act to provide an exception from the continuing requirement for annual privacy notices for financial institutions which do not share personal information with affiliates, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3506

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Eliminate Privacy Notice Confusion Act".

SEC. 2. EXCEPTION TO ANNUAL PRIVACY NOTICE REQUIREMENT UNDER THE GRAMM- LEACH-BLILEY ACT.

Section 503 of the Gramm-Leach-Bliley Act (15 U.S.C. 6803) is amended by adding the following new subsection:

"(f) EXCEPTION TO ANNUAL NOTICE REQUIREMENT.—A financial institution that—

"(1) provides nonpublic personal information only in accordance with the provisions of subsection (b)(2) or (e) of section 502 or regulations prescribed under section 504(b); and

"(2) has not changed its policies and practices with regard to disclosing nonpublic personal information from the policies and practices that were disclosed in the most recent disclosure sent to consumers in accordance with this subsection,

shall not be required to provide an annual disclosure under this subsection until such time as the financial institution fails to comply with any criteria described in paragraph (1) or (2)."

SEC. 3. BUDGET COMPLIANCE.

The budgetary effects of this Act, for the purpose of complying with the Statutory

Pay-As-You-Go-Act of 2010, shall be determined by reference to the latest statement titled "Budgetary Effects of PAYGO Legislation" for this Act, submitted for printing in the Congressional Record by the Chairman of the Committee on the Budget of the House of Representatives, provided that such statement has been submitted prior to the vote on passage.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Kansas (Mr. MOORE) and the gentleman from Minnesota (Mr. PAULSEN) each will control 20 minutes.

The Chair recognizes the gentleman from Kansas.

GENERAL LEAVE

Mr. MOORE of Kansas. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks on this legislation and to insert extraneous material thereon.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kansas?

There was no objection.

Mr. MOORE of Kansas. Mr. Speaker, I yield myself such time as I may consume.

I want to congratulate the gentleman from Minnesota, Representative ERIK PAULSEN, a member of our Financial Services Committee, as well as the Oversight and Investigations Subcommittee that I chair. I was pleased to introduce H.R. 3506, the Eliminate Privacy Notice Confusion Act, with him and our colleague, Representative PETER ROSKAM, who originally introduced this bill in the 110th Congress when he served on the Financial Services Committee.

In the last Congress, Mr. Speaker, this legislation was included in a bank and thrift regulatory bill I introduced, which was later included in a comprehensive regulatory reform measure this House approved by voice vote. But as is too often the case, the Senate failed to act.

The legislation we consider today will help minimize confusion consumers have about their privacy rights regarding two conflicting provisions of two prior laws. The Fair Debt Collection Practices Act specifically prohibits subject companies from sharing personal information with third parties. Yet the Gramm-Leach-Bliley Act still requires these firms to provide annual privacy notices that allow consumers to opt out of having their information shared with third parties. Since this practice is already prohibited by law, these annual notices only confuse the consumers that receive them.

H.R. 3506 will amend the Gramm-Leach-Bliley Act to exempt from its annual privacy policy notice requirement any financial institution which meets several criteria and are already prohibited by the Fair Debt Collection Practices Act from sharing personal information with third parties. Waiving the privacy notice requirement will re-

duce confusion for consumers who may incorrectly think, by receiving the notice, that the companies have the right to share their personal information with third parties.

This should not be confused with the privacy policy financial institutions must provide to consumers when they open an account, which will be unaffected by this bill.

I urge my colleagues to support H.R. 3506, and I reserve the balance of my time, Madam Speaker.

Mr. PAULSEN. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise today in support of H.R. 3506, the Eliminate Privacy Notice Confusion Act.

This bill will help reduce the burden and confusion of privacy notice requirements by providing exemption from sending an annual privacy notice for those institutions that do not share nonpublic customer information with unaffiliated third parties or those that do not change their privacy policies at all.

Under current law, banks and other financial institutions are required to send out an annual privacy notification to their customers informing them that nothing has changed, and they still do not share privacy information. This is often quite very confusing to customers.

Essentially, under my legislation, financial institutions are relieved of an unnecessary and redundant regulatory burden which will help lower costs and reduce junk mail that the customers receive in the mail every day. It will also lessen confusion to customers because they will no longer receive letters informing them that their bank's privacy policy has not changed at all.

Madam Speaker, it's important to note that this legislation only applies to those institutions that do not share personal financial information with third parties and do not change their privacy policies. This means that the privacy policy that banks must provide to consumers when they open an account remains completely unaffected. The bottom line is that nothing in this legislation in this bill allows for the disclosure of private information and companies are still prohibited from sharing any personal information with third parties.

Similar legislation has passed the House in previous Congresses with strong, bipartisan support; and I want to recognize the bipartisan manner in which that legislation was again handled this year.

Madam Speaker, I especially want to thank Chairman FRANK and Ranking Member BACHUS for their assistance with the legislation and their willingness to bring this legislation and assist me in bringing it to the House floor.

Finally, I want to thank the gentleman from Kansas (Mr. MOORE) for

his hard work on this legislation. He has done exemplary work throughout his 12 years here in this body, and we are going to miss his spirit and commitment of working in a bipartisan manner, and I appreciate his friendship as well.

I ask for a "yes" vote on this bill.

Madam Speaker, I reserve the balance of my time.

Mr. MOORE of Kansas. I want to thank the gentleman, Madam Speaker, for his very kind comments.

I reserve the balance of my time.

Mr. PAULSEN. Madam Speaker, in closing, this bill is a win/win. It reduces an unnecessary and redundant regulatory burden for consumers, and I ask for adoption of the bipartisan legislation.

I yield back the balance of my time.

Mr. MOORE of Kansas. I yield myself 1 minute.

Madam Speaker, again, I commend the gentleman from Minnesota for his work on this bipartisan legislation, and it is bipartisan legislation. I urge my colleagues to support H.R. 3506.

I yield back the balance of my time.

The SPEAKER pro tempore (Ms. DEGETTE). The question is on the motion offered by the gentleman from Kansas (Mr. MOORE) that the House suspend the rules and pass the bill, H.R. 3506, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The title of the bill was amended so as to read: "To amend the Gramm-Leach-Bliley Act to provide an exception from the continuing requirement for annual privacy notices for financial institutions which do not change their policies and practices with regard to disclosing nonpublic personal information from the policies and practices that were disclosed in the most recent disclosure sent to consumers, and for other purposes."

A motion to reconsider was laid on the table.

COMMENDING THE AMERICAN SAIL TRAINING ASSOCIATION

Mr. CUMMINGS. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 197) to commend the American Sail Training Association for its advancement of character building under sail and for its advancement of international goodwill, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 197

Whereas the American Sail Training Association (ASTA) is an educational nonprofit corporation whose declared mission is "to encourage character building through sail training, promote sail training to the North

American public and support education under sail”;

Whereas since its founding in 1973, ASTA has promoted these goals through—

(1) support of character building experiences aboard traditionally rigged sail training vessels;

(2) a program of scholarship funds supporting such experiences;

(3) a long history of tall ship races, rallies, and maritime festivals dating back as far as 1976;

(4) the Tall Ships Challenge series of races and maritime festivals which—

(A) have been conducted each year since 2001;

(B) have reached an aggregate audience to date of some 8,000,000 spectators;

(C) have had a cumulative economic impact of over \$400,000,000 for over 30 host communities; and

(D) involve sail training vessels, trainees, and crews from all the coasts of the United States and around the world;

(5) support of its membership of more than 200 sail training vessels, embracing barks, barques, barkentines, brigantines, brigs, schooners, sloops, and full-rigged ships, which carry the flags of the United States, Canada, and many other nations and have brought life changing adventures to thousands and thousands of young trainees;

(6) a series of more than 30 annual sail training conferences to date, conducted in numerous cities throughout the United States and Canada and embracing the Safety Under Sail Forum and the Education Under Sail Forum;

(7) extensive collaboration with the United States Coast Guard and with the premier sail training vessel of the United States, the square-rigged barque USCGC *Eagle*;

(8) publication of “Sail Tall Ships”, a periodic directory of sail training opportunities; and

(9) supporting the enactment of the Sailing Schools Vessel Act of 1982, Public Law 97-322, on October 15, 1982;

Whereas ASTA has ably represented the United States as its national sail training organization as a founding member of Sail Training International, the recognized international body for the promotion of sail training, which itself carries forward a series of international races amongst square-rigged and other traditionally rigged vessels reaching back as far as the 1950s; and

Whereas ASTA and Sail Training International are collaborating with port partners around the Atlantic Ocean to produce Tall Ships Atlantic Challenge 2009, an international fleet of sail training vessels originating in Europe, voyaging to North America, and returning to Europe: Now, therefore, be it

Resolved, That the House of Representatives—

(1) commends the American Sail Training Association for its advancement of character building experiences for youth at sea in traditionally rigged sailing vessels and its advancement of the finest traditions of the sea; and—

(2) commends the American Sail Training Association as the national sail training association of the United States, representing the sail training community of the United States in the international forum.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Maryland (Mr. CUMMINGS) and the gentlewoman from Michigan (Mrs. MILLER) each will control 20 minutes.

The Chair recognizes the gentleman from Maryland.

GENERAL LEAVE

Mr. CUMMINGS. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to include extraneous material on H. Res. 197.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

There was no objection.

Mr. CUMMINGS. Madam Speaker, I yield myself such time as I may consume.

Introduced by Congressman KENNEDY, H. Res. 197 commends the American Sail Training Association, ASTA, for its work creating opportunities for young people to sail on traditionally rigged sailing vessels and for its work representing the United States in international sail training fora.

Barclay Warburton III founded ASTA in 1973. After he participated in a tall ships race held in Europe, he was inspired to form an organization in the United States that would be dedicated to supporting character building through sail training and promoting sail training to the North American public.

Over the past nearly four decades, ASTA has carried on his vision by working to instill a love of sea in the next generation. The organization gives young people the chance to sail on tall ships and supports professional development among the crew members who work on tall ships. ASTA also organizes tall ship races and associated maritime festivals such as the Tall Ships Challenge Series.

These festivals give young people interested in sailing the chance to experience life on tall ships. They have also enabled millions of spectators to experience the majesty of tall ships and have created significant economic benefits in the coastal communities in which they have been held.

I note that the United States Coast Guard Cutter *Eagle* was used to train cadets at the Coast Guard Academy on the principles of seamanship. It's just one of the many vessels that has worked extensively with ASTA and participated in many ASTA sailing events.

ASTA's work is critical to preserving our Nation's rich maritime heritage and ensuring that its traditions are passed on to the next generation. Madam Speaker, as the chairman of the Subcommittee on Coast Guard and Maritime Transportation, I urge the adoption of H. Res. 197 of the House today and commend the good work of my friend, Congressman KENNEDY, on this resolution.

I reserve the balance of my time.

Mrs. MILLER of Michigan. Madam Speaker, I yield myself as much time as I might consume.

I rise in very strong support of this resolution.

House Resolution 197 recognizes the contribution of the American Sail Training Association. Tall ships remind us of our proud maritime history and our heritage. Through this Association, many, many young people get an opportunity to train aboard these vessels and to gain important leadership experience.

Sailing provides a great opportunity, a wonderful opportunity, to be outside, to be out in nature, enjoying our Nation's bountiful natural resources. Moreover, it's an opportunity for individuals to learn the value of teamwork, and it provides a personal competitive challenge for each member of the crew as they attempt to match their sailing skills against those of the other boats and Mother Nature. There's actually nothing like it.

I speak from some personal experience, Madam Speaker. Actually, my family was in the marina business. I sold sailboats before I ever became involved in public service. It was our family business. It was the way we made our living. It was our family hobby.

In fact, some of my fondest memories include participating in what are some of the marquis freshwater sailing regattas in the Great Lakes, of which I am happy to represent a district from, such as the Port Huron to Mackinac race, of which I have raced in 29 of them. Actually, after you race 25, they induct you into something called the Old Goat Society, or, in my case, I am an old nanny goat. I think I am the only old nanny goat in the United States Congress, as well as participating in the Chicago-to-Mackinac freshwater race as well.

Since 1973, the American Sail Training Association has been introducing young people to the world of sailing, specifically on tall ships. Madam Speaker, these experiences instill the values of hard work, leadership, appreciation for our environment, and cooperation as well, all attributes which will serve young people very well throughout their lifetime.

This summer, the American Sail Training Association is going to be partnering with Great Lakes United, which will bring a fleet of international tall ships actually into the Great Lakes. As these vessels sail through the world's largest body of fresh water, in fact, the Great Lakes are fully one-fifth or 20 percent of the fresh water supply of the entire planet, they will be calling on various ports throughout the Great Lakes to promote stewardship of the Great Lakes and the educational benefits of sailing.

Again, as one who has sailed throughout the Great Lakes, I know that the young people who participate in this venture will be astounded by the majesty as well as the challenges that they will face from a sailing and a boating perspective on the Great Lakes.

I certainly commend the American Sail Training Association for their work to promote the continued display and use of these majestic ships, as well as their efforts to provide a platform to advance historical and environmental awareness also and, of course, development of leadership skills amongst our young people.

In closing, I would just say that there are few things, Madam Speaker, more moving or majestic that speak to us of our proud maritime heritage than when we see the tall ships. Who can forget, certainly in our Nation's bicentennial, when the tall ships came into New York Harbor, going by the Statue of Liberty, really speaks to what America is certainly all about, I think. This resolution recognizes an organization that allows young people to experience these tall ships. I would urge my colleagues to support it.

I yield back the balance of my time.

□ 1115

Mr. CUMMINGS. Madam Speaker, I just wanted to close here and just say that I agree with the gentlelady with regard to tall ships. Being from the port city of Baltimore, we've had the opportunity to see the tall ships and to see what sailing has done for our country. I think this is an outstanding resolution, and so I would move for the adoption of it and suggest that all Members vote for it.

Mr. OBERSTAR. Madam Speaker, I rise today in support of H. Res. 197, as amended, introduced by the gentleman from Rhode Island (Mr. KENNEDY), commending the American Sail Training Association for its advancement of character building under sail and for its advancement of international goodwill.

In 1972, Barclay Warburton III, of Newport, Rhode Island, his two sons, and several friends sailed the brigantine *Black Pearl* across the Atlantic to participate in a tall ships race from England to Sweden. Mr. Warburton was inspired by the enthusiasm and spirit of the young people who participated in the race and, in 1973, he established the American Sail Training Association, ASTA, to provide similar experiences for young people in the United States.

Today, ASTA is a respected nonprofit organization with a mission to encourage character building under sail.

ASTA provides young people with experiences aboard traditionally rigged sail training vessels, and manages scholarship and grant programs. ASTA also organizes and participates in tall ships races and maritime festivals involving vessels and crews from all coasts of the United States and from around the world.

ASTA supports more than 200 training vessels of many types from the United States, Canada, and other nations. Each year, ASTA also supports more than 30 annual sail training conferences throughout the United States and Canada. ASTA also publishes "Sail Tall Ships", a periodic directory of sail training opportunities.

ASTA collaborates extensively with the United States Coast Guard and the USCG

Eagle to conduct many of its sail training programs.

As the United States' representative in, and a founding member of, Sail Training International, STI, the international body promoting sail training, ASTA recently collaborated with STI and port partners around the Atlantic Ocean to create the Tall Ships Atlantic Challenge 2009: a 7,000-mile trip around the Atlantic over the traditional routes followed by ships during the age of sail.

I thank the gentleman from Rhode Island for introducing this resolution to commend the American Sail Training Association.

I urge my colleagues to join me in supporting H. Res. 197.

Mr. CUMMINGS. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Maryland (Mr. CUMMINGS) that the House suspend the rules and agree to the resolution, H. Res. 197, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution, as amended, was agreed to.

A motion to reconsider was laid on the table.

JOHN C. GODBOLD FEDERAL BUILDING

Mr. CUMMINGS. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 4275) to designate the annex building under construction for the Elbert P. Tuttle United States Court of Appeals Building in Atlanta, Georgia, as the "John C. Godbold United States Judicial Administration Building", as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 4275

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION.

The annex building under construction for the United States courthouse located at 56 Forsyth Street in Atlanta, Georgia, known as the Elbert P. Tuttle United States Court of Appeals Building, shall be known and designated as the "John C. Godbold Federal Building".

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the annex building referred to in section 1 shall be deemed to be a reference to the "John C. Godbold Federal Building".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Maryland (Mr. CUMMINGS) and the gentleman from Florida (Mr. MARIO DIAZ-BALART) each will control 20 minutes.

The Chair recognizes the gentleman from Maryland.

GENERAL LEAVE

Mr. CUMMINGS. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to include extraneous material on H.R. 4275.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

There was no objection.

Mr. CUMMINGS. Madam Speaker, I yield 5 minutes to the distinguished gentleman from Georgia (Mr. LEWIS).

Mr. LEWIS of Georgia. Madam Speaker, I want to thank my colleague and my friend Mr. CUMMINGS for yielding. I will not take the 5 minutes.

Madam Speaker, I rise today in support of this resolution to name the annex building at the United States Courthouse on Forsyth Street in downtown Atlanta, Georgia, as the "John C. Godbold Federal Building."

Judge John C. Godbold was born in 1920 in Coy, Alabama, about 100 miles to the west of my hometown of Troy.

In 1966, President Lyndon Johnson appointed Judge Godbold to the United States Court of Appeals for the Fifth Circuit, a key post due to the many civil rights cases before the circuit during the fifties, the sixties and seventies.

Judge Godbold holds the distinction of being the only judge in the history of the United States to be the chief judge of two separate judicial circuits, the Fifth, and then later the 11th Circuit in Atlanta. It is with this legislation that we recognize the significant achievement of Judge Godbold and thank him for his many years of service to this country.

Madam Speaker, I would especially like to express my sympathy to Judge Godbold's family, friends, and colleagues on the judge's recent passing in December 2009.

Mr. MARIO DIAZ-BALART of Florida. Madam Speaker, I'd like to yield myself such time as I may consume.

The gentleman from Georgia, I think, just did a great job explaining why we are here today. I'm not going to go through, again, this distinguished American's extensive record of public service. I do want to, though, as the gentleman from Georgia just mentioned, highlight what he just said, that this is the first person to serve as chief judge in two different Federal circuits, which is really a remarkable achievement.

Also, prior to his appointment to the bench, Judge Godbold was in private practice, but he also served in the U.S. Army. I always like to highlight when we're here on the floor and we're doing something like naming a building, if, in fact, someone has also served in the U.S. military, which I think is the most noble way to serve our country. I think it's important to highlight.

So again, I want to thank the gentleman from Georgia (Mr. LEWIS) for bringing this bill. I understand that the entire Georgia delegation is not only supporting this legislation but are cosponsors with him. Again, this is an individual who has an extensive record of public service.

Madam Speaker, I yield back the balance of my time.

Mr. CUMMINGS. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I just want to associate myself with the words of both of my colleagues and urge the Members of this body to support this resolution.

Mr. JOHNSON of Georgia. Madam Speaker, I rise today to express my strong support for H.R. 4275 to designate the annex building under construction for the Elbert P. Tuttle United States Court of Appeals Building in Atlanta, Georgia, as the "John C. Godbold United States Judicial Administration Building." I would also like to commend JOHN LEWIS, the sponsor of this resolution, for his commitment to preserving the accomplishments of John C. Godbold.

The recognition of the accomplishments of Judge John C. Godbold is well overdue. John C. Godbold, born in Coy, Alabama, attended Auburn University and graduated in 1940. Shortly thereafter, he attended Harvard Law School. His studies were interrupted however, by World War II. He put his studies on hold and joined the Army, where he served as a Major in Europe. After the war, he went back to Harvard Law School to achieve his Juris Doctor degree. Upon graduation, Godbold went into private practice with Richard T. Rives. In 1966, Godbold was appointed to serve as a judge on the Fifth Circuit by President Lyndon Johnson.

After numerous attempts to divide the Fifth Circuit, in 1980 the politics finally gave way to the urgency of doing something about the immense workload of the Fifth Circuit. After receiving petitions signed by every district and circuit judge and every bar association within the circuit, Congress conducted formal hearings and approved on October 14, 1980, the division of the court into two circuits. A new smaller Fifth Circuit Court would stay in New Orleans and exercise appellate jurisdiction over cases originating in Louisiana, Texas, and Mississippi, and a brand new Eleventh Circuit would be located in Atlanta and hear cases coming from Georgia, Florida, and Alabama. The split became official on October 1, 1981, and the twelve judges living in the Eleventh Circuit states all elected to join that circuit, while the 14 judges living within the new fifth chose to stay with that Circuit. Atlanta was now home to the Eleventh Circuit Court of Appeals, and Judge John C. Godbold, who had been chief judge of the old Fifth, became chief of the new Eleventh.

This made Judge Godbold the only person in United States history to serve as the Chief Judge on two separate judicial circuits. In 1987, Judge Godbold became the Director of the Federal Judicial Center in Washington, D.C., for a three-year term, after which he returned as a senior judge. The center is the research and training facility of the Federal Judiciary. In 1990, Judge Godbold was honored by being named the Leslie S. Wright Distinguished Professor at the Cumberland Law School in Birmingham. He was also honored with the Edward J. Devitt Distinguished Service to Justice Award in 1996 and inducted into the Alabama Academy of Honor in 2002. The Honorable Judge John C. Godbold died on

December 22, 2009, leaving behind a legacy that will continue to resonate in history.

As a member of the Judiciary, Subcommittee Chairman on Courts and Competition Policy, and a former judge myself, I cannot express enough how important this man's life was. He symbolized the epitome of what lawyers and judges strive to be, the character that all of us should strive to show. Please join me and support this resolution to honor Judge John C. Godbold.

Mr. OBERSTAR. Madam Speaker, I rise in strong support of H.R. 4275, as amended, introduced by the gentleman from Georgia (Mr. LEWIS), to designate the annex building under construction for the Elbert P. Tuttle United States Court of Appeals Building in Atlanta, Georgia, as the "John C. Godbold Federal Building".

Judge Godbold was a graduate of Auburn University and of Harvard Law School. He was the first person to ever serve as Chief Judge of two different Federal Circuit courts, Judge Godbold assumed senior status in 1987 and served as Director of the Federal Judicial Center from 1987 to 1990. In addition, he was a professor of law at the Cumberland School of Law of Sanford University.

Judge Godbold was also instrumental in devising a process of certifying issues of first impression in Federal court based on state law interpretations, and inviting the state Supreme Court to identify the state law issues and rule on them. Judge Godbold implemented this new procedure in the U.S. Court of Appeals for the 5th Circuit and now more than 40 states have procedures for the certification of state law issues. Judge Godbold was also a well-respected leader in training Federal jurists and authored several publications that addressed responsible advocacy and the role of the rule of law in our lives.

Judge Godbold died late last year on December 22, 2009. He was a man of immense character, and conducted his court proceedings based on fairness and courtesy. He was a courageous judge and dedicated public servant. It is both fitting and proper that we honor his public service with this designation.

I urge my colleagues to join me in supporting H.R. 4275.

Mr. CUMMINGS. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Maryland (Mr. CUMMINGS) that the House suspend the rules and pass the bill, H.R. 4275, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The title of the bill was amended so as to read: "A bill to designate the annex building under construction for the Elbert P. Tuttle United States Court of Appeals Building in Atlanta, Georgia, as the 'John C. Godbold Federal Building'".

A motion to reconsider was laid on the table.

RECOGNIZING THE COAST GUARD GROUP ASTORIA

Mr. CUMMINGS. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1062) recognizing the Coast Guard Group Astoria's more than 60 years of service to the Pacific Northwest, and for other purposes, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1062

Whereas Coast Guard Group Astoria was established in 1948;

Whereas Coast Guard Group Astoria units are responsible for safeguarding mariners in the often treacherous waters of the Pacific Northwest;

Whereas Coast Guard Group Astoria's area of responsibility covers more than 140 miles of coastline between Queets, Washington, and Pacific City, Oregon;

Whereas helicopters from Coast Guard Air Station Astoria regularly patrol and respond to offshore missions from the Canadian border to northern California;

Whereas Coast Guard Group Astoria is comprised of Station Grays Harbor in Westport, Washington; Station Cape Disappointment in Ilwaco, Washington; Station Tillamook Bay in Garibaldi, Oregon; Air Station Astoria in Warrenton, Oregon; and Aids to Navigation Team Astoria at Tongue Point, Oregon;

Whereas during an average year, Coast Guard Group Astoria units respond to more than 800 search-and-rescue calls for help, assist more than 1,700 mariners, and save nearly 100 lives;

Whereas the 325 men and women of Coast Guard Group Astoria perform many missions including search and rescue, homeland security, enforcement of laws and treaties, and maintenance of Aids to Navigation;

Whereas Coast Guard Group Astoria supports local Coast Guard cutters in maintaining 470 Aids to Navigation, enabling mariners to safely navigate the coastal waters of Oregon and Washington;

Whereas since 2003, the men and women of Coast Guard Group Astoria have assisted more than 10,000 individuals in distress and saved more than 500 lives;

Whereas since 2003, Coast Guard Group Astoria has conducted more than 1,200 Living Marine Resources missions to ensure commercial fishing vessel crews abide by Federal and State laws in order to preserve fisheries for future generations;

Whereas since 2003, Coast Guard Group Astoria has spent more than 1,000 hours responding to High Interest Vessels to ensure the security of United States ports and waterways in accordance with the Coast Guard's statutory homeland security responsibilities;

Whereas during the December 2007 Pacific Northwest winter storm, Coast Guard Air Station Astoria helicopter crews flew 28 sorties to rescue and save 136 persons as winds exceeded 130 knots; and

Whereas Coast Guard Group Astoria continues to protect the Pacific Northwest and embody the Coast Guard motto, *Semper Paratus*: Now, therefore, be it

Resolved, That the House of Representatives—

(1) recognizes the Coast Guard Group Astoria's more than 60 years of service to the Pacific Northwest;

(2) honors the brave men and women of Coast Guard Group Astoria who risk their lives daily to ensure the safety and security of the people of the Pacific Northwest; and

(3) directs the Clerk of the House of Representatives to make available enrolled copies of this resolution to Coast Guard Group Astoria for appropriate display.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Maryland (Mr. CUMMINGS) and the gentleman from North Carolina (Mr. COBLE) each will control 20 minutes.

The Chair recognizes the gentleman from Maryland.

GENERAL LEAVE

Mr. CUMMINGS. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to include extraneous material on H. Res. 1062.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

There was no objection.

Mr. CUMMINGS. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, as chairman of the Subcommittee on the Coast Guard and Maritime Transportation, I rise in very strong support of H. Res. 1062 offered by Congressman WU. This resolution recognizes the Coast Guard Group Astoria for the more than 60 years of service it has provided to the Pacific Northwest.

Founded in 1948, Group Astoria is today comprised of Station Grays Harbor in Westport, Washington; Station Cape Disappointment in Ilwaco, Washington; Station Tillamook Bay in Garibaldi, Oregon; Air Station Astoria in Warrenton, Oregon; and Aids to Navigation Team Astoria at Tongue Point, Oregon.

Staffed by 325 Coast Guard members, Group Astoria oversees an area of responsibility that covers 140 miles of coastline in Oregon and Washington. In an average year, members of Group Astoria respond to more than 800 search-and-rescue calls; and since 2003, Group Astoria has saved more than 500 lives and assisted more than 10,000 individuals in distress.

Group Astoria also supports the maintenance of 478 aids to navigation, and over the last 7 years the group has conducted more than 1,200 missions to ensure that fishing vessels working in its area of responsibility are in compliance with commercial fishing laws.

Later this year, Group Astoria will gain additional responsibilities and will be renamed Sector Columbia River. The title Group Astoria will become a historical name.

In advance of these planned transitions, H. Res. 1062 recognizes Group Astoria for its service to the Pacific Northwest and honors the members of the Coast Guard who have served at Group Astoria over the past six decades. I join with my friend Congress-

man WU and the five cosponsors of H. Res. 1062 in honoring the service of Group Astoria, the 13th District, and indeed of all our Coast Guard members.

I urge the adoption of the resolution by the House today and commend Congressman WU for his work on this resolution.

Madam Speaker, I reserve the balance of my time.

Mr. COBLE. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, House Resolution 1062, as indicated by the distinguished chairman, recognizes the longstanding service of Coast Guard Group Astoria to the people of the Pacific Northwest. Group Astoria members, along with their partners at the co-located air station, carry out search and rescue, maritime homeland security, fisheries enforcement, and aids to navigation missions throughout their area of responsibility.

Group Astoria is one of the last of its kind as the Coast Guard has consolidated its personnel and mission capabilities through the establishment of sectors. Members and assets currently assigned to Group Astoria will be combined with other Coast Guard units to stand up the new Sector Columbia River in Astoria later this year, and it is fitting that we celebrate Group Astoria's long history as it embarks on this transformation.

Madam Speaker, House Resolution 1062 gives this House the opportunity to express thanks to members of Coast Guard Astoria and their colleagues stationed at other Coast Guard sectors and groups for their selfless service to protect those in need.

Madam Speaker, if I may assume a personal role, some years ago, as an active-duty Coast Guardsman, I was assigned to the Port Security Unit at Astoria at the mouth of the Columbia River. So this resolution is taking me down a nostalgic trail, a pleasant nostalgic trail. The past is coming alive, reviving old memories.

So with that in mind, I join with the resolution's sponsor and cosponsors in honoring their service and the service of all Coast Guard members and officers.

Madam Speaker, I yield back the balance of my time.

Mr. CUMMINGS. Madam Speaker, I yield such time as he may consume to Mr. WU.

Mr. WU. I thank the gentleman.

I rise today to ask my colleagues to join me in supporting House Resolution 1062, which recognizes Coast Guard Group Astoria's more than 60 years of service to the Pacific Northwest. And I thank the gentleman for his service in Coast Guard Group Astoria, his personal service. I want to welcome him back to Oregon any time he chooses to come.

For more than six decades, Coast Guard Group Astoria has served the

people of Oregon and Washington and the Pacific Northwest. The 325 men and women of Group Astoria are responsible for patrolling more than 140 miles of coastline, stretching from Queets, Washington, to Pacific City, Oregon, one of the most dangerous and beautiful expanses of water in the world.

The group is comprised of Station Grays Harbor in Westport, Washington; Station Cape Disappointment in Ilwaco, Washington; Air Station Astoria in Warrenton, Oregon; Aids-to-Navigation Team Astoria at Tongue Point, Oregon; and Station Tillamook Bay in Garibaldi, Oregon.

Group Astoria carries out a diverse set of missions, from search and rescue to law enforcement, and from environmental protection to aids to navigation maintenance, but its contributions to our community do not end there. Coast Guard members are also responsible for homeland security functions vital to our national defense. Moreover, Group Astoria personnel are ever-present sentinels guarding our coastal waterways and enabling the safe and steady flow of both commercial and recreational traffic.

I want to add as a personal note that I deeply appreciate the community service and community contributions of the many individuals in Coast Guard Group Astoria that I have known over the past years.

Group Astoria continues to embody the Coast Guard's motto, "Semper Paratus," always ready, each and every day. These men and women risk their lives to ensure that those who venture to sea return home and return home safely.

Each year, Coast Guard Group Astoria responds to roughly 800 search-and-rescue calls for help, assists more than 1,700 mariners, and saves nearly 100 lives. They do so in all types of weather and amid the many challenges of our harsh and beautiful coastline.

□ 1130

One effort in particular stands out in my mind, not only for its heroism but also for the way that it lifted the spirits of all of those affected: in December 2007, Oregon was hit by a winter storm with hurricane-force winds in excess of 130 miles per hour. The storm knocked out power in thousands of homes in northwest Oregon and southwest Washington, and communication in many areas was completely cut off.

Of the many heroes who distinguished themselves that week, the Coast Guard ranks amongst the most courageous. For instance, Coast Guard Air Station Astoria helicopter crews rescued over 130 people trapped by flooding in Chehalis, Washington. In my personal visit there a day or two after the storm, I met one of the rescue divers. He didn't tell me the story, but his colleagues did.

With high winds blowing, he was dropped in the water near Chehalis.

There was a residential structure there, a home there. Not only were the lights still on and electricity still flowing to that house, but there was sheet metal flapping in a very strong wind there. At great risk to himself, ignoring the hazard posed by flying sheet metal, he entered this home and found an elderly gentleman lying on a floating couch inside a flooded room. It takes a lot of courage to enter structures like that, which is to do the right thing and to bring the citizens of Oregon and Washington to safety.

For their extraordinary heroism, many of the aircrews involved in these December 2007 rescues were awarded the Distinguished Flying Cross. Group Astoria's bravery during that storm is just one example of its service to Oregon's north coast. It illustrates the selflessness and the professionalism that gives Group Astoria its reputation.

Madam Speaker, it is right and fitting that we should recognize Coast Guard Group Astoria's service to the Pacific Northwest. These brave men and women give so much to their fellow Americans, and they ask so little in return.

At this time, I would like to specifically recognize the leadership of Captain Peter Troedsson, who commanded Group Astoria during the 2007 winter storm, as well as Captain Doug Kaup, Group Astoria's current commander.

I am grateful for Coast Guard Group Astoria's service, and I ask my colleagues to join me in recognizing their ongoing efforts in protecting the people of the Pacific Northwest. I urge my colleagues to support House Resolution 1062.

Mr. CUMMINGS. I yield myself such time as I may consume.

Madam Speaker, let me associate myself with the words of both of my colleagues. Again, I want to thank Mr. Wu for sponsoring the resolution. I also want to thank Mr. COBLE for his service, not only to the United States Coast Guard, but to our subcommittee. He is one of our strongest members and has tremendous passion about the Coast Guard.

As I was listening to both of them, I could not help but think about the fact that the Coast Guard does not always get the recognition that it deserves. It has a little bit over 41,000 members. It is a small agency, a small organization; but I call them our thin blue line at sea. Certainly, Coast Guard Group Astoria is typical of the men and women whom I see all over our country as I travel, and I commend them on so many things that they have done so well.

On that note, when we look back at Katrina and at all of the agencies which operated during Katrina, there is absolutely no question that the United States Coast Guard was the agency that went far beyond the call of duty,

rescuing some 35,000-plus lives. Many of these people would have perished if it were not for the bravery and the courage of the United States Coast Guard.

In this resolution, while we are addressing Coast Guard Group Astoria, I think it also says to the other members of the Coast Guard that we are a grateful Congress and that we appreciate everything that they do every day in putting their lives on the line so that they can continue to be our thin blue line at sea.

Mr. OBERSTAR. Madam Speaker, I rise today in support of H. Res. 1062, as amended, introduced by the gentleman from Oregon (Mr. Wu), recognizing the Coast Guard Group Astoria's more than 60 years of service to the Pacific Northwest.

With 325 Coast Guard personnel and six units, Group Astoria's area of responsibility encompasses over 140 miles of coastline between Queets, Washington, and Pacific City, Oregon. Group Astoria conducts numerous missions, such as search and rescue, aids-to-navigation, homeland security, and enforcement of laws and treaties.

Each year, Coast Guard Group Astoria receives more than 800 distress calls, assists over 1,700 mariners and save approximately 100 people from perishing at sea. Since 2003, Group Astoria has saved over 500 lives and assisted more than 10,000 recreational boaters and commercial mariners in distress.

Since 2003, Group Astoria had conducted over 1,200 Living Marine Resource missions to ensure commercial fishing vessels are not over-fishing in certain areas, conserving marine resources for future generations.

Air Station Astoria assets provide coverage and respond to offshore distress calls up to the Canadian border and down to northern California. In December 2007, crews from Air Station Astoria flew 28 sorties in 130 knot winds during the Pacific Northwest winter storm saving 136 people. Air Station Astoria also provides assistance to the Air Force Rescue Coordination Center and other local responders with inland search and rescue.

This August, Group Astoria will gain additional responsibilities and will be redesignated as Sector Columbia River, making the title "Group Astoria" a historical name. In light of these planned transitions, H. Res. 1062 recognizes Coast Guard Group Astoria for 60 years of noble service and honors the brave Coast Guard men and women who put their lives at risk every day for the safety and security of the people in the Pacific Northwest.

I thank the gentleman from Oregon for bringing forth this resolution to recognizing the Coast Guard Group Astoria's more than 60 years of service to the Pacific Northwest.

I urge my colleagues to join me in supporting H. Res. 1062.

Ms. RICHARDSON. Madam Speaker, I rise today in support of H. Res. 1062 that recognizes the Coast Guard Group Astoria's more than 60 years of service to the Pacific Northwest.

Let me take a moment to commend Congressman DAVID WU for bringing this resolution to the floor and giving us the opportunity to commend the Coast Guard for its continued service.

The Coast Guard Group Astoria, based out of Warrenton, Oregon, operates three Sikorsky HH-60 Jayhawk helicopters as it patrols and responds to emergencies throughout the Pacific Northwest. I know how important the Coast Guard is because of its presence in the Port of Long Beach in the 37th District of California, which I represent. I see on a regular basis just how hard those men and women work to protect our coastal areas and waterways. Their presence in my district, as well as my position on the Transportation and Infrastructure Subcommittee on Coast Guard and Maritime Transportation, make me acutely aware of how important the Coast Guard is to our national security and safety.

We are indebted to the men and women who dedicate their lives to the Coast Guard. These brave men and women, such as those who have spent the last 60 years working for Coast Guard Astoria, are ready and willing to serve their country in whatever way necessary. I support this resolution and urge my colleagues to do the same.

Mr. CUMMINGS. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Maryland (Mr. CUMMINGS) that the House suspend the rules and agree to the resolution, H. Res. 1062, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. CUMMINGS. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

RECOGNIZING DR. HECTOR GARCIA

Mr. CONYERS. Madam Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 222) recognizing the leadership and historical contributions of Dr. Hector Garcia to the Hispanic community and his remarkable efforts to combat racial and ethnic discrimination in the United States of America.

The Clerk read the title of the concurrent resolution.

The text of the concurrent resolution is as follows:

H. CON. RES. 222

Whereas Dr. Hector Garcia changed the lives of Americans from all walks of life;

Whereas Dr. Hector Garcia was born in Mexico on January 17, 1914, and immigrated to Mercedes, Texas, in 1918;

Whereas Dr. Hector Garcia is an honored alumnus of the School of Medicine at the University of Texas Medical Branch, Class of 1940;

Whereas Dr. Hector Garcia fought in World War II, specifically in North Africa and Italy, attained the rank of Major, and was awarded the Bronze Star with six battle stars;

Whereas once the Army discovered he was a physician, Dr. Hector Garcia was asked to

practice his profession by treating his fellow soldiers;

Whereas Dr. Hector Garcia moved to Corpus Christi, Texas, after the war, and opened a medical practice; rarely charged his indigent patients, and was recognized as a passionate and dedicated physician;

Whereas he first became known in south Texas for his public health messages on the radio with topics ranging from infant diarrhea to tuberculosis;

Whereas Dr. Hector Garcia continued his public service and advocacy and became founder of the American G.I. Forum, a Mexican-American veterans association, which initiated countless efforts on behalf of Americans to advance opportunities in health care, veterans benefits, and civil rights equality;

Whereas his civil rights movement would then grow to also combat discrimination in housing, jobs, education, and voting rights;

Whereas President Kennedy appointed Dr. Hector Garcia a member of the American Treaty Delegation for the Mutual Defense Agreement between the United States and the Federation of the West Indies;

Whereas in 1967, President Lyndon Johnson appointed Dr. Hector Garcia as alternate ambassador to the United Nations where he gave the first speech by an American before the United Nations in a language other than English;

Whereas Dr. Hector Garcia was named member of the Texas Advisory Committee to the United States Commission on Civil Rights;

Whereas President Reagan presented Dr. Hector Garcia the Nation's highest civilian award, the Medal of Freedom, in 1984 for meritorious service to his country, the first Mexican-American to receive this recognition; and

Whereas Pope John Paul II recognized him with the Pontifical Equestrian Order of Pope Gregory the Great: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That Congress—

(1) encourages—

(A) teachers of primary schools and secondary schools to launch educational campaigns to inform students about the lifetime of accomplishments by Dr. Hector Garcia; and

(B) all people of the United States to educate themselves about the legacy of Dr. Hector Garcia; and

(2) recognizes the leadership and historical contributions of Dr. Hector Garcia to the Hispanic community and his remarkable efforts to combat racial and ethnic discrimination in the United States of America.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Michigan (Mr. CONYERS) and the gentleman from Texas (Mr. SMITH) each will control 20 minutes.

The Chair recognizes the gentleman from Michigan.

GENERAL LEAVE

Mr. CONYERS. I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and to include extraneous materials on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. CONYERS. I yield myself such time as I may consume.

Madam Speaker, this resolution was brought to the Judiciary Committee's attention by our friend SOLOMON ORTIZ of Texas, which recognizes the leadership and historical contributions of Dr. Hector Garcia to the Hispanic community and to the Nation in his remarkable efforts to combat racial and ethnic discrimination. Dr. Garcia was born in Mexico, and his family settled in Mercedes, Texas. So this concurrent resolution recognizes the leadership and historical contributions of this great American.

It is singularly important to me that he graduated from a segregated high school in Texas. Segregated how? Well, it was segregated because Hispanics could not go to the schools that everybody else went to. Of course, African Americans couldn't either, so I guess they had two levels of segregation. Eventually, he got through the University of Texas, and then became a doctor. During World War II, he was a combat engineer, which is a field of the military that I, too, served in. The rest, as they say, is history.

It is my intention to yield to our colleague Mr. ORTIZ, who has more detail that we can add to this, though, Madam Speaker, at this moment, I reserve the balance of my time.

Mr. SMITH of Texas. I yield myself such time as I may consume.

Madam Speaker, first of all, I want to thank my Texas colleague Mr. ORTIZ for introducing this resolution. It reflects well on him and on a wonderful individual who has contributed so much.

I support House Concurrent Resolution 222, which recognizes the leadership and the historical contributions of Dr. Hector Garcia. My colleague in the other body, Senator CORNYN of Texas, sponsored a similar resolution during the last Congress, and I am glad to see that it is being considered in the House this year.

In 1914, Hector Garcia was born in Llera, which is a small town in Mexico. As a child, he was brought to Mercedes, Texas, after his parents fled the Mexican Revolution in 1917. He graduated from the University of Texas Medical School in 1940 and used that education to serve his country in the United States Army.

In the Army, Dr. Garcia served during World War II as an infantryman, as a combat engineer, and as a medical doctor. He earned the Bronze Star medal with six battle stars for his distinguished service; but his public service did not end there. Dr. Garcia founded the American GI Forum in 1948, which fights for equal treatment of Mexican American veterans in medical care and educational benefits.

President Lyndon Johnson made Dr. Garcia the first Mexican American to serve as an ambassador to the United Nations. He also became the first Hispanic to serve on the United States

Commission on Civil Rights; and in 1984, President Ronald Reagan bestowed upon Dr. Garcia the Presidential Medal of Freedom.

I urge all of my colleagues to join me in supporting this resolution.

Madam Speaker, I yield back the balance of my time.

Mr. CONYERS. Madam Speaker, I yield as much time as he may consume to the gentleman from Texas, SOLOMON ORTIZ, whom we recognize as the dean of the Hispanic Caucus and whom I thank for bringing to our attention this great Texan and American.

Mr. ORTIZ. Thank you, Chairman CONYERS, for giving a beautiful description of my good friend Dr. Garcia, and thank you for bringing this to the floor.

I also want to thank my good friend from Texas (Mr. SMITH) for bringing this resolution to the floor.

Madam Speaker, I rise to honor an American hero who is very well respected in the community. Today, we honor the life and work of Dr. Hector P. Garcia, who is a recognized leader of better health care for all Texans and who is a legendary civil rights advocate and promoter of education for Hispanics.

My resolution, H. Con. Res. 222, honors a lifetime of the extraordinary achievements of Dr. Hector P. Garcia, who lived and worked in my congressional district in Corpus Christi, Texas, for many years.

Dr. Garcia's family emigrated from Mexico in 1914 and settled in Mercedes, Texas. After graduating from medical school, he served with great distinction in World War II. He attained the rank of major and earned the Bronze Star with six battle stars. When the Army learned that Dr. Garcia was a physician, he was asked to practice his profession by treating his fellow soldiers.

When he moved to Corpus Christi, he opened a private practice where he treated all patients regardless of their ability to pay. I was there many times when people just didn't have any money. He was able to give them what they needed free of charge. He was a very honorable man, and he turned down profit to make a better life for all of us, not only in south Texas but throughout the United States.

Dr. Garcia first became known in south Texas for his public health messages on the radio. He was on the air three times a week with a Spanish program, "Your Health and Welfare." During this time, he struggled to bring attention to severe illnesses such as tuberculosis, which enabled the public to become better educated about its health needs. His messages brought to light the many health issues of the region and the glaring poverty in south Texas.

□ 1145

A man of tremendous talents, Dr. Garcia prized education and fought for

other Americans to also value education. In the 1940s, he struggled to abolish the one-room segregated "Mexican schools" that one would find across the Texas landscape. As a result of this example of leadership, Texas schools in Corpus Christi were eventually desegregated, substandard schools for children of Mexican and Latino descent were closed, and students who previously did not have access to adequate education were given the same opportunities available to others. Because of these efforts, four schools are named after him in Texas and one in Chicago, Illinois.

Perhaps most significantly, he emerged as founder of the GI Forum, a Mexican American veterans association to redress the injustices experienced by returning World War II veterans. The GI Forum initiated countless efforts on behalf of Americans in the areas of health care and veterans benefits, and now have more than 160,000 members in 500 chapters in 24 States and Puerto Rico. His civil rights movements would then grow to combat discrimination in housing, in education, and in voting rights.

In recognition of these achievements, President John F. Kennedy appointed Dr. Garcia a member of the American Treaty Delegation for the Mutual Defense Agreement between the United States and the Federation of the West Indies. As President Kennedy once said in another context, "In each of us, there is a private hope and dream which, when fulfilled, can be translated into benefits for everyone." Dr. Garcia understood this uplifting concept as he fought discrimination against the voiceless, for which we should all be proud of.

In 1967, President Lyndon B. Johnson appointed Dr. Garcia as alternate ambassador to the United Nations, where he gave the first speech by an American before the United Nations in a language other than English. Dr. Garcia spoke Spanish to a captivated audience.

President Reagan presented Dr. Garcia the Nation's highest civilian award, the Presidential Medal of Freedom, in 1984 for his tremendous service to this country, the first Mexican American to receive that distinction.

Americans should do all they can to learn about Dr. Garcia. He dedicated his life to the less fortunate, and will always be remembered for giving so much of himself for this country and for all of us.

Mr. CONYERS. Madam Speaker, I am pleased to yield 3 minutes to Mr. CHET EDWARDS of Texas, a real leader on improving relations not just in Texas but across the country.

Mr. EDWARDS of Texas. Madam Speaker, let me begin by thanking the chairman for his kind comments and for his leadership for our country.

Madam Speaker, America is a better country today because of the life and

service of Dr. Hector P. Garcia. And we will be a better country tomorrow if every school child hears his story. It is the story of an immigrant child who worked hard, became a physician, and dedicated his entire life to his family and service to country. It is a story that one person can make a difference. It is a story of the timeless values of hard work and service to others. It is the quintessential American story of love of country, expressed through a lifetime of service to others.

One of the greatest privileges of my lifetime was to know Dr. Hector Garcia. He left the world a better place, and his life story continues to inspire everyone who hears it. And it is my hope that every school child in America will hear his story, a true champion of our Nation's never-ending quest for equal opportunity for all.

As a child growing up in Corpus Christi, Texas, Dr. Garcia's hometown, I lived on the same block. At the time, I did not know he was a World War II hero who earned a Bronze Star and the rank of major. I did not know this champion in the cause of American's Hispanic veterans. Yet as I grew older and learned of Dr. Garcia's heroic lifetime of service on the battlefields of war, in the halls of Congress, and in the offices of his medical practice, his life's story became an inspiration that led me to public service.

Had it not been for Dr. Hector, as we called him, I probably would not be in Congress today. For that I am personally grateful. But I am even more grateful for how he made a difference in our Nation's history. May God bless and forever keep in his loving arms Dr. Hector P. Garcia.

Mr. HINOJOSA. Madam Speaker, I rise today in support of H. Con. Res. 222, a resolution that recognizes the life and contributions of Dr. Hector P. Garcia.

In 1917, at the age of 3, Dr. Garcia immigrated to my hometown of Mercedes, Texas, with his family, where he graduated from my alma mater, Mercedes High School.

Despite the social injustices that pervaded the United States, like those that forced him to attend segregated schools, he earned his medical degree from the University of Texas Medical School.

He served the nation as a commissioned officer in World War II. After the war, he returned to Texas and continued his medical practice. His decision to fight for civil rights was spurred by the gross injustice and inequality he witnessed in the United States. Particularly in the treatment of Hispanic veterans returning from the war. He founded the American GI Forum to help give these Hispanic veterans a voice.

Dr. Garcia also believed that every child should have equal access to education and that everyone deserved health care. He personally treated hundreds of indigent patients regardless of their ability to pay.

Dr. Garcia's life and work continue to be an inspirational force for many, especially in deep South Texas.

His tireless advocacy for civil rights has benefitted all in the United States who view equality as a fundamental component of our Great Nation.

I am honored that I can stand here today and urge my colleagues to pass this resolution recognizing the remarkable achievements of this great American.

Mr. GENE GREEN of Texas. Madam Speaker, I rise today in support of H. Con. Res. 222—Recognizing the leadership and historical contributions of Dr. Hector P. Garcia to the Hispanic community and his remarkable efforts to combat racial and ethnic discrimination in the United States. Dr. Garcia was born in Mexico, in 1914, but his family fled the Mexican Revolution and immigrated to Mercedes, Texas. His is an inspirational story of the possibilities the American Dream holds for immigrants. Through hard work and perseverance, he became a surgeon and served his country in World War II. Dr. Garcia's experiences after his return from the war led him to found the American GI Forum in Corpus Christi, Texas.

Dr. Garcia began helping Mexican-American veterans file claims with the Veterans' Administration, in response to the unacceptably slow treatment they were receiving. On March 26, 1948, he called a meeting to address the concerns of these veterans. This developed into the American GI Forum, which soon had chapters in 40 Texas cities and became the way by which Mexican-American veterans could express their frustration with the discrimination against them.

And so it is with great pleasure that I recognize Dr. Hector P. Garcia, for his service to our country and to the Mexican-American community, and I support this resolution.

Mr. JOHNSON of Georgia. Madam Speaker, I rise today to proudly support H. Con. Res. 222 introduced in the House of Representatives by Mr. ORTIZ. H. Con. Res. 222 recognizes the leadership and lifelong contributions of Dr. Hector Garcia to the Hispanic community and his remarkable work on important issues such as civil rights, health care, veteran benefits, the struggle for racial equality, and ethnic discrimination in the United States of America.

Dr. Hector Garcia was born in the city of Llera in Tamaulipas, Mexico, on January 17, 1914. He is the son of two schoolteachers who legally immigrated to Mercedes, Texas, to escape from the violence of the Mexican Revolution in the early 1900s. He graduated in 1940 from the School of Medicine at the University of Texas Medical Branch, and in 1942 volunteered for combat in the Army during World War II. In 1946, after the war, he and his family returned to Texas and settled in Corpus Christi, where he became the president of the League of United Latin American Citizens (LULAC). While in Corpus Christi, Dr. Garcia opened a private practice to treat ill people regardless of their ability to afford health care and he founded the American GI Forum to address VA's discrimination and the right to equality of Hispanic American veterans. Dr. Garcia's strong advocacy and extraordinary work made him the recipient of national and international recognition, including the Nation's highest civilian award in 1984, the Presidential Medal of Freedom, and the

Equestrian Order of Pope Gregory the Great from Pope John Paul II in 1990.

Dr. Garcia's leadership, advocacy, work and commitment to Hispanic American civil rights equality, access to health care, and the fair treatment of the government's institutions to its citizens regardless of race and ethnicity constitute his legacy, and his invaluable contribution to the proud history of our great nation.

I commend the life and legacy of Dr. Hector Garcia and his contribution to the Hispanic community in the United States of America, and I strongly encourage my colleagues to support this important resolution.

Mr. RODRIGUEZ. Madam Speaker, I rise today in honor of a great American, Dr. Hector P. Garcia. I would like to thank Congressman ORTIZ for his leadership and for bringing forth this resolution.

This resolution recognizes the leadership and historical contributions of Dr. Garcia to the Hispanic community and our country as a whole and for his tireless efforts to combat racial and ethnic discrimination. Dr. Garcia was founder of the American GI Forum, a Mexican-American veteran's service association, which initiated countless efforts on behalf of Americans in the areas of health care, veterans' benefits, and civil rights equality following World War II. For his efforts, President Reagan in 1984 presented Dr. Garcia with the nation's highest civilian award, the Medal of Freedom, for meritorious service to the country. He was the first Mexican-American to receive this recognition.

Dr. Garcia and the American GI Forum played a pivotal role in the case of Army Private Felix Longoria. Private Longoria was killed in action in 1945. After a 4-year wait, his body was returned to Texas in 1949. His widow requested the use of the funeral chapel in Three Rivers, TX, where she was denied because he was of Mexican descent. With the determination of a soldier, Dr. Garcia and the GI Forum intervened. They petitioned Senator Lyndon B. Johnson for assistance and LBJ successfully secured the hero's burial his widow and this private deserved at Arlington National Cemetery, where he became the first Mexican American to be awarded the honor. The issue garnered national attention when it was published in the New York Times. It was work like this that made the GI Forum a leader in civil rights movement.

I had the benefit of knowing Dr. Garcia, and his family currently lives in my district. Dr. Garcia is an American hero and deserves the recognition of this House.

Mr. BACA. Madam Speaker, I ask for unanimous consent to address the House for one minute.

Madam Speaker, I stand here today to honor the life and historical contributions of Dr. Hector Garcia, a WWII hero, civil rights leader and medical doctor of the poor and disenfranchised.

I rise to support the passage of this legislation which will encourage educating Americans on the life, deeds, and accomplishments of Dr. Hector Garcia.

Motivated by a teacher who said that no "Mexican" was going to get an A in class. Hector Garcia graduated with a doctorate in Medicine in 1940.

He founded the American GI Forum (AGIF) in 1948, when a Mexican American soldier,

Private Felix Longoria, was denied a proper funeral due to racial segregation.

Motivated to fight against discrimination, Dr. Garcia sent out telegrams to elected and government officials.

In response, Senator Lyndon B. Johnson, arranged to have the private buried with full military honors in Arlington National Cemetery, becoming the first Mexican American serviceman awarded this honor.

AGIF and Dr. Garcia became a voice for Mexican Americans in the post WWII era. During Vietnam he made it a point to accompany the families of fallen soldiers to collect the bodies of their loved ones.

Dr. Garcia loved to quote the Declaration of Independence and the Constitution, applying it to his daily life.

Dr. Garcia's motto, and the AGIF's today is, "Education is Our Freedom and Freedom should be Everybody's Business".

He strove to make a more equitable and peaceful community both locally and internationally. Appointed alternate Ambassador to the United Nations, he was the first representative of the United States to address the UN body in a language other than English.

This legislation will encourage his legacy and increase public knowledge of Dr. Hector Garcia's exemplary dedication to eradicating ethnic discrimination.

I urge my colleagues to support this legislation, which will have a positive impact on our young people and help craft the next generation of social leaders.

Mr. CONYERS. Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Ms. DEGETTE). The question is on the motion offered by the gentleman from Michigan (Mr. CONYERS) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 222.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. CONYERS. Madam Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

WASHINGTON METROPOLITAN AREA TRANSIT REGULATION COMPACT AMENDMENTS

Mr. CONYERS. Madam Speaker, I move to suspend the rules and pass the joint resolution (S.J. Res. 25) granting the consent and approval of Congress to amendments made by the State of Maryland, the Commonwealth of Virginia, and the District of Columbia to the Washington Metropolitan Area Transit Regulation Compact.

The Clerk read the title of the joint resolution.

The text of the joint resolution is as follows:

S.J. RES. 25

Whereas the State of Maryland, the Commonwealth of Virginia, and the District of Columbia entered into the Washington Metropolitan Area Transit Regulation Compact in 1960 with the consent of Congress in Public Law No. 86-794, 74 Stat. 1031;

Whereas the State of Maryland, the Commonwealth of Virginia, and the District of Columbia amended titles I and II of the Compact in 1962 and 1990 with the consent of Congress in Public Law No. 87-767, 76 Stat. 764, and Public Law No. 101-505, 104 Stat. 1300, respectively;

Whereas legislation enacted by the State of Maryland (2008 Md. Laws c. 32 and 2009 Md. Laws c. 76) the Commonwealth of Virginia (2007 Va. Acts c. 378 and 2009 Va. Acts c. 540) and the District of Columbia (D.C. Act 17-622) contain amendments to article III of title I of the Compact regarding appointment of members to the Washington Metropolitan Area Transit Commission; and

Whereas the consent of Congress is required in order to implement such amendments: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CONSENT OF CONGRESS TO COMPACT AMENDMENTS.

(a) CONSENT.—Consent of Congress is given to the amendments of the State of Maryland, the amendments of the Commonwealth of Virginia, and the amendments of the District of Columbia to article III of title I of the Washington Metropolitan Area Transit Regulation Compact.

(b) AMENDMENTS.—The amendments referred to in subsection (a) are substantially as follows:

(1) Section 1(a) is amended to read as follows:

"(a) The Commission shall be composed of 3 members, 1 member appointed by the Governor of Virginia from the Department of Motor Vehicles of the Commonwealth of Virginia, 1 member appointed by the Governor of Maryland from the Maryland Public Service Commission, and 1 member appointed by the Mayor of the District of Columbia from a District of Columbia agency with oversight of matters relating to the Commission."

(2) Section 1 is amended by inserting at the end the following:

"(d) An amendment to section 1(a) of this article shall not affect any member in office on the amendment's effective date."

SEC. 2. RIGHT TO ALTER, AMEND, OR REPEAL.

The right to alter, amend, or repeal this Act is expressly reserved.

SEC. 3. CONSTRUCTION AND SEVERABILITY.

It is intended that the provisions of this compact shall be reasonably and liberally construed to effectuate the purposes thereof. If any part or application of this compact, or legislation enabling the compact, is held invalid, the remainder of the compact or its application to other situations or persons shall not be affected.

SEC. 4. INCONSISTENCY OF LANGUAGE.

The validity of these amendments to the compact shall not be affected by any insubstantial differences in its form or language as adopted by the State of Maryland, Commonwealth of Virginia and District of Columbia.

SEC. 5. EFFECTIVE DATE.

This Act shall take effect on the date of enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from

Michigan (Mr. CONYERS) and the gentleman from Texas (Mr. SMITH) each will control 20 minutes.

The Chair recognizes the gentleman from Michigan.

GENERAL LEAVE

Mr. CONYERS. Madam Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous material on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. CONYERS. Madam Speaker, I yield myself as much time as I may consume.

This jurisdiction comes to the Judiciary Committee under the commerce clause, which says that all compacts must come through the committee. The Public Service Commission of the District of Columbia is being replaced with the District of Columbia agency with oversight of matters relating to the commission. The State Corporation Commission of the Commonwealth of Virginia is being replaced with the Commonwealth's Department of Motor Vehicles.

There are a number of our colleagues in the Senate that should be thanked for helping expedite this matter: Senators CARDIN, MIKULSKI, MARK WARNER, and JIM WEBB. We are grateful to them all.

I urge my colleagues to support this resolution because it is obviously in the interests of all that this commission be governed by a three-member board with one representative each from the District of Columbia, the Commonwealth of Virginia, and the State of Maryland. I urge its support.

I reserve the balance of my time.

Mr. SMITH of Texas. Madam Speaker, it is always nice to agree with the Chairman of the Judiciary Committee. I too support Senate Joint Resolution 25.

This resolution grants Congress' approval to amendments that the State of Maryland, the Commonwealth of Virginia and the District of Columbia have made to the Washington Metropolitan Area Transit Regulation Compact.

Under the amendments, the District of Columbia may appoint its member of the Washington Metropolitan Area Transit Commission from any District agency with oversight of matters relating to the commission.

The District is thus freed from the requirement to appoint its member from the District's Public Service Commission, which no longer has responsibility for affairs regulated by the Washington Metropolitan Area Transit Commission.

Similarly, the amendments allow Virginia to appoint its commission member from the Virginia Department of Motor Vehicles, rather than the State's Corporation Commission.

The amendments perform a desirable piece of housekeeping regarding the compact. All of the jurisdictions that are party to the compact have agreed to the amendments.

I urge all Members to support the resolution, which aids the operation of this important interstate body.

I yield back the balance of my time.

Mr. CONYERS. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan (Mr. CONYERS) that the House suspend the rules and pass the joint resolution, S.J. Res. 25.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the joint resolution was passed.

A motion to reconsider was laid on the table.

TRUTH IN CALLER ID ACT OF 2010

Mr. BOUCHER. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 1258) to amend the Communications Act of 1934 to prohibit manipulation of caller identification information, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1258

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Truth in Caller ID Act of 2010".

SEC. 2. PROHIBITION REGARDING MANIPULATION OF CALLER ID INFORMATION.

Section 227 of the Communications Act of 1934 (47 U.S.C. 227) is amended—

(1) by redesignating subsections (e), (f), and (g) as subsections (f), (g), and (h), respectively; and

(2) by inserting after subsection (d) the following new subsection:

"(e) PROHIBITION ON PROVISION OF DECEPTIVE CALLER ID INFORMATION.—

"(1) IN GENERAL.—It shall be unlawful for any person within the United States, in connection with any real time voice communications service, regardless of the technology or network utilized, to cause any caller ID service to transmit misleading or inaccurate caller ID information, with the intent to defraud or deceive.

"(2) PROTECTION FOR BLOCKING CALLER ID INFORMATION.—Nothing in this subsection may be construed to prevent or restrict any person from blocking the capability of any caller ID service to transmit caller ID information.

"(3) REGULATIONS.—

"(A) DEADLINE.—Not later than 6 months after the date of enactment of this subsection, the Commission shall prescribe regulations to implement this subsection.

"(B) CONSIDERATION OF RELATED REGULATIONS.—In conducting the proceeding to prescribe the regulations required by subparagraph (A), the Commission shall examine whether the regulations under subsection (b)(2)(B) should be revised to require calls that are not made for a commercial purpose to residential telephone lines using an artificial or prerecorded voice to deliver a message to transmit caller ID information that is not misleading or inaccurate.

"(4) LAW ENFORCEMENT EXCEPTION.—This section does not prohibit lawfully authorized investigative, protective, or intelligence activity of a law enforcement agency of the United States, a State, or a political subdivision of a State, or of

an intelligence agency of the United States, or any activity authorized under chapter 224 of title 18, United States Code.

"(5) SAVINGS PROVISION.—Except as provided for in paragraph (3)(B), nothing in this subsection may be construed to affect or alter the application of the Commission's regulations regarding the requirements for transmission of caller ID information, issued pursuant to the Telephone Consumer Protection Act of 1991 (Public Law 102-243) and the amendments made by such Act.

"(6) DEFINITIONS.—For purposes of this subsection:

"(A) CALLER ID INFORMATION.—The term 'caller ID information' means information provided to an end user by a caller ID service regarding the name or the telephone number of the caller or other information regarding the origination of a call made using any real time voice communications service, regardless of the technology or network utilized.

"(B) CALLER ID SERVICE.—The term 'caller ID service' means any service or device designed to provide the user of the service or device with the name or the telephone number of the caller or other information regarding the origination of a call made using any real time voice communications service, regardless of the technology or network utilized. Such term includes automatic number identification services."

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Virginia (Mr. BOUCHER) and the gentleman from Florida (Mr. STEARNS) each will control 20 minutes.

The Chair recognizes the gentleman from Virginia.

GENERAL LEAVE

Mr. BOUCHER. Madam Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks on the legislation currently under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. BOUCHER. Madam Speaker, I yield myself such time as I may consume.

Today the House considers H.R. 1258, the Truth in Caller ID Act. This measure was introduced by our colleagues Mr. ENGEL and Mr. BARTON, the ranking member of our Committee on Energy and Commerce. It would direct the Federal Communications Commission to prohibit caller ID spoofing, through which a caller falsifies the original caller ID information during the transmission of a call with the intent to defraud or to deceive.

Typically, caller ID spoofing involves a caller changing the number that would show on the call recipient's caller ID when that call is received. Spoofing has been possible for a number of years, but it has generally required very expensive equipment in order to change the outgoing call information. But with the growth of voice over IP telephoning, spoofing has become easier, and it has become less expensive, and a number of Web sites now are offering spoofing services. So its prevalence, unfortunately, is growing. That growth and the volume of spoofing

makes necessary the legislation under consideration presently.

The proliferation of spoofing technologies and services means that those who want to deceive others by manipulating caller ID can now do so with relative ease. Spoofing threatens a number of existing business applications, including credit card verification and automatic call routing, because these systems rely on the telephone number as identified by the caller ID system as one piece of verification and authentication information.

At other times, however, spoofing may be used to protect individuals. I would note an example of domestic violence shelters that sometimes use spoofing to mask the identity of the caller in order to protect that caller's safety. By prohibiting the use of caller ID spoofing only where the intent is to defraud or deceive, this measure will address nefarious uses of the technology while continuing to allow those legitimate uses. In the domestic violence shelter situation, there is no intent to cause harm, which is an element of the crime of deception. Therefore, using caller ID spoofing to protect the location of a victim of domestic violence is not deceptive, and would be allowed under the provisions of the bill now under consideration.

This measure on previous occasions, in fact in the two previous Congresses, has been approved in the House on the suspension calendar. A similar measure in this Congress has been approved by the Senate. I look forward to advancing this legislation today, and I want to say thank you to Mr. ENGEL, to Mr. BARTON, to my colleague and friend on the Commerce Committee, Mr. STEARNS, and other members of our committee who on a bipartisan basis have contributed to the construction of this measure and advancing it to the floor today. I urge approval of the bill.

I reserve the balance of my time.

Mr. STEARNS. Madam Speaker, I yield myself such time as I may consume.

I rise in strong support of this bill. As the chairman of the Telecommunications Subcommittee has indicated, this has passed twice before. We are coming here hoping that the Senate will take it up and pass it. It is a very good bill. The gentleman from New York has offered this bill.

□ 1200

The bill is called the Truth in Caller ID Act, and obviously it's going to pass overwhelmingly today.

Millions of Americans use caller ID to secure greater privacy for their families. Yet as new technologies continue to be developed, a very simple deceptive practice called "caller ID spoofing" has simply become a growing problem for consumers and also for businesses. Caller ID spoofing occurs when a caller masquerades as someone

else by falsifying the number that appears on the recipient's caller ID display. Now, you say, is this difficult? No, it isn't. Caller ID spoofing can make a caller appear to come from any phone number the caller so desires.

Unfortunately, under current FCC regulations, there is no requirement that all callers transmit accurate caller ID information. In fact, there is nothing that prohibits a deceptive manipulation of caller ID. This bill will go a long way in stemming the tide of caller ID spoofing by making it illegal to transmit misleading or inaccurate caller ID information while providing reasonable exemptions for law enforcement activities.

Madam Speaker, the increasing use of Internet telephone services has made it easier for people to make any number, any number, appear as a caller ID. In addition, several Web sites have sprung up to provide caller ID spoofing services, eliminating the need for any special hardware. So think of that. Entrepreneurship of these spoofers now has sprung to such a point that they can provide it on their Web sites. Although these caller ID spoofing services promote themselves for use in prank calls or for entertainment purposes only, these services can be easily accessed and used by criminals.

Caller ID spoofing has emerged as a useful tool for identifying thieves and other scam artists. In addition, many business functions, from credit card verification to automatic call routing, simply depend on caller ID for security purposes, which spoofing can render useless. So, Madam Speaker, these nefarious actions are the target of this bill.

As you can see, this is a serious issue with far-reaching ramifications and implications for both consumers and for all businesses. This is an important bill, and I urge its passage.

I reserve the balance of my time.

Mr. BOUCHER. Mr. Speaker, I yield such time as he may consume to the primary author of the legislation, one of our Commerce Committee colleagues, the gentleman from New York (Mr. ENGEL).

Mr. ENGEL. I thank the gentleman for yielding to me.

Mr. Speaker, I stand today in strong support of my legislation, the Truth in Caller ID Act. But before I begin, I want to first thank my friend and the lead Republican on the Energy and Commerce Committee, Ranking Member JOE BARTON. I also want to thank the chairman of the Energy and Commerce Committee, HENRY WAXMAN, as well as the staff for being so accommodating in getting this bill to the floor today. And I want to thank my friend Mr. BOUCHER, who has helped in bringing this bill to the floor, and my friend and classmate Mr. STEARNS, who quite correctly said this is about as bipartisan a piece of legislation as you can

get. This legislation has been developed in an extremely bipartisan manner, and I want to thank and commend everybody who worked on it.

I introduced this bill, Mr. Speaker, because we needed an immediate change in our laws to help prevent identity theft, to crack down on fraudulent phone calls, and to protect legitimate uses of caller ID technology. I first found out about this just simply by reading an article; and when I realized that this is actually something that could be done, I was flabbergasted. I went over to Mr. BARTON, who at the time was the chair of the full committee, and I said, JOE, something really needs to be done about this and would you work with me on it? And he said he would and he agreed and everybody agrees. And the House has passed this bill time and time again, and we hope we can get it passed in both Houses and get it signed.

Last year, the facts are stark, over 6,000 people were victimized by credit card fraud and identity theft. Criminals stole over \$15 million from banks and ruined the credit of thousands of victims. They were able to perpetrate this fraud in some instances by using caller ID spoofing. This disturbing fact about spoofing is not just that it's legal but how easy it is to carry out. Criminals use a tool called a "spoof card" to change their outgoing caller ID and even to disguise their voices. Now, if you see a caller ID and you see it has a phone number, most people think that it's ironclad that that's the actual phone number that's calling them when in truth it's not. This technology even allows people to disguise their voice in order to trick banks into giving them access to their victims' accounts. So a man can do that and have his voice change into a woman's voice and vice versa.

So it's absolutely deceptive, absolutely scary, and dangerous; and this tool is available to anyone with access to a Web browser. So it's just ridiculous. The technology has gotten so far ahead of us, we need to have these kinds of laws to simply catch up.

Now, no one can dispute that this legislation is necessary. Last year, a person in New York called a pregnant woman whom she viewed as her romantic rival. Spoofing the phone number of the woman's pharmacist, she tricked the woman into taking a drug used to cause an abortion. I use it because it's one of the horrible examples; and there are many, many more horrible examples of how this is used.

And just think about it. Someone could be tricked into giving up personal medical information. Someone could be tricked into giving up banking information. If someone hears that it is their doctor calling and they take a look at the number and they see it's their doctor's number, they would give out personal information, credit card

information, even Social Security identification.

So caller ID fraud has even been used to prank call the constituents of a Member of this body with the caller ID readout saying it came from that Member's office. Just imagine if people committed this fraud in the days leading up to a close election. You can call and you can say you are from one candidate's camp when you are really from the other candidate's camp. And when someone looks down at the phone number, they see it's from candidate A and they think it's legitimate, and it's really from candidate B. So imagine what kind of trouble can happen, what kind of mischief can be done. So this really, again, needs to be curtailed.

So, as everyone has said, in response to this problem, Mr. BARTON and I have introduced the Truth in Caller ID Act. Simply, this bill outlaws the deceptive use of caller ID spoofing technology if the intention of the caller is to deceive and harm the recipient of the call.

And let me say we developed that intention through hearings we had in the Energy and Commerce Committee because we want it to be legitimate. There are legitimate times where a number may have to be scrambled. We certainly do it here on Capitol Hill to protect Members and others and staff from having personal phone numbers being given out or private phone numbers being given out. So there is no intent to do that. That is why we say it outlaws the deceptive use of caller ID spoofing technology if the intention of a caller is to deceive and harm the recipient of a call. And, again, through the hearings we have had, we have refined this bill; and that's why it has such strong bipartisan support.

Let say this bill does not change the rules for legitimate uses of a technology. For example, a domestic abuse shelter will still be able to change their number on caller ID to protect the occupants of the shelter, and I also gave the example about what we do here in Congress.

So I am pleased that this bill passed the House in the 109th and 110th Congresses, and I look forward to its passage again today. I strongly urge my colleagues to support the Truth in Caller ID Act and outlaw this type of fraud once and for all.

Mr. STEARNS. Mr. Speaker, I yield myself such time as I may consume.

Let me just comment a little bit further. The gentleman from New York mentioned some specific examples. There is another example that is used in political campaigns he perhaps knows about where people can use spoofing to call different homes in robo phone banking that calls and go around the congressional district as a fake and wake people up at 2 or 3 in the morning and people think this is coming from someone who it is not, and this has happened on both sides of the aisle. So

this would prevent that. So I think it hits a little closer to home when you talk about it in those terms.

The other point that has been a concern is why has this bill not passed? I think the question has always been some kind of legal questions, whether there is liability involved for the phone company or anyone that transmits this information to a consumer or constituent through this illegal act of spoofing. And we are able to change that language, through bipartisanship, both sides, to try and make it—for example, if a phone company, not knowing, and how would they know, transmits the information, are they going to be liable for this, to be sued? Well, we worked it out that their not knowing, then they should not be liable for this. So I think that's important that this bill now has language that represents bipartisanship agreement so that the passage of this bill should be assured, I think, this time. So this should be the third and last time we're doing this. And in the end, I think it will be good for Americans to understand that this is an illegal activity and we want to stop it.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. BOUCHER. Mr. Speaker, I yield myself 30 seconds.

Mr. Speaker, I simply want to commend my colleagues on the Republican side for their bipartisan cooperation in bringing this much-needed measure before the House. Our committee performs best when it works in a bipartisan mode, and we have done that with regard to this measure. We will do it with regard to the measure that will shortly be considered.

I also want to commend the gentleman from New York for his persistence in bringing this important measure to the House now for the third time. I very much hope, as I know he does, that we will be successful in having the measure pass through and signed into law.

Mr. GENE GREEN of Texas. Mr. Speaker, I rise in strong support of H.R. 1258, the Truth in Caller ID Act, an important bill, and one I have taken an interest in as we have worked on it over the last several Congresses in the Energy and Commerce Committee.

Caller ID is a great benefit to millions of Americans by giving them more control over their telephones and who and when they talk on the phone.

Like many technological advances, caller ID is a benefit, but bad actors can take advantage of it and turn the technology against the people it is supposed to help.

We want certain people to be able to mask caller ID information for good purposes, like protecting abused women and children or anonymous whistleblowers, but we do not want people to be able to do it for deceptive purposes.

Last Congress, I had some concern that the bill language did not go far enough to address

an issue that arose in Texas with robocalls that were using misleading caller ID information, and I worked with Mr. ENGEL on an amendment to address that.

Every election year, there are reports of abusive or deceptive political robocalls and recently reports claim some of these calls are using deceptive caller ID information.

We don't want to limit anyone's political speech, but why should we allow someone to call voters with fake caller ID info claiming they are from the local Democratic or Republican Party when they are not?

We also do not want these automated calls to use innocent businesses' caller ID info which causes people to blame innocent businesses instead of the real source for the calls.

I applaud the bill's sponsor for strengthening the language to prevent this kind of deception during the Committee process.

I strongly support this bill, and I urge my colleagues to join me in voting for it.

Mr. BOUCHER. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. WEINER). The question is on the motion offered by the gentleman from Virginia (Mr. BOUCHER) that the House suspend the rules and pass the bill, H.R. 1258, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The title was amended so as to read: "A bill to amend the Communications Act of 1934 to prohibit manipulation of caller ID information, and for other purposes."

A motion to reconsider was laid on the table.

RADIO SPECTRUM INVENTORY ACT

Mr. BOUCHER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3125) to require an inventory of radio spectrum bands managed by the National Telecommunications and Information Administration and the Federal Communications Commission, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3125

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Radio Spectrum Inventory Act".

SEC. 2. SPECTRUM INVENTORY.

Part B of title I of the National Telecommunications and Information Administration Organization Act (47 U.S.C. 921 et seq.) is amended by adding at the end the following:

"SEC. 119. SPECTRUM INVENTORY.

"(a) RADIO SPECTRUM INVENTORY.—In order to promote the efficient use of the electromagnetic spectrum, the NTIA and the Commission shall coordinate and carry out each of the following activities not later than 1 year after the date of enactment of this section:

“(1) Except as provided in subsection (e), create an inventory of each radio spectrum band of frequencies listed in the United States Table of Frequency Allocations, from 225 megahertz to, at a minimum, 3.7 gigahertz, and to 10 gigahertz unless the NTIA and the Commission determine that the burden of expanding the inventory outweighs the benefit, that includes—

“(A) the radio services authorized to operate in each band of frequencies;

“(B) the identity of each Federal or non-Federal user within each such radio service authorized to operate in each band of frequencies;

“(C) the activities, capabilities, functions, or missions (including whether such activities, capabilities, functions, or missions are space-based, air-based, or ground-based) supported by the transmitters, end-user terminals or receivers, or other radio frequency devices authorized to operate in each band of frequencies;

“(D) the total amount of spectrum, by band of frequencies, assigned or licensed to each Federal or non-Federal user (in percentage terms and in sum) and the geographic areas covered by their respective assignments or licenses;

“(E) the approximate number of transmitters, end-user terminals or receivers, or other radio frequency devices authorized to operate, as appropriate to characterize the extent of use of each radio service in each band of frequencies;

“(F) an approximation of the extent to which each Federal or non-Federal user is using, by geography, each band of frequencies, such as the amount and percentage of time of use, number of end users, or other measures as appropriate to the particular band and radio service; and

“(G) to the greatest extent possible—

“(i) contour maps or other information that illustrate the coverage area, receiver performance, and other parameters relevant to an assessment of the availability of spectrum in each band;

“(ii) for each band or range of frequencies, the identity of each entity offering unlicensed services and the types and approximate number of unlicensed intentional radiators verified or certified by the Commission that are authorized to operate; and

“(iii) for non-Federal users, any commercial names under which facilities-based service is offered to the public using the spectrum of the non-Federal user, including the commercial names under which the spectrum is being offered through resale.

“(2) Except as provided in subsection (e), create a centralized portal or Web site to make the inventory of the bands of frequencies required under paragraph (1) available to the public.

“(b) USE OF AGENCY RESOURCES.—In creating the inventory described in subsection (a)(1), the NTIA and the Commission shall first use agency resources, including existing databases, field testing, and recordkeeping systems, and only request information from Federal and non-Federal users if such information cannot be obtained using such agency resources.

“(c) REPORTS.—

“(1) IN GENERAL.—Except as provided in subsection (e), not later than 2 years after the date of enactment of this section and biennially thereafter, the NTIA and the Commission shall submit a report to the Committee on Commerce, Science, and Transportation of the Senate and to the Committee on Energy and Commerce of the House of Representatives containing—

“(A) the results of the inventory created under subsection (a)(1), including any update to the information in the inventory pursuant to subsection (d);

“(B) a description of any information the NTIA or the Commission determines is necessary for such inventory but that is unavailable; and

“(C) a description of any information not provided by any Federal or non-Federal user in accordance with subsections (e)(1)(B)(ii) and (e)(2)(C)(ii).

“(2) RELOCATION REPORT.—

“(A) IN GENERAL.—Except as provided in subsection (e), the NTIA and the Commission shall submit a report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Energy and Commerce of the House of Representatives containing a recommendation of which spectrum, if any, should be reallocated or otherwise made available for shared access and an explanation of the basis for that recommendation.

“(B) DEADLINES.—The report required under subparagraph (A) shall be submitted not later than 2 years after the date of enactment of this section and every 2 years thereafter.

“(3) INVENTORY REPORT.—If the NTIA and the Commission have not conducted an inventory under subsection (a) to 10 gigahertz at least 90 days before the third report required under paragraph (1) is submitted, the NTIA and the Commission shall include an evaluation in such report and in every report thereafter of whether the burden of expanding the inventory to 10 gigahertz outweighs the benefit until such time as the NTIA and the Commission have conducted the inventory to 10 gigahertz.

“(d) MAINTENANCE AND UPDATING OF INFORMATION.—After the creation of the inventory required by subsection (a)(1), the NTIA and the Commission shall make all reasonable efforts to maintain and update the information required under such subsection on a quarterly basis, including when there is a transfer or auction of a license or a change in a permanent assignment or license.

“(e) NATIONAL SECURITY AND PUBLIC SAFETY INFORMATION.—

“(1) NONDISCLOSURE.—

“(A) IN GENERAL.—If the head of an executive agency of the Federal Government determines that public disclosure of certain information held by that agency or a licensee of non-Federal spectrum and required by subsection (a), (c), or (d) would reveal classified national security information or other information for which there is a legal basis for nondisclosure and such public disclosure would be detrimental to national security, homeland security, or public safety, the agency head shall notify the NTIA of that determination and shall include descriptions of the activities, capabilities, functions, or missions (including whether they are space-based, air-based, or ground-based) supported by the information being withheld.

“(B) INFORMATION PROVIDED.—The agency head shall provide to NTIA—

“(i) the publicly releasable information required by subsection (a)(1);

“(ii) to the maximum extent practicable, a summary description, suitable for public release, of the classified national security information or other information for which there is a legal basis for nondisclosure; and

“(iii) a classified annex, under appropriate cover, containing the classified national security information or other information for which there is a legal basis for nondisclosure that the agency head has determined must be withheld from public disclosure.

“(2) PUBLIC SAFETY NONDISCLOSURE.—

“(A) IN GENERAL.—If a licensee of non-Federal spectrum determines that public disclosure of certain information held by that licensee and required to be submitted by subsection (a), (c), or (d) would reveal information for which public disclosure would be detrimental to public safety, or the licensee is otherwise prohibited by law from disclosing the information, the licensee may petition the Commission for a partial or total exemption from inclusion on the centralized portal or Web site under subsection (a)(2) and in the report required by subsection (c).

“(B) BURDEN.—The licensee seeking an exemption under this paragraph bears the burden of justifying the exemption and shall provide clear and convincing evidence to support such an exemption.

“(C) INFORMATION REQUIRED.—If an exemption is granted under this paragraph, the licensee shall provide to the Commission—

“(i) the publicly releasable information required by subsection (a)(1) for the inventory;

“(ii) to the maximum extent practicable, a summary description, suitable for public release, of the information for which public disclosure would be detrimental to public safety or the licensee is otherwise prohibited by law from disclosing; and

“(iii) an annex, under appropriate cover, containing the information that the Commission has determined should be withheld from public disclosure.

“(3) ADDITIONAL DISCLOSURE.—The annexes required under paragraphs (1)(B)(iii) and (2)(C)(iii) shall be provided to the congressional committees listed in subsection (c), but shall not be disclosed to the public under subsection (a) or subsection (d) or provided to any unauthorized person through any other means.

“(4) NATIONAL SECURITY COUNCIL CONSULTATION.—Prior to the release of the inventory under subsection (a), any updates to the inventory resulting from subsection (d), or the submission of a report under subsection (c)(1), the NTIA and the Commission shall consult with the National Security Council for a period not to exceed 30 days for the purposes of determining what additional information, if any, shall be withheld from the public.

“(f) PROPRIETARY INFORMATION.—In creating and maintaining the inventory, centralized portal or Web site, and reports under this section, the NTIA and the Commission shall follow their rules and practice regarding confidential and proprietary information. Nothing in this subsection shall be construed to compel the Commission to make publicly available any confidential or proprietary information.”

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Virginia (Mr. BOUCHER) and the gentleman from Florida (Mr. STEARNS) each will control 20 minutes.

The Chair recognizes the gentleman from Virginia.

GENERAL LEAVE

Mr. BOUCHER. Mr. Speaker, I ask unanimous consent that all Members will have 5 legislative days to revise and extend their remarks on the measure now under consideration and insert extraneous material into the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. BOUCHER. Mr. Speaker, I yield myself such time as I may consume.

Wireless communications services are rapidly growing. Each year, millions of users graduate from basic cellular telephone services to Smart telephones that employ a broad range of data services. Those services require far greater bandwidth than traditional cellular telephones; and the data services that are offered through Smartphones are becoming ever more sophisticated, often employing full-motion video as part of the range of applications that can be made available through the Smartphones.

The combination of greater Smartphone use and far more elaborate applications is placing unprecedented demands on our limited wireless spectrum availability. To meet these growing needs, in the near future more spectrum must be made available for commercial wireless communications services, and that new spectrum would be made available for auction to the successful wireless bidders.

Even the launch later this year of the fourth generation of the wireless services by the major cellular service providers using the spectrum that was previously occupied by the television broadcasters for their analog television transmissions will only provide a brief respite with regard to these ever-rising demands for additional spectrum, and so we clearly are compelled to act.

Responding to this need, last July I joined with Chairman WAXMAN; our full committee ranking member, the gentleman from Texas (Mr. BARTON); and my friend and colleague on the subcommittee, our subcommittee ranking member, Mr. STEARNS, in introducing the Radio Spectrum Inventory Act, which is before the House this morning.

□ 1215

It directs the NTIA and the U.S. Department of Commerce and the Federal Communications Commission to undertake a comprehensive survey of the Nation's spectrum and report to us on current spectrum utilization, and include recommendations of which, if any, of the least utilized blocks of spectrum could be reallocated for commercial use or subjected to spectrum sharing with commercial users.

The measure is a thoughtful approach to meeting the extraordinary spectrum demands that our Nation will soon face. It will produce a timely blueprint for our future decisions about which spectrum should be reallocated for auctions to commercial service providers.

Under the bill, within 1 year of the date of enactment, the NTIA and the FCC would also create a Web site to make the spectrum inventory publicly available. They would report the results of the inventory to the House and Senate Commerce Committees within 2 years of the date of enactment, and that report would include a description

of the information that could not be made publicly available for national security reasons.

The agencies would also, within 2 years, submit to the House and Senate Commerce Committees a reallocation report that would include a recommendation of which spectrum should be reallocated or otherwise made available for shared access. That recommendation should be updated by the agencies in follow-on reports to the committees, which are to be submitted every other year following the submission of the initial report. Those follow-on reports may be updates to the initial report and not necessarily be top-to-bottom reviews.

I want to express appreciation to our colleagues on a bipartisan basis—Mr. WAXMAN, Mr. BARTON, Mr. STEARNS, other members of the subcommittee—who, in our hearing and markup sessions in the subcommittee, contributed richly to our dialogue and to structuring the legislation that we have before us this morning. It is a bipartisan measure. All of the committee members have been involved in this constructive exercise, and I want to thank them for their participation.

Mr. Speaker, I urge approval of the bill, and I reserve the balance of my time.

Mr. STEARNS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I also rise in support of H.R. 3125, the Radio Spectrum Inventory Act. As the gentleman from Virginia (Mr. BOUCHER) mentioned, it's a very important bill, and I urge its passage.

This bill offers an opportunity to evaluate all of the frequency bands between 225 megahertz and 10 gigahertz and simply to determine who uses these frequency bands and the purpose for which they are being used.

While this bill requires NTIA and the FCC to recommend which spectrum, if any, should be reallocated, Congress ultimately will decide whether reallocation should occur. For Congress to make such an informed judgment, we need a solid set of facts before we do it. So it's very clear that the United States will need additional spectrum to meet the growing demand for wireless broadband, fourth-generation wireless. In fact, we are victims of our own success in this country.

The United States currently leads the world in wireless. Wireless providers have used spectrum to provide U.S. consumers with many innovative voice and data services. The number of mobile voice consumers in the United States has surpassed the number of wire line customers. Back in 1996, when we passed the Telecommunications Act, I don't think anybody would have thought that would have happened. And the number of mobile broadband consumers has increased exponentially over the past several years.

As customers increase the amount of time they spend on their mobile devices talking, emailing, surfing the net, cell sites become constrained for capacity. As a result, we are facing, in the words of FCC Chairman Genachowski, a "looming spectrum crisis." For example, a voice call requires approximately 10,000 bits per second, while downloading a video requires millions of bits per second.

This bill creates a thoughtful, comprehensive process through which Congress can identify whether to reallocate spectrum that is currently underutilized. Current license holders should not fear this process. It will be open and transparent and provide all spectrum users with the opportunity to explain the purposes for which they use spectrum.

This is a beginning, Mr. Speaker, not the end of the debate over the future of the spectrum policy in the United States.

Now, this is a bill that's very important. You'd almost consider it not only for innovation and for commercial use, but long term, on behalf of national security purposes, too. So don't discount the fact that we are just asking for an inventory. It's something that should be done, and I think anybody who's interested in fiscal responsibility should realize asking for an inventory is the best way to find out what you have and how to use it better.

So I urge my colleagues to support this bill, and I reserve the balance of my time.

Mr. BOUCHER. Mr. Speaker, at this time I'm pleased to yield to the chairman of the Energy and Commerce Committee, the gentleman from California (Mr. WAXMAN) and principal author of this measure, such time as he may consume.

Mr. WAXMAN. Mr. Speaker, I rise in support of H.R. 3125, the Radio Spectrum Inventory Act, which I introduced last year with Chairman BOUCHER, Ranking Members BARTON and STEARNS, and more than a dozen of our colleagues on the Energy and Commerce Committee.

This timely, bipartisan legislation creates a process for full inventory, mapping, and accounting of current spectrum use by Federal and non-Federal users. This measure will inject transparency in the way our government and the private sector utilizes the critical public resource. With the benefit of this inventory, we can make informed, rational, and deliberate decisions about how our spectrum is used in future decades to benefit the American people, American businesses, and American innovation.

It also creates a parallel process for a regular assessment of whether any spectrum should be reallocated or otherwise made available for shared access to improve the efficiency with which we utilize this precious resource.

I'm pleased that the bill includes a strong national security section reflecting the result of extensive bipartisan consultation with the defense and intelligence communities. The bill we consider today strikes a proper balance between providing useful information to the public about the nature and use of spectrum, while safeguarding national security, homeland security, and public safety interests.

I urge my colleagues to support this important measure.

Mr. STEARNS. Mr. Speaker, I yield 1 minute to Mr. PITTS, the gentleman from Pennsylvania.

Mr. PITTS. Mr. Speaker, I appreciate the opportunity to speak on the bill.

As the chairman of the Congressional Electronic Warfare Working Group, I believe that the electromagnetic spectrum is critically important to our current and future military operations and national security. And I'm pleased to see that the committee has taken into consideration some concerns raised by the administration and the electronic warfare community regarding this bill. However, the electromagnetic spectrum is a dynamic and ever-changing environment, and we must ensure that our Armed Forces can manage the utilization of the spectrum and provide long-term strategic planning and program development.

While I understand the importance of the potential economic value of the spectrum inventory, it is vital that this bill take into account the criticality of the electromagnetic spectrum to military training and operations and the importance of the U.S. military controlling the spectrum in conflict.

I will support this bill today, but we must be very vigilant as the inventory is taken. If mistakes are made, serious negative consequences will ensue, consequences that could harm the warfighter and his ability to use the spectrum in training and war.

Mr. STEARNS. Mr. Speaker, I reserve the balance of my time.

Mr. BOUCHER. Mr. Speaker, at this time I'm pleased to yield 3 minutes to the gentleman from North Carolina (Mr. BUTTERFIELD).

Mr. BUTTERFIELD. Mr. Speaker, let me first thank the gentleman for yielding time and thank him for his leadership on the committee and subcommittee, as well as the leadership of the ranking member.

Mr. Speaker, I rise today to support H.R. 3125, the bipartisan Radio Spectrum Inventory Act, introduced by our chairman, Mr. WAXMAN, who just spoke a moment ago.

Mr. Speaker, last year, 2009, a Pew study found that while African Americans are less likely than others to use a desktop computer to access the Internet, they are more likely to access the Internet over a wireless device. And so it is incredibly important to know the available spectrum and how to use it in

the most efficient way so that wireless broadband service is as ubiquitous and robust as possible.

We can help facilitate that goal by ensuring that additional spectrum will be available when it is needed. And given the long lead times that often are associated with efforts to bring spectrum to market, the time to start is now. The Radio Spectrum Inventory Act will help ensure that we know where future allocations of spectrum can be drawn from so that our constituents can have the services they need when they need them.

This is a good bill, Mr. Speaker. I support it. I ask my colleagues to do the same.

Mr. STEARNS. Mr. Speaker, I yield 2 minutes to the gentleman from Louisiana (Mr. SCALISE).

Mr. SCALISE. Mr. Speaker, I rise in support of H.R. 3125, the Radio Spectrum Inventory Act.

The most pressing issue that we're facing right now in the mobile wireless and Internet industries is the availability and use of spectrum, especially given the dramatic increases we're seeing in the use of wireless services. As wireless technologies continue to advance and more Americans use mobile devices for data-intensive purposes, the demand for spectrum will grow rapidly.

We're seeing every day with all of the new things that can be done just on a cell phone, not only running daily applications to help businesses, but we also can do more things in terms of downloading actual movies and getting direct access. You can look at things happening in real time, and, of course, this takes more spectrum. So additional spectrum will be needed, and that's why this Radio Spectrum Inventory Act will help promote and advance the effective and efficient use of the spectrum that's out there.

The first step, of course, must be to identify what spectrum is available and how the current spectrum is being used in an efficient manner, and this inventory act will do just that. It will require NTIA and the FCC to undertake a comprehensive survey of the Nation's spectrum and develop a full inventory. Taking this inventory is the only way we'll be able to know what spectrum can be located and what spectrum can be shared and used in a more efficient manner. We will then be able to decide the best ways to utilize that spectrum.

The convergence of mobile, wireless services, high-speed Internet access, and powerful handsets promise to transform almost all aspects of the way Americans work, learn, deliver services, and enhance our public safety. Congress should move expeditiously on this inventory legislation and avoid additional costs, and also unleash the potential and create more jobs in these industries that are out there innovating and helping people live in a better way of life.

So I encourage support of this bill. I thank the gentleman for bringing it.

Mr. BOUCHER. Mr. Speaker, at this time I am pleased to yield 5 minutes to the gentleman from Massachusetts (Mr. MARKEY), chairman of the Subcommittee on Energy and the Environment of our Energy and Commerce Committee.

Mr. MARKEY of Massachusetts. I thank the gentleman very much, and I thank the gentleman from Virginia (Mr. BOUCHER) for his leadership on this critical issue, along with the gentleman from Florida (Mr. STEARNS) in partnership with Mr. WAXMAN and with Mr. BARTON.

Mr. BOUCHER and I have been working on these issues for many, many, many years, and this bill that has been produced by his subcommittee is something that, in my opinion, is going to go a long way towards helping our country to create a new boom economically in this wireless sector. We saw a great boom in the 1990s when we moved over 200 megahertz of spectrum, creating the third, fourth, fifth and sixth cell phone license, combined with the Telecom Act of 1996. We saw, actually, a transformation in the way in which we communicate in our country.

Who would think that we could move from black rotary dial phones to BlackBerrys in just 10 years, almost on a ubiquitous basis.

□ 1230

Who would think that Mr. STEARNS could be checking his BlackBerry even as I'm speaking out here on the floor? That's something we're very proud of. We're very proud of that revolution in the 1990s. And I think we have the potential here in this legislation to accomplish the very same kind of addition to the spectrum capacity. And Ms. BLACKBURN is showing not only can we use these devices now for voice but also for video and for data.

It's become a technology with the great deal of flexibility; yet because of this technology, we are going to be able—and I thank the chairman for this—to inventory each radio spectrum band of frequencies from 225 megahertz to 10 gigahertz, and that includes the radio services authorized to operate within each band of frequencies, the identity of each Federal or non-Federal user within which such radio service is authorized to operate in each band of the frequencies, the total amount of spectrum by band of frequencies allocated to each Federal or non-Federal user and an approximation of the extent to which each Federal or non-Federal user is using each band of frequencies.

This basic goal that the legislation advances to create this inventory will make it possible for us to build on this revolution that occurred from the mid-1990s to 2005 where companies whose names did not exist—Google, eBay,

Amazon, Hulu, YouTube—are now replaced or added to with a whole new generation of companies, of technologies, of gadgets and applications that will give incredible economic stimulus to our country.

So what we have here is a debate over the American economy, and it's central to our wellbeing; yet in a lot of ways, it just doesn't get talked about as being the biggest part of what happened in the 1990s. And as it moves into the 21st century, we're seeing these technologies now be included in new energy technologies, new health care technologies, new education technologies. It now has infiltrated technology after technology in our country.

And what the gentleman from Virginia is doing in a bipartisan partnership with the gentleman from Florida is, in my opinion, central to ensuring that we have the leadership in this mobile innovation, that we have a smart spectrum policy that is put on the books, and then we can just get out of the way and watch these entrepreneurs and watch these whole tech communities make it possible for us, with a little bit of luck from Mr. STEARNS and others, that the applications become so great that perhaps he and millions of other Americans will never again have to look up from their BlackBerry. There will just be so much interesting stuff that is on it, it will be so versatile.

So thank you so much and congratulations. I urge an "aye" vote on this important legislation.

Mr. STEARNS. I yield myself 15 seconds to reply to the distinguished Member of Massachusetts.

I just got a tweet on Twitter notifying me that Representative ED MARKEY was speaking. His fan club is so omnipresent that it just came across saying to everybody in the United States that he was on the floor speaking so eloquently. So I couldn't resist pulling it up and seeing what it said.

Mr. Speaker, I yield 2 minutes to the gentlewoman from Tennessee (Mrs. BLACKBURN).

Mrs. BLACKBURN. Mr. Speaker, I want to thank the chairman for his diligent work on this bill and also Mr. STEARNS for his leadership as we worked through these issues in committee. And I do rise in support of the Radio Spectrum Inventory Act.

In committee, I highlighted the importance of listening to the engineers as we move forward on our spectrum inventory. And today I want to talk about the importance of this bill to the wireless industry. America's wireless industry is the undisputed world leader, and Mr. STEARNS and Mr. MARKEY have both highlighted portions of that as we have played with our devices during Mr. MARKEY's remarks focusing on the innovations that have come our way.

Americans pay less per minute for the use of wireless services than users in Europe or Asia. And despite having just 7 percent of the global wireless subscribers, America's wireless companies serve more than 21 percent of global 3G subscribers. Handsets and applications that can be launched anywhere in the world routinely appear in the U.S. market first.

Unfortunately, our position in the global marketplace is not something that is guaranteed to us, and without careful attention to support the need of the growth of the wireless industry through the release of additional spectrum, we risk ceding that important leadership to nations that have already identified substantial swaths of spectrum that will be made available for commercial use. That is why the Radio Spectrum Inventory Act is so very important by providing a road map for policymakers regarding where we may find additional spectrum that can be used for wireless broadband services in the U.S. Enactment of H.R. 3125 will help ensure that the U.S. is in a position to match, and hopefully surpass, our trading partners by making additional spectrum available for commercial use.

I urge support of the legislation.

Mr. STEARNS. Mr. Speaker, I yield such time as she may consume to the gentlewoman from Tennessee to engage in a colloquy with the chairman of the Subcommittee on Telecommunications.

Mrs. BLACKBURN. I would yield to the gentleman from Virginia and ask permission for the colloquy.

Mr. BOUCHER. The gentlelady controls the time. I will be happy to engage in the colloquy with the gentlelady.

Mrs. BLACKBURN. I thank the gentleman from Florida for the time.

And, Mr. Chairman, last month the Federal Communications Commission released its National Broadband Plan which contained some very ambitious recommendations with respect to spectrum availability. I would like to ask the subcommittee chairman his views on how the FCC should proceed on the inventory required by this bill and on the recommendations of the broadband plan. Is it the chairman's view that the inventory required by this bill should inform the FCC in its decision-making with respect to the potential reallocation of spectrum sought by the broadband plan?

Mr. BOUCHER. Would the gentlelady yield?

Mrs. BLACKBURN. Yes.

Mr. BOUCHER. I thank the gentlelady for yielding.

There is no doubt that more spectrum is needed to meet our Nation's rising demand for wireless services. Conducting the spectrum inventory that this legislation requires is an essential first step. It will offer a clear

path and a road map for the next steps in making available adequate spectrum by giving the Congress and the FCC a baseline of the location and use of our spectrum resources. That baseline should inform the Congress and the commission on decisions regarding spectrum use and possible spectrum reallocation.

Mrs. BLACKBURN. I thank the subcommittee chairman for his explanation, and I associate myself with his remarks. I share the chairman's expectation regarding the importance of collecting and analyzing the data in the spectrum inventory before making decisions about possible spectrum relocation.

I'd also like to add my own expectation that the spectrum inventory will be thorough and scientific in order to serve as an accurate metric of our spectrum use.

I have one final question to ask the chairman. The broadband plan includes recommendations regarding reallocation of many of the frequencies currently used to provide broadcast television service. The plan recommends starting with voluntary measures to relocate broadcast stations to different frequencies; but it then hints that other, presumably involuntary, methods of relocating broadcast stations may be necessary.

My question, Mr. Chairman, is whether you believe that the FCC should engage in involuntary methods to move broadcasters to different frequencies in order to free up additional spectrum.

Mr. BOUCHER. Would the gentlelady yield?

Mrs. BLACKBURN. Yes.

Mr. BOUCHER. I thank the gentlelady for yielding.

As to the first matter, I agree with her that a thorough scientific examination of spectrum use must be the core of the inventory that this measure requires. I also agree that the right approach is for the FCC to work with television broadcasters to identify the spectrum they now hold that on a purely consensual basis could be repurposed for commercial wireless use. Broadcasters who surrender spectrum would receive compensation in exchange for a voluntary spectrum transfer. I would not support the commission's requiring stations to give up spectrum involuntarily.

The right approach is that specified in this legislation—learn where we are, understand thoroughly how current spectrum is used, identify that part that is perhaps underutilized that could be reallocated or submitted to spectrum sharing through the new spectrum sharing technologies and then to the extent that based on that inventory it would be appropriate for broadcasters to enter into conversations about surrendering a portion of their spectrum on a voluntary basis,

that would obviously be an appropriate step. It would not be an appropriate step to require that broadcasters engage in the surrender of any part of the spectrum they hold.

And I thank the gentlelady for raising these very important questions that help illuminate the debate this morning.

Mrs. BLACKBURN. I thank the chairman for his explanations.

Mr. BOUCHER. Mr. Speaker, at this time I'm pleased to yield 3 minutes to the gentleman from Washington State (Mr. INSLEE).

Mr. INSLEE. I want to congratulate those who have been working on this, the Chair, ranking member, to get this bill through.

I want to make two points. This effort is one that reaches in to improve certain areas that we may not think of when we think about spectrum. I note the little town of Republic in Washington, in eastern Washington, where my grandmother grew up—and it's a great town—but right now you essentially have to shut down the entire city's access to the Internet to send one X-ray from a physician in Republic to a reader, an expert in Seattle to read the X-ray. You have to sort of shut down the whole town because we don't have enough access in spectrum. This making access to spectrum more available helps health care in many, many places across the country.

The second point I want to make, I met with my law enforcement community last week who are still thirsting after an interoperable standard so that we can in fact have interoperability for emergency services radio communications. We still don't have this at this late date. Freeing up spectrum, allowing a financing system to really build that out is necessary.

So this is good for economic growth. It is good for health care. It is good for emergency services. There are multiple reasons this is heading in the right direction.

I do want to point out—and I'm happy to have co-sponsored this bill. We have another bill we hope to have on the floor in a while, the Spectrum Relocation Improvement Act, to improve the availability to do auctions to get this out into commerce. We look forward to working with the chair and ranking member to get this bill to the floor so we can build on this success.

Congratulations.

Mr. STEARNS. I yield 1 minute to the gentleman from Georgia (Mr. BROWN).

Mr. BROWN of Georgia. I thank Mr. STEARNS for yielding.

We may very well be needing to focus on the radio frequency spectrum that is in the public domain; but, Mr. Speaker, this Congress is ignoring the greatest spectrum that the American people are demanding, and that's where are the jobs. We're not focusing on pub-

lic policies that are going to create a stronger economy and create jobs. In fact, we are developing policy over and over again that this leadership of this House and this Senate and the President are forcing upon the American people that are going to take away jobs.

The ObamaCare bill is going to kill millions of jobs. The jobs bill that we saw in past jobs I and II, et cetera, are going to kill jobs and not create jobs. They're going to create government jobs. And the American people are asking where are the jobs, not where is the spectrum. Radio spectrum, though, that is an important issue.

But this Congress needs to focus upon jobs, Mr. Speaker, and the American people need to demand that this Congress do just that.

□ 1245

Mr. STEARNS. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. BOUCHER. Mr. Speaker, I want to again thank all Members who have participated on a bipartisan basis in bringing this measure to the floor. Many Members have contributed to its construction. It is the right path to take.

This will bring us to a point where we are in a position to decide how to meet the rising spectrum demands that inevitably we will confront within just a few years. It is the right approach, and I commend this measure to the House and urge its approval.

Mr. RADANOVICH. Mr. Speaker, I rise today in strong support of H.R. 3125, the Radio Spectrum Inventory Act. I commend Chairman WAXMAN, Ranking Member BARTON, and the Energy and Commerce Committee members for producing this excellent, bipartisan bill. The legislation would require the National Telecommunications Information Administration and the Federal Communications Commission to work together in creating and maintaining an accurate, comprehensive database of the radio broadcast spectrum.

As the FCC acknowledged in its recent National Broadband Plan, we are facing a spectrum shortage in the United States. Wireless carriers have suggested that current allocation of spectrum is inadequate to meet our growing demands. As third-generation (3G) technology matures, and fourth-generation (4G) rolls out, the demands on wireless broadband networks will only increase. This growth of wireless broadband will be constrained if government does not make spectrum available to enable network expansion and technology upgrades. It is also important to support the FCC's goal of making 300 megahertz of spectrum available for commercial use over the next 5 years, and 500 megahertz available over the next 10 years.

In order for that to happen, we must first have an adequate understanding of how the current spectrum is allocated and utilized. This critical bill allows the FCC and NTIA to identify spectrum that can be reallocated for commercial wireless use. In addition to creating an in-

ventory, the bill allows for the creation of a centralized Web site to make the inventory available to the public. It also addresses concerns related to public disclosure in regards to national security, homeland security, or public safety issues.

Having an inventory will be instrumental in evaluating which bands can be reallocated for commercial mobile use. This bill represents the first step in the process of addressing the spectrum needs of existing and new mobile broadband providers. I commend the authors for bringing this bill to the House floor, and I urge my colleagues to join me in voting for it.

Mr. MCNERNEY. Mr. Speaker, I take this opportunity to express my support for H.R. 3125, the Radio Spectrum Inventory Act, of which I am a cosponsor. While much of our economy has experienced unfortunate challenges over the last few years, the technology and innovation sectors continue to stay afloat and even grow. To help foster this growth, it is vital that Congress enact forward-thinking policies such as those embodied by the Radio Spectrum Inventory Act. Itemizing currently-utilized spectrum will allow us to take additional steps to use available resources more efficiently. Enactment of H.R. 3125 will also help our country identify unused spectrum, which can subsequently serve to accommodate the growing demand for spectrum that must be met to allow consumers to have better access to broadband technology.

The families and businesses that benefit so greatly from broadband services are depending on us to take actions that will encourage innovation and help preserve our country's position as the world's leader in high technology. H.R. 3125 is an important step towards improving the way we work, deliver health care, consume energy, and teach students, and I encourage all of my colleagues to support this bill.

Mr. PATRICK J. MURPHY of Pennsylvania. Mr. Speaker, I rise today in support of H.R. 3125, the Radio Spectrum Inventory Act.

As a veteran who served in Baghdad in 2003, I know firsthand how important proper radio use was for ensuring the success of our missions and safety of our troops. In the military every part of the radio spectrum had a specific purpose and was allocated based on efficiency and suitability.

Yet, in America the historical legacy of radio spectrum development has led to a patchwork system full of inefficiency. Additionally, there is a lack of information about current usage which has left America at a competitive disadvantage for developing new innovations in wireless service. Our economic success will depend on a new strategy for properly using our wireless spectrum so that we can innovate and develop new services to improve the connectivity of the American people and continue to fuel economic growth.

Every day new and useful applications are added to wireless service and the need for more radio spectrum to meet those needs increases. The Radio Spectrum Inventory Act would allow lawmakers, consumers and industry to know what spectrum is being used and how. By identifying gaps in spectrum use and inefficient spectrum allocations, this bill will help us understand the best approach to meet the growing demand for additional spectrum.

With the important information collected as a result of this bill, we can have an informed debate about how to most efficiently use and allocate our limited spectrum resources so that we can best meet the changing needs of the American public.

Mr. Speaker, it is time that we take a serious look at the future spectrum needs of this country in order to properly prepare for the challenge. The right way to start is by gathering more information on our current situation. The Radio Spectrum Inventory Act will take this first step and put us on the right path to effectively develop a better strategy to meet our nation's growing wireless needs.

Ms. ESHOO. Mr. Speaker, I rise today to support passage of H.R. 3125, The Radio Spectrum Inventory Act. I'm proud to be an initial cosponsor of this legislation, and I look forward to seeing it enacted into law. Thank you, Chairman WAXMAN for your leadership on this bill, and I appreciate the important bipartisan work of the Ranking Minority Member of the Energy and Commerce Committee, JOE BARTON.

We pass this bill at an opportune moment. This past month, the Federal Communications Commission released its National Broadband Plan. The FCC pointed out what many of us already have known for a long time—broadband rollout requires an increasing amount of spectrum.

We're already seeing competing industries squabble over spectrum, and we are in danger of having an all-out range war between the wireless industry and broadcasters. We can head it all off at the pass by doing the obvious—review our resources first, and reallocate second.

That doesn't mean I want the FCC to stand still while we review the spectrum chart. There is plenty of spectrum already available, like the Advanced Wireless Spectrum, that should go for useful purposes like a free national wireless broadband lifeline. So the FCC must keep moving and deploy what they can as expeditiously as possible.

We've also had to make some compromises on this bill to comply with essential national security issues. As a senior member of the Energy and Commerce Committee, I recognize the essential need to document spectrum use and prevent channel hoarding, and as the Chair of the Permanent Select Committee on Intelligence's Subcommittee on Intelligence Community Management, my views are likewise shaped by the need to safeguard channels that our intelligence, security and military agencies may need in the future. Our very lives may depend upon it.

I believe this bill finds that happy medium. It will spur economic growth and innovation while keeping America safe. The FCC and NTIA can review our spectrum assets in a judicial manner and develop informational resources that will guide us as we implement the National Broadband Plan.

I urge my colleagues to vote in favor of this bill.

Mr. SPACE. Mr. Speaker, I rise today in support of H.R. 3125, the Radio Spectrum Inventory Act.

H.R. 3125 represents an important step toward making additional spectrum available for advanced wireless services, something that

has been cited as critical by the Federal Communications Commission in its recently released National Broadband Plan. If we are to realize the National Broadband Plan's vision of providing every American with the ability to access the Internet at world-class speeds, we absolutely will need to make additional spectrum available for that purpose. A thoughtful inventory of existing spectrum holdings will give Congress, the FCC, and the Administration the information we all need to make informed judgments about where that additional spectrum may come from.

As a member of the Energy and Commerce Committee and as a cosponsor of this measure, I commend Chairman WAXMAN, Ranking Member BARTON, Subcommittee Chairman BOUCHER, and Ranking Member STEARNS for their work on this bill, and I urge my colleagues to support its passage.

Mr. WELCH. Mr. Speaker, many communities in Vermont remain on the wrong side of the digital divide—sidelined in a nation that increasingly demands high-speed Internet access to engage socially, politically and economically. I believe that unused spectrum will be part of that solution, and accounting for that spectrum is the first step. We can't afford to ignore this opportunity to connect millions of people—especially in rural and low-income communities.

In addition to connecting our most rural and disadvantaged communities, wireless spectrum has the potential to greatly impact our nation's competitiveness. As access to wireless technologies becomes more widespread, we are already seeing 3G transmission speeds being surpassed by newer fourth generation (4G) offerings. 4G wireless services offer increased speed but also require considerably more spectrum than their predecessors.

To quickly and efficiently address these concerns, a bipartisan effort has been launched in Congress. H.R. 3125, the Radio Spectrum Inventory Act, would direct the National Telecommunications and Information Administration (NTIA) and the FCC to create and maintain an inventory of each radio spectrum band of frequencies used in the United States to better assess the underutilized bands. H.R. 3125 sets a deadline of two years after enactment for the first inventory and four years for the first report recommending which spectrum should be reallocated for wireless broadband.

Passage of this bill will ensure that the U.S. wireless industry will be in an excellent position to meet the ever growing and evolving needs of individuals and business users, while fostering further economic growth and American competitiveness. This is an issue of national importance and one that must be addressed now. I urge my colleagues on both sides of the aisle to support this bipartisan effort by voting in support of H.R. 3125.

Mr. DOYLE. Mr. Speaker, when I plugged in a Wi-Fi router in my home just outside of Pittsburgh, I noticed almost a dozen other Wi-Fi networks in the same neighborhood. My neighbors created their own personal hotspots over the same airwaves to enjoy fast wireless data connectivity for the technology in and around their home. The paradox of technology is that the more we experience new devices, new services, and new features, the more we depend on them to run our lives. Each of us

who rely on our wireless devices get frustrated when the network is too congested to let us send an e-mail or browse a web page when we want to. The answer is more spectrum—the wireless airwaves that the people own and that Congress has tasked the Federal Communications Commission to manage. FCC Chairman Julius Genachowski has noted, the United States faces a “looming spectrum crisis” particularly in larger cities like Pittsburgh.

That's not hyperbole; it's reality. The demand for spectrum for mobile Internet access is growing more rapidly—much more rapidly—than the supply of spectrum is. The ability to access the Internet at high-speed on the go creates amazing opportunities, but only if we proactively take the steps necessary to ensure that we have adequate spectrum available to meet consumers' and business' needs.

New technologies are coming down the pike that can provide exponentially faster speeds to more consumers based on the amounts of spectrum that carriers can use.

And that's exactly why the Radio Spectrum Inventory Act, which I am pleased to be a cosponsor of, is so timely. By taking a comprehensive look at the way spectrum bands are currently being utilized, we can make informed judgments about adjustments that need to be made to accommodate future demands. This is the right course. This is a good bill. I urge my colleagues to support it.

Mr. BOUCHER. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Virginia (Mr. BOUCHER) that the House suspend the rules and pass the bill, H.R. 3125, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. BROUN of Georgia. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

AUTHORIZING USE OF EMANCIPATION HALL FOR KING KAMEHAMEHA CELEBRATION

Mr. BRADY of Pennsylvania. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Con. Res. 243) authorizing the use of Emancipation Hall in the Capitol Visitor Center for an event to celebrate the birthday of King Kamehameha.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. CON. RES. 243

Resolved by the House of Representatives (the Senate concurring),

SECTION 1. USE OF EMANCIPATION HALL FOR EVENT TO CELEBRATE BIRTHDAY OF KING KAMEHAMEHA.

(a) AUTHORIZATION.—Emancipation Hall in the Capitol Visitor Center is authorized to be

used for an event on June 6, 2010, to celebrate the birthday of King Kamehameha.

(b) PREPARATIONS.—Physical preparations for the conduct of the ceremony described in subsection (a) shall be carried out in accordance with such conditions as may be prescribed by the Architect of the Capitol.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania (Mr. BRADY) and the gentleman from Florida (Mr. STEARNS) each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania.

GENERAL LEAVE

Mr. BRADY of Pennsylvania. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to include extraneous matter in the RECORD on H. Con. Res. 243.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. BRADY of Pennsylvania. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this resolution authorizes the use of Emancipation Hall in the Capitol Visitor Center for the birthday celebration of King Kamehameha, the first King of Hawaii. This annual celebration honors the first King of Hawaii who successfully unified the islands to establish for the first time a unified Kingdom of Hawaii in 1810.

The first King Kamehameha Day was celebrated in Hawaii on June 11, 1872. This State holiday is a celebration of the rich history and the culture of Hawaii.

This resolution allows for a Sunday ceremony on June 6, 2010, so it will not disrupt the use of the CVC or tours of the Capitol.

I urge Members to support this resolution, and I reserve the balance of my time.

Mr. STEARNS. Mr. Speaker, I yield myself such time as I may consume.

I am also pleased to support this resolution authorizing the use of the Emancipation Hall to celebrate the birthday of King Kamehameha of Hawaii. I think many of us have read all about this distinguished individual and the history, so it's altogether appropriate that the king, often known as Kamehameha the Great, is really, indeed, a legendary figure in Hawaiian culture and history and rightly so. He fought heroically for its unity and independence at the end of the 18th and beginning of the 19th centuries.

His law or Rule of the Splintered Paddle protecting noncombatants during wartime has been heralded for its justness and established a human rights benchmark that would later be built upon in the Geneva Conventions.

This June 11 will mark the 94th annual King Kamehameha Day in Hawaii.

His illustrious statue is part of the National Statutory Hall Collection. I urge all Members to go down and see it. It now sits in the Capitol Visitor Center, so it's visible to all, millions of Americans, as they come here to visit the Capitol.

I thank the sponsor of this resolution, Congresswoman HIRONO, and I thank the chairman for bringing it to the floor. I urge my colleagues to join me in support of this great resolution.

I reserve the balance of my time, Mr. Speaker.

Mr. BRADY of Pennsylvania. Mr. Speaker, I yield 4 minutes to the gentleman from Hawaii and sponsor of this resolution, Ms. HIRONO.

Ms. HIRONO. Aloha. I rise today in support of House Concurrent Resolution 243, which would authorize the use of Emancipation Hall in the Capitol Visitor Center for the 41st annual Kamehameha Day Lei Draping Ceremony. Even as I speak, I am wearing a beautiful floral lei from Hawaii.

I would like to thank Chairman BRADY for his leadership and for allowing this bill to be brought forward in an expeditious manner; and I thank my friend, Congressman STEARNS, for his remarks. I would also like to thank the sponsors of this bill, my fellow Pacific island delegation members, former Congressman Abercrombie, Congressman FALEOMAVAEGA, Congresswoman BORDALLO, and Congressman SABLAN, for their support.

Since 1969, the Hawaii congressional delegation and the Hawaii State Society of Washington, DC., have hosted the Kamehameha Day Lei Draping Ceremony. The ceremony has been held on or about June 11 to coincide with the celebration of Kamehameha Day, a State holiday in Hawaii. This year, the event will be held in DC on Sunday, June 6. The location of the Kamehameha statue in emancipation hall requires that a concurrent resolution be passed to authorize the use of the space for their ceremony.

King Kamehameha is a legendary figure to the people of Hawaii and the Pacific. He was a king of great physical and mental prowess who united the Hawaiian islands and prepared Hawaii for the challenges of a new era. Kamehameha was a fierce warrior, a resourceful strategist, a visionary, ambitious leader, and, above all, an unrelenting protector of his people.

For much of its history, the Hawaiian islands were controlled by competing chiefs. They waged frequent battles over land and resources and witnessed many civilian casualties. By bringing the islands together, Kamehameha ushered in a period of peace and prosperity. He has established laws, organized the government, sponsored agriculture, encouraged trade, and built houses.

His most renowned edict, the Law of the Splintered Paddle, ensured the pro-

tection of civilians during war. This law illustrates Kamehameha's compassion and an acute sense of responsibility for all of his people, especially those most vulnerable.

Kamehameha's steadfast leadership came at a pivotal point in Hawaii's history, a time when the islands made first contact with foreigners. At the dawn of a new era, filled with unforeseen challenges, Kamehameha's vision and wisdom helped Hawaii manage the formidable task of interacting with and finding its place within the wider world. Kamehameha ruled until 1819.

I would like to close by thanking the staff of the Committee on House Administration, the Office of the Architect of the Capitol, the Office of the Sergeant at Arms, who have been real partners in making this annual event possible for these many decades.

Mahalo nui loa—thank you very much.

Mr. STEARNS. Mr. Speaker, I yield myself such time as I may consume.

I think many of my colleagues have been to Hawaii, probably a lot of Americans have. If you go into a gift shop and you get a tourist book, and you look through and you look at some of the sites there, and then you see the unique history of Hawaii.

Kamehameha, the legendary king, is written in detail in these books and you start to realize the difficult decisions he had to make for the island when it transitioned. And I think it's part of the history of this country to celebrate his leadership and also to understand all about him and what he had to deal with. So I am delighted at this time to allow this commemoration of this legendary man and his historic role in Hawaii to be honored on this date, and I support this resolution and urge all of my colleagues to support it also.

Mr. Speaker, I yield back the balance of my time.

Mr. BRADY of Pennsylvania. Mr. Speaker, again, I urge all Members to support this important part of the history of Hawaii.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania (Mr. BRADY) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 243.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

TAXPAYER ASSISTANCE ACT OF 2010

Mr. LEWIS of Georgia. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4994) to amend the Internal Revenue Code of 1986 to reduce taxpayer burdens and enhance taxpayer

protections, and for other purposes, as amended.

The Clerk read the title of the bill.
The text of the bill is as follows:

H.R. 4994

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE, ETC.

(a) SHORT TITLE.—This Act may be cited as the “Taxpayer Assistance Act of 2010”.

(b) AMENDMENT OF INTERNAL REVENUE CODE OF 1986.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

(c) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title, etc.

TITLE I—CELL PHONES AND ELECTRONIC FILING

Sec. 101. Removal of cellular telephones and similar telecommunications equipment from listed property.

Sec. 102. Electronic filing exemption for religious reasons.

Sec. 103. Accelerate interest on refunds for returns filed electronically.

TITLE II—COLLECTION

Sec. 201. Study on the effectiveness of collection alternatives.

Sec. 202. Repeal of partial payment requirement on submissions of offers-in-compromise.

TITLE III—TAXPAYER ASSISTANCE AND PROTECTION IMPROVEMENTS

Sec. 301. Referrals to Low-Income Taxpayer Clinics permitted.

Sec. 302. Low-income taxpayer clinics.

Sec. 303. EITC outreach.

Sec. 304. Taxpayer notification of suspected identity theft.

Sec. 305. Clarification of IRS unclaimed refund authority.

Sec. 306. Study on delivery of tax refunds.

Sec. 307. Study on timely processing and use of information returns.

Sec. 308. Study on easing the burden of in-person tax payments.

TITLE IV—REVENUE PROVISIONS

Sec. 401. Expansion of bad check penalty to electronic payments.

Sec. 402. Increase in information return penalties.

Sec. 403. Budget compliance.

TITLE I—CELL PHONES AND ELECTRONIC FILING

SEC. 101. REMOVAL OF CELLULAR TELEPHONES AND SIMILAR TELECOMMUNICATIONS EQUIPMENT FROM LISTED PROPERTY.

(a) IN GENERAL.—Subparagraph (A) of section 280F(d)(4) (defining listed property) is amended by adding “and” at the end of clause (iv), by striking clause (v), and by redesignating clause (vi) as clause (v).

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to taxable years beginning after December 31, 2009.

SEC. 102. ELECTRONIC FILING EXEMPTION FOR RELIGIOUS REASONS.

Paragraph (3) of section 6011(e) (relating to special rule for tax return preparers) is amended by adding at the end the following new subparagraph:

“(D) EXEMPTION FOR RELIGIOUS REASONS.—The Secretary may exempt from requirements under subparagraph (A) a tax return preparer who—

“(i) is a member of a recognized religious sect or division thereof, and

“(ii) is an adherent of established teachings or tenets that do not permit the use of magnetic media.”.

SEC. 103. ACCELERATE INTEREST ON REFUNDS FOR RETURNS FILED ELECTRONICALLY.

(a) IN GENERAL.—Subsection (e) of section 6611 (relating to disallowance of interest on certain overpayments) is amended by adding at the end the following new paragraph:

“(4) SPECIAL RULE.—In the case of any individual income tax return relating to income tax filed by electronic means, paragraph (1) shall be applied by substituting ‘30 days’ for ‘45 days’ each place it appears.”.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to taxable years beginning after December 31, 2011.

TITLE II—COLLECTION

SEC. 201. STUDY ON THE EFFECTIVENESS OF COLLECTION ALTERNATIVES.

(a) IN GENERAL.—The Secretary of the Treasury shall conduct a study to assess the effectiveness of collection alternatives, especially offers-in-compromise, on long-term tax compliance. Such a study shall analyze a group of taxpayers who applied for offers-in-compromise 5 or more years ago and compare the amount of revenue collected from the taxpayers whose offers were accepted with the amount of revenue collected from the taxpayers whose offers were rejected, and compare, among the taxpayers whose offers were rejected, the amount they offered with the amounts collected.

(b) REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary of the Treasury shall submit a report to Congress containing the results of the study conducted under subsection (a).

SEC. 202. REPEAL OF PARTIAL PAYMENT REQUIREMENT ON SUBMISSIONS OF OFFERS-IN-COMPROMISE.

(a) IN GENERAL.—Section 7122 is amended by striking subsection (c) and by redesignating subsections (d), (e), (f), and (g) as subsection (c), (d), (e), and (f), respectively.

(b) CONFORMING AMENDMENTS.—

(1) Paragraph (3) of section 7122(d) is amended—

(A) by inserting “and” at the end of the subparagraph (A),

(B) by striking “, and” at the end of subparagraph (B) and inserting a period, and

(C) by striking subparagraph (C).

(2) Subsection (f) of section 6159 is amended by striking “section 7122(e)” and inserting “section 7122(d)”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to offers submitted after the date of the enactment of this Act.

TITLE III—TAXPAYER ASSISTANCE AND PROTECTION IMPROVEMENTS

SEC. 301. REFERRALS TO LOW-INCOME TAXPAYER CLINICS PERMITTED.

(a) IN GENERAL.—Subsection (c) of section 7526 is amended by adding at the end the following new paragraph:

“(6) TREASURY EMPLOYEES PERMITTED TO REFER TAXPAYERS TO QUALIFIED LOW-INCOME TAXPAYER CLINICS.—Notwithstanding any other provision of law, officers and employees of the Department of the Treasury may refer taxpayers for advice and assistance to qualified low-income taxpayer clinics receiving funding under this section.”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to referrals made after the date of the enactment of this Act.

SEC. 302. LOW-INCOME TAXPAYER CLINICS.

(a) INCREASE IN AUTHORIZED GRANTS.—Paragraph (1) of section 7526(c) (relating to aggregate limitation) is amended by striking “\$6,000,000” and inserting “\$20,000,000”.

(b) CLERICAL AMENDMENT.—Section 7526(c)(5) is amended by inserting “qualified” before “low-income”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to grants made after the date of the enactment of this Act.

SEC. 303. EITC OUTREACH.

(a) IN GENERAL.—Section 32 (relating to earned income) is amended by adding at the end the following new subsection:

“(n) NOTIFICATION OF POTENTIAL ELIGIBILITY FOR CREDIT AND REFUND.—

“(1) IN GENERAL.—To the extent possible and on an annual basis, the Secretary shall provide to each taxpayer who—

“(A) for any preceding taxable year for which credit or refund is not precluded by section 6511, and

“(B) did not claim the credit under subsection (a) but may be allowed such credit for any such taxable year based on return or return information (as defined in section 6103(b)) available to the Secretary,

notice that such taxpayer may be eligible to claim such credit and a refund for such taxable year.

“(2) NOTICE.—Notice provided under paragraph (1) shall be in writing and sent to the last known address of the taxpayer.”.

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect on the date of the enactment of this Act.

SEC. 304. TAXPAYER NOTIFICATION OF SUSPECTED IDENTITY THEFT.

(a) IN GENERAL.—Chapter 77 (relating to miscellaneous provisions), as amended by this Act, is amended by adding at the end the following new section:

“SEC. 7529. NOTIFICATION OF SUSPECTED IDENTITY THEFT.

“If, in the course of an investigation under the internal revenue laws, the Secretary determines that there was or may have been an unauthorized use of the identity of the taxpayer or a dependent of the taxpayer, the Secretary shall, to the extent permitted by law—

“(1) as soon as practicable and without jeopardizing such investigation, notify the taxpayer of such determination, and

“(2) if any person is criminally charged by indictment or information with respect to such unauthorized use, notify such taxpayer as soon as practicable of such charge.”.

(b) CLERICAL AMENDMENT.—The table of sections for chapter 77 is amended by adding at the end the following new item:

“Sec. 7529. Notification of suspected identity theft.”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to determinations made after the date of the enactment of this Act.

SEC. 305. CLARIFICATION OF IRS UNCLAIMED REFUND AUTHORITY.

Paragraph (1) of section 6103(m) (relating to tax refunds) is amended by inserting “, and through any other means of mass communication,” after “media”.

SEC. 306. STUDY ON DELIVERY OF TAX REFUNDS.

(a) IN GENERAL.—The National Taxpayer Advocate shall conduct a study on the feasibility of delivering tax refunds on debit cards, prepaid cards, and other electronic means to assist individuals that do not have access to financial accounts or institutions.

(b) REPORT.—Not later than 1 year after the date of enactment of this Act, the National Taxpayer Advocate shall submit a report to Congress containing the results of the study conducted under subsection (a).

SEC. 307. STUDY ON TIMELY PROCESSING AND USE OF INFORMATION RETURNS.

(a) IN GENERAL.—The Secretary of the Treasury shall conduct a study on the administrative and legislative changes that would be needed to receive and process information returns before processing income tax returns.

(b) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Secretary shall submit a report to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate containing the results of the study conducted under subsection (a), together with such recommendations as the Secretary considers necessary or appropriate for implementation of these changes.

SEC. 308. STUDY ON EASING THE BURDEN OF IN-PERSON TAX PAYMENTS.

(a) IN GENERAL.—The Secretary of the Treasury shall conduct a study on how to reduce the number of taxpayers making payments at IRS Taxpayer Assistance Centers. The report shall include an analysis of—

(1) whether the Federal Tax Deposit Coupon (Form 8109) could be expanded so that it can be used with all Federal tax deposits and payments, and

(2) what current or new return filing, payment, and proof of payment options could be implemented to reduce the burden of in-person payments.

(b) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Secretary shall submit a report to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate containing the results of the study conducted under subsection (a), together with such recommendations as the Secretary considers necessary or appropriate.

TITLE IV—REVENUE PROVISIONS

SEC. 401. EXPANSION OF BAD CHECK PENALTY TO ELECTRONIC PAYMENTS.

(a) IN GENERAL.—Section 6657 (relating to bad checks) is amended by adding at the end the following: “Except as otherwise provided by the Secretary, any authorization of a payment by commercially acceptable means (within the meaning of section 6311) shall be treated for purposes of this section in the same manner as a check.”.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to authorizations of payments made after December 31, 2010.

SEC. 402. INCREASE IN INFORMATION RETURN PENALTIES.

(a) FAILURE TO FILE CORRECT INFORMATION RETURNS.—

(1) IN GENERAL.—Subsections (a)(1), (b)(1)(A), and (b)(2)(A) of section 6721 are each amended by striking “\$50” and inserting “\$100”.

(2) AGGREGATE ANNUAL LIMITATION.—Subsections (a)(1), (d)(1)(A), and (e)(3)(A) of section 6721 are each amended by striking “\$250,000” and inserting “\$1,500,000”.

(b) REDUCTION WHERE CORRECTION WITHIN 30 DAYS.—

(1) IN GENERAL.—Subparagraph (A) of section 6721(b)(1) is amended by striking “\$15” and inserting “\$30”.

(2) AGGREGATE ANNUAL LIMITATION.—Subsections (b)(1)(B) and (d)(1)(B) of section 6721 are each amended by striking “\$75,000” and inserting “\$250,000”.

(c) REDUCTION WHERE CORRECTION ON OR BEFORE AUGUST 1.—

(1) IN GENERAL.—Subparagraph (A) of section 6721(b)(2) is amended by striking “\$30” and inserting “\$60”.

(2) AGGREGATE ANNUAL LIMITATION.—Subsections (b)(2)(B) and (d)(1)(C) of section 6721 are each amended by striking “\$150,000” and inserting “\$500,000”.

(d) AGGREGATE ANNUAL LIMITATIONS FOR PERSONS WITH GROSS RECEIPTS OF NOT MORE THAN \$5,000,000.—Paragraph (1) of section 6721(d) is amended—

(1) by striking “\$100,000” in subparagraph (A) and inserting “\$500,000”,

(2) by striking “\$25,000” in subparagraph (B) and inserting “\$75,000”, and

(3) by striking “\$50,000” in subparagraph (C) and inserting “\$200,000”.

(e) PENALTY IN CASE OF INTENTIONAL DISREGARD.—Paragraph (2) of section 6721(e) is amended by striking “\$100” and inserting “\$250”.

(f) ADJUSTMENT FOR INFLATION.—Section 6721 is amended by adding at the end the following new subsection:

“(f) ADJUSTMENT FOR INFLATION.—

“(1) IN GENERAL.—For each fifth calendar year beginning after 2012, each of the dollar amounts under subsections (a), (b), (d) (other than paragraph (2)(A) thereof), and (e) shall be increased by such dollar amount multiplied by the cost-of-living adjustment determined under section 1(f)(3) determined by substituting ‘calendar year 2011’ for ‘calendar year 1992’ in subparagraph (B) thereof.

“(2) ROUNDING.—If any amount adjusted under paragraph (1)—

“(A) is not less than \$75,000 and is not a multiple of \$500, such amount shall be rounded to the next lowest multiple of \$500, and

“(B) is not described in subparagraph (A) and is not a multiple of \$10, such amount shall be rounded to the next lowest multiple of \$10.”.

(g) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to information returns required to be filed on or after January 1, 2011.

SEC. 403. BUDGET COMPLIANCE.

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled “Budgetary Effects of PAYGO Legislation” for this Act, submitted for printing in the Congressional Record by the Chairman of the Committee on the Budget of the House of Representatives, provided that such statement has been submitted prior to the vote on passage.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Georgia (Mr. LEWIS) and the gentleman from Louisiana (Mr. BOUSTANY) each will control 20 minutes.

The Chair recognizes the gentleman from Georgia.

GENERAL LEAVE

Mr. LEWIS of Georgia. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks on the bill, H.R. 4994.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mr. LEWIS of Georgia. Mr. Speaker, I yield myself as much time as I may consume.

Mr. Speaker, tomorrow is April 15, the day Americans will file their income tax returns. The IRS will receive nearly 150 million tax returns this year and issue over 100 million refunds. We know that taxpayers do not enjoy preparing tax returns. The tax laws can be complicated and difficult. We do, however, thank them for complying with the laws; and today, with this bill, we will try to ease some of the burden.

On this day, the House is considering the Taxpayer Assistance Act of 2010. I am pleased that this bill contains proposals supported by the administration, the National Taxpayer Advocate, and Members of the House from both sides of the aisle.

This bill has over a dozen provisions that will help taxpayers. It will help taxpayers who are struggling in this economy by making it easy to enter into payment options with the IRS. It will also help low-income taxpayers by improving the IRS services that are available to them, and it will help small businesses and nonprofit organizations by relaxing the record-keeping requirements for cell phones that they provide to their employees.

This bill addresses issues that have been raised in hearings of the Ways and Means Subcommittee on Oversight, which I chair, and in legislation introduced by other Members of the House.

Many of the provisions in this bill enjoy broad bipartisan support. Today, in recognition of taxpayers, the Congress will look beyond what divides us and respond to the needs of our taxpayers. I urge my colleagues on both sides of the aisle to join me in passing this good and necessary piece of legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. BOUSTANY. Mr. Speaker, I yield myself such time as I might consume.

Mr. Speaker, I rise in support of H.R. 4994. This legislation contains provisions that will make tax season a little easier for many American families; and, therefore, it's worthy of my support.

There are some good, bipartisan ideas in this bill. For example, it makes sense to shield employees from burdensome paperwork requirements when they use their employer-provided cell phones to call their spouses to see if they need to pick up milk on the way home. Our colleague from Texas, SAM JOHNSON, introduced that legislation and at last count it has over 200 cosponsors from both parties.

This bill also includes bipartisan legislation that Chairman LEWIS and I introduced to make it easier for taxpayers to enter into offers and compromise with the IRS.

□ 1300

I am glad that our legislation was included in the bill, and I appreciate Chairman LEWIS reaching out to me in

a bipartisan manner to find ways to make it easier for taxpayers and the IRS to resolve their disputes amicably.

This bill instructs the IRS to notify taxpayers when it discovers evidence that those taxpayers might be victims of identity theft. For example, when criminals attempt to claim tax refunds in the name of a law-abiding taxpayer, amazingly the IRS does not currently notify taxpayers when it discovers suspicious activity conducted in their names. And this bill includes a study on whether the IRS can provide tax refunds on debit cards. That sounds reasonable to me as it could result in more efficient delivery of tax refunds to taxpayers who need their money right away to pay their bills.

For these reasons and more, I am happy to support this legislation today. But, Mr. Speaker, my support for this legislation does not reduce my disappointment in the antitaxpayer legislation that this majority has enacted into law over the last 15 months, nor does it change my belief that we could do much more for hardworking taxpayers.

If we really wanted to do some good for taxpayers today, we might eliminate all the powers given to the IRS under the new health care law, like putting the IRS in charge of enforcing a new requirement that every American family purchase government-approved health insurance; taxing families that don't have government-approved health insurance, at least \$2,000 for a family of four; and if the family doesn't pay a tax, allowing the IRS to impose civil penalties and interest, and even confiscate that family's tax refund.

Mr. Speaker, if we really wanted to do some good for taxpayers today, we could make permanent the important tax relief enacted in 2001 and 2003, which provides relief to every American that pays income taxes and which are set to expire at the end of this year. And we could find a permanent solution to the growing reach of the alternative minimum tax, which threatens to engulf millions of middle class families if Congress fails to act. But this bill does not provide such relief for American taxpayers, and so although I think the bill takes some very positive steps, it also represents a missed opportunity.

I intend to support this bill, Mr. Speaker, but I believe we could have and should have done so much more for hardworking Americans who send us here to conduct the Nation's business and who entrust us with such a large portion of the fruits of their labor.

Mr. Speaker, I reserve the balance of my time.

Mr. LEWIS of Georgia. Mr. Speaker, I reserve the balance of my time.

Mr. BOUSTANY. Mr. Speaker, at this time, I yield 3 minutes to the gentleman from Texas (Mr. SAM JOHNSON),

a distinguished member of the Committee on Ways and Means.

Mr. SAM JOHNSON of Texas. I thank the gentleman for yielding.

I would like to thank the Ways and Means chairman for making my commonsense cell phone fix the cornerstone of the Taxpayer Assistance Act of 2010. Members may recognize this provision as a bipartisan bill, H.R. 690, the Mobile Cell Phone Act, which I have introduced with Mr. POMEROY.

As we all know, in today's 24/7 economy, cell phones and BlackBerrys have become the modern version of landline office phones. And yet, unlike landline phones, workers and their employees are supposed to keep detailed call logs or else they will face the wrath of the IRS. This means a business can lose its deduction while a worker can face taxes for making personal calls. This is just wrong. We don't want to nickel and dime workers for making the occasional personal call from a desk, and we shouldn't for cell phones either.

Times have changed since Congress passed this rule in 1989 when people carried phones in a suitcase. I used to carry one myself when I was in the Air Force, and I could hardly carry it because it was so heavy. They were used by the likes of high-flying corporate executives and cost a small fortune.

Even the IRS gets it that times have changed. In fact, last June, IRS Commissioner Doug Shulman said in his statement, "The passage of time, advances in technology, and the nature of communication in the modern workplace have rendered this law obsolete." There you have it; even the IRS Commissioner believes that this law needs to be changed.

This provision will especially help our Nation's small businesses. According to an NFIB poll, nearly four out of five small businesses use a cell phone for work. Now more than ever we need to stop penalizing our job-creating entrepreneurs with this ridiculous tax rule. Startup small businesses and their employees have better things to do with their time than track each and every call they make, and they shouldn't have to spend time worrying that the IRS will hit them with taxes for personal calls. Even the administration agrees, as they included this proposal in their budget.

So how about let's do away with this outdated, obsolete tax rule once and for all.

Mr. LEWIS of Georgia. Mr. Speaker, I continue to reserve.

Mr. BOUSTANY. Mr. Speaker, I now yield 2 minutes to the gentleman from Illinois (Mr. ROSKAM), a distinguished member of the Ways and Means Committee.

Mr. ROSKAM. I thank the gentleman for yielding.

Mr. Speaker, this is a fine bill, and on face value there are some good elements to the bill. Let me give you a

kind of behind-the-curtain look, though, at what could have been.

There was an amendment that was offered in the Ways and Means Committee that I thought was thoughtful. What it was trying to do was ultimately create a sense of fairness for families that find themselves being bumped up into tax brackets just sort of through inflation, essentially. I offered an amendment that would have had the Office of Management and Budget determine the spending growth rate by comparing the previous 2 years' nonsecurity discretionary spending without regard to whether spending was offset. In a nutshell, it would have insulated families and taxpayers from being boosted up into what is known as "bracket creep."

Now, there are some folks that say, well, all this would do is accelerate deficits and create more of a problem, but if the Federal Government simply lived within its means and followed what President Obama is proposing as it relates to the capping and freezing of nondiscretionary spending, then we wouldn't have this type of problem.

And so, like all speakers I think today were speaking in favor of this bill, but my sense is that we can do better. So my hope, my expectation, and my heartfelt desire is to have a sense of protection, Mr. Speaker, for taxpayers. I think this bill is a little bit of a swing and a miss. I support the underlying bill, but we can clearly do better.

Mr. LEWIS of Georgia. Mr. Speaker, I continue to reserve.

Mr. BOUSTANY. Mr. Speaker, as I stated earlier, this legislation contains provisions that will make April 15 easier for American taxpayers, and so I intend to vote for the bill.

Simplifying the treatment of cell phones used by employees, eliminating the 20 percent down payment requirement for offers in compromise, notifying taxpayers of suspected identity theft, and studying whether there are more efficient ways to get tax refunds into people's hands all makes sense and will make a positive difference in people's lives.

But it's also important to recognize what's not in this bill: Repeal of health care mandates and taxes, protecting taxpayers from automatic tax increases scheduled to go into effect next year, and finding a permanent solution to the ticking time bomb known as the AMT. Hopefully, the majority will listen to the American people and move forward on those priorities so that taxpayers will have an easier time on future tax days.

Mr. Speaker, I urge my colleagues to vote for this bill, and I yield back the balance of my time.

Mr. LEWIS of Georgia. Mr. Speaker, the gentleman from North Dakota, a very valuable member of the Ways and Means Committee, just came in, and I yield to him for 1½ minutes.

Mr. POMEROY. I thank the chair for yielding. I have just come from the ongoing committee deliberations taking place now, and I apologize for not being here earlier.

I am here to talk about the cell phone provision of this bill. I am pleased to work with my friend, SAM JOHNSON, on the other side of the aisle in addressing what really is an anachronism in the Tax Code. Maybe at the time this technology was just coming into being this made sense, but presently, to have exhaustive record keeping of every business-provided cell phone out there—especially given basically the unlimited minutes usage plans so common in the marketplace—makes no sense whatsoever.

You know, the longest journey begins with a single step. We've got a long journey ahead of us in terms of simplifying the Tax Code in ways that make it much more sensible and clear, and I would like to think we can do a lot of this on a bipartisan basis. So let's take this step today on cell phones. Working together across the aisle, let's make this ridiculous requirement go away. Let's end the confusion at the IRS in terms of what they're supposed to do, trying to enforce a provision that is virtually unenforceable and ridiculous. Let's pass this bill, clarify the law, and use this as an example that even in this day and in this place we can work together to make sense of the Tax Code, and let's increase our ambitions from here.

Mr. LEWIS of Georgia. Mr. Speaker, in closing, I want to thank my good friend and colleague, Dr. BOUSTANY, the ranking member of the subcommittee, and all the members of the committee and all staff on both sides for their help in bringing this bill before the floor.

I fully support H.R. 4994. I urge my colleagues on both sides of the aisle to vote "yes" for this bill.

Mr. CONYERS. Mr. Speaker, I rise in strong support of H.R. 4994, the "Tax Assistance Act of 2010." With Tax Day around the corner, this Congress is continuing to build on its strong tax cutting record by instituting a series of commonsense tax cuts and credits. Among other things, this bill will require the IRS to pay interest when it sends taxpayer refunds late and end the outdated practice of requiring businesses to keep cumbersome records related to their cell phone use. It will also make Tax Day less stressful in 2011, by allowing the IRS to provide additional help to low income filers.

In addition to the commonsense, pro-business tax cuts found in this bill, this Tax Day, Americans across the country will also be able to enjoy the \$800 billion in tax cuts aimed at working families enacted by this Congress. These include the Recovery Act, the largest health care tax cut in history, and tax credits and accelerated write offs for small businesses. Even Bruce Bartlett, President Reagan's domestic policy advisor, noted that "federal taxes are very considerably lower by

every measure since Obama became president."

As Americans file their 2009 income taxes, they may qualify for a series of other generous tax cuts—for example, you could save money for attending college, making energy-saving home improvements, purchasing a home for the first time, or buying a new car. Other benefits being claimed this year include:

The Making Work Pay tax credit—95 percent of working families are already receiving the Recovery Act's Making Work Pay tax credit of \$400 for an individual or \$800 for married couples filing jointly in their 2009 paychecks—and will continue to see these benefits in 2010.

Expanded family tax credits—moderate income families with children may be eligible for an increase in the Earned Income Tax Credit and the additional Child Tax Credit.

Tax-free unemployment benefits—thanks to the Recovery Act, individuals who received unemployment insurance in 2009 do not have to pay taxes on the first \$2,400 of such earnings.

I firmly believe that unemployment benefits should never be taxed and I pledge to work in the coming tax year to enact legislation that would do away with this tax forever. In the meantime, I will continue to work with my colleagues to enact additional middle class tax cuts, like the Recovery Act and the Tax Assistance Act of 2010. I encourage my colleagues to support the bill.

Mr. CAMP. Mr. Speaker, I rise in support of the bill, which will make a few small, but important changes to the administration of our tax laws.

There is no question that April 15th is the most feared date on the Calendar. It is viewed with dread for good reason.

The tax code is mind-numbingly confusing. It is a maze of forms and schedules and instructions that turns the simplest tax form into a lengthy challenge and that forces millions of Americans to turn to help, whether from an accountant, a professional tax preparer, or one of the many computer software programs designed for this purpose.

The bill before us does make a few good changes to the code, including a provision long championed by Congressman SAM JOHNSON, a true American hero, that will end the long outdated requirement that employers record and report their employees' personal use of company-provided cell phones and Blackberries.

Another provision worthy of support will require the IRS to notify taxpayers they suspect have been victims of identity theft. That certainly makes sense.

And for those taxpayers who do file their returns electronically, this bill will shorten the time the IRS has to pay refunds before interest accrues. This is a taxpayer friendly provision that will encourage electronic filing, which is both faster and cheaper for the government.

Finally, let me express my thanks to Congressman BECERRA for making some changes to this bill that helped secure my support.

As introduced, the bill would have established a new authorization of up to \$20 million per year to fund Volunteer Income Tax Assistance Centers. The IRS has funded these programs in the past without authorization, which

is troubling enough. But of even more concern is the fact that ACORN was a recipient of these funds.

Today, we know how badly ACORN was abusing the public trust, and I do applaud the IRS for heeding our call and canceling those contracts when the extent of ACORN's misconduct came to light.

But I don't yet have confidence that the government will avoid a similar mistake in the future and again fund groups like ACORN. Simply put, Congress should not authorize these grants until we know who will be receiving them and how they will be used.

And so I thank Mr. BECERRA for agreeing to remove this language to allow the Congress to examine the issue more closely.

I urge a "yes" vote on the bill.

Mr. ETHERIDGE. Mr. Speaker, I rise in support of H.R. 4994, the Taxpayer Assistance Act of 2010. As we arrive at another tax filing deadline, I am pleased to support many of the measures to assist taxpayers and improve the Internal Revenue Code that have been discussed in the Ways and Means Subcommittee on Oversight.

I just returned from a tax day event in my district, where I heard from several folks who live in the Second District about how they are saving money this tax year because of the American Recovery and Reinvestment Act and other recent tax cuts. As North Carolina's only Member of the House Committee on Ways and Means, I am proud to work to promote tax fairness for all Americans. In fact, the vast majority of middle-class North Carolinians are receiving larger refunds or paying less taxes than they were last year or the year before because of our action.

However, many Americans have difficulty navigating the complexities of the tax code. They need to know where to turn for information, which is one of the things we discussed at Monday's tax day event. I am pleased to support this bill because it will help taxpayers get assistance in filing their taxes. Under the Taxpayer Assistance Act of 2010, we will provide referrals from the IRS to Low Income Taxpayer Clinics (LITCs), increase funding for Volunteer Income Tax Assistance (VITA) sites, expand outreach for the Earned Income Tax Credit (EITC), make sure the IRS notifies taxpayers of unclaimed refunds, and help protect taxpayers from identity theft. H.R. 4994 will also improve tax fairness by studying the delivery of tax refunds and the effectiveness of collection alternatives. The bill also fixes the outdated tax treatment of business cell phones, so that businesses do not face the double burden of providing phones to their employees and also paying taxes for them as a benefit.

Our goal should be to make our tax code more fair and workable for individuals, families, businesses and employees across the country, and this bill does just that. Improving the process for millions of taxpaying Americans should be a bipartisan priority. I support H.R. 4994 and urge my colleagues on both sides of the aisle to join me in working together across party lines and voting for its passage.

Mr. VAN HOLLEN. Mr. Speaker, I rise in support of the Taxpayer Assistance Act of 2010 and the common sense, bipartisan reform it represents.

Consistent with its oversight responsibilities, the Ways and Means Committee routinely reviews the tax code with an eye towards updating antiquated provisions and making it more taxpayer-friendly. Towards that end, today's legislation modernizes the rules governing employer-provided cell phone use to eliminate nuisance paperwork. It requires the IRS to pay interest on refunds related to individual tax returns that are filed electronically if the refund is not paid within thirty days. And it provides taxpayers with better notification on issues ranging from the Earned Income Tax Credit to identity theft.

Since the April 15 tax deadline is tomorrow, I would be remiss if I did not point out that the improvements made by today's legislation come on the heels of one of the largest middle class tax cuts in American history. Under the Recovery Act's Make Work Pay credit, over 95 percent of Americans got tax relief at a time when families and our economy needed it most. As a result, recent economic data clearly show we are transitioning from recession to recovery and laying the foundation for future economic growth.

Mr. Speaker, the Taxpayer Assistance Act of 2010 is common sense reform and part of a growing chorus of good news for Americans and our economy. I urge a yes vote.

Mr. DAVIS of Illinois. Mr. Speaker, across the United States, April 15th is Tax Day. As Americans file their taxes, H.R. 4994, the Taxpayer Assistance Act of 2010, improves taxpayer programs and protections. The "Tax Day" bill has a history of broad bi-partisan support and continues to receive large support today.

Most importantly for the residents of the 7th District of Illinois and the Nation, the Taxpayer Assistance Act of 2010 includes programs that benefit low-income taxpayers. For example, H.R. 4994 increases funding for grants to provide low-income taxpayer clinics. Even in the absence of a specific appropriation, the Volunteer Income Tax Assistance program will be available for use because the Secretary of the Treasury could allocate up to \$20 million of grant funding annually for the program. As recommended by the National Taxpayer Advocate, the bill allows IRS employees to refer people to these tax clinics as well. The Taxpayer Assistance Act of 2010 also improves the IRS's ability to inform taxpayers about the availability of the Earned Income Tax Credit in prior years, a tax credit that we know helps low-income households. In the 7th Congressional District alone, over 72,000 people participated in this program in 2007 with a savings of over \$172 million, with most of those taxpayers earning less than \$20,000 a year.

Further, the bill makes it easier for taxpayers to settle outstanding payments via the offers-in-compromise program. Importantly, H.R. 4994 contains provisions to assure the protection of taxpayers, such as requiring the IRS to notify taxpayers when it suspects that a taxpayer's identity, or a dependent's identity, has been stolen. Each of the bill's provisions provides timely assistance and improvements for taxpayers.

The Taxpayer Assistance Act of 2010 also adapts the tax system to technology in several ways. By allowing the removal of cell phones from listed property, the bill eliminates a strict,

outdated rule. The current rule requires individuals to keep detailed records regarding cell phones and similar equipment used for business purposes, imposing unnecessary burdens on companies and taxpayers. The IRS also will be given the opportunity to utilize the internet and other forms of mass communication to notify taxpayers of "unclaimed" or "undeliverable" funds.

Overall H.R. 4994 the Taxpayer Assistance Act of 2010 continues the tradition of the "Tax Day" bill by providing needed programs, protection to our taxpayers, and updates to outdated rules.

Mr. LEWIS of Georgia. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Georgia (Mr. LEWIS) that the House suspend the rules and pass the bill, H.R. 4994, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. LEWIS of Georgia. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

HONORING THE LIFE OF WILMA PEARL MANKILLER

Mr. BOREN. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1237) honoring the life of Wilma Pearl Mankiller and expressing condolences of the House of Representatives on her passing.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1237

Whereas Wilma was born November 18, 1945, at Hastings Indian Hospital in Tahlequah, Oklahoma, and had her roots planted deep in the rural community of Mankiller Flats in Adair County, Oklahoma, where she spent most of her life;

Whereas at age 10, her family moved to San Francisco as part of the Bureau of Indian Affairs Relocation Program where she lived for two decades before returning to Oklahoma in 1977;

Whereas upon returning to Oklahoma, Wilma found a job as a community coordinator at the Cherokee Nation capital and enrolled in graduate courses at the University of Arkansas in Fayetteville;

Whereas in 1983 Wilma ran for the office of Deputy Chief alongside Ross Swimmer, then Principal Chief of the Cherokee Nation, and the two won the election and took office in August, 1983;

Whereas on December 5, 1985, Wilma was sworn in to replace Chief Swimmer as Principal Chief of the Cherokee Nation, making her the first female to hold the office;

Whereas Wilma was formally elected to serve as the first female Principal Chief of the Cherokee Nation in 1987, and was overwhelmingly re-elected in 1991;

Whereas during her time as Principal Chief, Wilma focused on education and health care, overseeing the construction of new schools, job-training centers, health clinics, community development, and an award winning housing and water projects in low-income communities;

Whereas over the course of her three terms, Wilma made great strides to reinstate the traditional Cherokee culture and values, especially the role of women, reinvigorating the Cherokee Nation through community development projects where men and women work collectively for the common good;

Whereas during Wilma's tenure she transformed the Nation-to-Nation relationship between the Cherokee Nation and the Federal Government, met with Presidents Reagan, Bush, and Clinton to present critical tribal issues, and co-chaired a national conference between tribal leaders and cabinet members, which helped facilitate the establishment of an Office of Indian Justice within the U.S. Department of Justice;

Whereas upon leaving office Wilma continued her endeavors, serving on several philanthropic boards, including 12 years on the board of trustees of the Ford Foundation, 4 years on the Board of the Ms. Foundation for Women, and 4 years on the board of the Seventh Generation Fund and the board of the Freedom Forum and its subsidiary, the Newseum;

Whereas Wilma presented more than 100 lectures on the challenges facing Native Americans and women in the 21st century and she served as the Wayne Morse Professor at the University of Oregon for the fall semester of 2005 where she taught class on tribal government, law, and life;

Whereas Wilma held Honorary Doctorate Degrees from Yale University, Dartmouth College, Smith College, Mills College, Northern Arizona University, University of Oklahoma, Oklahoma City University, Oklahoma State University, Tulsa University, Drury College, Saint Mary-of-the-Woods College, Rhode Island College, New England University, and Northeastern State University;

Whereas Wilma held many honors, including the Montgomery Fellowship, Dartmouth College; The Chubb Fellowship, Timothy Dwight College, Yale University; San Francisco State University, Hall of Fame; an Francisco State Alumna of the Year (1988), International Women of Distinction Award, Alpha Delta Kappa, Oklahoma Hall of Fame, Oklahoma Women's Hall of Fame, National Women's Hall of Fame, International Women's Forum Hall of Fame, Minority Business Hall of Fame, and she was awarded the Presidential Medal of Freedom by then President Bill Clinton for her vision and commitment to a brighter future for all Americans;

Whereas Wilma published several works, including "Every Day is a Good Day", Fulcrum Publishing 2004, "Mankiller: A Chief and Her People", co-authored, St. Martin's Press 1993, "A Reader's Companion to the History of Women in the U.S.", co-edited, Houghton-Mifflin 1998, and she contributed to many other publications, including an essay for Native Universe, the inaugural publication of the National Museum of the American Indian;

Whereas upon the announcement of her diagnosis in March of 2010, Wilma offered words of inspiration: "I want my family and friends to know that I am mentally and spiritually prepared for this journey; a journey that all human beings will take at one time or another. I learned a long time ago that I can't control the challenges the Creator sends my way but I can control the way I

think about them and deal with them. On balance, I have been blessed with an extraordinarily rich and wonderful life, filled with incredible experiences. And I am grateful to have a support team composed of loving family and friends. I will be spending my time with my family and close friends and engaging in activities I enjoy. It's been my privilege to meet and be touched by thousands of people in my life and I regret not being able to deliver this message personally to so many of you";

Whereas Chief Mankiller's final days were not marred by the impending sorrow of her departure, but glowing reminiscence of her influence in years past; and

Whereas Chief Mankiller passed away in the morning hours of April 6, 2010, at her home in rural Adair County, Oklahoma: Now, therefore, be it

Resolved, That the House of Representatives expresses—

(1) gratitude to Wilma Mankiller for her significant contributions to the Nation, an inspiration to women in Indian Country and across America, and for leaving a profound legacy that will continue to encourage and motivate all who carry on her work; and

(2) deep sorrow at the passing of Chief Mankiller and condolences to her friends and family, especially her husband Charlie and two daughters, Gina and Felicia, as well as the Cherokee Nation and all those who knew her and were touched by her good works.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Oklahoma (Mr. BOREN) and the gentlewoman from Washington (Mrs. MCMORRIS RODGERS) each will control 20 minutes.

The Chair recognizes the gentleman from Oklahoma.

GENERAL LEAVE

Mr. BOREN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. BOREN. Mr. Speaker, I rise today to honor the memory of a great woman, a lady who has been an inspiration to women and also throughout Indian country, Chief Wilma Pearl Mankiller.

On the morning of April 6, 2010, Chief Wilma Mankiller, the first female leader of the Cherokee Nation, steward of Native American cultural traditions, and an advocate for advancing the role of women in tribal affairs, passed away at her home in rural Adair County, Oklahoma.

Chief Mankiller was a passionate activist for the continued enhancement of native peoples and one of the country's most visible American Indian luminaries. From her birth on November 18, 1945, at the small Hastings Indian Hospital in Tahlequah, Oklahoma, to her service as Principal Chief of the Cherokee Nation, Wilma celebrated and nurtured her intense tribal heritage which was deeply rooted in a con-

nection to the rural community of Mankiller Flats, Adair County, where she spent a large part of her life.

As an accomplished social activist for Indian prosperity, she devoted all her energies to the well-being of Native Americans and to expanding roles for women through her participation in organizations like the Ford Foundation, the Seventh Generation Fund, and the Freedom Forum. She also reinstated dialogue between the Cherokee Nation and the Federal Government, which ultimately helped establish the Office of Indian Justice.

Wilma received numerous accolades for her tireless efforts at improving the general welfare of both Indian country and our Nation, not the least of which was the Presidential Medal of Freedom awarded to her by President Bill Clinton.

□ 1315

Despite all of her great personal accomplishments, Chief Mankiller desired only "to be remembered as the person who helped us restore faith in ourselves."

To fulfill that wish and to honor her, I have introduced this resolution in gratitude to Chief Wilma Mankiller for her significant contributions and service to the Nation. She remains an inspiration to women in Indian Country and across America, and she leaves behind a profound legacy which will continue to encourage and to motivate all who carry on her work.

Finally, I would like to express our deepest condolences on behalf of the U.S. House of Representatives to her friends and her family, especially to her husband, Charlie Soap, and to the entire Cherokee Nation for the loss of this wonderful lady.

I reserve the balance of my time.

Mrs. MCMORRIS RODGERS. At this time, I yield such time as he may consume to the gentleman from Oklahoma (Mr. COLE).

Mr. COLE. I thank the gentlewoman.

Mr. Speaker, Wilma Mankiller led a remarkable life. As my friend Congressman BOREN so eloquently stated, her beginnings were awfully humble. Frankly, they didn't get much better for a long time. She traveled to California, and unlike a lot of Oklahomans, did not find the prosperity that so many had found, so she returned home and went to work for the Cherokee Nation. For over a decade, she worked through a succession of posts of increasing responsibility. Eventually, she became, of course, the principal chief of the second largest Indian tribe in America, the first woman to do so and arguably the best leader the tribe has had since its removal from North Carolina to Oklahoma.

During her tenure as chief, she more than tripled the number of Cherokees. She doubled tribal employment. She added dozens of programs in nutrition,

social services, education, and cultural awareness. Frankly, she made the Cherokee Nation even more than it was—a force to be reckoned with, but a beneficent force, not only in northeast Oklahoma, not only within the lives of its citizens, but, quite frankly, in Indian Country and in American politics.

She was recognized for her extraordinary achievements over a lifetime—honorary degrees, boards and foundations and, of course, again, as my colleague and friend Mr. BOREN mentioned, the highest civilian award that any American can receive, the Medal of Freedom.

I knew Wilma Mankiller very well. She led a life based on principles. The first one was just absolute personal integrity. She was one of the most honest and honorable people I had ever met in my life. The second was humility. She was the most approachable person you would ever want to know. She had a total lack of pretension, and she believed very profoundly in service to others—in service, yes, to her tribe; in service, yes, to Native Americans; but in service beyond, as a creed and as a value, that she lived and acted on every single day of her life.

She was a remarkable person to talk to because she was completely candid in her conversations, which is very unusual, particularly for a political figure. If you are chief of the Cherokee Nation, I can assure you, you are a considerable and skillful politician in your own right. On many occasions, I remember getting advice, and I remember her speaking in a very unvarnished way. I can't count the number of times that I heard her say in speeches when she got up—she loved to speak truth to power—that she identified herself: either I am or have been the principal chief of the Cherokee Nation. If the United States Government had had its way, I would never have been a chief; there would never have been a Cherokee Nation or it would have ended, and also tribes would have been eliminated. That is where she began her conversation.

She was a role model, of course, to women and to Native Americans everywhere, particularly to my mother, who was the first Native American elected to the State Senate in Oklahoma. She was a close friend of Chief Mankiller's. Like me, my mother admired her quite profoundly.

As a leader, she was always principled; she was determined; she was visionary, but she was supremely practical in her political pursuits. She was tough; she was shrewd; she was dedicated to the Cherokee people, and she was dedicated to Native Americans. She was an extraordinarily fierce defender of the concept of tribal sovereignty. She understood it in her bones; she advocated it and, frankly, enhanced it, not only for her own people but for Native Americans everywhere.

Having said that, she was always willing to partner with anyone. It didn't matter what your point of view was. It didn't matter what your values were. She was a very devoted Democrat. My mother was a very fierce Republican. They found common ground again and again on issue after issue.

In closing, I want to join my friend Mr. BOREN in expressing my profound sympathy to her family, obviously to the great Cherokee Nation and to Native Americans everywhere. I mean this with all sincerity that I have not seen her like before in my life. I don't think any of us will see her like again.

Mr. BOREN. At this time, I yield 30 seconds to the gentleman from California (Mr. GEORGE MILLER).

Mr. GEORGE MILLER of California. I thank the gentleman for yielding.

I want to thank both of my colleagues from Oklahoma for this resolution.

Mr. Speaker, I had the great honor of working with Chief Wilma Mankiller in my service on the Resources Committee and as Chair of that committee. She was a magnificent person, and we honor her as one of the great women in American history. She was all of the things that my colleagues have said, but when she came through your door, you knew you were about to do business. She was also very quick to humor and very often would use humor as well as she would use knowledge in disarming those who opposed her.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. BOREN. I yield the gentleman an additional 30 seconds.

Mr. GEORGE MILLER of California. I had a real opportunity to work integrally with her on the issues of sovereignty at a time when the Supreme Court was attacking at that moment some very essential parts of tribal sovereignty.

I am sorry to hear of her passing; but I have great, great memories of working with her, of her leadership, of her advocacy, of her passion, and of her running so true to her values no matter what the situation. If she couldn't succeed today, she'd be back tomorrow. Very often, she was.

Thank you again so very much for this resolution, which recognizes the contributions of this outstanding woman to the history of our country.

Mrs. McMORRIS RODGERS. I yield myself such time as I may consume.

Mr. Speaker, I rise in support of this resolution, which honors the life of Wilma Mankiller, and I wish to associate myself with the remarks of the previous speakers in expressing the condolences of the House of Representatives on her passing.

There are many of us who did not have the opportunity to meet Wilma Mankiller. Nonetheless, as we deal with Indian affairs in Congress, all of us touch some part of the legacy of her

accomplishments left to the great Cherokee Nation and Indian Country.

In a recent article on her death, Cherokee Chief Chad Smith states that she was a patriot for the Cherokee Nation. In 1998, she received the Presidential Medal of Freedom from President Bill Clinton in recognition for her success as an Indian leader.

Though Wilma Mankiller is further honored today by the House resolution, what stands out is the outpouring of grief from the Cherokee citizens upon hearing the news of her death. I think her greatest honor is the esteem and respect in which she was held by her fellow Cherokee people.

I commend the gentleman from Oklahoma for sponsoring this resolution and for ensuring its consideration on the House floor today.

Mr. Speaker, I yield back the balance of my time.

Mr. BOREN. Mr. Speaker, just a few closing comments. I have a quote from the President of the United States, Barack Obama:

"I am deeply saddened to hear of the passing of Wilma Mankiller today. As the Cherokee Nation's first female chief, she transformed the Nation-to-Nation relationship between the Cherokee Nation and the Federal Government, and served as an inspiration to women in Indian Country and across America. A recipient of the Presidential Medal of Freedom, she was recognized for her vision and commitment to a brighter future for all Americans. Her legacy will continue to encourage and motivate all who carry on her work.

"Michelle and I offer our condolences to Wilma's family, especially her husband, Charlie, and two daughters Gina and Felicia, as well as the Cherokee Nation, and all those who knew her and were touched by her good works."

I would just like to say I knew Wilma as a young boy. I got to meet Wilma through many festivals and pow-wows with my father when he served in the U.S. Senate. She was always so kind, and she was always lending advice to me. Then after I was elected to Congress—and Congressman COLE was very correct—the term I would say is "blunt"—she was very blunt in her political advice. She would call me whenever something would happen within the Cherokee Nation or here in Congress and would give me some advice, very direct advice, and she was always right in her advice. We are going to miss her deeply.

So, in closing, I would ask my colleagues to support this resolution to honor this great woman.

Ms. RICHARDSON. Mr. Speaker, as a member of the Native American Caucus, I rise today in strong support of House Resolution 1237, a resolution recognizing and honoring the life of Wilma Pearl Mankiller. Chief Mankiller was an ardent advocate for the Native American community and an inspiration to

the rest of the nation, and I am proud to support this resolution honoring her.

I would like to thank Congressman BOREN for authoring this important resolution, and House Majority Leader STENY HOYER and Speaker NANCY PELOSI for their skill and leadership in bringing it to the floor.

Mr. Speaker, Chief Wilma Mankiller inspired Native American women and girls across the United States when she became principal chief of the Cherokee Nation of Oklahoma, the second largest tribe in the United States. Born November 18, 1945 on family land at Mankiller Flats near Rocky Mountain, Oklahoma, she attended San Francisco University, where she became an activist for Native American causes. Chief Mankiller's political career began when she was elected deputy chief of the Cherokee Nation in 1983, before becoming principal chief in 1985.

This accomplishment gave her the opportunity and platform to become an unyielding activist for the continued enhancement of the indigenous population. She was successful in establishing tribally owned businesses, such as horticultural operations, improving infrastructure, and building a hydroelectric facility. In addition to this important work, she also advocated for Native American and women's issues by improving federal and tribal negotiations, as well as through her participation in organizations like the Ford Foundation, the Seventh Generation Fund, and the Freedom Forum. Because of her tireless efforts towards improving the general welfare of Native Americans, Chief Mankiller has received numerous awards, including the Presidential Medal of Freedom.

In conclusion, Mr. Speaker, I am pleased to support this resolution honoring the life and accomplishments of this extraordinary woman. Her work and dedication have improved the lives of Native Americans across the country, as well as given Americans across the country a better understanding of the Native American community.

Mr. Speaker, I urge my colleagues to join me in supporting H. Res. 1237.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise today in support of H. Res. 1237 to honor Wilma Pearl Mankiller, the first female Chief of the Cherokee Nation, who passed away on April 6, 2010.

Wilma Mankiller was a remarkable human being and served as Principal Chief of the Cherokee Nation from 1985 to 1995. While Cherokee culture has traditionally embraced the concept of both male and female leadership, this custom had fallen out of practice in recent years. At the time she became Chief, the hierarchical system of the Cherokee Nation had become male dominated, and Mankiller faced numerous gender barriers in becoming and serving as Chief. During her tenure, she would go to great lengths to resurrect the balance of male and female leadership in the Cherokee Nation, and additionally, she worked to reinvigorate the Nation through community projects and programs.

Throughout our daily lives, we rarely stop to reflect on the remarkable accomplishments of women across the country and world. I am emboldened by people like Wilma Mankiller who worked diligently for others and tore down gender barriers in the process. Today young

girls know that they too can grow up to become Indian Chiefs and it is because of the work and life of Wilma Mankiller that this is true.

Mr. Speaker, Wilma Mankiller was a great leader and extraordinary advocate for the Cherokee Nation. I ask my fellow colleagues to join me today in honoring her memory and celebrating her distinguished life and work.

Mr. BOREN. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Oklahoma (Mr. BOREN) that the House suspend the rules and agree to the resolution, H. Res. 1237.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

HONORING COAL MINERS FROM UPPER BIG BRANCH MINE IN WEST VIRGINIA

Mr. GEORGE MILLER of California. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1236) honoring the coal miners who perished in the Upper Big Branch Mine-South in Raleigh County, West Virginia, extending condolences to their families and recognizing the valiant efforts of emergency response workers at the mine disaster.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1236

Whereas coal mining is a time-honored profession and miners and their families have shaped the history and rich culture of West Virginia and the Nation;

Whereas the Nation is greatly indebted to coal miners for the difficult and dangerous work they perform to provide the fuel needed to keep the Nation strong and secure;

Whereas the Nation has long recognized the importance of health and safety protections for miners who labor in extreme and dangerous conditions;

Whereas accidents in the Nation's mines have again and again taken the lives of coal miners;

Whereas 29 West Virginia miners tragically perished in the Upper Big Branch Mine-South following an explosion on April 5, 2010;

Whereas this was the worst coal mining disaster in the Nation over the last 40 years;

Whereas Federal, State, and local rescue crews worked tirelessly night and day in courageous rescue and recovery efforts;

Whereas the families of the fallen miners have suffered immeasurable loss; and

Whereas residents of Raleigh County and throughout West Virginia came together to support the miners' families: Now, therefore, be it

Resolved, That the House of Representatives—

(1) recognizes the ultimate sacrifice made by the 29 coal miners lost at the Upper Big Branch Mine-South, Raleigh County, West Virginia;

(2) extends the deepest condolences of the Nation to the families of these men;

(3) recognizes all coal miners for enduring the loss of their coworkers and maintaining courage throughout this ordeal;

(4) commends the rescue crews for their valiant efforts to find these miners; and

(5) honors the many volunteers who provided support and comfort for the miners' families during the rescue and recovery operations.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. GEORGE MILLER) and the gentlewoman from Washington (Mrs. McMORRIS RODGERS) each will control 20 minutes.

The Chair recognizes the gentleman from California.

GENERAL LEAVE

Mr. GEORGE MILLER of California. Mr. Speaker, I request 5 legislative days during which Members may revise and extend their remarks and include extraneous material on House Resolution 1236 into the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. GEORGE MILLER of California. At this time, I yield 7 minutes to the gentleman from West Virginia (Mr. RAHALL).

Mr. RAHALL. Thank you, Mr. Chairman GEORGE MILLER.

Mr. Speaker, last week, on Monday, April 5, an explosion tore through the Upper Big Branch Mine in Raleigh, West Virginia, taking the lives of 29 good, hardworking men. It was the repeat of a recurring nightmare that has haunted the coalfields of our Nation for generations, and it is a tragedy that never should have occurred.

Immediately upon receiving news of the explosion at the Upper Big Branch Mine, I rushed to the scene to be with the families. For me, it was, unfortunately, not an unfamiliar circumstance. I have spent too many anxious hours within the aftermath of mine accidents in the midst of family and friends, of coworkers and survivors, awaiting word. The watching, hoping and praying for survivors to emerge from the darkness into the arms of their loved ones is a heart-wrenching exercise, but being surrounded by such warmth and love, generosity and faith is heartwarming at the same time.

The people of coal mining communities, in particular those of southern West Virginia, are a special breed. Generations of these families go into our mines. For so many of these miners, it is not a job; it is a calling. They live with the knowledge that there is risk, but they are proud to take that risk to labor in the company of good and loyal friends, to earn an honest paycheck in order to provide for their families and for themselves.

The miners at Upper Big Branch were just such men. Like coal miners

throughout the ages, they did difficult work in dangerous circumstances. They labored underground in cramped conditions in the damp and the dark, but outside the mines, their lives were full of light and love and joy. They had wives and children and grandchildren. They hunted, pranked and laughed together, and they experienced many warm memories and gentle sorrows. While most Americans can scarcely imagine what a coal miner's day at work is really like or will never really understand our coal miners, we certainly appreciate what their labors have meant in our daily lives.

The toil of these coal miners, of all coal miners, has fueled our Nation's economic engine, ensuring our military security by providing coal not just to the generation of power but as an essential element in the steelmaking process. All coal miners are deserving of our gratitude and of our renewed commitment to ensure that such tragedies never occur again.

Countless individuals can be thanked for their help during this disaster. I thank our Governor, Joe Manchin, III, for his leadership; both of our U.S. Senators, JAY ROCKEFELLER and ROBERT C. BYRD; our Secretary of Labor, Hilda Solis, who twice visited us during this week; her assistant secretary for Mine Safety and Health Administration, Joe Main, there every day and night; Ron Wooten, our West Virginia division Mine Safety and Health training director; Jimmy Gianato, director of our West Virginia Homeland Security. Both of these individuals were there every day and night, 24/7, for an entire week. I thank our West Virginia head coach, Bobby Huggins, for his uplifting visit to the families.

By all accounts, the explosion that took the lives of these 29 miners should never have happened in this time, in this modern era.

To quote the Mine Safety and Health Administration's administrator for coal mine safety and health, Kevin Stricklin, who fought every hour, 24 hours a day, to help find our coal miners, "All explosions are preventable. It's just making sure you have things in place to keep one from occurring. It's quite evident that something went very wrong here."

□ 1330

There are multiple layers of laws and regulations in place to prevent such a disaster. There are modern technologies. There were repeated, persistent inspections. And yet 29 men perished and one is hanging on in the hospital. That this deadly explosion occurred is infuriatingly, frustratingly heartbreaking, and I am determined that we will get to the bottom of it and ensure that steps are taken to prevent a recurrence of this type of explosion. We owe it to the miners who perished in Raleigh County last week. We owe it

to their families. We owe it to their co-workers.

So many strong and tough West Virginians came together to pray and to help these families. Our West Virginia State Police stood by every family's side to help in any way they could. The American Red Cross, Billy Graham's Crusade, family members of previous mine disaster victims, and most importantly, our ministers, our pastors, our West Virginia Council of Churches, all who came from all over our great State to counsel, to cry, and to call upon God, who above all else will guide these families through this healing process.

With that inner strength that comes to the West Virginia people, we will get through this tragedy together. We will hold accountable those who failed our miners, so help me God.

Today the House of Representatives honors the 29 miners lost in Raleigh County last week. We express the condolences of our Nation to their families, and we recognize above all the valiant efforts of the rescue workers, those who placed their lives on the line to save other lives, who answered the call the other day. Our first responders, our paramedics, our law enforcement personnel all came together.

May the Good Lord keep our lost miners, may He care for their families, and bless those rescue personnel who risked their own lives in service to others. And may He watch over each and every coal miner who continues to work and continues to walk in the wake of risk in service to our Nation.

Mrs. MCMORRIS RODGERS. Mr. Speaker, I yield myself such time as I may consume.

Every day thousands of men and women go to work in coal mines to bring electricity to our homes to make our lives easier, more comfortable. The working conditions for these miners are anything but comfortable or easy. I rise today to honor their work, and sadly, the sacrifice of 29 men last Monday in the Upper Big Branch Mine.

This resolution offers our condolences to these miners' families as well as the Nation mourns with them. It is also a time to pledge that we will work with the Federal agencies tasked to investigate this accident, determine the cause, and take the appropriate actions.

On Monday, April 5, we watched as mine rescue teams and mine safety officials descended on Whitesville, West Virginia, to go into the Upper Big Branch Mine. The frustration was apparent as rescue teams attempted to reach refuge chambers that night, but were unable to proceed far enough into the mine because of the dangerous levels of gases. Mourning began for seven families who knew immediately that their loved ones were killed by the blast. And then the agonizing waiting began.

For a week, families waited for news of those who might have made it to

safety and those who had not. Four missing miners had the slightest hope that they were safely barricaded in a chamber. The miracle that we hoped for did not happen.

We cannot, however, forget the tireless efforts of the mine rescue teams and the government officials who worked around the clock to reach those trapped. Mine rescue teams volunteer their time to train for the unthinkable, to put themselves in harm's way. The burden of recovery falls on these miners as they try to bring closure to the families by bringing their loved ones home one more time. We honor their courage in these very trying circumstances.

I urge my colleagues to vote "aye" on House Resolution 1236, mourning the loss of miners in the Upper Big Branch Mine, and honoring those participating in the rescue and the recovery operations.

I reserve the balance of my time.

Mr. GEORGE MILLER of California. I yield 3 minutes to the gentleman from West Virginia (Mr. MOLLOHAN).

Mr. MOLLOHAN. Mr. Speaker, I thank the gentleman from California for yielding, and I thank him also for his leadership on mine safety and workplace safety.

Mr. Speaker, I would also like to thank the sponsor of this resolution, my colleague from West Virginia's Third Congressional District, NICK RAHALL. Coal miners and the coal industry have no greater champion than the chairman of the Natural Resources Committee, Chairman RAHALL.

Mr. Speaker, tragedy has visited West Virginia's coal mines again. It is a visitor our State knows all too well. The names of the communities change with each visit, and the years do as well. Monongah in 1907, Dola in 1963, Farmington in 1968, Sago in 2006, and now Raleigh County, April 2010. The names change, Mr. Speaker, but the grief and the sorrow, they stay exactly the same. The mother who lost her son last week is united with the sister who lost her brother in 1968 and the daughter who lost her father in 1907.

Mr. Speaker, shy of 2 million people live in my State. Maybe one in 90 earns a living as a coal miner in the coal fields. Most West Virginians have never been underground, and most never will be. But every one of us lives with the knowledge and the full appreciation of what can go wrong whenever a new shift of miners goes underground. Coal mining is not just my State's most important industry, it is central to our culture and our social identity. When tragedy visits one of our communities, it visits our entire State. It brings us together. It reminds us in sometimes a difficult life we can always look to that larger community for support.

We saw those bonds in the rescue crews last week battling fatigue and risking their lives. We see those bonds

in the volunteers on-site in Raleigh County today. And we see those bonds in the churches and the union halls and the schools throughout the State, wherever West Virginians come together.

There is hard work ahead of us and there is pragmatic work ahead of us. The engineers and the experts, they will come and they will analyze what went wrong in Raleigh County last week. This Congress will debate what went wrong last week. We will assign responsibility. And we will consider what actions are necessary to make the hard work of taking coal from the ground less dangerous, to do all that is possible to prevent such future tragedies. That will be the most lasting testimonial we can offer those who lost their lives in Raleigh County.

But today we acknowledge their loss, we thank those who tried to save them, we offer our deepest condolences to the miners' families, and we come together again in support of our community.

Mrs. MCMORRIS RODGERS. Mr. Speaker, I yield such time as he may consume to the gentleman from Minnesota (Mr. KLINE), the ranking member of the Education and Labor Committee.

Mr. KLINE of Minnesota. I thank the gentlelady for yielding.

Mr. Speaker, I rise today with my colleagues to honor the memory of the 29 miners who lost their lives in the Upper Big Branch Mine, and to express our gratitude to the rescue teams who bravely pursued a tragic recovery mission. The Nation watched in collective apprehension last week as mine rescue teams rushed from the coal fields of Appalachia to the small town of Whitesville to help their own. For a week we all clung to the hope that four missing miners might have found refuge. It was not to be.

Over the weekend, the mine rescue teams performed a more solemn duty, bringing these men out of the mine one final time. Under the best conditions mining is dangerous work. After an explosion the mines are even more treacherous. Mine rescue teams undertake rigorous training and exercise valiant resolve. Today we recognize their bravery in the face of danger and tragedy. H. Res. 1236 honors their commitment to service.

Chairman MILLER has announced our intention to investigate this tragedy and seek answers on behalf of the families and the entire mining community. Our focus must be to determine what caused this devastating loss so we can prevent it from ever happening again.

The cameras have gone elsewhere and this tragedy has faded from the hourly broadcasts. For the families, however, the devastation of the Upper Big Branch Mine will never disappear. With this resolution we offer our condolences, we honor their loved ones, and we pledge our commitment to get to the bottom of this.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield myself 3 minutes.

As my colleagues have recounted, on Monday, April 5, an explosion rocked the Upper Big Branch Coal Mine in Montcoal, West Virginia, killing 29 miners and injuring others. This was the worst mine disaster in the United States in almost four decades. For over two centuries, millions of West Virginians' livelihoods have depended on extracting the State's richest coal deposits.

Coal has left an indelible mark on the communities throughout West Virginia and Appalachia. For many of these communities, the mine may be the only way to earn a decent living. These miners are proud of their work and their contribution to the American economy. Coal is in their blood, it is in their tradition, and it is their career.

But we also know that underground mining is one of the most dangerous jobs in the world. Every day miners show up for their shift knowing that there is a chance that they may not return to their families, yet they show up every day. At 3:30 p.m., during the shift change, a massive explosion ripped through the Upper Big Branch Mine and took the lives of 29 miners and sent others to the hospital. While the cause of this tragedy is still under investigation, today we memorialize those 29 miners who perished.

Our Nation sends our deepest condolences to those who have suffered this terrible loss. We extend our heartfelt sympathies to families who have lost a husband, a father, a brother, a son, or more. Those thoughts are with you and your communities in your suffering these devastating losses. These losses will remain long after the headlines fade from national attention.

Today we also recognize the valiant efforts of the many rescue teams, who in many cases traveled long distances and risked their lives in hopes of saving their fellow miners. Many rescuers had to evacuate the mine at least four times as a result of explosive levels of methane gas. These brave men and women, who worked around the clock day after day, have the appreciation of this Congress and this Nation for their selfless efforts.

I would also like to recognize Congressman NICK RAHALL, who grew up in Beckley, West Virginia, only a few miles south of the mine. Congressman RAHALL sponsored this resolution and provided the much-needed rock of support for his constituents during this disaster. Reports have come back to me of his consoling and listening to families, neighbors, and friends in his community. I know how much these families appreciate his support and those efforts.

Over the last few years I have met many families who have suffered similar tragic losses in mining disasters. And what I have learned is that the im-

pacts of these disasters far range what we see in the general society because of the history of these communities, the culture of these communities, the work ethic in these communities. These tragedies spread across in an indelible way with the loss of a single miner.

In the face of these overwhelming tragedies, these families are showing incredible strength and determination. I made a promise to the families of Sago, to Aracoma Alma, to Darby, to Crandall Canyon that we would do everything in our power to uncover the cause of these tragedies and do everything possible to prevent other miners from suffering these similar fates. I want to extend that same promise to these families of Upper Big Branch Mine and to the miners in the community, that we will continue that promise and to get to the bottom of this tragic incident.

They paid the ultimate price in doing the job our Nation depends upon. Every miner who goes to work every day must be able to return home safely to their families at the end of that shift. And Congress has an obligation to ensure that that remains the case.

I reserve the balance of my time.

Mrs. McMORRIS RODGERS. Mr. Speaker, I yield such time as she may consume to the gentlewoman from West Virginia (Mrs. CAPITO).

□ 1345

Mrs. CAPITO. I thank the gentlewoman for yielding me the time.

Mr. Speaker, I rise today with my fellow West Virginians and those of us in this Congress in support of today's resolution to extend our condolences to the families of the 29 miners who were killed in last week's mine disaster in Montcoal, West Virginia.

I would like to thank my colleague, Congressman RAHALL, for his steadfast support, his compassion, and his empathy for those in his district who have suffered an unimaginable loss. His strength and compassion was very evident to all of us who watched the activities as they unfolded in Raleigh County.

I would also like to thank our Governor, Governor Manchin. He was a stalwart comforter in chief to many of us because, as my fellow colleagues from West Virginia has said, if one West Virginian suffers, we all suffer.

I would also like to thank the outstanding efforts of the mine rescue teams and the many volunteers who provided their support and prayers.

The accident that occurred at Performance Coal Company's Upper Big Branch mine has taken an immense toll on all West Virginians and left a community shattered, very sad, and very shaken. After 6 days of waiting for any news, rescue workers located the four missing miners and found no survivors. While we were all hoping for a miracle, unfortunately, we were left with the sad conclusion.

Too many families have suffered the tragic loss of losing a loved one in a mine disaster. Last week's explosion was the worst mining disaster in an American mine in 40 years and the third major mining disaster in West Virginia in the last 4 years. An explosion at the Sago mine in my district on January 2, 2006, trapped 13 miners for nearly 2 days. By the grace of God, one miner survived.

We cannot forget the grief and suffering of the families, friends, and co-workers of all the miners who have died. These are deaths that can and must be prevented. The rescue workers were valiant, working around the clock to find their fallen brothers and to help the families in their horrible time of grief.

Following Sago, Congress rightly passed stricter mine safety regulations to enhance inspector programs, improve emergency response, and put in place protections to prevent future mine disasters. To ensure that all mines receive regular inspection, Congress has increased MSHA funding, because MSHA had been unable to meet these mandated responsibilities.

However, new rules and regulations are useless if they are not enforced. The coal companies must be vigilant and must follow the rules in every case. No excuses. Keeping our miners safe requires a collaborative approach between the regulators and the mining industry. Both must expand their health and safety programs to prevent hazards from starting in the first place. Otherwise, reforms Congress clearly intended to address with the passage of the MINER Act will be rendered meaningless. Congress has a very important oversight role in scrutinizing issues that lead to this disaster.

There must be, and I am sure there will be, a very thorough investigation into this tragedy to determine what further action must be taken to prevent this from ever happening again. I vow to take whatever measures are necessary to ensure the safety and health of our coal miners.

I join today with my colleagues and really the entire Nation to extend our condolences to those families of the lost miners and to the communities surrounding. This is a devastating loss for all of us, and the warmth and prayers that have been sent to those of us living in West Virginia and particularly in the Montcoal area are welcomed and well received.

I ask my colleagues to join me in passing this resolution.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield 3 minutes to the gentlewoman from California (Ms. WOOLSEY), subcommittee chairman of Workforce Protections.

Ms. WOOLSEY. This resolution rightly honors the 29 courageous coal miners who were senselessly killed in the explosion at the Upper Big Branch

mine in Raleigh County, West Virginia, last week; and it supports those family members left behind. Our deepest sympathies go out to these families, and we also hope for the speedy recovery of the two miners who were injured.

Miners, like all working people, are the basis for America's future. And it is true that miners work in a very dangerous profession, but there is absolutely no excuse for a tragedy like this one. We don't know yet the cause of this explosion, but the investigations have begun.

We do know, however, that Massey Energy, the mine owner, was cited for 450 safety violations in the year 2009 for the Upper Big Branch mine. Massey contested most of these citations, keeping the violations in legal limbo and preventing MSHA from establishing a pattern of violations that could have led to a shutdown of the mine; and it could have increased scrutiny of this owner and possibly prevented these disasters.

These appeals filed by the companies like Massey have created a tremendous backlog at the MSHA Review Commission, a backlog that has increased from 1,500 cases in the year 2005 to 16,000 cases today. The Review Commission does not have the resources to resolve a backlog of this size in a timely fashion, so we as Members of Congress immediately must provide the background and the legal authority for more funds to hire more administrative law judges so that we can expedite the appeals process.

In addition to scrutinizing Massey Energy's role in this disaster, we need to look at MSHA's role as well. Is MSHA using all the authority it has under current law to prevent these explosions? Does MSHA need more authority to carry out their mission? As the chair of the Workforce Protection Subcommittee, I will be working closely with Chairman MILLER, with Ranking Member KLINE, and Congresswoman McMORRIS RODGERS and Representative RAHALL and all of the others in this Congress, which is probably 435 of us, knowing that we must take the steps that are necessary to prevent any future mining disasters.

Mrs. McMORRIS RODGERS. Mr. Speaker, I reserve the balance of my time.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield 2 minutes to the gentleman from Illinois (Mr. HARE).

Mr. HARE. Mr. Speaker, on April 5, 29 hardworking men—fathers, brothers, sons, and husbands—left home for a day at work. All thought they would return home safely to their families that night, but, sadly, they didn't.

I stand in solidarity with my colleagues from West Virginia and all across this Nation in honoring the 29 coal miners that were lost.

I wish to express my deepest sympathies to each of the families of the

workers who perished in the West Virginia mine explosion. I know the loss you have experienced will stay with you forever, and I hope that you can take some solace in knowing that all Americans share in your grief.

I would also like to take this opportunity to express my utmost gratitude to the rescue teams who have so tirelessly and heroically risked their own lives in an effort to save others. Your bravery does not go unnoticed and is appreciated by all Americans.

The explosion at the Upper Big Branch mine was America's worst mining disaster in 40 years, and the toll on all West Virginians has been devastating. It requires us to again ask our colleagues on both sides of the aisle, with four mine disasters in the last 4 years, how many more tragedies have to occur before we start taking mine safety more seriously and implement strong reforms to protect all of our miners?

I ask my colleagues on both sides of the aisle to work with Chairman MILLER and Chairwoman WOOLSEY to honor these miners through action. While we cannot bring back the men that were lost, we can do more to advance the cause of workplace safety across this country; and we should start by ensuring that MSHA has the tools, the staff, and technology to prevent tragedies such as these. The report yesterday that a computer error prevented Upper Big Branch mine from being identified as a risk is deeply disturbing and completely and totally unacceptable. All Americans deserve to work in a place that is safe, and we must take whatever steps are necessary to ensure a disaster like this will never happen again.

Again, I want to join my colleagues in expressing my deepest condolences to those affected by this devastating tragedy. I assure each of the affected families and communities that your loss will not be forgotten and the memory of these coal miners will inspire me and my colleagues to take bold action on mine safety.

I thank the gentleman for the time.

Mrs. McMORRIS RODGERS. I reserve the balance of my time.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield 1 minute to the gentleman from West Virginia (Mr. RAHALL).

Mr. RAHALL. I thank the chairman for yielding.

I rise simply to thank my many colleagues in this body on both sides of the aisle that have expressed their condolences this week in the debate that has just occurred or rather to me personally or in phone calls. I know that my colleague from northern West Virginia, Representative MOLLOHAN, called every day for a status update; and I appreciate the gentlewoman from the Second District, Representative CAPITO's, comments.

But most importantly, Mr. Speaker, I do recognize the work of the distinguished chairman of the Education and Labor Committee, my dear friend GEORGE MILLER. We worked together following previous disasters that have been referenced during this debate, the Sago and Aracoma disasters that occurred in West Virginia as well about 4 years ago.

Reference has been made to the MINERS Act that was passed following past disasters. Many good parts of that were put in place by our operators across the State and were in place at this particular mine. Unfortunately, due to the severe nature of this blast, these features did not have a chance to trigger or to come into play. So something else needs to be done to prevent these disasters.

I salute the chairman again.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield myself 30 seconds.

I appreciate the remarks of the gentleman from West Virginia (Mr. RAHALL). But, tragically, we have been through this before. It's clearly the intent of the chair to work with the entire delegation. I tried to state it, maybe not as articulately as I had hoped to, but we fully understand that these tragedies in the mining community are felt across the State. They are felt across the region. The deaths may be isolated, but because of the history and the culture and the economy of these regions, we know that they are felt across the region, and we expect to work with the entire delegation and with the Senate delegation as we try to uncover what has taken place here with the tragedy that existed.

With that, Mr. Speaker, I yield 1 minute to the Speaker of the House, the gentlewoman from California (Ms. PELOSI).

Ms. PELOSI. I thank the chairman for yielding. I thank him for his leadership on this important issue and the attention that he has called to it over time and the focus that he has had since day one when we learned of this tragedy.

I want to join our colleagues, Chairman RAHALL, in whose district this tragedy occurred, Mr. MOLLOHAN and Mrs. CAPITO to extend condolences to them. Because while this occurred in Mr. RAHALL's district, I know the grief is felt throughout the State of West Virginia as it is being felt throughout our country.

Mr. Speaker, today in towns across Raleigh County, West Virginia, flags are flying at half staff. Their residents are mourning the loss of their fathers, brothers, and sons in last week's deadly mine explosion in Montcoal. Since then, people across our country have cried for them, have joined in the mourning; and today in the Congress we officially join these proud Americans in expressing our deepest condolences for the loss of 29 coal miners, 29

coal miners, in the worst mining accident in four decades.

We do so led by Chairman NICK RAHALL, who has been on the scene of this catastrophe the last 1½ weeks. Congressman RAHALL has prayed with his constituents, and he has consoled them. He has committed to work for better conditions, vigorous oversight of the mining industry, and rigorous enforcement of safety standards for America's mines. In doing so, he has worked with our chairman, Mr. MILLER, in this regard.

As Congressman RAHALL and other West Virginia leaders, including Congressman MOLLOHAN and Congresswoman CAPITO, often remind us, this Nation is indebted to our coal miners for the difficult and dangerous work they do. Their contributions are a rich part of our Nation's history. Their labor makes our way of life possible.

But, last week, 29 families received a phone call that every coal miner's family fears; and as the communities of West Virginia grieved, the Nation grieved with them.

□ 1400

Now, with this tragedy first in our minds, we must redouble our efforts to minimize the risks to our mine workers and to ensure that they can do their jobs without a threat to their well-being.

When this tragedy occurred, I called Mr. RAHALL, and his concerns were very personal about the families who were affected. I called the President of the United Mine Workers, Cecil Roberts, a visionary leader in our country, and his concerns were about the families.

But as we move away from that tragedy, our concern for the families must be reflected in our decisions here and the insistence that we have on upholding standards. We must, as I say, redouble our efforts to minimize the risk to those workers.

Today we acknowledge the brave efforts of their fellow coal miners who were part of the response team and other first responders who worked tirelessly in the hope of rescue and bravely on behalf of recovery.

Mr. Speaker, many of the families who lost miners this week have spoken of their deep faith and how that has comforted them.

On this House floor this morning, we were led in prayer by Bishop Simms from West Virginia, Mr. RAHALL's constituent, and he shared with us how faith can see us all through, especially these families. On this House floor today we join them knowing that 29 brave souls are now in a better place.

Again, our condolences to every member of those families. To the communities, as Mr. Cecil Roberts said to us, we are all one family here in the mining community. I know Mr. RAHALL expressed that sentiment to me as well.

Well, at a time like this it's important for the families of West Virginia and the coal mining community to know that, as a Nation, we are one family with them as well. I hope it is a comfort to them that so many people in our country mourn their loss and are praying for them at this sad time.

Mrs. McMORRIS RODGERS. Mr. Speaker, I yield myself the balance of the time.

I urge support for this resolution which honors the 29 men who perished in the Upper Big Branch Mine. These men were simply doing their job, extracting the coal that powers the Nation.

We recognize the Red Cross workers, volunteers and others in this close-knit community who banded together in a time of tragedy. We commend the rescue teams who went in after their brothers in the hope of bringing them to safety and with a commitment to bringing them home.

And we express our condolences to the family members who lost those that they loved so dearly. It has been said today that West Virginians stand together in times of tragedy. Today we stand together with them.

I yield back the balance of my time.

Mr. GEORGE MILLER of California. Mr. Speaker, I encourage all of my colleagues to support this resolution. I thank the gentlewoman for her presentation of this resolution, and for all of those who participated in the debate.

Mr. SPACE. Mr. Speaker, it is with the deepest sadness that I offer my condolences to the families of the 29 brave mineworkers who perished on April 5, 2010. I have been holding these families in my thoughts and my prayers.

For those of us representing Appalachia, this news is particularly saddening. The history of our region will forever be linked to the mining of coal, a connection for which I hold great pride. For generations, residents of my district have fed their families from work in these mines, as they will for generations to come.

The loss of a miner is the loss of a brother and a friend. This loss cuts deep into the soul of our Appalachian towns and communities.

The deaths of these miners must not be in vain—we must take lessons from this tragedy to create a better future for mineworkers everywhere. The mineworkers of Appalachia deserve to go to work each day with peace of mind that their workplace is safe. Events like those that transpired earlier this month shake that trust, and we must determine the cause of the event if we are to properly ensure their future safety and to ensure the strength of the coal mining industry.

While we are truly blessed to live in a country bestowed with great resources, we hold a responsibility to protect those who risk life and limb to harvest them in the name of a greater, stronger nation. The strength of our Nation is a reflection of how we treat these soldiers of the coal mines, and we all must work to ensure their safety.

Ms. RICHARDSON. Mr. Speaker, I rise today in support of H. Res. 1236, which hon-

ors the 29 coal miners who tragically died in the Upper Big Branch Mine-South, extends condolences to the victims' families, and recognizes the valiant efforts of the emergency workers who responded to the mine disaster. H. Res. 1236 is an important measure that expresses our heartfelt sadness over this tragic loss of life in Raleigh County, West Virginia. Importantly, it also reaches out to the friends and families who are grieving their loss, and honors the selfless men and women who risked their own lives in responding to the disaster.

I thank Chairman MILLER for his leadership in bringing this bill to the floor. I would also like to thank the sponsor of this legislation, my friend Congressman NICK RAHALL. The coalminers tragically lost in the disaster were his constituents and I know how heavily this tragedy is weighing upon him. But I also know his resolve to do all he can to ensure that such a tragedy never happens again.

Mr. Speaker, in West Virginia, coal mining is more than just a profession—it is a way of life, a vital part of the State's history and culture. However, the work done by coalminers has implications across the country. Our Nation is indebted to West Virginia coalminers for the dangerous work that they do on a daily basis to help power our Nation and keep it strong and secure. Despite repeated accidents in our Nation's mines, coalminers have returned to the mines time and again in order to support their families and provide the energy that helps fuel industry and power homes across the country. The 29 miners lost in the disaster were performing this important work and deserve our gratitude and appreciation. Just as important, their families deserve our condolences and support in this time of need.

It is also entirely fitting that we honor the brave emergency workers who responded immediately to the disaster and worked tirelessly to rescue those trapped and injured in the disaster. The emergency responders entered the Upper Big Branch Mine with full knowledge that they may never return from the mine. This willingness to put their own lives at risk in an attempt to save others is heroic and worthy of our continued gratitude and praise.

Finally, the tragedy in Raleigh County, West Virginia is a poignant reminder of the need to do more to ensure the safety of our Nation's mines. Hopefully, we can take this horrible tragedy—the worst mining disaster in 40 years—as a call to ensure that all necessary safety and health regulations are in place in our mines, so that coalminers can work in the safest possible conditions. In order to protect the lives of our Nation's miners and their families from tragedy, we must do all that we can to prevent future mining disasters.

I urge my colleagues to join me in supporting H. Res. 1236.

Mr. AL GREEN of Texas. Mr. Speaker, today, I extend my condolences to the community of Raleigh County, West Virginia, as it mourns the loss of 29 miners in the collapse of the Upper Big Branch Mine-South, the worst U.S. mining disaster in decades. I also would like to express my heartfelt condolences to the families of victims who perished in the collapse.

The profession of coal mining is important not only to our nation's past, but also to its future, as we search for alternatives to our dependence on foreign oil. These professions power our economies and shape our culture.

I commend the tireless efforts of Raleigh County's first responders, as well as the volunteer efforts of those trained in mine rescue, and for the long hours they devoted to save the lives of the trapped miners.

The role of Congress in securing the health and safety of coal miners is essential and important. I take my role in the process of ensuring that violations of safety codes are properly dealt with and recorded, so communities like Raleigh County, West Virginia can avoid tragedy.

I would like to thank Rep. RAHALL for introducing this piece of legislation, and express our Nation's sympathy and support for the fallen miners, their families and their community.

Mr. HOLT. Mr. Speaker, I rise in support of H. Res. 1236, which honors the coal miners who perished in the Upper Big Branch Mine—South in Raleigh County, West Virginia, extends condolences to their families, and recognizes the valiant efforts of emergency response workers at the mine disaster.

On April 5, America witnessed the worst coal mining disaster in 40 years when an explosion occurred at the Upper Big Branch—South Mine. Twenty-nine miners were killed in this tragedy, and my thoughts and prayers go out to their families, friends and colleagues during this difficult time.

I also would like to commend the rescue teams who bravely risked life and limb to search for missing miners after the disaster, and thank the volunteers who supported the community through this tragedy.

I feel strongly about the concerns of the mining industry because I was born and raised in West Virginia, where my father as a U.S. Senator, was known as one of the best friends a miner ever had. There is no question that mining has been a dangerous job. Today, coal mining is rated among the most dangerous jobs in America. It does not have to be that way.

Chairman MILLER has assured me that the Education and Labor Committee will be investigating any possible health and safety violations at the Upper Big Branch—South Mine to see if laws were circumvented and miners' lives were recklessly put at risk. If that was indeed the case, those responsible must be held accountable.

Too many families have suffered the loss of a loved one in a mining disaster. We in Congress need to fully investigate the factors that led to these tragedies. We need to investigate the deficiencies in laws, regulations and enforcement that may have contributed to these disasters.

We owe it to the families of miners lost in these disasters and the miners that work every day to take action to prevent these accidents from happening again. I urge my colleagues to support H. Res. 1236.

Mr. GEORGE MILLER of California. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. GEORGE MILLER) that the House sus-

pend the rules and agree to the resolution, H. Res. 1236.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. GEORGE MILLER of California. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

CONGRATULATING DUKE UNIVERSITY ON WINNING THE NCAA BASKETBALL CHAMPIONSHIP

Ms. FUDGE, Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1242) congratulating the Duke University men's basketball team for winning the 2010 NCAA Division I Men's Basketball National Championship.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1242

Whereas on April 5, 2010, the Duke University Blue Devils defeated the Butler University Bulldogs by a score of 61–59 in the finals of the National Collegiate Athletic Association (hereinafter referred to as the "NCAA") Division I Men's Basketball Tournament in Indianapolis, Indiana;

Whereas the Blue Devils now hold 4 national men's basketball titles, winning NCAA championships in 1991, 1992, 2001, and 2010;

Whereas Blue Devils head coach Mike Krzyzewski improved his record to 868–279, won his 77th NCAA tournament game, the most in NCAA history, and won his fourth national championship, making him tied with Adolph Rupp for second most championships in NCAA history;

Whereas Coach Krzyzewski and his coaching staff, including Assistant Coaches Chris Collins, Steve Wojciechowski, and Nate James, as well as each manager, trainer, and staff member, deserve praise and credit for helping the Blue Devils reach the pinnacle of college basketball;

Whereas the Blue Devil team roster included seniors Jordan Davidson, Jon Scheyer, Lance Thomas, and Brian Zoubek, juniors Steve Johnson, Casey Peters, Kyle Singler, and Nolan Smith, sophomores Seth Curry and Miles Plumlee, and freshmen Andre Dawkins, Ryan Kelly, Mason Plumlee, and Todd Zafirovski;

Whereas junior Kyle Singler was named the Most Outstanding Player of the Final Four, scoring 19 points and collecting 9 rebounds while playing all 40 minutes in the championship game;

Whereas Blue Devils Jon Scheyer, Kyle Singler, and Nolan Smith were each named to the all-tournament team;

Whereas during the 2009–2010 season, the Duke Blue Devils finished with a record of 35–5, tied for the most wins, and scored a total of 3079 points;

Whereas the Blue Devils went undefeated on their home court in Cameron Indoor Stadium for the 2009–2010 regular season;

Whereas the Duke Blue Devils won the 2010 Atlantic Coast Conference (hereinafter referred to as the "ACC") Tournament, their record 18 such tournament championship, and won a share of the ACC regular-season championship with a conference record of 13–3;

Whereas the Duke Blue Devils have played in 15 Final Fours and have played in at least one Final Four in 6 consecutive decades;

Whereas the Blue Devils have amassed a record overall winning percentage of 75.8 percent in the NCAA tournament;

Whereas the Blue Devil players, coaches, and staff are outstanding representatives of Duke University, a top ten university that is recognized annually as a national leader in academics and research;

Whereas in addition to their skill on the court, the Duke men's basketball team upholds a high standard of academic excellence, achieving an overall graduation success rate of 92 percent;

Whereas the Duke men's basketball program has had 31 ACC All-Academic basketball teams over the last 14 years, has had at least one player on the ACC All-Academic basketball team for a record 16 straight years, has received 5 Academic All-America selections over the past 12 years, and has had at least one team member on the ACC All-Academic basketball team in 23 of the last 26 years for a total of 46 selections;

Whereas the Blue Devils showed tremendous dedication to their team, appreciation to their fans, sportsmanship toward their opponents, and respect for the game of basketball throughout the 2009–2010 season;

Whereas Duke students, faculty, staff, alumni, and all fans of the Blue Devils are to be congratulated for their sportsmanship, dedication, and support of their team; and

Whereas the Blue Devils' 2010 NCAA championship further solidifies the tradition of basketball excellence that exists in the State of North Carolina, whose universities have won 4 of the last 10 NCAA championships: Now, therefore, be it—

Resolved, That the House of Representatives—

(1) congratulates the 2010 national champions, the Duke University Blue Devils, for their win in the 2010 National Collegiate Athletic Association Division I Men's Basketball Tournament;

(2) recognizes the achievements of the players, coaches, students, and support staff who were instrumental in the Blue Devils' victory;

(3) invites the Duke University men's basketball team to the United States Capitol Building to be honored; and

(4) directs the Clerk of the House of Representatives to make available enrolled copies of this resolution to Duke University President Richard H. Brodhead, Athletic Director Kevin White, and Head Coach Mike Krzyzewski for appropriate display.

The SPEAKER pro tempore (Mrs. CAPPS). Pursuant to the rule, the gentlewoman from Ohio (Ms. FUDGE) and the gentlewoman from Washington (Mrs. McMORRIS ROGERS) each will control 20 minutes.

The Chair now recognizes the gentlewoman from Ohio.

GENERAL LEAVE

Ms. FUDGE, Madam Speaker, I request 5 legislative days during which Members may revise and extend and insert extraneous materials on H. Res. 1242 into the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Ms. FUDGE. I yield myself as much time as I may consume.

Madam Speaker, I rise to congratulate the Duke University men's basketball team for winning the 2010 NCAA Division I Men's Basketball National Championship.

When the final buzzer sounded in the 2010 Men's Basketball NCAA Championship game, two exceptional college basketball programs' seasons came to an end. Both the Duke University Blue Devils and the Butler University Bulldogs played with exceptional talent and dedication. The ball pressure and stifling defenses from both teams led to a low-scoring, yet entertaining, game. The game included five ties, 15 lead changes, and two potentially game-winning shots. In the end, Duke seized their fourth NCAA Men's Basketball Championship, cementing its legacy in college basketball history.

With a 61-59 victory Monday night at Lucas Oil Stadium, the Duke University Blue Devils proved that they are still one of the country's most elite college basketball programs. The Blue Devils finished their regular 2009-2010 season strongly, with a 35-5 record, followed by winning the 2010 Atlantic Coast Conference Tournament. In addition, they were cochampions of the ACC with a record of 13-3, while earning an NCAA tournament number 1 seed. In a tournament where the top seeds were falling and upsets were ample, the Blue Devils consistently dominated their opponents.

This Blue Devils men's basketball season marked Coach Mike Krzyzewski's 30th season at Duke and his fourth NCAA Men's Basketball Championship. Better known as Coach K, Coach K has led Duke to the Final Four 11 times during his time with the team, and this game was his 868th career win as a coach. The 2010 NCAA championship game marked his 77th NCAA tournament game, the most in NCAA history. He won his fourth national championship and tied Adolph Rupp for second most in NCAA history.

Kyle Singler was named the Final Four's Most Outstanding Player, scoring 19 points and collecting nine rebounds while playing all 40 minutes in the championship game. He has been a leader and a remarkable asset to the Blue Devils all season. Kyle Singler, Jon Scheyer, and Nolan Smith were each named to the all-tournament team. I congratulate these men and all of the players on a great victory.

The alumni, faculty, and staff have much to be proud of. With over a 75 percent winning rate in the NCAA tournament, the rest of the country measures themselves to Duke.

Once again, I congratulate Duke on winning the national championship. I

thank Representative PRICE for bringing this bill forward.

I reserve the balance of my time.

Mrs. McMORRIS RODGERS. Madam Speaker, I yield myself such time as I may consume.

I rise today in support of House Resolution 1242, congratulating the Duke University men's basketball team. The Duke University Blue Devils men's basketball team has a national reputation for excellence. The team has won four NCAA Division I National Championships, and has been among the Final Four 15 times since 1980. Seventy-one Duke players have been drafted into the NBA, and 11 players have been named the National Player of the Year. Duke has won the most Atlantic Coast Tournament championships and has also had numerous successful regular seasons.

In the 2010 NCAA championship game, Duke took the victory over Butler with a final score of 61-59. Butler played a very competitive game, keeping the score incredibly close throughout the entire game; however, Duke pulled ahead by one point each half to take the victory.

Although we are celebrating Duke's athletic excellence, we should take a moment to recognize the quality of Duke's academic programs.

Duke University has two undergraduate schools and nine graduate and professional schools. In the 2010 edition, U.S. News & World Report ranked the university's undergraduate program 10th among national universities, and ranked the medical, law, and business schools among the top 12 in the United States. Duke also is known to be among the Nation's top research universities.

I rise today to congratulate Duke University's men's basketball team and Coach K for winning the 2010 NCAA National Championship. I ask my colleagues to join in support of this resolution.

I reserve the balance of my time.

Ms. FUDGE. Madam Speaker, I am pleased to recognize the gentleman from North Carolina (Mr. PRICE) for as much time as he may consume.

Mr. PRICE of North Carolina. Madam Speaker, I thank my colleague (Ms. FUDGE) for yielding, and I thank her and Mrs. McMORRIS ROGERS for their support of H. Res. 1242 and their help in bringing it to the floor.

I am the proud sponsor of this resolution, which congratulates the Duke University men's basketball team for winning the 2010 NCAA Division I National Championship. I have introduced the resolution as the Member of this body privileged to represent Duke University, and I'm pleased to say that it has the support of the entire North Carolina delegation.

From its roots as tiny Trinity College in 1838 to its current status as one of the world's premiere research and

educational institutions, Duke University, like its basketball team, is a testament to the virtues of hard work, determination, and excellence—in the classroom, in the community, and in Cameron Indoor Stadium as well.

I actually have the distinction, not always enviable, of representing both sides of college basketball's most intense rivalry. UNC-Chapel Hill is just down the road from Duke. It's also in the Fourth District. I've had an interesting vantage point, having attended UNC and having taught at Duke. Trust me, I understand the importance of team loyalties to Members of Congress, and I also understand the need, occasionally, to balance these loyalties. But I think we can all agree today that the Blue Devils should be commended, and they should be commended unanimously, for reaching this pinnacle of men's college basketball.

At the risk of stoking the flames, let me just talk about the record for a moment. I'd be remiss if I didn't remind my colleagues that the Duke Blue Devils have a long history of success at men's basketball. They've played in 15 Final Fours, and this is their fourth title win in the last two decades.

Despite this record, the team wasn't favored to win a national championship at the beginning of this season. But they peaked at the right time. They finished the year with 10 straight wins. They shared the ACC regular season championship and won outright the ACC tournament championship and the national championship. They finished the season with a 35-5 record, a tie for the most wins this season nationally.

This improbable end to this season underscores that anything is possible in basketball as in politics. It's also a testament to the very idea of what a team should be, greater than the sum of its parts, an idea Duke teams have long exemplified.

I will enclose in the RECORD at the end of this statement the full roster of this remarkable team, the men on the team and their hometowns.

Special credit is due to head coach Mike Krzyzewski, known far and wide as Coach K, who's built one of college basketball's most stellar programs since he came to Duke in 1980. This season Coach K brought his overall record to 868-279. He won his 77th NCAA tournament game, and he won his fourth national championship. Needless to say, this places this Hall of Famer in elite company. Only Adolph Rupp and John Wooden have won an equal or greater number of national championships.

But his achievements have not been bounded by the baselines of the court. Coach K's success is about mentoring young men, about coaching them to succeed, not just on the court, but also in the classroom and in life. His teams consistently uphold a high standard of academic excellence, achieving a graduation success rate of 92 percent and

boasting a strong tradition of Academic All-Americans.

Each step of the way the team was buoyed by its fans, its incredible fans—the Cameron Crazies, they're called—who make Duke's Cameron Indoor Stadium one of the toughest places to win in the country. That again proved true this year when the Blue Devils went undefeated on their home court.

This year's national championship game was considered by many to be one of the closest and most exciting title games in tournament history. It literally came down to the last shot.

Butler University and Coach Brad Stevens are also to be congratulated for their strong season and for their effort in a title game that reminded us anew of why the American people simply can't resist March Madness. Both teams deserve recognition for their dedication to sportsmanship and fair play throughout the entire season.

So it's a unique privilege, Madam Speaker, to introduce, I have to note for the second year in a row, the resolution in this body recognizing the NCAA Men's Basketball National Champion. And I'd like, Madam Speaker, for the RECORD to reflect that I'll be perfectly happy to introduce such a resolution again next year.

In the meantime, I and Duke's many friends and alumni in this body look forward to welcoming the Blue Devils to the White House and to Capitol Hill.

Duke Blue Devils Roster 2009–2010 Season:

#2 Nolan Smith—Upper Marlboro, MD
#3 Seth Curry—Charlotte, NC
#5 Mason Plumlee—Warsaw, IN
#12 Kyle Singler—Medford, OR
#20 Andre Dawkins—Chesapeake, VA
#21 Miles Plumlee—Warsaw, IN
#30 Jon Scheyer—Northbrook, IL
#34 Ryan Kelly—Raleigh, NC
#41 Jordan Davidson—Melbourne, AR
#42 Lance Thomas—Scotch Plains, NJ
#51 Steve Johnson—Colorado Springs, CO
#52 Todd Zafirovski—Lake Forest, IL
#53 Casey Peters—Red Bank, NJ
#55 Brian Zoubek—Haddonfield, NJ

□ 1415

Mrs. McMORRIS RODGERS. I yield to the gentleman from Indiana (Mr. PENCE) for such time as he may consume.

Mr. PENCE. I rise today to begrudgingly support this resolution and offer my congratulations to Duke, Coach K, and to all of those outstanding players for the NCAA men's national championship game.

Now that being said, I would be remiss, since I will have been married 25 years to a graduate of Butler University, to fail to also rise and commend Coach Brad Stevens and the small but mighty basketball team that America became enamored of in this year's tournament, simply known as "Them Dogs" back in Indiana and the Butler University Bulldogs to the rest of the country.

Taking nothing away from Duke, an outstanding university and an out-

standing program, or Coach K, I have to tell you I was especially moved when I think it was the day before the basketball game when there was all of the talk about David and Goliath, all the talk of underdogs, and Coach K, being the class act that he is, went before the national press and said, Enough of this talk about underdogs. Butler is a really good basketball team. And anyone who tuned in that night—and my ears are still ringing from Mrs. Pence's enthusiasm that night—saw that the case was proved.

Ultimately, Duke carried the day, but with the news that coach Brad Stevens has signed a long-term contract to stay in Indiana—and I think we're only losing one player next year—I say to my distinguished colleagues, representing and speaking on behalf of Duke, See you next year. Congratulations.

Ms. FUDGE. Madam Speaker, I am pleased to recognize the gentlewoman from California (Ms. RICHARDSON) for 3 minutes.

Ms. RICHARDSON. I rise today to congratulate the Duke University men's basketball team for winning the 2010 Division I National Championship and in support of H. Res. 1242.

Now, after listening to talk about "Them Dogs" and the "Blue Devils," being a Bruin and a Trojan myself, I thought we needed to weigh in and extend our congratulations.

This spectacular season by the Duke Blue Devils capped by a thrilling, hard-fought victory against the Butler Bulldogs in the NCAA tournament finals last Monday night is another proud chapter in Duke's very long history of success. As a graduate of both UCLA and USC—and that's USC, University of Southern California, not University of South Carolina—as I found since coming to Congress here—I'm a former basketball player and I understand what it takes in terms of hard work, intense focus, and a tireless dedication required by both players, team members and the university itself.

Particularly when we look at the Duke men's basketball team that, as has already been stated, has 15 Final Four appearances, 11, I believe, under the name of Coach K, when you consider that accomplishment, it will long be filled with the histories of college basketball, of the incredible commitment that this university has done not only on the court but off the court as well.

When I look at Coach K and we hear about all of his commitment to his players and we consider his record, the fourth national championship and how Coach K has now tied Adolph Rupp, I would like to point out, though, that he still has six more to catch my alma mater, which is John Wooden of UCLA. But we welcome that challenge.

In addition, when we talk about Coach K, Mr. PENCE talked about his

mentorship, and I read a little bit about his commitment, of being a role model and the positive impact he wants to have on young men—not only with Duke University but the other young men who were watching how Duke played and were carrying themselves.

But, finally, I would like to commend Congressman DAVID PRICE not only for sponsoring this resolution but for his success, something many of us in Congress could figure out how to do, how he can represent both the Duke Blue Devils and the University of North Carolina Tar Heels who won the championship last year, as he mentioned.

Any college basketball fan knows that the Duke-UNC rivalry is only second to the UCLA-USC rivalry. And I've got to tell you, it's tough living in my household having those battles. It takes exceptional skill and diplomacy to successfully represent both ends of Tobacco Road, skills that my colleague from North Carolina possesses in abundance.

I urge my colleagues to join me in congratulating Congressman PRICE. And in terms of the resolution next year, I'm willing to wager a bet.

Mrs. McMORRIS RODGERS. I would like to yield such time as he may consume to the gentleman from Indiana (Mr. BURTON).

Mr. BURTON of Indiana. Let me just say that I am a great admirer of Duke University. I lean a little more toward Butler since I'm from Indianapolis, Indiana, and I thought Duke played a great game. And I want you to know, there is no truth to the rumor that Butler intentionally missed that last basketball shot because they didn't want to hurt Duke's feelings. Are you listening over there?

Anyhow, congratulations to Duke University and to Butler University. Butler is a very small school. It's a private school in Indianapolis, and for them to reach the final game in the national championship is a real tribute not only to the school and the players but to a great young coach who's only been coaching for 3 years. And of course the Duke Blue Devils are always tough, and I'm very proud to say we want to congratulate them. But the Bulldogs did a great job. They were a great team, and next year we're going to get them.

Mr. MCHENRY. Madam Speaker, I rise in strong support of H. Res. 1242, a resolution congratulating the Duke University Men's Basketball team for winning the 2010 NCAA National Championship. As a cosponsor of H. Res. 1242, I would like to commend my colleague from Chapel Hill, Mr. PRICE, for bringing this bipartisan resolution to the floor today, particularly since he previously served as a Professor in Political Science at Duke before coming to Congress.

On Monday, April 5, 2010, the Duke Blue Devils outlasted an outstanding team from Butler University by a score of 61–59 to win

the NCAA National Championship. In the closest National Championship game played since 1989, the Blue Devils—with the starting line up of Jon Scheyer, Kyle Singler, Nolan Smith, Lance Thomas, and Brian Zoubek—captured the school's fourth national title behind the leadership of Head Coach Mike Krzyzewski.

Madam Speaker, the Blue Devils finished the season with a record of 35–5, and on the way to the National Championship, they set a school record in home victories by going undefeated with a mark of 17–0 at historic Cameron Indoor Stadium. Furthermore, Duke won a share of the Atlantic Coast Conference regular-season championship with a record of 13–3 and won a record 18th ACC Tournament title.

While this National Championship was truly a team effort, it is difficult to overlook the individual contributions that guided this championship run. Kyle Singler was named Final Four Most Outstanding Player and ACC Tournament MVP. Jon Scheyer and Nolan Smith were also named to the all-tournament team, and Brian Zoubek averaged 10 rebounds per game throughout the NCAA Tournament. These contributions, among many others, led the Blue Devils to the championship.

Madam Speaker, in his 30th year at the helm of the Blue Devils, Head Coach Mike Krzyzewski coached his 1,000th game at Duke, led the Blue Devils to his 11th Final Four appearance—tying the legendary North Carolina Coach Dean Smith—and 8th National Championship game appearance. In leading Duke to the 2010 National Championship, Coach K tied legendary Kentucky Coach Adolph Rupp with four national championships.

During his time at Duke, Coach K has built a program that embraces the idea of the student-athlete. In addition to the numerous athletic accomplishments, the Blue Devils have also excelled in the classroom. In a study conducted by the Institute for Diversity and Ethics in Sport at the University of Central Florida, the Duke Blue Devils achieved a 92% graduation rate, ranking Duke among the highest of the 65 schools that qualified for the 2010 NCAA Tournament.

Madam Speaker, I believe Duke students, alumni, and fans in my Congressional District in Western North Carolina—as well as across the state and nation—can take pride in the accomplishments made by the 2009–2010 Duke Blue Devils. This team represented Duke University, the State of North Carolina, and the ACC in a way that truly embodies the spirit of college athletics. I urge all of my colleagues to support H. Res. 1242.

Mrs. McMORRIS RODGERS. I yield back the balance of our time.

Ms. FUDGE. Madam Speaker, I ask support for House Resolution 1242, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Ohio (Ms. FUDGE) that the House suspend the rules and agree to the resolution, H. Res. 1242.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mrs. McMORRIS RODGERS. Madam Speaker, I object to the vote on the

ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

EXPRESSING SYMPATHY TO THE PEOPLE OF POLAND

Mr. DELAHUNT. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1246) expressing sympathy to the people of Poland in the aftermath of the tragic plane crash that killed the country's President, First Lady, and 94 others on April 10, 2010.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1246

Whereas the Polish President Lech Kaczynski and 95 other people, including Poland's First Lady, deputy foreign minister, deputy defense minister, dozens of members of Parliament, the chiefs of the army and navy, and the president of the national bank, were killed in a plane crash in western Russia on April 10, 2010;

Whereas President Kaczynski and his colleagues were traveling to Katyn, Russia for a memorial service to mark the 70th anniversary of the Soviet secret police killing of more than 20,000 Polish officers, prisoners, and intellectuals who were captured after the Soviet Union invaded Poland in 1939;

Whereas Ryszard Kaczorowski, who served as Poland's final president in exile before the country's return to democracy, perished;

Whereas Anna Walentynowicz, the former dock worker whose firing in 1980 sparked the Solidarity strike that ultimately overthrew the Polish communist government, was also killed in the crash;

Whereas respected Chicago artist Wojciech Seweryn, whose father was killed in Katyn, and who recently completed a memorial to the victims of Katyn at St. Adalbert Cemetery in Niles, Illinois, which Polish President Kaczynski planned to visit in May, died in the crash as well;

Whereas Russia and Poland had begun to heal the deep wounds from the Katyn tragedy, with Russian Prime Minister Vladimir Putin recently joining Polish Prime Minister Donald Tusk at a ceremony marking the event at Katyn;

Whereas Prime Minister Putin, the first Russian leader ever to attend the Katyn commemoration said "we bow our heads to those who bravely met death here";

Whereas more than 9,000,000 Americans of Polish descent now reside in the United States, including in major metropolitan areas such as Chicago, Detroit, and New York City;

Whereas the American people stood in support of the Solidarity movement as it fought against the oppression of the Polish communist government through peaceful means, eventually leading to Solidarity members being elected to office in partially free democratic elections held on June 4, 1989;

Whereas Poland joined the North Atlantic Treaty Organization (NATO) in 1999 and has

since contributed to military operations in Iraq and Afghanistan; and

Whereas the United States and Poland share a strong bond of friendship and international cooperation: Now, therefore, be it

Resolved, That the House of Representatives—

(1) mourns the death of President Kaczynski and the terrible loss of life that resulted from the plane crash of April 10, 2010;

(2) expresses its deepest sympathies to the people of Poland and the families of those who perished for their profound loss;

(3) expresses strong and continued solidarity with the people of Poland and all persons of Polish descent; and

(4) expresses unwavering support for the Polish government as it works to overcome the loss of many key public officials.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Massachusetts (Mr. DELAHUNT) and the gentlewoman from Florida (Ms. ROSELEHTINEN) each will control 20 minutes.

The Chair recognizes the gentleman from Massachusetts.

GENERAL LEAVE

Mr. DELAHUNT. I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. DELAHUNT. Madam Speaker, I yield myself as much time as I may consume.

I rise in strong support of this resolution, which expresses sympathy for the people of Poland following the tragic plane crash last weekend that killed their President and so many others.

I wish to thank my colleagues and friends, Representatives DAHLKEMPER, KANJORSKI, and LIPINSKI for quickly preparing a text that enables this House to add its voice to the condolences being expressed around the world on this sad occasion.

Last Saturday we woke to the terrible news of a plane crash in western Russia. This accident took the lives of Polish President Lech Kaczynski, his wife, the deputy foreign minister, the deputy defense minister, the chiefs of the army and navy, the president of the national bank, dozens of members of parliament, as well as civilian and military staff.

Today, the House mourns the death of President Kaczynski and his colleagues. We express our deepest sympathies to the people of Poland as well to the families who have suffered such a grievous loss. We think, too, of the millions of Americans who claim Polish ancestry, as we know their hearts are also heavy.

We pledge to stand by the Polish Government as it seeks to reconstitute itself and reaffirm our enduring friendship for Poland.

Madam Speaker, what makes this accident even more tragic is that it occurred as President Kaczynski's delegation was traveling to commemorate one of the most brutal events of World War II—the execution of more than 20,000 Polish officers, prisoners, and intellectuals in Katyn Forest by the Soviet Secret Police in 1939.

Earlier in the week, there were encouraging signs that Poland and Russia were beginning to heal the deep wounds caused by these horrific wartime events. Russian Prime Minister Putin joined Poland Prime Minister Donald Tusk at a ceremony marking the 70th anniversary of this massacre—the first time a Russian leader has ever participated in this memorial.

The Russian people have been very supportive and responsive in the wake of the disaster, with Prime Minister Putin personally heading the inquiry into the crash.

Konstantin Kosachev, chairman of the International Relations Committee of the Russian State Duma—described the death of the Polish President as a great tragedy for both the Polish and the Russian peoples. Observing that both countries were mourning together, he solemnly noted, and these are his words: “Katyn took some more victims.”

If anything positive is to come from these tragic deaths, it may be the development of closer ties between these two nations and their citizens.

Madam Speaker, I urge my colleagues to support this resolution, and I reserve the balance of my time.

□ 1430

Ms. ROS-LEHTINEN. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I am saddened by the need for this resolution. The death of Polish President Lech Kaczynski, his wife Maria, and 94 other Polish officials and citizens in the plane crash in Russia on April 10 was sudden, unexpected, and truly a tragedy for the nation of Poland.

We have all seen the outpouring of grief and tributes since then by the citizens of Poland in support and in honor of their late President and all who died with him.

There is little that we can here do today to add to the honors bestowed upon the departed by their very own countrymen, but we can, however, offer our condolences to the strong and proud nation of Poland, which has been and remains a friend and an ally of the United States.

Despite the loss of their President, we can be certain that the Polish people will continue on the road toward democracy, prosperity, and security, the road that they have traveled since they broke free of the grip of Communist authoritarian rule in 1989.

How proud we were, when they regained their freedom, that America has

stood by the people of Poland during those times when they suffered under a Communist dictatorship and domination by the former Soviet regime in Moscow. Similarly, the people of Poland now offer their solidarity with those who seek freedom in my native homeland of Cuba. Having suffered in the not-too-distant past under the crushing yoke of the Soviet regime, many in Poland sadly know all too well the struggles that the people of Cuba face each and every day under the stranglehold of the Cuban dictatorship.

Poland's support for human rights and democracy in Cuba illustrates it has not forgotten its past suffering nor the strength that it received from the solidarity of others. And how proud we are today that Poland has become an important member of both the North Atlantic Alliance and the European Union and that it has become a strong voice for those countries in Eastern Europe that are working to ensure that they never again fall victim to the domination by a more powerful neighboring state.

President Kaczynski was, in fact, an important leader in an effort to ensure that the hard-won liberty and democracy today enjoyed by Poland and other nations of Eastern Europe is not bartered away. He recognized the temptations faced by other European states which eagerly expand their commercial and military exports to Russia while increasing their reliance on energy supplies from Russia. He would not succumb to those Russian manipulations and coercions.

The late Polish President was a voice that may have been unwelcome among some in the councils in Brussels, but it was a voice that was heeded.

Moreover, Madam Speaker, under his leadership, Poland continued as a strong friend and a staunch ally of the United States, supporting military operations against extremists in Iraq and in Afghanistan, supporting America's efforts to create long-range missile defenses for both Europe and the United States, participating as a full partner in NATO, and supporting the expansion of democracy everywhere.

There are those in Europe who, while enjoying the security commitment provided by the United States through NATO, nevertheless feel free to criticize America's initiatives to fight extremism and address threats around the world. President Kaczynski was not one of those voices. In fact, during his trip to the United States 3 years ago, he made a special trip to visit the Reagan Library as a sign of his country's appreciation for our former President's leadership in the efforts to free his country from Communist domination. President Kaczynski valued this support and offered Poland's support in return.

Madam Speaker, we express our condolences to the people of Poland on the

loss of their President, his wife, and so many of the leading officials and countrymen. At this time, and in the future, America will forever remain a friend of Poland.

With that, Madam Speaker, I reserve the balance of my time.

Mr. DELAHUNT. Madam Speaker, I yield 1 minute to one of the original sponsors of this resolution, the gentlewoman from Pennsylvania (Mrs. DAHLKEMPER).

Mrs. DAHLKEMPER. I thank the gentleman; and I want to thank the leadership for allowing myself and my colleagues, Mr. LIPINSKI and Mr. KANJORSKI, to bring forward this very important but very sad resolution.

It is with a very heavy heart today that I rise to offer House Resolution 1246 expressing sympathy to the people of Poland in the aftermath of the tragic plane crash that killed the country's President, First Lady, and 94 others on April 10, 2010. President Lech Kaczynski, his wife Maria, Poland's army chief, navy chief commander, governor of the Polish central bank, other lawmakers, aides, and state officials were lost when their plane crashed in Western Russia.

The delegation was traveling to a memorial service to honor 22,000 Polish officers killed in Russia's Katyn forest by the Soviet secret police in 1940.

We offer our condolences and sympathy to the Polish people and Polish Americans as we mourn the loss of President Kaczynski, his wife, and other great leaders lost in this tragedy.

President Kaczynski was a distinguished statesman and leader in the Solidarity movement. He will be long remembered for his commitment to freedom, democracy, and human dignity.

Today, we stand in solidarity with more than 38 millions Poles in Poland and 9 million Americans of Polish descent now residing in the United States, including more than 14,000 Polish Americans in my hometown of Erie, Pennsylvania. Polish Americans have made great contributions to our Nation's livelihood and culture, and we are grateful for their presence in the United States.

Our hearts go out to our Polish brothers and sisters across the globe who share in this horrible loss. In this time of mourning, let us remember the words of St. Peter, “And the God of all grace, who called you to his eternal glory in Christ, after you have suffered a little while, will himself restore you and make you strong, firm, and steadfast.”

I urge my colleagues to stand in solidarity with Poland and support our resolution.

Ms. ROS-LEHTINEN. Madam Speaker, at this time, I would like to yield such time as he may consume to our esteemed colleague, the gentleman from Texas (Mr. POE), a wonderful

member of our Committee on Foreign Affairs.

Mr. POE of Texas. I thank the ranking member for yielding.

Madam Speaker, I also rise today to join all my colleagues in mourning the death of President Lech Kaczynski and many others who died in that plane crash on April 10, 2010. Poland lost some of its most famous political figures. They were heroes among the Polish people. The 95 people that died that day included the President, a very pro-U.S. and anti-Soviet individual, and his wife and numerous other political government officials.

It's interesting to note why so many officials were going to Russia, why they were on that particular plane headed to a specific event. Well, that Polish delegation was traveling to Russia to commemorate the 70th anniversary of the Katyn massacre.

On September 17, 1939, the Red Army invaded the territory of Poland from the east. They captured hundreds of thousands of Poles and deported them to prisoner of war camps in the western Soviet Union.

Once at the camps, the Poles were subjected to lengthy interrogations; and if the prisoners could not be induced to adopt a pro-Soviet attitude, they were declared "hardened and uncompromising enemies of Soviet authority."

So on March 5, 1940, Joseph Stalin and three of his henchmen signed an order to execute over 20,000 prisoners, all Poles, to weaken any future Polish military. In the Katyn forest, Soviet secret police executed more than 20,000 Polish nationals who were mainly officers in the Polish military.

And beginning on April 3, the killings were methodical. After a condemned person's information was checked, that individual was handcuffed and led to a secret cell that was insulated with felt to make sure that no noise could come from that cell. The sounds were also masked by the operation of loud machines that were working in the factories. And after being taken to the cell, the victim was immediately shot in the back of the head. His body was taken out through the opposite door in the cell and laid in one of the five or six waiting trucks, whereupon the next condemned Pole was taken inside and the same procedure was methodically followed again.

This occurred over 20,000 times; and the procedure went on every day, every night, except, ironically, for the May Day celebration. In the end, those 20,000 POWs and prisoners were executed without a trial, just a summary judgment.

Those who died at the Katyn include an admiral, two generals, 24 colonels, 79 lieutenant colonels, 258 Polish majors, 654 captains, 17 naval captains, over 3,000 noncommissioned officers. It included even seven chaplains, three

landowners, a prince, 43 public officials, 85 privates, and 131 other refugees.

Also among the dead were 20 university professors, 300 doctors, several hundred lawyers, engineers, teachers, and more than 100 writers and journalists, as well as about 200 pilots, all leaders in the Polish community. The effort of the Soviet Union was to destroy those leaders and destroy Poland as well. These were all Poles, all victims of the terror of communism.

For over half a century, Moscow even denied this ever occurred. The Soviet government had suppressed all the information about the shootings and blamed it on the Nazis. In 1992, Russia finally released the documents showing that the entire Politburo, including Joseph Stalin, signed an order dated March, 1940, to kill these Polish officers.

Poland had a rough history in the last century. They were invaded by the Nazis, and many of the Poles were taken to Germany and died in concentration camps. And then the Soviets invaded the same country trying to drive out the Nazis; and they, too, took many Poles and put them in concentration camps, where many of them died.

In the United States, we celebrate the end of World War II in 1945, but the Poles, they don't celebrate the end of World War II in 1945. They celebrate it in 1989, when the wall finally fell and the Soviets left town. It was a long war for our friends in Poland.

So now, Madam Speaker, we know the rest of the story and why President Kaczynski and so many Poles were on that plane that crashed in Russia. Now they, too, ironically, have died on the same land where thousands of other Poles died over 70 years ago.

It is appropriate today that we pay homage to all of those Poles who have lived and died in a quest for Polish liberty, those Poles who have always been an ally of the United States, and we grieve while they grieve in Poland.

And that's just the way it is.

Mr. DELAHUNT. Madam Speaker, I now yield 1 minute to another original sponsor of this resolution, the gentleman from Illinois (Mr. LIPINSKI).

Mr. LIPINSKI. Madam Speaker, I rise to share my deepest sympathies and solemn condolences with the people of Poland and all those who are impacted by this tragic plane crash. President Kaczynski will be deeply missed. He was determined to ensure the strength, prosperity, and sovereignty of Poland and was a strong ally of the United States.

□ 1445

Chicago also mourns the loss of one of our own, Wojciech Seweryn, who perished in the crash.

The Polish and American people have long shared a deep attachment to the values of freedom and independence.

Today, with over 9 million people of Polish ancestry in the U.S., including roughly 1 million in Illinois, Poland remains one of America's closest allies. Our two nations continue to cooperate closely on issues of national security, regional and global security, democratization, and human rights. Our friendship and partnership have been and will continue to be steadfast.

Nothing we say today will make up for the tremendous loss that Poland has suffered and continues to grieve. However, as a proud Polish American, I hope that by sharing our own grief, sympathy, and unity with the Polish people, we will be able to help them gather the resolve and strength needed to get through such difficult times.

Ms. ROS-LEHTINEN. Madam Speaker, I know that Mr. DELAHUNT has about 10 speakers, so I'm going to continue to reserve for a while.

Mr. DELAHUNT. Madam Speaker, I now yield 1 minute to the dean of the House, Chairman JOHN DINGELL.

Mr. DINGELL. Madam Speaker, I commend, congratulate, and thank my good friends on the committee for their kindness, and I thank my good friend from Massachusetts for yielding this time to me.

I rise in strong support of the resolution expressing the sympathy of the United States for the people of Poland in the aftermath of the tragic plane crash that killed the country's President, First Lady, and 94 other Poles. My thoughts and prayers are with the Polish people at this difficult time.

As an American of Polish descent, proud of my heritage, I grieve at this loss. And what a sad time it occurs when the Poles were going to Smolensk, Russia to commemorate the killing of 20,000 Polish officers and intelligentsia under the direct orders of the Soviet dictator, Joseph Stalin.

I am grieving about the situation in Poland, but I am proud that the Polish people have established a democracy which is not only a friend of the United States, but which is able to survive these difficult times and maintain not only its friendship for America, but its leadership in the world and its superb work in maintaining a democracy for which the Poles have yearned so long.

Mr. DELAHUNT. I thank the gentleman.

I now yield to the Speaker of the House, the gentlelady from California (Ms. PELOSI).

Ms. PELOSI. I thank the gentleman for yielding, and I thank Mr. DELAHUNT and Congresswoman ROS-LEHTINEN for giving us this opportunity to come to the floor to express our sympathy to the people of Poland.

Our country is blessed with many Polish Americans. It is a blessing to our country. They are mourning this loss, and all Americans join them. And today, Congress officially joins in that mourning.

The United States and, indeed, the entire world mourn the loss of President Kaczynski and First Lady Maria Kaczynski and all who perished in last weekend's tragic crash. The United States stands with our friend and ally and the people of Poland as they grieve the loss of their President and First Lady, the Chiefs of the Army and Navy, the President of the National Bank, the Deputy Foreign Minister, and dozens of other Cabinet officials and members of Parliament.

The scope of this tragedy is indescribable, the pain of the loss is unimaginable, and our thoughts and prayers rest with the families, friends, and loved ones of the victims. Their loss strikes a blow to the hearts of Polish citizens, all Polish Americans—my nieces are Polish American—and all who believe in a future of peace and prosperity for Poland and for every nation.

I would like to talk about the President. Few leaders have proven greater champions of progress in human dignity than President Kaczynski. He was a true advocate of liberty for Poland, for Poland's families, workers, and citizens. His life was defined by a long struggle for freedom and by the ultimate victory of democracy and human rights.

As a leader in the Solidarity movement, he helped turn the tides of history against the tyranny and oppression of communist rule. As Mayor of Warsaw and as President of Poland, he worked to make the promise of a more just future a reality for the Polish nation. Together with so many who lost their lives in the tragedy, President Kaczynski sought to rebuild Poland, to make his country safer and more secure, and to write a new chapter for future generations.

Again, as I say, we have been blessed in our country with a strong Polish American community, and I know all of them join us in this resolution which remembers the lives lost in this horrible tragedy: the President; so many Polish military and political leaders, past and present; and distinguished citizens. It recalls the life of Poland's final President in exile who led the charge to close the doors of political oppression and open an age of democratic freedom.

This resolution honors the life of a former dock worker whose actions ignited the Solidarity movement that changed the course of Polish history. The resolution reminds us of a Polish American artist from Chicago who just finished a memorial to the victims of the Katyn massacre, where his own father had perished.

The United States Congress joins Poland and countries across the globe in mourning the death of such extraordinary leaders. In the words of this resolution, we express strong and continued solidarity with the people of Po-

land and all persons of Polish descent. And we are so blessed that the dean of our delegation in the Congress, Mr. DINGELL, shares that honor and brings luster to his Polish heritage, as well as other Members of our Congress as well. And the resolution offers our unwavering support for the Polish Government as it works to overcome the loss of many key officials. Let us strive to live up to their legacy of hope for a brighter future for Poland, Europe, and all humanity.

This morning, I had the privilege of joining Congresswoman MARCY KAPTUR—and Congressman MIKE QUIGLEY was there before us—and other Members who have gone to the Polish Embassy to sign the book of condolences. We are very proud that in doing so we joined President Barack Obama, who had earlier, a few days ago, signed that book. I know it is a comfort to the people of Poland. Ambassador Kupiecki, who may be with us here or shortly will join us in the gallery, told us how the people of Poland were so pleased and comforted by the fact that President Obama would be attending the funeral in Poland on Sunday. He will bring with him all the sympathy of the American people and all of the prayers to help mourn the loss that the people have suffered.

Thank you again, Mr. Chairman and Madam ROS-LEHTINEN, for giving us the opportunity to share our grief over this terrible loss.

Ms. ROS-LEHTINEN. Madam Speaker, I ask unanimous consent that for the remainder of our time Judge POE be allowed to manage our time.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. DELAHUNT. Madam Speaker, I now yield 1 minute to the gentleman from Illinois (Mr. QUIGLEY).

Mr. QUIGLEY. Madam Speaker, last night I spoke of the great tragedy that has befallen Poland. Today I rise to honor a great man, artist, and activist who was also killed in the crash that took Poland's President and 95 others. One of my constituents, Wojciech Seweryn, was aboard the plane on his way to participate in the commemorative events planned to honor those 20,000 Poles who died some 70 years ago.

A Polish artist and influential member of Chicago's Polish community, Mr. Seweryn's father died at Katyn, and Seweryn himself spearheaded the construction of a memorial to the event in a cemetery in Niles, Illinois. Seweryn was on hand last year when the monument was dedicated, as he was at many important events in Chicago's Polish community.

Poles in Chicago make up the largest ethnically Polish population of any city outside of Poland, second only to Warsaw, the capital of Poland. The

Polish American community will undoubtedly struggle to fill the void left by many, but particularly Mr. Seweryn and all those lost a few short days ago.

Mr. POE of Texas. Madam Speaker, I continue to reserve.

Mr. DELAHUNT. Madam Speaker, I now yield 1 minute to the gentlelady from New York (Ms. VELÁZQUEZ).

Ms. VELÁZQUEZ. Madam Speaker, I rise in strong support of the resolution. All of us mourn the loss of those who helped spread the light of freedom during the Cold War.

Our Nation enjoys deep ties to Poland. Greenpoint, Brooklyn, in my district, has one of the most vibrant Polish American communities in the Nation. During the 1980s, many Poles took refuge in this Little Poland when martial law was imposed against Solidarity back home.

Just 2 years ago, President Kaczynski came to Greenpoint. He worshipped in our churches. He met with local leaders, and he visited with the people of Little Poland. His trip there was an inspiring moment for many New Yorkers. Today there are heavy hearts in Greenpoint, as there are in Polish American communities throughout the Nation.

In coming weeks, the Polish people will grieve their loss. We join them in mourning, but we can be comforted that Poland will recover, carry forward, and grow stronger.

The fact that this crash occurred while traveling to a ceremony for another tragedy is a sad irony; however, it also reminds us of the Polish people's strength in the face of adversity. That unyielding spirit shall remain an important part of Poland's identity and of her many sons and daughters who reside in the United States.

Mr. DELAHUNT. Madam Speaker, I now yield 1 minute to the gentleman from Ohio, Representative KUCINICH.

Mr. KUCINICH. Thank you very much, Mr. DELAHUNT.

On Saturday, I received a call from the leader of Cleveland's Polish community, John Borkowski, who informed me of the tragedy that befell the nation of Poland.

Cleveland has a very large Polish American community, which is very proud of its heritage and very involved in promoting the social and cultural aspects of the Polish ethnic heritage. The loss of the humblest citizen on that plane was a great tragedy for Poland. The total loss is a tragedy of monumental proportions.

I am glad to see the United States Congress recognizing the tragedy that has befallen the Polish people and also joining in mourning the loss of President Kaczynski, the First Lady, and 94 others.

I would like to insert in the RECORD a column by Roger Cohen that I think puts an appropriate frame on this important discussion today in which we

recognize the grief of the Polish people and show solidarity with them.

Finally, I would just like to say, *niech żyje Polska*—long live Poland.

Madam Speaker, I rise to express my strong support of and condolences for the people of Poland as they mourn the loss of their President, Lech Kaczynski, the First Lady, and 94 others after a tragic plane crash this past Saturday.

In addition to President Kaczynski, his wife, and key public officials, prominent figures in Polish history perished in the plane crash as well—former labor leaders, intellectuals, and historians—figures that shaped Polish history, revolutionized Polish political discourse, and preserved Polish heritage.

In cruel irony, they were traveling to Russia to commemorate the 1940 Katyn massacre when 20,000 Polish prisoners—including Army officers and the leading Polish intellectuals of the time—were brutally murdered by Soviet Forces. Russian President Vladimir Putin was to join the Polish delegation in their commemoration of the massacre, the first time a high-ranking Russian official has done so since the massacre occurred 70 years ago.

Roger Cohen, writing yesterday in the *New York Times*, remarked, “Poland should shame every nation that believes peace and reconciliation are impossible, every state that believes that sacrifice of new generations is needed to avenge the grievances of history . . . It is Poland that is now at peace with its neighbors and stable. It is Poland that has joined Germany in the European Union. So do not tell me that cruel history cannot be overcome.”

Let us use this unimaginable tragedy to follow Poland's example to promote peace, reconciliation, and diplomacy in the world.

[From the *New York Times*, Apr. 13, 2010]

THE GLORY OF POLAND

(By Roger Cohen)

NEW YORK.—My first thought, hearing of the Polish tragedy, was that history's gyre can be of an unbearable cruelty, decapitating Poland's elite twice in the same cursed place, Katyn.

My second was to call my old friend Adam Michnik in Warsaw. Michnik, an intellectual imprisoned six times by the former puppet-Soviet Communist rulers, once told me:

“Anyone who has suffered that humiliation, at some level, wants revenge. I know all the lies. I saw people being killed. But I also know that revanchism is never ending. And my obsession has been that we should have a revolution that does not resemble the French or Russian, but rather the American, in the sense that it be for something, not against something. A revolution for a constitution, not a paradise. An anti-utopian revolution. Because utopias lead to the guillotine and the gulag.”

Michnik's obsession has yielded fruit. President Lech Kaczynski is dead. Slawomir Skrzypek, the president of the National Bank, is dead. An explosion in the fog of the forest took them and 94 others on the way to Katyn. But Poland's democracy has scarcely skipped a beat. The leader of the lower house of Parliament has become acting president pending an election. The first deputy president of the National Bank has assumed the duties of the late president. Poland, oft dismembered, even wiped from the map, is calm and at peace.

“Katyn is the place of death of the Polish intelligentsia,” Michnik, now the soul of Po-

land's successful *Gazeta Wyborcza* newspaper, said when I reached him by phone. “This is a terrible national tragedy. But in my sadness I am optimistic because Putin's strong and wise declaration has opened a new phase in Polish-Russian relations, and because we Poles are showing we can be responsible and stable.”

Michnik was referring to Prime Minister Vladimir Putin's words after he decided last week to join, for the first time, Polish officials commemorating the anniversary of the murder at Katyn of thousands of Polish officers by the Soviet Union at the start of World War II. Putin, while defending the Russian people, denounced the “cynical lies” that had hidden the truth of Katyn, said “there is no justification for these crimes” of a “totalitarian regime” and declared, “We should meet each other halfway, realizing that it is impossible to live only in the past.”

The declaration, dismissed by the paleolithic Russian Communist Party, mattered less than Putin's presence, head bowed in that forest of shame. Watching him beside Poland's prime minister, Donald Tusk, I thought of François Mitterrand and Helmut Kohl hand-in-hand at Verdun in 1984: of such solemn moments of reconciliation has the miracle of a Europe whole and free been built. Now that Europe extends eastward toward the Urals.

I thought even of Willy Brandt on his knees in the Warsaw Ghetto in 1970, a turning point on the road to a German-Polish reconciliation more miraculous in its way even than the dawning of the post-war German-French alliance. And now perhaps comes the most wondrous rapprochement, the Polish-Russian.

It is too early to say where Warsaw-Moscow relations are headed but not too early to say that 96 lost souls would be dishonored if Polish and Russian leaders do not make of this tragedy a solemn bond. As Tusk told Putin, “A word of truth can mobilize two peoples looking for the road to reconciliation. Are we capable of transforming a lie into reconciliation? We must believe we can.”

Poland should shame every nation that believes peace and reconciliation are impossible, every state that believes the sacrifice of new generations is needed to avenge the grievances of history. The thing about competitive victimhood, a favorite Middle Eastern pastime, is that it condemns the children of today to join the long list of the dead.

For scarcely any nation has suffered since 1939 as Poland, carved up by the Hitler-Stalin nonaggression pact, transformed by the Nazis into the epicenter of their program to annihilate European Jewry, land of Auschwitz and Majdanek, killing field for millions of Christian Poles and millions of Polish Jews, brave home to the Warsaw Uprising, Soviet pawn, lonely Solidarity-led leader of post-Yalta Europe's fight for freedom, a place where, as one of its great poets, Wislawa Szymborska, wrote, “History counts its skeletons in round numbers”—20,000 of them at Katyn.

It is this Poland that is now at peace with its neighbors and stable. It is this Poland that has joined Germany in the European Union. It is this Poland that has just seen the very symbols of its tumultuous history (including the Gdansk dock worker Anna Walentynowicz and former president-in-exile Ryszard Kaczorowski) go down in a Soviet-made jet and responded with dignity, according to the rule of law.

So do not tell me that cruel history cannot be overcome. Do not tell me that Israelis and

Palestinians can never make peace. Do not tell me that the people in the streets of Bangkok and Bishkek and Tehran dream in vain of freedom and democracy. Do not tell me that lies can stand forever.

Ask the Poles. They know.

Mr. DELAHUNT. Madam Speaker, I now yield 1 minute to the gentleman from New Jersey (Mr. PASCRELL).

□ 1500

Mr. PASCRELL. The very people who stand on this floor today spoke with us, Mr. DELAHUNT, 10 years ago, when we fought to make sure that Poland was a member of NATO. Ironically, as you stand to manage the resolution, House Resolution 1246, your career has been filled with building bridges between communities. This tragedy is ironic in that, hopefully, it will lead—and the signs are there—to greater relationships between Russia and Poland.

Madam Speaker, Poland is our ally. In Saint John Kanty church in Clifton—in my district—and members in Passaic, in Wallington and in Garfield, there are Polish Americans who send out their deepest sympathies to the families.

Picture the President of the United States, God forbid, and his family and all of the dignitaries of the government—the FBI, the head of the CIA—going to the 9/11 commemoration in New York City and the plane's going down and the whole government wiped out. This is the magnitude that we are looking at today. Our prayers go to the Polish people. We are all Poles today, and until all of these folks are buried, we wish them the best and their families the best.

In closing, this is a very special friend of the United States of America.

POLISH OUTREACH LETTER

I was deeply saddened to hear about the tragic plane crash on April 10, 2010 that took the lives of 97 people, including high ranking Polish government officials, dignitaries, military leaders, President Lech Kaczyński and his wife, Maria Kaczyńska. President Kaczyński served the Polish nation admirably, from his election as Mayor of Warsaw in 2002, to his Presidential election in 2005. He worked tirelessly for the people of Poland. His fight for freedom and democracy in Poland made him a great ally for the United States.

My deepest condolences go out to the Polish people, as well as the Polish-American community during this time of mourning. The tragic events of last week are made even more poignant by the location of the crash site, as the flight was en route to Smolensk Air Base in Russia to commemorate the 70th anniversary of the Katyn Massacre. The massacre of 20,000 Polish military officers in 1940 still resonates as one of history's worst wartime atrocities. This horrific event is magnified by the sudden loss of relatives of massacre victims who were on board the flight traveling to commemorate the anniversary.

Remembering the Katyn Massacre and Poland's wartime contributions is why I am a proud cosponsor of H. Res. 715, recognizing the 70th anniversary of the Soviet and Nazi invasion of Poland and the pivotal role Poland has assumed at freedom's edge since

gaining independence. This resolution commends the people of Poland for their historic struggle against communism and fascism, recognizes our continued friendship with our Polish allies and honors the historic ties between the United States and Poland.

As you know, I am deeply committed to serving my many constituents in the Polish-American Community. Please be assured that I will continue to work hard to foster relationships between our two nations, and to represent the Polish American community in New Jersey. Please count on me if ever I may assist you regarding any federal matter. I would like to remind you that my website, www.pascrell.house.gov is frequently updated and provides a good way to communicate with me.

Sincerely,

Bill Pascrell, Jr.,
Member of Congress.

Mr. POE of Texas. I continue to reserve the balance of my time.

Mr. DELAHUNT. Madam Speaker, I now yield 1 minute to a distinguished member of the Foreign Affairs Committee, the gentlewoman from Nevada (Ms. BERKLEY).

Ms. BERKLEY. I thank the gentleman for giving me this time to offer my condolences to the people of Poland.

Madam Speaker, I rise today to join with Polish Americans, with our Nation and, indeed, with the whole world in expressing our deepest sympathies to the people of Poland following this weekend's tragedy that killed their President, the First Lady and a number of other Polish military and civic leaders and dignitaries. We remember these men and women who gave their lives while in the service of Poland, and we send our sincerest condolences to those families who have lost loved ones.

President Kaczynski fought for freedom during the Cold War and brought our two nations closer together during his tenure in office. His legacy will not be forgotten. America stands with our ally Poland, and we pledge our continued support during this time of transition.

As a member of the House Foreign Affairs Committee and as chairman of the Transatlantic Legislators Dialogue, I call on my colleagues to ensure U.S. support for Poland's needs after this heartbreaking and breathtaking incident and to support this resolution expressing our condolences to the people of Poland.

Mr. POE of Texas. I continue to reserve the balance of my time.

Mr. DELAHUNT. Madam Speaker, I now yield 1 minute to the distinguished gentlewoman from Ohio (Ms. KAPTUR).

Ms. KAPTUR. Mr. Chairman, thank you for bringing this resolution to the floor.

Madam Speaker, on Saturday, I was emailed by Stanley Kobylak, a leader of the Polish community in the Toledo, Ohio/Rossford area, informing me of this tragic situation. I rise in support of this important resolution, offering

sympathy to the liberty-loving nation and people of the Republic of Poland, our great ally.

Poland is one of America's longest and most steadfast allies from the time of our own Republic's founding, made possible by the valiance of Polish Generals Casimir Pulaski and Tadeusz Kosciuszko.

Poland's highest leaders, including its President and First Lady, Lech and Maria Kaczynski, were among the victims of that terrible crash as they wended their way to commemorate the 70th anniversary of the Katyn massacre when over 22,000 Polish officers, intellectuals and leaders were murdered at the hands of Joseph Stalin and the Soviet Army in and around that forest during World War II. The truth of that slaughter was hidden for over 70 years, and now the entire world knows of that sacred ground.

Madam Speaker, please allow me to extend condolences on behalf of my constituents in Ohio to the friends and families of those who perished, to the people of Poland, to the nation of Poland, and to the people of Polish heritage throughout the world. Let this moment be one of recommitment to Poland's highest aspirations and full expression of its own history.

So long as we are alive, there will be a Poland.

Mr. POE of Texas. I yield myself such time as I may consume.

Madam Speaker, we sometimes forget how great an ally Poland is to the United States. They have not only had a quest for freedom for their own people, but they have been an ally to this Nation. As the United States and other NATO countries are engaged in the battle against terrorism in Afghanistan, there are over 2,000 members of the Polish military who are there as well, side by side with the United States and with other NATO forces, the freedom fighters that they are, helping to seek freedom and liberty in Afghanistan and against those international terrorists who do us all harm.

I think Mr. PASCARELL, the gentleman from New Jersey, said it well today. "We are all Poles," and we honor them, and we suffer their loss and their grief at this time because of the tragedy that occurred not only on Saturday but at the massacre that occurred in that forest in the Soviet Union many, many years ago.

I yield back the balance of my time.

Mr. DELAHUNT. I would just echo the eloquent sentiments expressed by my friend from Texas.

I have no further requests for time.

Mr. BISHOP of New York. Madam Speaker, I rise today to express my sincere condolences to the People of Poland and all Americans of Polish descent who are grieving in the wake of the tragic plane crash on April 10th in which President Lech Kaczynski and dozens of the country's top political and military leaders were killed.

One out of every four inhabitants of Riverhead, New York in the first Congressional district of New York claim Polish heritage. This thriving ethnic enclave has been a growing community devoted to family, religion, and tradition since the turn of the twentieth century.

After arriving in America, Polish families established family farms and villages throughout the East End of Long Island. Hard work enabled Riverhead's Polish Town to grow as new immigrants added their talents and skills to those of their neighbors, and the community's special character endures today.

Madam Speaker, Poland and the United States share a long history of mutual support. In this Congress, General Casimir Pulaski, legendary Polish commander of the American Cavalry during the Revolutionary War, was given our nation's highest honor as an Honorary Citizen. Just as General Pulaski supported America in our hour of need, today we stand with all who are suffering from this terrible loss and pledge our continued support of Poland and its people.

Mr. LEVIN. Madam Speaker, I rise to join so many of my House colleagues in mourning the loss of President Lech Kaczynski and First Lady Maria Kaczynska, who died last Saturday in a plane crash in western Russia along with dozens of other distinguished civilian and military leaders of Poland. We mourn their loss and join in sending our sincere condolences to the people of Poland, and especially the family and friends of those who perished in this tragic accident.

Poland is a close friend and ally of the United States. Our two countries are linked by longstanding ties of family and friendship. My home state of Michigan has a large and vibrant Polish-American community. We stand in solidarity with them during this difficult time as we pay our respects to all of those who were lost in this tragedy.

I also wish to express my appreciation to Representatives DAHLKEMPER and LIPINSKI for introducing the resolution before the House. I am pleased to join them in cosponsoring it and urge its passage.

Mr. CONYERS. Madam Speaker, today I rise in support of H. Res. 1246 with a heavy heart to express my deepest condolences to the country of Poland, its people, and the Polish American community. This weekend the country of Poland suffered a tragic loss. Saturday, I awoke to news that the president of Poland, Lech Kaczynski, Poland's first lady Maria Kaczynski, President of the Polish central bank, Slawomir Skrzypek, and many other high ranking military officials all died in a plane crash. The President and these other leaders were in route to Russia to commemorate the 70th anniversary of the tragic massacre at Katyn.

Although these leaders will be missed, I have faith that many talented people in Poland will help their country emerge from this time of sorrow and mourning. I want to let the people of the country of Poland know that I and Metro Detroit's Polish American community extend our deepest sorrow and extend to you our thoughts and prayers in your time of need.

Mr. MCMAHON. Madam Speaker, today, I offer my deepest condolences to the country of Poland, its citizens, and the families of

President Kaczynski, his wife and all those killed on April 10, 2010. That is why I rise today in support of H. Res. 1246, a resolution expressing sympathy for the people of Poland in the aftermath of the tragic plane crash that killed the country's President, First Lady and 94 others this past Saturday.

Implausibly, this untimely tragedy occurred while President Kaczynski was on his way to commemorate the unspeakable injustices carried out upon the Polish people during the Katyn massacre.

His ability to commemorate this massacre alongside Russian leaders for the first time, speaks volumes to his skill and understanding as a politician and a world leader.

Through my position on the House Foreign Affairs Committee and the Subcommittee on Europe, I have witnessed President Kaczynski's efforts to strengthen US-Poland relations. He was truly one of America's most valued and trusted allies.

His work for human rights and freedoms, not only benefited the people of Poland, but the entire international community. He will be long remembered and sorely missed.

Most notably, he will remain a champion for democracy, a man whose journey took him from the Gdansk Shipyards to the presidency of a free people. His legend will live in the hearts and minds of all those who yearn for a better, more peaceful world.

Mr. KING of New York. Madam Speaker, all the world mourns the horrific plane crash which took the lives of Polish President Lech Kaczynski, his wife Maria, and so many of Poland's leading political, military, and financial officials. This horrible tragedy will be felt for years to come by so many and my thoughts and prayers are with Poland on this day.

I want to particularly acknowledge the tragic loss of Janusz Kochanowski. Dr. Kochanowski was a true scholar, a champion of human rights, and a good friend of the United States who unfortunately was on board that fateful flight. He was a lawyer, a professor, a diplomat, and most recently the Polish Commissioner for Civil Rights Protection (ombudsman). It was in this position that he was an outspoken advocate on behalf of the Polish people including rebuking his own government for its refusal to provide swine flu vaccines to the public amid the global panic.

Once again, let me express my condolences to Dr. Kochanowski's wife, Ewa, and his two children, Marta and Mateusz, on this tragic loss.

Mr. VISCLOSKY. Madam Speaker, I rise in strong support of H. Res. 1246 to pay tribute to Polish President Lech Kaczyński, First Lady Maria Kaczyńska, and the other Polish officials who were lost in the catastrophic plane crash on April 10, 2010. I would like to express my deepest and most heartfelt condolences to the people and government of Poland, the families of those who perished, and Polish Americans, especially those who call Northwest Indiana home, in the wake of this tragedy. This is a devastating loss for Poland, the United States, and the world.

Poland is a very dear friend to the United States, and President Kaczyński was one of America's valued and trusted allies. President Kaczyński played a key role in the Solidarity movement, and was widely admired in the

United States as a champion for democracy and an advocate for freedom and human rights in Poland, and around the world.

There is a significant sense of sadness throughout Indiana's First Congressional District, where Polish communities have gathered together to honor and mourn those lost. I share the sadness, and join the Polish people, in Northwest Indiana and around the world, in mourning.

Mr. QUIGLEY. Madam Speaker, I stand here today to join my Polish American constituents, the Polish nation, and the world in mourning those who perished in this week-end's tragic plane crash.

The crash that killed President Lech Kaczynski of Poland, First Lady Maria Kaczynski, and many ranking military and civilian officers was aptly described by one paper as "literally, a nation colliding with its past." The 97 aboard the plane were traveling to commemorate the 70th anniversary of the Katyn massacre in Western Russia. Shrouded in secrecy, the events that took place in Katyn had long been concealed or denied. These events included a massacre of 20,000 Polish prisoners of war, killed and discarded in unmarked graves by Soviet secret police in 1940. But, many anticipated that the commemorative events scheduled to take place for the anniversary would be a positive step forward, a warming between countries.

One of my constituents, Wojciech Seweryn, no doubt held a wish for such a reception, and was aboard the plane on his way to participate. A Polish artist and influential member of Chicago's Polish community, Mr. Seweryn's father died at Katyn and Seweryn himself spearheaded the construction of a memorial to the event at a cemetery in Niles, Illinois. Seweryn was on hand last year when the monument was dedicated, as he was at many important events in the Chicago area's strong Polish community. Poles in Chicago make up the largest ethnically Polish population of any city outside of Poland, second only to Warsaw, the capital of Poland. The Polish American community will undoubtedly struggle to fill the void left by Mr. Seweryn and all those lost a few short days ago.

This loss of Polish leadership included a President hailed as a distinguished leader dedicated to advancing the ideals of democracy and freedom. President Kaczynski supported democracy movements in Ukraine and Georgia. He tirelessly advocated for shedding light on painful moments in Poland's past. It is therefore incredibly sad that his life, and the lives of so many other distinguished leaders, were claimed in the dark forest outside Smolensk, Russia, this past weekend.

Poland is a true friend and ally of the United States. Our two nations just recently celebrated 90 years of diplomatic relations. The contributions of Polish Americans to the United States are numerous. From the families who lost loved ones in the plane crash, to the nation of Poland, to Chicago's own shaken Polish American community, this loss will be felt around the world for years to come. We will stand with our friends as they find the resilience to emerge stronger, as they have before, following this unimaginable tragedy. As Adam Michnik, an intellectual imprisoned six times by the former puppet-Soviet Communist

rulers, said: "... in my sadness I am optimistic because Putin's strong and wise declaration has opened a new phase in Polish-Russian relations, and because we Poles are showing we can be responsible and stable." I look forward to Poland's recovery, and re-emergence as a country that can, and will, overcome.

Mr. LARSON of Connecticut. Madam Speaker, it is with profound sorrow that I rise today in support of House Resolution 1246, which expresses sympathy to the people of Poland in the aftermath of the tragic events of April 10th.

On behalf of the people of Connecticut, I join the citizens of Poland and the millions of individuals of Polish descent residing around the world in mourning the death of President Lech Kaczynski, First Lady Maria Kaczynski and the other 94 passengers involved in the tragic plane crash on April 10, 2010.

The death of Lech Kaczynski is a loss not only for the people of Poland but for the international community as a whole. President Kaczynski was a public servant in the highest sense. From his days as an anti-communist activist in the 1970's to his stint as the mayor of Warsaw, he brought with him a desire for change and improvement. During his time as president, Lech Kaczynski worked closely with the Russians to mend wounds from the Katyn tragedy, and on December 21, 2008 he took a historic step toward restoring relations between the government of Poland and its Jewish community when he became the first Polish head of state to attend religious services at a synagogue in Poland.

Under President Kaczynski, the bond between Poland and the United States grew. President Kaczynski was a strong supporter of American stability measures, such as missile defense systems, in the region. In losing President Kaczynski, America loses a great ally.

Once again, I would like to extend my sincerest condolences to the people of Poland and the millions of citizens of Polish descent residing around the world for this terrible loss.

Mr. DELAHUNT. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Massachusetts (Mr. DELAHUNT) that the House suspend the rules and agree to the resolution, H. Res. 1246.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. DELAHUNT. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on motions to suspend the rules previously postponed.

Votes will be taken in the following order:

H. Res. 1236, by the yeas and nays;

H.R. 4994, by the yeas and nays;

H.R. 3125, by the yeas and nays;

H. Res. 1246, by the yeas and nays.

The first electronic vote will be conducted as a 15-minute vote. Remaining electronic votes will be conducted as 5-minute votes.

HONORING COAL MINERS FROM UPPER BIG BRANCH MINE IN WEST VIRGINIA

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution, H. Res. 1236, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. GEORGE MILLER) that the House suspend the rules and agree to the resolution, H. Res. 1236.

The vote was taken by electronic device, and there were—yeas 409, nays 0, not voting 20, as follows:

[Roll No. 199]

YEAS—409

Ackerman	Buyer	Dicks
Aderholt	Calvert	Dingell
Adler (NJ)	Camp	Doggett
Akin	Cantor	Donnelly (IN)
Alexander	Cao	Doyle
Altmire	Capito	Dreier
Andrews	Capps	Driehaus
Arcuri	Capuano	Duncan
Austria	Cardoza	Edwards (MD)
Baca	Carnahan	Edwards (TX)
Bachmann	Carney	Ehlers
Bachus	Carson (IN)	Ellison
Baird	Carter	Ellsworth
Baldwin	Cassidy	Emerson
Barrow	Castle	Engel
Bartlett	Castor (FL)	Eshoo
Barton (TX)	Chaffetz	Etheridge
Bean	Chandler	Fallin
Becerra	Childers	Farr
Berkley	Chu	Fattah
Berman	Clarke	Filner
Berry	Clay	Flake
Biggert	Cleaver	Fleming
Bilirakis	Clyburn	Forbes
Bishop (NY)	Coble	Fortenberry
Bishop (UT)	Coffman (CO)	Foster
Blackburn	Cohen	Foxx
Blumenauer	Cole	Frank (MA)
Blunt	Conaway	Franks (AZ)
Boccheri	Connolly (VA)	Frelinghuysen
Boehner	Conyers	Fudge
Bonner	Cooper	Garamendi
Bono Mack	Costa	Garrett (NJ)
Boozman	Costello	Gerlach
Boren	Courtney	Giffords
Boswell	Crenshaw	Gingrey (GA)
Boucher	Crowley	Gohmert
Boustany	Cuellar	Goodlatte
Boyd	Culberson	Gordon (TN)
Brady (PA)	Cummings	Granger
Brady (TX)	Dahlkemper	Graves
Braley (IA)	Davis (CA)	Grayson
Bright	Davis (IL)	Green, Al
Broun (GA)	Davis (KY)	Green, Gene
Brown (SC)	Davis (TN)	Griffith
Brown, Corrine	DeFazio	Grijalva
Brown-Waite,	DeGette	Guthrie
Ginny	Delahunt	Gutierrez
Buchanan	DeLauro	Hall (NY)
Burgess	Dent	Hall (TX)
Burton (IN)	Diaz-Balart, L.	Halvorson
Butterfield	Diaz-Balart, M.	Hare

Harman	Markey (MA)
Harper	Marshall
Hastings (FL)	Matheson
Hastings (WA)	Matsui
Heinrich	McCarthy (CA)
Heller	McCarthy (NY)
Hensarling	McCaul
Herger	McClintock
Herseth Sandlin	McCollum
Higgins	McCotter
Hill	McDermott
Himes	McGovern
Hinche	McHenry
Hinojosa	McIntyre
Hirono	McKeon
Hodes	McMahon
Holden	McMorris
Holt	Rodgers
Honda	McNerney
Hoyer	Meek (FL)
Hunter	Meeks (NY)
Inglis	Melancon
Inslee	Mica
Israel	Michaud
Issa	Miller (FL)
Jackson (IL)	Miller (MI)
Jackson Lee	Miller (NC)
(TX)	Miller, Gary
Jenkins	Miller, George
Johnson (GA)	Minnick
Johnson (IL)	Mitchell
Johnson, E. B.	Mollohan
Johnson, Sam	Moran (KS)
Jones	Moran (VA)
Jordan (OH)	Murphy (CT)
Kagen	Murphy (NY)
Kanjorski	Murphy, Patrick
Kaptur	Murphy, Tim
Kennedy	Myrick
Kildee	Nadler (NY)
Kilpatrick (MI)	Napolitano
Kilroy	Neal (MA)
Kind	Neugebauer
King (IA)	Nunes
King (NY)	Nye
Kingston	Oberstar
Kirk	Obey
Kirkpatrick (AZ)	Olson
Kissell	Olver
Klein (FL)	Ortiz
Kline (MN)	Owens
Kosmas	Pallone
Kratovil	Pascarell
Kucinich	Pastor (AZ)
Lamborn	Paul
Lance	Paulsen
Langevin	Payne
Larsen (WA)	Pence
Larson (CT)	Perlmutter
Latham	Perriello
LaTourette	Peters
Latta	Peterson
Lee (CA)	Petri
Lee (NY)	Pingree (ME)
Levin	Pitts
Lewis (CA)	Platts
Lewis (GA)	Poe (TX)
Linder	Polis (CO)
Lipinski	Pomeroy
LoBiondo	Posey
Loeb	Price (NC)
Lofgren, Zoe	Putnam
Lowey	Quigley
Lucas	Radanovich
Luetkemeyer	Rahall
Lujan	Rangel
Lummis	Rehberg
Lungren, Daniel	Reichert
E.	Reyes
Lynch	Richardson
Mack	Rodriguez
Maffei	Roe (TN)
Maloney	Rogers (AL)
Manzullo	Rogers (KY)
Marchant	Rogers (MI)
Markey (CO)	Rohrabacher

NOT VOTING—20

Barrett (SC)	Gonzalez	Sánchez, Linda
Bilbray	Hoekstra	T.
Bishop (GA)	Moore (KS)	Scott (GA)
Campbell	Moore (WI)	Sherman
Davis (AL)	Price (GA)	
Gallegly	Ruppersberger	

Rooney	Terry	Wasserman
Ros-Lehtinen	Velázquez	Schultz
Roskam	Wamp	Young (AK)
Ross		
Rothman (NJ)		
Roybal-Allard		
Royce		
Rush		
Ryan (OH)		
Ryan (WI)		
Salazar		
Sanchez, Loretta		
Sarbanes		
Scalise		
Schakowsky		
Schauer		
Schiff		
Schmidt		
Schock		
Schrader		
Schwartz		
Scott (VA)		
Sensenbrenner		
Serrano		
Sessions		
Sestak		
Shadegg		
Shea-Porter		
Shimkus		
Shuler		
Shuster		
Simpson		
Sires		
Skelton		
Slaughter		
Smith (NE)		
Smith (NJ)		
Smith (TX)		
Smith (WA)		
Snyder		
Souder		
Space		
Speier		
Spratt		
Stark		
Stearns		
Stupak		
Sullivan		
Sutton		
Tanner		
Taylor		
Teague		
Thompson (CA)		
Thompson (MS)		
Thompson (PA)		
Thornberry		
Tiahrt		
Tiberi		
Tierney		
Titus		
Tonko		
Towns		
Tsongas		
Turner		
Upton		
Van Hollen		
Visclosky		
Walden		
Walsh		
Waters		
Watson		
Watt		
Waxman		
Weiner		
Welch		
Westmoreland		
Whitfield		
Wilson (OH)		
Wilson (SC)		
Wittman		
Wolf		
Woolsey		
Wu		
Yarmuth		
Young (FL)		

□ 1537

So (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Ms. MOORE of Wisconsin. Madam Speaker, on rollcall No. 199, had I been present, I would have voted "yes."

TAXPAYER ASSISTANCE ACT OF 2010

The SPEAKER pro tempore (Mrs. CAPPS). The unfinished business is the vote on the motion to suspend the rules and pass the bill, H.R. 4994, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Georgia (Mr. LEWIS) that the House suspend the rules and pass the bill, H.R. 4994, as amended.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 399, nays 9, not voting 21, as follows:

[Roll No. 200]

YEAS—399

Ackerman	Brown (SC)	Cummings
Aderholt	Brown, Corrine	Dahlkemper
Adler (NJ)	Brown-Waite,	Davis (CA)
Akin	Ginny	Davis (IL)
Alexander	Buchanan	Davis (KY)
Altmire	Burgess	Davis (TN)
Andrews	Burton (IN)	DeFazio
Arcuri	Butterfield	DeGette
Austria	Buyer	Delahunt
Baca	Calvert	DeLauro
Bachmann	Camp	Dent
Bachus	Cantor	Diaz-Balart, L.
Baird	Cao	Diaz-Balart, M.
Baldwin	Capito	Dicks
Barrow	Capps	Dingell
Bartlett	Capuano	Doggett
Barton (TX)	Cardoza	Donnelly (IN)
Bean	Carnahan	Doyle
Becerra	Carney	Dreier
Berkley	Carson (IN)	Driehaus
Berman	Carter	Edwards (MD)
Berry	Cassidy	Edwards (TX)
Biggert	Castle	Ehlers
Bilirakis	Castor (FL)	Ellison
Bishop (GA)	Chandler	Ellsworth
Bishop (NY)	Childers	Emerson
Bishop (UT)	Chu	Engel
Blackburn	Clarke	Eshoo
Blumenauer	Clay	Etheridge
Blunt	Cleaver	Fallin
Boccheri	Clyburn	Farr
Boehner	Coble	Fattah
Bonner	Coffman (CO)	Filner
Bono Mack	Cohen	Fleming
Boozman	Cole	Forbes
Boren	Conaway	Fortenberry
Boswell	Connolly (VA)	Foster
Boucher	Conyers	Foxx
Boustany	Cooper	Frank (MA)
Boyd	Costello	Franks (AZ)
Brady (PA)	Courtney	Frelinghuysen
Brady (TX)	Crenshaw	Fudge
Braley (IA)	Crowley	Garamendi
Bright	Cuellar	Garrett (NJ)
Broun (GA)	Culberson	Gerlach

Giffords Lungren, Daniel
 Gingrey (GA) E.
 Gohmert Lynch
 Goodlatte Mack
 Gordon (TN) Maffei
 Granger Maloney
 Graves Manzullo
 Grayson Marchant
 Green, Al Markey (CO)
 Green, Gene Markey (MA)
 Grijalva Marshall
 Guthrie Matheson
 Gutierrez Matsui
 Hall (NY) McCarthy (CA)
 Hall (TX) McCarthy (NY)
 Halvorson McCaul
 Hare McCollum
 Harman McCotter
 Harper McDermott
 Hastings (FL) McGovern
 Hastings (WA) McHenry
 Heinrich McIntyre
 Heller McKeon
 Hensarling McMahon
 Herger McMorris
 Herseth Sandlin Rodgers
 Higgins McNerney
 Hill Meek (FL)
 Himes Meeks (NY)
 Hinchey Melancon
 Hinojosa Mica
 Hirono Michaud
 Hodes Miller (FL)
 Holden Miller (MI)
 Holt Miller (NC)
 Honda Miller, Gary
 Hoyer Miller, George
 Hunter Minnick
 Inglis Mitchell
 Inslee Mollohan
 Israel Moore (KS)
 Issa Moore (WI)
 Jackson (IL) Moran (KS)
 Jackson Lee Moran (VA)
 (TX) Murphy (CT)
 Jenkins Murphy (NY)
 Johnson (GA) Murphy, Patrick
 Johnson, E. B. Murphy, Tim
 Johnson, Sam Myrick
 Jordan (OH) Nadler (NY)
 Kagen Napolitano
 Kanjorski Neal (MA)
 Kaptur Neugebauer
 Kennedy Nunes
 Kildee Nye
 Kilpatrick (MI) Oberstar
 Kilroy Obey
 Kind Olson
 King (IA) Oliver
 King (NY) Ortiz
 Kingston Owens
 Kirkpatrick (AZ) Pallone
 Kissell Pascarell
 Klein (FL) Pastor (AZ)
 Kline (MN) Paulsen
 Kosmas Payne
 Kratovil Pence
 Kucinich Perlmutter
 Lamborn Perriello
 Lance Peters
 Langevin Peterson
 Larsen (WA) Petri
 Larson (CT) Pingree (ME)
 Latham Pitts
 LaTourette Platts
 Latta Poe (TX)
 Lee (CA) Polis (CO)
 Lee (NY) Pomeroy
 Levin Posey
 Lewis (CA) Price (NC)
 Lewis (GA) Putnam
 Linder Quigley
 Lipinski Radanovich
 LoBiondo Rahall
 Loeb sack Rangel
 Lofgren, Zoe Rehberg
 Lowey Reichert
 Lucas Reyes
 Luetkemeyer Richardson
 Luján Rodriguez

NAYS—9

Chaffetz Johnson (IL)
 Duncan Lummis
 Flake McClintock

Roe (TN)
 Rogers (AL)
 Rogers (KY)
 Rogers (MI)
 Rohrabacher
 Rooney
 Ros-Lehtinen
 Roskam
 Ross
 Rothman (NJ)
 Roybal-Allard
 Rush
 Ryan (OH)
 Ryan (WI)
 Salazar
 Sanchez, Loretta
 Sarbanes
 Scalise
 Schakowsky
 Schauer
 Schiff
 Schmidt
 Schock
 Schrader
 Schwartz
 Scott (VA)
 Serrano
 Sessions
 Sestak
 Shadegg
 Shea-Porter
 Shimkus
 Shuler
 Shuster
 Simpson
 Sires
 Skelton
 Slaughter
 Smith (NE)
 Smith (NJ)
 Smith (TX)
 Smith (WA)
 Snyder
 Souder
 Space
 Speier
 Spratt
 Stark
 Stearns
 Stupak
 Sullivan
 Sutton
 Tanner
 Taylor
 Teague
 Thompson (CA)
 Thompson (MS)
 Thompson (PA)
 Thornberry
 Tiahrt
 Tiberi
 Tierney
 Titus
 Tonko
 Towns
 Tsongas
 Turner
 Upton
 Van Hollen
 Velázquez
 Visclosky
 Walden
 Walz
 Waters
 Watson
 Watt
 Waxman
 Weiner
 Westmoreland
 Whitfield
 Wilson (OH)
 Wilson (SC)
 Wittman
 Wolf
 Woolsey
 Wu
 Yarmuth
 Young (FL)

Barrett (SC)
 Bilbray
 Campbell
 Costa
 Davis (AL)
 Gallegly
 Gonzalez
 Griffith
 Hoekstra
 Jones
 Kirk
 Price (GA)
 Ruppenger
 Sánchez, Linda
 T.
 Scott (GA)
 Sherman
 Terry
 Wamp
 Wasserman
 Schultz
 Welch
 Young (AK)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members have 2 minutes remaining in this vote.

□ 1546

Messrs. CHAFFETZ and ROYCE changed their vote from “yea” to “nay.”

So (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. COSTA. Madam Speaker, on rollcall No. 200, I would have voted “aye.” Unfortunately I was unavoidably detained.

Mr. GRIFFITH. Madam Speaker, on rollcall No. 200, I was unavoidably detained. Had I been present, I would have voted “yes.”

MOMENT OF SILENCE IN REMEMBRANCE OF MEMBERS OF ARMED FORCES AND THEIR FAMILIES

The SPEAKER. The Chair would ask all present to rise for the purpose of a moment of silence.

The Chair asks that the House now observe a moment of silence in remembrance of our brave men and women in uniform who have given their lives in the service of our Nation in Iraq and Afghanistan and their families and all who serve in our Armed Forces and their families.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mrs. CAPPS). Without objection, 5-minute voting will continue.

There was no objection.

RADIO SPECTRUM INVENTORY ACT

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill, H.R. 3125, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Virginia (Mr. Boucher) that the House suspend the rules and pass the bill, H.R. 3125, as amended.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 394, nays 18, not voting 17, as follows:

[Roll No. 201]
YEAS—394

Ackerman
 Aderholt
 Adler (NJ)
 Alexander
 Altmire
 Andrews
 Arcuri
 Austria
 Baca
 Bachmann
 Bachus
 Baird
 Baldwin
 Barrow
 Bartlett
 Barton (TX)
 Bean
 Becerra
 Berkley
 Berman
 Berry
 Biggert
 Bilirakis
 Bishop (GA)
 Bishop (NY)
 Bishop (UT)
 Blackburn
 Blumenauer
 Blunt
 Boccheri
 Boehner
 Bonner
 Bono Mack
 Boozman
 Boren
 Boswell
 Boucher
 Boustany
 Boyd
 Brady (PA)
 Braley (IA)
 Bright
 Broun (GA)
 Brown (SC)
 Brown, Corrine
 Brown-Waite,
 Ginny
 Buchanan
 Burton (IN)
 Butterfield
 Buyer
 Calvert
 Camp
 Cantor
 Cao
 Capito
 Capps
 Capuano
 Cardoza
 Carnahan
 Carney
 Carson (IN)
 Carter
 Cassidy
 Castle
 Castor (FL)
 Chaffetz
 Chandler
 Childers
 Chu
 Clarke
 Clay
 Cleaver
 Clyburn
 Coble
 Coffman (CO)
 Cohen
 Cole
 Connolly (VA)
 Conyers
 Cooper
 Costa
 Costello
 Courtney
 Crenshaw
 Crowley
 Cuellar
 Cummings
 Dahlkemper
 Davis (CA)
 Davis (IL)
 Davis (KY)
 Davis (TN)
 DeFazio
 DeGette
 Delahunt
 DeLauro
 Dent
 Diaz-Balart, L.
 Diaz-Balart, M.
 Dicks
 Dingell
 Doggett
 Donnelly (IN)
 Doyle
 Dreier
 Driehaus
 Duncan
 Edwards (MD)
 Edwards (TX)
 Ehlers
 Ellison
 Ellsworth
 Emerson
 Engel
 Eshoo
 Etheridge
 Fallin
 Farr
 Fattah
 Filner
 Fleming
 Forbes
 Fortenberry
 Foster
 Frank (MA)
 Franks (AZ)
 Frelinghuysen
 Fudge
 Garamendi
 Garrett (NJ)
 Gerlach
 Giffords
 Gingrey (GA)
 Gohmert
 Goodlatte
 Gordon (TN)
 Granger
 Graves
 Grayson
 Green, Al
 Green, Gene
 Griffith
 Grijalva
 Guthrie
 Gutierrez
 Hall (NY)
 Hall (TX)
 Halvorson
 Hare
 Harman
 Harper
 Hastings (FL)
 Hastings (WA)
 Heinrich
 Heller
 Herger
 Herseth Sandlin
 Higgins
 Hill
 Himes
 Hinchey
 Hinojosa
 Hirono
 Hodes
 Holden
 Holt
 Honda
 Hoyer
 Hunter
 Inglis
 Inslee
 Israel
 Issa
 Jackson (IL)
 Jackson Lee
 (TX)
 Jenkins
 Johnson (GA)
 Johnson, E. B.
 Johnson, Sam
 Jordan (OH)
 Kagen
 Kanjorski
 Kaptur
 Kennedy
 Kildee
 Kilpatrick (MI)
 Kilroy
 Kind
 King (IA)
 King (NY)
 Kingston
 Kirkpatrick (AZ)
 Kissell
 Klein (FL)
 Kline (MN)
 Kosmas
 Kratovil
 Kucinich
 Lamborn
 Lance
 Langevin
 Larsen (WA)
 Larson (CT)
 Latham
 LaTourette
 Latta
 Lee (CA)
 Lee (NY)
 Levin
 Lewis (CA)
 Lewis (GA)
 Linder
 Lipinski
 LoBiondo
 Loeb sack
 Lofgren, Zoe
 Lowey
 Lucas
 Luetkemeyer
 Luján
 Kennedy
 Kildee
 Kilpatrick (MI)
 Kilroy
 Kind
 King (IA)
 King (NY)
 Kingston
 Kirk
 Kirkpatrick (AZ)
 Kissell
 Klein (FL)
 Kline (MN)
 Kosmas
 Kratovil
 Kucinich
 Lamborn
 Lance
 Langevin
 Larsen (WA)
 Larson (CT)
 Latham
 LaTourette
 Latta
 Lee (CA)
 Lee (NY)
 Levin
 Lewis (CA)
 Lewis (GA)
 Linder
 Lipinski
 LoBiondo
 Loeb sack
 Lofgren, Zoe
 Lowey
 Lucas
 Luetkemeyer
 Luján
 Kennedy
 Kildee
 Kilpatrick (MI)
 Kilroy
 Kind
 King (IA)
 King (NY)
 Kingston
 Kirk
 Kirkpatrick (AZ)
 Kissell
 Klein (FL)
 Kline (MN)
 Kosmas
 Kratovil
 Kucinich
 Lamborn
 Lance
 Langevin
 Larsen (WA)
 Larson (CT)
 Latham
 LaTourette
 Latta
 Lee (CA)
 Lee (NY)
 Levin
 Lewis (CA)
 Lewis (GA)
 Linder
 Lipinski
 LoBiondo
 Loeb sack
 Lofgren, Zoe
 Lowey
 Lucas
 Luetkemeyer
 Luján

Oliver	Roybal-Allard	Sullivan
Ortiz	Rush	Sutton
Owens	Ryan (OH)	Tanner
Pallone	Ryan (WI)	Taylor
Pascarell	Salazar	Teague
Pastor (AZ)	Sanchez, Loretta	Thompson (CA)
Paulsen	Sarbanes	Thompson (MS)
Payne	Scalise	Thompson (PA)
Pence	Schakowsky	Thornberry
Perlmutter	Schauer	Tiahrt
Perriello	Schiff	Tiberi
Peters	Schmitt	Tierney
Peterson	Schock	Titus
Petri	Schrader	Tonko
Pingree (ME)	Schwartz	Towns
Pitts	Scott (VA)	Tsongas
Platts	Serrano	Turner
Polis (CO)	Sessions	Upton
Pomeroy	Sestak	Van Hollen
Posey	Shadegg	Velázquez
Price (NC)	Shea-Porter	Visclosky
Putnam	Shimkus	Walden
Quigley	Shuler	Walz
Radanovich	Shuster	Waters
Rahall	Simpson	Watson
Rangel	Sires	Watt
Rehberg	Skelton	Waxman
Reichert	Slaughter	Weiner
Reyes	Smith (NE)	Welch
Richardson	Smith (NJ)	Westmoreland
Rodriguez	Smith (TX)	Whitfield
Roe (TN)	Smith (WA)	Wilson (OH)
Rogers (AL)	Snyder	Wilson (SC)
Rogers (KY)	Souder	Wittman
Rogers (MI)	Space	Wolf
Rohrabacher	Speier	Woolsey
Ros-Lehtinen	Spratt	Wu
Roskam	Stark	Yarmuth
Ross	Stearns	Young (FL)
Rothman (NJ)	Stupak	

NAYS—18

Akin	Fox	Neugebauer
Brady (TX)	Hensarling	Paul
Burgess	Johnson, Sam	Poe (TX)
Conaway	Mack	Rooney
Culberson	Marchant	Royce
Flake	Miller (FL)	Sensenbrenner

NOT VOTING—17

Barrett (SC)	Obey	Terry
Bilbray	Price (GA)	Wamp
Campbell	Ruppersberger	Wasserman
Davis (AL)	Sánchez, Linda	Schultz
Gallegly	T.	Young (AK)
Gonzalez	Scott (GA)	
Hoekstra	Sherman	

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining in this vote.

□ 1603

Mr. TIAHRT changed his vote from “nay” to “yea.”

So (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

RAISING A QUESTION OF THE PRIVILEGES OF THE HOUSE

Mr. BOEHNER. Madam Speaker, I have a privileged resolution at the desk and ask for its immediate consideration in the House.

The SPEAKER pro tempore (Ms. EDWARDS of Maryland). The Clerk will report the resolution.

The Clerk read as follows:

H. RES. 1249

Whereas, on March 4, 2010, the Committee on Standards of Official Conduct issued the

following public statement, “The Committee, pursuant to Rule 18(a), is investigating and gathering additional information concerning matters related to allegations involving Representative Massa”;

Whereas, on March 8, 2010, Representative Eric Massa resigned from the House;

Whereas, in the days following Representative Massa’s resignation, numerous confusing and conflicting media reports that House Democratic leaders knew about, and may have failed to handle appropriately, allegations that Rep. Massa was sexually harassing his own employees raised serious and legitimate questions about what Speaker Pelosi as well as other Democratic leaders and their respective staffs were told, and what those individuals did with the information in their possession;

Whereas, on March 11, 2010, the House of Representatives voted 402–1 to refer to the Standards Committee House Resolution 1164. The resolution would have directed the Committee on Standards of Official Conduct to “investigate fully, pursuant to clause 3(a)(2) of House Rule XI, which Democratic leaders and members of their respective staffs had knowledge prior to March 3, 2010 of the aforementioned allegations concerning Mr. Massa, and what actions each leader and staffer having any such knowledge took after learning of the allegations”;

Whereas, House Resolution 1164 also stated, “Within ten days following the adoption of this resolution, and pursuant to Committee on Standards of Official Conduct rule 19, the committee shall establish an investigative subcommittee in the aforementioned matter, or report to the House no later than the final day of that period the reasons for its failure to do so”;

Whereas, thirty-four days have passed since the House vote on the resolution that, had it passed, would have required the Standards Committee to create an investigative subcommittee. Nevertheless, during that time the committee has failed to establish an investigative subcommittee and has issued no public announcements indicating its intention to do so;

Whereas, during the past thirty-four days, numerous news reports have made public additional disturbing information about Mr. Massa’s actions and his staff’s attempts to bring their concerns about Mr. Massa’s conduct to the attention of Democratic leadership;

Whereas, the possibility that House Democratic leaders may have failed to immediately confront Rep. Massa about allegations of sexual harassment may have exposed employees and interns of Rep. Massa to continued harassment;

Whereas, as recently as this morning, the Washington Post published an article on its Web site and on page three of that newspaper headlined “Staffers’ Accounts Paint More Detailed, Troubling Picture of Massa’s Office”;

Whereas, the same Washington Post article also contained the following sub-headline: “Workers Felt Helpless”;

Whereas, in the wake of the aforementioned media accounts and a 402–1 vote by the House that should have signaled to the committee the seriousness of this matter, the continued failure by the Committee on Standards of Official Conduct to establish an investigative subcommittee has held the committee and the full House to public ridicule;

Whereas, clause one of rule XXIII of the Rules of the House of Representatives, titled “Code of Conduct,” states “A Member, Dele-

gate, Resident Commissioner, officer, or employee of the House shall conduct himself at all times in a manner that shall reflect creditably on the House”;

Whereas, the Committee on Standards of Official Conduct is charged under House Rules with enforcing the Code of Conduct;

Therefore, be it *Resolved*,

(1) The Committee on Standards of Official Conduct is directed to investigate fully, pursuant to clause 3(a)(2) of House Rule XI, which House Democratic leaders and members of their respective staffs had knowledge prior to March 3, 2010 of the aforementioned allegations concerning Mr. Massa, and what actions each leader and staffer having any such knowledge took after learning of the allegations;

(2) Within ten days following adoption of this resolution, and pursuant to Committee on Standards of Official Conduct rule 19, the committee shall establish an Investigative Subcommittee in the aforementioned matter, or report to the House no later than the final day of that period the reasons for its failure to do so;

(3) All Members, officers and staff are instructed to cooperate fully in the committee’s investigation and to preserve all records, electronic or otherwise, that may bear on the subject of this investigation;

(4) The Chief Administrative Officer shall immediately take all steps necessary to secure and prevent the alteration or deletion of any e-mails, text messages, voicemails and other electronic records resident on House equipment that have been sent or received by the Members and staff who are the subjects of the investigation authorized under this resolution until advised by the Committee on Standards of Official Conduct that it has no need of any portion of said records; and,

(5) The Committee shall issue a final report of its findings and recommendations in this matter no later than July 31, 2010.

The SPEAKER pro tempore. The resolution qualifies.

MOTION TO REFER THE RESOLUTION

Mr. MCGOVERN. Madam Speaker, I move that the resolution be referred to the Committee on Standards of Official Conduct.

The SPEAKER pro tempore. The gentleman from Massachusetts is recognized for 1 hour.

Mr. MCGOVERN. Madam Speaker, this is a matter that properly belongs before the Committee on Standards of Official Conduct.

I yield back the balance of my time, and I move the previous question on the motion.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the motion to refer.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. BOEHNER. Madam Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, this 15-minute vote on the motion to refer will be followed by a 5-minute vote on the motion to suspend the rules on House Resolution 1246.

The vote was taken by electronic device, and there were—ayes 235, noes 157,

answered “present” 17, not voting 20, as follows:

[Roll No. 202]

AYES—235

Ackerman	Green, Gene	Murphy, Patrick
Adler (NJ)	Grijalva	Nadler (NY)
Altmire	Gutierrez	Napolitano
Andrews	Hall (NY)	Neal (MA)
Arcuri	Halvorson	Nye
Baca	Hare	Oberstar
Baird	Harman	Obey
Baldwin	Hastings (FL)	Olver
Barrow	Heinrich	Ortiz
Bean	Herseht Sandlin	Owens
Becerra	Higgins	Pallone
Berkley	Hill	Pascarell
Berman	Himes	Pastor (AZ)
Berry	Hinchey	Payne
Bishop (GA)	Hinojosa	Perlmutter
Bishop (NY)	Hirono	Perriello
Blumenauer	Hodes	Peters
Bocieri	Holden	Peterson
Boren	Holt	Pingree (ME)
Boswell	Honda	Polis (CO)
Boucher	Hoyer	Pomeroy
Boyd	Inslee	Price (NC)
Brady (PA)	Israel	Rahall
Braley (IA)	Jackson (IL)	Rangel
Bright	Jackson Lee	Reyes
Brown, Corrine	(TX)	Richardson
Capps	Johnson (GA)	Rodriguez
Capuano	Johnson, E. B.	Ross
Cardoza	Kagen	Rothman (NJ)
Carnahan	Kanjorski	Roybal-Allard
Carney	Kaptur	Rush
Carson (IN)	Kennedy	Ryan (OH)
Childers	Kildee	Salazar
Chu	Kilpatrick (MI)	Sanchez, Loretta
Clarke	Kilroy	Sarbantes
Clay	Kind	Schakowsky
Cleaver	Kissell	Schauer
Clyburn	Klein (FL)	Schiff
Cohen	Kosmas	Schrader
Connolly (VA)	Kratovil	Schwartz
Conyers	Kucinich	Scott (VA)
Cooper	Langevin	Serrano
Costa	Larsen (WA)	Sestak
Costello	Larson (CT)	Shea-Porter
Courtney	Lee (CA)	Shuler
Crowley	Levin	Sires
Cuellar	Lewis (GA)	Skelton
Cummings	Lipinski	Slughter
Dahlkemper	Loeback	Smith (WA)
Davis (CA)	Lowey	Snyder
Davis (IL)	Lujan	Space
Davis (TN)	Maffei	Speier
DeFazio	Maloney	Spratt
DeGette	Markey (CO)	Stark
Delahunt	Markey (MA)	Stupak
DeLauro	Marshall	Sutton
Dicks	Matheson	Tanner
Dingell	Matsui	Taylor
Doggett	McCarthy (NY)	Teague
Donnelly (IN)	McCollum	Thompson (CA)
Doyle	McDermott	Thompson (MS)
Driehaus	McGovern	Tierney
Edwards (MD)	McIntyre	Titus
Edwards (TX)	McMahon	Tonko
Ellison	McNerney	Towns
Ellsworth	Meek (FL)	Tsongas
Engel	Meeks (NY)	Van Hollen
Eshoo	Melancon	Velázquez
Etheridge	Michaud	Visclosky
Farr	Miller (NC)	Waters
Fattah	Miller, George	Watson
Filner	Minnick	Watt
Foster	Mitchell	Waxman
Frank (MA)	Mollohan	Weiner
Fudge	Moore (KS)	Wilson (OH)
Garamendi	Moore (WI)	Woolsey
Giffords	Moran (VA)	Wu
Grayson	Murphy (CT)	Yarmuth
Green, Al	Murphy (NY)	

NOES—157

Aderholt	Bilirakis	Brown (GA)
Akin	Bishop (UT)	Brown (SC)
Alexander	Blackburn	Brown-Waite,
Austria	Blunt	Ginny
Bachmann	Boehner	Buchanan
Bachus	Bono Mack	Burgess
Bartlett	Boozman	Burton (IN)
Barton (TX)	Boustany	Buyer
Biggert	Brady (TX)	Calvert

Camp	Johnson, Sam	Platts
Cantor	Jones	Posey
Cao	Jordan (OH)	Putnam
Capito	King (IA)	Quigley
Carter	King (NY)	Rehberg
Cassidy	Kingston	Reichert
Castle	Kirk	Roe (TN)
Chaffetz	Kirkpatrick (AZ)	Rogers (AL)
Coble	Kline (MN)	Rogers (KY)
Coffman (CO)	Lamborn	Rogers (MI)
Cole	Lance	Rohrabacher
Crenshaw	LaTourette	Rooney
Culberson	Latta	Ros-Lehtinen
Davis (KY)	Lee (NY)	Roskam
Diaz-Balart, M.	Lewis (CA)	Royce
Dreier	Linder	Ryan (WI)
Duncan	LoBiondo	Scalise
Ehlers	Luetkemeyer	Schmidt
Emerson	Lummis	Schock
Fallin	Lungren, Daniel	Sensenbrenner
Flake	E.	Sessions
Fleming	Mack	Shadegg
Forbes	Manzullo	Shimkus
Fortenberry	Marchant	Shuster
Fox	McCarthy (CA)	Smith (NE)
Franks (AZ)	McClintock	Smith (NJ)
Frelinghuysen	McCotter	Smith (TX)
Garrett (NJ)	McHenry	Souder
Gerlach	McKeon	Stearns
Gingrey (GA)	McMorris	Sullivan
Gohmert	Rodgers	Thompson (PA)
Goodlatte	Mica	Thornberry
Granger	Miller (FL)	Tiahrt
Graves	Miller (MI)	Tiberi
Griffith	Miller, Gary	Turner
Guthrie	Moran (KS)	Upton
Hall (TX)	Murphy, Tim	Walz
Heller	Neugebauer	Westmoreland
Hensarling	Nunes	Whitfield
Herger	Olson	Wilson (SC)
Hunter	Paul	Wittman
Inglis	Paulsen	Wolf
Issa	Pence	Young (FL)
Jenkins	Petri	
Johnson (IL)	Pitts	

ANSWERED “PRESENT”—17

Bonner	Diaz-Balart, L.	Myrick
Butterfield	Harper	Poe (TX)
Castor (FL)	Hastings (WA)	Simpson
Chandler	Latham	Walden
Conaway	Lofgren, Zoe	Welch
Dent	McCaul	

NOT VOTING—20

Barrett (SC)	Lucas	Sherman
Bilbray	Lynch	Terry
Campbell	Price (GA)	Wamp
Davis (AL)	Radanovich	Wasserman
Gallegly	Ruppersberger	Schultz
Gonzalez	Sánchez, Linda	Young (AK)
Gordon (TN)	T.	
Hoekstra	Scott (GA)	

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining in this vote.

□ 1628

Mrs. KIRKPATRICK of Arizona and Mr. WALZ changed their vote from “aye” to “no.”

Mr. FATTAH changed his vote from “no” to “aye.”

So the motion was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated against:

Mr. LUCAS. Madam Speaker, on rollcall No. 202, I was unavoidably detained. Had I been present, I would have voted “no.”

MOURNING THE LOSS OF PRESIDENT OF POLAND AND OTHER MEMBERS OF THE POLISH DELEGATION

The SPEAKER. The Chair would ask all present to rise for the purpose of a moment of silence.

Mr. LIPINSKI. Madam Speaker, I ask unanimous consent to speak out of order.

The SPEAKER. Without objection, the gentleman from Illinois is recognized for 1 minute.

There was no objection.

Mr. LIPINSKI. We have all heard of the tragic events that occurred over the weekend in Russia where an official delegation from Poland, including President Lech Kaczynski, the First Lady, and 94 others, were killed in a plane crash.

This tragedy is made only more painful by the fact that they were traveling to commemorate the Katyn massacre, the 1940 murder of more than 20,000 Polish officers, intellectuals, and others by the Soviet secret police.

The citizens of the United States and Poland have a deep and long-lasting friendship based on mutual values and respect, and we are proud to call Poland a trusted and close ally.

Today we are joined by Polish Ambassador Robert Kupiecki and others from the Polish Embassy. As we mourn the loss of the President and other members of the Polish delegation, we extend our most solemn condolences to their families, the people of Poland, and those of Polish descent everywhere.

I now request that we observe a moment of silence to honor those who passed away in this tragic event.

MOMENT OF SILENCE

The SPEAKER. The Chair asks that the House now observe a moment of silence in solidarity with the people of Poland and in remembrance of those who lost their lives in that terrible tragedy.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. JACKSON of Illinois). Without objection, 5-minute voting will continue.

There was no objection.

EXPRESSING SYMPATHY TO THE PEOPLE OF POLAND

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution, H. Res. 1246, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Massachusetts (Mr. DELAHUNT) that the House suspend

the rules and agree to the resolution, H. Res. 1246.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 404, nays 0, not voting 26, as follows:

[Roll No. 203]

YEAS—404

Ackerman Courtney
Aderholt Crenshaw
Adler (NJ) Crowley
Akin Cuellar
Alexander Culberson
Altmire Cummings
Andrews Dahlkemper
Arcuri Davis (CA)
Austria Davis (IL)
Baca Davis (KY)
Bachmann Davis (TN)
Bachus DeFazio
Baird DeGette
Baldwin Delahunt
Barrow DeLauro
Bartlett Dent
Barton (TX) Diaz-Balart, L.
Bean Diaz-Balart, M.
Becerra Dicks
Berkley Dingell
Berman Doggett
Berry Donnelly (IN)
Biggart Doyle
Bilirakis Dreier
Bishop (GA) Driehaus
Bishop (NY) Duncan
Bishop (UT) Edwards (MD)
Blackburn Edwards (TX)
Blumenauer Ehlers
Blunt Ellison
Boccheri Ellsworth
Bonner Emerson
Bono Mack Engel
Boozman Eshoo
Boren Etheridge
Boswell Fallin
Boucher Farr
Boustany Fattah
Brady (PA) Filner
Brady (TX) Flake
Braley (IA) Fleming
Bright Forbes
Broun (GA) Fortenberry
Brown (SC) Foster
Brown, Corrine Foxx
Brown-Waite, Frank (MA)
Ginny Franks (AZ)
Buchanan Frelinghuysen
Burgess Garamendi
Burton (IN) Garrett (NJ)
Butterfield Gerlach
Buyer Giffords
Calvert Gingrey (GA)
Camp Gohmert
Cantor Goodlatte
Cao Gordon (TN)
Capito Granger
Capps Graves
Capuano Grayson
Cardoza Green, Al
Carnahan Green, Gene
Carney Grijalva
Carson (IN) Guthrie
Carter Gutierrez
Cassidy Hall (NY)
Castle Hall (TX)
Castor (FL) Halvorson
Chaffetz Hare
Chandler Harman
Childers Harper
Chu Hastings (FL)
Clarke Hastings (WA)
Clay Heinrich
Clever Heller
Clyburn Heller
Coble Hensarling
Coffman (CO) Herger
Cohen Herseth Sandlin
Cole Higgins
Conaway Hill
Connolly (VA) Himes
Conyers Hinchey
Cooper Hinojosa
Costa Hirono
Costello Hodes

Holden
Holt
Honda
Hoyer
Hunter
Inglis
Inslee
Israel
Issa
Jackson (IL)
Jackson Lee
(TX)
Jenkins
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Loeb sack
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Lujan
Lummis
Lungren, Daniel
E.
Mack
Maffei
Maloney
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCauley
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McIntyre
McKeon
McMahon

McMorris
Rodgers
McNerney
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Nunes
Nye
Oberstar
Obey
Olson
Oliver
Ortiz
Owens
Pallone
Pascarell
Pastor (AZ)
Paul
Paulsen
Payne
Pelosi
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (NC)
Putnam
Quigley
Rahall
Rangel
Rehberg
Reichert
Reyes
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schwartz
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shea-Porter
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tanner
Taylor
Teague
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Waters
Watson
Watt
Waxman
Weiner
Welch
Westmoreland
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (FL)

NOT VOTING—26

Barrett (SC) Johnson (GA)
Bilbray Lynch
Boehner Meek (FL)
Boyd Myrick
Campbell Price (GA)
Davis (AL) Radanovich
Gallegly Richardson
Gonzalez Ruppelberger
Griffith Sanchez, Linda
Hoekstra T.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Two minutes remain in this vote.

□ 1648

So (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 4715, CLEAN ESTUARIES ACT OF 2010, WAIVING REQUIREMENT OF CLAUSE 6(a) OF RULE XIII WITH RESPECT TO CONSIDERATION OF CERTAIN RESOLUTIONS, AND PROVIDING FOR CONSIDERATION OF MOTIONS TO SUSPEND THE RULES

Mr. MCGOVERN, from the Committee on Rules, submitted a privileged report (Rept. No. 111-463) on the resolution (H. Res. 1248) providing for consideration of the bill (H.R. 4715) to amend the Federal Water Pollution Control Act to reauthorize the National Estuary Program, and for other purposes, waiving a requirement of clause 6(a) of rule XIII with respect to consideration of certain resolutions reported from the Committee on Rules, and providing for consideration of motions to suspend the rules, which was referred to the House Calendar and ordered to be printed.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H. CON. RES. 49

Mr. BRADY of Pennsylvania. Mr. Speaker, I ask unanimous consent to remove my name as a cosponsor of H. Con. Res. 49.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1549

Ms. BERKLEY. Mr. Speaker, I ask unanimous consent to withdraw my cosponsorship from H.R. 1549.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Nevada?

There was no objection.

PERMISSION FOR MEMBER TO BE CONSIDERED AS FIRST SPONSOR OF H.R. 610

Mr. COHEN. Mr. Speaker, I ask unanimous consent that I may hereafter be considered to be the first sponsor of H.R. 610, a bill originally introduced by Representative Wexler of Florida, for the purposes of adding cosponsors and requesting reprintings pursuant to clause 7 of rule XII.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

NOTICE OF INTENTION TO OFFER RESOLUTION RAISING A QUESTION OF THE PRIVILEGES OF THE HOUSE

Mr. FLAKE. Mr. Speaker, pursuant to clause 2(a)(1) of rule IX, I hereby notify the House of my intention to offer

a resolution as a question of the privileges of the House.

The form of my resolution is as follows:

Whereas, the Committee on Standards of Official Conduct initiated an investigation into allegations related to earmarks and campaign contributions in the Spring of 2009.

Whereas, on December 2, 2009, reports and findings in seven separate matters involving the alleged connection between earmarks and campaign contributions were forwarded by the Office of Congressional Ethics to the Standards Committee.

Whereas, on February 26, 2010, the Standards Committee made public its report on the matter wherein the Committee found, though a widespread perception exists among corporations and lobbyists that campaign contributions provide a greater chance of obtaining earmarks, there was no evidence that Members or their staff considered contributions when requesting earmarks.

Whereas, the Committee indicated that, with respect to the matters forwarded by the Office of Congressional Ethics, neither the evidence cited in the OCE's findings nor the evidence in the record before the Standards Committee provided a substantial reason to believe that violations of applicable standards of conduct occurred.

Whereas, the Office of Congressional Ethics is prohibited from reviewing activities taking place prior to March of 2008 and lacks the authority to subpoena witnesses and documents.

Whereas, for example, the Office of Congressional Ethics noted that in some instances documents were redacted or specific information was not provided and that, in at least one instance, they had reason to believe a witness withheld information requested and did not identify what was being withheld.

Whereas, the Office of Congressional Ethics also noted that they were able to interview only six former employees of the PMA Group, with many former employees refusing to consent to interviews and the OCE unable to obtain evidence within PMA's possession.

Whereas, Roll Call noted that "the committee report was five pages long and included no documentation of any evidence collected or any interviews conducted by the committee, beyond a statement that the investigation 'included extensive document reviews and interviews with numerous witnesses.'" (Roll Call, March 8, 2010)

Whereas, it is unclear whether the Standards Committee included in their investigation any activities that occurred prior to 2008.

Whereas, it is unclear whether the Standards Committee interviewed any Members in the course of their investigation.

Whereas, it is unclear whether the Standards Committee, in the course of their investigation, initiated their own subpoenas or followed the Office of Congressional Ethics recommendations to issue subpoenas. Therefore be it:

Resolved, That not later than seven days after the adoption of this resolution, the Committee on Standards of Official Conduct shall report to the House of Representatives, with respect to the activities addressed in its report of February 26, 2010, (1) how many witnesses were interviewed, (2) how many, if any, subpoenas were issued in the course of their investigation, and (3) what documents were reviewed and their availability for public review.

The SPEAKER pro tempore. Under rule IX, a resolution offered from the

floor by a Member other than the majority leader or the minority leader as a question of the privileges of the House has immediate precedence only at a time designated by the Chair within 2 legislative days after the resolution is properly noticed.

Pending that designation, the form of the resolution noticed by the gentleman from Arizona will appear in the RECORD at this point.

The Chair will not at this point determine whether the resolution constitutes a question of privilege. That determination will be made at the time designated for consideration of the resolution.

TAX DAY

(Ms. CHU asked and was given permission to address the House for 1 minute.)

Ms. CHU. Mr. Speaker, Republicans want Americans to believe that they are the party of tax cuts. Sure, they are—tax cuts for the rich. In these tough times, their brand of tax relief wouldn't help Sue and John, working parents who are raising three kids and who are trying to make ends meet.

Yet this Congress knows that America's future can't be based on huge tax cuts for the wealthy. We have to give real tax relief to real working Americans, and that is just what we've done. We've done it for 95 percent of working families, saving them up to \$800 a year. We've done it by making it easier for young families to buy their first homes, saving up to \$8,000, and we've done it by making it easier for parents to save up to \$2,500 to pay for college. This Congress has passed 25 different tax cuts, saving American families over \$800 billion, and more relief is on the way.

The overheated rhetoric of the minority is not based on reality. By any measure, taxes are lower today than they were under their leadership.

RESPONSIBLE USE OF THE AMERICAN TAX DOLLAR

(Mrs. MILLER of Michigan asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. MILLER of Michigan. Mr. Speaker, every American must file their income taxes by midnight tomorrow, and they understand that the United States Congress determines how much of their hard-earned money is taken for Federal taxes and how it is spent.

Since the Democratic majority and the Obama administration have been in charge of taxing the American people, we've seen a massive increase in taxes of \$670 billion and counting. Here are just a few examples:

Taxes on American families and businesses that don't purchase govern-

ment-approved health care, taxes on medical devices, such as pacemakers and artificial limbs, taxes on businesses that provide pharmaceutical coverage for retirees, even taxes on those who go to tanning salons.

Yet, with all of these massive tax increases, the Democratic and Obama spending spree drove the Federal budget deficit to over \$1.4 trillion last year and has driven it to nearly \$1.6 trillion this year. To keep this spending spree going, they will be looking for even higher taxes. Just recently, one of the President's top economic advisers proposed a European-style value added tax that would hit every American, rich and poor.

Enough is enough. It is long past time that this Congress and this administration realized that we cannot tax and spend our way back to prosperity. How about a tax policy that we can believe in for a change? Let's get spending under control and reduce the tax burden on the American people.

NATION-BUILDING HERE AT HOME

(Mr. MCGOVERN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MCGOVERN. Mr. Speaker, after 8 long years, hundreds of billions of dollars of deficit spending and, most importantly, thousands of our brave soldiers killed or wounded, it is past time to reexamine our strategy in Afghanistan.

Instead of nation-building in Afghanistan, I believe we should be doing some more nation-building here at home. The American people deserve accountability in terms of how and when our troops will be returned to their families and in terms of how taxpayer dollars are being spent.

Today, Congressman WALTER JONES and I introduced legislation that would require the President to provide a plan and a timetable for drawing down our forces in Afghanistan and to identify any variables that could require changes to that timetable. I should note that the bill does not set a specific date for withdrawal. The bill would safeguard U.S. taxpayer dollars by ensuring all U.S. activity in Afghanistan be overseen by the Inspector General.

We must aggressively go after al Qaeda and its allies wherever they are, but I am not convinced that a long-term occupation of Afghanistan in support of a corrupt, incompetent government is in our best national security interests.

I urge my colleagues to join us in this effort.

NUCLEAR WEAPONS IN THE HANDS OF TERRORISTS

(Mr. KIRK asked and was given permission to address the House for 1 minute.)

Mr. KIRK. Mr. Speaker, two Middle Eastern newspapers reported today that Syria has transferred scud missiles to a terrorist group in Lebanon. This repeats actions by Iran and Syria in 2006 when they gave cruise missiles to Hezbollah. It shows that the Syrians and Iranians have no wish to control their arsenals. They will transfer any weapon they own to terrorist groups. These reports tell us two things:

First, the U.N. army that we sent to Lebanon in 2006 is an utter failure that makes no effort to stop the largest missiles from deploying next to their very own U.N. camps. Second, it shows that, once Iran makes nuclear weapons, it will transfer them to terrorists like Hezbollah and who knows who else.

THE IRANIAN NUCLEAR THREAT

(Ms. BERKLEY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. BERKLEY. Mr. Speaker, I rise today out of great concern about the Iranian nuclear threat. As dozens of foreign leaders meet here in Washington to stop the spread of nuclear weapons, I am deeply worried that we are allowing the greatest potential nuclear threat in the world to go unchecked. Iran has repeatedly threatened to wipe Israel off the map. They have threatened to destabilize the entire Middle East and, with that, the entire global community.

In his last visit to the United States, former Israeli Prime Minister Ariel Sharon said that a nuclear Iran "represents as great a threat to the United States, to Europe and to the entire Middle East as it does to Israel."

The rest of the world should not expect Israel to do its dirty work. I agreed with that then. I agree with it now.

If we want to avoid a nuclear Iran—and I believe we must—and if we want to ensure that Israel does not have to take matters into its own hands, we must immediately enact strong, effective economic sanctions that make it clear to Iran that we will not tolerate this pursuit of nuclear weapons. The alternative is simply unthinkable.

I look forward to passing a strong bipartisan/bicameral sanctions bill so that the President may sign this bill into law as soon as possible.

□ 1700

JOB LOSSES DUE TO HEALTH CARE BILL

(Mr. DANIEL E. LUNGREN of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, I just returned

from my district, where I had an interesting meeting with people representing one of my companies, that is one of the companies in my district that employs hundreds of people.

They told me that as a direct result of the passage of the health care bill and the reconciliation package they have laid off 75 people. Hundreds of jobs are in jeopardy. Why? Because they happen to work for a company called The Ed. Fund, a private sector firm that facilitated the availability of college, yes, loans. Thirty-one thousand people in this industry are in jeopardy of losing their jobs because we decided we needed to nationalize that industry.

It's not only the wrongheaded approach to the health care problem, it's an anti-stimulus, anti-job bill. Seventy-five jobs already lost in my district, hundreds in jeopardy, thousands across this Nation. Thank you very much, U.S. Congress.

SYMPATHY FOR THE PEOPLE OF POLAND

(Mr. TONKO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TONKO. Mr. Speaker, I rise to express my deepest sympathy to the people of Poland in the wake of last week's tragic plane crash and to express my support for the resolution by the gentle lady from Pennsylvania that we passed this afternoon.

Polish President Lech Kaczynski, along with his wife Maria, the First Lady, military chiefs, civil leaders from across the political spectrum, and senior religious clergy perished in Saturday's crash on their way to Katyn, Russia, to commemorate another great tragedy in Poland's history.

At a time when global and domestic strife dominate our consciousness, these leaders were traveling in a historic effort to heal the deep wounds of the Katyn massacre in Polish and Russian history. These were men and women who stood up to tyranny and helped shape their nation's democratic transformation, but this loss was not Poland's alone.

From the outpouring of support by our Nation's 9 million Americans of Polish descent, including those in New York's 21st Congressional District, and my very own family, to the President and First Lady's attendance at President Kaczynski's funeral this Sunday, America stands next to Poland in mourning. The solidarity of the Polish people in their grief and their quiet resolve to carry on is an inspiration to us all. My thoughts and prayers are with the families of those who were lost and all those that they have led.

RENEGOTIATE NAFTA TRUCKING PROVISION

(Mr. DEFAZIO asked and was given permission to address the House for 1 minute.)

Mr. DEFAZIO. The Obama administration has steadfastly refused to contest the improper and excessive tariffs of \$2.4 billion levied by Mexico because Congress terminated the cross-border trucking program due to serious safety concerns.

There is no drug testing in Mexico. There are no hours of service requirements in Mexico. There are no meaningful commercial driver's licenses issued in Mexico to know what the record of these drivers are. Congress overwhelmingly voted to terminate that program.

But it is rumored that next month when the President of Mexico comes to visit, the Obama administration is going to open the border full bore to Mexican trucks, jeopardizing the safety of the American public and jeopardizing millions of jobs in the trucking industry. They say they have no alternative, their hands are tied by NAFTA. Well, there is an alternative. And today I was joined in a letter to the President by 78 Members of Congress, bipartisan, saying renegotiate that one minor section of NAFTA that has triggered this dispute. Keep the current system.

The Mexican trucks bring the goods in 20 miles, they drop them, the U.S. trucks pick them up and distribute them in the U.S. No U.S. company wants to go into Mexico. And let's keep the Mexican companies out of the U.S.

HONORING LENORA "DOLL" CARTER

(Ms. JACKSON LEE of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JACKSON LEE of Texas. Mr. Speaker, it is not often that you come to the floor of the House with joy and with sadness. And it is with both that I stand to honor a fallen friend, Lenora "Doll" Carter, a champion of a woman, and of course someone who led in our community.

Doll Carter was the publisher of the Forward Times newspaper in Houston, Texas. She and her husband Julius founded that newspaper in 1960, reporting on all of the civil rights matters, the assassination of Dr. King, the 1964 Civil Rights Act, and 1965 Voting Rights Act. And then his untimely death in 1971 caused this young woman and young mother, the mother of Karen and Constance, to take up the helm of this great paper. This paper became the third most read newspaper in the southwest after two of our major papers in Houston, and this lady became the doll of all of us. Her name clearly was a name that we favored.

Lenora "Doll" Carter was born in Arizona. But as her good friend John Smith said, Doll was not only a friend toward the advancement of African American achievement, overall she personified distinctive grace, character, and style as a champion for the common good. She was also my friend. She passed away this past Saturday. We honor her, we salute her. She is a great hero of America.

Doll, we will miss you. May you rest in peace.

TAX BREAKS FOR MIDDLE CLASS AMERICANS

(Mr. BOCCIERI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BOCCIERI. Mr. Speaker, can you imagine that the Democratic leadership in the United States Congress has given the largest tax cut to middle class America? Well, that is certainly not the narrative that you hear out there on the television shows and some of the radio shows, but \$288 billion in tax cuts for individuals and small businesses delivered with the Recovery Act.

Nearly 40 percent of that tax package was tax relief to middle class families, like the Making Work Pay Tax Credit, \$400 for a worker, \$800 per couple. Two hundred sixty thousand families in the 16th District are already benefiting. Eight thousand dollar tax credit for first-time homebuyers. Sixty thousand people in Ohio filed, totaling some \$402 million in tax credits. Expansion of the child tax credit. Up to \$2,500 in tax savings for families sending their kids to college. Two hundred sixty-four thousand Ohioans are benefiting. Five billion dollars to help businesses. Fifteen billion dollars to allow companies to carry over their losses.

This serves as a reminder that the recovery package is the single largest tax cut for American middle class families. Remember this tax day who was standing with you.

TAXES AND THE ECONOMY

(Mr. BURTON of Indiana asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BURTON of Indiana. You know, Mr. Speaker, I get a big kick out of my Democrat colleagues talking about how they are doing so much for the poor and underprivileged in this country and giving all these tax cuts. The fact of the matter is the tax cuts that were passed by the previous administration are going to expire at the end of this year and the Democrats are going to let them expire, which means that in effect all those taxes are going to go up. That is a tax increase.

Mr. Volcker, who was in the Carter administration and raised interest

rates to 21½ percent that put this country into a real economic spiral, he is now saying that we are going to need a VAT tax, a value-added tax of about 15 to 20 percent, which they are going to probably try to push through after the election. And a VAT tax of 20 percent would mean if you buy a \$10,000 car it is going to cost you \$12,000 because you have a \$2,000 additional tax tacked on.

This is a tax and spend administration. We have the biggest deficits in the history of the United States. And when I hear my colleagues talking about all the good things they are doing for America, I wish they would look at the unemployment rate and look at what people are taking out of their salaries and what this country is going through economically. It ain't what they are saying.

THE START TREATY AND NUCLEAR POSTURE REVIEW

(Ms. LORETTA SANCHEZ of California asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. LORETTA SANCHEZ of California. Mr. Speaker, I am here to recognize the new START treaty that was recently signed by President Obama and the Russian President and the recently released 2010 Nuclear Posture Review.

I believe it is important to realize that the Cold War is over, and it is time to align our nuclear policy with the new generation of security threats. The biggest threat facing our country today is having nuclear materials fall into the hands of an organization called al Qaeda. History has shown that building our nuclear stockpile has not deterred al Qaeda and other actors from trying to gain nuclear capabilities.

What we do need to do is to take smart steps to prevent the spread of nuclear weapons to those enemies and secure vulnerable nuclear materials from those who want to get their hands on that to do us harm. I believe the new START treaty and the 2010 Nuclear Posture Review are important steps in the right direction.

It is also important to note that America still has a very robust nuclear arsenal, and that as we work towards a nuclear-free world we will not take any action that would put our security at risk. Our country will be more, not less secure from these new initiatives.

HONORING MIAMI CHILDREN'S MUSEUM ON THE OCCASION OF ITS 25TH ANNIVERSARY

(Ms. ROS-LEHTINEN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. ROS-LEHTINEN. Mr. Speaker, I rise to honor the Miami Children's Mu-

seum as it celebrates its 25th anniversary as an invaluable educational and cultural center in my district in South Florida. I would like to recognize the museum's stellar leadership team, including its chairman, Jeff Berkowitz, and its executive director, Deborah Spiegelman.

Since 1983, the Miami Children's Museum has fostered an environment for active learning and creative play for children of all ages. Thanks to the visionary leadership of Jeff and Deborah, as well as the dedication of the museum's staff and volunteers, the facility is now one of the 10 largest children's museums in the United States. The museum is also a leader in cutting-edge children's programming on topics such as environmental conservation, green technologies, and financial literacy.

As a grandmother, I know firsthand how important the Miami Children's Museum is for parents and educators seeking a safe and fun learning environment for their children. I wish much success to the Miami Children's Museum as it works toward the next 25 years of service to our South Florida community.

HOLOCAUST REMEMBRANCE DAY

(Ms. KAPTUR asked and was given permission to address the House for 1 minute.)

Ms. KAPTUR. Mr. Speaker, our country observed Yom HaShoah, or Holocaust Remembrance Day, this past Sunday, which recalls the global tragedy of state-sponsored systemic annihilation and persecution of European Jewry by Nazi Germany and its collaborators as well as millions more deaths of people who were of Roma extraction, the disabled, Slavic peoples, homosexuals, Jehovah's Witnesses, and potential dissidents.

I would like to include in the RECORD an article from the Toledo Blade in our district, a front-page story last Sunday entitled "Survivors Urge World to Never Forget Horror," which recounts the story of some of the heroic survivors in our district in Ohio.

In our country, 150,000 to 170,000 survivors remain today. The horror of the Holocaust has affected countless souls across this globe. Our district is home to persevering survivors like Mrs. Clara Rona, whose words I will place in the RECORD today, and so many others who never should have had to make this sacrifice, but she remains a woman of hope.

[From toledoblade.com, Apr. 11, 2010]

SURVIVORS URGE WORLD TO NEVER FORGET

(By Ryan E. Smith)

Living through the Holocaust was one thing. Remembering it is another.

Clara Rona still remembers the smell of human flesh being incinerated at Auschwitz, seeing smoke wafting through the air and knowing it was somebody's mother.

She won't allow herself to forget a moment—not the beatings, the hunger, or the

baby who was killed in a toilet in her presence. At age 89, the West Toledo woman still talks openly about the horrors of which humanity is capable.

And yet.
"I wish I had dementia," she says, pleading in her Hungarian accent. "I don't want to remember."

Between 150,000 and 170,000 survivors of the Holocaust probably remain in this country, according to the United States Holocaust Memorial Museum, and there are fewer than a dozen believed to live in the Toledo area. All face the same dilemma: How to balance the responsibility of being the last living threads to the systematic killing of 6 million Jews with the pain of memory.

Today is Yom HaShoah, or Holocaust Remembrance Day. Now and in the days to come people will gather at events to urge the world, "Never again! Never forget!"

But Rena Mann won't be among them.

The 83-year-old has never opened up to anyone—not her late husband nor her children—about what she endured in two concentration camps during World War II. Maybe it's because it hurts too much. Or maybe it's because she's afraid the world doesn't want to know.

"Do people care?" the Sylvania Township woman asked. "On the one hand I don't want it to be forgotten, and on the other hand I feel that people are really, in the future, not going to care."

PAIN AND SUFFERING

Born in Berlin, Mrs. Mann was 12 and living in Poland when the war began. After her mother died of blood poisoning and her stepfather was trapped in a newly formed ghetto, she was sent to stay with family in another town.

This was no death camp, but already the terror had begun. She remembers being awakened in the night and sent to the market to watch Jews being hanged. Their crime? Baking bread, which was forbidden.

"As an example they were hung, and we all had to watch it," Mrs. Mann said.

Before she turned 14, Mrs. Maim was sent away to a factory and forced into slave labor. It was hard work involving water and spools of flax that left her fingers and feet frostbitten.

Mostly what she remembers is the hunger. There was a bit of bread that was supposed to last three days and some potato soup at night that might not have any potato at all.

"We got, like we used to say, too much to die from and too little to exist," Mrs. Mann said.

Two years later she moved to another camp, where she slept in an abandoned factory with broken windows, no water or privacy, and vicious guards who would kick and push. A Polish song written by her girlfriends still resounds in her head. It concludes:

Who knows if I'll ever see / My mother's tender home. / This is a song of despair, / Of Jewish pain and suffering.

"That song is always with me and I don't want to take it with me to my grave," Mrs. Mann said.

She never talked about the four years she spent in camps before being liberated in 1945. No one really asked.

"I am actually a coward," she said. "It's true. Because I am pushing it away, or have been pushing it away."

Maybe now, though, after all these years, the pain is far enough behind her that she can let it out.

EYEWITNESSES

Mrs. Mann isn't alone in her hesitation, according to Arthur Berger, senior adviser at

the United States Holocaust Memorial Museum in Washington. But as survivors continue to die at a rapid rate, it becomes more and more crucial to record their stories—in print or on video but also in person, he said.

"Nothing compares to a real person telling you about their own lives," Mr. Berger said. "No one can replace the survivors. No one, can replace the eyewitnesses to history."

Rolf Hess, 75, of Holland was one of those eyewitnesses, but he never spoke of what happened during the war until last year when a granddaughter interviewed him for a school project about his experience as an immigrant.

"That sort of opened up a can of worms on my part," he said. "It has been in the past, and it still is, a very difficult thing."

The native of Germany was not even 5 years old when the Nazis invaded Poland in 1939. Yet he has vivid, emotional memories of being separated from his mother after they were taken to a camp and split up from his father.

"We were at a train station, just my mother and I," he said, voice cracking. "That I remember. And she gave me a little book that I still have with some pertinent information, with my birth date."

To this day he doesn't know what happened to his family. All he remembers is rummaging through garbage at a children's camp looking for food and being scared to death, even after escaping to America in 1942 with other children as a refugee.

"I can remember in Cleveland where I was out in the backyard and I heard an airplane and I scurried underneath a bench for protection," he said.

Only recently has he started investigating his own past to fill in the gaps of his memory.

"I finally have come to grips with the whole situation," he said.

'DYING IN SLOW MOTION'

For Dr. Aron Wajskol, 85, of West Toledo, the question has never been whether to share his horrible story—the way his starving father died in a ghetto, how his mother perished at the death camp Auschwitz, how he nearly succumbed to the bone-crushing work of concentration camps.

For him, the question was how. How do you make someone understand what it was like?

"It's like describing being on the moon," the retired anesthesiologist said. "Hearing about the facts and truly understanding the facts are different things."

The son of a textile factory worker in central Poland, Dr. Wajskol remembers the restrictions that went into effect within days of Germany invading his country. His father's job was taken away. His school was closed. Jews were forbidden from using public transportation and forced to wear Stars of David to distinguish them from non-Jews.

"Many families who could afford [to] fled Europe," Dr. Wajskol said. "Mine couldn't."

Within months, the city's Jewish population was forced out of its homes and squeezed into a tiny ghetto. It had no sewer system and little running water. People were dying in the streets of starvation—Dr. Wajskol calls it "dying in slow motion"—and corpses went unburied for days.

"Even in death it was suffering," said Dr. Wajskol, who was 17 at the time.

His father was among those wasting away, and he eventually died of tuberculosis.

All the while, Jew were rounded up and deported. At first for work, later for extermination. When Dr. Wajskol was taken to a labor camp in 1944, hauling around 110-pound

sacks of cement while surviving on bits of bread actually seemed like a reprieve.

"At least death wasn't surrounding us," Dr. Wajskol said. "We knew they needed us. We were productive for them."

To keep himself going, Dr. Wajskol imagined that there would be an end to all of this one day, that he could go back to school, that he would see his mother and sister again. His sister managed to survive but had to watch her mother be sent to the gas chamber.

This continued for 10 months until he was evacuated to the Buchenwald concentration camp due to the Soviet advance. After spending five days locked up in a crowded cattle car with no food or water, where he had no choice but to sit on a dead body, he was released to something even more frightening: SS guards with skulls on their caps, terrifying German shepherds, and the skeletal faces of the prisoners.

"It looked like a nightmare," he said.

Here he learned the pain of standing for hours in the penetrating cold of winter without socks or underwear. In a subcamp where his first job was to even out rocks for a steam roller, he came to understand the Nazi goal of "annihilation through work."

Before long, he was on the move again, this time on foot to escape the approaching Americans.

"This was a real, real death march," Dr. Wajskol said.

They marched through patches of snow from dawn until the evening, always under the watchful eye of the SS, who were ready to shoot the slow or weak. Still, Dr. Wajskol and a friend managed to escape, dashing into the forest and running until they were out of breath.

Dr. Wajskol will never forget how he felt once the war was over.

"Feeling free after 5½ years of slavery, playing with death constantly, I can't describe it with normal language," he said.

But he tries. He has told his story to high school students and traveled to his old home in Poland with his wife and son.

"In the beginning it was very hard to revive all these things," he said. "[But] I strongly believe that it's important to talk about it, make people aware of it, because of the enormity of what happened."

TRINITY OF TERROR

As director of the Ruth Fajerman Markowicz Holocaust Resource Center of Greater Toledo, Hindea Markowicz knows about the importance of preserving this history. As the daughter-in-law of Holocaust survivors, she feels it too.

"I have worries because history in the schools is being taught so differently," she said. "It's lucky if they have a paragraph included in the history books."

The resource center, housed in the offices of the United Jewish Council of Greater Toledo in Sylvania, on the other hand, features hundreds of books and other educational materials. There are videos of local survivors and a book written by her father-in-law, Philip Markowicz, called *My Three Lives*, which includes his experiences during the Holocaust.

It's one thing to read about these events in books, quite another to hear about them from someone in person. That's why Mr. Markowicz, 86, of Sylvania has told his tale and why Sylvania Township resident Al Negrin speaks to students in Florida, where he spends the winter.

"I talk because I want people to know what was going on, so they have a chance, if something happens again, to prevent it," said the 86-year-old from Greece.

Mr. Negrin—whose mother, brother, and sister went with him to Auschwitz but were immediately sent to the crematorium—recalls a trinity of terror: the German guard who stood threatening with a rifle butt, the civilian supervisor with a whip, and the fellow inmate in charge of the group armed with a stick.

"Everybody was yelling 'Arbeit! Arbeit! Work! Work! Work! If you stop for a while to take a breath, one of those three objects will come over your head.'"

It was not sustainable and his father eventually succumbed while moving to another camp. It was just a week before the group was liberated.

"My father was weak, could not walk. I tried to get him with my shoulders but the German guard said 'No, you can't do that because after a while then you'll be weak,'" Mr. Negrin said.

"I left him in the side of the street. I kissed him good-bye, and that's the last time I saw him."

'HE NEVER TALKS ABOUT IT'

Norman Gudelman, 78, went about sharing his story in another way. He wrote it down.

It took more than six decades and some prodding from his wife, but he finally took his suffering and made it tangible. The result is a sprawling letter to his children on the occasion of his 75th birthday. It covers everything from his youth in modern-day Moldova to his escape to Palestine after the war to his arrival in America.

Mr. Gudelman of Sylvania Township remembers being carefree as a youth, despite the anti-Semitism that was prevalent around him. His restaurant-owning parents shielded him from the world's hate, at least until the Soviets arrived in 1940, arresting and executing Jews and banishing others to Siberia.

When Romanian forces returned in 1941 with the Germans, things were no better.

"Romanian soldiers came to our house, and ordered all the Jews out," Mr. Gudelman wrote in his letter. "Start walking. Leave the home, the business, our possessions and go."

He was 10 years old then. Today, Mr. Gudelman is happy to talk about his experience during the war, but there's a sense he'd prefer to defer to his written statement than relive—yet again—what happened in too much detail.

"He never talks about it," said his wife, Fanny. "I don't ask questions. I want it [to] come from him."

When he does speak, Mr. Gudelman can tell you about how the group marched endlessly from one camp to another, begging for food when there was a chance to slip away. In the camps, they crowded into windowless rooms and slept on cement floors.

"They wanted to get rid of us," he said.

It worked. He and his sister were orphaned within a year or two.

That may be what saved them. When the Soviets returned and chased the German and Romanian armies out, orphans were sent to ghettos to stay with Jewish families, Mr. Gudelman said. From there, he eventually made his way to the future state of Israel. Thanks to a relative in Toledo, Mr. Gudelman ultimately came here and became president of State Paper & Metal Co., Inc.

He decided to write all this down for posterity, he said, because, "sooner or later I'm going to forget, or sooner or later I'm going to pass away."

His letter's message is simple: "Maybe in your lifetime you will read books about the unbelievable cruelty of those times. Believe them."

FINDING HOPE

Then there's Mrs. Rona, who insists on picking away at the scabs of the past.

"I want to remind myself," she said. "They say I'm a masochist—my friends, my psychologist."

Her reminiscences rarely come without a few tears, but maybe it's for the best.

"When I'm crying, really it's good for me," she said.

The only child of a butcher in Pecs, Hungary, Mrs. Rona wanted to be an art teacher, but those plans were scuttled when the Germans invaded. Her family was relocated from its large house, and at one point they were living in a stable. Later they were among those taken to Auschwitz, 80 people squeezed into each rail car.

Mrs. Rona was 23—tough, young, and strong—but also naive. All she brought was a change of clothes and a bottle of cologne, which she used to wash her mother when she fainted. Mrs. Rona still regrets that she never traded the latter for water despite her mother's pleas.

"I feel guilty," she said. "I cannot forgive myself."

It was night when they arrived and they were divided into two lines. Her mother and aunt went to the left—"straight to the gas," Mrs. Rona said. Her father was transferred to another concentration camp and later died.

Mrs. Rona divided her time between several camps and remembers it as a dazed experience.

"You think about food, but nothing else. You become like an animal," she said. "One spoon of soup means one day's survival."

"There was electric wire. Some people ran into it because they couldn't take it and they got killed," she continued.

Mrs. Rona, who found out after the war that she could not bear children, is certain that it is the result of her treatment during the war. None of the women in the camp menstruated, she said.

When one woman gave birth to a child in the camp, Mrs. Rona said she was forced to be present as it was put in a toilet by fellow prisoners. Otherwise, both the mother and baby would have been executed, she said.

When the camp was evacuated in April, 1945, as the end of the war approached, Mrs. Rona said she was in no shape for walking. Desperate, she and another woman hid in the rain under some bushes and simply waited for the group to head off before dawn.

When she finally made her way to safety in Prague, Mrs. Rona estimates that she weighed about 50 pounds. She went back home hoping to find her father, but he was gone forever—along with more than 50 other family members. Only three cousins survived.

"I was so angry," she said. "Still the anger, it's burned me."

Even as she left for Palestine and made her way to Toledo, where she worked with children at the Jewish Community Center of Greater Toledo, that anger never left.

How could it when there were mass killings in the former Yugoslavia? Rwanda? Darfur?

"I thought after, when we got freed, the world will be so beautiful. They'll learn," she said. "They didn't because it's repeating the same things somewhere else in a different way."

And yet.

Mrs. Rona still speaks, making public her private hell. She does this because 65 years after the Holocaust she still has something that can offset the pain:

Hope.

DO NOT CANCEL AMERICA'S MANNED SPACE PROGRAM

(Mr. CULBERSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CULBERSON. Mr. Speaker, the Democrat Congress and this President have presided over the biggest spending increases in American history, created more debt than any Congress in the history of the United States, and passed unprecedented tax increases, so it's not credible to claim they're cutting taxes.

And there's near unanimous opposition in this Congress to the President's proposal to cancel America's manned space program. What the President's proposing would be like privatizing the United States Navy.

Imagine if America had to call up a private contractor and ask if we could rent the aircraft carrier *Harry Truman* to go to the Red Sea for a week. That's what the President's proposing on the manned space program. That's why there's unanimous opposition.

And, Mr. Speaker, 27 astronauts and NASA leaders have joined together in a magnificent letter they published in the *Orlando Sentinel* on Sunday, that strongly urges the Congress to drop this misguided proposal that forces NASA out of human space operations for the foreseeable future. They said, Canceling NASA's human space operations, after 50 years of unparalleled achievement, makes America mediocre and will eliminate our leadership in space.

[From the *Orlando Sentinel*, Apr. 11, 2010]

DEAR PRESIDENT OBAMA: America is faced with the near-simultaneous ending of the Shuttle program and your recent budget proposal to cancel the Constellation program. This is wrong for our country for many reasons. We are very concerned about America ceding its hard earned global leadership in space technology to other nations. We are stunned that, in a time of economic crisis, this move will force as many as 30,000 irreplaceable engineers and managers out of the space industry. We see our human exploration program, one of the most inspirational tools to promote science, technology, engineering and math to our young people, being reduced to mediocrity. NASA's human space program has inspired awe and wonder in all ages by pursuing the American tradition of exploring the unknown.

We strongly urge you to drop this misguided proposal that forces NASA out of human space operations for the foreseeable future.

For those of us who have accepted the risk and dedicated a portion of our lives to the exploration of outer space, this is a terrible decision. Our experiences were made possible by the efforts of thousands who were similarly dedicated to the exploration of the last frontier. Success in this great national adventure was predicated on well defined programs, an unwavering national commitment, and an ambitious challenge. We understand there are risks involved in human space flight, but they are calculated risks for worthy goals, whose benefits greatly exceed those risks.

America's greatness lies in her people: she will always have men and women willing to ride rockets into the heavens. America's challenge is to match their bravery and acceptance of risk with specific plans and goals worthy of their commitment. NASA must continue at the frontiers of human space exploration in order to develop the technology and set the standards of excellence that will enable commercial space ventures to eventually succeed. Canceling NASA's human space operations, after 50 years of unparalleled achievement, makes that objective impossible.

One of the greatest fears of any generation is not leaving things better for the young people of the next. In the area of human space flight, we are about to realize that fear; your NASA budget proposal raises more questions about our future in space than it answers.

Too many men and women have worked too hard and sacrificed too much to achieve America's preeminence in space, only to see that effort needlessly thrown away. We urge you to demonstrate the vision and determination necessary to keep our nation at the forefront of human space exploration with ambitious goals and the proper resources to see them through. This is not the time to abandon the promise of the space frontier for a lack of will or an unwillingness to pay the price.

Sincerely, in hopes of continued American leadership in human space exploration.

Walter Cunningham, *Apollo 7*; Chris Kraft, *Past Director JSC*; Jack Lousma, *Skylab 3, STS3*; Vance Brand, *Apollo-Soyuz, STS-5, STS-41B, STS-35*; Bob Crippen, *STS-1, STS-7, STS-41C, STS-41G, Past Director KSC*; Michael D. Griffin, *Past NASA Administrator*; Ed Gibson, *Skylab 4*; Jim Kennedy, *Past Director KSC*; Alan Bean, *Apollo 12, Skylab 3*; Alfred M. Worden, *Apollo 15*; Scott Carpenter, *Mercury Astronaut*; Glynn Lunney, *Gemini-Apollo Flight Director*; Jim McDivitt, *Gemini 4, Apollo 9, Apollo Spacecraft Program Manager*; Gene Kranz, *Gemini-Apollo Flight Director, Past Director NASA Mission Ops.*; Joe Kerwin, *Skylab 2*; Fred Haise, *Apollo 13, Shuttle Landing Tests*; Gerald Carr, *Skylab 4*; Jim Lovell, *Gemini 7, Gemini 12, Apollo 8, Apollo 13*; Jake Garn, *STS-51D, U.S. Senator*; Charlie Duke, *Apollo 16*; Bruce McCandless, *STS-41B, STS-31*; Frank Borman, *Gemini 7, Apollo 8*; Paul Weitz, *Skylab 2, STS-6*; George Mueller, *Past Associate Administrator For Manned Space Flight*; Harrison Schmitt, *Apollo 17, U.S. Senator*; Gene Cernan, *Gemini 9, Apollo 10, Apollo 17*; Dick Gordon, *Gemini 11, Apollo 12*.

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. LUJÁN). Under the Speaker's announced policy of January 6, 2009, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

RECOGNIZING THE JAY I. KISLAK COLLECTION AND LECTURE SERIES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Ms. ROS-LEHTINEN) is recognized for 5 minutes.

Ms. ROS-LEHTINEN. Mr. Speaker, I rise tonight to acknowledge the contributions of a humanitarian and philanthropist from my area of South Florida, Mr. Jay Kislak. A Florida resident for over half a century, Jay is known to be one of the State's leading citizens, with an outstanding record of charitable projects and personal achievements.

Jay's involvement in our community has included leadership roles in organizations like the Florida Council of 100, the Florida Historical Society, the Historical Association of Southern Florida, Mortgage Bankers Association of America, the University of Miami, the Greater Miami Jewish Federation, Miami Dade's Arts in Public Places Trust, Mount Sinai Medical Center, and the American Red Cross, among so many others.

Jay's participation in our community is only matched by his involvement in the preservation of Florida's dynamic history. Over the years, and together with his wife Jean, Jay has collected countless rare books, maps, and art that capture the history and the culture of Florida, focusing especially on the early years of European exploration.

Jay's collection is certainly one of the most comprehensive in the Nation. In 2004, Jay made an extraordinary gift to our country. He donated more than 3,000 of these rare books, manuscripts, and other objects to our Library of Congress. Known as "Exploring the Early Americas", this collection is now on display in the library's historic Thomas Jefferson building right across the street from us.

□ 1715

This gift is one of the most significant gifts ever received by the Library of Congress.

To give a sense of the extent of this collection, let me just name a few of the major pieces:

A vast collection of Mayan cultural and religious works and carvings.

The first printed nautical map of the entire world, the Carta Marina from the year 1516.

A 1524 map on which Florida is first named.

Original documents signed by the famed explorers Cortes, Pizarro, and Las Casas.

From 1598, the first atlas to include Florida.

The journal of Cabeza de Vaca in which he narrates his wanderings across Florida and the Southeast after his shipwreck off the coast of the present-day St. Petersburg.

Also, the 1589 hand-colored engraving by Baptista Boazio of St. Augustine, Florida, the earliest engraving of any locality in the U.S.

Also, one of George Washington's personal journals from his time spent at Mount Vernon.

And letters from John Quincy Adams and James Monroe pertaining to the purchase of Florida and to the foreign policy of the United States.

Mr. Speaker, these are just some of the major items that are in Jay's impressive collection.

In support of this collection, the library now hosts an ongoing lecture series, program of exhibitions, research, and public education programs named after Jay Kislak. And this week the Jay Kislak Foundation held one of its annual lectures right here in Washington at the Library. The event included historian Jonathan Spence, one of the foremost experts on modern China and the Sterling Professor of History, Emeritus, at Yale University.

Jay's philanthropy continues to abound in its breadth and its scope. Through Jay's substantial contribution, countless generations will be able to view a window into our past as Americans and as Floridians.

Jay, thank you for all that you have done and will continue to do on behalf of our Nation and our home community. Thanks from a grateful Nation.

AFGHANISTAN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Ms. LEE) is recognized for 5 minutes.

Ms. LEE of California. Mr. Speaker, I join with several of my colleagues today as an original cosponsor in the introduction of H.R. 5015, legislation that would require the President to submit to Congress a plan and a timeline for the safe, orderly, and expeditious deployment of United States Armed Forces from Afghanistan, including military and security-related contractors.

This legislation would also implement greater oversight and planning measures to reduce our reliance on contractors in Afghanistan and to curb waste, fraud, and abuse in contracting practices which continues to breed corruption at the expense of the Afghan people.

I would like to thank Representatives MCGOVERN, JONES, and Senator FEINGOLD for their leadership and for their hard work and collaboration on this very vital legislation.

Also, I would like to commend Congresswoman WOOLSEY for her stand and her work for global peace and security. Tonight I understand is her 350th time coming to this floor sounding the alarm against these wars, and I would just like to congratulate her for her steadfastness. She actually introduced the very first resolution calling for the redeployment of our young men and women out of Iraq.

It has been nearly a decade now since I voted against the authorization for the use of force, and this was on September 14, 2001. This was an authorization, mind you, that I knew then was a

blank check to wage war anytime, anywhere, and for any length. That was a resolution that really authorized wars without end. H.R. 5015 provides the President and the Congress the opportunity now to change the trajectory of United States foreign policy from one of open-ended military conflict towards a strategy which counters terrorism and extremism around the globe in a sustainable and more effective manner.

I continue to believe United States economic and national security as well as our values are undermined by a military first strategy that many of us fear may lead us down a path of unending war in Afghanistan.

In September, 2009, General McChrystal stated very clearly, "If the people are against us, we cannot be successful. If the people view us as occupiers and the enemy, we can't be successful."

Top military officials and experts agree that winning the hearts and minds of the Afghan people should be the focal point of the United States mission in Afghanistan. Yet I remain convinced that this will not be accomplished at the barrel of a gun. With every death, with each increase in troop deployment, and with every additional military contractor airlifted into Afghanistan, we provide a rallying point for al Qaeda, whose propaganda depends on the perception that America's aim is foreign occupation.

It is our stated policy, and President Obama has said this many times, the United States does not seek a permanent military presence in Afghanistan, Pakistan, Yemen, Somalia, or elsewhere. We have already sent more than \$1 trillion to the Pentagon for the ongoing wars in Afghanistan and Iraq, and the administration has yet to provide an estimate for the long-term costs of the United States military operations in Afghanistan.

It has been estimated that roughly one-third, mind you, one-third of every tax dollar paid by the American people in 2009 went to the Pentagon and military related expenditures. The fact is we cannot even begin to talk about reducing the budget deficit without talking about reducing our military spending, and this legislation sets us down that path by ending a policy of open-ended war in Afghanistan that has ultimately made America less safe.

I have been clear in my conviction that the situation in Afghanistan will not be resolved with a military solution, and I think many agree with that. That's why last October I introduced H.R. 3699, which would prohibit any funding for increasing troop levels in Afghanistan beyond current levels.

As a member of the Appropriations Committee and as Congress considers the President's \$33 billion supplemental funding request for operations in Iraq, Afghanistan, and Pakistan, I will be working to ensure that Con-

gress is provided an opportunity to go on record regarding this grim prospect, mind you, of continued military escalation. Rather than increasing our military footprint in Afghanistan, setting a timeline for the redeployment of our troops and military contractors is the single greatest step we can take to empower the Afghan people and their government while stripping al Qaeda of our indefinite foreign military presence used to justify the insurgency and the acts of international terrorism.

So I hope we pass this legislation. It puts us on the right path to getting out of Afghanistan and to ensuring our national security.

SPENDING SINCE TARP

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. BURTON) is recognized for 5 minutes.

Mr. BURTON of Indiana. I was in my office today, Mr. Speaker, and I was watching the Joint Economic Committee. And one of my colleagues on the other side of the aisle was talking about how one of his companies had 300 employees that were in entry level positions and they were getting minimum wage and the employer was telling him how they were going to have to lay a lot of them off because of the inability of them to get loans and for other reasons.

The reason I came down to talk about this is because there is no question that if we have a tight money policy that it's going to affect small businesses. In addition to that, when we load additional regulations and costs onto small businesses, it's going to cause them problems and they are going to have to lay people off.

I was reading in the paper this week the new health care bill is going to cost AT&T \$1 billion. They are going to have to take that out of their bottom line. It's going to cost the John Deere & Company \$150 million; Caterpillar, \$100 million; Minnesota Mining and Manufacturing, \$90 million; AK Steel, \$31 million; Valero Energy, \$20 million. All of these companies are going to pay for that, and they are either going to have to take it out of their profits or they are going to have to take it out of the hides of their employees by letting some of them go or they will have to send some of their operations offshore.

As long as we have more government and more government programs, it's going to cost jobs. Because somebody has to pay for those. The money doesn't come out of the sky. So if an employer gets a regulation that costs him money, if an employer is taxed and it's going to cost him money, then he has to find someplace to get that money in order to have a bottom-line profit, unless you believe the government should run everything and we should have socialism in this country

or a socialized economy. And some people think that's where we are headed, and I think that is very unfortunate.

But let's just take a look at some of the things that the administration has done since they have taken office that have been a burden to small business and has cost us jobs.

Incidentally, I would just like to say that all the great programs and plans that the Obama administration had was supposed to keep unemployment below 8 percent, and it's still around 9½ to 10 percent and there is no indication it is going to go down.

But, anyhow, the Economic Stabilization Act, which part of it was this year and part of it was last year, in 2008, so we can't blame all of that on Obama, but the TARP bailout was \$700 billion.

And then in January we had \$73.3 billion in the State Children's Health Insurance reauthorization, a worthy program, but it costs a lot of money.

The stimulus bill was \$1.16 trillion when you add in the interest, money we don't have.

In February, we had the omnibus spending bill, which was \$625 billion when you add in interest.

In June, \$105.9 billion in the supplemental.

Last year we had the consolidated appropriations mini omnibus bill of \$3.55 trillion, again money we don't have.

And then in March of this year, we had the health care bill, which was estimated to cost, if you talk about 10 years of taxes and 10 years of coverage, about \$3 trillion or \$2.5 to \$3 trillion.

You load all this on the back of small business, and there's no way that you can continue to keep everybody employed. You're going to tax them.

Mr. WAXMAN, the chairman of the Commerce Committee, is bringing before his committee the CEOs of AT&T, Deere & Company, Caterpillar, because he says they really shouldn't be telling people these things because these aren't accurate figures. Well, they are accurate figures: the \$1 billion it is going to cost AT&T, the \$150 million it is going to cost John Deere & Company, the \$100 million it is going to cost Caterpillar, and on and on. They have to report that by law, and because they have reported it, Mr. WAXMAN wants them to come before the committee to try to make them look like they are blowing these figures up. The fact of the matter is business and industry in this country is suffering and because of that we're going to see more unemployment.

Now, you add to that by the end of this year the tax cuts that were put in by the previous administration are going to expire, and the President has said he's going to let them expire, which means those tax cuts are not going to be there. So that again will, in effect, be a tax increase. And then you

add to that Mr. Volker, as I said in my previous 1 minute, is talking about a value-added tax of about 15 to 20 percent. That's going to be a terrible thing for the economy and for jobs.

So I would like to say to my colleagues, if you want to create jobs, cut taxes and cut spending. That's the answer. And cut government regulation.

FOR THE 350TH TIME . . . BRING OUR TROOPS HOME

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Ms. WOOLSEY) is recognized for 5 minutes.

Ms. WOOLSEY. Mr. Speaker, on April 20, 2004, I rose in this Chamber to say that we needed a new approach to national security. To say for the very first time before any other Member of Congress was brave enough to say it that it was time to bring our troops home from Iraq.

□ 1730

I have continued to speak out almost every night that the House is in session, but I never imagined that almost 6 years later I would be here to talk about Iraq and about Afghanistan for the 350th time. But that's what I'm doing today, and it's because our service men and women are still in harm's way in both Iraq and Afghanistan on missions that violate core American values and undermine American security.

We have come a long way in building a movement across this country that opposes these military conflicts, but still our leaders stubbornly cling to a disastrous policy.

What we're doing in Iraq and Afghanistan is disgraceful. It is a stain on our Nation. It will someday be remembered as a shameful episode in American history.

Seven years ago, Mr. Speaker, in fact it was 7 years ago this week, Baghdad fell. Remember? That was the moment when Iraqis were supposed to throw flowers and weep with gratitude that we had invaded their country.

But how did Iraqis recognize the sixth anniversary of their so-called liberation? With massive, colorful protests against the continued presence of American troops; protests that brought Shia and Sunni together; protests organized around the very idea that national unity against the U.S. occupation is stronger than Iraqi sectarian divides that are centuries old; protests that included the trampling of American flags; protests, in one case at least, that featured the burning in effigy of President Obama and Vice President BIDEN.

Meanwhile, one of the big developments out of Afghanistan this week is the death of several civilian bus passengers at the hands of American gunfire near Kandahar. This tragedy comes

at the very moment and in the very region where U.S. forces are prepared to launch a major offensive. The push to defeat militants in Kandahar will require strong support from the civilian population, but instead, this incident has people taking to the streets shouting "Death to America" and "Death to Infidels."

Seven years in Iraq, 8½ years in Afghanistan, and we still haven't figured out that we can't win people's affection, loyalty, and trust by waging war on their country. To truly capture their hearts and minds and also to defeat terrorism and make America safer, we need a smart security approach. That means empowering Iraqis and Afghans with civilian support and humanitarian aid, with programs to alleviate poverty, build schools, promote public health and so very much more.

The current approach is alienating the populations we're trying to win over and emboldening the very insurgents we're trying to destroy. How much longer will this go on?

There are American teenagers with no memory of their country not at war. We've already lost nearly 5,500 Americans to these conflicts. Thousands and thousands more have come home wounded, disabled, or suffering from the devastating effects of posttraumatic stress syndrome.

And as we all prepare to pay our taxes tomorrow, let's remember that every American is making a financial sacrifice for this folly. In just the time it's taken me to give this speech, we've racked up about \$1 million in costs for the wars in Iraq and Afghanistan.

As long as this tragic and unnecessary war continues in both of these areas, I will continue to come to the floor of the House to state my firm opposition. I will not stop until our troops are brought safely home. I suppose I'll be giving my 351st speech tomorrow.

THE AMERICAN PEOPLE NEED RELIEF

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Kansas (Mr. MORAN) is recognized for 5 minutes.

Mr. MORAN of Kansas. Mr. Speaker, in these final hours of this year's tax season, Americans are finishing up their tax returns. For a majority of these taxpayers, it's painfully clear that our Nation's tax system is deeply flawed and in need of significant reform.

American workers are asked to work for 3 full months to fulfill their yearly Federal, State, and local tax obligations. This is unacceptable. To require already stressed family budgets to forfeit at least a quarter of their income to prop up expanding bureaucracy and increasing Federal employment is just wrong.

We are taught at a young age to work hard and that we will reap the benefits of hard work. Americans have witnessed that government is claiming more and more of those hard-earned benefits from the fruits of our labors.

Instead of searching for a way to provide relief to American households, some officials within the administration have proposed new taxes that will further burden small businesses and consumers. The European-style value-added tax would levy a tax at each stage of manufacturing, thereby increasing the cost of the finished product. This is damaging not only to the consumer, but also to many industries involved in manufacturing production.

I'm a member of the Anti-VAT Caucus. I recognize the dangers of imposing this new tax upon the American economy, and I've joined over a dozen of my colleagues in working to educate Members of Congress on the problems posed by establishing a whole new series of taxes.

Instead of adding new taxes, Congress should be focused on reforming the current tax structure. I've called upon the new chairman of the House Ways and Means Committee, the gentleman from Michigan (Mr. LEVIN), to schedule hearings on Tax Code simplification. The FairTax proposal was one of those ideas that I've asked his committee to consider. The FairTax can start the conversation on tax reform, and I encourage my colleagues who are serious about having this discussion to join me in contacting the chairman.

People across the country are demanding that Congress listen to their concerns and find a more equitable and less burdensome way of paying taxes. I share their frustration and have called upon my colleagues in Congress to put the politics aside and provide tax relief and reform for this country.

Americans have made it known that they are in need of serious tax reform. Through increased spending and budget deficits, Congress has awakened an American majority dedicated to government reform. Members of Congress have an obligation to be responsive to our people's needs. As the American people gather this week to make their voices heard, Congress must listen. These gatherings are occurring all over our country and here on Capitol Hill.

In my home State of Kansas, these engaged citizens will be meeting in Mound City this evening; Kansas City, Hutchinson, Salina, Manhattan, Wamego, and Wichita tomorrow; and Ottawa and Emporia will have meetings on Saturday. While these gatherings are occurring, millions of other Americans unable to attend will join in spirit to protest the expansion of government in our daily lives.

As we approach the end of tax season, Congress must remember the sacrifices made by each American household. While this is the end of tax season, the

rest of the year should be deemed the season of tax reform. The American people need relief, and Congress should respond. Jobs today and the health of the U.S. economy tomorrow demand our action.

HONORING THE LIFE OF CLEVELAND HEIGHTS POLICE OFFICER THOMAS PATTON II

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Ms. SUTTON) is recognized for 5 minutes.

Ms. SUTTON. Mr. Speaker, I rise today to honor the life and service of Cleveland Heights Police Officer Thomas Patton II.

On March 13, Officer Patton was on patrol when he began chasing down a suspect. Tragically, he collapsed during the chase and died shortly after the incident. He was only 30 years old.

Officer Patton was the only son of my friend and our community leader, Ohio State Senator Tom Patton, and his late wife, Evelyn.

Officer Patton leaves behind a loving fiancée, Tricia, and beautiful 8-month-old daughter, Kayleigh Evelyn. Thomas meant the world to his family and was even nicknamed "Precious" by his five sisters.

It was without question what career path Thomas would take. He came from a family with a strong tradition of police officers that began with his grandfather, who joined the Cleveland Police Department in 1946. As a child, he would dress up in old police uniforms and dream of what it might be like to be a patrolman.

Thomas grew up in Strongsville, Ohio, in the heart of the 13th Congressional District, and he attended Holy Name School.

He saw the dedication and commitment that his grandfather and uncle made as police officers and decided to take that step for himself. He knew the challenges and risks, and he fully embraced the spirit of the job. He loved the excitement of working nights. He loved serving others, and he died doing what he loved. He died serving and protecting the rest of us.

Officers from nearby communities gathered outside his hospital the night he died, and many more at his memorial service. The sea of blue uniforms was a testament to the fraternal brotherhood of police that he embraced.

His spirit and dedication to his community will be sorely missed, but his service and sacrifice will never be forgotten. He will live on as a hero to his family, to Ohio, and the Nation.

TRICARE DEPENDENT COVERAGE EXTENSION ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Mexico (Mr. HEINRICH) is recognized for 5 minutes.

Mr. HEINRICH. Mr. Speaker, our brave men and women in uniform sacrifice so much for our Nation, and it is our duty to keep our promise that they have the benefits that they deserve and have earned through their service.

I know that many are familiar with the sentiment that a veteran, whether active duty, retired National Guard, Reserve, is someone who at one point in his or her life wrote a blank check made payable to the United States of America for an amount of up to and including their life.

We all know that the families of our men and women in uniform share the burden of this service to our Nation. To ease this burden, I introduced H.R. 4923, the TRICARE Dependent Coverage Extension Act.

H.R. 4923 would ensure that our Nation's troops and military retirees are able to provide health coverage to their dependent children up to the age of 26. This is one of the most popular provisions in the Patient Protection and Affordable Care Act, the health insurance overhaul that Congress passed and that President Obama signed into law last month.

However, health insurance for our Nation's military servicemembers, retirees, and their families is under the control of the U.S. Department of Defense, so this benefit for dependent children was not extended to military families.

Contrary to some misinformation we've heard, TRICARE was not altered, changed, modified in any way by the Patient Protection and Affordable Care Act. The good news is that H.R. 4923 would now provide dependent children of military families with the same benefits given to civilian children. Specifically, this bill would amend Title 10 to change the maximum age of coverage for children from 23 to 26, and it would take effect October 1 of this year.

Currently, in order for dependent children to remain in the TRICARE system, they need to be attending college full time and only up to the age of 23. However, the new policy in H.R. 4923 would allow all dependent children to be covered until age 26, whether or not they're full-time students.

I'm proud to tell you that that bill is supported by a growing number of veterans' service organizations, including the Military Officers Association of America, the National Guard Association of the United States, and the Air Force Association.

Mr. Speaker, allowing parents to provide health coverage to their dependent children is just one way we can show our military families how much we appreciate them. With each individual who generously dedicates their life to military service, there is a significant impact on those closest to them. We know this especially well in New Mexico where we have a long and proud tradition of military service.

Each time a soldier leaves home, they leave behind caring husbands and wives, loving sons and daughters, worried parents and whole communities that remain concerned for their safety. Our military families stand behind our troops and lift them up. They make significant sacrifices just like our servicemembers do.

Let's honor their service to our Nation by ensuring that their health coverage meets the same standard that we have set for the rest of America and nothing less.

Mr. Speaker, I urge all of my colleagues to cosponsor this important legislation.

□ 1745

ISRAEL AND PALESTINE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. MCMAHON) is recognized for 5 minutes.

Mr. MCMAHON. Mr. Speaker, my colleagues, I rise this afternoon to speak to a very alarming and disconcerting issue that continues to grow unchecked around the world, and that is the debilitating and negative effects that the Islamic Republic of Iran is having around the world.

Mr. Speaker, as we all know, we are very concerned about peace in the Middle East, and we know that it's very important that our great friend and ally, Israel, continue in negotiations with the Palestinians to come to a resolution of the issues that exist there. However, I believe we cannot expect success to come there unless we look at the role that Iran is playing on that issue and so many other dangerous issues around the world. It is acting in a way that is against the interest in our great ally Israel and our allies around the world and our Nation as well.

Mr. Speaker, indeed the Palestinian negotiations in Iran are very much linked, but not in the way that those who want to pressure Israel would argue. The connection between these two critical foreign policy issues stems from Iran's perceived veto power over the ability of Israelis and Palestinians to come to terms.

Acting as Iran's proxies, Hezbollah and Hamas are used to destabilize the region by engaging in hostile military activities or significant acts of terror at the will of the Islamic Republic. Furthermore, an environment conducive to peace is disrupted by the increased weaponization of the region. Already huge numbers of rockets have been illegally shipped to Hezbollah by Iran in violation of Security Council Resolution 1701. Likewise, arms and ammunition have been smuggled into Gaza and to Hamas through similar routes.

Thus, for those who want peace between Israel and the Palestinians, Iran

must be brought under control. But it isn't just in the Palestinian Authority where Iran is making trouble. Iran is training and funding actors hostile to the United States in Afghanistan and Iraq and also providing lethal munitions such as materials used in the IEDs to kill and maim our troops and allies. Examples of civil unrest throughout Iraq, northeastern Saudi Arabia, and even Bosnia have also been tied to the Quds force which conducts overseas operations for Iran's Islamic Revolutionary Guard Corps.

And we must not ignore Syria's partnership with Iran either. Syria is a client of Iran and together with Hezbollah—an Iranian-controlled entity—in neighboring Lebanon, Lebanese Christians and moderate Muslims fear raising their voices against the Syrian hegemony over Lebanon, reversing the gains made in the Cedar Revolution that resulted in the end of the Syrian occupation of Lebanon.

Unfortunately, Iran's tentacles extend across continents and into our Western Hemisphere as well. Iran has entered into a strategic alliance with Venezuela, opening the path for Hugo Chavez to further his anti-U.S. activities in South America. And even more concerning, Venezuela is helping Iran circumvent the Security Council's economic sanctions and is also suspected of providing Tehran with uranium.

Finally, as smaller Arab states in the gulf witness the rise in Iranian power, a power which will be confirmed once it reaches the nuclear threshold, they too will follow this path and attempt to forge an alliance with this new regional superpower.

For this reason, Mr. Speaker, it is crucial that Congress move swiftly with the administration towards curtailing Iran's nuclear ambitions. Decades of inaction have allowed Iran's influence to sweep across the globe. We cannot allow Iran to move further as its influence creeps through our own hemisphere.

Back in the 1930s as the power of Nazi Germany grew, people like Winston Churchill sounded the alarm. But all too often that alarm was ignored.

The alarm is being sounded here in this Chamber and is being sounded across the world. We must act to stop the insidious influence of Iran around the world, and we must do it on every front. The time to act is now. And the way to act is, as I urge my colleagues, that we move swiftly to complete the passage of the Iran Refined Petroleum Sanctions Act and the Iran Human Rights Violation Sanctions Act which we must bring to conference committee and send to the President for signature.

NUCLEAR POSTURE REVIEW

The SPEAKER pro tempore. Under the Speaker's announced policy of Jan-

uary 6, 2009, the gentleman from Missouri (Mr. AKIN) is recognized for 60 minutes as the designee of the minority leader.

Mr. AKIN. We're about to start on a journey on an interesting topic of discussion and one that has hit the papers and one that could very much affect the shaping of how the world develops and the safety of the world. And that is the new discussion on the Nuclear Posture Review. That's a report that the Federal Government has just released along with the new START Treaty which the President has been working on negotiating with the Russians.

And these are talking about the future of our country, the future of our world, particularly as it relates to nuclear weapons or weapons of mass destruction. And the initial kind of read on what's going on sounds pretty good. We want to try to reduce the amount of proliferation of nuclear materials to make the world a safer place. We want to talk about a day when there won't be any nuclear weapons in the world. We want to try to, in general, reduce the amount of threat and risk to our own Nation and other nations.

And it all sounds pretty good when you first look at it, until you start to take a look at the troubling assumptions that have been built into these two documents. First of all, they call the Nuclear Posture Review the NPR and the START Treaty, of course, is going back to the 1991 historic treaty.

And so I'm joined here on the floor by some good friends of mine, some people who are good thinkers. But I think I will mention some of the topics that I would like to see us be talking about here in the next number of minutes. And I think we need to take a look at assumptions.

Many times people have good intentions, but the assumptions that are built in are not so good. There was once a guy who was a pharmacist and he had good intentions; but, unfortunately, he prescribed too much of a particular chemical and killed his patient. He had good intentions, but the result was the death of the patient. That could easily happen to many Americans with the false assumptions that are built into the START negotiations and this Nuclear Posture Review.

The first thing I would like to take a look at is going to be the world without nukes and is that a reasonable assumption; is that something that we should be working toward and exactly how are we going to produce this world where there are no longer nuclear weapons.

The next assumption is whether or not it's reasonable to trust Russia when you negotiate arms treaties.

The third question would be the overall whether or not we're going to be advancing missile defense and whether or not we're going to develop a missile defense. Is that connected to the idea of the START Treaty?

The fourth point would be does it make sense to say we're not going to develop any future nuclear weapons or devices.

And, lastly, to define when we might or might not use a nuclear weapon.

These are all kinds of assumptions built into these documents. I think they need to be discussed and discussed very carefully by those of us who are dealing with our nuclear posture.

I'm going to start off by recognizing my good friend, ROB BISHOP from Utah. Congressman TURNER also is joining us, MIKE TURNER from Ohio. And I know that they have their own perspectives on this and are very well qualified in certain areas here, and I also have some charts we could go to.

But I would like to take a look at some of those assumptions because the devil is often in the details.

I would yield time to my good friend, Congressman TURNER from Ohio.

What part of Ohio are you from?

Mr. TURNER. Dayton, Ohio.

Mr. AKIN. A good industrial area, too. Good for you.

Thank you, MIKE. Please.

Mr. TURNER. I appreciate your leadership. We serve in the Armed Services Committee together so these are issues that we take up frequently.

We held a hearing today on the Nuclear Posture Review and on the START Treaty, and there are a number of things as you outlined that I think people should be very concerned about.

One, of course, is what they're referring to as the negative assurances where in the Nuclear Posture Review they've included a statement where the President has taken off the table the prospects of using nuclear weapons in defense of this Nation in circumstances where we are attacked by a nation that is in compliance with the nonproliferation treaty, and even if that attack is with either chemical or biological weapons.

Before we always had the posture of we'll do whatever it takes, whatever is necessary to defend this Nation. And the President himself last May said—he clearly stated, I don't take options off the table when it comes to U.S. security. Period. Unfortunately, this administration's Nuclear Posture Review does just that. It delivers a muddled message to both our allies and our adversaries that only seeks to weaken the strength of our deterrent.

It's really unclear as to why the administration has done this if you look at the issue of threat. Certainly the threat has not been reduced to the United States. So to take a posture where you're going to restrict what we would use in order to defend ourselves is not based upon some change that has occurred in the threats that the United States is facing.

They have said that they are pursuing this policy of restricting our use of our own defensive weapons in order

to encourage others not to seek nuclear weapons. But there is no historical basis for that. The United States has continued to reduce the overall number of nuclear weapons, as has Russia. As we've seen, Iran is seeking to be a nuclear power; North Korea is becoming a nuclear power. Without any historical basis for an assumption that others would not seek nuclear weapons if the United States agrees to not use theirs, this administration has proceeded down this path.

Mr. AKIN. Could I interrupt for a second?

I think what you brought up is an interesting point. First of all, the President said all of the options are on the table. And here we go again seeing him say one thing and doing the exact opposite.

It reminds me of a question. I'm a pretty old geezer. I've been around here for a while. I remember the Ronald Reagan days. And I remember it was kind of the height of the Cold War and people would ask him, Now, President Reagan, what would happen if this and this and this. And he would kind of look at people with his big old grin and he would say, You know, I've told you before, I don't answer "what if" questioning. Now, he said that in a nice way, but his point was why do we want to answer what if and then lock ourselves into some particular means of responding when it isn't really appropriate when the actual day arrives.

Mr. TURNER. That is what this policy is. It's a what-if.

Mr. AKIN. It's answering a whole lot of what-if questions. Why do we have to do that?

Mr. TURNER. The administration is saying the what-if is if this country is attacked by someone who is in compliance with the NPT, even if we're attacked with biological or chemical weapons, they would not use everything that we have in our arsenal that might be necessary in order to protect ourselves.

Mr. AKIN. So just stop for a minute. Let's do a what-if, because that's apparently what this treaty is trying to define, these what-ifs.

So some country has maybe signed agreements that they're not going to develop biological weapons. They do that on the sly, hit our cities with biological weapons and people are dying with some strange kind of virus or something running around, and we're losing a whole lot of population—and of course I think we have a pledge that we're not developing biological weapons so we can't respond with biological weapons somewhere. So what are we supposed to do then? We've already guaranteed them that we're not going to use nuclear weapons.

□ 1800

Mr. TURNER. Well, here is, I think, the most important thing. You invoked

Ronald Reagan and you were saying how you shouldn't answer hypotheticals. I think here is what the blanket statement should be.

The blanket statement should be, when it comes to defending the United States against a devastating attack, our message should be clear and simple. If our Nation is attacked, we will use all means necessary to defend ourselves, period. There shouldn't be an issue of whether they signed, whether they agreed that they wouldn't develop nuclear weapons and so we are not going to use nuclear weapons.

I mean, first off, nobody is for using nuclear weapons. I mean, there is no advocacy group that says we need to be using nuclear weapons or no one, certainly—from a human value statement, the President's statement of a world without nuclear weapons is something that everyone would want to achieve.

Mr. AKIN. Sure.

Mr. TURNER. It's the reality, though, of the issue of defending our Nation. And here this President has said, I won't take anything off the table. I will always do what's necessary to defend the United States. Period.

That was last May. And then now, with the administration's nuclear posture review, he is saying, but I am going to, in advance, tell you that if you are in compliance with the NPT, if you attack this Nation, if you attack the United States, even if you attack the United States with chemical or biological weapons, I am going to take off the table the nuclear weapons that are in my arsenal, even if it's necessary to protect the United States.

Now, they go on to say, the administration says, well, we have overwhelming conventional forces and so that will make a bit of a difference. We don't really need our nuclear weapons. But they say they are doing this to try to encourage others to not develop nuclear weapons. Again, there is no historical basis for it. As we have reduced our stockpiles and Russia has reduced their stockpiles, other nations have continued to seek nuclear weapons.

But the other issue is, what is the true message then to those other nations? Well, we have overwhelming conventional force. They don't have overwhelming conventional force. Certainly, developing nuclear weapons is an equalizer that they can look to.

I think it's disingenuous to say that we are not going to use our nuclear weapons, but we might change our mind, but at the same time we want you not to use them. But it's in that framework of the hypothetical of saying that this, this country, if it's attacked, won't defend itself to the full extent when it might be necessary.

Mr. AKIN. Okay, so it seems to me we have got a couple of different issues here that you brought up. The first question is, does it even make sense for us to do the "what if" question? If

somebody does this, this, and this, well, we are not going to do that. What is that bias, you know, and is that really helpful? And particularly when these things tend to be nuanced the way they are phrased, it adds a lot of haze and uncertainty. But certainly answering that "what if" question probably doesn't make us a more secure country.

But let's go to what I think is your second point.

Mr. TURNER. Let me go back to that for a second. You said the administration is actually calling this an assurance policy, that they are providing assurances. But usually I think and the American people think of the word "assurance" being something you give your friends and allies. And, in this instance, this is an assurance that the administration is giving to a nation that would be an attacker to our Nation, someone who is attacking us. That's not the circumstance of what I would think of assurance.

Mr. AKIN. Assurance to our enemies.

But the second thing was the idea that somehow we are going to move toward this world without nukes, and the way we are going to do it is to reduce not only our number of nuclear weapons but reduce our development or deployment of nuclear weapons. I mean, it sounds so good on the surface, but let's just take this apart a little bit.

Let's just say, you have got America now. We have a bunch of nuclear weapons, and we just say, hey, this is such a great idea. We are just going to get rid of all our nukes, and we are not going to develop any. Or we are going to get rid of a certain percentage of them, and we are not going to develop any new ones, which is what this treaty is supposed to do.

My question is, how is this going to reduce the number of nuclear weapons in the world?

First of all, think about there are 35 or more nations that depend on us to create this nuclear umbrella of protection. So they are not developing their own nukes because they know that the U.S. is going to protect them. So what are they going to do logically if that umbrella of protection of the U.S. having this overwhelming nuclear force, if we take that down, if you are one of those 35 nations, what are you going to be thinking?

Mr. TURNER. It's a very good point. Because those nations that depend upon us, who have not developed nuclear weapons, who believe that they are part of our nuclear umbrella, that they believe that we extend, in cooperative understanding, our deterrents for their benefit. If that deterrence is removed, then, of course, there is the prospect that these additional nations will feel the need to develop their own weapons.

Mr. AKIN. So we are reducing weapons, but these other nations are going

to want to increase, so that doesn't really compute with the logic of this thing.

Now let's go to the next class of nations, third-world nations, maybe some of them that are more likely to be our opponents, adversaries, or troublemakers. Now we tell them we are going to reduce our number of nukes and our development of new things. What is their logical response to that? Well, let's see, they say, well, we could never whip them in conventional forces, so we have got to find some other way.

Mr. TURNER. Exactly.

Mr. AKIN. So what are they going to do?

Mr. TURNER. I think it's also a false accomplishment. When the administration promotes this statement of a world without nuclear weapons, again, it's a human-value statement that I think everyone would wish to be true. But in translating it then to a to-do list or a policy from the United States, going from a human-value statement to an actual to-do list and policy without a change that has occurred in the world dynamics, that's where we get dangerous for the United States.

Here is the false accomplishment. This President will talk about his accomplishment of limiting the role and the number of U.S. nuclear weapons. I think what people are interested in is this President limiting the nuclear weapons risk that we are facing as a Nation.

Mr. AKIN. But shouldn't the focus be on U.S. security? Shouldn't that be the question? And are we going the wrong way?

Mr. TURNER. We will have to see what comes out of the conference that the President has held. He was identifying the increase, that threat that we have for nuclear terrorism and nuclear proliferation issues. And certainly those are the correct issues for him to be raising at this point, and we certainly wish him great success in accomplishing some visible reduction in the threat to the United States, besides just the visible reduction in the role and the number of U.S. deterrents.

Mr. AKIN. So the bottom line should be about U.S. security. I mean, that's what we should be focused on. Yet how does it get us more security if we reduce our nuclear capabilities and other nations than become encouraged to increase theirs?

Mr. TURNER. Absolutely.

Mr. AKIN. So there is a fundamental disconnect in the logic here somewhere. Understand that it's all for glorious and super ends and supposed to be a good deal and all, but how does it specifically help us and how does it increase U.S. security? That is not clear at all.

The idea of us reducing capabilities seems to be completely counter-productive. Because it's going to encourage either third-world adversaries

to take advantage of our vulnerability that we created voluntarily on ourselves, self-inflicted wounds, or the people who are our friends are going to develop additional nuclear capabilities to protect themselves. So I don't see how this thing works.

Mr. TURNER. Congressman, you had also mentioned the the point of START and the issue of missile defense. I think one issue that people are concerned about that relates directly to this issue is any limitation on the United States' ability to defend itself in deploying what is a provable, workable technology in missile defense. The START treaty has in its preamble or recognition between the United States and Russia the correlation between defensive and strategic weapons.

The Russians have stepped forward and said that this language, they believe, was essential in order to get their approval for START, because they want the United States' missile defense system to be counted against the issue of our nuclear deterrent—their nuclear deterrent.

They haven't gone as far as to say that they might withdraw from START, depending on the extent to which we deploy a missile defense system. Well, what's really concerning is that the administration, at this same time that they are agreeing to and pursuing the START, which has been signed, with language that ties missile defense to our nuclear deterrent, the administration is pursuing for Europe a missile defense system.

Now, it's unclear whether the President's own plan for a missile defense system already violates the Russians' concern under START. We may be in a situation where the President is pursuing a policy that will already cause the relationship with Russia start to be a terminal relationship. In the hearing today, I asked Secretary Tauscher, where are we with the Russians on this issue?

The administration already knows what they want to do with missile defense. It is certainly something knowable by the Russians at this point. The Russians are saying they will withdraw if the missile defense is pursued. My concern is that the administration will get down the road, where they will have supported START, received ratification of START, be pursuing a missile defense system that Russia objects to and that it might weaken this administration's resolve for deploying that system.

Mr. AKIN. The history of missile defense goes back quite a ways. It goes back to Ronald Reagan, who proposed the whole idea of missile defense; and people, liberals, tried to make fun of it. They said it was Star Wars, and it will never work, and it will destabilize relations between nuclear armed countries like us and the Soviet Union.

Ronald Reagan said, no, I don't think so. He said, we have a responsibility to

defend our citizens, and we need to build a missile defense.

Of course, we, all the way through from the time of Reagan to when I came here in 2001, we had really not done it. President Bush went to the Russians, went to the Europeans and said, sorry, guys, I am going to let you know, here is your 6-months' notice. We are going to start developing missile defense.

And, of course, the Democrats had been opposed to it, but they were in the minority, and we passed it when we were on the Armed Services Committee to do missile defense. And it wasn't missile defense against China or Russia, but it was missile defense against these rogue nations like Iran and North Korea. So we built it. In spite of the fact people said you couldn't do it, we did it. Test after test, we did it, and we made it work, and we built missile defense. Then they made a treaty with Poland and the Czech Republic, saying we are going to deploy missile defense not just in Alaska but in Poland and the Czech Republic.

Thank you very much, Congressman TURNER from Ohio. I really appreciate your leadership on the whole area of national security. You have done a great job.

I am joined also by my good friend, ROB BISHOP from Utah.

But let's just get on this missile defense a little bit. So we built it, and we built a number of missile defense silos in Alaska. It was called a ground-based system, and it shoots a missile that's tremendously large, about 20-some tons of missile. It goes very high, very fast, and it has the capability of stopping intercontinental ballistic missiles.

Many of the trajectory of those go past Alaska where these missiles can do a good job of stopping the enemy. Now these same missiles were going to be put into Poland, into the Czech Republic. One was a radar site. One was an actual missile site. And the Obama administration decided to cut the ground out from behind our allies. They had made significant political—took a lot of heat from their own citizenry, got permission, got the support of their citizens to build these systems to protect Western Europe, particularly from Iranian ballistic missiles.

And the administration decides on very little notice, literally on the day where the Polish were observing the time that the Russians had come into Poland, and just cut the ground out from under them and said we are not going to do that. What are they going to replace them with? Oh, they said, we are going to use a ballistic defense system based on our ballistic missile destroyers.

The only trouble is, it was based on a missile that hasn't been developed yet, that doesn't work yet, and it's a 2-ton as opposed to a 20-ton missile, and it's a missile that we don't have. So now

we are supposed to have these destroyers floating around the Mediterranean providing missile defense for Europe, and these destroyers don't even have the right kind of missile on them to stop a ballistic or intercontinental ballistic missile. The bigger the missile, the bigger the anti-missile that you have to have to fight it.

So the whole point of this was here you have North Korea. They fire these different missiles. The current range of the larger North Korean missiles is 3- to 6,000 miles. That puts Alaska in the sights and other potential targets from North Korea.

Likewise, we have Iran potentially launching, and you can see these different distances, depending on how much power the Iranian missile has, how many stages and how far it can go, starts to move into targeting Western Europe. This is what we were protecting against with the missile sites in the Czech Republic and Poland, which this administration has cancelled.

They have also cancelled a number of other aspects of missile defense which we will get into, one that was tremendously successfully tested just in the last few months. It's this aircraft here with this funny-looking nose, looks like a cyclops, and this is a very powerful, actually, three lasers in one. That was tested successfully to knock down missiles; and, of course, to shoot a laser at a missile isn't that expensive.

□ 1815

You can get a lot of shots out of a laser and it goes very fast. It is a very effective way to stop missiles on the launchpad. So that's another thing that this administration decided that they were not going to fund. These treaties are talking about continuing that trend to reduce our investment in missile defense, and that is very troubling indeed.

My good friend Congressman BISHOP from Utah knows quite a bit about the specific missiles that do this, and I would like to call on your expertise to help us with this subject, please.

Mr. BISHOP of Utah. Well, I appreciate my good friend from Missouri bringing this issue up to us again, especially now that we're talking about missiles.

One of the things President Reagan once said is: Was the United States ever involved in a war because we were too strong? The answer is no. But what we're also talking about here is sometimes—as I was an old school teacher—when we're young and naive, we tend to overlook details, and those details could be devastating. For example, Napoleon lost the Battle of Waterloo not because he was outmaneuvered at Waterloo. He was not. He lost it because they overlooked a detail. They didn't bring a bag of nails. At that time, when you overtook the enemy artillery, you

would dismantle it by driving a nail through the firing mechanism so it would be useless.

When Napoleon overran the British artillery, they didn't bring any nails with them. Consequently, the British recaptured that artillery and it wreaked havoc on Napoleon's forces. And every book of what would have happened always has a chapter of what would have happened if they had actually brought the nails.

Mr. AKIN. A bag of nails. Now, I appreciate having a history professor here. It's just a little detail, but it was an important and sort of a tide-turning detail that was not considered.

Mr. BISHOP of Utah. Now, let me turn that analogy slightly into the situation we are in right now, because I think this administration is missing a lot of bags of nails that are out there. One in particular deals with our missile program in the future if, indeed, the direction we're going is not the right direction and we want to change that.

You and I were here with several other Members last year a long time talking about our missile defense system, because last year we cut the potential of a mobile missile defense system, KEI. We stopped the ground-based missile defense system that we had, and we were complaining that that was probably an inopportune time.

One of the nails that we are now missing is what happens if we don't look at the unintended consequences of our actions. I'm going to say how this thing kind of turns together, and sometimes I think this administration is not realizing how everything in government relates.

Last year, when we stopped the ground-based missiles and stopped the KEI, among other things that we did, we put the industrial base in disarray. Now I'm coming back to the old industrial base argument because I'm using it again and again. This year, NASA, space exploration, which you think has nothing to do with defense, but space exploration is trying to take this product, the Ares rocket, which was labeled our best innovation of last year, and they want to cancel the production.

Now, that ties together as a bag of nails simply because the people who work in the companies that produce this rocket also produce the missiles. So the rockets that are built to send a guy to the moon are built by the same kinds of people who build the rockets to stop a North Korean or Iranian or some other rogue missile from coming into this country. And if we devastate the industrial base, we don't have the capacity to change our projection and fix this problem if, indeed, it takes place, and we increase the cost to the defense of this country significantly because of it. Let me give you one example.

Just the oxidizer that starts the propulsion concept in our motors, that,

because of the cuts last year to our missile system, has gone from \$5 to \$12 a pound. It's a fixed cost to produce this stuff, and we use it by the ton. And when you cut down the amount you use, the company then has to make a profit, so they charge more per unit. So we've gone from \$5 to \$12.

If, indeed, you stop the Ares 1 program in our space program, who uses this stuff significantly, that cost will either double or triple or be even more. So it means to produce the same motors we need to just maintain where we are, we are going to spend hundreds of millions of dollars—maybe running into the billions of dollars—without having done anything to improve our status. We will spend more money. We will not have a better product, and if we want to turn around and change that, we don't have the industrial base yet. If we fire all those people who are making these kinds of rockets, we don't have anywhere to turn for our own defense system.

The Department of Defense has recognized that. The Navy has said that they are fearful that the increased cost for them could be 10 to 20 percent. They don't know where the increase can stand if, indeed, we go along and cancel our space program.

Mr. AKIN. So let me just recap what you're saying.

If you don't have the industrial base to produce the kinds of missiles that we need for missile defense, the way that that can work is, one, you're not going to have the rocket scientists. In other words, a rocket scientist is a rocket scientist. You've got to have some of them around if you want to make rockets. Those people are being employed currently for this particular solid rocket that is noted more for space exploration than it is for defense, but it's the same technology.

So, first of all, your industrial base is eroded by the fact that you can't keep those engineers around and they don't have anything to work on, so they go do something else. The second thing is, because you don't have the production facilities, now the cost of materials goes up.

And it goes beyond that, doesn't it? You don't just build one of these things in thin air. You've got to have a building to build it in. You've got to have the machines that are used to package the fuel and the design of how the pressure is contained, and how you control burn rate and the direction—all kinds of things that go into building a rocket; right?

Mr. BISHOP of Utah. Yes. And our ICBMs, for example, need to stay there until the year 2030. That's their planned life. But what happens if you do one of those solid rocket motors and you pull it out to do the inspection and there is a problem with it? Where are the experts to go in and find out what went wrong, and how do you solve that

problem in the future? Where are the niche suppliers who are no longer in the market? This is one of those things.

So I'm talking about nails for the future of our missile defense system that are being lost because we simply didn't think ahead—or this administration didn't think ahead.

DOD sent us a report last year that said if you slowed down Constellation, it would have a significant negative impact. Secretary for Acquisitions in the Department of Defense said that this industrial base is not our birthright. If we lose this industrial base, we may never get it back. And all of them are saying—General Keller said the same thing, that he is not comfortable with the direction we're going because the cost overruns that will come to the defense system simply means, obviously, NASA and Department of Defense did not talk one with another.

The Augustine Commission report that was supposedly giving a report on what we would do with our space in the future said, This is a problem. The industrial base situation is a significant problem if, indeed, you stop the Constellation program. You need to work that ahead. NASA did not do it. They either chose to ignore it or they didn't study the report very closely. Those are the nails we have.

So you have those pictures up there of what we are going to do with North Korean potential missiles that were in striking distance of the United States; Iranian missiles that could come within striking distance in the future but are definitely within striking distance of Europe now. And what is even more terrifying is if one of those countries—and I don't think it would be beyond the realm of possibility—were to give their devices to some rogue player, not necessarily another nation, but some rogue player, and obviously have them aimed at the United States, and we, because we decided not to think through situations and think ahead of what we're doing, for either naivete, being new, or simply ideological reasons, we have lost the nails to make sure that we continue to defend this particular country.

Mr. AKIN. Well, the thing that strikes me about this whole situation is, first of all, if you want to deal with the nuclear proliferation thing, that's one thing, but to connect it to missile defense seems to be the height of stupidity, just really an irrational decision. And to walk away from the fundamental principle that the job of the Federal Government more than anything else should be the defense of this country, the security of the citizens who pay for that defense, and to give that idea up for the old concept of mutually assured destruction, just makes no sense whatsoever.

We were on the right track to develop missile defense. The people that

said we couldn't do it were all proven wrong. We are doing it. We not only hit a missile with a missile, we hit a spot on a missile with a missile, metal-on-metal collisions. And not only have we been able to do that and shown that we have the technology to do that, but now what we're talking about doing is even going beyond that to the airborne laser system, which just this last year, firing its last shots before it was going to be shelved, it was called by the Democrats a big science experiment—I suppose that's a pejorative term saying we don't think much of it—and yet this aircraft flying off the west coast engaged two targets.

One was a liquid rocket motor missile. It was launched from some considerable miles away, in excess of 100 miles, I believe, and this airplane locked onto the missile with its—it has two small lasers. The first is just to find where the missile is, and it's putting that first laser on the missile. The second laser checks the optics of the atmosphere. The third laser, which is tremendously powerful, fires a beam, and it just destroyed that liquid fuel missile in air. Then it turns around and does the same thing to a solid rocket missile, and yet this is another thing that the administration is scrapping.

And the question is, if we're interested in U.S. national security, why in the world do we want to bow down to the Russians? Ronald Reagan was there at Reykjavik, and there was a great big idea that they were going to have this big treaty. Reagan walked away from it. He said to the Soviets, he said, Look, I'm not going to agree to that because I'm going to protect my people with missile defense. And here we are going back in history, and now we're going to stop this missile defense. And what you're talking about, Congressman, is a part of one of the supplier base that has to be there to do missile defense. Why are we going to dismantle that? It just doesn't make sense.

Mr. BISHOP of Utah. I agree totally with the gentleman from Missouri, who is such a leader on the Armed Services Committee. Part of the problem, nuclear soft power notwithstanding, we are talking about the overall defense of this country, and in area after area we tend to be weakening our position.

I agree with the gentleman that we should not have scaled back in our laser technology. I agree definitely that last year we made a mistake when we cut the kinetic energy intercourse program, those mobile rockets aimed to stop missiles coming at us. I agree that we made a mistake when we limited the number of ground-based missiles that we had, ready to go. The silos ready to be filled, we just simply stopped it, artificially, arbitrarily, and that puts us in a weaker situation.

I am also concerned that when you add to what they're talking about doing about on the Constellation pro-

gram for NASA, it's not just about the manned space flights. It's also the impact that has on the industrial base that prohibits us from ever changing course in any of these other particular areas. It is all part and parcel with what I think is perhaps a very cavalier approach to the defense of this country that time after time after time overlooks the details and how those details interact and puts us at a more vulnerable situation.

Once again, no one will ever attack us because we are too strong. They could attack us because we have failed to bring a bag of nails into battle with us.

Mr. AKIN. Well, I really appreciate your perspective, gentleman, and particularly the little historic lesson of the bag of nails.

It seems to me sometimes our leadership is getting so grandiose and it's saying what we're going to do is provide a world without nuclear weapons. You know, it seems to me that what they probably should do is invest in a time machine and go back in history if they want a world without nuclear weapons, because we can get rid of all of our nukes.

We can open the kimono and let people beat us up, and that's not going to change the fact that there are going to be nations out there that are going to proliferate. Now, that doesn't mean we need to encourage them. We need to try and stop them. But we're not going to stop them by being weak and selling our own national security down the river, and that is what's going on here.

In an effort to apparently be a grandiose peacemaker, we're thinking you're going to create peace out of weakness. We have found that that is not a good formula, and particularly, to betray the security of the American people without looking at the details, as you're saying, really does not make sense.

□ 1830

Now, there is another aspect—and you know something about history. I recall all of these treaties we made with the former Soviet Union, and when the Soviet Union collapsed, we got information about what happened on those treaties. What we found out was that the Soviet Union was cheating like mad on every single one of those treaties. They said, We're not going to build any biological weapons. Yet they've got a biological weapons laboratory going in Russia.

We were over here, and I was a brand new guy in the U.S. Congress just a few years ago, and we were interviewing one of the top scientists who worked in the biological weapons laboratory, one which the Soviet Union had said, We're not going to do that. We find out 15, 20 years later that the Soviet Union has got these ballistic missiles loaded with the smallpox virus that they're going

to shoot at us, and we haven't got the foggiest idea that they cheated like mad, have a biological weapons laboratory, and are going to pepper us with smallpox, which we have a limited amount of vaccine to protect against.

So here we are again, learning so much from history that we're going to make another deal with the Russians and assume they're not going to cheat on it. I guess my question is: How do we know that they're not going to cheat? What are we getting out of this deal?

Do you remember some of the history of those treaties, gentleman?

Mr. BISHOP of Utah. I don't have the expertise right here to go through some of the details. Obviously, you're ahead of me on those particular ones; but it still goes back to the basic approach that, even if the Russians are legitimate in these treaties and even if they live up to them, we live in a world where it is not just necessarily the Russians for whom we have to be prepared and that, even if we make a treaty with the Russians, the North Koreans and the Iranians are not necessarily going to be cowed by us.

Mr. AKIN. They're not playing by the same rules anyway.

Mr. BISHOP of Utah. They could easily transport some of their stuff to nations closer to us, which makes it even more deadly for us.

So what we have to do is make sure that, when we look at what we are doing vis-a-vis the Russians, we have to put it in the context of: Are we able to defend ourselves against all sorts of rogue players who are out there, not just the Russians or the Chinese? That's why the decisions we made this year, based on the decisions we made last year, I think, put us in a weaker position to say, yes, we could defend ourselves against the rogue nations as well.

Mr. AKIN. You know, I thought it was on the front page of the paper today, the idea that scud missiles had been given, I think it was, from Iran to Hezbollah or something like that.

Mr. BISHOP of Utah. From Syria to Hezbollah.

Mr. AKIN. From Syria to Hezbollah, scud missiles.

So there was a weapons transfer to a group that is a pretty known terrorist group. They're not all part of this deal. So even if you could trust Russia, which I don't and which we have no historic reason to trust, what happens to the other nations when you make these deals, especially when you're not going to develop more missile defense?

There is another thing we're not supposed to develop either—and I really appreciate my good friend from Utah for joining us, Congressman BISHOP. You have provided really good detail, particularly on that industrial base aspect. Thanks for the “bag of nails” explanation.

You know, with regard to details, I do remember there was something about the German tank corps being unstoppable except for there was some problem. They didn't have the right type of spare fuel tank or something, and it was a big problem because they hadn't gotten the right kind of gas can to go along with their tanks. It was some small detail.

I yield.

Mr. BISHOP of Utah. As we move forward with this proposed treaty, but also as we look to the overall military budget, which, I think, is what you're talking about as well and especially our missile defense, let us make sure that we have not left some detail uncovered. I hope that, in the future, they're not writing those “what would have been” books about the United States because we simply failed to be prepared and because we failed to look at the details of our situation.

So I appreciate the gentleman for bringing this issue to the floor. It is a significant issue, and it's one that this Nation should take seriously—looking at how we're dealing in the future not just with our nuclear posture but also with our missile defense posture. Indeed, if we're going to have to spend almost billions of dollars to maintain, that's money that comes out of the combat veteran and the combat ground forces that we have. That also is unacceptable.

So I appreciate being allowed to participate with you for a short period of time.

Mr. AKIN. Well, I very much appreciate your perspective and the clarity with which you make your points.

The Congress is a richer place because of Congressman BISHOP and his service to us.

We are joined by another good friend who is probably one of the foremost authorities on missile defense, my good friend from Arizona, TRENT FRANKS.

Before we jump into that, I thought I might just give a couple of points to recap and to focus our discussion here this evening. We are talking about two different things that have been going on in the news.

The first is the question of the Nuclear Posture Review, or the NPR, which is an overall document released by the U.S. Government, talking about what we're doing with nuclear kinds of things. It contains a whole series of false assumptions, in my opinion. While it sounds good on the surface, the question is: How does it really work? Also, there is the New START Treaty, which the President has been negotiating with the Russians, and that is along the same lines as the Nuclear Posture Review. My concerns are pretty much listed in five points.

The first point is that somehow we are supposed to create a world without nukes, and the way we're going to do that is to reduce America's stockpile of

nuclear weapons, not develop anything new, and cut back on missile defense. So we're going to reduce our own national defenses, and somehow that is supposed to help make other people do the same thing. My question is: Does it really do that?

The nations that depend on us will say, Oh, we can't count on them for a nuclear umbrella.

They're liable to increase.

Then the Third World country that may decide it wants to cause us a lot of trouble or to blackmail us says, Hey, the way we can do that is the U.S. is disengaged. We need to jump in and really develop our nukes.

So how do we get to this “wonderful world” without nukes?

The second point is: How much do you trust Russia? Even if you do, how about all of the other countries?

The third point is: Why do we connect missile defense to the nuclear posture? Missile defense is simply a way of making our Nation more secure. Why would we freeze that?

The fourth point is: Why would we want to limit further nuclear development? We'll get on to that in a minute with my good friend from Arizona.

Then the last question is: Why are we going to do what Ronald Reagan said you should never do, which is to discuss what-ifs? I think if we're attacked by a foreign nation and it does us harm, it doesn't need to know exactly what we're going to do. Everything should be on the table if you endanger U.S. citizens. Yet this treaty is going to say, Well, if you do this, we won't do this, this and this.

Why do we want to try and spell that out?

So those are five concerns that I want to make sure that we discuss today, and I want to recognize my good friend from Arizona, Congressman FRANKS.

Mr. FRANKS of Arizona. Well, I thank the gentleman for yielding.

You know, I've been trying to follow some of the conversation here, and I think that everything you've said has a profound significance, and I appreciate it.

I know this is a general discussion about missile defense, about our nuclear posture and about the concerns that we have related to Iran. The recent summit that was here in Washington essentially, or ostensibly, was about trying to keep nuclear weapons out of the hands of terrorists. Yet the reality is that this ominous intersection of jihadist terrorism and nuclear proliferation has been inexorably and relentlessly rolling toward America and the free world for decades, and it is now a menace that is almost upon us. I believe that it represents the gravest short-term threat to peace and security of the entire human family in the world today; and I believe that the Islamic Republic of Iran, due to the

jihadist ideology of its leaders, represents a particularly significant danger to America and her allies.

President Ahmadinejad was speaking to the whole world when he said that, You, for your part, if you would like to have good relations with the Iranian nation in the future, recognize the Iranian nation's greatness, and bow down before the greatness of the Iranian nation and surrender. If you don't accept to do this, the Iranian nation will later force you to surrender and bow down.

Now, that makes me a little nervous given the fact that Iran has recently begun to enrich uranium really beyond 20 percent now, which is four times the necessary enrichment percentage for peaceful purposes, and it puts them at about 90 percent of the way there for being able to have fissile material for nuclear weapons.

So I just have to say it's a difficult thing, especially difficult for me in some ways, because I stood at that podium there 5 years ago, and I called upon the country to refer Iran to the Security Council. The guess is, at that time, they had probably less than 164 centrifuges, and now they have 8,000. Of course, as my good friend from Missouri knows, 3,000 is the commonly accepted figure for a nuclear enrichment program that can be used as a platform for a full-scale industrial program capable of churning out dozens of nuclear warheads per year.

I guess I'll yield back here, but I would say this: what we are really facing with Iran is a jihadist nation with leaders who threaten the whole world, who threaten the peace of Israel, who threaten to wipe them out. It is now developing an industrial base to make dozens of nuclear warheads in the future.

I know people say, Well, that's over a year away or 2 years away or 3 years away. Well, let's pretend for a moment that that's correct. I'm not sure that having something that will change the world that dramatically and then all of humanity that significantly which is only 2 or 3 years away is cause for celebration. It's especially concerning when you consider the fact that, throughout history, especially in the case of, say, like North Korea, our timetables have always been wrong. We've always thought, well, it was going to take them a lot longer than it did. Anyway, at this point, I would just suggest to you that, I think, this is a profoundly significant issue.

I yield back to my friend, the gentleman from Missouri.

Mr. AKIN. Well, I thank you, gentleman.

I'd like to just pick up on a couple of the themes that you've mentioned. You've used this phrase frequently. I don't know if you coined it, but I think of it as something that you authored. I guess you could almost think of it in terms of planets and astronomy, which

is, when you get a juxtaposition of two things, the first thing you're talking about is the development of nuclear weapons, and the second thing is that it's in the hands of a terrorist state.

We already have nuclear weapons. We have terrorist states, but we haven't seen the eclipse of when those two things come together. You're talking about that as being a very destabilizing situation in the world, a situation that threatens the lives of at least thousands, perhaps many millions, of people; and it is a nation that has a history of essentially blackmail. So when you put that kind of combination together that you're talking about, we're talking about a very significant international kind of crisis that we have to be prepared for.

Now, they also have to be able to deliver that weapons system. That's another thing that you're really an expert on, which is that ballistic missile defense is also coming in. There are people who say you can just put this stuff in a suitcase and smuggle it into town. So who cares about ballistic missiles or ballistic missile defense? Yet, as you know, these nuclear weapons have to be delivered in some way, and there are different ways to deliver them.

One of them, of course, is to put them way up in the atmosphere, and they go off and take out all of your communications. Another one, of course, is to bring them over a city where they go off and they kill many more people than if they were sitting on the ground. So there are combinations of those things, and those are all things that you have studied and have taken a look at, and all of them are bad medicine.

What concerns me particularly is the reckless course of this administration as it's making these grandiose kinds of "we're going to make the world a safer place" ideas by disarming and by saying, We're not going to be developing missile defense and by saying, We're not going to develop any new use of nuclear things.

One thing we've not yet talked about on the floor—and you can jump in on this if you'd like—is that we've got North Korea and Iran, both of which are pretty good at digging tunnels. They take their capacities and put them way underground. You can drop conventional bombs on them, and nothing happens because they're down in the Earth that far. The only way to stop that is probably with some new type of device called a nuclear Earth penetrator where you put a nuclear device, a small one, on a bomb that goes way down in the Earth, and it explodes. Now, anything radioactive stays down in the Earth, but it creates enough concussion that it basically shakes those tunnels and collapses those infrastructures.

That is an example of where we might want to develop a new nuclear

device because of a problem that we have, and yet we wouldn't be able to do that with this negotiation. So are you concerned about that? Have you given that some thought?

Mr. FRANKS of Arizona. Well, certainly, I am, and I thank the gentleman for yielding.

The RNEP, or robust nuclear Earth penetrator, which you mentioned, was something that many of us advocated for in the past because we wanted to make sure that we could hold assets like Natanz or the facility at Qum in Iran. We wanted to be able to be sure that we could hold that at risk so that they didn't think that they could build nuclear weapons without any danger to them. This is a particularly significant situation, so I couldn't agree with you more.

Of course, you mentioned missile defense. You're talking about the delivery mechanisms as far as where the bomb goes off. That's a very, very important point; but there is another one, which is the timing. That's being able to deliver something realtime, in other words, on demand. See, that's what gives them a strategic capability, which is if they can say, Okay, your city—New York, or whatever it might be—is 30 minutes from our ICBM capability, and it's always aimed at us.

□ 1845

See, if we have nuclear missile defense capability, then it is no longer as much of a strategic threat and it devalues that program pretty profoundly. And when a country like Iran, that is facing great dangers from the outside world anyway if they become nuclear armed like Israel or others, then perhaps that becomes a part of their calculus, and perhaps it keeps them from moving forward with their nuclear power program in the first place.

Unfortunately, this administration, and you know, I just got to tell you, this administration cancelled our efforts in Europe to be able to have the capability to interdict missiles coming from Iran, whether it was going to be to protect our forward deployed troops, or to be able to protect Europe, and certainly if they gain the ICBM capability, to protect the United States. And it is astonishing to me that we did that, because we have no system that can really be built in time to go into their calculus in the meantime.

So while some of the greatest security threats in a generation are coming up on our generation, the Obama administration seems to be busy insulting our friends and emboldening our enemies. And all the while taxing and borrowing and spending our economy into a place of such vulnerability that our capacity to respond to these threats in the future will be demonstrably diminished. And when it comes to the growing incontrovertible danger of a nuclear-armed Iran, I would just

tell my good friend that this Obama administration has been asleep at the wheel.

Mr. AKIN. That is really, really a frightening prospect. The thing that I find interesting about this, what we are doing is we are reducing our defense spending. Here is a chart of the budget that would reduce our national defense spending. These are numbers that were released by the Obama administration. This is the 45-year average at 5.3 percent. And what you can see is it is being reduced here.

Now, the thing that is amazing, this wouldn't be so troubling to me if it weren't for the fact if you took a look at what rate we are spending money. Bush's worst spending year was 2008 under the Pelosi Congress here. 2008. And that was about \$450 billion he spent that we didn't have, which put us, that is about 3.2 percent of gross domestic product. This last year, 2009, instead of being \$450 billion, it was \$1.4 trillion in spending that we didn't have. That was more than a three times increase over Bush's worst spending. And that goes up to 9.9 percent of GDP, which is the highest level since World War II.

So we are spending money that we don't have at an incredible rate. Take a look at what is happening to defense here. This is a wrongheaded set of priorities and very troubling. I have my good friend from Texas, Congressman GOHMERT, who is joining us. I know that you have taken a look at a number of these different issues and questions. Please jump in and point out your own perspective.

Mr. GOHMERT. Well, we do have the danger of Iran about to go nuclear at the same time, as you all have pointed out, that our President cancelled what took so long and took such great effort by so many, including our friends in Poland, to establish this missile defense that was going to be built. That got cancelled. That was going to help protect us. That was going to help protect our allies.

I just want to read here some of the comments that have been made. President Barack Obama said on November 7, 2008, "Let me repeat what I stated during the course of the campaign. Iran's development of a nuclear weapon, I believe, is unacceptable." He said on October 20, 2009, that the bond between the United States and Israel is much more than a strategic alliance.

And then you look at what Ahmadinejad has said. He said in 2005, quote, "God willing, with the force of God behind it, we shall soon experience a world without the United States and Zionism." He also said that Israel was to be wiped off the map. He said, "Like it or not, Israel is heading toward annihilation." He also said, "Today, the time for the fall of the satanic power of the United States has come, and the countdown to annihilation of the em-

peror of power and wealth has started." It has started. And we are disarming unilaterally while Iran—we are talking about maybe some sanctions, like maybe that will work as well as it did against Iraq? It didn't work because people cheated.

Russia and China have said, hey, we're making a lot of money selling to these folks right now. We're not sure we're getting on board with this. And all the while those centrifuges are just a spinnin'. They are spinnin' while we're all here talking. And we're coming closer to the day when Ahmadinejad will be able to try to keep his promise, all while we are disarming. It makes no sense. We took an oath to provide for the common defense. It is high time we did that.

Mr. AKIN. I thank the gentleman for joining us. Thank you, Mr. Speaker. I look forward to seeing you next Wednesday.

RESIGNATION AS MEMBER OF COMMITTEE ON AGRICULTURE, COMMITTEE ON THE BUDGET, AND COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE

The SPEAKER pro tempore (Mr. TEAGUE) laid before the House the following resignation as a member of the Committee on Agriculture, Committee on the Budget, and Committee on Transportation and Infrastructure:

HOUSE OF REPRESENTATIVES,
Washington, DC, March 25, 2010.

Hon. NANCY PELOSI,
Speaker of the House,
The Capitol, Washington, DC.

DEAR MADAM SPEAKER: Due to my recent appointment to the Committee on Energy and Commerce, I hereby announce my resignation from the Committee on Agriculture; Committee on the Budget; and the Committee on Transportation and Infrastructure.

Sincerely,

ROBERT E. LATTA,
Member of Congress.

The SPEAKER pro tempore. Without objection, the resignation is accepted. There was no objection.

COMMEMORATING THE POLISH NATION

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentlewoman from Ohio (Ms. KAPTUR) is recognized for 60 minutes as the designee of the majority leader.

Ms. KAPTUR. I thank you, Mr. Speaker, and thank my colleagues who are joining us this evening, including Congressman JOE DONNELLY of Indiana, as we begin this special order commemorating the Polish Nation during its days of deepest mourning and the magnificent people of that country.

As we speak here tonight in this hour, in my home district of Toledo, Ohio, the Polish community has gath-

ered for a memorial mass that began at St. Adalbert's Catholic Church at 6:30 p.m. They and we here tonight are united in solidarity with our Polish brothers and sisters halfway around the world.

The Americans gathered tonight here in Congress, and in my home community, and the 9 million Americans of Polish descent across our Nation, in places as far flung as Chicago, Detroit, New York, Toledo, Las Vegas, in places like Pittsburgh and Philadelphia, and indeed in Colorado and Texas, from coast to coast Americans are united in our mourning and in the encouragement that we wish to share with the people of Poland in these dark hours.

Today the House passed unanimously House Resolution 1246, originally introduced by Congresswoman KATHY DAHLKEMPER of Erie, Pennsylvania, another community with thousands of Polish Americans. And for that passage, the ambassador from Poland, Ambassador Robert Kupiecki, sat in the gallery as each vote ticked off. And it passed overwhelmingly, with over 400 votes. That was an exceptionally emotional moment for me, as we as a Nation mourn the death and terrible loss of life that the Nation of Poland is bearing.

The resolution expresses its deepest sympathies to the people of Poland and the families of those who perished for their profound loss. The resolution expressed strong and continued solidarity with the people of Poland and all persons of Polish descent, and expressed unwavering support for the Polish Government as it works to overcome the loss of many of its key officials. And we know that Poland will prevail.

It is important to place on the record also that the plane that crashed in the Katyn Forest, an area that embraces the collective tragedy of Poland's precious leaders. In the most morbid of ironies, the doomed plane was flying to Russia to commemorate the 70th anniversary of the Katyn massacre, when more than 22,000 Polish officers, intellectuals, leaders from all walks of life were summarily murdered at the hands of Joseph Stalin and the Soviet Army in and around Katyn Forest during World War II. Their bodies were buried and the truth hidden for seven decades. That is the truth of their slaughter. That history still must be made whole.

And I know that on May 5, in a strange twist of fate, at the Library of Congress, with the help of the Kosciuszko Foundation, there had been planned a special all-day seminar, which will continue, on the Katyn massacre. I think that it will be even more well attended than was originally anticipated. We thank the Library of Congress, its director, James Billington, and the Kosciuszko Foundation from New York for their presence and their leadership in this effort.

Before I turn to my colleagues who are on the floor tonight, let me just

read a brief poem called "Buttons" by Zbigniew Herbert. What it talks about is the original Katyn massacre and how little is known about it in the outside world, and what a responsibility we have to document what happened there. The poem is brief, but it reads as follows:

They come from depths upon the surface

The only tribute on their graves.
They are attesting God will count
Extend his mercy upon them.
But how to raise from the dead
If they're a clammy piece of earth.
A bird flew over, a cloud is passing
A leaf is dropping, a mallow grows
Heavens above are filled with silence
The Katyn Forest smokes with fog.
Only the buttons did not yield
Powerful voice of silenced choirs,
Only the buttons did not yield
Buttons from coats and uniforms.

I would like to yield to the gentleman from Indiana (Mr. DONNELLY) who was proudly here today to cast his vote for the resolution for such time as he may need.

Mr. DONNELLY of Indiana. I want to thank my good friend from Ohio.

Mr. Speaker, I rise today in remembrance of the 96 people who died so tragically in the plane crash near Smolensk, Russia, on Saturday, to stand here in solidarity with the Polish people during their time of immense loss. This is a time of sorrow for both our nations. And I extend my deepest sympathy to the Polish people.

The plane crash near Smolensk took the lives of many of Poland's leaders traveling to memorialize the 70th anniversary of the Katyn Forest massacre, as my good friend from Ohio had mentioned, where during World War II the Soviets executed approximately 22,000 Polish servicemembers, public servants, and citizens. Sadly, that site now claims the blood of more great Poles.

Killed on Saturday were President Lech Kaczynski, the First Lady, the governor of Poland's central bank, 12 members of parliament, four generals, many other key leaders, and great Polish citizens such as Anna Walentynowicz, the labor activist whose firing at the Gdansk shipyard helped spark the Solidarity strike.

President Kaczynski was a great leader of Poland and a close, important friend of the United States. The son of Polish freedom fighters, Lech Kaczynski was an active leader within the Solidarity movement for democratic reforms in Poland, which eventually led to free elections on June 4, 1989.

Elected President in 2005, President Kaczynski was a tireless advocate for stronger ties with the west and expanding NATO membership in Eastern Europe. He strengthened the cooperation between Poland and the United States, and his loss will be felt both in Poland and here in America.

Mr. Speaker, during the time of loss for the Polish people, I believe it is especially important that the United States work closely with the people of Poland on issues of mutual importance and that we assist their government in any way possible.

I am honored to have joined the House of Representatives today in passing House Resolution 1246, which expressed this Chamber's sympathy to the people of Poland for their loss, and pledging continued solidarity with the people of Poland and persons of Polish descent.

□ 1900

Let us use this tragedy as an opportunity to recognize and celebrate the friendship between our two nations. As we know, Poland and the United States have had a long and important friendship based on solidarity together. In fact, at our Nation's very birth, Kazimierz Pulaski, the great Polish cavalry officer, helped lead Americans in victories over the British and saved the life of George Washington. Polish Americans have contributed to the rich fabric of our Nation both throughout our history and today as vibrant and accomplished Americans, proud of their heritage and proud of their culture.

To my good friend from Ohio, as you have so many wonderful Polish-American communities in your district, in my district, South Bend, Mishawaka, Michigan City, La Porte, all of those wonderful cities in Indiana are home to over 10,000 Polish Americans, and many more Hoosiers can trace their roots to Poland and many more Hoosiers throughout my district can trace their roots to Poland.

Poland is a crucial American ally. The role of Solidarity, led by Lech Walesa, and the support of Pope John Paul II were instrumental in bringing about a peaceful end to the Cold War and an end to communism in Europe. Since the fall of the Iron Curtain, Poland has worked closely with the United States, joining NATO in 1999, contributing troops to the wars in Iraq and Afghanistan, and agreeing to cooperate with us on missile defense. Poland has instituted modern democratic and capitalist reforms, opening their country, economy, and their hearts to the world.

Mr. Speaker, let us remember those who perished in this past weekend's tragic disaster, and let us honor their lives and their contributions by continuing America's strong and unbreakable friendship with Poland for all the years to come.

Ms. KAPTUR. I thank the gentleman for his very, very heartfelt remarks this evening and for taking time after such a busy day to pay tribute to the nation of Poland and the people of Poland and citizens from his district and for sharing their grief and for offering

a word of hope and encouragement for the future. We thank you so very much for your participation.

Mr. DONNELLY of Indiana. It is a bond of friendship that has been strengthened year after year, born in Poland's struggles and America's struggles, a bond of solidarity that can never be broken. And we are both so proud to represent districts where we have so many Polish-American citizens who are so proud of their ancestry and who take such great pride in the roots that they have.

Ms. KAPTUR. As we think about what happened in Poland, we also experienced during this period now a peaceful transition of government. According to their constitution, as the Speaker of their Parliament, Bronislaw Komorowski assumed the office of President. And we can see through the magic of television thousands of Poles paying their respects to their lost President and First Lady in front of the Presidential Palace, and it's all peaceful in that great liberty loving land of Poland. And as the gentleman from Indiana has well stated, freedom-loving people who saw their nation wiped off the map of Europe for over a hundred years and then during World War II their nation partitioned and then the great struggle that they endured beginning with labor strikes during the 1950s in places like Poznan to begin to try to roll back that Iron Curtain, we are just so proud to be an ally of this great Nation of Poland.

I yield to the fine Member from Arizona, Congressman TRENT FRANKS, a leader in defense issues and so many other issues, who has come to the floor tonight to pay tribute.

Mr. FRANKS of Arizona. I thank the gentlewoman so warmly.

It's very difficult for me to add anything to the very touching words of the gentleman from Indiana and from the very kind and loving words of the gentlewoman from Ohio. This is one of those issues, obviously, where we stand together, and it transcends any political parties. And tonight we mourn with Poland because they have shown themselves to be some of the most brave, noble people in the history of humanity; and I can't express just, as with you, how we are all deeply saddened by the tragedy that has befallen them.

Now, just this past Saturday, of course, it doesn't seem like it could have happened that recently, but we were all stunned when the Polish Air Force flight carrying 96 passengers, of course including the Polish President, Lech Kaczynski, and his wife, Maria. They went home together. The Polish Military Joint Chiefs of Staff, the head of Poland's National Security Bureau, and numerous other Polish public servants, all of them crashed and their lives ended suddenly, and I suppose it's a reminder to all of us of our own mortality and also a reminder to us of how

difficult it is to lose people that have led such a noble country.

Now, of course, it's impossible for any of us to stand here and say anything that will really make sense of such an unexpected tragedy. But as Americans continue to stand in solidarity with the Polish people and with the families and friends of those taken all too soon by Saturday's crash, perhaps we can come away from this horrific event reminded uniquely of that strong bond that both of you spoke of that's shared by the United States and Poland.

And I am reminded of the words of G.K. Chesterton reflecting upon the value of an ally. He said, "There are no words to express the abyss between isolation and having just one ally. It may be conceded to the mathematicians that four is twice two. But two is not twice one; two is two thousand times one."

I think in a sense throughout history when we have had a firm knowledge that Poland stood with America for the cause of freedom it always made us feel like we were outnumbered, whoever was before us, and there can sometimes be a tendency among those of us in public service to focus our attention almost exclusively on the bad things that are happening all around us and all the wrongs that need to be righted. But sometimes in doing so, perhaps we occasionally lose sight of all the good things, the friends that we have in the world that share our common commitment to the ideal of freedom for everyone. And truly the United States has and has always had that kind of an ally in the nation of Poland, a friend that has continuously provided strong support to the United States both diplomatically and militarily.

And, of course, as both of you have said, it's a tragic irony that those on board the Polish air flight were on their way to remember another dark day in their nation's history 70 years ago when 20,000 of their precious predecessors of Poles were brutally killed by a Communist regime. But because of those experiences, the people of Poland, including President Lech Kaczynski, who from a young age fought against the forces of communism within Poland, they have been a freedom-loving people who understand as well as perhaps anyone what it means for a brutal regime to attempt forcibly to suppress the light of liberty, and that shared value goes to the heart of what our Founding Fathers in America believed when they established this great Nation.

So, Mr. Speaker and the gentlewoman from Ohio and the gentleman from Indiana, I just want to stand with you and hope all of us take time to remember this steadfast alliance between Poland and the United States of America. They are our friends, and the families of those on board the crash we

know tonight mourn the premature death of their loved ones. But every American stands together with them in saying that the nation of Poland and those most directly affected by this tragedy remain deeply in our prayers.

God bless Poland and God bless both of you.

Ms. KAPTUR. Congressman FRANKS, I want to thank you so very much. I know what a long day you have had. You began on C-SPAN this morning, I believe, and you have worked way over time today. And to join us here this evening and to pay tribute particularly with your responsibilities in the area of defense, I know that the people of Poland are listening and Polish Americans across this country and they are helped at this very, very weighty moment to be healed by your words, by the words of Congressman DONNELLY.

Today, we were all a part of that very, very important moment when the congressman from Chicago, Congressman DAN LIPINSKI, who co-chairs the Polish Caucus in the Congress, asked for a moment of silence, and Speaker PELOSI was at the rostrum, and the entire Chamber rose above partisanship. It was just the expression of the American people, as the Ambassador from Poland, Robert Kupiecki, was in the gallery, and we remembered those who'd lost their lives. And we prayed for the strength of Poland today, for the courage of her people to endure.

As we were expressing that respect, I kept thinking to my last trip to Poland, which was last August, and I have traveled there for many, many decades when it was under Communist control, and I remember how the people—how their faces, their eyes, their expressions were. And then in 1989 when the Berlin Wall came down, traveling to Poland and seeing this moment of possibility and the anxiousness at that particular period, and then to travel there last August and to see a new generation of Poland. I get pretty emotional thinking about it.

And to see their eyes, the eyes of the young people who are going to be the leaders of the 21st century and they have been raised in a free country for the first time in over a century. And they have the same possibility as the Poles who right after World War I attempted to build a free country, and then it was taken away from them by Nazi and Soviet aggression. So this is really the first generation.

And to see in 20 years the look of hope in those young people's eyes, I shall never forget it. And it told me that the world had progressed and that Poland had progressed and her deepest-held dreams lived in these young people.

So I wanted to put that on the record tonight and also to mention that many, many Members, certainly the Speaker, the Vice President, Secretary of State, Members of our House, like

Congressman QUIGLEY, have worked their way to the Polish Embassy to sign the book of mourning that is at the Embassy for interested members and citizens.

The Polish Embassy is overwhelmed with the outpouring of support and friendship of the American people. The street, 16th Street, just north of Dupont Circle, where the Embassy is located, the whole entire front is full of flowers and candles. Americans were walking by. They were attempting to gain entry to the Embassy to express their sorrow. It was quite a powerful sight to behold.

And I know that there are memorials being held around the globe as well. President Obama has announced he will be leading America's delegation to Poland this weekend for the President's funeral. So the outpouring of love from the American people to the Polish people is a bond that will only be strengthened by this great tragedy.

I wanted to also place on the RECORD, if I could, this evening a poem by Andrzej Wajda, who is a Polish filmmaker, about Katyn where the past generation and this generation of Poles has now paid the greatest price:

"There are no Great Walls there at Katyn,

No towers leaning or not leaning,
Declaring some king's success
Or mocking another's failure,
No gleaming cathedral where
You can pray for forgiveness
Or watch the cycle of shadows play
Through the coolness of the day,
And soon not even the names
Of those who died will be remembered,

Names like Skrzypinski, Chmura,
Or Anthony Milczarek.

Their harsh voices and tearing courage

Are already lost in the wind,
But their true monuments
Will always be there, in the dust
And the gray ashes and the mounds
Settling over the bodies over which
No prayers were ever whispered,
No tears shed by a grieving mother
Or a trembling sister."

This team of Polish leaders journeyed to Katyn, Russia, in order to begin to unravel this story of where history lived that for seven decades, three-quarters of a century, was denied. And I have to say that the Prime Minister of Russia, Vladimir Putin, is to be commended royally for his attention to what happened and, in addition to that, for having the courage to look history in the eye and not be afraid of it and to know that we are living in a new millennium and to allow the film Katyn by Andrzej Wajda to be shown on television in Russia before the crash and then after.

□ 1915

And so to make history right, and the President of Russia, Mr. Medvedev,

to be able to move on and to work together with the deep heritage that our peoples all have together and to use our power to make the world a better place, what a moment for all of us to be living, and an opportunity, a set of opportunities that should not be lost.

And I would like to yield back to my friend from Indiana (Mr. DONNELLY).

Mr. DONNELLY of Indiana. In listening to your comments, what continues as a theme throughout all of this is the unbreakable spirit of freedom of the Polish nation; that, despite some of the most harsh treatment from other countries, some of the most difficult challenges ever faced, their strength, their courage, their determination changed the face of the world.

I'm sure my good friend from Ohio remembers that day when a new Pope was chosen many years ago, and out on to the balcony came Pope John Paul II. And I remember the announcer saying, This Pope is from Poland. And when that happened, the whole world changed.

And it wasn't too long after that that a strike at a shipyard in Gdansk again changed the face of the world, and that the courage of those workers and the strength of their belief in freedom and the Pope's keeping an eye on them, so to speak, helped change the entire world again; where you heard so many times that the Iron Curtain could never be broken, that the Soviet Union would never change, that Poland was a smaller nation than the Soviet Union and would never have a chance to see their spirit of democracy bloom and flower.

But the determination of the people of that country could not be denied, and their example led to the Berlin Wall coming down, led to country after country getting their own freedom and their own democracy. And it was all started in a shipyard in Gdansk by the Polish nation who believed in a cause that was right, in a cause that was just, and believed that we are all creatures of God, and God has given us that opportunity to have freedom. And because of that, the whole world changed because of the strength of the people of Poland.

And so tonight, as we stand here in our own beloved Capitol of this Nation we love so much, we want all of our friends of Polish heritage to know and all of our friends who are in Poland to know that we stand together with them, that we are as one, and that they can always count on our being there whenever needed.

Ms. KAPTUR. The gentleman's words are so eloquent. And I am reminded that in the resolution that was passed this afternoon here in the Congress, one of those who lost her life on that plane was Anna Walentynowicz, who's the former dock worker whose firing in 1908 sparked the solidarity strike that ultimately overthrew the Polish com-

munist government, and of course she was killed in the crash as well.

And last August, when I traveled to Poland, one of the cities we visited was Poznan, and what was—there were many, many moments that were memorable, but I can remember standing near the town square and seeing very huge, huge crosses, metal crosses that had rope bonds around them, and underneath it, the years 1956 through the late fifties, through the sixties, through the seventies, all of the strikes and protests inside of communist Poland that ultimately, in 1980 and during the decade of the 1980s, then erupted.

But the courage, the progressive courage, decade after decade after decade, at, obviously, threat to loss of their own life and loss of their own life, the people of Poland trying to build a solidarity movement to change life in that part of the world was an extraordinary story. It's a story of great heroism. And I think the gentleman reminds us of the price that has been paid by the people of Poland for their liberty.

Mr. DONNELLY of Indiana. And I think back of all the incredible accomplishments that have occurred because of that desire for freedom, that recognition that each human being is special and that God has given us those rights. And that's why Lech Walesa stood up and said, Enough.

In my own district, on the West side of South Bend, also Saint Adalberts, which is the central—one of the central points of the Polish communities in South Bend, and in Michigan City, Saint Stanislas Kostka, which is another central point where the community today is as strong and as vibrant as ever and has a very heavy heart this week after what has happened, after seeing folks they care so much about be in such a terrible, terrible accident, a terrible loss. And their tremendous pride in their American heritage and their Polish heritage has led those communities to be such bright lights in my State and, I know, in Ohio as well.

Ms. KAPTUR. You know, Congressman DONNELLY, when we think back to Poland's history during World War II, no nation lost a higher percentage of its people. Twenty percent of the population of Poland was eliminated. And the strength that it took to survive that and to endure, history should well note the dismembering of their nation and their ability to prevail and ultimately then, in the fifties and sixties and seventies and eighties, they come from a heritage of great suffering and great triumph.

Mr. DONNELLY of Indiana. And to a community where Easter is such a special event and to have this happen so shortly after Easter, in Rolling Prairie, a little town just outside of South Bend where there is also another Saint Stanislas Kostka, where Easter is cele-

brated as something not only very important spiritually, but also to the Polish community as well, to have this happen so shortly after that may have made the pain even more difficult.

But what the people of Poland know is that they have suffered and struggled before, and from each time they deal with struggling and suffering, they come out stronger and they come out as a nation more united every time. And so from this pain, from this sorrow will come comfort and the understanding and knowledge of all the friends that the nation of Poland has throughout the world. And that, we hope, can be of some comfort.

Ms. KAPTUR. I thank you for your words and compassion; and, in a similar vein, wish to place in the RECORD two letters that have been issued relating to this tragedy. One is from Stefan Wisniewski, who is the President of the Kresy-Siberia Foundation. This particular foundation is trying to virtually tell the history of the millions of Poles who were relocated during World War II from the eastern half of Poland and sent to concentration camps and labor camps in Siberia and points east as the Red Army assumed control of the eastern half of Poland. There were lives, hundreds of thousands upon thousands of lives lost.

And he writes the following: What has happened is a black day for Poland and for her children around the world, including all of us at the Kresy-Siberia Foundation who are working for the remembrance and recognition of our collective history.

Those who perished were all leaders in the nation's quest for remembrance and identity. Many were close friends of the Kresy-Siberia Foundation, and among those we have lost are two of the honorary patrons of the Kresy-Siberia Virtual Museum: Ryszard Kaczorowski, the last Polish President-in-Exile, and Janusz Krupski, Ministry for Veterans and Repressed Peoples.

Our first important backer, Mr. Maciejowski, who's President of the Inota Polska, which is the Polish Union Association, who had the courage and vision to be the first major sponsor of our virtual museum and whose organization now hosts our office in Warsaw.

He also says, Janusz Kurtyka, president of the Institute for National Remembrance, who headed one of our foundation's most important partners, Andrzej Przewoznik, who's Secretary overseeing the Council for the Protection of Memory of Struggle and Martyrdom, an important friend and collaborator of the Kresy-Siberia Foundation, and of course he references President Kaczynski and his wife, Maria, who were both aware and very supportive of the foundation's efforts.

And then he recognized the scores of leaders of the Siberian Association, the Katyn Families Association, the Golgotha of the East Foundation, and

all our friends and colleagues drawn to the common flame of Katyn and all lost in the flames of the presidential jet crash.

The tragic irony of this circumstance is not lost on us. Like the cream of the Polish nation murdered 70 years ago and who the presidential party was en route to commemorate at Katyn, an entire leadership group of our nation has been lost to us. Literally, the entire chiefs of staff of the Army, Air Force, Navy have all perished, along with scores of parliamentarians, government officials, religious leaders, and historical activists like us.

We Poles will recover, for as a nation we always have, but we have lost a strong core of our most passionate and historically aware patriots. We are in shock and mourning. Our thoughts and prayers are with the nation and with the families of those who lost their loved ones. May Poland and all her children around the world rally in unity at this tragic blow.

And I would hope that the United States of America would take up the gauntlet and help Poland continue the effort to remember, to restore her archival collections, to try to make and honor those who lost their lives under such horrendous circumstances over 70 years ago, and that the ground that now is sacred because of additional lives lost as well as those in the past has special meaning in the world today, and that we need to remember and we need to account for every lost life. America can help in this cause.

And another letter that was sent from Alex Storozyński, who's president and executive director of the Kosciuszko Foundation based in New York writes:

"Dear friends,

"As we mourn the loss of President Lech and Maria Kaczynski and their talented delegation of leaders, we must make sure that these deaths were not in vain.

"After a coverup, the Katyn Massacre which lasted for decades, today the truth about Katyn was on television and page 1 news around the world.

"As the anthem says, 'Poland has not perished while we are alive.'

"President Kaczynski and his Cabinet presided over a period of prosperity, and today Poland has the 18th largest economy in the world, a free press where people can speak their minds, and a stable democratic system where voters elect their leaders.

"These are great strides made by our fatherland over the past 20 years and we should all be proud. So wherever you are, go visit a Polish Consulate, a Polish church, a Polish club, or a Polish cultural center and share your condolences. But remember to count your blessings as well."

I thought that was a beautiful call to action here in the United States and abroad.

Congressman DONNELLY, please.

Mr. DONNELLY of Indiana. I just want to thank my good friend from Ohio for letting me be part of this. And to the nation of Poland, our hearts and our sympathy are with you at this very, very difficult time.

Ms. KAPTUR. I thank Congressman DONNELLY for joining us this evening, and Congressman FRANKS from Arizona, Congressman DONNELLY from Indiana, Congresswoman KAPTUR from Ohio. To all of our colleagues from across this country, and certainly from the Polish American Caucus here in the Congress—Congressman LIPINSKI, Congressman DINGELL, Congressman CHRIS MURPHY, Congressman MIKE QUIGLEY of Chicago, Congressman DENNIS KUCINICH of Cleveland, Ohio, Congresswoman MARCIA FUDGE of the same region—all of us are united in our common grief as well as common hope that the future of Poland in this millennium will be very bright, and America stands with you at this very historic moment.

This is a black day for Poland and for her children around the world, including all of us at Kresy-Siberia who are working for the remembrance and recognition of our collective history.

Those who perished today were all leaders in the Nation's quest for remembrance and identity.

Many were close friends of the Kresy-Siberia Foundation, and among those we have lost are:

Two of the Honorary Patrons of the Kresy-Siberia Virtual Museum: Ryszard Kaczorowski, the last Polish President-in-Exile, and Janusz Krupski, Ministry for Veterans and Repressed Persons.

Our first important backer, Maciejowski, President of the "Inota Polska" (Polish Union) Association, who had the courage and vision to be the first major sponsor of our virtual museum and whose organization now hosts our office in Warsaw.

Janusz Kurtyka, President of the Institute for National Remembrance, who headed one of our Foundation's most important Partners.

Andrzej Przewonik, Secretary overseeing the Council for the Protection of Memory of Struggle and Martyrdom, an important friend and collaborator of the Kresy-Siberia Foundation.

President Kaczynski and especially Mrs. Kaczynska, who we met in Warsaw last September, who were both aware of and very supportive of Kresy-Siberia.

Scores of leaders of the Siberian Association, the Katyn Families Association, the Golgotha of the East Foundation, and all our friends and colleagues drawn to the common flame of Katyn and all lost in the flames of the presidential jet crash.

The tragic irony of this circumstance is not lost on us.

Like the cream of the Polish nation murdered 70 years ago, and who the Presidential party was en route to commemorate at Katyn, an entire leadership group of our nation has been lost to us. Literally, the entire chiefs of staff of the Army, Air Force, and Navy have all perished. Along with scores of parliamentarians, government officials, religious leaders, and historical activists like us.

We Poles will recover, for as a Nation we always have. But we have lost a strong core

of our most passionate and historically aware patriots.

We are in shock and mourning.

Our thoughts and prayers are with the Nation and with the families of those who lost their loved ones.

May Poland and all her children around the world rally in unity at this tragic blow.

STEFAN WISNIOWSKI,

Foundation President, Kresy-Siberia Foundation.

Dear Friends,

As we mourn the loss of President Lech and Maria Kaczynski and their talented delegation of leaders, we must make sure that these deaths were not in vain.

After a cover up of the Katyn Massacre, which lasted for decades, today the truth about Katyn was on television—and page-one news around the world!

As the anthem says, "Poland has not perished while we are alive."

President Kaczynski and his cabinet presided over a period of prosperity, and today Poland has the 18th largest economy in the world, a free press where people can speak their minds, and a stable democratic system where voters elect their leaders.

These are great strides made by our fatherland over the past 20 years and we should all be proud. So wherever you are, go visit a Polish Consulate, a Polish church, club, or cultural center and share your condolences. But remember to count your blessings as well!

All the best,

ALEX STOROZYNSKI,
President & Executive Director,
The Kosciuszko Foundation.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Ms. WOOLSEY) to revise and extend their remarks and include extraneous material:)

Mr. SKELTON, for 5 minutes, today.

Ms. LEE of California, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Ms. BERKLEY, for 5 minutes, today.

Ms. SUTTON, for 5 minutes, today.

Mr. HEINRICH, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Mr. SMITH of Washington, for 5 minutes, today.

Mr. SESTAK, for 5 minutes, today.

Mr. LARSEN of Washington, for 5 minutes, today.

Mr. TAYLOR, for 5 minutes, today.

Ms. LORETTA SANCHEZ of California, for 5 minutes, today.

Mr. LANGEVIN, for 5 minutes, today.

Mr. MCMAHON, for 5 minutes, today.

Ms. JACKSON LEE of Texas, for 5 minutes, today.

(The following Members (at the request of Mr. BURTON of Indiana) to revise and extend their remarks and include extraneous material:)

Mr. MORAN of Kansas, for 5 minutes, April 21.

Mr. POE of Texas, for 5 minutes, April 21.

Mr. JONES, for 5 minutes, April 21.

Mr. THOMPSON of Pennsylvania, for 5 minutes, today.

(The following Member (at her own request) to revise and extend her remarks and include extraneous material:)

Ms. ROS-LEHTINEN, for 5 minutes, today.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 1749. An act to amend title 18, United States Code, to prohibit the possession or use of cell phones and similar wireless devices by Federal prisoners, to the Committee on the Judiciary.

ENROLLED BILLS SIGNED

Lorraine C. Miller, Clerk of the House, reported and found truly en-

rolled bills of the House of the following titles, which were thereupon signed by the Speaker:

- H.R. 4573. An act to urge the Secretary of the Treasury to instruct the United States Executive Directors at the International Monetary Fund, the World Bank, the Inter-American Development Bank, and other multilateral development institutions to use the voice, vote, and influence of the United States to cancel immediately and completely Haiti's debts to such institutions, and for other purposes.
- H.R. 4887. An act to amend the Internal Revenue Code of 1986 to ensure that health coverage provided by the Department of Defense is treated as minimal essential coverage.

CBO ESTIMATE OF THE STATUTORY PAY-AS-YOU-GO EFFECTS FOR H.R. 3506, THE ELIMINATE PRIVACY NOTICE CONFUSION ACT, AS INTRODUCED ON JULY 31, 2009, AND AMENDED ON APRIL 13, 2010

	By fiscal year, in millions of dollars—												
	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2010–2015	2010–2020
Statutory Pay-As-You-Go Impact	0	0	0	0	0	0	0	0	0	0	0	0	0

Note: Components may not sum to totals because of rounding.
Source: Congressional Budget Office.

Pursuant to Public Law 111-139, Mr. SPRATT hereby submits, prior to the vote on passage, the attached estimate of the costs of H.R. 4994, the Taxpayer Assistance Act of 2010, as amended, for printing in the CONGRESSIONAL RECORD.

CBO ESTIMATE OF THE STATUTORY PAY-AS-YOU-GO EFFECTS FOR H.R. 4994, THE TAXPAYER ASSISTANCE ACT OF 2010, AS PROVIDED BY THE HOUSE COMMITTEE ON THE BUDGET ON APRIL 14, 2010

	By fiscal year, in millions of dollars—												
	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2010–2015	2010–2020
Statutory Pay-As-You-Go Impact	20	–15	–20	–15	–13	–10	–6	–2	2	5	9	–52	–45

Note: Components may not sum to totals because of rounding.
Source: Congressional Budget Office and Joint Committee on Taxation.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

6995. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Ammonium Salts of Fatty Acids (C8-C18 Saturated); Exemption from the Requirement of a Tolerance [EPA-HQ-OPP-2008-0652; FRL-8809-6] received March 23, 2010 to the Committee on Agriculture.

6996. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Cloquintocet-mexyl; Pesticide Tolerances [EPA-HQ-OPP-2009-0714; FRL-8816-3] received March 23, 2010 to the Committee on Agriculture.

6997. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Clopyralid; Pesticide Tolerances [EPA-HQ-OPP-2009-0092; FRL-8814-2] received March 23, 2010 to the Committee on Agriculture.

6998. A letter from the Assistant Secretary, Department of Defense, transmitting a letter regarding the National Guard and Reserve Equipment Report to the Committee on Armed Services.

6999. A letter from the Executive Director, Consumer Product Safety Commission, transmitting the Fiscal Year 2009 Annual Report to the Committee on Energy and Commerce.

7000. A letter from the Assistant General Counsel for Legislation, Regulation and Energy Efficiency, Department of Energy, transmitting the Department's final rule — Energy Conservation Program for Consumer Products: Classifying Products as Covered Products [Docket No.: EE-RM-03-630] (RIN: 1904-AB52) received March 22, 2010 to the Committee on Energy and Commerce.

7001. A letter from the Assistant General Counsel for Legislation, Regulation and Energy Efficiency, Department of Energy, transmitting the Department's "Major" final rule — Energy Conservation Program: Energy Conservation Standards for Small Electric Motors [Docket No.: EERE-2001-BT-STD-0007] (RIN: 1904-AB70) received April 8, 2010 to the Committee on Energy and Commerce.

7002. A letter from the Deputy Assistant Administrator/Office of Diversion Control, Department of Justice, transmitting the Department's "Major" final rule — Electronic Prescriptions for Controlled Substances [Docket No.: DEA-218I] (RIN: 1117-AA61) received April 1, 2010 to the Committee on Energy and Commerce.

7003. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Illinois; NOx Budget Trading Program; Correction [EPA-R05-OAR-2009-0964; FRL-9129-9] received March 23, 2010 to the Committee on Energy and Commerce.

7004. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Michigan; PSD Regulations [EPA-R05-OAR-2007-1043; FRL-9129-5] received March 23, 2010 to the Committee on Energy and Commerce.

7005. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation

of Air Quality Implementation Plans; Texas; Revision to Control Volatile Organic Compound Emissions in the Houston/Galveston/Brazoria 8-Hour Ozone Nonattainment Area [EPA-R06-OAR-2007-0526; FRL-9130-8] received March 23, 2010 to the Committee on Energy and Commerce.

7006. A letter from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.622(i), Post-Transition Table of DTV Allotments, Television Broadcast Stations (Atlantic City, New Jersey) [MB Docket No.: 09-231] received March 25, 2010 to the Committee on Energy and Commerce.

7007. A letter from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Digital Audio Broadcasting Systems And Their Impact on the Terrestrial Radio Broadcast Service [MD Docket No.: 99-325] received March 25, 2010 to the Committee on Energy and Commerce.

7008. A letter from the Secretary, Department of Veterans Affairs, transmitting the Department's annual report for fiscal year 2009, in accordance with Section 203(a) of the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 (No FEAR Act), Public Law 107-174 to the Committee on Oversight and Government Reform.

7009. A letter from the Chairman, Federal Deposit Insurance Corporation, transmitting the Corporation's fiscal year 2009 annual report prepared in accordance with Section 203 of the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 (No FEAR Act), Public Law 107-174 to the Committee on Oversight and Government Reform.

7010. A letter from the Acting Senior Procurement Executive, General Services Administration, transmitting the Administration's final rule — Federal Acquisition Regulation; Federal Acquisition Circular 2005-40; Small Entity Compliance Guide [Docket FAR 2010-0077, Sequence 2] received March 25, 2010 to the Committee on Oversight and Government Reform.

7011. A letter from the Acting Senior Procurement Executive, General Services Administration, transmitting the Administration's final rule — Federal Acquisition Regulation; Federal Acquisition Circular 2005-40; Introduction [Docket FAR 2010-0076, Sequence 2] received March 25, 2010 to the Committee on Oversight and Government Reform.

7012. A letter from the Acting Associate Administrator for Acquisition Policy, General Services Administration, transmitting the Administration's final rule — Federal Acquisition Regulation; FAR Case 2008-027, Federal Awardee Performance and Integrity Information System [FAC 2005-40; FAR Case 2008-027; Docket 2009-030, Sequence 1] (RIN: 9000-AL38) received March 25, 2010 to the Committee on Oversight and Government Reform.

7013. A letter from the Acting Assistant Administrator for Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Taking of Marine Mammals Incidental to Commercial Fishing Operations; Harbor Porpoise Take Reduction Plan Regulations [Docket No.: 080721862-8864-01] (RIN: 0648-AW51) received March 25, 2010 to the Committee on Natural Resources.

7014. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administra-

tion, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Non-American Fisheries Act Crab Vessels Catching Pacific Cod for Processing by the Offshore Component in the Western Regulatory Area of the Gulf of Alaska [Docket No.: 09100091344-9056-02] (RIN: 0648-XU62) received March 25, 2010 to the Committee on Natural Resources.

7015. A letter from the Staff Director, Commission on Civil Rights, transmitting notification that the Commission recently appointed members to the Kansas Advisory Committee to the Committee on the Judiciary.

7016. A letter from the Staff Director, Commission on Civil Rights, transmitting notification that the Commission recently appointed members to the District of Columbia Advisory Committee to the Committee on the Judiciary.

7017. A letter from the Staff Director, Commission on Civil Rights, transmitting notification that the Commission recently appointed members to the Pennsylvania Advisory Committee to the Committee on the Judiciary.

7018. A letter from the Secretary, Department of Transportation, transmitting the Department's report on the Tribal-State Road Maintenance Agreements to the Committee on Transportation and Infrastructure.

7019. A letter from the Regulation Coordinator, Department of Health and Human Services, transmitting the Department's "Major" final rule — Medicare Program: Policy and Technical Changes to the Medicare Advantage and the Medicare Prescription Drug Benefit Programs (RIN: 0938-AP77) received April 7, 2010 jointly to the Committees on Energy and Commerce and Ways and Means.

7020. A letter from the Administrator, FEMA, Department of Homeland Security, transmitting the Department's report on the Preliminary Damage Assessment information on FEMA-1872-DR for the State of Arkansas jointly to the Committees on Transportation and Infrastructure, Appropriations, and Homeland Security.

7021. A letter from the Administrator, FEMA, Department of Homeland Security, transmitting the Department's report on the Preliminary Damage Assessment information on FEMA-1873-DR for the State of New Jersey jointly to the Committees on Transportation and Infrastructure, Appropriations, and Homeland Security.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Ms. PINGREE of Maine: Committee on Rules. House Resolution 1248. Resolution providing for consideration of the bill (H.R. 4715) to amend the Federal Water Pollution Control Act to reauthorize the National Estuary Program, and for other purposes, waiving a requirement of clause 6(a) of rule XIII with respect to consideration of certain resolutions reported from the Committee on Rules, and providing for consideration of motions to suspend the rules (Rept. 111-463). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following

titles were introduced and severally referred, as follows:

By Mr. ANDREWS (for himself, Mr. CONAWAY, Mr. SKELTON, Mr. MCKEON, Mr. ELLSWORTH, Mr. COFFMAN of Colorado, and Mr. HUNTER):

H.R. 5013. A bill to amend title 10, United States Code, to provide for performance management of the defense acquisition system, and for other purposes; to the Committee on Armed Services, and in addition to the Committee on Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FILNER:

H.R. 5014. A bill to clarify the health care provided by the Secretary of Veterans Affairs that constitutes minimum essential coverage; to the Committee on Ways and Means.

By Mr. MCGOVERN (for himself, Mr. JONES, Ms. LEE of California, Mr. JOHNSON of Illinois, Ms. PINGREE of Maine, Mr. CAPUANO, Mr. CONYERS, Mr. LUJÁN, Ms. SLAUGHTER, Mr. KUCINICH, Mr. NADLER of New York, Mr. SCHRADER, and Ms. HARMAN):

H.R. 5015. A bill to require a plan for the safe, orderly, and expeditious redeployment of United States Armed Forces from Afghanistan; to the Committee on Foreign Affairs, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BISHOP of Utah (for himself, Mr. HASTINGS of Washington, Mr. KING of New York, and Mr. SMITH of Texas):

H.R. 5016. A bill to prohibit the Secretaries of the Interior and Agriculture from taking action on public lands which impede border security on such lands, and for other purposes; to the Committee on Natural Resources, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KANJORSKI (for himself, Mr. HODES, Mr. WILSON of Ohio, Mr. HINOJOSA, and Mr. COURTNEY):

H.R. 5017. A bill to ensure the availability of loan guarantees for rural homeowners; to the Committee on Financial Services.

By Ms. BEAN (for herself and Mr. CONAWAY):

H.R. 5018. A bill to amend title 31, United States Code, to direct the Director of the Office of Management and Budget to improve oversight of the single audit process, and for other purposes; to the Committee on Oversight and Government Reform.

By Mr. WELCH (for himself, Mr. EHLERS, Mr. MARKEY of Massachusetts, Mr. WAXMAN, and Mr. CARDOZA):

H.R. 5019. A bill to provide for the establishment of the Home Star Retrofit Rebate Program, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. WATERS (for herself, Ms. SPIER, Mr. ELLISON, Ms. RICHARDSON, Ms. WATSON, Mr. MEEKS of New

York, Mr. AL GREEN of Texas, Ms. CLARKE, Mr. BISHOP of Georgia, Mr. JOHNSON of Georgia, Mr. SCOTT of Virginia, Mr. WATT, Mr. PAYNE, Mr. CLEAVER, Mr. THOMPSON of Mississippi, Mr. CONYERS, Ms. FUDGE, Ms. WOOLSEY, Mr. LEWIS of Georgia, Mr. RANGEL, Mr. FRANK of Massachusetts, Mr. TOWNS, Ms. VELÁZQUEZ, Mr. PIERLUISI, Mr. REYES, Mr. HONDA, Mr. PASTOR of Arizona, Ms. KAPTUR, Mr. CUMMINGS, Mr. MORAN of Virginia, Ms. SCHAKOWSKY, Mr. GARAMENDI, Ms. CORRINE BROWN of Florida, Ms. EDWARDS of Maryland, Mr. JACKSON of Illinois, Ms. MOORE of Wisconsin, Mr. DOGGETT, Mr. MCGOVERN, Mr. FARR, Mr. CLAY, Mr. HASTINGS of Florida, Ms. ROYBAL-ALLARD, Ms. LEE of California, Mr. STARK, Mr. CAPUANO, Mr. DEFAZIO, Mr. FILNER, Mr. DELAHUNT, Mrs. NAPOLITANO, and Ms. LORETTA SANCHEZ of California):

H.R. 5020. A bill to require the Federal Communications Commission to extend the time period for filing petitions to deny, oppositions, and comments in the proceeding relating to the proposed merger of Comcast and NBC Universal; to the Committee on Energy and Commerce.

By Mr. BISHOP of New York (for himself, Mr. MCMAHON, Mr. ELLSWORTH, Mr. NADLER of New York, and Mr. HARE):

H.R. 5021. A bill to amend the Internal Revenue Code of 1986 to provide that fees charged for baggage carried into the cabin of an aircraft are subject to the excise tax imposed on transportation of persons by air; to the Committee on Ways and Means.

By Mr. BRALEY of Iowa:

H.R. 5022. A bill to authorize the Secretary of Education to make grants to 10 institutions of higher education for the expansion of master's degree in physical education programs that emphasize technology and innovative teaching practices; to the Committee on Education and Labor.

By Mr. GRIJALVA:

H.R. 5023. A bill to prescribe procedures for effective consultation and coordination by Federal agencies with federally recognized Indian tribes regarding Federal Government activities that impact tribal lands and interests to ensure that meaningful tribal input is an integral part of the Federal decision-making process; to the Committee on Natural Resources.

By Mr. HOLT (for himself and Mrs. MCCARTHY of New York):

H.R. 5024. A bill to authorize the Secretary of Education to award grants to improve access to, sharing of, and use of, education data to improve student outcomes, and for other purposes; to the Committee on Education and Labor.

By Mr. KENNEDY:

H.R. 5025. A bill to amend the Public Health Service Act and the Social Security Act to extend health information technology assistance eligibility to behavioral health, mental health, and substance abuse professionals and facilities, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MARKEY of Massachusetts (for himself and Mr. UPTON):

H.R. 5026. A bill to amend the Federal Power Act to protect the bulk-power system

and electric infrastructure critical to the defense of the United States from cybersecurity and other threats and vulnerabilities; to the Committee on Energy and Commerce.

By Mr. TONKO (for himself, Mr. GRIJALVA, Ms. FUDGE, and Ms. RICHARDSON):

H.R. 5027. A bill to direct the Secretary of Agriculture to assess the effectiveness and efficiency of administrative review systems to ensure compliance with Federal meal standards; to the Committee on Education and Labor.

By Mr. HODES:

H.J. Res. 82. A joint resolution proposing the "Doris 'Granny D' Haddock Amendment of 2010" to the Constitution of the United States regarding the authority of Congress and the States to regulate the spending and activities of corporations with regard to political campaigns and campaigns for election for public office; to the Committee on the Judiciary.

By Mrs. DAHLKEMPER (for herself, Mr. KANJORSKI, Mr. LIPINSKI, Mr. BERMAN, Ms. ROS-LEHTINEN, Mr. QUIGLEY, Mrs. NAPOLITANO, Mr. CONYERS, Ms. VELÁZQUEZ, Mr. GUTIERREZ, Mr. SIREN, Mr. VISCLOSKEY, Mr. HOLDEN, Mr. COURTNEY, Mr. PASCRELL, Mr. HOLT, Mr. MCGOVERN, Mr. MILLER of North Carolina, Mr. FILNER, Mr. DOGGETT, Mr. BURTON of Indiana, Mr. LEVIN, Mr. KUCINICH, Mr. CARNEY, Ms. DEGETTE, Mr. LANGEVIN, Ms. HARMAN, Mr. TONKO, Mr. TANNER, Ms. NORTON, Mr. SNYDER, Mr. NEAL of Massachusetts, Mr. SMITH of New Jersey, Mr. MAFFEI, Mr. MCCAUL, Mr. BILIRAKIS, Ms. BERKLEY, Mr. PAYNE, Mr. SCOTT of Georgia, Mr. CARNAHAN, Mr. HASTINGS of Florida, Mr. SHERMAN, Mr. WILSON of South Carolina, Ms. KAPTUR, Mr. DINGELL, Mr. SCHAUER, Ms. JACKSON LEE of Texas, Mr. MANZULLO, Mr. OWENS, Mr. COSTA, Mr. POE of Texas, Mr. OLIVER, Ms. BORDALLO, Mr. PENCE, Mr. MURPHY of Connecticut, Mr. HALL of New York, Mrs. MALONEY, Mr. HIGGINS, Mr. LEWIS of Georgia, Mr. PIERLUISI, Ms. SCHAKOWSKY, Mr. MOORE of Kansas, Ms. MARKEY of Colorado, Mr. ROGERS of Michigan, Ms. CORRINE BROWN of Florida, Mr. HUNTER, Mr. LARSON of Connecticut, Mr. JOHNSON of Georgia, and Ms. RICHARDSON):

H. Res. 1246. A resolution expressing sympathy to the people of Poland in the aftermath of the tragic plane crash that killed the country's President, First Lady, and 94 others on April 10, 2010; to the Committee on Foreign Affairs; considered and agreed to.

By Mr. LYNCH (for himself, Mr. DAVIS of Illinois, Mr. TOWNS, Mr. VAN HOLLEN, Mr. MORAN of Virginia, Mr. CONNOLLY of Virginia, and Mr. CHAFFETZ):

H. Res. 1247. A resolution expressing the sense of the House of Representatives that public servants should be commended for their dedication and continued service to the Nation during Public Service Recognition Week, May 3 through 9, 2010, and throughout the year; to the Committee on Oversight and Government Reform.

By Mr. BOEHNER:

H. Res. 1249. A resolution raising a question of the privileges of the House; to the Committee on Standards of Official Conduct.

By Ms. LEE of California (for herself, Mr. TOWNS, Mr. GRIJALVA, Ms. RICHARDSON, Ms. KILROY, and Mr. RYAN of Ohio):

H. Res. 1250. A resolution supporting the goals and ideals of "National STD Awareness Month"; to the Committee on Energy and Commerce.

By Mr. POE of Texas (for himself and Mr. THORNBERRY):

H. Res. 1251. A resolution recognizing and honoring the United States troops who gave their lives on D-Day at the Battle of Normandy; to the Committee on Armed Services.

By Mr. ROONEY:

H. Res. 1252. A resolution commending the political leadership of Northern Ireland on reaching the Hillsborough Agreement on policing and justice; to the Committee on Foreign Affairs.

By Mr. WELCH:

H. Res. 1253. A resolution commemorating the 200th anniversary of the birth of Vermont Senator Justin Smith Morrill, who helped create a national system of land-grant colleges; to the Committee on House Administration.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 211: Mr. HILL, Mrs. MCCARTHY of New York, and Ms. VELÁZQUEZ.

H.R. 333: Ms. NORTON, Mr. LEWIS of Georgia, Ms. SUTTON, Mr. CUMMINGS, Ms. KILPATRICK of Michigan, Mrs. KIRKPATRICK of Arizona, Mr. WILSON of Ohio, Mr. MURPHY of New York, Mr. LUETKEMEYER, and Mr. MCNERNEY.

H.R. 362: Mr. TIAHRT.

H.R. 537: Mr. CONNOLLY of Virginia.

H.R. 728: Mr. BUCHANAN.

H.R. 758: Ms. SHEA-PORTER.

H.R. 855: Mr. TIM MURPHY of Pennsylvania.

H.R. 929: Mr. GRIJALVA.

H.R. 933: Mr. KINGSTON.

H.R. 1189: Ms. SUTTON, Mr. GARAMENDI, Mr. PAYNE, Mr. BLUMENAUER, and Mr. PAULSEN.

H.R. 1191: Mr. FILNER.

H.R. 1210: Mr. ARCURI.

H.R. 1310: Mr. HEINRICH.

H.R. 1322: Mr. DOYLE.

H.R. 1362: Mr. WEINER, Ms. NORTON, Mr. PITTS, and Mr. KLINE of Minnesota.

H.R. 1520: Mr. CONNOLLY of Virginia.

H.R. 1526: Mr. GUTHRIE.

H.R. 1549: Mr. FILNER.

H.R. 1551: Mr. CONNOLLY of Virginia.

H.R. 1557: Mr. TANNER.

H.R. 1616: Mr. CAO.

H.R. 1625: Ms. MOORE of Wisconsin, Ms. RICHARDSON, Mr. MOORE of Kansas, Ms. CHU, Mr. SIREN, Mr. CARNAHAN, Ms. SHEA-PORTER, and Mr. MCNERNEY.

H.R. 1670: Ms. MOORE of Wisconsin.

H.R. 1751: Ms. RICHARDSON, Mr. BACA, and Mr. PASCRELL.

H.R. 1826: Mr. LIPINSKI, Mr. CLEAVER, and Mr. SCHAUER.

H.R. 1844: Mr. CAPUANO.

H.R. 1855: Mr. WELCH.

H.R. 1875: Mr. FILNER and Mr. SHERMAN.

H.R. 1912: Mr. MAFFEI.

H.R. 1943: Mrs. MALONEY.

H.R. 1995: Mr. FORBES.

H.R. 2054: Ms. KILROY.

H.R. 2142: Mr. MATHESON, Mr. SCHIFF, Mr. MINNICK, and Mr. PATRICK J. MURPHY of Pennsylvania.

H.R. 2414: Mr. TOWNS and Ms. RICHARDSON.

H.R. 2425: Mr. ELLISON.

H.R. 2478: Mr. RANGEL, Mr. SULLIVAN, and Mr. BRALEY of Iowa.

H.R. 2480: Mr. ROGERS of Michigan.

- H.R. 2483: Mr. PALLONE.
H.R. 2546: Mr. CAMPBELL.
H.R. 2565: Mr. PETRI.
H.R. 2583: Ms. KILROY.
H.R. 2733: Mr. LOEBSACK and Mrs. McMorris RODGERS.
H.R. 2766: Ms. CLARKE and Mr. CONNOLLY of Virginia.
H.R. 2807: Ms. MARKEY of Colorado, Mr. BLUMENAUER, and Ms. KILPATRICK of Michigan.
H.R. 2808: Mr. BURTON of Indiana and Mr. DUNCAN.
H.R. 2891: Mr. KAGEN and Ms. CORRINE BROWN of Florida.
H.R. 2932: Mr. LYNCH and Mr. ELLISON.
H.R. 3018: Mr. GENE GREEN of Texas.
H.R. 3043: Mr. MORAN of Virginia, Mr. MAFFEI, and Mrs. CAPPS.
H.R. 3116: Mr. MILLER of Florida.
H.R. 3131: Mr. CAMPBELL.
H.R. 3189: Mr. FORBES.
H.R. 3243: Mr. CONNOLLY of Virginia.
H.R. 3315: Mr. MOORE of Kansas.
H.R. 3339: Mrs. KIRKPATRICK of Arizona.
H.R. 3393: Mr. TANNER, Mr. BRIGHT, Mr. COOPER, Mr. CHANDLER, and Mr. SCHIFF.
H.R. 3415: Mr. ROSS, Mr. MARCHANT, and Mr. SESSIONS.
H.R. 3421: Ms. DELAULO and Mr. MARCHANT.
H.R. 3464: Mr. PRICE of North Carolina, Mr. TEAGUE, Mrs. MILLER of Michigan, and Mr. ADERHOLT.
H.R. 3487: Mr. MILLER of Florida.
H.R. 3554: Mr. ROGERS of Michigan.
H.R. 3668: Mr. CARSON of Indiana, Mr. BRADY of Pennsylvania, Mr. MARKEY of Massachusetts, Mr. LYNCH, Mr. CULBERSON, Mr. CAPUANO, Mr. SCOTT of Georgia, Ms. ROYBAL-ALLARD, Mr. HELLER, Mr. FARR, Mrs. MALONEY, Ms. MATSUI, Mr. NADLER of New York, Mrs. NAPOLITANO, Mr. MICHAUD, Mr. BARTLETT, Mr. GARAMENDI, Mr. AL GREEN of Texas, Ms. NORTON, Mr. PASCRELL, Ms. SUTTON, Mr. ORTIZ, Mr. MELANCON, Mr. HALL of New York, Mrs. MCCARTHY of New York, Mr. TIM MURPHY of Pennsylvania, Mr. PETRI, Mr. CARNAHAN, Ms. PINGREE of Maine, Mr. GUTHRIE, Mr. WEINER, and Mr. BERRY.
H.R. 3715: Mr. MAFFEI.
H.R. 3720: Mr. LOEBSACK.
H.R. 3745: Ms. SPEIER and Mr. CAPUANO.
H.R. 3787: Mr. ARCURI.
H.R. 3790: Mr. CALVERT, Mr. BRIGHT, Ms. KILROY, and Mr. LUCAS.
H.R. 3799: Ms. NORTON.
H.R. 3924: Mr. GRIFFITH, Mr. TERRY, Mr. ROGERS of Michigan, and Mr. BROWN of South Carolina.
H.R. 4021: Mr. SCOTT of Virginia.
H.R. 4090: Mr. RAHALL and Mr. ELLISON.
H.R. 4094: Mr. SCOTT of Virginia.
H.R. 4109: Mr. HASTINGS of Florida and Mr. BISHOP of Georgia.
H.R. 4123: Ms. SUTTON.
H.R. 4144: Mr. McDERMOTT.
H.R. 4148: Ms. RICHARDSON.
H.R. 4178: Mr. CLAY.
H.R. 4196: Mr. KUCINICH.
H.R. 4199: Mr. COURTNEY.
H.R. 4255: Mr. SCHRADER and Ms. SUTTON.
H.R. 4296: Mr. LYNCH and Mr. KING of New York.
H.R. 4300: Mr. KRATOVIL.
H.R. 4321: Mr. LANGEVIN.
H.R. 4351: Mr. CARNEY.
H.R. 4399: Mr. ACKERMAN.
H.R. 4402: Ms. WOOLSEY and Mr. CONNOLLY of Virginia.
H.R. 4405: Ms. BALDWIN, Mr. FATTAH, Mr. HONDA, Mr. KUCINICH, Ms. NORTON, and Mr. ELLISON.
H.R. 4410: Mr. McCOTTER, Mrs. MILLER of Michigan, Mr. HILL, and Mr. SHERMAN.
H.R. 4426: Ms. CHU.
H.R. 4443: Mr. WEINER.
H.R. 4494: Mr. RYAN of Ohio.
H.R. 4530: Mr. OBERSTAR and Mr. PETERS.
H.R. 4544: Mr. LANGEVIN, Mr. ROGERS of Alabama, and Mr. WILSON of Ohio.
H.R. 4594: Mr. DOYLE, Mr. FATTAH, Mr. LUJAN, Mr. SCHIFF, Mr. KISSELL, and Mr. HOLT.
H.R. 4599: Mr. CONNOLLY of Virginia.
H.R. 4607: Mr. RYAN of Ohio.
H.R. 4669: Mr. GUTIERREZ and Ms. VELÁZQUEZ.
H.R. 4671: Mr. CONNOLLY of Virginia.
H.R. 4676: Mr. SKELTON and Mr. KLEIN of Florida.
H.R. 4684: Mr. MCGOVERN, Ms. JACKSON LEE of Texas, Mr. EHLERS, Mr. BROWN of South Carolina, Mrs. MYRICK, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. McDERMOTT, Mr. RYAN of Ohio, Mr. WILSON of South Carolina, Mr. ROGERS of Michigan, Mr. UPTON, Ms. MARKEY of Colorado, and Mr. HOLDEN.
H.R. 4690: Mr. GEORGE MILLER of California and Mr. LYNCH.
H.R. 4692: Mr. YARMUTH and Mr. FILNER.
H.R. 4711: Mr. HEINRICH.
H.R. 4720: Mr. HALL of New York.
H.R. 4722: Mr. CONNOLLY of Virginia, Mr. DINGELL, Mr. ELLISON, and Mr. SCOTT of Virginia.
H.R. 4733: Mr. PETERS and Mr. CONNOLLY of Virginia.
H.R. 4745: Mr. SHERMAN, Mr. WATT, and Ms. RICHARDSON.
H.R. 4746: Mr. HALL of Texas, Mr. McCAUL, Mr. SIMPSON, Mr. ALEXANDER, Mr. LATTA, Mr. WILSON of South Carolina, Mr. PAUL, Mr. POE of Texas, and Mr. FRANKS of Arizona.
H.R. 4749: Mr. HODES.
H.R. 4752: Mr. LYNCH and Mr. JACKSON of Illinois.
H.R. 4753: Mr. ROSS.
H.R. 4764: Mr. FILNER, Mr. WILSON of South Carolina, Mr. WITTMAN, Mr. ROGERS of Alabama, and Mr. TIM MURPHY of Pennsylvania.
H.R. 4785: Mr. JOHNSON of Georgia, Mr. GORDON of Tennessee, Mr. PASTOR of Arizona, and Ms. MARKEY of Colorado.
H.R. 4788: Mr. ARCURI, Mr. CONNOLLY of Virginia, Mr. CARNAHAN, Mr. HOLDEN, Mr. BOCCIERI, Mr. ELLISON, Mr. CARNEY, and Mr. HALL of New York.
H.R. 4790: Mr. CONYERS, Mr. GENE GREEN of Texas, Mr. HODES, Mr. LYNCH, Mrs. NAPOLITANO, Mr. OLVER, Mr. SARBANES, and Ms. WOOLSEY.
H.R. 4797: Mr. CONNOLLY of Virginia.
H.R. 4812: Mr. HEINRICH, Ms. EDWARDS of Maryland, Mr. LUJAN, Mr. MAFFEI, Ms. SPEIER, Mr. COURTNEY, Mr. DELAHUNT, and Mr. YARMUTH.
H.R. 4818: Mr. RUSH.
H.R. 4819: Mr. HARE and Ms. JACKSON LEE of Texas.
H.R. 4830: Mr. GUTIERREZ.
H.R. 4835: Mr. GUTHRIE.
H.R. 4844: Mr. ALEXANDER, Mr. CAO, and Mr. SCALISE.
H.R. 4850: Mr. DAVIS of Alabama, Mr. McCOTTER, Mr. SPACE, Ms. RICHARDSON, Mr. WILSON of Ohio, Mr. VAN HOLLEN, Mr. TOWNS, Mr. UPTON, Mr. MEEK of Florida, Mr. MAFFEI, Mr. NUNES, Mr. PASCRELL, and Ms. BERKLEY.
H.R. 4856: Mr. ROSS, Mr. PATRICK J. MURPHY of Pennsylvania, Mr. MOORE of Kansas, and Mr. SCHIFF.
H.R. 4862: Mr. JOHNSON of Georgia.
H.R. 4868: Mr. RANGEL and Mr. NADLER of New York.
H.R. 4870: Mr. ISRAEL.
H.R. 4879: Mr. KIRK, Ms. BALDWIN, Mr. STARK, Mr. PETERS, Mr. PALLONE, and Mr. SMITH of Washington.
H.R. 4898: Mr. CAO and Mr. FILNER.
H.R. 4903: Mr. BILIRAKIS.
H.R. 4904: Mr. LATTA and Mr. MORAN of Kansas.
H.R. 4910: Mr. SMITH of New Jersey, Mr. YOUNG of Alaska, and Mr. LAMBORN.
H.R. 4921: Mr. MOORE of Kansas.
H.R. 4923: Mr. FORTENBERRY, Mr. MARSHALL, and Ms. SUTTON.
H.R. 4925: Ms. BERKLEY and Ms. KILROY.
H.R. 4947: Mr. MARSHALL and Mr. ROSS.
H.R. 4956: Mr. WOLF.
H.R. 4960: Mr. DENT and Mr. LANCE.
H.R. 4966: Mr. BILBRAY.
H.R. 4972: Mr. BILIRAKIS.
H.R. 4981: Mrs. BACHMANN and Mr. SKELTON.
H.R. 4985: Mr. SESSIONS and Mr. ROHR-ABACHER.
H.R. 4995: Mr. TIAHRT.
H.R. 4996: Mr. SESSIONS, Mr. POE of Texas, Mr. ROE of Tennessee, and Mr. HERGER.
H.R. 5000: Mr. ROTHMAN of New Jersey and Mr. CLAY.
H.R. 5006: Mr. JOHNSON of Georgia.
H.J. Res. 81: Mr. BISHOP of Georgia, Mr. CARSON of Indiana, Mrs. CHRISTENSEN, Mr. CLAY, Mr. CONYERS, Mr. DAVIS of Alabama, Mr. DAVIS of Illinois, Ms. EDWARDS of Maryland, Ms. FUDGE, Ms. JACKSON LEE of Texas, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. JOHNSON of Georgia, Ms. LEE of California, Mr. LEWIS of Georgia, Ms. MOORE of Wisconsin, Ms. NORTON, Mr. PAYNE, Ms. RICHARDSON, Mr. RUSH, Mr. THOMPSON of Mississippi, and Mr. SERRANO.
H. Con. Res. 4: Mr. PETERSON.
H. Con. Res. 88: Mr. FORBES.
H. Con. Res. 92: Mr. WU, Mr. STARK, and Ms. ZOE LOFGREN of California.
H. Con. Res. 98: Mr. JACKSON of Illinois, Ms. WATSON, Mr. SMITH of Washington, and Mr. HINCHEY.
H. Con. Res. 137: Mr. MEEKS of New York and Ms. CLARKE.
H. Con. Res. 233: Mr. KUCINICH.
H. Con. Res. 255: Mrs. CHRISTENSEN, Mr. LIPINSKI, Mr. REYES, Mr. DAVIS of Illinois, Mr. RYAN of Ohio, Mr. MCGOVERN, Ms. DELAULO, Mr. WAXMAN, Mr. BACA, Mr. QUIGLEY, Ms. PINGREE of Maine, Mr. SCHAUER, Mr. PRICE of North Carolina, and Mr. TONKO.
H. Res. 111: Ms. FALLIN, Mr. HILL, and Mr. SULLIVAN.
H. Res. 407: Mr. BUTTERFIELD.
H. Res. 639: Mr. FORBES.
H. Res. 886: Mr. GOODLATTE.
H. Res. 1056: Mr. ROE of Tennessee, Mr. HOLDEN, Mr. MICHAUD, Mrs. BACHMANN, Mr. FILNER, Mr. INGLIS, Mr. PLATTS, Mr. WILSON of South Carolina, and Mr. ROGERS of Michigan.
H. Res. 1064: Mr. HOLT, Mr. CUMMINGS, Mr. CAPUANO, and Ms. RICHARDSON.
H. Res. 1116: Mr. GINGREY of Georgia, Mr. GRIFFITH, Ms. MATSUI, Mr. PITTS, Mrs. BLACKBURN, Mr. LATHAM, Mr. SPACE, Mrs. CAPPS, Mr. BOUCHER, Ms. DeGETTE, and Mrs. BONO MACK.
H. Res. 1143: Mr. KIRK, Mr. FILNER, Mr. REICHERT, and Mr. RYAN of Ohio.
H. Res. 1158: Mr. ADERHOLT.
H. Res. 1181: Mr. MILLER of Florida.
H. Res. 1182: Mr. MARKEY of Massachusetts, Mr. DOYLE, Mr. BUTTERFIELD, Mr. WILSON of Ohio, Mr. HALL of New York, Mr. DINGELL, Mr. RAHALL, Mr. RYAN of Ohio, Mr. WAXMAN, Mr. MEEKS of New York, Ms. MOORE of Wisconsin, Mr. HODES, Ms. RICHARDSON, Mr. CONNOLLY of Virginia, Mr. ROSS, Ms. NORTON, Mr. HOLDEN, Mr. GORDON of Tennessee, Mr. COSTELLO, Mr. GONZALEZ, and Ms. LEE of California.

H. Res. 1187: Ms. TITUS, Mr. ISRAEL, Mr. TONKO, Ms. LORETTA SANCHEZ of California, Mr. KILDEE, Mr. BISHOP of Georgia, Mr. BUTTERFIELD, Ms. CLARKE, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. KILPATRICK of Michigan, Mr. JACKSON of Illinois, Mr. PAL-LONE, Mr. HOLT, Mr. PASTOR of Arizona, Mr. STARK, Mr. OLVER, Ms. ROYBAL-ALLARD, Mr. KLEIN of Florida, Ms. WATERS, Ms. WOOLSEY,

Mr. BERRY, Ms. BALDWIN, Mr. ELLISON, Ms. SCHWARTZ, Ms. ESHOO, Ms. CASTOR of Florida, Mrs. LOWEY, and Ms. DEGETTE.

H. Res. 1211: Ms. CORRINE BROWN of Florida and Ms. LEE of California.

H. Res. 1216: Mr. STUPAK and Mr. McCOT-TER.

H. Res. 1240: Mrs. CHRISTENSEN.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 1549: Ms. BERKLEY.

H. Con. Res. 49: Mr. BRADY of Pennsylvania.

EXTENSIONS OF REMARKS

RECOGNIZING MERIBAH MANSFIELD FOR HER 38 YEARS OF SERVICE TO OHIO'S LIBRARIES

HON. MARY JO KILROY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 14, 2010

Ms. KILROY. Madam Speaker, I rise today to honor Meribah Mansfield for nearly four decades of service to Ohio's libraries and to congratulate her on her upcoming retirement.

Meribah has spent the last 38 years working in central Ohio's libraries and has served as the Director of the Worthington Libraries for the last nineteen years. An outstanding leader, Meribah is a past president of the Ohio Library Association and a past chair of the Ohio Library Council Board of Trustees. Over the course of her career, she has made countless and lasting contributions to Ohio's libraries including her involvement with the construction and renovation of the Columbus Main Library, the Worthington Northwest Library, and the Old Worthington Library. Meribah also has directed the creation of a Web site that commemorated the City of Worthington's bicentennial.

Public libraries play a crucial role in our communities, and we are indebted to all librarians, especially Meribah, for the indispensable service they perform.

Following her July 23rd retirement, Meribah plans to pursue her dream of becoming a deacon in the Episcopal Church. She also looks forward to spending time with her husband Bruce, children Matthew and Jessica, and grandchildren Owen and Connor. It is with great pride that I rise to honor Ms. Mansfield for her contributions to Ohio's libraries. I wish her the best in her future endeavors.

HONORING THE JACKSON-MADISON COUNTY TENNESSEE CHAPTER, NATIONAL SOCIETY OF DAUGHTERS OF THE AMERICAN REVOLUTION

HON. JOHN S. TANNER

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 14, 2010

Mr. TANNER. Madam Speaker, I rise today to honor and commend the Jackson-Madison County Tennessee Chapter, National Society of Daughters of the American Revolution, chartered in 1901. This chapter is one of the oldest chapters in the great state of Tennessee.

It is fitting that the members of this body should salute those estimable organizations that strive to promote love of country, preserve American history, and support better education for our Nation's children.

The members of the Jackson-Madison Chapter, National Society of Daughters of the American Revolution are descended from the men and women who won American independence during the Revolutionary War.

On the evening of April 18, 1775, Paul Revere was sent for by Dr. Joseph Warren and instructed to ride to Lexington, Massachusetts, to warn Samuel Adams and John Hancock that British troops were marching to arrest them. After being rowed across the Charles River to Charlestown by two associates, Paul Revere borrowed a horse from his friend Deacon John Larkin. While in Charlestown, he verified that the local "Sons of Liberty" committee had seen his pre-arranged signals. (Two lanterns had been hung briefly in the bell-tower of Christ Church in Boston, indicating that troops would row "by sea" across the Charles River to Cambridge, rather than marching "by land" out Boston Neck. Revere had arranged for these signals the previous weekend, as he was afraid that he might be prevented from leaving Boston); on the way to Lexington, Revere "alarmed" the countryside, stopping at each house, and arrived in Lexington about midnight. As he approached the house where Adams and Hancock were staying, a sentry asked that he not make so much noise. "Noise!" cried Revere, "You'll have noise enough before long. The regulars are coming out!"

To celebrate the anniversary of Paul Revere's Midnight Ride, the Jackson-Madison Chapter, NSDAR will sponsor a reenactment of the famous ride around the Madison County, Tennessee Courthouse on Sunday, April 18, 2010.

This Chapter is located in Jackson—named after President Andrew Jackson of Tennessee—and Madison County—named after President James Madison of Tennessee—both of which I am honored to represent in this chamber. Nationally the NSDAR has more than 165,000 members in approximately 3,000 chapters worldwide and is one of the world's largest and most active service organizations.

Madam Speaker, I hope you and our colleagues will join me in commending the Jackson-Madison County Chapter of the National Society of Daughters of the American Revolution on its 109 years of outstanding service and its ongoing commitment to the preservation of our country's history.

HONORING MR. DENNIS LEWIS

HON. BRIAN HIGGINS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 14, 2010

Mr. HIGGINS. Madam Speaker, I rise today to pay tribute to the years of service given to the people of Chautauqua County by Mr. Dennis Lewis. Mr. Lewis served his constituency

faithfully and justly during his tenure as a member of the Charlotte Town Council.

Public service is a difficult and fulfilling career. Any person with a dream may enter but only a few are able to reach the end. Mr. Lewis served his term with his head held high and a smile on his face the entire way. I have no doubt that his kind demeanor left a lasting impression on the people of Chautauqua County.

We are truly blessed to have such strong individuals with a desire to make this county the wonderful place that we all know it can be. Mr. Lewis is one of those people and that is why Madam Speaker I rise to pay tribute to him today.

TESTIMONY ON PROPOSED RULE REGARDING UNION ELECTIONS UNDER THE RAILWAY LABOR ACT

HON. JOHN F. TIERNEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 14, 2010

Mr. TIERNEY. Madam Speaker, I would like to submit the following testimony on the National Mediation Board's proposed rule regarding union elections under the Railway Labor Act.

CHANGED TIME AND CIRCUMSTANCES JUSTIFY AMENDING NMB REPRESENTATION VOTE PROCEDURES

(By Frank N. Wilner)

By Notice of Proposed Rule Making (NPRM) dated Nov. 3, 2009, the National Mediation Board (NMB) proposes to amend its rules interpreting and administering the Railway Labor Act (RLA) "to provide that, in representation disputes [determinations as to who will be the bargaining agent for airline and railroad and commuter railroad employees], a majority of valid ballots cast will determine the craft or class representatives."

The long-standing procedure of the NMB requires a majority of eligible voters (as opposed to those actually voting) to vote affirmatively in favor of representation, meaning a failure or refusal of an eligible voter to participate is the equivalent of a "no union" vote.

The NMB proposes to change its procedure so that, in the future, only ballots of those actually voting will be counted, and each voter will make a choice between representation by a specified union or "no union." This will comport with the long-standing procedures of the National Labor Relations Board, which interprets and administers the National Labor Relations Act.

The NMB has authority to make this change in policy. As the Supreme Court observed:

[N]ot only does the statute [RLA] fail to spell out the form of any ballot that might be used but it does not even require selection

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

by ballot. It leaves the details to the broad discretion of the [National Mediation] Board with only the caveat that it 'insure' freedom from carrier interference.

Says the NMB in its NPRM:

The Board's current policy requires that a majority of eligible voters in the craft or class must cast valid ballots in favor of representation. This policy is based on the Board's original construction of Section 2, Fourth of the RLA, which provides that, "[t]he majority of any craft or class of employees shall have the right to determine who shall be the representative of the craft or class . . ."

This interpretation was made in the NMB's first annual report in 1935 ". . . not on the basis of legal opinion and precedents, but on what seemed to the Board best from an administrative point of view."

In its November 2009 NPRM, the NMB says: ". . . under its broad statutory authority, [the board] may also reasonably interpret Section 2, Fourth to allow the Board to certify as collective bargaining representative any organization which receives a majority of votes cast in an election."

And the NMB has done just that in the past, although infrequently. As the NMB said in its first annual report in 1935 that, "Where, however, the parties to a dispute agreed among themselves that they would be bound by a majority of the votes cast, the Board took the position that it would certify on this basis . . ."

The Supreme Court has held that while the words of Section 2, Fourth "confer the right of determination upon a majority of those eligible to vote," the statute "is silent as to the manner in which that right shall be exercised."

The U.S. Fourth Circuit Court of Appeals held, in 1936:

The universal rule as to elections of officers and representatives is that a majority of the votes cast elects, and that those not voting are presumed to acquiesce in the choice of the majority who do vote.

And Chief Justice Morrison Waite held, in 1877:

All qualified voters who absent themselves from an election duly called are presumed to assent to the expressed will of the majority of those voting, unless the law providing for the election otherwise declares. Any other rule would be productive of the greatest inconvenience and ought not to be adopted, unless the legislative will to that effect is clearly expressed.

Moreover, courts give the decisions of expert federal agencies great deference; and are, in the words of the Supreme Court (Chevron doctrine), "reluctant to preclude any federal agency's deliberations of policy because a federal agency, which is controlled by the political branches of the federal government, is constitutionally better suited than a federal court to render policy decisions."

The NMB enjoys even greater insulation from second-guessing by the courts. The Supreme Court observed in 1943 that Congress left to the discretionary authority of the NMB the determination of certifying bargaining representatives.

Perhaps a more pregnant question is why the NMB for so long has permitted its voting procedures in representation elections to be out of sync with the standard for all other democratic elections, where a majority of those voting makes the determination. This is especially relevant where the result of such a procedure is that the failure or refusal of an eligible voter to participate is the equivalent of a "no union" vote.

It makes for sound administrative procedure, however, to provide reasonable justification—rather than willy-nilly desire—for changing a long-standing public policy.

Determining a reasonable justification logically begins with the NMB's observation, in its November 2009 NPRM, that Section 2, Fourth "was adopted in a much earlier era, under circumstances that differ markedly from those prevailing today."

THE EARLIER ERA

Time and circumstances have, indeed, changed since the NMB adopted, during the 1930s, its current policy—not always followed, as will be explained—that requires a majority of eligible voters in the craft or class must cast valid ballots in favor of representation.

Consider:

In 1930, there were 156 major (Class I) railroad systems. In 2008, the number of major (Class I) railroad systems was just 7, a 96 percent reduction since 1930.

In 1930, there were 1.5 million employees in the railroad industry. In 2007, employment in the railroad industry had declined to just 236,000, an 84 percent reduction since 1930.

In 1930, there were 249,000 miles of railroad line in the United States. In 2007, the miles of railroad line in the United States had declined to just 94,440, a 62 percent reduction since 1930.

While it is instructive that there has been a significant decline in the number of major railroads, railroad employees and miles of railroad trackage, those considerations alone are not enough to justify a change in the NMB's long-standing voting procedures for representation elections, except to demonstrate that the environment in which the NMB made its initial determination to require a majority of eligible voters was much different than today's environment.

However—and this is crucial—as the NMB conducted representation elections during the 1930s, the Interstate Commerce Commission was wrestling with a congressional directive in the Transportation Act, 1920, to formulate a plan of merging the nation's railroads into just 19 systems.

Thus, lurking in the shadows of each representation election during the 1930s was, "What is the mood of employees on the other railroads that might become a merger partner of the railroad on which employees were voting for representation?" This concern likely steered the NMB toward seeking a demonstration in each representation election that the outcome was a result of votes from a majority of those eligible to vote.

There are more important facts of changed circumstances:

COMPANY UNIONS

Among amendments to the Railway Labor Act in 1934 was one outlawing company unions—a change intended better to protect employee rights to organize. Company unions were under the control of carrier officers, with the carriers paying the wages of the employee representatives.

The House Committee on Interstate and Foreign Commerce observed at the time (1934) that "a prolific source of dispute" between management and employees was "the denial by railway management of the authority of representatives chosen by their employees."

So substantial was this conflict that then-NMB Chairman William M. Leiserson subsequently testified that, were there a strike occasioned by a dispute over wages and hours, "we usually find we can settle those by arbitration or otherwise . . . But if the

issues involved were discrimination or discharge of men because they had joined the organization, or the question would be the right of the organization to represent them, we could not have settled those strikes."

Between 1933 (the year prior to an RLA amendment that outlawed company unions) and 1935, some 550 company unions on 77 Class I railroads were replaced by independent national unions. Indeed, two-thirds of the work of the NMB from 1934 until the start of World War II involved investigations and purging of company unions.

This was no simple task, as railroads were not anxious to cede negotiating power to an independent labor union. The New York Times observed as early as 1922.

When the railroads were handed back to their owners by the Government (following federal takeover during World War I) they were working under national agreements made with union representatives. That was a yoke from which the roads constantly tried to escape.

Moreover, employees, fortunate to be working during the Great Depression were frightened—if not terrified—over the prospect of angering management by not supporting a company union and, as a result, losing their jobs.

As the U.S. Fourth Circuit Court of Appeals observed in 1936.

. . . any sort of influence exerted by an employer upon an employee, dependent upon his employment for means of livelihood, may very easily become undue, in that it will coerce the employee's will in favor of what the employer desires against his better judgment as to what is really in the best interest of himself and his fellow employees.

Although there is no accessible source to determine the thinking of NMB officials at the time, it is logical to conclude that requiring a majority of those eligible to vote (as opposed to a majority of those voting) more conclusively established on the part of the eligible employees a desire to be represented by a labor union independent of company influence.

This conclusion is given validity by a comment of the nation's Federal Coordinator of Transportation (1933-1936), Joseph Eastman, who proposed that in organizing employee unions, "a majority shall speak for all."

RACIAL DISCRIMINATION

There was, during the 1930s, a national shame of racial discrimination.

It was not until 1955 that the Interstate Commerce Commission, taking instruction from *Brown v. Board of Education of Topeka, Kansas*, ruled that the very practice of segregation in interstate commerce was a violation of the Interstate Commerce Act.

For sure, discrimination against African-Americans existed also in railroad employment practices.

On Atlanta Terminal Co., for example, there was an effort to separate, for representation, Caucasian and African-American employees. Management said it wanted a demonstration that the Brotherhood of Railroad and Steamship Employees represented the "white employees." The NMB ordered that one ballot be issued "among all the employees involved in the dispute regardless of color to afford all of them an equal opportunity to indicate their choice of representatives."

As another example, the Brotherhood of Locomotive Firemen and Enginemen had an agreement with 10 railroads in the South to restrict hiring and promotion of African-Americans, and the BLF&E, according to President Roosevelt's Committee on Fair

Employment Practices, "refuses to represent them with respect to their grievances when such grievances are in conflict with the interests of junior white firemen."

The national shame of racial discrimination surely created a unique challenge for the NMB—a challenge best met by requiring that representation elections be determined by a majority of those eligible rather than of those voting to guard against racial discrimination in the voting process.

CONFLICT AMONG LABOR UNIONS AND CRAFTS

Also unique to the period of the 1930s was the large number of competing labor organizations and crafts. Where representation of craft and class today is generally established in bright line fashion on the larger railroads (which employ almost 90 percent of rail workers), that was not the case during the 1930s.

In 1935, on New York, Chicago & St. Louis Railroad, a dispute arose between the Brotherhood of Railroad Trainmen (BRT) and the Switchmen's Union of North America (SUNA) regarding representation of switchmen. The BRT claimed representation of switchmen systemwide; and the SUNA sought a separate vote of switchmen in Buffalo and those in Cleveland, rather than systemwide.

In 1937, on Indiana Harbor Belt Railroad, a dispute arose between the Brotherhood of Railroad Trainmen and the Order of Railroad Telegraphers regarding representation of operators, towermen, levermen, train directors and operator-switchtenders.

In 1935, the Brotherhood of Railroad Trainmen complained that the NMB had denied certain brakemen a representation ballot in a dispute involving road conductors.

The NMB observed in its first annual report in 1935:

[Representation disputes] arose mainly because of overlapping jurisdiction . . . the antagonism engendered by the contests has developed a tendency for employees who are members of one organization to challenge the representation of the other organization. . . .

The NMB since has made clear that Section 2, Ninth of the RLA requires a systemwide election by craft or class; but, in those early years, the NMB, in decisions of first impression, surely recognized that to assure a perception of equity that the vote results had to be based on a majority those eligible to vote—that the NMB had to get it right.

Also, technology has eliminated what were some 291 crafts or classes in 1935, and merger among unions reduced what had been some 21 separate craft unions in 1935 to many fewer today.

Also notable is that it was not until 1954 that the AFL amended its constitution to prohibit raiding by AFL member unions of other AFL-member unions (now memorialized by Article 20 of the AFL-CIO constitution).

COMMUNICATION AND EDUCATION

Times and circumstances also have changed with regard to education and communication.

In 1930, only 30 percent of Americans were graduated from high school, while, today, the number exceeds 70 percent. During the 1930s, representation elections were carried out by mail ballot, with each eligible voter being sent a ballot along with an instruction sheet explaining the procedures for a secret ballot election. A significant number of blue collar workers during the 1930s may well have been unable to read at a level sufficient to ensure they understood the ballot procedures,

much less the subject matter of the election.

It was not until 1943 that a single AT&T operator could complete a long-distance telephone call; previously, as many as five operators and 23 minutes were required to connect a telephone in San Francisco with one in New York. As late as 1950, the cost of a five-minute long-distance telephone call between New York and Los Angeles cost \$3.70, which is equivalent to \$32.73 in 2009. This affected the ability of independent unions—and union supporters—to communicate with railroad employees over a wide geographic area.

Today, railroad employees have near universal access to hard-wired and wireless telephones, as well as e-mail, with the costs of communicating relatively insignificant. In the words of former NMB Chairperson Maggie Jacobsen, the Internet has become "a 24-hour, seven-day-a-week union meeting." Indeed, the U.S. Census Bureau reports that 74 percent of Americans 18 years and older in the workforce use the Internet. As airlines and railroads are among the most computerized industries in America, the percentage of airline and railroad employees who are Internet savvy is likely higher than 74 percent.

During the 1930s, there was a communications challenge—in employee reading comprehension as well as the ability to communicate by electronic means (including telephone). That communications challenge could well have affected the ability of voting-eligible employees to be aware of the subject matter, while lower standards of reading comprehension impeded the ability of employees to understand the subject matter, mechanics and rules of a representation election.

By requiring that a majority of eligible employees vote in favor of representation, the procedure better assured that the majority would be made aware of the election and for what they were voting. The matter of employee reading comprehension is far less a problem today, and there no longer exists impediments to dissemination of information by electronic means (including voice).

CONFLICTS IN IDEOLOGY

Not readily recognized today is that there was great social upheaval during the period of the Great Depression.

Communism was viewed by many workers at that time as superior to capitalism, and communists were active agents for change. In 1938, for example, communist agitator William Z. Foster advocated worker militancy.

The president of the Switchmen's Union of North America responded that communist efforts are intended "to create disharmony, discord and disunity among the members of standard railroad labor organizations."

Here, again, was reason for the NMB to certify representation votes on the basis of a majority of those eligible to vote rather than to permit, perhaps, a handful of agitators to determine representation votes for a radical organization by intimidating a majority of workers from casting ballots.

CONCLUSION

The National Mediation Board proposes to bring its 75-year-old representation election voting procedures in sync with those of the National Labor Relations Board, and what the federal courts term, the "universal rule as to elections of officers and representatives."

The change would provide that the outcome of an election is determined by a majority of those voting, scrapping the archaic

majority-of-those-eligible rule, which arbitrarily assumes that those not voting be counted as a "no vote."

Circumstances have changed since the NMB instituted such voting procedures in 1934. The reasons then included:

An effort by the NMB to demonstrate to employers that their employees overwhelmingly preferred an independent labor union to a company union controlled and financed by management.

An effort to guard against racial discrimination in an election and better assure access to ballots by African-American workers.

An effort to resolve conflict among some 21 separate independent labor unions seeking to represent some 291 separate crafts or classes at the time—to "get it right" by determining the desires of a majority of those eligible to vote.

An effort to combat substantially lower levels of education and reading comprehension among workers. By requiring a positive vote among a majority of those eligible, it was better assured that efforts would be made by those asking for the election to reach and explain voting procedures to those eligible.

An effort to combat technological difficulties in communicating with potential voters. Again, requiring a positive vote among a majority of those eligible better assured that efforts would be made to reach out and communicate with those eligible.

An effort to combat Communist agitators, who were using intimidation and other tactics to encourage worker militancy and workplace discord.

Today:

There no longer are company unions or the threat of company unions.

Racial discrimination has been outlawed, and procedures are in place to root out and prosecute racial discrimination in the workplace.

Conflicts among RLA-covered labor unions are largely non-existent today, and the number of crafts and classes of workers has been reduced substantially. Moreover, by including a "no union" choice on the ballot provides eligible employees opportunity to cast a "no vote."

Levels of education, especially among railroad and airline workers, have been dramatically improved, with most using computers in their daily work routines.

Barriers to communication among workers, as well as between workers and their employers and union organizers have been almost entirely eliminated with near universal access to telephone and e-mail. Also, today's railroad and airline workers have substantially higher levels of education than they did during the 1930s.

Because of changes in circumstance, 75-year-old NMB voting procedures are ripe for change to bring them in sync with the universal rule as to elections of officers and representatives, which is a majority of those casting ballots.

HONORING MARY CANAVAN ON THE OCCASION OF HER RETIREMENT FROM THE ENVIRONMENTAL PROTECTION AGENCY

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 14, 2010

Mr. DINGELL. Madam Speaker, I rise today to pay tribute to a true public servant, Mary

Canavan. Mary has been with the Federal Government since a week after graduating from college in 1970. After 40 years of dedicated work, Mary is retiring this spring.

Mary is one of two children of Irish immigrants—who like most immigrants to the United States—worked incredibly hard to provide for their children. The family was a close one, with Mary taking care of her parents as they got older. To this day, Mary is incredibly close to her brother, a priest, who comes over every Sunday for dinner with his sister. A few years back, Mary's brother was in a car accident and was hurt severely. Typical for Mary, she stepped up to ensure he got the best possible care.

As I mentioned, just a week after graduating from college, Mary joined the Federal Water Quality Administration in June of 1970. She joined the Environmental Protection Agency when it was established and the Federal Water Quality Administration was abolished. She began her career in public affairs and thoroughly enjoyed working with students on college campuses. Mary also worked in the water grants program and as a State coordinator, working with Illinois, Michigan, and Wisconsin. In 1987, Mary became a congressional relations officer and has served in that capacity ever since.

Mary is very involved in her Church, Chicago's 135-year-old Holy Name Cathedral. She recently served as head of the parish council. And after a fire damaged the cathedral last year, Mary, yet again, stepped up to the plate, making sure that the church could continue to accept parishioners and guests during construction. She also helped to plan a fund-raiser to help with church renovations. Mary continues to plan events like the annual gala.

I have never heard a bad word about Mary Canavan. She is universally loved and respected. Mary is a Federal employee of the highest caliber. She has served EPA and the offices she deals with tremendously well. I know my office will miss her and based on my discussions with the rest of the Michigan delegation, we are not alone.

I wish Mary all the best in retirement, as she looks forward to travel and being able to devote more of her time to her Church and her beloved brother. I ask all my colleagues to rise and pay tribute to Mary Canavan as she leaves Federal service.

**HONORING THE UNIVERSITY OF
CINCINNATI BEARCATS FOOT-
BALL TEAM**

HON. STEVE DRIEHAUS

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 14, 2010

Mr. DRIEHAUS. Madam Speaker, I rise today to honor the University of Cincinnati Bearcats football team and congratulate them on their historic achievements in the 2009 season. In addition to winning a school-record 12 games, UC won its second straight Big East football title. The Bearcats finished the regular season fourth in the nation in both the USA Today and the Associated Press polls

with an undefeated record. UC also played in the 2010 Sugar Bowl, its second consecutive Bowl Championship Series game. In addition, the football team and the university community "adopted" and embraced a 12-year-old cancer patient named Mitch Stone through Friends of Jaclyn, a foundation that links youngsters with brain tumors to college and high school sports teams. Today, Mitch is cancer-free.

I am proud to recognize Mitch Stone and the University of Cincinnati Bearcats football team, its coaches, and UC President Gregory H. Williams for their 2009 football season, and recognize the students, faculty, and leadership for their record-setting support for UC's most successful season in history.

Roster: 14 Chazz Anderson, 86 Blake Annen, 51 Alex Apyan, 43 Robby Armstrong, 85 Marcus Barnett, 9 Dominique Battle, 69 Frank Becker, 80 Armon Binns, 38 Brent Black, 48 Maalik Bomar, 76 Austen Bujnoch, 21 Camerron Cheatham, 57 Obadiah Cheatham, 70 C.J. Cobb, 12 Zach Collaros, 55 Austin Cook, 41 Michael Cooke, 79 Andre Cureton, 33 Chris Damiano, 42 Dorian Davis, 72 Evan Davis.

39 Alex Delisi, 96 Tom DeTemple, 10 Romel Dismuke, 65 T.J. Franklin, 26 Drew Frey, 99 Dan Giordano, 22 John Goebel, 66 Sam Griffin, 19 Ben Guidugli, 23 Reuben Haley, 59 Steve Hancock, 81 Tomaz Hilton, 92 Michael Hilty, 31 Quentin Hines, 59 Alex Hoffman, 77 Sean Hooey, 31 Bruce Homer, 6 Jamar Howard, 40 John Hughes, 5 Reuben Johnson.

46 Scott Johnson, 11 Brendon Kay, 60 Jason Kelce, 18 Travis Kelce, 64 Mitch Kessel, 13 Pat Lambert, 47 Colin Lozier, 53 Randy Martinez, 11 Collin McCafferty, 49 Sean McClellan, 46 Mitch Meador, 83 Danny Milligan, 58 Brandon Mills, 34 Patrick O'Donnell, 68 Craig Parmenter, 91 Ryan Paxson, 82 Lynell Payne, 23 Isaiah Pead, 67 Doug Pike, 36 Quincy Quetant.

41 Jared Rains, 24 Wesley Richardson, 22 Aaron Roberson, 88 Adrien Robinson, 97 Jake Rogers, 16 Will Saddler, 37 J.K. Schaffer, 61 Jonathan Simmons, 51 Brady Slusher, 63 Dan Sprague, 94 Jordan Stepp, 54 Walter Stewart, 52 Ricardo Thompson, 45 Rob Trigg, 14 Chris Williams, 2 Darrin Williams, 32 George Winn, 95 Derek Wolfe, 84 Orion Woodard, 3 D.J. Woods.

HONORING WILL RIDENOUR

HON. JOHN J. DUNCAN, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 14, 2010

Mr. DUNCAN. Madam Speaker, Steve Ridenour and his family are longtime friends of mine and my family.

I have always heard it said that the worst thing that can ever happen to you is to outlive one of your children.

Steve and his family suffered the terrible tragedy of losing their son Will in a car accident on June 11, 2007.

His other son, Tanner, who is 19, prepared the speech reprinted below to give to his senior class at Knoxville's West High School.

This speech expresses Tanner's love for Will and also shows how this special young

man handled a horrible period for him and his family.

I would like to call these words by Tanner Ridenour to the attention of my colleagues and other readers of the RECORD.

James Dean once said "Dream as if you'll live forever, live as if you'll die today". Maybe you remember him smoking cigarettes on his motorcycle in the movies or maybe you remember James Dean's car accident in 1955 which took his life. My older brother Will passed away June 11, 2007 in a car accident. It was one of the most devastating things that ever happened to my family. But it didn't stop at my family it affected everyone around us. One month later my grandfather passed away from cancer, and the following December my grandmother passed away from cancer. 2007 was one of the darkest years of my life, and I hope no one ever has to go through what I went through. It made me a stronger person and taught me what really is important in life. Aldous Huxley said, "Experience is not what happens to you. It is what you DO with what happens to you." I tried my hardest not to cry and keep my family together because I know that is what Will would have wanted me to do. People come up to me all the time and say how proud they are of me. But I would have never been able to do it without my friends and the people around me. When bad things happen in life you can't just crawl in a hole and die, even when that sounds like the easiest thing to do. James Thurber once said, "Let us not look back in anger, nor forward in fear, but around in awareness." I believe in this quote, and think that it has a lot to say about life and the values people should have. So remember class of 2010 that these experiences whether good or bad will last a lifetime, so don't look back in anger nor forward in fear.

**A TRIBUTE TO CHARLES L.
BLOCKSON**

HON. ROBERT A. BRADY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 14, 2010

Mr. BRADY of Pennsylvania. Madam Speaker, I rise to honor a true American treasure: Historian and collector Charles L. Blockson. Mr. Blockson is the founder and curator of the Charles L. Blockson Afro-American Collection of rare texts, slave narratives, art and other historically significant artifacts located at Temple University in the First Congressional District. It is one of the largest African American collections of its kind at a major university.

Comprised of more than 40,000 items, the Blockson Collection continues to grow through the acquisition of both current and retrospective materials. An estimated 25,000 volumes fill the shelves of the collection and an additional 3,500 volumes are rare books. Another 15,000 items of rare Afro-Americana include pamphlets, slave narratives, antislavery broadsides, signed letters, posters, photographs, sheet music, original phonograph recordings and statues.

On March 10, 2010, in recognition of Women's History Month and on the 188th anniversary of the birth of the African American abolitionist Harriet Tubman, I was pleased to honor Mr. Blockson for his donation of his collection

of Harriet Tubman artifacts to the Smithsonian National Museum of African American History and Culture (NMAAHC). The donated artifacts included a shawl given to Harriet Tubman by England's Queen Victoria, historic photographs and a hymnal signed by Tubman.

By making this donation to the Smithsonian's National Museum of African American History and Culture, Mr. Blockson has ensured that this unparalleled collection will be shared with millions of visitors to the museum. Madam Speaker, I ask you and my other distinguished colleagues to join me in commending Mr. Blockson whose donation represents a continuum of a life dedicated to preserving African American history.

A DANGEROUS SILENCE—FORMER
NEW YORK CITY MAYOR ED KOCH

HON. PETER T. KING

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 14, 2010

Mr. KING of New York. Madam Speaker, no one is more dedicated to maintaining the strength of the American-Israeli relationship than former New York City Mayor Ed Koch. Mayor Koch is a true American patriot who knows that Israel is an indispensable partner in the war against Islamic terrorism. Israel, of course, shares America's belief in freedom and democracy. Like many of us, Mayor Koch is concerned that President Obama's policies have "damaged the relationship between the U.S. and Israel . . . to one in which there is an absence of trust on both sides." Mayor Koch has written a very thoughtful article in which he describes his opposition to the Obama policies—policies which have caused the Mayor to "weep". I commend this article to my colleagues.

A DANGEROUS SILENCE

I weep as I witness outrageous verbal attacks on Israel. What makes these verbal assaults and distortions all the more painful is that they are being orchestrated by President Obama.

For me, the situation today recalls what occurred in 70 AD when the Roman emperor Vespasian launched a military campaign against the Jewish nation and its ancient capital of Jerusalem. Ultimately, Masada, a rock plateau in the Judean desert became the last refuge of the Jewish people against the Roman onslaught. I have been to Jerusalem and Masada. From the top of Masada, you can still see the remains of the Roman fortifications and garrisons, and the stones and earth of the Roman siege ramp that was used to reach Masada. The Jews of Masada committed suicide rather than let themselves be taken captive by the Romans.

In Rome itself, I have seen the Arch of Titus with the sculpture showing enslaved Jews and the treasures of the Jewish Temple of Solomon with the Menorah, the symbol of the Jewish state, being carted away as booty during the sacking of Jerusalem.

Oh, you may say, that is a farfetched analogy. Please hear me out.

The most recent sacking of the old city of Jerusalem—its Jewish quarter—took place under the Jordanians in 1948 in the first war between the Jews and the Arabs, with at least five Muslim states—Egypt, Jordan,

Lebanon, Syria and Iraq—seeking to destroy the Jewish state. At that time, Jordan conquered East Jerusalem and the West Bank and expelled every Jew living in the Jewish quarter of the old city, destroying every building, including the synagogues in the old quarter and expelling from every part of Judea and Samaria every Jew living there so that for the first time in thousands of years, the old walled city of Jerusalem and the adjacent West Bank were "Judenrein"—a term used by the Nazis to indicate the forced removal or murder of all Jews.

Jews had lived for centuries in Hebron, the city where Abraham, the first Jew, pitched his tent and where he now lies buried, it is believed, in a tomb with his wife, Sarah, as well as other ancient Jewish patriarchs and matriarchs. I have visited that tomb and at the time asked an Israeli soldier guarding it—so that it was open to all pilgrims, Christians, Muslims and Jews—"where is the seventh step leading to the tomb of Abraham and Sarah," which was the furthest entry for Jews when the Muslims were the authority controlling the holy place? He replied, "When we retook and reunited the whole city of Jerusalem and conquered the West Bank in 1967, we removed the steps, so now everyone can enter," whereas when Muslims were in charge of the tomb, no Jew could enter it. And I did.

I am not a religious person. I am comfortable in a synagogue, but generally attend only twice a year, on the high holidays. When I entered the tomb of Abraham and Sarah, as I recall, I felt connected with my past and the traditions of my people. One is a Jew first by birth and then by religion. Those who leave their religion, remain Jews forever by virtue of their birth. If they don't think so, let them ask their neighbors, who will remind them. I recall the words of the columnist Robert Novak, who was for most of his life hostile to the Jewish state of Israel in an interview with a reporter stating that while he had converted to Catholicism, he was still a cultural Jew. I remain with pride a Jew both by religion and culture.

My support for the Jewish state has been long and steadfast. Never have I thought that I would leave the U.S. to go and live in Israel. My loyalty and love is first to the U.S. which has given me, the son of Polish Jewish immigrants, so much. But, I have also long been cognizant of the fact that every night when I went to sleep in peace and safety, there were Jewish communities around the world in danger. And there was one country, Israel, that would give them sanctuary and would send its soldiers to fight for them and deliver them from evil, as Israel did at Entebbe in 1976.

I weep today because my president, Barack Obama, in a few weeks has changed the relationship between the U.S. and Israel from that of closest of allies to one in which there is an absence of trust on both sides. The contrast between how the president and his administration deals with Israel and how it has decided to deal with the Karzai administration in Afghanistan is striking.

The Karzai administration, which operates a corrupt and opium-producing state, refuses to change its corrupt ways—the president's own brother is believed by many to run the drug traffic taking place in Afghanistan—and shows the utmost contempt for the U.S. is being hailed by the Obama administration as an ally and publicly treated with dignity. Karzai recently even threatened to join the Taliban if we don't stop making demands on him. Nevertheless, Karzai is receiving a gracious thank-you letter from President

Obama. The New York Times of April 10th reported, ". . . that Mr. Obama had sent Mr. Karzai a thank-you note expressing gratitude to the Afghan leader for dinner in Kabul. 'It was a respectful letter,' General Jones said."

On the other hand, our closest ally—the one with the special relationship with the U.S., has been demeaned and slandered, held responsible by the administration for our problems in Afghanistan and Iraq and elsewhere in the Middle East. The plan I suspect is to so weaken the resolve of the Jewish state and its leaders that it will be much easier to impose on Israel an American plan to resolve the Israeli-Palestinian conflict, leaving Israel's needs for security and defensible borders in the lurch.

I believe President Obama's policy is to create a whole new relationship with the Arab states of Saudi Arabia, Jordan and Egypt, and Iraq as a counter to Iran—The Tyrannosaurus Rex of the Muslim world which we are now prepared to see in possession of a nuclear weapon. If throwing Israel under the bus is needed to accomplish this alliance, so be it.

I am shocked by the lack of outrage on the part of Israel's most ardent supporters. The members of AIPAC, the chief pro-Israel lobbying organization in Washington, gave Secretary of State Hillary Clinton a standing ovation after she had carried out the instructions of President Obama and, in a 43-minute telephone call, angrily hectoring Prime Minister Benjamin Netanyahu.

Members of Congress in both the House and Senate have made pitifully weak statements against Obama's mistreatment of Israel, if they made any at all. The Democratic members, in particular, are weak. They are simply afraid to criticize President Obama.

What bothers me most of all is the shameful silence and lack of action by community leaders—Jew and Christian. Where are they? If this were a civil rights matter, the Jews would be in the mall in Washington protesting with and on behalf of our fellow American citizens. I asked one prominent Jewish leader why no one is preparing a march on Washington similar to the one in 1963 at which I was present and Martin Luther King's memorable speech was given? His reply was "Fifty people might come." Remember the 1930s? Few stood up. They were silent. Remember the most insightful statement of one of our greatest teachers, Rabbi Hillel: "If I am not for myself, who is for me? And if I am only for myself, what am I? And if not now, when?"

We have indeed stood up for everyone else. When will we stand up for our brothers and sisters living in the Jewish state of Israel?

If Obama is seeking to build a siege ramp around Israel, the Jews of modern Israel will not commit suicide. They are willing to negotiate a settlement with the Palestinians, but they will not allow themselves to be bullied into following self-destructive policies.

To those who call me an alarmist, I reply that I'll be happy to apologize if I am proven wrong. But those who stand silently by and watch the Obama administration abandon Israel, to whom will they apologize?

HONORING DR. JOHN HARTIG ON
HIS SELECTION AS A MICHIGAN
GREEN LEADER

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 14, 2010

Mr. DINGELL. Madam Speaker, I rise today in appreciation of Dr. John Hartig of Michigan. On April 22nd he, along with 15 others selected from over 300 nominations, will be recognized by the Detroit Free Press as a Michigan Green Leader. This is the first year of the Michigan Green Leader awards to honor the 40th anniversary of Earth Day, our environment, and the hard work and dedication of these outstanding institutions and people.

Dr. Hartig currently serves the United States Fish and Wildlife Service as the Refuge Manager for the Detroit River International Wildlife Refuge. He is responsible for the conservation, protection, and restoration of habitat for 29 species of waterfowl, 65 different species of fish, and 300 species of migratory birds in the nearly 6000 acres abutting the Detroit River in Southeast Michigan. The Refuge was established in 2001 as part of an effort to preserve this beautiful area, which is the intersection of the Atlantic and Mississippi Flyways and where an estimated 7 million ducks, geese, swans, and coots traverse the region annually as part of their migratory patterns.

As a Trenton native, Dr. Hartig spent his youth fishing on the Detroit River. He is trained as a limnologist and has over 30 years of experience in environmental science, management, and policy. He served a term as President of the International Association for Great Lakes Research—a group dedicated to the study of large lakes and watersheds around the world. He spent 5 years as the Detroit River Navigator, a federal liaison identifying and enacting valuable economic development, environmental stewardship, and historical preservation, for the Greater Detroit American Heritage River Initiative, established by Presidential Executive Order to protect and preserve America's Rivers. He also worked for the International Joint Commission, established by the United States and Canada to resolve Boundary Water issues, and helped establish the Canada-US Great Lakes Water Quality Agreement for more than a decade. He has taught Environmental Management and Sustainable Development as an Adjunct Professor at Wayne State University. Dr. Hartig has written over 100 published articles on the Great Lakes and authored or co-authored a number of books including "UNDER RAPS: Toward Grassroots Ecological Democracy in the Great Lakes Basin," "Honoring Our Detroit River, Caring for Our Home," and recently "Burning Rivers: Revival of Four Urban-Industrial Rivers That Caught on Fire." His work has garnered numerous other accolades, including the 2003 Anderson-Everett Award for contributions to the International Association for the Great Lakes, the 2003 Community Luminary Award from the DTE Energy Foundation for his leadership in the development of communities in Michigan, and the 1993 Sustainable Development Award for Civic Leadership from the Global Tomorrow Coalition.

John Hartig has dedicated his career to the protection of some of Michigan's most valuable and most vulnerable resources. His work affects the present and the future of one of our nation's great treasures and I am proud to stand before you today in order to honor him and the causes he has so diligently championed.

**HONORING THE LIFE OF TOM
TURNER**

HON. STEVE COHEN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 14, 2010

Mr. COHEN. Madam Speaker, I rise today to honor the life of Tom Turner, a man who devoted his life in service to the Memphis community. He was born in Atlanta, Georgia in 1924, and graduated from Georgia Institute of Technology, after which he served his country as a Lieutenant in the U.S. Army Air Corps during World War II. Afterwards, he moved to Memphis, Tennessee where he worked as the Division Manager for External Affairs at Buckeye Cellulose Technology for forty years.

Tom Turner was active in a multitude of local organizations during his career and in retirement. He was Chairman of the Boards of Agricenter International, the Memphis Chamber of Commerce, Junior Achievement, and Goodwill Industries. In addition, Mr. Turner served as Vice Chairman of the Boards of the Airport Authority and Christian Brothers University. He was an active participant with Le Moyne Owen College, MIFA and was a big fundraiser for the United Way and the Salvation Army. He was active in the Rotary Club, Memphis in May, Memphis partners and the Tennessee Independent College Fund. Mr. Turner was an active member of his Church, Wesleyan Hills United Methodist, where he was Chairman of the administrative board and taught Sunday School.

This is only a partial list of Mr. Turner's involvement in the Memphis community. He was truly a tireless proponent of civic involvement. The Volunteer Center of Memphis awarded him the Golden Rule Award as the "Top Volunteer in Memphis." Christian Brothers University also awarded him the Maurelian Medal for "exceptional service to the university and to the wider community." Thomas Turner's impact was deeply felt in the Memphis Community and his absence will undoubtedly be deeply felt.

Tom Turner passed away on March 27, 2010, at the age of 85. He is survived by his wife of 60 years, Doris Turner, two daughters, Terri Panitz and Lisa Turner and partner Rob Sangster, and five grandchildren. Memphis mourns the loss of Mr. Turner who was tirelessly involved in his community's growth. His life was a reminder of just how much one person can accomplish while serving the community.

HONORING MS. KARYN POREMPSKI

HON. BRIAN HIGGINS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 14, 2010

Mr. HIGGINS. Madam Speaker, I rise today to recognize the commitment to service of Ms. Karyn Poremski, the serving Department President of the American Legion Auxiliary for 2009/2010.

During her time as Department President, Karyn has worked tirelessly to assist our veterans and communities throughout New York. The Department Presidents Project, which she oversees, is divided into two programs. The first, the Creative Arts, New York project, works to incorporate the arts into Veterans Affairs recreational therapy programs. The project raises funds to purchase medals, certificates, program books, and art supplies, and allows veterans to enter their work into a national competition.

The second of Karyn's projects is designed to provide help for veterans of the Gulf War, Operation Iraqi Freedom, and Operation Enduring Freedom. The project works alongside the Veterans Administration to provide much needed services that might otherwise fall through the cracks because of red tape or budgetary constraints. The funds she raises for this project will help to provide transportation, grocery cards, and refreshments for group events.

Karyn is expected to raise an impressive \$50,000 in funding for these projects. These donations did not come easily, but instead are the result of many trips throughout New York.

Karyn's enthusiasm and commitment to the American Legion extends throughout her family as well. Her husband Joseph is a past Post Commander and District Commander. Karyn's two daughters Holly and Tracey are members of the Auxiliary, her granddaughters Rebecca and Jenna are junior members, and her grandson Jared is a member of the Sons of the American Legion. Her father, sister, and, until recently, mother were also members of the American Legion; Karyn lost her mother this past year.

Madam Speaker, I ask my fellow Members to join me in recognizing Ms. Karyn Poremski for her over forty years of service to the American Legion Auxiliary, our veterans, and western New York.

**CELEBRATING THE BIRTH OF
CATHERINE GRACE MCCAULEY**

HON. JEB HENSARLING

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 14, 2010

Mr. HENSARLING. Madam Speaker, today I wish to celebrate the birth of Catherine Grace McCauley to her parents, Juli and Jared McCauley of Lubbock, Texas. Cate was born on April 13, 2010, at 11:15 p.m., weighing 7 pounds, 8 ounces and measuring 20 and one-half inches.

Cate's proud grandparents are Michael and Cathy Buchanan and Roger and Diane

McCauley. She is the great-grandchild of Joe and the late Billy Gene Buchanan, Troy and Marge Jones, Arline and the late Ward McCauley and Robert and Betty Minemier, Sr. Cameron and Stacey Buchanan and Dee and Jessica Buchanan are Cate's excited aunts and uncles.

Madam Speaker, as a father of two children, I know what a momentous celebration this is for Juli, Jared and their entire family, for a child truly is a gift of the Lord. This family has prayed about Cate's arrival for years, and today, Madam Speaker, they can proclaim with a spirit of joy and thanksgiving, "For this child I prayed; and the Lord hath given me my petition which I asked of him."

U.S. AND TAIWAN'S AIR DEFENSE

HON. KAY GRANGER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 14, 2010

Ms. GRANGER. Madam Speaker, I rise today to talk about an issue of concern to me and to my Taiwanese American constituents.

Today's Taiwan is a strong ally of the United States that shares with us the ideals of freedom, democracy, and self-determination. Taiwan enjoys elements of independence, although Taiwan continues to be under an ominous shadow cast by the over 1400 short and medium-range ballistic missiles that the People's Republic of China (PRC) has aimed in its direction. China continues to refuse to renounce the use of force against Taiwan, continues to claim Taiwan as a renegade province, and in 2005 passed an "Anti-Secession Law" that mandated military action if Taiwan moves towards formal and legal independence. The U.S. Congress quickly and strongly condemned China for this action with a vote on the House Floor.

A 2009 Pentagon report on the military power of the PRC stated that "in the near-term, China's armed forces are rapidly developing coercive capabilities for the purpose of deterring Taiwan's pursuit of de jure independence." It added that these "same capabilities could in the future be used to pressure Taiwan toward a settlement of the cross-strait dispute on Beijing's terms while simultaneously attempting to deter, delay, or deny any possible U.S. support for the island in case of conflict."

Madam Speaker, the 1979 Taiwan Relations Act is the cornerstone of United States-Taiwan relations and the "Law of the Land." It declares that it is the policy of the United States "to consider any effort to determine the future of Taiwan by other than peaceful means, including by boycotts or embargoes, a threat to the peace and security of the Western Pacific area and of grave concern to the United States."

Furthermore, section 3(b) of the Act stipulates that both the President and the Congress shall determine the nature and quantity of such defense articles and services 'based solely' upon their judgment of the needs of Taiwan.

On January 29, 2010 the Obama Administration notified Congress of a long-awaited package of arms sale to Taiwan, totaling US\$

6.4 billion. The package included 114 Patriot PAC-3 missiles, 60 Black Hawk helicopters, 12 Harpoon missiles for training purposes, two Osprey-class refurbished mine hunters and military communication equipment. However, not included in the package were 66 F-16 C/D fighter aircraft, which Taiwan requested in 2006.

Prior to the notification, in a report dated 21 January 2010, the U.S. Defense Intelligence Agency made an assessment of the status of Taiwan's air defense. It concluded that Taiwan's air defense is showing increasing vulnerability due to the aging of the air force fighter aircraft.

Madam Speaker, let me conclude my remarks with urging my esteemed colleagues to join me in requesting the Obama administration to immediately move ahead with the sale of F-16s to Taiwan at this time. One of the main reasons to move now is that the production of the F-16s is nearing its end, as more countries are switching to the advanced F-35 Joint Strike Fighter.

HONORING LIONVILLE YOUTH ASSOCIATION

HON. JIM GERLACH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 14, 2010

Mr. GERLACH. Madam Speaker, I rise today to honor the Lionville Youth Association as it celebrates 40 years of providing excellent recreational opportunities and sports programs to boys and girls in Chester County, Pennsylvania.

The Association has come a long way since its inception in 1970 when it developed playing fields on two, pie-shaped parcels along Devon Drive in an era when backstops were made of chicken wire and the snow fences served as outfield walls. Last year, more than 1,600 children participated in sports leagues organized by the Association and competed on well-groomed playing fields with dugouts, electronic scoreboards and press boxes. Countless youth teams have celebrated championships earned while playing on one of the athletic fields faithfully maintained by the Association. More importantly, the Association has afforded boys and girls a chance to learn valuable lessons in team work, hard work and perseverance that will benefit them long after they leave the playing field.

The Association's tremendous success and increased participation in youth sports can be attributed to the 550 volunteers who generously give 180,000 hours each year to serve as coaches, umpires, referees, concession stand workers, league officials and in various other roles.

Madam Speaker, I ask that my colleagues join me today in congratulating the Lionville Youth Association as it commemorates this very special milestone and offering best wishes for continued success in enriching the lives of our youth and strengthening the bonds within our community.

RICK MAZER

HON. PETER J. VISCLOSKEY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 14, 2010

Mr. VISCLOSKEY. Madam Speaker, it is with great pleasure that I take this time to honor one of Northwest Indiana's most respected business and community leaders, Mr. Rick Mazer, from Saint John, Indiana. On April 8, 2010, Rick was honored by Horseshoe Casino and the Northwest Indiana Forum in appreciation for his many years of service as a dedicated executive and for his numerous contributions to the community of Northwest Indiana. The celebration took place at Gamba Ristorante in Merrillville, Indiana.

Rick Mazer's professional and academic career led him to become a prominent leader in the gaming industry for nearly thirty years. In 1976, Rick earned a Bachelor's degree in Business Administration from Boston University. His lifelong career in the gaming industry began in 1979, in Atlantic City, where he held various positions at Caesar's Entertainment and Resorts International. In 1991, Rick's career led him to Peoria, Illinois where he played an instrumental role in the grand opening of Par-A-Dice Riverboat Casino, where he served as Vice President of Marketing. In late 1995, Mr. Mazer became the Director of Marketing and Advertising at the Empress Casino in Joliet, Illinois. He joined the team at Horseshoe Casino nearly fifteen years ago and successfully maintained a leadership role through three ownerships. In 2007, due to his outstanding management skills and superior business strategies, Rick was subsequently promoted to oversee the two Harrah's Entertainment casinos that book-end the state, picking up responsibilities for what was known as Caesars Indiana, now Horseshoe Southern Indiana. Mr. Mazer led the transformation from one great brand to another. The "mother of all boats", or MOAB, is the moniker fondly used internally to reference the \$500 million casino that Rick spearheaded. The design, construction, and opening of one of the most stunning casinos in America could have only happened under his guidance. For his efforts, Mr. Mazer has been presented with the Lakeshore Chamber of Commerce Business Person of the Year award. After years of service in the Indiana market, Rick was given an opportunity to oversee multiple casinos in America's gaming capital, Las Vegas. Staying within the Harrah's Entertainment family has made the transition very smooth.

Rick Mazer exemplifies what it means to be a true leader. His outstanding leadership skills are reflected by staff members, who have been quoted as saying, "Rick actively engages members of his team, constantly challenging them to expand their expertise while fostering their talent and growth. Rick understands that with a truly engaged team, anything is possible."

In addition to his impressive professional career, Rick passionately serves the people of Northwest Indiana through his involvement in many community organizations. Among his many contributions, Rick is actively involved with the Northwest Indiana Forum, Tradewinds

Rehabilitative Services, Northwest Indiana Symphony Orchestra, Casino Association of Indiana, Lake Area United Way, Crisis Center, Haven House, American Cancer Society, Lakeshore Chamber of Commerce, Lake County Convention and Visitor's Bureau Hospitality Committee, and the Indiana Black Expo. For his many charitable efforts, Rick was awarded the prestigious Raoul Wallenberg Humanitarian Award. For his continuous, selfless devotion to the community of Northwest Indiana, Mr. Mazer is to be highly commended.

Rick's dedication to his community is exceeded only by his devotion to his amazing family. This coming May, he and his wonderful wife, Aria, will celebrate 30 years of marriage. They have two beloved daughters, Ericka and Racquel.

Madam Speaker, at this time, I ask that you and my other distinguished colleagues join me in commending Mr. Rick Mazer as he is honored for his lifetime of service and dedication to the Northwest Indiana community. Rick continues to touch the lives of countless people, and for his unselfish, lifelong commitment, he is worthy of the highest praise.

INTRODUCTION OF THE IMPROVE ACQUISITION ACT OF 2010

HON. ROBERT E. ANDREWS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 14, 2010

Mr. ANDREWS. Madam Speaker, I'm pleased to be joined by a number of my colleagues today in introducing the IMPROVE Acquisition Act of 2010. On March 23, the House Armed Services Committee's Panel on Defense Acquisition Reform completed its work by unanimously agreeing to its final report after a year-long investigation of the defense acquisition system. We held 14 hearings and 2 briefings and looked at the whole spectrum of the acquisition system. We found that while the nature of defense acquisition has substantially changed since the end of the Cold War, the defense acquisition system has not kept pace.

It is still a system primarily designed for the acquisition of weapon systems at a time when the acquisition of services, and of information technology, represents a much larger share of the Department's budget. These other areas of acquisition operate very differently from weapons acquisition, but are just as complex and just as risky for taxpayers. It was clear to our Panel that changes are needed, but the extent and complexity of the problem presented a real challenge to us.

Ultimately, we did find a group of common, overarching issues that we were convinced needed to be addressed. Across all categories of acquisition significant improvements can and should be made in: managing the acquisition system; improving the requirements process; developing and incentivizing the highest quality acquisition workforce; reforming financial management; and getting the best from the industrial base. The IMPROVE Acquisition Act of 2010 goes directly at each of these issues.

It requires DOD to regularly and comprehensively assess the performance of the defense acquisition system, and puts the newly created Office of Performance Assessment and Root Cause Analysis in charge of these assessments. These assessments would not simply be material to fill reports to Congress. These performance assessments would be linked directly with the things that matter most to the people in the system: pay, promotion, and the scope of their authority. A similar performance management system is required for the current requirements process for weapon systems and the bill requires DOD to develop a requirements process for the acquisition of services. These systems will now be held accountable to the Department's senior leaders. The bill also requires DOD to revisit its acquisition policy to correct the bias towards weapons system acquisition, and requires DOD to assign actual military units to assist in the development and evaluation of major weapon systems.

The central pillar of the defense acquisition system is the acquisition workforce. Only through supporting, empowering, rewarding, and holding accountable the acquisition workforce can the defense acquisition system be expected to improve. To achieve this, the bill gives the Department the flexibility to efficiently hire qualified new employees, and to manage its workforce in a manner that promotes superior performance. DOD is required to develop new regulations for the acquisition workforce which include fair, credible, and transparent methods for hiring and assigning personnel, and for appraising and rewarding employee performance. The bill also extends and codifies the Acquisition Workforce Demonstration Program, which already incorporates a number of these important elements, but has been dormant while the Department tried to implement NSPS.

Another key pillar of success for the defense acquisition system is the Department's financial management system. DOD's inability to provide accurate and timely financial information prevents it from adequately managing its acquisition programs and from implementing true acquisition reform. The bill requires DOD to establish meaningful incentives for the military services to achieve unqualified audits well before the current mandate of September 30, 2017. It also requires consequences if they do not meet this mandate, which was enacted in the National Defense Authorization Act for Fiscal Year 2010.

The last pillar underpinning the defense acquisition system is the industrial base. The bill requires the Department to enhance competition and gain access to more innovative technology by taking measures to utilize more of the industrial base, especially small and mid-tier businesses. And in managing that industrial base, the bill directs DOD to work with responsible contractors with strong business systems. It requires contractors to disclose whether they are delinquent on their taxes when they bid on a federal contract.

I look forward to working with my colleagues to pass this important legislation through the House in the coming weeks.

USC PRESIDENT STEVEN SAMPLE

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 14, 2010

Mr. BERMAN. Madam Speaker, I am honored to pay tribute to my friend Professor Steven Sample, on the occasion of his retirement from the University of Southern California. I have had the pleasure of working with him on many issues of concern to USC and educational reform, and I know firsthand of his many accomplishments.

In 1991, Professor Sample was appointed USC President. Under his leadership, USC has become world-renowned in the fields of communication and multimedia technologies, received national acclaim for its innovative community partnerships, and solidified its status as one of the nation's leading research universities.

President Sample transformed Jewish life at USC by bolstering the school's efforts to identify, reach, and direct talented Jewish students into community activities and involvement. He also attracted successful Jewish philanthropists, through the Board of Trustees, generating unparalleled financial support to the USC Hillel Foundation's schools, centers and institutes. President Sample is to be recognized for his role in building and supporting Jewish institutions on campus such as the Casden Institute, Chabad at USC, the Jewish Studies Department, and most recently, the Shoah Institute, as well as off campus institutions such as USC Hillel and Hebrew Union College.

Professor Sample is an extraordinary individual. In addition to being an electrical engineer he is a musician, outdoorsman, author, and inventor. In February 1998, he was elected to the National Academy of Engineering for his contributions to consumer electronics and leadership in interdisciplinary research and education. In 2003, he was elected to the American Academy of Arts and Sciences in recognition of his accomplishments as a university president.

Professor Sample has received numerous awards and great support from the community in recognition of his achievements. He recently received the Distinguished Business Leader Award from the Los Angeles Area Chamber of Commerce, the Heart of the City Award from the Central City Association of Los Angeles, and the Chancellor Charles P. Norton Medal, the highest award bestowed by the State University of New York at Buffalo. He has also received the Humanitarian Award from the National Conference for Community and Justice, the Holzer Memorial Award from the Jewish Federation Council of Greater Los Angeles, and the Eddy Award for excellence in economic development from the Los Angeles County Economic Development Corporation.

Madam Speaker and distinguished colleagues, I ask you to join me in saluting Professor Sample for his impressive career and dedication to the people of Southern California, and congratulating him on the occasion of his retirement.

TRIBUTE TO OLYMPIC
SNOWBOARDER LOUIE VITO

HON. JIM JORDAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 14, 2010

Mr. JORDAN of Ohio. Madam Speaker, I am proud to honor the achievements of Louie Vito on his outstanding snowboarding performance at the 2010 Olympic Winter Games.

Louie is a native of Bellefontaine, Ohio, and got his first snowboarding experience at Bellefontaine's Mad River Mountain. He credits his father, Lou, with helping to nurture his passion for the sport early on.

At age 13, Louie was present at the 2002 Olympic Winter Games in Salt Lake City to watch American snowboarders capture the gold, silver, and bronze in the men's halfpipe competition. Inspired by their example, he dedicated himself to the sport, turning pro in 2005. He immediately made his mark in the world of snowboarding with a first-place finish in the superpipe at that year's Burton Australian Open—a feat he repeated in 2006.

His strong showing in Australia set the stage for many future successes. Louie won the 2008 US Grand Prix and was Grand Prix co-champion in 2009. This year alone, he won a bronze at the Winter Euro X Games, took second in superpipe at the US Open, and finished fifth in the halfpipe competition at the Vancouver Olympic Games. The people of Bellefontaine and from across Ohio were proud to cheer on our native son at the Games, spellbound by his amazing runs.

An all-around athlete, Louie became known to millions more throughout the nation during his appearances on ABC's *Dancing with the Stars* last season.

Madam Speaker, on behalf of the people of Ohio's Fourth Congressional District, I am honored to celebrate Louie's accomplishments, his dedication to sports, his integrity and work ethic, and his outstanding contributions to the Olympic tradition. We wish him all the best in his career, and look forward to watching him compete again in the 2014 Olympic Winter Games.

PERSONAL EXPLANATION

HON. CHRISTOPHER P. CARNEY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 14, 2010

Mr. CARNEY. Madam Speaker, on Tuesday, April 13, I was unable to cast my vote on three suspension bills.

Had I been present, I would like the record to reflect that I would have voted: "yes" on rollcall vote 196, "yes" on rollcall vote 197, and "yes" on rollcall vote 198.

IN RECOGNITION OF MS. SUSAN
ERRETT CORD PEREIRA 70TH
BIRTHDAY

HON. MIKE ROGERS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 14, 2010

Mr. ROGERS of Alabama. Madam Speaker, I would like to request the House's attention today to pay recognition to Ms. Susan Errett Cord Pereira who will be turning 70 years old on May 21st. Ms. Pereira is both praised for her entrepreneurial spirit as well as for her generosity. She is a great contribution to the community.

Ms. Pereira and her husband of 48 years, William L. Pereira, Jr., have a natural eye for business. Together they have started several businesses which include Air California, Diamond Sports, Inc., and a very well-known and respected Arabian horse farm.

Besides running successful companies with her husband, Ms. Pereira uses her business smarts to play a large role in many charities including Junior League, Dunn School Board of Trustees, Reno Chamber Music Board of Trustees, and is a co-sponsor of the Pereira Visiting Writers program at University of California Irvine.

She has five children, a passion for Arabian horses, and is a Life Master in bridge.

Best wishes and Happy Birthday to Ms. Susan Errett Cord Pereira.

CONTRATULATING THE UNIVER-
SITY OF ALABAMA STUDENTS IN
FREE ENTERPRISE TEAM

HON. ROBERT B. ADERHOLT

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 14, 2010

Mr. ADERHOLT. Madam Speaker, I would like to congratulate the University of Alabama Students In Free Enterprise Team (UA-SIFE) for winning their fourth consecutive Regional Championship.

The UA-SIFE team was the League 9 Champion and will be traveling to Minneapolis, MN on May 10–13 to compete in National Finals.

Founded in 2005, the UA-SIFE team has grown from 5 members to 64 active members.

Since its inception UA-SIFE has won Rookie of the Year, First Runner Up, Second Runner Up at National's and four consecutive Regional Championships.

The University of Alabama has always upheld the highest standards of excellence in all its endeavors, and this team of outstanding student leaders is no exception.

During these tough economic times, I am encouraged that students would give their time and talent to teach others the principles of free enterprise.

I commend the leadership of Clinical Professor and Sam Walton Fellow David Ford on his successful career not only with the University of Alabama but also as a soldier and a business leader, and I look forward to the continuation of a tradition of solid and consistent

performance in both academics and free enterprise.

Madam Speaker, I congratulate each member of this dedicated SIFE team, the alumni and the University of Alabama for their commitment to achieving their fourth consecutive championship.

Good luck at the Nationals.

HONORING THE LIFE OF JAIME A.
ESCALANTE

HON. GRACE F. NAPOLITANO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 14, 2010

Mrs. NAPOLITANO. Madam Speaker, it is with great reverence that I rise to honor the life of Jaime A. Escalante, a husband, father, immigrant, and teacher who dedicated his life to educating and mentoring youth. Mr. Escalante was most notable for his dynamic role as a teacher at Garfield High School in East Los Angeles, California where he pressed disadvantaged students to reach new levels of understanding in mathematics and to pass the challenging AP calculus exam. He was instrumental in transforming one of the lowest-performing high schools in the country into a national model for improving academic achievement of disadvantaged children in all subjects.

Mr. Escalante was born on December 31, 1930, in La Paz, Bolivia. Early in his teaching career, he taught at top-rated Bolivian schools before he moved to California in 1963 to pursue a more promising future for his family. Because his Bolivian credentials were not acceptable to teach in any U.S. school, he mopped floors at a coffee shop while he enrolled in English classes and repeated his undergraduate education and teacher training. At the age of 44, Mr. Escalante left his job at an electronics company, taking a pay cut, to join the math department at Garfield High School in East Los Angeles.

When Mr. Escalante arrived at Garfield in 1974, 85 percent of the students were low-income and the school was riddled with gang violence and on the verge of losing its accreditation. Mr. Escalante taught lower level math classes and soon earned a reputation for turning around students who initially lacked motivation. Escalante began teaching more difficult math classes which led to his establishment of an Advanced Placement (AP) calculus class for students who were willing to work hard, rejecting the usual markers of academic excellence, such as previous GPA scores.

In 1978, Jaime Escalante enrolled 14 students in his first AP class. Only five students survived his rigorous homework and attendance standards, and two passed the AP exam. Two years later, seven of nine students passed the exam, and three years later, 14 of 15 students passed. In 1982, Mr. Escalante helped 18 students prepare for the AP test by working on lessons after school each day and holding Saturday and summer classes. All 18 students passed, with seven students earning a score of 5, the highest score possible on the test. However, 14 of the 18 students were accused of cheating by the Education Testing

Service, and 12 students agreed to retake the test. All 12 passed again under highly monitored conditions.

In 1987, Garfield students took 129 AP calculus exams, more than all but four high schools, public or private, in the country. That year more than a quarter of all Mexican American students in the United States who passed the calculus AP exam attended Garfield. Jaime Escalante's commitment to his students and high standards allowed him to make waves in the teaching world, drawing attention on the national scale from educators across America.

Jaime Escalante's achievements were highlighted in the 1988 movie "Stand and Deliver" and the book "Escalante: The Best Teacher in America" by Jay Mathews. Mr. Escalante was instrumental in changing the notion that social class and race were the best indicators of who could learn complex concepts and who could not. He proved that Hispanic, working class students from a failing school in East Los Angeles could achieve top educational goals if they were given enough time and attention from a dedicated educator.

Jaime A. Escalante was honored with several teaching awards, including the Presidential Medal of Excellence in Education, the Andres Bello Prize from the Organization of American States, and the Free Spirit Award from the Freedom Forum, as well as being inducted into the National Teachers Hall of Fame in 1999.

I wish to express my sincere sympathy to the family members that Mr. Escalante leaves behind. He is survived by his wife, Fabiola, his two children, Jaime Jr. and Fernando, and his six grandchildren. I ask that all of my colleagues join me to honor Jaime Escalante's commitment to our nation's students and his achievements that have changed education in America and will continue to inspire educators and students for years to come.

NUCLEAR POSTURE REVIEW

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 14, 2010

Mr. SKELTON. Madam Speaker, one of the most serious threats facing our nation today is the risk of terrorist organizations like al Qaeda obtaining nuclear weapons—and we can all rest assured that they are trying their hardest to turn this risk into a reality.

This is much different than the nuclear threat we faced thirty years ago in the midst of the Cold War. We no longer need to build up our nuclear stockpile to prepare for a world war. That threat is diminishing, instead being replaced by the risk of nuclear materials being spread to countries and terrorists who are hostile to the U.S. As this nuclear landscape continues to change, we cannot be effective in protecting our great nation unless our nuclear policy changes, too.

Over the past several weeks, the Obama administration has made historic efforts to finally bring our nuclear policy out of the Cold War era and into the 21st century. This is an administration that recognizes the importance

of pursuing a comprehensive agenda to prevent the spread of nuclear weapons to our enemies and to secure vulnerable nuclear materials from those who seek to do us harm.

Earlier this month, the President released the Nuclear Posture Review, a responsible plan that aligns our nuclear strategy to better address the threats we face today. We know that it doesn't make sense to try to keep nuclear material away from terrorists by creating more nuclear material.

The Nuclear Posture Review instead focuses on taking steps to work with other nations to secure the nuclear material that is already out there—while at the same time making sure that we maintain a robust nuclear deterrence here at home.

The NPR, for the first time ever, places the prevention of nuclear terrorism at the top of our nuclear agenda. It defines key steps to strengthen our global non proliferation regime and keep nuclear material secure. Just yesterday, President Obama wrapped up a historic nuclear security summit here in Washington, where nearly 50 nations committed to secure all of their nuclear material in four years. This is a significant achievement, and makes real progress toward keeping this dangerous material out of the hands of those who seek to do us harm.

The NPR also renews our commitment to hold fully accountable any state, terrorist group, or other entity that supports or enables terrorist efforts to obtain or use weapons of mass destruction.

Madam Speaker, I have heard some critics try to distort the facts about this piece of the NPR, but here is the truth:

President Obama made it very clear that if we see states developing biological or chemical weapons that we think endanger our safety, he reserves the right to revise this policy. He also made it clear that if any state not compliant with the Non-Proliferation Treaty—and this includes countries like Iran and North Korea—were to attack us with chemical or biological weapons, Secretary Gates made it clear that "all options are on the table," including responding with nuclear weapons.

What the new security guarantee in NPR offers is an incentive for those nations that do not seek nuclear weapons and comply with the NPT.

We have an unmatched conventional military capability at our hands, and my colleagues should not try to minimize this very powerful tool in our toolkit.

Our new nuclear policy seeks to strengthen strategic deterrence and stability at reduced nuclear force levels, with the New START Treaty that we signed with Russia last week as an important first step. It also strengthens regional deterrence, broadening regional security architectures—including through missile defenses and improved conventional forces—to provide reassurance to our partners and allies.

Finally, the NPR maintains a robust nuclear deterrence and sustains it by investing in our existing stockpile and the workforce that maintains it—a process that will keep our nuclear weapons reliable, safe, and secure without the need to make new nuclear warheads.

Madam Speaker, this is not 1980. The nuclear threats facing our nation have moved be-

yond those of the Cold War, and we must move our nuclear policy beyond the narrow Cold War mentality. President Obama is taking the right steps to match up our nuclear policy with our current needs, and I commend him for his leadership to protect American families.

OPPORTUNITY ENTERPRISES

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 14, 2010

Mr. VISCLOSKY. Madam Speaker, it is with deep respect and admiration that I recognize Opportunity Enterprises Incorporated, which hosted its Celebration of Achievement Award Ceremony on Thursday, April 8, 2010, at Strongbow Inn in Valparaiso, Indiana. Opportunity Enterprises honored the accomplishments of members of its noteworthy staff, clients, volunteers and community partners. Opportunity Enterprises also paid special tribute to President and Chief Executive Officer, Mr. Gary Mitchell, who will be retiring in June of this year. For his outstanding leadership and his lifelong commitment to those in need, he is worthy of our respect and admiration.

Opportunity Enterprises is a non-profit organization that serves to create opportunities for individuals with unique challenges and abilities. Because of many dedicated, loyal, and passionate people who believe in the organization and its goals, Opportunity Enterprises is able to provide day and enrichment services, residential and children's programs, and vocational opportunities for individuals of all ages whether they have physical, emotional or developmental disabilities.

This year, Opportunity Enterprises honored individuals and organizations who have played a major role in their success. The Spirit of Opportunity Enterprises award recipient is Jake Wagner. Jake has been a board member for many years and has played an instrumental role in terms of property acquisition, identifying lead donors, and seeking grant funding. The Community Employer of the Year award recipient is Strack and Van Til. The company hires many clients through the organization's JobSource Community Employment Program and passionately assists these individuals in developing their skills. The Business of the Year award recipient is Framing Concepts Gallery, which gives tremendous support to the organization's Art Enrichment Program. The Jeanne Baird Volunteer of the Year award recipient is Cheryl Kozrowski. Cheryl continuously and selflessly gives her time to Opportunity Enterprises and its many programs. The JobSource Client of the Year award recipient is Mike Biggs. Mike has been employed through the JobSource Program for eighteen years. Despite being hearing impaired, Mike maintains an outstanding positive attitude and is beloved by everyone who works with him. The Amazing Client of the Year award recipients are: Samuel Collins, Paula Norfleet, and Derek Rogers. Samuel, who receives respite services, has made remarkable progress since becoming an Opportunity Enterprises client. Paula is employed through the Supported Employment Program and the Community Employment Program. Although she has limited

use of her hands and legs, Paula is constantly helping and supporting other clients. Derek is involved in the Supported Living Department and has made extraordinary improvement since joining the team at Opportunity Enterprises. For their dedication and commitment to Opportunity Enterprises and the community of Northwest Indiana, the 2010 Achievement Award recipients are to be commended.

Opportunity Enterprises also honored and congratulated President and Chief Executive Officer, Mr. Gary Mitchell, who will be retiring this year. In 1986, Gary joined the team at Opportunity Enterprises as the Chief Executive Officer. Opportunity Enterprises has enjoyed unprecedented growth and success under Gary's leadership. In 1986, the organization served 263 individuals with disabilities on a daily basis. Since then, Opportunity Enterprises has constantly expanded and now serves over 1,000 individuals within Porter County and throughout Northwest Indiana. For the past 15 years, Opportunity Enterprises has received accreditation by the Commission on Accreditation of Rehabilitation Facilities (CARF), a not-for-profit organization that establishes standards of quality for service to people with disabilities. For his efforts over the years on behalf of his community, Gary has received numerous honors, including the Indiana Association of Rehabilitation Facilities (INARF) President's Award in 1992 and the Sagamore of the Wabash in 1993 from then-Governor EVAN BAYH. For his selfless and passionate support for helping individuals to re-establish their roles in community life, Mr. Mitchell is to be commended and admired.

Gary's dedication to the people he serves is matched only by his devotion to his family. Gary has been married to his wife, Paula, for an astonishing 44 years. They have three children and seven grandchildren.

Madam Speaker, I ask that you and my other distinguished colleagues join me in honoring the Opportunity Enterprises 2010 Achievement Award winners, as well as Mr. Gary Mitchell, for their outstanding contributions. Their unwavering commitment to improving the quality of life for countless individuals in Northwest Indiana is truly inspirational, and they are worthy of the highest praise.

RECOGNIZING THE EMERGENCY NURSES ASSOCIATION

HON. LOIS CAPPS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 14, 2010

Mrs. CAPPS. Madam Speaker, I rise today to recognize the Emergency Nurses Association and to congratulate them on their 40th anniversary.

The Emergency Nurses Association, or ENA, is the only professional nursing association dedicated to defining the future of emergency nursing and emergency care through advocacy, expertise, innovation and leadership. It boasts more than 37,000 members worldwide.

Founded in 1970 as the Emergency Department Nurses Association and led by Anita M. Dorr, RN and Judith C. Kelleher, RN, it was

originally established to set standards for best practices in emergency nursing care. It also provided continuing education programs for emergency nurses and a united voice for nurses involved in emergency care. In 1985, the Association name was changed to Emergency Nurses Association, ENA.

Among its many accomplishments, ENA published its first Roadway Safety Scorecard in 2006, providing an overview of the kinds of roadway laws that prevent injuries and save lives, and a listing of the States that have enacted those laws. The initial report and the follow-up report in 2008 have provided the impetus for more States to pass roadway laws that protect lives and prevent injuries.

ENA is also working to make emergency departments safer by pressing for Occupational Safety and Health Administration standards that would help prevent violence in emergency departments. A recent ENA report on workplace violence found that more than half of emergency nurses have been physically assaulted on the job in the past 3 years and scores more endure verbal abuse regularly. Violence in the emergency department adversely affects patient care and also puts patients themselves at risk of assault or worse.

Madam Speaker, I ask my colleagues to join me in thanking the Emergency Nurses Association and its more than 37,000 members for their commitment to establishing public policies that reduce the need for emergency care and for working to improve the quality of that care when it is needed. I also ask that my colleagues join me in congratulating ENA on the occasion of its 40th anniversary.

RECOGNIZING THE THIRD GRADE STUDENTS AT LOUDOUN COUNTY DAY SCHOOL

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 14, 2010

Mr. WOLF. Madam Speaker, I rise today to recognize the third grade students at the Loudoun Country Day School in Leesburg, Virginia. They are conducting a food drive called "Kids Helping Kids" to benefit Loudoun Interfaith Relief. I am honored to recognize the ongoing contributions of these special young people to help feed the hungry in their community.

These talented students are collecting healthy breakfast and lunch items to distribute to Loudoun County families this summer. Many families depend on free and reduced price hot meals for their children during the school year, and will greatly benefit for receiving meals during the summer months.

This is the second food drive that the Loudoun Country Day students have implemented this year. Last fall, the students collected 1,296 pounds of food that allowed 40 families to have a complete Thanksgiving feast.

I ask that my colleagues join me in congratulating the following students for their commitment to helping the hungry in their community.

Aidan Kennedy

Alex Moran
Annabella Stavrou
Ben Kowkowski
Greyson Sequino
Hunter Gowin
Lindsey Fouty
Lyndsey Coleman
Lauren Miller
Peyton Carter
TJ Donovan
Lauren Rubino
McKenna Martinez
Maddi Moran
Ella Parsons
Brian Wilmans
Christophe Atkinson
Luke Miller
Stephen Kalivokas
Drew Johnson
Gabrielle Latimer
Zyannah Malick

COMMEMORATION OF VAISAKHI

HON. MICHAEL M. HONDA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 14, 2010

Mr. HONDA. Madam Speaker, I rise today in commemoration of Vaisakhi, a festival celebrating the founding of the Khalsa Sikh community in 1699. It has special significance for Sikhs because the tenth guru, Guru Gobind Singh, chose Vaisakhi as the occasion to formalize the Sikh identity and religious practice by forming the Khalsa, the body of initiated Sikhs. Vaisakhi also marks the new solar year and harvest season.

I would also like to take this opportunity to recognize the contributions American Sikhs make to our society. According to the 2000 Census, more than 650,000 Sikhs live in the United States, and more than 250,000 reside in my home state of California. Throughout history, American Sikhs have made great contributions to our cultural landscape, the government, business and civil sector, as well as the military. In 1956, the Hon. Dalip Singh Saund was the first Sikh, Asian- or Indian-American elected to the House of Representatives. In addition to making great progress for racial equality and diversity in American government, Rep. Saund was instrumental in ending statutory discrimination against Asian- and Indian-Americans by working to grant naturalization rights for immigrants from the Philippines and India. Around the country, Sikhs serve as mayors, business leaders, athletes, actors and other leadership positions.

It is my honor to rise today to recognize the Sikh festival of Vaisakhi and recognize the achievements and contributions of all American Sikhs to our country.

RECOGNIZING THE UNITED WAY VOLUNTEERS OF EAST TENNESSEE

HON. DAVID P. ROE

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 14, 2010

Mr. ROE of Tennessee. Madam Speaker, I rise today to commend the United Way volunteers of Washington County, Jonesborough, and Johnson City for their service to East Tennessee. I am proud of the example these fine volunteers set and for all they give back to the great state of Tennessee.

Nearly 125 volunteers will be attending the annual Volunteer Breakfast on April 23, 2010. With approximately 150 volunteers of their own, United Way of Washington County partners with many other organizations and thousands of other volunteers to change the lives of people in East Tennessee.

I sincerely thank the United Way of Washington County and all partnering organizations for all they do for the Volunteer State.

WELCOMING HEARTLAND CHURCH

HON. KENNY MARCHANT

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 14, 2010

Mr. MARCHANT. Madam Speaker, it is with great pleasure and pride that I rise today to welcome Heartland Church to its new location in the 24th District of Texas. Heartland Church has been a centerpiece of spiritual growth and community outreach in the greater Irving area for 58 years.

On Christmas Eve of 1951, The First United Pentecostal Church of Irving held its inaugural service in the Irving Community Center. This was the beginning of the rich spiritual history of Heartland Church which today has grown into a caring, compassionate, service centered congregation. Soon after opening, The First United Pentecostal Church of Irving moved from the Irving Community Center to its first building on Camano Road and then eventually to Story Road. Heartland Church has made several building transitions and a name change (originally Christ Temple and then later Heartland Church) to more adequately reflect its desire to meet the needs of its congregation and the community. In December of 1984, the building dedication ceremony was held for what Heartland Church called home up until December 2009.

Guided by faith, in 2000, Heartland Church made the decision to purchase 25.8 acres located on the west side of Highway 161. But God in His infinite wisdom had other plans and that was to bring Heartland Church to Carrollton. Today, through the vision and leadership of the church's founders and with the help of the surrounding community, Heartland Church has flourished from a small congregation, meeting in a 3,000 square foot building, to a thriving congregation with more than 22,000 square feet of meeting space.

On behalf of the 24th District of Texas, I would like to welcome Heartland Church to its

new location in Carrollton, Texas. I am certain that Heartland Church will succeed and continue to be an example of Christ's love to others in the community.

PERSONAL EXPLANATION

HON. JIM JORDAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 14, 2010

Mr. JORDAN of Ohio. Madam Speaker, I was absent from the House Floor during four recent rollcall votes.

Had I been present, I would have voted in favor of H. Res. 1215, H. Res. 1222, H. Res. 1041, and H. Res. 1042.

HONORING WILLIAM CLAY FORD ON HIS SELECTION AS A MICHIGAN GREEN LEADER

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 14, 2010

Mr. DINGELL. Madam Speaker, I rise today in honor of William Clay Ford Jr. Mr. Ford has been chosen as one of 16 people and institutions by the Detroit Free Press as a Michigan Green Leader. Selected from over 300 nominations, Mr. Ford will be recognized on April 22 as part of a 40th anniversary celebration of Earth Day. Green Leaders are people or entities who have had exceptional impact on the community through their leadership and contributions in their efforts to protect our environment.

Born May 3, 1957, in Detroit, Michigan, Mr. Ford is the great-grandson of both Henry Ford and Harvey Firestone. He received a bachelor of arts degree from Princeton University in 1979 and a master of science degree in management as an Alfred P. Sloan fellow from Massachusetts Institute of Technology in 1984. Immediately after graduating from Princeton, Mr. Ford went to work as a financial analyst for Ford Motor Company. In his first 10 years with Ford he held 11 jobs. In 1987 he became managing director for Ford Switzerland and in 1990 he was head of business strategy. In 1992 he was appointed general manager of Climate Control Division where he created the company's first wildlife habitat at a plant and established the first automotive plant to use 25 percent post-consumer materials in all of its plastic parts. Under his lead, the division won the President's Commission on Environmental Quality Award for the substitution of water for hazardous chemicals in a production process. He was elected vice president and headed the Commercial Truck Vehicle Center in 1994 and in 1995 took the chair of the board of directors finance committee. He was elected chairman of the board of directors and took office at the start of 1999, served as Ford's chief executive officer from October of 2001 to September of 2006, and was subsequently named executive chairman.

Mr. Ford is a lifelong environmentalist and throughout his time at Ford he has not only

given to our environment through personal choices, but has proposed rigorous environmental policy changes for the company. The company published its first corporate citizenship report in 2000 with him at the helm. The report assessed the environmental, economic, and social ramifications of the company's projects and products around the world. In 2004, while Mr. Ford was CEO, the company finished the world's largest brownfield reclamation project with the Ford Rouge Center in Detroit. As a long-time advocate of hybrid vehicle technologies, Mr. Ford not only owns a hybrid, but has overseen the launch of expansive plans to offer electric and hybrid-powered automobiles to consumers.

In addition to his work with Ford Motor Company, Mr. Ford is a vice chairman of the Detroit Lions and has championed the environmentally friendly stadium in Detroit. He chairs the Detroit Economic Club board, co-chaired the National Summit in 2009, is the vice chair of the Business Leaders for Michigan, serves on the board of directors of eBay, and is a member of the board of trustees for The Henry Ford.

This is the first year the Detroit Free Press has held the Green Leaders event. Mr. Ford is a superb choice. His great drive and dedication are assets to us, our community, and our environment.

RECOGNIZING NEW YORK LGBT HEALTH MONTH

HON. PAUL TONKO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 14, 2010

Mr. TONKO. Madam Speaker, I rise today to recognize March 2010 as Lesbian, Gay, Bisexual and Transgender, or LGBT Health Month in the state of New York. The health and happiness of all LGBT individuals in New York and across the country is of tremendous importance. I applaud the efforts of the Healthcare Committee in organizing LGBT month for March 2010, and I look forward to seeing this tradition grow and thrive in the years to come.

The Healthcare Committee of the NYS LGBT Health and Human Services Network, in conjunction with the Empire State Pride Agenda, declared the theme of this year's inaugural event "31 Ways for 31 Days." The Committee has gathered 31 simple and useful health tips, one for each day in March, to serve as a resource for the LGTB community.

LGBT Health Month is an opportunity for the LGTB community, and all New Yorkers, to unite around the common goal of good health. In following the 31 Ways for 31 Days, we are all reminded that a healthy community is also a happy community.

Madam Speaker, I ask that you and my distinguished colleagues join me in recognizing March 2010 as New York LGTB Health Month.

OUR UNCONSCIONABLE NATIONAL DEBT

HON. MIKE COFFMAN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 14, 2010

Mr. COFFMAN of Colorado. Madam Speaker, today our national debt is \$12,831,193,383,690.69.

On January 6th, 2009, the start of the 111th Congress, the national debt was \$10,638,425,746,293.80.

This means the national debt has increased by \$2,192,767,637,396.89 so far this Congress. The debt has increased \$4,813,927,403.84 since just yesterday.

This debt and its interest payments we are passing to our children and all future Americans.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, April 15, 2010 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

APRIL 16

9:30 a.m.

Homeland Security and Governmental Affairs

Investigations Subcommittee

To resume hearings to examine Wall Street and the financial crisis, focusing on the role of bank regulators. SD-106

10 a.m.

Judiciary

To hold hearings to examine the nominations of Goodwin Liu, of California, to be United States Circuit Judge for the Ninth Circuit, Kimberly J. Mueller, to be United States District Judge for the Eastern District of California, Richard Mark Gergel, and J. Michelle Childs, both to be United States District Judge for the District of South Carolina, and Catherine C. Eagles, to be United States District Judge for the Middle District of North Carolina. SD-226

9:30 a.m.

Armed Services

To hold hearings to examine ballistic missile defense policies and programs in review of the Defense Authorization request for fiscal year 2011 and the Future Years Defense Program; with the possibility of a closed session in SVC-217 following the open session. SD-G50

Health, Education, Labor, and Pensions

To hold hearings to examine protection from premiums. SD-430

10 a.m.

Energy and Natural Resources

To hold hearings to examine S. 1856, to amend the Energy Policy Act of 2005 to clarify policies regarding ownership of pore space, and S. 1134, to ensure the energy independence and economic viability of the United States by promoting the responsible use of coal through accelerated carbon capture and storage and through advanced clean coal technology research, development, demonstration, and deployment programs. SD-366

Judiciary

To hold an oversight hearing to examine the Department of Justice, Civil Rights Division. SD-226

10:30 a.m.

Appropriations

State, Foreign Operations, and Related Programs Subcommittee

To hold hearings to examine proposed budget estimates for fiscal year 2011 for operations and programs of the U.S. Agency for International Development. SD-192

11 a.m.

Homeland Security and Governmental Affairs

To hold hearings to examine border security. SD-342

2 p.m.

Homeland Security and Governmental Affairs

To hold hearings to examine the nominations of Michael D. Kennedy, of Georgia, and Dana Katherine Bilyeu, of Nevada, both to be a Member of the Federal Retirement Thrift Investment Board, Dennis P. Walsh, of Maryland, to be Chairman of the Special Panel on Appeals, and Milton C. Lee, Jr., Judith Anne Smith, and Todd E. Edelman, all to be an Associate Judge of the Superior Court of the District of Columbia. SD-342

2:30 p.m.

Intelligence

To hold closed hearings to consider certain intelligence matters. SH-219

APRIL 21

9:30 a.m.

Veterans' Affairs

To hold an oversight hearing to examine implementation of the new post-9/11 Government Issue (GI) Bill. SR-418

10 a.m.

Armed Services

Emerging Threats and Capabilities Subcommittee

To hold hearings to examine non-proliferation programs at the Depart-

ments of Defense and Energy in review of the Defense Authorization request for fiscal year 2011 and the Future Years Defense Program. SR-222

Homeland Security and Governmental Affairs

To hold hearings to examine the lessons and implications of the Christmas Day attack, focusing on securing the visa process. SD-342

Judiciary

To hold hearings to examine combating cyber crime and identity theft in the digital age. SD-226

10:30 a.m.

Appropriations

Defense Subcommittee

To hold hearings to examine proposed budget estimates for fiscal year 2011 for Missile Defense Agency programs. SD-192

2:30 p.m.

Commerce, Science, and Transportation

To hold hearings to examine securing the nation's rail and other surface transportation networks. SR-253

Energy and Natural Resources

Public Lands and Forests Subcommittee

To hold hearings to examine S. 1546, to provide for the conveyance of certain parcels of land to the town of Mantua, Utah, S. 2798, to reduce the risk of catastrophic wildfire through the facilitation of insect and disease infestation treatment of National Forest System and adjacent land, S. 2830, to amend the Surface Mining Control and Reclamation Act of 1977 to clarify that uncertified States and Indian tribes have the authority to use certain payments for certain noncoal reclamation projects, and S. 2963, to designate certain land in the State of Oregon as wilderness, to provide for the exchange of certain Federal land and non-Federal land. SD-366

Small Business and Entrepreneurship

To examine the President's proposed budget request for fiscal year 2011 for the Small Business Administration. SR-428A

Armed Services

Strategic Forces Subcommittee

To hold hearings to examine environmental management funding in review of the Defense Authorization request for fiscal year 2011 and funding under the American Recovery and Reinvestment Act. SR-222

APRIL 22

9:15 a.m.

Health, Education, Labor, and Pensions

To hold hearings to examine Elementary and Secondary Education Act (ESEA) reauthorization, focusing on meeting the needs of the whole student. SD-106

9:30 a.m.

Armed Services

To hold hearings to examine the Nuclear Posture Review. SD-G50

10 a.m.
Appropriations
Commerce, Justice, Science, and Related
Agencies Subcommittee

To hold hearings to examine proposed
budget estimates for fiscal year 2011 for
the National Aeronautics and Space
Administration.

SD-192

2:15 p.m.

Indian Affairs

To hold hearings to examine the discus-
sion draft of the "Indian Energy Pro-
motion and Parity Act of 2010".

SD-628

2:30 p.m.

Intelligence

To hold closed hearings to consider cer-
tain intelligence matters.

SH-219

Commission on Security and Cooperation
in Europe

To hold hearings to examine the link be-
tween revenue transparency and
human rights, focusing on programs
such as the Extractive Industries
Transparency Initiative (EITI) and
their ability to improve human right in
resource-rich countries.

SD-430

APRIL 27

10 a.m.

Energy and Natural Resources

To hold hearings to examine the nomina-
tions of Philip D. Moeller, of Wash-
ington, and Cheryl A. LaFleur, of Mas-
sachusetts, both to be a Member of the

Federal Energy Regulatory Commis-
sion.

SD-366

APRIL 28

2 p.m.

Health, Education, Labor, and Pensions

To hold hearings to examine Elementary
and Secondary Education Act (ESEA)
reauthorization, focusing on standards
and assessments.

SD-430

2:30 p.m.

Energy and Natural Resources

Public Lands and Forests Subcommittee

To hold hearings to examine S. 1241, to
amend Public Law 106-206 to direct the
Secretary of the Interior and the Sec-
retary of Agriculture to require annual
permits and assess annual fees for com-
mercial filming activities on Federal
land for film crews of 5 persons or
fewer, S. 1571 and H.R. 1043, bills to pro-
vide for a land exchange involving cer-
tain National Forest System lands in
the Mendocino National Forest in the
State of California, S. 2762, to des-
ignate certain lands in San Miguel,
Ouray, and San Juan Counties, Colo-
rado, as wilderness, S. 3075, to with-
draw certain Federal land and interests
in that land from location, entry, and
patent under the mining laws and dis-
position under the mineral and geo-
thermal leasing laws, S. 3185, to require
the Secretary of the Interior to convey
certain Federal land to Elko County,
Nevada, and to take land into trust for

the Te-moak Tribe of Western Sho-
shone Indians of Nevada, and H.R. 86,
to eliminate an unused lighthouse res-
ervation, provide management consist-
ency by incorporating the rocks and
small islands along the coast of Orange
County, California, into the California
Coastal National Monument managed
by the Bureau of Land Management,
and meet the original Congressional in-
tent of preserving Orange County's
rocks and small islands.

SD-366

MAY 5

9:30 a.m.

Veterans' Affairs

To hold an oversight hearing to examine
Veterans Affairs (VA) Disability Com-
pensation, focusing on presumptive dis-
ability decision-making.

SR-418

10 a.m.

United States Senate Caucus on Inter-
national Narcotics Control

To hold hearings to examine violence in
Mexico and Ciudad Juarez and its im-
plications for the United States.

SD-124

MAY 19

9:30 a.m.

Veterans' Affairs

To hold hearings to examine pending leg-
islation.

SR-418

SENATE—Thursday, April 15, 2010

The Senate met at 9:30 a.m. and was called to order by the Honorable KIRSTEN E. GILLIBRAND, a Senator from the State of New York.

PRAYER

The PRESIDING OFFICER. Today's opening prayer will be offered by Dr. Vaughn W. Baker, pastor of Christ United Methodist Church in Fort Worth, TX.

The guest Chaplain offered the following prayer:

Let us pray.

Gracious and loving God, the One in whom we live and move and have our being, we call upon You this day, seeking Your blessing in this U.S. Senate. We call upon You for wisdom and courage, knowing that without You we can do nothing but also knowing that in You we can do all things.

We remember that every good and perfect gift comes from You, the Father of lights, and we seek Your presence and blessing in all we do this day. We remember the words of Scripture which remind us, saying, "Blessed is the nation whose God is the Lord."

We thank You for the sacred gift and trust given to us in the Senate, looking to You in all things, through Christ, in whose Name we pray. Amen.

PLEDGE OF ALLEGIANCE

The Honorable KIRSTEN E. GILLIBRAND led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, April 15, 2010.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable KIRSTEN E. GILLIBRAND, a Senator from the State of New York, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mrs. GILLIBRAND thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Madam President, there will be a period of morning business today as soon as I finish. There will be 10 minutes for each Senator. The majority will control the first 30 minutes and the Republicans will control the final 30 minutes.

Following morning business, the Senate will resume consideration of the extension of unemployment benefits and others. Yesterday, I filed cloture on the substitute and the bill. The filing deadline for first-degree amendments is today at 1 p.m. Currently, we have two Coburn amendments pending. We would like to dispose of those amendments and complete action on the bill today. I have had some conversations with Senator COBURN, and he believes we can finish this today. I would hope we can. If others have amendments to offer, I would hope they would do it as soon as possible. The reason for that is that we could finish early today and allow people to make arrangements for tomorrow. Right now, people are scheduled out for tomorrow. If we can get out early today, they can make other arrangements for tomorrow. People simply have to decide if we are going to have to be here tomorrow morning. The sooner we have the Republicans tell us that, the better off we will be.

Madam President, I would ask the Chair to now announce morning business.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period of morning business for 1 hour, with Senators permitted to speak therein for up to 10 minutes, with the majority controlling the first 30 minutes and the Republicans controlling the second 30 minutes.

ORDER OF PROCEDURE

Mr. REID. Madam President, I suggest the absence of a quorum, and I ask

unanimous consent that the time during the quorum be charged equally on both sides.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MCCONNELL. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

FINANCIAL REFORM

Mr. MCCONNELL. Madam President, two things have become increasingly clear over the past week in the debate about the need to protect taxpayers from the mistakes of Wall Street: No. 1, both parties are united in the need to take action—we agree on that—and No. 2, the bill our colleagues across the aisle are insisting on as the remedy is seriously flawed.

The good news is that the bill can be improved, and both sides have expressed a willingness to make the changes needed to ensure without any doubt—without any doubt—that this bill would not allow future bailouts of Wall Street banks. We need to make sure future bailouts of Wall Street banks never occur again.

I was encouraged to hear the President yesterday acknowledge that it is his hope that the bill which emerges from this debate will not allow for bailouts. I share that hope. Republicans believe the solution is for the bipartisan talks to resume between Chairman DODD and Ranking Member SHELBY and others and not for one side to insist on a take-it-or-leave-it approach.

Like the President, I hope we can get back together and address this very important issue on a bipartisan basis. Republicans and Democrats alike believe the flaws in the Democratic bill—flaws that would allow taxpayer dollars to bail out Wall Street banks—can and should be corrected. Let's get this done. Let's take away any possibility that taxpayers will once again be told they will be on the hook for mistakes on Wall Street.

Madam President, I yield the floor, and I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CASEY. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

NUCLEAR SECURITY SUMMIT

Mr. CASEY. Madam President, I rise to speak this morning about two topics. One is the recent work the President has done on nuclear security and some progress we have made this week, and the issue of tax policy in the United States of America.

First, I rise today to talk about the threat posed by nuclear terrorism and the historic progress made by President Obama and his administration at the Nuclear Security Summit this week and some observations on Iran's nuclear program.

The threat posed by so-called loose nuclear material is real. We know that more than 2,000 tons—2,000 tons—of plutonium and highly enriched uranium exist in dozens of countries with a variety of peaceful as well as military uses. There have been 18 documented cases of theft or loss of highly enriched uranium or plutonium—that is 18 documented cases—throughout the world.

In September of 1961, President Kennedy addressed nuclear weapons in a speech to the United Nations General Assembly. He said:

Every man, woman and child lives under a nuclear sword of Damocles, hanging by the slenderest of threads, capable of being cut at any moment by accident or miscalculation or madness.

Today, the threat of a nuclear strike is more likely to come from terrorist actors, not a state. These groups are harder to deter because they may not have a geographic base. Moreover, they are not threatened by the concept of mutually assured destruction.

President Obama noted that we are paradoxically more vulnerable today to a nuclear attack than we were during the Cold War. Today's sword of Damocles still hangs by the slenderest of threads, but we have the ability to prevent this threat by minimizing the access such terrorist groups would have to nuclear materiel.

So what did the United States accomplish at the Nuclear Security Summit? First, I believe it was important for the President to elevate this threat in the minds of international leaders, particularly among the so-called non-aligned movement—those nations across the world that are not aligned on these issues.

Many leaders around the world do not see nuclear terrorism as an existential threat. This summit was an im-

portant first step towards accurately defining the threat that nuclear terrorism holds for us all and building broad political support for higher security standards.

This political support is important because we can't stop nuclear terrorism on our own. Securing nuclear materials requires the active participation of a host of actors including governments, militaries, border guards, parliaments, intelligence services, local law enforcement, and citizens. We need increased vigilance and an understanding that a nuclear strike anywhere in the world will have a profound impact on us all.

The administration was also able to attract concrete support for several initiatives. In fact, every country in attendance pledged to do more to tighten regulation of nuclear materials and several made concrete commitments to comply with international treaties on nuclear security. Most notably, our allies decided to do the following: By way of example, Canada returned a large amount of spent highly enriched uranium fuel from their medical isotope production reactor to the United States and committed to funding highly enriched uranium removals from Mexico and Vietnam; Chile removed all highly enriched uranium in March; Italy and the U.A.E. signed Megaports agreements with the U.S. which will include installation of detection equipment at ports; Kazakhstan will convert a highly enriched uranium research reactor and eliminate its remaining highly enriched uranium; Mexico will convert a highly enriched uranium research reactor and eliminate their remaining highly enriched uranium by working through IAEA; Norway will contribute \$3.3 million over the next 4 years to the IAEA nuclear security fund which are flexible funds for activities in developing countries; Russia signed the Plutonium Disposition protocol, decided to end plutonium production and will make contributions to the International Atomic Energy Agency's Nuclear Security Fund; finally, Ukraine will remove all highly enriched uranium by the next Nuclear Security Summit in 2012 and half of it by year's end.

This conference was only the beginning of a renewed international focus on fulfilling commitments to U.N. resolution 1540 and the nuclear non-proliferation treaty. In December, representatives from each participating country will reconvene to measure commitments made against concrete results. This effort to focus the international community will lead to even more tangible progress looking ahead to the next nuclear security summit in Seoul in 2012.

Ultimately, real progress will be found in the consistent enforcement of rules already in place for monitoring

and controlling the establishment and movement of nuclear material in these countries. This is not exciting work but very important as countries safeguard and reduce their weapons-grade material, and we will begin to build a more secure future.

I was also encouraged at President Obama's ability to use the summit to continue building support for strong sanctions on Iran. I believe that his face to face meeting with President Hu will pay dividends as the U.N. Security Council negotiated a resolution imposing sanctions on Iran. Given China's recent opposition to new sanctions, I was encouraged by President Hu's apparent willingness to consider the resolution. We are not there yet, but the administration has laid the diplomatic groundwork necessary for a strong sanctions package. We need to move forward on this pressure track and we need to move quickly.

At the end of March, I traveled to the International Atomic Energy Agency—IAEA—in Vienna for an update on its work to track the Iranian nuclear program. While I was impressed with the agency staff and leadership of Director General Yukiya Amano, I came away convinced that the international community needed to do more to confront Iran's nuclear program.

My concerns have grown with reports that Iran may be planning two additional nuclear enrichment sites. In a recent interview with the Iranian Student News Agency, the head of Iran's Atomic Energy Organization said President Mahmoud Ahmadinejad had ordered work to begin soon on the two new enrichment plants. The plants, he said, "will be built inside mountains," presumably to protect them from attacks.

If Iran's nuclear program were peaceful in nature, they would have nothing to hide from international inspectors. Iran has all but rejected the Geneva deal of October 1, 2009, that would have seen Iran's low enriched uranium—L.E.U.—shipped out the country and the eventual return of uranium enriched to 20 percent, well below weapons grade, for use in a Tehran medical research reactor. Iran would have agreed to this very good deal offered repeatedly by the international community if it wanted a nuclear program for medical and other peaceful purposes.

If the United States is committed to demonstrating that international law is not an empty promise, obligations must be kept and treaties must be enforced so that the Iranian regime knows we mean business. The Iranian regime must face penalties for violating its commitments to the U.N. and the IAEA. France, the United Kingdom, the U.S., China, Russia and Germany have made serious attempts to engage with Iran through the P5+1 process. These efforts have been repeatedly rebuffed and in some cases scorned

by the regime in Tehran. Iran's leaders continue to pass up extraordinary opportunities to integrate their country with the rest of the world, a desire felt by so many of Iran's citizens.

I supported these engagement efforts as a means towards changing the behavior of the regime. Unfortunately, it has not worked. Noncompliance with the U.N. and IAEA must have consequences and the international community must move quickly to show Iran that we are serious.

During my trip, I also attended a conference on transatlantic relations in Brussels with American and European leaders. I called on our European allies to support an aggressive multilateral sanctions package and was heartened to see that many participants heeded this call to action. I appeared on a panel alongside Yossi Kuperwasser, Deputy Director General of the Israeli Ministry of Strategic Affairs, who also made an impassioned appeal to those assembled, not only on behalf of Israel but the broader international community. Iran's pursuit of nuclear weapons would spark an arms race in the region, which does not advance Iran's or any other country's security. The clock is ticking, he said, and free people around the world have a shared interest in stopping Iran's nuclear program.

I could not agree more with our friend from Israel when he made that statement.

TAX POLICY

Next, I will move for a few moments to the other topic I want to speak about briefly, tax policy. We are in this season of not only taxes—the focus on Tax Day, it is April 15—but we are also in the season of debate about the budget and about our economic future. That is as it should be. But I think when we step back and look at what has happened over the last 18 months or so, we see, and I think the evidence is abundantly clear now, that Democrats in the Senate, working with President Obama and a very few number of Republicans, have provided meaningful tax cuts to hard-working middle-class families throughout America.

Through the American Recovery and Reinvestment Act, the so-called stimulus bill, or the recovery bill as I like to call it, we will continue to fight to provide this kind of tax relief for middle-income families so they can fully reap the benefits of their hard work and stabilize their families' finances.

I think, on this side of the aisle, if we look at the record of the last more than a year, we have been on the side of middle-income families as they work very hard to make ends meet in a very difficult economy. I think this record stands in stark contrast with the record of our Republican friends who tried to sell their tax breaks over the past decade as beneficial to all Americans, when in reality they gave away

nearly \$3 trillion—let me say that again—\$3 trillion in tax cuts to the wealthiest 20 percent of U.S. households.

What happened after that? Our economy went into the ditch, and we have been in the ditch for far too long. At the same time that was happening, Democrats were trying and have been succeeding in making sure we understand what middle-income families are up against. In the past year, Democrats have provided 98 percent of Americans with a tax cut. A new study shows middle-class tax cuts included in the recovery bill have saved taxpayers an average of \$1,158 on their tax returns this year. Every single working- and middle-class family and individual—and here we are talking about the bottom 80 percent of income earners—have received a tax cut.

This analysis accounts for the following parts of our policy: First, the Making Work Pay tax credit, which has been available to 94 percent of all working families and individuals; second, changes to the child tax credit; third, an increase in the earned-income tax credit; and, finally, relief from the alternative minimum tax, as well as a new, partially refundable education tax credit. The cite for this is Citizens for Tax Justice, April 13 of this year.

I think the record is pretty clear when it comes to recent history on tax policy. Democrats have been on the side of middle-income families, providing tax cuts for so many Americans who were not getting that kind of relief before. Republicans in Washington have a long record of making sure wealthy Americans get their tax cuts. But what we see from that is an economy in the ditch. We are thankfully moving out of that ditch.

We saw in January and February of 2009 more than 1.5 million jobs lost. Contrast that with January and February of 2010. There was much less job loss, in the tens of thousands, and even by the revised estimates actual growth in jobs, certainly growth in jobs in the month of March 2010. I think the record is pretty clear.

With that, I yield the floor for my colleague from Delaware, Senator KAUFMAN.

The ACTING PRESIDENT pro tempore. The Senator from Delaware.

IN PRAISE OF THELMA STUBBS SMITH

Mr. KAUFMAN. Madam President, I rise once again to speak about one of our Nation's great Federal employees.

We have just returned to Washington, and I know we have a long and busy work period ahead in the Senate. All of us will be relying on our staff—especially our schedulers and personal assistants—to keep us abreast of the latest vote schedules and meetings with constituents and colleagues.

I cannot overstate how much those of us in positions of leadership depend on the hard work and expertise of those who keep us organized and ever-prepared. This is not just true for me and my colleagues in the Senate but also for Members of the House, Cabinet Secretaries, agency heads, and other senior officials.

That is why I have chosen to honor as this week's great Federal employee a woman whose long career did so much to help keep our Nation safe during the Cold War.

Thelma Stubbs Smith served for over 40 years in the Defense Department as a personal assistant.

She worked for seven consecutive Secretaries of Defense—both Republican and Democratic. Before that, Thelma served under six Assistant Secretaries in the Department.

A native of Chicago, Thelma began her public service career during World War II, when she worked for the Selective Service System and the Office of Price Administration. After the war, she worked as a secretary at the Veterans Administration before coming to Washington to work for the Pentagon's Guided Missiles Committee.

Thelma briefly served on the staff of Illinois Congressman Melvin Price in 1952, but she soon returned to the Pentagon.

In the 1950s and 1960s, Thelma served as the personal assistant to six Assistant Secretaries of Defense, including William Bundy, John McNaughton, and Paul Nitze. During this time, she began accompanying them on what would later total 85 trips overseas during her career. As part of her duties during that period, she worked closely with Secretary Robert McNamara.

One of the most harrowing moments in her life came on the 13th day of the Cuban Missile Crisis. Thelma spent that evening personally burning important cables and notes in a small office at the Pentagon, as they were too sensitive to be shredded with other papers. When she finally left after midnight, she was one of the few Americans who knew just how precarious the situation was, and she could not say with certainty whether the Pentagon would be there the next morning.

But, thankfully, that morning came.

In 1969, when Melvin Laird was confirmed as Secretary of Defense, he asked Thelma to serve as his personal assistant. She agreed to do so on a temporary basis.

I know personally how a "temporary basis" can evolve into a life's pursuit. When JOE BIDEN asked me to help him set up his Senate office in 1972, I took a 1-year leave of absence from my job with the DuPont Company, and I ended up staying with JOE BIDEN for 22 years.

In that way, Thelma began her service as the personal assistant to every Secretary of Defense from Melvin Laird to Frank Carlucci.

During the course of her service, Thelma visited every corner of the world. She was awarded 10 Meritorious Civilian Service Medals and the Secretary of Defense Medal for Distinguished Public Service, which is the highest medal a civilian employee of the Pentagon can earn.

A paragon of professionalism and discretion, Thelma always answered those who urged her to write a book by saying that "It would be 500 blank pages, and the title would be 'My Lips are Sealed.'"

All of us who serve in positions of leadership with enormous responsibility to the American people owe so much to great organizers and assistants like Thelma.

I know firsthand how Thelma's dedication to public service was passed on to her family. Her daughter, Sheryl Rogers, and son-in-law, Geoff Rogers, have lived in my home State of Delaware for over 20 years, and both were Federal employees as staffers here in the Senate.

Sheryl used to work in the office of former Virginia Senator John Warner, and Geoff spent a few years in then-Senator JOE BIDEN's office, back when I was chief of staff.

Thelma, now retired, resides in Northern Virginia, not far from the Pentagon, where she served for so many years.

I hope my colleagues will join me in honoring the great contribution Thelma Stubbs Smith has made to our Nation as well as thanking all those who serve as personal assistants in the Defense Department and across our government.

They are all truly great Federal employees.

I yield the floor, and I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. CORKER. I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

FINANCIAL REFORM

Mr. CORKER. Madam President, I come to the floor today to talk about financial reform. I know we have a number of issues before the body right now, and it will be a couple of weeks, maybe 3, before this body takes up what I think is a very important piece of legislation, financial reform.

It is something the Banking Committee has been having hearings on now for about a year and a half. It is an issue that I think is very important to our country and Americans from all walks of life. At present, the bill that has come out of the committee is a

partisan bill. It came out of committee on a 13-10 vote; came out of committee, believe it or not, a 1,336-page bill, came out in 21 minutes with no amendments, on a party-line vote and no debate.

I could talk a lot about this function and activities on both sides of the aisle that may have put us where we are today. But the fact is, we have a very important piece of legislation that is getting ready to come before this body. It is one I believe we need to deal with in a bipartisan way.

The stated reason by the chairman of the committee as to why we handled the bill the way we did in committee a few weeks ago—not to have amendments, not to debate the bill—was to, after the bill came out of committee, negotiate a bipartisan bill before it came to the floor and then have a debate on some of the smaller issues.

There has been a lot of rhetoric flying around here over the last couple of weeks, some of which came from the White House, some of it came from the Democratic leadership, some of it came from our side of the aisle. It is evident that what is happening right now, instead of seeking a real bipartisan bill, what is happening is, one member, two members, two members on the Republican side are being reached out to to try to snag somebody and to make that, in fact, a bipartisan bill.

That is not my understanding of what a good bipartisan bill is. That certainly was not my understanding as to why the Banking Committee handled the bill the way we did. Again, I want to say one more time, a 1,336-page bill, coming out of committee in 21 minutes with no amendments.

The reason that was done, or the stated reason, was so the two sides would not harden against each other, and that before the bill actually came to the floor, we would reach a true bipartisan amendment.

I came here to try to solve problems for our country and put in place good policy. I think everybody knows I have worked hard, along with others on our side of the aisle, to reach a real, solid, good bipartisan bill, a bill that ends too big to fail. I think everybody in this country, on both sides of the aisle, of all walks of life, wants to expunge from the American vocabulary the fact that any company in this country is too big to fail.

The bill that has come out of committee tried to address that. There are many good provisions in the bill under the title of "Orderly Liquidation" that deal with that. But what happened at the very end was, as one would expect, Treasury got involved, the FDIC got involved. They wanted to create some flexibility for themselves, as any agency or administration wishes to have. But in creating that flexibility, that foam on the runway, as some would call it, what has happened is we actually have a bill that does not end too big to fail.

It is my belief—and I had a colloquy with my friend from Virginia yesterday, Senator WARNER—that we could solve that in about 5 minutes. Maybe that is an exaggeration, maybe it is 15, maybe it is 30.

But the fact is, there are provisions that we know could fix this piece of legislation so that it ends any chance of a company seeping through, if you will, and actually being bailed out. My guess is, if we again sat down as adults we could solve that problem. As a matter of fact, I think some of that activity, some of those discussions actually began yesterday.

I think all of us want to make sure that consumers are protected. There is no question, both sides of the aisle understand that in many ways there needs to be more transparency, there needs to be more accountability.

I had some great negotiations with Senator DODD from Connecticut. We reached a middle ground. I will say that again. We reached a middle ground. We had an understanding that leadership on our side of the aisle was in agreement with. What I would say is let's get back there. Let's get this consumer protection, let's get this new agency back in the middle of the road, let's protect consumers, and let's make sure at the same time that it does not undermine the safety and soundness of our financial system. We can do that. We can do that in 2 or 3 or 4 days. It can be done. It is not that complicated. We have worked through many of the issues.

On to revenue. I could not agree more that we need to make sure that we use, to the extent we can, a clearinghouse to make sure when companies are trading in derivatives, and they are money baths at the end of the day, they settle up. They get back into a position where they are even. They put up collateral. They put up cash to make sure they are not money baths, so that we do not end up in the same position we were when AIG had not done that, had not trued up on a daily basis, and they found themselves with huge liabilities that they could not own up to which destabilized our financial system.

That is not where we need to be. But we know what we need to do. Look, this is a very complex piece of legislation. There is no doubt. It is intellectually challenging to try to work through it and try to make sure that you do not have unintended consequences by not fully seeing what a piece of legislation or a sentence may do.

But the fact is, we can do this. This is not that heavy. It is my understanding that the chairman of the Banking Committee plans to bring this bill forward on April 26, maybe a week later. It is my understanding we may deal with some other issues. Maybe it is the first week of May.

What I would say to everybody in this body, and anybody who may be

watching, is we can easily reach a bipartisan consensus on this. We have to have the ability to sit down and do that.

I consider it not a good-faith effort to, instead of sitting down with many of the principals who have been involved in this from day one, the chairmen and ranking members on the committees, instead of sitting down and creating a template—it doesn't have to address every single issue but a template on the floor that deals with it—instead of doing that, reaching out and trying to find one person to come over, I don't consider that a good-faith effort. I am sorry. I hope that type of activity will end. That is not what has been stated as to how we can reach a bipartisan bill.

Let me go back to the template. This is complex, this piece of legislation. To me what we need to do is sit down together. We could have it done in a week. We need to sit down together and work through the main issues in this template. Let's deal with derivatives, with consumers. Let's deal with systemic risk and orderly liquidation. There will be issues of Members on our side of the aisle where there is no way we could reach agreement on in our own caucus, and I know there are issues on the other side of the aisle on which their caucus will not be able to reach agreement, having to do with governance, some of the security issues that may exist in title IX. Let's debate those issues on the floor. My guess is that if we did that, there are going to be some amendments adopted that I don't think are particularly good ideas. There will be some amendments adopted that my friends on the other side of the aisle would not think are particularly good ideas. But at the end of the day, we would have come to the floor with a template that on the big issues we have reached bipartisan agreement, and then we could have amendments to debate on the floor, some of the other issues that may delve down into details that don't necessarily change the entire bill but address issues that Members in this body think are important.

I consider it an honor to serve in this body. I have enjoyed this more than any issue we have dealt with, trying to reach a consensus on this financial regulation bill. There is plenty of fault to go around on both sides that does not need to be rehashed at this moment. The fact is, we are where we are. We are getting ready to deal with a major piece of legislation. There are numbers of people on both sides of the aisle who have spent a lot of time trying to understand the complexities of these issues. I am proud of the work Members on both sides of the aisle have done to try to understand these issues in a real way. Let's get those folks together. Let's sit down and work out the template. Let's bring a real bipartisan bill to the floor, not a bill where they

go out and make a deal with one person and bring them over, and maybe there are other things going on at the same time. That is not what I call a bipartisan bill. Let's bring it to the floor. Let's debate it. Let's do what the people all across this country have elected us to do. Let's come to the floor and act like adults. Let's tone down the rhetoric. Let's don't exaggerate the pluses or the minuses.

Let's do what the Senate was created to do. We were supposed to be the cool heads. We were supposed to be the people who took some of the red-hot activities that sometimes come from the other body and sat down with cooler heads and resolved the issues like adults. We can do that. As a matter of fact, I would say, if we cannot do that on financial regulation, an issue that doesn't have any real philosophical bearings to it—there are some differences in points of view, but at the end of the day, we all want to make sure we address financial regulation in an important way, that we do what we can to alleviate risk in the system without stifling innovation.

I think everybody still wants this country to be the world leader in financial innovation. But we want to do so in a manner that doesn't create risk, that doesn't upset our economy, that doesn't have periods of time where we have such risk and instability that people are unemployed. We all want to do that.

I say to my friends on the other side of the aisle, I believe a commitment was made. I took it as a real commitment that after this bill came out of committee, we were going to sit down like adults and reach a bipartisan agreement on a template that would be brought to the floor and debated. I took that as a commitment. I expect that commitment to be honored. I look forward to that process beginning.

I yield the floor and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mrs. HUTCHISON. I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

A VISION FOR NASA

Mrs. HUTCHISON. Madam President, later today, President Obama will travel to the Kennedy Space Center in Florida. He will visit with employees and officials there and deliver a speech on his vision for NASA. We have begun to learn the details about some of what the President may be announcing, but so far nothing has been suggested that alleviates the concerns I expressed earlier this week. In fact, I am growing

more concerned. I have serious questions about the administration's proposed vision.

For example, the President is proposing to rely on a commercial space launch industry that is still in its infancy. Once the space shuttle is retired, a commercial vehicle would be the only American human spaceflight capability for the foreseeable future. Further, we are about to complete the International Space Station and begin the period of scientific research we have been waiting for. For the past 10 years, we have waited for the space station to be up and running and operable. At the same time that it is now becoming operable, we are beginning to phase out the space shuttle program. That is the only means we have to deliver crew and cargo to the space station. We are nowhere close to having an alternative to the shuttle, whether government operated or commercial operation.

Congress and the President agree we should extend the life of the space station to at least 2020. That only makes sense because we have invested \$100 billion in this space station. Our partners are international. We have contractual commitments to our partners who have also made huge investments in the space station. Yet now we are looking at stopping our shuttle at the end of this year so the alternatives will be limited. We must be certain the space station can be supplied and maintained with the spare parts and equipment it needs to operate for the next 10 years. It may well be that equipment needed to ensure the sustainability of the space station can only be delivered by the space shuttle.

I introduced legislation last month to require NASA to conduct a review of station components and identify anything that might be needed to be delivered to equip it for its research mission. Of course, NASA could do that review right now without legislation. I urge General Bolden, the NASA Administrator, to undertake such a review, particularly in light of the space shuttle not being extended under the President's proposal. It is still possible we could extend the time between the shuttle flights to deliver the necessary materials to the station. That is an option I believe we need to preserve. It would prolong the time we could put our own astronauts into space with our own vehicle that we know is reliable.

That is the key. We don't have to add more into the budget. The budget already provides for two more space shuttles this year, plus one that would be a contingency. We have this paid for in the budget. If we will only extend these out, it will give us so many more national options that would be in America's best interest. Without a NASA-managed alternative for human access to space, we will be dependent on the Russian Soyuz rockets to take

American, European, Japanese, and Canadian crew members to the space station. Today it is a cost of \$56 million per passenger. That price could go up, if we end the space shuttles this year. We don't know what the next contract might have, especially when it is realized that we will have no capability and are shutting down our own capabilities at the time that we would be asking for help from the Russians.

Of even more concern is the possibility that without a shuttle or other alternative, any failure of the Soyuz for any period of time could leave the space station abandoned to become an orbiting example of space debris. What if something happened to the Russian program? What if the commercial industry that is fledgling doesn't come up with an alternative or, worse yet, what if they go out of business? These are the concerns the President is not addressing in his budget for NASA. I hope he will become more willing to look at the long-term consequences of what he is proposing to do, if we are going to retain our leadership position in space, in economics, and in security.

These and other concerns have been expressed by a number of other individuals, editorial boards, and organizations over the past days.

I ask unanimous consent to have printed in the RECORD letters and editorials expressing serious reservations about the President's plan and its adverse impact to our Nation's future leadership in space.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[An Open Letter to President Obama, Apr. 13, 2010]

The United States entered into the challenge of space exploration under President Eisenhower's first term, however, it was the Soviet Union who excelled in those early years. Under the bold vision of Presidents Kennedy, Johnson, and Nixon, and with the overwhelming approval of the American people, we rapidly closed the gap in the final third of the 20th century, and became the world leader in space exploration.

America's space accomplishments earned the respect and admiration of the world. Science probes were unlocking the secrets of the cosmos; space technology was providing instantaneous worldwide communication; orbital sentinels were helping man understand the vagaries of nature. Above all else, the people around the world were inspired by the human exploration of space and the expanding of man's frontier. It suggested that what had been thought to be impossible was now within reach. Students were inspired to prepare themselves to be a part of this new age. No government program in modern history has been so effective in motivating the young to do "what has never been done before."

World leadership in space was not achieved easily. In the first half-century of the space age, our country made a significant financial investment, thousands of Americans dedicated themselves to the effort, and some gave their lives to achieve the dream of a nation. In the latter part of the first half-cen-

tury of the space age, Americans and their international partners focused primarily on exploiting the near frontiers of space with the Space Shuttle and the International Space Station.

As a result of the tragic loss of the Space Shuttle Columbia in 2003, it was concluded that our space policy required a new strategic vision. Extensive studies and analysis led to this new mandate: meet our existing commitments, return to our exploration roots, return to the moon, and prepare to venture further outward to the asteroids and to Mars. The program was named "Constellation." In the ensuing years, this plan was endorsed by two Presidents of different parties and approved by both Democratic and Republican congresses.

The Columbia Accident Board had given NASA a number of recommendations fundamental to the Constellation architecture which were duly incorporated. The Ares rocket family was patterned after the Von Braun Modular concept so essential to the success of the Saturn IB and the Saturn 5. A number of components in the Ares 1 rocket would become the foundation of the very large heavy lift Ares V, thus reducing the total development costs substantially. After the Ares 1 becomes operational, the only major new components necessary for the Ares V would be the larger propellant tanks to support the heavy lift requirements.

The design and the production of the flight components and infrastructure to implement this vision was well underway. Detailed planning of all the major sectors of the program had begun. Enthusiasm within NASA and throughout the country was very high.

When President Obama recently released his budget for NASA, he proposed a slight increase in total funding, substantial research and technology development, an extension of the International Space Station operation until 2020, long range planning for a new but undefined heavy lift rocket and significant funding for the development of commercial access to low earth orbit.

Although some of these proposals have merit, the accompanying decision to cancel the Constellation program, its Ares 1 and Ares V rockets, and the Orion spacecraft, is devastating.

America's only path to low Earth orbit and the International Space Station will now be subject to an agreement with Russia to purchase space on their Soyuz (at a price of over 50 million dollars per seat with significant increases expected in the near future) until we have the capacity to provide transportation for ourselves. The availability of a commercial transport to orbit as envisioned in the President's proposal cannot be predicted with any certainty, but is likely to take substantially longer and be more expensive than we would hope.

It appears that we will have wasted our current \$10-plus billion investment in Constellation and, equally importantly, we will have lost the many years required to recreate the equivalent of what we will have discarded.

For the United States, the leading spacefaring nation for nearly half a century, to be without carriage to low Earth orbit and with no human exploration capability to go beyond Earth orbit for an indeterminate time into the future, destines our nation to become one of second or even third rate stature. While the President's plan envisages humans traveling away from Earth and perhaps toward Mars at some time in the future, the lack of developed rockets and spacecraft will assure that ability will not be available for many years.

Without the skill and experience that actual spacecraft operation provides, the USA is far too likely to be on a long downhill slide to mediocrity. America must decide if it wishes to remain a leader in space. If it does, we should institute a program which will give us the very best chance of achieving that goal.

NEIL ARMSTRONG,
Commander, Apollo 11.
JAMES LOVELL,
Commander, Apollo 13.
EUGENE CERNAN,
Commander, Apollo 17.

[From the Orlando Sentinel, Apr. 12, 2010]

DEAR PRESIDENT OBAMA, America is faced with the near-simultaneous ending of the Shuttle program and your recent budget proposal to cancel the Constellation program. This is wrong for our country for many reasons. We are very concerned about America ceding its hard earned global leadership in space technology to other nations. We are stunned that, in a time of economic crisis, this move will force as many as 30,000 irreplaceable engineers and managers out of the space industry. We see our human exploration program, one of the most inspirational tools to promote science, technology, engineering and math to our young people, being reduced to mediocrity. NASA's human space program has inspired awe and wonder in all ages by pursuing the American tradition of exploring the unknown. We strongly urge you to drop this misguided proposal that forces NASA out of human space operations for the foreseeable future.

For those of us who have accepted the risk and dedicated a portion of our lives to the exploration of outer space, this is a terrible decision. Our experiences were made possible by the efforts of thousands who were similarly dedicated to the exploration of the last frontier. Success in this great national adventure was predicated on well defined programs, an unwavering national commitment, and an ambitious challenge. We understand there are risks involved in human space flight, but they are calculated risks for worthy goals, whose benefits greatly exceed those risks.

America's greatness lies in her people: she will always have men and women willing to ride rockets into the heavens. America's challenge is to match their bravery and acceptance of risk with specific plans and goals worthy of their commitment. NASA must continue at the frontiers of human space exploration in order to develop the technology and set the standards of excellence that will enable commercial space ventures to eventually succeed. Canceling NASA's human space operations, after 50 years of unparalleled achievement, makes that objective impossible.

One of the greatest fears of any generation is not leaving things better for the young people of the next. In the area of human space flight, we are about to realize that fear; your NASA budget proposal raises more questions about our future in space than it answers.

Too many men and women have worked too hard and sacrificed too much to achieve America's preeminence in space, only to see that effort needlessly thrown away. We urge you to demonstrate the vision and determination necessary to keep our nation at the forefront of human space exploration with ambitious goals and the proper resources to see them through. This is not the time to abandon the promise of the space frontier for a lack of will or an unwillingness to pay the price.

Sincerely, in hopes of continued American leadership in human space exploration.

Walter Cunningham, Apollo 7; Chris Kraft, Past Director JSC; Jack Lousma, Skylab 3, STS-3; Vance Brand, Apollo-Soyuz, STS-5, STS-41B, STS-35; Bob Crippen, STS-1, STS-7, STS-41C, STS-41G, Past Director KSC; Michael D. Griffin, Past NASA Administrator; Ed Gibson, Skylab 4; Jim Kennedy, Past Director KSC; Alan Bean, Apollo 12, Skylab 3; Alfred M. Worden, Apollo 15; Scott Carpenter, Mercury Astronaut; Glynn Lunney, Gemini-Apollo Flight Director; Jim McDivitt, Gemini 4, Apollo 9, Apollo Spacecraft Program Manager; Gene Kranz, Gemini-Apollo Flight Director, Past Director NASA Mission Ops.; Joe Kerwin, Skylab 2; Fred Haise, Apollo 13, Shuttle Landing Tests; Gerald Carr, Skylab 4; Jim Lovell, Gemini 7, Gemini 12, Apollo 8, Apollo 13; Jake Garn, STS-51D, U.S. Senator; Charlie Duke, Apollo 16; Bruce McCandless, STS-41B, STS-31; Frank Borman, Gemini 7, Apollo 8; Paul Weitz, Skylab 2, STS-6; George Mueller, Past Associate Administrator For Manned Space Flight; Harrison Schmitt, Apollo 17, U.S. Senator; Gene Cernan, Gemini 9, Apollo 10, Apollo 17; Dick Gordon, 63, Gemini 11, Apollo 12.

POSTPONE THE SPACE SHUTTLE RETIREMENT

As the Space Shuttle program marches closer to its apparent end, NASA's future is now in jeopardy more than perhaps at any time in history. An underfunded Constellation program has suffered a series of delays which will likely push the first manned flight of Ares I with the Orion Crew Exploration Vehicle back to 2017. The Shuttle is on track to be retired near the end of 2010 after five more missions to the International Space Station (ISS), leaving a gap in US launched manned missions of at least seven years. The US, which has funded approximately \$60 billion of the \$100 billion ISS price tag, will soon find itself in an embarrassing position of buying seats on Russian vehicles to get its astronauts to and from the ISS. Further, and incredibly, the US is currently only funded to operate and maintain the ISS to 2015, just five years after its projected completion date.

NASA's plans to retire the Shuttle in 2010 are intended to redirect money to Constellation, a program which will not only send Orion to the ISS, but also explore beyond low earth orbit (LEO); i.e. go to the moon, Mars, and beyond. The Shuttle retirement, though, would yield sole access to the ISS to Russia for the currently projected seven-year gap. Thus, much of the public is bewildered by our government's desire to spend so much capital on such a crowning achievement, the ISS, and not consider it valuable enough to preserve our own independent access to it. I believe the American public's thirst for US leadership of manned space exploration will ultimately support NASA's desires to explore beyond LEO; however, Americans will be cautious in their support by first demanding we be good stewards of their current 60-billion-dollar investment. To do that, we need to extend the operational life of the ISS, guarantee our access to it by flying Shuttle through the gap, and robustly fund science research aboard the ISS.

Some insist we need to retire the Shuttle as soon as possible for safety concerns. I disagree. For sure, the Shuttle fleet is aging, as indicated by the fact that Endeavour, our

newest Shuttle, first flew in 1992. Still, it is my personal belief that every Shuttle mission continues to be safer than the previous one. While components on board the Shuttle are aging, the redundancy designed into the system is remarkable. Every day we get better at understanding the hazards associated with the mission, as indicated by our inspection techniques, repair procedures, external tank foam improvements, etc. NASA mission management teams give me great confidence that we are getting better at this business each and every mission. If we are comfortable with flying the currently remaining five missions (and I am quite certain we are), then I argue we should not be afraid to continue to fly the Shuttle through the gap.

Others argue that commercial alternatives exist to ferry our astronauts to and from the ISS. Not quite yet. Our commercial industry is indeed getting closer to attaining the ability to send unmanned spacecraft to the ISS as resupply ships. Ultimately, these companies may produce spacecraft safe enough for human travel to LEO. However, I would not bet the future of the ISS on commercial access for crewmembers happening much sooner, if at all, than Orion is capable of flying to the ISS in 2017. Thus, this option cannot be considered a viable "gap filler" at this point.

So, our choice is to accept a seven-year gap (or more) of no dedicated US access to the ISS or continue to fund the Shuttle through this gap. It will cost three billion dollars per year to maintain the Shuttle infrastructure and support at least two resupply/crew rotation missions per year. Thus, we need approximately an additional 20 billion dollars to fill the entire gap with Shuttle flights. An extra 20 billion dollars is a substantial amount of money. However, in the context of today's trillion-dollar annual deficit and 800-billion-dollar stimulus package, an extra 20 billion dollars spread over seven years is a bargain for what the Space Shuttle brings to our country. Not until Orion or a commercial alternative is indeed ready and capable of transporting our astronauts to and from the ISS, should we consider retiring the Space Shuttle. I believe our best approach to convince the public to ultimately support our exploration beyond LEO is to first deliver significant scientific payback with the ISS, and guaranteeing this payback requires we maintain our own, uninterrupted, access to it. The future of NASA and our manned exploration of space must include flying the Shuttle through the gap, whatever that gap may be.

LEE ARCHAMBAULT.

[From the Washington Times, Apr. 13, 2010]
LOSING IT IN SPACE

Pity poor NASA. Rather than reaching toward the stars, America's premier scientific organization has settled its sights on studying shrimp schools beneath the Antarctic ice cap and sticky accelerators on Toyotas. Such is the scope of hope and change in President Obama's universe.

In his 2011 budget, the president zeroed out NASA's Constellation project, the package of launch and landing vehicles that were to replace the aging space shuttle fleet to carry Americans into space. As a candidate, Mr. Obama said he "endorses the goal of sending human missions to the moon by 2020, as a precursor in an orderly progression to missions to more distant destinations, including Mars." The O Force changed its mind. Killing the Constellation project means billions wasted while space-flight hardware collects dust. "Yes we can" has become "mission impossible."

This is not a cost-cutting move. The agency is budgeted to receive \$19 billion next year, and Mr. Obama wants to throw an additional \$6 billion at it over five years. The hitch is he wants to shift its mission toward climate research and airplane design. Anxious to stay relevant, NASA agreed to research the cause of Toyota's sudden-acceleration problem.

NASA administrator Charles Bolden said Thursday that federal money is budgeted for fostering the growth of the commercial space industry, including the development of space taxis. But if the results of the president's stimulus are any indication, command economic policy is an inefficient generator of jobs.

Sen. Kay Bailey Hutchison, Texas Republican, has argued that the most practical move would be to keep funding the space shuttle program until a replacement vehicle is ready. That way, the nation would maintain the continuity of space travel and avoid further erosion of its faltering space program.

As NASA's wings are clipped, our competitors soar. The U.S. space agency even had to sign a \$340 million deal with Russia on April 6 to transport astronauts to the International Space Station through 2014. By then, China intends to conduct an ambitious schedule of flights with its Shenzhou spacecraft. It doesn't take much imagination to envision the day when NASA must pay its Asian competitor large sums for American astronauts to ride into orbit as passengers. Thanks to Mr. Obama, the United States will be dependent on Russia and China for space travel.

The space program is a great symbol of the American spirit of achievement. The day this nation cedes the conquest of space to others is the day we admit that we have forfeited our competitive exceptionalism. Earth-centric activities like the study of the Antarctic shrimp ecosystem and automobile anomalies should be left to others. A less costly NASA should be relieved of extraneous responsibilities and allowed to retain its core mission—one that no other agency can accomplish—the exploration of space.

On behalf of all Americans, Floridians should make certain the president gets the message loud and clear when he hosts a conference about the agency's future on Thursday in the Sunshine State: Let NASA be NASA.

[From the Wall Street Journal, Apr. 14, 2010]

FEUD OVER NASA THREATENS AMERICA'S
EDGE IN SPACE

(By Andy Pasztor)

After dominating space for a half century, the U.S. is mired in a political fight that threatens its leadership role and ambitions for manned exploration.

President Barack Obama travels Thursday to the Kennedy Space Center to try to salvage his plans to re-energize the National Aeronautics and Space Administration, but experts say U.S. manned space travel will likely be grounded for years longer than previously expected.

The Florida summit comes amid an escalating battle between the White House and Congress over the fastest and least expensive way to revitalize the space program. Mr. Obama has been pushing ambitious plans for start-up companies to ferry astronauts into space on private rockets. Congress, meanwhile, is bent on defending NASA's traditional rocket and spacecraft programs, which the Obama administration wants to kill.

The White House believes NASA's current projects are too expensive and will take too long to deliver. Mr. Obama is betting that private enterprise can fill the gap—carrying astronauts and cargo to the space station—until a resurgent NASA can deliver more advanced space vehicles.

But lawmakers, industry officials and scientists say they fear that for the first time since the glory days of the Apollo moon landings, the U.S. will end up without a clear plan, destination and timetable for sending astronauts deeper into the solar system.

At stake is more than national pride. Losing the lead in space has national-security and industrial consequences. Such industries as shipping, airlines and oil exploration depend on orbiting satellites to gather and send essential data. TV signals, cell phones, ATMs, some credit card machines and many Internet connections rely on space technology. Recent estimates peg global civilian and military spending on space and space-related technologies at more than \$260 billion annually.

At the same time, the Pentagon views space as a frontier where foes will try to undermine U.S. security.

The importance of space has drawn the European Union and more countries into the race. Russia, China, India and Brazil all have, or are determined to create, robust space programs. By 2016, China aims to develop and test a heavy-lift booster capable of blasting five tons of cargo into orbit—a timetable far more ambitious than anything on NASA's drawing board.

With retirement of the space shuttle in a few months, the U.S. was already facing the prospect of hitching rides for up to five years on Russian spacecraft to reach the international space station.

Some experts say the current political fight could leave the U.S. with no way to blast astronauts deeper into space until close to 2020. Initial optimistic hopes of returning U.S. astronauts to the moon by the end of the decade could be delayed another ten years or more, these experts say.

Neil Armstrong, the first astronaut to walk on the moon, Apollo 13 commander Jim Lovell and Gene Cernan—the last human to walk on the moon—warned in an open letter this week that the president's plan “destines our nation to become one of second- or even third-rate stature.” Buzz Aldrin, another icon of U.S. space travel, has supported the president's plan.

Burt Rutan, the aerospace engineer who was the first person to send a privately built and designed craft into space, warned that NASA could be crippled within a few years, allowing international rivals to take the lead.

The retirement of the space shuttle program initiated a chance to chart a new course for the U.S. space program, said experts, but instead triggered conflict that is as much political as technological.

Congress wants to save NASA's existing exploration program, called Constellation, which was expected to produce 25,000 jobs and more than \$60 billion in contractor revenue over its lifetime.

As originally conceived, Constellation was a \$100 billion project to take astronauts into orbit, and later to deploy next-generation rockets and landers to explore the moon and, eventually, pave the way for manned exploration of Mars.

The White House believes the Constellation program will take too long and that a fresh approach is required. Lawmakers say they are skeptical of the president's plan to

entrust core functions of the space program to untested start-up companies.

NASA chief Charles Bolden, a former astronaut, said Mr. Obama's visit to Florida would persuade doubters that “he is dedicated to exploration and human space flight” and “committed to a vibrant future” for NASA.

The president also plans to provide details on a few concessions, such as retaining a small portion of the Constellation program, as well as announcing that workers who lose their jobs when the space shuttle retires will be eligible for retraining and other benefits, according to people familiar with the matter.

Those involved in talks over the future of the U.S. space program say the most likely outcome is a compromise that may satisfy politicians but probably won't provide enough funding for either program to get off the ground quickly. “That just drags out the pain and slows everything down for a long time,” said Brewster Shaw, head of Boeing Co.'s space-exploration division.

Mr. Obama, who often recounts watching NASA launches as a youngster perched on his grandfather's shoulders, says he hopes to lead the agency through a historic shift.

To chart a new course, he selected Mr. Bolden and Lori Garver, a former NASA policy official and proponent of commercial space travel, as advisers. Ms. Garver, now the No. 2 official at NASA, headed the administration's transition team for the agency.

One of the first things Ms. Garver said she did was to “look under the hood” of the Constellation program. She didn't like what she found. The program was years behind schedule and over budget, and she said she had doubts about its long-term viability.

Ms. Garver also played a big role in naming a presidential panel to assess NASA. Led by former Lockheed Martin Corp. Chairman Norman Augustine, the panel released a report in October that was critical of the agency. The study concluded that without a substantial infusion of new money and ideas, Constellation would wither and NASA would become increasingly irrelevant.

A small group of administration officials, including White House science chief John Holdren and his chief of staff Jim Kohlenberger, set out to begin dismantling the Constellation project.

“The fact that we poured \$9 billion into an un-executable program really isn't an excuse to pour another \$50 billion into it and still not have an executable program,” Mr. Kohlenberger later said of the project. The money would be better used, he and his colleagues concluded, on commercial space transportation.

The White House aides envisioned a bevy of space taxis—designed, built and operated by private enterprise—that could take astronauts to and from the space station. This earth-to-orbit job would rely on young companies and relatively untested technologies.

Space Exploration Technologies Inc., started by 38-year-old PayPal founder Elon Musk, for example, only had about 40 employees in 2004. Its largest rocket is still waiting for its first test flight, but SpaceX has a good chance of ending up as a key part of NASA's plans to transport both astronauts and cargo to the space station. Another entrant is Orbital Sciences Corp., a midsize NASA supplier that hopes to parlay its commercial efforts into securing a prime contract for manned programs.

Big contractors such as Lockheed Martin Corp. and Boeing Co. would also play a role but wouldn't be as intensely involved.

Supporters say the president's approach would create thousands of high-tech jobs and game-changing technologies. It would also free up NASA to deal with more difficult, longer-term projects, such as developing powerful boosters and in-orbit refueling systems making it possible to reach distant planets.

But the administration failed to persuade lawmakers and didn't make it easy for its staff. Mr. Bolden said he didn't get final numbers from the White House about the impact of Constellation's proposed demise until hours before the budget was released in February. Only then, he said, did “we really know what the budget was going to be.”

Hours after announcing that NASA was betting on a group of entrepreneurs to deliver pioneering technologies, Mr. Bolden said he felt more comfortable with the agency's traditional contractors. “I would be lying,” he acknowledged in an interview, “if I said I don't have some greater comfort with a Boeing” than a fledgling company.

Ms. Garver was also slow to disclose the proposed project cancellations to NASA's biggest suppliers, such as Boeing, Lockheed Martin and Alliant Techsystems Inc.

Even the Florida summit sparked friction. White House aides initially encouraged lawmakers to organize the event, but then decided to do it themselves. Aides to Mr. Obama then promised to reserve tickets for any members of Congress who wanted to attend, according to legislators and staffers. But invitations were later limited, according to a White House email this week that blamed Democratic Congressional leaders and apologized for “any misunderstanding.”

Mrs. HUTCHISON. I will highlight a number of quotes from these documents. Let me start with a letter by three of our Nation's renowned astronauts, true American heroes: Neil Armstrong, the first man to set foot on the Moon, commander of Apollo 11; James Lovell, commander of Apollo 13; and Eugene Cernan, commander of Apollo 17.

In an open letter to the President, these space pioneers state that although some of the President's proposals have merit, “the decision to cancel the Constellation program, its Ares 1 and Ares V rockets and the Orion spacecraft, is devastating.”

They say:

America's only path to low Earth orbit and the International Space Station will now be subject to an agreement with Russia to purchase space on their Soyuz (at a price of over 50 million dollars per seat with significant increases expected in the near future) until we have the capacity to provide transportation for ourselves. The availability of a commercial transport to orbit as envisioned in the President's proposal cannot be predicted with any certainty, but is likely to take substantially longer and be more expensive than we would hope.

It appears that we will have wasted our current \$10-plus billion investment in Constellation and, equally importantly, we will have lost the many years required to recreate the equivalent of what we will have discarded.

For The United States, the leading space faring nation for nearly half a century, to be without carriage to low Earth orbit and with no human exploration capability to go beyond Earth orbit for an indeterminate time

into the future, destines our nation to become one of second or even third rate stature. While the President's plan envisages humans traveling away from Earth and perhaps toward Mars at some time in the future, the lack of developed rockets and spacecraft will assure that ability will not be available for many years.

Without the skill and experience that actual spacecraft operation provides, the USA is far too likely to be on a long downhill slide to mediocrity. America must decide if it wishes to remain a leader in space. If it does, we should institute a program which will give us the very best chance of achieving that goal.

That is all from the letter signed by Neil Armstrong, James Lovell, and Eugene Cernan.

In another letter to President Obama, 27 space experts, including astronauts, former NASA Administrators, and program managers make the following points:

America is faced with the near-simultaneous ending of the Shuttle program and your recent budget proposal to cancel the Constellation program. This is wrong for our country for many reasons. We are very concerned about America ceding its hard earned global leadership in space technology to other nations. We are stunned that, in a time of economic crisis, this move will force as many as 30,000 irreplaceable engineers and managers out of the space industry. We see our human exploration program, one of the most inspirational tools to promote science, technology, engineering and math to our young people, being reduced to mediocrity. NASA's human space program has inspired awe and wonder in all ages by pursuing the American tradition of exploring the unknown. We strongly urge you to drop this misguided proposal that forces NASA out of human space operations for the foreseeable future.

For those of us who have accepted the risk and dedicated a portion of our lives to the exploration of outer space, this is a terrible decision. . . .

America's greatness lies in her people: she will always have men and women willing to ride rockets into the heavens. America's challenge is to match their bravery and acceptance of risk with specific plans and goals worthy of their commitment. NASA must continue at the frontiers of human space exploration in order to develop the technology and set the standards of excellence that will enable commercial space ventures to eventually succeed. Canceling NASA's human space operations, after 50 years of unparalleled achievement, makes that objective impossible.

One of the greatest fears of any generation is not leaving things better for the young people of the next. In the area of human space flight, we are about to realize that fear; your NASA budget proposal raises more questions about our future in space than it answers.

That is all from the letter that was signed by 27 people who have dedicated their lives to America's space exploration.

In an open letter by astronaut Lee Archambault, who was a pilot of *Atlantis* in 2007 and *Discovery* in 2009, he says:

As the Space Shuttle program marches closer to its apparent end, NASA's future is

now in jeopardy more than perhaps at any time in history. . . .

The Shuttle retirement . . . would yield sole access to the International Space Station to Russia for the currently projected seven year [U.S. human spaceflight] gap. . . .

Others argue that commercial alternatives exist to ferry our astronauts to and from the International Space Station. Not quite yet. Our commercial industry is indeed getting closer to attaining the ability to send unmanned spacecraft to the International Space Station as resupply ships. Ultimately, these companies may produce spacecraft safe enough for human travel to low Earth orbit. However, I would not bet the future of the International Space Station on commercial access for crewmembers happening much sooner, if at all, than Orion is capable of flying to the International Space Station in 2017. Thus, this option cannot be considered a viable "gap filler" at this point. . . .

Not until Orion or a commercial alternative is indeed ready and capable of transporting our astronauts to and from the International Space Station, should we consider retiring the Space Shuttle. . . . The future of NASA and our manned exploration of space must include flying the Shuttle through the gap, whatever that gap may be.

Finally, this week, in an editorial from the Washington Times entitled "Losing It in Space," the editorial from the Washington Times says:

Pity poor NASA. Rather than reaching toward the stars, America's premier scientific organization has settled its sights on studying shrimp schools beneath the Antarctic ice cap and sticky accelerators on Toyotas. Such is the scope of hope and change in President Obama's universe.

The editorial goes on to say:

In his 2011 budget, the president zeroed out NASA's Constellation project, the package of launch and landing vehicles that were to replace the aging space shuttle fleet to carry Americans into space. . . .

This is not a cost-cutting move. The agency is budgeted to receive \$19 billion next year, and Mr. Obama wants to throw an additional \$6 billion at it over [the next] five years. The hitch is he wants to shift its mission toward climate research and airplane design. Anxious to stay relevant, NASA agreed to research the cause of Toyota's sudden-acceleration problem.

NASA administrator Charles Bolden said Thursday that federal money is budgeted for fostering the growth of the commercial space industry, including the development of space taxis. But if the results of the president's stimulus are any indication, command economic policy is an inefficient generator of jobs.

It goes on to say:

As NASA's wings are clipped, our competitors soar. The U.S. space agency even had to sign a \$340 million deal with Russia on April 6 to transport astronauts to the International Space Station through 2014. By then, China intends to conduct an ambitious schedule of flights with its Shenzhou spacecraft. It doesn't take much imagination to envision the day when NASA must pay its Asian competitor large sums for American astronauts to ride into orbit as passengers. Thanks to Mr. Obama, the United States will be dependent on Russia and China for space travel.

The editorial goes on:

The space program is a great symbol of the American spirit of achievement. The day

this nation cedes the conquest of space to others is the day we admit that we have forfeited our competitive exceptionalism. Earth-centric activities like the study of the Antarctic shrimp ecosystem and automobile anomalies should be left to others. A less-costly NASA should be relieved of extraneous responsibilities and allowed to retain its core mission—one that no other agency can accomplish—the exploration of space.

On behalf of all Americans, Floridians should make certain the president gets the message loud and clear when he hosts a conference about the agency's future on Thursday—

Today—

in the Sunshine State. Let NASA be NASA.

That is the editorial from the Washington Times earlier this week.

Let me remind my colleagues that the Augustine Committee, which the Obama administration asked to review the Nation's human space flight activities, used a subtitle for its report which proposed a set of options for a space program "worthy of a great nation." The items I have submitted for the RECORD reflect the thoughts and feelings of many of those who gave us a space program that was worthy of greatness. I believe their words represent a challenge that Congress and the President must meet.

In a few hours, President Obama will share the details of his latest vision for our Nation's future space program. I still remain hopeful the President will come away from this visit today with a deeper understanding of what is at stake in our Nation's history of space exploration. I renew my offer to work with the President and my congressional colleagues to come up with a plan that makes sense for America.

The principles necessary to bridge the gap between the President and Congress have been set forward by the bipartisan legislation I have introduced and has also been introduced on the House side. All that is needed to align these principles with the President's goals and existing budget realities is a willingness to take the same risks that have been hallmarks of our Nation's commitment to space exploration.

Some people would say we have to cut the budget somewhere. Why not here? The answer is, this does not cut the budget. The President's proposal does not cut the budget. It increases the budget. It turns the money over to private companies that are as yet unproven to try to do something we have already made a \$10 billion investment in and cut it off. When it is cut off, we will lose all that has been gained. The engineering, the science, the research that has gone into the space station will be lost. Those people will go into other areas. We will not be able to recreate it. But yet we have not cut the budget a penny. What we have done is squander the capability for America to continue to be the leader of the world in innovation, in creativity, and most certainly in taking the risk

to explore the heavens, which has produced so many results in our country.

It has produced results for national defense capabilities. We are using satellites to put bombs into windows from miles out so we will not have collateral damage and hurt innocent people. We learned that by exploring the heavens. We now have Velcro. We have MRIs. We have health benefits that we could never have had without the research we did to go into space.

Now we have a \$100 billion investment in a space station that will specialize with NIH and other agencies in doing research that cannot be done on the ground because of the microgravity conditions. Yet we are stopping the capability, at the end of this year, for Americans to go into space under our own auspices. This is not sound policy for our country. I am urging the President to listen to people such as Neil Armstrong and Eugene Cernan and Jim Lovell and former administrators who have knowledge that is beyond mine or his about what we can do for the future.

We need to rethink the position that is being announced today and remember that America's greatness is dependent on our creativity and our entrepreneurial spirit. Stopping midtrack and turning everything over to private companies that are in their fledgling stage is not the answer.

Madam President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Arizona.

EXTENSION OF MORNING BUSINESS

Mr. MCCAIN. Madam President, I ask unanimous consent to extend morning business for up to 10 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. MCCAIN. I thank the Chair.

TAX DAY

Mr. MCCAIN. Madam President, today is April 15, perhaps the most dread day of the year for the American taxpayer. At some point today, millions of people will engage in a painful, complicated, and uniquely American exercise: filing their Federal tax returns.

According to the Tax Foundation, Americans worked well over 3 months this year—over 3 months; from January 1 to April 9—before they had earned enough money to pay this year's tax obligations at the Federal, State, and local levels. Congress has succeeded in establishing a pattern of taxing and spending to the point that the average American must work a full 99 days of the year just to pay their taxes.

Sadly, while we continue to spend and spend and spend here in our Na-

tion's capital, the tax burden carried by the average American gets heavier and heavier and heavier.

On September 12, 2008, in Dover, NH, then-candidate Obama said this:

I can make a firm pledge. Under my plan, no family making less than \$250,000 a year will see any form of tax increase. Not your income tax, not your payroll tax, not your capital gains taxes, not any of your taxes.

Another interesting quote from then-candidate Obama.

According to data released yesterday by the House Ways and Means Committee, since January of 2009, President Obama and the congressional Democrats have enacted into law gross tax increases totaling more than \$670 billion or more than \$2,100 for every man, woman, and child in the United States of America. A list of tax increases includes at least 14 violations of the President's pledge not to raise taxes on Americans earning less than \$200,000 for singles and \$250,000 for married couples.

For example, there is a new tax on individuals who don't purchase government-approved health insurance. There is a new tax on employers who fail to fully comply with government health insurance mandates. There is a new 40-percent excise tax on certain high-cost health plans. There is a new ban on the purchase of over-the-counter drugs using funds from FSAs, HSAs, and HRAs. There is an increase from 7.5 percent to 10 percent of income, the threshold after which individuals can deduct out-of-pocket medical expenses. There is a new \$2,500 annual cap on FSA contributions. There is a new annual tax on health insurance. There is a new annual tax on brand-name pharmaceuticals. There is a new 2.3-percent excise tax on certain medical devices. There is a new 10-percent tax on indoor UV—ultraviolet—tanning services. There is a new tax on insured and self-insured health plans, and it is double the penalty for nonqualified health savings accounts distributions. There is a tobacco tax increase. There are Federal unemployment surtaxes which have been extended through 2011, and there are more and more on the list.

In addition to the financial burden associated with all of the tax increases heaped upon the American people in the past year, taxpayers face the added anxiety of a complicated, antiquated, and oversized Tax Code. Let's look at what Americans go through every year in order to meet the April 15 deadline as reported by National Review Online.

As April 15 approaches like an incoming monsoon, millions of Americans brace for the pain of writing checks to the IRS. Even worse, this annual discomfort begins even earlier, as taxpayers generate a cyclone of documents just to calculate their tax liability. America's excruciatingly complex tax-compliance regime deepens the aggravation of sending hard-earned cash to Washington for virtual incineration by Congress.

Completing tax reforms required 7.75 billion hours of human labor in the 2008

fiscal year, according to the latest reginfo.gov data. That roughly equals 3.7 million people—or everyone in Los Angeles—filling out IRS forms for 40 hours every week, all year, without vacations.

That involves more workers than those at the Fortune 500's five biggest employers—

The National Taxpayers Union's David Keating concludes in a forthcoming report—

more than everybody at Wal-Mart, UPS, McDonald's, IBM and Citigroup combined.

Keating also found that:

Individual taxpayers would devote some 2.3 billion hours grappling with the income tax in 2010 at an equivalent labor cost of \$71.4 billion. Add to this the \$31.5 billion that individual taxpayers will cough up for tax software, accounting services, photocopying, and other compliance-related expenses. All told, individual taxpayers will spend \$103 billion to determine how much more money they must pump into the Beltway.

Meanwhile, the IRS Web site now offers 1,909 different documents, which is up from 1,770 last year. These include the riveting form 8833: Treaty-Based Return Position Disclosure Under Section 6114, or 7701(b). And don't miss Form 990-W: Estimated Tax on Unrelated Business Taxable Income for Tax-Exempt Organizations. This year's basic 1040 tax return includes 76 lines and 174 pages of instructions, up from 68 lines and 52 pages in 1985.

Last year, the National Taxpayers Union calculated that U.S. corporations spent \$159.4 billion on tax compliance, equal to 54 percent of corporate income tax revenue. In 2008, General Electric's tax returns droned on for some 24,000 pages.

It is abundantly clear we are on a path to fiscal disaster. David Walker, the former head of the Government Accountability Office and current president and CEO of the Peter G. Peterson Foundation and one of the most respected budget experts in the Nation, recently said:

The financial condition of the United States has deteriorated dramatically in recent years. Importantly, our primary fiscal threat is not today's deficit and debt levels, but the structural deficits and escalating debt burdens that will occur after the economy has recovered, unemployment is down, the "wars" are over, and the recent crises have passed. These large and growing structural deficits and the tens of trillions in unfunded federal government promises that drive them serve to threaten the future of our country and our families. We must begin to take steps now to put our Federal financial house in order. In addition, we must achieve some meaningful reforms within the next three years in order to help avoid a "crisis of confidence" that could have much worse economic consequences for America, Americans, and the world than the recent housing and financial crisis.

Today, all over America, there will be people demonstrating at tea parties, at gatherings, at organizations, at coffee shops, at restaurants, at places of business at the water cooler. People all over America will be talking today about this incredible, complex, difficult, burdensome system we have laid on the American people. It is fundamentally unfair and fundamentally incomprehensible to average citizens.

Most citizens, after they file their tax returns, will now live in some concern, if not grave concern, that they may have made a mistake because of this incredibly complex document from the agency we call the IRS and the tax bills we have. These American citizens can't be positive—even if they have gone to an accountant—that they will not be audited and then subject to further penalties.

We need to clean up the Tax Code. We need to stop the spending. We need to restore the confidence of the American people. There is a veritable uprising going on out there. It is a peaceful one. It is all over America. On a day like today, when they see their taxes have increased by some \$670 billion just in the last year, this will fuel the fire that is spreading across America and will culminate this coming November.

Madam President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. COBURN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, leadership time is reserved.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, morning business is now closed.

CONTINUING EXTENSION ACT OF 2010

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of H.R. 4851, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 4851) to provide a temporary extension of certain programs, and for other purposes.

Pending:

Baucus modified amendment No. 3721, in the nature of a substitute.

Coburn amendment No. 3726 (to amendment No. 3721), to pay for the full cost of extending additional unemployment insurance and other Federal programs.

Coburn amendment No. 3727 (to amendment No. 3721), to pay for the full cost of extending additional unemployment insurance and other Federal programs.

The ACTING PRESIDENT pro tempore. The Senator from Oklahoma is recognized.

Mr. COBURN. Madam President, I appreciate Senator REID working with us.

We are going to try to work through the amendments we have left today and hopefully get this taken care of tonight. Our intent has not been to slow down but to pay for this.

I wish to discuss amendment No. 3726, which has already been called up and is pending. I don't believe there is another pending amendment at this time; is that correct?

The ACTING PRESIDENT pro tempore. Amendment No. 3727 is also pending.

Mr. COBURN. That is my amendment as well. Thank you.

Yesterday we defeated, by a vote of 51 to 46, actually smart financial management that would have paid for all the costs for the next 60 days for the unemployment insurance. What we were doing was utilizing money that we are already paying interest on that is sitting, not being used, by taking a portion of that to pay for this so that we don't go and borrow another \$18.2 billion. The wisdom of the Senate said, no, we don't want to do that.

We are going to have today two other opportunities on a way to finance that. This amendment basically takes the agreed-to tax loophole, which we agreed to before we left for the spring work period, and adds to that half as much of the financial management money that I recommended we do yesterday and the amendment was defeated. So we have about \$9.5 billion worth of tax loophole closures that we have already agreed to in this amendment and \$20 billion, which will save \$10 billion in terms of the way CBO scores it—it is ridiculous the way they score it, but in terms of the way they score it, we have to move \$20 billion so we can save \$10 billion.

The point is that we get an option: we can borrow another \$18.2 billion to pay for this or we can take money we are already utilizing very inefficiently and pay for it. We are going to choose not to do it again, and we will probably get another 46 or 47 votes. But we are going to choose to transfer the cost of helping people today to our grandchildren because in my lifetime we are not going to pay back any of this money. We are going to be borrowing and paying interest on this \$18.2 billion over the next 30 years. So the cost really isn't \$18.2 billion; it is \$18.2 billion times 6 percent, times 106, times 106, times 106. It will end up costing our kids \$60 billion or \$70 billion because we are going to refuse to pay for something we ought to be doing.

What we are also not going to do is make tough choices about priorities, as every family in this country has to do. We are going to refuse to do that. We are going to say we are going to keep the bad habit, the thing that got us \$12.85 trillion in debt, the thing that got us \$75 trillion in unfunded liabilities. We are going to continue that process. We are going to continue that

process until such time that we can no longer borrow the money. That is what it seems like to me. In other words, only until we cannot go to the world markets and finance debt against our children's future are we not going to change the habits in the Senate or in the Congress.

Of every dollar we spend this year, 43 cents will be borrowed. What are the long-term consequences of that? Very plainly speaking, it is a lower standard of living for those who follow us, a marked decrease in opportunity, a loss of freedom, an inhibition in entrepreneurial spirit, and truly an unwinding of what was the gift that was given to us, which was this great opportunity and this great freedom.

We don't often make the connection between freedom and debt as a government, but we do personally because when we are highly in debt as individuals, our choices start to get limited. If you are in a business that has a high degree of debt, your choices are limited by those who loan you the money because they start getting involved in your decisionmaking process.

If you really look at our foreign policy today, that is happening to us with what we are trying to do in terms of sanctions on Iran. What are the two nations that own the most of our debt and are also least likely to agree with us on harsh sanctions for Iran? They are China and Russia. They are the No. 1 and No. 2 holders of our bonds. So we are giving up tremendous flexibility and freedom.

I put forward that if we cannot find \$18.2 billion in our Federal Government as we run it today, which will spend over \$4 trillion this year, none of us need to be here. We need a whole new 100 Senators if we cannot find \$18.2 billion. But the institutional stodginess of always doing it the same old way is inhibiting us from creating a bright future for our children.

I won't detail the exact tax loophole closures we have, but we have agreed they can be utilized for this purpose—Senator BAUCUS, Senator REID, Senator MCCONNELL, and myself—and they come to a total of \$9.756 billion. To properly manage our money instead of having money sitting that has been appropriated but not obligated—and there is almost \$900 billion sitting out there this year in the agency that is not utilized—to not utilize that money is foolhardy.

My hope is that my colleagues will consider at some point in the future that we have to start making harder choices.

I understand the bias against it. It eliminates somebody's control of power. But where should the power be in this country? Should it be in the Senate or should it be in the American people?

Do the American people want us to pay for this? Absolutely. Five to one

think anything we are doing new we ought to be paying for. Yet it is going to skid through here today, and we are going to add another \$18.2 billion over the next 60 days that we do not have to, but we are going to choose specifically to do so.

I wish to leave with one last point on this amendment. When we say there is nothing else that we can eliminate in the Federal Government to pay for this legislation, what we are saying is all the waste, all the fraud, all the duplication is more important than helping people with unemployment insurance. If it was less important, we would eliminate it and pay for the unemployment. But by not paying for it, by not making the choice to pay for it, what we have said is we have elevated everything else above this as a priority. We refuse to do what every other business, what every other family, what every other organization, except the Federal Government, has to do; that is, make tough choices.

In my State of Oklahoma, the legislature and the Governor right now are making tough choices. They are going to cut several hundred million dollars from our budget. I promise you, they are going to look at what is least important so they can continue to fund what is most important. We will have none of it. We have demonstrated none of it. We lack the character and courage to do what is best for the future.

AMENDMENT NO. 3727

Now let me talk about amendment No. 3727, which is, again, another opportunity, another way to pay for this good thing we want to do. It also has two components.

The first component utilizes the agreed-to closure of tax loopholes of \$9.7 billion. But then it gives us a real chance to do some real good things to eliminate spending that is low priority.

There are 14 spending provisions that I propose eliminating in this amendment. Many have been endorsed by President Obama and President Bush and, before him, President Clinton. In the past 3 months, the President has endorsed five of these offsets, the House passed four of them, and the Senate passed one identical to one section in section 203.

What is the first one? According to the Government Accountability Office, we paid out \$1.1 billion to dead farmers. That is over the last 7-year period. Forty percent of those payments were people who had been dead more than 3 years. Most people in America would say: Maybe you ought to eliminate that. Maybe farmers who have been dead for more than 3 years should not continue to get payments from the government. It will save us \$1.1 billion over 10 years if we hold the Department of Agriculture accountable to not continue to make payments to people who are not deserving of them.

We recently passed a Feingold amendment to the FAA bill that re-

scinds any DOT earmarks that remain 90 percent or more unobligated after 9 years of being appropriated, with the possibility of holding funds one more year for earmarks the agency head believes will be funded within the following 12 months.

The only difference between what we passed and this amendment is that this section applies to all agencies, not just the Department of Transportation. The Secretary of the Department of Transportation endorsed the Feingold amendment.

If it works for the Department of Transportation, why would we not do that everywhere on earmarks? It is \$500 million in savings immediately. We cannot quantify through the CBO what it will be in the future, but it will probably be at least that every year.

Another section is the President's request to eliminate a duplicative bus grant program. This would repeal the Inner-City Bus Security Grant Program. President Obama recommended this \$12 million program be eliminated because the grant awards are not based on risk and it is duplicative of the Public Rail Transit Security Grant Program that is already out there and much less important than any other homeland security priorities. It saves us \$120 million.

In other words, the President does not want it, the Department of Transportation does not want it, but somebody who is getting that grant somewhere is going to say: No, we cannot do that, even though there is a duplicative program already in place to take care of it.

Section 235 of this amendment would repeal the Resource Conservation Development Program. President Obama recommended this \$51 million program be eliminated because it has outlived its need for Federal support. It was first begun in 1962 as a temporary program. It was intended to build community leadership skills through the establishment of RC&D councils that would access Federal, State, and local funding sources. These councils are now up and running—secure funding with continued operation without any money coming from RC&D. It saves \$510 million. Why would we continue to spend the money? The President, the leader of our country, agrees with it. It has been voted on several times. But it will be voted against today because somebody somewhere is still sucking off this in a way that is not efficient and is not a priority for the country.

Section 236 would repeal the Brownfields Economic Development Initiative. President Obama recommended this program be eliminated because it is duplicative of a larger, more efficient Federal program, and local governments have access to many other public and private funds that address the same purposes.

This was designed to assist cities with redevelopment of abandoned, idle,

and underused industrial and commercial facilities where expansion and redevelopment is burdened by real potential environmental contamination. They eliminated almost all of those, and we have a better program now taking care of it, which goes back to the habits of Congress. We create new programs to address the need of what some may think the present program is not doing rather than change the present program.

Here the administration, as well as the Bush administration, agreed we should eliminate that program. That is \$180 million over 10 years.

Section 237: This provision would repeal water and wastewater treatment projects administered by the U.S. Army Corps of Engineers. President Obama recommended eliminating these projects. They are duplicative, and they are outside the scope of the Corps of Engineers. That is what private civil engineering firms do. They plan, build, and organize these events. The Corps of Engineers has stated they do not have the expertise to do these projects, which the Environmental Protection Agency normally funds through other grants in the Revolving Fund Loan Program.

Since these programs were first funded in 1992, they have been exclusively funded through earmarks. In other words, somebody put something special in for one city or one place through an earmark. It may not be the highest priority for the country. It may very well just be a priority for the State, but it has been exclusively funded through earmarks, special interests, lobby-generated earmarks. It saves \$1.29 billion over 10 years.

Section 238: This provision would repeal the Rail Line Relocation Program. President Obama has twice recommended eliminating this program because it is not merit based—in other words, if you are well connected, you get it, but if you have a real need and somebody else has a lower need, you are not going to get it—and it duplicates other Federal programs that are larger and that are merit based.

The grant program is primarily earmarked, again; 75 percent of it gets earmarked every year. What happens is the administrators of the grants do not get the grants based on need and merit because a Senator has already said it will go here instead of into a pool of the greatest need. Again, duplicating an existing program that is more efficient, that is based on merit. It is a slush pot of money for earmarks.

We will hear lots of complaints about eliminating that program, even though the administration wants to get rid of it as well. Savings: \$340 million.

Section 239: Enacting rescissions offered and passed by the House leadership. This would rescind \$112 million from a Commerce Department program

designed to provide coupons to households to help people buy analog-to-digital converter boxes. This has been used. The program is not going anywhere because everybody has converted. Why should we continue to put money out to a program that nobody is going to utilize? That money was used for an offset for a summer job youth program already this year but did not come here. Estimated savings: \$115 million.

Section 241: Enacting the USDA nutrition rescissions amendments offered and passed by the House leadership. This would rescind almost \$362 million of unobligated reserved stimulus funds for the WIC Program. This offset was selected because it was identified by the House appropriators and they unanimously voted to use these funds to offset another program.

It is obviously a low priority. It is a reserve fund. It has not been utilized. It is sitting there, and we need to eliminate it rather than borrow the money.

There are three or four other sections. There is a next-to-final section on Federal real property disposal. We have 21,000 buildings we own that we do not use, but yet we do not have a clear way to allow government agencies to dispose of property.

Last year, on these 21,000 buildings that we cannot get rid of because we have created a block to do so, we spent \$8 billion maintaining them, even though we are not using them. We could sell those, we could give them to the States, we could do a lot of things that would immediately save us \$8 billion. But if we sold them and we saved \$8 billion a year, over the next 10 years that is \$80 billion, not counting anything we might get for selling them. We might have some costs associated with razing some of them.

According to the Office of Management and Budget, 46,745 buildings that are underutilized with a total value of the ones we should be selling are worth \$83 billion. We are going to hear people say: You can't do that; you can't sell those buildings. Why? Why would we borrow money when we could sell buildings we are not using for \$83 billion? Almost enough in properties that we do not need and are having to maintain to pay for this entire bill. The estimated savings this year alone from starting this would be \$4 billion—just from starting it—that process would save us at least \$4 billion this year.

Section 244: What we know is, at least 28 Federal programs, totaling over \$9 billion, support job training and employment. Eighteen of these programs fall under the Labor Department's jurisdiction, and the agency spends \$130 million administering its training and employment programs. We have 18 programs rather than 1. We are spending \$130 million just to manage them—this is just inside the De-

partment of Labor—rather than have one job training program with one set of administrators and not duplicating that administrative cost all the way across the board. Savings is probably \$100 million to \$130 million annually. There is well in excess of \$22 billion to \$24 billion in this second amendment—No. 3727.

So the question becomes this, if we continue down this road: Fair to our kids, fair to us because the Senate refuses to act responsibly?

Oh, I have heard the harsh rhetoric: You don't care about people who are unemployed because you think we ought to pay for it. You know, I think there are two sets of people we ought to be caring for. I think we should be caring for the unemployed, making sure they have sustenance and their needs fulfilled, as long as they qualify. But I think we should care about those who are going to follow us, those who are going to have to pay back this \$18.2 billion. Are they not both important, especially when we know we waste, through fraud and duplication, \$300 billion a year in the Federal Government? I have just come up with \$20 billion of it.

We have enough fraud, waste, and duplication in the Federal Government to pay for this the whole rest of the year, to pay for the war supplemental that is getting ready to come, without borrowing another penny against the backs and future opportunities and freedom of our children.

I am pretty cynical about whether we are ever going to do that. I think the American people will have to change who is here before we will ever get to the point where we are going to make the hard choices that families have to make. But I think that is a fight worth having to protect our future. I think it is a fight worth having for my grandkids and everybody else's grandkids.

I was born in 1948, right after the end of the war, and we had the highest debt ratio we have ever had in this country. But because we had a limited government, what happened was we moved greatly and expanded both growth opportunity, innovation, and wealth through the hard work and great character and spirit of the American people, and we handled that. We can do that again. But we can't do it if we don't have the leadership that is necessary to do it. We have to start sometime to start paying for what we are doing. We have to start making choices. That is a rare occasion in Washington, but it is one I sense the American people are going to start demanding.

I have been working at this for 5½ years, or almost 5½ years. I have not made much progress other than to make sure the American people are informed of the absolutely atrocious amount of stupidity, waste, and dupli-

cation that goes on here. It is time we act. And since the majority controls the outcome, and they will let a few Senators vote for these amendments, we will get a high number of them, but not enough to make a difference.

So the question we ought to be asking is, What is so wrong with trying to pay for what we are doing? Well, we have always done it as an emergency. We have always charged it to our kids. Well, we haven't always been \$12.8 trillion in debt. We haven't always been to the point that in 2010 we are going to have a debt-to-GDP ratio of 90 percent, which means we are going to have about \$20 trillion in debt, and that is going to suppress and depress our economy by 2 percentage points in terms of growth. We have never been here before in terms of the risk to our economy.

I see the chairman of the Finance Committee here, and I will close by saying we are going to start doing this. The question is when. The question is, Should we be doing it when we are in control or when the bankers outside of America are in control—the sovereign nations outside who will tell us how we do it and what we can't do, just like what is happening in Greece today. The leadership in Greece is making decisions not because they want to but because they have to. They are not necessarily nice choices for the people of Greece. That can and will happen to us if we don't change.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Montana.

Mr. BAUCUS. Madam President, yesterday, the Senate tabled the amendment offered by the Senator from Oklahoma by a vote of 51 to 46. That motion to table was successful, and shortly I will move to table the two pending Coburn amendments. The Senate should reject these two amendments offered by the good Senator from Oklahoma for the same reasons the Senate rejected the other amendment yesterday.

The Senator makes basically the same argument for each of his three amendments. They appear to be pretty much a set in terms of amendments. The Senator argues this emergency temporary extension of unemployment insurance benefits is the place to draw the line. It is the place to draw the line on which we need to take a stand to balance the budget.

Madam President, I agree with him the Nation should turn to serious budget negotiations. Our high budget deficits are unconscionable and must be addressed. We should balance the budget over the life of the business cycle. We should balance the budget as quickly as we possibly can. But we should not balance the budget while in the grips of the worst recession since the Great Depression. Doing that would only put more people out of work.

I might say, Madam President, that at a hearing held yesterday by the Finance Committee, the well-known economist Mark Zandi, who was an adviser to Presidential candidate JOHN MCCAIN, volunteered that this is not the time to draw that line in terms of deficit reduction. We should not force people who are unemployed to bear the brunt of offsets at this time. This is not the time to balance the budget, now that we are facing this recession.

I might also point out that we should not balance the budget on the backs of unemployed Americans who, through no fault of their own, are struggling to get by in this recession. They need these unemployment benefits, and if we were to adopt the amendment offered by the Senator from Oklahoma, first of all, it would be a mistake; and second of all, it would have to go to the House, and the House has said they wouldn't accept it. So for another couple of days people who deserve unemployment insurance benefits would not be getting them.

This Congress failed to act some time ago. As a consequence, unemployment benefits have expired and people who deserve unemployment benefits are not getting those unemployment benefits. Again, if we were to adopt the Coburn amendment and send it to the House and have it come back, then it would be a longer period of time that people who are waiting for their benefits would not be getting them.

It is just wrong for Congress not to have passed this extension a short while ago. It is wrong, but it is something that happened so we are here trying to correct it. Hundreds of thousands of Americans are already going without unemployment insurance benefits because we have not passed this bill. Hundreds of thousands more will go without unemployment insurance benefits if we do not pass the bill this week.

I will repeat myself: If we were to adopt either of the Coburn amendments, the House of Representatives has made it clear they will simply send it back to us again without the Coburn language. So adopting either of these amendments would simply further delay the needed aid to unemployed Americans struggling to get by. So I urge Senators to vote for the motion to table so we can temporarily extend the benefits that so many people justly deserve.

Madam President, I yield the floor, and I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BAUCUS. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BAUCUS. Madam President, I ask unanimous consent that at 12:10 p.m. today, the Senate proceed to vote in relation to the Coburn amendment No. 3726, to be followed by a vote in relation to amendment No. 3727; that prior to the second vote, there be 2 minutes of debate equally divided and controlled in the usual form; that no amendment be in order to either amendment prior to a vote in relation thereto; further, that the time until 12:10 be equally divided and controlled in the usual form.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BAUCUS. Madam President, I yield such time as she may consume to the Senator from New Hampshire.

The ACTING PRESIDENT pro tempore. The Senator from New Hampshire.

Mrs. SHAHEEN. Madam President, I rise today to join so many of my colleagues in urging that we pass critical extensions of Federal unemployment benefits, the COBRA health insurance subsidy, flood insurance, and other vital programs that expired at the end of March.

I applaud my colleagues on the other side of the aisle who, despite opposition from their leadership, have joined us in moving this legislation forward. But despite the progress we seem to be making, these extensions have been held up too frequently for too long, and the American people deserve better.

Sadly, twice this year individual Senators have blocked extensions of Federal unemployment benefits right as the programs were about to expire. Those actions have put struggling families at risk, and already this month over 200,000 Americans have lost their benefits, with another 30,000 losing their benefits every day until we pass an extension. What is of particular concern is that we continue to deal with filibusters and delays and obstruction, even though almost every Member of this body says they want to extend unemployment. After weeks of delay, when extensions finally come up for votes, they have passed overwhelmingly.

We have had three situations now where this has occurred since last fall. In November, when the vote on extending unemployment benefits finally came to the floor, that vote was 97 to 1. In December, when the extension came to the floor, the vote was 88 to 10. In March, it was 78 to 19. Given those majorities, I do not understand how the other side of the aisle can justify obstructing votes on these issues in the way they have.

As important as this short-term extension is, the Senate must do more to address the long-term challenge of joblessness. Of the 15 million Americans who are out of work today, nearly 6 million—so more than 1 in 3—have run

through the 6 months of benefits provided by their States. In fact, the average period of unemployment currently stands at a record high of nearly 8 months. We need to pass a longer term extension to provide some stability for the millions of people who are going to need unemployment benefits in the months to come. I applaud Senator BAUCUS who has been working to try to bridge this gap.

While some people may think it is no big deal to wait a week or two, even short-term expirations have damaging results. When State workforce agencies are forced to shut down and restart complicated Federal benefits programs, they experience huge backlogs in their systems that delay getting checks out the door, even to people who are not affected by the expiration.

Phone lines at call centers are jammed with claimants holding up others from filing for benefits while lines at one-stop centers get longer and longer. In the best of circumstances, individuals who lost their benefits during this expiration will have to wait weeks before they begin receiving checks again. That is a very long time when you are supporting a family on an unemployment check.

There is also the uncertainty and the fear that comes when parents open the mail to find a notice that, although their benefits are supposed to last for months to come, this is the last check they are going to receive. Families cannot afford to make the responsible choices to budget and plan for the future when we cannot guarantee the future of their benefits and of their safety net.

The fact is, when somebody is unemployed, it is an emergency in their family. We need to treat this situation, extending benefits, as an emergency in our Federal programs as well.

I want to conclude by sharing a letter I got from one of my constituents named Jo Ellen, who is from Canterbury, NH. She wrote:

On April 3, my State unemployment benefits maxed out. I am in my 60s, a nurse and psychotherapist who has been out of work since the end of December 2009. Seeking work constantly, I am getting no responses from employers, probably due to my age. I have worked my entire life caring for others. My husband's salary is much lower than what I brought in, but I have never had to rely on others. Unemployment checks are allowing us to at least pay our bills. It plays havoc with one's body and psyche, affecting one's health and causing monumental anxiety when a vote is taken on a monthly basis to extend benefits. It is the never knowing for sure. Those of us who are in this situation are hard-working citizens who have come upon bad times. I cannot believe you won't take care of this horrendous situation immediately.

Unfortunately, like so many in this Chamber, I have received dozens of e-mails and letters and phone calls in the last 2 weeks from Granite Staters such as Jo Ellen. Unemployment benefits

allow them to take care of their families, to fill up their gas tanks so they can go out and look for work. But the obstructionism that has kept us from passing meaningful long-term extension of unemployment benefits is having real effects on the financial, physical, and mental health of our communities. Jo Ellen is right; it is horrendous.

I am hopeful we are finally going to see agreement from the other side of the aisle that we can move this legislation forward, that we can extend unemployment benefits for those thousands of people who are losing them every single day.

The ACTING PRESIDENT pro tempore. The Senator from Montana.

Mr. BAUCUS. Madam President, how much time remains?

The ACTING PRESIDENT pro tempore. Six minutes remain.

Mr. BAUCUS. Six minutes? I yield six minutes to the Senator from Illinois.

The ACTING PRESIDENT pro tempore. The Senator from Illinois.

TAX DAY 2010

Mr. BURRIS. I thank the distinguished Senator from Montana. I hope I can do my brief remarks in 6 minutes.

It is tax day, I say to the Senator. I hope your taxes are filed.

Madam President, as my colleagues and the American people are undoubtedly well aware, today is tax day.

Across the country, hundreds of millions of people are filing their returns, paying what they owe or calculating the refunds they will receive.

Now, even in the best of times, paying taxes is not something most Americans look forward to.

In fact, in the wise words of George Washington, "no taxes can be devised which are not more or less inconvenient and unpleasant."

But even Washington and the other Founding Fathers recognized that taxation is a necessity—and that paying taxes is every American's patriotic duty.

When they are levied—not by some tyrannical monarch across the ocean, but by a representative government—taxes are "the price we pay for a civilized society," in the words of Oliver Wendell Holmes.

It is the only way a modern government can function.

We are each asked to contribute a percentage of our income, and in return we expect our government to provide certain essential benefits:

A strong, highly-capable national defense. Adequate roads, bridges, and other infrastructure. Quality schools.

Emergency responders, so there is someone to answer the phone when you call 911.

Basic regulation and consumer protections, so you can buy food and other products without fear of getting sick or suffering injury.

A safety net to help you get back on your feet in tough economic times.

All of these programs and services are supported by our tax dollars.

They serve functions we cannot perform for ourselves—and it is appropriate that the government steps in to fulfill this role.

That is why my Democratic colleagues and I are fighting Republican obstructionism to extend unemployment insurance and other benefits people desperately need.

And that is why I am proud to report that, this year, roughly 70 percent of Americans will get a tax refund.

But even so—my colleagues and I are all painfully aware that, especially in difficult economic times, taxes can be a burden.

They can be hard on families that are already stretched to the breaking point—struggling to make ends meet in the face of pay cuts, reduced hours, or even unemployment.

That is why my Democratic colleagues and I have been working hard to ease the burden on these families.

We have committed ourselves to fight for the interests of working Americans.

Our economic recovery remains fragile.

The national unemployment rate stands just under 10 percent—and in my home State of Illinois, it exceeds 11 percent.

And among minority communities, it is much higher.

Roughly 16 percent of African Americans are currently unemployed, along with 12 percent of Hispanics.

That is why my Democratic colleagues and I have taken action. We passed a sweeping stimulus package that brought us back from the edge of economic disaster.

While Republicans filibuster unemployment benefits, my colleagues and I are fighting to extend them. While they drag their feet on COBRA, we are fighting to increase access to this important program.

And, while they talk about enacting responsible tax policies, Democrats are actually getting it done. We are working hard to make sure that everyone pays their fair share of taxes—but no one is asked to contribute more than they can afford.

This is an issue that has defined our party for many years, especially under recent Democratic administrations:

From the middle-class tax relief provided by President Clinton, to the largest tax cut in American history, which was proposed by President Obama and ratified by my Democratic colleagues and I just last year—time and again, we have proven our commitment to commonsense tax policies.

We have passed fair, targeted reforms and responsible tax cuts for those who need it most. We have stood squarely on the side of the American people, de-

spite what some of my Republican friends might claim. And in fact, when you examine their record—when you look at the truth behind the Republican rhetoric—it is quite different from what many of them would have you believe.

For decades, Republicans have claimed to be both fair and responsible when it comes to tax policy. But the reality is that they have consistently failed to deliver for the American people.

Since the days of President Reagan, Republicans have slashed tax rates for corporations and the super-rich, while squeezing the middle class for everything they are worth.

This is a country that has always encouraged personal initiative and respected success in the business world. But my friends on the other side are making it harder and harder for ordinary folks to attain prosperity and realize their dreams. It has never been harder to get rich in America—but it has never been easier to stay rich, as long as you can arrange a seven-figure bonus or a golden parachute every time the economy starts to look bad.

But for those of us who can't, Republican tax policies have brought nothing but headaches.

Under President George W. Bush, Republicans passed a massive tax break for the top 1 percent of wage earners, and did little or nothing to help the vast majority of Americans. In fact, this massive tax cut was not even paid for—every penny of it was added directly to the deficit.

So let's cut through the political rhetoric and talk about what this really means.

My Republican friends exploded the deficit by more than a trillion dollars, so they could give tax breaks to the richest of the rich. Now they are expecting us to pay down the deficit using the tax dollars of regular, middle class Americans.

These are folks who did not benefit from the original tax cut—but now Republicans expect them to foot the bill?

Not on my watch.

These tax policies are irresponsible. They are outrageous. And the American people have had enough. Even now, my friends on the other side think we should spend even more money we don't have, on people who don't need it.

My Democratic colleagues and I strongly disagree. We believe significant tax breaks should be targeted to middle-class Americans who need help, and that is why we passed legislation that accomplished exactly that.

We believe in responsible tax policy, which asks each and every American to pay their fair share without placing an unfair burden on any segment of the population.

My Republican friends will try to tell you they believe in the same values. So I would urge the American people to

ask them: If that is the case, why did every single one of them vote against the largest tax cut in history?

The Democratic record is clear. We believe in American prosperity on Main Street, not just Wall Street.

So I urge my Republican friends to join us in standing up for ordinary folks, not just Wall Street bankers and the richest of the rich.

Unfortunately, taxes will always be necessary, and they will never be pleasant. But if we embrace commonsense tax policies and fight for the principles that have guided Democrats for many years, we can make these tough times just a little bit easier for ordinary folks.

Pay your taxes, enjoy America, and let's make sure that everyone pays their fair share.

I yield the floor. I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BAUCUS. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mrs. HAGAN.) Without objection, it is so ordered.

Mr. BAUCUS. Madam President, what is the pending business?

The PRESIDING OFFICER. The question is on agreeing to the Coburn amendment No. 3726.

Mr. BAUCUS. I move to table the Coburn amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

Mr. DURBIN. I announce that the Senator from Florida (Mr. NELSON) and the Senator from Virginia (Mr. WARNER) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 50, nays 48, as follows:

[Rollcall Vote No. 113 Leg.]

YEAS—50

Akaka	Franken	Merkley
Baucus	Gillibrand	Mikulski
Begich	Hagan	Murray
Bingaman	Harkin	Reed
Boxer	Inouye	Reid
Brown (OH)	Johnson	Rockefeller
Burr	Kaufman	Sanders
Byrd	Kerry	Schumer
Cantwell	Klobuchar	Shaheen
Cardin	Kohl	Specter
Carper	Landrieu	Stabenow
Casey	Lautenberg	Tester
Conrad	Leahy	Udall (NM)
Dodd	Levin	Webb
Dorgan	Lieberman	Whitehouse
Durbin	McCaskill	Wyden
Feinstein	Menendez	

NAYS—48

Alexander	Crapo	Lugar
Barrasso	DeMint	McCain
Bayh	Ensign	McConnell
Bennet	Enzi	Murkowski
Bennett	Feingold	Nelson (NE)
Bond	Graham	Pryor
Brown (MA)	Grassley	Risch
Brownback	Gregg	Roberts
Bunning	Hatch	Sessions
Burr	Hutchison	Shelby
Chambliss	Inhofe	Snowe
Coburn	Isakson	Thune
Cochran	Johanns	Udall (CO)
Collins	Kyl	Vitter
Corker	LeMieux	Voinovich
Cornyn	Lincoln	Wicker

NOT VOTING—2

Nelson (FL) Warner

The motion was agreed to.

The PRESIDING OFFICER. The Senator from Montana.

AMENDMENT NO. 3727

Mr. BAUCUS. Madam President, I might ask my friend from Oklahoma, I think we are—

Mr. COBURN. Go to the vote.

Mr. BAUCUS. Madam President, I yield back my time. I think the Senator from Oklahoma wants to yield back his time so we can go straight to the vote.

I move to table Coburn amendment No. 3727, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Florida (Mr. NELSON) and the Senator from Virginia (Mr. WARNER) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 53, nays 45, as follows:

[Rollcall Vote No. 114 Leg.]

YEAS—53

Akaka	Gillibrand	Mikulski
Baucus	Hagan	Murray
Begich	Harkin	Nelson (NE)
Bingaman	Inouye	Pryor
Boxer	Johnson	Reed
Brown (OH)	Kaufman	Reid
Burr	Kerry	Rockefeller
Byrd	Klobuchar	Sanders
Cantwell	Kohl	Schumer
Cardin	Landrieu	Shaheen
Carper	Lautenberg	Specter
Casey	Leahy	Stabenow
Conrad	Levin	Tester
Dodd	Lieberman	Udall (NM)
Dorgan	Lincoln	Webb
Durbin	McCaskill	Whitehouse
Feinstein	Menendez	Wyden
Franken	Merkley	

NAYS—45

Alexander	Bunning	Crapo
Barrasso	Burr	DeMint
Bayh	Chambliss	Ensign
Bennet	Coburn	Enzi
Bennett	Cochran	Feingold
Bond	Collins	Graham
Brown (MA)	Corker	Grassley
Brownback	Cornyn	Gregg

Hatch	Lugar	Shelby
Hutchison	McCain	Snowe
Inhofe	McConnell	Thune
Isakson	Murkowski	Udall (CO)
Johanns	Risch	Vitter
Kyl	Roberts	Voinovich
LeMieux	Sessions	Wicker

NOT VOTING—2

Nelson (FL) Warner

The motion was agreed to.

Mr. BAUCUS. Madam President, I move to reconsider the vote, and I move to lay that motion on the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The motion to lay on the table was agreed to.

Mr. BAUCUS. Madam President, for the information of all Senators, I am aware of only one more amendment on this bill. The Senator from Arizona has an amendment on the value-added tax. I am hopeful the Senate can consider that amendment at about 1:30 or so this afternoon and perhaps vote on the amendment shortly thereafter.

I yield the floor.

Mrs. BOXER. Madam President, I supported the motions to table the three Coburn amendments to the Continuing Extension Act of 2010.

These amendments would delay important legislation to provide a short term extension of unemployment and health care benefits to Americans who have lost their jobs through no fault of their own. This bill is critical to families that have bills to pay and are struggling to put food on the table.

Yesterday, I voted to table the Coburn amendment that would have rescinded \$40 billion in unobligated funding. This amendment did not say where the cuts would be made. As the chairman of the Appropriations Committee explained, many important homeland security, national defense, and Veterans Administration priorities could have been drastically reduced or eliminated by this amendment. There is no telling how many jobs would have been lost had this amendment been adopted.

The two Coburn amendments considered today both include funding offsets that have already been included in a bill to create jobs and reduce taxes. This legislation, which has already passed the Senate and is pending in the House of Representatives, would also extend unemployment insurance and health care benefits until the end of the year. Adoption of the Coburn amendment today would jeopardize this critical bill.

Extending unemployment insurance and health benefits are an emergency for those who have lost their jobs. We should come together as a body and pass this bill as soon as possible.

Mr. FEINGOLD. Madam President, it is vitally important that we extend COBRA and unemployment benefits for the millions of Americans who continue to find themselves out of work in the midst of the worst economic crisis since the Great Depression. At the

same time, we should work to offset the cost of this additional funding through cuts in other Federal spending instead of passing this debt on to future generations.

That is why I opposed efforts to table three amendments by Senator COBURN that would have offset the additional spending, and was disappointed those amendments were all defeated. In fact, amendment No. 3727 even included two provisions from my Control Spending Now Act, a proposal to cut the deficit by around \$½ trillion over the next 10 years.

While I fully supported the majority of the cuts in this amendment, I did have reservations about a few of the proposals. In particular, I had serious concerns about the idea of consolidating all federal job training programs. While the amendment would not have cut funding to any of these important job training programs, many of these job training programs serve specific populations of Americans, such as dislocated workers or young adults, and are carefully tailored to serve the unique needs of those workers. Nonetheless, the principle of taking steps to balance our Nation's checkbook is one I fully support.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. CHAMBLISS. Madam President, I ask unanimous consent to speak for up to 10 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

FINANCIAL REGULATORY REFORM

Mr. CHAMBLISS. Madam President, last month the Senate Banking Committee reported out a bill to overhaul the financial regulatory system in this country—a bill that was, unfortunately, designed to invite Republican opposition from committee members, as evidenced by the party-line vote on reporting it out. At that time, I felt some sympathy for my Banking Committee colleagues who wanted to play a role but were shut out of the process.

As the ranking member of the Agriculture Committee, we have a history of producing bipartisan legislation. We always respect each other and seek to forge compromise in the name of advancing good public policy. The chairman of the Committee on Agriculture, Senator LINCOLN, is always more interested in getting the policy right than engaging in partisan debates. So I held out hope that the Agriculture Committee could consider our contribution to the financial regulatory reform legislation in a more productive environment than my colleagues on the Banking Committee faced.

The issues involved in financial regulatory reform are complex, very important, and involve both the jurisdiction of the Banking Committee and the Committee on Agriculture. The Agriculture Committee has a responsibility

to ensure that the Commodities Futures Trading Commission continues to effectively carry out its duties, including any new authorities and responsibilities to regulate derivatives that Congress requires.

Before we make a big policy change, we need to ask ourselves whether the solutions that have been proposed by the administration and which are largely reflected in Banking Committee Chairman DODD's bill will even address the underlying problem. Why take a chance in these uncertain times to make legislative and regulatory changes that could possibly make things worse, potentially dry up capital, force the cost of doing business higher, and ultimately even drive these markets overseas?

Let me be clear. I am not proposing a do-nothing approach. In fact, I believe there are a number of ways in which we can more appropriately regulate derivatives, and it is Congress' job to write this legislation. We seek input from the administration and our regulatory agencies, but it is our responsibility to consider their suggestions, take into consideration the opinions of the American public, and put forward that which will become law.

Many businesses that use derivatives and swaps to manage risk in their everyday course of business are concerned that as Congress tries to reduce overall systemic risk in our financial markets—including regulation of over-the-counter derivatives—Congress might actually limit their risk management options. I am not talking about large financial institutions. I am not talking about Wall Street financial institutions. I am talking about businesses that provide goods and services and employment opportunities in each of our States.

These companies are concerned about aspects of the administration's proposal that would require them to clear standardized transactions and execute their transactions on a trading facility. Many of them have told me this would add considerable costs that would be passed along to customers or consumers, or perhaps prevent their businesses from using swaps and derivatives as a risk management tool altogether.

These companies are not antiregulation; they are supportive of increased transparency to the regulator, and they are willing to endure any additional burdens that go along with that. Clearly, the recent past has taught us that the regulator needs more data in order to view and police the entire marketplace, but I am not sure the lesson of the recent market meltdown warrants increased costs to businesses that had little, if anything, to do with creating this financial crisis.

Beyond requiring more transparent market data for the regulators, the Ag-

riculture Committee has been exploring how most effectively to apply greater regulation to swap transactions. If Congress is truly interested in addressing the problem as opposed to politicizing a solution, we can no longer ignore the complexities of these markets. We must devote time to understanding these instruments and their applications. We must seek to understand the legitimate purposes these complex instruments serve for large and small businesses in each of our States. Chairman LINCOLN and I have devoted a great deal of time to understanding the over-the-counter derivatives market, its complexities and its unique and legitimate utility. That is our job as Senators on the committee of jurisdiction.

Unfortunately, our bipartisan negotiations have now been halted due to political influence from the administration. It seems that the administration fears a bipartisan deal on any aspect of financial reform legislation. As the Banking Committee members moved toward a bipartisan deal, the administration launched an attack on such efforts, and as Chairman LINCOLN and I were about to conclude our negotiations and release a bipartisan draft on derivatives reform, the administration stepped in once again to shut down the process.

The American public should be aware of what is going on here. Republicans on the committees of jurisdiction have been more than willing to constructively participate in the development of new regulations aimed at addressing what went wrong with our financial system. But the current administration seems more interested in political gain than in addressing this critical issue. It seems that, instead of seeking meaningful reform both Democrats and Republicans can support, the administration is more interested in trying to divert attention away from health care by changing the subject as we head into the election season.

The administration seems intent on going far beyond finding bipartisan solutions to address what caused the financial meltdown, and instead is pursuing reckless policies that could be dangerous for our markets and ultimately our consumers who depend on these markets.

However, it seems to me that the American public is well aware of the financial meltdown, because they live with it every single day. The last thing they want is for Congress to spend months talking about it some more.

I want to be very clear. A week ago, I was prepared to support a bipartisan compromise on reforming our derivatives market—a compromise that I believe an overwhelming majority of the Senate, Republicans and Democrats, could have supported and one that would have been implemented quickly to provide much-needed regulation, and

then the White House stepped in and basically said a bill with Republican support is not worth advancing. They want an issue, not a solution, and want to drag this issue into the November elections in the hope that voters will be focused on reforming the financial system and forget about how angry they are about the passage of the recent health care legislation.

I will say one more thing about the regulation of derivatives for folks to keep in mind as this process moves forward, which is that Republicans and Democrats generally agree on the major issues relating to derivatives regulation. We all generally agree there needs to be greater transparency, registration, more clearing, and compliance with a whole host of business conduct and efficient market operation regulations. This is important because it is a 180-degree shift away from current law where today over-the-counter swaps are essentially unregulated.

Within this general agreement that swaps need to go from unregulated to fully regulated, we have some significant areas of disagreement about whether everyone needs to clear in all instances, and how best to require swaps to be transacted and reported. These disagreements are significant because they involve real burdens and duties, which will result in real costs to businesses and consumers. As Republicans, we want to make sure our new regulations serve a useful purpose.

As we begin the debate on derivatives regulation and Republicans start to get painted—as we have already seen—as the party of Wall Street and against reform, I want folks to know and understand this is disingenuous. Republicans believe there is a need to regulate the currently unregulated swaps market. We support doing so in a way that is responsible and that meets the risk management needs of Main Street.

I remain very hopeful that at the end of the day, we can strike a bipartisan agreement—not just on the title that refers to swaps and derivatives but also on the titles to the financial regulatory reform that deal with regulation, as well as the consumer protection finance agency.

With that, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER (Mr. BURRIS). Without objection, it is so ordered.

HONORING OUR ARMED FORCES
1ST LT. ROBERT WILSON COLLINS

Mr. CHAMBLISS. Mr. President, I rise today to honor the life and selfless commitment of 1LT Robert Collins to the U.S. Army and to our Nation.

While many other young Americans his age were headed back to school from spring break, LT Collins died April 7, when an improvised explosive device detonated near his vehicle on the streets of Mosul, Iraq. He was 24 years old.

It is time the American people know a bit more about this young man who sacrificed for his country his life, his family and all his potential, giving up all that he had, and all that he was going to be.

LT Collins was both a native Georgian, and was based in Georgia.

He hailed from the small town of Tyrone in Fayette County, where he played football under the Friday night lights at Sandy Creek High School, where he became a standout student that would take him to the halls of West Point, and where he attended Hopewell United Methodist Church with his family on Sunday mornings.

Later, he became a member of the local American Legion Post 105 in Fayetteville, GA.

For me, the death of LT Collins is particularly sobering. Robert was one of my first nominees to the U.S. Military Academy at West Point in the fall of 2003, and was offered an appointment there the following spring. He graduated from West Point in 2008.

He became one of the stalwarts of B Company, 1st Battalion, 64th Armor Regiment, 3rd Infantry Division based at Fort Stewart, GA. He deployed to Iraq in the autumn of 2009.

LT Collins served as his platoon's commander. While in Iraq, his unit was charged with improving security and the quality of life for the people of Iraq. He and his men also provided security for the recent, successful Iraqi elections. They were dedicated to the goal of a peaceful, democratic Iraq, and sought to help its people lead normal, safe lives.

It is said that the measure of a man can be taken by what those who knew him say when he is gone. Robert's friends have described him as a man of great compassion, a leader with an excellent personality and an infectious laugh. They say he was always there for friends and family, for when they needed him. They say they are better people for having known him.

LT Collins found his voice in the honor and patriotism of the Army. With both his mother and his father retired Army officers, he was a man with the military in his blood. They both survive him, as does his girlfriend, Nicole, who was Robert's high school sweetheart.

I extend my deepest sympathies to LT Collins' family and friends, and ask that my colleagues—and all Georgians—keep them in their prayers during this time of sadness.

Robert performed his duty courageously, devotedly, without hesitation, without reservations. He was, after all, a soldier.

The world may be occupied with other things on this beautiful spring day, and the media with other stories.

But one of those should surely be the procession that will bring LT Robert Collins' body home today, winding its

way from Falcon Field in Peachtree City through downtown Tyrone. It should also be about the Americans who knew him, who will line the roads to welcome him home a final time, recalling the words of A.E. Housman:

Today the road all runners come,
Shoulder-high we bring you home,
And set you at your threshold down,
Townsmen of a stiller town.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CARPER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CARPER. Mr. President, I ask unanimous consent to engage in a colloquy with Senator ENSIGN and Senator SCOTT BROWN.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRIP TO AFGHANISTAN AND PAKISTAN

Mr. CARPER. Mr. President, last week was the second of 2 weeks of the Easter recess. A number of us took that opportunity to travel to places around the world where our Nation is involved and has great interests. Senator ENSIGN, Senator SCOTT BROWN, Senator TOM UDALL, and a Congressman from Virginia, the First Congressional District of Virginia, named ROB WITTMAN, and I together visited—it was a 6-day trip—several days in Afghanistan and a couple of days in Pakistan as well, places I suspect the Presiding Officer has been or will be visiting.

I led a similar congressional delegation almost 10 months ago to both countries, Afghanistan and Pakistan. I had gone there right after the President had laid out his strategy for making progress in Afghanistan to restore the rule of law, to make sure the Taliban does not come back into power and provide sanctuary for al-Qaida to launch attacks against us or any other nation.

The President, at the time, my colleagues may recall, said we were going to do a couple of things. He suggested a year ago that we launch a military offensive, almost like a military surge on a modest basis, and we do the same thing with a civilian offensive. What he called for a year ago was to commit an additional 10,000 marines, commit 7,000 Army troops, commit 4,000 U.S. trainers to train the Afghan National Army and Afghan national police, and to also send over about 150 additional Black Hawk helicopters. That would be matched by a civilian surge as well to complement the military increase in resources.

When we were coming out of Afghanistan, we did a press availability with some reporters back home. One of the

reporters asked me the question: What is our exit strategy in Afghanistan?

I replied: I think our exit strategy is to implement well the strategy the President outlined in April of last year. That was the additional marines, additional Army troops, additional trainers, additional Black Hawk helicopters for mobility, and the civilian surge to help us with the Afghans; to diversify the economy, the poppy seed trade where they produce enough opium to meet the demands of the world, to help them raise the kinds of agricultural commodities they used to raise to feed themselves and a lot of the folks in that part of the world.

We want to help them diversify their economy with respect to the mining and minerals industry. We want to make sure they would have the opportunity to exploit the oil and gas reserves, which are about three times what was envisioned a couple of years ago; at the same time, on the civilian side, work with the Afghans in cleaning up corruption which is rampant in most levels of Afghanistan and to help them to start developing a governmental institution to provide services, actually serve the people of that country. That is what was laid out a year ago.

I have been joined by Senator ENSIGN. I will yield to him in a moment.

In my mind, when I returned almost a year ago to America, I thought it was a smart strategy. The key is to implement it well. We met with the Afghans last week, and we had an opportunity to see what we are doing well and not doing well. I think what is key in almost every endeavor I have been part of is leadership.

We spent time with General McChrystal, our top military leader, and Ambassador Eikenberry, who used to be a four-star general and is now Ambassador to Afghanistan. We met with President Karzai and the civilian and military leadership of Afghanistan, as well as the civilian leadership of the United States.

I came home not hopeless, not euphoric, but more hopeful than not that we have the right strategy, that we are beginning to implement it well. We have some 40 other nations involved with us in this endeavor. We are committing the resources to make this strategy potentially successful.

That is my take on it. I yield at this time to the Senator from Nevada, Mr. ENSIGN. I have already asked unanimous consent to engage in a colloquy. I will not ask that again. This is what it is about. It is not a monologue for me. I very much enjoyed the time I spent on the road with my colleagues, especially my colleague from Nevada. I was happy to be his partner and lead the delegation.

Mr. ENSIGN. Mr. President, I thank Senator CARPER. I appreciate him and his staff. Wendy was absolutely terrific

in setting up this trip and all the various briefings and places where we traveled in both Afghanistan and Pakistan. I thought we had a great team put together among the Senator from Delaware, myself, Senator BROWN, Senator UDALL, and the Congressman from the First District of Virginia, Congressman WITTMAN, whom I did not know before the trip but with whom I was very impressed.

My general impression of what is going on in Afghanistan—I was initially very skeptical when I went over there. I thought we got an honest assessment. I thought they talked about the positives, the negatives, and the challenges ahead.

I agree with the Senator from Delaware. I was very impressed with both the civilian and military leadership we have in the country. I was impressed with the plan they put in place. The key to the plan, which is very similar to what we had in Iraq, is we have to clear, basically provide security. Then we have to hold that security, not just go and clear and then leave. We have to clear and then hold it. Then we have to build. We have to give people opportunities, economic opportunities, and some reason to hope. Once we build, then we need to transfer the authority to, in this case, the Afghan people, the Afghan Government.

The first part is a lot of our responsibility, although a lot of the clearing and holding is in combination with the Afghan Army. As a matter of fact, I don't think a lot of Americans realize there have been more Afghan soldiers killed in Afghanistan than American soldiers or coalition soldiers. But the challenge is going to be in the transfer. We saw that the Afghan Army is being built up and trained fairly well.

Two big areas of concern are, one, the Afghan police. It has taken a lot longer to train them than we hoped. We experienced some of the same problems in Iraq. The Afghan police are not even close to being fully trained. There is a lot of corruption in the police. There are a lot of challenges to overcome there, but they are challenges that, given the right plan, given the right amount of time and resources, can be overcome.

Another huge problem in Afghanistan is development of infrastructure. I have heard Afghanistan described as an 18th century or 19th century country. However, one can really describe it as a second century country. There are many parts of it where people are living in mud structures with no electricity, with no running water, with none of the modern conveniences or technologies we think about.

In those areas, and the vast majority of the country, there is no governmental infrastructure. There is no rule of law. There is nothing to build on there. It literally has to be built from the ground up. There is neither a lot of

experience not the necessary resources in Afghanistan to do that. That may be the major problem going forward in that transfer that I think the members of the delegation learned while we were over there. It is also why we questioned, when we came back, if we have the right strategy with the best chance of being successful. None of us know whether our strategy is actually going to be successful in the future. But it is worth attempting. It is in our vital national interest to do it. Then we have to pray it is successful in the future.

I think all of us came away thinking the American part of it, the international coalition part of it, will be successful. What we do not know will be successful is the transfer of authority to the Afghan government, the part at the end.

Is that the same impression the Senator from Delaware had?

Mr. CARPER. Mr. President, if I may respond, the Senator summed it up very nicely. One of the things Senator ENSIGN and I and our colleagues discussed with President Karzai and with the military leadership of that country and the civilian leadership of Afghanistan and with our own folks over there is the nature of the economy of Afghanistan. We heard a lot about corruption and heard a fair amount about their agricultural economy, which is largely dependent on raising poppies which feed the opium trade that provides a lot of money selling heroin around the world and to the Taliban and other insurgent groups.

The question on which Senator ENSIGN and I have gone back and forth with our folks over there and the Afghan leaders is, What is likely to be the most successful approach for us to take to eventually stop the addiction of the Afghan farmers to raising poppies? It was not that long ago that they had the ability to raise plenty of wheat and cotton and all sorts of fruits and nuts.

They make a fair amount of money on poppies. One problem is it is an illicit trade. It is an illicit and bogus way on which to base their economy. It subverts the government and corrupts the whole system over there. This is an important issue going forward. How do we help wean the farmers off an illicit agricultural economy to do something they used to do?

We sort of agree we need a tough love approach. We have to encourage and provide opportunities—seeds, fertilizer, advice, tactical assistance—on how to raise the kinds of products they used to raise.

Someone told us in one of our meetings that the people of India, not that far away from Afghanistan, would consume every pomegranate the folks in Afghanistan would raise. There are plenty of big markets and lots of hungry people to buy those commodities. The question is: Do we go out and

eradicate all the poppies in the fields like, next week, or do we allow the poppies to be harvested but make it clear that is it? Then, next year we will help folks plant a different kind of crop, but we are not going to stand by next year and allow them to harvest poppies.

It is an issue that I think can be resolved, but I think it is a tough love approach. It is important, if we want to get rid of corruption in the government, in the country, we cannot avoid the widespread effect on it from poppies.

Mr. ENSIGN. If the Senator will yield.

Mr. CARPER. Yes.

Mr. ENSIGN. First of all, we were flying over the Kandahar Province in the southern part of Afghanistan in these Black Hawk helicopters, visiting a few of the forward operating bases—one for training, the other one for trying to provide stability for the region. As we were flying over, it was surprising how many agricultural fields there were in that part of the country. It was a very fertile area, and it seemed to me that 80 to 90 percent of the crops I saw from the air were poppies. This is just an estimate, but it was pretty easy to see them because the poppies were in bloom. They were everywhere, including right next to our bases, because we have stopped the eradication program. There has been a change in policy. This change was the one element of policy which I disagreed with over there. I think we do need to reevaluate, as the Senator from Delaware talked about, this tough love approach. I do think that is the way to go because you do have to have the positive incentives in there to grow other crops. But I don't believe you can do that without the negative consequences if farmers do decide to grow the poppies. In other words, if the positives are not strong enough, they may decide they are going to grow poppies anyway.

A couple problems with the poppies is, one, the Taliban wants to grow them because it helps fund the Taliban; and two, poppies are a very drought-resistant crop and Afghanistan has been in a drought for about 8 years. So growing poppies is a stable source of income for the Afghan farmers.

The other thing the Senator from Delaware mentioned is that other countries in the area would love to have their produce. The problem is getting that produce to market. They do not have anywhere to store the produce. They have a guaranteed market there for the poppies with the transportation. The Taliban is not going to attack their transport, if that is what they are growing. So this is very much a difficult situation, but it isn't a situation that is, I believe, without a solution. I believe we can come to a solution on this, and that is why I think we need to reevaluate what we

are doing in Afghanistan by not including eradication as part of the process. Because when we talk about the police—and I see Senator BROWN has joined us, one of our colleagues who was on the trip—there is corruption in the police force. Well, in every country in the world that has a serious drug problem, it leads to corruption in the police, which leads to corruption of any kind of judicial system, officials in the government and on and on and on.

I would be curious to hear from my colleague, our newest Senator, the Senator from Massachusetts, who was a real joy to have with us on the trip.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. BROWN of Massachusetts. First of all, I wish to begin by thanking our leader on the trip, the Senator from Delaware, Mr. CARPER. It was a joy to be on a trip with people who had different experiences, different military experiences, and take that experience and work it together in such a short period of time to form such a powerful team. If this is how every CODEL is going to be, I am excited to be a part of that experience.

This trip enabled me—now that the campaign is over—to learn and make sure that everything we were talking about then was accurate. If that is so, how do we take that and use it in a productive way to give the troops the tools they need to be, No. 1, safe; and No. 2, to finish the job. My analysis is, General McChrystal's effort to do just that—the new combined effort working with the Afghan police and national army, as well as local tribal leaders and our coalition forces in the military—has enabled us, I think, in all sincerity, to have the best chance to do just that; to keep our troops safe and ultimately to finish the job.

What is finishing the job? Finishing the job, to me, and to General McChrystal and others, is to provide that safety, that security net around the citizenry in Afghanistan, to protect them and to allow them to flourish and start to grow and weed out the corruption and not rely so much on the poppy fields and ensure that they can bring their produce to market or keep their government safe and secure so they can start to be more self-sufficient. Working with our coalition partners, President Karzai, and others, I think gives us the best chance of success.

I wish to thank the team members for their patience. It was a long haul, long flights—12- to 15-hour flights. We weren't partying there, I can assure you. We were there, up at the crack of dawn and going to bed late at night, working with the Ambassadors, the Presidents, the Foreign Ministers of every country we visited. It made me feel, first of all, proud to be an American and thankful that I am an American. In recognizing the true challenges other parts of the world face—and I

know the leader of our team will talk briefly about the refugee camp we saw in Pakistan with 150,000 people and kids from 3 years old up to 18 years old in school, with the smiles on their faces, and seeing the hope and the excitement that they were learning for the first time in their lives—it made all of us look at each other and say: Geez, can we come back in August and help out? Because it was so intellectually rewarding, and it made me, and I know other Members, so excited to be there and to see the hope.

What does education do in countries such as Afghanistan and Pakistan? It gives them the tools to make sure they know how to deal with the Taliban and other entities coming in to try to influence their lives. It gives them the knowledge to be able to say no. It is almost like the DARE program, the drug program we have in Massachusetts, where it is the resistance education program where they give you the tools to not succumb to peer pressure and take drugs and make bad choices. When I left that refugee camp, I felt there was hope there.

I will defer to our leader to continue with this conversation.

Mr. CARPER. I see Senator MCCAIN is on the floor, and if I am reading his body language right, it looks like he wants to say something about our visit to Afghanistan and to Pakistan last week. I don't know if he wants to be a part of this colloquy or if he wants us to get out of his way so he can talk about something else, but I yield to the Senator from Arizona.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, I just wanted to congratulate my three colleagues for taking that trip. It is of the utmost importance that my colleagues are able to see the situation on the ground, meet with our leaders, meet with the leaders of Afghanistan and Pakistan, and meet with the men and women who are serving in the military.

One thing I know is, the word spreads. The word spreads throughout the men and women of our military that Senators took time from their schedules, from our recess, to be with the men and women who are serving. There is no better way to express our appreciation, but also it is very much noticed by the men and women serving over there.

I know my colleagues come back better informed. Also, as the situation in Afghanistan continues to evolve, we will be much more qualified and informed as we engage in what is appropriate for the Senate to engage in—discussion and debate over our strategy and our goals in Afghanistan.

So I thank my colleagues for going. I thank them for their service. The Senator from Delaware has proven that even a former Navy person can understand the issues that confront the Army and the Marine Corps.

Mr. CARPER. Mr. President, if I can reclaim my time.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. CARPER. Senator MCCAIN, along with Senator BROWN, spent a lot of time in uniform. I know our Senators felt a special pride in our troops who are serving over there. They are serving with troops from 40 other countries, and not all countries send troops. Countries such as Japan sent money. They are quadrupling their salaries so they can hire some decent people and keep them. But in the Army, Navy, Air Force, and Marine personnel we met with, morale was good. They understood their mission, they understood the importance of their mission, and they were proud to be serving. We are very proud to support them.

Before our time expires entirely, I will yield back to Senators ENSIGN and BROWN for any closing comments they want to make, and then I think Senator MCCAIN wants to talk a little.

Mr. ENSIGN. I have a couple of other observations and comments to make. I expressed this to General McChrystal and Ambassador Eikenberry when we had one of our briefings regarding the various aspects of the international coalition including USAID, the State Department, the military, all the members that make up what are called PRTs, provincial reconstruction teams. In that meeting, I asked the question about how much money we were spending now. It was very clearly a concern, when we were talking about the economy of Afghanistan and whether it would be able to support this large army and large police force we are putting into place. So I asked the question: How much money are we spending now, how much money is going to be needed in the future, and for how long is that money going to be needed?

President Obama has talked about us starting to withdraw troops about the middle of 2011. As we are to start drawing down some troops there around July 2011, it became obvious to me that we are going to have a commitment there for some time, and I think it is important for us to be honest with the American people, first of all, about how much it is going to cost. I think a conservative estimate, for many years to come, is that we are going to be talking about spending at least \$10 billion a year—around \$6 billion to support their army and their police force and another \$4 billion as far as helping build their economy.

The Afghan economy can eventually take over if their natural resources come to be what the U.S. Geological Service says some of their minerals are worth; what they think the oil and gas reserves potentially are. China is coming in to build probably the largest copper mine in the world there, but it is going to take years to develop these resources. So that is one of the things

I came back with. We need to be a little more open with the American people that we are going to be there for a while and it is going to cost us quite a bit of money. We should be able to say to our constituents back home: Here is how much we are going to be spending and here is why it is in our vital national interest.

The other thing we haven't taken a lot of time to talk about is Pakistan. First of all, we have some great leaders over there, as well as Ambassador Patterson and Vice Admiral LeFever. They are the military leaders over there, and their teams are impressive as well.

As Senator BROWN mentioned, we visited a refugee camp, and we also visited a base that we built over there for Pakistanis to train. The Pakistanis who train there are called the frontier scouts and they work in the tribal areas to help fight the Taliban. It is in our interest to be able to do that.

I was very encouraged by what I saw in Pakistan, by the new leaders there giving up some of their power voluntarily, the new President, and seeing Pakistan as much more of an ally to the United States in the future. In general, I thought that part of our trip to Pakistan was very much worthwhile.

I would conclude my remarks with that, and turn it over to the Senator from Massachusetts.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. BROWN of Massachusetts. Mr. President, in conclusion, I concur with all the comments made by the Senators before me. One of the things I found most interesting—and I have a hearing in about an hour on the Afghan police and the contracting associated with our supporting the police force in Afghanistan—is that I was able to ask very direct questions to our Ambassadors and to the military and civilian leaders who helped me better understand where the \$6 billion we have spent to uplift the Afghan police force has gone.

Another reason I went there was self-serving in that it gave me the tools to make sure I can better inquire to find out on behalf of the American people where their money is going, how it is being spent, and whether we can find a way to spend it better.

In addition to that, one of the things that was glaring to me is that even in Pakistan there is an illiteracy problem that needs to be addressed. I think that illiteracy problem, if not addressed, will be fertile ground for the Taliban to come in and try to influence the youth of that country. They have a lot of hope, yet they have some very serious problems.

Once again, I thank our leader. I have great respect for him, someone I didn't know before we went. I encourage others to do that and have that bipartisan feel, as I tried to do often. We saw Senator BAUCUS over there with

his team kind of shadowing us, making sure we were actually working. It was a lot of fun to see them over there as well, even with their travel problems. But I am looking forward to doing it again.

I thank the Presiding Officer for allowing me to speak.

Mr. CARPER. Let me just close it down for our side. I say to Senator BROWN, it was a great opportunity to travel with him and get to know him and to learn. I thank him so much for being a great part of our team. I also thank Wendy Anderson, who helped put that together, and Army MAJ Jen McDonough.

We have been joined on the floor by Congressman ROBERT WITTMAN from the First District of Virginia. I say, with him sitting there, how impressed we were with him and how delighted we were to serve with him.

The road ahead in Afghanistan won't be easy. It is an important road for us to travel. It is not one we have to travel by ourselves. A lot of other nations are involved in this with their time, their treasure, and their people.

We need the best efforts from the leadership of Afghanistan. We know he is under a lot of pressure. We made it very clear to President Karzai that we have no intention of being an occupying force. We have every intention of bringing our folks home within a reasonable period of time. This is not an open-ended commitment. My hope is it will not run up the cash register as much as Senator ENSIGN has suggested, but nevertheless it is an important use of our resources. This is the battle, in my judgment, this is the war we should have been fighting all along.

I thank my colleagues for their patience, and I yield.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

AMENDMENT NO. 3724, AS MODIFIED, TO
AMENDMENT NO. 3721

(Purpose: Expressing the sense of the Senate that the Value Added Tax is a massive tax increase that will cripple families on fixed income and only further push back America's economic recovery and the Senate opposes a Value Added Tax)

Mr. MCCAIN. Mr. President, I ask unanimous consent to call up amendment No. 3724 and that it be modified with the changes at the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the amendment as modified.

The bill clerk read as follows:

The Senator from Arizona [Mr. MCCAIN] proposes an amendment numbered 3724, as modified:

At the appropriate place insert the following:

SEC. ____ . SENSE OF THE SENATE REGARDING A
VALUE ADDED TAX.

It is the sense of the Senate that the Value Added Tax is a massive tax increase that will cripple families on fixed income and only further push back America's economic recovery and the Senate opposes a Value Added Tax.

Mr. McCAIN. Mr. President, as my colleagues well know—today is tax day. Earlier today I came to the floor to speak about the enormous burden Americans bear every year in order to comply with today's deadline for filing their Federal tax returns. We have a complex, antiquated and oversized Tax Code that wreaks havoc on American taxpayers and, according to the National Taxpayers Union, will require them to spend \$103 billion this year in compliance-related expenses. When we have a 2,000-plus page Tax Code which requires over \$100 billion in compliance costs—something is clearly wrong. So what is the answer? Amazingly—instead of offering proposals to reform the system and ease the burden on our citizens—some are suggesting creative ways to impose new taxes on Americans and even further complicate our Tax Code.

According to this morning's Wall Street Journal, the Obama administration and its allies have floated the idea of imposing value added tax—a sales tax imposed on each stage of production, on each firm's value added with the actual cost ultimately hidden from the end user with the final bill being paid by the consumer at the cash register. This type of tax has been widely imposed throughout Europe. This morning, in an editorial titled "Europe's VAT Lessons," the Wall Street Journal stated:

As Americans rush to complete their annual tax returns today, there is still some consolation in knowing that it could be worse: Like Europeans, we could pay both income taxes and a value-added tax, or VAT. And maybe we soon will. Paul Volcker, Nancy Pelosi, John Podesta and other allies of the Obama Administration have already floated the idea of an American VAT, so we thought you might like to know how it has worked in Europe.

VATs were sold in Europe as a way to tax consumption, which in principle does less economic harm than taxing income, savings or investment. This sounds good, but in practice the VAT has rarely replaced the income tax, or even resulted in a lower income-tax rate. The top individual income tax rate remains very high in Europe despite the VAT, with an average on the continent of about 46%.

In the U.S., VAT proponents aren't calling for a repeal of the 16th Amendment that allowed the income tax—and, in fact, they want income tax rates to rise. The White House has promised to let the top individual rate increase in January to 39.6% from 35% as the Bush tax cuts expire, while the dividend rate will go to 39.6% from 15% and the capital gains rate to 20% next year and 23.8% in 2013 under the health bill, from 15% today. Even with these higher rates, or because of them, revenues won't come close to paying for the Obama Administration's new spending—which is why it is also eyeing a VAT.

Thanks to the recession and the stimulus, U.S. federal debt held by the public has now reached about 63% of GDP and is headed higher, but the OECD forecasts that the 30 wealthiest nations will see debt burdens "exceed 100% of gross domestic product in 2011." Debt levels in France, Germany, Spain and Italy are expected to have increased by 30

percentage points of GDP from 2008 to 2011. Greece has a VAT rate of 21%, but its debt as a share of GDP is 113%.

The very efficiency of the VAT means that it throws off huge amounts of revenue that politicians eagerly spend. The VAT thus becomes an engine of even greater public spending. In Europe, average government spending was about 30.2% of GDP when VATs began to spread in the late 1960s. Today, those governments are more than 50% larger, with spending of 47.1% of GDP on average. By contrast, U.S. government spending (federal and state) rose to 35.3% from 28.3% as a share of GDP in the same period.

It is precisely this revenue-generating ability that makes the VAT so appealing to liberal intellectuals and politicians. Even liberals understand that at some point high income tax rates stop yielding much more revenue as the rich change their behavior or exploit loopholes. The middle-class is where the real money is, and the only way to get more of it with the least political pain is through a broad-based consumption tax such as a VAT.

And one more point: In Europe, this heavier spending and tax burden has also meant lower levels of income growth and job creation. From 1982 to 2007, the U.S. created 45 million new jobs, compared to fewer than 10 million in Europe, and U.S. economic growth was more than one-third faster over the last two decades, according to the Bureau of Labor Statistics.

In 2008, the average resident of West Virginia, one of the poorest American states, had an income \$2,000 a year higher than the average resident of the European Union, according to economist Mark Perry of the University of Michigan, Flint. The price of a much higher tax burden to finance a cradle-to-grave entitlement state in Europe has been a lower standard of living. VAT supporters should explain why the same won't be true in America.

One trait of European VATs is that while their rates often start low, they rarely stay that way. Of the 10 major OECD nations with VATs or national sales taxes, only Canada has lowered its rate. Denmark has gone to 25% from 9%, Germany to 19% from 10%, and Italy to 20% from 12%. The nonpartisan Tax Foundation recently calculated that to balance the U.S. federal budget with a VAT would require a rate of at least 18%.

Proponents also argue that a VAT would result in less federal government borrowing. But that, too, has rarely been true in Europe. From the 1980s through 2005, deficits were by and large higher in Europe than in the U.S. By 2005, debt averaged 50% of GDP in Europe, according to OECD data, compared to under 40% in the U.S.

While there is no official proposal to impose the VAT—I think it is necessary for my colleagues to be on record on this onerous new tax. Therefore, I am offering this very simple sense of the Senate amendment which calls the VAT exactly what it is—a massive tax increase that will cripple families on fixed incomes and only further push back America's economic recovery.

Daniel Mitchell, a senior fellow at the Cato Institute recently wrote:

The VAT—on top of all the other taxes Washington imposes—is a terrible idea. Imposing it would pretty well finish the transformation of our country into a European-style slow-growth nation. The right way to

close Uncle Sam's gaping deficits is to reverse the continued explosion of federal spending.

The real-world evidence shows that VATs are strongly linked with both higher overall tax burdens and more government spending. In 1965, before the VAT swept across Europe, the average tax burden for advanced European economies (the EU-15) was 27.7 percent of economic output, versus 24.7 percent of GDP in the United States.

Taxes on income and profits consumed 8.8 percent of GDP in Europe in 1965—below the US level of 11.9 percent. By 2006, the European burden had climbed to 13.8 percent of GDP, slightly higher than the 13.5 percent US figure. (The same trend holds for corporate-tax data.)

Today's income-tax system is a nightmarish combination of class warfare and corrupt loopholes. But adding a VAT solves none of those problems, it merely gives politicians more money to spend and a chance to auction off a new set of tax breaks to interest groups. That's good for Washington, but bad for America.

J.D. Foster, a senior economics fellow with the Heritage Foundation, wrote:

It comes as no surprise that attention is now turning toward the VAT as the liberal solution for unsustainable deficits that threaten the stability and very future of our economy. Having hiked spending dramatically and then doubling down with his Obamacare, the nation now faces unprecedented near-term debts as the clock ticks toward the long-recognized entitlements time bomb. If there's one thing conservatives and liberals agree on completely, it's that deficits of this magnitude cannot persist. Credit markets won't allow it. Some fundamental course correction is certain. The massive amount of revenue a VAT could raise is the only acceptable solution left for most liberals since they steadfastly refuse to reverse course on their recently enacted spending binge.

Why is the VAT the darling of the left? Because it can raise vast new revenues without the taxpayers being really sure who took their money. Consumers would pay the tax when they purchase goods and services. Buy a car, pay the tax. Buy groceries, pay the tax. Buy chemotherapy drugs, pay the tax. In this way, taxpayers would only be aware of a bit of their tax bite with each purchase. And unless the tax is printed on the receipt and they look for it, consumers would have no idea how much tax they paid on a particular transaction.

Today's deficits, and tomorrow's, result from too much spending, not too little revenue. Reverse the massive Obama spending surge (and the Bush surge before that) and the deficits would quickly fall to sustainable levels. Instead, Paul Volcker has done the nation a great service in telling us what Obama and his congressional allies are planning. If that is not the case, if the President and the democratic leadership in Congress really are not planning a VAT attack, let them declare their opposition to a VAT plainly. Every current and would-be member of Congress should say where they stand on the VAT. And unless they favor a huge government, much higher taxes, and less transparency from government, they will stand against it.

I agree with Mr. Foster—every current Member of Congress should say where they stand on the VAT. With this amendment I am giving Members of the Senate that opportunity.

Several of my colleagues have explained that they would support a VAT if it was replacing the Federal income tax or the current corporate tax structure. I say to those colleagues that I have not seen a shred of evidence from the administration or anyone in Congress that the VAT would be used as a replacement tax. I am supremely confident that—if and when it is offered—the VAT will be an additional tax on the American people. And that is the last thing the American people need right now. The solution to America's worsening government fiscal outlook is not to increase taxes—it is to cut spending. Congress could get America's economy back on track by focusing on tax relief and simplification, liability reform, regulatory reform, health care security, and energy independence—not on imposing a new, massive tax increase that will cripple middle- and low-income families and delay America's economic recovery.

The solution to America's worsening government fiscal outlook is not to increase taxes, it is to cut spending. Congress could get America's economy back on track by focusing on tax relief and simplification, liability reform, regulatory reform, health care security and energy independence, not on imposing a new massive tax increase that will cripple middle- and low-income families and delay America's economic recovery.

I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays are ordered.

Mr. McCAIN. I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut is recognized.

Mr. DODD. Mr. President, what is the business before the Senate?

The PRESIDING OFFICER. The McCain amendment is the pending amendment.

Mr. DODD. I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

FINANCIAL REFORM

Mr. DODD. Mr. President, I come to the floor now, and I came to the floor yesterday, in response to the campaign by those both outside and, apparently, inside this Chamber who are literally trying to kill the Wall Street reform legislation, and to tie that reform to that bill to bailouts.

I pointed out in those discussions yesterday that these arguments are straight out of Wall Street's playbook, written by political strategist Frank Luntz. As we all know, I submitted his political strategy that he offered months or weeks before even consideration of the bill, outlining politically how to defeat this legislation. So even before there was a bill, Mr. Luntz had

a strategy on how to kill it. You merely have to look at the date of his memo to know what I am talking about.

Yesterday we heard a strategy, basically written by him, to avoid any accountability for the mess they have made of our economy. And if it seems strange to you, Mr. President, and others, that the minority leader is choosing to attack our bill for being too kind to Wall Street by reciting talking points written on behalf of Wall Street, well, you are not alone, obviously, if that seems strange.

Even stranger, of course, was the leader's insistence that this legislation is too partisan. Perhaps he has not spoken to my colleague and friend from Alabama, the former chairman of the Banking Committee, Senator SHELBY, with whom I have spent months working on building consensus, who said himself months ago that we had achieved a consensus on as much as 70 percent of the bill that will be presented to this body in a matter of days.

Perhaps the minority leader had not spoken to any of the Republicans on the Banking Committee, who joined with Democrats in bipartisan working groups that I asked to be formed back months ago, each of which of those groups achieved real and meaningful progress that is reflected in the bill that will be on the floor in a matter of days; not just amendments that will be offered, it is in the text of the bill of those working groups, Democrats and Republicans on the Banking Committee.

Perhaps the Republican leader had forgotten that as far back as February of 2009, I insisted that meetings with the Treasury Department, as they were still crafting their plan for reforming Wall Street, include Republican staff so Republican ideas would be in the proposal from the very beginning.

Well, this morning the McClatchy newspapers looked into the minority leader's accusations made in this Chamber yesterday morning, and frankly found them lacking. Please indulge me for a moment. I am reading from this morning's newspaper. Let me quote, if I can:

McConnell accused Dodd of drafting partisan legislation, even though the banking committee Chairman has worked roughly half a year with key Senate Republicans and incorporated many of their ideas into his bill. McConnell also said the bill contains controversial bailouts, but it doesn't.

And this from today's Associated Press report:

McConnell on Tuesday said his views on the financial regulation package had been most influenced by the comments of community bankers in Kentucky, his home state. Yet such bankers are represented by the industry groups that most favor setting up an advanced prefinanced liquidation fund for large institutions—the Independent Community Bankers Association.

The very community banks that insisted upon the \$50 billion that the

banks have to put up if they are going to be unwound, rather than taxpayers. So the very banks that my friend from Kentucky claims are advising him on his views have a different view than he does about the bill that is before us.

The newspaper article goes on. It says:

... McConnell has also complained that the Democratic bill is partisan and the White House intervened to stop Democratic-Republican negotiations ... But Sen. Christopher Dodd, Connecticut, chairman of the Senate Banking Committee, negotiated for months with leading Republicans and found much common ground, only to see the vote in his committee unfold along party lines.

Well, there you have it. Black and white. The attacks on the Wall Street reform bill are false. This legislation incorporates Republican ideas, Democratic ideas, and it definitely includes one idea that we all agree on: ending taxpayer bailouts. Just ask Sheila Bair, who is the Chairperson of the Federal Deposit Insurance Corporation, the organization that comes in and puts an end to failing banks. Ms. Bair is also a Republican, former legal adviser to Senator Bob Dole, former majority leader, minority leader of the Senate, an appointee of the previous administration, the Bush administration.

Sheila Bair told the American Banker, in an article published this morning:

The status quo is bailouts. That is what we have now. If you do not do anything you are going to keep having bailouts.

And nothing is what we will have if Members vote against allowing this bill even to come up for debate on the floor of the Senate. Sheila Baer goes on to say about this bill:

It makes bailouts—

This bill that we will have before this body—

It makes bailouts impossible. And it should. We worked really hard to squeeze bailout language out of this bill. The construct is that you cannot bail out an individual institution. You just cannot do it.

Mrs. BOXER. Will the Senator yield for a question?

Mr. DODD. I will be happy to yield to the Senator.

Mrs. BOXER. First, I want to say thank you so much for taking to the floor to explain to the American people the very strange debate we hear coming from the Republican leader on this. I was stunned, because I had heard that he had met with the Wall Street people and the banks, and then he said over and over again the same phrase yesterday, which was repeated endlessly, that the bill you and the President and the Democrats are working on—trying to get bipartisan support for, for which I commend you—he said that bill would mean one thing and one thing only—taxpayer bailouts—when we all know the entire purpose is to put an end to one dollar of loss of taxpayer bailouts.

So I have a question to ask. Is it not my friend's goal to get into a situation where the banks, the super big banks, the investment houses, pay into a fund themselves with their own money, so that if there are any problems and they need to be wound down, it does not cost a dollar of taxpayer money, that the fund will be paid for by these businesses themselves? Am I correct on that?

Mr. DODD. Let me thank my dear friend and colleague from California. She says it so much more directly and clearly than my efforts here to explain this. She is absolutely correct. This is the irony of ironies.

In fact, let me go further. The \$50 billion provision in this bill was proposed by the Republicans. I did not come up with this idea. This was the idea that was brought up by the community bankers and Republicans who said that if there is an unwinding of a failed institution, the American taxpayer should not have to pay a nickel for that; it should be paid for by the institutions that put themselves in that position.

That is what we did. In fact, in the other body, they have a stronger provision with even more dollars involved. The irony of ironies, that a Republican provision in this bill, designed to insulate the American taxpayers from having to pay a nickel to unwind a failed institution, they are now calling somehow evidence that this is a bailout.

The only reason that money can be used is to bail out, rather to unwind that institution, if it gets in that situation.

Mrs. BOXER. Further, my understanding is, if an institution gets in trouble, they are going to go down. They are not going to be revived.

Mr. DODD. Absolutely.

Mrs. BOXER. I would say to my friend, because he is an expert on this—and years ago I was on the Banking Committee, and am no longer there—I want to make sure I understand if I am right on this: I think the American people have appreciated the FDIC over the years, because the FDIC was another way for taxpayers to be kept out of a problem, because it is an insurance fund. The banks are taxed and they put the money into the fund. And if there is, in fact, a bankruptcy, you are covered. Right now I think it is up to \$250,000. Am I correct?

Mr. DODD. Correct.

Mrs. BOXER. So this whole notion has worked very well. But in closing, because I do not want to interrupt the speech of my friend, because I think it is important, it seems to me suddenly there has been a huge injection of politics into a bill that should have had, as you point out, I say to my friend from Connecticut, bipartisan support.

If, in fact, the Republicans came up with the idea to have a fee on these institutions, to protect the taxpayers so

that we have no bailouts, and now, after meeting with the banks, it feels to me these big institutions have turned on their own idea. But they are using the language that is the opposite of what they now want to do. Because, as I understand it—tell me if I am right—if we keep the status quo and do nothing, which is again their idea right now, we are in trouble, because we saw what happens when these big institutions get in trouble. Main Street starts to hurt. Lending starts to freeze. We have seen millions of job losses due to that horrible time we went through.

I want to commend my friend and urge him, if he has to come here every day—and I will be glad to come over here as well—to explain to the American people the truth. I am so tired of politics obscuring the truth. We need to put an end to it. We are not perfect. The other party is not perfect. No one is perfect. We do not have the ideas that are going to save and cure every problem. But we know one thing from this crisis. We had to turn to taxpayers. What a nightmare. Thank goodness, by the way, those funds are being repaid. We are still out some funds, but the vast majority of those funds are repaid. But we are not going to go through that again. I would never vote, and I say that right here, to bail out these big institutions that were gambling. They gambled on the future of America. I will not do it. Therefore, let's put something into place where they pay into a fund so if there is a problem in the future and they are going bust, we will wind them down and we will wind them out on their dollar.

I hope you will keep saying that, because I do not mind getting in a debate with the other side. As a matter of fact, I think there are great differences between the two parties, which makes our country great because we all appeal to different people in the country. It is good for the stability of the Nation. But let's not come here with false debate. Let's not come here with made-up arguments, because that only hurts the debate.

I wanted to praise my friend. I wanted to spend a couple of minutes thanking him for doing this.

Mr. DODD. I thank my colleague. I note, you only have to ask yourself—look, you do not have to have a Ph.D. in banking. Ask yourself this question: The idea of requiring these institutions to put up money in advance, so that if they fail they end up paying for the cost of unwinding—

Mrs. BOXER. Bingo.

Mr. DODD. Who would object to that? Who is objecting to this? I mentioned earlier, it was not my idea. This was brought to me by the Republicans. Sounds to me like the people who have to put up that money are probably the ones objecting to it. These are the large institutions that do not want to

be assessed any cost associated with their mismanagement of an operation. Mrs. BOXER. You got it.

Mr. DODD. So it is pretty much as plain as the nose on your face. I am even surprised we have to make the case. So I thank my colleague from California. I will try to complete these remarks. I know others have other matters they want to be heard.

I thank Sheila Bair from the Federal Deposit Insurance Corporation. Many of us know her, having worked with the Republican leadership for years as legal counsel, of course; being an appointee of the Bush administration. She talked about our bill today, saying this bill has been written specifically to end any notion of any kind of a bailout by the American taxpayer.

It makes [bailouts] impossible, and it should. We worked really hard to squeeze bailout language out of this bill.

And she is right, working together.

The construct is you can't bail out an individual institution—you just can't do it.

Our bill stops bailouts by imposing tough new requirements on Wall Street firms. Being too big and too interconnected will cost these firms dearly. And, should that not be enough, under our legislation regulators can use new powers to break up those firms before they can take down the economy. It stops bailouts by forcing firms to write their own funeral plans and to pay for their own liquidation in advance so taxpayers do not have to pay a dime. They shouldn't. If that is not enough, our bill stops bailouts by literally eliminating any possibility for the government to bail out these firms. These Wall Street firms believe that no matter how much we hate bailouts, if they are important enough, at the end of the day taxpayers will come riding in on a white horse to save them, just as they did under the Bush administration.

This bill kills the white horse. There is no white horse under this bill. When we pass it, as I hope we will, large institutions, big banks will know if they fail, they fail. Their management gets fired under our bill. Their assets will be liquidated under our bill. Their creditors lose money under our bill, and taxpayers don't pay for any of it under our bill. The bill stops bailouts.

To insist otherwise indicates that either the minority leader doesn't know what is in the bill or he chose to distort what is in the bill. Yet I read this morning in the Wall Street Journal that the Republican leadership is "struggling to maintain a unified opposition," even going so far as to circulate a letter pledging that each Republican Senator will vote to filibuster this bill and keep it from even being discussed. I hope that is not the case.

I can't tell my colleagues, in my 30 years here, what a denial that is of everything I have stood for and worked for in countless pieces of legislation for three decades, to have Members of this

body, who have spent hours with me crafting the bill I will offer, including their ideas, to then vote against even allowing this bill to be debated. I just know that cannot happen. I don't want to believe that 41 of my colleagues, many of whom have worked with me on this bill, are going to sign on to a commitment that they will not allow this bill even to be debated unless I agree to their provisions. I have never seen anything like that in my 30 years.

I have worked tirelessly for months to put together a bill that reflects various ideas. I know it doesn't satisfy everyone. I have been criticized by the left and the right on this bill. I understand that. But I have tried to put together a bill that reflected what I thought was commonsense, sound, good legislation. I pray the news I am hearing about 41 Senators—before most of these people have even read what is in the bill—signing on to a political commitment without understanding what is at stake is not true. By losing this bill and having the status quo remain, bailouts then are in place. Taxpayers are exposed. The 8 million jobs that have been lost, the 7 million homes, others who have suffered as a result of this economic crisis get little or no relief. That is a stunning conclusion of the efforts that have gone on. It isn't about us. It is about the people out there who deserve far better than they are getting.

Still, even after it has become apparent that the Republican strategy is to delay and obstruct, even after it has become clear that the minority has very little to offer in this debate except for some false talking points read verbatim from the big banks' script, the minority leader took the floor again this morning and said:

Republicans believe the solution is for bipartisan talks to continue.

They will. As frustrated as I am, my door has never been shut. The door is still open to sit and resolve and work together to get to this bill. But I will not sit around days on end in the rope-a-dope game of never knowing who I am talking with, whether they have any ability to bring people to the table, "just agree with my idea and I am still against the bill." I have to ask myself, why did I go through this process over the last 4 or 5 months, agreeing to much of what they were offering, and there is not a single political vote to show for it; in fact, a vote against even debating the bill in the end? Why would one ever go through what I did to end up at this particular point?

Apparently, someone finally informed the minority leader that those talks had been going on for over a year. So they will continue. But then again, he once again made the false statement that the bill would "allow taxpayer dollars to bail out Wall Street banks."

There they go again, the same old talking point, the mantra repeated. If

one says it often enough, I guess it becomes true in some people's minds.

I say to my friend, the minority leader, if he wants to continue the debate, he could start by ceasing efforts to filibuster this bill before it gets to the floor; before, I would suggest, no more than probably two or three people have even seen it or have any idea how many titles are in it, what it includes, and what we try to achieve. If you want to debate, if you have ideas, then bring them to the floor. That is why this body exists.

If the debate is going to consist of Democrats offering ideas to tackle these very complex—and it is a complex set of issues—and critical challenges on behalf of American families and businesses and Republicans reading false talking points from Wall Street's playbook, then count me out. I will not engage in that kind of a debate or negotiation. I have no interest in that whatsoever.

We have a job to do. If my friends on the other side of the aisle don't feel like doing the work, maybe they should think about the millions of unemployed Americans who didn't go to work this morning because they lost a job in this economy, created by the mismanagement, the failure to step up and take steps to correct these problems over the last number of years. Those Americans would love nothing more than to put in an honest day's work for a good day's pay. But they can't because the same banks sponsoring this parade of bamboozlement on one side of the aisle cost our country 8.4 million jobs, 7 million homes, lost health care, and destroyed futures and retirement accounts. That is all gone.

What about them in this debate? Are their issues, their views, their concerns going to be discussed? No, just shut it down. Don't even debate the issue because "you can't agree with my idea."

That is not why this institution exists. It is not about the process. It is not about committee assignments. It is not about your idea or mine. It is about people beyond the walls of this Chamber who are counting on us to get a job done for them. Our failure to step up and even debate these issues and consider each other's ideas is a tragedy.

I know my friends on the other side of the aisle are faced with a difficult choice between supporting their party leadership and participating in this complicated, difficult debate. I am not naive. I know that is a hard place to be. But if we can't act like U.S. Senators for the sake of this issue, for the sake of legislation whose success or failure has such an enormous impact on the very survival of the middle class and the economy as we know it, then why are we even here? Why are we even engaged in this, if that is what the choice is?

It is easy to understand why the big banks don't like this bill. It is far hard-

er for me to understand why any of us would be sympathetic to those arguments. We don't work for the big banks. We work for the American people who sent us here from our respective States. We work for families who have paid a steep price for Wall Street's risky behavior. We work for the American public that lost those jobs, those more than 8 million jobs, and still faces near double-digit unemployment. We work for an American public that lost nearly 7 million homes to foreclosure, for millions of people who have seen their small businesses fail or their retirement accounts evaporate in a matter of hours. We work for an American public that is sick and tired of feeling like no one is looking out for their interests, like the political hacks and lobbyists hold all the cards in these discussions.

The minority seems intent on proving them right—I hope that is wrong, but I am worried they may be right—on proving that there is no issue more important than saying no, stopping all discussion, currying favor with special interests, and trying to gain petty political advantage, strangling this bill with a filibuster or suffocating it with false claims that stick our Nation and its taxpayers with bailouts forever; that will continue this era of greed and recklessness on Wall Street; that will leave us vulnerable once again to another economic crisis.

I have been here a long time. I know this institution is better than that. I know there are friends of mine on the other side who care about this bill, who want to be a part of the debate, who want to be part of the solution and have ideas to bring to the table and recognize no one group, no one Senator is going to write this bill exclusively. But I can't get there if the attitude is: We won't even let you debate or discuss it. That attitude is not what the American people expect of the Members of this body.

On their behalf, who desperately need us to act, I hope we are better than that; that in the coming days before this bill reaches the floor, we can find that common ground. If not, we need to go forward. But we need to have that debate on the floor of the Senate.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant editor of the Daily Digest proceeded to call the roll.

Mr. CORKER. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CORKER. I came to the floor of the Senate because my friend from Connecticut, who is my friend, made numerous comments about the process. I hope that possibly he would be willing to enter into a colloquy.

I will give a preamble, if I may. There is a lot of rhetoric that has gone on around this financial reform bill. I appreciate so much the chairman of the committee engaging me for 30 days to try to reach a bipartisan agreement. We voted a 1,336-page bill out of committee in 21 minutes with no amendments. We did so with the understanding—at least it was my understanding—that the best way to reach a bipartisan deal was to vote a bill out of committee—we knew it was going to be a party-line vote—to not stiffen opposition by having a bunch of amendments debated and maybe get people pulled further apart. Then what we would do is try to seek a template for a bipartisan bill before it came to the floor.

Mr. DODD. Will my colleague yield?

Mr. CORKER. I will.

Mr. DODD. That was the intention. But there were 401 amendments filed by 2 p.m. on Friday, before the announced markup of the bill. Over the weekend, staff came to work on amendments.

I say respectfully, no one from the minority side came in on the weekend. But over the weekend, it was suggested to me by the minority—

Mr. CORKER. Not by this Senator.

Mr. DODD. No, but that they wouldn't offer any amendments. It turned out to be a 21-minute markup. I was prepared to stay there all week, as my colleagues know, and announced in advance that would be the case.

So for the purposes of understanding here, again, that was their decision. I hope we could get to some agreement farther down the road. We agreed to a lot. The bill that was on the table that day for the markup was substantially different than the bill I offered as a discussion draft in November.

Mr. CORKER. No question.

Mr. DODD. So it reflected a lot of ideas and thoughts that have been incorporated between that date and the actual markup date. I say that.

Mr. CORKER. I have repeatedly publicly thanked the good Senator from Connecticut for going through that process, and there is no question it is a much better bill. As a matter of fact, I think it is a very amendable bill.

Here is what I would say. I think things are being said that—there is no question some of the attacks on the order to liquidation have been over the top. On the other hand, there is no question that Treasury and the FDIC created some loopholes. That is what executive branches do because they want the flexibility to do whatever they wish to do. I would do the same thing if I were them. But there are some things that need to be tightened up, and I think we could do that in 5 minutes, I really do.

I talked with the Treasury Secretary yesterday. It is obviously more of a committee-committee level deal now, and I understand that. But I think we

could resolve that. But I think the thing, if I could—I know there have been discussions about this letter. The fact is, I think what we are trying to do is say let's get this template done over the next couple weeks. Let's do not slow it down.

I know you talked about entering a bill on April 26. I know there have been talks about maybe sliding a week because there are some other cats and dogs that need to be dealt with. But we can do this. I think if everybody would calm down, and if everybody would quit exaggerating how bad things are—there has been a lot of cooperation.

I just met with the ranking member. I left his office. I think there is a strong desire to reach a bipartisan agreement. I hope that—I am not blaming anybody, but I think the White House is stirring around on this. You have all kinds of forces going on. I think the good Senator from Connecticut wants a bipartisan bill that will stand the test of time. I know I want one. I know the ranking member wants one. I think most every Republican wants one. I think if we could quit shooting things over the transom and get settled down, I think, without even slowing down the introduction of this bill—not slowing it down 1 day; if we get serious as adults for the next 10 days or so, a week—I think we could finish. And I believe that.

I would ask—I would ask all my colleagues—and I ask this respectfully of my colleague from Connecticut—look, things did not get where they needed to be, and I understand what happened, but I still relish the fact that we came close. I think we can get back there. I do. I do not think anybody is trying to subterfuge this. I do not. I met with all my colleagues yesterday on the Republican side. We may have a few folks who do not want a bill, but just because they do not like laws. I am making that up slightly over the top myself. But I think most people want a good bill. And I say to the chairman, I think what you did in December demonstrated that you want a good bipartisan bill.

I do not think it is right—I will get into a little bit here—I do not think trying to call one Republican Senator to pick him off, two Republican Senators to pick them off—I do not think that is a bipartisan bill. Let's get back to the table to finish it.

Mr. DODD. My colleague wanted a colloquy here, and I am glad to be an audience for him. But if he wants a colloquy I will stay around.

Mr. CORKER. I am glad to listen, as I have often.

Mr. DODD. Let me say, again, I came here—if I have been strong it is because I am responding to the minority leader. The minority leader has come every morning now saying this bill perpetuates bailouts. I am not going to sit here idly and allow those accusations

to be spread across the country when you and I both know that is not true—when I am told this is a partisan bill.

I have spent too much time here over too many years doing exactly what I have done in the 38 months I have been chairman of this committee; that is, to develop wherever I can bipartisan solutions to this bill. It has motivated me in everything I have done.

So to all of a sudden, out of the blue, knowing all the efforts I have made, along with others, to try and find that common ground—as my colleague from Tennessee well knows here—and then to be faced with a minority leader who should know better than coming to the floor making these silly accusations, false accusations about a process that has been anything but partisan, about conclusions in a bill that are anything but accurate in terms, in fact, of what is included in the legislation.

I am willing to listen to ideas on how we can make this tighter, if, in fact, that is the case, to stop the bailouts that are occurring in the country, all of that. But then having a letter being circulated, where 41 people, most of whom have no idea what is in this bill but just taking a political position because they are being asked to do so, without at least having some appreciation for those of us, including yourself, who have worked so hard on this to produce as good a bill as we can—understanding there are still ideas that many of our colleagues want to bring to this debate, and they should have a right to do that—that having a full-throated debate on the floor of the Senate—I am disturbed.

What does that say to future chairs? Why would you even bother doing what I went through if, in fact, at the end of it all the answer is: No, I am sorry, we did not get our way, so we are going to stop the debate? I find that terribly distressing. As a Member of this body, leaving it in a few months—I will not be here any longer next year for the debates—I have to say to the younger Members, the newer Members coming along: Be careful. If this is the template on how we operate, then all of the things I tried to do over the last year on this bill—from the hearings, involving everyone, going through the discussions, recognizing you did not solve every issue—then you have to ask yourself the question: Why would you do that if at the end of the process you get a letter circulated stopping a motion to proceed on a bill of this import after all the effort?

If this had been a purely partisan—you know, you are not allowed in the room. We are just going to keep you outside. We just want to write it—then I get that. You would be right, in my view. I would sign the letter, in fact, if that were the case. This is not that case, in my view. I say that respectfully to my colleague.

Mr. CORKER. I will respond respectfully that I think the course of action

that is trying to get underway is to finish the bipartisan—let's face it. You and I went a long way. Then we stopped. On March 10 it ended. I understood that, look, you were losing Democrats on your committee.

Mr. DODD. And I was not gaining Republicans.

Mr. CORKER. You had one, and that is all you asked for when you started. I do not want to reiterate that. I never said I could speak for anybody but myself. And I did not leave the table. I never left the table. So the fact is, the bill took a partisan turn on March 10. There is no denying that. You would not deny that and look at me with a straight face.

There are some bipartisan solutions in this bill, I grant that, and I thank you for those inclusions. But there is still work to be done. And I would say to you that what Republicans are trying to do is say, let's finish that work before it gets to the floor. You have said this, and I do not think I am betraying confidences. I would never do that intentionally. This is a complicated piece of legislation.

What we need to do is get the template—at least bipartisan in the beginning. And then you are right, there are issues such as the Volcker rule and there are governance issues that are going to be amended back and forth. But let's at least get the main parts of the bill right in the beginning—close to right—not the way you would want it on your own, not the way I would want it on my own. That has not happened on a number of the titles, in fairness.

I would urge everyone—there has been a lot of work done. You have done a tremendous amount of work in this committee. Let's finish that work over the next 10 days. Let's quit yelling at each other, and let's finish the work the American people sent us to do. I am not lecturing. I say all this respectfully. Let's finish what we started.

Mr. DODD. I hope it can be the case. I thank my colleague.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant editor of the Daily Digest proceeded to call the roll.

Mr. KYL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KYL. Mr. President, there is a view that sometime next week—upon the disposition of the bill that is currently before us and perhaps some other matters—we might take up the issue of so-called financial regulatory reform. I wish to speak for a moment to one of the key issues I know is of concern to some of my colleagues, and certainly to me.

The American people have a pretty firm view on this whole thing after

what they have seen with regard to TARP and the other bailouts. They are obviously not crazy about what has happened.

I think most Americans think there should be two basic goals: First, to prevent the kind of crisis that occurred from ever happening again; and, secondly, to make sure that taxpayers are not on the hook, especially if we are talking about the possibility of continued bailouts where Federal money would be involved in unwinding big Wall Street firms that get into trouble.

Unfortunately, this bill that came out of the Banking Committee, and could be brought to the floor next week—unless it is changed significantly—not only does not achieve the first goal, but it also carries forward that policy of “too big to fail” and taxpayer bailouts. That is why in its current form you have a lot of people on my side of the aisle saying it has to be changed. Let's get together, talk in a bipartisan way, and make sure we can both achieve the goal and, secondly, not carry forward current bad policies.

This bill, at least in my view—and I will explain why—would set the conditions for firms to become overleveraged; that is to say, taking on too much debt relative to their value, and it would entrench in law forever this concept of taxpayer obligation to bail out these firms.

Well, how would it do this? Primarily, it creates a \$50 billion so-called orderly liquidation fund established through assessments on the largest banks. So at least the first part of the fund would be paid by banks themselves. But even that, obviously, would not be big enough to cover the bailout, for example, of one of our larger banks, let alone some of the other kinds of institutions. But by creating this fund, we are, in effect, designating those entities as “too big to fail,” meaning the government will have to then pick up obligations beyond what is covered by the \$50 billion.

So after the exhaustion of that fund, and some other steps, taxpayers have provided not just an implicit but an explicit guarantee. I have read the language in the bill, and it provides the FDIC shall be liable, in effect, for amounts that are necessary beyond that. The specific language is the FDIC “will guarantee the obligations of banks” in times of severe economic distress. That is the status quo. That is what people object to. Why should we be on the hook for those big banks when they fail?

There are some additional problems. This kind of guarantee increases the likelihood that those firms will take risky behavior and then become overleveraged, just as what happened with the real estate entities, so-called Fannie Mae and Freddie Mac. Because there was an implicit guarantee the government would bail them out if

they got into trouble, they took risks that were beyond what they should have taken, and the end result was, because they failed, we were on the hook, and for a lot more than would have been the case had they not taken those risks.

In addition to that, because there is an implicit guarantee, they are actually shielded from market forces and are given a competitive advantage over their competition. Private investors, as we saw in the cases of Fannie Mae and Freddie Mac, are more likely to lend to these firms and to charge them a lower interest rate because they are pretty well guaranteed that if anything bad happens, they will get their money back. Meanwhile, other banks, such as Arizona community banks, don't have that kind of implicit guarantee. In fact, a lot of those banks are on the brink, frankly, of collapsing today. They are charged more money in order to borrow money than these very large, too-big-to-fail institutions. So this creates an anticompetitive barrier that will, in effect, make cartels out of the large institutions that would receive this guarantee.

The consequences would be severe. Peter Wallison is a fellow at the American Enterprise Institute and is very knowledgeable about these matters. He wrote this last year:

Financial institutions that are not large enough to be designated significant will gradually lose out in the marketplace to the larger companies that are perceived to have government backing just as Fannie and Freddie were able to drive banks and others from the secondary market for prime middle-class mortgages. A small group of government-backed financial institutions will thus come to dominate all sectors of finance in the U.S.

Well, that is the formal way of saying what I said before, and that is one of the reasons we don't want to have this kind of implicit guarantee or, in the case of the legislation, explicit guarantee by the taxpayers. You will see the same kinds of distortions as were created by Fannie Mae and Freddie Mac in the housing market prior to the collapse of the financial sector last year.

Back in 2003, I was chairman of the Senate Republican policy committee, and we began researching and writing about this. We wrote two specific papers sounding the alarm about Fannie Mae and Freddie Mac. I was concerned back then that this explicit guarantee or backing of these institutions permitted them to operate without adequate capital and to assume more risk than their competitors and borrow at below market rates of interest, and that is exactly what happened. Smaller companies got crushed. Fannie and Freddie engaged in increasingly risky lending with the backing of the Federal Government. On a massive scale, they made mortgages available to people who could not afford them, like buying

those risky mortgages, and that easy credit fueled very rapidly rising home prices. As prices rose, obviously, the demand for even larger mortgages rose, and Fannie and Freddie looked for ways to make even more mortgage credit available, notwithstanding a questionable ability to repay. It was a giant accident waiting to happen.

By 2008, these two GSEs—government-sponsored enterprises—held nearly \$5 trillion in mortgages and mortgage-backed securities. They were overleveraged. They were too big to fail. The resulting collapse devastated our economy, and it left taxpayers with a tab of hundreds of billions of dollars. In fact, Fannie Mae and Freddie Mac have now transferred to you and me \$6.3 trillion of their liabilities—just those two entities—and we are on the hook for it.

That is what we have to prevent from happening, but that is exactly what this legislation that passed out of the Banking Committee would permit. Why would we continue this kind of too-big-to-fail taxpayer liability in what we call a reform bill? We ought to stop that, make sure it never happens again.

I also wish to make this point, since there is a new regulator contemplated in this legislation. What happened to Fannie and Freddie happened despite the fact that they had their own dedicated regulator, and that is exactly what is proposed for institutions in this bill. In fact, the bill would use the very same regulators who failed to stop the financial crisis from happening.

I thought this was supposed to be reform. This isn't reform. I am reminded of a line from literature—I don't think it is from "A Tale of Two Cities," but it could be—where the actor says, "Reform, sir? Don't talk of reform. Things are bad enough already." That is kind of the way I look at this. We have problems, and the kind of reform that is being suggested here is not an improvement; it is a continuation of the same obligation of taxpayers to bail out those who are deemed too big to fail.

I wish to add that the bill even extends the scope of these potential future bailouts beyond banks. It would explicitly give the Federal Reserve authority to regulate any large company in America that it wanted to. Thus, the Financial Stability Oversight Council, FSOC, would have the power to designate nonbank financial institutions as a threat to financial stability—the code word for "too big to fail." So a new government board based in Washington would decide which institutions get special treatment, giving unaccountable bureaucrats tremendous authority to pick winners and losers, and these favorite firms, too, would have a funding advantage over their competitors.

In addition to extending this to bigger companies, the legislation extends

this same definition all the way through our financing sectors to smaller companies. For example, one of the auto dealers in your town that finances the automobiles you buy, if you have more than four payments, they are covered under here. It even would cover a dentist's office or an optometrist. If it takes more than four payments to take care of what he had to do, he would be covered by this. So this would extend to small and large and in all cases puts a government bureaucrat in charge of trying to find out why a firm is in trouble and ultimately requires, if they are needed, taxpayers to come to the rescue of these firms. As I said, we have to avoid making the mistakes of the past. A firm's cost of capital should be based on its ability to repay its commitments, not on the probability of future government assistance.

So given recent experience, I would suggest that we need a more competitive financial industry with many firms, not just a few large firms with implicit government guarantees dominating the market.

I started my comments by speaking about what the American people don't like and what they would like to see. I think they deserve a better approach than this legislation that passed out of the Banking Committee, one that promotes accountability and responsible oversight. This bill, as I said, is a risk the taxpayers don't need and, frankly, cannot afford.

So I urge my Democratic colleagues to reengage with Republicans to produce a bipartisan bill that can pass the Senate by a wide margin. Let's not have any more health care bills where it is done strictly on a partisan, party-line basis, with a consensus lacking, with the American people not liking what is being done. We can provide for the orderly bankruptcy of these failed institutions without keeping taxpayers on the hook for losses.

By the way, a lot of this reform has to deal with preventing the bankruptcy in the first place—in other words, regulating some of these new esoteric financial instruments so that there is greater transparency in the complicated trading of these financial instruments.

I think we can work this out and keep politics out of it. Everybody understands there are things which need to be done to prevent the kind of collapse we had in the past. It is my understanding that the hard-working members of the Banking Committee on both sides of the aisle had been working hard together and had been producing compromises. They were characterized to me as, it is not everything I would want, but then in a compromise you don't get everything you want. That is the spirit in which we can work together to produce a product that I think would be acceptable to our constituents, who don't want to be on

the hook for any more of these bailouts, as well as provide the kind of transparency up front and procedures for unwinding businesses on the back end when they finally are unable to continue in business, a process which would not require the taxpayers to bear ultimate responsibility for their losses. If we are able to work together to do this, it will be a win-win situation for the American people, and just maybe we will demonstrate that Republicans and Democrats can actually sit down together, work something out, and pass a bill that is good for everybody.

Mr. President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BURRIS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. FRANKEN). Without objection, it is so ordered.

ARTICLES OF IMPEACHMENT AGAINST JUDGE G. THOMAS PORTEOUS, JR.

The PRESIDING OFFICER. The Chair submits to the Senate for printing in the Senate Journal and in the CONGRESSIONAL RECORD the replication of the House of Representatives to the Answer of Judge G. Thomas Porteous, Jr., to the Articles of Impeachment against Judge Porteous, pursuant to S. Res. 457, 111th Congress, Second Session, which replication was received by the Secretary of the Senate on April 15, 2010.

The materials follow.

CONGRESS OF THE UNITED STATES,
Washington, DC, Apr. 15, 2010.

Re Impeachment of G. Thomas Porteous, Jr.,
United States District Judge for the
Eastern District of Louisiana.

Hon. NANCY ERICKSON,
Secretary of the Senate,
U.S. Senate, Washington, DC.

DEAR MS. ERICKSON: Pursuant to Senate Resolution 457 of March 17, 2010, enclosed is the Replication of the House of Representatives to the Answer of G. Thomas Porteous Jr., to the Articles of Impeachment.

A copy of the Replication and of this letter will be served upon counsel for Judge Porteous today through electronic mail.

Sincerely,

ALAN I. BARON,
Special Impeachment Counsel.

IN THE SENATE OF THE UNITED STATES
Sitting as a Court of Impeachment

IN RE: IMPEACHMENT OF G. THOMAS PORTEOUS,
JR., UNITED STATES DISTRICT JUDGE FOR
THE EASTERN DISTRICT OF LOUISIANA

REPLICATION OF THE HOUSE OF REPRESENTATIVES TO THE ANSWER OF G. THOMAS PORTEOUS, JR., TO THE ARTICLES OF IMPEACHMENT

The House of Representatives, through its Managers and counsel, respectfully replies to

the Answer to Articles of Impeachment as follows:

RESPONSE TO THE PREAMBLE

Judge Porteous in his Answer to the Articles of Impeachment, denies certain of the allegations and makes what are primarily technical arguments as to the charging language that do not address the factual substance of the allegations. However, it is in Judge Porteous's Preamble that he sets forth his real defense and, without denying he committed the conduct that is alleged in the Articles of Impeachment, insists that nevertheless he should not be removed from Office.

At several points in his Preamble, Judge Porteous notes that he was not criminally prosecuted by the Department of Justice, the implication being that the House and the Senate should abdicate their Constitutionally assigned roles of deciding whether the conduct of a Federal judge rises to the level of a high crime or misdemeanor and warrants the Judge's removal, and should instead defer to the Department of Justice on this issue. Judge Porteous maintains that impeachment and removal may only proceed upon conduct that resulted in a criminal prosecution, no matter how corrupt the conduct at issue, or what reasons explain the Department's decision not to prosecute. Judge Porteous provides no support for this contention because there is none—that is not what the Constitution provides.

Indeed, the Senate has by its prior actions made it clear that the decision as to whether a Judge's conduct warrants his removal from Office is the Constitutional prerogative of the Senate—not the Department of Justice—and the existence of a successful (or even an unsuccessful) criminal prosecution is irrelevant to the Senate's decision. The Senate has convicted and removed a Federal judge who was acquitted at a criminal trial (Judge Alcee Hastings). The Senate has also convicted a Federal judge for personal financial misconduct (Judge Harry Claiborne) while at the same time acquitting that same Judge of the Article that was based specifically on the fact of his criminal conviction.¹ Thus, Judge Porteous's repeated references to what the Department of Justice did or did not do adds nothing to the Senate's evaluation of the charges or the facts in this case.²

Further, according to Judge Porteous, pre-Federal bench conduct cannot be the basis of Impeachment, even if that conduct consisted of egregious corrupt activities that was beyond the reach of criminal prosecution because the statute of limitations had run, and even if Judge Porteous fraudulently concealed that conduct from the Senate and the White House at the time of his nomination and confirmation. There is nothing in the Constitution to support this contention, and it flies in the face of common sense. The Senate is entitled to conclude that Judge Porteous's pre-Federal bench conduct reveals him to have been a corrupt state judge with his hand out under the table to bail bondsmen and lawyers. Such conduct, which, as alleged in Articles I and II, continued into his Federal bench tenure, demonstrates that he is not fit to be a Federal judge.

Finally, the notion that Judge Porteous is entitled to maintain a lifetime position of Federal judge that he obtained by acts that included making materially false statements to the United States Senate is untenable. Judge Porteous would turn the confirmation process into a sporting contest, in which, if he successfully were to conceal his corrupt background prior to the Senate vote and thereby obtain the position of a Federal

judge, he is home free and the Senate cannot remove him.

ARTICLE I

The House of Representatives denies each and every statement in the Answer to Article I that denies the acts, knowledge, intent or wrongful conduct charged against Respondent.

FIRST AFFIRMATIVE DEFENSE

The House of Representatives denies each and every allegation of this purported affirmative defense and further states that Article I sets forth an impeachable offense as defined in the Constitution of the United States.

SECOND AFFIRMATIVE DEFENSE

The House of Representatives denies each and every allegation of this purported affirmative defense, namely, that Article I is vague. To the contrary, Article I sets forth several precise and narrow factual assertions associated with Judge Porteous's handling of a civil case (the Liljeberg litigation), including allegations that Judge Porteous "denied a motion to recuse himself from the case, despite the fact that he had a corrupt financial relationship with the law firm of Amato & Creely, P.C. which had entered the case to represent Liljeberg" and that while that case was pending, Judge Porteous "solicited and accepted things of value from both Amato and his law partner Creely, including a payment of thousands of dollars in cash." There is no vagueness whatsoever in these allegations. Article I's allegation that Judge Porteous deprived the public and the Court of Appeals of his "honest services"—a phrase to which Judge Porteous raises a particular objection—could not be more clear and free of ambiguity as used in this Article, and accurately describes Judge Porteous's dishonesty in handling a case, including his distortion of the factual record so that his ruling on the recusal motion was not capable of appellate review.³

THIRD AFFIRMATIVE DEFENSE

The House of Representatives denies each and every allegation of the purported affirmative defense that Article I charges more than one offense. The plain reading of Article I is that Judge Porteous committed misconduct in his handling of the Liljeberg case by means of a course of conduct involving his financial relationships with the attorneys in that case and his failure to disclose those relationships or take other appropriate judicial action. The separate acts set forth in Article I constitute part of a single unified scheme involving Judge Porteous's dishonesty in handling Liljeberg. Further, the charges in this Article are fully consistent with impeachment precedent.⁴

FOURTH AFFIRMATIVE DEFENSE

The House of Representatives denies each and every allegation of this purported affirmative defense, which, in effect, seeks to suppress the voluntary statements of a highly educated and experienced Federal judge, made under oath, before other Federal judges. Judge Porteous was provided a grant of immunity in connection with his Fifth Circuit Hearing testimony, and the immunity order provided that his testimony from that proceeding could not be used against him in "any criminal case." Simply put, an impeachment trial is not a criminal case.⁵ Accordingly, there is simply no credible basis to argue that the Senate should not consider Judge Porteous's voluntary and immunized Fifth Circuit testimony.

ANSWER TO ARTICLE II

The House of Representatives denies each and every statement in the Answer to Arti-

cle II that denies the acts, knowledge, intent or wrongful conduct charged against Respondent.

FIRST AFFIRMATIVE DEFENSE

The House of Representatives denies each and every allegation of this purported affirmative defense and further states that Article II sets forth an impeachable offense as defined in the Constitution of the United States.

SECOND AFFIRMATIVE DEFENSE

The House of Representatives denies each and every allegation of this purported affirmative defense, namely, that the Article is vague. To the contrary, Article II sets forth several precise and narrow factual assertions associated with Judge Porteous's relationship with the Marcottes—both prior to and subsequent to Judge Porteous taking the Federal bench. Article II alleges with specificity the things of value given to Judge Porteous over time and identifies the judicial or other acts taken by Judge Porteous for the benefit of the Marcottes and their business.

THIRD AFFIRMATIVE DEFENSE

The House of Representatives denies each and every allegation of this purported affirmative defense, namely, that the Article improperly charges multiple offenses. The plain reading of Article II is that Judge Porteous engaged in a corrupt course of conduct whereby, over time, he solicited and accepted things of value from the Marcottes, and, in return, he took judicial acts or other acts while a judge to benefit the Marcottes and their business.

FOURTH AFFIRMATIVE DEFENSE

The House of Representatives denies each and every allegation of this purported affirmative defense, namely, that Article II improperly charges pre-Federal bench conduct as a basis for impeachment. First, Article II plainly alleges that Judge Porteous's corrupt relationship with the Marcottes continued while he was a Federal Judge. Second, Judge Porteous's assertion that pre-Federal bench conduct may not form a basis for impeachment finds no support in the Constitution and is not supported by any other sound legal or logical basis.⁶ As a factual matter, it is especially appropriate for the Senate to consider Judge Porteous's pre-Federal bench corrupt relationship with the Marcottes where it was affirmatively concealed from the Senate in the confirmation process, where it involved conduct as a judicial officer directly bearing on whether he was fit to hold a Federal judicial office, and where that conduct, having now been exposed, brings disrepute and scandal to the Federal bench.

ARTICLE III

The House of Representatives denies each and every statement in the Answer to Article III that denies the acts, knowledge, intent or wrongful conduct charged against Respondent.

FIRST AFFIRMATIVE DEFENSE

The House of Representatives denies each and every allegation of this purported affirmative defense and further states that Article III sets forth an impeachable offense as defined in the Constitution of the United States.

SECOND AFFIRMATIVE DEFENSE

The House of Representatives denies each and every allegation of this purported affirmative defense, which alleges in substance that the allegations in Article III are vague. To the contrary, Article III sets forth several specific allegations associated with Judge

Porteous's conduct in his bankruptcy proceedings. There is no credible contention that Judge Porteous cannot understand what he is charged with in this Article.

THIRD AFFIRMATIVE DEFENSE

The House of Representatives denies each and every allegation of this purported affirmative defense, which alleges, in substance, that Article III charges more than one offense. The plain reading of Article III is that Judge Porteous committed misconduct in his bankruptcy proceeding by making a series of false statements and representations, and by incurring new debt in violation of a Federal Bankruptcy Court order. This Article alleges a single unified fraud scheme, with the purpose of deceiving the bankruptcy court and creditors as to his assets and his financial affairs, so that Judge Porteous could enjoy undisclosed wealth and income for personal purposes including gambling.

FOURTH AFFIRMATIVE DEFENSE

The House of Representatives denies each and every allegation of this purported affirmative defense, which, in effect, seeks to suppress the voluntary statements of a highly educated and experienced Federal judge, made under oath, before other Federal judges. Judge Porteous was provided a grant of immunity in connection with his Fifth Circuit Hearing testimony, effectively eliminating the possibility that any of that testimony could be used against him in any criminal case. An impeachment trial is not a criminal case. There is simply no credible basis to argue that the Senate should not consider Judge Porteous's voluntary and immunized Fifth Circuit testimony.

FIFTH AFFIRMATIVE DEFENSE

The House of Representatives denies each and every allegation of this purported affirmative defense—which does not take issue with the proposition that Judge Porteous committed misconduct in a Federal judicial bankruptcy proceeding, but contends only that the acts as alleged do not warrant impeachment. First, this is not an affirmative defense. It is up to the Senate to decide whether the facts surrounding the bankruptcy warrant impeachment.

Second, the Senate has in fact removed a judge for personal financial misconduct, and in 1986 convicted Federal Judge Harry Claiborne and removed him from office for evading taxes. It is significant that the Senate did not convict Judge Claiborne for the crime of evading taxes. Rather, the Senate acquitted Judge Claiborne of the one Article that charged him with having committed and having been convicted of a crime.

Third, what the Department of Justice may consider material for purposes of a criminal prosecution has nothing to do with what the Senate may deem to be material for purposes of determining whether Judge Porteous should be removed, from Office—an Office which requires that he oversee bankruptcy cases and administer and enforce the oath to tell the truth.⁷

ARTICLE IV

The House of Representatives denies each and every statement in the Answer to Article IV that denies the acts, knowledge, intent or wrongful conduct charged against Respondent.

FIRST AFFIRMATIVE DEFENSE

The House of Representatives denies each and every allegation of this purported affirmative defense and further states that Article IV sets forth an impeachable offense as defined in the Constitution of the United States.

SECOND AFFIRMATIVE DEFENSE

The House of Representatives denies each and every allegation of this purported affirmative defense, which alleges the Article is vague. The allegations sets forth in Article IV are specific and precise. In fact, Judge Porteous's description of the charge fairly characterizes the offense: "In essence, Article IV alleges that Judge Porteous gave false answers on various forms that were presented in connection with the background investigation. . . . It is apparent, therefore, that Judge Porteous has a clear understanding of these allegations in Article IV, which specify the dates and circumstances when the statements were made, and the contents of the statements that are alleged to have been false. There is no credible contention that Article IV does not provide Judge Porteous specific notice as to what this Article alleges."

THIRD AFFIRMATIVE DEFENSE

The House of Representatives denies each and every allegation of this purported affirmative defense. The allegations set forth in Article IV are specific and precise. They charge in substance that Judge Porteous made a series of false statements to conceal the fact of his improper and corrupt relationships with the Marcottes and with attorneys Creely and Amato in order to procure the position of United States District Court Judge. Charging these four false statements, all involving a single issue, in a single Article is consistent with precedent.⁸

FOURTH AFFIRMATIVE DEFENSE

The House of Representatives denies each and every allegation of this purported affirmative defense, alleging that the Senate cannot impeach Judge Porteous based on pre-Federal bench conduct. First, Judge Porteous's assertion that pre-Federal bench conduct may not form a basis for impeachment is not supported by the Constitution. Notwithstanding Judge Porteous's assertions to the contrary, the Constitution does not limit Congress from considering pre-Federal bench conduct in deciding whether to impeach, and there are compelling reasons for Congress to consider such conduct—especially where such conduct consists of making materially false statements to the Senate. The logic of Judge Porteous's position is that he cannot be removed by the Senate, even though the false statements he made to the Senate concealed dishonest behavior that goes to the core of his judicial qualifications and fitness to hold the Office of United States District Court Judge. The proposition that the Senate lacks power under these circumstances to remedy the wrong committed by Judge Porteous is simply untenable.

Respectfully submitted,

THE UNITED STATES HOUSE OF REPRESENTATIVES

By

ADAM SCHIFF,
Manager.

BOB GOODLATTE,
Manager.

ALAN I. BARON,
*Special Impeachment
Counsel.*

Managers of the House of Representatives:
Adam B. Schiff, Bob Goodlatte, Zoe Lofgren,
Henry C. "Hank" Johnson, F. James Sensenbrenner, Jr.

April 15, 2010.

ENDNOTES

¹ Judge Harry E. Claiborne was acquitted of Article III, charging that he "was found

guilty by a twelve-person jury" of criminal violations of the tax code, and that "a judgment of conviction was entered against [him]." See "Impeachment of Harry E. Claiborne," H. Res. 471, 99th Cong., 2d Sess. (1986) (Articles of Impeachment); 132 Cong. Rec. S15761 (daily ed. Oct. 9, 1986) (acquitting him on Article III).

² Moreover, the Department of Justice's investigation hardly vindicated Judge Porteous. To the contrary, the Department viewed Judge Porteous's misconduct as so significant that it referred the matter to the Fifth Circuit for disciplinary review and potential impeachment, and set forth its findings in its referral letter.

³ Judge Porteous treats Article I as if it alleges the criminal offense of "honest services fraud," in violation of Title 18, United States Code, Section 1346, and that because the term "honest services" has been challenged as vague in the criminal context, the term is likewise vague as used in Article I. Despite Judge Porteous's suggestion to the contrary, Article I does not allege a violation of the "honest services" statute. Moreover, it could hardly be contended that proof that Judge Porteous acted dishonestly in the performance of his official duties does not go to the very heart of the Senate's determination of whether he is fit to hold office.

⁴ The respective Articles of Impeachment against Judges Halsted L. Ritter, Harold Louderback, and Robert W. Archbald each set forth lengthy descriptions of judicial misconduct arising from improper financial relationships between those judges and the private parties. These consist of detailed narration specifying numerous discrete acts. See "Impeachment of Judge Halsted L. Ritter," H. Res. 422, 74th Cong., 2d Sess. (March 2, 1936) and "Amendments to Articles of Impeachment Against Halsted L. Ritter," H. Res. 471, 74th Cong., 2d Sess. (March 30, 1936), reprinted in "Impeachment, Selected Materials, House Comm. on the Judiciary," Comm. Print (1973) [hereinafter "1973 Committee Print"] at 188-197 (H. Res. 422), 198-2902 (H. Res. 471); ["Articles of Impeachment against Judge Robert W. Archbald"], H. Res. 622, 62d Cong., 2d Sess (1912), 48 Cong. Rec. (House) July, 1912 (8705-08), reprinted in 1973 Committee Print at 176; and ["Articles of Impeachment against George W. English,"] Cong. Rec. (House), Mar. 25, 1926 (6283-87), reprinted in 1973 Committee Print at 162.

⁵ The Constitution makes it clear that impeachment was not considered by the Framers to be a criminal proceeding. It provides: "Judgment in Cases of Impeachment shall not extend further than to removal from Office, and disqualification to hold and enjoy any Office of honor, Trust or Profit under the United States: but the Party convicted shall nevertheless be liable and subject to Indictment, Trial, Judgment and Punishment, according to Law." U.S. Const., Art. 3, cl. 7. See also, *United States v. Nixon*, 506 U.S. 224, 234 (1993) ("There are two additional reasons why the Judiciary, and the Supreme Court in particular, were not chosen to have any role in impeachments. First, the Framers recognized that most likely there would be two sets of proceedings for individuals who commit impeachable offenses—the impeachment trial and a separate criminal trial. In fact, the Constitution explicitly provides for two separate proceedings. . . . The Framers deliberately separated the two forums to avoid raising the specter of bias and to ensure independent judgments. . . .").

⁶ As but one example, if the pre-Federal bench conduct consisted of treason, there could be no credible contention that such

conduct would not provide a basis for impeachment.

⁷It should be noted that Judge Porteous has testified and cross-examined witnesses at the Fifth Circuit Hearing on the subject of his bankruptcy, and the House therefore possesses evidence that was unavailable to the Department of Justice.

⁸As but one example, Article III of the Articles of Impeachment against Judge Walter Nixon charged that he concealed material facts from the Federal Bureau of Investigation and the Department of Justice by making six, specified, false statements on April 18, 1984 at an interview, and by making seven discrete false statements under oath to the Grand Jury. "Impeachment of Walter L. Nixon, Jr.," H. Res. 87, 101st Cong., 1st Sess. (1989) (Article III).

Mr. BURRIS. Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

CELEBRATING THE LIFE OF BENJAMIN HOOKS

Mr. BURRIS. Mr. President, early this morning, we awoke to sad news out of Memphis, TN. This country has lost a civil rights pioneer, a strong leader, and a witness to history.

Benjamin Lawson Hooks fought all of his life for freedom, prosperity, and universal equality. When the world was consumed by war, Benjamin put on the uniform of the 92nd Infantry Division and rendered honorable service to his country.

When peace was won and America looked inward today to address policies of discrimination and inequality, he was on the frontlines once again, standing with visionaries such as Rev. Dr. Martin Luther King, Jr.

At every turn, and at every moment in his life, he waged to fight against injustice. He became an attorney and was eventually appointed as the highest ranking Black Federal judge in the State of Tennessee. But that was only the beginning of a remarkable career in public service.

Benjamin Hooks was the first African American to serve on the Federal Communications Commission, where he spoke out against biased reporting in the media and called for minority ownership of TV and radio stations.

In 1977, he was unanimously elected as President of the National Association for the Advancement of Colored People, the NAACP—a position he would hold with distinction until his retirement in 1993 and which would come to define his career.

Throughout those tumultuous years, Benjamin Hooks was at the forefront of the nonviolent struggle for civil rights. He constantly challenged old assumptions, stood up to discrimination, and fought against those who defended the status quo.

He taught us the courage to live out our convictions. He showed us how to translate our dearest principles into words and action.

In 1980, he became the first national leader to address conventions of both political parties. He denounced those who resorted to violence, and he personally led prayer vigils, peaceful protests, and countless other popular demonstrations.

At various times throughout his career, Benjamin Hooks served as a pastor, a soldier, a judge, and a political leader. He fought for equality in the courtroom, on the pulpit, on the airwaves, and even on the battlefield, but never did he act for personal gain. Not once did he forget the cause of justice that he and others dedicated their lives to defend.

So great was the legacy of this civil rights leader, so deep was the impact he had on the fabric of our society, that even today, on the sad occasion of his passing, I cannot help but feel a lasting sense of pride in the profound and enduring accomplishments he leaves behind.

Benjamin Hooks will be sorely missed by all who knew him, particularly his family, to whom we express our deepest condolences today.

Even as we mourn his loss, I urge my colleagues to join me in celebrating his memory and honoring the living legacy he leaves behind. I am sure Benjamin would be the first to remind us that we must not pause in remembrance for long because there is much work yet to be done.

Let us take up this fight. Let us defend the principles that guided Benjamin Hooks throughout his life and embrace the spirit that drove this pioneer to reach for equality, fight for opportunity, and aspire to greatness.

I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

(The remarks of Mr. SPECTER pertaining to the introduction of S. 3214 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. SPECTER. Mr. President, in the absence of any other Senator seeking recognition, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LEMIEUX. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEMIEUX. I ask to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

TAX DAY

Mr. LEMIEUX. Mr. President, today is April 15. It is the day Americans are required by law to file their tax returns to pay their fair share to the Internal

Revenue Service so that we can operate the Federal Government. I think it is appropriate on a day such as this to talk about the taxes and the efforts of Americans over the past months to put together their financial information to pay what they must pay to the government.

Leading up to today, Americans have been involved in that effort of carefully preparing their income tax returns. It is estimated that 7.6 billion hours of time and more than 1 million accountants were required to file this year's returns. Our Tax Code has become so complicated that it takes 7.6 billion hours for Americans to file and figure out those complicated returns, and more than 1 million accountants to help us in our efforts.

I know my wife Meike last night was up late making sure we got everything in on time. We do our own taxes, and it is not easy to understand, even for someone like my wife who is an accountant and who is trained in it.

It begs the question—why? Every time we do something in this government that does not necessarily help the folks we represent, it is our obligation to question those practices. Need the Tax Code be as difficult as it is? Need it take so many billions of hours of Americans' time, time that could be spent working, time that could be spent with their families? Need we employ 1 million service providers in the form of accountants to help us fill out all these taxes? Of course, the answer is no. There are good proposals in this Chamber and in the House to simplify the Tax Code, to make it so one can put it on one piece of paper.

My colleagues, Senator GREGG and Senator WYDEN, have such a proposal. There is a proposal in the House that offers the same type of clarity and simplicity to allow Americans, if they choose, to file taxes quickly and easily. Certainly, that is something we should undertake and be about.

But let's also ask this question: Is the amount of money that Americans pay in tax actually going to something that is effectively and efficiently administered by the Federal Government? Let's think about all of the money that Washington is taking from Americans every day—and not just Washington, our State and local authorities. In fact, when you think about the number of taxes that people pay, it is quite amazing.

First, they go to their jobs in the morning and they make a salary and they pay tax on their income. Then, if they choose to spend that money, they are taxed in a variety of different ways because, if not every State, virtually every State has a sales tax. So they are taxed on the money they make and then they are taxed on the money they spend. Of course, if they do not want to spend that money and save it, we are going to tax them on that too.

Think about that. What kind of incentive should we be creating for Americans? Should we be saying they should save their money or should we be saying they should spend it? We tax them, albeit at a lower rate, even to save their money.

Any interest they receive on money they put in the bank, or if they invest in a mutual fund or a stock and they receive returns on that investment—they sell that stock, they pay tax again. Of course, we know when they die they pay death taxes.

But that is not all. Do you have a phone? You are paying a tax on that. Do you have a cell phone? You pay tax on that. Do you have cable television? You pay tax on that. Do you want to buy property in the State of Florida where I am from? You pay tax on that. Do you want to own and hold property? You pay tax on that.

For some Americans, more than 50 percent of what they make, more than half is paid in taxes. I contend that it is immoral to take from anybody more than half of what they make in taxes, especially if how that money is being spent is not being spent wisely.

Here in Washington we are very good at taxing. Now we have become very good at spending. This year we are figuring the 2011 budget. We are going to take in an estimated \$2.2 trillion, but we are going to spend \$3.8 trillion—\$1.6 trillion more than we are going to take in. We are not looking at the money we are taking in in taxes and trying to figure out how much we should spend based upon that baseline. We spend based upon what this Congress decides it needs.

We have a Budget Committee in the Senate. There is one in the House, too. But the truth of it is we do not operate under a budget. American families sit down at the kitchen table and figure out how much they make and therefore how much they can spend. American businesses do the same thing. So do State governments, by the way. State governments that have balanced budget requirements like my home State of Florida right now are in their legislative session, and they are evaluating how much they can spend based upon how much they are going to have from tax receipts. Guess what. They only spend what they take in. They have three choices: They can cut spending, they can raise taxes, or find new sources of revenue.

Here in Washington it is like it is a different conversation, if there is a conversation even at all, because we do not talk about spending based upon what we take in. We talk about spending based upon what people in this Chamber want to spend money on. That system, unfortunately, threatens the very viability of this country.

We know right now that we have a nearly \$13 trillion national debt. Remember, 1 trillion is 1,000 billion.

These numbers are so staggering, it is hard to comprehend them. We know if we continue to spend the way we are projected to spend, this administration has told us that by 2020 we will be \$22 trillion in debt. Why is that important? It is important because it hurts investment in our country, and it is important because more and more of what we spend each year goes to paying interest on the debt. This year, we are going to spend more than \$200 billion just paying interest on money we should not have spent in the past. If we keep going, by 2020 we will spend \$900 billion a year on interest. And, my friends, by the time we get to that point, the system will have failed because, with mandatory spending, spending on Social Security, Medicare, and Medicaid, plus \$900 billion in interest payments, there will not be any money left for anything else. There will not be any money left for defense. There will not be any money left for homeland security. There will not be any money left for commerce or agriculture or any of the other programs, and the system will have failed. So do we wait until 2020 when the system fails or do we do something about it now?

We do not have a problem on the revenue side. We are taxing people plenty, and today is a day when most Americans realize that. There is a real problem in this country that we do not think about taxes more because they are sort of hidden from us. We have something called withholding. Most people work for somebody else, they are employees, and they get their check every week, every 2 weeks, once a month. And what do they look at? They want to know what the bottom-line number is. They think that is what they make. They think that is what their employer is paying them, in effect. They do not realize—and none of us do—that they make the top-line number. What is in our check is after everything else has been paid.

Imagine if we got rid of withholding. Imagine if every American was required, at the end of the month or at the end of a quarter, as small businesspeople have to do, to write a check to the Federal Government to actually pay their taxes, to take that affirmative act instead of having it withheld out of their check. I think Americans would be in the streets. I think they would be protesting because they would finally realize how much money they are actually paying in taxes.

Our problem in this country isn't not enough tax. We do not need to, as members of this administration have suggested, add a value added tax or the equivalent of a national sales tax to help get us out of our deficit and debt problems. What we need to do is stop spending money we do not have.

By the way, this body and the body down the hall—you would think we

would be focused on oversight, trying to figure out how the money is being spent in these agencies. Sadly, I tell you that is a topic of little interest to many of the people in either of these two bodies. My colleagues for the most part—and there are notable exceptions—care more about creating new programs than focusing on the programs we have.

So what we need is a construct. We need something that is going to focus us on spending—spending less. Legislation comes to the floor, and we have a Member of the Senate champion and shepherd that legislation through to spend money. What we do not have is a procedure to focus us on spending less. All the mechanisms here, all the directions flow toward spending money. They never flow toward saving money. We have to change the structure around here, even if just a little. We have to change the focus. What we need to focus on is not spending as much money so that we can have a balanced budget.

Yesterday, I proposed a solution called the 2007 solution and filed legislation to this end, that we would freeze spending at the 2007 spending levels because if we did that, we could balance the budget by 2013 and by 2020 we could cut our national debt in half—not the \$22 trillion that is estimated but \$6 trillion, half of the \$12 trillion debt we have now—and we could save America for our children because if we continue down the path we are on, they are not going to have the opportunities we have. We have been able to enjoy an America where anything is possible, where you are not limited by anything but your hopes and dreams. But for our children—I have four little ones: Max, Taylor, Chase, and Madeleine. Madeleine is 2 weeks old. They are not going to have the same opportunities I have enjoyed if their country cannot afford to meet its obligations; if investors from around the world no longer come here because we are no longer a good investment; if we have to raise taxes to such an incredibly high level that it stifles innovation and entrepreneurship, where my kids come to me, when they are 18 or 22, when they are done with school, and say: Dad, I am going to Ireland or India or Brazil or some other country because the promise of that country is greater than that of the United States of America. So it is incumbent upon us in this time—not tomorrow, not next week, not next year, not when we think the economy is doing better, but today—to start getting our spending under control.

Why can't we live off of what we lived off of in 2007? When I go back to Florida—and I talked to some folks today from Florida who are here from Bartow, which is in central Florida, in Polk County, and I said to these business leaders: Could you live off what you had in 2007? They all shook their

heads affirmatively because they had more money in 2007 than they have today.

So now that we have gotten past the stimulus and that big bulge in our spending, hopefully, is over, why can't we go back to 2007 levels, before the economy declined? Remember, it was not until December of 2007 that the recession started. Why can't we go back to that robust year and say: This is our baseline. We took in \$2.7 trillion that year. That is more than we expect to take in this year by \$½ trillion. Why can't we live on that level? Guess what. Then we would have to come to the floor of the Senate—and our colleagues would have to do it in the House of Representatives—and have a discussion about priorities: Do we need to spend as much money as we are spending today in our various agencies? Are we getting bang for the buck?

When is the last time a Cabinet Secretary, an agency head went inside their department and said: I want you to find cuts of 10 percent, 20 percent. I want you to use technology to create efficiencies. Let's impose a hiring freeze until we can figure out whether we can do more with less.

American businesses have been doing this for the past 3 years during this recession. They have been cutting in order to make ends meet. Government is going to have to do the same. And I guarantee you that there are hundreds of billions of dollars of waste and inefficiency and fraud in the system; that if we spent as much money and attention and time focusing on that as we do on creating new programs, we could right our fiscal house.

So I have offered this legislation to bring us back to 2007, really just to have a debate, have a focus and a structure to talk about it every year for 50 hours on the floor of this Chamber and in the House so that we can begin to focus on what matters; that is, putting our fiscal house in order so that our children have the same opportunities we have because, frankly, that is our solemn obligation in this country. Our obligation is to make sure our children have equal or greater opportunities than we had. Everything else that we do, by comparison, will not measure up if we fail to meet that solemn and sacred vow.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER (Mrs. SHAHEEN.) The clerk will call the roll. The bill clerk proceeded to call the roll.

Mr. SANDERS. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

FINANCIAL REFORM

Mr. SANDERS. Madam President, my understanding is, our Republican

colleagues have been on the floor and have expressed their concerns about financial reform and their desire to work in a bipartisan way. I welcome that. I am going to lay out some ideas I hope could have Republican support. I am not sure they will, but I would love to see it because the vast majority of the people in our country are profoundly disgusted with the behavior on Wall Street, the greed, the recklessness, the illegal behavior which has led us to the terrible recession we find ourselves in today. I wish to tick off a couple issues I hope my Republican colleagues would be interested in working with me on.

Every week I receive—and I suspect others do as well—telephone calls and letters and e-mails from people in my State who are outraged by the kind of interest rates they are forced to pay, interest rates which are nothing less than usury, usury which has been condemned by every major religion in this world, which has been condemned throughout history by some of our great philosophers and writers who have basically said it is wrong and immoral to force desperate people who are in need of loans to pay outrageous interest rates.

Yet today more than one-quarter of all credit cardholders in this country are paying interest rates above 20 percent and, in some cases, as high as 79 percent. That is not providing credit. That is loan sharking. That is doing precisely what criminals do when they lend people money and then break their kneecaps if they don't pay it back on time—except the loan sharks who are doing this now wear three-piece suits. They don't break kneecaps, but they destroy lives by forcing people to pay outrageously high interest rates when people are using their credit cards to buy groceries, to fill the gas tank to get to work, to pay for basic needs their families have.

Millions of credit cardholders have received letters from Citibank, Bank of America, Wells Fargo, and JPMorgan Chase notifying them that their interest rates are going up, in some cases to 30 percent. A point that has to be made is that these four large banks, the four largest banks in America, issue two-thirds of the credit cards. These four banks are ripping off the American people from one end of the country to the other. It is time that outrageous behavior ended.

I hope my Republican colleagues who have come to the floor expressing concern about Wall Street, I hope what they are saying is more than just rhetoric, that they truly want to do something. If they want to do something, I hope they will join me when I offer an amendment as part of financial reform to cap credit card interest rates at 15 percent. That is the same statutory cap that has been in existence for 30 years at credit unions all over the country. Credit unions are doing just

fine, but by law, they cannot ask for more than 15 percent, except under certain circumstances, when it can go up to 18 percent. If that is good enough for credit unions, it should be good enough for Citibank, Bank of America, Wells Fargo, JPMorgan Chase, and other large financial institutions.

If my Republican friends are sincere, I hope they will join me in supporting efforts to bring transparency to the Federal Reserve. An amendment I intend to offer will do that. What we need to do, among many things, is to understand which financial institutions during the bailout received over \$2 trillion in secret taxpayer-backed loans virtually interest free. Who are they? Last year, as a member of the Budget Committee, I asked Fed Chairman Bernanke that simple question. He said, no, he is not going to tell me which financial institutions, he is not going to tell the American people which financial institutions received trillions of taxpayer dollars. I have a problem with that. I believe the American people do. We are going to offer an amendment as part of financial reform in order to understand what, in fact, is happening, to demand transparency there.

In April of last year, the Senate voted 59 to 39 on an amendment I offered with Senators WEBB, BUNNING, and FEINGOLD to the budget resolution calling on the Fed to release this information. Yet as of this day, the Fed has refused to do so. In August of last year, Federal U.S. district judge Loretta Preska, nominated by President George W. Bush, ordered the Federal Reserve to release this information. The Fed appealed that decision and last March the U.S. appeals court in Manhattan upheld that decision. Yet the Fed has still not disclosed this information. Over 300 Members of Congress have cosponsored legislation calling for an independent audit of the Fed. In other words, we now have 59 Senators, over 300 Members of Congress, a U.S. district court judge, and a U.S. appeals court that have said to the Chairman of the Fed, Mr. Bernanke, in no uncertain terms, that the American people have a right to know the names of the largest banks that have received over \$2 trillion in taxpayer-backed loans from the Federal Reserve.

If my Republican friends are sincere, if they truly want to take on the greed and the recklessness of Wall Street, if they want to give the American people transparency as to what is happening on Wall Street, I certainly hope they will support that amendment.

I also hope we can receive support to address the issue of too big to fail. In that regard, I have offered legislation which is pretty simple. It says the Treasury Department would provide a list to Congress of all the too-big-to-fail banks in this country within 90

days of passage of that legislation and break them up within 1 year so they can no longer threaten to bring down the economy if, once again, they get into trouble. Quite amazingly—and I think most people don't understand this—under the leadership of the Bush administration and Fed Chairman Bernanke, the largest financial institutions since the bailout have not gotten smaller; in fact, they have become larger.

In 2008, the Bank of America, the largest commercial bank in the country, which received a \$45 billion taxpayer bailout, purchased Countrywide, the largest mortgage lender in the country, and Merrill Lynch, the largest brokerage firm. In other words, what we are seeing in at least three out of the four largest banks is, since the bailout, they have become even larger, becoming an even greater threat to the financial stability of the country if, once again, they are ever in a position to fail.

The issue of large banks is not only that they are a threat to the stability of our economy, if they are about to fail. The other aspect of the problem is the concentration of ownership that currently exists. When we have four large financial institutions that issue two-thirds of the credit cards in the country and half the mortgages, we have a very dangerous and noncompetitive type of situation. Given the fact that we have seen these financial institutions issue esoteric and not understandable financial instruments whose only goal is to secure more money and profits and compensation packages for the CEOs of these institutions, we need to start breaking them up and have financial institutions that understand that their role is to provide credit to the productive economy, the businesses that actually produce real products, provide real services, and create real jobs. In other words, we need to break them up to create a new Wall Street which becomes part of the United States, part of our economy, not an isolated island whose only goal in life is to issue worthless financial instruments in order to make outrageous short-term profits. That is a huge issue that we have to deal with.

If my Republican colleagues are, in fact, sincere, if they want to do more than follow pollster Frank Luntz's playbook and throw out certain words they think will work for them politically, I look forward to their support for real financial reform.

The Bottom line is, we cannot continue to do what we have done for a number of years. We have to summon the courage, and it will take courage because Wall Street is enormously powerful. In order to get the deregulation that led us to the financial disaster we experienced a year and a half ago, over a 10-year period, Wall Street spent the unbelievable sum of money of

\$5 billion on campaign contributions and lobbying. Frankly, I don't even know how one can spend that kind of money. But nonetheless, it certainly worked. Against my vote, when I was in the House, they got the deregulation they wanted. Lo and behold, once they were deregulated, not to my surprise, they went out and did all kinds of strange things, reckless things, illegal things, which brought us to where we were a year and a half ago.

What we need is real financial reform. We need a cap on interest rates so Wall Street cannot continue to rip off ordinary Americans. We need transparency at the Fed. We need to know which financial institutions are receiving trillions of dollars of taxpayer money. We need to begin the process of breaking up these huge financial institutions, not only from a too-big-to-fail concern but also from a concentration of ownership issue because we are going to need a lot more competition in the financial industry than we have now.

We will find out soon enough whether our Republican friends are doing more than reading from a pollster's playbook or whether they are serious about taking on Wall Street. I have my doubts, but I hope I am wrong. I hope we will gain their support in bringing real reform to our financial institutions.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant editor of the Daily Digest proceeded to call the roll.

Mr. DURBIN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONTINUING EXTENSION ACT OF 2010—Continued

Mr. DURBIN. Madam President, for those who are following the Senate activities today, we are considering the extension of unemployment benefits. It is a debate which has gone on repeatedly. I see the chairman of the Senate Finance Committee has come to the Chamber and has been sitting patiently on the floor trying to work this through, and I think we may be close to a vote on this matter very shortly.

If I am not mistaken, if we are successful in passing this extension, it will extend unemployment benefits to the end of May. I hope we do not face this again between now and then because not only does it tie up the Senate for a lengthy period of time, but it creates real uncertainty across America.

Madam President, 212,000 people had their unemployment benefits cut off in the United States last week because we were gone and the benefits expired; so this week another 212,000 people. In my home State of Illinois, 16,000 people a

week lose their unemployment benefits because of the decision by the Senate not to move forward and extend those unemployment checks.

An unemployment check in my home State is about \$300 a week. Some have come to the floor and argued we should not give unemployment benefits because it makes people lazy. If they are getting \$300 a week, they will not go looking for jobs. I wonder when it was, if ever, that a Senator tried to live on \$300 a week. I think it would be very difficult, in most cases impossible, for those who are used to a lifestyle that is much more expensive.

So extending these benefits, in my estimation, is not only humane, it is good economic judgment. The money given to people out of work is money that is spent immediately for the necessities of life. It is not saved or invested. They go out and spend it on what they need, whether it is on utility bills or rent or food or clothing—whatever it might be. So it is money that is injected straight into the economy.

When Republicans come to the floor, they say: Wait a minute. At some point, with our national debt, we have to pay for this. I say to them: How would you pay for it? They say: We pay for it by cutting spending on projects that create jobs. Wait a minute. If you cut spending on projects that create jobs, there are more people unemployed. More people unemployed need more benefits. We cannot end the recession until we focus on getting people back to work.

One of the key areas Senator BAUCUS on the Senate Finance Committee has worked on is putting money into small businesses across America. Many of us believe small businesses are going to be the engine that brings us out of this recession. So when Senator BAUCUS and the Finance Committee create tax credits for businesses that hire the unemployed or reduce their payroll taxes for those who hire the unemployed or have new deductions for expensing and the purchase of capital equipment, we are doing everything we can to put money into those small businesses. The argument that we should stop spending on those things will mean the recession goes on longer.

I hope we can reach a point soon where we put the question of unemployment behind us. There should be a debate on the national debt, and there will be. I do not know if it is a great honor, but Senator REID, the majority leader, has appointed me to the Deficit Commission. I met today with Erskine Bowles, who was the head of the Small Business Administration under President Clinton, as well as Alan Simpson, a former U.S. Senator from Wyoming, who chair this commission.

We are going to start, in a couple weeks, our inquiry and debate on what to do about our national debt. It is one that is long overdue. But I think if we

are honest about this, we realize it will take some thoughtful consideration and some time to come up with an approach that really deals with the debt in a humane and sensible way, but does not stop our recovery in this recession. So we are tasked with doing that.

Senator BAUCUS is a member of that commission as well. We will spend some time together talking about it, I am sure. We have to report by the end of the year. In the meantime, we will be watching the appropriations bills that come through here to cut the waste out of the spending if there is some in some of these agencies. And I am sure we can find some.

In the meantime, let's not make the unemployed across America the victims of this debate. Let us give them some certainty that the basics, the necessities of life, which they need because they have lost a job through no fault of their own, are going to be provided for. We want to make certain if they lost their lifesavings and stand to lose their home, we give them at least a little bit of a helping hand while they look for work.

In my home State of Illinois, the unemployment figures came out today, and, sadly, they have not gone down. It tells me we were late to the recession and we will probably be slow to the recovery. I am sorry to report that, but I think it may be the case. But, in the meantime, we have to create the climate for small business expansion, and we have to create the safety net for those who are out of work across America. The passage of this bill will help us to do that.

Madam President, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant editor of the Daily Digest proceeded to call the roll.

The PRESIDING OFFICER. The majority leader.

Mr. REID. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Madam President, first, I wish to express my appreciation to everyone in the Senate. This has been a good debate. Sides have been chosen, and I think the arguments were good on both sides. We had amendments on this. There were efforts made to just move forward and have a cloture vote on it. I thought this was the best way to go.

So I appreciate everyone's cooperation. We didn't want to take these votes, but we took them, and I think it is better for the order.

Madam President, I ask unanimous consent that at 5 p.m. today, the Senate proceed to vote in relation to the McCain amendment No. 3724; that upon disposition of the McCain amendment, no further amendments be in order;

that the Senate then proceed to vote on the motion to invoke cloture on the Baucus amendment No. 3721, as modified; that if cloture is invoked, then all postcloture time be yielded back; the Baucus amendment as modified and amended, if amended, be agreed to; the bill then be read a third time; and following the reading of the pay-go letter from the chairman of the Budget Committee, the cloture motion with respect to the bill be withdrawn, the Senate then proceed to vote on passage of the bill, as amended, and that 2 minutes prior to the first vote be equally divided and controlled between Senators BAUCUS and MCCAIN.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from Arizona.

AMENDMENT NO. 3724, AS MODIFIED

Mr. MCCAIN. Madam President, it is tax day. Americans are overburdened and taxed by an antiquated, complex, and oversized Tax Code. This year they will spend \$100 billion in compliance-related expenses. Instead of offering proposals to reform the system, some are suggesting a new value-added tax which would increase taxes on average Americans and even further complicate our Tax Code. I believe it is an opportunity, with a sense-of-the-Senate resolution, for Members of Congress to say where they stand. This is their opportunity.

I encourage my colleagues to support the amendment.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Madam President, the amendment by the Senator from Arizona would state a sense of the Senate that we should not adopt a value-added tax. Personally, I agree with him. I do not favor a value-added tax. I, for one, would be happy to accept the amendment. I don't know if the Senator from Arizona wants a rollcall vote. I don't know if it is provided for. I hope we don't have to have one, but if he wants one, that is fine with me. The order states we will start voting at 5 o'clock, and when we do get to the vote on the McCain amendment, I intend to vote for it.

The PRESIDING OFFICER. Is all time yielded back?

Mr. BAUCUS. I yield back my time.

The PRESIDING OFFICER. The yeas and nays have been ordered.

The question is on agreeing to the amendment.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Florida (Mr. NELSON) and the Senator from Virginia (Mr. WARNER) are necessarily absent.

I further announce that, if present and voting, the Senator from Florida (Mr. NELSON) would vote "yea."

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 85, nays 13, as follows:

[Rollcall Vote No. 115 Leg.]

YEAS—85

Alexander	Enzi	McCaskill
Barrasso	Feingold	McConnell
Baucus	Feinstein	Menendez
Bayh	Franken	Merkley
Begich	Gillibrand	Mikulski
Bennet	Graham	Murkowski
Bennett	Grassley	Murray
Bond	Gregg	Nelson (NE)
Boxer	Hagan	Pryor
Brown (MA)	Harkin	Reid
Brownback	Hatch	Risch
Bunning	Hutchison	Roberts
Burr	Inhofe	Rockefeller
Burris	Inouye	Sanders
Cantwell	Isakson	Schumer
Carper	Johanns	Sessions
Casey	Johnson	Shaheen
Chambliss	Kerry	Shelby
Coburn	Klobuchar	Snowe
Cochran	Kohl	Specter
Collins	Kyl	Stabenow
Conrad	Landrieu	Tester
Corker	Lautenberg	Thune
Cornyn	Leahy	Udall (CO)
Crapo	LeMieux	Vitter
DeMint	Lieberman	Wicker
Dodd	Lincoln	Wyden
Durbin	Lugar	
Ensign	McCain	

NAYS—13

Akaka	Dorgan	Voinovich
Bingaman	Kaufman	Webb
Brown (OH)	Levin	Whitehouse
Byrd	Reed	
Cardin	Udall (NM)	

NOT VOTING—2

Nelson (FL) Warner

The amendment (No. 3724), as modified, was agreed to.

Mr. BAUCUS. I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BAUCUS. Madam President, I ask consent that the next two votes be 10-minute votes.

The PRESIDING OFFICER. Without objection, it is so ordered.

CLOTURE MOTION

The PRESIDING OFFICER. By unanimous consent, pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will report.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the Baucus substitute amendment No. 3721 to H.R. 4851, a bill to provide a temporary extension of certain programs, and for other purposes:

John D. Rockefeller IV, Benjamin L. Cardin, Jeanne Shaheen, Al Franken, Daniel K. Akaka, Kent Conrad, Sheldon Whitehouse, Patty Murray, Tom Udall, Bernard Sanders, Richard Durbin, Ron Wyden, Robert P. Casey, Jr., Edward E. Kaufman, Patrick J. Leahy, Mark L. Pryor, Byron L. Dorgan.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on amendment No. 3721, as modified, offered by the Senator from Montana, Mr. BAUCUS, to

H.R. 4851, an act to provide a temporary extension of certain programs, and for other purposes, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Florida (Mr. NELSON) and the Senator from Virginia (Mr. WARNER) are necessarily absent.

I further announce that, if present and voting, the Senator from Florida (Mr. NELSON) would vote "yea."

The yeas and nays resulted—yeas 60, nays 38, as follows:

[Rollcall Vote No. 116 Leg.]

YEAS—60

Akaka	Durbin	Lincoln
Baucus	Feingold	McCaskill
Bayh	Feinstein	Menendez
Begich	Franken	Merkley
Bennet	Gillibrand	Mikulski
Bingaman	Hagan	Murray
Boxer	Harkin	Nelson (NE)
Brown (OH)	Inouye	Pryor
Burris	Johnson	Reed
Byrd	Kaufman	Reid
Cantwell	Kerry	Rockefeller
Cardin	Klobuchar	Sanders
Carper	Kohl	Schumer
Casey	Landrieu	Shaheen
Collins	Lautenberg	Snowe
Conrad	Leahy	Specter
Dodd	Levin	Stabenow
Dorgan	Lieberman	Tester

Udall (CO)
Udall (NM)

Voinovich
Webb

Whitehouse
Wyden

NAYS—38

Alexander
Barrasso
Bennett
Bond
Brown (MA)
Brownback
Bunning
Burr
Chambliss
Coburn
Cochran
Corker
Cornyn

Crapo
DeMint
Ensign
Enzi
Graham
Grassley
Gregg
Hatch
Hutchison
Inhofe
Isakson
Johanns
Kyl

LeMieux
Lugar
McCain
McConnell
Murkowski
Risch
Roberts
Sessions
Shelby
Thune
Vitter
Wicker

NOT VOTING—2

Nelson (FL)

Warner

The PRESIDING OFFICER. On this vote, the yeas are 60, the nays are 38. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

Under the previous order, the amendment, as modified, is agreed to.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time.

The PRESIDING OFFICER. The clerk will read the letter from the chairman of the Budget Committee.

The legislative clerk read the following letter:

There being no objection, the material was ordered to be printed in the RECORD, as follows:

AMENDMENT NO. 3721, AS MODIFIED, TO H.R. 4851, THE CONTINUING EXTENSION ACT OF 2010, AS PROPOSED BY SENATOR BAUCUS (MAT10352)

	By fiscal year, in millions of dollars—												
	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2015–2015	2010–2020
NET INCREASE OR DECREASE (–) IN THE DEFICIT													
Total Changes	15,629	1,870	262	225	143	61	52	–10	–5	0	0	18,192	18,229
Less:													
Designated as Emergency Requirements ^a	13,514	1,870	262	225	143	61	52	–10	–5	0	0	16,077	16,114
Current-Policy Adjustment ^b	2,115	0	0	0	0	0	0	0	0	0	0	2,115	2,115
Statutory Pay-As-You-Go Impact	0	0	0	0	0	0	0	0	0	0	0	0	0
Memorandum: Components of the Emergency Designations:													
Change in Outlays	12,222	1,069	26	5	0	0	0	0	0	0	0	13,324	13,324
Changes in Revenues	–1,292	–801	–236	–220	–143	–61	–52	10	5	0	0	–2,753	–2,790

Notes: Components may not sum to totals because of rounding.

^a Section 11(c) of the Continuing Extension Act of 2010 would designate all sections of the Act, except section 4, as an emergency requirement pursuant to section 4(g) of the Statutory Pay-As-You-Go Act of 2010.

^b Section 7(c) of the Statutory Pay-As-You-Go Act of 2010 provides for current-policy adjustments related to Medicare payments to physicians.

Sources: Congressional Budget Office and Joint Committee on Taxation.

Mr. BAUCUS. Madam President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be a sufficient second.

Under the previous order, the cloture motion on the bill is withdrawn.

The bill having been read the third time, the question is, Shall the bill pass? The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Indiana (Mr. BAYH), the Senator from Florida (Mr. NELSON), and the Senator from Virginia (Mr. WARNER) are necessarily absent.

I further announce that, if present and voting, the Senator from Florida (Mr. NELSON) would vote "aye."

The PRESIDING OFFICER (Mr. BURRIS). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 59, nays 38, as follows:

[Rollcall Vote No. 117 Leg.]

YEAS—59

Akaka
Baucus
Begich
Bennet
Bingaman
Boxer
Brown (OH)
Burris
Byrd
Cantwell
Cardin
Carper
Casey
Collins
Conrad
Dodd
Dorgan
Durbin
Feingold
Feinstein

Franken
Gillibrand
Hagan
Harkin
Inouye
Johnson
Kaufman
Kerry
Klobuchar
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
McCaskill
Menendez
Merkley
Mikulski

Murray
Nelson (NE)
Pryor
Reed
Reid
Rockefeller
Sanders
Schumer
Shaheen
Snowe
Specter
Stabenow
Tester
Udall (CO)
Udall (NM)
Voinovich
Webb
Whitehouse
Wyden

NAYS—38

Alexander
Barrasso

Bennett
Bond

Brown (MA)
Brownback

BUDGETARY EFFECTS OF PAYGO LEGISLATION FOR H.R. 4851

Senator Kent Conrad, Apr. 15, 2010

Mr. CONRAD: This is the Statement of Budgetary Effects of PAYGO Legislation for H.R. 4851, as amended by S.A. 3721, as modified. This statement has been prepared pursuant to Section 4 of the Statutory Pay-As-You-Go Act of 2010 (Public Law 111-139), and is being submitted for printing in the Congressional Record prior to passage of H.R. 4851, as amended, by the Senate.

Total Budgetary Effects of H.R. 4851:

2010–2015—net increase in deficit of \$18.192 billion.

2010–2020—net increase in deficit of \$18.229 billion.

Reduction of Total Budgetary Effects for Current Policy under Section 7:

2010–2015—\$2.115 billion pursuant to section 7(c).

2010–2020—\$2.115 billion pursuant to section 7(c).

Reduction of Total Budgetary Effects for Provisions Designated as an Emergency under Section 4(g):

2010–2015—\$16.077 billion.

2010–2020—\$16.114 billion.

Total Budgetary Effects of H.R. 4851 for the 5-year Statutory PAYGO Scorecard: \$0.

Total Budgetary Effects of H.R. 4851 for the 10-year Statutory PAYGO Scorecard: \$0.

Also submitted for the RECORD as part of this statement is a table prepared by the Congressional Budget Office, which provides additional information on the budgetary effects of this Act.

Bunning

Graham

McCain

Burr

Grassley

McConnell

Chambliss

Gregg

Murkowski

Coburn

Hatch

Risch

Cochran

Hutchison

Roberts

Corker

Inhofe

Sessions

Cornyn

Isakson

Shelby

Crapo

Johanns

Thune

DeMint

Kyl

Vitter

Ensign

LeMieux

Wicker

Enzi

Lugar

NOT VOTING—3

Bayh

Nelson (FL)

Warner

The bill (H.R. 4851), as amended, was passed, as follows:

H.R. 4851

Resolved, That the bill from the House of Representatives (H.R. 4851) entitled "An Act to provide a temporary extension of certain programs, and for other purposes," do pass with the following amendment:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Continuing Extension Act of 2010".

SEC. 2. EXTENSION OF UNEMPLOYMENT INSURANCE PROVISIONS.

(a) IN GENERAL.—(1) Section 4007 of the Supplemental Appropriations Act, 2008 (Public Law 110–252; 26 U.S.C. 3304 note) is amended—

(A) by striking “April 5, 2010” each place it appears and inserting “June 2, 2010”;

(B) in the heading for subsection (b)(2), by striking “APRIL 5, 2010” and inserting “JUNE 2, 2010”; and

(C) in subsection (b)(3), by striking “September 4, 2010” and inserting “November 6, 2010”.

(2) Section 2002(e) of the Assistance for Unemployed Workers and Struggling Families Act, as contained in Public Law 111–5 (26 U.S.C. 3304 note; 123 Stat. 438), is amended—

(A) in paragraph (1)(B), by striking “April 5, 2010” and inserting “June 2, 2010”;

(B) in the heading for paragraph (2), by striking “APRIL 5, 2010” and inserting “JUNE 2, 2010”; and

(C) in paragraph (3), by striking “October 5, 2010” and inserting “December 7, 2010”.

(3) Section 2005 of the Assistance for Unemployed Workers and Struggling Families Act, as contained in Public Law 111–5 (26 U.S.C. 3304 note; 123 Stat. 444), is amended—

(A) by striking “April 5, 2010” each place it appears and inserting “June 2, 2010”; and

(B) in subsection (c), by striking “September 4, 2010” and inserting “November 6, 2010”.

(4) Section 5 of the Unemployment Compensation Extension Act of 2008 (Public Law 110–449; 26 U.S.C. 3304 note) is amended by striking “September 4, 2010” and inserting “November 6, 2010”.

(b) FUNDING.—Section 4004(e)(1) of the Supplemental Appropriations Act, 2008 (Public Law 110–252; 26 U.S.C. 3304 note) is amended—

(1) in subparagraph (C), by striking “and” at the end;

(2) by inserting after subparagraph (D) the following new subparagraph:

“(E) the amendments made by section 2(a)(1) of the Continuing Extension Act of 2010; and”.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the enactment of the Temporary Extension Act of 2010 (Public Law 111–144).

SEC. 3. EXTENSION AND IMPROVEMENT OF PREMIUM ASSISTANCE FOR COBRA BENEFITS.

(a) EXTENSION OF ELIGIBILITY PERIOD.—Subsection (a)(3)(A) of section 3001 of division B of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5), as amended by section 3(a) of the Temporary Extension Act of 2010 (Public Law 111–144), is amended by striking “March 31, 2010” and inserting “May 31, 2010”.

(b) RULES RELATING TO 2010 EXTENSION.—Subsection (a) of section 3001 of division B of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5), as amended by section 3(b) of the Temporary Extension Act of 2010 (Public Law 111–144), is amended by adding at the end the following:

“(18) RULES RELATED TO APRIL AND MAY 2010 EXTENSION.—In the case of an individual who, with regard to coverage described in paragraph (10)(B), experiences a qualifying event related to a termination of employment on or after April 1, 2010 and prior to the date of the enactment of this paragraph, rules similar to those in paragraphs (4)(A) and (7)(C) shall apply with respect to all continuation coverage, including State continuation coverage programs.”.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the provisions of section 3001 of division B of the American Recovery and Reinvestment Act of 2009.

SEC. 4. INCREASE IN THE MEDICARE PHYSICIAN PAYMENT UPDATE.

Paragraph (10) of section 1848(d) of the Social Security Act, as added by section 1011(a) of the

Department of Defense Appropriations Act, 2010 (Public Law 111–118) and as amended by section 5 of the Temporary Extension Act of 2010 (Public Law 111–144), is amended—

(1) in subparagraph (A), by striking “March 31, 2010” and inserting “May 31, 2010”; and

(2) in subparagraph (B), by striking “April 1, 2010” and inserting “June 1, 2010”.

SEC. 5. EHR CLARIFICATION.

(a) QUALIFICATION FOR CLINIC-BASED PHYSICIANS.—

(1) MEDICARE.—Section 1848(o)(1)(C)(ii) of the Social Security Act (42 U.S.C. 1395w–4(o)(1)(C)(ii)) is amended by striking “setting (whether inpatient or outpatient)” and inserting “inpatient or emergency room setting”.

(2) MEDICAID.—Section 1903(b)(3)(D) of the Social Security Act (42 U.S.C. 1396b(t)(3)(D)) is amended by striking “setting (whether inpatient or outpatient)” and inserting “inpatient or emergency room setting”.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall be effective as if included in the enactment of the HITECH Act (included in the American Recovery and Reinvestment Act of 2009 (Public Law 111–5)).

(c) IMPLEMENTATION.—Notwithstanding any other provision of law, the Secretary of Health and Human Services may implement the amendments made by this section by program instruction or otherwise.

SEC. 6. EXTENSION OF USE OF 2009 POVERTY GUIDELINES.

Section 1012 of the Department of Defense Appropriations Act, 2010 (Public Law 111–118), as amended by section 7 of the Temporary Extension Act of 2010 (Public Law 111–144), is amended by striking “March 31, 2010” and inserting “May 31, 2010”.

SEC. 7. EXTENSION OF NATIONAL FLOOD INSURANCE PROGRAM.

(a) EXTENSION.—Section 129 of the Continuing Appropriations Resolution, 2010 (Public Law 111–68), as amended by section 8 of Public Law 111–144, is amended by striking “by substituting” and all that follows through the period at the end and inserting “by substituting May 31, 2010, for the date specified in each such section.”.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall be considered to have taken effect on February 28, 2010.

SEC. 8. COMPENSATION AND RATIFICATION OF AUTHORITY RELATED TO LAPSE IN HIGHWAY PROGRAMS.

(a) COMPENSATION FOR FEDERAL EMPLOYEES.—Any Federal employees furloughed as a result of the lapse in expenditure authority from the Highway Trust Fund after 11:59 p.m. on February 28, 2010, through March 2, 2010, shall be compensated for the period of that lapse at their standard rates of compensation, as determined under policies established by the Secretary of Transportation.

(b) RATIFICATION OF ESSENTIAL ACTIONS.—All actions taken by Federal employees, contractors, and grantees for the purposes of maintaining the essential level of Government operations, services, and activities to protect life and property and to bring about orderly termination of Government functions during the lapse in expenditure authority from the Highway Trust Fund after 11:59 p.m. on February 28, 2010, through March 2, 2010, are hereby ratified and approved if otherwise in accord with the provisions of the Continuing Appropriations Resolution, 2010 (division B of Public Law 111–68).

(c) FUNDING.—Funds used by the Secretary to compensate employees described in subsection (a) shall be derived from funds previously authorized out of the Highway Trust Fund and made available or limited to the Department of Transportation by the Consolidated Appropriations Act, 2010 (Public Law 111–117) and shall be

subject to the obligation limitations established in such Act.

(d) EXPENDITURES FROM HIGHWAY TRUST FUND.—To permit expenditures from the Highway Trust Fund to effectuate the purposes of this section, this section shall be deemed to be a section of the Continuing Appropriations Resolution, 2010 (division B of Public Law 111–68), as in effect on the date of the enactment of the last amendment to such Resolution.

SEC. 9. SATELLITE TELEVISION EXTENSION.

(a) AMENDMENTS TO SECTION 119 OF TITLE 17, UNITED STATES CODE.—

(1) IN GENERAL.—Section 119 of title 17, United States Code, is amended—

(A) in subsection (c)(1)(E), by striking “April 30, 2010” and inserting “May 31, 2010”; and

(B) in subsection (e), by striking “April 30, 2010” and inserting “May 31, 2010”.

(2) TERMINATION OF LICENSE.—Section 1003(a)(2)(A) of Public Law 111–118 is amended by striking “April 30, 2010”, and inserting “May 31, 2010”.

(b) AMENDMENTS TO COMMUNICATIONS ACT OF 1934.—Section 325(b) of the Communications Act of 1934 (47 U.S.C. 325(b)) is amended—

(1) in paragraph (2)(C), by striking “April 30, 2010” and inserting “May 31, 2010”; and

(2) in paragraph (3)(C), by striking “May 1, 2010” each place it appears in clauses (ii) and (iii) and inserting “June 1, 2010”.

SEC. 10. EXTENSION OF SMALL BUSINESS LOAN GUARANTEE PROGRAM.

(a) APPROPRIATION.—There is appropriated, out of any funds in the Treasury not otherwise appropriated, \$80,000,000, for an additional amount for “Small Business Administration—Business Loans Program Account”, to remain available until expended, for the cost of fee reductions and eliminations under section 501 of division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5; 123 Stat. 151) and loan guarantees under section 502 of division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5; 123 Stat. 152), as amended by this section: Provided, That such costs shall be as defined in section 502 of the Congressional Budget Act of 1974.

(b) EXTENSION OF SUNSET DATE.—Section 502(f) of division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5; 123 Stat. 153) is amended by striking “April 30, 2010” and inserting “May 31, 2010”.

SEC. 11. SENSE OF THE SENATE REGARDING A VALUE ADDED TAX.

It is the sense of the Senate that the Value Added Tax is a massive tax increase that will cripple families on fixed income and only further push back America’s economic recovery and the Senate opposes a Value Added Tax.

SEC. 12. DETERMINATION OF BUDGETARY EFFECTS.

(a) IN GENERAL.—The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled “Budgetary Effects of PAYGO Legislation” for this Act, submitted for printing in the Congressional Record by the Chairman of the Senate Budget Committee, provided that such statement has been submitted prior to the vote on passage.

(b) EMERGENCY DESIGNATION FOR CONGRESSIONAL ENFORCEMENT.—This Act, with the exception of section 4, is designated as an emergency for purposes of pay-as-you-go principles. In the Senate, this Act is designated as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

(c) EMERGENCY DESIGNATION FOR STATUTORY PAYGO.—This Act, with the exception of section 4, is designated as an emergency requirement pursuant to section 4(g) of the Statutory Pay-As-You-Go Act of 2010 (Public Law 111–139; 2 U.S.C. 933(g)).

Mr. LEVIN. Mr. President, it is unfortunate that this vote comes today and not 2 weeks ago. While we delayed taking action, thousands of people in my state, and millions across the country, worried that these benefits, benefits that provide a thin buffer between their families and disaster, would disappear. These families are suffering through the anxiety and frustration of job loss not because of anything they did, but because of a crisis spawned in Wall Street banks and unscrupulous mortgage companies.

This bill takes a number of important steps to alleviate the effects of the financial crisis. It would extend the unemployment and COBRA health insurance benefits on which so many families depend until early June. While we have seen recent signs of improvement in employment, the unemployment rate in Michigan, and the Nation, remains unacceptably high, making these extensions all the more necessary. According to the governor's office, more than 125,000 Michigani-ans will exhaust their unemployment benefits.

We should keep in mind, too, that extending these benefits not only helps families struggling to put food on the table and a roof overhead; it helps all of us, by contributing to our economic recovery. There is widespread agreement that benefits such as unemployment payments give us the biggest "bang for the buck" in terms of economic stimulus. By extending these benefits, we will give continued support to an economy struggling to recover, an effort that benefits all Americans.

I encourage my colleagues to place the interests of struggling American families, and the economic recovery, clearly before us, and to pass this much-needed extension.

EXECUTIVE SESSION

NOMINATION OF LAEL BRAINARD,
TO BE AN UNDER SECRETARY
OF THE TREASURY

NOMINATION OF MARISA J.
DEMEO, TO BE AN ASSOCIATE
JUDGE OF THE SUPERIOR COURT
OF THE DISTRICT OF COLUMBIA

NOMINATION OF CHRISTOPHER H.
SCHROEDER, TO BE AN ASSIST-
ANT ATTORNEY GENERAL

NOMINATION OF THOMAS I.
VANASKIE, TO BE UNITED
STATES CIRCUIT JUDGE FOR
THE THIRD CIRCUIT

NOMINATION OF DENNY CHIN, TO
BE UNITED STATES CIRCUIT
JUDGE FOR THE SECOND CIR-
CUIT

Mr. REID. Mr. President, I now ask unanimous consent the Senate proceed to executive session and that it be in order to file cloture on the following nominations in the order listed: Calendar Nos. 644, 165, 699, 578, and 607.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. I ask unanimous consent that the cloture vote on Calendar No. 644 occur at 5:30 p.m., on Monday, April 19.

The PRESIDING OFFICER. Without objection, it is so ordered.

CLOTURE MOTIONS

The PRESIDING OFFICER. The cloture motions having been presented under rule XXII, the clerk will report the motions.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the nomination of Lael Brainard, of the District of Columbia, to be an Under Secretary of the Treasury.

Harry Reid, Patrick J. Leahy, Sheldon Whitehouse, Joseph I. Lieberman, Sherrod Brown, Richard Durbin, Daniel K. Inouye, Tom Harkin, Amy Klobuchar, Roland W. Burris, John D. Rockefeller, IV, Jon Tester, Christopher J. Dodd, Byron L. Dorgan, Al Franken, Claire McCaskill, Benjamin L. Cardin.

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the nomination of Marisa J. Demeo, of the District of Columbia, to be an Associate Judge of the Superior Court of the District of Columbia.

Harry Reid, Patrick J. Leahy, Sheldon Whitehouse, Joseph I. Lieberman, Sherrod Brown, Richard J. Durbin, Daniel K. Inouye, Patty Murray, Tom

Harkin, Amy Klobuchar, Roland W. Burris, John D. Rockefeller, IV, Jon Tester, Christopher J. Dodd, Byron L. Dorgan, Al Franken, Claire McCaskill, Benjamin L. Cardin.

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the nomination of Christopher H. Schroeder, of North Carolina, to be an Assistant Attorney General.

Harry Reid, Herb Kohl, Sheldon Whitehouse, Richard J. Durbin, Benjamin L. Cardin, Patty Murray, Mark Begich, Kirsten E. Gillibrand, Mark R. Warner, Russell D. Feingold, Al Franken, Roland W. Burris, Dianne Feinstein, Patrick J. Leahy, Barbara Boxer, Charles E. Schumer, Edward E. Kaufman.

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the nomination of Thomas I. Vanaskie, of Pennsylvania, to be United States Circuit Judge for the Third Circuit.

Harry Reid, Patrick J. Leahy, Jack Reed, Russell D. Feingold, Kirsten E. Gillibrand, Daniel K. Inouye, Arlen Specter, Benjamin L. Cardin, Bernard Sanders, Robert P. Casey, Jr., Richard J. Durbin, Al Franken, Roland W. Burris, Sheldon Whitehouse, Christopher J. Dodd, Dianne Feinstein, Daniel K. Akaka.

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the nomination of Denny Chin, of New York, to be United States Circuit Judge for the Second Circuit.

Harry Reid, Patrick J. Leahy, Jack Reed, Russell D. Feingold, Kirsten E. Gillibrand, Daniel K. Inouye, Benjamin L. Cardin, Bernard Sanders, Robert P. Casey, Jr., Roland W. Burris, Richard J. Durbin, Al Franken, Charles E. Schumer, Sheldon Whitehouse, Christopher J. Dodd, Dianne Feinstein, Daniel K. Akaka.

LEGISLATIVE SESSION

Mr. REID. I now ask unanimous consent that the Senate resume legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. REID. I ask unanimous consent that the Senate proceed to a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BROWN of Ohio. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MIDDLE-CLASS TAX RELIEF

Mr. BROWN of Ohio. Mr. President, the middle class is the backbone of our Nation. Middle-class families sustain our neighborhoods and our economy and support our public services such as our schools and police and fire departments and libraries.

Over the last 2 weeks—last week and the week before—I traveled extensively across Ohio and met with Ohioans who define the character of the American middle class.

College students at the University of Toledo described their hopes and aspirations to become our next educators and entrepreneurs, community and business leaders, and civic activists.

Workers at the 60-year-old General Motors plant in Defiance, near the Indiana border, described how they are ready to build the next generation car engines and rebuild the middle-class communities in which they work and live.

In Cincinnati, workers at GE's historic Evendale plant—a Cincinnati suburb—represent the classic American success story: people working hard, getting ahead, getting paid an honest day's wage for an honest day's work.

I met with veterans. Chairman AKAKA allowed me to set up, in Cambridge, OH—in eastern rural Appalachian Ohio—a Veterans' Committee hearing. I met with other veterans in the Chillicothe VA Center and the Cincinnati VA Center—two terrific VA facilities—to meet with and talk to and understand better the services for veterans who return from war and who represent those values of hard work and fair play.

Too many middle-class families in the Presiding Officer's State—whether it is Joliet, IL—or Mansfield, OH, too many middle-class families are still fighting to have something to show for it. They are fighting for a secure job with decent wages, a home with an affordable mortgage, and the belief that their children will have a future full of opportunity and stay close by and raise their children so they can know their grandparents.

Tax day is today, April 15, and many middle-class Americans are just trying to get by while our economy begins to recover. That is why when President Obama and this Congress—the Senate and the House—enacted the American Recovery and Reinvestment Act last year, we made sure that one-third of those several hundred billion dollars—one-third of those dollars went to tax relief for 95 percent of working families in America.

We hear my colleagues on the other side of the aisle talk about tax cuts as if they invented them, but we don't hear them tell the truth about tax cuts

because their idea of tax cuts is overwhelming tax benefits to the wealthiest people in our society—not doing what President Obama and the House and Senate did last year and this year: providing those tax breaks and tax cuts and tax relief directly to the large middle-class and working class in this country. Middle-class taxpayers, as a result, can collect on more than a dozen Recovery Act tax benefits this season. While the Recovery Act is putting Americans back to work rebuilding America, it is also honoring the dignity of work through the Making Work Pay tax credit. On average, Ohioans received \$496 through the Making Work Pay tax credit, \$496 in people's pockets. Middle-class tax relief helps make college more affordable through the American Opportunity Credit, tax savings for up to \$2,500 to pay college expenses. More homes can be energy efficient and less costly through energy efficiency and renewable energy incentives. Energy-efficient windows and doors and heating and cooling systems reduce utility bills, while increasing the value of the most important asset for many Americans—their home. The first-time home buyer tax credit has made the dream of home ownership a reality, helped create jobs, stabilized home prices, and rebuilt communities across the Nation.

These are tax breaks that have been enacted that Americans are already taking advantage of and, in many cases, celebrating on this day that people aren't particularly glad to see: April 15. It means this April 15 is a whole lot better for American taxpayers than 2 years ago, when April 15 was for people who didn't have the tax relief the Obama administration has brought them.

The Cash for Clunkers Program provided American consumers and Ohio consumers with vouchers to purchase new fuel-efficient vehicles. It was a resounding success. More Americans bought more American cars. That program stabilized the auto sector. It saved and created thousands of jobs across Ohio and the Nation. I saw these jobs being created in Defiance, OH, as I mentioned, where some 80 workers will be called back to help build the engine for the new Chevy Cruze made in Youngstown. I know those workers at GM in Parma, a Cleveland suburb, will be helping with some of the stamping and the fabrication of the Chevy Cruze, and I know that 1,100 workers are in the process of being put back to work, to work a third shift at the Lordstown GM plant to build the most energy-efficient car in the GM fleet.

Existing tax credits, such as the earned income tax credit which rewards work for people making \$20,000 to \$40,000 a year—this is not welfare; it rewards people who are working hard, playing by the rules, not making a lot of money—or the child tax credit, these

existing tax credits were expanded to ensure more eligible Americans received the tax credits they earned. Nationwide, the average tax refund is up 10 percent—\$266 for a record average. The average tax refund is \$3,036 so far. Those numbers will slightly change as people file today, before midnight.

The IRS says this increase is largely due to the Recovery Act. Ninety-nine percent of working families and individuals in Ohio benefited from at least one of the tax cuts signed into law by President Obama. Working Ohioans received \$1,046 on average as a result of these critical middle-class tax relief programs. That means because of what this Congress did, the Senate and the House, what President Obama did, middle-class Ohio families save over \$1,000. That is \$1,000 in their pockets that wouldn't have been there 2 years ago, before President Obama took office, would not have been available under the Bush tax policies because those tax policies benefited the richest people but didn't benefit the middle class.

So under the Bush tax policies, wealthier people were particularly happy, but the middle class was left out. Under Obama tax policies, wealthier people might not be quite so happy, but the broad middle class will have more than \$1,000 extra in their pockets as a result of this middle-class tax relief. It is a critical part of the economic recovery.

That is why the President and the Congress passed just last month the largest health-related, middle-class tax cut in the last two decades when it passed the historic health care reform, insurance reform legislation. We know there is much work ahead. I would add the first thing that came out of that legislation on health care was already in place and is now already in place; that is, significant tax incentives for small businesses, for employers to provide health insurance for their employees. When they couldn't afford it in the past, with these tax incentives, many employers will be able to afford providing health insurance for their employees.

We know there is much work ahead to ensure the interests of the middle class are protected in our Tax Code over the corporate special interests. I know many Republicans, including those running for office in my State—for Governor and Senate and attorney general—many Republicans want to repeal the health care bill. But understand when they repeal the health care bill, they are doing what they have done in the past. They are taking from the middle class and giving to the wealthy. That is the class warfare I have heard on this floor for the last 3 years. It is the class warfare I heard in the House of Representatives when Republicans continued to do more and more for the richest people in this

country and less and less for the middle class and less and less for low-income people. That is the kind of class warfare they have waged for years. I hope they aren't successful in doing that on the health care bill. I don't think they will be, but it is important to guard against that.

Senate Democrats are not just looking back with what we were able to do, we are looking forward to what we are going to do to make taxes work better for America. Senate Democrats are working on further tax relief to help middle-class families whose daycare costs for a young child or an elderly parent undercut their pay and their savings. We will continue to fight for middle-class tax relief that will rebuild our economy in Dayton and Springfield and Zanesville and Mansfield and Ravenna and Girard and Lima and restore prosperity for all Ohioans. We will continue to fight for college students in Toledo, the GM workers in Defiance, the GM workers in Evendale, and veterans and all middle-class families across the Ohio and the country. America's middle class, as a result, will pay less and save more because this President and this Congress are actually doing something about it.

I yield the floor.

BUDGET SCOREKEEPING REPORT

Mr. CONRAD. Mr. President, I rise to submit to the Senate the fifth budget scorekeeping report for the 2010 budget resolution. The report, which covers fiscal year 2010, was prepared by the Congressional Budget Office pursuant to Section 308(b) and in aid of Section 311 of the Congressional Budget Act of 1974, as amended.

The report shows the effects of Congressional action through April 9, 2010, and includes the effects of legislation since I filed my last report for fiscal year 2010 on January 28, 2010. The new legislation includes: P.L. 111-127, the Emergency Aid to American Survivors of the Haiti Earthquake Act; P.L. 111-142, the Social Security Disability Applicants' Access to Professional Representation Act of 2010; P.L. 111-145, the United States Capitol Police Administrative Technical Corrections Act of 2009; P.L. 111-147, the Hiring Incentives to Restore Employment Act; P.L. 111-148, the Patient Protection and Affordable Care Act; P.L. 111-151, the Satellite Television Extension Act of 2010; and P.L. 111-152, the Health Care and Education Reconciliation Act of 2010.

The estimates of budget authority, outlays, and revenues are consistent with the technical and economic assumptions of S. Con. Res. 13, the 2010 budget resolution.

The estimates show that for fiscal year 2010 current level spending is above the levels provided in the budget resolution by \$3.1 billion for budget authority and \$5.8 billion above for outlays. For revenues, current level shows that \$14.2 billion in room remains relative to the budget resolution level.

I ask unanimous consent that the letter and accompanying tables from CBO be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, Apr. 15, 2010.

Hon. KENT CONRAD,
Chairman, Committee on the Budget, U.S. Senate,
Washington, DC.

DEAR MR. CHAIRMAN: The enclosed report shows the effects of Congressional action on

the fiscal year 2010 budget and is current through April 9, 2010. This report is submitted under section 308(b) and in aid of section 311 of the Congressional Budget Act, as amended.

The estimates of budget authority, outlays, and revenues are consistent with the technical and economic assumptions of S. Con. Res. 13, the Concurrent Resolution on the Budget for Fiscal Year 2010, as approved by the Senate and the House of Representatives.

Pursuant to section 403 of S. Con. Res. 13, provisions designated as emergency requirements are exempt from enforcement of the budget resolution. As a result, the enclosed current level report excludes these amounts (see footnote 2 of Table 2 of the report).

Since my last letter, dated January 28, 2010, the Congress has cleared and President has signed the following acts which affect budget authority, outlays, or revenues for fiscal year 2010:

Emergency Aid to American Survivors of the Haiti Earthquake Act (Public Law 111-127);

Social Security Disability Applicants' Access to Professional Representation Act of 2010 (Public Law 111-142);

United State Capitol Police Administrative Technical Corrections Act of 2009 (Public Law 111-145);

Hiring Incentives to Restore Employment Act (Public Law 111-147);

Patient Protection and Affordable Care Act (Public Law 111-148);

Satellite Television Extension Act of 2010 (Public Law 111-151); and

Health Care and Education Reconciliation Act of 2010 (Public Law 111-152).

Sincerely,

DOUGLAS W. ELMENDORF,
Director.

Enclosure.

TABLE 1.—SENATE CURRENT LEVEL REPORT FOR SPENDING AND REVENUES FOR FISCAL YEAR 2010, AS OF APRIL 9, 2010

(In billions of dollars)

	Budget resolution ¹	Current level ²	Current level over/under (—) resolution
ON-BUDGET			
Budget Authority	2,897.5	2,900.5	3.1
Outlays	3,010.1	3,015.9	5.8
Revenues	1,612.3	1,626.5	14.2
OFF-BUDGET			
Social Security Outlays ³	544.1	544.1	0.0
Social Security Revenues	668.2	668.1	—0.1

¹ S. Con. Res. 13, the Concurrent Resolution on the Budget for Fiscal Year 2010, includes \$10.4 billion in budget authority and \$5.4 billion in outlays as a disaster allowance to recognize the potential cost of disasters; those funds will never be allocated to a committee. At the direction of the Senate Committee on the Budget, the budget resolution totals have been revised to exclude those amounts for purposes of enforcing current level.

² Current level is the estimated effect on revenues and spending of all legislation, excluding amounts designated as emergency requirements (see footnote 2 of table 2), that the Congress has enacted or sent to the President for his approval. In addition, full-year funding estimates under current law are included for entitlement and mandatory programs requiring annual appropriations, even if the appropriations have not been made.

³ Excludes administrative expenses of the Social Security Administration, which are off-budget, but are appropriated annually.

Source: Congressional Budget Office.

TABLE 2.—SUPPORTING DETAIL FOR THE CURRENT LEVEL REPORT FOR ON-BUDGET SPENDING AND REVENUES FOR FISCAL YEAR 2010, AS OF APRIL 9, 2010

(In millions of dollars)

	Budget authority	Outlays	Revenues
Previously Enacted¹:			
Revenues	n.a.	n.a.	1,633,385
Permanents and other spending legislation	1,656,952	1,651,725	n.a.
Appropriation legislation ²	1,917,749	2,048,775	n.a.
Offsetting receipts	—690,252	—690,252	n.a.
Total, previously enacted	2,884,449	3,010,248	1,633,385
Enacted this session:			
An act to accelerate the income tax benefits for charitable cash contributions for the relief of victims of the earthquake in Haiti (P.L. 111-126)	0	0	—40
Emergency Aid to American Survivors of the Haiti Earthquake Act (P.L. 111-127)	50	50	0
Social Security Disability Applicants' Access to Professional Representation Act of 2010 (P.L. 111-142)	—4	—4	0
United States Capitol Police Administrative Technical Corrections Act of 2009 (P.L. 111-145)	10	6	0

TABLE 2.—SUPPORTING DETAIL FOR THE CURRENT LEVEL REPORT FOR ON-BUDGET SPENDING AND REVENUES FOR FISCAL YEAR 2010, AS OF APRIL 9, 2010—Continued

(In millions of dollars)

	Budget authority	Outlays	Revenues
Hiring Incentives to Restore Employment Act (P.L. 111-147)	20,903	141	— 4,380
Patient Protection and Affordable Care Act (P.L. 111-148)	8,500	3,130	— 580
Satellite Television Extension Act of 2010 (P.L. 111-151)	2	0	2
Health Care and Education Reconciliation Act of 2010 (P.L. 111-152)	1,130	220	— 1,930
Total, enacted this session	30,591	3,543	— 6,928
Entitlements and mandatories:			
Budget resolution estimates of appropriated entitlements and other mandatory programs	— 14,500	2,066	0
Total Current Level ^{2,3}	2,900,540	3,015,857	1,626,457
Total Budget Resolution	2,907,837	3,015,541	1,612,278
Adjustment to the budget resolution for disaster allowance ⁵	— 10,350	— 5,448	n.a.
Adjusted Budget Resolution	2,897,487	3,010,093	1,612,278
Current Level Over Budget Resolution	3,053	5,764	14,179
Current Level Under Budget Resolution	n.a.	n.a.	n.a.

¹ Includes legislation affecting budget authority, outlays and revenues that was enacted in the first session of the 111th Congress.² Pursuant to section 403 of S. Con. Res. 13, provisions designated as emergency requirements (and rescissions of provisions previously designated as emergency requirements) are exempt from enforcement of the budget resolution. The amounts so designated for fiscal year 2010, which are not included in the current level totals, are as follows:

	Budget authority	Outlays	Revenues
Previously Enacted (see footnote 1)	12,042	21,040	— 4,475
Temporary Extension Act of 2010 (P.L. 111-144)	7,942	7,901	— 704
Total, amounts designated as emergency	19,984	28,941	— 5,179

³ For purposes of enforcing section 311 of the Congressional Budget Act in the Senate, the budget resolution does not include budget authority, outlays, or revenues for off-budget amounts. As a result, current level excludes these items.⁴ Periodically, the Senate Committee on the Budget revises the totals in S. Con. Res. 13, pursuant to various provisions of the resolution:

	Budget authority	Outlays	Revenues
Original Budget Resolution Totals	2,888,691	3,001,311	1,653,682
Revisions:			
For the Supplemental Appropriations Act, 2009 (section 401(c)(4))	5	2,004	0
For an act to protect the public health by providing the Food and Drug Administration with certain authority to regulate tobacco products . . . and for other purposes (sections 311(a) and 307)	0	0	40
For the Congressional Budget Office's reestimate of the President's request for discretionary appropriations (section 401(c)(5))	3,766	2,355	0
For further revisions to a bill to protect the public health by providing the Food and Drug Administration with certain authority to regulate tobacco products . . . and for other purposes (sections 311(a) and 307)	10	13	6
For further revisions to the Supplemental Appropriations Act, 2009 (section 401(c)(4))	6	— 1,175	0
For an act to make technical corrections to the Higher Education Act of 1965, and for other purposes (section 303)	32	36	0
For further revisions to the Supplemental Appropriations Act, 2009 (section 401(c)(4))	— 11	— 11	0
For an amendment in the nature of substitute to H.R. 3548, the Unemployment Compensation Extension Act of 2009 (sections 306(f) and 306(b))	5,708	5,708	— 38,940
For the Patient Protection and Affordable Care Act of 2009 (section 301(a))	12,500	11,500	9,100
For the Department of Defense Appropriations Act, 2010 (section 401(c)(4))	0	1,950	0
For further revisions to the Patient Protection and Affordable Care Act of 2009 (section 301(a))	— 5,220	— 6,670	— 9,630
For further revisions to the Patient Protection and Affordable Care Act of 2009 (section 301(a))	— 7,280	— 4,830	530
For further revisions to the Patient Protection and Affordable Care Act of 2009 (section 301(a))	8,500	3,130	— 580
For the Health Care and Education Reconciliation Act of 2010 (section 301(a))	1,130	220	— 1,930
Revised Budget Resolution Totals	2,907,837	3,015,541	1,612,278

⁵ S. Con. Res. 13 includes \$10,350 million in budget authority and \$5,448 million in outlays as a disaster allowance to recognize the potential cost of disasters; those funds will never be allocated to a committee. At the direction of the Senate Committee on the Budget, the budget resolution totals have been revised to exclude those amounts for purposes of enforcing current level.

Note: n.a. = not applicable; P.L. = Public Law.

Source: Congressional Budget Office.

HONORING OUR ARMED FORCES

LANCE CORPORAL JACOB A. ROSS, USMC

Mr. BARRASSO. Mr. President, I rise today to express our Nation's deepest thanks and gratitude to a special young man and his family. I was deeply saddened to receive word during the past recess that that on March 24, 2010, LCpl Jacob A. Ross of Gillette, WY, was killed in the line of duty while serving our country in support of Operation Enduring Freedom. Lance Corporal Ross was killed in combat in Helmand Province in southern Afghanistan.

Lance Corporal Ross was assigned to the 2nd Battalion, 2nd Marine Regiment, 2nd Marine Division, II Marine Expeditionary Force out of Camp Lejeune, NC. Lance Corporal Ross graduated from Campbell County High School in 2008. He is remembered by his friends as hard-working, intelligent and kind-hearted. He was athletic and was on the swimming and soccer teams in high school. Jacob had a passion for the outdoors and loved to hunt, fish and camp under the Wyoming skies. He

always wanted to be a marine. After graduation, he followed in his father's footsteps and joined the U.S. Marine Corps.

It is because of Jacob Ross that all Americans are able to live our daily lives as free people. Freedom is not free. It carries a very high price. And that price has been paid over and over by America's men and women who answer the call to service and willingly bear the burdens of defending our Nation. They deserve our deepest respect and gratitude. They put their very lives on the line every day, and because of them and their families, our nation remains free and strong in the face of danger.

The motto of the U.S. Marine Corps is "Semper Fidelis." It means "Always Faithful." LCpl Jacob Ross lived up to these words with great honor. He gave his life, that last full measure of devotion, for you, me, and every single American. He gave his life serving and defending his country and its people, and we honor him for this selfless sacrifice. He was always faithful to our

country and its citizens, and to his fellow marines.

Lance Corporal Ross is survived by his wife Brittney, and his parents Karen and Dennis, his sister Katie and his brother, Nathan. He is also survived by his brothers and sisters in arms of the U.S. Marine Corps. We say goodbye to a son, a husband, a brother, a friend, and a marine. The United States of America pays its deepest respect to LCpl Jacob A. Ross for his courage, his love of country and his sacrifice, so that we may remain free. He was a hero in life and he remains a hero in death. All of Wyoming, and indeed the entire Nation, is proud of him. May God bless him and his family. Lance Corporal Ross, Semper Fi.

(At the request of Mr. REID, the following statement was ordered to be printed in the RECORD.)

HOLOCAUST REMEMBRANCE DAY 2010

• Mr. NELSON of Florida. Mr. President, I rise today to commemorate Holocaust Remembrance Day.

This week, in America and throughout the world, Jews observed Holocaust Remembrance Day in synagogues, reciting prayers. Families gathered in their homes to light candles and remember those loved ones who perished. Young people listened to the stirring testimonials of grandparents and survivors of one of the worst atrocities committed by humankind. These rituals are recited each year in an effort to remember. But, also to ensure that we as a human race never forget.

Florida has the largest number of Holocaust survivors in the entire country. Each time I visit the Miami Jewish Health Systems and other centers in our state, I am reminded of our solemn obligation to care for those survivors, whose numbers dwindle with each passing year.

This week, we pause to remember those who lost their lives simply because of their faith and their heritage. We also remember others who suffered persecution and were murdered by the Nazis: Gypsies and Poles, the handicapped, gays and lesbians, political dissidents, prisoners of war, and the brave civilians who risked their own lives to save their neighbors.

Last June, a lone gunman attacked the Holocaust Memorial Museum here in Washington. This morally depraved man shot and killed a guard and terrorized countless visitors before he was brought down. The shots were fired on the day the museum was scheduled to show a play based on the life of Anne Frank, a girl whose story serves as a disturbing reminder of the Nazis' campaign of terror and also the heroism demonstrated by a few decent people to protect those whose lives were in jeopardy.

January 11, 2010, Miep Gies, the last of those who protected Anne Frank passed away. She was a woman who did not want to be called a hero, but it is her heroism that we must honor, remember, and pass down to future generations.

A survivor recently informed me that on Holocaust Remembrance Day she wanted people to remember the kindness that she received during the Holocaust. She said that kindness helped her survive. Mr. President, it is amazing that survivors, when asked about a period of unimaginable horror, can recall sentiments of thanks and an appreciation for life.

The good that individuals can do is not limited to the past. Americans today are continuing to help those survivors by documenting their experiences and educating our communities. This past January, I attended the 30th anniversary celebration of the Holocaust Documentation & Education Cen-

ter. The center is in the process of creating the first South Florida Holocaust Museum. There is still great work to be done and I am proud of the Americans who are committed to this important effort.

Congress also has a responsibility to ensure that the memories of those dark days are recalled to ensure that nothing like it happens on this Earth again.

In respect for the victims of the Holocaust and surviving relatives, I introduced a resolution on restitution or compensation for property and other assets seized by the Nazi and Communist regimes in postwar Europe, in anticipation of the International Conference on Holocaust Assets that was held in Prague in June 2009. At this conference, the United States signed the Terezin Declaration, which among many declarations reminds us about the need to take care of Holocaust survivors' social welfare as they increase in age.

I also introduced the World War II War Crimes Accountability Act to encourage foreign governments to prosecute and extradite wanted criminals, and to bring them to justice.

We are in a race against time. Each year, more Holocaust survivors are laid to rest. Let us work together quickly to let them see a measure of justice done in their lifetime.

Finally, our government has made solemn commitments in the past that the horror of the Holocaust will never be repeated. And yet we are all well aware of the grim stories of ethnic cleansing in the former Yugoslavia in the 1990s, the mass murder of Tutsis in Rwanda in 1994, and the genocide in Darfur. America must be a moral leader among nations in working to halt and prevent genocide.

I urge President Obama, Secretary of State Clinton and U.N. Ambassador Rice to continue the battle against ignorance, intolerance, and instability that contributes to genocide and to confront those governments that engage in genocide. America must make every effort to ensure that those who commit these horrific crimes face justice.●

GUATEMALA'S NEXT ATTORNEY GENERAL

Mr. LEAHY. Mr. President, I want to speak briefly about a matter of urgent importance for the people of Guatemala and for U.S. relations with Guatemala.

Later this month, President Colom will select Guatemala's next Attorney General from a slate of six candidates. This may be among the most important decisions he makes this year, at a time when drug trafficking and other organized crimes, assassinations of human rights defenders, and other social and political activists, corruption, and impunity threaten the foundation of Guatemala's fragile democracy.

In the 33 months of this year alone, at least five Guatemalan human rights defenders, social activists, and trade unionists have been murdered, including two members of the Resistance Front for the Defense of Natural Resources—its president, Evelinda Ramirez Reyes, and Octavio Roblero. Also killed were Juan Antonio Chea, a Mayan indigenous lawyer who worked with the Human Rights Office of the Archbishop and the National Reparations Program; Pedro Antonio Garcia of the Malacatan Municipal Workers Union; and Germán Antonio Curup, a member of a group opposed to the construction of a cement plant in San Juan Sacatepéquez. Mr. Curup was murdered in particularly brutal fashion—abducted on February 11, his body was dumped 2 days later, throat cut and showing signs of torture. This type of brutality is not unusual in Guatemala, nor is it unusual that no one has been arrested or punished for those crimes.

The 1996 Peace Accords were a historic milestone, ending three decades of civil war when government security forces and associated death squads and civil patrols targeted anyone who was considered subversive. Tens of thousands of rural Mayan villagers, students, lawyers, journalists, and other social and political activists were arbitrarily arrested, tortured, and killed. The URNG rebels were also guilty of atrocities. Almost no one has been punished for those crimes.

While the Peace Accords spelled out commitments by the government and goals for the country's future political, economic, and social development, progress has been disappointing. Implementation of many elements of the accords has been repeatedly delayed, and widespread debilitating poverty, impunity, and women's and indigenous peoples' rights remain urgent concerns. These are among the key issues the Peace Accords were designed to address, which were at the root of the conflict.

In the meantime, in the absence of a credible or effective justice system, corruption has flourished and violent crime has skyrocketed. There has also been a steady emigration of poor Guatemalans seeking jobs in the United States.

Effectively confronting these problems requires political will, which has too often been lacking in Guatemala. Secretary Clinton expressed the willingness of the United States to stand with the Guatemalan people during her visit there on March 5, and I hope the Guatemalan Government will seize this opportunity to develop ambitious and effective strategies to confront these challenges.

There is no better place to start than by appointing an Attorney General who has the integrity, experience, courage, and determination to show

that justice can be a reality for all the people of Guatemala regardless of race, ethnicity, gender, or economic status.

Investigating and prosecuting assassinations of human rights defenders, as well as some of the most notorious political crimes, should be a priority. The United States is helping through our donations to the International Commission against Impunity in Guatemala, CICIG. The CICIG is doing an important job and should continue, but it is no substitute for an effective Ministry of Justice. We are ready and willing to support an Attorney General who demonstrates the necessary professional qualifications and commitment. But absent those qualifications and commitment, as chairman of the State and Foreign Operations Subcommittee, I would find it difficult to justify spending more resources on a fruitless quest for justice reform in Guatemala.

A related imperative is reforming Guatemala's police forces, which are undertrained, underpaid, under-equipped, and infected with corruption. President Colom deserves great credit for appointing Helen Mack, a widely respected human rights defender, to develop a plan for police reform, and I look forward to her recommendations. An Attorney General whose integrity matches that of Helen Mack's would be a welcome step.

Guatemala has a troubled history and is facing immense challenges, both internally and along its borders, as it is rapidly becoming a favorite haven for Latin criminal organizations. Yet as the land of one of the most accomplished pre-Colombian civilizations in this hemisphere whose indigenous descendants enrich present-day Guatemala in countless ways, spectacular tropical forests and towering volcanoes, it is also a country with great potential. The United States is prepared to help tackle these challenges if Guatemalan Government officials in key positions merit our support. I urge President Colom to use the opportunity of selecting Guatemala's next Attorney General to send that message clearly.

TOURETTE SYNDROME

Mr. INOUE. Mr. President, I rise today to raise awareness of a complex neurological disorder affecting an estimated 200,000 Americans. Tourette Syndrome, TS, emerges in children, as young as 5 years old. Symptoms include "tics," repeated involuntary noises or movement. Some adults with TS have learned to control their tics, or redirect them in other ways.

I have not been knowledgeable on this subject. However, I recently had the pleasure of meeting a group of four—two mothers and two sons—all dealing in some way with TS. Zach Pezzillo, a high school junior from

Haiku, Maui, in my State of Hawaii, was diagnosed with TS at age 7. After 2 years of misdiagnosis, Zach and his mother, Susannah Christy, were almost relieved to learn why Zach constantly sniffed. Zach was fortunate in that his tics were mild. He has become a well spoken young man, a gifted photographer, and a wonderful youth ambassador for the National Tourette Syndrome Association. I am sure much of his success is due in large part to his mother Susannah, whose support of her son's drive and openness with his affliction is noteworthy.

I also had the pleasure of meeting Chris Schuette, a young man who, in his adulthood, has learned to control his tics so well that he was able to serve with AmeriCorps in 2007. His mother, Cynthia Schuette, heads the Northern California and Hawaii Chapter of the National Tourette Syndrome Association, and has been involved in educating the public about TS since her son, now 26, was diagnosed with the disorder nearly 20 years ago.

Not all Americans with TS are as lucky as Zach and Chris. This is a disorder so largely misunderstood that Zach, after telling a neurologist about his TS, was challenged by this learned professional, who told him he must not have TS because she couldn't see any physical manifestations of his disorder. Such misinformation leads to misdiagnosis for children with TS. While the Centers for Disease Control, through necessary grant programs, continues its essential research into the causes of TS, we must do our part in educating ourselves and others about this disorder.

CONGRATULATING BUTLER UNIVERSITY

Mr. BAYH. Mr. President, today I honor Butler University's 2010 Men's Basketball team for its historic season which culminated in last week's NCAA championship game in Indianapolis.

Although the Bulldogs narrowly lost to the Duke University Blue Devils, 2010 was a season for the record books.

This was Butler's first trip to the NCAA "Final Four" and the best performance by a school of Butler's size in 40 years. Butler entered the championship game with a 25-game winning streak, the longest in the Nation.

The championship was especially meaningful as the team played in Indianapolis, nearby the university's home court, the storied Hinkle Fieldhouse.

I particularly want to recognize the work of Butler's coach, Brad Stevens. Under the leadership of this native Hoosier, the Bulldogs have become a national power. In his first three seasons, Coach Stevens has won 89 games—a Butler record.

Much of that success can be attributed to the Bulldogs' guiding philosophy, the "Butler Way" which empha-

sizes the importance of working as a team, both on and off the court.

Dr. Bobby Fong, the university's president, and the faculty and administration of Butler all deserve credit for maintaining the right balance between athletics and academics. Butler has one of the highest graduation rates of all the schools in this year's NCAA Tournament, and 2 of this year's 15 Academic All-Americans were players for the Bulldogs.

Butler's commitment to both academic and athletic excellence embodies the best of college athletics. I am proud to recognize their winning combination of talent and determination.

The Butler University Bulldogs have proved once again that an underdog team from the Hoosier State can capture America's heart.

TRIBUTE TO VIRGINIA BEECHER

Mr. GREGG. Mr. President, I wish to thank and congratulate Virginia Beecher for her years of service to the people and State of New Hampshire. Kathy and I have known Gini for so long, it is best not to mention the specific number of years. She is a friend, confidant, and someone we greatly admire for her extraordinary commitment to public service.

Gini completes her work for New Hampshire as the director of Motor Vehicles, a position she has held for 15 years. Her leadership of this critical agency, which affects so many New Hampshire citizens, has taken it from the dark ages to a highly computerized, customer-friendly department. She has focused on providing the citizens of New Hampshire with their licenses and car registrations in an efficient and pleasant way. Her commitment has always been to bring the highest standards and a professional approach to the department.

This is only one stop in her exceptional career of service to New Hampshire. Kathy and I had to convince her to leave her beloved Department of Safety for a brief tenure in the Governor's office when I began my term as Governor. It was her unique knowledge of how the State government works that helped us get up and running effectively and quickly. After she straightened out the Governor's office, she returned to continue to be the force that made the Department of Safety one of the most professional and well run agencies in the State.

You cannot talk about Gini's influence without mentioning her total commitment to the North Country. It has always been a part of her being. Gini has a commonsense, no nonsense approach that characterizes that part of our great State.

New Hampshire government will obviously miss Gini's talent and enthusiasm. Kathy and I wish her the best as she moves on to other challenges. We

are honored that our paths have been so intertwined over these many years and that she is our friend.

Thank you, Virginia Beecher, for your many years of service to the State of New Hampshire.

ADDITIONAL STATEMENTS

SMALL BUSINESS COMMUNITY GROWTH

• Mr. BOND. Mr. President, one of the many blessings of being a U.S. Senator is the opportunity to be exposed to so many people who strive, work together, and improve their communities and our Nation every day.

Despite hardship, America is a place where Americans face challenges as opportunities determined to see that tomorrow is always better than today. One powerful example is the partnership that exists in St. Joseph, MO, between community leaders and the Missouri Western State University. How pleasing it is to have members of the forward-leaning St. Joseph Area Chamber of Commerce led by Ted Allison come to Washington and, as usual, front and center among the distinguished group is the president of the University, Dr. Robert Vartabedian.

How powerful it is to have Mr. Allison testify before the House Committee on Small Business, represented by his Congressman and committee ranking member, SAM GRAVES, and speak passionately about the job-producing power of the small business community such as exists in St. Joseph, and the importance of education to support small business productivity and growth.

Dr. Vartabedian, and his predecessor, Dr. James Scanlon, share the view that the University does not exist in isolation but that the University should understand and serve the community just as the community, in this case, the Chamber of Commerce, and others, serve the University.

Dr. Scanlon, who retired after 7 years in June of 2008, was a tireless head of the school and advocate for the community. Integrity and intellect served Dr. Scanlon's action-oriented approach which insisted upon customer-based performance. He never rested and he did not allow members of the St. Joseph community to rest either. After all, the community included future employers and neighbors of his kids and Dr. Scanlon was interested in them having productive and happy lives far beyond graduation.

Originally a New Yorker, of all things, one would think Dr. Scanlon always lived in St. Joseph and intended never to leave, but his remarkable footprint continued under the current leadership and has provided a foundation for continued vision and performance. "Oh happy day!" became his

trademark exclamation, and while I hope it was for Dr. Scanlon, I am certain that because of him, it has been for thousands of students and their faculty and community members.

In a large part thanks to Dr. Scanlon, and now, Dr. Vartabedian's leadership, Western has thrived, becoming a source of pride for the community, region, and state.

Western's statewide mission is applied learning. Remarkably, about 90 percent of Western students completed at least one internship, practica, or faculty-student project by the time they graduate. In other words, Western students have classroom and real-world experience.

Since 2001, the college has become a university, experienced its fifth straight year of record enrollments, doubled its laboratory space for sciences, undertaken to fill its capacity at the new Science & Technology Incubator, built up modern math and science capacity, began a new M.S. program in Nursing, became the summer home of the Kansas City Chiefs, and has seen the establishment of the Steven L. Craig School of Business.

According to Missouri Western, the gift by Mr. Craig that made the new school possible "means serious business for Western."

The generosity by Mr. Craig will not only launch another valuable path for students to develop value, but represents a strong endorsement of the Western program, and the sense of community in St. Joseph where Craig was born.

Mr. Craig graduated from nearby Savannah High School before moving to California to graduate from the University of Southern California. He founded the Craig Realty Group, a Newport Beach, CA, company that owns and manages 13 upscale factory outlet centers in 6 states.

The gift of \$5.5 million was one of the very largest in the Nation and the largest individual gift to the university's foundation. In addition to being the largest individual gift to the university, these funds will directly enhance St. Joseph, MO, the Midwest region, and will be used to develop tomorrow's business leaders who should follow not only Mr. Craig's business model, but his model of selfless philanthropy as well.

Missouri Western officials recognize that Mr. Craig's gift celebrates three of his qualities: entrepreneurial spirit, generosity, and faith.

This conspiracy of goodness by a true working community on behalf of a future community membership is a model to applaud and to emulate. Doctors Scanlon and Vartabedian, Mr. Allison, Mr. Craig and all those who have locked arms with you leaders to plow forward, thank you and well done and, more importantly, well doing. ●

RECOGNIZING SAN BERNARDINO'S BICENTENNIAL

• Mrs. BOXER. Mr. President, I am honored today to join with the people of San Bernardino as they celebrate their bicentennial—the 200th anniversary of the founding of this great city.

From the day in 1810 when Franciscan missionary Father Dumetz named the area "San Bernardino" to the present, San Bernardino—nestled south of the San Bernardino Mountains and west of the lower desert—has been recognized for its scenic beauty and strategic location.

San Bernardino's colorful history begins in the early years of the 19th century when Spanish missionaries were the first settlers to the region. Mission San Bernardino was established in 1810 and the missionaries, along with the American Indians native to the area, diverted water to the valley from Mill Creek for irrigation purposes. As a result, the area flourished.

Gradually the mission period came to a close and soon came the rise of the Great Spanish Rancheros. The abandoned Mission San Bernardino did not stay vacant for long. San Bernardino Rancho was granted to the Lugo Brothers in 1842 and eventually became an important post on the trading route known as the Spanish Trail, where pioneer trailblazers such as Kit Carson and Jedediah Strong Smith often traveled.

In 1848, California joined the United States. By this time, many rancheros had left the area. In 1851, the Lugo brothers eventually sold San Bernardino Rancho to a party of 500 Mormon settlers who built a stockade around the ranch and named it "Fort San Bernardino". The community thrived and was officially incorporated in 1854 as a city with a population of 1,200. At that time, San Bernardino was strictly a temperance town, with no drinking or gambling allowed.

As the 19th century waned, the giant railway companies eventually found their way to San Bernardino, changing it from a sleepy town into an enterprising city. Santa Fe, Union Pacific, and Southern Pacific all made San Bernardino the hub of their southern California operations. When the Santa Fe Railway established a transcontinental link in 1886, the already prosperous valley exploded. Even more settlers flocked from the East, and the population doubled between 1900 and 1910.

San Bernardino has had a great history with military involvement. The San Bernardino Engineer Depot, commonly called Camp Ono, was located along what is now the I-215 freeway was used by the U.S. Army as a vehicle and ammunition supply and storage depot, drycleaning facility, sewage spreading area, tent manufacturing and dyeing facility, locomotive maintenance facility, railcar and tank

degreasing facility, motor vehicle pool, prisoner of war camp, bomb manufacturing, and water softening facility.

The site was also a part of the Advance Communications Zone Depot in the southern California defense system. Camp Ono consisted of a total of 1,662.82 acres and was leased by the U.S. Army on 1 July 1940 and existed until December 1946. A prisoner of war camp occupied 300 acres of the site. Approximately 499 Italian prisoners of war were incarcerated, and they were used to maintain army vehicles, degrease tanks, and operated a tent repair and tent dyeing facility.

Norton Air Force Base was also located east of downtown San Bernardino. This frontline military installation was home to a logistics depot and heavy-lift transport facility for a wide variety of military aircraft, equipment, and supplies as part of the Material/Air Force Logistics Command and then as part of the Military Airlift Command. The secondary mission of the base was as a headquarters for Aerospace Defense Command for southern California, the Air Force Audio-Visual Center and numerous Air Force Reserve units and the Office of the Inspector General.

Norton was closed as a result of base realignment and closure, BRAC, action in 1994. The aviation facilities of the base were converted into San Bernardino International Airport and the remainder for other private development opportunities. Mattel Toys, Stater Bros Markets, Pep Boys, and Kohl's also are located within the industrial complex on the former base.

McDonald's was founded by brothers Richard and Maurice McDonald in San Bernardino in 1940. Their introduction of the Speedee Service System in 1948 established the principles of the modern fast-food restaurant.

San Bernardino is also the home of Al Houghton Stadium and the Western Regional Little League Inc. Each year San Bernardino hosts 11 Western States in the West and Northwest regional tournaments. The winner of each tournament goes on to the Little League World Series in Williamsport, PA.

San Bernardino has a plethora of educational opportunities. California State University, San Bernardino, was founded in 1965 and graduated its first class in 1969. From a very small beginning, this university has flourished with new facilities and Division II sports programs. There are also many other schools of higher learning in the city, including San Bernardino Valley College, the Art Institute of California-Inland Empire, Argosy University-Inland Empire, Everett College, and the American Sports University.

Today San Bernardino has emerged as a modern urban community with a bright future. The enduring spirit and vitality of yesterday's pioneers are

still evident and reflected in the pride of community. The city of San Bernardino serves as the county seat and is the largest city in the county of San Bernardino, with a population more than 205,000.

Please join me in honoring the city of San Bernardino as it celebrates its bicentennial.●

TRIBUTE TO THOMAS EDWARD PINELLI

● Mrs. GILLIBRAND. Mr. President, I wish to pay tribute to the military service of Thomas Edward Pinelli, a veteran of World War II who is being honored in Washington, DC, this week.

Mr. Pinelli served as a forward observer and technical sergeant in the Third Infantry Division, which fought the Germans through the Vosges Mountains in France, through the Colmar Pocket, and finally until VE day in Germany. As part of this division, he helped liberate the Dachau concentration camp and free thousands of civilians who were under Hitler's rule. His division received a unit citation from President Franklin D. Roosevelt, and Sergeant Pinelli was awarded medals for sharp shooting and good conduct.

After World War II, Thomas returned to his hometown of Bronx, NY, where he began a career with the U.S. Postal Service. After 30 years, he retired in Westchester County, where he now resides.

As grateful as Thomas Pinelli is for the opportunity to serve his country, he is even more grateful for the opportunity to have lived a full life in service to his community as a committed citizen, husband, and father. Mr. Pinelli's two sons are also giving back to their communities as they emulate their father's commitment to service: his elder son Thomas Jr. is a health care provider, and his younger son John teaches high school in New York City.

On April 14 and 15, the U.S. Holocaust Memorial Museum honored Thomas Pinelli and many others for their role in liberating the Dachau Concentration Camp in April 1945. Thomas traveled to Washington for this ceremony, thrilled at the chance to visit the Nation's Capital, to see old friends, and to relive this momentous time in American history. I wish to congratulate him on this honor and thank him for his service to our Nation.●

TRIBUTE TO DALE E. KLEIN

● Mr. INHOFE. Mr. President, the Honorable Dale E. Klein completed his last day as a member of the U.S. Nuclear Regulatory Commission on March 30, 2010, and has returned to the faculty of the University of Texas, from which he had been on an extended leave of absence as the result of his appointment by former President George W. Bush to

the Department of Defense and subsequently to the Nuclear Regulatory Commission. Dr. Klein began his tenure at the NRC on July 1, 2006, having been appointed by the President as the agency's Chairman. He continued to serve in that role until May 13, 2009, when President Obama designated Gregory B. Jaczko as the NRC Chairman. Although Dr. Klein would have preferred to return to the University of Texas at that time, he elected to remain an NRC Commissioner from May 2009 to March 30, 2010, to ensure continuity of the Commission until the President could nominate, and the U.S. Senate could confirm, his successor and two additional new Commissioners to fill existing vacancies on the Commission.

Dr. Klein's tenure as the NRC Chairman coincided with the rapid acceleration in the nuclear industry's plans for the development of a new generation of U.S. nuclear power plants. By the time of his departure from the agency, the NRC had received 18 applications for 28 new nuclear power plants after nearly three decades in which no new nuclear plants had been constructed in the U.S. This dramatic resurgence of the nuclear power option created an urgent and very critical need for the NRC to hire an unprecedented number of new staff since many of the agency's most experienced technical staff were nearing retirement age and the agency had critical skill shortages in such areas as construction inspection. Dr. Klein provided oversight and direction to the recruiting effort, which at its peak would result in net annual increases of approximately 250 new staff. In the absence of this effort, the NRC would not have been able to complete its technical reviews of new applications on a time frame that would support the nuclear industry's plans or meet the Nation's growing need for new sources of clean, safe, and affordable energy.

At the same time, Dr. Klein recognized that the resurgence in interest in nuclear power was a global phenomenon that was occurring both in countries with established nuclear power programs and countries with no prior experience with nuclear power. He consistently emphasized the critical importance of establishing and maintaining a strong, independent national nuclear regulatory authority in all countries considering the nuclear power option in his numerous meetings with his international regulatory counterparts in foreign countries, in meetings of international organizations like the IAEA, and during his frequent trips to foreign countries. Noting that an accident anywhere is an accident everywhere, he also ensured that the NRC provided assistance in setting up national nuclear regulatory bodies when requested by the host country.

Dr. Klein understood that for the NRC to continue to be an outstanding

regulatory agency that could serve as a model for foreign countries, it needed good people, a strong safety culture, and the right technology. He observed that when he arrived at the NRC in July 2006, the agency had an outstanding technical staff and a strong safety culture, but was far behind the times in its technology infrastructure. He spent considerable time and effort in upgrading NRC's technology infrastructure not only to ensure improved communication within the NRC and with its stakeholders, but also to enable the NRC to attract and retain the young people that would become the core agency staff in the future.

As the NRC accelerated its hiring of new staff after 2006, however, the existing NRC headquarters complex, the White Flint Complex in Rockville, MD, could no longer accommodate the headquarters staff, forcing the NRC to rent additional space in four other buildings in the Rockville area. This dispersal represented a return to conditions existing at the time of the Three Mile Island accident in 1979, when the NRC was widely dispersed in 11 buildings in the Washington Metropolitan area. A study published after the accident cited the multiple, scattered locations of the agency's headquarters staff as a factor hampering the NRC's response to the 1979 accident. Consequently, Dr. Klein made it one of his highest priority goals as Chairman to reconsolidate NRC headquarters in a single location in the vicinity of the White Flint complex. Most of the preparatory work and obtaining local government, GSA, and Congressional approval for the construction of a third building at the White Flint complex occurred under the guidance and direction of Dr. Klein during his tenure as Chairman.

Dr. Klein has made very significant contributions to maintaining the U.S. Nuclear Regulatory Commission as the world's first and most experienced nuclear regulatory body and has demonstrated over the last 7 years his commitment to public service and protection of the public health and safety. I am therefore pleased to ask my Senate colleagues to join me in recognizing this outstanding public servant and in wishing him and his family success in all his future endeavors.●

TRIBUTE TO AARON MARTIN

● Mrs. LINCOLN. Mr. President, today I honor Aaron Martin, a native of Stuttgart from my home State of Arkansas. His bravery and that of his fellow servicemen and women made national headlines recently as they captured a group of Somali pirates in the Indian Ocean.

A 1994 Stuttgart High School graduate, Martin was among the sailors who took on a small gang of Somali pirates in the early morning hours of

April 1. The USS *Nicholas*, a guided missile warship, was tracking the pirates when they opened fire in Indian Ocean waters, according to reports. The USS *Nicholas*, which saw combat in the first Gulf War, returned fire and disabled the small ship.

Martin is the son of Bruce and Janette Martin of Stuttgart. He and his wife Natalie have an 8-year-old son and a 12-year-old daughter.

Along with all Arkansans, I am grateful for the service and sacrifice of all of our military servicemembers and their families.●

CONGRATULATING THE LITTLE ROCK AIR FORCE BASE

● Mrs. LINCOLN. Mr. President, today I congratulate Little Rock Air Force Base and its community council for winning the prestigious 2009 Abilene Trophy, which is presented annually to a civilian community for outstanding support to a nearby U.S. Air Force Air Mobility Command Base. The winner is determined by a selection committee of the Abilene Chamber of Commerce Military Affairs Committee in Texas, with final approval by the U.S. Air Force Air Mobility Command.

According to COL Greg Otey, Little Rock Air Force Base Installation Commander, "the council's steadfast support of the base, its missions and its people haven't gone unnoticed. I've said many times that we are blessed to have such a supportive local community, and this award validates everything I've been saying since I arrived here last year."

Little Rock Air Force Base is known as the "Home of C-130 Combat Airlift" in large part due to the outstanding relationship among its community partners. The relationship between the base and local community remains as strong today as when it began in the 1950s, and community support is integral to the base's ability to accomplish its mission.

For example, in 2009, ground was broken on a new Joint Education Center, a higher-learning institution open to both military members and civilians. The city of Jacksonville voted to support the center with another \$5 million of its own. Airpower Arkansas, a subset of the Community Council, raised more than \$50,000 from local business and individuals for the base's 2010 air show. Civic leaders sponsored base events such as the Air Force Ball, the Annual Awards Ceremony, and the Black Knight Heritage Dinner. These leaders also took time on Thanksgiving and Christmas to serve meals to Airmen at the base dining facility.

I commend the Little Rock Air Force Base and its community council for their efforts, hard work, and dedication. Along with all Arkansans, I am grateful for the service and sacrifice of all of our military servicemembers and their families.●

TRIBUTE TO THE GOLDEN LIONS

● Mrs. LINCOLN. Mr. President, today I pay tribute to the University of Arkansas at Pine Bluff's Golden Lions basketball team and head coach George Ivory for representing our great State so well during this year's NCAA basketball tournament. In particular, I recognize Coach Ivory, who was recently named the 2010 National Coach of the Year by the Heritage Sports Radio Network, which covers sporting events for our nation's Historically Black Colleges and Universities. Ivory received this honor based on voting from basketball fans across the Nation.

Under the leadership of Chancellor Lawrence A. Davis and Athletic Director Louis "Skip" Perkins, Coach Ivory led the Golden Lions to the 2010 Southwestern Athletic Conference Tournament Championship and a berth in the NCAA Division I Men's Basketball Tournament. UAPB earned a 61-44 victory over Winthrop during the NCAA tournament, advancing to the next round. The Golden Lions' tournament appearance marked the first in the program's history. The Golden Lions finished the season 18-16, capturing their first overall winning season since rejoining the Southwestern Athletic Conference in 1997.

I commend the entire UAPB community for their support of the Golden Lions team, and for building an environment where students have the opportunity to reach their academic goals and achieve their dreams.●

MESSAGE FROM THE HOUSE

At 11:40 a.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 1258. An act to amend the Communications Act of 1934 to prohibit manipulation of caller ID information, and for other purposes.

H.R. 3125. An act to require an inventory of radio spectrum bands managed by the National Telecommunications and Information Administration and the Federal Communications Administration.

H.R. 3506. An act to amend the Gramm-Leach-Bliley Act to provide an exception from the continuing requirement for annual privacy notices for financial institutions which do not change their policies and practices with regard to disclosing nonpublic personal information from the policies and practices that were disclosed in the most recent disclosure sent to consumers, and for other purposes.

H.R. 4275. An act to designate the annex building under construction for the Elbert P. Tuttle United States Court of appeals Building in Atlanta, Georgia, as the "John C. Godbold Federal Building".

H.R. 4994. An act to amend the Internal Revenue Code of 1986 to reduce taxpayer burdens and enhance taxpayer protections, and for other purposes.

The message also announced that the House has passed the following joint resolution, without amendment:

S. J. Res. 25. Joint resolution granting the consent and approval of Congress to amendments made by the State of Maryland, the Commonwealth of Virginia, and the District of Columbia to the Washington Metropolitan Area Transit Regulation Compact.

The message further announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 243. Concurrent resolution authorizing the use of Emancipation Hall in the Capitol Visitor Center for an event to celebrate the birthday of King Kamehameha.

ENROLLED BILL SIGNED

The PRESIDENT pro tempore (Mr. BYRD) reported that he had signed the following enrolled bill, which was previously signed by the Speaker of the House:

H.R. 4573. An act to urge the Secretary of the Treasury to instruct the United States Executive Directors at the International Monetary Fund, the World Bank, the Inter-American Development Bank, and other multilateral development institutions to use the voice, vote, and influence of the United States to cancel immediately and completely Haiti's debts to such institutions, and for other purposes.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 3506. An act to amend the Gramm-Leach-Bliley Act to provide an exception from the continuing requirement for annual privacy notices for financial institutions which do not change their policies and practices with regard to disclosing nonpublic personal information from the policies and practices that were disclosed in the most recent disclosure sent to consumers, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

H.R. 4275. An act to designate the annex building under construction for the Elbert P. Tuttle United States Court of Appeals Building in Atlanta, Georgia, as the "John C. Godbold Federal Building"; to the Committee on Environment and Public Works.

H.R. 4994. An act to amend the Internal Revenue Code of 1986 to reduce taxpayer burdens and enhance taxpayer protections, and for other purposes; to the Committee on Finance.

MEASURES PLACED ON THE CALENDAR

The following bills were read the first and second times by unanimous consent, and placed on the calendar:

H.R. 1258. An act to amend the Communications Act of 1934 to prohibit manipulation of caller ID information, and for other purposes.

H.R. 3125. An act to require an inventory of radio spectrum bands managed by the National Telecommunications and Information Administration and the Federal Communications Commission.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with

accompanying papers, reports, and documents, and were referred as indicated:

EC-5373. A communication from the Under Secretary of Defense (Personnel and Readiness), transmitting the report of an officer authorized to wear the insignia of the grade of brigadier general in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

EC-5374. A communication from the Director, Office of Surface Mining, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Oklahoma Regulatory Program" (SATS No. OK-032-FOR) received during adjournment of the Senate in the Office of the President of the Senate on April 9, 2010; to the Committee on Energy and Natural Resources.

EC-5375. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Reconsideration of Interpretation of Regulations that Determine Pollutants Covered by Clean Air Act Permitting Programs" (FRL No. 9133-6) received during adjournment of the Senate in the Office of the President of the Senate on March 31, 2010; to the Committee on Environment and Public Works.

EC-5376. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Indiana; Alternate Monitoring Requirements for Indianapolis Power and Light—Harding Street Station" (FRL No. 9124-9) received during adjournment of the Senate in the Office of the President of the Senate on April 8, 2010; to the Committee on Environment and Public Works.

EC-5377. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Wisconsin; Particulate Matter Standards" (FRL No. 9129-7) received during adjournment of the Senate in the Office of the President of the Senate on April 8, 2010; to the Committee on Environment and Public Works.

EC-5378. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Revisions to the California State Implementation Plan, Sacramento Metropolitan Air Quality Management District" (FRL No. 9124-5) received during adjournment of the Senate in the Office of the President of the Senate on April 8, 2010; to the Committee on Environment and Public Works.

EC-5379. A communication from the Assistant Secretary for Fish and Wildlife Parks, National Wildlife Refuge Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "2009-2010 Refuge-Specific Hunting and Sport Fishing Regulations—Additions" (RIN1018-AW49) as received during adjournment of the Senate in the Office of the President of the Senate on April 9, 2010; to the Committee on Environment and Public Works.

EC-5380. A communication from the Director of Congressional Affairs, Office of Nuclear Reactor Regulations, Nuclear Regulatory Commission, transmitting, pursuant

to law, the report of a rule entitled "Increase in the Primary Nuclear Liability Insurance Premium" (RIN3150-A174) received during adjournment of the Senate in the Office of the President of the Senate on April 9, 2010; to the Committee on Environment and Public Works.

EC-5381. A communication from the Regulations Coordinator, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Medicare Program; Policy and Technical Changes to the Medicare Advantage and the Medicare Prescription Drug Benefit Programs" (RIN0938-AP77) received during adjournment of the Senate in the Office of the President of the Senate on April 8, 2010; to the Committee on Finance.

EC-5382. A communication from the Program Manager, Administration for Children and Families, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Temporary Assistance for Needy Families (TANF) Carry-over Funds" (RIN0970-AC40) received during adjournment of the Senate in the Office of the President of the Senate on April 9, 2010; to the Committee on Finance.

EC-5383. A communication from the Federal Register Liaison Officer, Alcohol and Tobacco Tax and Trade Bureau, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Liquor Dealer Recordkeeping and Registration, and Repeal of Certain Special (Occupational) Taxes" (RIN1513-AB63) received during adjournment of the Senate in the Office of the President of the Senate on April 7, 2010; to the Committee on Finance.

EC-5384. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Travel Expenses of State Legislators" (RIN1545-BG92) received during adjournment of the Senate in the Office of the President of the Senate on April 8, 2010; to the Committee on Finance.

EC-5385. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Publication of Inflation Adjustment Factor, Nonconventional Source Fuel Credit, and Reference Price for Calendar Year 2009" (Notice No. 2010-31) received during adjournment of the Senate in the Office of the President of the Senate on April 8, 2010; to the Committee on Finance.

EC-5386. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "PFIC Shareholder Reporting Under New Section 1298(f) for Tax Years Beginning Before March 18, 2010" (Notice No. 2010-34) received during adjournment of the Senate in the Office of the President of the Senate on April 8, 2010; to the Committee on Finance.

EC-5387. A communication from the Assistant Secretary of the Employment and Training Administration, Department of Labor, transmitting, pursuant to law, the report of a rule entitled "Attestation Applications by Facilities Temporarily Employing H-1C Non-immigrant Foreign Workers as Registered Nurses; Final Rule" (RIN1205-AB52) received during adjournment of the Senate in the Office of the President of the Senate on April 9, 2010; to the Committee on Finance.

EC-5388. A communication from the Assistant Secretary of the Employment and Training Administration, Department of Labor,

transmitting, pursuant to law, the report of a rule entitled "Trade Adjustment Assistance; Merit Staffing of State Administration and Allocation of Training Funds to States" (RIN1205-AB56) received during adjournment of the Senate in the Office of the President of the Senate on April 9, 2010; to the Committee on Finance.

EC-5389. A communication from the Commissioner, Social Security Administration, transmitting, pursuant to law, a report relative to the Administration's competitive sourcing efforts during fiscal year 2009; to the Committee on Finance.

EC-5390. A communication from the Inspector General, Department of Health and Human Services, transmitting, pursuant to law, a report relative to the use of funds appropriated by the Deficit Reduction Act of 2005; to the Committee on Finance.

EC-5391. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to the Case-Zablocki Act, 1 U.S.C. 112b, as amended, the report of the texts and background statements of international agreements, other than treaties (List 2010-0056-2010-0063); to the Committee on Foreign Relations.

EC-5392. A communication from the Principal Deputy Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed technical assistance agreement for the transfer of technical data, and defense services to support the transfer of the ProtoStarII Satellite Commercial Communication Satellite from Bermuda to Isle of Man, British Isles in the amount of \$50,000,000 or more; to the Committee on Foreign Relations.

EC-5393. A communication from the Principal Deputy Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed technical assistance agreement for the transfer of technical data, and defense services to support the Proton launch of the OS-2 Commercial Communications Satellite from the Baikonur Cosmodrome in Kazakhstan in the amount of \$50,000,000 or more; to the Committee on Foreign Relations.

EC-5394. A communication from the Deputy Associate General Counsel for General Law, Office of the General Counsel, Department of Homeland Security, transmitting, pursuant to law, (3) reports relative to vacancies in the Department of Homeland Security, received during adjournment of the Senate in the Office of the President of the Senate on April 8, 2010; to the Committee on Homeland Security and Governmental Affairs.

EC-5395. A communication from the Chairman of the Chief Human Capital Officers Council, Director of the Office of Personnel Management, transmitting, pursuant to law, the annual report of the Chief Human Capital Officers Council for fiscal year 2009; to the Committee on Homeland Security and Governmental Affairs.

EC-5396. A communication from the Assistant Secretary for Management and Chief Financial Officer, Department of the Treasury, transmitting, pursuant to law, the Department's Fiscal Year 2009 annual report relative to the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002; to the Committee on Homeland Security and Governmental Affairs.

EC-5397. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant

to law, the Department's Fiscal Year 2009 annual report relative to the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002; to the Committee on Homeland Security and Governmental Affairs.

EC-5398. A communication from the Administrator of the U.S. Small Business Administration, transmitting, pursuant to law, the Administration's Fiscal Year 2009 annual report relative to the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002; to the Committee on Homeland Security and Governmental Affairs.

EC-5399. A communication from the Director, Office of Personnel Management, transmitting, pursuant to law, the Office of Personnel Management's Fiscal Year 2009 annual report relative to the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002; to the Committee on Homeland Security and Governmental Affairs.

EC-5400. A communication from the Secretary of Transportation, transmitting, pursuant to law, the Department's Fiscal Year 2009 annual report relative to the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002; to the Committee on Homeland Security and Governmental Affairs.

EC-5401. A communication from the Chief Judge, Superior Court of the District of Columbia, transmitting, pursuant to law, a report relative to activities carried out by the Family Court during 2009; to the Committee on Homeland Security and Governmental Affairs.

EC-5402. A communication from the Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting, pursuant to law, a report relative to the Department's activities under the Civil Rights of Institutionalized Persons Act; to the Committee on the Judiciary.

EC-5403. A communication from the Director, Administrative Office of the United States Courts, transmitting, pursuant to law, the 2009 Annual Report of the Director of the Administrative Office of the U.S. Courts and a report relative to the 2009 Judicial Business of the United States Court; to the Committee on the Judiciary.

EC-5404. A communication from the Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting, pursuant to law, the third annual report of the Department of Justice's Office of Privacy and Civil Liberties; to the Committee on the Judiciary.

EC-5405. A communication from the Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting, pursuant to law, the quarterly report of the Department of Justice's Office of Privacy and Civil Liberties; to the Committee on the Judiciary.

EC-5406. A communication from the Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting, pursuant to law, a report entitled "2008 Annual Report of the National Institute of Justice"; to the Committee on the Judiciary.

EC-5407. A communication from the Deputy Under Secretary of Defense (Policy), Department of Defense, transmitting, pursuant to law, a report relative to National Guard Counterdrug Schools Activities; to the Committee on the Judiciary.

EC-5408. A communication from the Chairman of the Federal Election Commission, transmitting, pursuant to law, the report of a rule entitled "Collection of Administrative

Debts; Collection of Debts Arising from Enforcement and Administration of Campaign Finance Laws" (Notice No. 2010-10) received in the Office of the President of the Senate on April 13, 2010; to the Committee on Rules and Administration.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. LEAHY, from the Committee on the Judiciary, with an amendment in the nature of a substitute:

S. 3031. A bill to authorize Drug Free Communities enhancement grants to address major emerging drug issues or local drug crises.

By Mr. DODD, from the Committee on Banking, Housing, and Urban Affairs, without amendment:

S. 3217. An original bill to promote the financial stability of the United States by improving accountability and transparency in the financial system, to end "too big to fail", to protect the American taxpayer by ending bailouts, to protect consumers from abusive financial services practices, and for other purposes.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mr. LEAHY for the Committee on the Judiciary.

William Joseph Martinez, of Colorado, to be United States District Judge for the District of Colorado.

Gary Scott Feinerman, of Illinois, to be United States District Judge for the Northern District of Illinois.

Sharon Johnson Coleman, of Illinois, to be United States District Judge for the Northern District of Illinois.

Loretta E. Lynch, of New York, to be United States Attorney for the Eastern District of New York for the term of four years.

Noel Culver March, of Maine, to be United States Marshal for the District of Maine for the term of four years.

George White, of Mississippi, to be United States Marshal for the Southern District of Mississippi for the term of four years.

Brian Todd Underwood, of Idaho, to be United States Marshal for the District of Idaho for the term of four years.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. MENENDEZ (for himself, Mr. COCHRAN, Mr. NELSON of Florida, Mr. LEMIEUX, and Mr. KAUFMAN):

S. 3208. A bill to amend the Internal Revenue Code of 1986 to provide a special rule for allocating the cover over of distilled spirits taxes between Puerto Rico and the Virgin Islands; to the Committee on Finance.

By Mr. LAUTENBERG:

S. 3209. A bill to amend the Toxic Substances Control Act to ensure that risks

from chemicals are adequately understood and managed, and for other purposes; to the Committee on Environment and Public Works.

By Mr. KERRY (for himself and Mr. DODD):

S. 3210. A bill to establish a Design Excellence Program at the Department of State, to reestablish the Architectural Advisory Board, to assess the Standard Embassy Design Program, and for other purposes; to the Committee on Foreign Relations.

By Mrs. SHAHEEN (for herself, Ms. STABENOW, Mrs. HAGAN, and Mr. FRANKEN):

S. 3211. A bill to amend title XVIII of the Social Security Act to improve access to diabetes self-management training by designating certain certified diabetes educators as certified providers for purposes of outpatient diabetes self-management training services under part B of the Medicare Program; to the Committee on Finance.

By Mr. MENENDEZ:

S. 3212. A bill to amend the Internal Revenue Code of 1986 and section 1603 of the American Recovery and Reinvestment Tax Act of 2009 to provide that qualified energy efficiency property is eligible for the energy credit and the Department of Treasury grant; to the Committee on Finance.

By Mr. LEVIN (for himself, Mrs. HUTCHISON, Mr. VITTER, Ms. STABENOW, Mr. SHELBY, Ms. COLLINS, Mr. BROWN of Ohio, and Ms. LANDRIEU):

S. 3213. A bill to ensure that amounts credited to the Harbor Maintenance Trust Fund are used for harbor maintenance; to the Committee on Environment and Public Works.

By Mr. SPECTER (for himself, Mr. FEINGOLD, and Mr. KAUFMAN):

S. 3214. A bill to prohibit any person from engaging in certain video surveillance except under the same conditions authorized under chapter 119 of title 18, United States Code, or as authorized by the Foreign Intelligence Surveillance Act of 1978; to the Committee on the Judiciary.

By Mr. BINGAMAN (for himself, Mr. SCHUMER, Mr. KERRY, Mr. MENENDEZ, Mr. AKAKA, Mr. BROWN of Ohio, Mr. DODD, Mr. DURBIN, Mr. LIEBERMAN, Mr. MERKLEY, Mr. PRYOR, and Mr. UDALL of New Mexico):

S. 3215. A bill to amend the Internal Revenue Code of 1986 to provide taxpayer protection and assistance, and for other purposes; to the Committee on Finance.

By Mr. GRASSLEY:

S. 3216. A bill to amend title XVIII of the Social Security Act to ensure Medicare beneficiary access to physicians, to ensure equitable reimbursement under the Medicare program for all rural States, and to eliminate sweetheart deals for frontier States; to the Committee on Finance.

By Mr. DODD:

S. 3217. An original bill to promote the financial stability of the United States by improving accountability and transparency in the financial system, to end "too big to fail", to protect the American taxpayer by ending bailouts, to protect consumers from abusive financial services practices, and for other purposes; from the Committee on Banking, Housing, and Urban Affairs; placed on the calendar.

By Mr. CONRAD (for himself and Mr. SESSIONS):

S. 3218. A bill to amend the Controlled Substances Act to clarify that persons who enter into a conspiracy within the United States to possess or traffic illegal controlled sub-

stances outside the United States, or engage in conduct within the United States to aid or abet drug trafficking outside the United States, may be criminally prosecuted in the United States, and for other purposes; to the Committee on the Judiciary.

By Mr. DURBIN (for himself, Mr. FRANKEN, and Mr. WHITEHOUSE):

S. 3219. A bill to amend title 11, United States Code, with respect to certain exceptions to discharge in bankruptcy; to the Committee on the Judiciary.

By Ms. SNOWE:

S. 3220. A bill to amend the Employee Retirement Income Security Act of 1974 and the Public Health Service Act to provide parity under group health plans and group health insurance coverage for the provision of benefits for prosthetics and custom orthotics and benefits for other medical and surgical services; to the Committee on Health, Education, Labor, and Pensions.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. VOINOVICH (for himself, Mr. KERRY, Mr. LUGAR, Mrs. SHAHEEN, and Mr. CARDIN):

S. Res. 483. A resolution congratulating the Republic of Serbia's application for European Union membership and recognizing Serbia's active efforts to integrate into Europe and the global community; to the Committee on Foreign Relations.

By Mrs. BOXER (for herself and Mr. INHOFE):

S. Res. 484. A resolution designating the week of May 16 through May 22, 2010, as "National Public Works Week"; considered and agreed to.

By Mr. AKAKA (for himself and Mr. ENZI):

S. Res. 485. A resolution designating April 2010 as "Financial Literacy Month"; considered and agreed to.

By Mr. SCHUMER (for himself and Mr. SESSIONS):

S. Res. 486. A resolution supporting the mission and goals of the 2010 National Crime Victims' Rights Week to increase public awareness of the rights, needs, and concerns of victims and survivors of crime in the United States, no matter the country of origin or creed of the victim, and to commemorate the National Crime Victims' Rights Week theme referred to as "Crime Victims' Rights: Fairness. Dignity. Respect."; considered and agreed to.

By Mr. BYRD (for himself, Mr. ROCKEFELLER, Mr. HARKIN, Mr. ENZI, Mr. REID, Mr. MCCONNELL, Mr. AKAKA, Mr. ALEXANDER, Mr. BARRASSO, Mr. BAUCUS, Mr. BAYH, Mr. BEGICH, Mr. BENNETT, Mr. BENNETT, Mr. BINGAMAN, Mr. BOND, Mrs. BOXER, Mr. BROWN of Massachusetts, Mr. BROWN of Ohio, Mr. BROWNBACK, Mr. BUNNING, Mr. BURR, Mr. BURRIS, Ms. CANTWELL, Mr. CARDIN, Mr. CARPER, Mr. CASEY, Mr. CHAMBLISS, Mr. COBURN, Mr. COCHRAN, Ms. COLLINS, Mr. CONRAD, Mr. CORKER, Mr. CORNYN, Mr. CRAPO, Mr. DEMINT, Mr. DODD, Mr. DORGAN, Mr. DURBIN, Mr. ENSIGN, Mr. FEINGOLD, Mrs. FEINSTEIN, Mr. FRANKEN, Mrs. GILLIBRAND, Mr. GRAHAM, Mr. GRASSLEY, Mr. GREGG, Mrs. HAGAN, Mr. HATCH, Mrs. HUTCHISON, Mr. INHOFE, Mr. INOUE, Mr. ISAKSON, Mr.

JOHANNES, Mr. JOHNSON, Mr. KAUFMAN, Mr. KERRY, Ms. KLOBUCHAR, Mr. KOHL, Mr. KYL, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. LEAHY, Mr. LEMIEUX, Mr. LEVIN, Mr. LIEBERMAN, Mrs. LINCOLN, Mr. LUGAR, Mr. MCCAIN, Mrs. MCCASKILL, Mr. MENENDEZ, Mr. MERKLEY, Ms. MIKULSKI, Ms. MURKOWSKI, Mrs. MURRAY, Mr. NELSON of Nebraska, Mr. NELSON of Florida, Mr. PRYOR, Mr. REED, Mr. RISCH, Mr. ROBERTS, Mr. SANDERS, Mr. SCHUMER, Mr. SESSIONS, Mrs. SHAHEEN, Mr. SHELBY, Ms. SNOWE, Mr. SPECTER, Ms. STABENOW, Mr. TESTER, Mr. THUNE, Mr. UDALL of Colorado, Mr. UDALL of New Mexico, Mr. VITTER, Mr. VOINOVICH, Mr. WARNER, Mr. WEBB, Mr. WHITEHOUSE, Mr. WICKER, and Mr. WYDEN):

S. Res. 487. A resolution honoring the coal miners who perished in the Upper Big Branch Mine—South in Raleigh County, West Virginia, extending the condolences of the United States Senate to the families of the fallen coal miners, and recognizing the valiant efforts of the emergency response workers; considered and agreed to.

ADDITIONAL COSPONSORS

S. 653

At the request of Mr. CARDIN, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 653, a bill to require the Secretary of the Treasury to mint coins in commemoration of the bicentennial of the writing of the Star-Spangled Banner, and for other purposes.

S. 752

At the request of Mr. DURBIN, the names of the Senator from Maryland (Mr. CARDIN), the Senator from Delaware (Mr. CARPER) and the Senator from Minnesota (Ms. KLOBUCHAR) were added as cosponsors of S. 752, a bill to reform the financing of Senate elections, and for other purposes.

S. 843

At the request of Mr. BENNETT, his name was added as a cosponsor of S. 843, a bill to establish background check procedures for gun shows.

S. 1153

At the request of Mr. SCHUMER, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 1153, a bill to amend the Internal Revenue Code of 1986 to extend the exclusion from gross income for employer-provided health coverage for employees' spouses and dependent children to coverage provided to other eligible designated beneficiaries of employees.

S. 1789

At the request of Mr. DURBIN, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 1789, a bill to restore fairness to Federal cocaine sentencing.

S. 2862

At the request of Ms. SNOWE, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 2862, a bill to amend the

Small Business Act to improve the Office of International Trade, and for other purposes.

S. 2882

At the request of Mr. KERRY, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of S. 2882, a bill to amend the Internal Revenue Code of 1986 to modify the rules relating to the treatment of individuals as independent contractors or employees, and for other purposes.

S. 3031

At the request of Mr. LEAHY, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 3031, a bill to authorize Drug Free Communities enhancement grants to address major emerging drug issues or local drug crises.

S. 3102

At the request of Mr. MERKLEY, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 3102, a bill to amend the miscellaneous rural development provisions of the Farm Security and Rural Investment Act of 2002 to authorize the Secretary of Agriculture to make loans to certain entities that will use the funds to make loans to consumers to implement energy efficiency measures involving structural improvements and investments in cost-effective, commercial off-the-shelf technologies to reduce home energy use.

S. 3111

At the request of Mr. LEAHY, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 3111, a bill to establish the Commission on Freedom of Information Act Processing Delays.

S. 3134

At the request of Mr. SCHUMER, the name of the Senator from Nebraska (Mr. NELSON) was added as a cosponsor of S. 3134, a bill to provide for identification of misaligned currency, require action to correct the misalignment, and for other purposes.

S. 3165

At the request of Ms. LANDRIEU, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 3165, a bill to authorize the Administrator of the Small Business Administration to waive the non-Federal share requirement under certain programs.

S. 3170

At the request of Mr. BOND, the name of the Senator from Hawaii (Mr. AKAKA) was added as a cosponsor of S. 3170, a bill to provide for preferential duty treatment to certain apparel articles of the Philippines.

S. 3171

At the request of Mrs. LINCOLN, the names of the Senator from Florida (Mr. LEMIEUX), the Senator from Louisiana (Ms. LANDRIEU), the Senator from Vermont (Mr. LEAHY) and the Senator

from Pennsylvania (Mr. SPECTER) were added as cosponsors of S. 3171, a bill to amend title 38, United States Code, to provide for the approval of certain programs of education for purposes of the Post-9/11 Educational Assistance Program.

S. 3180

At the request of Mr. LEMIEUX, the name of the Senator from Texas (Mr. CORNYN) was added as a cosponsor of S. 3180, a bill to prohibit the use of funds for the termination of the Constellation Program of the National Aeronautics and Space Administration, and for other purposes.

S. 3184

At the request of Mrs. BOXER, the names of the Senator from Connecticut (Mr. DODD) and the Senator from Indiana (Mr. BAYH) were added as cosponsors of S. 3184, a bill to provide United States assistance for the purpose of eradicating severe forms of trafficking in children in eligible countries through the implementation of Child Protection Compacts, and for other purposes.

S. 3188

At the request of Mrs. SHAHEEN, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 3188, a bill to amend the Internal Revenue Code of 1986 to provide an investment tax credit for biomass heating property.

S. 3195

At the request of Mr. CARDIN, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 3195, a bill to prohibit air carriers from charging fees for carry-on baggage and to require disclosure of passenger fees, and for other purposes.

S. 3205

At the request of Mr. SCHUMER, the name of the Senator from Nebraska (Mr. NELSON) was added as a cosponsor of S. 3205, a bill to amend the Internal Revenue Code of 1986 to provide that fees charged for baggage carried into the cabin of an aircraft are subject to the excise tax imposed on transportation of persons by air.

S. CON. RES. 55

At the request of Mr. FEINGOLD, the names of the Senator from Oregon (Mr. WYDEN) and the Senator from Rhode Island (Mr. WHITEHOUSE) were added as cosponsors of S. Con. Res. 55, a concurrent resolution commemorating the 40th anniversary of Earth Day and honoring the founder of Earth Day, the late Senator Gaylord Nelson of the State of Wisconsin.

S. RES. 316

At the request of Mr. MENENDEZ, the names of the Senator from New Jersey (Mr. LAUTENBERG) and the Senator from Minnesota (Ms. KLOBUCHAR) were added as cosponsors of S. Res. 316, a resolution calling upon the President to ensure that the foreign policy of the United States reflects appropriate un-

derstanding and sensitivity concerning issues related to human rights, ethnic cleansing, and genocide documented in the United States record relating to the Armenian Genocide, and for other purposes.

S. RES. 339

At the request of Mr. LEAHY, his name was added as a cosponsor of S. Res. 339, a resolution to express the sense of the Senate in support of permitting the televising of Supreme Court proceedings.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. LEVIN (for himself, Mrs. HUTCHISON, Mr. VITTER, Ms. STABENOW, Mr. SHELBY, Ms. COLLINS, Mr. BROWN of Ohio, and Ms. LANDRIEU):

S. 3213. A bill to ensure that amounts credited to the Harbor Maintenance Trust Fund are used for harbor maintenance; to the Committee on Environment and Public Works.

Mr. LEVIN. Mr. President, today I am introducing the Harbor Maintenance Act, a bill with bipartisan and multi-regional support that would help ensure that funds deposited into the Harbor Maintenance Trust Fund would be used for their intended purposes: to properly maintain and operate our Federal harbors and ports.

The Harbor Maintenance Trust Fund, also known as the HMTF, was created to collect fees in order to pay for the maintenance and operation costs of Federal harbors and ports. While nearly ¼ of the U.S. gross domestic product flows through these harbors, over half of these important ports are not maintained to their authorized dimensions. This results in less efficient and more polluting transport, as well as an increased risk of vessel groundings and collisions. One of the ways to ensure a robust and sustainable economic recovery includes strengthening our Nation's infrastructure, which includes our navigational infrastructure.

Every year, hundreds of millions of dollars are collected into the HMTF but never spent, even though there are critical navigation needs. For example, the Army Corps of Engineers estimates a backlog of about 15 million cubic yards of dredging needs at commercial federally-authorized Great Lakes harbors and channels. This dredging backlog has resulted in freighters getting stuck in channels, ships having to carry reduced loads, and some shipments simply stopping altogether. Dredging to proper depths is critical not only for Michigan's economy, but for the Nation's economy, as these shipments include commodities that fuel our Nation's industries, products for construction, fuel for heating and cooling homes and businesses, and agricultural products for export.

Similar navigational infrastructure needs exist throughout our country,

and the range of cosponsors from different parts of the country demonstrates this bill would help improve the navigational infrastructure across the Nation. This bill also has the support of a broad coalition called the Realize America's Maritime Promise, which is made up of hundreds of port authorities, vessel operators, port communities, public and private terminal operators, pilot associations, dredging companies, shipbuilders, maritime labor unions, manufacturers, bulk cargo owners and shippers, and other companies and associations dependent on fully accessible navigation channels.

Currently, the HMTF has a surplus that exceeds \$5 billion. Beginning in 2003, funds appropriated for harbor and channel maintenance have been significantly below annual HMTF collections. To help ensure these backlogs do not continue to grow, this bill would allow any Member of Congress to make a point of order against an appropriations bill if the total revenue for that fiscal year, as projected in the President's annual budget request, is not fully appropriated for its intended navigational infrastructure purposes. Similar problems with funding backlogs occurred with the Highway Trust Fund and the Airports and Airways Trust Fund. Congress responded by enacting legislation to address these problems. Congress should do the same for the Harbor Maintenance Trust Fund. Our Nation's infrastructure—whether it be roadways, airports, or ports and harbors—should be treated the same way. Shipping by water is the most efficient means of transporting bulk commodities, and we should make sure our Nation's navigational infrastructure can effectively handle these shipments, rather than allowing these ports and harbors to exist in a state of disrepair.

A sustainable economic recovery depends on strong infrastructure. Passing this bill would help us advance our recovery and improve our economic competitiveness. I urge your support.

By Mr. SPECTER (for himself,
Mr. FEINGOLD, and Mr. KAUFMAN):

S. 3214. A bill to prohibit any person from engaging in certain video surveillance except under the same conditions authorized under chapter 119 of title 18, United States Code, or as authorized by the Foreign Intelligence Surveillance Act of 1978; to the Committee on the Judiciary.

Mr. SPECTER. Mr. President, I have sought recognition to introduce the Surreptitious Video Surveillance Act of 2010, on behalf of Senator FEINGOLD, Senator KAUFMAN, and myself.

This is a bill which I submit is necessary to protect our citizens from unwarranted intrusions in their homes. The bill regulates the use of surrep-

titious video surveillance in private residences where there is a reasonable expectation of privacy.

Earlier this year, in Lower Merion Township, a suburb of Philadelphia, it was discovered that laptops taken home by students could be activated by school officials and thereby see what was going on inside a private residence.

Surprisingly, this kind of surreptitious surveillance is not prohibited under Federal law. The wiretap laws specify it is a violation of law to intercept a telephone conversation or to have a microphone that overhears a private conversation, but if it is visual, there is no prohibition.

This issue has been in the public domain since 1984—more than 25 years ago—when Judge Richard Posner, in the case captioned *U.S. v. Torres*, said this:

Electronic interception, being by nature a continuing rather than one-shot invasion, is even less discriminating than a physical search, because it picks up private conversations (most of which will usually have nothing to do with any illegal activity) over a long period of time. . . . [E]lectronic interception is thought to pose a greater potential threat to personal privacy than physical searches. . . . Television surveillance is identical in its indiscriminate character to wiretapping and bugging.

Judge Posner identified the problem a long time ago. Yet it lay dormant until this incident in Lower Merion Township brought it into the public fore.

On March 29, in my capacity as chairman of the Judiciary Subcommittee on Crime and Drugs, we conducted a hearing in Philadelphia. We had an array of experts very forcefully identify the problem and the need for corrective action.

The New York Times editorialized, on April 2, 2010, in favor of this legislation.

I urge my colleagues to take a look at the bill. I think there is likely to be widespread acceptance that in an era of warrantless wiretaps, when privacy is so much at risk, we ought to fill the gap in the law to cover this kind of electronic surveillance.

Mr. President, I ask unanimous consent that a copy of the New York Times editorial dated April 2, 2010, the text of my full statement and the text of the bill be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the New York Times, Apr. 2, 2010]

EDITORIAL: ABOUT THAT WEBCAM

A Pennsylvania town has been roiled by a local high school using cameras in school-issued laptops to spy on students. Almost as shocking is the fact that the federal wiretap law that should prohibit this kind of surveillance does not cover spying done through photography and video in private settings.

Senator Arlen Specter, a Democrat of Pennsylvania, is proposing to amend the federal wiretap statute to prohibit visual spying that is not approved by a court in advance.

Congress should move quickly to make this change.

Lower Merion, outside of Philadelphia, gave students at Harriton High School laptops that they could take home to use to do their work. It did not tell the students, however, that the laptops were equipped with special software that allowed them to observe the students through the computers' built-in cameras. The purpose, the school district later explained, was to protect the laptops from theft or damage.

Using this surveillance capability, school officials found images that led them to believe that Blake Robbins, a 15-year-old student, was using illegal drugs. Mr. Robbins said the "pills" he was seen consuming were Mike and Ike candies. His parents filed a lawsuit against the school district, charging that it had illegally spied on their son.

Conducting video surveillance of students in their homes is an enormous invasion of their privacy. If the district was really worried about losing the laptops, it could have used GPS devices to track their whereabouts or other less-intrusive methods. Whatever it did, the school had a responsibility to inform students that if they accepted the laptops, they would also accept monitoring.

The law should also do more. The Wiretap Act prohibits electronic eavesdropping on conversations and intercepting transmitted communications, such as e-mail. It does not cover visual surveillance. That was a mistake when parts of the law were passed in 1986, but it is an even bigger problem today, with the ubiquity of cellphone cameras, and online video services.

The act should be amended to prohibit video and photographic surveillance of people without their consent in their homes, hotels, and any other place in which they have a legitimate expectation of privacy.

FLOOR STATEMENT OF SENATOR ARLEN SPECTER IN SUPPORT OF THE SURREPTITIOUS VIDEO SURVEILLANCE ACT OF 2010

Mr. President, I have sought recognition to introduce the Surreptitious Video Surveillance Act of 2010, a bill needed to protect our citizens from unwarranted intrusions in their homes. This bill regulates the use of surreptitious video surveillance in private residences where there is a reasonable expectation of privacy.

In February of this year, national and international news stories covered an alleged incident in the Lower Merion School District in Montgomery County, PA. According to a lawsuit filed in Federal court, the Harriton High School administrators in Lower Merion allegedly engaged in surreptitious video surveillance of a student in his bedroom by using a remotely activated webcam on a school laptop. If these allegations are true, the school engaged in a significant invasion of an individual's fundamental right of privacy. Michael and Holly Robbins, parents of the high school student, allege that the school used a webcam, which was part of a theft tracking software program installed in each school-issued laptop, to remotely take photographs of their son in their home. The parents allege that the school district's actions amounted to "spying" and conducting unlawful "surveillance," and they claim that they were not given prior notice that the school could remotely activate the embedded webcam at any time.

This is something that could happen almost anywhere and at any time in our country. Many corporations, government agencies and schools loan laptops to employees and students. And many of these laptops

have webcams with the ability to take video or still shots that can be operated remotely.

The alleged webcam spying case raises important and fundamental issues concerning the rights of individuals to privacy in their homes for themselves and for their children, and shows how those rights can conflict with important rights that owners of property have to conduct surveillance to protect their property and to maintain safety.

On Monday, March 29, 2010, I chaired a Subcommittee on Crime and Drugs field hearing in Philadelphia, Pennsylvania. At that hearing, we heard from a host of experts that Title III of the Omnibus Crime Control and Safe Streets Act, known as the Federal Wiretap Act, does not forbid video surveillance. Title III creates criminal and civil liability for secretly recording conversations in a room or on the telephone, as well as interceptions of email communications, without a court order. But since the Wiretap Act was passed in 1968, it has never covered silent visual images. This conclusion is supported by a large body of case law and is also bolstered by Congress' clear legislative history. After studying the matter, I announced that I would introduce legislation to close this gap in coverage. On April 2, 2010, the New York Times editorial page noted I would introduce legislation "to amend the federal wiretap statute to prohibit visual spying that is not approved by a court in advance" and went on to say, "Congress should move quickly to make this change."

Technology is changing fast—faster than our federal laws can keep up. More than 25 years ago, Judge Richard Posner in *United States v. Torres*, 751 F.2d 875, 884–885 (7th Cir. 1984), saw the need for Congress to address video surveillance when he wrote:

Electronic interception, being by nature a continuing rather than one-shot invasion, is even less discriminating than a physical search, because it picks up private conversations (most of which will usually have nothing to do with any illegal activity) over a long period of time . . . [E]lectronic interception is thought to pose a greater potential threat to personal privacy than physical searches . . . Television surveillance is identical in its indiscriminate character to wiretapping and bugging (emphasis in original).

Holding that Title III did not apply to secret television cameras placed by the government in a safe house to observe members of the FALN terrorist organization build bombs, Judge Posner specifically invited Congress to respond "to the issues discussed in this opinion by amending Title III to bring television surveillance within its scope."

The bill I am introducing today, the Surreptitious Video Surveillance Act of 2010, makes that long overdue correction to the law. The bill strikes the necessary and correct balance of protecting important privacy rights without proscribing the visual surveillance needed to protect our property and safety. It does this simply by amending the Federal Wiretap Act to treat video surveillance the same as an interception of an electronic communication. Video surveillance is defined in the bill to mean the intentional recording of visual images of an individual in an area of a residence that is not readily observable from a public location and in which the individual has a reasonable expectation of privacy.

The bill does not regulate video surveillance where another resident or individual present in the residence consents to the surveillance. Thus, the bill does not regulate cameras in the workplace, does not prohibit the use of cameras in undercover operations

using confidential informants, and does not include residential security systems that use video cameras.

Many of us expect to be subject to certain kinds of video surveillance when we leave our homes and go out each day—at the ATM machine, at traffic lights, or in stores for example. We expect this and we do not mind because we understand that such surveillance helps to protect us and our property. What we do not expect, however, is to be under visual surveillance in our homes, in our bedrooms, and most especially, we do not expect it for our children in our homes. Today cameras in computers and in cell phones are ubiquitous, making it more urgent that the Federal Wiretap Act be amended to prohibit video surveillance of people without their consent in their homes. I urge the Senate to make this long overdue correction to the law and pass this bill quickly to protect important privacy rights of all Americans.

S. 3214

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Surreptitious Video Surveillance Act of 2010".

SEC. 2. PROHIBITION ON USE OF VIDEO SURVEILLANCE.

(a) IN GENERAL.—Chapter 119 of title 18, United States Code, is amended by adding at the end the following:

"§ 2523. Prohibition on use of video surveillance"

"(a) DEFINITION.—In this section, the term 'video surveillance' means the intentional acquisition, capture, or recording of a visual image or images of any individual if—

"(1) the individual is in an area of a temporary or permanent residence that is not readily observable from a public location;

"(2) the individual has a reasonable expectation of privacy in the area; and

"(3) the visual image or images—

"(A) are made without the consent of—

"(i) an individual present in the area; or

"(ii) a resident of the temporary or permanent residence; and

"(B) are—

"(i) produced using a device, apparatus, or other item that was mailed, shipped, or transported in or affecting interstate or foreign commerce by any means; or

"(ii) transported or transmitted, in or affecting, or using any means or facility of, interstate or foreign commerce, including by computer.

"(b) PROHIBITION ON VIDEO SURVEILLANCE.—It shall be unlawful for any person to engage in any video surveillance, except—

"(1) as provided in this section; or

"(2) as authorized under the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.).

"(c) TREATMENT AS ELECTRONIC SURVEILLANCE.—

"(1) IN GENERAL.—Subject to paragraph (2)—

"(A) video surveillance shall be considered to be an interception of an electronic communication for the purposes of this chapter; and

"(B) it shall not be unlawful for a person to engage in video surveillance if the video surveillance is conducted in a manner or is of a type authorized under this chapter for the interception of an electronic communication.

"(2) EXCEPTION.—Sections 2511(2)(c), 2511(2)(d), 2512, 2513, and 2518(10)(c) shall not apply to video surveillance.

"(3) PROHIBITION OF USE AS EVIDENCE OF VIDEO SURVEILLANCE.—

"(A) IN GENERAL.—No part of the contents of video surveillance and no evidence derived from video surveillance may be received in evidence in any trial, hearing, or other proceeding in or before any court, grand jury, department, officer, agency, regulatory body, legislative committee, or other authority of the United States, a State, or political subdivision thereof if the disclosure of the video surveillance would be in violation of this chapter.

"(B) MOTION TO SUPPRESS.—

"(i) IN GENERAL.—Any aggrieved person in any trial, hearing, or proceeding described in subparagraph (A) may move to suppress the contents of any video surveillance conducted under this chapter, or any evidence derived from the video surveillance, on the grounds that—

"(I) the video surveillance was unlawfully conducted;

"(II) the order of authorization or approval under which the video surveillance was conducted was insufficient on its face; or

"(III) the video surveillance was not conducted in conformity with the order of authorization or approval.

"(ii) TIMING OF MOTION.—A motion made under clause (i) shall be made before the trial, hearing, or proceeding unless—

"(I) there was no opportunity to make such motion; or

"(II) the aggrieved person described in clause (i) was not aware of the grounds of the motion.

"(iii) REMEDY.—If the motion made under clause (i) is granted, the contents of the video surveillance, or evidence derived from the video surveillance, shall be treated as having been obtained in violation of this chapter.

"(iv) INSPECTION OF EVIDENCE.—The judge, upon filing of a motion under clause (i), may, in the discretion of the judge, make available to the aggrieved person or counsel for the aggrieved person for inspection such portions of the video surveillance or evidence derived from the video surveillance as the judge determines to be in the interests of justice.

"(v) RIGHT TO APPEAL.—

"(I) IN GENERAL.—In addition to any other right to appeal, the United States shall have the right to appeal from an order granting a motion made under clause (i), or the denial of an application for an order of approval, if the United States attorney certifies to the judge or other official granting the motion or denying the application that the appeal is not taken for purposes of delay.

"(II) FILING DEADLINE.—An appeal under subclause (I) shall—

"(aa) be taken within 30 days after the date the order was entered; and

"(bb) be diligently prosecuted."

(b) CHAPTER ANALYSIS.—The table of sections for chapter 119 of title 18, United States Code, is amended by adding at the end the following:

"2523. Prohibition on use of video surveillance."

By Mr. BINGAMAN (for himself, Mr. SCHUMER, Mr. KERRY, Mr. MENENDEZ, Mr. AKAKA, Mr. BROWN of Ohio, Mr. DODD, Mr. DURBIN, Mr. LIEBERMAN, Mr. MERKLEY, Mr. PRYOR, and Mr. UDALL of New Mexico):

S. 3215. A bill to amend the Internal Revenue Code of 1986 to provide taxpayer protection and assistance, and

for other purposes; to the Committee on Finance.

Mr. BINGAMAN. Mr. President, on this annual Tax Day, I rise to introduce the Taxpayer Protection and Assistance Act of 2007, a robust package of reforms aimed at protecting the rights of all American taxpayers. I am pleased that my colleagues on the Finance Committee, Senators SCHUMER, KERRY, and MENENDEZ, as well as Senators AKAKA, BROWN of Ohio, DODD, DURBIN, LIEBERMAN, MERKLEY, PRYOR, and UDALL of New Mexico, are joining me in introducing this bill.

This act consists of numerous well-vetted provisions, which will ensure our nation's taxpayers are better able to prepare and file their tax returns each year in a fashion that is fair, reasonable, and affordable.

First, the act clarifies taxpayers' rights and responsibilities by requiring Treasury to publish an easy-to-understand Taxpayer Bill of Rights, enumerating taxpayers' rights and obligation, and corresponding Internal Revenue Code citations. As the National Taxpayer Advocate has explained: "The [Internal Revenue] Code contains no comprehensive Taxpayer Bill of Rights that explicitly and transparently sets out taxpayer rights and obligations. Taxpayers do have rights, but they are scattered throughout the [Internal Revenue] Code and the Internal Revenue Manual and are neither easily accessible nor written in plain language that most taxpayers can understand." The act would rectify these shortcomings, without conferring any rights or obligations not already provided for under law.

Second, the act supports programs that assist low-income taxpayers. It authorizes a \$35 million grant program for Volunteer Income Tax Assistance, VITA, programs. VITA programs across the country offer free tax assistance to low- to moderate-income individuals who cannot afford professional assistance. More than 75,000 VITA volunteers prepare basic tax returns for these taxpayers; typically VITA programs focus on at least one specific underserved group with special needs—such as persons with disabilities, non-English speaking persons, Native Americans, rural taxpayers, and the elderly. During the 2009 filing season, VITA programs prepared more than 1.2 million tax returns and brought back over \$1.6 billion in tax refunds to working families.

I have seen firsthand the impact that free tax-preparation clinics can have on taxpayers and their communities. In fact, New Mexico is fortunate to have one of the nation's leading programs. Tax Help New Mexico began 35 years ago at Central New Mexico Community College, CNM, as a practical means of giving accounting students work experience in tax preparation while serving a community need. But while 70 per-

cent of New Mexicans are eligible for Tax Help New Mexico's services, only 6.5 percent are able to take advantage. To enable community VITA programs like Tax Help New Mexico to reach more underserved low-income taxpayers, the act authorizes a \$35 million IRS grant program.

Likewise, the act would strengthen Low-Income Taxpayer Clinics. These clinics, typically operated by community organizations and law schools, provide representation to low-income taxpayers in disputes with the IRS. The act authorizes the Treasury Secretary to refer taxpayers to these clinics. It also increases to \$20 million annually the authorization for LITC grant programs. This will provide a substantial boost to clinics that serve this vital function, such as that which the University of New Mexico Law School operates for taxpayers in my state.

Third, the act enhances the regulation of paid tax-return preparers. Nearly all professions—from beauticians to mortuaries to opticians—are regulated at the state level. But with only a handful of exceptions, states do not regulate tax return preparers. Nor does the federal government currently regulate unenrolled tax return preparers, i.e., return preparers who are not CPAs, attorneys, enrolled agents, or enrolled actuaries—all already regulated under IRS Circular 230. A significant percentage of unenrolled preparers are well-trained and maintain high ethical standards. But untrained and unscrupulous tax return preparers can inflict serious harm on taxpayers and significantly undermine tax compliance.

For years, taxpayers, tax professionals, and the National Taxpayer Advocate have been calling for federal regulation of unenrolled preparers. In early 2010, the IRS began taking steps to exercise oversight over these unenrolled preparers. I applaud the IRS's initiative. But it is still unclear that the IRS's program will be sufficiently comprehensive. Moreover, many see a benefit in clarifying the scope of the IRS's regulatory authority.

The act responds to these concerns by codifying a regulatory system for unenrolled preparers. In order for a tax preparer to become registered and authorized by Treasury, the act requires preparers to pass a basic background check and an examination of competency and ethics standards. To remain in good standing, preparers will be required to satisfy continuing education requirements or be reexamined every three years on changes in tax law and common preparation mistakes. The act requires Treasury to maintain and publish for taxpayers a comprehensive list of all authorized tax return preparers, including Circular 230 preparers.

Fourth, the act creates an oversight system for tax refund delivery products. Refund Anticipation Loans, RALs, are high-cost bank loans secured by a taxpayer's expected refund—loans that typically last 7 to 14 days, until the actual IRS refund arrives and is used to repay the loan. RALs are often aggressively marketed by paid income-tax preparers, which advertise "Instant Refunds" or "Quick Cash," sometimes disguising that they are selling advance loans on anticipated tax refunds. According to the National Consumer Law Center: "Tax preparers and their bank partners made approximately 8.7 million RALs during the 2007 tax-filing season. . . ." In my state of New Mexico, 25 percent of taxpayers eligible for the Earned Income Tax Credit received a RAL in 2005.

RALs might offer quick cash, but they are not a good deal for taxpayers. As the National Consumer Law Center exposed in a 2009 report, the typical RAL of about \$3,000 carries an annual percentage rate, APR, from 77 percent to 140 percent. We know that our vulnerable communities are particularly susceptible to RALs. In fact, a recent study by the First Nations Development Institute and Center for Responsible Lending found that RALs drained over \$9.1 million from Native American communities in 2005.

I am very troubled by the prevalence of RALs. And to begin addressing problems associated with them, the act requires Treasury to establish a registration program for those involved in the process of facilitating a tax refund delivery product, RDP, including RALs. Additionally, RDP facilitators will be required to disclose in writing and in an easily understandable format the taxpayer's options for receiving tax refunds, listed from least expensive to most expensive, the RDP's loan terms and fee schedule, and any other costs that the taxpayer may incur in filing a tax return. Moreover, the Act would prohibit Treasury from issuing a Refund Indicator, a score on which RDP facilitators rely before issuing a RDP, unless Treasury first determines that the taxpayer's refund would not be prevented by debts the taxpayer owes on student loans, child support, or by other provisions in the Tax Code. This additional screen will minimize the likelihood that a taxpayer will be issued a loan based on a refund claim that will not ultimately materialize and which the taxpayer would nonetheless be required to repay.

Fifth, the act requires additional protections before the IRS files a federal tax lien. The IRS has a number of enforcement tools at its disposal to ensure tax compliance, but use of these tools must be balanced with the need to ensure taxpayers do not suffer unnecessary long-term harm as a result. One such tool is the filing of a Notice of Federal Tax Lien, NFTL, when a

taxpayer owes back taxes. But as the National Taxpayer Advocate explains in her 2009 Report to Congress: “[The filing of a tax lien can significantly harm the taxpayer’s credit and affect his or her ability to obtain financing, find or retain a job, secure affordable housing or insurance, and ultimately pay the outstanding tax debt. For these reasons, the National Taxpayer Advocate believes that the IRS should not automatically file NFTLs but instead should carefully consider and balance these competing interests when determining whether a lien filing is appropriate.” In my state alone, the IRS filed nearly 5,000 liens against taxpayers last year. The act would require the IRS to make individualized determinations before filing an NFTL, and in doing so to consider several enumerated factors, including the amount due, the taxpayer’s compliance history, and any extenuating circumstances.

Sixth, the act establishes a demonstration program to provide accounts to those who currently lack bank accounts. IRS data show that of the 60 million Federal tax refunds that were issued via paper checks in 2005, almost half went to households earning \$30,000 or less. These households are most likely to lack access to reasonably-priced financial services—and thus most likely to pay a disproportionate amount of their income to conduct routine financial transactions. Yet the issuance of a refund check presents an important opportunity to bring these low-income taxpayers into the financial mainstream. The act authorizes Treasury to award eligible entities demonstration project grants so that they can establish accounts for individuals who currently lack bank accounts. The act also requires a study on the feasibility of delivering tax refunds on debit, prepaid, and other electronic cards.

Finally, the act requires the IRS to study processing information returns and the effectiveness of collection alternatives. Currently, the IRS processes income tax returns before it processes most information returns, such as W-2s and 1099s. From the taxpayer’s perspective, this leads to millions of cases where taxpayers may inadvertently make overclaims that the IRS does not identify until months later, exposing the taxpayer not only to additional tax liability, but to penalties and interest. This sequence also provides opportunities for fraud and requires the IRS to devote resources that should have not been paid and that it often cannot recover. The act also directs Treasury to conduct a study to identify and recommend legislative and administrative changes that would enable the IRS to receive and process information reporting documents before it processes tax returns. This should bring us closer to the goal of voluntary pre-populated returns, which I under-

stand are already available in most OECD countries.

I have long maintained that our tax system depends on taxpayers being able to receive the best advice and assistance possible. We have a responsibility to our nation’s taxpayers to make sure that they do receive such advice and assistance. This bill goes a long way toward that goal.

I would be remiss if I did not acknowledge that this bill is the product of considerable collaboration. It draws on many recommendations of our National Taxpayer Advocate, Nina Olson. It also builds on input we have received from national and local taxpayer advocacy organizations, among them the Center for Economic Progress, Tax Help New Mexico, and the Maryland CASH Campaign. I am grateful for these stakeholders’ participation.

These are long overdue reforms; I hope that the Senate will consider them in this session.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 3215

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; ETC.

(a) SHORT TITLE.—This Act may be cited as the “Taxpayer Bill of Rights Act of 2010”.

(b) AMENDMENT OF 1986 CODE.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

(c) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; etc.

TITLE I—TAXPAYER RIGHTS AND OBLIGATIONS

Sec. 101. Statement of taxpayer rights and obligations.

TITLE II—PREPARATION OF TAX RETURNS

Sec. 201. Programs for the benefit of low-income taxpayers.

Sec. 202. Regulation of Federal income tax return preparers.

Sec. 203. Refund delivery products.

Sec. 204. Preparer penalties with respect to preparation of returns and other submissions.

Sec. 205. Clarification of enrolled agent credentials.

TITLE III—IMPROVING TAXPAYER SERVICES

Sec. 301. Individualized lien determination required before filing notice of lien.

Sec. 302. Ban on audit insurance.

Sec. 303. Public awareness.

Sec. 304. Clarification of taxpayer assistance order authority.

Sec. 305. Taxpayer advocate directives.

Sec. 306. Improved services for taxpayers.

Sec. 307. Taxpayer access to financial institutions.

Sec. 308. Additional studies.

TITLE I—TAXPAYER RIGHTS AND OBLIGATIONS

SEC. 101. STATEMENT OF TAXPAYER RIGHTS AND OBLIGATIONS.

(a) IN GENERAL.—Chapter 77 (relating to miscellaneous provisions) is amended by adding at the end the following new section:

“SEC. 7529. STATEMENT OF TAXPAYER RIGHTS AND OBLIGATIONS.

“(a) IN GENERAL.—The Secretary, in consultation with the National Taxpayer Advocate, shall publish a summary statement of rights and obligations arising under this title. Such statement shall provide citations to the main provisions of this title which provide for the right or obligation (as the case may be). This statement of rights and obligations does not create or confer any rights or obligations not otherwise provided for under this title.

“(b) STATEMENT OF RIGHTS AND OBLIGATIONS.—The statement of rights and obligations is as follows:

“(1) TAXPAYER RIGHTS.—

“(A) Right to be informed (including adequate legal and procedural guidance and information about taxpayer rights).

“(B) Right to be assisted.

“(C) Right to be heard.

“(D) Right to pay no more than the correct amount of tax.

“(E) Right of appeal (administrative and judicial).

“(F) Right to certainty (including guidance, periods of limitation, no second exam, and closing agreements).

“(G) Right to privacy (including due process considerations, least intrusive enforcement action, and search and seizure protections).

“(H) Right to confidentiality.

“(I) Right to appoint a representative in matters before the Internal Revenue Service.

“(J) Right to fair and just tax system (offer in compromise, abatement, assistance from the Office of the Taxpayer Advocate under section 7803(c), apology, and other compensation payments).

“(2) TAXPAYER OBLIGATIONS.—

“(A) Obligation to be honest.

“(B) Obligation to be cooperative.

“(C) Obligation to provide accurate information and documents on time.

“(D) Obligation to keep records.

“(E) Obligation to pay taxes on time.”.

(b) CLERICAL AMENDMENT.—The table of sections for chapter 77 is amended by adding at the end the following new item:

“Sec. 7529. Statement of taxpayer rights and obligations.”.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect 180 days after the date of the enactment of this Act.

TITLE II—PREPARATION OF TAX RETURNS

SEC. 201. PROGRAMS FOR THE BENEFIT OF LOW-INCOME TAXPAYERS.

(a) VOLUNTEER INCOME TAX ASSISTANCE PLUS.—Chapter 77 (relating to miscellaneous provisions) is amended by inserting after section 7526 the following new section:

“SEC. 7526A. VOLUNTEER INCOME TAX ASSISTANCE PLUS.

“(a) IN GENERAL.—The Secretary may, subject to the availability of appropriated funds, make grants to provide matching funds for the development, expansion, or continuation of qualified return preparation programs.

“(b) DEFINITIONS.—For purposes of this section—

“(1) QUALIFIED RETURN PREPARATION PROGRAM.—

“(A) IN GENERAL.—The term ‘qualified return preparation program’ means a program—

“(i) which does not charge taxpayers for its return preparation services,

“(ii) which operates programs which assist low-income taxpayers, including those programs that serve taxpayers for whom English is a second language, in preparing and filing their Federal income tax returns, including schedules reporting sole proprietorship or farm income, and

“(iii) in which all of the volunteers who assist in the preparation of Federal income tax returns meet the training requirements prescribed by the Secretary.

“(B) ASSISTANCE TO LOW-INCOME TAXPAYERS.—For purposes of subparagraph (A), a program is treated as assisting low-income taxpayers if at least 90 percent of the taxpayers assisted by the program have incomes which do not exceed 250 percent of the poverty level, as determined in accordance with criteria established by the Director of the Office of Management and Budget.

“(2) PROGRAM.—The term ‘program’ includes—

“(A) a program at an institution of higher education which—

“(i) is described in section 102 (other than subsection (a)(1)(C) thereof) of the Higher Education Act of 1965 (20 U.S.C. 1088), as in effect on the date of the enactment of this section, and which has not been disqualified from participating in a program under title IV of such Act, and

“(ii) satisfies the requirements of paragraph (1) through student assistance of taxpayers in return preparation and filing,

“(B) an organization described in section 501(c) and exempt from tax under section 501(a) which satisfies the requirements of paragraph (1);

“(C) a regional, State or local coalition (with one lead organization, which meets the eligibility requirements, acting as the applicant organization);

“(D) a county or municipal government agency;

“(E) an Indian tribe, as defined in section 412 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4103(12), and includes any tribally designated housing entity (as defined in section 421) of such Act (25 U.S.C. 4103(21)), tribal subsidiary, subdivision, or other wholly owned tribal entity;

“(F) a section 501(c)(5) organization;

“(G) a State government agency if no other eligible organization is available to assist the targeted population or community;

“(H) a Cooperative Extension Service office if no other eligible organization is available to assist the targeted population or community; and

“(I) a nonprofit Community Development Financial Institution (CDFI) and federally- and State-chartered credit union that qualifies for a tax exemption under sections 501(c)(1) and 501(c)(14), respectively.

“(C) SPECIAL RULES AND LIMITATIONS.—

“(1) AGGREGATE LIMITATION.—Unless otherwise provided by specific appropriation, the Secretary shall not allocate more than \$35,000,000 per year (exclusive of costs of administering the program) to grants under this section.

“(2) USE OF GRANTS FOR OVERHEAD EXPENSES PROHIBITED.—No grant made under this section may be used for overhead expenses that are not directly related to any program or that are incurred by any institution sponsoring such program.

“(3) OTHER APPLICABLE RULES.—Rules similar to the rules under paragraphs (2) through (6) of section 7526(c) shall apply with respect to the awarding of grants to qualified return preparation programs.

“(4) PROMOTION OF PROGRAMS.—The Secretary is authorized to promote the benefits of and encourage the use of qualified VITA Plus through the use of mass communications, referrals, and other means.”.

(b) LOW-INCOME TAXPAYER CLINICS.—

(1) INCREASE IN AUTHORIZED GRANTS.—Paragraph (1) of section 7526(c) (relating to aggregate limitation) is amended by striking “\$6,000,000” and inserting “\$20,000,000”.

(2) USE OF GRANTS FOR OVERHEAD EXPENSES PROHIBITED.—

(A) IN GENERAL.—Section 7526(c) (relating to special rules and limitations) is amended by adding at the end the following new paragraph:

“(6) USE OF GRANTS FOR OVERHEAD EXPENSES PROHIBITED.—No grant made under this section may be used for the overhead expenses that are not directly related to the clinic or that are of any institution sponsoring such clinic.”.

(B) CONFORMING AMENDMENTS.—Section 7526(c)(5) is amended—

(i) by inserting “qualified” before “low-income”, and

(ii) by striking the last sentence.

(3) PROMOTION OF CLINICS.—Subsection (c) of section 7526 (relating to special rules and limitations), as amended by paragraph (2), is amended by adding at the end the following new paragraph:

“(7) PROMOTION OF CLINICS.—The Secretary is authorized to promote the benefits of and encourage the use of qualified low-income taxpayer clinics through the use of mass communications, referrals, and other means.”.

(4) IRS REFERRALS TO CLINICS.—Subsection (c) of section 7526 (relating to special rules and limitations), as amended by the preceding provisions of this subsection, is amended by adding at the end the following new paragraph:

“(8) IRS REFERRALS.—The Secretary may refer taxpayers to qualified low-income taxpayer clinics receiving funding under this section.”.

(5) NOTICE OF AVAILABILITY OF CLINICS IN NOTICE OF DEFICIENCY.—Subsection (a) of section 6212 (relating to general rule for notice of deficiency) is amended by inserting “, as well as notice regarding the availability of low-income taxpayer clinics and information about how to contact them” before the period at the end.

(6) NOTICE OF AVAILABILITY OF CLINICS IN NOTICE OF HEARING UPON FILING OF NOTICE OF LIEN.—Subsection (a) of section 6320 (relating to requirement of notice) is amended by adding at the end the following new sentence: “Such notice shall include a notice to the taxpayer of the availability of low-income taxpayer clinics and information about how to contact them.”.

(7) NOTICE OF AVAILABILITY OF CLINICS IN NOTICE AND OPPORTUNITY OF HEARING BEFORE LEVY.—Paragraph (3) of section 6330(a) is amended by adding at the end the following flush sentence:

“Such notice shall include a notice to the taxpayer of the availability of low-income taxpayer clinics and information about how to contact them.”.

(c) CLERICAL AMENDMENT.—The table of sections for chapter 77 is amended by inserting after the item relating to section 7526 the following new item:

“Sec. 7526A. Volunteer income tax assistance plus.”.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.

SEC. 202. REGULATION OF FEDERAL INCOME TAX RETURN PREPARERS.

(a) IN GENERAL.—Section 330(a)(1) of title 31, United States Code, is amended by inserting “(including tax return preparers of Federal tax returns, documents, and other submissions)” after “representatives”.

(b) PROMULGATION OF REGULATIONS.—The Secretary of the Treasury shall prescribe regulations under section 330 of title 31, United States Code, to regulate any tax return preparers not otherwise regulated by the Secretary.

(c) REQUIREMENTS.—Such regulations shall provide guidance on the following:

(1) EXAMINATION.—

(A) IN GENERAL.—In promulgating the regulations under paragraph (1), the Secretary shall approve and oversee eligibility examinations.

(B) 2 EXAMINATIONS.—One such examination shall be designed to test technical knowledge and competency to prepare individual returns, and the other examination shall be designed to test technical knowledge and competency to prepare business income tax returns.

(C) EITC.—The examination relating to individual returns shall test knowledge and competency regarding properly claiming the earned income tax credit under section 32 of the Internal Revenue Code of 1986.

(D) ETHICS.—Both examinations under subparagraph (B) shall test knowledge regarding such ethical standards for the preparation of such returns as determined appropriate by the Secretary.

(E) GRANDFATHER.—The Secretary is authorized to accept an individual as meeting the eligibility examination requirement of this section if, in lieu of the eligibility examination under this section, the individual passed a State licensing or State registration program eligibility examination that the Secretary determines is comparable to either of the eligibility examinations described in subparagraph (B) if such exam is administered within 5 years after the date of the issuance of the regulations under this section.

(2) SUITABILITY STANDARDS.—The Secretary shall provide suitability standards for practicing as a tax return preparer, including tax compliance with the requirements of the Internal Revenue Code of 1986.

(3) CONTINUING ELIGIBILITY.—

(A) IN GENERAL.—The regulations under paragraph (1) shall require a renewal of eligibility every 3 years and shall set forth the manner in which a tax return preparer must renew such eligibility.

(B) CONTINUING PROFESSIONAL EDUCATION REQUIREMENTS.—As part of the renewal of eligibility, such regulations shall require that each such tax return preparer show evidence of completion of such continuing education or testing requirements as specified by the Secretary.

(C) NONMONETARY SANCTIONS.—

(i) The regulations under this section shall provide for the denial, suspension or termination of such eligibility in the event of any failure to comply with the requirements promulgated hereunder.

(ii) Under such regulations, the Secretary shall establish procedures for the appeal of any determination under this paragraph.

(d) PENALTY FOR UNAUTHORIZED PREPARATION OF RETURNS.—

(1) IN GENERAL.—In promulgating the regulations pursuant to subsection (b), the Secretary shall impose a penalty of \$1,000 for

each Federal tax return, document, or other submission prepared by a tax return preparer who is not in compliance with the regulations promulgated under this section or who is suspended or disbarred from practice before the Department of the Treasury under such regulations. Such penalty shall be in addition to any other penalty which may be imposed.

(2) **EXCEPTION.**—No penalty may be imposed under paragraph (1) with respect to any failure if it is shown that such failure is due to reasonable cause.

(e) **DEFINITIONS.**—For purposes of this section—

(1) **TAX RETURN PREPARER.**—The term “tax return preparer” has the meaning given by section 7701(a)(36) of the Internal Revenue Code of 1986, and includes any person requiring the purchase of services, a financial product or goods in lieu of or in addition to direct monetary payment.

(2) **SECRETARY.**—The terms “Secretary of the Treasury” and “Secretary” mean the Secretary of the Treasury or the delegate of the Secretary.

(f) **PUBLIC AWARENESS CAMPAIGN.**—The Secretary shall conduct a public information and consumer education campaign, utilizing paid advertising—

(1) to encourage taxpayers to use for Federal tax matters only professionals who establish their competency under the regulations promulgated under section 330 of title 31, United States Code, and

(2) to inform the public of the requirements that any compensated preparer of tax returns, documents, and submissions subject to the requirements under the regulations promulgated under such section must sign the return, document, or submission prepared for a fee and display notice of such preparer's compliance under such regulations.

(g) **EFFECTIVE DATES.**—

(1) **IN GENERAL.**—The amendment made by this section shall take effect on the date of the enactment of the Act.

(2) **REGULATIONS.**—The regulations required by section 330(d) of title 31, United States Code, shall be prescribed not later than 2 years after the date of the enactment of this Act.

(3) **FULL IMPLEMENTATION.**—The Secretary, taking into consideration the complexity and magnitude of the requirements set forth under this Act, may delay full implementation of the regulations promulgated herein not later than the fifth filing season after the enactment of this Act.

SEC. 203. REFUND DELIVERY PRODUCTS.

(a) **IN GENERAL.**—Chapter 77 (relating to miscellaneous provisions), as amended by section 101, is amended by adding at the end the following new section:

“SEC. 7530. REFUND DELIVERY PRODUCTS.

“(a) **REGISTRATION.**—

“(1) **IN GENERAL.**—The Secretary shall by regulation require each refund delivery product facilitator to register annually with the Secretary.

“(2) **REGISTRATION REQUIREMENTS.**—A registration shall under paragraph (1) shall include—

“(A) the name, address, and TIN of the refund delivery product facilitator, and

“(B) the fee schedule of the facilitator for the year.

“(3) **DISPLAY OF REGISTRATION CERTIFICATE.**—The certificate of registration under paragraph (1) shall be displayed in the facility of the refund delivery product facilitator in the manner required by the Secretary.

“(b) **DISCLOSURE REQUIREMENTS.**—

“(1) **IN GENERAL.**—Each refund delivery product facilitator registered with the Sec-

retary shall be subject to the requirements of paragraphs (2) through (5).

“(2) **TAXPAYER EDUCATION.**—The requirements of this paragraph are that the refund delivery product facilitator makes available to consumers an informational pamphlet that—

“(A) sets forth options available for receiving tax refunds, presented from least expensive to most expensive, and

“(B) discusses short-term credit alternatives to utilizing refund delivery products.

“(3) **NATURE OF THE TRANSACTION.**—The requirements of this paragraph are that, at the time of application for the refund delivery product, the refund delivery product facilitator specifically state in writing—

“(A) in the case of a refund delivery product which is a refund loan—

“(i) that the applicant is applying for a loan based on the applicant's anticipated income tax refund,

“(ii) the expected time within which the loan will be paid to the applicant if such loan is approved, and

“(iii) that there is no guarantee that a refund will be paid in full or received within a specified time period, and that the applicant is responsible for the repayment of the loan even if the refund is not paid in full or has been delayed,

“(B) the time within which income tax refunds are typically paid based upon the different filing options available to the applicant, and

“(C) that the applicant may file an electronic return without applying for a refund delivery product and the fee for filing such an electronic return.

“(4) **FEES, INTEREST AND AMOUNTS RECEIVED.**—The requirements of this paragraph are that, at the time of application for the refund delivery product, the refund delivery product facilitator discloses to the applicant all amounts to be received in connection with a refund delivery product. Such disclosure shall include—

“(A) a copy of the fee schedule of the refund delivery product facilitator,

“(B) in the case of a refund delivery product which is a refund loan—

“(i) the typical fees and interest rates (using annual percentage rates as defined by section 107 of the Truth in Lending Act (15 U.S.C. 1606)) for several typical amounts of such loans and of other types of consumer credit, and

“(ii) that the loan may have substantial fees and interest charges that may exceed those of other sources of credit, and the applicant should carefully consider—

“(I) whether such a loan is appropriate for the applicant, and

“(II) other sources of credit,

“(C) typical fees and interest charges if a refund is not paid or delayed,

“(D) the amount of a fee (if any) that will be charged if the refund delivery product is not approved, and

“(E) administrative costs and any other amounts.

“(5) **OTHER INFORMATION.**—The requirements of this paragraph are that the refund delivery product facilitator discloses any other information required to be disclosed by the Secretary.

“(6) **DISCLOSURE REQUIREMENT.**—A disclosure under any of the preceding paragraphs of this subsection shall not be treated as meeting the requirements of the respective paragraph unless the disclosure is written in a manner calculated to be understood by the average consumer of refund delivery products and provides sufficient information (as

determined in accordance with regulations prescribed by the Secretary) to allow the consumer to understand such options and credit alternatives.

“(c) **PENALTY.**—

“(1) **IN GENERAL.**—There is hereby imposed a penalty on any refund delivery product facilitator who fails to register with the Secretary pursuant to subsection (a) or fails to meet a disclosure requirement under subsection (b).

“(2) **AMOUNT OF PENALTY.**—The amount of the penalty imposed by paragraph (1) shall be the greater of—

“(A) \$1,000, and

“(B) three times the amount of the refund loan, if applicable, and refund delivery product facilitator-determined fees charged with respect to each refund delivery product provided by the refund delivery product facilitator during the period in which the failure described in paragraph (1) occurred.

“(3) **WAIVER BY SECRETARY.**—In the case of a failure which is due to reasonable cause and not to willful neglect, the Secretary may waive part or all of the penalty imposed by paragraph (1) to the extent that the payment of such penalty would be excessive or otherwise inequitable relative to the failure involved.

“(d) **CONDUCT.**—

“(1) **RULES OF CONDUCT.**—The Secretary shall prescribe rules of conduct for refund delivery product facilitators which are similar to the rules applicable to federally authorized tax practitioners (as defined by section 7525(a)(3)(A)) under part 10 of title 31, Code of Federal Regulations.

“(2) **LIMITATION ON APPROVAL AS REFUND DELIVERY PRODUCT FACILITATOR.**—For such period as the Secretary (in his discretion) determines reasonable, the Secretary may not register any person as a refund delivery product facilitator under subsection (a) who the Secretary determines has engaged in any conduct that would warrant disciplinary action under the rules of conduct prescribed under paragraph (1) or under part 10 of title 31, Code of Federal Regulations.

“(e) **OTHER LIMITATIONS RELATING TO REFUND DELIVERY PRODUCTS.**—In any case in which a taxpayer has consented to the release of the taxpayer's refund indicator to a refund delivery product facilitator, the Secretary may only provide information related to the refund indicator to a refund delivery product facilitator who is registered under subsection (a). For purposes of the preceding sentence, the term “refund indicator” means a notification provided through a tax return's acknowledgment file regarding whether a refund will be paid. The Secretary may issue a refund indicator only after the Secretary determines that the taxpayer's refund would not be prevented by any provision of this title, including any provision relating to refund offset to repay debts for delinquent Federal or State taxes, student loans, child support, or other Federal agency debt, whether the taxpayer is claiming ineligible children for purposes of certain tax benefits, and whether the refund will be held pending a fraud investigation.

“(f) **DEFINITIONS.**—For purposes of this section—

“(1) **REFUND DELIVERY PRODUCT FACILITATOR.**—

“(A) **IN GENERAL.**—The term “refund delivery product facilitator” includes any electronic filing service provider who—

“(i) solicits for, processes, receives, or accepts delivery of an application for a refund delivery product, or

“(ii) facilitates the making of a refund delivery product in any other manner.

“(B) ELECTRONIC FILING SERVICE PROVIDER.—The term ‘electronic filing service provider’ includes any person who is an electronic return originator, intermediate service provider, or transmitter.”

“(C) ELECTRONIC RETURN ORIGINATOR.—The term ‘electronic return originator’ includes a person who originates the electronic submission of income tax returns for another person.”

“(D) INTERMEDIATE SERVICE PROVIDER.—The term ‘intermediate service provider’ includes a person who assists with processing return information between an electronic return originator (or the taxpayer in the case of online filing) and a transmitter.”

“(E) TRANSMITTER.—The term ‘transmitter’ includes a person who sends the electronic return data directly to the Internal Revenue Service.”

“(2) REFUND DELIVERY PRODUCT.—The term ‘refund delivery product’ includes a refund loan and any other product sold to a taxpayer for a fee or any other thing of value for the purpose of receiving the taxpayer’s anticipated federal tax refund.”

“(3) REFUND LOAN.—The term ‘refund loan’ includes any loan of money or any other thing of value to a taxpayer in connection with the taxpayer’s anticipated receipt of a Federal tax refund. Such term includes a loan secured by the tax refund or an arrangement to repay a loan from the tax refund.”

“(g) REGULATIONS.—

“(1) IN GENERAL.—The Secretary may prescribe such regulations as necessary to carry out this subchapter.”

“(2) BURDEN OF REGISTRATION.—In promulgating such regulations, the Secretary shall minimize the burden and cost on the registrant.”

(b) PUBLIC AWARENESS CAMPAIGN.—The Secretary of the Treasury shall conduct a public information and consumer education campaign, utilizing paid advertising, to educate the public on making sound financial decisions with respect to refund delivery products (as defined by section 7530 of the Internal Revenue Code of 1986), including—

(1) the need to compare the rates and fees of refund loans with the rates and fees of conventional loans,

(2) the need to compare the amount of money received under a refund delivery product after taking into consideration such costs and fees with the total amount of the refund, and

(3) where and how taxpayers may lodge complaints concerning refund delivery product facilitators.

(c) CLERICAL AMENDMENT.—The table of sections for chapter 77 is amended by adding at the end the following new item:

“Sec. 7530. Refund delivery products.”

(d) EFFECTIVE DATES.—

(1) IN GENERAL.—The amendments made by this section shall take effect on the date of the enactment of the Act.

(2) REGULATIONS.—The regulations required by section 7530(g) of the Internal Revenue Code of 1986 shall be prescribed not later than 2 years after the date of the enactment of this Act.

(3) FULL IMPLEMENTATION.—The Secretary of the Treasury, taking into consideration the complexity and magnitude of the requirements set forth under this Act, may delay full implementation of the regulations promulgated under such section not later than 5 years after the enactment of this Act.

SEC. 204. PREPARER PENALTIES WITH RESPECT TO PREPARATION OF RETURNS AND OTHER SUBMISSIONS.

(a) INCLUSION OF OTHER SUBMISSIONS IN PENALTY PROVISIONS.—

(1) UNDERSTATEMENT OF TAXPAYER’S LIABILITY.—

(A) IN GENERAL.—Section 6694 (relating to understatement of taxpayer’s liability by tax return preparer) is amended by striking “return or claim of refund” each place it appears and inserting “return, claim of refund, or other submission”.

(B) CONFORMING AMENDMENTS.—Section 6694, as amended by paragraph (1), is amended by striking “return or claim” each place it appears and inserting “return, claim, or other submission”.

(2) OTHER ASSESSABLE PENALTIES.—

(A) IN GENERAL.—Section 6695 (relating to other assessable penalties with respect to the preparation of tax returns for other persons) is amended by striking “return or claim of refund” each place it appears and inserting “return, claim of refund, or other submission”.

(B) CONFORMING AMENDMENTS.—Section 6695, as amended by paragraph (1), is amended by striking “return or claim” each place it appears and inserting “return, claim, or other submission”.

(b) INCREASE IN CERTAIN OTHER ASSESSABLE PENALTY AMOUNTS.—

(1) IN GENERAL.—Subsections (a), (b), and (c) of section 6695 (relating to other assessable penalties with respect to the preparation of income tax returns for other persons) are each amended by striking “\$50” and inserting “\$1,000”.

(2) REMOVAL OF ANNUAL LIMITATION.—Subsections (a), (b), and (c) of section 6695 are each amended by striking the last sentence thereof.

(c) REVIEW BY THE TREASURY INSPECTOR GENERAL FOR TAX ADMINISTRATION.—Subparagraph (A) of section 7803(d)(2) is amended by striking “and” at the end of clause (iii), by striking the period at the end of clause (iv) and inserting “, and”, and by adding at the end the following new clause:

“(v) a summary of the penalties assessed and collected during the reporting period under sections 6694 and 6695 and under the regulations promulgated under section 330 of title 31, United States Code, and a review of the procedures by which violations are identified and penalties are assessed under those sections.”

(d) ADDITIONAL CERTIFICATION ON DOCUMENTS OTHER THAN RETURNS.—

(1) IDENTIFYING NUMBER REQUIRED FOR ALL SUBMISSIONS TO THE IRS BY TAX RETURN PREPARERS.—The first sentence of paragraph (4) of section 6109(a) is amended by striking “return or claim for refund” and inserting “return, claim for refund, or other document”.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall apply to documents filed after the date of the enactment of this Act.

(e) COORDINATION WITH SECTION 6060(a).—The Secretary of the Treasury shall coordinate the requirements under the regulations promulgated under section 330 of title 31, United States Code, with the return requirements of section 6060 of the Internal Revenue Code of 1986.

(f) EFFECTIVE DATE.—The regulations required by this section shall be prescribed not later than one year after the date of the enactment of this Act.

SEC. 205. CLARIFICATION OF ENROLLED AGENT CREDENTIALS.

Section 330 of title 31, United States Code, as amended by section 202, is amended—

(1) by redesignating subsection (e) as subsection (f), and

(2) by inserting after subsection (d) the following new subsection:

“(e) Any enrolled agents properly licensed to practice as required under rules promulgated under subsection (a) shall be allowed to use the credentials or designation as ‘enrolled agent’, ‘EA’, or ‘E.A.’.”

TITLE III—IMPROVING TAXPAYER SERVICES

SEC. 301. INDIVIDUALIZED LIEN DETERMINATION REQUIRED BEFORE FILING NOTICE OF LIEN.

(a) IN GENERAL.—Section 6323 is amended by adding at the end the following new subsection:

“(k) LIEN DETERMINATION BEFORE FILING.—

“(1) IN GENERAL.—The Secretary shall not file a notice of lien before making an individualized lien determination.

“(2) LIEN DETERMINATION.—In making an individualized lien determination with respect to a taxpayer, the Secretary shall consider factors, including—

“(A) the amount due,

“(B) the lien filing fee,

“(C) the value of the taxpayer’s equity in the property or right to property,

“(D) the taxpayer’s tax compliance history,

“(E) extenuating circumstances, if any, that explain the delinquency, and

“(F) the effect of the filing on the taxpayer’s ability to obtain financing, generate future income, and pay current and future tax liabilities.

“(3) SUPERVISORY REVIEW.—In any case in which—

“(A) collecting a liability through a lien imposed under section 6321 would create an economic hardship (within the meaning of section 6343(a)(1)(D)), or

“(B) the taxpayer does not have significant equity in property or right to property,

the Secretary shall not file a notice of lien unless the supervisor of the employee making the lien determination referenced in paragraph (2) also determines that the filing is necessary.

“(4) WITHDRAWAL OF LIEN.—A lien filed in violation of this subsection shall be withdrawn under subsection (j).”

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to liens filed after the date of the enactment of this Act.

SEC. 302. BAN ON AUDIT INSURANCE.

Section 330 of title 31, United States Code, as amended by sections 202 and 205, is amended by adding at the end the following new subsection:

“(g) BAN ON AUDIT INSURANCE.—No person admitted to practice before the Department of the Treasury may directly or indirectly offer or provide insurance or other form of indemnification or reimbursement to cover a taxpayers’ assessment of federal tax, penalties, or interest.”

SEC. 303. PUBLIC AWARENESS.

(a) IN GENERAL.—Section 6103(k) (relating to disclosure of certain returns and return information for tax administration purposes) is amended by adding at the end the following new paragraph:

“(10) DISCLOSURE OF RECOGNIZED, CERTIFIED, OR REGISTERED PERSONS; REVOCATION OF REGISTRATION.—The Secretary shall furnish to the public—

“(A) the identity of any person who—

“(i) is an enrolled agent or is an attorney or certified public accountant who either has a power of attorney on file with the Internal Revenue Service or notifies the Internal Revenue Service of their status as a preparer of Federal tax returns,

“(ii) is certified under section 330(d) of title 31, United States Code, as a tax return preparer, or

“(iii) is registered as a refund delivery product facilitator pursuant to section 7530, and

“(B) information as to whether or not any person who is otherwise suspended or disbarred is no longer so recognized, certified, or registered (as the case may be).”.

(b) **EFFECTIVE DATE.**—The amendment made by subsection (a) shall take effect not later than two years after the date of enactment of this Act.

SEC. 304. CLARIFICATION OF TAXPAYER ASSISTANCE ORDER AUTHORITY.

(a) **IN GENERAL.**—Paragraph (2) of section 7811(b) is amended—

(1) by redesignating subparagraphs (C) and (D) as subparagraphs (D) and (E), respectively, and

(2) by inserting after subparagraph (B) the following new subparagraph:

“(C) chapter 74 (relating to closing agreements and compromises).”.

(b) **EFFECTIVE DATE.**—The amendments made by this section shall apply to orders issued after the date of the enactment of this Act.

SEC. 305. TAXPAYER ADVOCATE DIRECTIVES.

(a) **IN GENERAL.**—Subchapter A of chapter 80 is amended by inserting after section 7811 the following new section:

“SEC. 7811A. TAXPAYER ADVOCATE DIRECTIVES.

“(a) **AUTHORITY TO ISSUE.**—The National Taxpayer Advocate may issue a Taxpayer Advocate Directive to mandate administrative or procedural changes to improve the operation of a functional process or to grant relief to groups of taxpayers (or all taxpayers) if its implementation will protect the rights of taxpayers, prevent undue burden, ensure equitable treatment, or provide an essential service to taxpayers. A Taxpayer Advocate Directive may only be issued by the National Taxpayer Advocate. The terms of a Taxpayer Advocate Directive may require the Commissioner to implement it within a specified period of time.

“(b) **AUTHORITY TO MODIFY OR RESCIND.**—Any Taxpayer Advocate Directive may be modified or rescinded—

“(1) only by the National Taxpayer Advocate, the Commissioner of Internal Revenue, or the Deputy Commissioner of Internal Revenue, and

“(2) only if a written explanation of the reasons for the modification or rescission is provided to the National Taxpayer Advocate.”.

(b) **ANNUAL REPORT.**—

(1) **IN GENERAL.**—Clause (ii) of section 7803(c)(2)(B) is amended by redesignating subclauses (III) through (XI) as subclauses (IV) through (XII), respectively, and by inserting after subclause (II) the following new subclause:

“(III) contain Taxpayer Advocate Directives issued under section 7811A.”.

(2) **CONFORMING AMENDMENTS.**—Clause (ii) of section 7803(c)(2)(B), as amended by paragraph (1), is amended—

(A) by striking “subclauses (I), (II), and (III)” in subclauses (V), (VI), and (VII) thereof and inserting “subclauses (I), (II), (III), and (IV)”, and

(B) in subclause (VIII)—

(i) by inserting “or Taxpayer Advocate Directive” after “Taxpayer Assistance Order”, and

(ii) by inserting “or 7811A(a)” after “section 7811(b)”.

(c) **CLERICAL AMENDMENT.**—The table of sections for subchapter A of chapter 80 is amended by inserting after the item relating to section 7811 the following new item:

“Sec. 7811A. Taxpayer advocate directives.”.

SEC. 306. IMPROVED SERVICES FOR TAXPAYERS.

(a) **IN GENERAL.**—It is the sense of Congress that the Internal Revenue Service should within 2 years—

(1) reduce the time between receipt of an electronically filed return and issuance of a refund,

(2) expand assistance to low-income taxpayers,

(3) allocate resources to assist low-income taxpayers in establishing accounts at financial institutions that receive direct deposits from the United States Treasury,

(4) deliver tax refunds on debit cards, prepaid cards, and other electronic means to assist individuals that do not have access to financial accounts or institutions,

(5) establish a pilot program for satellite walk-in centers to be located in rural underserved communities without easy access to Internal Revenue Service Taxpayer Assistance Centers by using office facilities currently occupied by the Federal government, including United States Postal Service and Social Security Administration facilities; such satellite walk-in centers should have the capability to provide video-conferencing services and scanning or other digitizing functions to deliver, in an interactive manner, all service and compliance functions currently available in Internal Revenue Service Taxpayer Assistance Centers, and

(6) establish a pilot program for mobile tax return preparation offices.

(b) **LOCATION OF SERVICE.**—

(1) **IN GENERAL.**—The mobile tax return filing offices should be located in communities that the Secretary determines have a high incidence of taxpayers claiming the earned income tax credit, particularly in locations with few community volunteer tax preparation clinics.

(2) **INDIAN RESERVATION.**—At least one mobile tax return filing office should be on or near an Indian reservation (as defined in section 168(j)(6) of the Internal Revenue Code of 1986).

SEC. 307. TAXPAYER ACCESS TO FINANCIAL INSTITUTIONS.

(a) **ESTABLISHMENT OF PROGRAM.**—The Secretary of the Treasury may award demonstration project grants (including multiyear awards) to eligible entities to provide accounts to individuals who currently do not have an account with a financial institution. The account would be held in a federally insured depository institution.

(b) **PRIORITY.**—Priority shall be given to demonstration project proposals that provide accounts at low or no cost and—

(1) that utilize new technologies such as the prepaid product to expand access to financial services, in particular for persons without bank accounts, with low access to financial services, or low utilization of mainstream financial services,

(2) that promote the development of new financial products and services that are adequate to improve access to wealth building financial services, which help integrate more Americans into the financial mainstream,

(3) that promote education for these persons and depository institutions concerning the availability and use of financial services for and by such persons, and

(4) that include other such activities and projects as the Secretary may determine are consistent with the purpose of this section.

(c) **ELIGIBLE ENTITIES.**—

(1) **IN GENERAL.**—An entity is eligible to receive a grant under this section if such an entity is—

(A) an organization described in section 501(c)(3) of the Internal Revenue Code of 1986

and exempt from tax under section 501(a) of such Code,

(B) a federally insured depository institution,

(C) an agency of a State or local government,

(D) a community development financial institution,

(E) an Indian tribal organization,

(F) an Alaska Native Corporation,

(G) a Native Hawaiian organization,

(H) an organization described in 501(c)(5), and exempt from tax under section 501(a), of such Code,

(I) a nonbank financial service provider, or

(J) a partnership comprised of 1 or more of the entities described in the preceding subparagraphs.

(2) **DEFINITIONS.**—For purposes of this section—

(A) **FEDERALLY INSURED DEPOSITORY INSTITUTION.**—The term “federally insured depository institution” means any insured depository institution (as defined in section 3 of the Federal Deposit Insurance Act (12 U.S.C. 1813)) and any insured credit union (as defined in section 101 of the Federal Credit Union Act (12 U.S.C. 1752)).

(B) **COMMUNITY DEVELOPMENT FINANCIAL INSTITUTION.**—The term “community development financial institution” means any organization that has been certified as such pursuant to section 1805.201 of title 12, Code of Federal Regulations.

(C) **ALASKA NATIVE CORPORATION.**—The term “Alaska Native Corporation” has the same meaning as the term “Native Corporation” under section 3(m) of the Alaska Native Claims Settlement Act (43 U.S.C. 1602(m)).

(D) **NATIVE HAWAIIAN ORGANIZATION.**—The term “Native Hawaiian organization” means any organization that—

(i) serves and represents the interests of Native Hawaiians, and

(ii) has as a primary and stated purpose the provision of services to Native Hawaiians.

(E) **LABOR ORGANIZATION.**—The term “labor organization” means an organization—

(i) in which employees participate,

(ii) which exists for the purpose, in whole or in part, of dealing with employers concerning grievances, labor disputes, wages, rates of pay, hours of employment, or conditions of work, and

(iii) which is described in section 501(c)(5) of the Internal Revenue Code of 1986.

(F) **NONBANK FINANCIAL SERVICE PROVIDER.**—The term “nonbank financial service provider” means an entity that engages in financial services activities, as authorized under the Federal Reserve Board, 12 Code of Federal Regulations Part 225, Regulation Y.

(d) **APPLICATION.**—An eligible entity shall submit an application to the Secretary of the Treasury in such form and containing such information as the Secretary may require.

(e) **EVALUATION AND REPORT.**—For each fiscal year in which a grant is awarded under this section, the Secretary of the Treasury shall submit a report to Congress containing a description of the activities funded, amounts distributed, and measurable results, as appropriate and available.

(f) **POWER AND AUTHORITY OF THE SECRETARY.**—

(1) **ASSISTANCE.**—Subject to appropriations, the Secretary of the Treasury may provide financial and technical assistance to awardees for expanding the distribution of financial services, including through financial services electronic networks.

(2) **RESEARCH AND DEVELOPMENT.**—The Secretary of the Treasury may conduct or support such research and development as the Secretary considers appropriate in order to further the purpose of this section, including the collection of information about access to financial services.

(3) **REGULATIONS.**—The Secretary of the Treasury is authorized to promulgate regulations to implement and administer the program under this section.

(g) **STUDY ON DELIVERY OF TAX REFUNDS.**—

(1) **IN GENERAL.**—The Secretary of the Treasury, in consultation with the National Taxpayer Advocate, shall conduct a study on the feasibility of delivering tax refunds on debit cards, prepaid cards, and other electronic means to assist individuals that do not have access to financial accounts or institutions.

(2) **REPORT.**—Not later than 1 year after the date of enactment of this Act, the Secretary of the Treasury shall submit a report to Congress containing the results of the study conducted under paragraph (1).

SEC. 308. ADDITIONAL STUDIES.

(a) **STUDY ON ACCELERATED PROCESSING OF INFORMATION RETURNS.**—

(1) **FINDINGS.**—Congress finds the following:

(A) Under current procedures, the Internal Revenue Service processes income tax returns before it processes most information returns, including Forms W-2, which report wages and tax withholding, and Forms 1099, which report interest, dividends, and other payments.

(B) The sequence described in subparagraph (A) makes little logical sense.

(C) From a taxpayer perspective, the sequence leads to millions of cases where taxpayers inadvertently make overclaims that the Internal Revenue Service does not identify until months later, exposing the taxpayer not only to a tax liability but to penalties and interest charges as well.

(D) From the Federal Government's perspective, this sequence creates opportunities for fraud and requires the Internal Revenue Service to devote resources to recovering refunds that should not have been paid and that it often cannot recover.

(2) **STUDY.**—The Secretary of the Treasury, in consultation with the National Taxpayer Advocate, shall conduct a study to identify and recommend legislative and administrative changes that would enable the Internal Revenue Service to receive and process information reporting documents before it processes tax returns. In conducting the study, the Secretary shall consider, among other factors, the issues identified in the National Taxpayer Advocate's 2009 Annual Report to Congress.

(3) **REPORT.**—Not later than 1 year after the date of enactment of this Act, the Secretary of the Treasury shall submit a report to Congress describing the results of the study conducted under paragraph (2).

(b) **STUDY ON THE EFFECTIVENESS OF COLLECTION ALTERNATIVES.**—

(1) **IN GENERAL.**—The Secretary of the Treasury, in consultation with the National Taxpayer Advocate, shall conduct a study to assess the effectiveness of collection alternatives, especially offers in compromise, on long-term tax compliance. Such a study shall analyze a group of taxpayers who applied for offers in compromise 5 or more years ago and compare the amount of revenue collected from the taxpayers whose offers were accepted with the amount of revenue collected from the taxpayers whose offers were rejected, and compare, among the taxpayers whose offers were rejected, the

amount they offered with the amounts collected.

(2) **REPORT.**—Not later than 1 year after the date of enactment of this Act, the Secretary of the Treasury shall submit a report to Congress containing the results of the study conducted under paragraph (1).

By Mr. GRASSLEY:

S. 3216. A bill to amend title XVIII of the Social Security Act to ensure Medicare beneficiary access to physicians, to ensure equitable reimbursement under the Medicare program for all rural States, and to eliminate sweetheart deals for frontier States; to the Committee on Finance.

Mr. GRASSLEY. Mr. President, Medicare's payment system for physicians is flawed in many ways. One of those flaws has for many years given unfairly low payments to high quality areas like my own home state of Iowa and many other rural States. The new health care reform law makes some much-needed changes in that regard.

The legislation I am introducing today makes additional improvements in addressing unfair geographic disparities in payment. It is intended to provide more equitable rural health payments and improve rural access to care for all rural states.

As many of you know, Medicare payment varies from one area to another based on the geographic adjustments known as the Geographic Practice Cost Indices or GPCIs. These geographic adjustments are intended to equalize physician payment by reflecting differences in physician's practice costs.

But they do not accurately represent those costs in Iowa or other rural states. They have been a dismal failure in fact. They discourage physicians from practicing in rural areas like New Mexico, Arkansas, Missouri, and Iowa because they create such unfairly low Medicare rates.

I introduced legislation in the last Congress, and again last year, to correct these unwarranted payment disparities. Last fall, I offered an amendment in the Senate Finance Committee mark up of health reform legislation to reform the inequitable formula that has caused these unduly low payments.

My amendment provided more equity and accuracy in calculating this adjustment, and it provided a national solution to the problem. It was accepted unanimously by the Senate Finance Committee, and it was included in the Senate health reform bill, the Patient Protection and Affordable Care Act, that was signed into law.

But, unfortunately, the rural equity that would be achieved by that amendment has been endangered by another sweetheart deal that was added to the Senate health care reform bill that is now the law.

This special deal was added behind closed doors, that is, the closed doors of the majority leader. This special deal addresses geographic disparities

but it helps just five states at the expense of the other 45 states.

It was included in the Senate health reform bill for two Democratic Senators from so-called "frontier states." It's what I call the "Frontier Freeloader."

The Frontier Freeloader provision improves Medicare reimbursement in so-called frontier states by establishing floors for the hospital wage index and the physician practice expense GPCI.

A frontier state is defined as one with 50 percent or more frontier counties, defined as counties with a population per square mile of less than six.

The Frontier Freeloader deal ensures that higher payments go to just five states—North Dakota, South Dakota, Montana, Wyoming and Utah—at the expense of every other state.

It is another example of how the deals made behind closed doors to garner votes led to bad policies, like the Cornhusker Kickback, the Louisiana Purchase, and the Florida Gator-aid.

Now we have the Frontier Freeloader deal that became law when the President signed the health care reform bill.

Iowa provides some of the highest quality care in the country but it does not meet the definition of a frontier state. Certainly Iowa should have been helped since Medicare reimbursement for hospitals and physicians is lower in Iowa than in most of these so-called "frontier" states.

Medicare also pays much lower rates in other rural states, like Arkansas and New Mexico, but they don't benefit from the Frontier Freeloader because they don't meet the definition of a frontier state.

The Frontier Freeloader is even more egregious because Iowa—and other States like Arkansas and New Mexico that don't benefit—are paying for it! So, taxpayers in your state and mine—all the other 45 states—will kick in to pay the bill for these five states. And that's just the cost for the next few years.

This sweetheart deal is not time-limited. The Frontier Freeloader that benefits these five states continues forever while taxpayers in your State and mine—the other 45—continue to pay the bills.

The bill I am introducing today would repeal the Frontier Freeloader sweetheart deal.

We should improve physician payments for all rural states, not just a select few. It is unfair to improve hospital payments for just a few states. This bill would eliminate those special payment deals for just 5 States.

It would also improve physician payments for all rural states during the transition to more accurate data.

The new health care reform law requires the Secretary of Health and Human Services to limit the impact of the current unfair adjustments to ½ of the current adjustment in 2010 and 2011.

This bill would use some of the funds saved by repealing the frontier states deal to increase physician payments more in rural states next year.

That would mean higher payments for all rural States, not higher payments for just a few States.

Finally, the bill makes it clear that a side agreement reportedly made between House members and the Secretary of Health and Human Services for an Institute of Medicine study cannot interfere with the legislative changes to the geographic adjustment for physician practice expense that are now law.

My amendment in the Senate bill that became law improves the data that the government uses to calculate geographic physician practice costs.

The House health care reform bill called for a study by the Institute of Medicine to make recommendations on geographic disparities.

It is unclear what agreement was made between Secretary Sebelius and the House, since it was another back-room deal. It is also unclear what advantage it holds for rural health care equity for beneficiaries and physicians.

My amendment that is now the law requires Medicare officials to use accurate data.

The legislation that I am introducing today would ensure that the agreement House members made with Secretary Sebelius—that somehow accompanies the House health-care reconciliation bill—cannot undo the actual legislative fix in the Senate health care bill that is now law.

If the Institute of Medicine comes up with different data or makes recommendations that are not consistent with the requirements for the geographic adjustments that are now law, we could be back where we started, or even worse off. So this legislation would ensure that HHS follows the legislative improvements just enacted to require more accurate data for calculating these geographic adjustments.

To summarize, the bill does three main things:

First, it eliminates the unfair \$2 billion Frontier Freeloader carve-out for 5 States that ends up harming all the other rural States. As I said earlier, that extra spending would continue forever if the Frontier Freeloader is allowed to take effect.

Second, the bill helps provide greater rural health care access and payment equity in a way that is fair to all taxpayers and states.

It would provide additional payments for physicians in all rural States during the transition.

Finally, the bill would ensure that Medicare officials use accurate data to calculate geographic adjustments as now required by the new health care reform law.

This legislation helps ensure that seniors in all of rural America continue to have access to needed health care.

It ensures rural health care equity nationwide.

By Mr. CONRAD (for himself and Mr. SESSIONS):

S. 3218. A bill to amend the Controlled Substances Act to clarify that persons who enter into a conspiracy within the United States to possess or traffic illegal controlled substances outside the United States, or engage in conduct within the United States to aid or abet drug trafficking outside the United States, may be criminally prosecuted in the United States, and for other purposes; to the Committee on the Judiciary.

Mr. CONRAD. Mr. President, the trafficking and use of illegal drugs is an ongoing challenge in our Nation. It is incumbent upon the Government to seek to prevent the flow of drugs into the country, and limit the availability of drugs on our streets and in our communities. It is for that purpose that I introduce the Drug Trafficking Safe Harbor Elimination Act of 2010 with Senator SESSIONS.

This bill will close a loophole that could allow drug traffickers, under certain circumstances, to operate with impunity in the United States. In *United States v. Lopez-Vanegas*, the Eleventh Circuit Court of Appeals held that where the object of a conspiracy is to possess controlled substances outside the United States with the intent to distribute outside the United States, there is no violation of U.S. law, even if the conspiracy, including meetings, negotiations, and arrangements to execute the drug transaction, occurs on U.S. soil.

Although a particular conspiracy may not be intended to bring illegal drugs into the U.S., the same traffickers could very well act to bring drugs across our own borders as their next crime. If we have a chance to prosecute such criminals, we should do so.

In the *Lopez-Vanegas* case, the court stated that the statute relied upon by Federal prosecutors could not be extended to conspiracies to act outside of the U.S. because Congress had not expressed its intention for the statute to be applied in such a manner. This legislation provides Congress an opportunity to clarify its position.

While the binding effect of the *Lopez-Vanegas* case is now limited to the Eleventh Circuit, it may influence other federal jurisdictions to issue similar decisions. A wide-scale adoption of the reasoning in this case could establish the United States as a safe haven for international drug cartels, damage our relationships with the law enforcement authorities of other nations, and hinder global coordination to combat drug trafficking. Further, the profits and operational capacities generated by extraterritorial drug transactions could very well bolster

the ability of drug cartels to distribute drugs in the United States in the future. For these reasons, it is important to close this loophole and give law enforcement the ability to prosecute all drug trafficking conspiracies conducted in the United States.

By Mr. DURBIN (for himself, Mr. FRANKEN, and Mr. WHITEHOUSE):

S. 3219. A bill to amend title 11, United States Code, with respect to certain exceptions to discharge in bankruptcy; to the Committee on the Judiciary.

Mr. DURBIN. Mr. President, three weeks ago, the Senate passed significant student loan reform. It turns out that for the past several decades, we have been paying banks \$6 billion per year to be the middle men in our student loan system. The bill we passed puts a stop to that. Instead of lining the pockets of bankers like Al Lord at Sallie Mae, we will originate all Federal student loans through the Direct Loan Program and we will invest the savings, \$68 billion, in education priorities. We put \$36 billion into Pell Grants to increase the grant size and tie it to inflation. We also capped monthly student loan payments at 10 percent of discretionary income to help ease repayment for students in public service careers. We invested in historically black colleges and universities, minority serving institutions, community colleges, and state-based college access programs that help students succeed in college. These reforms are essential in helping students afford a college education.

Today, along with Senator FRANKEN and Senator WHITEHOUSE, I am introducing a bill that will take an additional step in restoring fairness in student lending by treating privately issued student loans in bankruptcy the same way other types of private debt are treated. Our bill, the Fairness for Struggling Students Act, will allow borrowers of private student loans to discharge those loans in bankruptcy. Representatives COHEN and DAVIS are introducing a similar bill in the House.

Federally issued or guaranteed student loans have been protected during personal bankruptcy since 1978. This is a good law that protects Federal investments in higher education. In 2005, a provision was added to law to protect the investments of private lenders that extend private credit—not federally guaranteed student loans—to students. With the 2005 protections in place, there is virtually no risk to lenders making high-cost private loans to students at schools with low graduation rates and even lower job placement rates. So the industry has boomed over the past decade. Private student loan volume last year was \$11 billion.

But there is plenty of risk for student borrowers. The interest rates and fees on private loans can be as onerous

as credit cards. There are reports of private loans with variable interest rates reaching 18 percent. Unlike Federal student loans, the Government does not impose loan limits on private loans and does not regulate the terms or cost of these loans. Some students who take out these loans find themselves trapped under an enormous amount of debt that they cannot escape.

Today, I am pleased to introduce a bill that will give students who find themselves in dire financial straits a chance at a new beginning. My bill restores the bankruptcy law, as it pertains to private student loans, back to where it was before the law was amended in 2005. Under this legislation, privately issued student loans will once again be dischargeable in bankruptcy. My bill also clarifies that the remaining protections are specific to loans that were issued by or are guaranteed by State and Federal Government.

Three weeks ago we ended the ability of lenders and banks to make risk-free federal loans to students. It is time to also end the risk-free nature of private student loans and restore fairness for student borrowers.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 3219

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Fairness for Struggling Students Act of 2010".

SEC. 2. EXCEPTIONS TO DISCHARGE.

Section 523(a)(8) of title 11, United States Code, is amended by striking "dependents, for" and all that follows through the end of subparagraph (B) and inserting "dependents, for an educational benefit overpayment or loan made, insured, or guaranteed by a governmental unit or made under any program funded in whole or in part by a governmental unit or an obligation to repay funds received from a governmental unit as an educational benefit, scholarship, or stipend;"

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 483—CONGRATULATING THE REPUBLIC OF SERBIA'S APPLICATION FOR EUROPEAN UNION MEMBERSHIP AND RECOGNIZING SERBIA'S ACTIVE EFFORTS TO INTEGRATE INTO EUROPE AND THE GLOBAL COMMUNITY

Mr. VOINOVICH (for himself, Mr. KERRY, Mr. LUGAR, Mrs. SHAHEEN, and Mr. CARDIN) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 483

Whereas the United States has been a strong supporter of the European Union (EU);

Whereas the year 2010 marks a full decade of efforts of the Government of Serbia to reintegrate into Europe and the global community;

Whereas, on November 30, 2009, the EU decided that the citizens of "Serbia will be able to travel without visa to the Schengen area" permitting the greater integration of Serbia into Europe;

Whereas a democratically elected Government of Serbia has committed to resolving regional disagreements through diplomacy and the tenets of international law;

Whereas, on April 29, 2008, the EU and Serbia signed a Stabilization and Association Agreement, which considered "the EU's readiness to integrate Serbia to the fullest extent into the political and economic mainstream of Europe and its status as a potential candidate for EU membership";

Whereas, on June 21, 2003, the EU stated in the Summit Declaration of the EU-Western Balkans summit at Thessaloniki that "the future of the Balkans is within the EU" and that the countries of the Western Balkans' "rapprochement with the EU will go hand in hand with the development of regional co-operation";

Whereas the United States Government has supported the diplomatic efforts of the Government of Serbia to reintegrate into the global community, including a visit by Vice President Joseph Biden in May 2009; and

Whereas the United States Government has long viewed the EU as a source of stabilization, security, and prosperity for all of Europe and the world; Now, therefore, be it

Resolved, That the Senate—

(1) applauds the people of Serbia for furthering their commitment to democracy, free markets, tolerance, nondiscrimination, and the rule of law;

(2) urges the European Council to adopt in a timely manner a clear position on Serbia's qualifications as a candidate country;

(3) welcomes the decision of the democratically elected Government of Serbia to join the NATO Partnership for Peace Program in 2006;

(4) recognizes the cooperation of the Government of Serbia with the United States Government on issues such as democratization, anti-drug trafficking, anti-terrorism, human rights, regional cooperation, and trade;

(5) strongly urges the Government of Serbia to intensify efforts to capture and transfer at-large indictees Goran Hadzic and Ratko Mladic to the International Criminal Tribunal for the former Yugoslavia and otherwise to fully cooperate with the Tribunal; and

(6) encourages the European Union to also remain actively engaged with all countries in the Western Balkans regarding their aspirations for European integration.

SENATE RESOLUTION 484—DESIGNATING THE WEEK OF MAY 16 THROUGH MAY 22, 2010, AS "NATIONAL PUBLIC WORKS WEEK"

Mrs. BOXER (for herself and Mr. INHOFE) submitted the following resolution; which was considered and agreed to:

S. RES. 484

Whereas public works infrastructure, facilities, and services are of vital importance to the health, safety, and well-being of the people of the United States;

Whereas the public works infrastructure, facilities, and services could not be provided

without the dedicated efforts of public works professionals, including engineers and administrators, who represent State and local governments throughout the United States;

Whereas public works professionals design, build, operate, and maintain the transportation systems, water infrastructure, sewage and refuse disposal systems, public buildings, and other structures and facilities that are vital to the people and communities of the United States;

Whereas understanding the role that public infrastructure plays in protecting the environment, improving public health and safety, contributing to economic vitality, and enhancing the quality of life of every community of the United States is in the interest of the people of the United States; and

Whereas 2010 marks the 50th anniversary of "National Public Works Week": Now, therefore, be it

Resolved, That the Senate—

(1) designates the week of May 16 through May 22, 2010, as "National Public Works Week";

(2) recognizes and celebrates the important contributions that public works professionals make every day to improve—

(A) the public infrastructure of the United States; and

(B) the communities that public works professionals serve; and

(3) urges individuals and communities throughout the United States to join with representatives of the Federal Government and the American Public Works Association in activities and ceremonies that are designed—

(A) to pay tribute to the public works professionals of the United States; and

(B) to recognize the substantial contributions that public works professionals make to the United States.

SENATE RESOLUTION 485—DESIGNATING APRIL 2010 AS "FINANCIAL LITERACY MONTH"

Mr. AKAKA (for himself and Mr. ENZI) submitted the following resolution; which was considered and agreed to:

S. RES. 485

Whereas according to the Federal Deposit Insurance Corporation, at least 25.6 percent of households in the United States, or close to 30,000,000 households with approximately 60,000,000 adults, are unbanked or underbanked and, subsequently, have missed opportunities for savings, lending, and basic financial services;

Whereas according to the 2009 Consumer Financial Literacy Survey Final Report of the National Foundation for Credit Counseling, 41 percent of adults in the United States, or more than 92,000,000 adults living in the United States, gave themselves a grade of C, D, or F on their knowledge of personal finance;

Whereas according to the National Bankruptcy Research Center, the number of personal bankruptcy filings reached 1,410,000 in 2009, a 32 percent increase from 2008 and the highest number since 2005;

Whereas the 2009 Retirement Confidence Survey conducted by the Employee Benefit Research Institute found that the percentage of workers who were "very confident" about having enough money for a comfortable retirement decreased sharply, from 27 percent in 2007 to 18 percent in 2008 to 13 percent in 2009, the lowest since the question was first asked in the survey in 1993, and representing

a 50 percent decline in worker confidence since 2007;

Whereas according to a 2009 "Flow of Funds" report by the Federal Reserve, household debt stood at \$13,600,000,000,000;

Whereas according to the Department of Labor, only 43 percent of people in the United States have calculated how much they need to save for retirement;

Whereas according to the 2009 Consumer Financial Literacy Survey Final Report of the National Foundation for Credit Counseling, 26 percent, or more than 58,000,000 adults, admit to not paying all of their bills on time;

Whereas according to the 2009 Consumer Financial Literacy Survey Final Report of the National Foundation for Credit Counseling, 1/3 of adults in the United States, approximately 72,000,000 adults, report that they have no savings and only 23 percent of adults in the United States are now saving more than they did a year ago because of the current economic climate;

Whereas according to the 2009 Consumer Financial Literacy Survey Final Report of the National Foundation for Credit Counseling, less than 1/2 of adults keep close track of their spending, and nearly 16,000,000 adults do not know how much they spend on food, housing, and entertainment, and do not monitor their overall spending;

Whereas the number of adults keeping close track of their spending has not improved since 2007;

Whereas according to the sixth Survey of the States 2009: Economic, Personal Finance, and Entrepreneurship Education in Our Nation's Schools, conducted by the Council for Economic Education, only 21 States require students to take an economics course as a high school graduation requirement, and only 19 States require the testing of student knowledge in economics;

Whereas according to the sixth Survey of the States 2009: Economic, Personal Finance, and Entrepreneurship Education in Our Nation's Schools, conducted by the Council for Economic Education, only 13 States require students to take a personal finance course either independently or as part of an economics course as a high school graduation requirement;

Whereas expanding access to the mainstream financial system will provide individuals with less expensive and more secure options for managing finances and building wealth;

Whereas quality personal financial education is essential to ensure that individuals are prepared to manage money, credit, and debt, and to become responsible workers, heads of households, investors, entrepreneurs, business leaders, and citizens;

Whereas increased financial literacy empowers individuals to make wise financial decisions and reduces the confusion caused by an increasingly complex economy;

Whereas a greater understanding of, and familiarity with, financial markets and institutions will lead to increased economic activity and growth;

Whereas, in 2003, Congress found it important to coordinate Federal financial literacy efforts and formulate a national strategy; and

Whereas, in light of that finding, Congress passed the Financial Literacy and Education Improvement Act of 2003 (Public Law 108-159; 117 Stat. 2003) establishing the Financial Literacy and Education Commission and designating the Office of Financial Education of the Department of the Treasury to provide support for the Commission: Now, therefore, be it

Resolved, That the Senate—

(1) designates April 2010 as "Financial Literacy Month" to raise public awareness about—

(A) the importance of personal financial education in the United States; and

(B) the serious consequences that may result from a lack of understanding about personal finances; and

(2) calls on the Federal Government, States, localities, schools, nonprofit organizations, businesses, and the people of the United States to observe the month with appropriate programs and activities.

SENATE RESOLUTION 486—SUPPORTING THE MISSION AND GOALS OF THE 2010 NATIONAL CRIME VICTIMS' RIGHTS WEEK TO INCREASE PUBLIC AWARENESS OF THE RIGHTS, NEEDS, AND CONCERNS OF VICTIMS AND SURVIVORS OF CRIME IN THE UNITED STATES, NO MATTER THE COUNTRY OF ORIGIN OR CREED OF THE VICTIM, AND TO COMMEMORATE THE NATIONAL CRIME VICTIMS' RIGHTS WEEK THEME REFERRED TO AS "CRIME VICTIMS' RIGHTS: FAIRNESS. DIGNITY. RESPECT."

Mr. SCHUMER (for himself and Mr. SESSIONS) submitted the following resolution; which was considered and agreed to:

S. RES. 486

Whereas more than 25,000,000 individuals in the United States are victims of crime each year, including more than 6,000,000 individuals who are victims of violent crime;

Whereas a just society acknowledges the impact of crime on individuals, families, neighborhoods, and communities by ensuring that rights, resources, and services are available to help rebuild the lives of the victims;

Whereas, although the United States has steadily expanded rights, protections, and services for victims of crime, too many victims are still not able to realize the hope and promise of the expanded rights, protections, and services;

Whereas, despite impressive accomplishments realized during the past 40 years in crime victims' rights and services, there remain many challenges to ensuring that all victims are—

(1) treated with fairness, dignity, and respect;

(2) offered support and services regardless of whether the victims report the crimes committed against them to law enforcement; and

(3) recognized as key participants in the systems of justice in the United States when the crimes are reported;

Whereas the systems of justice in the United States should ensure that services are available for all victims of crime, including victims from underserved communities of the United States;

Whereas observing the rights of victims and treating victims with fairness, dignity, and respect serve the public interest by—

(1) engaging victims in the justice system;

(2) inspiring respect for public authorities; and

(3) promoting confidence in public safety;

Whereas individuals in the United States recognize that homes, neighborhoods, and communities are made safer and stronger by

identifying and meeting the needs of crime victims and ensuring justice for all;

Whereas treating victims of crime with fairness, dignity, and respect, as encouraged and expressed through the 2010 National Crime Victims' Rights Week theme referred to as "Crime Victims' Rights: Fairness. Dignity. Respect."—

(1) costs nothing more than taking time to identify the needs and concerns of victims; and

(2) requires effective collaboration among justice systems to meet the needs and concerns of victims; and

Whereas the 2010 National Crime Victims' Rights Week, which is observed during the week of April 18 through April 24, 2010, provides an opportunity for the systems of justice in the United States to strive to reach the goal of justice for all by ensuring that victims are afforded legal rights and provided with assistance to face the financial, physical, spiritual, psychological, and social impact of crime: Now, therefore, be it

Resolved, That the Senate—

(1) supports the mission and goals of the 2010 National Crime Victims' Rights Week to increase public awareness of—

(A) the impact on victims and survivors of crime; and

(B) the constitutional and statutory rights and needs of victims and survivors of crime; and

(2) recognizes that fairness, dignity, and respect comprise the very foundation of the manner in which victims and survivors of crime should be treated.

SENATE RESOLUTION 487—HONORING THE COAL MINERS WHO PERISHED IN THE UPPER BIG BRANCH MINE-SOUTH IN RALEIGH COUNTY, WEST VIRGINIA, EXTENDING THE CONDOLENCES OF THE UNITED STATES SENATE TO THE FAMILIES OF THE FALLEN COAL MINERS, AND RECOGNIZING THE VALIANT EFFORTS OF THE EMERGENCY RESPONSE WORKERS

Mr. BYRD (for himself, Mr. ROCKEFELLER, Mr. HARKIN, Mr. ENZI, Mr. REID, Mr. MCCONNELL, Mr. AKAKA, Mr. ALEXANDER, Mr. BARRASSO, Mr. BAUCUS, Mr. BAYH, Mr. BEGICH, Mr. BENNET, Mr. BENNETT, Mr. BINGAMAN, Mr. BOND, Mrs. BOXER, Mr. BROWN of Massachusetts, Mr. BROWN of Ohio, Mr. BROWNBACK, Mr. BUNNING, Mr. BURR, Mr. BURRIS, Ms. CANTWELL, Mr. CARDIN, Mr. CARPER, Mr. CASEY, Mr. CHAMBLISS, Mr. COBURN, Mr. COCHRAN, Ms. COLLINS, Mr. CONRAD, Mr. CORKER, Mr. CORNYN, Mr. CRAPO, Mr. DEMINT, Mr. DODD, Mr. DORGAN, Mr. DURBIN, Mr. ENSIGN, Mr. FEINGOLD, Mrs. FEINSTEIN, Mr. FRANKEN, Mrs. GILLIBRAND, Mr. GRAHAM, Mr. GRASSLEY, Mr. GREGG, Mrs. HAGAN, Mr. HATCH, Mrs. HUTCHISON, Mr. INHOFE, Mr. INOUE, Mr. ISAKSON, Mr. JOHANNIS, Mr. JOHNSON, Mr. KAUFMAN, Mr. KERRY, Ms. KLOBUCHAR, Mr. KOHL, Mr. KYL, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. LEAHY, Mr. LEMIEUX, Mr. LEVIN, Mr. LIEBERMAN, Mrs. LINCOLN, Mr. LUGAR, Mr. MCCAIN, Mrs. MCCASKILL, Mr. MENENDEZ, Mr. MERKLEY, Ms. MIKULSKI, Ms. MURKOWSKI, Mrs. MURRAY, Mr.

NELSON of Nebraska, Mr. NELSON of Florida, Mr. PRYOR, Mr. REED, Mr. RISCH, Mr. ROBERTS, Mr. SANDERS, Mr. SCHUMER, Mr. SESSIONS, Mrs. SHAHEEN, Mr. SHELBY, Ms. SNOWE, Mr. SPECTER, Ms. STABENOW, Mr. TESTER, Mr. THUNE, Mr. UDALL of Colorado, Mr. UDALL of New Mexico, Mr. VITTER, Mr. VOINOVICH, Mr. WARNER, Mr. WEBB, Mr. WHITEHOUSE, Mr. WICKER, and Mr. WYDEN) submitted the following resolution; which was considered and agreed to:

S. RES. 487

Whereas coal mining is a time-honored profession;

Whereas coal miners and the families of coal miners have shaped the rich history and culture of the State of West Virginia and the United States;

Whereas the United States is greatly indebted to coal miners for the difficult and dangerous work performed by coal miners to provide the fuel necessary to keep the United States strong and secure;

Whereas the United States has long recognized the importance of health and safety protections for coal miners laboring in extreme and dangerous conditions;

Whereas accidents in coal mines have repeatedly taken the lives of coal miners;

Whereas, following an explosion on April 5, 2010, 29 coal miners from the State of West Virginia tragically perished in the Upper Big Branch Mine-South;

Whereas the explosion at the Upper Big Branch Mine-South was the worst coal mining disaster in the United States during the 40 years prior to the date of the agreement to this resolution;

Whereas Federal, State, and local rescue crews worked tirelessly in a courageous rescue and recovery effort after the explosion;

Whereas the families of the fallen coal miners have suffered an immeasurable loss; and

Whereas residents of Raleigh County and the State of West Virginia came together to support the families of the fallen coal miners: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the ultimate sacrifice made by the 29 coal miners lost at the Upper Big Branch Mine-South in Raleigh County, West Virginia;

(2) extends the deepest condolences of the United States Senate to the families of the fallen coal miners;

(3) honors the survivors of the tragedy;

(4) recognizes all coal miners for—

(A) enduring the immeasurable loss of co-workers; and

(B) maintaining courage in the aftermath of the explosion at the Upper Big Branch Mine-South;

(5) commends the valiant efforts of the emergency response workers searching for the missing coal miners after the explosion; and

(6) honors the many volunteers who provided support and comfort for the families of the missing coal miners during the rescue and recovery operations.

extension of certain programs, and for other purposes; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 3728. Mr. BUNNING submitted an amendment intended to be proposed to amendment SA 3721 proposed by Mr. BAUCUS to the bill H.R. 4851, to provide a temporary extension of certain programs, and for other purposes; which was ordered to lie on the table; as follows:

Strike all after the first word and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “Continuing Extension Act of 2010”.

SEC. 2. EXTENSION OF UNEMPLOYMENT INSURANCE PROVISIONS.

(a) IN GENERAL.—(1) Section 4007 of the Supplemental Appropriations Act, 2008 (Public Law 110-252; 26 U.S.C. 3304 note) is amended—

(A) by striking “April 5, 2010” each place it appears and inserting “June 2, 2010”;

(B) in the heading for subsection (b)(2), by striking “APRIL 5, 2010” and inserting “JUNE 2, 2010”; and

(C) in subsection (b)(3), by striking “September 4, 2010” and inserting “November 6, 2010”.

(2) Section 2002(e) of the Assistance for Unemployed Workers and Struggling Families Act, as contained in Public Law 111-5 (26 U.S.C. 3304 note; 123 Stat. 438), is amended—

(A) in paragraph (1)(B), by striking “April 5, 2010” and inserting “June 2, 2010”;

(B) in the heading for paragraph (2), by striking “APRIL 5, 2010” and inserting “JUNE 2, 2010”; and

(C) in paragraph (3), by striking “October 5, 2010” and inserting “December 7, 2010”.

(3) Section 2005 of the Assistance for Unemployed Workers and Struggling Families Act, as contained in Public Law 111-5 (26 U.S.C. 3304 note; 123 Stat. 444), is amended—

(A) by striking “April 5, 2010” each place it appears and inserting “June 2, 2010”; and

(B) in subsection (c), by striking “September 4, 2010” and inserting “November 6, 2010”.

(4) Section 5 of the Unemployment Compensation Extension Act of 2008 (Public Law 110-449; 26 U.S.C. 3304 note) is amended by striking “September 4, 2010” and inserting “November 6, 2010”.

(b) FUNDING.—Section 4004(e)(1) of the Supplemental Appropriations Act, 2008 (Public Law 110-252; 26 U.S.C. 3304 note) is amended—

(1) in subparagraph (C), by striking “and” at the end;

(2) by inserting after subparagraph (D) the following new subparagraph:

“(E) the amendments made by section 2(a)(1) of the Continuing Extension Act of 2010; and”.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the enactment of the Temporary Extension Act of 2010 (Public Law 111-144).

SEC. 3. EXTENSION AND IMPROVEMENT OF PREMIUM ASSISTANCE FOR COBRA BENEFITS.

(a) EXTENSION OF ELIGIBILITY PERIOD.—Subsection (a)(3)(A) of section 3001 of division B of the American Recovery and Reinvestment Act of 2009 (Public Law 111-5), as amended by section 3(a) of the Temporary Extension Act of 2010 (Public Law 111-144), is amended by striking “March 31, 2010” and inserting “May 31, 2010”.

(b) RULES RELATING TO 2010 EXTENSION.—Subsection (a) of section 3001 of division B of the American Recovery and Reinvestment Act of 2009 (Public Law 111-5), as amended by section 3(b) of the Temporary Extension Act of 2010 (Public Law 111-144), is amended by adding at the end the following:

“(18) RULES RELATED TO APRIL AND MAY 2010 EXTENSION.—In the case of an individual who, with regard to coverage described in paragraph (10)(B), experiences a qualifying event related to a termination of employment on or after April 1, 2010 and prior to the date of the enactment of this paragraph, rules similar to those in paragraphs (4)(A) and (7)(C) shall apply with respect to all continuation coverage, including State continuation coverage programs.”.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the provisions of section 3001 of division B of the American Recovery and Reinvestment Act of 2009.

SEC. 4. INCREASE IN THE MEDICARE PHYSICIAN PAYMENT UPDATE.

Paragraph (10) of section 1848(d) of the Social Security Act, as added by section 1011(a) of the Department of Defense Appropriations Act, 2010 (Public Law 111-118) and as amended by section 5 of the Temporary Extension Act of 2010 (Public Law 111-144), is amended—

(1) in subparagraph (A), by striking “March 31, 2010” and inserting “May 31, 2010”; and

(2) in subparagraph (B), by striking “April 1, 2010” and inserting “June 1, 2010”.

SEC. 5. EHR CLARIFICATION.

(a) QUALIFICATION FOR CLINIC-BASED PHYSICIANS.—

(1) MEDICARE.—Section 1848(o)(1)(C)(ii) of the Social Security Act (42 U.S.C. 1395w-4(o)(1)(C)(ii)) is amended by striking “setting (whether inpatient or outpatient)” and inserting “inpatient or emergency room setting”.

(2) MEDICAID.—Section 1903(t)(3)(D) of the Social Security Act (42 U.S.C. 1396b(t)(3)(D)) is amended by striking “setting (whether inpatient or outpatient)” and inserting “inpatient or emergency room setting”.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall be effective as if included in the enactment of the HITECH Act (included in the American Recovery and Reinvestment Act of 2009 (Public Law 111-5)).

(c) IMPLEMENTATION.—Notwithstanding any other provision of law, the Secretary of Health and Human Services may implement the amendments made by this section by program instruction or otherwise.

SEC. 6. EXTENSION OF USE OF 2009 POVERTY GUIDELINES.

Section 1012 of the Department of Defense Appropriations Act, 2010 (Public Law 111-118), as amended by section 7 of the Temporary Extension Act of 2010 (Public Law 111-144), is amended by striking “March 31, 2010” and inserting “May 31, 2010”.

SEC. 7. EXTENSION OF NATIONAL FLOOD INSURANCE PROGRAM.

(a) EXTENSION.—Section 129 of the Continuing Appropriations Resolution, 2010 (Public Law 111-68), as amended by section 8 of Public Law 111-144, is amended by striking “by substituting” and all that follows through the period at the end and inserting “by substituting May 31, 2010, for the date specified in each such section.”.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall be considered to have taken effect on February 28, 2010.

AMENDMENTS SUBMITTED AND PROPOSED

SA 3728. Mr. BUNNING submitted an amendment intended to be proposed to amendment SA 3721 proposed by Mr. BAUCUS to the bill H.R. 4851, to provide a temporary

SEC. 8. COMPENSATION AND RATIFICATION OF AUTHORITY RELATED TO LAPSE IN HIGHWAY PROGRAMS.

(a) COMPENSATION FOR FEDERAL EMPLOYEES.—Any Federal employees furloughed as a result of the lapse in expenditure authority from the Highway Trust Fund after 11:59 p.m. on February 28, 2010, through March 2, 2010, shall be compensated for the period of that lapse at their standard rates of compensation, as determined under policies established by the Secretary of Transportation.

(b) RATIFICATION OF ESSENTIAL ACTIONS.—All actions taken by Federal employees, contractors, and grantees for the purposes of maintaining the essential level of Government operations, services, and activities to protect life and property and to bring about orderly termination of Government functions during the lapse in expenditure authority from the Highway Trust Fund after 11:59 p.m. on February 28, 2010, through March 2, 2010, are hereby ratified and approved if otherwise in accord with the provisions of the Continuing Appropriations Resolution, 2010 (division B of Public Law 111–68).

(c) FUNDING.—Funds used by the Secretary to compensate employees described in subsection (a) shall be derived from funds previously authorized out of the Highway Trust Fund and made available or limited to the Department of Transportation by the Consolidated Appropriations Act, 2010 (Public Law 111–117) and shall be subject to the obligation limitations established in such Act.

(d) EXPENDITURES FROM HIGHWAY TRUST FUND.—To permit expenditures from the Highway Trust Fund to effectuate the purposes of this section, this section shall be deemed to be a section of the Continuing Appropriations Resolution, 2010 (division B of Public Law 111–68), as in effect on the date of the enactment of the last amendment to such Resolution.

SEC. 9. SATELLITE TELEVISION EXTENSION.

(a) AMENDMENTS TO SECTION 119 OF TITLE 17, UNITED STATES CODE.—

(1) IN GENERAL.—Section 119 of title 17, United States Code, is amended—

(A) in subsection (c)(1)(E), by striking “April 30, 2010” and inserting “May 31, 2010”; and

(B) in subsection (e), by striking “April 30, 2010” and inserting “May 31, 2010”.

(2) TERMINATION OF LICENSE.—Section 1003(a)(2)(A) of Public Law 111–118 is amended by striking “April 30, 2010”, and inserting “May 31, 2010”.

(b) AMENDMENTS TO COMMUNICATIONS ACT OF 1934.—Section 325(b) of the Communications Act of 1934 (47 U.S.C. 325(b)) is amended—

(1) in paragraph (2)(C), by striking “April 30, 2010” and inserting “May 31, 2010”; and

(2) in paragraph (3)(C), by striking “May 1, 2010” each place it appears in clauses (ii) and (iii) and inserting “June 1, 2010”.

SEC. 10. EXTENSION OF SMALL BUSINESS LOAN GUARANTEE PROGRAM.

(a) APPROPRIATION.—There is appropriated, out of any funds in the Treasury not otherwise appropriated, \$80,000,000, for an additional amount for “Small Business Administration—Business Loans Program Account”, to remain available until expended, for the cost of fee reductions and eliminations under section 501 of division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5; 123 Stat. 151) and loan guarantees under section 502 of division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5; 123 Stat. 152), as amended by this section: *Provided*, That such costs

shall be as defined in section 502 of the Congressional Budget Act of 1974.

(b) EXTENSION OF SUNSET DATE.—Section 502(f) of division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5; 123 Stat. 153) is amended by striking “April 30, 2010” and inserting “May 31, 2010”.

SEC. 11. DETERMINATION OF BUDGETARY EFFECTS.

(a) IN GENERAL.—The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled “Budgetary Effects of PAYGO Legislation” for this Act, submitted for printing in the Congressional Record by the Chairman of the Senate Budget Committee, provided that such statement has been submitted prior to the vote on passage.

(b) EMERGENCY DESIGNATION FOR CONGRESSIONAL ENFORCEMENT.—This Act, with the exception of section 4, is designated as an emergency for purposes of pay-as-you-go principles. In the Senate, this Act is designated as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

(c) EMERGENCY DESIGNATION FOR STATUTORY PAYGO.—This Act, with the exception of section 4, is designated as an emergency requirement pursuant to section 4(g) of the Statutory Pay-As-You-Go Act of 2010 (Public Law 111–139; 2 U.S.C. 933(g)).

SEC. 12. SEQUESTRATION IF NET INCREASE TO DEFICIT IS NOT OFFSET WITHIN 90 DAYS.

(a) SEQUESTRATION ORDER.—Not later than 90 days after the date of the enactment of the Act, the Office of Management and Budget shall prepare and the President shall issue a sequestration order that, upon issuance, shall reduce budgetary resources of direct spending programs by enough to offset the net increase in the Federal budget deficit from fiscal years 2010 through 2020 caused by the enactment of this Act and any subsequent amendments to this Act enacted within 90 days of the date of the enactment of this Act. The Office of Management and Budget shall transmit the order and a report on the order to the House of Representatives and the Senate. If the President issues a sequestration order, the report accompanying the order shall contain, for each budget account to be sequestered, estimates of the baseline level of budgetary resources to be sequestered, and the outlay reductions that will occur in the budget year and the subsequent fiscal year because of that sequestration.

(b) REDUCING NONEXEMPT BUDGETARY RESOURCES BY A UNIFORM PERCENTAGE.—

(1) IN GENERAL.—The Office of Management and Budget shall calculate the uniform percentage by which the budgetary resources of nonexempt direct spending programs are to be sequestered such that the outlay savings resulting from that sequestration, as calculated under subsection (c), shall offset the increase in the deficit, if any, caused by the enactment of this Act and subsequent amendments to this Act enacted within 90 days of the date of the enactment of this Act.

(2) PROGRAMS AND ACTIVITIES IN UNIFIED BUDGET ONLY.—Subject to an exception for Medicare and the exemptions set forth in section 255 of the Balanced Budget and Emergency Deficit Control Act of 1985, the Office of Management and Budget shall determine the uniform percentage required under paragraph (1) with respect to programs and activities contained in the unified budget only.

(c) OUTLAY SAVINGS.—In determining the amount by which a sequestration offsets the impact of this Act on the Federal budget deficit, the Office of Management and Budget shall count—

(1) the amount by which the sequestration in a crop year of crop support payments, pursuant to section 256(j) of Balanced Budget and Emergency Deficit Control Act of 1985, reduces outlays in the budget year and the subsequent fiscal year; and

(2) the amount by which the sequestration in the budget year of the budgetary resources of other nonexempt mandatory programs reduces outlays in the budget year and in the subsequent fiscal year.

SEC. 13. UNEMPLOYMENT INSURANCE PROGRAM INTEGRITY.

(a) REPORTING OF FIRST DAY OF EARNINGS TO DIRECTORY OF NEW HIRES.—

(1) IN GENERAL.—Section 453A(b)(1)(A) of the Social Security Act (42 U.S.C. 653a(b)(1)(A)) is amended by inserting “the date services for remuneration were first performed by the employee,” after “of the employee.”.

(2) REPORTING FORMAT AND METHOD.—Section 453A(c) of the Social Security Act (42 U.S.C. 653a(c)) is amended by inserting “, to the extent practicable,” after “Each report required by subsection (b) shall”.

(3) EFFECTIVE DATE.—

(A) IN GENERAL.—Subject to subparagraph (B), the amendments made by this subsection shall take effect 6 months after the date of enactment of this Act.

(B) COMPLIANCE TRANSITION PERIOD.—If the Secretary of Health and Human Services determines that State legislation (other than legislation appropriating funds) is required in order for a State plan under part D of title IV of the Social Security Act to meet the additional requirements imposed by the amendment made by paragraph (1), the plan shall not be regarded as failing to meet such requirements before the first day of the second calendar quarter beginning after the close of the first regular session of the State legislature that begins after the effective date of such amendment. If the State has a 2-year legislative session, each year of the session is deemed to be a separate regular session of the State legislature.

(b) EXTENSION AND MODIFICATION OF COLLECTION OF PAST-DUE DEBT FOR ERRONEOUS PAYMENT OF UNEMPLOYMENT COMPENSATION.—

(1) PERMANENT EXTENSION.—Subsection (f) of section 6402 of the Internal Revenue Code of 1986 is amended by striking paragraph (8).

(2) COLLECTION IN ALL STATES.—Subsection (f) of section 6402 of the Internal Revenue Code of 1986, as amended by paragraph (1), is amended by striking paragraph (3) and redesignating paragraphs (4) through (7) as paragraphs (3) through (6), respectively.

(3) COLLECTION FOR REASONS OTHER THAN FRAUD.—

(A) IN GENERAL.—Paragraph (4) of section 6402(f) of such Code, as redesignated by paragraph (2), is amended by striking “due to fraud” each place it appears.

(B) CONFORMING AMENDMENTS.—Section 6402(f) of such Code is amended—

(i) in paragraph (3), as redesignated by paragraph (2)—

(I) by striking “or due to fraud” in subparagraph (B), and

(II) by striking “and due to fraud” in subparagraph (C), and

(ii) in the heading, by striking “RESULTING FROM FRAUD”.

(4) EFFECTIVE DATE.—The amendments made by this subsection shall apply to refunds payable on or after the date of the enactment of this Act.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on April 15, 2010, at 9:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs, be authorized to meet during the session of the Senate on April 15, 2010, at 9:30 a.m. to conduct a hearing entitled “Legislative Proposals in the Department of Housing and Urban Development’s FY 2011 Budget Request”.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet, during the session of the Senate, to conduct a hearing entitled “ESEA Reauthorization: Teachers and Leaders” on April 15, 2010. The hearing will commence at 10 a.m. in room 106 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on April 15, 2010, at 10 a.m. in room 215 of the Dirksen Senate Office Building, to conduct a hearing entitled “Filing Season Update: Current IRS Issues.”

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on April 15, 2010, at 11 a.m., to hold an East Asian Affairs subcommittee hearing entitled “US-Japan Relations.”

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate, on April 15, 2010, at 10 a.m. in SD-226 of the Dirksen Senate Office Building, to conduct an executive business meeting.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON RULES AND ADMINISTRATION

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Committee on Rules and Administration be authorized to meet during the session of the Senate on April 15, 2010, at 10 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON SMALL BUSINESS AND ENTREPRENEURSHIP

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Committee on Small Business and Entrepreneurship be authorized to meet during the session of the Senate on April 15, 2010, at 10 a.m. to conduct a hearing entitled “Assessing Access: Obstacles and Opportunities for Minority Small Business Owners in Today’s Capital Markets.”

The PRESIDING OFFICER. Without objection, it is so ordered.

AD HOC SUBCOMMITTEE ON CONTRACTING OVERSIGHT

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Ad Hoc Subcommittee on Contracting Oversight of the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on April 15, 2010, at 2:30 p.m. to conduct a hearing entitled, “Contracts for Afghan National Police Training.”

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on April 15, 2010, at 2:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON AIRLAND

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Committee on Airland of the Committee on Armed Services be authorized to meet during the session of the Senate on April 15, 2010, at 2 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON OCEANS, ATMOSPHERE, FISHERIES, AND COAST GUARD

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Subcommittee on Oceans, Atmosphere, Fisheries, and Coast Guard of the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on April 15, 2010, at 10 a.m. in room 253 of the Russell Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

NATIONAL PUBLIC WORKS WEEK

FINANCIAL LITERACY MONTH

SUPPORTING THE MISSION AND GOALS OF THE 2010 NATIONAL CRIME VICTIMS’ RIGHTS WEEK

HONORING COAL MINERS WHO PERISHED IN THE UPPER BIG BRANCH MINE-SOUTH IN RALEIGH COUNTY, WEST VIRGINIA

Mr. BROWN of Ohio. Mr. President, I ask unanimous consent that the Senate now proceed to the en bloc consideration of the following Senate resolutions: S. Res. 484, S. Res. 485, S. Res. 486, and S. Res. 487.

There being no objection, the Senate proceeded to consider the resolutions.

Mr. BROWN of Ohio. Mr. President, I ask unanimous consent that the resolutions be agreed to, the preambles be agreed to, and the motions to reconsider be laid upon the table en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolutions (S. Res. 484, S. Res. 485, S. Res. 486, and S. Res. 487) were agreed to.

The preambles were agreed to.

The resolutions, with their preambles, read as follows:

S. RES. 484

Whereas public works infrastructure, facilities, and services are of vital importance to the health, safety, and well-being of the people of the United States;

Whereas the public works infrastructure, facilities, and services could not be provided without the dedicated efforts of public works professionals, including engineers and administrators, who represent State and local governments throughout the United States;

Whereas public works professionals design, build, operate, and maintain the transportation systems, water infrastructure, sewage and refuse disposal systems, public buildings, and other structures and facilities that are vital to the people and communities of the United States;

Whereas understanding the role that public infrastructure plays in protecting the environment, improving public health and safety, contributing to economic vitality, and enhancing the quality of life of every community of the United States is in the interest of the people of the United States; and

Whereas 2010 marks the 50th anniversary of “National Public Works Week”: Now, therefore, be it

Resolved, That the Senate—

(1) designates the week of May 16 through May 22, 2010, as “National Public Works Week”;

(2) recognizes and celebrates the important contributions that public works professionals make every day to improve—

(A) the public infrastructure of the United States; and

(B) the communities that public works professionals serve; and

(3) urges individuals and communities throughout the United States to join with representatives of the Federal Government and the American Public Works Association

in activities and ceremonies that are designed—

(A) to pay tribute to the public works professionals of the United States; and

(B) to recognize the substantial contributions that public works professionals make to the United States.

S. RES. 485

Whereas according to the Federal Deposit Insurance Corporation, at least 25.6 percent of households in the United States, or close to 30,000,000 households with approximately 60,000,000 adults, are unbanked or underbanked and, subsequently, have missed opportunities for savings, lending, and basic financial services;

Whereas according to the 2009 Consumer Financial Literacy Survey Final Report of the National Foundation for Credit Counseling, 41 percent of adults in the United States, or more than 92,000,000 adults living in the United States, gave themselves a grade of C, D, or F on their knowledge of personal finance;

Whereas according to the National Bankruptcy Research Center, the number of personal bankruptcy filings reached 1,410,000 in 2009, a 32 percent increase from 2008 and the highest number since 2005;

Whereas the 2009 Retirement Confidence Survey conducted by the Employee Benefit Research Institute found that the percentage of workers who were “very confident” about having enough money for a comfortable retirement decreased sharply, from 27 percent in 2007 to 18 percent in 2008 to 13 percent in 2009, the lowest since the question was first asked in the survey in 1993, and representing a 50 percent decline in worker confidence since 2007;

Whereas according to a 2009 “Flow of Funds” report by the Federal Reserve, household debt stood at \$13,600,000,000,000;

Whereas according to the Department of Labor, only 43 percent of people in the United States have calculated how much they need to save for retirement;

Whereas according to the 2009 Consumer Financial Literacy Survey Final Report of the National Foundation for Credit Counseling, 26 percent, or more than 58,000,000 adults, admit to not paying all of their bills on time;

Whereas according to the 2009 Consumer Financial Literacy Survey Final Report of the National Foundation for Credit Counseling, 1/3 of adults in the United States, approximately 72,000,000 adults, report that they have no savings and only 23 percent of adults in the United States are now saving more than they did a year ago because of the current economic climate;

Whereas according to the 2009 Consumer Financial Literacy Survey Final Report of the National Foundation for Credit Counseling, less than 1/2 of adults keep close track of their spending, and nearly 16,000,000 adults do not know how much they spend on food, housing, and entertainment, and do not monitor their overall spending;

Whereas the number of adults keeping close track of their spending has not improved since 2007;

Whereas according to the sixth Survey of the States 2009: Economic, Personal Finance, and Entrepreneurship Education in Our Nation's Schools, conducted by the Council for Economic Education, only 21 States require students to take an economics course as a high school graduation requirement, and only 19 States require the testing of student knowledge in economics;

Whereas according to the sixth Survey of the States 2009: Economic, Personal Finance,

and Entrepreneurship Education in Our Nation's Schools, conducted by the Council for Economic Education, only 13 States require students to take a personal finance course either independently or as part of an economics course as a high school graduation requirement;

Whereas expanding access to the mainstream financial system will provide individuals with less expensive and more secure options for managing finances and building wealth;

Whereas quality personal financial education is essential to ensure that individuals are prepared to manage money, credit, and debt, and to become responsible workers, heads of households, investors, entrepreneurs, business leaders, and citizens;

Whereas increased financial literacy empowers individuals to make wise financial decisions and reduces the confusion caused by an increasingly complex economy;

Whereas a greater understanding of, and familiarity with, financial markets and institutions will lead to increased economic activity and growth;

Whereas, in 2003, Congress found it important to coordinate Federal financial literacy efforts and formulate a national strategy; and

Whereas, in light of that finding, Congress passed the Financial Literacy and Education Improvement Act of 2003 (Public Law 108-159; 117 Stat. 2003) establishing the Financial Literacy and Education Commission and designating the Office of Financial Education of the Department of the Treasury to provide support for the Commission: Now, therefore, be it

Resolved, That the Senate—

(1) designates April 2010 as “Financial Literacy Month” to raise public awareness about—

(A) the importance of personal financial education in the United States; and

(B) the serious consequences that may result from a lack of understanding about personal finances; and

(2) calls on the Federal Government, States, localities, schools, nonprofit organizations, businesses, and the people of the United States to observe the month with appropriate programs and activities.

S. RES. 486

Whereas more than 25,000,000 individuals in the United States are victims of crime each year, including more than 6,000,000 individuals who are victims of violent crime;

Whereas a just society acknowledges the impact of crime on individuals, families, neighborhoods, and communities by ensuring that rights, resources, and services are available to help rebuild the lives of the victims;

Whereas, although the United States has steadily expanded rights, protections, and services for victims of crime, too many victims are still not able to realize the hope and promise of the expanded rights, protections, and services;

Whereas, despite impressive accomplishments realized during the past 40 years in crime victims' rights and services, there remain many challenges to ensuring that all victims are—

(1) treated with fairness, dignity, and respect;

(2) offered support and services regardless of whether the victims report the crimes committed against them to law enforcement; and

(3) recognized as key participants in the systems of justice in the United States when the crimes are reported;

Whereas the systems of justice in the United States should ensure that services

are available for all victims of crime, including victims from underserved communities of the United States;

Whereas observing the rights of victims and treating victims with fairness, dignity, and respect serve the public interest by—

(1) engaging victims in the justice system;

(2) inspiring respect for public authorities; and

(3) promoting confidence in public safety;

Whereas individuals in the United States recognize that homes, neighborhoods, and communities are made safer and stronger by identifying and meeting the needs of crime victims and ensuring justice for all;

Whereas treating victims of crime with fairness, dignity, and respect, as encouraged and expressed through the 2010 National Crime Victims' Rights Week theme referred to as “Crime Victims' Rights: Fairness. Dignity. Respect.”—

(1) costs nothing more than taking time to identify the needs and concerns of victims; and

(2) requires effective collaboration among justice systems to meet the needs and concerns of victims; and

Whereas the 2010 National Crime Victims' Rights Week, which is observed during the week of April 18 through April 24, 2010, provides an opportunity for the systems of justice in the United States to strive to reach the goal of justice for all by ensuring that victims are afforded legal rights and provided with assistance to face the financial, physical, spiritual, psychological, and social impact of crime: Now, therefore, be it

Resolved, That the Senate—

(1) supports the mission and goals of the 2010 National Crime Victims' Rights Week to increase public awareness of—

(A) the impact on victims and survivors of crime; and

(B) the constitutional and statutory rights and needs of victims and survivors of crime; and

(2) recognizes that fairness, dignity, and respect comprise the very foundation of the manner in which victims and survivors of crime should be treated.

S. RES. 487

Whereas coal mining is a time-honored profession;

Whereas coal miners and the families of coal miners have shaped the rich history and culture of the State of West Virginia and the United States;

Whereas the United States is greatly indebted to coal miners for the difficult and dangerous work performed by coal miners to provide the fuel necessary to keep the United States strong and secure;

Whereas the United States has long recognized the importance of health and safety protections for coal miners laboring in extreme and dangerous conditions;

Whereas accidents in coal mines have repeatedly taken the lives of coal miners;

Whereas, following an explosion on April 5, 2010, 29 coal miners from the State of West Virginia tragically perished in the Upper Big Branch Mine-South;

Whereas the explosion at the Upper Big Branch Mine-South was the worst coal mining disaster in the United States during the 40 years prior to the date of the agreement to this resolution;

Whereas Federal, State, and local rescue crews worked tirelessly in a courageous rescue and recovery effort after the explosion;

Whereas the families of the fallen coal miners have suffered an immeasurable loss; and

Whereas residents of Raleigh County and the State of West Virginia came together to

support the families of the fallen coal miners: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the ultimate sacrifice made by the 29 coal miners lost at the Upper Big Branch Mine-South in Raleigh County, West Virginia;

(2) extends the deepest condolences of the United States Senate to the families of the fallen coal miners;

(3) honors the survivors of the tragedy;

(4) recognizes all coal miners for—

(A) enduring the immeasurable loss of co-workers; and

(B) maintaining courage in the aftermath of the explosion at the Upper Big Branch Mine-South;

(5) commends the valiant efforts of the emergency response workers searching for the missing coal miners after the explosion; and

(6) honors the many volunteers who provided support and comfort for the families of the missing coal miners during the rescue and recovery operations.

FINANCIAL LITERACY MONTH

Mr. AKAKA. Mr. President, I am pleased that the Senate has once again passed a resolution designating April as Financial Literacy Month. I thank my cosponsors, Senators ENZI, DODD, CRAPO, JOHNSON, CORKER, SCHUMER, COCHRAN, MENENDEZ, WICKER, KOHL, MERKLEY, INOUE, DURBIN, BAUCUS, MURRAY, LINCOLN, BEGICH, GILLIBRAND, FEINGOLD, LEVIN, CARPER, CARDIN, STABENOW, and HAGAN. I am glad to work once again with my colleagues in a bipartisan manner to promote financial and economic literacy for all Americans.

This tax day I want to recognize those organizations that gathered information on the status of financial literacy in our country. This includes the Jumpstart Coalition for Personal Financial Literacy's survey of high school seniors and the Employee Benefit Research Institute's Retirement Confidence Survey. These surveys present deeply troubling figures that underscore the need for increased financial literacy. The financial literacy of high school students has fallen to its lowest level ever, with a score of just 48.3 percent. Also, the percentage of workers who were "very confident" about having enough money for a comfortable retirement decreased sharply, from 27 percent in 2007 to 18 percent in 2008 to 13 percent in 2009, the lowest since the question was first asked in the survey in 1993, and representing a 50 percent decline in worker confidence since 2007. There is still much work to do in properly educating America's youth on basic personal financial management skills.

In addition, last year the Federal Reserve noted that household debt in the United States stood at \$13.6 trillion. The 2009 Consumer Financial Literacy Survey Final Report of the National Foundation for Credit Counseling found that less than half of all adults keep close track of their spending, and nearly 16 million adults do not monitor their overall spending and do not know

how much they spend on food, housing, and entertainment. With regard to retirement planning, the U.S. Department of Labor noted that only 43 percent of people in the United States have calculated how much they need to save for retirement. These findings suggest a serious problem underscored by the fact that most workers have not calculated how much they need to save for retirement, even if they believe they are behind schedule in their retirement.

Increased financial and economic literacy can help people navigate around the countless pitfalls found in the marketplace. A significant step occurred with the passage of the Credit Card Accountability Responsibility and Disclosure Act of 2009. The Act requires credit card companies to disclose information about the impact of making only the minimum monthly payment. This includes how long it will take to repay a credit card and the extra amount in interest that must be paid when only the minimum payment is made. This easily-found information will allow consumers to become more aware of their financial situation and enable them to make better financial choices.

Our resolution designates April 2010 as Financial Literacy Month and highlights the need to promote financial literacy. I am pleased by efforts underway to promote financial and economic education and wish to highlight a few examples. Here in Washington, the Jumpstart Coalition for Personal Financial Literacy is holding a celebration of financial literacy this month. During the celebration, Jumpstart will honor two national leaders, a State coalition of the year, and the prestigious Odom Award winner. In addition, the National Foundation for Credit Counseling will announce the winner of its annual poster contest. The Washington State Department of Financial Institutions, DFI, announced that it is launching a new statewide financial education calendar. DFI is working with organizations providing financial education in their communities to incorporate existing calendars into a single searchable, comprehensive statewide calendar of financial education classes and events. Maryland Public Television is airing the program "Pursuit of the Dream: Building Credit for Life." This special and important documentary will educate viewers on the importance of credit scores. Viewers will also learn tips for building a good credit score and helpful ways to avoid money traps that can drag down credit ratings. Viewers will also be able to hear from local financial experts and call a toll-free number airing throughout the broadcast to connect to valuable resources. In my home State of Hawaii, the Hawaii State Department of Commerce and Consumer Affairs recently organized a fair to provide free financial information and help arm

consumers with accurate and useful information to encourage financial literacy.

As policymakers, we need to focus on these issues year round, not just in the month of April. However, focusing on Financial Literacy Month in April means that we have a designated part of the year when we can reassess and improve upon our efforts.

ORDERS FOR MONDAY, APRIL 19, 2010

Mr. BROWN of Ohio. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 2 p.m. Monday, April 19; that following the prayer and the pledge, the Journal of proceedings be approved to date, the morning hour be deemed to have expired, and the time for the two leaders be reserved for their use later in the day, and the Senate proceed to a period of morning business until 3 p.m., with Senators permitted to speak therein for up to 10 minutes each; that following morning business, the Senate proceed to executive session to debate the nomination of Lael Brainard to be an Under Secretary of the Treasury.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BROWN of Ohio. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BROWN of Ohio. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR SIGNING AUTHORITY

Mr. BROWN of Ohio. Mr. President, I ask unanimous consent that the majority leader be authorized to sign any duly enrolled bills or joint resolutions today, April 15, or tomorrow, April 16, 2010.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. BROWN of Ohio. Mr. President, today, Senator REID filed cloture on several executive nominations. At 5:30 Monday, the Senate will proceed to a cloture vote on the Brainard nomination.

ORDER TO ADJOURN

Mr. BROWN of Ohio. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it adjourn under the previous order, following the remarks of the junior Senator from Alabama, Senator SESSIONS.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BROWN of Ohio. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SESSIONS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE FEDERAL DEBT

Mr. SESSIONS. Mr. President, I shared recently with my colleagues my concern about the surging Federal debt and the ramifications that arise from that, and how it has a damaging effect in ways a lot of people have not considered on our economy and on the quality of life of the American people.

A scholar at the Cato Institute published an excellent op ed in yesterday's Washington Times on the impact of borrowing on the American economy. Savings are essential, as we all know, for economic growth because it is from those savings that people borrow, and then they are able to invest in new factories, equipment, research, development, and create businesses that create jobs. That is how we get economic growth. It is part of our tradition of a free economy, and it has served us well. Very few would deny that this is the best way to allocate wealth, rather than trying to have a government-mandated economy.

When the government issues debt and private citizens and corporations buy it, that, by definition, steers that money, that savings, from the productive or private sector of the economy toward the government. If the government wasn't issuing the debt, or borrowing the money, people would have money that they would likely invest in private corporations through bonds or stocks. They might place it in a bank and buy a CD, and then the bank would loan that to a private company, or some person who is wishing to build a home or a shopping center, creating jobs and growth in the economy. Some of our colleagues like to think that you can borrow money and you can increase debt and it is free money. But we know that is not true. Nothing comes from nothing. Everything has a cost, and it will be paid for one way or the other, at one time or another.

The unprecedented Federal debt that we are dealing with today is unlike anything we have seen before. I think it is fair to say that both parties have blame to share, but I have to say we have never seen anything like the President's 10-year budget and what impact it will have on the debt in our country.

Our debt in 2008 was \$5.8 billion. In 2012, it is projected to double to \$11.6

billion. In 2018, it will triple to 17.6 billion. That is a tripling of the entire debt of the United States in that many years. People would say, well, what does that mean? I say to you it means one thing I can show you. You borrow that money—somebody loaned it to the government. When the government took that loan and borrowed that money, they have to pay interest on it.

Just to show what the Congressional Budget Office has told us about what that actually means, in 2009 we paid \$187 billion in interest on our debt. That is going to go up every single year, according to them, until 2020 when we will be paying \$840 billion in 1 year in interest on the debt.

All of us have projects in which we believe. We believe in education or health. We believe in helping seniors or young people. We believe in highways and research and development, national defense, the National Institutes of Health, science and technology, improving our energy use, cleaning up our environment. Those things cost money.

According to the projections of the Congressional Budget Office, \$840 billion will have to be taken off the top. It will have to be paid first. That will be larger than anything in our budget, including defense, unless it continues to surge, and we hope it does not. It will be larger than any other account. It will be crowding out money we could have been spending on things that work.

Some of the money we spend does not work. Too much of it is wasteful Washington spending. Some of this money is very productive, and we like to think we are making the world a better place. We are going to have less of it because of this interest.

The unprecedented Federal deficit last year of \$1.4 trillion is a stunning number, and the projected \$1.5 trillion deficit this year will be taking \$3 trillion out of the economy. In fact, the CATO scholar, Richard Rahn, compared the percentage of money the government is taking out of the economy in this recession with how much the government took out of the economy in previous recessions and found that the current depletion of savings that is going to the government is unprecedented over the last 30 years.

He says in 2009 the government took 38 percent of all the gross savings in the country by borrowing it, money that might have been available to a shopping center guy or a startup company or a person who needs to buy a home. They would borrow the money. The government is borrowing the money. The number of dollars in savings in this country is limited. We are taking 38 percent of it.

By contrast, it did not take more than 15 percent in any other recession in the past 30 years. The average takings have been less than 5 percent.

I will show this chart: savings taken by the government during recessions.

The average per quarter in the last 30 years is 1 or 2 percent. In the 1982–1983 recession, it hit about 12; in the 1992–1993 recession, it hit about 15 percent; in 2003–2004, about 11 or 12 percent. Look at this, 38 percent in the 2009 recession we are in.

Some say this is worse than anything we have ever seen before. It is very bad, and it is unprecedented. If it is so easy, and if there is no cost to borrow, why don't we borrow twice as much? We all know there is a cost. We have to make judgments about how far we can go, how much we can continue to borrow.

We borrowed \$800 billion for the stimulus package. Now we have a \$270 billion stimulus package that is proposed. Since that would not fly as a big package, it is being broken up. We voted to have another \$18 billion for a 2-month extension of unemployment insurance, the doctor fix, and some other items. We just borrowed it.

We thought when we did the largest expenditure in the history of the Republic, when we borrowed \$800 billion for the stimulus package—I thought that was more than we could possibly afford to borrow to try to stimulate ourselves artificially out of this economic slowdown. It worried me. In fact, I supported a plan that I believe would have cost half as much and created more jobs using the studies of the President's adviser on economics, Christina Romer. It would have been more productive than the one Congress did.

One of the great tragedies of this whole process is how little stimulus we got out of the \$800 billion. As Gary Becker, the Nobel Prize winner, said, it was not a stimulus package. It was not written to create jobs and growth. He predicted it would not create jobs, and he, unfortunately, has turned out to be correct.

Senator COBURN and several of us and others opposed this bill because it ought to have been paid for. It should have been paid for out of the stimulus package. Unemployment compensation is certainly one of the items that was in the stimulus package. The doctor fix—what about that? We have to do that, don't we? Yes, we do. We really do. From where should that money come?

The failure of compensation to our physicians—please understand—is a result of a law we passed that we now cannot adhere to that if it is in effect would cut physicians' pay for Medicare patients 21 percent. Many physicians are already quitting taking Medicare patients. If this were to pass, we would have very few continuing to take Medicare patients. The whole system would collapse. They are not getting paid enough now. Private insurance pays them much more than the government does. How should we pay the doctors? Don't we have to borrow the money?

One of the great flaws in the health care bill was the failure to fix the

Medicare doctor payment. That was the crisis always in Medicare. The proposal that passed on a partisan vote in the Senate, the proposal to have a new health care program to raise taxes for Medicare, bringing in more money for Medicare, cut benefits from Medicare.

Did they fix the crisis, the doctor payment first, like what had been said had to be done from the beginning? One of the reasons we needed health care reform is because we needed to have a permanent solution to the doctor payments shortfall. Did we use the money for that? No. We took the money and created an entirely new spending program, a new health care program.

Our colleagues are proposing that we just borrow the money, the \$371 billion it is going to take over 10 years to fix the doctor payments.

This is why the American people instinctively understand that we are not in control. We are out of control. We are in denial about how serious our situation is. I think the American people instinctively are right.

People say: Oh, the townhall meetings are angry. Some of them are angry. I sense they are just deeply concerned about the country they love, and they have a sense—and it is correct—that we are irresponsibly managing our duties here. As a result, we are saddling them and their children with the largest increase in debt the Nation has ever seen. It has the potential to put a cloud over the long-term growth in our economy.

I do believe we are going to get some economic strength from this stimulus package. It is impossible to spend \$800 billion and not get some economic growth from it in the short term. In 1 more year it will almost all be spent. I guess before the election we will have a lot of money being spent, and we are going to get some benefit from that, and I hope we will have a long-term positive benefit.

The Congressional Budget Office, our group that we ask to analyze spending and score the cost of legislation, analyzed the \$800 billion stimulus package and this is what they said. I think it

makes sense and I am afraid it is true. For the first 2 or 3 years, we are going to have an economic lift from this flood of money into the economy. But over 10 years, the Congressional Budget Office has concluded that the \$800 billion in spending will not improve the economy. Their score was that the economy would grow less in 10 years having passed the stimulus package than if we passed nothing—if we didn't spend anything. Why is that? Mr. El-mendorf said the reason is that when you borrow \$800 billion, you crowd out borrowing from the private sector, which is where our economic growth is. You take available money that the private sector could have borrowed to run their businesses and factories and the government spends it on pork programs and social programs. This chart shows exactly that. I didn't know that 38 percent of the money that is being saved in this country would be gobbled up by Federal Government borrowing to keep our ship afloat so we can still try to buy our way out of this recession.

The experts say recessions are cyclical. If you don't do anything, you will come out of it. We hoped some sort of stimulus package could help us come out of it faster, with less pain, and I was prepared to vote for and I did vote for several packages that would be more job oriented and more targeted to growth. But we didn't pass that kind of bill. We passed a big governmental spending bill. It was predicted not to be growth oriented, it was predicted not to be job creating, and apparently, unfortunately, that has been basically true.

So I am hoping we will have some growth for a few years here, but I am confident, and logic tells me, that in the outyears that growth will not be as vigorous as it would otherwise have been because we are going to be carrying an unprecedented amount of debt and we are going to be paying an unprecedented amount of interest every year, and this will crowd out private borrowing and cost the government a stunning amount of interest. That

means the government will not be able to do anything to improve the lives of the American people because that money first has to go to pay the interest.

I wanted to share that, because there are some people who are saying that those of us who objected to this bill—this small \$18 billion debt expansion that passed today—somehow we don't love America and we don't love people in need. We believe and we offered legislation that would have paid for these expenses by taking it from unobligated funds and programs that don't work effectively in our country. So we would have been able to fill this \$18 billion need without increasing the debt. But instead of doing that, the majority of the Senate, or Democratic leadership, pushed through legislation that would borrow it.

I guess that is the path we are on, to have an \$800 billion stimulus, a \$270 billion stimulus II, to start a new \$2.5 trillion health care bill—with these kinds of bills, more and more spending each year, and more and more debt. But we have got to stop. I know it is hard to say no and hard to make the tough choices, but that is what we have been elected to do.

I think we have to get serious about it. I am getting serious about it. I don't intend to continue to vote willy-nilly for these debt-increasing bills. I believe this Congress has got to get serious about our financial future and take some commonsense steps that can lead us into a better future.

I thank the Chair, and I yield the floor.

ADJOURNMENT UNTIL MONDAY,
APRIL 19, 2010, AT 2 P.M.

The PRESIDING OFFICER. Under the previous order, the Senate stands adjourned until 2 p.m., on Monday, April 19, 2010.

Thereupon, the Senate, at 7:26 p.m., adjourned until Monday, April 19, 2010, at 2 p.m.

HOUSE OF REPRESENTATIVES—Thursday, April 15, 2010

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. BLUMENAUER).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC.,
April 15, 2010.

I hereby appoint the Honorable EARL BLUMENAUER to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

PRAYER

Rev. Dr. Clyde Mighells, Lighthouse Reformed Church, Howard, Pennsylvania, offered the following prayer:

O Lord, who called this Nation into being through the lives and sacrifice of those whose hearts were stayed upon You; be upon and within this congressional body as they conduct the work of this great Nation.

Grant them courage to stand for what is right, resistance when pressed to do wrong, compassion for the concerns of Your heart, and the ability to preserve and protect the Constitution of these United States of America.

May the very mind of Christ be upon them as they labor to write the next chapter in the legacy of this great land; that their plans might be guided by the heritage upon which we stand, that their lives might reflect the calling to serve, and that this great Nation might continue to embrace and support the work of freedom and democracy throughout the world.

It is in the blessed name of our Lord, Jesus Christ, that we lay these requests at Your feet. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Wisconsin (Mr. KAGEN) come forward and lead the House in the Pledge of Allegiance.

Mr. KAGEN led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

WELCOMING REV. DR. CLYDE MIGHELLS

The SPEAKER pro tempore. Without objection, the gentleman from Pennsylvania (Mr. THOMPSON) is recognized for 1 minute.

There was no objection.

Mr. THOMPSON of Pennsylvania. Mr. Speaker, it has been a rare privilege this day to have the minister from my church, the Lighthouse Reformed Church in Howard, Pennsylvania, the Reverend Dr. Clyde Mighells, lead the prayer before the House of Representatives.

Dr. Mighells was born the son of a tent evangelist, and followed his father into the ministry when he was ordained by the Presbyterian Church, USA, in 1985. He then took his master's from Dubuque Theological Seminary and his doctorate at Newport University in 1996.

While performing the tasks of pastoral ministry, Dr. Mighells followed his father's example of using magic tricks as teaching tools. He found that magic tricks would pique the interest of his listeners and create a more receptive audience.

After 20 years serving churches across New York and Pennsylvania, in 2006 Dr. Mighells and his wife Sharon developed a performance ministry, taking the message of escaping drugs and the timely topic of anti-bullying into elementary, middle, and high schools. In 2009, they were featured at the International Fellowship of Christian Magicians.

We are lucky enough to have Pastor Mighells as our minister, and we don't mind sharing him with his continuing great ministry work in schools, churches, and with other groups.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain up to 10 requests for 1-minute speeches on each side of the aisle.

TRIBUTE TO LARRY WEYERS

(Mr. KAGEN asked and was given permission to address the House for 1 minute.)

Mr. KAGEN. Mr. Speaker, I rise today to pay tribute to Larry Weyers

of Green Bay, Wisconsin, as he enters his retirement. For 24 years, Mr. Weyers has served northeastern Wisconsin as a distinguished community leader. As his friends, family, and colleagues will gather at the Green Bay Packer stadium, Lambeau Field, on April 19 to pay tribute to him and his dedicated service to our community, I respectfully request my colleagues join in honoring this outstanding individual.

Among his many accomplishments, Mr. Weyers has been presented with the Rotary Free Enterprise Award and received an honorary Golden Apple Award from the Green Bay Area Partners in Education. In 2009, he was a nominee for the Platts Lifetime Achievement Award. Mr. Weyers has supported his community, and we wish him well in his retirement.

Mr. Speaker, as Mr. Weyers celebrates his retirement, I ask all of my colleagues to salute him and to remind him that retirement is simply reoccupation, and he will be just too busy to go back to work.

SURRENDERING OUR SUPERIORITY IN SPACE TECHNOLOGY

(Mr. POE of Texas asked and was given permission to address the House for 1 minute.)

Mr. POE of Texas. Mr. Speaker, for as long as I can remember, America has reached for the stars. Nothing has gotten more kids to do their math and science homework than the dream of being an astronaut. All of America stood still, huddled at their black-and-white TV sets, when Neil Armstrong stepped out on the moon.

America put a man on the moon, setting the imaginations of our children on fire, feeding that good old American desire to be the best, to achieve, to dream of things not yet done. But the administration says they are canceling NASA's Project Constellation and America's return to the moon. America is surrendering our superiority in space technology to the Russians.

Unilateral space abandonment is nonsense. So next time our astronauts want to go into space, they will have to hitchhike with the Chinese or the Russians. And if we need to repair a defense satellite, I am sure our buddies, the Chinese, will be glad to give us a lift. Yeah, right. Our children, our future will suffer for this incompetent decision. This ought not to be.

But that's just the way it is.

HONORING ERICKA DEBENEDICTIS

(Mr. HEINRICH asked and was given permission to address the House for 1 minute.)

Mr. HEINRICH. Mr. Speaker, I have often said that innovation is what America does best. Recently, I had the honor of meeting one of our great current and future innovators, Ericka DeBenedictis. Ms. DeBenedictis is an 18-year-old Albuquerque student who recently won the prestigious Intel Science Talent Search, which recognizes our best and brightest young scientists. This long-standing award has been characterized as the equivalent of winning a junior Nobel Prize.

Ms. DeBenedictis received the top prize because of her research in low energy orbit software, a program which would enable space vehicles to navigate the solar system using gravity's pull and minimal fuel.

On behalf of everyone in New Mexico's First Congressional District, I want to say how incredibly proud we are of Ms. DeBenedictis and the hard work that she put into her project. As I've said, innovation is what America does best. And it looks like innovation might be what Ms. DeBenedictis does best too.

TAX DAY

(Mr. DAVIS of Kentucky asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DAVIS of Kentucky. Mr. Speaker, as Kentuckians file their taxes today, sending their hard-earned dollars to the Federal Treasury, Americans want to know exactly what they are getting in return. Like jobs maybe? Over the last 2 years, Congress has given America three things: a series of bailouts, a failed stimulus package, and a government takeover of health care, each costing around a trillion dollars or more. In return, there are over 225,000 Kentuckians and 15 million Americans out of work. Everyone agrees that the economy and job creation have been at the top of the list of what Americans are saying is the most important things to be done.

Rightfully, in my mind, we hear over and over again, "Where are the jobs?" Well, we are going to focus on climate change or we are going to focus on other things that Americans don't care about when in fact we need a sound energy policy, a sound manufacturing policy, and a sound trade policy. Instead of focusing on the economy and job creation, the agenda in Congress has left Americans with uncertainty.

When Americans feel their tax dollars aren't being used right, the Democrats in Congress say, "Just send more." Well, Americans expect our focus to be on policies that create jobs, building a future for our children. And business can't thrive on an economy falsely buoyed.

IN MEMORY OF REVEREND
BENJAMIN HOOKS

(Mr. COHEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. COHEN. Mr. Speaker, a great cedar, a great lion, a leader, a golden-throated warrior and silver-tongued orator of the Gospel, and a great civil rights icon, Benjamin Hooks, fell in Memphis, Tennessee this morning.

The Reverend Benjamin L. Hooks was the head of the NAACP from 1977 to 1992. He was also the first African American on the Federal Communications Commission, appointed by President Nixon. He served 5 years, from 1972 to 1977. And the first African American trial court judge in Tennessee, appointed by Governor Frank Clement in 1965, and elected in 1966.

The Reverend Hooks led this country through some of its more difficult times in civil rights. He joined with Dr. King in the Southern Christian Leadership Conference in 1956 after he had been ordained as a minister in Memphis at Middle Baptist Church. He was an attorney, he was a businessman, he was a minister, he was a civil rights leader.

He was awarded the Medal of Freedom by President Bush in 2007, and recently was up here in Congress and talked to many Members of the Congress in the Rayburn Building just 2 months ago. He leaves his wife Frances and many, many millions who benefited from his leadership and his courage. His was a life well lived.

Thank you for coming our way, Benjamin Hooks.

"WE THE PEOPLE" EVENTS IN
AIKEN

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, a grassroots group in Aiken, South Carolina, is holding meetings to educate the residents about the Constitution and the principles of our Founding Fathers. Coordinated by Debbie Nix, the group is called "We the People, Aiken." I am pleased to have attended one of their weekly Constitution classes recently at the H. Odell Weeks Activity Center.

During my recent visit to the group meeting, I highlighted my concerns about the government health care takeover and discussed how simply repealing it is not sufficient. We believe we must swap it with a more affordable solution that is centered around the patient and not the government. That is why I introduced H.R. 4944, the Siding With America's Patients (SWAP) Act, to continue to cover preexisting conditions, but will repeal the tax hikes and the unaffordable mandates

on individuals and small business owners.

I want to thank the members of "We the People, Aiken" for their warm welcome and for their efforts to promote America's founding principles.

In conclusion, God bless our troops and we will never forget September 11 in the Global War on Terrorism.

TAX CUTS BENEFIT OHIOANS

(Mr. WILSON of Ohio asked and was given permission to address the House for 1 minute.)

Mr. WILSON of Ohio. Mr. Speaker, as this country's economy was about to fall off the cliff, Congress acted. We strengthened and improved our economy by helping working families. On Tax Day, it is important to note that 99 percent of the working families in my State of Ohio have benefited from 25 different tax cuts through the American Recovery and Reinvestment Act.

Mr. Speaker, according to the Citizens for Tax Justice, working people in Ohio received on average \$1,046 from these breaks. That includes an average of \$496 from one of the fastest and most widely shared tax cuts in American history, the Making Work Pay tax cut. Social Security recipients received a one-time recovery payment of \$250. And more than 879,000 families in Ohio were protected from paying higher taxes under the alternative minimum tax.

More must be done as we put America back to work, but I am proud to have supported the Recovery Act and am pleased to see the tax cuts helping so many Americans.

GOVERNMENT GONE WILD

(Mr. BONNER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BONNER. Mr. Speaker, spring break just ended, but if you thought Washington tax-and-spenders were taking a vacation from their money-grabbing ways, you were badly mistaken. Every day it seems another headline is proclaiming the administration's latest plans to dramatically increase your taxes in order to pay for its trillion-dollar spending binge.

Now, there are some close to the President who are throwing out the possibility that after the election they are going to throw out a value added tax not in place of our current tax system, but in addition to it. Mr. Speaker, this isn't the latest video of spring breakers going wild, this is a real life example of government gone wild.

The President, backed by the largest Democrat majorities in Congress since the 1970s, has doubled the Federal deficit in just 1 year, and has forced down our throat a government takeover of health care that, mark my words, the

American people don't want and we cannot afford. Ironically, hardworking taxpayers will have until midnight tonight to file their tax returns. They have worked 4 long months just to pay their Federal tax bill. And soon they will be working even longer to feed this addiction. This has got to end.

□ 1015

HONORING OUR VIETNAM VETERANS

(Mr. KLEIN of Florida asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KLEIN of Florida. Mr. Speaker, I rise today to honor the veterans of the Vietnam War in my congressional district in south Florida and around our country. These heroic soldiers answered the call of duty, and we're all grateful for their service and their sacrifice.

Many of our Vietnam veterans didn't get the welcome home they deserve, and that is why this Saturday, one of our great local veterans, Commander David Knapp, is organizing a welcome home event in Ft. Lauderdale. It may be belated, but I say, better late than never.

Every day I go to work fighting to make sure that every man and woman who has worn the uniform of our country has access to the full range of benefits they have earned. That means world-class health care, access to a college education and more.

I look forward this weekend to honoring the service of our local Vietnam veterans and every day as we work together to stand with those who served our country.

TAX DAY

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Mr. Speaker, tax day. Today is a grim day for many Americans. It was only last week that the average American taxpayer had worked enough days to pay their annual bill, and the current Congress is looking to add even more days to that burden.

In the present Congress alone, taxes have been increased by \$670 billion, and at least 14 new taxes will hit middle-income Americans. At the end of the year, the death tax will snap back up to its 2001 level, gobbling up family farms and small businesses. Marginal tax rates will snap back up to previous levels reducing America's take-home pay. And now we hear that the administration may consider a new value added tax to pay for the entitlements and increased government spending.

The simple fact is that more money in the pocket of the government is less

in the bank accounts of our family businesses.

Today is a grim tax day. But I worry that 2011 will look much worse for the American taxpayer.

TAX RELIEF

(Mr. SIRES asked and was given permission to address the House for 1 minute.)

Mr. SIRES. Mr. Speaker, as today is tax day, it is important that American people are aware of the savings and tax cuts brought to them over the past year. In conjunction with President Obama, we have ensured that tax breaks no longer focus on the wealthy, but rather on the hardworking Americans.

With the enactment of the Recovery Act, we are able to provide tax breaks for many aspects of American life, from investing in small business, to investing in energy efficiency, to sending your child to college, to buying a new car. These tax reductions are helping families and businesses across America get back on their feet while spurring business investment and job creation.

All totaled, Congress has enacted over \$800 billion in tax cuts, including 25 within the Recovery Act. Perhaps one of the most critical provisions of the past year was the Making Work Pay tax credit, which is dedicated to providing 95 percent of all American workers with a tax break, including 254,000 residents in my district alone through the reduction in tax withholdings by their employer.

As Americans return their tax forms today, a majority will find that a portion of their burden has been lifted through the swift action of this Chamber.

IT'S TIME TO CUT TAXES AND SPENDING

(Mr. FLEMING asked and was given permission to address the House for 1 minute.)

Mr. FLEMING. Mr. Speaker, as millions of Americans, and the people in my State of Louisiana, file their income taxes today, they are reminded how they labor under a tax scheme that discourages hard work, investment and savings.

Federal, State and local taxes claim almost 27 percent of the average American's income. This means the average taxpayer worked until April 9 this year just to make enough money to pay their taxes. Meanwhile, our budget deficit this year is a record \$1.5 trillion, three times the highest Bush deficit.

This tax increase equates to more than \$2,100 for every person in the United States and explodes the President's pledge not to raise taxes on Americans earning less than \$200,000.

And now we hear that the administration is considering a value added tax

which taxes goods and services at every point in the process.

Mr. Speaker, when it comes to taxes and our budget, let me suggest that Americans are not undertaxed; Washington is overspending. It is time for Congress to cut taxes across the board and stop the wasteful spending programs.

TAX RELIEF FOR AMERICAN FAMILIES

(Ms. EDWARDS of Maryland asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. EDWARDS of Maryland. Mr. Speaker, today, as Americans put the finishing touches on their tax returns, they'll see that Congress and this President have enacted tax cuts that benefit middle class and working class families. Despite the echo chamber of right wing misinformation, some of it we've heard here today, Mr. Speaker, we can finally set the record straight. For 8 long years, the Republicans put the interests of the wealthy few above the interests of middle class families, and they gave massive tax cuts for only a few Americans, sent the national debt soaring, and they had no way to pay for it.

In this last year we've cut \$800 billion in taxes focused on helping middle class families and small businesses. Americans are getting jobs, they're buying homes or a car, and they're sending their children to college.

As Bruce Bartlett, adviser under Presidents Reagan and George H.W. Bush recently noted, "Federal taxes are very considerably lower by every measure since Obama became President."

And so while the other guys stand with the banks and insurance companies and CEOs, we'll continue to stand on the side of working families.

WHO WOULD HAVE EVER IMAGINED?

(Mr. JORDAN of Ohio asked and was given permission to address the House for 1 minute.)

Mr. JORDAN of Ohio. Mr. Speaker, who would have ever imagined in the greatest country in history we would see the things we have over the last year from the Democrat Congress and the Obama administration?

Who'd have ever thought we'd see a \$1.4 trillion deficit? Who would have ever thought we'd see a \$12 trillion national debt?

Who would have ever imagined we'd have \$670 billion and counting in new taxes imposed this year on American taxpayers, including taxes on the middle class?

And, now, who would have ever imagined coming soon to you and your family, a value added tax?

How bad does it have to get before we stop the madness, before we stop the excessive spending, the excessive borrowing and the excessive taxation?

Mr. Speaker, today, on tax day, the American people get it. Hopefully, soon the Democratic Congress will.

COMMEMORATING THE DISTINGUISHED CAREER OF STEVE JOHNSON, EXECUTIVE DIRECTOR OF THE WASHINGTON PUBLIC UTILITY DISTRICTS ASSOCIATION

(Mr. INSLEE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. INSLEE. Mr. Speaker, we have been doing a lot of work here in the House to try to lead the country forward on energy independence and energy security, but there's been some great local leadership as well.

I want to honor today one of those great local leaders, Mr. Steve Johnson, one of my constituents who, for 23 years, has served with distinction as the executive director of the Washington Public Utility Districts.

Steve has had an incredible career leading this group forward, which represents 27 public utility districts. That's over 1.7 million citizens. And I want to note three of this local leader's achievements.

First, he has led to reforms which have benefited Washingtonians who have not had high speed telecommunications available to them, truly a visionary action by Steve.

Second, Steve's leadership has always helped PUDs obtain funding for more energy efficiency and conservation projects. Steve's been ahead of his time.

And, third, Steve's been a real leader in municipal water systems. Steve's career has really been notable for moving the PUDs forward. He's been a great local leader. We hope the country follows his leadership.

Congratulations to Steve and Vicki in their next great pursuit.

A WIN FOR AMERICAN WORKERS

(Mr. SMITH of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Texas. Mr. Speaker, American workers have just won a great and historic victory. Employees of Mohawk Industries will share the \$18 million that the company agreed to pay to settle a lawsuit accusing it of hiring illegal immigrants in order to hold down wages.

The settlement comes on the heels of the Obama administration's decision to largely abandon enforcement of our immigration laws at America's workplaces. This legal victory gives a valu-

able tool to other workers who suffer at the hands of employers who want to keep wages low by hiring illegal immigrants.

If the Obama administration won't act to protect American workers, American workers now have the power to protect themselves by filing lawsuits against employers who hire cheap and illegal labor.

Mr. Speaker, if employers continue to break immigration laws, may there be many more such lawsuits.

HONORING THE LIFE OF ROB KRENTZ

(Ms. GIFFORDS asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. GIFFORDS. Mr. Speaker, I rise today to pay tribute to Rob Krentz, a rancher whose family has been in southeast Arizona since 1907.

On March 27, Rob was shot and murdered on his ranch. This senseless act is a stark reminder why the federal government must do more to protect citizens who live and work along the southern Arizona border. Law enforcement officials believe the killer may have been a drug smuggler who escaped to Mexico.

Mr. Krentz was a pillar of the ranching community. He had a heart as big as the land that he loved. Many who spoke at his funeral said that Rob was the nicest guy you will ever meet.

He was a humanitarian who provided food and water to the people that he found in distress, and was likely doing just that when he was murdered.

Rob will be known for his work with the Malpai Borderlands Group, ranchers who are dedicated to conservation of the land.

Rob Krentz was a husband, a brother, a father, a grandfather, an uncle, and a friend to so many. We grieve his loss and send our prayers to his wife, Susan, and children, Andy, Frank, Kyle, and all that knew this great man.

He will be deeply missed, but he will never be forgotten.

YOU CANNOT HAVE EMPLOYMENT WITHOUT EMPLOYERS

(Mr. GARY G. MILLER of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GARY G. MILLER of California. Mr. Speaker, you cannot have employment without employers. One year after the enactment of the \$787 billion stimulus package, unemployment continues to hover near 10 percent, yet congressional Democrats just keep on spending.

Against the will of the American people, this Congress has enacted a \$2 trillion takeover of our Nation's health care system and pushed the Nation's

debt limit to an astounding \$14.2 trillion. The burden of this massive spending falls on the shoulders of the American taxpayers.

Government-run health care alone raises \$569 billion through new taxes, regulations, and costly mandates on individuals, employers, and health care providers.

Furthermore, the administration proposes to increase taxes by \$2 trillion by allowing the vital cuts that benefit small businesses to expire, increasing tax rates on capital gains and reinstating the dreaded death tax.

As the economy struggles to recover, Congress must halt this reckless spending and end its assault on American job creators.

SENDING OUR SINCERE CONDOLENCES TO THE PEOPLE OF POLAND

(Mr. MURPHY of Connecticut asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MURPHY of Connecticut. Mr. Speaker, in New Britain, Connecticut, on Sunday, over 1,000 people came together at Sacred Heart Catholic Church to mourn the 96 public servants, diplomats and military leaders who died in the tragic plane crash in Poland.

This tragedy has shocked the entire world, but it's hit my district particularly hard. The Polish American community in Connecticut has deep roots and remains strongly connected to their homeland.

Our Polish inheritance is visible throughout the community of New Britain, Connecticut, and the surrounding suburbs. Broad Street in that town has been named "Little Poland" by the city council. There are people grieving today at Casimir Pulaski School in Meriden, at Pulaski Middle School in New Britain, and certainly this summer during the annual Dozynki harvest festival, a tradition which Polish immigrants brought to New Britain, Connecticut, during their immigration to the United States.

As Americans, and as a people with deep and lasting Polish roots, we together mourn this terrible tragedy and send our sincere condolences to the people of Poland.

□ 1030

PROVIDING FOR CONSIDERATION OF H.R. 4715, CLEAN ESTUARIES ACT OF 2010, WAIVING REQUIREMENT OF CLAUSE 6(a) OF RULE XIII WITH RESPECT TO CONSIDERATION OF CERTAIN RESOLUTIONS, AND PROVIDING FOR CONSIDERATION OF MOTIONS TO SUSPEND THE RULES

Ms. PINGREE of Maine. Mr. Speaker, by direction of the Committee on

Rules, I call up House Resolution 1248 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 1248

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 4715) to amend the Federal Water Pollution Control Act to reauthorize the National Estuary Program, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chair and ranking minority member of the Committee on Transportation and Infrastructure. After general debate the bill shall be considered for amendment under the five-minute rule. The bill shall be considered as read. All points of order against provisions in the bill are waived. Notwithstanding clause 11 of rule XVIII, no amendment to the bill shall be in order except those printed in the report of the Committee on Rules accompanying this resolution. Each such amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question. All points of order against such amendments are waived except those arising under clause 9 or 10 of rule XXI. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. In the case of sundry amendments reported from the Committee, the question of their adoption shall be put to the House en gros and without division of the question. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

SEC. 2. The Chair may entertain a motion that the Committee rise only if offered by the chair of the Committee on Transportation and Infrastructure or his designee. The Chair may not entertain a motion to strike out the enacting words of the bill (as described in clause 9 of rule XVIII).

SEC. 3. The requirement of clause 6(a) of rule XIII for a two-thirds vote to consider a report from the Committee on Rules on the same day it is presented to the House is waived with respect to any resolution reported through the legislative day of April 16, 2010, providing for consideration of a measure relating to the extension of unemployment insurance.

SEC. 4. It shall be in order at any time through the legislative day of April 16, 2010, for the Speaker to entertain motions that the House suspend the rules relating to a measure addressing the extension of unemployment insurance.

The SPEAKER pro tempore. The gentlewoman from Maine is recognized for 1 hour.

Ms. PINGREE of Maine. For the purpose of debate only, I yield the cus-

tomary 30 minutes to the gentlewoman from North Carolina, Dr. FOXX. All time yielded for consideration of the rule is for debate only.

GENERAL LEAVE

Ms. PINGREE of Maine. I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks and to insert extraneous materials into the CONGRESSIONAL RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Maine?

There was no objection.

Ms. PINGREE of Maine. I yield myself such time as I may consume.

Mr. Speaker, the resolution provides a structured rule for consideration of H.R. 4715, the Clean Estuaries Act of 2010. The rule waives all points of order against consideration of the bill except those arising under clause 9 or 10 of rule XXI and provides that the bill should be considered as read. The rule waives all points of order against the bill itself.

The rule makes in order the seven amendments printed in the Rules Committee report and waives all points of order against those amendments except those arising under clause 9 or 10 of rule XXI. With respect to the amendments reported to the House, the question of their adoption shall be put en gros and without division of the question. The rule provides for one motion to recommit with or without instructions.

The rule provides that the Chair may entertain a motion that the committee rise only if offered by the chair of the Committee on Transportation and Infrastructure or a designee. The Chair may not entertain a motion to strike out the enacting words of the bill.

The requirement of clause 6(a) of rule XIII for a two-thirds vote to consider a report from the Committee on Rules on the same day it is presented to the House is waived with respect to any resolution reported through the legislative day of April 16, 2010, providing for consideration of a measure relating to an extension of unemployment insurance.

Finally, it should be in order at any time through the legislative day of April 16, 2010, for the Speaker to entertain motions that the House suspend the rules relating to a measure addressing the extension of unemployment insurance.

Mr. Speaker, many of the Nation's estuaries are in poor environmental health. An impaired estuary not only impacts commercial and recreational fishing, it also harms small businesses that rely on clean water and reduces the number of tourists coming to the State. Degraded coastal wetlands result in increased flooding, shoreline erosion, and damaged infrastructure.

Estuaries are unique places where freshwater mixes with salt water from

the oceans. The mixing water provides a productive and dynamic habitat for a wide variety of fish and wildlife. Lobsters, clams, and striped bass all depend on the estuaries as a habitat. They also provide critical habitat and breeding areas for hundreds of species of birds and other wildlife.

We're here today to discuss a bill to help restore our Nation's estuaries by promoting comprehensive planning efforts in nationally significant estuaries such as Casco Bay and the Piscataqua River Estuary on the Maine-New Hampshire border. Many of these estuaries are part of the National Estuary Program and provide an excellent example of how a stakeholder-driven, collaborative program can successfully address water quality problems.

Estuaries provide habitat for 75 percent of the U.S. commercial fish catch and 80 to 90 percent of the recreational fish catch. Estuaries and associated coastal areas help drive the Nation's economy. In my State alone in Casco Bay, the economic value in a good year of just one species of shellfish, the softshell clam, is estimated to be between \$1.6 and \$15.7 million annually. Without clean water, the men and women who depend on these resources lose their jobs. We cannot let that happen. We owe it to these hardworking individuals to invest in these precious areas.

Investing in the National Estuary Program, the NEPs, is a good investment in our communities, and the NEPs make good use of their Federal funds. Between 2003 and 2009, NEPs leveraged \$1.98 billion from \$140 million in EPA grants.

The Casco Bay Estuary Partnership is truly a partnership and they work with our local towns. The estuary partnership and Brunswick, West Bath, Phippsburg, and State and Federal agencies are working together in the New Meadows River Watershed Partnership. The partnership works on coastal protection, especially related to water quality and keeping clam flats open for harvesting. This effort has been largely funded by the estuary partnership.

Beyond providing habitat and a place for commercial activities, estuaries are great places to kayak, boat, swim, or go bird watching. It is important to know that much of the value of estuaries declines if people, if the public, cannot access them.

The underlying bill requires the consideration of sustainable commercial businesses and the management planning process, and it is important for the estuaries programs to explicitly recognize the role working waterfronts play in providing jobs and access to our estuaries. Without working waterfronts, we lose access to the estuary and the economic and cultural heart of many coastal communities.

As an organization with strong ties to its community, the Casco Bay Estuary Partnership relies on the participation of a whole range of stakeholders, local governments, State and Federal agencies, environmental groups, businesses, schools, and local universities. These stakeholders come together to develop a comprehensive conservation and management plan. The management plan provides the framework for protecting and restoring the estuary and identifies discrete activities to address priority problems such as water quality, nutrient loading, and habitat restoration.

The Casco Bay Estuary Partnership exemplifies the watershed focus, and the partnership works closely with the Portland Water District, local land trusts, and other organizations who all share the common interest of a healthy watershed. These partnerships pay off when the partners come together and tackle multiple issues with the same solution.

The estuary partnership also helps to create good jobs through restoring the health of our estuaries. The Casco Bay Estuary Partnership is working closely with the town of Brunswick to replace an undersized culvert on Adams Road on the Thomas Cove salt marsh. The existing culvert is in need of replacement for purely engineering reasons. The partnership carried out local investigations and funded design work, developing a vision of how replacing a structure with a larger one would increase tidal flow and fish access to the salt marsh landward of Adams Road. The estuary partnership's work helped the town with a grant application to NOAA's Gulf of Maine Program restoration fund to raise additional money to support the effort. The success of these and other projects across the country show how much we can achieve by working together.

I reserve the balance of my time.

Ms. FOXX. Mr. Speaker, I thank my colleague from Maine for yielding time. I yield myself such time as I may consume.

Mr. Speaker, I stand here very troubled with the legislation the Democrats in charge have chosen to bring forward today. While the goal of having good water quality in our Nation's estuaries indeed has its merits, I'm distraught that we are not debating something today which will address the dire challenges that are keeping my constituents up every night wondering how they will continue to feed their children and find work.

I'm concerned that this legislation does not reflect the economic challenges confronting our Nation. Our national debt stands at \$12.8 trillion and is growing every day; yet this bill increases funding levels for the National Estuary Program under the EPA to \$50 million per year, a 43 percent increase. Actions speak louder than words, Mr.

Speaker, and this action suggests the Democrats in charge, at best, are in denial or, at worst, are simply indifferent to the economic situation our country is facing.

At a time of record budget deficits, it's crucial that we hold the line on spending. The Obama administration likes to talk about fiscal restraint, but we have yet to see these words put into action. This bill is a classic example of legislation that could be trimmed back by keeping the authorization levels static rather than increasing them, but the Democrats refuse to allow such restraints and instead continue to appear to be oblivious of the fact that our Federal deficit is growing each day.

This bill is also being brought forth today under a structured rule, adding to the record number of structured and closed rules the Democrats have arbitrarily used since they've been in the majority. Democrats have chosen to stifle and control the debate today presenting the Congress with another structured rule, eliminating both Republicans' and Democrats' ability to offer important amendments affecting their constituents.

After promising to have the most open and honest Congress in history, why has the Speaker consistently gone back on her word? Why are Democrats in charge shutting off debate and silencing their colleagues from both sides of the aisle? Are they afraid of debate? Are they protecting their members from tough votes?

Regardless of their motives, one thing is clear: The Democrats in charge are doing the American people an injustice by refusing to allow their Representatives to offer amendments on the floor of the people's House.

Finally, Mr. Speaker, according to ExpectMore.gov, a watchdog for Federal Government program performance, the National Estuary Program is only performing adequately. This performance rating indicates that the program needs to set more ambitious goals, achieve better results, improve accountability, and/or strengthen its management practices. As usual, the Democrats in charge have decided that the best way to fix a problem is simply to throw more money at it—money which we do not have, money which we have to borrow—and hope the program performs more effectively. This is a wrongheaded, fiscally irresponsible policy, and I urge my colleagues to reject this rule and vote “no.”

And with that, I reserve the balance of my time.

Ms. PINGREE of Maine. I yield myself such time as I may consume.

I appreciate the thoughts from my good friend from North Carolina, but I have to disagree with her.

First, I want to remind her that we are here today to debate and talk about the rule for the National Estuary Program, and as someone from North

Carolina who also represents a lot of coastal communities, I am sure that your fishermen and your tourism industry depend just as much on clean water and healthy estuaries as we do in the State of Maine. And I don't want to underestimate the importance to jobs, to job growth and to a healthy economy that the estuary program has in a coastal State.

I also want to say that this merely increases the authorization for the funding. This isn't spending the money today, and decisions can be made down the line. But important decisions do need to be made to protect more estuaries in our country to make sure that these vibrant areas that produce much of our fishing stock and are critical to our tourism industry continue to thrive and are vibrant.

Estuary counties only make up 13 percent of the Nation's land area but account for 49 percent of the GDP and support 28 million jobs. So if you want to talk about jobs and you're from a coastal State and you're going to neglect taking care of our estuaries, I think you need to go home and talk to the people of those coastal districts, commercial fishermen, people who depend on the tourism industry and know what a critical bill we're talking about today.

But if you want to sidetrack the debate and you want to get into a debate about the deficit, I want to remind you that when my party left office, we had a surplus and we were comfortably moving ahead with the economy. But for 8 years, we had a tremendous amount of unpaid bills in this country. The majority of our deficit came from two wars that weren't paid for, of which we have people who disagree with our involvement in these wars today; tax cuts for some of the wealthiest people in this country who didn't need those tax cuts, but those tax cuts were not funded; a prescription drug program that was not paid for. And, in fact, when the Republicans passed that bill, they didn't even require that we negotiated with the pharmaceutical industry.

□ 1045

In fact, we pay the highest prices in the world, and you wonder why our economy and our deficit is in bad shape? I think you have to look at the last party in power when you are looking at where to place the blame.

Look, people in my State are hurting. We have a tough economy. We have lost a lot of our manufacturing industry to jobs overseas, to a tremendous change in that economy, and I don't want to say for one minute that the people in my State are comfortable with the job situation. They are hurting, and they want more help.

But, unlike the Republicans, the Democrats put forward the Recovery Act. Much of that money has come to

my State and yours. And while we are not there yet, it's had an effect. It's helped us rebuild some of our roads and bridges. It helped keep teachers and firefighters and policemen in their jobs. It has funded research and development. It's gone to a whole host of necessary clean water infrastructure development. The list is long of how that money has been invested in our State.

We have \$35 million to extend our train service, which is very important. Extending Amtrak in the Northeast has been a great boon and will be very helpful to our economy.

To say that the Democrats aren't, one, paying attention to the deficit and, two, doing all they can to assist in the job creation in this country is to neglect exactly what those facts are. I, again, will not say that we are where we want to be in this economy, but, last month, the U.S. economy gained more jobs than any other month over the last 3 years, an increase in 162,000 jobs. That is a sign that the labor market is at least moving in the right direction to stabilize.

Let's remember, though, when President Obama took over when I was first elected as a freshman, the economy was losing 700,000 jobs a month; and the previous President had already had to go in and bail out the banks because of the lack of oversight of our financial services industry. So we took over an economy in very tough shape, and at least it is moving in the right direction.

There are other numbers that, while they don't give us all that we need, they are a positive sign. In the last month, the manufacturing industry added 17,000 jobs, retailers have added 15,000 jobs, and leisure and hospitality accounted for another 22,000 jobs. We are moving in the right direction.

When I go home to my district, I ask the people who work in the tourism industry—tourism is now the largest industry in our State, and I am sure it is a big industry in North Carolina. I ask them how they are doing; and they say, well, we are getting some positive signs. We have more bookings, more people are coming in this spring. People are feeling a little bit more comfortable about the economy. And while that's not where we need to be, at least we have people moving in the right direction.

We also have gained the confidence of people who say, thank goodness you passed some health care reform, health care reform that will cut the deficit in the long run, stabilize Medicare. And I can tell you from my small businesses what I hear more than anything else is from people who say how am I going to cover my employees, how am I going to cover myself as an individual? And I can now go back home to my State and say, if you have 25 employees or less, you will get a 35 percent tax credit this

year. You are going to get real assistance in providing your employees with health care. And we are doing it with also cutting the deficit and cutting the instability in the Medicare system.

I just want to say that, A, we are here to talk about estuaries, which, in my opinion and from my coastal State, is a very important job creator and revenue enhancer and critical to our fishing industry, which is very important in our State. I think you have to look at where you are laying the blame when you talk about this tough economy. Nobody likes the situation we are in, but nobody is working harder to change it than the Democrats.

I reserve the balance of my time.

Ms. FOXX. Mr. Speaker, I yield myself such time as I may consume.

I am tempted to say, so much to say, so little time. I was going to ask my colleague to yield so she could clarify to me her comment that we are cutting the deficit.

You know, this is a classic example of the Democrats saying one thing and doing another. It just happens over and over and over again. The American people, Mr. Speaker, are waking up to this issue.

My colleague wants to talk about how, when President Obama came to office, what a sorry state the economy was in. She never, along with her other colleagues, ever acknowledged the fact that Democrats were in charge of the Congress for 2 years before President Obama came into office and put this economy on the skids. It's the Democrats who are in charge of Congress who have the fault laid directly at their feet.

Before the Democrats took over the Congress, we had 54 straight months of job growth in this country under President Bush and with a Republican-led Congress. They bash. They talk about unpaid bills. They created the unpaid bills when they came in in January of 2007.

They have increased spending in the past 2 years 84 percent. And what has it accomplished? More government jobs. Tout the 162,000 jobs all you want. Those are primarily government jobs, short-term jobs with the Census.

My colleagues call things something that they are not. The Recovery Act? That is the bailout that occurred in February last year that was supposed to keep the trillion dollar spending, that was supposed to keep unemployment below 8 percent, that was supposed to create 3 trillion jobs? Please.

The American people aren't buying it anymore. They know that the Democrats are the ones who are in control, and they know that the Democrats are the ones who are responsible for the disaster that we are seeing in this economy.

Unemployment is over 11 percent in my State. Yes, we want the estuaries to be protected. They are vital to many

jobs in North Carolina. But spending more money is not the answer. Having the Federal Government live beyond its means is simply not the answer.

This year, the Federal budget deficit is projected to be between \$1.3 and \$1.5 trillion. And, again, my colleague mentioned cutting the deficit, when we hear even from President Obama's own appointees at the CBO and Chairman Bernanke that we cannot maintain our status as the greatest country in the world with this horrible debt and deficit that the Democrats are placing on our backs, on the backs of our children and our grandchildren.

And I love the way my colleagues talk about this prescription drug program that was passed under a Republican President and the Republican Congress that was not "paid for." They hate it. And yet what they are going to do in their health care bill, they are going to close the doughnut hole. Sure, they are going to add to the spending on the prescription drug plan, the one that they hate so much. They hate it on the floor here when they want to use it as an excuse, but then they love it when they want to put more money into it.

Come on, folks, let's have a little consistency here in the approach that you take. Most of your consistency does involve putting the government in control of our lives and spending, spending, spending. The American people know that in these tough times they should save, not spend money.

And last but not least, let me say my colleagues always say this is not spending, this is only authorizing. And then when it comes to the appropriations, they will say, well, we have to appropriate because this was already authorized. This is another gimmick that they put in place simply to spend more money. And, again, the American people are waking up. They understand it, and they don't like it anymore.

With that, I reserve the balance of my time.

Ms. PINGREE of Maine. Mr. Speaker, I reserve the balance of my time.

Ms. FOXX. Mr. Speaker, my colleague mentioned that this bill is a bill that's important because it creates jobs. My colleagues on the other side of the aisle, along with the President, have done such a poor job of creating jobs in the past with all the spending that they have done, and yet everything that comes up is a jobs bill.

I now want to quote from a March 3 Washington Times editorial: "From immigration to clean energy to expanding the social safety net, there's no better way to grease the skids for new government programs in Washington nowadays than to declare them job-producing bills. Then watch supporters line up and potential opposition crumble."

Mr. Speaker, when I was home in North Carolina the past 2 weeks for our

Easter break, numerous constituents shared with me their concerns that the Federal Government is borrowing and spending too much. The American people know that in these tough economic times they should save, not spend money. But the Federal Government doesn't reflect the common sense that I see throughout the Fifth District of North Carolina. Instead, the Democrats in charge continue to borrow more and spend more, increasing our Federal deficit on the backs of our children and grandchildren.

My colleagues can no longer blame the deficit and economic difficulties today on the previous administration, although they continue to try. The Democrats in charge have shown they don't care about the deficit by continuing to dig America into a bigger and bigger hole with more reckless spending. All of this borrowed money is being spent by the ruling Democrats, while the unemployment rate continues to rise and the deficit continues to grow. I think my colleagues on the other side of the aisle are so in love with their power that they believe that they can overrule the laws of economics.

Since the Democrats took control of Congress, Mr. Speaker, in January of 2007, they have raised the debt limit five times and the national debt has increased by 42.4 percent, or \$3.68 trillion.

Democrats enacted a debt increase in February 2009, promising that borrowing another trillion dollars would create jobs immediately and unemployment would not rise above 8 percent. However, there were still 85,000 job losses this past January, and unemployment has consistently been hovering around 10 percent in the country and much higher than that in many of our States.

I have opposed all these efforts to raise the debt limit. According to the analysis by The Heritage Foundation, the White House projects \$10.6 trillion in new deficits over the next decade. This is nearly \$80,000 per household in new borrowing.

It's beyond time to stop digging. The new budget estimates, including an estimated total national debt of \$24.5 trillion in 2019 under President Obama's budget, are alarming and unsustainable. The result would be the highest level of spending and debt in American history.

We hear now also that our colleagues across the aisle don't even want to present a new budget. And why don't they want to present a new budget? Because they would have to reveal again these really distressing numbers to the American people and have to respond to them.

This is an irresponsible lack of fiscal restraint carried on the backs of our children and grandchildren. My constituents at home and Americans across the Nation are not operating

their family budgets as recklessly as this Congress is spending taxpayer dollars. We have to point out all the time, this is not government money. This is money earned by hard-working taxpayers, more and more of whom are losing their jobs every day and losing the opportunity to work and pay their taxes, not money that's created by the government, except, of course, when they print it, which is going to result in inflation.

With that, Mr. Speaker, I yield such time as he may consume to the gentleman from Indiana (Mr. PENCE).

Mr. PENCE. I thank the distinguished gentlelady for yielding and for her outstanding leadership on behalf of taxpayers.

I rise in opposition to the rule, to follow ordinary protocol, but it's impossible to come to the floor today and not talk about what hundreds of millions of Americans are thinking about today, some of whom will be driving late to the post office, heavy laden with an envelope that they hope they got right, to file their taxes. It is tax day in America, April 15; and it is a tough, tough day for working families, small businesses, and family farms.

□ 1100

You know, Will Rogers said famously the only difference between death and taxes is that death doesn't get worse when Congress is in session. And that has probably never been as true in my 10 years here on Capitol Hill as it has been in the last year and a half under this administration and this majority in Congress.

Now, we heard a lot yesterday here on the floor of the Congress about tax cuts that have been passed into law. I rise this morning, Mr. Speaker, to really set the record straight because the American people have a choice to make this fall, and they deserve to know the facts.

Yesterday, I enjoyed a number of speakers from the Democrat majority who came down boasting of having cut taxes by hundreds of billions of dollars. I think I even heard one speaker say that this Congress had cut taxes more than any Congress in American history. That one elicited a chuckle yesterday, and I can't help responding the same today. Here are the facts:

First and foremost, this Congress has voted and this President has signed into law \$670 billion in tax increases in the last year and a half, \$670 billion. And the list includes 14 tax hikes signed into law, totaling \$316 billion on middle class families in direct violation of the pledge that President Obama made not to raise taxes on individuals that make less than \$200,000 a year or families filing jointly that make less than \$250,000 a year. It really is astonishing. And thanks to the great work of the Committee on Ways and Means, the Republican minority there

led by the distinguished gentleman from Michigan, DAVID CAMP, people can go to the Web site, they can go to gop.gov, they can go to the Web site of the Ways and Means Committee and look at this full list.

Under the health care bill, Public Law 111-148, new taxes on individuals who don't purchase government-approved health insurance, it's \$17 billion over 10. A new tax on employers who fail to fully comply with government insurance mandates, \$52 billion in tax increases. A new 40 percent excise tax on certain high-cost health plans, that's \$32 billion in tax increases over 10, and on and on and on the list goes. But that's not where it ends.

Under SCHIP, Public Law 113-3, tobacco tax increase and expanded enforcement authority, \$65.515 billion in tax increases over 10. So-called stimulus bill repealed guidance allowing certain taxpayers to claim losses of an acquired corporation, that's a \$6.9 billion tax increase. And on the list goes. It is \$670.341 billion and counting. And I say again, not only has this Congress increased taxes by \$670 billion since President Obama took office, but the list includes 14 tax increases totaling over \$316 billion on middle class families.

It is truly astonishing to think that arriving on the scene during the worst economy in 25 years that the response of this administration and this Congress has been to take what in my judgment was excessive spending under Republican control and put it on steroids and pay for it with hundreds of billions of dollars in new taxes, and of course enacting more government.

Now, taking directly on the assertion of my Democrat colleagues, in the time I have remaining, the suggestion that Democrats have passed the largest tax cuts in history, you know, the American people have got to be asking, Are they kidding? But no, they're not. In fact, the President, in remarks while signing the government takeover of health care with \$570 billion in tax increases in it, actually said, "And when this exchange is up and running, millions of people will get tax breaks to help them afford coverage, which represents the largest middle class tax cut for health care in history."

Now, I was on a television show right after the distinguished Senator from Illinois, Senator DICK DURBIN, where he made the same assertion. And even PolitiFact, an independent and analytical organization online, took a look at what Senator DURBIN said, suggesting that Obama Care was the largest middle class tax cut in history, and they gave it a false the next day.

Here are the facts, and here is where the stretch comes from: it is the assertion, presumably, by Democrats that the \$466 billion in subsidies paid directly to insurance companies in the health care takeover represents tax

cuts. Well, if I can just say for the record from my heart, paying insurance companies isn't a tax cut to me, okay. I mean, I was raised south of Highway 40, but I'm trying to keep—if this Congress ever wants to get around to actually cutting my taxes, writing checks to insurance companies that you're paying for with higher taxes, that's not a tax cut to me. A tax cut to me is reduce my taxes so I can keep more of my hard-earned money.

There are other nickel and dime things in the stimulus bill, the refundable tax payments they're pointing to, but the biggest chunk of their claim of having cut taxes is \$466 billion in subsidies paid directly to insurance companies in the health care takeover. I think that's why PolitiFact referred to Senator DURBIN's assertion as false as an independent analysis and why independent observers have also rejected that.

Look, it's a serious day in the life of the Nation. The truth is the American people are hurting. This government is running about a \$1.3 trillion deficit. We ought to get serious about fiscal discipline in Washington, D.C. and we ought to get real about giving the American people across-the-board tax relief. Only cutting taxes across the board—like John F. Kennedy did, like Ronald Reagan did, like George W. Bush did after the towers fell—only by cutting taxes across the board for working families, small businesses and family farms can we hope to ignite the entrepreneurial energy of this country to lift Americans and to create jobs once again.

I appreciate the time the gentlelady has yielded. It is important to set the record straight. The American people deserve to know on tax day that this administration and this Congress have increased taxes by \$670 billion and counting, because in just a few months after Congress has made its decisions, the American people are going to get a chance to make theirs.

Ms. PINGREE of Maine. Mr. Speaker, I yield myself such time as I may consume.

We can go back and forth all day about he said, she said, who has lowered taxes more, who has cut the deficit, who has done what, but let's just recall when the Republicans were in office. They cut taxes for the wealthiest people in this country, which contributed considerably to the deficit. And while the Republicans did not vote for the American Recovery and Reinvestment Act, one-third of that and more is our tax cuts for the middle class. So if one of my colleagues was on the floor saying that this was the largest tax cut ever enacted, it may or may not have been, but I think it was the largest tax cut for the middle class and the group of working people in our country who need it more than anybody.

I just want to read a quote here from Bruce Bartlett, the domestic policy ad-

viser under President Reagan and Treasury Department economist under President George H.W. Bush. He said on 3/19/2010: "Federal taxes are considerably lower by every measure since Obama became President." According to the JCT, last year's \$787 billion stimulus bill, enacted with no Republican support, reduced Federal taxes by almost \$100 billion in 2009 and another \$222 billion this year.

Let's just talk a little bit about what's in there because people love to talk about these abstract notions of did you or didn't you lower taxes. Well, here's what's in the American Recovery and Reinvestment Act, one-third of which was tax cuts. Congress has enacted more than \$800 billion in tax cuts with another \$285 billion working its way through Congress, and this Recovery Act had 25 different tax cuts for Americans in this country.

The Making Work Pay tax cut provided immediate and sustained tax relief to about 95 percent of all American workers and their families. It's a refundable tax credit up to \$400 per worker or \$800 per couple filing jointly. That has already been enacted. Over 110 million working families, that's about 95 percent of Americans, now are getting the tax relief they need right now.

The Child Tax Credit: I hear from so many people how difficult it is for working families to be able to afford the cost of childcare. Republicans decided to vote against the childcare tax credit, which cut the taxes of families of more than 16 million children through an expansion of the Child Tax Credit, a very important thing, I think, that we enacted this year.

The Earned Income Tax Credit: expanded the Earned Income Tax Credit, providing tax relief to families with three or more children and increasing the Marriage Penalty Relief. Now, again, that's for working-class families. Those are tax cuts for the wealthiest in this country, which is what the Republicans did during their time, making sure the rich got richer. No, we went for the Earned Income Tax Credit.

The American Opportunity College Tax Credits: how often do we hear from working class families today struggling to provide for tuition for their kids' college? That helps more than 4 million additional students attend college with a new \$2,500 tax credit for families, which is partially refundable, already been enacted.

The Alternative Minimum Tax Relief, protecting 26 million middle class families who are being hit by the alternative minimum tax.

And we all know about the First-Time Homebuyers Tax Credit which allowed the first-time homebuyer \$8,000, moved it up from \$7,500. That has been extended. Now, maybe you don't hear this in your district; but you wouldn't be listening if you didn't hear from real

estate agents who talk about how beneficial that has been in moving the stagnant housing market. I hear about it all the time. I hear about it from them to want to make sure that we continue to extend that tax credit that went directly to working families, to those people who needed the benefit, who wanted to invest in a new home, who wanted to have that opportunity. And I know I hear all the time about what a great benefit that has been.

Incentives to buy new cars were in there, to provide a tax deduction for State and local sales taxes and excise taxes paid on the purchase of new cars. We all know we had to do everything we could to get Detroit working again to help American manufacturing.

Now, that is just what individuals benefited from. Let me just talk about a few of the business tax incentives to create jobs. That was \$10 billion over 10 years, supported by the Chamber of Commerce and the National Association of Manufacturers. That was in the American Recovery and Reinvestment Act that was voted for by the Democrats and opposed by the Republicans. And I'm sorry to see that, because this was an important issue for the Chamber of Commerce, certainly important for our businesses. That included bonus depreciation, helping businesses to quickly recover the costs of new capital investments by extending the increased bonus depreciation for businesses making investments in new plants and equipment in 2009. I don't know about you, but we're anxious to have new capital investments in our plants and equipment, and so I was very proud to stand behind that.

Small business expensing: spurring small business investment by extending small business expensing, doubling the amount that small businesses can immediately write off on their taxes for capital investments and purchases of new equipment. The write-off has helped many of the businesses in all of our districts.

Buying back debt: providing assistance to companies looking to reduce their debt burdens by delaying the tax on businesses that have a discharged indebtedness which will help those companies strengthen their balance sheets so they can invest in job creation.

Small business loss carrybacks, which increase the cash flow for small businesses by providing a 5-year carryback of net operating losses. I know I hear about this frequently and was proud to support it and help those businesses in my district who felt this was essential. Sorry to see that the Republicans didn't want to vote for yet another small business and business tax investment.

We had the small business investments, spurring investments by small businesses by cutting capital gains tax on investors in small business who buy

stock in the next 2 years and hold it more than 5 years.

We had a tax credit for jobs, for recently discharged, unemployed veterans and disconnected youth. How often do we hear about those people who served our country, many of whom are unemployed? How important is that to make sure that we give more jobs to recently discharged, unemployed veterans? Those are just a few of the tax measures that were enacted under the Recovery Act.

For a party, the Republicans, who say they want to cut taxes, they seem to only want to do it on the wealthiest people in this country. Or big corporations who ship jobs offshore, I guess it's okay to cut taxes there; but when it comes to the middle class, when it comes to helping people with tuition, when it comes to childcare tax credits, the very difficult price that working moms and working families pay to keep their children in childcare—which we know is a growing expense for young families—giving them a tax credit, that's where I think our tax credits should go.

And what about the renewable energy and energy efficiency tax incentives to spur energy savings and create jobs? I don't know how people feel in your district, but I know in mine they want to end their dependence on foreign oil. They want to invest in making their homes more efficient, and those energy-efficient tax credits have been very helpful in my State. I meet up with people all the time who say, I'm so glad I had the opportunity to invest in winterizing my home. I know it doesn't get as cold in North Carolina, but in Maine we're a cold State. We're about the most dependent State in the country on oil.

□ 1115

So for those of us in Maine, in New England, we actually may have the oldest stock in the Nation as we are 38th in per capita income and as we have the greatest percentage of seniors in this country, so we have a perfect storm. We have a lot of very old people without much income who are living in very old houses. Our State is basically 80 percent dependent on oil. So, when the costs of oil rise, people are left struggling in their homes, unable to pay those bills. Many of them have to decide whether to heat their homes, to buy their prescription drugs, or to put food on their tables. For them, having energy-efficient home tax credits has been great. It has allowed a lot of people to put on new storm windows, to add that layer of insulation in order to tighten up the home, to really find ways to reduce the costs of getting through the winter, and to reduce our dependence on foreign oil.

We have the plug-in hybrid tax credit, which spurs the next generation of cars by providing tax credits for people

who purchase plug-in hybrids and all-electric vehicles. What more could you ask for in this country but to spur on innovation and new technology and to help out our ailing automobile and manufacturing industries.

There are tax credits for renewable energy, easing the credit crunch for renewable energy. I am in a State that wants to develop our wind power capacity, that wants to have more solar power, and that wants to have tidal energy. These very tax credits are helping our individuals and businesses to do it, and this is just the beginning. Then, as we talked about earlier, we also enacted health insurance reform.

So I think this is the party which is thinking first of the middle class, of small businesses and which is very worried about how people get through Tax Day. This party has done a variety of things to help that along, and I hope that we can find some Republican votes to do more in the future in order to continue to spur on job creation and to cut taxes for our middle class.

Mr. Speaker, I reserve the balance of my time.

Ms. FOXX. I yield myself such time as I may consume.

Mr. Speaker, my colleague from Maine failed to mention her own State and what it is doing, and I find it very interesting. I have an article from June 24, 2009, from *The Wall Street Journal*, entitled "Maine Miracle." I will just quote a couple of things from the article.

"At last, there's a place in America where tax cutting to promote growth and attract jobs is back in fashion. Who would have thought it would be Maine?"

"This month, the Democratic legislature and Governor John Baldacci broke with Obamanomics and enacted a sweeping tax reform that is almost, but not quite, a flat tax." This is a big income tax cut, especially given that so many other States in the Northeast have been increasing rates.

At the end, it says, "One question is how Democrats in Augusta were able to withstand the cries by interest groups of 'tax cuts for the rich?' Mr. Baldacci's snappy reply: 'Without employers, you don't have employees.' He adds: 'The best social services program is a job.' Wise and timely advice for both Democrats and Republicans as the recession rolls on and budgets get squeezed."

My colleague leaves out so cleverly the fact that her own State has gone against the grain of the Federal Government. I want to say that I am quite, quite interested in hearing her list all of these supposed tax cuts that are being made, but she never mentions the tax increases that are going into effect which offset these tax cuts.

Mr. Speaker, there is an arrogance across the aisle that is almost palpable. It is that the Federal Govern-

ment should be picking winners and losers in this country. What I was struck by was the very targeted tax cuts that my colleague has been bragging about. As my colleague from Indiana said, what we should be having in this country is an across-the-board tax cut. That's what Republicans believe in. We believe the money that hard-working Americans earn is their money, not the government's money. It is not our right to decide how they spend their money.

As to what Republicans did, yes, we cut taxes for wealthy individuals, but we cut taxes for everyone. What the Democrats do over and over and over again—and again, it comes from an arrogance, a hubris, which says we are smarter than the American people, which says we know how to spend your money better than you know how to spend your money. Therefore, we are going to tell you where you can get tax cuts.

If these tax cuts by George Bush were so horrible, why is it that President Obama is going to continue some of those? He is going to let some expire, but he is going to continue some. So my colleagues across the aisle obviously are bashing their own President when they say these were horrible, horrible tax cuts that were put into effect by the Bush administration.

The motto of the State of North Carolina is to be rather than to seem, and that hits me so often when we are on the floor, when I'm listening to my colleagues across the aisle, because they are always trying to seem rather than to be. They are trying to say to the American people, Look at the wonderful things we're doing for you. The American people have had about all they can stand of the good things that the Democrats are trying to do for them, and I think today is a great example of that.

It is ironic that this is Tax Day. There are probably going to be a million or so people out on The Mall this afternoon near the Washington Monument. These are folks who have said, I've had it up to here with the Federal Government. These people are involved with the tea party movement. I welcome them to Washington, and I welcome the fact that they are everywhere today, all over the country, having these meetings where they're saying, It's time for us to take back our country. It's time for us to tell the Federal Government, We've just about had enough of you in terms of your taking away our money and deciding where to spend it.

I think it's a wonderful movement and that we should encourage it at every opportunity, because this is what this country is about. The first three words of the Constitution are written larger than the rest of the words, and they are "We the People."

We need to be honoring those people who are coming here and who are demonstrating all over the country that they've had it with the Democratic Party, that they've had it with government spending, that they've had it with debt. I want to encourage them to do more and more and more and to send the message to our colleagues that they don't care for the way they're being treated by the Democrats in charge of this government right now. They've had enough of it, and they want us to cut spending and to cut taxes across the board, not to decide who are the winners and the losers.

[From the Wall Street Journal, June 24, 2009]

MAINE MIRACLE

At last, there's a place in America where tax cutting to promote growth and attract jobs is back in fashion. Who would have thought it would be Maine?

This month the Democratic legislature and Governor John Baldacci broke with Obamanomics and enacted a sweeping tax reform that is almost, but not quite, a flat tax. The new law junks the state's graduated income tax structure with a top rate of 8.5% and replaces it with a simple 6.5% flat rate tax on almost everyone. Those with earnings above \$250,000 will pay a surtax rate of 0.35%, for a 6.85% rate. Maine's tax rate will fall to 20th from seventh highest among the states. To offset the lower rates and a larger family deduction, the plan cuts the state budget by some \$300 million to \$5.8 billion, closes tax loopholes and expands the 5% state sales tax to services that have been exempt, such as ski lift tickets.

This is a big income tax cut, especially given that so many other states in the Northeast and East—Maryland, Massachusetts, New Jersey and New York—have been increasing rates. "We're definitely going against the grain here," Mr. Baldacci tells us. "We hope these lower tax rates will encourage and reward work, and that the lower capital gains tax [of 6.85%] brings more investment into the state."

These changes alone are hardly going to earn the Pine Tree State the reputation of "pro-business." Neighboring New Hampshire still has no income or sales tax. And last year Maine was ranked as having the third worst business climate for states by the Small Business Survival Committee. Still, no state has improved its economic attractiveness more than Maine has this year.

One question is how Democrats in Augusta were able to withstand the cries by interest groups of "tax cuts for the rich?" Mr. Baldacci's snappy reply: "Without employers, you don't have employees." He adds: "The best social services program is a job." Wise and timely advice for both Democrats and Republicans as the recession rolls on and budgets get squeezed.

Mr. Speaker, I reserve the balance of my time.

Ms. PINGREE of Maine. Mr. Speaker, I yield 3 minutes to my colleague on the Rules Committee, the gentleman from Massachusetts (Mr. MCGOVERN).

Mr. MCGOVERN. I thank the gentleman for yielding to me, and I want to associate myself with her remarks.

Mr. Speaker, my Republican friends talk about fiscal responsibility, and

they talk about how we need to focus on the economy. Let's review the record here.

George Bush inherited from Bill Clinton a sound economy and a surplus. The Republicans came in. They basically eliminated the surplus, and they drove this economy into a ditch. What President Obama inherited was the worst economy since the Great Depression. That is what they did.

My friend from North Carolina wants to talk about arrogance. What about the arrogance of creating this enormous debt, of taking this surplus that they've inherited and just frittering it away and creating an all-time high, historic national debt? Where is the arrogance of that?

Tax cuts for rich people that weren't paid for. That went onto our debt.

Two wars we are fighting. None of it paid for and trillions of dollars onto our debt.

When they were voting for all of this stuff, there was no mention of the implications to average families.

A prescription drug bill not paid for. Hundreds of billions of dollars added to our debt.

Do you want to talk about arrogance? That's arrogance. That's what they gave us. They gave us the worst economy since the Great Depression. They drove this economy into the ditch, and now they're complaining about the size of the tow truck.

It is Tax Day. At this moment in our history, we have to clean up a mess. It's easy. It's fun to create a mess. When we were kids, it was always fun to mess things up. It wasn't so fun when our mothers told us, "You've got to clean things up. We are cleaning things up. We are cleaning up their mess. I wish we didn't have to, but that's what they left us."

In terms of tax relief, we have the American Recovery and Reinvestment Act. It had tax cuts for average working families, tax incentives for businesses to create jobs by increasing bonus depreciation, by allowing small businesses to immediately write off new equipment purchases, and by providing a 5-year carryback for net operating losses. They had an opportunity to vote for that, and they voted "no." They voted "no."

On health reform, there are tax credits to help families pay for health care coverage. The cost of health care has become obscene. There are tax credits for small businesses to help them offer coverage to their employees. What did they do? They voted "no."

There have been hiring incentives to restore employment, the so-called HIRE Act. There has been a payroll tax holiday for businesses that hire unemployed workers and retain them. How did they vote? "No." They voted "no" on that.

The Small Business and Infrastructure Jobs Act provides tax incentives

to help spur investments in small businesses. They all talk about small businesses. How did they vote on that? "No."

There has been permanent estate tax relief that ensures that nearly all estates—99.8 percent—are exempt from taxes. How did they vote? "No." On every measure that provides relief to average working families, they voted "no."

The SPEAKER pro tempore. The time of the gentleman has expired.

Ms. PINGREE of Maine. I yield the gentleman an additional 30 seconds.

Mr. MCGOVERN. I am sorry. I say to my Republican friends that we are not trying to accommodate the Donald Trumps of the world and that we are not interested in providing more and more tax breaks, you know, to big corporations and to big financial institutions that created this mess on Wall Street. We have a different set of priorities, which is to help average working families get through this economic crisis that they created, and we are going to do that with or without their help.

So I am proud to stand with the President and with the leadership in this Congress to focus on working families.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Members are reminded that remarks in debate are properly directed to the Chair and should not be addressed in the second person.

Ms. FOXX. Mr. Speaker, again, I constantly find it amazing how our colleagues want to rewrite history and how they assume that nobody is going to check up on what they are saying. That's not happening these days.

I want to remind my colleagues that, when the Democrats took over the Congress in January 2007, President Bush was still in office. The deficit was less than \$400 billion. Since President Obama's inauguration, the U.S. has had an average monthly deficit of \$122.6 billion. By comparison from the year 2000 to 2008, the average annual deficit was \$196 billion. Again, they can try to rewrite history, but the numbers are out there.

I also want to point out that my colleague was talking about the child tax credit. I was really confused about that, so I double-checked. The child tax credit is going to drop from \$1,000 to \$500 in January 2011 as a result of the Bush tax cuts being changed by our Democrat friends. It seems they don't have quite the concern for children and married couples that Republicans have.

In an article today in Congress Daily, entitled "Credit Check" by Peter Cohn, I read, "In a quirk of the law's drafting—" this is about the tax credit for first-time home buyers "—each spouse must meet the same test. A married couple would have had to have lived in the same home for 5 years to get the long-time resident credit or each would

have to be a first-time buyer to get the higher credit."

There is a real antipathy towards married couples in the policies that our Democratic colleagues continue to pass. Again, they are always picking winners and losers instead of allowing the American people to do with their money what they would like to do.

My colleagues talk about these rich people all the time. It appears that they simply never want to see another rich person in this country. They have such antipathy for the rich. What Republicans want is for every American to be able to be rich. Why is that not a wonderful goal to have?

[From CongressDaily, Apr. 15, 2010]

CREDIT CHECK

(By Peter Cohn)

Democrats this week have been touting the middle-class tax cuts they've doled out, such as a new credit for home purchases, as Americans face today's filing deadline.

But they haven't mentioned an unhappy little accident of the November law that extended and expanded the credit. In many cases newlyweds are out of luck, even if they would have qualified before they were married. (Full disclosure: This column's author recently discovered this "marriage penalty" applied to him and his wife.)

The November law extended an \$8,000 tax credit for first-time buyers—defined as someone who had not owned a home in the last three years—through April 30, provided the settlement occurs before June 30. The law also created a \$6,500 credit for buyers who had owned their previous home for five of the past eight years.

In a quirk of the law's drafting, each spouse must meet the same test. A married couple would have to have lived in the same home for five years to get the long-time resident credit, or each would have to be a first-time buyer to get the higher credit.

That freezes out married couples who would have met the different requirements individually (as in the author's case), but now don't get a penny. The same goes for newlyweds who had previously been longtime owners of separate homes. Now take unmarried couples purchasing a home: say one is a first-time buyer and the other a long-time homeowner, according to the IRS, they get to split the more generous credit of \$8,000.

Despite protests, the Treasury Department and IRS had to interpret the law based on its wording, a Treasury spokeswoman said.

Even as they trumpeted the credits' benefit this week, lawmakers have no plans to extend them. They are expensive—\$12.6 billion worth had been approved for 1.8 million taxpayers as of Feb. 20, according to Treasury. And fatigue has set in after relentless lobbying by groups like the National Association of Realtors and National Association of Home Builders, who have promised to hold their powder this time.

Sen. Johnny Isakson, R-Ga., a lead sponsor of the credit, said he pledged "to not come back to the well, and I'm not going to." He said he hadn't heard of the marriage penalty, however, and few lawmakers have been stirred to action as the credit eligibility period winds down.

Tonya Rutherford, a nurse in Milwaukee, brought the issue to the attention of Rep. Gwen Moore, D-Wis. Rutherford had owned her home for 11 years, thus on her own would have qualified for the \$6,500 credit. But since

she recently got married to a man who had not lived with her for at least five years, the couple is ineligible.

Moore has introduced legislation to change the law so that only one spouse has to qualify. She has three co-sponsors: Reps. Dave Loebsack, D-Iowa, Bennie Thompson, D-Miss., and Joe Sestak, D-Pa., who is challenging Sen. Arlen Specter, D-Pa., for his party's nomination this fall.

Rep. Eliot Engel, D-N.Y., introduced separate legislation to allow a couple to claim the reduced credit if both would have qualified before they were married, or if one spouse would have qualified for the first-time buyer credit and the other would ordinarily get the longtime resident credit. Engel also has three co-sponsors: Reps. John Hall, D-N.Y., Steve Kagen, D-Wis., and Mary Jo Kilroy, D-Ohio, who signed on Tuesday.

"I do not believe Congress wanted to exclude couples based on technicalities," Engel said. "By fixing this so-called 'marriage penalty,' Congress will provide a further boost to the recovering real estate economy and reflect the importance of marriage as a cornerstone to our society."

Joseph Rand, managing partner of Better Homes & Gardens Rand Realty in New York's Hudson Valley, brought the problem up with Engel after coming across it when putting together an eligibility calculator for clients in December. Rand began blogging on the subject and set up a Web site where homebuyers could share stories about being locked out of the credit because of marital status.

"This is the kind of thing that should pass 400-5. People should be lining up in front of microphones to stand up for marriage," Rand said. "But I've been mostly shouting in the dark about it."

Engel's bill has been endorsed by a small Realtors' group that only represents buyers, the National Association of Exclusive Buyers Agents. But the larger and more powerful Realtors' lobby has stayed away from the issue. A spokesman could not be reached for comment by presstime.

The homebuilders' lobby noticed the problem early on, said NAHB economist Robert Dietz, raising the issue with Treasury. They argued for a more liberal reading of the law allowing married couples to benefit. "Unfortunately, we lost in making that argument," Dietz said. "I can tell you that I've fielded a number of angry e-mails and phone calls about this," he said.

Rand said he thought part of the reason there has been so little attention is because Congress has been swamped with other issues and because many taxpayers have waited until the last minute to file their returns and are only now discovering the problem. "You're going to see so many angry people popping up this week," he said. (Full disclosure: The author was planning on a new home purchase anyway, but that tax credit wouldn't have hurt.)

Mr. Speaker, I reserve the balance of my time.

Ms. PINGREE of Maine. Mr. Speaker, I yield 3 minutes to the gentleman from Washington (Mr. INSLEE).

Mr. INSLEE. Mr. Speaker, this discussion has gotten a little bit away from this bill about trying to preserve Americans' estuaries so Americans can go fishing with their kids. It's kind of gotten a little far away from estuaries.

I will note that, painful as it is to pay our taxes, some of my constituents don't think it is a bad idea to be able

to go fishing with their kids and to keep estuaries. That is a legitimate purpose, and this bill is going to help it along the way.

□ 1130

But my Republican colleague from North Carolina has tried to turn estuaries into the discussion about taxes because it is April 15, and I think it's appropriate to address a couple of facts about that issue, and I thought I might inject a couple facts into this discussion.

There is always a disagreement between sides of the aisle on what reality is. I thought I might turn to a fellow that might have an interesting viewpoint about this. His name is Bruce Bartlett. He is the former Domestic Policy Adviser under President Ronald Reagan and Treasury Department economist under President George H.W. Bush.

On March 19, 2010, here is what this former Reagan and Bush administration official said, and my friend from North Carolina might be interested in this from this former staffer under Republican Presidents. He said, and I quote, "Federal taxes are very considerably lower by every measure since Obama became President. According to the JCT," the Joint Committee on Taxes, "last year's \$787 billion stimulus bill, enacted with no Republican support, reduced Federal taxes by almost \$100 billion in 2009 and another \$220 billion this year."

Now, that is not some Democrat Member of Congress saying it. This is the official under Ronald Reagan and President George H.W. Bush.

Now, what does that mean in the State of North Carolina? My colleague from North Carolina has been down there suggesting that there has been a horrendous event on taxes. Let's look at what the Citizens for Tax Justice say the result of these tax cuts under President Obama are. Because I want to make sure people understand what they mean in the real world.

According to the Citizens for Tax Justice, in the State of North Carolina, the State that my colleague is now attacking the President from, the lowest 20 percent of her fellow citizens in North Carolina have received average tax cuts, average tax cuts, of \$612. That's an average. The next 20 percent, average tax cuts of \$792; the next 20 percent, average tax cuts of \$646; the fourth 20 percent, average tax cuts of \$711.

The SPEAKER pro tempore. The time of the gentleman has expired.

Ms. PINGREE of Maine. I am glad to yield the gentleman an additional 30 seconds.

Mr. INSLEE. The next 15 percent, \$1,900; the next 4 percent, \$4,600; and the next 1 percent, \$3,019.

In fact, my colleague, who is today on a bill about estuaries trying to fan

April 15 into a jihad against supporting Uncle Sam, every single one of the quartiles that you represent has had their taxes cut under this President and you voted against—excuse me, Mr. Speaker—the speaker voted against every single one of those tax cuts. Those are the facts.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Members are reminded that remarks in debate are properly directed to the Chair and should not be addressed in the second person.

Ms. FOXX. I yield myself the balance of my time.

Mr. Speaker, I understand the need, again, to protect water and to protect estuaries. We all understand that. I grew up carrying water to my home, so I understand the value of water about as much as anybody here. But while we're increasing spending to protect estuaries, my constituents can't afford the bait and tackle to go fishing because they are out of work, they have lost their jobs, and there's no prospect for them to get jobs.

I can't be responsible for ill-informed Republicans who have said things that my colleagues have quoted. And I want to say I don't vote against tax cuts, but every bill that they have put in that has had tax cuts have had tax increases in them. Republicans are voting against tax increases.

What we have to be aware of here is that we should be dealing with the real problems that the American people are facing, and they have to do with the economy.

In 2009, the budget deficit was \$1.4 trillion, the first time in history the deficit exceeded \$1 trillion and the first time the deficit exceeded 10 percent of gross domestic product since World War II. The consequences of this reckless spending are worth highlighting. But today the cost of the national debt is \$41,398 for every man, woman, and child in the U.S. According to the March, 2010, monthly Treasury report, the Federal Government is projected to spend \$425.127 billion paying interest alone on the national debt. We should be dealing with that.

I urge my colleagues to vote against the rule.

Ms. PINGREE of Maine. Mr. Speaker, in closing, I want to say that this bill, the bill we started talking about, about estuaries, which is very important for economic development in my State, will also help the NEPs keep their management plans current by requiring them to be periodically reviewed and updated. This will make them more dynamic, more responsive to changing conditions in the estuaries. Updating the plans will include identifying estuary vulnerability, climate change impact, preparing adaptation responses, as well as working to educate the public on estuary health issues.

One such issue that is emerging as an important issue nationally is the role of toxins from plastics like flame retardants like Deca. Deca is found in increasing amounts in many coastal estuaries. While this legislation does not require the NEPs to address toxins like Deca, it does provide them with the opportunity to further consider the impacts and any actions, including education, that the NEP might take.

I am proud of the good work being done in Maine and across the Nation to protect and restore our estuaries. I urge my colleagues to support the rule and the underlying bill. I urge a "yes" on the previous question and the rule.

Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Ms. FOXX. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 11 o'clock and 38 minutes a.m.), the House stood in recess subject to the call of the Chair.

□ 1304

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Ms. MCCOLLUM) at 1 o'clock and 4 minutes p.m.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on questions previously postponed.

Votes will be taken in the following order:

H. Res. 1248, by the yeas and nays;

H. Res. 1062, by the yeas and nays;

H. Con. Res. 222, de novo.

The first electronic vote will be conducted as a 15-minute vote. Remaining electronic votes will be conducted as 5-minute votes.

PROVIDING FOR CONSIDERATION OF H.R. 4715, CLEAN ESTUARIES ACT OF 2010, WAIVING REQUIREMENT OF CLAUSE 6(a) OF RULE XIII WITH RESPECT TO CONSIDERATION OF CERTAIN RESOLUTIONS, AND PROVIDING FOR CONSIDERATION OF MOTIONS TO SUSPEND THE RULES

The SPEAKER pro tempore. The unfinished business is the vote on adoption of House Resolution 1248, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the resolution.

The vote was taken by electronic device, and there were—yeas 235, nays 171, not voting 23, as follows:

[Roll No. 204]

YEAS—235

Ackerman	Ellsworth	Maloney
Adler (NJ)	Engel	Markey (CO)
Altmire	Eshoo	Markey (MA)
Andrews	Etheridge	Marshall
Arcuri	Farr	Matheson
Baca	Fattah	Matsui
Baird	Filner	McCarthy (NY)
Baldwin	Foster	McCollum
Barrow	Frank (MA)	McDermott
Bean	Fudge	McGovern
Becerra	Garamendi	McIntyre
Berkley	Giffords	McMahon
Berman	Gordon (TN)	McNerney
Berry	Grayson	Meeks (NY)
Bishop (GA)	Green, Al	Melancon
Bishop (NY)	Green, Gene	Michaud
Blumenauer	Grijalva	Miller (NC)
Bocchieri	Gutierrez	Miller, George
Boren	Hall (NY)	Mollohan
Boswell	Halvorson	Moore (KS)
Boucher	Hare	Moore (WI)
Brady (PA)	Harman	Moran (VA)
Braley (IA)	Hastings (FL)	Murphy (CT)
Bright	Heinrich	Murphy (NY)
Brown, Corrine	Herseth Sandlin	Murphy, Patrick
Butterfield	Higgins	Nadler (NY)
Capps	Hill	Napolitano
Capuano	Himes	Neal (MA)
Carnahan	Hinchey	Nye
Carney	Hinojosa	Oberstar
Carson (IN)	Hirono	Obey
Castor (FL)	Hodes	Olver
Chandler	Holden	Ortiz
Childers	Holt	Owens
Chu	Honda	Pallone
Clarke	Hoyer	Pascarell
Cleaver	Inslee	Pastor (AZ)
Clyburn	Israel	Payne
Cohen	Jackson (IL)	Perlmutter
Connolly (VA)	Johnson (GA)	Perriello
Conyers	Johnson, E. B.	Peters
Cooper	Kagen	Peterson
Costa	Kanjorski	Pingree (ME)
Costello	Kaptur	Polis (CO)
Courtney	Kennedy	Pomeroy
Crowley	Kildee	Price (NC)
Cuellar	Kilpatrick (MI)	Quigley
Cummings	Kilroy	Rahall
Dahlkemper	Kind	Rangel
Davis (AL)	Kissell	Reyes
Davis (CA)	Klein (FL)	Richardson
Davis (IL)	Kratovil	Rodriguez
Davis (TN)	Kucinich	Ross
DeFazio	Langevin	Rothman (NJ)
DeGette	Larsen (WA)	Roybal-Allard
Delahunt	Larson (CT)	Rush
DeLauro	Lee (CA)	Ryan (OH)
Dicks	Levin	Salazar
Dingell	Lewis (GA)	Sanchez, Loretta
Doggett	Lipinski	Sarbanes
Donnelly (IN)	Loebach	Schauer
Doyle	Lofgren, Zoe	Schiff
Driehaus	Lowey	Schrader
Edwards (MD)	Lujan	Schwartz
Edwards (TX)	Lynch	Scott (GA)
Ellison	Maffei	Scott (VA)

Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Smith (WA)
Snyder
Space
Speier
Spratt
Stark

NAYS—171

Aderholt
Akin
Alexander
Austria
Bachmann
Bachus
Bartlett
Barton (TX)
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite,
Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Carter
Cassidy
Castle
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Crenshaw
Culberson
Davis (KY)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dreier
Duncan
Ehlers
Emerson
Fallin
Flake
Fleming
Forbes
Fortenberry
Fox
Franks (AZ)

NOT VOTING—23

Barrett (SC)
Bilbray
Boyd
Cardoza
Clay
Gallely
Gonzalez
Hoekstra

Jackson Lee
(TX)
Kosmas
McCotter
Meek (FL)
Miller (FL)
Ruppersberger
Sanchez, Linda
T.

Walz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wilson (OH)
Woolsey
Wu
Yarmuth

Mr. FRANK of Massachusetts changed his vote from “nay” to “yea.”

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER laid before the House the following communication from the Clerk of the House of Representatives:

HOUSE OF REPRESENTATIVES,
Washington, DC, April 14, 2010.

Hon. NANCY PELOSI,
*The Speaker, House of Representatives, Wash-
ington, DC.*

DEAR MADAM SPEAKER: I have the honor to transmit herewith a facsimile copy of a letter received from the Honorable Kurt S. Browning, Secretary of State, State of Florida, indicating that, according to the unofficial returns of the Special Election held April 13, 2010, the Honorable Theodore E. Deutch was elected Representative to Congress for the Nineteenth Congressional District, State of Florida.

With best wishes, I am
Sincerely,

LORRAINE C. MILLER,
Clerk.

Enclosure.

FLORIDA DEPARTMENT OF STATE,
Tallahassee, FL, April 14, 2010.

Hon. LORRAINE C. MILLER,
*Clerk, House of Representatives, The Capitol,
Washington, DC.*

DEAR MS. MILLER: Attached are the unofficial results of the Special Election held on Tuesday, April 13, 2010, for Representative in Congress from the Nineteenth Congressional District of Florida.

To the best of our knowledge and belief at this time, there is no contest to this election. As soon as the official results are certified to this office by the Supervisors of Elections for Palm Beach County and Broward County, an official Certificate of Election will be prepared for transmittal as required by law.

Please let me know if you have any questions or concerns.

Sincerely,
KURT S. BROWNING,
Secretary of State.

Enclosure.

FLORIDA DEPARTMENT OF STATE, DIVISION OF
ELECTIONS, APRIL 13, 2010 SPECIAL GENERAL
CONGRESSIONAL 19 & HOUSE 4

UNOFFICIAL ELECTION NIGHT RETURNS (MAY
NOT INCLUDE ABSENTEE OR PROVISIONAL BAL-
LOTS)

UNITED STATES REPRESENTATIVE DISTRICT: 19

County	Edward Lynch (REP)	Ted Deutch (DEM)	Jim McCormick (NPA)	Josue Larose (WRI)
Broward	5,837	7,342	458	0
Palm Beach	18,702	35,913	1,447	0
Total	24,539	43,255	1,905	0
% Votes	35.2%	62.1%	2.7%	0.0%

SWEARING IN OF THE HONORABLE
THEODORE E. DEUTCH, OF FLOR-
IDA, AS A MEMBER OF THE
HOUSE

Mr. HASTINGS of Florida. Madam Speaker, I ask unanimous consent that the gentleman from Florida, the Honorable THEODORE E. DEUTCH, be permitted to take the oath of office today.

His certificate of election has not arrived, but there is no contest and no question has been raised with regard to his election.

The SPEAKER. Is there objection to the request of the gentleman from Florida?

There was no objection.

The SPEAKER. Will Representative-elect DEUTCH and the members of the Florida delegation present themselves in the well.

Mr. DEUTCH appeared at the bar of the House and took the oath of office, as follows:

Do you solemnly swear or affirm that you will support and defend the Constitution of the United States against all enemies, foreign and domestic; that you will bear true faith and allegiance to the same; that you take this obligation freely, without any mental reservation or purpose of evasion; and that you will well and faithfully discharge the duties of the office on which you are about to enter, so help you God.

The SPEAKER. Congratulations, you are now a Member of the 111th Congress.

WELCOMING THE HONORABLE
THEODORE E. DEUTCH TO THE
HOUSE OF REPRESENTATIVES

The SPEAKER. Without objection, the gentleman from Florida (Mr. HASTINGS) is recognized for 1 minute.

There was no objection.

Mr. HASTINGS of Florida. Madam Speaker, it is my honor to introduce to you today our newest member of the Florida delegation, Congressman TED DEUTCH.

After serving with distinction in the Florida State Senate, TED now joins us to represent the people of Florida's 19th Congressional District here in Washington. TED brings with him a commonsense and results-driven approach that distinguished him during his time in the Florida State Senate, where he wrote and passed landmark legislation, including a health care bill that will raise \$1 billion for essential health services for Floridians, and he also passed the Iran divestment legislation that made Florida the first State in the Nation to put direct economic pressure on companies doing business in Iran.

Throughout his career in public service, TED has fought on behalf of those who risk losing the most, including seniors, working families, children,

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE
The SPEAKER pro tempore (during the vote). There is 1 minute remaining in this vote.

□ 1337

Mr. BLUNT changed his vote from “yea” to “nay.”

Holocaust survivors, veterans, members of the Armed Services, and small businesses.

I have worked alongside TED as a leader in the community and as a legislator. I know him well, and I am confident that he will do an excellent job replacing our former colleague and good friend, Robert Wexler, who is with us today, do a good job representing Florida's 19th Congressional District.

Madam Speaker, please join me in welcoming TED DEUTCH, his wife Jill, their three children, Gabrielle, Serena, and Cole, who are here on the floor with us, to our congressional family. I would also like to recognize TED's mother Jean, his four siblings, extended family, and friends who are here today to celebrate this special occasion with him.

At this time, Madam Speaker, I would like to yield to my distinguished colleague from Florida, the dean of the Florida delegation, Congressman C.W. "BILL" YOUNG.

Mr. YOUNG of Florida. Madam Speaker, I thank my friend and colleague from Florida for yielding the time to me, and I want to say on behalf of the Republican members of the Florida delegation, the great delegation here in the Congress, Congressman, welcome.

Congratulations. You will be serving in the people's House. Your oath of office that you have just sworn to uphold the Constitution is something that you will find very challenging as you go through your career here. But just rest assured that those of us in the Florida delegation on both sides of the aisle will be here to be helpful to you as you carry out your important activities. Again, welcome. Congratulations.

The SPEAKER. Without objection, the newest Member of the House of Representatives, Congressman TED DEUTCH, is recognized for 1 minute.

There was no objection.

Mr. DEUTCH. Thank you, Speaker PELOSI.

This is a truly humbling day, and the honor of a lifetime. My constituents are an extraordinary collection of Americans, seniors who served our Nation valiantly in times of war and rebuilt this country after the Great Depression. They are hardworking families who strive to pass on a better world and greater opportunities to their children.

I want to thank Speaker PELOSI and Majority Leader HOYER for their exceptional leadership. I am also grateful to my South Florida friends, Representatives KLEIN, MEEK, and WASSERMAN SCHULTZ, and especially our dean, Congressman HASTINGS. I want to thank Congressman Wexler for his service, as well as his support and friendship.

I will never forget my family, friends, volunteers, and most importantly voters, who helped send me here today. I want to profoundly thank my wife,

Jill, and my three children, Gabrielle, Serena, and Cole, who are all here with us today. Their love and support means the world to me.

In all of her 86 years, my mother, Jean Deutch, never could have imagined hearing her name in this Chamber, and she is here with us today.

□ 1345

Mom, thank you for making me believe that I could be anything I wanted to be, because today I am a Member of the United States Congress.

Thank you, Madam Speaker.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. Under clause 5(d) of rule XX, the Chair announces to the House that, in light of the administration of the oath of office to the gentleman from Florida (Mr. DEUTCH), the whole number of the House is 431.

RECOGNIZING THE COAST GUARD GROUP ASTORIA

The SPEAKER pro tempore (Ms. MCCOLLUM). Without objection, 5-minute voting will continue.

There was no objection.

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution, H. Res. 1062, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Maryland (Mr. CUMMINGS) that the House suspend the rules and agree to the resolution, H. Res. 1062, as amended.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 401, nays 0, not voting 29, as follows:

[Roll No. 205]

YEAS—401

Aderholt	Bocchieri	Capps	Johnson (GA)	Nunes
Adler (NJ)	Boehner	Capuano	Johnson (IL)	Nye
Akin	Bonner	Carnahan	Johnson, E. B.	Oberstar
Alexander	Bono Mack	Carney	Johnson, Sam	Obey
Altmire	Boozman	Carson (IN)	Jones	Olson
Andrews	Boren	Carter	Jordan (OH)	Ortiz
Arcuri	Boswell	Cassidy	Kagen	Owens
Austria	Boucher	Castle	Kanjorski	Pallone
Baca	Boustany	Castor (FL)	Kaptur	Pascarell
Bachmann	Brady (PA)	Chaffetz	Kennedy	Pastor (AZ)
Bachus	Brady (TX)	Chandler	Kildee	Paul
Baird	Braley (IA)	Childers	Kilpatrick (MI)	Paulsen
Baldwin	Bright	Chu	Kilroy	Payne
Barrow	Brown (GA)	Clarke	Kind	Pence
Bartlett	Brown (SC)	Clay	King (IA)	Perlmutter
Barton (TX)	Brown-Waite,	Cleaver	King (NY)	Perriello
Bean	Ginny	Clyburn	Kingston	Peters
Becerra	Buchanan	Coble	Kirk	Peterson
Berkley	Burgess	Coffman (CO)	Kirkpatrick (AZ)	Petri
Berman	Burton (IN)	Cohen	Kissell	Pingree (ME)
Berry	Butterfield	Cole	Klein (FL)	Pitts
Biggart	Buyer	Conaway	Kline (MN)	Platts
Bishop (GA)	Calvert	Connolly (VA)	Kratovich	Poe (TX)
Bishop (NY)	Camp	Conyers	Kucinich	Polis (CO)
Bishop (UT)	Campbell	Cooper	Lamborn	Pomeroy
Blackburn	Cantor	Costa	Lance	Posey
Blumenauer	Cao	Costello	Langevin	Price (GA)
Blunt	Capito	Courtney	Larsen (WA)	Price (NC)
			Larson (CT)	Putnam
			Latham	Quigley
			LaTourette	Radanovich
			Latta	Rahall
			Lee (CA)	Rangel
			Lee (NY)	Rehberg
			Levin	Reichert
			Lewis (CA)	Reyes
			Lewis (GA)	Richardson
			Linder	Rodriguez
			Lipinski	Roe (TN)
			LoBiondo	Rogers (AL)
			Loebach	Rogers (KY)
			Lofgren, Zoe	Rogers (MI)
			Lowey	Rohrabacher
			Lucas	Rooney
			Luetkemeyer	Ros-Lehtinen
			Lujan	Roskam
			Lummis	Ross
			Lynch	Roybal-Allard
			Mack	Royce
			Maffei	Rush
			Maloney	Ryan (OH)
			Manzullo	Ryan (WI)
			Marchant	Salazar
			Markey (CO)	Sanchez, Loretta
			Markey (MA)	Sarbanes
			Marshall	Scalise
			Matheson	Schakowsky
			Matsui	Schauer
			McCarthy (CA)	Schiff
			McCarthy (NY)	Schmidt
			McCaul	Schock
			McClintock	Schrader
			McCollum	Schwartz
			McDermott	Scott (GA)
			McGovern	Scott (VA)
			McHenry	Sensenbrenner
			McIntyre	Serrano
			McKeon	Sessions
			McMahon	Sestak
			McMorris	Shadegg
			Rodgers	Shea-Porter
			McNerney	Sherman
			Meeks (NY)	Shimkus
			Melancon	Shuler
			Mica	Shuster
			Michaud	Simpson
			Miller (MI)	Sires
			Miller (NC)	Skelton
			Miller, Gary	Smith (NE)
			Miller, George	Smith (NJ)
			Minnick	Smith (TX)
			Mitchell	Smith (WA)
			Mollohan	Snyder
			Moore (KS)	Souder
			Moore (WI)	Space
			Moran (KS)	Speier
			Moran (VA)	Spratt
			Murphy (CT)	Stark
			Murphy (NY)	Stearns
			Murphy, Patrick	Stupak
			Murphy, Tim	Sullivan
			Myrick	Sutton
			Nadler (NY)	Tanner
			Napolitano	Taylor
			Neal (MA)	Teague
			Neugebauer	Terry

Thompson (CA)	Van Hollen	Whitfield
Thompson (MS)	Velázquez	Wilson (OH)
Thompson (PA)	Visclosky	Wilson (SC)
Thornberry	Walden	Wittman
Tiberi	Walz	Wolf
Tierney	Waters	Woolsey
Titus	Watson	Wu
Tonko	Watt	Yarmuth
Tsongas	Weiner	Young (FL)
Turner	Welch	
Upton	Westmoreland	

NOT VOTING—29

Ackerman	Hoekstra	Ruppersberger
Barrett (SC)	Jackson Lee	Sánchez, Linda
Bilbray	(TX)	T.
Bilirakis	Kosmas	Slaughter
Boyd	Lungren, Daniel	Tiahrt
Brown, Corrine	E.	Towns
Cardoza	McCotter	Wamp
Ehlers	Meek (FL)	Wasserman
Engel	Miller (FL)	Schultz
Gallegly	Olver	Waxman
Gonzalez	Rothman (NJ)	Young (AK)

□ 1356

So (two-thirds being in the affirmative) the rules were suspended and the resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. EHLERS. Madam Speaker, on rollcall No. 205, I missed the vote on H. Res. 1062, due to an important vote.

Had I been present, I would have voted "yes."

RECOGNIZING DR. HECTOR GARCIA

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and agreeing to the concurrent resolution, H. Con. Res. 222.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan (Mr. CONYERS) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 222.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

□ 1400

GENERAL LEAVE

Mr. OBERSTAR. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 4715 and include extraneous matter in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

CLEAN ESTUARIES ACT OF 2010

The SPEAKER pro tempore. Pursuant to House Resolution 1248 and rule

XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the consideration of the bill, H.R. 4715.

□ 1404

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 4715) to amend the Federal Water Pollution Control Act to reauthorize the National Estuary Program, and for other purposes, with Mr. CUELLAR in the chair.

The Clerk read the title of the bill.

The CHAIR. Pursuant to the rule, the bill is considered read the first time.

The gentleman from Minnesota (Mr. OBERSTAR) and the gentleman from Arkansas (Mr. BOOZMAN) each will control 30 minutes.

The Chair recognizes the gentleman from Minnesota.

Mr. OBERSTAR. I yield myself such time as I may consume.

The gentleman from New York (Mr. BISHOP) and the gentleman from New Jersey (Mr. LOBIONDO) deserve very special recognition and appreciation for their collaborative work taking the lead on this legislation to bring new focus and new energy and new legislative authorities to the National Estuary Program under the Clean Estuaries Act of 2010.

Without that concerted effort, we would be losing an extraordinary opportunity to protect and to restore the Nation's estuaries, among our most valuable natural resources.

This legislation was approved by the Committee on Transportation and Infrastructure by voice vote. We have solid support on both sides of the aisle on a bill that was carefully crafted over many months by participation, input, and recommendations from both sides, all of which suggestions have been incorporated into this final legislative product.

Estuaries are very unique bodies of water. They are the places where fresh and salt water meet, the places where new forms of life are created, not just in the United States but all throughout the world. Estuaries are critical mixing points for the basic ingredients of life, including new life itself. Estuaries are the most ecologically diverse, the most economically productive natural resource areas on our entire planet.

Estuaries and their associated coastal resources are major economic forces, as well, for our country. Commercial and recreational fishing annually accounts for \$185 billion in revenue, 2 million direct jobs. Commercially and recreationally important fish and shellfish species—striped bass, shad, salmon, sturgeon, shrimp, crabs, lobster, clams, oysters, muscles, and bay scallops—all depend on the estuary for stages of their life cycle.

Estuaries are habitat for three-fourths of all of the commercial fish catch and 80–90 percent of the recreational fish catch. And that is true not just for the fresh and salt water meeting places of estuaries, but also for the riverine and lake meeting places of estuaries on the Great Lakes.

Beyond fishing, estuaries produce significant economic value for our fellow citizens in tourism, energy production, navigation, cultural and recreational opportunities, boating, fishing, swimming, surfing, birding. Ports and harbors are located in our estuaries, including our ports of Duluth Superior, which I share with my dear friend and colleague from across the water, Mr. OBEY, in northwestern Wisconsin/northeastern Minnesota.

The University of California and the Ocean Foundation have reported that, annually, beach going generates \$30 billion of economic value, and wildlife viewing generates up to \$49 billion, also, in economic value.

But, unfortunately, estuaries, by definition, are downstream. Each estuary is the repository for all of the pollution discharged into the rivers and other bodies of water that drain into estuaries from upstream. As the pollution loading increases, the estuary, the repository of those pollution deposits, deteriorates. The water becomes degraded. The animal and plant communities suffer. Chesapeake Bay is a powerful example of that degrading and deterioration. Only 1 percent of the historical oyster population remain in Chesapeake Bay.

An impaired estuary is bad for commercial and recreational fishing, results in depleted fisheries, decreased tourism revenues, and deteriorated property values. In addition, because of deterioration of the estuary and the borderland around it, we've seen increased flooding, shoreline erosion, damaged infrastructure, particularly when storms occur, which happens every year.

The Federal Government has a number of authorities at its disposal with which to control water pollution, and typically we have used a permit-based system to regulate pollution discharge into our waters. The 1987 amendments to the Clean Water Act provided a new authority in the National Estuary Program. We are reauthorizing that program today in this bill. It's a non-regulatory program. It includes 28 separate estuaries, and each of these estuary initiatives is run by a non-Federal entity. Some are run by States, others by nongovernmental organizations, and a few others by universities.

A central feature of each program is a management plan developed on a consensual basis; not a top-down, not imposed, but a cooperative, inclusive initiative where all elements of government and private sectors and, sort of, stakeholders—a term I don't particularly like, but that's a good inclusive

term covering all of those who have a share or a responsibility in the watershed—all develop a bottoms-up process to manage the discharges into and the use of the estuary. It has been very popular and it has been also very effective in improving the health of our estuaries.

This bill does four things: increased transparency and accountability for each of the estuary programs; increased Federal coordination in restoration, protection of the estuaries; third, programmatic changes to the natural estuary program; and, fourth, increasing the authorization level for the program from \$35 million to \$50 million. Not very much. Not very much especially considering the erosion of the value of the dollar over the years since this program was established.

We set the minimum level of \$1.25 million a year for each of the 28 approved estuaries. The program was last authorized in 2000 and erosion of the dollar would have required an increase over those years to an estimated \$44 million. We take it just a little bit higher to \$50 million in order to account for other estuaries that are important that may be added in the coming management of this program.

With that, I reserve the balance of my time.

Mr. BOOZMAN. Mr. Chairman, H.R. 4715 reauthorizes the National Estuary Program found in section 320 of the Clean Water Act and adds some important accountability provisions. These improvements require performance measures and goals in order to track implementation of management plans for estuaries. The EPA will evaluate every 4 years and report on the implementation of each management plan. In addition, after the EPA evaluates and reports on a plan, each management conference will be required to update their plans.

I note that H.R. 4715 increases the authorized level of funding by 43 percent from \$35 million per year to \$50 million a year. The average appropriation over the past 5 years for this program has been only \$26.8 million. The President's recent budget requests \$27.2 million.

While I support the National Estuary Program and improvements made here in H.R. 4715, I know many of my colleagues, as well as myself, are concerned about increasing authorized levels of spending for programs when Congress has not been able to fund the program close to its current authorization.

□ 1415

Certainly in our current economic crisis we should carefully weigh any proposed increase in authorization levels. We must also consider the importance to estuaries. They are the nursery grounds for much of the planet's sea life and the source of the seafood that we enjoy. They are a unique habi-

tat for a unique group of fish and wildlife.

With that, I reserve the balance of my time.

Mr. OBERSTAR. Mr. Chairman, I yield myself 1 minute to express my great appreciation to our subcommittee chair, Ms. JOHNSON of Texas, who has done a superb job of holding the hearings that led up to the creation of this legislation and bringing together the parties on both sides of the aisle; Mr. BOOZMAN for his splendid participation in the deliberations of the subcommittee and then at the full committee level; and also my great appreciation to Mr. MICA, the ranking member of the full committee, with whom I have a splendid partnership in all of the work of our committee.

Before I recognize and yield time to Ms. JOHNSON, I just wanted to say, it's true, as the gentleman from Arkansas pointed out, that the funding level has been well below the new authorization we propose, and I know these are tight budgetary times. Our job as an authorizing committee is to set what is the reasonable, responsible level of funding for programs under the jurisdiction of our committee, set that forth, put it into law, and then we will have to fight with the rest of the budget for their fair share of the funding level.

The CHAIR. The time of the gentleman has expired.

Mr. OBERSTAR. I yield myself 30 additional seconds.

But if we don't raise that level from time to time to keep pace with inflation, keep a target out there, then they will continue to be underfunded. At least they can go in and compete and advocate with other Federal Government programs for the amount of funding and have to justify themselves to do that.

And, furthermore, we have a half dozen programs that have a poor rating. The accountability provisions of that bill are targeted to raise their level of performance and to hold them up to public scrutiny. And I think that justifies us—and also they haven't had the funding level they have needed to do the right job. So if we believe in the program, we believe that estuaries are important for new forms of fish and shellfish and aquatic life, we ought to protect them and enhance—

The CHAIR. The time of the gentleman has again expired.

Mr. OBERSTAR. I yield myself 30 additional seconds.

Then we need to increase the funding level but also increase their accountability, also increase their responsibility to the public. That's, I think, a very important and new initiative in this legislation.

I now yield 4 minutes to the gentleman from Texas (Ms. EDDIE BERNICE JOHNSON).

Ms. EDDIE BERNICE JOHNSON of Texas. I thank my committee chairman.

I rise in very strong support of H.R. 4715, the Clean Estuaries Act of 2010.

Estuaries are the bodies of water that receive both freshwater from rivers and saltwater from the sea. The mix of water makes a unique environment that is extremely productive in terms of its ecosystem values. Estuaries are rich in plant life, coastal habitat, and living species. The ecological productivity of these regions translates directly into important economic productivity. Government studies have found that estuaries provide habitat for 75 percent of the U.S. commercial and 80 to 90 percent of the recreational fishing catches.

Perhaps the central problem in the protection and restoration of estuaries is that they ultimately lie downstream from all. Everything that enters the smallest stream, tributary, or headwater in a watershed eventually runs into its respective estuary, impacting, in some way, all the biological elements of that system and all of the commerce that revolves around that estuary.

To address estuary impairments properly, we cannot look to the Federal Government alone. Indeed, we cannot necessarily look to the Federal Government as the lead. Instead, proper watershed management and estuary protection must be a process that involves all levels of government and all manner of stakeholders.

Today's legislation, the Clean Estuaries Act of 2010, provides the resources and means to do just that. As the chair of the Subcommittee on Water Resources and Environment, the subcommittee charged with primary jurisdiction for protective water quality, I am pleased to support this bill. This legislation increases the authorization for appropriations, allows for increased and improved Federal coordination, increases accountability, and includes some necessary programmatic changes.

The increase in authorized appropriation levels will not only provide more resources to localities and organizations on the ground, it will also enable more communities and estuaries to be involved in this important national program.

I am well aware of the effectiveness and popularity of these nonregulatory, community-based programs. We should be seeking to encourage the use of these types of programs in order to address problems in a grassroots fashion. In this sense, by making cleaner estuaries, we hope to achieve healthier communities and stronger economies through collaborative processes. I ask all Members of this Chamber to join me in supporting communities and estuaries through the passage of this bill.

Mr. BOOZMAN. Mr. Chairman, I yield such time as he might desire to the gentleman from New Jersey (Mr. LoBiondo).

Mr. LOBIONDO. Mr. Chairman, I rise in strong support of the Clean Estuaries Act.

I want to particularly thank Chairman OBERSTAR for his continued leadership and for moving so very quickly on this important legislation. I would also like to thank Chairwoman EDDIE BERNICE JOHNSON, Mr. MICA, and Mr. BOOZMAN for their help on this very important issue as well. Finally, I would like to thank Mr. BISHOP for his leadership and once again allowing me to join with him on an issue that we both find important and that we can make a difference with on a critical bill to keep our waters clean and to do this for future generations.

As we have heard, the bill would authorize the National Estuary Program for another 5 years, allow the program to expand protections to other watersheds and provide—and I think this is very important—greater accountability on how taxpayer money is spent, something that we should be doing more of. The bill will improve transparency, also something very important, by establishing periodic reviews of management plans and by requiring partners to demonstrate results, something, again, that is very important that we see what the results are.

Partners that fall out of compliance with their plans will lose grant funds, and that's as it should be, because they should have to produce results. These changes will improve the National Estuary Program and enhance the protection of our Nation's estuaries while ensuring that the taxpayer is getting a strong return on investment.

In my district, the Delaware estuary is home to the second largest concentration of migrating shorebirds in the Western Hemisphere, which is pretty incredible when you think about it, as well as dozens of protected species and the largest population of horseshoe crabs in the world. The estuary is also home to over 5 million people and some of the largest refineries and chemical manufacturers on the east coast.

The group charged with understanding how to manage the demands of these two forces is the Partnership for the Delaware Estuary. As one of the 28 designated NEP organizations, the Partnership has done an absolutely outstanding job, a tremendous job, to not only protect and enhance the Delaware estuary but also to raise the public awareness about the need to act responsibly and care for this unique ecosystem.

I want to commend the Partnership for the Delaware Estuary and the 27 other partnership organizations that have made the National Estuary Program so successful, and I urge all Members to support H.R. 4715.

Mr. OBERSTAR. Mr. Chairman, I yield 4 minutes to the distinguished gentleman from New York (Mr. BISHOP)

who coauthored this bill with the gentleman from New Jersey (Mr. LOBIONDO).

Mr. BISHOP of New York. Let me start by thanking Chairman OBERSTAR for his unwavering commitment to clean water issues, and we also thank Chairwoman JOHNSON for her leadership.

Finally, let me thank my good friend, Congressman LOBIONDO, for sponsoring this legislation with me. Congressman LOBIONDO and I have worked together on several issues of mutual benefit to our constituents over the years. I think we have formed a very nice partnership.

To those of us on the Transportation and Infrastructure Committee, it sometimes feels as if we are part of the last remaining bastion of bipartisanship in this institution, and I am always heartened by the way our committee works closely with each other to produce initiatives that improve our infrastructure, our environment, and the lives of the American people. I appreciate the way our committee has moved forward very quickly on this important legislation.

My district encompasses 300 miles of coastline and includes two of the 28 estuaries of national significance, the Long Island Sound and Peconic Bay. I am very proud to represent some of this country's most popular and beautiful beaches and precious water bodies. Maintaining coastal estuarine health is an integral objective toward preserving the Nation's environment and sustaining the economies of our coastal States.

The Clean Estuaries Act of 2010 reauthorizes the popular and highly effective National Estuary Program originally designated as section 320 of the Clean Water Act and makes four primary changes to the program.

First, the bill increases the accountability for approved estuary programs by requiring evaluation and updating management of their plans on a periodic basis. This requirement increases transparency and encourages adaptive management of the programs by incorporating evaluation results into the period management plan updates.

Secondly, approved programs must identify vulnerabilities and impacts due to climate change and prepare adaptation responses as well as raise public awareness of the issues facing the health of estuaries and performance measures and targets.

The third important improvement to the program is provisions to enhance Federal agency coordination. As many Federal agencies oversee activities that impact estuaries, our bill requires they participate in the management planning process and incorporate local priorities when practicable.

Finally, authorization is increased from \$35 million to \$50 million per year and requires that each program ap-

proved receive a minimum of \$1.25 million. This increase in authorization allows the program to keep pace with inflation and provides for the entry of new programs into the NEP program where 38 sites have expressed interest in the past to become an approved program.

Our coastal areas support more than 28 million jobs in the United States, and commercial and recreational fishing in these areas generate roughly \$185 billion in sales and support nearly 2 million jobs. In fact, estuaries produce more food per acre than the most productive farmland.

Approximately 75 percent of commercial fish species depend on coastal areas for their primary habitat, spawning grounds, and nursery areas. In my district, the Long Island Sound produces over \$5.5 billion in revenue for State and local economies in the tourism, fishing, and boating industries each year.

Setting aside the obvious and vital role that estuaries play to environmental ecosystems, the economic benefits of estuaries alone are reason enough to improve upon the investments Congress has made on behalf of the American people. Estuaries are proven job creators and provide a rate of return rarely seen on Wall Street.

Let me once again thank Chairman OBERSTAR, Ranking Member MICA, Chairwoman JOHNSON, Ranking Member BOOZMAN, Congressman LOBIONDO, and both majority and minority staffs for their hard work and dedication to this issue.

I hope my colleagues agree with the merits of this legislation. I ask for their vote today on H.R. 4715, the Clean Estuaries Act.

□ 1430

Mr. BOOZMAN. Mr. Chairman, I yield myself 15 seconds.

I do want to thank the gentleman from New Jersey (Mr. LOBIONDO) and the gentleman from New York (Mr. BISHOP) for the very positive changes in the bill of accountability and transparency.

Mr. Chairman, I will continue to reserve. We don't have anymore speakers.

Mr. OBERSTAR. I yield 2 minutes to the distinguished gentleman from California (Mr. COSTA).

Mr. COSTA. Mr. Chairman, I rise to support H.R. 4715, the Clean Estuaries Act of 2010. The reauthorization obviously provides opportunities to clean up our Nation's waterways.

I want to thank Chairman OBERSTAR and Ranking Member BOOZMAN and the other cosponsors on a bipartisan basis. This is a good example of how we work together.

In California, we have a lot of challenges with our own waterways. A persistent degradation of the largest estuary on the west coast is California's

San Francisco Bay and the Sacramento-San Joaquin River Delta system. Unfortunately, in my opinion, two flawed biological opinions focus solely on exported water to the valley and southern California for the decline in this important estuary for both the bay and the delta, ignoring other significant contributing factors.

Meanwhile, urban centers continue to pollute this bay-delta with toxic runoff, waste discharged from sewage facilities, refineries, city streets and power plants, significantly degrading the ecosystem and putting water supply to the valley and to southern California at risk. This single-minded view has resulted in the loss of jobs and endangered livelihoods of farmers, farm workers and farm communities in the San Joaquin Valley who rely on that water to grow half the Nation's fruits and vegetables.

Enough is enough. It's time for other regions of California to share in the responsibility for the decline of water quality and fisheries. Playing the blame game and pointing fingers at our valley's economy and some of the hardest working people in the country will not solve our water crisis in California; however, working together will. Step one is reducing and preventing the longstanding pollution that is threatening the Sacramento-San Joaquin River systems and our region.

Passing this measure will help our Nation's estuaries, and we must do more. I want to commend, once again, the chairman and the cosponsors of this measure and look forward to continuing to work with them.

Mr. OBERSTAR. I yield 3 minutes to the distinguished gentlewoman from California (Mrs. CAPPS), who has made a splendid contribution to this bill, and thank her for her contribution.

Mrs. CAPPS. Thank you, Chairman OBERSTAR, for recognizing me.

I rise today to express my support for H.R. 4715, the Clean Estuaries Act, a bipartisan bill to reauthorize and make improvements to the National Estuary Program.

I wish to thank my colleagues, TIM BISHOP and FRANK LOBIONDO, for introducing this bill. We each represent coastal districts that are home to amazing estuary systems of great importance to our communities.

In my district, the Morro Bay National Estuary is an ecological treasure. Lagoons and wetlands that were once common along the southern California coast are now nearly all filled and developed, but the Morro Bay Estuary has survived largely thanks to local efforts and now the support of the estuary program.

Like other national estuaries, the one in Morro Bay provides vital habitat for birds and fish. It is an important stopover for more than 150 species of migratory birds and it acts as a nursery for more than 75 percent of

commercial fish species right in the immediate area.

Since the Morro Bay Estuary was incorporated into the national program in 1995, the inspiring team of local staff and volunteers has spearheaded numerous efforts to preserve and restore the estuary. I particularly want to commend former program director Dan Berman, interim director Mike Multari and his staff, as well as the Bay Foundation of Morro Bay. Their accomplishments over the years are a reflection of the strong partnerships and community support that define the Morro Bay National Estuary Program. For example, partnering with local ranchers, the hardworking team in Morro Bay has installed riparian fencing along nearly 75,000 feet of creek to limit cattle access. This has protected water quality and improved habitat on seven creeks leading to the estuary.

The estuary program has also been a source of funding for the city of Morro Bay's efforts to remove derelict marine vessels before they pollute local waters and damage habitat. And the Estuary Nature Center helps the public to understand the estuary's importance to water quality and conservation.

Mr. Speaker, estuaries are among the richest habitats known on the Earth, providing immeasurable economic and ecological benefits, but they are threatened by climate change, by pollution, and other human activities. The Clean Estuaries Act helps to combat these problems and improves the efficiency of our National Estuary Program.

First, the bill requires that each approved estuary program be evaluated every 4 years and the results be publicly released. Second, the bill increases Federal attention to local priorities and requires that Federal agencies participate in planning and coordinating the implementation of the site's own management plan.

Third, the bill requires that estuaries identify and plan for vulnerabilities to climate change.

And, finally, the bill increases the program's annual authorization to \$50 million.

The CHAIR. The gentlewoman's time has expired.

Mr. OBERSTAR. I yield the gentlewoman an additional 30 seconds.

Mrs. CAPPS. Thank you.

This modest funding increase will strengthen the capacity of our existing estuaries to protect these critical coastal and marine resources; and the proposed funding increase will allow for the responsible expansion of the program to incorporate new regions that are not currently served in the NEP.

Mr. Chairman, we are at a critical juncture for our ocean and coastal resources, and the National Estuary Program is a vital part of that network. I urge my colleagues to support this leg-

islation to protect some of our Nation's most valuable and treasured natural resources, our national estuaries.

Mr. OBERSTAR. Mr. Chairman, I yield myself 10 seconds to express my great appreciation to the gentlewoman from California for her thorough elucidation of the specific benefits, point by point, of the estuary program in her Morro Bay area.

I now yield 4 minutes to the distinguished gentleman from Oregon (Mr. BLUMENAUER), a refugee from the Committee on Transportation and Infrastructure.

Mr. BLUMENAUER. I thank the chairman for his courtesy and keeping me in his thoughts.

I rise in strong support of this outstanding piece of legislation. The National Estuary Program has been funding work around the country for 20 years to monitor and restore estuaries of national significance. It is really, I think, extraordinarily positive for us to hear the message repeated today here on the floor about the importance, the scope, the significance, and the progress that has been made.

I have a special interest in one area in Oregon and Washington; the Lower Columbia River Estuary has been part of the program since 1995. This stretches 146 miles from the Bonneville Dam to the mouth of the Pacific Ocean. It supports hundreds of species of fish and wildlife and thousands of people's economy and their quality of life. It is the largest river in the Pacific Northwest, supplying fishermen with jobs, serving as a recreational resource, and providing power through the Pacific Northwest.

I have been privileged to work for the Lower Columbia River Estuary Partnership, which heads our local estuary program. It is an unparalleled bi-State, public and private partnership involving collaborative efforts among key Federal partners, including EPA, NOAA, USGS, the Army Corps of Engineers. They work with government at all levels as well as a broad array of stakeholders that address these many challenges facing the estuary from habitat degradation, to wetland loss, to endangered species, to toxic contaminants. This is a model non-regulatory, community-based program that gets results. National Estuary Partners focuses on on-the-ground activities and involving local communities with technical support and base funding coming from the Federal Government.

The accomplishments in the Columbia are impressive. The partners have restored 2,600 acres of habitat, opened more than 53 miles of stream, completed toxic and conventional pollutant water quality monitoring, and engaged the public in innovative cleanup efforts around the region such as "drug take back" days and working with volunteers to remove invasive plants.

There are many challenges remaining in the Lower Columbia, and this legislation will provide important funding to further progress there and around the country. Each local estuary also leverages National Estuary Partnership funds. In 2009, in our community, we were able to bring in \$14 for each dollar that was provided by the Federal Government. In addition to restoring the ecosystem, these dollars create jobs for construction, design, contractors, engineers, biologists, hydrologists, builders and educators, family-wage jobs in the community. And beyond today's economic impact, the restored area will support the recovery of a commercial fishing industry that was reduced 90 percent in the course of 20 years.

Importantly, this legislation will also, for the first time, open the door to other estuaries to participate in the program. While funding goes to all estuaries, it will have benefits for the entire country. You have heard here on the floor repeatedly that healthy estuaries mean a healthy national economy. They cover a huge portion, 13 percent, of the land area of the United States where half the gross domestic product is produced, and almost 43 percent of the population.

These coastal areas provide tens of millions of jobs, which means more people employed if we have healthy estuaries. It provides fresh seafood, it provides habitat for 75 percent of the United States commercial fish catch, and 80 to 90 percent of the recreational fish catch.

These are also prime destinations for tourism. In any given year, 10 percent of the population will visit coastal Florida, 12.5 percent will visit coastal California, and every coastal State will host over 1 million out-of-state visitors.

The benefits of clean and healthy estuaries are multiple. I want to thank my colleagues on the committee for this outstanding work and look forward to its support.

Mr. OBERSTAR. I yield myself 10 seconds to thank the gentleman from Oregon for his constant attention to the work of our committee and to the water issues as well, and for his splendid presentation.

I now yield 3 minutes to the distinguished gentlewoman from Maryland, a member of the committee, Ms. EDWARDS, who has worked diligently as a guardian of the Chesapeake Bay Estuary.

Ms. EDWARDS of Maryland. Thank you especially to the leadership of Chairman OBERSTAR, Mr. BOOZMAN, especially to our chairwoman of our Water Resources Committee, EDDIE BERNICE JOHNSON of Texas, and to our two leaders here, Mr. BISHOP and Mr. LOBIONDO.

I rise today in support of the Clean Estuaries Act, H.R. 4715, because I have

seen firsthand the positive ecological and economic role that conservation and protection—indeed, attention—can play in improving the health of our Nation's estuaries.

We have only to take a look at today's headlines in *The Washington Post* highlighting the improvement of the blue crab in the Chesapeake Bay, largely due to the protection efforts that we've undertaken there, a Federal commitment, a State and regional commitment to improving the Nation's largest estuary, which happens to be a great partner for my State of Maryland.

And so in the past year we have seen that, because of the commitment of the administration and many in the Congress and lawmakers, the Chesapeake Bay, our Nation's largest estuary, has actually made great strides. And it is highlighted by the return of the blue crab, the highest levels in 17 years. The return has a positive economic impact for all sectors: fishermen experience larger catches, the price of the crab will decrease for our family restaurants, tourism will expand, and the bay is now healthier than it has been in many years. But we have a lot of work to do.

So what does that mean in terms of the Clean Estuaries Act? Well, it means, in fact, that if we pay the same attention to all of our Nation's estuaries in the way that we have with the Chesapeake Bay, we can also see improvements. And for those of us who don't live near an estuary, every time we flush, every time we drive, every time we have an impact—dropping a piece of trash on the ground has an impact on our Nation's estuaries. And so while we may not be able to see them, the impact is so great; and that's why we need this legislation, to produce a positive effect on estuaries across the country.

This deserves our support because commercial and recreational fishing accounts for \$185 billion in revenues every year. Estuaries provide 75 percent of the catches for all of these revenues. And yet over the last 20 years the health of our estuaries has degraded and the size of catches has decreased.

The relationship between the health of an ecosystem and the economic output can't be overrated. The Clean Estuaries Act stands to reverse this troubling trend by adding additional estuaries and providing strong accountability measures in a way to ensure that conservation and protection are taken seriously.

We need to take positive steps toward cleaning up our Nation's estuaries by passing this bill and continuing to also invest in green infrastructure and nonstructural alternatives to protect our ecosystems.

I want to commend Chairman OBERSTAR for his leadership and thank all of our leaders for their commitment to

combine environmental stewardship with economic development for the protection of the Nation's estuaries.

□ 1445

Mr. BOOZMAN. Mr. Chairman, I yield 3 minutes to the gentlewoman from California (Ms. WOOLSEY).

Ms. WOOLSEY. Mr. Chairman, I rise today to protect America's estuaries by strengthening the management of the National Estuary Program, NEP, and to thank Congressman OBERSTAR, Congresswoman JOHNSON, Congressman BISHOP, Congressman BOOZMAN, and beyond for their excellent, excellent work.

Mr. Chairman, we have a solemn responsibility to keep the vital habitats clean for the thousands of plants, fish, and wildlife that live, breed, and spawn there. That is why I am proud to support H.R. 4715, the Clean Estuaries Act.

Currently, there are 28 estuaries within the NEP. The NEP conducts long-term planning and management activities to restore and protect estuaries. There are 38 additional estuaries, including Tomales Bay in my district, which have wanted to join the NEP. With H.R. 4715, we can increase the authorization of the NEP to \$50 million. Tomales Bay and the other estuaries that have a desire to be part of it will have the opportunity to become part of this important program.

Tomales Bay supports a diverse group of wildlife, including seasonal populations of salmon and steelhead, more than 20,000 shorebirds and seabirds, and a wide variety of shellfish. Tomales Bay is considered a wetland of significant importance under the International Convention on Wetlands, so protecting the vibrant biological hotspot from pollution through the NEP will help to preserve this estuary for generations and generations to enjoy.

I want to commend the hard work of the Tomales Bay Watershed Council, a multistakeholder group that has long championed restoring Tomales Bay. Additionally, the Gulf of the Farallones National Marine Sanctuary is working on a Tomales Bay management plan, covering the bay, itself.

Extending this plan to the entire watershed through the NEP process would ensure better scientific understanding, and it would improve restoration projects. The Gulf of the Farallones would be a valuable and experienced stakeholder in developing a watershed-wide plan.

Mr. Chairman, we must protect nationally significant estuaries like Tomales Bay through better accountability, management, and coordination with local partners. I urge my colleagues to join me in supporting healthy and clean estuaries by voting for H.R. 4715.

Mr. BOOZMAN. Mr. Chairman, I yield back the balance of my time.

Mr. OBERSTAR. I yield myself the remaining time to thank the gentleman from Arkansas for his generosity in yielding time, which had inadvertently run out on our side.

Ms. HIRONO. Mr. Chair, I rise today in support of H.R. 4715, the Clean Estuaries Act. This Act reauthorizes the Environmental Protection Agency's National Estuary Program, which coordinates federal, state and local government efforts, as well as cooperation from private and nonprofit groups, to help protect estuaries.

Estuaries support diverse habitats for a wide variety of species and provide significant economic and recreational benefits. Many fish and shellfish species depend on the sheltered habitat provided by estuaries, as well as the mix of saline and fresh water. The abundance of aquatic life supported by estuaries provides 75 percent of the U.S. commercial fish catch and 80 to 90 percent of the recreational fish catch.

The Environmental Protection Agency already has accepted 28 estuaries into the National Estuary Program. The Clean Estuaries Act increases the annual authorization from \$35 million to \$50 million, an amount that, if fully appropriated, will allow the Environmental Protection Agency to add 12 new estuaries to the program. At present, 38 estuaries are candidates for the program, including two estuaries in the State of Hawaii—Kaneohe Bay and Hanalei Bay—that could benefit greatly from the support provided by the program. I urge my colleagues to join me in supporting this bill to protect the ecological, recreational, and economic benefits of our nation's estuaries.

Mr. POSEY. Mr. Chair, I rise today to express my strong support for H.R. 4715, the Clean Estuaries Act of 2010. This bill would reauthorize for an additional five years, our nation's National Estuary Program (NEP).

As home to one of the nation's most diverse national estuaries, the Indian River Lagoon, the residents of Florida's 15th Congressional District have seen the value of this program to this important estuary and how it has enhanced our community. The NEP has proven very successful in helping restore and enhance the quality of our lagoon.

Specific NEP initiatives across our estuary included eliminating effluent discharges from more than 20 wastewater facilities, reconnecting impounded salt marshes, developing storm water treatment facilities, and reducing freshwater discharges into the lagoon.

As one of the 28 designated national estuaries, the Indian River Lagoon receives an important funding set-aside within the annual National Estuary Program (NEP) budget. This will enable the Indian River Lagoon NEP to accomplish restoration and water quality improvements that are included in their 2010 lagoon work plan.

The Indian River Lagoon was one of only two estuaries nationally to receive top quality ratings from the Environmental Protection Agency (EPA) when considering water quality, sediment, benthic, and fish tissue culture. While this is good, we know that there is much more work that needs to be done. Passage of H.R. 4715 will help the Indian River Lagoon NEP move forward with their comprehensive

restoration and water quality improvement plans and provides more funding for this purpose.

I would also urge my colleagues to oppose an amendment by Rep. SCHAUER (D-MI), which would dilute the resources in the NEP and result in less funding for the 28 nationally recognized estuaries, including the Indian River Lagoon.

Mr. Chair, I urge my colleagues to join me in supporting H.R. 4715.

Ms. HARMAN. Mr. Chair, estuaries, the coastal wetlands where fresh and salt water meet, are both a vital filter for urban runoff that would otherwise flow out of the river and into the ocean, and a cradle for marine and wildlife.

We are not able to create new estuaries. We either restore and protect them, or we lose them.

They are a foundation of our economy. The tourism industry needs estuaries to keep the sea clean and healthy. The fishing industry relies on them to replenish the oceans. Estuaries provide the habitat for 75 percent of the U.S. commercial fish catch and as much as 90 percent of the recreational fish catch, according to the National Oceanographic and Atmospheric Administration and the National Research Council.

Estuaries are critically important to human life. They filter our groundwater, and are a buffer from flooding. The phytoplankton nursed in estuaries remove carbon dioxide from the atmosphere and produce oxygen in its place. In fact, phytoplankton in estuaries and oceans produce about half the world's oxygen.

So it is imperative that the House passes H.R. 4715, the Clean Estuaries Act of 2010.

The bill protects and supports 28 estuaries with grants, including the Santa Monica Bay and the Ballona Wetlands in my district.

Dozens of local groups fought for decades to acquire for the public's benefits 600 acres of Ballona Wetlands. They succeeded in 2003. Since then, the habitat has attracted more than 200 species of birds, some of which are now returning to nest after more than a 70-year absence. Ballona is home to many rare species, including the Belding's Savannah Sparrow and the recently discovered Orcutt's yellow pincushion.

Citizens have similarly banded together to protect the Santa Monica Bay. Backed by the Clean Water Act—part of which this bill reauthorizes—my dear friend Dorothy Green worked with other citizens out of her living rooms for years to force the Hyperion Wastewater Treatment plant to update its filtering system. Since then, the plant has cut its waste by 95 percent, literally bringing life back to parts of Santa Monica Bay that were once declared dead zones.

The stimulus bill in 2009 funded several innovative storm drain projects in the South Bay and a series of low impact development rain gardens along Ballona Creek, all of which help prevent polluted storm water runoff from entering Santa Monica Bay.

The communities of Santa Monica Bay have been more than worthy partners for Washington. This bill will help to make sure the federal government lives up to its end of the deal. It will require that federal agencies participate in the management planning process for the

estuaries that receive the grants, incorporate local priorities into their actions and increase coordination between the many federal agencies that either work in or impact estuaries.

But the bill also looks forward. Estuary management programs will be required to identify their estuary's vulnerability to climate change and prepare adaptation responses, and will work to educate the public on estuary health issues.

Over my eight terms in Congress I have worked to obtain federal grants and strongly supported efforts to preserve the Ballona wetlands and Santa Monica Bay. I again stand in support of those areas, vital both to our environmental and our economic health.

Mr. BACA. Mr. Chair, I rise and ask unanimous consent to address the House for one minute.

I support the reauthorization of the National Estuary Program, NEP, through the adoption of H.R. 4715, the Clean Estuaries Act of 2010.

Estuaries are bodies of water that receive both outflows from rivers and tidal inflows from the ocean.

They are transition zones between fresh water from rivers and saline water from the ocean. The mixing of fresh and salt water provides a unique environment that supports diverse habitats for a wide variety of living resources, including plants, fish, and wildlife.

Estuaries provide habitat for 75 percent of the U.S. commercial fish catch and 80 to 90 percent of the recreational fish catch.

Coastal counties for 40 percent of the employment and 49 percent of the economic output for the nation. Estuaries are also vital to the health of our beaches, which produce between \$6 billion and \$30 billion for coastal communities each year.

We need this bill because many of the Nation's estuaries are currently in poor ecological health.

This bill requires the Administrator of the EPA to undertake a programmatic evaluation of EPA's overall National Estuaries Program to assess its effectiveness in improving water quality, natural resources, and sustainable uses of included estuaries. In addition, the bill requires the EPA to submit a report to Congress on the results of this evaluation.

H.R. 4715 includes evaluation and update requirements to ensure accountability.

With this legislation, all approved estuary programs will be evaluated and will now update their management plans on a periodic basis, increasing program transparency and improving program performance.

In addition this bill requires that Federal agencies participate in the management planning process, incorporate local priorities into their activities and actions and increase coordination within the estuary.

I urge my colleagues to support H.R. 4715, Clean Estuaries Act.

Ms. RICHARDSON. Mr. Chair, as a member of the Transportation and Infrastructure Committee I rise to lend my strong support to H.R. 4715 "The Clean Estuaries Act of 2010."

This Act will not only improve the management of our current estuaries, but it will allow several other sites that have expressed interest in becoming a part of the National Estuaries program by significantly increasing the funding level for the National Estuaries program. The sites that are interested in inclusion

in my area include the San Pedro Bay and Newport Bay, which join thirty six other sites that are also interested in inclusion.

Supporting Estuaries is critical to our prosperity because of the importance of coastal areas to our Nation's economy. Coastal counties account for 40 percent of the employment and 49 percent of the economic output for the nation.

Through the adoption of the Clean Estuaries Act of 2010, all approved estuary programs will be evaluated and will periodically update their management plans, increasing program transparency and improving program performance. Approved programs would have to identify the impact of climate change on estuaries and prepare adaptation responses, as well as work to educate the public on estuary health issues and develop performance measures and targets.

This bill will help expand the program to protect and clean our estuaries and I thank Congressman BISHOP for his hard work bringing this bill through the Transportation and Infrastructure Committee and to the floor today. I ask that my colleagues today support this bill, and help protect our estuaries.

Mr. STARK. Mr. Chair, I rise today in support of protecting our Nation's estuaries by passing the Clean Estuaries Act (H.R. 4715).

I am fortunate to represent a district that borders the San Francisco Bay. A healthy and clean bay is central to the economic prosperity and quality of life of my constituents. Since 1987, the National Estuary Program has promoted comprehensive planning efforts to clean up and preserve estuaries. The legislation before us today would reauthorize and strengthen the National Estuary Program, providing additional assistance to communities to protect their waterways.

In my community, the National Estuary Program supports the San Francisco Bay Estuary Partnership. This partnership brings together diverse stakeholders and has created dozens of projects that support a thriving bay. For example, at the Eden Landing Ecological Reserve in Hayward, hundreds of adult and student volunteers are restoring shoreline habitat by removing invasive plants and planting native marsh grasses. In addition to improving water and habitat quality, this project is also teaching children about the bay and how to protect it. The Estuary Partnership is also working with local governments in my district to promote and replicate proven bay-friendly best management practices to decrease runoff pollution into the bay. By passing the Clean Estuaries Act, we can ensure that these initiatives and hundreds of similar efforts around the country will be continued and expanded. I urge all of my colleagues to vote "yes."

Mr. OBERSTAR. I yield back the balance of my time.

The CHAIR. All time for general debate has expired.

Pursuant to the rule, the bill shall be considered read for amendment under the 5-minute rule.

The text of the bill is as follows:

H.R. 4715

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Clean Estuaries Act of 2010".

SEC. 2. NATIONAL ESTUARY PROGRAM AMENDMENTS.

(a) PURPOSES OF CONFERENCE.—

(1) DEVELOPMENT OF COMPREHENSIVE CONSERVATION AND MANAGEMENT PLANS.—Section 320(b)(4) of the Federal Water Pollution Control Act (33 U.S.C. 1330(b)(4)) is amended to read as follows:

"(4) develop and submit to the Administrator a comprehensive conservation and management plan that—

"(A) identifies the estuary and its associated upstream waters to be addressed by the plan, with consideration given to hydrological boundaries;

"(B) recommends priority corrective actions and compliance schedules addressing point and nonpoint sources of pollution to restore and maintain the chemical, physical, and biological integrity of the estuary, including restoration and maintenance of water quality, a resilient and diverse indigenous population of shellfish, fish, and wildlife, and recreational activities in the estuary, and assure that the designated uses of the estuary are protected;

"(C) considers current and future sustainable commercial activities in the estuary;

"(D) addresses the impacts of climate change on the estuary, including—

"(i) the identification and assessment of vulnerabilities in the estuary; and

"(ii) the development and implementation of adaptation strategies;

"(E) increases public education and awareness of the ecological health and water quality conditions of the estuary;

"(F) identifies and assesses impairments, including upstream impairments, coming from outside of the area addressed by the plan, and the sources of those impairments; and

"(G) includes performance measures and goals to track implementation of the plan.".

(2) MONITORING AND MAKING RESULTS AVAILABLE.—Section 320(b)(6) of such Act (33 U.S.C. 1330(b)(6)) is amended to read as follows:

"(6) monitor (and make results available to the public regarding)—

"(A) water quality conditions in the estuary and its associated upstream waters, as identified under paragraph (4)(A);

"(B) habitat conditions that relate to the ecological health and water quality conditions of the estuary; and

"(C) the effectiveness of actions taken pursuant to the comprehensive conservation and management plan developed for the estuary under this subsection;".

(3) INFORMATION AND EDUCATIONAL ACTIVITIES.—Section 320(b) of such Act (33 U.S.C. 1330(b)) is amended—

(A) by redesignating paragraph (7) as paragraph (8); and

(B) by inserting after paragraph (6) the following:

"(7) provide information and educational activities on the ecological health and water quality conditions of the estuary; and".

(4) CONFORMING AMENDMENT.—The sentence following section 320(b)(8) of such Act (as so redesignated) is amended by striking "paragraph (7)" and inserting "paragraph (8)".

(b) MEMBERS OF CONFERENCE.—Section 320(c)(5) of such Act (33 U.S.C. 1330(c)(5)) is amended by inserting after "institutions," the following: "not-for-profit organizations,".

(c) ADMINISTRATION OF PLANS.—Section 320(f) of such Act (33 U.S.C. 1330(f)) is amended to read as follows:

"(f) ADMINISTRATION OF PLANS.—

"(1) APPROVAL.—Not later than 120 days after the date on which a management con-

ference submits to the Administrator a comprehensive conservation and management plan under this section, and after providing for public review and comment, the Administrator shall approve the plan if the Administrator determines that the plan meets the requirements of this section and the affected Governor or Governors concur.

"(2) IMPLEMENTATION.—Upon approval of a comprehensive conservation and management plan under this section, the plan shall be implemented. Funds authorized to be appropriated under titles II and VI and section 319 may be used in accordance with the applicable requirements of this Act to assist States with the implementation of the plan.

"(3) EVALUATION.—

"(A) IN GENERAL.—Not later than 4 years after the date of enactment of this paragraph, and every 4 years thereafter, the Administrator shall complete an evaluation of the implementation of each comprehensive conservation and management plan developed under this section to determine the degree to which the goals of the plan have been met.

"(B) REVIEW AND COMMENT BY MANAGEMENT CONFERENCE.—In completing an evaluation under subparagraph (A), the Administrator shall submit the results of the evaluation to the appropriate management conference for review and comment.

"(C) REPORT.—

"(i) IN GENERAL.—In completing an evaluation under subparagraph (A), and after providing an opportunity for a management conference to submit comments under subparagraph (B), the Administrator shall issue a report on the results of the evaluation, including the findings and recommendations of the Administrator and any comments received from the management conference.

"(ii) AVAILABILITY TO PUBLIC.—The Administrator shall make a report issued under this subparagraph available to the public, including through publication in the Federal Register and on the Internet.

"(D) SPECIAL RULE FOR NEW PLANS.—Notwithstanding subparagraph (A), if a management conference submits a new comprehensive conservation and management plan to the Administrator after the date of enactment of this paragraph, the Administrator shall complete the evaluation of the plan required by subparagraph (A) not later than 4 years after the date of such submission and every 4 years thereafter.

"(4) UPDATES.—

"(A) REQUIREMENT.—Not later than 18 months after the date on which the Administrator makes an evaluation of a comprehensive conservation and management plan available to the public under paragraph (3)(C), a management conference convened under this section shall submit to the Administrator an update of the plan. The updated plan shall reflect, to the maximum extent practicable, the results of the program evaluation.

"(B) APPROVAL OF UPDATES.—Not later than 120 days after the date on which a management conference submits to the Administrator an updated comprehensive conservation and management plan under subparagraph (A), and after providing for public review and comment, the Administrator shall approve the updated plan if the Administrator determines that the updated plan meets the requirements of this section.

"(5) PROBATIONARY STATUS.—The Administrator may consider a management conference convened under this section to be in

probationary status if the management conference has not received approval for an updated comprehensive conservation and management plan under paragraph (4)(B) on or before the last day of the 3-year period beginning on the date on which the Administrator makes an evaluation of the plan available to the public under paragraph (3)(C)."

(d) FEDERAL AGENCIES.—Section 320 of such Act (33 U.S.C. 1330) is amended—

(1) by redesignating subsections (g), (h), (i), (j), and (k) as subsections (h), (i), (j), (k), and (m), respectively; and

(2) by inserting after subsection (f) the following:

"(g) FEDERAL AGENCIES.—

"(1) ACTIVITIES CONDUCTED WITHIN ESTUARIES WITH APPROVED PLANS.—After approval of a comprehensive conservation and management plan by the Administrator, any Federal action or activity affecting the estuary shall be conducted, to the maximum extent practicable, in a manner consistent with the plan.

"(2) COORDINATION AND COOPERATION.—The Secretary of the Army (acting through the Chief of Engineers), the Administrator of the National Oceanic and Atmospheric Administration, the Director of the United States Fish and Wildlife Service, the Chief of the Natural Resources Conservation Service, and the heads of other appropriate Federal agencies, as determined by the Administrator, shall, to the maximum extent practicable, cooperate and coordinate activities related to the implementation of a comprehensive conservation and management plan approved by the Administrator. The Environmental Protection Agency shall serve as the lead coordinating agency under this paragraph.

"(3) CONSIDERATION OF PLANS IN AGENCY BUDGET REQUESTS.—In making an annual budget request for a Federal agency referred to in paragraph (2), the head of such agency shall consider the responsibilities of the agency under this section, including under comprehensive conservation and management plans approved by the Administrator.

"(4) MONITORING.—The heads of the Federal agencies referred to in paragraph (2) shall collaborate on the development of tools and methodologies for monitoring the ecological health and water quality conditions of estuaries covered by a management conference convened under this section."

(e) GRANTS.—

"(1) IN GENERAL.—Section 320(h) of such Act (as redesignated by subsection (d) of this section) is amended by adding at the end the following:

"(4) EFFECTS OF PROBATIONARY STATUS.—

"(A) REDUCTIONS IN GRANT AMOUNTS.—The Administrator shall reduce, by an amount to be determined by the Administrator, grants for the implementation of a comprehensive conservation and management plan developed by a management conference convened under this section if the Administrator determines that the management conference is in probationary status under subsection (f)(5).

"(B) TERMINATION OF MANAGEMENT CONFERENCES.—The Administrator shall terminate a management conference convened under this section, and cease funding for the implementation of the comprehensive conservation and management plan developed by the management conference, if the Administrator determines that the management conference has been in probationary status for 2 consecutive years."

(2) CONFORMING AMENDMENT.—Section 320(i) of such Act (as redesignated by subsection (d) of this section) is amended by striking

"subsection (g)" and inserting "subsection (h)".

(f) AUTHORIZATION OF APPROPRIATIONS.—Section 320(j) of such Act (as redesignated by subsection (d) of this section) is amended to read as follows:

"(j) AUTHORIZATION OF APPROPRIATIONS.—

"(1) IN GENERAL.—There is authorized to be appropriated to the Administrator \$50,000,000 for each of fiscal years 2011 through 2016 for—

"(A) expenses related to the administration of management conferences under this section, except that such expenses shall not exceed 10 percent of the amount appropriated under this subsection;

"(B) making grants under subsection (h); and

"(C) monitoring the implementation of a conservation and management plan by the management conference, or by the Administrator in any case in which the conference has been terminated.

"(2) ALLOCATIONS.—Of the sums authorized to be appropriated under this subsection, the Administrator shall provide—

"(A) at least \$1,250,000 per fiscal year, subject to the availability of appropriations, for the development, implementation, and monitoring of each conservation and management plan eligible for grant assistance under subsection (h); and

"(B) up to \$5,000,000 per fiscal year to carry out subsection (k)."

(g) TECHNICAL AMENDMENT.—Section 320(k)(1)(A) of such Act (as redesignated by subsection (d) of this section) is amended by striking "paramenters" and inserting "parameters".

(h) NATIONAL ESTUARY PROGRAM EVALUATION.—Section 320 of such Act (33 U.S.C. 1330) is amended by inserting after subsection (k) (as redesignated by subsection (d) of this section) the following:

"(1) NATIONAL ESTUARY PROGRAM EVALUATION.—

"(1) IN GENERAL.—Not later than 4 years after the date of enactment of this paragraph, and every 4 years thereafter, the Administrator shall complete an evaluation of the national estuary program established under this section.

"(2) SPECIFIC ASSESSMENTS.—In conducting an evaluation under this subsection, the Administrator shall assess the effectiveness of the national estuary program in improving water quality, natural resources, and sustainable uses of the estuaries covered by management conferences convened under this section.

"(3) REPORT.—In completing an evaluation under this subsection, the Administrator shall issue a report on the results of the evaluation, including the findings and recommendations of the Administrator.

"(4) AVAILABILITY TO PUBLIC.—The Administrator shall make a report issued under this subsection available to the public, including through publication in the Federal Register and on the Internet."

The CHAIR. No amendment to the bill is in order except those printed in House Report 111-463. Each such amendment may be offered only in the order printed in the report, by a Member designated in the report, shall be considered read, shall be debatable for the time specified in the report, equally divided and controlled by the proponent and an opponent of the amendment, shall not be subject to amendment, and shall not be subject to a demand for division of the question.

AMENDMENT NO. 1 OFFERED BY MR. OBERSTAR

The CHAIR. It is now in order to consider amendment No. 1 printed in House Report 111-463.

Mr. OBERSTAR. Mr. Chairman, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 offered by Mr. OBERSTAR:

Page 4, strike lines 13 through 15 and insert the following:

"(E) increases public education and awareness with respect to—

"(i) the ecological health of the estuary;

"(ii) the water quality conditions of the estuary; and

"(iii) ocean, estuarine, land, and atmospheric connections and interactions;

Page 8, line 15, insert "the implementation of" before "the plan".

Page 8, line 22, insert "the implementation of" before "a comprehensive".

Page 10, line 25, insert ", including monitoring activities," after "activities".

Page 11, after line 18, insert the following:

(1) RECIPIENTS.—Section 320(h)(1) of such Act (as redesignated by subsection (d) of this section) is amended by striking "other public" and all that follows before the period at the end and inserting "and other public or nonprofit private agencies, institutions, and organizations".

Page 11, line 19, strike "(1) IN GENERAL.—" and insert "(2) EFFECTS OF PROBATIONARY STATUS.—".

Page 11, line 21, insert "further" before "amended".

Page 12, line 17, strike "(2)" and insert "(3)".

Page 15, after line 8, insert the following:

(i) CONVENING OF CONFERENCE.—Section 320(a)(2) of such Act (33 U.S.C. 1330(a)(2)) is amended—

(1) by striking "(2) CONVENING OF CONFERENCE.—" and all that follows through "In any case" and inserting the following:

"(2) CONVENING OF CONFERENCE.—In any case"; and

(2) by striking subparagraph (B).

The CHAIR. Pursuant to House Resolution 1248, the gentleman from Minnesota (Mr. OBERSTAR) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Minnesota.

Mr. OBERSTAR. Mr. Chairman, this amendment makes technical changes to the underlying bill. It ensures the continued competitive nature of the National Estuary Program.

We ensure that the program evaluations will assess whether the implementation of a comprehensive conservation and management plan is achieving its stated goals.

The amendment will enhance public education on the connections between air, land, water, and the potential impacts of those factors on the health of the estuary.

It will strike the existing statutory priority list of estuaries.

It will remove individuals from the list of approved recipients for grants under this program.

First, the technical changes will ensure that program evaluations determine whether the implementation of a

management plan is reaching its stated goals. It will ensure that not only the plan but the implementation of the plan is achieving improvements in water quality and habitat in the estuary.

Second, the amendment ensures that the public education component of any management plan will include and will highlight the connections within the estuary between air, land, and water and the potential impacts of those interactions. Estuaries will be able to highlight to citizens living within the boundaries of the estuary how their actions will affect the health of the estuary and how they can change their habits or how they can change their actions to improve the quality of the estuary.

Third, the amendment strikes existing statutory language that lists a number of States and regions to receive priority consideration under the program. That historical prioritization does not reflect estuaries that are part of the National Estuary Plan. Some estuaries on the list do not now participate in the program. The 12 estuaries that do participate are not included on the list, so that prioritization is superfluous.

This change does not mean that estuaries now in the NEP will be removed. It means that existing programs must continue to meet their obligations under the program and meet the performance requirements of the legislation to continue to be part of the National Estuary Program. It will be a competitive program. That is the purpose of the changes that I've just cited.

Finally, we strike statutory language that now allows individuals to be eligible grant recipients under the program. No individual has ever received a grant under the program, according to the EPA, so there is no need to have that language in the bill.

I reserve the balance of my time.

Mr. BOOZMAN. Mr. Chairman, I rise to claim time in opposition, though I am not opposed to the bill.

The CHAIR. Without objection, the gentleman from Arkansas is recognized for 5 minutes.

There was no objection.

Mr. BOOZMAN. Again, I just rise to say that we are very much in support of the amendment.

I yield back the balance of my time.

Mr. OBERSTAR. I thank the gentleman for those remarks.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Chair, I rise in support of the manager's amendment offered by the Chairman of the Committee on Transportation and Infrastructure, Mr. OBERSTAR.

This amendment makes a few technical changes to the underlying legislation and to the existing National Estuaries Program.

First, the amendment clarifies that the increased accountability called for in the bill includes a review of the implementation of existing comprehensive conservation and manage-

ment plans, and not just of the plans, themselves.

Second, the amendment ensures that the public is provided with additional information on the relationship between air quality, water quality, and land use, and their potential impacts on the overall health of local estuaries.

Oftentimes, locally developed solutions are the most cost-effective and long-lasting way to improve the environment. This has been the basis of success for many of the existing national estuary programs.

Following this model, the manager's amendment includes language to encourage public education on the interconnectivity of local air, water, and land resources.

With more information, the average citizen can be more aware of how his or her actions affect the environment around them, and how small changes in an individual's everyday life can have substantial positive impacts on the local environment.

Third, the manager's amendment addresses one of the legacies of the initial authorization for the National Estuaries Program by deleting the outdated, statutory priority list of estuaries.

All but one of the estuaries on the existing list already have recognized estuary program offices.

The intent of this change is not to eliminate any of the existing 28 estuary programs, but to clarify that estuaries are not simply entitled to remain in the program. If an estuary program continues to meet its obligations under the Clean Water Act, and the enhanced accountability called for in this legislation, they will continue to remain in the program.

However, the intent of this legislation is also to ensure that individual program offices are reaching their goals of improving water quality and the overall ecological health of the estuary.

The final change proposed by this amendment is to eliminate the eligibility of individuals for grant assistance under this program. According to EPA, no individual has ever received a grant under this program, so this is unused authority.

Mr. Chair, I support the amendment and urge my colleagues to support the amendment.

Mr. OBERSTAR. I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from Minnesota (Mr. OBERSTAR).

The amendment was agreed to.

AMENDMENT NO. 2 OFFERED BY MR. OBERSTAR

The CHAIR. It is now in order to consider amendment No. 2 printed in House Report 111-463.

Mr. OBERSTAR. Mr. Chairman, I have an amendment at the desk that I offer on behalf of Ms. PINGREE and yourself.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2 offered by Mr. OBERSTAR:

Page 14, strike lines 17 through 23 and insert the following:

“(2) SPECIFIC ASSESSMENTS.—In conducting an evaluation under this subsection, the Administrator shall—

“(A) assess the effectiveness of the national estuary program in improving water quality, natural resources, and sustainable uses of the estuaries covered by management conferences convened under this section;

“(B) identify best practices for improving water quality, natural resources, and sustainable uses of the estuaries covered by management conferences convened under this section, including those practices funded through the use of technical assistance from the Environmental Protection Agency and other Federal agencies, and assess the reasons why such practices result in the achievement of program goals; and

“(C) identify any redundant requirements for reporting by recipients of a grant under this section, and develop and recommend a plan for limiting reporting redundancies.

Page 15, line 4, strike “TO PUBLIC”.

Page 15, line 6, insert “management conferences convened under this section and” before “the public”.

The CHAIR. Pursuant to House Resolution 1248, the gentleman from Minnesota (Mr. OBERSTAR) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Minnesota.

Mr. OBERSTAR. Mr. Chairman, I reserve my time so the distinguished ranking member of the committee may speak at this moment.

Mr. MICA. Mr. Chairman, I rise to claim time in opposition, although I am not opposed to the amendment.

The CHAIR. Without objection, the gentleman from Florida is recognized for 5 minutes.

There was no objection.

Mr. MICA. I think we've reached a bipartisan accord. I support the gentleman from Maine and also the gentleman from Texas who have offered this amendment.

I did not have an opportunity, Mr. Chairman, to speak during the general debate. I was delayed.

After saying that our side does support this pending amendment, which, in the absence of the sponsors is being offered by the chair of the committee, I do want to take this opportunity to, first of all, thank Mr. OBERSTAR, our chair, and the ranking member, the gentleman from Arkansas, who has conceded time and is doing an incredible job in heading up our side of the aisle on a very important issue, which is water resources for the Nation.

So, Mr. BOOZMAN, thank you for your cooperation, and thank you to the chair of the subcommittee, Ms. JOHNSON from Texas.

A lot of times when I go back home and people say, Well, Congress doesn't work well, and Congress does this and Congress does that or they are always fighting and bickering, it's good to be a part of the committee, of the largest committee in Congress, I might add—Transportation and Infrastructure—which has six subcommittees and a very important one here, Water Resources. Water Resources controls all of the major water projects in the country—dams, levees. In this case, we

are the stewards for the Nation and, really, for what the good Lord gave us, which is our estuaries.

Most people don't know much about estuaries, but we do have that responsibility to make certain that they are preserved, that they are protected, and that we do the best with the money that is given to us on behalf of the taxpayers to protect that part of nature and our ecological system that, again, is so vital.

I do want to thank Mr. BOOZMAN and the chairs of the full committee and subcommittee for their work because we are here together to pass this in a bipartisan manner. So, on a day when many people are coming here to protest some of the things that do go on in Washington—big spending and taxation on the day we just are all paying out to the Federal Government—this is an example of a cooperative effort.

Let me also say, too, as the Republican leader of the Transportation Committee, many people have been coming to me in the last hours and have been saying, Mr. MICA, how are you going to vote on this bill? This bill does represent an increase in funding.

Now, you are probably looking at one of the most conservative Members of Congress. They listed 435 Members, and I was listed as No. 58 in the last week or so as far as fiscal conservative voting, and I take great pride in that because I worked hard for my money. I know people out there have worked hard to make a living and have struggled to feed their families and to just make ends meet. At this time, we have got to be particularly mindful of taxpayer dollars.

□ 1500

From time to time, there are areas in which we need to spend a few more dollars, and we are talking about a few dollars. We're not talking about billions. I do know millions add up to billions, but in this instance we have invested very little, and in this instance this is a very clear Federal responsibility. This is where seawater and freshwater meet. And certainly if there is an area of responsibility, that is a Federal responsibility. The States cannot nationally be responsible for waters that flow through many jurisdictional boundaries.

So here is an arch fiscal conservative coming before Congress on a day in which we are all concerned about government spending and saying, yes, we should invest a few dollars more in something that, again, is God given, the fragile ecosystem that has been handed to us and we have to be good stewards of.

So I am going to vote "yes" for this amendment; and when the bill comes up you are going to see me vote "yes" for the bill, even though it does increase spending from \$35 million to \$50 million.

The Acting CHAIR (Mr. TAYLOR). The time of the gentleman has expired.

Mr. OBERSTAR. Mr. Chairman, I yield such time as she may consume to the distinguished cosponsor of the amendment, the gentlewoman from Maine (Ms. PINGREE).

Ms. PINGREE of Maine. I thank the gentleman for yielding the time.

Mr. Chairman, H.R. 4715, the Clean Estuaries Act, is an important step towards restoring our Nation's most critical estuaries. This bill will create jobs and strengthen communities. I strongly support the bill and want to commend my colleagues, the gentleman from New York (Mr. BISHOP) and the gentleman from New Jersey (Mr. LOBIONDO), for their hard work in crafting this legislation.

One way to improve the efficiency and ensure the program is functioning at its highest level is to share information. The local estuary partnerships work closely with the Federal Government, but all too often the detailing of what works well in one estuary is not formally shared with the other estuaries.

That is why Representative CUELLAR and I are offering an amendment that requires the EPA to collect best practices and then share them with the estuaries. The amendment improves efficiency and smooth operation of the NEPs by helping them connect with other estuaries and build on work that has already been done.

Like many of you, in my district I have a mall, the largest mall in the State. It is built around a stream that flows into Casco Bay. And when it rains, the water runs off the roofs and parking lots, washing the oil, salt, and other contaminants on the pavement into Long Creek. Because of all this development, Long Creek is an urban-impaired watershed, and this means until the water quality is improved, the mall, businesses around the mall, as well as State and local government who own the roads face tougher storm water management restrictions.

This amendment will keep the businesses and local governments in the Long Creek watershed from having to start over when faced with questions on how to manage storm water. By using tested, known best practices, the businesses will save money and water quality in Long Creek will improve faster. The amendment reduces the costs of improving water quality and saves these important businesses real money.

The amendment helps to ensure that all of our estuary stakeholders, including those in Long Creek, have access to the very best tools and methods for protecting and restoring water quality.

Mr. OBERSTAR. I now yield such time as he may consume to the gentleman from Texas (Mr. CUELLAR).

Mr. CUELLAR. I want to thank the chairman, Mr. OBERSTAR; the sub-

committee chairwoman also, the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON); Ms. PINGREE also for the work she has done; and, of course, our ranking members, Mr. BOOZMAN, for the work that you and Mr. MICA have done.

This particular amendment is to support government efficiency. We both believe this amendment will eliminate waste and redundancies in the programs and will improve the effectiveness and cut back wasteful spending.

This amendment authorizes the Administrator of the EPA to identify, number one, best management practices for allocating resources in an efficient and effective manner. It would outline key reasons why such practices will result in positive outcomes and disseminate the best practices to the management conferences. Also, this amendment identifies redundant rules, regulations, and requirements for reporting by grant recipients and instructs the EPA Administrator to develop a plan to eliminate those redundancies in the future.

This amendment, Mr. Chairman, will make our government more efficient, more effective, and more accountable by conducting this type of evaluation. I urge support of this amendment.

Mr. OBERSTAR. I yield the balance of my time to the distinguished chair of our subcommittee, the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON).

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Chairman, I rise in support of the amendment offered by the gentlewoman from Maine (Ms. PINGREE) and the gentleman from Texas (Mr. CUELLAR).

This amendment makes two important changes to the underlying bill that should benefit the overall effectiveness of the National Estuary Program.

First, the amendment requires the Administrator of the Environmental Protection Agency to conduct an assessment of best practices for improving water quality, natural resources, and sustainable uses of the estuary as part of the Agency's periodic evaluation of the National Estuary Program.

Following this assessment, the Administrator would be required to disseminate information on these best practices to other estuary management conferences convened under section 320, as well as to the public.

I support this provision because it will provide a good, centralized resource on successful, locally produced practices for improving the overall health of estuarine areas.

This clearinghouse should provide valuable information to other management conferences and the general public on what practices are being successfully implemented in the field so that each management conference does not have to "reinvent the wheel" each time

they are looking for creative ideas to benefit their local environment.

While what works in one area of the country may not necessarily work in another, I would suspect that simply sharing success stories on management practices will have an overall benefit to local restoration efforts.

The second change proposed by this amendment is to require the Administrator to identify potential redundant reporting requirements for grant recipients, and to propose a plan for reducing such redundancy.

It would seem common sense that where efficiencies in reporting requirements can be achieved in such a way that reduces the overall burden on grant recipients, but does not impact the overall operation of the program or its accountability to taxpayers, such an effort should be undertaken.

I support this amendment, and urge its adoption.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Minnesota (Mr. OBERSTAR).

The amendment was agreed to.

AMENDMENT NO. 3 OFFERED BY MR. KAGEN

The CHAIR. It is now in order to consider amendment No. 3 printed in House Report 111-463.

Mr. KAGEN. Mr. Chairman, I offer an amendment.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 3 offered by Mr. KAGEN:
Page 4, line 19, strike "and" at the end.
Page 4, line 21, strike the first period through the final period and insert "; and".
Page 4, after line 21, insert the following:
"(H) includes a coordinated monitoring strategy for Federal, State, and local governments and other entities."

The CHAIR. Pursuant to House Resolution 1248, the gentleman from Wisconsin (Mr. KAGEN) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Wisconsin.

Mr. KAGEN. I thank Chairman OBERSTAR for allowing me to move this amendment forward. And, Ms. JOHNSON, thank you very much. And it's good to see Mr. BOOZMAN on the floor.

This is a very simple and straightforward amendment that includes language for measuring the outcomes. The coordination and cooperation between State, local, and Federal agencies will be necessary to guarantee that our dollars are well spent and that we have a very efficient operation as we protect our estuaries.

So I would submit this amendment and hope that I would have bipartisan support for it.

I reserve the balance of my time.

Mr. BOOZMAN. Mr. Chairman, I ask unanimous consent to claim the time in opposition.

The CHAIR. Without objection, the gentleman from Arkansas is recognized for 5 minutes.

There was no objection.

Mr. BOOZMAN. I rise to support the amendment.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Chair, I rise in support of the amendment from the gentleman from Wisconsin (Mr. KAGEN).

This amendment requires a monitoring effort on the part of National Estuary Program partners.

A coordinated monitoring program is very important to ensure the success of these programs.

Monitoring is a key piece of any restoration plan. This amendment will help to increase efficiencies, save money and reduce duplicative activities by requiring the partners to coordinate their monitoring activities.

Also, requiring monitoring by the partners will mean that the management conference, and the appropriate Federal, State and local agencies will be able to measure the accomplishments of the management conference. Without monitoring, the management conference will not be able to determine if the plan has succeeded or failed at improving water quality and the habitat of the estuary.

I commend our Committee colleague for offering this amendment, and urge its approval.

Mr. BOOZMAN. With that, I yield back the balance of my time.

Mr. KAGEN. I thank the kind gentleman for agreeing to the amendment.

Mr. Chairman, in the true spirit of a very efficient operation, I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from Wisconsin (Mr. KAGEN).

The amendment was agreed to.

AMENDMENT NO. 4 OFFERED BY MR. SCHAUER

The CHAIR. It is now in order to consider amendment No. 4 printed in House Report 111-463.

Mr. SCHAUER. Mr. Chairman, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 4 offered by Mr. SCHAUER:
Page 15, after line 8, add the following:

(i) GREAT LAKES ESTUARIES.—Section 320(m) of such Act (as redesignated by subsection (d) of this section) is amended by striking the subsection designation and all that follows through "and those portions of tributaries" and inserting the following:

"(m) DEFINITIONS.—In this section, the terms 'estuary' and 'estuarine zone' have the meanings such terms have in section 104(n)(4), except that—

"(1) the term 'estuary' also includes near coastal waters and other bodies of water within the Great Lakes that are similar in form and function to the waters described in the definition of 'estuary' contained in section 104(n)(4); and

"(2) the term 'estuarine zone' also includes—

"(A) waters within the Great Lakes described in paragraph (1) and transitional areas from such waters that are similar in form and function to the transitional areas described in the definition of 'estuarine zone' contained in section 104(n)(4);

"(B) associated aquatic ecosystems; and

"(C) those portions of tributaries".

The CHAIR. Pursuant to House Resolution 1248, the gentleman from Michigan (Mr. SCHAUER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Michigan.

Mr. SCHAUER. Mr. Chairman, I yield myself such time as I may consume.

The amendment before you would define "estuary" under the Clean Water Act to include Great Lakes near shore waters and connecting waters that are similar to traditional estuaries covered by the National Estuary Program. The amendment would allow Great Lakes estuaries eligible to apply on a competitive basis for inclusion in the National Estuary Program.

The Great Lakes and surrounding waters are a valuable natural resource of national importance, and it makes sense that they are eligible to apply for inclusion in this competitive grant program. Again, my amendment would clearly define "estuary" to include Great Lakes waterways and connecting waterways.

The Great Lakes hold 90 percent of the United States surface freshwater, 20 percent of the world's freshwater, and are the largest system of fresh surface water on Earth. The Midwest relies on the Great Lakes for commerce, tourism, and drinking water. Unfortunately, the health of the Great Lakes has been threatened by pollution, invasive species, and water withdrawals. Failure to protect the Great Lakes now could result in more serious consequences. Conservationists, environmental stewards, hunters, fishermen, and outdoorsmen from all over the country share my sentiment.

Including the Great Lakes waterways in the National Estuary Program will help create long-term planning and management of both point and nonpoint sources of pollution and protect areas of commercial importance from ecological risks.

Mr. Chair, we need to do everything we can to protect Great Lakes waterways. We can make another step in the right direction by expanding the definition of "estuary" to include the Great Lakes waterways and allow these waterways to be eligible for funding in the National Estuary Program. I urge my colleagues to vote "yes" on this amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. BOOZMAN. Mr. Chairman, I rise to claim the time in opposition.

The CHAIR. The gentleman from Arkansas is recognized for 5 minutes.

Mr. BOOZMAN. Mr. Chairman, this amendment will pull money out of the National Estuary Program and send it to address the needs of the Great Lakes.

The National Estuary Program is meant to assist those in important ecological areas in our country where the freshwater of rivers meets and mixes

with seawater. By any scientific definition, there are no estuaries in the Great Lakes.

Over the years, Congress has created and funded a number of programs to address the needs of the Great Lakes. We have established an entire office in the EPA to work on the Great Lakes issue. While there are many worthy projects that could be done in the Great Lakes, I believe we should use existing Great Lakes programs to address those needs and not dilute the National Estuary Program. If the gentleman believes that more should be done for the Great Lakes, then we should have the debate on whether or not to modify the existing Great Lakes program. Members who have true estuaries in their States which are very coastal in nature should be concerned about this amendment diluting the intent and the dollars associated with this important program.

To my colleagues in the Great Lakes States who understandably might be tempted to support this amendment, I would say this amendment makes about as much sense as suggesting that the Great Lakes Legacy Act dollars should be used to address the needs of the Chesapeake Bay. The Great Lakes and the Nation's estuaries are both important areas. Let's address them in the context of their own separate legislation and not make one complete with the other.

With that, I urge Members to oppose the Schauer amendment.

Mr. Chairman, I reserve the balance of my time.

□ 1515

Mr. SCHAUER. Mr. Chairman, I yield myself such time as I may consume.

I have great respect for my colleague's comments. My amendment would merely bring this National Estuary Program into compliance and consistency with the 2000 Estuaries and Clean Waters Act. For purposes of that act, Congress's definition of estuaries included Great Lakes. So in substance, this definition would be exactly the same as the 2000 Estuaries and Clean Waters Act.

I now yield to the chairman of the Transportation and Infrastructure Committee, the gentleman from Minnesota.

Mr. OBERSTAR. I thank the gentleman for yielding.

While I respect the remarks of the gentleman from Arkansas, we specify in this amendment, Mr. SCHAUER does, that the meeting place of the rivers and the lakes is not a traditional estuary, is not a meeting place of fresh and saltwater, but that these points would be treated as estuaries. As an example, the lamprey eel lays its eggs in the discharge point of the rivers that contribute to and discharge into the Great Lakes. That is a meeting place of river water and lake water where a destruc-

tive, nonindigenous, invasive species multiplies.

Including the Great Lakes in the estuary program will provide additional authority for the Great Lakes to work to control this monster that destroys the fishery of the Great Lakes. This is not an allocation, this is not an earmark, it is not a specific designation. It simply allows the Great Lakes to compete for available dollars authorized under this program.

We think that this body of the greatest repository of freshwater on the earth ought to have standing among the others that have designation as estuaries. Those meeting places on the Great Lakes are every bit as important as the meeting places of the freshwater rivers and the saltwater repositories of a traditional estuary definition.

Mr. BOOZMAN. Mr. Chairman, I yield myself such time as I may consume.

Again having great respect for our chairman, the point that I am trying to make is that I understand the problems that we face in the Great Lakes. And this is a body of such significance. And yet, again, my feeling is that we should take care of that problem within the structure that we have within the Great Lakes program. I see no need to expand the estuary program to take care of the Great Lakes.

If we need additional moneys, if we need additional infrastructure in fighting the battles with the invasive species and things that were mentioned, then I feel like the place to do that is within the Great Lakes programs rather than diluting the moneys, a relatively small amount of money, diluting the money from the estuary program.

With that, I reserve my balance of my time.

Mr. SCHAUER. Mr. Chairman, just a couple of points in closing.

The Federal Government's Web site on this topic of estuaries, it refers to the Great Lakes as freshwater estuaries that are, quote, "affected by tides and storms, just as estuaries along the oceanic coasts are." In fact, there is currently a federally-recognized freshwater estuary in Ohio located on Lake Erie.

My final point, there is a group called Healthy Lakes—Healthy Lives that wrote in support of this amendment. They state that, "Traditionally, estuaries are transition zones along our coasts between fresh water from rivers and saline water from oceans. Regardless of whether it is a traditional mix of fresh and saltwater areas that are similar, all estuaries provide a unique environment that supports diverse habitats."

I would urge my colleagues to support this amendment.

I yield back the balance of my time.

Mr. BOOZMAN. Mr. Chairman, I yield the balance of my time to the dis-

tinguished gentleman from Florida (Mr. MICA).

Mr. MICA. Mr. Chairman and my colleagues, I have been married for 38 years. I have a wonderful wife. I fell in love with her almost at first sight. We have been together for three, almost four decades. Probably the one I spend the most time with other than my wife is Mr. OBERSTAR in my work on the committee. We have been together on the committee for my 18 years. He has been there for 32, a lot longer. Now, with my wife from time to time I do have disagreements, like just about every day on some issue. This happens to also be with Mr. OBERSTAR sort of like that marital relation, that I would disagree both with my good friend and colleague Mr. OBERSTAR and also my colleague from Michigan.

I think that on this, this isn't worth burning the house over, and I think the gentleman is offering an amendment that is well intended, and he has a sincere interest in protecting freshwater estuaries. A definition was cited about freshwater estuaries. And yes, there are probably thousands, maybe millions of freshwater estuaries. That is the whole point here is we are expanding a limited definition of marine estuaries that have saltwater. And one of the justifications for this whole program at the Federal level is the sea does encompass the entire perimeter of our coastal areas, particularly Florida, which we have some of the biggest coastline. We have many places where fresh and saltwater mix. And that is the importance of this particularly important but very small Federal program.

The argument here isn't increasing this billions, we are going from \$35 to \$50 million in a program. And it is important that the additional money not be so diluted. So while I support the gentleman in what he would like to do with freshwater estuaries, I don't think that this expansion is appropriate when we are looking at including the body of freshwater estuaries. We do have a disagreement on this. And I do support the bill in general. I do take deference with this particular amendment.

Mr. OBERSTAR. Will the gentleman yield?

Mr. MICA. I yield to the gentleman from Minnesota.

Mr. OBERSTAR. Does it help that the Merchant Marine Act of 1970 designates the Great Lakes as the fourth seacoast?

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Chair, I rise in support of the amendment from the gentleman from Michigan (Mr. SCHAUER).

This amendment would define the term "estuary" for the purposes of this bill to include Great Lakes waters, including those near shore waters and connections that are similar to traditional estuaries.

Currently, coastal estuaries are the only estuaries that are eligible to apply for competitive

grants under the National Estuary Program. The amendment offered by the gentleman from Michigan (Mr. SCHAUER) would authorize interested management conferences in Great Lakes waters to apply for competitive grants under the National Estuary Program.

I support the amendment.

The CHAIR. All time has expired.

The question is on the amendment offered by the gentleman from Michigan (Mr. SCHAUER).

The amendment was agreed to.

AMENDMENT NO. 5 OFFERED BY MS. MOORE OF WISCONSIN

The CHAIR. It is now in order to consider amendment No. 5 printed in House Report 111-463.

Ms. MOORE of Wisconsin. Mr. Chairman, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 5 offered by Ms. MOORE of Wisconsin:

Page 14, strike lines 3 through 6 and insert the following:

(g) RESEARCH.—Section 320(k)(1)(A) of such Act (as redesignated by subsection (d) of this section) is amended—

(1) by striking “paramenters” and inserting “parameters”; and

(2) by inserting “(including monitoring of both pathways and ecosystems to track the introduction and establishment of nonnative species)” before “, to provide the Administrator”.

The CHAIR. Pursuant to House Resolution 1248, the gentlewoman from Wisconsin (Ms. MOORE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Wisconsin.

Ms. MOORE of Wisconsin. I yield myself such time as I may consume.

Mr. Chairman, one of the most destructive threats to the ecological integrity and health of estuaries across our Nation, as well as other water bodies such as rivers and lakes, are invasive species. Invasive species destroy ecosystems and have a devastating effect on the health and balance of these systems, including the estuaries that we are trying so hard to protect through the National Estuary Program. For example, the San Francisco Estuary has been called one of the most invaded estuaries in the world.

Once these species are established, Federal and State authorities spend hundreds of millions of dollars trying to eliminate them, and failing that, to manage them and repair the enormous ecological and economic damage they have done and are doing to these important ecosystems. As I speak, the Army Corps of Engineers is undertaking efforts to prevent the latest of these threats to Lake Michigan in my district, the Asian carp, from overrunning this ecological and national treasure.

This amendment would include assessments of the pathways by which

these unwelcome guests are getting into estuaries in the long term monitoring and assessment efforts authorized through the National Estuary Program. For example, one pathway of introduction for nonnative species in an estuary is the ballast water in ships that they may discharge as they move through these bodies of water. By strengthening monitoring of this threat in the estuaries, it is my hope that it will help improve data available to the various stakeholders, to EPA's national program office and Congress on how nonnative species are affecting our estuaries, track whether this problem is getting better or worse, and guide the development of targeted and effective solutions to help address and defeat these invaders.

With that, I reserve the balance of my time.

Mr. BOOZMAN. I ask unanimous consent to claim the time in opposition.

The CHAIR. Without objection, the gentleman from Arkansas is recognized for 5 minutes.

There was no objection.

Mr. BOOZMAN. We just want to go on the record as supporting this amendment and urge its adoption.

With that, I yield back the balance of my time.

Ms. MOORE of Wisconsin. I thank the gentleman. I also want to thank the chairman of the House Transportation Committee, Mr. OBERSTAR, for his support of this amendment as well. I know he shares my concerns about the problem of invasive species in ballast water, and I sure look forward to working with him on another bill to address those concerns more specifically.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Chair, I rise in support of the amendment from the gentlewoman from Wisconsin (Ms. MOORE).

This amendment would add a new focus area to the existing list of research programs the Environmental Protection Agency administrator can implement under the National Estuary Program.

In the existing statutory language for the National Estuary Program, there is a list of research programs the administrator is authorized to coordinate and implement with other Federal agencies. This amendment would allow for a research program related to nonnative species.

Nonnative or invasive species continue to be a threat to many of our waterbodies, including estuaries.

Adding a new research focus that looks at the potential impacts of nonnative species and the pathways for introduction in estuaries would be very helpful in better understanding the potential impacts of these species to the water quality, natural resource benefits, and sustainable uses of the estuary.

The programs that experience threats from nonnative species in their estuaries could incorporate any information obtained from this research into their plans in the future.

I support the amendment.

Ms. MOORE of Wisconsin. I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentlewoman from Wisconsin (Ms. MOORE).

The amendment was agreed to.

AMENDMENT NO. 6 OFFERED BY MS. SHEA-PORTER

The CHAIR. It is now in order to consider amendment No. 6 printed in House Report 111-463.

Ms. SHEA-PORTER. I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 6 offered by Ms. SHEA-PORTER:

Page 4, line 10, strike “and” at the end.

Page 4, line 12, insert “and” after the semicolon.

Page 4, after line 12, insert the following:

“(iii) the impacts of changes in sea level on estuarine water quality, estuarine habitat, and infrastructure located in the estuary;

The CHAIR. Pursuant to House Resolution 1248, the gentlewoman from New Hampshire (Ms. SHEA-PORTER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from New Hampshire.

Ms. SHEA-PORTER. Mr. Chairman, I yield myself such time as I may consume.

First, I would like to thank Chairman OBERSTAR, Mr. BISHOP, and Mr. LOBIONDO for their work on this bill. I have the honor of representing the First Congressional District of New Hampshire, which is home to the Piscataqua Region Estuaries Partnership. PREP, as it is known, has been a part of the National Estuaries Program since 1995. PREP works to protect two estuarine systems in New Hampshire, Great Bay/Little Bay and Hampton Harbor. The partnership has included the entire Great Bay watershed in their area of focus, which includes 42 communities in New Hampshire and 10 communities in Maine. The National Estuaries Program has been a significant source of funding and resources, assisting PREP in their valuable work. This reauthorization we are considering today will make the program stronger and allow for more estuaries to be included.

Mr. Chairman, one of the threats facing our estuaries is sea level change. As the sea level rises, it pushes the water further inland, changing the makeup of our estuaries and wetlands. In some cases, the effect may be that the wetlands move further inland. However, in areas like the Northeast, where our land is highly developed, this may not be possible.

□ 1530

There may be no place for the plants and animals that depend on the unique make-up of these estuaries to go. They may, literally, hit a roadblock, and

those ecosystems would collapse. Mr. Chairman, the threat of that happening should worry us all.

Estuaries are essential habitats. They support countless species of plants, animals, and sea life. They act as nursery grounds for oceanic species and are the pathways for many species of fish that migrate from the oceans into our rivers. In fact, estuaries provide habitat for 75 percent of the commercial fishing catch and up to 90 percent of the recreational fishing catch in this country.

Estuaries and wetlands also act as buffers to the storms that batter our coasts. I volunteered in New Orleans after Hurricane Katrina, and I can tell you firsthand the devastation that the storm caused. Many scientists have attributed the significant loss of coastal lands and salt marshes outside of New Orleans as a factor in the severity of the damage that the storm caused.

Mr. Chairman, sea levels are changing. Whether you agree or disagree that global climate change is the cause, we should all be alarmed by the potential impact rising sea levels could have on these important habitats. It has been estimated that sea level rise could convert as much as 33 percent of the world's coastal wetlands to open water. That right would be a devastating loss for our coastal community.

Mr. Chairman, this straightforward amendment would simply ensure that sea level change is taken into account when the comprehensive conservation and management plans are constructed. These estuaries are important parts of our coastal communities and their economies, and we need to help them survive.

I urge my colleagues to support this amendment and the underlying bill.

I reserve the balance of my time.

Mr. BOOZMAN. Mr. Chairman, I ask unanimous consent to claim the time in opposition.

The CHAIR. Without objection, the gentleman from Arkansas is recognized for 5 minutes.

There was no objection.

Mr. BOOZMAN. Mr. Chairman, we do not oppose this amendment.

I yield back the balance of my time.

Mr. OBERSTAR. Would the gentleman yield?

Ms. SHEA-PORTER. Yes, I will yield.

Mr. OBERSTAR. I thank the gentleman for yielding. I rise in support of the amendment. It does not add cost. It does not add any burden on the process, but it does add an element of review in the evaluation of these plans and that is to take into consideration sea level rise that's already happening on our sea coasts, on our salt water coasts. And the addition of this factor, I think, will make all of the planners sensitive to the effects, the erosions, shore line erosion effects of rise of water levels and their consequential effects on the health of the estuaries.

I appreciate the gentlewoman's amendment.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Chair, I rise in support of the amendment from the gentlewoman from New Hampshire (Ms. SHEA-PORTER).

This amendment would require that individual comprehensive conservation and management plans evaluate the impacts of changes in sea level as they apply to the surrounding estuarine region.

Changes in sea level are likely in the future and it is without question that our coasts are vulnerable to the impacts of these changes.

For example, water quality and habitat in the estuaries would be affected by changes in sea level. In addition, those wildlife and fish that make the estuaries their home could be affected by these changes.

And last, public infrastructure along the coasts and in estuaries will likely be affected by changes in sea level.

In particular, roads, bridges and water-related infrastructure could be potentially harmed, inundated, or rendered ineffective by changes in sea level.

Therefore, it is important that the management plans assess the potential impacts caused by sea level rise and include potential responses to these threats.

Again, I support the amendment and applaud the gentlewoman for offering it.

Ms. SHEA-PORTER. Mr. Chairman, again, I want to thank Chairman OBERSTAR, Mr. BISHOP and Mr. LOBIONDO for their work and leadership on this bill. I urge my colleagues to support this amendment and the underlying bill, and I yield back the remainder of my time.

The CHAIR. The question is on the amendment offered by the gentlewoman from New Hampshire (Ms. SHEA-PORTER).

The question was taken; and the Chair announced that the ayes appeared to have it.

Ms. SHEA-PORTER. Mr. Chairman, I demand a recorded vote.

The CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentlewoman from New Hampshire will be postponed.

AMENDMENT NO. 7 OFFERED BY MR. KRATOVIL

The CHAIR. It is now in order to consider amendment No. 7 printed in House Report 111-463.

Mr. KRATOVIL. Mr. Chairman, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 7 offered by Mr. KRATOVIL: Page 6, strike line 3, and insert the following:

(b) MEMBERS OF CONFERENCE; COLLABORATIVE PROCESSES.—

(1) MEMBERS OF CONFERENCE.—Section 320(c)(5)

Page 6, after line 6, insert the following:

(2) COLLABORATIVE PROCESSES.—Section 320(d) of such Act (33 U.S.C. 1330(d)) is amended—

(A) by striking “(d)” and all that follows through “In developing” and inserting the following:

“(d) UTILIZATION OF EXISTING DATA AND COLLABORATIVE PROCESSES.—

“(1) UTILIZATION OF EXISTING DATA.—In developing”;

and

(B) by adding at the end the following:

“(2) UTILIZATION OF COLLABORATIVE PROCESSES.—In updating a plan under subsection (f)(4) or developing a new plan under subsection (b), a management conference shall make use of collaborative processes to—

“(A) ensure equitable inclusion of affected interests;

“(B) engage with members of the management conference, including through—

“(i) the use of consensus-based decision rules; and

“(ii) assistance from impartial facilitators, as appropriate;

“(C) ensure relevant information, including scientific, technical, and cultural information, is accessible to members;

“(D) promote accountability and transparency by ensuring members are informed in a timely manner of—

“(i) the purposes and objectives of the management conference; and

“(ii) the results of an evaluation conducted under subsection (f)(3);

“(E) identify the roles and responsibilities of members—

“(i) in the management conference proceedings; and

“(ii) in the implementation of the plan; and

“(F) seek resolution of conflicts or disputes as necessary.”.

The CHAIR. Pursuant to House Resolution 1248, the gentleman from Maryland (Mr. KRATOVIL) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Maryland.

Mr. KRATOVIL. Mr. Chairman, I rise in support of my amendment to H.R. 4715, the Clean Estuaries Act, and voice my support also for the underlying bill.

Let me begin by thanking the chairman, Mr. OBERSTAR, who, as the Chair knows, has the finest voice of all in Congress; and should he ever leave Congress, could certainly go forward in doing commentating somewhere.

But, in any event, Mr. Chairman, Maryland's First Congressional District is defined by the Chesapeake Bay and its waterways. Although not directly part of the National Estuary Program, the program was developed from efforts to protect our Nation's largest estuary, the Chesapeake Bay.

Estuaries are bodies of water, as you've heard, that receive both outflows from rivers and tidal inflows from the ocean. They are transition zones between fresh water from rivers and salt water from the ocean. The mixing of fresh and salt water provides a unique environment that supports diverse habitats for a wide variety of living resources, including plants, fish, and wildlife.

Estuaries are critical economic engines that generate billions of dollars in revenue each year from fishing and tourism. The sad truth is that along with many of the Nation's estuaries, the Chesapeake is in poor ecological health as well, although we did have,

Mr. Chairman, some good news yesterday in terms of the blue crab population which I'm happy to report is rebounding.

Unhealthy estuaries impact not only the commercial and recreational fishing industries, but threaten industries such as tourism, restaurants and charter boats, among others, that generate revenue and create good-paying jobs.

This bill includes effective reforms to that program that will bolster the health of estuaries, as well as the economy and infrastructure of affected communities by increasing transparency, requiring establishment of performance measures and goals, and introducing much needed accountability to the program.

This legislation will support and maintain the Maryland Coastal Bays program as one of the most effective estuary programs in the Nation and ensure that taxpayer dollars are used effectively in the fight to do so.

I have introduced an amendment that I believe will bolster the oversight and accountability of these programs by ensuring a collaborative process involving all stakeholders.

The National Estuary Program is comprised of initiatives across the country that, under my amendment, will now be subject to a streamlined management plan that will ensure all stakeholders play a role in the implementation.

My amendment calls for the equitable inclusion of all relevant estuary stakeholders, the use of neutral facilitators and processes to resolve any conflicts, and the inclusion and use of up-to-date information. Included among these stakeholders will be the region's farming and agricultural representatives, as well as environmental groups, so that all parties will come to the table and reach a consensus agreement about our mutual interests and goals.

While some programs may have used collaborative processes in the past, this amendment will ensure that all new programs and all existing programs undergoing management plan updates will collaborate going forward.

Mr. Chairman, I urge my colleagues to support my amendment, as well as the underlying bill.

I reserve the balance of my time.

Mr. BOOZMAN. Mr. Chairman, I ask unanimous consent to claim the time in opposition.

The CHAIR. Without objection, the gentleman from Arkansas is recognized for 5 minutes.

There was no objection.

Mr. BOOZMAN. Mr. Chairman, again, we do not oppose the amendment.

I yield back the balance of my time.

Mr. KRATOVIL. Mr. Chairman, I'll yield to the chairman, Mr. OBERSTAR, as much time as he may consume.

Mr. OBERSTAR. I thank the distinguished gentleman for this amend-

ment, a very thoughtful, well-crafted amendment to resolve conflicts. That is really what the Congress should be doing, resolving conflicts and creating structures within our programs within which conflict can be resolved. And that is particularly important in development of management plans. There are so many different parties, some at loggerheads over the management of the watershed.

This idea will ensure that we bring the development of these management plans to a reasonable and productive conclusion. And so I thank the gentleman for this amendment. Perhaps if it works, we can apply it to our work with the other body.

Mr. KRATOVIL. I thank the Chair. I also thank the gentleman from Arkansas (Mr. BOOZMAN) for his support of the amendment.

Again, Mr. Chairman, thank you for your support.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Chair, I rise in support of the amendment from the Gentleman from Maryland (Mr. KRATOVIL).

This amendment is essentially a reminder to the new programs of the National Estuary Program that collaborative processes should be used when developing the management plan.

Many of the estuary programs are currently using collaborative processes to develop their plans and this amendment encourages these processes to continue in the future.

The gentleman's amendment ensures that all relevant stakeholders in an estuary be given an equal voice. This concept is fundamental for developing a broad-base of support for restoration efforts, and for increasing the overall likelihood of success.

The amendment would also require the use of a neutral party to resolve conflicts that arise during the development of a plan. The use of neutral parties can be an effective way to resolve differences other, more engaged stakeholders may encounter when developing a management plan.

Finally, this amendment requires the inclusion of up-to-date information in the plans.

As the management plans are updated, they should include the most recent information possible so that they are useful in helping achieve the long-term goals of improving the water quality and habitat in the estuaries.

I commend the gentleman for offering this amendment, and urge its adoption.

Mr. KRATOVIL. I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from Maryland (Mr. KRATOVIL).

The amendment was agreed to.

Mr. OBERSTAR. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Ms. MOORE of Wisconsin) having assumed the chair, Mr. CUELLAR, Chair of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 4715) to amend the

Federal Water Pollution Control Act to reauthorize the National Estuary Program, and for other purposes, had come to no resolution thereon.

RAISING A QUESTION OF THE PRIVILEGES OF THE HOUSE

Mr. FLAKE. Madam Speaker, I rise to a question of the privileges of the House and offer the resolution previously noticed.

The SPEAKER pro tempore. The Clerk will report the resolution.

The Clerk read as follows:

H. RES. 1255

Whereas, the Committee on Standards of Official Conduct initiated an investigation into allegations related to earmarks and campaign contributions in the Spring of 2009.

Whereas, on December 2, 2009, reports and findings in seven separate matters involving the alleged connection between earmarks and campaign contributions were forwarded by the Office of Congressional Ethics to the Standards Committee.

Whereas, on February 26, 2010, the Standards Committee made public its report on the matter wherein the Committee found, though a widespread perception exists among corporations and lobbyists that campaign contributions provide a greater chance of obtaining earmarks, there was no evidence that Members or their staff considered contributions when requesting earmarks.

Whereas, the Committee indicated that, with respect to the matters forwarded by the Office of Congressional Ethics, neither the evidence cited in the OCE's findings nor the evidence in the record before the Standards Committee provided a substantial reason to believe that violations of applicable standards of conduct occurred.

Whereas, the Office of Congressional Ethics is prohibited from reviewing activities taking place prior to March of 2008 and lacks the authority to subpoena witnesses and documents.

Whereas, for example, the Office of Congressional Ethics noted that in some instances documents were redacted or specific information was not provided and that, in at least one instance, they had reason to believe a witness withheld information requested and did not identify what was being withheld.

Whereas, the Office of Congressional Ethics also noted that they were able to interview only six former employees of the PMA Group, with many former employees refusing to consent to interviews and the OCE unable to obtain evidence within PMA's possession.

Whereas, Roll Call noted that "the committee report was five pages long and included no documentation of any evidence collected or any interviews conducted by the committee, beyond a statement that the investigation 'included extensive document reviews and interviews with numerous witnesses.'" (Roll Call, March 8, 2010)

Whereas, it is unclear whether the Standards Committee included in their investigation any activities that occurred prior to 2008.

Whereas, it is unclear whether the Standards Committee interviewed any Members in the course of their investigation.

Whereas, it is unclear whether the Standards Committee, in the course of their investigation, initiated their own subpoenas or followed the Office of Congressional Ethics recommendations to issue subpoenas. Therefore be it:

Resolved, That not later than seven days after the adoption of this resolution, the Committee on Standards of Official Conduct shall report to the House of Representatives, with respect to the activities addressed in its report of February 26, 2010, (1) how many witnesses were interviewed, (2) how many, if any, subpoenas were issued in the course of their investigation, and (3) what documents were reviewed and their availability for public review.

The SPEAKER pro tempore. The resolution qualifies.

MOTION TO REFER THE RESOLUTION

Mr. OBERSTAR. Madam Speaker, I move the resolution be referred to the Committee on Standards of Official Conduct.

The SPEAKER pro tempore. The gentleman from Minnesota is recognized for 1 hour on the motion to refer.

Mr. OBERSTAR. Madam Speaker, this is a matter that belongs to the Committee on Standards of Official Conduct.

I yield back the balance of my time and move the previous question.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the motion to refer.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. FLAKE. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 385, nays 0, answered “present” 18, not voting 27, as follows:

[Roll No. 206]

YEAS—385

Ackerman	Brown-Waite,	Davis (AL)
Aderholt	Ginny	Davis (CA)
Adler (NJ)	Buchanan	Davis (IL)
Akin	Burgess	Davis (KY)
Alexander	Burton (IN)	Davis (TN)
Altmire	Calvert	DeFazio
Andrews	Camp	DeGette
Arcuri	Campbell	Delahunt
Austria	Cantor	DeLauro
Baca	Cao	Deutch
Bachmann	Capps	Diaz-Balart, M.
Bachus	Capuano	Dicks
Baird	Cardoza	Dingell
Baldwin	Carnahan	Doggett
Barrow	Carney	Donnelly (IN)
Bartlett	Carson (IN)	Doyle
Barton (TX)	Carter	Dreier
Becerra	Cassidy	Driehaus
Berkley	Castle	Duncan
Berman	Chaffetz	Edwards (MD)
Biggert	Childers	Edwards (TX)
Bilirakis	Chu	Ehlers
Bishop (GA)	Clarke	Ellison
Bishop (NY)	Clay	Ellsworth
Bishop (UT)	Cleaver	Emerson
Blumenauer	Clyburn	Engel
Blunt	Coble	Eshoo
Bocieri	Coffman (CO)	Etheridge
Boehner	Cohen	Fallin
Bono Mack	Cole	Farr
Boozman	Connolly (VA)	Fattah
Boren	Conyers	Filner
Boswell	Cooper	Flake
Boucher	Costa	Fleming
Boustany	Costello	Forbes
Brady (PA)	Courtney	Fortenberry
Brady (TX)	Crenshaw	Foster
Braley (IA)	Crowley	Fox
Bright	Cuellar	Frank (MA)
Broun (GA)	Culbertson	Franks (AZ)
Brown (SC)	Cummings	Frelinghuysen
Brown, Corrine	Dahlkemper	Fudge

Garamendi	Lujan	Rogers (MI)	Lofgren, Zoe	Myrick	Walden
Garrett (NJ)	Lummis	Rohrabacher	McCaul	Simpson	Welch
Gerlach	Lungren, Daniel	Rooney			
Giffords	E.	Ros-Lehtinen			
Gingrey (GA)	Lynch	Roskam			
Gohmert	Mack	Ross			
Goodlatte	Maffei	Rothman (NJ)			
Gordon (TN)	Maloney	Roybal-Allard			
Granger	Manzullo	Royce			
Graves	Marchant	Rush			
Grayson	Markey (CO)	Ryan (OH)			
Green, Al	Markey (MA)	Ryan (WI)			
Green, Gene	Matheson	Salazar			
Griffith	Matsui	Sanchez, Loretta			
Grijalva	McCarthy (CA)	Sarbanes			
Guthrie	McCarthy (NY)	Scalise			
Gutierrez	McClintock	Schakowsky			
Hall (NY)	McCollum	Schauer			
Hall (TX)	McDermott	Schiff			
Halvorson	McGovern	Schmidt			
Hare	McHenry	Schock			
Harman	McIntyre	Schrader			
Hastings (FL)	McKeon	Schwartz			
Heinrich	McMahon	Scott (GA)			
Heller	McMorris	Scott (VA)			
Hensarling	Rodgers	Sensenbrenner			
Herger	McNerney	Serrano			
Herseth Sandlin	Meeks (NY)	Sessions			
Higgins	Melancon	Sestak			
Hill	Mica	Shadegg			
Himes	Michaud	Shea-Porter			
Hinchee	Miller (MI)	Sherman			
Hinojosa	Miller (NC)	Shimkus			
Hirono	Miller, Gary	Shuler			
Hodes	Miller, George	Shuster			
Holden	Minnick	Sires			
Holt	Mitchell	Skelton			
Honda	Moore (KS)	Slaughter			
Hoyer	Moore (WI)	Smith (NE)			
Hunter	Moran (KS)	Smith (NJ)			
Inglis	Moran (VA)	Smith (TX)			
Inslee	Murphy (CT)	Smith (WA)			
Israel	Murphy (NY)	Snyder			
Issa	Murphy, Patrick	Souder			
Jackson (IL)	Murphy, Tim	Space			
Jenkins	Nadler (NY)	Speier			
Johnson (GA)	Napolitano	Spratt			
Johnson (IL)	Neal (MA)	Stark			
Johnson, E. B.	Neugebauer	Stearns			
Johnson, Sam	Nunes	Stupak			
Jones	Nye	Sullivan			
Jordan (OH)	Oberstar	Sutton			
Kagen	Obey	Tanner			
Kanjorski	Olson	Taylor			
Kaptur	Olver	Teague			
Kennedy	Ortiz	Terry			
Kildee	Owens	Thompson (CA)			
Kilpatrick (MI)	Pallone	Thompson (MS)			
Kilroy	Pascarell	Thompson (PA)			
Kind	Pastor (AZ)	Thornberry			
King (IA)	Paul	Tiberi			
King (NY)	Paulsen	Tierney			
Kingston	Payne	Titus			
Kirk	Perlmutter	Tonko			
Kirkpatrick (AZ)	Perriello	Tsongas			
Kissell	Peters	Turner			
Klein (FL)	Peterson	Upton			
Kratovil	Petri	Van Hollen			
Kucinich	Pingree (ME)	Velázquez			
Lamborn	Pitts	Visclosky			
Lance	Platts	Walz			
Langevin	Poe (TX)	Waters			
Larsen (WA)	Polis (CO)	Watson			
Larson (CT)	Pomeroy	Watt			
LaTourette	Posey	Waxman			
Latta	Price (GA)	Weiner			
Lee (CA)	Price (NC)	Westmoreland			
Lee (NY)	Putnam	Whitfield			
Levin	Quigley	Wilson (OH)			
Lewis (CA)	Rangel	Wilson (SC)			
Lewis (GA)	Rehberg	Wittman			
Linder	Reichert	Wolf			
Lipinski	Reyes	Woolsey			
LoBiondo	Richardson	Wu			
Loebsack	Rodriguez	Yarmuth			
Lowey	Roe (TN)	Young (FL)			
Lucas	Rogers (AL)				
Luetkemeyer	Rogers (KY)				

ANSWERED “PRESENT”—18

Blackburn	Chandler	Hastings (WA)
Bonner	Conaway	Latham
Butterfield	Dent	
Buyer	Diaz-Balart, L.	
Castor (FL)	Harper	

Barrett (SC) Kline (MN) Sánchez, Linda
Bean Kosmas T.
Berry Marshall Tiahrt
Bilbray McCotter Towns
Boyd Meek (FL) Wamp
Capito Miller (FL) Wasserman
Gallegly Molloyhan Schultz
Gonzalez Pence Young (AK)
Hoekstra Radanovich
Jackson Lee Rahall
(TX) Ruppertsberger

NOT VOTING—27

□ 1616

Mr. FRANK of Massachusetts changed his vote from “nay” to “yea.”

Ms. CASTOR of Florida and Mr. WELCH changed their vote from “yea” to “present.”

So the motion to refer was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

CLEAN ESTUARIES ACT OF 2010

The SPEAKER pro tempore. Pursuant to House Resolution 1248 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the further consideration of the bill, H.R. 4715.

□ 1617

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H.R. 4715) to amend the Federal Water Pollution Control Act to reauthorize the National Estuary Program, and for other purposes, with Mr. CUELLAR in the chair.

The Clerk read the title of the bill.

The CHAIR. When the Committee of the Whole rose earlier today, proceedings on amendment No. 7 printed in House Report 111-463 offered by the gentleman from Maryland (Mr. KRATOVIL) had been disposed of.

ANNOUNCEMENT BY THE CHAIR

The CHAIR. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments printed in House Report 111-463 on which further proceedings were postponed.

AMENDMENT NO. 6 OFFERED BY MS. SHEA-PORTER

The CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from New Hampshire (Ms. SHEA-PORTER) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 294, noes 109, not voting 33, as follows:

[Roll No. 207]

AYES—294

Ackerman	Etheridge	McGovern
Adler (NJ)	Farr	McIntyre
Andrews	Fattah	McMahon
Arcuri	Filner	McNerney
Austria	Fortenberry	Meeks (NY)
Baca	Foster	Melancon
Baird	Frank (MA)	Mica
Baldwin	Frelinghuysen	Michaud
Barrow	Fudge	Miller (MI)
Bean	Garamendi	Miller (NC)
Becerra	Gerlach	Miller, George
Berkley	Giffords	Minnick
Berman	Gordon (TN)	Mollohan
Biggart	Granger	Moore (KS)
Bilirakis	Grayson	Moore (WI)
Bishop (GA)	Green, Al	Moran (KS)
Bishop (NY)	Green, Gene	Moran (VA)
Blumenauer	Grijalva	Murphy (CT)
Boccheri	Gutierrez	Murphy (NY)
Boozman	Hall (NY)	Murphy, Patrick
Boren	Hall (TX)	Murphy, Tim
Boswell	Halvorson	Myrick
Boucher	Hare	Napolitano
Boustany	Harman	Neal (MA)
Brady (PA)	Hastings (FL)	Nye
Braley (IA)	Heinrich	Oberstar
Bright	Heller	Obey
Brown, Corrine	Herseth Sandlin	Oliver
Buchanan	Higgins	Ortiz
Butterfield	Hill	Pallone
Camp	Himes	Pascarell
Cao	Hinchey	Pastor (AZ)
Capito	Hinojosa	Paulsen
Capps	Hirono	Payne
Capuano	Hodes	Perlmutter
Cardoza	Holden	Perriello
Carnahan	Holt	Peters
Carney	Honda	Peterson
Carson (IN)	Hoyer	Pierluisi
Castle	Inglis	Pingree (ME)
Castor (FL)	Inslee	Platts
Chandler	Israel	Polis (CO)
Childers	Jackson (IL)	Pomeroy
Christensen	Jenkins	Putnam
Chu	Johnson (GA)	Quigley
Clarke	Johnson (IL)	Rahall
Clay	Johnson, E. B.	Rangel
Cleaver	Jones	Reichert
Clyburn	Kagen	Reyes
Cohen	Kanjorski	Richardson
Connolly (VA)	Kaptur	Rodriguez
Conyers	Kennedy	Rogers (AL)
Cooper	Kildee	Rogers (MI)
Costa	Kilpatrick (MI)	Ros-Lehtinen
Costello	Kilroy	Roskam
Courtney	Kind	Ross
Crenshaw	Kirk	Rothman (NJ)
Crowley	Kirkpatrick (AZ)	Roybal-Allard
Cuellar	Kissell	Ryan (OH)
Cummings	Klein (FL)	Sablan
Dahlkemper	Kratovil	Salazar
Davis (AL)	Kucinich	Sanchez, Loretta
Davis (CA)	Lance	Sarbanes
Davis (IL)	Langevin	Scalise
Davis (KY)	Larsen (WA)	Schakowsky
Davis (TN)	Larson (CT)	Schauer
DeFazio	LaTourette	Schiff
DeGette	Lee (CA)	Schrader
Delahunt	Lee (NY)	Schwartz
DeLauro	Levin	Scott (GA)
Dent	Lewis (GA)	Scott (VA)
Deutch	Lipinski	Serrano
Diaz-Balart, L.	LoBiondo	Sestak
Diaz-Balart, M.	Loebach	Shea-Porter
Dicks	Lofgren, Zoe	Sherman
Dingell	Lowe	Shuler
Doggett	Lujan	Sires
Donnelly (IN)	Lynch	Skelton
Doyle	Maffei	Slaughter
Dreier	Maloney	Smith (NJ)
Driehaus	Manzullo	Smith (WA)
Edwards (MD)	Markey (CO)	Snyder
Edwards (TX)	Markey (MA)	Space
Ehlers	Matheson	Speier
Ellison	Matsui	Spratt
Ellsworth	McCarthy (NY)	Stark
Engel	McCollum	Stupak
Eshoo	McDermott	Sutton

Tanner
Teague
Thompson (CA)
Thompson (MS)
Tiberi
Tierney
Titus
Tonko
Tsongas
Turner

Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Waters
Watson
Watt
Waxman

Weiner
Welch
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (FL)

NOES—109

Aderholt
Akin
Alexander
Altmire
Bachmann
Bachus
Bartlett
Barton (TX)
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Brady (TX)
Broun (GA)
Brown-Waite,
Ginny
Burgess
Burton (IN)
Buyer
Calvert
Campbell
Cantor
Carter
Cassidy
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Culberson
Duncan
Emerson
Fallin
Flake
Fleming
Forbes

Fox
Franks (AZ)
Garrett (NJ)
Gingrey (GA)
Gohmert
Goodlatte
Graves
Griffith
Guthrie
Harper
Hastings (WA)
Hensarling
Herger
Hunter
Issa
Johnson, Sam
Jordan (OH)
King (IA)
King (NY)
Kingston
Kline (MN)
Lamborn
Latham
Latta
Lewis (CA)
Linder
Lucas
Luetkemeyer
Lummis
Lungren, Daniel
E.
Mack
Marchant
McCarthy (CA)
McCaul
McClintock
McHenry
McKeon

McMorris
Rodgers
Miller, Gary
Nunes
Gohmert
Olson
Owens
Paul
Petri
Pitts
Poe (TX)
Posey
Price (GA)
Rehberg
Roe (TN)
Rogers (KY)
Rohrabacher
Rooney
Royce
Ryan (WI)
Schmidt
Schock
Sensenbrenner
Sessions
Shadegg
Shimkus
Simpson
Smith (NE)
Smith (TX)
Souder
Stearns
Sullivan
Terry
Thompson (PA)
Thornberry
Westmoreland
Whitfield

NOT VOTING—33

Barrett (SC)
Berry
Bibray
Bordallo
Boyd
Brown (SC)
Faleomavaega
Gallegly
Gonzalez
Hoekstra
Jackson Lee
(TX)

Kosmas
Marshall
McCotter
Meek (FL)
Miller (FL)
Mitchell
Nadler (NY)
Neugebauer
Norton
Pence
Price (NC)
Radanovich

Ruppersberger
Rush
Sanchez, Linda
T.
Shuster
Taylor
Tiahrt
Towns
Wamp
Wasserman
Schultz
Young (AK)

□ 1636

So the amendment was agreed to.
The result of the vote was announced as above recorded.

Stated for:

Ms. BORDALLO. Mr. Chair, I was absent from the Chamber today, Thursday, April 15, 2010, due to the travel schedule for my return to my district on account of official business. Had I been present for the rollcall votes taken today in the Committee of the Whole House on the state of the Union on the amendments that were offered to H.R. 4715, the Clean Estuaries Act of 2010, I would have voted as follows: “aye” on the amendment offered by Ms. SHEA-PORTER of New Hampshire (rollcall vote 207).

The CHAIR. There being no further amendments, under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. WEINER) having assumed the chair, Mr. CUELLAR, Chair of the Committee of

the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 4715) to amend the Federal Water Pollution Control Act to reauthorize the National Estuary Program, and for other purposes, pursuant to House Resolution 1248, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Pursuant to House Resolution 1248, the question on adoption of the amendments will be put en gros.

The question is on the amendments.

The amendments were agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT

Mr. JORDAN of Ohio. Mr. Speaker, I have a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. JORDAN of Ohio. I am.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Jordan of Ohio moves to recommit the bill H.R. 4715 to the Committee on Transportation and Infrastructure to report the same back to the House forthwith with the following amendments:

Page 13, strike lines 1 through 3, and insert the following:

“(1) IN GENERAL.—There is authorized to be appropriated to the Administrator an amount as determined under paragraph (3) for each of fiscal years 2011 through 2016 for—

Page 14, line 2, strike the closing quotation marks and the final period.

Page 14, after line 2, insert the following:

“(3) AMOUNT OF AUTHORIZATION.—In any fiscal year following a fiscal year in which there is no national deficit, the amount authorized under paragraph (1) shall be \$50,000,000. In any fiscal year following a fiscal year in which there is a national deficit, the amount authorized under paragraph (1) shall be \$35,000,000.”

Mr. JORDAN of Ohio (during the reading). Mr. Speaker, I ask unanimous consent that we dispense with the reading.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

Mr. OBERSTAR. I object. I only just received the amendment. I want to read it.

The SPEAKER pro tempore. Objection has been heard.

The Clerk will continue.

The Clerk continued to read.

The SPEAKER pro tempore. The gentleman from Ohio is recognized for 5 minutes.

Mr. JORDAN of Ohio. Mr. Speaker, I have a simple motion that every American can understand. It says: Stop the

out-of-control spending until we balance the budget and get our fiscal house in order. People are worried. They are worried about what this Congress is doing to their children's futures, and rightly so.

This year, the Federal Government will take in \$2.1 trillion but will spend \$3.6 trillion. Let me say that again. It will take in \$2.1 trillion and spend \$3.6 trillion. Only in Congress does that math make sense. That's like a family making \$50,000 a year but spending \$80,000. If that were your family, Mr. Speaker, making 50 and spending 80, you'd do something about it. You'd cut back. You'd tighten the belt. You'd make responsible decisions. But not this Congress. No, not this Congress. This Congress is spending like there is no tomorrow.

This year, the Federal Government will run a deficit of at least \$1.4 trillion. That's 10 percent of GDP. Any economist in the world will tell you that deficits shouldn't be more than 2 or 3 percent of GDP.

What are we spending money on today? Estuaries. That's right. Estuaries. Most Americans have probably never heard of the term.

With our Nation over \$12 trillion in debt, borrowing money from China every day to pay our bills, taking in \$2.1 trillion, spending \$3.6 trillion, record deficits as far as the eye can see, not dealing with the energy crisis, not dealing with the entitlement crisis, replacing freedoms with mandates, replacing private-sector growth with 16,000 new IRS agents, what are we spending people's money on today, on Tax Day? We are spending it on estuaries, a massive increase in funding for estuaries.

Mr. Speaker, come on. Americans are taking to the streets all across the country today, Tax Day, dumping tea in the harbor and standing up against Congress, which is bankrupting their country. What are the Democrats offering them? More spending on estuaries.

Mr. Speaker, before Congress even considers doubling the funding for this program or any other nonessential spending, we must first balance the Federal budget and begin paying down some of the money we borrowed from China and other countries. Estuaries can wait, Mr. Speaker, but fiscal responsibility cannot.

All this motion says is to keep the spending at what it was last year. After all, a lot of families, a lot of taxpayers, a lot of small business owners have been living on last year's spending levels, maybe even something less.

I would ask my colleagues this, Mr. Speaker:

How bad does it have to get before we can begin to take that modest first step and say maybe estuaries can get by on the same amount of money they were on last year? That's all this motion says. All this motion says is let's

just keep them where they were last year.

A "yes" vote on this motion tells the people you represent back home, the people who are paying their taxes today, who elected us and entrusted us to protect their hard-earned money: Yes, I agree that Congress must set priorities. Yes, I agree that we should forgo such increases until the budget is balanced. Yes, I respect you, the taxpayer, enough to say that I can hold the line on spending even if it means only \$35 million for estuaries this year.

Mr. Speaker, I had a coach in high school who was a chemistry and physics teacher—the toughest teacher in the school and the toughest coach in the State. Every single day in class, every single day in the practice room, he would talk about discipline. He had a great definition. He said that discipline is doing what you don't want to do when you don't want to do it. Basically, that meant doing it his way when you'd rather do it your way. It meant doing things the right way when you'd rather do them the convenient way, the easy way.

Discipline is the quality we need in this Congress today. The easiest thing to do in the world is to spend money, particularly someone else's money.

Really simply, this amendment says: Let's have the discipline to say "no" to spending. Let's have the discipline to say let's do the right thing today. Let's not do the convenient thing. Let's hold the line on spending and treat taxpayers with a little respect on this day of all days. Treat them with a little respect.

I urge a "yes" vote.

I yield back the balance of my time.

Mr. OBERSTAR. I rise in opposition to the motion.

The SPEAKER pro tempore. The gentleman from Minnesota is recognized for 5 minutes.

Mr. OBERSTAR. I am sorry the gentleman from Ohio doesn't have an estuary in his district, but his State is a Great Lakes State. The Great Lakes, as the Nation's fourth seacoast, designated by an act of Congress in 1970, are also designated in this bill as a place of estuaries, of freshwater estuaries.

I am sorry that the gentleman doesn't understand that a great many people do understand what an estuary is. Three-fourths of our population live along areas that are designated as estuaries. Estuaries, the meeting place of fresh and salt water—where new forms of life are created, where new forms of fish and aquatic plants are created—are the richest places on Earth for the creation of maritime life. Estuaries are the common heritage of all Americans. There is a national interest in their protection and in their enhancement.

□ 1645

I am quite surprised at this amendment because in committee consider-

ation no issue was raised about the funding level. Make no mistake about it. The purpose of this amendment is to cut \$15 million out of the authorization level.

Mr. JORDAN of Ohio. Will the gentleman yield?

Mr. OBERSTAR. I do not have time to yield to correct all the gentleman's mistakes.

In the consideration of the bill, I yielded to Mr. PETRI. "We support H.R. 4715," said he. He yielded to the ranking member of the Coast Guard Subcommittee, Mr. LOBIONDO, cosponsor of the bill, and he concluded, saying, "I urge all Members to support H.R. 4715, and I yield back."

There was no discussion in committee. No amendment was filed with the Rules Committee to cut the funding level. The ranking member of our committee, Mr. MICA, who designates himself proudly as a conservative, is supporting this bill.

This is a jobs bill.

Go ahead and laugh. Go ahead and laugh. It shows you don't understand much, Mr. Speaker, those who are laughing. Twenty-eight million jobs depend on coastal areas of the United States, \$185 billion in commercial and recreational fishing from estuaries of the United States, 2 million jobs at stake. Three-fourths of all commercial fishing depend on estuaries. Three-fourths of the U.S. commercial fish catch and 80 percent of the recreational fish catch occurs in the estuarine areas of the United States, and annual fish harvests have declined by \$1.5 billion every year for the last 20-plus years because of impaired estuaries.

This is an investment in America's future. This is an investment in the young people of this country for whom the gentleman proclaims to propose cutting \$15 million. This is an investment. This is not an entitlement. This is an authorization to compete with other programs for the funding necessary to protect our estuaries, which are the beginning places of new life and the homes of millions of jobs and new forms of life and the future of America.

Vote down this pernicious motion.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the yeas appeared to have it.

RECORDED VOTE

Mr. JORDAN of Ohio. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 8 and clause 9 of rule XX, this 15-minute vote on the motion to recommit will be followed by 5-minute votes on passage of the bill, if ordered; and the motion to suspend the rules

and adopt House Resolution 1242, if ordered.

The vote was taken by electronic device, and there were—ayes 192, noes 214, not voting 24, as follows:

[Roll No. 208]

AYES—192

Aderholt	Fortenberry	Mica
Akin	Foster	Miller (MI)
Alexander	Fox	Miller, Gary
Altire	Franks (AZ)	Minnick
Arcuri	Frelinghuysen	Mitchell
Austria	Garrett (NJ)	Moran (KS)
Bachmann	Gerlach	Murphy (NY)
Bachus	Giffords	Murphy, Tim
Bartlett	Gingrey (GA)	Myrick
Barton (TX)	Gohmert	Nunes
Bean	Goodlatte	Nye
Biggart	Granger	Olson
Bilirakis	Graves	Paul
Bishop (UT)	Griffith	Paulsen
Blackburn	Guthrie	Peters
Blunt	Hall (TX)	Petri
Boehner	Harper	Pitts
Bonner	Hastings (WA)	Platts
Bono Mack	Heller	Poe (TX)
Boozman	Hensarling	Posey
Boren	Herger	Price (GA)
Boustany	Himes	Putnam
Brady (TX)	Hodes	Rehberg
Bright	Hunter	Reichert
Broun (GA)	Inglis	Roe (TN)
Brown-Waite,	Issa	Rogers (AL)
Ginny	Jenkins	Rogers (KY)
Buchanan	Johnson (IL)	Rogers (MI)
Burgess	Johnson, Sam	Rohrabacher
Burton (IN)	Jones	Rooney
Buyer	Jordan (OH)	Ros-Lehtinen
Calvert	King (IA)	Roskam
Camp	King (NY)	Royce
Campbell	Kingston	Ryan (WI)
Cantor	Kirk	Scalise
Cao	Kirkpatrick (AZ)	Schmidt
Capito	Kline (MN)	Schock
Carney	Lamborn	Sensenbrenner
Carter	Lance	Sessions
Cassidy	Latham	Shadegg
Castle	LaTourette	Shimkus
Chaffetz	Latta	Shuler
Childers	Lee (NY)	Shuster
Coble	Lewis (CA)	Simpson
Coffman (CO)	Linder	Skelton
Cole	LoBiondo	Smith (NE)
Conaway	Lucas	Smith (NJ)
Crenshaw	Luetkemeyer	Smith (TX)
Cuellar	Lummis	Souder
Culberson	Lungren, Daniel	Stearns
Dahlkemper	E.	Sullivan
Davis (KY)	Mack	Taylor
Dent	Maffei	Terry
Diaz-Balart, L.	Manzullo	Thompson (PA)
Diaz-Balart, M.	Marchant	Thornberry
Donnelly (IN)	Marshall	Tiberi
Dreier	McCarthy (CA)	Turner
Duncan	McCaul	Upton
Ehlers	McClintock	Walden
Ellsworth	McHenry	Westmoreland
Emerson	McIntyre	Whitfield
Fallin	McKeon	Wilson (SC)
Flake	McMorris	Wittman
Fleming	Rodgers	Wolf
Forbes	McNerney	Young (FL)

NOES—214

Ackerman	Butterfield	Courtney
Adler (NJ)	Capps	Crowley
Andrews	Capuano	Cummings
Baca	Cardoza	Davis (AL)
Baird	Carnahan	Davis (CA)
Baldwin	Carson (IN)	Davis (IL)
Barrow	Castor (FL)	Davis (TN)
Becerra	Chandler	DeFazio
Berkley	Chu	DeGette
Berman	Clarke	Delahunt
Bishop (GA)	Clay	DeLauro
Bishop (NY)	Cleaver	Deutch
Blumenauer	Clyburn	Dicks
Bocieri	Cohen	Dingell
Boswell	Connolly (VA)	Doggett
Boucher	Conyers	Doyle
Brady (PA)	Cooper	Driehaus
Braley (IA)	Costa	Edwards (MD)
Brown, Corrine	Costello	Edwards (TX)

Ellison	Levin	Rodriguez
Engel	Lewis (GA)	Ross
Eshoo	Lipinski	Rothman (NJ)
Etheridge	Loebback	Roybal-Allard
Farr	Lofgren, Zoe	Rush
Fattah	Lowey	Ryan (OH)
Filner	Lujan	Salazar
Frank (MA)	Lynch	Sanchez, Loretta
Fudge	Maloney	Sarbanes
Garamendi	Markey (CO)	Schakowsky
Gordon (TN)	Markey (MA)	Schauer
Grayson	Matheson	Schiff
Green, Al	Matsui	Schrader
Green, Gene	McCarthy (NY)	Schwartz
Grijalva	McCollum	Scott (GA)
Gutierrez	McDermott	Scott (VA)
Hall (NY)	McGovern	Serrano
Halvorson	McMahon	Sestak
Hare	Meeks (NY)	Shea-Porter
Harman	Melancon	Sherman
Hastings (FL)	Michaud	Sires
Heinrich	Miller (NC)	Smith (WA)
Herseht Sandlin	Miller, George	Snyder
Higgins	Mollohan	Space
Hill	Moore (KS)	Speier
Hinchev	Moore (WI)	Spratt
Hinojosa	Moran (VA)	Stark
Hirono	Murphy (CT)	Stupak
Holden	Murphy, Patrick	Sutton
Holt	Nadler (NY)	Tanner
Honda	Napolitano	Teague
Hoyer	Neal (MA)	Thompson (CA)
Inslee	Oberstar	Thompson (MS)
Israel	Obey	Tierney
Oliver	Ortiz	Titus
Owens	Pallone	Tonko
Pascarell	Pascrell	Tsongas
Pastor (AZ)	Payne	Van Hollen
Perlmutter	Perlmutter	Velázquez
Pingree (ME)	Pingree (ME)	Viscosky
Polis (CO)	Polis (CO)	Walz
Pomeroy	Pomeroy	Waters
Price (NC)	Price (NC)	Watson
Quigley	Quigley	Watt
Rahall	Rahall	Waxman
Rangel	Rangel	Weiner
Reyes	Reyes	Welch
Richardson	Richardson	Wilson (OH)
		Woolsey
		Wu
		Yarmuth

NOT VOTING—24

Barrett (SC)	Kosmas	Slaughter
Berry	McCotter	Tiahrt
Bilbray	Meek (FL)	Towns
Boyd	Miller (FL)	Wamp
Brown (SC)	Neugebauer	Wasserman
Gallegly	Pence	Schultz
Gonzalez	Radanovich	Young (AK)
Hoekstra	Ruppersberger	
Jackson Lee	Sánchez, Linda	
(TX)	T.	

□ 1708

Messrs. RUSH, JOHNSON of Georgia, CONYERS, HILL, and Ms. KILPATRICK of Michigan changed their vote from “aye” to “no.”

Mrs. LUMMIS changed her vote from “no” to “aye.”

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. OBERSTAR. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 278, nays 128, not voting 24, as follows:

[Roll No. 209]

YEAS—278

Ackerman	Gerlach	Nye
Adler (NJ)	Giffords	Oberstar
Andrews	Gordon (TN)	Obey
Baca	Grayson	Oliver
Baird	Green, Al	Ortiz
Baldwin	Green, Gene	Pallone
Barrow	Grijalva	Pascarell
Becerra	Gutierrez	Pastor (AZ)
Berkley	Hall (NY)	Paulsen
Berman	Halvorson	Payne
Bocieri	Hare	Perlmutter
Boswell	Harman	Perriello
Boucher	Hastings (FL)	Peters
Brady (PA)	Heinrich	Peterson
Braley (IA)	Herseht Sandlin	Pingree (ME)
Brown, Corrine	Higgins	Platts
	Hill	Polis (CO)
	Himes	Pomeroy
	Hinchev	Posey
	Hinojosa	Price (NC)
	Hirono	Putnam
	Hodes	Quigley
	Holden	Rahall
	Holt	Rangel
	Honda	Reichert
	Hoyer	Reyes
	Inslee	Richardson
	Israel	Rodriguez
	Jackson (IL)	Rogers (AL)
	Johnson (GA)	Rogers (MI)
	Johnson (IL)	Rooney
	Johnson, E. B.	Ros-Lehtinen
	Cardoza	Ross
	Carnahan	Rothman (NJ)
	Carney	Roybal-Allard
	Carson (IN)	Kaptur
	Castle	Kennedy
	Castor (FL)	Kildee
	Chandler	Kilpatrick (MI)
	Childers	Kilroy
	Chu	Kind
	Clarke	Kirk
	Clay	Kirkpatrick (AZ)
	Cleaver	Kissell
	Clyburn	Klein (FL)
	Cohen	Kratovil
	Connolly (VA)	Kucinich
	Conyers	Lance
	Cooper	Langevin
	Costa	Larsen (WA)
	Costello	Larson (CT)
	Courtney	LaTourette
	Crenshaw	Lee (CA)
	Crowley	Levin
	Cuellar	Lewis (GA)
	Cummings	Lipinski
	Dahlkemper	LoBiondo
	Davis (AL)	Loebback
	Davis (CA)	Lofgren, Zoe
	Davis (IL)	Lowey
	Davis (TN)	Lujan
	DeFazio	Lynch
	DeGette	Maffei
	Delahunt	Maloney
	DeLauro	Markey (CO)
	Dent	Markey (MA)
	Deutch	Marshall
	Diaz-Balart, L.	Matheson
	Diaz-Balart, M.	Matsui
	Dicks	McCarthy (NY)
	Dingell	McCollum
	Doggett	McDermott
	Donnelly (IN)	McGovern
	Doyle	McIntyre
	Dreier	McMahon
	Driehaus	McNerney
	Edwards (MD)	Meeks (NY)
	Edwards (TX)	Melancon
	Ehlers	Mica
	Ellison	Michaud
	Ellsworth	Miller (NC)
	Engel	Miller, George
	Eshoo	Minnick
	Etheridge	Mitchell
	Farr	Mollohan
	Fattah	Moore (KS)
	Filner	Moore (WI)
	Fortenberry	Moran (VA)
	Foster	Murphy (CT)
	Frank (MA)	Murphy (NY)
	Frelinghuysen	Nadler (NY)
	Fudge	Napolitano
	Garamendi	Neal (MA)

NAYS—128

Aderholt
Akin
Alexander
Austria
Bachmann
Bachus
Barton (TX)
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Bright
Broun (GA)
Brown-Waite,
Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp
Campbell
Cantor
Carter
Cassidy
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Culberson
Davis (KY)
Duncan
Emerson
Fallin
Flake
Fleming
Forbes
Foxy
Franks (AZ)

Garrett (NJ)
Gingrey (GA)
Gohmert
Goodlatte
Granger
Graves
Griffith
Guthrie
Hall (TX)
Harper
Hastings (WA)
Heller
Hensarling
Herger
Hunter
Inglis
Issa
Jenkins
Johnson, Sam
Jordan (OH)
King (IA)
King (NY)
Kingston
Kline (MN)
Lamborn
Latham
Latta
Lee (NY)
Lewis (CA)
Linder
Lucas
Luetkemeyer
Lummis
Lungren, Daniel
E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul
McClintock
McHenry
McKeon

McMorris
Rodgers
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Myrick
Nunes
Olson
Owens
Paul
Petri
Pitts
Poe (TX)
Price (GA)
Rehberg
Roe (TN)
Rogers (KY)
Rohrabacher
Roskam
Royce
Ryan (WI)
Scalise
Schmidt
Schock
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Simpson
Smith (NE)
Smith (TX)
Souder
Stearns
Sullivan
Terry
Thornberry
Turner
Upton
Westmoreland
Whitfield
Wittman
Wolf

NOT VOTING—24

Barrett (SC)
Berry
Bilbray
Boyd
Brown (SC)
Gallegly
Gonzalez
Hoekstra
Jackson Lee
(TX)

Kosmas
McCotter
Meek (FL)
Miller (FL)
Murphy, Patrick
Neugebauer
Pence
Radanovich
Ruppersberger

Sánchez, Linda
T.
Tiahrt
Towns
Wamp
Wasserman
Schultz
Young (AK)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are reminded there are less than 2 minutes remaining in this vote.

□ 1717

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. BOYD. Mr. Speaker, due to personal reasons, I was unable to attend a vote. Had I been present, my vote would have been “yea” on final passage of H.R. 4715—Clean Estuaries Act of 2010.

CONGRATULATING DUKE UNIVERSITY ON WINNING THE NCAA BASKETBALL CHAMPIONSHIP

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and agreeing to the resolution, H. Res. 1242.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by

the gentlewoman from Ohio (Ms. FUDGE) that the House suspend the rules and agree to the resolution, H. Res. 1242.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

RECORDED VOTE

Mr. SCHAUER. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 390, noes 0, answered “present” 12, not voting 28, as follows:

[Roll No. 210]

AYES—390

Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Bachus
Baird
Baldwin
Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berkley
Berman
Biggert
Billrakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Bocchieri
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Brady (PA)
Brady (TX)
Bright
Broun (GA)
Brown, Corrine
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Capps
Capuano
Carnahan
Carson (IN)
Carter
Cassidy
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Chu
Clarke
Clay
Cleaver
Clyburn

Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Costa
Costello
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
DeGette
DeLauro
Dent
Deutch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Fallin
Farr
Fattah
Filner
Flake
Fleming
Forbes
Fortenberry
Foster
Foxy
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Garamendi
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Goodlatte
Gordon (TN)
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)

Green, Gene
Griffith
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Hunter
Inglis
Inslee
Nadler (NY)
Napolitano
Neal (MA)
Nunes
Obey

Lewis (GA)
Linder
Lipinski
LoBiondo
Loebach
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Lujan
Lummis
Lungren, Daniel
E.
Lynch
Mack
Maloney
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McDermott
McGovern
McHenry
McIntyre
McKeon
McMahon
McMorris
Rodgers
McNerney
Meeks (NY)
Melancon
Mica
Michaud
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Nunes
Obey

Olson
Oliver
Ortiz
Owens
Pallone
Pascarella
Pastor (AZ)
Paul
Paulsen
Payne
Perlmutter
Perriello
Peters
Peterson
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Putnam
Quigley
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano

Sessions
Sestak
Shadegg
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tanner
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiberi
Tierney
Titus
Tonko
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Waters
Watson
Watt
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano

ANSWERED “PRESENT”—12

Bralley (IA)
Cardoza
Carney
Cooper

Courtney
DeFazio
Edwards (MD)
Kagen

Kratovil
Maffei
Nye
Oberstar

NOT VOTING—28

Barrett (SC)
Berry
Bilbray
Blunt
Boyd
Brown (SC)
Brown-Waite,
Ginny
Gallegly
Gonzalez
Grijalva

Hoekstra
Jackson Lee
(TX)
Kosmas
McCotter
Meek (FL)
Miller (FL)
Neugebauer
Pence
Radanovich
Rogers (MI)

Ruppersberger
Sánchez, Linda
T.
Tiahrt
Towns
Wamp
Wasserman
Schultz
Welch
Young (AK)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised there are less than 2 minutes remaining in this vote.

□ 1725

Mr. KRATOVIK changed his vote from “no” to “present.”

So (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 877

Mr. FORBES. Mr. Speaker, I ask unanimous consent to remove Ms. ESHOO of California as a cosponsor of H.R. 877.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 5 o'clock and 25 minutes p.m.), the House stood in recess subject to the call of the Chair.

□ 1910

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. JACKSON of Illinois) at 7 o'clock and 10 minutes p.m.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, April 15, 2010.

Hon. NANCY PELOSI,
The Speaker, House of Representatives,
Washington, DC.

DEAR MADAM SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on April 15, 2010 at 6:46 p.m.:

That the Senate passed with an amendment H.R. 4851.

With best wishes, I am

Sincerely,

LORRAINE C. MILLER,
Clerk of the House.

MAKING IN ORDER CONSIDERATION OF SENATE AMENDMENT TO H.R. 4851, CONTINUING EXTENSION ACT OF 2010

Mr. LEVIN. Mr. Speaker, I ask unanimous consent that it be in order at any time to take from the Speaker's table the bill (H.R. 4851) to provide a temporary extension of certain programs, and for other purposes, with the

Senate amendment thereto, and to consider in the House, without intervention of any point of order or question of consideration, a motion offered by the chair of the Committee on Ways and Means or his designee that the House concur in the Senate amendment; that the Senate amendment be considered as read; that the motion be debatable for 1 hour equally divided and controlled by the chair and ranking minority member of the Committee on Ways and Means; and that the previous question be considered as ordered on the motion to final adoption without intervening motion.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

CONTINUING EXTENSION ACT OF 2010

Mr. LEVIN. Mr. Speaker, pursuant to the order of the House of today, I call up the bill (H.R. 4851) to provide a temporary extension of certain programs, and for other purposes, with the Senate amendment thereto, and ask for its immediate consideration.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The Clerk will designate the Senate amendment.

The text of the Senate amendment is as follows:

Senate amendment:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Continuing Extension Act of 2010".

SEC. 2. EXTENSION OF UNEMPLOYMENT INSURANCE PROVISIONS.

(a) IN GENERAL.—(1) Section 4007 of the Supplemental Appropriations Act, 2008 (Public Law 110-252; 26 U.S.C. 3304 note) is amended—

(A) by striking "April 5, 2010" each place it appears and inserting "June 2, 2010";

(B) in the heading for subsection (b)(2), by striking "APRIL 5, 2010" and inserting "JUNE 2, 2010"; and

(C) in subsection (b)(3), by striking "September 4, 2010" and inserting "November 6, 2010".

(2) Section 2002(e) of the Assistance for Unemployed Workers and Struggling Families Act, as contained in Public Law 111-5 (26 U.S.C. 3304 note; 123 Stat. 438), is amended—

(A) in paragraph (1)(B), by striking "April 5, 2010" and inserting "June 2, 2010";

(B) in the heading for paragraph (2), by striking "APRIL 5, 2010" and inserting "JUNE 2, 2010"; and

(C) in paragraph (3), by striking "October 5, 2010" and inserting "December 7, 2010".

(3) Section 2005 of the Assistance for Unemployed Workers and Struggling Families Act, as contained in Public Law 111-5 (26 U.S.C. 3304 note; 123 Stat. 444), is amended—

(A) by striking "April 5, 2010" each place it appears and inserting "June 2, 2010"; and

(B) in subsection (c), by striking "September 4, 2010" and inserting "November 6, 2010".

(4) Section 5 of the Unemployment Compensation Extension Act of 2008 (Public Law 110-449; 26 U.S.C. 3304 note) is amended by striking "September 4, 2010" and inserting "November 6, 2010".

(b) FUNDING.—Section 4004(e)(1) of the Supplemental Appropriations Act, 2008 (Public Law 110-252; 26 U.S.C. 3304 note) is amended—

(1) in subparagraph (C), by striking "and" at the end;

(2) by inserting after subparagraph (D) the following new subparagraph:

"(E) the amendments made by section 2(a)(1) of the Continuing Extension Act of 2010; and".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the enactment of the Temporary Extension Act of 2010 (Public Law 111-144).

SEC. 3. EXTENSION AND IMPROVEMENT OF PREMIUM ASSISTANCE FOR COBRA BENEFITS.

(a) EXTENSION OF ELIGIBILITY PERIOD.—Subsection (a)(3)(A) of section 3001 of division B of the American Recovery and Reinvestment Act of 2009 (Public Law 111-5), as amended by section 3(a) of the Temporary Extension Act of 2010 (Public Law 111-144), is amended by striking "March 31, 2010" and inserting "May 31, 2010".

(b) RULES RELATING TO 2010 EXTENSION.—Subsection (a) of section 3001 of division B of the American Recovery and Reinvestment Act of 2009 (Public Law 111-5), as amended by section 3(b) of the Temporary Extension Act of 2010 (Public Law 111-144), is amended by adding at the end the following:

"(18) RULES RELATED TO APRIL AND MAY 2010 EXTENSION.—In the case of an individual who, with regard to coverage described in paragraph (10)(B), experiences a qualifying event related to a termination of employment on or after April 1, 2010 and prior to the date of the enactment of this paragraph, rules similar to those in paragraphs (4)(A) and (7)(C) shall apply with respect to all continuation coverage, including State continuation coverage programs."

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the provisions of section 3001 of division B of the American Recovery and Reinvestment Act of 2009.

SEC. 4. INCREASE IN THE MEDICARE PHYSICIAN PAYMENT UPDATE.

Paragraph (10) of section 1848(d) of the Social Security Act, as added by section 1011(a) of the Department of Defense Appropriations Act, 2010 (Public Law 111-118) and as amended by section 5 of the Temporary Extension Act of 2010 (Public Law 111-144), is amended—

(1) in subparagraph (A), by striking "March 31, 2010" and inserting "May 31, 2010"; and

(2) in subparagraph (B), by striking "April 1, 2010" and inserting "June 1, 2010".

SEC. 5. EHR CLARIFICATION.

(a) QUALIFICATION FOR CLINIC-BASED PHYSICIANS.—

(1) MEDICARE.—Section 1848(o)(1)(C)(ii) of the Social Security Act (42 U.S.C. 1395w-4(o)(1)(C)(ii)) is amended by striking "setting (whether inpatient or outpatient)" and inserting "inpatient or emergency room setting".

(2) MEDICAID.—Section 1903(t)(3)(D) of the Social Security Act (42 U.S.C. 1396b(t)(3)(D)) is amended by striking "setting (whether inpatient or outpatient)" and inserting "inpatient or emergency room setting".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall be effective as if included in the enactment of the HITECH Act (included in the American Recovery and Reinvestment Act of 2009 (Public Law 111-5)).

(c) IMPLEMENTATION.—Notwithstanding any other provision of law, the Secretary of Health and Human Services may implement the amendments made by this section by program instruction or otherwise.

SEC. 6. EXTENSION OF USE OF 2009 POVERTY GUIDELINES.

Section 1012 of the Department of Defense Appropriations Act, 2010 (Public Law 111-118), as

amended by section 7 of the Temporary Extension Act of 2010 (Public Law 111-144), is amended by striking "March 31, 2010" and inserting "May 31, 2010".

SEC. 7. EXTENSION OF NATIONAL FLOOD INSURANCE PROGRAM.

(a) **EXTENSION.**—Section 129 of the Continuing Appropriations Resolution, 2010 (Public Law 111-68), as amended by section 8 of Public Law 111-144, is amended by striking "by substituting" and all that follows through the period at the end and inserting "by substituting May 31, 2010, for the date specified in each such section."

(b) **EFFECTIVE DATE.**—The amendments made by subsection (a) shall be considered to have taken effect on February 28, 2010.

SEC. 8. COMPENSATION AND RATIFICATION OF AUTHORITY RELATED TO LAPSE IN HIGHWAY PROGRAMS.

(a) **COMPENSATION FOR FEDERAL EMPLOYEES.**—Any Federal employees furloughed as a result of the lapse in expenditure authority from the Highway Trust Fund after 11:59 p.m. on February 28, 2010, through March 2, 2010, shall be compensated for the period of that lapse at their standard rates of compensation, as determined under policies established by the Secretary of Transportation.

(b) **RATIFICATION OF ESSENTIAL ACTIONS.**—All actions taken by Federal employees, contractors, and grantees for the purposes of maintaining the essential level of Government operations, services, and activities to protect life and property and to bring about orderly termination of Government functions during the lapse in expenditure authority from the Highway Trust Fund after 11:59 p.m. on February 28, 2010, through March 2, 2010, are hereby ratified and approved if otherwise in accord with the provisions of the Continuing Appropriations Resolution, 2010 (division B of Public Law 111-68).

(c) **FUNDING.**—Funds used by the Secretary to compensate employees described in subsection (a) shall be derived from funds previously authorized out of the Highway Trust Fund and made available or limited to the Department of Transportation by the Consolidated Appropriations Act, 2010 (Public Law 111-117) and shall be subject to the obligation limitations established in such Act.

(d) **EXPENDITURES FROM HIGHWAY TRUST FUND.**—To permit expenditures from the Highway Trust Fund to effectuate the purposes of this section, this section shall be deemed to be a section of the Continuing Appropriations Resolution, 2010 (division B of Public Law 111-68), as in effect on the date of the enactment of the last amendment to such Resolution.

SEC. 9. SATELLITE TELEVISION EXTENSION.

(a) **AMENDMENTS TO SECTION 119 OF TITLE 17, UNITED STATES CODE.**—

(1) **IN GENERAL.**—Section 119 of title 17, United States Code, is amended—

(A) in subsection (c)(1)(E), by striking "April 30, 2010" and inserting "May 31, 2010"; and

(B) in subsection (e), by striking "April 30, 2010" and inserting "May 31, 2010".

(2) **TERMINATION OF LICENSE.**—Section 1003(a)(2)(A) of Public Law 111-118 is amended by striking "April 30, 2010", and inserting "May 31, 2010".

(b) **AMENDMENTS TO COMMUNICATIONS ACT OF 1934.**—Section 325(b) of the Communications Act of 1934 (47 U.S.C. 325(b)) is amended—

(1) in paragraph (2)(C), by striking "April 30, 2010" and inserting "May 31, 2010"; and

(2) in paragraph (3)(C), by striking "May 1, 2010" each place it appears in clauses (ii) and (iii) and inserting "June 1, 2010".

SEC. 10. EXTENSION OF SMALL BUSINESS LOAN GUARANTEE PROGRAM.

(a) **APPROPRIATION.**—There is appropriated, out of any funds in the Treasury not otherwise

appropriated, \$80,000,000, for an additional amount for "Small Business Administration—Business Loans Program Account", to remain available until expended, for the cost of fee reductions and eliminations under section 501 of division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111-5; 123 Stat. 151) and loan guarantees under section 502 of division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111-5; 123 Stat. 152), as amended by this section: Provided, That such costs shall be as defined in section 502 of the Congressional Budget Act of 1974.

(b) **EXTENSION OF SUNSET DATE.**—Section 502(f) of division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111-5; 123 Stat. 153) is amended by striking "April 30, 2010" and inserting "May 31, 2010".

SEC. 11. SENSE OF THE SENATE REGARDING A VALUE ADDED TAX.

It is the sense of the Senate that the Value Added Tax is a massive tax increase that will cripple families on fixed income and only further push back America's economic recovery and the Senate opposes a Value Added Tax.

SEC. 12. DETERMINATION OF BUDGETARY EFFECTS.

(a) **IN GENERAL.**—The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled "Budgetary Effects of PAYGO Legislation" for this Act, submitted for printing in the Congressional Record by the Chairman of the Senate Budget Committee, provided that such statement has been submitted prior to the vote on passage.

(b) **EMERGENCY DESIGNATION FOR CONGRESSIONAL ENFORCEMENT.**—This Act, with the exception of section 4, is designated as an emergency for purposes of pay-as-you-go principles. In the Senate, this Act is designated as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

(c) **EMERGENCY DESIGNATION FOR STATUTORY PAYGO.**—This Act, with the exception of section 4, is designated as an emergency requirement pursuant to section 4(g) of the Statutory Pay-As-You-Go Act of 2010 (Public Law 111-139; 2 U.S.C. 933(g)).

MOTION TO CONCUR

Mr. LEVIN. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will report the motion.

The Clerk read as follows:

Mr. Levin moves that the House concur in the Senate amendment.

The SPEAKER pro tempore. Pursuant to the order of the House of today, the motion shall be debatable for 1 hour, equally divided and controlled by the chair and ranking minority member of the Committee on Ways and Means.

The gentleman from Michigan (Mr. LEVIN) and the gentleman from Texas (Mr. BRADY) each will control 30 minutes.

The Chair recognizes the gentleman from Michigan.

GENERAL LEAVE

Mr. LEVIN. Mr. Speaker, I ask unanimous consent that Members have 5 legislative days to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. LEVIN. Mr. Speaker, I now yield myself as much time as I may consume.

Mr. Speaker, actually, this issue can be stated very succinctly, very briefly and, I think, very compellingly. We now have 6½ million unemployed workers who have been looking for a new job for over 6 months. That's twice the number of long-term unemployed compared to any other time on record before this recession. I repeat, twice the number of long-term unemployed compared to any other time on record before this recession.

Furthermore, under both Democrats and Republicans, we have routinely considered extended unemployment benefits emergency spending, and we've passed extensions before in this House by voice vote. And yet, in the other body, Republicans blocked assistance to these jobless workers and to their families. They claimed their opposition was rooted in concern about the deficit.

Well, just briefly saying what that's all about, in the past, those who now raise this issue have presided over increases in the deficit, paying for tax cuts, paying for the Iraq war, paying for other programs, passing them without paying for them at all.

□ 1915

So, in a word, we should now rise together and pass this bill. The unemployed people of this country are waiting. Those looking for work when there are no jobs available are waiting for action by this House. At long last, the Senate has acted, and I'm hopeful that we'll be able to reach beyond partisan divide, beyond partisan rhetoric and pass this bill with a strong, strong bipartisan vote.

The unemployed people of this country deserve it. They're looking to this House. And those who talk about balancing budgets who have not balanced them in the past should not be now trying to do so on the backs of hundreds of thousands of unemployed in our beloved country.

I reserve the balance of my time.

Mr. BRADY of Texas. Mr. Speaker, I yield myself so much time as I may consume.

Mr. Speaker, I support American workers and families, and that is why I must oppose the legislation before us that would heap another \$18 billion onto the dangerous deficits this Congress has already amassed and that American workers will ultimately be made to pay for in the coming years. On this Tax Day, as an overburdened Nation staggering under dangerous deficits, we need to send this bill back to the drawing board and return with legislation that is paid for that will not create more debt, that will help create more jobs instead of economic uncertainty and, ultimately, more job losses.

The legislation before us would extend for another 2 months special Federal spending programs that today

allow unemployed workers to collect up to 99 weeks of benefits in most States. That is nearly 2 years of unemployment checks today which are by far an all-time U.S. record. That compares with a total of up to 26 weeks of benefits payable in almost all States during normal times.

We all want to help unemployed workers who are frustrated by a White House who has taken their eye off the economic ball. They're frustrated by this Congress that has sought an extreme agenda rather than focusing on jobs. But it is impossible to ignore the fact that those extra 73 weeks of Federal benefits paid today, a full 17 months courtesy of Federal taxpayers, come at an enormous price.

In all, this bill would add \$18 billion—that is more than the size of the entire NASA budget—add that to this year's trillion dollar deficit, including \$13 billion more for the unemployment benefits it would extend. That is on top of the approximately \$100 billion spent so far on these programs; and, if extended for the remainder of this year as we expect, another \$50 billion more would be added to the national debt.

None of this has or will be paid for. In fact, the Federal unemployment account has long since been bankrupted; yet we continue to spend, and now are being bailed out with general revenues. And who will bail out general revenues when they run out? Taxpayers, through more taxes and more general revenues the government extracts from them.

So far in the past year and 2 months since the President has been in office, taxpayers are paying \$2,100 more per individual because of \$670 billion in new tax increases. And if President Obama's budget is approved by the Democratic Congress, we will heap almost \$3 trillion more on American taxpayers. And what's sad, again, is that we continue to heap debt without any opportunity, without any promise that is kept to pay for them.

When our Democrat friends took office, they promised they would pay for the wars, pay for the Iraq and Afghanistan wars, but not a dime yet. They promised they would balance the budget. Today we see trillion dollar deficits as far as the eye can see. They enacted PAYGO and said we're going to pay for all new spending, but as this bill today shows, they've done nothing of that and, in fact, have invented extravagant loopholes, declared anything an emergency simply as an excuse to continue spending. And, of course, they promised to curb earmarks. In fact, eliminating earmarks could nearly pay for this bill, but they've not kept that promise either.

Mr. Speaker, we can do better than this. What unemployed workers really want are jobs and paychecks, not almost 2 years of unemployment checks and more massive debt for our country. Unfortunately, jobs are something

Democrats in this Congress have been totally incapable of delivering.

Instead of creating 3.7 million jobs as promised, their stimulus bill was followed by 3 million more job losses. Instead of holding unemployment under 8 percent as promised, it soared to nearly 10 percent and remains close to that today.

Sixteen million Americans are unemployed, including record numbers for over a year. In fact, the White House promised, if you passed the stimulus, 90 percent of the new jobs we create would be in the private sector. The opposite is true. The private sector has lost 3.7 million jobs, but government jobs have been created—almost 300,000. So the people who are getting these unemployment benefits are the ones whose promises have not been kept by this White House and this Democrat Congress.

We need to start over and actually start paying for new spending, starting with this bill. The only way to do that is to defeat this bill and bring it back in a paid-for fashion.

But beyond that, Mr. Speaker, we also need to do the things that really help create jobs for workers. We can start by stopping frightening the job creators; businesses who are delaying important rehiring decisions, investment decisions, frightened by all of the new taxes proposed in Congress, the new health care mandates, the rising energy taxes, the talk of new regulations. We have to stop frightening consumers who know that, ultimately, they'll be relied on to pay this terrible debt.

We need to reward innovation and small business job creation through lower taxes and support for innovation, and we need to pursue free trade agreements that find new customers for American workers and American companies. That is why, Mr. Speaker, we must send this bill back and make it paid for, and stop punishing American workers and families.

I reserve the balance of my time.

Mr. LEVIN. I yield myself 30 seconds.

Once again, the party of "no" has spoken. Every jobs bill that has come before us they have voted "no." When the President came to power, we were losing 779,000 jobs a month. The last month we gained 162,000 jobs. The people of this country deserve more than a "no," another "no" from the party of "no."

I now yield 3 minutes to the distinguished gentleman from the State of Washington who is chairman of the subcommittee, Mr. McDERMOTT.

Mr. McDERMOTT. Mr. Speaker, my good friend from Texas, I couldn't have asked for a better setup man for a straight man because, I dare say, there are many Members at one time or another who had something to say hypocritical either on the floor or on the campaign trail. But I don't ever recall

the blatant hypocrisy behind the cornerstone of an argument to deny benefits to hundreds of thousands of people who have lost their jobs through no fault of their own, that is, until the recent debate about extending unemployment benefits.

The Senate Republicans, and now my House Republican colleagues, have cut off unemployment benefits for hundreds of thousands of jobless Americans for the last 2 weeks because they say they're upset about the budget deficit. Isn't that something. They claim we can't afford to help the unemployed unless the cost of these benefits is offset, even though Congress has routinely considered such benefits to be emergency spending which doesn't require offsets.

Maybe my mind is failing, I don't know, but I don't remember these concerns coming up from our Republican colleagues when there was discussion about the \$1 trillion cost of the wars in Afghanistan and Iraq, not a penny of which was offset. President Bush never asked for any sacrifice from the American people. He said, We can just go out and fight a war and it will be paid for sometime when I'm not here. I also don't recall any Republicans expressing concern about the nearly \$2 billion spent on two successive tax cuts that went mainly to the wealthy. That is why you will have to forgive me if I seem a little frustrated that Republicans have miraculously discovered fiscal responsibility. I don't know. They must have turned over a rock somewhere.

When they're talking about unemployment benefits, they suddenly worry about paying for it. A measly \$18 billion. President Bush put us \$3 trillion in debt, and now they're worrying about \$18 billion. They were happy to help their President turn the biggest surplus in our Nation's history into the biggest deficit in our Nation's history, but now when it comes to help the unemployed workers and their families, Senate Republicans say we just can't afford to do it. So they delayed and obstructed the bill for weeks until the Senate finally cleared the Republican filibuster earlier this evening.

We're here tonight to pass that bill to provide an extension through May for a number of programs that are expiring at the end of the month, including Federal unemployment insurance. We're going to take another one of these votes in June.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. LEVIN. I yield the gentleman an additional 1 minute.

Mr. McDERMOTT. We will be back here on June 1 going through this same charade all over again. We will hear about the terrible budget deficits. But the people who are unemployed and can't buy food to put it on the table, they're not listening to you people.

The benefits under this bill will be retroactive, so unemployed workers who were cut off during the last 2 weeks will receive compensation. That is the least we can do for those who have lost their job through no fault of their own.

Six weeks from now, as I say, we will be back to continue this again. We will be pushing for a much longer extension of Federal unemployment programs to ensure that jobless Americans are not continually held hostage every month to the Republicans and their hypocrisy.

I was recently reading an article about a man who was laid off. He had an MBA. He played by the rules, made a good living, but it was taking him many months to find work. He said, "For someone that is unemployed right now, you need to turn off the news. It will affect the positive attitude you need to have. You've got to be positive, because it's not easy."

The SPEAKER pro tempore. The time of the gentleman has again expired.

Mr. LEVIN. I yield the gentleman an additional 1 minute.

Mr. McDERMOTT. Americans can't stomach this Republican hypocrisy anymore. And I sincerely hope that when the unemployed go to vote in this election, they remember the attitude of the Republicans toward them when they were in need, because maybe then the Republicans will get the message.

Mr. BRADY of Texas. I yield myself 30 seconds.

I would remind people the Democratic Congress handed President Obama a trillion dollar deficit, eight times larger than Republicans when we held this Congress. The stimulus bill alone was larger than the Iraq and Afghanistan wars. And, unfortunately, only 6 percent of Americans feel the stimulus has helped create jobs in America. What a terrible waste.

With that, I would yield 3 minutes to the distinguished gentleman from Kansas (Mr. MORAN).

Mr. MORAN of Kansas. Today is April 15, Tax Day, and across the country citizens concerned with the direction our Nation is headed are rallying together to send Washington, D.C., a message. Though I was unable to join the people at these rallies, it is my duty to be here in the House of Representatives today to share their message and to speak and to vote against this bill.

First, this bill is shortsighted because it increases the deficit by \$18 billion, a cost to be paid for by future generations. This Congress has spent and borrowed its way into record deficits.

Second, the so-called doc fix in this bill is an example of Congress avoiding real solutions necessary to improve health care for Americans. The short-term doc fix included in this bill is hardly a fix when Kansas hospitals and

doctors have to endure this wait-and-see game every few months while still working to care for folks and keep their doors open. We need a permanent solution to this ongoing problem so that doctors can regain a sense of stability and predictability in their practices.

And thirdly, despite its intention, this bill does little to address our country's persistent high unemployment rate. Rather than continuing to spend money we do not have, Congress needs to pursue a strategy of job creation. This legislation is yet another unfortunate example of "business as usual" in our Nation's capital; same old story from a Congress that needs to learn its lessons from the American people, a story told one more time on this Tax Day, April 15.

Mr. LEVIN. I reserve the balance of my time.

Mr. BRADY of Texas. I yield myself as much time as I may consume for closing remarks.

□ 1930

Mr. Speaker, if the Democrat stimulus plan had worked as promised, we wouldn't be here tonight. If we had really created 3.7 million new jobs, as President Obama promised, as this Democrat Congress promised, these programs would have phased out already. Instead, we witness another 3 million Americans sitting home tonight without a job.

If the unemployment rate were 7.4 percent and falling as Democrats promised, these programs would be phased out, and we would be celebrating job creation. Instead, unemployment is near 10 percent and will remain at that level for more than a year. Consider that when the other side says we have to extend unemployment benefits to reduce unemployment, we have to extend unemployment to reduce unemployment. Consider that when the other side claims that Vice President BIDEN once said we have to spend money to keep from going bankrupt. We have to raise health care costs to reduce health care costs.

Well, we have done the stimulus and spent and spent and spent and added trillions of dollars to this dangerous American debt. Meanwhile, we are 6 million jobs short of where Democrats promised we would be. It hasn't worked. It's time to stop the madness. It's time to stop the spending. Defeat this bill and bring back legislation that will actually create jobs, not add to our Nation's horrible debt.

I yield back the balance of my time.

Mr. LEVIN. Mr. Speaker, I close, quoting a woman who spoke to my office today from Eastpointe, Michigan. She was laid off from a large accounting firm, and she says, "I was there for 2½ years. The firm let me go because they had some clients who closed shop because of the economy the way it is.

It was nothing I did. I received a raise every year I was there. I've been unemployed ever since. That was the end of May of last year, 2009.

"Without unemployment, we'd be in a lot of trouble. I'd probably lose my car."

Mr. Speaker, holding unemployed Americans, hundreds of thousands of them, like this woman, hostage to score what some think may be political points I think is reprehensible.

Ms. JACKSON LEE of Texas. Mr. Speaker, I rise in support of Senate Amendment to H.R. 4851, the Continuing Extension Act, to extend a range of programs.

On March 17, the House passed H.R. 4851, emergency legislation that would extend a range of programs that unfortunately expired. These programs included: unemployment benefits; help with health insurance for the unemployed, COBRA; the highway bill; satellite TV; delay in the cut in Medicare physician payments; flood insurance; and small business loan guarantees. We passed this emergency legislation in the House, but Republican Senator JIM BUNNING single-handedly blocked passage of this emergency measure, despite the critical needs of millions of families across the United States during this economic downturn.

As a result, a 2-day shutdown of these programs that jeopardized unemployment benefits for more than 1 million Americans and furloughed thousands of highway and transit workers. This bill compensates Transportation Department employees who were furloughed during the lapse in the Federal highway, highway and motor carrier safety, and public transit programs. Unfortunately, Republican Senator COBURN has now put a hold on H.R. 4786, which passed the House by voice vote last week, to address this problem for transportation workers.

The following programs are now being extended:

Unemployment Insurance: Extends unemployment benefits, including the increased payouts and longer duration of benefits from the Recovery Act through May 5.

Help with Health Insurance for Unemployed Workers, COBRA: Extends eligibility for the COBRA health insurance 65 percent subsidy for people who have lost their jobs through April 30.

Medicare Physician Payments: Extends current Medicare payment rates for physicians, preventing a 21 percent payment reduction, through April 30, 2010.

Flood Insurance: Extends the National Flood Insurance Program authorization through April 30.

Satellite Television: Extends the compulsory copyright license used by satellite television providers through April 30, 2010.

Compensation for Furloughed Employees: Provides compensation for federal employees furloughed during March 1 and 2 as the result of the lapse in expenditure authority from the Highway Trust Fund.

Medicare Therapy Caps Exceptions: Extends exceptions process for beneficiary payment limits on outpatient therapy services through April 30, 2010.

Poverty Guidelines: Extends current provision maintaining 2009 poverty guidelines

through April 30, 2010, to prevent a lowering of the poverty line due to deflation in 2009.

This bill is the right thing to do. We still need to do more to put jobs in the hands of Americans. Unemployment in the Houston-Sugar Land-Baytown region climbed to 5.4 percent in October, according to a recent report from the Texas Workforce Commission. There were 152,300 people without jobs during the month out of a total civilian labor force of about 2.8 million, compared with 144,200 people, or 5.1 percent, unemployed out of a civilian labor force of 2.8 million in September, according to the TWC. The unemployment rate in October was up from 4 percent a year ago. Getting all Americans back to work is, and should be our number one priority.

Mr. Speaker, I am very pleased to join my colleagues in doing the right thing for the American people in these challenging economic times. We owe that to the people whom we are sent here to serve.

Mr. CONYERS. Mr. Speaker, I rise in strong support of H.R. 4851, the "Continuing Extension Act of 2010." Earlier today, the Senate passed this critically important measure, which will provide short term extensions to several lapsed programs, including extended unemployment benefits and COBRA health insurance subsidies. The bill also ensures that physicians who care for Medicare patients will not suffer a debilitating cut in their reimbursement rates, which could potentially cause them to cease providing care.

We pass these needed and humane extensions tonight to ease the pain being felt by our fellow citizens around the country. I sincerely hope this is the last time we are forced to cut off this social lifeline because of the dilatory tactics of Senate Republicans. Food, shelter, and health care are too important to be subjected to petty political battles. I encourage all my colleagues to support the bill.

Mr. STARK. Mr. Speaker, I rise in support of the Senate amendments to H.R. 4851, the Continuing Extension Act of 2010. As its title suggests, this bill continues a number of vital programs affecting people's health and economic wellbeing. It deserves strong bipartisan support. I'd like to highlight several key components.

On the economic front, the legislation will ensure that hundreds of thousands of workers can maintain their unemployment benefits by extending and fully funding both the Emergency Unemployment Compensation and Extended Benefits programs for an additional 2 months. It also continues the \$25 per week supplementary payment for all unemployment recipients.

With regard to health care, this legislation will continue the temporary COBRA premium assistance program through May 31 of this year. This program was created in the American Recovery and Reinvestment Act and provides a 65 percent COBRA premium subsidy for workers who have been involuntarily terminated. The subsidy is available for up to 15 months. This program has allowed workers who've lost their jobs during the recession to maintain their families' health insurance as they search for new employment. It is an important program and I am pleased to support this extension. I also look forward to pursuing legislation to extend this program through the end of the year.

The bill also protects Medicare for our senior citizens and people with disabilities by forestalling a 21 percent payment cut to Medicare physicians. Passage of this bill provides a reprieve until the end of May, but isn't a long term solution.

With regard to Medicare physician payments, the House passed legislation late last year that would have permanently solved our ongoing dilemma with the sustainable growth rate, SGR, physician payment formula in Medicare. Our legislation, H.R. 3961, would have created a new formula that emphasized primary care and encouraged physicians to join together in accountable care organizations to provide more efficient higher quality care.

I am committed to continuing to work with my colleagues in Congress, the Administration, and the physician community to eliminate the SGR and move to a revised payment formula that ensures that physicians are fairly compensated and enhances quality and efficiency in Medicare.

These programs are too important to let a few Republican Senators hold them hostage month by month. I urge my colleagues to vote yes to extend these vital programs now and to work with us on a bipartisan basis for longer term solution on them all.

Mr. CAMP. Mr. Speaker, I rise in support of this bill, despite its obvious shortcomings.

On March 17, the House approved the prior version of this bill, which would have extended Federal unemployment, COBRA and related benefits, plus the Medicare "doc fix," through the month of April.

Everyone in this town knew those benefits and programs were poised to expire at the end of March if Congress failed to act. But because Senate Democrats refused to pay for a 1 month extension and House Democrats refused to pay for even a 1 week extension, hundreds of thousands have missed an unemployment benefit payment, among other painful effects.

Now that the Senate has finally acted, we are considering a bill to extend these programs, yet again. Only this time, the extension is not just for 1 month, but 2. Predictably, this will add twice as much to the already massive deficit—\$18 billion instead of \$9 billion.

Unfortunately, efforts in the Senate to add offsets, so that these important provisions do not add to the deficit, were defeated. And, disappointingly, as it has continued to do in recent months, the House is debating this bill today under procedures which do not even allow us to offer a paid-for alternative.

In the past, I have consistently voted for bills extending unemployment benefits. I will reluctantly vote for this bill today, because voting yes is the only way to continue these important benefits for laid off workers in my State, where the unemployment rate is a staggering 14 percent.

Simply put, we should not punish those workers for the failure of the Congress to find a way to pay for the extension of these benefits. Similarly, we shouldn't punish seniors, who risk losing access to doctors if we don't reverse the 21 percent cut in the physician fee schedule that took effect at the start of this month. We all knew this cut was coming, yet for the second time in as many months, the Democrats' failure to act allowed this cut to go into place.

But everyone should know this bill is far removed from what we really should be doing. What we should really be doing is paying for the new spending we approved, instead of simply adding it onto our already overcharged national credit card.

In the longer run, we all know that unemployed workers and their families need something more than another round of extended unemployment benefits. Most of all they need jobs. And jobs are something this majority has been totally incapable of producing.

A little over a year ago, Democrats promised their trillion-dollar stimulus plan would create 3.7 million jobs. Yet that bill was followed by 3 million more job losses. Unemployment rose to 10 percent instead of the 8 percent peak the other side promised. And now 16 million Americans are unemployed, with millions out of work for over a year, both all-time records.

They deserve our help, but they also deserve a job and a country not sinking ever deeper into debt.

Mr. Speaker, the American people are generous. And they know that these continued unemployment benefits—especially in areas of the country where jobs are scarce—are important. But they also deserve a Congress that acts responsibly.

It is too late to add offsets to this bill, and I am not prepared to vote against it for that shortcoming, since it would further hurt many who are most in need of our help. But the next time we deal with this issue, Members need to have a real choice so that we can help workers without hurting future taxpayers by driving up the debt by tens of billions of dollars.

Mr. LINDER. Mr. Speaker, the legislation before us would extend for another 2 months special Federal programs that today mean unemployed workers can collect up to 99 weeks of benefits in most States. This compares with a total of up to 26 weeks of benefits in almost all States during normal times. Other Members note the massive expense of all this spending, which would grow by another \$18 billion in just the next 2 months. None of it paid for, just as none of the more than \$100 billion in "emergency" Federal unemployment spending has been paid for since this program began in mid-2008.

But stepping back, what are those 73 weeks of additional benefits, at a cost now of \$7–8 billion per month, buying American workers and taxpayers? The answer is a whole lot of disincentives to work, according to recent articles.

The April 13 Wall Street Journal ("Incentives Not to Work: Larry Summers v. Senate Democrats on jobless benefits") put it this way, summarizing the effect of unemployment benefits on returns to work:

The second way government assistance programs contribute to long-term unemployment is by providing an incentive, and the means, not to work. Each unemployed person has a 'reservation wage'—the minimum wage he or she insists on getting before accepting a job. Unemployment insurance and other social assistance programs increase [the] reservation wage, causing an unemployed person to remain unemployed longer." Any guess who wrote that? Milton Friedman, perhaps. Simon Legree? Sorry. Full credit goes to Lawrence H. Summers, the current White

House economic adviser, who wrote those sensible words in his chapter on "Unemployment" in the Concise Encyclopedia of Economics, first published in 1999.

The experts at the Brookings Institution have reported that these unemployment extensions "correspond to between 0.7 and 1.8 percentage points of the 5.5 percentage point increase in the unemployment rate witnessed in the current recession." So even if you accept the low end of the estimate, unemployment would be 9 percent instead of today's 9.7 percent rate. At the other end, the unemployment rate might be below 8 percent but for the effect of extended unemployment benefit extending and thus increasing unemployment.

And in case my colleagues on the other side say these effects only matter when unemployment is low and jobs are plentiful, guess again. As noted by the scholar Amity Shines this past week, "Two scholars, Stepan Jurajda and Frederick Tannery, looked at Pittsburgh in the first half of the 1980s, a period when the Nation had two temporary increases in unemployment benefits. They determined that one third of those claiming unemployment found work within weeks of the expiration of their benefits, but not before." And that was when Pittsburgh had unemployment rates far above the US average today, suggesting that the benefits and not the unemployment rate are reason behind extended and increased unemployment.

Mr. Speaker, we can do better than this. What unemployed workers really want are jobs and paychecks. We need to start over and do the things that really help create jobs for unemployed workers. That means repealing Democrats' government health care take-over law and scrapping their energy tax hike plans. It means extending expiring tax cuts on businesses and individuals and ending wasteful stimulus spending. And it means committing to not increase any tax until the economy has fully recovered.

Mr. LEVIN. I yield back the balance of my time.

The SPEAKER pro tempore. All time for debate has expired.

Pursuant to the order of the House of today, the previous question is ordered.

The question is on the motion by the gentleman from Michigan (Mr. LEVIN).

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. LEVIN. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 289, noes 112, not voting 29, as follows:

[Roll No. 211]

AYES—289

Ackerman	Becerra	Boswell
Aderholt	Berkley	Boucher
Adler (NJ)	Berman	Brady (PA)
Altmire	Biggart	Braley (IA)
Andrews	Bilirakis	Bright
Arcuri	Bishop (GA)	Brown, Corrine
Baca	Bishop (NY)	Brown-Waite,
Baird	Blumenauer	Ginny
Baldwin	Boccieri	Buchanan
Barrow	Bonner	Burgess
Bean	Boren	Butterfield

Camp	Holden	Perriello
Cao	Holt	Peters
Capps	Honda	Peterson
Capuano	Hoyer	Petri
Cardoza	Insole	Pingree (ME)
Carnahan	Israel	Platts
Carney	Jackson (IL)	Polis (CO)
Carson (IN)	Johnson (GA)	Pomeroy
Cassidy	Johnson (IL)	Posey
Castle	Johnson, E. B.	Price (NC)
Castor (FL)	Jones	Putnam
Chandler	Kagen	Quigley
Childers	Kanjorski	Rahall
Chu	Kaptur	Rangel
Clarke	Kennedy	Reichert
Clay	Kildee	Reyes
Cleaver	Kilpatrick (MI)	Richardson
Clyburn	Kilroy	Rodriguez
Cohen	Kind	Roe (TN)
Connolly (VA)	Kirk	Rogers (AL)
Conyers	Kirkpatrick (AZ)	Rogers (MI)
Costa	Kissell	Ros-Lehtinen
Costello	Klein (FL)	Ross
Courtney	Kratovil	Rothman (NJ)
Crenshaw	Kucinich	Roybal-Allard
Crowley	Langevin	Rush
Cuellar	Larsen (WA)	Ryan (OH)
Cummings	Larson (CT)	Salazar
Dahlkemper	LaTourette	Sanchez, Loretta
Davis (AL)	Lee (CA)	Sarbanes
Davis (CA)	Levin	Schakowsky
Davis (IL)	Lewis (GA)	Schauer
Davis (KY)	Lipinski	Schiff
Davis (TN)	LoBiondo	Schock
DeFazio	Loeb sack	Schrader
DeGette	Lofgren, Zoe	Schwartz
Delahunt	Lowe	Scott (GA)
DeLauro	Lujan	Scott (VA)
Dent	Lynch	Serrano
Deutch	Maffei	Sestak
Diaz-Balart, L.	Maloney	Shea-Porter
Diaz-Balart, M.	Manzullo	Sherman
Dicks	Markey (CO)	Shimkus
Dingell	Markey (MA)	Shuler
Doggett	Marshall	Sires
Donnelly (IN)	Matheson	Skelton
Doyle	Matsui	Slaughter
Driehaus	McCarthy (NY)	Smith (NJ)
Edwards (TX)	McCollum	Smith (WA)
Ehlers	McDermott	Snyder
Ellison	McGovern	Space
Ellsworth	McHenry	Spratt
Engel	McIntyre	Stark
Eshoo	McMahon	Stearns
Etheridge	McNerney	Stupak
Farr	Meeks (NY)	Sutton
Fattah	Melancon	Tanner
Finer	Michaud	Taylor
Foster	Miller (MI)	Teague
Frank (MA)	Miller (NC)	Thompson (CA)
Fudge	Miller, George	Thompson (MS)
Garamendi	Minnick	Tiberi
Gerlach	Mitchell	Tierney
Giffords	Mollohan	Titus
Gordon (TN)	Moore (KS)	Tonko
Grayson	Moore (WI)	Tsongas
Green, Al	Moran (VA)	Turner
Green, Gene	Murphy (CT)	Upton
Griffith	Murphy (NY)	Van Hollen
Grijalva	Murphy, Patrick	Velázquez
Gutierrez	Murphy, Tim	Visclosky
Hall (NY)	Nadler (NY)	Walden
Halvorson	Napolitano	Walz
Hare	Neal (MA)	Waters
Harman	Nye	Watson
Hastings (FL)	Oberstar	Watt
Heinrich	Obey	Waxman
Heller	Oliver	Weiner
Herseth Sandlin	Ortiz	Welch
Higgins	Owens	Whitfield
Hill	Pallone	Wilson (OH)
Himes	Pascrell	Woolsey
Hinchoy	Pastor (AZ)	Wu
Hinojosa	Paulsen	Yarmuth
Hirono	Payne	Young (FL)
Hodes	Perlmutter	

NOES—112

Akin	Bishop (UT)	Brown (GA)
Alexander	Blackburn	Burton (IN)
Austria	Blunt	Buyer
Bachmann	Bono Mack	Calvert
Bachus	Boozman	Campbell
Bartlett	Boustany	Cantor
Barton (TX)	Brady (TX)	

Chaffetz	Inglis	Nunes
Coble	Issa	Olson
Coffman (CO)	Jenkins	Paul
Cole	Johnson, Sam	Pitts
Conaway	Jordan (OH)	Poe (TX)
Cooper	King (IA)	Price (GA)
Culberson	King (NY)	Rehberg
Dreier	Kingston	Rogers (KY)
Duncan	Lamborn	Rohrabacher
Emerson	Lance	Rooney
Fallin	Latham	Roskam
Flake	Latta	Royce
Fleming	Lee (NY)	Ryan (WI)
Forbes	Lewis (CA)	Scalise
Fortenberry	Linder	Schmidt
Fox	Lucas	Sensenbrenner
Franks (AZ)	Lummis	Sessions
Frelinghuysen	Lungren, Daniel	Shadegg
Garrett (NJ)	E.	Shuster
Gingrey (GA)	Mack	Simpson
Gohmert	Marchant	Smith (NE)
Goodlatte	McCarthy (CA)	Smith (TX)
Granger	McCaul	Souder
Graves	McClintock	Sullivan
Guthrie	McKeon	Terry
Hall (TX)	McMorris	Thompson (PA)
Harper	Rodgers	Thornberry
Hastings (WA)	Mica	Westmoreland
Hensarling	Miller, Gary	Wilson (SC)
Herger	Moran (KS)	Wittman
Hunter	Myrick	Wolf

NOT VOTING—29

Barrett (SC)	Jackson Lee	Ruppersberger
Berry	(TX)	Sánchez, Linda
Bilbray	Kline (MN)	T.
Boehner	Kosmas	Speier
Boyd	Luetkemeyer	Tiahrt
Brown (SC)	McCotter	Towns
Capito	Meek (FL)	Wamp
Edwards (MD)	Miller (FL)	Wasserman
Gallegly	Neugebauer	Schultz
Gonzalez	Pence	Young (AK)
Hoekstra	Radanovich	

□ 2008

Mr. YOUNG of Florida changed his vote from "no" to "aye."

So the motion was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

HOOR OF MEETING TOMORROW

Mr. POLIS. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 1 p.m. tomorrow, and further, that when the House adjourns on that day, it adjourn to meet at 12:30 p.m. on Tuesday, April 20, 2010, for morning hour debate.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Colorado?

There was no objection.

CONGRATULATING THE PHILADELPHIA DAILY NEWS

(Ms. SCHWARTZ asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. SCHWARTZ. Mr. Speaker, today, it is my unique honor to congratulate Barbara Laker and Wendy Ruderman from the Philadelphia Daily News, winners of the prestigious 2010 Pulitzer Prize for investigative reporting. Their resourceful reporting exposed a rogue police narcotics squad, resulting in an FBI probe and in the review of hundreds of criminal cases tainted by the scandal.

Their investigative reporting series in the Philadelphia Daily News exposed allegations that a narcotics cop and his informant fabricated evidence so that the police could obtain warrants to enter homes and to make arrests. The series led to appropriate actions that better ensure the integrity and confidence that our law enforcement officers deserve.

Ms. Laker and Ms. Ruderman represent the finest tradition in the profession of journalism. Their commitment to journalistic principles, including the fulfillment of the role the press can play in exposing serious public failings, has earned them this prestigious prize and the accompanying well-deserved recognition.

Ms. Laker and Ms. Ruderman have brought excellence to the Philadelphia Daily News and to the Greater Philadelphia area. I congratulate them on their achievement and on the recognition they have received for their journalistic excellence.

HONORING THE LIFE AND SERVICE OF FALLEN ARMY RANGER CORPORAL MICHAEL JANKIEWICZ

(Mr. GARRETT of New Jersey asked and was given permission to address the House for 1 minute.)

Mr. GARRETT of New Jersey. Madam Speaker, I rise today in honor of Corporal Michael Jankiewicz, a recently fallen Army Ranger. Only 23 years old, this young man was killed in Afghanistan on April 9 when his Osprey helicopter crashed in Zabul province, just about 200 miles southwest of Kabul.

Michael grew up in my district. After graduating from Ramsey High School in 2006, he pursued his childhood dream and enlisted in the U.S. Army. You know, his father recalled that, even at 3 years old, Michael was talking about becoming a U.S. soldier. While pursuing his dream, he became a true hero, serving two tours in Iraq and two additional tours in Afghanistan with the 75th Ranger Regiment stationed out of Fort Benning, Georgia.

As an active Army Ranger, he saw some of the most dangerous action, but when Michael talked about his service to his family, his father says he would typically just say, "I just can't wait to get back to my platoon."

This young corporal was part of our Nation's premier light infantry force. Every day that he wore his uniform, he dedicated his best to this great country. He was among some of the best soldiers in the world because of the careful screening process and arduous training the Rangers must endure.

Michael is survived by his mother, Serena; by his father and stepmother, Anthony and Carmen; by his grandfather, Abraham Friedman; by his sister, Michelle; by his stepsister, Noemi Cagley; and by his stepbrother, Hector Emmanuelli.

His dedication to his country and to his fellow soldiers represents his tremendous sense of loyalty and selflessness. Corporal Michael Jankiewicz is a true American hero. His country will never forget him. He will never be forgotten by his friends, by his family, or by this country for whom he fought.

□ 2015

SPECIAL ORDERS

The SPEAKER pro tempore (Ms. TITUS). Under the Speaker's announced policy of January 6, 2009, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

ARIZONA IMMIGRATION BILL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Colorado (Mr. POLIS) is recognized for 5 minutes.

Mr. POLIS. Madam Speaker, I rise today to discuss the consequences of our failure to pass comprehensive immigration reform.

On Tuesday, lawmakers in Arizona passed new immigration enforcement legislation that allows local law enforcement officials to single out undocumented immigrants based solely upon a "reasonable belief" that they are undocumented and imprison them for up to 6 months. This bill will significantly undermine the efforts of many law enforcement agencies towards curbing racial profiling by police throughout the country and will increase crime by taking cops off their beats fighting crime and instead using them to enforce Federal immigration laws.

Arizona would force untrained State police officers to take the role of Federal immigration agents and somehow make the determination of whether the person is documented or not based upon their subjective belief or observations. It effectively mandates local police to engage in racial profiling and discrimination. This law would mandate the arrest of a person who can't present documentation of legal status. We can imagine all sorts of abuses and unnecessary harassment that will result from such an ill-conceived law. When one goes to the grocery store or takes one's kids to school, do we take a passport with us? I know I don't.

The true culprit here, sadly, is the United States Congress, not Arizona. Because we have refused to take action, States are being pressured on all sides to act. States have haphazardly passed a patchwork of laws in an attempt to deal with the pressing issue of immigration. These local laws have unintended consequences which often lead to disastrous results, as we will surely see in Arizona.

The Arizona law is a symptom of our broken immigration system, and only

Congress can truly solve the crisis. Immigration is fundamentally a Federal issue, and yet we here in Congress continue to fail in meeting our responsibility that's allocated to this body and the Federal Government. Until we can pass comprehensive immigration reform, these misguided local laws will continue to be passed in vain attempts to address the issue at a local level, and we will continue to suffer from the unintended consequences and abuses that they foster.

Yes, Arizona will suffer because of this law. How can we expect to recover from our recession if we chase away our workers, shrink our tax base, and scare honest, hardworking American families? Blanket discrimination and persecution is not the way to solve the immigration or economic crisis.

In order to prevent more States from following in Arizona's footsteps, I encourage my colleagues in Congress to act immediately to pass comprehensive immigration reform.

NO JUSTICE FOR LINDSAY BRASHIER

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. POE) is recognized for 5 minutes.

Mr. POE of Texas. Madam Speaker, Evelyn Mezzich is 32 years of age. She has a husband, a 2-year-old son, and she has a college degree she earned in the United States.

Evelyn Mezzich is also a charged killer and an absconder from the law. In a gross miscarriage of justice, she has been allowed to live out her luxurious life in her native country of Peru. She has never had to face the justice system for her crimes in the United States. She didn't have to face the consequences of her reckless conduct while living in America.

You see, in 1996, Evelyn Mezzich was driving drunk in Texas. She fell asleep at the wheel and had a head-on collision with a telephone poll. Mezzich had minor injuries, but in the collision she killed her 18-year-old roommate, Lindsay Brashier, and permanently paralyzed a third passenger.

Mezzich was indicted for intoxication manslaughter in Texas. What that means is she was charged with a felony of drinking, driving, and killing somebody.

After posting bail, she and her parents snuck out of town, and they headed back to their home country of Peru. Mezzich continues to live an unapologetic lifestyle in Peru without remorse or without reform. A few years ago, she put up a MySpace page on the Internet. She posted pictures of herself drinking and partying with friends. She had a wild bachelorette party, also drinking and partying with her girlfriends, complete with a male stripper. She listed her favorite song as Nelly Furtado's "Promiscuous Girl."

Here's a photograph that she placed on the Internet with some of her friends; and, of course, she is the one with the drink, partying, having a good time, all the while escaping justice in Texas for the crime that she had committed. She actually listed on her MySpace page that drinking and partying with friends was one of her favorite activities. She listed her motto: "Life's too short; so live it up." Obviously, she has not changed her attitude or lifestyle.

Madam Speaker, Evelyn Mezzich knows better than anyone how short life is. She is responsible for tragically cutting short the life of another person, Lindsay Brashier, an 18-year-old honor student who was just beginning in the prime of her life.

This is a photograph of Lindsay taken shortly before the homicide in Texas. She wanted to be a surgeon; and, thanks to Evelyn, Lindsay never had that chance.

After Evelyn Mezzich jumped bail in Texas, a warrant was issued for her arrest. In 2001, the FBI found Mezzich, who was, ironically, having a good time on her honeymoon. But a bizarre loophole in the U.S. and Peruvian extradition laws meant that Mezzich would remain free. Since 2001, that loophole has been fixed, but Mezzich's not about to come back to America to stand trial. She's having too much fun in Peru.

Madam Speaker, it's time for Evelyn Mezzich to be brought back to Texas and to stand trial for the homicide of this person, Lindsay Brashier, a homicide that occurred 14 years ago. But Peru refuses to allow the criminal to be extradited. You see, it seems that Evelyn Mezzich's father is a big shot in Peru and apparently is using his influence to keep his drunk little girl from facing the music in the United States. It's a flagrant disregard for the provisions of the extradition treaty between Peru and our country. Daddy's reputation as a prominent doctor appears to be shielding his daughter from criminal extradition for homicide.

This intolerable behavior by the Peruvian Government is nonsense. By allowing Evelyn Mezzich to live in comfort and security, they are committing a grave injustice against the family of Lindsay Brashier and against Lindsay's memory.

During this month and during next week, we honor crime victims like Lindsay. Lindsay's mother, Marilyn Datz, has dedicated these past 14 years to get justice for her daughter; yet no justice has occurred.

So I urge the Department of Justice and the State Department to press Peru to overturn Peru's refusal to extradite and bring Evelyn Mezzich back to Texas to face the music. Let a jury decide what to do with this fugitive from justice. Because, Madam Speaker, justice is what we do in the United

States, and it's about time there was some justice for Lindsay Brashier.

And that's just the way it is.

IRAN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. BURTON) is recognized for 5 minutes.

Mr. BURTON of Indiana. Madam Speaker, it's the end of the week. Another week has gone by, and the Middle East continues to be a tinderbox waiting to explode. Abraham Lincoln said, "Let the people know the facts and the country will be saved." And one of the things that bothers me is it's hard for us to get the facts sometimes.

The President of the United States, Mr. Obama, this week had a summit that was supposed to deal with nuclear proliferation. And they had leaders from all over the world there, and they were talking about how to stop the proliferation of nuclear weapons from getting into countries that may cause a problem and weapons that might get into terrorists' hands that could destroy an awful lot of the human race.

But he didn't talk about Iran. It almost never happens anymore. He doesn't talk about Iran. They say that there are going to be sanctions put on Iran that's going to stop them from developing their nuclear weapons program, but the sanctions never take place. We have been talking about sanctions, I know, now for at least 5 or 6 years, and Iran just keeps thumbing their nose at the rest of the world, the United Nations, the United States, and everybody, and they continue to build a nuclear weapons program. They say they're not, but they are, and I think everybody in the world knows it.

Now, this week, the head of the Iranian Nuclear Commission—I think that's the title he has—said that the Bushehr nuclear power plant will be operational in just a couple of months, the production of nuclear fissionable material within a couple of months. And our military leaders say that Iran could have a nuclear weapon in as little as 1 year, and some people say a lot quicker than that. Yet instead of doing something about it, we continue to fool around talking about putting sanctions on them week after week, month after month, year after year, and they continue to build a nuclear weapons program.

And when the head of Israel comes here, Mr. Netanyahu, the Prime Minister. The President gives him the cold shoulder and starts telling him if he doesn't do certain things that we're not going to be supporting them, as we should be. And I think that's terrible. Our only real strong ally in the Middle East that has been with us through thick and thin is Israel, and we should be supporting them right now and doing everything we can to keep the

Middle East from going up in smoke. Because if Iran gets a nuclear weapon, there's no question in my mind that they'll use it if they get an opportunity. Because Mr. Ahmadinejad, the President of Iran, continues to say he wants, as his number one objective, to wipe Israel off the face of the Earth. And I can tell you right now if I know Bibi Netanyahu, and I think I do, he's not going to let that happen. So because we are fooling around, we are still dealing with the possibility of a major conflagration over there.

Now, how does that affect the Middle East? Well, Israel is in jeopardy, but if Iran gets nuclear weapons and we don't do something about it and Israel doesn't, then all those countries around there are going to be intimidated, and they are all going to start moving toward radical Islam. That's my view, anyhow. And that is something we can't allow to happen. We can't allow that whole area to go down that road.

But in addition to that, we get about 30 percent or 40 percent of our energy from the Middle East, and if that happens, we are going to have trouble getting the oil that we need to keep our lights on, to keep the gasoline in our cars, and all the other things that we do with energy.

So I would just like to say that, instead of holding these conferences, if I were talking to him, Mr. President, and I know I can't, but if I were, I would say quit fooling around. Get with the program. Let Ahmadinejad and the Iranians know that we are not going to stand by and let them become a nuclear power with nuclear weapons. Because if they do, if they continue down that path, we along with Israel will do whatever is necessary to stop them.

They need to know that. As long as they know we're just talking and pushing papers around and talking about sanctions, they are not going to stop. They are only going to stop when they know we mean business. And, Mr. President, you are sure not giving them the right signal, in my opinion.

□ 2030

HONORING THE LIFE OF RICHARD J. MORGAN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. GARRETT) is recognized for 5 minutes.

Mr. GARRETT of New Jersey. Madam Speaker, on September 11, 2001, almost 3,000 individuals were victims of the most devastating act of terror in our Nation's history. First responders and civilians, mothers and fathers, husband and wives, friends and neighbors, the terrorists acted with impunity toward their victims, and our Nation still mourns this tragic loss.

This evening I'd like to specifically remember one of those victims, and that is Richard J. Morgan. Morgan, or Dick as he was known to his friends, was many things to many people. He was an adoring husband to his wife, Patricia, a beloved father to his four children, a proud grandfather to his seven grandchildren, and a respected colleague to all that he worked with, and also a cherished friend to those who were fortunate enough to ever have known him.

Dick graduated with a degree in civil engineering from Manhattan College and an MBA from New York University, and he would go on to serve his Nation in the National Guard.

Then in 1967, he and Patricia settled down in the little town of Glen Rock, New Jersey, where they became active participants in their community and a local church as well.

For 41 years, Dick worked with Con Edison, being promoted all the way from being a splicer to serving as vice president of emergency management. It was in that capacity that Dick raced to the World Trade Center on that fateful Tuesday morning. And like so many other brave first responders, Dick responded to the call of duty. He ran into the smoke and the fire but, sadly, he was lost when the North Tower collapsed at 10:28 a.m. At the time of his death, Dick was coordinating the emergency response, along with the Fire Department of New York with their chief of department. Today, quite fittingly, Dick is the only civilian memorialized with the Fire Department of New York Randall's Island Training Facility for having given his life in the line of duty on September 11, 2001.

Recently, I became aware that Dick had not been nominated for the 9/11 Heroes Medal of Valor and, as a result, had been incorrectly classified as simply a visitor on the National September 11 Memorial, instead of a first responder classification that he deserved. So over the past few months my staff has worked with the Department of Justice to ensure that this heroic first responder was properly memorialized. And last month I was happy to hear that the family has been assured that their request has now been granted. And I am thankful to the Department of Justice, to my colleagues from New York, and the many others who assisted in swiftly rectifying this oversight.

Proper recognition for our fallen heroes is but a small token of gratitude when compared with the enormous sacrifice. Whether at the World Trade Center, on the battlefield, or in the communities, our soldiers and first responders, they all take a great risk to keep us safe, and they sometimes pay the tremendous sacrifice.

And what can we here do in return? Well, we can remember their service. We can live worthy of their sacrifice

and take every single opportunity to thank them and the ones that they leave behind.

On behalf of a grateful Nation, I express my sincere gratitude to Dick Morgan and pledge to his family that his example will not be forgotten. Dick will always be remembered as a man who epitomized valor, cherished opportunity to serve, and actively made his community a better place. He earned the respect of so many through his hard work, through his commitment and a genuine interest in the lives and the fates of others.

So I am proud to represent Dick's family here in Congress, and our entire Nation can be proud of the sacrifice of this American hero.

THE PROGRESSIVE CAUCUS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentleman from Minnesota (Mr. ELLISON) is recognized for 60 minutes as the designee of the majority leader.

Mr. ELLISON. Madam Speaker, I'll claim the time for the Progressive Caucus tonight. I have some boards that are going to assist me in the presentation, so we'll just take a very brief moment to get set up here.

Madam Speaker, my name is KEITH ELLISON, and I am here yet again on behalf of the Progressive Caucus to talk about a progressive message, a progressive message, the idea of which, Madam Speaker, is to help convey to the American people that there is a body of Members of this United States Congress who care about making America fairer, more inclusive, greater respect for due process of law, promoting peace around the world. There is a Progressive Caucus in the United States Congress. Many Members are a part of it, over 80; and we are advocating policies that would make America at peace with its neighbors, promoting peace around the world, being a force for bringing nations together.

We here are talking about immigration reform. And I'm joined today by one of our very best speakers and a freshman leader here in the Congress who has distinguished himself very early on in many areas, Mr. JARED POLIS, who I'm going to yield to in just a moment.

But tonight, Madam Speaker, we're going to be talking about taxes because today is tax day. We're going to be talking about taxes from a progressive point of view. The point is that the United States Congress has been doing some tax cutting on behalf of the American people—but not from the perspective of the people who've been most blessed among us—from the perspective of the hardworking folks who have to put it down every day to make it; those folks who can use a small tax cut to make sure that they can meet

their needs, groceries, things they need around the house.

As a matter of fact, Madam Speaker, you pay fewer taxes under President Obama than under President Bush. This may not apply to the most wealthy Americans, but it applies to the vast majority of Americans. And so it's in this spirit today that we're going to be talking about a progressive message as we discuss progressive taxation, which are the dues that we pay in a civilized society to make our society function properly.

And so I'd just like to yield to the gentleman from Colorado, Mr. JARED POLIS, who's joined me tonight. I yield to the gentleman from Colorado.

Mr. POLIS. Well, I thank the gentleman from Minnesota. And people know, taxes are relative to one's income. I've heard from many people, and of course in this recession people are hurting across the board from the wealthy to the poor. And I think even those who pay the highest rate of tax, many of them would say, you know, I would gladly pay the tax rate we had in the Clinton administration if I had the income that we had through the nineties.

What you pay is relative to how much you earn. Currently, the highest marginal rate at 35 percent, with the expiration of the Bush tax cuts will return to 39.6 percent. That's the same rate it was when people were doing very well during the boom years.

Taxes are the investment. They're the price that we pay for the freedoms that we enjoy in our country. They're what fund our public projects and, yes, worthy and unworthy. I, as a taxpayer, wasn't happy that my taxes were going to fund the Iraq war, and continue to. But that's what our representative system is all about.

And I know there's many Americans out there today who weren't happy that their taxes might go to help provide health care for those who can't afford it. But the fact is, it's the price we pay for the freedoms that we enjoy as Americans, and we enjoy more freedoms as Americans than people anywhere else in the world.

The noble experiment that was begun by our Founding Fathers over two centuries ago has evolved over the years and become something that every one of them would be proud of having given birth to.

We invest in many public projects. You know, in the nature of a democracy, each and every citizen, in fact, each and every Member of Congress is not likely to agree with every item that's spent. I know I don't. I voted "no" on some. I know my colleague from Minnesota voted "no" on some. Our colleagues and friends on the other side of the aisle voted against some of those. But this is a representative democracy.

We here in Congress, each serving and being elected by our constituents,

are doing our best to allocate those dollars in a way to provide for the common good, the very concept that is conceptualized so effectively in our founding documents. That's what we do every day.

And this being tax time, everybody is reminded of how much they have to pay. And I think it's also important for us to remind them how much they get, the fact that people all over the world would risk dying, going across the desert to try to live in our country, what America stands for, globally, in terms of freedom, of unprecedented levels of prosperity that our middle-class families enjoy. That's what the American Dream is all about. That's what our country is all about.

And, no, it's not just the government that establishes this dream. But what it is is it's the rule of law, and it's a government formed among men governing by the consent of the governed to provide for the common good. We won't always get it right. But that's the investment that we're making when we pay taxes.

And even though I opposed the Iraq war and didn't like to see my tax dollars go there, even though I continue to oppose the escalation of troops in Afghanistan, and don't want to see my tax dollars going there, I know that the investment I make in paying my taxes is one that I can be proud of as an American. Knowing that it goes through title I to serve schools across our country that serve at-risk youth; knowing that it goes to help make health care more affordable for American families; knowing that it goes to help so that people who are unemployed don't lose their homes, can still put food on the table for their families; to know that our seniors have health care; to know that our young people have health care, and we're making it more accessible for people in the middle; to know that we're funding our roads, our bridges, our infrastructure, our arteries of commerce that empower the private sector to produce the prosperity that has made America unique—that's what it means to pay taxes.

That's why every year, in April, when I pay mine, I feel that same lump in my throat and in my belly as every American; but I know, deep inside, that I would not trade it for anything else. And I am proud that I have this opportunity to be able to contribute to this greatest of the great countries and help America continue to be a beacon unto the nations and a light for future generations.

I thank the gentleman from Minnesota.

Mr. ELLISON. Well, I thank the gentleman for yielding back. I got a little misty there. Listening to the gentleman from Colorado, I think he just made an excellent statement about the importance of paying taxes in our society.

None of us wants to fork it over on tax day. We all kind of do it feeling like, gee whiz, I wish I could keep this dough. But the fact of the matter is that if you like great roads, if you want EMS service, if you want the United States military to protect the borders of this country, if you want police, if you want fire, if you want public schools, if you want Head Start, if you want Medicare, if you want TRICARE, if you want Social Security, if you want things like bridges and infrastructure and many other important public services, taxes are what we have to pay.

Now, I agree with the gentleman. You know, there are things that my tax dollars go to that I wish they didn't go to. But you know what? The fact is that we live in a representative democracy, and that's just the way it is. That's why we get out and we engage in the public debate to argue how and where our tax dollars are allocated. But never forget, not even for a moment, that taxes are the dues that we pay to live in a civilized society.

The fact is, though, that Democrats have been, and progressives have been, pretty good at cutting taxes for Americans. The fact is, here's a quote from somebody who was an adviser to Ronald Reagan. And I know my friends in the Republican Caucus love to brag about Ronald Reagan.

Here's what this gentleman, Mr. Bruce Bartlett, had to say about this issue: Federal taxes are very considerably lower by every measure since Obama became President.

Now, you would think the way they bang on President Obama that he's just a tax-and-spend liberal. That's what they like to tell you, but it's not true.

The fact is, taxes targeted to working-class people can help stimulate the economy. What we're opposed to from the Progressive Caucus is giving tax cuts to the wealthiest Americans, which create deficits which all the rest of us have to bear.

But the Obama administration and the Democratic Caucus in Congress have helped to lower the burden on Americans so that Americans can take care and pay for the things that they need.

As I said before, here's an important board I'd like to draw folks' attention to. You pay fewer taxes under President Obama than under President Bush. Note, this may not apply to the wealthiest Americans. But if you're working hard every day, if you're putting it down every day, if you're working hard for a living and you're part of the great middle class, you pay lower taxes than under George W. Bush, and that is an important thing to bear in mind.

Every congressional Republican voted against a tax cut for 95 percent of America. Let me say it one more time: every congressional Republican

voted against a tax cut for 95 percent of American families. So we're not talking about who's for tax cuts and who's against them. We're talking about who's for tax cuts for the middle class people and who's for tax cuts for the wealthiest Americans.

I just want to be clear: I have friends who have been very blessed and have economic wealth, and I think that's just fine. I'm not against that at all. But I do say that to whom much is given, much is expected. And that goes to taxes as well. And so I'm not in favor of cutting the taxes of the wealthiest Americans. I'm in favor of cutting the taxes of Americans who are struggling hard every day to put food on the table for their family. That's who I think needs the tax cut. And I'm going to just tell you one more thing about that.

□ 2045

When very, very, very, very well-to-do people get a tax cut, they don't need the money. It can sit up in an account somewhere. But when working-class people get a tax cut, working-class people put that money back into the economy. And that means that if they're using their little tax cut to go out and purchase an item that they need to help their family—whether it's electronic goods or whether it's a new washing machine, whatever it is—they're putting that money into the economy.

Let's say they build a new washing machine. Then somebody at some local retailer who sells washing machines is going to make a sale. And if that sale is made, then they're going to have revenue for their retail outlet, which means they're going to be able to keep my nephew and yours on the payroll at that particular retail outlet. And then the manufacturer may be able to stay in business as well.

So the fact is that when working people get a tax cut, it actually has a stimulative effect for the economy; whereas, if the very well-to-do get a tax cut, like the Republicans like to do, that really doesn't help the economy very much because the very definition of being rich is you don't need the money. So you might spend it and you may not. Who knows. But working-class people use those tax cuts.

And so when every congressional Republican voted against a tax cut for 95 percent of Americans—as I said, when every congressional Republican voted against a tax cut for 95 percent of American families, I think the American people ought to know that, because the people who claim to be the big tax cutters really are not very good at cutting taxes for people who could actually use a tax cut. They're just good at cutting taxes for people who really don't need one and who have plenty of money anyway.

So let me just go through a few things.

Since coming to Congress and assuming the Presidency, the Democratic agenda has made historic progress through creating jobs, cutting taxes for working Americans, and investing in the future prosperity of our country. This year, millions of American working families are paying fewer taxes and getting record refunds. This is not a coincidence. This is because of the American Reinvestment and Recovery Act, also known as the stimulus bill, but quite separate from the bailout which happened under George Bush's watch.

Over one-third of the Recovery Act is tax cuts for the middle class. Very important. Over one-third of the Recovery Act is tax cuts for the middle class. The Recovery Act has already provided about \$160 billion in tax cuts to American families and businesses. Nearly \$100 billion, nearly 100 billion, nearly \$100 billion of that has gone directly into the pockets of working families. And this year's average refund is about \$3,000, about a 10 percent increase over last year. That's a good thing for families who need money to keep on moving.

Federal taxes—as I just read a moment ago, a former Republican adviser to President Ronald Reagan said, Federal taxes are very considerably lower by every measure since Obama became President, and yet the Republican caucus bangs on President Obama relentlessly, mercilessly all the time. But the fact is he is better at lowering taxes for working-class people than George Bush was. This is by their own expert Bruce Bartlett. I wonder how they're going to try to misrepresent that.

Since last year, this Democratic Congress and President Obama have enacted more than \$800 billion for working families and small businesses. The Making Work Pay tax cut. That gives 95 percent of working families an immediate and sustained tax relief. Now, that's a big deal. Making Work Pay.

The fact is, the well-to-do in our country, they get tax cuts all the time. But what about people who are working hard every day? This tax cut where 95 percent of American working families got immediate and sustained tax relief was an important thing. It was about \$400 for the individual, \$800 for joint filings. That is very important.

Here's another tax credit. Child tax credit cuts taxes for families and more than 16 million children by reducing the minimum amount of earned income used to calculate the tax credit from \$3,000 to about \$12,000.

The earned income tax credit. Very important antipoverty program. Earned income tax credit expands the credit increasing it for families with three or more children. This is also very important. The earned income tax credit, an active, antipoverty program which helps working people and even low-income people. It's a good thing.

The American opportunity tax credit. Up to \$2,500 in tax credits to help an

additional 4 million students attend college. Now, the university doors and the college doors have to stay open to the American middle class and the poor, but if you allow the other caucus, the Republican caucus to stay in charge, those doors are slowly going to be shut. But under the Democratic majority and under the progressive leadership of President Obama, we've seen the American opportunity tax credit, up to \$2,500 in tax credit, to help an additional 4 million students attend college. This is a progressive thing. It's a good thing brought to you by the Democrats.

The alternative minimum tax relief. Now, this protects 26 million middle class Americans from being hit by the AMT. In the 1970s, Members of Congress said, You know what? There are some people, some folks who aren't paying any taxes at all, so we're going to have something called the alternative minimum tax to make sure everybody pays something. But because it wasn't indexed over the years, inflation made it so that people who were in the middle class were getting hit by this tax. The Democrats, under the leadership of President Obama and NANCY PELOSI, helped to protect 26 million middle class Americans being hit by the AMT. Very, very important.

First-time home buyer tax credit increases existing credit to \$8,000 and removes the repayment requirement.

All totaled, the Democratic-led 111th Congress has enacted more than \$800 billion in tax credits with another \$285 billion making their way through Congress, such as permanent estate tax relief and R&D tax credits to spur business innovation. Many of these tax cuts are immediate, and more than half of the Recovery Act tax cuts already are in the hands of the American families and businesses. And \$40 billion of the tax credits, or 4 million small businesses offering health care coverage to their employees starting this year. That's an immediate benefit for small businesses who want to offer health care to their employees to get a tax credit, a big deal to help people get health care and to help small businesses in the same swing.

So the fact is the Recovery Act, it takes 25 tax cuts for Americans, including the fastest and one of the most widely shared tax cuts in American history, the Making Work Pay tax cut credit or tax cut. Ninety-five percent of Americans benefited from it. Not one Republican voted for it. Think about that when you think about who is looking out for the American people and trying to cut taxes, even though we started this session tonight talking about the importance of taxes and the fact that some taxes are necessary. And we don't run from that idea.

The fact is taxes are the dues you pay to live in a civilized society. But despite that, the Democrats, under the

leadership of President Obama and Speaker PELOSI, have been cutting taxes. This is an important thing for people to bear in mind and think about as they go forward, particularly on this Tax Day, particularly as they think about their refund. Who helped you get that, Madam Speaker? It was the party in the majority.

The Recovery Act also gives a tax cut by making your home more efficient, buying a house, buying a car, and sending a child to college; all very important. The result of the Recovery Act is that tax refunds are already up 10 percent, pushing average refunds to a record \$3,000 per taxpayer. That is huge.

So Congress has enacted job-creating tax incentives to spur hiring out-of-work Americans, strengthening small businesses with tax credits and accelerated write-offs so they can expand more and hire more.

One of the taxes is the business incentive to create jobs; 10 billion over 10 years. It involves a lot of things which I'm going to talk about in a moment, but the main thing is that we need to understand that while taxes are the dues that we pay to live in a civilized society, the people who represent the majority in this Congress are actively trying to reduce that burden so that Americans can have a little extra money in their pockets, not so much the well-to-do people who already have enough.

The fact is folks who are working so hard every day to put food on the table, maybe the washing machine broke, they've got to get a new one, these things are going to help their families out quite a bit.

And I really admire those families who are well to do and who may not have been among those 95 percent who got a tax cut. Many of them know, however, that their good fortune is because of the public and the taxes people before them have paid: the people who pay the taxes for roads and bridges; the people who pay the taxes for our universities and colleges; the people who pay for Head Start, Social Security; people who pay for fire and roads, firefighters, police officers, to make our society a good place to live. These folks understand that, and so they don't complain about paying taxes. They pay them because they know that it's what we need to have a society that is free from foreign aggression, that our streets are safe, that there are firefighters out there looking out for Americans. And if they should have a problem with a fire in their home or business, we understand.

So this is not a matter of dividing well-to-do Americans from the rest of us. It's a matter of saying, Look. Middle class folks need a tax cut too, and the well-to-do have gotten well cared for while the Republicans have been in charge, and many of the policies that

they enacted have brought us this recession that we're just trying to emerge from now. But the fact is, if you invest in the middle class through tax cuts, it will pay dividends in the long run.

And we're already starting to see unemployment decrease. Won't be long before we have positive job growth because of these important tax relief policies that Democrats, led by President Obama and Nancy PELOSI, have led to enact.

So, let me move on and talk a little bit about my own State of Minnesota. It's a State where people work hard every day. We're a State where we're very proud. We have among the highest voter turnout in the entire country. I'm proud to announce that only one State has a greater response to the census than our great State of Minnesota, and those are our neighbors to the east, Wisconsin. We're coming to get you, Wisconsin. We want to be first in that.

But the fact is I'm so proud to be from the State of Minnesota. It's a wonderful place, and there is no prettier place than Minnesota, especially in the springtime.

But I want to talk about the American Reinvestment and Recovery Act which significantly cut taxes for Minnesota families, too. Two million families in Minnesota. That is the number of families in Minnesota that will receive a tax cut of up to \$400 or \$800 for a married joint filing couple under the Making Work Pay tax credit that is included in the Recovery Act.

Also, 895,000 individuals are the number of people in Minnesota living on Social Security and supplemental security income and railroad retirement income and veterans benefits who will receive a one-time recovery payment of \$250 under the Recovery Act.

And then, also, 157,000 families in Minnesota are the folks who benefited from the Federal tax credits for college expenses. Minnesota is a high education State. We have some of the highest ACT scores in the Nation, and we take education very seriously in the State of Minnesota. So it's really a great benefit that so many families will be able to benefit from the Federal tax credits for college expenses.

So in 2009 and in 2010, families in Minnesota with children in college will be able to claim a larger Federal tax credit, and that's a good thing for even me and my family since I've got two kids in college right now. And you know how tough that can be. There are more than 41,000 students in Minnesota, 41,000 students in Minnesota who previously did not benefit from the college tax credit but will now benefit as a result of the Recovery Act. That's a lot of people. A lot of young people saying, You know what? I have enhanced my skill, developed my mind, and can contribute to this society of

ours in a greater way because Democrats believe in reducing and offering tax credits for me to be able to do what I've got to do.

□ 2100

For 182,000 children in Minnesota, that's the number of children in Minnesota who will benefit from the expanded child tax credit that's included in the Recovery Act.

And, of course, children need a tax relief, too, because that's where their parents can afford to get them the things they need, whether they be clothes or school supplies or food or anything like that. Children need their families to have less to have to pay if, as long as it's responsible, as long as it's paid for, as long as it makes sense, it's a good thing.

Again, I don't want to go too far. Because the fact is, folks, while I believe in cutting taxes for people, I also just want to remind folks taxes are the dues that we pay to live in a civilized society. Taxes pay to keep our roads nice and taxes pay to fill up the potholes in places like Minnesota where we have come through a large, tough, winter.

Taxes pay for police officers, taxes pay for firefighters, taxes pay for public works employees, taxes pay our soldiers so that they can defend our country, and taxes go to pay for Head Start to educate our children at university and at the middle, K-12 level.

So I am not here to say taxes are bad. That's a Republican thing to say that taxes are evil or that taxes are a punishment or that they are punitive. I don't believe that at all. I don't believe that for a second.

But I do say that when we can responsibly cut taxes to the middle class, we should do so. We should do so. That's just common sense, and the Democrats have proven that we believe that because we did it. And the fact is we didn't get any Republican support to do that. Because, as I just want to remind you for those of you who maybe just tuned in, every congressional Republican voted against a tax cut for 95 percent of Americans. I don't how they can stand up and call themselves looking out for the American middle class with a straight face, but I am sure they will manage somehow.

Let me also talk a little bit more about Minnesota businesses. Because, of course, in Minnesota we believe in entrepreneurship. We believe that people should allow their creative talents to bring their services and goods to the market so that other people can participate in those and enjoy those things for a fair price and, therefore, those businesses can hire people, and we can really have our economy working well.

So I just want to mention, you know, that the Recovery Act significantly cut taxes for businesses as well, about 385,000 sole proprietors, 385,000 sole pro-

prietors in Minnesota that filed with the IRS in 2007. Well, the fact is the Recovery Act provided relief for those businesses by providing, one, tax breaks for small businesses, expensing and bonus appreciation, businesses that purchased new capital equipment, providing small businesses with temporary, 5-year net operating loss, carryback, and providing small businesses with estimated tax payment relief, and excluding 75 percent of the gains on small business stock from capital gains purchased in 2009 and 2010 and, finally, providing businesses with relief from paying taxes on income resulting from discharged debt.

Minnesota businesses, again, about \$1.1 billion, about \$1.1 billion is the amount of additional dollars in the hands of consumers in the State of Minnesota as a result of Making Work Pay. That means that if you take that tax cut that 95 percent of all Americans benefited from and you bring it right to the great State of Minnesota and you ask yourself, well, how much did that mean to the Minnesota economy, that's \$1.1 billion that our families have to be able to spend on their needs so that they can make their ends meet, and they can put that money into the economy to help bolster the sales for our businesses that are out there.

Moving right along, about 538 units, about 538 units, housing units, are being constructed in Minnesota under a low-income housing tax credits exchange program that was enacted as part of the Recovery Act. That's a lot of houses, a lot of places for people to live, and that's a very, very big deal.

So I just want to say that I think that Democrats who responsibly cut taxes on the middle class, not the irresponsible tax cuts for the well-to-do who don't even need a tax cut, but Democrats responsibly cutting taxes for the middle class are helping America get stronger and get better after an 8-year nightmare where they cut taxes for the richest people, didn't enforce the financial regulation, allowed Wall Street to run wild, and allowed predatory mortgage lending to take place. Now we pay the awful price for that, but it's a good thing because Democrats to the rescue are making sure that this economy is coming back strong, in part by responsible tax cuts to the middle class, and I am proud of that.

Let me move on to just talk a little bit about, just pose a question to people who may be listening, Mr. Speaker, and the question is, are you better off on Tax Day? There is a group called Third Way that prepares a report and asks the question, are you better off on Tax Day? And here are a few things that they found, Mr. Speaker, that I would just like to share with you.

Third Way compares three average middle-class families' tax returns from

the 2007 to the 2009 returns under President Obama. They posed a question, is the average middle-class American better off under Obama's tax policies or under Bush? They compare the differences between tax credits offered by the Bush administration and the Republican Congress to those offered by Obama and the Democratic Congress. And in every case the answer was, without question, yes, Americans are better off with President Obama in the White House and Democrats in Congress.

This Third Way report, which I hope people will take a look at, says definitively on many measures that Americans are simply better off. Democrats are just better at managing the economy. We are better when it comes to deficits, better when it comes to tax cuts, better when it comes to jobs, better, better, better.

Of course, if you are a very super rich person, you may have to pay some taxes that you didn't have to pay before. But the fact is you have better services for it, and you have the pride of knowing that you are making a contribution to your fellow Americans, improving the quality of life for everybody, not just yourself. I think that means a huge deal for people. Because I think Americans, even well-to-do Americans, are extremely patriotic and want to know that their fellow Americans are doing well and that the ladder of opportunity has not been pulled up, as Republicans always try to do, but that it's still there for Americans who want to work hard and climb that ladder from the poor or even the middle class up to a higher income level.

So I just also want to talk about some results from the tax justice report on the Obama tax cuts. This Citizens for Tax Justice report says the following. The analysis notes that 53 percent of Americans believe that the President has kept taxes the same, 24 percent believe the President has raised taxes, and only 12 believe the President has cut taxes. But the fact is he has cut taxes overwhelmingly. This was part of the spin machine that we hear all the time and we are trying to correct tonight.

But by the analysis of the Citizens for Tax Justice, tax cuts enacted by Obama and the Democratic Congress reduced the Federal income taxes for the tax year 2009 for, actually, they find, 98 percent of all working families. I just said 95, but according to this think tank it's even higher than that.

The Citizens for Tax Justice also observe one reason why the broader American public may not realize that the President cut their 2009 taxes is that the tax cut that affected most people took effect gradually by reducing withholding on wages. So you see a little more in your paycheck every week, but it's still there, still there for you to be better off and do what you need to do for your family.

They also note, well, I would also add that the spin machine doesn't help. But the fact is, it's there. The folks have it.

This Center for Tax Justice also says that, in addition to massive middle-class tax cuts, the Recovery Act made direct cash payments to a large population of Americans, including Social Security recipients, and extended unemployment benefits to out-of-work Americans.

And, so, this report, which I am going to hold up so people can see, this is kind of small type, but I just hope folks can look at that, see, right there, it says President Obama cut taxes for 98 percent of working families in 2009. Mr. Speaker, I think that's pretty good. I think that that's all right, and I think that's something to be commended, something to be proud of.

Mr. Speaker, as I just want to keep saying, you know, as I am standing up here talking about cutting taxes, I don't want any of the folks who might be tuned in tonight to get the impression that I am against taxes. I am in favor of paying the dues that we must pay in order to have a civilized society. I don't want people to pay more than they should pay, and I certainly do want every dollar to be used responsibly.

I am totally against any kind of wasteful spending or boondoggles, and I am absolutely against the spending that we did to fight the Iraq war, which was offered to us by President Bush and the Republicans. They told us it was weapons of mass destruction and everything else, and none of that was true. That was an enormous expense on the American people, not to mention loss of life, both Americans and Iraqis.

But the fact is is that I don't like every expenditure that the government makes, but the fact is that in a democratic society we have the majority rules. We elect the President and trust that those decisions will be made responsibly. They are not always done that way, but I wouldn't change this system for any system in the world.

The fact is, Mr. Speaker, tonight we are talking about taxes. Tonight is, today is Tax Day. Many Americans are probably still rushing out to the mailbox to make sure that that tax filing gets into the mailbox and gets stamped tonight so that they can get their taxes in on time, and maybe the ones who are the early birds have already done that a long time ago and taken care of that business. But the bottom line is, Mr. Speaker, that today, Tax Day, is a big deal in America.

It's the day that we can stop and think about how lucky, how we have benefited by being in this great country of ours, where we have a great Constitution that protects our liberties. We have great public employees who work hard every day to make sure Americans have good services, teachers, firefighters, police officers, people

who work in Head Start every day to try to help the children, people who really get out there and give all they have to help Americans.

It's a great day to just think about how lucky we are as Americans to have the Medicare system to help our seniors, TRICARE to help our soldiers, and now we are going to have over 32 million Americans get health care under the newly passed health care bill. These things, our taxes go to these things, and I am proud that they do.

It means that we live in a society that has compassion, it means we have a society that is responsible, that is going to meet the needs of all Americans, and it means that it is going to be done in a responsible way. Not the way the Republican caucus has done in the past, which is just cuts taxes for the wealthiest Americans and then creates massive deficits, but in a responsible way that's paid for and that broad cross-sections of Americans benefit from.

This is the kind of tax cut that we need. This is the kind of help that we need. Not the Bush-type tax cuts but Obama tax cuts, which go to benefit large percentages of Americans.

Every congressional Republican voted against a tax cut for 95 percent of American families, Mr. Speaker. These 95 percent of Americans, I betcha they are going to be remembering that come November.

Anyway, the fact is that this is a very important day. This is Tax Day. This is the day that we think about our investment in our country. This is the day that we say, you know what? Not everything the government spends money on I agree with, but I am happy that I am in America and can benefit from living in this great country.

Being an American is not free. If you have the income to help pay the dues, to pay the costs of this society, you should help. There is nothing wrong with it. It's not a punishment. Some of our Republican caucus friends will say it's a punishment or taxes are evil or they are bad or something like that. They shouldn't be higher than they are supposed to be, but they ought to be high enough to pay for the needs of the government so we don't have massive deficits.

□ 2115

And yet they have created these massive deficits that Democrats are trying to dig us out of right now.

So let me just say, as I begin to wind down—and just signaling to my Republican Caucus folks that if they're going to take the rest of the time, it might be a good time to think about getting up—the fact is that under Democratic leadership we passed a bill that would promote hiring incentives. We passed health care legislation that would promote health care and small businesses to be getting a tax credit in order to

cover Americans to offer them health care. We have offered tax cuts to 95 percent of Americans.

Democrats believe in middle class tax cuts that are responsible and paid for. Democrats believe that it is progressive to put money in the hands of Americans when it doesn't explode deficits and when it does help spur demand and when it does help Americans meet their daily expenses. We're not in favor of huge tax cuts for people who don't really need them—and didn't even ask for them—but we are in favor of responsible tax cuts to middle class Americans.

So on tax day, I joined with you just the other day this weekend in signing my tax form. I owed this year, but as I said goodbye to my money, I knew that if it was going to take care of a kid who needed a meal or give a young soldier the equipment they need in defending our country or to help this country do better and be more effective, well, I'm willing to do that because I think it's my duty as an American to do so.

So with that, I yield back and thank the Speaker for the time.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. TEAGUE). Members must address their remarks in debate to the Chair and not to a viewing audience.

TAX DAY

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentleman from Texas (Mr. BURGESS) is recognized for 60 minutes as the designee of the minority leader.

Mr. BURGESS. I thank the Speaker for the recognition. I thank the leadership on my side for allowing me to talk this hour.

Mr. Speaker, it is April 15. It is the day that we file our taxes, or in some cases we submit a request for an extension. In the interest of full disclosure, I did submit a request for an extension, not because—well, I will tell you, when I was practicing medicine when I was a physician, my taxes were a great deal more complicated than they are today. But even today it is difficult to keep up with all of those various pieces of paper that you must collect after a year's worth of living and deliver to your accountant in order that they may accurately and correctly assess your taxes. That is one of the things that has always bothered me. It is one thing to pay taxes. The previous gentleman said it's one of our obligations for living in a free society; I don't dispute that—I may dispute the level at which he wants to see us taxed—but at the same time, I don't see why it always has to be so hard. I would like to give people

another option, and that's what I want to talk about this evening, Mr. Speaker.

But, actually, first, I do need to talk a little bit about what we just heard over the past hour because it was a wonderful story; but, Mr. Speaker, maybe if we're going to tell stories we ought to start out with, "Once upon a time" and end up with, "And they lived happily ever after."

The gentleman was quite correct in quoting a poll that said only 12 percent of Americans believe that President Obama has cut taxes. But what do you think is the reason for that? Maybe it's because in the last 15 months taxes in this country have increased by \$670 billion and counting, according to the Committee on Ways and Means. Many of these tax hikes include taxes on people whom the President said during his campaign for the Presidency that people would not see a tax increase. And what are some of those? Well, the previous gentleman alluded to the fact that we just passed and the President just signed a massive health care bill. But, really, if we were honest in our discussion about that bill, we would call it a massive tax increase bill because honestly that's what it was. It didn't really have that much to do with health care, but it sure had a lot to do with taxes.

There is going to be a new tax on individuals who don't purchase government-approved insurance. And guess what? That tax will fall on Americans, some Americans who earn less than \$200,000 a year, violating the pledge made by President Obama when he was campaigning for the highest office in the land. Now, for most people that's not a great surprise because there were so many promises made that were not kept during that campaign.

Oh, remember things like, I'm going to take public financing for my Presidential campaign. Remember the great transparency hoax that was played upon the American people: oh, sure, we'll create a health care bill and I'll have everybody in around a big table and we'll invite C-SPAN in so you can see who's standing with the special interests and who's standing with the American people. Well, guess what? You didn't get to do that, did you, because that was another promise that wasn't kept.

Well, promises to not raise taxes on Americans earning less than \$200,000 a year unfortunately were one of the first casualties of this administration, and the sad thing is it continues to be a casualty of this administration.

What about the new tax on employers who fail to fully comply with the government health insurance mandates? That might fall on some people who earn less than \$200,000 a year. It's not going to happen for a couple of years because they did stretch some of these things out in the health care bill;

but what about the 40 percent excise tax on some health plans that cost over a certain amount of money? That's the health care plan that costs over a certain amount of money, but it may belong to someone who earns under \$200,000 a year or a married couple that earns under \$250,000 a year.

What about the ban on the purchase of some over-the-counter drugs for people who happen to have a health savings account or a health reimbursement account? What about the increase in Medicare tax on wages and self-employment income and the imposition of a 3.8 surtax on certain investment income for individuals who earn over certain amounts of money? These are significant changes that occurred in our Tax Code, but they were passed in a health care bill. That's why you didn't know about them; they were hidden in this bill that we passed last month.

Now, for some people, not for all, but for some people with high medical expenses, there is a threshold that has to be met. Your medical expenses have to be more than 7.5 percent of your adjusted gross income before those expenses are tax deductible. Now, to be sure, if someone's medical expenses are over 7.5 percent of their adjusted gross income, that's an individual who spent a good deal of money on medical care that year. You would think that we wouldn't want to punish that person further, but in fact that's just what we did in this health care bill. We raised that threshold to 10 percent. So that means people who have a lot of medical expenses will now have to spend 10 percent of their adjusted gross income before they can begin to deduct those expenses from their income tax.

We've imposed a new \$2,500 cap on people who contribute to their own flexible spending accounts. There is going to be a new annual tax on some health insurance policies. There's going to be a new tax on some pharmaceuticals; some of those taxes will fall on people who earn under \$200,000 a year.

How about this? A new excise tax on medical devices, a 2.3 percent tax on medical devices. These are class 2 and class 3 devices as defined by the Food and Drug Administration. So, okay, tongue depressors and Band-Aids will not be taxed, but syringes will be. Well, who's going to pay that tax on the syringes? Well, in all likelihood in that instance it is going to be the doctor in the doctor's office because doctors have very little way of passing charges onto the patient because most of their arrangements are contractual with insurance companies or with Medicare and Medicaid, and they're not going to pay the tax. It will be difficult to pass the charge onto the patient because those charges are capped. So, actually, that will be the physician's office that gets to pay those taxes. In fact, Mr. Speaker, everything from lasers to leeches

are taxed under this new excise tax that's coming on certain medical devices.

What if you earn under \$200,000 a year and happen to go to a tanning salon? Well, guess what? A 10 percent tax on that activity for you even though you earn under \$200,000 a year. And there will be a new tax on some self-insured health plans; and, yes, some of those may fall on people who earn under \$200,000 a year.

There will be new penalties for non-qualified health savings account distributions. Now, people shouldn't take money out of their health savings accounts unless it's for a health expenditure; but rather than just having that money then convert to taxable income, there is actually going to be a double penalty on those types of purchases. And the list goes on.

The other gentleman did this, so I'll do the same thing. As you can see, there is a significant amount of writing on this page of paper. No, you can't read it from your distance, but I did read many of the things that are contained on this page. And get this, get this: all of these additional taxes, and what did we hear the other day?

Someone floated the notion of a value-added tax, a VAT tax, as a way to deal with the deficit and some of the increase in Federal spending that's going to occur as a consequence of this health care bill that we passed. We heard it a couple of times last spring when we first started talking about this health care bill. Some people came on the Sunday shows and talked about—some people from the administration came on the Sunday shows and talked about a value-added tax, and then all of that talk was tamped down pretty quickly when that trial balloon was met with so much disfavor. But now that the bill has passed, maybe we will need that VAT tax in order to pay for it. That will be a tax increase on some individuals who earn under \$200,000 a year.

There is no question that unless this Congress takes some action before the end of the year—and quite honestly, I don't know where the time and energy will come for this Congress to do this, but the tax policies that were enacted in 2001 and 2003 expire at the end of this year. Many of those tax policies will affect people who earn under \$200,000 a year. The expiration of a tax policy means we revert to tax levels that were present in 2001. Guess what? That's going to be a tax increase on some people who earn under \$200,000 a year.

And what are we going to do about the inheritance tax, the appropriately named "death tax"? We haven't even talked about that. That is one of those other things that will have to be tackled before the end of the year. Time is running out. It's an election year. People aren't willing to do difficult things during an election year, so it becomes

problematic as to whether or not those things will be fixed.

Mr. Speaker, it's often said that there is nothing certain in this life except death and taxes. And I will tell you from the standpoint of a physician that sometimes death is less complicated than our tax system. Let me just give you an example here.

Most of us are familiar with the name Sam Rayburn because, after all, that's who the Rayburn Building is named for. Sam Rayburn was, in fact, my Congressman when I was a small child in the north and northeast Texas area. He served for a long time. When he first came to Congress back in 1913, he was part of a Congress that enacted the Federal income tax. Back in 1913, it was a bill by standards in those days, it was 400 pages. But look what's happened over time. By the end of the Second World War, it was 8,200 pages; by the time a man landed on the Moon it was 16,500 pages. In 1979, when Ronald Reagan won his second term, it was 26,300 pages. When the Republicans took control of Congress, it was over 40,000 pages. In 2004, 60,000 pages. And here we are today, 2010, and it is 71,684 pages long. That's a lot of Tax Code for people to keep up with. And as the complexity has increased, the cost for individuals to comply with their obligations under the Tax Code has increased as well.

And why has this happened? Whose fingerprints are all over all of these pages of the Tax Code? Well, it's the fingerprints of people here in the House of Representatives because under the Constitution all revenue bills have to originate with the House of Representatives.

The Committee on Ways and Means is charged with that tough duty and, as a consequence of trying to appease one constituency or punish another, we've added pages and pages and pages of complexity to the Tax Code. I dare say in various committees today there have been proposals discussed that would either punish or reward American citizens because, in trying to drive a certain type of behavior—maybe towards green jobs or renewable energy as we did in our Committee on Energy and Commerce today—we're going to drive things in a direction where we want the social transformation to occur, and we're going to do that with the Tax Code. Any time we want to punish a special interest group or reward a stakeholder, we add a new credit or a new law to the Tax Code.

□ 2130

The result is a Federal law that is literally fraught with opportunities for avoiding taxes. There are loopholes within the law that people will try to exploit, and some will do it quite successfully. For everyone who exploits a loophole and avoids taxes, some other honest American is going to have to

make up that difference or is going to be added to the deficit, and that honest American's children or grandchildren are going to pick up the difference. So, these are things that are not done without consequence and that are not done without penalty. Now, think of this:

The Internal Revenue Service for fiscal year 2010, the current fiscal year, was appropriated an amount of money of almost \$12 billion—\$11.6 billion, so almost \$12 billion—to administer the activities of that Federal agency.

What is a comparable amount?

Well, I'll tell you that is more than what this country spent in defending itself with the missile defense program. Arguably, as to what may become our first line of defense against a rogue state or a nation that means us ill, we spent more on administering the Internal Revenue Service. Guess what? That is only going to increase under the health care bill that passed out of this House a mere 3 or 4 weeks ago.

In fact, within the health care bill, there are provisions for hiring—I do not remember the number exactly, but I think it was over 16,000 new agents for the Internal Revenue Service. We didn't really do much for hiring or for training new doctors or new nurses, but we did add a ton of new IRS agents to administer and to force the new Tax Code changes that were incorporated into that bill. As a consequence, you may have to go to H&R Block for your prenatal care.

The current Tax Code is a significant burden on all Americans. We spend billions of hours and billions of dollars complying, and that doesn't even count the billions of hours that we spend complaining about the Tax Code. The average taxpayer loses about 30 percent of his or her income to Federal, State, and local taxes. That is a greater share of income than is spent on food, clothing, and housing combined. According to the National Taxpayers Union, in 2009, American families and businesses spent almost 8 billion hours complying with the Tax Code. That is 8 billion hours that they weren't spending with their families or engaged in some productive activity. The cost of all of that time spent on complying with the Tax Code is estimated in excess of \$110 billion.

In addition to the lost time, last year, Americans paid nearly \$30 billion for help in preparing their taxes, using either software programs or tax preparation professionals. That is a little more than \$200 for the average taxpayer in the course of the year. Per person, that \$200 to comply with the Tax Code doesn't sound like a great deal, but we are in a recession, Mr. Speaker. Americans are struggling to make ends meet. Who wants to be in favor of making Americans waste money that they can ill afford?

The National Taxpayer Union estimates the cost for Federal tax compliance by corporations was nearly \$160 billion, which was 54 percent of the corporate income tax collected in fiscal year 2008. In other words, we are spending just as much to comply with the Tax Code but are collecting half as much. The time and money should be spent by families and businesses who are growing the economy and creating jobs.

I mean, after all, what is the one thing the American people want us to do this year? They really weren't so interested in health care. They were interested in national defense, but it still falls pretty low on the scale. The one thing they want us to do is to create a climate, to create an atmosphere, where small businesses feel comfortable about creating jobs and about adding employees. That's our number one charge this year—to grow the economy and to create jobs. It's so simple. I wonder why we can't remember that.

A Gallup Poll out today, Tax Day 2010, shows that 63 percent of Americans believe their taxes will increase in the next 12 months. Again, 63 percent believe their taxes will increase in the next 12 months. That's right. They're not buying that stuff that President Obama cut their taxes, because, as we know, he did not. Only 4 percent expect a change that will reduce their taxes. The tax climate is unsteady and unpredictable for Americans. In addition to not being right, that instability is one of the things that is responsible for the very poor showing we have had with job creation in the last 15 months.

Now, this is some polling done by a group called American Solutions. It is from last year, but I think it is still apropos to the discussion at hand.

Sixty-nine percent of people think that the Federal income tax system is unfair; 70 percent favor tax incentives for companies that keep their headquarters in the U.S. That is not a surprising figure, but look at this: 82 percent of Americans think the option of a single-rate system would give taxpayers the convenience of filing their taxes with just a single sheet of paper. That's 82 percent. As Ronald Reagan used to say, those 80 percent issues are ones that he likes to get behind.

The fact is, if the system were fair and simple, you probably wouldn't have such a high number of people thinking it's unfair. The fact is, if the system were fair and simple, you wouldn't have those billions of dollars spent in tax compliance. It would be pretty straightforward. Now, I talked a little bit about it with that opening list that I went through; but again, it is important to sort of underscore some of the changes that people are going to see this year, not 4 years from now but this year, as a result of the health care bill that was passed last month.

Beginning January 1, 2012, according to the Joint Committee on Taxation,

ObamaCare will limit the medical expense deduction, which will raise taxes by \$15 billion over 10 years. Under current law, if out-of-pocket medical expenses, including health insurance premiums and medical procedures, are not covered by health insurance and if they exceed 7½ percent of adjusted gross income, these expenses are fully deductible, but it will increase to 10 percent under the bill that we passed. Some of the most expensive and comprehensive health insurance plans don't cover some high-cost medical procedures, such as in vitro fertilization where the cost for the procedure and for the prescription drugs can run as high as \$20,000 per treatment cycle, and some families can have multiple cycles within a year. Those are the people who are going to be hit by this change from 7½ percent of adjusted gross income to 10 percent on most Americans. The Joint Committee on Taxation estimates this new limit will affect 14 million taxpayers—or 14.8 million taxpayers, 14.7 of whom will earn less than \$200,000 a year at the time that it is put into effect.

There are some things I would like to point out which Steve Forbes wrote in a book a couple of years ago, in a book on the flat tax. It's called the "Flat Tax Revolution." It's probably still available on Amazon. There are some interesting facts that he relates in the book of how Washington really just doesn't get it when they write tax law.

Quoting from the book, in 1989, Senator Bob Packwood requested a revenue forecast from Congress' Joint Committee on Taxation on a hypothetical tax increase, raising the top rate to 100 percent on incomes over \$200,000.

So, just as a study, just as an exercise, let's just see what their projection is if we just take all income, every scrap of income, away from people who earn over \$200,000. The Joint Committee on Taxation responded by forecasting increased revenues of \$204 billion in 1990—and again, these figures are somewhat old—\$204 billion in 1990 and increased revenues of \$299 billion in 1993.

Essentially, the Joint Committee on Taxation predicted that people would continue to work even if the government taxed them out of every penny they earned. It doesn't sound like they're living in the real world, does it? If you take every penny that people earn, why are they going to set their alarm clocks and go to work the next day? It's likely not going to happen.

A second point that they quoted in the book is that the Congressional Budget Office predicted that the 1986 corporate tax rate increase would raise government revenues from \$89 billion to \$101 billion. So this is over \$10 billion because of the increase in the corporate tax rate. Yet what actually happened is that corporations altered busi-

ness practices, and revenues decreased to \$84 billion. So, instead of getting an additional \$10 billion, they actually scored \$5 billion less than they would have had they left the tax rate alone.

It's tough because Americans get that. They understand that. If you tell the average American, Hey, next year, your taxes are going to be 100 percent of everything you earn, they're going to say, Fine, I'm not going to work. See ya.

When we think about it, in our committees here in Congress, we say, Well, if you tax everybody at 100 percent, yeah, you're going to bring in some additional revenues. In fact, it will be significantly increased next year and the year after that. Well, that's nonsense. That's not taking into account fundamental human behavior. If you take away everything from people, they're not going to show up for work the next day.

Now, we know what works when it comes to changing the Tax Code. We got a glimpse of it in Ronald Reagan's administration when he cut the taxes in half in 1986. As a result of that reform, the economy grew; revenues increased, and jobs were created.

Nina Olson, in writing in 2007 the National Taxpayer Advocate, talked about simplifying the Tax Code as one of her recommendations, and I'm quoting here: The complexity of the code increases the likelihood that honest taxpayers will make inadvertent mistakes. It creates opportunities for taxpayers to avoid paying their fair share of taxes and makes it difficult for the Internal Revenue Service to administer the tax system. Simplifying the tax law could improve the audit process and allow less of a taxpayer burden.

Well, what a phenomenal idea, simplifying the tax law. Now, who could be against that?

In 1981, there was a simple concept put forth by Robert Hall and Alvin Rabushka. This was revisited in 1995, 15 years ago, by my predecessor in this body, who was former Majority Leader Dick Armey, and most recently in the book that Steve Forbes published on the "Flat Tax Revolution." All of those authors were calling for the same type of tax reform in our Tax Code—that it be flatter, fairer, and more simple.

So what would it look like if we were to do something like that, flatten the tax and broaden the base? Okay. I want everyone to close their eyes and visualize that shoe box or that suitcase full of receipts you took down to your accountant, and then visualize the sheets of paper you're going to get back from your accountant that you're going to have to file unless you file online.

What if it were a great deal more straightforward? What if it were a great deal simpler?

That blueprint would be the flat tax. In fact, there has been legislation that

was introduced early last year—H.R. 1040 for the individuals who want to look it up on Thomas. H.R. 1040 allows for a person to opt into a single-rate tax system, to opt into a flat tax.

Why would you have it as an optional? Why would you have it as an opt-in?

Well, we have created this Tax Code, remember, of many, many thousands, tens of thousands of pages, and we've done that to drive behavior in a certain way. So one of the things you wouldn't want to do is change things suddenly. After all, we've encouraged people to comply or to live these very complicated tax lives in order to get the benefits of the tax system. You can't very well just say, well, we're going to change everything overnight, but we could allow people to opt in to a single-rate system. I, for one, would gladly do that. Even if it meant I paid more taxes, I would gladly do that and give up that shoe box full of receipts that I've got to sit down and go through every year with my accountant.

Now, a lot of people are concerned about the home mortgage deduction on things like a flat tax, but if it's an optional flat tax, then you make the decision. You know, the home mortgage deduction in some markets doesn't really amount to as much as it does in other markets. In some areas in Texas, the home mortgage deduction really may be as little as \$1,000 a year in real dollars saved by itemizing and going through that exercise with your taxes. In other markets, where real estate prices are quite, quite high—and there are still some of those markets in this country—then it may be prudent to continue with taking that mortgage deduction.

Let's give people the option. Let's give them the choice. If someone has constructed their finances around being in the IRS code, fine. They may stay there. Yet, if someone wants the freedom to get out from beneath that code, we ought to allow them the freedom to do so. We ought to trust Americans to be able to make up their own minds on what would work best for them.

□ 2145

Well, how would this form work? It's really pretty simple. Yes, you are going to need a little personal information. I know the sensitivities to that with the census right now, but some personal information so that the taxes can be properly allocated to the proper individual. Income on one line: wages, tips, compensation. But this does exclude interest, dividends, and capital gains. Interest and dividends would be taxed at the point of origin, not at the point that they are received by the individual. Personal exemptions.

This form was drawn up a couple of years ago. These numbers, in fact, depending upon how incomes have grown,

may change a little bit. But essentially the first \$36,000 for a family of four would be exempt from income taxes. Married, filing jointly, \$25,580. Single head of household, \$16,330. Number of dependents multiplied by \$5,510. Add those all up. Taxable income, line 1, all income; minus deductions, line 3; line 4, calculate the tax; multiply line 4 by .19; taxes already withheld, subtract that, get a refund or the taxes you owe.

What did that take? Thirty seconds? Forty-five seconds? I read fast. The print was large. How different is that from what you just went through with your accountant? How different is that from what you have been doing with the Tax Code?

If we gave the people the option of simplifying their lives or continuing the Tax Code, I think that over time you would see so many people leave the Code and opt for a simplified system as their lives became more simple, and you would no longer have the need for this great behemoth of an agency we now know as the IRS. It would just simply be a collection, a clearinghouse, for receiving these forms and tallying up the bills.

Now, I went through some of the calculations on the number of hours, the number of dollars. There is no way to calculate, no way to calculate, the hours of stress that the current IRS Code imposes on average, law-abiding Americans. It's impossible to calculate or quantify the number of migraine headaches or tension headaches that are caused by trying to keep up with the IRS forms.

One of the things that people tell me repetitively is, yes, they want to save money where they can, but one of the things they really want is they want some time back in their lives. How important would that be to give that time that is now devoted to compiling and going through check stubs at the end of the year and keeping receipts and keeping up and chasing papers all over the house and trying to run down expenses that you didn't keep up with and now you're trying to go back and recreate those trails—how about giving all that time back to Americans who would prefer to be under a flat tax?

You really do eliminate the special preferences. No double taxation of interest and dividends. This bill creates a single-rate structure. No taxes on dividends. No taxes on savings. We are told all our lives we have got to save money, and how insulting is that when passbook savings rates are extremely low but, on top of that, you have got to pay 25, 30 percent of that in income taxes? It erodes the incentive for saving.

I will give you an example. When I was in the practice of medicine, I thought at one time I need to keep 3 months of what it would cost me to run my practice. I need to keep 3 months in cash where I could get to it quickly if

I needed to in order to keep the wolf from the door, if things weren't going well financially.

So I did that, and I got through the year, and everything went okay. And what I found was I was paying the business tax then on that money that I had kept in the business, and when that money was eventually distributed to the partners, the doctors, it was taxed again. So we were doubly taxed on that money.

I didn't do that very long because there's no reason to do that. Tax the money only one time when it's distributed to the partners. Otherwise, there's no reason to keep the money in the business and have to pay taxes on it twice, once when you earn it and once when it's distributed.

But the behavior behind wanting to keep 3 months of operating income, operating capital available to me, that was a good concept. It that was a sound concept. But the Tax Code punished me for doing that. The Tax Code punished me for sound thinking. The Tax Code punished me for being reasonable.

Now, doing the tax via a flat tax would also remove the Clinton tax on Social Security earnings. And one of the things that really got me thinking about the flat tax when Congressman Armey wrote the book in 1995 and introduced the legislation, the tax year 1993, just out of pure serendipity, out of pure coincidence, Bill Clinton's first year in office as President of the United States, he and I earned about the same amount of money. I think I earned just a little bit more, but I may have had a better year.

Of course, the President's income tax filing and the amount of income taxes the President paid were public knowledge. That was printed in a story in the newspaper. So I did a very simple calculation. His salary was X. This was the amount of money he had paid in taxes. So what percentage of his salary did he end up paying in taxes? And the number was within a percentage point or two of around 20, 21 percent. I did the same for my taxes, and I paid 31 percent.

So that led me to a conclusion that there was within our Tax Code the Clinton paradox. Why should two people who earn essentially the same amount of dollars pay a substantially different tax rate?

A flat tax would make a great deal more sense. There would be no reward for perhaps a questionable deduction from your income tax; and, at the same time, we could give people back a significant amount of their time and energy during the course of the year with keeping up with receipts and that quality time that we all spend with our accountant every year. So I credit President Clinton with making me a believer in the concept of a flat tax, because it really came home at that point.

What would happen with a flat tax? You think savings would increase if we stopped punishing people for saving money? It might. Businesses also would be taxed at a flat 19 percent with deductions for goods and services, materials, wages, salaries, and pensions and the purchase of capital equipment, structures, and land. And those capital outlays would be immediately expensed. We saw the power of that in 2003 when the tax policy of 2003 was enacted.

You know, in 2003, a lot of people don't remember it now but we were having trouble with the unemployment rate being high. I think it was up to 6 or 7 percent. And it was a terrible thing that it was that high, and President Bush was to blame for this, and we really needed to hold him accountable for this high unemployment rate.

So, okay, he did something about it. He did something about it with a change in the Tax Code, and that was passed in May of 2003. It was a contentious vote when it happened. But after it passed, by July of 2003, job creation started on an upward trajectory; and really, until September of 2008, every quarter there was an increase in the number of jobs created in this country.

We have got to create between 120,000 and 150,000 jobs every month in this country just to keep up with people that are entering the workforce. So that was an extremely important change in the Tax Code, and one of the things it did was it allowed for immediate expensing of capital outlays rather than a long depreciation schedule in businesses, that the cap on capital outlays was increased significantly, from \$10,000 to \$30,000. The result was businesses did go out and make that capital investment, did improve their businesses; and, as a consequence, the tax receipts really increased. Jobs increased. And it appeared to me that that was a sound way to go about dealing with a downturn in the economy.

And, Mr. Speaker, I frankly do not understand, do not understand why we will not undertake similar policies today with our unemployment hovering around 10 percent. And one of the most pernicious aspects of that is young people just completing their education are ending up in the ranks of the unemployed and they are losing those early productive years, which may have a deleterious effect on the remainder of their productive lifetime.

It seems like almost any group with whom you speak, regardless of the age demographic, the beginning of the working years in the late teens and early 20s, the pre-retirement age, or those in between, everyone is having difficulty. Every one of those demographic groups is having trouble finding work. And, as a consequence, we are creating what may well turn out to be a longitudinal problem that, should we take the time to solve it now, would really be to our great benefit.

The long-term unemployment numbers are startlingly high. The unemployment numbers for minorities are startlingly high. The unemployment numbers for people who are in their late teens and early 20s are startlingly high. Why wouldn't we consider something that worked as recently as 8 or 9 short years ago? In fact, those policies are going to expire, and we may well make things worse rather than better.

One of the things that I do want to address, and we heard this in the last hour, on Tax Day 2010, are you better off this Tax Day? The little cartoon here says, "I'm sorry, sir, but you can't claim Citibank, Goldman Sachs, AIG, Bank of America, Wells Fargo, Fannie Mae, Freddie Mac, GM, and Chrysler as dependents." So are you better off this Tax Day? You answer the question.

There is an option that we could take to fundamentally transform the tax system in this country, and it would be liberating for individuals and businesses alike. Fundamental tax reform in this country is something the American people are crying for. Eighty percent, according to the American Solutions Study from a year or two ago, want us to do something about that. Through both Democratic and Republican majorities, we have talked about it, but we haven't taken that work on. President Bush convened a tax panel during his second term. The result of that was disappointing. The recommendations were all over the place, and no one really proposed legislation as a consequence of that tax reform panel.

It is incumbent upon this Congress, the next Congress. Regardless of which party is in the majority, it is incumbent upon them to come to some realistic conclusions about simplifying the Tax Code. For too long we have put this burden on our citizens in order to get them to comply with what the previous speaker said was our obligation for living in a free society, and that is the payment of income taxes. For too long we have made that too difficult. We have made that too onerous. And, as a consequence, we have had a deleterious effect on our economy. Right now, our economy is suffering. We would do people a great service by simplifying the Tax Code, unleashing the power of the American economy.

Look, this economy is too vibrant to keep down for too long. Even the United States Congress is not capable of keeping this economy suppressed. The economy will recover. But the recovery will be more robust and more prolonged if we will create a sensible tax policy to go along with that recovery.

□ 2200

THE DIRECTION THAT THIS NATION NEEDS TO GO

The SPEAKER pro tempore. Under the Speaker's announced policy of Jan-

uary 6, 2009, the gentleman from Iowa (Mr. KING) is recognized for 60 minutes.

Mr. KING of Iowa. Mr. Speaker, it's a privilege and honor to have the opportunity to address you here on the floor of the House of Representatives. And having listened to my colleague, Doctor and Congressman BURGESS, speak in the previous segment in the previous hour, I'll pick up on some things that are on my mind and see if we can clarify the direction that this Nation has taken and the direction that this Nation needs to go.

This is tax day, April 15. This is the day that there are a lot of bleary eyes from people that have stayed up way into the night trying to do their own taxes. We have some people out there that have borrowed the money to pay the tax preparer so that they can file their taxes on time. And we have people that have paid the tax preparer to file an extension because they couldn't get their paperwork in on time.

We have a huge amount of American dollars that are invested in paying tax preparers and doing tax preparations. And I often think about this economy that we have and ask the question, you know, what about these sectors of the economy? Is there anything contributed to the economy by paying accountants and IRS agents to collect money?

And I'll argue that the White House gets it wrong. The President's economic advisers get it wrong. They seem to believe that this economy is a giant chain letter, and if they can just go into the U.S. Treasury, or borrow from China or borrow from the Saudis and dump a few hundred billion or a few trillion dollars into this economy and give a lot of it away and get people to spend the money, or do it on contracts and the shovel-ready projects, which actually are some of this that has the least amount of demerit and some merit to it—they seem to think that throwing these dollars through the economy stimulates the economy and then we grow.

But the flaw in that premise is this, that, you know, this economy isn't built on spending. It's not built on something that's viewed by the White House as a giant chain letter, where you just dump in the hundreds of billions of dollars, and somehow we go out and spend money and the economy spends. That's the Keynesian economist approach. That's the approach that John Maynard Keynes actually rebutted himself back during the thirties when he said that he could solve all the unemployment in the world.

Now, remember who Keynes was. He was an economist who was a contemporary of Franklin Delano Roosevelt. And he was credited with producing the concept that if you have a shrinking economy, you can stimulate it by borrowing money and spend; the Federal Government can dump that money into

the economy and have that flow through the economy and stimulate it.

Now, John Maynard Keynes made the remark about the early or mid-thirties that he could solve all the unemployment in the world. This is how good this Keynesian economics approach it is, that he would solve all the unemployment. This is the author of his own program, of course. He would solve all the unemployment in the world this way. If he could just go to an abandoned coal mine and go out into that abandoned coal mine with a little drill rig and drill a whole bunch of holes out there across that coal mine, and then he'd take American currency, cash money, greenbacks, and then bury them down in these holes in this abandoned coal mine. And then Keynes went on to say, he'd fill that whole coal mine up with garbage.

Now we would have an abandoned coal mine with holes punched in it with drill rigs all over the place, presumably in some kind of grid pattern or random pattern, these holes all full of cash, hundreds of feet of garbage piled over the top of it. And he said he could solve all the unemployment in the world by just simply now turning the world's entrepreneurs, or the American entrepreneurs, loose to go dig out the garbage, dig up the money and take the cash.

That's pretty similar to what you're talking about with these Keynesian economics. You try to get people to work to do things that are make-work. And the President himself said, we're not going to pay people just to dig a hole and fill it back up. I thought that that was an interesting metaphor or way to compare that since I've spent my life digging holes and filling them back up. And I can tell you that it pays if you're digging the hole for some purpose, that builds something that has value.

Our economy, our economy, Mr. Speaker, needs to be built upon the foundation of increasing our productivity. Americans have to make things. We have to produce things. We have to expand services so that our economy grows.

If you think of it in terms of what it would be like if we were still back in the tribal village, and if we didn't have any money to work with, and we had to trade, how do we grow wealth?

Well, some of us would make bows and arrows, and some of us would make the arrowheads, and some of the people would skin the hides and make the clothes. And pretty soon we'd find out that some are good at one thing, others are good at another thing, and then we start to trade these products back and forth, and we have clothing, and we have weapons, and we have utensils, and we have gardeners, and we have hunters and people that specialize. And after a while, this wealth builds because we acquire material goods that increase.

First they provide the necessities of life, which the simplistic term is food, clothing, and shelter. And then we add to our material goods, all of this out of the wealth that comes from producing something that has value and trading it or selling it and then taking the money and buying something from someone else for something that has value to us. That's how this economy works. And it's got to be based on our productivity. Americans have to build things. We have to make things.

And here we are on tax day with these millions of Americans that have filled out their forms and spent their money to do so so that they can do their best to comply. And a lot of Americans that don't want to walk close to the edge of complying with the IRS, they don't want to face an audit, and so they perhaps pay a little more in taxes than they owe because they don't want the question to come up.

Frank Luntz produced a number that was pretty interesting to me, and it was this: that 58 percent of Americans would rather have a root canal than a tax audit. I didn't ask him if that was without anesthetic. For me, I'd take the root canal without the anesthetic before I would want to go through a tax audit. But a lot of the American people today are very concerned about a potential tax audit, so they're paying a little more taxes than they might otherwise.

They had to file. They drop it in at the last minute. And we have post offices that will close at midnight tonight so that people that are hustling up to fill out their tax returns can drop those in and get them postmarked by midnight. And that will be advertised, and they'll plan it. And procrastination will take place. It's not something we enjoy doing.

This day, this day that the 16th amendment enabled all those years ago was a day that brought tens of thousands of Americans into this city, and they have been demonstrating and rallying and giving speeches and singing God Bless America. These are true patriotic Americans that are here in this city today. And they're at over 700 locations around America.

We're going to try to get a real count on how many Americans came out today that carried an American flag, that brought up the new standard of the constitutional conservatives that are the new majority makers for America. The new standard is an American flag and a yellow Gadsden Don't Tread on Me Flag to fly. That Don't Tread on Me, it carries a message that adds to Old Glory. And I am very, very happy to tell you, Mr. Speaker, that I have one flying outside my office at 1131 Longworth. Anybody that walks by there that sees that flag knows where I stand. That's the new standard of liberty. It's a new standard of freedom, and it supports and defends the United

States of America. It flies with deference to Old Glory, and it supports and defends the principles that are in the Constitution and the principles of free enterprise and free enterprise capitalism.

I would wonder, watching the activities and the behaviors at the White House over this last year and a half or so, if they actually would agree with one of the questions that are on the naturalization flash cards that are put out by the U.S. citizenship immigration services. These are the people that provide the services to naturalize new legal immigrants to become American citizens. These flash cards, a stack about this thick, Mr. Speaker, and nice little glossy things about like that. And I regret that I didn't bring one over here.

But there are around 120-or-so questions, and it'll start out on the one side of the flash card, you can read it and it'll say, Who's the Father of our country? And you snap it over the other way and it'll say, we know this, Mr. Speaker, George Washington.

You look at one side of another flash card and it will say, Who emancipated the slaves? Flip it over to the other side: Abraham Lincoln.

Now here's the one that might stump the White House today. And it's this: What is the economic system of the United States of America? Flip that flash card over: free enterprise capitalism.

□ 2210

Haven't seen a lot of that going on out of the White House in quite some time. In fact, when I look at what has been happening out at the White House, it starts with this. At the tail end of the Bush administration—with the full support and endorsement of then-candidate and United States Senator Barack Obama and now President, we saw the Secretary of the Treasury Henry Paulson come to this Capitol September 19, 2008. And he came into our closed-door session and he said, You need to give me \$700 billion, and you need to give it to me now. And if you ask any questions or if you try to amend my request in any way, you'll mess up the works. But what's bound to happen or what could be happening is we could see a complete meltdown of the global currency and the confidence and capital and collateral, and we could see the entire world money supply fall apart if they lose this confidence.

So he said, Give me \$700 billion, give it to me now, and if you have any ideas, they will not be as good as his own ideas. He said that he'd been watching this now for, I believe he said 13 months and we had only been watching it for 24 hours—some had—therefore, his ideas were a lot better than ours and his should not be questioned. And to come to this Congress and ask

for \$700 billion of the taxpayers' money without an assurance that his plan, if he carried it out and he got the money, would actually work. Well, that was the TARP proposal. Seven hundred billion.

The Congress eventually authorized and appropriated \$350 billion in one chunk in early October, I believe it was, of 2008 and another \$350 billion to be reauthorized by the next Congress, people to be elected later, approved by people to be elected later and approved by a President to be elected later and a Secretary of the Treasury to be confirmed after his tax problems later.

So that started this, \$700 billion in TARP. And we saw in rapid-fire succession behind that came the nationalization of three large investment banks, government takeover of three large investment banks.

Then we saw, while this was going on, government takeover of the insurance company, Mr. Speaker, AIG, to the tune of about \$180 billion dumped in because, remember, these entities are entities that are too big to be allowed to fail.

Now, that's a new concept for America. We never had that concept before. All through our history books and the current documents, I know of no place where we had come to a conclusion that these businesses were too big to be allowed to fail and so, therefore, we were going to prop them up with taxpayer dollars. But that is what happened.

\$700 billion in TARP; three large investment banks nationalized, taken over by the Federal Government; AIG nationalized, taken over by the Federal Government; Fannie Mae and Freddie Mac taken over by the Federal Government; and, by the way, formally locked into that full nationalization by Executive order of the President right before Christmas last year. And that saddled the American taxpayers with a \$5.5 trillion contingent liability in addition to the capital that had to go in to prop up Fannie and Freddie—and never mind all of the people that got rich out of that, including the Chief of Staff at the White House.

So we don't know what happened in all of those places because the chairs of the committees here in this Congress control the investigations of this Congress. But we saw \$700 billion in TARP, three large investment banks nationalized—AIG nationalized, Fannie Mae, Freddie Mac nationalized.

By now, Mr. Speaker, people are nervous, but they think they've elected some folks who understand high finance better than they do. This is a constitutional Republic, and we are to elect people to this Congress that owe the American people our best judgment and our best effort. And they trusted that best judgment and best effort and they trusted that we had access to more information and we'd use our good judgment.

But when the Federal Government got into the nationalization of General Motors and Chrysler, all almost simultaneously, the American people began to lose their faith in the judgment of the White House and their Congress and their government. Because even though the American people may not have confidence that they understand investment banking and high finance and insurance or the secondary mortgage market, the Fannie and Freddie components of this, the American people understand cars. We love our cars. We especially love our American-made cars. We love them. We drive them. We fix them. We show them. We collect them, and we make them.

And we know that if you want to make an automobile and sell a lot of them, it takes a lot of dealers to sell them. Anybody's intuition can tell them that if you go out in your garage or up in your attic or out in your shop and you invent the master widget and you patent that master widget and decide you're going to sell that widget across the country and the world, what you do easily is first lock down your patent, set up your manufacturing so you can meet the demand, and then you go out and set up dealers. And if you want to sell a lot of widgets, you have to have a lot of dealers, and you have to support and promote your dealers.

But when the Federal Government came in with a bankruptcy settlement that cut the numbers of dealers by 3,400 dealers in America, the American people know that the automakers didn't have a financial burden with the auto dealers. The auto dealers owned their franchises. They supported themselves. They paid for the services that they got out of the automakers. And for the White House to decree that there was going to be 3,400 dealers that got shut down in America, not only was that an unjust taking of the property rights of their franchise, but it also brings about sales of less automobiles. You can't sell more cars with fewer dealers even though they'll say, Well, we had bigger and better dealers that were healthier. That is not the point.

A lot of car dealers are face-to-face, retail marketing, neighborhood niche marketing. That service that goes on between the restaurant and the church and out there in the dealer's lot, a lot of that got shut down. But the American people saw that happen, Mr. Speaker, and then they really lost their faith in the judgment of the White House and this Congress and the Federal Government and they began to pay attention.

And we saw bankruptcy terms that were dictated by the White House, and when that was presented to the bankruptcy court, there wasn't a change that was made by that court. They accepted the terms that were dictated by the White House.

And we had a car czar at the White House that was 31 years old that had never made a car, sold a car, I don't think fixed a car—I don't know if he owned one, and if he did, I don't know if it was an American car. So all of this brings a high degree of nervousness on the part of the American people.

And then they see the President of the United States go down there and do his glad-handed grip and grin with Hugo Chavez of Venezuela. When I saw those fellows standing side by side with this grip and grin of this two-handed handshake—the old buddy handshake—I looked at that, and someone asked me in the Washington Journal program—I believe it was the following morning—what that made me think. Well, I thought a lot of the things that other people thought, but I also thought that Hugo Chavez is a nationalizer of the businesses that he's taken over in Venezuela, including a cargo rice plant not too long earlier than that. He is a piker when it comes to nationalization compared to our President, Mr. Speaker.

Three large investment banks nationalized. AIG nationalized. Fannie Mae and Freddie Mac—formerly private, marginally quasi-government at the time—nationalized. General Motors nationalized. Chrysler nationalized. The CEO of General Motors fired and replaced by the President of the United States. The President of the United States appoints all but two of the board members of General Motors.

And the shareholders, the secured creditors saw their assets in those companies wiped out. Even though they were secured assets, they wiped them out and they handed share ownership of 17½ percent of General Motors over to the unions. And the Speaker of the House, Mr. Speaker for the evening, made the statement going into this that she would not give bargaining leverage to the automakers over the unions, and that is the way it shook out. The unions got bargaining leverage over the automakers. And now we have a Federal Government that is running the car companies, and the unions have an ownership share, at least in General Motors, to a significant amount, 17½ percent is my recollection.

And then on top of that, if you're a government, a Federal Government, and you're running a car company like General Motors or Chrysler and you're having trouble competing, you're also running the regulatory organization.

□ 2220

So I am not, Mr. Speaker, suggesting that I know anything that the American people don't know about what might have brought about the intense scrutiny of Toyota that cost them at least a \$16 million fine for their throttle and untold amounts of negative publicity on their throttle control and a number of other things.

But I will only submit, Mr. Speaker, that I have the American people coming to me on a regular basis and ask me if that intense scrutiny of the regulators on Toyota couldn't have something to do with the need of the Federal Government to see General Motors and Chrysler succeed, perhaps, more.

I don't have any evidence that would suggest that. But the appearance of impropriety certainly exists, Mr. Speaker, and the American people don't want to see one-third of their private sector activity nationalized and taken over by the Federal Government. But that's what's happened, one-third of the private sector activity swallowed up in those eight entities that I talked about.

Oh, and by the way, on the tail end of that is \$787 billion in this thing called the economic stimulus plan, of which 6 percent of Americans think actually worked, 94 percent believe that it didn't help and didn't do any good.

Now, this is a pretty sick scenario, \$700 billion in TARP, \$787 billion in economic stimulus plan, eight huge national entities nationalized—and these are net private entities that are nationalized—one-third of the private sector activity nationalized. Now where are we? Now we get to ObamaCare, and ObamaCare is another 18 percent that was formerly private. Now it's under the auspices of the Federal Government, command and control and regulate.

Yes, some will say that these are private insurance companies, and it's not the Federal Government. But the Federal Government will effectively cancel every health insurance policy in America and reauthorize only those that meet the new standards that will be written, not the standards that we have today.

The options that the American people have will be diminished, not increased. American freedom will be diminished and not increased. The costs will go up for these premiums, because the Federal Government will impose more and more mandates on these health insurance policies. They will require that every health insurance policy covers contraceptives, and they will require that it covers mental health, and they will require piece after piece after piece, and one of these is require that health insurance policies cover the children up to age 26. Huh. I didn't really raise a family with the idea that my kids would start to grow up at age 26, and the law has been that 18 is a good place to say that they are grown up. Now, we like to keep them around longer than that and get them a college education and transition them into adulthood, but we do not need the super nanny Federal Government setting a 26-year standard because somebody in this Congress thought it was a good idea.

I had a young man come to me this afternoon at one of the Tea Party ral-

lies; and he said, well, I am 23 years old. Don't you want me to have insurance under my parents until I am 26? And I said, no, I want you to grow up. When do you think you are going to be an adult? You are not one yet at 23?

I mean, well, then why 26? Why not 28? Why not 32? Why not all the way to Medicare eligibility? Then you have got the whole thing covered.

This is the mentality that's going on. This is a President that believes in single payer. He said so over and over again. He debated Hillary Clinton, who was for single payer. The bill that she brought back to this Congress in 1993 and 1994 was single payer. That means that the Federal Government pays it all.

They got all they could get to toss us into the abyss of socialized medicine. They went as far as they could go. They imposed a bill on the American people, that ObamaCare bill that about 3 weeks ago passed off the floor of this House and went to the White House for his signature. On the day that it passed this House and went to the White House, it could not have passed the United States Senate. On the merits of the bill, it sure looked to me like it couldn't pass the House either, Mr. Speaker.

But, nevertheless, ObamaCare became the law of the land, and it's going to take 4 years to implement the socialized medicine policy, but immediately the tax increases kick in. And so I will lay out a better sequence, I think, Mr. Speaker, and it is this.

The American people are rising up. They have filled this capital city up time and time again. They did so on November 5 of last year. They did so on November 7. They did so the previous 9/12. The day after September 11, the 9/12 Project Group, hundreds of thousands came to this city.

They are doing it again. This coming September, there will be other rallies across the country. The tens of thousands that are here in this city today are multiplied across some 700 locations, thousands and thousands of people that I think will add up into the millions that come to the streets and say, enough, I have had enough. I have had enough of watching my country run into the ditch. I have had enough of watching this overspending, this irresponsible increase in our spending without regard to trying to balance a budget or any sense of fiscal responsibility.

If you simply want something for your constituents and you sit on Appropriations Committee or you are in tight with the Speaker or you have somebody, then a staff that can write that number in for you, the spending just comes, and we will see.

We will see again no appropriation bills probably come out of this House, no budget probably come out of this House, because if we passed a budget,

however irresponsible the budget is, it still is a spending constraint and a debate point. So they are going to avoid a budget and just spend all the money they want to spend. But they have a little trouble because there is an election coming and the American people are getting real savvy to these tricks.

So what I think will happen will be we will see a continuing resolution or several of them that deal with these appropriations components, kick the can down the road. Then there will be an election in early November, and then I think they come back with an omnibus spending bill that will take these continuing resolutions, these CRs, as we call them, and stack it up in about 3,600 pages and someplace between 500 billion and a trillion or more dollars will get spent. And there won't be any amendments allowed, and there will be a limited amount of debate, and, once again, the American people will not have the opportunity to scrutinize what's going on here in this House of Representatives.

I suggest this, that I have a bill that's called the CUT Act, to cut the unnecessary tab is what CUT stands for, cut the unnecessary tab, the CUT Act. And it recognizes that there is an upward spiral of spending that's naturally built into this system. The President proposes his spending. The House, by Constitution, has to start the spending here. If the House doesn't want to say no to the President of the United States, they just simply take the President's proposed budget and add the things into it that they want, and they send it over to the Senate, who doesn't want to say no to the President and doesn't want to say no to the Speaker of the House or the will of the House. So they simply accept the spending that's come from the President, increased by the House, and they stack their spending goodies on top of that.

The Senate is really good at adding lots of billions of dollars, and now it has to come back around to the House where the Speaker will not want to say no to the Senate or the President again. So it will jack up the spending again, and the bill will go to the President's desk, and we will go deeper into debt.

That's the spending spiral that happens when you have a ruling troika, Mr. Speaker. That's when the President of the United States, the Speaker of the House, and the Majority Leader in the United States Senate, all of the same party, all with super majorities—well, HARRY REID is just one short of that super majority over there—the three of them could go into a phone booth and decide what they want to do with, to or for America.

What has happened has been a sad, sad state of affairs indeed, irresponsible spending, ObamaCare, unconstitutional, and in a whole number of ways,

no budget coming forth, the tax cuts that were so important in stimulating our economy back in 2003, that would be those cuts that were signed into law May 28, 2003, the second half of the Bush tax cuts. Those tax cuts are set to expire at the end of this year.

Right now, Mr. Speaker, it's a good year to die, because there is no inheritance tax. However, it goes back to a super high rate the first of next year, and no action has been taken.

And even though we have a bit of an extenders package today, there is nothing there for the blenders credit for biodiesel, and it's hanging our capital investment out to dry. The people that have followed the direction of the Federal Government and risked their capital, when the government put out the message that was we want to see renewable fuels developed in an industry and to replace at least in part gasoline, we built an industry, the ethanol industry, the biodiesel industry. In fact, the first legislation that I drafted and introduced as a new Member of Congress was that blenders credit for biodiesel.

□ 2230

And these biodiesel plants now, with hundreds of millions of dollars invested and hundreds of thousands of employees altogether, have shut down, many of them, perhaps all of them in my State are shut down and they are being mothballed. There is silence there where there was production before, 24/7 production in many of their cases. Now it's silence. You might hear a fan run. It's a cooling fan; that's about it. They have to make a decision on whether they walk away and cut their employees loose and leave them unemployed and lose that good core workforce or whether they try to eke it out and stay in. And this Congress has an obligation to turn that card over and get that blender's credit passed so that the 14 plants that I know of in Iowa that are shut down that are viable with it can get up and running again. One of those plants is being dismantled and shipped to India.

I make this point to the Speaker and the environmentalists that are in this Congress, that if it's your idea to build a second generation of renewable fuels, such as cellulosic ethanol or sugarcane based or whatever it might be, unless we have a viable first generation which we have built—and it's not viable today without the credit—if we don't have a viable first-generation renewable fuel, then we're not going to be able to build a second generation. You cannot attract capital to that industry when government doesn't keep their word. And this time it has gone on too long; it has gone on since the first day of this year.

This is the 15th of April. That's January, February, March and half of April, and all of those have been money-los-

ing weeks for the people that stepped forward to do the bidding of the government. So I'm hopeful that we get that turned around and get that passed out of this House and we do so soon and send that component at least to the President. It is a responsibility, and it is irresponsible to just kick the can down the road.

But, Mr. Speaker, I take us back to ObamaCare. And what is the solution? First, I think I should go through a list of some of the things that are wrong. A half a trillion dollar cut in Medicare punishes our seniors. I represent, I believe, the most senior congressional district in America. A half a trillion cut, and what happens? AARP, or the American Association of Retired Persons—or People—cut a deal with the White House to support a half a trillion dollar cut to the benefits to their members. And why? I think it's because the bill mandates that people buy insurance, and AARP is in the insurance business. I don't know that, but I would sure like to hear the straight story about what went on back there with the President and Rahm Emanuel and the representatives of AARP.

I'd like to know what went on with the health insurance companies, why so many of them supported this. This is anathema to their beliefs. But could they have just concluded that the Federal Government is going to compel everybody to buy health insurance, therefore it's a bigger market for them? And why would they feed the alligator, hoping that they get eaten last? Haven't they seen the pattern? Do I need to explain that, Mr. Speaker? Okay, I will.

I'm glad that you nodded in the affirmative. And that would be this: back in the sixties—I think the year would have been '62 and '63—we had at that time all of the property and casualty flood insurance in America was private, not government. And because we had had some floods, there was an argument made in this Congress that the Federal Government should provide all the flood insurance—or should provide, excuse me, competition in the flood insurance business. And so the Federal Flood Insurance Program began just to keep the insurance companies honest and make sure they could provide the flood insurance that was necessary in the flood plains that we had.

So one would think that the Federal Government would set up a little company and sell flood insurance and these other companies would just get more competitive, leaner and meaner, and more of them, perhaps, and we would have good flood insurance in America. But what happened was the Federal Government squeezed out 100 percent of the private sector property and casualty flood insurance so that today, Mr. Speaker, if you want to buy flood insurance for your home or your office or your factory or your farm, or what-

ever it might be, you have no choice but to buy that flood insurance that's provided by the Federal Government. That's what has happened. One hundred percent of the private sector in 1962, and over a number of years the Federal Government swallowed up all of the private sector flood insurance.

Now, one might say this is an anomaly, it really isn't a pattern, it was a circumstance, it had special circumstances involved with it so we can't anticipate that the Federal Government will swallow up the health insurance industry. Well, here is the definitive irony, and that is this: years ago—about the time that I was going to college anyway—I believe that all of our student loans were private, not government. And then government decided they wanted to get into the business, so they took a chunk of the student loans over. But they said, oh, we don't want to own it all, we don't want to run the whole thing, we just simply want to provide some competition here because that will make everybody better. I don't know why anyone would think that the private sector doesn't provide enough competition, and I will talk about that in a moment, Mr. Speaker.

So when the Federal Government got involved in the student loan business only to provide some competition and do a segment of the market and let them compete against each other, a lot of us said, no, the Federal Government is positioning themselves to take over 100 percent of the student loans program. And however that was denied for some time, it hasn't been denied in this Congress since Speaker PELOSI picked up the gavel, not by the other side of the aisle, not by GEORGE MILLER. It was his goal all along, and he will tell you that he's been honest about that. But in any case, that's what happened. Written into the reconciliation package of ObamaCare was the final nail in the coffin to anything except Federal student loan programs. The private stuff was all swallowed up, it's wrapped up, it's packaged up, and it's wiped out.

So we have examples before us: flood insurance, formerly 100 percent private, Federal Government got involved in that, now it's 100 percent government. You have the student loan program that was formerly 100 percent private, the Federal Government got involved in that, now it's 100 percent government. And here we are, the health insurance program, where the President of the United States has consistently said we don't have enough competition in the health insurance industry so he just wanted to start one more company, a Federal health insurance company, just to provide some competition. No, it would never replace all those other companies, just to provide some competition. Now, here are some facts that I mentioned that I would bring out a few minutes ago:

When ObamaCare passed, we had 1,100 health insurance companies in America, 1,100. That's not a mistake; it's not a decimal point out of line. We have—or at least a couple, 3 weeks ago had that many companies, 1,100 health insurance companies selling right in the neighborhood of 100,000 possible health insurance policy variations. So if you go shopping out there, 1,100 companies, 100,000 policies and 50 States—and, yes, you can't buy in all those because buying insurance across State lines is not something that has been accepted.

So, simply, if you wanted more competition, you would allow people to buy insurance across State lines and you would end this question. But the President's idea was create some Federal competition because what happens is when the Federal Government gets involved, then they turn in and they subsidize. And when they subsidize, then no private sector can compete with them. Oh, and by the way, a little known tidbit fact, the Federal Flood Insurance Program that they run 100 percent of now is \$19 billion in the red. So the premiums don't reflect the risk, and people continue to build in the flood plains out of proportion to the high risk that's there, and we have more and more property that we have to protect with Federal taxpayer dollars, and it just snowballs, and it gets worse and worse and worse.

Well, ObamaCare drives up cost, it discourages research and development, it will reduce quality, it discourages doctors and health care providers. I said that our doctors in America, they may not be on suicide watch, but they are assigned to only use plastic silverware, and it's kind of hard to conduct surgery with that, so it has been real hard on the health care providers.

□ 2240

The freedom and the liberty component of this is the worst part when we think, Mr. Speaker, that, ever since 1973, the people on that side of the aisle—I'll call it the left side of the aisle—primarily, and a few on our side made the argument that *Roe v. Wade* is settled law, that a woman has a right to an elective abortion under any circumstances and that the government has no business telling a woman what she can or can't do with her body. That argument was made by men and women—by almost everybody on that side of the aisle and by a few of the people on this side of the aisle. It's a pretty interesting point. The Federal Government has no business telling a woman what she can or can't do with her body.

Now look at it. The very same people who have made this argument since 1973 are saying to us, Well, the Federal Government has every right to tell everyone in America what they can or can't do with their bodies, and that includes thou shalt buy a government-ap-

proved health insurance policy or sign up for Medicaid. We'll make sure we can give you a stipend if you don't have the money, and we'll tax you if you do have the money. If you're an employer with 50 or more employees, you'll have to make sure they all have government-approved health insurance. If you're an employer with 49 employees, thou would be stupid to hire the 50th one.

So we'll see a lot of small businesses that will reach that level of growth, and they'll stop. They might go out and create another entity and roll some employees into that and stop. We will not just see all kinds of machinations of business configurations for the purposes of tax delay or avoidance that is driven by this Tax Day and the IRS, but we are going to see, also, business models that will be configured in order to avoid the Federal mandate because the Federal mandate requiring people to provide health insurance because they're employers is immoral and is unjust and is impractical, and it will create convoluted business arrangements.

I am for, Mr. Speaker, abolishing ObamaCare, for repealing ObamaCare. I have introduced a bill that repeals ObamaCare. Congresswoman MICHELE BACHMANN has also introduced a bill that repeals ObamaCare. They happen to be verbatim in their language. PARKER GRIFFITH has one and, I believe, BOB INGLIS. They are a couple other names that come to mind. I am for all of them. I want to work with all of them and with everyone else who has a bill. It's interesting. Within the 2,700 pages of ObamaCare, nobody read it all, I don't believe. If they did, they didn't understand it all.

I have a bill that I drafted that addresses this, and it's far better than the one they put in. I asked the College Republicans to sit and listen while I read through my bill, every word of it, and I asked them to pay attention and not to lose their concentration. I read the 40 words, not 2,700 pages, not 40 titles, not 40 pages, not even a page. I read 40 words on a page that essentially say to repeal ObamaCare, every bit of it, to pull it out by the roots. Now I'm going to embellish beyond the language. Take it out. Repeal ObamaCare lock, stock and barrel. Pull it out root and branch. Make sure there is not a vestige or a remnant of any DNA particle of ObamaCare left in the Federal code, because this policy that was and had become a toxic stew that was now force-fed to the American people has become a malignant tumor in our society, and what we do with malignant tumors that are on the verge of metastasizing is we take them out, and we pull them out by the roots. We cut out the entire tumor. If there happens to be a little good tissue around the edges, it's better to err on that side than it is to leave some malignant cells.

There is not one single part of ObamaCare that should be retained by this new Congress, and I expect to have a discharge petition down here at the well sometime in the next few weeks asking Members to sign onto it, working our way towards 2018 so we can send a repeal bill out of the House of Representatives. Hopefully, the Senate will pick this up as well.

The sequence becomes this: Yes, if we could get it there—and it's a hard task to get it there, and I'm not predicting it's possible. Everything is possible. SCOTT BROWN is in the United States Senate today. So, with that optimism in mind and knowing that northern Iowa beat Kansas in the NCAA tournament, I'm pretty confident there is a chance that we can repeal ObamaCare in this Congress. There is a chance. We put the marker down, Mr. Speaker. Then we have an election in November.

The President is fond of saying, Push the reset button. I think what we have in America today is that millions of people are in a different place politically than the administration is. A lot of them didn't know what they voted for. They voted for change. They had Bush fatigue. They wanted to shift the way we do business. Some of them—and a lot of them now—have buyer's remorse for what they did. You have the newly activated constitutional conservatives across this full spectrum of people. You have the 9/12 Project Group, all of the patriot groups, the Independents who are newly activated, the Republicans who are in greater numbers, newly activated constitutional conservatives, and all of that.

Mr. Speaker, they intend to make a difference, and I intend to make a difference with them. The constitutional conservatives I've described represent the new majority makers in America, the heart of the heartland, and the values that flow from there which index from California to Massachusetts into the Northeast, the Northwest, the Southeast, and beyond.

This Congress today doesn't represent the will of the American people. By 2 to 1, they oppose ObamaCare. It's still the law of the land today, and it can and must be repealed, every single bit of it. There is no excuse for those who voted "no" on ObamaCare to be anything except in favor of a full repeal of ObamaCare.

After this Congress has reset at the election in November and after the swearing in of the new Congress on January 3 of 2011, we will exert the will of the American people, and ObamaCare will be repealed. I expect that the President will veto such a repeal. When that happens, we will have on record the will of this Congress, the will of the United States Senate.

We will have the opportunity then with the appropriations bills to refuse to allow any of the appropriated funds to be used to implement ObamaCare.

With simple majorities in this House, which is where all funding and spending has to start by Constitution, we will be able to shut off the implementation of ObamaCare. We can do that for all of 2011 and send another repeal bill to the President's desk, which he is likely going to veto. In 2012, we can do the same thing for the appropriations cycle so that there is not a shred of ObamaCare that gets implemented, not in 2011, not in 2012.

Then we will have a new Presidential election in 2012, and we will have a new President. We will have a President who will sign a repeal of ObamaCare, and we will put it on his desk in January or February of 2013. We can begin the process then of real health care reform.

We need to do it, Mr. Speaker, not with a big Republican bill, not like this 2,700-page ObamaCare bill. We need to set up our priorities for health care, and we need to move down the line, one after another after another, with clear, standalone pieces of legislation that actually fix this problem and reform it in a way that the free market and the doctor-patient relationship are improved. The trial lawyers are going to have to give up a lot. We'll just go right on down the line, one after another, with standalone pieces of legislation. We can actually implement real, logical free market reforms and have that all done before ObamaCare would be implemented under the plan that is laid out today, because those pieces don't come into place, in finalizing most of them, until the beginning of 2014.

So what we can do is go through the sequence of this: Repeal ObamaCare; win the majority; shut off the funding for the implementation of ObamaCare; run a new election; expand a new majority in the House and the Senate; elect a new President; and repeal ObamaCare; pull it completely out by the roots so there is not a vestige of it left behind, not one single particle of its DNA left behind.

We can do all of that, Mr. Speaker, and still bring real reforms and put them in place and have them up and running before ObamaCare would have even kicked in. The American people will have their freedom, and they will have their liberty. That is the most egregious violation. From a constitutional perspective, ObamaCare is unconstitutional in several ways:

One, there is nothing in the enumerated powers that grants this Congress authority to establish ObamaCare—we can go into that in more detail—and it's a violation of the Commerce Clause. There are people and have always been people who have been born, who have lived and died who have not participated in health care at all but who would be compelled to buy a product produced or approved by the Federal Government for the first time in

history just to be an American. In spite of what some of the people have tried to argue, there is no example to the contrary.

It is a violation of the Equal Protection Clause. People in Florida are treated differently than the people in Texas. It's not the Cornhusker Kick-back any longer, but there is a package in Louisiana that treats Louisianans differently than it does the people in all the rest of the country.

□ 2250

There's a strong argument on equal protection violation. And there's a 10th Amendment violation; these powers need to be reserved for the States or the people respectively, not the big reach of the Federal Government.

All of this needs to happen. We can do this and we will have the leadership in this country and in this Congress to get it done.

I see that we have a strong leader from east Texas, the Aggie, my friend, Judge LOUIE GOHMERT. I would be happy to yield so much time as the gentleman from Texas may consume.

Mr. GOHMERT. I appreciate my friend from Iowa yielding.

What was one of the most heartbreaking aspects of this health care bill that was crammed down the throats of Americans, a majority of whom were begging and pleading and demanding not to pass it, but it was the aspect of the increased taxes at a time when we're in a recession. We could not afford increased taxes which was going to bring about an end to more jobs. We couldn't afford what was in the bill which meant that people were going to be laid off. It meant that people were going to have salaries cut. It meant that people were going to lose their health care insurance. Because whoever's staffer or the special interest groups, all those folks that worked on this thing, they knew a number of things. First of all, of course, whoever's staffer in leadership helped draft it made sure the leadership staff was not included in the mandate for Members of Congress and their staffs to have to participate in the Federal program, so they knew they didn't want to be part of it.

But then here we are in a recession. It should be all about jobs. It should be about careers and helping people get back employment so that once they have the jobs, they've got employment, they can do the things they used to do that helped drive the economy: go back to the store and pick up something to wear; go back to a restaurant and get something to eat. And then that feeds those that work in the restaurant and the cycle goes on.

Instead, we increased taxes \$500 billion over 10 years; \$50 billion a year average. Employers were telling us in advance of the vote, If you do this, it's going to cost us billions of dollars

across the country. We're going to have to either lay people off, we're going to have to cut people's salary, we're going to have to drop their health care insurance.

And so in the bill, you've got a provision that if you're considered not a small business, meaning less than 50 workers, then you've got a choice: you either provide the mandated health insurance at the level required or you pay a \$2,000 fine. There's a little gimmick in there. You deduct 30 from the number of employees, so if you've got 50, then you deduct 30 and you pay 20 times \$2,000, or \$40,000, or you buy health insurance for all 50 employees. \$40,000, less than a thousand dollars per employee, or health insurance for 50.

Well, it's a no-brainer. So many businesses with the added taxes that are in this bill are already saying, We've got to make cuts somewhere. If we can get away with only paying \$40,000 instead of paying many times that for health insurance for our 50 employees, that's what we're going to have to do so we can keep them employed. That doesn't insure the 30 million that we were told was the whole purpose of this bill. In fact, it will ultimately throw more than that off of their own health insurance.

"If you like your health insurance, you'll keep it." People all across America heard that over and over. Apparently it simply was not true. The only question is, did the person making those statements know that they were not true when they were made? Or did it become a matter of convenience to strip everybody's health insurance at a later date? Either way, it was grossly unfair to all the people who did like their health insurance.

Reforms needed to be made, there's no question. We all agree on that. We could have worked together to provide those reforms. Instead, we had a monstrosity of a bill that simply got crammed down everybody's throat. That is what's most troubling.

I've already gotten the calls, I've gotten emails, I'm hearing people say they've been laid off, a family member has been laid off, they've been told they're going to have to cut their salaries. Why? Because we rushed this health care bill and rammed it through without most of the people in this body bothering to read it. I read all I could in the short period of time and I read enough to know that this is a disaster for America.

But if you're into government controlling everything, then you've got to love it, because it's sure going to have more government: 17,000 more IRS agents monitoring everybody monthly to make sure they're complying with the insurance requirements. How amazing, though. We hear from our friends across the aisle, We're concerned about the hardworking poor in America.

Well, guess what: If you make under 133 percent of the poverty level when

this disaster kicks in in 2013, 2014, you're not going to have a choice. When you need health care, you're going to be thrown into Medicaid. I heard that Walgreens said they're not going to take any more Medicaid prescriptions. Doctors are saying we can't make enough money to pay for the care, much less make a profit, so they're not taking Medicaid.

What a disaster for America. This needs our attention. But the heart-breaking aspect I keep coming back to is, people didn't have to lose their job, lose their insurance. Businesses didn't have to pay this much more tax. But we rushed it through. And I come back to a quote by George Washington, who said, "Government is not reason, it is not eloquence, it is force; like fire, it is a dangerous servant and a fearful master."

When this government was designed by our Founders, it was never intended to be the master of people. The people were meant to be the masters of this government; and this bill has thrown that all out of whack just as George Washington and so many of our Founders anticipated, and it requires the actions of Americans running to the sound of legislation to help prevent any more from this fearful master, as George Washington put it.

Mr. KING of Iowa. Reclaiming my time, I very much thank my friend from east Texas, the Aggie, for coming to the floor this time of the night. I know it's been a long day, sustainable of lots of energy in rallies all across the city and the country and 700 plus of those.

We want a smaller government, not a larger government. We want a constitutional government. The number one priority that's being asked of us is to cite the sections of the Constitution that grant us the authority in every bill we introduce in this Congress. I've never done that, but I think it's a very good idea.

I'll say I have cited it when it comes to the time to pass a constitutional amendment or to repeal. I'm going to continue to pay attention to that. I think that's a very good idea. The thing that seems to draw the most emotion and the most mindset and the most thought is ObamaCare, the urge for the full repeal of ObamaCare, because we know intuitively that ObamaCare is unconstitutional, as I said; it's unfundable, it's unsustainable, and, Mr. Speaker, it's unforgivable to do this to the American people. The American people will not forget and they will not forgive and those that they do support in this new majority that's being driven by the constitutional conservatives, those that they do support had better keep their word. And when they give their oath here on the floor of this Congress, the new freshman class, which will be a large one, they better take their oath

seriously to the Constitution. I continue to stand with it. I know the gentleman from Texas does. Many of my colleagues do the same. It's a serious oath.

Mr. Speaker, I appreciate the attention that you've given us this evening and the opportunity to address you here on the floor of the House. We covered a little bit of the subject matter that's important and imperative to this country.

I would yield back the balance of my time.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Ms. BORDALLO (at the request of Mr. HOYER) for today and the balance of the week on account of official business.

Mr. TOWNS (at the request of Mr. HOYER) for today on account of attending a funeral.

Ms. JACKSON LEE of Texas (at the request of Mr. HOYER) for today on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. POLIS) to revise and extend their remarks and include extraneous material:)

Mr. ALTMIRE, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Mr. DEFazio, for 5 minutes, today.

Mr. POLIS, for 5 minutes, today.

(The following Members (at the request of Mr. POE of Texas) to revise and extend their remarks and include extraneous material:)

Mr. MORAN of Kansas, for 5 minutes, today and April 22.

Mr. POE of Texas, for 5 minutes, April 22.

Mr. JONES, for 5 minutes, April 22.

Mrs. BLACKBURN, for 5 minutes, today.

Mr. POSEY, for 5 minutes, April 20.

Mr. ROHRBACHER, for 5 minutes, today.

Mr. GARRETT of New Jersey, for 5 minutes, today.

ENROLLED BILL SIGNED

Lorraine C. Miller, Clerk of the House, reported and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 4851. An act to provide a temporary extension of certain programs, and for other purposes.

SENATE ENROLLED BILL SIGNED

The Speaker announced her signature to an enrolled bill of the Senate of the following title:

S.J. Res. 25. Granting the consent and approval of Congress to amendments made by the State of Maryland, the Commonwealth of Virginia, and the District of Columbia to the Washington Metropolitan Area Transit Regulation Compact.

ADJOURNMENT

Mr. KING of Iowa. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 p.m.), under its previous order, the House adjourned until tomorrow, Friday, April 16, 2010, at 1 p.m.

OATH OF OFFICE MEMBERS, RESIDENT COMMISSIONER, AND DELEGATES

The oath of office required by the sixth article of the Constitution of the United States, and as provided by section 2 of the act of May 13, 1884 (23 Stat. 22), to be administered to Members, Resident Commissioner, and Delegates of the House of Representatives, the text of which is carried in 5 U.S.C. 3331:

"I, AB, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter. So help me God."

has been subscribed to in person and filed in duplicate with the Clerk of the House of Representatives by the following Member of the 111th Congress, pursuant to the provisions of 2 U.S.C. 25:

THEODORE E. DEUTCH, Florida, Nineteenth.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

7022. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule — Potato Research and Promotion Plan [Doc. No.: AMS-FV-09-0024; FV-09-706C] received April 1, 2010 to the Committee on Agriculture.

7023. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Flutolanil; Pesticide Tolerances [EPA-HQ-OPP-2009-0553; FRL-8817-9] received March 30, 2010 to the Committee on Agriculture.

7024. A letter from the Under Secretary, Department of Defense, transmitting a letter regarding mobilization of reserve component service members to the Committee on Armed Services.

7025. A letter from the General Counsel, Federal Housing Finance Agency, transmitting the Agency's final rule — Federal Home

Loan Bank Housing Associates, Core Mission Activities and Standby Letters of Credit (RIN: 2590-AA33) received March 1, 2010 to the Committee on Financial Services.

7026. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Notice of Interpretation — Prevention of Significant Deterioration (PSD): Reconsideration of Interpretation of Regulations that Determine Pollutants Covered by the Federal PSD Permit Program received April 8, 2010 to the Committee on Energy and Commerce.

7027. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Reconsideration of Interpretation of Regulations that Determine Pollutants Covered by Clean Air Act Permitting Programs [EPA-HQ-OAR-2009-0597; FRL-9133-6] (RIN: 2060-AP87) received March 30, 2010 to the Committee on Energy and Commerce.

7028. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Prevention of Significant Deterioration (PSD) and Nonattainment New Source Review (NSR): Inclusion of Fugitive Emissions; Final Rule; Stay [EPA-HQ-OAR-2004-0014; FRL-9131-9] (RIN: 2060-AP73) received March 26, 2010 to the Committee on Energy and Commerce.

7029. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; Texas; Revisions to Chapter 116 which relate to the Voiding of Permits and Extension of Permits [EPA-R06-OAR-2008-0089; FRL-9132-3] received March 26, 2010 to the Committee on Energy and Commerce.

7030. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — 1-Propene, 2,3,3,3-tetrafluoro-; Withdrawal of Significant New Use Rule [EPA-HQ-OPPT-2008-0918; FRL-8816-9] (RIN: 2070-AB27) received March 26, 2010 to the Committee on Energy and Commerce.

7031. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Revisions to the General Conformity Regulations [EPA-HQ-OAR-2006-0669; FRL-9131-7] (RIN: 2060-AH93) received March 26, 2010 to the Committee on Energy and Commerce.

7032. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's "Major" final rule — Regulation of Fuels and Fuel Additives: Changes to Renewable Fuel Standard Program [EPA-HQ-OAR-2005-0161; FRL-9112-3] (RIN: 2060-A081) received March 26, 2010 to the Committee on Energy and Commerce.

7033. A letter from the Acting Associate Chief, Wireline Competition Bureau, Federal Communications Commission, transmitting the Commission's final rule — Schools and Libraries Universal Service Support Mechanism [CC Docket No.: 02-6] received April 1, 2010 to the Committee on Energy and Commerce.

7034. A letter from the Senior Legal Advisor/Chief, Wireless Telecommunications Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Part 90 of the Commission's Rules [WP Docket No.: 07-100] received April 1, 2010 to the Committee on Energy and Commerce.

7035. A letter from the Secretary, Department of the Treasury, transmitting a six-month periodic report on the National Emergency with respect to persons who commit, threaten to commit, or support terrorism that was declared in Executive Order 13224 of September 23, 2001 to the Committee on Foreign Affairs.

7036. A letter from the Secretary, Department of State, transmitting notification that effective February 28, 2010, the 15% Danger Pay Allowance for USG civilian employees serving in Monrovia and Other, Liberia has been eliminated based on improved conditions to the Committee on Foreign Affairs.

7037. A letter from the Under Secretary, Department of Defense, transmitting annual audit of the American Red Cross consolidated financial statements for the year ending June 30, 2009 to the Committee on Foreign Affairs.

7038. A letter from the Assistant Director, Executive and Political Personnel, Department of Defense, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998 to the Committee on Oversight and Government Reform.

7039. A letter from the Director, Congressional Affairs and Public Relations, Trade and Development Agency, transmitting the Agency's Fiscal Year 2009 annual report prepared in accordance with Section 203 of the Notification and Federal Employee Anti-discrimination and Retaliation Act of 2002, Pub. L. 107-174 to the Committee on Oversight and Government Reform.

7040. A letter from the Acting Assistant Secretary for Fish & Wildlife & Parks, Department of the Interior, transmitting the Department's final rule — Refuge Specific Regulations; Public Use; Kodiak National Wildlife Refuge [FWS-R7-NSR-2009-0055] [70133-1265-0000-4A] (RIN: 1018-AW15) received April 1, 2010 to the Committee on Natural Resources.

7041. A letter from the Assistant Secretary for Fish & Wildlife & Parks, Department of the Interior, transmitting the Department's final rule — 2009-2010 Refuge-Specific Hunting and Sport Fishing Regulations — Additions [Docket No.: FWS-R9-NSR-2009-0023] [93270-1265-0000-4A] (RIN: 1018-AW49) received April 8, 2010 to the Committee on Natural Resources.

7042. A letter from the Assistant Attorney General, Department of Justice, transmitting the third Annual Report of the Office of Privacy and Civil Liberties to the Committee on the Judiciary.

7043. A letter from the Assistant Attorney General, Department of Justice, transmitting the Department's quarterly report from the Office of Privacy and Civil Liberties to the Committee on the Judiciary.

7044. A letter from the Acting Assistant Chief Counsel for Legislation & Regulations, Department of Transportation, transmitting the Department's final rule — America's Marine Highway Program [Docket No.: MARAD-2010-0035] (RIN: 2133-AB70) received April 5, 2010 to the Committee on Transportation and Infrastructure.

7045. A letter from the Regulatory Ombudsman, Department of Transportation, transmitting the Department's "Major" final rule — Electronic On-Board Recorders for Hours-of-Service Compliance [Docket No.: FMCSA-2004-18940] (RIN: 2126-AA89) received April 13, 2010 to the Committee on Transportation and Infrastructure.

7046. A letter from the Director, Regulations Policy and Management, Department of Veterans Affairs, transmitting the Department's final rule — Grants to States for Con-

struction or Acquisition of State Home Facilities-Update of Authorized Beds (RIN: 2900-AM70) received April 8, 2010 to the Committee on Veterans' Affairs.

7047. A letter from the Federal Register Liaison Officer, Department of the Treasury, transmitting the Department's final rule — Liquor Dealer Recordkeeping and Registration, and Repeal of Certain Special (Occupational) Taxes [Docket No.: TTB-2009-0003; T.D. TTB-84; Re: Notice No. 96 and T.D. TTB-79] (RIN: 1513-AB63) received April 8, 2010 to the Committee on Ways and Means.

7048. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Stripping Transactions for Qualified Tax Credit Bonds [Notice 2010-28] received March 30, 2010 to the Committee on Ways and Means.

7049. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — American Recovery and Reinvestment Tax Act of 2009 Clarifications [Notice 2010-18] received March 30, 2010 to the Committee on Ways and Means.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. GRIJALVA (for himself and Ms. KAPTUR):

H.R. 5028. A bill to allow homeowners of moderate-value homes who are subject to mortgage foreclosure proceedings to remain in their homes as renters; to the Committee on Financial Services.

By Mr. JORDAN of Ohio (for himself and Mr. CHAFFETZ):

H.R. 5029. A bill to amend the Internal Revenue Code of 1986 to allow the private sector to create robust levels of economic growth; to the Committee on Ways and Means, and in addition to the Committees on Financial Services, and Appropriations, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. BEAN (for herself, Mr. KIND, Mrs. HALVORSON, Ms. MARKEY of Colorado, and Mr. NYE):

H.R. 5030. A bill to amend the Internal Revenue Code of 1986 to allow distributions from 529 plans for the payment of student loans; to the Committee on Ways and Means.

By Mrs. CAPITO:

H.R. 5031. A bill to amend the Internal Revenue Code of 1986 to allow a credit against tax for individuals age 18 through 30 for certain retirement contributions; to the Committee on Ways and Means.

By Mr. ACKERMAN (for himself, Mr. MAFFEI, Mr. KING of New York, Mr. KLEIN of Florida, Mr. PERLMUTTER, and Ms. SPEER):

H.R. 5032. A bill to amend the Securities Investor Protection Act of 1970 to provide insurance coverage for certain indirect investors caught in Ponzi schemes, and for other purposes; to the Committee on Financial Services.

By Ms. ROYBAL-ALLARD (for herself and Mr. DAVIS of Illinois):

H.R. 5033. A bill to authorize the Secretary of Health and Human Services to carry out programs to provide youth in racial or ethnic minority or immigrant communities the information and skills needed to reduce

teenage pregnancies; to the Committee on Energy and Commerce.

By Mr. DELAHUNT (for himself, Mr. COBLE, Mr. CHAFFETZ, and Mr. QUIGLEY):

H.R. 5034. A bill to support State based alcohol regulation, to clarify evidentiary rules for alcohol matters, to ensure the collection of all alcohol taxes, and for other purposes; to the Committee on the Judiciary.

By Mr. WITTMAN:

H.R. 5035. A bill to authorize appropriations for the construction of vessels for the Navy and to authorize appropriations for loan guarantees for commercial vessels; to the Committee on Armed Services.

By Mr. FOSTER (for himself and Mr. QUIGLEY):

H.R. 5036. A bill to amend the Internal Revenue Code of 1986 to establish a program to populate downloadable tax forms with taxpayer return information; to the Committee on Ways and Means.

By Mr. DOYLE (for himself, Mr. WAXMAN, Mr. BOUCHER, Ms. WASSERMAN SCHULTZ, Mr. ROHRBACHER, and Mr. HARPER):

H.R. 5037. A bill to provide for Federal agencies to develop public access policies relating to research conducted by employees of that agency or from funds administered by that agency; to the Committee on Oversight and Government Reform.

By Mr. HENSARLING (for himself and Mr. BACHUS):

H.R. 5038. A bill to repeal the Community Reinvestment Act of 1977; to the Committee on Financial Services.

By Ms. LORETTA SANCHEZ of California:

H.R. 5039. A bill to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the design, planning, and construction of the Groundwater Replenishment System Expansion to reclaim and reuse municipal wastewater in the Orange County, California region, and for other purposes; to the Committee on Natural Resources.

By Mr. KENNEDY (for himself, Mr. TIM MURPHY of Pennsylvania, Mr. MURPHY of Connecticut, Mr. GENE GREEN of Texas, and Mr. HASTINGS of Florida):

H.R. 5040. A bill to amend the Public Health Service Act and the Social Security Act to extend health information technology assistance eligibility to behavioral health, mental health, and substance abuse professionals and facilities, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HARE (for himself, Mr. RYAN of Ohio, Ms. SUTTON, Mr. HASTINGS of Florida, Mr. ELLISON, Mr. LYNCH, Mr. TONKO, Mr. KENNEDY, Mrs. NAPOLITANO, Ms. WATSON, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. PERLMUTTER, Mr. YARMUTH, Mr. OLVER, Ms. SHEA-PORTER, Mr. WAXMAN, Mr. COURTNEY, Mr. MICHAUD, Mr. LEWIS of Georgia, Mr. HINCHEY, Ms. WOOLSEY, Mr. KAGEN, Mr. JOHNSON of Georgia, Mr. QUIGLEY, Mr. LIPINSKI, Ms. RICHARDSON, Ms. HIRONO, Mr. DOYLE, Mr. LARSEN of Washington, Mr. BOSWELL, Mr. McDERMOTT, Mr. ARCURI, Mr. FILNER, Mr. RODRIGUEZ,

Mr. GRAYSON, Mr. CAPUANO, Mr. THOMPSON of Mississippi, Mr. LOEBACK, Mr. SIRE, Mr. PALLONE, Ms. KILROY, Mr. SCHAUER, Mr. BOCIERI, Ms. SPEIER, Mrs. MCCARTHY of New York, Mr. WILSON of Ohio, Mr. BRALEY of Iowa, Ms. ROYBAL-ALLARD, Ms. TITUS, Mr. MCGOVERN, Mr. GARAMENDI, Mr. KILDEE, and Ms. WATERS):

H.R. 5041. A bill to amend the Internal Revenue Code of 1986 to extend the qualifying advanced energy project credit; to the Committee on Ways and Means.

By Ms. WATERS (for herself and Mr. FRANK of Massachusetts):

H.R. 5042. A bill to amend section 20 of the Securities Exchange Act of 1934 to allow for a private civil action against a person that provides substantial assistance in violation of such Act; to the Committee on Financial Services, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. COHEN (for himself and Mr. DAVIS of Illinois):

H.R. 5043. A bill to amend title 11 of the United States Code to modify the dischargeability of debts for certain educational payments and loans; to the Committee on the Judiciary.

By Mr. KLEIN of Florida (for himself and Ms. ROS-LEHTINEN):

H.R. 5044. A bill to provide for enhanced penalties to combat Medicare and Medicaid fraud, a Medicare data-mining system and biometric technology pilot program, and a GAO study on Medicare administrative contractors; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ADLER of New Jersey:

H.R. 5045. A bill to amend title 38, United States Code, to provide for the tolling of the timing of review for appeals of final decisions of the Board of Veterans' Appeals, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. AKIN (for himself, Mr. NEUGEBAUER, Mrs. BACHMANN, Mr. BARTLETT, Mr. GRIFFITH, Mr. BONNER, Mr. CAMPBELL, Mr. POSEY, and Mr. BILBRAY):

H.R. 5046. A bill to amend title 13, United States Code, to require the inclusion of a statement within the decennial census questionnaire and the American Community Survey regarding certain response requirements, and for other purposes; to the Committee on Oversight and Government Reform.

By Mr. BECERRA:

H.R. 5047. A bill to amend the Internal Revenue Code of 1986 to provide taxpayer protection and assistance, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BRADY of Pennsylvania (for himself, Mr. BARTLETT, and Mr. SPRATT):

H.R. 5048. A bill to amend the Servicemembers Civil Relief Act to enhance the protection of credit ratings of

servicemembers serving on active duty, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. CARSON of Indiana:

H.R. 5049. A bill to amend title 10, United States Code, to expand the matters covered by pre-separation counseling provided to members of the Armed Forces and their spouses; to the Committee on Armed Services.

By Mr. COOPER:

H.R. 5050. A bill to amend the Internal Revenue Code of 1986 to provide an election for unmarried, nonitemizing individuals to have their returns prepared by the Secretary of the Treasury, and for other purposes; to the Committee on Ways and Means.

By Mr. CROWLEY (for himself, Mr. BISHOP of New York, Mr. ISRAEL, Mr. KING of New York, Mrs. MCCARTHY of New York, Mr. ACKERMAN, Mr. MEEKS of New York, Mr. NADLER of New York, Mr. WEINER, Ms. CLARKE, Ms. VELÁZQUEZ, Mr. MCMAHON, Mrs. MALONEY, Mr. RANGEL, Mr. SERRANO, Mr. ENGEL, Mrs. LOWEY, Mr. HALL of New York, Mr. MURPHY of New York, Mr. TONKO, Mr. HINCHEY, Mr. OWENS, Mr. ARCURI, Mr. MAFFEI, Mr. LEE of New York, Mr. HIGGINS, and Ms. SLAUGHTER):

H.R. 5051. A bill to designate the facility of the United States Postal Service located at 23 Genesee Street in Hornell, New York, as the "Zachary Smith Post Office Building"; to the Committee on Oversight and Government Reform.

By Mr. DENT:

H.R. 5052. A bill to amend Public Law 110-36 to clarify that a period of employment by the Chief of Mission or United States Armed Forces as a security advisor, translator, or interpreter in Iraq or Afghanistan is to be counted as a period of residence and physical presence in the United States for purposes of qualifying for naturalization; to the Committee on the Judiciary.

By Mr. DENT (for himself, Mr. KING of New York, Mr. MCCAUL, Mr. AUSTRIA, and Mr. OLSON):

H.R. 5053. A bill to amend the Homeland Security Act of 2002 to enhance the Federal Protective Service's ability to provide adequate security for the prevention of terrorist activities and for the promotion of homeland security, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. FORBES:

H.R. 5054. A bill to prohibit the Internal Revenue Service from hiring new employees to enforce the Federal Government's invasion into the health care lives of American citizens; to the Committee on Ways and Means.

By Ms. FUDGE (for herself, Mr. TOWNS, Mr. JOHNSON of Georgia, and Mr. RUSH):

H.R. 5055. A bill to provide funds for Pell Grants by amending title IV of the Higher Education Act of 1965; to the Committee on Education and Labor.

By Ms. KILROY:

H.R. 5056. A bill to authorize and request the President to award the Medal of Honor posthumously to Major Dominic S. Gentile of the United States Army Air Forces for acts of valor during the World War II; to the Committee on Armed Services.

By Mr. KING of New York (for himself, Mr. ROGERS of Alabama, Mr. OLSON, and Mr. CAO):

H.R. 5057. A bill to prevent the proliferation of weapons of mass destruction, to prepare for attacks using weapons of mass destruction, and for other purposes; to the

Committee on Homeland Security, and in addition to the Committees on Energy and Commerce, Agriculture, Oversight and Government Reform, Transportation and Infrastructure, Foreign Affairs, Intelligence (Permanent Select), and Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PASCRELL (for himself, Mr. WEINER, and Ms. ROS-LEHTINEN):

H.R. 5058. A bill to amend the Internal Revenue Code of 1986 to provide special rules for investments lost in a fraudulent Ponzi-type scheme; to the Committee on Ways and Means.

By Mr. SALAZAR (for himself, Mr. THOMPSON of California, and Mr. MATHESON):

H.R. 5059. A bill to provide for certain land exchanges in Gunnison County, Colorado, and Uintah County, Utah; to the Committee on Natural Resources.

By Mr. SMITH of New Jersey:

H.R. 5060. A bill to amend the Internal Revenue Code of 1986 to allow a refundable credit against income tax for tuition expenses incurred for each qualifying child of the taxpayer in attending public or private elementary or secondary school; to the Committee on Ways and Means.

By Ms. SPEIER (for herself, Ms. ESHOO, Mr. GARAMENDI, Mr. HONDA, Ms. LEE of California, Ms. ZOE LOFGREN of California, Mr. STARK, Ms. WOOLSEY, Mr. MCNERNEY, Mr. GEORGE MILLER of California, and Mr. THOMPSON of California):

H.R. 5061. A bill to amend the Federal Water Pollution Control Act to provide assistance for programs and activities to protect the water quality of the San Francisco Bay, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committee on the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. TEAGUE (for himself and Mr. HALL of Texas):

H.R. 5062. A bill to amend the Energy Policy Act of 2005 to promote domestic natural gas research and development, and for other purposes; to the Committee on Science and Technology.

By Ms. TSONGAS (for herself and Mr. KISSELL):

H.R. 5063. A bill to direct the Secretary of Defense to establish a joint task force to improve the research and development of lighter weight body armor; to the Committee on Armed Services.

By Mr. BOCCIERI:

H. Con. Res. 261. Concurrent resolution expressing the sense of Congress that the Supreme Court should uphold laws that allow the families and friends of fallen members of the Armed Forces to mourn their loved ones in peace and privacy; to the Committee on the Judiciary.

By Mr. DAVIS of Illinois (for himself, Mr. MEEKS of New York, and Mr. RANGEL):

H. Con. Res. 262. Concurrent resolution supporting the goals and ideals of National Sarcoidosis Awareness Month in April 2010 and supporting efforts to devote new resources to research the causes of the disease, environmental and otherwise, along with treatments and workforce strategies to support individuals with sarcoidosis and their

families; to the Committee on Education and Labor.

By Mr. HASTINGS of Washington (for himself and Mr. BISHOP of Utah):

H. Res. 1254. A resolution directing the Secretary of the Interior to transmit to the House of Representatives certain information relating to the Secretary's Treasured Landscape Initiative, potential designation of National Monuments, and High Priority Land-Rationalization Efforts; to the Committee on Natural Resources.

By Mr. FLAKE:

H. Res. 1255. A resolution raising a question of the privileges of the House; to the Committee on Standards of Official Conduct.

By Mr. BROUN of Georgia:

H. Res. 1256. A resolution congratulating Phil Mickelson on winning the 2010 Masters golf tournament; to the Committee on Oversight and Government Reform.

By Mr. HINOJOSA (for himself, Mrs. BIGGERT, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. MOORE of Kansas, Mr. CASTLE, Mr. MANZULLO, Mr. SCOTT of Georgia, Mr. HIMES, Mr. POMEROY, Mrs. MCCARTHY of New York, Mr. BACA, Mr. JOHNSON of Illinois, Ms. JENKINS, Mr. LOEBSACK, Ms. CLARKE, Ms. HIRONO, Mr. WALZ, Mr. CLEAVER, Ms. SPEIER, Mr. POLIS of Colorado, Mr. LEE of New York, Mr. PAULSEN, and Mr. LANCE):

H. Res. 1257. A resolution supporting the goals and ideals of National Financial Literacy Month, 2010, and for other purposes; to the Committee on Financial Services.

By Mrs. NAPOLITANO (for herself, Mr. TIM MURPHY of Pennsylvania, Ms. LEE of California, Mr. RODRIGUEZ, Mr. MCDERMOTT, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. WILSON of South Carolina, Mr. STARK, Mrs. MALONEY, Ms. SHEA-PORTER, Mr. GRIJALVA, Mr. KENNEDY, Mr. JOHNSON of Georgia, Mr. SALAZAR, Ms. JACKSON LEE of Texas, Mr. DREIER, Mr. HOLT, Ms. RICHARDSON, Mr. BACA, Ms. KILPATRICK of Michigan, Mr. FILNER, Mr. WILSON of Ohio, Mr. LOEBSACK, Mr. CAPUANO, Ms. BORDALLO, Ms. WATSON, Mr. MURPHY of Connecticut, Mr. RANGEL, Mr. KAGEN, Mr. HINCHEY, Mr. VAN HOLLEN, Mr. BAIRD, Mr. RUSH, Ms. WOOLSEY, Mr. ISRAEL, and Ms. ROYBAL-ALLARD):

H. Res. 1258. A resolution expressing support for designation of May 2010 as Mental Health Month; to the Committee on Energy and Commerce.

By Ms. BALDWIN (for herself, Mr. POE of Texas, Ms. WASSERMAN SCHULTZ, Ms. MOORE of Wisconsin, Ms. HERSETH SANDLIN, Mr. COSTA, Mr. KENNEDY, Mr. RYAN of Ohio, Ms. TSONGAS, Mr. KIND, Ms. RICHARDSON, Mr. DELAHUNT, Mr. MCNERNEY, Ms. KILROY, and Ms. GIFFORDS):

H. Res. 1259. A resolution recognizing and supporting the goals and ideals of Sexual Assault Awareness Month; to the Committee on the Judiciary.

By Mr. BISHOP of New York:

H. Res. 1260. A resolution expressing support for designation of April 2010 as Student Financial Aid Awareness Month to raise awareness of student financial aid; to the Committee on Oversight and Government Reform.

By Ms. EDDIE BERNICE JOHNSON of Texas (for herself, Mrs. CAPPs, Mrs. MCCARTHY of New York, Mr. LATOURETTE, Mrs. CHRISTENSEN, Mrs. MALONEY, Mr. FRANK of Massachusetts,

Mr. CONYERS, Ms. RICHARDSON, Mr. GRIJALVA, Mr. LEWIS of Georgia, Mr. SPRATT, Mr. MCGOVERN, Mr. LATHAM, Mr. BLUMENAUER, Mr. LANGEVIN, Ms. MCCOLLUM, Mrs. NAPOLITANO, Mr. ROSS, Mr. GUTIERREZ, Ms. BORDALLO, Mr. KENNEDY, and Ms. MARKEY of Colorado):

H. Res. 1261. A resolution recognizing National Nurses Week; to the Committee on Education and Labor.

By Mr. LARSEN of Washington (for himself, Mr. DICKS, Mr. INSLEE, Mr. BAIRD, Mr. BLUMENAUER, Mr. RAHALL, Mr. COSTA, Mr. CARNEY, Mr. CAO, Mr. CASSIDY, Mr. KIRK, Mr. SHIMKUS, Mr. KINGSTON, Mr. BRADY of Pennsylvania, Mr. ROGERS of Alabama, Ms. BORDALLO, Mr. REICHERT, Mr. LEWIS of Georgia, Mr. GORDON of Tennessee, Mr. CONAWAY, Ms. WOOLSEY, Mr. SMITH of Washington, Mr. HASTINGS of Washington, Mrs. MCMORRIS RODGERS, Mr. MORAN of Virginia, Mr. WU, Mr. HARE, Mr. RYAN of Ohio, Ms. RICHARDSON, Mrs. DAVIS of California, Mr. LANGEVIN, Mr. LOEBSACK, Mr. SCHRADER, Ms. VELÁZQUEZ, Mr. BOSWELL, Mr. GENE GREEN of Texas, Mr. SABLAN, Mr. ELLSWORTH, Ms. GIFFORDS, Mr. SARBANES, Mr. TONKO, Mr. GUTHRIE, Mr. GONZALEZ, Mr. RODRIGUEZ, Mr. WITTMAN, Mr. MCDERMOTT, Mr. MCGOVERN, Mr. BOUSTANY, Ms. HIRONO, Mr. BRIGHT, Ms. MCCOLLUM, Mr. BOREN, Mr. BECERRA, Mr. GARAMENDI, Mr. CONNOLLY of Virginia, Mr. BUTTERFIELD, Mr. ROTHMAN of New Jersey, Mr. TEAGUE, Mr. TAYLOR, Mr. SHUSTER, Mr. ENGEL, Ms. ZOE LOFGREN of California, Mr. BOOZMAN, Ms. LORETTA SANCHEZ of California, and Mr. PITTS):

H. Res. 1262. A resolution expressing condolences to the families, friends, and loved ones of the victims of the fire at the Tesoro refinery in Anacortes, Washington; to the Committee on Oversight and Government Reform.

By Mrs. MCMORRIS RODGERS:

H. Res. 1263. A resolution expressing support for Mathematics Awareness Month; to the Committee on Oversight and Government Reform.

By Mr. MOORE of Kansas (for himself, Mr. GRIJALVA, Mr. BISHOP of Georgia, Ms. LINDA T. SANCHEZ of California, Ms. RICHARDSON, Ms. SPEIER, Mr. COBLE, Mr. TERRY, Mr. MARSHALL, and Mr. HOLT):

H. Res. 1264. A resolution expressing support for the designation of March as National Essential Tremor Awareness Month; to the Committee on Oversight and Government Reform.

By Mrs. NAPOLITANO (for herself, Ms. ROYBAL-ALLARD, Mr. BACA, Mr. GUTIERREZ, Mr. ORTIZ, Ms. LINDA T. SANCHEZ of California, Mr. RANGEL, Mr. MEEKS of New York, Mr. PIERLUISI, Ms. RICHARDSON, Mr. SABLAN, Mr. GONZALEZ, Mr. HONDA, Mr. GRIJALVA, Mr. SERRANO, Mr. BECERRA, Mr. SIREs, Mr. CARDOZA, Mr. COSTA, Mr. HINOJOSA, Mr. LUJÁN, Mr. PASTOR of Arizona, Ms. CHU, Mr. REYES, Mr. RODRIGUEZ, Mr. SALAZAR, Ms. VELÁZQUEZ, Ms. HIRONO, Mr. EDWARDS of Texas, Mr. COSTELLO, Mr. GEORGE MILLER of California, Ms. WATSON, Ms. CORRINE BROWN of Florida, and Mr. CLYBURN):

H. Res. 1265. A resolution honoring the life and accomplishments of Jaime A. Escalante; to the Committee on Education and Labor.

By Mr. ROYCE (for himself, Mr. CAPUANO, Mr. BURTON of Indiana, and Ms. WATSON):

H. Res. 1266. A resolution recognizing the 60th anniversary of the outbreak of the Korean War; to the Committee on Foreign Affairs, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SIRE (for himself, Mr. ENGEL, Mr. MEEKS of New York, and Mr. MACK):

H. Res. 1267. A resolution recognizing the 200th anniversary of the independence of the Republic of Colombia; to the Committee on Foreign Affairs.

By Mr. TEAGUE:

H. Res. 1268. A resolution amending the Rules of the House of Representatives to require chairs and ranking minority members of committees and subcommittees to indicate whether they have any financial interest in the employer of any witness at a hearing, any person retaining a witness, or any person represented by a witness; to the Committee on Rules.

By Mr. TIBERI (for himself, Mr. BILIRAKIS, Mr. BROWN of South Carolina, Mr. KING of New York, and Mr. PASCRELL):

H. Res. 1269. A resolution commemorating the 400th anniversary of the first use of the telescope for astronomical observation by the Italian scientist Galileo Galilei; to the Committee on Science and Technology.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 24: Ms. TITUS, Ms. HARMAN, Ms. FUDGE, Mr. BUYER, and Ms. MATSUI.
H.R. 39: Mr. DEFAZIO and Mr. SCOTT of Virginia.

H.R. 333: Mrs. NAPOLITANO, Mr. REHBERG, and Mr. AL GREEN of Texas.

H.R. 476: Mr. COHEN.
H.R. 504: Ms. SCHAKOWSKY.
H.R. 510: Mr. TIAHRT.
H.R. 564: Mr. INSLEE.
H.R. 635: Mr. MORAN of Virginia.
H.R. 678: Mr. THOMPSON of California, Mr. DENT, Mr. PERRIELLO, Ms. JACKSON LEE of Texas, Ms. NORTON, Mr. MAFFEI, Mr. INSLEE, and Mr. OWENS.

H.R. 690: Mr. TONKO, Mr. GERLACH, and Mr. SHUSTER.

H.R. 705: Mr. LEE of New York.
H.R. 816: Mr. ARCURI.
H.R. 847: Mr. BUTTERFIELD.
H.R. 889: Mr. FARR.
H.R. 891: Mr. GEORGE MILLER of California.
H.R. 930: Mr. DOYLE.
H.R. 950: Mr. GRIJALVA and Ms. NORTON.
H.R. 1077: Mr. MICHAUD and Ms. NORTON.
H.R. 1173: Ms. MARKEY of Colorado.
H.R. 1177: Mr. CONYERS, Ms. EDWARDS of Maryland, Mr. HINCHEY, Mr. PALLONE, Mr. PRICE of North Carolina, Mr. TOWNS, Mr. OLVER, Mr. FOSTER, Ms. KAPTUR, Mr. KENNEDY, Mr. LEWIS of Georgia, Mr. GEORGE MILLER of California, Mr. MINNICK, Mr. OBEY, Mr. PERLMUTTER, Mr. LATHAM, Mr. CARTER, Mr. CULBERSON, Mr. DUNCAN, Mr. WALDEN, Mr. HOEKSTRA, Mr. MCCARTHY of California, Mr. MICA, Mr. SOUDER, and Mr. TERRY.

H.R. 1205: Mr. LUCAS, Ms. MOORE of Wisconsin, and Mr. CHANDLER.

H.R. 1250: Mr. RAHALL.
H.R. 1339: Mr. HARE.

H.R. 1351: Mr. ARCURI, Mr. SCOTT of Virginia, Mr. WAMP, and Mr. MOORE of Kansas.

H.R. 1392: Ms. SCHWARTZ.
H.R. 1412: Mr. KUCINICH.
H.R. 1430: Mr. SESSIONS.
H.R. 1526: Mr. KUCINICH.
H.R. 1545: Mr. PETERS.
H.R. 1547: Mr. WAXMAN.
H.R. 1560: Ms. HARMAN.
H.R. 1618: Mr. HIGGINS.
H.R. 1646: Mr. MICHAUD and Mr. MELANCON.
H.R. 1671: Mr. FARR and Mrs. MCMORRIS RODGERS.

H.R. 1685: Mr. ANDREWS.
H.R. 1708: Mr. QUIGLEY.

H.R. 1751: Mr. HINCHEY and Mr. BRADY of Pennsylvania.

H.R. 1821: Mr. GRIJALVA.
H.R. 1908: Mr. NUNES.
H.R. 1962: Mr. LINDER.
H.R. 2057: Ms. LORETTA SANCHEZ of California, Mr. FRANK of Massachusetts, and Mr. ARCURI.

H.R. 2067: Mr. GUTIERREZ.
H.R. 2089: Mr. PETERS.
H.R. 2103: Mr. KILDEE.

H.R. 2104: Ms. LEE of California and Mrs. NAPOLITANO.

H.R. 2132: Mr. GUTIERREZ and Ms. CHU.
H.R. 2149: Mr. ELLISON and Mr. PITTS.

H.R. 2160: Mr. WALDEN and Mr. FORTENBERRY.

H.R. 2254: Mr. SCOTT of Georgia, Mr. SULIVAN, and Mr. COBLE.

H.R. 2266: Ms. TITUS and Mr. OWENS.
H.R. 2267: Ms. TITUS and Mr. OWENS.
H.R. 2275: Mr. DAVIS of Illinois and Mr. DOYLE.

H.R. 2287: Mr. BACHUS.
H.R. 2296: Mr. MATHESON.

H.R. 2378: Mrs. HALVORSON.
H.R. 2413: Mr. LANGEVIN.

H.R. 2478: Mr. GRIFFITH, Mr. OBERSTAR, and Mr. KLEIN of Florida.

H.R. 2521: Mr. PIERLUISI, Mr. LUJÁN, Ms. SPEIER, Ms. SHEA-PORTER, and Mr. HASTINGS of Florida.

H.R. 2536: Mr. PITTS.
H.R. 2597: Ms. CHU.

H.R. 2600: Mr. BARTLETT.
H.R. 2737: Mr. HIMES, Mr. YARMUTH, Mr. CALVERT and Mr. FOSTER.

H.R. 2740: Mr. SCHAUER and Mr. ARCURI.
H.R. 2819: Ms. ZOE LOFGREN of California.

H.R. 3006: Mr. MARSHALL.
H.R. 3024: Mr. HIGGINS and Ms. SUTTON.

H.R. 3131: Mr. HOEKSTRA.
H.R. 3186: Mr. OWENS.

H.R. 3202: Mr. COHEN.
H.R. 3225: Mr. ARCURI.

H.R. 3233: Mr. GINGREY of Georgia.
H.R. 3240: Mr. LATHAM and Ms. NORTON.

H.R. 3243: Mr. WITTMAN.
H.R. 3310: Mr. HUNTER.

H.R. 3408: Mr. NADLER of New York.
H.R. 3453: Mr. CASSIDY.

H.R. 3458: Mr. WEINER, Ms. HARMAN, and Mr. POLIS.

H.R. 3488: Mr. COHEN.
H.R. 3502: Mr. DOYLE, Mr. KUCINICH, Ms. SPEIER, and Mr. CHILDERS.

H.R. 3519: Mr. GENE GREEN of Texas.
H.R. 3553: Mrs. NAPOLITANO.

H.R. 3564: Ms. NORTON, Mr. SABLAN, Mr. KENNEDY, and Ms. ZOE LOFGREN of California.

H.R. 3592: Ms. BERKLEY.
H.R. 3612: Mr. GARRETT of New Jersey and Mr. TIAHRT.

H.R. 3655: Mr. QUIGLEY.

H.R. 3668: Mr. CUELLAR, Mr. HINOJOSA, Mr. LUETKEMEYER, Mr. SCHIFF, Mr. QUIGLEY, and Mr. PRICE of North Carolina.

H.R. 3712: Mr. PASCRELL, Mr. DELAHUNT, Mr. MANZULLO, Mr. BLUNT, Mr. COFFMAN of Colorado, and Mr. DUNCAN.

H.R. 3754: Ms. SHEA-PORTER.
H.R. 3772: Mr. COHEN.

H.R. 3799: Mr. GRIJALVA.
H.R. 3813: Mr. WITTMAN, Mr. FILNER, Mr. SIMPSON, Mr. HALL of New York, and Ms. MOORE of Wisconsin.

H.R. 3973: Ms. WATSON, Mr. KENNEDY, Mr. JOHNSON of Georgia, and Mr. SESTAK.

H.R. 3995: Ms. WOOLSEY.
H.R. 4128: Mr. MARSHALL.

H.R. 4132: Mrs. BONO MACK, Mr. MARIO DIAZ-BALART of Florida, Mr. MICA, and Mr. COSTA.

H.R. 4183: Mr. FRANK of Massachusetts.
H.R. 4186: Mr. SOUDER.

H.R. 4197: Mr. BOUCHER.
H.R. 4229: Mr. BACA and Mr. AL GREEN of Texas.

H.R. 4274: Mr. INSLEE.
H.R. 4278: Mr. NUNES.

H.R. 4298: Ms. MOORE of Wisconsin.
H.R. 4299: Mr. CHANDLER and Ms. BERKLEY.

H.R. 4303: Mr. MORAN of Virginia.
H.R. 4354: Mr. ETHERIDGE and Mr. MARSHALL.

H.R. 4371: Mr. THOMPSON of Mississippi, Mr. LATOURETTE, Mrs. MALONEY, and Mr. SCHAUER.

H.R. 4376: Mr. MEEKS of New York and Ms. MOORE of Wisconsin.

H.R. 4386: Mr. CAPUANO.
H.R. 4393: Mr. PERRIELLO.

H.R. 4399: Ms. WOOLSEY and Mr. MCGOVERN.
H.R. 4413: Mr. MOLLLOHAN.

H.R. 4453: Mr. TIAHRT.
H.R. 4472: Mr. KLINE of Minnesota.

H.R. 4489: Ms. CHU and Mr. DELAHUNT.
H.R. 4502: Mr. TONKO.

H.R. 4522: Mr. BISHOP of New York.
H.R. 4524: Mr. CONNOLLY of Virginia.

H.R. 4530: Mr. BACA.
H.R. 4544: Mr. CHANDLER, Mr. ANDREWS, and Mr. DRIEHAUS.

H.R. 4550: Mr. HODES.
H.R. 4554: Mr. OLVER.

H.R. 4555: Mr. BERRY, Mr. SARBANES, Ms. MOORE of Wisconsin, and Mr. WILSON of South Carolina.

H.R. 4596: Mr. SIRE, Mr. ROTHMAN of New Jersey, Mr. SCHOCK, Mr. GALLEGLY, and Mr. MCCOTTER.

H.R. 4638: Mr. ALEXANDER.
H.R. 4645: Ms. RICHARDSON, Ms. ESHOO, Mr. GRIJALVA, Mrs. BIGGERT, and Mr. ORTIZ.

H.R. 4677: Mr. WEINER.
H.R. 4684: Mr. HINOJOSA, Mr. COSTELLO, and Mr. COHEN.

H.R. 4689: Ms. SHEA PORTER, Mr. LATHAM, Mr. GENE GREEN of Texas, and Mr. BOUCHER.

H.R. 4694: Ms. WATERS.
H.R. 4717: Mr. HELLER, Mr. HASTINGS of Washington, and Ms. JENKINS.

H.R. 4722: Mr. KISSELL.
H.R. 4745: Ms. BEAN and Mr. NYE.

H.R. 4746: Mr. LEE of New York, Mr. REHBERG, Mr. MORAN of Kansas, and Mrs. BACHMANN.

H.R. 4751: Mr. FOSTER.
H.R. 4753: Mr. KIND.

H.R. 4755: Mr. ELLISON.
H.R. 4788: Mr. RAHALL, Mr. WALZ, Ms. WOOLSEY, and Mr. VISCLOSKEY.

H.R. 4806: Ms. KILROY and Mrs. DAVIS of California.

H.R. 4812: Mr. HIGGINS, Mr. HOLDEN, and Ms. BERKLEY.

H.R. 4829: Mr. ETHERIDGE, Mr. LARSEN of Washington, Ms. MATSUI, Ms. MARKEY of Colorado, Mr. COURTNEY, and Mr. MURPHY of Connecticut.

H.R. 4842: Ms. KILROY.
 H.R. 4844: Mr. CASSIDY.
 H.R. 4850: Ms. LORETTA SANCHEZ of California, Mr. EHLERS, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. PERRIELLO, Mr. PAULSEN, Mr. LATHAM, and Mr. GENE GREEN of Texas.
 H.R. 4856: Mr. DAVIS of Tennessee.
 H.R. 4859: Ms. NORTON, Mr. RAHALL, and Mr. ALEXANDER.
 H.R. 4868: Mr. ELLISON.
 H.R. 4870: Ms. KAPTUR and Ms. WOOLSEY.
 H.R. 4881: Mr. SCOTT of Virginia.
 H.R. 4886: Mr. PITTS and Mr. McCOTTER.
 H.R. 4889: Mr. SENSENBRENNER and Mr. BURTON of Indiana.
 H.R. 4894: Mr. ROGERS of Kentucky.
 H.R. 4903: Mr. PLATTS.
 H.R. 4904: Mr. WAMP.
 H.R. 4908: Mr. PRICE of North Carolina.
 H.R. 4910: Mr. POSEY, Mr. ROGERS of Kentucky, and Mr. WAMP.
 H.R. 4919: Mrs. BACHMANN, Mrs. BONO MACK, Mr. MCCLINTOCK, Mr. PITTS, Mrs. MILLER of Michigan, Mr. BARRETT of South Carolina, Mr. BISHOP of Utah, Mr. GRIFFITH, and Mr. HENSARLING.
 H.R. 4925: Mr. NADLER of New York.
 H.R. 4937: Mr. LEE of New York.
 H.R. 4940: Mr. TIAHRT, Mr. SOUDER, and Mr. MORAN of Kansas.
 H.R. 4943: Mrs. BLACKBURN, Mr. BURGESS, Mr. MACK, Mr. REICHERT, Mr. NUNES, Mr. SAM JOHNSON of Texas, and Mr. HENSARLING.
 H.R. 4944: Mr. PRICE of Georgia, Mr. BURTON of Indiana, Mr. MCCLINTOCK, and Mr. ROGERS of Kentucky.
 H.R. 4947: Mr. WAMP.
 H.R. 4951: Mr. MORAN of Kansas and Mr. POSEY.
 H.R. 4960: Mr. LAMBORN.
 H.R. 4962: Ms. KILROY.
 H.R. 4975: Mr. KING of New York and Mr. SOUDER.
 H.R. 4985: Mr. CASSIDY.
 H.R. 4996: Mr. LATTI.
 H.R. 4999: Mr. LAMBORN.
 H.R. 5000: Ms. FUDGE and Mr. DRIEHAUS.
 H.R. 5008: Ms. HARMAN, Mr. HOLDEN, Mr. SALAZAR, Mr. BOSWELL, and Mr. MICHAUD.
 H.R. 5015: Mr. WELCH, Ms. WOOLSEY, Mr. DELAHUNT, Mr. SERRANO, Mr. DUNCAN, Mr. MORAN of Virginia, Mr. DEFazio, Mr. FARR, and Ms. HIRONO.
 H.R. 5020: Mr. DAVIS of Illinois, Mr. OLVER, Mr. HARE, Mr. HINCHEY, Mr. MCDERMOTT, Mr. KENNEDY, and Mr. DAVIS of Alabama.
 H.R. 5021: Ms. SUTTON.
 H.J. Res. 76: Mr. SCHRADER.

H.J. Res. 79: Mr. YOUNG of Florida, Mr. BONNER, and Mr. BARTLETT.
 H. Con. Res. 28: Mr. QUIGLEY.
 H. Con. Res. 40: Mr. QUIGLEY.
 H. Con. Res. 50: Ms. RICHARDSON.
 H. Con. Res. 137: Mr. RANGEL, Mr. TOWNS, and Mrs. MCCARTHY of New York.
 H. Con. Res. 241: Mr. LEWIS of California.
 H. Con. Res. 256: Mr. BURTON of Indiana, Mr. WEINER, Mr. SHULER, Mr. MILLER of Florida, Mr. KIRK, and Mr. INGLIS.
 H. Con. Res. 260: Mr. TIM MURPHY of Pennsylvania, Mr. NUNES, Mr. OLSON, Mr. PITTS, Mr. PLATTS, Mr. POSEY, Mr. ROE of Tennessee, Mr. RADANOVICH, Mr. ROGERS of Alabama, Mr. ROYCE, Mrs. SCHMIDT, Mr. SCHOCK, Mr. SESSIONS, Mr. SHUSTER, Mr. SMITH of New Jersey, Mr. SMITH of Texas, Mr. TIAHRT, Mr. TIBERI, Mr. ADERHOLT, Mr. COSTELLO, Mr. KAGEN, Mr. McCOTTER, Mr. MURPHY of New York, Mr. WAMP, Mr. WOLF, Mr. GALLEGLY, Ms. GINNY BROWN-WAITE of Florida, Mr. MARCHANT, Mr. HENSARLING, Mr. ORTIZ, Mr. POE of Texas, Mr. BRIGHT, Mr. CONNOLLY of Virginia, Mr. ALEXANDER, Mr. AUSTRIA, Mrs. BACHMANN, Mr. BACHUS, Mr. BERRY, Mr. BILBRAY, Mr. BILIRAKIS, Mr. BLUNT, Mr. BONNER, Mr. BOOZMAN, Mr. BOSWELL, Mr. BROWN of Georgia, Mr. BUCHANAN, Mr. BURGESS, Mrs. CAPITO, Mr. CHAFFETZ, Mr. CULBERSON, Mr. DENT, Mr. FALOMAVAEGA, Ms. FOX, Mr. FRANKS of Arizona, Mr. GERLACH, Mr. GOHMERT, Mr. HASTINGS of Washington, Mr. HELLER, Mr. INGLIS, Ms. JENKINS, Mr. JORDAN of Ohio, Mr. KINGSTON, Mr. KISSELL, Mr. LANCE, Mr. LATTI, Mr. LAMBORN, Mr. LOBIONDO, Mr. MACK, Mr. MCCLINTOCK, Mrs. McMORRIS RODGERS, Mr. GARY G. MILLER of California, Mrs. MILLER of Michigan, and Mr. MORAN of Kansas.
 H. Res. 173: Mr. ACKERMAN, Mr. WITTMAN, Ms. HARMAN, Mr. HEINRICH, Ms. WOOLSEY, Mr. CONNOLLY of Virginia, Mr. MCNERNEY, Mrs. NAPOLITANO, Mr. MAFFEI, Mrs. CAPPS, Mr. ROGERS of Kentucky, Mr. HOLDEN, Mr. YARMUTH, Mr. OWENS, Mr. LUCAS, Ms. SLAUGHTER, and Mr. BOSWELL.
 H. Res. 497: Mr. CALVERT.
 H. Res. 855: Mr. BURTON of Indiana, Mr. BRIGHT, Mr. KISSELL, Mr. MANZULLO, and Mr. QUIGLEY.
 H. Res. 982: Mr. KIRK, Mr. MICA, Mr. FLEMING, Mr. SMITH of New Jersey, and Mr. KLINE of Minnesota.
 H. Res. 989: Mr. SABLON, Mr. SERRANO, Mr. MICHAUD, and Mr. FRANK of Massachusetts.
 H. Res. 1033: Ms. CASTOR of Florida, Mr. SCOTT of Georgia, Mrs. McMORRIS RODGERS, Mr. ORTIZ, and Mr. RYAN of Ohio.

H. Res. 1073: Mr. McCOTTER.
 H. Res. 1106: Mr. RUSH and Mr. JOHNSON of Georgia.
 H. Res. 1171: Ms. SCHWARTZ, Mr. ARCURI, Ms. HIRONO, Mr. PASCRELL, Mr. SERRANO, Mr. SNYDER, Mr. CARSON of Indiana, and Mr. QUIGLEY.
 H. Res. 1172: Mrs. CAPPS, Mr. SNYDER, Mr. SHERMAN, Mr. KLEIN of Florida, Ms. HIRONO, Mr. HINCHEY, Ms. WOOLSEY, Ms. KILROY, Mr. HARE, Ms. SPEIER, Ms. BALDWIN, Mr. CAMP, Mr. LEE of New York, Mr. EHLERS, Ms. SUTTON, Mr. DINGELL, Mr. FOSTER, Mr. MAFFEI, Mr. KAGEN, Ms. EDWARDS of Maryland, Ms. RICHARDSON, Mr. HASTINGS of Florida, Mr. KILDEE, Mr. HINOJOSA, Mr. ANDREWS, Mr. WALZ, Mr. SALAZAR, Mr. GENE GREEN of Texas, Mr. ORTIZ, Mr. HIMES, Mr. MURPHY of Connecticut, Mr. PERRIELLO, Mr. BOCCIERI, Mr. ADLER of New Jersey, Mr. STUPAK, Mr. CLAY, Ms. SCHWARTZ, Mr. LOEBACK, Mr. PETERS, Ms. DELAULO, Mr. SPRATT, Ms. LORETTA SANCHEZ of California, Ms. CHU, Ms. TITUS, Mr. ACKERMAN, Ms. CASTOR of Florida, Mr. TEAGUE, Ms. MARKEY of Colorado, and Mr. UPTON.
 H. Res. 1175: Mr. STEARNS and Mr. BURTON of Indiana.
 H. Res. 1187: Mr. HINCHEY, Ms. LEE of California, and Mr. SABLON.
 H. Res. 1196: Mr. MARSHALL, Mr. REHBERG, and Mr. SKELTON.
 H. Res. 1208: Mr. CAO, Mr. COOPER, Mr. HOLDEN, Mr. ISSA, Mr. BARROW, Mrs. BLACKBURN, Mr. KIND, Mr. BLUNT, and Ms. LORETTA SANCHEZ of California.
 H. Res. 1209: Ms. MCCOLLUM, Mr. WILSON of South Carolina, Mr. KLINE of Minnesota, and Mr. PAULSEN.
 H. Res. 1226: Mr. KIRK and Mr. CASSIDY.
 H. Res. 1230: Mr. PRICE of Georgia.
 H. Res. 1240: Mr. MINNICK.
 H. Res. 1241: Mr. MARCHANT, Mr. LAMBORN, Mrs. BACHMANN, Mr. BARTLETT, Mr. PITTS, Mr. LANCE, Mr. SHULER, Mrs. MILLER of Michigan, Mr. MCHENRY, Mrs. McMORRIS RODGERS, Mr. KING of New York, Mr. MORAN of Kansas, and Mr. PRICE of Georgia.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 877: Ms. ESHOO.

EXTENSIONS OF REMARKS

REMEMBERING MIDSHIPMAN
MARISA LEEANN SANCHEZ

HON. MIKE PENCE

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 15, 2010

Mr. PENCE. Madam Speaker, I rise with a heavy heart to honor the unexpected and tragic passing of an honorable young woman dedicated to her country.

Midshipman Marisa LeeAnn Sanchez was a bright and talented student at the U.S. Merchant Marine Academy. A native Hoosier, Marisa was a gifted high school athlete in volleyball, tennis, swimming, and basketball. Marisa also volunteered her time as a member of Student Council and the Athletic Council and Business Professionals of America.

Marisa excelled academically, graduating 10th out of her class of over 300 students. In 2009, I nominated Marisa to the Merchant Marine Academy, and I was pleased when the Academy accepted her. It was with grave sadness that I learned of her recent passing.

The tragedy of losing such a young and promising life is never easy. I give my most sincere condolences to Marisa's family: father, Jeffery McClane; mother, Lisa Robinson Sanchez; stepfather, Gilberto "Gil" Sanchez; stepmother, Heather McClane; three brothers, Joshua Caleb McClane, Milo Sheldon Sanchez, and Christopher Allan Anderson; two sisters, Morgan Anne Sanchez and Kate Argabright; paternal grandparents, Floyd and Jenny McClane; maternal grandparents, Randall and Gloria Robinson; paternal grandmother, Maria Sanchez; great-grandmother, Eva Sellars; and numerous aunts, uncles, and cousins. May they find comfort in the Old Book which tells us that "Because of the Lord's great love we are not consumed, for his compassions never fail."

MARINE HEAVY HELICOPTER
SQUADRON 772 RESERVE FAMILY
READINESS AWARD

HON. ALLYSON Y. SCHWARTZ

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 15, 2010

Ms. SCHWARTZ. Madam Speaker, I rise today to honor Marine Heavy Helicopter Squadron 772 based at Naval Air Station Willow Grove, Pennsylvania, for being selected as the 2009 Marine Forces Reserve winner of the Department of Defense Reserve Family Readiness Award. Their honor, courage and commitment to our nation and those that serve in defense of it, unquestionably helps to ensure the safety of America and the entire world.

Activated in April 1958, Marine Heavy Helicopter Squadron 772 has a proud history of

serving our country with great distinction. Courageously serving in the Republic of Vietnam, Operation Desert Storm, Operation Noble Eagle, Operation Enduring Freedom, Operation Iraqi Freedom, as well as numerous humanitarian relief operations, they have acted with honor and distinction whenever called upon. Today, the squadron continues to build upon this legacy, earning formal commendation for their robust family readiness program.

Improved family readiness programs aid Guard and Reserve families readiness when called up for active duty. In 2000, the Department of Defense established the Reserve Family Readiness Awards Program to formally recognize the National Guard and Reserve units with the finest family support programs.

The Unit Family Readiness Program of the Marine Heavy Helicopter Squadron 772 has distinguished itself as an exemplary support program. They have earned this award through their development of seamless, integrated readiness and support programs, in combination with their ability to provide resource information, training, and support services for family members. These programs play a vital role in supporting our nation's service members during a critical time.

Madam Speaker, I thank and congratulate the members of Marine Heavy Helicopter Squadron 772 for their honor, courage and commitment. I ask that my colleagues join me in celebrating this award and wishing these dedicated Marines continued success in their efforts to enhance our nation's military personnel and family readiness.

CONGRATULATING CONGREGATION
ETZ CHAIM ON ITS 50TH ANNI-
VERSARY

HON. PETER J. ROSKAM

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 15, 2010

Mr. ROSKAM. Madam Speaker, I rise today to honor Congregation Etz Chaim which serves the people of Lombard in my Congressional District. This weekend, the congregation celebrates its 50th anniversary of serving families in our community.

The congregation was founded in 1960 as Tree Towns Congregation in Elmhurst by eight local families. Today it serves more than 550 families in the western suburbs of Chicago. Leaders within the congregation include Senior Rabbi Steven Bob, Associate Rabbi Andrea Cosnowsky, Educator Anne Stein, Administrator Carol Meyer, and President Al Herbach.

Etz Chaim is the only Jewish congregation of its size in the nation with an all-volunteer religious school faculty. The congregation prides itself on being a growing, thriving center of Reform Judaism where both young and old

are welcomed and cherished. Etz Chaim depends on the members to shape its character through involvement in programming and committees.

Congregants have always been very involved in local and international issues on a grassroots level. Over the course of their history, member families have hosted in their homes refugees from Vietnam as well as Soviet Jews escaping oppression. They distribute merchandise made by craftspeople of Lifeline for the Old in Jerusalem. In our own community, social programs include PADS, where the synagogue's social hall becomes a shelter for the homeless every Sunday evening.

Madam Speaker and Distinguished Colleagues, the Etz Chaim congregation is a remarkable institution which has served the people of Lombard faithfully for the last 50 years. Please join me in recognizing its extraordinary impact on the community and wishing the congregation happiness for many more years to come.

HONORING MR. FEDORA MCINTYRE

HON. BRIAN HIGGINS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 15, 2010

Mr. HIGGINS. Madam Speaker, I rise today to pay tribute to the years of service given to the people of Chautauqua County by Mr. Fedora McIntyre. Mr. McIntyre served his constituency faithfully and justly during his tenure as the Portland Tax Collector.

Public service is a difficult and fulfilling career. Any person with a dream may enter but only a few are able to reach the end. Mr. McIntyre served his term with his head held high and a smile on his face the entire way. I have no doubt that his kind demeanor left a lasting impression on the people of Chautauqua County.

We are truly blessed to have such strong individuals with a desire to make this county the wonderful place that we all know it can be. Mr. McIntyre is one of those people and that is why Madam Speaker I rise in tribute to him today.

A TRIBUTE IN RECOGNITION OF
THE 100 YEAR ANNIVERSARY OF
THE MINISTRY OF THE
CLARETIAN MISSIONARIES AT
THE HISTORIC OUR LADY QUEEN
OF ANGELS CHURCH, "LA
PLACITA"

HON. LUCILLE ROYBAL-ALLARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 15, 2010

Ms. ROYBAL-ALLARD. Madam Speaker, I rise today to recognize the 100th anniversary

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

of the Claretian Missionaries' service to the first church of Los Angeles, Our Lady Queen of Angels Catholic Church—affectionately known to its parishioners in Spanish as “La Placita” or “The Little Plaza” church—located in Downtown Los Angeles in the 34th Congressional District.

The Claretians are a Catholic missionary order founded in Spain in 1849 by St. Anthony Mary Claret. In 1906, the Claretian Missionary Fathers arrived in California to work in the San Fernando Mission. Two years later, the missionaries moved their headquarters to San Gabriel Mission where they continue to preach today. In 1910, the Claretian Fathers traveled 10 miles west to expand their ministry to La Placita.

Father Rosendo Urrabazo characterizes the missionary vocation of the church as “bringing the message of God's love, mercy and justice to every part of the world.” This guiding principle is clearly evident at La Placita where the Claretian Fathers' dedication to spiritual and community service makes the church a home and refuge for people of all faiths and backgrounds.

On any given weekend, thousands of parishioners from all walks of life attend religious services at La Placita offered in both English and Spanish. Whether the parishioners are homeless, recent immigrants from Mexico, Central and Latin America or vacationing families, La Placita welcomes everyone with open doors, love and compassion.

Each week, pastoral services at the church include: 30 regular Masses; weddings and Quinceañeras; 10 scheduled hours of confession; baptism celebrations (totaling more than 25,000 last year alone); and religious education programs for children, youth and adults. The church also offers a monthly program to provide liturgical services to residents of a local housing project.

In addition to addressing the spiritual needs of its parishioners, the church helps struggling families in a wide variety of ways. Assisted by more than 80 volunteers, the parish operates a full time social office that organizes community outreach services and programs, including a health clinic, English classes, food distribution for the elderly, meals for the homeless, legal aid for immigrants, income tax help and a weekly 12-step program for persons suffering from addiction.

Madam Speaker, over the past 100 years, many Claretian missionaries have dedicated their lives to serving the families of the La Placita community. This anniversary, however, three missionaries in particular will be recognized for their outstanding service at the church's May 20 centennial dinner celebration.

Selected by the centennial celebration committee for their tireless pastoral and humanitarian service, the following missionaries will be honored: Fr. Tomas Maten, CMF (1900–1975) who defended the rights of the displaced residents of the Chavez Ravine area now the site of Dodger Stadium; Fr. Luis Olivares, CMF (1934–1993) who worked tirelessly to bring the cause of the homeless and immigrants to the attention of local and national policy makers; and Fr. Albert Vazquez, CMF, (1928–) educator and pastor who shaped the pastoral direction of the parish and its school for more than 27 years.

Today, the clergy and parishioners of La Placita continue the tremendous work and legacy of these three exemplary missionaries.

Recognizing the tremendous needs of immigrants to our country, the church is a local leader in raising awareness and support for comprehensive immigration reform. During the 1980s, the church called itself a sanctuary for refugees threatened with deportation to El Salvador. In recent months, I have had the privilege of participating in two immigration town halls held at La Placita, both of which were attended by hundreds of area advocates demanding the reform of our nation's broken and unjust immigration laws. The seamless transformation of this historic church from a place of worship to a town meeting hall for political action truly typifies the Claretian Fathers' dedication to achieving justice and social change on behalf of their parishioners and our community.

Beyond the walls of La Placita, the Claretian Fathers' prayers could be heard across the country and throughout the halls of Congress on September 19, 2007 when Father Richard Estrada accepted a rare invitation to give the opening prayer in the U.S. House of Representatives. Calling on lawmakers to draw strength from their diversity and make laws to protect all of God's children, he prayed for God to, “Inspire our nation's leaders to seek justice, defend liberty and unite diverse cultures and languages.”

Madam Speaker, on the occasion of the 100th anniversary of the Claretian Missionaries' service at La Placita, I ask my colleagues to join me in thanking and congratulating them for their devotion and enormous contributions on behalf of the most vulnerable in our community, and I extend to the Order our best wishes for many more years of doing God's work in the historic area of our great city's birth, Downtown Los Angeles.

HONORING MARJORIE BUTLER ON THE OCCASION OF HER 100TH BIRTHDAY

HON. MAURICE D. HINCHEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 15, 2010

Mr. HINCHEY. Madam Speaker, I rise today to honor Dr. Marjorie Butler on the occasion of her 100th birthday. A longtime resident of the Hudson River Valley, 43 years ago Dr. Butler helped establish the Black Studies Department at the State University of New York at New Paltz. At that time in 1967, only a handful of schools had established similar departments, but today, more than 250 colleges and universities are engaged in the exploration and analysis of the history and culture of African people in the United States, Caribbean, and Africa. Dr. Butler is truly a pioneer of this important academic discipline.

Before her retirement in 1984, as the chair of the department and a professor of psychology, she drew from her life experiences to provide an enriching learning environment for thousands of students, many of whom went on to adopt her goals of human progress and equality as their own. It is because of the

leadership, personal courage and dedication of individuals like Dr. Marjorie Butler that our nation has overcome many of its greatest civil rights challenges. Her contributions and devotion to this cause must be recognized and understood and cannot be overstated.

Madam Speaker, I am delighted to congratulate and honor Dr. Butler on her 100th birthday and for her many years of hard and deeply effective work and her service in the cause of social justice.

PAYING TRIBUTE TO THE BOYS AND GIRLS CLUBS OF FRESNO COUNTY

HON. JIM COSTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 15, 2010

Mr. COSTA. Madam Speaker, I rise today to pay tribute to all of the Boys and Girls Clubs of Fresno County, California, on this occasion of their 60th anniversary aptly recognized as, “60 years of Hope and Opportunity.”

Meeting the needs of our community has been and continues to be, the Boys and Girls Clubs' highest priority. Clubs provide young people that do not have adult care or supervision at home with people that care about them. Our local organizations have programs and services that promote and enhance the development of boys and girls by instilling a sense of competence, usefulness, belonging and influence.

Boys and Girls Clubs enable all young people, especially those in the most need, to reach their full potential as productive, caring and responsible citizens. We are very fortunate for the guidance that these individuals give to the future leaders of our community. The work that these volunteers do can never be underestimated.

The Boys and Girls Clubs believe, as do I, that volunteers make a powerful difference in the community. Their service, advocacy, leadership and mentoring have touched countless lives throughout our Valley. I ask my colleagues to join me in recognizing this wonderful group of men and women as the Boys and Girls Clubs of Fresno County celebrate their 60th Anniversary of “Hope and Opportunity.”

TRIBUTE TO INTELLIGENCE SPECIALIST FIRST CLASS PETTY OFFICER JAMES K. BROWN

HON. DAVE CAMP

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 15, 2010

Mr. CAMP. Madam Speaker, I rise today to pay tribute to Intelligence Specialist First Class Petty Officer James K. Brown for his 20 years of dedicated service in the defense of the United States of America.

Petty Officer Brown enlisted in the United States Navy in June 1990 and went on to Great Lakes Recruit Training Center, for his basic training. After graduating from Recruit Training Command, Great Lakes, Illinois in

August 1990, James went to Cryptological Training Command at Fort Devens, Massachusetts.

Through out his years of service, Petty Officer Brown has distinguished himself as the Leading Petty Officer in the Intelligence Department and as the special Security Officer for the Command in many ways exemplified by the awards and ribbons he has collected throughout his service. During his assignment to the USS *Wisconsin* (B-64), he participated in Desert Shield and Desert Storm earning a Flag Letter of Commendation along with Navy Combat Action Ribbon and various other awards. While aboard the USS *Nassau* (LHA-4) Petty Officer Brown also earned the Blue Nose certificate. He also was part of the support team for the Desert Fox and Kosovo operations.

In addition, Petty Officer Brown participated in the two crucial deployments USS *Carl Vinson*, launching the first attack on the Global War on Terrorism into Afghanistan in response to 9/11 and addressing heightened tensions off the coast of North Korea. During the second deployment off the coast of North Korea, he participated in FOAL EAGLE and TANDUM THRUST. While on board he pursued his associates degree in General Studies while earning his Enlisted Aviation Warfare Specialist pin and a Navy Achievement Medal. In the spring of 2003, he took orders to the Joint Military Intelligence College where he spent one year earning his bachelor's degree in Intelligence. Following his pursuit of education, he took orders to the Chief of Naval Operations where he pursued and finished his Post Graduate Education in Intelligence Studies. While stationed at the Pentagon, he received another Navy Achievement Medal and the Chairman of the Joint Chief Staff badge.

We all owe a debt of gratitude to our servicemen and women, like Petty Officer Brown, who have dutifully a nobly answered the call to service for our Nation. They put themselves in harm's way to make our country safer. On behalf of the Michigan 4th Congressional District, I thank First Class Petty Officer James K. Brown for his dedicated service and wish him well in his future endeavors.

HONORING THE LIFE AND LEGACY
OF DR. MARGARET WADE-LEWIS

HON. MAURICE D. HINCHEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 15, 2010

Mr. HINCHEY. Madam Speaker, I rise today to honor the life and legacy of Dr. Margaret Wade-Lewis whose remarkable contributions to African American equality in the United States should be noted for the record.

In 1974, she joined the Black Studies Department at State University of New York at New Paltz where she worked to enrich the lives of thousands of students until her death late last December. The passing of Dr. Wade-Lewis is a major loss for the department, the college and the New Paltz community. Her contributions to our state's education system and history can be traced through her life achievements.

Dr. Wade-Lewis was born in Haskell, Oklahoma and remained in Oklahoma for her childhood and collegiate years. She attended Langston University, where she obtained a bachelors and masters degree in English. She later attended New York University and, from there, was the first African American woman to graduate with a Ph.D. in Linguistics.

During her tenure at SUNY New Paltz, Dr. Wade-Lewis' commitment to her students was unparalleled. She was involved in a variety of organizations, including the African Women's Alliance, The New Day Theatre Ensemble, and the New Paltz Voices of Unity Gospel Choir. She was also an advocate for student scholarships, which resulted in hundreds of students receiving financial support to attend and graduate from SUNY New Paltz.

Some of the most prized achievements of Dr. Wade-Lewis include being the longest serving Chairperson of the Department of Black Studies, which under her leadership obtained national recognition. Additionally, she administered the Affirmative Action Program, and held the lead position on the Scholar's Mentorship Program, which provided mentoring and networking opportunities for high achieving students of color and interested students of all ethnic groups. The program succeeded in promoting an increase in performance levels and retention rates for students of color at New Paltz.

Dr. Wade-Lewis was a friend and mentor to many in the community of New Paltz. She was a pioneer who incorporated Black Studies into many aspects of the University's curriculum. Her programs drew nationwide acclaim and attention to inequalities in education. I would like to recognize all of Dr. Wade-Lewis' achievements throughout her life and take this opportunity to express my belief that her memory and achievements will live on for many years to come.

ANNY ROSA

HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 15, 2010

Mr. PERLMUTTER. Madam Speaker, I rise today to recognize and applaud Anny Rosa who has received the Arvada Wheat Ridge Service Ambassadors for Youth award. Anny Rosa is an 8th grader at Drake Middle School and received this award because her determination and hard work have allowed her to overcome adversities.

The dedication demonstrated by Anny Rosa is exemplary of the type of achievement that can be attained with hard work and perseverance. It is essential students at all levels strive to make the most of their education and develop a work ethic which will guide them for the rest of their lives.

I extend my deepest congratulations once again to Anny Rosa for winning the Arvada Wheat Ridge Service Ambassadors for Youth award. I have no doubt she will exhibit the same dedication and character to all her future accomplishments.

CONGRATULATING WEST PLAINS
SENIOR HIGH SCHOOL

HON. JO ANN EMERSON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 15, 2010

Mrs. EMERSON. Madam Speaker, I am honored today to congratulate West Plains Senior High School, which was recently named by a study done by U.S. News and World Report as one of America's Best High Schools. In a report on nearly 22,000 high schools in 48 states, West Plains Senior High repeatedly scored high marks in the three categories used to rank schools: test performance, college readiness, and the performance of low-advantage students. In all three areas, West Plains Senior High has consistently excelled.

Through this honor, the entire West Plains Senior High School community has provided an example not only to Missourians, but to all Americans. The hard work and dedication of the faculty, parents, and the students in preparing our next generation of scholars and leaders gives me great confidence in our nation's future.

Although this report confirms what we Missourians have already known, that West Plains Senior High is one of the best schools in the nation, it is an impressive achievement in which West Plains should take pride.

Congratulations again to the West Plains Senior High School community. Keep up the good work, and we are all very proud of you. Go Zizzers!

RECOGNIZING LADY BETTY
GRIFFITHS

HON. EDWARD R. ROYCE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 15, 2010

Mr. ROYCE. Madam Speaker, I rise in recognition of Lady Betty Griffiths, a resident of Laguna Niguel, California, who recently passed away.

Lady Betty was the daughter of a Dutch farmer who supplied essential agricultural products to Great Britain during the German blockade. She loved farm life, especially riding horses. She worked for the BBC in London. While living in England, Lady Betty was Director of the U.K. chapter of the Special Olympics, which brought her to many regions of the United States as she helped give these athletes tremendous opportunities.

Lady Betty later came to the United States for good, with her husband, Sir Eldon Griffiths, a former long-serving member of the British Parliament. Like him, Lady Betty greatly admired America. She loved California's natural beauty and vibrant people. Soon after settling in her new home, she began her many successful efforts to link the Netherlands and Great Britain with Orange County, California.

An outstanding organizer and promoter of Orange County's World Affairs Council programs, Lady Betty was a most distinguished hostess to numerous Asian, European and

Middle Eastern diplomats during their visits to southern California. Lady Betty brought her Old World charm to the Council, and people enjoyed that. Working with Sir Eldon, she made the Council thrive, helping educate many of us on a wide range of critical world issues.

Lady Betty was active in civic life in Orange County and became an American citizen in 1998. She brought the best of Holland and England to California, and for that we are thankful and today give her a well-deserved recognition for her rich community life. Lady Betty will be missed by her many, many friends in Orange County and far beyond.

ANGELL GARCIA

HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 15, 2010

Mr. PERLMUTTER. Madam Speaker, I rise today to recognize and applaud Angell Garcia who has received the Arvada Wheat Ridge Service Ambassadors for Youth award. Angell Garcia is a 12th grader at Jefferson High School and received this award because her determination and hard work have allowed her to overcome adversities.

The dedication demonstrated by Angell Garcia is exemplary of the type of achievement that can be attained with hard work and perseverance. It is essential students at all levels strive to make the most of their education and develop a work ethic which will guide them for the rest of their lives.

I extend my deepest congratulations once again to Angell Garcia for winning the Arvada Wheat Ridge Service Ambassadors for Youth award. I have no doubt she will exhibit the same dedication and character to all her future accomplishments.

KEEP CONSTELLATION PROGRAM

HON. DAVID WU

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 15, 2010

Mr. WU. Madam Speaker, I rise in strong opposition to the president's decision to privatize the human spaceflight program. The space program inspires us to reach for the stars in both our dreams and our actions, and it helps drive our nation's technological innovation. I am deeply concerned that this decision will hinder our ability to remain at the forefront of human achievement.

The Constellation Program is not perfect. But putting all of our eggs in a private sector basket is simply too risky a gamble. We are jeopardizing our lead in space exploration, we are jeopardizing our nation's future, and we are jeopardizing astronaut safety.

I urge my colleagues to join me in opposing the president's plan to privatize the human spaceflight program. We must not concede our leadership in space exploration at a time when it is more critical than ever.

IN TRIBUTE TO DEB HOLLER

HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 15, 2010

Mr. GALLEGLY. Madam Speaker, I rise in tribute to Deb Holler, who will be honored Friday as the 2010 Woman of the Year by the First Ladies of Simi Valley Hospital Foundation.

Every year, First Ladies honors one remarkable woman from a local business or organization who gives of her time, talents and treasures to a local organization that benefits the community.

Deb Holler gives of her time, talents and treasures in spades.

Deb and her husband, Bob Huber, have been close personal friends of my wife, Janice, and me for many, many years and I know firsthand the contributions she has made. For the past 20 years, Deb has been deeply active in the community she calls home. She supports many community events and has graciously opened her home for a wide variety of fundraisers for community organizations.

Deb has been a member of the Rotary Club of Simi Valley for the past 13 years and is the current President. She also serves on several boards within the community, including the Simi Valley Chamber of Commerce, where she served as its Chief Financial Officer, and the Boys & Girls Club.

Deb also has been involved with the Moorpark Community College Foundation Board and is a graduate of Leadership Simi Valley. In 2006, Deb was named Business Person of the Year by the Simi Valley Chamber of Commerce for her high ethical business standards and outstanding leadership abilities.

Over the years, Deb has hosted numerous fundraisers for many worthy organizations, including the Free Clinic of Simi Valley, the Rotary Club of Simi Valley, the Simi Valley Community Foundation, the Boys & Girls Club, the Samaritan Center and the Moorpark College Foundation.

Deb has consistently made herself available to help others for many years, oftentimes putting her own needs aside to do so. Deb Holler is categorically deserving of this honor.

Madam Speaker, I know my colleagues will join the First Ladies of Simi Valley Hospital Foundation and me in thanking Deb Holler for her numerous contributions to her community and in congratulating her for being awarded Woman of the Year.

ANGELA POHLENZ

HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 15, 2010

Mr. PERLMUTTER. Madam Speaker, I rise today to recognize and applaud Angela Pohlenz who has received the Arvada Wheat Ridge Service Ambassadors for Youth award. Angela Pohlenz is a 12th grader at Arvada High School and received this award because her determination and hard work have allowed her to overcome adversities.

The dedication demonstrated by Angela Pohlenz is exemplary of the type of achievement that can be attained with hard work and perseverance. It is essential students at all levels strive to make the most of their education and develop a work ethic which will guide them for the rest of their lives.

I extend my deepest congratulations once again to Angela Pohlenz for winning the Arvada Wheat Ridge Service Ambassadors for Youth award. I have no doubt she will exhibit the same dedication and character to all her future accomplishments.

PERSONAL EXPLANATION

HON. SUE WILKINS MYRICK

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 15, 2010

Mrs. MYRICK. Madam Speaker, I was unable to participate in the following vote. If I had been present, I would have voted as follows:

Rollcall vote 203, on motion to suspend the rules and agree—Expressing sympathy to the people of Poland in the aftermath of the tragic plane crash that killed the country's President, First Lady, and 94 others on April 10, 2010—I would have voted "aye."

RECOGNIZING THE OUTSTANDING ACHIEVEMENTS OF MR. MARC WILSON AND THE NELSON-ATKINS MUSEUM OF ART

HON. EMANUEL CLEAVER

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 15, 2010

Mr. CLEAVER. Madam Speaker, I proudly rise today in recognizing the outstanding achievements and cultural legacy of The Nelson-Atkins Museum of Art, in Missouri's Fifth District which I am privileged to represent. The Nelson-Atkins, founded in 1933, is home to more than 33,500 works of art and is an institution "committed through its collections and programs to being a vital partner in the educational and cultural life of Kansas City and a preeminent institution both nationally and internationally."

The Museum has developed into the recognizable and renowned institution that it is today with Director and CEO Marc F. Wilson at the helm. Marc graduated from the prestigious Yale University in 1963 with a B.A. in European History and in 1967 with a M.A. in Chinese Studies and Asian Art History. He cultivated his professional skills through the Ford Foundation grants and enriching travels through East Asia. Marc returned to Kansas City in 1971 as Associate Curator of Chinese Art and helped organize an exhibition called Archaeological Finds of the People's Republic of China. The 1975 exhibition is remembered for lines of visitors that stretched to the street and became the Museum's largest blockbuster. In 1982, Marc Wilson became the museum's fourth director.

Under his leadership, the Nelson-Atkins has developed the reputation as an iconic cultural

center that is considered to be one of the primary destinations for Asian art and also boasts extensive collections in European, American, American Indian, Photography, Decorative Arts, and Modern and Contemporary works of art. During Marc's tenure, the Nelson-Atkins received international acclaim with the Bloch Building expansion. Designed by Steven Holl and acclaimed by Time Magazine as the No. 1 Architectural Marvel of 2007, the Bloch Building is an architectural masterpiece. It fluidly incorporates the landscape, neighboring classical building, and the Kansas City Sculpture Park. The Bloch Building is also a sustainable venture. The surrounding gardens help insulate the building and catch excess rain waters. The multiple screens in the glass cavities also control lighting and heating of galleries.

This year, the Museum celebrated 75 years of excellence. In honor of this historical commemoration many local philanthropists, including honorary trustee Henry Bloch, have given or promised masterpieces to the Nelson-Atkins—enhancing the experience of art through personal treasures that are now shared with all who visit the museum.

After 39 years with the museum, Marc has chosen to retire. His legacy will continue to grow through the educational opportunities fostered through his outreach and classes that develop the skills and interest of artist. Because of his work, people of all nationalities and ages explore exhibits that have found their way to the Heart of America through his reputation and professional guidance. Michael Braude from the Kansas City Business Journal called Marc "totally approachable."

Those who work with Marc know of his great passion for speed and finely tuned machines, including his motorcycles and his sportscars, which he races in the Sports Car Club of America regional events. They also know that he is a part-time farmer on his historic tobacco farm near Weston, Mo. They may not know that as a younger man, he was respected for his fencing abilities and his marksmanship as a shooter.

Madam Speaker, please join me in congratulating Marc Wilson on his retirement. As he retires, he leaves with the respect of his peers, his staff, and the community that has benefited so greatly from Marc's leadership. He will be missed, but his accomplishments will continue to make the museum one of the gems of our community.

STOP THE GOVERNMENT EXPANSION

HON. CLIFF STEARNS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 15, 2010

Mr. STEARNS. Madam Speaker, today is Tax Day and as Americans cut yet another check to the federal government, it's time to rise up and say stop. Stop the out of control spending that will saddle our children and grandchildren with a mountain of IOUs. Stop with all the bailouts that leave the American people paying for Wall Street's greed and excess. And we must say stop to the trillion-dollar government take over of health care.

Washington spending is now \$31,000 per household and in 2008, the publicly held debt was 40.8 percent of the GDP. American families are having a hard time making ends meet, and yet President Obama and congressional Democrats continue to tax and spend without regard. In fact, since January 2009, President Obama and congressional Democrats have enacted into law gross tax increases totaling more than \$670 billion, more than \$2,100 for every American. When will all of this madness stop?

AMBER OLSON

HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 15, 2010

Mr. PERLMUTTER. Madam Speaker, I rise today to recognize and applaud Amber Olson who has received the Arvada Wheat Ridge Service Ambassadors for Youth award. Amber Olson is a 12th grader at Wheat Ridge High School and received this award because her determination and hard work have allowed her to overcome adversities.

The dedication demonstrated by Amber Olson is exemplary of the type of achievement that can be attained with hard work and perseverance. It is essential students at all levels strive to make the most of their education and develop a work ethic which will guide them for the rest of their lives.

I extend my deepest congratulations once again to Amber Olson for winning the Arvada Wheat Ridge Service Ambassadors for Youth award. I have no doubt she will exhibit the same dedication and character to all her future accomplishments.

HONORING THE 6 MILLION JEWS KILLED IN THE HOLOCAUST

HON. JANICE D. SCHAKOWSKY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 15, 2010

Ms. SCHAKOWSKY. Madam Speaker, I rise to pay tribute to the 6 million Jews murdered by the Nazis during the Holocaust. Today, members of Congress gathered in the Capitol Rotunda to remember those who perished and to join in solidarity with people in Israel and around the world marking Holocaust Remembrance day—Yom Hashoah.

Today, we gather to remember those who died and to preserve the memory of the Holocaust. Six million Jews perished at the hands of the Nazis during the Holocaust; countless others were brutalized, raped, dehumanized, and robbed. As hard as the stories are to hear, we must ensure that the experiences of Holocaust survivors are preserved as a permanent part of history.

"Never again" is a pledge that we must continue to uphold through education, dialogue, and determination. It is also a commitment to fighting hatred, intolerance, and brutality wherever they occur. Too often, we have stood by and allowed the targeting, brutalization, and

massacre of an innocent civilian population. We can honor those who died in the Holocaust by refusing to allow similar atrocities to occur in the future.

Events in the Middle East, and around the world highlight the importance of Holocaust remembrance. Recent data show signs of an alarming rise in anti-Semitism, and harsh criticism of Israel is increasingly tinged with traditional anti-Semitism. Iranian President Mahmoud Ahmadinejad has called for the annihilation of Israel. This is another reminder that we must continue to work to strengthen the U.S.-Israel relationship, and redouble our efforts toward achieving lasting peace in the Middle East.

The Days of Remembrance hold a deep meaning for my community. My district, the 9th Congressional District of Illinois, is home to one of the largest concentrations of Holocaust survivors in the country.

Last spring, I had the opportunity to participate in the opening of the Illinois Holocaust Museum and Education Center in Skokie. Skokie is home to an estimated 2,000 Holocaust survivors, and the museum would not have been possible without their active involvement and input. The new 65,000-square foot museum will have the capacity to serve over 250,000 annual visitors, and will teach countless people, young and old, the importance of actively fighting hatred and prejudice.

The Illinois Holocaust Museum and Education Center continues to use education to combat intolerance.

Today, we remember one of the darkest moments in human history, and we honor and mourn those who lost their lives. As we honor their memory, we must also recommit to working together to fight genocide to ensure that others do not suffer their fate, and to continuing to teach our children the history of the Holocaust.

AMAIRANI ZUNIGA

HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 15, 2010

Mr. PERLMUTTER. Madam Speaker, I rise today to recognize and applaud Amairani Zuniga who has received the Arvada Wheat Ridge Service Ambassadors for Youth award. Amairani Zuniga is an 11th grader at Warren Tech North and received this award because her determination and hard work have allowed her to overcome adversities.

The dedication demonstrated by Amairani Zuniga is exemplary of the type of achievement that can be attained with hard work and perseverance. It is essential students at all levels strive to make the most of their education and develop a work ethic which will guide them for the rest of their lives.

I extend my deepest congratulations once again to Amairani Zuniga for winning the Arvada Wheat Ridge Service Ambassadors for Youth award. I have no doubt she will exhibit the same dedication and character to all her future accomplishments.

HONORING CHAMBERSBURG AREA
DEVELOPMENT CORPORATION

HON. BILL SHUSTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 15, 2010

Mr. SHUSTER. Madam Speaker, I rise today to recognize the mission and accomplishments of the Chambersburg Area Development Corporation. CADC will celebrate its 50th anniversary at its annual meeting on May 7, 2010.

Since 1960, the Chambersburg Area Development Corporation has worked to advance the general interest of the Chambersburg area, specially the economic health and quality of life. Recognizing Chambersburg's valuable resources and location, a group of local leaders, coupled with businessmen and women decided to raise funds for a not-for-profit industrial development corporation. From these beginnings, CADC has been successful in promoting economic vitality in the area. Together with businesses, CADC works to bring and retain major employers in the area. Working with other community organizations, CADC has participated in the revitalization of downtown Chambersburg. Among the beneficiaries of CADC's resources are the Chambersburg Memorial YMCA, the Grove Family Library, and the historic Capitol Theatre, as well as several community celebrations. All together, CADC is linked to nearly 2,900 jobs and about \$3 million in wage and property tax revenues annually, as well as invaluable contributions to the Chambersburg area's quality of life.

Over its 50-year history, the Chambersburg Area Development Corporation has been an essential player in advancing the commercial, industrial, civic and general interests of the Chambersburg area. The whole region benefits from its commitment to a business-friendly climate and an improving quality of life. I commend the Chambersburg Area Development Corporation on its work over the past 50 years and anticipate many more accomplishments in its future.

FATHER JOSEPH MARTIN, JR.

HON. C.A. DUTCH RUPPERSBERGER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 15, 2010

Mr. RUPPERSBERGER. Madam Speaker, I rise before you today to honor the life of Father Joseph Martin, Jr. for his pioneering work in substance abuse rehabilitation.

A native Baltimorean, Father Martin graduated from Loyola High School in 1942 and went on to attend Loyola College from 1942–1944. Father Martin began working part-time at St. Mary's Seminary his senior year of high school and while he was attending college, he felt the calling to enter the priesthood. He was ordained a priest for the Archdiocese of Baltimore in 1948.

When it became apparent that Father Martin had a problem with alcohol, he entered the Guest House in Lake Orion, Michigan, an alcoholism treatment center and sanctuary for

Catholic priests. He left the Guest House in 1959, returning to Baltimore to resume teaching at St. Charles College in Catonsville. He seized every opportunity to speak about alcoholism, captivating audiences with what became the "Chalk Talk on Alcohol."

In 1970, Father Martin reached out to Mae Abraham, a woman he met through A.A., and with the encouragement of her and her husband, he made the decision to work the field of recovery. He became a lecturer and educator in the Division of Alcohol Control for the State of Maryland, conducting seminars for doctors, lawyers, parole officers, and social workers. His quest to open a treatment center began and in 1983 his dream came true with the opening of a facility in Havre de Grace, Maryland.

For his leadership and devotion to the recovery of substance abuse, Father Martin earned several awards to include the Andrew White Medal from Loyola College, for his contributions to the general welfare of the citizenry of Maryland; Rutgers University's Summer School of Alcohol Studies' Distinguished Service Award (1988); and the Norman Vincent Peale Award (1992).

Madam Speaker, I ask that you join with me today to honor the life of Father Joseph Martin, Jr. His legacy of hope and healing for those suffering from addiction will continue to carry on through his rehabilitation center.

ALEX LESKO

HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 15, 2010

Mr. PERLMUTTER. Madam Speaker, I rise today to recognize and applaud Alex Lesko who has received the Arvada Wheat Ridge Service Ambassadors for Youth award. Alex Lesko is a 9th grader at Arvada West High School and received this award because his determination and hard work have allowed him to overcome adversities.

The dedication demonstrated by Alex Lesko is exemplary of the type of achievement that can be attained with hard work and perseverance. It is essential students at all levels strive to make the most of their education and develop a work ethic which will guide them for the rest of their lives.

I extend my deepest congratulations once again to Alex Lesko for winning the Arvada Wheat Ridge Service Ambassadors for Youth award. I have no doubt he will exhibit the same dedication and character to all his future accomplishments.

HONORING ALTON MIDDLE SCHOOL
FOR BEING NAMED A 2010
"SCHOOL TO WATCH" BY THE
ASSOCIATION OF ILLINOIS MID-
DLE SCHOOLS

HON. JERRY F. COSTELLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 15, 2010

Mr. COSTELLO. Madam Speaker, I rise today to ask my colleagues to join me in con-

gratulating Alton Middle School, in Alton, Illinois, for being recognized as a "School to Watch" by the 2010 Illinois Horizon Schools award program.

Schools across Illinois, and across the country, are constantly looking for ways to improve their quality of education. One way for a school to improve is by taking what has been successful in other schools and adapting it to their environment. Toward this end, the Association of Illinois Middle-Level Schools has implemented a program, the Illinois Horizon Schools to Watch Initiative, which identifies those schools that have developed processes and educational programs that have led to academic success. The criteria for this program includes academic excellence, developmental responsiveness, social equity and the establishment of norms, structures and organizational arrangements that will support and sustain efforts to achieve excellence.

Alton Middle School is one of only seven schools in Illinois to receive this prestigious designation this year and one of only two outside the Chicago area. In recognizing Alton Middle School, the Executive Director of the Association of Illinois Middle-Level Schools noted the sense of community created at Alton Middle School as well as its work in enhancing social justice and embracing diversity. As a Horizon School to Watch, Alton Middle School will now serve as a model for other schools from around the state of Illinois in developing their processes for academic improvement.

Madam Speaker, I ask my colleagues to join me in congratulating the board members of Alton Community Unit School District # 11 as well as the administration, faculty, staff and students of Alton Middle School for their recognition as a 2010 Illinois Horizon School to Watch.

HONORING STEWART L. UDALL

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 15, 2010

Ms. WOOLSEY. Madam Speaker, I rise today to honor Stewart L. Udall who passed away March 20, 2010, in his New Mexico home, at the age of 90. Secretary Udall is best known as Secretary of the Interior under Presidents John F. Kennedy and Lyndon B. Johnson in the 1960s, but his role in the preservation of our national treasurers is far greater than that title suggests.

Today, we may take for granted the conservation of lands for our national parks and wilderness areas, but without the efforts of Stewart Udall, we would not have these vast unspoiled areas across our country. A lifelong conservationist, Secretary Udall oversaw the expansion of the National Park system to include four new national parks, six new national monuments, eight seashores and lakeshores, nine recreation areas, twenty historic sites, and fifty-six wildlife refuges. And he profoundly influenced the national landscape with his leadership on the Wilderness Bill, the Wild and Scenic Rivers Act, the Water Quality Act, the Land and Water Conservation Fund, and others.

Point Reyes National Seashore (PRNS), in California's Sixth District, is one of the jewels in the National Parks system that owes its existence to Stewart Udall. Working with Congressman Clem Miller, Ed Wayburn, and others, Secretary Udall shepherded its establishment by Congress and President Kennedy in 1962 and continued to work for funding and expansion under President Johnson.

Following his tenure as Secretary of the Interior, he joined the Advisory Board of Save Our Seashore (SOS), a local group founded by State Senator Peter Behr. SOS secured support to incorporate the surrounding ranchlands into the park; these lands were thus saved from development and then leased back to the original families to continue agricultural activities.

Secretary Udall's words in a letter to Senator Behr still resonate today: "That this magnificent stretch of the California Coast, within a mere 100 miles of five million people, has remained virtually intact and unchanged from the first day it was sighted by Sir Francis Drake in 1579 seems almost a miracle. . . . It is a scandal of historic proportions if the American people, at the peak of our affluence, admit that we lack the foresight and the wherewithal to preserve this great Seashore intact for ourselves and for future generations. If we can afford, this year, 600 million to develop an SST, it is an admission of moral bankruptcy if we are unable to fund the completion of the purchase of these parklands."

These values explain why we enjoy the magnificence of Point Reyes National Seashore—from its stunning ocean vistas to its windswept hills—and are also a stirring reminder of the importance of environmental preservation in our Nation's priorities.

Secretary Udall's eloquence, warmth, and passion were deeply moving when I had the honor of meeting him at Point Reyes National Seashore in 2004. At that time, he described the establishment of the park and read from a book he had written on the history of the old West. His passion for the landscape—and its plant, animal, and human inhabitants—shone in every word.

Stewart Udall was born in a rural area of Arizona in 1920, served in the United States Air Force in World War II, and then opened a law practice with his brother Morris (Mo). His father was an Arizona Supreme Court Justice, and, continuing the family passion for public service, Udall was elected to Congress in 1954. After his appointment as Secretary of the Interior in 1961, Morris was elected to that seat, and today Stewart's son TOM is a Senator from New Mexico and his nephew MARK is a Senator from Colorado.

Secretary Udall was predeceased by his wife Erma and is survived by their six children, TOM, Scott, Lynn, Lori, Denis and Jay and their families.

Madam Speaker, Stewart Udall's foresight and commitment will continue to shape the environment and landscape of this country. We owe a great debt to his skill and passion and must never forget his reminder that "Plans to protect air and water, wilderness and wildlife are in fact plans to protect man."

AARON CISNEROS

HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 15, 2010

Mr. PERLMUTTER. Madam Speaker, I rise today to recognize and applaud Aaron Cisneros who has received the Arvada Wheat Ridge Service Ambassadors for Youth award. Aaron Cisneros is a 9th grader at Jefferson High School and received this award because his determination and hard work have allowed him to overcome adversities.

The dedication demonstrated by Aaron Cisneros is exemplary of the type of achievement that can be attained with hard work and perseverance. It is essential students at all levels strive to make the most of their education and develop a work ethic which will guide them for the rest of their lives.

I extend my deepest congratulations once again to Aaron Cisneros for winning the Arvada Wheat Ridge Service Ambassadors for Youth award. I have no doubt he will exhibit the same dedication and character to all his future accomplishments.

HONORING THE LIFE OF DR. LAWRENCE SEYMOUR

HON. STEVE COHEN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 15, 2010

Mr. COHEN. Madam Speaker, I rise today to honor the life of Dr. Lawrence Seymour, a Memphis doctor who dedicated his life to fighting prostate cancer. He was born in Fayette County, Tennessee and moved to the historic LeMoyné Gardens neighborhood in Memphis before beginning grade school. He was class valedictorian at Booker T. Washington High School, one of the first African American high schools in the city. Rising out of poverty, he attended Howard University College of Medicine on a full scholarship. After graduating in 1961, Dr. Seymour regularly sent money back to Howard University to help other aspiring doctors pay for their medical school education.

Becoming one of the first African American urologists in Memphis, Dr. Seymour earned a reputation as a doctor who provided treatment for people whether they were insured or not. He would see patients regardless of their ability to pay him because, according to his wife Mrs. Anita Seymour, "He felt like he owed it to his community."

Dr. Seymour would always remind his patients of the importance of receiving specific antigen blood tests, which are critical in helping doctors diagnose prostate cancer in its early stages. For him, the fight against prostate cancer was personal because the disease claimed the life of one of his brothers. Dr. Seymour was a pioneer in the fight against prostate cancer, developing several new treatments for the disease including one that shrinks the prostate gland before surgery.

Dr. Lawrence Seymour passed away on February 23, 2010, at 75 years of age. The Memphis community mourns the life of one of

its great doctors. He is survived by his wife, his four children and a host of friends and family across Tennessee and the country. We are grateful to have had the pleasure of his dedication, perseverance and passion in the Memphis community.

RECOGNIZING SUPERVISORY SPECIAL AGENT ERNESTO "TITO" CRUZ

HON. SILVESTRE REYES

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 15, 2010

Mr. REYES. Madam Speaker, I rise today to honor Supervisory Special Agent Ernesto "Tito" Cruz for his service to the Permanent Select Committee on Intelligence over the past year.

As a detailee from the Federal Bureau of Investigation, Special Agent Cruz offered his professional expertise to and provided substantial support for a range of in-depth reviews, from those focused on highly sensitive intelligence operations to current practices with the Intelligence Community that implicate legal, policy, or fiscal concerns and investigations.

In particular, Special Agent Cruz assisted in the Subcommittee on Oversight and Investigation's bipartisan examination of circumstances surrounding the Peru Narcotics Airbridge Denial Program, as well as several inquiries regarding contractor practices within the Intelligence Community and allegations of waste, fraud, and abuse. The Committee also benefited greatly from his FBI experience during the interviews conducted in connection with an investigation into congressional notification practices, policies, and procedures.

The Intelligence Committee's work involves constant interaction with the 16 elements of the Intelligence Community, particularly through the offices of congressional affairs. Special Agent Cruz's long-term experience across a wide range of intelligence matters and his significant and successful interaction within congressional affairs offices was an asset to the Committee's performance of its oversight duties.

The Committee was privileged to have the opportunity to work with Special Agent Cruz. His work ethic, friendly nature, and sense of humor made him a valued member of the Committee team. Thank you, Tito, for all of your hard work, and I wish you all the best as you leave the Hill for FBI's Office of Congressional Affairs.

AARON CARDONA

HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 15, 2010

Mr. PERLMUTTER. Madam Speaker, I rise today to recognize and applaud Aaron Cardona who has received the Arvada Wheat Ridge Service Ambassadors for Youth award. Aaron Cardona is an 8th grader at Wheat

Ridge Middle School and received this award because his determination and hard work have allowed him to overcome adversities.

The dedication demonstrated by Aaron Cardona is exemplary of the type of achievement that can be attained with hard work and perseverance. It is essential students at all levels strive to make the most of their education and develop a work ethic which will guide them for the rest of their lives.

I extend my deepest congratulations once again to Aaron Cardona for winning the Arvada Wheat Ridge Service Ambassadors for Youth award. I have no doubt he will exhibit the same dedication and character to all his future accomplishments.

RECOGNIZING HERSCHEND FAMILY ENTERTAINMENT AND SILVER DOLLAR CITY ON ITS 50TH ANNIVERSARY

HON. ROY BLUNT

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 15, 2010

Mr. BLUNT. Madam Speaker, I rise today to pay tribute to Silver Dollar City on its upcoming 50th anniversary.

The Herschend family established Silver Dollar City on May 1, 1960, in Branson, Missouri, on top of Marvel Cave to preserve and celebrate the folk history, storytelling, music and craft traditions of 1880s America. The park originally featured two authentic log structures, a town square with a demonstrating blacksmith, a general store, and an ice cream parlor. A crew of 17 "citizens" entertained about 125,000 visitors in the first year.

Fifty years later, Silver Dollar City now counts over 2 million visitors annually, employs more than 2,000 individuals, and contributes over \$100 million a year to Missouri's economy. The award-winning theme park is the "Home of American Craftsmanship," showcasing a colony of 100 resident craftsmen, in addition to its rides and attractions and world class festivals. The success of Silver Dollar City, in addition to the natural beauty of the Ozarks and the creation of Table Rock Lake, has helped launch Branson into a world-renowned tourism destination.

In the years since Silver Dollar City opened, Herschend Family Entertainment has grown to become America's largest family-owned theme park company—owning and operating 24 properties spread across nine states, including iconic sites like Dollywood in Pigeon Forge, Tennessee. Herschend properties attracted over 8.6 million visitors in 2009 and supports 6,600 jobs across the country. These parks celebrate our shared cultural heritage as Americans, our country's vast natural features and wildlife, and the community spirit that made America what it is today.

In addition to operating its entertainment business, the Herschend family, along with Silver Dollar City and its many other properties, touch thousands of lives through charitable giving and volunteer time to hundreds of non-profit groups every year. In my congressional district alone, the Silver Dollar City Foundation contributes over \$100,000 per year in Stone

and Taney counties through its Care for Kids Program.

To Pete and Jack Herschend, and the team at Silver Dollar City, I offer my congratulations on their 50th anniversary.

HONORING THE LIFE OF ADRIEN L. RINGUETTE

HON. JOE DONNELLY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 15, 2010

Mr. DONNELLY of Indiana. Madam Speaker, I rise today to remember and honor Adrien Lanthier Ringuette of Bristol, Indiana. On Wednesday, January 6, 2010, Mr. Ringuette suffered a stroke and passed away at the St. Joseph Regional Medical Center. In mourning his death, we remember and honor the life and achievements of Mr. Ringuette.

Born in Attleboro, MA, on September 9, 1925, to the late Joseph and Anita Ringuette, Mr. Ringuette served in the U.S. Army Air Corps during World War II. Upon his return, Mr. Ringuette graduated magna cum laude and Phi Beta Kappa from Amherst College. After graduating from Yale Law School in 1951, he began his career at the law firm Dwight, Royal, Harris, Kagel and Caskey in New York until 1954.

After his time in New York, Mr. Ringuette moved to the Midwest while working for Universal Oil Products of Des Plaines. Thereafter, he worked at Abbott Laboratories as a senior attorney and assistant secretary until 1965, when he joined Miles Laboratories Inc. in Elkhart County. During this period, Mr. Ringuette's involvement in civil rights also motivated him to spearhead the defense of an open housing development in Deerfield, IL. The events of this initiative were chronicled by the New York Times in the 1960s and again in 1962 in a book by Harry and David Rosen.

As secretary and general counsel for the Bayer Corporation, Mr. Ringuette worked extensively with trade association committees who helped shape legislation regarding issues pertaining to the healthcare industry. Before retiring from Bayer in 1990, Mr. Ringuette also worked with the Food and Drug Administration and other agencies during their review of over-the-counter drugs.

A history enthusiast, Mr. Ringuette was an active member of the Board of The Food and Drug Law Institute, the Amherst and Yale Law School Alumni Associations, and the University Club of Chicago, among many others. Mr. Ringuette will be remembered as the excellent lawyer and active member of the community that he was. Adrien L. Ringuette is survived by his wife, three children and three grandchildren. I, and the grateful citizens of the state of Indiana, are deeply saddened by his passing.

STEVE SCHAEFER

HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 15, 2010

Mr. PERLMUTTER. Madam Speaker, I rise today to recognize and applaud Steve Schaefer, owner of Meyer Hardware, for receiving the Golden Rotary Ethics in Business Award. Meyer Hardware has adhered to high standards of business ethics for 64 years and demonstrates ethical behavior and responsible practices as a philosophy in daily business. Steve Schaefer is a central source of this philosophy and serves as a role model for the store's 19 employees.

The treatment of customers at Meyer Hardware is exemplary. The employees are helpful and friendly, and they go out of their way to satisfy customer's needs. Meyer is very loyal to its employees, keeping them employed even during hard times, and as a result, their employees are very loyal to Meyers, with some staying for over 20 years.

Meyer Hardware does its part in the cause of environmental sensitivity by providing a variety of low-energy and "green" merchandise. Meyer Hardware is also very active in the community, supporting the Cub Scouts, Eagle Scouts and sponsoring the Golden junior baseball and football teams. Meyer Hardware also donates to numerous non-profit organizations and participates in Golden's Easter egg hunt and Christian Action Guild food drive.

Meyer Hardware is a model for outstanding ethics in business. It is an example for all businesses in America to emulate. Congratulations to Steve Schaefer, for his leadership of Meyer Hardware and all the individuals who make Meyer Hardware what it is today.

COMMENDING TO THE HOUSE MS. ELIZABETH TRISLER

HON. JIM JORDAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 15, 2010

Mr. JORDAN of Ohio. Madam Speaker, I rise today to congratulate Elizabeth Trisler on winning the National Right to Life Committee's Jane B. Thompson Oratory Contest. This contest offers young Americans the opportunity to speak on an issue of great importance to them and to our Nation—the right to life.

Public speaking is an essential skill and I commend Elizabeth for her eloquence and articulacy. Whether in politics, business, or education, the ability to speak with confidence is essential to success in the 21st-century world. Elizabeth's decision to use her ability in support of a great cause deserves the respect of her peers and elected officials.

I am pleased that Elizabeth is taking an interest in politics. It is always encouraging to see young Americans speaking out on issues important to them. Our democracy depends on engaged citizens exercising their First Amendment right to free speech. Her words should be a clarion call to a generation of Americans that life is a precious gift from God that we must all cherish and defend.

Elizabeth's achievement was recognized by the Ohio State House and State Senate, each of whom designated proclamations in her honor. Such an honor has become a tradition in my home State of Ohio, where honorary resolutions are presented at the beginning of sessions of the State legislature. Unfortunately, Elizabeth's recognition was delayed by partisanship and division.

Just 5 days before the award was scheduled to be presented, Elizabeth's State representative was informed that the House Speaker was cancelling the ceremony due to the political controversy surrounding abortion. This highly politicized decision sent the wrong message to our young men and women—that even in our legislative chambers, the way to deal with opinions with which we disagree is to ignore them.

After a 2-week controversy, the Speaker finally allowed Elizabeth to accept her award on the House Floor. I respect the Speaker's decision to withdraw his previously announced policy and allow for the significance of Elizabeth's achievement to be celebrated.

In conclusion, I ask all of my colleagues to join me in recognizing Elizabeth for her outstanding performance and having the courage to enter the public square and speak eloquently about one of the great moral issues of our time.

HONORING BEN BYRD

HON. JOHN J. DUNCAN, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 15, 2010

Mr. DUNCAN. Madam Speaker, I have always said that the colors orange and white are almost as patriotic as red, white, and blue in my District. East Tennesseans live and breathe Big Orange Sports.

Ben Byrd is a journalism legend in my District and has covered the most notable sports moments in Tennessee history since 1947.

Tom Mattingly, a writer for the Knoxville News Sentinel, pays tribute to Ben Byrd in the piece reprinted below. I draw his service and talent to the attention of my colleagues and other readers of the RECORD.

MATTINGLY: NOTHING GOT PAST BYRD'S COVERAGE

(By Tom Mattingly)

When Emmett Byrd, director of marketing and operations for Kyle Busch Motorsports, spoke at the Knoxville Downtown Sertoma Club last Wednesday, there was a special journalist in the audience.

Ben Byrd, accompanied by wife, Jo, was there for the festivities, not as a journalist, with notebook, pen, and on deadline, but as a proud father.

Byrd's career with the Knoxville Journal stamped him as a legend in Knoxville journalism. He covered the basketball Vols in his first assignment in 1947 and didn't miss very many games thereafter. His history of the Tennessee basketball program, titled "The Basketball Vols," came out in 1974.

In 1986, he coauthored "You Can Go Home Again" with Johnny Majors, a story tracing Majors' earliest days in Moore County through the excitement of the 1986 Sugar Bowl.

Byrd covered many of the greatest moments in Tennessee sports history from the primitive press boxes and arenas of the 1940s, 1950s, and 1960s, through the newer structures of later years.

His coverage of the 1956 Georgia Tech game was honored as one of the best sports stories that year. It covered 25 paragraphs without a coach or player quote to be found.

Here's how he set the stage.

"GRANT FIELD, Atlanta, November 10—The greatest football game I have ever seen, Tennessee 6, Georgia Tech 0, has been over 15 minutes now. The slate gray horseshoe stadium is almost cleared of fans now, except for a bright orange patch across the field in the east stands, where the Tennessee band continues to blare out, piping hot in concert with the hand-clapping and foot-stomping jubilation of Volunteer fans."

You want a snappy line that fully explained what was happening on the field?

Consider that the situation was fourth-and-2 for the Yellow Jackets at the Vols 34.

"They went for it this time and made it, Ken Owen ripping to the 29. Stan Flowers followed that up with an eight-yard charge, and the Tennessee situation was not exactly peachy. But then Owen, exploding off tackle, fumbled, and Jim Smelcher was on it like a third-rate vaudeville dancer grabbing coins tossed up on the stage."

Then came the conclusion, his tribute to an epic contest, a nearly poetic ending you're not likely to see in a game story today.

"Twice the Vols came up with clutch interceptions, one by Bubba Howe at midfield, and the last by (Tommy) Bronson, retreating with his man deep into Tennessee territory. He planted Tennessee's flag there on the nine-yard line, and a vast silence fell on the Tech side of the stands. While down the line, the Tennessee crowd chanted . . . four . . . three . . . two . . . one. Hallelujah, praise the Lord."

Byrd's daily columns, titled "Byrd's Eye View," were incisive, even if they might have led to an unintended consequence on one occasion.

Byrd had a Saturday game day feature titled "Free Thought Association," purporting to pick the winners of that day's games by what litany of seemingly random comments.

When Tennessee played Rutgers on Nov. 3, 1979, on Homecoming Day, the Vols were a prohibitive favorite.

"What are Rutgers?" he wrote.

"One housewife told me she bought a pound of them at the supermarket last week for 59 cents, but they must have been on sale because she normally pays 89 cents a pound."

"This one man who's been up East told me he doesn't exactly know what Rutgers are, but he's pretty sure they are a lot like yonkers. Now if I just knew what yonkers were."

Rutgers got the last laugh, winning 13-7, with the column supposedly on display prominently in the Scarlet Knights dressing room.

"Incidentally," colleague Marvin West wrote, "that column was more fun on Saturday morning than Saturday night."

When Tennessee squared off against Belmont in basketball in December 2008, son Rick led the Belmont squad into battle.

At one critical juncture in the contest, the CSS camera focused on Ben, watching intently from press row at the east end of Thompson-Boling Arena near the Belmont bench.

He had to have had mixed emotions, given that he had seen a number of these down-to-the-last-minute games during his time covering the Vols. That was old hat for him.

You couldn't blame him for harboring the hope that Rick and Belmont could pull off an upset. You could only imagine what was going through his head as the final seconds ticked down.

I might have been the same feeling he had on March 6, 1967, as he watched an improbable victory at Mississippi State that gave the Vols the SEC title.

The next day, Byrd's game story dubbed the 1966-67 Ray Mears-coached SEC title team the "Fearless Five."

When someone writes the authoritative history of Tennessee sports, particularly for football and basketball, Byrd's craftsmanship in reporting and commenting on the games of his era will have to be one of the primary sources.

JEFFCO ACTION CENTER

HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 15, 2010

Mr. PERLMUTTER. Madam Speaker, I rise today to recognize and applaud the Jeffco Action Center for receiving the Golden Rotary Ethics in Business Award.

For over 40 years Jeffco Action Center provided immediate response to basic human needs and promoted pathways to self-sufficiency. The nonprofit social service center makes an incredible difference for the thousands of people it touches through its responsiveness and dedication to meet their needs.

Jeffco Action Center provides many goods and services including a food bank, a clothing bank, household and personal items, financial assistance, medical assistance, Thanksgiving food, a Santa shop, and school supply distribution. The center also runs a 22-bed homeless shelter and provides tenant/landlord counseling, client job search and educational outreach assistance. It distributed more than \$3.4 million of in-kind goods in 2009.

Organizations like Jeffco Action Center are critical to communities across the United States, because they provide a source of support for individuals and their families.

Congratulations to Mag Strittmatter, for her outstanding leadership of Jeffco Action Center.

I congratulate all the individuals working at Jeffco Action Center for their continued commitment to the people they serve.

PAYING TRIBUTE TO THE MONTGOMERY FIRE DEPARTMENT IN NEW YORK FOR TWO HUNDRED YEARS OF DEDICATED SERVICE TO THE COMMUNITY

HON. MAURICE D. HINCHEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 15, 2010

Mr. HINCHEY. Madam Speaker, I rise today to honor and pay tribute to the Montgomery Fire Department in Orange County, New York as its members and officers prepare to celebrate and mark its 200th Anniversary. I am delighted to add my voice to those recognizing this significant milestone, and I am proud to

honor the Montgomery Fire Department on this historic occasion.

The officers and members of the Montgomery Fire Department have served their community with distinction and commitment for many generations, making this department the oldest in Orange County and one of the longest serving in the State of New York. Since its founding in 1810, this all-volunteer department has answered the call for assistance from its neighbors during a wide range of emergency situations. As this area has grown and changed, the spirit of service and leadership from the department has carried on and evolved to meet new challenges.

The 80 active current members of the Montgomery Fire Department continue to build on the legacy of this historic Department each time they respond to emergency calls to deal with local flooding, house fires, car accidents and other difficult circumstances. As its members have done for many generations, these men and women answer the calls of their neighbors throughout the seasons and at all times of day and night in order to ensure the safety and to protect the well-being of their community.

Madam Speaker, I am delighted to offer my congratulations to the Montgomery Fire Department as it prepares to celebrate its bicentennial anniversary. I extend my best wishes and deep gratitude for the selfless and invaluable service the Montgomery Fire Department has provided to our community for 200 years.

ANDREW PETERS MAUS

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 15, 2010

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Andrew Peters Maus. Andrew is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 180, and earning the most prestigious award of Eagle Scout.

Andrew has been very active with his troop, participating in many Scout activities. Over the many years Andrew has been involved with Scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community. As an Eagle Scout myself, I understand how hard Andrew worked and admire his commitment. Becoming an Eagle Scout represents a great deal of dedication and perseverance and I am sure Andrew will continue to hold himself to these high standards in the future.

Madam Speaker, I proudly ask you to join me in commending Andrew Peters Maus for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

TRIBUTE TO NATIONAL AFTER-SCHOOL ASSOCIATION AND AFTERSCHOOL ALLIANCE'S "BREAKFAST OF CHAMPIONS" WINNER WENDELL MADDOX

HON. DENNIS MOORE

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 15, 2010

Mr. MOORE of Kansas. Madam Speaker, on April 21, 2010, hundreds of afterschool leaders and youth from more than 100 communities across the nation will visit Washington, D.C., to take part in the National Afterschool Association and Afterschool Alliance's "Afterschool for All Challenge", a three-day event which brings together afterschool program staff, parents, senators, representatives, mayors, national afterschool leaders, educators and youth in the name of afterschool care advocacy.

The crowning affair of this meeting is the "Breakfast of Champions", a unique event honoring several outstanding state and city leaders for their commitment to expanding afterschool opportunities for kids at all levels. This prestigious and celebratory event will feature a keynote address by a senior representative from the U.S. Department of Health and Human Services, as well as musical performances from nationally-renowned artists.

I am proud to announce that one outstanding individual from the Third District of Kansas has been selected as a "Champion" to be honored at this event. Mr. Wendell Maddox, the President and CEO of the United Way of Wyandotte County, is being recognized for his organization's start up of the All Accounted For project.

The All Accounted For project is an afterschool initiative designed to ensure that all school-aged children have the opportunity to participate in wholesome afterschool activities. This initiative accomplishes these goals by focusing on three primary issues: (1) providing transportation to children who participate in afterschool programs; (2) training and certifying afterschool care workers, and (3) establishing a quality rating system for afterschool program sites.

I congratulate Mr. Maddox on his exceptional achievement as a winner of the "Breakfast of Champions" Award, and I thank him, on behalf of the Third District of Kansas, for his tireless efforts to the cause of providing quality afterschool care to our youth.

KPMG LLP'S 100TH ANNIVERSARY IN BOSTON

HON. MICHAEL E. CAPUANO

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 15, 2010

Mr. CAPUANO. Madam Speaker, in 1910, Marwick, Mitchell & Co. opened its doors in Boston, on Congress Street, with just a handful of partners and infinite potential. That company became Peat, Marwick & Mitchell, and is known today as simply KPMG LLP. This year marks the 100th anniversary of KPMG LLP's

relationship with Boston and I rise this afternoon to recognize the indelible contributions KPMG has made to the city, its residents, and its businesses; as well as to the health, strength and well being of American capital markets.

Over the last 100 years, Boston has developed a reputation as more than just the birthplace of America. Today, it is firmly positioned as a leading center of culture, intellectualism, business innovation, and commerce, and KPMG is recognized as playing a leading role in Boston's expansion and growth. KPMG is one of the oldest and best-known professional services firms in the city, employing 600-plus professionals, headquartered at Two Financial Center, and providing audit, tax, and advisory services to the public and private sectors. Just as important, KPMG's partners and employees serve as officers, directors, and volunteers for many of Boston's charitable and philanthropic organizations.

In celebration of its 100th anniversary, KPMG launched the 100K Project, encouraging Boston alumni, partners, and professionals to clock at least 100 hours of volunteer service during this centennial year. Moreover, the firm has spearheaded more than 100 fundraising drives and community service projects over the past two years to beautify and green the city; feed and clothe the city's poor and homeless; raise monies for our world-class medical research facilities and patient care; teach, tutor and provide clothing, books and toys to Boston's neediest children; as well as generously donate to dozens of local and global causes.

Madam Speaker, I am proud to pay tribute to KPMG and its people for 100 years of service to Boston, for its contributions to the growth and health of the city's commerce, and for its many efforts benefiting our community's quality of life.

ALEXANDER M. STEARNS

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 15, 2010

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Alexander M. Stearns. Alex is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 249, and earning the most prestigious award of Eagle Scout.

Alex has been very active with his troop, participating in many Scout activities. Over the many years Alex has been involved with Scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community. Alex has contributed to his community through his Eagle Scout project. Alex organized and coordinated the installation of 260 feet of plastic timber encompassing the mulch and playground equipment at Benner Park in Weston, Missouri.

Madam Speaker, I proudly ask you to join me in commending Alexander M. Stearns for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

INTRODUCTION OF THE TAXPAYER
BILL OF RIGHTS ACT OF 2010**HON. XAVIER BECERRA**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 15, 2010

Mr. BECERRA. Madam Speaker, today I am proud to introduce the Taxpayer Bill of Rights Act of 2010, which clarifies taxpayer rights and obligations, ensures taxpayers have access to competent and affordable tax assistance, and improves taxpayer services. Senator JEFF BINGAMAN (NM), a dedicated advocate for taxpayer rights, is introducing companion legislation in the Senate. Many of these provisions are supported by the National Taxpayer Advocate, Nina Olson, who has long been a champion of improving taxpayer services and tax administration.

Today, April 15th, millions of taxpayers will file their returns with the Internal Revenue Service (IRS). As the IRS processes these returns, issues of tax administration will come to the forefront. These problems will range from taxpayers not knowing their legal rights, to taxpayers enlisting unscrupulous or poorly-trained preparers to help them complete one of their most important financial transactions of the year. This legislation aims to help ensure taxpayers do not find themselves in these unnecessary situations.

First, this legislation would require Treasury to publish an easy-to-understand Taxpayer Bill of Rights that would enumerate all taxpayers' rights and obligations, as well as their location in the tax code. Currently, these rights and obligations are scattered throughout the tax code and Internal Revenue Manual, making them neither accessible nor written in plain language that most taxpayers can understand.

Second, the legislation improves tax preparer services and advice available to moderate income taxpayers by supporting a grant program for free income tax assistance services, and by allowing IRS referrals to Low-Income Taxpayer Clinics, which represent modest income taxpayers in their disputes with the IRS. In addition, this legislation builds upon guidance from the National Taxpayer Advocate, first issued in 2002, to implement a system of oversight for unenrolled tax preparers through examination and continuing education requirements. It also provides specific guidance to the IRS as it implements its new initiative to increase oversight over these tax preparers. This provision is essential to improving tax compliance at a time when over half of Americans use a paid preparer to complete their returns.

Finally, this bill would improve services for taxpayers. One important new provision included in this bill provides greater protections for taxpayers when they are faced with a Notice of a Federal Tax Lien filing (NFTL). Filing of an NFTL can result in significant, long-term hardship to a taxpayer, and may adversely affect the taxpayer's credit, thus impairing his or her ability to conduct financial transactions or secure employment. The Taxpayer Bill of Rights Act requires the IRS to make individualized determinations before the filing of an NFTL, and also requires consideration of hardship factors and a taxpayer's history of compliance before these determinations are made.

Many of the problems identified in this bill have gone unaddressed for too long, causing confusion and undue hardship for taxpayers across the country. I encourage all of my colleagues to support these common sense provisions to promote taxpayer rights and services for all Americans on this Tax Day.

CELEBRATING PITNEY BOWES'
90TH "BIRTHDAY"**HON. JAMES A. HIMES**

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 15, 2010

Mr. HIMES. Madam Speaker, I take this opportunity to say "Happy Birthday" to a great Connecticut company headquartered in my district, Pitney Bowes, which was formed 90 years ago on April 23, 1920.

The company was founded through the inventive genius of Arthur Pitney and Walter Bowes who created and commercialized the postage meter—a faster, more convenient way for businesses to apply postage than stamps. This meter, which has been reinvented many times—from mechanical, to electronic, to digital—is still used around the world by over two million businesses, large and small.

Pitney Bowes remains the undisputed leader in offering postage metering technologies to every size business, from those who process fewer than 1,000 pieces of mail per month to those doing more than a million pieces a day.

The company also offers high-speed folders, sorters, inserters and addressing systems. Their software systems add efficiency to businesses by helping optimize shipping alternatives, keeping track of mailing costs, or tracking the mail through the postal system. And, they offer a variety of mail and document management services.

I am sure that many of my colleagues know that Pitney Bowes manages the mail room right here in the House of Representatives. Fewer may know that Pitney Bowes also helps screen, sanitize and even digitize the mail we receive. They do all this for other government agencies as well as thousands of commercial customers.

They help companies prepare their mail to qualify for postage discounts, ensure that their communications are accurately addressed, and help more than one million people finance their postage. They help other companies identify potential customers and have worked to expand access to postal services through automated kiosks, through the Internet, and through partnerships with companies like eBay and the U.S. Postal Service. Indeed, perhaps no company better understands the essential role that the U.S. Postal Service plays in facilitating American commerce and communications than Pitney Bowes.

In addition to its innovation and business prowess, Pitney Bowes is notable for its fundamental values. Pitney Bowes employees not only do smart things, they do the right things. They've been widely recognized for their diverse hiring, excellent training, and progressive health care. The people at Pitney Bowes care about their colleagues and they care about their community.

For these reasons and in anticipation of their 90-year anniversary, I appreciate the opportunity to celebrate Pitney Bowes' past and I look forward to recognizing their accomplishments in the future.

JACOB C. PHILLIP HOCHARD

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 15, 2010

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Jacob C. Phillip Hochard. Jacob is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 249, and earning the most prestigious award of Eagle Scout.

Jacob has been very active with his troop, participating in many scout activities. Over the many years Jacob has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community. Most notably, Jacob has earned the rank of Fire Builder in the Tribe of Mic-O-Say. Jacob has also contributed to his community through his Eagle Scout project. Jacob organized and coordinated the construction of a wooden planter box with evergreen shrubs and perennial flowers around the "Welcome to Weston" in Beverly, Missouri.

Madam Speaker, I proudly ask you to join me in commending Jacob C. Phillip Hochard for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

HONORING MISS OLA HITT ON HER
100TH BIRTHDAY**HON. J. GRESHAM BARRETT**

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 15, 2010

Mr. BARRETT of South Carolina. Madam Speaker, I would like to enter into the CONGRESSIONAL RECORD a few statements about Miss Ola Hitt, who is celebrating her 100th birthday this month. Miss Hitt is truly a special woman. Every day, motorists who drive down Whiskey Road in Aiken, South Carolina will pass by Ola Hitt Lane. Visitors to the city may not know why a street was named for Miss Hitt, but many of the residents could quickly inform them. Miss Ola, as she is affectionately known by her friends, has been a beloved figure in her small southern city for decades.

Miss Ola is an American patriot who has opened her home and her heart to serve the veteran community for many years. In 1960, Miss Ola was asked if disabled veterans who could live independently could share her large Chesterfield Street home with her. She never hesitated, and her house became a home to dozens of returning veterans who had nowhere else to lay their heads. Her "boys", as she called them, always found a welcome mat at her front door. She not only prepared hot

meals and provided comfortable rooms for them but also accompanied them to doctor's appointments. She even planned and took them on vacations. For 33 years, Miss Ola served her "boys" who had so valiantly served our great country.

Obviously, generosity epitomizes Miss Ola's life. She has always been quick to gather up donations to help children, veterans and anyone else who is in need. Miss Ola has also been known to draft others to assist her in her endeavors. Because no one says "no" to Miss Ola, she has been able to draw others into her many charities.

I could go on for hours about what Miss Ola means to her community and to her many friends. Her life has truly been one of giving and loving. I am proud to have this opportunity to wish her a happy 100th birthday and to thank her for spending her life serving others. God bless you, Miss Ola.

HONORING GEORGE R. DERR, JR.

HON. JOHN H. ADLER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 15, 2010

Mr. ADLER of New Jersey. Madam Speaker, I rise today to pay tribute to an outstanding South Jersey citizen, Mr. George R. Derr Jr. of Willingboro, NJ. One of the greatest pleasures of my service in the United States House of Representatives is the opportunity to call the Nation's attention to acts of extraordinary service and sacrifice by our citizens, and to record those acts as a part of our proud and uniquely American history of leadership by the People.

This year marks 50 years of service for Mr. Derr with the Willingboro Volunteer Fire Company #1. He has not only served our country when needed, he continues to serve our Nation, State, and community. Mr. Derr was a charter member of the Fire Company, which also celebrates its 50th anniversary this year. In his many years of service with the company, Mr. Derr served as the first corresponding secretary, and has also served as President and Chairman of the Board of Fire Commissioners.

In recognizing Mr. George R. Derr, for his extraordinary service, we recognize all firefighters. They represent and summon the best in us—the best of the American character—and we are grateful to them all. Therefore Madam Speaker, I hope that you will join me in recognizing Mr. George R. Derr, for his many years of service with the Willingboro Volunteer Fire Department.

RECOGNIZING ALLIE BENNETT SHIELDS

HON. TRAVIS W. CHILDERS

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 15, 2010

Mr. CHILDERS. Madam Speaker, I rise today to recognize the life of Allie Bennett Shields on the occasion of her 90th birthday. Allie Bennett Shields was born on April 15,

1915 in Prentiss County, Mississippi. She grew up on a farm near New Site, Mississippi.

At 19, Allie married Marshall Shields on December 23, 1934. Allie had a long and active working life. She was one of the original members of East Booneville Baptist Church in 1948. Allie and Marshall were married for 45 years and had one son, Tommy Lee Shields. She is blessed with two grandchildren, Jamie and Johnny Shields.

I am honored to have Allie as a resident in my congressional district. Celebrating a 90th birthday is a momentous occasion that many strive for, yet few accomplish. I can only imagine the advances and changes she has witnessed during her celebrated life. I ask my colleagues to join me in paying tribute to Mrs. Allie Bennett Shields on her 90th birthday.

NATIONAL ASSOCIATION FOR THE
ADVANCEMENT OF COLORED
PEOPLE

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 15, 2010

Mr. VISCLOSKY. Madam Speaker, it is my distinct pleasure to stand before you today to recognize and commend the members of the Gary, Indiana, branch of the National Association for the Advancement of Colored People (NAACP). On Saturday, April 24, 2010, the Gary NAACP will hold its 45th Annual Life Membership Banquet at the Genesis Convention Center in downtown Gary, Indiana.

This annual event is a major fundraiser for the Gary NAACP. The funds generated through this event directly support the organization's many outstanding programs and advocacy efforts. Through its membership and the support of the community, the Gary NAACP is able to serve the people of Northwest Indiana and continue the mission started by the national organization in 1909, working diligently to combat injustice, discrimination, and unfair treatment for all people in today's society. In addition, the banquet serves to update and keep the community aware of the NAACP's activities and to formally honor its new life members.

The keynote speaker at this year's event will be Mr. Herman Boone, a retired high school teacher and coach, who is most well-known for coaching integrated football teams at T.C. Williams High School, in Alexandria, Virginia. Many will recall Denzel Washington's memorable portrayal of Coach Boone in the movie *Remember the Titans*. I join the Gary NAACP in welcoming Mr. Boone to Northwest Indiana.

This year, the Gary NAACP will honor six outstanding individuals from Northwest Indiana, who will join the hundreds of other outstanding civil, community, and religious leaders who have previously been recognized as life members. For 2010, the distinguished individuals who will be inducted as life members of the Gary NAACP are: Vanessa Allen, Anna Connor, Geneva Osawe Gonzales, Dr. Danita Johnson Hughes, Hattie McCune, and Cheron Reed.

Madam Speaker, I ask you and my other distinguished colleagues to join me in paying

tribute to the newest life members of the Gary NAACP, as well as Attorney Karen Pulliam, the current Gary NAACP president, and all members of the organization for their extraordinary efforts and tremendous leadership. These outstanding men and women have worked tirelessly to improve the quality of life for all residents of Indiana's First Congressional District, and for that they are to be commended.

CELEBRATING MARGARET GANDY

HON. KATHY CASTOR

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 15, 2010

Ms. CASTOR of Florida. Madam Speaker, I rise today to celebrate the life and philanthropic contributions of Margaret Gandy, and to acknowledge the pride in the legacy she left with the Tampa Bay community. Her guidance and encouragement to students proved instrumental in improving the lives of thousands of families.

Born in Orlando, Ms. Gandy graduated from Florida State University with a bachelor's degree in recreation education and a master's degree in religious education from Duke University's Divinity School. After serving as a religious education director in North Carolina and Girl Scouts executive director in Volusia County, Ms. Gandy and her husband, Bill, settled in south Tampa in 1973.

As her two children went through school, Ms. Gandy volunteered her time in the school clinics and served on various PTA committees. When they began attending Plant High School in 1980, she devoted her time to helping high school seniors navigate the college admissions and financial aid process and organized her first college night. Her passion for helping students get into college compelled Plant High School to create a full-time position for her in 1986, the first of its kind in Hillsborough County, as the school's college guidance resource specialist. Over the years, she created a model for coaching students through the application process, which is now used in high schools throughout Florida. In 2002, the Tampa Rotary Club gave her its outstanding educator award for her work with students.

After 18 years of dedicated service, she retired in 2003. In her tenure, she helped approximately 6,000 students, including a member of my staff, to apply and gain admittance into higher education. She had a gift for matching students with schools that fit their personality and interests. In her last year, Plant High School seniors received \$10 million in scholarships. Even after retirement, she continued to share her knowledge and strategies for college admissions by creating an online consulting company to help students find the perfect college match, regardless of a family's budget.

The philanthropic contributions of Margaret Gandy have unquestionably improved the lives of thousands of Floridians on the path to higher education.

The Tampa community honors the life of Margaret Gandy, her husband Bill, son Lee

and daughter Marcia, and the entire Gandy family for their outstanding contributions to the Florida families. Margaret Gandy's life serves as an inspiration to all who knew her, and will continue to impact the lives of Floridians in the future.

TAX DAY

HON. TODD TIAHRT

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 15, 2010

Mr. TIAHRT. Madam Speaker, "Excessive taxation . . . will carry reason and reflection to every man's door, and particularly in the hour of election." Thomas Jefferson spoke these words in 1798. These words will ring true once again this November, 212 years later. Why? This Congress and the Obama administration refuse to recognize the burden they are placing on Americans with constant tax and spend schemes. Since President Obama took office he has enacted nearly \$700 billion in new taxes. This amounts to more than \$2,100 for every man, woman and child in the United States.

Not only are the taxes in this country outrageous, the balance of those who pay taxes are also becoming more and more out of balance. But not all people believe this is the case. A recent CBS News poll showed 50 percent of Americans think the amount they pay in taxes is fair. Yet according to the non-partisan Tax Policy Center, 47 percent of American households will not owe any federal income tax for tax year 2009. Coincidence? I think not. Almost half of Americans do not pay taxes and believe that to be fair?

Our current tax code is ridiculously complicated, horribly unfair, and bad for the economy. It inhibits saving, investment and job creation, and imposes a heavy burden on families.

Americans know when spending and taxation is out of control. In fact, back in December 1773, a group of American colonists called the Sons of Liberty boarded a ship docked in Boston harbor that was filled with boxes of tea from the East India Company. What were they protesting? The "Tea Act". The act was designed to prop up the East India Company, which was floundering financially and burdened with 18 million pounds of unsold tea. It was a 17th century bailout. Colonists boarded the ship and tossed the tea into the harbor, in protest of the Tea Act, which had recently been enacted by the British government. This tea party led to the realization that America must be freed from Great Britain in order to become a true democracy.

Today, over 200 years after the great tea party, I stand with Kansans and patriotic tea partiers nationwide who are outraged by Washington's untamed penchant for taxing, borrowing and spending our hard-earned dollars. We've had enough. This runaway spending and taxing must stop. Yet, the Democrat Congress and the Obama Administration continue to propose and pass legislation that increase taxes and spending and jeopardize our future.

We need across-the-board spending cuts throughout the federal government and tax re-

lief for American families and businesses. This is one of many steps we should be taking to create high-quality jobs and spark long-term economic growth without a new government spending program.

Just this week, I introduced a congressional resolution condemning a massive value added tax (VAT) system being considered by the Obama administration. Americans have already been subjected to one of the highest tax increases in our nation's history as part of recently passed healthcare reform. American families and the American economy cannot flourish under this level of taxation.

Despite this trajectory, our country could be on a 10-month recovery plan. First, the federal government must end the bailouts, reduce spending and lower taxes for all Americans.

The private sector, not government bureaucrats, knows how money should be spent, what resources are needed, and what type of training workers will require. Unfortunately too many government roadblocks stand in the way of business development—and deter investment by those here and abroad. Steps we can and will take to restore our nation's competitiveness and ensure that America remains the Land of Opportunity: Tax Relief and Simplification, Liability Reform, Regulatory Reform, Healthcare Security, Energy Independence.

On this day, as Americans unite to demand that our government stop spending into bankruptcy, I pledge to continue the fight to return money and power back to American families as our founding fathers intended.

OUR UNCONSCIONABLE NATIONAL DEBT

HON. MIKE COFFMAN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 15, 2010

Mr. COFFMAN of Colorado. Madam Speaker, today, tax day, our national debt is \$12,823,492,436,215.11.

On January 6th, 2009, the start of the 111th Congress, the national debt was \$10,638,425,746,293.80.

This means the national debt has increased by \$2,185,066,689,921.31 so far this Congress.

This debt and its interest payments we are passing to our children and all future Americans. On tax day, the American public certainly should dread how we will pay this debt if meaningful reform is not enacted, and enacted soon—by yet more taxes. I urge my colleagues to join me in supporting H.J. Res 1, the Balanced Budget Amendment. We need to bring fiscal responsibility to our spending.

SIKH RELIGIOUS SOCIETY OF INDIANA

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 15, 2010

Mr. VISCLOSKY. Madam Speaker, it is with great honor and pleasure that I stand before

you today to recognize the Sikh Religious Society of Indiana and its Board of Directors as they celebrate one of their most significant religious and historical events, Vaisakhi. The day will be commemorated on Sunday, April 18, 2010, at the Sikh Temple in Crown Point, Indiana.

The Sikh Religious Society is a non-profit religious and social organization that has served the Sikh community of Northwest Indiana since 1994. Each year the Sikh people celebrate Vaisakhi, a festival that commemorates the establishment of the "Order of the Kahlisa" or "Pure Servants of God." In 1699, Sahib-E-Kamaal, Guru Gobind Singh Ji, the tenth guru, initiated the process of the conversion of the people of India into a morally receptive and disciplined army of the pure and courageous, whose main purpose was to overcome religious oppression and considerable human rights violations that were occurring in India at that time. He empowered the people of India by giving them a choice to control their own destiny, teaching them to stand unyielding to confront the forces of intolerance that had been placed upon them by the bigoted and cruel leaders of the time. Guru Gobind Singh Ji, in his courage to act, willingness to meet challenges, and ability to achieve, embodied all that is good and true in the battle for liberty. On Vaisakhi day, Guru Gobind Singh Ji assigned a specific code of conduct to the Sikh followers—belief in one God, brotherhood of mankind, equality among all human beings, justice, peace, and truth. Sikh followers are encouraged to work hard, earn an honest living, and live a life of service to people in need. Today, the Sikh community holds high the beliefs that were brought forth on that day. The true meaning of Vaisakhi lives on in the Sikh people as they continue to pass on their peaceful beliefs and messages of equality through their unwavering strength and determination.

Madam Speaker, I ask that you and my distinguished colleagues join me in honoring the Sikh Religious Society of Indiana, its Board of Directors, and congregation, as well as Sikh followers throughout the world, as they celebrate and observe the religious and historic event of Vaisakhi. Through their words and teachings, these honorable individuals and organizations remind us all of the struggles and accomplishments of the Sikh people throughout the world.

RECOGNIZING MAJOR DEEDRA L. ZABOKRTSKY—SCOTTSDALE HEALTHCARE'S "SALUTE TO MILITARY" HONOREE

HON. HARRY E. MITCHELL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 15, 2010

Mr. MITCHELL. Madam Speaker, I rise today to recognize a member of the Armed Forces from my home State of Arizona. Every month, Scottsdale Healthcare honors service members who perform diligent service to this country. For the month of April, they have recognized U.S. Air Force Major Deedra L. Zabokrtsky.

I commend Scottsdale Healthcare for paying tribute to such an outstanding service member for her dedication and service to our country.

During her service, Major Zabokrtsky served as an Intermediate Ward Flight Commander with the 332d Expeditionary Medical Operations in Balad, Iraq. She led a team of 46 providers, nurses and medical technicians that cared for 920 patients in the course of 4 months. Under her outstanding leadership, the hospital achieved an astounding 98 percent survival rate for United States military casualties and set an example for high standards of care. For her superb achievements Major Zabokrtsky was awarded the Meritorious Service Medal.

Currently, Major Zabokrtsky is stationed at Luke Air Force Base with the 56th Medical Group. She is assigned as a full-time faculty member at Scottsdale Healthcare for the Air Force Nurse Transition Program. Her accomplishments at Scottsdale Healthcare have significantly enhanced the hospital's military partnership training programs.

Madam Speaker, please join me in honoring this outstanding Air Force officer for serving our country and caring for our fellow service men and women in combat.

HONORING THE 89TH BIRTHDAY OF MRS. MARTHA YUSEM

HON. JOHN H. ADLER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 15, 2010

Mr. ADLER of New Jersey. Madam Speaker, I rise today to honor Mrs. Martha Yusem of Cherry Hill, NJ on the occasion of her 89th birthday.

Mrs. Yusem has long been admired by her community. She was born April 5, 1921 in Vienna, Austria. Martha and her family lived through Krystal Nacht on November 10th, 1938. While many in her community were sent to the Dachau concentration camp, her family was able to remain hidden and protected. On February 16, 1939, at the age of 17, she emigrated on to the United States aboard the *Aquatania*. The day after the ship departed for New York, the borders closed and war broke out in Europe. This would also be the very last voyage of the *Aquatania* as it was torpedoed and sunk by the Germans on its return to Europe.

In America, Martha quickly picked up the English language and went on to attend Temple University. She proudly became an American citizen in 1944 and married an American psychologist and WWII veteran, David Yusem, in December, 1952. Together, they raised two sons, Paul and Joseph. Martha has worked as a tax preparer, a real estate salesperson and most notably, a senior bank teller.

In 1997, she moved to Cherry Hill, NJ where she lives today. Martha has, on more than one occasion, spoken to groups about her experiences in Nazi-occupied Europe. In addition to an active social life, Martha remains very involved in politics. Martha Yusem's story is one of great courage and determination. Our country is proud to have such a remarkable woman. I hope that my col-

leagues will join me in wishing Mrs. Martha Yusem a very Happy 89th Birthday.

TRIBUTE TO JOHN GRAY, ONE OF SOUTH ALABAMA'S WORLD WAR II HEROES

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 15, 2010

Mr. BONNER. Madam Speaker, it is with tremendous sadness that I rise to note the passing of a noteworthy World War II veteran and a truly great American, Mr. John Franklin Gray, who recently passed away at the age of 87.

Named the 2007 Mobile Bay Area Veteran of the Year, Mr. Gray was a remarkable man in every way imaginable.

He was a trailblazer as one of the first African Americans to be accepted into the United States Marines Corps. Trained at the Marine Corp's African American boot camp at Montford Point, Camp Lejeune, N.C., he served more than a year and a half in a segregated unit while fighting in the Pacific.

John Gray's service was highlighted in the Ken Burns PBS television documentary, "The War."

Mr. Gray, like so many of America's "Greatest Generation," helped our country win the war, and then returned home to Mobile, Alabama where he devoted much of the remainder of his working lifetime to educating our young people in the Mobile County public schools. After more than 50 years in the school system, he retired as assistant principal at Mobile's Shaw High School.

Those who knew him best said John Gray was proudest of his service to the students and his service to America. He was a Marine to the end and loved the Corps.

On a personal note, I considered it one of my great honors to have gotten to know Mr. Gray in the twilight of his life. Whenever he and I were together—whether it was at a Veteran's Day parade or at a welcome home ceremony for one of our units returning from Iraq or Afghanistan, Mr. Gray was always the epitome of a Marine's Marine, standing tall and proud for freedom and for liberty.

On behalf of the people of South Alabama, and on the part of a grateful nation, I wish to thank Mr. John Gray for his distinguished service and his exemplary life. And I extend my condolences to his wife, the Rev. Edwina Gray, his six children, John Gray, Gordon Gray, Danielle Gray, Rhonda Gray, Alice Gray, and Gable Gray, as well as countless other friends and family.

They are all in our thoughts and prayers at this difficult time.

HONORING THE 150TH ANNIVERSARY OF HOLY CHILDHOOD SCHOOL IN MASCOUTAH, ILLINOIS

HON. JERRY F. COSTELLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 15, 2010

Mr. COSTELLO. Madam Speaker, I rise today to ask my colleagues to join me in congratulating Holy Childhood School, in Mascoutah, Illinois, on the occasion of their 150th Anniversary.

Holy Childhood School was founded in 1859, with students first taught in a house owned by a local doctor. The local landscape was much different then. Mascoutah had just been incorporated about 20 years earlier, initially as the Town of Mechanicsburgh. Scott Field, which would evolve into Scott Air Force Base and provide many students for Holy Childhood School, would not be built until 60 years later.

The first school structure was a two room school house built in 1864, at a cost of \$2,361.00. The Ursuline Sisters arrived from Louisville, Kentucky, in 1872 and were the first religious order to teach at the school. They would be succeeded in 1888 by the Poor Handmaids of Jesus Christ. Also in 1888, a second story was added to the school house.

As the area, parish and school continued to grow, further additions were required. The 1960s saw considerable expansion as four additional classrooms, a library, a cafeteria with seating for over 400, and a gymnasium with a stage and seating for 800 were added.

Holy Childhood School has seen many changes throughout its 150 year history but it has always remained true to its core values of providing the highest quality of education while rooted in the teachings of the Catholic faith. Several generations of Holy Childhood graduates have stayed in town, raised families of their own and continued the growth of the community, parish and school. While other graduates may have moved to locations near or far, all have cherished their memories at Holy Childhood and been thankful for the sound educational foundation they received.

Madam Speaker, I ask my colleagues to join me in congratulating Holy Childhood Parish and the administration, faculty, staff and students of Holy Childhood School as they celebrate their 150th Anniversary.

TAX DAY

HON. CLIFF STEARNS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 15, 2010

Mr. STEARNS. Madam Speaker, it's Tax Day in America, and once again millions have gone through the struggle of trying to figure out our complicated tax laws. Our tax code is far too complicated and unwieldy.

The IRS' Taxpayer Advocate stated, "The [Tax] Code has grown so long that it has become challenging even to figure out how long it is." A 2001 study put the number of words

at 1.3 million. A 2005 report put the number of words at 2.1 million. The Taxpayer Advocate's search of the tax code turned up 3.7 million words. The tax code has more than tripled since 1975.

It is estimated that individual taxpayers spent 3.8 billion hours complying with federal income tax laws. The IRS reported that individuals spent \$29 billion in 2009 for tax software, tax preparers, and other expenses to filing their returns.

We need real tax reform in our country. We need a simplified tax code that ensures that everyone pays their fair share and a tax code that is easily understood without excessive complexities.

A TRIBUTE TO THE LIFE OF
KENDALL L. MANOCK

HON. JIM COSTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 15, 2010

Mr. COSTA. Madam Speaker, I rise today to pay tribute to the life of Kendall L. Manock. Ken was a pillar in the legal community and a valued civic leader that will be sorely missed.

After attending Fresno High and Fresno State College, he studied law at the University of California at Berkeley's Boalt Hall, graduating in 1954. Upon returning to Fresno, Ken made his mark at an established Fresno law firm that traces its roots to the turn of the previous century. Ken Manock and Jack Baker built the firm into one of the premier law firms in the Central Valley: Baker, Manock & Jensen. Ken became a nationally recognized expert on agricultural marketing orders and the taxation of agricultural cooperatives. Mr. Manock was the firm's managing partner for decades. He was aware of every aspect of the firm's business and proved to be an effective leader through the years.

Mr. Manock mentored several generations of attorneys at Baker, Manock & Jensen. He taught hard work and keen analysis by example, as he was always willing and able to talk out a difficult legal problem in any subject. He was a brilliant legal tactician and constantly strove for excellence in the practice of the legal profession.

Ken was a longtime board member of Community Medical Centers. He was instrumental in founding the Fresno Heart Hospital, a Community joint venture with physicians that opened in 2003, and the expansion of the Henry Madden Library at California State University, Fresno.

As a loving husband, Ken enjoyed traveling with his wife of more than 50 years, Doris. He will be missed by his children, grandchildren and great-grandchild. Ken was proud to see his son Charlie Manock join the law firm, where his extended legal family will certainly miss his fatherly guidance.

Kendall Manock was part of a generation that endured incredible hardships and sacrifices to make America a better place. Mr. Manock will be remembered for his commitment to his family, our community, the practice of law and the lives he so graciously touched. I am honored and humbled to join his family

and the citizens of the San Joaquin Valley in celebrating the life of an amazing man.

TRIBUTE TO FORMER ESCAMBIA
COUNTY, ALABAMA COMMIS-
SIONER WILLIAM AMERICA

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 15, 2010

Mr. BONNER. Madam Speaker, I rise to honor the memory of a groundbreaking public servant, businessman and beloved church member in Escambia County, Alabama, who passed away on April 3 at the age of 77.

Over the course of his long life in south Alabama, William America, Sr. epitomized hard work and community service. At an early age, he followed his heart to serve the Lord. He later carried that same devotion into his careers as a local businessman and public servant.

A native of Camden, Alabama, William America settled in Atmore in 1945 with his parents. An active member of his church choir, he formed his own quartet at the age of 15. After starting a family with his wife, he spent decades reaching out to the people of Atmore and Escambia County through his many activities.

William America was the manager and owner of America's Superfood store and also served on the United Bank Board of Directors. But being a businessman was only the beginning for Mr. America.

He was president and founder of the United Civic Club, president of the Escambia County Branch of the Alabama Democratic Conference (ADC), president of the Progressive Civic and Recreational Club (PCRC), and a member of the NAACP, the Hospital Board and the Chamber of Commerce.

Mr. America didn't stop there, however. He also took to the airwaves as a broadcaster on a local religious radio station where he had a considerable audience.

Above all, William America is best known for another of his public activities—serving as Escambia County's first African American County Commissioner. Commissioner America spent eight years in office, four of which as Chairman of the Board of Commissioners.

Commissioner America left a large imprint on the lives of his community through his uncommon devotion to serve his fellow man.

I wish to extend my condolences to his wife, Pauline Powers America, and their five children, Shirley Jean Williams, Cynthia Paulette (Alton) Williams, William America, Jr., James (Lesla) America, and Ellen (Manuel) Valenzuela, and their entire family.

IN HONOR OF GLENN A. ADAMS

HON. PETE SESSIONS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 15, 2010

Mr. SESSIONS. Madam Speaker, I rise today to recognize Glenn A. Adams, the cur-

rent President of the National Eagle Scout Association (NESA).

Since taking over as NESA President in 2008, Glenn's dedication and leadership has strengthened the organization through innovative outreach efforts and a variety of events, expanding the community of Eagle Scouts. On April 29, 2010, his hard work will be recognized when he receives the Distinguished Eagle Scout Award (DESA).

Since it was first introduced in 1969, the DESA is given to an Eagle Scout that has shown distinguished service in his profession and community for a period of at least twenty-five years. Glenn is most deserving of this great honor and prestigious award for all he has done for NESA and Scouting. His active involvement is notable; he serves on the Longhorn Council Boy Scouts of America (BSA) Foundation Board and as a Committee Member of the National Scouting Museum. He was also the former Scoutmaster for Troop 326 and has made generous financial contributions dedicated to providing scholarships for deserving Eagle Scouts. Glenn has always led by example and his active involvement in his local community speaks loudly of the impact he has had.

Madam Speaker, I ask my esteemed colleagues to join me in recognizing Glenn for all he has done for the Boy Scouts of America and join me in congratulating him as he receives this prestigious award.

RECOGNIZING NATIONAL TELE-
COMMUNICATIONS WEEK, APRIL
11-17

HON. DAVID G. REICHERT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 15, 2010

Mr. REICHERT. Madam Speaker, since 1991, Congress has officially recognized the work of public safety telecommunications who handle millions of calls every year with great efficiency. The selfless nature with which these public servants do their jobs is truly remarkable.

As the former Sheriff of King County in Washington State, I worked alongside the men and women in our communications center. I depended on them daily to provide me with the correct information in order to safely carry out my duties and keep our communities safe. The men and women at our communications center went to great lengths to make sure I was okay after a head-on collision in 1991, and I will always remember their care and compassion. After the collision, I was able to get out of my car and check on the other people involved in the accident. I left my portable radio behind in the patrol car at that point, not realizing that the men and women at the communications center were nearly in tears with worry, wondering if I was safe. It is a difficult and sometimes emotional duty these public servants perform; they don't always know what's happening on the other end of the line because they can't see what's going on, but they can hear the cries for help and the commotion and confusion of the scene. I can't adequately express how much their professionalism and concern meant to me, knowing

they cared so much about my well-being. In short, the men and women at our communications centers are truly heroes to the law enforcement officers and citizens they serve.

As I recounted during National Telecommunications Week two years ago, a former Chief of Police in Colorado once wrote that dispatchers must possess, among other things, the humor of David Letterman, the endurance of the Energizer Bunny and the patience of Job. It is not often that such traits are found in one person. However, in my experience, to find such a person one need look no further than the telecommunications section of a local police, fire or Sheriff's office. These men and women work tirelessly with the heart of a servant. Every day they meet the needs of those who call for help, and they make sure our first responders are able to perform their duties as safely as possible.

I encourage all my friends, colleagues, and neighbors to take a moment during this week to thank a telecommunications dispatcher, letting them know you recognize and appreciate the guidance and service they provide to their fellow citizens.

CONDOLENCES TO FAMILY OF
WLADYSLAW STASIAK AND ALL
OF POLAND

HON. PETER T. KING

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 15, 2010

Mr. KING of New York. Madam Speaker, today I rise to offer my heartfelt condolences to the family of Wladyslaw Stasiak on the recent plane crash that took his life as well as the lives of Polish President Lech Kaczynski, his wife Maria, and so many leading political, military and financial officials. This horrible tragedy will be felt for years to come by so many, and my thoughts and prayers are with Poland on this day.

Wladyslaw Stasiak was a senior aide and chief of staff to President Kaczynski and a friend of the United States. He worked closely with both of our governments on the deployment of U.S. Patriot missile batteries in Poland to defend against a missile attack. Before becoming chief of staff, he held various senior political positions inside the Polish Government including Chief of the National Security Bureau, Minister of Interior, and Deputy Mayor of Warsaw.

Once again, let me express my condolences to Mr. Stasiak's family on their recent loss.

RECOGNITION OF HOLOCAUST
REMEMBRANCE DAY

HON. LAURA RICHARDSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 15, 2010

Ms. RICHARDSON. Madam Speaker, I rise today, during the Holocaust week of remembrance which follows Yom Hashoah this past Sunday. I rise to honor the memory of all those who perished in the Holocaust, all the

survivors who had to suffer so greatly, and all those who lost family and friends in the Holocaust. The Holocaust was a tragedy unmatched in the history of the world and we must never forget it lest we allow history to repeat itself.

The Nazis systematically exterminated over 6 million Jewish people and killed between 11 and 17 million people all told. They established concentration camps, including the infamous Auschwitz-Birkenau, Treblinka, Belzec, and Sobibor where they worked people to death and systematically exterminated them.

The importance of commemorating and studying the Holocaust is particularly urgent now as the number of survivors that can relate their firsthand impressions is dwindling. We must learn from those who personally witnessed the horrors while we still can.

The timing of this week of remembrance is particularly appropriate as President Obama negotiates the world's nuclear future at this week's historic two-day nuclear summit. During the Holocaust we saw the devastation that can be brought when evil gains power. We have seen millions of people die and that was before the world knew of the destructive power of nuclear weapons. While we all celebrate the creation of the State of Israel, an amazing country I was able to visit last year and witness the incredible things the Israelis have done with such a small country surrounded by hostile neighbors, we know that the concentration of the Jewish people in their own State leaves them vulnerable if a nuclear weapon fell into the hands of an entity wishing to bring the destruction the Nazis brought. And we unfortunately know such entities exist.

Therefore we must remember the tragedy of the Holocaust and do everything in our power to ensure no tragedy of this magnitude will ever occur again. This means continuing to educate people, promoting tolerance, and vigilantly checking the power of those forces who would wish to revisit the horror of the Holocaust.

HONORING HUGH CODDING OF
SONOMA COUNTY

HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 15, 2010

Mr. THOMPSON of California. Madam Speaker, I rise today along with my colleague, LYNN WOOLSEY, to honor the life and memory of Hugh Coddington, who helped shape and define Sonoma County over the course of the 92 years he was with us. He was a legend in his lifetime; a home builder, commercial developer, banker, city councilman, civic leader and philanthropist, who during the construction boom years of the 1950s and '60s, changed the face of the county forever.

He built his first home in the 1930s and honed construction skills in the Seabees in World War II and brought those skills home with him. He leveraged his \$400 discharge pay into a construction project and with profits earned from that endeavor and a small bank loan, he built one of the first shopping centers in the state, the first of several he would eventually build in the county.

As much as he was a builder and developer, he was also a showman. He earned Time magazine's designation as the wonder-kind of the post-war boom by building an entire house in three hours and 18 minutes and a church in five hours and 16 minutes.

He gave back generously to his community, helping fund and sustain both the Luther Burbank (now Wells Fargo) Center for the Arts in Santa Rosa and the Spreckels Performing Arts Center in Rohnert Park. There was scarcely a non-profit organization in the county that did not experience his generosity, whether it was the 4-H Club, the Earl Baum Center for the Blind, the Santa Rosa Junior College Foundation, the Sonoma County Community Foundation, the Children's Health Network, Artstart, the Southwest Community Health Clinic, Planned Parenthood, the Blood Bank of the Redwoods, the Green Music Center, Santa Rosa Memorial Hospital, the Jewish Community Free Clinic, the Council on Aging, the Sonoma County Museum or the Boys and Girls Club of Santa Rosa, and many more.

He is survived by his wife Connie; former wife Elizabeth Mulkey; son George David Coddington; granddaughters Alexis Coddington, Lois Coddington, Lisa Coddington Chodrick and Terra Saxton and his stepchildren Brian Baker, Pamela Reed, Lisa Malapit, Melinda Bailey, and Bradley Baker.

Madam Speaker, Hugh Coddington was an influential and respected resident of Sonoma County who will be greatly missed. It is therefore appropriate that we acknowledge him today and honor his memory.

HONORING MAJOR JON M.
LAUDER, USMC

HON. PETE SESSIONS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 15, 2010

Mr. SESSIONS. Madam Speaker, I rise today to recognize Major Jon. M. Lauder and his dedicated service to this great Nation.

After graduating from the Virginia Military Institute with a degree in Civil Engineering in 1994, he has served on active duty with the United States Marine Corps. He proudly served two combat tours in Iraq, including the initial assault into Iraq in 2003 as part of Operation Iraqi Freedom. After a combat tour in Eastern Afghanistan as a part of Operation Enduring Freedom, Major Lauder served as a U.S. military observer in Israel during the summer of 2006 during the Israeli-Hezbollah war. He is currently the Commanding Officer for the Marine Corps Recruiting Station in Dallas, Texas.

On May 14, 2010, Major Lauder will be turning over his command and will move to Washington, D.C. for his new assignment at the Pentagon. It has been my distinct honor and pleasure to work with him. I proudly call him my friend and know that Major Lauder's dedicated service has made our Nation a safer and better place.

Madam Speaker, I ask my esteemed colleagues to join me in expressing our heartfelt gratitude to Major Lauder. I wish him and his family all the best.

A TRIBUTE TO THE REV. DR.
CLAUDE S. WYATT, JR.: A LIFE
WELL LIVED

HON. BOBBY L. RUSH

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 15, 2010

Mr. RUSH. Madam Speaker, mere words do not begin to do justice to the life, legacy and transcendent accomplishments of the Rev. Dr. Claude S. Wyatt, Jr., co-founder of The Vernon Park Church of God in Chicago, Illinois. Rev. Wyatt's life in this world came to an end at the age of 86. Rev. Wyatt, founder emeritus of the Vernon Park Church of God, 9011 S. Stony Island, died Sunday morning, April 11, 2010, at his South Side home.

He left in his wake thousands of people from all walks of life who will forever remember his love for the Lord, his large and loving family, including his beloved wife of 70 years, the Rev. Dr. Addie Lorraine Wyatt, as well as men, women and young people from all walks of life, including me. In ways big and small, I learned from Rev. Wyatt important lessons in life. I am proud to count myself among those scattered throughout this country who, right now, are grieving the loss of his life but who, at the same time, are rejoicing in the Lord in whose arms he now has eternal peace and comfort.

While today's young people are reveling in the fruits of what many call the "Joshua Generation," there would be no 'Joshuas' without the wisdom, guidance and front line courage of those Moses figures, like Dr. Wyatt, who stood side by side with Dr. Martin Luther King, Jr., campaigned for the release of Nelson Mandela and a free South Africa, or who worked alongside some of this nation's greatest labor leaders, like César Chávez. Together, men and women of unheralded stature successfully created a culture, in this nation, that values the labor of low-income and working class families by, at the very least, recognizing the merit of paying them a decent, minimum living wage for a hard day's work. I could go on and on about the things that Rev. Wyatt and his amazing wife Addie have done to create the nation we live in today, but I offer these thoughts for future generations to read, revel in and, hopefully, rejoice!

Rev. Wyatt was born November 14, 1921 in Terrell, Texas. He was the second of five children. A young Claude Wyatt first came to Chicago at the age of six. Rev. Wyatt fought honorably as part of a still, segregated Navy, during WWII, from which he was honorably discharged. And, prior to becoming a pastor, Rev. Wyatt worked as a clerk at the Hyde Park Post office, at 46th and Cottage Grove, part of my congressional district, for more than 20 years.

Rev. Wyatt was married to his wife, Addie, since 1940. Shortly after they joined their lives together, the couple became involved with the ministry and civil rights campaign of Dr. Martin Luther King, Jr. Rev. Wyatt marched with Dr. King in the famous Selma to Montgomery march to secure voting rights on March 7, 1965. In the midst of that infamous day in Alabama, now forever known as Bloody Sunday when 600 civil rights marchers were beaten

and brutalized by the police, Dr. Wyatt was there. In fact, it was his job to coordinate ministers and recruit workers to join Dr. King on that day—a day that, in so many ways, helped make our nation a better place.

Over the years, with the loving support of his wife Addie, who also served side-by-side with him in his ministry, the church they founded together grew to become a powerful, leading voice for labor and for human rights.

In her husband's loving embrace, his support encouraged her to assume the mantle of national leadership in her own right. The Rev. Dr. Addie Wyatt became a labor adviser to Dr. Martin Luther King, Jr.'s Southern Christian Leadership Conference (SCLC). The Wyatts also worked with Rev. Jesse Jackson in helping to launch Operation Breadbasket when, in 1962, it distributed food to underprivileged people in 12 American cities.

His son, Claude Wyatt III, said the Lord called his father into the ministry in 1952 and, in 1955, he founded the Vernon Park Church of God where he, initially, began holding services in a garage at 93rd Street between Indiana and Prairie. God called Claude and Addie Wyatt to carry a message of salvation and hope to a small but spirit-filled group of people. Together, they worshipped under the name of the Mount Zion Baptist Church. Under their leadership, the church was converted to the Church of God Reformation and, because of its location, was eventually named the Vernon Park Church of God.

Over the years, through much effort, mutual support and abiding faith, the Wyatts continued to build their church and, as the size of their congregation grew so, too, did the location of the church. Finally, after much prayer and perseverance, the present worship facility was erected. Today, this multi-million dollar complex, with a membership of more than 1,000, stands as a monument to the faith, hope and vision of a people who not only had a mind to build but an unshakable determination to do great things to honor God and to serve His people here on Earth.

Rev. Wyatt's accomplishments are legendary and could fill an entire CONGRESSIONAL RECORD. But of all the things I could say, on behalf of my beloved wife, Carolyn, my family and, indeed, a grateful nation, I salute the life and legacy of Rev. Dr. Claude S. Wyatt, Jr. His was a life well lived, indeed.

HONORING REV. CURTIS B.
ALEXANDER

HON. TED POE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 15, 2010

Mr. POE of Texas. Madam Speaker, as you know, thousands of Americans were affected by Hurricane Rita. Many lost their homes and the cherished memories inside them. While devastation tore throughout much of the coast of Texas, there were some brave, hard-working citizens who tirelessly helped their neighbors.

Jefferson County Habitat for Humanity organized more than 3,000 volunteers over the course of three years. They built 50 houses

during this time, which is an increased rate of four times the number of houses they typically are capable of building.

Habitat 2010 Board President Rev. Curtis B. Alexander of Beaumont, Texas and Executive Director Uliana Trylowsky worked with many volunteers, including faith-based organizations, prison partnerships, and others in the community that wished to put their hands to good use.

On January 22, 2010 these two selfless individuals represented Jefferson County Habitat for Humanity in receiving the Audrey Nelson Community Development Achievement Award from the National Community Development Association at their winter meeting in Washington D.C.

We applaud the leadership of Rev. Alexander and Ms. Trylowsky in organizing volunteers to build houses for their neighbors in Jefferson County after Hurricane Rita. The efforts of the countless Americans that volunteered their time after this disaster have been noticed. We praise and thank the generosity of those who have labored for their fellow neighbors.

HONORING BOB GRIP, ALABAMA'S
BEST TV NEWS ANCHOR FOR 2010

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 15, 2010

Mr. BONNER. Madam Speaker, I rise to congratulate my friend Bob Grip for recently receiving the award of Best TV News Anchor in Alabama. A trusted name in South Alabama for a quarter century, Bob is primary news anchor for WALA-TV FOX10 in Mobile.

On March 20, 2010, Bob Grip was named the 2010 Best TV News Anchor in the State of Alabama by the Alabama Broadcasters' Association. This was his third such award.

Mr. Grip's exemplary reporting has also recently earned him honors for "Best In-Depth Reporting" and "Best Community Service" by the Mobile Press Club.

Bob has also been honored for producing "Fox 10 News Fugitive Files," winner of the 2002 "Best Series" award from the Alabama Associated Press Broadcasters Association. Due to this program's success, he was spotlighted in 1996 by FBI Director Louis Freeh with the "Director's Community Leadership Award." "Fugitive Files" has helped capture more than 400 suspects.

In 1988, Bob traveled to the Vatican to produce a half hour documentary on Mobile Archbishop Oscar Lipscomb's visit with Pope John Paul II. Bob also brought Fox 10 News viewers reports from Europe following the death of Pope John Paul.

During 1993, Bob flew to Kuwait to present a series of live and taped reports on Operation Desert Peace, a trip designed to honor the families of those who died in the first Persian Gulf War.

Bob Grip is a cum laude graduate of Boston College, where he earned bachelor's degrees in Communications and Secondary Education. He also received a Master's degree in Journalism from The Ohio State University, where

he was also a Teaching Associate in the School of Journalism.

In his spare time, he also teaches Broadcast Journalism at Spring Hill College in Mobile, and is constantly volunteering his time and tremendous talents to a number of worthwhile causes. On behalf of the people of South Alabama, I thank Bob Grip for his dedication to his profession of informing the public, and I congratulate him on his many achievements and send best wishes to his family, including his wife, Marie, and their two daughters Erin and Mary Kate, and their families.

NEGLECTING RELIGIOUS FREEDOM

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 15, 2010

Mr. WOLF. Madam Speaker, I would like to share with our colleagues an editorial from the April 9 Scranton Times Tribune urging the Obama administration to name an Ambassador at Large for International Religious Freedom, as required by the International Religious Freedom Act, which was passed by Congress in 1998. The editorial rightly points out that the portfolio of this ambassador is "fundamental to American ideals. . . ."

The absence of a consistent voice dedicated to the pursuit of religious freedom both within the State Department and globally in our interactions with foreign governments is deeply concerning. America must speak out for those around the world whose most basic freedoms are being trampled.

[From the Times-Tribune, Apr. 9, 2010]

NAME, ELEVATE AMBASSADOR

More than a year into office, President Barack Obama has yet to name a key diplomat with a portfolio that is fundamental to American ideals, international human rights and U.S. law.

The Religious Freedom Act of 1998, for good reason, requires the appointment of an ambassador-at-large for international religious freedom.

Religious liberty is, of course, a founding principle of the United States. The first line of the First Amendment states it flatly: "Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof. . . ."

Abundant experience shows that a government's lack of religious tolerance is a sure indicator of broader oppression. And it is a very modern problem. According to the Pew Forum on Religion and Public Life, about 70 percent of the world's people live under regimes that restrict religious freedom.

The Clinton and George W. Bush administrations both named ambassadors-at-large for religious freedom but failed to afford them the status required by the 1998 law. Passed unanimously by Congress, the law requires the ambassador to be the principal adviser to the president and the secretary of state on matters of international religious freedom.

As noted by Joseph Grieboski, the Lackawanna County native who founded the Institute on Religion and Public Policy, the current administration would further diminish the status of the ambassador by having the eventual appointee report far down the chain of command rather than directly to the president or secretary of state.

Other ambassadors-at-large, for counterterrorism, war crimes and global women's issues, report directly to the president or secretary, or both, as required by the laws establishing the positions.

Religious liberty is a human rights issue inextricably woven into America's position of promoting democracy and freedom around the world. President Obama should signal repressive regimes that it is an important matter to the United States by quickly naming an ambassador and having that person consult directly with him and the secretary of state.

RECOGNIZING THE ACCOMPLISHMENTS OF HOLOCAUST MEMORIAL RESOURCE AND EDUCATION CENTER OF FLORIDA

HON. ALAN GRAYSON

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 15, 2010

Mr. GRAYSON. Madam Speaker, I rise today to commemorate Yom HaShoah, Holocaust Remembrance Day. On this day, we remember and memorialize the 6 million Jews who were murdered in the Holocaust. In honor of this day, I would like to recognize the Holocaust Memorial Resource and Education Center of Florida, which includes a staff and board of community activists who work tirelessly to combat anti-Semitism, racism, and prejudice through education and cultural programming.

The Center was founded in June of 1980, when Valencia Community College and the Jewish Federation of Greater Orlando came together to sponsor a series of community-wide events on the Holocaust and relevant human rights issues. The focus was on the social, historical, moral, ethical and economic implications of the Holocaust for today. Subsequently, a conference, co-sponsored by the newly created Holocaust Center, Florida Humanities Council, Valencia Community College and the Jewish Federation of Greater Orlando, was held in March 1981. The same coalition sponsored a Conference on Terrorism the following year, and in 1986 a Holocaust Center facility was constructed, a professional museum exhibit was installed, and a library with documentary and archival collections was developed. The Center received national and international recognition for its unique facility—the only one of its kind in the Southeast until 1996—as well as for its dedication to world-class, innovative programming.

The Holocaust Memorial Resource and Education Center is a nonprofit organization whose mission is to use the lessons of the Holocaust as a tool to teach the principles of good citizenship to thousands of people of all ages, religions and backgrounds each year. The Center hosts numerous educational and cultural events to promote their organization's mission. They've hosted events and activities ranging from conferences, speakers, and days of recognition, to marches, museum exhibits and the construction of a center on the Holocaust. This work has made a tremendous impact in Central Florida by engaging, educating and inspiring all of its citizens. The Holocaust Memorial Resource and Education Center is ensuring we never forget and never repeat the tragedy of the past.

Madam Speaker, it is a tremendous honor to recognize the accomplishments of the Holocaust Memorial Resource and Education Center in promoting acceptance and tolerance in the Central Florida community. As we all know, an organization can only be as good as the impressive staff and board that help run it. I applaud the Holocaust Center's board, which is represented by Central Florida's interfaith, multicultural community and the Center's staff, which is comprised of dedicated community activists. It is crucial we learn from our past to help better our future. Eva London Ritt, who many consider the cornerstone of the Center's staff and good works, said it best, "Be aware of what is written and spoken. Be aware of the first hint of hate or bias against any individual or group and then act. One person can make a difference. Be a kind person. Kindness rubs off. With kindness, you can improve the world around you."

HONORING DR. BENJAMIN L. HOOKS

HON. MARCIA L. FUDGE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 15, 2010

Ms. FUDGE. Madam Speaker, this morning, Dr. Benjamin L. Hooks—civil rights leader, minister, scholar, and attorney—passed away. With great sorrow, I extend my condolences and sympathy to his family and friends.

Dr. Hooks was a champion of minorities and the poor, who raised the stature of the National Association of the Advancement of Colored People in his 15 years as executive director (1977–1992). He repositioned the organization to increase its national prominence and added thousands of new members.

A staunch advocate of self-help among the Black community, who urged wealthy and middle-class Blacks to give time and resources to those less fortunate, Dr. Hooks once stated, "It's time today to bring it out of the closet. No longer can we proffer polite, explicable, reasons why Black America cannot do more for itself. I'm calling for a moratorium on excuses. I challenge Black America today, all of us, to set aside our alibis." His challenge powerfully resonated throughout the NAACP and, in turn, impacted the Black community.

Throughout his life, Dr. Hooks continued his advocacy and focused on opening channels of dialogue among all races and classes in America. Upon retirement he served as a professor and later returned to preaching.

In honor of a man who dedicated his life to the service of others, I encourage each of us to remember Dr. Benjamin Hooks great contributions to our Nation.

MIDDLE CLASS TAX RELIEF

HON. JOE BACA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 15, 2010

Mr. BACA. Madam Speaker, it has been a little over a year since this Congress approved, and the President signed into law the American Recovery and Reinvestment Act.

As we are set to finish tax season this week, the Middle Class is continuing to see the positive impacts from this bill and other significant pieces of legislation.

95 percent of families have already received immediate and sustained tax relief with the Making Work Pay Tax Cut.

First-time homebuyers were able to take advantage of significant tax benefits—benefits that have now been increased and expanded.

The Recovery Act also provided up to \$2,500 in tax credits to help 4 million students go to college.

We have also provided tremendous relief to small businesses struggling to stay afloat in these tough economic times.

The Recovery Act cut the capital gains tax on investors who buy and hold small business stock over 5 years which incentivizes investments in America's small businesses.

We also offered tax credits to companies that hire recently discharged and unemployed veterans and young adults who are having trouble finding work.

This relief wasn't limited to the Recovery Act.

Last month, we passed the most sweeping healthcare reform package since the 1960s.

This provides 40 million families with incomes up to \$88,000 with tax credits to help pay for healthcare.

It also provides \$40 billion in tax credits for 4 million American small businesses.

Continuing along this path, the HIRE Act was signed into law, strengthening small businesses with tax credits and write offs allowing them to expand and increase employment.

I am committed to continuing to support measures like these that put the American people first.

I am confident that if we continue to put the American people first instead of relying on partisan talking points, we will continue to recover.

GRATITUDE FOR THE SERVICE OF STACEY DANSKY

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 15, 2010

Mr. CONYERS. Madam Speaker, Judiciary Committee Ranking Member LAMAR SMITH and I would like to take this opportunity to thank one of the most dedicated and productive members of the Judiciary Committee staff for her service to the House, the Judiciary Committee's Chief Copyright Counsel, Stacey Dansky. For 8 years she has worked ably and diligently for the Judiciary Committee and we commend her for her achievements.

After graduating magna cum laude and Phi Beta Kappa from Vanderbilt University, Stacey earned her law degree with honors from the University of Texas School of Law, where she served as the Chief Notes Editor for the Texas Law Review. She clerked for U.S. District Court Judge Lee H. Rosenthal in Houston and later practiced law with the Washington firm of Williams & Connolly.

With the Judiciary Committee, Stacey has worked on a host of issues of national signifi-

cance—principally in intellectual property policy, antitrust law, civil liberties and women's rights. Stacey's efforts proved critical to the enactment of the Violence Against Women Act of 2005, and she was instrumental in the House's overwhelming passage of the Free Flow of Information Act in 2007. From 2002 through 2008, Stacey served as the Chief Antitrust Counsel to the Democratic Members of the Committee. She helped coordinate the Committee's consideration of corporate mergers like those of XM-Sirius and Delta and Northwest Airlines, drafted legislation and organized hearings on net neutrality and telecommunications issues, and led the Committee's oversight efforts involving particular industries, including the oil and the credit card industries.

As the Committee's Chief Copyright Counsel, Stacey worked tirelessly on efforts to curb digital piracy, negotiate orphan works legislation, protect copyright in research publications and made invaluable contributions to the enactment of the Prioritizing Resources and Organization for Intellectual Property (PRO-IP) Act of 2008. She has deftly and expertly led the Committee's negotiations to extend and to update the satellite and cable compulsory licenses; as she has efforts to establish a full public performance right for sound recordings, set forth in H.R. 848, the "Performance Rights Act."

On behalf of the Judiciary Committee, its staff, and this distinguished body, we would like to thank Stacey for her commitment to the Committee and her exemplary work. Her humility, generosity, sense of humor and professionalism will be sorely missed. She has served as a cherished advisor to the Committee's members and as a colleague, mentor and friend to many present and former Committee staff members. We wish her the best of luck and extend to her our deepest gratitude.

RECOGNIZING THE U.S. COMMITMENT TO ISRAEL

HON. JERRY F. COSTELLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 15, 2010

Mr. COSTELLO. Madam Speaker, I rise today to recognize the strong and lasting relationship between the United States and Israel. For six decades, the U.S. and Israel have sustained an abiding commitment to each other based on shared principles and common goals. We believe strongly in Israel's commitment to peace and security in the region and recognize that Israel has taken great risks toward peace and deserves the right to self-defense.

The United States stands resolutely beside Israel against the threat of attack, by publicly supporting Israel's right to self-defense, promising security assistance, and strengthening sanction authority against Iran. Iran's refusal to engage in the diplomatic process to address worldwide concerns about its nuclear program dictates that sanctions need to be considered. A nuclear Iran is a severe threat to American and Israeli national interests, and I have joined with many of my colleagues to

urge the Obama administration to impose strong sanctions on Iran.

Israel's commitment to the peace process has been steadfast despite real threats from Hamas and Hezbollah, epitomized by the unilateral pullout from Gaza and willingness to negotiate with the Palestinian government. We need to keep the peace process moving forward and working together, I am confident we will continue to make progress.

Madame Speaker, in recognition of all of the important contributions Israel has made and the many challenges it continues to face, I have again cosponsored legislation to commemorate the anniversary of Israel's creation, its 62nd. I am confident the United States and Israel will continue to work together for peace and prosperity in the Middle East and the world for generations to come.

IN MEMORY OF KEITH BRIGHT, WHO HELPED RECLAIM THE OWENS VALLEY OF CALIFORNIA

HON. JERRY LEWIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 15, 2010

Mr. LEWIS of California. Madam Speaker, I rise today in memory of my very good friend Keith Bright, whose leadership, generosity, foresight and persistence helped remake and restore the Owens Valley in California over the past five decades. Mr. Bright passed away April 7, 2010 at the age of 95, and his ever-present smile will be missed greatly by his many friends.

Keith Bright was born in Lemoore, California, during the oil boom in the State's San Joaquin Valley. He began working in the oil fields at 19, but went to college to become an expert on the science and business of petroleum. During World War II, the military refused Keith's patriotic efforts to enlist because he was more valuable producing the vital supply of oil to the troops.

During his years in the oil fields, Keith Bright founded KEN Corporation, one of the world's largest producers of oil-based drilling fluid, and NECK Petroleum, an oil drilling company based in Bakersfield, California. He developed oil and gas fields in the valley.

In the 1960s, Keith Bright moved to the eastern Sierra Nevada and bought a ranch near Independence, California, in the heart of the Owens Valley. A long alpine valley ringed by some of the highest mountains in America, by the 1960s it had become parched because most of the water in the Owens River was diverted through the Los Angeles Aqueduct to the taps of Southern California.

I came to know Keith Bright in the 1980s after redistricting added the Owens Valley to the area I represented. He was an intense advocate for Inyo County and the needs of the valley, both before and after he became a county supervisor.

By the time Keith Bright joined the board of supervisors in 1986, Inyo County had been embroiled for more than a decade in a lawsuit to reclaim some of the water being pumped out of the valley by the city of Los Angeles. Although ordered by courts to reduce pumping a

number of times, Los Angeles continued to literally pump the Owens Valley dry throughout the 1980s.

To break the impasse, Bright in 1991 led the board in negotiating the landmark Inyo-Los Angeles Long-Term Water Agreement, which for the first time required Los Angeles to address the environmental effects of its pumping on the Owens Valley. The agreement sparked a recall movement against the Inyo County board—Bright defeated the recall by a 60 percent margin.

I was pleased to work with Keith Bright on a number of projects to bring back the Owens River, and it was a delight to see him on hand in 2006 when the Los Angeles Department of Water and Power opened the valves and sent water pouring down the river once again. There is still work to be done, but anglers now catch trout along stretches of the river that were dry for decades.

Keith Bright was a moving force behind many other improvements in the Owens Valley. He was one of the main backers of creating a National Historic Site at Manzanar, the internment camp where many Japanese Americans were forced to stay during World War II.

Madam Speaker, Keith Bright was one of the most dedicated, enthusiastic Americans I have ever met. He was truly a modern man of the Old West, dedicated to rugged individualism and local initiative. He almost shouted from the mountaintop to let his local community work and keep big government off their backs.

In memory of the long life and wonderful character of Keith Bright, the people of Inyo County have planned a memorial service designed to be a celebration. I ask my colleagues to join me in commending that celebration, and in remembering the life of the man who devoted himself to his community for nearly 50 years.

INTRODUCTION OF THE "PRIVATE STUDENT LOAN BANKRUPTCY FAIRNESS ACT OF 2010"

HON. STEVE COHEN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 15, 2010

Mr. COHEN. Madam Speaker, I am pleased to join my distinguished colleague, Representative DANNY DAVIS of Illinois, in introducing today the "Private Student Loan Bankruptcy Fairness Act of 2010." This legislation would amend the Bankruptcy Code so that private student loan debt can be discharged in bankruptcy. This bill will help to ensure that people who seek higher education to better their futures are not dissuaded from doing so by the threat of financial ruin.

Under current bankruptcy law, educational debt is not dischargeable in bankruptcy unless the debtor can establish—through an adversary proceeding—that repaying her educational loans would impose an undue hardship on her and her dependents. Congress's intent in enacting this provision back in 1978 was to protect Federal student loan programs from fraud and abuse by student borrowers

and ultimately to protect the taxpayer dollars that fund Federal student loan programs.

Inexplicably, this provision was extended in 2005 to protect for-profit educational lenders, even though doing so was not consistent with Congress's rationale for making Federal student loans non-dischargeable. This 2005 change is troublesome because private student loans often lack the consumer protections of Federal loans, making the need for bankruptcy much greater.

Federal student loans offer certain protections to minimize the risk that a financially distressed debtor will need bankruptcy relief, whereas private student loans are not required to have, and often do not have, such consumer protections. For example, Federal loans have fixed interest rates, whereas private loans often have variable rates that can be as high as 19 percent. Unlike Federal loans, private loans have no limits on origination fees, which can be as high as 9.9 percent, with lenders often charging additional fees such as late fees or fees for any deferments or forbearance, and half of the private loans in one survey had no forbearance option at all. Federal loans also provide flexible options for distressed debtors, such as income-based repayment plans and partial or complete loan forgiveness in some circumstances, whereas private lenders are not required to offer such options. For these reasons, private loans should be dischargeable in bankruptcy.

The bankruptcy system should work as a safety net that allows people to get the education they want with the assurance that, should their finances come under strain by layoffs, accidents, or other unforeseen life events, they will be protected. Our legislation takes a modest but important step in achieving this goal.

I thank Representative DAVIS for working with me in crafting this important legislation. I also thank Senator RICHARD DURBIN for introducing a similar bill in the Senate. I urge Congress to act quickly and pass these bills.

PERSONAL EXPLANATION

HON. BRAD SHERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 15, 2010

Mr. SHERMAN. Madam Speaker, on Tuesday, April 13th and Wednesday, April 14th I was unavoidably absent from the House Chamber. Had I been present, I would have voted "yea" on rollcall votes 196, 197, 198, 199, 200, 201, 202 and 203.

PUR DRINKING WATER

HON. JEAN SCHMIDT

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 15, 2010

Mrs. SCHMIDT. Madam Speaker, just short of one year ago, I came to the House floor to commend a constituent company, Procter & Gamble, for its efforts to provide clean, safe drinking water to billions of people across the

globe. The occasion for my remarks was the delivery of P&G's one billionth liter of safe drinking water. At that time, I said that I was proud, not only for P&G's philanthropy up to that point, but also for the fact that they had committed to providing an additional two billion liters of safe drinking water within the next five years. I am happy to report that P&G delivered its two billionth liter of clean water to an earthquake survivor in the town of Dichato, Chile.

According to the World Health Organization, more than one billion people across the globe do not have access to clean, safe drinking water. More than 4,000 children die every day from diseases they acquire through the contaminated drinking water. Nearly 1.5 million children die every year due to the water they drink. Each of these deaths is preventable.

For more than seven years P&G has worked to prevent these deaths. Through the Procter & Gamble Children's Safe Drinking Water Program, P&G and its 80 partners distribute PUR—a powdered water clarification and disinfectant that comes in small, easy-to-use packets—in some of the poorest areas in the world. One small packet of powder uses the same ingredients as municipal water systems to remove pollutants and kill bacteria and viruses in a liter of polluted or contaminated water.

Madam Speaker, I am very proud to represent Procter & Gamble. The lack of clean, safe drinking water threatens the health, livelihood and stability of nations around the world. I am very proud of the leading role that Procter & Gamble has taken to save thousands of lives each year. Please join me in congratulating P&G for the work they have done on this important issue and recognize them for their life-saving efforts.

TAXES

HON. BOB GOODLATTE

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 15, 2010

Mr. GOODLATTE. Madam Speaker, today, tax day, is the most stressful day of the year for taxpayers. April 15th is a day filled with aggravation and frustration as hard working Americans are confronted with piles of forms, confusing instructions, and the prospect of turning their hard-earned money over to the government. In 1935, the 1040 tax form contained two pages of instructions, today it is 155 pages, forcing Americans to devote a tremendous amount of resources to try to comply with this monstrosity. In fact, Americans will devote an estimated 7.7 billion hours complying with the tax code, and will spend an estimated \$29.33 billion on tax software, preparers, and other expenses related to filing their taxes.

Over the past year, we have seen citizens from around the nation express their frustration about this nefarious tax code. Taxpayers have pleaded with Congress to be better stewards of their money and reform our broken tax code. The tax code Americans are forced to

comply with discourages savings and investment, and is impossibly complex. It has become all too clear that the current code is broken beyond repair and cannot be fixed so we must start over.

I understand the frustrations of taxpayers and I have introduced H.R. 982, the Tax Code Termination Act, which will force Congress to finally address fundamental tax reform. This legislation, with 115 bipartisan cosponsors, will abolish the tax code by December 2012, and call on Congress to approve a new federal tax system by July of the same year.

While almost every Member of Congress would recognize that our tax code is no longer working in a fair manner for Americans, nothing has been done to create a more equitable tax code. Congress won't act on fundamental tax reform unless it is forced to do so. My bill will force Congress to finally debate and address fundamental tax reform.

Once this bill becomes law, today's oppressive tax code would survive for only three more years, at which time it would expire and be replaced with a new tax code that will be determined by Congress, the President, and the American people. This legislation will allow us, as a nation, to collectively decide what the new tax system should look like. Having a date-certain to end the current tax code will force the issue to the top of the national agenda.

Although many questions remain about the best way to reform our tax system, I am certain that if Congress is forced to address the issue we can create a tax code that is simpler, fairer, and better for our economy than the one we are forced to comply with today.

Whichever tax system is adopted, the key ingredients should be: a low rate for all Americans; tax relief for working people; protection of the rights of taxpayers and reduction in tax collection abuses; promotion of savings and investment; and encouragement of economic growth and job creation.

Taxes may be unavoidable but they don't have to be unfair and overcomplicated. I urge my colleagues to join me as a cosponsor of H.R. 982, the Tax Code Termination Act and end the broken tax system that exists today.

NATIONAL LIBRARY WEEK, KING
COUNTY LIBRARY SYSTEM

HON. DAVID G. REICHERT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 15, 2010

Mr. REICHERT. Madam Speaker, this week we'll be recognizing National Library Week all across our great country. In an age of tough economic forecasts, and families scrambling to make ends meet while still engaging in their communities, libraries around the United States have seen more people walk through their doors, visit their websites and communicate with their employees than perhaps ever before. Indeed, the library systems of America are operating at unprecedented levels. Rather than shrinking in their responsibility, many systems are proactively courting members of their communities and expanding the resources they have available to help push this country

forward. I am very fortunate to represent the 8th Congressional District of Washington, and to observe and follow the work being done by my childhood library system, the King County Library System.

The King County Library System, led by Director Bill Ptacek, is the third-busiest library system in the United States. It is a remarkable distinction. In his introduction to their year-in-review for 2009, Director Ptacek wrote: "KCLS developed an innovative approach in response to the economic crisis to guide patrons to reliable information when they needed it most." Citizens in our region looked to their library system for help and the King County Library System responded: In 2009, nearly 10 million people walked through the doors of their local library and more than 21 million items were circulated. The library catalog of the King County Library System had nearly 89 million visits and the system's website—kingcountylibrarysystem.org—received nearly 27 million hits. In other words, I can think of very few public organizations busier than the King County Library System and the System has responded, stepping up to meet the challenge in a big way.

Director Ptacek and his staff have expanded collections and streamlined service using technology and terrific, innovative organizational structure and management. The King County Library System has increased its technological output and reached out proactively to underserved communities in King County with great success. The system has ensconced itself in the communities it serves and has become a huge asset for families, community groups and local governments. The King County Library System has researched and developed programs specifically targeting young children in their formative years to get excited about literacy and research; they've done the same specifically targeting children who speak English as a second language. Overall, the King County Library System is providing the people of King County with a large public organization that is best described with one word: innovative.

Director Ptacek, his managers, and the employees of the KCLS deserve our utmost respect and admiration. The system answers the call of communities each and every day, without fail. A large public organization with such an innovative spirit and flexible structure always deserves accolades and encouragement. I am proud to honor the KCLS during National Library Week, during a difficult period and for serving our communities in such efficient, creative, and meaningful ways.

BI-PARTISAN MAJORITY IN THE
U.S. HOUSE CALLS FOR PROTECTION OF CAMP ASHRAF RESIDENTS

HON. BOB FILNER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 15, 2010

Mr. FILNER. Madam Speaker, on March 17, 2010, Congressman BOB FILNER (D-CA), Chairman of the House Committee on Veterans' Affairs, and Congresswoman ILEANA

ROS-LEHTINEN (R-FL), Ranking Republican on the House Foreign Affairs Committee, were joined by 10 of their colleagues, including three from the House Foreign Affairs Committee, in a briefing to announce the support by a bi-partisan House majority for the humanitarian rights and protection of residents of Camp Ashraf in Iraq.

In his remarks, Filner announced that following last July's deadly assault by the Iraqi security forces against unarmed residents of Camp Ashraf, home to 3,400 members of Iran's main opposition, the People's Mojahedin Organization of Iran (PMOI/MEK), he introduced a resolution (H. Res. 704) which "deplores the ongoing violence by Iraqi security forces against the residents of Camp Ashraf; calls upon the Iraqi Government to live up to its commitment to the United States to ensure the continued well-being of those living in Camp Ashraf; and calls upon the President to take all necessary and appropriate steps to support the commitments of the United States" to ensure protection of Camp Ashraf residents.

The majority of the members of the House of Representatives who have co-sponsored the resolution include 11 Committee Chairs; 13 Committee Ranking Members; 54 Sub-Committee Chairs; 49 Sub-Committee Ranking Members; and 30 House Foreign Affairs Committee members.

ROS-LEHTINEN stressed that in light of repeated breach of guarantees provided by the Iraqi Government to the United States that residents of Camp Ashraf would be treated humanely, "the U.S. is obligated to take all necessary and appropriate steps to uphold our commitments." The Florida lawmaker added that "we must send a clear message to the residents of Camp Ashraf that the U.S. Congress stands with them."

Congressman EDOLPHUS TOWNS (D-NY), Chairman of the Oversight and Government Reform Committee, lauded the bi-partisan nature of support for Camp Ashraf and said "it's so important that we continue to work together . . . to bring about the change that is so needed today."

Congressman DANA ROHRBACHER (R-CA), Ranking Member of House International Organizations, Human Rights, and Oversight Subcommittee, remarked that "we must make sure that anyone who is fighting the mullah regime and would replace it with a democratic government is an ally of the people of the United States and we should not allow them to suffer negative consequences if we can prevent it. That is especially true of the people of Camp Ashraf."

Congressman TED POE (R-TX), a member of the House Foreign Affairs Subcommittee on Terrorism, Nonproliferation, and Trade said: "It is important that we constantly stay vigilant that we let the people in Camp Ashraf know that their silent voices are heard here in the United States . . . We are not going to stand idly by while those who wish to do harm to the residents of Camp Ashraf mend, weave their wicked ways and they will not be dispersed into parts and regions unknown to the rest of us."

Congressman LINCOLN DIAZ-BALART (R-FL) described the Iranian regime as "regime of thugs," and added "this is most impressive to

have the majority of the U.S. Congress of one mind with regard to a critical issue and the travesty the brutality that was engaged against the innocent people in Ashraf. And so we will get this to the floor and we will pass it and we will stay on this issue."

Congressman MARIO DIAZ-BALART (R-FL) described the attack on Ashraf as "a cold-blooded murder" and emphasized that the only way that they "could ever be totally safe is by having a free homeland."

FILNER added that "the administration should encourage the United Nations to play a much more active role insofar as it concerns Camp Ashraf and strengthen the role of a U.N. monitoring team in Ashraf to one of protecting the residents to ensure that their rights and safety are respected and all the inhumane restrictions placed on them by the Iraqi government are lifted."

Mrs. Maryam Rajavi, the President-elect of the National Council of Resistance of Iran, also addressed the briefing via video from Paris. She emphasized that the House majority support for Ashraf indicates its recognition of the Iranian Resistance, especially Ashraf, as "a decisive factor in confronting this antihuman regime" in Tehran. Addressing the co-sponsors of the resolution, Mrs. Rajavi remarked that "While appreciating your efforts, I would like to ask you to continue your noble and humanitarian work in order to ensure that: The protection of the residents of Ashraf is guaranteed as long as the U.S. forces remain in Iraq; Mandate of the United Nations Assistance Mission for Iraq is expanded to guarantee the rights of Ashraf residents. The United Nations assumes the protection of Ashraf and a U.N. peacekeeping force is stationed at Ashraf; all restrictions and the blockade imposed by the Iraqi government against Ashraf in the past 14 months are lifted."

Congresswoman JUDY CHU (D-CA) of the Judiciary Committee told the reception that "I was happy to support House Resolution 704. Certainly there needed to be protection for the people in Camp Ashraf. We should make sure that they continue to be safe. The United States and the Iraqi government should ensure that these residents have all security that they need. And so we must continue the pressure to make sure that happens so that the pro-democracy movement can continue to be safe and the Iranian people can be safe. So let us continue our relationship. I'm very, very happy to see that you are here on the Hill and that you're presenting your issues to us."

Congressman TRENT FRANKS (R-AZ), member of the Armed Services Committee, told the gathering that "We see some of the people of Camp Ashraf in Iraq that are being persecuted and threatened and even the Iranian government wants to see them repatriated to Iran and I think that represents a great danger to them and I want you to know that there are a lot of us that reject that completely. We want to see both the Government of Iraq and the Government of the United States stand up and make sure that we protect these people in Camp Ashraf."

In his remarks, Congressman AL GREEN (D-TX) from the Homeland Security Committee told the reception that "Doctor King was right when he said decades ago—and his words ring true today—'Injustice anywhere is a threat

to justice everywhere'. Injustice in the streets of Iran is a threat to justice in the streets of every nation on the planet Earth and we must end injustice in the streets of Iran . . . We must support the human rights movement that is taking place in Iran."

IN REMEMBRANCE OF MR.
BENJAMIN HOOKS

HON. LAURA RICHARDSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 15, 2010

Ms. RICHARDSON. Madam Speaker, I rise today to honor and remember Mr. Benjamin Hooks, who passed away this morning at the age of 85. Benjamin Hooks was a champion of equality and justice who fought tirelessly for civil rights and, in doing so, made our country a better place for all Americans.

Benjamin Hooks was a critical figure in the fight for civil rights in the United States. In addition to fighting racial segregation through his successful careers as a businessman, lawyer, judge, and minister, Mr. Hooks is most well known for his work with the National Association for the Advancement of Colored People, NAACP. Mr. Hooks was a pioneer of the NAACP-sponsored restaurant sit-ins and boycotts in the early years of the Civil Rights Movement.

In 1976, the NAACP elected Benjamin Hooks as the executive director of the organization. Mr. Hooks reenergized the NAACP, increased its enrollment dramatically, and enhanced the group's effectiveness. At a time when the Civil Rights Movement was widely considered to have ended, Mr. Hooks recognized that much work was left to be done and recommitted the NAACP to tirelessly fighting for the rights of disadvantaged communities across the United States. Mr. Hooks guided the NAACP through decades of activism and oversaw the constant modernization and adaptation of the organization to respond to the new challenges of changing times.

Benjamin Hooks was a giant in the fight for civil rights in America over the last 60 years. Even as he and his family were targeted in bombings against civil rights leaders in the 1990s, his resolve and commitment to an equitable society never faltered. In characteristic modesty, Benjamin Hooks often referred to himself as "just a poor little old country preacher," but the truth is that he was much more than that. He left an indelible mark on American society and helped improve the lives of countless Americans. Mr. Hooks was honored for his life of service with the Presidential Medal of Freedom, which President George W. Bush presented to him in 2007.

I extend my deepest condolences to the family and friends of Mr. Benjamin Hooks as they grieve the loss of this truly special individual.

RECOGNIZING T.C. MARSH'S JUNIOR RESERVE OFFICERS TRAINING CORPS AND CORPORAL DAVID BATES

HON. PETE SESSIONS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 15, 2010

Mr. SESSIONS. Madam Speaker, I rise today to recognize T.C. Marsh Middle School's Army Junior Reserve Officer Training Corps (JROTC) and Corporal David Bates on their winning the National Middle School Drill Championship for the third time.

Corporal David Bates has led the JROTC program for the past eleven years. He has taught them the importance of personal responsibility, discipline, commitment, and hard work. Under his leadership, T.C. Marsh's JROTC has taken the prestigious title of National Champion three times in the past four years.

After spending countless hours practicing their drills, the cadets were ready to compete and capture the national title once again. In addition to practicing daily, cadets also garnered the support of teachers, families, friends, and the local community to raise \$12,000 to help cover the cost of equipment and travel expenses. They are the essence of discipline, dedication, and hard work. By working together, the cadets have developed a mutual respect for each other and honed their leadership skills.

Madam Speaker, I ask my esteemed colleagues to join me in congratulating the members of the JROTC and Corporal David Bates on their well-deserved victory. I commend them for their dedication and hard work and I wish them all my very best.

DEATH OF THE GREAT CIVIL RIGHTS ACTIVIST, DR. BENJAMIN L. HOOKS

HON. AL GREEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 15, 2010

Mr. AL GREEN of Texas. Madam Speaker, today, this nation lost a historic and influential figure in the struggle for civil rights, Dr. Benjamin L. Hooks. Dr. Hooks served this country throughout his life through his unwavering devotion to protecting the rights of minorities and the poor. I express my condolences to his family and all of those who were touched by his many years of service to our community.

Dr. Benjamin L. Hooks was a man of great character and moral conviction. He served as the executive director of the NAACP for over 15 years, restoring the organization's financial soundness and membership base. He created several initiatives to combat discrimination, from projects that provided employment opportunities in Major League Baseball to economic development initiatives in urban communities.

This great civil rights leader not only served as executive director of the NAACP, but also served our great nation as a World War II veteran. His experiences in the war led to his

fight against social injustices in the United States. Dr. Hooks also served in the ministry, as a minister at the Greater Middle Baptist Church in Memphis, Tennessee. His work will live on through his contributions to our society as well as the Benjamin L. Hooks Institute at University of Memphis.

Dr. Hooks was a great friend of mine, a thoughtful mentor, but more importantly, he was a stalwart champion of the least, the last and the lost. His philanthropy will be remembered forever and serve as an inspiration and guide for futures to come.

CELEBRATING THE GROUND-
BREAKING OF CARE HOUSE'S
NEW FACILITY AND RECOG-
NIZING OVER 30 YEARS OF SERV-
ICE TO THE YOUTH OF OAKLAND
COUNTY

HON. GARY C. PETERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 15, 2010

Mr. PETERS. Madam Speaker, I rise today to recognize CARE House of Oakland County,

Michigan, on the occasion of the groundbreaking for its new facility. As a Member of Congress it is both my honor and privilege to recognize and congratulate CARE House for over 30 years of service to Oakland County's youth as work begins on its new facility, which will assist countless more abused and neglected youth from across the County.

Established in 1977, CARE House began its work as the Child Abuse and Neglect Council for Oakland County, a partnership between Oakland County's law enforcement organizations, the Oakland County Prosecutor's Office, Child Protective Services and the Junior League of Birmingham. The Council was the first organization in Oakland County to take a proactive approach to confronting the issues of child abuse and neglect. After more than a decade of service to the youth of Oakland County, CARE House expanded its services to become a Child Advocacy Center focused on reducing child abuse through advocacy, community outreach, education and prevention programs.

CARE House served over 5000 youth last year at its current facilities and is expected to greatly expand its capacity, serving thousands more once the new facility is built. This expan-

sion allows for CARE House to strengthen its intervention, therapeutic, advocacy and prevention services, in particular its forensic interviewing, crisis counseling, family support group and court-appointed advocacy programs. Increasing its capacity and strengthening of its programs enhances CARE House's ability to fully employ its vision of ensuring all children are safe and free from abuse and neglect.

Madam Speaker, I ask my colleagues to join me today in celebrating the groundbreaking of CARE House's new facility and to recognize its members for their important work over the past 30 years to protect Oakland County youth from abuse and neglect. The services CARE House provides ensure thousands of Oakland County youth receive the treatment and intervention they need to prevent and reduce trauma they have experienced from abuse and neglect.

HOUSE OF REPRESENTATIVES—Friday, April 16, 2010

The House met at 1 p.m. and was called to order by the Speaker pro tempore (Ms. EDWARDS of Maryland).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
April 16, 2010.

I hereby appoint the Honorable DONNA F. EDWARDS to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

PRAYER

Monsignor Charles Antonicelli, St. Joseph's Catholic Church, Washington, D.C., offered the following prayer:

Heavenly Father, we give You thanks this day. With the Psalmist, we proclaim, "Praise the Lord, all you nations. Glorify Him, all you peoples, for steadfast is His kindness toward us, and the fidelity of the Lord endures forever."

We ask Your continued blessing on us as we seek to do Your will. Be our strength in time of trial. Protect those who risk their lives to keep us free, Lord, and keep us always grateful for their sacrifice.

Bless the women and men of this House of Representatives. Enkindle in them Your spirit of justice and compassion, of service and sacrifice, of love and understanding so that they may be Your instruments of peace in our world.

We ask this in Your holy name. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House her approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. The Chair will lead the House in the Pledge of Allegiance.

The SPEAKER pro tempore led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

ADJOURNMENT

The SPEAKER pro tempore. Without objection, the House stands adjourned until 12:30 p.m. on Tuesday next for morning hour debate.

There was no objection.

Accordingly (at 1 o'clock and 2 minutes p.m.), under its previous order, the House adjourned until Tuesday, April 20, 2010, at 12:30 p.m., for morning hour debate.

OATH FOR ACCESS TO CLASSIFIED INFORMATION

Under clause 13 of rule XXIII, the following Members executed the oath for access to classified information:

Neil Abercrombie*, Gary L. Ackerman, Robert B. Aderholt, John H. Adler, W. Todd Akin, Rodney Alexander, Jason Altmire, Robert E. Andrews, Michael A. Arcuri, Steve Austria, Joe Baca, Michele Bachmann, Spencer Bachus, Brian Baird, Tammy Baldwin, J. Gresham Barrett, John Barrow, Roscoe G. Bartlett, Joe Barton, Melissa L. Bean, Xavier Becerra, Shelley Berkley, Howard L. Berman, Marion Berry, Judy Biggert, Brian P. Bilbray, Gus M. Bilirakis, Rob Bishop, Sanford D. Bishop Jr., Timothy H. Bishop, Marsha Blackburn, Earl Blumenauer, Roy Blunt, John A. Boccieri, John A. Boehner, Jo Bonner, Mary Bono Mack, John Boozman, Madeleine Z. Bordallo, Dan Boren, Leonard L. Boswell, Rick Boucher, Charles W. Boustany Jr., Allen Boyd, Bruce L. Braley, Kevin Brady, Robert A. Brady, Bobby Bright, Paul C. Broun, Corrine Brown, Ginny Brown-Waite, Henry E. Brown Jr., Vern Buchanan, Michael C. Burgess, Dan Burton, G.K. Butterfield, Steve Buyer, Ken Calvert, Dave Camp, John Campbell, Eric Cantor, Anh "Joseph" Cao, Shelley Moore Capito, Lois Capps, Michael E. Capuano, Dennis A. Cardoza, Russ Carnahan, Christopher P. Carney, André Carson, John R. Carter, Bill Cassidy, Michael N. Castle, Kathy Castor, Jason Chaffetz, Ben Chandler, Travis W. Childers, Judy Chu, Donna M. Christensen, Yvette D. Clarke, Wm. Lacy Clay, Emanuel Cleaver, James E. Clyburn, Howard Coble, Mike Coffman, Steve Cohen, Tom Cole, K. Michael Conaway, Gerald E. Connolly, John Conyers Jr., Jim Cooper, Jim Costa, Jerry F. Costello, Joe Courtney, Ander Crenshaw, Joseph Crowley, Henry Cuellar, John Abney Culberson, Elijah E. Cummings, Kathleen A. Dahlkemper, Artur Davis, Danny K. Davis, Geoff Davis, Lincoln Davis, Susan A. Davis, Nathan Deal*, Peter A. DeFazio, Diana DeGette, Bill Delahunt, Rosa L. DeLauro, Charles W. Dent, Theodore E. Deutch, Lincoln Diaz-Balart, Mario Diaz-Balart, Norman D. Dicks, John D. Dingell, Lloyd Doggett, Joe Donnelly, Michael F. Doyle, David Dreier, Steve Driehaus, John J. Duncan Jr., Chet Edwards, Donna F. Edwards, Vernon J. Ehlers, Keith Ellison, Brad Ellsworth, Jo Ann Emerson, Eliot L. Engel, Anna G. Eshoo, Bob Etheridge, Eni F.H. Faleomavaega, Mary Fallin, Sam Farr, Chaka Fattah, Bob Filner, Jeff Flake, John

Fleming, J. Randy Forbes, Jeff Fortenberry, Bill Foster, Virginia Foxx, Barney Frank, Trent Franks, Rodney P. Frelinghuysen, Marcia L. Fudge, Elton Gallegly, John Garamendi, Scott Garrett, Jim Gerlach, Gabrielle Giffords, Kirsten E. Gillibrand*, Phil Gingrey, Louie Gohmert, Bob Goodlatte, Charles A. Gonzalez, Bart Gordon, Kay Granger, Sam Graves, Alan Grayson, Al Green, Gene Green, Parker Griffith, Raúl M. Grijalva, Brett Guthrie, Luis V. Gutierrez, John J. Hall, Ralph M. Hall, Deborah L. Halvorson, Phil Hare, Jane Harman, Gregg Harper, Alcee L. Hastings, Doc Hastings, Martin Heinrich, Dean Heller, Jeb Hensarling, Wally Herger, Stephanie Herseth Sandlin, Brian Higgins, Baron P. Hill, James A. Himes, Maurice D. Hinchey, Rubén Hinojosa, Mazie Hirono, Paul W. Hodes, Peter Hoekstra, Tim Holden, Rush D. Holt, Michael M. Honda, Steny H. Hoyer, Duncan Hunter, Bob Inglis, Jay Inslee, Steve Israel, Darrell E. Issa, Jesse L. Jackson Jr., Sheila Jackson Lee, Lynn Jenkins, Eddie Bernice Johnson, Henry C. "Hank" Johnson Jr., Sam Johnson, Timothy V. Johnson, Walter B. Jones, Jim Jordan, Steve Kagen, Paul E. Kanjorski, Marcy Kaptur, Patrick J. Kennedy, Dale E. Kildee, Carolyn C. Kilpatrick, Mary Jo Kilroy, Ron Kind, Peter T. King, Steve King, Jack Kingston, Mark Steven Kirk, Ann Kirkpatrick, Larry Kissell, Ron Klein, John Kline, Suzanne M. Kosmas, Frank Kratovil Jr., Doug Lamborn, Leonard Lance, James R. Langevin, Rick Larsen, John B. Larson, Tom Latham, Steven C. LaTourette, Robert E. Latta, Barbara Lee, Christopher John Lee, Sander M. Levin, Jerry Lewis, John Lewis, John Linder, Daniel Lipinski, Frank A. LoBiondo, David Loebsack, Zoe Lofgren, Nita M. Lowey, Frank D. Lucas, Blaine Luetkemeyer, Ben Ray Lujan, Cynthia M. Lummis, Daniel E. Lungren, Stephen F. Lynch, Carolyn McCarthy, Kevin McCarthy, Michael T. McCaul, Tom McClintock, Betty McCollum, Thaddeus G. McCotter, Jim McDermott, James P. McGovern, Patrick T. McHenry, John M. McHugh*, Mike McIntyre, Howard P. "Buck" McKeon, Michael E. McMahon, Cathy McMorris Rodgers, Jerry McNerney, Connie Mack, Daniel B. Maffei, Carolyn B. Maloney, Donald A. Manzullo, Kenny Marchant, Betsy Markey, Edward J. Markey, Jim Marshall, Eric J.J. Massa*, Jim Matheson, Doris O. Matsui, Kendrick B. Meek, Gregory W. Meeks, Charlie Melancon, John L. Mica, Michael H. Michaud, Brad Miller, Candice S. Miller, Gary G. Miller, George Miller, Jeff Miller, Walt Minnick, Harry E. Mitchell, Alan B. Mollohan, Dennis Moore, Gwen Moore, James P. Moran, Jerry Moran, Christopher S. Murphy, Patrick J. Murphy, Scott Murphy, Tim Murphy, John P. Murtha*, Sue Wilkins Myrick, Jerrold Nadler, Grace F. Napolitano, Richard E. Neal, Randy Neugebauer, Eleanor Holmes Norton, Devin Nunes, Glenn C. Nye, James L. Oberstar, David R. Obey, John W. Olver, Pete Olson, Solomon P. Ortiz, William L. Owens, Frank Pallone Jr., Bill Pascrell Jr., Ed Pastor, Ron Paul, Erik Paulsen, Donald M. Payne, Nancy Pelosi, Mike Pence, Ed Perlmutter, Thomas S.P. Perriello, Gary C. Peters, Collin C. Peterson, Thomas E. Petri, Pedro R. Pierluisi, Chellie Pingree, Joseph

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

R. Pitts, Todd Russell Platts, Ted Poe, Jared Polis, Earl Pomeroy, Bill Posey, David E. Price, Tom Price, Adam H. Putnam, Mike Quigley, George Radanovich, Nick J. Rahall II, Charles B. Rangel, Denny Rehberg, David G. Reichert, Silvestre Reyes, Laura Richardson, Ciro D. Rodriguez, David P. Roe, Harold Rogers, Mike Rogers (AL-03), Mike Rogers (MI-08), Dana Rohrabacher, Thomas J. Rooney, Peter J. Roskam, Ileana Ros-Lehtinen, Mike Ross, Steven R. Rothman, Lucille Roybal-Allard, Edward R. Royce, C.A. Dutch Ruppersberger, Bobby L. Rush, Paul Ryan, Tim Ryan, Gregorio Sablan, John T. Salazar, Linda T. Sánchez, Loretta Sanchez, John P. Sarbanes, Steve Scalise, Janice D. Schakowsky, Adam B. Schiff, Jean Schmidt, Aaron Schock, Kurt Schrader, Allyson Y. Schwartz, David Scott, Robert C. "Bobby" Scott, F. James Sensenbrenner Jr., José E. Serrano, Pete Sessions, Joe Sestak, John B. Shadegg, Mark Shauer, Carol Shea-Porter, Brad Sherman, John Shimkus, Heath Shuler, Bill Shuster, Michael K. Simpson, Albio Sires, Ike Skelton, Louise McIntosh Slaughter, Adam Smith, Adrian Smith, Christopher H. Smith, Lamar Smith, Vic Snyder, Hilda L. Solis*, Mark E. Souder, Zachary T. Space, Jackie Speier, John M. Spratt Jr., Bart Stupak, Cliff Stearns, John Sullivan, Betty Sutton, John S. Tanner, Ellen O. Tauscher*, Gene Taylor, Harry Teague, Lee Terry, Bennie G. Thompson, Glenn Thompson, Mike Thompson, Mac Thornberry, Todd Tiahrt, Patrick J. Tiberi, John F. Tierney, Dina Titus, Paul Tonko, Edolphus Towns, Niki Tsongas, Michael R. Turner, Fred Upton, Chris Van Hollen, Nydia M. Velázquez, Peter J. Visclosky, Greg Walden, Timothy J. Walz, Zach Wamp, Debbie Wasserman Schultz, Maxine Waters, Diane Watson, Melvin L. Watt, Henry A. Waxman, Anthony D. Weiner, Peter Welch, Lynn A. Westmoreland, Robert Wexler*, Ed Whitfield, Charles A. Wilson, Joe Wilson, Robert J. Wittman, Frank R. Wolf, Lynn C. Woolsey, David Wu, John A. Yarmuth, C.W. Bill Young, Don Young.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

7050. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. Act 18-374, "Tenant Opportunity to Purchase Preservation Clari-

fication Temporary Amendment Act of 2010" to the Committee on Oversight and Government Reform.

7051. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 18-373, "Abe Pollin City Title Championship and Title Trophy Designation Act of 2010" to the Committee on Oversight and Government Reform.

7052. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 18-369, "Ronald H. Brown Way Designation Act of 2010" to the Committee on Oversight and Government Reform.

7053. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 18-368, "Msgr J. Mundell Way Designation Act of 2010" to the Committee on Oversight and Government Reform.

7054. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 18-362, "Tregaron Conservancy Clarification Temporary Act of 2010" to the Committee on Oversight and Government Reform.

7055. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 18-361, "IHOP Restaurant #3221 Tax Exemption Clarification Temporary Act of 2010" to the Committee on Oversight and Government Reform.

7056. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 18-360, "SOME, Inc., Technical Amendments Temporary Act of 2010" to the Committee on Oversight and Government Reform.

7057. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 18-359, "Special Event Exemption Temporary Amendment Act of 2010" to the Committee on Oversight and Government Reform.

7058. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 18-358, "Old Morgan School Place, N.W., Designation Amendment Act of 2010" to the Committee on Oversight and Government Reform.

7059. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 18-375, "H Street, N.E. Small Business Streetscape Construction Real Property Tax Deferral Temporary Act of 2010" to the Committee on Oversight and Government Reform.

7060. A letter from the Chairman, Council of the District of Columbia, transmitting

Transmittal of D.C. ACT 18-349, "Newborn Safe Haven Amendment Act of 2010" to the Committee on Oversight and Government Reform.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. ADLER of New Jersey (for himself, Mr. HALL of New York, and Mr. ACKERMAN):

H.R. 5064. A bill to amend title 38, United States Code, to provide for the tolling of the timing of review for appeals of final decisions of the Board of Veterans' Appeals, and for other purposes; to the Committee on Veterans' Affairs.

By Mrs. McMORRIS RODGERS:

H. Res. 1270. A resolution expressing support for Mathematics Awareness Month; to the Committee on Education and Labor.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 1020: Mr. HINOJOSA.

H.R. 1549: Ms. MATSUI.

H.R. 4132: Ms. WATERS.

H.R. 4440: Mr. PETERSON.

H.R. 4443: Mr. COURTNEY, Mr. AL GREEN of Texas, and Mr. KAGEN.

H. Con. Res. 261: Mr. HUNTER, Mr. LOBIONDO, Mr. WALZ, Mr. CARNEY, and Mr. LEE of New York.

H. Res. 1257: Mr. AL GREEN of Texas, Mr. MINNICK, Mrs. DAVIS of California, Mr. JONES, Mr. GARRETT of New Jersey, Mr. HENSARLING, and Mr. CAMPBELL.

DISCHARGE PETITIONS— ADDITIONS OR DELETIONS

The following Members added their names to the following discharge petition:

Petition 10 by Mr. JONES on H.R. 775: Mike Rogers (AL), Thomas J. Rooney, and Christopher John Lee.

EXTENSIONS OF REMARKS

SINS OF THE FATHER

HON. LAMAR SMITH

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, April 16, 2010

Mr. SMITH of Texas. Madam Speaker, I doubt anyone in this Chamber would deny the enormous amount of hard work and sacrifice that went into building this great nation. Honest and hard labor are at the very heart of our economic system and why our nation has achieved such greatness.

But there is a fundamental shift in the very notion of "hard work" in the country that will have unforeseen consequences for generations to come.

Madam Speaker, my district includes several high tech companies and I was having a conversation with some young professionals—including Michael Young, a former legislative director—last week when the topic of taxes came up.

Each of these professionals was in their 30's and each lamented the higher taxes that await them as they finally begin to be rewarded for the hard work they have endured.

What was particularly frustrating for them was that they had done exactly what they had been told they should do: go to college, work hard and play by the rules.

And it wasn't that they were opposed to taxes either. No, what incensed them was the Administration's insistence that those who did well over the last 30 years should be heavily taxed in the future.

What about those who didn't do well in the past 30 years but who are now, after having sacrificed so much, now finally on the threshold of being successful?

These young people are just entering the prime of their business and professional careers. They played by the rules. They went to college; they saved and struggled. And most importantly, they worked hard. Now, they are going to be penalized for doing everything right.

And penalized not because of what they have done, penalized for what they are going to do—succeed.

I say "going to do" but many of them expressed the opinion that why should they work hard now when the money they earn will just go to the government. Some told me they had already scaled back their future career plans. A few even told me they have worked out the numbers to work just enough so they don't get hit with higher taxes and surcharges.

What a sorry state of affairs when our best and brightest are no longer willing to work hard, to take chances, to achieve greatness. Instead they are content with "getting by" and mediocrity.

The implications for the country as a whole are downright frightening.

As young people in China, India, Brazil and others capitalize on the economic freedom

that has been unleashed; America's very system reward for hard, honest work is at stake.

HONORING PETER CARTWRIGHT
AND THE CALPINE GEYSERS
GEOTHERMAL FACILITY LAKE
COUNTY, CALIFORNIA

HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, April 16, 2010

Mr. THOMPSON of California. Madam Speaker, on April 16th, 2010, Calpine's Geothermal Visitors Center in Middletown, California, will be dedicated as the Cartwright Geothermal Visitors Center, in honor of Calpine founder and pioneer Peter Cartwright. I am proud to rise today to recognize Peter Cartwright and thank him for his decades of ingenuity and service to the cause of renewable energy technology.

Mr. Cartwright graduated from Princeton University with a B.S. in Geological Engineering and went on to receive his Masters in Civil Engineering from Columbia University. After serving in the Navy, he spent nearly 20 years at General Electric before founding Calpine in 1984. Calpine has since grown to become one of the largest independent power companies in the United States and is North America's largest producer of clean, renewable geothermal power. The Calpine Geysers is a portfolio of 19 geothermal power plants which supply approximately 750 kilowatts of reliable base load electricity to northern California's power grid.

Mr. Cartwright is widely known for his vision, dedication and commitment to the energy industry, receiving more honors for his work than can be recited here. In 1999, he was awarded the Geothermal Pioneer Award by the Geothermal Resources Council. In 2000, he was named Man of the Year by the Power Association of Northern California and as one of the 100 most influential leaders in the gas and electric industry. In 2004, Scientific American named Mr. Cartwright Business Leader of the Year and Calpine was recognized as a Clean Air Champion by the New York League of Conservation Voters.

Mr. Cartwright has also been very active in community and business organizations. He has served on the Board of Directors of the Sierra Club Foundation for years. He is also Symphony Chair of the Symphony Silicon Valley Governing Board. In the past, he served on the California Chamber of Commerce California Business Round Table as well as the Silicon Valley Manufacturing Group. In addition, Mr. Cartwright was instrumental to Calpine's annual support of the American Lung Association's Asthma walks.

Madam Speaker and colleagues, it is my distinct pleasure to recognize Peter Cartwright

for his years of excellence and to congratulate him on this honor. I join his wife, June, his four children, two grandchildren and our colleagues in wishing him continued success and fulfillment.

NUCLEAR WEAPONS POLICY

HON. RICK LARSEN

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Friday, April 16, 2010

Mr. LARSEN of Washington. Madam Speaker, President Obama has recently taken three key actions to strengthen our national security and help bring us closer to a world without nuclear weapons.

First, the President issued a Nuclear Posture Review which prioritizes stopping the spread of nuclear weapons and securing nuclear materials that could be used by terrorist groups or states to harm the United States and our allies. Focusing on securing nuclear materials and stopping proliferation will make America safer.

The NPR also maintains America's role as a leader in non-proliferation by demonstrating our commitment to continuing a safe, secure, and reliable nuclear deterrent without resorting to nuclear testing. While I share the President's goal of creating a world without nuclear weapons, it is important to have a deterrent capability to keep Americans safe as long as other states possess nuclear materials.

Second, the President signed a New Strategic Arms Reduction Treaty with Russia. The New START Treaty will require the United States and Russia, the two largest nuclear powers in the world, to reduce the number of strategic nuclear warheads and launchers. This will send a strong message to the global community about our commitment to ending proliferation and securing nuclear materials around the world.

Importantly, the New START treaty will place no restrictions on the United States' ability to develop missile defenses that will keep the United States and our allies protected from missile attacks from countries such as Iran.

Third, the President hosted a summit of forty-six nations to discuss the need to prevent nuclear proliferation and secure loose nuclear materials. This meeting has resulted in a historic commitment by these states to secure all the world's loose nuclear materials in the next four years. This is an ambitious goal, but it is necessary to take swift action to reduce the risk of a nuclear attack.

Getting to a world without nuclear weapons will be a long journey, but the steps that the President has taken over the last few weeks have us moving in the right direction.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

THE WRONG STUFF

HON. LAMAR SMITH

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, April 16, 2010

Mr. SMITH of Texas. Madam Speaker, it was reported this week that India's Chandrayaan spacecraft detected water on the Moon. And another study revealed that there may be larger deposits of water on Mars than previously thought.

Yet despite these two incredible discoveries, this Administration is content with "earth observation" and "low Earth orbit studies." Hardly The Right Stuff.

Madam Speaker, when President John F. Kennedy declared the intention of the United States to land on the Moon he knew it

wouldn't be easy. To the contrary, he stated boldly that this great challenge would bring out the best in America. He was right.

Two generations of school children dreamed of landing on the Moon and then on to Mars. Countless engineers and scientists credit the Moon endeavor as their inspiration for entering their field of study. This effort directly led to many of the incredible scientific and aerospace discoveries over the last 30–40 years.

Sadly, the decisions of the Administration will keep Americans stalled on Earth for decades to come. Canceling the Constellation next generation rocket program was just the latest in this Administration's inward looking approach.

Meanwhile, China, India and others are redoubling their efforts to not only go to the Moon, but beyond. It would be a sad state of

affairs for the U.S. if the first person back to the Moon was not an American.

And what are the long-term consequences of this visionless endeavor? Important as they may be, it's hard for anyone except perhaps a special interest group to get excited about earth observation and orbital animal migration studies.

It is a well-known fact that today's students are uninspired and uninterested in careers in math, science and engineering. But it's understandable considering this Administration's lack of vision for space exploration.

Yes, budgets are tight. Yes, we need to prioritize.

But considering the incredible benefit for the U.S., we must have a sustained manned space program.

Madam Speaker, Americans must once again lead in space exploration.

SENATE—Monday, April 19, 2010

The Senate met at 2 p.m. and was called to order by the Honorable MARK R. WARNER, a Senator from the Commonwealth of Virginia.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Our father God, as our pilgrim feet tread unknown paths, each day we receive revelations of Your wonderful care. Bless our Senators with the awareness of Your presence. Open their eyes to the things that threaten our democracy and give them the wisdom to guard our freedom. Remind them that beyond the appraisal of humanity resides the searching light of Your judgment. Lord, widen their sympathies, expand their understanding, override their mistakes until Your will is done on Earth even as it is done in heaven.

We pray in Your wonderful Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable MARK R. WARNER led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, April 19, 2010.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable MARK R. WARNER, a Senator from the Commonwealth of Virginia, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. WARNER thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

MOMENT OF SILENCE

Mr. REID. Mr. President, 15 years ago today, 168 Americans died in a des-

picable act in a Federal building in Oklahoma City.

I therefore ask the President of the Senate to declare a moment of silence in memory of those who were there that day and many other victims and survivors of terrorism at home and abroad.

The ACTING PRESIDENT pro tempore. Without objection, a moment of silence will be observed for any and all victims of terrorism, at home and abroad.

(Moment of silence.)

The ACTING PRESIDENT pro tempore. Thank you.

The majority leader.

SCHEDULE

Mr. REID. Following leader remarks, the Senate will be in a period of morning business until 3 p.m. today, with Senators allowed to speak for up to 10 minutes each during that time. Following the closing of morning business, the Senate will turn to executive session to debate the nomination of Lael Brainard to be Under Secretary of the Treasury. At 5 p.m. today, there will be a cloture vote on that nomination.

Last week, I filed cloture on five nominations. It is my hope we will be able to work out time agreements on each of these nominations. If we are unable to do so, we will be in session around the clock until we have votes on all these nominations, with speeches and votes taking place during that time. Upon disposition of the nominations, we will turn to the legislation to reform Wall Street.

FINANCIAL REFORM

Holding these huge banks accountable for the enormous economic crisis of recent years is about more than dollars and cents. It is about fairness and justice. It is also about learning lessons from the mistakes of the past so we are not bound to repeat them.

Those who cared only to boost their own holdings and accounts must be held accountable. To those who gamed the system, the game is over. Wall Street's ability to recklessly risk a family's future must be a thing of the past. Those who dealt in deception and benefited from the cover of darkness must be called out and brought into the daylight. That is why the bill we will bring to the floor includes the strongest protections ever against Wall Street greed. It will also give families more control than ever over their own finances and give consumers more clarity so they can make the right financial decisions.

Our bill will not end taxpayer bailouts—that is what some say, but the

fact is, that is what it is all about. It will end taxpayer bailouts. It will hold Wall Street accountable for its excess and the harm it does and make sure banks fully disclose what they are betting on and, for once, make it more clear what people are allowing these banks to do.

Our bill creates an independent agency to protect consumers, and it stops banks from taking excessive risks with families' hard-earned savings. We are cracking down on the subprime mortgage scams and forcing big banks and credit card companies to deal more honestly with their consumers.

It is a good bill. I support it because I support transparency, accountability, and economic security. Those opposed to it favor secrecy, irresponsibility, and reckless risk taking. I am sure my counterpart, the distinguished Republican leader, has some thoughts to share on this reform as well.

When the Senate hears from him, I assume he will continue to make the case, the very weak case he has made for the past week or so in the Chamber and out over the airwaves. This bill is about accountability and honesty, so let's hold the legislators to the same standard when they talk about it. Before my Republican friends repeat more false claims, let's acknowledge some basic facts. The bill that will come on the floor will protect taxpayers, will not leave taxpayers with the tab, as the other side pretends. This bill is not a bailout. Republicans know that, although they refuse to say it, and the Presiding Officer has done remarkably good work in going toward that end.

After all, if this were such a good deal for Wall Street bankers, why are they lobbying so hard against it? This is a bipartisan product and includes many Republican ideas that were proposed during months—I repeat, months—of negotiations with Republican Senators. Chairman DODD has worked for months with Ranking Member SHELBY and Senator CORKER. Senator DODD has led bipartisan working groups and held bipartisan meetings. All these meetings produced solid, bipartisan ideas that will be in the legislation we bring to the floor.

Last November, Senator SHELBY said Democrats and Republicans agreed on nearly 70 percent of the bill. Last month, Senator SHELBY said negotiators agreed on nearly 80 percent. Senator CORKER said the negotiations were constructive and said consensus is in sight.

So the Republican leadership's claim that this is a one-sided effort doesn't

pass the laugh test. This plan is not partisan, as the other side pretends. Republicans know that, although again they refuse to say it. They also refuse to admit whose side they are on. Earlier this month, the Republican leader and the head of the Republican Senate Campaign Committee went to Wall Street. They met with the bankers and hedge fund managers who benefited more than anyone from the broken system and, of course, are trying harder than any to stop us from fixing it; that is, the hedge fund managers and the bankers. So every time Republicans make false claims, at this late stage of the process, they are saying they want to protect their special interest friends on Wall Street.

Rather than stand for taxpayers and shareholders, they want to stand with the same bankers who cost 8 million American workers their jobs, devastated so many families' economic security, and jeopardized our Nation's economic stability. Every time Republicans repeat their tired talking points, what they are saying is they want to stop reform.

The American people who bore the burden of Wall Street's greed couldn't disagree more. We learned recently that the SEC is investigating Goldman-Sachs for its role in the financial meltdown. I am glad the Government is looking at Goldman and other firms involved in this disaster, but this is not just about executives or the traders. It is not just about familiar faces and bold names. This is about our ability to trust in the financial system. It is about families keeping their homes and knowing their savings will be safe. It is about right and wrong. Again, it is our job to get to the root of the problem. The culprits are shortsightedness and selfishness. They are greed, deception, and irresponsibility. Wall Street looked out for only their immediate, fleeting gain. So far, the same is guiding our Republican colleagues. Wall Street adjourned itself with short-term success rather than to think about what is right for our economy in the long run.

So far, Republicans in the Senate have shown they share that same concern, that callous concern. Wall Street dealt in myths and misinformation and with disregard for hard-working families. So far, Republican Senators are following the same game plan. Wall Street sees no need to ensure this kind of crisis never happens again. So far, neither do our Republican friends. Wall Street ran wild because there was no transparency.

The Senate Republican strategy has been transparent as can be; all they want is to stop necessary reform in its tracks. I agree with Paul Krugman, Nobel Prize-winning economist, who last week called Republican tactics "a shameless performance."

We have seen them run these plays before on health care and other issues.

They didn't work then and they will not work now. The system is broken. Consumers need better protection, taxpayers need our guarantee that they will never again be called on to bail out a big bank. That is plain to see. You can draw a straight line from the lax oversight and excess greed on Wall Street to the collapse of the housing market on Main Street, throughout Nevada and across America. Here is the difference. We want to change the rules. Republicans want to change the subject.

EXECUTIVE NOMINATIONS

As I indicated, we now have five nominations before us. I wish I could say Wall Street reform is the only arena in which Republicans are playing partisan games, but that is not true. It is a matter of fact, not opinion, that Democrats treated President Bush's nominations far better than Senate Republicans are treating President Obama's. In fact, no President has been treated such as President Obama has been treated as far as his nominations—no President.

President Obama has 99 administration nominees awaiting confirmation by the full Senate. At this point in President Bush's first term—take that as an example—the Senate had confirmed all but five. We have confirmed all but 99, 99 to 5. Many Americans have never heard these nominees' names before, but that doesn't make their jobs any less critical to our country. This is about one party deciding government should not work and deciding they should not have to work either. They are preventing people from going to work to make our country better. They are outright abdicating their constitutional responsibility to confirm or deny the President's nominees. Their decisions are grounded in reflexive partisanship, not principled argument. Republicans are treating judicial nominees the same way. President Obama had 22 judicial nominees awaiting confirmation—22 are awaiting it right now. At this point in President Bush's first term, the Senate had confirmed all but 7, 22 to 7. That means Republicans have stalled more judicial nominations than they have allowed us to vote on. Many of these nominations reported by the Judiciary Committee, many without dissent, have been pending for months and months. Every time Republicans stand in the way of our judicial system's ability to do its job, the public pays the price.

This is not how the Senate is meant to operate nor how it has operated in the past. This is unique. This is unprecedented and indefensible.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

OKLAHOMA CITY BOMBING

Mr. MCCONNELL. Mr. President, I wish to join the majority leader in recognizing the 15th anniversary of the Oklahoma City bombing and add my voice to the others who have remembered the loss of life we suffered on that terrible day. I also extend my sympathy to the survivors and to the families of the lost.

It is impossible for most of us to understand how someone could commit such a terrible act. It is impossible for most of us to appreciate the pain of losing a loved one to such a violent, senseless act. But we can try to console them and we can work tirelessly to prevent other terrorist acts against other innocent men and women, both here and abroad.

So on this solemn anniversary, we resolve once again to fight terrorism wherever we find it and to never forget the people who have suffered from it. We will never forget Oklahoma City or the people who lost their lives on that day.

FINANCIAL REGULATORY REFORM

Mr. President, turning my attention to the financial services bill, as we know, it came out of the Banking Committee on a party-line vote, without any Republican support. So where are we? The debate over financial regulatory reform continues this week, so let me recap where we are, the progress we are making, as well as some of the more unhelpful things we have seen.

Over the past year or so, Democrats and Republicans alike worked long and hard to construct a bill aimed at preventing the kind of financial crisis we saw in the fall of 2008, and, just as crucially, to prevent any future bailouts of the biggest Wall Street firms. That was the goal.

Progress was made. But then, in a rush to get the bill to the floor, these talks stopped. So last week, I came to the floor to point out the flaws that resulted from this partisan approach.

One of the biggest of these was the creation of a \$50 billion bailout fund. It seemed to me and many others that the very existence of this fund would perpetuate the same kind of risky behavior that led to the last crisis.

On this point, there seemed to be fairly broad consensus, from Senate Republicans to Secretary Geithner himself.

So the reaction I got was somewhat amusing.

Some of our friends on the other side raised voices of protest because I had spoken up about flaws in the bill. Others ginned up the press with some inside-Washington line about talking points and pollsters. And over at the White House, the President criticized me in his weekly radio address even as his deputies worked to strip the very provision I had called into question a few days before.

Well, they cannot have it both ways.

So my advice at the beginning of this week is that we focus not on personal attacks or questioning each other's motives but on fixing the problems in this bill, and that means doing everything we can to make sure the final product doesn't allow for future Wall Street bailouts.

Both parties agree on this point: no bailouts. In my view, that is a pretty good start. So let us come together and direct our energies toward making sure we achieve that goal and leave aside all the name-calling and the second-guessing.

What last week showed me is that we have two options as this debate moves forward: either we let the people who know this legislation best get back to the negotiating table and work out a solution that is acceptable to both parties and to the American people, or, I can come down to the floor, identify some of the other flaws in this bill, watch as people come down to scream and yell about my suggestions and my motives, and then wait for the White House to agree with me at the end of the week.

I am perfectly happy to do the latter if it means we get a better bill in the end. But it seems to me that a far more efficient way of proceeding is to just skip the character attacks on anyone who dares to point out flaws with the bill, be they provisions that expose taxpayers to Wall Street bailouts or those that would further worsen the jobs situation, and work out these problems now. Forget the theatrics, and get to work.

Again, I am happy to come down and identify additional problems. I could mention, for instance, my worry that the current bill could dry up credit even more for small businesses and community banks. The experts know that this and other problems exist in the bill. If the administration wants to continue to pretend that it does not, then you will see me down here every day. But my preference would be to let the experts work through these problems on a bipartisan basis.

So let us go back to the negotiating table and work out these problems, and then come together and have a bipartisan vote that will give the American people confidence that this bill is not just one party's way of solving this problem. These problems are not insurmountable. This bill is not unfixable. We can reform Wall Street without making taxpayers pick up the tab. Let us do that, then give the American people a strong bipartisan bill that an issue like this deserves.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. There will now be a period of morning business until 3 p.m., with Senators permitted to speak therein for up to 10 minutes each.

Mr. MCCONNELL. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ALEXANDER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(The remarks of Mr. ALEXANDER are printed in today's RECORD under "Morning Business.")

Mr. ALEXANDER. I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. UDALL of New Mexico. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. UDALL of New Mexico. I thank the Chair.

(The remarks of Mr. UDALL pertaining to the introduction of S. 3224 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

The ACTING PRESIDENT pro tempore. The Senator from Iowa is recognized.

Mr. GRASSLEY. Mr. President, first, I don't know what the order is for the Senate. I was going to speak on one of the nominations that will be before the Senate shortly. I wish to do that, if that is appropriate.

The ACTING PRESIDENT pro tempore. The Senate is in morning business until 3 o'clock.

Mr. GRASSLEY. Yes, it is 3 o'clock now.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, morning business is closed.

EXECUTIVE SESSION

NOMINATION OF LAEL BRAINARD TO BE AN UNDER SECRETARY OF THE TREASURY

The ACTING PRESIDENT pro tempore. The Senate will now proceed to executive session to consider the following nomination, which the clerk will report.

The legislative clerk read the nomination of Lael Brainard, of the District of Columbia, to be an Under Secretary of the Treasury.

The ACTING PRESIDENT pro tempore. The Senator from Iowa is recognized.

Mr. DORGAN. If the Senator from Iowa will yield, Mr. President, I ask unanimous consent that I be recognized following the presentation by the Senator from Iowa.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The Senator from Iowa.

Mr. GRASSLEY. Mr. President, I want to speak on the nomination of the person just announced. In the process, I am going to speak about some other people who have similar issues.

Tax collection is meant to reflect shared benefits and appeal to equality as a fundamental value. However, to paraphrase George Orwell, some people are more equal than others.

More specifically, several recent Presidential nominees have apparently set themselves above the typical American citizen in the lack of importance they place on complying with their tax obligations. This certainly seems to be the case with Dr. Brainard, nominated to be Under Secretary of the Treasury for International Affairs.

As a nominee, Dr. Brainard was treated the same as any other nominee to come through the Finance Committee in the 9 years I have been either chairman or ranking member. For the past 9 years, and likely much longer, the Finance Committee has vetted all Presidential nominees referred to the committee, and that vetting includes a tax review. The tax review of Dr. Brainard uncovered three basic issues. These issues have been described in much detail in a bipartisan Finance Committee memo released November 18, 2009. I also discussed them in a statement that was printed in the CONGRESSIONAL RECORD December 23 of last year.

Those seeking to criticize the Finance Committee's vetting process are quick to mention the length of time Dr. Brainard has been a nominee. She was nominated March 23, 2009, and her hearing was held on November 20, 2009. The reason for the passage of nearly 8 months was that the nominee persisted in being evasive and nonresponsive to very basic questions arising from the routine review of tax returns. There are still questions that were not clearly or consistently answered despite multiple rounds of questions. Other questions necessitated multiple answers as new information came to light.

For example, the committee learned on October 12, 2009, nearly 7 months after the nomination, that the nominee failed to timely pay 2008 property taxes for Rappahannock County, VA, and

that the nominee was delinquent while the tax vetting was going on. I have said this before. But the reason the review of Dr. Brainard took several months was that she was not forthcoming in her answers. As the committee memo details, some of her answers contradicted each other.

I ask those who are critical of the committee's treatment of this nominee if there are some things it is okay to be evasive about to the Congress of the United States. Is there a point where Congress should accept vague and unclear statements and decide it is not some sort of big deal?

Supporters of the nominee find themselves in the position of having to distort the facts in order to make their case. They say Dr. Brainard's tax problems involved small amounts of money and some mistakes, such as late payment of property taxes, and it could happen to anyone. While these statements may be true, they do not deal with the nominee's real problem which, as I have said, is her unwillingness to fully and completely answer questions from the Finance Committee.

The Finance Committee's vetting process has uncovered tax irregularities with many past and current Presidential appointees. What the committee requires is that the nominee acknowledge and fix these irregularities.

Unless these tax issues involve substantial dollar amounts, or there is information suggesting the nominee deliberately avoided fulfilling their tax liabilities, this information is not made public and the nominee is allowed to move forward. The Finance Committee is not trying to embarrass people for making simple mistakes, and neither the committee nor this Senator benefits from a lengthy vetting process.

In the case of nominees where difficulties arise to the point where our committee must release information publicly, the committee completes its review so that all information is released all at once and the nominee is allowed to review information to be released by the committee before the committee ever would release it, so that the nominee would know exactly where we are coming from.

Dr. Brainard was allowed to review the Finance Committee memo before it was released, and if she had withdrawn her nomination, that information would have remained confidential. It would not have been out there for anybody to know anything about. But we are moving forward with this nomination; hence, any sort of information is public.

Dr. Brainard is the third senior Treasury Department nominee either the Finance Committee or this Senator has taken issue with. Secretary Geithner's failure to pay his self-employment taxes as an International Monetary Fund employee is well known.

Just a few weeks ago, Jeffrey Goldstein was recess-appointed to the post of Under Secretary for Domestic Finance. While I do not believe Dr. Goldstein failed to satisfy his tax liabilities, I do have questions regarding off-shore activities a private equity fund engaged in while Dr. Goldstein was a managing director.

I was in the process of asking more questions as to the business purpose of these activities and was prepared to let the nominee advance toward confirmation once these questions were answered. Dr. Goldstein was absolved of the need to respond to my questions by the recess appointment made under law by President Obama. Dr. Brainard and Secretary Geithner both had personal issues the committee released information on in a bipartisan way, and I have unresolved questions regarding off-shore activities engaged in by Dr. Goldstein's previous employer.

As concerned as I am with the issues involving this specific nominee, I am even more concerned by the reaction by some to the information released by the Finance Committee on this and other recent nominees.

Dr. Brainard was the fifth nominee of the current administration to run into personal tax issues during the Finance Committee's vetting process. With the exception of one nominee, who voluntarily withdrew his nomination, all of these nominees were confirmed, or will be confirmed, as I expect Dr. Brainard to be confirmed. It is not clear that the Finance Committee vetting of nominees has served a useful purpose and information released by the Finance Committee on problematic issues surrounding nominees doesn't seem to have decreased support for their confirmations.

I am not saying that every nominee who runs into trouble should be automatically rejected. I myself voted for one of the five nominees I just mentioned. However, it does not appear that the information released by the committee on nominees in this current Congress is given much consideration.

The issues involving Dr. Brainard should have no bearing on political parties, issue positions, or who is friends with whom. The only basic issues should be that everyone needs to pay their taxes as required by law, and the nominee should be fully responsive to the Congress. In looking at the first of these issues, the nominee showed that she was deficient in the second. For the reasons I have laid out here and in earlier statements, I will vote against this nominee.

However, I do plan to vote for cloture, and I want to explain that. Despite my own opposition to the nominee, I don't want to prevent other Senators from considering the nominee, and I am not attempting to prevent the nominee from receiving an up-or-down vote.

I hope other Senators consider the information the Finance Committee has released and will consider what I have said and will come to their own decision as to which way to vote.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from North Dakota is recognized.

Mr. DORGAN. We are in executive session, is that correct?

The ACTING PRESIDENT pro tempore. That is correct.

Mr. DORGAN. Mr. President, I have the Executive Calendar of the Senate in front of me. It is on every desk. It has the pending nominations that have yet to be acted upon by the Senate.

I note that there are a large number of nominations that have been made on which there are holds. There is delay, there is stalling, and you wonder—here is a May 20, 2009 nomination, reported out of the Homeland Security Committee of Marisa Demeo, of the District of Columbia, to be an Associate Judge of the Superior Court of the District of Columbia. That was reported out in May of last year.

Here is one for John Sullivan, of Maryland, to be a member of the Federal Elections Commission, which was reported out last June and is still pending.

Here is one for Stuart Gordon, to be an Associate Judge of the Superior Court of the District of Columbia, which was reported out on July 29 of last year and is still pending.

I am going to read a rather lengthy list in a bit. These are nominations that have been stalled, delayed, held up. There are, I think, nearly 100 of them on the Executive Calendar, which is on everyone's desk.

I specifically want to talk about one, and then I am going to propound a unanimous consent request. The one is about GEN Michael Walsh. I know General Walsh. I have known him for a long time. He is the commander of the Mississippi Valley Division of the Corps of Engineers. He has been to war for his country. He is a one-star general. He served 30 years in uniform for this country.

He has been nominated to receive his second star to be a major general. That request to receive a second star for General Walsh went through the relevant committee, the Armed Services Committee of the Senate, chaired by Senator LEVIN, and the ranking member is Senator MCCAIN. The nomination was unanimously reported out by the committee, by all Republicans and all Democrats. It is a nomination supported by Senator LEVIN and Senator MCCAIN, the chairman and the ranking member. Yet that nomination was sent to the floor of the Senate nearly 6 months ago and has yet to be acted upon because there is a hold on it.

I have spoken on this issue before—last week. We have a Member of the

Senate who has said to the Corps of Engineers: I am going to stop this general's promotion to major general until the Corps of Engineers does the following things that I demand from the Corps of Engineers in my home State of Louisiana. This is Senator VITTER from Louisiana.

I did say to Senator VITTER—I would not come and speak of another Senator without first telling him I was going to do that. I told Senator VITTER I was going to be critical on the floor of the Senate of what he was doing to General Walsh—a patriot, someone who has served 30 years for his country in the U.S. Army, someone who has gone to war for his country, someone who has had a unanimous vote in the Armed Services Committee to become major general.

After all of these months, his promotion has not yet moved. Why? Because of one U.S. Senator demanding something this general cannot do. This general executes policy; he does not make policy. The demands by Senator VITTER in two letters that he has sent to the Corps and the response from the Corps of Engineers are four letters I put in the Senate RECORD last week.

It is unbelievable that the career of a distinguished general in the U.S. Army is handled this way by one Member of the Senate. It is unfair to him. It is unfair to the Army, in my judgment. And it is the last thing in the world we ought to be doing—singling out one person and putting their career and their advancement on hold, prohibiting this one-star general from receiving a second star because one person in the Senate is demanding the agency for which this general works do things that the agency says it cannot do in any event.

I am going to ask unanimous consent, and then I want to say a few more words about it.

UNANIMOUS CONSENT REQUEST—NOMINATION OF
BG MICHAEL J. WALSH

I ask unanimous consent—and I have notified the minority—that the Senate proceed to Executive Calendar No. 526, the nomination of BG Michael J. Walsh to be major general; that the nomination be confirmed and the motion to reconsider be laid upon the table; that no further motions be in order; and that the President be immediately notified of the Senate's action.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. GRASSLEY. Reserving the right to object.

The ACTING PRESIDENT pro tempore. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, I wish to make very clear that I do not oppose this nominee, and I say to Senator DORGAN that I have no problem with what he is doing. I have been asked on the part of Senator VITTER to object, so I must object.

The ACTING PRESIDENT pro tempore. Objection is heard.

Mr. DORGAN. Mr. President, I understand the Senator from Iowa is acting on behalf of another Senator. I must say I think it is incumbent on the other Senator to be here and make this objection himself. I know the rules do not require that, but I think the rules at this point are derelict in terms of this circumstance.

We have a general in the U.S. Army who has served this country well whose career is now on hold. It is on hold because one person is demanding that the Corps of Engineers do certain projects for New Orleans and the State of Louisiana. In any event, this general cannot do them.

I chair the subcommittee that funds the energy and the water programs. As the chairman of the subcommittee that funds all of the water programs, I can tell the Presiding Officer that billions and billions of dollars have been sent to Louisiana and to New Orleans. I have supported all of that because they were hit with a devastating hurricane called Katrina. It caused dramatic injury to life and limb. No area of the country has been hit harder.

I include myself among all of those who say we have a responsibility and have begun to meet that responsibility in the most significant way that has been done for any State in this Nation at any time. I have been proud to do that. But what the Senator from Louisiana, Mr. VITTER, is demanding from the Corps of Engineers in a number of cases the Corps cannot legally do and in other cases the Corps will not do because the Appropriations Committee has already voted against it in a recorded vote.

To hold up the nomination to major general of a distinguished Army general for all of these months because one Senator is upset is horribly unfair to this general, Michael Walsh. I know him. I like him. He deserves his second star. The Armed Services Committee unanimously has said he deserves a second star. He does not have it. Now many months later, month after month, one Member of this Senate, Senator VITTER, has decided to extract from the career of this officer some penalty because he will not do something he cannot do. It is unbelievable to me.

I say to my colleague, if he wishes to object, I will come tomorrow. I will set a time. I wish he would come to the floor and object to my request and tell us why he believes this general can do that which the general does not have the authority to do. If he finally understands that this general cannot do what Senator VITTER wishes him to do, I hope Senator VITTER will stand aside and decide not to interrupt the fine career of this great military general.

I will not speak more about this, but I will come to the floor tomorrow, and I will notify his office when I am going to be here. I hope perhaps he will not

have others come and object for him. Perhaps he would bother to come to the floor and explain to this general, explain to the U.S. Army and the American people why this general, having served 30 years and served in wartime, is not able to get his second star and has had to wait month after month and more. It is unfair, it is wrong, and it needs to be corrected.

Let me again say that I believe 93 to 100—I am not sure of the number today; last week, it was 93; all of these nominations: Winslow Lorenzo Sargeant to be Chief Counsel for Advocacy of the Small Business Administration, reported out of the committee on September 16 last year, not acted on; Brian Hayes, National Labor Relations Board, reported out October 21 last year—the list goes on and on.

I guess it is a strategy—not just on this but virtually on everything—to object. In fact, there was one person on this list who is coincidentally from my State. That person was a nominee for the General Services Administration. Her name was Martha Johnson. Martha Johnson was nominated to be the head of GSA. GSA is the Federal agency that manages more property than any agency in the world. It manages all of the Federal property. One Senator put a hold on Martha Johnson's nomination. The result was there was not someone to run the General Services Administration for almost a year; I believe it was 10 months. Then, when we finally invoked cloture after great length, the vote on this nomination was 96 to 0. Not even the person who put the hold on for almost a year voted no. Everybody voted yes. The result was a Federal agency that desperately needed leadership did not have leadership for almost a year. Why? Because one Senator said: I am going to put a hold on this nomination because of some building someplace. They were upset about something. The result is that everybody pays. All the American taxpayers pay because we did not have the leadership in an agency that desperately needed the leadership. That is just an example.

It has been so unbelievably disappointing to see what is going on in the Chamber with all of these issues. I am almost inclined to think we should go through one by one and have 93 unanimous consent requests. Perhaps I will do that tomorrow or the next day. I know others will as well.

I guess if you object to everything, including having government work the way it is supposed to work, effectively and efficiently on behalf of the taxpayers in these agencies that need leadership—I do not quite understand why you come to the Senate if you believe the only answer is no. It does not need to be someone who decides the only answer is no in every circumstance.

Mr. President, I ask unanimous consent to speak for 5 minutes in morning business.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

FINANCIAL REGULATORY REFORM

Mr. DORGAN. Mr. President, this morning I was looking at something I have had on my desk for a long while. I was thinking about words and words that matter because there have been a lot of words recently about the issue of financial reform or Wall Street reform, how it is done, when it is done, whether it is done. I was thinking about the use of words and that words do not mean what they used to mean.

I went back, because I have kept this on my desk for a long time, to something that was sent out widely across the country. It was from something called GOPAC. It was kind of the start or at least the genesis of the collapse of comity and the use of good language and so on. This was sent out widely around the country to several thousand people. It said: We have heard all these candidates across the country say: I wish I could speak like Newt—meaning Newt Gingrich. I wish I could speak like Newt.

Then it said in the language that it sent out to people: You can speak like Newt Gingrich. It said: We have actually done a lot of work developing polling on contrasting words, and if you would like to speak like Newt Gingrich, here is some help for you.

Here are words. Then they sent this out. It says:

Apply these words to your opponent, to their record, to their proposals, their party.

They have a long list of words: sick, lie, betray, traitors, pathetic, threaten, corruption, punish, corrupt, cheat, steal, abuse of power. Use these words when you describe your opponents.

They said: Here are the positive words you should use when you talk about yourself: pro-flag, pro-children, pro-environment, liberty, principal, pioneer, truth, moral, courage, family. And the list goes on.

I thought when I received this a long while ago how unbelievably pathetic it was that there were merchants of destructive politics marketing this trash around the country. Yet they were and have for a long time. It is the case that they use pollsters to do this, to tell everyone what kinds of words exist that will motivate both negatively and describe your opponents—sick, pathetic, lie, betray—and what words would positively motivate your supporters. I was thinking about that, and I dug that out just because in recent days and weeks we have seen examples of language that matters and instructions by people of how to use language, even though it does not apply, to describe your position.

I was interested in seeing the results of a pollster who described the way to

attack financial reform. Again, it was not in the same way of the GOPAC polling to find the most destructive way you could describe something, but it was similar in the sense of, how would you construct something, notwithstanding the facts—how would you construct something to make an impression about something no matter what the facts might be.

This is from some polling work that was done. It says:

Frankly, the single best way to kill any legislation is to link it to the big bank bailout.

The words that would matter are these: No matter what the circumstances are, the single best way to kill any legislation is to link it to the big bank bailout. Words that work: “taxpayer-funded bailouts,” “reward bad behavior,” “taxpayers should not be held responsible,” “if a business is going to fail, no matter how big, let it fail.” If these words sound familiar, it is because you have heard them all on the floor of the Senate in recent days and you have heard them on television a lot in recent days. It is the issue of, how do you develop language that motivates people, notwithstanding the set of facts.

“It is not reform”—again quoting from the polling work—“it’s the stop big bank bailout bill.” That is important. This is not a reform bill; it is to stop the big bank bailout.

What we have here is the battle of polling. How can you describe words that work, language that works, notwithstanding the set of facts you might be discussing?

Ultimately, if we are going to effectively deal with Wall Street reform, reforming our financial system, it is not going to be with a battle of pollsters; it is not going to be regurgitating what one reads—here is how you motivate someone using these words. It is going to be that we think through what happened and then understand what do we do to make sure this cannot and does not happen again.

We hear a lot of talk about the need for bipartisanship. I would love to see that. I would love to see bipartisanship on specifically the kinds of remedies that have teeth, that are effective, and that are going to prohibit that which has happened to this country from ever happening again. That will not be done, in my judgment, by deciding to step back a ways and use a light touch. I am for the right touch; I am not for a light touch. I have seen the light touch for a decade now, or at least a substantial portion of the last decade.

We have had agencies, the SEC, and others in a deep Rip Van Winkle sleep. In fact, we had people come to the SEC who noticed what some folks were doing to bilk taxpayers and investors and nobody did anything. I was here when new regulators came to town and said: You know what. We are going to

be willfully blind for a while. It is a new day.

The fact is, regulation is not a four-letter word. The free market system works, but it works when there is a referee. The referees with the striped shirts and whistles are needed to call the fouls because there are fouls from time to time in the free market system. That is why we have regulatory capability and authority.

So the question of what kind of financial reform or Wall Street reform is developed is not going to be about the language of financial reform—which is what this is about, a document that has been distributed and that I heard quoted many times now in recent days. It is not going to be about the language but about the specific set of policies that will prevent what happened to this country from ever happening again.

I will come and talk about some of that, but I did want to say I was thinking about the issue of the use of words, and I find it pretty interesting to listen to the use of specific words and to listen to the menu of the language of financial reform that comes from the pollsters and then comes straight out of the mouths of others very quickly.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Tennessee.

Mr. CORKER. Mr. President, I ask unanimous consent to speak as in morning business.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

FINANCIAL REFORM

Mr. CORKER. Mr. President, I thank my friend from North Dakota, because I, too, for what it is worth, have been very distressed about the conversations around financial reform. I don’t think either side of the aisle deserves a badge of honor as it relates to the way this has been discussed. I agree with him that this is something way beyond using poll-tested language and should, in fact, be dealt with in a serious manner. So although I didn’t hear all the Senator’s comments, I agree with him that we ought to deal with this in a serious way.

Mr. President, you and I have had a number of conversations over the last weekend regarding financial reform. We have had a lot of conversations over the last year regarding financial reform. As I have watched the public discussions over the last several days, I have been greatly distressed. As a matter of fact, I spoke this morning to a large number of businessmen in Nashville, TN, and, candidly, became so angry thinking about the way this debate has evolved that I had to think about coming here today and controlling that and using that in a productive way.

I have noticed throughout the day that maybe the rhetoric has changed a

little, and I know that my friend and colleague from Virginia and my friend and colleague from Connecticut had a press conference earlier today to talk about some of the issues that are being talked about rhetorically. Let's face it, what is happening right now—and it is unfortunate for the American people—is that both sides of the aisle are trying to herd up folks with language that in many ways I don't think does justice to this issue, which is very important, is very difficult, and something that is very much needed in our country.

There has been a lot of discussion about this funding mechanism—this \$50 billion bailout fund, if you will. Those are someone else's words, by the way, not mine. The American people are probably tuning in, and in some cases they are wondering how we are jumping into the middle of this on the Senate floor without a lot of free dialogue.

The fact is, we have a financial reg bill that I hope comes before us soon that will deal with orderly liquidation so that when a large institution fails, it actually fails. I think that is what the American people would like to see happen. So there has to be a mechanism in place.

If a firm is systematically important to our country, there needs to be the tools in place to make sure it actually goes out of business. I don't think people in Tennessee like seeing that when a community bank fails it actually goes out of business, but when a large Wall Street firm fails we prop it up.

I wish the Senator from Virginia, who happens to be presiding, were on the floor so we could have a colloquy on this because the fact is, this is something that needs to be dealt with in legislation. We need to know we have a process where we deal with derivatives and we don't have a lot of people building up a lot of bad money, instead of doing it on a daily basis and they end up in a situation where there are huge obligations. We need to deal with some of the issues of consumer protection.

So, Mr. President, there has been a lot of discussion about how we create something called debtor-in-possession financing, so that when the FDIC comes in and seizes one of these large firms that fails, it has the money to keep the lights on and to make payroll and those kinds of things while it is selling off the assets of the firm.

The fund that has been discussed in this bill—and that is going to be changed, I know, and I am fine with that and think that is perfectly good—but this fund that has been set up is anything but a bailout. It has been set up in essence to provide upfront funding by the industry so that when these companies are seized, there is money available to make payroll and to wind it down while the pieces are being sold off.

Now, a lot of people have said this is a Republican idea. There is no question

this is something that Sheila Bair has proposed. The FDIC wants to see a prefund. The Treasury would like to see a postfund; they would like to see it come after the fact.

At this point I want to digress for one second and say I hope the reason that Treasury wants a postfund is not because, in lieu of having a prefund of \$50 billion from these large institutions, they want to see a bank taxed. As a matter of fact, I am going to be surprised if after Republicans argue against a prefund and it is changed, and the administration comes back and Chairman DODD comes back and we end up with postfunding—both of which do the same thing, I might add, and both of them work—but it will be interesting to see whether that argument basically leads to Treasury then having the ability to come back and do a bank tax. I think at the end of the day that is something they have been wanting to achieve.

So it is interesting how this debate is evolving. But let me go back to this prefund. At the end of the day, I think what all of us would like to see happen is to see these institutions go out of business. So do we put the money upfront to take them out of business or do we put it up on the back end where, in essence, what is happening is we are borrowing money from the taxpayers?

Would we rather the industry put up the money so the taxpayers are not at risk or would we rather that not happen and during a downtime, when it is procyclical, we actually get the firms to put up the money after the fact?

I think both of those, by the way, are nice arguments to have, and I think they should have been debated in the committee, and we can debate it on the Senate floor. But at the end of the day, to make the total debate about whether it is pre or post—neither of which are central to the argument because both work—it really doesn't matter. Either way we have to have some moneys available as working capital to shut down a firm. We can borrow it from the taxpayers, although I don't know if the taxpayers would like that very much. We can do it after the fact, as I have said, or we can put it in upfront by the industry. Either way it is going to be paid back by industry.

I will say that in the Dodd bill today there is postfunding; that if there are any shortfalls the industry will pay that back. So, again, it is kind of a debate that ends up being silly. The fact is, I know it is going to be changed. The essence of the bill, though, is the fact that we want to make sure these firms unwind and they go out of business.

Let me just talk about some of the arguments that are being made: Prefunding of resolution creates a system where certain participants are effectively designated as a protected class as a result of them paying into the fund.

I think that is ludicrous. That is a ludicrous argument. Now, what we could do, if it would make everybody happy, is instead of getting large firms to pay, we could get community banks to pay too. I don't think there would be many people who would be interested in that, but if we want to get everybody in the country and get the community banks in Tennessee—I am not interested in that, and I don't think the Senator from Virginia is interested in that—but if we want to do that, we can ensure nobody is part of the protected class. So I find that to be a ludicrous argument.

There is another argument: This allows such firms competitive funding advantage over smaller institutions such as community banks.

So, in other words, if we are saying these large firms, if they fail, are going to go out of business, and it is going to be more painful than bankruptcy, that somehow they are protected or have a competitive advantage, I find that to be kind of ludicrous, and I hope that argument is not used again. It probably will be, but I hope it would not.

Here is one I read recently: The fund is a signal to credit markets that the U.S. Government stands ready to prop up, bail out, and insulate large financial firms. Now that is an interesting one. The fact is, we are talking about orderly liquidation.

The existence of the fund allows managers of large financial institutions to conduct riskier practices, therefore counterparties will not feel obliged to perform due diligence because, in the event of stress, there is such a financial slush fund available to bail out unsecured and short-term creditors.

You have to be kidding me. That is absolutely the opposite of what is intended.

Now, let me say this before somebody tunes out. I think this bill has problems, and I think there are issues that need to be resolved around orderly liquidation. The Senator from Virginia and I both know what they are, and there are some flexibilities that have been granted to the FDIC, to the Federal Reserve, and others that need to be tightened. There are some words that instead of saying "shall" say "may." That is a very important word when you are telling an agency what they have to do or what they "may" do. So there is much in this bill that needs to be fixed.

I want to say that as the Dodd bill sits today, I could not vote for it. I absolutely cannot support the bill. But what concerns me is the rhetoric that is being used to talk about something that is very important to our country, and it is being used on both sides, I might add.

On one side they are saying the Republicans want to protect Wall Street firms. Well, I can tell you this: I think

there are very few Republicans who do not want to see financial regulation take place. I think there are very few Republicans who don't want to see it done the right way. Candidly, I think most Republicans and Democrats are listening to community bankers. They are not listening to Wall Street. That would be my guess.

So that rhetoric, to me, is off base. The rhetoric on my side of the aisle saying this orderly liquidation title basically keeps "too big to fail" in place, the central pieces of it, is not true. Are there some things around the edges that need to be fixed? Yes. My sense is, as I have said on the Senate floor, we can fix those in about 5 minutes if we just sit down and do it. I do not understand why the rhetoric has gotten to where it is. I would like to see us pass a bill that makes sense.

The kind of thing we should be talking about is not the fact that this is a bailout fund. By the way, whether it is "pre" or "post," that debate doesn't matter to me. The fact is, we have to have some debtor-in-possession financing available to wind these firms down, sell off the assets, make sure the stockholders are absolute toast, make sure unsecured creditors are toast, make sure it is so painful that nobody ever wants to go through this. We absolutely need to do that. The American people need to know we in Congress are not going to prop up a failed institution, that they are going to live the same life in capitalism that everybody else has to live. People in Tennessee, when they fail, they fail.

The kind of thing we ought to be talking about and have been talking about and I think can solve is that I think we ought to have more judicial involvement in the process. We ought to improve the bankruptcy process so that these large institutions have a more viable route through bankruptcy.

I think we ought to deal with the disparate treatment of similarly situated creditors. The fact is, the way the "post" funding in this bill is now set up, we do not. If a creditor receives more money than they should, that money is not recouped. We know how to fix that. I know the Senator from Virginia and I both know how to fix that.

Those are the kinds of things we need to be talking about.

Creditor prioritization—there is no question that right now in the bill, certain creditors can be treated differently by the FDIC than others.

We need to be looking at bankruptcy stacks so that people understand how much they are going to be paid back, and they are going to be in the same order they anticipate being in.

We need to be tightening the definition of a financial firm. Right now in the bill, the way it reads, an auto company could end up being part of this. Right now, it is not tight enough. An

auto company may be a stretch, but something other than a financial firm could be dealt with, the way the language is now reading. And certainly for sure Fannie and Freddie need to be treated the same as any other financial firm.

We need to have a solvency test to make sure regulators—that does not allow regulators the flexibility to protect firms in crisis.

We need to make sure there is a duration. In other words, if the FDIC comes in and has to take over, after due process—three keys being turned—take over one of these firms that has posed systemic risk, we need to know there is an end date. I know the Senator from Virginia and I absolutely agree that conservatorship should not be on the table. This is only a receivership and those firms should go out of business, and that, no doubt, should be language added. It is not in there right now.

There are a number of things like this. I could go on and on. I am probably boring much of the watching audience, if there is any, with some of these technical issues, but those are the kinds of things we in this body ought to be talking about. They are important. They matter. But to use up time with rhetoric that, in essence, is used to sort of brand something in a way that really isn't the way it is, to me, is not productive. I did not come here to do that.

Again, I think both sides of the aisle tried to cast the characters in certain ways. It is this herd process that happens around here. Everybody wants to get everybody on the same team. What we do is we use rhetoric that charges people up and gets everybody on the same team. I do not like that process. I do not want to be a part of that process.

I have joined with other Republicans to try to make sure this bill gets in the middle of the road. I have done that on the basis that both sides are going to deal in good faith.

I know the Senator from Virginia knows we went through a process with this bill where we voted it out of committee in 21 minutes—a 1,336-page bill we voted out of committee in 21 minutes with no amendments. The stated goal was to make sure that both sides did not harden against each other and that we could negotiate a bill before it came to the floor—came to the floor—we would negotiate a bipartisan bill. That is why it was stated that we did that. How can responsible Senators, 23 Senators, all of whom have problems with this bill—how can you vote something out of committee in 21 minutes with no amendments unless you know that a negotiation process is going to take place afterward to create a bipartisan bill? Nobody in their right mind would have agreed to do that.

What I would say to my friends on the other side of the aisle and what I

would say to the folks at the other end of Pennsylvania Avenue, who seem to be turning up the rhetoric—I take it as a commitment from my friends on the other side of the aisle that we are going to negotiate a bipartisan bill and we are going to do it in good faith. But I also expect the same on my side of the aisle, that we are going to negotiate in good faith to get a bill and that before it comes to the floor the major template pieces will be worked out, the issues around consumers, the issues around orderly liquidation, and the issues around consumer protection.

As I have mentioned, there are a number of issues we need to debate here on the floor that, to me, are outside the realm of the template itself. I hope this body—I know the Senator from Virginia and I have worked together a great deal. I know we both came from a world that was different from this. I have become greatly distressed. I get distressed at both sides of the aisle when we have an important issue such as this and we turn it into sound bites.

I hope, again, over the next several days—this bill has been through so many iterations. Everybody who has worked on it understands what is in it. Everybody understands what the points are on which we disagree. As a matter of fact, if we do not end up with a bipartisan bill, it is not going to be over philosophical issues, it is going to be over the fact that the two sides just decided they didn't want to do it. It is going to be over the fact that it takes both sides.

The fact is, the White House can make an issue out of this. I know things are not going particularly well in the polling areas. I know my friend from North Dakota talked about polling data and testing things and all that. I realize things are not going particularly well. Maybe this financial reform bill can be something that changes that. Maybe if you push the bill as far to the left as you can and you dare Republicans to vote against it, maybe that is a good thing. That is not what I came here to do. I do not think that is what the Senator from Virginia came here to do. I know that if Republicans brand this bill as prolonging too big to fail—that is what we are doing—then we might be able to keep the bill from passing that way too.

I hope all of us will sit down and do what we came here to do, and that is to create good policy for the American people.

I am very distressed about where we are today. What I hope is happening is that this is just a bunch of buzz and that our committee staffs and the chairman and ranking member are actually sitting down, having serious discussions, and that very soon we are going to come forth with a bill that is bipartisan, where we can debate it on

the edges and end up passing legislation that stands the test of time.

I hope that bill will deal with the very core issues that got us into this crisis. And we can castigate all kinds of people. There is enough blame to go around. You almost couldn't find a regulator, a credit rating agency, a firm, management that was not in some way involved in helping create this crisis. There is a lot of blame to go around. But I hope the bill, at the end of the day, will also address, as I have stated every time I have come to the floor on this bill, the whole issue of underwriting; the fact that at the end of the day, at the bottom of this, whether you read what happened supposedly with Goldman on Friday, you read about these synthetic CDOs where they were not even really underwriting mortgages there—in reality, they were just doing something that reflected what certain mortgages would do—at the end of the day, it still was about the fact that in this country, we wrote a bunch of mortgages that couldn't be paid back. You can talk about this all you want, but the underwriting, the bad loans that were written, at the end of the day, are what created much of this crisis. Candidly, I don't think much of this bill addresses that. I hope we will address that more fully before this bill comes to the floor.

With that, I think I have taken up my allotted time. I thank the Members of this body for their patience. I hope we will do the work that needs to be done here. As I mentioned, at this point I don't think either side of the aisle deserves a badge of honor, but I hope over the next several days that will change. I hope our rhetoric will be tempered. I hope our discussions will center around those things that really matter and will not be used to basically get people in the public off on rabbit trails or try to herd our teams together.

Mr. President, I look forward to working with you as we try to complete this bill.

I yield the floor.

Mr. BAUCUS. Mr. President, I would like to return to the nomination of Dr. Lael Brainard.

Today, at long last, the Senate is considering the nomination of Dr. Lael Brainard to be Under Secretary of Treasury for International Affairs.

President Obama nominated Dr. Brainard more than a year ago, in March of 2009. After an extensive vetting process, the Finance Committee held a hearing on her nomination in November of last year. And the Finance Committee favorably reported her nomination with a bipartisan majority in December of last year.

The path to her Senate confirmation has been neither short nor easy. But throughout this process, Dr. Brainard has demonstrated persistence and determination.

These vital qualities supported her well as a nominee. And these qualities will support her well as she assumes her responsibilities as Under Secretary of Treasury.

The world economy is emerging from a deep economic recession. America must lead the way to recovery. And we must do so by creating jobs, reducing unemployment, and encouraging smart, balanced growth here at home.

But the health of the global economy does not rest on our shoulders alone. In fact, the recent financial crisis has demonstrated how interconnected our world is.

The world's many national economies have the potential to rise together. And they have the potential to fall together, as well.

To ensure a stable, prosperous economic future, countries must work together to support balanced economic growth. No country can rely solely on export-driven growth, just as no country can rely solely on its domestic consumption.

But this economic rebalancing will not happen overnight. The global economic downturn has been powerful because of its persistence. And we must be just as persistent and determined in our efforts to overcome the effects of this crisis.

As Under Secretary of Treasury for International Affairs, Dr. Brainard will lead our bilateral and multilateral efforts on these issues. She will work with key trading partners such as China and the European Union. And she must help to guide our country from an economic recovery to economic growth.

Dr. Brainard has demonstrated that she has the knowledge, skills, and abilities to confront the tasks that lie ahead. She is brilliant and hard-working.

She has shown the tenacity and doggedness necessary to be successful as Under Secretary for International Affairs. And she has revealed that she has the persistence and determination to address the vital issues facing America and the global economy today.

I might add, I worked with Dr. Brainard during the Clinton administration. A very key question is, What would the U.S. economic relation be with China? Up to that point, America had annual extensions of MFN for China. They were contentious. They caused more problems than they solved, and I spent some time with the President and others in the Clinton White House and then later worked with Dr. Brainard as we moved away from these annual extensions of MFN and more toward PNTR with China.

It was a hallmark change in United States-China economic relations. I think this worked out very well for our country's best interests. I must say it has also helped China. We pursued that objective, in part, because that meant

China could then be a member of the WTO, and once China became a member of the WTO—that is, the World Trade Organization—that would help China live up to world standards that other countries were living up to under WTO.

Again, Dr. Brainard, throughout this confirmation process, has shown her dedication to serving the Treasury Department, the President, and the American people. I am confident—and I am confident because she has had deep experience and she is very talented; she is very good—I am confident she is up to the task for which she has been nominated.

I urge the Senate to approve her nomination.

I now ask unanimous consent that the assistant majority leader, the Senator from Illinois, be recognized to speak on whatever topic he chooses.

The PRESIDING OFFICER (Mr. KAUFMAN). Without objection, it is so ordered.

The Senator from Illinois.

Mr. DURBIN. I ask unanimous consent to speak for 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DURBIN. I thank the chairman of the Finance Committee.

This is the Executive Calendar. It contains the names of the nominations the President of the United States has sent to the Senate for confirmation. It is an orderly process, a historic process. It has happened thousands and thousands of times. Very few times do we have a lot of controversy associated with these names. If there is a controversy, ultimately there is a vote—a debate, and then a vote.

But now there is a new approach being used by the minority side. That approach is to basically use one of three options: stall, stop, and kill. What they are trying to do, for the 104 nominations sent by President Obama, is to hold them on the calendar as long as possible so it is difficult for him to organize his administration and move forward.

There are some key positions. The one the Senator from Montana spoke of is the nominee for Under Secretary of the Treasury for International Affairs. We are concerned about the state of the American economy, our competition in the world, how we stack up against countries such as China.

There is an allegation, which I think is valid, that the Chinese are manipulating their currency so they continue to take jobs away from the United States. It gives them too big a competitive advantage. Here is the Under Secretary for International Affairs who would be tasked with looking into that issue to try to help American businesses, small and large, and to save American jobs and this nomination now sits on the calendar with 103 others.

What you find is that of those 104 nominations, most of them went through the committees on their way to the Senate floor with unanimous votes or overwhelming majority votes. There is no controversy associated with it.

Mr. DORGAN. Would the Senator yield for a question?

Mr. DURBIN. I would be happy to yield.

Mr. DORGAN. Mr. President, I wonder if the Senator from Illinois knows who has a hold on that nomination.

Mr. DURBIN. I do not know. Does the Senator know?

Mr. DORGAN. No, I do not. The reason I asked the question is these holds are, in some cases, anonymous. I spoke earlier today about a hold on a promotion for one of the generals in the Army to be a major general that has now been held up for nearly 6 or 7 months by Senator VITTER.

I use his name because I told him I was going to because he is demanding of this general something the general cannot do. I mean, that is an example. We happen to know where that hold is from.

But of these other 100-plus nominations, they sit here, day after day, month after month, and someone has put a hold on them for some reason. If I might mention one other, the woman who was to head the GSA, that was vacant for nearly a year because of a hold of one Senator, and when we finally got around to voting for her, it was 94 to zero.

The Senator who held her up for a year even voted for her. That is the kind of game that is being played. It is unfair.

Mr. DURBIN. I agree with the Senator from North Dakota. I would say to those Senators who have holds on nominees: Come to the floor and explain to the American people why you believe these people should not be serving in our government. If you think there is something wrong with them, if you think they are unqualified or there is some issue involving their character or integrity, do you not owe it to these nominees to step forward and say so?

I have held some nominees in the past but was open and public about it for a specific purpose. Recently, under the Bush administration, I was looking for a report from the Department of Justice. The report was sent. The hold was lifted as quickly as it was sent. Those things I understand.

But to hold these people indefinitely in anonymous holds, secret holds, and never state the reason why is fundamentally unfair. It is unfair to the nominee who has gone through this process of FBI checks, background checks, poring through income tax returns, questions about their personal and private lives most Americans would not want to face.

They finally get through the nomination process, the President sends their

name, and now they are being held up on the calendar indefinitely, 104 different people. I think we owe it to them, we owe it to the President and to the country to do this in an honest, orderly way.

During the course of this week, Members of the Senate are going to come to the floor and ask to move these nominees forward. I hope those on the other side who have the courage to hold them will have the courage to stand and explain why. That, I think, is critical.

FINANCIAL REFORM

There is another issue involving a hold, which goes to a much larger issue. We will have a bill before us soon, reported from the Banking Committee, that is long overdue. This bill is Wall Street reform. Our country has been through one of the toughest economic downturns in modern memory. For 80 years, we have never seen anything like what we are going through now.

Some 8 to 14 million Americans have lost their jobs, \$17 trillion in value was taken out of the country. Virtually every one of us with a savings account or retirement account knows what that meant. We lost value in things, our nest eggs, the money we put away for our future.

We know businesses failed, way too many of them. We know a lot of people lost in that process, losing their jobs, losing retirement income, losing their health insurance. Investors lost when the stock market went down to about 6,500 on the Dow Jones average. It is now back up in the 10,900 or 11,000 range. But with all that downturn in the economy, people stood back and said: What happened? What did we do wrong?

Well, mistakes were made. Many mistakes were made in Washington. I will concede that point. But a lot of mistakes were made on Wall Street with the biggest financial institutions. The worst part of it was, when these financial institutions were about to take a dive and go down, where did they turn? The American Treasury, the taxpayers of this country.

They said, under the Bush administration: We need a bailout, \$700 billion in taxpayer money to Wall Street to overcome the mistakes we made and keep our banks afloat and insurance companies, in some cases, because of the big problems we have, problems many times of their own creation.

They received the money. Many of us had a stark choice. We were told by the Secretary of the Treasury and the Chairman of the Federal Reserve: If you do not send this money up to Wall Street and these banks and insurance companies go down, the economy will follow them, not just in America but globally.

So we voted for this bailout money. I did not want to do it. But I thought it was a responsible thing to do. Well, it

turns out some of these banks and other institutions are paying back the money, with interest. The taxpayers are okay; but, by and large, a lot of others are not. We have to ask ourselves: Do we want to run through this script again? Do we want to see this movie happen next year or the year after?

The obvious answer is no. So the Banking Committee sat down and said: Let's rewrite the rules. If they are going to act like a bank and be protected like a bank, they should have the oversight of a bank. If they want to loan money on a bad loan, and they do not have a reserve, do not ask the taxpayers to stand and make up the difference. That is part of what we are doing with this financial reform bill, to try to create the rules and oversight from organizations and agencies in Washington to make sure the taxpayers do not end up footing the bill again.

Secondly, this whole world of derivatives, which I thought was explained very ably by the Secretary of the Treasury over the weekend, is basically either an insurance policy that someone buys to make sure, if they are entering into a contract on a premise that they are going to make some money and they do not make money, they are protected—or it is a basic bet. They are basically betting on something that is going to occur, even if they do not have a personal interest in it.

Well, these derivatives got out of hand, so out of hand that there was a lot of gaming that went on. We try to clean this up. I, of course, am partial to the Chicago model, where in the Board of Trade and Mercantile Exchange we have had transparency and open-market dealing in derivatives for decades. I think that is the answer. Let's put this all out in front of the public so they know exactly what is going on. Stop the backroom deals on Wall Street.

The third thing is to create a consumer protection agency so average consumers across America have a fighting chance when banks and credit card companies dream up new ways to fleece us. It happens with regularity. We know it does. So this agency would be there to make sure these financial institutions are honest with consumers.

We do have agencies of government that make sure the toasters you buy do not explode in your kitchen. You expect as much, do you not, that some agency is going to make sure that product is safe? What about your mortgage? Should you not have the same peace of mind that when you walk out of the closing, you have not fallen into some trick or trap that is going to catch up with you later on?

Well, that is what we did. The Banking Committee had this financial regulatory reform bill. Senator DODD of

Connecticut went to Senator SHELBY of Alabama, the ranking Republican, and said: Let's make it bipartisan. He worked with Senator SHELBY for several months, and ultimately Senator SHELBY said: We cannot reach an agreement.

Then he sat down, Senator DODD did, with Senator CORKER of Tennessee, who just spoke. Senator CORKER is a man I respect very much. They tried to work together. They spent about a month at it. It led to nothing. So Senator DODD said: Well, at this point, we ought to move it to committee. Let's have the amendment process. Let's find out what this bill is going to look like. Let's have a debate. It was brought to the Banking Committee with over 400 amendments pending. The Republicans decided, at the committee, they would not offer one amendment to the bill.

Instead, the Republican ranking member said: Just vote it in or out. They voted, partisan rollcall. Democrats voted it out. It is now on the floor and will be up next in consideration.

The Republican minority leader, Senator McCONNELL of Kentucky, comes to the floor last week and says: We are going to oppose the bill because it is another taxpayer bailout. He fails to mention that what has been built into the bill, with Republican input, is not a taxpayer bailout at all. It is says to the banks, which would be protected: You have to create your own liquidation fund so if you get in trouble, the taxpayers do not end up holding the bag.

This has to be bankers' money, not taxpayers' money. So if there is any bailout, it is a bailout of, by, and for bankers, for their institutions, so the taxpayers do not end up holding the bag, again.

So Senator McCONNELL's characterization of what this bill does is not accurate. It charges up people to hear about another bailout, as we would expect. But it does not tell the story. Then comes a decision by the Republicans, 41 of them, to sign a letter to say they oppose this bill. They did not participate in creating it, they oppose it.

One of the Republican Senators said: That means we are going to vote against your even bringing it up. We are going to start a filibuster against this bill to try to stop it.

Well, I would ask my Republican colleagues, all 41 of them, to pause and reflect for a moment. When Senator McCONNELL was selling to his Republican caucus tickets on this "pleasure cruise" to end financial reform, to end this reform of Wall Street, there were pretty calm seas. But last Friday something happened that changed the picture.

The Securities and Exchange Commission filed a civil action against Goldman Sachs and said they had been

engaged in conduct which was literally reprehensible. They were basically misleading the people who were investing in their investment products and steering the business for an outcome.

It truly was the worst, at least the allegations of the complaint, are the worst in corporate greed at the Wall Street level. I would urge my colleagues on the Republican side to think twice about the letter you signed that said you do not want to be part of a reform effort. Most of America is fed up with what is going on, on Wall Street.

This latest action by the SEC is clear evidence of the problems. Those who signed the letter for this pleasure cruise trip have come onto some rough seas now with this SEC action. I would think, if they look closely at that ticket that they have for this pleasure cruise with Wall Street, they will find they are on the SS Titanic. They are about to hit an iceberg because the American people are fed up with what has happened on Wall Street: Taking taxpayers' money for a bailout, using the money for bonuses for CEOs who made these boneheaded mistakes, taking it out on investors and savers across America, and then saying to Congress: Whatever you do, our friends in Congress, do not let them change the laws and make it more difficult.

Well, the American people want us to have laws that will protect them in their investments, in their savings, that will guarantee transparency. They do not want us to continue down this path where we are allowing the financial institutions on Wall Street to engage in practices that are ultimately going to harm the economy. We do not want to see a rerun of this recession.

We need to move to this financial regulatory reform bill after we consider nominations, and I hope—I hope—a few of the Republican Senators who are genuinely committed to reform will not get on a pleasure cruise with Wall Street. We would rather have them roll up their sleeves and join us, going to work to bring real reform.

Mr. President, I yield the floor.

Mr. NELSON of Florida. Mr. President, will the Senator yield for a question?

Mr. DURBIN. I would be happy to yield.

Mr. NELSON of Florida. Would the Senator believe the latest iteration of objection by the other side to this Wall Street reform effort is what I heard this morning: that they now say this legislation should not be rushed through the Senate?

My question to the distinguished assistant majority leader is, How many months have we been working, and working in a bipartisan fashion, on this legislation?

Mr. DURBIN. I can say, to my knowledge, 6, 8 months—maybe longer—this has been in the process. It passed over in the House of Representatives. It

came over here, and I know it has been under active consideration. We did have health care reform going. But I know Senator DODD and the Banking Committee, at least for the last several months, have been working with the Republicans trying to engage them in this process. So to say this is being sprung on them without notice I do not think is accurate.

Mr. NELSON of Florida. Does it seem to the Senator—Mr. President, if I may continue a question—does it seem to the Senator there is something eerily symmetrical here in the way there is always the cry that it is being rushed through the Senate Chamber? Did we hear echoes of that over the course of the last year with regard to health care legislation?

Mr. DURBIN. In response through the Chair to the Senator from Florida, after the Senate in the HELP Committee adopted 150 Republican amendments to the health care bill, every single Republican on the committee voted against it. And you know what happened—the same, of course—in the Senate Finance Committee. And then the complaints were made that after 14 months of active consideration of this measure, we were somehow rushing it through.

It is the same story. It is the same script being played over and over. As I said—I do not know if the Senator from Florida was on the floor—the basic policy on the other side of the aisle is stall, stop, and kill. And this approach—saying no to everything, refusing to engage in even writing a bill—is not serving our Nation. There are things we need to do, and this is one of them.

Mr. NELSON of Florida. Mr. President, I ask unanimous consent to speak for up to 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. NELSON of Florida. Mr. President, I want to speak on this legislation as well, this legislation we are finding is strongly opposed by the Wall Street banks, which have fared so very well at taxpayers' expense and now do not want any kind of legislation that will call on them to have any kind of transparency and checks and balances on what has been an intolerable situation.

If this motion to proceed to the financial reform bill fails, obviously, it is going to be the American taxpayer who is going to suffer. When we get around to considering the motion to proceed, if it is denied, it will be a vote in favor of keeping the status quo. It will be a vote in favor of \$700 billion bailouts, reckless financial risk taking, and all the other problems that come with our current financial regulatory system.

Is anybody satisfied with what we have been through over the past couple of years? I do not think a vast majority

of the American people are satisfied. To the contrary, I think they are outraged as to what they have seen on Wall Street and thus the need for Wall Street regulatory reform.

Last week, I had spoken on the need to reform compensation practices on Wall Street. I have put forth a specific proposal that would tie future tax deductions for huge executive compensation at big financial institutions to the adoption of responsible performance-oriented compensation standards. What I have suggested are standards that have been developed already by the Federal Reserve System and the Financial Stability Board, which is the council of major central banks.

Some financial institutions have already begun to implement these standards. But we need them to apply to all those major financial institutions. It only takes one reckless and irresponsible institution to wreak havoc on our financial system. So by requiring the very largest banks to tie the pay of their highest paid executives to the long-term performance of that financial institution is sound, responsible reform we should be able to agree on. Remember, it has already been adopted by the Federal Reserve Board and the Financial Stability Board, which is the council of major central banks.

But today I want to address another important aspect of financial reform that is related to this complicated thing called derivatives regulation and energy speculation. Let's take derivatives. It is arcane. It is abstract. It is something folks do not understand. It is very difficult to understand. In essence, some of the examples I am going to give are—you can think of it as an insurance policy, a derivative. It is a derivation of normal financial instruments. Some derivatives provide companies with legitimate backup insurance. It is a way to hedge against the risk in the marketplace.

But the market for derivatives has gotten out of control. Many of those derivatives today are simply bets—basically gambling bets—between banks that do little if anything to benefit the Nation's economy. They help create financially speculative bubbles that increase prices, whether it is the prices at the gas pump or in the checkout line in the supermarket, but also the experience we have had that increases the prices in our housing market.

In the area of derivatives regulation, the Banking Committee bill creates some commonsense safeguards to improve accountability and transparency. Over the last two decades, much of the activity on Wall Street has moved away from traditional investment banking and asset management and into this speculation on derivatives trading. For example, in the 10-year period between 1998 and 2008, the value of outstanding derivatives grew from less than \$100 trillion to nearly \$600 trillion.

They can play an important function in managing risk, whether it is an interest rate, foreign exchange, or energy price risks. But when you allow investors to leverage all of their investment, derivatives allow speculators to take on much more risk with much less capital.

Because the trading of derivatives is largely conducted in unregulated, over-the-counter markets, the reckless speculative positions taken by companies such as AIG and others nearly brought down the financial system. Because derivatives are used to speculate on all types of goods—not just securities—they can have significant consequences in other parts of the economy.

In early 2008, we saw the price of oil hit stratospheric heights, largely because of excessive speculation in oil and energy derivatives. There are a number of us in the Senate who have worked to close the so-called Enron loophole and clarify that energy derivatives should be traded on a regulated exchange and treated like other commodity derivatives.

The financial reform bill that is coming to the floor addresses problems in the derivatives marketplace by requiring that derivatives be traded through clearinghouses and public exchanges. It authorizes the Commodity Futures Trading Commission to establish speculative position limits on the amount of exposure that any one investor can take. For example, if you are going to be buying and selling these things on the exchanges, the person buying it—instead of turning right around and trading it—is going to have to buy and keep and hold a certain percentage of the acquisition.

These are important first steps. But the bill coming here from the committee should do more to protect the taxpayers, and it should do more to stop the excessive speculation that can drive up prices. Take, for example, gas prices. I am going to be offering an amendment to do just that. It is going to require that regulators set hard caps on the positions taken by energy traders. In other words, there would be only a certain amount they could buy of all that particular speculative product.

My amendment would eliminate the loopholes in the bill that will come to the floor that would allow these unwarranted exemptions from those limits. The amendment would require these limits be put in place by a date later this year.

I am concerned the committee bill coming to the floor retains current rules in the Bankruptcy Code that give the so-called counterparties in derivative contracts special, preferred treatment when a firm becomes insolvent. This special treatment ensures that Wall Street banks and other large traders are put at the front of the line over an insolvent firm's customers.

I want to give you an example. It was most apparent in late 2008 when bil-

lions of taxpayer dollars were given to AIG, which was deemed too large to fail. Then those taxpayer dollars in the bailout, through the TARP funds, actually flowed through to counterparties, which were people who had bought these derivatives like insurance policies, and they paid them off.

Goldman Sachs received \$13 billion from the taxpayers through the Federal bailout of AIG. Do you think that goes over well on American Main Street, when they see Wall Street having the Federal Government saving a firm like AIG and then it turns around and pays off on those speculative derivatives—in this case, to Goldman Sachs for \$13 billion? That does not go over very well, and it is not fair.

We simply need to eliminate the special treatment Wall Street banks and other financial firms that hold large derivative positions receive in the bankruptcy and liquidation process.

I am going to offer an amendment to clarify that those derivative counterparties—such as that insurance policy for which I gave the example where AIG paid off Goldman Sachs—those kinds of speculative ventures are never again going to jump to the front of the line in the bankruptcy process—ahead of whom? Ahead of taxpayers and customers and other creditors.

It is time for us to move ahead with financial reform. So when we get around to whether we are even going to take up this bill, a vote against the motion to proceed to get to the bill is a vote against reform. It is a vote in favor of continued bailouts. The Banking Committee has produced a strong committee bill, and I hope here on the floor, with amendments, we will make it even stronger. I hope our colleagues will join us in this effort.

Mr. President, I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. FEINSTEIN. Mr. President, what is the pending business?

The PRESIDING OFFICER. We are in executive session.

Mrs. FEINSTEIN. I will speak on the nominee at this time.

I come to the floor to support the nomination of Dr. Lael Brainard to be the next Under Secretary of the Treasury for International Affairs.

Before I proceed, let me say I have known Lael Brainard for some time. We participated together in a strategy group held by the Aspen Institute, I think, for more than a decade now. I found her to be very incisive and bright. Additionally, in the course of her work at the Brookings Institution's Global Economy and Development Program she has worked with my

husband over a period of some 6 years now. He has gotten to know her well as well.

On March 23, 2009, President Obama nominated Dr. Brainard to be the Under Secretary of the Treasury for International Affairs. This is an especially important position in the executive branch, and never more so than during this very critical time for the domestic and global economies. Yet her nomination has languished for more than a year—another casualty of obstructionist behavior, I believe, from our colleagues across the aisle.

The Under Secretary position for which Dr. Brainard has been nominated focuses on three primary objectives: First, fostering U.S. economic prosperity by pursuing international policies and programs that help strengthen and grow our very own economy, create job opportunities for Americans, and keep global markets open for American exports; second, ensuring U.S. economic stability by promoting the American economy and working to prevent and mitigate financial instability abroad; third, strengthening U.S. economic security by supporting the administration's foreign engagement through the multilateral development banks to manage global challenges.

The Treasury Department needs a qualified person such as Dr. Brainard in this vital leadership position—especially at a time when the Department is continuing its efforts to ensure economic growth, engage China on economic issues, and advance our global recovery agenda following the financial crisis.

As a matter of fact, the Secretary of the Treasury himself has called about this position simply to say how important it is that she get confirmed at this time. I had the privilege to talk to Senator KYL about it yesterday by phone, and I am hopeful this confirmation will take place this evening without further delay.

Let me speak for a few moments on her track record of service. I see her as a devoted public servant, someone who has spent most of her career serving our people. She has held several senior positions in the administration and in the nonprofit and academic sectors, including Deputy National Economic Adviser for President Clinton; Vice President and Founding Director of the Brookings Institution's Global Economy and Development Program, which is where my husband has worked with her for the 6 years, as I mentioned; and associate professor of applied economics at MIT's Sloan School.

She has also served as a White House fellow and a National Science Foundation fellow, among numerous other professional achievements.

In short, she is eminently qualified for this senior administration position for which she has been nominated.

Despite these excellent qualifications and her impressive resume, however,

her nomination has languished in the Senate for more than a year. It is time to get it done this afternoon.

Dr. Brainard was nominated by President Obama on March 23 of last year. She was favorably reported by our colleagues in the Senate Finance Committee in December of last year. However, a hold was placed on her nomination, as well as that of two other senior Treasury nominees.

Many questions have been raised about her personal income tax returns, business partnerships, and the hiring of household employees, all of which are done jointly with her husband, Kurt Campbell. Mr. Campbell—whom I have also known because he participated in the same Aspen Strategy Group for more than a decade—is currently the Assistant Secretary of State for East Asian and Pacific Affairs, a position to which he was unanimously confirmed on June 25, 2009. So the same questions were asked of him as were asked of Lael Brainard.

She has responded to questions in multiple rounds from majority and minority staff. She has answered every question asked of her and provided hundreds of pages of submissions in a forthcoming, honest, and direct manner. Clearly, at some point, there were some differences of opinion for some Members, but that has been settled, to the best of my knowledge. She submitted the same paperwork about taxes and the hiring of household employees as Mr. Campbell did during his confirmation, and during that time neither the Foreign Relations Committee nor any Member of the full Senate raised any concerns regarding this information.

As the United States is entering a particularly intense period of international engagements this spring and summer, I believe Dr. Brainard's confirmation is essential to ensuring effective U.S. policy coordination and implementation.

I wish to point out that she has broad bipartisan support, as well as the support of a multitude of nongovernmental organizations and businesses. She is supported by the U.S. Chamber of Commerce, the Business Roundtable, U.S. Council on International Business, Business Council for International Understanding, Council of the Americas, Coalition of Service Industries, the Emergency Committee for American Trade, the National Foreign Trade Council, and the National Association of Manufacturers.

In my opinion, she is a woman of strong common sense, integrity, credibility, and sound judgment. She is exceptionally well qualified, and I urge my colleagues to approve her nomination without further delay.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REED. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REED. Mr. President, I rise today in support of the nomination of Lael Brainard to be Under Secretary of the Treasury for International Affairs.

I know Lael personally. She is a renowned expert in international economics, a dedicated public servant, and is highly qualified for this important position. I had the privilege of working with her when she was a member of the Clinton administration as Deputy Assistant to the President for International Economics. Then she went on to be a vice president and founding director of the Brookings Institution's Global Economy and Development Program and then an associate professor of applied economics at MIT's Sloan School.

She has extraordinary credentials and experience, but she is also, in addition to that, someone who has a wide ranging interest in international economics, international affairs, and international security policy.

She is someone I have known for many years, someone I respect immensely for her judgment, her maturity, and her dedication to not only the country but also to ensuring that our policy reflects our highest ideals, as well as advances our cause around the world.

She has been nominated for a very critical position. International economics is no longer a secondary concern. It is of primary concern, if it ever was a secondary concern. We are now approaching a time when our relationships with the world's economies are no longer one of the strong versus the many smaller economies. We are in a very competitive global economy, and we need this type of representation in the Department of the Treasury. We have to engage China, and no one is more thoughtful and better prepared to do that than Lael.

We have to stabilize this economy through this financial crisis which we are seeing not just in terms of private markets but the situation in Greece, the issues of sovereign debt. All of these cry out for an individual in the Department of Treasury who is not only well versed but also in place to do the work. Again, I can find no higher qualified candidate than Lael.

We have to expand export opportunities. The President has rightly called upon this country not only to begin to grow again but to direct our growth away from domestic consumption to export. We need someone in the international arena fighting for us, the United States. We need an individual who is responsible and accountable for that effort. Again, I cannot think of a

more experienced, more dedicated, and more qualified individual than Lael.

We have been waiting, the Department of Treasury has been waiting, Lael Brainard has been waiting, since December 2009 for confirmation. That is a long time to put a high priority issue on the back burner.

What is ironic is it appears no one is challenging her experience, her credentials, her demeanor, her temperament—anything. She is collateral damage, if you will, in another dispute which is not one of the most significant and commendable parts of the process here. We all have issues with individual candidates, but after those issues are well ventilated and since December 2009—that is a long time—we have to take it to a vote up or down. I urge that her nomination move forward this evening. She is extraordinarily qualified, and she is someone who can take on the extraordinary challenges of this job.

Frankly, right now we have wasted months and months through this process where we could have had the very best person available focus on the international competitiveness of the United States, and I think our constituents demand it.

Mr. KERRY. Mr. President, I urge my colleagues to support the nomination of Dr. Lael Brainard to be Under Secretary of the Treasury for International Affairs. This is a vital role and it is important that we fill this position during this time of immense global challenges. The filling of this position is long overdue. Dr. Brainard is highly qualified and we are fortunate that a candidate of her quality is willing to serve.

The Under Secretary for International Affairs is critical to the administration's efforts to engage China on economic issues, stabilize the global economy following the financial crisis, expand export opportunities, and pursue reforms and effective U.S. investments in the multilateral development banks.

Dr. Brainard attended Wesleyan University before receiving a Master's and Doctorate in Economics from Harvard University. She is the recipient of a White House Fellowship and Council on Foreign Relations Fellowship. During the Clinton administration, Dr. Brainard served as Deputy National Economic Adviser and chair of the Deputy Secretaries Committee on International Economics. Prior to joining the Clinton administration, she was an associate professor at the MIT Sloan School. She currently serves as vice president and founding director of the Global Economy and Development Program at the Brookings Institution.

During her tenure with the Clinton administration, Dr. Brainard faced global economic challenges, including the Asian finance crisis, the Mexican financial crisis, and China's entry to

the World Trade Organization. She helped shape the 2000 G8 Development Summit that for the first time included leaders of the poorest nations and laid foundations for the Global Fund to fight AIDS, TB, and malaria.

Over the years, Dr. Brainard has written extensively on international economic issues. In recent years, she has focused on the links between U.S. competitiveness and climate change policy. As we address climate change issues, it will be helpful to have someone with her knowledge as part of our team.

President Obama nominated Dr. Brainard back in March and I appreciate her patience with the process. I look forward to working with Dr. Brainard to address the international economic challenges that we face.

Mr. LEAHY. Mr. President, the majority leader has taken a significant step to address the crisis created by Senate Republican obstruction of President Obama's highly qualified nominations and the Senate's advice and consent responsibilities. Regrettably, Republican obstruction has made it necessary for the majority leader to file cloture to bring an end to Republican filibusters and allow the Senate to consider at least some of the long-stalled nominations languishing on the Senate's Executive Calendar.

In a dramatic departure from the Senate's traditional practice of prompt and routine consideration of non-controversial nominations, Senate Republicans have refused for month after month to join agreements to consider, debate and vote on nominations. Their practices have obstructed Senate action and led to the backlog of over 80 nominations now stalled before the Senate, awaiting final action. The American people should understand that these are all nominations favorably reported by the committees of jurisdiction. Most are nominations that were reported without opposition or with a small minority of negative votes. Regrettably, this has been an ongoing Republican strategy and practice during President Obama's presidency.

Twenty-five of those stalled nominations are to fill vacancies in the Federal courts. They have been waiting for Senate action since being favorably reported by the Senate Judiciary Committee as long ago as last November. Those 25 judicial nominations are more than the 18 Federal circuit and district court nominees that Republicans have allowed the Senate to consider and act upon during President Obama's administration.

To put this in perspective, by this date during George W. Bush's Presidency, the Senate had confirmed 45 Federal circuit and district court judges. President Obama began sending the Senate judicial nominations 2 months earlier than President Bush

did, and still only 18 Federal circuit and district court confirmations have been allowed. If we had acted on the additional 25 judicial nominations reported favorably by the Senate Judiciary Committee but on which Senate Republicans are preventing Senate action, we would have made comparable progress. As it stands we are 60 percent behind what we achieved by this time in President Bush's first term.

Republicans continue to stand in the way of these nominations, despite vacancies that have skyrocketed to over 100, more than 40 of which are "judicial emergencies." Caseloads and backlogs continue to grow while vacancies are left open longer and longer. On this date in President Bush's first term, the Senate had confirmed 45 Federal district and circuit court judges; there were just 7 judicial nominations on the calendar, and all 7 were confirmed within 12 days. That was normal order for the Democratic Senate majority considering President Bush's nominations. Circuit court nominations by this date in his first term waited an average of less than a week to be confirmed. By contrast, currently stalled by Senate Republicans are circuit court nominees reported back in November and December of last year. The seven circuit court nominees the Senate has been allowed to consider so far have waited an average of 124 days reported to be considered and confirmed after being favorably—more than 4 months compared to less than 1 week for President Bush's nominees—and those delays are increasing.

In the 17 months in 2001 and 2002 that I chaired the Judiciary Committee, the Senate confirmed 100 of President Bush's judicial nominations. In stark contrast, to date, the Senate has only been allowed to act on 18 circuit and district court nominations. Twenty-two of the 25 nominations pending on the calendar have been pending for more than a month. Eighteen were reported by the Judiciary Committee without dissent—without a single negative vote from any Republican member. Still they wait.

Republican obstruction has the Senate on a sorry pace to confirm fewer than 30 judicial nominees during this Congress. Last year, only 12 circuit and district court judges were confirmed. The lowest total in more than 50 years. We have to do far more to address this growing crisis of unfilled judicial vacancies.

It has been almost 5 months since I began publicly urging the Senate Republican leadership to abandon its strategy of obstruction and delay of the President's judicial nominees. But we have not considered a judicial nomination since March 17, when we finally confirmed the nomination of Rogeriee Thompson of Rhode Island to the First Circuit. Even though Judge Thompson had two decades of experience on her

State's courts, and her nomination was reported by the Senate Judiciary Committee without a single dissenting vote, it stalled on the Senate Executive Calendar for nearly 2 months before she was unanimously confirmed, 98-0. There was no reason or explanation given by Senate Republicans for their unwillingness to proceed earlier.

Before that vote, the majority leader was required to file cloture on the nomination of Barbara Keenan of Virginia to the Fourth Circuit. Judge Keenan's nomination was stalled for 4 months. After the time consuming process of cloture, her nomination was approved 99 to zero. There was no reason or explanation given by Senate Republicans for their unwillingness to proceed earlier or for the filibuster of that nominee either.

Similarly, there has yet to be an explanation for why the majority leader was required to file cloture to consider the nominations of Judge Thomas Vanaskie to the Third Circuit and Judge Denny Chin to the Second Circuit, both widely respected, long-serving district court judges. Judge Vanaskie has served for more than 15 years on the Middle District of Pennsylvania, and Judge Chin has served for 16 years on the Southern District of New York. Both nominees have mainstream records, and both were reported by the Judiciary Committee last year with bipartisan support. Judge Chin, who was the first Asian Pacific American appointed as a Federal district court judge outside the Ninth Circuit, and who, if confirmed, would be the only active Asian-Pacific American judge to serve on a Federal appellate court, was reported by the committee unanimously.

The majority leader has also filed cloture to end the extended Republican effort to prevent Senate consideration of the nomination of Professor Chris Schroeder to lead the Office of Legal Policy at the Justice Department. Professor Schroeder was first nominated by President Obama on June 4, 2009. He appeared before the Senate Judiciary Committee last June, and was reported favorably in July by voice vote, with no dissent. His nomination then languished on the Senate's Executive Calendar for nearly 5 months, with not a single explanation of the delay. Then, as the year drew to a close, Republican Senators objected to carrying over Professor Schroeder's nomination into the new session, and it was returned to the President without action, forcing the process to begin all over again. President Obama renominated Professor Schroeder early this year, and his nomination was reconsidered and re-reported by the Judiciary Committee with Republican support. A scholar and public servant who has served with distinction on the staff of the Senate Judiciary Committee and in the Justice Department, Professor Schroeder has support across the political spectrum.

Democrats treated President Bush's nominations to run the Office of Legal Policy much more fairly than Republicans are treating President Obama's nominee, confirming all four nominees to lead that office quickly. We confirmed President Bush's first nominee to that post by a vote of 96 to 1 just 1 month after he was nominated, and only a week after his nomination was reported by the Judiciary Committee. In contrast, Professor Schroeder's nomination has been pending since last June and will require cloture to be invoked before the Senate can finally have an up-or-down vote.

The majority leader has also filed cloture to end the obstruction of the longest-pending judicial nomination on the Executive Calendar, that of Marisa Demeo to the District of Columbia Superior Court. Her nomination has been blocked since it was reported by the Homeland Security and Governmental Affairs Committee in May 2009. This sort of obstruction of a DC Superior Court nomination is unprecedented. These nominations for 15-year terms on the District's trial court are not usually controversial. The nomination of Magistrate Judge Demeo, an experienced former prosecutor and Justice Department veteran who is the second Hispanic woman nominated to this court, is one I strongly support. I know Judge Demeo and have known her for years. The chief judge of the Superior Court, Lee Satterfield, has written several times to the majority and minority leaders about the "dire situation" created by vacancies on that court for administration of justice in Washington, DC, our Nation's Capital. As usual, the cost of Republican obstruction is borne by the American people.

Not long after President Obama was sworn in, Senate Republicans signaled their strategy of obstruction, threatening to filibuster his nominations before he had made a single one, in their letter of March 2, 2009. The stated basis for their threat was to ensure consultation with home State Senators. President Obama has consulted with home state Senators of both parties, yet Senate Republicans filibustered the very first of President Obama's judicial nominations, the nomination of Judge David Hamilton of Indiana to the Seventh Circuit, despite such consultation. The Senate had to invoke cloture to consider Judge Hamilton's nomination, even though he was a well-respected district court judge supported of Senator LUGAR, the longest-serving Republican in the Senate, with whom President Obama consulted before making the nomination.

Senate Republicans have ratcheted up their bad practices from the 1990s when they pocket filibustered more than 60 of President Clinton's judicial nominations, creating a vacancies crisis on the Federal bench.

Democrats did not do the same to President Bush's nominees. I followed

through on my commitment to treat them more fairly. I worked hard in 2001 and 2002, even after the 9/11 attacks and the anthrax attacks, holding hearings, including during Senate recess periods, in order to swiftly consider President Bush's nominees. That is why the Senate confirmed 100 of his judicial nominees by the end of 2002. Democrats only refused to rubber stamp a handful of the most extreme, ideological and divisive of President Bush's nominees.

During the Bush Presidency Senate Republicans contended that filibusters of judicial nominations were "unconstitutional." Now that President Obama is in the White House, Senate Republicans have filibustered the nomination of Judge David Hamilton, and Judge Barbara Keenan, who was then confirmed unanimously. The same Republican Senators who recently threatened to blow up the Senate unless every nominee received an up-or-down vote are now engaged in another attempt to abuse the rules of the Senate and undermine the democratic process. Republican Senators who just a few years ago insisted that "elections have consequences" have now made the use of filibusters, holds, and excessive procedural delays the new normal in the Senate. They seem intent on continuing their destructive practices.

It is regrettable that the majority leader has to file cloture on these mainstream nominations today, just to allow the Senate to hold the up-or-down votes that Republican Senators once demanded for the most extreme and ideological nominees of a Republican President. I thank him for doing so, and look forward to the confirmation of these nominees.

I yield the floor. I suggest the absence of a quorum.

THE PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

MR. INOUE. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

THE PRESIDING OFFICER. Without objection, it is so ordered.

CLOTURE MOTION

The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion to invoke cloture.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the nomination of Lael Brainard, of the District of Columbia, to be an Under Secretary of the Treasury.

Harry Reid, Patrick J. Leahy, Sheldon Whitehouse, Joseph I. Lieberman, Sherrod Brown, Richard J. Durbin, Daniel K. Inouye, Tom Harkin, Amy Klobuchar, Roland W. Burris, John D. Rockefeller, IV, Jon Tester, Christopher J. Dodd, Byron L. Dorgan, Al

Franken, Claire McCaskill, Benjamin L. Cardin.

The PRESIDING OFFICER. By unanimous consent the mandatory quorum call has been waived. The question is, Is it the sense of the Senate that debate on the nomination of Lael Brainard, of the District of Columbia, to be an Under Secretary of the Treasury shall be brought to close?

The yeas and nays are mandatory under the rule. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from California (Mrs. BOXER) and the Senator from Iowa (Mr. HARKIN) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Utah (Mr. BENNETT), the Senator from Georgia (Mr. CHAMBLISS), the Senator from Oklahoma (Mr. COBURN), and the Senator from Texas (Mrs. HUTCHISON).

The PRESIDING OFFICER (Mrs. SHAHEEN). Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 84, nays 10, as follows:

[Rollcall Vote No. 118 Ex.]

YEAS—84

Akaka	Gillibrand	Mikulski
Alexander	Graham	Murkowski
Baucus	Grassley	Murray
Bayh	Gregg	Nelson (NE)
Begich	Hagan	Nelson (FL)
Bennet	Hatch	Pryor
Bingaman	Inouye	Reed
Bond	Isakson	Reid
Brown (MA)	Johanns	Risch
Brown (OH)	Johnson	Rockefeller
Burr	Kaufman	Sanders
Burris	Kerry	Schumer
Byrd	Klobuchar	Sessions
Cantwell	Kohl	Shaheen
Cardin	Kyl	Shelby
Carper	Landrieu	Snowe
Casey	Lautenberg	Specter
Cochran	Leahy	Stabenow
Collins	LeMieux	Tester
Conrad	Levin	Thune
Corker	Lieberman	Udall (CO)
Crapo	Lincoln	Udall (NM)
Dodd	Lugar	Voinovich
Dorgan	McCain	Warner
Durbin	McCaskill	Webb
Feingold	McConnell	Whitehouse
Feinstein	Menendez	Wicker
Franken	Merkley	Wyden

NAYS—10

Barrasso	DeMint	Roberts
Brownback	Ensign	Vitter
Bunning	Enzi	
Cornyn	Inhofe	

NOT VOTING—6

Bennett	Chambliss	Harkin
Boxer	Coburn	Hutchison

The PRESIDING OFFICER. On this vote, the yeas are 84, the nays are 10. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

Mr. NELSON of Florida. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. KAUFMAN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KAUFMAN. Madam President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

RULE OF LAW AND WALL STREET

Mr. KAUFMAN. Madam President, as we continue to learn more facts from various investigations into the 2008 financial meltdown, a certain picture is becoming increasingly clear. Like a jigsaw puzzle slowly taking shape, we can begin to see the outlines of many of the causes of the crisis—and the solutions they demand. In my view, it is a picture of Wall Street banks and institutions that have grown too large and complex and that suffer from irreconcilable conflicts between the services they provide for their customers and the transactions they engage in for themselves. It is also a picture of management that either knew about the lack of financial controls and outright fraud at the very core of these institutions or was grossly incompetent because it did not. And the picture includes regulators who failed miserably as well, due to malfeasance or incompetence or some combination of both.

Until Congress breaks these gigantic institutions into manageably sized banks and draws hard, clear lines for regulators to ensure that effective controls remain in place, we will have done neither that which is necessary to restore the rule of law on Wall Street nor that which will ensure that another financial crisis does not soon happen again.

What have we learned in just the past 5 weeks?

On March 15, I came to the Senate floor to discuss the bankruptcy examiner's report on Lehman Brothers and said, as many of us have suspected all along, that there was fraud—fraud—at the heart of the financial crisis. The examiner's report exposed the so-called Repo 105 transactions and what appears to have been outright fraud by Lehman Brothers, its management, and its accounting firm, which all conspired to hide \$50 billion in liabilities at quarter's end to "window dress" its balance sheet and mislead investors. And this practice does not appear to be unique to Lehman Brothers.

I went further and noted that questions were being raised in Europe about whether Goldman Sachs had an improper conflict of interest when it underwrote billions of Euros in bonds for Greece. The questions being raised include whether some of these bond-offering documents disclosed the true nature of these swaps to investors and, if not, whether the failure to do so was material.

Last week, we learned about more alleged fraud at the heart of the financial

crisis. On Friday, the Securities and Exchange Commission filed charges against Goldman Sachs and one of its traders for alleged fraud in the structuring and marketing of collateralized debt obligations tied to subprime mortgages. Goldman allegedly defrauded investors by failing to disclose conflicts of interest in the design and structure of these collateralized debt obligations. The SEC says this alleged fraud cost investors more than \$1 billion.

While I will not prejudge the merits of the case, the SEC's complaint alleges that Goldman Sachs failed to disclose to investors vital information about the CDO, in particular the role that a major hedge fund played in the portfolio selection process and that the hedge fund had taken a short position against the CDO.

Robert Khuzami, Director of the SEC Division of Enforcement, said:

Goldman wrongly permitted a client that was betting against the mortgage market to heavily influence which mortgage securities to include in an investment portfolio, while telling other investors that the securities were selected by an independent, objective third party.

Kenneth Lench, chief of the SEC's Structured and New Products Unit, added:

The SEC continues to investigate the practices of investment banks and others involved in the securitization of complex financial products tied to the U.S. housing market as it was beginning to show signs of distress.

Goldman Sachs has denied any wrongdoing and has said it will defend the transaction.

This particular case involving Goldman Sachs was almost certainly not unique. Instead, it was emblematic of problems that occurred throughout the securitization market.

Last month, Bob Ivry and Jody Shenn of Bloomberg News wrote about the conflicts of interest present in the management of CDOs, a topic also discussed at length in Michael Lewis's book "The Big Short." The SEC should pursue other instances of conflicts of interest in the CDO market that led to a failure to disclose material information.

Last year, Senators LEAHY, GRASSLEY, and I, along with many others in the Congress, worked to pass the bipartisan Fraud Enforcement and Recovery Act so that our law enforcement officials would have additional resources to target and uncover any financial fraud that was a cause of the great financial crisis. However long it takes, whatever resources the SEC needs, Congress should continue to back the SEC and the Justice Department in their efforts to uncover and prosecute wrongdoing.

I applaud SEC Chairman Mary Schapiro and especially Rob Khuzami and the team he has reshaped in the Enforcement Division. They deserve our steadfast support as the leadership

of the SEC continues its historic mission of revitalizing that institution and making it clear to all on Wall Street that there is a new cop on the beat.

Also last week, our colleague, chairman CARL LEVIN, ranking member TOM COBURN, and the staff of the Permanent Subcommittee on Investigations began a series of hearings on the causes of the financial crisis. It is a testament to the professionalism and dedication of Chairman LEVIN that he has brought the subcommittee's resources to bear in such an effective and thorough manner. I also commend ranking member TOM COBURN for his dedication and effort as a partner in this effort. Chairman LEVIN and the subcommittee staff deserve credit and our deep appreciation for the work they have put into this series of hearings on Wall Street and the financial crisis.

Since November 2008, subcommittee investigators have gathered millions—millions—of pages of documents, conducted over 100 interviews and depositions, and consulted with dozens of experts. It is truly a mammoth undertaking, and the fruits of their labor were evident in last week's two hearings on Washington Mutual Bank. I look forward to the subcommittee's remaining two hearings on this subject, including this Friday's hearing on the role of the credit rating agencies. I commend this hearing to all my colleagues.

The Levin hearings deserve comparison to the legendary Pecora investigations of the 1930s, which were held by the Senate Committee on Banking and Currency to investigate the causes of the Wall Street crash of 1929. The name refers to the fourth and final chief counsel for the investigation, Ferdinand Pecora, an assistant district attorney for New York County. As chief counsel, Pecora personally examined many high-profile witnesses who included some of the Nation's most influential bankers and stockbrokers. The investigation uncovered a wide range of abusive practices on the part of banks and bank affiliates. These included a variety of conflicts of interest, such as the underwriting of unsound securities in order to pay off bad bank loans as well as "pool operations" to support the price of bank stocks.

The Pecora hearings galvanized broad public support for new banking and securities laws. As a result of the Pecora investigation's findings, the Congress passed the Glass-Steagall Banking Act of 1933 to separate commercial and investment banking; the Securities Act of 1933 to set penalties for filing false information about stock offerings; and the Securities Exchange Act of 1934, which formed the Securities and Exchange Commission, to regulate the stock exchanges. Thanks to the legacy of the Pecora Commission hearings and subsequent legislation, the American financial institution

rested on a sound regulatory foundation for over half a century; that is, until we began the folly of dismantling it.

The Levin hearings have shined a much needed spotlight on the role of potential outright fraud by financial actors as well as the incompetence and complicity of bank regulators in the financial crisis. There is no better example of the danger that fraud and lax regulation poses to our financial system than the collapse of Washington Mutual Bank, known as WaMu.

Far too often, the failure of institutions such as Washington Mutual is blamed on high-risk business strategies. It kind of sounds all right, doesn't it? While such strategies are clearly part of the problem, they should not be used to mask other causes such as fraud and malfeasance which played a significant role in the collapse of WaMu. Evidence developed by the subcommittee demonstrates that WaMu officials tolerated, if not outright encouraged, fraud as a byproduct of promoting a dramatic expansion of loan volume.

The most blatant example of WaMu's culture of fraud was its widespread use of what are called stated income loans. Stated income loans is a practice of lending qualified borrowers loans without independent verification of what they state their income is. Listen to this. This is unbelievable. Approximately 90 percent of WaMu's home equity loans, 73 percent of its option ARMs, and 50 percent of its subprime loans were stated income loans. You go to the bank, you walk in, they say: Ted, what is your income? You say what it is, and that is it. Based on that, you can get 90 percent of WaMu's home equity loans, 73 percent of its option ARMs, and 50 percent of its subprime loans—stated income loans. As Treasury Department inspector general Eric Thorson said last week, WaMu's predominant mix of stated income loans created a "target rich environment" for fraud.

Because WaMu made these stated income loans with the intent to resell them into the secondary market, there was less concern whether borrowers would ever be able to repay them. WaMu created a compensation system that rewarded employees with higher commissions for selling the very riskiest of loans. In 2005, WaMu adopted what it called its high-risk lending strategy because those loans were so profitable. In order to implement this strategy, it coached its sales branch to embrace "the power of yes." The message was clear. As one industry analyst has said: "If you were alive, they would give you a loan . . . if you were dead, they would give you a loan."

That this culture led to fraud on a massive scale should have surprised no one. An internal review by one southern California loan officer revealed

that 83 percent of loans contained instances of confirmed fraud. In another office, 58 percent of loans were considered to be fraudulent. What did WaMu management do when it became clear that fraud rates were rising as house prices began to fall? What did they do? Rather than curb its reckless business practices, it decided to try to sell a higher proportion of these risky, fraud-tainted mortgages into the secondary market, thereby locking in a profit for itself even as it spread further contagion into our capital markets.

In order for WaMu and institutions similar to it to sell these low-quality loans to the secondary market, they need a AAA rating from credit rating agencies. So what did these institutions do? They gamed the system and manipulated the agencies by engaging in a practice called barbell. Apparently, the credit rating agencies did not examine individual FICO scores when rating mortgage-backed securities and instead relied on average FICO scores. As revealed at the hearing by a WaMu risk officer and detailed in Michael Lewis's book "The Big Short," lenders could create the requisite average score by pairing loans whose borrowers had relatively high scores with borrowers whose scores were far lower and would normally warrant a loan, which is the reason why it is called barbell. So if the raters wanted an average FICO score of 615, a lender could compare scores of 680 with scores of 550, even though borrowers with scores of 550 were almost certain to default on the loan. This barbell effect satisfied the rating agencies, even though half the loans, in many cases, had little chance of success. At the hearing, WaMu's CEO, Kerry Killinger, effectively admitted to barbell by saying "I don't have the barbell numbers in front of me."

To make matters worse, WaMu scored high FICO scores by seeking out borrowers with short credit histories. Such borrowers often have high FICO scores, even though they have not demonstrated the ability to take on and pay off large debts over time. These borrowers are called "thin file" borrowers. According to a report in the New York Times, WaMu encouraged thin file loans, even circulating a flier to sales agents that said "a thin file is a good file." The book "The Big Short" even discusses a Mexican strawberry picker with an income of \$14,000 and no English who was ostensibly given a \$724,000 mortgage on the basis of his thin file.

Plainly, the Office of Thrift Supervision failed miserably in its responsibility to regulate WaMu and to protect the public from the consequences of WaMu's excessive and unwarranted risk-taking, including the toleration of widespread fraud. Although WaMu comprised fully 25 percent of OTS's regulatory portfolio, OTS adopted a

laissez faire regulatory attitude at WaMu. Although line bank examiners identified the high prevalence of fraud and weak internal controls at WaMu, OTS did virtually nothing to address the situation. In fact, OTS advocated for WaMu, among other regulators, and even actively thwarted an FDIC investigation into WaMu during 2007 and 2008. The complete abdication of regulatory responsibility by OTS may find sad explanation in the fact that OTS was dependent on WaMu's user fees for 12 to 15 percent of its budget.

The regulatory failures at OTS were not unique. The overall regulatory environment at the time was extremely deferential to the market based on the widespread but faulty assumption that markets can and will effectively self-regulate. Self-regulate. At last Friday's hearing, the testimony of the inspector general at the Department of the Treasury was particularly noteworthy. He said bank regulators:

... hesitate to take any action, whether it's because they get too close after so many years or they're just hesitant or maybe the amount of fees enter into it ... I don't know. But whatever it is, this is not unique to WaMu and it is not unique to OTS.

Let me repeat. It was the conclusion of our Treasury Department's inspector general that the failure of regulators to harness the lawless nature of conflicted institutions was not unique to Washington Mutual or to the Office of Thrift Supervision.

I have said it before and I will say it again: It is time we return the rule of law to Wall Street, where it has been seriously eroded by the deregulatory mindset that captured our regulatory agencies over the past 30 years. We became enamored of the view that self-regulation was adequate, that enlightened self-interest would motivate counterparties to undertake stronger and better forms of due diligence than any regulator could perform, and that market fundamentalism would lead to the best outcomes for the most people. Some people even say that today. They say transparency and vigorous oversight by outside accountants is supposed to help our financial system—keep our financial system credible and sound. The allure of deregulation led us instead to the biggest financial crisis since 1929 and to former Federal Reserve Chairman Alan Greenspan's frank admission that he was “deeply dismayed” that the premise of enlightened self-interest had failed to work. Now we are learning, not surprisingly, that fraud and lawlessness were key ingredients in the collapse as well.

As we turn to financial regulatory reform, we must remember that effective regulation requires not only motivated and competent regulators but also clear lines drawn by Congress. Based on what we have learned, what must we do?

First, we must undo the damage done by decades of deregulation. That dam-

age includes financial institutions that are too big to manage and too big to regulate—as former FDIC Chairman Bill Isaac has called them: too big to manage, too big to regulate. It also includes a Wild West attitude on Wall Street, in which conflict of interests are rampant and lead to fraudulent behavior as well as colossal failures by accountants and lawyers who misunderstand or disregard their role as gatekeepers. The rule of law depends, in part, on having manageably sized institutions, participants interested in following the law, and gatekeepers motivated by more than a paycheck from their clients.

That is why I believe we must separate commercial banking from investment banking activities, restoring a modern version of the Glass-Steagall Act to end the conflicts of interest at the heart of the financial speculation undertaken by mega banks that are too big to fail. We further should limit the size of bank and nonbank institutions, something Senator SHERROD BROWN and I proposed in legislation we intend to introduce this Wednesday. Otherwise, we will continue to bear these mega banks' claims that they are merely market makers and no one who deals with them should trust whether the very creator of a financial product they sell is secretly betting against its success.

Second, we must help regulators and other gatekeepers not only by demanding transparency but also by providing clear, enforceable rules of the road wherever possible. One clear lesson of the Goldman allegations is, we need greater transparency and disclosure of counterparty positions in the over-the-counter derivatives market. We should mandate that derivatives are traded on an exchange or at least essentially cleared. The rare exemption should carry with it a reporting requirement so that all counterparties understand the positions being taken by other clients of the dealer firm.

Clearly, we need to fix a broken securitization market. No market, regardless of how sophisticated its participants, can function without proper transparency and disclosure. While I am pleased that the current reform bill would direct the SEC to issue rules requiring greater disclosure regarding the underlying loans in an asset-backed security, I believe we must go further still. Requirements for disclosure should not merely begin and end at issuance. Instead, disclosure should be automated, standardized, and updated on a timely basis. This will provide investors with relevant information on the performance of the loans, their compliance with relevant laws—fraudulent origination, for example, is generally uncovered after the fact—and the replacement of new collateral. This information should empower investors and countervail the malfeasance of

issuers looking to adversely select dodgy collateral that they are also shorting on the side. Moreover, such real-time monitoring by investors would also have beneficial effects further up the securitization supply chain. If originators know they can't get away with selling fraudulent or poorly underwritten loans, they will also be forced to improve their standards.

While not a silver bullet, I am also generally supportive of requirements that those who originate and securitize loans retain risk by keeping some percentage on their very own balance sheets. WaMu, for example, developed, in Senator LEVIN's words, a “conveyor belt” that originated, packaged, and dumped toxic mortgage products downstream to unsuspecting investors. Their lack of “skin in the game” allowed them to make a mockery of the originate-to-distribute model. While Bear Stearns, Lehman Brothers, and other firms faltered due to their excessive retention of risk, this basic requirement will better align the interests of originators and securitizers with those of investors.

Moreover, a clear lesson of the Levin hearings is that Congress must ban the widespread issuance of stated income loans.

I understand Senator LEVIN is developing further reform proposals based on his conclusions from the hearings.

Third, we must concentrate law enforcement and regulatory resources on restoring the rule of law to Wall Street. We must treat financial crimes with the same gravity as other crimes because the price of inaction and a failure to deter future misconduct is enormous. That is why I'm pleased the SEC is turning the page on its recent history and sending a message throughout Wall Street: fraud will not pay.

Madam President, last week's revelations about Washington Mutual and Goldman Sachs reinforce what I've been saying for some time. Deregulation was based on the view that rational actors would operate in their own self-interest within a framework of law. But even with the most rigorous regulators, it is impossible to trace the financial self-interest of convoluted financial conglomerates, much less constrict their behavior before it runs afoul of the law. WaMu made loans they knew could not be paid back. Goldman Sachs allegedly permitted clients to take secret positions against the very financial products that it had created.

The picture being revealed by theigsaw puzzle of multiple investigations is now emerging clearly in my eyes. These financial institutions are too big and conflicted to manage, too big and conflicted to regulate, and too big to fail. Even Alan Greenspan has said about our current predicament: “If they're too big to fail, they're too big.”

Our country took a giant step backwards during the last financial crisis,

upending the dream of home ownership for millions of Americans, and throwing millions of people out of work as well. The credibility of our markets, one of the pillars of our economic success, was badly damaged. It must be restored. There must be structural and substantive change to Wall Street, where bankers must resume their central role of efficiently allocating capital, not taking bets in opaque markets that no one can understand.

The solution is clear. We must split up our largest financial institutions into more manageable entities; we must separate their component parts so they are no longer inherently conflicted and so they can be properly regulated. Only then, if necessary, can they be allowed to fail without sending our entire economy to the precipice of disaster.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DURBIN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DURBIN. Madam President, I ask unanimous consent that any recess, adjournment, or period of morning business count postcloture; that following a period of morning business on Tuesday, April 20, the Senate resume executive session, and that the time until 12 noon be equally divided and controlled between Senators BAUCUS and GRASSLEY or their designees, with Senator BUNNING controlling 15 minutes of the time under the control of Senator GRASSLEY; that at 12 noon, all postcloture time be considered expired, and the Senate then proceed to a vote on confirmation of the nomination of Lael Brainard to be Under Secretary of the Treasury; that upon confirmation, the motion to reconsider be considered made and laid upon the table, and no further motions be in order; that the President be immediately notified of the Senate's action; that the Senate then stand in recess until 2:15 p.m.; that upon reconvening at 2:15 p.m., the Senate proceed to Calendar No. 165, the nomination of Marisa Demeo, to be associate judge of the DC Superior Court; that there be up to 6 hours of debate with respect to the nomination, with the time equally divided and controlled between the leaders or their designees; that upon the use or yielding back of time, the Senate proceed to vote on confirmation of the nomination; that upon confirmation the motion to reconsider be considered made and laid upon the table; no further motions to be in order and the President be immediately notified of the Senate's action; that the cloture motion with respect to the nomination be withdrawn; that

upon confirmation of the Demeo nomination, the Senate then proceed to Calendar No. 333, the nomination of Stuart Nash to be an associate judge of the DC Superior Court, and immediately vote on confirmation of the nomination; that upon confirmation, the motion to reconsider be considered made and laid upon the table, and the President be immediately notified of the Senate's action with respect to Calendar No. 333.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

MORNING BUSINESS

Mr. DURBIN. Madam President, I ask unanimous consent that the Senate proceed to a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRIBUTE TO FLORENCE MCCLURE

Mr. REID. Madam President, I rise today to honor one of Nevada's greatest champions and advocates for victims throughout my home State. In her living room in Las Vegas, NV, in 1974, Florence McClure cofounded Community Action Against Rape, CAAR, with Sandi Petta. Thirty-five years later, CAAR has become the Rape Crisis Center, the largest sexual assault center in Nevada, serving all of Nevada.

Florence McClure moved to Las Vegas, NV, in 1966. She was instrumental in the opening of the Frontier Hotel. While making the hotel into a major resort on the Las Vegas Strip, Florence made history as a female executive in the casino industry. She also joined the Las Vegas Chapter of the League of Women Voters and other women's groups in 1967. She returned to college and obtained her bachelor's degree from UNLV in 1971.

Florence became a tireless advocate for victims of sexual assault. As the director of CAAR for 12 years, she was instrumental in forcing improvements and system changes in the way sexual assault victims were treated. Not one to shy away from confrontation, Florence worked most often one-on-one with judges, law enforcement officers, and medical personnel to increase the ability of a victim to recover and to be successful in court by providing better care, counseling, evidence collection, support, and privacy for victims.

Florence McClure did not stop there. In the 1980s she turned her energy to advocating for a women's prison in Las Vegas instead of in a rural setting, so the incarcerated women could be closer to their children for visitation. She lobbied for improved programs within the prisons. Today that facility carries her name.

On April 30, 2010, we honor "Hurricane" Florence McClure for her out-

spoken, courageous, life-changing advocacy for the rights of victims of rape and sexual assault. Her efforts have made Nevada a better, stronger home for women and children.

HONORING OUR ARMED FORCES

LANCE CORPORAL TYLER GRIFFIN

Mr. DODD. Madam President, I rise with a heavy heart today to mark the passing of Marine LCpl Tyler Griffin.

Lance Corporal Griffin was just 19 years old when he died serving our country in Afghanistan. He was born and raised in Voluntown, a small, close-knit community of just 2,600 in eastern Connecticut that today is struggling with the loss of one of its finest young citizens.

He graduated from Griswold High School, where he played on the football team, and attended the Voluntown Baptist Church. Athletic and intelligent, he could have devoted himself to any career, but chose to serve his country with great pride.

Neighbors recall him as a community fixture who always had time for younger kids. One says that they always knew when Tyler was home on leave, because a Marine Corps flag would fly proudly at his house. His friends and neighbors remember him not only for the example he provided through his selfless service, but also for his kind manner and friendly demeanor.

He was the product of a community that took great pride in their courageous marine. Bill Martin lives next door to Lance Corporal Griffin's mother and stepfather. He told the New London Day that he would often see Lance Corporal Griffin running around the neighborhood, getting in shape for basic training. "We'd see him out there on Route 49," Martin said. "He'd always wave."

In short, Lance Corporal Griffin was everything you would raise your son to be. I join his family, his neighbors in Voluntown, and all Americans in deep appreciation for his service and mourning for his loss.

REMEMBRANCE OF VICTIMS AND SURVIVORS OF TERRORISM

Mr. AKAKA. Madam President, I rise today in honor of National Day of Service and Remembrance for Victims and Survivors of Terrorism. Today marks the 15th anniversary of the Oklahoma City bombing, one of the deadliest acts of domestic terrorism on American soil. This cowardly act of terrorism killed 168 people, 19 of them children. The victims were mothers, fathers, sons, daughters, grandparents, grandchildren, friends, and coworkers. Today we pause to reflect on their lives and accomplishments, and offer our thoughts and prayers to their families and loved ones.

The bombing in Oklahoma City was a direct attack against the dedicated

men and women of the Federal Civil Service. The Alfred P. Murrah Federal Building housed 14 Federal agencies, and nearly 100 Federal employees lost their lives that morning.

We must honor their sacrifice by remaining steadfast in our commitment to prevent future attacks on the Federal government, Federal employees, and other acts of domestic terror. I am deeply troubled by recent threats of violence against government employees. This February, an attack on Federal offices threatened the lives of 200 IRS workers and took the life of Vernon Hunter, a 20-year Army veteran who served two tours in Vietnam, a loving husband, father, grandfather, and mentor to coworkers at the IRS. The Oklahoma City bombing anniversary and this recent attack serve as stark reminders that threats against Federal employees may pose real dangers. They remind us of our solemn duty to protect our public servants.

After the Oklahoma City bombing, President Bill Clinton directed the Department of Justice to assess the vulnerability of Federal office buildings. Prior to this study, no formal government-wide standards existed for Federal buildings. With the creation of the Department of Homeland Security, the responsibility to protect our Federal facilities was transferred to the Federal Protective Service, FPS.

FPS is full of dedicated men and women who work hard to keep our Federal buildings secure and those of us who work in them safe. However, critical reforms are needed to improve their effectiveness. The Government Accountability Office has repeatedly highlighted troubling shortfalls in FPS training, staffing, contract guard oversight, and many other facets of the Federal building security structure. It is long past time to address these critical gaps. We must make sure that all Federal employees and members of the public are safe and secure in any Federal building.

As we remember the victims and survivors of the Oklahoma City bombing and other acts of terrorism, let us all take a moment to reflect upon the dedication and sacrifices of our Nation's public servants. These are honorable men and women who provide critical services to the American people, including policing our streets, ensuring our food and drugs are safe, caring for our wounded warriors, and responding to natural disasters. America's public servants deserve our gratitude and respect. I thank them for their dedication.

RESPECTING THE RIGHTS OF HOSPITAL PATIENTS

Mr. LEAHY. Madam President, last week, the country took another important step toward a more just and perfect union when President Obama

issued a Presidential Memorandum on Respecting the Rights of Hospital Patients to Receive Visitors and to Designate Surrogate Decision Makers for Medical Emergencies. I applaud the President for this effort to ensure that every person enjoys the same right to have their loved ones with them in hospitals and to designate surrogate decision makers when they are hospitalized, often in their time of greatest need. No one should be forced to face important medical decisions or spend their last moments apart from their loved ones just because the person they love happens to be of the same sex.

The President has directed the Secretary of Health and Human Services to issue regulations prohibiting hospitals that participate in Medicare and Medicaid from denying visitation privileges on the basis of race, color, national origin, religion, sex, sexual orientation, gender identity, or disability. The memorandum issued last week also calls for greater enforcement of existing regulations that ensure all patients' legal representatives have the right to make informed decisions regarding patients' care.

There is a tragic history of discrimination in health care, but fortunately, we are making progress to end it. Hospitals were racially segregated until the 1960s, when Congress passed legislation prohibiting that discrimination in hospitals that are recipients of Federal funding. The President's memorandum is a similarly important step toward equal treatment. For too long, some hospital patients have been denied the basic rights of receiving visitors and designating surrogate decision makers without a remedy in Federal law. In Vermont, many same-sex couples have sought to be recognized as committed couples by law to ensure that they and their families are entitled to these rights. Those families should not lose those rights when traveling out of State.

The fight for equal rights protections continues in Congress. I am a proud cosponsor of the bipartisan Domestic Partnership Benefits and Obligations Act of 2009, which would provide domestic partners of Federal employees all of the protections and benefits afforded to spouses of Federal employees, including participation in applicable retirement programs, compensation for work injuries and health insurance benefits. I also support the Tax Equity for Health Plan Beneficiaries Act of 2009, which would end the taxation of health benefits provided to domestic partners in workplaces that provide domestic partner health benefits to their employees.

Respecting the rights of all hospital patients to have their loved ones near in times of crisis is something every American should support.

AMERICAN-ISRAELI PARTNERSHIP

Mr. BAUCUS. Madam President, I rise to reflect on the current state of the Israeli-Palestinian peace process and the special role the United States must play in moving these talks forward.

Peace talks between the Israelis and Palestinians have been stalled for nearly a year. To restart these talks it is abundantly clear that it will require great courage amongst the negotiating parties to negotiate in good faith. Efforts to negotiate a lasting peace in the region have been interrupted by violent clashes and mistrust. When it comes to peace, no one should doubt the sincere yearning of the Israeli and Palestinian people. Their dream of peace will be best realized when our countries work together.

Ever since Israel declared independence in 1948, the United States and Israel have enjoyed a close friendship. And our support for Israel remains unwavering. For over a half-century Israel has been a pillar of freedom and democracy in the Middle East. In the face of countless threats and challenges it is this commitment to freedom that has kept our relationship strong. In the past Israel played an integral role in combating Soviet expansionism in the Middle East during the Cold War. Today it stands with the U.S. in confronting Iran in its dangerous pursuit of a nuclear program.

Israel is an important strategic partner of the United States. Our national interests are linked through our ongoing cooperation in trade, diplomacy, intelligence, weapons development and military exercises. Since 1985, the U.S. has provided nearly \$3 billion in grants to Israel annually. I am confident that we in Congress will continue to provide the assistance that befits such longstanding strategic allies.

While there are moments of disagreement between Israel and the U.S., they do not affect the mutual interests that we share in the Middle East. The cause of freedom unites our vision for a peaceful future. It is critical that we continue our longstanding relationship of trust and cooperation as we meet the common challenges we face today. During rare moments of disagreement, it is best for two allies to resolve them privately and amicably. We should not allow our occasional differences to be exploited by our adversaries.

Restoration of the peace process is a shared goal because its benefits are shared. For Israel, a lasting peace agreement brings assured peace to a land where peace has for too long been fleeting. For the U.S., the pursuit of a mid-east peace deal illustrates America's commitment to working for peace and security. Comprehensive peace in the Middle East is, and should remain, one of the U.S. highest foreign policy priorities.

RESERVE COMPONENT HEALTH CARE PROGRAMS

Mr. BURRIS. Madam President, it is with pride that I bring to the attention of my colleagues a recent series of programs conducted in Downing Grove, IL, relating to medical care for our servicemembers. The programs were sponsored by the Dupage Medical Group and the Defense Education Forum of the Reserve Officers Association of the United States, ROA. They were part of an ongoing series of six programs held over the past 2 years by these entities and related to the Reserve Components and military medicine.

In November of last year, the topic was Mental Health Care Programs for the Reserve Components and their Families. As we all know, the signature injuries of the current overseas wars have been head injuries resulting in some degree of traumatic brain injury, TBI, and post traumatic stress syndrome, PTSD. Treatment for our wounded warriors with these injuries is paramount and has been correctly made a priority by the Secretary of Defense and Secretary of Veterans Affairs. The most recent of the programs was on the lessons in military medicine from Operation Enduring Freedom and Operation Iraqi Freedom, which was conducted on April 9, 2010. It had a distinguished faculty and featured Dr. Paul DeFina, chairman of the International Brain Research Institute, who discussed brain trauma and its latest treatments.

I am especially proud of the efforts of several of my constituents, notably, COL Janet Kamer and the doctors of the DuPage Medical Group, in developing and hosting these programs together with the Defense Education Forum. Colonel Kamer is the command consultant for psychology to Air Force Reserve Headquarters and a psychologist with the DuPage Medical Group. She is also the president of the Illinois Department of the Reserve Officers Association.

MG Robert Kasulke also deserves recognition for his efforts in cohosting these programs. He is commander of the Army Reserve Medical Command and a vascular surgeon in his civilian career. RADM Paul Kayye (Retired), the national president of ROA, has also played a part in these medical care programs by introducing the April 9, 2010, program. Other faculty for these programs that deserve recognition includes: BG Margaret Wilmoth, Office of the Assistant Secretary of Defense for Health Affairs; COL Nicole Keesee, deputy surgeon in the Office of the Chief of the Army Reserve; Sergio Estrada, assistant director of the Illinois Department of Veterans Affairs; Adermi Olodun, of the DOD Employer Partnership Program; and Bob Feidler, the director of the Defense Education Forum. Participants of the meetings included medical providers, local rep-

resentatives of the Department of Veterans Affairs, other caregivers, medical and legal, and several of our wounded warriors.

It is through people such as Dr. Kamer, the DuPage Medical Group and the Defense Education Forum of ROA, and the distinguished faculty of these programs that the most up-to-date information is being provided to the medical community, Reservists and their families about the various programs and treatments available to them. I congratulate them on their ongoing efforts.

REMEMBERING JIM WHITTINGHILL

Mr. ROBERTS. Madam President, each of us privileged to serve in this Chamber knows that the Senate and each of our offices could not operate successfully without the assistance of talented and dedicated staff. One former Senator who certainly knew this was my fellow Kansan, Bob Dole. During his nearly 35 years in the House and Senate—and most especially during his decade as Senate Republican Leader—Bob was ably assisted by some of Capitol Hill's best and brightest.

One of those individuals was Jim Whittinghill, who many of my colleagues will remember from his years as Bob's deputy chief of staff. Jim passed away on Thursday. I have been in contact with Senator Dole since learning of Jim's passing, and he asked me to enter the following statement in the CONGRESSIONAL RECORD:

Jim Whittinghill—or “Whit”—as his friends called him—and he had many—worked with me during my time as Senate Republican leader from 1986 until 1994 in a series of positions, including Deputy Chief of Staff. Whit was a top flight staffer who provided me with counsel on a wide variety of issues, including 2nd amendment rights and energy. He was a proud Republican, but he was respected on both sides of the aisle. Democrat Senators and staffers knew that Whit's word was his bond, and he was very influential and helpful in reaching bi-partisan agreements. After his years on Capitol Hill, Whit went on to have a very successful career in the private sector. He will be greatly missed by all those who worked with him.

On a personal note, let me add that I was in the House of Representatives when Whit was working for Bob, and I agree with all that Bob said about him. I know I join with many others in this Chamber who knew Whit in extending our condolences to his family and friends.

ADDITIONAL STATEMENTS

TRIBUTE TO CRAIG F. WALKER

• Mr. BENNET. Madam President, I rise today to offer my sincere congratulations to Denver Post photojournalist Craig F. Walker who won the Pulitzer Prize for feature photography.

Craig's winning photos tracked Ian Fisher's 2-year journey as a high school graduate in Lakewood, CO, to his year-long deployment in Iraq.

The “American Soldier” project was a three-part series of photos that told a compelling story and captured the raw emotional rollercoaster of one young man's decision and transition to become a soldier. There is something about a photo that has the ability to capture the truth in a single, fleeting moment. This series of photos captures individual moments that, when combined, create a powerful story that everyone can connect to on an emotional level. During these times when we are fighting two wars overseas, it is important to remind every American that these soldiers are regular people who have heard the call of duty and dedicated their lives to serve their country.

Winning a Pulitzer Prize is the highest honor for a journalist, and I am proud that a photojournalist from Colorado's Denver Post received such a prestigious award, especially on such an important story. Craig should feel very proud of his work, and I congratulate him again for this great honor.●

TRIBUTE TO BROOKE JEAN ANDERSON

• Mr. THUNE. Madam President, today I recognize Brooke Jean Anderson, an intern in my Washington, DC, office, for all of the hard work she has done for me, my staff, and the State of South Dakota over the past several months.

Brooke is a graduate of Stevens High School in Rapid City, SD. Currently she is attending Montana State University, where she is majoring in business marketing. She is a hard worker who has been dedicated to getting the most out of her internship experience.

I would like to extend my sincere thanks and appreciation to Brooke for all of the fine work she has done and wish her continued success in the years to come.●

TRIBUTE TO CHRISTOPHER SIDNEY ESPINOSA

• Mr. THUNE. Madam President, today I recognize Christopher Sidney Espinosa, an intern in my Washington, DC, office, for all of the hard work he has done for me, my staff, and the State of South Dakota over the past several months.

Christopher is a graduate of Bethany High School in Bethany, OK. Currently he is attending Southern Nazarene University, where he is majoring in political science. He is a hard worker who has been dedicated to getting the most out of his internship experience.

I would like to extend my sincere thanks and appreciation to Christopher for all of the fine work he has done and wish him continued success in the years to come.●

TRIBUTE TO KELLI GILL

• Mr. THUNE. Madam President, today I recognize Kelli Gill, an intern in my Aberdeen, SD, office, for all of the hard work she has done for me, my staff, and the State of South Dakota over the past several months.

Kelli is a graduate of Yankton High School in Yankton, SD. Currently, she is attending Northern State University, where she is majoring in English. She is a hard worker who has been dedicated to getting the most out of her internship experience.

I would like to extend my sincere thanks and appreciation to Kelli for all of the fine work she has done and wish her continued success in the years to come.●

TRIBUTE TO MEAGAN LYNN ROBINS

• Mr. THUNE. Madam President, today I recognize Meagan Lynn Robins, an intern in my Washington, DC, office, for all of the hard work she has done for me, my staff, and the State of South Dakota over the past several months.

Meagan is a graduate of Plainfield South High School in Joliet, IL. Currently she is attending Olivet Nazarene University, where she is majoring in political science and social science. She is a hard worker who has been dedicated to getting the most out of her internship experience.

I would like to extend my sincere thanks and appreciation to Meagan for all of the fine work she has done and wish her continued success in the years to come.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Pate, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGE FROM THE HOUSE RECEIVED DURING ADJOURNMENT

ENROLLED BILL AND JOINT RESOLUTION SIGNED

Under the order of the Senate of January 6, 2009, the Secretary of the Senate, on April 15, 2010, during the adjournment of the Senate, received a message from the House announcing that the Speaker has signed the following enrolled bill and joint resolution:

H.R. 4851. An act to provide a temporary extension of certain programs, and for other purposes.

S.J. Res. 25. Joint resolution granting the consent and approval of Congress to amendments made by the State of Maryland, the Commonwealth of Virginia, and the District of Columbia to the Washington Metropolitan Area Transit Regulation Compact.

Under the authority of the order of April 15, 2010, the enrolled bill and joint resolution were signed on April 15, 2010, during the adjournment of the Senate, by the Acting President pro tempore (Mr. REID).

MESSAGE FROM THE HOUSE

At 2:08 p.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 4715. An act to amend the Federal Water Pollution Control Act to reauthorize the National Estuary Program, and for other purposes.

The message also announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 222. Concurrent resolution recognizing the leadership and historical contributions of Dr. Hector Garcia to the Hispanic community and his remarkable efforts to combat racial and ethnic discrimination in the United States of America.

The message further announced that the House agreed to the amendment of the Senate to the bill (H.R. 4851) to provide a temporary extension of certain programs, and for other purposes.

MEASURES REFERRED

The following bill was read the first and second times by unanimous consent, and referred as indicated:

H.R. 4715. An act to amend the Federal Water Pollution Control Act to reauthorize the National Estuary Program, and for other purposes; to the Committee on Environment and Public Works.

The following concurrent resolution was read, and referred as indicated:

H. Con. Res. 222. Concurrent resolution recognizing the leadership and historical contributions of Dr. Hector Garcia to the Hispanic community and his remarkable efforts to combat racial and ethnic discrimination in the United States of America; to the Committee on the Judiciary.

ENROLLED JOINT RESOLUTION PRESENTED

The Secretary of the Senate reported that on April 16, 2010, she had presented to the President of the United States the following enrolled joint resolution:

S.J. Res. 25. Joint resolution granting the consent and approval of Congress to amendments made by the State of Maryland, the Commonwealth of Virginia, and the District of Columbia to the Washington Metropolitan Area Transit Regulation Compact.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM-94. A joint resolution adopted by the Legislature of the State of Wyoming affirming Wyoming's sovereignty under the Tenth Amendment to the Constitution of the United States of America over all powers not otherwise enumerated and granted to the federal government by the Constitution of the United States of America; to the Committee on Homeland Security and Governmental Affairs.

ENROLLED JOINT RESOLUTION NO. 2

Whereas, the Tenth Amendment to the Constitution of the United States reads as follows: "The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people"; and

Whereas, the Tenth Amendment defines the total scope of federal power as being that specifically granted by the Constitution of the United States and no more; and

Whereas, the scope of power defined by the Tenth Amendment means that the federal government was created by the states specifically to be an agent of the states; and

Whereas, the states are demonstrably treated as agents of the federal government; and

Whereas, many federal laws are directly in violation of the Tenth Amendment to the Constitution of the United States; and

Whereas, the Tenth Amendment assures that we, the people of the United States of America and each sovereign state in the union of states, now have, and have always had, rights the federal government may not usurp; and

Whereas, Section 4, Article IV, of the Constitution says, "The United States shall guarantee to every State in this Union a Republican Form of Government," and the Ninth Amendment states that "The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people"; and

Whereas, Congress may not simply commandeer the legislative and regulatory processes of the states; and

Whereas, the United States Congress frequently considers and enacts laws, and the executive agencies of the federal government frequently promulgate regulations, the constitutional authority for which is either absent or tenuous, including, without limitation, the Real ID Act, which imposes significant unfunded mandates upon the states with respect to the traditional state function of drivers licensing, the Endangered Species Act, which, as construed by the United States Fish and Wildlife Service, authorizes a federal executive agency to require specific state legislation related to the traditional state function of wildlife management, the Clean Water Act, which, as construed by the Environmental Protection Agency, authorizes a federal executive agency to exercise regulatory jurisdiction over waters that are not subject to federal regulation, the Federal Land Policy and Management Act, which implements a policy of federal lands retention in derogation of the "equal footing" doctrine. Now, therefore, be it

Resolved by the members of the legislature of the State of Wyoming:

Section 1. That the State of Wyoming Legislature claims sovereignty on behalf of the State of Wyoming and for its citizens under

the Tenth Amendment to the Constitution of the United States over all powers not otherwise enumerated and granted to the federal government or reserved to the people by the Constitution of the United States.

Section 2. That the rights and liberties of Wyoming, its costates and their respective citizens must be protected from any dangers by declaring that Congress is limited by the Tenth Amendment to the Constitution of the United States and that this state calls on its costates for an expression of their sentiments on acts not authorized by the United States Constitution.

Section 3. That this resolution serve as notice and demand to the federal government, as our agent, to cease and desist, effective immediately, from enacting mandates that are beyond the scope of these constitutionally delegated powers. The state of Wyoming will not enforce such mandates.

Section 4. That all compulsory federal legislation that directs states to comply under threat of civil or criminal penalties or sanctions be prohibited or repealed.

Section 5. That the Secretary of State of Wyoming transmit copies of this resolution to the President of the United States, to the President of the Senate and the Speaker of the House of Representatives of the United States Congress and to the Wyoming Congressional Delegation, with a request that this resolution be officially entered in the congressional record as a memorial to the Congress of the United States of America.

POM-95. A joint resolution adopted by the Legislature of the State of Wyoming requesting Congress oppose House Resolution 980, titled the Northern Rockies Ecosystem Protection Act; to the Committee on Energy and Natural Resources.

ENROLLED JOINT RESOLUTION NO. 1

Whereas, H.R. 980 was introduced in the United States House of Representatives on February 11, 2009; and

Whereas, H.R. 980 would designate an additional six million five hundred fourteen thousand (6,514,000) acres to the national wilderness system in the Greater Yellowstone Ecosystem, regardless of their unsuitability and failure to meet the wilderness criteria outlined in the 1964 Wilderness Act; and

Whereas, these additions to the National Wilderness System will have tremendous negative impacts to the economies of the counties in which they occur and ultimately to the economy of surrounding counties and the State of Wyoming; and

Whereas, the continuance of all multiple use activities, including motorized recreation, outfitting, grazing, timber harvesting activities and mineral development is crucial to the long term economic diversity of all Wyoming counties and the State of Wyoming; and

Whereas, the Wyoming congressional delegation, representing a state heavily impacted by the proposed wilderness expansion, is not on record in support of the designation; and

Whereas, the United States Congress does not customarily make wilderness designations without first seeking concurrence with the states affected. Now, therefore, be it

Resolved by the members of the legislature of the State of Wyoming:

Section 1. That the Legislature of the State of Wyoming is adamantly opposed to the Northern Rockies Ecosystem Protection Act, H.R. 980, and hereby requests that the United States House of Representatives Natural Resources Committee oppose this legislation.

Section 2. That the Secretary of State of Wyoming transmit copies of this resolution to the President of the United States, to the President of the Senate and the Speaker of the House of Representatives of the United States Congress and to the Wyoming Congressional Delegation, with a request that this resolution be officially entered in the congressional record as a memorial to the Congress of the United States of America.

POM-96. A joint resolution adopted by the Legislature of the State of Wyoming relative to Congress amending the tenth amendment of the Constitution of the United States and amending the interstate commerce clause, article 1, section 8 of the Constitution; to the Committee on Homeland Security and Governmental Affairs.

ENROLLED JOINT RESOLUTION NO. 3

Whereas, the tenth amendment to the Constitution of the United States reads as follows: "The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people."; and

Whereas, the tenth amendment to the Constitution of the United States defines the total scope of federal power as being that specifically granted by the Constitution of the United States and no more; and

Whereas, the scope of the power defined by the tenth amendment to the Constitution of the United States means that the federal government was created by the states specifically to be an agent of the states; and

Whereas, the states are demonstrably treated as agents of the federal government; and

Whereas, many powers assumed by the federal government and federal mandates are directly in violation of the tenth amendment to the United States Constitution; and

Whereas, the interstate commerce clause in article 1, section 8 of the Constitution of the United States provides that Congress shall have the power: "To regulate Commerce with foreign Nations, and among the several States, and with Indian Tribes;" and

Whereas, the interstate commerce clause is limited to the federal government regulating trade between the states and between the states and other nations, to help prevent conflicts between states over commercial activities and to prevent the erection of barriers to commerce between the states; and

Whereas, the interstate commerce clause should not be used to provide Congress with authority to regulate matters that are primarily intrastate with only an insignificant or collateral effect upon interstate commerce; and

Whereas, many federal laws are beyond the scope and intent of the interstate commerce clause and the tenth amendment to the Constitution of the United States; and

Whereas, the tenth amendment to the Constitution of the United States assures that we, the people of the United States of America and each sovereign state in the union of states, now have, and have always had, rights the federal government may not usurp; and

Whereas, article 4, section 4, of the Constitution of the United States says: "The United States shall guarantee to every State in this Union a Republican Form of Government," and the ninth amendment to the Constitution of the United States adds "The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people."; and

Whereas, Congress may not simply commandeer the legislative and regulatory processes of the states. Now, therefore, be it

Resolved by the members of the legislature of the State of Wyoming:

Section 1. That the Wyoming Congressional delegation and Congress take action to initiate the amendment process provided by article 5 of the Constitution of the United States to amend the tenth amendment and article 1, section 8 (the interstate commerce clause), of the Constitution of the United States.

Section 2. That Congress amend the tenth amendment of the Constitution of the United States as follows, with proposed changes indicated in italic text:

The powers not *expressly* delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people. *This amendment shall be considered by all courts as a rule of interpretation and construction in any case involving an interpretation of any constitutional power claimed by the Congress.*

Section 3. That Congress amend the interstate commerce clause, article 1, section 8, of the Constitution of the United States as follows, with proposed changes indicated in italic text:

To *directly* regulate Commerce with foreign nations, and among the several states, and with the Indian Tribes, *with no authority in Congress to regulate matters that are primarily intrastate with only an insignificant or collateral effect upon interstate commerce;*

Section 4. That Congress shall specify that the amendments to the tenth amendment and the interstate commerce clause, article 1, section 8, of the Constitution of the United States, as provided herein, shall be operative upon ratification by the legislatures of three-fourths of the several states, provided that such ratification shall occur within seven years from the date of the submission of the amendments to the states by Congress.

Section 5. That this state calls on its costates for an expression of their sentiments on the need to amend the tenth amendment and article 1, section 8 of the Constitution of the United States as provided in this resolution.

Section 6.

(a) That the Secretary of State of Wyoming transmit copies of this resolution:

(i) To the President of the United States, to the President of the Senate and the Speaker of the House of Representatives of the United States Congress and to the Wyoming Congressional Delegation, with a request that the Wyoming Congressional delegation take all reasonable and necessary actions to initiate the amendment process to amend the Constitution of the United States consistent with the language proposed in this resolution and that this resolution be officially entered in the congressional record as a memorial to the Congress of the United States of America; and

(ii) To the speaker of the house of representatives and president of the senate, or their equivalent, and the governor of each of the other forty-nine states.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. REID (for Mrs. BOXER), from the Committee on Environment and Public Works, with an amendment in the nature of a substitute:

S. 1397. A bill to authorize the Administrator of the Environmental Protection

Agency to award grants for electronic device recycling research, development, and demonstration projects, and for other purposes (Rept. No. 111-168).

S. 1660. A bill to amend the Toxic Substances Control Act to reduce the emissions of formaldehyde from composite wood products, and for other purposes (Rept. No. 111-169).

By Mr. LEAHY, from the Committee on the Judiciary, with amendments:

S. 3111. A bill to establish the Commission on Freedom of Information Act Processing Delays.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-5409. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Hawker Beechcraft Corporation Model G58 Airplanes" ((RIN2120-AA64) (Docket No. FAA-2009-1176)) received in the Office of the President of the Senate on March 26, 2010; to the Committee on Commerce, Science, and Transportation.

EC-5410. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Bombardier, Inc. Model CL-600-2B19 (Regional Jet Series 100 and 440) Airplanes" ((RIN2120-AA64) (Docket No. FAA-2009-0656)) received in the Office of the President of the Senate on March 26, 2010; to the Committee on Commerce, Science, and Transportation.

EC-5411. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Airbus Model A319, A320, and A321 Series Airplanes" ((RIN2120-AA64) (Docket No. FAA-2009-0649)) received in the Office of the President of the Senate on March 26, 2010; to the Committee on Commerce, Science, and Transportation.

EC-5412. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Airbus Model A300 B4-2C, B4-103, and B4-203 Airplanes; and Model A300 B4-601, B4-603, B4-620, B4-622, B4-605R, and B4-622R Airplanes" ((RIN2120-AA64) (Docket No. FAA-2009-0993)) received in the Office of the President of the Senate on March 26, 2010; to the Committee on Commerce, Science, and Transportation.

EC-5413. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Airbus Model A300 B2-1C, B2-203, B2K-3C, B4-103, B4-203, B4-2C Airplanes; Model A310 Series Airplanes; and Model A300 B4-601, B4-603, B4-605R, B4-620, B4-622, and B4-622R Airplanes" ((RIN2120-AA64) (Docket No. FAA-2009-0789)) received in the Office of the President of the Senate on March 26, 2010; to the Committee on Commerce, Science, and Transportation.

EC-5414. A communication from the Paralegal Specialist, Federal Aviation Adminis-

tration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Rolls-Royce plc RB211-Trent 800 Series Turbofan Engines" ((RIN2120-AA64) (Docket No. FAA-2009-1004)) received in the Office of the President of the Senate on April 13, 2010; to the Committee on Commerce, Science, and Transportation.

EC-5415. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; The Boeing Company Model 757 Airplanes" ((RIN2120-AA64) (Docket No. FAA-2009-0795)) received in the Office of the President of the Senate on April 13, 2010; to the Committee on Commerce, Science, and Transportation.

EC-5416. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. (EMBRAER) Model ERJ 170 and Model ERJ 190 Airplanes" ((RIN2120-AA64) (Docket No. FAA-2010-0274)) received in the Office of the President of the Senate on April 13, 2010; to the Committee on Commerce, Science, and Transportation.

EC-5417. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Rolls-Royce plc RB-211-Trent 500, 700, and 800 Series Turbofan Engines" ((RIN2120-AA64) (Docket No. FAA-2009-0674)) received in the Office of the President of the Senate on April 13, 2010; to the Committee on Commerce, Science, and Transportation.

EC-5418. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Various Aircraft Equipped with Honeywell Primus II RNZ-850()/-851() Integrated Navigation Units" ((RIN2120-AA64) (Docket No. FAA-2008-0556)) received in the Office of the President of the Senate on April 13, 2010; to the Committee on Commerce, Science, and Transportation.

EC-5419. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; The Boeing Company Model 737-600, -700, -700C, -800, -900, and -900ER Series Airplanes" ((RIN2120-AA64) (Docket No. FAA-2010-0230)) received in the Office of the President of the Senate on April 13, 2010; to the Committee on Commerce, Science, and Transportation.

EC-5420. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; The Boeing Company Model 747-200C and -200F Series Airplanes" ((RIN2120-AA64) (Docket No. FAA-2009-0684)) received in the Office of the President of the Senate on April 13, 2010; to the Committee on Commerce, Science, and Transportation.

EC-5421. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Bombardier Inc. Model BD-100-1A10 (Challenger 300) Airplanes" ((RIN2120-AA64)

(Docket No. FAA-2009-1214)) received in the Office of the President of the Senate on April 13, 2010; to the Committee on Commerce, Science, and Transportation.

EC-5422. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Kelly Aerospace Energy Systems, LLC Rebuilt Turbochargers" ((RIN2120-AA64) (Docket No. FAA-2009-1259)) received in the Office of the President of the Senate on April 13, 2010; to the Committee on Commerce, Science, and Transportation.

EC-5423. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Rolls-Royce plc RB211-Trent 700 Series Turbofan Engines" ((RIN2120-AA64) (Docket No. FAA-2005-19559)) received in the Office of the President of the Senate on April 13, 2010; to the Committee on Commerce, Science, and Transportation.

EC-5424. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; SOCATA Model TBM 700 Airplanes" ((RIN2120-AA64) (Docket No. FAA-2009-1256)) received in the Office of the President of the Senate on April 13, 2010; to the Committee on Commerce, Science, and Transportation.

EC-5425. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Aircraft Industries a.s. Model L 23 Super Blanik Gliders" ((RIN2120-AA64) (Docket No. FAA-2010-0357)) received in the Office of the President of the Senate on April 13, 2010; to the Committee on Commerce, Science, and Transportation.

EC-5426. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Turbomeca ARRIEL 1B, 1D, 1D1, 2B, and 2B1 Turbohaft Engines" ((RIN2120-AA64) (Docket No. FAA-2009-0302)) received in the Office of the President of the Senate on April 13, 2010; to the Committee on Commerce, Science, and Transportation.

EC-5427. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E Airspace; Mount Pleasant, SC" ((RIN2120-AA66) (Docket No. FAA-2010-0069)) received in the Office of the President of the Senate on April 13, 2010; to the Committee on Commerce, Science, and Transportation.

EC-5428. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E Airspace; Quitman, GA" ((RIN2120-AA66) (Docket No. FAA-2010-0053)) received in the Office of the President of the Senate on April 13, 2010; to the Committee on Commerce, Science, and Transportation.

EC-5429. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E Airspace; Panama City, Tyndall AFB, FL"

((RIN2120-AA66) (Docket No. FAA-2010-0249)) received in the Office of the President of the Senate on April 13, 2010; to the Committee on Commerce, Science, and Transportation.

EC-5430. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E Airspace; Kindred, ND" ((RIN2120-AA66) (Docket No. FAA-2009-0802)) received in the Office of the President of the Senate on April 13, 2010; to the Committee on Commerce, Science, and Transportation.

EC-5431. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E Airspace; Luverne, MN" ((RIN2120-AA66) (Docket No. FAA-2009-1150)) received in the Office of the President of the Senate on April 13, 2010; to the Committee on Commerce, Science, and Transportation.

EC-5432. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment of Class E Airspace; Killeen, TX" ((RIN2120-AA66) (Docket No. FAA-2009-0928)) received in the Office of the President of the Senate on April 13, 2010; to the Committee on Commerce, Science, and Transportation.

EC-5433. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Certification of Aircraft and Airmen for the Operation of Light-Sport Aircraft; Modifications to Rules for Sport Pilots and Flight Instructors With a Sport Pilot Rating; Correction" ((RIN2120-AJ10) (Docket No. FAA-2007-29015)) received in the Office of the President of the Senate on April 13, 2010; to the Committee on Commerce, Science, and Transportation.

EC-5434. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Extension of the Compliance Date for Cockpit Voice Recorder and Digital Flight Data Recorder Regulations" ((RIN2120-AJ65) (Docket No. FAA-2005-20245)) received in the Office of the President of the Senate on April 13, 2010; to the Committee on Commerce, Science, and Transportation.

EC-5435. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Revision of Prohibited Area P-49; Crawford, TX" ((RIN2120-AA66) (Docket No. FAA-2009-0921)) received in the Office of the President of the Senate on April 13, 2010; to the Committee on Commerce, Science, and Transportation.

EC-5436. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Low Altitude Area Navigation Route (T-284); Houston, TX" ((RIN2120-AA66) (Docket No. FAA-2009-0878)) received in the Office of the President of the Senate on April 13, 2010; to the Committee on Commerce, Science, and Transportation.

EC-5437. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment of Using Agency

for Restricted Areas R-3005A, R-3305B, R-3005C, R-3005D and R-3005E; Fort Stewart, GA" ((RIN2120-AA66) (Docket No. FAA-2010-0201)) received in the Office of the President of the Senate on April 12, 2010; to the Committee on Commerce, Science, and Transportation.

EC-5438. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment to Restricted Area R-2510A; El Centro, CA" ((RIN2120-AA66) (Docket No. FAA-2010-0346)) received in the Office of the President of the Senate on April 13, 2010; to the Committee on Commerce, Science, and Transportation.

EC-5439. A communication from the Assistant Chief Counsel for Hazardous Materials Safety, Pipeline and Hazardous Materials Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Hazardous Materials: Registration and Fee Assessment Program" (RIN2137-AE47) received in the Office of the President of the Senate on April 13, 2010; to the Committee on Commerce, Science, and Transportation.

EC-5440. A communication from the Assistant General Counsel for Regulatory Affairs, Consumer Product Safety Commission, transmitting, pursuant to law, the report of a rule entitled "Civil Penalty Factors" (16 CFR Part 1119) received in the Office of the President of the Senate on April 13, 2010; to the Committee on Commerce, Science, and Transportation.

EC-5441. A communication from the Regulatory Ombudsman, Federal Motor Carrier Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Electronic On-Board Recorders for Hours-of-Service Compliance" (RIN2126-AA89) received in the Office of the President of the Senate on April 13, 2010; to the Committee on Commerce, Science, and Transportation.

EC-5442. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in the West Yakutat District of the Gulf of Alaska" (RIN0648-XV51) received during adjournment of the Senate in the Office of the President of the Senate on April 9, 2010; to the Committee on Commerce, Science, and Transportation.

EC-5443. A communication from the Acting Assistant Chief for Legislation and Regulations, Maritime Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "America's Marine Highway Program" (RIN2133-AB70) received during adjournment of the Senate in the Office of the President of the Senate on April 9, 2010; to the Committee on Commerce, Science, and Transportation.

EC-5444. A communication from the Acting Director of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 620 in the Gulf of Alaska" (RIN0648-XU72) received in the Office of the President of the Senate on April 14, 2010; to the Committee on Commerce, Science, and Transportation.

EC-5445. A communication from the Assistant Secretary for Export Administration, Bureau of Industry and Security, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled

"Issuance of Electronic Documents and Related Recordkeeping Requirements" (RIN0694-AE66) received during adjournment of the Senate in the Office of the President of the Senate on April 1, 2010; to the Committee on Commerce, Science, and Transportation.

EC-5446. A communication from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Television Broadcasting Services; Atlantic City, NJ" (MB Docket No. 09-231) received during adjournment of the Senate in the Office of the President of the Senate on March 29, 2010; to the Committee on Commerce, Science, and Transportation.

EC-5447. A communication from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Digital Audio Broadcasting Systems and Their Impact on the Terrestrial Radio Broadcast Service" (MB Docket No. 99-325) received in the Office of the President of the Senate on March 29, 2010; to the Committee on Commerce, Science, and Transportation.

EC-5448. A communication from the Acting Associate Chief, Wireline Competition Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Subpart F—Universal Service Support for Schools and Libraries, Other Supported Special Services, Services Provided by Non-Telecommunications Carriers" (FCC09-105) received during adjournment of the Senate in the Office of the President of the Senate on March 29, 2010; to the Committee on Commerce, Science, and Transportation.

EC-5449. A communication from the Acting Legal Advisor and Chief, Wireless Telecommunications Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Part 90 of the Commission's Rules" (WP Doc. 07-100) received during adjournment of the Senate in the Office of the President of the Senate on March 29, 2010; to the Committee on Commerce, Science, and Transportation.

EC-5450. A communication from the Secretary of Transportation, transmitting, pursuant to law, an annual report relative to the accomplishments made under the Airport Improvement Program during fiscal year 2008; to the Committee on Commerce, Science, and Transportation.

EC-5451. A joint communication from the Administrator of the National Highway Traffic Safety Administration and the Assistant Secretary for Communications and Information of the National Telecommunications and Information Administration, transmitting, pursuant to law, a report relative to the Implementation Coordination Office's activities relative to development of comprehensive and technologically enhanced 911 (E-911) services; to the Committee on Commerce, Science, and Transportation.

EC-5452. A communication from the President and Chief Executive Officer, National Railroad Passenger Corporation, AMTRAK, transmitting, pursuant to law, a report relative to AMTRAK's Grant and Legislative Request for Fiscal Year 2011; to the Committee on Commerce, Science, and Transportation.

EC-5453. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "2010 Rates for Pilotage on the Great Lakes" (RIN1625-AB39) received during adjournment

of the Senate in the Office of the President of the Senate on April 9, 2010; to the Committee on Commerce, Science, and Transportation.

EC-5454. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Drawbridge Operation Regulations; Great Egg Harbor Bay, Between Beesleys Point and Somers Point, NJ" (RIN1625-AA09) received during adjournment of the Senate in the Office of the President of the Senate on April 9, 2010; to the Committee on Commerce, Science, and Transportation.

EC-5455. A communication from the Attorney, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Safety Zone; AICW Closure Safety Zone for Ben Sawyer Bridge Replacement Project, Sullivan's Island, SC" (RIN1625-AA00) (Docket No. USG-2009-0878) received during adjournment of the Senate in the Office of the President of the Senate on April 9, 2010; to the Committee on Commerce, Science, and Transportation.

EC-5456. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Safety Zone; Havasu Landing Annual Regatta; Colorado River, Lake Havasu Landing, CA" (RIN1625-AA00) (Docket No. USG-2009-1060) received during adjournment of the Senate in the Office of the President of the Senate on April 9, 2010; to the Committee on Commerce, Science, and Transportation.

EC-5457. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Safety Zone; Baltimore Captain of Port Zone" (RIN1625-AA00) (Docket No. USG-2009-1130) received during adjournment of the Senate in the Office of the President of the Senate on April 9, 2010; to the Committee on Commerce, Science, and Transportation.

EC-5458. A communication from the Attorney, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Safety Zone; Todd Pacific Shipyards Vessel Launch, West Duwamish Waterway, Seattle, WA" (RIN1625-AA00) (Docket No. USG-2009-1073) received during adjournment of the Senate in the Office of the President of the Senate on April 9, 2010; to the Committee on Commerce, Science, and Transportation.

EC-5459. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Safety Zone; Congress Street Bridge, Pequonnock River, Bridgeport, CT" (RIN1625-AA00) (Docket No. USG-2009-1072) received during adjournment of the Senate in the Office of the President of the Senate on April 9, 2010; to the Committee on Commerce, Science, and Transportation.

EC-5460. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Safety Zone; Escorted U.S. Navy Submarines in Sector Seattle Captain of the Port Zone" (RIN1625-AA87) (Docket No. USG-2009-1057) received during adjournment of the Senate in the Office of the President of the Senate on April 9, 2010; to the Committee on Commerce, Science, and Transportation.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. KOHL (for himself, Mr. GRASSLEY, Mr. JOHNSON, Ms. LANDRIEU, Mr. HARKIN, Mr. BOND, Mr. FEINGOLD, Mr. BENNET, Mr. NELSON of Nebraska, Mr. LEAHY, and Mr. DURBIN):

S. 3221. A bill to amend the Farm Security and Rural Investment Act of 2002 to extend the suspension of limitation on the period for which certain borrowers are eligible for guaranteed assistance; to the Committee on Agriculture, Nutrition, and Forestry.

By Mrs. FEINSTEIN (for herself and Mrs. BOXER):

S. 3222. A bill to authorize the Secretary of the Interior to conduct a study of alternatives for commemorating interpreting the role of the Buffalo Soldiers in the early years of the National Parks, and for other purposes; to the Committee on Energy and Natural Resources.

By Ms. SNOWE (for herself and Mr. HARKIN):

S. 3223. A bill to amend the Employee Retirement Income Security Act of 1974 and the Public Health Service Act to provide parity under group health plans and group health insurance coverage for the provision of benefits for prosthetics and custom orthotics and benefits for other medical and surgical services; to the Committee on Health, Education, Labor, and Pensions.

By Mr. UDALL of New Mexico (for himself, Mr. BINGAMAN, Mr. CRAPO, Mr. UDALL of Colorado, Mr. RISCH, and Mr. BENNET):

S. 3224. A bill to amend the Radiation Exposure Compensation Act to improve compensation for workers involved in uranium mining, and for other purposes; to the Committee on the Judiciary.

By Mr. BEGICH (for himself, Ms. KLOBUCHAR, and Mr. SCHUMER):

S. 3225. A bill to direct the Secretary of Commerce to establish a comprehensive grant program to promote domestic regional tourism; to the Committee on Commerce, Science, and Transportation.

By Mr. BROWN of Ohio (for himself, Mr. CARPER, Ms. COLLINS, Ms. SNOWE, and Mr. KAUFMAN):

S. 3226. A bill to require the Secretary of Energy to take actions to stimulate the emergence of an offshore wind power industry in the United States, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. HATCH (for himself, Mr. LEVIN, Mr. BENNETT, Mrs. GILLIBRAND, Mr. KERRY, Mrs. SHAHEEN, and Mr. SCHUMER):

S. 3227. A bill to authorize the Archivist of the United States to make grants to States for the preservation and dissemination of historical records; to the Committee on Homeland Security and Governmental Affairs.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. SPECTER:

S. Res. 488. A resolution congratulating the Pennsylvania State University IFC/Pan-

hellenic Dance Marathon (THON) on its continued success in support of the Four Diamonds Fund at Penn State Hershey Children's Hospital; to the Committee on the Judiciary.

By Mr. ALEXANDER (for himself, Mr. BURRIS, Mr. CORKER, Mr. CARDIN, Mr. FEINGOLD, and Mr. DURBIN):

S. Res. 489. A resolution honoring the life and achievements of Dr. Benjamin L. Hooks; considered and agreed to.

By Mr. WHITEHOUSE:

S. Res. 490. A resolution recognizing the measurable, positive impact that the National Committee for Quality Assurance has made on the quality of care patients in the United States have received during the 20 years since the formation of the organization; to the Committee on Health, Education, Labor, and Pensions.

By Mrs. SHAHEEN (for herself, Mr. MCCAIN, and Mr. FEINGOLD):

S. Con. Res. 58. A concurrent resolution recognizing Doris "Granny D" Haddock, who inspired millions of people through remarkable acts of political activism, and extending the condolences of Congress on the death of Doris "Granny D" Haddock; to the Committee on the Judiciary.

ADDITIONAL COSPONSORS

S. 305

At the request of Mr. SCHUMER, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 305, a bill to amend title IV of the Public Health Service Act to create a National Childhood Brain Tumor Prevention Network to provide grants and coordinate research with respect to the causes of and risk factors associated with childhood brain tumors, and for other purposes.

S. 653

At the request of Mr. CARDIN, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 653, a bill to require the Secretary of the Treasury to mint coins in commemoration of the bicentennial of the writing of the Star-Spangled Banner, and for other purposes.

S. 718

At the request of Mr. HARKIN, the name of the Senator from Wisconsin (Mr. KOHL) was added as a cosponsor of S. 718, a bill to amend the Legal Services Corporation Act to meet special needs of eligible clients, provide for technology grants, improve corporate practices of the Legal Services Corporation, and for other purposes.

S. 781

At the request of Mr. ROBERTS, the name of the Senator from Idaho (Mr. RISCH) was added as a cosponsor of S. 781, a bill to amend the Internal Revenue Code of 1986 to provide for collegiate housing and infrastructure grants.

S. 891

At the request of Mr. BROWNBACK, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 891, a bill to require annual disclosure to the Securities and

Exchange Commission of activities involving columbite-tantalite, cassiterite, and wolframite from the Democratic Republic of Congo, and for other purposes.

S. 1203

At the request of Mr. BAUCUS, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 1203, a bill to amend the Internal Revenue Code of 1986 to extend the research credit through 2010 and to increase and make permanent the alternative simplified research credit, and for other purposes.

S. 1313

At the request of Mr. LUGAR, the names of the Senator from Mississippi (Mr. WICKER) and the Senator from Washington (Mrs. MURRAY) were added as cosponsors of S. 1313, a bill to amend the Internal Revenue Code of 1986 to permanently extend and expand the charitable deduction for contributions of food inventory.

S. 1382

At the request of Mr. DODD, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of S. 1382, a bill to improve and expand the Peace Corps for the 21st century, and for other purposes.

S. 1551

At the request of Mr. SPECTER, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 1551, a bill to amend section 20 of the Securities Exchange Act of 1934 to allow for a private civil action against a person that provides substantial assistance in violation of such Act.

S. 1700

At the request of Mr. LUGAR, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 1700, a bill to require certain issuers to disclose payments to foreign governments for the commercial development of oil, natural gas, and minerals, to express the sense of Congress that the President should disclose any payment relating to the commercial development of oil, natural gas, and minerals on Federal land, and for other purposes.

S. 1939

At the request of Mrs. GILLIBRAND, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 1939, a bill to amend title 38, United States Code, to clarify presumptions relating to the exposure of certain veterans who served in the vicinity of the Republic of Vietnam, and for other purposes.

S. 2899

At the request of Mrs. FEINSTEIN, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 2899, a bill to amend the American Recovery and Reinvestment Act of 2009 and the Internal Revenue Code of 1986 to provide incentives for the development of solar energy.

S. 2989

At the request of Ms. LANDRIEU, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of S. 2989, a bill to improve the Small Business Act, and for other purposes.

S. 3098

At the request of Mr. MERKLEY, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of S. 3098, a bill to prohibit proprietary trading and certain relationships with hedge funds and private equity funds, to address conflicts of interest with respect to certain securitizations, and for other purposes.

S. 3102

At the request of Mr. MERKLEY, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 3102, a bill to amend the miscellaneous rural development provisions of the Farm Security and Rural Investment Act of 2002 to authorize the Secretary of Agriculture to make loans to certain entities that will use the funds to make loans to consumers to implement energy efficiency measures involving structural improvements and investments in cost-effective, commercial off-the-shelf technologies to reduce home energy use.

S. 3106

At the request of Mrs. HAGAN, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 3106, a bill to authorize States to exempt certain nonprofit housing organizations from the licensing requirements of the S.A.F.E. Mortgage Lending Act of 2008.

S. 3169

At the request of Mrs. MURRAY, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 3169, a bill to require the Attorney General to make recommendations to the Interstate Commission for Adult Offender Supervision on policies and minimum standards to better protect public and officer safety.

S. 3205

At the request of Mr. SCHUMER, the name of the Senator from Virginia (Mr. WEBB) was added as a cosponsor of S. 3205, a bill to amend the Internal Revenue Code of 1986 to provide that fees charged for baggage carried into the cabin of an aircraft are subject to the excise tax imposed on transportation of persons by air.

S. 3206

At the request of Mr. HARKIN, the names of the Senator from New Jersey (Mr. MENENDEZ) and the Senator from New Mexico (Mr. UDALL) were added as cosponsors of S. 3206, a bill to establish an Education Jobs Fund.

S. 3211

At the request of Mrs. SHAHEEN, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 3211, a bill to amend title XVIII of the Social Security Act to im-

prove access to diabetes self-management training by designating certain certified diabetes educators as certified providers for purposes of outpatient diabetes self-management training services under part B of the Medicare Program.

S. 3213

At the request of Mr. LEVIN, the name of the Senator from Ohio (Mr. VOINOVICH) was added as a cosponsor of S. 3213, a bill to ensure that amounts credited to the Harbor Maintenance Trust Fund are used for harbor maintenance.

S. CON. RES. 55

At the request of Mr. FEINGOLD, the names of the Senator from Colorado (Mr. BENNET), the Senator from Oregon (Mr. MERKLEY), the Senator from Washington (Mrs. MURRAY), the Senator from Maryland (Mr. CARDIN), the Senator from Illinois (Mr. DURBIN), the Senator from Delaware (Mr. CARPER) and the Senator from Nevada (Mr. REID) were added as cosponsors of S. Con. Res. 55, a concurrent resolution commemorating the 40th anniversary of Earth Day and honoring the founder of Earth Day, the late Senator Gaylord Nelson of the State of Wisconsin.

S. CON. RES. 56

At the request of Mr. LIEBERMAN, the names of the Senator from Mississippi (Mr. COCHRAN) and the Senator from Georgia (Mr. ISAKSON) were added as cosponsors of S. Con. Res. 56, a concurrent resolution congratulating the Commandant of the Coast Guard and the Superintendent of the Coast Guard Academy and its staff for 100 years of operation of the Coast Guard Academy in New London, Connecticut, and for other purposes.

S. RES. 411

At the request of Mrs. LINCOLN, the name of the Senator from New Hampshire (Mr. GREGG) was added as a cosponsor of S. Res. 411, a resolution recognizing the importance and sustainability of the United States hardwoods industry and urging that United States hardwoods and the products derived from United States hardwoods be given full consideration in any program to promote construction of environmentally preferable commercial, public, or private buildings.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mrs. FEINSTEIN (for herself and Mrs. BOXER):

S. 3222. A bill to authorize the Secretary of the Interior to conduct a study of alternatives for commemorating interpreting the role of the Buffalo Soldiers in the early years of the National Parks, and for other purposes; to the Committee on Energy and Natural Resources.

Mrs. FEINSTEIN. Mr. President, I rise today on behalf of myself and Senator BOXER to introduce the Buffalo

Soldiers in the National Parks Study Act. This legislation is an important step in preserving the legacy of the Army's first all-black infantry and cavalry units and their unique role in the creation of our National Park system.

Established Congressionally by 1869, the Buffalo Soldiers served bravely in campaigns both at home and abroad before being stationed at the military Presidio in San Francisco and given charge of patrolling the National Park system. Although first tasked with taming the frontier, these troops also took on the responsibility of preserving that wilderness for future generations. Each summer, Buffalo Soldier regiments traveled roughly 320 miles from San Francisco to either Sequoia or Yosemite National Park, where they patrolled the parks for poachers and loggers, built trails, and escorted visitors. They were, in essence if not in name, the nation's first park rangers.

In a time of segregation and adversity, these soldiers served their country bravely and the National Parks they worked to establish are part of the legacy they leave behind. Unfortunately, this unique aspect of their history is neither widely recognized nor remembered. This legislation would address that by authorizing a study to determine the most appropriate way to memorialize the Buffalo Soldiers. Money procured under the act would be used to determine the feasibility of establishing a national historic trail along the route traveled by the Buffalo Soldiers, scout for properties to add to the National Register of Historic Places, and develop educational initiatives and a public awareness campaign about the contribution of African-American soldiers after the Civil War.

Although the experiences of the Buffalo Soldiers are an important piece of our national history, we are in danger of losing their legacy to the passage of time unless we take conscious steps to preserve the memory. This legislation works to ensure that the contributions of the Buffalo Soldiers will be remembered and shared by all. I urge my colleagues to join me in their support for this measure.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 3222

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Buffalo Soldiers in the National Parks Study Act".

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—The Congress finds the following:

(1) In the late 19th century and early 20th century, African-American troops who came to be known as the Buffalo Soldiers served in many critical roles in the western United

States, including protecting some of the first National Parks.

(2) Based at the Presidio in San Francisco, Buffalo Soldiers were assigned to Sequoia and Yosemite National Parks where they patrolled the backcountry, built trails, stopped poaching, and otherwise served in the roles later assumed by National Park rangers.

(3) The public would benefit from having opportunities to learn more about the Buffalo Soldiers in the National Parks and their contributions to the management of National Parks and the legacy of African-Americans in the post-Civil War era.

(4) As the centennial of the National Park Service in 2016 approaches, it is an especially appropriate time to conduct research and increase public awareness of the stewardship role the Buffalo Soldiers played in the early years of the National Parks.

(b) PURPOSE.—The purpose of this Act is to authorize a study to determine the most effective ways to increase understanding and public awareness of the critical role that the Buffalo Soldiers played in the early years of the National Parks.

SEC. 3. STUDY.

(a) IN GENERAL.—The Secretary of the Interior shall conduct a study of alternatives for commemorating and interpreting the role of the Buffalo Soldiers in the early years of the National Parks.

(b) CONTENTS OF STUDY.—The study shall include—

(1) a historical assessment, based on extensive research, of the Buffalo Soldiers who served in National Parks in the years prior to the establishment of the National Park Service;

(2) an evaluation of the suitability and feasibility of establishing a national historic trail commemorating the route traveled by the Buffalo Soldiers from their post in the Presidio of San Francisco to Sequoia and Yosemite National Parks and to any other National Parks where they may have served;

(3) the identification of properties that could meet criteria for listing in the National Register of Historic Places or criteria for designation as National Historic Landmarks;

(4) an evaluation of appropriate ways to enhance historical research, education, interpretation, and public awareness of the story of the Buffalo Soldiers' stewardship role in the National Parks, including ways to link the story to the development of National Parks and the story of African-American military service following the Civil War; and

(5) any other matters that the Secretary of the Interior deems appropriate for this study.

(c) REPORT.—Not later than 3 years after funds are made available for the study, the Secretary of the Interior shall submit to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report containing the study's findings and recommendations.

By Mr. UDALL of New Mexico
(for himself, Mr. BINGAMAN, Mr. CRAPO, Mr. UDALL of Colorado, Mr. RISCH, and Mr. BENNET):

S. 3224. A bill to amend the Radiation Exposure Compensation Act to improve compensation for workers involved in uranium mining, and for other purposes; to the Committee on the Judiciary.

Mr. UDALL of New Mexico. Mr. President, I rise today to introduce the

Radiation Exposure Compensation Act amendments of 2010. The Radiation Exposure Compensation Act, known as RECA, was first introduced in this body 21 years ago today. Proposed by the Senator from Utah, ORRIN HATCH, this original legislation was a monumental step in recognizing some of the unheralded victims of the Cold-War era.

As the United States Government built up its Cold-War nuclear arsenal during the mid-20th century, many Americans paid the price with their health. Some were sickened through exposure to aboveground atomic weapons tests. Others were exposed to heavy doses of radiation from working in the uranium mining industry. All the while the government was slow to implement Federal protections.

As a result, a generation of Americans who worked in the mines or lived near testing sites became sick with serious diseases such as lung cancer and kidney disease and many others.

Much of the U.S. uranium development occurred on the Navajo Nation. That is where jobs in the mines and mills drew workers from the surrounding rural areas. These workers and much of the country were unaware of the dangers of radiation exposure, and this was despite reports from the European mining industry indicating that uranium mining led to high rates of lung cancer. There should have been a warning call, there should have been a wake-up call, but there wasn't.

In the ensuing years, rates of lung cancer among Navajo Indians went from disproportionately low to disproportionately high compared with the rest of the U.S. population. This was clearly a result of uranium development and related radiation exposure.

In addition to lung cancer, numerous other illnesses began to emerge in the men and women who worked in the uranium mining industry. These individuals were not limited to the Navajo Nation. In my home State of New Mexico, the Pueblo of Laguna was home to the Nation's largest open pit uranium mine. Workers from across the State came to the mines, especially from the economically struggling communities of rural New Mexico.

In the late 1970s, my father, Stewart Udall, took up the fight for these workers. In 1979, my father filed 32 claims against the Department of Energy on behalf of widows of deceased Navajo uranium miners. In many ways, this marked the beginning of the fight for compensation for all uranium workers.

I remember working those years with my whole family to collect information and push for recognition. It was a family effort to fight for justice, and for me it continues to be a family priority.

Ten years later, the original RECA legislation was introduced in the Senate. It passed in 1990, giving a level of restitution to sick miners and millers,

as well as individuals living downwind of nuclear tests. Amendments to RECA have occurred over the ensuing decades, most significantly in 2000. That is when the act was expanded to include mill workers and ore transporters and expand downwind counties, among other things.

Today, with Senators JEFF BINGAMAN, MIKE CRAPO, MARK UDALL, MICHAEL BENNETT, and JAMES RISCH, I introduced a piece of legislation that takes the next step in addressing the remaining shortfalls of the Radiation Exposure Compensation Act. I wish to highlight some of the provisions of our bill.

First, the inclusion of post-1971 uranium miners and workers as qualified claimants. While the Federal Government ceased the purchase of domestic uranium in 1971, implementation of Federal work safety standards was slow and regulation of mines was poor. As a result, thousands of miners and millers were never made aware of the dangers of the yellow cake they handled on a regular basis.

In recent surveys, the majority of uranium workers from this period reported they did not have showers or wash basins in the mines where they worked. They often took contaminated clothing home for laundering, unaware of the hazards, and with no other option for cleaning. Many also reported that ventilation to prevent unnecessary exposure was not provided in their work areas.

Today, these workers continue to suffer and die from illnesses related to radiation exposure. But because their employment dates began after 1971, they have no opportunity for compensation. Our bill changes that. If the measure passes, individuals working from 1971 until 1990 will qualify to claim compensation for exposure-related diseases.

The bill we are introducing today would also expand the geographic areas that qualify for downwind compensation to include New Mexico, Idaho, Montana, Colorado, and Guam. And for the first time, the bill recognizes downwind exposure from the original atomic weapons test site—the Trinity Site in New Mexico.

This legislation would raise compensation levels for those exposed as a result of aboveground weapons tests. This would make their compensation consistent with their counterparts who worked in the mines and mills.

The bill would also facilitate epidemiological research on the impacts of uranium development on communities and families of uranium workers. It authorizes funding for the National Institute of Environmental Health Sciences to award grants to universities and nonprofits to carry out such research. We are seeking to broaden the use of affidavits to substantiate employment history and residence in an affected downwind area.

Many who have suffered as a result of Cold-War uranium and weapons development did not have the documentation to prove their exposure. Often mines and mills did not keep proper documentation of their workers, and many communities impacted did not have a tradition of keeping birth and marriage certification. The bill would allow individuals to combine their time worked in multiple positions to meet the work time requirements for compensation in the original RECA legislation.

Finally, this legislation would allow miners to be compensated for kidney disease, and it would allow core drillers to join miners, millers, and ore transporters on the current list of uranium workers who qualify for compensation under the act.

Uranium and weapons development of the Cold-War era left a gruesome legacy in communities of mine workers and downwinders. For more than two decades now the United States has tried to compensate in some way for the sickness and loss of life. Today, we are taking the next step to close this sad chapter in history and to improve the reach of compassionate compensation to those Americans who have suffered but have not qualified under RECA in its current form.

In introducing this legislation, I honor all those who continue to suffer from deadly illnesses as a result of radiation exposure but don't qualify for compensation—especially those workers who began employment after 1971 and, thus, do not qualify for RECA.

I look forward to working with my colleagues to recognize these individuals and expand RECA to include all who are justified in receiving radiation exposure compensation.

By Mr. HATCH (for himself, Mr. LEVIN, Mr. BENNETT, Mrs. GILLIBRAND, Mr. KERRY, Mrs. SHAHEEN, and Mr. SCHUMER):

S. 3227. A bill to authorize the Archivist of the United States to make grants to States for the preservation and dissemination of historical records; to the Committee on Homeland Security and Governmental Affairs.

Mr. HATCH. Mr. President, I rise today to discuss the Preserving the American Historical Record Act, a bill that I introduced along with Senator LEVIN today. This is a piece of legislation designed to ensure the protection of important historical documents housed and preserved at the State and local level.

Put simply, this legislation would require the Archivist of the United States to make grants to the States for a number of purposes, including protecting historical records, promoting the use of such records in new and creative ways, providing education and training to those who care for historical records and creating a wide variety

of access tools of key records maintained by State and local organizations. The bill authorizes \$50,000,000 a year—a very modest sum, all things considered—to be distributed among the States according to formulas based on both size and geographical area.

We live in a time where there has been a resurgence in interest in family history and genealogical research. With the advancement of internet research tools, millions of Americans have gone online to learn more about their pasts. Indeed, this type of research is among the more prominent uses of Internet resources, as evidenced by the growth of websites and services like Ancestry.com and Family Search. Also, millions of Americans have tuned into hit television shows describing the experience and revelation that comes with the discovery of one's family history.

I want to thank Senator LEVIN for working with me on this legislation, as well as our cosponsors Senators BENNETT, SCHUMER, KERRY, SHAHEEN, and GILLIBRAND.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 488—CONGRATULATING THE PENNSYLVANIA STATE UNIVERSITY IFC/PANHELLENIC DANCE MARATHON (THON) ON ITS CONTINUED SUCCESS IN SUPPORT OF THE FOUR DIAMONDS FUND AT PENN STATE HERSEY CHILDREN'S HOSPITAL

Mr. SPECTER submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 488

Whereas the Pennsylvania State IFC/Panellenic Dance Marathon, known as THON, is the largest student-run philanthropy in the world, with 700 dancers, more than 300 supporting organizations, and more than 15,000 volunteers involved in the annual event;

Whereas student volunteers at the Pennsylvania State University annually collect money and dance for 46 hours straight at the Bryce Jordan Center for THON, bringing energy and excitement to campus for a mission to conquer cancer, and bringing awareness to countless thousands more;

Whereas all THON activities support the mission of the Four Diamonds Fund at Penn State Hershey Children's Hospital, which provides financial and emotional support to pediatric cancer patients and their families and funds cancer research;

Whereas each year, THON is the single largest donor to the Four Diamonds Fund at Penn State Hershey Children's Hospital, having raised nearly \$68,900,000 since 1977, when the 2 organizations first became affiliated;

Whereas in 2010, THON set a new fundraising record of over \$7,830,000, besting the previous record of \$7,500,000 was set in 2009;

Whereas THON support has helped more than 2,000 families through the Four Diamonds Fund, is currently helping to build a new Pediatric Cancer Pavilion at Penn State

Hershey Children's Hospital, and has helped support pediatric cancer research that has caused some pediatric cancer survival rates to increase to nearly 90 percent; and

Whereas THON has inspired similar events and organizations across the Nation, including at high schools and colleges, and continues to encourage students across the Nation to volunteer and stay involved in great charitable causes in their community: Now, therefore, be it

Resolved, That the Senate—

(1) congratulates the Pennsylvania State University IFC/Panhellenic Dance Marathon (THON) on its continued success in support of the Four Diamonds Fund at Penn State Hershey Children's Hospital; and

(2) commends the Pennsylvania State University students, volunteers, and supporting organizations for their hard work putting together another record-breaking THON.

Mr. SPECTER. Mr. President, I seek recognition today to commend the Pennsylvania State University and the many students across the Commonwealth who each year play a very important role in the fight against cancer.

The Pennsylvania State University IFC/Panhellenic Dance Marathon, referred to as "THON," is a yearlong effort to raise funds and awareness for the fight against pediatric cancer. The effort culminates in a 2-day, no sitting, no sleeping dance marathon. Since 1977, THON has raised more than \$60 million for the Four Diamonds Fund at Penn State Children's Hospital. The Four Diamonds Fund was established by Charles and Irma Millard, after the death of their son, Christopher, who was diagnosed with cancer at the age of 11. In addition to helping with the cost of treatment that insurance does not cover, as well as expenses that may disrupt the welfare of the child, the Four Diamonds Fund supports the medical teams that care for the children and funds pediatric cancer research through start-up grants and the Four Diamonds Pediatric Cancer Research Institute.

Since its inception, THON has assisted over 2,000 families and no family has been turned away from the Four Diamonds Fund. The hard work, dedication, and enthusiasm of thousands of student volunteers and hundreds of dancers combine with the support of the wider Penn State community and students across the Commonwealth of Pennsylvania to make a potent weapon in the fight against pediatric cancer. Thanks to their efforts, the fight is one we are ever closer to winning.

To win the fight against pediatric cancer, and all cancers, once and for all, we need to continue to support vital medical research. When I came to the U.S. Senate in 1981, funding for the National Institutes of Health totaled \$3.6 billion. Since becoming LHHS chairman in 1996, I have successfully worked to more than double NIH funding, which was \$12.7 billion at that time. The fiscal year 2010 LHHS Appropriations bill provided \$30.2 billion for

NIH funding, an almost \$1 billion increase from fiscal year 2009. I also secured an additional \$10 billion in funding through an amendment to the American Recovery and Reinvestment Act.

I have fought and will continue to fight for increased funding for the NIH because medical research saves and improves lives. Medical research, along with significant community support through efforts such as THON, provides children with a real chance to be cured so that they may continue to grow and prosper.

SENATE RESOLUTION 489—HONORING THE LIFE AND ACHIEVEMENTS OF DR. BENJAMIN L. HOOKS

Mr. ALEXANDER (for himself, Mr. BURRIS, Mr. CORKER, Mr. CARDIN, Mr. FEINGOLD, and Mr. DURBIN) submitted the following resolution; which was considered and agreed to:

S. RES. 489

Whereas Benjamin Hooks was born in Memphis, Tennessee on January 31, 1925;

Whereas Benjamin Hooks died April 15, 2010, at the age of 85 in Memphis, Tennessee, and is survived by his wife, Frances Hooks, his daughter, Patricia Gray, and 2 grandsons;

Whereas Benjamin Hooks was the fifth of 7 children born to Robert B. and Bessie Hooks, and was the grandson of Julia Hooks, the second Black woman in the United States to graduate from college;

Whereas Benjamin Hooks attended LeMoyne-Owen College in Memphis and, in 1944, graduated from Howard University;

Whereas Benjamin Hooks joined the United States Army during World War II and was promoted to staff sergeant;

Whereas in 1948, Benjamin Hooks received his law degree from DePaul University in Chicago, Illinois and returned to Memphis, Tennessee to help breakdown segregation;

Whereas Benjamin Hooks set up his own law practice and was one of a few Blacks practicing law in Memphis from 1949-1965;

Whereas Benjamin Hooks was appointed to a vacancy on the Shelby County criminal court, by Governor Frank G. Clement in 1965, making him the first Black criminal court judge in the history of Tennessee;

Whereas Benjamin Hooks was a leader in the civil rights movement and joined the Southern Christian Leadership Conference of Reverend Martin Luther King in 1956;

Whereas Benjamin Hooks became the first Black appointee to the Federal Communications Commission in 1972, when he was appointed by President Richard Nixon, and, in that capacity, worked towards minority employment and involvement in broadcasting;

Whereas Benjamin Hooks was elected executive director of the National Association for the Advancement of Colored People (NAACP) on November 6, 1976, and served in that role until 1992;

Whereas Benjamin Hooks was an ordained minister and delivered sermons for 52 years at the Greater Middle Baptist Church and as pastor at Greater New Mountain Moriah Missionary Baptist Church in Detroit;

Whereas Benjamin Hooks was honored in 1996 with the dedication of the Benjamin L. Hooks Institute for Social Change at the University of Memphis, which he helped to create;

Whereas Benjamin Hooks and Francis Hooks renewed their wedding vows on March 24, 2001, after almost 50 years of marriage;

Whereas in November 2007, Benjamin Hooks was awarded the Presidential Medal of Freedom, the highest civilian honor in the United States, by President George W. Bush; and

Whereas the passing of Benjamin Hooks is a great loss: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the outstanding contributions of Dr. Benjamin L. Hooks to the civil rights movement, the ministry, his family, and the community of Memphis, Tennessee; and

(2) pays tribute to Dr. Benjamin L. Hooks, his passion for life, dedication to service, and commitment to equality.

SENATE RESOLUTION 490—RECOGNIZING THE MEASURABLE, POSITIVE IMPACT THAT THE NATIONAL COMMITTEE FOR QUALITY ASSURANCE HAS MADE ON THE QUALITY OF CARE PATIENTS IN THE UNITED STATES HAVE RECEIVED DURING THE 20 YEARS SINCE THE FORMATION OF THE ORGANIZATION

Mr. WHITEHOUSE submitted the following resolution; which was referred to the Committee on Health, Education, Labor, and Pensions:

S. RES. 490

Whereas the National Committee for Quality Assurance (referred to in this preamble as the "NCQA") was formed in February of 1990 and is a non-profit 501(c)(3) corporation based in the District of Columbia;

Whereas the mission of NCQA is to "Improve the Quality of Health Care";

Whereas the Healthcare Effectiveness Data and Information Set (HEDIS) of NCQA is the most widely used set of clinical quality measures in the United States, covering more than 116,000,000 people in the United States;

Whereas more than 70 percent of people in the United States enrolled in a health insurance plan are covered by the Health Plan Accreditation protections of NCQA;

Whereas the health plan standards of NCQA have been used as a model for Medicare, Medicaid, and more than 40 State insurance systems;

Whereas more than 15,000 practicing physicians have been recognized by NCQA for excellent clinical performance in such areas as diabetes, heart and stroke, and back pain treatment;

Whereas more than 400 medical practices across the United States have been recognized by NCQA as meeting the requirements of a patient-centered medical home;

Whereas more than 1,000,000 people in the United States use the Health Plan Report Card, published by NCQA, to choose a health insurance plan that best meets the needs of themselves and their families;

Whereas performance measurement by NCQA has improved care for diabetes, heart disease, high blood pressure, and high cholesterol, saving 165,000 to 272,000 lives; and

Whereas the staff of NCQA, over 200 health care experts, are dedicated to improving the quality of care for the people of the United States through performance measurement and accountability: Now, therefore, be it

Resolved, That the Senate recognizes—

(1) the measurable, positive impact that the National Committee for Quality Assurance has made on the quality of care patients in the United States have received during the 20 years since the formation of the organization; and

(2) the importance of the continuing mission of the National Committee for Quality Assurance to save lives by ensuring health care providers and plans are accountable for delivering appropriate, safe, and quality care.

SENATE CONCURRENT RESOLUTION 58—RECOGNIZING DORIS “GRANNY D” HADDOCK, WHO INSPIRED MILLIONS OF PEOPLE THROUGH REMARKABLE ACTS OF POLITICAL ACTIVISM, AND EXTENDING THE CONDOLENCES OF CONGRESS ON THE DEATH OF DORIS “GRANNY D” HADDOCK

Mrs. SHAHEEN (for herself, Mr. MCCAIN, and Mr. FEINGOLD) submitted the following concurrent resolution; which was referred to the Committee on the Judiciary:

S. CON. RES. 58

Whereas Doris “Granny D” Haddock was born on January 24, 1910, in Laconia, New Hampshire;

Whereas Doris “Granny D” Haddock passed away on March 9, 2010, in Dublin, New Hampshire at the age of 100;

Whereas Doris “Granny D” Haddock strongly advocated for campaign finance reform;

Whereas, at the age of 90, Doris “Granny D” Haddock walked approximately 3,200 miles across the United States as a show of support for campaign finance reform;

Whereas Doris “Granny D” Haddock began the walk for campaign finance reform in the State of California on January 1, 1999, and ended the walk in Washington, District of Columbia, on February 9, 2000;

Whereas Doris “Granny D” Haddock walked 10 miles a day throughout the walk for campaign finance reform;

Whereas more than 2,000 supporters from a wide variety of reform groups met Doris “Granny D” Haddock at the end of the walk in Washington, District of Columbia;

Whereas several dozen members of Congress joined Doris “Granny D” Haddock for the final miles of the walk for campaign finance reform;

Whereas Doris “Granny D” Haddock went through 4 pairs of sneakers on the walk across the United States;

Whereas Doris “Granny D” Haddock and the walk for campaign finance reform was the subject of a documentary entitled “Run Granny Run”;

Whereas Doris “Granny D” Haddock wrote an autobiography entitled “Granny D: You’re Never Too Old to Raise a Little Hell”;

Whereas the Senate recognized the efforts of Doris “Granny D” Haddock at the passage of the Bipartisan Campaign Reform Act of 2002;

Whereas Doris “Granny D” Haddock was a strong political activist throughout her adult life;

Whereas in 2004, at the age of 94, Doris “Granny D” Haddock ran for the office of Senator of the United States;

Whereas Doris “Granny D” Haddock was married to James Haddock for 62 years;

Whereas, in the 1960s, Doris “Granny D” Haddock and James Haddock successfully

fought to stop the use of hydrogen bombs to build a port near an Eskimo village in the State of Alaska;

Whereas Doris “Granny D” Haddock worked for the Bee Bee Shoe Company in Manchester, New Hampshire for 22 years; and

Whereas Doris “Granny D” Haddock had 2 children, 8 grandchildren, and 16 great-grandchildren: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) recognizes Doris “Granny D” Haddock, who inspired millions of people through remarkable acts of political activism; and

(2) extends the condolences of Congress to the Haddock family.

NOTICES OF HEARINGS

PERMANENT SUBCOMMITTEE ON INVESTIGATIONS

Mr. LEVIN. Mr. President, I would like to announce for the information of the Senate and the public that the Permanent Subcommittee on Investigations of the Committee on Homeland Security and Governmental Affairs has scheduled a hearing entitled, “Wall Street and the Financial Crisis: The Role of Credit Rating Agencies.” This hearing will be the third in a series of Subcommittee hearings examining some of the causes and consequences of the recent financial crisis. This third hearing will focus on the role of credit rating agencies in the financial crisis, using as case histories the credit rating agencies of Standard and Poor’s and Moody’s. A witness list will be available Monday, April 19, 2010.

The Subcommittee hearing has been scheduled for Friday, April 23, 2010, at 9:30 a.m., in Room G-50 of the Dirksen Senate Office Building. For further information, please contact Elise Bean of the Permanent Subcommittee on Investigations at 202-224-9505.

PERMANENT SUBCOMMITTEE ON INVESTIGATIONS

Mr. LEVIN. Mr. President, I would like to announce for the information of the Senate and the public that the Permanent Subcommittee on Investigations of the Committee on Homeland Security and Governmental Affairs has scheduled a hearing entitled, “Wall Street and the Financial Crisis: The Role of Investment Banks.” This hearing will be the fourth in a series of Subcommittee hearings examining some of the causes and consequences of the recent financial crisis. The fourth hearing will focus on the role of investment banks in the securitization of residential mortgage related products, and the development, marketing, and trading of residential mortgage related structured financial products such as collateralized debt obligations (CDOs) and credit default swaps (CDS). The hearing will also review certain investment and trading activities of investment banks that involve residential mortgage based securities and related products. A witness list will be available Thursday, April 22, 2010.

The Subcommittee hearing has been scheduled for Tuesday, April 27, 2010, at

11 a.m., in Room 106 of the Dirksen Senate Office Building. For further information, please contact Elise Bean of the Permanent Subcommittee on Investigations at 202-224-9505.

COMMITTEE ON INDIAN AFFAIRS

Mr. DORGAN. Mr. President, I would like to announce that the Committee on Indian Affairs will meet on Thursday, April 22, 2010 at 2:15 p.m. in room 628 of the Dirksen Senate Office Building to conduct a hearing on a discussion draft of the “Indian Energy Promotion and Parity Act of 2010”.

Those wishing additional information may contact the Indian Affairs Committee at 202-224-2251.

COMMITTEE ON RULES AND ADMINISTRATION

Mr. SCHUMER. Mr. President, I wish to announce that the Committee on Rules and Administration will meet on Thursday, April 22, 2010, at 10 a.m., to hear testimony on “Examining the Filibuster: History of the Filibuster 1789-2008.”

For further information regarding this meeting, please contact Lynden Armstrong at the Rules and Administration Committee on 202-224-6352.

SUBCOMMITTEE ON WATER AND POWER

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Subcommittee on Water and Power of the Committee on Energy and Natural Resources. The hearing will be held on Tuesday, April 27, 2010, at 3 p.m., in room SD-366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of the hearing is to receive testimony on the following bills: S. 745/H.R. 2265, to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the Magna Water District water reuse and groundwater recharge project, and for other purposes; S. 1138/H.R. 2442, to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to expand the Bay Area Regional Water Recycling Program, and for other purposes; S. 1573/H.R. 2741, to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the city of Hermiston, Oregon, water recycling and reuse project, and for other purposes; S. 3099, to reinstate and extend the deadline for commencement of construction of a hydroelectric project involving the American Falls Reservoir; S. 3100, to reinstate and extend the deadline for commencement of construction of a hydroelectric project involving the Little Wood River Ranch; H.R. 325, to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the Avra/Black Wash Reclamation and

Riparian Restoration Project; H.R. 637, to authorize the Secretary, in cooperation with the City of San Juan Capistrano, California, to participate in the design, planning, and construction of an advanced water treatment plant facility and recycled water system, and for other purposes; H.R. 1120, To amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the Central Texas Water Recycling and Reuse Project, and for other purposes; H.R. 1219, to make amendments to the Reclamation Projects Authorization and Adjustment Act of 1992; H.R. 1393, to amend the Lower Rio Grande Valley Water Resources Conservation and Improvement Act of 2000 to authorize additional projects and activities under that Act, and for other purposes; and H.R. 2522, to raise the ceiling on the Federal share of the cost of the Calleguas Municipal Water District Recycling Project, and for other purposes.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send it to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510-6150, or by email to Gina.Weinstock@energy.senate.gov.

For further information, please contact Tanya Trujillo at (202) 224-5479 or Gina Weinstock at (202) 224-5684.

COMMITTEE ON ENERGY AND NATURAL
RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Subcommittee on National Parks. The hearing will be held on Wednesday, May 5, 2010, at 2:30 p.m., in room SD-366 of the Dirksen Senate Office Building.

The purpose of the hearing is to review the National Park Service's implementation of the American Recovery and Reinvestment Act.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send it to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510-6150, or by email to allison_seyferth@energy.senate.gov.

For further information, please contact David Brooks at (202) 224-9863 or Allison Seyferth at (202) 224-4905.

PRIVILEGES OF THE FLOOR

Mr. GRASSLEY. Mr. President, I ask unanimous consent that William Storm of my Finance Committee staff be granted privileges of the floor for the duration of the 111th Congress.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

HONORING THE LIFE AND
ACHIEVEMENTS OF DR. BEN-
JAMIN L. HOOKS

Mr. DURBIN. Madam President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 489, which was submitted earlier today.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The legislative clerk read as follows:

A resolution (S. Res. 489) honoring the life and achievements of Dr. Benjamin L. Hooks.

There being no objection, the Senate proceeded to consider the resolution.

Mr. ALEXANDER. Madam President, on April 15, Benjamin Hooks died in the city where he was born 85 years ago, the city of Memphis. Later this afternoon, Senator BURRIS, Senator CORKER, and I will introduce a resolution honoring the life and achievement of Dr. Benjamin L. Hooks.

Benjamin Hooks was certainly one of Tennessee's most distinguished citizens and one of America's leaders in this last half century. He was a patriot, a family man, a visionary, a lawyer, a storyteller, a preacher, and for my wife and me, he and his wife Frances were close and good friends.

There will be a funeral service in Memphis on Wednesday. I will attend it and will make remarks there. But I wanted to say a few words about my friend Dr. Hooks on the floor of the Senate today.

Ben Hooks was born January 31, 1925. He leaves his wife Frances and his daughter Patricia Gray and two grandsons. He was the fifth of seven children born to Robert B. and Bessie Hooks. Right from the beginning, he was part of a pioneering family. He was the grandson of Julia Hooks, the second Black woman in the United States to graduate from college.

Young Ben Hooks went on to LeMoyné-Owen College in Memphis and graduated from Howard. He served in the U.S. Army. He was a patriot. While in the Army, he learned something more about injustice when he found that some of the prisoners of war he guarded had more rights than he did to eat in a restaurant. His pioneering continued when he went back home to Memphis after the war.

First, he had to get a law degree. At that time, no Tennessee law school would accept an African-American law student. It was the same in Arkansas. I remember George Haley, the brother of Alex Haley—that is another Tennessee family, the Haleys—George Haley was able to go to the University of Arkansas at about the same time and was required to sit by himself in a separate room because they simply didn't know what to do with an African-American student.

Ben Hooks choose to go to DePaul University in Chicago, where he received his law degree in 1984, and came back to Memphis. He kept pioneering. He was one of the few African-American lawyers to set up his own practice in Memphis. He was appointed to the Shelby County Criminal Court by Governor Frank Clement of Tennessee in 1965, making him the first Black criminal court judge in the history of our State.

He and Dr. Martin Luther King worked together. He lived to see Dr. King go over from being someone who was reviled to someone who was honored by having a national holiday in his name.

In 1972, Benjamin Hooks became the first Black appointee to the Federal Communications Commission. That was at the recommendation of Senator Howard Baker, a Republican Senator, and a Republican President, Richard Nixon. Ben Hooks was able to support leaders of both parties. He supported the 1972 Presidential Republican ticket. He supported Senator Baker in his races. His wife Frances supported me every time I ran for public office in Tennessee, which has been a lot, five different times. Everybody knew that Frances Hooks would not have been supporting me if Ben Hooks did not know about it. In fact, it is hard to think of Ben Hooks without Frances. I cannot think of a time I talked with him when I did not start with her. She was his sweetheart, his ally, his secretary, his assistant, his adviser, and all of us send to her and her family our thoughts during these days. I talked with her for a few minutes a while ago.

Benjamin Hooks became best known in this country when he was elected executive director of the National Association for the Advancement of Colored People, NAACP, in 1976. He served in that role until 1992. During that time the NAACP grew by hundreds of thousands of members due to Ben Hooks' leadership.

Ben Hooks was an ordained minister. He delivered sermons for more than half a century. They were sermons well worth hearing. Ben Hooks had the combined gifts of a Southern preacher, a Southern lawyer, and a Southern politician, and he could turn a phrase and turn the audience inside out and upside down with his phrases as well as anyone I have ever heard.

One of his most touching speeches was his eulogy at the funeral of a former Tennessee Senator, Albert Gore, Sr., which I heard in Nashville.

In March of 2001, Benjamin and Frances Hooks renewed their wedding vows after almost 50 years of marriage.

In November of 2007, just about 2½ years ago, Benjamin Hooks was awarded the Presidential Medal of Freedom, the highest civilian honor in the United States, by President George W. Bush.

He helped to establish, in his hometown of Memphis, the Benjamin Hooks Institute for Social Change at the University of Memphis. In talking with some of the faculty members at that institute a few years ago, one of them said Ben Hooks understands our country is a work in progress. He had seen the hard parts of it. He had seen the injustice of it. Before he died, he was still sad and angry about some of the injustices that exist today. But he had also seen the promise of it as well. Through his lifetime, he had lived through the King days; the sit-ins; the days of the first Black criminal court justice, where it was commonplace for African Americans to graduate from law school; the election of the first African-American President; the rise of the NAACP. Ben Hooks saw the great promise of American life.

After he was awarded the Medal of Freedom in 2007 by the President, I hosted a lunch for him in the Senate Dining Room downstairs. Those who come to the Senators' dining room are accustomed to seeing distinguished visitors. In fact, that is why most people go the Senators' dining room—to be seen. But that day Ben Hooks took over the dining room. He was by far the most distinguished visitor there. Some very well known people came to pay respect to him. One of them was the late Jack Kemp, who worked with Dr. Hooks on civil rights issues for many years. But the greatest commotion was caused by the people who work in the Senators' dining room—those who serve, those who wait tables, those who cook in the kitchen. They all wanted to shake Ben Hooks' hand. They wanted to say hello to him. They wanted his autograph. And most wanted his picture.

We will miss Ben Hooks' leadership. We will miss his vision. We will miss his capacity to work with Republicans as well as Democrats. Tennessee has lost one of its most distinguished citizens. But we are grateful for that life, and in Memphis on Wednesday we will celebrate the life of Dr. Benjamin L. Hooks.

Mr. CORKER. Madam President, I do want to say that Tennessee has lost a great human being in Dr. Benjamin Hooks, and I want to join with my friend and colleague from Tennessee, Senator ALEXANDER, in being part of a resolution to talk about his wonderful life. I know we will be having ceremonies in Tennessee this Wednesday, but certainly he was a wonderful individual who did much to benefit our country, and we all are saddened by his passing.

Mr. CARDIN. Madam President, I rise today to honor the life of the Reverend Benjamin Lawson Hooks. I join all Americans in expressing my sadness at his passing and gratitude for his lifetime of service. Ben Hooks was a man of faith who was dedicated to non-

violent change. He will be remembered as one of the great civil rights champions of our time.

Ben Hooks was born in Memphis, TN, at the height of the Jim Crow era in 1925. During World War II, he enlisted in the Army to fight for his country, a segregated nation that denied him access to many public venues. Stationed in Italy, he was ordered to guard Italian prisoners of war, and like so many African-American soldiers at that time, he was utterly shocked to find that the very prisoners he guarded were admitted to the all-White cafeteria, while he had to eat elsewhere. Upon returning to the United States, Ben Hooks completed his studies at Howard University and attended DePaul University College of Law in Chicago.

But he never forgot his roots or the civil rights violations that he had witnessed. After the war, he returned to his hometown of Memphis, TN, to open up a law practice and dedicate himself to the fight for the equality of all Americans. Of those years, he recalled: "At that time you were insulted by law clerks, excluded from white bar associations and when I was in court, I was lucky to be called 'Ben.' Usually it was just 'boy.'" He also became a Baptist minister, joined the NAACP and participated in many civil rights protests. He joined Dr. Martin Luther King Jr.'s Southern Christian Leadership Conference, which went on to spearhead the civil rights movement through famous nonviolent protests.

By 1965, Ben Hooks had made his mark on his home State, and was appointed to the Tennessee Criminal Court, making him the first Black judge since Reconstruction in a State trial court anywhere in the South. In years to come he would capture the attention of lawmakers in Washington, and in 1972, President Nixon nominated Hooks to the Federal Communications Commission. He became the first Black Commissioner on the FCC, and served for 5 years. During his time there, he fought for underrepresented minorities in the media and helped to increase the number of African-Americans employed at the FCC.

Despite all these accomplishments, Ben Hooks is likely to be best remembered for his 15 years as executive director of the NAACP. In 2007, when President Bush presented him with the Presidential Medal of Freedom, one of our country's highest civilian honors, saying: "Dr. Hooks was a calm yet forceful voice for fairness, opportunity and personal responsibility. He never tired or faltered in demanding that our Nation live up to its founding ideals of liberty and equality."

His time at the NAACP was transformative. When he first arrived, membership was down and the organization was saddled with debt, but he declared "the civil rights movement is not dead.

If anyone thinks that we are going to stop agitating, they had better think again. If anyone thinks that we are going to stop litigating, they had better close the courts. If anyone thinks that we are not going to demonstrate and protest, they had better roll up the sidewalks." When he retired in 1992, membership had dramatically increased and the organization had been completely reinvigorated and continues to be at the forefront of the civil rights movement today.

The Reverend Jesse Jackson eloquently noted: "Ben Hooks did it all, did it well, and he did it over a long period of time. He fought tirelessly to tear down walls that make today's bridges possible. He took us from racial battleground to economic common ground, across lines of race and religion."

Today, I add my voice to the chorus of praise for Ben Hooks. He was an honorable man who fought for equality and justice for all Americans and to fulfill the promise of our great Nation.

Mr. DURBIN. Madam President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 489) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 489

Whereas Benjamin Hooks was born in Memphis, Tennessee on January 31, 1925;

Whereas Benjamin Hooks died April 15, 2010, at the age of 85 in Memphis, Tennessee, and is survived by his wife, Frances Hooks, his daughter, Patricia Gray, and 2 grandsons;

Whereas Benjamin Hooks was the fifth of 7 children born to Robert B. and Bessie Hooks, and was the grandson of Julia Hooks, the second Black woman in the United States to graduate from college;

Whereas Benjamin Hooks attended LeMoyne-Owen College in Memphis and, in 1944, graduated from Howard University;

Whereas Benjamin Hooks joined the United States Army during World War II and was promoted to staff sergeant;

Whereas in 1948, Benjamin Hooks received his law degree from DePaul University in Chicago, Illinois and returned to Memphis, Tennessee to help breakdown segregation;

Whereas Benjamin Hooks set up his own law practice and was one of a few Blacks practicing law in Memphis from 1949-1965;

Whereas Benjamin Hooks was appointed to a vacancy on the Shelby County criminal court, by Governor Frank G. Clement in 1965, making him the first Black criminal court judge in the history of Tennessee;

Whereas Benjamin Hooks was a leader in the civil rights movement and joined the Southern Christian Leadership Conference of Reverend Martin Luther King in 1956;

Whereas Benjamin Hooks became the first Black appointee to the Federal Communications Commission in 1972, when he was appointed by President Richard Nixon, and, in that capacity, worked towards minority employment and involvement in broadcasting;

Whereas Benjamin Hooks was elected executive director of the National Association for the Advancement of Colored People (NAACP) on November 6, 1976, and served in that role until 1992;

Whereas Benjamin Hooks was an ordained minister and delivered sermons for 52 years at the Greater Middle Baptist Church and as pastor at Greater New Mountain Moriah Missionary Baptist Church in Detroit;

Whereas Benjamin Hooks was honored in 1996 with the dedication of the Benjamin L. Hooks Institute for Social Change at the University of Memphis, which he helped to create;

Whereas Benjamin Hooks and Francis Hooks renewed their wedding vows on March 24, 2001, after almost 50 years of marriage;

Whereas in November 2007, Benjamin Hooks was awarded the Presidential Medal of Freedom, the highest civilian honor in the United States, by President George W. Bush; and

Whereas the passing of Benjamin Hooks is a great loss: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the outstanding contributions of Dr. Benjamin L. Hooks to the civil rights movement, the ministry, his family, and the community of Memphis, Tennessee; and

(2) pays tribute to Dr. Benjamin L. Hooks, his passion for life, dedication to service, and commitment to equality.

AUTHORIZING THE USE OF EMANCIPATION HALL

Mr. DURBIN. Madam President, I ask unanimous consent that the Senate proceed to the immediate consideration of H. Con. Res. 243, which is at the desk and just received from the House.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 243) authorizing the use of Emancipation Hall in the Capitol Visitor Center for an event to celebrate the birthday of King Kamehameha.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. DURBIN. Madam President, I ask unanimous consent that the concurrent resolution be agreed to, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (H. Con. Res. 243) was agreed to.

MAJOR CHARLES R. SOLTES, JR., O.D. DEPARTMENT OF VETERANS AFFAIRS BLIND REHABILITA- TION CENTER

Mr. DURBIN. Madam President, I ask unanimous consent that the Veterans' Affairs Committee be discharged from further consideration of H.R. 4360 and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 4360) to designate the Department of Veterans Affairs blind rehabilitation center in Long Beach, California, as the "Major Charles Robert Soltes, Jr., O.D. Department of Veterans Affairs Blind Rehabilitation Center."

There being no objection, the Senate proceeded to consider the bill.

Mr. AKAKA. Madam President, I am pleased that the Senate is passing H.R. 4360 by unanimous consent. Major Soltes was truly an inspiration to all of us, and I am proud to support this legislation. Major Soltes deployed to Iraq in 2004 and paid the ultimate sacrifice for our great country after the vehicle in which he was traveling ran over an improvised explosive device. Throughout his career in the Army, he assumed many leadership positions, received numerous military decorations, and was instrumental in establishing a free medical clinic for the local population in Iraq.

It is particularly fitting that we are naming the VA blind rehabilitation center in Long Beach, CA, after Major Soltes. He was from Irvine, CA, a graduate of the New England College of Optometry, and completed his residency at the prestigious Brooke Army Medical Center. He also served as the Director of the Optometry Residency Program at the U.S. Military Academy. In 1999, Major Soltes became the clinical director of Irvine Vision Institute, an optometry specialty center where served until his voluntary deployment to Iraq.

Major Soltes leaves behind his wife, Sally Dang, O.D., and three young children. Dr. Dang is a low-vision optometrist who received her training at the West Haven VA Blind Rehabilitation Center after graduating from the New England College of Optometry. She has recently volunteered to provide low-vision services and care for blinded veterans to fulfill a promise she made to her husband before he deployed to Iraq.

Major Soltes was a dedicated Army officer, and an outstanding clinician, educator, and military optometrist and naming the Long Beach VA blind rehabilitation center in honor of him will be a fitting tribute to his lasting memory.

Mr. DURBIN. Madam President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, with no intervening action or debate, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 4360) was ordered to a third reading, was read the third time, and passed.

ORDERS FOR TUESDAY, APRIL 20, 2010

Mr. DURBIN. Madam President, I ask unanimous consent that when the Sen-

ate completes its business today, it adjourn until 10 a.m. on Tuesday, April 20; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate proceed to a period for the transaction of morning business for 1 hour, with Senators permitted to speak therein for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees, with the Republicans controlling the first half and the majority controlling the final half; that following morning business, the Senate proceed to executive session, as provided for under the previous order.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. DURBIN. Madam President, under an agreement reached earlier tonight, at 12 noon the Senate will proceed to vote on the confirmation of the nomination of Lael Brainard to be Under Secretary of the Treasury.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. DURBIN. Madam President, if there is no further business to come before the Senate, I ask unanimous consent that it adjourn under the previous order.

There being no objection, the Senate, at 6:45 p.m., adjourned until Tuesday, April 20, 2010, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate:

DEPARTMENT OF HEALTH AND HUMAN SERVICES

DONALD M. BERWICK, OF MASSACHUSETTS, TO BE ADMINISTRATOR OF THE CENTERS FOR MEDICARE AND MEDICAID SERVICES, VICE MARK B. MCCLELLAN.

GOVERNMENT PRINTING OFFICE

WILLIAM J. BOARMAN, OF MARYLAND, TO BE PUBLIC PRINTER, VICE ROBERT CHARLES TAPPELLA, RESIGNED.

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be major general

BRIGADIER GENERAL MARK A. BARRETT
BRIGADIER GENERAL MICHAEL R. BOERA
BRIGADIER GENERAL EDWARD L. BOLTON, JR.
BRIGADIER GENERAL JOSEPH D. BROWN IV
BRIGADIER GENERAL NORMAN J. BROZENICK, JR.
BRIGADIER GENERAL SHARON K.G. DUNBAR
BRIGADIER GENERAL DAVID S. FADOK
BRIGADIER GENERAL JONATHAN D. GEORGE
BRIGADIER GENERAL WALTER D. GIVHAN
BRIGADIER GENERAL MARK W. GRAPER
BRIGADIER GENERAL JAMES W. HYATT
BRIGADIER GENERAL JOHN E. HYTEN
BRIGADIER GENERAL RICHARD C. JOHNSTON
BRIGADIER GENERAL JAMES J. JONES
BRIGADIER GENERAL BRUCE A. LITCHFIELD
BRIGADIER GENERAL CHARLES W. LYON
BRIGADIER GENERAL WENDY M. MASIELLO
BRIGADIER GENERAL KENNETH D. MERCHANT
BRIGADIER GENERAL HARRY D. POLUMBO, JR.
BRIGADIER GENERAL JOHN D. POSNER
BRIGADIER GENERAL LORI J. ROBINSON
BRIGADIER GENERAL MARK O. SCHISSLER
BRIGADIER GENERAL MARGARET H. WOODWARD

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED

WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

LT. GEN. DAVID P. FRIDOVICH

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be major general

BRIG. GEN. DONALD C. LEINS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTIONS 624 AND 3064:

To be brigadier general

COL. NADJA Y. WEST

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES MARINE CORPS TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be brigadier general

COLONEL BRIAN D. BEAUDREAULT
COLONEL VINCENT A. COGLIANESE
COLONEL CRAIG C. CRENSHAW
COLONEL FRANCIS L. KELLEY, JR.
COLONEL JOHN K. LOVE
COLONEL JAMES W. LUKEMAN
COLONEL CARL E. MUNDY III
COLONEL KEVIN J. NALLY
COLONEL DANIEL J. O'DONOHUE
COLONEL STEVEN R. RUDDER
COLONEL JOHN W. SIMMONS
COLONEL GARY L. THOMAS

EXTENSIONS OF REMARKS

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, April 20, 2010 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

APRIL 21

9:30 a.m.

Agriculture, Nutrition, and Forestry
Business meeting to consider and original bill entitled, "The Wall Street Transparency and Accountability Act of 2010".

SD-G50

Veterans' Affairs

To hold an oversight hearing to examine implementation of the new post-9/11 Government Issue (GI) Bill.

SR-418

10 a.m.

Armed Services

Emerging Threats and Capabilities Subcommittee

To hold hearings to examine non-proliferation programs at the Departments of Defense and Energy in review of the Defense Authorization request for fiscal year 2011 and the Future Years Defense Program.

SR-222

Environment and Public Works

Business meeting to consider H.R. 2062, to amend the Migratory Bird Treaty Act to provide for penalties and enforcement for intentionally taking protected avian species, S. 2724, to provide for environmental restoration activities and forest management activities in the Lake Tahoe Basin, H.R. 3305, to designate the Federal building and United States courthouse located at 224 South Boulder Avenue in Tulsa, Oklahoma, as the "H. Dale Cook Federal Building and United States Courthouse", and H.R. 1700 and S. 2129, bills to authorize the Administrator of General Services to convey a parcel of real property in the District of Columbia to provide for the establishment of a Na-

tional Women's History Museum, and proposed resolutions relating to the Army Corps Study and the General Services Administration.

SD-406

Homeland Security and Governmental Affairs

To hold hearings to examine the lessons and implications of the Christmas Day attack, focusing on securing the visa process.

SD-342

10:30 a.m.

Appropriations

Defense Subcommittee

To hold hearings to examine proposed budget estimates for fiscal year 2011 for Missile Defense Agency programs.

SD-192

2:15 p.m.

Budget

Business meeting to consider the concurrent resolution on the budget for fiscal year 2011.

SD-608

2:30 p.m.

Commerce, Science, and Transportation

To hold hearings to examine securing the nation's rail and other surface transportation networks.

SR-253

Energy and Natural Resources

Public Lands and Forests Subcommittee

To hold hearings to examine S. 1546, to provide for the conveyance of certain parcels of land to the town of Mantua, Utah, S. 2798, to reduce the risk of catastrophic wildfire through the facilitation of insect and disease infestation treatment of National Forest System and adjacent land, S. 2830, to amend the Surface Mining Control and Reclamation Act of 1977 to clarify that uncertified States and Indian tribes have the authority to use certain payments for certain noncoal reclamation projects, and S. 2963, to designate certain land in the State of Oregon as wilderness, to provide for the exchange of certain Federal land and non-Federal land.

SD-366

Small Business and Entrepreneurship

To examine the President's proposed budget request for fiscal year 2011 for the Small Business Administration.

SR-428A

Armed Services

Strategic Forces Subcommittee

To hold hearings to examine environmental management funding in review of the Defense Authorization request for fiscal year 2011 and funding under the American Recovery and Reinvestment Act.

SR-222

APRIL 22

9:30 a.m.

Armed Services

To hold hearings to examine the Nuclear Posture Review.

SD-G50

10 a.m.

Budget

Business meeting to continue consideration of the concurrent resolution on the budget for fiscal year 2011.

SD-608

Appropriations

Commerce, Justice, Science, and Related Agencies Subcommittee

To hold hearings to examine proposed budget estimates for fiscal year 2011 for the National Aeronautics and Space Administration.

SD-192

Banking, Housing, and Urban Affairs

Economic Policy Subcommittee

To hold hearings to examine China's exchange rate policy and trade imbalances.

SD-538

Health, Education, Labor, and Pensions

To resume hearings to examine Elementary and Secondary Education Act (ESEA) reauthorization, focusing on meeting the needs of the whole student.

SD-106

Judiciary

Business meeting to consider S. 1346, to penalize crimes against humanity and for other purposes, S. 657, to provide for media coverage of Federal court proceedings, S. 446, to permit the televising of Supreme Court proceedings, S. Res. 339, to express the sense of the Senate in support of permitting the televising of Supreme Court proceedings, S. 1684, to establish guidelines and incentives for States to establish criminal arsonist and criminal bomber registries and to require the Attorney General to establish a national criminal arsonist and criminal bomber registry program, and the nominations of Kerry B. Harvey, to be United States Attorney for the Eastern District of Kentucky, David J. Hale, to be United States Attorney for the Western District of Kentucky, Kenneth J. Gonzales, to be United States Attorney for the District of New Mexico, and Alicia Anne Garrido Limtiaco, to be United States Attorney for the District of Guam and concurrently United States Attorney for the District of the Northern Mariana Islands, all of the Department of Justice.

SD-226

Appropriations

Military Construction and Veterans Affairs, and Related Agencies Subcommittee

To hold hearings to examine proposed budget estimates for fiscal year 2011 for the Department of Army and the Department of Air Force.

SD-124

Commerce, Science, and Transportation

Oceans, Atmosphere, Fisheries, and Coast Guard Subcommittee

To hold hearings to examine the environmental and economic impacts of ocean acidification.

SR-253

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

- Homeland Security and Governmental Affairs
Oversight of Government Management, the Federal Workforce, and the District of Columbia Subcommittee
To hold hearings to examine challenges and lessons learned in transitioning the Federal government.
SD-342
- Rules and Administration
To hold hearings to examine the filibuster, focusing on the history of the filibuster 1789-2008.
SR-301
- 10:30 a.m.
Foreign Relations
To hold hearings to examine promoting global food security, focusing on the next steps for Congress and the Administration.
SD-419
- 2 p.m.
Aging
To hold hearings to examine the National Broadband Plan and health care technology.
SD-562
- 2:15 p.m.
Indian Affairs
To hold hearings to examine the discussion draft of the "Indian Energy Promotion and Parity Act of 2010".
SD-628
- 2:30 p.m.
Commerce, Science, and Transportation
To hold hearings to examine the debt settlement industry, focusing on the consumer's experience.
SR-253
- Homeland Security and Governmental Affairs
Federal Financial Management, Government Information, Federal Services, and International Security Subcommittee
To hold hearings to examine the future of the United States Postal Service.
SD-342
- Intelligence
To hold closed hearings to consider certain intelligence matters.
SH-219
- Commission on Security and Cooperation in Europe
To hold hearings to examine the link between revenue transparency and human rights, focusing on programs such as the Extractive Industries Transparency Initiative (EITI) and their ability to improve human right in resource-rich countries.
SD-430
- 3 p.m.
Judiciary
To hold hearings to examine certain nominations.
SD-226
- APRIL 23
- 9:30 a.m.
Homeland Security and Governmental Affairs
Investigations Subcommittee
To resume hearings to examine Wall Street and the financial crisis, focusing on the role of credit rating agencies.
SD-G50
- APRIL 27
- 10 a.m.
Energy and Natural Resources
To hold hearings to examine the nominations of Philip D. Moeller, of Washington, and Cheryl A. LaFleur, of Massachusetts, both to be a Member of the Federal Energy Regulatory Commission.
SD-366
- 11 a.m.
Homeland Security and Governmental Affairs
Investigations Subcommittee
To resume hearings to examine Wall Street and the financial crisis, focusing on the role of investment banks.
SD-106
- 3 p.m.
Energy and Natural Resources
Water and Power Subcommittee
To hold hearings to examine S. 745 and H.R. 2265, bills to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the Magna Water District water reuse and groundwater recharge project, S. 1138 and H.R. 2442, bills to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to expand the Bay Area Regional Water Recycling Program, S. 1573 and H.R. 2741, bills to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the City of Hermiston, Oregon, water recycling and reuse project, S. 3099, to reinstate and extend the deadline for commencement of construction of a hydroelectric project involving the American Falls Reservoir, S. 3100, to reinstate and extend the deadline for commencement of construction of a hydroelectric project involving the Little Wood River Ranch, H.R. 325, to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the Avra Black Wash Reclamation and Riparian Restoration Project, H.R. 637, to authorize the Secretary, in cooperation with the City of San Juan Capistrano, California, to participate in the design, planning, and construction of an advanced water treatment plant facility and recycled water system, H.R. 1120, to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the Central Texas Water Recycling and Reuse Project, H.R. 1219, to make amendments to the Reclamation Projects Authorization and Adjustment Act of 1992, H.R. 1393, to amend the Lower Rio Grande Valley Water Resources Conservation and Improvement Act of 2000 to authorize additional projects and activities under that Act, and H.R. 2522, to raise the ceiling on the Federal share of the cost of the Calleguas Municipal Water District Recycling Project.
SD-366
- APRIL 28
- 2 p.m.
Health, Education, Labor, and Pensions
To resume hearings to examine Elementary and Secondary Education Act (ESEA) reauthorization, focusing on standards and assessments.
SD-430
- 2:30 p.m.
Energy and Natural Resources
Public Lands and Forests Subcommittee
To hold hearings to examine S. 1241, to amend Public Law 106-206 to direct the Secretary of the Interior and the Secretary of Agriculture to require annual permits and assess annual fees for commercial filming activities on Federal land for film crews of 5 persons or fewer, S. 1571 and H.R. 1043, bills to provide for a land exchange involving certain National Forest System lands in the Mendocino National Forest in the State of California, S. 2762, to designate certain lands in San Miguel, Ouray, and San Juan Counties, Colorado, as wilderness, S. 3075, to withdraw certain Federal land and interests in that land from location, entry, and patent under the mining laws and disposition under the mineral and geothermal leasing laws, S. 3185, to require the Secretary of the Interior to convey certain Federal land to Elko County, Nevada, and to take land into trust for the Te-moak Tribe of Western Shoshone Indians of Nevada, and H.R. 86, to eliminate an unused lighthouse reservation, provide management consistency by incorporating the rocks and small islands along the coast of Orange County, California, into the California Coastal National Monument managed by the Bureau of Land Management, and meet the original Congressional intent of preserving Orange County's rocks and small islands.
SD-366
- MAY 5
- 9:30 a.m.
Veterans' Affairs
To hold an oversight hearing to examine Veterans Affairs (VA) Disability Compensation, focusing on presumptive disability decision-making.
SR-418
- 10 a.m.
United States Senate Caucus on International Narcotics Control
To hold hearings to examine violence in Mexico and Ciudad Juarez and its implications for the United States.
SD-124
- 2:30 p.m.
Energy and Natural Resources
National Parks Subcommittee
To hold hearings to examine the National Park Service's implementations of the American Recovery and Reinvestment Act.
SD-366
- MAY 19
- 9:30 a.m.
Veterans' Affairs
To hold hearings to examine pending legislation.
SR-418
- POSTPONEMENTS
- APRIL 21
- 10 a.m.
Judiciary
To hold hearings to examine combating cyber crime and identity theft in the digital age.
SD-226

SENATE—Tuesday, April 20, 2010

The Senate met at 10 a.m. and was called to order by the Honorable JEANNE SHAHEEN, a Senator from the State of New Hampshire.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

O God, we thank You for the gift of this new day. Bind the hearts of our lawmakers in the tender ties of respect and esteem. May no passing irritation rob them of the joys of friendship and fraternity. Lord, forgive them if they have been keen to see human failings and slow to appreciate the preciousness of the relationships they have forged in this legislative body. Today, empower them to show forth Your praises, not only with their lips but in their lives.

We pray in Your precious Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable JEANNE SHAHEEN, a Senator from the State of New Hampshire, led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, April 20, 2010.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JEANNE SHAHEEN, a Senator from the State of New Hampshire, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mrs. SHAHEEN thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

PASSING OF DOROTHY HEIGHT

Mr. REID. Madam President, America today lost a civil rights icon. Doro-

thy Height died early this morning. She helped transform our country as considerably and as courageously as anyone who dedicated his or her life to ensure our Nation fulfills its promise of equality.

For decades, Mrs. Height fought tirelessly for the rights of women and African Americans and helped lead a national dialog about gender and racial equality. She was a trusted counsel of every White House since Franklin Roosevelt's administration. Generation after generation relied on her vision and tenacity and our country is better because so many sought her help.

Mrs. Height's legacy is in the fairer, more equal America in which she died and we live today. She knew her work was not done and she never stopped pushing her country forward. Until the last days of her 98 years, Dorothy Height was still fighting for equality and opportunity.

The thoughts of the entire Senate today are with Dorothy Height's friends, who are too numerous to mention, and her loved ones—and her loved ones are more than just her family.

SCHEDULE

Mr. REID. Madam President, today, following leader remarks, the Senate will be in morning business for about an hour, with Senators permitted to speak therein for up to 10 minutes each. The Republicans will control the first 30 minutes and the majority will control the final 30 minutes.

Following morning business, the Senate will turn to executive session to debate the nomination of Lael Brainard to be Under Secretary of the Treasury, postcloture.

At 12 noon, the Senate will vote on that nomination. Following the vote, the Senate will recess until 2:15 to allow for our weekly caucus luncheons.

Following the recess, the Senate will debate the nomination of Marisa Demeo to be an associate judge of the Superior Court of the District of Columbia. There will be up to 6 hours for debate, equally divided, prior to a vote on confirmation of that nomination. Upon disposition of the Demeo nomination, the Senate will immediately proceed to vote on the confirmation of Stuart Gordon Nash to be an associate justice of the same court, the Superior Court of the District of Columbia.

Cloture motions have been filed on the nominations of Christopher Schroeder, Thomas Vanaskie, and Denny Chin. Today we will consider a way to move forward on those nominations.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

FINANCIAL REGULATION

Mr. MCCONNELL. Madam President, with regard to financial regulation, from the beginning of this debate, I have called for a bipartisan approach. And for several months, I was encouraged to see bipartisan talks approaching agreement on a bipartisan bill.

Somewhere along the line, those talks got off course, leading to Democrats pulling away from bipartisan efforts, a party-line vote in committee and the Democrat leadership's stated desire to bring a bill to the floor that had, in effect, bipartisan opposition. So last week I raised concerns with the Dodd bill, but I also told the President and our friends across the aisle that this bill is not unfixable.

It is important for the country and taxpayer that we get this right, that we put them before politics. That is why I was disappointed to read that Senate Democrats are refusing to drop the \$50 billion bailout fund—a fund that the Treasury Secretary himself opposes—unless Republicans pay a price for taking it out. This is exactly what Americans don't like about Washington: when one side tries to “get” something for doing what they should have done in the first place. If everyone agrees it should be dropped, then it should be dropped. And if Senate Democrats think it should stay, then they should explain why they think the Treasury Secretary was wrong when he said that this bailout fund “would create expectations that the government would step in to protect shareholders and creditors from losses.”

Both sides have expressed a willingness to make the changes needed to ensure without any doubt that this bill won't put taxpayers on the hook for future bailouts of Wall Street banks. So why don't we just do that?

I am heartened to hear that bipartisan talks have resumed in earnest, and in my view, the progress we have seen over the past few days is proof that I was right to raise concerns about this bill when I did. As I said, the best way to get a bill with the credibility of bipartisan support is to allow bipartisan talks to continue. Let us fix the bill and have a bipartisan reform.

I yield the floor.

Mr. REID. I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Madam President, I ask unanimous consent the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

FINANCIAL REGULATORY REFORM

Mr. REID. Madam President, Wall Street reform is very complex. Few of us are experts in derivative trading or credit default swaps or even the intricacies of securities. But the principle before us is a very simple one, in spite of all these very complicated issues that will be in this bill. You either believe we need to strengthen oversight of Wall Street or you don't. You either believe we need to strengthen protection of consumers or you don't. I believe in those principles and in fixing what is broken.

That is what this good reform will do. It will enforce the strongest protections ever against Wall Street greed. It will give families more control over their own finances and give consumers more clarity so they can make right financial decisions. This legislation would guarantee taxpayers that they will never again be asked to bail out a big bank.

It will also ensure no big bank can become too big to fail and shield families' life savings from Wall Street gambling. It will make the system more transparent so we can catch bankers' excesses and then hold them accountable.

Our bill contains Republicans' ideas and Democratic ideas. It is good for consumers and for everyone who favors economic security over reckless risk-taking.

As I said, some elements of this reform are complicated. There is one part that is especially hard to follow. Similar to the most complex commodity, Republican reaction to cleaning up Wall Street is hard to understand.

This bill will bring to the floor the result of months of bipartisan meetings, investigations, negotiations, and consensus building. Our Republican colleagues, in spite of the fact that they have been involved in much of the negotiation, investigations, and consensus, are pretending this is a partisan effort.

I am happy to hear my counterpart, my friend, Senator McConnell, the Republican leader, talk about the need for more negotiations. We don't stand in the way of that. That is fine. This bill, when it comes to the floor, is going to be open to amendment, amendments by Democrats, amendments by Republicans. That is the way it should be. So no one should think the bill that comes to the floor is the final product. There will be amendments.

Some people strongly believe the bill from the committee is too weak, some believe it is just right, some believe it is too strong. So we need to make sure everyone understands this bill is not a final product. That is why I hope my friends on the other side of the aisle are going to let us bring this bill to the floor. Remember, there are only 59 of us, so if a single Republican is not willing to join with us, there will be no Wall Street reform. The Republicans will have killed Wall Street reform.

I am confident that is not what will happen. I read very closely the letter that was signed by 41 Republican Senators. I received a copy of it on Friday. There is not a sentence in that letter that says we are going to vote against moving to proceed, and I was happy to read that. They said they wanted more negotiations and there have been more negotiations. Senator DODD and Senator SHELBY—DODD, the chairman, and SHELBY, the ranking member—spent hours yesterday working on this bill, and that is the way it should be. The bill we will bring to the floor puts an end to taxpayer-funded bailouts. Let's all agree on that. It protects consumers. Let's all agree on that. But our Republican friends insist on pretending, in conversations I have heard on the floor, that it doesn't protect consumers and it doesn't put an end to taxpayer-funded bailouts.

We know Wall Street doesn't like the bill. That should speak volumes. It doesn't like this bill. Of course it doesn't. Look at the rules of the road on Wall Street. They get to take your money, money that is not their own, and gamble it away with little risk and large reward.

I was, for 4 years of my life, chairman of the Nevada Gaming Commission, and that is not hunting animals; it is gambling. During those times, we had some very difficult issues dealing with gambling, with gaming. But I understood a lot about poker and 21 and roulette and other such things. But it was, on its face, a gamble. What they are doing on Wall Street, we should have the Nevada Gaming Commission come to regulate a lot of it because it is nothing but a gamble. That is what we are trying to do here, bring a semblance of finality and stability to what is going on there on Wall Street.

I again say it. Look at the rules of the road on Wall Street. They get to take your money—it is not their money—and gamble it away with little risk and large reward. It would be as if I asked a Senator from Georgia to go to Las Vegas with me and I will gamble away all his money, but I get part of the money for doing nothing other than telling him we are in Las Vegas.

There are many who do not want us to touch a system that has let them take our homes, take everything we have. They don't want us to touch a system that has let them take their

winnings and ask taxpayers to save them from their losses. It is a pretty good deal. They can get all the money they can—that is not their own—and if they profit, fine; if they lose something, that is too bad, even though it is not their money they are losing, even though they are losing somebody else's. Wall Street knows, if we don't act, they will not be held accountable for their mistakes, and if things don't go their way, they know they will get a mulligan; that is, they can start over. That is the way the system worked when our economy teetered on the brink of collapse and that is the way the system still works today. We have to change that. That is what we have to change. With this Wall Street accountability bill, we will. That is what this is about. It is a Wall Street accountability bill.

Let's bring this matter to the floor and offer amendments. Let's not be threatening filibusters on different parts of the bill. Let's go back to the way we used to do things. Let's bring an amendment to the floor, let's vote on it, whoever gets the most votes wins, whoever doesn't get the most votes loses, and move on to the next amendment.

It is puzzling why my Republican friends are pretending that this bill to fix Wall Street is good for those who benefit from the fact it is broken. Similar to the bankers themselves, it seems a number of Republicans care more about making short-term gains than they do about doing what is right for this economy in the long run. Some details of this debate might be complex, but the different sides are as clear today as could be. On one side are consumers and investors, families and businesses and the vast majority of Americans who want us to make sure the financial crisis they just lived through can never happen again.

That is our goal. They knew there was no regulation, minimal regulation, and those people on Wall Street took advantage of that. They were betting on things that would make famous Nevada gamblers blush.

They don't want us to just talk about it, they want us to do something about it. We have to decide who is on whose side here, because we are ready to act. On one side are those who want to make sure we never have a situation like we had before. On the other side we have Wall Street bankers. They are doing pretty well. Two major Wall Street banks reported profits between them of about \$7 billion last quarter. I don't begrudge them making money. That is good. People in our great free enterprise system can make money. I am just saying we have to have rules that don't allow them to cause another problem, as we had, which is second only to the Great Depression. Some say it is worse. These Wall Street bankers are sitting very comfortably. They see

nothing wrong with a system that privatizes their gains and socializes their losses. They don't want us to change a thing. Let's decide that we, Democrats and Republicans, are on the side of consumers and investors, families and businesses, and the vast majority of Americans who want us to make sure the financial crisis they just lived through can never happen again.

Those who think this legislation is bailing out Wall Street should look at it again. Let's move forward in a bipartisan manner to get this bill done as quickly as possible, go to conference with the House, have the President sign the bill. The sooner we do that, the more stable our economy will be, not only here in America but worldwide.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period of morning business for 1 hour, with Senators permitted to speak therein for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees, with the Republicans controlling the first half and the majority controlling final half.

ORDER OF PROCEDURE

Mr. REID. Madam President, I ask unanimous consent that the time for morning business be 1 hour, that the fact that the Republican leader and I took extra time should not count, Republicans having the first half hour and the Democrats having the second half hour.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The Senator from Georgia.

MORTGAGE LENDING

Mr. ISAKSON. Madam President, I rise at a propitious time because the majority and minority leaders addressed the pending bill that is coming out of the Banking Committee and their desire for the bill to be one that is amendable and debatable.

I am here to talk specifically about one facet of the financial crisis and one improvement that is to be made by this bill that needs to be carefully addressed to make sure we don't repeat a mistake made in the 1990s with the failure of the S&L industry.

I have a chart with me. We have heard a lot about mortgages. We all know if it weren't for FHA, if it

weren't for VA insurance, if it weren't for the Fed doing Freddie and Fannie a favor, there would not be much mortgage money available right now. It has all run away from the United States because of the subprime crisis and, in fact, because people are nervous about what happened in the financial markets with subprime securities. During this crisis we have been in, beginning in 2005 and going on until now, in my State of Georgia—these numbers are specific to Georgia, but Georgia is the tenth largest State—we see here that of the mortgages in default, totally in default or in foreclosure, it got as high as 8.2 percent on what I refer to as qualified mortgages. Those are mortgages that were made to creditworthy people who had good underwriting standards. Those were good mortgages. Up to 8.2 percent or 1 in 10 of those, at its apex, were either delinquent or pending foreclosure. But 24.7 percent were what is known as subprime or nonqualified loans and were either in mortgage delinquency or in default, 3 to 1.

The reason I show this chart is it demonstrates where the problem happened, not just on Wall Street but on Main Street; that is, in chasing higher yields, in pushing toward a desire for greater home ownership, credit standards got lax, and loans became nonqualified loans that carried a higher interest rate but a much higher risk. It is acknowledged by me and by most, in terms of the housing crisis we have been in, that the largest precipitating factor was shoddy underwriting, loose credit, and subprime mortgages. The legislation coming out of the Banking Committee is going to create something known as shared risk or lender liability in terms of the making of mortgage loans. I will be the first to tell my colleagues, I am not on the Banking Committee. I haven't seen the final draft. What I will address is what I hope will happen, not what I know will happen.

What I hope the committee will understand is, in its requirement for shared risk, being that the maker of a mortgage retain 25 percent of that mortgage for its lifetime or until it is paid, is the significant amount of capital that is asked for an institution to reserve and a possible amount for a mortgage broker or a mortgage banker but not for an institutional lender. The problem is, there are no institutional lenders like savings and loans anymore. One should revisit what happened with the savings and loan crisis, the Resolution Trust Corporation, and the failure that took place in the late 1980s and late 1990s. In America in the 1970s and 1980s, most of the mortgages made were made by lenders who didn't share the risk. They had 100 percent of the risk. They were savings and loan associations that took deposits, paid a preferential rate of interest over banks

by regulatory design to attract the capital, and they held the mortgage in portfolio until it was paid. That is not shared risk. That is total risk.

What were our foreclosure rates in the 1970s and 1980s up until the end of the 1990s? Very marginal, 1 to 2 percent, certainly not 8.2 percent, certainly not 24.7. What happened, though, in the savings and loan industry is, No. 1, the Federal Government took away the interest preference to pay between banks and S&Ls so capital flowed out of the S&Ls. No. 2, because S&Ls then needed to make more money on the internal portfolio, the government allowed savings and loans to create service corporations, which were subsidiaries, to deviate from their original charter and, instead of just making home loans, allowed them to make commercial loans and, in fact, become developers.

What happened? What happened is history. We got off our mission, because we got off the risk. Because we took our eye off the ball, the savings and loan industry across America failed. Congress had to create the Resolution Trust Corporation to dispose of the bad assets around the country and we went through, up until now, the most severe recession we have ever been through. But this one is worse. This one is more pervasive. This one was caused by a lot of financial irregularities and poor oversight on our part, as well as greed on the part of many lenders. My hope is, when we start fixing things with regard to mortgages, we will recognize that shared risk is not going to solve any problem, if 100 percent risk didn't solve it in the late 1980s. What is going to solve the problem is for us to have reasonable standards of required underwriting that are an insulator from institutions making bad loans unless they take the risk.

I am suggesting that we define what is a qualified loan that would not be subject to shared risk and what is a loan that would be subject to it. For example, what would a qualified mortgage be? I was in this business for a long time. When I started in the business in the 1960s through mid-1980s, you could not borrow twice your annual income. You couldn't have a monthly payment higher than 25 percent of your take-home pay, and your total debts a year or longer could not exceed 33 percent of your gross income. That was reasonable underwriting. What were our foreclosure rates then: 2, 1.5, a high of 2.8 percent in the mid-1980s, but certainly not anything such as what we have in the 24.7 and the 8.2 percent.

What is a qualified loan is one that requires full documentation so you do have to have a job, so your boss verifies your job, so the credit agency actually verifies your credit so you actually have a downpayment, you don't have downpayment assistance or some "now

you see it, now you don't" program—no interest-only loans. Everybody knows, you are not making an investment if you are not paying the debt service and only paying the principal. Interest-only loans were a bad idea whose time came and it went. It may be good for certain forms of commercial investment but not for residential.

No balloon payments. One of the biggest problems with these foreclosures was good people were loaned money with shoddy underwriting that had balloon payments in 3, 5, or 7 years. People didn't know what a balloon payment was. They thought it was something that flew in the air. A balloon payment is when the whole principle comes due all at once and you are subject to the ability to refinance. That is not a qualified loan; that is a high-risk game.

No negative amortization. That was a bad idea whose times came and went. Negative amortization meant you borrowed \$100,000, but you made payments so at the end of the year you owed more, not less. That is a bad idea. That was predicated on rapid inflation or rapid appreciation which isn't always going to happen. And then requiring people to carry private mortgage insurance on their loans if they exceed 80 percent of the loan to value of the house, a normal underwriting standard until we got into the loopy-goopy time of the late 1990s and the decade of 2000 to 2010.

If we adopted in this legislation those parameters, to exempt lenders from shared participation, we would attract all the money like the good old days, then put the shared risk retention on those loans that are not well underwritten; make the mortgage broker or the investment banker hold 5 percent of an investment they sell because it didn't meet these qualifications, what would happen? They wouldn't do it, because they wouldn't hold the money. It would have prevented what has been alleged one of the brokerage houses did already. They would never short something and bet on it failing if they had a piece of it. They would only do it if you had a piece of it and they didn't.

It is important, when we get into this regulation or reregulation of the financial industry, that we also recognize we have some obligation to correct some of the mistakes the government made itself in the past that caused the problem in the S&Ls in the 1980s and with nonqualified mortgages in the 1990s.

What I am suggesting simply is, let's take those things that are tried and true, not things we think will work but things we know will work. Let's make them the gold standard. Let's make them the qualification for the attraction of money in mortgages to fund the homes of the American people. Then let's say to those who want to take a risky loan, let's say to those who want to have shoddy underwriting, let's say

to those who want to make a quick return and get out before the dollar comes due, they will have to take the risk. Shared responsibility or shared risk is precisely right as an insurance policy to protect against that. But the unintended consequence of shared risk on a qualified, well underwritten loan is a higher interest rate for the consumer and less attraction of capital for individuals who form those loans to fund the housing purchases, which ultimately leads the government to do with Freddie and Fannie what it did before—force them to make loans they should not, force the government and taxpayers to be at risk in part on those loans and bring us back to another period like the S&L collapse or, later, like the financial market collapse of the last couple years. There will be another one in the future if we don't recognize the need to make qualified loans, well underwritten, do it as we did in the good old days when America flourished, foreclosure rates were low, and home ownership was within reach of 70 percent of the American people.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from New Hampshire.

Mr. GREGG. Madam President, I rise to talk about the same issue the Senator from Georgia has discussed. First, I congratulate him. This is a point we have been making on our side of the aisle. He has come up with a thoughtful and appropriate way to address what was one of the core drivers of our fiscal meltdown. If we look at what caused the financial crisis of late 2008, which has caused this significant recession, which has caused us to go through all these expenditures as a government and which has caused so many American people to suffer the consequences of the recession, there were three or four major events that generated this. One was money was too cheap for too long. That was a Federal Reserve decision. But right at the essence of it was the issue of underwriting, the fact that there was a decoupling of the people making the loan from the people who were responsible for the loan.

We had this whole service industry built up that was making money off of the fees for originating the loan and wasn't that concerned about the ability of the person to repay the loan or the underlying asset. What the Senator from Georgia pointed out—and the proposal he has brought forward is a very responsible way to address this fundamental problem, which is the failure of underwriting—is a point we have been making on our side of the aisle. We have a whole series of what we think are pretty good ideas as to how we can make financial reform work better. Certainly one of them is the idea of the Senator from Georgia.

I was impressed today to hear both leaders say they want to have a bill

that is bipartisan, that is comprehensive, that is thoughtful, and that addresses the issues we confront in this regulatory arena.

Unfortunately, that is not the atmosphere around here that has been created. Regrettably, there has been a huge amount of hyperbole, especially in the last couple weeks. Most of it has not been directed at moving down the path of a thoughtful and mature and substantive approach to this issue. Most of it has been addressed at raising anecdotal events which then have been hyperbolized into single one-liners as to how you address them.

This issue of financial reform is far too complicated for one-liners. That is a fact. It is an extremely complex undertaking to make sure we accomplish what we need to accomplish in regulatory reform. Our goals should be two. First, we should do whatever we can to restructure the regulatory arena so we reduce, to the greatest extent possible, the potential of another systemic risk event. I will talk about what we need to do in that area in a second.

Second, while we are doing that, we have to make sure the regulatory environment we put in place keeps America as the best place in the world to create capital and get a loan for people who are willing to go out and take a risk, be entrepreneurs, and create jobs.

One of the great uniquenesses of our culture, what makes us different from so many other places in this world, what gives us such vibrance and energy as an economic engine, is that we have people who are willing to go out and take risks. We have people who are willing to be entrepreneurs. And we have a system of capital formation and credit which makes capital and credit readily available to those individuals at reasonable prices. So as we go down the road of regulatory reorganization, we have to make sure we do not suffocate that great strength of our Nation.

There are four basic issues before us today in regulatory reform, and none of them are partisan. Yet in the atmosphere around here, you would think they are all partisan, especially the President's recent speech, which was over the top in its partisan dialog.

First is how you end too big to fail. We cannot allow a system to exist where there is a belief out there in the markets that the taxpayers are going to back up a company that has taken too many risks and has gotten itself in trouble. Why is that? Because if that happens, if there is a belief in the market that the taxpayers will step in and back up companies that are very large and systemic when they have taken too much risk and put themselves in dire economic straits—if there is a belief that the taxpayer is going to step up and back up that company—capital will get perverted. Capital will not be efficiently used. Capital will flow in an

inefficient way to companies which have proved themselves not to be fiscally responsible. That is not a good way for an economy to function—certainly a market economy to function. So we have to end too big to fail.

This is not a partisan debate. Senator DODD has brought forward a bill which he thinks ends too big to fail. In my view, it has some serious flaws. It is a good attempt, but it does not get there. Senator CORKER and Senator WARNER, from two different parties, have actually put together a concept—we call it resolution authority around here—which actually does end too big to fail and does it the right way. It essentially says if a company, if an entity—which is a huge entity—gets out of whack, overextends itself, gets too much risk, is no longer viable, well, then, we are going to resolve that company. The stockholders will be wiped out, unsecured bondholders will be wiped out, and the company will basically flow into bankruptcy and will not be conserved. That is a good approach, and it is a bipartisan approach.

Another big issue: how you address regulatory oversight to try to anticipate a systemic event. Again, the Dodd bill makes an attempt in this area, but there are ways we can improve it. We need to have all the different regulators who have an important role in this sitting at a table, most likely led by the Fed, who take a look at the broad horizon of what is happening in the marketplace and saying: OK, in this area we have a problem arising. We have too many people doing too many things which are at the margin of responsibility here. We are going to empower the agency which is responsible for that—the FDIC or the OCC or one of the other regulatory agencies—to go out and make sure that activity ceases or is abated, and they are going to come back and report to us so you have some oversight here.

That is the concept. It can be fleshed out in better terms. It goes to this issue which is raised by the Senator from Georgia—we should have better underwriting standards as part of this exercise so in the marketplace, real estate especially—residential real estate—we get back to the approach we should have taken to begin with, which is that we know the asset value that is being lent to exists and that the person can pay the loan back as the loan is adjusted over the years.

Thirdly, we have the issue of derivatives. Derivatives are a huge part of the market—massive. The number is \$600 trillion of notional value—something like that; massive numbers. What do they do? They basically make it possible for American companies especially to sell their products around the world or to take and put their products into the market in a way that they are able to address issues which they do not have control over.

For example, if you are Caterpillar equipment and you are selling something in China, you do not know if the currency value is going to change—well, you do with China; that is a bad example—if you are selling something in Brazil, you do not know if the currency value is going to change, you do not know if there is going to be a change in the cost of your materials you are building that tractor with, you do not know a lot of different factors you do not have control over. So derivatives allow you to ensure over that.

That is a simple statement of what derivatives do. But that goes to all sorts of different activities—from financial entities, all the way across the board to producers of goods. So there needs to be a regime put in place that makes these derivatives sounder, where we do not get an AIG type of situation where basically we are backing up what amounts to an insurance policy for a company with a name but actually no assets.

Senator JACK REED from Rhode Island and I have been working for months—literally months—on a daily basis to try to work out such a regime. We think we are pretty close. We think it is going to be a good proposal. Nobody is going to like it, which we know means it is going to be a good proposal. But it is going to accomplish what we need to do, which is to get more transparency and liquidity and margin in the market. There will be the opportunity to have end users who are exempt, but there will also be a primary incentive to put people on a clearinghouse. To the extent you can move from a clearinghouse to an exchange, that will happen also, without undermining the market.

But the key here is to put in place a regime which does not force companies to go overseas to do their derivative activity. This is a very fluid event. If we come forward with an overly regressive approach and an overly bureaucratic approach—one which basically responds to a hyperbole of the moment, which is that all derivatives are bad and not transparent and therefore must be put on exchanges, something like that—we are basically going to push offshore the vast amount of derivative activity that is critical to our industry in America being competitive. As a very practical matter, if we can develop a sound market—and we can develop a sound market—we want to be the nation where most people go to develop their derivatives because it is a big industry and it is something we should keep onshore.

The fourth issue: consumer protection.

My time is up?

The ACTING PRESIDENT pro tempore. The Senator has used 10 minutes.

Mr. GREGG. Madam President, I see the Senator from Louisiana wants to speak. But the point here is pretty ob-

vious. This is not a partisan issue. We can resolve the issue of financial regulatory reform if we sit down and do it in a constructive, thoughtful way, step back, be mature, and take an approach that is thoughtful versus wrapped in hyperbole and populism of the moment. I certainly hope we will take that process and go forward.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Louisiana.

Mr. VITTER. Madam President, I join my colleagues in urging the Senate to come together—Republicans and Democrats—around a strong bipartisan approach to financial regulatory reform. We need to address the critical causes behind the financial crisis of the last several years, and we need to do it right and in a bipartisan way.

Unfortunately, we are not on that path yet. The Dodd bill, which the President and Chairman DODD and others are trying to push to the floor, is a purely partisan approach and, unfortunately, it gets a lot of the bigger issues wrong.

First, and perhaps most importantly, the Dodd bill expands too big to fail. It does not end it. The Dodd bill ensures more future bailouts. It does not get rid of the need for bailouts. It is not just me saying that. As conservative an authority as Time magazine wrote a few weeks ago:

Policy experts and economists from both ends of the political spectrum say the bill does little to end the problem of banks' becoming so big that the government is forced to bail them out when they stumble. Some say the proposed financial reform may even make the problem worse.

Another significant authority is Jeffrey Lacker. He is president of the Richmond Federal Reserve. He was interviewed by CNBC. The CNBC reporter said: Well, doesn't this bill allow all sorts of resolution? Isn't that ending too big to fail? He said, very clearly:

It allows those things, but it does not require them.

That is the heart of the problem here: It allows those things, but it does not require them.

Moreover, it provides tremendous discretion for the Treasury and FDIC to use that fund to buy assets from the failed firm, to guarantee liabilities of the failed firm, to buy liabilities of the failed firm. They can support creditors in the failed firm. They have a tremendous amount of discretion. And if they have the discretion, they are likely to be forced to use it in a crisis.

Exactly, precisely, what we saw in the last few years.

William Isaac, former FDIC Chairman, has echoed exactly the same concern:

Nearly all of our political leaders agree that we must banish the "too big to fail" doctrine in banking, but neither the financial reform bill approved in the House nor the bill promoted by Senate Banking Committee Chairman Chris Dodd will eliminate it.

Finally, Simon Johnson, a respected MIT professor:

Too big to fail is opposed by the right and the left, though not apparently by the people drafting legislation. The current financial reform bills are effectively a wash on the issue.

There are multiple sections in the Dodd bill that expand too big to fail: sections 113 and 114 essentially creating a “too big to fail” club; other sections creating a new permanent bailout slush fund; other sections allowing the bailout of creditors and codifying backdoor bailouts. That is a significant flaw in the bill—and not the only one.

My second big concern is that the Dodd bill creates a new all-powerful superbureaucracy with powers well beyond what is necessary to fix the problems that led to the last crisis. Again, there are several sections creating that new all-powerful bureaucracy. Perhaps the most significant one in my mind is one that subjects anybody who accepts four installment payments to the authority of this huge new bureaucracy.

I have four kids. Three are teenagers with braces. That is their orthodontist. That is the electronic store down the street. None of these folks were part of the problem that led to the financial crisis, but they sure accept four installment payments. We cannot pay for three sets of braces otherwise. This is a huge new superbureaucracy with enormous authority.

Finally, another big problem with the Dodd bill is it does nothing to fix other key causes of the crisis. For instance, it does nothing about Fannie Mae and Freddie Mac. We have a so-called comprehensive bill, with multiple titles, thousands—tens of thousands—of words, hundreds of pages, and the words “Fannie Mae” and “Freddie Mac” are never included, nowhere to be found. As Lawrence White, an economics professor, said:

The silence on Fannie and Freddie is deafening. How can they look at themselves in the mirror every morning thinking that they have a regulatory reform bill and they are totally silent on Fannie and Freddie? It just boggles my mind.

And it boggles my mind as well.

Finally, nothing on lending standards, underwriting standards—exactly what Senator ISAKSON was talking about. The core fundamental problem behind the last financial crisis was that all sorts of loans were written that any reasonable person would know from the outset had no chance of making—the person getting the loan had no realistic chance of keeping up on that loan because there were no lending standards, no underwriting standards. An institution wanted to start the loan and sell it off and get it off its books and get quick profit for initiating the loan. The Dodd bill doesn’t address that and doesn’t create those lending standards we need to create.

So where is the change? We need change. We need real reform, but where is the change?

These are the top firms that got bailout funds from the taxpayers, hundreds of billions of dollars all told. This is the old regulator of those firms. This is the new regulator of those firms—exactly the same. The regulation of these entities doesn’t change, doesn’t move—exactly the same. Again, we need regulatory reform, but we need it zeroed in on the real problems, and we need a strong bipartisan approach, not a highly partisan approach.

Many of us think these are the basic principles of true regulatory reform: permanently ending bailouts and too big to fail, which the Dodd bill clearly does not do; ending all of the bailout authorities of the Federal Reserve and FDIC because if they still have those authorities, they will use them in the future; enhancing consumer protection without creating this huge new superbureaucracy that goes well beyond what is needed to address the causes of the crisis; creating greater transparency for derivatives while allowing businesses to manage risk, as Senator JUDD GREGG explained.

Begin to address Fannie Mae and Freddie Mac. Those were key causes of the crisis. There is no excuse for those four words to be completely left out of a so-called comprehensive reform bill.

Establish minimum lending standards for mortgages. That was a key cause of the crisis. It is ridiculous for that to not be addressed in a so-called comprehensive reform bill.

Increase competition for credit rating agencies. We saw significant problems there.

And dramatically improve coordination and communication among the regulators. This would be an approach targeted on the real problems, not a bill using the last financial crisis as an excuse to reach another preexisting agenda. This would be a bipartisan approach which the American people can support, and I hope this will become the outline of the approach the Senate adopts as we move forward.

Thank you, Madam President. I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Oregon.

Mr. MERKLEY. Madam President, this morning I met a friend who is visiting, and he told me he was planning to go out and visit the FDR Memorial. I thought maybe the entire membership of the Senate should go out and visit the FDR Memorial.

Essentially, FDR did three things in response to the Great Depression: one was to create jobs, a second was to fix housing, and a third was to repair the banking system. All three were essential. We have been immersed in all three components now, responding to the great recession we experienced and the great explosion of the economy in

2008 that we are dealing with every day.

What did Roosevelt do in response to the banking challenge? Two main things: First, he made sure American families could safely put their money back into banks. That is the origination of the deposit insurance. Second, President Roosevelt made sure banks didn’t engage in high-risk speculation that would put the banks and the American economy at risk because he understood the critical role of banks in lending to families and lending to small businesses, and the last thing one wants in a recession is to have investment houses making speculative investments go down and then take the banks down with them. So you compromise the lending to small businesses and to families at the same time that the investments go awry. That is why he separated those activities—highly risky investments separate from the lending that would continue to fuel our economy.

Well, because of these regulations in the Roosevelt administration, the wages of American families grew steadily right alongside the productivity of our economy. Our economy was thriving and our middle class was thriving. Indeed, we should judge the success of our economy not by the gross domestic product, not by the size of the bonuses in boardrooms on Wall Street; we should judge the success of our economy by the living wages paid to working families and whether those wages are keeping pace with productivity our workers are bringing to the economy. By that standard, we are not doing well.

By the 1980s and 1990s, Wall Street convinced Washington that we don’t need those Roosevelt-era regulations anymore, we don’t need those walls that protect lending from high-risk investing. Instead of having oversight and accountability, we should just let Wall Street make their own rules. This is a little bit like a traffic system in which we say we are kind of tired of those traffic lights. We don’t really like those stop signs and lane markers. It is a waste of paint. We can do without them. For a short time, everybody can just kind of speed down the road and not worry about any rules to abide by until shortly thereafter when everyone crashes.

That is exactly what happened in our financial system over this last decade. The SEC took down the leverage limits. The five largest investment banks were told to set their leverage wherever they wanted. We had Bear Stearns in a single year going from leverage of 21 to 41. So for every dollar they were investing, they were betting \$20 by the start of the year, but by the end of the year, as the SEC granted them permission, for every dollar they held, they were betting \$40. They make a tremendous amount of money on the way up

when they can bet \$40 for every dollar they hold, but they crash in a spectacular fashion when the market goes down in that situation.

Then, again, we had the Fed. The Fed puts monetary policy in the penthouse and safety and soundness on the upper floors. But what do they do with their responsibility for consumer protection? They put it down in the basement and they seal the doors. They let no daylight in and they let little communication occur between the consumer protection side and the safety and soundness and the monetary side.

They did absolutely nothing when a new product was invented in 2003, a new form of subprime that had a 2-year teaser rate, a prepayment penalty that locked the family into that loan and prevented the family from escaping from that loan, and that had exploding interest rates that would destroy the family. The Fed did absolutely nothing. Then Wall Street said: You know what. These loans are worth so much because we can pull so much money out of families with these loans, so we are going to pay a bonus to a broker if the broker ties a family into one of these loans. And those steering payments resulted in tons of families who qualified for prime mortgages being steered into subprime mortgages. By a Wall Street Journal study, 60 percent of families who were in subprime mortgages qualified for prime mortgages, but their broker persuaded them that the best mortgage was one that was not in their best interests.

Then we had the rating agencies. The rating agencies had magic all their own. They didn't develop their own models to evaluate BBB bonds that were mixed and sliced and diced into new packages of bonds. No. They took their models from Wall Street, and based on those models they said: If you take BBB bonds from over here and BBB bonds from over here and you mix them together, we will rate 80 percent of the resulting bonds as AAA. Well, that is a money-making machine, but it also undermined one of the key instruments the financial world depends on; that is, accurate credit ratings.

Then we had lots of tricks and traps buried in the small print, stripping families of their capital. Things were happening in the credit card industry such as sitting on a person's payment for 10 days even though it had arrived on time, sitting on it for 10 days and then posting it as late and charging a late fee. As a constituent from Salem said to me, where is the fairness in that? American citizens are saying time and time again, when clauses written in the fine print defy fundamental fairness, where is the fairness in this?

So at every level we had a breakdown in our financial system. We know what happened. The deck was stacked against the ordinary citizen. It turned

a banking system that is designed to help families, strengthen families, strengthen small businesses into a casino for Wall Street's big bets. When those bets went bad, the taxpayers—you and I—were left holding the bag.

Now, as the effort to restore fair rules of the road to Wall Street heats up here on the floor of the Senate, there are those on Wall Street and those on this floor who want to block reform. They don't want to fix any of these things I have been describing. Indeed, recently the minority leader met with more than two dozen Wall Street executives and hedge fund managers and urged them to elect members of his party who would stop these reforms that serve the American people. Then he came back down here and he whipped out his talking points from Frank Luntz and he said: This bill won't work. Why did he say that? Because he doesn't want a bill to reform Wall Street and fix these rules and restore prosperity to our economy. He wants to take this election year instead and serve a powerful constituency that doesn't want any rules restored to the road.

Folks, that is just wrong. We have a responsibility. Just as our ancestors not so long ago fixed the problems of the Great Depression, fixed the banking system, and restored a banking system that would take us forward in an orderly fashion and allow business to thrive in America, to be the envy of the world in America, we have the responsibility to do that today.

There are some who have said: Well, we want a free market. Let me tell my colleagues, a free market thrives with rules that allow orderly conduct because those rules create the integrity that gives people the faith to utilize those markets. We saw with the stock market reforms that people believe stocks are traded fairly in America, and therefore they are willing to invest and, by investing, power up the companies that are issuing public stock. It works when there is integrity in the market. Foreign investors will come and put their dollars in America if they believe there is integrity in our system.

That is what these rules are about—rules that create a free market with integrity so that it can power up the economy of America. That is what this is about. We are not talking about what some of my colleagues across the aisle are talking about: preserving the status quo, which means freedom from oversight, freedom from accountability, freedom to translate BBB bonds and AAA bonds with a magic evaluation system; free to blow up the economy, which destroyed families' savings, families' retirements, families' jobs, often families' health care, and pretty much tore the foundation out from under the American working family.

This bill creates a consumer financial agency that will say: No more trips and traps on basic financial products. We need to have that mission no longer locked in the basement. We need to have that mission in an agency that says we will not allow those tricks and traps and scams that have been perpetuated over the last decade, so that Americans will not say: Where is the fairness in that? Instead, they will say: Thank goodness these contracts are fair and serving our families and our economy.

The PRESIDING OFFICER (Mr. UDALL of New Mexico). The Senator has spoken for 10 minutes.

Mr. MERKLEY. Is that my full allocation of time?

The PRESIDING OFFICER. Yes.

Mr. MERKLEY. Thank you. I will close by saying this bill must get done because we have a responsibility to restore the foundations for our Nation.

I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island is recognized.

Mr. WHITEHOUSE. Mr. President, let me first thank the Senator from Oregon for his remarks. He has brought great passion for this issue to the Senate. He serves with distinction on the Banking Committee. I couldn't agree with him more that the spectacle of colleagues scampering up to Wall Street to offer their services, and interfering with, obstructing, watering down, and impeding, of all things financial regulatory reform, after all we have been through, is not a spectacle that is salutary.

I appreciate his remarks.

NOMINATIONS AND HOLDS

Mr. WHITEHOUSE. Mr. President, I wish to talk for a minute about nominations and holds. The Senate's Executive Calendar contains the names of those individuals whom President Obama has nominated to serve in his administration, and those positions require Senate confirmation. The Executive Calendar also contains the names of those the President has nominated to be Federal judges—it is called the Executive Calendar, but judicial offices are on it as well—at the district court level and the appellate level.

Since President Obama took office, this Senate has voted on 44 nominees. Some others have been approved by unanimous consent, but we have had 44 votes on nominations. Of those 44 votes, 31 of them—that is 70 percent of the nominees we have confirmed—have been held over, filibustered, and delayed by days, weeks, and months. The average length of time these nominations have languished in the Senate has been over 106 days. That is 15 weeks—3½ months—from the time they were nominated to the time they were confirmed. That is just the average delay. Some have spent 1 full year

in Senate limbo as a result of holds by our colleagues.

If it has taken this long to confirm them, these must have been controversial nominees, and these must have been tough votes and close votes for the Senate, one would think. Well, let's take a look—bearing in mind that it takes 51 votes to be confirmed by the Senate.

Sixteen of these nominees who have been held over, filibustered, or delayed were subsequently approved when they came to a vote by more than 90 votes in the Senate. Again, sixteen of the filibustered nominees passed the Senate with votes of more than 90. Another 10 have been approved with more than 80 votes—bear in mind that it only takes 51 to get confirmed—and 3 more with more than 70 votes. That is 29 out of those 31 nominees who, when they finally came to their vote, were approved overwhelmingly, by enormous bipartisan majorities, in the Senate. They have spent 106.6 days, on average, waiting to be confirmed by those vast majorities—waiting to be confirmed overwhelmingly.

The only conclusion that a rational mind can draw from this is that this is not about controversial nominees; this is about politics, plain and simple—the bare knuckles politics of obstruction, the kind of politics that says I don't care if you are qualified for the job for which you were nominated. I don't care that the Department of State or the Department of Homeland Security needs you for a critical job. I don't care. You are going to sit on the Senate calendar for months and months and months so that I can score political points against the President, so that I can inhibit the deployment of this elected President's administration into the office of the government.

Well, that is wrong and it needs to stop.

As of Monday, the Executive Calendar contained the names of 101 nominees—101 individuals for critical jobs in agencies all across the government that are now sitting on the Senate's Executive Calendar waiting and waiting. I want to address some of the judges who have been waiting for a long time, and I will ask that their nominations be called up and approved.

Mr. President, I will start with Judge Albert Diaz and Judge James Wynn, a pair of judges who are Fourth Circuit Court of Appeals nominees. So I will call up Executive Calendar Nos. 656 and 657, the nominations of Judges Albert Diaz and James Wynn, nominees to the U.S. Court of Appeals for the Fourth Circuit.

Let me tell you who they are. Judge Diaz currently serves on North Carolina's Special Superior Court for Complex Business Cases. He was reported out of the Judiciary Committee on January 28, 2010, by a vote of 19 to 0. He has served in the Marine Corps and has

9 years of State court judicial experience.

Judge James Wynn was reported out of the Judiciary Committee the same day, January 28, 2010, by a vote of 18 to 1. He currently sits on the North Carolina Court of Appeals, the State's intermediate appellate court. He is a certified military trial judge and a captain in the U.S. Navy Reserve.

UNANIMOUS-CONSENT REQUEST— EXECUTIVE CALENDAR

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that the Senate proceed to executive session, and notwithstanding rule XXII, the Senate proceed to Executive Calendar Nos. 656 and 657; that the nominations be confirmed en bloc; that the motions to reconsider be laid upon the table en bloc; that any statements relating to the nominations be printed in the RECORD, as if read, and the President be immediately notified of the Senate's action.

I ask for the regular order on the unanimous-consent request. The unanimous-consent request is pending right now, and there is nobody on the floor to answer it or object to it.

The PRESIDING OFFICER. Is there objection?

Mr. WHITEHOUSE. I am told a Senator is coming to make an objection, so I will withhold.

While we are waiting for a Republican Senator to come and object to these nominees, they came out of the Judiciary Committee back in January. They were voted out of the Judiciary Committee by, in one case, a unanimous, bipartisan vote of 19 to 0.

I am informed that the Senator from Arizona, Mr. KYL, is coming to object. He sits on the Judiciary Committee. He likely was one of those 19 who voted in favor of this nominee at the committee level. I don't know who the one vote against Judge Wynn was, but he cleared the committee by a vote of 18 to 1—again, a strong bipartisan vote of support. Yet I am informed by the floor staff that they are finding somebody to come and object to these nominees who have now been held through all of February, all of March, half of April, despite being, in one case, unanimous votes in the Judiciary Committee, and the other an 18-to-1 overwhelming bipartisan majority.

For the record, I am informed that the minority was aware that I was coming to make these unanimous-consent requests; that they had full knowledge this was going to come. If they are unable to get somebody to the floor to object, as far as I am concerned that is not my concern.

Mr. President, I renew the unanimous-consent request now that there is a Senator on the floor.

The PRESIDING OFFICER. Is there objection to the Senator's request?

Mr. KYL. Reserving the right to object, might I ask my colleague to restate the request?

Mr. WHITEHOUSE. Yes. It was to call up Executive Calendar Nos. 656 and 657, which are the nominations of Judge Albert Diaz and Judge James Wynn to the U.S. Court of Appeals for the Fourth Circuit. As the distinguished Senator from Arizona will recall, since he sits with me on the Judiciary Committee, Judge Diaz was voted out by a vote of 19 to 0 back on January 28, 2010. If my math is correct, that means the distinguished Senator from Arizona voted for this nominee in the Judiciary Committee.

Judge James Wynn was reported out the same day, January 28, by a vote of 18 to 1. I don't know if the Senator was the single dissenting vote in that overwhelming vote in support of Judge Wynn's nomination.

Judge Diaz served in the Marine Corps and has 9 years of State court judicial experience. Judge Wynn is a certified military trial judge and a captain in the U.S. Navy Reserves.

My unanimous-consent request was that the Senate proceed to executive session, and notwithstanding rule XXII, the Senate proceed to Executive Calendar Nos. 656 and 657; that nominations be confirmed en bloc; that the motions to reconsider be laid upon the table en bloc; that any statements related to the nominations be printed in the RECORD, as if read, and that the President be immediately notified of the Senate's action.

Mr. KYL. Mr. President, I appreciate my colleague restating the request. Reserving the right to object, and I will object, as I think my colleagues are aware, the two leaders have worked out a process for consideration of at least some of the judicial nominations. My understanding is, there is another agreement on at least one circuit court nomination that they are working out a time agreement on right now and that would occur, I presume, later this week. I think it is important to let the two leaders work out those agreements. As a result, reluctantly, I have to object to my colleague's request.

The PRESIDING OFFICER. Objection is heard.

Mr. WHITEHOUSE. Mr. President, I appreciate the distinguished Senator's objection. We do have 101 nominees on the Executive Calendar. The objections have holds which are secret. They are holding up people, as I said, for an average of 106 days. While it is nice one or two might be given a time agreement by the minority party, it does very little to relieve the blockade that the minority party is engaged in of judicial and Executive nominees.

I will continue forward. I call up Executive Calendar No. 701, the nomination of Nancy Freudenthal to be a judge for the U.S. District Court for the District of Wyoming. She passed out of the committee by voice vote—a voice vote, as the Presiding Officer knows, is a vote without dissent—on

February 11, 2010. She has decades of experience as a public servant and as a lawyer in private practice. She currently is Wyoming's First Lady.

If confirmed, she will be that State's first female Federal judge. It is the practice of the Judiciary Committee not to put forward judges unless the consent of the home Senators has been obtained. I point out that both the Senators from Wyoming are Republicans.

I ask unanimous consent that the Senate proceed to executive session, and notwithstanding rule XXII, the Senate proceed to Executive Calendar No. 701, the nomination of Nancy Freudenthal; that the nomination be confirmed, and the motion to reconsider be laid upon the table; that any statements relating to the nomination be printed in the RECORD; and that the President be immediately notified of the Senate's action.

The PRESIDING OFFICER. Is there objection?

Mr. KYL. Mr. President, for the same reasons as noted earlier, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. WHITEHOUSE. Mr. President, I call up Executive Calendar No. 702, the nomination of Judge D. Price Marshall to serve on the U.S. District Court for the Eastern District of Arkansas, a district court nominee who has been held up and filibustered. This district court nominee, Judge Marshall, is currently a judge on the Court of Appeals for the State of Arkansas. He spent 15 years in private practice in Jonesboro, AR. He served as a law clerk to Seventh Circuit Judge Richard S. Arnold. Judge Marshall was reported out of the Judiciary Committee on February 11, 2010, by voice vote and without dissent. He has been held and blockaded on this floor.

I ask unanimous consent that the Senate proceed to executive session, and notwithstanding rule XXII, the Senate proceed to Executive Calendar No. 702; that the nomination be confirmed, and the motion to reconsider be laid upon the table; that any statements relating to the nomination be printed in the RECORD; and that the President be immediately notified of the Senate's action.

The PRESIDING OFFICER. Is there objection?

Mr. KYL. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. WHITEHOUSE. Mr. President, let's try another one.

I call up Executive Calendar No. 704. This is the nomination of Judge Timothy Black, again, a district court nominee, a local trial court nominee, to serve on the U.S. district Court for the Southern District of Ohio. Judge Black has served the Southern District of Ohio for 6 years as a Federal magistrate judge. He is currently a Federal

magistrate judge in the court for which he is nominated as a district judge. Before that, he spent a decade as a municipal court judge and had a long career as a civil litigator. He was reported out of the Judiciary Committee without dissent after a voice vote on February 11 of this year. February, March, April—more than 2 months ago. He has languished on the Senate floor after clearing the committee without dissent—a judge, a district judge, a trial judge who serves now as the magistrate judge.

I ask unanimous consent that the Senate proceed to executive session, and notwithstanding rule XXII, the Senate proceed to Executive Calendar No. 704, the nomination of Judge Timothy Black; that the nomination be confirmed, and the motion to reconsider be laid upon the table; that any statements relating to the nomination be printed in the RECORD; and that the President be immediately notified of the Senate's action.

The PRESIDING OFFICER. Is there objection?

Mr. KYL. Mr. President, for the same reasons stated before, I object.

The PRESIDING OFFICER. Objection is heard.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

EXECUTIVE SESSION

NOMINATION OF LAEL BRAINARD TO BE AN UNDER SECRETARY OF THE TREASURY

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to executive session to consider the following nomination, which the clerk will report.

The assistant legislative clerk read the nomination of Lael Brainard, of the District of Columbia, to be an Under Secretary of the Treasury.

The PRESIDING OFFICER. Under the previous order, the time until 12 noon will be equally divided and controlled between the Senator from Montana, Mr. BAUCUS, and the Senator from Iowa, Mr. GRASSLEY, with the Senator from Kentucky, Mr. BUNNING, controlling 15 minutes of the time controlled by the Senator from Iowa, Mr. GRASSLEY.

The Senator from Kentucky is recognized.

Mr. BUNNING. Mr. President, I probably will not take the 15 minutes but somewhere between 10 and 15 minutes.

I rise in strong opposition to the nomination of Lael Brainard to be Under Secretary of the Treasury for International Affairs.

I do not think it is unreasonable for the American people to expect nomi-

nees to important posts in the Treasury Department to have a clean record in the payment of their taxes. After all, Treasury is responsible for collecting taxes. Treasury nominees have a special responsibility to live up to the same high standards the Department demands from ordinary citizens. But the American people deserve much more than just someone with a clean tax record. They deserve a nominee who is honest, trustworthy, and straightforward.

The Finance Committee's bipartisan investigation of Ms. Brainard revealed she does not have a clean tax record. At worst, she refuses to be straightforward and honest about her tax records.

The Finance Committee looks into the tax record of every nominee who comes before the committee. A routine examination of Ms. Brainard's past few tax returns revealed many problems. When asked if she has paid all her taxes on time, she did not reveal several cases in which she had failed to pay her taxes on time.

When she was asked, on her nomination questionnaire, if she was current with all her taxes at the time she was nominated, she replied yes. But, in fact, that was not true. She was well overdue on paying county property taxes and DC employment insurance taxes at the time.

There were also several problems with the forms she was supposed to file to prove that her household employee was legally able to work in this country. On one form, there was a serious problem with a space that the household employee is required to sign. It appears Ms. Brainard filled in that space with her own signature, and she could not provide an explanation of why she did so.

On another form, dates appear to have been written over to change the year. She could provide no explanation of why this was done.

On two different forms, Ms. Brainard missed the deadline for completing the employer portion of the form. On another form, the employer portion was filled in 1 month before the employee portion, but the law requires the employer portion to be filled in first.

On yet another form, the employee certification section lists her husband's name, but the signature is hers.

On another form, the employee section is filled in, but the required employer certification section was left blank.

There was another problem of the home office deduction which she claimed in the past several years. She could not provide a clear and consistent reason for taking a home office deduction of one-sixth of her household expenses. She was unable to provide a credible reason for the size of the deduction. She reduced her home office deduction to one-twelfth of household

expenses on her 2008 tax return. However, she did not reduce the deduction on her 2005, 2006 or 2007 tax return, all of which had the inflated deduction.

Some Senators might come to the conclusion that these tax problems alone should not disqualify the nominee. They may say that, at worst, this is simply a pattern of sloppiness. Do we want someone who is so sloppy in her tax responsibilities to be in charge of international affairs at the Treasury Department?

But this is not just a matter of sloppiness. This is a matter of total lack of candor with the Finance Committee and, by extension, with the Senate and, by extension, with the American people.

Ms. Brainard spent 9 months stonewalling the Finance Committee over all these tax issues. She gave evasive and incomplete answers to the staff of the committee. The level of evasiveness of this nominee appears to be unprecedented. The committee had to submit 10 rounds of questions to clarify inconsistencies and incomplete answers Ms. Brainard had given. Several of those questions have been left unanswered.

The many tax problems of this nominee and the extreme difficulty the Finance Committee had in getting straight answers about these problems was outlined in a bipartisan memo Senator GRASSLEY entered into the CONGRESSIONAL RECORD on December 23 of last year. If we cannot trust Ms. Brainard to be truthful and straightforward when she is a nominee, how can the American people trust her to be straightforward and honest when she is confirmed and serving in the Obama administration?

As Under Secretary for International Affairs, she would be involved in some highly sensitive issues, such as the determination of whether China is manipulating its currency.

Do we want someone with such an abysmal record on truthfulness serving in this high position in the Treasury Department representing our country?

This is not just a matter of taxes. It is a matter of trust. The American people deserve a person we can trust in this very important position. That person is not Lael Brainard. We cannot trust someone who gives evasive, inconsistent, and incomplete answers to routine questions. We cannot trust someone who spends 9 months refusing to come clean about her record. We cannot trust someone who refuses to be straightforward about her tax problems because she is so desperate to be confirmed.

Mr. President, someone with this record is a terrible choice to serve in the Treasury Department. I urge my fellow Senators and my colleagues to consider this record before they vote on this nomination. I urge a "no" vote on this nomination.

I suggest the absence of a quorum.

The PRESIDING OFFICER. Will the Senator withhold his request.

Mr. BUNNING. Yes, I will.

The PRESIDING OFFICER. The Senator from Missouri is recognized.

Mrs. MCCASKILL. Mr. President, I rise today to talk not about obstructionism but, rather, about transparency and the rules. And the rule I am going to talk about is a rule that, in fact, we embraced in the last Congress. When I first came to the Senate, we embraced this rule by a vote; I think it was 92 to 6. We said we are going to change the way we do business around here when it comes to transparency. I thought it was a great moment. I was excited that we were making these bold changes about the way the Senate works, to open the doors and let the sun shine in.

Imagine my disappointment some 2 years later when I realized that for many Members of this body, that was a meaningless exercise because in the area of secret holds, we are doing no better today than we were before we passed S. 1 in those early weeks of my time in the Senate, in 2007.

Section 512 of that bill deals with secret holds. What we tried to do in that bill was to make sure that if a Senator wanted to oppose somebody, no problem; if he or she wanted to hold somebody, that is their right as a Senator. But own it. Own it. We are not here to be in a back room making a deal to leverage something for some kind of pork we may want in our district. What we are here to do is the people's business. If a Senator has an objection to a nominee, they should tell the public they have an objection and, frankly, they owe the public an explanation as to why. We are here working for them. We are doing the people's business here. We are not doing some backroom deal. We are doing the people's business.

So transparency is what this is about today, and section 512 lays out the exact steps that are necessary in order to make sure all of the holds become public. The process begins pretty simply: by someone making a unanimous consent request to move the nomination. When that motion is made, then the Senator who has the secret hold must submit a notice of intent specifying the reasons for the hold, and within 6 days that must be printed in the CONGRESSIONAL RECORD.

Why do Senators hold secretly? Well, I can't think of a good reason. I mean, sometimes it is that they want to slow things down, and they do not want to be honest about it. Sometimes it is that they want to leverage it for a deal in their State from that agency, and they do not want to be forthcoming about that. That seems a little unseemly, to say: I am going to block an unrelated nomination in order to get a deal. And that is the kind of stuff peo-

ple are sick of. That is the kind of stuff they do not want us to do anymore. They want us to be upfront. If a Senator wants to block a nomination in an agency because that agency is not doing their will, then they need to be proud of that.

Here is the tricky part about this rule. Once the motion is made and therefore the clock starts ticking and a Member has to admit they have a secret hold and they have to own that hold, then what they can do is, before the 6 days, they can withdraw their hold, and that is when we start seeing an imitation of the World Wrestling Federation tag-team match. That is when another Senator comes in and tags up and says: Well, I will do a secret hold now. And then a motion is once again made, and guess what. That Senator backs out after 6 days and somebody else takes his or her place with the secret hold. So we get secret holds forever, ad nauseam—secret hold, secret hold, secret hold.

So I come to the floor today to begin the running of the clock. We have over 80 nominations pending. In a comparable time in the Bush administration, we had five. We have around 80. I am now going to begin to make a motion on these 80. Why this particular group? I will tell you why this particular group. No objection has been made to these nominees in committee. Let me say that again. Every single one of the names I am going to move this morning had no objection in committee. So we have literally had every Member of this body on one of these other committees, and nobody objected. Nobody said a word. So right now, it is very difficult for the public to figure out why all these important nominees are not moving forward.

Vote no. I am sure there have been nominees on whom I have voted no. There is a nominee on whom I put a hold. I put a hold on a nominee, but I was very upfront and put in the record at committee why I put a hold. I wrote a letter on why I put a hold. I wanted everyone to know why this nominee was being held. I thought it was an important part of my duty as a Senator to explain why I was doing what I was doing.

So vote no. Hold a nominee. But don't do it under cover of darkness unless you have something to be ashamed of. If a Senator has something to be ashamed of, then they can do the tag team. The law lets them do it. They can just keep playing tag and getting another secret hold and then tag off again and get another secret hold.

If we want to know why the country doesn't trust us, it is because of this kind of nonsense, these kinds of secret hold shenanigans or, as my mother would say, this poodle dog. That is her word for nonsense. I don't think she means to insult all the poodle owners in the world, but it is a good phrase—

poodle dog—for what this is. It is nonsense.

Mr. President, when I have 1 minute left, if you will notify me, I will begin making the motions on these people whose nominations are being secretly held by Senators and who are not being allowed their time to even respond to whatever might be the secret reason why they are being held.

NOMINATION OF STUART GORDON NASH TO BE AN ASSOCIATE JUDGE OF THE SUPERIOR COURT OF THE DISTRICT OF COLUMBIA

Mr. President, notwithstanding rule XXII, I ask unanimous consent that the Senate proceed to Executive Calendar No. 333; that the nomination be confirmed, the motions to reconsider be considered made and laid upon the table, no further motions be in order, the President be immediately notified of the Senate's action, and that any statements relating to the nominee be printed at the appropriate place in the RECORD.

The PRESIDING OFFICER. Is there objection?

Mr. KYL. Mr. President, I have no objection.

There being no objection, the nomination considered and confirmed is as follows:

THE JUDICIARY

Stuart Gordon Nash, of the District of Columbia, to be an Associate Judge of the Superior Court of the District of Columbia for the term of fifteen years.

Mrs. MCCASKILL. Mr. President, notwithstanding rule XXII, I ask unanimous consent that the Senate proceed to Executive Calendar No. 404, the nomination of Warren Miller, Office of Civilian Radioactive Waste Management, Department of Energy; that the nomination be confirmed, the motions to reconsider be considered made and laid upon the table, no further motions be in order, the President be immediately notified of the Senate's action, and any statements relating to the nominee be printed at the appropriate place in the RECORD.

The PRESIDING OFFICER. Is there objection?

Mr. KYL. Reserving the right to object, I will make the same brief statement I made with Senator WHITEHOUSE. Some of these nominees are subject to discussion between the two leaders, working out time agreements for their consideration—at least some of the court nominees.

Now, I don't know about this specific nominee. I would say that I have no secret holds on anyone, so this is not on my own behalf. But in order to preserve the deliberation between the two leaders, on behalf of the minority I would object.

The PRESIDING OFFICER. Objection is heard.

Mr. DURBIN. Will the Senator from Missouri yield for a question?

Mrs. MCCASKILL. Yes, I will.

Mr. DURBIN. Mr. President, the Senator from Arizona suggested that the

leaders—meaning the Democratic and Republican leaders—wanted these held. Is the Senator from Missouri able to represent to the body that Senator REID would like to see all the names she is calling moved forward today, at this moment; that he is not asking for a delay in the consideration of any of these nominations?

Mrs. MCCASKILL. All of these nominees have secret holds. The purpose of my exercise today is to begin to enforce the rule around here that everybody voted for, with the exception of a handful of people, that we weren't going to do secret holds anymore.

I am certainly aware that the leader supports us doing this; that the secret hold has brought the nomination process not only to a halt but, more importantly, it has done it without the public even understanding why.

Mr. DURBIN. I will ask a further question, through the Chair. So the representation that these names or nominations are being held because of the leaders—meaning the Democratic and Republican leaders—is not accurate? There is no intention of the Democratic leader to hold any of these nominations; is that not true?

Mrs. MCCASKILL. That is true.

Mr. President, notwithstanding rule XXII, I ask unanimous consent that the Senate proceed to Executive Calendar No. 500, which is the nomination of Julie Reiskin, member of the LSC; that the nomination be confirmed, the motions to reconsider be considered made and laid upon the table, no further motions be in order, the President be immediately notified of the Senate's action, and any statements relating to the nominee be printed at the appropriate place in the RECORD.

The PRESIDING OFFICER. Is there objection?

Mr. KYL. Reserving the right to object, I am trying to follow the numbers as my colleague is going down through the unanimous consent requests, and I think my colleague skipped over the name of John J. Sullivan, of Maryland, Calendar No. 208, to be a member of the Federal Election Commission. Is there some objection on the other side or might we have an explanation as to why that name was skipped over?

Mrs. MCCASKILL. I would be happy to—

Mr. DURBIN. Regular order.

Mrs. MCCASKILL. Regular order, but let me explain how this list was compiled.

The PRESIDING OFFICER. The Senator from Missouri has made a unanimous consent request. Is there objection to that request?

Mr. KYL. I would be happy to object to that.

The PRESIDING OFFICER. Objection is heard.

Mrs. MCCASKILL. By the way, just for the edification of the Senator from Arizona, there is one of these nominees

on here who I believe is being secretly held by a Democrat. And by the way, I want to point out that the rule that does try to bring transparency to this process was one that was sponsored by Senator WYDEN and Senator GRASSLEY in a bipartisan way. The Wyden-Grassley effort that spanned a number of years was a bipartisan attempt to change and reform the way the Senate worked to provide more transparency. So this is really about transparency and this is about secret holds, and my criticism for secret holds is a bipartisan criticism. I don't think anybody should do a secret hold. I don't care if they are a Republican, a Democrat, an Independent, or any other party label, secret holds have no place in a public body.

Mr. President, notwithstanding rule XXII, I ask unanimous consent that the Senate proceed to Executive Calendar No. 501; that the nomination of Gloria Valencia-Weber of New Mexico, Legal Services Corporation, be confirmed, the motions to reconsider be considered made and laid upon the table, no further motions be in order, the President be immediately notified of the Senate's action, and any statements related to the nominee be printed at the appropriate place in the RECORD.

The PRESIDING OFFICER. Is there objection?

Mr. KYL. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

Mrs. MCCASKILL. Mr. President, notwithstanding rule XXII, I ask unanimous consent that the Senate proceed to Executive Calendar No. 556; that the nomination be confirmed—that is, the nomination of Benjamin Tucker for the Office of National Drug Control Policy—the motion to reconsider be made and laid upon the table, no further motions be in order, the President be immediately notified of the Senate's action, and any statements relating to the nominee be printed at the appropriate place in the RECORD.

The PRESIDING OFFICER. Is there objection?

Mr. KYL. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

Mrs. MCCASKILL. Notwithstanding rule XXII, I ask unanimous consent that the Senate proceed to Executive Calendar No. 581, the nomination of John Laub to be Director of the National Institute of Justice; that the nomination be confirmed, the motions to reconsider be considered made and laid upon the table, no further motions be in order, the President be immediately notified of the Senate's action, and any statements related to the nominee be printed in the RECORD at the appropriate place.

The PRESIDING OFFICER. Is there objection?

Mr. KYL. For reasons stated earlier, Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

Mrs. MCCASKILL. Mr. President, notwithstanding rule XXII, I ask unanimous consent that the Senate proceed to Executive Calendar No. 589, the nomination of Anthony Coscia; that the nomination be confirmed, the motions to reconsider be made and laid upon the table, no further motions be in order, the President be immediately notified of the Senate's action, and any statements relating to the nominee be printed at the appropriate place in the RECORD.

The PRESIDING OFFICER. Is there objection?

Mr. KYL. I object, Mr. President.

The PRESIDING OFFICER. Objection is heard.

Mrs. MCCASKILL. Mr. President, notwithstanding rule XXII, I ask unanimous consent that the Senate proceed to Executive Calendar No. 590, the nomination of Albert DiClemente, of Delaware, to be a director of the Amtrak board of directors; that the nomination be confirmed, the motions to reconsider be considered made and laid upon the table, no further motions be in order, the President be immediately notified of the Senate's action, and that any statements relating to the nominee be printed at the appropriate place in the RECORD.

The PRESIDING OFFICER. Is there objection?

Mr. KYL. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

Mrs. MCCASKILL. Mr. President, notwithstanding rule XXII, I ask unanimous consent that the Senate proceed to Executive Calendar No. 592, Mark R. Rosekind, of California, to be a member of the National Transportation Safety Board; that the nomination be confirmed, the motions to reconsider be considered made and laid upon the table, no further motions be in order, the President be immediately notified of the Senate's action, and that any statements relating to the nominee be printed at the appropriate place in the RECORD.

The PRESIDING OFFICER. Is there objection?

Mr. KYL. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

Mrs. MCCASKILL. Mr. President, notwithstanding rule XXII, I ask unanimous consent that the Senate proceed to Executive Calendar No. 618, P. David Lopez, of Arizona, to be general counsel of the Equal Employment Opportunity Commission; that the nomination be confirmed, the motions to reconsider be considered made and laid upon the table, no further motions be in order, the President be immediately notified of the Senate's action, and that any statements relating to the nominee be printed at the appropriate place in the RECORD.

The PRESIDING OFFICER. Is there objection?

Mr. KYL. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

Mrs. MCCASKILL. Mr. President, notwithstanding rule XXII, I ask unanimous consent that the Senate proceed to Executive Calendar No. 620, Victoria A. Lipnic, of Virginia, to be a member of the Equal Employment Opportunity Commission; that the nomination be confirmed, the motions to reconsider be considered made and laid upon the table, no further motions be in order, the President be immediately notified of the Senate's action, and that any statements relating to the nominee be printed at the appropriate place in the RECORD.

The PRESIDING OFFICER. Is there objection?

Mr. KYL. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

Mrs. MCCASKILL. Mr. President, notwithstanding rule XXII, I ask unanimous consent that the Senate proceed to Executive Calendar No. 628, Jill Long Thompson, of Indiana, to be a member of the Farm Credit Administration Board, Farm Credit Administration; that the nomination be confirmed, the motions to reconsider be considered made and laid upon the table, no further motions be in order, the President be immediately notified of the Senate's action, and that any statements relating to the nominee be printed at the appropriate place in the RECORD.

The PRESIDING OFFICER. Is there objection?

Mr. KYL. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

Mrs. MCCASKILL. Mr. President, notwithstanding rule XXII, I ask unanimous consent that the Senate proceed to Executive Calendar No. 640, Eric L. Hirschhorn, of Maryland, to be Under Secretary of Commerce for Export Administration; that the nomination be confirmed, the motions to reconsider be considered made and laid upon the table, no further motions be in order, the President be immediately notified of the Senate's action, and that any statements relating to the nominee be printed at the appropriate place in the RECORD.

The PRESIDING OFFICER. Is there objection?

Mr. KYL. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

Mrs. MCCASKILL. Mr. President, notwithstanding rule XXII, I ask unanimous consent that the Senate proceed to Executive Calendar No. 643, Steven L. Jacques, of Kansas, to be an Assistant Secretary of Housing and Urban Development; that the nomination be confirmed, the motions to reconsider be considered made and laid upon the

table, no further motions be in order, the President be immediately notified of the Senate's action, and that any statements relating to the nominee be printed at the appropriate place in the RECORD.

The PRESIDING OFFICER. Is there objection?

Mr. KYL. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

Mrs. MCCASKILL. Mr. President, notwithstanding rule XXII, I ask unanimous consent that the Senate proceed to Executive Calendar No. 647, Jim R. Esquea, of New York, to be an Assistant Secretary of Health and Human Services; that the nomination be confirmed, the motions to reconsider be considered made and laid upon the table, no further motions be in order, the President be immediately notified of the Senate's action, and that any statements relating to the nominee be printed at the appropriate place in the RECORD.

The PRESIDING OFFICER. Is there objection?

Mr. KYL. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

Mrs. MCCASKILL. Mr. President, notwithstanding rule XXII, I ask unanimous consent that the Senate proceed to Executive Calendar No. 648, Michael W. Punke, of Montana, to be a Deputy U.S. Trade Representative, with the rank of ambassador; that the nomination be confirmed, the motions to reconsider be considered made and laid upon the table, no further motions be in order, the President be immediately notified of the Senate's action, and that any statements relating to the nominee be printed at the appropriate place in the RECORD.

The PRESIDING OFFICER. Is there objection?

Mr. KYL. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

Mrs. MCCASKILL. Mr. President, notwithstanding rule XXII, I ask unanimous consent that the Senate proceed to Executive Calendar No. 649, Islam A. Siddiqui, of Virginia, to be Chief Agricultural Negotiator, Office of the U.S. Trade Representative, with the rank of ambassador; that the nomination be confirmed, the motions to reconsider be considered made and laid upon the table, no further motions be in order, the President be immediately notified of the Senate's action, and that any statements relating to the nominee be printed at the appropriate place in the RECORD.

The PRESIDING OFFICER. Is there objection?

Mr. KYL. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

Mrs. MCCASKILL. Mr. President, let me just sum up. I had 20 I was going to try to do today. There are 80 of them.

I will be back. This is not about trying to rush through nominations, this is about trying to make the rules work the way we wrote them. That means that beginning immediately, all of the motions I just made, the Members who are holding those nominees have an obligation under the law—under the law they have an obligation to “submit a notice of intent specifying the reasons for his or her objection to a certain nomination,” and not more than 6 session days after today, that must be printed in the CONGRESSIONAL RECORD.

These are the first 15 or so. I will continue to get them all on the record, hopefully by the end of the week, so that everyone knows next week, and maybe we will figure out why all these people are being held secretly. This is not about saying you should not vote no on these people. This is not even about not debating these people. This is about transparency and open government. That should be a bipartisan value, an all-American value in which we can all believe.

The PRESIDING OFFICER. The time of the majority has expired.

The Chair will clarify for the record that Executive Calendar No. 333, Gordon Nash of the District of Columbia, to be an associate judge of the Superior Court of the District of Columbia, has been confirmed.

Mrs. MCCASKILL. I saved us a roll-call vote.

The PRESIDING OFFICER. Who yields time?

Mr. KYL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. KAUFMAN. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The PRESIDING OFFICER. Under the previous order, the question is, Will the Senate advise and consent to the nomination of Lael Brainard, of the District of Columbia, to be an Under Secretary of the Treasury?

Mr. KYL. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. BYRD) is necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Utah (Mr. BENNETT) and the Senator from Oklahoma (Mr. INHOFE).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 78, nays 19, as follows:

[Rollcall Vote No. 119 Ex.]

YEAS—78

Akaka	Franken	Mikulski
Alexander	Gillibrand	Murkowski
Baucus	Graham	Murray
Bayh	Gregg	Nelson (NE)
Begich	Hagan	Nelson (FL)
Bennet	Harkin	Pryor
Bingaman	Hatch	Reed
Boxer	Inouye	Reid
Brown (MA)	Isakson	Risch
Brown (OH)	Johanns	Rockefeller
Burris	Johnson	Sanders
Cantwell	Kaufman	Schumer
Cardin	Kerry	Sessions
Carper	Klobuchar	Shaheen
Casey	Kohl	Shelby
Chambliss	Landrieu	Specter
Cochran	Lautenberg	Stabenow
Collins	Leahy	Tester
Conrad	LeMieux	Udall (CO)
Corker	Levin	Udall (NM)
Crapo	Lieberman	Voinovich
Dodd	Lincoln	Warner
Dorgan	Lugar	Webb
Durbin	McCaskill	Whitehouse
Feingold	Menendez	Wicker
Feinstein	Merkley	Wyden

NAYS—19

Barrasso	DeMint	McConnell
Bond	Ensign	Roberts
Brownback	Enzi	Snowe
Bunning	Grassley	Thune
Burr	Hutchison	Vitter
Coburn	Kyl	
Cornyn	McCain	

NOT VOTING—3

Bennett	Byrd	Inhofe
---------	------	--------

The nomination was confirmed.

Mr. LEAHY. Mr. President, the Senate yesterday, by a vote of 84 to 10, invoked cloture to end a Republican filibuster of President Obama's nomination of Lael Brainard to be Under Secretary at Treasury. As I said before that vote, the majority leader has taken a significant step to address the nominations crisis created by Senate Republican obstruction. Regrettably, that obstruction made it necessary for the Senate majority leader to file five cloture petitions to bring an end to Republican filibusters and allow the Senate to carry out its advice and consent responsibilities.

The refusal by Republicans month after month to come to agreements to consider, debate, and vote on nominations is a dramatic departure from the Senate's traditional practice of prompt and routine consideration of non-controversial nominations. Their practices have led to delayed up-or-down votes for more than 100 nominations stalled from final Senate action. The American people should understand that these are all nominations favorably reported by the committees of jurisdiction and are mostly nominations that were reported without opposition or with a small minority of negative votes. Regrettably, this has been an ongoing Republican strategy and practice during President Obama's entire Presidency.

Twenty-five of those stalled nominations are to fill vacancies in the Federal courts. They have been waiting for Senate action since being favorably reported by the Senate Judiciary Committee as long ago as last November.

To put this in perspective, by this date during George W. Bush's Presidency, the Senate had confirmed 45 Federal circuit and district court judges, on its way to confirming 100 judicial nominations by the end of his first 2 years in office. I know, I was the chairman of the Senate Judiciary Committee during much of that time, and worked hard to make sure that President Bush's nominees were not given the same unfair treatment given President Clinton's judicial nominees by Senate Republicans. Senate Democrats made real progress with respect to judicial vacancies. We did treat President Bush's judicial nominees more fairly than Republicans had treated President Clinton's and confirmed 100 during the 17 months I chaired the Judiciary Committee in 2001 and 2002.

President Obama began sending us judicial nominations 2 months earlier than President Bush had and still only 18 Federal circuit and district court confirmations have been allowed. If Republicans would agree to allow the Senate to act on the additional 25 judicial nominations reported favorably by the Senate Judiciary Committee but on which Senate Republicans are preventing Senate action, we could be at a comparable figure to the pace we attained in 2001 and 2002. As it stands we are 60 percent behind what we achieved during President Bush's first 2 years.

Republicans continue to stand in the way of these nominations despite vacancies that have skyrocketed to over 100, more than 40 of which are “judicial emergencies,” as caseloads and backlogs grow and vacancies are left open longer and longer.

I understand and share the frustration of the Senator from Rhode Island who came before the Senate earlier today to speak about this obstruction. In the time he had, he asked the Senate to consider 5 of the 25 judicial nominees stalled on the calendar, and each time there was a Republican objection. He made the point that these judicial nominations have not only been waiting a long time, but they were approved unanimously or nearly unanimously by all Republican and Democratic Senators on the Judiciary Committee. Still, after weeks, and in some cases months, Republicans will not consent to their consideration. They were nominees who are supported by home State Senators, including Republican home State Senators. Still, Republicans will not enter into agreements for their consideration.

I began urging the Republican leadership last December to allow the Senate to make progress on these nominations by agreeing to immediate votes on those judicial nominees that were reported by the Senate Judiciary Committee without dissent, and to agree to time agreements to debate and vote on the others. Presently, there are 18 judicial nominations being stalled from

Senate consideration by Republican objection even though when they were considered by the Senate Judiciary Committee no Republican Senators on the committee voted against a single one. This is the Republican strategy of delay and obstruction—delay and obstruct even those nominees they support. They delayed confirmation of Judge Beverly Martin of Georgia to the eleventh circuit until this year. They delayed confirmation of Judge Joseph Greenaway of New Jersey to the third circuit. They delayed and filibustered the nomination of Judge Barbara Keenan of Virginia to the fourth circuit, who was then unanimously approved.

I further call upon Republicans to agree to time agreements on each of the other seven judicial nominees ready for final Senate action. Only one Republican Senator in the Judiciary Committee voted against Judge Wynn of North Carolina; only three voted against Judge Vanaskie of Pennsylvania; only four voted against Ms. Stranch of Tennessee, who is supported by the senior Senator from Tennessee, a Republican and a member of the Senate Republican leadership. Senate Republicans should identify the time they require to debate the nominations of Justice Butler of Wisconsin, Judge Chen of California, Judge Pearson of Ohio, and Judge Martinez of Colorado, who are all well-qualified nominees for district court vacancies, which are typically considered and confirmed without lengthy debate. They should not now be held up because they were targeted unfairly in committee by Republicans applying a new standard for district court nominees never used with President Bush's nominees, whether we were in the majority or the minority.

Republican obstruction has the Senate on a sorry pace to confirm fewer than 30 judicial nominees during this Congress—not the 100 we confirmed in 2001 and 2002. Last year, only 12 circuit and district court judges were confirmed. That was the lowest total in more than 50 years. So far this year, only six more have been considered.

The majority leader was required to file cloture on the nomination of Barbara Keenan of Virginia to the fourth circuit. Judge Keenan's nomination was stalled for 4 months. After the time-consuming process of cloture, her nomination was approved 99 to 0. There was no reason or explanation given by Senate Republicans for their unwillingness to proceed earlier or without having to end their filibuster on that nominee either.

Similarly, there has yet to be an explanation for why the majority leader was required to file cloture to consider the nominations of Judge Thomas Vanaskie to the third circuit and Judge Denny Chin to the second circuit, both widely respected, long-serving district court judges. Judge

Vanaskie has served for more than 15 years on the Middle District of Pennsylvania, and Judge Chin has served for 16 years on the Southern District of New York. Both nominees have mainstream records, and both were reported by the Judiciary Committee last year with bipartisan support. Judge Chin, who was the first Asian-Pacific American appointed as a Federal district court judge outside the ninth circuit, and if confirmed would be the only active Asian-Pacific American judge to serve on a Federal appellate court, was reported by the committee unanimously.

This obstruction and delay is part of a partisan pattern. Even when they cannot say "no," Republicans nonetheless demand that the Senate go exceedingly slow. The practice is continuing. The majority leader has had to file cloture 22 times already to end the obstruction of President Obama's nominees. That does not count the many other nominees who were delayed or are being denied up-or-down votes by Senate Republicans refusing to agree to time agreements to consider even noncontroversial nominees. That is the frustration I share with Senator WHITEHOUSE and many others. If Republicans wish to oppose a nomination they can, but they are stalling noncontroversial nominations that they support.

The Senate should be better than this. These Republican practices are destructive. When we see that Americans are frustrated with Congress, it is these kinds of practices that contribute to that frustration. I urge the Senate Republican leadership to change its ways. Agree to prompt consideration of noncontroversial nominees and enter into time agreements to debate and vote on those nominees that they oppose. Quit wasting the time of the Senate. The American people want us to act on Wall Street reform, not be bogged down in delaying tactics for the sake of delay.

The PRESIDING OFFICER. Under the previous order, the President will be immediately notified of the Senate's action with respect to the confirmation of the Brainard nomination.

The Senator from Vermont is recognized.

Mr. SANDERS. Mr. President, I ask unanimous consent to speak for 10 minutes and that I be followed by Senator BURRIS for 5 minutes, at which point the Senate will recess for the party caucuses.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

FINANCIAL REGULATORY REFORM

Mr. SANDERS. Mr. President, a front-page story of the New York Times today points to the fact of the enormous power of big money in terms of financial reform. They say:

With so much money at stake, it is not surprising that more than 1,500 lobbyists, executives, bankers and others have made their way to the Senate committee that on Wednesday will take up legislation to rein in derivatives. . . .

When Congress deregulated Wall Street and allowed them to do pretty much anything they wanted to do—which brought us to where we are today; i.e., a massive recession—they spent, over a 10-year period, \$5 billion—\$5 billion—in order to work their way on Congress.

Last year, as we began to address financial reform, they spent \$300 million. So the issue we are debating now is not whether Congress will regulate Wall Street, it is whether Congress will continue to be regulated by Wall Street.

Their power is extraordinary. Their money is unlimited. If there was ever a time in American history where the Senate had to start standing up to big money interests and represent the needs of ordinary Americans, this is the time. The American people are looking.

Let me just touch on four issues that I think are key, if we are serious—underline "serious"—about financial reform.

No. 1, we have to break up the huge financial institutions which are at the cause of the crisis we are in and which exert so much power over our economy. The four major U.S. banks—Bank of America, Citigroup, JPMorgan Chase, and Wells Fargo—issue two-thirds of the credit cards in this country, write half of the mortgages, and collectively hold \$7.4 trillion in assets, about 52 percent of the Nation's estimated total output last year. Despite the fact that we bailed these banks out because they were too big to fail, incredibly, three out of four of these institutions are now larger today than they were when we bailed them out.

Enough is enough. I am joined as a progressive by many conservatives who understand that we cannot continue to have that concentration of ownership, not just in terms of the liability to the American people in terms of too big to fail but in terms of their monopoly control on the entire economy. So if we are serious about financial reform, now is the time to start breaking up these behemoths that exhibit certain enormous impacts on our whole economy.

No. 2, we have to end the absurdity of a Wall Street selling trillions of dollars in exotic financial tools, instruments, at the same time small and medium-sized businesses are unable to get the loans they need in order to create the jobs our country desperately is in need of. At a time when we are in the midst of a major recession, at a time when we are losing our competitive advantages in the global economy, it is absolutely absurd that our largest financial institutions continue to trade trillions in esoteric financial institutions which make Wall Street the largest gambling

casino in the world. We need to have them start investing in the real economy, the productive economy, in small and medium-sized businesses, in transforming our energy system and helping us rebuild our infrastructure, and in transportation and other desperate needs. They can no longer live isolated from the real world and engage in bets on whether oil is going to go up 6 months from now or whether the housing market goes down.

If we are serious about real financial reform, we need to pass national usury legislation. I get calls every week from Vermonters who are sick and tired of paying 25-percent or 30-percent interest rates on their credit cards. Every major religion points out that usury is immoral. It is wrong to charge people outrageously high interest rates when they are in desperate need. We need national usury legislation. I will be offering an amendment which will cap at 15 percent the amount financial institutions can charge on credit cards, which is exactly what exists for credit unions today.

Lastly, if we are serious about real financial reform, we need transparency at the Federal Reserve. The Fed cannot continue to operate in almost total secrecy. During the bailout, large financial institutions received trillions of dollars in zero or near-zero interest loans. Who received those loans and what were the terms? The Fed is not telling the American people. Did some of those banks turn around and in a mammoth welfare scam invest that Fed money, zero-interest money, in government Treasury bonds at 3 percent or 4 percent? The Fed is not telling us the answer to that question as well. It is time we had transparency at the Fed so the American people know what our Central Bank is doing.

Most of all, we need to end the "heads bankers win, tails everybody else loses" financial system that currently exists in the United States today. The American people are profoundly disgusted with the greed and recklessness and illegal behavior on Wall Street. They cannot understand how the very same people who created this recession in which millions of workers have lost their jobs, people have lost their homes, people have lost their savings, that these very same people are now receiving multimillion dollar bonuses. People don't understand that, nor do I, in fact. So we need a new Wall Street. We need real financial reform. I hope, in fact, that the Senate and the House are prepared to stand up to the very powerful special interests who do not want us to do that.

With that, Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

Mr. BURRIS. Mr. President, when I came to Washington over a year ago,

this country faced an economic crisis greater than anything we have seen in generations. So my colleagues and I set out to work. Under President Obama's strong leadership, we passed a landmark stimulus package that stopped the bleeding. We did what was necessary to prevent a complete economic collapse and set America back on the road to recovery.

Since that time, we have come a long way. Many key economic indicators have started to turn around, but we are not out of the woods yet. The economy has started to grow again, but unemployment is still too high, and rampant foreclosures continue to threaten families in my home State and across the country. During the first 3 months of this year, almost 15,000 homeowners went into foreclosure in Illinois alone. Despite our best efforts to modify mortgages to make them more affordable, that is twice as many foreclosures as we saw during the same period last year. This is unacceptable. We are making progress, but it simply isn't enough.

Today, America no longer stands at the brink of disaster, but we are still vulnerable to the same recklessness that led to this crisis in the first place. For years, at big corporations such as Goldman Sachs, Wall Street bankers packaged bad mortgages together and sold them to investors. They knew these investment vehicles would inevitably fail, so they turned around and bet against them. They bet against the American people. They sought to make a profit off of the misfortunes of their own customers. They allegedly committed fraud, and that is why they are currently being sued by the Securities and Exchange Commission on behalf of the American people. As a former banker, I understand the seriousness of this misconduct. I know it continues to pose a dramatic threat to the American financial system.

That is why we need to pass strong financial reform to prevent bad behavior on Wall Street from sinking ordinary folks on Main Street. I urge my colleagues to join me in supporting the reform legislation introduced by Senator DODD. This bill would prevent Goldman Sachs and other companies from getting us into a mess in the first place, and it can help ensure that we will never end up in this position again.

This legislation creates a consumer protection bureau designed to shield ordinary Americans from unfair, deceptive, and abusive financial practices. It would establish an oversight council tasked with keeping a close eye on emerging risks so that we are never taken by surprise again. It would end so-called too big to fail, protect taxpayers from unnecessary risks, and eliminate the need for future bailouts.

This bill would also increase transparency and accountability for banks, hedge funds, and the derivative mar-

ket, so a big company such as Goldman Sachs would not be able to get away with their alleged fraud anymore.

These basic reforms will establish clear rules of the road for the financial services industry so we can keep the market free and fair without risking another economic collapse. But if we fail to take action, if we do not pass this reform bill, then we will be right back where we started, with no safeguards against this kind of deception and abuse in the future. I call upon my colleagues to join me in supporting Senator DODD's bill when it comes to the floor this week. I ask my friends on both sides of the aisle to stand with me on the side of the American people. Let us pass financial reform legislation, and let's do it without delay.

I yield the floor.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 2:15 p.m.

Thereupon, at 12:41 p.m., the Senate recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. BEGICH).

EXECUTIVE SESSION

NOMINATION OF MARISA J. DEMEO TO BE AN ASSOCIATE JUDGE OF THE SUPERIOR COURT OF THE DISTRICT OF COLUMBIA

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to the following nomination, which the clerk will report.

The legislative clerk read the nomination of Marisa J. Demeo, of the District of Columbia, to be an Associate Judge of the Superior Court of the District of Columbia.

Under the previous order, there will be up to 6 hours of debate equally divided and controlled between the two leaders or their designees.

Who yields time?

The Senator from Tennessee is recognized.

Mr. ALEXANDER. Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

NUCLEAR ENERGY

Mr. ALEXANDER. Mr. President, I ask unanimous consent to have printed in the RECORD following my remarks an article from Newsweek magazine by George F. Will entitled "This Nuclear Option Is Nuclear."

The PRESIDING OFFICER. Without objection, it is so ordered. (See exhibit 1.)

Mr. ALEXANDER. Mr. President, Thursday is Earth Day. Actually, it is the 40th anniversary of Earth Day. It is a good day to celebrate by creating a

national resolve in our country to build 100 new nuclear power plants in the next 20 years, which would be the best way to create the largest amount of pollution-free, carbon-free electricity. Today, nuclear power produces 20 percent of America's electricity but 69 percent of all of our carbon-free, pollution-free electricity.

During 2009, America's national energy policy looked more like a national windmill policy—the equivalent of going to war in sailboats. If we were going to war, the United States wouldn't think of putting its nuclear navy in mothballs. Yet we did mothball our nuclear plant construction program—our best weapon against climate change, high electricity prices, polluted air, and energy insecurity. Although 107 reactors were completed between 1970 and 1990, producing 20 percent of our electricity today—which, as I said, is 69 percent of our carbon-free electricity—the United States has not started a new nuclear plant in 30 years.

Instead of using our own nuclear power invention to catch up with the rest of the world, President Obama, in his inaugural address, set out on a different path: America would rely upon “the sun, the winds, and the soil” for energy. There was no mention of nuclear power. Windmills would produce 20 percent of our electricity. To achieve this goal, the Federal Government would commit another \$30 billion in subsidies and tax breaks.

To date, almost all the subsidies for renewable energy have gone to windmill developers, many of which are large banks, corporations, and wealthy individuals. According to the Energy Information Administration, big wind receives an \$18.82 subsidy per megawatt hour—25 times as much per megawatt hour as subsidies for all other forms of electricity production combined. Last year's stimulus bill alone contained \$2 billion in windmill subsidies. Unfortunately, most of the jobs are being created in Spain and China. According to an American University study, nearly 80 percent of that \$2 billion of American taxpayer money went to overseas manufacturers. Despite the billions in subsidies, not much energy is being produced. Wind accounts for just 1.3 percent of America's electricity—available only when the wind blows, of course, since wind cannot be stored, except in small amounts.

Conservation groups have begun to worry about what they call the “renewable energy sprawl.” For example, producing 20 percent of U.S. electricity from wind would cover an area the size of West Virginia with 186,000 turbines and require 19,000 miles of new transmission lines. These are not your grandmother's windmills. These turbines are 50 stories high. Their flashing lights can be seen for 20 miles. An unbroken line of giant turbines along the 2,178-mile Appalachian Trail—except

for coastlines, ridgetops are about the only place turbines work well in much of the East—would produce no more electricity than four nuclear reactors on 4 square miles of land—and, of course, you would still need the reactors for when the wind doesn't blow.

There are other ways a national windmill policy also risks destroying the environment in the name of saving the environment. The American Bird Conservancy estimates that the 25,000 U.S. wind turbines today kill 75,000 to 275,000 birds per year. Imagine what 186,000 turbines would do. One wind farm near Oakland, CA, estimates that its turbines kill 80 golden eagles a year.

To be sure, similar concerns about sprawl exist for other forms of renewable energy. For example, it would take continuously foresting an area 1½ times the size of the Great Smoky Mountains National Park to produce enough electricity from biomass to equal the electricity produced by one nuclear reactor. A new solar thermal plant planned for California's Mojave Desert was to cover an area 3 miles by 3 miles square, until environmental objections stopped it.

At least for the next couple decades, relying on windmills to provide our Nation's clean electricity needs would be like wandering off track from your house in Virginia through San Francisco on the way to the corner grocery store. This unnecessary journey offends the commonsense theory of parsimony, defined by scientist Spencer Wells as “don't overcomplicate . . . if a simpler possibility exists.”

The simpler possibility that exists for producing lots of low-cost, reliable green electricity is to build 100 new nuclear plants, doubling U.S. nuclear power production. In other words, instead of traveling through San Francisco on your way to the corner grocery store, do what our country did between 1970 and 1990: Build 100 reactors on 100 square miles of space—several of them would be on existing reactor sites—compared with the 126,000 new square miles needed to produce that much electricity from biomass or the 26,000 square miles needed for wind. Unlike wind turbines, 100 new nuclear reactors would require fewer transmission lines through suburban backyards and pristine open spaces. They would also require much less taxpayer subsidy. At current rates of subsidy, taxpayers would shell out about \$170 billion to subsidize the 186,000 wind turbines necessary to equal the power of 100 nuclear reactors.

While Federal Government loan guarantees are probably necessary to jumpstart the first few reactors, once we have proven they can be built without delays or huge cost overruns, no more loan guarantees will be needed. In fact, the Tennessee Valley Authority just finished rebuilding the \$1.8 billion

Brown's Ferry reactor on time and on budget, proving it can still be done. Yet, even if all \$54 billion in loan guarantees defaulted—which isn't going to happen—it would still be less than one-third of what we are putting into wind.

My concern about the unrealistic direction of our national windmill policy led me to give five addresses on clean energy over the last 2 years. The first, delivered at the Oak Ridge National Laboratory in 2008, called for a new Manhattan Project—like the one we had in World War II but this time for clean energy independence. Then, a year ago at Oak Ridge, I proposed building 100 new nuclear plants, a goal that all 40 Senate Republicans adopted, along with 3 other goals: electrifying half of our cars and trucks, expanding offshore exploration for natural gas and oil, and doubling clean energy research and development.

My concern during 2009 deepened as members of the Obama administration, with the conspicuous exception of Energy Secretary Stephen Chu, seemed to develop a stomach ache whenever nuclear power was mentioned. The President himself seemed unable to mention the subject. Last year, at a climate change summit in New York City, President Obama chided world leaders for not doing more to address climate change, but he didn't mention the words “nuclear power” during his entire speech. That is ironic because many of the countries he was lecturing were making plans to build nuclear plants to produce carbon-free electricity and we were not. Climate change was the inconvenient problem, but nuclear power seemed to be the inconvenient solution.

Fortunately, with the arrival of 2010 has come a more welcoming environment for nuclear power. In his State of the Union Address, President Obama called for “a new generation of safe, clean nuclear reactors.” His 2011 budget request recommends tripling loan guarantees for the first reactors, and in February, his administration announced the awarding of the first two loan guarantees for nuclear power. He has selected distinguished members, both for the Nuclear Regulatory Commission and for a new blue ribbon commission, to figure out the best way to dispose of used nuclear fuel.

Democratic Senators—several of whom, in fairness, have long been supporters of nuclear energy—have joined with the current 41 Senate Republicans—to create bipartisan support. Last December, for example, Democratic Senator JIM WEBB, of Virginia, a former Navy Secretary, and I introduced legislation to create an environment that could double nuclear power production and to accelerate support for alternative forms of clean energy.

There seems to be a growing public understanding that nuclear reactors are as safe as other forms of energy

production. A nuclear plant is not a bomb; it can't blow up. Our sailors have lived literally on top of reactors for nearly 60 years without a nuclear incident. Nobody in the United States has ever been killed in a nuclear accident. Most scientists agree it is safe to store used nuclear fuel onsite for 60 to 80 years while those scientists figure out how to recycle used fuel in a way that reduces its mass by 97 percent, reduces its radioactive lifetime by 99 percent, and does not allow the isolation of plutonium, which could be dangerous in the wrong hands.

In addition, there is a growing realization by those who worry about climate change that if Americans want to keep consuming one-fourth of the world's electricity and we want large amounts of it to be low-cost and carbon-free, nuclear power is the only answer for now.

It has also helped, and been a little embarrassing as well, that the rest of the world has been teaching Americans the lesson we first taught them. China is starting a new nuclear reactor every 3 months. France is 80 percent nuclear and has electricity rates and carbon emissions that are among the lowest in Europe. Japan gets 35 percent of its electricity from nuclear and plans 10 more reactors by 2018. There are 55 new reactors under construction in 14 countries around the world—not 1 of them in the United States.

I believe we must address human causes of climate change, as well as air pollution that is caused by sulfur, nitrogen, and mercury emissions from coal plants. But I also believe in that commonsense theory of parsimony: Don't overcomplicate things if a simpler possibility exists. My formula for the simplest way to reach the necessary carbon goals for climate change without damaging the environment and without running jobs overseas in search of cheap energy is this:

No. 1, build 100 new nuclear powerplants in 20 years.

No. 2, electrify half our cars and trucks in 20 years. If we plug vehicles in at night, we probably have enough electricity to do this without building one new power plant.

No. 3, explore for more low-carbon natural gas and the oil we still need.

No. 4, launch mini-Manhattan Projects to invent a low-cost, 500-mile battery for electric cars and a 50-percent efficient solar panel for rooftops that is cost-competitive with other forms of electricity, as well as better ways to recycle used nuclear fuel, to create advanced biofuels, and to recapture carbon from coal plants.

These four steps should produce the largest amount of energy with the smallest amount of pollution at the lowest possible cost, thereby avoiding the pain and suffering that comes when high energy costs push jobs overseas and make it hard for many low-income

Americans to afford heating and cooling bills.

One day, solar and other renewable energy forms will be cheap and efficient enough to provide an important supplement to our energy needs and can do so in a way that minimizes damage to our treasured landscapes. Earth Day, as it comes Thursday, is a good day to remember that nuclear power beats windmills for America's green energy future.

I yield the floor.

EXHIBIT 1

[From Newsweek]

THIS NUCLEAR OPTION IS NUCLEAR

(By George F. Will)

The 29 people killed last week in the West Virginia coal-mine explosion will soon be as forgotten by the nation as are the 362 miners who were killed in a 1907 explosion in that state, the worst mining disaster in American history. The costs of producing the coal that generates approximately half of America's electricity also include the hundreds of other miners who have suffered violent death in that dangerous profession, not to mention those who have suffered debilitating illnesses and premature death from ailments acquired toiling underground.

Which makes particularly pertinent the fact that the number of Americans killed by accidents in 55 years of generating electricity by nuclear power is: 0. That is the same number of Navy submariners and surface sailors injured during six decades of living in very close proximity to reactors.

America's 250-year supply of coal will be an important source of energy. But even people not much worried about the supposed climate damage done by carbon emissions should see the wisdom—cheaper electricity, less dependence on foreign sources of energy—of Tennessee Sen. Lamar Alexander's campaign to commit the country to building 100 more nuclear power plants in 20 years.

Today, 20 percent of America's electricity, and 69 percent of its carbon-free generation of electricity, is from nuclear plants. But it has been 30 years since America began construction on a new nuclear reactor.

France gets 80 percent of its electricity from nuclear power; China is starting construction of a new reactor every three months. Meanwhile, America, which pioneered nuclear power, is squandering money on wind power, which provides 1.3 percent of the nation's electricity: it is slurping up \$30 billion of tax breaks and other subsidies amounting to \$18.82 per megawatt-hour, 25 times as much per megawatt-hour as the combined subsidies for all other forms of electricity production.

Wind power involves gargantuan "energy sprawl." To produce 20 percent of America's power by wind, which the Obama administration dreamily proposes, would require 186,000 tall turbines—40 stories tall, their flashing lights can be seen for 20 miles—covering an area the size of West Virginia. The amount of electricity that would be produced by wind turbines extending the entire 2,178 miles of the Appalachian Trail can be produced by four reactors occupying four square miles of land. And birds beware: the American Bird Conservancy estimates that the existing 25,000 turbines kill between 75,000 and 275,000 birds a year. Imagine the toll that 186,000 turbines would take.

Solar power? It produces less than a tenth of a percent of our electricity. And panels and mirrors mean more sprawl. Biomass? It

is not so green when you factor in trucks to haul the stuff to the plants that burn it. Meanwhile, demand for electricity soars. Five percent of America's electricity powers gadgets no one had 30 years ago—computers.

America's nuclear industry was a casualty of the 1979 meltdown of the Three Mile Island reactor in Pennsylvania, which was and is referred to as a "catastrophe" even though there were no measurable health effects. Chernobyl was a disaster because Russians built the reactor in a way no one builds today—without a containment vessel.

Since the creation of the Tennessee Valley Authority, Alexander's state has played a special role in U.S. energy policy. The last commercial reactor opened in America is Watts Bar, Unit 1 in Tennessee. And, in a sense, all uses of nuclear power began in that state.

In September 1942, the federal government purchased 59,000 acres of wilderness in eastern Tennessee and built an instant city—streets, housing, schools, shops, and the world's most sophisticated scientific facilities. This was—is—Oak Ridge. Just 34 months later, a blinding flash illuminating the New Mexico desert announced the dawn of the atomic age. That is what Americans can do when motivated.

Today, a mini-Manhattan Project could find ways to recycle used nuclear fuel in a way that reduces its mass 97 percent and radioactive lifetime 98 percent. Today, Alexander says, 10 percent of America's lightbulbs are lit with electricity generated by nuclear material recycled from old Soviet weapons stocks. This is, as Alexander says, "one of the greatest swords-into-plowshares efforts in world history, although few people seem to know about it." It is a travesty that the nation that first harnessed nuclear energy has neglected it so long because of fads about supposed "green energy" and superstitions about nuclear power's dangers.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Mr. President, I thank Senator ALEXANDER for his remarks. I share his analysis. He is exactly correct. It is very important for America that we recognize what he has said but even more important now, since I think the American people overwhelmingly understand and support that, that we take some action that would actually help us to get in the game of nuclear power production.

I remain baffled by some of the generalized statements of the administration on nuclear power but lack of action that could move us forward and get us out of this funk we are in, where we are not doing anything. We have to start catching up with countries that are serious about nuclear power. It will help make us more productive, help create a lot of high-paying jobs in America, clean power, 24 hours a day, 7 days a week, no emissions into the atmosphere, no CO₂. It has so many benefits that I am convinced we need to move forward.

I wish to make remarks on another issue; that is, the nomination of Marisa Demeo to the DC Superior Court. It is not a nomination that comes through the Judiciary Committee, as most Federal judges do. Because she is a DC Superior Court nominee, the nomination

went through Homeland Security. Although, it is not a lifetime appointment, if you are an advocate or resident of the District of Columbia who might have to one day appear before a judge, you do want to know that Congress has made certain that once that judge puts on the robe, he or she is capable of putting aside personal views and applying the law evenhandedly.

Unfair jurisprudence to one party is detrimental, costly, and painful. We need to make sure our nominees exercise judgment—objective, fair judgment—and not allow their personal politics or ideologies to influence their decision making.

I am not comfortable enough to say that Ms. Demeo is capable of doing that. I am just not. Her background and record raise issues with me. I wish to be fair, but I think we need to talk about them.

The DC Superior Court does have broad jurisdiction. It includes trial matters, criminal, civil, family court, landlord, tenant, and so forth. A judge needs to be impartial in all those matters. Ms. Demeo's background provides evidence that she may be more political and strong-willed personally than impartial.

Her prior experience includes serving as regional counsel for the Mexican-American Legal Defense Fund. In this position, she made a number of troubling statements. For example, she argued that "governments have a legal obligation to help those who don't speak English well." We have an obligation, all of us, to help people who do not speak English, and I think that is so. But as a judge, I am wondering: Does this mean that constitutionally she is saying the government has a legal obligation to do that? That seems, to me, the tone of her statement.

During her tenure at MALDEF, the organization sued the State of Texas because high schools did not offer their exit exams in Spanish. One does not have to be a lawful citizen of our country to attend the schools of Texas, even those unlawfully in the country can enroll in high schools. Apparently, the state of Texas decided individuals should do their exit exams in English to get a high school diploma. She opposed that.

She opposed the nomination of Miguel Estrada, a fabulous Hispanic nominee. He had superior academic credentials, was a brilliant writer, and testified beautifully, I thought, before the Judiciary Committee. She said this about him:

The most difficult situation for an organization like mine is when a President nominates a Latino who does not resonate or associate with the Latino community and who comes with a predisposition to view claims of racial discrimination and unfair treatment with suspicion and with doubt instead of with an open mind.

I don't think that is an accurate description of Miguel Estrada, who came

here as a young man from Central America. I don't think that is an accurate description of him. I am disappointed she would make that statement about him. I am unaware of any provision in the Constitution which requires that judges show favoritism to one party or another based on their ethnicity. A judge, no matter what their background, racial, ethnic, religious, political, should give everybody before the court the same fair treatment. It is not necessary for a Caucasian to hear a case involving a Caucasian or for a Latino to hear all cases involving Latinos. Every judge puts on a robe, and that robe symbolizes their absolute commitment to objectivity.

After the Democrats successfully filibustered Mr. Estrada, one of the first nominees to be blocked by repeated, sustained filibusters—this was not too many years ago, less than 10, about 7 or 8. We still have problems in the Senate as a result of the alteration of Senate tradition where nominees are filibustered. I try not to do that. The Gang of 14 settled that, saying filibusters, under extraordinary circumstances, now become possible. This was after the Estrada nomination.

She was proud of blocking Mr. Estrada. She bragged about it. She said:

This shows just because we have a Republican President and a Republican Senate, it is still possible to defeat candidates who are so conservative that they take us back in civil rights.

I disagree. I disagree with her analysis of Miguel Estrada's position. I heard him testify. I think he would have been a fabulous member of the U.S. courts.

Being a liberal means never having to say you are sorry about what you say to other people. In opposing Linda Chavez—a wonderful writer, thinker, and passionate advocate for civil rights—she stated this in opposing Linda Chavez:

We generally support the nomination of Latinos to important positions, but Linda Chavez could really turn things backward for the Latino community. I do not appreciate that. Linda Chavez would not have turned things back on the Latino community. I don't know what she means by that.

She went on to say:

A Spanish sounding surname does not make a person sympathetic to the concerns and needs of the Latino population.

She, therefore, would appear to only embrace the kind of Latino nominee who agrees with her politically. It is not truly a question of ethnicity, is it? It is a question of something different, a political approach to government and law.

On May 13, 2004, she participated in a press conference with the coalition against discrimination and the Constitution to "challenge the extremism of the Federal marriage amendment backers." I guess that means I am an extremist.

Quite a number of Senators in the majority, as I recall, voted to say that a marriage should remain as it has always previously been interpreted: to be a union between a man and a woman. But she says this is an extremism amendment. I don't think so.

I know there is a legal dispute about gay marriage, one in the District of Columbia now. She already stated where she is on the matter, declaring it a fundamental right. I do not believe that is a fundamental constitutional right for a same-sex union to be declared a marriage under the law of the United States. It never was for the first 170 years of the existence of this country.

Ms. Demeo is no friend of immigration enforcement. When the INA announced a plan to enter into the FBI's National Crime Information Center database the names of 314,000 individuals who had been ordered deported but who fled and absconded and did not submit themselves for deportation, in an effort to simply comply with a judicial final order, she decried that move. She responded that most of the violators who are guilty only of violating civil immigration laws do not pose a threat to national security. I am not saying they pose a threat to national security. They have come into the country illegally. They somehow became apprehended. Maybe they committed some other crime. They were ordered to be deported and they should be deported. If they do not show up and abscond, they should be in the NCIC, just like anybody who has a speeding ticket and they did not pay their fine.

She also criticized the government's Operation Tarmac, which identified and ordered the deportation of 600 workers with access to sensitive areas at airports who had violated immigration law. We had 600 workers at airports with access to sensitive areas, and they were found to be illegally here and ordered deported.

Indeed, she is an advocate for amnesty openly. I guess we can disagree on that. Good people certainly disagree on that. She is a big fan also of affirmative action programs. There is a fine line between affirmative action and quotas and mandatory racial preferences, and I fear she has crossed that line.

During the Clinton administration, when Energy Secretary Frederico Pena announced his resignation, she insisted he be replaced by a Latino, indicating that was necessary for Latino concerns to receive consideration. I think it is all right to ask that happen. But to demand that and to insist that only a person of your ethnicity can give fairness to your ethnic group I think is wrong and goes against fundamental American concepts of law.

In a 2000 opinion editorial for the San Diego Tribune, Ms. Demeo fully embraced the concept of dangerous identity politics, in my view. She said:

We must create the pressure to move the nominations of Paez—

Who had been nominated to the Federal bench—

and other Latino nominees. . . . Latinos must be appointed in greater numbers at all levels, especially to the appellate courts, where most of the decisions interpreting the Constitution and Federal laws are ultimately made. Without sufficient representation at every level, equal justice for Latinos—or even the perception of justice—will not exist.

I think that is overstatement. It is one thing to advocate, and I respect that, advocating for more people, groups who appear to be underrepresented. That is a legitimate factor that would play in a nomination. To use that kind of language, I think, is dangerous because it suggests fairness is not otherwise obtainable.

Perhaps Ms. Demeo can set these views aside and be fair on the bench. I think they are extreme in many instances. I am not certain she can. It appears to me she is entrenched in a political approach, a lifestyle of emphasizing rights for one group or another and not so much the idea, the American vision of equal rights for everybody. That is the core American principle; that everybody in a court of law is entitled to equal rights. A judge and our juries are charged to that effect, and judges put on a robe to show they are going to be unbiased and that they are going to follow the law regardless of what their personal views or friendships or so forth might be. So that is my concern and the reason I have decided I will oppose the nomination. I assume she will go on and have her vote soon and will probably have a majority and be confirmed. But if she is confirmed, I hope Judge Demeo will think about some of the issues I have raised and make sure in her own heart of hearts that when she takes that bench, she is not going to favor one party or another based on their religion, their ethnicity, their politics, or her personal social agendas. I believe that is important.

I have some quotes from some letters in opposition to Judge Demeo's nomination. Numbers USA has said her nomination "would be a setback for the nation in terms of seeking to restore the rule of law in immigration."

The Eagle Forum is a conservative group that has studied the nomination and has written regarding the basis for opposing the nomination as Judge Demeo's advocacy for issues, such as "in-state tuition for illegal aliens, the handling of the census for purposes of redistricting, photo ID voting laws, official English initiatives, amnesty for illegal aliens, affirmative action, and traditional marriage."

The Concerned Women of America wrote:

Her bias is so ingrained and so much the main thrust of her career that it [is] not rational to believe that she will suddenly

change once confirmed as a judge. Rather it is reasonable to conclude she would use her position to implement her own political ideology.

They go on to say:

Demeo reveals her own bias and lack of constitutional knowledge by her statement that the Constitution is a "flawed document that embodied the historical bias of its time."

Well, it is certainly not a perfect document, we all know that, and it has been amended because it did have some provisions that could not stand historical scrutiny, such as the question of slavery and equal rights for all Americans. But I do think her statement is troubling to me as a whole because I don't think it is a flawed document. Our Constitution is the greatest document ever struck by the hands of man at a given time, somebody once wrote.

The Traditional Values Coalition notes that she has "demonstrated a willingness to undermine our nation's effort to secure our borders against illegal immigrants."

They go on to make a number of points.

Others have written, which I will ask to have printed in the RECORD.

The nominee, whom I don't have anything against personally, if confirmed—and I suspect she will be—will have to think about these issues, commit herself totally and completely to fair and equal justice to everybody who appears before her and put aside some of the advocacy positions that have marked her sustained efforts during her professional career.

Mr. President, before I leave the floor, I ask unanimous consent to have printed in the RECORD the letters from Concerned Women of America, the Eagle Forum, Numbers USA, and the Traditional Values Coalition.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

APRIL 19, 2010.

U.S. SENATE,
Washington, DC.

DEAR SENATOR: On behalf of Concerned Women for America's (CWA) 500,000 members nationwide, we write respectfully to request you oppose the nomination of Marisa Demeo to the D.C. Superior Court.

Marisa Demeo has a long history as a hard-left political activist as a lawyer and lobbyist for the ultra-liberal Mexican American Legal Defense and Educational Fund (MALDEF), which calls into question her impartiality and judicial temperament. When speaking out against Miguel Estrada, who had an impeccable legal record, Demeo unfairly tarnished him by saying, "If the Senate confirms Mr. Estrada, his own personal American dream will come true, but the American dreams of the majority of Hispanics living in this country will come to an end through his future legal decisions." This shows her own prejudice and lack of judicial temperament.

Her bias is so ingrained and so much the main thrust of her career that it is not rational to believe that she will suddenly change once confirmed as a judge. Rather it

is reasonable to conclude she would use her position to implement her own political ideology.

Demeo reveals how her own bias and lack of Constitutional knowledge by her statement that the Constitution is a "flawed document that embodied the historical bias of its time." She has distorted the Constitution to argue that there is a fundamental right to "same-sex marriage."

A judge of the D.C. Superior Court must be impartial and possess a sound judicial temperament. Marisa Demeo's record shows that she lacks these necessary attributes.

We urge you to oppose Marisa Demeo's nomination on the Senate floor. CWA reserves the right to score this vote and publish it in our scorecard for the 111th Congress.

Sincerely,

PENNY NANCE,
Chief Executive Officer,
Concerned Women for America.

EAGLE FORUM,
Washington, DC, Apr. 14, 2010.

DEAR SENATOR: On behalf of the many thousands of American families Eagle Forum represents nationwide, I am writing to urge you to vote NO on the nomination of Marisa Demeo to the DC Superior Court.

Marisa Demeo has served as a DC Magistrate judge for the past 2½ years, and like so many others President Obama has nominated to the courts, the majority of her legal experience comes from far left-leaning legal advocacy groups such as Lambda Legal and the Mexican American Legal Defense and Education Fund (MALDEF). Judge Demeo has a strong record of partiality to minority groups and to the liberal ideology on a wide range of issues such as in-state tuition for illegal aliens, the handling of the census for purposes of redistricting, photo ID voting laws, official English initiatives, amnesty for illegal aliens, affirmative action, and traditional marriage.

Not only has she espoused views on the immigration issue that are odds with a respect for the rule of law, but she has shown a troubling contempt for conservative Latino Americans. In a January 2003 press statement announcing MALDEF's opposition to President George W. Bush's nomination of Miguel Estrada to the DC Circuit Court of Appeals, Demeo stated: "The most difficult situation for an organization like mine is when a president nominates a Latino who does not reflect, resonate or associate with the Latino community."

Judge Demeo's public statements on a number of important policy issues help to demonstrate her leftist personal opinions which she will, no doubt, reflect in future judicial decisions:

On laws Supporting Traditional Marriage: "The right to marry is a fundamental right that every individual should have. It was prejudice against Blacks, which was the underlying force creating and maintaining our anti-miscegenation laws. It is prejudice against gay men and lesbians that underlies the drive to prohibit them from being able to marry." (MALDEF press statement, May 14, 2004).

On Requiring Use of Census Sampling: "When you don't adjust the data when states are redrawing their political district lines, what ends up happening is they do not accurately draw the lines in order to fully represent those minority communities who were missed by the census." (NPR, March 6, 2001).

On Photo ID Requirements for Voting: "It violates the rights of minority voters who

may be poor and without photo identification. The provision makes it hard to vote." (AP Online, February 25, 2002).

On English as an Official Language: "Governments have a legal obligation to help those who don't speak English well." (AP, October 9, 2003)

On Describing Congressional Opponents of Amnesty: "There are certain forces in Congress who are anti-immigrant and not interested in seeing immigrants become full participants in this country." (The Seattle Times, May 31, 1998)

On Affirmative Action (*Grutter v. Bollinger*): "All segments of the Latino community supported the continuance of affirmative action." (FDCH Political Transcripts, June 23, 2003)

Marisa Demeo's policy positions and public statements have proved her to be a leftist activist, and we should assume no different in her future rulings and opinions as a judge on the DC Superior Court. Eagle Forum believes that Judge Demeo's nomination should be given serious attention as her positions and public statements on so many important issues do not "reflect or resonate" American constitutional values or principles.

Conservative grassroots Americans do not want judicial nominees who have a record of disrespecting the Constitution to slip through the confirmation process unchallenged and without a tough fight. We urge you to join us in opposing Judge Marisa Demeo when her nomination comes to the Senate floor for an up-or-down vote. Eagle Forum reserves the right to score this vote and to publish it in our scorecard for the Second Session of the 111th Congress.

Faithfully,

PHYLLIS SCHLAFLY,
President.

NUMBERSUSA,
Arlington, VA, Apr. 13, 2010.

Hon. JEFF SESSIONS,

Chairman, Senate Judiciary Committee, Dirksen Senate Office Building, Washington, DC.

DEAR SENATOR SESSIONS: On behalf of NumbersUSA's 940,000 members, we are writing to advise you that the Nation's largest grassroots organization advocating for immigration enforcement opposes the nomination of Marisa DeMeo to the district of Columbia Superior Court.

While we don't often get involved in judicial nominations, this nominee is troubling. The D.C. court could well serve as a stepping stone to the federal bench. That would be a setback for the nation in terms of seeking to restore the rule of law in immigration.

Marisa DeMeo has served as a general counsel of MALDEF (the Mexican American Legal Defense and Education Fund) where she has a lengthy record of disrespect for federal immigration laws, with indications that she believes it is illegitimate for Congress to set enforceable limits. Ms. DeMeo favors amnesty and official recognition of the illegal alien Mexican ID, the matricula consular. She opposes the highly successful 287(g) program. With regard to potential judicial temperament, she has often referred to her opponents in immigration debates with such ugly name-calling as "anti-immigrant."

Thank you for taking our views into consideration.

Sincerely,

ROY BECK,
President.

TRADITIONAL VALUES COALITION,
Washington, DC, Apr. 15, 2010.

DEAR SENATOR: On behalf of 43,000 churches associated with the Traditional Values Coa-

lition, I am writing to ask that you vote against the confirmation of Marisa Demeo to become a member of the DC Superior Court. Many of our churches are African American and Hispanic.

Marisa Demeo is far out of the mainstream in her beliefs, statements and activism. Her role as an activist with the LGBT (lesbian, gay, bisexual, transgender) Lambda Legal Defense and Education Fund is troublesome to say the least.

In addition, while serving as regional counsel for the Mexican American Legal Defense and Educational Fund (MALDEF), Demeo has demonstrated a willingness to undermine our nation's efforts to secure our borders against illegal immigration. MALDEF has also been involved in efforts to undermine our national security efforts by encouraging cities to refuse to comply with the Patriot Act after the 9/11 attack on our nation.

As an open, radical lesbian, Demeo has openly condemned the effort to amend our Constitution to protect marriage as a one-man, one-woman union. Demeo supports gay marriage, claiming it is a constitutional right. She also claims that LGBT individuals are equal to racial minorities and can claim protection as minorities under our civil rights laws.

The American people have overwhelmingly voted against gay marriage in state after state when they've had a chance to cast a ballot for traditional marriage. Demeo's views are out of step with the beliefs of most Americans on the sanctity of marriage between one man and one woman.

As a DC Superior Court Judge, Demeo would be in a key position to undermine our national security and destroy traditional marriage through her edicts. The DC Superior Court is known to be a steppingstone to the Supreme Court.

Demeo's radical lesbianism, anti-marriage, anti-national security views are dangerous to our nation. She should not be confirmed to the DC Superior Court.

Sincerely,

ANDREA LAFFERTY,
TVC Executive Director.

Mr. SESSIONS. I thank the Chair, and I yield the floor.

FINANCIAL REFORM

The PRESIDING OFFICER (Mrs. GILLIBRAND). The Senator from Connecticut.

Mr. DODD. Madam President, I want to spend a few minutes, if I may this afternoon, to talk about an issue that has been the subject of much debate over the last number of days, and that is the financial reform bill that will be coming to the floor of this body in a matter of days—an issue that is going to confront us, as the circumstances presently exist, with Members having to make a choice. My hope is that before that occurs, we can reach some understanding that will allow us to have a strong bill that ends too big to fail, that protects consumers, and that builds the kind of architecture for financial services that will allow us to avoid the pitfalls that caused our economy to reach almost near collapse over the last several years.

The choice is going to come down to this: There are people who can vote to open this debate on financial reform legislation that will hold Wall Street

firms—large financial institutions—accountable and prevent future economic crises such as the one from which we are just beginning to emerge or basically defeat this; to somehow walk out of this Chamber and leave us basically where we have been, and that is highly vulnerable—individuals, families, businesses, and the overall economy of our country once again exposed to the kind of vulnerabilities that brought so much hardship to our country.

They can, of course, block—as they are apt to do in some cases—any consideration of this bill and leave us in a place—a broken place—where the status quo would again create the kind of problems I have described.

So one has to ask themselves a question: Who benefits if this bill to rein in Wall Street and large financial institutions is strangled by a filibuster, where it ends up that we can't even get to debate the bill? Who benefits from that? Well, certainly no one can make a case the American family would benefit. These families have seen millions of jobs lost and trillions in savings wiped out because a greedy few on Wall Street gambled with money that didn't even belong to them, causing the hardship we have seen in our Nation.

Certainly, America's small businesses do not benefit. These are the ones that have seen the flow of credit and capital literally dry up. How many of us in this Chamber, back in our respective States, have talked to owners of small businesses who cannot get a dime's worth of credit over the past several years in order to hire new people and survive during this economic crisis? I hear anecdote after anecdote after anecdote of businesses desperately trying to find credit in order to stay alive and survive. Yet because of the unchecked risk taking by financial firms that caused this economic crisis, credit is virtually gone. So American businesses—small businesses particularly—certainly are not benefited if we are confronted again with the status quo and a perpetuation of the present set of rules.

Certainly, Madam President, the American community banks do not benefit at all. These are the ones who have found it difficult or even impossible to compete on a playing field tilted so heavily toward the largest firms and, frankly, financial firms that are unregulated.

One of the things our community banks and others—and I am not suggesting they love every dotted i and crossed t in the bill—are seeking is some consolidation of regulation. They want to see their competitors, who are not subjected to any regulation, be subjected too so they will also have to face the same set of rules.

The bill I have written, along with my Banking Committee colleagues, does just that. We consolidate the regulation so there is not the overlapping

jurisdictions that exist, and their major competitors—the nonbank financial institutions—are going to be subjected to the same rules they are. That creates that level playing field our smaller banks need in order for them to compete effectively.

Certainly the American taxpayers are not going to benefit with the status quo. These are the people who were forced to bail out Wall Street in 2008. If this bill is blocked, they might be asked to do it again.

Now, I am not in the prediction business, but if some future Congress goes back to the American public, as we did in the fall of 2008, and asks them to write a check again for \$700 billion because we failed to get this legislation through that would end too big to fail—the implicit guarantee that the Federal Government will bail you out if you are so large or so interconnected that you can't possibly fail—the American people, in my view, would reject overwhelmingly a request to ask them to write another check for that purpose.

Our bill, for the first time, writes into legislation an absolute prohibition that the American taxpayer would ever or should ever again be asked to do what they did in the fall of 2008.

But here is who would benefit if this bill is blocked: the same large financial firms that got us into the mess in the first place. They believe—and I presume they are right—that they can bolster their bottom lines if the status quo prevails; that they can continue to take outrageous risks, using other people's money, knowing that any profit is theirs to keep and any loss will be made up by the American taxpayer.

That is why we are faced with this prediction that 41 of our fellow colleagues will vote against us going to this bill on what they call the motion to proceed to the bill. The letter from the minority leader says: We have 41 votes to stop you from even debating this bill. Well, you explain to the American taxpayer—to small business, to the American family, and to others out there who are paying an awful price because of the mess of these very institutions that are today leading the charge against us getting to a bill—why the status quo is in their interest and their benefit.

Madam President, those who vote to block this bill are sending a clear message to American families, businesses, community bankers, and taxpayers, and that message will be: I am sorry, but we are not on your side. We are choosing another side of this equation.

Last month, my good friend, the minority leader, and the Republican Senator responsible for campaign fund-raising participated in a meeting in New York with Wall Street executives. That happens all the time. Certainly, there is the right to sit down and talk with people, to represent labor and

business, and we should do that. But nobody knows what was talked about at that meeting. Yet when our friend and colleague who chairs the campaign committee came back, right afterwards, all of a sudden we get this rhetoric about too big to fail; that we can't possibly go to this bill.

Now, I was born at night, Madam President, but not last night. I was born at night, but not last night. And don't tell me that miraculously these things happened and all of a sudden we find ourselves with 41 colleagues, many of whom I suspect are not overly enthusiastic about this game plan that says: Don't ask why; don't tell us what is in the bill. Just tell us we are going to line up and say no matter what anyone says or does or what they have tried to do, we are going to object to even going to this bill.

I firmly believe there is more than a small minority of my Republican colleagues who, frankly, find that argument objectionable. That is not to suggest they like this bill or agree with every position in it, but I know them well enough to know they are sick and tired of being told how they are going to have to vote on a procedural motion on a matter that I think deserves at least the support of our colleagues to begin that important debate.

What we do know, of course, about the opposition to going forward is that the Republican leadership returned armed with some very false talking points, talking points written by a political strategist with close ties to large financial institutions, talking points that have been debunked by the independent media analysis and even Republicans such as FDIC Chairman Sheila Bair.

Let me point out the memo that suggested this game plan was written by a political strategist was written long before even one word was written on the bill. They were told how to fight a bill that didn't even exist out here by accusing the bill of leaving open the too big to fail, even though they knew—at least those who had read the bill—those provisions had been written so tight that no one could possibly argue too big to fail would be allowed again.

The Republican leadership returned promising that every member of their caucus would vote to kill this bill before the debate even began. I know for a fact that Members of this body, on both sides of the aisle, want to pass a good bill. My colleagues know me well, and they know my reputation over the years. I have never, ever passed a major piece of legislation in this body, in over three decades, when I have not had the cooperation and backing of a Member or Members on the other side of the aisle—never once on every major piece of legislation with which I have been involved. Here we are, at the brink of going forward with the single

largest proposal to reform the financial services sector of our country, and we are divided here like a couple of petulant teenagers, instead of sitting around and coming together as I have offered for months, getting behind a bill and allowing us to go forward. It is long overdue that we grow up and recognize this is not some athletic contest, this is about whether our economy can get back on its feet, whether we can grow and prosper and create jobs, have credit flow and capital form so that businesses and wealth can be created. Nothing less than that is at stake in this debate and discussion, and all the more reason why we need to go forward, and go forward like adults, like Members of the greatest deliberative body—as we are told over and over—in the history of mankind, the Senate, to resolve these matters.

I have worked for hours with my colleague from Alabama, as he well knows, Senator SHELBY, to the point that he has said—and I appreciate it very much and I compliment him for it—we are 80 percent of the way to a bipartisan consensus. In fact, I suspect if RICHARD SHELBY were asked today whether that number were 80 percent, he would have even a higher number. Imagine being 80 to 90 percent in agreement, yet being told by the minority we cannot go forward. Do I have to write the whole bill? Is that when we can go forward? You have 80 or 90 percent of what you think is a good bill, but, no, no, we are going to stop any further debate. In all my years I have never heard of such an argument, whether I have been in the minority or majority, that I agree with 80 or 90 percent of what you have written, Senator, but I am sorry, we are going to stop even considering any further debate on the floor of the Senate.

I worked for many hours with the Senator from Tennessee, BOB CORKER, to try to get to 100 percent, as he well knows. No matter what was said in the meetings between the Republican leadership and Wall Street executives, the fact is that the bill I will be bringing to the floor reflects not only bipartisan input but good common sense as well. If you look at what the bill actually does, it is clear that there is no ideology here, just one principle: Hold Wall Street and large financial institutions accountable so that American families and businesses can grow and thrive without fear of another economic catastrophe.

The bill creates an early warning system so that for the very first time in our Nation's history, someone will be in charge of monitoring our entire financial system, to look out for emerging products and practices and problems, not just here at home but even globally.

Again, I don't think you have to have a Ph.D. in economics to know what we have seen in the headlines and heard on

our news shows a few weeks ago, that there were major economic problems in the small nation of Greece, and that all of a sudden the financial system of every other nation around the world was at risk. Or when that small exchange in Shanghai, China, began to decline by 12 percent a few years ago, every other exchange around the globe within hours was adversely affected.

That market, that exchange, represented less than 5 percent of the volume of the New York Stock Exchange. Yet because it declined by 12 percent one morning, every other exchange around the world reacted. What more do I need to say about whether our issues here are global in scope, not just domestic? Again, it is even further reason why we need to be able to pull together and create this bill that is essential so we have a warning system in place that looks out for and monitors products, practices, and even problems that can emerge in other parts of the world if they can pose the kind of risk that could bring our financial system to near collapse.

Under the status quo, of course, no regulator can see beyond the narrow silo of their own radar screen. We changed that. This now involves all of these prudential risk regulators sitting at a systemic risk council headed up by the Federal Reserve and Treasury here, so they can actually look over the horizon and act as a financial radar system. What is going on out there? Are there problems emerging in products or companies or nations that could bring our country to near disaster financially?

If we had had that in place back a few years ago, I would argue we might not find ourselves where we are today. So this is one of our provisions in the bill. What a pity it would be to lose the opportunity to create that kind of an early warning system. That is how the subprime lending sector was able to grow so large despite the dangers it posed to the economy and why no one was able to stop it before it precipitated a crisis. I do not believe members of the minority caucus want regulators to be unaware of emerging threats to our financial system.

The bill brings new transparency and accountability as well to financial dealings by ensuring that even the most complicated or obscure transactions are concluded in an open marketplace.

The Presiding Officer, of course, is well versed and talented, coming from the Empire State, and understands these issues. I believe that derivatives, for instance, are a very important instrument, critically important to economic growth and prosperity. They have become a pejorative, unfortunately, but my view has been let the markets work.

How do the markets work best? Markets work best when there is trans-

parency, when buyers and sellers, investors, have an opportunity to see with clarity what these instruments are, what they are designed to do. Right now we have a shadow economy where some of these instruments operate in darkness, and that is one of the problems that created the financial mess we are in. Our bill opens up, sheds light, brings sunshine to these instruments so that taxpayers but, more importantly, investors and others can honestly understand what they are, what they are intended to do and how they work.

For the first time here we would force risky financial companies such as Bear Stearns and Lehman Brothers that have operated the shadow banking system to be subject to proper supervision, again, so we have the ability to understand what they are doing.

Of course, under the status quo these dangerous giants that have been free to take enormous gambles in a single-minded quest for maximum profit and when they go down like the Hindenberg, taxpayers are left to clean up the rubble. I do not believe that members of the minority caucus want to leave the Lehman Brothers unsupervised until its collapse shakes the very foundations of our economy.

This bill I have before us beefs up the SEC oversight, it strengthens protections for investors, and gives shareholders a greater voice on how executives are compensated and how big their bonuses can get. Under the status quo, of course, the same executives whose mismanagement caused the collapse of financial giants get to collect ridiculous bonuses again. Kill the bill and there is nothing in here that would preclude the same kind of abuses, the outrageous gouging, if you will, at taxpayer expense by a handful of these executives who fail to understand—or if they understand, more outrageously were willing to reward themselves for their own failures because the American taxpayers shored up their financial institution.

The Allen Stanfords and Bernie Madoffs of the world are able to rip off investors for millions while the understaffed and underfunded SEC, the Securities and Exchange Commission, fails to stop them.

I do not believe members of the Republican caucus want to leave these executives free to line their pockets with unearned billions or leave investors vulnerable to Wall Street predators and con artists. That is what happened. That is what went on. Our bill stops it. We need to be able to go forward with this bill.

Our bill requires full disclosures in plain English so that Americans can easily understand the risks and returns of any financial product, whether it is a mortgage or a student loan. Our bill creates an independent consumer protection agency, a watchdog with bark

and bite, to protect consumers from the abusive practices that have become almost standard operating procedures—skyrocketing credit card interest rates, the explosion in checking account fees, predatory lending by mortgage firms, and so much more.

You do not have to educate the American people. You will hear it over and over from your own constituents. Listen to what they have been through with these increased interest rates, increased fees—every gimmick you can think of to pick the pocket of the American taxpayer who, today, necessarily needs to depend on credit cards in order to make ends meet in their families.

Of course, under the status quo, consumers trying to make smart decisions about their family finances are confronted with a sea of fine print and technical jargon and they are vulnerable to the predatory lenders, the greedy predators who have taken advantage of them. Our bill stops that. Our bill puts an end to that. If we do not get a chance to debate this and go forward, that would be the end of it. What a disgrace it would be to be confronted, as we were at the outset of this Congress, with the problems the American taxpayers have been through—8½ million jobs lost, 7 million homes in foreclosure, retirement accounts evaporated, small businesses failing, and we did nothing to stop it, despite the fact that 80 or 90 percent of what I have written in this bill is agreed to by many in the minority. But you will not even allow the bill to go forward to be debated. For the life of me I do not understand that logic.

In short, this bill protects the American consumers, American businesses, community banks, as I mentioned, and taxpayers from the very exact situation that occurred in 2008, an economic crisis brought about by Wall Street highjinks, large financial institutions and regulatory failures. Our bill creates a stronger foundation, I might add, on which we can rebuild the prosperity we have lost in our Nation over the last number of years.

I do not believe members of the Republican minority, our friends and colleagues here, want to kill this bill. I do not want to believe that. Unlike other matters we have debated over this Congress, this matter ought to be one where we can come together as I have tried to do, day in and day out, week in and week out, month in and month out, to craft a piece of legislation that reflected the myriad views embraced by the Members of this Senate.

We are on the brink of going forward and I will go forward with this bill. We can do it one of several different ways. We can go forward. I will bring this bill up. The leader, I am told, will offer a motion to proceed. My hope is we will not have to have a vote on that, that there will be enough common sense

here that would say this is a good product even for those who do not like various provisions of it, and then do what we are supposed to do in this body—debate, offer amendments, try to improve the bill based on your own view of what constitutes an improvement. But let's act like the Senate on a major bill of this import here, instead of putting on the brakes, don't show up, don't say anything, just vote no, we are not going to debate this until you do exactly as I want you to do.

That is not the Senate that I think the American people expect to see work. My hope is, of course, that I will be right in that. My colleagues, many of whom I have worked closely with on many issues, do not want to be part of a blind, pointless effort here, just to walk away from this process. I believe they, our friends on the other side, are caught between the same commonsense principles that led many of them to spend so many hours helping us create this legislation, and the political deals that have led their leadership to demand they help to kill it.

As I said a moment ago, I have been in this body for some 30 years. I have served with many Republican colleagues for a long time. I have great friends, as my colleagues know, on the other side of this aisle, people who I believe care as much about this country as any other Member, and they want to be part of answers, solutions. They did not come here, they did not fight hard to get here, to say no. They came here because they wanted to be part of the answers to how we can get our country moving again.

Again, I am charged as the chairman of a committee to try to pull together a bill that reflects the disparate points of view, that listens to our colleagues here in crafting a piece of legislation that can work. I have tried to do that now for many months. I have come to the point where, frankly, we need to go forward in this body. I am confident, again, if our colleagues would give us a chance we can achieve the results they seek and I am hopeful they will when the motion to proceed occurs, and then engage in the kind of thoughtful, intelligent debate this Senate has a reputation of achieving and accomplishing.

I thank my colleagues for the work they have contributed to it so far. Let's not take all of that work and dash it on the rocks of procedural filibustering. We can do better than that. I am confident we will. I urge my colleagues to be supportive of these efforts.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DEMINT. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DEMINT. Madam President, I rise in opposition to the nomination of Marisa Demeo to be a Superior Court judge in the District of Columbia. I do not believe she has enough judicial experience to sit on the DC Superior Court. She is currently serving as a magistrate judge, a position she has held for the past 2½ years. Although being a magistrate judge is good training for a Superior Court judge, 2 years is not enough of that training. Of the 25 magistrate judges in the District of Columbia, she is one of the least experienced. Nineteen of the current DC magistrate judges have served for 5 years or more compared to her 2½. Some have served for decades. In fact, only 3 of her 24 colleagues have served less than Ms. Demeo.

Looking at her record, I see she has much more experience working as a lobbyist for a special interest group than a magistrate judge. She was chief lobbyist for the Mexican American Legal Defense and Education Fund, a national Latino civil rights organization, from 1997 to 2004. In this position, she became more well known for divisive comments she made against Hispanic Republicans than for her legal expertise. She took on a high-profile role opposing President Bush's nomination of Miguel Estrada, criticizing him in numerous newspaper stories because he did not appear to support her political agenda. During this time, she made personal attacks against him, suggesting he was a traitor to other Hispanics.

Let me read from a 2003 article from National Review entitled, "Dems to Miguel Estrada, You're Not Hispanic Enough." Ms. Demeo said:

If the Senate confirms Mr. Estrada, his own personal American dream will come true, but the American dreams of the majority of Hispanics living in this country will come to an end through his future legal decisions.

In another press statement she said:

The most difficult situation for an organization like mine is when a president nominates a Latino who does not reflect, resonate or associate with the Latino community.

Instead of debating these issues, Ms. Demeo tried to convince the media that an entire community should only think one way—her way—and that Miguel Estrada was wrong for thinking anything otherwise. To me, this sounds like ethnic bullying. It is dangerous and insulting to believe a particular community should think uniformly, and Ms. Demeo was wrong to do this.

I was not in the Senate at the time; however, I have come to work closely with Miguel Estrada since that time, especially during my work on the Honduras crisis. He is a patriotic American and one who gave his own time and energy to help us understand the legal issues facing Honduras. I do not doubt

for a minute his qualifications to serve on the Federal bench. Comments by Ms. Demeo and others questioning Mr. Estrada's credentials, encouraging the filibuster of his nomination, and accusing him of not being "authentically Hispanic" made the confirmation process very painful for him and his family.

This was not the only time Ms. Demeo advanced this terrible argument. She used this same line of attack against Linda Chavez, President Bush's nominee to be Secretary of Labor.

Ms. Demeo was quoted by the Washington Post in January of 2001 saying:

We generally support the nomination of Latinos to important positions, but Linda Chavez could really turn things backwards for the Latino community. We just really question what kinds of efforts she is going to put into enforcing the affirmative action laws.

Ms. Demeo has also attacked those of us in Congress who opposed the amnesty legislation of a couple years ago, saying we were "anti-immigrant and not interested in seeing immigrants become full participants in this country."

She strongly opposes English as the official language and says the government must accommodate non-English speakers. She was quoted by the Associated Press in 2003 saying "governments have a legal obligation to help those who don't speak English well."

She demanded that the Census Department use "sampling" to puff up the number of voters in Hispanic districts. She told National Public Radio in 2001 that raw census data should not be used because it "does not fully represent those minority communities who were missed by the census." Instead, she advocated that less accurate sampling data be used to redraw political districts.

Ms. Demeo has shown similar disregard for verified information by arguing that photo requirements for voting "violates the rights of minority voters."

She is also an active proponent of affirmative action, again suggesting to the public that all Latinos are in lock-step agreement on this issue.

After the Supreme Court's decision in *Grutter*, Demeo said:

All segments of the Latino community supported the continuance of affirmative action. . . . The nation must now also turn and concentrate on ensuring equality of opportunity in our elementary, middle and high schools. Colleges and universities that use race-conscious admissions have made those universities a better place for everyone to learn.

Ms. Demeo has also attacked the definition of traditional marriage. These views have led groups such as Eagle Forum, Numbers USA, the Federation of American Immigration Reform, English First, Concerned Women for America, and the Traditional Values Coalition to oppose Judge Demeo's nomination.

I assume Ms. Demeo will be confirmed. If she is, I will wish her well in this new position. But I, regrettably, will vote no on this nomination.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Madam President, what is the parliamentary situation?

The PRESIDING OFFICER. The Senate is considering the nomination of Marisa J. Demeo.

Mr. LEAHY. Madam President, I am going to actually speak on a different matter. I ask unanimous consent that my statement be moved to morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mr. LEAHY are printed in today's RECORD under "Morning Business.")

Mr. BURRIS. Madam President, here, in our Nation's Capital, we stand for justice, for fairness and opportunity and for the rule of law.

On the floor of this Senate and in the Oval Office, we shape national policy, and guide the course of a Nation.

In the chambers of the Supreme Court, the principles of justice laid down in our Constitution are translated into the real world.

Our system of government, embodied in this city, stands as an example for all others around the world.

And yet today we are met with a certain irony.

As I address this chamber, the DC Superior Court has been paralyzed, and our justice system has ground to a halt, thanks to my Republican colleagues.

My good friend, the junior Senator from South Carolina, has chosen to obstruct an eminently qualified judicial nominee and current DC magistrate judge, named Marisa Demeo.

When the President of the United States appoints a judge to the Superior Court here in Washington, these nominations are generally approved by the Senate without delay or controversy.

But this time, my Republican friends have decided to play politics with our judicial system.

They have stalled Judge Demeo's nomination for 8 months, and have turned a routine vote into the longest confirmation battle of the Obama Presidency.

As a result, DC government officials have warned that their ability to administer justice is being tested.

As a former attorney general of Illinois, I understand how dire this situation is. I understand how this obstructionism is crippling the Superior Court system.

And for what reason? My colleagues and I have asked our Republican friends to name their objections, but no one can get a straight answer.

No Republican has cast any doubt on Judge Demeo's qualifications, which are superb.

She has served as a magistrate judge since 2007. Before that, she worked at the Department of Justice, in the Civil Rights Division and as an assistant U.S. attorney.

She has degrees from Princeton and New York University. Her legal training and experience are more than adequate for the post of Superior Court Judge, and yet, for unspecified political reasons, the junior Senator from South Carolina continues to hold up this important nomination.

He said he has concerns that Judge Demeo may not be fair and balanced in her approach. But there is nothing in her record to suggest anything of the sort.

In fact, not a single Republican even took the time to ask a question at Judge Demeo's confirmation hearings.

So I cannot imagine what they find objectionable.

The court system in our Nation's Capital is strained to the breaking point, and my friend from South Carolina doesn't seem to mind.

I believe this is simply unacceptable.

This is why the American people are frustrated with their government: because petty political battles and Republican obstructionism are impeding our ability to govern.

My friends on the other side are certainly entitled to play political games if they like, but I would urge them to save politics for the campaign trail, and stop holding up the course of justice and the important business of the American people.

We simply do not have time for this. This is not about politics, this is about people's lives.

This is about the functioning of the American justice system, right here in the Capital of the United States.

This is about the constitutional right to a fair and speedy trial, a right which has been denied to DC residents by Republican political games.

The American people have had enough.

So I urge my friends on the other side to abandon this kind of obstructionism and take their political games elsewhere.

Let us stand up for the ideals of fairness and justice that are embodied here, in this system of government.

And let us make sure that every American, including the residents of our Nation's Capital, can avail themselves of this system.

I ask my colleague from South Carolina to drop his hold on this eminently qualified nominee, so this Senate can hold a vote, and then we can move forward in a bipartisan manner to address the challenges we face.

Mr. DURBIN. Madam President, this week in the Senate we are calling attention to the unfortunate obstructionism coming from the other side of the aisle when it comes to President Obama's nominations. There are now

101 nominees who have been voted out of committee—most of them with unanimous support but who are languishing on the Senate floor because the Republican minority won't allow them to have a vote. In many cases, they won't even give a reason—they are using anonymous holds. That is fundamentally unfair.

Let me speak briefly about a nominee we will vote on today: Marisa Demeo. She was nominated to be an associate judge on the District of Columbia Superior Court. This is a local court here in Washington that primarily hears misdemeanor and felony cases. It is not a Federal court and its judges do not serve lifetime appointments.

Marisa Demeo is currently a magistrate judge on this court, and she has an excellent reputation. She is a former Federal prosecutor and was hired by the John Ashcroft Justice Department as an assistant U.S. attorney here in Washington.

Before she was a prosecutor, she was a civil rights lawyer in the Justice Department's Civil Rights Division and at the Mexican American Legal Defense Fund, one of the most respected civil rights organizations in America.

Judge Demeo has received numerous awards throughout her legal career, including the "Rising Legal Star" award from the Hispanic Bar Association of Washington, DC, and a Special Achievement Award from the U.S. Attorney's Office for the District of Columbia.

Judge Demeo was unanimously approved by the Senate committee that oversees DC Superior Court nominations, so you would think she would be confirmed by the full Senate in short order. Well you would be wrong. After being voted out of the Homeland Security and Governmental Affairs on May 20, 2009, Judge Demeo has been held up on the Senate floor ever since. For 11 months now, the Republican minority obstructed her nomination and objected to an up-or-down vote. No other nominee of President Obama's has been pending on the Senate floor longer than Judge Demeo.

As a result of this delay, the DC Superior Court has struggled to handle its crushing caseload. Last month, the Senate received a letter from the chief judge of that court, Lee Satterfield, who said the following:

The Superior Court is a busy, urban court with a caseload of over 100,000 cases per year. Each day we make life and death decisions about neglected and abused children, juveniles alleged to have committed crimes, criminals charged with everything from minor misdemeanors to first degree murder and sex abuse. . . . [T]he people of the District of Columbia deserve a court with a full complement of judges making the crucial decisions affecting the lives of D.C. residents.

I am pleased the Republicans have finally relented and agreed to a vote on Judge Demeo. We owe it to her, and we

owe it to the people of the District of Columbia.

I know there has been some criticism of some positions Judge Demeo took when she worked at MALDEF. A few of my Republican colleagues have discussed these criticisms on the Senate floor today. I would like to make two points in response.

First, the positions Judge Demeo took when she was an advocate at MALDEF are mainstream positions. She advocated for comprehensive immigration reform. She opposed the nomination of Miguel Estrada, one of President Bush's most controversial nominees. She supported affirmative action, and she opposed a photo ID requirement in the voting context because of its adverse impact on minorities. And she opposed a constitutional amendment to ban same-sex marriage. These are positions I share, and many members of the Senate share. They are positions that are hardly out of step with the political mainstream in America.

In any event, Judge Demeo has been a magistrate judge for the past three years, and she has demonstrated her ability to be fair and impartial. She has skillfully made the transition from advocate to judge, and she deserves this promotion from magistrate judge to associate judge on the DC Superior Court. I urge my colleagues to support her confirmation.

Mr. MENENDEZ. Madam President, I rise today to urge my colleagues to vote to confirm the nomination of Marisa Judith Demeo as associate judge on the Superior Court of the District of Columbia.

She has waited long enough and the Superior Court of the District has waited long enough. Judge Demeo epitomizes what it means to serve. A consummate community leader, she has always believed in the importance of public service.

She is currently serving as magistrate judge in the Criminal Division of Superior Court of the District of Columbia.

As an assistant U.S. attorney in the U.S. Attorney's Office for the District of Columbia, she has ample experience prosecuting misdemeanor and felony cases.

Having said that, she also has deep roots in the community, a woman who cares about justice—about doing what's fair and what's right. She believes in the rule of law.

From her work at the AIDS Service Center of Lower Manhattan, her service for the Lambda Legal Defense and Education Fund, her time as a Texas rural legal aid and a paralegal in the Civil Rights Division of the Department of Justice, she has taken pride in acting on a spirit of community that is part of who she is—each of us working together for the betterment of all of us.

I know the good work she has done at the Mexican American Legal Defense

and Education Fund and what that work has meant to her and to those she has served.

The professional awards and honors she has received as well as her academic awards are far too numerous to mention here. Suffice it to say that, in my view, she is one of the most accomplished nominees we have had before us.

A graduate of Princeton University and New York University School of Law, Judge Demeo's credentials are impeccable.

I know her dedication and her keen mind, her judicial temperament, her belief in the rule of law and those powerful words that mean so much to her and to all of us in this Chamber—equal justice under law.

Judge Demeo is ready to serve on a busy urban court with a caseload of over 100,000 cases per year. As an associate judge on the Superior Court of the District of Columbia she will bring her knowledge, skills, and expertise to every decision in a busy courtroom dealing with hundreds of neglected and abused children who will come before her—juveniles alleged to have committed crimes, and those who have been accused and charged with crimes ranging from misdemeanors to first degree murder and sexual abuse.

Judge Demeo will be there to serve as she always has, ready to make timely and fair decisions on domestic violence cases, housing issues, child custody and support.

The caseload will not deter her. It will invigorate her, and I am proud to cast my vote to confirm Judge Demeo as an associate judge on the Superior Court of the District of Columbia and urge my colleagues to do the same.

The time has come to confirm this nominee.

Mr. LIEBERMAN. Madam President, I rise to support the long-delayed nomination of Judge Marisa Demeo for a seat on the DC Superior Court and urge my colleagues to approve her as quickly as possible so she can take her place on this court that is both busy and shorthanded.

Judge Demeo is well qualified for this position and brings a range of legal experience to her new job that would make her an asset to the court. She has been a judge, a prosecutor, a plaintiff's attorney advocating for civil rights and a law professor.

Specifically, for the past 2 years, Judge Demeo has served as a magistrate judge in the Criminal Division of the Superior Court of the District of Columbia.

Prior to that, from 2004 to 2007 she served as an assistant U.S. attorney in the Office of the U.S. Attorney for the District of Columbia; from 1997 to 2004 she served as the Regional Counsel for the Mexican American Legal Defense and Educational Fund, from 1993 to 1996 she was an honors program trial attor-

ney with the Justice Department Civil Rights division, and she was an adjunct professor of law at Howard University in 2003, 2005 and 2008.

Judge Demeo is a graduate of Princeton University with a bachelor's degree in political science and earned her law degree at New York University. And besides her legal work, she is also in demand as a speaker on legal issues and is the author of many articles on civil rights law.

Judge Demeo also has a compelling personal story that reminds us that the American dream is alive and well. Her father—the son of Italian immigrants—and her mother—a Puerto Rican immigrant—taught her that if you work hard, anything is possible and Judge Demeo has channeled her talent and drive into a successful career in public service.

These facts taken together led the Homeland Security and Governmental Affairs Committee to endorse Judge Demeo's nomination by voice vote in May.

Let me say that again, the committee reported Judge Demeo's nomination to the full Senate in May—11 months ago—and it has been stalled ever since.

There is also speculation that some object to her because of legal advocacy work she has done on behalf of the Mexican American Legal Defense and Educational Fund, also known as MALDEF.

But there is no reason that this sort of work should be held against any nominee. Under our system of justice, when an individual or group believes something is not just, they are allowed to have their day in court and have an attorney zealously argue their cause.

In her confirmation hearing, Judge Demeo was specifically asked if her advocacy work would affect her decision-making as a judge. Let me give you Judge Demeo's response in her own words:

When you think about the parties that appear in the courtroom, oftentimes it's plaintiffs versus defendants and one party against another, and I've . . . worked in both positions in my career. Being in the judge position has allowed me to take a step back already, in the magistrate position, and listen to the parties and be open to both sides.

To that end, at her confirmation hearing, representatives of the Justice Department and the Public Defenders' office came to lend their support to her nomination.

And we should remember, that nominations for the DC courts are made through a process different than other judicial nominees.

Under the District of Columbia Self-Government and Governmental Reorganization Act, the Judicial Nominations Committee recommends three individuals for each position to the President, and the President then selects one of those individuals and sends the nomination to the Senate for confirmation.

The Judicial Nominations Committee is a diverse, Federal-district entity, comprised of two individuals appointed by the Mayor of the District of Columbia—one being a nonlawyer—two appointed by the Board of Governors of the District of Columbia Bar, one non-lawyer appointed by the city council of the District of Columbia, one individual appointed by the President of the United States, and one judicial member appointed by the Chief Judge of the U.S. District Court for the District of Columbia.

This is a process aimed at getting the best qualified nominees, without regard to party or politics.

Finally, Chief Judge of the Superior Court, Lee F. Satterfield, wrote to both the majority and minority leaders in October pleading for the swift approval of Judge Demeo because the court is already five members short.

In his letter, Judge Satterfield wrote:

The Superior Court is a busy, urban court with a caseload of over 100,000 cases a year. Each day we make important decisions about neglected and abused children, juveniles alleged to have committed crimes, and accused charged with everything from minor misdemeanors to first degree murder and sexual abuse. Vulnerable families in the District rely on Superior Court judges to make timely and fair decisions regarding domestic violence, housing, child custody and support, and numerous issues that affect them every day. Our goal is to serve the community well by handling the important decisions we are entrusted with fairly, justly and efficiently.

And last month, Judge Satterfield sent another letter to the majority and minority leader with this dire warning, "We are beginning to experience delays in meeting performance measures and standards for how quickly cases should go to trial."

But, a shorthanded court cannot achieve these goals, which means justice is delayed for many. It's long past time that we approve this highly qualified nominee and I urge my colleagues to vote yes on this nomination and allow her to get to work administering justice for the citizens of our Nation's Capital.

Madam President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. KAUFMAN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KAUFMAN. Madam President, I ask unanimous consent to speak as in morning business for up to 6 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

IN PRAISE OF DOROTHY METCALF-LINDENBURGER

Mr. KAUFMAN. Madam President, I rise today to speak once more about our Nation's great Federal employees.

Forty-nine years ago, President Kennedy stood before Congress and offered a bold profession of his faith in American innovation. Convening a special joint session to share with the American people his plans for economic recovery and global leadership, President Kennedy challenged us to reach the Moon in 9 years. He reminded us that leading the way in exploring space was central to leading a vibrant innovation economy, and that the causes of economic recovery and national security would benefit from investing in a Moon shot, and that the newly free around the world, caught between East and West, would draw inspiration from such a difficult mission undertaken by a free people. He challenged us to reach the Moon in 9 years. We made it there in 8 years.

Kennedy's call echoed a timeless adage: "Ad Astra Per Aspera"—to the stars through rough times.

When we are faced with difficult challenges, we look for inspiration beyond the bounds of our farthest frontier. We can choose, despite uncertainty, to be forward looking and set lofty goals. That, more than anything, is the mission of those great Federal employees who work at the National Aeronautic and Space Administration, NASA.

I was among those called to the study of engineering in the late 1950s during the years of Sputnik and the start of the space station. We benefited not only from the amount of investment the government was making in STEM fields, but also by the strong sense of purpose the space program inspired in all of us.

America's reach into space is intricately linked with our need to train the next generation of scientists, engineers, technologists, and mathematicians who will drive our 21st century innovation economy, and I know there is no one in the Senate any more committed to STEM education than the Presiding Officer.

That is why I have chosen this week to honor a great Federal employee from NASA who spent the last 2 weeks orbiting the Earth on STS-131 and has dedicated her career to promoting STEM education.

Dorothy Metcalf-Lindenburger is one of NASA's new educator astronauts. A native of Fort Collins, CO, Dottie, as she is called, took an unusual path to space. As a child, Dottie was always fascinated with astronomy and space exploration. When she narrowly lost a contest to win a free trip to space camp, her parents saved up enough money for her to go. It turned out to be an excellent investment not only in their daughter's future, but also in the many students Dottie has inspired.

Dottie pursued her love of science at Whitman College, where she majored in geology. She began teaching Earth science and astronomy at Hudson's Bay

High School in Vancouver, WA, in 1999. In her 5 years there as a science teacher, she won awards for achievement. An avid marathon runner, Dottie also coached the school's cross-country team.

In 2003, one of her students asked a question that would change her life. The student curiously asked: How do astronauts use the bathroom in space? When Dottie went on line to research the answer for her student, she discovered on NASA's Web site a recruitment call for teachers to join the space program. She jumped at the chance, though it was a long shot. Over 8,000 teachers applied. Dottie was one of three who made it and is currently NASA's youngest active astronaut.

She joined NASA in 2004 and began the rigorous, 2-year Astronaut Candidate Training. Dottie learned how to fly jets and operate complex space shuttle and International Space Station systems. She undertook scientific and technical briefings, engaged in physiological training, and practiced water and wilderness survival skills. As an educator astronaut, Dottie works with NASA's education program, helping to develop new ways to bring space and STEM subjects into the classroom and inspiring girls and boys alike to follow in her footsteps by studying science.

When she is not training to be a mission specialist on the shuttle, running a marathon, or singing lead vocals for an astronaut band, Dottie is also inspiring her own daughter. She and her husband Jason, who is a history teacher, have taught their 3-year-old daughter, Cambria, how to sing "Twinkle, Twinkle, Little Star" and other songs about the Sun and the Moon.

On April 5, Dottie and the rest of the crew of Discovery's STS-131 mission lifted off from Cape Canaveral for a 2-week trip to the International Space Station. Dottie's primary tasks were overseeing the transition of the station's computers to a new Ethernet network and orchestrating the space walks conducted by two of her colleagues. She also recorded a video to help promote robotics, science, and engineering.

Dottie sees her role as a teacher for all, helping to make science exciting for adults and children alike. She and her husband even built a telescope that they brought on summer vacation, and wherever they stopped they would encourage people to look through it at objects like Jupiter or the Moon.

She said, "Wherever we go out in our solar system, from a teaching standpoint, I really hope that students are engaged in learning math and science. We should always try to be a leader in this."

America's astronauts—like Dottie—carry out important work with far-reaching impact.

Once again we find ourselves as a nation in difficult times, just as we were

when President Kennedy challenged us to look skyward.

Just last week, President Obama laid out his vision for the future of American space exploration. No matter what their next mission, it will be carried out by NASA employees.

The outstanding public servants at NASA give flight to our dreams and remind us that, in America, when we will it, there is no impediment to grand achievement.

"Ad Astra Per Aspera." Let us look once more, in these rough times, to the stars—to the limits of space and those who would take us there.

Let us recommit ourselves to inspiring students, just as astronauts like Dottie do each day, to study science, math, engineering, and technology in pursuit of innovation in space and here on Earth.

I hope my colleagues will join me in thanking Dorothy Metcalf-Lindenburger and her crewmates from STS-131 for their hard work and contribution. We welcome them home.

They are all truly great Federal employees.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. KAUFMAN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KAUFMAN. Madam President, I ask unanimous consent that the time during the quorum call be divided equally between the two sides.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KAUFMAN. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. AKAKA. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. KAUFMAN). Without objection, it is so ordered.

Mr. AKAKA. Mr. President, I rise to speak in support of Marisa Demeo to be an associate judge in the District of Columbia Superior Court. I chaired her nomination hearing before the Committee on Homeland Security and Governmental Affairs and believe she is a very well-qualified candidate.

Since 2007, she has served as a magistrate judge of the DC Superior Court. Prior to that, she was an assistant U.S. attorney for the District of Columbia, prosecuting criminals on behalf of the Federal Government.

Judge Demeo also worked as an attorney for the Mexican-American Legal Defense and Education Fund, an

organization that provides legal services to individuals of Hispanic descent. She received her bachelor's degree from Princeton University and her J.D. from the New York University Law School.

Candidates from the DC Superior Court are identified by the nonpartisan Judicial Nomination Commission, which sends three names of qualified candidates to the President for his final selection. This process has consistently produced excellent nominees for DC's local courts. Similar to others chosen through this process, I believe Judge Demeo has much to offer the DC Superior Court.

Judge Demeo has a strong record as magistrate judge and has presided over many cases of the busy criminal calendar. My staff spoke with DC Superior Court Chief Judge Satterfield today, and he emphasized how pleased he has been with her performance. Judge Satterfield said he could not understand the concerns raised about Judge Demeo's impartiality—she has an open record as a magistrate judge, and no one is criticizing her work on the court.

The committee also interviewed many of her colleagues during the nomination process who described her as fair, having a good temperament and knowledge of the law. Judge Demeo herself emphasized the importance of fairness, impartiality, integrity, and respect for all parties appearing before her during her nomination hearing.

In May 2009, the Committee on Homeland Security and Governmental Affairs favorably reported her nomination. The committee of jurisdiction clearly considered her to be well qualified because no objections to her nomination were voiced.

I was pleased that the Senate confirmed Stuart Nash to be an associate judge of the DC Superior Court earlier today. However, there remains a critical need to fill vacancies at the court. DC Superior Court is a trial court that hears over 100,000 cases a year. With many judges nearing retirement, it is important to fill empty seats quickly.

This need is so great that Chief Judge Satterfield wrote two letters to Majority Leader REID asking us to fill these vacancies. Judge Satterfield described the situation as dire and stated that unfilled vacancies hinder the court's ability to administer justice for the people of DC.

Mr. President, I ask unanimous consent to have printed in the RECORD both of Judge Satterfield's letters.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SUPERIOR COURT OF THE
DISTRICT OF COLUMBIA,
Washington, DC, Oct. 14, 2009.

Hon. HARRY REID,
Majority Leader, U.S. Senate,
Washington, DC.

DEAR MR. MAJORITY LEADER: As Chief Judge of the Superior Court of the District

of Columbia, I wanted to take a moment to bring to your attention two nominations for associate judges positions on the Superior Court that have been pending for several months. The nominees are Marisa Demeo and Stuart Nash. I understand the press of business before the Senate, given the economy, the push for health care reform, and the myriad of nominees in a relatively new administration. However, I wanted to draw your attention to the dire situation the Superior Court will face by the end of the year due to the announced retirements of three other Superior Court judges, if these nominees are not confirmed in the next few months.

If these two vacancies are not filled before the Senate adjourns, we will be five judges below our full complement of 62 associate judges by the end of January 2010. These vacancies would have serious consequences for the administration of justice in the District of Columbia and for the people we serve. We have been working without a full complement of judges most of the year since one of my colleagues, Judge Robert Rigby, was sent to Iraq with the National Guard. Fortunately, another colleague, Judge Rafael Diaz, who retired in March 2009 at the end of his term, graciously agreed to stay and handle a full caseload while we await his replacement. I am not sure how long Judge Diaz will be able to continue full time. If the two pending nominations are not confirmed before the Senate adjourns for the year, and Judge Diaz can no longer handle cases full time, by the end of January 2010, we will have only 57 associate judges. Such a scenario would certainly test our ability to administer justice for the people of the District of Columbia in a timely fashion, particularly in our Criminal Division and Family Court.

The Superior Court is a busy, urban court with a caseload of over 100,000 cases per year. Each day we make important decisions about neglected and abused children, juveniles alleged to have committed crimes, and accused charged with everything from minor misdemeanors to first degree murder and sexual abuse. Vulnerable families in the District rely on Superior Court judges to make timely and fair decisions regarding domestic violence, housing, child custody and support, and numerous issues that affect them every day. Our goal is to serve the community well by handling the important decisions we are entrusted with fairly, justly and efficiently. I would appreciate any help you can provide in moving the two nominations forward.

Thank you for your consideration.

Sincerely,

LEE F. SATTERFIELD,
Chief Judge.

SUPERIOR COURT OF THE
DISTRICT OF COLUMBIA,
Washington, DC, Mar. 12, 2010.

Hon. HARRY REID,
Majority Leader, U.S. Senate,
Washington, DC.

DEAR MR. MAJORITY LEADER: I wanted to provide you with an update on the circumstances in the D.C. Superior Court with the five vacancies we are currently experiencing. Judge Diaz, who has been continuing to hear cases on one of the unassigned calendars after announcing his retirement, will be stepping down within the next month. This will leave us with five full vacancies, which clearly hinders our ability to administer justice for the people of the District of Columbia in a timely fashion, especially worrisome in the Criminal Division and the Family Court. We are beginning to experience delays in meeting the performance

measures and standards for how quickly cases should get to trial.

As I mentioned in my October letter, the Superior Court is a busy, urban court with a caseload of over 100,000 cases per year. Each day we make life and death decisions about neglected and abused children, juveniles alleged to have committed crimes, criminals charged with everything from minor misdemeanors to first degree murder and sex abuse. Vulnerable families in the District rely on Superior Court judges to make timely and fair decisions regarding domestic violence, housing, child custody and support, and numerous issues that affect them every day. These cases need to be handled effectively but also efficiently.

I understand the great press of business before the U.S. Senate, and the multitude of bills affecting the lives of people across the country. However, the people of the District of Columbia deserve a court with a full complement of judges making the crucial decisions affecting the lives of D.C. residents.

Thank you for your consideration.

Sincerely,

LEE F. SATTERFIELD,
Chief Judge.

Mr. AKAKA. Mr. President, the Committee on Homeland Security and Governmental Affairs works quickly to hold its nomination hearings because we understand what an important role the court plays in the District's legal system. It saddens me that the District's courts and its residents continue to suffer while a highly qualified candidate's nomination is slowed.

I am confident that once confirmed, Judge Demeo will exercise sound and unbiased judgment when ruling on cases before her. She has the education and experience to make valuable contributions to the DC Superior Court bench. I plan to vote in support of Judge Demeo's nomination, and I urge my colleagues to do the same.

I thank the Chair, and I yield the floor.

The PRESIDING OFFICER. The majority leader.

Mr. REID. Mr. President, I ask unanimous consent that any remaining time for debate with respect to the Demeo nomination be yielded back, and the Senate now proceed to vote on confirmation of the nomination; further, that upon confirmation, the motion to reconsider be considered made and laid upon the table, the President be immediately notified of the Senate's action, and the cloture motion with respect to the nomination be withdrawn.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is, Will the Senate advise and consent to the nomination of Marisa J. Demeo, of the District of Columbia, to be an associate judge of the Superior Court of the District of Columbia?

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. BYRD) is necessarily absent.

Mr. KYL. The following Senator is necessarily absent: the Senator from Utah (Mr. BENNETT).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 66, nays 32, as follows:

[Rollcall Vote No. 120 Ex.]

YEAS—66

Akaka	Franken	Murkowski
Baucus	Gillibrand	Murray
Bayh	Gregg	Nelson (NE)
Begich	Hagan	Nelson (FL)
Bennet	Harkin	Pryor
Bingaman	Inouye	Reed
Bond	Johnson	Reid
Boxer	Kaufman	Rockefeller
Brown (MA)	Kerry	Sanders
Brown (OH)	Klobuchar	Schumer
Burr	Kohl	Shaheen
Cantwell	Landrieu	Snowe
Cardin	Lautenberg	Specter
Carper	Leahy	Stabenow
Casey	Levin	Tester
Collins	Lieberman	Udall (CO)
Conrad	Lincoln	Udall (NM)
Dodd	Lugar	Voinovich
Dorgan	McCaskill	Warner
Durbin	Menendez	Webb
Feingold	Merkley	Whitehouse
Feinstein	Mikulski	Wyden

NAYS—32

Alexander	DeMint	LeMieux
Barrasso	Ensign	McCain
Brownback	Enzi	McConnell
Bunning	Graham	Risch
Burr	Grassley	Roberts
Chambliss	Hatch	Sessions
Coburn	Hutchison	Shelby
Cochran	Inhofe	Thune
Corker	Isakson	Vitter
Cornyn	Johanns	Wicker
Crapo	Kyl	

NOT VOTING—2

Bennett

Byrd

The nomination was confirmed.

Mr. LEAHY. Mr. President, today the Senate finally confirmed the nomination of Marisa Demeo for a 15-year term as a judge for the District of Columbia Superior Court. Her nomination was the longest pending judicial nomination on the Executive Calendar, having been stalled since it was reported by the Homeland Security and Governmental Affairs Committee last May—nearly a year ago—by voice vote.

There was no reason for this nomination to have been delayed so long. Indeed, once the majority leader pressed the matter by filing for cloture, Republicans agreed to 6 hours of debate and then used only a small portion of that. The bipartisan vote in favor of Judge Demeo is hardly unexpected, just delayed a year.

Judge Demeo has served for 3 years as a magistrate judge on the court to which she has been confirmed. She is only the second Hispanic woman to hold that position. Judge Demeo is an experienced former prosecutor and Justice Department veteran with a sterling professional record. The Chief Judge of the Superior Court, Lee Satterfield, has written several times

to the majority and minority leaders about the “dire situation” created by vacancies on that court for administration of justice in Washington, DC, and in support of Judge Demeo's nomination.

Judge Demeo should have been confirmed long ago. This sort of obstruction of a DC Superior Court nomination is unprecedented. These nominations for 15-year terms on the District's trial court are not usually controversial.

Those Senators who opposed this nomination and voted against it will have to explain their vote. Some tried. I do not think references to “lifestyle” have a place in this debate. I was also struck by those who selectively cited her advocacy for various causes when she was previously employed as an advocate as somehow rendering her unfit for judicial service. These same Senators were willing to give President Bush's nominees the benefit of the doubt, but apparently not those of President Obama. Their mantra when there was a Republican President nominating Republican activists was that they would be able to put aside those views or that they were merely doing their job or representing a client. Apparently that leeway only applies to Republican nominees.

I commend those Republican Senators who bucked their party to vote in favor of this fine young woman and well-qualified nominee.

I strongly supported the confirmation of Judge Demeo and regret that it has taken nearly a year for her nomination to receive an up-or-down vote in the Senate. I congratulate her on her confirmation to the Superior Court and have every confidence she will be a fair and thoughtful judge.

The PRESIDING OFFICER. Under the previous order, the motion to reconsider is considered made and laid on the table. The President will be immediately notified of the Senate's action, and the cloture motion on the nomination is withdrawn.

The Senator from North Dakota.

UNANIMOUS CONSENT REQUEST—EXECUTIVE
CALENDAR

Mr. DORGAN. Mr. President, I indicated yesterday, when I asked unanimous consent on a nomination, that I would be back on the floor today at 4:30. So following this vote I wanted to come to the floor to once again ask unanimous consent. I told my colleague from Louisiana, Senator VITTER, that I was going to do this. I told him last week when I came to speak about this. I said I don't, under any conditions, come to the floor of the Senate wanting to be critical of another Senator. That is not something I enjoy doing. In this case, I explained to Senator VITTER that I was going to be critical of something he has done and I felt it appropriate and as a matter of courtesy I should tell my colleague from Louisiana what I was going to do.

Let me describe the circumstance. It bothers me a lot. I am pretty unhappy about it and so should all of my colleagues be unhappy. There is a man named GEN Michael Walsh, a soldier who served this country for 30 years. He served in wartime. I know him, know him fairly well. I am not related to him. I don't have anything other than a professional relationship because I have seen his work in the U.S. Army Corps of Engineers. He is an extraordinary guy.

He was recommended unanimously by the Armed Services Committee, Senator LEVIN and Senator MCCAIN and the unanimous vote of the Armed Services Committee, to be promoted from a one-star general to a two-star major general. That was last year.

It has dragged on now for nearly 6 months and this soldier has not been promoted because the nomination to promote him, which came from the Armed Services Committee unanimously, has been held up by one Senator. That is Senator VITTER from Louisiana.

I understand that Senator VITTER is holding this nomination up all of these months because he is demanding certain things from the Corps of Engineers for his home State.

Regrettably, it represents a list of things, for the most part, that the Corps of Engineers cannot do—they don't have the legal authority to do, they don't have the funding, they don't have the authorization to do. In any event, the general we are talking about, General Walsh, doesn't make policy for the corps on whether to do these things, even if they have the authority. He does policy. That is what the job of this general is. He is the commander of the Mississippi Valley Division of the Corps of Engineers. He spent a tour in Iraq for this country. He has done a lot of work not only in a war zone but all around the country, has a distinguished 30-year career. Yet despite the fact that last October, he was to have been promoted to major general, this soldier's professional life is on hold because of the actions of one Senator.

I say to my colleague from Louisiana, this is fundamentally unfair to General Walsh. It is fundamentally unfair. It is not the way we should treat soldiers. The demands that are being made of the Corps of Engineers are demands the corps cannot meet. I put the exchange of letters in the CONGRESSIONAL RECORD. There are two letters from my colleague, Senator VITTER, and two responses from the Corps of Engineers. They make it clear that the Senator from Louisiana is asking something the corps cannot possibly do. He has made six or eight requests. I believe the corps has indicated they will proceed on two of them because they do have the authority. The others they cannot because they are not au-

thorized. They don't have money, and they don't have the legal capability.

This is 1 out of 100 nominations that is being held up, 1 out of 100 on the Executive Calendar. This person is someone I know, a one-star general who deserves to be a two-star general. That is what Senator MCCAIN and Senator LEVIN believe. Unanimously, the Armed Services Committee reported this out last September. This soldier's career is on hold because one Senator is demanding of the corps something the corps cannot and will not be able to do. It does not have the legal authority and does not have the funding and does not have the authorization to do it.

I am here to make a unanimous consent request again. I ask of my colleague from Louisiana if at long last he might allow this nomination to proceed. This general should not be a one-star general. He should have, last September, been a two-star general because unanimously the Armed Services Committee believed he was owed that and deserved that promotion in rank. Months and months and months and months later, this general has had his career stalled by the actions of one Senator.

My hope is that today perhaps that Senator will tell us he will lift that hold and that we will be able to give the second star to General Walsh, a patriot, a soldier, someone who served this country in wartime and does not deserve what has happened to him in the Senate.

The PRESIDING OFFICER (Mrs. HAGAN). The Senator from Michigan.

Mr. LEVIN. Madam President, let me join my colleague from North Dakota in making a plea to the Senator from Louisiana. As the Senator from Louisiana knows, I am chairman of the Armed Services Committee. Our committee operates on a bipartisan basis. I see one other member of the committee sitting on the floor; in fact, two other committee members are on the floor, including the Presiding Officer. I know they would confirm what I am saying. We should keep our uniformed military officers out of any kind of political crossfire. They don't make these decisions. They put on the uniform of the United States. They give their lives. Their families support them. The least we can do is give them bipartisan support. We do that on this committee.

This nomination was approved and put on the calendar on October 27. This is a document we call the Executive Calendar of the Senate. It is printed every day. This general has been sitting here now, MG Michael J. Walsh, since October 27. The Senator from Louisiana has expressed himself to the Corps of Engineers. He has made his arguments. This general cannot do what the Senator from Louisiana is asking for. No. 1, he can't do it because the corps has told the Senator they don't have the authority to do what he wants

them to do in terms of these three projects. In any event, this general does not have the authority within the corps to make these kinds of decisions, even if the corps had the authority to approve these projects.

As chairman of the committee, I know I am speaking not only for myself, I am speaking for every member of the committee who has voted for this general's nomination. I know I am speaking for Senator MCCAIN, who has told me specifically that I can invoke his name in support of a plea to the Senator from Louisiana to no longer hold this nomination. It cannot achieve what the Senator from Louisiana wants to achieve. It is a terrible message to the men and women in uniform that a nomination such as this is obstructed because there is a request from one Senator for some projects for his State which the corps cannot approve, according to the letter which the corps has sent to the Senator from Louisiana.

I join my friend from North Dakota. On behalf of the Armed Services Committee, I make this plea. I spoke to the Senator from Louisiana a number of months ago. He indicated to me that he just needed a few more weeks. He thought he could straighten this out in a few more weeks. A couple months have now passed since that conversation. I would make this plea as chairman of the Armed Services Committee, but I know, representing the unanimous view of the committee, that this man, this soldier, this general should not have his promotion held up for these kinds of reasons or any kind of reason, as far as I am concerned, but surely not a reason where he himself is personally involved. Once in a while we will disagree with a nomination, including of a uniformed officer, where we have problems with that uniformed officer's activities, something they may have done that we disapprove of—rarely, but it happens. But in this case, this has nothing to do with this officer. The objection or the effort of the Senator from Louisiana has nothing to do with this officer. It is not this officer who is blocking anything the Senator from Louisiana wants.

I join this plea the Senator from North Dakota has made. I know he will be making a unanimous consent request. I will be joining in that request when he makes it.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. VITTER. Madam President, I do object. General Walsh today, before any promotion, is one of nine leading officers of the U.S. Army Corps of Engineers. He is part of that leadership. I am happy my two colleagues are satisfied with his leadership and the corps' leadership and how that agency is being run. I can tell them, as a Senator from Louisiana, I am absolutely not satisfied with their leadership and how that agency is being run at all.

Since Hurricane Katrina, there were 14 major report deadlines put on the Corps of Engineers, required of the corps. The corps missed all 14 of those major deadlines. Today, as we speak, the corps is still actively missing and has failed to respond to 13 of the 14, having accomplished 1 many months late.

I have brought nine significant issues before the Corps of Engineers in conversations with them, not minor projects, major issues with regard to hurricane recovery and hurricane and flood protection. I have outlined the authority they have to do constructive things under each of those categories. They have not responded in a positive or timely way on eight of those nine issues.

One of those issues is a particularly good example. That is the Morganza to the gulf hurricane protection project. That is a vital hurricane protection project that would protect significant portions of south Louisiana that was originally proposed in 1992. The Senators want to talk about authority from Congress. That project has been authorized by Congress three different times in three different water resources bills. Yet the corps continues to drag its feet and is still not moving forward toward full implementation of that project, after three specific authorizations by Congress, 18 years later.

I am sorry the corps leadership is frustrated with an 18-day delay or an 18-week delay. But I suggest they try 18 years on for size. That is how long the people of Lafourche and Terrebonne Parishes, many folks throughout Louisiana, have been waiting on the Corps of Engineers.

I yield the floor.

THE PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Madam President, let me say to my colleague from Louisiana, if he will stay in the Chamber—let the record note he has left the Chamber—there is no State, none that has received more help more consistently from this Chamber, from the American people, and, yes, from the Corps of Engineers in the aftermath of Hurricane Katrina. That State and the city of New Orleans were leveled. It was an unbelievable catastrophe for the Senator's State and for his city. But after billions and billions and billions of dollars that has come from this Congress and, yes, from my subcommittee, the subcommittee on appropriations I chair, I think it would be nice for a change to hear that maybe the Corps of Engineers, the Senate, and the American people have been a great help to New Orleans and to Louisiana.

Let me describe what my colleague just said on the floor, why this is such an unbelievable mistake for him to make. He says, just to pick an example: Well, the Morganza to the gulf

issue is a perfect example of how the corps simply will not do what it is supposed to do. It has been authorized three times, he says, on and on.

Let me read what the Corps of Engineers says and let me tell my colleagues what I know as an appropriator. The Corps of Engineers is not authorized to construct the Houma lock, which is what he wants in this Morganza to the gulf—the Houma lock, as an independent, freestanding project—or separable elements of the Morganza to the gulf project. An additional authorization will have to be required to construct the Morganza to the gulf project in accordance with the new design criteria.

My colleague might not like that. I understand that. There are a whole lot of things he doesn't like. But it is a fact. He cannot possibly go to sleep believing that holding up the promotion of a soldier who has gone to war for his country because of something that soldier can't do that he demands be done, he cannot possibly sleep easy believing that is the right course of action. It is not the right course of action. This is but 1 of 100 names on the Executive Calendar to date, 100. This was put on the calendar nearly 6 months ago for a general who has an unblemished record, has served America for 30 years, gone to war for this country, and was told by the Armed Services Committee, Republicans and Democrats unanimously by Senator LEVIN and Senator MCCAIN: You deserve a promotion to the second star as a major general. But 6 months later, this is not a major general.

This soldier has lost his promotion for the last 6 months because of one Senator saying: I am going to use this soldier as a pawn in my concerns and demands about the Corps of Engineers.

I could go through the rest of these demands. In fact, let me go through a couple, if I might. Outfall canals and pump to the river. He is making demands about that. Let me tell you about that. We had a vote on this. He lost. He doesn't like it. The Appropriations Committee, the full committee, voted and he lost. Why did he lose? Because what he wants to do is the most costly approach that will provide less flood protection for New Orleans. So you want to spend more money for less protection? No, the Appropriations Committee voted on that. I led the opposition. The appropriations subcommittee voted no. He is demanding holding up, by the way, the promotion for this major general. He is demanding it be done. The Corps of Engineers says if Congress appropriates the funds for this study, we will do it. But there are no funds appropriated.

Why? Because we voted against it. That is why. Unbelievable. And the list goes on. Ouachita River levees. The authorization for this project specifies that the levee maintenance is a non-

federal responsibility. Congress has not enacted a general provision of law that would supplant this nonfederal responsibility or that would allow the Corps to correct levee damages that are not associated with flood events.

That is just two. I mentioned three with Morganza. The fact is, we have a circumstance here where a soldier deserves a promotion, and that promotion is being held up because we have a Senator who is demanding things the Corps of Engineers cannot do. That is unbelievable to me. I do not come here very often getting angry about what a colleague does. Everybody here has their own desk. Everybody comes here with their own election and their own support. But I am saying this to you: These demands and using a soldier's promotion as a pawn in demands of the Corps that the Corps cannot do is just fundamentally wrong, and I do not know how someone can sleep doing it.

Madam President, I have not yet made the consent request. I would alert my—

Mrs. MCCASKILL. Will the Senator yield for a question?

Mr. DORGAN. I am happy to yield. But I do intend to make a unanimous consent request. I have not made it. So I would alert the folks who are here that I will be doing that momentarily.

THE PRESIDING OFFICER. The Senator from Missouri.

Mrs. MCCASKILL. It is my understanding, through the Chair, that there are dozens and dozens of these holds that are secret and nobody knows what demands are being made or why. We do not know.

In this instance, it is my understanding that this Senator has proclaimed publicly why he is holding it. Is my understanding correct about that, I say to the Senator.

Mr. DORGAN. That is correct, I think perhaps boasting about it. He is saying: I have to do this for my State. But there is nothing he can gain for his State because the Corps of Engineers cannot move on these issues. They do not have the authority. They do not have the legal capability. The result is, this soldier, whose promotion he is holding up, meanwhile is wafting in the wind for 6 months and loses his promotion.

Mrs. MCCASKILL. That is the part I want to inquire about. Let's just say hypothetically, if the Army Corps of Engineers succumbed to what the Senator is asking and said: OK, you are going to hold up this brave soldier's promotion that he deserves because you want something for your State—if they did that, would that not be illegal?

Mr. DORGAN. Absolutely.

Mrs. MCCASKILL. So what he is saying is, he is asking the Army Corps of Engineers to do something that is illegal, and if they refuse to do something

that is illegal, he is going to refuse to allow a soldier's promotion to go through? Am I actually getting that right?

Mr. DORGAN. I say to the Senator, I believe you have it pretty close to right. As I understand it, the Senator is demanding things of the Corps of Engineers that they do not have the legal authority to do. Until they do them, he is going to hold up the promotion of General Walsh, which I think—it is unbelievable to me that someone would do that.

Mr. LEVIN. If the Senator would yield further?

Mr. DORGAN. I am happy to yield.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Let me read to you from the March 19 letter from the Corps on this issue. The Senator from Louisiana said the example he wanted to use was something called the Morganza project. That is the example. He said, let me just give you one example. Three times, he says, this project has been authorized.

Well, this is what the Corps says relative to Morganza. OK. This is in writing, a letter to Senator VITTER:

The Corps does not have authority to implement the Houma Navigation Lock as an independent project. Section 425 of WRDA 1996 authorized a study of an independent lock, but did not authorize construction. Section 425 in part read . . . "The Secretary shall conduct a study of environmental, flood control, and navigation impacts associated with the construction of a lock structure in the Houma Navigation Canal as an independent feature of the overall damage prevention study being conducted under the Morganza,—

That is his project—

Louisiana, to the Gulf of Mexico feasibility study." The Corps conducted a study in response to Section 425, but that study did not recommend construction of an independent Houma Navigation Lock feature due to uncertainties of benefits and concerns over justification of an independent lock structure.

That is their answer. They do not have the authority to do it.

Again, I know the Senator from Missouri is on the committee, so she understands that we act in a bipartisan way. We try to protect and defend and support the uniformed members of the U.S. military. We have unlimited bipartisan support for what they do for us, and this is the response—a hold on a nomination because the Corps will not do something they are not authorized to do?

I think it is so unacceptable, I made this unanimous consent request about 2 months ago. The Senator from Louisiana objected then. He said to give him a few more weeks. He thinks he could work it out. Those few weeks have long gone. So I very much support the effort of the Senator from North Dakota here.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Madam President, it is unbelievable to me that we have 100 of these. This is one I am particularly concerned about because I think it misuses a soldier's promotion in pursuit of something that really cannot be done by an agency, and I regret this is happening. This should not happen. And how on Earth are we going to find ways to work together in this place if this is the way we do business?

This makes no sense to me. It is not fair to a soldier. People listening to this would understand somebody demanding that an agency do something it cannot do in exchange for releasing a hold on a soldier's promotion? Is that what we have come to here? I hope not.

So my intention is to offer a unanimous consent request. My understanding is, someone is—

Mr. LEVIN. If the Senator will yield?

Mr. DORGAN. I am happy to yield.

Mr. LEVIN. I think the Senator from Delaware has a unanimous consent request which has been cleared. I wonder, just to make sure the Senator from Louisiana does have notice—apparently, he has been notified there is going to be a unanimous consent request.

Mr. DORGAN. I would be happy to have the Senator from Delaware do his request. I would say, however, that the Senator from Louisiana was on the floor, and I would have hoped he would have stayed on the floor to object to something that deals with the holdup he has made on this nomination. But apparently he has left the floor.

So let me yield to the Senator from Delaware for his unanimous consent request, and then I will propound a unanimous consent request on the subject just discussed.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. KAUFMAN. Madam President, I thank the Senator from North Dakota.

Madam President, I ask unanimous consent that on Wednesday, April 21, following a period of morning business, the Senate proceed to executive session to consider Executive Calendar No. 699, the nomination of Christopher Schroeder to be an Assistant Attorney General; that there be 3 hours of debate with respect to the nomination; that upon the use or yielding back of time, the Senate proceed to vote on confirmation of the nomination; that upon confirmation, the motion to reconsider be considered made and laid upon the table; further, that the cloture motion with respect to the nomination be withdrawn; provided that upon disposition of the Schroeder nomination, the Senate then proceed to Executive Calendar No. 578, the nomination of Thomas Vanaskie to be a U.S. circuit judge for the Third Circuit; that there be 3 hours of debate with respect to the nomination; that upon the use or yielding back of time, the Senate proceed to vote on confirmation of the nomina-

tion; that upon confirmation, the motion to reconsider be considered made and laid upon the table; that the cloture motion with respect to the nomination be withdrawn; provided further that on Thursday, April 22, following a period of morning business, the Senate proceed to executive session to consider Executive Calendar No. 607, the nomination of Denny Chin to be a U.S. circuit judge for the Second Circuit; that there be 60 minutes for debate with respect to the nomination; that upon the use or yielding back of time, the Senate proceed to vote on confirmation of the nomination; that upon confirmation, the motion to reconsider be considered made and laid upon the table; with the cloture motion withdrawn, and the President be immediately notified of the Senate's action with respect to the above-referenced nominations; with all time covered under this agreement equally divided and controlled between Senators LEAHY and SESSIONS or their designees; finally, the Senate then resume legislative session.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Under the previous order, the cloture motions on the Schroeder, Vanaskie, and Chin nominations are withdrawn.

Mr. KAUFMAN. Madam President, I yield to the Senator from North Dakota.

The PRESIDING OFFICER. The Senator from North Dakota.

UNANIMOUS CONSENT REQUEST—EXECUTIVE CALENDAR

Mr. DORGAN. Madam President, I ask unanimous consent that the Senate proceed to Executive Calendar No. 526, the nomination of BG Michael J. Walsh; that the nomination be confirmed and the motion to reconsider be considered made and laid upon the table; that any statements related to the nomination be printed in the RECORD; that the President be immediately notified of the Senate's action.

The PRESIDING OFFICER. Is there objection?

The Senator from Louisiana.

Mr. VITTER. Yes, Madam President, for the reasons I have clearly laid out, I again object.

The PRESIDING OFFICER. Objection is heard.

Mr. DORGAN. Madam President, let me again say the reasons that were clearly laid out were inappropriate reasons. The very specific project my colleague described as the problem—at least one of the problems—it turns out he would know, because he has received written notice from the Corps of Engineers, that they do not have the legal authority to do that which he demands.

So I do not know. I do not know where you go from here. If facts do not matter in this place, then I guess we have a fact-free debate and one does

what they want to do without regard to the consequences. The consequence in this case—the negative consequence is for a soldier, a patriot who has gone to war for this country is now, in my judgment, being treated unbelievably unfairly by at least one Senator.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from New Jersey.

MORNING BUSINESS

Mr. LAUTENBERG. Madam President, I ask unanimous consent that the Senate proceed to a period of morning business, with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

GUN SHOW LOOPHOLE

Mr. LAUTENBERG. Madam President, I rise because today marks 11 years since the massacre at Columbine High School in Littleton, CO, occurred. This is a painful recall of a horrible moment in our country that should remind us all of a condition that could easily happen again.

I and millions of other Americans watched in horror as young students hung out of windows in that schoolhouse to try to save their lives, while two of their schoolmates went on a rampage and killed 12 students and a teacher. Those images will forever be burned in our memory.

But here is what a lot of people do not know: All the firearms used by the shooters were bought by an underage friend at a gun show. That purchase was able to be made because of the gun show loophole. Because of the gun show loophole, they were bought with no questions asked, no background check, no questions about who you are, where you might live. The weapons were bought “cash and carry,” without, again, any identifying questions being asked or being supplied. Those 13 people should never have died that day because those teenagers should not have had access to those guns. The young woman who bought the guns for the shooters said she would not have done it if a background check had been required.

Our laws require a background check for all gun sales by licensed dealers. But a special exemption allows anyone—including terrorists such as bin Laden, criminals, gun traffickers, and the severely mentally ill—to buy guns without a background check from so-called private sellers, who sell hundreds of guns every year at gun shows, fully exempt from any responsibility for those sales.

In 1999, I introduced legislation to close the gun show loophole and to keep guns from falling into the wrong hands. In the aftermath of Columbine, the Senate passed my legislation, with

Vice President Al Gore casting the tiebreaking vote. It was a great victory but a short-lived one. The gun lobby stripped my legislation in conference with the House, and in the decade since then we have done absolutely nothing at the national level to close the gun show loophole. No wonder domestic terrorists frequently use gun shows to sell their firearms to fund their illegal activities.

Just yesterday, we commemorated the 15th anniversary of the Oklahoma City bombing. It claimed 168 lives, including 19 children under the age of 6. Timothy McVeigh—the killer responsible for those horrific deeds—frequently set up his own booth. He sold weapons at gun shows.

We continue to see the tragic consequences of senseless gun violence fueled by gun show dealers who are not really licensed.

Just a few weeks ago, a few miles from this Chamber, John Patrick Bedell opened fire on two police officers at the Pentagon Metro station. They were wounded before they returned the fire and killed Bedell. One of his semi-automatic guns was linked directly back to a gun show sale. And it is no surprise that his gun was bought outside the normal stream of commerce because Bedell would have failed a background check. He actually tried to buy a gun from a licensed firearms dealer in California, but because of his diagnosed mental illness, he couldn't pass the check.

If that doesn't make it clear that we have to stop guns from falling into the wrong hands, just think of the Virginia Tech shootings. Last Friday, we marked the third anniversary of that horrible day. In that tragedy, a mentally deranged man killed 32 students and faculty in the worst mass shooting in American history.

Whether it is Virginia Tech, the recent shootings at the Pentagon, or Columbine, we are reminded over and over that our gun laws are not strong enough. Yet, while gunshots continue to ring out across this country, the silence from this Chamber is deafening.

I am a veteran. I served in the military in Europe during wartime, World War II, and I understand the desire to protect one's self and family. But I know how important it is to keep terrorists, convicted criminals, and domestic abusers from having guns.

Some would argue that gun owners are against sensible gun laws, including closing the gun show loophole, but that is simply not true. Recent polling has shown that there is overwhelming support for closing the gun show loophole among gun owners. Here we have a placard that shows that gun owners themselves want the loophole closed. Sixty-nine percent of NRA members agree, and 85 percent of other gun owners agree: Shut down that gun show loophole. Republican pollster Frank

Luntz recently found that 69 percent of National Rifle Association members and, as pointed out, 85 percent of other gun owners want us to close this loophole. After all, the vast majority of gun owners are law-abiding Americans who pass background checks and use their firearms responsibly. They know their lives and the lives of their children are in danger when a firearm is purchased by an unqualified buyer at a gun show, by someone who could never pass a background check at a neighborhood gun store. It is as easy as ever for criminals to buy guns—easier, in fact, than it is to get a library card.

We have an opportunity to save lives, and that is why I call on my colleagues to please join me and pass my bill to close the gun show loophole once and for all. Eleven years ago, we lost 12 students and a teacher to gun violence in Littleton, CO. One of the best ways to honor those who perished and those who have suffered is to make sure a tragedy like Columbine never happens again. We owe that and nothing less to the young people who died 11 years ago and the young people who count on us today. We have to step up to our responsibilities and ask all gun dealers to step up to their responsibilities.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Missouri.

UNANIMOUS-CONSENT REQUESTS—EXECUTIVE CALENDAR

Mrs. McCASKILL. Madam President, earlier today I came to the floor to talk about transparency and the bright sunshine of public service and how foundational it is to that service being open. It is impossible to do the people's business if we do not allow the people to see what we are doing.

I remember sound and fury coming from some of my friends on the other side of the aisle when they believed there were decisions being made about the health care bill behind closed doors, sound and fury that somehow someone wasn't telling the public everything that was going on. Meanwhile, dozens and dozens of nominees to do the work of our government have piled up under the heading of a “secret hold.”

I don't really understand how the secret hold came about. I don't really understand why one would ever need a hold to be secret. Why does it need to be a secret? Is there something going on that you are not proud of? Is there a problem you don't want people to find out about?

I have to tell my colleagues, I kind of admire the Senator from Louisiana, who boldly spoke out that he is holding a general and not allowing this general to get another star, after a unanimous vote of the Armed Services Committee, because he wants a special project for his State that hasn't been authorized

and hasn't been appropriated—bold but not unheard of, unfortunately, around here. People are constantly making deals for pork. Pork is an important part of the dealmaking around this place. Way too much of it goes on behind closed doors. But at least the Senator from Louisiana and I think earlier the Senator from Alabama—at least they were willing to publicly say they were holding a nominee because they wanted some pork for their States.

What I am most worried about is how many people out there are holding these nominees for secret reasons, and there are secret negotiations going on about what they want to get in order to release the hold. That is what everyone should be uncomfortable with.

Because we were uncomfortable with it, the Senate passed a bill. We passed a bill that was signed into law by President Bush, and I think this bill was passed 90-something to 4. In that bill, in section 512, it lays out what we thought was going to be an end to the secret hold. In the bill, it says that once someone makes a unanimous-consent request for a nomination to proceed, then that is the starting gun. The clock begins ticking. In that law, it says that when the motion is made, the Member of the Senate who has a secret hold must notify their party leader of the reasons why the nomination is being held; further, that the hold must be published, and the reasons for it, in the CONGRESSIONAL RECORD within 6 days.

Well, this morning I began the process of making that clock tick so that secret holds come out in the open where we can all identify them. Keep in mind that all of the names I am trying to begin the clock ticking for under secret holds came out of committee without an objection. In fact, we even went so far as to go back in the record and see if there was a voice vote, and even if there was a voice vote against the nominee, we didn't include them in this list. So these literally are people who have been nominated to do important things in our government, such as putting criminals in jail, sitting on the bench, moving prisoners around the country, an ambassador to a country that is incredibly important to the stability of the Middle East and our national security. All of these people have not had anyone speaking out in opposition to them. Yet they are held in secret.

So it is important to begin this process so that Senators can proudly explain what exactly—I think there are many examples, probably, of what the Senator from Louisiana was trying to do. The man he is holding has nothing to do with the project he wants. The man he is holding can't even deliver the project he wants. He is just telling that agency: You are not going to get what you want until I get what I want. I have to tell my colleagues that is not

the way the American people want this place run.

While the vast majority of these are secret holds by our friends from across the aisle, there are also a handful that are being held by Democrats, and that is just as wrong. This is a bipartisan issue. It is about good government, transparency, and doing the people's business in public instead of in secret.

I wish to clarify a point made earlier today in an exchange I had with the Senator from Arizona. The Senator asked why I did not include Calendar No. 208, John Sullivan, a member of the FEC, on my list. As I stated earlier, my list consists of those nominees who have secret holds. It is my understanding that the Democratic Senator from Wisconsin raised his objection to Mr. Sullivan publicly and put out a public statement on his opposition to Mr. Sullivan on June 30, 2009.

If any of these names I am going to proceed to try to get unanimous consent on—if any Member has, in fact, put out a public statement on their opposition, then obviously they just need to speak up. That is what we are looking for here. We are looking for people to speak and own up to their objection. There is nothing wrong with holding a nominee if you have an objection. There is something wrong if it is secret. There is nothing wrong with debating a nominee. There is if it is secret. There is nothing wrong with voting no on a nominee. That is public. It is the secrecy we have to get at here.

So I ask unanimous consent that the Senate proceed to executive session to consider Calendar No. 652, the nomination of Michael Mundaca, Assistant Secretary of the Treasury; that the nomination be confirmed, the motions to reconsider be considered made and laid upon the table, no further motions be in order, the President be immediately notified of the Senate's action, and that any statements relating to the nominee be printed in the RECORD.

The PRESIDING OFFICER. Is there objection?

The Senator from Arizona.

Mr. KYL. Reserving the right to object, and I will simply make a couple of comments at this point because, as my colleague has said, it is her intention to make further unanimous-consent requests, and much of what I say will be linked to them as well. So with her indulgence, let me just make a couple of points.

I don't know whether there are, in fact, holds on all of the individuals for whom there will be a unanimous-consent request made or whether in some cases there was just a failure to clear on what we call around here a hotline; that is to say, a request made by the clerks on both the Republican and Democratic side.

I don't know who has holds on these individuals. If there are, I haven't looked it up. There are some, clearly,

who are not objectionable who are on the Executive Calendar. I think, for example, of U.S. Marshals and, as far as I know, there will be no objection on our side. Those are simply to be worked out, in terms of when the votes will occur, between the two leaders. There is a process for that to occur. We just voted for a judge, and that process was done.

I understand there is an agreement for a Department of Justice Assistant Counsel who will be voted on tomorrow and two judges—I think both circuit court judges—which has been worked out by the leaders.

I only say, if my colleague from Missouri intends to ask unanimous-consent requests that each of the individuals she names be approved by unanimous consent, I will have to object to that because I think it is more appropriate for our leaders to determine a time for debate, if there needs to be debate, and a vote, if there needs to be a vote. Short of that, I will have to object to the unanimous-consent request. Therefore, with respect to the specific request just made, respectfully, I object.

The PRESIDING OFFICER. Objection is heard.

Mrs. MCCASKILL. Madam President, when someone fails to clear someone they are holding—and they have a right to do that—this is not a debate over whether people have a right to hold. I assure the Senator from Arizona that the leader is very aware these motions are being made. These motions are being made simply for the purpose to allow the rule to operate the way we wrote the law. We have a bad habit. I can just whisper into somebody's ear and hold a nomination. That is why we put these provisions in the law—to stop the bad habit of somebody saying: If you give me that bill, I will let that guy go or, if you give me that levee, I will let that guy go or, if you give me something I want, I will let the guy go. That is why this law was written—to stop the bad habit of somebody being able to stop a nomination without having to say why or even who.

So this is only an attempt—this is not to say all of these nominees will go through. I am not naive. I know they all will not move through this afternoon by unanimous consent, but this is notice to the American people that we are going to try to begin to enforce the law we wrote.

It has been pointed out to me: Well, you didn't put an enforcement mechanism in there. Do we have to make it a misdemeanor for a Senator to claim a hold? Do we have to say you can go to jail if you don't identify your hold? You would think that Senators passing by a large margin and signed by a Republican President of 90-some to something, that that alone would be enough that people would, in fact—I would hope the people I named this morning—

the people holding them have already notified the Senator from Arizona or the Senator from Kentucky that they are, in fact, the ones holding these nominations and why. This is the only purpose of this exercise—to make the law work that we voted for, that I am confident the Senator from Arizona voted for, and that the leader from Kentucky voted for and the entire Republican leadership voted for.

Mr. KYL. If the Senator will yield, I appreciate my colleague's comments, which I consider well taken. It is my practice if I have a hold on someone, it is for a very specific purpose that I consider to be legitimate, and I will notify whoever may be involved in it. When I talked about clearing the so-called hotline, I meant this: Sometimes either a piece of legislation or a nominee will be hotlined—usually in the evening after all business has expired and most of us have gone home—and I have on occasion, because my staff will then be informed of that, and sometimes they will respond to that hotline by saying Senator KYL does not approve of that bill or nominee because I know nothing about it. The next morning we will take a look at it, and 9 times out of 10 say: OK, no problem. Let it go.

Technically, I think that could be deemed a hold under the legislation to which we referred. I don't think any of us are getting to that objection. About 1 time out of 10, there is usually something you say: I don't like X in the bill. And frequently that gets cleared up. I think sometimes the practice of hotlining can be a good practice, but it means everybody needs to look at what is being hotlined and have an opportunity to register an objection or get it worked out or maybe the objection would stand.

To the point of my colleague about the so-called secret holds, I totally agree. The fact is, there are different reasons some people might be on the calendar my colleague is reading, but I don't know those reasons. I need to object on behalf of the minority tonight, and I will do that.

To the extent they are secret and being used for some of the purposes my colleague described, I agree those are improper, and that happens around here.

Mrs. MCCASKILL. I appreciate my friend's comments. I understand he is not someone making secret holds, and he is objecting on behalf of others. There is not a problem with that. I want to make the point that, under the law, it is technically not a hold until this unanimous-consent request is made. So there is no obligation under the law for someone to identify their hold until this request is made. I would think that after these requests are made, everybody will be on notice to follow the law and stop with the secret hold business because it is going to

slow us down to have to constantly come to the floor and make these unanimous-consent requests.

Wouldn't it make more sense for everybody to own it, if they are going to stop somebody's life—a lot of these people have given up other jobs and are out there in limbo. Wouldn't it make more sense to own it and not go through these games?

At this time in the Bush administration we had five backed up. We have 80-some now.

Madam President, I ask unanimous consent that the Senate proceed to executive session to consider Calendar No. 705, the nomination of James P. Lynch, to be Director of the Bureau of Justice Statistics; that the nomination be confirmed, the motions to reconsider be considered made and laid upon the table; that no further motions be in order; that the President be immediately notified of the Senate's action, and that any statements regarding the nomination be printed in the RECORD as if read.

The PRESIDING OFFICER. Is there objection?

Mr. KYL. Madam President, I object.

The PRESIDING OFFICER. Objection is heard.

Mrs. MCCASKILL. Madam President, I ask unanimous consent that the Senate proceed to executive session to consider Calendar No. 722, the nomination of Judith Ann Stewart Stock, to be Assistant Secretary of State; that the nomination be confirmed; that the motions to reconsider be considered made and laid upon the table; that no further motions be in order; that the President be immediately notified of the Senate's action, and that any statements relating to the nomination be printed in the RECORD, as if read.

The PRESIDING OFFICER. Is there objection?

Mr. KYL. I object.

The PRESIDING OFFICER. Objection is heard.

Mrs. MCCASKILL. Madam President, I ask unanimous consent that the Senate proceed to executive session to consider Calendar No. 726, the nomination of Patricia A. Hoffman, to be Assistant Secretary of Energy; that the motions to reconsider be considered made and laid upon the table; that no further motions be in order; that the President be immediately notified of the Senate's action, and that any statements relating to the nominee be printed in the RECORD as if read.

The PRESIDING OFFICER. Is there objection?

Mr. KYL. I object.

The PRESIDING OFFICER. Objection is heard.

Mrs. MCCASKILL. Madam President, I ask unanimous consent that the Senate proceed to executive session to consider Calendar No. 728, the nomination of Gloria M. Navarro, to be U.S. district judge for the District of Nevada;

that the motions to reconsider be considered made and laid upon the table; that no further motions be in order; that the President be immediately notified of the Senate's action, and that any statements relating to the nomination be printed in the RECORD as if read.

The PRESIDING OFFICER. Is there objection?

Mr. KYL. Madam President, reserving the right to object, I might inquire of my colleague. I gather there will be several individual unanimous-consent requests made for the purpose of getting on the record the objection as to each name on the calendar. I believe we can accomplish that purpose by an en bloc request. If my colleague were to make such a request, it would be deemed that the request was made for each of the individual names, and perhaps my colleague would read the numbers on the calendar. I can then interpose an objection. If my colleague's purpose is beginning the clock, as it were, or requiring the person with the hold on the individual having to come forward, that could be achieved. I would be happy to spare the time of my colleague and the Senate from going through each individual name. I can object en bloc and that process can then commence, if that is acceptable.

Mrs. MCCASKILL. Pardon me while I consider the irony that the assistant leader of the other party wants to save time. I find that slightly ironic under the circumstances of how many of these nominations have been blocked up all these months.

Having said that, it is my understanding that this law requires the motion to be made on each individual. I don't want there to be any question as to whether each individual unanimous-consent request has been made, so that everyone understands that the clock is ticking. I think it is very important that there is a very clear signal. I don't believe this procedure has ever been undertaken before under the new law we passed in January of 2007. I want to make sure after the fact—because I am worried that perhaps somebody is going to think if we didn't make the request, they can tag team and withdraw their secret hold and put another one in. I am trying to make sure that doesn't happen.

Mr. KYL. I appreciate that concern, and I would think by a unanimous-consent agreement, which specifically stated the reason for it, as both of us have said, that it would be our intention that the process would be invoked by an en bloc request, if the Chair would rule on the matter, perhaps that would be sufficient to move forward on it, and we could know at that point that the process had been invoked for everybody.

Might I inquire whether the Chair would consider the process to be invoked for all of the names considered in the Senator's request?

The PRESIDING OFFICER. An en bloc unanimous-consent request will satisfy the procedural requirements.

Mr. KYL. I would be happy to have the Senator proceed whatever way she would prefer and for me to object appropriately for that purpose.

Mrs. MCCASKILL. In the spirit of moving things along and getting cooperation to move things along, which I hope is something that becomes a trend, I will be happy to read off all the names and then make the motion en bloc, with one objection to be heard for the record, and we hopefully will get letters flowing into the office from the persons having secret holds. I will begin to read the names:

Calendar No. 729, Jon E. DeGuilo, to be U.S. district judge for the Northern District of Indiana;

Calendar No. 730, Audrey Goldstein Fleissig, to be U.S. district judge for the Eastern District of Missouri;

Calendar No. 731, Lucy Haeran Koh, to be U.S. district judge for the Northern District of California;

Calendar No. 732, Tanya Walton Pratt, to be U.S. district judge for the Southern District of Indiana;

Calendar No. 740, Marilyn A. Brown, to be a member of the board of directors, Tennessee Valley Authority;

Calendar No. 741, William B. Sansom, to be a member of the board of directors, Tennessee Valley Authority;

Calendar No. 742, Neil G. McBride, to be a member of the board of directors, Tennessee Valley Authority;

Calendar No. 743, Barbara Short Haskew, to be a member of the board of directors, Tennessee Valley Authority;

Calendar No. 759, Jane E. Magnus-Stinson, to be U.S. district judge for the Southern District of Indiana;

Calendar No. 775, Brian Anthony Jackson, to be U.S. district judge for the Middle District of Louisiana;

Calendar No. 776, Elizabeth Erny Foote, to be U.S. district judge for the Western District of Louisiana;

Calendar No. 777, Mark A. Goldsmith, to be U.S. district judge for the Eastern District of Michigan;

Calendar No. 778, Marc Treadwill, to be U.S. district judge for the Middle District of Georgia;

Calendar No. 779, Josephine Staton Tucker, to be U.S. district judge for the Central District of California;

Calendar No. 780, William N. Nettles, to be U.S. attorney for the District of South Carolina;

Calendar No. 781, Wilfredo A. Ferrer, to be U.S. attorney for the Southern District of Florida;

Calendar No. 782, Michael Peter Huerta, to be Deputy Administrator, Federal Aviation Administration;

Calendar No. 783, David T. Matsuda, to be Administrator, Maritime Administration;

Calendar No. 784, Michael F. Tillman, to be member, Marine Mammal Commission;

Calendar No. 785, Daryl J. Boness, to be member, Marine Mammal Commission, reappointment;

Calendar No. 787, Earl F. Weener, member, National Transportation Safety Board;

Calendar No. 788, Jeffrey R. Moreland, to be director, Amtrak board of directors;

Calendar No. 789, Larry Robinson, to be Assistant Secretary for Oceans and Atmosphere, Department of Commerce.

Calendar No. 790, VADM Robert J. Papp, Jr., to be Commandant of the U.S. Coast Guard and to the grade of admiral;

Calendar No. 791, RADM Sally Brice-O'Hare, to be Vice Commandant of the U.S. Coast Guard and to the grade of vice admiral;

Calendar No. 792, RADM Manson K. Brown, to be Commander, Pacific Area of the U.S. Coast Guard and to the grade of vice admiral;

Calendar No. 793, RADM Robert C. Parker, to be Commander, Atlantic Area of the U.S. Coast Guard and to the grade of vice admiral;

Calendar No. 794, Arthur Allen Elkins, inspector general, Environmental Protection Agency;

Calendar No. 795, David A. Capp, U.S. attorney for the Northern District of Indiana;

Calendar No. 796, Anne M. Tompkins, U.S. attorney for the Western District of North Carolina;

Calendar No. 797, Kelly McDade Nesbit, U.S. marshal for the Western District of North Carolina;

Calendar No. 798, Peter Christopher Munoz, U.S. marshal for the Western District of Michigan;

Calendar No. 799, Carolyn Hessler Radelet, Deputy Director of the Peace Corps;

Calendar No. 800, Elizabeth Littlefield, president of the Overseas Private Investment Corporation;

Calendar No. 801, Lana Pollack, to be Commissioner on the part of the United States on the International Joint Commission, United States and Canada;

Calendar No. 802, Victor H. Ashe, member, Broadcasting Board of Governors;

Calendar No. 803, Walter Isaacson to be a member and chairman of the Broadcasting Board of Governors;

Calendar No. 805, Michael Lynton, member, Broadcasting Board of Governors;

Calendar No. 806, Susan McCue, member, Broadcasting Board of Governors;

Calendar No. 807, Dennis Mulhaupt, member, Broadcasting Board of Governors;

Calendar No. 808, S. Enders Wimbush, member, Broadcasting Board of Governors;

Calendar No. 809, Bisa Williams, Ambassador to the Republic of Niger;

Calendar No. 810, Raul Yzaguirre, Ambassador to the Dominican Republic;

Calendar No. 811, Theodore Sedgwick, Ambassador to the Slovak Republic;

Calendar No. 812, Robert Stephen Ford, Ambassador to the Syrian Arab Republic;

Calendar No. 814, Gary Scott Feinerman, U.S. district judge for the Northern District of Illinois;

Calendar No. 815, Sharon Johnson Coleman, U.S. district judge for the Northern District of Illinois;

Calendar No. 816, Loretta E. Lynch, U.S. attorney for the Eastern District of New York;

Calendar No. 817, Noel Culver March, U.S. marshal for the District of Maine;

Calendar No. 818, George White, U.S. marshal for the Southern District of Mississippi;

Calendar No. 819, Brian Todd Underwood, U.S. marshal for the District of Idaho.

I ask unanimous consent that the Senate proceed to executive session to consider the calendar numbers as read; that the nominations be confirmed, the motions to reconsider be considered made and laid upon the table; that no further motions be in order; that the President be immediately notified of the Senate's action; and that any statements relating to the nominees be printed in the RECORD.

The PRESIDING OFFICER. Is there objection?

Mr. KYL. Madam President, for the reasons indicated, I object.

The PRESIDING OFFICER. Objection is heard.

Mrs. MCCASKILL. Madam President, finishing up, hopefully, we do not have to do this again. Hopefully, we have turned a page on a new day and secret holds are going to go away.

Let me once again give kudos to Senator WYDEN and Senator GRASSLEY. They worked on this issue for years trying to clean up secret holds and thought they got it done when we passed S. 1 back in 2007. Similar to a bad habit that is hard to break, this one evidently has been very hard to break in the numbers I just went through. Those are all the people who have secret holds right now. Hopefully, by the end of the week, we will learn who it is in the Senate who does not want them to be nominated, who it is who does not want them to be confirmed, and that they are willing to speak out about their objections so we can answer them, move forward, and get these people to work for the people of this great country.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. BURRIS. Mr. President, I ask unanimous consent to speak in morning business.

The PRESIDING OFFICER. (Mr. UDALL of Colorado). The Senate is in morning business.

CELEBRATING THE LIFE OF CIVIL RIGHTS PIONEER DOROTHY HEIGHT

Mr. BURRIS. Mr. President, last week, I came before this body to speak of the loss of a great leader from Memphis, TN, by the name of Benjamin Hooks. It is with a heavy heart that I come to the floor of the Senate again for the loss of a distinguished American. Early this morning, our Nation lost a strong leader and a great civil rights pioneer. I ask my colleagues to join me for a moment in reflecting upon the leadership, passion, and selfless dedication that defined the highly consequential life of Ms. Dorothy Height.

She began her career in the 1930s as a teacher in Brooklyn, NY. She became active in the United Christian Youth Movement shortly after it was founded. It was this cause that would first carry her to national leadership, though she was quite a young lady at the time.

In 1938, Dorothy was selected by First Lady Eleanor Roosevelt to help plan a World Youth Conference. She rose to this task with poise and determination and made a strong impression on the First Lady.

Later, Dorothy was asked to serve as a delegate to the World Congress on Life and Work of the Churches.

Also, in 1938, she was hired by the YWCA and quickly began to rise through the ranks of the national organization.

It was around this time that she caught the attention of Mary McLeod Bethune, founding president of the National Council of Negro Women, or NCNW, who recruited young Dorothy to join the fight for women's rights, one of the central issues that would become the cause of her life.

She remained deeply involved in the YWCA and also attained high leadership positions in the Delta Sigma Theta sorority, the U.S. Civil Rights Leadership, and a number of other organizations.

She helped to guide these pivotal groups through the stormy waters of the civil rights movement, looking always to the future and maintaining a steadfast dedication to cause and principle.

But it was Dorothy's distinguished leadership of the NCNW that would come to define her career. In 1957, Dorothy Height was elected fourth national president of NCNW, a position she would hold continuously until 1998. For more than four decades, she was at the helm of the preeminent leadership council for African-American women.

Thanks to her unrivaled expertise, transcendent vision, and lifelong dedication to this cause and to this great organization, by the time of her retirement in 1998, she lived in a country that was far more free, more fair, and more equal than the one she saw as a child.

For her extraordinary work, in 2004, this Congress bestowed upon her its highest civilian honor, the Congressional Gold Medal. President Bush presented her with this award on her 92nd birthday.

Today, as we celebrate Dorothy's life and mourn her loss, I ask my colleagues to join with me in honoring the immeasurable contributions she has made to this country.

I ask them to reflect on the leadership she has rendered and the causes she has championed and the countless lives she has touched. Without Dorothy Height, America might be a very different place today.

We owe a great deal for the difference she has made and for the lifetime of hard work she has devoted to her fellow citizens.

It is with a sad heart that I come to this floor again to eulogize one of our pioneers, one of our greatest Americans, and one of the major contributors to the civil rights movement to advance the cause of equality and justice in the United States of America.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BROWN of Ohio. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

FINANCIAL REGULATORY REFORM

Mr. BROWN of Ohio. Mr. President, for too long the interests of the middle class have gone ignored—simply an afterthought in a financial system that has enabled a few Americans to help themselves, to accumulate immense wealth, while middle-class wages stagnated.

Wherever I go in Ohio, the story is the same: From Toledo to Marietta, from Ashtabula to Middletown, the entrepreneurs and small business owners can't get the credit they need to expand operations and hire workers. College students are worried about signing away their financial future when signing up for college. They are worried a bank's exorbitant interest rate will follow them into their career, through parenthood, and into retirement. Neighborhoods across Ohio—especially in our cities, but it has spread way beyond that—have been shattered because of the housing crisis, caused in large part by Wall Street gambling with the American dream. Cities and towns face massive budget shortfalls, shortchanging vital public services such as education, law enforcement, and transportation.

Today, I brought to Washington—for the third straight year—55 presidents of colleges and universities, 2-year, 4-

year, private and public, from Ohio to talk about what we do with public education. All of them face significant budget problems because of what Wall Street has done to our communities, to our colleges and universities, to our cities, towns, and small businesses.

Workers worry about their pensions—whether they spend their later years living off the fruits of their labor or working part-time jobs just to get by. The hallmarks of middle-class life—a stable job, a secure home, a safe community—in too many places in Ohio, in Colorado, and across the country are at risk.

Let's not forget what got us here in the first place. Some might say we don't need to pick winners in our economy, but we don't need to pick losers either. Yet look what we have done on Wall Street and in Washington. Washington's permissive attitude toward Wall Street has thrown our entire economy into turmoil. The financial sector can't be allowed to call the shots, as they have, when it comes to our economy.

Let me cite one quick statistic. In 1980, 35 percent of our Nation's GDP was manufacturing. Less than half that amount, less than one-sixth, was financial services. Today, those numbers have flipped—at least before this recession. Manufacturing accounted for only about 15 percent of our GDP, financial services was almost twice that. But look what that brought us. Look what it brings us in mining towns in Colorado or industrial towns in Ohio, where town after town after town has been hollowed out because of Wall Street, because of Federal policies from the last decade that have chosen financial services over manufacturing, that have chosen Wall Street over Main Street.

Megabanks can't hold such a large stake in our economy that their downfall becomes our economy's downfall. Despite the economic meltdown and bailout, our Nation remains vulnerable to the next economic crisis. Yet what is happening in this institution? People are trying to block us from action. The biggest banks grow bigger—the six largest U.S. banks have total assets equal to 63 percent of our overall GDP. Let me say that again. The six largest banks have total assets equal to 63 percent of our overall GDP. We must take action to ensure that no bank can hold so much of our Nation's wealth that if it fails our Nation either bails it out or our financial system crumbles.

What kind of a Hobson's choice is it for the House and the Senate, the President and the Federal Reserve to make when a bank is so big that if it is about to fail, we have two choices: Either we bail out that bank with taxpayer dollars—as we had to do a couple years ago, at the end of the Bush years—or we allow the financial system to implode and crumble.

But size alone is not the problem. We also have to cut back on Wall Street's

risky speculative activity where taxpayer interests are involved. For decades we have had a system that incentivizes reckless behavior without accountability and very little consequence to the bankers who got us into it, all the while taxpayers and the middle class are left footing the bill.

That is why Wall Street reform is so important. It would make big Wall Street banks accountable and impose strict regulations to forbid Wall Street from gambling with our financial security. In the last 10 years, the banks got bigger, the speculation grew more rampant, and the risk from very highly paid Wall Street bankers, managers, and executives became more rampant. When everything fell apart, the middle class and poor people in this country paid the price. They paid it through lost jobs, they paid it through lost homes, they paid it through more debt, they paid it through losing the American dream.

In the end, if we do Wall Street reform right, if we are able to overcome the opposition to Wall Street reform—the opposition from the Republican leader and those who follow him, which is all about protecting the banks—if we win this debate and outvote the Republican leader and the banks and all who would follow him, it would make Wall Street banks accountable, it would impose strict regulations, and prevent Wall Street from gambling. It would end taxpayer bailouts for good. Financial institutions, not American taxpayers, would then pay for their own mistakes.

If someone starts a small business in O'Leary, OH, and fails, he pays for it. If someone has a job and fails at her job, loses her job, she pays for it. When Wall Street banks fail at their work, they collect, in many cases, millions of dollars and suffer little punishment while the rest of us pay for it.

If we do this right, Wall Street reform will provide the strongest consumer protections for people in Ohio, in Colorado, and in every State in this country—no more of the tricks and the traps in the mortgage market and elsewhere that led to the near collapse of our economy. We need to bring new accountability to Wall Street that protects the pensions of our retirees, the home values of our families, and the jobs of our workers.

Those opposing financial reform—those who oppose Wall Street reform—as they did with health care reform, are protecting special interests. The Presiding Officer, the senior Senator from Colorado, and myself were on the floor many times during the health care debate, and over and over we pointed out how the opponents of the health care reform—similar to the opponents of Wall Street reform—were, in too many cases, simply representing the interest groups that were opposed to this. The Republicans' most impor-

tant benefactor during health care reform was the insurance companies, and those insurance companies were major supporters of Republicans for decades. Well, we are seeing the same thing with Wall Street. The most important benefactor to Republicans and Wall Street reform are the big banks and the big Wall Street operators. Again, they are doing the bidding of banks and they are doing the bidding of the Wall Street operators.

They make other arguments. They never say: The reason I am opposed to this is because Wall Street and the big banks want me to. No, they come up with something else. There is an old saying from a Mississippi civil rights leader who said: Don't tell me what you believe. Show me what you do, and I will tell you what you believe. Well, watch what my friends on the other side of the aisle are doing; listen to what Republicans are saying. In the end, they know this choice is between Wall Street and Main Street. Behind closed doors they, of course, want to make the decision for Wall Street, but when they come out here, while they are protecting Wall Street, they want to make it sound as though they are protecting Main Street.

Americans are too smart to be fooled. Wall Street lobbyists have enlisted Republicans to kill a bill. They have had meeting after meeting behind closed doors with Wall Street lobbyists, bank lobbyists talking about how to kill this bill. You know that the Republican leader and those who follow him are saying directly to Wall Street lobbyists that if they want their help, then elect more Republicans in the Senate. That would help immensely. Of course it would, because if there are more Republicans in the Senate, there will be more people to block Wall Street reform.

So while cutting backroom deals to prevent reform, they are hoping the American people forget that it was Wall Street greed and excess; that it was deregulation of Wall Street—so they had no real rules to live under over the last 10 years—that put our economy on the brink of collapse. Well, the American people, this time, will not forget. No more meltdowns, no more bailouts.

We need rules that ensure Wall Street investors can't bet the farm in Chillicothe, can't bet the home in Cleveland Heights, can't bet the job in Wilmington on a financial bubble that is bound to burst. We need rules that support the entrepreneurs and small business owners on Main Street across the Nation, not rules that protect Wall Street in New York.

That is what reform will do. It is about protecting small business owners such as Teresa from Powell, OH, in central Ohio, who writes:

My husband and I are small business owners in Ohio. Our business is successful and we

want to grow and hire more employees. But the banks still aren't lending. We have a new product we would like to launch, but we need a loan. We have put everything in the business to make it a success. How is a business to grow when it cannot get financing even if it has a proven track record of success?

It is about JoAnn from Cincinnati, who writes:

I am one of those small business owners who can't get money from the banks. If the situation continues, I and my family and my employees and their families will be out of luck and out of an income, and [into] unemployment. The banks are sitting on cash, cleaning up their balance sheets and killing us with fees.

Some Republicans claim banks are more important than protecting the American public. It is a false choice. The real choice comes this week and next week when this Wall Street reform comes to the Senate floor. The real choice is: Are you going to side with Wall Street or are you going to side with Main Street? That is the choice. If we in this body follow the Republican leader and side with Wall Street, we will be in another financial collapse sometime in the next decade or so. If we, however, in this body follow the Presiding Officer and me and others who think that Main Street is what represents the real values of this country, then we will see a financial system that will serve the American people and doesn't just serve the interests of Wall Street.

JUSTICE JOHN PAUL STEVENS

Mr. LEAHY. Mr. President, today is Justice John Paul Stevens' birthday, and I cannot help but think about that and some wonderful conversations I have had with him of late. As I said, his retirement from the Supreme Court will begin to draw to a close an extraordinary judicial career spanning four decades, including 35 years on the Nation's highest Court.

It is interesting, Justice Stevens and I both came to Washington in the wake of the Watergate scandal in 1975. President Ford was impressed by Justice Stevens' anticorruption record, including his investigation of two Illinois Supreme Court Justices who were charged with accepting bribes. His confirmation to the Supreme Court was the first of a dozen Supreme Court nominations I have considered and voted on in my years in the Senate. As a young freshman Senator, it was my privilege to support his confirmation in 1975. Incidentally, he was nominated by a Republican President and considered by an overwhelmingly Democratic Senate. From the time he was nominated until the time he was confirmed unanimously, it was 2½ weeks.

Justice Stevens is the only sitting Justice with Active military service during wartime. He is the last Justice from the "Greatest Generation." He has never turned away when the Nation

sought his service. He worked as a Navy intelligence officer during World War II, and that earned him a Bronze Star.

Justice Stevens' unique and enduring perspective is irreplaceable; his stalwart adherence to the rule of law is unparalleled. The Federal judiciary and indeed the entire Nation will miss his principled jurisprudence. Today, as he marks another milestone with the celebration of his 90th birthday, and as we continue to honor his legacy, I want to mention just a few of his most notable opinions.

During my 35 years in the Senate, I have submitted briefs to the Supreme Court in only a few cases. The most recent case was very important to me. It involved a Vermont musician named Diana Levine.

Ms. Levine was forced—remember, she is a musician—she was forced to endure the amputation of her arm after she was injected with a drug to treat nausea. The drug maker failed to include critical information on its warning label that could have saved Ms. Levine's arm, and she ultimately sued the drug maker for this failure. A Vermont jury awarded Ms. Levine damages for the injuries that forever altered her life and career. Justice Stevens wrote the Court's opinion in that important case. He concluded that Food and Drug Administration approval of a drug for sale does not prevent that corporation from being held accountable under State consumer protection laws. In Ms. Levine's case, a Vermont jury heard all the facts and determined that the corporation had improperly labeled its product and failed to warn about the risks of injecting the drug. Justice Stevens' opinion in the Levine case ensured that millions of Americans who rely on pharmaceuticals will be protected by their own state laws, and will not be denied access to justice if they are injured. Although most Americans never expect that they will need to go to court, the right to do so is enshrined in our Constitution. Justice Stevens wrote a similarly compelling decision for the Court in a case called *Tennessee v. Lane*.

Justice Stevens has written important opinions in cases in which the Supreme Court has upheld the power of Congress to pass legislation that protects the Americans we represent. He has brought to his opinions a keen understanding of the distinct roles set forth in our Constitution for courts and for the democratically elected Congress. He has maintained a fervent respect for both.

In *Gonzales v. Raich* and in *Tennessee v. Lane*, Justice Stevens authored the Supreme Court's opinions upholding the actions of Congress to protect Americans. I suspect these precedents will be even more important as the Supreme Court continues to examine laws passed by Congress to

protect Americans from discriminatory health insurance policies and fraudulent Wall Street practices.

Justice Stevens has also written important decisions that involve the enforcement of laws duly passed by Congress. He authored a powerful opinion for the Court in one of the most important environmental protection decisions in recent memory. In *Massachusetts v. EPA*, the Court concluded that the Environmental Protection Agency had to live up to its name and mission in implementing the Clean Air Act, despite the Bush administration's refusal to do so. Justice Stevens wrote: "Because greenhouse gases fit well within the Clean Air Act's definition of air pollutant" we held that EPA has the statutory authority to regulate the emission of such gases from new motor vehicles." The Court rejected the Bush administration's rationale for refusing to enforce the law. The Nation will be better served for that decision.

Some of the most important cases decided by this Supreme Court in the last decade have involved the limits of Presidential power in time of war, and Justice Stevens has left his mark on many of them. His experience serving this country in wartime no doubt contributed to his understanding. I said earlier that he is the only member of the Supreme Court who has served his country in wartime in the military. In *Rasul v. Bush*, the Court held that our Federal courts have jurisdiction over detainees held by the Government, even though they are not citizens of the United States. A few years later, Justice Stevens wrote for the court in *Hamdan v. Rumsfeld*, and concluded that our Government has to follow our laws, including the Geneva Conventions, in trying prisoners detained at Guantanamo Bay. At their core, these decisions upheld the notion that the rule of law applies even in a time of war—something the Founders of this country believed.

As the most senior Justice on the Court, Justice Stevens has the authority to write the opinion of the Court when the Chief Justice is in dissent. In two of the most important civil rights cases of the decade, *Grutter v. Bollinger* and *Lawrence v. Texas*, Justice Stevens extended the privilege of the writing the majority opinion to other Justices. In *Grutter*, the Court upheld the University of Michigan Law School's admissions policy in an opinion by Justice Sandra Day O'Connor. Justice Stevens joined that opinion, which recognized a compelling educational interest in racial diversity. In *Lawrence v. Texas*, the Court held that consensual sexual conduct was protected by the Constitution from government intrusion. The majority opinion, in which Justice Stevens joined, was written by Justice Anthony Kennedy. The impact of these two rulings on hardworking Americans was immediate; I hope they will endure.

A decade ago, the Supreme Court unnecessarily waded into the political thicket to determine the outcome of the 2000 Presidential election. In a scathing dissent, Justice Stevens lamented that the decision would damage the Court's reputation as impartial. Of course, he was right, and it did damage the Court's reputation. He had noted, and I quote:

Although we may never know with complete certainty the identity of the winner of this year's Presidential election, the identity of the loser is perfectly clear. It is the Nation's confidence in the judge as an impartial guardian of the rule of law.

He was right to speak so critically of what was a blatant political decision.

While the public's memory of that politically charged decision finally began to recede, the Supreme Court again opened the floodgates, issuing its latest election-related decision in the *Citizens United* case. In *Citizens United*, five Justices with the stroke of a pen overturned a century of law to permit corporations to overwhelm and distort the democratic process. Those five justices substituted their own preferences for that of Congress, which had built on decades of legal development to pass bipartisan campaign finance reform legislation after an open and extensive debate. In order to reach its divisive decision granting corporations, banks, and insurance companies rights that were once reserved for individual Americans, the Court overstepped the proper judicial role, and rejected not just the conclusions of the elected branches, but also its own recent precedent upholding the very same law it now overturned. In what may be his most powerful dissent, Justice Stevens noted that the "Court's ruling threatens to undermine the integrity of elected institutions across the nation. The path it has taken to reach its outcome will, I fear, do damage to this institution."

I agree with Justice Stevens in both of these dissents. I join him in his concern for the Court's reputation. Two of the three branches of government are involved in campaigns and elections. When the American people see the courts reaching out to influence those elections, they rightly get suspicious of its impartiality.

While I supported his confirmation, as I said before, as a very junior, very new Senator, I have not always agreed with Justice Stevens. But my admiration for his service is not based merely on the results of the cases that came before him, nor solely on his judgment or his forthrightness, but, rather, also on the manner in which he approached the law and his vigilant concern for public confidence in our courts.

If we lose that public confidence in our Court, we lose one of the greatest mainstays of our democracy. If a society does not have confidence in the integrity and the independence of their

courts, there is no way they can maintain a democracy, there is no way they can maintain a check and balance.

I have always respected the way in which Justice Stevens has conducted himself as a Justice and the way he has explained his conclusions. He and I share a view of government transparency that is a vital element of our democracy. No one can question Justice Stevens' integrity, nor his dedication to public service.

Today, I join a grateful nation in wishing Justice John Paul Stevens a very happy 90th birthday. We are indebted to him for his service. I hope the next nomination to the Supreme Court will honor his extraordinary legacy.

The choice of a Supreme Court nominee is one of the most important and enduring decisions any President can make. A year before he died, President Gerald Ford wrote this about Justice Stevens: "I am prepared to allow history's judgment of my term in office to rest (if necessary, exclusively) on my nomination 30 years ago of John Paul Stevens to the U.S. Supreme Court." What a tribute. No doubt every President would want to be able to say that about the quality of his Court selections.

The law is not a game to be played or a puzzle to be solved. The law is intended to serve the people—protecting the freedom of individuals from the tyranny of government or the mob, and helping to organize our society for the good of all. No Justice should substitute his or her personal preferences and overrule congressional efforts to protect hardworking Americans pursuant to our constitutional role.

I am looking forward to meeting with President Obama tomorrow to discuss his selection of a nominee to succeed Justice Stevens. Then, and in any private discussions, I will suggest that he pick someone who approaches every case with an open mind and a commitment to fairness. Someone who will heed the Vermont marble inscribed above the entrance of the Supreme Court which pledges "Equal Justice Under Law." Someone like Justice John Paul Stevens.

EQUAL PAY DAY

Mr. LEAHY. Mr. President, today is Equal Pay Day: After 16 months of work, professional women today will finally have earned what their male counterparts earned in just 12 months of work last year. It is shameful that gender discrimination still exists in our country, and I hope today will serve as an important reminder that we must redouble our efforts to fully close the wage gap.

Forty-six years have passed since the Equal Pay Act was enacted, yet the disparity between women's and men's salaries stubbornly remains. Congress

passed title VII of the Civil Rights Act to protect employees against discrimination with respect to compensation because of an individual's race, color, religion, sex or national origin. Unfortunately, a narrow ruling by the Supreme Court in 2008 meant that those who are subject to pay discrimination have no claim to remedies unless a suit is filed no more than 180 days after the pay discrimination first takes place, even if they were unaware of the discriminatory pay. This ruling eroded longstanding interpretation of discrimination laws and created a new obstacle for victims of pay discrimination to receive justice.

Last year, the new Congress achieved what could not be done before: We enacted the "Lilly Ledbetter Fair Pay Act", which I was proud to cosponsor with Senators MIKULSKI, KENNEDY and others. This bill restored victim's ability to file suit for pay discrimination and became the first bill President Obama signed into law. Lilly Ledbetter, the courageous woman who was the subject of decades of pay discrimination, continues to fight to ensure other women do not experience the same wage disparity she did for so many years. Lilly visited Vermont last fall as the keynote speaker at the Women's Economic Conference I host every year. Vermonters who attended that conference have written me and stopped me in the street to tell me how much her story meant to them. I hope Lilly continues to speak to inspire thousands more women to pursue pay equity.

The "Lilly Ledbetter Fair Pay Act" was an important first step in supporting equal pay for equal work, but our efforts must not stop there. Today, women are still paid just 77 cents on average for every dollar a man makes. Over the course of a woman's career, the pay gap will mean between \$400,000 and \$2 million in lost wages. Eight years ago Vermont acted to pass an equal pay act, which prohibits paying female or male workers differently for equal work that requires equal skill, effort, and responsibility under similar working conditions. Now in Vermont, employers cannot require wage non-disclosure agreements and employees are protected from retaliation for disclosing their own wage. As a result, Vermont leads the country in having one of the narrowest wage gaps between women and men. Today, in celebration of Equal Pay Day, Vermont's Business & Professional Women and the Vermont Commission on Women will join their member organizations at the Vermont State House for a proclamation signing and discussion of important issues relative to women.

Two bills awaiting action in the Senate include provisions similar to those enacted in Vermont. The "Paycheck Fairness Act", originally introduced by Senator Clinton, of which I am an

original cosponsor, creates stronger incentives for employers to follow the law, strengthens penalties for equal pay violations, and prohibits retaliation against workers for disclosing their own wage information. This bill passed the House with bipartisan support more than a year ago and deserves action in the Senate. The "Fair Pay Act", introduced by Senator HARKIN—another bill that I cosponsor—requires employers to pay equally for jobs of comparable skill, efforts and working conditions and requires employers to disclose pay scales and rates for all job categories at a given company. To effectively close the wage gap we must address the systemic problems that are resulting in pay disparities. I believe both these bills are essential steps to closing the wage gap.

This is not a Democratic or Republican issue but an issue of inherent fairness. Sadly, wage discrimination affects women of every generation and every socioeconomic background and is not limited to one career path or level of education. We should pass the "Paycheck Fairness Act" and the "Fair Pay Act" and work toward other solutions to ensure our daughters and granddaughters are not subject to the same discrimination that has burdened American women for decades.

Ms. MIKULSKI. Mr. President, I rise today to bring attention to Equal Pay Day. It is today, April 20, that represents how long women had to work into 2010 to earn what men made in 2009. It is an unfortunate occasion.

Women make this country run—we are business leaders, entrepreneurs, politicians, mothers and more. But we earn just 78 cents for every dollar our male counterpart makes. Women of color get paid even less.

As a U.S. Senator, I am fighting for jobs today and jobs tomorrow. I am on the side of a fair economy and I am the side of good-guy businesses. We need an economy that works for everyone.

I was proud to sponsor the Lilly Ledbetter Fair Pay Act in the Senate, and even prouder to stand next to President Obama as he signed his first bill into law. This law overturns the Supreme Court's decision in *Ledbetter v. Goodyear Tire & Rubber Co.* so that the laws against pay discrimination apply to every paycheck or other compensation a worker receives. This protects victims of discrimination and allows them to file a lawsuit any time that they find they have been treated unfairly.

But more needs to be done. The next step is the Paycheck Fairness Act. This bill will help close the wage gap between men and women. It will help empower women to negotiate for equal pay, create strong incentives for employers to obey the laws already in place, and strengthen enforcement.

It is time to recommit to closing the wage gap. From the day I first entered

Congress I have worked hard to guarantee equality to everyone under the law. I firmly believe that all forms of discrimination should be prohibited. I believe people should be judged by their individual skills, competence, unique talents and nothing else. And once you get that job because of your skills and talents you better get equal pay for equal work. It is time to tell all of those who have suffered wage discrimination—it is a new day.

Mr. HARKIN. Mr. President, today Americans are observing Equal Pay Day. It is the date that marks the 110 extra days that women must work into 2010 in order to equal what men earned in 2009.

In 1963, responding to the fact that the 25 million female workers in our workforce earned just 60 percent of the average pay for men, Congress enacted the Equal Pay Act to end this brazen yet widely tolerated discrimination.

Over the past 47 years, we have made progress towards the great goal of equal pay for women. But, progress has been stalled in the last decade. As we observe Equal Pay Day this year, it is a sad fact that too many women in this country still do not get paid what men do for the exact same work. On average, a woman makes only 77 cents for every dollar that a man makes. The circumstances are even worse for Latinas and women of color.

This is wrong and unjust. But, even more, it threatens the economic security of our families. Millions of Americans are dependent on a woman's paycheck just to get by, put food on the table, pay for child care, and deal with rising health care bills. Two-thirds of mothers bring home at least a quarter of their family's earnings. In many families, the woman is the sole breadwinner. And, during the latest economic downturn, more men have lost jobs than women, making households even more dependent than ever on women's earnings.

The fact is, America's women are working harder than ever, but they are not being fairly compensated for their contributions to our economy. On average, women lose an estimated \$700,000 over their lifetimes due to unequal pay practices, and this inequality means real hardships for their families.

And, while many factors influence a worker's earnings—including educational attainment, work experience, and family status—even when controlling for many of these variables, a substantial portion of the wage gap cannot be explained by anything but discrimination.

This issue is highlighted by the experience of Lilly Ledbetter. Over nearly two decades of work, Lilly received performance awards and outstanding reviews. Yet, late in her career, she learned, through an anonymous note, that she had been paid significantly less than men in the company doing

the exact same job. When she sued, a jury reviewed the evidence and concluded that she was paid less because of her gender.

Outrageously, the Supreme Court reversed the jury's verdict. They held that, even though Lilly's company, like so many others that discriminate, do so covertly and do not reveal what male workers earn, Lilly somehow should have known that she had been discriminated against within 180 days of when she was hired. Because workers like Lilly do not learn of pay inequities for years, the decision left no recourse for her and for other victims of wage discrimination.

Largely because of Lilly's determination to win justice for women, the first legislation passed by Congress and signed into law by President Obama was the Lilly Ledbetter Fair Pay Act. Very simply, this law reversed the Court's severely flawed decision.

We celebrate enactment of this important law, but we must recognize that it was only a first step. We need to do much more.

First, there are too many loopholes and too many barriers to effective enforcement of existing laws. That is why I strongly support the Paycheck Fairness Act. This bill—sponsored by Senator DODD, Senator MIKULSKI, and Representative ROSA DELAURIO—would strengthen penalties for discrimination and give women the tools they need to identify and confront unfair treatment.

In January, the House of Representatives passed the bill overwhelmingly on a bipartisan basis. And, last month, the Senate Health, Education, Labor, and Pensions Committee, which I chair, held a hearing on this long-overdue bill. I hope that the Senate can pass the bill and send it to the President's desk this year.

In addition, we must recognize that the problem of unequal pay goes beyond insidious discrimination. As a nation, we unjustly devalue jobs traditionally performed by women, even when they require comparable skills to jobs traditionally performed by men. Why is a housekeeper worth less than a janitor? Why is a parking meter reader worth less than an electrical meter reader? To address this more subtle discrimination, last year on Equal Pay Day I introduced the Fair Pay Act to ensure that employers provide equal pay for jobs that are equivalent in skill, effort, responsibility and working conditions.

My bill would also require employers to publicly disclose their job categories and their pay scales, without requiring specific information on individual employees. Giving people better bargaining information in the first place will help alleviate the need for costly litigation by giving employees the leverage they need to have informed pay discussions with their employers. Right now, women who suspect pay dis-

crimination must file a lawsuit and go through a drawn out legal discovery process to find out whether they make less than the man working beside them.

With pay statistics readily available, this expensive process could be avoided. In fact, I asked Lilly Ledbetter: If the Fair Pay Act had been law, would it have prevented her wage discrimination case? She made clear that, if she had been aware of the information about pay scales that the bill provides, she would have known she was a victim of sex discrimination.

The Fair Pay Act removes many of the systematic barriers that lead to unequal pay. We must act this year to pass this important legislation to eliminate the longstanding biases that prevent America's women workers from achieving true equality in the workplace.

On this Equal Pay Day, let us recommit ourselves to eliminating discrimination in the workplace and ensuring that all Americans receive equal pay for equal work. America's working women—and the families that rely on them—deserve fairness on the job. And, let me be clear, as chairman of the Health, Education, Labor, and Pensions Committee, I pledge to fight pay discrimination until we have achieved true equality in the workplace and there is no longer a need to observe Equal Pay Day.

NATIONAL CRIME VICTIMS' RIGHTS WEEK

Mr. LEAHY. Mr. President, this past Sunday marked the start of National Crime Victims' Rights Week. Since 1981, people across the Nation have observed this week with candlelight vigils and public rallies to renew our commitment to crime victims and their families. It is vitally important that we recognize the needs of crime victims and their family members, and work together to promote victims' rights and services.

My involvement with crime victims began more than three decades ago when I served as State's attorney in Chittenden County, VT, and witnessed first-hand how crime can devastate victims' lives. I have worked ever since to ensure that the criminal justice system is one that respects the rights and dignity of victims of crime, rather than one that presents additional ordeals for those already victimized.

I was honored to support the passage of the Victims of Crime Act of 1984, VOCA, which has been the principal means by which the Federal Government has supported essential services for crime victims and their families. This critical piece of legislation provides grants for direct services to victims, such as State crime victim compensation programs, emergency shelters, crisis intervention, counseling,

and assistance in participating in the criminal justice system. These services are entirely funded from a reserve fund created from criminal fines and penalties, and are provided without a single dime of funding from Federal taxpayers.

I have worked hard over the years to protect the Crime Victims Fund. State victim compensation and assistance programs serve nearly 4 million crime victims each year, including victims of violent crime, domestic violence, sexual assault, child abuse, elder abuse, and drunk driving. Several years ago, we made sure the fund had a "rainy day" capacity so that in lean years, victims and their advocates would not have to worry that the Crime Victims Fund would run out of money, leaving them stranded. More recently, an annual cap has been set on the level of funding to be spent from the fund in a given year. When this cap was established, and when President Bush then sought to empty the Crime Victims Fund of unexpended funds, I joined with Senator CRAPO and others from both political parties to make sure that the Crime Victims Fund was preserved. These resources are appropriately set aside to assist victims of crime and their families. We have had to work hard to protect the Crime Victims Fund, and I have consistently supported raising the spending cap to allow more money out of the fund and into the field.

As we observe Crime Victims' Rights Week, I would like to highlight a program in Vermont that has developed a unique and innovative approach to supporting victims of crime. In 2006, I was pleased to help the Vermont Center for Crime Victim Services secure funding to design and implement the Burlington Parallel Justice Project. This program addresses the limitations of traditional criminal justice and restorative justice models, and represents a collaborative approach to repair the harm caused by crime. Under this program representatives from different sectors of the community, from government to law enforcement to service providers to local business, come together to address the needs of crime victims in a comprehensive manner.

The concept of parallel justice was developed by Susan Herman, a former executive director of the National Center for Crime Victims, who emphasized the importance of having a victim-driven path through the criminal justice system. With the help of Susan and the National Center for Crime Victims, the Vermont Center for Crime Victims Services, the Burlington Community Justice Center and the Burlington Police Department implemented her vision in their community by forming a Parallel Justice Commission. The commission responds to the needs of victims by working with local service providers and others to address

those needs, whether it is emotional support, medical cost assistance, or property repair. By hearing from victims about their experiences with the criminal justice system, they also bring about systemic change where needed. The result is a comprehensive approach to victim assistance that enhances the relationships between different parts of the community and builds safer and stronger neighborhoods.

The Burlington Parallel Justice Project is a national demonstration project for parallel justice and has been able to thrive and expand due to funding from VOCA assistance grants. Last month, Burlington police chief Michael Schirling, a member of the Parallel Justice Commission, testified before the Senate Judiciary committee about innovative crime reduction strategies. He spoke about the success of the parallel justice program as an example of a community policing model and emphasized that developing innovative and effective strategies will be increasingly crucial to effective public safety. I could not agree more. I have often advocated for Federal support of meaningful, community-based solutions to crime and other issues we face in Vermont and across the Nation.

Both Congress and the States have become more sensitive to the rights of crime victims since I was a prosecutor. We have greatly improved our crime victims' assistance programs and made advances in recognizing crime victims' rights. But we still have more to do. As we observe National Crime Victims' Rights week this year, we must renew our national commitment to help crime victims by supporting programs like the Parallel Justice Project, and protecting the Crime Victims Fund.

I want to commend and thank Judy Rex, Karen Tronsgard-Scott, and the many other victims' advocates and service providers in Vermont and across the country who show their dedication every day of the year to crime victims. I am thankful for their advice and insights over the years, and I look forward to continuing our work to address the needs of victims everywhere.

NATURAL RESOURCE CHARTER

Mr. CARDIN. Mr. President, I am pleased to report to you and my colleagues on the excellent work that is being done to help developing countries capitalize on their natural resource wealth. This unique initiative is called the Natural Resource Charter, and it is designed to give countries the tools and knowledge they need to develop their natural resources for the good of their citizens in a transparent and accountable manner. As a collective work coordinated by established academics and development experts, the charter provides a set of policy principles for

governments on the successful translation of natural resource wealth into fair and sustainable development.

At the U.S. Helsinki Commission we monitor 56 countries, including the United States, with the mandate to ensure compliance to commitments made under the Helsinki Final Act with focus on three dimensions: security, economics and the environment, and human rights.

The management of extractive industries has broad implications covering all three dimensions of the Helsinki process. We know that oil, gas, and mining are potential sources of conflict and their supply has a direct impact on our national security. The often negative economic consequences for resource rich countries are well documented and we see constant reminders of the environmental impact of extraction both at home and abroad. Finally, the resultant degradation of human rights in countries that are corrupted by resource wealth is a real concern that we must address.

When the charter was launched last year, I was struck by how far we have come in terms of bringing the difficult conversation on extractive industries into the lexicon of world leaders. Only a few short years ago, the word "transparency" was not used in the same sentence with oil, gas or mining revenue. After the launch of the Extractive Industries Transparency Initiative in 2002, we have seen a major shift in attitude. This was followed by G8 and G20 statements in support of greater revenue transparency as a means of achieving greater economic growth in developing countries.

But it is clear that given the challenge ahead, more than statements are needed. The Natural Resource Charter is a concrete and practical next step in the right direction.

Economists have found that many of the resource-rich countries of the world today have fared notably worse than their neighbors economically and politically, despite the positive opportunities granted by resource wealth. The misuse of extractive industry revenues has often mitigated the benefits of such mineral wealth for citizens of developing nations; in many cases the resources acting instead as a source of severe economic and social instability.

In addressing the factors and providing solutions for such difficulties, the Natural Resource Charter aims to be a global public resource for informed, transparent decisionmaking regarding extractive industry management.

The charter's overarching philosophy is that development of natural resources should be designed to secure maximum benefit for the citizens of the host country. To this end, its dialogue includes a special focus on the role of informed public oversight through transparency measures such as

EITI in establishing the legitimacy of resource decisions and attracting foreign investment. On fiscal issues, the charter presents guidelines for the systematic reinvestment of resource revenues in national infrastructure and human capital with the goal of diminishing effects of resource price volatility and ensuring long-term economic growth.

This week the commission will hold a public briefing on the Natural Resource Charter and I am pleased to say that there was a candid conversation between the audience and the panel that revealed much about how the charter could be used to promote human rights and good governance. The briefing also addressed ways that U.S. support of democratic and economically sensible extractive industry standards could have a powerful effect in securing the welfare and freedoms of citizens in resource-rich countries. In particular, it was noted that the Energy Security Through Transparency Act, S. 1700, a bipartisan bill I introduced with my colleague Senator LUGAR and 10 other colleagues is consistent with the principles set out in the Natural Resource Charter.

I look forward to working with my colleagues to ensure our continued progress on these issues.

HOLD ON DEFENSE DEPARTMENT NOMINATIONS

Mr. WYDEN. Mr. President, last year, several of my colleagues and I wrote to Secretary Gates requesting a clear policy through which the Department of Defense would encourage renewable energy development while maintaining necessary protections for military missions. Among other recommendations, to facilitate the development of renewable energy projects consistent with national security needs, we specifically pointed to the Department's need to formally consolidate all decisionmaking into a single office to limit unnecessary conflict between the Department and renewable energy development. At that time, there were a wide array of projects where the Department of Defense had objected very late in the permitting process.

Since that time, conflicts between the siting of renewable energy projects and defense missions have only intensified in scale and now threaten to impede currently planned and permitted renewable energy projects, placing billions of investment dollars and thousands of new U.S. jobs at risk. Recent attempts to work with DOD for various compromise and alternative solutions, such as expanding current radar capability, has produced few results.

For example, in my State of Oregon, the planned Shepherds Flat Wind Farm would produce more than 850 megawatts of electricity. It would be

the largest wind farm in the world. Planners worked with numerous Federal agencies and cleared the project with the Navy. But just a month before groundbreaking, the Air Force halted the project because they believe it could potentially interfere with a radar array in eastern Oregon. Attempts to work with DOD, by the planners and by my office, have met with stiff resistance and no offers of compromise solutions. There is an attitude that resolving conflicts with civilian energy projects is simply not one of DOD's missions. The grim reality is that the Shepherds Flat Wind Farm is only the beginning of the problems in Oregon. The objection to this project will also halt at least 10 other projects in the works totaling over 3,000 megawatts of renewable energy. DOD appears content with the status quo. But status quo doesn't reduce our independence on foreign oil or generate new jobs.

Regrettably, it appears that the Department is not interested in identifying possible solutions. This surprises me given the critical nature of our future renewable energy program and its impact on our Nation's national security. Instead of being a partner in the process, DOD appears content to be a roadblock. It is long past time for the Department to give this issue the attention it requires and work to find solutions instead of just being a problem.

Therefore, until I receive assurance that DOD is taking appropriate action to address the increasing conflict between national renewable energy policy and national defense, I will object to any unanimous consent agreement for the nominations of Sharon E. Burke, to be Director of Operational Energy Plans and Programs at DOD; Katherine Hammack, to be Assistant Secretary of the Army; and Elizabeth A. McGrath, to be Deputy Chief Management Officer at DOD. I place these holds reluctantly. I am hopeful that the Department will take immediate and appropriate action to resolve current renewable energy conflicts and prevent future ones from occurring. Once that happens, I will be able to withdraw my holds so that DOD nominations can once again move through the Senate.

ADDITIONAL STATEMENTS

REMEMBERING BRIGADIER GENERAL THOMAS R. MIKOLAJCIK

• Mr. DEMINT. Mr. President, I am here today to celebrate the life and military service of a great American and an adopted South Carolinian, BG Thomas R. Mikolajcik. "General Mik," as he was known to his many friends, passed from this life to the next on April 17, 2010, after a courageous 6½-year battle with ALS.

General Mikolajcik was a 1969 graduate of the U.S. Air Force Academy

and a decorated veteran of the conflicts in Vietnam, Grenada, Panama, and the first gulf war. During his distinguished military career, he logged more than 4,000 hours as a command pilot, commanded the 437th Airlift Wing at Charleston Air Force Base in Charleston, SC, and served as director of transportation for the Air Force Deputy Chief of Staff for logistics.

General Mik was a tireless advocate for causes he believed in, and he won many allies locally and nationally for his work on behalf of the Charleston military community. The Mikolajcik Engineering Laboratory Center at the Space and Naval Warfare Systems Center in Charleston and the Mikolajcik Child Development Center at Charleston Air Force Base are named in his honor.

A warrior until the end, General Mik's fighting spirit was never more evident than after he was diagnosed with ALS in 2003. Following his diagnosis, he would often say, "You can put your head down and feel sorry for yourself, or you can help others." He chose the latter. General Mik founded the first ALS support group in South Carolina and the ALS Clinic at the Medical University of South Carolina. He also fought for full ALS coverage for his fellow veterans, who are disproportionately more likely to suffer from this terrible disease than the general population. And like so many other battles General Mik fought, he won this one, too, in a 2008 Defense Department ruling.

General Mikolajcik was a noble spirit and inspirational leader, who, even through his long illness, never stopped caring for and impacting the lives of those fortunate enough to know him. I am honored to have called him a friend and to extend my deepest sympathies on behalf of a grateful nation to his devoted wife Carmen, along with their three children and seven grandchildren. Today, South Carolina mourns the passing of a true American hero.●

REMEMBERING BILL STANLEY

• Mr. LIEBERMAN. Mr. President, I wish to pay tribute to the extraordinary life and service of Bill Stanley, a statesman, a scholar, and a true American patriot who passed away on April 19, 2010. Bill was a valued public intellectual, historian, and leader in the Norwich, CT, community. Beloved for his brilliant mind and generous spirit, Bill Stanley will be missed deeply.

I knew Bill for many years, and I am grateful for all of the wisdom he offered me personally. Bill was a loyal and valued friend who was always generous with his time and advice. Mostly though, I treasure the example that Bill Stanley set in his career of devoted service to this country. Bill served America with courage and distinction

in the U.S. Marine Corps, in Connecticut's State Senate for two successful terms, and through the many important causes that he championed in the city of Norwich and throughout our State.

Bill Stanley's desire to serve his community was boundless, as was his generosity. Bill's legacy of enormous contributions and achievements has touched thousands of people across our state. Among his many initiatives were the St. Jude Common, a center that has cared for thousands of seniors across Connecticut, and the Forgotten Founders Committee, an extraordinary project that will honor many of early America's most important—and often overlooked—historical figures.

Bill Stanley loved history, taught history, and made history. With his unique insight, energy, and passion, Bill Stanley illuminated our hearts and minds with his weekly columns for the Norwich Bulletin. Bill never hesitated to ask tough questions or take a contrarian stance on an issue. For this, he was respected and trusted by countless readers; many of whom he knew personally and others who admired him from afar.

Bill Stanley wrote about many of the most important figures and moments in Norwich's history and uniquely brought to life the stories that form the fabric of the city of Norwich, a city he understood and cherished like few others. Bill lifted his readers up to experience a new, exciting, and wider view of the past. In doing so, he has offered us a deeper understanding of the present and helped us chart the future course for our State, our country, and our world.

Our State and this Nation are blessed to have people like Bill Stanley who truly enrich our communities. We—his readers, his students, and his friends—were particularly blessed with the opportunity to have learned from him. Bill's brilliant mind, magnanimous spirit, and unforgettable stories will never fade from our memory.

I extend my condolences to Bill's wife Peg and his children Bill Jr., Carol, and Mary.●

RECOGNIZING ELMENDORF AIR FORCE BASE

● Ms. MURKOWSKI. Mr. President, as you are aware, last Friday the Secretary of Defense, Robert Gates, announced the winners of the 2010 Commander in Chief's Annual Award for Installation Excellence. Included on this prestigious list is Elmendorf Air Force Base in Anchorage, AK. This award recognizes the outstanding and innovative efforts of the brave men and women who operate and maintain our Nation's military installations. I would like to read the award citation for Elmendorf for the record.

The men and women of Elmendorf Air Force Base distinguished themselves by sig-

nificantly improving the quality of life, productivity, and work environment for over seventeen thousand Arctic Warrior Airmen and their families. They did this in part through the execution of the largest Military Construction program in base history, an unprecedented 460 million dollars in construction. Directly contributing to their success was the ability to obtain the lead contracting authority for four projects, an Air Force first. Elmendorf Air Force Base is also leading the way for the Air Force by being the one and only wing to use Air Force Reserve Command officers to fill active duty billets to leverage the stability and experience of reserve personnel to realize a true total force integration gain. They were also the first to implement a new Veteran's Affairs itemized billing process, increasing reimbursements by 20 percent, and becoming a model for other Joint Venture sites. This contributed to the hospital being named as the number one hospital in the Air Force for the second year in a row. Finally, through ceaseless efforts to protect natural resources, Elmendorf was named as having Pacific Air Force's number one environmental program, winning the coveted General White Awards for natural resource conservation and pollution prevention. The commitment to excellence demonstrated by the men and women of Elmendorf Air Force Base reflects great credit upon themselves and the United States Air Force.

Congratulations to the men and women of Elmendorf Air Force Base as well as to the other winners of the coveted Commander-In-Chief's Installation Excellence Award.●

TRIBUTE TO BOBBY COX

● Mr. ROCKEFELLER. Mr. President, as a lifelong Atlanta Braves fan, I am always delighted when my team comes to town. They visit Washington next month, and as always, the Braves' incredible manager, my dear friend Bobby Cox, will be at the helm. But this year, the joy is bittersweet. After 50 years in baseball, Bobby Cox will retire at the end of this season.

I am an enormous and longtime fan of Bobby Cox, for so many reasons. He is so good and easy with people, and he takes them for who they are. And in the case of baseball players, he takes them for what they have, and allows them to achieve incredible things with it: I have never heard a manager encouraging his hitters at the plate between every single pitch as Bobby does with such tremendous enthusiasm.

He is one of only a handful to spend at least 20 straight seasons managing the same team. And I always knew, without a doubt, that Bobby always had the team ready to play its best. His record makes that much abundantly clear—he guided Atlanta to 14 consecutive postseason appearances and of course, to a World Series title in 1995.

Unlike so many other heroes in baseball, Bobby is very approachable, so good at putting people at ease. I remember visiting with him, and in minutes we were discussing "Dirt" Lemke who he really admired and respected as

a second baseman because he was so scrappy.

That is why Bobby is an icon. He brings out the best in his players and exemplifies what the sport of baseball is supposed to be about—hustle, grit, loyalty and determination. It is why he is one of the winningest managers in Major League history, and it is why the Braves are what they are today.

So I say to Bobby: I'll still be a Braves fan after you retire, but it just won't be the same without number six in the dugout.

It is no wonder players love to play for Bobby. It is no wonder his fans feel like they are part of the team. I am honored to call Bobby my friend and, I am grateful that he has led me to continue cherishing—and needing—baseball the way I do.

Bobby, congratulations on your well-deserved retirement. It is your kind of integrity and stature that brings the game great pride.●

● Mr. ISAKSON. Mr. President, today I wish to honor Bobby Cox, who is a great Georgian, a great American, and a great friend, in the RECORD of the Senate. After 25 remarkable years as the manager of the Atlanta Braves, Bobby will retire at the end of the 2010 season.

Bobby began his career by spending five years in the Dodgers' farm system before being selected by the Chicago Cubs in the November 1964 Minor League draft. He was acquired by the Braves in 1966 and spent 1967 playing for Triple-A Richmond. Bobby was traded to the New York Yankees where he played third base in 1968 and 1969. He retired as a player at the age of 30, and it was the coaching career that followed that would make him a baseball legend.

Bobby returned to manage the Braves from 1978 to 1981. Although he left Atlanta in 1982 to lead the Toronto Blue Jays, it seems he couldn't quite get our fair city out of his system. After leading the Blue Jays to the American League East crown with a 99-62 finish in 1985, Bobby was named Major League Manager of the Year by the Baseball Writers Association of America, the Associated Press and the Sporting News. He returned to the Braves as general manager in October 1985 and oversaw a farm system that produced some of the greatest players in Braves history and laid the foundation for the success that was to come.

In 1990, Bobby decided to return to the dugout as manager of the Braves, and I'm sure glad he did. While the Braves finished in last place in 1990, Bobby turned it around with a first place finish in 1991. I still remember that epic World Series battle against the Minnesota Twins as if it were yesterday. While the Braves fell short in the World Series, 1991 was just the beginning of an epic run that included 14 straight division titles.

During his illustrious career on the bench, Bobby has been named Manager of the Year four times. He led the Braves to a World Series title in 1995, defeating the Cleveland Indians four games to two. On June 8, 2009, Bobby won his 2,000th victory with the Braves. He's only the fourth skipper in major-league history to claim 2,000 wins with one team. His fiery spirit has also allowed him to capture another title. Bobby holds the all-time record for most ejections.

It gives me a great deal of pleasure and it is a privilege to recognize Bobby Cox for his contributions to America's favorite pastime and America's team, the Atlanta Braves. Although he plans on advising the team in baseball operations after he steps down as manager, Bobby will be sorely missed on the bench and will remain in the hearts of Atlanta Braves fans forever.●

RECOGNIZING STEWART ENTERPRISES

● Mr. VITTER. Mr. President, today I wish to honor Stewart Enterprises, headquartered in Jefferson, LA. They will be celebrating their centennial anniversary on April 26, 2010.

Stewart has been caring for Louisiana families since 1910 and is highly regarded for its ability to help families in times of critical need. It is also, with more than 5,000 employees, one of the largest publicly traded companies in Louisiana.

Based on their purpose of "caring for people, making a difference" they have always done an outstanding job in helping people celebrate the lives of their lost loved ones and making sure they are memorialized as the families wish. In a family's time of need, Stewart Enterprises treats the family with dignity and respect while providing them with funeral operations, cemetery operations, and prearrangements. They are dedicated to making difficult times a little easier.

Thus, today, I stand in recognition of Stewart Enterprises' centennial anniversary and thank them for their service and contributions not only to the State of Louisiana but also to families across our Nation.●

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-5461. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Aminopyralid; Pesticide Tolerances" (FRL No. 8808-9) received during adjournment of the Senate in the Office of the President of the Senate on April 6, 2010; to the

Committee on Agriculture, Nutrition, and Forestry.

EC-5462. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Chlorantraniliprole; Extension of Time-Limited Pesticide Tolerances" (FRL No. 8820-3) received during adjournment of the Senate in the Office of the President of the Senate on April 6, 2010; to the Committee on Agriculture, Nutrition, and Forestry.

EC-5463. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Nicosulfuron; Pesticide Tolerances" (FRL No. 8818-4) received during adjournment of the Senate in the Office of the President of the Senate on April 6, 2010; to the Committee on Agriculture, Nutrition, and Forestry.

EC-5464. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Pendimethalin; Pesticide Tolerances" (FRL No. 8817-4) received during adjournment of the Senate in the Office of the President of the Senate on April 6, 2010; to the Committee on Agriculture, Nutrition, and Forestry.

EC-5465. A communication from the Under Secretary of Defense (Personnel and Readiness), transmitting the report of (3) officers authorized to wear the insignia of the grade of brigadier general in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

EC-5466. A communication from the Principal Deputy, Office of the Assistant Secretary (Energy, Installations and Environment), Department of the Navy, transmitting, pursuant to law, a report relative to the cancellation of (4) public-private competitions on February 25, 2010; to the Committee on Armed Services.

EC-5467. A communication from the Principal Deputy General Counsel, Federal Energy Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled "Transmission Relay Loadability Reliability Standard" (FERC Docket No. RM08-13-000) received during adjournment of the Senate in the Office of the President of the Senate on April 2, 2010; to the Committee on Energy and Natural Resources.

EC-5468. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Idaho: Incorporation by Reference of Approved State Hazardous Waste Management Program" (FRL No. 9122-8) received during adjournment of the Senate in the Office of the President of the Senate on April 6, 2010; to the Committee on Environment and Public Works.

EC-5469. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; New Mexico; Interstate Transport of Pollution" (FRL No. 9134-8) received during adjournment of the Senate in the Office of the President of the Senate on April 6, 2010; to the Committee on Environment and Public Works.

EC-5470. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Texas; Control of Air Pollution from Motor Vehicles" (FRL No. 9135-6) received during adjournment of the Senate in the Office of the President of the Senate on April 6, 2010; to the Committee on Environment and Public Works.

EC-5471. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Delaware; Reasonable Further Progress Plan, 2002 Base Year Inventory, Reasonably Available Control Measures, Contingency Measures, and Transportation Conformity Budgets for the Delaware Portion of the Philadelphia 1997 8-Hour Ozone Moderate Nonattainment Area" (FRL No. 9134-9) received during adjournment of the Senate in the Office of the President of the Senate on April 6, 2010; to the Committee on Environment and Public Works.

EC-5472. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Revisions to the Arizona State Implementation Plan; Pinal County" (FRL No. 9096-8) received during adjournment of the Senate in the Office of the President of the Senate on April 6, 2010; to the Committee on Environment and Public Works.

EC-5473. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; Texas; Revisions to the New Source Review (NSR) State Implementation Plan (SIP); Modification of Existing Qualified Facilities Program and General Definitions" (FRL No. 9135-7) received during adjournment of the Senate in the Office of the President of the Senate on April 6, 2010; to the Committee on Environment and Public Works.

EC-5474. A communication from the Secretary of the Interior, transmitting, a report relative to the Preliminary Revised Outer Continental Shelf (OCS) Oil and Gas Leasing Program (PRP) for 2007-2012; to the Committee on Environment and Public Works.

EC-5475. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, a report relative to the Prevention of Significant Deterioration (PSD): Reconsideration of Interpretation of Regulations that Determine Pollutants Covered by the Federal PSD Permit Program; to the Committee on Environment and Public Works.

EC-5476. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Industry Director's Directive No. 3 on IRC 172(f) Specified Liability Losses" (LMSB-4-0210-009) received in the Office of the President of the Senate on April 15, 2010; to the Committee on Finance.

EC-5477. A communication from the Chief of the Publications and Regulations Branch,

Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Fringe Benefits Aircraft Valuation Formula" (Revenue Ruling No. 2010-10) received in the Office of the President of the Senate on April 13, 2010; to the Committee on Finance.

EC-5478. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Industry Director's Directive No. 3 on Enhanced Oil Recovery Credit" (LMSB-4-0210-007) received in the Office of the President of the Senate on April 13, 2010; to the Committee on Finance.

EC-5479. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Coordinated Issue: Distressed Asset Trust (DAT) Tax Shelters" (LMSB-4-0210-008) received in the Office of the President of the Senate on April 13, 2010; to the Committee on Finance.

EC-5480. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Life Insurance Reserves—Actuarial Guideline XLIII" (Notice No. 2010-29) received in the Office of the President of the Senate on April 13, 2010; to the Committee on Finance.

EC-5481. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Announcement and Report Concerning Advance Pricing Agreements" (Announcement No. 2010-21) received in the Office of the President of the Senate on April 13, 2010; to the Committee on Finance.

EC-5482. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Update of Weighted Average Interest Rates, Yield Curves, and Segment Rates" (Notice No. 2010-36) received in the Office of the President of the Senate on April 14, 2010; to the Committee on Finance.

EC-5483. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report entitled "Finalizing Medicare Regulations under Section 902 of the Medicare Prescription Drug, Improvement, and Modernization Act (MMA) of 2003 for Calendar Year 2009"; to the Committee on Finance.

EC-5484. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to the Case-Zablocki Act, 1 U.S.C. 112b, as amended, the report of the texts and background statements of international agreements, other than treaties (List 2010-0047—2010-0055); to the Committee on Foreign Relations.

EC-5485. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, two reports entitled "The National Healthcare Quality Report 2009" and "The National Healthcare Disparities Report 2009"; to the Committee on Health, Education, Labor, and Pensions.

EC-5486. A communication from the Acting Senior Procurement Executive, Office of Acquisition Policy, General Services Administration, transmitting, pursuant to law, the report of a rule entitled "Federal Acquisition Regulation; Federal Acquisition Circular 2005-40; Small Entity Compliance

Guide" (FAC 2005-40) received in the Office of the President of the Senate on April 12, 2010; to the Committee on Homeland Security and Governmental Affairs.

EC-5487. A communication from the Associate General Counsel for General Law, Office of the General Counsel, Department of Homeland Security, transmitting, pursuant to law, (2) reports relative to vacancies in the Department of Homeland Security, received during adjournment of the Senate in the Office of the President of the Senate on April 2, 2010; to the Committee on Homeland Security and Governmental Affairs.

EC-5488. A communication from the Associate Attorney General, Department of Justice, transmitting, pursuant to law, the Department's 2009 annual report on certain activities pertaining to the Freedom of Information Act; to the Committee on the Judiciary.

EC-5489. A communication from the Deputy Assistant Administrator of Diversion Control, Drug Enforcement Administration, Department of Justice, transmitting, pursuant to law, the report of a rule entitled "Electronic Prescriptions for Controlled Substances" (RIN1117-AA61) received during adjournment of the Senate in the Office of the President of the Senate on April 6, 2010; to the Committee on the Judiciary.

EC-5490. A communication from the Deputy Associate Director for Management and Administration and Designated Reporting Official, Office of National Drug Control Policy, Executive Office of the President, transmitting, pursuant to law, a report relative to a vacancy in the position of Deputy Director for Demand Reduction, Office of National Drug Control Policy; to the Committee on the Judiciary.

EC-5491. A communication from the Director of Regulation Policy and Management, Veterans Health Administration, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled "Grants to States for Construction or Acquisition of State Home Facilities—Update of Authorized Beds" (RIN2900-AM70) received during adjournment of the Senate in the Office of the President of the Senate on April 2, 2010; to the Committee on Veterans' Affairs.

EC-5492. A communication from the Director of Regulation Policy and Management, Veterans Health Administration, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled "Revision of 38 CFR 1.17 to Remove Obsolete References to Herbicides Containing Dioxin" (RIN2900-AN56) received during adjournment of the Senate in the Office of the President of the Senate on April 2, 2010; to the Committee on Veterans' Affairs.

EC-5493. A communication from the Secretary, Office of the General Counsel, Federal Maritime Commission, transmitting, pursuant to law, the report of a rule entitled "Repeal of Marine Terminal Agreement Exemption" received during adjournment of the Senate in the Office of the President of the Senate on April 6, 2010; to the Committee on Commerce, Science, and Transportation.

EC-5494. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Safety Zone; Invista Inc Facility Docks, Victoria Barge Canal, Victoria, TX" ((RIN1625-AA00)(Docket No. USG-2009-0797)) received in the Office of the President of the Senate on April 14, 2010; to the Committee on Commerce, Science, and Transportation.

EC-5495. A communication from the Assistant Secretary for Administration, Depart-

ment of Commerce, transmitting, pursuant to law, the report of a rule entitled "Commerce Acquisition Regulation (CAR); Correction" (RIN0605-AA26) received during adjournment of the Senate in the Office of the President of the Senate on April 6, 2010; to the Committee on Commerce, Science, and Transportation.

EC-5496. A communication from the Chief of the Policy and Rules Division, Office of Engineering and Technology, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Parts 25, 74, 78 and 101 of the Rules Regarding Coordination Between the Non-Geostationary and Geostationary Satellite Orbit Fixed Satellite Service and Fixed, Broadcast Auxiliary and Cable Television Relay Services in the 7 GHz, 10 GHz, and 13 GHz Frequency Bands" ((ET Docket No. 03-254)(FCC 10-15)) received in the Office of the President of the Senate on April 14, 2010; to the Committee on Commerce, Science, and Transportation.

EC-5497. A communication from the Deputy Assistant Administrator for Regulatory Programs, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Pacific Halibut Fisheries; Catch Sharing Plan" (RIN0648-AY31) received in the Office of the President of the Senate on April 14, 2010; to the Committee on Commerce, Science, and Transportation.

EC-5498. A communication from the Acting Director of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Re-allocation of Pacific Cod in the Bering Sea and Aleutian Islands Management Area" (RIN0648-XV34) received in the Office of the President of the Senate on April 14, 2010; to the Committee on Commerce, Science, and Transportation.

EC-5499. A communication from the Acting Director of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod for American Fisheries Act Catcher Processors Using Trawl Gear in the Bering Sea and Aleutian Islands Management Area" (RIN0648-XV66) received in the Office of the President of the Senate on April 14, 2010; to the Committee on Commerce, Science, and Transportation.

EC-5500. A communication from the Acting Director of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 630 in the Gulf of Alaska" (RIN0648-XV45) received in the Office of the President of the Senate on April 14, 2010; to the Committee on Commerce, Science, and Transportation.

EC-5501. A communication from the Acting Director of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Catcher Vessels Using Trawl Gear in the Bering Sea and Aleutian Islands Management Area" (RIN0648-XV21) received in the Office of the President of the Senate on April 14, 2010; to the Committee on Commerce, Science, and Transportation.

EC-5502. A communication from the Acting Director of Sustainable Fisheries, National

Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in the West Yakutat District of the Gulf of Alaska" (RIN0648-XV51) received in the Office of the President of the Senate on April 14, 2010; to the Committee on Commerce, Science, and Transportation.

EC-5503. A communication from the Acting Director of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 630 in the Gulf of Alaska" (RIN0648-XU73) received in the Office of the President of the Senate on April 14, 2010; to the Committee on Commerce, Science, and Transportation.

EC-5504. A communication from the Acting Director of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 620 in the Gulf of Alaska" (RIN0648-XV32) received in the Office of the President of the Senate on April 14, 2010; to the Committee on Commerce, Science, and Transportation.

EC-5505. A communication from the Acting Director of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Magnuson-Stevens Fishery Conservation and Management Act Provisions; Fisheries of the Northeastern United States; Northeast (NE) Multispecies Fishery; Modification of the Yellowtail Flounder Landing Limit for the U.S./Canada Management Area" (RIN0648-XV49) received in the Office of the President of the Senate on April 14, 2010; to the Committee on Commerce, Science, and Transportation.

EC-5506. A communication from the Acting Director of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in the West Yakutat District of the Gulf of Alaska" (RIN0648-XV61) received in the Office of the President of the Senate on April 14, 2010; to the Committee on Commerce, Science, and Transportation.

EC-5507. A communication from the Acting Director of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Catcher Vessels Less Than 60 Feet (18.3 m) Length Overall Using Hook-and-Line or Pot Gear in the Bering Sea and Aleutian Islands Management Area" (RIN0648-XV54) received in the Office of the President of the Senate on April 14, 2010; to the Committee on Commerce, Science, and Transportation.

EC-5508. A communication from the Administrator of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, a report relative to the foreign aviation authorities to which the Administration provided services during fiscal year 2009; to the Committee on Commerce, Science, and Transportation.

EC-5509. A communication from the President of the United States, transmitting, pursuant to law, a report relative to U.S. efforts to ensure the free flow of information to Iran and to enhance the abilities of Iranians to exercise their universal rights; to the Committee on Armed Services.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mrs. BOXER, from the Committee on Environment and Public Works, with an amendment in the nature of a substitute:

S. 878. A bill to amend the Federal Water Pollution Control Act to modify provisions relating to beach monitoring, and for other purposes (Rept. No. 111-170).

By Mrs. BOXER, from the Committee on Environment and Public Works, without amendment:

S. 933. A bill to amend the Federal Water Pollution Control Act and the Great Lakes Legacy Act of 2002 to reauthorize programs to address remediation of contaminated sediment (Rept. No. 111-171).

S. 937. A bill to amend the Federal Water Pollution Control Act to ensure that sewage treatment plants monitor for and report discharges of raw sewage, and for other purposes (Rept. No. 111-172).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. SCHUMER:

S. 3228. A bill to authorize the Administrator of the Small Business Administration to make grants to small business concerns to assist the commercialization of research developed with funds received under the second phase of the Small Business Innovation Research Program; to the Committee on Small Business and Entrepreneurship.

By Mr. KERRY (for himself, Mr. CARDIN, and Mr. DURBIN):

S. 3229. A bill to direct the Administrator of the United States Agency for International Development to develop a strategy to foster sustainable urban development in developing countries that updates the Making Cities Work Urban Strategy; to the Committee on Foreign Relations.

By Mr. INHOFE (for himself, Mr. BARASSO, Mr. VITTER, Mr. ENZI, Mr. RISC, Mr. BENNETT, and Mr. ROBERTS):

S. 3230. A bill to prohibit the use of the National Environmental Policy Act of 1969 to document, predict, or mitigate the climate effects of specific Federal actions; to the Committee on Environment and Public Works.

By Mr. GRASSLEY (for himself, Mr. CONRAD, Mr. THUNE, Mr. NELSON of Nebraska, Mr. JOHANNES, Mr. JOHNSON, and Mr. HARKIN):

S. 3231. A bill to amend the Internal Revenue Code of 1986 to extend certain tax incentives for alcohol used as fuel and to amend the Harmonized Tariff Schedule of the United States to extend additional duties on ethanol; to the Committee on Finance.

By Mr. BURR (for himself and Mr. BURRIS):

S. 3232. A bill to amend the Internal Revenue Code of 1986 to make employers of spouses of military personnel eligible for the work opportunity credit; to the Committee on Finance.

By Mr. BARRASSO (for himself and Mr. NELSON of Nebraska):

S. 3233. A bill to amend the Atomic Energy Act of 1954 to authorize the Secretary of Energy to barter, transfer, or sell surplus uranium from the inventory of the Department

of Energy, and for other purposes; to the Committee on Energy and Natural Resources.

By Mrs. MURRAY (for herself, Mrs. LINCOLN, Mr. BEGICH, Ms. KLOBUCHAR, Mr. REID, Mr. DURBIN, and Ms. MURKOWSKI):

S. 3234. A bill to improve employment, training, and placement services furnished to veterans, especially those serving in Operation Iraqi Freedom and Operation Enduring Freedom, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. DORGAN (for himself, Mr. JOHNSON, Mr. TESTER, and Mr. UDALL of New Mexico):

S. 3235. A bill to amend the Act titled "An Act to authorize the leasing of restricted Indian lands for public, religious, educational, recreational, residential, business, and other purposes requiring the grant of long-term leases", approved August 9, 1955, to provide for Indian tribes to enter into certain leases without prior express approval from the Secretary of the Interior; to the Committee on Indian Affairs.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. BROWN of Ohio:

S. Res. 491. A resolution commemorating the 40th anniversary of the May 4, 1970, Kent State University shootings; to the Committee on the Judiciary.

By Mr. CARDIN (for himself, Mr. HATCH, Mr. SCHUMER, Mr. VOINOVICH, Mr. SPECTER, Mr. BURRIS, Mrs. GILLIBRAND, Mr. WARNER, Mr. CASEY, Mr. LEVIN, Mr. WEBB, Mr. FEINGOLD, and Ms. LANDRIEU):

S. Res. 492. A resolution honoring the life and achievements of Dr. Dorothy I. Height; considered and agreed to.

By Ms. MURKOWSKI (for herself, Mr. AKAKA, Mr. BEGICH, Mrs. GILLIBRAND, Mrs. LINCOLN, Mrs. MURRAY, Ms. MIKULSKI, Mr. BAYH, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. UDALL of Colorado, Ms. STABENOW, Mr. BINGAMAN, Mrs. HAGAN, Mr. NELSON of Nebraska, Mr. MENENDEZ, Mr. LIEBERMAN, Ms. COLLINS, Mr. GREGG, Mr. LEMIEUX, Mr. BURR, Mr. COCHRAN, Mr. CARDIN, Ms. KLOBUCHAR, Mr. ISAKSON, Mrs. FEINSTEIN, and Mr. DODD):

S. Res. 493. A resolution designating April 23 through 25, 2010, as "Global Youth Service Days"; considered and agreed to.

By Ms. LANDRIEU (for herself and Mr. WICKER):

S. Res. 494. A resolution honoring Ida B. Wells for her activism in the civil rights and women's rights movements and for her influential and inspirational leadership; considered and agreed to.

ADDITIONAL COSPONSORS

S. 182

At the request of Mr. DODD, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 182, a bill to amend the Fair Labor Standards Act of 1938 to provide more effective remedies to victims of discrimination in the payment of wages on the basis of sex, and for other purposes.

S. 231

At the request of Mr. LIEBERMAN, the name of the Senator from Colorado (Mr. BENNET) was added as a cosponsor of S. 231, a bill to designate a portion of the Arctic National Wildlife Refuge as wilderness.

S. 584

At the request of Mr. HARKIN, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 584, a bill to ensure that all users of the transportation system, including pedestrians, bicyclists, transit users, children, older individuals, and individuals with disabilities, are able to travel safely and conveniently on and across federally funded streets and highways.

S. 831

At the request of Mr. KERRY, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. 831, a bill to amend title 10, United States Code, to include service after September 11, 2001, as service qualifying for the determination of a reduced eligibility age for receipt of non-regular service retired pay.

S. 878

At the request of Mr. MERKLEY, his name was added as a cosponsor of S. 878, a bill to amend the Federal Water Pollution Control Act to modify provisions relating to beach monitoring, and for other purposes.

S. 937

At the request of Mr. MERKLEY, his name was added as a cosponsor of S. 937, a bill to amend the Federal Water Pollution Control Act to ensure that sewage treatment plants monitor for and report discharges of raw sewage, and for other purposes.

S. 1346

At the request of Mr. DURBIN, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of S. 1346, a bill to penalize crimes against humanity and for other purposes.

S. 1743

At the request of Mrs. LINCOLN, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 1743, a bill to amend the Internal Revenue Code of 1986 to expand the rehabilitation credit, and for other purposes.

S. 1756

At the request of Mr. HARKIN, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 1756, a bill to amend the Age Discrimination in Employment Act of 1967 to clarify the appropriate standard of proof.

S. 2106

At the request of Mrs. LINCOLN, the names of the Senator from Maryland (Mr. CARDIN) and the Senator from Ohio (Mr. BROWN) were added as cosponsors of S. 2106, a bill to require the

Secretary of the Treasury to mint coins in commemoration of the 225th anniversary of the establishment of the Nation's first law enforcement agency, the United States Marshals Service.

S. 2821

At the request of Mr. BROWN of Ohio, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 2821, a bill to require a review of existing trade agreements and renegotiation of existing trade agreements based on the review, to establish terms for future trade agreements, to express the sense of the Congress that the role of Congress in making trade policy should be strengthened, and for other purposes.

S. 2920

At the request of Mr. LAUTENBERG, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 2920, a bill to amend chapter 1 of title 23, United States Code, to condition the receipt of certain highway funding by States on the enactment and enforcement by States of certain laws to prevent repeat intoxicated driving.

S. 2947

At the request of Mr. CARDIN, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 2947, a bill to amend the Internal Revenue Code of 1986 to classify automatic fire sprinkler systems as 5-year property for purposes of depreciation.

S. 2962

At the request of Mr. DODD, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 2962, a bill to amend title II of the Social Security Act to apply an earnings test in determining the amount of monthly insurance benefits for individuals entitled to disability insurance benefits based on blindness.

S. 3030

At the request of Mrs. GILLIBRAND, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 3030, a bill to amend the Public Works and Economic Development Act of 1965 to eliminate cost-sharing requirements in connection with economic adjustment grants made to assist communities that have suffered economic injury as a result of military base closures and realignments, defense contractor reductions in force, and Department of Energy defense-related funding reductions.

S. 3039

At the request of Mr. UDALL of New Mexico, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. 3039, a bill to prevent drunk driving injuries and fatalities, and for other purposes.

S. 3141

At the request of Mr. BINGAMAN, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of

S. 3141, a bill to amend the Internal Revenue Code of 1986 to provide special rules for treatment of low-income housing credits, and for other purposes.

S. 3152

At the request of Mr. DEMINT, the names of the Senator from Kansas (Mr. BROWNBACK), the Senator from North Carolina (Mr. BURR), the Senator from Kentucky (Mr. BUNNING), the Senator from Arizona (Mr. MCCAIN) and the Senator from Mississippi (Mr. WICKER) were added as cosponsors of S. 3152, a bill to repeal the Patient Protection and Affordable Care Act.

S. 3171

At the request of Mrs. LINCOLN, the names of the Senator from Connecticut (Mr. LIEBERMAN) and the Senator from North Carolina (Mrs. HAGAN) were added as cosponsors of S. 3171, a bill to amend title 38, United States Code, to provide for the approval of certain programs of education for purposes of the Post-9/11 Educational Assistance Program.

S. 3207

At the request of Mr. MENENDEZ, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 3207, a bill to protect victims of crime or serious labor violations from deportation during Department of Homeland Security enforcement actions, and for other purposes.

S. CON. RES. 57

At the request of Mr. LEMIEUX, the name of the Senator from Mississippi (Mr. WICKER) was added as a cosponsor of S. Con. Res. 57, a concurrent resolution establishing an expedited procedure for consideration of a bill returning spending levels to 2007 levels.

S. RES. 488

At the request of Mr. SPECTER, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. Res. 488, a resolution congratulating the Pennsylvania State University IFC/Panhellenic Dance Marathon (THON) on its continued success in support of the Four Diamonds Fund at Penn State Hershey Children's Hospital.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. GRASSLEY (for himself, Mr. CONRAD, Mr. THUNE, Mr. NELSON of Nebraska, Mr. JOHANNES, Mr. JOHNSON, and Mr. HARKIN):

S. 3231. A bill to amend the Internal Revenue Code of 1986 to extend certain tax incentives for alcohol used as fuel and to amend the Harmonized Tariff Schedule of the United States to extend additional duties on ethanol; to the Committee on Finance.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 3231

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Grow Renewable Energy from Ethanol Naturally Jobs Act of 2010” or the “GREEN Jobs Act of 2010”.

SEC. 2. EXTENSION OF INCOME TAX CREDIT FOR ALCOHOL USED AS FUEL.

(a) IN GENERAL.—Paragraph (1) of section 40(e) of the Internal Revenue Code of 1986 is amended—

(1) by striking “December 31, 2010” in subparagraph (A) and inserting “December 31, 2015”, and

(2) by striking “January 1, 2011” in subparagraph (B) and inserting “January 1, 2016”.

(b) CELLULOSIC BIOFUEL.—Subparagraph (H) of section 40(b)(6) of such Code is amended by striking “January 1, 2013” and inserting “January 1, 2016”.

(c) REDUCED AMOUNT FOR ETHANOL BLENDS.—Paragraph (2) of section 40(h) of such Code is amended by striking “2010” and inserting “2015”.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.

SEC. 3. EXTENSION OF EXCISE TAX CREDIT FOR ALCOHOL USED AS FUEL.

(a) IN GENERAL.—Paragraph (6) of section 6426(b) of the Internal Revenue Code of 1986 is amended by striking “December 31, 2010” and inserting “December 31, 2015”.

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect on the date of the enactment of this Act.

SEC. 4. EXTENSION OF ADDITIONAL DUTIES ON ETHANOL.

Headings 9901.00.50 and 9901.00.52 of the Harmonized Tariff Schedule of the United States are each amended in the effective period column by striking “1/1/2011” and inserting “1/1/2016”.

SUBMITTED RESOLUTIONS**SENATE RESOLUTION 491—COMMEMORATING THE 40TH ANNIVERSARY OF THE MAY 4, 1970, KENT STATE UNIVERSITY SHOOTINGS**

Mr. BROWN of Ohio submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 491

Whereas the year 2010 marks the 40th anniversary of the Kent State University shootings that occurred on May 4, 1970;

Whereas, on May 4, 1970, Ohio National Guardsmen opened fire on Kent State students who were protesting the United States invasion of Cambodia and the ongoing Vietnam War;

Whereas 4 unarmed students (Allison Krause, Jeffrey Miller, Sandra Scheuer, and William Schroeder) were killed and 9 others (Alan Canfora, John Cleary, Thomas Grace, Dean Kahler, Joseph Lewis, Donald MacKenzie, James Russell, Robert Stamps, and Douglas Wrentmore) were injured;

Whereas, in February 2010, the site of the May 4 shootings was entered in the National Register of Historic Places, the official list of the historic places in the United States worthy of preservation;

Whereas, to preserve the memory of the May 4 shootings and encourage inquiry, learning, and reflection, Kent State has established a number of resources, including the May 4 Memorial, individual student memorial markers and scholarships in memory of the 4 students who were killed, an experimental college course entitled “May 4, 1970 and its Aftermath”, and an annual commemoration sponsored by the May 4 Task Force; and

Whereas Kent State has engaged the internationally renowned design services firm, Gallagher and Associates, to assist in the development of the May 4 visitors center as a central place where individuals can explore and better understand the May 4 shootings: Now, therefore, be it

Resolved, That the Senate, in commemoration of the 40th anniversary of the Kent State University shootings that occurred on May 4, 1970—

(1) recognizes the tragedy of the May 4 shootings and the implications that the shootings have had not only on Kent State and the local community, but also on the Nation and the world; and

(2) applauds the development of the May 4 visitors center as an additional primary resource to preserve and communicate the history of the May 4 shootings, its larger ethical and societal context and impact, and its enduring meaning for our democratic Nation.

SENATE RESOLUTION 492—HONORING THE LIFE AND ACHIEVEMENTS OF DR. DOROTHY I. HEIGHT

Mr. CARDIN (for himself, Mr. HATCH, Mr. SCHUMER, Mr. VOINOVICH, Mr. SPECTER, Mr. BURRIS, Mrs. GILLIBRAND, Mr. WARNER, Mr. CASEY, Mr. LEVIN, Mr. WEBB, Mr. FEINGOLD, and Ms. LANDRIEU) submitted the following resolution; which was considered and agreed to:

S. RES. 492

Whereas Dr. Dorothy I. Height was born in Richmond, Virginia, on March 24, 1912;

Whereas Dorothy Height died on April 20, 2010, at the age of 98, in Washington, D.C., and was survived by her sister Anthanette Height Aldridge;

Whereas Dorothy Height was valedictorian of her high school and won a national oratorical contest;

Whereas Dorothy Height attended New York University and graduated in 3 years, receiving a master's degree in educational psychology;

Whereas Dorothy Height began her career as a caseworker for the Department of Social Services of New York City;

Whereas Dorothy Height joined the Harlem Young Women's Christian Association (referred to in this preamble as the “YWCA”) and remained a full time employee until 1975;

Whereas Dorothy Height organized and became the director of the YWCA Center for Racial Justice in 1965;

Whereas, in 1957, Dorothy Height became the fourth president of the National Council of Negro Women, a the social services organization with more than 4,000,000 members nationwide, that is comprised of a number of civic, church, educational, labor, community, and professional groups, and served as president for 40 years;

Whereas Dorothy Height became arguably the most influential woman of the civil rights movement;

Whereas Dorothy Height spent her life fighting for racial justice and gender equality;

Whereas Dorothy Height was known for her insistent voice that commanded attention on civil rights issues;

Whereas Dorothy Height liked to say, “If the times aren't ripe, you have to ripen the times.”;

Whereas Dorothy Height was honored in 1994 with the Presidential Medal of Freedom, the highest civilian honor in the United States, by President William Jefferson Clinton;

Whereas Dorothy Height received numerous awards, including honorary doctorates from more than 20 universities and colleges;

Whereas Dorothy Height was honored in March 2004 with the Congressional Gold Medal, the highest decoration Congress can bestow; and

Whereas the passing of Dorothy Height is a great loss to the Nation: Now, therefore be it

Resolved, That the Senate—

(1) recognizes the outstanding contributions of Dr. Dorothy I. Height to the civil rights and women's rights movement;

(2) pays tribute to Dr. Dorothy I. Height, and her passion, dedication to service, and unwavering commitment to equality; and

(3) requests the Secretary of the Senate to transmit an enrolled copy of this resolution to the Washington, D.C. headquarters of the National Council of Negro Women, Inc.

SENATE RESOLUTION 493—DESIGNATING APRIL 23 THROUGH 25, 2010, AS “GLOBAL YOUTH SERVICE DAYS”

Ms. MURKOWSKI (for herself, Mr. AKAKA, Mr. BEGICH, Mrs. GILLIBRAND, Mrs. LINCOLN, Mrs. MURRAY, Ms. MIKULSKI, Mr. BAYH, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. UDALL of Colorado, Ms. STABENOW, Mr. BINGAMAN, Mrs. HAGAN, Mr. NELSON of Nebraska, Mr. MENENDEZ, Mr. LIEBERMAN, Ms. COLLINS, Mr. GREGG, Mr. LEMIEUX, Mr. BURR, Mr. COCHRAN, Mr. CARDIN, Ms. KLOBUCHAR, Mr. ISAKSON, Mrs. FEINSTEIN, and Mr. DODD) submitted the following resolution; which was considered and agreed to:

S. RES. 493

Whereas Global Youth Service Days is an annual campaign that celebrates and mobilizes the millions of children and youths who improve their communities each day through community service and service-learning programs;

Whereas the goals of Global Youth Service Days are—

(1) to mobilize and support young people to identify and address the needs of their communities, schools, and organizations; and

(2) to provide opportunities for—

(A) youth engagement; and

(B) the public, the media, and policymakers to recognize and raise awareness of young people as assets and resources;

Whereas Global Youth Service Days, a program of Youth Service America, is the largest service event in the world and the only service event dedicated to youth engagement;

Whereas, in 2010, Global Youth Service Days is being observed for the 22nd consecutive year in the United States and, in more than 100 countries, for the 11th year globally;

Whereas Global Youth Service Days engages millions of young people worldwide with the support of more than 200 national and international partners, 85 State and local lead agencies, and thousands of local partners;

Whereas high quality community service and service-learning programs—

(1) increase the academic engagement and achievement of young people;

(2) prepare young people for the workforce; and

(3) provide young people with the skills necessary to achieve success in the 21st century;

Whereas community service and service-learning programs provide opportunities for young people to apply their knowledge, idealism, energy, creativity, and unique perspectives to solving critical issues, including health, childhood obesity, education, illiteracy, poverty, hunger, the environment, violence, and natural disasters;

Whereas Global Youth Service Days is an opportunity for citizen diplomacy that increases intercultural understanding and promotes the sense that youths are global citizens, as evidenced by the growing number of projects that involve youths working collaboratively across borders to address global issues;

Whereas thousands of participants in schools and community-based organizations are planning Global Youth Service Days activities as a part of Semester of Service, a program that includes the Martin Luther King, Jr. Day of Service, in which young people spend the semester addressing meaningful community needs connected to intentional learning goals or academic standards over at least 70 hours;

Whereas thousands of youth volunteers learn, create, and implement innovative solutions to global issues on Global Youth Service Days through "Get Ur Good On," an online network of youths supporting each other in the mission to do good works in their communities;

Whereas Global Youth Service Days provides young children, teenagers, and young adults with an opportunity to contribute their abilities and talents as active citizens and community leaders;

Whereas Global Youth Service Days provides schools, community organizations, faith-based organizations, government agencies, businesses, and families with an opportunity to engage youths as leaders and problem solvers; and

Whereas section 198(g) of the National and Community Service Act of 1990 (42 U.S.C. 12653(g)) recognizes Global Youth Service Days as national days of service and calls on the Corporation for National and Community Service, other Federal agencies and departments, and the President of the United States to recognize and support youth-led activities on the designated days: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes and commends the significant contributions of the youths of the United States and encourages the cultivation of a civic bond between young people dedicated to serving their neighbors, their communities, and the Nation;

(2) designates April 23 through 25, 2010, as "Global Youth Service Days"; and

(3) calls on the people of the United States to observe Global Youth Service Days by—

(A) encouraging youths to participate in community service and service-learning projects;

(B) recognizing the volunteer efforts of the young people of the United States throughout the year; and

(C) supporting the volunteer efforts of young people and engaging young people in meaningful community service, service-learning, and decision-making opportunities, as an investment in the future of the United States.

SENATE RESOLUTION 494—HONORING IDA B. WELLS FOR HER ACTIVISM IN THE CIVIL RIGHTS AND WOMEN'S RIGHTS MOVEMENTS AND FOR HER INFLUENTIAL AND INSPIRATIONAL LEADERSHIP

Ms. LANDRIEU (for herself and Mr. WICKER) submitted the following resolution; which was considered and agreed to:

S. RES. 494

Whereas, Ida B. Wells was born on July 16 1862, and died March 25, 1931;

Whereas in 1884, Ida B. Wells refused to give up her seat on a Chesapeake and Ohio Railroad Company train because of her skin color;

Whereas in 1889, Ida B. Wells became co-owner and editor of *Free Speech and Headlight*, an anti-segregationist newspaper based in Memphis, Tennessee that published articles about racial injustice;

Whereas Ida B. Wells conducted investigative journalism about the practice of lynching, printing many articles in an effort to combat this practice;

Whereas Ida B. Wells worked with Frederick Douglass and other Black leaders in organizing a boycott of the 1893 World's Columbian Exposition in Chicago;

Whereas in 1893, Ida B. Wells began working with the *Chicago Conservator*, the oldest African-American newspaper in the city;

Whereas Ida B. Wells formed the Women's Era Club, the first civic organization for African-American women which later became the Ida B. Wells Club in honor of its founder;

Whereas Ida B. Wells traveled throughout the British Isles and the United States teaching and giving speeches to bring awareness to the lynching problems in America,

Whereas Ida B. Wells settled in Chicago and worked to improve conditions for the rapidly growing African-American population there; and

Whereas on February 1, 1990, the United States Postal Service issued a 25-cent postage stamp in honor of Ida B. Wells: Now therefore, be it

Resolved, That the Senate—

(1) commends the life of Ida B. Wells and her success as an African-American activist and business woman;

(2) recognizes the many efforts Ida B. Wells made in advancing the interests of African-Americans in the fight for equality; and

(3) requests the Secretary of the Senate to transmit an enrolled copy of this resolution for appropriate display in the hearing room of the Senate Committee on Small Business and Entrepreneurship.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. KAUFMAN. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on April 20, 2010, at 9:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. KAUFMAN. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate to conduct a hearing on April 20, 2010, at 10 a.m., in room SD-366 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. KAUFMAN. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on April 20, 2010, at 10 a.m., in room 215 of the Dirksen Senate Office Building, to conduct a hearing entitled "The President's Proposed Fee on Financial Institutions Regarding TARP: Part 1".

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. KAUFMAN. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet, during the session of the Senate to conduct a hearing entitled "Protection from Unjustified Premiums" on April 20, 2010. The hearing will commence at 9:30 a.m. in room 430 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. KAUFMAN. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate, on April 20, 2010, at 10 a.m., in room SD-226 of the Dirksen Senate Office Building, to conduct a hearing entitled "Oversight of the U.S. Department of Justice, Civil Rights Division."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. KAUFMAN. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on April 20, 2010, at 11 a.m. to conduct a hearing entitled "Border Security: Moving Beyond the Virtual Fence."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HOMELAND SECURITY AND
GOVERNMENTAL AFFAIRS

Mr. KAUFMAN. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on April 20, 2010, at 2 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. KAUFMAN. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on April 20, 2010, at 2:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that Jordan DiMaggio and David Williams of Senator BINGAMAN's office be given the privileges of the floor for today, April 20, 2010.

The PRESIDING OFFICER. Without objection, it is so ordered.

HONORING DR. DOROTHY I.
HEIGHT

Mr. BROWN of Ohio. Mr. President, I ask unanimous consent the Senate proceed to the immediate consideration of S. Res. 492, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 492) honoring the life and achievements of Dr. Dorothy I. Height.

There being no objection, the Senate proceeded to consider the resolution.

Ms. MIKULSKI. Mr. President, it is with great sadness that I rise to commemorate the life of a great woman and civil rights pioneer, Dr. Dorothy Height. Her passing this morning is a great loss to our country, but each day her legacy lives on, in civil rights, women's rights, and addressing the social problems that face our Nation.

Dr. Height was present at every turn when it came to advancing and pushing for social change. Born in Richmond in 1912 and raised in Rankin, PA, Dr. Height faced her own struggles for equality, none of which slowed her drive for social progress and change. She earned a scholarship to Barnard College, only to be denied admission when they had reached their quota of Black student admittees that semester, two. After completing college at New York University, she began her career as a social worker, working to help the poorest citizens. She worked for the YWCA in 1937, which brought her to Washington. She became the president of the National Council of Negro Women in 1957, and held that position for 40 years. She played a key role in

every aspect of the civil rights movement.

A favorite phrase of Dr. Height's was that "if the times aren't right, you ripen the times." She was a crusader for justice, and never stopped fighting for an empowerment agenda. Dr. Height was an instrumental voice in making this country a better place for people of every race, faith, and gender. From school desegregation to fair pay for women, Dr. Height was there, breaking down barriers to equality. Dr. Height was a sister social worker. Like me, she believed that real change must come from the local community. I was proud to recognize her life's work by introducing the Dorothy I. Height and Whitney M. Young, Jr., Social Work Reinvestment Act, to expand the number of social workers to combat the social problems facing our Nation.

Today we honor the life and legacy of Dorothy Height, a tireless fighter for social justice and the empowerment of all people.

Mr. BROWN of Ohio. I ask unanimous consent the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid on the table, with no intervening action or debate, and any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 492) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 492

Whereas Dr. Dorothy I. Height was born in Richmond, Virginia, on March 24, 1912;

Whereas Dorothy Height died on April 20, 2010, at the age of 98, in Washington, D.C., and was survived by her sister Anthanette Height Aldridge;

Whereas Dorothy Height was valedictorian of her high school and won a national oratorical contest;

Whereas Dorothy Height attended New York University and graduated in 3 years, receiving a master's degree in educational psychology;

Whereas Dorothy Height began her career as a caseworker for the Department of Social Services of New York City;

Whereas Dorothy Height joined the Harlem Young Women's Christian Association (referred to in this preamble as the "YWCA") and remained a full time employee until 1975;

Whereas Dorothy Height organized and became the director of the YWCA Center for Racial Justice in 1965;

Whereas, in 1957, Dorothy Height became the fourth president of the National Council of Negro Women, a the social services organization with more than 4,000,000 members nationwide, that is comprised of a number of civic, church, educational, labor, community, and professional groups, and served as president for 40 years;

Whereas Dorothy Height became arguably the most influential woman of the civil rights movement;

Whereas Dorothy Height spent her life fighting for racial justice and gender equality;

Whereas Dorothy Height was known for her insistent voice that commanded attention on civil rights issues;

Whereas Dorothy Height liked to say, "If the times aren't ripe, you have to ripen the times.";

Whereas Dorothy Height was honored in 1994 with the Presidential Medal of Freedom, the highest civilian honor in the United States, by President William Jefferson Clinton;

Whereas Dorothy Height received numerous awards, including honorary doctorates from more than 20 universities and colleges;

Whereas Dorothy Height was honored in March 2004 with the Congressional Gold Medal, the highest decoration Congress can bestow;

Whereas the passing of Dorothy Height is a great loss to the Nation: Now, therefore be it Resolved, That the Senate—

(1) recognizes the outstanding contributions of Dr. Dorothy I. Height to the civil rights and women's rights movement;

(2) pays tribute to Dr. Dorothy I. Height, and her passion, dedication to service, and unwavering commitment to equality; and

(3) requests the Secretary of the Senate to transmit an enrolled copy of this resolution to the Washington, D.C. headquarters of the National Council of Negro Women, Inc.

GLOBAL YOUTH SERVICE DAYS

Mr. BROWN of Ohio. Mr. President, I ask unanimous consent the Senate proceed to the immediate consideration of S. Res. 493, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 493) designating April 23 through 25, 2010, as "Global Youth Service Days."

There being no objection, the Senate proceeded to consider the resolution.

Mr. BROWN of Ohio. I ask unanimous consent the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid on the table, with no intervening action or debate, and any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 493) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 493

Whereas Global Youth Service Days is an annual campaign that celebrates and mobilizes the millions of children and youths who improve their communities each day through community service and service-learning programs;

Whereas the goals of Global Youth Service Days are—

(1) to mobilize and support young people to identify and address the needs of their communities, schools, and organizations; and

(2) to provide opportunities for—

(A) youth engagement; and

(B) the public, the media, and policy-makers to recognize and raise awareness of young people as assets and resources;

Whereas Global Youth Service Days, a program of Youth Service America, is the largest service event in the world and the only

service event dedicated to youth engagement;

Whereas, in 2010, Global Youth Service Days is being observed for the 22nd consecutive year in the United States and, in more than 100 countries, for the 11th year globally;

Whereas Global Youth Service Days engages millions of young people worldwide with the support of more than 200 national and international partners, 85 State and local lead agencies, and thousands of local partners;

Whereas high quality community service and service-learning programs—

(1) increase the academic engagement and achievement of young people;

(2) prepare young people for the workforce; and

(3) provide young people with the skills necessary to achieve success in the 21st century;

Whereas community service and service-learning programs provide opportunities for young people to apply their knowledge, idealism, energy, creativity, and unique perspectives to solving critical issues, including health, childhood obesity, education, illiteracy, poverty, hunger, the environment, violence, and natural disasters;

Whereas Global Youth Service Days is an opportunity for citizen diplomacy that increases intercultural understanding and promotes the sense that youths are global citizens, as evidenced by the growing number of projects that involve youths working collaboratively across borders to address global issues;

Whereas thousands of participants in schools and community-based organizations are planning Global Youth Service Days activities as a part of Semester of Service, a program that includes the Martin Luther King, Jr. Day of Service, in which young people spend the semester addressing meaningful community needs connected to intentional learning goals or academic standards over at least 70 hours;

Whereas thousands of youth volunteers learn, create, and implement innovative solutions to global issues on Global Youth Service Days through "Get Ur Good On," an online network of youths supporting each other in the mission to do good works in their communities;

Whereas Global Youth Service Days provides young children, teenagers, and young adults with an opportunity to contribute their abilities and talents as active citizens and community leaders;

Whereas Global Youth Service Days provides schools, community organizations, faith-based organizations, government agencies, businesses, and families with an opportunity to engage youths as leaders and problem solvers; and

Whereas section 198(g) of the National and Community Service Act of 1990 (42 U.S.C. 12653(g)) recognizes Global Youth Service Days as national days of service and calls on the Corporation for National and Community Service, other Federal agencies and departments, and the President of the United States to recognize and support youth-led activities on the designated days: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes and commends the significant contributions of the youths of the United States and encourages the cultivation of a civic bond between young people dedicated to serving their neighbors, their communities, and the Nation;

(2) designates April 23 through 25, 2010, as "Global Youth Service Days"; and

(3) calls on the people of the United States to observe Global Youth Service Days by—

(A) encouraging youths to participate in community service and service-learning projects;

(B) recognizing the volunteer efforts of the young people of the United States throughout the year; and

(C) supporting the volunteer efforts of young people and engaging young people in meaningful community service, service-learning, and decision-making opportunities, as an investment in the future of the United States.

HONORING IDA B. WELLS

Mr. BROWN of Ohio. Mr. President, I ask unanimous consent the Senate proceed to the immediate consideration of S. Res. 494, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 494) honoring Ida B. Wells for her activism in the civil rights and women's rights movements and for her influential and inspirational leadership.

There being no objection, the Senate proceeded to consider the resolution.

Mr. BROWN of Ohio. I ask unanimous consent the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid on the table, with no intervening action or debate, and any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 494) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 494

Whereas, Ida B. Wells was born on July 16 1862, and died March 25, 1931;

Whereas in 1884, Ida B. Wells refused to give up her seat on a Chesapeake and Ohio Railroad Company train because of her skin color;

Whereas in 1889, Ida B. Wells became co-owner and editor of *Free Speech and Headlight*, an anti-segregationist newspaper based in Memphis, Tennessee that published articles about racial injustice;

Whereas Ida B. Wells conducted investigative journalism about the practice of lynching, printing many articles in an effort to combat this practice;

Whereas Ida B. Wells worked with Frederick Douglass and other Black leaders in organizing a boycott of the 1893 World's Columbian Exposition in Chicago;

Whereas in 1893, Ida B. Wells began working with the *Chicago Conservator*, the oldest African-American newspaper in the city;

Whereas Ida B. Wells formed the Women's Era Club, the first civic organization for African-American women which later became the Ida B. Wells Club in honor of its founder;

Whereas Ida B. Wells traveled throughout the British Isles and the United States teaching and giving speeches to bring awareness to the lynching problems in America,

Whereas Ida B. Wells settled in Chicago and worked to improve conditions for the rapidly growing African-American population there;

Whereas on February 1, 1990, the United States Postal Service issued a 25-cent postage stamp in honor of Ida B. Wells: Now therefore, be it

Resolved, That the Senate—

(1) commends the life of Ida B. Wells and her success as an African-American activist and business woman;

(2) recognizes the many efforts Ida B. Wells made in advancing the interests of African-Americans in the fight for equality; and

(3) requests the Secretary of the Senate to transmit an enrolled copy of this resolution for appropriate display in the hearing room of the Senate Committee on Small Business and Entrepreneurship.

APPOINTMENT

The PRESIDING OFFICER. The Chair, on behalf of the President of the Senate, pursuant to Public Law 85-874, as amended, appoints the following individual to the Board of Trustees of the John F. Kennedy Center for the Performing Arts: the Honorable KENT CONRAD of North Dakota vice the Honorable Edward M. Kennedy of Massachusetts.

ORDERS FOR WEDNESDAY, APRIL 21, 2010

Mr. BROWN of Ohio. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m. Wednesday, April 21; that following the prayer and the pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and there be a period of morning business for 1 hour with Senators permitted to speak therein for up to 10 minutes each, with the majority controlling the first 30 minutes, and the Republicans controlling the final 30 minutes; that following morning business the Senate proceed to executive session to consider the nomination of Christopher Schroeder to be Assistant Attorney General as provided for under the previous order.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. BROWN of Ohio. There will be up to 3 hours for debate prior to a vote on confirmation of the Schroeder nomination. Senators should expect that vote to occur around lunchtime.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. BROWN of Ohio. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it adjourn under the previous order.

There being no objection, the Senate, at 6:33 p.m., adjourned until Wednesday, April 21, 2010, at 9:30 a.m.

CONFIRMATIONS

Executive nominations confirmed by
the Senate, Tuesday, April 20, 2010:

THE JUDICIARY

MARISA J. DEMEO, OF THE DISTRICT OF COLUMBIA, TO
BE AN ASSOCIATE JUDGE OF THE SUPERIOR COURT OF

THE DISTRICT OF COLUMBIA FOR THE TERM OF FIFTEEN
YEARS.

STUART GORDON NASH, OF THE DISTRICT OF COLUM-
BIA, TO BE AN ASSOCIATE JUDGE OF THE SUPERIOR
COURT OF THE DISTRICT OF COLUMBIA FOR THE TERM
OF FIFTEEN YEARS.

DEPARTMENT OF THE TREASURY

LAEL BRAINARD, OF THE DISTRICT OF COLUMBIA, TO
BE AN UNDER SECRETARY OF THE TREASURY.

The above nominations were ap-
proved subject to the nominees' com-
mitment to respond to requests to ap-
pear and testify before any duly con-
stituted committee of the Senate.

HOUSE OF REPRESENTATIVES—Tuesday, April 20, 2010

The House met at 12:30 p.m. and was called to order by the Speaker pro tempore (Mr. LARSEN of Washington).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
April 20, 2010.

I hereby appoint the Honorable RICK LARSEN to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

MORNING-HOUR DEBATE

The SPEAKER pro tempore. Pursuant to the order of the House of January 6, 2009, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning-hour debate.

The Chair will alternate recognition between the parties, with each party limited to 30 minutes and each Member, other than the majority and minority leaders and the minority whip, limited to 5 minutes.

GOLDMAN SACHS: CLEARLY WRONG AND THEY SAID SO

The SPEAKER pro tempore. The Chair recognizes the gentleman from Florida (Mr. STEARNS) for 5 minutes.

Mr. STEARNS. Mr. Speaker, last Friday, the Securities and Exchange Commission (SEC) filed fraud charges against investment bank Goldman Sachs for misleading and defrauding investors through their selling of a complex financial product based on toxic subprime mortgages. These charges are serious, but the SEC should have been investigating the abusive practices that contributed to our financial crisis much sooner.

American taxpayers could see past Goldman Sachs' smoke and mirrors. American taxpayers could see past Lloyd Blankfein's defense of his company when he said such things as "We're very important." He went on to say, "I'm doing God's work." Americans could see that there were problems on Wall Street well before the SEC was willing to publicly acknowledge it.

Now, according to the SEC, Goldman Sachs was approached by one of the world's largest hedge funds, Paulson & Co., which asked the firm to create and

market collateralized debt obligations (CDOs) whose values were linked to the value of toxic home loans. With billions being offered, Goldman Sachs obliged and created ABACUS, which the hedge fund then placed bets against, knowing that this new financial instrument was certain to lose value. Then, Goldman Sachs failed to tell ABACUS investors that the very hedge fund that helped to create and assemble the toxic CDOs, was betting against it.

"The product was new and complex but the deception and conflicts are old and simple." That's what the SEC's Director of Division Enforcement said. "Goldman wrongly permitted a client that was betting against the mortgage market to heavily influence which mortgage securities to include in an investment portfolio, while telling other investors that the securities were selected by an independent, objective third party."

The Goldman Sachs-Paulson & Co. deal closed on April 26, 2007, with the hedge fund paying Goldman Sachs \$15 million for structuring and marketing ABACUS to unknowing investors. Unfortunately, however, by October 24 of that same year, 83 percent of the residential mortgage-backed securities in the ABACUS portfolio had been downgraded, and 17 percent were on negative watch. Less than a year later, on January 28, 2008, 99 percent of the ABACUS portfolio had been downgraded. Those who invested in ABACUS lost more than \$1 billion.

Goldman Sachs' official statement that "the SEC charges are completely unfounded in law and fact, and we will vigorously contest them and defend the firm and its reputation," contrasts greatly with the words of Goldman's CEO Lloyd Blankfein when he publicly apologized in November of last year for the bank's role in some of the activities leading up to the financial crisis. This is what he said: "We participated in things that were clearly wrong and have reason to regret. We apologize."

Unfortunately, however, it appears the senior leadership at Goldman Sachs knew months before they even marketed ABACUS to investors that the housing market was about to crash. Goldman's vice president, Fabrice Tourre, who was said to be the man who structured the toxic financial instrument, prepared the marketing materials, and communicated directly with investors, sent an e-mail stating, "the whole building is about to collapse anytime now." He is now taking a break from his position at the firm.

The allegations against Goldman Sachs are very serious, and Goldman Sachs has the right to challenge the SEC's civil fraud charges. But the SEC also has a duty to American taxpayers to get the bottom of this and continue to investigate any abusive practices employed by all financial institutions, not just Goldman Sachs.

Mr. Speaker, the American people recall that Goldman Sachs was a TARP bailout recipient and one of the few big Wall Street banks that managed to not only benefit from the taxpayer bailout but also to emerge stronger than before. Goldman Sachs received \$10 billion in TARP funds, was allowed to convert to a bank holding company in order to gain additional support from the Federal Reserve, and was one of the largest recipients from the \$180 billion AIG bailout when it received 100 cents on the dollar in payouts in public funds from the insurance giant.

The American public is now an unwilling majority owner in AIG. And with Goldman having received a backdoor bailout with public funds through AIG, it would only be fair to make all of AIG's counterparties, including Goldman Sachs, buy back the CDOs at full price. Goldman Sachs could use the profits they gained from the AIG payments to pay down the billions in public debt still held by AIG.

If Goldman Sachs truly has regret for participating in activities leading up to the financial crisis that were "clearly wrong" as their CEO has said and apologized, then Goldman Sachs should step up to the plate and make reparations that are owed to American taxpayers.

EQUAL PAY DAY

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from Connecticut (Ms. DELAURO) for 5 minutes.

Ms. DELAURO. Mr. Speaker, among the many great benefits of the commonsense health reform package we passed last month is a guarantee that finally in America being a woman is no longer a preexisting condition. By bringing an end to discriminatory policies like gender rating and ensuring coverage for maternity, preventative, and wellness care, our legislation puts women's health on an equal footing at long last.

It is time now to do the same for women's earnings. I cannot think of a

better way to follow our historic success on health care last month than finally signing the Paycheck Fairness Act into law.

In America today women now make up half of the workforce. Two-thirds of women are either the sole breadwinner or co-breadwinner in their family. Women are also more likely than men to graduate from college. They run more than 10 million businesses with combined annual sales of \$1.1 trillion and are responsible for making 80 percent of the consumer buying decisions.

Yet right now in the 21st century, women make only 78 cents on the dollar as compared to men. Women of color are even worse off. African American women make 68 cents on the dollar compared to the highest earners, while Hispanic women make only 57 cents. Unmarried women, those who are single, widowed, divorced, or separated, have an average annual household salary that is almost \$12,000 lower than unmarried men, and they make a paltry 56 cents on the dollar when compared to married men.

Over a lifetime these disparities take a huge toll on women. According to the National Committee for Pay Equity, women are losing out on between \$400,000 and \$2 million on average over the course of a lifetime. As a result, 70 percent of seniors living in poverty are women.

This pay disparity is particularly galling when you consider the current crisis in our labor markets. It is true that more men have lost jobs than women in this recent recession, mainly because of the industries affected. But that only means that more and more women are forced to take on the full burden of keeping their families afloat, making the problem about smaller paychecks even more acute.

The recession aside, this is not a new problem. In 1956 President Dwight Eisenhower told the Congress that "legislation to apply the principle of equal pay for equal work without discrimination because of sex is a matter of simple justice." Seven years later under President Kennedy, the Congress passed the Equal Pay Act to end the "serious and endemic problem" of unequal wages. And 47 years later, all we know now is that the act is not working as intended in its current form. That is why we mark today Pay Equity Day, the day that a woman's 2009 earnings catches up with what men made last year. This is an occasion, quite frankly, I wish we no longer had to commemorate.

The good news is that conditions are finally right to achieve real pay equity in America. We in the House of Representatives have now passed the Paycheck Fairness bill twice, legislation that will give real teeth to the Equal Pay Act at last. It simply says men and women in the same job, in the same job, should get the same amount of

wages. You would think that that is a no brainer, but the fact of the matter is whether you are a waitress, bus driver, engineer, university professor, news anchor, women are being paid less for the same job as their male counterparts. Those of us who serve in the House of Representatives, men and women, different parts of the country, different education, different skills, we all get paid the same amount of money. That is not true for most women in this Nation.

Now that we have passed this in the House, we wait only for the United States Senate to act. So we are on the cusp of achieving real economic security for American women. I urge my colleagues to impress upon the Senate the necessity of this legislation. We have a moral obligation to face this continuing pay equity head-on, and it is time to get it done.

Our passage of health reform last month has shown that the American government can still accomplish great things, that we can still make this country a fairer, more compassionate, and a more humane place for people to live. Now let us finally ensure that America's women, now half of this Nation's workforce, are treated as fairly and as equitably as the other half. Let's give real teeth to the Equal Pay Act at last and make sure that women are respected and valued for the job that they do and paid the same amount of money in the same job that any man may have. What we need to do is to make this one of the last "Equal Pay Days" in our history.

SENATE REGULATORY REFORM LEGISLATION INCLUDES PERMA- NENT, UNLIMITED BAILOUT AU- THORITY

The SPEAKER pro tempore. The Chair recognizes the gentleman from California (Mr. SHERMAN) for 5 minutes.

Mr. SHERMAN. Mr. Speaker, I rise to comment on the regulatory reform bill pending before the Senate.

Senator DODD has brought a bill that will provide for consumer protection, higher capital requirements, and the regulation of derivatives. We need all that. But we have to ask the question, does the Senate draft increase or decrease the statutory authority of the executive branch to bail out Wall Street giants and their creditors and counterparties?

Unfortunately, the current draft of the Senate bill increases bailout authority. It provides, first, in Section 210, for the use of taxpayer money when an insolvent institution is to be liquidated in order to protect the counterparties and the creditors of that institution.

Now, Senator McCONNELL has gone even further in the pro-bailout direction. He has criticized the fact that the

Senate bill has a \$50 billion advance fund collected from Wall Street which would be used before any amounts would be borrowed from the taxpayer. So Mr. McCONNELL says do away with the fund but he barely comments on the taxpayer borrowing. The results will be that the Federal Government, when it liquidates one of these Wall Street giants, will be borrowing the first dollar from the taxpayer.

We certainly don't need a circumstance where we are lending money in order to bail out the creditors and counterparties of giant and improvident financial institutions and we haven't even collected any of that money in advance. The House bill provides strict dollar limits on the amount that can be borrowed from the Treasury and sunsets this borrowing authority in 2013.

Section 1155 of the Senate bill allows the executive branch to put unlimited taxpayer dollars at risk in order to guarantee the obligations of solvent banks. Now, the Senate bill does say that you can have this resolution of disapproval come before the Congress, but a resolution of disapproval is a phony device designed to give the illusion of congressional control. What it says is that in order to stop a hundred billion dollar transfer of our taxpayer money to Wall Street, you would need a vote in the House and a vote in the Senate; then it would be vetoed by the executive branch; then even if you had an overwhelming vote in the House, as long as 34 Senators were in favor of the bailout, the bailout would go forward. A resolution of disapproval is the illusion of congressional control. Instead, we should follow the House approach by putting a dollar limit on this emergency financial stabilization, and we should sunset all authority under it in the year 2013.

□ 1245

Just as important is the existing Section 13-3 of the Federal Reserve Act. Since 1935, the Federal Reserve has had the power, and this is enormous, to lend any amount of money to just about anybody so long as they think they have adequate security.

Now, the Fed has already used this statutory authority to lend upwards of \$2 trillion. So if we're against bailouts, we've got to ask, what limits does the Senate bill place on Section 13-3 authority? It provides only some minimal limits, requiring that that authority be used not to bail out just one company on Wall Street, but to be systemwide.

Instead, the Senate can learn from the House bill to put dollar restrictions on this authority, and to provide that the security must be so good that we have a 99 percent likelihood of repayment.

Even better yet, we ought to simply repeal Section 13-3.

Finally, "too big to fail" is too big to exist. In the House bill, we authorize

the regulators to break up institutions that are too big to fail. The Senate, I believe, has basically ignored this House provision. They should not only embrace it, they should go much further. They should require the break-up of any institutions whose liabilities to American persons exceeds 1 percent of the U.S. GDP.

There is no reason that a bank has to be over \$140 billion in size. And if they are, they ought to be at least as smart as an amoeba. When an amoeba gets too big, it divides itself into two separate cells. Banks can do the same.

In conclusion, the people of this country want to give the executive branch the power to nail Wall Street firms, to require regulations of derivatives, higher capital requirements, and to liquidate them when they get themselves into trouble and pose a risk to the entire economy.

But the American people don't want to bail. So let's provide nail authority without bail authority.

\$800 BILLION IN TAX CUTS

The SPEAKER pro tempore. The Chair recognizes the gentleman from Virginia (Mr. CONNOLLY) for 5 minutes.

Mr. CONNOLLY of Virginia. Mr. Speaker, thanks to this Congress, hundreds of millions of Americans have received hundreds of billions of dollars in tax cuts, in fact, more than \$800 billion.

If that sounds like an astounding number, it is. It astounded President Reagan's Domestic Policy Advisor, Republican Bruce Bartlett, who said "Federal taxes are very considerably lower by every measure since Obama became President."

The proof of these tax cuts is clearly evident in the latest tax refund data: The average refund in America increased by 10 percent this year, to a record \$3,000. Thanks to the tax cuts passed by this Congress, we've returned more money to American taxpayers than ever before.

The Recovery Act we passed last year was enacted to stabilize the economy. It created 25 separate tax cuts now benefiting 95 percent of all Americans. While they haven't received the same level of attention as the jobs and infrastructure we worked on in that bill, the tax cuts actually make up the largest component of that act. More than 241,000 families in my district, the 11th District of Virginia, benefited from Making Work Pay tax cuts that provided \$400 to individuals and \$800 to every family.

The Act also included a tax credit of \$250 for Social Security recipients, providing some relief to 79,000 seniors in my district, and to 1.3 million Virginia seniors throughout the Commonwealth.

We prevented 26 million Americans from being subjected to the AMT tax.

We expanded the child tax credit to families of 16 million children. In total, the Recovery Act was a \$288 billion tax cut bill.

In addition to expanding health care coverage and lowering insurance premiums, the recently passed health insurance reform will provide billions of dollars in tax relief. It provides \$40 billion in tax cuts for small businesses to help them afford health insurance. Currently, only 43 percent of those companies are able to afford that coverage. Eight percent of companies that do provide insurance said that without reform they'd have to cut health insurance this year. The new law provides billions of dollars in tax credits to those small businesses, the engine of economic growth and job creation in America, so that they can provide necessary health care coverage to their employees.

Small businesses are the Nation's job creator, and represent the backbone of our economy. Congress has provided billions of dollars of tax relief to these small businesses. We expanded business deductions, increased the loss-carryback ratio, and provided greater deductions for research and development. In addition, the HIRE Act provided businesses with tax incentives to hire new employees throughout the country. A full economic recovery will depend on the expansion of the private sector, and the HIRE Act is a way of incentivizing through tax cuts those businesses to make those hires.

We also extended tax cuts for homebuyers to encourage demand and stabilize the housing market, thereby safeguarding the equity of existing homeowners. Homeowners making their residence more energy efficient received tax cuts as well, enabling them to benefit from lower taxes along with the lower energy bills they got. Car buyers also received tax cuts through a sales tax deduction in last year's Recovery Act.

That's just a sampling, Mr. Speaker, of how the more than \$800 billion in tax cuts are benefiting the American people.

But we're not done. We've got at least another \$285 billion in proposed tax cuts. For example, the House passed a revised estate tax that will dramatically lower taxes starting next year, and we now await Senate action. In addition, the House and Senate are finalizing the American Workers, State, and Business Relief Act that would allow individuals to continue to deduct State and local taxes from their Federal taxes, preserve the standard deduction for State and local real property taxes, and expand additional business taxes cuts.

And I have introduced bipartisan legislation, I might add, to completely eliminate the antiquated telephone excise tax that was first implemented to fund the Spanish American War. This

bill provides millions of dollars in tax relief, especially to our seniors.

Mr. Speaker, perhaps you're wondering why we don't hear the other side of the aisle touting these tax cuts. Maybe it's because not a single one of them voted for the 25 tax cuts provided in the Recovery Act. Not one voted for the small business tax cuts of the HIRE Act. Not one voted for the Estate Tax Relief Act.

These are real tax cuts that have put real money back in the hands of America and into the hands of working Americans and seniors, back into the hands of America's small business owners. That is the leadership of this Congress, and this leadership will continue providing strength to strengthen our families, our small businesses and our economy through additional tax relief.

WASHINGTON MUTUAL—FRIENDS OF THE FAMILY NO MORE

The SPEAKER pro tempore (Mr. CONNOLLY of Virginia). The Chair recognizes the gentleman from Washington (Mr. LARSEN) for 5 minutes.

Mr. LARSEN of Washington. Mr. Speaker, last week's Senate hearings on the failure of Washington Mutual painted a picture of a bank that sold risky mortgages to unsuspecting homeowners in order to rake in huge profits. Federal regulators turned a blind eye to these risky practices and allowed Washington Mutual to gamble with our future.

Now, when I grew up in Arlington, Washington, Washington Mutual was known as a friend of the family. But their reckless behavior at the expense of consumers helped bring about the greatest financial crisis of our time. It was the largest bank failure in U.S. history and resulted in thousands of job losses in Northwest Washington State. Friend of the family no more.

Federal regulators as well were asleep at the switch while Washington Mutual made tens of thousands of risky loans. Consumers suffered as big banks put the interests of big profits and big bonuses ahead of working families.

Now, last week, we hear that the Securities and Exchange Commission filed a lawsuit against Goldman Sachs alleging misdealings in the mortgage securities collateralized debt obligation market. And today the House holds hearings on the fall of Lehman Brothers and the huge negative impact on middle class families from whom the risk seemed to be hidden.

These revelations and the Washington Mutual hearings and the Inspectors General report provide a sobering reminder of the urgent need for financial regulatory reform. We must prevent a crisis like this from happening again by imposing strong oversight of financial firms like Washington Mutual, and protecting American consumers and American taxpayers from

unfair and abusive financial products like those in Washington Mutual's risky mortgages.

So I urge the Senate to act quickly and pass financial regulatory reform so that the House and the Senate can get together to come up with an even stronger bill, and so that financial firms like Washington Mutual, that, in the future, if they want to drive off the cliff, they may be free to do so, but no longer will American families be trapped in the car as an innocent passenger.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until 2 p.m. today.

Accordingly (at 12 o'clock and 55 minutes p.m.), the House stood in recess until 2 p.m.

□ 1400

AFTER RECESS

The recess having expired, the House was called to order by the Speaker at 2 p.m.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

Lord our God, continuing the work of Your creation, You shape our history and establish Your realm of equality and justice.

The beauty of spring puts to rest our fears that winter would last forever. The movement of the moon and the stars removes the season of dark memories. Nature commands us to adapt to an ever-changing world of light and hope.

Not called to master other peoples or the currents of time; not called to master nature but only uncover its secrets; not called to master other nations we will find peace.

Created in Your image and likeness, Lord, we struggle to be unique persons of distinct integrity. Finding ourselves in the land of freedom, we are ever-learning how to live in community.

Simply called by Your wisdom and grace, we are to master only ourselves both now and forever. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House her approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Missouri (Mr. CLEAVER) come for-

ward and lead the House in the Pledge of Allegiance.

Mr. CLEAVER led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

HONORING THE LIFE AND LEGACY OF DR. DOROTHY I. HEIGHT

(Mr. COHEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. COHEN. Madam Speaker, today America mourns the loss of Dr. Dorothy Height, a civil rights pioneer, Presidential adviser, and woman's rights activist. For many years, this Freedom Fighter served as president of the National Council of Negro Women, the Young Women's Christian Association, and Delta Sigma Theta Sorority, Incorporated.

Dr. Height was the backbone of the civil rights movement and worked alongside Dr. Martin Luther King, Jr., Whitney Young, A. Phillip Randolph, Roy Wilkins, and our own JOHN LEWIS. During the March on Washington, she was the only African American woman on the speaker's platform during Dr. King's historic "I Have a Dream" speech.

In 1994, President Clinton awarded Dr. Height the Presidential Medal of Freedom for her selfless service to others. In 1995, in my hometown of Memphis, Tennessee, she received the National Civil Rights Museum's Freedom Award. In 2004, President Bush presented her with the Congressional Gold Medal. During Dr. Height's lifetime, the freedom gates were half ajar, yet she fought to open them full and wide for everybody.

Our Nation mourns the loss of a great woman, a great African American leader, a great civil rights leader. Hers was a life well lived.

HOUSTON'S FINEST—OFFICER TIMOTHY ABERNETHY

(Mr. POE of Texas asked and was given permission to address the House for 1 minute.)

Mr. POE of Texas. Mr. Speaker, this week is Victims' Rights Week. Today I honor the life of Houston Police Officer Timothy Abernethy.

For Officer Abernethy, fighting crime was more than an occupation, it was his personal calling. He bravely dedicated his life to keeping the peace on the streets of Houston, Texas, until he was murdered on December 7, 2008, by a cowardly killer. The murder was cruel and it was calculated. After shooting Officer Abernethy once in the neck, the assassin calmly walked up and put the gun close to the back of the officer's head and fired again.

Recently, a jury in Houston convicted Mabry Landor, III, of capital murder of a police officer. This week the Texas jury sentenced the outlaw to death.

Officer Timothy Abernethy served the people of Houston for 11 years. He was married to Stephanie, and had children. He, like so many before him, put his life between the people and the lawless.

We as a Nation need to remember peace officers sometimes become victims of crime while taking care of the rest of us.

And that's just the way it is.

HONORING ROY ISOM

(Mr. COSTA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. COSTA. Mr. Speaker, I rise today to honor the life and the career of Roy Isom, a broadcasting legend in the San Joaquin Valley from California. Known as the Voice of Agriculture for over 40 years, Roy was a force in the broadcasting industry, relentless in reporting on issues that mattered the most to our communities.

Roy began his career at KFSN channel 30 and KYNO radio before moving to KMJ radio, where he spent the last 28 years. He was known as a workhorse, and his colleagues fondly remembered how he would begin his days at 1 a.m., getting ready for the farm report. Roy's hard work translated into stories and reports that were critical to making sense of what was going on in our valley and the Nation.

Whether it was reporting the first lunar landing or breaking down the agriculture news of the region, Roy's style and ethics serve as a role model to our younger generation of reporters and broadcasters because he was. Today, Roy is remembered by his family and friends and colleagues. Everyone who knew Roy, including myself, had a tremendous respect with him. I join with all the people of our valley in celebrating Roy's life and contributions to broadcasting.

TEA PARTY VIEWS ILLEGAL IMMIGRATION AS A SERIOUS PROBLEM

(Mr. SMITH of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Texas. Mr. Speaker, a New York Times/CBS News poll of supporters of the Tea Party movement revealed that 97 percent of Tea Partiers view illegal immigration as a serious problem.

The result is not surprising considering that jobs and the economy are top priorities of Tea Party backers. More than 15 million Americans are

unemployed, and more than 8 million illegal immigrants are in the U.S. labor force. It makes no sense whatsoever to force citizens and legal immigrants to compete with illegal immigrants for scarce jobs.

Furthermore, the National Research Council found that an illegal immigrant without a high school diploma—about two-thirds of all illegal immigrants—imposes a net cost on taxpayers of \$89,000 during their lifetime. Multiply that by millions of illegal immigrants, and that is a multibillion-dollar burden on American taxpayers.

BERNARD BARUCH, STATESMAN OF SOUTH CAROLINA

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, Bernard Baruch was born near Columbia in historic Camden, South Carolina. The world-acclaimed financier and benefactor was an adviser to Presidents since the days of Woodrow Wilson, who also was raised in Columbia.

Last week, April 16, marked the day in 1947 that Bernard Baruch made history when he coined the term “Cold War” to describe the relations between the United States and the Soviet Union.

As the *Politico* newspaper highlighted, Baruch first used the phrase in a speech to the South Carolina House of Representatives as a portrait was dedicated in his honor. In his speech, Baruch said, “Let us not be deceived. We today are in the midst of a cold war. Our enemies are to be found abroad and at home. Let us never forget this: our unrest is the heart of their success. The peace of the world is the hope and goal of our political system; it is the despair and defeat of those who stand against us. We can depend only on ourselves.”

Today we remember the South Carolina statesman who so aptly described the chilly relations between America and the Soviet Union, which led ultimately to the victory of democracy over Communism.

In conclusion, God bless our troops and we will never forget September 11th in the Global War on Terrorism.

Congratulations, Jim Furyk on your Heritage Golf Classic victory at Hilton Head Island.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore (Mr. DRIEHAUS) laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC., April 20, 2010.

Hon. NANCY PELOSI,
The Speaker, U.S. Capitol, House of Representatives,
Washington, DC.

DEAR MADAM SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following messages from the Secretary of the Senate on April 20, 2010 at 10:12 a.m.:

That the Senate passed without amendment H.R. 4360.

That the Senate agreed to without amendment H. Con. Res. 243.

With best wishes, I am

Sincerely,

LORRAINE C. MILLER,
Clerk of the House.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote incurs objection under clause 6 of rule XX.

Record votes on postponed questions will be taken after 6:30 p.m. today.

DEPOSIT RESTRICTED QUALIFIED TUITION PROGRAMS ACT OF 2009

Mr. CLEAVER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4178) to amend the Federal Deposit Insurance Act to provide for deposit restricted qualified tuition programs, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 4178

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Deposit Restricted Qualified Tuition Programs Act of 2009”.

SEC. 2. DEPOSIT RESTRICTED QUALIFIED TUITION PROGRAMS.

Section 18 of the Federal Deposit Insurance Act (12 U.S.C. 1828) is amended by adding at the end the following new subsection:

“(y) DEPOSIT RESTRICTED QUALIFIED TUITION PROGRAMS.—

“(1) DEFINITIONS.—For purposes of this subsection, the following definitions shall apply:

“(A) DEPOSIT RESTRICTED QUALIFIED TUITION PROGRAM.—The term ‘deposit restricted qualified tuition program’ means a qualified tuition program in which—

“(i) the cash provided by a contributor to such a qualified tuition program may be invested only in deposits insured by the Corporation;

“(ii) the contributor may become a participant in the program by depositing funds through the program into an account at a depository institution participating in the program; and

“(iii) the program may include multiple depository institutions, subject to the requirements of section 529 of the Internal Revenue Code of 1986, as amended.

“(B) QUALIFIED TUITION PROGRAM.—The term ‘qualified tuition program’ has the same meaning as in section 529 of the Internal Revenue Code of 1986, as amended.

“(2) TREATMENT.—Notwithstanding any other provision of the law, the following provisions shall apply with respect to any deposit restricted qualified tuition program:

“(A) A deposit restricted qualified tuition program shall be deemed to be an ‘identified banking product’ (as defined in Section 206 of the Gramm-Leach-Bliley Act of 1999) for purposes of the Securities Exchange Act of 1934.

“(B) None of the following shall be treated as a security, as defined in section 2(a)(1) of the Securities Act of 1933, section 3(a)(10) of the Securities Exchange Act of 1934, or section 2(a)(36) of the Investment Company Act of 1940:

“(i) The deposits of cash at an insured depository institution relating to a deposit restricted tuition program.

“(ii) Any certificate of deposit or other instrument of an insured depository institution evidencing any such deposit.

“(iii) The rights and obligations of participants in a deposit restricted qualified tuition program arising from section 529 of the Internal Revenue Code, as amended.

“(C) In no event shall a deposit restricted qualified tuition program, the State entity designated by statute to oversee such program, the administrator appointed to operate the program on behalf of the State or a participating depository institution, be deemed to be an issuer of a security or to be an investment company (as defined in section 3(a) of the Investment Company Act of 1940).”.

SEC. 3. BUDGET COMPLIANCE.

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled “Budgetary Effects of PAYGO Legislation” for this Act, submitted for printing in the Congressional Record by the Chairman of the Committee on the Budget of the House of Representatives, provided that such statement has been submitted prior to the vote on passage.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Missouri (Mr. CLEAVER) and the gentlewoman from Illinois (Mrs. BIGGERT) each will control 20 minutes.

The Chair recognizes the gentleman from Missouri.

GENERAL LEAVE

Mr. CLEAVER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on this legislation and to insert extraneous material thereon.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. CLEAVER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, today we are taking up H.R. 4178, the Deposit Restricted Qualified Tuition Programs Act of 2009. This bill establishes an avenue for those wanting to save for the college education of a child, grandchild, or other related individual, to do so in a Federal Deposit Insurance Corporation, FDIC-insured, deposit.

At the present time, savers can only access the 529 College Savings Program through a securities-based plan, and my bill would not change this avenue. However, following the recent crash of the stock market, many savers saw their accounts drop in value by 50 percent or more, and as such, are reluctant to place any more money in a securities-based plan. Furthermore, many small savers can find investing in securities-based products both complex and intimidating. An FDIC-insured deposit option would provide guaranteed principal return and a guaranteed return on the deposit, all from a commercial bank with which the saver likely has a relationship.

This proposed legislation will help families across the United States save in a safe, sound, and simple manner for their children and grandchildren's college education. This bill does not make any changes to the current 529 College Savings Program nor the current delivery system of the program through a securities-based plan, nor the tax treatment of the 529 plans. It simply adds another 529 College Savings Program delivery option through an FDIC-insured deposit.

This is a bipartisan bill. It has both the chairman and the ranking Republican member of the House Financial Services Committee as cosponsors, among other Republicans and Democrats. At a time when our Nation is concerned about congressional quarreling based on political party affiliation, it is refreshing that both parties can support this bill.

Currently, section 529 programs are established and maintained by the States, who in turn generally contract out with securities firms and others to administer the programs. Investors may go through a State agency to invest in a 529 or, in many cases, through a securities dealer. Many States typically offer a number of investment options or portfolios, including ones that minimize the potential loss of invested principal. The bill is intended to encourage States to offer, among the options they provide investors, deposit-restricted qualified tuition programs.

The bill will not be independent of, nor compete with, the current State programs. In order to qualify as a 529 program under section 529 of the Internal Revenue Code, the program must be established and maintained by a State. Therefore, this program would be a State program, and the laws of the various States would have to be adapted to establish such a program.

In my home State of Missouri, the law which has already been adopted establishes a deposit-only program as separate from the securities-based program. The State would still generally hire a third party to administer the program. The third party could be the same one that manages the securities program or it could be a different third

party. I do have a letter of support from our State Treasurer asking that this bill be approved.

H.R. 4178 does not create a State program. The bill is intended to provide States another option to offer investors this deposit-restricted qualified tuition program.

□ 1415

Total 529 savings plans assets were \$117 billion at the end of the fourth quarter of 2009, reflecting a 6 percent increase from third quarter 2009 assets of \$110.5 billion.

My office asked the FDIC for statistical information on 529 plans and deposit insurance programs. The FDIC provided the following information: "Currently seven States offer 529 plans that include an option to invest in an insured deposit either as part of a broader investment strategy or as a sole investment. All of these plans are open to nonresidents, although the Ohio plan requires nonresidents to go through a broker to access the plan. Two of the States have offered the insured deposit option since 1998. Three of the States recently added the insured deposit option to their plans. States offering an insured deposit investment option are Arizona, Colorado, Montana, Ohio, Utah, Virginia, and Wisconsin. Information gathered from five of these States indicates that at the end of 2009, there was approximately \$670 million invested in FDIC-insured deposit options of their plans. For these States approximately \$207 million was added to the FDIC-insured option in 2009. Three of the responding States were able to identify whether the funds invested in their FDIC-insured option represented new money or a transfer of funds from another option in an already established 529 plan. For these States approximately 47 percent of the funds placed in the FDIC-insured option in 2009 were transferred from other 529 options, representing approximately \$82 million of the approximately \$173 million added to the FDIC-insured option in these States."

Additionally, the FDIC has already said they will insure 529 deposited accounts at the regular insured rate of \$250,000, which we raised. The Congressional Budget Office and the Joint Committee on Taxation have completed the review of the budgetary impact of H.R. 4178, the Deposit Restricted Qualified Tuition Programs Act of 2009. They determined that by enacting this legislation, it would affect revenues but estimate that the reduction in revenues would not be significant over the 2010–2020 period. Similarly, implementing the bill could affect direct spending, but the net impact of such spending would be negligible over the next 10 years.

Mr. Speaker, in particular I would like to congratulate the Missouri Bankers Association president, Max

Cook, for bringing this needed bill to my attention. The Missouri Bankers Association moved a bill in the Missouri legislature several years ago to allow the FDIC-insured 529 deposit accounts because they thought it would be helpful to Missouri college students and parents who were saving for them.

For the RECORD, I would like to submit records of support from the Missouri Bankers Association, the Missouri Independent Bankers Association, the Office of the Missouri State Treasurer, the Independent Community Bankers Association, and the American Bankers Association. Although the support letters are written in support of H.R. 3599, H.R. 4178 is identical to H.R. 3599 except for some small technical changes and more cosponsors.

I am pleased this Congress will address H.R. 4178 and move the legislation forward. This is a bill all Members can support. I strongly urge all Members to vote for H.R. 4178.

MISSOURI BANKERS ASSOCIATION,

Jefferson City, MO, Nov. 3, 2009.

Hon. EMANUEL CLEAVER II,
House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE CLEAVER: I am writing today on behalf of the three hundred twenty-five Missouri Bankers Association member banks and savings and loans to express our exuberant support for H.R. 3599, The Deposit Restricted Qualified Tuition Programs Act of 2009.

As you know, this legislation establishes a means for thousands and thousands of Americans wanting to save for the college education of a child, grandchild or other related person and to do so in a Federal Deposit Insurance Corporation (FDIC) insured deposit. At the present time, savers can only access the 529 college savings program through a securities based plan. This legislation leaves that in place and adds the FDIC insured deposit option.

After the recent crash of the stock market, many savers saw their 529 accounts drop in value by as much as fifty percent or more and as such are reluctant to place any more monies in a securities based plan. Furthermore, many small savers can find investing in securities based products both complex and intimidating. A FDIC insured deposit option would provide guaranteed principal return and a guaranteed return on the deposit, all from a commercial bank that the saver likely has a relationship with. This proposed legislation will help families across the United States save in a safe, sound and simple manner for their children and grandchildren's college education.

We sincerely thank you for your sponsorship of this legislation and look forward to its swift passage in the House.

Sincerely,

MAX COOK,
President and CEO.

NOVEMBER 2, 2009.

Hon. EMANUEL CLEAVER,
House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE CLEAVER: It was a pleasure meeting with you in Kansas City on October 13. We appreciate your interest in all subjects pertaining to community banking, and we thank you for your efforts on their behalf. We also commend your efforts in the

passing of H.R. 3599, the Deposit Restricted Qualified Tuition Programs Act of 2009, which the House of Representatives will take up this week. The Missouri Independent Bankers Association, like our national affiliate, the Independent Community Bankers of America (ICBA), support H.R. 3599 and look forward to its successful passage.

We strongly support your effort to allow more banks to better assist families saving for college through the popular 529 program. H.R. 3599 would allow an avenue for consumers wanting to save for the college education of a child, grandchild or other related individual, to do so in a Federal Deposit Insurance Corporation (FDIC) insured deposit. At the present time, consumers can only access the 529 college savings program through a securities based plan. This bill would not affect those individuals that want to continue to use a securities based plan.

Due to the distressed economy and equity markets, many consumers saw their savings drop in value. These consumers should have full access to a safe FDIC insured deposit option for their education savings through their local banks. ICBA supports H.R. 3599 because it gives community bank customers both increased options and peace of mind that their savings will be protected by FDIC insurance.

Thank you very much for your leadership on this proposal. We urge all members of the House to vote yes on H.R. 3599.

Sincerely,

JERRY SAGE,
Executive Director.

—
OFFICE OF THE MISSOURI
STATE TREASURER,
Jefferson City, MO, November 19, 2009.

Hon. EMANUEL CLEAVER II,
*House of Representatives,
Washington, DC.*

DEAR CONGRESSMAN CLEAVER: I am writing to you to express my support for H.R. 3599, the Deposit Restricted Qualified Tuition Programs Act of 2009.

As you know, this legislation is important to families wishing to save for college. It would provide, for the first time on a broad basis, for certificates of deposit and other savings products insured by the Federal Deposit Insurance Corporation (FDIC) to help families save on a tax-free basis for college expenses. This is tremendously important for promoting higher education, and is consistent with the goals of the White House Task Force on Middle Class Families headed by Vice President Biden. That task force is responsible for making recommendations on how to make college more accessible and affordable for lower- and middle-class families. Providing FDIC-insured investment options is a clear cut way to do so.

Furthermore, H.R. 3599 would greatly expand the use of FDIC-insured 529-qualified savings products because it would make it easier for community banks across the country to offer them. Presently, only a few states offer a bank product within their 529 plans and due to current regulations, these products are primarily offered by only a few larger institutions. By extending the use of 529-qualified savings products to a greater number of banks, I believe this product will reach new groups of investors that previously have been reluctant to invest in securities-dominated 529 investment options. Additionally, the legislation would provide for a no-risk investment option for current 529 investors, something I believe is needed and will spur additional savings.

I appreciate your sponsorship of this important legislation, and am willing to help you in any way to secure its passage.

Sincerely,

CLINT ZWEIFEL,
INDEPENDENT COMMUNITY BANKERS
OF AMERICA,
Washington, DC, November 2, 2009.

Hon. EMANUEL CLEAVER,
*House of Representatives,
Washington, DC.*

DEAR REPRESENTATIVE CLEAVER: On behalf of the Independent Community Bankers of America (ICBA) and the 5,000 community banks that we represent around the nation, we want to thank you for your leadership on H.R. 3599, the Deposit Restricted Qualified Tuition Programs Act of 2009, which the House of Representatives will take up this week.

We strongly support your effort to allow more banks to better assist families saving for college through the popular 529 program. H.R. 3599 would allow an avenue for consumers wanting to save for the college education of a child, grandchild or other related individual, to do so in a Federal Deposit Insurance Corporation (FDIC) insured deposit. At the present time, consumers can only access the 529 college savings program through a securities based plan. This bill would not affect those individuals that want to continue to use a securities based plan.

Due to the distressed economy and equity markets, many consumers saw their savings drop in value. These consumers should have full access to a safe FDIC insured deposit option for their education savings through their local banks. ICBA supports H.R. 3599 because it gives community bank customers both increased options and peace of mind that their savings will be protected by FDIC insurance.

Thank you very much for your leadership on this proposal. We urge all members of the House to vote yes on H.R. 3599.

Sincerely,

CAMDEN R. FINE,
President and CEO.

—
AMERICAN BANKERS ASSOCIATION,
Washington, DC, November 4, 2009.

Hon. BARNEY FRANK,
*Chairman, Committee on Financial Services,
House of Representatives, Washington, DC.*

Hon. EMANUEL CLEAVER II,
*House of Representatives,
Washington, DC.*

DEAR CHAIRMAN FRANK AND REPRESENTATIVE CLEAVER: On behalf of the members of the American Bankers Association (ABA), I am writing in strong support of H.R. 3599, the Deposit Restricted Qualified Tuition Programs Act of 2009. The legislation would provide families the opportunity to save for college tuition and other education expenses using deposits insured by the Federal Deposit Insurance Corporation (FDIC). Designed after 529 plans, the Deposit Restricted Qualified Tuition Program is a safe and secure way to protect education contributions up to \$250,000.

Under H.R. 3599, contributions to the Program would be banking products, and not securities. Traditionally, 529 plans, while widely available, have primarily been used by higher-income investors. By making the education tuition savings program available through insured deposits, lower and middle income families will have a greater opportunity to plan for the future of their children. Moreover, the change would increase deposit activity in our nation's banks, particularly smaller community banks.

FDIC-insured banking deposits can be a safe alternative to investments made through the financial markets. H.R. 3599 would protect the future education of American families while also strengthening the banking system.

We look forward to working with you to have H.R. 3599 enacted into law as quickly as possible.

Sincerely,

FLOYD E. STONER.

I reserve the balance of my time.
Mrs. BIGGERT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today to express my strong support for H.R. 4178 and to commend the sponsor of this measure, the gentleman from Missouri (Mr. CLEAVER), for his thoughtful efforts to encourage Americans to save for their children's college education.

529 plans have been around for many years and have become common vehicles for saving and investment; however, given recent market volatility, some families are understandably hesitant to save in these securities-based plans. Therefore, for the first time, H.R. 4178 provides an option for States to expand their 529 programs. The bill allows community banks, which are FDIC-insured institutions, to directly offer consumers a college savings plan. At the same time, savers in these new deposit-based plans will be able to benefit from all of the traditional tax incentives of existing securities-based 529s.

As an added benefit, this legislation will protect accounts under the FDIC's insurance fund up to \$250,000 per account. For those families seeking lower-risk alternatives, the FDIC-insured college savings plan would provide a guaranteed return. By expanding the options available to those saving for an education, this simple step will help more families prepare for their children's future and provide added financial security in today's difficult economic climate.

Again, I thank Mr. CLEAVER and his staff for their hard work on this bipartisan measure, and I urge my colleagues to support it.

Ms. JACKSON LEE of Texas. Mr. Speaker, today I rise in support of H.R. 4178—The Deposit Restricted Qualified Tuition Programs Act. As co-chair of the Congressional Children's Caucus, I support this legislation because I believe that it is an important measure to help families pay for higher education. A quality education continues to be the best pathway to social and economic mobility in this country, and this legislation will enable such paths. I want to thank my colleague, EMANUEL CLEAVER, for introducing this important legislation.

Today, Americans are simultaneously faced with rising higher education costs and a difficult economy. Families across Texas are sending their children to college and when they graduate, they should not be saddled with debt. Democrats pledged to make a college education more affordable, and this legislation makes good on our promise. This legislation is evidence that the Democratic-led

Congress is committed to working on a bipartisan basis, and with this President, to address the key concerns of America's families.

During these tough economic times, many Americans saving for college saw their accounts drop over 50 percent in value and are now reluctant to invest in a securities-based plan. During the past year, many parents who contributed to a 529 college savings plan—an investment vehicle where earnings grow tax free—saw those savings take a hit. Many 529 plans were heavily invested in stocks, though their beneficiaries were just a few years away from attending college. This is a big blow to the 63 percent of parents who are saving for college expenses, according to a September 2009 Fidelity survey, and who must now manage a wide array of expenses with less money and security.

H.R. 4178 establishes an avenue for those wanting to save for the college education of a child, grandchild or other related individual, in a Federal Deposit Insurance Corporation, FDIC, insured deposit. Today, savers can only access the 529 college savings program through a securities-based plan, and this plan would offer another option. H.R. 4178 amends the Federal Deposit Insurance Act to prescribe requirements for deposit restricted qualified tuition programs which are exempt from Federal income tax. It also declares that in no event shall a deposit restricted qualified tuition program, the State entity designated by statute to oversee such program, or the administrator appointed to operate it on behalf of the State or a participating depository institution, be deemed to be an issuer of a security or an investment company. This bill does not make any changes to the current 529 college savings program nor the current delivery system of the program through a securities based plan. It simply adds another 529 college savings program delivery option through an FDIC insured deposit.

The Congressional Budget Office and the Joint Committee on Tax have completed a review of the budgetary impact of H.R. 4178, the Deposit Restricted Qualified Tuition Programs Act of 2009. They determined that by enacting this legislation it would affect revenues, but estimate that the reduction in revenues would not be significant over the 2010–2020 period. Similarly, implementing the bill could affect direct spending but the net impact of such spending would be negligible over the next 10 years.

Mrs. BIGGERT. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. CLEAVER. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Missouri (Mr. CLEAVER) that the House suspend the rules and pass the bill, H.R. 4178, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

INDIAN VETERANS HOUSING OPPORTUNITY ACT OF 2009

Mr. CLEAVER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3553) to exclude from consideration as income under the Native American Housing Assistance and Self-Determination Act of 1996 amounts received by a family from the Department of Veterans Affairs for service-related disabilities of a member of the family.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3553

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Indian Veterans Housing Opportunity Act of 2009”.

SEC. 2. EXCLUSION FROM INCOME.

Paragraph (9) of section 4 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4103(9)) is amended by adding at the end the following new subparagraph:

“(C) Any amounts received by any member of the family as disability compensation under chapter 11 of title 38, United States Code, or dependency and indemnity compensation under chapter 13 of such title.”.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Missouri (Mr. CLEAVER) and the gentlewoman from Illinois (Mrs. BIGGERT) each will control 20 minutes.

The Chair recognizes the gentleman from Missouri.

GENERAL LEAVE

Mr. CLEAVER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on this legislation and to insert extraneous material thereon.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. CLEAVER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, according to the most recent U.S. census data from 2003, there are 561 federally recognized tribes, which include Native American Indian tribes and Alaska Native villages. More than three-quarters of a million Native Americans live on reservations or in other tribal areas, and another 1.68 million live outside tribal areas. Furthermore, a total of 34 percent of the Native population resides in rural areas, where many reservations are located.

It has become clear that much of the housing in tribal areas lack adequate housing compared to the general U.S. population. According to the 2000 Census Bureau report, 14.7 percent of homes in tribal areas are overcrowded, compared to 5.7 percent of homes of the general U.S. population. On Native American lands, 11.7 percent of residents lack complete plumbing facili-

ties, compared to 1.2 percent of the general U.S. population. Furthermore, according to a 2005 Government Accounting Office report, 11 percent of residents lack kitchen facilities, compared to merely 1 percent of the general U.S. population.

This situation is even more dire for those in need of housing on tribal lands. In total, approximately 90,000 Native American families are homeless or underhoused and an estimated 200,000 housing units are needed immediately in Indian Country, according to a 2003 report from the U.S. Commission on Civil Rights.

However, Native Americans have the highest rate of serving in the military, making them more likely to serve of any ethnic group. According to the U.S. Department of Veterans Affairs, 22 percent, 22 percent, of Native Americans are currently serving in the military. It is appalling that although Native Americans are the most likely to serve of any ethnic group, little has been provided to ensure adequate and sufficient housing for the brave veterans who have served our Nation. Furthermore, with the total number of disabled veterans in the United States currently at 24 million and 3.1 million veterans receiving service-connected disability benefits, it is also evident that many Native American veterans are also struggling with disabilities.

The Native American Housing Assistance and Self-Determination Act of 1996, or NAHASDA, was established through the Department of Housing and Urban Development to provide housing services to Native Americans based on a needs-based formula. Unfortunately, under the current calculation, Native American veterans and their families and survivors are often disqualified from this program.

By calculating disability payments and survivor benefits into the family's income, the family will often exceed the 80 percent area median income threshold required under this program's regulations, thereby disqualifying the family from the program.

Mrs. KIRKPATRICK's bill, H.R. 3553, will correct this provision by amending the definition of “income” in NAHASDA to exclude payments for disability and service-related injuries. By doing so, disabled Native American veterans, their families, and their survivors will be able to qualify for this program. This bill will do much to help ensure that all citizens are adequately served in government housing programs, especially those who have served our Nation bravely.

Mr. Speaker, I reserve the balance of my time.

Mrs. BIGGERT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise to express my support of H.R. 3553, the Indian Veterans Housing Opportunity Act of 2009.

This bill would amend the Native American Housing Assistance and Self-

Determination Act, also called NAHASDA, so that a disability income is not counted against Native American veterans when determining eligibility for NAHASDA housing benefits.

Currently, Native American households with incomes below 80 percent of an area's median income are eligible for housing assistance under this program. Unlike similar programs for non-Native American households, NAHASDA counts Veterans Affairs disability payments or survivor benefits as income when determining eligibility for housing assistance. As a result, many Native American families of disabled veterans can lose their eligibility for housing aid if their disability benefits place them beyond the 80 percent threshold.

Interestingly, the Internal Revenue Service does not consider disability payments as income. Yet without changes included in this bill before us, Native American veterans who have been left disabled as a result of their service to our country will remain limited in their access to affordable housing on the reservation.

H.R. 3553 simply amends the definition of "income" under the law to exclude payments for disability compensation. The bill would not affect any tribe's current funding under NAHASDA, and the Congressional Budget Office has said that there is no cost to this bill.

Mr. Speaker, we must meet our commitments to our troops both in the field and when they return home. This legislation will help extend existing housing resources to Native American veterans, allow them to return to the reservation, and will provide their families with access to stable housing.

I urge my colleagues to support this bill.

Mr. Speaker, I reserve the balance of my time.

Mr. CLEAVER. Mr. Speaker, I yield 6 minutes to the gentlewoman from Arizona (Mrs. KIRKPATRICK), the sponsor of this legislation.

Mrs. KIRKPATRICK of Arizona. I wish to extend my thanks to Mr. CLEAVER for the opportunity to address my bill, H.R. 3553, the Indian Veterans Housing Opportunity Act. And I also want to thank Chairman FRANK and Ranking Member BACHUS for their support of this. I especially want to thank Chairwoman MAXINE WATERS and her staff, Jeff Riley and Keo Chea, who traveled the long distance to Window Rock, Arizona, to have a field hearing on April 10 on this bill.

□ 1430

Mr. Speaker, growing up in Indian Country, I learned at an early age the long history of Native Americans sacrificing in service to our country. This history includes Indian scouts assisting United States units throughout the American West. It includes the best

known example, the brave and honorable service of the Navajo code talkers who saved the lives of countless Americans in World War II and the Korean War by using Dine to transmit sensitive military communications. And it continues to this very day as Native Americans serve proudly and honorably in Iraq, Afghanistan, and around the world.

Today, the Department of Housing Affairs estimates that 20 percent of Native Americans are veterans or are currently serving. That's the most of any ethnic group.

Despite this honorable service, far too many Native American veterans return home to tribal land to face extraordinary challenges in finding safe, quality, affordable housing. Service-disabled veterans returning to Indian Country face the added challenge of having to make every dollar of their disability compensation count as they deal with circumstances unique to tribal land, including very long distances to VA medical centers and under-improved surfaces, we call them washboard roads, that accelerate wear on prosthetics and wheelchairs.

I am a member of the House Committee on Veterans' Affairs, where we have taken a number of steps to keep our promises to all veterans. We remedied budget shortfalls in veterans health care and benefits to address an aging vets population and returning Iraq and Afghanistan veterans.

We helped finally pass a law that veterans service organizations have been pushing for years, a law to require Congress to approve the VA health care budget 1 year in advance to ensure timely, sufficient funding of these necessary programs.

However, we can and must do more to ensure that Native American veterans are not allowed to slip through the cracks, even as we make broad advances to better serve these veterans, and Native Americans in general.

The Native American Housing Assistance and Self-determination Act of 1996 was a monumental step forward in helping tribes provide safe, quality, affordable housing for thousands of low income Native American families across the country.

This assistance can come in the form of down payment assistance, property acquisition, new construction, and housing rehabilitation, and is limited to families making less than 80 percent of the median income in their area. This income limit contains one important flaw. The act treats compensation, either paid to veterans with service-related disabilities, or for the families of those killed in service, as income. As a result, these benefits can push veterans and survivor families above the limit, making them ineligible, and costing them assistance that they badly need.

In fact, when we had the field hearing in Window Rock, I met with many fam-

ilies who told me because of this flaw they had to move in with their children because they couldn't qualify for their own home. This flaw has caused disabled veterans, their families and survivors to be denied help because that extra income has pushed them over the allowable limit.

My bill would fix this flaw by changing the definition of income to explicitly exclude veterans disability and survivor compensation, ending this unfair practice and lifting the burden from Native American veterans.

Native American veterans have sacrificed so much for this country, and neither they nor their surviving families should be punished for receiving the compensation they have earned. It is long past time to right this wrong and ensure that this Nation keeps its sacred promise to its native veterans.

Thank you again for the opportunity to address H.R. 3553.

Ms. RICHARDSON. Mr. Speaker, as a proud member of the Native American Caucus, I rise today in strong support of H.R. 3553, the Indian Veterans Housing Opportunity Act, which will address a critical need in tribal lands.

First, I would like to acknowledge Speaker PELOSI, Majority Leader HOYER, Chairman RAHALL, and Congresswoman KIRKPATRICK for their leadership in bringing this important bill to the floor. My colleague Congresswoman KIRKPATRICK, the author of this legislation, has worked hard to ensure that underserved communities, including tribal lands, have the housing necessary to support our growing population.

H.R. 3553, the Indian Veterans Housing Opportunity Act, makes an important fix to the existing bill for providing Native American housing. The Native American Housing Assistance and Self-Determination Act (NAHASDA) is the foundation for providing housing assistance to low-income Native American families on Indian reservations, in Alaska Native villages, and on Native Hawaiian Homelands.

In California, the State I represent, there are over 100 Native American tribes, many of varying levels of economic success. Based on the 2000 Census, the Department of Housing and Urban Development (HUD) has determined that nationwide, almost 543,000 American Indian and Alaska Native households have "severe housing needs," meaning they live in conditions that are overcrowded, substandard, or cost-burdensome.

To complicate matters further, the NAHASDA statute does not contain an income exception for service-disabled veterans or families of soldiers killed in action. The Indian Veterans Housing Opportunity Act remedies this situation by revising the definition of income for NAHASDA to exclude payments for service-related disability, dependence, or indemnity. Veterans are especially likely to fall into these categories, which is unacceptable considering the role they have played in the defense of our country. Native Americans have the highest rate of enlistment in our armed services out of any group of Americans, and they deserve our support. Therefore, as a long time friend and supporter of the

Native American community, I am so pleased to champion a bill such as H.R. 3553, which provides the housing this community needs.

In conclusion, Mr. Speaker, I support H.R. 3553 because it ensures that Native American veterans do not face extraordinary obstacles when procuring or financing housing after serving this country. The Native American servicemen and women benefiting from H.R. 3553 deserve our full support. I am proud to work with my colleagues to ensure that they are not overlooked.

Mr. Speaker, I urge my colleagues to join me in supporting H.R. 3553.

Mrs. BIGGERT. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. CLEAVER. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Missouri (Mr. CLEAVER) that the House suspend the rules and pass the bill, H.R. 3553.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

SUPPORTING THE GOALS AND IDEALS OF NATIONAL FINANCIAL LITERACY MONTH, 2010

Mr. HINOJOSA. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1257) supporting the goals and ideals of National Financial Literacy Month, 2010, and for other purposes.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1257

Whereas personal financial literacy is essential to ensure that individuals are prepared to make informed financial choices so that they can become successful heads of households, investors, entrepreneurs, and business leaders;

Whereas financially informed individuals are better able to take control of their circumstances, improve their quality of life, and plan for their financial future;

Whereas personal financial management skills and lifelong habits begin to develop during childhood, making it all the more important to support youth financial education;

Whereas financial education is the first line of defense against financial fraud;

Whereas the results of the National Foundation for Credit Counseling's fourth annual Consumer Financial Literacy Survey suggest that while many United States adults are improving how they manage their money, and more consumers now have a budget and nonretirement savings, many Americans continue to struggle with their finances, especially young adults and minorities;

Whereas the Federal Deposit Insurance Corporation's "National Survey of Unbanked and Underbanked Households, December 2009" found that approximately 60,000,000 people in the United States are either unbanked or underbanked;

Whereas almost 54 percent of Black households, 44.5 percent of American Indian/Alaskan households, and 43.3 percent of Hispanic households are either unbanked or underbanked;

Whereas personal saving as a percentage of disposable personal income was 3.1 percent in February 2010, compared with 3.4 percent in January 2010, and a reduction from a 12-month average of 4.1 percent in 2009, according to the Bureau of Economic Analysis;

Whereas public, community-based, and private sector organizations throughout the United States are working to increase financial literacy rates for Americans of all ages and walks of life through a range of outreach efforts, including media campaigns, Web sites, and one-on-one financial counseling for individuals;

Whereas the National Endowment for Financial Education provides consumers with the tools necessary to manage their money wisely and empower them to turn their financial education into action;

Whereas bankers across the United States will teach savings skills to young people on April 27, 2010, during "Teach Children to Save Day", which was launched by the American Bankers Association Education Foundation in April 1997 and has now helped more than 80,000 bankers teach savings skills to more than 3,200,000 young people;

Whereas staff from America's credit unions will focus on the financial needs of young people, provide financial literacy education, and teach youth under the age of 18 the benefits of saving and goal setting during "National Credit Union Youth Week", April 18–24, 2010;

Whereas more than 100 Federal agencies have collaborated on a Web site, www.consumer.gov, which helps consumers shop for a mortgage or auto loan, understand and reconcile credit card statements and utility bills, choose savings and retirement plans, compare health insurance policies, and understand their credit report and how it affects their ability to get credit and on what terms;

Whereas Members of the United States House of Representatives established the Financial and Economic Literacy Caucus in February 2005 to provide a forum for interested Members of Congress to review, discuss and recommend financial and economic literacy policies, legislation, and programs; to collaborate with the private sector, and nonprofit and community-based organizations; and to organize and promote financial literacy resolutions, legislation, seminars, and events, such as "Financial Literacy Month" in April 2010, and the annual "Financial Literacy Day Fair" on April 27, 2010; and

Whereas the Council for Economic Education, its State Councils and Centers for Economic Education, the JumpStart Coalition for Personal Financial Literacy, its State affiliates, and its partner organizations, and JA Worldwide have designated April as Financial Literacy Month to educate the public about the need for increased financial literacy for youth and adults in the United States: Now, therefore, be it

Resolved, That the House of Representatives—

(1) supports the goals and ideals of Financial Literacy Month, including raising public awareness about financial education;

(2) recognizes the importance of managing personal finances, increasing personal savings, and reducing personal debt in the United States; and

(3) requests that the President issue a proclamation calling on the Federal Govern-

ment, States, localities, schools, nonprofit organizations, businesses, other entities, and the people of the United States to observe the month with appropriate programs and activities with the goal of increasing financial literacy rates for individuals of all ages and walks of life.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. HINOJOSA) and the gentlewoman from Illinois (Mrs. BIGGERT) each will control 20 minutes.

The Chair recognizes the gentleman from Texas.

GENERAL LEAVE

Mr. HINOJOSA. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks on this legislation and to insert extraneous material thereon.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. HINOJOSA. Mr. Speaker, I yield myself as much time as I may need.

Mr. Speaker, I rise in strong support of House Resolution 1257, Supporting the Goals and Ideals of National Financial Literacy Month, 2010, and for other purposes. I will enter into today's RECORD President Barack Obama's National Financial Literacy Month proclamation, which I hold in my hands.

Mr. Speaker, it gives me great pride to bring this important resolution to the floor of the U.S. House of Representatives. It contains some very important data on financial literacy and economic education. Unfortunately, I'm sad to have to report again this year that the surveys and the studies we reviewed while drafting this resolution indicate that the majority of Americans remain financially illiterate and are in desperate need of financial education.

I represent the 15th Congressional District of Texas, which includes Hidalgo County, one of the poorest counties in the whole country. It is 89 percent Hispanic and contains over 900 colonias. Many of the residents do not speak English fluently, and several speak English as a second language.

They tend to purchase refrigerators, washing machines, automobiles, televisions, and electronic equipment in cash. One of the reasons for this aberration is a question of trust. Another is that lower-income Americans are not aware of the benefits conveyed when they open a bank account at a mainstream financial institution.

A more pervasive problem is that mainstream financial institutions tend not to open branches in the neighborhoods in which these constituents live. Consequently, these residents are left to rely on non-mainstream financial servicers such as payday lenders, such as check cashers and other predatory entities.

For these reasons, I was not surprised by the findings of the FDIC's December

2009 national survey of unbanked and under-banked households. It revealed that approximately 60 million people in our United States are either unbanked or under-banked.

It is for situations such as this that Congresswoman JUDY BIGGERT and I began collaborating on financial literacy and economic education starting in 2003. Two years later, in 2005, we co-founded and currently co-chair the Financial Economic Literacy Caucus. I'm very pleased and grateful that she and I and the members of this caucus have worked together on a bipartisan basis on financial literacy and economic education over the years.

This year, 2010, the caucus has coordinated with several different associations on financial literacy events, including the National Consumer Protection Week Fair, America Saves Week, and the release of the National Foundation for Credit Counseling's, better known as the NFCC, their fourth annual consumer financial literacy survey.

On April 27th of this year, the Congresswoman and I are coordinating on the Annual Financial Literacy Day Fair with Senator DANIEL AKAKA from Hawaii, with the Jumpstart Coalition for Personal Financial Literacy, with the Junior Achievement, and the Council for Economic Education. This fair, on April 27, will be held in the Senate Hart Building from noon to 3 p.m. I encourage you and all my colleagues to attend this special event. If you are unable to attend due to conflicts in your schedule, you might consider sending one of your staff in the Senate Hart Office building.

America Saves Week, the National Consumer Protection Week Fair, and the Financial Literacy Day Fair, as well as the resolutions Congresswoman BIGGERT and I introduce every year to support their goals and ideals, are substantive and an important statement of Congress' commitment to improving the financial literacy and economic education of all Americans.

The financial literacy fairs are very comprehensive and concrete. Agency staff are on hand at these events to provide our staff with the materials they need to hold events in our districts to help arm our constituents with the information and guidance they need to become more confident, savvy, and safe in the marketplace.

The NFCC's, which is the National Federation for Credit Counseling's, fourth annual consumer literacy survey indicates that a larger percentage of Americans, more than two in five adults, now keep close track of their spending. However, more than half still do not have a budget, and more than 11 million adults fail to monitor their overall spending.

Nearly 64 million adults admit to not paying all of their bills on time. Though 67 percent of adults say they

pay for most purchases with cash or with a debit card, approximately 41 percent report that their household carries credit card debt, and more than 11 million say they carry \$10,000 or more in credit card debt from month to month.

Approximately 100 million people currently have a home mortgage, and of those, one in three say that the terms of their mortgage somehow turned out to be different than they and their family expected.

Eighty percent of adults feel there are situations where it is acceptable to default on a mortgage, and two of the top three most justifiable circumstances place the blame on the lender.

Despite all this negative data, the proportion of adults who have non-retirement savings has increased from 63 percent in 2007 to 67 percent this year.

So, Mr. Speaker, as you can tell, we have far to go to improve the financial literacy rate of all Americans across the United States during all stages of life. One of the ways that our caucus has moved the financial literacy cause forward is coordinating with several Federal agencies on the National Consumer Protection Week I mentioned earlier.

On a positive note, several Members of Congress have introduced comprehensive and beneficial legislation that will help Americans become financially literate and provide them with the necessary consumer protections.

One such legislation is the Credit Card Reform Act. Authored by my good friend and colleague from New York, Congresswoman CAROLYN MALONEY, it was signed into law by President Barack Obama in 2009. Congresswoman MALONEY could not be with us on the floor for this debate, but her presence is felt here and throughout the United States, and especially in the wallets of most Americans.

Her legislation takes financial literacy and economic education 10 steps forward. It requires issuers that extend credit to young consumers under the age of 21 to obtain an application that contains the following: The signature of a parent, guardian, or other individual 21 years or older who will take responsibility for the debt; or that person who signs is proof that the applicant has an independent means of repaying any credit extended.

□ 1445

It limits prescreened offers of credit to young consumers and prohibits increases in the credit limit on accounts where a parent, legal guardian, spouse or other individual is jointly liable unless the individual who is jointly liable approves the increase. This law increases the protections for students against aggressive card marketing and increases transparency of affinity arrangements between the credit card

company and university. I commend her for her dedication to financial literacy and for managing to pass that legislation.

I coauthored the Student Aid and Fiscal Responsibility Act that passed both Houses and was signed into law recently by President Barack Obama. That law invests \$750 million in the College Access Challenge Grant Program. These formula grants to States help organizations provide services such as financial literacy and debt management skills that increase the number of low-income students who are prepared to enter and succeed in college and manage their student loans.

This Congress is also considering legislation that will establish an office of financial literacy that I requested in the Financial Services Committee. Other financial literacy proposals are being reviewed, including establishing financial literacy centers across the United States.

Mr. Speaker, financial literacy and economic education are both a life skill and a key component of financial and economic stability and development. It is imperative that we pay more attention to the financial literacy rates of our citizens from pre-kindergarten all the way to retirement. The sooner a person begins to learn good saving habits, the better off he or she will be in the future.

I urge my colleagues to support this resolution and join the Financial and Economic Literacy Caucus.

THE WHITE HOUSE

Office of the Press Secretary

[For Immediate Release—April 2, 2010]

NATIONAL FINANCIAL LITERACY MONTH, 2010

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

In recent years, our Nation's financial system has grown increasingly complex. This has left too many Americans behind, unable to build a secure financial future for themselves and their families. For many, financial literacy can mean economic prosperity and protection against fraud and predatory banking practices. During National Financial Literacy Month, we recommit to teaching ourselves and our children about the basics of financial education.

Our recent economic crisis was the result of both irresponsible actions on Wall Street, and everyday choices on Main Street. Large banks speculated recklessly without regard for the consequences, and other firms invented and sold complex financial products to conceal risks and escape scrutiny. At the same time, many Americans took out loans they could not afford or signed contracts without fully understanding the terms. Ensuring this crisis never happens again will require new rules to protect consumers and better information to empower them.

The new Consumer Financial Protection Agency I have proposed will ensure ordinary Americans get clear and concise financial information. We must put an end to confusing loan contracts, hidden fees attached to mortgages, and unfair penalties that appear without warning on bank statements. The Credit

Card Accountability Responsibility and Disclosure Act of 2009 began reining in some of these deceptive tactics when it recently took effect. The President's Advisory Council on Financial Capability is also looking for new ways to help individuals make informed decisions and to educate our children on core financial competencies.

While our Government has a critical role to play in protecting consumers and promoting financial literacy, we are each responsible for understanding basic concepts: how to balance a checkbook, save for a child's education, steer clear of deceptive financial products and practices, plan for retirement, and avoid accumulating excessive debts. To learn more, visit: MyMoney.gov or call toll-free 1-888-MyMoney for helpful guidance and resources.

Our Nation's future prosperity depends on the financial security of all Americans. This month, let us each take time to improve our own financial knowledge and share that knowledge with our children. Together, we can prevent another crisis and rebuild our economy on a stronger, more balanced foundation.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim April 2010 as National Financial Literacy Month. I call upon all Americans to observe this month with programs and activities to improve their understanding of financial principles and practices.

IN WITNESS WHEREOF, I have hereunto set my hand this second day of April, in the year of our Lord two thousand ten, and of the Independence of the United States of America the two hundred and thirty-fourth.

BARACK OBAMA

I reserve the balance of my time.

Mrs. BIGGERT. I yield myself such time as I may consume.

Mr. Speaker, I rise today as a cosponsor of House Resolution 1257, which recognizes April as Financial Literacy Month, and I would strongly urge my colleagues to support it.

I would like to begin by thanking my good friend and fellow chair of the House Financial and Economic Literacy Caucus, Mr. HINOJOSA, for sponsoring this legislation and for his continuing efforts to improve financial literacy rates in America.

Since 2005, when Mr. HINOJOSA and I formed the caucus, financial literacy has grown from an interesting offshoot of economic education to a key element in numerous efforts on and off the Hill to protect consumers, improve financial security, help manage debt, assist in retirement planning, and prepare our children to prosper in today's sophisticated marketplace.

We've also seen financial literacy programs become successful centerpieces of campaigns to bring independence and family security to impoverished and underserved populations, women, minorities, and even victims of hurricanes or domestic violence.

For example, with help from the Allstate Foundation and the National Network to End Domestic Violence, thousands of abuse victims nationwide have benefited from the Economic Em-

powerment for Domestic Violence Survivors program. It empowers victims of domestic violence with a financial strategy to escape abusive households and help provide them with resources and training to achieve independence.

Mr. Speaker, Financial Literacy Month is a chance to recognize and support the work of countless organizations like these around America—and the leadership of groups like the Jumpstart Coalition, Junior Achievement, and the Council for Economic Education—for all they do to educate American consumers and, most importantly, our children.

It's also an opportunity to recognize how much more work remains to be done. According to the FDIC, as was mentioned, approximately 60 million people in the United States are either unbanked or underbanked. Sixty percent of preteens do not even know the difference between cash, credit cards, and checks, and yet only 26 percent of new students are actively learning financial planning from their parents.

And according to the national Foundation for Credit Counseling's latest consumer survey, one-third of adults, or more than 75 million people, are not putting any part of their income towards retirement, up from 28 percent in 2008. These are troubling numbers. And in today's economic climate, the financial challenges and choices facing consumers have only grown.

That's why, as Congress reviews our national education guidelines and takes up far-reaching changes to our country's regulations, we must keep in mind one of the most important benefits of financial literacy as expressed in this resolution today before us: Financial education is the first line of defense against financial fraud.

When it comes to preparing against economic uncertainty, recognizing deceptive practices, building credit, or making dozens of other day-to-day financial decisions, nothing protects consumers and their financial security more effectively than arming them, even as young students, with a sound foundation in financial literacy.

Consumers benefit most from more financial options, not fewer, and with the right information and education, individual Americans are best equipped to avoid financial pitfalls, analyze risk, and make financial decisions that hold the greatest benefit for their future and that of their families.

With that, I would just like to once again thank my good friend and colleague, Mr. HINOJOSA, for bringing this resolution to the floor, and I would like to also recognize the hard work of his dedicated staff, especially Greg Davis, for all their efforts.

And finally, Mr. Speaker, I would like to encourage all of my colleagues and their staffs to attend this year's financial literacy day fair on Capitol Hill. As Mr. HINOJOSA mentioned, but I

think it bears repeating, it's going to be held next Tuesday, April 27, where Members will be able to find a broad array of financial education materials and ideas for reaching out to constituents on this important issue. This year, it is being hosted on the Senate side, in Hart 902, by Senators AKAKA and ENZI, and invitations should be arriving soon to each office.

Mr. Speaker, I urge my colleagues to support House Resolution 1257, and I reserve the balance of my time.

Mr. HINOJOSA. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mrs. BIGGERT. Mr. Speaker, at this time, I would like to yield as much time as she may consume to my friend and colleague in the Financial Services Committee, Ms. JENKINS of Kansas.

Ms. JENKINS. Mr. Speaker, I rise today to support this resolution supporting the goals and ideals of Financial Literacy Month, and I commend the gentleman from Texas and the gentlelady from Illinois for introducing this resolution and for their commitment to financial literacy.

During my service as Kansas State Treasurer, I was proud to partner with financial institutions across our great State to increase financial literacy for Kansans of all ages. As a certified public accountant, I'm committed to this cause and believe it is critical to equip our students with good financial habits at a very young age. The lesson that must be learned as our Nation emerges from this financial crisis is that additional regulation is meaningless if personal responsibility is not our primary objective.

I urge all of my colleagues to support this resolution and to support increased financial literacy—not just this month, but always.

Mr. DREIER. Mr. Speaker, I rise in strong support of H. Res. 1257, supporting the goals and ideals of Financial Literacy Month. I would also like to commend the gentleman from Texas, Mr. HINOJOSA, and the gentlelady from Illinois, Mrs. BIGGERT, the co-chairs of the Financial Literacy Caucus, for all of their hard work on this important issue.

In today's 21st century economy, in which Americans have access to a wide variety of financial products, a greater understanding of finance is critically important to our economy. As we all know, the roots of the financial meltdown can be traced to a number of factors, including unscrupulous lenders who took advantage of consumers, irresponsible homeowners who borrowed more than they could afford and reckless speculators who gambled on bad financial bets.

Last year, we enacted into law a credit card reform bill to crack down on abusive lending practices. This law also requires credit lenders to provide borrowers with clear information on lending terms, such as the consequences of making only the minimum monthly payment, late payment deadlines, penalties and interest rate changes. We must hold creditors accountable and ensure full transparency in their lending practices; at the same time, borrowers

must carefully review this information and use it to make sound financial decisions.

Mr. Speaker, we must all do our part to enhance financial literacy. A strong foundation in financial literacy will help Americans meet today's needs, prepare for the unexpected and plan for future goals. This week, the Credit Union National Association is holding its annual National Credit Union Youth Week to highlight the importance of financial literacy for our children. In addition, on April 27, the American Bankers Association Education Foundation will be holding their annual Teach Children to Save Day. Since 1997, 80,000 bank volunteers have participated to teach 3.4 million children about basic spending and savings decisions.

A solid understanding of sound financial principles can also help families trim their expenses and reduce debt. The Financial Literacy Education Commission's website, www.mymoney.gov, has helpful tools, resources and savings tips from a number of federal agencies to help consumers make informed personal finance choices, whether shopping for loans, reducing household costs, planning for savings and retirement, or understanding credit card terms.

Mr. Speaker, financial literacy is about opportunity. It is about empowering individuals and families to take control of their finances and effectively plan for the future. Working together, we can encourage Americans to enhance their understanding of personal finance, which will ultimately help to strengthen our financial system and economy. I urge my colleagues to support this important resolution.

Mr. SENSENBRENNER. Mr. Speaker, I rise today in support of House Resolution 1257, and I support the goals of Financial Literacy Month. I recognize the importance of encouraging Americans to educate themselves on financial responsibility.

However, the irony of this legislation is not lost on me. If April is to be recognized as Financial Literacy Month, might I suggest that Congress take the time to educate itself on fiscal responsibility and restraint? Last year, the federal deficit reached \$1.4 trillion, undoubtedly an unsustainable figure. Additionally, as the House considers this resolution, the chairman of the Budget Committee ponders whether to forgo a budget resolution for the next fiscal year.

While Americans across the country evaluate their priorities and make tough choices to responsibly adhere to their budgets, Congress ought to do likewise. When times get tough, it's not the American way to stick our head in the sand, but to address our issues head-on.

This resolution "recognizes the importance of managing personal finances, increasing personal savings, and reducing personal debt in the United States," yet this Congress has consistently operated counter to the principles of managing, saving, and reducing debt. I encourage my colleagues to heed the advice we are giving the American people, and take a serious look at our finances. I believe the time has come for Congress to manage our nation's finances, increase our national savings, and reduce our national debt.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise today in support of H. Res. 1257, supporting the goals and ideals of Na-

tional Financial Literacy Month, 2010. The resolution recognizes the importance of managing personal finances, increasing personal savings, and reducing personal debt in the United States.

Creating a national culture of financial responsibility is incredibly important in these difficult economic times. I believe that a financially literate public is a key component to having a strong and robust economy. Resolutions like the National Financial Literacy Month help to promote broad-based financial literacy initiatives that are absolutely essential for the well-being of our country.

A recent survey done by the National Foundation for Credit Counseling has shown that more than 60 million adults admit to not paying all of their bills on time; approximately 150 million people report that they have not ordered their credit report in the last year, and more than 75 million people are not putting any part of their income toward retirement.

I am always surprised to hear statistics like this, and it is alarming because there are very simple things people can do to save money and lead more financially stable lives. We must do whatever is necessary to educate the public on financial matters and develop unbiased financial literacy training programs within our communities.

I want to acknowledge the vigorous efforts of Congressman RUBÉN HINOJOSA and Congresswoman JUDY BIGGERT, co-chairs of the Financial and Economic Literacy Caucus, to improve the overall economic situation of all those residing in the United States. I would also like to acknowledge Greg Davis and Zachary Cikanek for their endless work and dedication to financial education.

Mr. Speaker, I believe that together we can continue to make a difference and help empower people to take control of their financial lives. I encourage my colleagues to support this resolution.

Ms. JACKSON LEE of Texas. Mr. Speaker, I rise today in strong support of H. Res. 1257, "Supporting the goals and ideals of National Financial Literacy Month, 2010, and for other purposes." Let me begin by thanking my colleague Representative RUBÉN HINOJOSA from my home state of Texas for introducing this legislation into the House of Representatives as it is important that we continually promote and encourage honest and thrifty financial decision making abilities in our citizens.

Considering the current state of our economy, Mr. Speaker, it is critically important that we begin raising public awareness about financial education. A recent study put forth by the Federal Deposit Insurance Corporation (FDIC) stated that approximately 54 percent of Black households, 44.5 percent of American Indian/Alaskan households, and 43.3 percent of Hispanic households either have no checking or savings accounts or have used non-bank money orders, non-bank check-cashing services, payday loans, rent-to-own agreements, or pawn shops at least once or twice a year.

This statistic is alarming to many in our nation, Mr. Speaker, and it highlights an increasing lack of financial awareness in our nation. By educating our citizens on the proper use of checking and savings accounts as well as educating citizens of other financial instru-

ments we will seek to see a reduction in the use of payday loans, pawn shops and other predatory financial transactions in our nation.

Furthermore, according to the Bureau of Economic Analysis the U.S. aggregate personal savings rate as a percentage of disposable personal income dropped 0.3 percent between January and February of this year. In February the aggregate personal savings rate as a percentage of disposable personal income was 3.1, as compared with 3.4 percent in January 2010.

Still further, troubled loans, mortgages and toxic assets are still plaguing our economy and making it increasingly difficult for the average person to make sound financial decisions.

This is why it is critically important that we help give people the tools needed to manage their personal finances. Some of the basic encouragements we can pass along to our citizens through education programs would be to increase personal savings, and reduce personal debt.

Helping our citizens to become economically empowered and in control of their personal finances is also essential toward the recovery of our national economy. By giving our citizens the ability to plan for their financial future and by giving our citizens the ability to make important investment and entrepreneurial decisions, we will help to improve the quality of life of all Americans through the next generation.

While it is important to focus on educating adults in the areas of thrift and finance, it is even more important that we educate our youth about the importance of making sound economic and financial decisions. These types of financial decision making habits—whether they be wise or careless—are often developed during childhood and usually become lifelong tendencies.

An added benefit that would come from increasing our nation's financial literacy and providing financial education programs for our citizens would be the additional protection against financial fraud that would be created. Giving people the resources to understand and control their own finances and to understand potential risks and hazards would empower people against identity theft and other financial schemes that attempt to do them harm.

I ask my colleagues for their support of H. Res. 1257, as well as their continued support for the economically downtrodden in this nation. By increasing the capacity of our citizens to make prudent economic decisions, I am sure that we will see a return to American prosperity that will last for generations to come.

I would like to again thank my colleague Representative RUBÉN HINOJOSA for his leadership in introducing his bill as well as for his support of the American people and our economy.

Mr. Speaker, I strongly support H. Res. 1257 and ask for its immediate adoption.

Mrs. MCCARTHY of New York. Mr. Speaker, recently President Obama proclaimed April 2010 as Financial Literacy Month. I applaud the President for doing this because the country's future prosperity depends on the financial security of all Americans. I am proud to be an original cosponsor of H. Res. 1257, which supports the goals and ideals of National Financial Literacy month.

As a nation, we have all been impacted by the effects of our struggling economy. While there are many factors that have contributed to the current economic climate, and there is no one cause, we do know that consumers need to be more aware and informed of how their finances work and how to avoid some common financial pitfalls.

It is never too early or too late to learn about consumer, economic, and personal finance concepts, which is why I introduced the Financial and Economic Literacy Improvement Act. This bill will provide grants to improve financial literacy education for K-12 and college students. Additionally, I worked with my Financial Services Committee colleagues to draft an amendment included in the House financial regulatory reform bill that will create a Financial Literacy Program which will run through the Department of Treasury's Office of Financial Literacy.

The Government has an important role in protecting consumers and promoting sound financial literacy programs. It is up to each individual to utilize services that provide the knowledge and understanding of basic concepts such as avoiding excessive debt, saving for an education and steering clear of deceptive products and practices.

Now is the time, regardless of age, that we learn, as consumers, about financial products so we may protect ourselves and our families in the future. I urge all my colleagues to support H. Res. 1257.

Mr. BACA. Mr. Speaker, I rise to support House Resolution 1257, Supporting the goals and ideals of National Financial Literacy Month.

In these tough economic times, increasing financial literacy is one of the best ways we can accomplish a complete recovery and take significant steps to prevent another crisis.

Every day, many Americans struggle with their finances. These problems are especially prevalent among young adults and minorities.

In fact, the FDIC found in a recent study that approximately 60,000,000 people in the U.S. are underbanked.

These numbers are more disturbing when we look at the percentage of underbanked people among minorities: 43.3 percent of Hispanic households and close to 54 percent of Black households are either unbanked or underbanked.

We must do more to educate every American on how to safely manage their wealth and build a stable foundation for themselves and their family's future.

In the fall, Mr. HINOJOSA, Mrs. MCCARTHY, and I introduced an amendment that would create a new consumer education office within the proposed Consumer Financial Protection Agency.

This office will operate programs and develop initiatives to ensure that all financial institutions are doing their part to come up with innovative ways to increase financial literacy among their consumers.

Throughout my time in Congress I have been a consistent supporter of improving financial literacy efforts and I am committed to remaining one as long as I hold office.

I want to commend Mr. HINOJOSA on his hard work on this issue and for bringing this resolution to this floor.

I urge my colleagues to vote in support of House Resolution 1257, Supporting the goals and ideals of National Financial Literacy Month, and I yield back the balance of my time.

Mrs. BIGGERT. I would urge all of our colleagues to support this resolution, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. HINOJOSA) that the House suspend the rules and agree to the resolution, H. Res. 1257.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. HINOJOSA. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

HONORING THE LIFE AND ACHIEVEMENTS OF REV. BENJAMIN LAWSON HOOKS

Mr. COHEN. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1271) honoring the life and achievements of Rev. Benjamin Lawson Hooks.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1271

Whereas Benjamin Lawson Hooks, a native Memphian, was the fifth out of seven children born to Robert B. and Bessie Hooks;

Whereas his grandmother, Julia Britton Hooks, was the second African-American female college graduate in the Nation, graduating from Berea College in Kentucky in 1874;

Whereas Dr. Hooks studied prelaw at LeMoyné College in Memphis and continued his studies at Howard University in Washington, DC, and at Depaul University Law School in Chicago, Illinois;

Whereas Dr. Hooks was a member of Omega Psi Phi Fraternity;

Whereas after college, he then served in the United States Army during World War II and had the job of guarding Italian prisoners who were able to eat in restaurants that were off limits to him, an experience that he found humiliating and that deepened his determination to do something about bigotry in the South;

Whereas in 1949, Dr. Hooks met teacher Frances Dancy and the couple married in 1952;

Whereas the couple had a daughter, Patricia Gray;

Whereas from 1949 to 1965 he was one of the few African-Americans practicing law in Memphis, Tennessee;

Whereas in 1954, Dr. Hooks served on a roundtable with Thurgood Marshall and other Southern African-American attorneys to formulate a possible litigation strategy days before the Supreme Court decision in *Brown v. Board of Education of Topeka* was handed down;

Whereas Dr. Hooks served as assistant public defender of Shelby County, Memphis, from 1961 to 1965;

Whereas in 1965, he was appointed by Tennessee Governor Frank G. Clement to serve as a criminal judge in Shelby County becoming the first African-American criminal court judge in the State of Tennessee;

Whereas Dr. Hooks was also a Baptist minister who pastored at the Greater Middle Baptist Church in Memphis, Tennessee, and the Greater New Mount Moriah Baptist Church in Detroit, Michigan;

Whereas he joined the Southern Christian Leadership Conference of Reverend Martin Luther King in 1956;

Whereas from 1972 to 1977, President Richard Nixon appointed Rev. Hooks to the Federal Communications Commission, making him the first African-American appointed commissioner;

Whereas from 1977 to 1992, Rev. Hooks was the Executive Director and CEO of the National Association for the Advancement of Colored People (NAACP);

Whereas under his leadership, the NAACP fought for affirmative action, led efforts to end apartheid in South Africa, and addressed racism in sports and in the Rodney King trial;

Whereas Rev. Hooks was awarded the Spingarn Medal in 1986 from the NAACP;

Whereas Dr. Hooks served as chairman of the board of directors of the National Civil Rights Museum in Memphis;

Whereas he taught at the University of Memphis, and the Benjamin L. Hooks Institute for Social Change was established at the University in 1996;

Whereas on March 24, 2001, Rev. Hooks and his beautiful wife Frances renewed their wedding vows for the third time, after nearly 50 years of marriage;

Whereas in 2002, Dr. Hooks founded the Children's Health Forum to protect the most vulnerable children from preventable disease;

Whereas Dr. Hooks received the Presidential Medal of Freedom from President George W. Bush at a White House ceremony in November 2007;

Whereas Rev. Hooks gave one of his last lectures on civil rights and social justice as part of the premier lecture series of the Benjamin Hooks Institute for Social Change in the Judiciary Committee Room of the Rayburn House Office Building in Washington, DC, on October 6, 2009;

Whereas he was one of the greatest civil rights icons of United States history and a community leader in Memphis; and

Whereas Rev. Benjamin L. Hooks was one of the golden-throated warriors of the spoken word, and one of the few silver-tongued giants of oratory: Now, therefore, be it

Resolved, That the House of Representatives honors the life and achievements of Dr. Benjamin Lawson Hooks, for his commitment to justice on the bench in Memphis, Tennessee, for his strong work with the National Association for the Advancement of Colored People to formulate strategies for eliminating barriers to civil rights, and for his leadership in promoting equal opportunity for all.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Tennessee (Mr. COHEN) and the gentleman from Texas (Mr. POE) each will control 20 minutes.

The Chair recognizes the gentleman from Tennessee.

GENERAL LEAVE

Mr. COHEN. I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous material on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

Mr. COHEN. I yield myself such time as I may consume.

Mr. Speaker, with the news today of Dorothy Height's passing, we have now lost two significant civil rights leaders in less than 1 week. Today in Memphis, Memphians and others throughout the country will have the opportunity to pay respects to Reverend Benjamin Hooks during a viewing at Greater Middle Baptist Church where he pastored for 52 years. Yesterday in Detroit, Michigan, Reverend Hooks was honored at Greater New Mount Moriah Baptist Church where he also pastored for some 40 years in the Detroit area.

A native Memphian, Reverend Hooks was one of the golden-throated warriors of the spoken word and one of the few silver-tongued giants of oratory. Dr. Hooks was born in 1925 and was the fifth of seven children born to Robert B. and Bessie Hooks.

His grandmother, Julia B. Hooks, was the second African American female college graduate in the Nation after graduating from Berea College in Kentucky in 1874.

Following in her footsteps, Dr. Hooks attended Le Moyne College in Memphis, where he studied pre-law. He continued to study at Howard University here in Washington, and later at DePaul University Law School in Chicago, Illinois, where he received a law degree. It was unfortunate that when he decided to go to law school, there was not a law school in Tennessee that accepted African Americans, and for that reason, Dr. Hooks traveled to Chicago.

After graduation from college but before law school, he entered the Army during World War II, and he had a job guarding Italian prisoners. The prisoners were able to eat in restaurants that were off limits to him because he was African American. He found this experience to be humiliating, and it deepened his determination to do something about bigotry not just in the South but in our country, as our Armed Forces were segregated and our African American soldiers fighting for our freedoms were not allowed freedoms that prisoners of war enjoyed.

Dr. Hooks returned to Memphis after being discharged from the war with the rank of staff sergeant. He began practicing law in Memphis in 1949, one of the few African Americans practicing law in Memphis. In 1954, he appeared on a roundtable with late Justice Thurgood Marshall and other southern African American attorneys to formu-

late a possible litigation strategy days before the Supreme Court decision in *Brown v. Board of Education of Topeka* was handed down, the landmark case that ended separate but equal and started the end of segregation in our Nation.

Dr. Hooks served as assistant public defender of Shelby County from 1961 to 1965, and in 1965, he was appointed by Governor Frank Clement to serve as criminal court judge in Shelby County. And he became the first African American criminal court judge in the State of Tennessee.

In 1956, while serving in the Baptist ministry at Greater Middle Baptist Church in Memphis, he joined the Southern Christian Leadership Conference with Dr. Martin Luther King, Jr., about the time that Dr. King in Montgomery was starting the boycotts of the downtown stores in Montgomery and working with Rosa Parks and boycotting the busses, leading to the great civil rights uprisings and movement in the South that made our Nation a more perfect Union.

□ 1500

President Nixon appointed Dr. Hooks to the Federal Communications Commission in 1972, and he served from 1972 to 1977 and was the first African American appointed commissioner, and there he wanted to make sure that African Americans had the opportunity to have ownership interest in radio and television and other opportunities that they didn't previously have.

In 1977 when he left the Federal Communications Commission, he did so to become executive director and the chief executive officer of the NAACP, the National Association for the Advancement of Colored People. In 1977, at that same time, Dr. Hooks' nephew, Michael Hooks, and I were serving on the Tennessee State Constitutional Convention, and we drafted a resolution to invite Dr. Hooks to address the Tennessee Constitutional Convention, limited convention, of 1977, the first African American ever asked to address the joint legislative body in the State of Tennessee.

While Dr. Hooks served as executive director of the NAACP, he fought for affirmative action, led efforts to end apartheid in South Africa, and addressed racism in sports and dealt with the Rodney King trial in Los Angeles. He was awarded the Spingarn Medal from the NAACP, its highest honor.

Reverend Hooks served as chairman of the board of directors of the National Civil Rights Museum in Memphis, my hometown and his as well. He taught at the University of Memphis, where the Benjamin L. Hooks Institute for Social Change was established in his honor in 1976. He made a significant personal financial contribution to that particular institute and commented to me one time that it was appropriate

and right and proper that when African Americans have been able to secure monies and savings that they make contributions to their society, and he was able to do that, a first generation of wealth that was able to contribute to civic causes. And he was proud to be a leader in that cause as well.

I was present in 2007 and honored to be in the White House when President Bush awarded Dr. Hooks the Presidential Medal of Freedom.

Most recently he gave one of his last lectures on civil rights and social justice as part of the premier lecture series of the Benjamin L. Hooks Institute for Social Change of the University of Memphis here in our Judiciary Committee room in the Rayburn House Office Building. It was October 6, 2009. Several Members of Congress were present and other interested parties in D.C. and on the Hill, and he was accompanied on that occasion, as he was on so many occasions, by his beautiful and jovial bride, Frances.

Frances Dancy was a teacher. She met Ben Hooks at a Shelby County fair. Ben Hooks was a lucky man because he found the perfect bride. Frances was by his side and gave up her career as a teacher. She gave up that career to be first lady of the church, whether it was Mount Moriah, Greater New Mount Moriah in Detroit or Greater Middle Baptist in Memphis, whether on Lamar or on Knight-Arnold.

They were married in 1952. They renewed their vows for the third time after nearly 50 years of marriage on March 24, 2001. She has encouraged him in all of his endeavors, and she will see that his memory is maintained and preserved in an appropriate fashion.

Dr. Hooks was one of the greatest civil rights icons in American history and a community leader in Memphis and a friend of many in this Congress. He is survived by his beautiful and devoted wife, Frances, his daughter Patricia Gray, grandchildren and a nephew, in particular Michael Hooks, who served in public office and a great grandnephew, Michael Hooks, who also served in a public office.

His funeral will be tomorrow in Memphis, Tennessee, at Bountiful Blessings, the flagship Church of God in Christ in Memphis, Superintendent Hawkins presides. His was a life well lived.

I reserve the balance of my time.

Mr. POE of Texas. I yield myself such time as I may consume.

Mr. Speaker, I want to commend Chairman CONYERS and Ranking Member SMITH for so quickly sponsoring this resolution and bringing it to the House floor.

I support House Resolution 1271, and this resolution honors the life and achievements of Dr. Benjamin Lawson Hooks for his commitment to justice and his work with the NAACP to eliminate barriers to civil rights and his

leadership in promoting equal opportunity for everybody.

He was born in Memphis in 1925. His family inspired him to study diligently in school and go to college, from which he graduated in 1944. After service in the United States Army, he went to law school at DePaul University. He graduated in 1948 and went back home to Memphis, Tennessee.

From 1949 to 1965 he was one of a handful of African Americans practicing law in Memphis. In his law practice, Dr. Hooks was determined to combat segregation. Days before the United States Supreme Court decision in *Brown v. Board of Education* in 1954, Dr. Hooks joined Thurgood Marshall and other attorneys at a roundtable to consider litigation strategies to challenge Jim Crow laws. Dr. Hooks was a pioneer in restaurant sit-ins and other boycotts sponsored by the NAACP. Throughout the 1960s he worked with the NAACP on several civil rights protests and marches throughout the United States.

Throughout this time period, however, Dr. Hooks fulfilled a long desire and he entered the Christian ministry. In 1956, he was an ordained Baptist minister and preached regularly and contributed in many ways to churches which he served. It was his ministry and his law degree working together that gave him the deep conviction to fight for civil rights.

This deeper yearning surely influenced the power and scope of all of his civil rights work. He ran unsuccessfully for the State legislature in 1954; and as a juvenile court judge in 1959 and 1963, he became well-known in Tennessee politics and the Governor tapped him to fill a vacancy in Shelby County criminal court, and in 1965 he became the first African American in criminal court as a criminal court judge in the State of Tennessee.

When President Nixon appointed him to the Federal Communications Commission in 1972 through 1977, he was also the first African American appointed to the FCC. And from 1972 to 1992, 20 years, he served as executive director for and CEO of the National Association for the Advancement of Colored People.

Then in 2007, in recognition of his life's work and commitment to the ideal that all people are created equal, Dr. Hooks received the Presidential Medal of Freedom from President George W. Bush.

I urge my colleagues to join me in supporting this resolution.

I yield back the balance of my time.

Mr. COHEN. Mr. Speaker, I would just like to comment, I appreciate Representative POE's comments. He was a former criminal court judge and like Judge Hooks was a criminal court judge, they share that experience.

I keep under the glass on my desk a picture that was taken of Benjamin

Hooks as a lawyer with Russell Sugarman, A.W. Willis, I believe it was A.A. Latting and S.A. Wilbun, and appearing in city court in Memphis and defending individuals in Memphis charged with the violations of the law that were Jim Crow laws. It's a historic picture that people in Memphis know well; they stood up in a courtroom with just about a predominance of policemen around there and white visitors in the courtroom, but they stood for justice and they stood up.

Leaders in Memphis like Maxine Smith and Russell Sugarman are getting older, but they continue the fight as Reverend Hooks has. He had a difficult last few days, but he knew his time had come and he was at peace. He tried to make it to the inaugural to see the inauguration of the first African American President, Barack Obama. He was here. I think the weather was such and the conditions that he wasn't able to make it to the inauguration, but he made a point of coming in here and wanted to participate.

He was bipartisan. He came of an era when many African Americans in the South, if not most, were members of the Republican Party, the party of Lincoln. And he maintained a Republican allegiance through his appointments by President Nixon and a closeness to Senator Baker and others, but also had Democratic roots.

President Bush recognized his talents, as has President Obama and President Clinton. He supported Hillary Clinton for President because he had been close to the Clinton family. But he was happy to see America come to the time when an African American could be elected President, as Dr. King had wanted that time to come, that people were judged by the content of their character and not the color of their skin. We saw part of that resolution in 2008, and Ben Hooks was pleased to be able to see it.

As I said, he will be buried tomorrow at Bountiful Blessings where G.E. Patterson served as bishop of COGIC, and I know there will be many other people from around the world there to honor him.

I would like to thank my friend JOHN CONYERS, the chairman of the Judiciary Committee, who worked with me on this resolution and is unfortunately absent because of other commitments. He was close to Reverend Hooks in Detroit and other places fighting for civil rights over the years. I would also like to commend the ranking member of the Judiciary Committee, LAMAR SMITH, for joining me in cosponsoring this resolution.

I yield as much time as he may consume to Chairman TOWNS of New York.

Mr. TOWNS. Let me thank the gentleman from Memphis for yielding to me, because I had an opportunity to work very closely with Dr. Hooks. I recall we moved the NAACP to Brooklyn,

and he was the president of NAACP at the time we moved them to Brooklyn. I was always impressed with his dedication and commitment to people.

Dr. Hooks was really committed to change in a positive way; and, of course, having the opportunity to work very closely with him, I had the opportunity to observe him as he moved with people. He had just a way of bringing about coalitions where people would disagree with each other, but Dr. Hooks could pull them together and some way or another get them to begin to talk and work together. He is going to be truly missed. He was a person that has truly made a difference in this world as a result of his attitude and what he has done on behalf of the people.

So may I say to his family, you have my deepest, deepest sympathy; but, here again, we can be thankful that we had an opportunity to live during Dr. Hooks' lifetime. There is no question about it, he made this world a better place for all of us to live.

Mr. COHEN. I thank the gentleman for joining and relating those parts of Dr. Hooks' life.

He was, as I said, a great orator who took the Southern tradition of politics and the ministry and wove it into a manner of speech that was unrivaled and to his last days could deliver a sermon or a speech that was unparalleled. He will be buried tomorrow at Elmwood Cemetery, where my father is buried and where I suspect I will be buried, and we will spend eternity together.

I urge my colleagues to support this important resolution.

Mr. CONYERS. Mr. Speaker, this resolution honors the life and achievements of my dear friend, the late Dr. Benjamin Lawson Hooks.

With Dr. Hooks's passing last week, our nation lost a champion for justice and an iconic figure of the Civil Rights Movement.

Personally, I will never forget the genuine spirit and talent Dr. Hooks had in inspiring every individual he encountered. This spirit of Dr. Hooks is what we celebrate today.

In addition to being a dedicated civil rights advocate, Dr. Hooks was an accomplished attorney and judge, a government servant, and a respected Minister of the Gospel.

He served as the Executive Director of the NAACP for fifteen years. He was also the first African-American appointed as Commissioner of the Federal Communications Commission, and the first African-American criminal court judge in Tennessee.

Dr. Hooks was the founder of the Benjamin L. Hooks Institute for Social Change at the University of Memphis. He also founded the Children's Health Forum in 2002.

And the list of his accomplishments goes on.

Today, I would like to touch on three significant points.

First, Dr. Hooks's leadership in the Civil Rights Movement was shaped by his firm belief that education and non-violent activism could lift the oppressed.

He once said: "There are a lot of ways an oppressed people can rise. One way to rise is to study, to be smarter than your oppressor. The concept of rising against oppression through physical contact is stupid and self-defeating . . . the most enduring contributions made to civilization have not been made by brawn, they have been made by brain."

Dr. Hooks's own life was a testament to the power of education to overcome racism and oppression. He studied pre-law at Lemoyne-Owen College in Memphis, TN. While in college, Dr. Hooks was required to use segregated lunch counters, water fountains, and restrooms.

But he was not deterred by these daily reminders of inequality—he finished his college education, and joined the U.S. Army in 1944.

Even in the Army, Dr. Hooks was subjected to discrimination—he found that prisoners of war were often given better eating accommodations than African-American soldiers.

Dr. Hooks's pursuit of a legal education was also full of obstacles, because no law school in his native State of Tennessee would admit him.

However, he persevered, and obtained his Juris Doctorate degree from DePaul University College of Law in Illinois.

And he pledged to use his hard-earned legal education to further the Civil Rights Movement.

On my second point, Dr. Hooks's life's work resulted in the acceleration of significant changes towards equality in America.

It has been written that "Often in the past, Benjamin Hooks's words have been heeded by his fellow Americans and have been turned into national policies that have benefitted the whole society."

The Civil Rights Movement is woven from the work of many people who have tirelessly campaigned to end discrimination and racism in all its forms.

Dr. Hooks was a central thread in the patchwork of great civil rights leaders. His leadership in NAACP sit-ins and boycotts helped further the cause through non-violence.

And he applied his hard-earned education in his work with Thurgood Marshall and members of the Regional Council of Negro Leadership to create strategies in the wake of the Supreme Court's decision in *Brown v. Board of Education*.

It is with great pride that I remember Dr. Hooks's fifteen years of leadership with the National Association for the Advancement of Colored People (NAACP). I attribute the success and the turn-around of the NAACP to my friend, Dr. Hooks.

His tailored focus on empowering black Americans, and his call to all Americans to continue pressing for equality, helped the NAACP combat racism, fight apartheid, and defend affirmative action.

Finally, I would like to celebrate my dear friend's commitment to public service, and to lifting up people from all walks of life.

Dr. Hooks never strayed from his focus on securing equality for all Americans.

In 1972, he became the first African-American to be appointed to the Federal Communications Commission. He used his tenure in this distinguished government position to actively promote the employment of African-

Americans and other minorities in the broadcast industry.

Dr. Hooks saw his own success as an opportunity to help further the cause of equality and justice. He once said, "Black men who have succeeded have an obligation to serve as role models for young men entrapped by a vicious cycle of poverty, despair, and hopelessness."

I would like to commend my colleagues for their sponsorship of this resolution.

In particular, I would like to thank my good friend from Memphis, Tennessee, STEVE COHEN, for working with me on this important resolution.

I would also like to commend the Ranking Member of the Judiciary Committee, LAMAR SMITH, for joining me in co-sponsoring it.

I urge my colleagues to support this important resolution.

Mr. JOHNSON of Georgia. Mr. Speaker, rise today to express my strong support for H. Res. 1271, honoring the life and achievements of Dr. Benjamin Lawson Hooks. I would also like to commend the Chairman of the Judiciary Committee, JOHN CONYERS Jr., and Chairman STEVE COHEN, the sponsors of this resolution, for their commitment to preserving the accomplishments of Dr. Hooks.

Dr. Hooks had a legendary career and truly exemplifies the quintessential renaissance man. He was an inspirational speaker, defender of minorities and the poor, and a well-known director of the National Association for the Advancement of Colored People (NAACP). Dr. Hooks was a lawyer and a Baptist minister best known for boosting membership in the NAACP and making it relevant in today's political times. After a lifetime of advocacy for the oppressed, he was awarded the Presidential Medal of Freedom in 2007.

Dr. Hooks was born in Memphis, Tennessee, and took pre-law courses in his hometown from LeMoyne College; after graduating in 1944 he joined the Army. During the Second World War, Hooks found himself in the position of guarding Italian prisoners who were allowed to eat in restaurants that were off limits to him. The experience helped to deepen his resolve to do something about bigotry in the South. After his wartime service, he was promoted to the rank of staff sergeant. Hooks went north to Chicago to study law at DePaul University because no law school in Tennessee would admit him. He completed his Juris Doctor Degree in 1948. Upon graduation, Hooks went into private practice in Memphis from 1949–1965. While in private practice he became an ordained Baptist minister in 1956 and began to preach regularly at the Middle Baptist Church in Memphis, while continuing his busy law practice. He served as a public defender in Shelby County. From 1964 to 1968 he was a county criminal judge. Benjamin Lawson Hooks was nominated as a member to the Federal Communications Commission by President Richard M. Nixon in 1972. Shortly thereafter the United States Senate confirmed the nomination, and thus Mr. Hooks became the first African American to be appointed to the Commission. He served as a member of the Federal Communications Commission until 27 July 1977.

During his term on the Commission, Hooks actively promoted the employment of African-

Americans and other minorities in the broadcast industry as well as at the Federal Communications Commission offices. He also encouraged minority ownership of broadcast properties. Hooks supported the Equal Time provision and the Fairness Doctrine, both of which he believed were among the few avenues available to minorities for gaining access to the broadcast media.

The nomination and confirmation of Hooks to the Federal Communications Commission represented the efforts by African American organizations such as Black Efforts for Soul on Television to have an African American appointed to one of the seven seats on the Commission. Before Hooks' appointment there had been no minority representation on the Commission and only two women, Frieda Henncock and Charlotte Reid, had been appointed up to that time. Additionally, for 15 years Hooks presided over America's largest and most influential organization for blacks, the National Association for the Advancement of Colored People.

Dr. Hooks once said "A good history covers not only what was done, but the thought that went into the action. You can read the history of a country through its actions." Dr. Hooks would be proud on this day. Today, the United States House of Representatives recognizes his travail and hard work through the years. History will judge us by our actions.

As a member of the Judiciary, Subcommittee Chairman on Courts and Competition Policy, and a former judge myself, I recognize the importance of leaders such as Dr. Benjamin Lawson Hooks. I am proud to be a legacy of Dr. Hooks' work. He symbolized the epitome of what lawyers and judges strive to be, the character that all of us should strive to show. Please join me and support this resolution to honor Dr. Benjamin Lawson Hooks.

Ms. RICHARDSON. Mr. Speaker, I rise today in support of H. Res. 1271, which remembers Rev. Benjamin Hooks, who passed away last Thursday at the age of 85, and honors this heroic figure's life and achievements. This important measure is a deserving tribute to Rev. Hooks, a true champion of justice and equality. Rev. Hooks fought tirelessly for civil rights and, in doing so, made our country a better place for all Americans.

Rev. Benjamin Hooks was a critical figure in the fight for civil rights in the United States. He fought segregation through his many successful careers as a businessman, lawyer, judge, minister, and public servant. Rev. Hooks was the first African-American criminal court judge in Tennessee and the first African-American commissioner of the Federal Communications Commission.

Rev. Benjamin Hooks is most well known for his work with the National Association for the Advancement of Colored People (NAACP). Rev. Hooks was a pioneer of the NAACP-sponsored restaurant sit-ins and boycotts in the early years of the Civil Rights Movement. In 1976, the NAACP elected Rev. Hooks as the executive director of the organization. Rev. Hooks reenergized the NAACP, increased its enrollment dramatically, and enhanced the group's effectiveness. At a time when the Civil Rights Movement was widely considered to have ended, Rev. Hooks recognized that much work was left to be done and recommitted the NAACP to tirelessly fighting for the

rights of disadvantaged communities across the United States. Rev. Hooks guided the NAACP through decades of activism and oversaw the constant modernization and adaptation of the organization to respond to the new challenges of changing times.

Rev. Benjamin Hooks was a giant in the fight for civil rights in America over the last 60 years. Even as he and his family were targeted in bombings against civil rights leaders in the 1990s, his resolve and commitment to an equitable society never faltered. In characteristic modesty, Rev. Hooks often referred to himself as “just a poor little old country preacher,” but the truth is that he was much more than that. He left an indelible mark on American society and helped improve the lives of countless Americans. Rev. Hooks was honored for his life of service with the Presidential Medal of Freedom, which President George W. Bush presented to him in 2007.

I extend my deepest condolences to the family and friends of Rev. Benjamin Hooks as they grieve the loss of this truly special individual. Rest in peace, Rev. Hooks—“there is a balm in Gilead.”

Mr. COHEN. Mr. Speaker, I rise today to honor a great lion, a leader, one of the golden throated warriors of the spoken word and one of the few silver tongued giants of oratory, and a great civil rights icon, Benjamin Hooks. He passed away in Memphis, Tennessee, on Thursday, April 15, 2010. Dr. Hooks was the fifth child out of seven born to Robert and Bessie Hooks. His grandmother, Julia B. Hooks was the second African-American female college graduate in the nation after graduating from Berea College in Kentucky in 1874. Following in her footsteps, Dr. Hooks attended LeMoyne College in Memphis where he studied pre-law. He continued his studies at Howard University in Washington, D.C. and at DePaul University Law School in Chicago, Illinois. He was a member of Omega Psi Phi Fraternity.

After graduating from college, Dr. Hooks served in the Army during World War II and had the job of guarding Italian prisoners who were able to eat in restaurants that were off limits to him. He found this experience to be humiliating and it deepened his determination to do something about bigotry in the South. Dr. Hooks returned to Memphis after being discharged at the end of the war with the rank of staff sergeant.

Dr. Hooks began practicing law in 1949 becoming one of the few African-Americans to practice in Memphis. In 1954, he appeared on a roundtable with Thurgood Marshall and other Southern African-American attorneys to formulate a possible litigation strategy days before the Supreme Court decision in *Brown vs. Board of Education of Topeka* was handed down. Dr. Hooks served as assistant public defender of Shelby County from 1961–1965 until being appointed by Tennessee Governor Frank G. Clement to serve as a criminal judge in Shelby County, Memphis—becoming the first African-American criminal court judge in the State of Tennessee.

Rev. Benjamin Hooks was also the pastor at Greater Middle Baptist Church in Memphis and Greater New Mount Moriah Baptist Church in Detroit, Michigan. In 1956, while serving in the Baptist ministry, he joined the

Southern Christian Leadership Conference of Dr. Martin Luther King, Jr.

President Richard Nixon appointed Dr. Hooks to the Federal Communications Commission, making him the first African-American appointed commissioner. He served in this position from 1972 to 1977. From 1977 to 1992, Dr. Hooks was the Executive Director and CEO of the National Association for the Advancement of Colored People (NAACP). Under his leadership, the NAACP fought for affirmative action, led efforts to end apartheid in South Africa and addressed racism in sports and the Rodney King trial. He was awarded the Spingarn Medal in 1986 from the NAACP.

Rev. Hooks served as chairman of the board of directors of the National Civil Rights Museum in Memphis. He also taught at the University of Memphis where the Benjamin L. Hooks Institute for Social Change was established in 1996.

Dr. Benjamin Hooks was awarded the Presidential Medal of Freedom from President George W. Bush at a White House ceremony in November 2007. Most recently, he gave one of his last lectures on civil rights and social justice as part of the premier lecture series of the Benjamin Hooks Institute for Social Change in the Judiciary Committee Room of the Rayburn House Office Building in Washington, DC, on October 6, 2009.

Always by his side was his beautiful and jovial wife, Frances. They were married in 1952 and renewed their vows for the third time after nearly 50 years of marriage on March 24, 2001.

Dr. Benjamin Hooks was one of the greatest civil rights icons in American history and a community leader in Memphis. His commitment to justice on the bench in Memphis, his strong work with the NAACP to formulate strategies for eliminating barriers to civil rights and his leadership in promoting equal opportunity for all will always be remembered by the countless number of lives he touched. Rev. Benjamin L. Hooks is survived by his devoted wife Frances, daughter Patricia Gray, grandchildren and nephew Michael Hooks. His was a life well lived. Thank you for coming our way, Benjamin Hooks.

Ms. JACKSON LEE of Texas. Mr. Speaker, I rise in support of H. Res. 1271, “Honoring the life and achievements of Dr. Benjamin Lawson Hooks” introduced by my distinguished colleague from Michigan, Representative CONYERS.

Dr. Benjamin Lawson Hooks was a civil rights leader and served as the Executive Director of the National Association for the Advancement of Colored People (NAACP) from 1977 to 1992. Dr. Hooks graduated with a bachelor's degree from Howard University, a juris doctor degree from DePaul University College of Law, and received an honorary doctorate from Central Connecticut State University. He held professional memberships with the American Bar Association, National Bar Association, Tennessee Bar Association, Southern Christian Leadership Conference, the Tennessee Council on Human Relations, and Omega Psi Phi Fraternity, Inc. After passing the Tennessee Bar, he established his own law practice.

Dr. Hooks served as a distinguished adjunct professor for the Political Science Department

at the University of Memphis. In 1996, the Benjamin L. Hooks Institute for Social Change was established at the University of Memphis. The Benjamin L. Hooks Institute is a public policy research center supporting the urban research mission, and honoring Hooks' many years of leadership in the American Civil Rights Movement. The Hooks Institute also emphasizes social movements, race relations, strong communities, public education, effective public participation, and social and economic justice.

Dr. Hooks was ordained as a Baptist minister in 1956, and he preached regularly at the Greater Middle Baptist Church in Memphis. He joined the Southern Christian Leadership Conference along with Dr. Martin Luther King, Jr. Dr. Hooks became a pioneer of NAACP-sponsored restaurant sit-ins and other boycotts of consumer items and services.

In 1965, Dr. Hooks was appointed by Governor Frank G. Clement as the first African American criminal court judge in the Shelby Criminal Court. In 1966, he would later campaign for and win a full term to the same judicial office that he had been appointed to due to a vacancy. In 1972, President Richard Nixon appointed Dr. Hooks to be one of the five commissioners to the Federal Communications Commission (FCC). As a member, he addressed the lack of minority ownership of television and radio stations, the minority employment statistics for the broadcasting industry, and the image of African Americans in mass media. Dr. Hooks served as a producer and host for several local television shows in Memphis.

Dr. Hooks' honors and awards include the NAACP Spingarn Medal for outstanding achievements made by an African American, receiving the Presidential Medal of Freedom from President George W. Bush in November of 2007, and he was inducted into the International Civil Rights Hall of Fame at the Dr. Martin Luther King, Jr. National Historic Site on January 12, 2008. The Memphis Library Branch is also named in his honor. The NAACP later created the Benjamin L. Hooks Distinguished Service Award, which is awarded to persons for their efforts in implementing policies and programs which promote equal opportunity.

So it is with great pride and admiration that we honor Dr. Benjamin Lawson Hooks as a great civil rights leader, and as a successful businessman, judge, lawyer, and minister. He has fought triumphantly for the rights of African Americans and made great contributions to the African American community.

Mr. BISHOP of Georgia. Mr. Speaker, I rise today to honor the life and the legacy of Rev. Benjamin Lawson Hooks, who passed away April 15, 2010, at the age of 85. Rev. Hooks was more than just an accomplished man; he was a modern-day pioneer who overcame modern-day struggles. No matter the obstacle, Rev. Hooks continued to fight for equal rights, always believing that tomorrow will be better.

In fact, Rev. Hooks was often quoted as saying, “you have to believe that tomorrow somehow can be, and will be, better than today.” His mission in life was to make this belief a reality. As the first African-American commissioner of the Federal Communications Commission, a member of the Southern Christian Leadership Conference, Tennessee's first

African-American criminal court judge, and, finally, as the Executive Director of the National Association for the Advancement of Colored People (NAACP) from 1977 to 1992, Rev. Hooks worked tirelessly to make America a fairer, and more just, nation.

Under his leadership of the NAACP, he brought this storied civil rights organization from the brink of financial collapse. Rev. Hooks returned it to stability, increased membership, and created programs such as the NAACP ACT-SO (Academic, Cultural, Technological and Scientific Olympics) competitions, a major youth talent and skill initiative, and Women in the NAACP.

Rev. Hooks also was a stalwart in the face of adversity. In 1989, there were several gasoline bomb attacks in the South, resulting in the murder of a federal judge in Alabama and an African-American civil rights lawyer in Georgia. NAACP leaders were threatened with violence as well. Rev. Hooks responded to these acts of violence by saying, "We believe that this latest incident is an effort to intimidate our association, to strike fear in our hearts. It will not succeed."

This remarkable American lived a life of honor and purpose, leaving behind a legacy of equality and justice. Our nation is so much better for his dedication to the idea that "all men are created equal." Rev. Hooks is an inspirational figure to us all, and we must continue to strive to ensure that tomorrow will continue to be better than today.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise today in strong support of H.R. 1271 to honor the life and achievements of Dr. Benjamin Lawson Hooks who passed away on April 15, 2010. Dr. Hooks served as the Executive Director of the National Association for the Advancement of Colored People, and was a great civil rights leader.

Born in Memphis, Tennessee as the fifth of seven children, Dr. Hooks faced numerous racial barriers growing up in the segregated South. He graduated from Howard University in 1944, and after serving in the army during World War II, he completed a law degree from DePaul University in 1948. Upon graduation, he returned to Memphis where he opened his own law practice. Although faced with relentless discrimination in the legal field, Dr. Hooks managed to make a reputation for himself. In 1965 he was appointed to fill a vacancy in the Shelby County criminal court making him the first black criminal court judge in Tennessee history. Later, in 1972, he became the first African-American member of the Federal Communications Commission where he developed a reputation as a champion for minority owned television and radio stations.

In 1976, Dr. Hooks became the Executive Director of the National Association for the Advancement of Colored Peoples. His tenure saw an increase in membership and revenue, and additionally, he was influential in the national recognition of Martin Luther King, Jr. Day.

Mr. Speaker, Dr. Benjamin Hooks was an unyielding advocate for African-American civil rights, and he will be greatly missed. I ask my fellow colleagues to join me today in recognizing this remarkable leader who worked diligently for the black community and was a stalwart champion of fairness and equality for all.

Ms. WATSON. Mr. Speaker, today we acknowledge the loss of one of the nation's legendary civil rights icon, Benjamin L. Hooks. Mr. Hooks led the National Association for the Advancement of Colored People from 1977 to 1992.

Mr. Hooks grew up in the segregated South and was a vocal campaigner for civil rights in the United States.

Hooks was a lawyer and an ordained Baptist minister who joined the Southern Christian Leadership Conference and led the NAACP for 15 years.

When Benjamin Hooks took over the helm of the NAACP, the organization was suffering from declining membership and prestige. During his tenure, the NAACP added several hundred thousand new members to its roster.

Under his leadership, the NAACP worked with Major League Baseball on a program that expanded employment opportunities for African-Americans in baseball, including in positions as managers, coaches and in franchise executive offices.

Hooks also worked with colleagues to set up a program in which more than 200 corporations agreed to participate in economic development projects in black communities.

President George W. Bush awarded Hooks the Presidential Medal of Freedom, the nation's highest civilian honor, in November 2007.

We join the nation, his family, friends, and colleagues in mourning the loss of this legendary leader.

Mr. CUMMINGS. Mr. Speaker, I rise today in support of H. Res. 1271 and to mourn the loss of the former president of the National Association for the Advancement of Colored People (NAACP), Mr. Benjamin L. Hooks.

Mr. Hooks led the NAACP at a time when civil rights legislation began to have its greatest impact. The vote had been secured, equal facilities were legally required and the right to an equal education had finally been confirmed through court action.

Benjamin Hooks had already seen the benefits of the fight for civil rights that he helped lead. Before taking over the NAACP, Hooks was President Nixon's choice to head the Federal Communication Commission as that body's first Black commissioner.

So, when he took over at the NAACP, many believed the fight was over and the impact of the NAACP had declined.

Benjamin Hooks knew that the fight would never end, as long as injustice remained in this world. When he left the NAACP in 1992, the membership who believed along with him, fought along with him, and who join me in mourning his loss, had grown by hundreds of thousands of Americans.

His service to his country and to the NAACP was not the birth of his activism. Even as a young man, Benjamin Hooks fought for equality.

Hooks served in the Army during World War II, guarding prisoners of war. In his hometown of Memphis, these prisoners would have more rights than he did. So Hooks began fighting for those whose rights had been left behind.

For 16 years, he practiced law in Memphis, became a minister and served as the first African American criminal court judge in the state of Tennessee.

During his tenure at the FCC, Hooks pushed for more minority leadership of media outlets. Minority employment in broadcasting grew from 3 percent to 15 percent during his tenure, according to the Associated Press.

After retiring from the NAACP, Hooks stressed that wealthy and middle-class African Americans should give time and resources to those who are less fortunate. He served as pastor of Middle Baptist Church and president of the National Civil Rights Museum, both in Memphis. He also taught at the University of Memphis.

His lifetime work was so critical to the Civil Rights movement that in 2007, Hooks received the nation's highest honor, the Presidential Medal of Freedom, from President George W. Bush.

So today, it is with a heavy heart that I mourn the loss of an American leader and legend, Mr. Benjamin Hooks.

Ms. JACKSON LEE of Texas. Mr. Speaker, I rise to support H. Res. 1271 "Honoring the life and achievements of Dr. Benjamin Lawson Hooks" introduced by my distinguished colleague from Michigan, Representative CONYERS.

Dr. Benjamin Lawson Hooks was a civil rights leader and served as the Executive Director of the National Association for the Advancement of Colored People (NAACP) from 1977 to 1992. Dr. Hooks graduated with a bachelor's degree from Howard University, a juris doctor degree from DePaul University College of Law, and received an honorary doctorate from Central Connecticut State University. He held professional memberships with the American Bar Association, National Bar Association, Tennessee Bar Association, Southern Christian Leadership Conference, the Tennessee Council on Human Relations, and Omega Psi Phi Fraternity, Inc. After passing the Tennessee Bar, he established his own law practice.

Dr. Hooks served as a distinguished adjunct professor for the Political Science Department at the University of Memphis. In 1996, the Benjamin L. Hooks Institute for Social Change was established at the University of Memphis. The Benjamin L. Hooks Institute is a public policy research center supporting the urban research mission, and honoring Hooks' many years of leadership in the American Civil Rights Movement. The Hooks Institute also emphasizes social movements, race relations, strong communities, public education, effective public participation, and social and economic justice.

Dr. Hooks was ordained as a Baptist minister in 1956, and he preached regularly at the Greater Middle Baptist Church in Memphis. He joined the Southern Christian Leadership Conference along with Dr. Martin Luther King, Jr. Dr. Hooks became a pioneer of NAACP-sponsored restaurant sit-ins and other boycotts of consumer items and services.

In 1965, Dr. Hooks was appointed by Governor Frank G. Clement as the first African American criminal court judge in the Shelby Criminal Court. In 1966, he would later campaign for and win a full term to the same judicial office that he had been appointed to due to a vacancy. In 1972, President Richard Nixon appointed Dr. Hooks to be one of the five commissioners to the Federal Communications Commission, FCC. As a member, he

addressed the lack of minority ownership of television and radio stations, the minority employment statistics for the broadcasting industry, and the image of African Americans in mass media. Dr. Hooks served as a producer and host for several local television shows in Memphis.

Dr. Hooks' honors and awards include the NAACP Spingarn Medal for outstanding achievements made by an African American, receiving the Presidential Medal of Freedom from President George W. Bush in November of 2007, and he was inducted into the International Civil Rights Hall of Fame at the Dr. Martin Luther King, Jr. National Historic Site on January 12, 2008. The Memphis Library Branch is also named in his honor. The NAACP later created the Benjamin L. Hooks Distinguished Service Award, which is awarded to persons for their efforts in implementing policies and programs which promote equal opportunity.

So it is with great pride and admiration that we honor Dr. Benjamin Lawson Hooks as a great civil rights leader, and as a successful businessman, judge, lawyer, and minister. He has fought triumphantly for the rights of African Americans and made great contributions to the African American community.

Mr. COHEN. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Tennessee (Mr. COHEN) that the House suspend the rules and agree to the resolution, H. Res. 1271.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the yeas have it.

Mr. COHEN. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

SUPPORTING THE MISSION AND GOALS OF 2010 NATIONAL CRIME VICTIMS' RIGHTS WEEK

Mr. COHEN. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1104) supporting the mission and goals of 2010 National Crime Victims' Rights Week to increase public awareness of the rights, needs, and concerns of victims and survivors of crime in the United States, no matter their country of origin or their creed, and to commemorate the National Crime Victims' Rights Week theme of "Crime Victims' Rights: Fairness. Dignity. Respect."

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1104

Whereas over 25,000,000 individuals in the United States are victims of crime each year, including over 6,000,000 individuals who are victims of violent crime;

Whereas a just society acknowledges the impact of crime on individuals, families, neighborhoods, and communities by ensuring that rights, resources, and services are available to help rebuild the lives of victims;

Whereas although our Nation has steadily expanded rights, protections, and services for victims of crime, too many victims are still not able to realize the hope and promise of these expanded rights, protections, and services;

Whereas despite impressive accomplishments over the past 40 years in crime victims' rights and services, there remain many challenges to ensuring that all victims—

(1) are treated with fairness, dignity, and respect;

(2) are offered support and services regardless of whether they report the crimes committed against them to law enforcement; and

(3) are recognized as key participants in our system of justice when such crimes are reported;

Whereas justice systems in the United States should ensure that services are available for all victims of crime, including victims from underserved communities of our Nation;

Whereas observing victims' rights and treating victims with fairness, dignity, and respect serve the public interest by engaging victims in the justice system, inspiring respect for public authorities, and promoting confidence in public safety;

Whereas individuals in the United States recognize that our homes, neighborhoods, and communities are made safer and stronger by identifying and meeting the needs of crime victims and ensuring justice for all;

Whereas treating victims of crime with fairness, dignity, and respect, as encouraged and expressed by the theme of 2010 National Crime Victims' Rights Week, "Crime Victims' Rights: Fairness. Dignity. Respect.", costs nothing more than taking time to identify victims' needs and concerns, and effective collaboration among justice systems to meet such needs and concerns; and

Whereas 2010 National Crime Victims' Rights Week, April 18 through April 24, 2010, provides an opportunity for justice systems in the United States to strive to reach the goal of justice for all by ensuring that all victims are afforded legal rights and provided with assistance as they face the financial, physical, spiritual, psychological, and social impact of crime: Now, therefore, be it

Resolved, That the House of Representatives—

(1) supports the mission and goals of 2010 National Crime Victims' Rights Week to increase public awareness of—

(A) the impact on victims and survivors of crime; and

(B) the constitutional and statutory rights and needs of such victims and survivors;

(2) recognizes that fairness, dignity, and respect comprise the very foundation of how victims and survivors of crime should be treated; and

(3) directs the Clerk of the House of Representatives to transmit an enrolled copy of this resolution to the Office for Victims of Crime within the Office of Justice Programs of the Department of Justice.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Tennessee (Mr. Cohen) and the gentleman from Texas (Mr. POE) each will control 20 minutes.

The Chair recognizes the gentleman from Tennessee.

GENERAL LEAVE

Mr. COHEN. I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous material on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

Mr. COHEN. I yield myself such time as I may consume.

Mr. Speaker, House Resolution 1104 supports the goals and mission of National Crime Victims' Rights Week, celebrated this week, April 18 through 24.

This year's National Crime Victims' Rights Week theme is "Crime Victims' Rights: Fairness. Dignity. Respect."

Every April individuals in communities across the country, with the support of the Department of Justice's Office of Victims of Crime, observe National Crime Victims' Rights Week. Rallies, candle-light vigils and many other commemorative events honor crime victims during this observance of victims' rights.

National Crime Victims' Rights Week is observed to highlight the special needs of more than 21 million victims of crime and survivors of crime each year, including over 5 million victims of violent crime. Although the number of murder victims in 2008 fell by almost 4 percent from the previous year, we must remain vigilant in this fight against violent crime.

During this week in April, we take time out to ensure that resources and services are available to help crime victims rebuild their lives and to acknowledge the impact of crime on individuals, families, and communities.

Crime victims suffer not only from the losses that directly result from the crime, but also from the emotional trauma of being victimized. In 2007, total economic loss to victims across the country was \$2 billion for violent crime and \$16 billion for property crime. This week is also a time to make a commitment to providing more resources to victims of crimes committed in the workplace, in schools, and on college campuses.

□ 1515

In addition, we should pay special attention to children and elderly victims of crime.

National Crime Victims' Rights Week is an occasion to support crime victims. If we don't make a commitment to treating victims with the fairness, dignity, and respect they deserve, it makes it even more difficult for them to heal.

For all these important reasons, I urge my colleagues to support this important resolution.

Mr. Speaker, I reserve the balance of my time.

Mr. POE of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am pleased to join my colleague and friend from California (Mr. COSTA) as original cosponsors of this resolution to recognize and support the mission and goals of National Crime Victims' Rights Week.

I want to thank Mr. COSTA for his work on the Victims' Rights Caucus. California, from where he comes, is the State that started the victims rights movement. While Mr. COSTA was in the California legislature, he presented and sponsored the Three Strikes law and also victim notification in that State. He and I are co-chairs of the Victims' Rights Caucus, and this caucus is comprised of 62 members from both sides of the aisle who are dedicated to protecting the interests and needs of crime victims in our Nation. Crime issues are not partisan issues, they are people issues. They don't recognize borders or district boundaries. They affect everybody in this country.

National Crime Victims' Rights Week began in 1980, when President Reagan first called for a national observance to recognize and honor the millions of crime victims and survivors in our country. Victims' Rights Week also pays tribute to the thousands of victim service providers and professionals who provide critical support to victims throughout our country every day. The theme of this year's National Crime Victims' Rights Week is "Crime Victims' Rights: Fairness. Dignity. Respect."

Mr. Speaker, crime touches all of us and all of our friends and all of our neighbors. It happens in every State and every district. It has many forms. In 2008, 21 million crimes were committed in the United States. Of these, 5 million were violent crimes, 16 million were property crimes, and there were over 11,000 alcohol-impaired driving fatalities in 2006. In 2008, the incidence of identity fraud rose for the first time in nearly 5 years to 10 million victims here in the United States.

Crime victims are not just statistics, they are real people, real men, women and children, their families, their loved ones. What are we doing to help them? Well, we are raising awareness and highlighting issues important to victims. We are also protecting critical programs that are already in existence. Many of these programs were created by the landmark bill passed in 1984 called the Victims of Crime Act, or VOCA. This law created the VOCA fund. It's a novel concept where criminals who are convicted and sent to our Federal penitentiaries donate into a fund. That fund then is used for crime victims and crime-victim-related organizations throughout the United States.

This fund requires criminals to pay for the crimes they have committed. This money then pays for the rent on the courthouse, so to speak, pays for medical expenses of the victim, and

sometimes it covers the victims' funeral costs. This is money that is funded solely by criminals, it is not taxpayer money, and the money should be always used for victims of crime.

VOCA is the only Federal fund that caters to the needs of victims. Each year, over 4,400 agencies, 10,000 victim assistance programs, and about 4 million victims receive support and financial compensation from this fund whose coffers are filled by criminals who are sent to our penitentiaries.

The Office of Management and Budget estimates that the Crime Victims Fund in 2011 will have \$4.3 billion, with an additional \$1 billion to be deposited during the year of 2011. This money is solely for the victims of crime, funded with money paid by criminals who cause criminal conduct. We should make sure that this money stays with the victims and is not taken by our Federal bureaucrats and used for other pet projects.

Mr. Speaker, crime victims are real people who have survived sometimes gruesome acts of violence. Their voices must not be excluded from our criminal justice system. The criminal justice system should be justice not only for defendants of crime, but victims of crime as well.

As we take the opportunity to honor victims and their courage and their memories, we renew our commitment to protect the rights of crime victims and provide them with effective assistance programs. We also commend the countless professionals and volunteers who have dedicated their lives to help crime victims and survivors of crime.

I urge support of this resolution, and I reserve the balance of my time.

Mr. COHEN. Mr. Speaker, I yield such time as he may consume to the gentleman from California, my colleague in the National Conference of State Legislatures and my colleague here in Congress and the author of this resolution, Mr. COSTA.

Mr. COSTA. I want to thank the gentleman from Tennessee, my colleague and good friend, Representative COHEN, for his hard work not only on behalf of the people of Tennessee, but our Nation, in ensuring that good work is done. I do appreciate serving with you.

Mr. Speaker, I rise today in support of House Resolution 1104, to honor the National Crime Victims' Rights Week, which occurs this week from April 18 through April 24.

As a founder and co-chair of the Congressional Victims' Rights Caucus, Congressman TED POE—who just spoke and really stated it very clearly. He, who in a previous life served as a judge in Texas, saw firsthand the challenges of trying to ensure that justice was served, not just to the criminals, but to ensure that the victims of those crimes, as he sat and listened in his court on a daily basis, were understood and that in ways that justice needs to,

that they were reached out to. I want to congratulate my colleague, Congressman Ted Poe, for his previous service and his service today on behalf of not just Texans, but all Americans and those who care deeply about the impacts of crime and the victims that those crimes have created.

This year, the theme is Fairness, Dignity, and Respect, three things which all victims deserve; fairness, dignity and respect. Last week, the Victims Rights Caucus hosted—Congressman POE and I and other members—the Victims Rights Caucus Award ceremony to honor six individuals throughout the country for their outstanding accomplishments in the field of victim services and victim advocacy.

The National Crime Victims' Rights Week helps us all to be more aware and to acknowledge and to celebrate all the providers who are there for victims of crime, and to support the criminal justice professionals who provide critical assistance to victims all across our Nation.

I know, having been involved in California—as all of my colleagues in their own respective States—that these professionals, each day, on a 24/7 basis throughout the week, see the horrific impacts of these crimes.

Crime knows no bounds, and crime victims deserve our support and services to help them cope. They are our neighbors, they are our friends, they are our family members, those who are victims of crimes. And as was noted earlier by my colleagues, the VOCA fund that was created by Congress in 1984 and signed into law by President Reagan has for decades now reached out and provided necessary funds for over 4,000 organizations throughout our country to provide support for those victims of crime.

So I want to encourage my colleagues to support this resolution to show crime victims that we stand together in a bipartisan fashion for that fairness, for that dignity, and for that respect, and that we will continue to be supportive of commonsense approaches to assisting these individuals in their time of need.

Mr. POE of Texas. Mr. Speaker, I yield 5 minutes to the gentleman from California (Mr. ROYCE), who also, being from California, helped sponsor and did sponsor the stalking awareness law in the State of California and has brought that concept to Congress as well.

Mr. ROYCE. I thank the gentleman for yielding.

When we talk about the 5 million violent crimes that occur in this country every year, we should be mindful of what that means in terms of the shattered lives of the victims, those who survive and those who don't survive; their families are shattered by this experience.

I want to take a moment and recognize someone who did a lot in California to help change many of the laws

in our State, and that is Colleen Thompson Campbell, who lost not only her son to violent crime, but also, in a separate case, lost her brother and sister-in-law to murder as well.

I have had the opportunity to work with Colleen over the years. She formed an organization called MOVE, Memories of Victims Everywhere. One of the concepts that she had was to try, in State law, to overturn some of the worst decisions made by the then Rose Bird Court, which we did with Proposition 115. I was the author of that legislation. We could not get that legislation to try to restore rights between the victims of crime and the accused through the State legislature, so she went out and pounded the pavement with victims' rights groups across the State. And after gaining 1 million signatures, on the third try we were able to pass it overwhelmingly in the State of California. But that proposition, the Crime Victims/Speedy Trial Initiative, gave victims the right to a speedy trial, it gave those victims an opportunity to testify, it increased sentences, it increased punishment, it required reciprocal discovery of evidence, tried to right that balance, it allowed the family members of those victims to stay in the courtroom and follow these proceedings and not be dismissed, and allowed them also to go to the sentencing. I testified before the House Constitution Subcommittee here some years later when we had an opportunity to mold legislation based on what we had done in California, the victims' rights bill that became law, codifying crime victims' rights here at the Federal level.

I would also just like to recognize another individual who was affected by crime, Kathleen Baty. She never even knew that the man stalking her really had existed when she was in high school and went to UCLA. She was running on campus, she was participating in sports. She did not know that this individual—who she had never met—had become obsessed with her and would take it upon himself over the next 10 years to follow her and stalk her relentlessly and threaten her and attempt to abduct her. It is phenomenal that it took legislation to actually prevent this crime of stalking, but that's where the concept came from, from this case and the case of four young women in my county of Orange County who all died within a span of 6 weeks. Everyone had gone to law enforcement and been told there is nothing we can do despite you being stalked until you are attacked physically. So we passed the Anti-Stalker law—with her testifying—at the State level, and later she came back here and helped us with the Federal law as well.

Why with the Federal law? Because the first thing we tell victims is to get away from your stalker. And when he gets out, or slips—as with the case of

her stalker, he cut off his ankle bracelet after he was finally apprehended. By the way, he was apprehended on her doorstep after a 10-hour standoff with a knife to her throat, but he had not dragged her more than the required 1,000 feet, so it was not kidnapping.

This is why we needed the Anti-Stalker Act, why we passed it at the Federal level, why we have to be aware of the rights and the needs and the concerns of victims of crime because these are the types of laws that now we have been able to pass, as I say, in Japan and overseas as well, in Europe. But if we look at the effect on these lives—and I remember Kathleen Baty coming back here to tell me about how she was never able to shake this individual—now we have the Federal law so that if the victim crosses State lines, the perpetrator cannot cross those State lines to pursue them.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. POE of Texas. I yield the gentleman 1 additional minute.

Mr. ROYCE. I will also mention the legislation that I authored in California to put fines on those who are convicted of crimes and fund programs in the State for victims, and we have done this at the Federal level as well.

We need to do more to right the scales of justice; we need to do more to balance the rights of crime victims; and lastly, what this particular resolution here today does, we need to do more to make the public aware of just how out of balance these scales are to the 5 million victims of crime every year in the United States.

□ 1530

Mr. COHEN. I would just like to say I appreciate Mr. ROYCE's comments.

Mr. Speaker, in Tennessee, I worked to pass an antistalking law and was successful in doing it. They are important. Whether it's Kathleen in southern California or Victoria in Texas, they need to be protected, and we need to make sure we have such laws.

I yield such time as he may consume to the gentleman from New York (Mr. TOWNS) to address this subject.

Mr. TOWNS. I would like to thank the gentleman from Memphis, Tennessee, for yielding to me.

Mr. Speaker, I rise today in support of H. Res. 1104, commemorating National Crime Victims' Rights Week and its theme, "Fairness. Dignity. Respect." I would also like to reflect upon a topic that is of deep concern to me: violence against women.

Domestic violence has a profound psychological impact on victims and survivors. There has been a 35 percent increase in domestic violence shelter bed use since 2002. Increased shelter utilization is evidence of the displacement and psychological havoc that domestic violence wreaks on families. We must put a stop to this.

Nationally, one-half to two-thirds of residents in domestic violence shelters are children. In fact, on one day in 2007, 13,485 children were living in a domestic violence shelter or in a transitional housing facility. Another 5,526 sought services within nonresidential programs. Children who experience or who witness domestic violence are more likely to become abusers or victims, themselves.

Beyond the home, violence in the form of sexual assault carries with it similar lasting psychological and sociological effects. According to data provided by the Rape, Abuse and Incest National Network, 60 percent of cases are never even reported to the police. We know that one in six women and one in 33 men will be sexually assaulted in their lifetimes, with college-aged women four times more likely to be sexually assaulted.

Both domestic violence and sexual assault have lasting implications on the lives of victims, survivors and their families. It is important, Mr. Speaker, while working towards crime prevention, that we continue to treat victims and survivors of sexual assault and of domestic violence with fairness, dignity, and respect. We must work together as a Nation to bring awareness to these important issues so that we may prevent further abuse.

I thank the gentleman from Memphis, Tennessee (Mr. COHEN) for granting me the time.

Mr. POE of Texas. I yield myself such time as I may consume.

Mr. Speaker, during this debate, on which we agree this legislation should be passed, we have talked a lot about victims. The victims that we have talked about are more than statistics. They are real people.

Before I came to Congress, I spent over 20 years on the criminal court bench in Houston, Texas. I saw about 25,000 people come to the courthouse who were charged with the most serious crimes in our society. Along with those defendants came other people who didn't want to be at the courthouse either, but they were there because they were chosen by defendants to be prey, in many cases, and those were victims of crime. They came to the courthouse. They were all races, all ages, of both sexes, and of all philosophies, but crime does not discriminate against who the victim may be.

Before I became a judge, I was a prosecutor in Houston, Texas. I spent my last year prosecuting capital cases. In my office across the street, I have a lot of photographs of my kids, of my four kids and of my eight grandkids, but I also have two other photographs that have been in my office ever since I was at the courthouse in Houston, first as a prosecutor and then as a judge.

This is a photograph of Kevin Wanstrath. He was born the same year as my son Kurt, but Kevin didn't have

the fortune of living very long. This photograph was taken just a few days before he was murdered.

Kevin didn't have a lot going for him when he was born. He was born in Biloxi, Mississippi. His mother didn't want him, so she threw him in a Dempsey Dumpster. A homeless guy found him, turned him over to Catholic charities, and he was taken care of in that orphanage. A couple in Houston, Texas, by the name of John and Diana Wanstrath, a married couple, couldn't have children. They found Kevin. They adopted him, and they made Kevin Wanstrath their child.

Unbeknownst to them, there was a relative who was plotting to kill John and Diana Wanstrath. Under Texas law, if the parents die, the child gets everything. On a summer night in Houston, Texas, two individuals posing as real estate agents came to the front door of John and Diana Wanstrath. They first shot John in the head and then shot Diana in the head. Then while Kevin Wanstrath was asleep in his baby bed and was curled up to his favorite little teddy bear—he had blue terry cloth pajamas on—he was shot in the back of the head. He was assassinated on the altar of greed.

There were four henchmen involved in that murder. It turned out that, during the trial, we proved that there was another homicide, that Diana Wanstrath's mother was also murdered by these henchmen.

That was a long time ago. Two of the killers received the death penalty. Two others went to prison for a long time. But I've always wondered what Kevin Wanstrath would turn out to be. He was 14 months old in this photograph. He didn't get to live very long, but he was a victim.

Today, we've talked about victims of crime, but they were and they are, Mr. Speaker, real people, people who just wanted to live, to grow up, to play in their backyards with their dads—things that never happened for Kevin, for a lot of other kids in our culture and for a lot of adults, too.

We as a Nation must understand that violence against people in this country has to end and that people who commit crimes against children and others, violent crimes, must be held accountable under our laws for the choices that they make. We as a society and we as a culture are not judged by the way we treat the rich, the famous, the powerful, the important, the politicians. We are judged by the way we treat the weak, the elderly, the children. That is how we are judged.

That's why this resolution and other resolutions which talk about victims are important, so I urge all of my colleagues to support this resolution and to remember that victims are people, too. And that's just the way it is.

I yield back the balance of my time.

Mr. COHEN. I appreciate the remarks of Congressman POE, which were obviously heartfelt.

Mr. Speaker, I think there is bipartisanship within this House in looking out for the victims of crime and in trying to see that there aren't more victims. Sometimes you hear speeches on the floor which are written or which are, maybe, not as personal in nature, but what Mr. POE said was personal. His experience as a prosecutor and as a criminal court judge came through, and I am privileged to have listened to that and to be able to join in his thoughts of: That's just the way it is.

Ms. JACKSON LEE of Texas. Mr. Speaker, I rise in support of H. Res. 1104, supporting the mission and goals of 2010 National Crime Victims' Rights Week to increase public awareness of the rights, needs, and concerns of victims and survivors of crime in the United States," introduced by my distinguished colleague from California, Representative COSTA.

The 2010 National Crime Victims' Rights Week, April 18 through April 24, 2010, will provide an opportunity for justice systems in the United States to strive to reach the goal of justice for all by ensuring that all victims are afforded legal rights and provided with assistance as they face the financial, physical, spiritual, psychological, and social impact of crime. The theme for 2010 is, "Crime Victims' Rights: Fairness. Dignity. Respect."

Although our Nation has steadily expanded rights, protections, and services for victims of crime, too many victims are still not able to recognize the hope and promise of these expanded rights, protections, and services. Over 25,000 individuals in the United States are victims of crime each year, including over 6,000,000 individuals who are victims of violent crime.

Despite impressive accomplishments over the past 40 years in crime victims' rights and services, there remain many challenges to ensuring all victims—(1) treated with fairness, dignity, and respect; (2) are offered support and services regardless of whether the crimes committed against them to law enforcement; and (3) are recognized as key participants in our system of justice when such crimes are reported.

Observing victims' rights and treating victims with fairness, dignity, and respect serve the public interest by engaging victims in the justice system, inspiring respect for public authorities, and promoting confidence in safety. Justice systems in the United States should ensure that services are available for all victims of crime, including victims from underserved communities of our Nation.

A just society acknowledges the impact of crime on individuals, families, neighborhoods, and communities by ensuring that rights, resources, and services available to help rebuild the lives of victims. Individuals in the United States recognize that our homes, neighborhoods, and communities are made safer and stronger by identifying and meeting the needs of crime victims and ensuring justice for all. Treating victims' of crime with fairness, dignity, and respect costs nothing more than taking time to identify victims' needs and concerns, and effective collaboration among justice systems to meet such needs and concerns.

I urge my colleagues to support H. Res. 1104 in increasing the public awareness of the impact on victims' and survivors of crime and the constitutional and statutory rights and needs of victims' and survivors. We all have an obligation in protecting the rights of all people and ensuring that they receive the respect and dignity they deserve.

Mr. JOHNSON of Georgia. Mr. Speaker, I rise today to express my strong support for H. Res. 1104, Supporting the mission and goals of 2010 National Crime Victims' Rights Week to increase public awareness of the rights, needs, and concerns of victims and survivors of crime in the United States. I would also like to commend Congressman JIM COSTA, the sponsor of this resolution, for his commitment to increasing awareness of protecting the rights, needs, and concerns of victims and survivors of crime in the United States.

This resolution draws critical attention to the impact that crime has on the people of the United States. There are over 25 million individuals in the United States that are victims of crime each year, including over 6 million individuals who are victims of violent crime. Crime is a major part of everyday society. The effects of crime touch just about everyone to some degree; the primary group affected are innocent citizens.

According to a United Nations report, the United States is the leading country in financial loss due to violent crimes; the cost is estimated around \$45 billion. During a time of recession, this information sheds more light on the impact crime has on our society.

In Georgia alone there are over 422,589 crimes that are reported each year. The Georgia Bureau of Investigation, GBI, is working hard to provide the highest quality investigative, scientific, and information services and resources to the criminal justice community and others as authorized by law. At this time, the Investigative Division of the Georgia Bureau of Investigation is prioritizing its resources to combat violent crime in Georgia. Death investigation, investigations of violent crime, and investigations of drug activity which directly contribute to violent crime, currently consume the majority of Investigative Division resources. GBI agents are constantly exploring and developing more effective investigative techniques to address violent crime.

The Dekalb County Police Department understands and strongly embraces the philosophy and strategy of Community Oriented Policing in their daily operations and functions. Proactive strategies that promote lasting crime reduction and problem-solving will be developed and implemented. This will be accomplished through a working partnership based on mutual trust, understanding and a shared responsibility in all branches of government, the police department, the private sector, each citizen and within all of our communities. I would have to agree with President Obama when he said, "We are going to do everything in our power as long as I'm in the White House and as long as I'm the father of two girls to make sure that we're providing the states the support that they need"; these words were Obama's commitment to continue to fight crime, and provide law enforcement with the necessary tools. During my time as a

Dekalb County commissioner I worked in conjunction with local police departments to combat crime and keep my community safe. As a former commissioner, judge, and a father of two children myself, I understand the detrimental impact that crime can have on a community and the importance of increasing awareness of protecting the rights of victims and survivors of crime.

Please join me and support this resolution to bring awareness to the rights, needs, and concerns of victims and survivors of crime in the United States.

Mr. REICHERT. Mr. Speaker, I ask that we take time to recognize National Crime Victims' Rights Week. As a law enforcement officer for 33 years, protecting victims of crime and their rights is a mission close to my heart.

In the King County Sheriff's office, I saw unspeakable tragedies firsthand. I saw the consequences of crime and how it affects victims—sometimes for the rest of their lives. There are few things more painful than looking into the eyes of a victim, knowing that a criminal's selfish, terrible deed has done irreparable damage to an innocent life.

As a cop, you live with the hard truth that you can't prevent every crime. But what we can all do is provide as much support and aid to victims as possible. We can help them receive justice and return some normalcy to their lives.

I urge my colleagues to keep victims of crimes in their hearts and minds, especially when voting for measures that will support their ability to move beyond the tragedies they've suffered and are working to overcome.

Ms. RICHARDSON. Mr. Speaker, I rise today in support of H. Res. 1104, which supports the mission and goals of 2010 National Crime Victims' Rights Week and promotes public awareness of the rights, needs, and concerns of victims and survivors of crime. This is an important measure that helps to ensure that all victims are treated with dignity, fairness, and respect, and that victims have access to the support and treatment that they need and deserve.

I thank Chairman CONYERS for his leadership in bringing this bill to the floor. I also thank the sponsor of this legislation, Congressman JIM COSTA, for his dedication to ensuring that our society is committed to the rights and compassionate treatment of crime victims.

Mr. Speaker, over 25,000,000 individuals are victims of crime every year; more than 6,000,000 of them are victims of violent crimes. In my district, nearly 7 out of every 1,000 residents of Long Beach, California suffered a violent crime in 2008. Over the past 40 years, the United States has made significant progress in expanding rights, services, and support for crime victims. However, as this resolution appropriately acknowledges, there is still work to be done.

Crime victims in underserved and low-income communities often do not have access to the support and services needed to help them move past their traumatic event and achieve normalcy in their lives. Access to services for crime victims should be available in every community across the country. Observing the rights of all victims is not only a fundamental requirement of a just society, but

also serves the public interest by engaging victims in the justice system, inspiring respect for public authorities, and promoting confidence in public safety.

Additionally, every year, thousands of crimes go unreported to law enforcement. However, the victims of an unreported crime are no less deserving or in need of professional support than those of reported crimes. We must ensure that victims of all crimes—reported or unreported—have equal access to services. Our communities, neighborhoods, and homes are made stronger, safer, and healthier by guaranteeing that all crime victims are treated with dignity, respect, and fairness.

Mr. Speaker, victims of crime suffer traumatic experiences that alter their lives and those of their family members. A just society acknowledges that crime victims have unique needs and provides the proper support services. National Crime Victims' Rights Week reminds us of this important obligation.

I urge my colleagues to join me in supporting H. Res. 1104.

Mr. COHEN. I ask that all of my colleagues join me in supporting this resolution, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Tennessee (Mr. COHEN) that the House suspend the rules and agree to the resolution, H. Res. 1104.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the yeas have it.

Mr. POE of Texas. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until approximately 6:30 p.m. today.

Accordingly (at 3 o'clock and 40 minutes p.m.), the House stood in recess until approximately 6:30 p.m.

□ 1830

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. QUIGLEY) at 6 o'clock and 30 minutes p.m.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on motions to suspend the rules previously postponed.

Votes will be taken in the following order:

House Resolution 1257, and House Resolution 1271, both by the yeas and nays.

Proceedings on House Resolution 1104 will resume later in the week.

The first electronic vote will be conducted as a 15-minute vote. The second electronic vote will be conducted as a 5-minute vote.

SUPPORTING THE GOALS AND IDEALS OF NATIONAL FINANCIAL LITERACY MONTH, 2010

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution, H. Res. 1257, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. HINOJOSA) that the House suspend the rules and agree to the resolution, H. Res. 1257.

The vote was taken by electronic device, and there were—yeas 397, nays 4, not voting 29, as follows:

[Roll No. 212]

YEAS—397

Ackerman	Carney	Emerson
Aderholt	Carson (IN)	Engel
Adler (NJ)	Carter	Eshoo
Akin	Cassidy	Etheridge
Altmire	Castle	Fallin
Andrews	Castor (FL)	Farr
Arcuri	Chaffetz	Filner
Austria	Chandler	Fleming
Baca	Childers	Forbes
Bachmann	Chu	Fortenberry
Bachus	Clay	Foster
Baird	Cleaver	Fox
Baldwin	Clyburn	Frank (MA)
Barrow	Coble	Franks (AZ)
Bartlett	Coffman (CO)	Frelinghuysen
Barton (TX)	Cohen	Fudge
Bean	Cole	Galleghy
Becerra	Conaway	Garamendi
Berkley	Connolly (VA)	Garrett (NJ)
Berman	Cooper	Gerlach
Biggart	Costa	Giffords
Bilbray	Costello	Gingrey (GA)
Bishop (NY)	Courtney	Gonzalez
Bishop (UT)	Crenshaw	Goodlatte
Blackburn	Crowley	Gordon (TN)
Bonner	Cuellar	Granger
Bono Mack	Culberson	Graves
Boozman	Cummings	Grayson
Boren	Dahlkemper	Green, Al
Boswell	Davis (CA)	Green, Gene
Boucher	Davis (IL)	Griffith
Boyd	Davis (KY)	Grijalva
Brady (PA)	Davis (TN)	Guthrie
Brady (TX)	DeFazio	Gutierrez
Braley (IA)	DeGette	Hall (NY)
Bright	Delahunt	Hall (TX)
Brown (SC)	DeLauro	Halvorson
Brown, Corrine	Dent	Hare
Brown-Waite,	Deutch	Harman
Ginny	Diaz-Balart, M.	Harper
Buchanan	Dicks	Hastings (FL)
Burton (IN)	Dingell	Hastings (WA)
Butterfield	Doggett	Heinrich
Buyer	Donnelly (IN)	Heller
Calvert	Doyle	Hensarling
Camp	Dreier	Heger
Campbell	Driehaus	Herseth Sandlin
Cantor	Duncan	Higgins
Cao	Edwards (MD)	Hill
Capito	Edwards (TX)	Himes
Capuano	Ehlers	Hinche
Cardoza	Ellison	Hinojosa
Carnahan	Ellsworth	Hirono

Hodes
Holden
Holt
Hoyer
Hunter
Inglis
Inlee
Israel
Issa
Jackson (IL)
Jackson Lee
(TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, Sam
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilroy
Kind
King (IA)
King (NY)
Kingston
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lamborn
Lance
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Loeb sack
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel
E.
Lynch
Mack
Maffei
Maloney
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McDermott
McHenry
McIntyre
McKeon
McMahon

McMorris
Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Schauer
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Nunes
Nye
Oberstar
Obey
Olson
Oliver
Ortiz
Owens
Pallone
Pascrell
Pastor (AZ)
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Putnam
Quigley
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Rush
Ryan (OH)
Ryan (WI)
Salazar

NAYS—4

Broun (GA)
Burgess

NOT VOTING—29

Alexander
Barrett (SC)
Berry
Bilirakis
Bishop (GA)
Blumenauer
Blunt

Boccieri
Boehner
Boustany
Capps
Clarke
Conyers
Davis (AL)

Sánchez, Linda
T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schradler
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sullivan
Tanner
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wasserman
Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Westmoreland
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

Kirk
Langevin
McGovern

Murphy (NY)
Ruddersberger
Sopper

Sutton
Wamp

□ 1859

So (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. CAPPS. Mr. Speaker, on rollcall No. 212, H.R. 1257, had I been present, I would have voted “yes.”

Mr. MURPHY of New York. Mr. Speaker, on rollcall No. 212, H.R. 1257, had I been present, I would have voted “yes.”

Mr. BILIRAKIS. Mr. Speaker, on rollcall No. 212, I was unavoidably detained. Had I been present, I would have voted “yes.”

HONORING THE LIFE AND ACHIEVEMENTS OF REV. BENJAMIN LAWSON HOOKS

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution, H. Res. 1271, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Tennessee (Mr. COHEN) that the House suspend the rules and agree to the resolution, H. Res. 1271.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 407, nays 0, not voting 23, as follows:

[Roll No. 213]

YEAS—407

Ackerman
Adlerholt
Adler (NJ)
Akin
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Bachus
Baird
Baldwin
Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggett
Bilbray
Bilirakis
Bishop (NY)
Bishop (UT)
Blackburn
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Brown (SC)
Brown, Corrine
Brown-Waite,
Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Chu
Clarke
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
DeGette
DeLaunt
DeLauro
Dent
Deutch
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)

Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Fallin
Farr
Fattah
Filner
Flake
Fleming
Forbes
Fortenberry
Foster
Fox
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garamendi
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gonzalez
Goodlatte
Gordon (TN)
Granger
Graves
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Hoyer
Hunter
Inglis
Inlee
Israel
Issa
Jackson (IL)
Jackson Lee
(TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, Sam
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilroy
Kind
King (IA)
King (NY)
Kingston
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Loeb sack
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel
E.
Lynch
Mack
Maffei
Maloney
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McDermott
McHenry
McIntyre
McKeon
McMahon

Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Putnam
Quigley
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda
T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schradler
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sullivan
Tanner
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wasserman
Schultz

Waters	Westmoreland	Woolsey
Watson	Whitfield	Wu
Watt	Wilson (OH)	Yarmuth
Waxman	Wilson (SC)	Young (AK)
Weiner	Wittman	Young (FL)
Welch	Wolf	

NOT VOTING—23

Alexander	Broun (GA)	Johnson, E. B.
Barrett (SC)	Davis (AL)	Kilpatrick (MI)
Bishop (GA)	DeFazio	Kirk
Blumenauer	Diaz-Balart, L.	Miller (NC)
Blunt	Gohmert	Ruppersberger
Boccheri	Hare	Souder
Boehner	Hoekstra	Wamp
Boustany	Honda	

□ 1908

So (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Ms. KILPATRICK of Michigan. Mr. Speaker, I was unavoidably absent for two votes today. Had I been present, I would have voted "aye" on final passage of H. Res. 1257 and "aye" on final passage of H. Res. 1271.

PERSONAL EXPLANATION

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, on Tuesday, April 20, 2010, I requested and received a leave of absence.

For the information of our colleagues and my constituents, had I been present, on the following votes I missed during this time period.

On rollcall 212, Supporting the goals and ideals of National Financial Literacy Month, 2010 (H.R. 1257), I would have voted "yes."

On rollcall 213, Honoring the life and achievements of Dr. Benjamin Lawson Hooks (H.R. 1271), I would have voted "yes."

PERMISSION FOR MEMBER TO BE CONSIDERED AS FIRST SPONSOR OF H.R. 1868

Mr. GARY G. MILLER of California. Mr. Speaker, I ask unanimous consent that I may hereafter be considered to be the first sponsor of H.R. 1868, a bill originally introduced by Representative Deal of Georgia, for the purposes of adding cosponsors and requesting reprintings pursuant to clause 7 of rule XII.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

PERSONAL EXPLANATION

Ms. JACKSON LEE of Texas. Mr. Speaker, last Thursday, April 15, 2010, I was away from this House on a matter dealing with constituency and official business regarding NASA, and I would like to submit into the RECORD the following votes if I had been present.

On rollcall vote 204, on agreeing to the resolution, H. Res. 1248. Had I been present, I would have voted "aye."

Rollcall vote 205, on a motion to suspend the rules on resolution, H. Res. 1062. Had I been present, I would have voted "aye."

Rollcall vote 206, on a motion to refer the resolution, H. Res. 1255. Had I been present, I would have voted "aye."

Rollcall vote 207, on agreeing to the amendment, H.R. 4715, the Shea-Porter of New Hampshire amendment. Had I been present, I would have voted "aye."

Rollcall vote 208, on a motion to recommit, to amend the Federal Water Pollution Control Act. Had I been present, I would have voted "no."

Rollcall vote 209, on the final passage of H.R. 4715, to amend the Federal Water Pollution Control Act. Had I been present, I would have voted "aye."

Rollcall vote 210, on a motion to suspend the rules and agree to resolution, H. Res. 1242, congratulating Duke University. Had I been present, I would have voted "aye."

Rollcall vote 211, H.R. 4851, on a motion to concur in the Senate amendment H.R. 4851, continuing the extension of unemployment benefits. Had I been present, I would have voted "aye."

Mr. Speaker, I rise to address the Chair regarding my absence from rollcall votes 204–211 on Thursday, April 15, 2010.

Mr. Speaker, I was not able to cast my votes during rollcall 204–211 on last Thursday because I was away working to save jobs for the American people. I would like to state for the record how I would have voted had I been present.

For rollcall vote 204, on agreeing to the resolution, H. Res. 1248, "Providing for consideration of the bill (H.R. 4715), Clean Estuaries Act of 2010 and waiving a requirement of clause 6(a) of rule XIII with respect to consideration of certain resolutions reported from the Committee on Rules, and providing for consideration of motions to suspend the rules," I would have voted aye;

For rollcall vote 205, on motion to suspend the rules and agree as amended, H. Res. 1062, "Recognizing the Coast Guard Group Astorias' more than 60 years of service to the Pacific Northwest, and for other purposes," I would have voted aye;

For rollcall vote 206, on motion to refer the resolution, H. Res. 1255, "Raising a question of the privileges of the House," I would have voted aye;

For rollcall vote 207, on agreeing to the amendment, H.R. 4715, "Shea-Porter of New Hampshire Amendment," I would have voted aye;

For rollcall vote 208, on motion to recommit with instructions, "To amend the Federal Water Pollution Control Act to reauthorize the National Estuary Program, and for other purposes," I would have voted no;

For rollcall 209 on passage of H.R. 4715, "To amend the Federal Water Pollution Control Act to reauthorize the National Estuary Program, and for other purposes," I would have voted aye;

For rollcall vote 210 on motion to suspend the rules and agree to H. Res. 1242, "Con-

gratulating the Duke University men's basketball team for winning the 2010 NCAA Division I Men's Basketball National Championship," I would have voted aye;

For rollcall vote 211, H.R. 4851 on motion to concur in the Senate Amendment H.R. 4851, "Continuing Extension Act," I would have voted aye.

NOTICE OF INTENTION TO OFFER RESOLUTION RAISING A QUESTION OF THE PRIVILEGES OF THE HOUSE

Mr. FLAKE. Mr. Speaker, pursuant to clause 2(a)(1) of rule IX, I hereby notify the House of my intention to offer a resolution as a question of the privileges of the House.

The form of my resolution is as follows:

Whereas, the Committee on Standards of Official Conduct initiated an investigation into allegations related to earmarks and campaign contributions in the Spring of 2009.

Whereas, on December 2, 2009, reports and findings in seven separate matters involving the alleged connection between earmarks and campaign contributions were forwarded by the Office of Congressional Ethics to the Standards Committee.

Whereas, on February 26, 2010, the Standards Committee made public its report on the matter wherein the Committee found, though a widespread perception exists among corporations and lobbyists that campaign contributions provide a greater chance of obtaining earmarks, there was no evidence that Members or their staff considered contributions when requesting earmarks.

Whereas, the Committee indicated that, with respect to the matters forwarded by the Office of Congressional Ethics, neither the evidence cited in the OCE's findings nor the evidence in the record before the Standards Committee provided a substantial reason to believe that violations of applicable standards of conduct occurred.

Whereas, the Office of Congressional Ethics is prohibited from reviewing activities taking place prior to March of 2008 and lacks the authority to subpoena witnesses and documents.

Whereas, for example, the Office of Congressional Ethics noted that in some instances documents were redacted or specific information was not provided and that, in at least one instance, they had reason to believe a witness withheld information requested and did not identify what was being withheld.

Whereas, the Office of Congressional Ethics also noted that they were able to interview only six former employees of the PMA Group, with many former employees refusing to consent to interviews and the OCE unable to obtain evidence within PMA's possession.

Whereas, Roll Call noted that "the committee report was five pages long and included no documentation of any evidence collected or any interviews conducted by the committee, beyond a statement that the investigation 'included extensive document reviews and interviews with numerous witnesses.'" (Roll Call, March 8, 2010)

Whereas, it is unclear whether the Standards Committee included in their investigation any activities that occurred prior to 2008.

Whereas, it is unclear whether the Standards Committee interviewed any Members in the course of their investigation.

Whereas, it is unclear whether the Standards Committee, in the course of their investigation, initiated their own subpoenas or followed the Office of Congressional Ethics recommendations to issue subpoenas. Therefore be it:

Resolved, That not later than seven days after the adoption of this resolution, the Committee on Standards of Official Conduct shall report to the House of Representatives, with respect to the activities addressed in its report of February 26, 2010, (1) how many witnesses were interviewed, (2) how many, if any, subpoenas were issued in the course of their investigation, and (3) what documents were reviewed and their availability for public review.

The SPEAKER pro tempore. Under rule IX, a resolution offered from the floor by a Member other than the majority leader or the minority leader as a question of the privileges of the House has immediate precedence only at a time designated by the Chair within 2 legislative days after the resolution is properly noticed.

Pending that designation, the form of the resolution noticed by the gentleman from Arizona will appear in the RECORD at this point.

The Chair will not at this point determine whether the resolution constitutes a question of privilege. That determination will be made at the time designated for consideration of the resolution.

□ 1915

VETERANS' LEGISLATION

(Mr. McNERNEY asked and was given permission to address the House for 1 minute.)

Mr. McNERNEY. Mr. Speaker, I rise in strong support of our Nation's veterans and to thank Chairman FILNER for his leadership on veterans' issues. Tomorrow, the House is expected to consider S. 1963, major legislation to improve the VA which includes legislation I introduced, the Caring for Veterans with Traumatic Brain Injury Act.

In order to meet the treatment and rehabilitation needs of veterans suffering from traumatic brain injury, my bill establishes a Committee on Care of Veterans with TBI, which has become the signature wound of the wars in Afghanistan and Iraq.

We must continue our efforts to provide veterans and their families with the best possible health care. The Committee on Care of Veterans with Traumatic Brain Injury will help provide improved TBI education and training programs for VA health professionals which will benefit our men and women returning from combat.

I want to thank all of the men and women serving in our Armed Forces as well as our Nation's veterans.

JERUSALEM

(Ms. ROS-LEHTINEN asked and was given permission to address the House

for 1 minute and to revise and extend her remarks.)

Ms. ROS-LEHTINEN. Mr. Speaker, we should not be doubling down on a failed Middle East policy by pressuring Israel to make further concessions, including on Jerusalem, Israel's undivided capital.

Holocaust survivor and Nobel Peace Prize winner Elie Wiesel recently wrote:

"Jerusalem is above politics. It belongs to the Jewish people, and it is much more than a city. It is what binds one Jew to another in a way that remains hard to explain. Today, for the first time in history, Jews, Christians and Muslims all may freely worship at their shrines. And, contrary to certain media reports, Jews, Christians and Muslims are allowed to build their homes anywhere in the city. The anguish over Jerusalem is not about real estate but about memory."

What is the solution, Mr. Speaker? Well, certainly not more pressure on our friend and our trusted ally Israel, while not holding others accountable for their actions.

HONORING ELK COUNTY COMMUNITY FOUNDATION

(Mr. THOMPSON of Pennsylvania asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. THOMPSON of Pennsylvania. Mr. Speaker, back in March a small foundation in Elk County, Pennsylvania gave its millionth dollar to a local organization and celebrated its 10th year of existence.

The Elk County Community Foundation has grown during its 10 years to encompass 68 permanent charitable funds. By managing these funds, the foundation improves the quality of life in Elk County and the surrounding area. The revenues earned by the various funds provide grants and scholarships to nonprofit organizations and to individuals.

On their anniversary, the foundation celebrated at the Central Hose Company in Ridgway, where the Ridgway Volunteer Fire Department recently received a grant to help with the purchase of new equipment for its tanker truck.

It is this type of generosity for which the foundation is known. Paula Fritz-Eddy, foundation executive director, says that every fund has a story—from nursing to music to rewarding scholarship.

I would like to commend foundation president Judith Manno Stager and all associated with the foundation for their phenomenal work in helping both donors and recipients.

I wish them another productive 10 years of service.

RULEMAKING REGARDING HEALTH CARE LEGISLATION

(Mr. BURGESS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BURGESS. Mr. Speaker, tomorrow we were to have a hearing in my Committee on Energy and Commerce about the companies in the United States that restated their earnings as a result of us passing the misguided health care bill last month. These companies were performing under requirements of the Securities and Exchange Commission and under the Federal Accounting Standards Board.

Some of the restatement of earnings you see here on this poster, the chairman of the Committee on Energy and Commerce thought that these restatement of earnings were simply done to embarrass the President on the signing of the bill. In fact, this was a loophole that was closed by a Senator on Christmas Eve and the loophole was to undo the Federal Government and these companies partnering together in order to prevent retirees from losing prescription drug benefits. It was a win-win situation for the employer and for the retiree.

Unfortunately, there are many things like this in this health care bill that are going to be coming forward. This hearing was canceled after it was pointed out to the chairman that in fact these companies were just simply restating earnings as they were required to do under the law. But many of the other provisions in this bill are going to be coming out over the next several months. We're just now entering into phase B, the rulemaking part, over at Health and Human Services.

It behooves this Congress to exercise its oversight authority over the Department of Health and Human Services as these rules are written.

RECOGNIZING ISRAEL IN HONOR OF HER 62ND BIRTHDAY

(Mr. PAULSEN asked and was given permission to address the House for 1 minute.)

Mr. PAULSEN. Mr. Speaker, I rise tonight to recognize our great ally, Israel, on the 62nd anniversary of their nation.

As the standard bearer for democracy in the Middle East, Israel is of critical importance to the United States. Since the declaration of the State of Israel in 1948, they have consistently shown the power of democracy in a very volatile part of the world.

Their achievements cannot be understated. The per capita annual GDP in Israel is nearly \$30,000 and the average life span is over 80 years. Israel consistently keeps its citizens safe, despite the security threats that occur on a

daily basis. The fact that Israel continues to grow in population at an annual increase of 1.8 percent is a strong signal of the nation's strength.

So today let us recognize Israel and their many achievements and let us always remember the unending bond between the United States and Israel that must continue to be protected.

HONORING THE SERVICE OF WEST FORK FIRE CHIEF MITCH MCCORKLE

(Mr. BOOZMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BOOZMAN. Mr. Speaker, I rise today to honor Mitch McCorkle, who has devoted his life to protecting the citizens of West Fork, Arkansas and is now retiring after 50 years of serving as the only fire chief in West Fork.

During his time as fire chief, Mitch has demonstrated his ability to innovate time and time again by building fire trucks that are uniquely suited to the landscape of northwest Arkansas. The longest serving fire chief in all of Arkansas, Mitch was a visionary in terms of what can be done with a volunteer department. Mitch's pride in doing his job and serving his community is an example to be followed and has made West Fork a better place.

West Fork will undoubtedly be losing an amazing fire chief. I commend Mitch for his service as the fire chief of West Fork, his passion for protecting our citizens, and his continued commitment to our safety. I wish him continued success in his endeavors and today I ask my colleagues to join me in honoring Mitch McCorkle, a fire chief whose continued devotion to the Third District of Arkansas has not gone unnoticed and will never be forgotten.

REGARDING THE HEALTH CARE REFORM BILL

(Mr. DANIEL E. LUNGREN of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, I asked if I could borrow this display here which really should have minuses in front of all these numbers because essentially these companies had to file in their financial reports the losses that they will incur immediately as a result of the passage and signing into law of the health care reform bill.

Now that's bad enough, but even worse was the initial response by this House to them following the law. And it was to receive a letter commanding their CEOs come before a committee of this House, a subcommittee of this House, with all of their internal documents as to how they could come up with this position.

Now think about it. This is one of the concerns many of us expressed about having the government take over medical care in this country to the extent this bill allows it: if you criticize the government, you will be called to heel before a committee of the House.

Now it is true that that call has been removed, but they have received a letter which told them the Congress will continue watching. This is not democracy. This is not independence. This is what we fought against.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

A "NEW START" TOWARD A NUCLEAR WEAPON-FREE WORLD

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

Ms. WOOLSEY. Mr. Speaker, for those of us who want to live in a world without nuclear weapons, there was very little good news, very little to celebrate over the last decade or so. The previous administration showed barely any interest in eradicating the nuclear threat. But now finally, with the recently signed START treaty between the United States and Russia, there is cause for optimism and hope for further progress.

In negotiating this agreement, I am pleased that President Obama has embraced the principles of the "no-nukes" resolution, House Resolution 333 that I have introduced in the Congress, and the SMART Security approach I've championed for years.

Much of the attention paid to arms control issues focuses on North Korea and the looming possibility of a nuclear threat from Iran. And of course these are gravely important matters to grapple with. But the fact is that more than 90 percent of the world's nuclear capability rests with the two Cold War superpowers. So a serious commitment to nonproliferation must begin with a bilateral U.S.-Russia approach.

This pact, the New START, mandates a 30 percent reduction in the allowed number of deployed strategic warheads, from a maximum of 2,200 down to 1,550 for each country, the most significant step toward disarmament in years. The treaty is far from perfect. In fact, I am disappointed that it places no restrictions on the development of missile defense programs which have delivered little bang for the taxpayer buck over the last several decades. But it is crucial that our Senate colleagues move quickly to ratify this treaty. Hopefully the partisan obstructionism that we've seen over and over again on the other

side of the aisle will be laid aside on this vital matter of national security.

We now have momentum on this issue. The President seized it this week with important breakthroughs at the Nuclear Security Summit he hosted in Washington. Tomorrow, the House Committee on Foreign Affairs will convene an important hearing to discuss stopping the spread of nuclear weapons and combating nuclear terrorism.

We cannot let up, Mr. Speaker, because there is difficult work ahead, and because the New START treaty with Russia really doesn't go far enough. We can't be satisfied with incremental steps. 1,550 nuclear warheads is still 1,550 too many. Just one of them has the power to leave carnage so devastating it would make 9/11 look like a minor traffic accident.

In an op-ed written for the Tampa Tribune, the leaders of the group Physicians for Social Responsibility reminded us in vivid terms what a nuclear strike would mean, and I quote:

"A single Hiroshima-sized bomb detonated by terrorists in New York City could kill over 250,000 people and cause somewhere between \$2 trillion and \$10 trillion in damage."

They continue:

"A large-scale nuclear exchange with Russia would kill more than 100 million Americans in the first half-hour. Clouds of dust and soot would block out the sun, and in a matter of days the average temperature across the globe would plummet 18 degrees Fahrenheit, to levels not seen on Earth since the depth of the last ice age. In this nuclear winter, agriculture would cease to exist throughout the northern hemisphere, and billions of people would starve in the following months."

□ 1930

Mr. Speaker, nothing less than the future of the human race hangs in the balance here. That's why the New START must be the start and not the end of our commitment to eliminate nuclear weaponry once and for all.

MEXICAN MILITARY HELICOPTER INCURSIONS INTO U.S.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. POE) is recognized for 5 minutes.

Mr. POE of Texas. I bring you news from the third front, that being the southern border with our neighbor Mexico, the first front being Iraq, the second front being Afghanistan. We are engaged in three conflicts, three wars. And the third front is the conflict on our border, the border war with the drug cartels.

The \$40 billion-a-year illicit drug trade in Mexico has resulted in a vicious wave of violence in northern Mexico and the United States. President Calderon of Mexico has said in the

last few years 23,000 Mexicans have been killed and murdered on the streets of Mexico. To put it in perspective, that is over twice the murder homicide rate in the United States.

Recently, there were two incursions by Mexican military helicopters across the Texas-Mexico border into the United States, and their intentions are still unknown. Those incursions were about 3 weeks apart. Some here in Washington questioned whether these astonishing reports of Mexican military helicopters actually were true.

Well, here is a photograph, Mr. Speaker, that was taken by some individuals in Zapata County, Texas. That is on the border with Mexico. This is an RV park. And this is one of those Mexican military helicopters. It is a Russian-made, built helicopter. It has the word "Marine" on the side, that being the Mexican Navy's helicopter. And this photograph was taken by more than one individual. Photographs of the first incursion were also taken. And the question remains why is the Mexican military helicopter coming into the United States, and why is our government silent about their intention? We do not know.

The international criminal drug cartels are just that: they are international. They are connected to terrorist organizations worldwide, and they make money selling drugs to fund their narcoterrorism. Which begs the question, Why are Americans allowing Mexican military helicopters to invade our airspace? I wish we had an answer from our government. Are they protecting drug shipments into the United States? We don't know. Are they doing something else? We don't know.

This photograph, by the way, this helicopter is over two miles into the United States. The Texas-Mexico border is not like Arizona and New Mexico and California. There is a river in between. It's hard to miss the river when you fly over it. So it's obviously not a mistake on the part of whoever is flying this helicopter.

You know, the primary duty of government is to protect the people. But the Federal Government, our government, has gotten so big and stuck its nose in so many places it doesn't belong it's no longer, in my opinion, performing its primary duty, protecting the people. Congress seems to be a little bit more concerned about steroids in baseball than they are concerned about protecting our border from people who come across without permission.

At the El Paso sector of the Border Patrol in Texas, our agents now are being targeted by the Azteca hitmen of the Juarez drug cartel. What that means is this: the Juarez drug cartel is bringing dope into the United States. Our Border Patrol is doing an excellent job, best that we will let them do, of preventing that from occurring. So

they have hired their own hitmen, the Azteca hitmen to target our Border Patrol agents. Our Border Patrol agents have a \$250,000 bounty on their heads for being Border Patrol agents, for trying to do their job. And they are being targeted for kidnappings or murder. It makes no difference. I think that ought to upset some of us here in Washington, D.C.

You know, the Azteca gang works for the Juarez drug cartel. They protect drug shipments that are brought into the United States. It gets bad down in Texas on the Texas-Mexico border. I recently asked a Texas Ranger, I said, What's it like after dark on the Texas-Mexico border? And he made this comment: It gets western. That's right, Mr. Speaker, it gets western. It's like the old West shootouts. You know, we have heard about all the shootings in northern Mexico. And it's only a matter of time before they shoot their way across the border into the United States.

This is serious. This is violent. And it's being perpetrated by the drug cartels against Americans both in Mexico and the United States, but it's also being perpetrated against Mexican nationals that live in Mexico.

You know, we shouldn't wait until something worse happens before we do something about it. It's important that we protect the dignity of our Nation because it's the first duty of government to protect the people of the United States. We should be sending the National Guard down to the border. This has been talked about before, yet nothing has happened. The Texas Governor and other State Governors have asked that the National Guard be deployed on the border. Why not?

It's interesting, Mr. Speaker, we protect the borders of other nations with our military, but we don't protect our own border with the National Guard. The question is, Why not? You know, it's time that we act, otherwise we delay at our own peril, Mr. Speaker.

And that's just the way it is.

ON THE PASSING OF DR. DOROTHY HEIGHT

Ms. LEE of California. Mr. Speaker, I ask that my comments on the passing of Dr. Dorothy Height be included with those of the Special Order that Congresswoman DIANE WATSON will be anchoring this evening.

The SPEAKER pro tempore. Without objection, the gentleman's 5-minute Special Order will appear in that portion of the RECORD.

There was no objection.

MEXICAN MILITARY HELICOPTER INCURSIONS INTO U.S.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. BURTON) is recognized for 5 minutes.

Mr. BURTON of Indiana. Mr. Speaker, tonight I was going to talk about the health care bill, and how it's going to affect AT&T, \$1 billion they are going to be out; John Deere, 150 million; Caterpillar, 100 million; Prudential a 100 million. All these companies, their bottom line is going to be reduced by all this money because of the health care bill that wasn't supposed to hurt our economy at all. But it's going to. It's going to hurt the bottom line of all these companies, and it's going to affect the people who work for them. They are going to be laying people off. They are going to be offshore many of these companies because of this. And it's something that wasn't talked about during the health care debate. The American people were against the bill. And if they knew this, they would really be against the bill.

But the thing I want to talk about tonight is my good friend, Congressman POE, was just down here. And usually when I come down here to give a talk at night, I have a subject like this I am going to talk about, but he said some things during his 5-minute Special Order that I wish all of my colleagues who may be watching back in their offices, and if I were talking to the American people, I would wish that they could hear what he had to say.

Mr. POE, did I understand you correctly when you said that there is a bounty of \$250,000 on our Border Patrol agents down there by the drug cartels?

Mr. POE of Texas. Will the gentleman yield?

Mr. BURTON of Indiana. I yield to the gentleman from Texas.

Mr. POE of Texas. Yes, in the western part of Texas, near El Paso, the Juarez drug cartel operates bringing drugs into the United States. They have hitmen that are called the Azteca gang. And they have been specifically hired to target our Border Patrol agents, a \$250,000 bounty on their head for kidnapping or murdering of them; that is correct.

Mr. BURTON of Indiana. I wasn't aware of that. And I doubt if any of our colleagues were aware of that. Are the sheriffs and all the law enforcement agencies down there, they are aware of it as well?

Mr. POE of Texas. Law enforcement is aware of the situation. All the law enforcement is aware.

Mr. BURTON of Indiana. Who in the world would want to be a Border Patrol agent or work on that border if they know that there is a \$250,000 bounty on their head by the drug cartels?

Mr. POE of Texas. I don't know. They are amazing people, the law enforcement, all of them, the Federal agents, the State agents, the sheriffs, local law enforcement. They are amazing people who work on the border because they are outgunned, outmanned, and outfinanced by the drug cartels.

Mr. BURTON of Indiana. And you showed a helicopter, a Mexican helicopter that was in the United States

airspace. And there is no explanation for that as well.

Mr. POE of Texas. That's right. That helicopter was in Zapata County, into the United States a mile and a half, two miles across the border, the river border, and we are yet to find out why that helicopter was there. Another one was in the United States about 3 weeks prior to this one.

□ 1945

Mr. BURTON of Indiana. And no American troops, National Guard or military of any kind is down there augmenting the border patrol agents that are risking their lives every day.

Mr. POE of Texas. That's correct. The border patrol are on their own working with the local sheriffs.

Mr. BURTON of Indiana. Well, you know, what I would like to do, Representative POE, under your leadership, I'd like to work with you to get a letter signed to the President of the United States talking about this bounty that's on our border patrol agents' heads, and ask him and the Governors of those States to do whatever is necessary to protect that border and to make sure that our border patrol agents aren't at risk like they are today. That's just terrible. I can't believe that. And if we could get a bunch of Members to sign a letter like that, maybe we could wake up the administration to the problem and get some additional help down there because, as you know, well, you of all people know, they're coming across in droves and they're using all kinds of methods to bring drugs into this country. And they're killing Americans. Wasn't there an American killed a couple of miles inside the border just a week or two ago?

Mr. POE of Texas. Yes, in Arizona a rancher was killed by people crossing the border into the United States, people illegally in the United States.

Mr. BURTON of Indiana. Well, I will be glad to work with you, if you would like to, to draft a letter to make sure that everybody knows in this body and the President knows that there is a bounty to kill American border patrol agents or to kidnap them and do whatever they do to them by the drug cartels. This is something that the American people need to know about. And I'm so happy that you brought this up tonight, and I'm going to do everything I can to work with you to make sure we do something to stop it. And I want to go down to the border with you to see this thing firsthand, and we'll be doing that pretty quick.

Mr. POE of Texas. Be glad to work with you. Appreciate it. Be glad to work with you on that.

Mr. BURTON of Indiana. Everybody in this body owes you a debt of gratitude.

WALL STREET VS. MAIN STREET

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Ohio (Ms. KAPTUR) is recognized for 5 minutes.

Ms. KAPTUR. Mr. Speaker, Wall Street speculation and the disaster it caused have been clear since the bailout in the fall of 2008. More foreclosures on Main Street, higher profits for Wall Street.

I fought against that bailout, and I continue to fight for Main Street and the people who are not high powered gamblers nor high paid investors nor the mega banks. My fight is for people to regain their jobs, for people to save their homes, and for people to have their hope restored.

I've been observing the U.S. Securities and Exchange Commission taking a baby step, long overdue, as watchdog of the markets that they are supposed to be regulating as enforcers of securities law.

As the New York Times reports today, rather than asserting that Goldman misrepresented a product it was selling, the most commonly used grounds for securities fraud, the Securities and Exchange Commission said in a civil lawsuit filed on Friday that the investment bank misled customers about how the product was created. In fact, the SEC can only file civil cases, so it's high time to look, rather, at the apparent criminal fraud involved in and around the hidden works of Wall Street and the financial crisis it precipitated.

Last year I introduced H.R. 3995, the 2008 Financial Crisis Investigation and Prosecution Act, authorizing the Director of the FBI to hire 1,000 additional agents and additional forensic accounting experts to probe down into the misdeeds that brought down the economy of our Nation.

Though the FBI is slightly beefing up their ranks on investigating fraud, during the savings and loan scandal of the late 1980s and early 1990s 1,000 agents, as well as forensic experts, exacted justice. Today, if there are even 300 over there doing part-time work on this, that would be a high number.

Back in the eighties and nineties, that savings and loan crisis cost the people of our country \$170 billion placed right squarely on the back of our taxpayers. The 2008 financial crisis could cost our people trillions of dollars. So it must be the focus of the Department of Justice to find and fight the fraud in our financial system. And they simply need more financial white collar crime agents to do so.

Citizens following the law have nothing to fear. Those committing criminal acts should know they will be caught. That is why, in addition to authorizing more FBI agents, H.R. 3995 also authorizes the hiring of more prosecutors in the Department of Justice to take those cases to trial.

In addition, the SEC has an important role in enforcement, as shown on Friday of last week, and H.R. 3995 strengthens the SEC by authorizing the hiring of more investigators.

Many groups support this effort and recognize the necessity of ensuring our financial system is rid of these criminals, and also pointing out who's profited from the harm that has been caused to the American people through their moral hazards.

No one knows exactly how much the financial crisis of 2008 will cost our taxpayers, but one way to lessen that blow to them is to claw back to the assets of those who rigged the system to their benefit and our Republic's detriment. Our citizens want those who committed crimes to be held accountable, and H.R. 3995 supports the agencies who can work for real justice.

I ask my colleagues to support this bipartisan bill and work to support the agencies tasked with finding and fighting massive fraud in our financial system.

Furthermore, Congress should be assured that the Department of Justice is on task to find and fight this fraud.

The charges against Goldman Sachs, the speculators there, by the SEC have released a wave of response across this country. And in today's New York Times Letters to the Editor, Oliver Revell, who served for 30 years as Special Agent and Senior Executive of the FBI and as an Associate Deputy Director, wrote to the Times, "It is clear to me that the SEC charges should be held in abeyance, and that the FBI and Justice Department should immediately open an investigation in the apparent fraud that occurred in this area."

He states that out of concern that the SEC's civil charges might result in future criminal actions being impossible, as evidence in civil trials can be excluded as inadmissible from criminal trial if it is used first in a civil trial.

I agree. And I'm circulating a letter among my colleagues asking Attorney General Holder to investigate Goldman Sachs and other related cases to find and fight fraud in our financial system.

Many questions are yet to be answered and situations investigated. How much of this was under the watch of then CEO of Goldman Sachs, Henry Paulsen, the former Secretary of the Department of the Treasury, who then bailed out the big banks with which he was so intimately implicated?

AIG must be one of these cases since Goldman Sachs was the largest domestic recipient of counterparty payments through AIG. Goldman's excessive profits in this first quarter have gone up more than \$3.5 billion. Imagine if you could borrow at one-half percent interest from the Federal Reserve and then lend that money out at 3.5 percent interest rate. You'd be making billions, too.

And it's not just all about Goldman Sachs. It's about Lehman Brothers, Washington Mutual, other banks, our speculative firms, hedge funds, mortgage companies. Fraud is against the law, and right now fraud appears to be rampant and getting away with it. We need to be investigating and catching the criminals and leaving those who abide the law alone.

I fought the bailout in part because I was concerned that rampant fraud was highly likely. And Congress needs to fight for Main Street and support those agencies that are responsible for fighting fraud in our system.

I ask my colleagues to join me by also signing the letter we have composed to Attorney General Holder asking for a criminal investigation with fraud related to these institutions; and also invite my colleagues to cosponsor H.R. 3995.

[From the New York Times, April 19, 2010]

A DIFFICULT PATH IN GOLDMAN CASE

(By Binyamin Applebaum)

WASHINGTON.—In accusing Goldman Sachs of defrauding investors, regulators are not only taking aim at a company with deep pockets and a will to fight—they are also pursuing an unusual claim that could be difficult to prove in court, legal experts said.

Rather than asserting that Goldman misrepresented a product it was selling, the most commonly used grounds for securities fraud, the Securities and Exchange Commission said in a civil suit filed Friday that the investment bank misled customers about how that product was created.

It is the rough equivalent of asserting that an antiques dealer lied about the provenance, but not the quality, of an old table.

To a layperson, the case against Goldman may seem clear cut.

After all, investors did not know some information about the product that they might have considered vital, and they lost \$1 billion in the end. But the rules that govern these kinds of transactions are not so plain.

Several experts on securities law said fraud cases like this one, which focuses on context rather than content, are generally more difficult to win, because it can be hard to persuade a jury that the missing information might have led buyers to walk away.

They added, however, that the strength of the S.E.C.'s case is impossible to gauge until the agency discloses more of the evidence it has assembled. So far it has provided only a sketch.

The stakes are huge. The S.E.C., battered by its failure to identify or prevent several major frauds in recent years, is eager to re-establish its credibility as an enforcer. But in choosing such a difficult battlefield, the commission also risks losing a case at a time when it is trying to re-establish its reputation as a tough watchdog.

Goldman's sterling reputation, a foundation of its financial success, is also on the line. Rather than settling with the government, it has so far chosen to fight back. The company says it provided its investors with all the information required by law. It has also stressed that it sold the securities to financial firms that were sophisticated investors.

The commission's core accusation is that while Goldman provided to those firms a detailed list of the assets contained in a secu-

rity it built and sold in 2007, it concealed the role of John Paulson, a hedge fund manager who worked with Goldman to pick what assets went into the security. Mr. Paulson then placed bets that the security would lose value.

In essence, the buyers bet that housing prices would go up, while Mr. Paulson bet that prices would fall.

Goldman was not legally required to provide any information to the investors, because Goldman found the buyers without offering them on the open market. But for any information that Goldman chose to provide, it was required by law to give a complete and accurate account.

Goldman outlined its likely defense arguments in two letters sent to the S.E.C. in September in response to a notice from the agency that the company was under investigation and could be sued.

In the letters, Goldman's lawyers at Sullivan & Cromwell wrote that the company Goldman hired to manage the deal, ACA Management, was "no mindless dupe that could be easily manipulated." Furthermore, the letters said that the downturn of the housing market was not a foregone conclusion, and that it was therefore misleading for the S.E.C. to consider the transaction through the lens of "perfect hindsight."

The letters went on to argue that, contrary to the S.E.C.'s assertions, Goldman disclosed all information about the deal that was material. In particular, the letters drew a sharp distinction between information about the security, which the company said it provided in full, and information about Mr. Paulson's role.

The second letter said, "It is this concrete information on the assets—not the economic interest of the entity that selected them—that investors could analyze and use to inform their decisions."

To win its case, the S.E.C. must prove that Goldman was not merely silent about Mr. Paulson's role but actually gave investors the wrong impression, experts in securities law said. Then it must prove that the missing information was material, a legal term meaning that investors armed with that knowledge might have decided not to buy the product from Goldman, or to do so at a lower price.

Allen Ferrell, a law professor at Harvard, said the suit rested on an unusual definition of material information.

"We normally think of material information as specific to the mortgages, not somebody's prediction about the future course of macroeconomic events," Professor Ferrell said. "So who cares whether Paulson is bullish or bearish? Whatever his personal opinion is about the future course of housing prices, the question is, did the investors have access to the underlying mortgages?"

But Donald C. Langevoort, a law professor at Georgetown University, said the case was consistent with other government efforts in past years to broaden the definition of material information. "The S.E.C. has long insisted that context is important," Professor Langevoort said. "If you think of it more broadly in that way, this isn't an unprecedented case."

Professor Langevoort cited as an example the commission's 2003 settlement with 10 investment banks over accusations that their research departments were providing recommendations to investors without disclosing that favorable reviews were used to attract underwriting business from the companies issuing the stock.

Adam C. Pritchard, a law professor at the University of Michigan, said that the

S.E.C.'s focus on the construction of Goldman's security reflected the increased complexity of financial instruments. Construction has simply become a more important part of the process, he said. But he added, "The basic idea that an undisclosed conflict of interest could be misleading is pretty much as old as stockbrokers."

In pursuing a new twist on an old idea, however, the S.E.C. has deeply unsettled the financial markets, opening the way for investors to file claims against banks that sold similar products, and forcing firms to reconsider their own liability.

Richard W. Painter, a corporate law professor at the University of Minnesota, said the novel nature of the fraud charges made it important for the S.E.C. to disclose more details quickly, so that markets were not paralyzed by uncertainty over the boundaries.

"The S.E.C. needs to step to the plate with very specific facts and make it clear what they think Goldman did that was wrong," Professor Painter said.

[From the New York Times, April 20, 2010]

LETTERS

THE UPROAR OVER GOLDMAN SACHS

To the Editor:

It is clear to me that the Securities and Exchange Commission charges should be held in abeyance and that the F.B.I. and the Justice Department should immediately open an investigation into the apparent fraud that occurred in this situation.

Goldman Sachs officials who approved of this insider manipulation, including Fabrice Tourre, the apparent creator of the Abacus 2007-AC1 fund, should be the immediate targets of this investigation, as should John A. Paulson, the apparent beneficiary of the fund.

If the S.E.C. proceeds with a civil case, much of the evidence may be inadmissible in a criminal proceeding because of Fifth Amendment issues. In my experience as an agent and former associate deputy director of the F.B.I. who was in charge of criminal investigations, this case should go to the top of the F.B.I.'s priority list. There should be an intensive investigation of all potentially criminal acts in this apparent scam.

OLIVER REVELL

Zurich, April 17, 2010

To the Editor:

Re "S.E.C. Accuses Goldman of Fraud in Housing Deal" (front page, April 17):

The securities fraud lawsuit against Goldman Sachs exposes a serious flaw in modern Western capitalism.

Adam Smith taught us that the point of a robust capital market is to direct capital to its best and highest use, where, combined with labor, it will produce the goods and services most valued by society. Asset bubbles are a problem, but at least mortgage-backed securities enabled people to live in their overvalued houses.

The Goldman "Abacus" transaction involved "synthetic" collateralized debt obligations, derivatives whose value rose and fell with the value of real C.D.O.'s elsewhere. It produced no goods or services, financed no consumption—nothing at all. Money that could, and should, have been used to add value to society was not invested; it was squandered as surely as if the parties had wagered on a horse race.

Legitimate hedging is one thing. Gambling with people's savings, university endowments and municipal funds, on the other hand, should be a crime.

CAROLINE POPLIN
Bethesda, Md.,

APRIL 18, 2010

To the Editor:

Goldman Sachs's ethical failures and hypocrisy are more important than whether it is legally guilty of fraud. Goldman presents itself as having higher standards than other Wall Street firms. It even posts "Our Business Principles" on its Web site, something most firms do not do. Among these are "Our clients' interests always come first" and "Integrity and honesty are at the heart of our business."

In the Abacus 2007-AC1 transaction, according to the Securities and Exchange Commission lawsuit, Goldman knowingly sold a product that was designed to fail, favoring its own interests and the interests of one client (John A. Paulson, a hedge fund manager) over the interests of other clients. Further, it failed to fully disclose how the Abacus portfolio was assembled. Goldman clearly did not adhere to its stated business principles in this deal.

JEFFREY COHEN
Arroyo Seco, N.M.,
APRIL 18, 2010

To the Editor:

As a real estate agent on the North Fork of Long Island in the roaring housing market here from 1998 to 2005, I was puzzled by the willingness of banks to give "no doc" (no documentation) and "liars" (self-explanatory) loans. Some of these buyers were borrowing more than the cost of their new homes.

Today we can see why the banks were so generous. The Securities and Exchange Commission charges that at least one bank, Goldman Sachs, knowingly sold packages of subprime loans that were meant to fail so that a savvy investor could most profitably short a pool of them.

Some subprime mortgage borrowers who are underwater, owing more on their homes than they are worth, are walking away, leaving their homes and the payments they have already made to the banks.

These days the North Fork real estate sales market isn't roaring anymore, but many of those former homeowners are keeping the rental market purring.

JANICE KELLER
Mattituck, N.Y.,
April 17, 2010

To the Editor:

Re "In a Rush to Judge Goldman?" (column, April 17):

In questioning a rush to judgment against Goldman Sachs, William D. Cohan seemingly tries to turn the table by asking: if "Goldman had lost billions instead of making billions, would the S.E.C. have filed a lawsuit against Abacus's investors?"

This ignores the fundamental issue in this case: fraud is fraud, whether the perpetrator profits from his misdeeds or not. The Securities and Exchange Commission is alleging that Goldman omitted material information from a prospectus that it was required by law to disclose so that the investors could make an informed decision about whether to buy the securities being offered.

Moreover, if Goldman did lose money—whether from the actual trades or the recent drop in share price—and the S.E.C. proved that Goldman had committed fraud, then Goldman's shareholders have been hurt by this activity and would have a right to sue to recoup their losses from those responsible.

JAMES O. CHAMBERLAIN
Forest Hills, Queens,
April 17, 2010

To the Editor:

Re "So Many Ways to Almost Say 'I'm Sorry'" (Week in Review, April 18):

It's the "say you're sorry" season for highly compensated bankers, but the apologies ring hollow. An apology without a commitment to make amends by way of financial reparations is similar to the "thank you" note that arrives six months after the gift has been received.

It's better than nothing, but not by much.

JOAN EVANGELISTI
Racine, Wis., April 19, 2010

RECOGNIZING "OUR KIDS OF MIAMI-DADE AND MONROE"

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Ms. ROS-LEHTINEN) is recognized for 5 minutes.

Ms. ROS-LEHTINEN. Mr. Speaker, I rise tonight to recognize the vital work of an important south Florida organization called "Our Kids of Miami-Dade and Monroe."

Since the year 2005, "Our Kids" has worked to ensure that at-risk, abused, abandoned and neglected children are afforded the opportunity to grow up in safe, permanent families.

As a grandmother and a former educator, I recognize the great opportunity that "Our Kids" has to fully support at-risk children.

Under the leadership of CEO Frances Allegra and Board Chairman Carlos de la Cruz, Jr., "Our Kids" has risen to the challenge and given direction to our local child protection system. Since 2005, "Our Kids" has created over 1,600 families through child-focused, family-centered adoptions. It has created an environment of seamless, cohesive, and comprehensive service that has led to a 15 percent increase in children who are adopted within 24 months of entering foster care. That means that today there are 36 percent fewer children in foster care in Miami and in the Florida Keys. This is a remarkable achievement in such a short time frame, and I applaud the progress.

There are too many children left to grow up without a strong family support system upon which they can rely. And sadly, it is more often than not those children who are most in need who are left to fend for themselves. Children who have experienced abuse and neglect are exceptionally vulnerable.

The safety and the development of our children must be our highest priority. We must ensure that all children have the chance, through guidance and support, to confidently build their lives, their families, their relationships. By matching kids to permanent, loving homes, or with caring foster parents, "Our Kids" is working to accomplish this worthy goal. "Our Kids" makes our community stronger and more supportive each and every day.

The men and women of "Our Kids" are selfless in their efforts to improve the lives of all of our children in South Florida. Every child ought to have a loving home, and it is our responsi-

bility as a community and a Nation, to guarantee that no child is left alone.

On behalf of parents everywhere, Mr. Speaker, I again thank "Our Kids of Miami-Dade and Monroe" and look forward to all of their future accomplishments on behalf of all of our children.

THE ONGOING PLIGHT OF THE PEOPLE OF BURMA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. ROHRABACHER) is recognized for 5 minutes.

Mr. ROHRABACHER. Mr. Speaker, I rise to draw attention to the ongoing plight of the people of Burma, now referred to as Myanmar. Shortly after the Second World War, Burma was granted its independence from Great Britain. With democratic institutions in place, rich natural resources and an educated population, it was expected that Burma would become a wealthy, stable and free country. Sadly, that country, with so much potential, has been dominated by corrupt tyrants. And despite its vast natural wealth, its people suffer in abject poverty.

Even worse, the people of Burma are actually losing their country to a foreign power. A Chinese power grab is not only depleting and stealing Burma's natural resources, but slowly and surely, Burma is being turned into a subservient province of Beijing. China is literally stealing Burma from its own people, and it is accomplishing this monumental crime with the assistance of Burmese Government officials whose lust for power is greater than any loyalty to their own national homeland.

The patriots and freedom-loving people of Burma will either join against tyranny and foreign domination, or their country will be lost for generations to come. If Burma is to be saved, there needs to be reconciliation between the Burmans and those ethnic peoples who make up half of that country's population.

In a decades-old insurgency, the ethnic fighters have been the primary source of opposition to Burma's iron-fisted dictatorship. Urban democratic leaders like Aung San Suu Kyi and other patriotic Burmans have been beaten down and repressed and imprisoned. These two elements must come together, the Burmans and the ethnic groups that are fighting the Burmese dictatorship. They must come together as one under a banner promising respect for the rights and traditions of various people, those various people who make up the wonderfully diverse nation of Burma.

□ 2000

An opposition coalition must be joined also by patriots in the military, professional soldiers who seek to remake their army into a respected defender of the nation, not a tool of corruption and foreign domination. It is

time for leaders in the army to join the people and build a new, prosperous and free and, yes, independent Burma.

In the blink of an eye, Burma—Myanmar—can reclaim its sovereignty and can be put on the path to national reconciliation, democracy, and, yes, prosperity. The military in a new Burma, as our professional armies throughout the democratic nations of the world, will be a respected institution, not a tool of foreign domination, repression, and corruption.

The time has come to choose. Let the Burmese, the ethnic people of Burma, the business and military leaders who long for a legitimate and honest government, and all of the other patriots there, let them have the courage to step forward and join together and retake their country. The time is now.

This is a great moment of opportunity. People of Burma, do not let this moment pass by. The world will celebrate with you as you recapture your nation. We are on your side, to the people of Burma.

REMEMBERING DR. DOROTHY HEIGHT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Ms. JACKSON LEE) is recognized for 5 minutes.

Ms. JACKSON LEE of Texas. Mr. Speaker, today a giant of a human being, a light at the end of the tunnel, a calm voice in the midst of a storm, but yet a woman who could create a storm around the issues of freedom and justice, passed away from this world and from our hearts. Dr. Dorothy Irene Height died today. And I want to join with my colleagues and, as well, the Honorable DIANE WATSON, who will have a special hour in tribute to Dr. Height tonight, but I wanted to take the time to make sure that every aspect of our RECORD today reflected on her loss.

We have lost, of course, Dr. Benjamin Hooks, who we have paid tribute to today as well.

But in this life, there are few giants who reach down to talk to those who are still learning. Dr. Dorothy Height was that woman. She was the only woman that was present at the 1963 historic and powerful March on Washington. She stayed steadfast in her meetings with Franklin Delano Roosevelt, and of course she was successor to the National Council of Negro Women.

The only building on Pennsylvania Avenue owned by African Americans, and in this instance African American women, is the Office of the National Council headed by Dr. Dorothy Height; a historic presence on Pennsylvania Avenue just a few blocks away from the White House. What a statement of power.

This afternoon as I landed here in Washington, I went to that building to

pay respects. I just simply had to be in her presence in this building, to be able to see her pictures and her face and to see and hear those who were gathering to be able to honor her. The whole plaza is part of that building. And as I walked in, I heard the story that a homeless person came in the building to provide some flowers to say “thank you” to Dr. Height for taking care of them, the men and women that surrounded her building tragically who are homeless, but yet they knew of this giant of a woman who cared enough to let it be known that they were human beings.

For 33 years from 1944 through 1977, Dorothy Height served on the staff of the national board of the YWCA, and of course she continued her service through the National Council of Negro Women. I’m proud to be in the chapter, the Dorothy Height Chapter of the National Council of Negro Women in Houston, Texas.

In 1952, Dorothy Height lived in India, an African American woman. She was at the Delhi School of Social Work. And of course, through her work with the YWCA, she worked in India and Burma and Ceylon.

Dorothy Height was subsequently elected the fourth national president of the National Council of Negro Women. In 1960, Dr. Height was a woman team member, leader in the united civil rights leadership along with Dr. Martin Luther King, Whitney H. Young, A. Philip Randolph, James Farmer, Roy Wilkins, and JOHN LEWIS, our colleague. But remember what I said, the only woman.

What I’ve come to know of Dr. Height as a Member of Congress and before is that she is a woman that can speak in a resonating fashion. At the drop of a hat, you can turn to her and say, Dr. Height, will you give us some remarks? And when she finishes, you feel like you can fly like the eagles fly. She has given you words that will capture your heart and your spirit, and you say, I will be a fighter for justice.

A distinguished woman, a hat-wearing woman, but one thing about Dr. Height, she was a woman of dignity, but she never ran away from a fight for justice. And she knew how to be an agitator and a protester, but she knew also how to be loving. So the many things that we can attribute to her include her work in the International Tribunal of the International Women’s Year.

Mr. Speaker, she’s won so many awards, but I wanted to come to this floor tonight to be able to say, Dr. Height, there will be many more words that will come on your passing, but all I can say tonight is we love you and may you rest in peace.

REMEMBERING DR. DOROTHY HEIGHT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. RANGEL) is recognized for 5 minutes.

Mr. RANGEL. I want to appreciate the remarks that SHEILA JACKSON LEE has just made, and I thank my colleagues for giving me this opportunity to speak out of order.

And the reason I rise is that there are very few people that have been active in the civil rights movement. They all came after Dorothy Height. She was there before Adam Powell, Martin Luther King, Jim Farmer, and all of the great civil rights leaders that have made the struggle. She’s been made a confidante from Franklin Roosevelt to President Obama and all of the Presidents that have been in between.

She gave so much of herself without even talking about color, without just talking about women, but most of all in talking about humankind. She was a true believer that if America really did what it was supposed to do to the brothers and sisters and the citizens that made up this great country, then fairness and equity would determine that all people are truly treated equally.

And even though she wasn’t born in the city of New York, we are so proud that she went to New York University—even though she was turned down with a scholarship at Barnard College—that she stayed there and she worked in our Harlem YMCA, that she was confidante to Congressman Adam Clayton Powell at his church and even counseled his father, who was the pastor before him.

Time is going to record that there have been a lot of people who have struggled to make this country all that she can be. And when the final word is written, there is no question in my mind that Dorothy Height will not just go down as a black civil rights leader, but she will go down as a great American who recognized that bringing together this country—black, white, Jew, gentile, Catholic, and Protestant—by bringing us all together, that she has made this a better world, and she’s made it a better world because she’s made it a better country.

THE GREAT SCAM AND FRAUD OF THE CENTURY

The SPEAKER pro tempore. Under the Speaker’s announced policy of January 6, 2009, the gentleman from California (Mr. GARAMENDI) is recognized for 60 minutes as the designee of the majority leader.

Mr. GARAMENDI. Mr. Speaker, I request permission to engage in a colloquy with my colleagues.

Mr. Speaker, tonight I would like to focus on the great trauma and pain that Americans are suffering from. We

could start with it looking like that, but, really, you turn this around and you can see what's happened over the last 2 years. Americans are in a world of hurt.

I recall so clearly in California, the area I represented—actually, the entire State as I would travel around—we would talk to people who were saying that they were in the real estate business; they were buying houses. And my wife and I, as we would drive to work, she would often say, How could it be? They don't have any money? What is going on?

What was going on was the great scam and the great fraud of this century, and the result is seen so clearly on this chart.

Beginning in the year of December of 2007, there was actually a little uptick in jobs during that Bush administration year, and then came the crash and things came down around all America. And we see the falloff in jobs over the years from December 2007 until the change of administrations in 2009. Some 700,000 jobs were lost in December and January of 2008—and January of 2009.

And then we have a new administration, and we begin to turn things around. And joining me tonight are Members of Congress who were here during that period of time, who were engaged in the key pieces of legislation.

The financial institutions literally were on the verge of collapse. And so in November and December of 2008, the Troubled Asset Program, the TARP program, was put in place. The result of that was ultimately a stabilization. Nearly \$400 billion was transferred to the banks, the big Wall Street banks. Some \$200 billion, or nearly \$200 billion, is still there. And to this day, those banks have neglected Main Street. They have taken care of themselves.

But even so, we've seen, as a result of the Democratic Party's legislation and the work of my colleagues, we've seen a gradual and steady improvement. The job losses began to tail off, and ultimately now in 2010 and February and March we've actually seen an increase in the number of jobs and no longer the decline that has so paralyzed this Nation.

Why did it happen? What was it all about, and what can we do about it?

Joining me tonight, as we discuss this issue, are five legislators, Members of Congress who have played key roles in the passage of legislation that has set things straight and has reined in Wall Street.

Let me introduce first my colleague from the great State of New Jersey (Mr. ANDREWS). Please share with us your experiences and the legislation that you and your colleagues are so much involved in.

Mr. ANDREWS. I thank my colleague for yielding.

Mr. Speaker, I know that tonight many Americans are going to put their head on the pillow and have a very restless and maybe sleepless night again because tomorrow's going to be another day of trudging around with a resume that no one seems to want. Maybe they're concerned that tomorrow will be the day that the final foreclosure notice arrives in the mail. Tomorrow may be the day that they have to pull the plug on their small business that they struggled so hard to sustain.

This problem began to metastasize, this cancer began to grow in this country in the summer of 2007 when the days of irresponsibly cheap credit and easy credit came to an end and the bubble began to burst. In the part of the country that I represent, between Labor Day of 2007 and Labor Day of 2009, we lost about 36,000 jobs, just evaporated, the way eight million jobs evaporated around this country.

□ 2015

Now, the President took office in January of 2009, inherited what I believe was the worst economic crisis since the Great Depression, and we decided to act to try to take advantage of it, put some people back to work building highways and roads and bridges, cut taxes for small businesses to buy a laptop or a truck or a piece of equipment. We had a substantial tax cut for just about every family in the country; 98.5 percent of American families had a credit so people could buy a home and get a substantial down payment to buy a home. And these steps, although I believe they were in the right direction, opposed unanimously by the other side of the aisle, have taken us in the better direction; but they are not enough.

In my area of those 36,000 jobs we have lost between Labor Day of 2007 and Labor Day of 2009, we have gotten about 16,000 of those jobs back since Labor Day of 2009. So between September of 2007 and September of 2009 we lost 36,000 jobs. From Labor Day of 2009 to the present we have gained about 16,000 of them back.

I worry, Mr. Speaker, tonight, and I say to my colleague as well, that one of the reasons we haven't gotten enough of those jobs back soon enough is the credit crunch in this economy. I hear from entrepreneurs large and small, people running stores and factories and software companies, that they are profitable, they have collateral, they have a track record of paying their bills on time, but they cannot get credit. They cannot get the loans that they need to make their businesses grow.

This lack of credit is rooted in a lack of trust, and this lack of trust is rooted in a lack of confidence, and this lack of confidence, without a doubt, is rooted in the failure of the regulatory system to properly regulate the financial system and assure the investor and the American people they are getting a fair deal.

Now, this House late last year passed legislation that would fix that problem, that would have some even-handed regulators look at whether the system was once again teetering on the brink of collapse, that would say that if you lend money, you have to have some skin in the game. You can't have one industry that makes a profit by originating loans but doesn't collect any of them, and another industry that's solely responsible for collecting the loans but doesn't originate them.

The legislation also said that if these steps to prevent another catastrophe failed, the next time there has to be a bailout of the failure; it won't be paid by real estate agents and teachers and truck drivers. It will be paid by the people who created the mess in the first place.

Now, a version of this legislation is being considered by the other body, and I know that the rules do not permit us to comment on the affairs of the other body, so I will not. I will simply offer this generic observation. When the health care bill was in its final stages of debate, our friends on the Republican side of the aisle loudly insisted, I think correctly insisted, that there be an up-down vote on all aspects of the health care bill, and there was. It was an up-down vote on the underlying text of the Senate bill, and there was an up-down vote on the fixed bill that occurred. That's the right way to do things.

When there is a major question before the country, that will be an up-down vote. I would hope that the other body adheres to that principle. With an issue this significant, with the stakes being so high, I think the American people not only have a right to demand that the problem be fixed. I think they have a right to demand they know that their Representatives go on record and say yes or no. Mr. GARAMENDI, we say "yes" to responsible regulation, we say "yes" to getting credit flowing again in this economy and we would say "no" to those who would block a vote to block the will of the American people.

Mr. GARAMENDI. Well, the question really is, whose side are you on? Are you on the side of average Americans out there, the middle class, the men and women that are trying to get a job, the men and women that are working, or are you on the side of Wall Street? You raised a very interesting point about loans.

Let's put it this way: the American taxpayer gave to the bank some \$400 billion to stabilize that financial industry, and it was necessary. No one is doubting the necessity of it. Every other industrialized country in the world also shored up their financial institutions, and it worked. We want that money back, but it's not coming back to the businesses that are in our communities.

And then we look here, in 2009, the total lending by U.S. banks fell 7.4 percent, the steepest drop since the outset of World War II in 1942. At the same time, there were enormous profits, and we will come to the profits of Wall Street where many of those profits are a direct result of the money that the American people used to stabilize Wall Street.

We want that back, and we want to make it very, very clear: we are on the side of the working men and women out there, the middle class, the small businesses, Main Street. That's where we stand. It's interesting that when the bill came up, and you spoke to this a moment ago, our colleagues on the Republican side voted "no." When it came time to rein in Wall Street, they voted "no."

Mr. ANDREWS. That certainly is my recollection as well that there was virtually unanimous opposition to these new rules of the road, to the people who drove the economy into a ditch.

But I will say this, that at least there was a vote, wasn't there, that the American people got a chance to see where each of their elected Representatives stood on the question of new rules of the road for the financial industry. The gentleman from California has served in a lot of levels of public service. I believe he served in the California legislature and he served in a lot of other governing bodies. Is it correct that usually when you are trying to solve a problem you put it up for a vote? Is that usually what happens?

Mr. GARAMENDI. At least that's the American way. If you have an issue, a policy issue, you take it to the legislative body, and it comes up for a vote, yes.

Mr. ANDREWS. Has the gentleman ever been in a situation where the body sees a serious problem and says, look, we have a plan to fix it, but let's not take a yes-no vote on it because let's let a small number of people decide, because they have some interest persuading them not to support it, that we shouldn't even put it up for a vote? Is that the understanding the gentleman has the way government works in this country?

Mr. GARAMENDI. Well, I have seen some of that here recently in Washington. Apparently one person can stop legislation, and I think it's happened some 50 times in a certain legislative body that we are not supposed to—

Mr. ANDREWS. It's ironic that this Congress funds what are called institutions for democracy that help to teach fledgling nations around the world how to build democratic institutions, and I am glad we do. I think it's good for the country to do that.

It's kind of ironic that in the context of doing that we have had fiascos where on two occasions one person has said that extending unemployment benefits to people in grave need can't

even be voted on. And now we have a situation where a minority, one would theorize, is going to take a position that says we can't vote on this very important establishment of fair rules to protect the American consumer.

I thank the gentleman for calling this to the body's attention, and I am honored to serve in a body where we do take votes, and we do have majority rule and we do get on with the business of the country.

Mr. GARAMENDI. It's been a great pleasure for me to serve in the House with you, Mr. ANDREWS, and also to be able to deal with these fundamental issues.

We were just talking a moment ago about the lending to small businesses and the fact that the big U.S. banks have reduced it, but also if we look at the 22 Wall Street firms that got the most of the bailout, they have reduced their small business lending by some \$12 billion last year in 2009.

I have now been joined by our colleague from the great State of Vermont, Mr. PETER WELCH.

Mr. WELCH. Thank you, I appreciate very much, and I think all of us do, you having this hour to talk about Wall Street. You know, there are a couple of things about it that are obvious to everybody on both sides of the aisle.

The salaries are totally out of control; \$145 billion in bonus pool to the banks after they have been bailed out by the taxpayer is not acceptable. Everybody, I think on both sides of the aisle, is concerned about greed being too much a part of the culture on Wall Street. On that we agree. But the threat in the long term, as lamentable as the greed is, as not acceptable as \$145 million in bonus money is, what Goldman Sachs and others are doing is destroying what banks are about.

Our American economy needs a financial sector that's strong and vibrant but that lends money to entrepreneurs, to businesses that are going to create new products, that are going to allow for manufacturing to occur in this country, to families that are trying to buy homes. This recent case about the filing of an SEC lawsuit of civil fraud against Goldman Sachs highlights that they have gone from being an agency, an entity that lends money to a gambling casino.

And let's just talk about the structure of this abacus deal that is the subject of the SEC litigation for civil fraud charges against Goldman Sachs. This is a situation where a hedge fund investor figured that the housing market was going to go south and not only put his own bets against the housing market but he asked Goldman Sachs to create an investment vehicle that was not distributing mortgages, it was just creating a pool where one side of the transaction bet that the underlying securities would go down in value and

then other parties bet that they would go up in value.

You know, you might say, well, they are just betting. And you know what? That's true, but what they are not doing is investing. What they are not doing is lending.

And then as these collateralized debt obligations accelerate out from one buyer, one seller, one buyer, one seller, at the end of the day, or the end of the month or at the end of the year, when the music stops and somebody doesn't have a chair to sit in, it's the taxpayer that's left holding the bag. There is a vast acceleration of risk with no investment in any productive activity. Not a single mortgage was created by the abacus deal.

Not a single new business deal was financed by the abacus deal. Not a single new company got seed capital or venture capital. There was no banking done. Why is it—what is the social purpose that is achieved by allowing this type of casino gambling to occur with the sanction of law and ultimately with the backstop of the taxpayer?

So what this whole challenge to us is is not just about the personal habits in overreaching on greedy salaries that many of those folks have on Wall Street, and it is even more than about getting our taxpayer money back, which we want to. It's about are we going to have a banking system that's going to be there to lend money to folks and to businesses and to entrepreneurs that need it, and are about creating jobs.

I want to contrast the Goldman approach with the banks in Vermont. We have got community banks, and I know you do in California as well, I know Mrs. DAHLKEMPER does in Pennsylvania, Ms. SPEIER in California as well.

There is one in St. Albans, Vermont, where when you go into that big lobby of the old-style banks, and there are the teller windows and there are some desks for loan officers, there is a desk that's slightly bigger than the others. It's the president of the bank. He is sitting right in the front hall.

And anybody at St. Albans who wants to talk to him about a car loan, about service, about their checking account, they can go talk to him right away. At the end of the day he feels good if his bank has made a loan to a farmer, to a family, to a small business.

And you know what? That's the culture that I value that I think Americans value. The Goldman culture is whatever it takes, as much as they can get.

Mr. GARAMENDI. Thank you. It seems to be profit before people, profit before business. And for those of us in the Congress, it's really a question where do you stand. Do you stand with that community bank in Vermont, or do you stand with the big Wall Street banks?

□ 2030

It was very, very clear, I had been here 3 weeks when this House took up the Wall Street reform. And I was really surprised. I thought, well, everybody must understand the necessity to rewrite the reform package, to rewrite the rules of the road so we don't have another collapse. I know that this side of the House, the Democratic side of the House, voted for those reforms, and on the Republican side of the House, very, very few voted for those reforms. So the question was answered to me, where do you stand? We were standing with reform, we were standing with reining in Wall Street, and our Republican colleagues did not want to go there.

So what does it mean for western Pennsylvania? Let me call upon the gentlewoman from Pennsylvania (Ms. Dahlkemper). You were here. How did this transpire? What took place?

Mrs. DAHLKEMPER. I thank the gentleman from California for yielding.

I just arrived back in Washington today after a few days back in the district. I actually spent a lot of time with my dairy farmers and actually many of my different members of the agriculture community. And our colleague from Vermont and those of you from California, you have many dairy farmers in your States also. And they are struggling, they are struggling. They are struggling to get the loans that they need. They've had a double whammy. They have had a decrease in milk prices that have a lot of other factors. But when they go to the banks, the banks' hands are often tied, and the banks' hands have been tied because of what happened on Wall Street.

Now, we talk about financial reform protecting Main Street from really the greed and recklessness—and I don't think we use that word enough, the greed that happened on Wall Street; it's not only Main Street, it's the country road. We need to protect our farmers and our small businesses and our entrepreneurs from that greed of Wall Street.

I was here, obviously, when we voted for that piece of legislation, the Wall Street reform, the Consumer Protection Act. Actually, unanimously our colleagues on the other side of the aisle voted against that bill and yet it is something that really is going to ensure the protection of our farmers and, as we said, our small business owners. I'm a small business owner. Our company every year depends on that line of credit from our community bank. And we have a very good relationship, as our colleague from Vermont talked about, that relationship that our community banks, our hometown banks, they're doing the job that we expect them to do, but on Wall Street it was different. And then they get the bailouts. And these figures on your graph right there are fairly shocking in terms

of Wall Street paying billions when my farmers are getting up at 4:30 in the morning to milk cows knowing that they're actually losing money every day. They are just trying to find a way to stay afloat, and yet these other individuals on Wall Street are making billions.

So what we need to do is enforce rules that will keep these big banks from making bad decisions and really betting against our country, betting against individuals, betting against homeowners in our country, and ensure that taxpayers never again have to pay for these bailouts for these financial institutions that were really too big to fail and we had to do what we had to do to keep them solvent and to keep our financial system rolling. But the future is what we're looking at here.

So we've got, as you've got up there now, the Wall Street squeeze, these small businesses who are still struggling, as has been already mentioned, to find those loans to, first of all, keep their businesses afloat, whether it's a farmer or manufacturer or someone who owns a retail store, or whether to add on; maybe they want to increase their business right now but they can't find that loan. This all goes back to what happened on Wall Street, a system that really benefited the special interests, the lobbyists, and the big banks on Wall Street.

I was very proud to vote for that piece of legislation. We need to get that piece of legislation voted on in the other body and get it out so that we can protect those in Pennsylvania's Third District, those in California, Vermont, and across this country who are just out there working hard every day trying to make a living, trying to provide for their families.

So financial accountability, that's what we are looking for here. And I appreciate the gentleman bringing this forward tonight.

Mr. GARAMENDI. Thank you very much for that perspective on agriculture. I have been in agriculture all of my life. I run a ranch. I know that the men and women that are in agriculture in California, they need to be able to finance their operations. These are not easy times, they need to extend their credit. They are going to come back, they have in the past, but they really need that credit.

But what we have seen very, very clearly in the last year is that Wall Street is interested in their profits. I put this one up, but here's the one that makes me mad. This is what really upsets me. We're looking at 2007, the \$137 billion of bonuses for Wall Street executives. 2008, that was in the midst of the great crash, it came down to zero. After they had caused this crisis, after they had lost trillions of dollars of retirement funds, the value of homes collapsing, they still rewarded themselves with \$123 billion of bonuses. And then

2009, as we began to come out of this, instead of lending \$145 billion to your farmers, to your dairy men, to the men and women that want to manufacture and create jobs, no, no, they gave it to themselves, \$145 billion of bonuses.

How did they manage to do this? Well, they took the Troubled Asset Relief money and turned it around, stabilized the companies—which was all to our benefit—but then, instead of using that money to restart the American economy, instead of using that money to make loans to the small businesses and others across America and to help people who are losing their homes with their mortgages upside down, no, no, they decided that they needed \$145 billion of bonuses.

Mr. WELCH, who was here a few moments ago, had the right idea; he said tax these bonuses and send that money to Main Street. That is where I'm coming from and I think that's where the America people are. On the other hand, our friends on the other side of the aisle, no, no, they don't want to do that.

The question for Americans is this: Where do you stand? Who are you fighting for? For Main Street, for working men and women of America; or are you fighting for Wall Street? It's very clear since I've been here that the Democratic side of the aisle is fighting for Main Street and for the men and women that are working.

GENERAL LEAVE

Mr. GARAMENDI. I'd like now to ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on this subject matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. GARAMENDI. Now I'd like to turn to a colleague of mine whom I've had the pleasure of working with for many, many years. She was the chairperson of the California State Senate Banking and Finance Committee and now serves on the Financial Institutions Committee here in the United States Congress, the gentlewoman from the great State of California, JACKIE SPEIER.

Ms. SPEIER. Thank you. I thank the gentleman from the great State of California.

You know, today we had a hearing in the Financial Services Committee in which we looked at sort of an autopsy of Lehman Brothers. Lehman Brothers is particularly problematic for California, but also for many other States and local jurisdictions because so many of these local jurisdictions had money invested in what were investment-grade instruments at Lehman, and when Lehman went belly up, they lost everything. So in San Mateo County, for instance, \$150 million just gone,

even though it was prudently invested in investment-grade instruments at Lehman's. And many people lost their jobs, many classrooms weren't built, many developments that were supposed to take place didn't happen. It was interesting today because Mr. Fuld, who was the former CEO, said that Lehman Brothers was risk averse; ironic when a company had \$20, \$30 billion that basically just evaporated overnight.

I think it's really important as we discuss this issue, though, to take us back to how did we get to where we are today? How did we get to a place where everything came crashing down? I would like to just point to the cracks in Wall Street, which I think explains really well what actually happened. If you recall—this is way before our time, certainly—but in the thirties, the Glass-Steagall Act was passed by this very Congress after a horrendous meltdown on Wall Street when we were in the throes of the Great Depression. The Glass-Steagall Act said never again is this going to happen because we are going to keep the banks and the insurance companies and the securities firms all separate, that there was going to be a wall that separated them. That worked perfectly for almost 60 years, and then all of a sudden, in 1996, Wall Street firms came a calling, and they came a calling with, oh, please, let us just get involved a little bit, let us just become financial supermarkets. And so in 1996, the Federal Reserve reinterpreted the Glass-Steagall Act several times, eventually allowing bank holding companies to earn up to 25 percent of their revenues in investment banking.

But you know what? Greed is something that is never enough. That wasn't enough. So in 1999 they came a calling to Congress again. This time they said, take down those walls; take down those walls so that we can become these financial supermarkets so we can be able to compete in Europe and across the continents, so that we can be as effective as they are in making money. So in 1999, the Gramm-Leach-Bliley Act was passed by Congress, signed by then-President Bill Clinton. It was promoted by the Chair of the Fed, Greenspan, by Treasury Secretary Rubin, and by Lawrence Summers. And what that bill did, very simply, was repeal the Glass-Steagall Act; all those 60 years of protection down the drain.

Then we move forward to 2000. We had a very smart person who was the head of the Commodity Futures Trading Commission at the time. Her name was Brooksley Born. She had worked for a law firm here in Washington for many years and she knew all about derivatives. All of a sudden, she saw the derivative market just escalate. So she suggested that maybe we should just look at this, maybe there should be some basic form of regulation. Oh, no,

Wall Street would have nothing to do with that. So she leaves the CFTC. And then immediately they come a calling again, and this time Congress passes a bill that becomes law that says, Congress is prohibited—do you believe this—Congress is prohibited from regulating derivatives. Still not enough.

Then, in 2004, it became obvious that Europe was getting a little nervous. And they basically said if these bank holding companies weren't going to be regulated by their countries, then they would be subject to European regulation. Well, our investment banks wanted none of that, so they came a calling this time to the SEC, and by regulation the SEC passed on their own accord—not with congressional support or evaluation—a voluntary regulation to which all of the investment banks would be subject for regulation purposes called the CSE, the Consolidated Supervised Entities Program. Besides giving them the benefit of having a regulator here in the United States so they wouldn't be subject to more scrutiny in Europe, it also did something that was quite frightening when we look back at it. It lifted the leverage cap that was 12-1. It didn't just lift it to 15-1 or 20-1, it raised it to whatever. It took away the leverage cap completely. So, no surprise that when all of these various investment banks became troubled—like Lehman, like Goldman Sachs—they were at 30-1 and even higher in terms of leverage. So there you have what I believe is a pretty clear crack, as you see, in Wall Street that shows precisely what happened.

Now, that crack actually got deeper because there was one more. It was a very simple one basically by the SEC and the courts that said that these investment banks were not fiduciaries, that even though they were selling all of these instruments, that since they were taking a percentage and not a fee, that they were not fiduciaries. And by doing that, they had no legal obligation, no legal obligation to say to anyone that they were shorting the very products they were selling, that they had side deals, that they did the very things that now we look at and we think, oh, my God, how did we allow this to happen?

So I think that as we bring back this bill—and hopefully that it doesn't get diluted in what was actually passed by the House—we're going to have something we can show the American people that is going to close all those cracks on Wall Street, that we're going to pave it over so that indeed the American people do have the kinds of protections they deserve.

□ 2045

Mr. GARAMENDI. Thank you very, very much for that description of the history. If the gentlewoman from California would care to engage in a col-

loquy with me, I'd like to discuss some of our history.

When you were chairperson of the California Senate Banking and Insurance Committee, I recall that there was legislation. I was then the insurance commissioner. We were trying to hold insurance agents accountable for their actions, that they owed to their customers their best good faith effort and that they would always deal in the interest of their customers, not in their own personal interests—not in the interest of the insurance companies but, rather, in the interest of their customers.

That is one of the fundamental things that you described which was taken away in the mid-2000s. As you were saying, the financial institutions no longer had any obligation to their customers but, rather, to their bottom line. Is that the case?

Ms. SPEIER. That's correct.

So you have your broker at any one of the brokerage firms, and you think he is actually there, trying to find good deals for you to invest in. What you don't know is that many of them are captive, much like in the insurance industry, where they only sell certain products so you're not getting the panoply of opportunities that you deserve. Furthermore, you don't know what fees they're getting. They might be getting more fees if they sell this particular product, so they promote that product and not other ones that may be safer and that may be more inclined to provide you with the kind of security that you're looking for.

Mr. GARAMENDI. There ought to be a law.

Ms. SPEIER. There ought to be a law. You are absolutely right.

Mr. GARAMENDI. There ought to be a law that holds these banks to the highest possible standard, which is that they owe to their customers their best knowledge and information and that they don't double deal. It's the double dealing that's going on. That's the current SEC lawsuit against Goldman Sachs. It's about double dealing. On the one hand, they're here; on the other hand, they're there. They're playing both sides. That cannot be allowed.

The cracks that you talked about there, particularly the Glass-Steagall repeal in 1991, really opened the door to not only the kinds of terrible meltdowns in the housing market and in the collateralized mortgage obligations but also in the loss of trillions of dollars of value that people held in their assets—in their portfolios, in their 401(k)s, which we know as 201(k)s, and in their homes. We lost 8 million jobs as a direct result of Wall Street's double dealing, of their excesses, of their extraordinary greed. Eight million jobs were lost, and 2.8 million homes were foreclosed. Pensions fell by \$28 billion, and trillions of dollars of assets, of

value, that families needed for their retirements and for their ongoing businesses were all blown away.

It is time for us—it is time for America—to reestablish the fundamental rules of the road that we had, as you said, since the 1930s, since the Great Depression. Clear laws were established which said, if you're an investment banker, all right; if you're a banker, all right; and if you're an insurance company, all right, but you cannot be all three. We've got to get back to those kinds of very strict regulations; otherwise, this is going to happen again. We cannot depend on the market to discipline itself.

Ms. SPEIER. If the gentleman will yield, in many respects, it's worse because, 10 years ago, there were probably 60 big banks. Today, there are only five. Because of this financial meltdown and because of the purchase by many of these banks of other banks, they are now too big to fail unless we take steps to make sure that they are contributing to a resolution trust fund and that there is a basis by which, if a systemically risky enterprise is deemed to be so by a council of advisers, that that particular entity can, in fact, be made smaller. Right now, we can't say that nothing is too big to fail for they are all too big to fail right now.

Mr. GARAMENDI. That's exactly right.

Clearly, the American financial institutions have worked themselves into a situation that will continue the risk that nearly brought down the world's financial institutions and that brought the world into one of its most dangerous economic times since the Great Depression. So we need to move legislation.

I know that you're a member of the Financial Services Committee here and that you worked long and hard throughout the summer and fall of last year to put together comprehensive reform of the financial institutions, reform that would rein in the excesses, reform that would create transparency, reform that would create a Consumer Protection Agency.

Could you describe some of the work, some of the dealings, some of the things that were going on in the background? Where were, for example, the Wall Street firms? Were they supporting the reregulation of the industry? Where were the consumers in all of this?

From your perspective, give us a little bit of history.

Ms. SPEIER. Well, I guess the best way to give you a little history is to tell you that the financial services industry is spending \$1.4 million a day, right here in Congress, trying to convince Members not to support the regulation reform measure.

Mr. GARAMENDI. Excuse me.

If I might interrupt, are you telling me that the Wall Street banks, the fi-

nancial industry, is spending \$1.4 million a day lobbying Congress and the Senate to stop financial reform and the reregulation of Wall Street?

Ms. SPEIER. That's correct.

So, to answer your question "are they supportive of it?" you bet they're not, because they want the status quo to continue as they continue to reap the benefits of the status quo with billions of dollars in bonuses and salaries that they get to take home.

Mr. GARAMENDI. Pretty simple, isn't it?

Ms. SPEIER. Follow the money.

Mr. GARAMENDI. Greed. Greed. Greed. Greed is not good for America. Greed is not good for Wall Street in the long run because it really brought down this Nation to its knees in 2007–2008. Here is the greed. Here is what we are talking about.

We are talking about extraordinary bonuses for Wall Street. This is money that should be going to Main Street, not to Wall Street bonuses. There were \$145 billion of bonuses in 2009. People in your district and in my district are losing their homes; foreclosures are going on; banks are not making loans to small businesses; we have 20 percent unemployment in the construction industry; we have 12 percent unemployment in the State of California, and they want these kinds of bonuses. At the same time, they're not making loans to businesses. This has got to stop. That's what this is about.

This is about: Whose side are you on? Are you on the side of the working men and women, of the small businesses out there, of the local bankers, of the opportunity for this Nation to come back or are you on the side of Wall Street?

I know where you are.

Ms. SPEIER. I know where you are.

Mr. GARAMENDI. Well, we have got some things to do, don't we? We have some work ahead of us. We hope that we'll get a bill back from the other House shortly and get a conference committee going.

Could you put that thing back up on The Cracks in Wall Street. This is a street that needs a repair. This is a street that needs a serious repair.

We need to go back. I would love to see the Glass-Steagall Act back in place. I was insurance commissioner for 8 years in California, and I know how that industry operates. If they're able to play games, if the banks are able to play games by moving money back and forth from one side to the other, there is going to be another crash coming in the days ahead.

Ms. SPEIER. If the gentleman would yield, in the discussion today in the Financial Services Committee on Lehman's—now, mind you, this is an examiner who has been appointed by the court to go through 5 million e-mails and documents, and his report has been presented to the court and to Congress. It was just unbelievable.

Repo 105s are short for what Lehman was doing. At the end of a quarter, they were selling off their liabilities to a third party, paying interest on it so that it looked like they were not leveraged as highly. Then, after the quarter was over, they were buying back those liabilities. Those are called repo 105s. Now, believe it or not, they did that over and over again, and the SEC knew about it and took no action.

Mr. GARAMENDI. When did that happen? In what years?

Ms. SPEIER. It happened in 2004, 2005, 2006, and 2007. It was during the time that the SEC had reduced the number of enforcement actions in this country by 80 percent—now, I said 80 percent—and the number of disgorgement actions by some 60 percent. The SEC was asleep at the switch.

Mr. GARAMENDI. If you would yield for a moment, my recollection is that the Chairman of the Board of the Federal Reserve was saying that the market would regulate itself. Wasn't that what Mr. Greenspan was saying, that the market would regulate itself and that there was no need for government enforcement? Apparently, he was wrong.

I recollect that he came before a congressional committee and said he'd made a mistake. He certainly did. Lehman Brothers was able to cook the books, and that's exactly what it is—cook the books. As the regulator of the insurance industry for 8 years, if a company would have come to me and if I would have seen that they were shifting their liabilities over to the asset column on the last day of the quarter and then shifting them back on the first day of the next quarter, that company should have been in deep trouble and would have been, but apparently, the SEC was a lapdog for Wall Street.

Ms. SPEIER. Well, if the gentleman would yield, those statistics make the case better than anything we could say or do.

Under Christopher Cox, who was then the SEC Chairman and a former Member of this very body who was appointed during the Bush administration, during those years of 2003–2007, to have that kind of reduction in their actions, whether they're disgorgement or enforcement actions, and furthermore to only have 24 employees in that division responsible for the CSEs that were created in 2004, you can understand they were overworked and that, clearly, there was no intention to provide the kinds of safeguards that we needed.

Mr. GARAMENDI. It's hard to believe that the regulatory system for the financial underpinnings of this Nation was completely on the sidelines while Wall Street was playing these games.

In the case of Lehman Brothers, what I would call it is flat out cooking your books. If that wasn't a fraud, I don't

know what is a fraud. They should have been slapped down. That should have stopped. It didn't happen because the total regulatory process of this Nation was on the sidelines. There were 24 people looking over this entire industry, and the SEC, under Chairman Cox, who was appointed by George W. Bush, simply didn't do its job.

Now, where are we going to go today?

We passed out of this House—I find it a great privilege and honor to have been here to vote on the financial reform bill that was moved from Congress over to the other House on Democratic votes—very few—and I do not recall really any members of the Republican caucus voting for that financial reform. I know where we stood. We stood for regulating Wall Street, for reining in Wall Street. We want those profits to go to Main Street, not to the bigwigs on Wall Street.

So where do we go from here?

We await the action of the other House, which hopefully will come. I know the President will be speaking on this matter, I think, tomorrow, Thursday, to Wall Street. He is going to go up there and say, Give us the reforms. We need these reforms to set in place the proper guidelines for Wall Street, for the financial industry.

Will it happen? What's your guess?

Ms. SPEIER. If the American people speak up, it will happen, much like anything else in this country, but we've got to make sure that the American people are educated about what is really at stake here. I mean it is our kids' futures. It is whether or not there is going to be the kinds of funds in California that are going to allow our kids to go to college because now there has been such a shrinkage in the number of slots available because there is just no money. With a \$60 billion shortfall in the State, with so many people unemployed and with the revenues not coming in to States, I mean it becomes a death spiral, and we cannot allow that to happen again.

Mr. GARAMENDI. People talk about the partisanship in Congress and in Washington, D.C., and I really have seen it. I saw it on the financial reform bill—the Democrats voting to rein in Wall Street, Republicans voting “no.” We saw it on an issue just raised about kids being able to go to school. Two weeks ago—3 weeks ago now, we voted on a major reform of the educational loans for American students.

Ms. SPEIER. Who was protecting whom? Would you yield?

Mr. GARAMENDI. I yield.

Ms. SPEIER. If you go back to the student aid issue, what we had was an opportunity to take the \$60 billion that was being given, for all intents and purposes, to middlemen, the banks, and say, you know, We don't need to spend that anymore. We're going to spend that kind of money on loans to students and not have those middlemen

and just have the banks servicing these loans, and you would have thought that everyone would have been supportive of that. Not true.

□ 2100

Mr. GARAMENDI. Not true. I know that we had no votes from the other side of the aisle on taking \$60 billion back from the big banks and giving it to students.

We also just a week before that vote we had another vote up on the insurance industry, which you are so familiar with, and I know that I am. The health care reform was a major reform of the health insurance industry practices. No more discrimination against women, no more discrimination against people with preexisting conditions, and the freedom from fear of losing your job, losing your health insurance, and losing your life and your life savings. Those major insurance reforms were voted out of this House without one Republican vote—excuse me, there was one. One Republican voted for those reforms of the insurance practices to end health care discrimination.

It's really interesting, bipartisanship not on the major issues where you are helping Main Street, not on the major issues of helping students, not on the issues of reforming the health insurance practices. On those kinds of things it's very, very clear where we stand on the Democratic side of the aisle. We stand for reform, reining in Wall Street, bringing into play serious restrictions on the ability of insurance companies, health insurance companies to discriminate against women and children and those with preexisting conditions.

I know you have been there for many of these fights. And it's been a great pleasure to work with you on those. Perhaps it's time for us to wrap this up. And if you would like to kind of close, and then we will go on our way.

Ms. SPEIER. Thank you for yielding. I think the important message that we are trying to drive home tonight is if you really want to see reform, then follow the money. Follow the \$1.4 million a day that's being spent by Wall Street trying to lobby to keep the status quo. Follow the bonuses and the salaries. Follow how the money was moved from one account to another. Follow the shorting that went on in the industry, where they were selling the same products that they were shorting because it was all about making money. We want to make sure that the average American is protected. And that's why it's important to reform the system.

Mr. GARAMENDI. Thank you so very much for your good work on it. This is a very, very clear dichotomy about where we stand. Our friends in the Republican caucus opposed the job bills that were put forward last year, the stimulus bill. They opposed it. They

opposed the unemployment insurance programs that would keep people with enough money to be able to continue to keep their home and provide food for people. They opposed efforts to curtail the excessive Wall Street bonuses; opposed creating a new consumer protection agency to rein in Wall Street; opposed the tax cuts for small businesses and working families; and opposed regulating Wall Street to prevent foreclosures.

On the other side of the aisle, I proudly say that the Democrats in this House supported the jobs bill last year that created thousands of jobs, hundreds of thousands of jobs. We support the unemployment insurance extensions. We support the efforts to curtail excessive Wall Street bonuses. And we support creating a new consumer protection agency to watch over the excesses of Wall Street. And we supported the tax cuts for small businesses and for working families. And, finally, we support regulating Wall Street and preventing further foreclosures and meltdown of the economy.

It's been a challenge. And it's been a very, very important time in America. We have seen the worst of it. We have seen things getting better. We have also seen greed to the excess. And that greed, unfortunately, is going to continue unless we get a strong financial regulation bill to the President. And I know that my Democratic colleagues and I want to see that happen, and we will do everything we possibly can.

Ms. SLAUGHTER. Mr. Speaker, as the Senate moves closer to voting on Financial Regulatory Reform, it is necessary to remind Members of Congress and the American people why this legislation is urgently needed. The global financial system was pushed to the brink of collapse in the fall of 2008 by the excessive risk taking and overleveraging of large scale banks and financial institutions. As a direct result, the U.S. economy was faced with the worst economic crisis since the Great Depression. 8 million Americans lost their jobs, pensions fell by \$28.4 billion, 2.8 million homes were foreclosed on, and trillions of dollars of savings and wealth were wiped out almost overnight. Only after an unprecedented intervention by the federal government at the expense of American Taxpayers did our financial system return to stability.

The failure of Wall Street Banks to police themselves and act in the best interests of the public demonstrates the need for tough new federal regulations. The proposed financial reforms in the Senate bill will address the fundamental failures of the financial system that allowed reckless individuals and firms to threaten the collective economic security of our nation. These reforms, in short, will:

Create a consumer financial protection agency (CFPA) to monitor consumer banking products and ensure the full and fair disclosure of every personal banking product to all Americans.

Eliminate the possibility of future bailouts by discouraging the formation of “too big to fail” firms that pose systemic risks to the security of the financial system.

Finally eliminate loopholes that allow complex and high risk investment vehicles such as over-the-counter derivatives and asset backed securities to escape the oversight of regulators

Provide shareholders of banks with influence on matters relating to executive compensation

Provide tough new rules for transparency and accountability for credit rating agencies to protect investors and businesses.

And Enforce existing regulations and allow regulators to aggressively pursue misconduct and fraud

These regulations will help ensure that the failures of the banking system that occurred during the financial crisis of 2008 never again threaten the collective economic security of our nation.

Following on the heels of the Consumer Financial Protection Agency and efforts to ensure fair and full disclosure of financial products to all Americans, I introduced a bill with my colleague Congressman JOHN TIERNEY to curb the abusive lending practices of credit card companies. H.R. 4300 the Restoring America's Commitment to Consumers Act would:

Create a National Credit Card Usury Rate at 16 percent to prevent banks from charging unreasonably high interest rates

Limit unreasonable fees including certain "up-front" fees associated with the extension of credit, such as membership fees and annual fees under the 16 percent usury cap. All other fees not included in the cap, such as late fees or insufficient funds fees are capped at \$15.00 per fee.

As the economic situation continues to remain fragile for millions of Americans and costs continue to rise, our constituents face tough choices when determining how to allocate their monthly income. Many are forced to put everyday expenses such as their utility, grocery or medical bills on their credit cards just to make ends meet. Far from helping struggling consumers, credit card companies appear to be exploiting this debt cycle by increasing interest rates to as much as 30 percent and piling on fees. A December 2009 Associated Press story revealed a credit card interest rates as high as 79.99 percent with a minimum of \$256 in fees in the first year for a credit line of \$250. Although the Credit Card Accountability Responsibility and Disclosure (CARD) Act of 2009 capped such fees at 25 percent of a card's credit line, the bill did nothing to cap unreasonably high interest rates and the 79.99 percent rate remained in place.

With respect to the impact of the financial crisis on the health of the economy, it should be noted that New York State has shouldered a large share of the burden. The state has lost some 112,700 non-farm jobs since March 2009 while the private sector has lost 86,500 jobs. Statewide, the seasonally adjusted jobless rate in March was 8.6 percent, compared with 8.8 percent in February, 7.8 percent a year ago and as low as 4.6 percent in October of 2007. Some 831,800 people were unemployed statewide last month. The role Wall Street played in leading to the great recession cannot be downplayed or ignored.

It should be clear that reform of the financial services industry is necessary to protect the interests of our citizens. Following a long pe-

riod of economic distress and at a time when the recovery of our economy is tenuous, the reform of abusive practices within the financial industry that both caused and exacerbated the suffering of millions of Americans is desperately needed. Congress must act now to address the fundamental weaknesses of the financial system and prevent history from repeating itself.

HEALTH CARE REFORM LAWSUITS

The SPEAKER pro tempore (Mr. TEAGUE). Under the Speaker's announced policy of January 6, 2009, the gentleman from Texas (Mr. CARTER) is recognized for 60 minutes as the designee of the minority leader.

Mr. CARTER. Mr. Speaker, we like to get on the floor of this House and we like to argue our points, and we like to try to couch the facts in such a way that you come to a conclusion that suits our political ends. That happens all the time in the courthouse when lawyers advocate for their clients. It happens here in Congress when folks advocate. There is a commentator, or maybe he wouldn't call himself a commentator, I don't know what he would call himself, who has the thing that says, "The spin stops here."

I would argue that the spin really stops in the republican form of government that our Founding Fathers created at the United States Supreme Court. Because at the United States Supreme Court, when they are looking at legislation passed by this body, the United States Supreme Court takes the facts that are presented to them, and they take the law as it exists, and then they look at the law that's being discussed and they discuss it in light of the Constitution of the United States.

In reality, all that we do in this Chamber and all that we do in every courthouse in this land to resolve problems either between individuals, between parties, or between States, or in some courts even between nations, all of that spin stops at the United States Constitution.

So we have just passed a gargantuan health care bill. So many pages you can hardly lift it even if you are a pretty good, strong, stout guy. And it has so many agencies and so many directions and so many things in it, and we have talked about them ad nauseam in this House. But the bottom line is it comes down to, now, this issue is being brought before the United States Supreme Court, or ultimately will be brought before the United States Supreme Court. And I would not in any form or fashion impose upon the United States Supreme Court my will. And I don't think anybody else in this body would either.

But I think we have at least a way to look at this that we need to look at it, and I don't really think we are talking about spin. What we are talking about here is what we think is in violation of that document where the spin stops.

Now, this has all been started, initially started with 14 States immediately upon the passage of this bill filing suit to question the constitutionality of the Democrats' health care bill. We now call it ObamaCare by some. This list has expanded into where now 20 States' attorneys general or their representatives have become involved in one lawsuit or another. Nineteen of the States have filed under Florida's lead in Tallahassee under multiple grounds, and Virginia has filed independently in Richmond solely on the constitutionality of the individual mandate.

The issue goes far beyond health care. If the commerce clause can be stretched to force individuals to buy health insurance, it will effectively moot the majority of the constitutional restraints on the power of the Federal Government. What does that statement mean when I just said that?

Well, if you go back and you read the Federalist Papers, if you study the things that were said about what took place in our constitutional convention which was held to write our Constitution and what the debates were among the representatives of the individual States at that time, the real underlying concern of everyone was the power of government. That's what everybody gathered together to talk about. We need something that manages our situation in America. That's what our Founding Fathers said when the 13 original States, prior 13 original colonies, gathered to discuss what document would we found our sovereignty on.

This gets off in philosophical concepts; but just remember that until the creation of the United States, which declared the sovereignty of our Nation, that means the supreme authority in our Nation lies with the people, and that the people would create an instrument which would set out the definitions and the boundaries of that supreme authority that gave the life's blood to our country. That was done because they had just fought a war with a tyrannical nation that had been imposing its will upon our Nation, at that time the people who lived here who ultimately became our Nation.

□ 2110

And they were fed up to their eyes with people imposing their will upon them. And they wanted to make sure that when they all agreed to get together and surrender certain things to a government, a centralized government that would govern in some capacity over all the States that created that government, that they would make sure that they were not creating another tyrant.

And I think if you read that and the Bill of Rights connected with the original Constitution, you will see that the very first thing they do is say, the government shall not do these things. And

then they went on and said, the people have God-defined rights, and here are those rights. And the government's not going to interfere with those rights. And it was the government they were restricting. It was the government they were talking about.

And when we set it up, and when we made the great compromise and all the other compromises which it took for these various parties to resolve their differences and create a government, it was all about making sure they weren't creating another tyrant. And I think they succeeded. And I think every American that has ever studied our Constitution is extremely proud of that document and the people who created it, because it did what they set out to do. It made sure that no government, no authority or organized government would be able to impose its will over the will of the American people at that time.

Now, this concept has now spread around the world. You know, we love to look at the free nations of the world. But at the time we created the Constitution of the United States, all those friends and allies that we call free nations of the world, they weren't free. And the concept was foreign to them, that the government couldn't impose its will upon the people. It was foreign. Kings did what kings wanted to do.

What was it they said in the History of the World, Part 1? It's good to be the king. Well, you know what? It was good to be the king, and that's why we weren't happy with King George, and we fought a war to get rid of him, because he was imposing his will and the Parliament was supporting him in England by imposing his will.

So we fought a war. We won. We wrote ourselves a Constitution. It said, we're not creating that kind of government.

So what our lawsuit is about is how far do we impose the will of the government over the will of the people?

These are basic premises. And it's been in constant debate since the founding of our country. And it has slowly and surely expanded the power and the force and the strength of the Federal Government.

But the bottom line is, we start with the premise that Americans did not want a government that imposed unfairly their will upon other people. And these lawsuits which have been filed, and these now 20 Attorneys General that are involved in carrying one or the other lawsuit to the United States Supreme Court, through the court systems, are raising issues that say, we've reached a point in this particular piece of legislation, the Democrats' health care bill, the Obamacare bill, whatever you want to choose to call it, it's being called that way in the papers, one way or the other, it is imposing upon people something it does not have the author-

ity to impose. And really, it's a real simple argument.

What this bill does, it says everybody has to buy health insurance, period. End of story. You've got to have coverage. It is required of you. And it sets up massive plans and descriptions and all kinds of things that just will absolutely cause your mind to shrink up like a prune when you start reading it, trying to figure out what all it says.

But when it comes down, you cut through all the garbage, you cut through all the spin, you cut through all the arguments, and just what does it do?

It says, we're going to set up certain things that insurance has to cover, and then you, American citizen, have to buy that insurance. That's what this bill says. You've got to buy it. And if you're not covered by insurance, either under some massive State plan, which we already have, Medicare, Medicaid and others, if you are not covered there, if you don't have private insurance, you've got to buy private insurance. You've got to go buy it.

Now, if you don't buy it, we're going to punish you, and we're going to punish you by, some call it a tax, some call it a fine, but it says we're going to put—you're going to pay this amount of money for not getting insurance.

And our Attorneys General of the now 20 States of this country are saying, whoa. Wait a minute. Besides all the burden you're putting upon the States, contrary to the contracts we made on, for instance, Medicaid, which is the plan we have to take care of those people who are literally unable to buy their own insurance, it is designed for the poor and for the needy, and it's a contract between the States and the Federal Government to create a plan that the States administer, that will take care of the poor people of the country. Now, it's been expanded to two times poverty, three times poverty, four times poverty and it goes on. And we've added to it what some call SCHIP, which is expanding it to cover uninsured children. And then some States have even gone so far as to expand uninsured children and their parents under this Federal, supposedly for poverty-stricken people, plan.

But the key to what the States are arguing about that plan is, but wait a minute. We made a deal with the Federal Government, and we're partners in this by contract. We agreed that we would administer the plan, we would decide what was best for the citizens of our State, and that's what our Medicaid program would be.

And honestly and truly, Medicaid programs across the country differ. The Medicaid program in Texas is different from the Medicaid program in Georgia. In most instances, they're relatively small differences, but they're differences that the States felt fit their people in their State because the

States were in charge of administering Medicare.

The States have complained about sometimes some standards that this Congress has put on what kind of drugs you can give and what kind of services you will give. And those have been a series of debates, but they haven't broke the contract.

But one of the things that these States are arguing in this plan is not only are you mandating that people buy a private product from a private company, an insurance company, but you're punishing them for not doing it. And then you're telling us that already provide a plan to cover a lot of these people that we have to take a massive infusion of new people that wasn't part of the deal. Massive. I'm talking about doubling and tripling some Medicaid budgets for the States. And we're not going to help you out with it.

□ 2120

Temporarily, we will help you out with it. We bailed you out with some of the stimulus money in the last year, but that is all going away. But you've got to take care of it. And not only do you have to take care of it, you have to administer that agency, take care of all of these new people we put in there. We're mandating you to do that. And they're saying, Oh, and by the way, while you're at it, this program that we've got that is going to impose that people have to buy a certain insurance policy, we want you to administer that, too. We not only want you to, we're mandating you to do it.

So our States are saying, Whoa, time out. That burden's bad enough. But let's get back to the original intent of the Framers of the Constitution. Should government be able to force you to buy something you don't want to buy? Now, you say to yourself, Well, but it's for the good of the general public that we do this. No. It's really because, if you've got a bunch of healthy people and you force healthy people who don't want to buy insurance because they don't figure they're going to have any health care needs for about 10 or 15 years, make them start paying premiums, make them become part of the pool, they won't cost you a dime so they can help pay for the people at the other end that are needing health care. So it's really a great big fancy way of expanding who pays the bill.

What it comes down to, what it means to the individual human being that is out there in the country whose only thing that the government could be regulating is his breathing because all he has done to be mandated to buy this policy is being alive. If he was dead, he wouldn't have to buy it. But he is alive. And our Federal Government by this bill is saying, Everybody alive out there, all 50 States and everybody out there, if you're alive, you're buying this product, and you've got to

choose to buy it through a pool which will have certain insurance companies that will offer what we have decided those insurance companies will offer, what the Federal Government—this Congress, this President—has decided they have to offer as services under the policy.

But you've got the 19-year-old kid out there that says, Wait a minute. I'm 19 years old. I'm bulletproof. I'm healthy as a horse. I can run a 4.4 40. I can bench press 400 pounds. You're telling me I've got to go buy health insurance? Yes. I won't do it.

A-ha. You won't do it? Okay. How would you like to cough up 2,000 bucks in extra tax money every year just because you didn't pay it? Well, I wouldn't. Well, that is what we're telling you you've got to do.

That is what this bill says. You can couch it in all kinds of formal spin and you can spin it every way you want, but when you cut down to the bottom line, that is what it does. It says you have to buy something.

Now, as you're thinking about this, Well, this is not so unreasonable, John. Wait a minute. You know what? I'm a lawyer. I've been a lawyer since 1969. If you count the years, that's a long time. I've been a judge for 20 years. I can make a pretty darn good argument that everybody in this country ought to have a lawyer. In fact, I can make an argument that our world has become so complex that you are at risk for life and limb if you don't have a lawyer to stand up for you and to protect you not only against this Federal Government, but against the imposition of all governments and against the imposition of other entities, other partnerships, corporations, other individual people because everybody is out there just ready to sue you. So you need a lawyer.

If the policy of this Nation is that you have to buy a product that was created by this Congress from an individual, from a company, why can't I write a bill that says, Oh, by the way, everybody needs a lawyer, so you have to hire a lawyer or I will create an agency which will farm out all of these lawyers in America that you will—everybody will have a lawyer on your table, and if you don't, it will cost you \$2,000 a year for not having a lawyer, because if you don't have one—especially if you don't have one and you don't have any funds, guess what? We're going to have to provide you with one. Or if you commit a crime and you're indigent, we're going to provide you with one anyway, so we're going to make everybody have a lawyer.

I don't think that will get a lot of votes because lawyers aren't very popular, but the concept is the same. The concept is just the same.

We're saying to the American people, You have to buy a product from a company. If you don't buy that product,

we're going to punish you. We're going to fine you, and it's going to be administered by the IRS with their authorities and rights going forward as IRS agents. It's no different than me and my bill requiring you to hire a lawyer. It's for the good of the Nation for you to have a lawyer.

But, hey, I can think of another example which a lot of the newspapers are using. In fact, I believe this one does. This is from The Washington Post. Is Health Care Reform Unconstitutional? Look at the last line of this. They say, Regulating the auto industry or paying cash for clunkers is one thing. Making everyone buy a Chevy is quite another. And that is the real issue that we will switch over to another thing.

Right now, as I understand it, we, the Federal Government, along with the labor unions, own 51 percent of General Motors. So, arguably, all of us—because you know you will hear us very gloriously stand up on the floor and say, This House belongs to the people. Well, so you own—you're not a stockholder, but you, through your tax dollars, own 51 percent of General Motors, or some percent close to that area. Don't hold me to that number, but a whole lot of it.

Now, I will come up here and say, You know what? They're still going broke. It's arguably for the good and the best interest of the American people that everybody buy a Chevy. Then we will keep General Motors from going broke. Or a Pontiac or a GMC pickup or whatever General Motors makes.

So if the Constitution of the United States requires people to buy a health policy with mandates from the Federal Government as to what that policy will offer and it requires them to buy or they will be fined, why can't I require them to buy a Chevy?

Now, once again, I started off saying the buck stops at the United States Supreme Court. The spin stops at the United States Supreme Court. It's down to what those Supreme Court Justices are going to say the Constitution says about can the commerce clause, which is the only logical way any argument can be made that this would be something the government can regulate. It could be regulated under the commerce clause, which says the Federal Government has the right to regulate commerce between States, and commerce interstate between the Federal Government and States, and foreign commerce.

Now, the commerce clause has been expanded, and nobody is going to argue with that, and I'm not going to argue with it. But are we willing to say that because I breathe here tonight I'm in commerce? I'm not selling anything. I'm not buying anything. I'm not moving anything in any direction for the purposes of sale or for the purpose of

anything to do with the economy or anything to do with commerce. I'm just here, and I'm breathing the air of Washington, D.C. Is that enough to make me in commerce and therefore be able to impose the power of the Federal Government upon my life to make me buy a certain product?

Is that a world that our Founders envisioned us getting involved in? I would argue it's not. Is that a world that the American people envision us getting involved in? I would argue it's not.

And I would argue, and I think the American people will back me up on this, and I can guarantee you our Twitters and emails are backing me up that say you can't impose upon us things against our will of this nature, we have to buy from a certain company, a certain product.

Wouldn't it be great for Dell computers if we said everybody has got to buy a Dell? Wouldn't it be great for some tractor company to say, By the way, even if you only live in an apartment, you need to own a tractor because its in the best interest of America if the tractors do good? At what point can we stop all of this?

□ 2130

Those things seem silly, but the real spin and the real buck stops with the decisions that these courageous attorneys general across the country are going forward with, many of them against the will of their Governors because the political fight to stand up for the American people and to say to the United States Supreme Court, we need your help to tell us, are we going to impose the government's will to that extent, that's what I am here to talk about.

I am glad to see one of my loyal friends and classmates who, God bless him, he always comes when I am standing down here. I am proud to yield to my friend, PHIL GINGREY of Georgia.

Mr. GINGREY of Georgia. I thank the gentleman from Texas, Judge CARTER, for yielding to me. I was listening at the outset of the hour, and I will say to the gentleman that I agree with him completely in regard to where does the spin stop. And, of course, Judge CARTER said earlier, Mr. Speaker, that the spin stops at the Constitution; and he just commented a second ago, furthermore, the spin stops at the Supreme Court.

I think it's absolutely right, if Judge CARTER points out to our colleagues, the Constitution in the commerce clause says Federal Government can regulate commerce, but it doesn't say that the Federal Government can mandate commerce and that's exactly the point, Mr. Speaker, that Judge CARTER, Representative CARTER from Texas, is making.

He used some examples. I could throw out another and say, well, if the Federal Government can force, force

people maybe against their will and their ability to pay, to have a health insurance policy, why couldn't they go on and say, well, every adult male and woman between the ages of 21 and 64 has to buy cowboy boots? And to take it a step forward say not just cowboy boots but cowboy boots that are made in the State of Texas.

Mr. CARTER. It's a good idea, but I don't think we can do it.

Mr. GINGREY of Georgia. Maybe that's what President Bush would have said since he is from the State of Texas.

But, Mr. Speaker, I think our colleagues get our point here. And I, quite honestly, when 20 States, the attorneys general of 20 States join in bringing a suit challenging the constitutionality of this provision that actually mandates commerce, and they represent, in the aggregate, those 20 States, what, about 40 percent of the population?

And then you have the State of Virginia, Attorney General Cuccinelli is filing his own suit on behalf of the people of the Commonwealth. In our great State of Georgia, Governor Perdue, Mr. Speaker, has asked our attorney general to join in this suit, to join Attorney General McCollum in the State of Florida and these other 19 States.

Our attorney general, our Democratic attorney general in the State of Georgia, Mr. Speaker has refused, even though the Georgia Constitution says if the Governor is requesting that the attorney general defend the State of Georgia, that the Constitution requires him to do that. But for whatever reason, I am not saying it's political, but our Democratic attorney general in the State of Georgia has declined to join in that suit.

I would commend Governor Perdue, and that there are great attorneys in the State of Georgia who have agreed to file suit on behalf of the State of Georgia and its 9.5 million residents, the largest State east of the Mississippi, fifth largest in population in the country. We are going to bring suit, and it's going to be done on a pro bono basis. These attorneys normally charged \$700 an hour for their services. They are highly skilled, very experienced attorneys, and they are going to do this because our attorney general refuses to do it, unfortunately.

But honestly, and I want to hear further, Mr. Speaker, the gentleman is an expert, Judge CARTER is an attorney and a judge for over 20 years, he is the expert. But I think, and I really want my colleagues to hear this, I think the Supreme Court could vote 9-0 in favor of these 20 suits that are bringing suit against the constitutionality of this provision, mandating commerce, forcing people against their will to engage in commerce, as Judge CARTER has said.

So I hope that it will be an expedited review, Judge, maybe I am not using

the right terminology, and hopefully within a year, year and a half, that this thing will be settled.

Colleagues, what that will do is it will unravel ObamaCare. It will unravel ObamaCare because to try to simplify this, this thing would never have worked. Do you think, Mr. Speaker, that the health insurance plans, AHIP, these big insurance companies like Aetna, Blue Cross, Cigna, do you think they would have agreed to cover people with preexisting conditions at standard rates if they had not been given this deal?

They went over to the White House a year and a half ago, Mr. Speaker, along with the American Medical Association, and the American Association of Retired Persons and Big Pharma, and there was a deal for everybody, Mr. Speaker. That was a good deal for the health insurance industry because they were going to pick up all these additional people who were going to be forced to purchase health insurance, and not only health insurance, but as Judge CARTER pointed out, Mr. Speaker, they were going to be forced and are going to be forced to purchase health insurance that has first dollar coverage.

Do you think there's any plans ultimately to expand health savings accounts and let young people who are healthy, as the judge pointed out, and taking care of themselves and exercising and doing all of the right things to buy a health insurance policy they can afford, one with a high deductible, but a low monthly premium, and it has catastrophic coverage, they are not going to be permitted to do that? They are going to have to get these first dollar plans by 2014, and they can't afford it.

I thank the gentleman, Mr. Speaker, for allowing me to share my thoughts. My colleagues, I think, know that I have practiced medicine for 31 years, and I know of what I speak in regard to the American people being opposed to having the Federal Government come in lock, stock and barrel and take over one-sixth of our economy to make decisions that should be made in the sanctity of the exam room between a doctor and a patient.

I look forward to the rest of your comments.

Mr. CARTER. Thank you. Just going over this, this is a welcome sign for all. It may not be all the States now because more have joined in. Let's just look real quickly: Washington, Colorado, Nevada, Texas, Idaho, North Dakota, Arizona, Louisiana, Nebraska, South Dakota, Utah, Michigan, Pennsylvania, Virginia, Indiana, South Carolina, Alabama, Georgia, Mississippi and Florida.

That's a pretty good gallery of the States, and it's not just one region. It's across the country, and it's because the American people are being affected

across the country. Ultimately, the courage of these attorneys general will stand up for every American citizen on this issue, and I commend them, and I congratulate them, and I am looking forward to in some small way if I can work with them, because I think it's an important thing.

The gentleman mentioned expert. You know, we say in the legal position an expert is a guy from out of town with a briefcase. I have seen that in the courtroom a lot, and I would have to say I agree with that in some instances. No, we are all in some form experts on the Constitution because we can all stick one in our back pocket and carry it around and we can read it and we can learn what it says. In fact, that's kind of what's going on in the country right now. An awful lot of the people are getting themselves a Constitution and they are reading it. I said, wait a minute, this thing was to restrict government. This doesn't restrict government.

One of the arguments is being made, making the ninth and 10th amendment the commerce clause. The commerce clause says the U.S. Congress shall have the power to regulate commerce with foreign nations and among the several States and with the Indian tribes. The ninth amendment says the enumeration in the Constitution of certain rights shall not be construed to deny or disparage others of the rights retained by the people.

Remember, this Constitution starts off by saying, people have certain inalienable rights, rights that cannot be alienated. Granted by God, that's what the Constitution says by divine providence, and among those are life, liberty and the pursuit of happiness, which means there's more.

□ 2140

This Bill of Rights and the Constitution sets forth a lot of those rights, but they're not all the rights.

And remember, we go back to what were they starting to do? They were starting to get tyranny off our back; don't let the government impose its will upon us. That's what we started out with when the first Minuteman went to Bunker Hill and Breed's Hill to stand up against the Red Coats. It was because they felt like the government was imposing unfair will upon the individuals in the American colonies.

And then the 10th amendment goes on to say, "The powers not delegated to the United States"—that being the Federal Government—"by the Constitution nor prohibited to it by the States are reserved to the States respectively or to the people." So in other words, the rights that they don't deal with here belong to the States. And if the States are not going to be in charge of those rights, then back to the people. This is a hard concept because some people sitting at home and some

people in this body are going to say, how do the people have rights that the government is not protecting? Well, they do. In fact, they took up arms once—and some would argue twice—in our Nation's history because of rights that people thought they had as individuals.

So this is part of this revolutionary republican society that we created. We created a republic and we were created out of a revolution. So we are fighting a basic argument, a basic constitutional argument that goes forward before the Supreme Court sometime hopefully in an expedited manner. And I agree with my friend, Mr. GINGREY, that expediting this is important for the American people.

I guess if there is ever anything written into a bill that turns out to be good news of this bill, it's that it does not get implemented until 2014, which means it kind of gets past a couple of election cycles where it might be an issue before it actually starts happening to us, which gives these Attorneys General the opportunity to carry this through the court system and hopefully to the Supreme Court so the Supreme Court can give us an opinion about this particular health care bill and whether or not we are going to expand the clause that says U.S. Congress can regulate commerce to the point where it can regulate individual activity of human beings to the point where it says you must buy something because it's for the good of you and the good of the Nation even if you don't want to buy it. That is where we are going to go and that is the question they are going to have to answer. It is going to be exciting to see what the conclusion is.

I have a tremendous amount of faith in the judicial system. And even though I have many times disagreed with the U.S. Supreme Court on issues, I have always—and still to this day by the oath I took, both as a judge and the oath we take as Members of Congress to preserve, protect, and defend the Constitution against all enemies foreign and domestic. Now, that oath says the ultimate sovereignty, we declare it to be the Constitution. I have always had confidence that our Supreme Court, even when I disagreed with them, over the long haul it would all be for the good of the Constitution. I look forward to that opinion that is going to come out of the United States Supreme Court.

Tonight I have to cut this a little bit short. We will be back talking about this on other days. So I thank my colleague for joining me, I thank my other colleagues for listening, and I yield back the balance of my time.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will remind all persons in the

gallery that they are here as guests of the House and that any manifestation of approval or disapproval of proceedings or other audible conversation is in violation of the rules of the House.

MEMORIALIZING DOROTHY HEIGHT

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentlewoman from California (Ms. WATSON) is recognized for 60 minutes.

GENERAL LEAVE

Ms. WATSON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and exclude extraneous materials on the subject of memorializing Dorothy Height.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

Ms. WATSON. Mr. Speaker, we come with heavy hearts today to memorialize a woman who made such a great impact on us who passed away early this morning.

Dorothy Height was a founding matriarch of the American civil rights movement whose crusade for racial justice and gender equality spanned more than six decades. She fought for equal rights for both American Americans and women. She was among the coalition of African American leaders who pushed civil rights to the center of the American political stage after World War II and she was a key figure in the struggle for school desegregation, voting rights, employment opportunities, and public accommodations in the fifties and the sixties.

In high school, Dorothy was awarded a scholarship to Barnard College for her oratory skills, yet upon arrival she was denied entrance. At the time, Barnard admitted only two African Americans per academic year, and Height had arrived after the other two had already been admitted. At its 1980 commencement ceremonies, Barnard College awarded Height its highest honor, the Barnard Medal of Distinction. She also went to New York University and received a master's degree in educational psychology and eventually became the recipient of no fewer than 36 honorary doctorates.

Dr. Dorothy Height began her career as a caseworker for the New York City Welfare Department. In 1944, Dr. Height joined the national staff of the YWCA and she was instrumental in bringing about an interracial charter for YWCAs in 1946.

Dr. Height also served as National President of Delta Sigma Theta Sorority from 1946 to 1947 and developed leadership training programs and interracial and ecumenical education programs.

In 1957, Dr. Dorothy Height was named President of the National Council of Negro Women, a position she held for 40 years, in which she emphasized self-help and self-reliance, including programs in nutrition, childcare, housing, and career counseling.

During civil rights struggles in the 1960s, Dr. Dorothy Height helped orchestrate strategy with movement leaders, including Reverend Dr. Martin Luther King, Jr., Roy Wilkins, A. Philip Randolph, Whitney Young, James Farmer, Bayard Rustin, and JOHN LEWIS.

During the 1960s, Dr. Dorothy Height organized "Wednesdays in Mississippi," which brought together black and white women from the North and South to create a dialogue of understanding.

In the mid-1960s, Dr. Height wrote a column entitled "A Woman's Word" for the weekly African American newspaper, the New York Amsterdam News.

□ 2150

In the 1970s and 1980s, the National Council of Negro Women helped organize and operate development projects in African countries. Because of her experience and depth of knowledge, she later served on a number of committees, including as a consultant on African affairs to the Secretary of State, on the President's Committee on the Employment of the Handicapped, and on the President's Committee on the Status of Women.

In 1974, Dr. Height was named to the National Council for the Protection of Human Subjects of Biomedical and Behavioral Research, which published the Belmont Report, which was a response to the infamous Tuskegee Syphilis Study and an international ethical touchstone for researchers to this day.

American leaders regularly took her counsel, including First Lady Eleanor Roosevelt. Dr. Height also encouraged President Dwight D. Eisenhower to desegregate schools and President Lyndon B. Johnson to appoint African American women to positions in government.

I remember her telling me a story that the location of her office and their office building right now down on 7th Street, where you can see the Capitol in the background, was the last place that they retrieved two young African sisters who were running away from slavery. They brought them back and sold them off of the spot which is an historical preservative for her National Conference of Negro Women. What irony. She was that great lady who could see into the future, and I think that property just beckoned to her.

When she turned 90 years old, I was there at her birthday celebration here in Washington, D.C. They had purchased property that was very, very expensive, but they were able to get it for \$8 million. Oprah Winfrey came, and

she said, I understand that you owe \$5 million. She said, Well, I have something with me that I think will help you. She gave a check for \$2.5 million. Now deduct that from the \$5 million. Then she proceeded that evening to go around the room and get those who were lobbyists, those who were advocates, to commit to paying off the balance. Within a few months' time, every penny of that property was paid for.

What a story.

It used to be Sears, the headquarters for Sears. As you know, that's in Chicago now, but the history of the property and where she still went when she was able to get there was the place they sold the last two young African women into slavery. I thought it was important to let you know the spiritual impact, the special gifts that she had for using her judgment to make the right decisions.

In 1994, President Bill Clinton awarded her the Presidential Medal of Freedom, which is the Nation's highest civilian honor. The musical stage play, "If This Hat Could Talk," is based on her memoirs. "Open Wide the Freedom Gates" is the name of her book of memories. It showcases her unique perspective on civil rights movements, and it details many of the behind-the-scenes figures and mentors who shaped her life.

My mother is now 100. I am reminded that my grandmother, her mother, used to sit us down at her feet. Because most of the history of Africa is Aro, she used to tell us these stories of Mary McLeod Bethune. Mary McLeod Bethune, out of Florida, started the first college for colored girls. My grandmother used to talk about her all the time. I finally found out that she went to school with Mary McLeod Bethune when she lived and had her first child in Florida, and so I always thought that Mary McLeod Bethune was an aunt. I was so disappointed when I found out she wasn't related. She talked about the line of Judah. That was Haile Selassie, and they feel that most black people were descendants of Haile Selassie. My grandmother talked about Mrs. Roosevelt. She also talked about Marcus Garvey and that back-to-Africa movement.

All of these were powerful figures in the history of black people here in America. So, when we would see Dr. Height, regardless of how ill she was—but her mind was sharp—she would bring forth this history that we could only read about.

Dorothy Height had served on the advisory council of the White House Initiative on Historically Black Colleges and Universities and on the National Advisory Council on Aging. Wasn't that wonderful. She lived to 98. She passed this morning.

On March 24, 2004, her 92nd birthday, she received the Congressional Gold Medal, the highest decoration Congress

can bestow, and I am so proud to say that I was the author of the bill that gave her the Gold Medal. As I circulated around these Chambers, I went to that side of the aisle and would sit next to various Members and would tell them, I am carrying the Gold Medal bill for Dr. Dorothy Height.

They would ask, Who is Dr. Dorothy Height?

I'd get very quiet, and I'd say, I'm going to tell you who she is, but you'd better not let other people know you don't know who Dorothy Height is. She proceeded Rosa Parks, and she was 19 years old when Mary McLeod Bethune handed her the mantle of leadership. She took it at age 19 and held it until her demise. Of course she had to have other people take over after she retired.

I knew her story because my grandmother related it to me. She started telling me about it when I was 3 years old. My sister, 18 months older than I, would have to sit there, too. She is deceased now. My grandmother read us the newspaper. She could have read it upside down, sideways or bottom up, but I remembered what she said because, traditionally, the story of our history was Aro, and that's why I took great pride after I entered these most honored Chambers to pay tribute to a woman who is part of all of our history.

Dr. Dorothy Height was the chairperson of the Executive Committee on the Leadership Conference on Civil Rights, the largest civil rights organization in the United States of America. Dr. Dorothy Height was an honored guest and was seated among the dignitaries at the inauguration of our current President, Barack Obama, on January 20, 2009.

□ 2200

She helped create and organize the Black Family Reunion celebration held annually since 1985. These gatherings were intended to honor the traditions, the strengths, and the history of African American families, while seeking solutions to such social problems as teen pregnancy, drug abuse, and violence. She attended these National Black Family Reunions celebrated on the National Mall in Washington, DC, every year until her death this morning.

Her death was something that we all feel so terrible about. We mourn her loss, but she leaves us a great legacy; and we all stand on her shoulders. She had the insight to keep our families together. Because when we were kidnapped off of the continent, when they brought us here to America, they separated husband and wife and took the babies away from their mothers' breasts and sold them for more property. And she knew that strength was with unity. And when you can bring families together, then you can be empowered.

So we owe so much to Dr. Dorothy Height. And we pay tribute to her strength, her vision, her dedication, and her brilliance. Her voice will never die out. We will continue to hear it when we talk about equality and justice and opportunity and fairness.

With that, Madam Speaker, I would like to call up the most distinguished Member of Congress from Los Angeles, MAXINE WATERS, for as much time as she might consume.

Ms. WATERS. Thank you very, very much Congresswoman DIANE WATSON. Thank you for taking out this hour to remember Dr. Dorothy Height. I appreciate the fact that you not only organized this time, but you understood how important it is for all of us who knew her, who loved her, who worked with her to just stop and remember her in this very, very special way.

When I learned of her death, I immediately thought about March 24, 2004. That is when she received the great recognition from the Congress of the United States, receiving the Gold Medal, the highest civilian award that can be given to a United States citizen. I remembered that because when that ceremony took place I remember watching her and reflecting on all that she had done for this country.

I remember not only the fact that she was the one woman in the civil rights movement that was dominated by men who sat in on the discussions about the civil rights legislation, the voting rights legislation, and this was at a time when women were not welcomed at the helm of the civil rights movement, but Dorothy Height was a very special woman. And I am sure that no matter what some of the men thought, they couldn't have turned her down because of her special way of handling situations. She was a highly cultured woman, articulate, refined, and always able to help temper situations that could be explosive. So Dorothy Height had a way of not only managing herself, but managing those around her.

I heard Congresswoman WATSON as I was coming in talking about the Black Family Reunions. And they stand out as part of her tremendous work. At a time when black families were being demonized, being talked about as dysfunctional, she not only showed that we are a people who care and love our families, but we came out to these great reunions in very special ways. I remember seeing young black males carrying their babies, and I remember seeing young children being held by the hand by their grandmothers. So the mothers and the fathers, the sisters and the brothers, the uncles and the aunts, everybody came out to these tremendous family reunions. And I can recall not only attending in Washington, DC, but in my hometown of Los Angeles. I was there with Dorothy

Height, number one, because I respected her, I admired her; but she expected me to be there.

We were friends for many, many years, dating back to our struggles in the Carter administration, when we had created the International Women's Year. And we all convened in Houston, Texas, to create the Women's Commission that was appointed by Carter. I was there as a young woman long before I came on the national scene and helped to organize on that floor the final statements that we delivered to President Carter that created the National Women's Commission.

As a matter of fact, Dorothy Height has been at the center of every significant development on behalf of women. Not only did she work in the civil rights movement, she worked for women. And she has been there in those struggles working with the National Organization for Women, the National Women's Political Caucus, all of those organizations that sprung up when we finally began to realize that we had power and we could exercise power and influence not only in helping to advance women in this country, but advance public policy as it related to women and families.

So Dr. Dorothy Height, who sat at the foot of Mary McLeod Bethune, the greatest educator that ever involved herself in education in this country, had a great impact on Dorothy Height. And Dorothy Height was a big supporter of education. And she often told of the stories of Dr. Mary McLeod Bethune. She often shared with us the very special moments she had with her and the kind of influence that she had on her and her leadership.

So she is gone. And there are those who are asking who is going to take her place. Well, no one can really take her place. There is no other and will be no other like Dorothy Height. Of course there are many brilliant women. There are visionary women. There are articulate women. There are women who can manage at the highest levels. But you can't replicate Dorothy Height. We can hope that someone takes her place who will honor the contributions that she has made and give leadership to the National Council of Negro Women in a manner that she would be proud of, but no one can actually take her place.

I stand here this evening to say that Dorothy Height not only was special and one of a kind; I loved her. I honor the time that I was able to spend with her. I honor the birthday celebrations that I was able to go to. I honor the times that she attended all of the chapter meetings across this country and I happened to be in some city or some State where she was where I attended those chapter meetings. I honor having known her because I think it certainly gave me not only insight into what she was all about, but the inspiration that

she provided for me and the lessons that I learned from her.

So this evening I simply say that we wish her journey to heaven to be the kind of journey where she will certainly rest in peace and get the rest that she so richly deserves. But we want her family to know, and all of those who perhaps didn't know her, how much she has meant not only to women and to the civil rights movement, but to this country. And we want to honor her in this very, very special way on the floor of Congress so that it will be recorded in the CONGRESSIONAL RECORD, adding to all of the other ways that she will be etched into the history of this country and this world.

Thank you, Dorothy, for having served. Thank you for having led us. Thank you for having been the kind of public servant who helped this country to be a better country.

I yield back the balance of my time.

Ms. WATSON. I want to thank you, Representative WATERS, for your association over the years with her and following in her footsteps. You know, we all joined hands together because I think those family reunions were a very special moment in our communities.

□ 2210

And we remind each other of the importance of our family bonds, and we show this country that we can stay together and our families are not dysfunctional. And that's what she stood for. And so I thank you for your words this evening.

And I have asked that all of these statements be recorded. And as we close out this late hour, I just want to say that we have had the privilege to live at a time when such a great, great woman whose ancestry emanated from what we call the Dark Continent, lived among us, taught among us, and touched us all. May God rest her soul.

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. LEE) is recognized for 5 minutes.

Ms. LEE of California. Madam Speaker, today we lost an American treasure with the passing of Dr. Dorothy Irene Height, a matriarch of the civil rights movement, a staunch advocate for women's rights, and an all-around phenomenal woman.

Dr. Height was a bold and brilliant African American woman who blazed many trails and opened many doors to the American Dream for women and people of color. Tonight I join with people around the world as we mourn the death and celebrate the life of Dr. Height.

Throughout her life, Dr. Height wore many hats, both literally and figuratively. She wore them with elegance and dignity, with excellence and determination. From her legendary stewardship as the national president of Delta

Sigma Theta sorority to her unprecedented 41-year tenure at the helm of the National Council of Negro Women, Dr. Height was a woman of courage and strength.

Dr. Height's commitment to equality was reflected in so many of her pursuits. In the 1930s, for example, Dr. Height traveled across the United States to encourage YWCA chapters to implement interracial charters. After dedicating more than 60 years of her life to the YWCA, Dr. Height remained proudest of her efforts to direct the YWCA's attention to the issues of civil rights and racial justice. She was committed to this work. In fact, Dr. Height was the first director of its new Center for Racial Justice. This was in 1965. I believe it was in New York. Imagine, though, the resistance that she felt and that she was faced with in her efforts to desegregate the YWCA in the 1930s.

As the leader of the United Christian Youth Movement of North America, Dr. Height worked to desegregate the Armed Forces, prevent lynching, reform the criminal justice system, and establish free access to public accommodations. At a time when racial segregation was the standard and resistance to integration was often very fierce, Dr. Height forever remained true to her convictions, even when it was not the comfortable thing to do.

A lifelong advocate for peace, equality, and justice, Dr. Height was especially committed to empowering women and girls. She stood toe to toe with the great male civil rights giants of our time, steadfast in her dedication to ensure that black women's needs were addressed. She was forever dedicated to helping women achieve full and equal employment, pay, and education.

Dr. Height was instrumental in establishing a multicultural "Wednesdays in Mississippi." This was a program to assist freedom schools and voter registration drives. She knew that the fight for racial justice and for women's equality go hand in hand.

As the national president of the National Council of Negro Women, Dr. Height led the NCNW in helping women and families combat hunger. She also established the Women's Center for Education and Career Achievement in New York City to prepare women for entry into jobs and careers. During her tenure as president of NCNW, they were able to buy a beautiful building just a few blocks from here on Pennsylvania Avenue. And to this day it is the only African American-owned building on Pennsylvania Avenue, which is on the site where slave traders legally operated a center slave market, and where in 1848, 76 slaves, including Emily and Mary Edmondson, attempted to escape to the Underground Railroad.

Dr. Height said, and this is Dr. Height's quote, she said, "It seems

providential that we stand today on the shoulders of our ancestors with an opportunity to claim the site and sustain a strong presence for freedom and for justice."

I tell you Dr. Height remained a fighter until her last breath. Last year she attended President Barack Obama's first signing of the Lilly Ledbetter Act, his first bill he signed into law. She was present here for the unveiling of the Shirley Chisholm portrait and the bust of Sojourner Truth here in the Capitol. She worked diligently on various issues with the Black Women's Roundtable and the Black Leadership Forum and often participated in panels here on Capitol Hill. Just recently, she joined us in our efforts to support the 2010 census. We always knew that we were in the presence of greatness. And we always knew, especially now as Chair of the Congressional Black Caucus, that Dr. Height, when we called, she would be there to support us.

We mourn the loss tonight of Dr. Height. We celebrate her life and her legacy. We love you, Dr. Height, and we promise to continue your legacy of service to humankind. May your soul rest in peace.

Ms. JACKSON LEE of Texas. Madam Speaker, I rise today to pay tribute to a national treasure and icon who passed early this morning. I am speaking, of course, of the incomparable, irrepressible, and legendary Dorothy Irene Height. For more than half a century, Dorothy Height has played a leading role in the never-ending struggle for equality and human rights here at home and around the world. Her life exemplifies her passionate commitment for a just society and her vision of a better world.

Dorothy Height was born in Richmond, Virginia March 24, 1912, and educated in the public schools of Rankin, Pennsylvania, a borough of Pittsburgh, where her family moved when she was four. She established herself early as a dedicated student with exceptional oratorical skills. After winning a \$1,000 scholarship in a national oratorical contest on the United States Constitution, sponsored by the Fraternal Order of the Elks, and a compiling a distinguished academic record, she enrolled in New York University where she earned both her bachelor and master's degrees in just four years. She continued her postgraduate studies at Columbia University and the New York School of Social Work.

In 1933, Dorothy Height joined the United Christian Youth Movement of North America where her leadership qualities earned her the trust and confidence of her peers. It was during this period that she began to emerge as an effective civil rights advocate as she worked to prevent lynching, desegregate the armed forces, reform the criminal justice system, and provide free access to public accommodations. In 1935, Dorothy Height was appointed by New York government officials to deal with the aftermath of the Harlem riot of 1935.

As Vice President of the United Christian Youth Movement of North America, Dorothy

Height was one of only ten American youth delegates to the 1937 World Conference on Life and Work of the Churches held in Oxford, England. Two years later she was selected to represent the YWCA at the World Conference of Christian Youth in Amsterdam, Holland.

It was in 1937, while serving as Assistant Executive Director of the Harlem YWCA, that Dorothy Height met Mary McLeod Bethune, founder and president of the National Council of Negro Women (NCNW). Mrs. Bethune was immediately impressed with young Dorothy Height's poise and intelligence and invited her to join the NCNW and assist in the quest for women's rights to full and equal employment, pay and education.

In 1938, Dorothy Height was one of ten young Americans invited by Eleanor Roosevelt to come to Hyde Park NY to help plan and prepare for the World Youth Conference to be held at Vassar College.

For the next several years, Dorothy Height served in a dual role: as a YWCA staff member and NCNW volunteer, integrating her training as a social worker and her commitment to rise above the limitations of race and sex. She rose quickly through the ranks of the YWCA, from working at the Emma Ransom House in Harlem to the Executive Directorship of the Phyllis Wheatley YWCA in Washington, DC to the YWCA National headquarters office.

For thirty-three years, from 1944 through 1977, Dorothy Height served on the staff of the National Board of the YWCA and held several leadership positions in public affairs and leadership training and as Director of the National YWCA School for Professional Workers. In 1965, she was named Director of the Center for Racial Justice, a position she held until her retirement.

In 1952, Dorothy Height lived in India, where she worked as a visiting professor in the Delhi School of Social Work at the University of Delhi, which was founded by the YWCAs of India, Burma and Ceylon. She would become renowned for her internationalism and humanitarianism. She traveled around the world expanding the work of the YWCA. She conducted a well-received study of the training of women's organizations in five African countries: Liberia, Ghana, Guinea, Sierra Leone, and Nigeria under the Committee of Correspondence.

Dorothy Height loved and led her sorority, Delta Sigma Theta. She was elected National President of the sorority in 1947 and served in that capacity until 1956. She led the sorority to a new level of organizational development, initiation eligibility, and social action throughout her term. Her leadership training skills, social work background and knowledge of volunteerism benefited the sorority as it moved into a new era of activism on the national and international scene.

In 1957, Dorothy Height was elected the fourth National President of NCNW and served in that position for 40 years, when she became Chair of the Board and President Emerita.

In 1960, Dorothy Height was the woman team member leader in the United Civil Rights Leadership along with Dr. Martin Luther King, Jr., Whitney H. Young, A. Philip Randolph, James Farmer, Roy Wilkins and John Lewis. In 1961, while Dorothy Height was partici-

pating in major Civil Rights leadership, she led NCNW to deal with unmet needs among women and their families to combat hunger, develop cooperative pig banks, provided families with community freezers and showers.

In 1964, after the passage of the Civil Rights Act, Dorothy Height with Polly Cowan, an NCNW Board Member, organized teams of women of different races and faith as "Wednesdays in Mississippi" to assist in the freedom schools and open communication between women of difference races. The workshops which followed stressed the need for decent housing which became the basis for NCNW in partnership with the Department of Housing and Urban Development to develop Turnkey III Home Ownership for low income families in Gulfport, Mississippi.

In 1970, Dorothy Height directed the series of activities culminating in the YWCA Convention adopting as its "One Imperative" to the elimination of racism. That same year she also established the Women's Center for Education and Career Advancement in New York City to prepare women for entry level jobs. This experience led her in 1975 to collaborate with Pace College to establish a course of study leading to the Associate Degree for Professional Studies (AAPS).

In 1975, Dorothy Height participated in the Tribunal at the International Women's Year Conference of the United Nations in Mexico City. As a result of this experience, NCNW was awarded a grant from the United States Agency for International Development (USAID) to hold a conference within the conference for women from the United States, African countries, South America, Mexico and the Caribbean. This was followed with a site visit with 50 of the women to visit with rural women in Mississippi. Under the auspices of the USAID, Dorothy Height lectured in South Africa after addressing the National Convention of the Black Women's Federation of South Africa near Johannesburg (1977). Since 1986, she has worked tirelessly to strengthen the Black family.

Madam Speaker, under the leadership of Dorothy Height:

NCNW achieved tax-exempt status in 1966;

NCNW dedicated the statue of Mary McLeod Bethune in Lincoln Park, Washington D.C. in 1974; the first woman to be so honored on public land in the Nation's Capital;

Developed model national and community-based programs ranging from teen-age parenting to pig "banks"—which addressed hunger in rural areas;

Established the Bethune Museum and Archives for Black Women, the first institution devoted to black women's history;

Established the Bethune Council House as a national historic site;

Transformed NCNW into an issue-oriented political organization, sponsoring "Wednesdays in Mississippi" when interracial groups of women would help out at Freedom Schools; organizing voter registration drives in the South; and fostering communications between black and white women.

Established the Black Family Reunion Celebration in 1986 to reinforce the historic strengths and traditional values of the Black family.

Among the major awards bestowed upon Dorothy Irene Height in gratitude and appreciation for her service to our nation and the world are the following:

Presidential Medal of Freedom presented by President Bill Clinton;

Congressional Gold Medal presented by President George W. Bush;

John F. Kennedy Memorial Award;

NAACP—Spingarn Medal;

Hadassah Myrtle Wreath of Achievement;

Ministerial Interfaith Association Award;

Ladies Home Journal—Woman of the Year;

Congressional Black Caucus—Decades of Service;

President Ronald Reagan—Citizens Medal;

Franklin Roosevelt—Freedom Medal

Essence Award; and

The Camille Cosby World of Children Award.

Dorothy Height was also elected to the National Women's Hall of Fame and is the recipient of thirty-six honorary degrees from colleges and universities as diverse as: Tuskegee University, Harvard University, Spelman College, Princeton University, Bennett College, Pace University, Lincoln University, Columbia University, Howard University, New York University, Morehouse College, and Meharry Medical College.

Madam Speaker, Dorothy Height has witnessed or participated in virtually every major movement for social and political change in the last century. For nearly 75 years, Dorothy Height has fought for the equality and human rights of all people. She was the only female member of the "Big 6" civil rights leaders (Whitney Young, Jr., A. Philip Randolph, Martin Luther King, Jr., James Farmer, and Roy Wilkins). Her vision and dedication made NCNW the premier organization in advocating for the health, education and economic empowerment for all women of African descent around the world.

Thank you, Dorothy Height, for your service to our nation. You have made America a better place for all persons of all races, religions, and backgrounds. You have mentored hundreds, been a role model to thousands, and a hero to millions. You are an American original. I am glad to count you as a friend.

Mr. TOWNS. Madam Speaker, I rise today to express my condolences on the passing of Dr. Dorothy Irene Height. Born March 24, 1912, in Richmond, Virginia, Dr. Height went on to become one of the most influential civil rights activists and a symbol of African American advancement in the United States.

After graduating with a Master's degree in psychology from New York University, Dr. Height continued her early career with post-graduate work at Columbia University and the New York School of Social Work. In her lifetime, she eventually received 36 Honorary Doctorate Degrees, along with a plethora of awards in recognition of her outstanding work in the field.

In 1937, she was invited to join the National Council of Negro Women in her quest for women's rights to full and equal employment, pay and education. This is when her career as civil rights activist began. She fought for equal rights for both African Americans and women alongside of the big six of the civil rights movement—Dr. Martin Luther King, Whitney

Young, A. Philip Randolph, James Farmer, Roy Wilkins, and JOHN LEWIS. She served in many leadership roles with prominent groups such as the Leadership Conference on Civil Rights, National Council of Negro Women, and the YWCA.

Among her many awards, Dr. Height was awarded the Presidential Citizens Medal, the Presidential Medal of Freedom, and the Congressional Gold Medal on behalf of the US Congress—our nation's highest honors bestowed upon extraordinary citizens like Dr. Height.

Dr. Height passed away on April 20, 2010. It is with deep sadness that I offer my condolences to her family, friends, and to the many lives touched by Dr. Height.

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, I rise today to recognize the life and achievements of a trailblazing civil rights leader and dedicated American citizen, Dr. Dorothy I. Height.

Dr. Height was born on March 24, 1912 in Virginia and spent her formative years in Pennsylvania. She completed a degree at New York University in 1932 and a year later received a master's degree in educational psychology. She would spend the rest of her life active in the civil rights movement working diligently to ensure that every American was treated equally and fairly.

As a natural leader, Dr. Height led the National Council of Negro Women for forty years from 1957 to 1997. Her service and dedication to both this organization and all African-Americans were tireless, and she will forever be remembered as one of the most influential and important women in the civil rights movement. In 1963, when Dr. Martin Luther King, Jr. gave his famous "I Have a Dream" speech, Dr. Height stood mere feet from him as he addressed the crowded mall that day. Four and a half decades later, she would hear the echoes of the civil rights movement resound in the inauguration of Barack Obama, America's first African-American President. Truly, she saw some of the most famous and unique events of the last century, many of which were due in large part to her work and efforts.

Dr. Height was the recipient of countless awards throughout her lifetime including the Presidential Medal of Freedom and the Congressional Gold Medal. She received 36 honorary doctorate degrees from various universities across the country, and additionally, met, spoke with, and offered counsel to Presidents from Eisenhower to Obama.

Madam Speaker, America and the world has lost a giant with the passing of Dr. Dorothy Height. I will remember her as a woman of conviction who fought and worked until her final days at 98 years old. Truly, we have benefitted immensely because of her, and we owe her a deep debt of gratitude for giving everything she could so that our country might be better and fairer. I ask my fellow colleagues to join me today in honoring her and remembering her dedication to the American people.

Mr. RANGEL. Madam Speaker, I rise today in mourning of Dorothy Height—a dynamic, resilient spirit who served as the matriarch and female voice of the 1960s Civil Rights Movement—and in celebration of a career that spanned eight decades, beginning as a teenager in the budding United Christian Youth

Movement. By her 20s, she was the group's leader in campaigns against lynchings and segregation in the Armed Forces, including a stint as the lead in dealing with the outcome of the Harlem riot in 1935. Her meteoric rise to influence came as president of the National Council of Negro Women (NCNW), a post she retained for three decades. In an era of racial tension and the march towards greater minority rights, Height set herself apart as a pioneer, marching with Martin Luther King, Jr., A. Phillip Randolph, and my esteemed colleague, Rep. JOHN LEWIS. Forty years ago, she stood alongside King, a marble and limestone Lincoln, and a reflecting pool, as he announced a dream he had of a more perfect union. She not only stood at the precipice of history, she helped carve out a significant and indelible part of it.

The cause of her life proved to be dealing with the unmet needs of the downtrodden and forgotten. As president of NCNW, she focused on improving the lot of women and their families, working tirelessly to combat hunger and establish home ownership programs for those of low income. After 30 years at the helm of NCNW, she became its chair and never gave up the fight well into her late 90s. She recently met with President Obama as part of a group of key African American leaders meeting at the White House for a summit on race and the economy. In 1994, President Clinton awarded her the Presidential Medal of Freedom, and ten years later, this Richmond, Virginia native born to working-class parents earned the highest civilian and most distinguished award presented by this Congress, the Congressional Gold Medal.

Dorothy Height taught us all—women and men of all faiths and races—to never relent in the struggle for equality. With a steel spine, grit, and determination, she lent a powerful female voice to a movement that needed her personal grace and perseverance. She had no tolerance for sitting idly by or leaving the hard work for generations that followed, famously noting that "if the time is not ripe, we have to ripen the time." May we carry that sentiment and her uplifting spirit as we face the challenges that confront us as a nation. She will be missed, but the power of her life's work will not: it will continue to inspire and motivate us for generations to come.

Ms. RICHARDSON. Madam Speaker, I rise today to remember and honor the legacy of Dr. Dorothy Height, who passed away this morning at the age of 98. As one of the most significant figures of the Civil Rights Movement, Dr. Dorothy Height was a true American heroine. Dr. Height spent her entire life fighting injustice and discrimination, and, in doing so, helped make our society more equitable and tolerant.

Dr. Dorothy Height was born in Richmond, Virginia in 1912, a setting in which racism and sexism were the norm. However, Dr. Height did not let this oppressive environment prevent her from following her dreams. After being denied entrance to Barnard College due to a quota allowing only two African-American students per class, she enrolled at New York University, where she earned a Master's degree in educational psychology.

Although Dr. Height began her career as a caseworker, she soon felt called to the arena

of social justice and joined the National Council of Negro Women. In 1957, Dr. Height was elected President of the National Council of Negro Women and proudly served in that post for 40 years. Dr. Height also served as the president of the historically black Delta Sigma Theta Sorority, where she developed programs that promoted education and leadership among African-American women.

Dr. Height is often referred to as the “godmother of the Civil Rights Movement” due to her founding role in the Movement and her consistent voice of guidance and inspiration in the fight against discrimination. Dr. Height fought to desegregate public schools, obtain voting rights for African-Americans, and ensure equality for women of all races. Dr. Height marched alongside Dr. Martin Luther King and gave advice to Presidents Dwight Eisenhower and Lyndon Johnson on civil rights and women's rights issues.

Dr. Height's amazing and inspirational work has been honored by our nation's most prestigious awards. In 1994, President Bill Clinton awarded Dr. Height with the Medal of Freedom and in 2004, President George W. Bush presented her with the Congressional Gold Medal. Dr. Height has also received the Presidential Citizen Medal, the Franklin Delano Roosevelt Freedom From Want Award, the Spingarn Medal from the NAACP, and the 7th Annual Heinz Award Chairman's Medal.

Dr. Height never stopped fighting for justice and equality, and in January 2009, Dr. Height was honored as a distinguished guest at the inauguration of our nation's first African-American president.

Our country has lost a true leader and a beacon of social justice. I extend my deepest condolences to the family and friends of Dr. Dorothy Height, as they grieve the loss of this special individual. All Americans mourn her loss, but we take solace in the certain knowledge that our country is better because of her.

Mr. BISHOP of Georgia. Madam Speaker, I rise today to honor the incredible life and legacy of a great leader in the Civil Rights Movement and a dear friend and neighbor, Dr. Dorothy Irene Height, who passed away this morning, at the age of 98.

Dr. Height was always elegant, full of grace and poise, naturally commanding attention. She led an extraordinary life fighting for civil rights and women's rights. Her fight began when she was denied entrance into college because the school had filled its annual quota of black students, and she never gave up the fight.

Over the years, she continued the fight for justice and equality for all Americans. In fact, Dr. Height was on stage at the Lincoln Memorial with Rev. Dr. Martin Luther King, Jr. when he delivered his “I Have a Dream” speech. She was in Birmingham, Alabama to comfort the families of the four African-American girls who perished in the bombing of the Sixteenth Street Baptist Church. She watched as President John F. Kennedy signed the Equal Pay Act to eliminate wage disparity based on sex. She also helped create and organize the Black Family Reunion Celebration, and was among the few women present at the Million Man March in 1995.

Throughout her life, she befriended countless people as she strove for justice. Among

her many friends were the American educator and National Council of Negro Women (NCNW) founder Mary McLeod Bethune, First Lady Eleanor Roosevelt, and Dr. King, to name a few.

Dr. Height also served as the Director of the YWCA's Center for Racial Justice, as a visiting professor at the Delhi School of Social Work in India, as National President of the Delta Sigma Theta sorority, and as the fourth President of the NCNW. Her forty-year tenure as President of the NCNW was the highlight of her distinguished career.

In addition to her tireless work for racial justice and gender equality, she served on the advisory council of the White House Initiative on Historically Black Colleges and Universities and the National Advisory Council on Aging. Along with her 36 honorary doctorates from colleges and universities, she is a recipient of the Congressional Gold Medal, and the Presidential Medal of Freedom.

Although she received many accolades, she did not put forth her best efforts to achieve notoriety or fame. She said, “Stop worrying about whose name gets in the paper and start doing something . . . We must try to take our task more seriously and ourselves more lightly.”

Dr. Dorothy Irene Height was a remarkable woman. Her years were long as were her accomplishments. Leonardo da Vinci said, “As a well-spent day brings happy sleep, so a life well used brings happy death.” May Dr. Height sleep happily now for a life well used.

Mr. RUSH. Madam Speaker, I rise this evening with a heavy heart. Yesterday morning, our Nation learned that yet another transcendent leader of our Nation's civil and human rights movement, Dr. Dorothy Irene Height, has gone home to be with God.

I honestly don't know what it will be like to work in our Nation's capital without the esteemed ‘godmother’ of the Civil Rights Movement in our midst.

Time does not permit me to give a soaring tribute to this 98-year-old woman whose place in our Nation's history was launched when she was denied entry to the college of her choice, in 1929. You see, at that time, despite her academic acceptance, Barnard had set an artificial quota of allowing only two African Americans admittance each year.

Well, well, well, look what “Number 3” did with her life!

Whenever I reflect upon the impact Dr. Dorothy Height had upon our Nation, I will always think of a woman of steely determination and grit. But I will also remember someone who reveled in the grace of being a pioneering woman, as her many colorful hats will attest!

This Presidential Medal of Freedom honoree leaves our Nation with a literal monument to her accomplishments in the form of the National Council of Negro Women Headquarters Building, at 633 Pennsylvania Avenue, N.W., a building that they own. And you know what? It's a building that's in the same neighborhood of 1600 Pennsylvania Avenue, N.W.—a home that, right now, is occupied by a President and a First Lady who, like Dr. Height, dared to dream big dreams.

May God bless and keep Dr. Dorothy Height and the men and women of this Nation who loved her.

Ms. WASSERMAN SCHULTZ. Madam Speaker, first, let me thank Congresswoman WATSON for reserving this Special Order today to honor the life, legacy and service of Dorothy Height.

Our Nation has lost an inspirational civil rights leader and unwavering advocate for women's rights. As the president of the National Council of Negro Women for four decades, Ms. Height fought tirelessly for the rights of African-American women. She was a shining example for those devoted to achieving equality for all Americans, and she served as a hero and role model for those working toward social justice.

As leader of the NCNW, she confronted the problems facing women and families in areas ranging from child care, to health care and nutrition, to housing. Along with other women's leaders including Gloria Steinem, Shirley Chisholm, and Betty Friedan, she helped establish the National Women's Political Caucus in 1971. Dorothy's career in civil rights and women's advocacy spanned nearly 80 years of social movements, from the New Deal era to today. She was there for the anti-lynching protests in the early 1930s; she was there with Dr. Martin Luther King, Jr., our colleague JOHN LEWIS and other civil rights leaders in the watershed 1960s; she was there for the election of our first African-American President, Barack Obama.

For her achievements and dedication, Dorothy Height was awarded the Presidential Medal of Freedom by President Bill Clinton, a Congressional Gold Medal in 2004, and 36 honorary doctorates from colleges and universities. Her passion and soul have fundamentally improved the American social landscape, and we are truly grateful for her commitment to racial and gender equality. Our thoughts and prayers are with her sister, Anthanette Aldridge, and all Americans whose lives she has touched.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. BISHOP of Georgia (at the request of Mr. HOYER) for today.

Ms. EDDIE BERNICE JOHNSON of Texas (at the request of Mr. HOYER) for today.

Ms. KILPATRICK of Michigan (at the request of Mr. HOYER) for today.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Ms. WOOLSEY) to revise and extend their remarks and include extraneous material:)

Ms. WOOLSEY, for 5 minutes, today.

Ms. LEE of California, for 5 minutes, today.

Ms. CORRINE BROWN of Florida, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Mr. DEFazio, for 5 minutes, today.

Ms. JACKSON LEE of Texas, for 5 minutes, today.

(The following Members (at the request of Mr. POE of Texas) to revise and extend their remarks and include extraneous material:)

Mr. POE of Texas, for 5 minutes, April 26 and 27.

Mr. POSEY, for 5 minutes, April 22.

Mr. JONES, for 5 minutes, April 26 and 27.

Mr. BURTON of Indiana, for 5 minutes, today and April 21, 22, and 23.

Mr. MORAN of Kansas, for 5 minutes, April 26 and 27.

Ms. ROS-LEHTINEN, for 5 minutes, today and April 21.

Mr. ROHRBACHER, for 5 minutes, today.

Ms. FOXX, for 5 minutes, today.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. RANGEL, for 5 minutes, today.

BILLS PRESENTED TO THE PRESIDENT

Lorraine C. Miller, Clerk of the House reports that on April 14, 2010 she presented to the President of the United States, for his approval, the following bill.

H.R. 4887. To amend the Internal Revenue Code of 1986 to ensure that health coverage provided by the Department of Defense is treated as minimal essential coverage.

Lorraine C. Miller, Clerk of the House also reports that on April 15, 2010 she presented to the President of the United States, for his approval, the following bill.

H.R. 4573. To urge the Secretary of the Treasury to instruct the United States Exec-

utive Directors at the International Monetary Fund, the World Bank, the Inter-American Development Bank, and other multilateral development institutions to use the voice, vote, and influence of the United States to cancel immediately and completely Haiti's debts to such institutions, and for other purposes.

H.R. 4851. To provide a temporary extension of certain programs, and for other purposes.

ADJOURNMENT

Ms. WATSON. Madam Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 10 o'clock and 11 minutes p.m.), the House adjourned until tomorrow, Wednesday, April 21, 2010, at 10 a.m.

BUDGETARY EFFECTS OF PAYGO LEGISLATION

Pursuant to Public Law 111-139, Mr. Spratt hereby submits, prior to the vote on passage, the attached estimate of the costs of the bill H.R. 4178, the Deposit Restricted Qualified Tuition Programs Act, as amended, for printing in the CONGRESSIONAL RECORD.

CBO ESTIMATE OF THE STATUTORY PAY-AS-YOU-GO EFFECTS FOR H.R. 4178, THE DEPOSIT RESTRICTED QUALIFIED TUITION PROGRAMS ACT OF 2009, AS INTRODUCED ON DECEMBER 2, 2009, AND AMENDED ON APRIL 20, 2010

	By fiscal year, in millions of dollars—												
	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2010-2015	2010-2020
NET INCREASE IN THE DEFICIT													
Statutory Pay-As-You-Go Impact	0	0	0	0	0	0	0	0	0	0	0	0	0

Sources: Congressional Budget Office and Joint Committee on Taxation.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XIV, executive communications were taken from the Speaker's table and referred as follows:

7061. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Aminopyralid; Pesticide Tolerances [EPA-HQ-OPP-2009-0141; FRL-8808-9] received April 8, 2010 to the Committee on Agriculture.

7062. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Chlorantraniliprole; Extension of Time-Limited Pesticide Tolerances [EPA-HQ-OPP-2008-0770; FRL-8820-3] received April 8, 2010 to the Committee on Agriculture.

7063. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Nicosulfuron; Pesticide Tolerances [EPA-HQ-OPP-2009-0057; FRL-8818-4] received April 8, 2010 to the Committee on Agriculture.

7064. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Pendimethalin; Pesticide Tolerances [EPA-HQ-OPP-2009-0673; FRL-8817-4] received April 8, 2010 to the Committee on Agriculture.

7065. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Revisions to the Arizona State Implementation Plan; Pinal County

[EPA-R09-OAR-2009-0521; FRL-9096-8] received April 8, 2010 to the Committee on Agriculture.

7066. A letter from the Chief Counsel, Department of Homeland Security, transmitting the Department's final rule — Final Flood Elevation Determinations [Docket ID: FEMA-2010-0003] received April 8, 2010 to the Committee on Financial Services.

7067. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; Texas; Revisions to the New Source Review (NSR) State Implementation Plan (SIP); Modification of Existing Qualified Facilities Program and General Definitions [EPA-R06-OAR-2005-TX-0025; FRL-9135-7] received April 8, 2010 to the Committee on Energy and Commerce.

7068. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Delaware; Reasonable Further Progress Plan, 2002 Base Year Inventory, Reasonably Available Control Measures, Contingency Measures, and Transportation Conformity Budgets for the Delaware Portion of the Philadelphia 1997 8-Hour Ozone Moderate Nonattainment Area [EPA-R03-OAR-2009-0712; FRL-9134-9] received April 8, 2010 to the Committee on Energy and Commerce.

7069. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Texas; Control of Air Pollution from Motor Vehicles

[EPA-R06-OAR-2006-0988; FRL-9135-6] received April 8, 2010 to the Committee on Energy and Commerce.

7070. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; New Mexico; Interstate Transport of Pollution [EPA-R06-OAR-2007-0993; FRL-9134-8] received April 8, 2010 to the Committee on Energy and Commerce.

7071. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Idaho: Incorporation by Reference of Approved State Hazardous Waste Management Program [EPA-R10-RCRA-2009-0868; FRL-9122-8] received April 8, 2010 to the Committee on Energy and Commerce.

7072. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Light-Duty Vehicle Greenhouse Gas Emission Standards and Corporate Average Fuel Economy Standards; Final Rule [EPA-HQ-OAR-2009-0472 FRL-9134-6; NHTSA-2009-0059] (RIN: 2060-AP58; RIN 2127-AK50) received April 8, 2010 to the Committee on Energy and Commerce.

7073. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule — Increase in the Primary Nuclear Liability Insurance Premium [NRC-2009-0516] (RIN: 3150-A174) received April 8, 2010 to the Committee on Energy and Commerce.

7074. A letter from the Assistant Secretary for Export Administration, Department of Commerce, transmitting the Department's

final rule — Issuance of Electronic Documents and Related Recordkeeping Requirements [Docket No.: 0907201151-0114-02] (RIN: 0694-AE66) received April 8, 2010 to the Committee on Foreign Affairs.

7075. A letter from the Program Manager, Department of Health and Human Services, transmitting the Department's final rule — Organizational Integrity of Entities That Are Implementing Programs and Activities Under the Leadership Act (RIN: 0991-AB60) received April 13, 2010 to the Committee on Foreign Affairs.

7076. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting a report pursuant to Section 804 of the PLO Commitments Compliance Act of 1989 (title VIII, Foreign Relations Authorization Act, FY 1990 and 1991 (Pub. L. 101-246)), and Sections 603-604 (Middle East Peace Commitments Act of 2002) and 699 of the Foreign Relations Authorization Act, FY 2003 (Pub. L. 107-228), the functions of which have been delegated to the Department of State to the Committee on Foreign Affairs.

7077. A letter from the Assistant Secretary, Political Military Affairs, Department of State, transmitting an addendum to a certification, transmittal number: DDTC 10-007 to the Committee on Foreign Affairs.

7078. A letter from the Assistant Secretary, Political Military Affairs, Department of State, transmitting an addendum to a certification, transmittal number: DDTC 10-014 to the Committee on Foreign Affairs.

7079. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 18-377, "Lis Pendens Amendment Act of 2010" to the Committee on Oversight and Government Reform.

7080. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 18-357, "Disposition of the Property Formerly Designated as Federal Reservations 129, 130, and 299 Approval Act of 2010" to the Committee on Oversight and Government Reform.

7081. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 18-356, "Campbell Heights Residents Real Property Tax Exemption Act of 2010" to the Committee on Oversight and Government Reform.

7082. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 18-355, "Jubilee Housing Residential Rental Project Real Property Tax Exemption Act of 2010" to the Committee on Oversight and Government Reform.

7083. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 18-354, "Foster Care Youth Identity Protection Amendment Act of 2010" to the Committee on Oversight and Government Reform.

7084. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 18-353, "Third & H Streets, N.E. Economic Development Act of 2010" to the Committee on Oversight and Government Reform.

7085. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 18-352, "Prohibition Against Selling Tobacco Products to Minors Amendment Act of 2010" to the Committee on Oversight and Government Reform.

7086. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 18-351, "Attorney General for the District of Columbia Clarification and Elected Term Amendment Act of 2010" to the Committee on Oversight and Government Reform.

7087. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 18-350, "Small Business Stabilization and Job Creation Strategy Amendment Act of 2010" to the Committee on Oversight and Government Reform.

7088. A letter from the Director, Office of Economic Impact, Department of Energy, transmitting the Department's annual report on the No FEAR Act for Fiscal Year 2009 to the Committee on Oversight and Government Reform.

7089. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting the Department's fourth Annual No FEAR Report to Congress for Fiscal Year 2009 to the Committee on Oversight and Government Reform.

7090. A letter from the Acting Staff Director, Federal Election Commission, transmitting the Commission's annual report for FY 2009 prepared in accordance with the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 (No FEAR Act), Pub. L. 107-174 to the Committee on Oversight and Government Reform.

7091. A letter from the Executive Vice President, Postal Service, transmitting the Service's annual report for fiscal year 2009, in accordance with Section 203 of the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 (No FEAR Act), Public Law 107-174 to the Committee on Oversight and Government Reform.

7092. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 18-346, "Fiscal Year 2010 Balanced Budget and Spending Pressure Control Plan Temporary Act of 2010" to the Committee on Oversight and Government Reform.

7093. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 18-376, "Adams Morgan Main Street Group Temporary Amendment Act of 2010" to the Committee on Oversight and Government Reform.

7094. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 18-372, "Tenth Street Community Park Designation Act of 2010" to the Committee on Oversight and Government Reform.

7095. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 18-371, "Council Cable Autonomy and Control Amendment Act of 2010" to the Committee on Oversight and Government Reform.

7096. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 18-370, "Rev. Dr. Edward Thomas Way Designation Act of 2010" to the Committee on Oversight and Government Reform.

7097. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 18-382, "Energy Efficiency Financing Act of 2010" to the Committee on Oversight and Government Reform.

7098. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 18-381, "DC Circulator Bus Jurisdiction Expansion Amendment Act of 2010" to the Committee on Oversight and Government Reform.

7099. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 18-380, "Uniform Unsworn Foreign Declarations Amendment Act of 2010" to the Committee on Oversight and Government Reform.

7100. A letter from the Chairman, Council of the District of Columbia, transmitting

Transmittal of D.C. ACT 18-378, "Certified Capital Companies Improvement Amendment Act of 2010" to the Committee on Oversight and Government Reform.

7101. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 18-379, "Safe Release of Inmates Amendment Act of 2010" to the Committee on Oversight and Government Reform.

7102. A letter from the Director, Administrative Office of the United States Courts, transmitting the Office's report entitled, "2009 Annual Report of the Director of the Administrative Office of the U.S. Courts" to the Committee on the Judiciary.

7103. A letter from the Vice President, Government Affairs and Corporate Communications, Amtrak, transmitting an addendum to the Fiscal Year 2011 Legislative and Grant Request of February 1, 2010 to the Committee on Transportation and Infrastructure.

7104. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. (EMBRAER) Model ERJ 170 and Model ERJ 190 Airplanes [Docket No.: FAA-2010-0274; Directorate Identifier 2010-NM-055-AD; Amendment 39-16248; AD 2010-07-04] (RIN: 2120-AA64) received April 13, 2010 to the Committee on Transportation and Infrastructure.

7105. A letter from the Assistant Chief Counsel for Hazardous Materials Safety, Department of Transportation, transmitting the Department's final rule — Hazardous Materials Transportation; Registration and Fee Assessment Program [Docket No.: PHMSA-2009-0201 (HM-208H)] (RIN: 2137-AE47) received April 13, 2010 to the Committee on Transportation and Infrastructure.

7106. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; The Boeing Company Model 757 Airplanes [Docket No.: FAA-2009-0795; Directorate Identifier 2009-NM-083-AD; Amendment 39-16242; AD 2010-06-17] (RIN: 2120-AA64) received April 13, 2010 to the Committee on Transportation and Infrastructure.

7107. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Rolls-Royce plc RB211-Trent 800 Series Turbofan Engines [Docket No.: FAA-2009-1004; Directorate Identifier 2009-NE-36-AD; Amendment 39-16239; AD 2010-06-14] (RIN: 2120-AA64) received April 13, 2010 to the Committee on Transportation and Infrastructure.

7108. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Rolls-Royce plc RB211-Trent 500, 700, and 800 Series Turbofan Engines [Docket No.: FAA-2009-0674; Directorate Identifier 2009-NE-25-AD; Amendment 39-16244; AD 2010-07-01] (RIN: 2120-AA64) received April 13, 2010 to the Committee on Transportation and Infrastructure.

7109. A letter from the Chairman, Federal Maritime Commission, transmitting the Commission's 48th annual report of activities for fiscal year 2009, pursuant to Section 103(e) of the Reorganization Plan No. 7 of 1961 and Section 208 of the Merchant Marine Act of 1936, as amended to the Committee on Transportation and Infrastructure.

7110. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting report on steps taken by the

U.S. government to encourage Arab League states to normalize their relations with Israel to bring about the termination of the Arab League boycott of Israel jointly to the Committees on Foreign Affairs and Ways and Means.

7111. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting certification to Congress regarding the Incidental Capture of Sea Turtles in Commercial Shrimping Operations jointly to the Committees on Natural Resources and Appropriations.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Ms. ROS-LEHTINEN (for herself, Mr. BURTON of Indiana, Mr. KIRK, Mrs. BACHMANN, Mrs. MILLER of Michigan, and Mr. SHIMKUS):

H.R. 5065. A bill to ensure accountability for United States taxpayers' humanitarian assistance for Palestinian refugees; to the Committee on Foreign Affairs.

By Mr. FLEMING:

H.R. 5066. A bill to prohibit the hiring of additional employees by the Internal Revenue Service to implement, administer, or enforce health insurance reform; to the Committee on Ways and Means.

By Mr. COFFMAN of Colorado:

H.R. 5067. A bill to prohibit any use of eminent domain authority by the United States to expand the Pinon Canyon Maneuver Site in southeastern Colorado; to the Committee on Armed Services.

By Mrs. LUMMIS (for herself and Mr. HINOJOSA):

H.R. 5068. A bill to amend the Atomic Energy Act of 1954 to authorize the Secretary of Energy to barter, transfer, or sell surplus uranium from the inventory of the Department of Energy, and for other purposes; to the Committee on Energy and Commerce.

By Mr. JOHNSON of Georgia:

H.R. 5069. A bill to amend the Federal Rules of Civil Procedure and the Federal Rules of Appellate Procedure to ensure access to the Federal judiciary in cases where the interest of justice so requires, and for other purposes; to the Committee on the Judiciary.

By Mr. HONDA:

H.R. 5070. A bill to assess the potential of smart electronics to reduce home and office electricity demand, to incorporate smart electronics into the Energy Star Program, and for other purposes; to the Committee on Energy and Commerce.

By Mr. FATTAH:

H.R. 5071. A bill to amend section 1120A(c) of the Elementary and Secondary Education Act of 1965 to assure comparability of opportunity for educationally disadvantaged students; to the Committee on Education and Labor.

By Ms. WATERS (for herself, Mrs. CAPITO, Mr. FRANK of Massachusetts, and Mr. AL GREEN of Texas):

H.R. 5072. A bill to improve the financial safety and soundness of the FHA mortgage insurance program; to the Committee on Financial Services.

By Mr. BROUN of Georgia:

H.R. 5073. A bill to repeal the Patient Protection and Affordable Care Act and the Health Care and Education Reconciliation Act of 2010 and enact the OPTION Act of 2009; to the Committee on Energy and Com-

merce, and in addition to the Committees on Ways and Means, Education and Labor, Appropriations, the Judiciary, Natural Resources, House Administration, and Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WU:

H.R. 5074. A bill to reauthorize the National Institute of Standards and Technology, and for other purposes; to the Committee on Science and Technology.

By Mr. ADLER of New Jersey:

H.R. 5075. A bill to amend the Internal Revenue Code of 1986 to modify the dependent care tax credit and to extend and increase the additional standard deduction for state and local real property taxes; to the Committee on Ways and Means.

By Mr. BISHOP of New York:

H.R. 5076. A bill to amend the Internal Revenue Code of 1986 to require the disclosure of the names of individuals who are granted amnesty from criminal prosecution by the Internal Revenue Service; to the Committee on Ways and Means.

By Mr. HALL of New York (for himself, Mr. HOLT, Mr. PETERS, and Mrs. MALONEY):

H.R. 5077. A bill to amend the Internal Revenue Code of 1986 to increase the alternative minimum tax exemption amount and index such amount for inflation; to the Committee on Ways and Means.

By Mr. HIGGINS (for himself, Mrs. MCCARTHY of New York, Mr. PLATTS, and Mr. ROSKAM):

H.R. 5078. A bill to amend the Internal Revenue Code of 1986 to expand incentives for education; to the Committee on Ways and Means.

By Mr. ISRAEL:

H.R. 5079. A bill to amend title II of the Elementary and Secondary Education Act of 1965 to establish a Federal "Grow Your Own Teacher" program, and for other purposes; to the Committee on Education and Labor.

By Mr. KENNEDY (for himself and Mr. LANGEVIN):

H.R. 5080. A bill to amend the Internal Revenue Code of 1986 to provide unemployment benefits during summer vacation for non-professional school employees; to the Committee on Ways and Means.

By Mr. KING of New York (for himself, Ms. CLARKE, Mrs. MILLER of Michigan, Mr. CAO, and Mr. ROGERS of Alabama):

H.R. 5081. A bill to enhance public safety by making more spectrum available to public safety agencies, to facilitate the development of a wireless public safety broadband network, to provide standards for the spectrum needs of public safety agencies, and for other purposes; to the Committee on Energy and Commerce.

By Mr. LUJÁN (for himself, Ms. GIFFORDS, Mr. POLIS, and Mr. HEINRICH):

H.R. 5082. A bill to amend the Public Utility Regulatory Policies Act of 1978 to establish uniform national standards for the interconnection of certain small power production facilities; to the Committee on Energy and Commerce.

By Ms. MOORE of Wisconsin:

H.R. 5083. A bill to amend part A of title IV of the Social Security Act, to reward States for engaging individuals with disabilities in work activities, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Education and Labor, for a period to be subsequently determined by the Speaker, in each case for con-

sideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MURPHY of New York (for himself and Mr. SMITH of Washington):

H.R. 5084. A bill to require the Secretary of Commerce to establish a loan program to assist in the locating of information technology and manufacturing jobs in the United States, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. OWENS:

H.R. 5085. A bill to amend the Internal Revenue Code of 1986 to eliminate for 5 years the limitation on expensing certain depreciable business assets; to the Committee on Ways and Means.

By Mr. SENSENBRENNER:

H.R. 5086. A bill to amend the Federal Election Campaign Act of 1971 to prohibit an authorized committee of a candidate for election for Federal office from disbursing any amount received as a contribution to the committee until the committee posts on a public Internet site the identification of the person who provided the contribution, and for other purposes; to the Committee on House Administration.

By Mr. SHERMAN:

H.R. 5087. A bill to establish the Commission on Freedom of Information Act Processing Delays; to the Committee on Oversight and Government Reform.

By Mr. CONYERS (for himself, Mr. COHEN, Mr. SMITH of Texas, Ms. LEE of California, Mr. LEWIS of Georgia, Mr. GUTIERREZ, Ms. RICHARDSON, Mr. THOMPSON of Mississippi, Ms. FUDGE, and Ms. MCCOLLUM):

H. Res. 1271. A resolution honoring the life and achievements of Rev. Benjamin Lawson Hooks; to the Committee on the Judiciary; considered and agreed to.

By Mr. RYAN of Ohio (for himself, Mr. GRAYSON, Ms. BALDWIN, Mr. BOCCIERI, Mr. BOUCHER, Mr. CONYERS, Ms. DELAUNO, Mr. DRIEHAUS, Mr. FILNER, Ms. FUDGE, Mr. GRIJALVA, Mr. HARE, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. KAPTUR, Ms. KILROY, Ms. LEE of California, Mr. LEWIS of Georgia, Mr. LOESACK, Ms. MOORE of Wisconsin, Mr. MORAN of Virginia, Mr. POLIS, Mr. QUIGLEY, Ms. RICHARDSON, Mr. RUSH, Mr. SPACE, Ms. SUTTON, and Mr. WILSON of Ohio):

H. Res. 1272. A resolution commemorating the 40th anniversary of the May 4, 1970, Kent State University shootings; to the Committee on Education and Labor.

By Mr. SMITH of Texas (for himself, Mr. FORBES, Mr. BARTLETT, Mr. HARPER, Mr. BURTON of Indiana, Mr. FRANKS of Arizona, Mr. DAVIS of Kentucky, Mr. ADERHOLT, Mr. WAMP, Mr. EHLERS, Mr. BACHUS, Mr. JORDAN of Ohio, Mr. ALEXANDER, Mr. KLINE of Minnesota, Mr. WESTMORELAND, Mr. MILLER of Florida, Mr. PENCE, Mr. LAMBORN, Mr. BOOZMAN, Mr. ISSA, Mr. CHAFFETZ, Mr. DANIEL E. LUNGREN of California, and Mr. LATOURETTE):

H. Res. 1273. A resolution expressing the sense of Congress with respect to the National Day of Prayer; to the Committee on Oversight and Government Reform.

By Mr. ETHERIDGE (for himself, Mr. PRICE of North Carolina, Mrs.

MYRICK, Mr. BUTTERFIELD, Mr. KISSELL, Mr. SHULER, Mr. JONES, Mr. WATT, Mr. COBLE, Ms. FOXX, Mr. MILLER of North Carolina, Mr. MCINTYRE, and Mr. MCHENRY):

H. Res. 1274. A resolution honoring the historic and community significance of the Chatham County Courthouse and expressing condolences to Chatham County and the town of Pittsboro for the fire damage sustained by the courthouse on March 25, 2010; to the Committee on Oversight and Government Reform.

By Mr. YARMUTH (for himself, Mr. VAN HOLLEN, Mr. LARSON of Connecticut, Ms. PINGREE of Maine, and Mr. COHEN):

H. Res. 1275. A resolution expressing disapproval of the decision issued by the Supreme Court in *Citizens United v. Federal Election Commission*; to the Committee on House Administration, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GEORGE MILLER of California (for himself, Ms. MATSUI, Mrs. MCCARTHY of New York, Mr. SABLAN, Mr. CROWLEY, Mr. KENNEDY, Mr. HARE, Mr. LOEBACK, Ms. DELAUNO, Mr. SARBANES, Mr. SERRANO, Ms. BORDALLO, Mr. POLIS, Ms. FUDGE, Mr. GRIJALVA, Ms. TITUS, Ms. HIRONO, Mr. EHLERS, Mr. PIERLUISI, Mr. RANGEL, Mr. SESTAK, Mr. KILDEE, Ms. RICHARDSON, Mr. CAPUANO, Ms. CLARKE, Mr. TONKO, Ms. NORTON, Ms. ZOE LOFGREN of California, and Mr. PRICE of North Carolina):

H. Res. 1276. A resolution recognizing the continued importance of volunteerism and national service and the anniversary of the signing of the landmark service legislation, the Edward M. Kennedy Serve America Act; to the Committee on Education and Labor.

By Mr. JOHNSON of Georgia (for himself, Mr. WEINER, Mr. SHULER, Mr. ISRAEL, Mr. GRAYSON, Mr. BURTON of Indiana, Mr. ADERHOLT, Ms. CORRINE BROWN of Florida, Mrs. CAPPS, Mr. CONYERS, Ms. WASSERMAN SCHULTZ, Mr. MORAN of Virginia, Mr. CAPUANO, Mr. MEEK of Florida, Mr. GEORGE MILLER of California, Mr. BERRY, Ms. BERKLEY, Mr. KLEIN of Florida, Mr. FILNER, Mr. CROWLEY, Mr. NADLER of New York, Mrs. MCCARTHY of New York, Ms. KILROY, Mr. SCHAUER, Ms. CLARKE, Mr. HINCHEY, Ms. WATSON, Mr. BAIRD, Mr. HONDA, Mrs. HALVORSON, Ms. MOORE of Wisconsin, Mr. POLIS, Mr. MCGOVERN, Mr. TONKO, Mr. HALL of New York, Mrs. MALONEY, Mr. ROTHMAN of New Jersey, Mr. DELAHUNT, Mr. QUIGLEY, Mr. ELLISON, Mr. SIRE, Mr. HODES, Mr. RANGEL, Mr. MELANCON, Mr. MICHAUD, Mr. KAGEN, Mr. PETERSON, Ms. ESHOO, Mr. OLVER, Mr. COSTA, Mr. PASCRELL, Mr. INSLEE, Mr. SCHIFF, Mr. HIGGINS, Ms. JACKSON LEE of Texas, Mr. GARAMENDI, Mr. VAN HOLLEN, Mr. KISSELL, Mr. MCDERMOTT, Mr. HASTINGS of Florida, Mr. WESTMORELAND, Ms. LEE of California, Ms. LINDA T. SANCHEZ of California, Mr. KINGSTON, and Mr. BRALEY of Iowa):

H. Res. 1277. A resolution commending the efforts and honoring the work of the State of Israel, the Israel Defense Forces, and the Israeli people for their coordinated efforts to save lives and provide relief to the people of

Haiti in the aftermath of the devastating earthquake that struck the island nation on January 12, 2010; to the Committee on Foreign Affairs.

By Mr. SHUSTER:

H. Res. 1278. A resolution in support and recognition of National Safe Digging Month, April, 2010; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. TIAHRT (for himself, Mr. FORBES, Mr. ROE of Tennessee, Mr. POSEY, Mr. HERGER, Mr. FRANKS of Arizona, Mr. BARTLETT, Mr. HARPER, Mr. ADERHOLT, Mr. PENCE, Mr. MILLER of Florida, Mr. DAVIS of Kentucky, Mr. WAMP, Mr. ALEXANDER, Mr. WESTMORELAND, Mr. KLINE of Minnesota, Mr. BACHUS, Mr. HUNTER, Mrs. BLACKBURN, Mr. LAMBORN, Mr. WILSON of South Carolina, and Mr. LATTA):

H. Res. 1279. A resolution calling for an appeal of the ruling which found the National Day of Prayer to be unconstitutional and expressing the support of the House of Representatives for the institution of an annual National Day of Prayer; to the Committee on the Judiciary.

By Mr. TONKO (for himself, Ms. BALDWIN, Ms. BERKLEY, Mr. BISHOP of New York, Mr. BOSWELL, Mr. CONYERS, Mr. COURTNEY, Mr. ELLISON, Ms. FUDGE, Mr. GRIJALVA, Mr. ISRAEL, Mr. KENNEDY, Mr. KIRK, Ms. LEE of California, Mrs. MCCARTHY of New York, Ms. MOORE of Wisconsin, Mr. MURPHY of New York, Ms. RICHARDSON, Mr. RYAN of Ohio, and Ms. SCHWARTZ):

H. Res. 1280. A resolution expressing the support of the House of Representatives for the goals and ideals of National Healthy Schools Day; to the Committee on Education and Labor.

MEMORIALS

Under clause 4 of Rule XXII, memorials were presented and referred as follows:

253. The SPEAKER presented a memorial of the Senate of the State of Michigan, relative to Senate Resolution No. 115 memorializing the Congress and the President of the United States to ensure that local businesses located in Michigan and their employees be the primary beneficiaries of the American Recovery and Reinvestment Act, pursuant to; to the Committee on Appropriations.

254. Also, a memorial of the Senate of the State of Tennessee, relative to Senate Resolution No. 200 memorializing the Congress to adopt legislation to postpone the Environmental Protection Agency's effort to regulate greenhouse gas emissions from stationary sources; to the Committee on Energy and Commerce.

255. Also, a memorial of the Legislature of the State of Wyoming, relative to Joint Resolution No. 1 requesting that the Congress of the United States oppose the Northern Rockies Ecosystem Protection Act, H.R. 980; to the Committee on Natural Resources.

256. Also, a memorial of the House of Representatives of the State of South Dakota, relative to House Concurrent Resolution No. 1014 urging the Congress to support the Parental Rights Amendment; to the Committee on the Judiciary.

257. Also, a memorial of the House of Representatives of the State of Michigan, relative to House Concurrent Resolution No. 28 urging the Congress to make a long-term commitment to the Great Lakes; to the Committee on Transportation and Infrastructure.

258. Also, a memorial of the Senate of the State of Michigan, relative to Senate Resolution No. 128 memorializing the Congress of the United States to rectify the imbalance in federal transportation funding that consistently put Michigan near the bottom of the 50 states in the percentage of federal transportation tax dollars; to the Committee on Transportation and Infrastructure.

259. Also, a memorial of the Senate of the State of Washington, relative to Senate Joint Memorial No. 8025 urging the National Aeronautics and Space Administration to transfer one of the remaining Shuttle Orbiters, Atlantis or Endeavour, to the Museum of Flight in Seattle, Washington upon its retirement; to the Committee on Science and Technology.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 40: Mr. PASTOR of Arizona, Mr. TOWNS, Mr. THOMPSON of Mississippi, Mr. LEWIS of Georgia, Ms. NORTON, and Mr. RUSH.

H.R. 43: Mr. BUTTERFIELD, Mr. LEE of New York, and Mr. BRADY of Pennsylvania.

H.R. 197: Mrs. EMERSON.

H.R. 211: Ms. CASTOR of Florida and Mr. QUIGLEY.

H.R. 235: Mr. MAFFEL.

H.R. 275: Mr. LATTA, Mrs. MALONEY, and Mr. CARTER.

H.R. 422: Mr. FILNER, Mr. TONKO, Mr. TOWNS, and Mr. WAXMAN.

H.R. 426: Mr. MCDERMOTT and Ms. LINDA T. SANCHEZ of California.

H.R. 450: Mr. REHBERG.

H.R. 476: Ms. FUDGE, Mr. RANGEL, Ms. MATSUI, Ms. WATSON, and Mr. ORTIZ.

H.R. 513: Mr. GERLACH.

H.R. 537: Mr. AL GREEN of Texas.

H.R. 571: Mr. BACA.

H.R. 644: Ms. WOOLSEY.

H.R. 658: Mr. JOHNSON of Georgia.

H.R. 745: Mr. LEE of New York.

H.R. 855: Mr. DOYLE.

H.R. 878: Mr. ADERHOLT.

H.R. 949: Ms. DELAUNO.

H.R. 953: Mr. DUNCAN.

H.R. 994: Mr. ROGERS of Alabama and Mr. DUNCAN.

H.R. 1017: Mr. SCHOCK.

H.R. 1058: Mr. LEE of New York.

H.R. 1083: Mr. JOHNSON of Georgia.

H.R. 1175: Mr. WALZ.

H.R. 1177: Mrs. BACHMANN and Mr. FORTENBERRY.

H.R. 1191: Mr. RYAN of Ohio.

H.R. 1194: Mr. GERLACH, Mrs. HALVORSON, Ms. LINDA T. SANCHEZ of California, Ms. GRANGER, Mr. GARAMENDI, Mr. KRATOVIL, Mr. PLATTS, and Mr. TONKO.

H.R. 1203: Mr. CUMMINGS and Mr. PASTOR of Arizona.

H.R. 1204: Mr. MCNERNEY.

H.R. 1210: Ms. PINGREE of Maine.

H.R. 1230: Mr. LATHAM.

H.R. 1324: Ms. CHU.

H.R. 1443: Mr. DELAHUNT, Mr. PASTOR of Arizona, Mr. HALL of New York, and Mr. SCOTT of Virginia.

H.R. 1547: Mr. POMEROY.

H.R. 1552: Mr. FORBES.

- H.R. 1570: Mr. COHEN.
H.R. 1579: Mr. FORBES.
H.R. 1585: Ms. RICHARDSON and Mr. SPRATT.
H.R. 1718: Mr. CARTER and Mr. PITTS.
H.R. 1751: Mr. KUCINICH.
H.R. 1792: Mr. HINCHEY.
H.R. 1802: Mr. CULBERSON.
H.R. 1806: Mr. HINCHEY and Mr. SCHOCK.
H.R. 1944: Mr. AKIN.
H.R. 2067: Mr. THOMPSON of Mississippi.
H.R. 2068: Mr. CARNAHAN.
H.R. 2110: Mr. SCOTT of Virginia.
H.R. 2136: Mrs. MALONEY.
H.R. 2142: Mr. FOSTER and Mr. ALTMIRE.
H.R. 2159: Mr. WAXMAN.
H.R. 2271: Ms. KAPTUR.
H.R. 2296: Mr. HEINRICH.
H.R. 2324: Ms. MOORE of Wisconsin and Mr. SARBANES.
H.R. 2363: Mr. COHEN, Ms. BERKLEY, and Ms. CLARKE.
H.R. 2378: Mr. LATOURETTE and Mr. HILL.
H.R. 2408: Mr. MEEK of Florida.
H.R. 2460: Mrs. NAPOLITANO, Mr. LUJÁN, and Mr. HOLDEN.
H.R. 2478: Mr. MURPHY of New York and Mr. DREIER.
H.R. 2567: Mr. MAFFEI and Mr. BLUMENAUER.
H.R. 2570: Mr. WAXMAN.
H.R. 2579: Mr. ROTHMAN of New Jersey, Mr. BRADY of Pennsylvania, and Mr. YARMUTH.
H.R. 2709: Mr. BERMAN.
H.R. 2733: Mr. BRALEY of Iowa, Mrs. MILLER of Michigan, Ms. RICHARDSON, and Mr. THOMPSON of Mississippi.
H.R. 2737: Mr. BOSWELL and Mr. JONES.
H.R. 2746: Mr. CHANDLER, Mr. DRIEHAUS, Mr. INSLEE, Mr. ELLISON, Mr. CUMMINGS, Mr. MEEK of Florida, Mr. SHULER, Mr. NADLER of New York, Ms. LORETTA SANCHEZ of California, and Ms. MCCOLLUM.
H.R. 2849: Mr. BERRY.
H.R. 2855: Mr. LYNCH and Mr. COHEN.
H.R. 2866: Mr. WESTMORELAND.
H.R. 2882: Mr. COHEN, Mr. BLUMENAUER, and Mr. POLIS.
H.R. 2964: Ms. NORTON.
H.R. 2999: Mr. BOREN and Ms. MCCOLLUM.
H.R. 3007: Mr. TIM MURPHY of Pennsylvania and Mr. TONKO.
H.R. 3018: Mr. MCCAUL.
H.R. 3043: Ms. VELÁZQUEZ, Ms. LORETTA SANCHEZ of California, Mr. ENGEL, and Mr. COHEN.
H.R. 3101: Ms. ROS-LEHTINEN and Mr. GRIF-FITH.
H.R. 3131: Mr. MCCLINTOCK.
H.R. 3156: Mrs. CHRISTENSEN.
H.R. 3186: Mr. NYE.
H.R. 3212: Mr. STARK and Mrs. NAPOLITANO.
H.R. 3268: Mr. MURPHY of New York.
H.R. 3336: Mr. LATHAM.
H.R. 3355: Ms. FUDGE, Mr. DANIEL E. LUNGREN of California, and Mr. HOLDEN.
H.R. 3380: Mr. TONKO.
H.R. 3381: Mr. YARMUTH.
H.R. 3393: Mr. DAVIS of Tennessee.
H.R. 3408: Mr. ISRAEL.
H.R. 3531: Mr. OLVER, Mr. NADLER of New York, and Mr. WAXMAN.
H.R. 3586: Mr. PETERSON.
H.R. 3652: Ms. KILROY, Mr. TEAGUE, Mr. DICKS, Mr. WILSON of Ohio, Mr. PRICE of North Carolina, Mr. SPACE, Mr. QUIGLEY, Mr. ROGERS of Kentucky, Mr. BISHOP of Utah, and Mr. LUJÁN.
H.R. 3656: Mr. MCCOTTER.
H.R. 3662: Mr. PASTOR of Arizona.
H.R. 3758: Mr. JOHNSON of Georgia and Mr. ROE of Tennessee.
H.R. 3790: Mr. ALEXANDER, Mr. MCKEON, Mrs. HALVORSON, Mrs. BLACKBURN, Mr. RUSH, Mr. TAYLOR, Mr. DAVIS of Tennessee, Mr. SESSIONS, and Mr. CARSON of Indiana.
H.R. 3813: Ms. FALLIN.
H.R. 3995: Ms. LINDA T. SÁNCHEZ of California.
H.R. 4014: Ms. LEE of California.
H.R. 4051: Mr. HODES, Mr. MCMAHON, Mr. WILSON of South Carolina, and Mr. HINCHEY.
H.R. 4053: Mr. GRIJALVA.
H.R. 4109: Mr. HOLT.
H.R. 4116: Mr. EDWARDS of Texas, Mr. ELLISON, and Mr. WEINER.
H.R. 4130: Mr. STARK.
H.R. 4144: Mr. KAGEN.
H.R. 4178: Mr. AL GREEN of Texas and Mr. GERLACH.
H.R. 4211: Mr. INSLEE.
H.R. 4233: Mr. CHILDERS.
H.R. 4278: Ms. PINGREE of Maine and Mr. WALDEN.
H.R. 4286: Mr. RUSH.
H.R. 4306: Mr. ELLISON, Mr. CULBERSON, Mr. BURGESS, Mr. GENE GREEN of Texas, Mr. DENT, and Mr. HOLDEN.
H.R. 4318: Mr. STARK.
H.R. 4320: Mr. PETERSON, Ms. TITUS, Mr. COURTNEY, Mr. KAGEN, and Mr. BOSWELL.
H.R. 4376: Mr. KUCINICH, Mr. MEEK of Florida, Ms. TITUS, Mr. LEWIS of Georgia, Ms. RICHARDSON, Mr. ELLISON, and Mr. HARE.
H.R. 4405: Mr. CARNAHAN and Mr. GRIJALVA.
H.R. 4420: Mr. JOHNSON of Georgia.
H.R. 4443: Mr. GRIJALVA.
H.R. 4455: Mr. KIND.
H.R. 4469: Mr. KINGSTON.
H.R. 4502: Mr. GARAMENDI.
H.R. 4530: Mrs. LOWEY, Mr. ADLER of New Jersey, and Mr. WAXMAN.
H.R. 4539: Mr. NEUGEBAUER.
H.R. 4541: Mr. REHBERG.
H.R. 4544: Mr. ELLISON, Ms. LINDA T. SÁNCHEZ of California, Mr. BRIGHT, and Mr. CARSON of Indiana.
H.R. 4568: Mr. AL GREEN of Texas.
H.R. 4572: Mr. AKIN and Mr. COLE.
H.R. 4582: Mr. QUIGLEY.
H.R. 4603: Mr. CARTER and Mr. LATHAM.
H.R. 4616: Ms. WATERS.
H.R. 4619: Ms. ESHOO.
H.R. 4629: Ms. SUTTON.
H.R. 4635: Mr. ELLISON and Ms. JACKSON LEE of Texas.
H.R. 4678: Mr. COURTNEY and Ms. TITUS.
H.R. 4693: Mr. TANNER, Mr. PLATTS, Mr. CAO, Mr. GRIFFITH, Ms. TITUS, Mr. ROONEY, Mr. FARR, Mr. COHEN, Mr. BERMAN, Mr. LEWIS of Georgia, Mr. GARAMENDI, and Mr. CONNOLLY of Virginia.
H.R. 4711: Mrs. DAVIS of California.
H.R. 4713: Mr. BOSWELL.
H.R. 4722: Mr. MCDERMOTT, Mr. INSLEE, and Mr. FRANK of Massachusetts.
H.R. 4733: Mr. DEFAZIO, Mr. GRIJALVA, Mr. MORAN of Virginia, Mr. ANDREWS, Mr. KUCINICH, and Mrs. NAPOLITANO.
H.R. 4734: Mr. THOMPSON of Pennsylvania.
H.R. 4745: Mr. HALL of New York and Mr. CLAY.
H.R. 4751: Mr. LUJÁN and Mr. MCDERMOTT.
H.R. 4752: Mr. QUIGLEY.
H.R. 4755: Mr. KAGEN and Mr. SESTAK.
H.R. 4770: Mr. ROTHMAN of New Jersey.
H.R. 4785: Mr. BRIGHT, Mr. BUTTERFIELD, Mr. MARSHALL, Mr. ROE of Tennessee, Ms. HERSETH SANDLIN, Mr. CHANDLER, Mr. FILNER, Mr. ELLSWORTH, and Mr. CUELLAR.
H.R. 4788: Ms. SCHAKOWSKY, Mr. PASTOR of Arizona, Ms. MCCOLLUM, and Mr. AL GREEN of Texas.
H.R. 4794: Mrs. BLACKBURN.
H.R. 4800: Mr. ELLISON.
H.R. 4811: Mr. MARCHANT.
H.R. 4812: Mr. SHERMAN, Mr. BECERRA, Mr. LYNCH, Mrs. DAVIS of California, Mr. LARSEN of Washington, Mr. MCMAHON, Mr. BOUCHER, Mr. CROWLEY, Mr. GORDON of Tennessee, and Mr. STUPAK.
H.R. 4844: Mr. MELANCON and Mr. CULBERSON.
H.R. 4850: Ms. SLAUGHTER, Mr. BOUCHER, and Mrs. HALVORSON.
H.R. 4859: Mr. ROGERS of Michigan.
H.R. 4875: Mrs. MCCARTHY of New York.
H.R. 4894: Mr. ROGERS of Michigan and Mr. GRAVES.
H.R. 4896: Mr. ROGERS of Michigan.
H.R. 4898: Mr. SABLAN and Mr. BACA.
H.R. 4903: Mr. FRELINGHUYSEN.
H.R. 4904: Mr. MCCLINTOCK.
H.R. 4909: Mr. KLINE of Minnesota.
H.R. 4910: Mr. COLE.
H.R. 4914: Mr. COURTNEY, Mrs. NAPOLITANO, Mr. NYE, and Mrs. CHRISTENSEN.
H.R. 4918: Mr. ARCURI, Mr. CUELLAR, Mr. COOPER, and Mr. MARSHALL.
H.R. 4923: Ms. WOOLSEY, Mr. MICHAUD, Mr. KAGEN, Mr. SARBANES, Mr. COSTELLO, Mr. MCDERMOTT, Mr. PASTOR of Arizona, and Mr. BUTTERFIELD.
H.R. 4925: Mr. FILNER and Ms. TITUS.
H.R. 4935: Mr. PAUL.
H.R. 4937: Mr. THOMPSON of Pennsylvania.
H.R. 4945: Mr. BLUMENAUER.
H.R. 4963: Mr. LUJÁN and Mr. WELCH.
H.R. 4971: Mr. THOMPSON of Mississippi and Mr. YARMUTH.
H.R. 4972: Mr. MACK.
H.R. 4982: Mr. CAPUANO.
H.R. 4985: Mr. FRELINGHUYSEN and Ms. GINNY BROWN-WAITE of Florida.
H.R. 4993: Mr. OLVER, Mr. CARDOZA, Mr. SCHRADER, Ms. LEE of California, Mr. PATRICK J. MURPHY of Pennsylvania, Mr. CONNOLLY of Virginia, Ms. ROYBAL-ALLARD, Mr. HASTINGS of Florida, Mr. BRADY of Pennsylvania, Mrs. HALVORSON, Ms. CASTOR of Florida, Mr. SERRANO, Mr. BOSWELL, Mr. FATTAH, Mr. CARNEY, and Mr. JONES.
H.R. 4995: Ms. JENKINS and Mr. JONES.
H.R. 4999: Mr. WESTMORELAND and Mr. BURTON of Indiana.
H.R. 5000: Mr. ADLER of New Jersey and Mr. YOUNG of Alaska.
H.R. 5003: Mr. LEE of New York and Mrs. LUMMIS.
H.R. 5011: Ms. PINGREE of Maine and Mr. MURPHY of New York.
H.R. 5013: Mr. ORTIZ and Mr. LARSON of Connecticut.
H.R. 5014: Mrs. KIRKPATRICK of Arizona.
H.R. 5015: Mr. MICHAUD, Mr. FILNER, Mr. OBERSTAR, Ms. MOORE of Wisconsin, Mr. GRIJALVA, and Mr. HONDA.
H.R. 5030: Mr. PRICE of North Carolina.
H.R. 5032: Ms. ROS-LEHTINEN, Mr. THOMPSON of Mississippi, Mrs. MALONEY, and Mr. HODES.
H.R. 5034: Mr. ROONEY, Mr. RYAN of Ohio, Mr. FOSTER, Mr. SCOTT of Georgia, Mr. MCMAHON, Mr. PASCRELL, Mr. ANDREWS, Mr. JONES, Mr. WILSON of South Carolina, Mr. STEARNS, Mr. DAVIS of Tennessee, Mr. HINOJOSA, Mr. MACK, Mr. HODES, Mr. GENE GREEN of Texas, Mr. JACKSON of Illinois, Ms. SUTTON, and Mr. KILDEE.
H.R. 5040: Mr. GRIJALVA, Mr. RYAN of Ohio, and Ms. WATSON.
H.R. 5057: Mr. DANIEL E. LUNGREN of California and Mrs. MILLER of Michigan.
H.R. 5058: Mr. MELANCON.
H.J. Res. 42: Mr. REHBERG, Mr. LATOURETTE, and Mr. THOMPSON of Pennsylvania.
H. J. Res. 76: Mr. AKIN and Mr. COLE.
H. Con. Res. 28: Mr. CUMMINGS.
H. Con. Res. 201: Mr. CULBERSON and Mr. BROUN of Georgia.
H. Con. Res. 230: Mr. COLE.
H. Con. Res. 241: Mr. NEUGEBAUER.
H. Con. Res. 258: Mr. RAHALL.
H. Con. Res. 260: Mr. MICHAUD, Mr. BOREN, Ms. LINDA T. SÁNCHEZ of California, Mr. KILROY, Mr. COFFMAN of Colorado, Mr. PALLONE,

Mr. KIRK, Mr. MCHENRY, Mr. MEEK of Florida, Mr. ROSKAM, Mr. RUPPERSBERGER, Mr. JOHNSON of Illinois, Mr. MCGOVERN, Mr. WEINER, and Mr. ROGERS of Michigan.

H. Res. 173: Mr. COURTNEY, Mr. WEINER, Ms. DELAURO, Mr. KING of New York, Mr. LARSEN of Washington, Ms. KAPTUR, and Mr. McDERMOTT.

H. Res. 227: Mr. STUPAK.

H. Res. 272: Mr. FORBES.

H. Res. 407: Ms. MARKEY of Colorado.

H. Res. 569: Mr. ROTHMAN of New Jersey.

H. Res. 855: Ms. BERKLEY, Mr. McKEON, Mr. BACHUS, Mr. HUNTER, Mr. KAGEN, and Mr. PETERSON.

H. Res. 989: Mr. HINCHEY and Mr. HASTINGS of Florida.

H. Res. 992: Mr. FRANKS of Arizona, Mr. BOOZMAN, Mr. WILSON of South Carolina, Mr. COSTA, and Mr. ROGERS of Alabama.

H. Res. 996: Mr. HILL and Mr. WAXMAN.

H. Res. 1053: Mr. ALEXANDER.

H. Res. 1060: Mr. HALL of Texas.

H. Res. 1090: Mr. KUCINICH.

H. Res. 1121: Mr. SMITH of Texas and Ms. SLAUGHTER.

H. Res. 1129: Mr. CULBERSON.

H. Res. 1143: Mrs. BLACKBURN and Mrs. MYRICK.

H. Res. 1152: Mr. CAPUANO, Ms. ZOE LOFGREN of California, Mr. WAXMAN, and Mr. RYAN of Ohio.

H. Res. 1154: Mr. LATTA, Mr. HINCHEY, Ms. GIFFORDS, and Mr. ALEXANDER.

H. Res. 1161: Mr. KIRK.

H. Res. 1172: Mr. HIGGINS and Mr. OWENS.

H. Res. 1187: Mr. RYAN of Ohio, Ms. FUDGE, Ms. PINGREE of Maine, and Mr. THOMPSON of Mississippi.

H. Res. 1211: Mr. KINGSTON, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. CLEAVER, and Mr. DAVIS of Kentucky.

H. Res. 1217: Mr. ARCURI, Mr. DAVIS of Tennessee, Mrs. MALONEY, Mr. MURPHY of New York, Mr. WALZ, Mr. TOWNS, Mr. HINCHEY, and Ms. SLAUGHTER.

H. Res. 1219: Mr. YOUNG of Alaska, Ms. CORRINE BROWN of Florida, Mr. AKIN, Ms. MOORE of Wisconsin, Mr. CAO, Mr. MACK, Mr. MCCARTHY of California, Mr. GRIJALVA, Mr. HERGER, and Mr. ISSA.

H. Res. 1224: Mr. CLAY, Mr. CARNAHAN, Ms. WATERS, Mr. FRANK of Massachusetts, Mr. HARE, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. CLEAVER, and Mr. CONYERS.

H. Res. 1240: Mr. HINCHEY, Mr. BLUMENAUER, Mr. SCOTT of Virginia, Mrs. MALONEY, Mr. TAYLOR, Mr. CONYERS, Mr. GEORGE MILLER of California, Ms. BERKLEY, and Mr. SARBANES.

H. Res. 1241: Mr. GOHMERT, Mr. BURTON of Indiana, Mr. TIAHRT, Mr. FLEMING, Mr. COBLE, Mr. LATTA, Mr. ROGERS of Alabama, Mr. WILSON of South Carolina, Mr. MCCLINTOCK, and Mr. RADANOVICH.

H. Res. 1245: Mr. CULBERSON and Mr. DENT.

H. Res. 1251: Mr. RODRIGUEZ and Mr. CONAWAY.

H. Res. 1257: Mr. CAPUANO and Mr. DREIER.

H. Res. 1259: Ms. TITUS.

H. Res. 1261: Mr. THOMPSON of California, Mr. SMITH of Washington, Mr. CLEAVER, Mr. REYES, Mr. KLEIN of Florida, Mr. SALAZAR, Ms. LEE of California, Mr. GERLACH, Ms. ZOE LOFGREN of California, Mr. ALEXANDER, Mr. BRALEY of Iowa, Mr. ETHERIDGE, Mr. RANGEL, Ms. GIFFORDS, Ms. SUTTON, Mr. COURTNEY, Mr. STARK, Mr. DOGGETT, Mr. PIERLUISI, Ms. MOORE of Wisconsin, Mr. DOYLE, Mr. KIND, Ms. SCHWARTZ, Mr. CAPUANO, Ms. DELAURO, Mr. CASTLE, Ms. MATSUI, Ms. BALDWIN, Mr. CARSON of Indiana, Mr. HINCHEY, Mr. HOLT,

Mr. WILSON of Ohio, Mr. ORTIZ, Mr. BOSWELL, Mr. LOEBSACK, Ms. EDWARDS of Maryland, Ms. FUDGE, Mr. OLVER, Mr. MOORE of Kansas, Mr. TOWNS, Mr. BUTTERFIELD, Mr. LOBIONDO, Mr. YOUNG of Alaska, Mr. PASCRELL, Ms. SHEA-PORTER, and Mr. WU.

H. Res. 1262: Mr. LEVIN, Ms. LEE of California, Mr. WILSON of Ohio, and Mr. HEINRICH.

H. Res. 1263: Mr. EHLERS.

H. Res. 1265: Mr. SCOTT of Virginia.

PETITIONS, ETC.

Under clause 3 of Rule XII, petitions and papers were laid on the clerk's desk and referred as follows:

118. The SPEAKER presented a petition of City and County of Honolulu, Hawaii, relative to Resolution 10-46 urging the Congress of the United States to support and pass S. 1337; to the Committee on the Judiciary.

119. Also, a petition of Kern County Board of Supervisors, California, relative to Resolution urging the Congress and the President of the United States to recognize the vital role that general aviation plays in the economy, health, safety, and protection of the nation; to the Committee on Transportation and Infrastructure.

120. Also, a petition of Legislature of Rockland County, New York, relative to Resolution No. 132 urging the Congress of the United States to pass bills S. 2781 and H.R. 4544; jointly to the Committees on Energy and Commerce and Education and Labor.

EXTENSIONS OF REMARKS

TRIBUTE TO THE CHOPIN SINGING SOCIETY

HON. BILL PASCRELL, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 2010

Mr. PASCRELL. Madam Speaker, I would like to call to your attention the work of an accomplished choral group, The Chopin Singing Society, that is celebrating its 100th anniversary of creating beautiful music and inspiring the Polish community of New Jersey and the surrounding area.

It is only fitting that The Chopin Singing Society be honored in this, the permanent record of the greatest democracy ever known, for the artistic musical group has done much to help Polish-Americans and the community at large understand the rich tradition of Polish music while also celebrating American classics. The deep reverence of the Society's members for their heritage helps to enrich the multicultural tapestry of the District I represent.

The Chopin Singing Society #182 Polish Singers Alliance of America of Passaic, NJ, is one of the oldest independent male choral groups active in the United States. The Society was officially organized on March 10, 1910, in honor of the 100th anniversary of Fryderyk Chopin's birth. The choral group's first Musical Director was Edmund A. Sennert.

The Society's first performance was a commemorative program honoring Polish patriots who fought and died in the 1830 revolt against Russian occupation. When World War I began, 75 percent of the chorus joined the newly organized American Legion of the Polish Army. After the Armistice, the chorus reorganized and one of its first accomplishments was to appear in the American performance of Giuseppe Verdi's opera, eleven *Trovatore*, starring Giovanni Martinelli.

In 1997 and 1998 the Society was the featured choir with the Jimmy Sturr Christmas Show tour appearing at Felician College, Lodi, New Jersey, and in theaters in Wilkes-Barre, Pennsylvania, Middletown, New York, Springfield, Massachusetts, Easton, Pennsylvania, and the Taj Mahal in Atlantic City. The choir has achieved the highest score at international choral competitions of the Polish Singers Alliance of America, PSAA. In doing so, the choir has been awarded the traveling Cardinal Hlond Trophy and maintains the distinction of being the only chorus to win the trophy three times, twice in succession.

The choir prides itself in having in its repertoire the ability to sing Polish, classical, folk and patriotic songs, a complete Latin Mass, as well as American classic and barber shop songs. The Society's busiest time of the year is the Christmas season, fulfilling requests to present its time-honored Polish Christmas concert and to appear as guest choir during the celebration of Mass at many churches

throughout the Metropolitan area. The current musical director is Alicja Rusewicz-Pagorek.

The chorus has two recordings to its credit: *Polskie koledy* (Polish Christmas Carols) and *Songs of Poland*, a mix of traditional Polish songs. This album (*Songs of Poland*) was remastered on to CD this year and is currently available. Also, this year, the chorus will introduce a new CD of traditional Polish Christmas carols. The success of the Chopin Singing Society stems from its members' dedication and desire to promote and maintain Polish culture through song.

The job of a United States Congressman involves much that is rewarding, yet nothing compares to learning about and recognizing the efforts of wonderful, thriving cultural groups such as The Chopin Singing Society.

Madam Speaker, I ask that you join the members of The Chopin Singing Society, all those whose lives have been culturally enriched throughout the years, and me in recognizing the outstanding contributions of The Chopin Singing Society to New Jersey's Eighth Congressional District community and beyond.

HONORING CARLOS BEDOLLA

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 2010

Mr. RADANOVICH. Madam Speaker, I rise today to commend and congratulate Carlos Bedolla upon being awarded with the "Lifetime Achievement Award" by the Veterans of Foreign Wars, Post 9896. Mr. Bedolla was honored on Saturday, January 30, 2010, in Chowchilla, California.

Mr. Carlos Bedolla was born in Gilroy, California, and graduated from Gilroy High School. In 1965, shortly after graduation, Mr. Bedolla was enlisted into the United States Army. He completed basic training at Fort Hood, Texas, and was sent to Virginia for advanced training. Mr. Bedolla was designated as an infantryman and was assigned to the 11th Armored Cavalry Regiment at Fort Meade, Maryland. For several months the regiment took part in advanced unit training and in 1966 he boarded a ship in Oakland, California, for a 23-day voyage to Southeast Asia.

Upon arriving in Vietnam, Mr. Bedolla was assigned to the 2nd Squadron of the 11th Cavalry Regiment, the "Blackhorse Regiment." The regiment's mission was to conduct "search and destroy" operations on all Viet Cong and North Vietnam regular forces in their area of operation. They provided reconnaissance and security for the 101st and 173rd Airborne and supported several other units. Mr. Bedolla participated in two major operations: Iron Triangle and Junction City. Both operations focused on eliminating enemy

strongholds and jungle clearing. It was during these operations that tunnel complexes were found containing tons of rice and supplies for enemy troops.

Mr. Bedolla served as an infantry squad leader and an armored personnel carrier track commander during operations. He directly provided reconnaissance for his unit and employed tactics to ensure the safety of his men.

Upon completing his tour in Vietnam, Sergeant Bedolla returned to the United States and was honorably discharged in April of 1967. For his service he was awarded the National Defense Service Medal, the Vietnam Service Medal, the Vietnam Campaign Medal with device, the Republic of Vietnam Unit Gallantry Cross with frame and palm, the Combat Infantryman's Badge, and the Army Sharpshooter Badge.

After his discharge, Mr. Bedolla returned to Gilroy, where he met and married his wife, Jessica. He was employed in the retail grocery industry as a store director for 34 years. Mr. and Mrs. Bedolla have 2 sons, 1 daughter, 11 grandchildren and 1 great-grandchild. Mr. Bedolla is a Life Member of Chowchilla Veterans of Foreign Wars Post 9896, the St. Columba Catholic Church and the Young Men's Institute.

Madam Speaker, I rise today to commend and congratulate Carlos Bedolla upon being named as a "Distinguished Life Member" by the Veterans of Foreign Wars, Post 9896. I invite my colleagues to join me in wishing Mr. Bedolla many years of continued success.

HONORING THE LIFE AND LEGACY OF FRANK MCCOY

HON. JOE COURTNEY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 2010

Mr. COURTNEY. Madam Speaker, I rise today to recognize and celebrate the life and legacy of former Vernon, Connecticut, Mayor Frank J. McCoy. Frank passed away on Tuesday, April 6, 2010, at the age of 87.

Frank was a monumental figure in his beloved town of Vernon. His lifetime of public service began early, serving as an enlisted man in The U.S. Army for 3 years and attaining the rank of sergeant. As a medic, he saw combat in the European Theater of World War II and fought in the Battle of the Bulge. While this contribution alone would have enshrined him forever as a public hero, Frank chose to continue serving his community for decades.

After the war, Frank pursued his education. He graduated from Yale University in 1949 and the University of Connecticut School of Law in 1956. He practiced law for 54 years and served as attorney for the Vernon Fire District during its consolidation with the City of Rockville in forming the Town of Vernon. After

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

two terms on the Vernon Town Council, Frank was first elected Mayor of Vernon in 1969, where he served three consecutive terms. In 1977, he was again elected to a fourth and final term and was the President of the Connecticut Conference of Mayors. Simultaneously, he somehow found time to work as a service officer for the Soldier Sailors Marine Fund for over 40 years helping wartime veterans who were in need of financial assistance.

Frank often found ways to combine his love for his community with his love of team sports. In 1960, he formed the Vernon Midget Football League, which eventually led to the creation of the Rockville High School football team. For over 40 years, he coached recreational basketball, baseball, and football in Vernon. In 1965, he formed and sponsored the Vernon Orioles semi-pro baseball team, who won the Greater Hartford Twilight League playoff title in 1996. For Frank, it must have been a truly heartwarming achievement.

Frank has now joined his wife Jeanette, who passed away last year. He is survived by his five children and four grandchildren who, like the rest of us, remember him as an exceptional family man, patriot, public servant and sports enthusiast. Madam Speaker, I ask my colleagues to join with me and my constituents in celebrating Frank McCoy's life and offering condolences to his family.

PERSONAL EXPLANATION

HON. RANDY NEUGEBAUER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 2010

Mr. NEUGEBAUER. Madam Speaker, I was absent from votes on April 15, 2010 due to official travel. Had I been present, I would have voted as follows: Rollcall 207 "nay"; Rollcall 208 "yea"; Rollcall 209 "nay"; Rollcall 210 "yea"; and Rollcall 211 "nay."

HONORING MR. DONALD MICHALAK

HON. BRIAN HIGGINS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 2010

Mr. HIGGINS. Madam Speaker, I rise today to pay tribute to the years of service given to the people of Chautauqua County by Mr. Donald Michalak. Mr. Michalak served his constituency faithfully and justly during his tenure as the Villanova Town Attorney.

Public service is a difficult and fulfilling career. Any person with a dream may enter but only a few are able to reach the end. Mr. Michalak served his term with his head held high and a smile on his face the entire way. I have no doubt that his kind demeanor left a lasting impression on the people of Chautauqua County.

We are truly blessed to have such strong individuals with a desire to make this county the wonderful place that we all know it can be. Mr. Michalak is one of those people and that is

why Madam Speaker I rise in tribute to him today.

HONORING RAQUEL RUBIO GOLDSMITH

HON. RAÚL M. GRIJALVA

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 2010

Mr. GRIJALVA. Madam Speaker, Raquel Rubio Goldsmith, honored teacher, researcher and community activist, retires after 40 years of teaching at Pima Community College and the University of Arizona in Tucson, AZ. She coordinates the Binational Migration Institute housed in the Mexican-American Research and Studies Center at the University of Arizona, where she began teaching in 1983. She retired from Pima Community College in 1999 and has received many honors for her teaching and mentoring of students and younger faculty.

Born in the border community of Douglas, AZ, she is the oldest of a family of nine children. At the age of 16, Raquel graduated from high school in Douglas and was granted a scholarship to the Autonomous University of Mexico (UNAM). She had no choice in 1952 but to accept, since the opportunities in higher education were extremely limited for Mexican Americans, especially those from rural communities and working class backgrounds. Her father was a railroad worker.

In Mexico City she was fortunate to live with a great aunt who was a concert pianist and introduced her to a world of artists, intellectuals, and writers. She received undergraduate and advanced degrees in law and philosophy from UNAM. Upon returning to Douglas in 1961, she met, and later married, Charles Barclay Goldsmith. Barclay was a reporter and a recent graduate of Stanford University. He joined the United States Diplomatic Corps as a cultural attaché shortly thereafter and they were stationed in Merida, Mexico, and later in Buenos Aires, Argentina. Several years and two sons later, they moved to Pittsburgh, PA, where Raquel worked in a poverty program and Barclay completed a Masters in Fine Arts in directing from Carnegie Mellon University. In 1969 they moved to Tucson, where Raquel became a founding faculty member of Pima Community College. With others, she was charged with establishing the curriculum in an educational environment that followed a participatory democracy management model, from the janitor to the students to the faculty to the administration. All had a voice.

Professor Rubio Goldsmith flourished in this creative world, and she became a leader in institutionalizing diversity at all levels, instituting open-enrollment, establishing Mexican-American, African-American and Women's Studies, teaching Yaqui and Tohono O'odham histories and languages, and pioneering classes for credit in barrio community centers. She championed computer technology even before it had a widespread role in higher education. She fought tirelessly for hiring minorities at all levels, and became a master teacher and constant advocate for students. She was especially focused on older female students, and

helped form an exemplary program for female bilingual aides in public education. With her support, many of those women went on to become bilingual teachers not only in Spanish but in the native languages of the borderlands.

Professor Goldsmith also established a long record of publication and centered her research on women of the borderlands. She researched the cultural impact of a community of Mexican nuns in Douglas and the importance of gardens for women in the isolation of the desert. She became a recognized specialist in women's studies, focusing on Chicana/Mexicana women. She pioneered surveys to document human rights violations suffered by migrants (and citizens) that offered the first important empirical evidence of the impact that growing border militarization was having in border communities, and how those impacts were moving into the interior.

Recently, her research has centered on the post-1994 period that has led to a "funnel" effect of migrant movement that has caused so many deaths. Her cutting-edge scholarship is acknowledged by invitations to present at local, national and international forums and participate in academic, policy-making and community-based discussions. Professor Goldsmith has always made an effort to present academic research to the community by setting up presentations in neighborhood centers. At one time she conducted local radio programs on Spanish-language radio, teaching the history of Mexico and having on-air, call-in cultural discussions with the community. She believed that information should be shared with the community instead of isolated at educational institutions.

Professor Rubio Goldsmith has also devoted herself to working in promoting human rights. From her student years to the present, she has engaged in community-based activism. She worked on local issues with El Concilio Manzo in Tucson in the early 1970s and issues of immigration advocacy with them through the mid-1980s. She led the Zapatista movement in Tucson with Pueblo Por La Paz, participating in Chiapas with Zapatista convocations. She was the co-author of a play about the Zapatista uprising, "Tres Dias/Thirteen Days", performed by Borderlands Theater locally and the San Francisco Mime Troupe nationally. She is a member of Derechos Humanos and has been a board member of the Little Chapel of All Nations. She has been an active and tireless supporter of Raza Studies in high schools, and has served on the advisory council of the Institute of Mexicans Abroad (Instituto de los Mexicanos en el Exterior) of the Mexican Ministry of Foreign Relations.

Professor Raquel Rubio Goldsmith has been a wonderful mother to two sons, Chris and Pat. Christopher Goldsmith is a poet and has been a teacher of English for many years at Tucson High School. Patrick Goldsmith is a professor of sociology at the University of Wisconsin. She has two grandchildren, who are the joy of her life, and is married to Barclay Goldsmith with whom she has shared a lifetime. Our community is very blessed for the service of Raquel Rubio Goldsmith, whose life's work continues to enrich us all.

RECOGNITION OF THE BYRD
POLAR RESEARCH CENTER

HON. MARY JO KILROY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 2010

Ms. KILROY. Madam Speaker, I rise today to honor The Byrd Polar Research Center at The Ohio State University for fifty years of leadership in polar and alpine research. My staff and I had the pleasure of visiting this innovative research center on the campus of The Ohio State University where we met with Director Ellen Mosley-Thompson and Dr. Lonnie Thompson and saw some of their pioneering research first hand. We visited interactive classrooms, the cold lab, and cold storage facility, which houses the research center's impressive collection of ice cores.

Founded in 1960 as the Institute for Polar Studies, The Byrd Polar Research Center focuses on the history and evolution of global climate systems and the role of cold regions in climate change. In 1987 the facility was renamed for famous American Polar Explorer, Admiral Richard E. Byrd. The Research Center now includes eight research groups, a library, an archival program, and the U.S. Polar Rock Repository. Undergraduate and graduate students at The Ohio State University are able to participate in and learn from this cutting edge facility that organizes expeditions around the world. To reconstruct past climate trends The Byrd Polar Research Center uses a variety of methods, including the study of chemical records preserved in ice cores collected from glaciers in Greenland, Asia, North and South America, and Antarctica.

Our planet is in peril and during this critical time The Byrd Polar Research Center has advanced our knowledge of how cold regions play a role in our Earth's changes. The phenomenon of climate change has been well documented in the scientific community by groups like The Byrd Polar Research Center. Climate change demands immediate attention and action; for fifty years The Byrd Polar Research Center has contributed to our understanding of climate change and our ability to mitigate and adapt to its effects.

The Byrd Polar Research Center strives to improve our understanding of the environment and the changes that are occurring to it and provides central Ohioans with a world-class education and research facility. I am proud to recognize and honor The Byrd Polar Research Center and its hard working staff for fifty years of dedication to the advancement of scientific understanding of the world around us.

RECOGNIZING HOPE LEARNING
ACADEMY

HON. DARRELL E. ISSA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 2010

Mr. ISSA. Madam Speaker, I rise today to recognize a wonderful program operated by New Hope Community Church in Canyon Lake, California, that has set the standard for

helping troubled youth by introducing a new concept to learning. Just this past weekend, Menifee Councilman Scott Mann and I had the pleasure to visit the Hope Learning Academy, seeing firsthand how this program's mentors steer at-risk youth onto a positive path and equip them with the tools they need to lead successful lives.

Regrettably, a substantial number of youth in our communities are failing school, struggling with behavioral issues in and out of the home, and many are "slipping through the cracks."

That is why Hope Learning Academy, which represents just one of the many ways that New Hope Community Church serves its community, is an outstanding example of providing at-risk youth with opportunities to grow. Their combination of guidance, encouragement and years of experience working with youth has proven successful in helping both students and parents implement a strategy of change in their lives during what are considered a teenager's most challenging years.

There is no question that the staff at Hope Learning Academy is committed to finding ways to help the youth in our community. They have effectively executed a niche program to put youth on a course for success while partnering with parents to give them the tools they need to effectively parent their child.

Madam Speaker, I ask that my colleagues please join me in recognizing the success of Hope Learning Academy and I look forward to hearing more about valuable programs such as this that make a positive difference in the lives of our local youth.

HONORING ERIC MICHAEL
ROTHMIER

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 2010

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Eric Michael Rothmier, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 138, and in earning the most prestigious award of Eagle Scout.

Eric has been very active with his troop, participating in many scout activities. Over the many years Eric has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Madam Speaker, I proudly ask you to join me in commending Eric Michael Rothmier for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

HONORING UTICA POLICE OFFI-
CERS SCOTT BERGER AND MI-
CHAEL PETRIE

HON. MICHAEL A. ARCURI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 2010

Mr. ARCURI. Madam Speaker, in the early morning on Sunday, September 20th 2009, a great tragedy occurred in my hometown of Utica, New York. A horrific fire in an apartment building claimed the lives of four people.

While this loss of life can never be replaced, the loss would have been much more severe had it not been for the courageous acts of two Utica Police Officers, Scott Berger and Michael Petrie.

When Officers Berger and Petrie arrived on scene, the apartment building was heavily engulfed in smoke and flames. Without regard to their safety, Officers Berger and Petrie ran into the building and pounded on the doors on the first, second and third floors, yelling to residents to evacuate the premise.

While trying to enter the back door, an explosion blew out the door, which sent Officers Berger and Petrie scrambling for safety.

Due to their honor, courage and dedication to protecting the public, Officers Berger and Petrie were named Police Officers of the Year by the American Legion's Utica Post 229.

Madam Speaker, I call on my colleagues to join me in recognizing the Utica Police Department, and specifically, Officers Berger and Petrie, for exemplifying the characteristics of true public servants. Our community and country is a better and safer place because of their efforts.

CONGRATULATING MR. DENNIS
TICE

HON. BILL SHUSTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 2010

Mr. SHUSTER. Madam Speaker, I rise today to congratulate Mr. Dennis Tice for his recognition as Bedford County's Historian of the Year for 2010. Mr. Tice will receive his award at the Bedford County Historical Society Annual Banquet on April 24, 2010.

Mr. Tice earned this award for his commitment to chronicle Bedford County's World War II veterans. Recognizing the importance of the Greatest Generation's legacy, Mr. Tice began working on a project that would bring its story to life. The result of his efforts was a feature-length film entitled "Bedford County Veterans WWII," which premiered at the Pitt Theatre in Bedford in December of 2009, with 2,100 tickets sold to the public and many subsequent DVD sales. Such a reception by the people of Bedford County is a testament to the accuracy, accessibility, and authenticity of Mr. Tice's work.

Our World War II veterans have many inspiring stories to tell, and Dennis Tice's dedication to ensuring these stories are told is truly admirable. I commend Mr. Tice for his contribution to the understanding of our past,

which shall guide and encourage us in our future. May his work continue to enrich Bedford County now and for years into the future.

HONORING STEPHEN SMITH

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 2010

Mr. RADANOVICH. Madam Speaker, I rise today to congratulate Stephen Smith upon his retirement as Stanislaus County Assistant Auditor-Controller. Mr. Smith will be honored by the Stanislaus County Board of Supervisors during a regularly scheduled Board of Supervisors meeting to be held on March 26, 2010.

Mr. Stephen Smith was born in New York and was raised in Germany, Virginia and California. Upon graduating from Atwater High School, he attended California State University, Stanislaus. In 1979 he graduated with a Bachelor of Arts Degree in accounting.

After earning his license as a Certified Public Accountant in 1981, Mr. Smith started his career with Stanislaus County as a Controller at the Scenic General Hospital. In 1983, he was promoted to the Chief Internal Auditor and in 1987 he was promoted to Chief Deputy Auditor-Controller. In 2002, Mr. Smith became the Assistant Auditor-Controller for the County. Mr. Smith has been a vital member of the Auditor-Controller's Strategic Plan development team. He served on the WORKS Purchasing Card implementation team, the Oracle 11i upgrade team and the Travel and Purchasing Card policy revision team. Mr. Smith has also served on the Deferred Compensation Committee, Accounting Standards and Procedures Committee, Audit Chief's Committee and Accounting Chief's Committee of the California Association of Auditor-Controllers.

Outside of the office, Mr. Smith has been involved with various non-profit organizations. He has participated in the annual American Heart Association's Heart Walk, Youth in Government Day, United Way campaign and the American Cancer Society's annual Walk-a-Thon. For twenty-eight years, Mr. Smith has provided dedicated service to Stanislaus County and its residents.

Madam Speaker, I rise today to commend and congratulate Stephen Smith upon his retirement from Stanislaus County after twenty-eight years of service. I invite my colleagues to join me in wishing Mr. Smith many years of continued success.

IN RECOGNITION OF THE 50TH WEDDING ANNIVERSARY OF BOB AND KAY LORD

HON. MIKE ROGERS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 2010

Mr. ROGERS of Alabama. Madam Speaker, I rise today to pay tribute to a very special occasion. On April 23, 2010, Bob and Kay Lord will celebrate their 50th Wedding Anniversary.

On April 23, 1960, Bobby Ray and Francis Kay Lord were united in holy matrimony in Beaumont, Texas. Bob and Kay have one daughter, Anieca, the joy of their lives. As they have worked and traveled throughout the world, their house was always open.

Whether you were a young person needing the love and structure of a solid home, or just a place to gather for good food and music, you were always welcomed. All were blessed to witness their faith, love and generosity.

To celebrate their anniversary, family and friends will gather in their honor in Colmesneil, Texas at Lake Amanda, to recognize Bob and Kay's life together and share the great memories over the years.

I salute this lovely couple on the 50th year of their life together and join their family and friends in honoring them on this special occasion.

TRIBUTE TO DR. ARNOLD SPEERT

HON. BILL PASCRELL, Jr.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 2010

Mr. PASCRELL. Madam Speaker, I would like to call to your attention the work of an outstanding individual, Dr. Arnold Speert, who was recognized on Friday, April 16, 2010 upon his retirement as president of William Paterson University in Wayne, NJ, for his many years of dedicated service to not only the university, but the community at large as well.

It is only fitting that he be honored in this, the permanent record of the greatest democracy ever known, for he has been a true public servant and educator and someone whose commitment to excellence has helped to enhance countless lives.

Arnold began his journey in academia at the City College of the City University of New York. A Phi Beta Kappa, Dr. Speert graduated cum laude with honors in chemistry. He went on to earn a doctorate in chemistry from Princeton University where he was a National Institute of Health Fellow. He is a member of the American Chemical Society and the American Association for the Advancement of Science.

Dr. Speert's career at William Paterson began in 1970 when he joined the university's teaching staff as an assistant professor of chemistry. Later that year he assumed his initial administrative responsibilities as assistant to the dean of graduate and research programs. Dr. Speert was named assistant to the vice president for academic affairs in 1971 and became associate dean for academic affairs in 1978. In July 1979, he was named vice president for academic affairs. During the same period he rose through the faculty ranks and attained full professor status in 1980. On September 1, 1985, he became the sixth president of William Paterson University, reaching the pinnacle of leadership.

Though the university has always been central to Dr. Speert, his reach has extended far beyond William Paterson's campus. He has been active in a wide variety of community service activities. He has served as chair of the New Jersey Presidents' Council and been

a member of the Commission on Higher Education and the Board of Examiners for the New Jersey Department of Education. His spirit of volunteerism doesn't just focus on education—he currently serves on the board of the State Farm Indemnity Company. Throughout the years, he has also served on the boards of the Tri-County Chamber of Commerce, Barnert Hospital, the Ramapo Bank, the Better Business Bureau, the Jewish Federation of North Jersey, YM-YWHA of Northern New Jersey, and the Respiratory Health Association.

Founded in 1855, William Paterson University is one of the nine state colleges and universities in New Jersey. During Dr. Speert's time as president, the university has continued to grow, striving to meet the need to prepare a growing student body to succeed in our rapidly changing world. The institution offers 30 undergraduate and 19 graduate programs through five colleges: Arts and Communication, the Christos M. Cotsakos College of Business, Education, Humanities and Social Sciences, and Science and Health. Located on 370 hilltop acres in Wayne, the university enrolls more than 10,500 students and provides housing for nearly 2,300 students. The institution's 363 full-time faculty are highly distinguished and diverse scholars and teachers, many of whom are recipients of prestigious awards and grants from the Fulbright Program, the Guggenheim Foundation, the National Endowment for the Humanities, the National Institutes of Health, the National Science Foundation and the American Philosophical Society.

The job of a United States Congressman involves much that is rewarding, yet nothing compares to learning about and recognizing the impressive accomplishments of individuals like Dr. Arnold Speert.

Madam Speaker, I ask that you join our colleagues, Arnold's family and friends, all those whose lives have been touched by his work, and me in recognizing the outstanding and invaluable service of Dr. Arnold Speert.

HONORING RYAN A. FOLTZ

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 2010

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Ryan A. Foltz, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 1433, and in earning the most prestigious award of Eagle Scout.

Ryan has been very active with his troop, participating in many scout activities. Over the many years Ryan has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Madam Speaker, I proudly ask you to join me in commending Ryan A. Foltz for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

HONORING MARY ALICE
ECKSTROM FOR HER DEVOTION
TO HELPING OTHERS

HON. ED PASTOR

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 2010

Mr. PASTOR of Arizona. Madam Speaker, I rise before you today to praise and reflect upon the life and career of an outstanding community leader and dear friend, Mary Alice Eckstrom.

Mary Alice Eckstrom was born in Tucson, Arizona on October 29, 1946. Throughout her lifetime she always made herself available to help others, especially the less fortunate. She did all of this very quietly, never seeking personal praise or recognition. It was her abiding faith in God, her devotion to Our Lady of Guadalupe, and her dedication to St. Therese the Little Flower, which enabled her to effectively serve others.

Alice selflessly gave her time, talents, and resources to the community. She served for 20 years, including seven terms as President, with the League of Mexican American Women, which provided \$2 million in postsecondary educational scholarships. She served the Diocese of Tucson for ten years, at St. Ambrose School, also serving on the School Board. She served on the Board of Catholic Community Services of Southern Arizona, and as a volunteer for the Pio Decimo Center. In February 2010, LULAC and the NAACP honored her with the Rosa Parks Lifetime Community Advocacy Award.

Within her family, Alice was the solid foundation from which her two children acquired and developed their individual knowledge, skills and talents. She was the main driving force in making sure that each of them were carefully nurtured and trained to become sustaining and contributing community members. She always provided a special guiding hand focusing on how to live proper and acceptable lives. To her children and all that knew her, Alice was an exceptional mother, teacher, mentor, confidant, and friend.

For more than a year, Alice waged a valiant battle to overcome Lymphoma. Fighting cancer was nothing new to her, which she had done in 1985, when stricken with Breast Cancer. [After a year of chemotherapy and radiation, her cancer was in remission for 23 years and she lived every day of her life to the fullest.] In October 2008, to celebrate another annual survival milestone, she led a grassroots fundraising effort in support of Susan G. Komen for the Cure Foundation, by successfully raising \$2,500 in \$5 contributions. One month later, after a routine chest x-ray, she was diagnosed with Lymphoma. She received chemotherapy treatments for more than a year and underwent a bone marrow transplant. During each of these aggressive medical treatments, she never complained, but was always sustained by her strong faith. She possessed an amazing spirit of survival, and always maintained an ever-present and radiant smile. She was hospitalized for several weeks before Christmas, but this did not prevent her from helping others. As she had done for 37 years, Alice helped raise needed funds so that 6,000

disadvantaged children could receive a new toy at Christmas.

On March 29, 2010, surrounded by her loving family, Alice left our earthly presence to begin her promised journey of eternal life. On "Holy Thursday," Rites of a Christian Burial were celebrated at Saint Augustine Cathedral. Her celebration of life was attended by more than 1,200 mourners, and it was led by the most Reverend Gerald F. Kicanas, Bishop of Tucson, Father James Hobert, Father Patrick Crino and Deacon Oscar Bueno. She was eulogized by her daughter Jennifer and son Daniel, who shared many lifetime memories and remembrances. A special honor guard and escort were provided by the Pima County Sheriff's Department and the South Tucson Police Department led the funeral procession to Holy Hope Cemetery, her final resting place.

Alice is survived by Dan Eckstrom, her husband of more than 37 years, a retired Chairman of the Pima County Board of Supervisors and Mayor of the City of South Tucson; her devoted children-daughter Jennifer Eckstrom, who serves as Mayor of the City of South Tucson and son Daniel William Eckstrom II, a Staff Assistant for U.S. Congressman Ed Pastor. She is also survived by her mother Felicitia Rosales, her sisters Jenny and Grace; and her brothers Rudy, Robert, Julian and Louis. She is predeceased by her father Louis Rosales, her sister Anita Rosales and her beloved niece, Melissa Dian Gomez.

In keeping with her commitment to serving the less fortunate portion of our population, Alice's family, friends and supporters are continuing her legacy by establishing a memorial fund that will provide scholarships for deserving students attending Pima Community College-Desert Vista Campus.

Madam Speaker, I am honored to recognize the leadership of Mary Alice Eckstrom and the friendship she has given me and my family.

RECOGNITION OF WORLD MALARIA DAY

HON. LOIS CAPPS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 2010

Mrs. CAPPS. Madam Speaker, I rise today to recognize the importance of World Malaria Day.

While anyone exposed to a malaria-causing parasite can be afflicted with the disease, pregnant women and children are malaria's most frequent victims.

Over ten percent of global maternal deaths are caused by malaria. Pregnant women are highly susceptible to malaria because their bodies' natural defense mechanisms are reduced during pregnancy. In these women, malaria causes high rates of miscarriage and severe anemia. Furthermore, malaria can cause low birth weight among newborn infants—a leading risk factor for infant mortality and impaired growth and development.

Malaria kills a child somewhere in the world every 30 seconds. In parts of the world where malaria is endemic, children are exposed repeatedly to the parasite, which is transmitted by mosquitoes. Although malaria is both pre-

ventable and treatable, if ineffective medicines are given or if treatment is delayed, the number of parasites in a child's body continues to increase. In these children, the disease can progress to a severe stage that is fatal in the majority of cases.

I have long been a supporter of U.S. programs to promote maternal and child health overseas, and malaria programming is a key aspect of that. We have proven, effective tools to prevent and treat malaria. But more must be done. I urge my colleagues to join me in support of scaled-up deployment of these tools to reduce soaring child and maternal mortality rates in the developing world.

HONORING THE UNIVERSITY OF CONNECTICUT WOMEN'S BASKETBALL TEAM ON THEIR SECOND CONSECUTIVE PERFECT SEASON

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 2010

Ms. DELAURO. Madam Speaker, I rise with enormous pride to congratulate the UConn women's basketball team on a season of unprecedented athletic achievement. Under Coach Geno Auriemma, the Huskies not only won their second consecutive NCAA title this month, they concluded their second consecutive perfect season.

In fact, the Huskies have now won 78 straight games in a row—only ten below the record set in men's basketball by the teams under UCLA's John Wooden in the 1970's—and have won every single one of them, with the exception of their gritty 53–47 title defense against Stanford, by double digits. In so doing, the University of Connecticut Women's team has eclipsed the previous record of 70 wins in a row, held by the Huskies since 2003.

Winning 78 games in a row in any sport is no small feat, and it takes more than talent to accomplish. Such a record takes perseverance, sacrifice, and a commitment to the team ideal, and the women of UConn have shown each in surpassing measure.

These young athletes are not role models to generations of women because they are winners—they are winners because they are role models. They have shown that, through hard work and dedication to a common goal, anything is possible. I congratulate them on two years of amazing victories, and I look forward to seeing them in action again next season.

HONORING PIEDAD AYALA

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 2010

Mr. RADANOVICH. Madam Speaker, I rise today to congratulate Piedad Ayala upon receiving the "Member of the Year Award" by the Central California Hispanic Chamber of Commerce. Mr. Ayala will be honored at the twenty-sixth annual State of the Hispanic Chamber Gala to be held on Friday, March 12, 2010 in Fresno, California.

Mr. Piedad Ayala has worked with the Central California Hispanic Chamber of Commerce through his businesses and his newly formed organization, Water for All. Since 1976, Mr. Ayala has been working with the agriculture community and is currently the CEO of Ayala Enterprises, Ayala Corporation, Ayala Farm Inc. specializing in farm management, farm labor, agricultural farming and livestock. He is also the CEO of Big Daddy Portable Toilets Inc. and Azteca Furniture.

With a great passion for the farmers of the Central San Joaquin Valley, Mr. Ayala has always been involved with promoting legislation to support the area. Recently, Mr. Ayala created "Water for All", an organization that supports the development of additional water resources in California. With Mr. Ayala's strong leadership and partnership with the California Latino Water Coalition, the Central California Hispanic Chamber of Commerce and the Fresno County Farm Bureau, he has assisted in organizing multiple water rallies, including the March for Water held in 2009.

Mr. Ayala is a great supporter of business and education. Through his various businesses and the organizations that he works with, he has become a well known community activist, particularly in regard to water.

Madam Speaker, I rise today to commend and congratulate Piedad Ayala upon being awarded the "Member of the Year Award." I invite my colleagues to join me in wishing Mr. Ayala many years of continued success.

CONGRATULATING BEVERLY
HISCOX, HONOREE OF THE
WILKES UNIVERSITY ALUMNI
ASSOCIATION AND ITS SCHOLAR-
SHIP FUND

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 2010

Mr. KANJORSKI. Madam Speaker, I rise today to ask you and my esteemed colleagues in the House of Representatives to pay tribute to Beverly Blakeslee Hiscox, who is being honored by the Wilkes University Alumni Association and its Scholarship Fund for extraordinary service over many years.

Born in Hanover Township in 1932, Beverly graduated from E. L. Meyers High School in Wilkes-Barre and attended Wilkes College.

Mrs. Hiscox has served Wilkes University in many roles including as president of the Alumni Association, member of the Board of Trustees, an active member of the Advisory Board of the Creative Writing Program, and she continues as Trustee Emerita.

Her dedication to the Wilkes-Barre community does not stop with Wilkes University. Her commitments over the years have included 20 years as a member of the Wilkes-Barre General Hospital Auxiliary, an early organizer of the Lawyers' Wives, and as a member of the Board of Directors of the Wilkes-Barre YMCA.

She has been involved with the Northeastern Pennsylvania Philharmonic since its inception in 1972, serving on its Board of Directors and as president of the Board. She is also a member of the Westmoreland Club.

Ordained as an elder of the First Presbyterian Church in Wilkes-Barre, she was also active in the Women's Association of the church for many years. She has served on the Session of the First Presbyterian Church in Wilkes-Barre as an elder.

Mrs. Hiscox married attorney Harry Hiscox in 1956. They had five children: David, a lawyer in practice with his father; Richard, a family practice physician; Steven, president and CEO of Automotive Training Center, the top professional institution of its kind in the nation; Susan, a school psychologist in New York and Carol, an elementary school teacher in Wilkes-Barre.

Mr. and Mrs. Hiscox also have 10 grandchildren.

Madam Speaker, please join me in congratulating Mrs. Hiscox on this auspicious occasion. Her exemplary community service is inspirational and has earned her widespread respect and admiration throughout northeastern Pennsylvania.

HONORING CAPTAIN ROBERT R. O'BRIEN

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 2010

Mr. PALLONE. Madam Speaker, I rise today to honor CAPT Robert R. O'Brien, Commander of the United States Coast Guard Sector New York. On April 6th of this year Captain O'Brien celebrated the anniversary of his enlistment in the Coast Guard in 1970. During Captain O'Brien's 40 consecutive years of brave service he rose from an enlisted member to commander of the Coast Guard's largest operations unit.

Captain O'Brien enlisted in the Coast Guard in 1970 at the rank of seaman apprentice. In 1976 he was assigned as Officer-in-Charge of the USCGC Blackberry at Oak Island, North Carolina. In 1978 he was assigned to St. Simon's Island, Georgia, and then in 1979 he was promoted again to Chief Boatswain's Mate on the largest Aids to Navigation Team in the Atlantic Area. In 1980 he was named Chief Warrant Officer of the Aids to Navigation Team on the Long Island Sound.

In 1983 Captain O'Brien continued his accelerated rise through the ranks, receiving his commission as a Lieutenant. Over the next several years he was assigned to various posts around the country including the Marine Safety Office in Galveston, Texas; Supervisor of the Marine Safety Detachment in Marietta, Ohio; the Marine Safety Office in Detroit, Michigan; the Fifth Coast Guard District Office in Portsmouth, Virginia, and the Marine Safety Office in Hampton Roads, Virginia. In 1999 Captain O'Brien was promoted to Commanding Officer of the Marine Safety Office in Memphis, Tennessee. In 2002 he left for Washington, DC, to serve as the Coast Guard Liaison to Navy's Military Sealift Command where he participated as an advisor in weekly senior staff meetings at Coast Guard headquarters. In 2003 he was promptly promoted again to Captain and assumed command of the Marine Safety Office in Hampton Roads.

In July 2005 he was promoted one final time to his current position as Commander of the Sector Hampton Roads.

His rise from an enlisted service member at the lowest rank to his senior position is an increasingly rare and difficult feat in the United States armed services. Throughout his career Captain O'Brien has been recognized for his excellent service, receiving the Meritorious Service Medal, the Coast Guard Commendation Medal, the Coast Guard Achievement Medal, the Coast Guard Commandant's Letter of Commendation Ribbon, and three Coast Guard Good Conduct Medals. Captain O'Brien's dedication to service is an example for all Americans.

Madam Speaker, I sincerely hope my colleagues will join me in honoring CAPT Robert O'Brien for his brave service to our country, as well as congratulate him for completing his 40th consecutive year in the United States Coast Guard, and wish him the best as Captain O'Brien will begin in October of this year a most well-deserved retirement.

HONORING OLYMPIC SPEED-
SKATERS JOHN ROBERT "J.R."
CELSKI AND APOLO ANTON
OHNO

HON. ADAM SMITH

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 2010

Mr. SMITH of Washington. Madam Speaker, this year's Olympic Winter Games in Vancouver were an incredible display of America's finest athletes representing our country. It is my great privilege to commend two of these athletes from the great State of Washington.

The Ninth District of Washington was honored to be represented by short track speedskater John Robert "J.R." Celski of Federal Way, Washington. Celski sustained a severe injury during the Olympic Trials in which his skate blade cut deeply into his left quadriceps muscle, barely missing his artery, only 5 months before the 2010 Olympic Winter Games. Prior to his injury, he put up record performances in U.S. competitions against other world-class athletes.

Celski displayed an astonishing level of perseverance when he overcame this adversity to capture the bronze medal in the Men's 1500m and the Men's 5000m Relay. J.R. Celski embodied the spirit of this country with his resolve and determination.

Apolo Anton Ohno of Seattle, Washington, was another inspirational athlete at the Olympic Winter Games with ties to the Ninth District of Washington. Both Ohno and Celski grew up skating at Pattison's West Skating Center in Federal Way, Washington.

I am proud to represent a district that has significantly contributed to the success of U.S. speedskating. I ask my colleagues to please join me in congratulating both Apolo Anton Ohno and John Robert "J.R." Celski for their perseverance and determination to overcome adversity and give historic performances in short track speedskating at the 2010 Olympic Winter Games.

HONORING JOHN M. WILLIAMS, JR., ON HIS DISTINGUISHED CAREER

HON. ED PASTOR

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 2010

Mr. PASTOR of Arizona. Madam Speaker, I rise before you today to praise and reflect upon the career of an outstanding community leader and a dear friend, John M. Williams, Jr. I would also like to congratulate John on his upcoming retirement.

John is the president of the Salt River Project (SRP), the nation's third-largest public power utility and the largest supplier of water to the greater Phoenix metropolitan area. John serves as president of both the Salt River Valley Water Users' Association, the water distribution side of the company, and the Salt River Project Agricultural Improvement and Power District, the electricity-generating side of the company. He began serving on the SRP council in 1964 and has served 28 years with SRP, including 12 years as vice president. He was elected SRP's 16th president in 2007.

During his tenure as president, John signed the largest-ever Indian water rights settlement; helped SRP expand its sustainable-energy portfolio to approximately seven percent of the total energy generated, including partnering on the state's first commercial wind farm; and presided over a far-reaching settlement that will help ensure the future sustainability of Arizona's Verde River.

John is a member of the Groundwater Users' Advisory Council, the American Public Power Association, the National Water Resources Association, the Colorado River Water Users' Association and the Cowman's Club. In addition, President George W. Bush appointed him to the National Infrastructure Advisory Council in 2008.

An Arizona native, John is active in numerous community-based efforts, including serving on the board of the Farmers Gin and as a committee member of the Maricopa County Farm Services Administration. He has been involved in many other community activities in the Laveen area. John, who owns John M. Williams Farms in Laveen, lives in the West Valley with his wife, Dawnetta.

I have been fortunate to have John as a friend for many years. I first became familiar with John's trademark black cowboy hat when he came to visit my office in Washington, DC. Since that time, I have seen him wear that same black cowboy hat twice a year at Corona Ranch, where we have enjoyed the music and good company together.

Madam speaker, I am honored to recognize the leadership of John Williams and the friendship he has given me and my family.

HONORING THE 40TH ANNIVERSARY OF PINE FORGE ATHLETIC ASSOCIATION

HON. JIM GERLACH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 2010

Mr. GERLACH. Madam Speaker, I rise today to honor the Pine Forge Athletic Association as it celebrates 40 years of providing and promoting baseball and softball for the youth in the Boyertown Area School District and neighboring communities.

The Association formed as a result of the vision and leadership of Merle Harner and Robert "Skip" Trainer, who wanted to create more opportunities for participating in youth sports. The Association has thrived since its first team began practicing and playing on a single, small field at Pine Forge Elementary School four decades ago. Today, more than 400 boys and girls play on more than 30 teams that have access to as many as 15 fields faithfully maintained by the Association.

While many things have changed since 1970, the Association remains committed to the core principles of teaching the fundamentals of the game, promoting good sportsmanship and helping youth learn the importance of team work, perseverance and hard work. The Association's tremendous success was made possible thanks to dedicated volunteers who generously give countless hours each year to serve as coaches, umpires, league officials and in various other roles.

Madam Speaker, I ask that my colleagues join me today in congratulating the Pine Forge Athletic Association as it commemorates this very special milestone and offering best wishes for continued success in enriching the lives of our youth and strengthening the bonds within our community.

TRIBUTE TO BILL AND MAURA SCULLY

HON. BILL PASCRELL, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 2010

Mr. PASCRELL. Madam Speaker, I would like to call to your attention the work of two outstanding individuals, Bill and Maura Scully, who are being honored by the Frank McGovern Association on Sunday, April 18, 2010, for their lifetime of friendship and service.

It is only fitting that they be honored in this, the permanent record of the greatest democracy ever known, for they have brought joy and comfort to many others through their dedication to community service and the preservation of Irish-American culture.

Bill was born August 14, 1937, in Glenamaddy, Co. Galway. His family moved to Middleton, Co. Cork, in 1950 when he was 13 years old. He is a product of the C.B.S. where he learned his skills of Human Interaction. Bill came to America on February 14, 1958, and started work as a waiter in McGovern's. Bill has one brother, Edward and one sister, Breda. Maura McGovern was born in

Kinawley, Co. Fermanagh. Her family moved to Swanlinbar, Co. Cavan, where she attended the National School. She came to America in April 1955. Maura is the oldest of seven children. She has two brothers, Eamon and Freddie, and four sisters, Geraldine, Theresa, Patricia and Carmel. Bill and Maura are the proud aunt and uncle of many nieces and nephews.

Bill worked for Prudential in Newark before marrying Maura on May 6, 1961. The U.S. Army called him into service in August of that year and he headed to Hawaii, where he was stationed for the next 18 months. When he was discharged he went to work for Crown Furs.

Upon his retirement, Frank McGovern offered Bill and Maura the tavern and on July 10, 1968, they became the proud owners of the most popular Irish Tavern on the East Coast of the U.S. In April 2001 they turned the reins over to Patrick and Sean McGovern and young Mike Nagle. The boys have made the Scullys proud by "Keeping the Tradition Alive."

The Scullys have long worked to help keep their community strong and to keep alive Irish-American culture. Bill has been honored by many organizations such as the Independent Irish, the Peter Smith School of Irish Dancing, The Gliblin Association, The Cryan Association, The Shillelagh Club, The Irish American Association of the Oranges, Project Children, the Emerald Society, the F.O.P. Local #12, and the Sheriff's Department P.B.A. Maura was honored as the Deputy Grand Marshal of the Newark Saint Patrick's Day Parade in 1971.

Throughout their lives, Bill and Maura have not only given much of their own time and energy to community efforts, but have also inspired others through the example they set. Bill and Maura are the Standard Bearers of the Frank McGovern Association and members of many civic, social and charitable organizations. They welcome this tribute and thank everyone for all the love and support over the last 50 years. It's their sincere wish for Peace with Justice for all the people of Ireland, both North and South.

The job of a United States Congressman involves much that is rewarding, yet nothing compares to learning about and recognizing individuals like Bill and Maura Scully.

Madam Speaker, I ask that you join our colleagues, the Scullys' family and friends, the members of the Frank McGovern Association, everyone who has enjoyed a visit to McGovern's, and me in recognizing the contributions of Bill and Maura Scully.

IN HONOR AND RECOGNITION OF MICHAEL P. SOKOLOWSKI

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 2010

Mr. KUCINICH. Madam Speaker, I rise today in honor and recognition of Michael P. Sokolowski as he is named the recipient of the 2010 Cleveland Society of Poles "Good Joe" Polish Heritage Award.

Mr. Sokolowski was born the youngest of three children in Cleveland to parents Bernard and Marion Sokolowski. He graduated from Cleveland Central Catholic High School in 1979. In 1983, he graduated from Otterbein College where he earned a Bachelor of Arts degree in Communications. After college, Mr. Sokolowski joined his sister Marylou and brother Bernie in running the family business—Sokolowski's University Inn. Mr. Sokolowski and his siblings are the third generation at the Inn, which was established in 1923. The Inn is a Cleveland landmark and has been featured several times on local TV, radio and the Food Network.

In addition to running the family business, Mr. Sokolowski is active in the community. He is a 20-year member of the Cleveland Society of Poles where he has volunteered as trustee, vice-president and president. He is a life-long parishioner at St. John Cantius Church where he sings and plays percussion in the choir. He also continues to support his alma mater, Cleveland Central Catholic. In 2004, he was awarded the Cleveland Central Catholic Alumni of the Year Award and for the past ten years he has served as coach for their football and baseball teams. Above all, Mr. Sokolowski is a dedicated husband, father and grandfather.

Madam Speaker and colleagues, please join me in honor and recognition of Michael P. Sokolowski, whose service to community and whose dedication to his Polish heritage continues to make a difference throughout our community.

TRIBUTE TO SERGEANT SEAN
DURKIN, U.S. ARMY

HON. MIKE COFFMAN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 2010

Mr. COFFMAN of Colorado. Madam Speaker, there are many heroes from Colorado who have fought, and continue to fight, in the Global War on Terror. Today, I rise to pay tribute to one hero in particular: Army Sergeant Sean Durkin of Aurora, Colorado.

On March 27, 2010, Sergeant Sean Durkin and his fellow soldiers were on a mission near Forward Operating Base Wilson in Afghanistan, when their convoy was struck by an explosive device. Sergeant Sean Durkin and two other brave soldiers exited the vehicle to respond to the blast, but were all injured when a second improvised explosive device went off. Sergeant Sean Durkin was gravely wounded and ultimately succumbed to his injuries while recuperating at Walter Reed Army Medical Center.

In 2004, Sergeant Sean Durkin graduated from Eaglecrest High School in Centennial, Colorado and later attended Denver Auto Diesel College before enlisting in the United States Army in 2006. He is remembered as a fine young man who had always dreamed of becoming a soldier, and was also passionate about working on automobiles.

During his military service, Sergeant Sean Durkin was the recipient of numerous awards and qualifications, including the Expert Infantry

Badge, Parachutist Badge and the Driver Mechanic Badge. Attached to the 1st Battalion, 12th Infantry Regiment, 4th Brigade Combat Team of the 4th Infantry Division, he was also a veteran of Operation Iraqi Freedom.

Sergeant Sean Durkin is a shining example of Army service and sacrifice. As a former member of the Army and retired Marine, my deepest sympathies go out to his family and to all who knew him.

CONGRATULATING THE NATIONAL
DRUG ABUSE TREATMENT CLINICAL
TRIALS NETWORK AT INSTITUTE ON DRUG ABUSE, CENTERS
OF THE NATIONAL INSTITUTES OF HEALTH ON 10TH ANNIVERSARY

HON. PATRICK J. KENNEDY

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 2010

Mr. KENNEDY. Madam Speaker, I, along with my colleagues Representative JOHN SULIVAN, Representative MARY BONO MACK, and Representative CAROL SHEA-PORTER, rise today to congratulate the National Drug Abuse Treatment Clinical Trials Network at Institute on Drug Abuse (NIDA), Centers of the National Institutes of Health (NIH) on their tenth anniversary. Ten years ago, the National Institute on Drug Abuse (NIDA), one of the 27 Institutes and Centers of the National Institutes of Health (NIH) embarked upon a bold initiative by creating the National Drug Abuse Treatment Clinical Trials Network (CTN) to accelerate the process of transforming research findings into proven treatments for use in community practice settings. The CTN focuses directly on studies that can demonstrate the effectiveness of treatments for people whose lives are affected by drug abuse in communities and neighborhoods nationwide.

The CTN established an egalitarian, bidirectional relationship between the research scientists and the community treatment programs. The challenge, which was successfully addressed by NIDA's CTN, was to collaborate with community treatment programs to design and execute rigorous scientific studies that yield accurate and reliable information that can be transferred into the treatment practices of the drug treatment community. In 2010, there are over 240 such treatment sites, in 35 states and Puerto Rico, partnering with 16 distinguished academic research centers working together to produce important research findings.

By blending the skills of researchers and experts in treatment practice, the CTN, working with counterparts in NIDA, other Institutes of the NIH, and the Substance Abuse and Mental Health Services Administration (SAMHSA), is working to accelerate the process that moves effective science-based treatment findings into our nation's drug treatment communities. The leadership of NIDA and the CTN are committed to accelerating the pace by which scientific evidence changes treatment practice.

The first cooperative agreements to carry out treatment research studies were awarded in October 1999. In just 10 short but highly

productive years, the CTN enrolled more than 11,400 drug abusing patients in 25 protocols and 18 sub-studies as well as 5 secondary analyses arising from the primary protocols. These protocols have produced significant findings about medications, behavioral interventions and other important aspects of drug treatment, including methods to keep patients in treatment longer and drug-free. Clinical trials on HIV in the vulnerable drug user population, including rapid testing for HIV infection are also high priorities of the CTN.

The outgrowth of this prolific research has been remarkable. Results have been included in the publication of 96 papers in peer reviewed journals and seven Blending Conferences at which a total of 5,500 treatment providers have learned about cutting edge research findings from the CTN and other research programs supported by NIDA. The CTN work has also led to the establishment of a dissemination library that is available at no charge to the public, containing important findings and resource documents of the CTN and which has been accessed more than 35,000 times in the past 3.5 years. Additionally, research data from 21 CTN studies has been publicly posted in an effort to expedite the transfer of research results into knowledge, products and procedures to improve the public health. Most importantly, the treatment providers of the CTN and their scientific partners have become an army of change agents in their states and regions to advocate for the adoption of treatment interventions based upon proven, scientific evidence.

Madam Speaker, we congratulate the National Institute on Drug Abuse and its Clinical Trials Network on its important accomplishments over the past 10 years. Their work has lessened the suffering of many, and as Co-chairs and Vice Co-chairs of the Addiction, Treatment and Recovery Caucus, we look forward to continuing to work with NIDA and even greater achievements of the CTN the years to come.

IN HONOR AND MEMORY OF LECH
ALEKSANDER KACZYNSKI,
PRESIDENT OF THE REPUBLIC
OF POLAND, AND HIS WIFE,
MARIA KACZYNSKI, FIRST LADY
OF THE REPUBLIC OF POLAND

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 2010

Mr. KUCINICH. Madam Speaker, I rise today in honor and memory of Lech Aleksander Kaczynski, President of the Republic of Poland, and his wife, Maria Kaczynski, First Lady of the Republic of Poland and a respected economist. President Kaczynski, his wife, and 95 others died suddenly and tragically in a plane crash while attempting to land at Smolensk-North airport in Russia on April 10, 2010.

President Kaczynski's legacy reflects his lifelong dedication to freedom for the people of Poland. In 1980, President Kaczynski and his twin brother, Jaroslaw Kaczynski, who would later become the Prime Minister of Poland,

were active participants in a workers' strike at Gdańsk Shipyard. The strike, led by Solidarity leader and future Polish President Lech Walesa, was supported around the world; it sparked the beginning of the Solidarity movement in Poland and marked the beginning of the end of communist rule in Central and Eastern Europe.

Following the workers' strike in Gdańsk, the Kaczynski brothers emerged as leaders in the Solidarity movement and built a strong national following. In 2002, President Kaczynski was elected Mayor of Warsaw by a large margin. In March of 2005, President Kaczynski declared his candidacy for president and won election in December of that year. As President, he worked to end government corruption, strengthen foreign partnerships, and empower the citizens of Poland.

Madam Speaker, please join me in honor and remembrance of Lech Kaczynski, President of the Republic of Poland, his wife, Maria Kaczynski, and all those who perished with them. I offer my deep condolences to their daughter, Marta, their granddaughter, to President Kaczynski's brother, and to the people of Poland. My district in Northeast Ohio is home to several generations of Polish immigrants, and we maintain strong ties to the country of Poland. Those who lost their lives in tragedy on April 10, 2010 shall be remembered in the greater Cleveland area and around the world.

RECOGNIZING THE KENO MICRO-FUND

HON. LYNN A. WESTMORELAND

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 2010

Mr. WESTMORELAND. Madam Speaker, I rise today to recognize the Keno Micro-Fund for its role in promoting financial literacy.

IN the State of Georgia 69,980 businesses and non-businesses filed bankruptcy from July 1, 2008 through June 30, 2009. This makes Georgia's bankruptcy rate one of the highest in the country.

The number of 18- to 24-year-olds declaring bankruptcy continues to grow at an alarming rate.

The average debt level for 2008 graduates from Georgia colleges was over \$17,000.

As the Nation recovers from one of the most devastating financial downturns in more than half a century, it is critical that we make a determined effort to promote financial literacy among America's youth. To that end, I offer my formal acknowledgement and deepest appreciation for organizations in the State of Georgia like the Keno Micro-Fund, which are dedicated to fostering a deeper understanding of financial principles and money management among young people.

HONORING THE GAY AND LESBIAN ACTIVISTS ALLIANCE OF WASHINGTON, DC (GLAA) ON ITS 39TH ANNIVERSARY, AND THE RECIPIENTS OF THE DISTINGUISHED SERVICE AWARD

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 2010

Ms. NORTON. Madam Speaker, I ask the House of Representatives to join me in honoring America's oldest, continuously operational gay and lesbian rights organization: the Gay and Lesbian Activists Alliance of Washington, DC, GLAA, on its 39th anniversary, and the recipients of the Distinguished Service Award.

Since its founding in April 1971, GLAA has long been at the forefront of efforts to strengthen enforcement of the landmark D.C. Human Rights Act of 1977, and at the forefront of advocating for the gay, lesbian, bisexual, and transgendered, GLBT, community. GLAA played a key role in winning marriage equality in the District, working with coalition partners, DC officials and the wider public to craft and implement a strategy for achieving a strong, sustainable victory.

GLAA has fought to ensure that, GLBT, citizens are treated fairly and respectfully by DC agencies from the Metropolitan Police and Fire/Emergency Medical Services Departments to the Department of Consumer and Regulatory Affairs, as well as the DC Public Schools. GLAA has also participated in lobbying efforts against arbitrary federal restrictions on the District's budget aimed at lesbians and gay men.

On April 20, GLAA will hold its 39th anniversary Reception honoring this year's recipients of its Distinguished Service Awards: Joan E. Biren, Sean Bugg, Lou Chibbaro Jr., David Mariner, Michael Crawford, Rev. Monique Ellison, Brian K. Flowers, Mark Levine, Nick McCoy, Brian Moore, Sultan Shakir, and the DC Clergy United for Marriage Equality. The recipients contributed toward GLAA's effervescent fight to receive equality for the gay, lesbian, bisexual, and transgendered community in the District of Columbia.

GLAA's 39 year fight to secure inalienable American rights for the GLBT residents of Washington, DC is similar to the long struggle for full voting representation in Congress for U.S. citizens, living in our Nation's capital, who have served honorably in every American war, including the current conflicts in Afghanistan and Iraq, and are taxed without representation.

GLAA's open and forthright advocacy supports GLBT soldiers, who have sworn to protect our country with their lives and must serve in silence, without the open support of their families and communities.

I ask this House to join me in congratulating the Gay and Lesbian Activists Alliance on its 39th Anniversary, and the recipients of the Distinguished Service Award for their commitment to the gay, lesbian, bisexual, and transgendered community in Washington, DC.

TRIBUTE TO CARL D. BOCCHICCHIO

HON. BILL PASCRELL, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 2010

Mr. PASCRELL. Madam Speaker, I would like to call to your attention the work of an outstanding individual, Carl D. Bocchicchio, who is being recognized on the occasion of his retirement from an accomplished 34-year law enforcement career. It is only fitting that he be honored in this, the permanent record of the greatest democracy ever known, because he is the embodiment of the patriotism that makes our nation so great.

Carl was born in Brooklyn, NY, and was active in the NYPD Police Athletic League. In 1972, while attending Midwood High School, he began his journey in law enforcement as an NYPD Auxiliary Police Officer in the 63rd Precinct. While in college, he became a seasonal U.S. park ranger at the Gateway National Recreation Area. Later he served as a park ranger at the Blue Ridge Parkway in North Carolina and subsequently as a supervisory law enforcement park ranger at the Boston National Historical Park.

Along Carl's law enforcement journey he joined the U.S. Customs Service as a customs inspector on the Canadian border along New York State. Carl was later assigned as a customs patrol officer to the Office of Investigations, Special Agent in Charge office located in Newark, NJ. In 1984 he was selected and promoted as a customs special agent assigned to the Resident Agent in Charge, Fort Myers, FL, then became a customs agent in Miami, FL. During his tenure in Miami, he was assigned to open a U.S. Customs Service, Office of Internal Affairs, Resident Agent in Charge (RAC) office in Northern Virginia. The office was opened as a RAC Field Office serving Virginia, Maryland, and Washington, DC. In 1989 he was selected to establish a U.S. Customs Service, Office of Internal Affairs (IA), Training Division at the Federal Law Enforcement Training Center (FLETC), Brunswick, GA. From Miami he would regularly travel to FLETC to develop curriculum and instruct and deploy Police Ethics and Integrity Training programs to all U.S. customs special agents and customs personnel stationed worldwide.

Always seeking to learn and grow, Carl attended St. John's University and College of Staten Island earning a BS in Administration of Criminal Justice. Carl served as a captain with the Georgia Department of Defense, National Guard Bureau, Georgia State Defense Force. He attended the U.S. Army War College, Strategic Studies Institute, focusing on National Security Policy and Strategy, and earned a Graduate Certificate at the Institute of World Politics focusing on Intelligence and National Security Policy.

He is married to his wife Judy for 28 years and they have two sons, Matthew, 21 years old, and Christopher, 15 years old, and they reside in Peachtree City, GA.

The job of a United States Congressman involves much that is rewarding, yet nothing compares to being able to acknowledge great Americans like Carl.

Madam Speaker, I ask that you join our colleagues, Carl's family and friends, all those

whose lives have been touched by him, and me in recognizing the outstanding contributions of Carl D. Bocchicchio to his profession and to this great nation.

INTRODUCTION OF H.R. ___, THE
"FAIR PAYMENT OF COURT FEES
ACT OF 2010"

HON. HENRY C. "HANK" JOHNSON, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 2010

Mr. JOHNSON of Georgia. Madam Speaker, I rise today to introduce H.R. ___, the Fair Payment of Court Fees Act of 2010. This legislation is vital to preserve democracy and fair access to the courts.

It has come to my attention that provisions in the Federal Rules of Civil Procedure and the Federal Rules of Appellate Procedure, while well intentioned to discourage abuses to the appeal process and encourage settlement, have been shown in practice to unfairly and indiscriminately punish parties for declining an offer for settlement made before trial or seeking appellant review.

That policy quite simply goes too far, creating perverse results, and inevitably will prevent litigants from pursuing legitimate cases or appeals for fear of excessive penalties.

Recently, there was a national outcry when a Federal court ordered the family of a fallen soldier, Marine Lance Cpl. Matthew Synder of Westminster, Maryland, to pay \$16,000 to the people who picketed the funeral of this hero who died in service to his country in Iraq.

You heard me correctly, the dead soldier's family was ordered to pay thousands of dollars to the people who picketed their son's funeral and who shouted "You're going to Hell" and "Thank God for dead soldiers."

This is not adding insult to injury; this is outrageous and cannot be allowed to stand.

The family of Matthew Synder's supposed "fault" was to defend the decision of the lower court when the picketers appealed.

Preposterous and outrageous. As Chairman of the Judiciary Committee Subcommittee on Courts and Competition policy, I cannot wait for the multi-year process of the Rules Enabling Act to correct this injustice. This problem must be corrected now.

The rules, as they stand, are a blanket policy to discourage pursuit of justice through the appeals process. That policy quite simply goes too far, creating perverse results, and inevitably will prevent litigants from pursuing legitimate appeals or encourage the parties to settle when they want a court to hear the case for fear of excessive penalties.

The bill I have introduced today will stop this travesty and open the court house doors to parties who are acting in the interest of justice.

Specifically, the "Fair Payment of Court Fees Act of 2010" would amend two procedural rules to ensure access to the Federal courts. My bill would amend Rule 39 of the Federal Rules of Appellate Procedure and Rule 68 of the Federal Rules of Civil Procedure, to give a court discretion to evaluate whether the payment should be waived in the interest of justice including instances where

constitutional or other important precedent are at issue.

Strict application of the Rules has been detrimental to the public interest. So we would allow our Judges to use their discretion to determine when these fees should be waived. Our courthouse doors must remain open to pursue legitimate claims.

I hope that my colleagues will support this legislation.

IN HONOR OF HARRIET BEEKMAN

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 2010

Mr. KUCINICH. Madam Speaker, I rise today in honor of Harriet Beekman, a dedicated advocate on behalf of veterans and the founder of We Do Care.

In 1968, Ms. Beekman received a letter from U.S. Marine Pfc. Steve Sarossy who had expressed his concern that "no one seemed to care" about service personnel overseas. Ms. Beekman was so disturbed by the sentiment that she wrote back in bold letters: STEVE, WE DO CARE. Tragically, Pfc. Sarossy was killed in the Quang Tri Republic of Vietnam later that year, but his words were not forgotten. Harriet Beekman took it upon herself to set up We Do Care, a support organization for our troops worldwide. Since the Vietnam conflict, We Do Care has sent more than 60,000 letters and 21,000 packages to service personnel. For more than four decades Ms. Beekman has led the charge in collecting, organizing and shipping several hundred tons of donated items to service personnel all over the world. We Do Care has sent goods to service members in places such as Vietnam, Bosnia-Herzegovina, Haiti, Somalia, Afghanistan and Iraq.

We Do Care has brought communities together in support of the men and women who risk their lives everyday. People of all ages and backgrounds gather together at dances, talent shows, community collection drives, recycling projects, rummage sales and dinners in order to raise funds and collect item donations to send our troops. In response to her efforts, Ms. Beekman has received more than 5,000 letters of appreciation from service personnel around the world.

Madam Speaker and colleagues, please join me in honoring Harriet Beekman, often referred to as the "Florence Nightingale of Fairview Park." She continues to show our troops that, indeed, we do care. Even as she approaches her ninetieth birthday this July, Ms. Beekman continues to show the indomitable spirit of youth in continuing her work. Her volunteer spirit and dedication to those who serve our country uplifts and inspires resolve to live a more peaceful life.

HONORING RUTH ARDEN

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 2010

Ms. KAPTUR. Madam Speaker, I rise today in remembrance of Ruth Arden, a Toledoan, a pioneer, and tireless advocate for our most vulnerable people. Ruth passed away unexpectedly in December and her passing was noted by the well known and the unknown. Today those she served with and among gather to honor her efforts, pay special tribute, and remember a very fine lady.

Ruth Arden was the executive director of St. Paul's Community Center for many years. St. Paul's serves people who are homeless and mentally ill, and under Ruth's extraordinary vision and leadership the shelter served hundreds of people with respect. She and her team gave people dignity and the tools to navigate a difficult life. Ruth was an advocate for people who are homeless and mentally ill, and challenged leaders at the local, State and National levels to see their need. Jesus Christ reminded all that "whatever you do to the least among you, that you do unto me." Few people follow His words as did Ruth, and her work inspired all around her.

Ruth Arden was an ardent advocate for the poor and downtrodden, but she was also an advocate of the arts. She enjoyed music—especially jazz—and supported local artists. Her support, advice and wise counsel were most appreciated, and in her quiet way Ruth moved mountains. Her life leaves an imprimatur on our community which stands well past her leave-taking, and her voice still echoes among those with whom she worked. She had an unforgettable spirit of caring and drive that we are guided by her spirit to carry forth.

PERSONAL EXPLANATION

HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 2010

Mr. MILLER of Florida. Madam Speaker, I missed roll call Vote Nos. 204–211 on April 15, 2010. Had I been present, I would have voted:

Roll Call Vote No. 204, Providing for consideration of the bill H.R. 4715, "nay."

Roll Call Vote No. 205, Recognizing the Coast Guard Group Astoria's more than 60 years of service to the Pacific Northwest, "aye."

Roll Call Vote No. 206, On Motion to Refer the Resolution, "aye."

Roll Call Vote No. 207, On Agreeing to the Amendment to H.R. 4715, "nay."

Roll Call Vote No. 208, On Motion to Recommit H.R. 4715 with Instructions, "aye."

Roll Call Vote No. 209, Final passage of H.R. 4715, the Clean Estuaries Act of 2010, "nay."

Roll Call Vote No. 210, Congratulating the Duke University men's basketball team for winning the 2010 NCAA Division I Men's Basketball National Championship, "aye."

Roll Call Vote No. 211, On Motion to Concur in the Senate Amendment to H.R. 4851, "nay."

A TRIBUTE TO JIM SEELEY IN
RECOGNITION OF HIS RETIRE-
MENT AFTER 34 YEARS OF
SERVICE TO THE CITY OF LOS
ANGELES

HON. LUCILLE ROYBAL-ALLARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 2010

Ms. ROYBAL-ALLARD. Madam Speaker, on behalf of those of us who represent the great City of Los Angeles, I rise to honor Jim Seeley for the 34 years of service he has given to the city as our Chief Federal Legislative Representative. As delegation Members and their staffs gather tonight to celebrate our friend and to wish him all the best in his retirement, we wanted to share with our colleagues in the House the wonderful legacy that this Los Angeles "institution" leaves behind.

Jim Seeley was born in the city he would one day represent, grew up in Los Angeles County, and made his way to Stanford University. He graduated in 1959, the same year he married the love of his life Jo Ann Browning. After a stint in Paris where Jo Ann studied at the Sorbonne, and then St. Louis where Jim did his six-month Army training, the couple settled in Washington, D.C. to build their successful careers and raise a large and wonderful family.

Following 8 years with the Department of Commerce, Jim accepted a position in the Washington Office of the State of Illinois. Assisting Illinois businesses in promoting their goods abroad at trade shows and on trade missions, Jim began to hone his government relations expertise as Deputy Director of the office serving under two Governors.

In 1976, after 7 years with the Illinois Washington Office, Jim returned to his roots when he accepted the position of Chief Federal Legislative Representative for the City of Los Angeles. Reporting first to the office of the Chief Legislative Analyst, and later directly to the Office of the Mayor, Jim has served the city and its residents with distinction under Mayors Tom Bradley, Richard Riordan, James Hahn, and Antonio Villaraigosa.

Over the years, he forged close working relationships with the Los Angeles Congressional Delegation Members and their staffs, as he led his own staff to further the federal legislative agenda of the Council and Mayor. Jim has flourished for more than three decades in his role as the city's "go to" guy in the nation's capital. Through changes in Mayors, Presidents, and Democratic and Republican House and Senate majorities, Jim has been a constant, adjusting the city's advocacy strategies to the changing times.

Jim guided the city's federal response to the Northridge earthquake in 1994, as city and county officials sought maximum federal relief to address the devastation caused by the quake. In the post 9/11 years, he has focused on homeland security and Los Angeles' efforts to improve airport security. He relished his

work around the 1984 Olympics in his hometown, and has been an integral part of the effort to build our transportation infrastructure and move Angelinos out of their cars and onto subway and light rail.

For 34 years, LA congressional offices have benefited from Jim's deep knowledge of the city and the federal policies that impact Los Angeles and our constituents. We also have benefited from the pleasure of his company, as "Seeley" was always a welcome visitor. When he dropped by to touch base with staff, check up on the latest legislative rumor, or just banter with the congressional colleagues who had long since become friends, I think we all felt like City Hall was down the street—not 2700 miles away.

Jim officially retired from the City of Los Angeles at the end of March, but will continue to consult and share his vast institutional knowledge with the City of Los Angeles office. In the meantime, he and Jo Ann, who retired last year, will no doubt devote much of their free time to their 11 children and their 14 beautiful grandchildren.

On behalf of the Los Angeles Congressional Delegation, I ask my colleagues to join me in congratulating Jim Seeley on his retirement, and in thanking this dedicated public servant for his 34 years of service to the City of Los Angeles. We send our very best wishes to Jim and Jo Ann for a happy and fulfilling retirement.

CELEBRATING THE 100TH ANNI-
VERSARY OF THE FIRST BAP-
TIST CHURCH OF CRESTMONT

HON. ALLYSON Y. SCHWARTZ

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 2010

Ms. SCHWARTZ. Madam Speaker, I rise today to honor and congratulate the First Baptist Church of Crestmont on its momentous 100th Anniversary. Just north of Philadelphia, First Baptist Church of Crestmont was the very first church to be established in the town of Crestmont over a century ago.

The congregation that founded the First Baptist Church of Crestmont originally met in the homes of two of its members. The group was formally organized into a Baptist church in October of 1910. Determined to build a meeting place for their new congregation, the members of the church worked together to begin digging the foundation with their own hands. Neighborhood children assisted with fundraising by performing concerts and organizing social events. In the early 1920's, the congregation developed plans to construct a new building for their church, which was a fortunate decision as the original building was destroyed in a fire shortly before the new church was completed. This new building housed the congregation for decades before construction began on an updated building.

As the congregation continued to grow, transitioning from one pastor to the next, the commitment to community was passed down from generation to generation. In 2008 the sanctuary was once again destroyed by a fire. The First Baptist Church of Crestmont turned

to their neighbors for support as they worked to repair their church. Last September the congregation returned to worship in their newly renovated edifice and fellowship hall.

For decades, this community has provided a place for generations of children and adults alike to learn and worship together. The congregation has overcome great hardships over the past 100 years and has emerged even stronger. Although First Baptist is a small assembly, it has served as a significant, steadfast source of spiritual sustenance for its people while remaining committed to working hand in hand with the community to create a positive environment in which to raise our children and keep our seniors safe.

Madam Speaker, I ask that my colleagues join me in celebrating First Baptist Church of Crestmont's 100th anniversary milestone and wishing the congregation many more years of community enrichment and service.

HONORING ROBERT ACREE

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 2010

Mr. RADANOVICH. Madam Speaker, I rise today to commend and congratulate Robert Acree upon being awarded with the "Lifetime Achievement Award" by the Veterans of Foreign Wars, Post 9896. Mr. Acree was honored on Saturday, January 30, 2010 in Chowchilla, California.

Mr. Robert Acree was born and raised in Chowchilla, California. He attended Chowchilla High School, where he participated on the track team as a pole vaulter. He graduated from high school in 1965, and in 1967 enlisted in the United States Air Force.

Mr. Acree completed basic training at Lackland Air Force Base in Texas, and completed technical school as a Tactical Aircraft Maintenance Specialist at Sheppard Air Force Base in Texas. His first assignment was at Davis-Monthan Air Force Base in Arizona where he worked on the F-4C "Phantom." In September 1969, Mr. Acree received orders to deploy to Cam Ranh Bay, Vietnam. He joined the 558th Tactical Fighter Squadron, 12th Combat Support Group. He and his squadron kept the F-4 "Phantoms" in the air as the 558th conducted close air support for ground forces fighting the Viet Cong and the North Vietnamese. The squadron was also responsible for conducting interdiction and combat air patrol activities.

Mr. Acree was assigned to the 421st Tactical Fighter Squadron of the 366th Tactical Fighter Wing at Da Nang, Vietnam. With an aircraft landing or taking off every 52 seconds Da Nang Air Base is considered to be the busiest base in the world. The 421st, also known as the "Black Widows," flew thousands of close air support missions and conducted interdiction and combat air activities. Toward the end of his military career, Mr. Acree was rotated to the States for one of several assignments at George Air Force Base in California. In April 1971, Mr. Acree received an Honorable Discharge from the Air Force; after only 88 days he re-enlisted back into the Air Force

for 2 additional years. He served at Beale Air Force Base where he worked on the top secret SR-71 "Blackbird" spy plane. He was cross-trained in Aircraft Weapon Systems at Lowerly Air Force Base in Colorado and was then assigned to George Air Force Base. He completed his tour in Udorn, Thailand, working on F-4C's.

In 1976, Mr. Acree requested a tour in Korea and served at the Kunsan Air Base. He then spent 2 years at the Soesterberg Air Base in Holland, working on the F-4 Phantom and the F-15 Eagle. In 1979, he reported to Edwards Air Force Base. While at Edwards he met his soon to be wife, Amy. They spent 4 years at Hahn Air Base in Germany and finally landed back at George Air Force Base.

In July 1988, Master Sergeant Acree retired from the United States Air Force. During his twenty-one years of service, he earned an Associate of Science Degree in Aircraft Armament Systems Technology from the Community College of the Air Force. Upon his retirement, he was awarded the Air Force Commendation Medal with four oak leaf clusters, the Good Conduct Medal with five oak leaf clusters, the Air Force Longevity Award with four oak leaf clusters, Small Arms Expert Marksmanship Ribbon, NCO Professional Military Education Ribbon with oak leaf cluster, National Defense Service Medal, Air Force Overseas Service Long Tour Ribbon with oak leaf cluster, Air Force Overseas Service Short Tour Ribbon with two oak leaf clusters, Air Force Training Ribbon, Vietnam Service Medal, Air Force Outstanding Unit Award with two oak leaf clusters, Republic of Vietnam Gallantry Cross with Palm and device, and the Republic of Vietnam Campaign Medal.

Mr. Acree and his family returned to Chowchilla, California after he retired. He was employed as the Utility Systems Supervisor for the City of Chowchilla. Mr. and Mrs. Acree have four sons and six grandchildren. Their two youngest sons currently serve in the Air Force. Mr. Acree is a Life Member of Chowchilla Veterans of Foreign Wars Post 9896. He is serving as the vice-president of the "Sons of Thunder" bike club and is a member of "This Ain't Your Mamma's Church" biker church.

Madam Speaker, I rise today to commend and congratulate Robert Acree upon being named as a "Distinguished Life Member" by the Veterans of Foreign Wars, Post 9896. I invite my colleagues to join me in wishing Mr. Acree many years of continued success.

HONORING THE UNIVERSITY OF MICHIGAN'S MEN'S GYMNASTICS TEAM ON WINNING FOURTH NCAA CHAMPIONSHIP TITLE

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 2010

Mr. DINGELL. Madam Speaker, I rise today to congratulate the University of Michigan's men's gymnastics team on winning the 2010 NCAA national championship.

Michigan won the championship with a score of 360.500, edging defending champion

Stanford, 359.800, and Oklahoma, 357.050. This is the program's fourth national championship, and Michigan's first varsity team championship since 2005.

The national championship capped a successful season for the team, as well as individuals. Chris Cameron won the NCAA men's all-around championship and Mel Anton Santander finished third. Michigan swept the high bar, with Ryan McCarthy, Ian Makowske, and Mel Anton Santander finishing first, second, and third, respectively. In all, Michigan finished with the team championship, all-around championship, seven individuals earning all-America honors, and the Elite 88, an award given to the competing student-athlete with the highest cumulative grade point average, which went to Ben Baldus-Strauss, a chemistry honors student.

In addition to its considerable athletic achievements, the team serves as a model of community service and academic excellence. The 20-member team is comprised of individuals from 13 States and Singapore. Members study topics as diverse as American culture, English, economics, political science, biology, and aerospace, biomedical, and mechanical engineering. The program also consistently has one of the highest team grade point averages at the University and is a leader in community service and volunteerism.

Madam Speaker, I ask that my colleagues join me in congratulating the student-athletes and coaches of the 2010 NCAA national championship-winning Michigan men's gymnastics team: Ben Baldus-Strauss, Syque Caesar, Kent Caldwell, Chris Cameron, David Chan, Devan Cote, Steve Crabtree, Phillip Goldberg, Adam Hamers, Garrett Hamers, Evan Heiter, Douglass Johnson, Jr., Thomas Kelley, Torrance Laury, Joe Levine, Ian Makowske, Ryan McCarthy, Mel Anton Santander, Rohan Sebastian, Andrew Vance, and coaches Kurt Golder, Geoff Corrigan, Xiao Yuan, and Ralph Rosso.

62ND ANNIVERSARY OF ISRAEL'S INDEPENDENCE

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 2010

Mr. HASTINGS of Florida. Madam Speaker, I rise in recognition of the 62nd anniversary of Israel's independence. I have always been deeply moved by the duality of Israel's independence celebration, at once both sorrowful and triumphant.

On one day—Yom Hazikaron, Israel's Memorial Day—Israel honors those who gave their lives defending their families, their neighbors, their communities, their people, and their country. Israel today recognizes even those who died before the state was officially declared in 1948. This year Israel honors 22,684 soldiers killed in the line of duty, and another 1,750 civilian victims of terrorism. These brave men and women died in service to the foundational belief of Israel: That in their ancient homeland the Jewish people can live in freedom.

But by the dawn of the morning following Yom Hazikaron, Israel exchanges tears of

sadness for tears of joy, celebrating their official day of independence—the declaration of the State of Israel by David Ben Gurion in 1948. I know of no other country that combines such deep sadness with such unrelenting delight.

For 62 years now, Israel has stood as a vibrant democracy and a symbol of hope for millions of people around the world. For 62 years Israel has modeled a society where determination and passion, and an emphasis on social progress and education, can build a productive nation.

Madam Speaker, I have been to Israel 14 times as a Member of Congress, and every time I go I encounter ordinary citizens and government officials alike who are genuinely dedicated to living up to the ideals of Israel's independence. I am always impressed by the Israelis' intense desire to persevere. Israel deserves to be secure and prosperous, to live in peace with its neighbors, and to live free from fear and violence.

I look forward to returning to Israel in the near future, and on congratulating Israel again on its 63rd birthday . . . and its 64th, and 65th, and all the years after that.

HONORING DARWIN CREQUE AND HIS BROTHER, DR. LAURITZ CLUDGEMANN CREQUE

HON. DONNA M. CHRISTENSEN

OF THE VIRGIN ISLANDS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 2010

Mrs. CHRISTENSEN. Madam Speaker, I rise to honor the memory of two distinguished native sons of my district, the U.S. Virgin Islands, who during their productive lives distinguished themselves in the fields of medicine, education, literature, history, and public service. It is my honor to remember the lives of Darwin Creque and his brother, Dr. Lauritz Cludgemann Creque who attended Morehouse College and who are being honored there this week with the establishment of a memorial scholarship in their name that will help young men of color enter the health professions.

Mr. Darwin Creque distinguished himself as a literary scholar, historian, newspaper founder and editor, economist, businessman, health administrator and a commissioner of housing. He was born on St. Thomas on August 30, 1912 and graduated in the Charlotte Amalie High School Class of '32. He then attained a Bachelor of Arts from Morehouse College in 1936 and a Masters of Arts in Economics from Atlanta University in 1938. Upon returning to the Virgin Islands, he became head of the social science department of Christiansted High School and later Assistant Price Economist, Office of Price Administration, Tax Assessor, Water Commissioner, and Territorial Director, Office of Price Stabilization.

He then pursued further education in the field of health care and attended Harvard University, where he received a Masters in Science in Public Health Administration in 1954. After an internship in Hospital Administration at Harvard University School of Medicine in 1956, he received a certificate in Business and Industrial Management from the

Massachusetts Institute of Technology in 1955. He returned to St. Thomas and there served as Executive Health Administrator at the Department of Health. He then returned to his training as an economist, becoming Assistant Commissioner of the Department of Commerce where he organized and headed the Division of Trade and Industry. During the administration of the late Governor Melvin H. Evans, the first elected Governor of the U.S. Virgin Islands, he served as the Commissioner of Housing and Community Renewal.

Darwin Creque led a multi-faceted life. He was at one time, the editor and co-owner of the St. Croix Avis and owner of a Main Street business called "The Smart Shop." He loved music and played the violin. He contributed to the historical and literary canon of the U.S. Virgin Islands, the most notable of which was The U.S. Virgin Islands and the Eastern Caribbean. He also prepared research papers for the Federal and local governments and served on many boards and commissions, including the V.I. Banking Board. He was a long time member of the Grand Lodge of England (Harmonic Lodge 356) and past president of St. Thomas Rotary II. For his years of dedicated service, he received many awards and citations including from his fraternity, Phi Beta Sigma, the Virgin Islands Legislature and the Federal Department of Commerce. He was named a Paul Harris Fellow by St. Thomas Rotary II for his commitment of service and to world harmony.

Madam Speaker, Darwin Creque's brother, Dr. Lauritz Cludgemann Creque lived an equally distinguished life. Born on St. Thomas in March of 1917, he too was a gifted musician, writer, and teacher who became a medical doctor after obtaining a Bachelor of Science in Physics from Morehouse College in 1948 and a medical degree from Meharry Medical College in 1952 with a specialty in general surgery. During his early career, he served as Chief of Staff of Kate Bitting Memorial Hospital, an African American Hospital serving diverse populations. He also served as Medical Examiner and County Coroner as well. He was a Member of the American Medical Association, the President of the North State Medical Association, the Twin City Medical Society and induction into the American College of Physicians and Surgeons. He worked to keep hospitals that served the African American community open after many of them were being absorbed into mainstream institutions. Dr. Creque went on to complete his training in pathology at Columbia University in New York and remained on the clinical faculty at Columbia University for almost 20 years. Fluent in three languages, he served diverse populations to include being the Director of the Blood Bank of Harlem Hospital and operating an independent clinic for Hispanics in Hunts Point, Bronx, New York.

Madam Speaker, with their scholarship, professionalism and service to others, the Creque brothers exemplify the best of what it means to be a Virgin Islander. I ask my colleagues to join me in this salute to their contributions.

HONORING ALMA POWELL AS RECIPIENT OF THE 10TH ANNUAL COMMONWEALTH ACADEMY CARE AWARD

HON. JAMES P. MORAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 2010

Mr. MORAN of Virginia. Madam Speaker, I rise today to honor Alma Powell as recipient of the Commonwealth Academy's 10th Annual CARE Award. The Commonwealth Academy is a college preparatory day school in Alexandria, Virginia. As a recipient of the CARE Award, Mrs. Powell has demonstrated outstanding leadership in efforts to empower young people, including those who struggle with learning differences and AD/HD, to discover and reach achievement levels commensurate with their abilities.

Alma Powell sits on the boards of several educational, cultural, charitable and civic organizations. She is the chairman of the board of America's Promise Alliance, whose mission is to mobilize people from every sector of American life to build the character and competence of youth. Mrs. Powell also chairs the advisory board for the Pew Center for Civic Change. From 1989 to 2000, she has served as the chairman of the National Council of the Best Friends Foundation, an organization dedicated to improving the lives of young girls.

Mrs. Powell is the recipient of an Honorary Doctor of Human Letters from Emerson College, an Honorary Doctor of Humanities from Shenandoah University and the Civic Change Award from the Pew Partnership for Civic Change. She has also been honored by Washingtonian magazine as Washingtonian of the Year and is the recipient of the Leadership Award from the Women's Center in Virginia. In addition to her many service-minded activities, Mrs. Powell has added "author" to her list of credits. In 2003, her two children's books, *My Little Wagon*, and *America's Promise* were launched with great success.

Mrs. Powell was born and raised in Birmingham, Alabama. She graduated from Fisk University in Nashville, Tennessee, and went on to study speech pathology and audiology at Emerson College in Boston. She worked as the staff audiologist for the Boston Guild for the Hard of Hearing.

Alma married Colin Powell in 1962. Mrs. Powell spent the next 33 years raising a family and accompanying her husband on his various military assignments in the United States and overseas. While her husband was stationed at the Pentagon, she served as the Army liaison to the National Red Cross as part of a team of volunteer consultants from the military services. During General Powell's tenure as Chairman of the Joint Chiefs of Staff, she was the Advisor to the Red Cross of the Military District of Washington. Most recently, during her husband's tenure as the 65th Secretary of State, Mrs. Powell served as the honorary president of the Associates of the American Foreign Service Worldwide. She also sat on the advisory board of the Hospitality and Information Service and was an honorary member of the Department of State Fine Arts Committee.

It is my pleasure to congratulate Mrs. Powell on this prestigious award. I wish her the best in all of her future endeavors.

OUR UNCONSCIONABLE NATIONAL DEBT

HON. MIKE COFFMAN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 2010

Mr. COFFMAN of Colorado. Madam Speaker, today our national debt is \$12,831,193,383,690.69.

On January 6th, 2009, the start of the 111th Congress, the national debt was \$10,638,425,746,293.80.

This means the national debt has increased by \$2,224,623,668,922.50 so far this Congress.

This debt and its interest payments we are passing to our children and all future Americans.

HONORING THE LEGACY OF JOSE MANUEL CASANOVA

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 2010

Ms. ROS-LEHTINEN. Madam Speaker, recently, a greatly respected Cuban-American presidential appointee, community leader, and beloved husband and father, passed away. Jose Manuel Casanova, a true inspiration to all Americans, dedicated his life's work to serving our Nation.

A presidential appointee of Ronald Reagan, he served as the Executive Director of the Inter-American Development Bank. Through the Inter-American Development Bank Jose helped contribute to economic development in Latin America, promoting free market policies.

During his tenure at the Inter-American Development Bank, Jose was appointed by Secretary of the Treasury James A. Baker III to serve as U.S. Executive Director for the Inter-American Investment Corporation. There he worked to develop private enterprises in Latin America, providing expertise he gained through years of experience in banking and commerce.

Born in Cuba in 1930, Jose fled his homeland due to the despotic regime of Fidel Castro. Jose devoted his energies and talents to providing a better life for his family and contributing to his adopted country that had given his family refuge from tyranny. Jose also dedicated his time to fundraising for important causes, including the United Way, the Cuban Refugee Fund, and Club de las Americas.

Although he was proud of his public and civic service, what meant the most to Jose was his dearly loved family.

Jose is survived by his wife of 50 years Alicia, seven children, seven grandchildren, three great-grandchildren, and his sister. He was a dedicated husband and father and a wonderful role-model for his family.

Jose's father was a great source of inspiration for him as he also worked in public service.

Those who knew Jose know that we mourn the passing of a committed leader, loyal friend, and a true pioneer for the Cuban-American community. Jose's story is a uniquely American story.

IN HONOR OF DR. DOROTHY
HEIGHT

HON. JOSEPH CROWLEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 2010

Mr. CROWLEY. Madam Speaker, I rise in honor of the life, and great works of Dr. Dorothy Height.

Widely recognized as one of the founding members of the Civil Rights movement, Dr. Height served as the president of the National Council of Negro Women for four decades, stepping down from the position in 1997. In her position with the Council, which connected nearly 4 million women worldwide, she tackled issues that affected women, including child care for working mothers, health and nutrition, education and adequate housing for families in need.

While I did not personally know Dr. Height, I have seen her good works embodied though the National Council of Negro Women Section in Co-op City, in the Bronx, New York.

Less than two weeks ago, I was visiting the National Council of Negro Women Co-op City Section to honor their work in the weekend mentoring of students between 2nd and 6th grades in the community.

Since 1972, the National Council of Negro Women Co-op City Section has provided after-school educational support for elementary school students. They have licensed teachers who work in small groups with children on strengthening their language and computational skills.

They meet on Saturday mornings, and the passion showed by the educators, administrators, students and parents is electric.

I have worked with several of the leaders of the Co-op City Section, including past presidents Maxine Sullivan and Joyce Howard, as well as the current President of the Co-op City Section of NCNW, Judith Roberson. These women embody the work of Dr. Dorothy Height every day in my community.

Dr. Dorothy Height's vision and her legacy are hard at work in Co-op City, New York—just as it is in the communities of many of my colleagues.

While her family and friends—as well as our country—mourn her passing today, we also honor her for the contributions she made to our great nation.

Her legacy will live on for decades to come, and I hope her family and friends realize that her life's work will continue to benefit many more generations to come.

HONORING THE LIFE AND LEGACY
OF BILL STANLEY

HON. JOE COURTNEY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 2010

Mr. COURTNEY. Madam Speaker, I rise with a heavy heart today to honor the life and legacy of Bill Stanley, an icon in eastern Connecticut, who passed away Sunday, April 18, 2010, at the age of 80.

Stanley was a graduate of Norwich Free Academy and attended the New York School of Modern Photography before joining the United States Marine Corps. He returned to civilian life and joined with his brother Jim to co-host the WICH morning radio program. Later he became a stockbroker and published author.

The impact that Bill Stanley had on Norwich, Connecticut and its residents was profound. He delighted readers with his newspaper columns titled, "Once Upon A Time" which related countless stories of local lore and history to generations of readers in our area. No one individual had a better grasp on the issues and shared history that defined our region than Bill Stanley. He was also one of the most dedicated public servants of his time. He served two terms in the Connecticut State Senate and ran, albeit unsuccessfully, for the Congressional seat I am honored to hold today. While his career as an elected politician may have ended early on, his service to his fellow man continued until the day he died. Bill was active in a number of causes, raising money and supporting William Backus Hospital, Norwich Free Academy, St. Jude's Common, the Norwich Diocese and his beloved Norwich Historical Society which he founded. As everyone in Norwich knows, there wasn't a single major event in recent memory in which Bill was not involved.

Along with his love of Norwich, it was his love of history that perhaps motivated Bill most of all. He would regale countless schoolchildren and adults alike with tales of Benedict Arnold and Samuel Huntington. Stanley even gained national attention with his efforts to preserve the legacy of Huntington, who served as President of the Continental Congress. While Stanley may have been ultimately unsuccessful in the effort to establish Huntington as our Nation's first President, he was able to raise more than a \$100,000 and public awareness about the importance of Huntington's role in American history.

Bill Stanley was an institution in the State of Connecticut and his memory will live on in the hearts and minds of the people he touched. Our thoughts and prayers go out to his beloved wife Margaret, his children William, Carol, and Mary, as well as his grandchildren. Madam Speaker, I ask that all Members of the House join me in honoring the life and legacy of Bill Stanley.

HONORING THE HANNA BOYS
CENTER

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 2010

Ms. WOOLSEY. Madam Speaker, I rise today to recognize and honor Hanna Boys Center, who has been providing a home and education to students in Northern California for 60 years.

The school began as an experimental program for neglected and troubled boys in 1944 in Menlo Park, south of San Francisco. The 25 original students were referred to the new school by social service agencies and parish priests. The demand quickly outweighed the physical resources of the small school and after a very successful speaking tour, enough funds were raised to purchase 157 acres in the Sonoma Valley, the school's home today.

By 1949, classrooms, an administration building, a chapel, gymnasium, swimming pool and one residence hall had been completed. The first students entered the Sonoma Valley campus by the end of that year. Today 109 boys ages 13 to 18 call the campus home.

Although Hanna students come to the school from throughout the country, many are from my Congressional district. Many are from troubled homes.

There is a fully accredited high school on campus and all students can participate in woodshop, choir, soccer, baseball, track and basketball. Football is provided at nearby Sonoma Valley High School.

Thirty-four Hanna graduates are currently serving in the military. Graduates include very successful businessmen and civic leaders or simply men who live quiet lives of contribution and contentment.

Only three directors have piloted the school in its 60 year history, founder Monsignor O'Connor for 23 years, Father James Pulskamp for 12 years and Father John Crews for the past 25 years, a testament itself to the loyalty the school inspires.

Madam Speaker, Hanna Boys Center changes lives. It has been a stabilizing influence on hundreds of young men who have passed through its doors. It is therefore appropriate to honor the school for 60 years of dedicated service to our community.

U.S.-ISRAEL FRIENDSHIP IMPOR-
TANT ON ISRAEL'S INDEPEND-
ENCE DAY

HON. JERRY MORAN

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 2010

Mr. MORAN of Kansas. Madam Speaker, Today is Yom Ha'atzmaut—Israel's Independence Day. On this day, Israelis celebrate the establishment of the State of Israel as a place of refuge and national homeland for the Jewish people.

Although Jews have maintained a continuous presence in the Land of Israel for more than 3,000 years, it was not until 1948 that

they reestablished a state in their traditional land. Since that time, Israel has faced many challenges to its existence. Neighboring Arab nations have launched wars against Israel and attempted to cripple its economy through boycotts. Terrorists have attacked repeatedly, killing civilians and soldiers alike. Iranian leaders have threatened to "wipe Israel off the map" and are steadily moving toward acquiring the means to do so. Israel's enemies are engaged in a campaign to delegitimize the Jewish state.

Even in the face of continual efforts to defeat and destroy Israel, the Jewish state has been successful in establishing more peaceful relations with its neighbors and making its people more secure. Israel has signed peace treaties with Egypt and Jordan. Its efforts to combat terrorism have resulted in a reduction in terrorist attacks—cutting that number in half since 2006. Israel also continues to seek peace with the Palestinians.

Despite overwhelming odds, Israel has not only survived, but it has flourished for the past 62 years. Israel has established a representative democracy with an independent judicial system and strong rule of law. Its citizens are free to worship and speak as they wish.

Israel has also established itself as a world leader in technological innovation. Despite more than half its land being desert, Israelis have "made the desert bloom," growing food for consumption and export. Its universities are first-rate, producing new generations of artists, entrepreneurs, scientists and doctors. And, despite its size, Israel produces more start ups than many larger nations. In fact, there are more Israeli companies than European companies listed on the NASDAQ exchange.

Israel is also a nation that cares about the fate of others. Immediately after learning of the devastating earthquake in Haiti this January, Israel sent hundreds of its citizens to treat the injured and search for survivors. The Israeli newspaper Haaretz reported after the earthquake that only an estimated 25 Jews lived in Haiti. But, that didn't stop Israel from committing manpower and money to do everything it could to save and preserve all life in Haiti.

Through struggles and achievements both, the United States has stood by Israel's side. Our nations share many of the same values and are partners in an effort to build a better world.

There are those that argue, however, that the United States would be better off if we distanced ourselves from Israel, if we weakened our alliance. I am here to say that this would be the worst thing we could do. The United States and Israel are both stronger when we work together against common threats. Economic and cultural ties between our two nations enrich the lives of Americans and Israelis. Our friendship is important and must remain strong.

Today, on Israel's Independence Day, I commend the people of Israel for their many remarkable achievements, congratulate them as they celebrate their 62nd anniversary of independence, and look forward to many more years of friendship and cooperation between our two nations.

TRIBUTE TO STAFF SERGEANT MICHAEL CARDENAZ

HON. KEN CALVERT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 2010

Mr. CALVERT. Madam Speaker, I rise to pay tribute to a hero from my congressional district, Staff Sergeant Michael Cardenaz, United States Army. Today I ask that the House of Representatives honor and remember this incredible young man who died in service to our country.

SSG Cardenaz was born in Corona, California in 1980. He attended local schools in Corona and loved his hometown. He joined the Army after high school and had been previously deployed twice to both Kosovo and Iraq. On February 20, 2010, SSG Cardenaz had been serving nine months with the 2-12 Infantry, 4th BCT, 4th Infantry Division in Afghanistan when he was killed by a rocket propelled grenade (RPG) in Kunar. He was 29 years old.

SSG Cardenaz is remembered fondly by friends and family as an avid Dodger fan who loved fishing, listening to music, visiting new places and making people laugh. He was also an exemplary soldier and had been awarded the Soldier's Medal which is awarded to an Army soldier of the United States who has distinguished himself by an act of heroism involving personal hazard and the voluntary risk of life under conditions not involving actual conflict with an enemy. A fellow service member wrote about an occurrence for which SSG Cardenaz received the Soldier's Medal in Baqubah, Iraq which said:

Cardenaz and his platoon leader . . . risked their lives numerous times underwater trying to save a rolled over humvee with four trapped men inside. At times, both men ingested filthy canal water. They choked, gagged and vomited, only to go back under in attempts to get those men out. It was cold, they were in full kit, neither quit until the bodies were recovered. They were too late, but words can not begin to describe their sense of loyalty to their own. Every soldier should be lucky enough to be around men who never quit to bring them back.

In addition to the Soldier's Medal, SSG Cardenaz also was awarded the Bronze Star and the Army Commendation with Valor. SSG Cardenaz is survived by his wife of seven years, Macarena; five children, Jason, Jasmine, Mariella, Mariliz and Marianna; parents, Miguel and Rosellen Cardenaz; three sisters, Priscilla, Sandra and Monica; brother, Steven; many aunts, uncles, and cousins; one niece and one nephew.

As we look at the incredibly rich military history of our country we realize that this history is comprised of men, just like SSG Cardenaz, who bravely fought for the ideals of freedom and democracy. Each story is unique and humbling for those of us who, far from the dangers they have faced, live our lives in relative comfort and ease. The day the Cardenaz family learned of their husband, father, son and brother's death was probably the hardest day they have ever faced and our thoughts, prayers and deepest gratitude for SSG Cardenaz's sacrifice goes out to them. There

are no words that can relieve their pain and what words we can offer only begin to convey our deep respect and highest appreciation.

SSG Cardenaz's family have all given a part of themselves in the loss of their loved one and I hope they know that the goodness he brought to this world and the sacrifice he has made will never be forgotten.

RECOGNIZING THE HOWARD COLLEGE MEN'S BASKETBALL TEAM 2010 DIVISION I NJCAA NATIONAL CHAMPIONS

HON. RANDY NEUGEBAUER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 2010

Mr. NEUGEBAUER. Madam Speaker, I proudly congratulate the Howard College Men's basketball team in Big Spring, Texas, for winning the NJCAA Division I Men's National Championship in 2010.

Led by the Division I Coach of the Year, Mark Adams, the Hawks finished the 2009-2010 season bringing home a National Championship. The championship squad includes Lamont Austin, Moses Sundufu, Dante Menter, Prince Obasi, Shaad O'Garro, Josh Watkins, Jordan Kinnear, Carlos Emory, Virgil Cissoko, Stefan Tica, Joe Bright, Damion McGee, and the Division I Player of the Year, Jae Crowder.

The Howard College Hawks provided NJCAA basketball fans with a memorable comeback in the title game as the Hawks clawed back from a nine point deficit with five minutes to play, forcing an overtime battle against Three Rivers Community College. The Hawks then never trailed, hanging on for the 85-80 victory and the opportunity to be called the NJCAA 2010 National Champions.

I applaud the Hawks' hard work and success. With great support from the community, the team proved itself as the best men's basketball team in the NJCAA Division I. The Howard College Hawks continue to exemplify the principles of competitive spirit and success on and off the court. Congratulations, Hawks!

RECOGNIZING REP. JACK BROWN

HON. HARRY E. MITCHELL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 2010

Mr. MITCHELL. Madam Speaker, I rise today to recognize Rep. Jack Brown of St. Johns, an exemplary public servant and an Arizona icon who is retiring from the Arizona State Legislature after a distinguished career that has spanned four decades.

Rep. Brown was elected to his first stint in the Legislature in 1962, during the Kennedy Administration. A rancher and an Arizona native, Jack Brown has worked tirelessly as an advocate for rural interests. But his leadership and influence—particularly on issues of private property rights, education and parks funding—will be felt across the entire State for generations to come.

Rep. Brown is respected and admired by his colleagues and constituents for his calm manner, good humor, and common sense. Among the many notable examples: Rep. Brown, a lifelong Democrat, worked across party lines with the late Senator Jake Flake and Rep. Bill Konopnicki, both Republicans, to obtain funding for Northland Pioneer College. The college now has a strong campus presence serving Apache and Navajo counties.

Rep. Brown has held numerous leadership roles in both the Arizona House and the Senate. Currently, he is the Assistant House Minority Leader and previously served eight years in the Senate, where he served as Minority Leader and Floor Leader.

Rep. Brown has been honored numerous times over the years including being named one of the "Modern Arizona Legislature's Shining Stars" by The Arizona Republic in 2008 for his ability to build coalitions and bridge partisan differences.

I take particular pride in honoring Rep. Brown's accomplishments because I had the privilege of working alongside him in the Arizona Senate for eight years. Please join me in congratulating Rep. Brown on his many achievements, on his upcoming retirement, and on the lasting legacy that he leaves the people of Arizona.

RECOGNIZING RECIPIENTS OF THE
19TH ANNUAL BEST OF RESTON
AWARDS FOR COMMUNITY SERVICE

HON. GERALD E. CONNOLLY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 2010

Mr. CONNOLLY of Virginia. Madam Speaker, I rise today, joined by my colleague, Congressman JAMES MORAN, to recognize the recipients of the 19th Annual Best of Reston Awards for Community Service. The Best of Reston Awards are presented to individuals, organizations and businesses that have put forth tremendous effort in their commitment to community service and improving the lives of others. Local businesses, organizations, and individuals are recognized at this event for their contributions enriching our community. The Best of Reston Awards are the result of collaboration between Reston Interfaith and the Greater Reston Chamber of Commerce.

Reston Interfaith is a volunteer organization dedicated to providing social services to vulnerable individuals in Reston, Herndon and the surrounding area. Their mission is to "promote self-sufficiency through direct support and advocacy for our neighbors in need of food, immediate shelter, affordable housing, quality child care, and other human services." Founded in 1970 with the goal of making housing affordable, Reston Interfaith has grown to serve 13,000 residents and has expanded its service areas to include programs in housing, child care, food services and nutrition, social services, and other critical areas.

Recipients of the 2010 Best of Reston Awards for Community Service are:

Individual Community Members: Imam Mohamed Magid and Rabbi Robert Nosanchuk, Holly Norris, and Emily Ward.

Civic/Community Organization: Reston Historic Trust.

Small Business Leaders: The Virginia Spine Institute and Wetland Studies and Solutions, Inc.

Corporate Business Leaders: Reston Heights Hotels: The Sheraton Reston Hotel and The Westin Reston Heights.

Fairfax County 2009 First Responder Officers of the Year: Officer Eric R. Glueckert of the Fairfax County Police Department, and Ronald A. McNew and Craig S. Furneisen, Jr. of the Fairfax County Fire Department.

We congratulate the recipients of the 2010 Best of Reston Awards for Community Service as well as Reston Interfaith for its 40 years of work to better the lives of residents throughout the Reston area.

Madam Speaker, I ask that my colleagues join Rep. MORAN and me in paying tribute to Reston Interfaith and its 2010 honorees for their demonstrated commitment to our community. I also would like to express my sincere gratitude to these individuals for contributing their time and energy to make our community a better place for us all.

WORLD MALARIA DAY 2010

HON. SANFORD D. BISHOP, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 2010

Mr. BISHOP of Georgia. Madam Speaker, I rise today to recognize the importance of World Malaria Day, which will be commemorated this year on April 25th.

Recently, there has been significant progress in the fight against malaria. The U.S. government provided 15.6 million artemisinin-based combination therapies (ACTs) to treat acute malarial illnesses in 2008 alone. As a result of increased efforts to provide life-saving treatment and prevention efforts, countries like Rwanda and Zambia have achieved great success. In fact, the prevalence of malaria fell by 53 percent in Zambia from 2006 to 2008.

But we cannot afford to stop the fight now. Malaria still causes 350–500 million infections, and kills nearly one million people throughout the world each year, most of whom are young African children.

Malaria also affects families, communities, and countries as a whole. It is estimated that Africa spends nearly 40 percent of all health expenditures on malaria and that the continent loses \$12 billion a year due to the disease; however, no loss is as great as the loss of a loved one. The cultural and socio-economic devastation are incomparable to the grief borne by families who must deal with this terrible disease.

I urge my colleagues to join me in recognizing World Malaria Day and in raising awareness about this disease, so that together we can win the fight against malaria.

RECOGNIZING THE 62ND ANNIVERSARY OF THE FOUNDING OF THE STATE OF ISRAEL

HON. PATRICK J. MURPHY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 2010

Mr. PATRICK J. MURPHY of Pennsylvania. Madam Speaker, I rise today to honor and commemorate the 62-year history of the State of Israel.

Officially established as an independent nation on May 14, 1948, Israel has grown into a thriving society guided by the philosophy of individual freedom and remains a shining example of a stable democracy in a volatile region.

Israel's story is much like ours. It is a story of hope, perseverance and a desire for independence. Its people struggled to overcome thousands of years of hardship, and suffered the most horrendous of atrocities to create a proud and vibrant free society in an area of the world where, historically, freedom is all too elusive.

It is our shared belief and dedication to peace and liberty that has solidified our alliance with the most successful democracy in the Middle East. Our nation was the first to recognize the State of Israel, and for more than half a century, Israel and the United States have been strong partners, bound by common values and committed to ensuring freedom throughout the world.

Madam Speaker, I am proud to offer my ongoing support and friendship to the people of Israel, as they celebrate their independence. I am confident that Israel will continue to flourish and that together, our two nations will continue to be strong allies and partners in promoting peace and individual freedom.

PERSONAL EXPLANATION

HON. DEBBIE WASSERMAN SCHULTZ

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 2010

Ms. WASSERMAN SCHULTZ. Madam Speaker, I was absent from the following Rollcall votes because I was attending to important matters in my Congressional District:

1. Rollcall Vote No. 199, Honoring the coal miners who perished in the Upper Big Branch Mine-South in Raleigh County, West Virginia, extending condolences to their families and recognizing the valiant efforts of emergency response workers at the mine disaster. If present, I would have voted "aye."

2. Rollcall Vote No. 200, To amend the Internal Revenue Code of 1986 to reduce taxpayer burdens and enhance taxpayer protections, and for other purposes. If present, I would have voted "aye."

3. Rollcall Vote No. 201, To require an inventory of radio spectrum bands managed by the National Telecommunications and Information Administration and the Federal Communications Commission. If present, I would have voted "aye."

4. Rollcall Vote No. 202, On Motion to Refer the Resolution. If present, I would have voted "aye."

5. Rollcall Vote No. 203, Expressing sympathy to the people of Poland in the aftermath of the tragic plane crash that killed the country's President, First Lady, and 94 others on April 10, 2010. If present, I would have voted "aye."

6. Rollcall Vote No. 204, Providing for consideration of the bill (H.R. 4715), Clean Estuaries Act of 2010 and waiving a requirement of clause 6(a) of rule XIII with respect to consideration of certain resolutions reported from the Committee on Rules, and providing for consideration of motions to suspend the rules. If present, I would have voted "aye."

7. Rollcall Vote No. 205, Recognizing the Coast Guard Group Astoria's more than 60 years of service to the Pacific Northwest, and for other purposes. If present, I would have voted "aye."

8. Rollcall Vote No. 206, Raising a question of the privileges of the House. If present, I would have voted "aye."

9. Rollcall Vote No. 207, On Agreeing to the Shea-Porter of New Hampshire Amendment. If present, I would have voted "aye."

10. Rollcall Vote No. 208, On Motion to Re-commit with Instructions. If present, I would have voted "nay."

11. Rollcall Vote No. 209, On Passage of the Clean Estuaries Act of 2010. If present, I would have voted "aye."

12. Rollcall Vote No. 210, Congratulating the Duke University men's basketball team for winning the 2010 NCAA Division I Men's Basketball National Championship. If present, I would have voted "aye."

13. Rollcall Vote No. 211, On Motion to Concur in the Senate Amendment of Continuing Extensions Act. If present, I would have voted "aye."

HONORING COLONEL DAVID F. EVERETT

HON. NITA M. LOWEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 2010

Mrs. LOWEY. Madam Speaker, I rise today to pay tribute to Colonel David F. Everett whose commitment to military and civilian service will be honored at the Jewish Board of Family and Community Services in New York on April 21, 2010.

Col. Everett's decorated military career includes Operation Desert Storm in 1991, where, as a Major, he volunteered for active duty and served in Saudi Arabia, Iraq and Kuwait. In 2005, as a Colonel, he volunteered for service in Operation Iraqi Freedom, where he was assigned to the Civilian Police Assistance Training Team. While in Iraq, Mr. Everett was the principal Coalition Forces advisor to the Director of International Affairs of Iraq's Ministry of Interior. In 2009, David again volunteered for service in Operation Enduring Freedom and was deployed to Afghanistan as a Senior Military Advisor to the Chief of Police of Kabul.

Col. Everett was twice awarded the Bronze Star for his service in Operations Desert Storm and Iraqi Freedom as well as the Department of Defense Meritorious Service

Medal for his service in Afghanistan. Col. Everett serves on the Service Academy Review Board for my congressional office where he works with young people in the 18th congressional district of New York who apply for nominations to the U.S. service academies. He has helped enrich the lives of countless youth seeking the opportunity to serve their country and become active citizens.

In 1981, Col. Everett became a Big Brother with the Jewish Board of Family and Community Services, dedicating his time to mentoring youth. Now, Col. Everett is Vice President of the Board and has been a trustee for nearly 20 years.

I urge you to join me in honoring this man who truly embodies the kind of service that makes our country great.

HONORING DELFINO LOZANO III

HON. HENRY CUELLAR

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 2010

Mr. CUELLAR. Madam Speaker, I rise today to honor Mr. Delfino Lozano III. Mr. Lozano passed away recently, but will be remembered and honored for his kindness and contributions to the people of South Texas.

Mr. Lozano was born in 1939 in Laredo, Texas, and spent the majority of his life in South Texas. He graduated from St. Joseph's Academy in 1958 and went on to St. Mary's University in San Antonio. Later, he joined the Air Force Reserves. During his time in the Air Force, he was on active duty during the Pueblo crisis for more than a year. Aside from serving his country, he co-founded Med-Loz Lease Service Inc., which is based in Zapata, Texas. He held an active role in the operations of the business, which placed as one of the Nation's top 500 Hispanic-owned businesses in the "Hispanic Business" publication. Prior to his co-founding, he worked at the Texas Employment Commission and was also an avid rancher.

While spending time with family and friends, Mr. Lozano was also deeply committed to community volunteer work. His service included the Zapata County Fair Association as past president and director, as well as the Zapata County Little League Organization as president. In 1989, the Lozano family was honored as Grand Marshals of Zapata County Fair Parade. Mr. Lozano's kindness and generosity touched many people in the form of scholarships, financial assistance for home acquisitions, and financial assistance for medical problems.

Madam Speaker, I am proud to have this opportunity to recognize the contributions of Mr. Delfino Lozano III. I thank you for this time.

IN RECOGNITION OF HOT SPRINGS NATIONAL PARK

HON. MIKE ROSS

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 2010

Mr. ROSS. Madam Speaker, I rise today to recognize two milestones for Hot Springs National Park located in my home state of Arkansas. This day not only marks the 178th anniversary of Hot Springs Reservation—which later became Hot Springs National Park—but it also marks the release date of the Hot Springs National Park quarter, the first installment of the U.S. Mint's America the Beautiful Quarters program.

On April 20, 1832, Hot Springs Reservation was the first piece of federal land set aside for preservation primarily because of the area's natural hot springs, which people have used for more than two hundred years for recreation and for their therapeutic qualities. The Reservation—eventually becoming known as "The American Spa"—became Hot Springs National Park in 1921.

Because of its important place in American history, the U.S. Mint also released the Hot Springs National Quarter today as the first of 56 quarters in the America the Beautiful Quarters program, which Congress established in 2008. The U.S. Mint will subsequently release five new coins per year and one in 2021 honoring the rest of our Nation's many national parks, forests and wildlife refuges in the order they were first preserved by the federal government.

It is also fitting that we reach these two milestones during National Park Week, a time to celebrate and recognize national and state parks, national monuments, and historic sites in the United States.

I stand today proud to represent Hot Springs National Park, Arkansas. This truly is a great honor and will draw much-deserved recognition and unprecedented attention to one of our nation's most beautiful and unique national parks. God has blessed Arkansas with many natural wonders and Hot Springs National Park is just the beginning. I invite all Americans and their families to come to Arkansas and see what makes these hot springs and our state so special.

HONORING DONNA BEDNARSKI

HON. THADDEUS G. MCCOTTER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 2010

Mr. MCCOTTER. Madam Speaker, today I rise to honor Donna Bednarski of Canton, Michigan at the culmination of her term as President of the American Nephrology Nurses' Association.

Throughout her career, Donna has served our community through her work as a nurse practitioner and clinical nurse specialist at Harper University Hospital in Detroit. She is well respected in the health care profession and has been published in Nursing 2008 Critical Care, the Journal of Wound, Ostomy and Continence Nursing, and OstomyWound Management.

For the past 20 years, Donna has been an active member of the American Nephrology Nurses' Association and has served in various leadership roles. Notably, since May 2009, she has served as President and worked to implement initiatives which will improve care for patients dependent on dialysis and other kidney replacement treatments.

Madam Speaker, Donna Bednarski is a committed advocate for nephrology patients in Michigan and across the country. As she concludes her term as President of the American Nephrology Nurses' Association, I ask my colleagues to join me in honoring her dedication and recognizing her years of devoted service to our community and our country.

HONORING THE CITY OF
KALAMAZOO, MICHIGAN

HON. FRED UPTON

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 2010

Mr. UPTON. Madam Speaker, it is with great pride I rise today in honor of the City of Kalamazoo, Michigan on the occasion of its 125th anniversary.

First settled in 1829 upon the Kalamazoo River, the city's namesake, the city was incorporated in 1885, midway between Detroit and Chicago.

Over the past 125 years, Kalamazoo has made a name for itself as a pioneer in the health sciences, industry, and higher education. The city is the birthplace of many classic American icons, such as Gibson Guitars, Shakespeare fishing rods, and Checker taxi cabs. As a leader in the medical field, Kalamazoo is also home to the Upjohn Company, the longtime pharmaceutical manufacturer, and Stryker Corporation, a global leader in the development of medical implants, equipment, and technologies. While many changes have come to the region over the years, hard work and innovation remain hallmarks of the local economy.

More recently, Kalamazoo attracted national recognition for the groundbreaking "Kalamazoo Promise," a pledge made by a group of anonymous area donors to pay the tuition for graduates of Kalamazoo's public schools to attend any of the state's public colleges or universities. This philanthropic model has since been adopted in states across the country with great success.

Kalamazoo is home to Western Michigan University, the fourth largest higher education institution in our state as well as Kalamazoo College, one of the nation's oldest and most respected higher education institutions dedicated to the liberal arts. Kalamazoo Valley Community College has distinguished itself as a national leader in the development of alternative energy and other important technologies.

Over the years, Kalamazoo has also earned a reputation as a community passionately dedicated to the arts, a reflection of its cultural diversity and exceptional level of community engagement. Kalamazoo has also produced and attracted its share of national celebrities, including New York Yankees' Derek Jeter,

Green Bay Packers' Greg Jennings, Seattle Seahawks' T.J. Duckett, and American Idol favorite Matt Giraud.

Despite the great economic challenges faced by our state, the people of Kalamazoo have continued to work together, as they always have, for the benefit of their entire community. This has been the secret to the city's long success and an example for other communities to replicate.

Again, it is my honor to stand today in recognition of the City of Kalamazoo for its rich 125 year history. Here is to the next 125 years.

HONORING THE LIFE OF MARY
BUXTON WARD

HON. RUSH D. HOLT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 2010

Mr. HOLT. Madam Speaker, I rise to pay tribute to Mary Buxton Ward, a woman of valor and commitment who died on Tuesday, March 2nd in Princeton, New Jersey. She is mourned by her daughters, Shelley Rhodes and Heather Ward, her two grandsons, Justin and Shane Rhodes, and all who knew her and admired her life of service.

After serving with the State Department in Libya, Panama and Hong Kong, Mary returned to the United States and eventually settled in Princeton in the 1960's. For 16 years she served as the Executive Director of the Princeton Art Association, before leaving to work with the Coalition for Nuclear Disarmament as Secretary and Assistant Director for six years. She retired in 2004 from the University Medical Center at Princeton after 20 years of service in various capacities.

But it was for her role as a volunteer and activist that Mary Ward deserves to be remembered. Never one to sit back and watch, Mary made her presence and her ideals felt. She was arrested several times for demonstrating in support of civil rights, withdrawal from Vietnam, and nuclear disarmament. Her protest against nuclear testing at the Nevada Test Site in 1986 resulted in a 5-day jail sentence. She was never afraid to fight for what she believed was right.

Mary Ward was a life-long advocate for justice. During her years in Princeton, she served on the boards of Nuclear Dialogue, Coalition for Peace Action, Federated Art Associations of New Jersey, Teamwork Dance, and as a volunteer member of the court-appointed Child Placement Review Board of Mercer County. She also volunteered with Centurion Ministries, an advocacy group for those unjustly imprisoned.

Mary Ward was not a famous woman, but she was the kind of principled, committed citizen that makes America stronger. The world is a better place because of her.

HONORING THE LIFE OF BERTEL
WACHTER HERZ

HON. STEVE COHEN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 2010

Mr. COHEN. Madam Speaker, I rise today to honor the life of Mrs. Bertel Wachter Herz, an extraordinary woman who overcame war and the death of loved ones to become a successful entrepreneur in Memphis, Tennessee. She was born to Pepi and Bernhard Wachter on January 4, 1907 in Stolberg, Germany.

Bertel Wachter Herz was the eldest of seven children, and the first to emigrate to the United States. Mrs. Herz first arrived in New York in April of 1939, and subsequently moved to Memphis with her husband, Arthur Sauerbrunn, at the request of Arthur's cousin, Phillip Belz. After settling in Memphis, Bertel worked to bring four of her siblings to the United States, providing refuge from the destruction of World War II and, thus, preventing the tragic fate that had already taken her parents and eldest brother.

Mrs. Herz, being accustomed to the working realm, found life for women in 1940's America unsatisfying. Realizing she had a natural talent for retail, Bertel opened a shop on Union Avenue called Trousseau, a shop that still continues to provide sophisticated, European-style lingerie and linens. Her elegant pieces appealed to many brides, mothers and families, which furthered Bertel's reputation for her exquisite taste and distinguished vision. Devoted employees and loyal customers alike always had nothing but the best to say about Mrs. Herz, who worked tirelessly until her retirement at age 95.

Bertel Herz was known as a woman who lived by a code of integrity, loyalty and love for her family. Her persistence and indomitable spirit served as an inspiration to her daughter and granddaughters to be strong, independent, assertive women. Even today, the third generation of women in her family continues to manage Trousseau, which will be celebrating its 61st anniversary this year.

On March 14, 2010, Mrs. Herz passed away at 103 years of age. She is survived by her daughter, Eden, two granddaughters, Amy Friedman and Pasha Izenberg, and her sister, Regina Farber. Mrs. Herz will be remembered by her fellow Memphians for her hard work, dedication and service to Memphis.

RECOGNIZING THE NATIONAL ASSOCIATION OF LETTER CARRIERS AND THEIR 18TH ANNUAL "STAMP OUT HUNGER" FOOD DRIVE

HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 2010

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, I rise today to recognize Lone Star Branch No. 132 of the National Association of Letter Carriers as they prepare for their 18th annual "Stamp Out Hunger" food drive.

During the "Stamp Out Hunger" food drive, letter carriers collect nonperishable food donations along their routes for the North Texas Food Bank and food pantries. Last year they collected more than 73 million pounds of food in one day, and by so doing, they helped to feed some of the neediest people in North Texas. Their hard work is greatly appreciated, and I extend my sincere thanks for their efforts.

Often considered America's "hidden" epidemic, hunger is a problem that affects numerous individuals across the country. In 2008, roughly 49 million Americans were food insecure, meaning that they were unsure as to whether or not they would have access to food. Additionally, it is important to note that African-American and Hispanic households experience food insecurity at a much higher rate than the national average. For this reason, events like the "Stamp Out Hunger" food drive are incredibly important in helping end this tragic problem.

Madam Speaker, I encourage my fellow colleagues to join me today in recognizing the efforts of Lone Star Branch No. 132 of the National Association of Letter Carriers for their efforts in helping to end hunger in North Texas and across the country.

A TRIBUTE TO LANCE CORPORAL
TYLER OWEN GRIFFIN

HON. JOE COURTNEY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 2010

Mr. COURTNEY. Madam Speaker, today I rise in tribute to an American patriot and fallen Connecticut son. A native of Voluntown, Lance Corporal Tyler Owen Griffin was killed on April 1, 2010 while supporting combat operations in Helmand Province, Afghanistan. He was 19 years old.

Tyler attended Griswold High School where he played on the football team. Shortly after graduating with the Class of 2008, he achieved what he considered his lifelong goal of becoming a Marine, joining the Marine Corps the following August. After completing boot camp, Tyler was assigned as a rifleman to 1st Battalion, 2nd Marine Regiment, Regimental Combat Team 7, Marine Expeditionary Brigade—Afghanistan. In March 2010 he deployed to Afghanistan in support of Operation Enduring Freedom.

To appreciate the impact that Tyler had on his community, one only had to point to his funeral service in Voluntown. Flags and banners of support lined the streets as thousands gathered to pay their final respects. All who knew him spoke both of his pride in fulfilling his dream of becoming a Marine and of his respect and compassion for others. Clearly, Tyler was a young man of exceptional character who touched many lives.

I had the honor of meeting Tyler's mother Susan and stepfather John last Tuesday and was moved by the courage they showed in the face of their tragic loss. His mother emphasized to me that he died doing what he always wanted to do, and that they were able to gain some degree of comfort from that fact. It is

clear to see how such a fine family could raise such an honorable son.

In a manner befitting a true American hero, Tyler was laid to rest at Arlington National Cemetery yesterday in a moving ceremony attended by his family, his friends and his fellow Marines. My wife, Audrey, was honored to attend and join in honoring this young man. There, he has taken his place alongside so many others who paid the ultimate price for the freedom and security we enjoy as United States citizens. Tyler was a remarkable young man, eager to accept the noble task of protecting his Nation on its frontlines, wherever they may be. While his smile may no longer brighten the lives of those around him, the memory of his life shall always endure.

Madam Speaker, I ask all my colleagues to join me in honoring Lance Corporal Tyler Griffin and his service to our great Nation. Tyler and his sacrifice will forever be remembered by me, a mourning Connecticut, a grateful Nation, and family members who will never forget him.

PERSONAL EXPLANATION

HON. CHARLES A. GONZALEZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 2010

Mr. GONZALEZ. Madam Speaker, a personal matter prevented my presence in the House this past Thursday, April 15, 2010. Had I been present, I would have voted "yea" during Rollcall vote 211 on final passage of the Continuing Extension Act of 2010 (H.R. 4851).

200TH ANNIVERSARY OF COLUMBIA
PIKE

HON. JAMES P. MORAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 2010

Mr. MORAN of Virginia. Madam Speaker, I am on the floor today to acknowledge the 200th anniversary of the creation of Columbia Pike and commend the Columbia Pike community for its achievements as a vibrant and visionary community.

"The Pike," as it is known more commonly to the citizens of Arlington, dates back to April 20, 1810, when Congress chartered a company to begin construction on the toll road. This legislation, which was signed into law by President James Madison, allowed the incorporation of a company for making certain turnpike roads in the District of Columbia.

Columbia Pike began as a privately owned toll road providing westward access from Long Bridge, situated near the current 14th Street Bridge, into Northern Virginia. The road was not paved, however, until 1928.

Columbia Pike has seen significant change in its two centuries of existence. In fact, the road became essential for military purposes during the Civil War. Several forts were built in Arlington to protect the federal city from attacks, and the Pike served as a means of transportation between the forts and district. It

is likely that President Lincoln travelled on the Pike to Bailey's Crossroads in 1861 to attend the historic review of federal troops. I feel the road has had great historical significance not only for transportation, but also for communication and housing. The first cross-Atlantic radio broadcast was sent in 1915 from towers in the Penrose neighborhood, in the eastern Columbia Pike community, to the Eiffel Tower in France. In addition, during periods of rapid growth, such as the New Deal era and after World War II, the Pike became home to thousands of Federal employees. To accommodate the influx, garden and low-rise apartment buildings were constructed along Columbia Pike.

Today, the road continues to be of great importance and several organizations, including the Columbia Pike Revitalization Organization, have dedicated themselves to improving and revitalizing the Pike area. Currently, Arlington County is working to establish a new transit system along Columbia Pike to improve the area surrounding the Pike through advancing redevelopment and increasing and improving local land use.

Columbia Pike has a long and rich history. I wish Columbia Pike and its residents a heartfelt 200th anniversary.

THANKING DONNA OLIVER FOR
HER SERVICE TO THE CLINTON
REGION

HON. BRUCE L. BRALEY

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 2010

Mr. BRALEY of Iowa. Madam Speaker, I rise to thank Donna Oliver for her service as CEO of Mercy Medical Center in Clinton, Iowa. Donna has led Mercy for the past 5 years. She is a passionate advocate for her community and her contributions to the Clinton region will be appreciated for years to come.

During Donna's tenure, the Mercy team has fulfilled its mission to assure excellent, cost effective health care services accessible to all persons. Donna has strengthened partnerships with other health care providers and schools training future caregivers. She has made the health and wellness of her coworkers and the broader community a top priority. And despite unprecedented economic hardships, Donna has maintained Mercy's support for programs that enhance the cultural and economic vitality of the Clinton community.

Donna has been a principled and effective advocate for health care reform, especially during the recent months of debate. She has consistently spoken publicly about the urgent need for Medicare reimbursement reform so physicians and hospitals in places like Clinton can meet the health and wellness needs of their community.

Madam Speaker, please allow me in thanking Donna Oliver and her team at Mercy Medical Center.

HONORING WALTER "MISSISSIPPI SLIM" HORN BLUES LEGEND

HON. BENNIE G. THOMPSON

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 2010

Mr. THOMPSON of Mississippi. Madam Speaker, I would like to recognize the life of Walter "Mississippi Slim" Horn, a Mississippi Blues legend.

Known for his trademark bright colorful hair and extravagant costumes, in addition to his popular performances and contributions to the blues genre, bluesman Walter "Mississippi Slim" Horn was born in Shelby, Mississippi, August 13, 1943 and grew up in Greenville, Mississippi.

Mississippi Slim, worked on a plantation during the day and sang the blues at night in local juke joints. Eventually, he decided to pursue performing full time and left the Mississippi Delta and joined other blues musicians for the "big city lights" of Chicago, Illinois. In 1974, "Mississippi Slim", also known as the "8th Wonder of the World," recorded *Crying In The Arms of Another Love* on Sunflower label.

Having traveled all over the United States, Mississippi Slim returned home in 1994, to be with his ailing mother. Upon his return, he teamed up with musical forces John Horton, Ricky Taliaferro, Albert Folks and Kenny Morris and continued to perform in and around the Mississippi Delta. "Mississippi Slim" performed at southern festivals and played on the Mississippi Blues and Heritage festival. A main attraction, he partnered with festival organizers to participate in the Arts In Education: "Blues in Schools" project to promote and enhance learning about the culture of the blues.

After releasing a few singles throughout the 1970s, Mississippi Slim recorded a CD, *Miracles* in 1998, *You Cant Loose the Blues* in 2008 and recently recorded *Cotton Candy Love*.

Although we mourn the loss of a prominent Mississippi blues figure, his legacy will live on through his music and legendary performances."

Please join me in saluting the life and legacy of Mississippi bluesman, Walter "Mississippi Slim" Horn.

HONORING THE LIFE OF MR. CHARLIE VERGOS

HON. STEVE COHEN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 2010

Mr. COHEN. Madam Speaker, I rise today to pay tribute to the life of Mr. Charlie Vergos, founder of the world-famous Rendezvous restaurant in downtown Memphis, Tennessee. He was known by Memphians as the dean of Memphis barbecuers. The son of Greek immigrants, Charlie Vergos was a World War II Army veteran who fought in the European theater. He was later transferred to the Philippines in preparation for the planned invasion of Japan when the atomic bombing of Hiroshima and Nagasaki ended the war.

Charlie Vergos was the definition of an entrepreneur. After returning from war, Mr. Vergos married Tasia and opened a tavern and sandwich shop in a downtown alley of Memphis in 1948. Mr. Vergos started out by selling ham and cheese sandwiches and beer until he discovered a coal chute in the basement of his diner. The chute gave him a vent for grilling which allowed him to expand from ham and cheese sandwiches to ribs. He specialized in dry rubbed ribs, a unique blend of seasonings and an acidic base that dries in the cooking process leaving the ribs impregnated with seasoning. Charlie Vergos built his business from selling about a box of ribs a week to what the Rendezvous cooks now—about a ton of ribs every day.

Since Charlie Vergos founded Rendezvous in 1948, the barbecue restaurant has served guests such as former Presidents Bill Clinton and George W. Bush and former Vice President Al Gore, along with entertainers such as Bill Cosby, Justin Timberlake, Kirk Catron, Eric Brown, Luke Laird, Travis Morris, Trevor McFarlin and Mick Jagger.

The Rendezvous was recently designated one of 50 All American Icons by Nation's Restaurant News magazine for its entrepreneurial spirit, its concept and its impact on the Memphis community. Rendezvous has catered events at the American Embassy in Ottawa Canada, meals on Air Force One and Air Force Two, President Bill Clinton's inaugural gala in 1992 and a Fourth of July celebration at the U.S. Embassy in Canberra, Australia.

Charleie Vergos loved Memphis and was a major force in the resurgence of downtown Memphis in the decades following the 1968 assassination of Dr. Martin Luther King Jr. He not only refused to relocate to the suburbs, but was active in the community through donations and sponsorships that increased the beauty and viability of Memphis, TN. His son, once my classmate and still my close friend, John Vergos, gave up his law practice and political career to join the family business. John explained that his father was always grateful to the citizens of Memphis who supported the business. The feeling is mutual and, around the world, Rendezvous Ribs are inextricably linked to the city of Memphis.

Charlie Vergos passed away on Saturday morning, March 27, 2010, at the age of 84. Charlie Vergos' legacy lives on through his wife, two sons and their wives, John and Ellen Vergos and Nick and Jenny Vergos, his daughter Tina Jennings—co-owners of Rendezvous—his brothers Pete, George and Nick Vergos, and eight grandchildren. We are truly honored for his dedication to Memphis, Tennessee and his contributions to Memphis barbecue.

HONORING JEAN TELEP

HON. THADDEUS G. McCOTTER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 2010

Mr. McCOTTER. Madam Speaker, today I rise to honor and acknowledge Ms. Jean Telep, upon her receipt of the 2010 Suburban Republican Women's Tribute to Women Award.

A registered nurse employed by Providence Hospital Senior Wellness Center, Jean holds a Bachelor of Science Degree in Nursing, a Master of Science in Administration and a Business Certificate in dementia care, all from Madonna University.

Jean has been actively involved in promoting the conservative principles of the Republican Party in Michigan. She has supported and worked diligently on several campaigns of conservative candidates and as a poll worker during the November 2008 election.

More than 3 years ago, Jean became a member of the Suburban Republican Women's Club where she serves as Americanism Chairman. Actively recruiting for and reporting regularly to the general membership, Jean is a deserving recipient of the Suburban Republican Women's Club's highest honor, the 2010 Tribute to Women Award. Importantly, Jean is one of the founding members of Martha & Caty Tea Ladies, a group dedicated to providing a meeting place for conservative women to network while learning about the foundation of our country and empowering them to actively promote the conservative agenda to all levels of elected officials. Jean is also in the process of applying for membership in the Daughters of the American Revolution.

Madam Speaker, Jean's leadership and courage of convictions are an inspiration to her peers in the Suburban Republican Women's Club and our entire community. Thus, I ask my colleagues to join me in honoring Ms. Jean Telep for her selfless service to our community and our country.

RECOGNIZING THE 50TH ANNIVERSARY OF THE AUXILIARY SERVICE FOR INOVA FAIRFAX HOSPITAL

HON. GERALD E. CONNOLLY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 2010

Mr. CONNOLLY of Virginia. Madam Speaker, today I would like to recognize the members of the Auxiliary of Inova Fairfax Hospital, a group of volunteers dedicated to quality support to the hospital, patients and community, and commend them as they celebrate their 50th anniversary.

The Auxiliary of Inova Fairfax Hospital is the largest corps of volunteers serving the hospital. A small group of local women got together while the hospital was still in the planning stages, as a way for interested citizens to help make the hospital a reality. The first formal meeting of the Executive Board of the Auxiliary was in the fall of 1960, when the Auxiliary numbered fewer than 100 active members. Today, when you join the Auxiliary, you are joining an organization of about 1,200 volunteer members whose mission is to provide quality volunteer services, support and financial resources to the hospital, its patients and the community. The excellent health care services our community enjoys today are a result of their hard work.

In the organization's first year, volunteers logged more than 14,000 service hours. Since

then, volunteers at Fairfax have contributed millions of hours of service to assist patients and allow hospital staff to focus on patient care.

Among the many successful results of the volunteers' fundraising efforts was a \$3 million contribution—the largest gift in the Inova Health System's history at that time—to help

build the Inova Heart and Vascular Institute, a 156-bed state-of-the-art cardiac facility that opened in 2004. The volunteers also raised money to contribute \$1 million each to the Inova Fairfax Hospital Women's and Children's Center and the Physician's Conference Center.

Madam Speaker and my esteemed colleagues, I ask you to join me in congratulating the Auxiliary of Inova Fairfax Hospital on 50 years of extraordinary dedication for the betterment of Inova Fairfax Hospital and the greater Fairfax community.